PLANNING COMMISSION MEETING

FEBRUARY 13, 2018
AGENDA
February 13, 2018
6:00 p.m.

A. ROLL CALL

B. MESSAGES

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

5. Disclosure & Statement of Conflict of Interest

C. APPROVAL OF AGENDA AND CONSENT AGENDA

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

D. *MINUTES


E. QUASI-JUDICIAL HEARINGS (to begin at or after 6:00 p.m.)

1. CU2018-009: A request by Tori Clyde, on behalf of the Ester Volunteer Fire Department and Fairbanks North Star Borough, for conditional use approval of a public utility and service use for a water storage and fill facility for emergency services in the Rural Estates 2 (RE-2) zone on Tract G, Cripple Creek II Subdivision, First Addition (located at 1457 Oboe Court, on the east side of Cripple Creek Road, the north side of Isberg Road, and south of the Parks Highway). (Staff Contact: Stacy Wasinger) Page 29
2. **V2018-001**: A request by Heather Lambert from Somers & Associates, on behalf of Kelly and Lorna Shaw, for a setback variance of 13 feet +/- to the front-yard setback requirement of 20 feet in the Single-Family Residential 10 (SF-10) zone on Lot 46B, Arctic Orchard Subdivision (located at 1100 Poplar Drive, on the west side of Poplar Drive, between Teal Ave and Marian Luther Road). (Staff Contact: Manish Singh) Page 127

3. **CU2018-008**: A request by Amber Carr, DBA The Great Alaskan Growery, on behalf of Richard Carr, for conditional use approval of a marijuana cultivation facility, indoor large in the General Use 1 (GU-1) zone on Lot 2, Carr Subdivision (located at 11161 Richardson Highway, on the west side of Richardson Highway, near milepost 315). (Staff Contact: Manish Singh) Page 253

**F. APPEALS** (to begin at or after 6:00 p.m.)

1. **GR2017-152**: An appeal by Brian Reagin, DBA Sunshine Health Foods, of the denial of a request on behalf of Dan and Yvette Thompson, for affirmative recognition of legal nonconforming use status (grandfather rights) for an existing grocery store in the Two-Family Residential (TF) zone for the property on Lot 1 & 2, Block 18, Hamilton Acres Subdivision (located at 410 Trainor Gate Road, on the northeast side of Trainor Gate Road, south of Craig Avenue). (Staff Contact: Manish Singh) Page 337

**G. NEW BUSINESS**

1. Staff Reports – Discussion on potential restructuring staff report format to include an expanded summary section. (Christine Nelson and Staff) Page 451

**H. EXCUSE FUTURE ABSENCES**

**I. COMMISSIONER’S COMMENTS**

**J. ADJOURNMENT**

Any questions, please contact the Community Planning at 907-459-1260 or via email at: FNSBPC@fnsb.us
MINUTES

JANUARY 16, 2018
A regular meeting of the Fairbanks North Star Borough Planning Commission was held in the Mona Lisa Drexler Assembly Chambers, Juanita Helms Administration Center, 907 Terminal Street, Fairbanks, Alaska. The meeting was called to order at 6:13 p.m. by Mindy O’Neal, Chairperson.

A. ROLL CALL

MEMBERS PRESENT:
- Charles Whitaker
- Chris Guinn
- Doug Sims
- Mindy O’Neal
- Eric Muehling
- David Brandt
- Wendy Presler
- Mike Stepovich
- John Perreault

MEMBERS ABSENT & EXCUSED:
- Robert Peterson
- Pat Thayer

OTHERS PRESENT:
- Christine Nelson, Community Planning Director
- Manish Singh, Planner
- Don Galligan, Transportation Planner
- Wendy Doxey, Assistant Borough Attorney
- Nicole Nordstrand, Administrative Assistant

B. MESSAGES

1. Chairperson’s Comments

Chair O’Neal communicated that before after each matter is heard, she would ask for disclosures and conflicts of interest.

Chair O’Neal stated that fullness of the agenda and asked Commissioners to stay on point and reminded of the intent and purpose of title 18

2. Commissioner’s Comments

Commissioner Muehling reported that due to an illness, he was not able to attend the last FMATS meeting.

Commissioner Guinn thanked everyone for the condolences.

3. Communications to the Planning Commission

Ms. Nelson communicated on the Urban/Agriculture memo from the Subcommittee which was sent to the Mayor.

Ms. Nelson reported on the Badger/Salcha Subarea Plan, and stated she would like Commissioner Brandt to sit on the advisory group, but if he is not available, another could be appointed.
4. Citizen’s Comments – limited to three (3) minutes

   There were no comments by Citizens.

5. Disclosure & Statement of Conflict of Interest

C. **APPROVAL OF REVISED AGENDA AND CONSENT AGENDA**

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

   **MOTION:** To approve reorder of the Agenda to move Item G – Public Hearing and Item H – Appeals after Item E – Consent Agenda Items, by **Commissioner Sims** and seconded by **Commissioner Guinn**.

   **PASSED WITHOUT OBJECTION**

   **MOTION:** To approve the Consent Agenda by **Commissioner Sims** and seconded by **Commissioner Perreault**.

   **PASSED WITHOUT OBJECTION**

D. **MINUTES**

   1. *Minutes from the December 12, 2017 Meeting.

E. **CONSENT AGENDA ITEMS**

   1. **HP2018-005 Wembley Avenue Improvements:** A request by the State of Alaska, Department of Transportation and Public Facilities, for local planning authority approval of the Wembley Avenue Improvements Project. This project proposes to reconstruct Wembley Avenue from Aurora Drive to Danby Street in Fairbanks, Alaska, and consists of installing a new sidewalk on the north side of the road as well as regrading and resurfacing the road. (Staff Contact: Don Galligan)

F. **PUBLIC HEARINGS**

   1. **ORDINANCE NO. 2017-72:** An Ordinance Repealing FNSBC Title 4.68 Landscape Review Board and Amending FNSBC Title 18 To Amend and Clarify The Landscape Plan Review and Approval Process. (Sponsor: Mayor Kassel) (Staff Contact: Christine Nelson)

   **Commissioner Brandt** declared that, until recently, he was on the Landscape and Appeals Commission for the City of Fairbanks, and he has been asked to return to that Commission. **Chair O’Neall** determined there was no conflict.

   **Ms. Christine Nelson** provided an overview of Borough’s working group which is reviewing all the functions of all FNSB boards and commissions, provided a historical background of the Landscape Review Board, and the proposed changes if the Landscape Review Board is repealed.
Questions by Commissioners

Commissioner Guinn inquired on appeal rights, and Ms. Nelson stated she needed to look into the Ordinance to be sure.

Ms. Nelson mentioned the Landscape Review Board’s recommendation in the addendum packet and indicated their concern to be that the ordinance does not establish a “working group” of landscape professionals and a change to the decorative fence definition.

Commissioner Sims asked of the “working group” is informal/ad hoc, and Ms. Nelson explained that the Landscape Manual is not changed often, and indicated it might happen every few years or if the Downtown Plan recommends changes to downtown, the “working group” may be formed.

Commissioner Presler inquired if this method would add additional work to the planning department staff, and Ms. Nelson indicated it would shift work from administrative work to current planning staff.

Ms. Nelson answered Mr. Guinn’s earlier question by pointing to lines 305 to 308 of the proposed Ordinance, and the appeal at lines 318 to 324.

Public Testimony Opened

No one was present for public testimony.

Public Testimony Closed

MOTION: I move to recommend approval of Ordinance No. 2017.72 to the Fairbanks North Star Borough Assembly by Commissioner Muehling and seconded by Commissioner Guinn.

Discussion on the Motion

Commissioner Muehling opined that the Landscape Review Board met infrequently, had difficulty reaching a quorum, the Ordinance streamlines the approval process, and supports the Ordinance.

Commissioner Guinn communicated his agreeance.

Commissioner Sims stated he supports the Ordinance, but cautioned that the “working group” should remain an option on an as needed basis.

ROLL CALL:

Nine (9) in favor: Brandt, Guinn, Whitaker, Stepovich, Presler, Sims, Perreault, Muehling, and O’Neall.

Zero (0) opposed.

RECOMMENDED APPROVAL ORDINANCE NO. 2017-72
G. APPEALS

1. GR2018-008: An appeal by Erika Tobin of the denial of a request for affirmative recognition of legal nonconforming structure status (grandfather rights) for an existing detached garage with a nonconforming north rear-yard setback of 2 feet and west side-yard setback of 2 feet instead of the required 5 feet in the Two-Family Residential (TF) zone for the property on Lot 4, Block 17, Charles Slater Subdivision (located at 236 Ina Street, on the north side of Ina Street, north of Minnie Street). (Staff Contact: Christine Nelson)

Commissioner Stepovich mentioned a relative’s name is in the packet and was likely a realtor. Chair O’Neall determined no conflicts exist.

OATH ADMINISTERED

The Appellant, Erika Tobin was present, and indicated she would defer to staff’s presentation.

Ms. Nelson, accompanied by Ivar Halvarson, FNSB Assessor, provided a presentation of her staff report and recommendations on behalf of the Borough’s Planning Department and recommendation to deny the appeal and uphold the administrative determination.

Questions by Commissioners

Commissioner Perreault inquired what “picked up” means related to the assessor’s note card for 1974. Mr. Halvarson, indicated that “picked up” means they picked it up for that tax year and is a new addition to the tax report.

Commissioner Guinn mentioned that during the early 70’s he was the Deputy Director of the Planning Department and supervised code enforcement at the time, and stated he does not remember anything. Chair O’Neall made inquiries, and determined there is no conflict.

Commissioner Sims asked how certain Mr. Halvarson is on the dates of the 1968 and 1971 aerial photographs. Ms. Nelson indicated that the 1968 and 2017 are Borough photographs and those dates are certain, and the 1971 is out of the Assessor’s personal collection. Mr. Halvarson interjected that he is not certain of the exact date, but confirms it is 1971 through two images; the Nordale Hotel and the Goldroom at the Westmark Hotel.

Commissioner Muehling commented that the previous owner and adjacent neighbors indicated the garage was present in 1969, and asked who the Planning Department evaluates the veracity of the photographic images versus public testimony. Ms. Nelson responded that there is definite evidence from 1968, estimated evidence from 1971, and the assessor’s record card which were definitive in the Hearing Officer’s conclusion, and further explained her decision.

Commissioner Brandt inquired if any search was done for City building permits. Ms. Nelson responded a search was done and there were no zoning or building permits.

Commissioner Stepovich asked to have Exhibit 15 to be pulled up (page 548 of Full Agenda Packet). Ms. Nelson indicated that the neighbor’s records were reviewed to see if that photo would show the garage for the subject property.

Ms. Erika Tobin inquired from Mr. Halvarson, if there is a possibility that because the house had burnt down, if the main focus for earlier notations was on the rebuilding of the house completion and
not the garage. Mr. Halvarson indicated that if the garage was there, it would have been added to
the card and “picked up”.

Appellant’s Testimony

Ms. Tobin testified as follows:

- The photograph was accepted as a fact, when it clearly is an estimate which would be a
guess.
- The photograph is extremely blurry and it is difficult to even see the roofline of the house.
- Requests that the photograph be disallowed.
- Stated the photograph involving the pipeline could be anywhere from 1969 to 1970.
- The Leskos, adjacent neighbors, were married in 1969 and the garage was in place at
that time.
- The previous owner had her daughter in 1968 and said her daughter was just a baby
when the garage was built in the fall.
- Feels like more focus was on the burnt down house, and the garage could have been
easily overlooked.
- Evidence does not support that there is not a garage during that time.

Questions by Commissioners

Commissioner Presler inquired if the previous owners or neighbors have photographs of their
children playing in the yard that may have shown the garage. Ms. Tobin indicated she had not
asked them.

Commissioner Whitaker inquired if the neighbors across the street spoke at the Administrative
Hearing and asked if a record of the Administrative Hearing is part of the packet, and Ms. Tobin
indicated that the neighbors did testify, and were supposed to come tonight, but weather may have
prevented it, and advised that she had requested the audio of the Administrative proceedings to be
included.

Ms. Doxey addressed the de novo nature of the proceeding, so there is no record from before, since
this matter is being heard brand new.

Commissioner Muehling asked if the only fact in dispute is the date the garage was built. Ms.
Tobin confirmed, and stated that the previous owner, while memories fade, indicated when the
garage was built and should be believed.

Commissioner Sims asked if this is a non-conforming financial lending issue, and Ms. Tobin
indicated it is not, that she was able to get a loan to purchase the house.

Commissioner Whitaker inquired if it was owner-financed, and Ms. Tobin indicated her loan is
through Residential Mortgage.

Interested Person Testimony Opened

[Clerk connected Ms. Jenny Bell-Jones via telephone]
Ms. Jenny Bell-Jones testified that she supports the request for grandfathering the garage on 236 Ina Street, and stated that to her knowledge the garage has been there the entire time she has lived there since 2000.

Commissioner Perreault sought clarification that her testimony was that the garage had been there since 2000, and Ms. Bell-Jones stated “yes”.

[Ms. Jenny Bell-Jones disconnect]

Interested Person Testimony Closed

Applicant’s Rebuttal

Ms. Tobin indicated she had no rebuttal.

[Chair O’Neall allowed for the matter to be reopened allowing further questions of Staff.]

Commissioner Whitaker addressed Mr. Halvarson and asked what the dash marks indicate. Mr. Halvarson stated it is pretty straightforward beginning on May 19, 1969. Commissioner Whitaker inquired who the assessors were making the assessment, and Mr. Halvarson responded to the ones he knew, and stated both had long careers in assessing in Alaska.

Commissioner Presler inquired where the previous assessor card (prior to 1969) is for this property. Mr. Halvarson said field cards do not go back prior to 1969. Ms. Nelson indicated that on pages 575 to 580 are the Assessing Office’s full record on the property.

Commissioner Sims addressed Mr. Halvarson, and drew his attention to Exhibit 6-6 on page 519 of the Full Agenda Packet, and asked that James Kelly is the owner in 1966, and then 1973 there is a increase in building valuation. Mr. Halvarson stated it was due to removal of the incompletion due to the fire, and explained the notations on the field card.

Commissioner Perreault asked Mr. Halvarson to go through the remarks from 1969 and translate. Mr. Halvarson read the notations and explained what he believes those comments mean. Commissioner Perreault further inquired of the 1971 aerial photograph and the certainty of the Nordale Hotel burning down, but is there a record identifying the Westmark Goldroom construction, and Mr. Halvarson indicated he has the 901 Noble Street [PAN 39853] field card and stated it was built in 1971 and pointed to it on the aerial image, and explained that the start date of a project is when they notate “pick up” on the field card.

Applicant’s Rebuttal

Ms. Tobin renewed her assertion that everyone is human and can make mistakes.

MOTION: To move to deny the appeal and uphold the Administrative Hearing Officer decision denying recognition of legal nonconforming structure status (grandfather rights) for the existing detached garage with a nonconforming north rear-yard setback of 2 feet and a west side-yard setback of 2 feet instead of the required 5 feet in the Two-Family Residential (TF) zone by Commissioner Muehling and seconded by Commissioner Sims.

Discussion on the Motion
**Commissioner Muehling** communicated that the burden is on the Applicant and must make a positive assertion and show proof, and the Commission is required to follow the guidelines in Title 18 of Borough Code. He stated the difficulty in evaluating conflicting evidence presented by the inspectors which are backed up by physical documents and aerial evidence showing when the garage was there and when it was not there all supporting the recommendations from Staff. He continued and explained the other side being the vague 50 year old recollections, and does not believe the burden has been met.

**Commissioner Brandt** countered that the picture on page 536, Exhibit 11 of the Full Agenda Packet, clearly shows in 1968 the garage is not there, but the photo on page 541, estimated to be 1971, is dark and cannot tell whether a garage exists or does not, especially since the garage has a dark roof, and believes it very well could be there. **Commissioner Brandt** further stated that although the assessor’s records do not pick it up until 1974 is not proof it was not there prior, and the testimony of the prior owner and neighbors indicate it was there in 1969 based upon significant life events, and feels the assessor’s records are not good enough and the testimony weighs heavy.

**Commissioner Guinn** communicated his basic understanding of how the assessor's inspect and feels the preponderance of the evidence is the assessor’s record which indicated the garage was “picked up” in 1974, and believes it did not exist before that time.

**Commissioner Brandt** commented there were different assessors prior to 1974, and it is possible that the current assessor in 1974 had not written it down earlier because they thought it was on a previous card which has not been provided.

**Commissioner Muehling** restated that the Applicant must make a positive assertion in defense which is still missing.

**Commissioner Brandt** counted that the positive testimony from the previous owner and neighbors stated definitively it was built in 1969 overrides a lack of evidence by the assessor that is was not.

**ROLL CALL:**

Seven (7) in favor: Whitaker, Stepovich, Sims, Perreault, Guinn, Muehling, and O’Neall

Two (2) opposed: Presler and Brandt.

**MOTION TO DENY PASSED**

Discussion ensued about the appeal process and Ms. Doxey addressed Ms. Tobin’s question.

[Recessed for a break from 7:30 pm to 7:38 pm]

**H. QUASI-JUDICIAL HEARINGS**

1. **CU2018-006:** (continued from December 12, 2017; audio of the December 12, 2017 hearing is available on Track 2 at: [http://www.co.fairbanks.ak.us/Boards/Pages/Planning-Commission.aspx](http://www.co.fairbanks.ak.us/Boards/Pages/Planning-Commission.aspx)

A request by Jessica Dance, DBA Barefoot Grow Company LLC, for conditional use approval of a marijuana cultivation facility, indoor large, in the General Use 1 (GU-1) zone on Lot 1-A, Block 1, Waller Subdivision (located at 940 Star Court, on the south side of Badger Road, at the end of Star Court). (Staff Contact: Manish Singh)
Commissioner Perreault disclosed that he was not at the December 12, 2017 meeting nor has he been able to listen to the audio of that proceeding and asked to be excused, and Chair O’Neall excused him from the proceeding.

[Commissioner Perreault leaves the dais]

OATH ADMINISTERED

The Applicant, Jessica Dance, and her husband, Jeremy Dance, were present.

Ms. Doxey clarified for the record that this is a continuation from the last meeting and everything that was heard at the last hearing is evidence in what will be considered tonight and decision to be made tonight.

Mr. Manish Singh provided a presentation of his staff report and recommendations on behalf of the Borough’s Planning Department and recommended approval with conditions listed in the Staff Report.

Questions by Commissioners

Commissioner Guinn recalled that from the previous hearing, the road is a one-way, dirt road, not maintained. He inquired if the road was built to Borough standards. Mr. Singh replied that the Plat does show Star Court with as a 50 foot easement, and his personal observation is that the driving lane is reduced with the snow and was able to access the road with his truck. Mr. Singh clarified that certain subdivision actions do no require road construction.

Commissioner Muehling followed up on Commissioner Guinn’s question, and stated that at the prior meeting, the testimony from Ms. Stolen was that it is a dirt road, travel speeds of 5-8 mph, unmaintained, unpassable for two vehicles traveling in opposite directions. Mr. Singh deferred to the Applicant can elaborate on the summer conditions of the road, and noted that the emergency vehicle access was okayed by the Deputy Fire Chief.

Commissioner Whitaker clarified that there is no legal basis to require the Applicant to improve the road. Mr. Singh responded that there is not enough nexus in connection to the type of use (marijuana cultivation) and the zone, GU-1 could have heavy impact uses without requiring any road maintenance.

Applicant’s Testimony

Applicant, Jessica Dance, testified as follows:

- Apologized for her absence at the December 12, 2017 meeting.
- Updated on where they are at with all governing body’s:
  - State licensing underway.
  - In contact with Tim Fisher in the State Fire Marshal’s office for plan review.
  - North Star Volunteer Fire Department issued a letter of access and the road is functioning fine for access to their property and once they are up an operational, they will maintain the road.
  - In contact with ADEC about soil waste and wastewater, and their plan has been approved and explained their plans.
  - Carbon filtration will be provided.
  - Objective is that no one will know what is going on inside.
Questions by Commissioners

Commissioner Guinn queried if in the road is a two-way road in the summertime, and Ms. Dance replied that it is not a narrow dirt road, and is not regularly traveled with two established lanes, and indicated there are clearings along the ½ mile length of the road and pointed to the aerial showing the clearings which would allow for someone to pull over and let someone else pass. Commissioner Guinn stated that emergency vehicles have to be able to enter and leave the road, and Ms. Dance replied that in an emergency situation there is plenty of room for vehicles to get by each other.

Commissioner Presler asked Ms. Dance to explain the outdoor composting process. Ms. Dance explained the State processing requirements of composting and stated it would not be marijuana when it goes outside.

Commissioner Muehling queried what background, skills and training are they relying on to determine the appropriate size of a carbon filter. Ms. Dance noted that she is a licensed architect and work with product manufacturers frequent, knows the amount of air needed to be moved, has a list of manufacturers who are experienced in this type of odor filtration, and intent is to work closely with them to make sure their product is going to meet objective.

Commissioner Sims asked Ms. Dance to describe the typical daily traffic use, including the type and size of vehicles. Mr. Dance responded that they have never had to stop and turn around or let someone by, and explained the traffic pattern would have an influx during harvesting every two months.

Interested-Person Testimony Opened

No interested-persons were present to offer testimony.

Interested-Person Testimony Closed

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

Discussion on the Motion

Commissioner Guinn stated his dissatisfaction with the answer related to access, but indicated since the fire people did find that the access was adequate, so will support it.

Commissioner Presler indicated it was helpful to have the Applicant answer questions and speak to the health, safety and welfare and will support it too.

Commissioner Muehling stated his belief that the Applicant has addressed the health and safety issues of this proposal; composting handled per DEC requirements, the air will be protected by carbon filters, and the North Pole Volunteer Fire Department has stated they can get through.
**Commissioner Sims** stated he is in favor; the access issue is adequate when you consider the current zoning and what could occur now.

**Commissioner O’Neall** stated the Application meets the intent and purpose of Title 18 and other ordinances and State Statutes.

**Ms. Doxey** identified that from the previous testimony, her notes indicated there were concerns with the location of the storage tank, runoff off from this property onto neighboring properties, and secluded area making it hard to monitor.

**Commissioner Sims** responded that it is in an area one would want it to be; not in a sensitive use area. He further stated that it is right next door to Brown’s Hill Quarry which is much higher elevation typographically with significant runoff.

**Commissioner Presler** added that the wastewater storage happened after the last meeting, so concerns have been answered, and stated that Golden Heart Utilities has been contracted for disposal of wastewater, and any runoff will be a rich organic soil and it is on the Quarry side.

**Commissioner O’Neall** added that it is an accessible property.

**ROLL CALL:**

Eight (8) in Favor: Stepovich, Presler, Sims, Brandt, Guinn, Whitaker, Muehling and O’Neall

Zero (0) Opposed.

**MOTION PASSED**

[**Commissioner Perreault returned to the dais**]

[Clerk connected Mr. Dan Britton via telephone]

2. **CU2018-007:** A request by David Prusak from Interior Gas Utility, on behalf of Fairbanks Natural Gas, LLC, for amendment of the conditional use approval of a bulk fuel (liquefied natural gas) distribution and storage facility in the Heavy Industrial (HI) zone on Tract C, Tanana Levee Industrial Park Subdivision and on a portion of Tract D, Tanana Levee Industrial Park Subdivision within the HI zone (located at 2942 Tria Road, on the north side of Tria Road, east of Gas Court). (Staff Contact: Manish Singh)

**Chair O’Neall** passed the gavel to **Vice-Chair Muehling** for determination of whether or not she has a conflict of interest. **Commissioner O’Neall** disclosed she was previously employed by the Interior Gas Utility. **Acting Chair Muehling** questioned Commissioner O’Neall to determine bias or the appearance of bias, personal relationships with previous employers, and financial interests. **Ms. Doxey** asked follow up questions to explore Commissioner O’Neall’s relationships with Mr. Prusak, Mr. Britton, and Mr. Chris Miller. It was determined that Ms. O’Neall has no conflict.

**Commissioner Sims** disclosed that in his previous employment with the FNSB, he dealt with the 2006 Conditional Use Permit in this matter. **Chair O’Neall** questioned of his knowledge of the matter being heard today. **Commissioner Sims** indicated he knows Chris Miller through various aspects in town, and stated he does not believe to have a conflict. **Ms. Doxey** inquired if he has knowledge of the property from the previous process that is not going to be presented at tonight’s
hearing. **Commissioner Sims** responded that he did not believe he has any outside knowledge. **Chair O’Neall** determined that Commissioner Sims does not have any conflicts.

**Commissioner Presler** disclosed that Chris Miller is the President of a company she used to work for and that she still works with Mr. Miller in her current job as a consultant. **Chair O’Neall** inquired of her relationship today and whether it would impact her decisions today. **Ms. Doxey** asked if Commissioner Presler works as a consultant on the matter to be heard and if she has any financial interests in the matter, and Commissioner Presler stated "no". **Chair O’Neall** determined that Commissioner Presler does not have a conflict.

**Commissioner Muehling** objected to the determination, and stated other Commissioners have prior contact with the company, whereas Commissioner Presler has current involvement as a consultant.

**MOTION:** To make the determination that Commissioner Presler has a conflict due to her current status as a consultant to the Applicant by **Commissioner Muehling** and seconded by **Commissioner Stepovich**.

**ROLL CALL:**

Two (2) in Favor: Guinn and Muehling

Six (6) Opposed: Sims, Perreault, Brandt, Whitaker, Stepovich, and O’Neall

**MOTION FAILED**

**OATH ADMINISTERED**

The Applicant, David Prusak, was present with the property owner, Dan Britton appearing telephonically, and Chris Miller as the design consultant.

**Mr. Manish Singh** disclosed that he also knows Mr. Miller in his capacity as a member of the Fairbanks Downtown Plan working group, and has not discussed this matter previously with Mr. Miller. **Chair O’Neall** stated no conflict exists.

**Mr. Manish Singh** provided a presentation of his revised staff report and recommendations on behalf of the Borough’s Planning Department, and recommended approval with conditions as listed in the Revised Staff Report.

**Questions by Commissioners**

**Commissioner Muehling** questioned the transportation and access to the site with 25 trucks per day carry hazardous materials and what are other communities doing to consider the routes the trucks travel and potential risks. Ms. Singh deferred to the Transportation Planner, but stated that other communities have provisions of road maintenance. Mr. Don Galligan explained that there is a planning disconnect and the lack of an unmaintained road into an industrial area, and imposing a road maintenance requirement on one property owner is not an appropriate condition.

**Ms. Doxey** interjected that the focus should be on the parcel off Tria Road and not on the delivery of natural gas to other locations.

**Commissioner Muehling** stated that he would like an answer as to how the trucks are going to be getting in and out of Tria Road.
Ms. Doxey indicated she did not have any problem with the questions.

Mr. Singh deferred to the Applicant to address the concern, and explained his primary focus was on Tria Road, and he did not consider the route the trucks would take to get to Tria Road.

Commissioner Muehling questioned what type of training would be required for first responders, and Mr. Singh deferred to the Applicant for specificities, though stated that the existing facility was annexed into the University Fire Service Area in 2006 as it was a condition of approval. Commissioner Muehling inquired if any community evacuation plans exist in the event of an emergency, and Mr. Singh responded the he has only seen an emergency shut down procedure.

Commissioner Perreault asked who enforces the Alaska pipeline Act, and Mr. Singh indicated he believed it is DOT, and deferred to the Applicant. Commissioner Perreault asked if the Applicant has a plowing plan for maintaining the road, and Mr. Singh stated that in conversations, there is an informal practice between existing property owners maintaining the road.

Commissioner Sims asked why letter of map revision for the flood plan requires fill. Mr. Singh advised that the Floodplain Administrator advised that due to movement of the dirt, it could change the elevation.

Applicant’s Testimony

Applicant, David Prusak, introduced himself, property owner Dan Britton and Mr. Chris Miller, consultant. Mr. Prusak testified as follows:

- Explained Interior Energy Project and Alaska Industrial Economic Authority and this project is an extension of those original efforts.
- Currently have 1,100 customers with only 500 with uninterrupted service throughout year.
- Project will allow uninterrupted service for all existing customers and the ability to add additional.
- Fully able to comply with all conditions recommended by Staff.
- FEMA is an arm of the federal department of transportation and conduct annual audit.
- Transportation route comes from Cook Inlet via the Parks Highway to the Mitchell Expressway to Pegar Road to Tria Road.
- Explained that annual training is provided to the University Fire Department.
- Flood Plain requirement is a FEMA requirement, and are prepared to meet the requirement.
- Explained the three entities involved in the road maintenance and how they manage its upkeep.

Mr. Chris Miller addressed the community evacuation plan and explained that natural gas is a localized hazard and extends to the Fire Department.

Mr. Dan Britton, property owner, expanded on the specialized fire training that is conducted with the fire department, staff, and any other emergency responders.

Questions by Commissioners

Commissioner Whitaker inquired the purpose of a double wall holding tank. Mr. Miller explained it is a localized big deal in that they do not want to lose the rest of the tank, the facility, and want to be safe. Commissioner Whitaker asked if the single wall tanks currently in place will remain and are
they still federal DOT approved. Mr. Miller replied that the existing tanks are ASME pressure vessels and will remain during construction and are intended to be decommissioned and relocated to North Pole for its project.

**Commissioner Stepovich** inquired where the valve controls would be housed and how they will be monitored. Mr. Miller stated that it is automatically watches for both flame and methane gas detectors, and if detected, it automatically rings Fairbanks Natural Gas. Mr. Britton added that there are on-call personnel available 24 hours a day, seven days a week, and explained their safety plan.

**Commissioner Sims** asked if geo-technical investigations have taken place given wetlands and possible poor soil. Mr. Prusak explained extensive geo-technical efforts taken with soil borings and seismic considerations for design. Mr. Miller explained the components of the foundation.

[Recessed for a break from 9:15 pm to 9:23 pm]

[Clerk reconnected Mr. Dan Britton via telephone]

Interested-Person Testimony Opened

*No interested-persons were present to offer testimony.*

Interested-Person Testimony Closed

**MOTION:** To approve the conditional use amendment CU2018-007 for a bulk fuel liquefied natural gas distribution and storage facility with two conditions and adopting the revised staff report and three findings of fact in support of the approval by **Commissioner Presler** and seconded by **Commissioner Whitaker**.

Ms. Doxey pointed out that the last paragraph of text in the Executive Summary has a carryover from the original staff report.

**MOTION:** To amend the revised staff report to strike the text “and that a portion of the Tria Road is maintained” on page 1 of the revised staff report by **Commissioner Stepovich** and seconded by **Commissioner Perreault**.

**PASSED WITHOUT OBJECTION**

Discussion on the Motion (main motion)

**Commissioner Presler** stated her support of the conditional use amendment, and communicated the new tanks are an improvement, benefit the community, and Applicant has demonstrated it is a well thought out engineered plan and risks are localized. **Commissioner Presler** further commented that Tria Road is already used by heavy vehicles in an industrial area and power currently exits on site.

**Commissioner Muehling** communicated that the Applicant has no objections to the conditions imposed, and stated his satisfaction with the mitigation plans in place to address the hazards. **Commissioner Muehling** further commented that the health and safety issues have been addressed.
Commissioner Sims stated that the owner/applicant has a vested interest to maintain the road, and pointed out that the comprehensive plan designates this area heavy industrial which is where something of this nature should be located.

ROLL CALL:

Nine (9) in Favor: Perreault, Brandt, Guinn, Whitaker, Stepovich, Presler, Sims, Muehling, and O’Neill

Zero (0) Opposed:

CU2018-007 APPROVED

[Mr. Dan Britton disconnected]

[Recessed for a break from 9:40 pm to 9:51 pm]

3. CU2018-001: A request by Leigh Strehlow for conditional use approval of a minor kennel in the Rural Estate 2 (RE-2) zone on Lot 1, Rossow Subdivision (located at 505 Line Drive, on the west side of Line Drive, between Sheep Creek Road and Hafele Avenue). (Staff Contact: Manish Singh)

OATH ADMINISTERED

The Applicant, Leigh Strehlow, and her husband, Andrew Pagel, were present, and advised they would have staff to present first and she would need an hour.

Chair O’Neill questioned the amount of time requested and advised she would allow it, and encouraged her to try to make her presentation shorter.

Mr. Manish Singh pointed out some corrections to the staff report.

Mr. Singh provided a presentation of his staff report and recommendations on behalf of the Borough’s Planning Department and recommended approval with conditions listed in the Staff Report.

Questions by Commissioners

Commissioner Brandt asked for clarification on what constitutes a commercial kennel, and Mr. Singh responded that as long as the kennel is being used for personal recreation and not generating revenue.

Ms. Doxey read definition of “commercial” from Title 18.

Commissioner Brandt questioned whether the Applicant competing in the Yukon Quest where there could be profit, would make it commercial in nature. Mr. Singh further explained his focus on the property, not another location such as where the Yukon Quest is held.

Commissioner Perreault asked Mr. Singh to speak of any other kennels in RE zones around the Borough. Mr. Singh indicated in the past three (3) years of service one conditional use permit was before the Commission off of Ballaine Road, which was denied.
Commissioner Stepovich asked if the Applicant’s proposal to build all the fences and then the Planning Department decided to make them into conditions. Ms. Singh replied that all the fences were proposed by the Applicant, and establishing them as conditions and milestones for completion allows for enforceability.

Commissioner Whitaker stated the proposal is for 12 dogs, but questioned if that means there is no limit to the amount of puppies. Mr. Singh responded that the code does not regulate dogs that are less than six months of age or being maintained in heated buildings. Commissioner Whitaker questioned if the conditional use permit goes with the property or the applicant, and Mr. Singh indicated it follows the property.

Commissioner Muehling stated that the application makes reference to “multi-user equinox trail”, and asked if the trail is multi-user, non-motorized, does it cross private property, and are there rules governing the use. Mr. Singh replied that he limited his research to in and around the properties and equinox trail appears to overlap the trail near the property.

Commissioner Sims queried why there is no condition limiting the kennel to 12 dogs. Mr. Singh stated he is relying on condition number 11 which would require them to come back to the Planning Department. Commissioner Sims commented that one fence will be complete in 4 years, there other complete within 12 years, and questioned how noise is going to be handled in the meantime. Mr. Singh reiterated the conditions requiring mitigation of noise which is not just the fencing and explained vegetative buffer and kennel placement on property.

Commissioner Muehling pointed to page 419 related to tree noise buffer, and stated that all the trees listed are known to drop their leaves in the winter, and asked what the actual noise mitigation in the winter with that type of vegetation. Mr. Singh responded he has basic knowledge of how noise travels and having trees and fence structures and does not believe there is much difference between summer and winter, and deferred to the Applicant to offer their mitigation strategies.

Commissioner O’Neall asked if there is a particular material/brand name used for sound barrier fences. Mr. Singh pointed to the application that specified two types of fencing and explained the brands proposed.

Commissioner O’Neall asked Mr. Singh to define “all activity” listed in proposed condition number 10, and Mr. Singh stated he is not counting the residential use, rather kennel related activities, such was feeding, watering, and running the dogs. Commissioner O’Neall followed up to understand that the dogs need to be contained prior to 9:00 p.m., and asked how the Applicants are going to ensure “no barking”, and Mr. Singh indicated that except in emergency situations, all activity must be curtailed prior to 9:00 p.m.

Chair O’Neill restated her concern for the excessive request for an hour of time, and encouraged the Applicant to limit her time to 30 minutes, and the Commission’s authority to end the meeting at midnight and stated the time of 10:35 p.m.

Applicant, Leigh Strehlow, introduced herself, and her husband, Andrew Pagel, gave a presentation and testified as follows:

- Clarified they wish to amend to only have ten (10) kennel dogs
- Spoke of their recent marriage in Hawaii and delay in moving forward with permit
- Well rounded cultured people who enjoy outdoor activities
- Grown up with livestock – horses
- Clarified on the animal control complaints related to their cow
Chair O’Neall asked Ms. Strehlow to speak only as to the conditional use permit and explained it should intent and purpose of how the requested conditional use permit relates to Title 18 adequate public access and facilities, and the health, welfare, and safety of the property. Ms. Strehlow continued her testimony as follows:

- Discussed dog names and ages
- Explained her introduction into mushing and familiarity with sled dogs and integration of the dogs into their family
- Highlighted trail system around property and explained how it leads into the greenbelt system
- Shows videos on “shock collar yelling”, running with the dogs, passing a biker on the trail, and coming into the yard, control over dogs’
- Stressed the amount of time spent running dogs and noise is not a factor because they are sleeping

Chair O’Neall applauded Ms. Strehlow on developing the record of her character and care of the dogs, and stressed the need for her to speak to the property interest, and advised if she did not she would call her out of order.

Ms. Strehlow continued her testimony as follows:

- All the trails are accessible from her property
- Dogs are well cared for and proper food storage to avoid any contamination
- Explained photographs of the dog yard during various seasons
- Dog yard is note visible from neighbors
- Clarified there is little runoff due to the compaction and bowl areas created by the dogs
- Described the Yurt structure on the property and spoke to the recently installed fence
- Showed Borough GIS aerial of property clearing
- Explained odor eliminators and waste disposal
- Described acoustifence and echo barrier for noise mitigation
- Expanded on history of facts concerning property and their purchase of the property

Chair O’Neall stated that testimony concerning neighbors and actions of neighbors are not appropriate for this hearing, and stated she would only allow testimony related to the conditions in the staff report, and stated would not allow testimony related to neighbors.

Ms. Strehlow continued her testimony as follows:

- Described distance dog barks carry

Chair O’Neall disallowed the playing of any further videos.

Ms. Strehlow continued her testimony as follows:

- Described what the videos would have shown if played

Chair O’Neall asked if Ms. Strehlow has any other information on the conditions addressed in the staff report, and Ms. Strehlow indicated her confusion on the presentation.

Ms. Strehlow continued her testimony as follows:
Described pictures outlining the trails on the property and the trees
Stated her intention of addressing concerns from neighbors, letter from doctor, emails going around the neighborhood

Chair O’Neal explained that the neighbors would have an opportunity to testify and she would have the opportunity to question them and provide a rebuttal at the end.

Ms. Strehlow turned the remaining time allotted to her over to her husband.

Mr. Andy Pagel testified it is their belief that they have been singled out on this matter, and respect to what is left of their standing in the neighborhood and what friends they have, he stated, they would like to rescind their application for a conditional use permit. He further thanked the Commission for its time and apologized for feeling of wasted it. He stated they want to do with their land without conditions.

[Recessed for a brief at ease from 11:15 pm to 11:22 pm]

Chair O’Neal reconvened the meeting and explained that although the applicant has officially withdrawn their application, the process now is that the motion and application belongs to the Body and opening up for discussion to proceed with denying permit or approve the permit.

Ms. Nelson indicated staff has no objection to the withdrawal and stated it is in writing.

Discussion on Action

Commissioner Perreault questioned if there is a possibility that another permit could be applied for with different circumstances in the future. Chair O’Neall explained it would have to be significantly different then this permit.

Commissioner Sims commented that they cannot reapply within a six month period and then only if it is significantly different.

Ms. Doxey clarified that there is that provision in code, in a quasi-judicial proceeding; they would be foreclosed for the same or substantially similar permit as the matter been adjudicated.

Commissioner Sims clarified that is the case if it is denied, but if the Body accepts the withdrawal they could come in and reapply tomorrow, and Ms. Doxey confirmed. Commissioner Sims stated it should be formally denied.

Commissioner Whitaker stated his agreeance.

Commissioner Perreault stated the Body should accept their withdrawal.

Commissioner Muehling expressed that the Applicant rescinded their request, stated his belief that they do not want it, and it should be denied.

Commissioner Presler stated her agreeance with denial in the interest of fairness to everyone who showed up tonight to listen and speak and the Commission did not get the opportunity to question them.

Commissioner Muehling questioned the process of hearing testimony.
Commissioner O’Neall explained if the decision is to move forward with approval or denial, testimony would be heard.

Ms. Doxey confirmed, and explained the Commission has the option, if the applicant has met their burden, denial can be made on that basis. She further explained that the applicant has the burden to demonstrate that this conditional use permit is appropriate for this location meeting all criteria in Title 18.

Commissioner Sims communicated that the applicant has an appeal right if the decision is to deny.

Commissioner Perreault commented that although frustrated, it is not the purpose of this Body to be punitive.

Commissioner Stepovich stated his agreeance with Commissioner Perreault.

Commissioner Guinn stated his belief that the applicant has not met their burden and is not convinced they are even willing to meet the conditions.

MOTION: To deny for the Applicant’s failure to meet their burden by Commissioner Muehling and seconded by Commissioner Presler.

Discussion on the Motion

Commissioner Muehling commented he did not hear a significant amount of defense of the application from the presentation presented.

Commissioner Presler added that it was not clear that they intended to comply with all the conditions.

Commissioner Sims echoed the statements made and commented that the location proposed is not the proper location for this type of kennel.

Ms. Doxey asked for expansion on Commissioner Sims’ comments makes it inappropriate for this location based on what was heard tonight.

Commissioner Sims responded that the proximity to trails is problematic, the fencing noise attenuation scheme is farfetched, and timelines involved does not address immediate issues.

ROLL CALL:

Eight (8) in Favor: Brandt, Guinn, Whitaker, Stepovich, Presler, Sims, Muehling, and O’Neall

One (1) Opposed: Perreault

CU2018-001 DENIED

I. NEW BUSINESS

1. Discussion of whether the Planning Commission wishes to sponsor an amendment to FNSBC Title 18 which would reduce the setback requirements in Rural Residential and Rural Estate zones. (Commissioner Guinn)
**Commissioner Guinn** explained his proposal to reduce the setback requirements in the RE and RR zones, reducing requests for grandfather rights, and requested the Chair form subcommittee to look into the matter.

**Chair O’Neall** requested that a subcommittee be formed to discuss this matter, consisting of Commissioners Guinn, Commissioner Stepovich, and Commissioner Sims.

**Commissioner Muehling** stated he prepared a statement he would like read in the record, and read as follows:

“"We have property setbacks to support the health, safety and general welfare of our community. What kind of research has been done to support setbacks in the original code?

With respect to HEALTH: How would reducing setbacks affect required separation of septic systems and wells? How might someone be affected with a reduced distance to the neighbor’s wood stove — or hydronic wood stove?

With respect to SAFETY: Changing the setbacks might change access for fire or emergency vehicles. Houses built in close proximity present a fire hazard.

With respect to PRIVACY: Property owners currently enjoy a certain amount of privacy with setbacks.

Good fences make good neighbors. Setbacks also make good neighbors.

With respect to property rights:
A borough-wide change affects land owners who purchased property with an expectation of certain setback and the privacy that provides. No property owner within a zone has more or fewer property rights. Property rights should be consistent with future development. I imagine few property owners want to lose this protection.

We should consider whether DOT might object to a smaller safe setback from traffic. What happens if the house is right up next to the street … there’s no room to expand the road.

With respect to fewer grandfather rights hearings: There seems to be an assumption that this commission will have fewer grandfather rights hearings if we reduce setbacks. What statistics do we have to base that assumption on?

Consider this may cause a greater hardship for people who have abided by the law, to cater to the people who want less setback standards in order to block marijuana industry activity in their neighborhood.

Is this proposed change an accommodation to neighbors in GU-1 to block the marijuana industry? If so, a reduction in setbacks is an injustice to the people who have abided by the standards to begin with throughout the borough.

Just because residents don’t want marijuana, that’s not a substantial reason to change borough-wide zoning.
Property owners will have the same property rights as every other RR or RE property owner, so their property rights are protected. Remember, many people with the more protective zoning appreciate the setbacks. Reducing setbacks is a loss of protection.

Is this a solution without a problem? We don't know if rezoning will reduce the number of grandfathering determinations we need to hear.

Using today’s technology and aerial surveys, the ability to determine grandfather rights is more efficient and requires less time than it has in the past. What are our long-range goals with planning? I think consistent policies are important.

The setbacks that we have now have validity and were established for good reasons. There has been a rational case for setting the current setbacks. Before changes are considered, the history of why setbacks were originally established should be reviewed.

The people who chose to go from no setbacks to setbacks should prove their case.

We need good, consistent, common sense zoning. Setbacks are common sense. Setbacks make good neighbors.

By maintaining the setbacks that have been in place, you maintain a consistent quality of life, health, safety and welfare.”

Chair O’Neill asked if he’d like to submit his comments to the subcommittee and if he would like to sit on the subcommittee, and Mr. Muehling indicated he could submit and would like to sit on the subcommittee. Chair O’Neill formed the subcommittee without objection consisting of Commissioners Guinn, Muehling and Sims.

Ms. Doxey mentioned that some direction should be given to the subcommittee.

Chair O’Neill stated the purpose of the subcommittee would be to evaluate with staff the impacts of reducing setbacks within the zone and take into consideration the impact to the community as well as property rights.

Ms. Nelson communicated that they are looking at what the issues really are, and if there are other ways to solve that issue.

J. EXCUSE FUTURE ABSENCES

Commissioners Thayer and Peterson are excused from the February 13, 2018 meeting.

K. COMMISSIONER’S COMMENTS

Commissioner Sims requested an update of the floodplain mapping projects – Chena/Badger Slough and Tanana River. He further expressed desire to get conditional use permits for kennels off the books, and conveyed “job well done” to the Chair.

Commissioner Muehling thanked staff for all their working in putting together the materials.

Commissioner Guinn thanked everyone for their kind thoughts.
Ms. Nelson responded to Mr. Sims comment and stated that there is an action item in the Comprehensive Plan to fix zoning in regards to kennels. Chair O’Neal suggested Commissioner Sims set up a meeting with Planning staff to move forward with his concern.

L. ADJOURNMENT

There being no further business, the meeting was adjourned at 11:49 p.m.
STAFF REPORT

CU2018-009
DEPARTMENT OF COMMUNITY PLANNING
STAFF REPORT

CU2018-009
February 13, 2018 Planning Commission Meeting

TO: Fairbanks North Star Borough Planning Commission

FROM: Stacy Wasinger, Planner III 🌹

DATE: January 31, 2018

RE: CU2018-009: A request by Tori Clyde, on behalf of Ester Volunteer Fire Department and Fairbanks North Star Borough, for conditional use approval of a public utility or service use for a water storage and fill facility for emergency services in the Rural Estates 2 (RE-2) zone on Tract G, Cripple Creek II Subdivision First Addition (located at 1457 Oboe Court, on the east side of Cripple Creek Road, the north side of Isberg Road, and south of Parks Highway).

I. EXECUTIVE SUMMARY

The Department of Community Planning recommends APPROVAL of the conditional use request with three (3) conditions of approval and three (3) Findings of Fact in support of approval. The applicant has requested a conditional use permit to utilize a proposed new cleared area and structure on a lot as a public service use for a water storage and fill facility for emergency services in the Rural Estate 2 (RE-2) zone. With conditions as proposed, the staff analysis finds that the proposed water storage and fill facility will meet the intent and purpose of Title 18 and of other ordinances and state statutes, will have adequate public services and will protect public health, safety and welfare.

II. GENERAL INFORMATION

A. Purpose

To request a public service water storage and fill facility for emergency services in the RE-2 zone.

B. Location

On the east side of Cripple Creek Road, north of Isberg Road, west of Oboe Court.

C. Access

Oboe Court.

D. Size/PAN

<table>
<thead>
<tr>
<th>Square feet</th>
<th>PAN</th>
</tr>
</thead>
<tbody>
<tr>
<td>217,800 (5 acres)</td>
<td>0439975</td>
</tr>
</tbody>
</table>

E. Existing Zone

RE-2

F. Existing Land Use

Vacant

G. Surrounding Land Use/Zoning

North: Zoning: RE-2
III. ZONING AND DEVELOPMENT HISTORY

The subject parcel was zoned Unrestricted Use (UU) with the adoption of Ordinance No. 67-34 on March 28, 1968. It was rezoned from UU to Rural Estate (RE) with Ord. No. 84-43, adopted on June 14, 1984. The RE zone was rezoned to Rural Estate 2 (RE-2) with Ord. No. 88-010, effective on April 25, 1988.

Tract G was created with the recording of the final plat for the Cripple Creek II Subdivision First Addition on August 20, 1985 (Exhibit 1). Plat note 14 states that “Tract G shall be retained in ownership by the Fairbanks North Star Borough as an emergency services site.” Additionally, plat note 15 states that “Tract H shall be retained in ownership by the Fairbanks North Star Borough as a noise buffer between residential lots and the emergency services site.” Tract G is currently vacant. The proposed conditional use is for a buried water tank and filling station, for emergency services in accordance with the plat notes.
IV. PROPOSED USE AND PROJECT INFO

The applicant proposes to clear approximately 2 acres of land on the south portion of Tract G to create a cul-de-sac with a 60 foot radius, the center of which is approximately 100 feet from Oboe Court (see Figure 1). In this cleared area, two 15,000 gallon water tanks, measuring 30 foot by 10 foot each, will be installed underground. An 8 foot by 10 foot structure would be constructed in the future above the tanks to house pumping equipment. The water pumping station is unmanned and the water would be utilized for fire suppression and emergency services. The applicant states that “Cripple Creek Subdivision II is considered an area of concern regarding the dense highly flammable vegetation” and has provided maps showing the zones of concern in relation to the proposed site (Exhibit 2). The site will be utilized by the Ester Volunteer Fire Department and mutual aid fire agencies, as well as State of Alaska Division of Forestry and Chena Goldstream Fire and Rescue, to access and fill fire suppression apparatus in the event of an emergency. The applicant states that “[t]his water tank installation and water supply fill station project will enhance public safety and response to wildland and structure fires by providing water in the area with zero hydrants.” The proposed conditional use would be phased, dependent on development of the site and available funding. This portion of the project was funded through a legislative grant. The initial phase is intended to include development of the cul-de-sac, water tanks, structure over the tanks, a well if possible, and lighting. If funding is not adequate, the structure and additional lighting may be extended into a second phase, as well as a fence and gate to secure the site.

Routine required maintenance will be done as needed, and the site will be visually inspected in a weekly drive-by by fire personnel to ensure it is operational and allows water to flow. Water from a tanker or other apparatus will fill the storage tanks on site as needed. Training activities will occur on-site quarterly, and which will involve personnel on site to utilize the filling station. During training activities, personnel are expected to come to the site without sirens, spend approximately half an hour and leave the site. Maintenance activities are expected to occur primarily during daylight hours. Training activities will occur at most quarterly and will be conducted between 7 and 9 pm at the latest. In an emergency situation, lights and sirens will be utilized to approach the site but will be turned off while filling water on site.

To utilize the site as a public service use in the RE-2 zone requires a conditional use permit (FNSBC18.36.020(B)(15)). A public utility or service use is listed as “including, but not limited to: fire stations, transfer stations, neighborhood dumpsters, public dumping sites, electric substations, gas regulator stations, telephone exchanges, sewage treatment plants, well and water pumping stations, water filtration plants, water reservoirs, and other similar uses. These uses do not include the installation and maintenance of utility lines which are permitted uses in all zoning district.” The proposed water tank and fill station for emergency services meets the intent of this use in the RE-2 zone.

The adjacent properties are all zoned RE-2 and OR. The OR zone is FNSB owned land and contains a parking lot and trail access. The proposed site is currently vacant and was dedicated by plat in 1985 to be used for emergency services. Tract G is bordered on three sides by platted roads, including major collectors Cripple Creek Road and Isberg Road and local road Oboe Court. The property adjacent to the north is also owned by FNSB and is approximately 1.37 acres dedicated by the plat to buffer the emergency services site of Tract G from residential uses.
**Figures 1 and 2** illustrate the proposed site plan provided by the applicant. The parcel is currently vacant. The proposed cul-de-sac is the area to be cleared and utilized for the proposed conditional use on the site. Two 15,000 gallon tanks would be buried under this area; the exact location is not specified, pending the identification of permafrost soils. However, any development of the site is not proposed beyond the cul-de-sac. Adequate space is available in the cul-de-sac for any vehicles to park while utilizing the water filling area.

Access is limited by plat note 9 to Oboe Court, which states that “[n]o lot shall have direct access onto Isberg or Cripple Creek Road.” The proposed driveway requires a driveway permit from FNSB Rural Services. The lot is 5 acres in size, which meets the RE-2 minimum lot size and provides sufficient space on site for the proposed use and on-site maneuvering.

The proposed use will not require septic or additional water supply beyond what is stored in the tanks. The tanks will include non-potable water hauled in by water tankers or apparatus as needed and stored for emergency purposes. A well is proposed if the water table allows for it on the site. If a well is developed, the storage tanks would be filled by the well, instead of water being hauled in by vehicles. GVEA serves the parcel and the filling station is unmanned but adequate space is available in the cul-de-sac for any vehicles to park and maneuver on-site. The cul-de-sac provides adequate maneuvering and space for any vehicles that may visit the site during training, site inspections, or emergency filling. FNSBC 18.96.060(H)(5) requires that “[a]ll off-street parking and loading facilities including circulation drives and access routes shall be surfaced with at least two inches of compacted gravel and graded and drained.” The application materials show that the applicant will meet this requirement, and intends to use a minimum of 4” compact gravel for the cul-de-sac top layer.

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 may be on a timer or motion activated but are not to be directed toward any residential property. A light on the structure over the storage tanks would be on between sunset and sunrise for security purposes. Additionally, the vegetation on site and Tract H will help provide a visual buffer from the cul-de-sac and associate lighting proposed on Tract G.
Figure 1: Site Plan
(Source: Site plan by applicant, annotations by Community Planning staff for illustrative purposes.)

Figure 2: Detailed Site Plan
(Source: Site plan by applicant, annotations by Community Planning staff for illustrative purposes.)
Figure 3: Zoning Map  
(Source: FNSB GIS)

Figure 3 shows the zoning of the surrounding area. There is RE-2 zoning on the north, south, and west sides of the subject property, with OR across Oboe Court to the east. RE-4 and GU-1 zoning are also in the area, to the northwest and southwest, respectively.

Figure 4: Surrounding Land Uses  
(Source: FNSB GIS, Parcels in yellow are residential uses, gray are vacant parcels)
Figure 4 shows the current land use of parcels in the surrounding area, based on the FNSB Assessor primary use designations. The properties directly adjacent to the subject property are vacant. The surrounding area is predominantly residential in use, with some vacant parcels.

V. APPLICABLE APPROVAL CRITERIA

Conditional Uses are governed by FNSBC18.104.050(C) (Exhibit 3).

VI. Public Notice

There were 57 dear property owner notices mailed out and staff received four inquiries about this conditional use.

VII. Agency Comments

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

   a. State Fire Marshal
   b. Ester Volunteer Fire Department (applicant)
   c. Alaska State Troopers
   d. Alaska Department of Transportation and Public Facilities (ADOT&PF)
   e. FNSB Rural Services
   f. Cripple Creek Road Service Area
   g. FNSB Land Management
   h. FNSB Public Works
   i. FNSB Parks and Recreation
   j. FNSB Emergency Operations/Addressing
   k. Alaska Department of Environmental Conservation (ADEC) (Water/Wastewater Division)
   l. Golden Valley Electric Association (GVEA)

As of the date of this report, no agency comments returned have indicated any concerns about or objection to the proposed conditional use. FNSB Rural Services and Public Works did return comments regarding the width of the driveway and requiring the driveway to be located at least 100 feet from the intersection with Isberg. The applicant is working with Rural Services to obtain a driveway permit. Staff recommends a condition that the appropriate driveway permit be obtained. GVEA comments include prohibiting structures in the PUE and maintaining access to the PUE. The proposed site plan does not include structures or water storage tanks in the PUE. All written comments are included in the “Agency Comments” section following this report.

VIII. STAFF ANALYSIS

A. Zoning and Comprehensive Plan Designation

Public utilities and services are permitted by conditional use in the RE-2 zone (FNSBC18.36.020(B)(15)). The RE-2 zone is “intended for low density residential
development and other compatible uses in areas where community sewer and water systems are unavailable”. The RE-2 zone permits uses such as single-family residences, duplexes, home occupations, churches, bed and breakfasts, guesthouses, and accessory uses with a zoning permit. Other conditional uses include day care facilities, school buildings, kennels, animal and veterinary hospitals, and professional offices. The RE-2 zone has minimum required setbacks of 35 feet from front property lines and 25 feet from side and rear property lines.

The comprehensive plan area designation for the subject parcel is “Outskirt Area”. Outskirt Area is defined as “[a]rea generally within a 20 to 30 minute travel time of urban destinations, and which contains primarily open space, mining and residential uses; variable densities are encouraged providing they are compatible with the surrounding community, sensitive to natural systems and have adequate water and sewer facilities. Other uses include agriculture, and supporting commercial uses.” The proposed conditional use will store water on-site for emergency services; no other water service is needed and the use does not require sewer facilities. Adequate water and sewer facilities exist for this use. The proposed conditional use is a public service use that supports residential development in the area, which does not have fire hydrants and is in an area of concern due to flammable vegetation. This public service use is not directly addressed in the definition, but is compatible with the “Outskirt Area” designation because it supports the surrounding community and uses.

The application materials align with Land Use Goal 4, Strategy 10 of the FNSB Regional Comprehensive Plan, which is to “attract and support development that is compatible with and enhances existing land use”. The proposed public service use is in a residential area but the parcel is fronted by two minor collector roads, Cripple Creek and Isberg, and one local road, Oboe Court; the proposed public service use will not alter the character of the area. The use will help improve public safety by permitting a water fill station for emergency services in an area that does not currently have hydrants. The subject parcel is currently vacant and the proposed conditional use is not expected to generate much impact because it is unmanned and will primarily be utilized in emergency situation. The current transportation facilities are sufficient for the proposed conditional use. Much of the surrounding properties are either residential in use or vacant. Additionally, the application aligns with Transportation and Infrastructure Goal 2 “to have sufficient public utilities and infrastructure to meet existing and future demand.” This conditional use would provide a public service use that meets a current demand. The predominantly residential area is not served by fire hydrants and the water tank and fill station will provide a place for emergency service vehicle to fill fire suppression apparatus. The area is an area of concern for fire potential because of the amount of dense, flammable vegetation, so this conditional use would fill a gap in the demand for fire suppression support.

B. Transportation Facilities

Circulation and Transportation

The proposed conditional use will be an unmanned public service use for emergency services. The applicant states that “the site will be inspected by fire personnel for maintenance and operational use” but will not have specific hours of operation. Maintenance inspections will occur weekly and will include fire personnel driving by the site to ensure it is operational. Training activities are expected quarterly, and will include fire personnel and equipment on site for approximately half an hour. Maintenance activities are
expected to occur primarily during daylight hours. Training activities will occur at most quarterly and will be conducted between 7 and 9 pm at the latest. Cripple Creek Road and Isberg Road are adjacent to the property on the west and south, respectively, and Oboe Court provides driveway access to the site on the east side. The property is in the Cripple Creek Road Service Area.

The site is currently vacant. Because the proposed use is not a manned facility with employees or regular trips to the site, trip generation rates are not available from the Institute of Transportation Engineers Manual. The proposed use generates trips for maintenance, emergency services, and training based on information provided by the applicant. A weekly maintenance visit and quarterly training activities are the expected routine vehicle trips. Water tankers will visit the site to fill the storage tanks as necessary. Emergency and non-routine maintenance vehicle trips are on an as needed basis. The use is not expected to generate many vehicle trips and will not negatively impact the current roads. Adequate space is available in the cul-de-sac for any vehicles to park while utilizing the water filling area.

The existing transportation facilities are sufficient to accommodate the traffic generated by this conditional use. Cripple Creek Road and Isberg Road are both classified as minor collector roads and are maintained by AKDOT & PF. Oboe Court is a local road and is maintained by the Cripple Creek Road Service Area. All roads are adequately sized to handle the vehicle trips generated by the proposed conditional use.

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 “Outskirt Area” defined as “[a]rea generally within a 20 to 30 minute travel time of urban destinations, and which contains primarily open space, mining and residential uses; variable densities are encouraged providing they are compatible with the surrounding community, sensitive to natural systems and have adequate water and sewer facilities. Other uses include agriculture, and supporting commercial uses.” The proposed conditional use meets the comprehensive plan designation because it is compatible with the surrounding residential land uses and supports these uses in the area by increasing access to water for emergency services.

The application materials align with Land Use Goal 4, Strategy 10 of the FNSB Regional Comprehensive Plan, which is to “attract and support development that is compatible with and enhances existing land use.” The proposed public service use is in a residential area but the parcel is fronted by two minor collector roads and a local road on three sides; the public service use will not alter the character of the area. The use will help improve public safety by permitting a water fill station for emergency services in an area that does not currently have hydrants. The subject parcel is currently vacant and the proposed conditional use is not expected to generate much impact because it is unmanned and will primarily be

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1 Sections of this staff report involving transportation related reviews include comments and feedback from Donald Galligan, Transportation Planner, after a review of the application materials with FNSB Planner Stacy Wasinger.
utilized in emergency situation. The current transportation facilities are sufficient for the proposed conditional use. Much of the surrounding properties are either residential in use or vacant. Additionally, the application aligns with Transportation and Infrastructure Goal 2 “to have sufficient public utilities and infrastructure to meet existing and future demand.” This conditional use would provide a public service use that meets a current demand. The predominantly residential area is not served by fire hydrants and the water tank and fill station will provide a place for emergency service vehicle to fill fire suppression apparatus. The area is an area of concern for fire potential because of the amount of dense, flammable vegetation, so this conditional use would fill a gap in the demand for fire suppression support.

With conditions as proposed, the proposed conditional use will be compatible with the existing uses in the surrounding area such as adjacent residential uses. Appropriate conditions will help mitigate impacts and increase compatibility.

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

This conditional use proposal is to utilize a portion of the site for a water storage and fill facility for emergency services. The RE-2 zone allows a variety of residential uses, including single-family and two-family residences and accessory uses; conditional uses include public services utilities such as the proposed use, schools, professional offices, etc. The public notification, public hearing procedures and approval criteria for conditional uses help protect the property rights of the surrounding property owners.

Odor and dust concerns are not expected to be created by the proposed use. The use will not utilize odor producing materials and does not include on-site waste. The 4 inches of compact gravel surfacing the cul-de-sac will minimize potential dust concerns. Noise would only be a concern when sirens are used in an emergency situation to approach the site. The applicant has indicated that lights and sirens will be used in an emergency situation as procedure. If there is an emergency in the area, the neighbors may already be impacted. The noise created by the sirens is not expected to be routine or to impact the neighbors more than any other emergency vehicle. Cripple Creek Road and Isberg Road are both minor collectors and may be used by emergency vehicles in an emergency situation in the area even if the site was not developed as an emergency water storage and fill station. The size of the site, as well as the buffer of Tract H to the north, will help mitigate visual and auditory impacts to the neighboring properties. The park and trail use to the east already brings some non-residential use and traffic into the area. No stormwater runoff is expected beyond that from the cul-de-sac, which is proposed to be more than 50 feet from all property lines and will not discharge on to neighboring properties.

The proposed conditional use is expected to generate minimal vehicle trips on an occasional basis because the site is unmanned and will not be used daily. The existing transportation facilities are sufficient to serve the use and the cul-de-sac provides sufficient on-site maneuvering space. Oboe Court is a local road and is maintained by the Cripple Creek Road Service Area. Cripple Creek Road and Isberg Road are minor collector roads and are maintained by ADOT & PF. Access to the site is limited to Oboe Court by plat note.
The application material and the narrative for this proposal demonstrate that it meets the intent of Title 18 because the public process for a conditional use helps protect property rights. With the conditions imposed, the application promotes the public health, safety and general welfare of the residents of the borough because the proposed use will be compatible with the existing surrounding land uses and zoning.

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

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

The applicant has demonstrated that the proposed conditional use has adequate power supply from GVEA. The subject site may develop an on-site well but will haul water for the buried tanks to if a well is not feasible, especially for the initial development. Further water supply and a septic system are not needed for the proposed conditional use. If in the future a septic system is installed for any reason, it will be required to meet applicable ADEC standards.

This use is expected to generate minimal vehicle trips, which are not daily or regular and will have minimal impact on existing transportation facilities. Maintenance inspections will occur weekly and will include fire personnel driving by the site to ensure it is operational. Training activities are expected quarterly, and will include fire personnel and equipment on site for approximately half an hour. Non-routine maintenance, water hauling to fill the storage tanks, and emergency trips will be irregular and as needed. The existing off-site transportation facilities are sufficient to accommodate these few trips generated. The proposed driveway provides adequate access. The site is not proposed to be manned and marked on-site parking is not required. Adequate space is available in the cul-de-sac for any vehicles to park while utilizing the water filling area and to maneuver on-site. The applicant states that the drive and circulation areas will be surfaced in 4 inches of compact gravel, meeting Title 18 requirements. Oboe Court is a local road and is maintained by the Cripple Creek Road Service Area. Cripple Creek Road and Isberg Road are minor collector roads and are maintained by ADOT & PF.

The proposed conditional use is in the Ester Fire Service Area and the Cripple Creek Road Service Area. The Alaska State Troopers provide law enforcement services and the Ester Volunteer Fire Department provides fire response services. Waste materials are not expected to be generated by this use and waste management services are not needed. Emergency medical services are not provided, but are not expected to be needed for the proposed public service use.
(3) Whether or not the proposed conditional use will protect the public health, safety and welfare.

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

Odor and dust are not expected to be created by the proposed conditional use. The cul-de-sac will be surfaced in compacted gravel, which will reduce dust and no waste is expected to be generated on site. No water runoff is expected beyond that from the cul-de-sac, which is proposed to be more than 50 feet from all property lines and surfaced in compact gravel which will allow some infiltration of water. Stormwater runoff is expected to be absorbed on site and will not discharge on to neighboring properties. Development of the site is proposed to remain within the cul-de-sac area, which leaves existing vegetation in place around most of the conditional use. This vegetation will help act as a buffer for many of the impacts. Staff recommends a condition that existing vegetation outside the cul-de-sac area not be removed except as necessary for access, maintenance, future permitted development of the site, or emergency services. The adjacent properties are all zoned RE-2 on three sides and OR across Oboe Court to the east. The OR zoned property is borough owned and contains a parking lot and trails, which bring some non-residential use to the area.

Noise is only anticipated in the event that emergency or training activities include the use of sirens on emergency vehicles. The applicant has indicated that lights and sirens will be used in an emergency situation as procedure. If there is an emergency in the area, the neighbors may already be impacted. The noise created by the sirens is not expected to be routine or to impact the neighbors more than any other emergency vehicle nearby. Cripple Creek Road and Isberg Road are both minor collectors and may be used by emergency vehicles even if the site was not developed as a water storage and fill station for emergency services. The size of the site and remaining vegetation is expected to mitigate visual and auditory impacts from the use itself. Tract H, immediately adjacent to the north, is owned by FNSB and is dedicated by plat to buffer the emergency services site on Tract G from residential uses. Lighting is proposed to be limited to the cul-de-sac, not directed toward adjacent properties, and will be buffered by remaining trees. There may be permafrost on the site. The application states that the cul-de-sac is sited to avoid permafrost and the site will be evaluated before the tanks are placed to minimize impacts to any permafrost on site. The property is not in a flood zone and does not appear to contain wetlands.

The proposed conditional use is expected to generate minimal vehicle trips, which do not occur on a daily basis because the use is not a manned facility. The existing transportation facilities are sufficient to serve the use. Oboe Court is a local road and is maintained by the Cripple Creek Road Service Area. Isberg Road and Cripple Creek Road are both minor collector roads and are maintained by ADOT & PF.

The proposed conditional use will have a safe traffic flow because the existing transportation facilities are adequate for any additional trips generated. The proposed conditional use is not expected to impede vehicular and pedestrian traffic on the surrounding roads. The proposed driveway requires a driveway permit and will meet Rural Services and Public Works requirements, including sizing the culvert appropriately and locating the driveway a minimum of 100 feet from the intersection of Isberg Road and Oboe Court. The site plan shows the driveway greater than 100 feet from the intersection. Community Planning
recommends a condition requiring that the appropriate driveway permit be obtained and all requirements met. Sufficient maneuvering space is available on site for vehicles utilizing the site. Marked off-street parking is not required because the site is unmanned on a regular basis and adequate space is available in the cul-de-sac for any vehicles to park while utilizing the water filling area.

The site is within the Ester Fire Service Area. The proposed structure above the water tanks meets the RE-2 setback requirement of 35 feet from front property lines and 25 feet from side and rear property line, which provides fire separation distance as well. Staff received no comment from the State Fire Marshal regarding this conditional use. The applicant is the Ester Volunteer Fire Department and the proposed conditional use serves a public health, safety, and welfare interest by placing a public service use for a water filling station for emergency services in an area that does not have fire hydrants available. Due to the amount of dense, flammable vegetation present, this is an area of concern for the Alaska Forestry Department. This conditional use would fill a need in the area for additional fire suppression facilities.

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

IX. RECOMMENDATION

Based on the staff analysis, the Department of Community Planning recommends APPROVAL of the conditional use permit request for a public service use for a water storage and fill facility for emergency services in the Rural Estate 2 (RE-2) zone on Tract G, Cripple Creek II Subdivision with two (2) conditions.

X. CONDITIONS

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

   a. The applicant or holder of this conditional use permit shall obtain any required driveway permit from FNSB Rural Services and shall comply with all recommendations and/or requirements resulting from the permit.

2. Existing vegetation outside the cul-de-sac area shall not be removed except as necessary for access, maintenance, future permitted development of the site, or emergency services.

3. If any modifications are made to the site plan, proposed building, or cul-de-sac, 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).

XI. FINDINGS OF FACT

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

1. The proposed conditional use will conform to the intent and purpose of Title 18 and of other ordinances and state statutes because it will conform to Title 18 requirements as a conditional use in the RE-2 zone.
   a. The conditional use is consistent with the Outskirt Area designation. With appropriate conditions, the conditional use is compatible with the existing land uses. The purpose of Title 18 will be met because the proposed use supports Land Use Goal 4, Strategy 10 of the FNSB Regional Comprehensive Plan, which is to “attract and support development that is compatible with and enhances existing land use”. The use also aligns with Transportation and Infrastructure Goal 2 “to have sufficient public utilities and infrastructure to meet existing and future demand.”
   b. The intent of Title 18 will be met because with the conditions imposed, the conditional use will both protect private property rights and promote public health, safety, and welfare by allowing a land use compatible with the existing surrounding uses. Additionally, no traffic hazards, fire hazards, or other safety hazards will be created by the conditional use. The use of the site for emergency services will enhance the public health, safety, and welfare by providing a water fill station for emergency services in an area that does not have fire hydrants.
   c. The applicant has provided information sufficient to show they intend to meet all local, state, and federal laws.

2. There are adequate existing energy and transportation facilities serving the site and other public services are available to serve the proposed conditional use.
   a. The subject site does not require a septic system. The conditional use will be served with a well, if feasible, or hauled water as needed to fill the buried storage tanks.
   b. The site is served by the Ester Fire Service Area and the Cripple Creek Road Service Area.
   c. The conditional use is expected to generate minimal and sporadic vehicle trips but existing facilities are adequate for these additional trips. Oboe Court is a local road and is maintained by the Cripple Creek Road Service Area. Isberg Road and Cripple Creek Road are both minor collector roads and are maintained by ADOT & PF. The use will not impede vehicular and pedestrian traffic on the surrounding roads because they have adequate capacity for current and future vehicular trips.
   d. Marked off-street parking is not required because the site is not manned on a regular basis and adequate vehicle on-site maneuvering and parking areas are provided within the cul-de-sac that meet Title 18 requirements.
3. With the conditions imposed, the conditional use will protect public health, safety, and welfare as the public service use for a water storage and fill facility for emergency services will comply with Title 18 standards for the RE-2 zone.

a. The use is compatible with the existing adjacent land uses.
b. Tract H adjacent to the north provides a buffer from residential uses nearby.
c. No dust or odor impacts are expected from the conditional use.
d. Lighting is not directed at any residentially zoned parcel.
e. The conditional use does not create any fire, traffic, or public safety hazards.
f. No off-site stormwater runoff is expected as a result of the conditional use. Runoff is expected to be absorbed on-site and will not discharge on to neighboring properties.

DRAFT PLANNING COMMISSION MOTION:

I move to approve the Conditional Use Permit for a public utility or service use for a water storage and fill facility for emergency services in the Rural Estate 2 (RE-2) zone on Tract G, Cripple Creek II Subdivision First Addition with three (3) conditions, and adopting the staff report and three (3) Findings of Fact in support of the approval.
APPLICABLE APPROVAL CRITERIA

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

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

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

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

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

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

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

Cripple Creek Road and Isberg Road intersection, looking north along Cripple Creek
Existing vegetation on site, Oboe Court

Trail and parking area across Oboe Court from subject parcel
Public Hearing sign posted January 23, 2018, from Cripple Creek Road

Public Hearing sign posted January 23, 2018, from Isberg Road and Oboe Court intersection
WRITTEN AGENCY COMMENTS

CU2018-009
From: Floyd Sheesley
Sent: Friday, January 05, 2018 9:45 AM
To: Stacy Wasinger
Subject: RE: CU2018-009 (1457 Oboe Court)

A driveway permit shall be required from Rural Services.

thanks

Floyd Sheesley

From: Stacy Wasinger
Sent: Friday, January 05, 2018 9:08 AM
To: Stacy Wasinger
Subject: CU2018-009 (1457 Oboe Court)

Good morning,

The FNSB Department of Community Planning has received an application request for a conditional use permit for a public utility water storage facility for emergency services located at 1457 Oboe Court in the Rural Estates 2 (RE-2) zone. The lot is currently vacant and the conditional use application proposes to install an underground water storage facility for emergency services. The applicant is the Ester Volunteer Fire Department. Attached are the application and narrative, as well as a report containing basic information for the property. This application is currently scheduled for a public hearing before the Planning Commission on February 13, 2018.

This information is being sent to you for review and comment, if any, because the property is potentially in your agency review area. If there is someone else that would be more appropriate to review this application, please feel free to forward it or let me know. If possible, please return any written comments by Friday, January 19, 2018. If you have any questions, please don’t hesitate to contact me.

Thanks,
Stacy

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

Fairbanks North Star Borough
PO Box 71267 / 907 Terminal Street
Fairbanks, AK 99707-1267
Hey there,
Michael and I talked about this some more and along with the requirement for a driveway permit we believe that the approach radius is excessive and would result in a culvert length that is not feasible. These are things that would be addressed in the driveway permit but wanted to give someone a heads up before-hand that the driveway dimensions will need additional review and/or justification.
Thanks and please let me know if you need anything else from me

Floyd Sheesley

Good morning,

The FNSB Department of Community Planning has received an application request for a conditional use permit for a public utility water storage facility for emergency services located at 1457 Oboe Court in the Rural Estates 2 (RE-2) zone. The lot is currently vacant and the conditional use application proposes to install an underground water storage facility for emergency services. The applicant is the Ester Volunteer Fire Department. Attached are the application and narrative, as well as a report containing basic information for the property. This application is currently scheduled for a public hearing before the Planning Commission on February 13, 2018.

This information is being sent to you for review and comment, if any, because the property is potentially in your agency review area. If there is someone else that would be more appropriate to review this application, please feel free to forward it or let me know. If possible, please return any written comments by Friday, January 19, 2018. If you have any questions, please don’t hesitate to contact me.

Thanks,
Stacy

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

Fairbanks North Star Borough
PO Box 71267 / 907 Terminal Street
Fairbanks, AK 99707-1267
Hi Stacy,
Attached is GVEA's response to the above mentioned CU permit. Thank you and have a great weekend.

Julie Karl
Land Management Supervisor
GVEA Engineering Services
(907)458-5763 – direct
jlkarl@gvea.com

Good morning,

The FNSB Department of Community Planning has received an application request for a conditional use permit for a public utility water storage facility for emergency services located at 1457 Oboe Court in the Rural Estates 2 (RE-2) zone. The lot is currently vacant and the conditional use application proposes to install an underground water storage facility for emergency services. The applicant is the Ester Volunteer Fire Department. Attached are the application and narrative, as well as a report containing basic information for the property. This application is currently scheduled for a public hearing before the Planning Commission on February 13, 2018.

This information is being sent to you for review and comment, if any, because the property is potentially in your agency review area. If there is someone else that would be more appropriate to review this application, please feel free to forward it or let me know. If possible, please return any written comments by Friday, January 19, 2018. If you have any questions, please don’t hesitate to contact me.

Thanks,
Stacy

Stacy Wasinger
Planner III | FNSB Community Planning
swasinger@fnsb.us
907-459-1262
January 5, 2018

Fairbanks North Star Borough
Attn: Stacy Wasinger
Department of Community Planning
PO Box 71267
Fairbanks AK 99707-1267

Re: CU2018-009, Public water storage facility.

Golden Valley Electric Association, Inc. has no objection to the FNSB Department of Community Planning Conditional Use Permit listed above, provided the following requests are taken into consideration:

A) No permanent facilities be constructed within the Public Utility Easement, PUE
B) Access to PUE is maintained.

If you have any questions or need additional information, please call me at 458-5763. Thank you for this opportunity to comment.

Sincerely,

Julie Karl, Land Management Supervisor
Engineering Services
Stacy Wasinger

From: Donald Galligan
Sent: Monday, January 08, 2018 10:23 AM
To: Stacy Wasinger
Subject: RE: CU2018-009

Follow Up Flag: Follow up
Flag Status: Flagged

Stacy in review of this conditional use permit application there seem to be very little if any transportation concerns. The development of this truck fill station is off of a local road with very little in the way of traffic generated. Certainly the capacity of the roadway is not exceeded by the development of this use, and there should be no traffic disruption during its development. There will be no storage of vehicles on-site, so no parking requirement is needed.

Thanks
Don

Donald C. Galligan, JR. AICP
Transportation Planner
FNSB Community Planning
dgalligan@fnsb.us
907.459.1272

-----Original Appointment-----
From: Stacy Wasinger
Sent: Friday, January 05, 2018 12:26 PM
To: Donald Galligan
Subject: CU2018-009
When: Monday, January 08, 2018 10:00 AM-10:30 AM (UTC-09:00) Alaska.
Where: Don’s office

This is a request by the Ester Volunteer Fire Department for buried water tanks for emergency services. I’m not sure how trip generation would be worked out here as it is not a manned use and would only generally be maintained and then used in an emergency situation. I’ve also received some comments regarding the driveway, and wanted to discuss that and the circulation on-site.


Thanks!
Stacy
Stacy Wasinger

From: Stacy Wasinger  
Sent: Friday, January 05, 2018 9:08 AM  
To: Stacy Wasinger  
Subject: CU2018-009 (1457 Oboe Court)

Good morning,

The FNSB Department of Community Planning has received an application request for a conditional use permit for a public utility water storage facility for emergency services located at 1457 Oboe Court in the Rural Estates 2 (RE-2) zone. The lot is currently vacant and the conditional use application proposes to install an underground water storage facility for emergency services. The applicant is the Ester Volunteer Fire Department. Attached are the application and narrative, as well as a report containing basic information for the property. This application is currently scheduled for a public hearing before the Planning Commission on February 13, 2018.

This information is being sent to you for review and comment, if any, because the property is potentially in your agency review area. If there is someone else that would be more appropriate to review this application, please feel free to forward it or let me know. If possible, please return any written comments by Friday, January 19, 2018. If you have any questions, please don’t hesitate to contact me.

Thanks,
Stacy

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

David Bredlie, P.E.  
Design and Construction Manager  
FNSB - Department of Public Works  
(907) 459-1360 • dbredlie@fnsb.us

From: Stacy Wasinger  
Sent: Friday, January 19, 2018 10:16 AM  
To: Stacy Wasinger  
CC: Michael Bredlie  
Subject: RE: CU2018-009 (1457 Oboe Court)

Follow Up Flag: Follow up  
Flag Status: Flagged

Stacy,
I am not sure if Rural Services commented on this or not. If so I defer to their comments. If not:

1. This parcel is in a Road Service Area (Cripple Creek RSA) and will require a driveway permit from Rural Services.
2. The driveway should be located as far as practicable (minimum 100’) from the intersection of Oboe Ct. with Isberg Road.

David Bredlie, P.E.
Stacy
I have been in contact with Russell Dennis with the FD and it sounds like they have addressed our concerns. They are going to come in and apply for a driveway permit. I will let you know when that permit is issued or if anything else comes up.
thanks
Floyd Sheesley

Okay, great – thanks for letting me know. If you don’t mind, I will pass along your concern and contact information to the applicant and let her know she should discuss this issue with you all as soon as possible. If the driveway is potentially going to change location, that may change the location of their on-site paved area which could result in a new site plan. I’d like to get that worked out as soon as possible, because if they have to move things around after the public hearing they may have to go back through the CU process to amend it.

Thanks again!
Stacy

Hey there,
Michael and I talked about this some more and along with the requirement for a driveway permit we believe that the approach radius is excessive and would result in a culvert length that is not feasible. These are things that would be addressed in the driveway permit but wanted to give someone a heads up before-hand that the driveway dimensions will need additional review and/or justification.
Thanks and please let me know if you need anything else from me

Floyd Sheesley
Good morning,

The FNSB Department of Community Planning has received an application request for a conditional use permit for a public utility water storage facility for emergency services located at 1457 Oboe Court in the Rural Estates 2 (RE-2) zone. The lot is currently vacant and the conditional use application proposes to install an underground water storage facility for emergency services. The applicant is the Ester Volunteer Fire Department. Attached are the application and narrative, as well as a report containing basic information for the property. This application is currently scheduled for a public hearing before the Planning Commission on February 13, 2018.

This information is being sent to you for review and comment, if any, because the property is potentially in your agency review area. If there is someone else that would be more appropriate to review this application, please feel free to forward it or let me know. If possible, please return any written comments by Friday, January 19, 2018. If you have any questions, please don’t hesitate to contact me.

Thanks,
Stacy

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

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

From: Motsko, Randi Lynn (DOT) <randi.motsko@alaska.gov>
Sent: Monday, January 22, 2018 11:00 AM
To: Stacy Wasinger
Cc: Daniel Welch; Angela Parker; George Stefan
Subject: FW: Attached Image
Attachments: 1861_001.pdf

Stacy,

Attached is the comment letter for the 1457 Oboe Court Conditional Use permit CU2018-009.

Thank you.

From: nrg-dot-planning@alaska.gov [mailto:nrg-dot-planning@alaska.gov]
Sent: Monday, January 22, 2018 8:07 AM
To: Motsko, Randi Lynn (DOT) <randi.motsko@alaska.gov>
Subject: Attached Image
January 22, 2018

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

Property Owner/Developer: FNSB

Type of Request: Conditional Use Permit CU2018-009: 1457 Oboe Court

Property Location: Tract G, Cripple Creek II First Addition, TL-2400, Section 24, T.1S., R.3W., Fairbanks Meridian, Alaska.

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

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

Thank you.

Sincerely,

[Signature]

Randi Motsko
Fairbanks Area Planner
(907) 451-2386

cc: George Stefan, FNSB
    Angela Parker, FNSB
    Dan Welch, FNSB
APPLICATION MATERIAL SUBMITTED ON December 29, 2017
CONCONDITIONAL USE PERMIT APPLICATION

File No. [Redacted]

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

Applicant:
- Name: [Redacted]
- Business Name: Ester Volunteer Fire Dept.
- Mailing Address: P.O. Box 229
- City, State, Zip: Ester, Alaska 99725
- Phone: 479-6858
- Cell: 388-7180
- E-mail: chief@estertfire.org

Property Owner:
- Name: FNSB
- Mailing Address:
- City, State, Zip:
- Phone:
- Cell:
- E-mail:

Property Information:
- Property Description: FNSB TRACT G - Cripple Creek Subdivision II
- Street Address: Cripple Creek Dr., Isberg
- Parcel Account Numbers (PAN): 04399.75
- Existing Use(s): Vacant Land

Conditional Use Request Information:
- Proposed Use(s): Water storage fill station for Emergency Services

Request Description and Reasons for the Request:
- 30,000 underground water storage site to provide water to fill fire apparatus that are responding to suppress and extinguish wild/land/structure fires.

APPLICANT SIGNATURE:

DATE: 12/28/17

OWNER SIGNATURE (if different):

DATE: 12/28/17

If the applicant is not the sole property owner, written consent of all property owners must be provided (FNSBC 18.104.050(B)).
December 28, 2017

Ms. Tori Clyde, Fire Chief  
Ester Volunteer Fire Department  
3570 Old Nenana Highway  
PO Box 229  
Ester, AK 99725-0229

RE: EVFD’s Request for Waiver of the $800.00 Conditional Use Permit Application Fee and Letter Dated December 28, 2017

Dear Chief Clyde:

Thank you for your letter requesting a waiver of the $800.00 Conditional Use Permit Application Fee to construct a water supply fill station on Tract G property off Cripple Creek and Isberg Roads, accessed by Oboe Court in Fairbanks, AK.

I agree that this project will enhance public safety as well as the health and well-being of the residents. Pursuant to Fairbanks North Star Borough Code 8.60.010, I approve the waiver of this fee.

On behalf of the FNSB Administration, thank you and EVFD for your research and work on this important project and I look forward to learning about the completion.

Sincerely,

[Signature]

Karl W. Kassel, Mayor  
Fairbanks North Star Borough

KWK:1ml

cc: FNSB Community Planning Department
December 28th, 2017

Dear Mayor Kassel,

The Ester Volunteer Fire Department is applying for a conditional use permit through the Fairbanks North Star Borough Community Planning Department to construct a water supply fill station on the FNSB owned Tract G property off Cripple Creek and Isberg Roads, accessed by Oboe Court.

The area has been addressed by State Division of Forestry as a Zone of Concern due to the dense highly flammable vegetation. The area has zero water hydrants and this project will enhance public safety and the health and well being of the residents. The vacant land on Tract G shall be retained in ownership by FNSB as an emergency service site according to the ADEC approval certificate.

I am requesting the $800 application fee to be waived to help offset our costs.

I hope you consider my request.

Sincerely,

Tori Clyde
Fire Chief
Good News: Legal concurs that because the plat was created before September of 1986, when retention by ordinance became a requirement, the plat note suffices. I am free to sign off on the conditional use permit application.

Thanks,

Sandra C. Mota, RWA
Manager, Division of Land Management
Fairbanks North Star Borough
907-459-1247
www.fnsblandsales.com
CONDITIONAL USE PERMIT (CUP) INTAKE CHECKLIST

1. A completed conditional use permit application including the following:
   - ✓ Property description and address.
   - ✓ Specific type of conditional use being requested as defined in FNSBC 18.04.010
   - □ Property owner’s signature or signed letter authorizing use of the property.

2. A legible site plan drawn to a verifiable scale (i.e. 1” = 10’ or 1” = 20’, etc.), with north arrow and dimensions in feet including all of the following: More than one site plan of different scales may be used to illustrate the site.
   - ✓ Location and dimensions of property lines.
   - □ Location and dimensions of utility easements and access easements including section line easements.
   - ✓ Name of the access road and any other roads adjacent to the property lines and widths of all right-of-ways.
   - ✓ Location and dimensions of all existing and proposed buildings and structures. Include any proposed additions. Label each building or structure as existing, proposed, or to be demolished/removed. Provide number of stories for all buildings to be utilized for the conditional use.
   - □ Uses of all existing and proposed buildings and structures, portions of buildings, and areas of the property, clearly identifying which uses are included in the CUP and which are not included.
   - □ Setback distances of all existing and proposed buildings and structures from property lines, except in the General Use (GU) zones.
   - □ Distances between all existing and proposed buildings and structures.
   - □ Location of well on-site, if applicable.
   - □ Location of septic on site, if applicable.
   - □ Location and dimensions, including height, of all existing and proposed signage.
   - ✓ Location of all outdoor lighting.
   - □ Location of trash dumpster(s).
☐ Location of security fencing and gates including clearance width of all gates; if applicable.

☐ Location, type and depth of surface material and dimensions of existing and proposed driveways including any aprons and distances to property corners. Include location and dimensions of existing and proposed curb cuts and sidewalks; if applicable.

☐ Location, type and depth of surface material and dimensions of each off-street parking space. Off-street parking spaces are required to be at least 9' by 18', with sufficient back-up and maneuvering area such that all back-up and maneuvering actions occur on the site (FNSBC 18.96.060). Label parking spaces with dimensions.

☐ Location, type and depth of surface material and dimensions of loading areas; if applicable.

☐ Location, and type and depth of surface material of all traffic circulation areas. Provide dimensions of drive aisles, backing and maneuvering areas and all areas where motor vehicles will travel on the site.

☐ Show any obstructions located within the parking and vehicle maneuvering areas, such as a wall, post, guard rail, or other obstruction.

☐ Location and area of existing or proposed landscaping, screening, and existing vegetation to be retained; if applicable.

☐ Show any buffer and open space areas; if applicable.

☐ Vehicle maneuvering diagram(s) may be required to demonstrate adequate fire and emergency vehicle access.

3. **OTHER REQUIRED INFORMATION:**  

☐ Provide a floor plan drawn to scale for each floor utilized. Label specific use of each portion of floor area and provide square footage for each type of use. If using a portion of a building, show how that portion of the building is separated from other portions (i.e. wall with person door, etc.).

4. **NARRATIVE**

☐ Provide a typed narrative addressing the following:
  - Total (maximum) number of employees expected to be working on the site, including full and part-time, temporary and seasonal
  - Type and frequency of other vehicle trips to the site such as customers, deliveries, security, visitors, etc.
  - Hours of operation
  - Activities occurring on the site on a daily, weekly, monthly, periodic, seasonal, occasional and annual basis
  - Phases of development, if applicable
• Impacts of the proposed use that may cross property lines such as odor, noise, dust, light, etc.
• Provide a list of the chemicals utilized or stored on the site; if applicable
• Energy source serving the proposed use
• Water source serving the proposed use
• Method of sewage disposal and/or wastewater management for the proposed use
• Other public utilities and services to serve the proposed use such as garbage, communications, fire protection, police, etc.

5. **NARRATIVE demonstrating conformance with conditional use approval criteria below (FNSBC 18.104.050(C)1-3) including Title 18, the FNSB Regional Comprehensive Plan, other FNSB ordinances and applicable state statutes.**

FNSBC 18.104.050(C):
The planning commission shall review, hear and decide whether or not to approve a request for a conditional use. **The planning commission shall also consider and adopt findings in each of the following:**

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

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

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

The planning commission may approve or deny a conditional use request or may approve a conditional use request with conditions to ensure the protection of the public health, safety and welfare.

Additional information may be required beyond the items listed above. If you have questions about the conditional use permit application requirements, the public hearing process and timelines, or any other concerns, please contact the Community Planning Department located on the second floor of the Juanita Helms Administrative Center at 907 Terminal Street or by phone at 907-459-1260.
EVFD Conditional Use Permit

EVFD CUP Application
Ester Volunteer Fire Department
FNSB Conditional Use Permit Application Checklist

1. Property Description and Address:
Cripple Creek Subdivision II First Addition, Tract G located on Cripple Creek and Isberg Roads off Oboe Court
Vacant Land
PAN=0439975
Specific type of conditional use being requested as defined in FNSB 18.04.010
Emergency Service Site – Water supply fill station
Fairbanks North Star Borough retains ownership

2. Site Plan – See Attached Site Plan Drawings
Scale 1" = 100’ for #1 Site Plan Drawing
Scale 1" = 50’ for #2 Site Plan Drawing
Tract G = Vacant Land
The entrance to proposed access road starts 100’ from the SE corner of Tract G to the center line of the proposed access road. Proposed access road = 100’ west of Oboe Court Shoulder.
40’ radius point on either side of proposed access road off Oboe Court to the proposed Cul De Sac (CDS)
Proposed CDS will have a 60’ radius point, and radius point will be located 150’ from Oboe Court shoulder
Driveway= 30’ Top
Minimum 12” pit run tailings for sub-base compacted. Some excess silt from tank excavation may be placed in the center of the CDS.
Minimum 4” washed fines compacted top layer
An appropriate culvert will be installed under the proposed access road, CMP minimum 12”-16”
An 8x6 single story structure will be the fill station structure and will be located within the proposed CDS south of the radius point.
There may be a well-site located within the proposed CDS, depending on the water table. If a well-site is established, it will be located near the southern position of the proposed CDS
Location of Septic on Site – Not Applicable

Outdoor Lighting will be located on the proposed structure and within the proposed CDS. Lighting will be connected to a GVEA power pole and metered located on the SE corner of Tract G.

Location of Trash Dumpster – Not Applicable

PUE = 50’ and runs 162.09’ parallel along Isberg Road east west from Oboe Court to Cripple Creek Road.

GVEA power pole is 24’ from SE corner of Tract G

Block 3 Lot 1, Lot 2, and Lot 3 have three single family cabins located north of Tract G.

Tract H is a 1.370-acre buffer between Block 3 Lot 3 and Tract G

The emergency service site will not have direct access to Cripple Creek or Isberg Roads. Only direct access will be on Oboe Court.

3. Floor Plan: – Not Applicable

4. Narrative:

The Ester Volunteer Fire Department was approved to use approximately 2 acres of the Cripple Creek II Subdivision Tract G; Isberg, Cripple Creek Road and Oboe Court for an emergency service site in the Ester Fire Service area.(See Attached Certificate of Ownership)

Tract G shall be retained in ownership by the Fairbanks North Star Borough as an emergency services site.

Project Scope of Work:

The project’s scope of work is to build an unmanned 24/7 accessible non-potable water supply- fill station in the southeast portion of Tract G.

The project may have phases of development dependent on funding.

Phase I

Project work will include tree clearing, excavation, construction services to include a driveway, access road and Cul De Sac. As well as, tank installation, electrical installation, concrete work, dirt work, fill work, and freeze protection.

Two 30 x 10 feet -15,000-gallon water tanks will be buried beneath the proposed Cul De Sac location pending permafrost conditions.
FNSB CUP 4. Narrative Continued:

The proposed access road/driveway into the CDS will have 40-foot radius point from the Oboe Court property line and located 100 feet north from the southeast property corner to the center line of the proposed access road.

The CDS will be designed and implemented to allow fire apparatus to maneuver in and out counter clockwise of the site eliminating reversing.

Electricity will be hooked up with installing a power pole and meter into GVEA.

A one story approximately 8 x10 foot or less structure may be constructed above the buried tanks minimum 35’ from any impacted area. (See Example #1 and Example #2 images of proposed structure.)

The site will be used periodically throughout the year for routine maintenance, fire suppression and fire training.

The site will not have designated hours of operations and will not be manned by onsite personnel. The site will be inspected by fire personnel for maintenance and operational use.

The site will be using GVEA service.

The site will be using Cripple Creek road services.

The site will not be using other public utilities.

$40,000 was awarded to the Ester Volunteer Fire Department from the FY 2014 Designated Legislative Grant Agreement 15-DC-376 from July 1, 2014 – June 30 2019.

Phase II

If funding has diminished within the grant timeframe, the structure and remaining lighting will be extended into Phase II of the proposed conditional use.

A fence and gate may be constructed to secure the emergency service.

5. Narrative:

The project will conform to the criteria set forth in FNSBC 18.104.050(c)1-3, including Title 18 and other FNSB ordinances and applicable state statutes.

1. The proposed conditional use conforms to Title 18, the FNSB Comprehensive Plan.
2. There are no existing sewage capacities, transportation facilities, water supplies. There is an existing energy supply owned by GVEA located within PUE. The Cripple Creek Road Service will be utilized to offer road service and snow removal on Oboe Court.
3. The proposed conditional use is to offer fire service protection to the Cripple Creek II Subdivision and outlying areas. The proposed conditional use will protect public health, safety and welfare.
FNSB CUP 5. Narrative Continued:

The mission of the project is to build a stationary water pump station to allow fire apparatus to fill tanks to deliver water to the Cripple Creek II Subdivision and surrounding areas in the non-hydrant area.

Ester Volunteer Fire Department, State of Alaska Division of Forestry (DOF), Chena Goldstream Fire and Rescue will be accessing the water fill station as first on scene emergency responders to fill their apparatus to deliver water to the fires. Mutual aid fire agencies will be accessing the fill station to provide fire suppression assistance to the Ester Volunteer Fire Department.

State of Alaska DOF will be working on a proposed fuels reduction project in the Ester Fire Service Area located in Cripple Creek this spring/summer 2018 to promote fire safety due to the heavy flammable vegetation in the area. (See attached SOA DOF Documents and maps).

The Cripple Creek Subdivision II is considered an area of concern regarding the dense highly flammable vegetation. The map will illustrate the Zones on Concern.

This water tank installation and water supply fill station project will enhance public safety and response to wildland and structure fires by providing water in the area with zero hydrants.
EVFD Conditional Use Permit

Copy of Certificate of Ownership
CERTIFICATE OF OVERSIZED PLANNED DEDICATION

I hereby certify that the Fairbanks North Star Borough has filed the above described dedication and that it hereby adopts the dedication in accordance with the laws of Alaska.

DATE: ____________________________

THE REZONING AUTHORITY

City of Fairbanks

STATE OF ALASKA

The above is a true copy of the dedication as recorded in the records of this office and is on file in the office of the

City of Fairbanks, State of Alaska

SEALED this __________ day of __________, 2018.

______________________________

City Attorney

City of Fairbanks

Cripple Creek

CERTIFICATE OF MAPPED LAND SURVEY

I hereby certify the above described dedication and that the dedication is a true copy of the dedication as recorded in the records of this office and is on file in the office of the

City of Fairbanks, State of Alaska

SEALED this __________ day of __________, 2018.

______________________________

City Attorney

City of Fairbanks

Cripple Creek

CERTIFICATE OF APPROVAL OF PLANNING BOARD

I hereby certify that the above described dedication and that the dedication is a true copy of the dedication as recorded in the records of this office and is on file in the office of the

City of Fairbanks, State of Alaska

SEALED this __________ day of __________, 2018.

______________________________

City Attorney

City of Fairbanks

Cripple Creek

CERTIFICATE OF PAYMENT OF TAXES

I hereby certify the above described dedication and that the dedication is a true copy of the dedication as recorded in the records of this office and is on file in the office of the

City of Fairbanks, State of Alaska

SEALED this __________ day of __________, 2018.

______________________________

City Attorney

City of Fairbanks

Cripple Creek

REZONING CERTIFICATE

I hereby certify the above described dedication and that the dedication is a true copy of the dedication as recorded in the records of this office and is on file in the office of the

City of Fairbanks, State of Alaska

SEALED this __________ day of __________, 2018.

______________________________

City Attorney

City of Fairbanks

Cripple Creek
## Parcel Data Sheet

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<td>CRIPPLE CREEK II FIRST ADDITION</td>
<td>1S 2W</td>
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### Neighborhood
- 1201 Eater/Parka Highway West

### Millage Group
- Most Recent Mill Rate: 18.919
- Tax Status: FNSB & PARKS

### Detail Description
- TRACT G CRIPPLE CREEK II FIRST ADDITION OUT OF TL-2400 SEC 24 T1S-R3W
- Property Class: Vacant Land

### Billing Address
- FAIRBANKS NORTH STAR BOROUGH
- LAND MANAGEMENT
- PO BOX 71267
- FAIRBANKS AK 99707 1267

### Ownership
- Name / Interest: FAIRBANKS NORTH STAR

### Documents
- Description / Record Date / Book / Page / Instrument# / Current / Amount
  - Map: 04/21/2015
  - Ordinance: 04/20/2006
  - Service Area: 01/22/2004
  - Service Area: 02/14/1986
  - Plat: 08/20/1985 1985-020894-0
  - Ordinance: 05/12/1983
  - Ordinance: 05/25/1978
  - Ordinance: 05/11/1978

### Govt. Codes
- Entity / Account:

### Situs Address

### Land Sections
- ID / Land Class [Not Zoning] / Quantity
  - 1: Gen.Resi; Cripple Creek 5 Acres

### Assessment History

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### Conditional Use Permit?
- 10/16/2017
- Planning Commission
- asfront

February 13, 2018
EVFD Conditional Use Permit

Site Plan Drawings
SKETCH OF ACCESS ROAD
IN RELATION TO GVEA REPP
PLUS ANCHORS {MINE SHAFT

TRACT G, C.0. 2 SUBDIVISION

DRAWN TO APPROX 1" = 50' SCALE

1. CAN TANKS BE BURIED IN 50' PUE
   IN THE AREA OF THE MINE SHAFT?

2. SHOULD TOP OF ACCESS ROAD BE MORE THAN 30'?

3. RECOMMEND PRESERVING LOCAL SKI TRAILS.

4. IF ANSWER TO 1 IS "NO," RECOMMEND MOVING
   ACCESS RD NORTH IF EVFD WISHES TO
   BURY TANKS ON SOUTH SIDE OF CUL DE SAC.
EVFD Conditional Use Permit

Maps of Cripple Creek II
EVFD Conditional Use Permit

Example #1 & Example #2 Images

Water Fill Stations
Vallata Fill Site
Located at the far right front side of the Vallata property

20,000 gallons of water available
Equipment needed: 3 inch hose
500 GPM pump
CGFR Fill Sites
Isberg Fill Site
Located Isberg/Chena Ridge

20,000 gallons of water
Equipment needed: 3 inch hose
Pump: 500 GPM
EVFD Conditional Use Permit

Div. of Forestry Documents

CWPP for Ester FSA
December 7, 2017

Re: Fairbanks North Star Borough Community Wildfire Protection Plan.

Dear Property owner,

The Alaska Division of Forestry (DOF) and the Fairbanks North Star Borough (FNSB) are seeking public comment on the Community Wildfire Protection Plan (CWPP) and related fuel reduction projects that are proposed in the Ester fire service area.

The CWPP is a cooperative effort between state, federal and private agencies and organizations to promote fire safety in the wildland/urban interface. The goal is to reduce the risk of wildfire to the community through the most cost-effective risk reduction projects. The FNSB and the DOF are interested in receiving public comment on current projects, and exploring ideas for future projects. The Alaska Division of Forestry CWPP website contains additional information about protecting your home and property from wildland fires.

The DOF proposes the construction of shaded fuel breaks adjacent to residential property, and within “Zones of Concern” as identified in the FNSB CWPP. The purpose is to enhance public safety and wildland fire response through the removal of large accumulations of flammable vegetation, primarily black spruce. The shaded fuel breaks also provide an example of the Firewise principles that the public can follow to reduce risk to their property from wildland fires.

DOF employees will use chainsaws to cut the flammable vegetation, creating 100-foot-wide shaded fuel breaks. Trees will be thinned to a minimum spacing of 10 to 15 feet apart and bottom limbs will be removed up to 6 feet above the ground level. Paper birch, aspen, and white spruce are the preferred species to be left uncut on the site. Black spruce and other fire-prone/carrying vegetation will be removed. The slash will be put into piles (maximum diameter 10 feet) and allowed to cure for one to two years prior to burning. Piles will be burned when weather conditions allow for adequate smoke dispersion; and will be consistent with Alaska Department of Environmental Conservation Open Burning Regulations. Fuel wood (>4” dia.) may be left on site. Completion of the projects will require four to five years.

Questions and comments can be submitted in writing to the Alaska Division of Forestry, Fairbanks Area, 3700 Airport Way, Fairbanks, AK 99709; by email to Dnr.fasl@alaska.gov; or by calling (907) 451-2636.

Respectfully,

Gordon Amundson
Assistant Fire Management Officer
AK Division of Forestry, Fairbanks Area

cc: Chief Tori Clyde, Ester Volunteer Fire Department
    David Gibbs, FNSB Director Emergency Operations
    Paul Keech, AK Division of Forestry, Fairbanks Area Forester
APPLICATION MATERIAL SUBMITTED ON

January 23, 2018
Hi Stacy

I will answer as best I can.

- How often is maintenance expected at the site? How long would personnel expected to be on site?
  This would just be a visual inspection to see if it is operational to allow water to flow without interruption. The time it takes for a human to drive up, get out of the vehicle, walk over to inspect if the site is operational. If the site needs to be filled from an engine, then the amount time will be determined by the task of filling the tanks.

- How often is training expected to utilize the site?
  Quarterly
  Is it primarily seasonal? No

  How long would personnel be expected to be on site?
  1/2 hour for training
  Time determined to allow an engine to fill the tanks.

- Would sirens be used as training or emergency personnel approach the site?
  No sirens will be used during training.
  Yes sirens and lights would be used during an emergency
  If so, at what point would they be turned on/off?
  As necessary

- There is a well shown on the site plan, and mentioned as a potential future development in the narrative. My understanding is that water was to be hauled to the site, but will the well possibly be used in the future to fill the tanks?

  Plan is to use the most economical and efficient source to fill the tanks.
  If the water table allows us to dig a well, then the plan is do use a wellhouse to fill the tanks.
  If a well is not feasible during the first phase of the project, then the water will be hauled to the site from an engine.

I hope this helps answer the concerns.

Thank you,

Tori
Hi

I assume the visual inspection will be done weekly I’m thr beginning until we establish a routine.

It will be just a F350 or another vehicle with one or two personnel arriving to the site.

Thank you

On Tue, Jan 23, 2018 at 10:46 AM Stacy Wasinger <SWasinger@fnsb.us> wrote:

Great – thank you for the responses, this does help to clarify my questions and makes the staff report more informed, so that the Planning Commission has the most information possible.

The only follow up question I have at the moment is just regarding maintenance. Are the visual inspections expected to be done regularly (i.e. weekly or monthly)?

Thanks again!

Stacy

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

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

I will answer as best I can.

- How often is maintenance expected at the site? How long would personnel expected to be on site?

  This would just be a visual inspection to see if it is operational to allow water to flow without interruption.
  
  The time it takes for a human to drive up, get out of the vehicle, walk over to inspect if the site is operational.
  
  If the site needs to be filled from an engine, then the amount time will be determined by the task of filling the tanks.

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  Time determined to allow an engine to fill the tanks.
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No sirens will be used during training.

Yes sirens and lights would be used during an emergency

If so, at what point would they be turned on/off?

As necessary

• There is a well shown on the site plan, and mentioned as a potential future development in the narrative. My understanding is that water was to be hauled to the site, but will the well possibly be used in the future to fill the tanks?

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If the water table allows us to dig a well, then the plan is do use a wellhouse to fill the tanks.

If a well is not feasible during the first phase of the project, then the water will be hauled to the site from an engine.

I hope this helps answer the concerns.

Thank you,

Tori

--

Tori Clyde
Fire Chief
Ester Volunteer Fire Department
907-388-7180
Sent from Gmail Mobile
PUBLIC NOTICE SIGN POSTING AFFIDAVIT

STATE OF ALASKA

FOURTH JUDICIAL DISTRICT

I, [Affiant's Name], being first duly sworn, deposes and states that:

1. I have submitted an application identified as [Application Number].

2. I have posted and will maintain public notice sign #V11W in accordance with the following provisions:
   a. Sign is posted on the property on which my request for rezone, conditional use or variance has been made.
   b. Sign is clearly visible from streets and roads.
   c. Sign will be maintained free of snow or other materials which impede readability.
   d. Sign is posted between an elevation of 2' and 8' above ground level and no further than 50' from the edge of the road to further ensure readability from streets.
   e. Sign was posted on [Date] (date) and complies with posting requirements of 20 days prior to the public hearing date.
   f. I shall return the sign to the FNSB Department of Community Planning within 10 days following the final public hearing.

3. I understand a refund check of $200.00 (the amount I have deposited for said sign) will be issued 7-10 days following return of the sign providing that sign is returned in usable condition. I further understand I may receive only partial refund if the sign is damaged when returned to the Borough.

4. This document is null and void when necessary action has been completed as provided in Item #2 f.

STATE OF ALASKA
NOTARY PUBLIC

B. Hamilton
My Commission Ending with Office

Signature: [Affiant's Signature]

(Put Name and Address of Affiant)

SUBSCRIBED AND SWORN TO BEFORE ME on this [Date]

[Commission Expiration Date]

Notary Public in and for Alaska

Instructions to comply with FNSB 18.104.010.C.3:
1. Post the sign(s) in accordance with #2 below.
2. Take a photograph of the posted sign.
3. Return this affidavit and the photograph to the Department of Community Planning at least 20 days prior to the Planning Commission meeting (see the 'Post By' date). If these items are not received by the 'Post By' date, your application may be postponed to a future meeting.
4. This affidavit must be notarized. The Borough has notaries on staff or you may use your own notary.

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

I've attached 3 photos showing the placement of our Public Hearing signs on Oboe Ct, Isberg Rd and Cripple Creek Rd. One sign is placed on the North Corner of Isberg and Oboe and one is placed North of the Cripple Creek and Isberg intersection. One sign is visible from both the Isberg and Oboe intersection and one sign is visible from Cripple Creek.

Please let me know if these sign placements are acceptable or if we need to make adjustments.

Thank you,
Dalton Gregg

--
Dalton Gregg
Station Duty Officer
Ester Volunteer Fire Department
3570 Old Nenana Hwy
Fairbanks, AK 99709
(907) 479-6858
Sign Posted on 1/23/2018 – “On Cripple Creek just north of Isberg and Cripple Creek Intersection”
Sign Posted on 1/23/2018 – “On Isberg, looking towards Cripple Creek, Oboe on the Right”
APPLICATION MATERIAL SUBMITTED ON January 31, 2018
Hi Stacy,
Thank you for calling me to follow up. I did request feedback from the committee, however I have not heard back yet.
I will answer to the best of my knowledge.
Hope this helps.

Thanks,

Tori

Good afternoon Chief Clyde,

Thank you again for your responsiveness on this. To let you know, we did receive the sign photos and affidavit prior to the deadline, so that is complete.

I’m finalizing the staff report and there are a few more minor clarification questions that I wanted to ask:

- In terms of the filing of the underground tanks, what type of vehicle would be used to fill them? Is there a specific type of water tanker used by the fire department in these cases? The vehicle will be a fire department "tender" basically a water tank that you see from the water delivery companies. They can hold 2000-3000 gallons of water.
  - Length will be approx. 28' - 33'
  - Height approx. 9' - 12'
  - Width approx. 10' - 11.5' depending on which department apparatus will fill the tank.

- I imagine that training and maintenance activities would be intended to take place during daylight or normal working hours, but can you confirm the general hours expected for these activities? Training may happen in the evenings on a Tuesday night from 7 pm - 9 pm (4) times a year.
In terms of outdoor lighting, the narrative states that it is intended to be only in the cul-de-sac area. Will the lights be motion-sensitive or on 24/7 (for security purposes)? And to confirm, the lights will not be directed toward any residential property? There will be no lights directed towards any residential property. Lighting may be on a timer, motion sensor directly in the area to hook up the trucks to the fill site. If there is a small structure over the tanks, possibly a light will be directed on the structure for security purposes during hours after sunset, and before sunrise.

I also wanted to mention the draft proposed conditions. Two of them are very standard, one requiring that an FNSB driveway permit be obtained if it hasn’t already been and the second requiring that any changes after the fact be provided to community planning for the file. The driveway permit was sent over to Floyd via email yesterday. The third condition would be to not remove existing vegetation outside the cul-de-sac, except as necessary for “access, maintenance, future permitted development of the site, or emergency services.” The vegetation removed will be to access the water fill site, the driveway access to the cul-de-sac area and vegetation will be removed to offer defensible space for the spread of wildfire, that will be determined by State Division of Forestry. There will be a both a visual and auditory buffer between the water fill site and the residential property. The purpose of this is to try to maintain a visual and auditory buffer, but allow for necessary removal. I know it is not necessarily your intention to remove additional vegetation, but this is a type of condition we often include for non-residential uses in residential areas. Do you have any objection or concern with this type of condition? No, I do not.

Please just let me know if you have any questions. Thanks again for all your help!

Stacy

Tori Clyde
Fire Chief
Ester Volunteer Fire Department
Work- 907-479-6858
Cell - 907-388-7180
DEAR PROPERTY OWNER
“INTERESTED PERSONS”

CU2018-009
DEPARTMENT OF COMMUNITY PLANNING
STAFF REPORT

V2018-001
February 13, 2018 Planning Commission Meeting

TO: Fairbanks North Star Borough Planning Commission

FROM: Manish Singh, AICP, Planner II

DATE: January 30, 2018

RE: V2018-001: A request by Heather Lambert from Somers & Associates, on behalf of Kelly and Lorna Shaw, for a setback variance of 13 feet +/- to the front-yard setback requirement of 20 feet in the Single-Family Residential 10 (SF-10) zone on Lot 46B, Arctic Orchard Subdivision (located at 1100 Poplar Drive, on the west side of Poplar Drive, between Teal Ave and Marian Luther Road).

I. EXECUTIVE SUMMARY

The Department of Community Planning recommends DENIAL of the variance request with seven (7) Findings of Fact in support of denial.

The staff analysis finds that there are no special conditions on the property that require a variance. Contrary to the applicant’s claims, the narrowness of the western portion of the lot, a 5-foot grade break between the house and the location of the detached garage, the proximity of the Chena Slough, and the need to install well and septic in absence of community water and sewer are not special conditions because they did not create “peculiar, exceptional and undue hardship” upon the property owners. Even with the setbacks, the property has at least 28,500 sq.ft. of available buildable area and there are no special conditions that preclude construction in this available buildable area.

A front-yard setback requirement of at least 20-foot has been in effect since 1970 before the current property owners purchased this property in 2008 and before the detached garage on the property was constructed in 2015. The 66-foot right-of-way width for Poplar Drive was dedicated with the recording of plat for the Arctic Orchard Subdivision in 2000. The property corners were set in 2000 for Plat No. 2000-20 defining the right-of-way limit and the property line. The lack of due diligence in determining the property line by the property owners does not necessitate the need of a setback variance.

The denial of the proposed variance would not deprive the property owners the use of their property in a manner permitted to the owners of properties in the immediate area because the detached garage could have been constructed meeting the 20-foot setback requirement if the property owner would have correctly measured the setback from the property line. There are at least two other properties on Poplar Drive that have detached accessory structures larger than the subject detached garage; however, they appear to meet the SF-10 setbacks. The property owners could have built this garage in a different location or of a smaller size or with a different footprint without requiring any variance to the front-yard setback. The applicant does not evaluate any alternate location within the available buildable area for constructing the detached garage.
II. GENERAL INFORMATION

A. Purpose
To allow a setback variance of 13 feet +/- to the front-yard setback requirement of 20 feet for an existing detached garage in the SF-10 zone

B. Location
1100 Poplar Drive, on the west side of Poplar Drive, between Teal Ave and Marian Luther Road

C. Access
Poplar Drive

D. Size/PAN

<table>
<thead>
<tr>
<th>Area</th>
<th>PAN (Lot)</th>
</tr>
</thead>
<tbody>
<tr>
<td>36,503.28 sq.ft</td>
<td>0511650 (Lot 46B)</td>
</tr>
</tbody>
</table>

E. Existing Zone
SF-10

F. Existing Land Use
Single-family residence with an attached garage, accessory Structures (detached garage and sheds)

G. Surrounding Land Use/Zoning
North: Zoning: SF-10
Land Use: Residential across Chena Slough

South: Zoning: SF-10
Land Use: Vacant Land

East: Zoning: SF-10
Land Use: Vacant Land across Poplar Drive

West: Zoning: SF-10
Land Use: Vacant Land

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

I. Code Violations
None on file

J. Flood Zone
X (52%), Ae (48%) (March 17, 2014 dFIRM)

K. Zoning History
Zoning changed from Unrestricted Use (UU) to Rural Residential (RR) through Ord. No. 70-23, adopted August 13, 1970

Zoning changed from RR to Restricted Residential II (R1-II) through Ord. No. 78-18, adopted May 11, 1978
Zoning changed from R1-II to SF-10 through Ord. No. 88-010, effective April 25, 1988

L. Ownership
Kelly and Lorna Shaw
PO Box 9028
Woodland Park, CO 80866

M. Applicant
Heather Lambert
Somers & Associates
711 Gaffney Road, Suite 100
Fairbanks, AK 99701

III. PROPERTY DEVELOPMENT HISTORY

The subject property contains a single-family residence with an attached two-car garage and a separate detached two-car garage (948 sq.ft.) in the SF-10 zone (see Figure 1, 2 & 3). A mortgage loan inspection plot plan, dated December 7, 2017, shows that the detached garage does not meet the minimum front-yard setback requirement of 20 feet in the SF-10 zone and is located 7 feet +/- from the front-property line (see site plan in Figure 4).

The subject property was rezoned from Unrestricted Use (UU) to Rural Residential (RR) with the adoption of Ordinance No. 70-23 on August 13, 1970 instituting a minimum front-yard setback requirement of 25 feet. This property was rezoned from RR to Restricted Residential II (R1-II) with the adoption of Ordinance No. 78-18 on May 11, 1978. The minimum front-yard setback requirement of 25 feet remained the same. This property was rezoned from R1-II to SF-10 when Ordinance No. 88-010 came in effect on April 25, 1988 reducing the minimum front-yard setback requirement to 20 feet.

Lot 46B was created with the recording of plat # 2000-20 for the Arctic Orchard Subdivision on February 25, 2000 (see plat in Exhibit 1). The Department of Community Planning issued a zoning permit for a single-family residence with an attached garage on this property on April 4, 2006 (ZP-15404, see Exhibit 2). The Department of Community Planning issued a floodplain permit for the single-family residence with an attached garage on August 29, 2006 (FP2006-360, see Exhibit 3).

The FNSB Assessor’s Database reflects that the existing single-family residence with an attached garage was constructed in 2007. After the construction of the single-family residence with an attached garage, an elevation certificate was provided to Community Planning Department in 2008 to obtain the Certificate of Compliance (see Exhibit 4). The current property owners, Kelly and Lorna Shaw, purchased this property in 2008 (see statutory warranty deed in Exhibit 5). A photograph dated October 16, 2015, from FNSB Assessor’s Database shows the detached garage under construction (see Exhibit 6). The Community Planning Department did not issue any zoning permit for the detached garage prior to construction in 2015. The applicant has provided an acquisition contract dated November 28, 2017, between the current property owners and The MI Group, a relocation management company. However, this contract doesn’t change the property ownership.1

1 FNSB Assessing Department accepts a recorded statutory warranty deed or a quit claim deed as a proof of change in property ownership (source: FNSB Assessing Department).
Figure 1: Aerial Image (2017)

Figure 2: Existing Single Family Residence with an attached two-car garage
Figure 3: Existing detached two-car garage (subject structure for V2018-001)

Figure 4: Site Plan
The existing detached garage is shown in red
The subject property is currently zoned SF-10. This property is surrounded by the SF-10 zone on all sides (see zoning map in Figure 5). The parcel to the north across Chena Slough is developed residentially, the parcel to the south and west and the parcel to the east across Poplar Drive are currently vacant.

The northern portion of the subject property is located in Floodzone Ae (see floodplain map in Figure 6). The Department of Community Planning issued a retroactive floodplain permit and certificate of compliance for the detached garage on January 18, 2018 (FP2018-026, see Exhibit 7). The floodplain permit shows that the base flood elevation on the property is 431 feet and the top of the bottom floor is constructed at an elevation of 435.41 feet.

**Figure 5: Zoning in the Surrounding Area**

![Zoning Map](image-url)
Figure 6: Floodplain in the Surrounding Area

IV. VARIANCE REQUEST

The applicant has requested a setback variance of 13 feet +/- to the front-yard setback requirement of 20 feet for the existing 948 sq.ft. detached garage in SF-10 zone (see site plan in Figure 4).

The applicant claims that the proximity to the Chena Slough, a 5-foot grade break between the house and the location of the detached garage, the exceptional narrowness of the back portion of the lot, and the lack of community water and sewer are existing special conditions which are peculiar to the land involved are which are not applicable to all land in the same zoning district. The applicant claims that the 66-foot platted right-of-way width for Poplar Drive is excessive and strict interpretation of the zoning setbacks would deprive the property owner of rights commonly enjoyed by other properties which contain detached garages in the same neighborhood.

V. APPLICABLE APPROVAL CRITERIA

Variances are governed by FNSBC18.104.060(C) and Alaska Statute 29.40.040 (b) (see Exhibit 8 for details).
VI. PUBLIC NOTICE

The Community Planning Department mailed 299 dear property owner notices and received one inquiry about this case. Additionally, the applicant posted a public notice sign meeting the “Notice by Applicant” requirements listed in FNSBC 18.104.010 (Exhibit 9).

VII. AGENCY COMMENTS

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

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

On January 5, 2017, Audra Brase, Regional Supervisor for Alaska Department of Fish and Game, commented that “ADF&G has no concerns regarding this setback variance. We would suggest that the homeowner maintain the remaining natural vegetation (willow/alders) in the setback between the garage and the slough to provide bank stability.”

On January 18, 2018, Nancy Durham, the Floodplain Administrator for FNSB, issued a Floodplain Permit (FP2018-026, see Exhibit 7) and Certificate of Compliance for the detached garage which is the subject of this variance request.

On January 30, 2018, Floyd Sheesley, Civil Engineer for FNSB Rural Services commented that “I did not find any record of a driveway permit for this property… Rural Services does not object to the issuance of the requested setback variance for the existing detached garage.” On December 29, 2017, Mr. Sheesley commented that “it appears that two (2) 8 X 15 frame sheds are located within the public Right-of-Way. Although these would be considered encroachment, at this point in time they do not currently impact the maintenance or use of the public ROW. However, if at some time if the future this area is needed for public use, it shall be the property owner’s responsibility to relocate these and any other encroachments out of the public ROW at their expense.”

In addition to this, Alaska Department of Transportation, State Fire Marshal, University Fire Service Area and FNSB E-911 Addressing also commented and didn’t express any objections to the variance request.

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

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

FNSBC 18.104.060 (B)(1)(a) - Special conditions exist which are peculiar to the land involved and which are not applicable to other land in the same zoning district.

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

The applicant has stated that “special conditions exist which are peculiar to the land involved and which are not applicable to all land in the same zoning district. The proximity of the Chena Slough, a large grade break between the house and the location of the detached garage, and the exceptional narrowness of the back portion of the lot resulted in the detached garage location being limited to the road frontage. In addition, the zoning for this lot (SF-10) is intended for areas where community water and sewer is present (ref. Title 18.44.010), however, Lot 46B is not served by community water and sewer, requiring a well and septic system be installed, further reducing the available developable land.”

The applicant claims “exceptional narrowness of the back portion of the lot” as a special condition. The subject property has a 212.76 foot frontage on Poplar Drive and has a 56.13 foot wide rear property line. Figure 7 on the next page shows the SF-10 setbacks on the property in green and the available buildable area in white. The subject property is not exceptionally narrow because, even with the setbacks, the property has at least 46’ wide available buildable portion on the west side where the 27.8 foot wide detached garage could have been constructed. The narrowness of the western portion of the lot does not create a “peculiar, exceptional and undue hardship” on the property owner because Figure 7 shows more than one alternate locations in red (Locations A, B & C in Figure 7 and potentially others) where the detached garage could have been constructed without requiring any setback variance. Therefore, the narrowness of the western portion of the lot does not constitute a special condition in this variance request.
The applicant claims that there is 5-foot “grade break between the house and the location of the detached garage” and identifies this grade break being natural and as a special condition for this variance request. Figure 8 shows the topography in the surrounding area with the 10-foot contour lines. The subject property is predominantly flat with little to no slope. Figure 9 and 10 show that the property may have a grade difference to the west side of the detached garage; however, the difference doesn’t appear to be 5 feet and it does not preclude construction in the available buildable area (see Figure 7 for the available buildable area). Therefore, the proclaimed grade break between the house and the location of the detached garage does not constitute a special condition in this variance request.
Figure 8: 10-foot Contour Lines in the Surrounding Area

Figure 9: Looking northeast from the front-door of the house
The applicant claims that “the proximity of the Chena Slough” is a special condition in deciding the location of the detached garage; however she doesn’t explain how this proximity necessitates a variance. The aerial image (see Figure 1) shows that there is existing vegetation along the north property line, abutting Chena Slough. Alaska Department of Fish and Game commented on this variance application and recommended maintaining the remaining natural vegetation (willow/alders) north of the garage to provide bank stability. Even if the property owner was to protect the existing vegetation along the north property line, the proximity to the Chena Slough does not preclude construction in the available buildable area (see Figure 7 for the available buildable area) that necessitates a variance from the east property line.

Figure 6 shows that the northern half of the property is in a floodplain because of the proximity of the Chena Slough. The detached garage was constructed completely in the floodplain without any FNSB floodplain permit in 2015. A floodplain permit and a certificate of compliance were issued retroactively on January 18, 2018. The location of a floodplain had implications on the elevation of the garage because it must be constructed above the base flood elevation (431 feet) to meet the floodplain regulations, however, the floodplain does not preclude construction in the available buildable area as long as the detached garage complies with the Title 15 Floodplain Management Regulations. Therefore, the proximity of the Chena Slough and the resulting floodplain do not constitute a special condition in this variance request.
The applicant claims that “Lot 46B is not served by community water and sewer, requiring a well and septic system be installed, further reducing the available developable land.” Lot 46B is 36,503.28 sq. ft. in size which is more than three times the minimum lot area required for the SF-10 zone. There are other properties along Poplar Drive that do not have community water and sewer; however, their detached accessory structures appear to meet the SF-10 setbacks. Moreover, the unavailability of community water and sewer on this property is not peculiar to the land involved. Therefore, the need to install well and septic in absence of community water and sewer does not constitute a special condition in this variance request because it does not preclude construction in the available buildable area (see Figure 7 for the available buildable area).

FNSBC 18.104.060 (B)(1)(b) - Strict interpretation of the provision of the zoning title would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the zoning title.

The applicant has stated that “Strict interpretation of Title 18.44.030 B.1. would deprive us of the rights commonly enjoyed by other properties in the same district under the terms of the zoning title due to the excessive platted ROW width of Poplar Drive. Other properties in the area have detached garages.”

The Department of Community Planning surveyed the sizes of detached accessory structures using 2017 FNSB Assessor’s Database on nearby properties. Figure 11 shows these nearby properties in the area.

Figure 11: Nearby Properties Surveyed for Detached Accessory Structures

The neighborhood doesn’t appear to be having a clear pattern for the sizes of detached accessory structures. There are at least two other properties on Poplar Drive that have
detached accessory structures larger than the subject 948 sq.ft. detached garage (see Exhibit 10). However, these detached accessory structures appear to meet the SF-10 setbacks. Even with the setbacks, the property has at least 28,500 sq.ft. of buildable area (see Figure 7 for the available buildable area) which is sufficient to construct the 948 sq.ft. detached garage without requiring any variance. Figure 7 shows more than one alternate locations in red (Locations A, B & C in Figure 7 and potentially others) where the detached garage could have been constructed without requiring any setback variance. The application does not evaluate any alternate location within the available buildable area for constructing the detached garage.

The applicant claims that the platted right-of-way width for Poplar Drive is excessive. George Stefan, FNSB Platting Officer, has commented that “the fact that the existing roadway is much narrow than the 66 feet wide ROW is not unusual.” The 66-foot right-of-way width for Poplar Drive was dedicated with the recording of plat for the Arctic Orchard Subdivision on February 25, 2000 (see plat in Exhibit 1). The property corners were set in 2000 for Plat No. 2000-20 defining the right-of-way limit and the property line. The applicant has stated that “the property owner at the time intended to comply with FNSB setback requirements but inadvertently utilized a roadway centerline monument instead of a property corner in determining the lot boundary from which to measure the 20-ft. setback.” The lack of due diligence in determining the property line by the property owner does not necessitate the granting of a setback variance.

Community Planning concludes that the strict interpretation of the provision of the zoning title would not deprive the applicant the use of her property in a manner permitted to the owners of properties in the immediate area because the detached garage could have been constructed meeting the 20-foot setback requirement if the property owner would have correctly measured the setback from the property line. Even with the setbacks, the property has at least 28,500 sq.ft. of buildable area which is sufficient to construct the 948 sq.ft. detached garage without requiring any variance.

**B. FNSBC 18.104.060 (C) Title 18 Hearing and Decision by the Planning Commission**

**FNSBC 18.104.060 (C) (1) - Whether or not the proposed variance conforms to the intent and purpose of this title and of other ordinances and state statutes**

**Purpose of FNSBC Title 18:** The purpose of Title 18 is “to implement the Fairbanks North Star Borough comprehensive plan” (FNSBC 18.12.020). The Comprehensive Plan Land Use Map characterizes this area as ‘Urban Area’. Urban Area is defined as ‘area that is served or can be served with community water and sewer, and contains the most intensive residential, commercial, and industrial development.”

The subject property is not currently served with any community water and sewer; however, there are other properties in the neighborhood along Poplar Drive, Teal Ave and Sun Island Drive that are connected to College Utilities water and sewer. The property is located in a neighborhood that has primarily developed residentially. The detached garage, which is an accessory use to the primary residential use of the property, is consistent with the Comprehensive Plan Land Use Map and therefore, conforms to the purpose of Title 18.

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2 This section of this staff report includes comments from George Stefan, FNSB Platting Officer
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).”

Setbacks are a common zoning regulation protecting private property rights by allowing access, privacy, fire separation, light and ventilation for buildings and necessary open space, vehicle maneuvering, parking and landscaping area for the site. Setbacks, with other zoning regulations, help define character of a neighborhood, and implement the comprehensive plan. A variance request for front-yard setback, without any special conditions on the property, doesn’t protect the property rights of the neighbors because the approval of this variance would allow construction on a portion of the property where the FNSBC Title 18 doesn’t allow construction.

The detached garage does not negatively impact the safety from fire because the nearest structure on the property across Chena River is at least 100 feet away. The detached garage does not negatively impact the efficient distribution of water, sewage, schools, parks and other public requirements because this request is for a setback variance. This detached garage does not negatively impact safe traffic flow on Poplar Drive because Floyd Sheesley, Civil Engineer for FNSB Rural Services, has commented that the garage does not currently impact the road maintenance and the use of the public right-of-way. Moreover, the detached garage is at least 35 feet from the travel surface within the Poplar Drive ROW. The proposed garage does not negatively impact economic development and the growth of private enterprise because this request is for a setback variance.

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

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

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

The applicant has stated that “the detached garage was completed in 2017 by the previous property owner, who is not the applicant.” This statement appears to be incorrect because the current property owners, Kelly and Lorna Shaw, has owned the property since 2008 and they were the property owners when the construction of the detached garage started in 2015 (see statutory warranty deed in Exhibit 5 and the photograph of the detached garage under construction in Exhibit 6).

Moreover, there are no special conditions on the property that require a variance. The applicant claims the narrowness of the western portion of the lot, a 5-foot grade break between the house and the location of the detached garage, the proximity of the Chena Slough, the need to install well and septic in absence of community water and sewer as special conditions. The applicant’s claims do not constitute “special conditions” because they did not create “peculiar, exceptional and undue hardship” upon the property owners. Even with the setbacks, the property has at least 28,500
sq.ft. of available buildable area and the there are no special conditions that preclude construction in this available buildable area. (see Figure 7 for the available buildable area).

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

A detached garage is a permitted use in the SF-10 zone.

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

The applicant has stated that “the proposed variance is not being sought solely to relieve pecuniary hardship or inconvenience. The variance is being sought to permit use of the property in question consistent with rights commonly enjoyed by other properties in the same district under the terms of the zoning title…The property owner at the time intended to comply with FNSB setback requirements but inadvertently utilized a roadway centerline monument instead of a property corner in determining the lot boundary from which to measure the 20 feet setback.” The applicant could have built this garage in a different location or of a smaller size or with a different footprint without requiring any variance to the front-yard setback. Therefore, the proposed variance appears to be sought solely to relieve pecuniary hardship or inconvenience, as it is sought to bring an existing detached garage into conformance with the zoning code.

In conclusion, the proposed variance does not meet the intent of FNSBC Title 18 because it does not protect the property rights of the neighbors as the variance is for a structure constructed into the front-yard setback, without any special conditions, where this construction would not have been allowed; however, the proposed variance meets the purpose of FNSBC Title 18 because the residential use of the property is consistent with the FNSB Regional Comprehensive Plan Land Use Map. The proposed variance does not meet the intent and purpose of Alaska State Statute because there are no special conditions that preclude construction in the available buildable area (see Figure 7 for the available buildable area).

**FNSBC 18.104.060 (C) (2) - Whether or not the denial of the proposed variance will deprive the applicant the use of his/her property in a manner equivalent to the use permitted to be made by the owners of property in the immediate area;**

The denial of the proposed variance would not deprive the applicant the use of his property in a manner permitted to the owners of properties in the immediate area because the detached garage could have been constructed meeting the 20-foot setback requirement if the property owner would have correctly measured the setback from the property line. Even with the setbacks, the property has at least 28,500 sq.ft. of buildable area (see Figure 7 for the available buildable area) which is sufficient to construct the 948 sq.ft. detached garage without requiring any variance. There are at least two other properties on Poplar Drive that have detached accessory structures larger than the subject detached garage; however, they appear to meet the SF-10 setbacks. Figure 7 shows more than one alternate locations in red (Locations A, B & C in Figure 7 and potentially others) where the detached garage could have been constructed without
requiring any setback variance. The application does not evaluate any alternate location within the available buildable area for constructing the detached garage.

**FNSBC 18.104.060 (C) (3) - Whether or not the proposed variance will protect the public health, safety and welfare, including protection from the impact of traffic, parking conditions, and the danger of fire.**

The detached garage does not negatively impact the safety from fire because the nearest structure on the property across Chena River is at least 100 feet away. This detached garage does not negatively impact safe traffic flow on Poplar Drive because Floyd Sheesley, Civil Engineer for FNSB Rural Services, has commented that the garage does not currently impact the road maintenance and the use of the public right-of-way. Moreover, the detached garage is at least 35 feet from the travel surface within the Poplar Drive ROW.

**FNSBC 18.104.060 (C) (4) - The history of the development of the property.**

The property was rezoned from Unrestricted Use (UU) to Rural Residential (RR) in 1970 instituting a minimum front-yard setback requirement of 25 feet. This property was rezoned from RR to Restricted Residential II (R1-II) in 1978. The minimum front-yard setback requirement of 25 feet remained the same. This property was rezoned from R1-II to SF-10 in 1988 reducing the minimum front-yard setback requirement to 20 feet.

The applicant has stated that “the property owner at the time intended to comply with FNSB setback requirements but inadvertently utilized a roadway centerline monument instead of a property corner in determining the lot boundary from which to measure the 20 feet setback.” The applicant could have built this garage in a different location or of a smaller size or with a different footprint without requiring any variance to the front-yard setback.

The history of the development of the property does not support this variance request because a front-yard setback requirement of at least 20-foot has been in effect since 1970 before the current property owners purchased this property in 2008 and before the detached garage on the property was constructed in 2015. The 66-foot right-of-way width for Poplar Drive was dedicated with the recording of plat for the Arctic Orchard Subdivision on February 25, 2000. The property corners were set in 2000 for Plat No. 2000-20 defining the right-of-way limit and the property line. The lack of due diligence in determining the property line by the property owner does not necessitate the granting of a setback variance.

In conclusion, the applicant didn’t meet her burden of proof of demonstrating that the variance request meets the application criteria stated in FNSB 18.104.060 (B)(1) and the Planning Commission hearing and decision criteria stated in FNSB 18.104.060 (C).

**IX. RECOMMENDATION**

Based on the staff analysis, the Department of Community Planning recommends **DENIAL** for a setback variance of 13 feet +/- to the front-yard setback requirement of 20 feet in the SF-10 zone.
X. FINDINGS OF FACT

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

1. There are no special conditions on the property that require a variance. Contrary to the applicant's claims, there is no "peculiar, exceptional and undue hardship" upon the property owners. Even with the setbacks, the property has at least 28,500 sq.ft. of available buildable area and the there are no special conditions that preclude construction in this available buildable area.

   a. The narrowness of the western portion of the lot does not constitute a special condition in this variance request because even with the setbacks, the property has at least 46' wide buildable area on the west side of the property where the 27.8 foot wide detached garage could have been constructed without requiring any setback variance.
   b. The grade break, claimed by the applicant, between the detached garage and the house is not significant to require a variance because the 10-foot contour lines show the property to have little to no slope. The grade break, claimed by the applicant, does not constitute a special condition in this variance request because it does not preclude construction in the available buildable area.
   c. The proximity of the Chena Slough does not constitute a special condition in this variance request because it does not preclude construction in the available buildable area.
   d. The need to install well and septic in absence of community water and sewer does not constitute a special condition in this variance request because it does not preclude construction in the available buildable area.

2. The denial of the proposed variance would not deprive the property owners the use of their property in a manner permitted to the owners of properties in the immediate area because the detached garage could have been constructed meeting the 20-foot setback requirement if the property owners would have correctly measured the setback from the property line. The property owners could have built this garage in a different location or of a smaller size or with a different footprint without requiring any variance to the front-yard setback.

3. There are at least two other properties on Poplar Drive that have detached accessory structures larger than the subject 948 sq.ft. detached garage; however, these detached accessory structures appear to meet the SF-10 setbacks.

4. There are alternate locations where the detached garage could have been constructed without requiring any setback variance. The applicant does not evaluate any alternate location within the available buildable area for constructing the detached garage.

5. The proposed variance does not meet the intent of FNSBC Title 18 because a setback variance request, without any special conditions, does not protect the property rights of the neighbors the approval of this variance would allow construction on a portion of the property where the FNSBC Title 18 doesn't allow construction. The proposed variance does not meet the intent and purpose of Alaska State Statute because there are no special conditions that preclude construction in the available buildable area.
6. The proposed variance appears to be sought solely to relieve pecuniary hardship or inconvenience, as it is sought to bring an existing detached garage into conformance with the zoning code which could have been built in a different location or of a smaller size or with a different footprint without requiring any variance to the front-yard setback.

7. The history of the development of the property does not support this variance request because a front-yard setback requirement of at least 20-foot has been in effect since 1970; before the current property owners purchased this property in 2008 and before the detached garage on the property was constructed in 2015. The 66-foot right-of-way width for Poplar Drive was dedicated with the recording of plat for the Arctic Orchard Subdivision in 2000. The property corners were set in 2000 for Plat No. 2000-20 defining the right-of-way limit and the property line. The lack of due diligence in determining the property line by the property owners does not necessitate the granting of a setback variance.

DRAFT PLANNING COMMISSION MOTION:

I move to deny the setback variance of 13 feet +/- to the front-yard setback requirement of 20 feet in the SF-10 zone adopting the staff report and seven (7) Findings of Fact in support of the denial.
Planning Commission

Fairbanks North Star Borough
809 Pioneer Road
Fairbanks, Alaska 99701
Zoning Permit Number: 15404

This permit is being processed under the authority of Title 18 Fairbanks North Star Borough Zoning Ordinance.

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

General Information

Date: April 4, 2006  Phone: (907) 456-2977
Applicant: Brian and Megan McIntyre  347-4551 cell
Company:
Mailing Address: PO Box 60053, Fairbanks, AK 99706
Site Address: 1100 Poplar Ave
Property Description: SUB/TR: Arctic Orchard  BLK/SEC: LOT/TI: 46B
Existing Use: Vacant
Proposed Use: Residential
Proposed Description: SFR
Units: 1  New: 1  Existing: 0
Building Height (stories): 1 stories
Total Area of Structure: 2830 sq. ft.
Lot Size: 0.838 Acres
Est. Cost of Construction: $170,000.00
Plot Plan Attached:

Information included in this permit, is to the best of my knowledge, true and complete. I acknowledge and will comply with the requirements set forth by this zoning permit. This permit is not valid until all additional permits are obtained including those identified on this form.

Applicant Signature: $4/1/06  Date

Office Use only

Existing Zone: SF-10  Planning District #: 1
Minimum Lot Size: 10000  Road Service Area: Yes
Front Yard Req: 20  Flood Zone: A/X
Side Yard Req: 5  Parking Spaces Req: 1
Rear Yard Req: 10  Building Type: Principal
Max Building Height: none  PAN 1: 511650
Home Occupation:  PAN 2: 0000000

Conditions

Is a Floodplain Permit Required? Yes  300' BFE
Is a F.N.S.B. Driveway Permit Required? Yes
Other Conditions: 2046 sq ft home, 784 sq ft garage
Reasons:
Permit Approved: Yes  Tuesday, April 4, 2006

Zoning Official: Sims 4/4/06  Date Signed
This Permit is being processed under the authority of Title 18 Fairbanks North Star Borough Zoning Ordinance. This permit is issued based on lot dimensions and zone applicable to the lot on the date of issuance. If prior to construction, the zone or lot dimensions are changed, this permit will no longer be valid and a new permit must be obtained.

1. Applicant: Brian E. Nettles McIntyre  Date: 4/3/06
2. Mailing Address: P.O. Box 60053 FBks.  Zip Code: 99706  Telephone: 456-2977
3. Site Address: 100 Poplar Ave.
4. Property Description (Subdivision/Block/Lot): Arctic Orchard Sub. Lot 46B
   (Township/Range/Tax Lot)
5. Describe Existing Use: Vacant
6. Describe Proposed Use: Single Family Home
7. Number of New Dwelling Units: 1  Number of Existing Dwelling Units: 0  Total Dwelling Units: 1
8. Sq Ft of New Construction: 2,046 784= 2,830  Sq Ft of Existing Construction: 0  Lot Size: 8,380 sq
9. Building Height/Number of Stories: Estimated Cost of New Construction: $170,000
10. Draw Plot Plan (See Attachment A)

Information included in this permit is to the best of my knowledge, true and complete. I acknowledge and will comply with the requirements set forth by this zoning permit. This permit is not valid until all additional permits are obtained including those identified on this form.

Applicants Signature:  Date: 4/3/06

Office Use Only:

11. Existing Zone: SF-10
18. Planning District # 1
19. Road Service Area: Yes x No
20. Flood Zone: A/X
21. Parking Spaces Required: 1
22. Principal Building: Accessory Building:
23. PAN (Parcel Account Number): 51650
24. Home Occupation: Yes No

Conditions:

24. Is Floodplain Permit Required: Yes x No  If Yes, Base Flood Elevation is: 426
25. Is Fairbanks North Star Borough Driveway Permit Required: Yes x No
26. Other:

Application Approved:  Yes x No

Reason:

Zoning Official Signature:  Date: 4/3/06
Planning Commission

February 13, 2018

Zoning Permit - Attachment A

Draw a Plot Plan to scale with dimensions in feet. In order to process this application the drawing must include:

- Property boundaries/lot lines
- All existing structures
- Proposed structures
- Distance between structures and all lot lines
- Distances between structures
- All roads adjacent to the property
- Proposed driveways
- Distance between driveways and property corners
- Parking spaces
- Alley width

NOTE: Please be aware of any easements of record, such as utilities or section lines.

Comments:

________________________________________________________________________

________________________________________________________________________
Residential Structure—NO Basement

Flood Zone: Zone A  
Alt Key: 511650  
Application Date: 4/4/2006  
Return By:  

Property Owner of Record: Brian and Megan McIntyre
Site Address: 1100 Poplar St
Subd/Twnshp: Arctic Orchard
Lot/Tax Lot: 46B
Block/Sec:

Development Plan: SFR with attached garage.

Your Base Flood Elevation is: 426
1st Floor Elevation:

Zoning Permit # (if applicable): 15404

Extended Until:

Conditions of Approval
Please Note: This floodplain permit is not valid until the following is completed and returned.

[ ] 15.04.050 B1. a. Provide the elevation of the first finished floor as determined by a registered engineer or surveyor.

[ ] 15.04.050 B2. Provide a certified statement or report from a registered engineer or architect that the proposed structure will be adequately protected from inundation, in the manner described in 15.04.080.

(Zoning Official provides "Attachment A" to applicant.)

[ ] 15.04.050 E2. The proposed development shall conform to the Comprehensive Plan, Title 17 and Title 18 of this code, and all other ordinances or regulations.

[ ] 15.04.050 E3. The applicant must receive all necessary permits from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334 (wetlands regulations).

[ ] 15.04.080 B4. Certified statements or reports may not be submitted in excess of one year from the date of the initial application. The Planning Director may, for good cause, extend the submittal requirement for a period not to exceed one year.

[ ] 15.04.080 B2. The applicant shall sign the application acknowledging a thorough understanding of the applicable requirements.

APPLICANT SIGNATURE: [Signature]
DATE: 4/4/06

This Floodplain Permit is approved by [Signature]
DATE: 8/29/06

Director of Community Planning
June 5, 2006

Fairbanks North Star Borough
Dept. of Community Planning
809 Pioneer Road
Fairbanks, AK 99701

Attn.: Doug Sims

Subject: Flood plain permit, Lot 46B Arctic Orchard Subdivision, at
1100 Poplar Drive, for Brian McIntyre

Mr. Sims,

One of our field crews recently visited the property cited above and verified that
the foundation is being constructed above the Base Flood Elevation for this area.
The top of the footing on this property was found to be at an elevation of 427.5’
above MSL, NGVD 1929, adjustment of 1966. The Base Flood Elevation is

We are providing this information in lieu of a complete elevation certificate to
finalize the acceptance of Mr. McIntyre’s flood plain permit. Due to the recent
changes in FEMA’s requirements for an elevation certificate, the cost for these
documents has increased substantially. As a result, many of our clients prefer to
delay the acquisition of the elevation certificate until construction is complete,
so as to avoid costly updates.

Please call if you have any questions regarding this information.

Sincerely,

STUTZMANN ENGINEERING ASSOCIATES, INC.

Eugene Mound, PLS
ELEVATION CERTIFICATE

SECTION A - PROPERTY INFORMATION

A1. Building Owner’s Name: BRIAN & MEGAN McIntyre (Buyer: SHAW)

A2. Building Street Address (Including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.: 1100 Poplar Ave.

A3. Property Description (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.):
Lot 45 B Arctic Orchard Subdivision (Plat No. 2000-20)

A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.): RESIDENTIAL

A5. Latitude/Longitude: Lat. 64° 43′ 39″ N, Long. 147° 25′ 30″ W

A6. Attach at least 2 photographs of the building if the Certificate is being used to obtain flood insurance.

A7. Building Diagram Number: 2

A8. For a building with a crawl space or enclosure(s), provide:
   a) Square footage of crawl space or enclosure(s) 2212 sq ft
   b) No. of permanent flood openings in the crawl space or enclosure(s) walls within 1.0 foot above adjacent grade 0
   c) Total net area of flood openings in A8.b 0 sq in

A9. For a building with an attached garage, provide:
   a) Square footage of attached garage 576 sq ft
   b) No. of permanent flood openings in the attached garage walls within 1.0 foot above adjacent grade 0
   c) Total net area of flood openings in A9.b 0 sq in

SECTION B - FLOOD INSURANCE RATE MAP (FIRM) INFORMATION

B1. NFIP Community Name & Community Number: FAIRBANKS NORTH STAR BOROUGH 025009

B2. County Name: FAIRBANKS NORTH STAR

B3. State: AK

B4. Map/Panel Number: 0181

B5. Suffix: G

B6. FIRM Index Date: 09/20/1996

B7. FIRM Panel Effective/Revised Date: 01/02/1992

B8. Flood Zone(s): AE & X

B9. Base Flood Elevation (in Zone AO, use base flood depth): 426 FT.

SECTION C - BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

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

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


Benchmark: Plat Benchmark

Vertical Datum: NGVD 1929 (1986 Adjustment)

Conversion/Comments: Check the measurement used.

a) Top of bottom floor (including basement, crawl space, or enclosure floor) 426.8 feet ☐ meters (Puerto Rico only)

b) Top of the next higher floor 432.1 feet ☐ meters (Puerto Rico only)

c) Bottom of the lowest horizontal structural member (V Zones only) NA ☐ feet ☐ meters (Puerto Rico only)

d) Attached garage (top of slab) 430.8 feet ☐ meters (Puerto Rico only)

e) Lowest elevation of machinery or equipment servicing the building (Describe type of equipment in Comments) 427.0 feet ☐ meters (Puerto Rico only)

f) Lowest finished grade (i.e. AD) 430.2 feet ☐ meters (Puerto Rico only)

g) Highest finished grade (i.e. HAG) 430.8 feet ☐ meters (Puerto Rico only)

SECTION D - SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information. I certify that the information on this Certificate represents my best efforts to interpret the data available.

☐ Check here if comments are provided on back of form.

Certifier’s Name: EUGENE MOUND

Title: PROFESSIONAL LAND SURVEYOR

Company Name: STUTZMANN ENGINEERING ASSOCIATES, INC.

Address: P.O. BOX 71429

City: FAIRBANKS

State: AK

ZIP Code: 99707

Signature: EUGENE MOUND

Date: 9/24/2008

Telephone: 907-452-4094

Job No.: 59

FEMA Form 81-31, February 2006

See reverse side for continuation.

Planning Commission

February 13, 2018

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SECTION D - SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION (CONTINUED)

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

Comments

..\DOCS\FEMA\2008\JBSPP08-059\PP08-059EC.  FB : 71-D

Signature [Signature]  Date 9/24/2008  X  Check here if attachments

SECTION E - BUILDING ELEVATION INFORMATION (SURVEY NOT REQUIRED) FOR ZONE AO AND ZONE A (WITHOUT BFE)

For Zones AO and A (without BFE), complete Items E1-E5. If the Certificate is intended to support a LOMA or LOMR-F request, complete Sections A, B, and C. For Items E1-E4, use natural grade, if available. Check the measurement used. In Puerto Rico only, enter meters.

E1. Provide elevation information for the following and check the appropriate boxes to show whether the elevation is above or below the highest adjacent grade (HAG) and the lowest adjacent grade (LAG).
   a) Top of bottom floor (including basement, crawl space, or enclosure) is ________ feet meters above or below the HAG.
   b) Top of bottom floor (including basement, crawl space, or enclosure) is ________ feet meters above or below the LAG.

E2. For Building Diagrams 6-8 with permanent flood openings provided in Section A Items 8 and/or 9 (see page 8 of Instructions), the next higher floor elevation C2 b in the diagrams) of the building is ________ feet meters above or below the HAG.

E3. Attached garage (top of slab) is ________ feet meters above or below the HAG.

E4. Top of platform of machinery and/or equipment servicing the building is ________ feet meters above or below the HAG.

E5. Zone AO only: If no flood depth number is available, is the top of the bottom floor elevated in accordance with the community's floodplain management ordinance?  Yes  No  Unknown. The local official must certify this information in Section G.

SECTION F - PROPERTY OWNER (OR OWNER'S REPRESENTATIVE) CERTIFICATION

The property owner or owner's authorized representative who completes Sections A, B, and E for Zone A (without a FEMA-issued or community-issued BFE) or Zone AO must sign here. The statements in Sections A, B, and E are correct to the best of my knowledge.

Property Owner's or Owner’s Authorized Representative's Name

Address  City  State  Zip Code

Signature  Date  Telephone

Comments

Check here if attachments

SECTION G - COMMUNITY INFORMATION (OPTIONAL)

The local official who is authorized by law or ordinance to administer the community's floodplain management ordinance can complete Sections A, B, C (or E), and G of this Elevation Certificate. Complete the applicable Item(s) and sign below. Check the measurement used in Items G8. and G9.

G1.  The information in Section C was taken from other documentation that has been signed and sealed by a licensed surveyor, engineer, or architect who is authorized by law to certify elevation information. (Indicate the source and date of the elevation data in the Comments area below.)

G2.  A community official completed Section E for a building located in Zone A (without a FEMA-issued or community-issued BFE) or Zone AO.

G3.  The following information (Items G4.-G5.) is provided for community floodplain management purposes.

G4. Permit Number  G5. Date Permit Issued  G6. Date Certificate Of Compliance/Occupancy Issued

G7. This permit has been issued for:  [ ] New Construction  [ ] Substantial Improvement

G8. Elevation of as-built lowest floor (including basement) of the building: ________ feet meters (PR)  Datum

G9. BFE or (In Zone AO) depth of flooding at the building site: ________ feet meters (PR)  Datum

Local Official's Name  Title

Community Name  Telephone

Signature  Date

Comments

Check here if attachments

FEMA Form 81-31, February 2006  Replaces all previous editions
Building Photographs
See Instructions for Item A6.

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.
1100 Poplar Ave.

City          State    ZIP Code
FAIRBANKS    AK       99709

For Insurance Company Use:
Policy Number

If using the Elevation Certificate to obtain NFIP flood insurance, affix at least two building photographs below according to the instructions for Item A6. Identify all photographs with: date taken; "Front View" and "Rear View"; and, if required, "Right Side View" and "Left Side View." If submitting more photographs than will fit on this page, use the Continuation Page, following.
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.
1100 Poplar Ave.

City: FAIRBANKS
State: AK
ZIP Code: 99709

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<tr>
<th>For Insurance Company Use:</th>
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<tbody>
<tr>
<td>Policy Number</td>
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<tr>
<td>Company NAIC Number</td>
</tr>
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</table>

If submitting more photographs than will fit on the preceding page, affix the additional photographs below. Identify all photographs with: date taken; "Front View" and "Rear View"; and, if required, "Right Side View" and "Left Side View."

**Left Side**

**Right Side**
STATUTORY WARRANTY DEED

THE GRANTOR Brian McIntyre and Megan M. McIntyre, husband and wife, whose mailing address is: P.O. Box 60953, Fairbanks, AK 99706, for and in consideration of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION in hand paid, conveys and warrants to the Grantee(s): Brian Kelly Shaw and Lorna M. Shaw, husband and wife, whose mailing address is: 1100 Poplar Drive, Fairbanks, AK 99709, the following described real estate:

Lot 46B of ARCTIC ORCHARD SUBDIVISION, according to the plat filed February 25, 2000 as Plat No. 2000-20, Records of the Fairbanks Recording District, Fourth Judicial District, State of Alaska.

SUBJECT TO property taxes; reservations and exceptions as contained in the U.S. Patent; easements of record; and covenants, conditions and restrictions of record, if any.

Dated this __ day of October, 2008.

Brian McIntyre
Megan M. McIntyre

STATE OF ALASKA
JUDICIAL DISTRICT OR COUNTY: ________________

THIS IS TO CERTIFY that on this __ day of October, 2008, before me the undersigned Notary Public, personally appeared Megan M. McIntyre, individually and as attorney in fact of Brian McIntyre known to me and to me known to be the individual(s) described in and who executed the foregoing instrument and acknowledged to me that he/she/they signed the same freely and voluntarily for the uses and purposes therein set forth.

NOTARY PUBLIC

My Commission Expires: __________________________

February 13, 2018
Photographs from FNSB Assessing database showing the garage
FNSB FLOODPLAIN DEVELOPMENT PERMIT

Requirements for this permit:

1. Minimal resistance to flow of flood waters, anchored to prevent floatation.
2. Service utilities located above BFE

Permit Number: FP 2018-0026

Issued To: Name: LAMBERT HEATHER
Mailing Address: 711 GAFFNEY STREET STE 100
City/State/Zip FAIRBANKS AK 99701

Issued By: Nancy Durham, MURP, CFM Date: 01/18/2018
(Floodplain Administrator) BFE: 431'

Description of proposed work:
Detached Garage/Shop

Specific Standards:
Top of Bottom Floor=435.41' & Lowest Elevation Machinery & Equipment=435.81' (NAVD88)

Parcel(s) Project Address:
0511650 LOT 46B ARCTIC ORCHARD 1100 POPLAR DR

NOTE:
This permit authorizes development in the Special Flood Hazard Area described above.
A Certificate of Compliance shall be applied for within 60 days after obtaining the elevation certificate.
The holder of this permit is required to comply with all other applicable laws, including city, borough, state and federal laws.
CERTIFICATE OF COMPLIANCE

This certificate is issued by the FNSB Flood Plain Administrator pursuant to the requirements of FNSB 15.04.055 certifying that at the time of issuance, development described below was in compliance with the floodplain management requirements of the Fairbanks North Star Borough for the following described property:

Permit Number:   FP 2018-0026

Owner:          LAMBERT HEATHER

Issued By:      Nancy Durham, MURP, CFM
                 (Floodplain Administrator)

Date:           01/18/2018

Description of proposed work:
Detached Garage/Shop

Parcel(s)        Project Address:
0511650  LOT 46B ARCTIC ORCHARD   1100 POPLAR DR
APPLICABLE APPROVAL CRITERIA

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

Fairbanks North Star Borough (FNSB) Code of Ordinances

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

18.54.040 (A) Procedure for Variances, Generally. The Planning Commission may allow a departure from the numerical regulations of this Ordinance pertaining to the size of yards and open space areas, building height and size, lot area, number and location of off-street parking spaces and loading areas, and other matters pertaining to the operation and construction of permitted uses.

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

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

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

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

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

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

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

4. The history of the development of the property.
State of Alaska Statutes

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

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

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

3. the variance is sought solely to relieve pecuniary hardship or inconvenience.
PUBLIC NOTICE SIGN POSTING AFFIDAVIT

STATE OF ALASKA

FOURTH JUDICIAL DISTRICT

I, being first duly sworn, depose and state that:

1. I have submitted an application identified as [Application Number] in accordance with the following provisions:
   a. Sign is posted on the property on which my request for rezone, conditional use or variance has been made.
   b. Sign is clearly visible from streets and roads.
   c. Sign will be maintained free of snow or other materials which impede readability.
   d. Sign is posted between an elevation of 2’ and 8’ above ground level and no further than 50’ from the edge of the road to further ensure readability from streets.
   e. Sign was posted on [Date] (date) and complies with posting requirements of 20 days prior to the public hearing date.
   f. I shall return the sign to the FNSB Department of Community Planning within 10 days following the final public hearing.

2. I have posted and will maintain public notice sign # [Sign Number] in accordance with the following provisions:
   a. Sign is posted on the property on which my request for rezone, conditional use or variance has been made.
   b. Sign is clearly visible from streets and roads.
   c. Sign will be maintained free of snow or other materials which impede readability.
   d. Sign is posted between an elevation of 2’ and 8’ above ground level and no further than 50’ from the edge of the road to further ensure readability from streets.
   e. Sign was posted on [Date] (date) and complies with posting requirements of 20 days prior to the public hearing date.
   f. I shall return the sign to the FNSB Department of Community Planning within 10 days following the final public hearing.

3. I understand a refund check of $200.00 (the amount I have deposited for said sign) will be issued 7-10 days following return of the sign providing that sign is returned in usable condition. I further understand I may receive only partial refund if the sign is damaged when returned to the Borough.

4. This document is null and void when necessary action has been completed as provided in Item #2.

[Signature]

STATE OF ALASKA
NOTARY PUBLIC
B. Hamilton
My Commission Ending with Office

(Print Name and Address of Affiant)

SUBSCRIBED AND SWORN TO BEFORE ME on this 9 day of January, 2018

Notary/Public in and for Alaska

Fairbanks North Star Borough is subject to the Alaska Public Records Act, AS 40.25 et seq. and this document may be subject to public disclosure under state law.
From: Heather Lambert <heatherlambert@gci.net>
Sent: Tuesday, January 09, 2018 4:39 PM
To: Manish Singh
Subject: 1100 poplar
Attachments: IMG_5803.jpg; ATT00001.txt; IMG_5804.jpg; ATT00002.txt
## Detached Accessory Structure Areas on Nearby Properties
(Source: FNSB Assessor’s Database, 2017)

<table>
<thead>
<tr>
<th>Description of Nearby Properties</th>
<th>PAN</th>
<th>Detached Accessory Structures (sq. ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>LOT 6 BLOCK B BIRCH ESTATES</td>
<td>254827</td>
<td>None</td>
</tr>
<tr>
<td>LOT 7 BLOCK B BIRCH ESTATES</td>
<td>254835</td>
<td>Sauna (192)</td>
</tr>
<tr>
<td>LOT 8 BLOCK B BIRCH ESTATES</td>
<td>254843</td>
<td>Garage (624), Greenhouse (168)</td>
</tr>
<tr>
<td>LOT 15 BLOCK B BIRCH ESTATES</td>
<td>254851</td>
<td>Shed (80)</td>
</tr>
<tr>
<td>LOT 16 BLOCK B BIRCH ESTATES</td>
<td>254860</td>
<td>Shed (216)</td>
</tr>
<tr>
<td>LOT A BLOCK B BIRCH ESTATES OUT</td>
<td>501964</td>
<td>None</td>
</tr>
<tr>
<td>OF LOT 55 BLOCK B BIRCH ESTATES</td>
<td></td>
<td></td>
</tr>
<tr>
<td>LOT 17 BLOCK B BIRCH ESTATES</td>
<td>254878</td>
<td>None</td>
</tr>
<tr>
<td>LOT 18 BLOCK B BIRCH ESTATES</td>
<td>254886</td>
<td>Greenhouse (240)</td>
</tr>
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<td>LOT 24 BLOCK B BIRCH ESTATES</td>
<td>254894</td>
<td>Shed (64), Shed (80)</td>
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<td>LOT 25 BLOCK B BIRCH ESTATES</td>
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<td>Shed (90)</td>
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<td>LOT 27 BLOCK B BIRCH ESTATES</td>
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<td>Shop (120), Sauna (120)</td>
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<td>LOT 33 BLOCK B BIRCH ESTATES</td>
<td>254932</td>
<td>Shed (144)</td>
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<td>LOT 34 BLOCK B BIRCH ESTATES</td>
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<td>Shed (320)</td>
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<td>LOT 43B1 SEC 7 T1S-R1W</td>
<td>267210</td>
<td>Shed (144)</td>
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<td>LOT 43D SEC 7 T1S-R1W</td>
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<td>LOT 3 KUYKENDALL ESTATES</td>
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Poplar Drive, looking north toward Teal Ave

Poplar Drive, looking south from north of the slough
Poplar Drive, looking south from subject property’s driveway

Subject property, looking west from the driveway
Existing Residence on the property with attached 2-car garage

Existing detached 2-car Garage on the property
Existing detached 2-car Garage on the property

Existing vegetation between the detached 2-car Garage & Popular Drive
Existing sheds and existing septic vents

Looking west from the western edge of the detached garage
Looking northwest from the western face of the detached garage

Looking northwest from the western face of the detached garage
Looking west from the western face of the detached garage

Looking northeast from the front-door of the house
Looking north from the back of the house, toward deck

Looking west from the back of the house
Agency Comments

V2018-001
Manish Singh

From: Floyd Sheesley
Sent: Tuesday, January 30, 2018 12:58 PM
To: Manish Singh
Subject: RE: V2018-001: Requesting Comments for Setback Variance App. (1100 Poplar Drive )

Follow Up Flag: Follow up
Flag Status: Flagged

I did not find any record of a driveway permit for this property.

Floyd Sheesley

From: Manish Singh
Sent: Tuesday, January 30, 2018 11:41 AM
To: Floyd Sheesley
Subject: RE: V2018-001: Requesting Comments for Setback Variance App. (1100 Poplar Drive )

Thanks Floyd.

Thanks,
Manish

From: Floyd Sheesley
Sent: Tuesday, January 30, 2018 11:40 AM
To: Manish Singh
Subject: RE: V2018-001: Requesting Comments for Setback Variance App. (1100 Poplar Drive )

Rural Services does not object to the issuance of the requested setback variance for the existing detached garage.

Floyd Sheesley

From: Manish Singh
Sent: Tuesday, January 30, 2018 11:30 AM
To: Floyd Sheesley
Subject: RE: V2018-001: Requesting Comments for Setback Variance App. (1100 Poplar Drive )

Hi Floyd,

Can you please clarify the comment below? There is one detached garage and two frame sheds. It will be helpful to talk about them separately in two different paragraphs.

Thanks,
Manish

From: Floyd Sheesley
Sent: Friday, December 29, 2017 1:30 PM
To: Manish Singh
Subject: RE: V2018-001: Requesting Comments for Setback Variance App. (1100 Poplar Drive )
Manish,
Rural Services has no problem with the issuance of the requested setback variance.

I would like to point out though, that it appears that two (2) 8x15 frame sheds are located within the Public Right-of-Way. Although these would be considered an encroachment, at this point in time they do not currently impact the maintenance or use of the public ROW. However if at some time in the future this area is needed for public use it shall be the property owners responsibility to relocate these and any other encroachments out of the public ROW at their expense.

Thanks

Floyd Sheesley

From: Manish Singh  
Sent: Friday, December 29, 2017 12:26 PM  
To: David.tyler@alaska.gov; David.aden@alaska.gov; jillian.roberts@alaska.gov; lloyd.nakano@alaska.gov; drschrage@alaska.edu; krmiddleton@alaska.edu; bczellweger@alaska.edu; Dps.ast.directors.office@alaska.gov; randi.motsko@alaska.gov; pete.eagan@alaska.gov; Floyd.Sheesley; Sharon.Hollensbe; Nancy.Durham; Bill.Witte; George.horton@alaska.gov; Tonya.bear@alaska.gov; Doug.buteyn@alaska.gov; james.furst@alaska.gov; jykarl@gvea.com  
Subject: V2018-001: Requesting Comments for Setback Variance App. (1100 Poplar Drive)

Dear Sir/Ma’am

The Fairbanks North Star Borough Planning Commission is considering V2018-001, a request for a setback variance of 13 feet +/- to the front-yard setback requirement of 20 feet in the Single-Family Residential 10 (SF-10) zone, located at 1100 Poplar Drive (on the west side of Poplar Drive, between Teal Ave and Marian Luther Road). This case is scheduled for the Planning Commission meeting on February 13, 2018.

I have attached the application with this email. The department requests you to send us your comments for this proposal by January 12, 2018. For more information about this case, please email m Singh@fnsb.us or contact Manish Singh at (907) 459-1225. The staff report to the commission will be available online at www.fnsb.us/Boards/Pages/Planning-Commission.aspx at least five days before the hearing.

Thanks,
Manish

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

Fairbanks North Star Borough  
907 Terminal Street  
Fairbanks, AK 99701
Manish,  

Attached are the minutes and staff report from the platting request that created Lot 46-A with Plat No 2000-20. The variance was approved in part because lot density was not increased for the lots served by Poplar Avenue. Additionally, there was an existing roadway serving the parcels.

There was a 66ft wide roadway and utility easement created by the patent of the small Gov't Lots of the parent parcel Lot 46 and the adjoining Lot 47, 33ft each side of their common lot line. Plat No 2000-20 simply dedicated in fee the 33ft wide roadway easement along the eastern boundary of Lot 46. Why pay taxes on land reserved for roadway and utilities—right?

The fact that the existing roadway is much more narrow that the 66ft wide ROW is not an unusual thing, and due diligence by property owners and their builders would have made known this very common occurrence; that property corners determine the actual property line and not the traveled roadway.

I find it remarkable that the property corners set in 2000 for Plat No 2000-20, which defined the right-of-way limit and property line, were ignored for the 2006 home/garage construction.

Regards,

George Stefan  
Platting Officer  
FNSB Community Planning  
gstefan@fnsb.us  
907-459-1258  
907-205-5169 (fax)
A regular meeting of the Fairbanks North Star Borough Platting Board was held in the Assembly Chambers, 809 Pioneer Road, Fairbanks, Alaska. The meeting was called to order at 3:05 p.m. by Joe Hruska, Chairman.

PRESENT: Willie Bliss  
Joe Hruska, Chairman  
Margery Kniffen, Vice Chairman  
Ronald McIntosh  
Dave Pott  
Leo Woster

ABSENT: Richard Sierer

ALSO PRESENT: Herb Mann, Plating Officer  
Loriann Burchfield, Plating Officer  
Martin Gutoski, Plating Officer  
Bill Gryder, FNSB Public Works  
Rachel Boyd, Recording Clerk

The minutes of the June 1, 1998, Platting Board meeting (rescheduled from May 27, 1998) and the agenda for this meeting (including the consent agenda) were approved. Notice was made to the public that staff would recommend postponement for SD 045-98/RP 049-98 North Cartwright Industrial Park 2nd Addition, SD 043-98/RP 048-98 Berry Hill, and RP 055-98/VA 009-98.

APPLICATIONS

Application for Extension of Time

*1. SD 030-95 Chena Landings Subdivision – A request by the Alaska Railroad Corporation for a one-year extension of the preliminary approval given May 24, 1995 for the subdivision of Gov't Lots 4 and 5 and a portion of the N½ NW¼, Sec 9, T1S R1W (TL 412), FM AK (located southeasterly of the Pegor Rd and Phillips Field Rd intersection).

ONE-YEAR EXTENSION TO MAY 25, 1999 APPROVED BY CONSENT AGENDA

Preliminary Applications

1. RP 053-98 – A request by Bruce Baxter, et al, to replat Lot 3, Kuykendall Estates, and Lots 42A-2A and 42A-3A by shifting their respective southern boundaries approximately 94' south into Gov't Lot 46, Sec 7, T1S R1W, FM AK (located SW of the Teal Ave and Poplar Ave intersection).

Mann gave the staff report; staff recommended approval of a variance from 17.100.060 Road Construction standards.
Staff also recommended preliminary approval of the replat, with two conditions: GVEA, PTI, Utility Services of Alaska, College Road Service Area, GCI Cable, and DNR review and comment on the final plat submittal. Note of approved variance be placed on the final plat [if approved].

A roll call vote was taken on the motion to approve a variance from 17.100.060 Road Construction standards. Approval was unanimous.

**VARIANCE APPROVED**

Findings of fact: 1) An existing roadway now serves all the parcels involved in this replat. According to the applicant, the road has been in existence and used since about the mid-seventies and is utilized and maintained year-round by the neighborhood for access to their homes. 2) The road appears to have a solid gravel base and lies totally within the right-of-way in front of the affected parcels. 3) This road serves a small number of lots. This action does not increase the density of lots and should not increase the traffic flow.

**REPLAT APPROVED**

2. **RP 054-98 / VA 008-98** – A request by James and Cheryl Bradley, et al, to vacate Barter Ave and a portion of Goodnews St north of Platinum Ave and to vacate 10’ public utility easements within Tracts 6, 7, and 12, Miller Subdivision, and to replat TL 2204, 2205, 2206, and 2207 to accommodate the vacation, if approved, all within the NW¼ NE¼, Sec 22, T2S R2E, FM AK (located off Laurence Rd).

Mann gave the staff report; staff recommended preliminary approval, with two conditions: GVEA and PTI review and comment on the final plat submittal. Verification be submitted with the final plat that the sauna on Tract 7 is not encroaching on the adjointer (either by agreement with the adjointer to the north in moving the lot line or physically removing the building).

Woster asked how Barter Avenue got dedicated across property that was not part of the subdivision (TL 2205, 2207). Those tax lots wouldn’t have a right to part of the vacated right-of-way if the dedication wasn’t taken from them in the first place. Is TL 2204 going to get any of the vacated area?

Mann said that would be a good question for the surveyor.

Kniffen asked if the ordinance says that vacated land reverts to where it came from or is it just divided?

Mann said that both are done, sometimes by quitclaiming. It can all be accommodated on one plat.

Dennis Jennings, surveyor for the applicants, showed which portion will accrue to each adjacent property. The intent was to divide at the center of the street. TL 2204 was included in that concept because if a vacation is divided properly and evenly, the tax lot has an implied interest. Reversion to the original parcel is a desirable principal, but is, quite frankly, beyond his legal skills.

Woster didn’t want to make a problem where there is no problem, but he asked Mann if it would become important. It is very possible that the adjoining ones on the south would argue that the entire vacation should revert to their properties.
Applicant: Bruce Baxter
PO Box 82973
Fairbanks AK 99708

Surveyor: Design Alaska
601 College Rd
Fairbanks AK 99701

Owners: (Lot 3)
Jo Darlene Kuykendall
4075 Teal Ave
Fairbanks AK 99709

(Lot 42A-2A)
Brenda Baxter
PO Box 82973
Fairbanks AK 99708

(Lot 42A-3A)
Robert and Julie Burton
323 Poplar Dr
Fairbanks AK 99709-3527

(Lot 46)
Henry and Janice Dosch
2727 Road Rd
Fairbanks AK 99709

Specific Request/ Legal Description: To replat Lot 3, Kuykendall Estates, and Lots 42A-2A and 42A-3A by shifting their respective southern boundaries approximately 94’ south into Gov’t Lot 46, Sec 7, T1S R1W, FM AK

Location/Access: Teal Ave and Poplar Ave

Existing Land Use: Lots 3, 42A-2A, 42A-3A each have frame house; Lot 46 - vacant

Current Zoning: SF-10 - Single-Family Residential
Minimum Lot Size: 10,000 sq ft
Minimum Street Setback: 20 ft
Minimum Side Setback (principal bldg): 5 ft
Minimum Rear Setback (principal bldg): 10 ft

Comprehensive Plan: Urban Area

Soils: Salchaket vfls

Flood Zone: X and (por of Lot 46) AE

Road Service Area: College

History: Amended plat #81-10, replat of GL 42 created 42A-1, 42A-2, and 42A-3 and remainder Lot 42B noted as “not included in this replat.”

Plat #83-81 replatted 42A-1, 42A-2, and 42A-3 by shifting two monuments 10.5’ east for property corners along the southern boundary common to Lots 42A-1 and 42A-2 and the property corner common to Lots 42A-2 and 42A-3. This plat also contained a waiver for street access for Lot 42A-2A (17.20.020) in lieu of a 20’ driveway easement.

Plat #90-101 subdivided Lot 42A-1A into three lots known as Kuykendall Estates.

The 6-22-98 revised preliminary segregated the slough, dropped participation in the replat by Lot 3 of Kuykendall Estates, expanded lot areas for 42A-2A and 42A-3A, and created a 30’ flag lot for 46B.
Analysis: Poplar Ave is not maintained by the College Road Service Area. It functions as a driveway. The applicant has requested a variance from 17.100.060 Road Construction standards.

Recommendation - Variance: Staff recommends approval of the variance (see attached).

On 6/22/98 the revised plat was submitted for comment and review to the following agencies:

ADOT/PF, GCI Cable, PTI, Utility Services of Alaska, College RSA, DNR, and GVEA.

DNR conducted a site inspection and opined that the slough is navigable and that the banks should be meandered. The revised plat incorporates DNR’s findings and suggestions.

Recommendation - Replat: Staff recommends preliminary approval of the replat, with the following conditions:

1. GVEA, PTI, Utility Services of Alaska, College Road Service Area, GCI Cable, and DNR review and comment on the final plat submittal.

2. Note of approved variance be placed on the final plat (if approved).

HM/r18

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Variance

Yes: 0

No: 0

ALL: 0

Prelim
Hi George,

I'm working on a Title 18 setback variance case for an existing garage on Poplar Drive (PAN # 511650). Part of the applicant's argument is that Poplar Road has excessive ROW, whereas, the actual road surface is significantly narrower than the public ROW.

I'm trying to track the history is there was a reason for this situation. I noticed Note # 8 in Plat No. 2000-20 about a Platting Board variance. I thought I should check with you if you can help me with this note?

Thanks,
Manish

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

Fairbanks North Star Borough
907 Terminal Street
Fairbanks, AK 99701
Manish Singh

From: Motsko, Randi Lynn (DOT) <randi.motsko@alaska.gov>
Sent: Friday, January 05, 2018 2:41 PM
To: Manish Singh
Cc: Angela Parker; Daniel Welch; George Stefan
Subject: 1100 Poplar Ave
Attachments: 1822_001.pdf

Hello,

Please find the final comment letter for the Variance Application (V2018-001) for Poplar Avenue.

Thanks,
Randi

From: nrg-dot-planning@alaska.gov [mailto:nrg-dot-planning@alaska.gov]
Sent: Friday, January 05, 2018 11:38 AM
To: Motsko, Randi Lynn (DOT) <randi.motsko@alaska.gov>
Subject: Attached Image
January 5, 2018

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

Property Owner/Developer: The MIGroup- Attn: Suse Klauza

Type of Request: Variance Application- V2018-001

Property Location: 1100 Poplar Ave, Lot 46B Arctic Orchard, Fairbanks Meridian, Alaska; Fairbanks Recording District.

ADOT&PF has reviewed the above request and has no concerns. The property is not located on a State maintained road.

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

Thank you.

Sincerely,

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

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

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

From: Brase, Audra L (DFG) <audra.brase@alaska.gov>
Sent: Friday, January 05, 2018 11:41 AM
To: Manish Singh
Subject: FW: V2018-001: Requesting Comments for Setback Variance App. (1100 Poplar Drive )
Attachments: V2018-001_Lambert_AppPkt-for agency.pdf

ADFG has no concerns regarding this setback variance.

We would suggest that the homeowner maintain the remaining natural vegetation (willows/alders) in the setback between the garage and the slough to provide bank stability.

Thanks.
Audra

Audra Brase
Regional Supervisor
ADFG Division of Habitat
Region III - Fairbanks
907-459-7282

From: Durst, James D (DFG)
Sent: Thursday, January 04, 2018 10:20 AM
To: Brase, Audra L (DFG)
Subject: FW: V2018-001: Requesting Comments for Setback Variance App. (1100 Poplar Drive )

From: Manish Singh [mailto:MSingh@fnsb.us]
Sent: Friday, December 29, 2017 12:26 PM
To: Tyler, David L (DPS); Aden, David G (DPS); Roberts, Jillian T (DPS); Nakano, Lloyd M (DPS); drschrage@alaska.edu; kmiddleton@alaska.edu; bczellweger@alaska.edu; AST Directors Office, DPS (DPS sponsored); Motsko, Randi Lynn (DOT); Eagan, Pete (DOT); Floyd Sheesley; Sharon Hollensbe; Nancy Durham; Bill Witte; Horton, George C (DNR); Bear, Tonya (DEC); Buteyn, Douglas J (DEC); Durst, James D (DFG); JLKarl@gvea.com
Subject: V2018-001: Requesting Comments for Setback Variance App. (1100 Poplar Drive )

Dear Sir/Ma’am

The Fairbanks North Star Borough Planning Commission is considering V2018-001, a request for a setback variance of 13 feet +/- to the front-yard setback requirement of 20 feet in the Single-Family Residential 10 (SF-10) zone, located at 1100 Poplar Drive (on the west side of Poplar Drive, between Teal Ave and Marian Luther Road). This case is scheduled for the Planning Commission meeting on February 13, 2018.

I have attached the application with this email. The department requests you to send us your comments for this proposal by January 12, 2018. For more information about this case, please email m singh@fnsb.us or contact Manish Singh at (907) 459-1225. The staff report to the commission will be available online at www.fnsb.us/Boards/Pages/Planning-Commission.aspx at least five days before the hearing.

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

Fairbanks North Star Borough
907 Terminal Street
Fairbanks, AK 99701
Good Morning Manish,

After reviewing the proposed setback variance at 1100 Poplar Drive, there are no objections or concerns from the University Fire Department.

Please let me know if I can be of further assistance.

Regards,
Brooke

On Fri, Dec 29, 2017 at 12:25 PM, Manish Singh <MSingh@fnsb.us> wrote:

Dear Sir/Ma’am

The Fairbanks North Star Borough Planning Commission is considering V2018-001, a request for a setback variance of 13 feet +/- to the front-yard setback requirement of 20 feet in the Single-Family Residential 10 (SF-10) zone, located at 1100 Poplar Drive (on the west side of Poplar Drive, between Teal Ave and Marian Luther Road). This case is scheduled for the Planning Commission meeting on February 13, 2018.

I have attached the application with this email. The department requests you to send us your comments for this proposal by January 12, 2018. For more information about this case, please email msingh@fnsb.us or contact Manish Singh at (907) 459-1225. The staff report to the commission will be available online at www.fnsb.us/Boards/Pages/Planning-Commission.aspx at least five days before the hearing.

Thanks,

Manish

Manish Singh, AICP

Planner II

Department of Community Planning

907-459-1225 / msingh@fnsb.us
Fairbanks North Star Borough

907 Terminal Street

Fairbanks, AK 99701

---

Brooke C. Zellweger
Assistant Fire Marshal
University Fire Department
1011 North Chandalar Drive
P.O. Box 755540
Fairbanks, Alaska 99775 - 5540
(907) 474-5757 (office)
(907) 712-7037 (cell)
(904) 474-5999 (fax)
bzellweger@alaska.edu
Manish Singh

From: Bill Witte
Sent: Tuesday, January 02, 2018 9:04 AM
To: Manish Singh
Subject: Addressing: V2018-001: Requesting Comments for Setback Variance App. (1100 Poplar Drive)
Attachments: V2018-001_Lambert_AppPkt-for agency.pdf

Addressing is in order.

From: Manish Singh
Sent: Friday, December 29, 2017 12:26 PM
To: David.tyler@alaska.gov; David.aden@alaska.gov; jillian.roberts@alaska.gov; lloyd.nakano@alaska.gov; drschrage@alaska.edu; kmiddleton@alaska.edu; bczellweger@alaska.edu; Dps.ast.directors.office@alaska.gov; randimotsko@alaska.gov; pete.eagan@alaska.gov; Floyd Sheesley; Sharon Hollensbe; Nancy Durham; Bill Witte; George.horton@alaska.gov; Tonya.bear@alaska.gov; Doug.buteyn@alaska.gov; james.durst@alaska.gov; 
JLKarl@gvea.com
Subject: V2018-001: Requesting Comments for Setback Variance App. (1100 Poplar Drive)

Dear Sir/Ma’am

The Fairbanks North Star Borough Planning Commission is considering V2018-001, a request for a setback variance of 13 feet +/- to the front-yard setback requirement of 20 feet in the Single-Family Residential 10 (SF-10) zone, located at 1100 Poplar Drive (on the west side of Poplar Drive, between Teal Ave and Marian Luther Road). This case is scheduled for the Planning Commission meeting on February 13, 2018.

I have attached the application with this email. The department requests you to send us your comments for this proposal by January 12, 2018. For more information about this case, please email mssingh@fnsb.us or contact Manish Singh at (907) 459-1225. The staff report to the commission will be available online at [www.fnsb.us/Boards/Pages/Planning-Commission.aspx](http://www.fnsb.us/Boards/Pages/Planning-Commission.aspx) at least five days before the hearing.

Thanks,
Manish

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

Fairbanks North Star Borough
907 Terminal Street
Fairbanks, AK 99701
Manish Singh

From: Nancy Durham
Sent: Tuesday, January 02, 2018 8:53 AM
To: Manish Singh
Subject: RE: V2018-001: Requesting Comments for Setback Variance App. (1100 Poplar Drive)

Manish,

A Floodplain Permit (FP2006-360) and Certificate of Compliance was issued for the single-family residential structure with attached garage and no basement. There is no Floodplain Permit for the detached garage completely within Flood Zone AE. This structure is non-compliant with Title 15 Floodplain Management Regulations.

Sincerely,

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

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

FYI: The new Fee Schedule from July 1, 2017 to June 30, 2018: Floodplain Permits will remain “No Charge”. Hard copies of Title 15 Floodplain Management Regulations will remain $10.00. All formal Flood Determination Letters on letterhead which include flood zones, base flood elevations, conversion letters, community determined letters, etc. will have a $50.00 fee.

From: Manish Singh
Sent: Friday, December 29, 2017 12:26 PM
To: David tyler@alaska.gov; David aden@alaska.gov; jillian roberts@alaska.gov; lloyd.nakano@alaska.gov; drschrage@alaska.edu; kmiddleton@alaska.edu; bczellweger@alaska.edu; Dps.ast.directors.office@alaska.gov; randi.motsko@alaska.gov; pete.eagan@alaska.gov; Floyd Sheesley; Sharon Hollensbe; Nancy Durham; Bill Witte; George horton@alaska.gov; Tonya bear@alaska.gov; Doug buteyn@alaska.gov; James durst@alaska.gov; JLKarl@gvea.com
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Thanks,
Manish Singh, AICP
Planner II
Department of Community Planning
907-459-1225 / msingh@fnsb.us

Fairbanks North Star Borough
907 Terminal Street
Fairbanks, AK 99701
Manish Singh

From: Nakano, Lloyd M <lloyd.nakano@alaska.gov>
Sent: Friday, December 29, 2017 2:40 PM
To: Manish Singh
Subject: RE: V2018-001: Requesting Comments for Setback Variance App. (1100 Poplar Drive)

Follow Up Flag: Follow up
Flag Status: Flagged

Ma’am,

We have no comment. Thank you.

v/r
Lloyd M Nakano
Assistant State Fire Marshal
Division of Fire and Life Safety
5700 E. Tudor Road
Anchorage, AK 99507
Phone: 907-269-5491

From: Manish Singh [mailto:MSingh@fnsb.us]
Sent: Friday, December 29, 2017 12:26 PM
To: Tyler, David L (DPS) <david.tyler@alaska.gov>; Aden, David G (DPS) <david.aden@alaska.gov>; Roberts, Jillian T (DPS) <jillian.roberts@alaska.gov>; Nakano, Lloyd M (DPS) <lloyd.nakano@alaska.gov>; drschrage@alaska.edu; krmiddleton@alaska.edu; bczellweger@alaska.edu; AST Directors Office, DPS (DPS sponsored)
<DPS_AST_DIRECTORS_OFFICE@alaska.gov>; Motsko, Randi Lynn (DOT) <randi.motsko@alaska.gov>; Eagan, Pete (DOT) <pete.eagan@alaska.gov>; Floyd Sheesley <FSheesley@fnsb.us>; Sharon Hollensbe <Sharon.Hollensbe@fnsb-rs.us>; Nancy Durham <NDurham@fnsb.us>; Bill Witte <BWitte@fnsb.us>; Horton, George C (DNR) <george.horton@alaska.gov>; Bear, Tonya (DEC) <tonya.bear@alaska.gov>; Buteyn, Douglas J (DEC) <doug.buteyn@alaska.gov>; Durst, James D (DFG) <james.durst@alaska.gov>; JLKarl@gvea.com
Subject: V2018-001: Requesting Comments for Setback Variance App. (1100 Poplar Drive)

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Thanks,
Manish

Manish Singh, AICP
Planner II
Manish Singh

From: Floyd Sheesley
Sent: Friday, December 29, 2017 1:30 PM
To: Manish Singh
Subject: RE: V2018-001: Requesting Comments for Setback Variance App. (1100 Poplar Drive)

Follow Up Flag: Follow up
Flag Status: Completed

Manish,

Rural Services has no problem with the issuance of the requested setback variance.

I would like to point out though, that it appears that two (2) 8x15 frame sheds are located within the Public Right-of-Way. Although these would be considered an encroachment, at this point in time they do not currently impact the maintenance or use of the public ROW. However if at some time in the future this area is needed for public use it shall be the property owners responsibility to relocate these and any other encroachments out of the public ROW at their expense.

Thanks

Floyd Sheesley

From: Manish Singh
Sent: Friday, December 29, 2017 12:26 PM
To: David.tyler@alaska.gov; David.aden@alaska.gov; jillian.roberts@alaska.gov; lloyd.nakano@alaska.gov; drschrage@alaska.edu; krmiddleton@alaska.edu; bczellweger@alaska.edu; Dps.ast.directors.office@alaska.gov; randl.motsko@alaska.gov; pete.eagan@alaska.gov; Floyd.Sheesley@alaska.gov; Sharon.Hollensbe@alaska.gov; Nancy.Durham@alaska.gov; Bill.Witte@alaska.gov; George.horton@alaska.gov; Tonya.Bear@alaska.gov; Doug.buteyn@alaska.gov; James.Durst@alaska.gov; JKLKarl@alaska.gov
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Thanks,

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

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

Fairbanks North Star Borough Planning Commission
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The Fairbanks North Star Borough Planning Commission is considering V2018-001, a request for a setback variance of 13 feet +/- to the front-yard setback requirement of 20 feet in the Single-Family Residential 10 (SF-10) zone, located at 1100 Poplar Drive (on the west side of Poplar Drive, between Teal Ave and Marian Luther Road). This case is scheduled for the Planning Commission meeting on February 13, 2018.

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Thanks,
Manish

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

Fairbanks North Star Borough
907 Terminal Street
Fairbanks, AK 99701
AGENCY NOTIFICATIONS

SAFETY

☐ State Fire Marshal

☐ Fire Service Area (see attachment)
  Specify: University

☐ City of Fairbanks
  ○ Chief of Staff
  ○ Fire Department
  ○ Police Department
  ○ Building Department

☐ City of North Pole
  ○ City Clerk – Mayor
  ○ Fire Department
  ○ Police Department
  ○ Building Department

☐ Alaska State Troopers

ROADS AGENCIES

☐ Alaska Department of Transportation and Public Facilities (AK DOT & PF)

☐ FNSB Rural Services

☐ Road Service Area (see attachment)
  Specify: College

OTHER BOROUGH

☐ Land Management
☐ Public Works
☐ Parks & Recreation
☐ Assessing
☐ Transit
☐ Chief of Staff

FOODPLAIN FNSB

☐ Floodplain FNSB

OTHER AGENCIES

STATE

☐ Alaska Department of
  Environmental Conservation
  (ADEC)

☐ Alaska Department of Natural Resources (ADNR)

☐ Alaska Department of Fish and Game (ADF&G)

☐ Alaska Railroad (ARR)

FEDERAL

☐ U.S. Department of the Interior
  Bureau of Land Management (BLM)

☐ U.S. Army Corps of Engineers

☐ U.S. Environmental Protection Agency (EPA) Region 10

☐ U.S. Department of Agriculture (USDA)
  ○ Natural Resources Conservation Service

☐ Fort Wainwright Army Base
☐ Eielson Air Force Base

☐ Federal Emergency Management Agency (FEMA)
  Region 10
UTILITIES

ENERGY

☐ Fairbanks Natural Gas
☒ Golden Valley Electric Association (GVEA)
☐ Interior Gas Utility
☐ Alyeska Pipeline Services Co.
☐ Aurora Energy
☐ Other _________________

WATER/SEWER

☐ Utility Services of Alaska
☐ Valley Water, INC.
☐ City of North Pole Public Works
☐ College Utilities
☐ Golden Heart Utilities
☐ Other _________________

TELECOMMUNICATION

☐ Alaska Communications
☐ GCI FCC (Fiber Optic Cable)
☐ Alaska Wireless Network, LLC (GCI)
☐ AT&T Alascom
☐ AlasConnect
☐ Summit Telephone
☐ Verizon Wireless
☐ Other _________________

Comments to be returned by: Jan 12, 2018 (2 weeks)

I have sent the application materials for File # Y2018 - 001

to all of the agencies checked above on Dec 29, 2017

Date Sent

Name of Planner (PRINTED) ____________________________  Date Signed ____________________________
State of Alaska Department of Public Safety, Division of Fire and Life Safety
David Tyler, Alaska State Fire Marshal/Director David.tyler@alaska.gov
David Aden, Building Plans Examiner 1 David.aden@alaska.gov

Jillian Roberts jillian.roberts@alaska.gov
Lloyd Nakano lloyd.nakano@alaska.gov

University Fire Service Area
drschrage@alaska.edu
krmiddleton@alaska.edu
bczellweger@alaska.edu

State Troopers
Dps.ast.directors.office@alaska.gov

Alaska Department of Transportation
Randi Motsko randi.motsko@alaska.gov
Pete Eagan pete.eagan@alaska.gov

FNSB Rural Services
Floyd Sheesley fsheesley@fnsb.us

College Service area
Sharon Hollensbe, Chair Sharon.Hollensbe@fnsb-rs.us

FNSB Floodplain Administrator
Nancy Durham NDurham@fnsb.us

FNSB Addressing
Bill Witte BWitte@fnsb.us

Alaska Department of Natural Resources
George Horton George.horton@alaska.gov

Alaska Department of Environmental Conservation
Tonya Bear Tonya.bear@alaska.gov
Doug Buteyn Doug.buteyn@alaska.gov

Alaska Dept. of Fish and Game
James Durst - james.durst@alaska.gov

GVEA
Julie Karl JLKarl@gvea.com
VARIANCE APPLICATION

File No.  V2018-001

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

<table>
<thead>
<tr>
<th>Applicant:</th>
<th>Property Owner:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Heather Lambert</strong></td>
<td><strong>MI Group att Ths: Klua@</strong></td>
</tr>
<tr>
<td><strong>Somers &amp; Associates</strong></td>
<td><strong>2010 Mr. Grow</strong></td>
</tr>
<tr>
<td>Mailing Address: 1149 Old Seward Hwy 100</td>
<td>Phone: 949-475-0098 ext 240</td>
</tr>
<tr>
<td>City, State Zip: Fairbanks AK 99701</td>
<td>E-mail: <a href="mailto:susa_klua@themi_group.com">susa_klua@themi_group.com</a></td>
</tr>
<tr>
<td>Contact Number 907 465 6570</td>
<td></td>
</tr>
<tr>
<td>E-mail: <a href="mailto:heather_lambert@ci.net">heather_lambert@ci.net</a></td>
<td></td>
</tr>
</tbody>
</table>

Property Information:

Property Description: Lot 46B Arctic Orchard

Street Address: 1100 Poplar

Lot Size: 38,503.28 SF

Parcel Account Numbers (PAN): 05111650

Zoning District: SF-10

Existing Use(s): Residential

Variance Request Information:

Variance Type: ☑ Setback  ☑ Lot Size  ☑ Other:

Setback Request:

Front: __________  Rear: __________  Side: N / S / E / W  Side: N / S / E / W

Lot Size Request

Zoning District Lot Size Minimum: __________  Current/Proposed Lot Size: __________

Request Description: Front lot act back to be 7' please see attachments

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

APPLICANT SIGNATURE: __________________________ DATE: 12/27/17

OWNER SIGNATURE (if different): __________________________ DATE: 12/26/17

If the applicant is not the sole property owner, written consent of all property owners must be provided (FNSBC 18.104.090(B)).

On behalf of The Mi Group

Fairbanks North Star Borough is subject to the Alaska Public Records Act, AS 40.25 et seq. and this document may be subject to public disclosure under state law. Revised 10/31/2018

W/Community Planning/AdmInForms & HandOuts/2017Applicants/Application_Variance.docx
VARIANCE
REQUIRED SUBMITTALS CHECKLIST

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

1. Attach a detailed written narrative that addresses the following criteria set forth in 1-NSBC 18.104.060:

   B.1.a  Explain what special conditions exist which are peculiar to the land involved and which are not applicable to other land in the same zoning district (e.g. extraordinary or exceptional conditions of a specific piece of property which may include but are not limited to narrowness, shallowness, or topography).

   B.1.b  Explain how the strict interpretation of the provision of the zoning title would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the zoning title (i.e. strict interpretation of the zoning title would result in an undue hardship upon the owner of such property or disallowing them permitted uses through regulation).

   C.1  Explain whether or not the proposed variance conforms to the intent and purpose of this title and of other ordinances and state statutes, including:

   C.2  Explain whether or not the denial of the proposed variance will deprive the applicant the use of his/her property in a manner equivalent to the use permitted to be made by the owners of property in the immediate area. (i.e. evaluate potential alternate locations on the site that could accommodate the proposed use and their feasibility, if and how the use and/or structure conforms to neighborhood character, etc.)

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

   C.4  Explain the history of the development of the property, such as zoning and other regulatory changes, ownership, and any repairs, modifications, or additions to the property, including what was done and when.

Additional Documentation May be Submitted to Support Narrative:

☐ Attach copies of any records showing date of construction, building permits, purchase documents or deeds from the recorder's Office, Assessor's Office records, City records, etc.

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

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

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

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

2. B.2.d  Attach a current Mortgage Location Survey or other similar survey drawn to the Standard of Practice for Land Surveyors as adopted by 12 AAC 36.250 (accuracy to 1/10th of one foot) showing:

☐ The location of all existing and proposed structures

☐ Any easements, dedications or other special conditions such as designated trails, water bodies, topography, or other conditions limiting development on the property.

☐ Scale and north arrow.

☐ Setbacks of all structures to property lines.

☐ Dimensions and uses of all structures.

☐ Parking areas.

☐ Free standing signs.

☐ And any other pertinent information.

3. Complete the Public Notice Sign Posting Affidavit. The form is included in the application packet.
We are seeking a variance from Title 18.44.030 B.1. (see also Title 18.96.030 A and C.2) which requires a front yard setback of 20-feet for SF-10 districts to permit an accessory structure (detached garage) within 7-feet of the Poplar Drive right-of-way.

**Background**

Front yard setbacks are historically utilized to provide clear space for future roadway projects and ensure adjacent development does not adversely impact public rights-of-way. Poplar Drive is a platted roadway with a 66-ft wide easement. It provides direct access for 9 lots based on a review of the FNSB GIS. It provides accessory access for one additional lot via its intersection with the un-constructed but platted Marian Luther Road. In accordance with Title 17.56.020 if this area were to be considered one subdivision, local road standards would be required (ref. 17.56.020 1.d.i). Minimum right-of-way (ROW) width for local roads is 40-ft with a minimum traffic way width of 18-ft and shoulders of 2-ft per FNSB Minimum Roadway Design Standards (ref. 17.56.080 B). Based on this, the current ROW is 26-ft in excess of the minimum requirements.

Poplar Drive is not currently constructed to FNSB standards, however a field review by the applicant in October does not indicate that additional improvements would be warranted for the volume of traffic, and may not be desired by the residents as improvements to the roadway could attract additional traffic to this dead-end road. There does not appear to be evidence of drainage problems (wash-outs, potholing, etc.). There are no apparent sight distance concerns as the road is flat. It is unlikely Poplar Drive would ever be developed as a through road as there are no platted routes that currently could connect Poplar Drive through to main arterials like Geist Road or Airport Way. The only potential improvement that could be foreseen would be construction of a standard cul-de-sac which would be constructed adjacent to lots 50 and 49, not 46B.

**B.1.a**

Special conditions exist which are peculiar to the land involved and which are not applicable to all land in the same zoning district. The proximity of the Chena Slough, a large grade break between the house and the location of the detached garage, and the exceptional narrowness of the back portion of the lot resulted in the detached garage location being limited to the road frontage (see Figure 1). In addition, the zoning for this lot (SF-10) is intended for areas where community water and sewer is present (ref. Title 18.44.010), however Lot 46B is not served by community water and sewer, requiring a well and septic system be installed, further reducing the available developable land.

**B.1.b, C.1 & C.2**

Strict interpretation of Title 18.44.030 B.1. would deprive us of the rights commonly enjoyed by other properties in the same district under the terms of the zoning title due to the excessive platted ROW width of Poplar Drive. Other properties in the area have detached garages (see Figures 2 & 3). The detached garage provides a place for vehicles and storage out of sight, protecting property values in the area. If the detached garage is not permitted, private vehicle maintenance and accessory vehicle (e.g. four-wheelers) storage would occur in view of the road.
Title 18.44.010 states that the intent of SF-20, SF-10, and SF-5 districts is to provide for “low and medium density residential development and other uses which maintain the low and medium density residential nature of the district.” All structures on the property are consistent with this intent and are for private residential use only. The proposed variance conforms to the intent and purpose of this title as the front yard setback area is unlikely to be required for future roadway improvements and allowance of a detached garage is consistent with the area and zoning.

C.3
The proposed variance will not harm public health, safety and welfare, including protection from the impact of traffic, parking conditions, and the danger of fire as the existing Poplar Drive ROW provides sufficient room for future roadway improvements and distance from private structures to the useable roadway.

C.4 (History of Property Development)
The original residential structure, including well and leach field, were completed in 2006 by the homeowner at the time and were completed in accordance with all zoning requirements at the time. The detached garage was completed in 2017. The property owner at the time intended to comply with FNSB setback requirements but inadvertently utilized a roadway centerline monument instead of a property corner in determining the lot boundary from which to measure the 20-ft setback.

The detached garage location was selected to sit on high ground, above the potential flood elevation of the adjacent Chena Slough and have sufficient offset from the water well and Chena Slough so as not to create water quality concerns. There are no other feasible locations to construct the detached garage on the property due to side yard setbacks, the Chena Slough, and the location of the septic system.

AS 29.40.040 (b)
The detached garage was completed in 2017 by the previous property owner, who is not the applicant.

The proposed variance will not permit a land use in a district in which that use is prohibited.

The proposed variance is not being sought solely to relieve pecuniary hardship or inconvenience. The variance is being sought to permit use of the property in question consistent with rights commonly enjoyed by other properties in the same district under the terms of the zoning title.

Additional Information
A floodplain permit will be required for the detached garage. This will be applied for following variance approval. Flood elevation certificates for the house and garage have been completed by Design Alaska. The house has a floodplain permit already. Preliminary discussions have been started with the FNSB floodplain permit administrator regarding permitting the detached garage.
Figure 2. Property at corner of Teal Ave & Poplar Drive detached garage (Source: GoogleEarth)

Figure 3. 1000 Poplar Drive (Lot 46A) detached garage (star icon).

*Note that 46A is wider away from the road while 46B is wide close to the road, requiring the structures to be placed much closer to the road on 46B (Source: FNSB CIS)
LOT 46B
ARCTIC ORCHARD SUBDIVISION

MORTGAGE LOAN INSPECTION PLOT PLAN
LOT 46B, ARCTIC ORCHARD SUBDIVISION (Plat No. 2000-20, F.R.D., AK)

MORTGAGEE: None
MORTGAGOR OR OWNER: Brian and Kelly Shaw

CERTIFICATION STATEMENT
This inspection plat is made for and at the instance of Somers and Assoc. Realty
1, Eric L. Gabrielson, Jr., a Registered Land Surveyor in the State of Alaska, hereby certify to the
above that I am familiar with the above described property and that the improvements located
thereon lie wholly within the property lines and do not overlap onto the property lying adjacent
thereto, that no improvements on the property lying adjacent thereto encroach upon the pre-
mises in question, and that there are no roadways, transmission lines or any other visible
easements except as indicated hereon. I further certify that this mortgagee’s inspection was
prepared for identification purposes only for the mortgagee in connection with a new mortgage
and is not intended or represented to be a land or property line survey; that no property
corners were set; and is not to be used or relied upon for the establishment of any fence,
building, or other improvement lines. This survey complies with the ASPLS Mortgage Inspec-
tion Survey Standards.

ERIC L. GABRIELSON, JR., Registered Land Surveyor
601 College Road
Fairbanks, AK 99701
(907) 452-1241
Application Material Received on
December 28, 2017

V2018-001
Regarding the grade break I recall the grade break on the shop side is a sharp break approximately 5’ to the bottom of the grade break and then to the house a gradual but somewhat steep towards the house. It definitely seems like it is a natural break and curvature of the slough and land.
And hopefully what Suse has sent you answers the questions on the ownership and signing authority.

Suse he may need something showing proof that you can sign on behalf of the MI Group.

Manish let me know if you have any additional questions.

Hi Heather,

Thank you for submitting a variance application. I will review the narrative in coming days; however, there are a couple things that I found missing from this application. I would encourage you to provide the following information as soon as you can.

1. A grade break is shown by you behind the subject accessory building.
   a. What is the approximate depth of the “grade break” referenced in your application?
   b. What is the nature of this “grade break”? Is it a sudden drop or a gradual slope?
   c. Please let us know if it was natural or something which the current or a previous property owner constructed by excavating/filling?

2. FNSB Assessing database shows that Brian Kelly and Lorna Marie Shaw own the property. FNSB 18.104.060 (B) states that “the written consent of the owner, or an authorized representative having power of attorney, shall accompany all applications.” Your application states that MI group owns the property and Suse Klauza has signed the application on behalf of the property owner.
   a. Please provide evidence showing that MI group owns the property.
   b. Please provide evidence showing that Suse Klauza is authorized to sign on behalf of MI group.

I look forward to hear from you soon. Let me know if you have any questions for me.

Thanks,

Manish
Good morning Heather and Manish,

Attached is the Acquisition Contract between TheMIGroup and the Shaw's showing TheMIGroup has purchased the property from the Shaws. We do a 2 deed process when we close escrow with a buyer.

Let me know if this is sufficient enough to move forward with the variance application.

Thank you,

Suse Klauza
Relocation Manager | The MIGroup Los Angeles
2010 McGaw Avenue
Irvine, California 92614-0911 USA
949-475-0088 ext.240
Suse.Klauza@themigroup.com

TheMIGroup is committed to the highest ethical standards in all aspects of our business. For our privacy and anti-bribery commitments, please refer to our website.

Please note our offices will be closed Monday January 1, 2018 for New Year's Day.

-----Original Message-----
From: LASCANNER@THEMIGROUP.COM [mailto:LASCANNER@THEMIGROUP.COM]
Sent: Thursday, December 28, 2017 10:43 AM
To: Suse Klauza
Subject: Message from "RNP002673AECA14"

This E-mail was sent from "RNP002673AECA14" (MP C4503).

Scan Date: 12.28.2017 10:43:20 (-0800)
Queries to: LASCANNER@THEMIGROUP.COM

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ACQUISITION CONTRACT

This Contract for Sale is made on the 28th day of November, 2017.

BETWEEN Brian Kelly Shaw and Lorna M. Shaw whose address is 1100 Poplar Drive, Fairbanks, AK 99709 referred to as the "Seller" AND The M Group, Inc. with a place of business at 5 Wood Hollow Road, Parsippany, New Jersey 07054-9997 referred to as the "Buyer". The Buyer and Seller agree as follows:

1 PURCHASE AGREEMENT, PROPERTY:

The Buyer agrees to purchase and the Seller agrees to sell and convey to the Buyer the property consisting of:

1.1 The land and all the buildings, other improvements and fixtures on the land;

1.2 All of the Seller's rights relating to the land, and

1.3 All personal property specifically included in the Contract. The foregoing is referred to in the Contract as "the property". The property is commonly known as 1100 Poplar Drive, Fairbanks, AK 99709 located in the county of Records of the Fairbanks Recording District, Fourth Judicial District, State/Province of Alaska and is further identified by the legal description, which is attached to the Contract as Exhibit A.

2 PROPERTY INCLUDED AND EXCLUDED:

All articles of personal property that have been affixed to or used in connection with the property are represented to be owned by the Seller free and clear from all liens, and are included in this sale. Without limiting the generality of the foregoing, such articles of personal property include wall-to-wall carpeting; custom made drapery and curtain rods; plumbing, heating; lighting and cooking fixtures; air conditioning fixtures and units; room and kitchen cabinets; installed and operable water softener units, if owned; mantels; door mirrors; venetian blinds; shades, sconces and awnings; storm doors and windows; window boxes; swimming pool equipment; fences; mail boxes; weather vanes; flagpoles; pumps; shrubbery; and outdoor statuary; shrubbery and plantings. Items of fixtures and personal property excluded from or included in this sale are listed in Schedule C attached.

3. EFFECTIVE DATE:

Buyer's offer to buy the property is effective as of November 28, 2017 and will continue until midnight on December 29, 2017. If this Agreement is satisfactory to Seller, it must be signed and returned to Buyer on or before
this expiration date. The Agreement becomes effective on the date the Buyer signs it.

4. **POSSESSION OF THE PROPERTY:**

    Seller agrees to move from the property, on or before N/A. Seller will be responsible for all mortgages or loan payments, utilities, maintenance, property taxes and will be responsible to maintain a policy of homeowner's insurance on the property until Seller vacates the property or until title by deed is conveyed to Buyer, whichever is later.

5. **RELOCATION AGREEMENT:**

    Buyer will not be obligated to sign this Agreement if any of these events occur:

    5.1. Buyer has received or given notice of termination of the Employers Home Sale Agreement.

    5.2. Seller's employment (with Newmont) has terminated.

    5.3. Employer has so instructed the Buyer due to cancellation of Relocation or for any other reason.

6. **REAL ESTATE LISTING AGREEMENT:**

    Seller affirms that no real estate broker other than Somers and Associates Realtors, Inc. has a listing agreement with Seller concerning the property and that the listing agreement contains Buyer's standard termination provision ("Exclusion Clause") or Seller obtained a termination provision from the listing broker that is satisfactory to Buyer. If the listing agreement does not have the required provision, or if Seller has an agreement with a broker that Seller has not identified to Buyer, Buyer will not be obligated to purchase the property, and may terminate this Agreement.

7. **PRICE:**

    **Purchase Price:**
    The purchase price for the property, as determined under Newmont's relocation program will be less any amounts that are to be deducted pursuant to the terms of this Agreement or Newmont's relocation Policy, such as a benefit cap. Payment will be made within 10 business days to Seller on transfer of title, following the execution of this contract by both parties and when Seller has vacated the Property, whichever is later.

8. **CALCULATING SELLER EQUITY - THE AMOUNT PAYABLE TO SELLER:**
The amount payable to Seller for equity will be computed by deducting from the purchase price the following items:

8.1 The principal balance of all mortgages or loans for which the property serves as security;

8.2 Real property taxes, special assessments and owner's dues, fees and maintenance charges actually due and owing;

8.3 The estimated cost of required termite and other pest control treatment and repairs that are Sellers responsibility under this Agreement;

8.4 The estimated cost of any repairs (such as to the roof or septic system) necessary to fulfill the guarantees set forth in this Agreement;

8.5 Rental deposits and rent paid in advance;

8.6 Utilities and other expenses of maintaining the property, including insurance, that are Seller's responsibility;

8.7 All other indebtedness, encumbrances or other charges against the property.

Items to be divided between Buyer and Seller in accordance with local custom will be prorated at the applicable rate as of the date Seller vacates the property or Buyer signs this Agreement, whichever is later.

9 TRANSFER OF SELLERS RIGHTS TO CERTAIN FUNDS:

In exchange for Buyer reimbursing Seller for certain funds, Seller agrees to transfer to Buyer all rights to these funds, including sums now or later held on deposit or in escrow, by any bank or other institution or person, in connection with any mortgage or other charge on the property, and all insurance premiums Seller paid in advance.

Seller agrees that any monies received (such as escrow and insurance monies) following Buyer's purchase of the property, will be immediately forwarded to Buyer.

10 NEGATIVE EQUITY:

10.1 If, in calculating Seller's equity as provided for in this Agreement, the appraised value offer or the offer received by Seller from another party (which offer is approved by Buyer) is less than the equity in the property, this negative balance is called "negative equity". Seller shall pay to Buyer the amount of negative equity prior to Buyer executing this agreement with Seller. A Closing Statement will be provided itemizing the computation of negative equity. Seller shall, within five days of the date of receipt of the Closing Statement or by Date
applicable), send to Buyer by certified check the amount of negative equity as set forth on the Closing Statement.

10.2 Further Adjustments
If any information provided by Seller to Buyer, including but not limited to, from any listing real estate broker, home inspection company or others involved in evaluating, purchasing and selling Seller's home is incorrect or inaccurate, or if any of the guarantees Seller makes are not accurate, Seller agrees to make any additional adjustments to the financial settlement under this Agreement that are necessary and consistent with the Intent of the Agreement.

11 CONDITION OF THE PROPERTY:

Seller's Guarantee of the Property's Condition
Seller makes the following guarantee concerning the condition of the property:

11.1 Seller has disclosed to Buyer and the appraisers all information of which Seller has knowledge regarding the physical condition of the property;

11.2 Seller has not stated incorrectly, or failed to state, any fact known to Seller regarding any condition affecting the property that if known by Buyer or the appraisers would have an affect on the property's value. For example, Seller's affirmation that the plumbing, heating, air conditioning and electrical system work properly and the house is watertight - meaning, among other things, that the roof does not leak and the basement does not flood or leak. Seller also affirms that to the best of his or her knowledge, there are no cracks in the foundation;

11.3 To the best of Seller's knowledge, the structures on the property, including any water wells and septic or sewer systems, comply with all applicable building and health codes, rules and regulations and work properly, and an adequate amount of water, safe and suitable for drinking, is supplied to the property;

11.4 Neither Seller or his/her representative, acting on Sellers behalf has received from any governmental authority any notice of a code violation with respect to, or affecting, the property;

11.5 The property ☑ is located ☐ is not located in a flood zone and no conditions exist that would prevent Buyer from obtaining insurance on the property at standard rates;

11.6 The property does not contain a substance generally perceived to be toxic. Examples of such substances are urea formaldehyde foam insulation, Drywall imported from China, radon, asbestos, synthetic stucco, and lead paint. You agree to disclose the presence of any
such substance to Buyer, the listing agent(s) and any prospective buyer(s), and you agree to indemnify and hold Buyer harmless from any and all claims, demands, actions, damages and expenses, including, but not limited to, removal and remediation costs and attorney’s fees arising from Seller’s breach, rescission or repudiation of this representation and warranty; and

11.7 That to the best of Seller’s knowledge there is no mold or mold spores that could or may be toxic

11.8 Seller also guarantees that as of the Vacate Date or date Buyer signs this Agreement, which ever is later, the property will be free of infestation by and damage from wood-destroying pests and organisms. For example: termites, carpenter ants, dry rot and fungi. Buyer may, at Buyer’s option and expense, have the property inspected, but Buyer is not obligated to do so.

11.9 If the property is infested, or if it has been damaged by infestation, Seller has the choice of correcting the condition and making any repairs at Seller’s expense, so that the property is restored to its condition before damage occurred and is certified by an independent inspector as having been so restored; or allowing Buyer to do so, in which case any expense Buyer incurs will be payable by Seller.

11.10 That Seller has not made any Improvements to the property without permits and other code compliance, Seller has appropriate certificate of compliance from the town, municipality or city having jurisdiction covering property improvements.

There are no exceptions to the above guarantees except:

11.11 Maintenance Until Possession Is Transferred
    Seller agrees to transfer possession of the property to Buyer with all systems in good working order and in substantially the same condition as on the date the property was appraised. Seller is required to notify Buyer if there has been a change in the condition of the property. Seller agrees to be responsible for all maintenance expenses until property is vacated. Seller agrees that Buyer or its agents can, inspect the property at any time before Seller vacates, upon provision of reasonable notice.

11.12 Inspections
    Buyer reserves the right to have the property inspected at any time prior to paying equity to Seller in order to ensure satisfactory condition of the home. Buyer will provide Seller with a copy of the inspection report and Seller agrees to make all reasonable repairs (or provide escrow funds for same) consistent with Seller’s representations and guarantees made in this Contract of Sale. See Schedule D.

11.13 Insurance

Seller agrees to keep the property insured and bear the risk of any damage and all risk of loss on the property until Seller vacates the property or until a deed is conveyed to Buyer, whichever is later.

12 MORTGAGES AND OTHER CLAIMS ON THE PROPERTY

Seller's Guarantees Concerning Title to the Property

Buyer is not obligated to purchase the property unless Seller is able to transfer "good and marketable title" - confirming Seller's ownership of the property free from any claims that could hinder reselling the property. Buyer agrees that none of the following will be considered claims that prevent Seller from transferring good and marketable title:

12.1 mortgages, taxes, assessments, liens and other charges on the property, provided that, taken together, they do not exceed the purchase price, and payments are not overdue; the rights of tenants who are renting the property, whether by written lease or otherwise, provided that Seller has provided full detail of the tenancy to Buyer; the tenants are not overdue on rent payments, Seller transfers his or her rights as landlord to Buyer, and Buyer is able to terminate the tenants' rights on sixty days' notice; any other rights of others, including existing covenants, conditions, restrictions, easements, rights of way, licenses, reservations, mineral rights, profits, U.S. patents and zoning ordinances, provided that such rights are of the type normally applicable to residential property in the Seller's community and the rights do not prohibit the present structures on the property or prevent the continued use of the property for the same purpose and in the same manner as the current use.

The following are issues that could prevent good and marketable title and not permit Buyer to purchase the property.

12.2 liens and judgments against Seller and spouse, or both, including judgments for civil or criminal penalties; or construction liens for improvements made to Seller's home; or lien for real estate and or income taxes that could or may be due and owing to the State within which Seller resides or the United States Government (IRS); or any outstanding support and/or child support liens filed against Seller that would create a lien against the property.

12.3 any bankruptcy proceedings, either voluntarily or involuntarily, or any Chapter XIII proceedings that could have an effect on the transfer of this property.

12.4 Seller guarantees that to the best of his or her knowledge and belief, neither signing this Agreement, performance of Seller's obligations under this Agreement, transfer of title to Buyer, nor the present use of the property, is subject to the approval of another or is, or will be, in violation of any law, ordinance, rule or regulation, or any encumbrance or any other charge, or any document affecting the property.
12.5 Seller guarantees to have disclosed any knowledge about any actual or contemplated condemnation, urban renewal, eminent domain or similar proceeding or assessment or levy affecting the property. Seller further guarantees to have disclosed all knowledge about any threatened, pending or existing claim, dispute or litigation that could affect title to, or the transferability of title to, the property, or that could result in a charge, such as a mortgage, lien or encumbrance, being placed on the property at any time in the future.

12.6 Seller agrees not to place any new charges, such as a mortgage, lien or encumbrance on the property, or to allow any charge to be placed on the property after signing this Agreement. This includes liens on the property for the cost of repairs. Seller agrees to obtain at his/her expense any additional assurances of title Buyer considers necessary.

12.7 Seller has disclosed and exhibited to Buyer any and all mortgages, liens and other encumbrances affecting the property prior to Buyer executing this contract, whether or not such encumbrances are of record.

In signing this Agreement, Buyer is relying on the guarantees and information Seller has provided to Buyer and to the appraisers.

13 TITLE:

13.1 The Buyer may cause the property to be surveyed and the title to be examined. The Sellers agree to be bound by the opinion of counsel or the certificate of the title company selected by the Buyer or its nominee, and the same shall be the basis for determining the marketability of and the encumbrances on the property. If such report of title discloses any objections, liens, or defects of title, which would prevent the Sellers from conveying clear title to the property, the Buyer shall give notice in writing to the Sellers stating in full such objections, liens or defects.

13.2 Buyer agrees that the following shall not be considered objections to title:

13.2.1 Existing covenants, conditions, restrictions, easements, rights-of-way, licenses, reservations, mineral rights, mining rights, profits, and patents, all of which are of record, and zoning ordinances, provided that the foregoing are of the type normally applicable to residential property in the community, do not prohibit the existence of the property, and do not preclude the continued use of the property for the purposes for which the same are presently being used, and provided further that this Contract or the conveyance of title or use of the property is not subject to the approval of any other party;
13.2.2 Any state of facts an accurate survey may show, provided such facts do not render title unmarketable or require any corrective measures to be undertaken due to any encroachment;

13.2.3 Non-delinquent mortgages of which the Buyer has been advised; and taxes and assessments which constitute a lien on the property, in the aggregate not in excess of the Appraised Value;

13.2.4 Leases or tenancies which the Buyer has been advised, and for which the rent is not in arrears, provided said lease or tenancies are assigned to the Buyer and may be terminated within sixty (60) days.

13.3 Upon notification from the Buyer, Sellers shall have thirty (30) days in which to remove all objections, liens, or defects referred to in subsection 13.1. If the Sellers are unable to remove such objections, liens, or defects, or to convey said property or deliver title as provided in this Contract, the Buyer may, at its option:

13.3.1 Accept such title as the Seller can convey, or

13.3.2 Reject the title.

In the event of acceptance, the Sellers shall repay in full any sums expended by the Buyer to render the title good and marketable within thirty (30) days after notification by the Buyer. In the event of rejection, the Seller shall repay the equity payment in full and any other sums expended by the Buyer with respect to the property within thirty (30) days after notification by the Buyer. In either event, If the applicable sums are not refunded, such sums shall be immediately due and payable and shall bear interest at the maximum legally permitted rate, and shall be considered a lien upon the property until repaid in full.

13.4. The closing of the title shall occur on the date set forth in a written notice from Buyer to Seller specifying such date at the place and time set forth in the notice.

13.5 Sellers agree that they and their heirs, executors, administrators, and assigns shall promptly execute any deeds, affidavits, agreements and documents prepared by the Buyer or its nominee (consistent with the provisions of this Contract), and shall procure any further necessary assurance of title to said property.

14 BUYER RIGHTS CONCERNING EXISTING MORTGAGES:
14.1 Buyer may elect to continue or assume any existing mortgages, loans, encumbrances or other charges on the property and will make all payments coming due after the date seller vacates the property or Buyer signs this Agreement, whichever is later and deduct outstanding amount thereof from the purchase price. Such payments will not affect Buyers rights as set forth herein, and will not constitute a waiver of any right Buyer may have. Seller agrees not to pay off the mortgage or other charges. Alternatively, Buyer may elect to require Seller to pay off any existing mortgages, loans, encumbrances or other charges on the property at the closing of title.

14.2 If the Sellers can demonstrate that an existing VA loan must be satisfied in order for them to obtain similar financing on another residence, and wish to refund any consideration paid to them on account of such loan, the Buyer shall, if the property has not been resold, satisfy such loan within thirty (30) days after receipt of the Sellers' written request and deduct its outstanding amount of such loan and all interest accrued thereof from the purchase price.

15 EXECUTION OF DOCUMENTS

15.1 Seller agrees that after Buyer signs this Agreement Seller will transfer to Buyer, or to someone Buyer designates, a good and marketable title to the property. The transfer will be by a deed in a form containing such warranties of title as Buyer shall request. Buyer may ask Seller to sign a deed on which the name of the grantee has been omitted. The deed and warranties will be consistent with local custom in the area where the property is located. Seller must sign the deed and deliver it to Buyer at the time Seller Vacates the property, or when Buyer signs this Agreement, or at any other time requested by Buyer.

15.2 In addition to the deed, Seller agrees to sign any affidavits, agreements and other documents Buyer presents that are reasonably necessary to carry out the intent of this Agreement. Seller agrees to sign these documents immediately following a reasonable opportunity to inspect them. This agreement to sign documents is also binding on anyone to whom Seller transfers his/her rights and, upon death, on Seller's heirs, executors and administrators.

15.3 Seller agrees to promptly provide Buyer with information required to complete any disclosure or settlement statement required by law, and information required under the Real Estate Settlement Procedure Act of 1974.

16 OTHER RULES GOVERNING THIS AGREEMENT:

16.1 Transferring Rights under this Agreement

Seller agrees not to transfer or encumber his/her rights under this Agreement without Buyer's prior consent to each transfer or
encumbrance. This agreement not to transfer or encumber is also binding on anyone to whom Seller transfers rights and upon Seller's death, on his/her heirs, executors and administrators. If Seller transfers or encumbers your rights without Buyer's consent, Buyer may consider the transfer or encumbrance ineffective, or may terminate this agreement, or may do both. If Buyer terminates, Seller will be responsible to repay all sums paid by Buyer, directly or on Sellers behalf. Buyer has the right to transfer Buyers rights under this Agreement.

16.2 Recording Documents

Neither Seller nor those authorized to act for Seller may record this Agreement or any copy of it or any document referring to it in the office of the Recorder of Deeds in the county where the property is located in any other public office. This prohibition on recording is also binding on anyone to whom Seller transfers rights and, upon Sellers death, on heirs, executors and administrators. Buyer has the right to record any documents concerning the property.

16.3 Continuation of Rights

All guarantees and other obligations in this Agreement will continue after Seller delivers the deed to the property. Buyer's obligation is dependent on Seller's guarantees in this Agreement being accurate and complete. All the terms and guarantees in this Agreement will be binding on Seller and Buyer and are intended to benefit anyone to whom Seller or Buyer transfer rights under this Agreement.

16.4 Agreement Contains All Terms

This agreement contains the entire understanding and all of the terms between Seller and Buyer concerning the sale of the property. This Agreement may not be changed or terminated orally. No agreement made after both parties have signed this Contract will be effective to change or terminate this Contract, unless the later agreement is in writing and is signed by the party against whom enforcement of the later agreement is sought.

16.5 Change In Agreement Cannot Be Implied

This Agreement’s terms will not be changed by the failure of either party to enforce any part of the Agreement that is violated. Either party can later enforce the Agreement for the first violation or a subsequent violation.

16.6 In Case Of Disputes

If Seller fails to deliver possession of the property to Buyer by the date specified by Buyer pursuant to subsection 13.4 of this Agreement or
Seller otherwise fails to perform his/her obligations under this Agreement, Buyer will have the right to rescind this Agreement, treating it as if it had never been made, and to recover all payments Buyer has made under it. Buyer's right to rescind is in addition to any other rights and remedies legally available.

17 INTERPRETING THE AGREEMENT:

Time is of the essence in this Agreement. Seller's failure to perform an obligation by a date specified by Buyer pursuant to subsection 13.4 of this Agreement will be considered a breach of the entire Agreement.

17.1 Interpretation
As used in this Agreement, the masculine, feminine and neuter genders and the singular and plural will each be deemed to include the other whenever appropriate to the context.

17.2 Authorization to Sign
If two (or more) persons are identified as Sellers, each Seller by signing this Agreement authorizes the other to act as his or her agent to receive notices and give receipts for payment made under this Agreement. Seller guarantees that no other signature is necessary for the sale of the property.

17.3 Execution of Agreement
This Agreement may be executed in one or more counterparts, each of which shall be an original, but all of which together shall constitute one and the same Agreement.

Signature of Seller(s): Brian Kelly Shaw
Print Name(s): 
Date of Signature: 11-29-2017
Notary Signature: 
Notary Stamp and Date: 11-29-2017

Signature of Buyer: 
Print Name: 
Business Title: Manager, Client Services
Date of Signature: 11-29-2017

Lorna M. Shaw
Lorna M. Shaw

Application Material Received on December 29, 2017

V2018-001
Manish Singh

From: Heather Lambert <heatherlambert@gci.net>
Sent: Friday, December 29, 2017 9:54 AM
To: Manish Singh
Subject: Authorization for 1100 Poplar
Attachments: Doc Dec 29, 2017 at 9-25 AM.pdf; ATT00001.txt

Here is this from the Shaw's. And their new mailing address is PO Box 9028, Woodland Park CO 80866

Hope this is good. And again, thanks so much for always being so helpful.

h
12/29/17

To Whom it may Concern,

We authorize Heather Lambert to apply for the borough variance 2018-01 for the property at 1100 Poplar.

Kelly Shaw

Lorna Shaw

Comm. Planning Dept
DEC 29 2017
RECEIVED
DEAR PROPERTY OWNER
“INTERESTED PERSONS”

V2018-001
FRED MEYER, LOT: A
Fred Meyer of Alaska Inc
Attn Property Tax 7th Floor
1014 Vine St
Cincinnati, OH 45202

FUEG 1ST ADDITIO, LOT: 01
Frontier Fairbanks Llc
1801 SW 3rd Ave Ste 500
Miami, FL 33129

BIRCH ESTATES, BLOCK: B, LOT: 49
Fry Justin A
4779 Guadalcanal St
Fort Irwin, CA 92310

SPRUCEWOOD, BLOCK: 08, LOT: 03D
Giacomazzi Catharine S
413 Ramola St
Fairbanks, AK 99709

DEREMER SHORES E, LOT: 01
Gibling Gena
Gibling James
1165 E Washington Blvd
Pasadena, CA 91104

SPRUCEWOOD, BLOCK: 09, LOT: 02A
Gilbert Rebecca E
491 Sprucewood Rd
Fairbanks, AK 99709

1S 1W, SEC: 07, TAXLOT: 741
Goard James F Estate Of
C/o Nesbitt Robert D
129 1st Ave
Fairbanks, AK 99701

1S 1W, SEC: 07, TAXLOT: 740
Goard James F Estate of Etal
C/o Nesbitt Robert D
129 1st Ave
Fairbanks, AK 99701

1S 1W, SEC: 07, TAXLOT: UMB06
Golden North 1999 Llc
4888 Old Airport Way
Fairbanks, AK 99709

BIRCH ESTATES, BLOCK: B, LOT: 47
Gonzalez Conrad J
Moore Terrie M
PO BOX 82935
Fairbanks, AK 99708

WILCOX ESTATES, BLOCK: 03, LOT: 11A
Gonzalez Jose S
Gonzalez Grace
515 Wilcox Ave
Fairbanks, AK 99709

MCKINLEY ACRES, BLOCK: 04, LOT: 21B
Grassi Gary L
Peluso Beth
4080 Dunlap Ave
Fairbanks, AK 99709

1S 1W, SEC: 07, TAXLOT: 43B2
Grikurova Alla
Maurits Sergei A
4085 Teal Ave
Fairbanks, AK 99709

MCKINLEY ACRES, BLOCK: 04, LOT: 30
Grove David E
Monair Grove Sarah K
PO BOX 20773
Juneau, AK 99802

SPRUCEWOOD, BLOCK: 05, LOT: 05A-1
Hale Stacey Lynn
Hale Charles Michael
PO BOX 60608
Fairbanks, AK 99706

BIRCH ESTATES, BLOCK: B, LOT: 33
Hall Robert D
PO BOX 70667
Fairbanks, AK 99707

1S 1W, SEC: 07, TAXLOT: 750
Haman Alex A & Janice M
Living Trust
1605 Marika Rd
Fairbanks, AK 99709

SUN ISLAND ESTAT, BLOCK: 02, LOT: 04
Hammond Chad R
Carter Tanna L
401 Iver St
Fairbanks, AK 99709

1S 1W, SEC: 07, TAXLOT: 739
Hardy Bridget A
Martin Tylan
517 Fairbanks St
Fairbanks, AK 99709

SUN ISLAND ESTAT, BLOCK: 01, LOT: 03
Harrod Joshua M
Harrod Darcy D
524 Sun Island Dr
Fairbanks, AK 99709

RENEE, LOT: 12&
Hart Susan
4105 Billys Ln
Fairbanks, AK 99709

SPRUCEWOOD, BLOCK: 08, LOT: 02C
Harvie Michael S
Harvie Jaye B
456 Sprucewood Dr
Fairbanks, AK 99709

SPRUCEWOOD, BLOCK: 08, LOT: 05B
Havard John S li
Havard Judith M
401 Ramola St
Fairbanks, AK 99709

MCKINLEY ACRES, BLOCK: 03, LOT: 14A
Hawkins Robert
601 Fairbanks St
Fairbanks, AK 99709

BIRCH ESTATES, BLOCK: B, LOT: 26
Hearns Rufus lii
Baker Karrah R
4036 Teal Ave
Fairbanks, AK 99709

MCKINLEY ACRES, BLOCK: 04, LOT: 13
Henderson Marlies M 2012 Trst
572 Line Dr
Fairbanks, AK 99709

SPRUCEWOOD, BLOCK: 08, LOT: 02B
Herman Kristin D
Peterson Zachary J
449 Ramola St
Fairbanks, AK 99709

WILCOX ESTATES, BLOCK: 03, LOT: UMB01
Hershberg Esther T
De La Pena Ivan
509 Wilcox Ave
Fairbanks, AK 99709

SUN ISLAND ESTAT, BLOCK: 02, LOT: 02
Hickok Deborah L
PO BOX 70809
Fairbanks, AK 99707

MCKINLEY ACRES, BLOCK: 07, LOT: 03
Hisamoto Louisa Beth
3985 Dunlap Ave
Fairbanks, AK 99709

Planning Commission 246 February 13, 2018
Hodge John E Jr
Hodge Karin J
1007 N Anderson St
Tacoma, WA 98406

Hodge John E Jr
Hodge Karin J
1007 N Anderson St
Tacoma, WA 98406

Holzmueller Carl
7908 Highlander Dr
Anchorage, AK 99518

Holzmueller Carl
7908 Highlander Dr
Anchorage, AK 99518

Ivey Andrew Scott
400 Fairbanks St
Fairbanks, AK 99709

Jackovich Iris K Rvcbl Trust
4037 Birch Ln
Fairbanks, AK 99709

Jackovich Iris K Rvcbl Trust
4037 Birch Ln
Fairbanks, AK 99709

JAMES PHILLIP R
JAMES JAMIE M
4029 Widgeon Way
Fairbanks, AK 99709

JONES MARY CHRISTINE
PO BOX 80205
Fairbanks, AK 99708

KADOE DARREN
KADOE POLLY
4175 Birch Ln
Fairbanks, AK 99709

KADOE DARREN
KADOE POLLY
4175 Birch Ln
Fairbanks, AK 99709

KAZENOFF FRANCINE
4065 Birch Ln
Fairbanks, AK 99709

KEDIS PATRICIA A
KEDIS WOLFGANG
PO BOX 83094
Fairbanks, AK 99708

KIM YI KI
4024 Dunlap Ave
Fairbanks, AK 99709

KIRK DUWAYNE J
4082 Birch Ln
Fairbanks, AK 99709

KREISER ROBERT E
KREISER CARMELITA D
409 Fairbanks St
Fairbanks, AK 99709

KREISER ROBERT E
KREISER CARMELITA D
409 Fairbanks St
Fairbanks, AK 99709

KOWALSKI AARON Q
4022 Birch Ln
Fairbanks, AK 99709

KREEF KEVIN
DURANCEAU EVELYN
4014 Fahrenkamp Ave
Fairbanks, AK 99709

KREIMER LAURENCE P
KREIMER JENNIFER B
4235 Birch Ln
Fairbanks, AK 99709

KREWESKE PATRICIA A
KREWESKE WOLFGANG
PO BOX 80205
Fairbanks, AK 99708

KOERNER DUWAYNE J
4082 Birch Ln
Fairbanks, AK 99709

KOENER DUWAYNE J
4082 Birch Ln
Fairbanks, AK 99709

KREUSLER ROBERT E
KREUSLER CARMELITA D
409 Fairbanks St
Fairbanks, AK 99709

KREUSLER ROBERT E
KREUSLER CARMELITA D
409 Fairbanks St
Fairbanks, AK 99709

KREISMANN PATRICIA A
KREISMANN WOLFGANG
PO BOX 83094
Fairbanks, AK 99708

LAMBERT KEVIN
DURANCEAU EVELYN
4014 Fahrenkamp Ave
Fairbanks, AK 99709

LARSON WAYNE
PO BOX 80205
Fairbanks, AK 99708

LARSON WAYNE
PO BOX 80205
Fairbanks, AK 99708
1S 1W, SEC: 07, TAXLOT: 13W
Libra Trust
PO BOX 83733
Fairbanks, AK 99708

WILCOX ESTATES, BLOCK: 01, LOT: 11
Lindley Russell A
Lindley Virginia Y
2730 Central Rd
Glenview, IL 60025

RENEE, LOT: 03
Lipka Jerry M & Schichnes
Janet C Revocable Trust
4112 Willys Ln
Fairbanks, AK 99709

SPRUCEWOOD, BLOCK: 08, LOT: 01C
Loandeport.com Llc
425 Phillips Blvd FC-236
Ewing, NJ 08618

MCKINLEY ACRES, BLOCK: 06, LOT: 11
Lofus Eileen S
4045 Dunlap Ave
Fairbanks, AK 99709

1S 1W, SEC: 07, TAXLOT: 24NW
Logan Leslie
PO BOX 81628
Fairbanks, AK 99708

BIRCH ESTATES, BLOCK: B, LOT: 61
Lopez Leticia M
1151 Oneal Rd
North Pole, AK 99705

TVSA, LOT: 07
M V Investments Llc
981 Van Horn Rd
Fairbanks, AK 99701

LACEY, LOT: 01
Ma Qirui
Liu Sha Sha
4241 Birch Ln
Fairbanks, AK 99709

LACEY, LOT: 04
Macafee Susan M
Macafee Paul E
4267 Birch Ln
Fairbanks, AK 99709

TVSA, LOT: 06
Malbco Holdings Llc
16114 E Indiana Ave Ste 200
Spokane Vall, WA 99216

SPRUCEWOOD, BLOCK: 07, LOT: 04B
Maldonado Bradley Debra M
Bradley Robert H
3940 Birch Ln
Fairbanks, AK 99709

MCKINLEY ACRES, BLOCK: 06, LOT: 12
Mallette Lola M Lvg Trust
PO BOX 71076
Fairbanks, AK 99707

SPRUCEWOOD, BLOCK: 07, LOT: 04D
Mantei Robert G
Mantei Margaret M
506 Sprucewood Rd
Fairbanks, AK 99709

BIRCH ESTATES, BLOCK: A, LOT: 01
Martin Tylan
Martin Bridget
517 Fairbanks St
Fairbanks, AK 99709

RENEE, LOT: 09
Matthews Mary H
4108 Billys Ln
Fairbanks, AK 99709

1S 1W, SEC: 07, TAXLOT: UMB05
Mattie Joseph G
Mattie Sandra L
PO BOX 18
Ester, AK 99725

TVSA, LOT: 01
Mattie Joseph
Mattie Sandra
4106 Boat St
Fairbanks, AK 99709

BIRCH ESTATES, BLOCK: B, LOT: 56
Matusевич Yelena
4053 Mallard Way
Fairbanks, AK 99709

SPRUCEWOOD, BLOCK: 08, LOT: 01D
Mcconkey Samuel A Iii
Mcconkey Jane C
494 Sprucewood Rd
Fairbanks, AK 99709

BIRCH ESTATES, BLOCK: B, LOT: 03
Mcdonald Patricia A
Mercer Paul E Jr
425 Fairbanks St
Fairbanks, AK 99709

BIRCH ESTATES, BLOCK: B, LOT: 46
Mcgee Greg A
Mcgee Nicole M
4089 Stillwater Ct
Fairbanks, AK 99709

Mcgee Jason L
1304 NE Parvin Rd Apt 104
Kansas City, MO 64116

BIRCH ESTATES, BLOCK: B, LOT: 45
Mckenzie Jesse D
Mckenzie Lumina R
4017 Widgeon Way
Fairbanks, AK 99709

MCKINLEY ACRES, BLOCK: 04, LOT: 02
Mclean John J
590 Dunham Ave
Fairbanks, AK 99709

BERRY, LOT: 06
Mcclennan Michael J
Mcclennan Kathleen
4006 Berry Ct
Fairbanks, AK 99709

MCKINLEY ACRES, BLOCK: 08, LOT: 04
Mcquillin Richard S
PO BOX 71084
Fairbanks, AK 99707

BIRCH ESTATES, BLOCK: B, LOT: 65
Mckenzie Jesse D
Mckenzie Lumina R
4017 Widgeon Way
Fairbanks, AK 99709

MCKINLEY ACRES, BLOCK: 03, LOT: 13A
Melavic Michael
4052 Fahrenkamp Ave
Fairbanks, AK 99709

BIRCH ESTATES, BLOCK: B, LOT: 66
Messer James H
Messer Sharon S
4013 Widgeon Way
Fairbanks, AK 99709

SUN ISLAND ESTAT, BLOCK: 01, LOT: 01
Miller Rebecca R
516 Sun Island Dr
Fairbanks, AK 99709
MCKINLEY ACRES, BLOCK: 03, LOT: 01
Monroe Chaddrick Demond
Monroe Jeaneen Yvette
PO BOX 2177
Harker Hts, TX 76548

1S 1W, SEC: 07, TAXLOT: UMB02
Moore Blake E
4053 Fahrenkamp Ave
Fairbanks, AK 99709

MCKINLEY ACRES, BLOCK: 04, LOT: 15
Moore David K
Moore Clarice J
4042 Dunlap Ave
Fairbanks, AK 99709

MCKINLEY ACRES, BLOCK: 04, LOT: 01
Murrills Keith Life Estate
Slaughter Mary A
1112 E Hays St
Boise, ID 83712

MCKINLEY ACRES, BLOCK: 04, LOT: UMB01
Nance Eric
2224 NE 42nd Ave
Portland, OR 97213

WILCOX ESTATES, BLOCK: 03, LOT: 05
Neuburger Jamison R
522 Long Spur Loop
Fairbanks, AK 99709

SPRUCEWOOD, BLOCK: 06, LOT: 02A
Murphy Susan R
525 Sprucewood Rd
Fairbanks, AK 99709

BERRY, LOT: 04
Notti Joseph A Sr
Notti Caroline C
4016 Berry Ct
Fairbanks, AK 99709

SPRUCEWOOD, BLOCK: 06, LOT: 03B
Nigro Patrick J
PO BOX 70627
Fairbanks, AK 99709

BERRY, LOT: 02
Obed Sarah E
Obed Stephen
4009 Berry Ct
Fairbanks, AK 99709

SPRUCEWOOD, BLOCK: 06, LOT: 04A
Norum Mark S
Norum Cathy M
PO BOX 83035
Fairbanks, AK 99709

MCKINLEY ACRES, BLOCK: 04, LOT: UMB05
Obrist Family Trust
C/o Obrist Patricia Trustee
557 Fairbanks St
Fairbanks, AK 99709

SPRUCEWOOD, BLOCK: 07, LOT: 04C
Ortis Julie A
Ortis Joseph A
3936 Birch Ln
Fairbanks, AK 99709

BIRCH ESTATES, BLOCK: B, LOT: 51
Paden Scott R
Paden Gloria B
4073 Stillwater Ct
Fairbanks, AK 99709

SPRUCEWOOD, BLOCK: 07, LOT: 049
Pace Robert E
Pace Susan M
1191 Poplar Dr Dr
Fairbanks, AK 99709

SUN ISLAND ESTAT, BLOCK: 01, LOT: 02
Pandya Gopi
Pandya Anshul
PO BOX 81813
Fairbanks, AK 99708

BIRCH ESTATES, BLOCK: B, LOT: 37
Palmer Douglas S
Palmer Susan
430 Ramola St
Fairbanks, AK 99709

BIRCH ESTATES, BLOCK: B, LOT: 24
Pasley Darlene
4048 Teal Ave
Fairbanks, AK 99709

MCKINLEY ACRES, BLOCK: 04, LOT: 07
Palmer Timothy R
Palmer Debbie D
4021 Fahrenkamp Ave
Fairbanks, AK 99709

BIRCH ESTATES, BLOCK: B, LOT: 07
Pessian Arash
Lincoln Amber
51 Rollingwood Dr
Rllng Hls Est, CA 90274

MCKINLEY ACRES, BLOCK: 03, LOT: 09
Peger Raymond M
Peger Phyllis K
4040 Fahrenkamp Ave
Fairbanks, AK 99709

BIRCH ESTATES, BLOCK: B, LOT: 48
Peter Hishinlai Rose
4081 Stillwater Ct
Fairbanks, AK 99709

MCKINLEY ACRES, BLOCK: 04, LOT: 21A
Peterman Kevin W
Peterman Jennifer L
4057 Mallard Way
Fairbanks, AK 99709

BIRCH ESTATES, BLOCK: B, LOT: 55A
Peterman Kevin W
Peterman Jennifer L
4057 Mallard Way
Fairbanks, AK 99709

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<th>Property</th>
<th>Lot Details</th>
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<th>Address</th>
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<tr>
<td>Arctic Orchard, Lot: 46B</td>
<td></td>
<td>Shaw Brian Kelly, Shaw Lorna M</td>
<td>1100 Poplar Dr, Fairbanks, AK 99709</td>
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<td>Shilling, Lot: 38B1A</td>
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<td>Shilling Ben &amp; Cindy Revocable Trust</td>
<td>PO BOX 83744, Fairbanks, AK 99708</td>
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<td>Birch Estates, Block: B, Lot: 67</td>
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<td>Shirley John M</td>
<td>4011 Widgeon Way, Fairbanks, AK 99709</td>
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<td>Silvia Joshua M</td>
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<td>5395 Blake Rd, Fairbanks, AK 99709</td>
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<td>Simmons Nora Et Al</td>
<td>1213 Tammy Ter, Fairbanks, AK 99712</td>
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<td>Simmons Samuel S, Simmons Melody A</td>
<td>674 Nine Mile Hill Rd, Fairbanks, AK 99712</td>
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<td>Snow Joshua</td>
<td>PO BOX 83388, Fairbanks, AK 99708</td>
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<td>Stack Holly J</td>
<td>4041 Mallard Way, Fairbanks, AK 99709</td>
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<td>Templeton Ronnie L Jr</td>
<td>520 Wilcox Ave, Fairbanks, AK 99709</td>
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<td>Smith David W, Smith N Jeanine</td>
<td>3824 Birch Ln, Fairbanks, AK 99709</td>
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<td>Stockwell Rosalie Borie</td>
<td>PO BOX 72938, Fairbanks, AK 99707</td>
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<tr>
<td></td>
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<td>Templeton Ronnie L Jr</td>
<td>520 Wilcox Ave, Fairbanks, AK 99709</td>
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<td>Thomas L Michael, Thomas Frances E</td>
<td>3245 College Rd, Fairbanks, AK 99709</td>
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<td>Toniolo Horacio A, Caceres Viviana G</td>
<td>4007 Berry Ct, Fairbanks, AK 99709</td>
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<td>Tundra Real Estate Llc</td>
<td>PO BOX 72758, Fairbanks, AK 99707</td>
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<td>Twitchell Skyler Supplemental Needs Trust</td>
<td>PO BOX 60356, Fairbanks, AK 99708</td>
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<tr>
<td></td>
<td></td>
<td>United States of America</td>
<td>C/o Blm Div Office, PO BOX 85064, Fairbanks, AK 99708</td>
</tr>
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</table>
STAFF REPORT

CU2018-008
DEPARTMENT OF COMMUNITY PLANNING
STAFF REPORT

CU2018-008
February 13, 2018 Planning Commission Meeting

TO: Fairbanks North Star Borough Planning Commission
FROM: Manish Singh, AICP, Planner II
DATE: January 30, 2018
RE: CU2018-008: A request by Amber Carr, DBA The Great Alaskan Growery, on behalf of Richard Carr, for conditional use approval of a marijuana cultivation facility, indoor large in the General Use 1 (GU-1) zone on Lot 2, Carr Subdivision (located at 11161 Richardson Highway, on the west side of Richardson Highway, near milepost 315).

I. EXECUTIVE SUMMARY

The Community Planning Department recommends APPROVAL of the conditional use request with three (3) conditions and three (3) Findings of Fact in support of approval. The staff analysis finds that the marijuana cultivation facility, indoor large, with proposed conditions, will meet the intent and purpose of Title 18 and of other ordinances and state statutes, will have adequate public services and will protect public health, safety and welfare. The proposed cultivation facility requires a conditional use permit in GU-1 zone because there are dwelling units on the two adjacent properties [FNSBC 18.96.240(A)(6)].

Figure 1: Location Map (the location of the cultivation facility is shown as green star)
II. GENERAL INFORMATION

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

B. Location 11161 Richardson Highway, on the west side of Richardson Highway, near milepost 315

C. Access Richardson Highway

D. Size/PAN

<table>
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<th>Area</th>
<th>PAN (Lot)</th>
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<td>5 acres</td>
<td>0574139 (Lot 2)</td>
</tr>
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E. Existing Zone General Use 1 (GU-1)

F. Existing Land Use Single-Family Residence, Shop

G. Surrounding Land Use/Zoning North:

Zoning: GU-1
Land Use: Lazy Moose RV Park, Residential (dwelling unit located approximately 200 feet away from the proposed facility)
South: Zoning: GU-1
Land Use: Residential (dwelling unit located approximately 325 feet away from the proposed facility)

East: Zoning: GU-1
Land Use: Vacant Land (across Richardson Highway)

West: Zoning: GU-1
Land Use: Tanana River

H. Community Facilities
Electricity: GVEA, Water: Private well, Sewer: Existing septic system (for domestic wastewater), proposed 55 gal. drum and proposed commercial septic system (for non-domestic wastewater)

I. Code Violations
None on file

J. Flood Zone
A (58%), X (42%) (March 17, 2014 dFIRM)

K. Zoning History
Zoning changed from UU to GU-1 through Ordinance No. 88-010, effective April 25, 1988

L. Ownership
Richard Carr
909 Babe Ct
Fairbanks, AK 99712

M. Applicant
Amber Carr
DBA The Great Alaskan Growery
909 Babe Ct
Fairbanks, AK 99712

III. PROPERTY DEVELOPMENT HISTORY

The application states that the subject parcel contains an existing single-family residence, an existing shop (34’ X 44’), an existing shed (8’ X 8’), an existing chicken coop (6’ X 12’) and an existing domestic greenhouse (12’ X 30’) (see site plan in Figure 3). The FNSB Assessor’s Records state that the single-family residence was constructed in 1998 and the shop was constructed in 2000. These structures are located in the GU-1 zone where zoning permits are not required for residential and accessory uses.

IV. PROPOSED USE AND PROJECT INFO

The applicant has requested a conditional use permit to use the existing 34’ X 44’ shop as a marijuana cultivation facility, indoor large (see existing shop in Figure 4). The total floor area of this two story cultivation facility is 1,972 sq.ft. The cultivation facility is proposed to have bloom rooms and storage on the first floor and the security/office, drying and trimming rooms on the second floor (see floor plan in Figure 5). The applicant has proposed to use a restroom located inside the single-family residence for this conditional use.
Figure 3: Site Plan
The indoor cultivation unit is shown in red.
Figure 4: Existing 34’ X 44’ shop (proposed marijuana cultivation facility)

Figure 5: Floor Plans
A marijuana cultivation facility, indoor large is defined as “a legally licensed, fully enclosed commercial marijuana cultivation facility as defined by state law, in which all growing, preparation and packaging activities are conducted completely indoors. Net floor area of all cultivation facility structures does not exceed 10,000 square feet [FNSBC 18.04.010].”

The proposed marijuana cultivation facility, indoor large requires a conditional use permit in GU-1 zone because the principal buildings located on the adjacent properties to the north and south contain dwelling units [FNSBC 18.96.240(A)(6)]. The applicant has stated that the facility would be operated by the three owners of the business. Additionally, the applicant estimates having maximum five part-time employees. The applicant has stated that the facility will operate 24 hours per day, seven days per week.

The subject property is currently zoned GU-1 and is surrounded by GU-1 zoning on all sides (see zoning map Figure 6). The adjacent property to the north is an RV park (Lazy Moose RV Park) and has a single-family residence which is located at approximately 200 feet from the proposed marijuana cultivation facility. The adjacent property to the south has a single-family residence which is located at approximately 325 feet from the proposed marijuana cultivation facility. The parcels to the east across Richardson Highway and to the west across Tanana River are vacant.

The Comprehensive Plan Land Use Map characterizes the portion of the property with the proposed cultivation facility as ‘Preferred Forest Land’ (see comprehensive plan land use map in Figure 7). The subject property is currently partially located in a floodplain (see floodplain map in Figure 8).

Figure 6: Zoning in the Surrounding Area
Figure 7: Comprehensive Plan Land Use Designation in the Surrounding Area

Figure 8: Floodplain in the Surrounding Area
V. APPLICABLE APPROVAL CRITERIA

Conditional Uses for marijuana establishments are governed by FNSBC18.104.050(C) and FNSBC18.96.240 (see Exhibit 1 for details).

VI. PUBLIC NOTICE

FNSBC18.104.010(C)(2) requires Community Planning Department to send property owner notices within 2,000 feet for properties located outside the City of Fairbanks and the City of North Pole limits. It also requires property owner notices to be sent to at least 10 owners of lots or land outside the subject property and subsequently increase the notification distance as needed to reach at least 10 owners.

Therefore, the notification distance was increased to 3,500 sq.ft. to mail 15 property owner notices. The Department did not receive any inquiry about this case. Additionally, the applicant posted a public notice sign meeting the “Notice by Applicant” requirements listed in FNSBC 18.104.010 (Exhibit 2).

VII. AGENCY COMMENTS

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

a. State Fire Marshal
b. Salcha Fire and Rescue
c. Alaska State Troopers
d. Alaska Department of Transportation and Public Facilities (ADOT&PF)
e. Alaska Department of Environmental Conservation (ADEC)
f. Alaska Department of Natural Resources (ADNR)
g. Alaska Department of Fish and Game (ADF&G)
h. Golden Valley Electric Association (GVEA)
i. FNSB E-911 Addressing
j. FNSB Floodplain Administrator

On December 29, 2017, Pete Eagan, the Right-Of-Way Agent IV for ADOT&PF, commented on this conditional use application and stated that “I’d like applicant to provide Google Earth shots (both big picture / aerial, and Streetview) showing the existing driveway(s?) for the subject site as well as any nearby driveways. This will help us determine the suitability of the existing driveway for the proposed use.”

On December 29, 2017, Doug Buteyn, the Northern/Southeastern Regional Program Manager for ADEC Solid Waste Program, commented on this conditional use application and stated that “I have no comments regarding the solid waste management aspects of this proposal.”

On January 5, 2017, Audra Brase, Regional Supervisor for Alaska Department of Fish and Game, commented that “ADF&G has no objections or comments regarding this application.”

On January 30, 2018, Nancy Durham, FNSB Floodplain Administrator, issued a Floodplain Permit (FP2018-029) for the proposed marijuana cultivation facility in the existing shop and
for the single-family residence. Mr. Durham required the “finished construction” Elevation Certificate for these structure for obtaining a certificate of compliance.

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

VIII. STAFF ANALYSIS

A. Transportation & Parking

The subject property is accessible from Richardson Highway. Richardson Highway is maintained by the Alaska Department of Transportation & Public Facilities (ADOT & PF). It is classified as an interstate type roadway. Average Daily Traffic (ADT) counts on Richardson Highway in the immediate area were 1,430 vehicles per day in 2015. The proposed marijuana cultivation use would generate approximately 38 trip ends per weekday. This calculation is based on the estimated maximum eight workers in the cultivation facility and relying on the closest related land use “Nursery (Wholesale)” in the Institute of Transportation Engineers (ITE) Trip Generation Manual (Table 1). The Richardson Highway could accommodate the small number of trip ends generated by the proposed cultivation facility.

Table 1: Trip Generation Summary

<table>
<thead>
<tr>
<th>Proposed land use</th>
<th>Size/employees</th>
<th>Closest related land use in ITE</th>
<th>Trip generation standard in ITE</th>
<th>Weekday trip ends</th>
</tr>
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<tbody>
<tr>
<td>Marijuana cultivation facility, indoor large</td>
<td>8 employees</td>
<td>Nursery (Wholesale)</td>
<td>23.40 trip ends/ 5 employees</td>
<td>37.44 trip ends</td>
</tr>
</tbody>
</table>

The Plat No. 2006-36 shows that the subject property has a 150 feet wide right-of-easement for Richardson Highway along the east property line (see easements in Figure 8). A plat note on Plat No. 2006-36 states that “there shall be no new direct access onto the Richardson Highway from Lot 2” (see plat in Exhibit 3). The applicant has not proposed a new driveway and intends to use the existing 20' wide driveway for this conditional use permit. For conditional uses having direct access from state maintained roads, Community Planning Department has previously relied on a driveway permit from ADOT&P to check adequacy of the existing driveways for proposed conditional uses. Pete Eagan, the Right-Of-Way Agent IV for ADOT&P, reviewed this conditional use application and requested additional information from the applicant to determine the suitability of the existing driveway for the proposed conditional use. Therefore, Community Planning recommends a condition that the applicant shall obtain a formal plan review by the ADOT & PF for the existing driveway and shall comply with all recommendations and/or requirements resulting from this review or provide documentation that a review for the driveway is not required.

1 This section of this staff report includes comments from Donald Galligan, FNSB Transportation Planner
2 Statewide Functional Classification GIS Map, Alaska DOT&PF Transportation Data Programs
3 2015 Annual Average Daily Traffic (AADT) GIS Map, Alaska DOT&PF Transportation Data Programs
The proposed facility is located in GU-1 zoning where FNSB parking standards do not apply. However, Community Planning has analyzed the off-street parking provided on site using FNSB parking standard requirement of three parking spaces for every four employees [FNSBC 18.96.060(C)]. The applicant expects maximum eight workers for the marijuana cultivation facility, indoor large. The parking plan provided by the applicant shows the seven parking spaces that are adequate for the eight workers (see parking plan in Figure 5). The site plan shows the gravel traffic circulation and loading area with adequate backing, turning and maneuvering space.

B. FNSBC 18.96.240 Standards for Commercial Marijuana Establishments

A. General Standards

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

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

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

The buffer map and property detail provided by the applicant (Exhibit 4) demonstrates that the marijuana cultivation facility is not located within the buffer distances provided in FNSBC 18.96.240(A)(3)(a-e) because this facility doesn’t have any FNSB sensitive uses within 500 feet.
All state buffer requirements provided in 3AAC 306 must also be met.

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

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

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

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

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

The applicant has applied for a conditional use permit for the proposed marijuana cultivation facility, indoor large on the subject property in the GU-1 zone because the principal buildings located on the adjacent properties to the north and south contain dwelling units.

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

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

**Purpose of FNSBC Title 18:** The purpose of Title 18 is “to implement the Fairbanks North Star Borough comprehensive plan” (FNSBC 18.12.020). The marijuana cultivation facility is proposed on the portion of the property characterized as ‘Preferred Forest Land’ in the Comprehensive Plan Land Use Map (see Figure 7).

Preferred forest land is “an area with tree growth covering a large tract of land for commercial or research purposes on a sustained yield basis, including woodcutting.”

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5 The Comprehensive Plan is a set of goal and policy statements to guide development in the Borough. Those goals and policies are executed, more specifically, by the zoning code. The Comprehensive Plan provides the framework for citizens and officials to make decisions related to land use, and to form the basis for ordinances and programs to guide land development, and use. It is a long-range document to guide the Borough through the next few decades. The Comprehensive Plan thus guides the implementation of zoning; the zoning code is the codified law. A specific area or zone must be “in accordance with” the Plan, which means it must be consistent with the validly enacted plan. It is impossible to instantaneously implement all Plan goals and policies in every designated area of the Borough, and there is no expectation that this be done. Instead, the law merely requires consistency with the Plan. It is important to note that while the Comprehensive Plan reflects Borough’s official land use policy, it is not a zoning ordinance and does not codify any land use standards. It should not be interpreted as restricting the Assembly’s ability to accommodate the actual development of the Borough and the changing needs of the community.
The GU-1 zone allows a broad range of uses, including commercial, industrial, and agricultural uses that do not require a conditional use permit but may have higher land use impacts on the neighboring properties and the environment. The GU-1 zone currently allows all the uses envisioned with the ‘Preferred Forest Land’ comprehensive plan land use designation. The proposed conditional use is consistent with ‘Preferred Forest Land’ comprehensive plan land use designation because the ‘Preferred Forest Land’ designation allows commercial use of the property. Although commercial marijuana cultivation is not directly a sustained yield, the land use impacts of these commercial uses of the property are comparable.

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

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

**Strategy 6** – Provide for commercial land uses in both urban and non-urban areas

**Action A** – Provide for a variety of commercial areas that adequately serve the market area

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

**Economic Development Goal 2** – To diversify the economy

**Strategy 6** – Emphasize development that brings new dollars into the community, including efforts to add value to the region’s natural, manufactured, service and intellectual resources.

**Action B** – Create a variety of types and sizes of commercial and industrial areas that support diversification of economic activity.

The applicant submittals state that this marijuana cultivation establishment would support three business owners and five part-time jobs with this conditional use. This operation would diversify the commercial activity in the Fairbanks North Star Borough enhancing community’s ability to generate revenue.

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

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

The subject property is accessible from Richardson Highway via an existing driveway. Richardson Highway is maintained by the Alaska Department of Transportation & Public Planning Commission
Facilities (ADOT & PF). It is classified as an interstate type roadway. The Richardson Highway can accommodate the small number of trip ends generated by the proposed cultivation facility. With the condition to require a plan review for the existing driveway from ADOT&PF, the conditional use has adequate transportation facilities.

The proposed conditional use promotes economic development and the growth of private enterprise because it would support three business owners and five part-time jobs in the area and would help diversify the commercial activity in the Fairbanks North Star Borough.

The applicant has addressed site security elements and has developed strategies for plant and liquid waste disposal. Moreover, the applicant has agreed to comply with state marijuana regulations. The application material and the narrative for this proposal illustrates that it meets the intent of Title 18 because this application is to protect property rights and with the conditions imposed, it would promote the public health, safety and general welfare of the residents of the borough.

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

The subject property is currently partially located in a floodplain (see floodplain map in Figure 8). Properties within the designated floodplain have additional requirements established by the Title 15 of the Borough code to ensure structures are safe from potential flooding. Designated floodplains in the Borough are subject to periodic inundation of floodwaters, which could cause loss of life or property, health or safety hazards. On January 30, 2018, FNSB Department of Community Planning issued a Floodplain Permit (FP2018-029) for the proposed marijuana cultivation facility. A “finished construction” Elevation Certificate is required for the marijuana cultivation facility to obtain a Certificate of Compliance and to ensure that the facility protects the health safety and welfare related to the floodplain. Therefore, Community Planning recommends a condition requiring the marijuana cultivation facility to obtain a Certificate of Compliance and requiring compliance with the FNSB Title 15 - Floodplain Management Regulations. With the condition to comply with FNSB Title 15 - Floodplain Management Regulations, the proposed conditional use will meet the intent of FNSB Title 15 - Floodplain Management Regulations.

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

Water and Wastewater/Sewage: The applicant has proposed to use an existing well on the property to meet the water supply needs for marijuana cultivation.

The applicant has stated that the property has an existing septic system for the wastewater produced from the restroom (domestic wastewater). The applicant has stated that she expects “very little if none” wastewater produced from marijuana cultivation because she plans to grow marijuana plants in dirt instead of using any hydroponics method.
The applicant has stated that the wastewater produced from marijuana cultivation will be stored in a separate 55 gallon drum. The applicant has proposed to dispose of the wastewater produced from marijuana cultivation according to state regulations. The applicant has stated that she would install a separate ADEC approved commercial septic system in future for this conditional use permit.

ADEC Division of Water, Wastewater Discharge regulates wastewater holding tanks and treats wastewater produced from the marijuana cultivation operation as non-domestic wastewater. ADEC does not allow any non-domestic wastewater discharge into a septic system without their express written approval (18 AAC 72, Wastewater Disposal Regulations). Therefore, Community Planning recommends a condition requiring a formal plan review by ADEC Division of Water, Wastewater Discharge for the proposed wastewater storage tank and/or the use of a septic system for non-domestic wastewater discharge; and recommends compliance with all recommendations and/or requirements resulting from the plan review as a condition to ensure that there is adequate wastewater/sewage capacity for the conditional use. With this condition imposed, the property will have adequate wastewater/sewage capacity for the proposed conditional use. In future, in order to obtain an ADEC approval for non-domestic wastewater discharge into a septic system, the applicant will likely need to hire a professional engineer to design the septic system and characterize the wastewater.

**Emergency Fire Response:** The proposed conditional use has adequate fire services because the property is served by Salcha Fire and Rescue on a subscription basis. The applicant already has a subscription from Salcha Fire and Rescue which will cover the marijuana cultivation use of the property.

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

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

**Transportation:** The subject property is accessible from Richardson Highway via an existing driveway. Richardson Highway is maintained by the Alaska Department of Transportation & Public Facilities (ADOT & PF). It is classified as an interstate type roadway. The Richardson Highway could accommodate the small number of trip ends generated by the proposed cultivation facility. With the condition to require a plan review for the existing driveway from ADOT&PF, the conditional use has adequate transportation facilities. The applicant has provided seven off-street parking spaces and a loading area with sufficient backing and maneuvering space.

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

With the conditions imposed, this use will protect the public health, safety, and welfare through responsible operation of the facility as demonstrated in applicant’s business plan. The proposed marijuana cultivation facility, indoor large meets the standards required by FNSBC 18.96.240 and the operating plan is intended to minimize and mitigate adverse impacts to surrounding properties. The applicant has a detailed plan for site security, fire safety, and employee health to help address public health, safety, and welfare concerns.
Site security, marijuana liquid and plant waste, outdoor lighting, noise, odor and hours of operation could be potential concerns for surrounding properties with a commercial marijuana cultivation operation but the applicant has addressed these issues in a way that mitigates the public health, safety and welfare concerns.

**Site Security and Marijuana Waste Disposal:** The applicant has stated that the cultivation building will comply with the state security regulations for marijuana cultivation. The applicant has stated that “to comply with state security regulations 3AAC 306.715 and 720 each of the two exterior access points will be well lit, equipped with commercial grade locks, a security alarm switch and continually monitored with entry and exit video cameras. Each of the five interior access points will be continually monitored with entry and exit video cameras providing a clear and unobstructed view of regular activity, facilitating clear identification of any person or activity in those areas. There are no ground level windows to secure.”

The applicant's proposal for the marijuana plant waste management intends to meet the regulations set forth by Alaska Department of Environmental Conservation and Marijuana Control Board. This applicant has stated that “there will be 350 pounds of stems and roots per year. Plant waste will be mulched and combined with equal parts of waste soil and deposited in compost pile near the domestic garden onsite and when seasonally appropriate worked into the domestic garden and flower beds.” On December 29, 2017, Doug Buteyn from ADEC Solid Waste Program commented on this conditional use application and had “no comments regarding the solid waste management aspects of this proposal.”

The state licensing and operational standards including restricted access areas, security alarm systems, video surveillance, waste disposal methods for marijuana facilities are governed by 3AAC 306. The application material acknowledges that a marijuana cultivation facility, limited cannot legally operate without obtaining a state issued license [FNSBC18.04.010]. Compliance with state regulations related to security, waste disposal, health and safety would help ensure employees’ health and safety. Therefore, Community Planning recommends a condition requiring the site to meet all licensing requirements for a commercial marijuana cultivation facility.

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

**Outdoor Lighting:** FNSBC 18.96.140 states that “lighting, glare and general illumination shall not be directed towards residentially zoned properties other than that property from which the lighting, glare and general illumination originates.” However, the subject property is not adjacent to a residential zone. The site plan provided by the applicant shows three exterior lights (see Figure 5). The applicant has stated that these lights would point downward to minimize any negative impacts to the neighbors. Moreover, the nearest residence is located at approximately 200 feet from the proposed marijuana cultivation facility. Therefore, Community Planning believes that the outdoor lighting will not negatively impact the public health, safety and welfare of the surrounding properties.
Noise: The applicant has stated that “noise will be limited to human activity and indoor fan noise that is unlikely to be detectable by anyone outside of the restricted access area.” Therefore, Community Planning believes that the noise produced from the indoor cultivation building will not negatively impact the public health, safety and welfare of the surrounding properties.

Hours of Operation: The subject property is located in GU-1 zoning where there are no restrictions on hours of operation. The applicant has stated that the hours of operation would be 24 hours per day, seven days a week. Community Planning believes that these hours of operation will not negatively impact the neighborhood’s public health, safety and welfare because the cultivation operation has direct access from Richardson Highway, which is an interstate type roadway and experiences 24-hour traffic.

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

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

IX. RECOMMENDATION

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

X. CONDITIONS

1. Prior to the commencement of marijuana cultivation operation, the applicant or holder of this conditional use permit shall comply with all applicable land use related laws. Applicable permits and approvals may include but are not limited to:
   a. As required by the FNSB and the Department of Commerce, Community, and Economic Development (Alcohol and Marijuana Control Office), the applicant or holder of this conditional use permit shall ensure the site meets all licensing requirements for a commercial marijuana cultivation facility.
b. The applicant or holder of this conditional use permit shall obtain a formal plan review by the State of Alaska Department of Public Safety (Division of Fire and Life Safety, Plan Review Bureau) and shall comply with all recommendations and/or requirements resulting from the plan review.

c. The applicant or holder of this conditional use permit shall obtain a formal plan review by the State of Alaska Department of Environmental Conservation for the proposed wastewater storage tank and wastewater disposal plan and/or the use of a septic system for non-domestic wastewater discharge; and shall comply with all recommendations and/or requirements resulting from the plan review.

d. The applicant or holder of this conditional use permit shall obtain a formal plan review by the Alaska Department of Transportation and Public Facilities (ADOT&PF) for the existing driveway and shall comply with all recommendations and/or requirements resulting from the plan review or provide documentation that a review for the existing driveway is not required.

e. The applicant or holder of this conditional use permit shall obtain a Certificate of Compliance for the marijuana cultivation facility and shall ensure that the facility complies with the FNSB Title 15 - Floodplain Management Regulations.

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

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

XI. FINDINGS OF FACT

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

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

2. With the conditions imposed, there are adequate existing energy and transportation facilities serving the site and other public services are available to serve the proposed conditional use.
   a. The facility has an existing well to meet the water supply needs for marijuana cultivation.
   b. The facility has an onsite septic system for domestic wastewater. The facility will have a storage tank and/or a septic system for the non-domestic wastewater. With the conditions imposed, the facility will dispose of the wastewater according to the state regulations.
   c. The facility is served by the Salcha Fire and Rescue for emergency fire response.
   d. The facility is served by Alaska State Troopers for law enforcement.
   e. The facility is currently connected to the GVEA grid which will provide sufficient energy supply for indoor cultivation activities.
   f. Seven (7) off-street parking spaces and a loading area have been provided on-site, which are adequate for the proposed cultivation conditional use.
   g. The subject property is accessible from Richardson Highway, which is an interstate type roadway. Richardson Highway can accommodate the small number of trip ends generated by the proposed cultivation facility.

3. With the conditions imposed, the proposed conditional use will protect public health, safety, and welfare as the facility will comply with Title 18 standards for the GU-1 zone (FNSBC 18.84) and Standards for Commercial Marijuana Establishments (FNSBC 18.96.240) as well as state requirements for a commercial marijuana cultivation facility.
   a. With the conditions imposed, security systems, alarms, cameras and lighting will meet state regulations required to obtain a commercial marijuana cultivation license.
   b. With the conditions imposed, any solid or liquid waste including marijuana plant waste will be disposed of in accordance with state and local regulations.
   c. With the conditions imposed, odor will be mitigated with appropriately sized odor filtration systems in cultivation, drying, and processing facilities.
   d. All marijuana and marijuana products will be secured inside the building to ensure the general public does not have access to them.
   e. The noise generated from this cultivation operation would be minimal and it would not negatively impact the neighboring residential property owners because the operation is completely indoors.
   f. The outdoor lighting would point downwards and will not negatively impact the neighborhood or residential uses.
   g. The facility is located in GU-1 zoning where there are no restrictions on hours of operation.

**DRAFT PLANNING COMMISSION MOTION:**

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

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

18.104.050 (C)

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

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

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

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

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

18.96.240

A. General Standards.

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

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

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

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

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

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

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

   ii. Outer boundaries of playgrounds;

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

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

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

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

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

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

B. Cultivation Facility Standards.

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

2. Height Limitations.

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

   b. The maximum height for a marijuana cultivation facility, indoor large shall be 75 feet.
PUBLIC NOTICE SIGN POSTING AFFIDAVIT

STATE OF ALASKA

) ss.

FOURTH JUDICIAL DISTRICT

1. Richard Carr, being first duly sworn, depose and state that:

1. I have submitted an application identified as "Marijuana Storing Collection Facility"

2. I have posted and will maintain public notice sign #140-2018 in accordance with the following provisions:
   a. Sign is posted on the property on which my request for rezone, conditional use or variance has been made.
   b. Sign is clearly visible from streets and roads.
   c. Sign will be maintained free of snow or other materials which impede readability.
   d. Sign is posted between an elevation of 2' and 8' above ground level and no further than 50' from the edge of the road to further ensure readability from streets.
   e. Sign was posted on 1/18/2018 (date) and complies with posting requirements of 20 days prior to the public hearing date.
   f. I shall return the sign to the FNSB Department of Community Planning within 10 days following the final public hearing.

3. I understand a refund check of $200.00 (the amount I have deposited for said sign) will be issued 7-10 days following return of the sign providing that sign is returned in usable condition. I further understand I may receive only partial refund if the sign is damaged when returned to the Borough.

4. This document is null and void when necessary action has been completed as provided in Item #2 f.

STATE OF ALASKA
NOTARY PUBLIC

B. Hamilton
My Commission Ending with Office

Signature: Richard Carr
Address: 909 Lake Ct, Fairbanks, AK 99701

(Print Name and Address of Affiant)

SUBSCRIBED AND SWORN TO BEFORE ME on this 24th day of January, 2018

Notary Public in and for Alaska

Commission Expires

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

CU2018-008
Manish Singh

From: Nancy Durham
Sent: Tuesday, January 30, 2018 11:22 AM
To: Manish Singh
Subject: RE: CU2018-008: Requesting Comments for Marijuana Cultivation App. (11161 Richardson Highway)

Follow Up Flag: Follow up
Flag Status: Flagged

Manish,

This property has received a Floodplain Permit for the MJ Cultivation Facility (#1) and the House (#2). Structure #3 is an 8' X 8' Shed and Structure #4 is a 6' X 12' Chicken Coop.

Sincerely,

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

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

FYI: The new Fee Schedule from July 1, 2017 to June 30, 2018: Floodplain Permits will remain “No Charge”. Hard copies of Title 15 Floodplain Management Regulations will remain $10.00. All formal Flood Determination Letters on letterhead which include flood zones, base flood elevations, conversion letters, community determined letters, etc. will have a $50.00 fee.

From: Manish Singh
Sent: Tuesday, January 30, 2018 10:30 AM
To: Nancy Durham
Subject: RE: CU2018-008: Requesting Comments for Marijuana Cultivation App. (11161 Richardson Highway)

Hi Nancy,

Do you a floodplain permit update on this property (11161 Richardson Highway)?

Thanks,
Manish

From: Nancy Durham
Sent: Tuesday, January 02, 2018 9:01 AM
To: Manish Singh
Subject: RE: CU2018-008: Requesting Comments for Marijuana Cultivation App. (11161 Richardson Highway)

Manish,
This property is partially located in Flood Zone A and will require a Floodplain Permit. Buildings 1-4 are located in the Flood Zone and will be required to be elevated at or above the Base Flood Elevation and/or Floodproofed.

Sincerely,

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

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

FYI: The new Fee Schedule from July 1, 2017 to June 30, 2018: Floodplain Permits will remain “No Charge”. Hard copies of Title 15 Floodplain Management Regulations will remain $10.00. All formal Flood Determination Letters on letterhead which include flood zones, base flood elevations, conversion letters, community determined letters, etc. will have a $50.00 fee.

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From: Manish Singh  
Sent: Friday, December 29, 2017 9:19 AM  
To: David.tyler@alaska.gov; David.aden@alaska.gov; jillian.roberts@alaska.gov; lloyd.nakano@alaska.gov; diana.parks@alaska.gov; chief@acsalaska.net; Dps.ast.directors.office@alaska.gov; randi.motsko@alaska.gov; pete.eagan@alaska.gov; Nancy.Durham; Bill.Witte; George.horton@alaska.gov; Tonya.bear@alaska.gov; Doug.buteyn@alaska.gov; james.durst@alaska.gov; J.Karl@gvea.com  
Subject: CU2018-008: Requesting Comments for Marijuana Cultivation App. (11161 Richardson Highway)

Dear Sir/Ma’am

The Fairbanks North Star Borough Planning Commission is considering CU2018-008, a request for conditional use approval of a marijuana cultivation facility, indoor large in the General Use 1 (GU-1) zone, located at 11161 Richardson Highway (on the west side of Richardson Highway, near milepost 315). This case is scheduled for the Planning Commission meeting on February 13, 2018.

I have attached the application with this email. The department requests you to send us your comments for this proposal by January 12, 2018. For more information about this case, please email msingh@fnhb.us or contact Manish Singh at (907) 459-1225. The staff report to the commission will be available online at www.fnhb.us/Boards/Pages/Planning-Commission.aspx at least five days before the hearing.

Thanks,
Manish

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

Fairbanks North Star Borough  
907 Terminal Street  
Fairbanks, AK 99701
Manish Singh

From: Nancy Durham
Sent: Tuesday, January 30, 2018 11:18 AM
To: thegreatalaskan@gmail.com
Cc: Manish Singh
Subject: FNSB FP2018-029
Attachments: FP2018-029_FP.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Amber,

Attached is the Floodplain Permit for the House (structure #2) and MJ Cultivation Facility (structure #1). Please submit the “finished construction” Elevation Certificate for each structure.

Sincerely,

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

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

FYI: The new Fee Schedule from July 1, 2017 to June 30, 2018: Floodplain Permits will remain “No Charge”. Hard copies of Title 15 Floodplain Management Regulations will remain $10.00. All formal Flood Determination Letters on letterhead which include flood zones, base flood elevations, conversion letters, community determined letters, etc. will have a $50.00 fee.
FNSB FLOODPLAIN DEVELOPMENT PERMIT

Requirements for this permit:

15.04.080 B
Structure shall be designed to prevent flotation, collapse or lateral movement. Fuel storage tanks shall be adequately secured to prevent flotation or disturbance. On-site waste disposal systems shall be designed to minimize infiltration of flood waters. All mechanical and electrical devices subject to water damage elevated at or above BFE. Improvements located below BFE shall be constructed with materials resistant to flood damage.

15.04.080 C
Residential Structures. All new construction of and substantial improvements to residential structures shall have:
1. The lowest floor (including basement) elevated to or above the base flood elevation; and
2. Other fully enclosed areas below the lowest floor, such as crawl spaces, that are subject to flooding, and that are usable solely for the parking of vehicles, building access, or limited storage, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following criteria:
   a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
   b. The bottom of all openings shall be no higher than one foot above grade.
   c. Openings shall be equipped with screens, louvers, valves or other coverings or devises; provided they permit the automatic entry and exit of floodwaters.

Issued To: Name: CARR RICHARD
Mailing Address: 909 BABE CT
City/State/Zip: FAIRBANKS AK 99712

Issued By: Nancy Durham, MURP, CFM (Floodplain Administrator)
Date: 01/30/2018
BFE: 711.4

Description of proposed work:
MJ Cultivation Facility (#1) & House (#2)

Specific Standards:
MJ Cultivation Facility:
1. Lowest floor elevated to or above BFE
2. To be designed so that below BFE the structure is watertight, FF certificate required.
   "Finished Construction" Elevation Certificates are required for each structure.

Parcel(s):
0574139 LOT 2 CARR

Project Address:
11161 RICHARDSON HWY

NOTE:
This permit authorizes development in the Special Flood Hazard Area described above.
A Certificate of Compliance shall be applied for within 60 days after obtaining the elevation certificate.
The holder of this permit is required to comply with all other applicable laws, including city, borough, state and federal laws.
COMMERICAL / INDUSTRIAL SITE PLAN

**Existing Buildings**
Commercial building
- #1. 34’x44’ shop converted to Standard Cultivation

**Domestic Buildings**
- #2. 58’x42’ residence of cultivation owner
- #3. 8’x8’ shed
- #4. 6’x12’ chicken coop
- #5. 12’x30’ domestic greenhouse
- #6. 1500gl Cover tank 30’x30’ leach field
- #7. 500gal leach tank

*Note: Scale 1" = 100’*

**Planning Commission**
February 13, 2018
January 23, 2018 4 PM

Phone call conversation with

Salcha Fire & Rescue
Phone: (907) 488-5274

Salcha Fire & Rescue mentioned that the property at 11161 Richardson Highway already has a subscription for emergency fire services. Their subscription is for all uses of the property including a marijuana cultivation use.

Manish Singh, FNSB Planner II
From: Manish Singh
Sent: Monday, January 22, 2018 10:11 AM
To: 'pete.eagan@alaska.gov'
Cc: 'randi.motsko@alaska.gov'
Subject: commercial marijuana establishments on DOT roads

Hi Pete,

I just left you a voicemail. I am working on three marijuana establishment conditional use cases that will go to public hearing in February. I wanted to check with you if these properties have DOT approved driveways and if you find them adequate for commercial marijuana establishments.

CU2018-008: A request by Amber Carr, DBA The Great Alaskan Growery, on behalf of Richard Carr, for conditional use approval of a marijuana cultivation facility, indoor large in the General Use 1 (GU-1) zone on Lot 2, Carr Subdivision (located at 11161 Richardson Highway, on the west side of Richardson Highway, near milepost 315). I emailed the application to you on Dec. 29, 2017.

CU2018-010: A request by Grant Anderson DBA Fox Creek LLC, on behalf of KGM LLC, for conditional use approval of a marijuana cultivation facility, indoor large in the General Use 1 (GU-1) zone on TL-3103, Section 31, T2N-R1E, F.M. (located at 2304 Old Elliott Highway, on the west side of Elliott Highway, between Old Chatanika Trail and Old Steese Highway N). I emailed the application to you on Jan. 4, 2018.

CU2018-011: A request by Gary Evans DBA Grass Station 49, on behalf of David Lanning and Morgan Evans, for conditional use approval of a retail marijuana store in the General Use 1 (GU-1) zone on TL-221, Section 2, T15S-R2W, F.M. (located at 2502 Parks Highway, on the north side of Parks Highway, on the west side of Java Lane). I emailed the application to you on Jan. 17, 2018.

I would appreciate any help in these cases. Let me know if you have any questions for me.

Thanks,
Manish

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

Fairbanks North Star Borough
907 Terminal Street
Fairbanks, AK 99701
Manish Singh

From: Brase, Audra L (DFG) <audra.brase@alaska.gov>
Sent: Friday, January 05, 2018 11:48 AM
To: Manish Singh
Subject: FW: CU2018-008: Requesting Comments for Marijuana Cultivation App. (11161 Richardson Highway)
Attachments: CU2018-008_Carr_AppPkt_2017_1228.pdf

ADF&G has no objection or comments regarding this application.

Thanks.
Audra

Audra Brase
Regional Supervisor
ADF&G Division of Habitat
Region III - Fairbanks
907-459-7282

From: Durst, James D (DFG)
Sent: Thursday, January 04, 2018 10:37 AM
To: Brase, Audra L (DFG)
Subject: FW: CU2018-008: Requesting Comments for Marijuana Cultivation App. (11161 Richardson Highway)

From: Manish Singh [mailto:MSingh@fnsb.us]
Sent: Friday, December 29, 2017 9:19 AM
To: Tyler, David L (DPS); Aden, David G (DPS); Roberts, Jillian T (DPS); Nakano, Lloyd M (DPS); diana.parks@alaska.gov; chief@acsalaska.net; AST Directors Office, DPS (DPS sponsored); Motsko, Randi Lynn (DOT); Eagan, Pete (DOT); Nancy Durham; Bill Witte; Horton, George C (DNR); Bear, Tonya (DEC); Buteyn, Douglas J (DEC); Durst, James D (DFG); JIlKarl@qvea.com
Subject: CU2018-008: Requesting Comments for Marijuana Cultivation App. (11161 Richardson Highway)

Dear Sir/Ma’am

The Fairbanks North Star Borough Planning Commission is considering CU2018-008, a request for conditional use approval of a marijuana cultivation facility, indoor large in the General Use 1 (GU-1) zone, located at 11161 Richardson Highway (on the west side of Richardson Highway, near milepost 315). This case is scheduled for the Planning Commission meeting on February 13, 2018.

I have attached the application with this email. The department requests you to send us your comments for this proposal by January 12, 2018. For more information about this case, please email m Singh@fn sb.us or contact Manish Singh at (907) 459-1225. The staff report to the commission will be available online at www.fnsb.us/Boards/Pages/Planning-Commission.aspx at least five days before the hearing.

Thanks,
Manish
Manish Singh

From: Nancy Durham  
Sent: Tuesday, January 02, 2018 9:01 AM  
To: Manish Singh  
Subject: RE: CU2018-008: Requesting Comments for Marijuana Cultivation App. (11161 Richardson Highway)

Manish,

This property is partially located in Flood Zone A and will require a Floodplain Permit. Buildings 1-4 are located in the Flood Zone and will be required to be elevated at or above the Base Flood Elevation and/or Floodproofed.

Sincerely,

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

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

FYI: The new Fee Schedule from July 1, 2017 to June 30, 2018: Floodplain Permits will remain “No Charge”. Hard copies of Title 15 Floodplain Management Regulations will remain $10.00. All formal Flood Determination Letters on letterhead which include flood zones, base flood elevations, conversion letters, community determined letters, etc. will have a $50.00 fee.

From: Manish Singh  
Sent: Friday, December 29, 2017 9:19 AM  
To: David.tyler@alaska.gov; David.aden@alaska.gov; jillian.roberts@alaska.gov; lloyd.nakano@alaska.gov; diana.parks@alaska.gov; chief@acsalaska.net; Dps.ast.directors.office@alaska.gov; randl.motsko@alaska.gov; pete.eagan@alaska.gov; Nancy Durham; Bill Witte; George.horton@alaska.gov; Tonya.bear@alaska.gov; Doug.buteyn@alaska.gov; james.durst@alaska.gov; JL.Karl@gvea.com  
Subject: CU2018-008: Requesting Comments for Marijuana Cultivation App. (11161 Richardson Highway)

Dear Sir/Ma’m

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I have attached the application with this email. The department requests you to send us your comments for this proposal by January 12, 2018. For more information about this case, please email msingh@fnub.us or contact Manish Singh at (907) 459-1225. The staff report to the commission will be available online at www.fnub.us/Boards/Pages/Planning-Commission.aspx at least five days before the hearing.

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

Fairbanks North Star Borough
907 Terminal Street
Fairbanks, AK 99701
Manish Singh

From: Buteyn, Douglas J (DEC) <doug.buteyn@alaska.gov>
Sent: Friday, December 29, 2017 2:57 PM
To: Manish Singh
Subject: RE: CU2018-008: Requesting Comments for Marijuana Cultivation App. (11161 Richardson Highway)

Follow Up Flag: Follow up
Flag Status: Flagged

Manish:

I have no comments regarding the solid waste management aspects of this proposal.

Douglas Buteyn
Northern/Southeastern Regional Program Manager
ADEC Solid Waste Program
610 University Avenue
Fairbanks, AK 99709
Phone: 907-451-2135
Fax: 907-451-2188
Email: doug.buteyn@alaska.gov

From: Manish Singh [mailto:MSingh@fnsb.us]
Sent: Friday, December 29, 2017 9:19 AM
To: Tyler, David L (DPS) <david.tyler@alaska.gov>; Aden, David G (DPS) <david.aden@alaska.gov>; Roberts, Jillian T (DPS) <jillian.roberts@alaska.gov>; Nakano, Lloyd M (DPS) <lloyd.nakano@alaska.gov>; diana.parks@alaska.gov; chief@acsalaska.net; AST Directors Office, DPS (DPS sponsored) <DPS.AST.DIRECTORS.OFFICE@alaska.gov>; Motsko, Randi Lynn (DOT) <randi.motsko@alaska.gov>; Eagan, Pete (DOT) <pete.eagan@alaska.gov>; Nancy Durham <NDurham@fnsb.us>; Bill Witte <BWitte@fnsb.us>; Horton, George C (DNR) <george.horton@alaska.gov>; Bear, Tonya (DEC) <tonya.bear@alaska.gov>; Buteyn, Douglas J (DEC) <doug.buteyn@alaska.gov>; Durst, James D (DFG) <james.durst@alaska.gov>; JLKarl@gvea.com
Subject: CU2018-008: Requesting Comments for Marijuana Cultivation App. (11161 Richardson Highway)

Dear Sir/Ma’am

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

Fairbanks North Star Borough  
907 Terminal Street  
Fairbanks, AK 99701
Manish Singh

From: Eagan, Pete (DOT) <pete.eagan@alaska.gov>
Sent: Friday, December 29, 2017 11:50 AM
To: Manish Singh; Tyler, David L (DPS); Aden, David G (DPS); Roberts, Jillian T (DPS); Nakano, Lloyd M (DPS); diana.parks@alaska.gov; chief@acsalaska.net; AST Directors Office, DPS (DPS sponsored); Motsko, Randi Lynn (DOT); Nancy Durham; Bill Witte; Horton, George C (DNR); Bear, Tonya (DEC); Buteyn, Douglas J (DEC); Durst, James D (DFG); Jlkarl@gvea.com
Subject: Richardson Hwy, ~315 mile (11161, near Midway Lodge), west side -- CU2018-008: Marijuana Cultivation app.

Follow Up Flag: Follow up
Flag Status: Completed

I’d like applicant to provide Google Earth shots (both big picture / aerial, and Streetview) showing the existing driveway(s?) for the subject site as well as any nearby driveways. This will help us determine the suitability of the existing driveway for the proposed use.

Thanks. Pete

From: Manish Singh [mailto:MSingh@fnsb.us]
Sent: Friday, December 29, 2017 9:19 AM
To: Tyler, David L (DPS) <david.tyler@alaska.gov>; Aden, David G (DPS) <david.aden@alaska.gov>; Roberts, Jillian T (DPS) <jillian.roberts@alaska.gov>; Nakano, Lloyd M (DPS) <lloyd.nakano@alaska.gov>; diana.parks@alaska.gov; chief@acsalaska.net; AST Directors Office, DPS (DPS sponsored) <DPS.AST.DIRECTORS.OFFICE@alaska.gov>; Motsko, Randi Lynn (DOT) <randi.motsko@alaska.gov>; Eagan, Pete (DOT) <pete.eagan@alaska.gov>; Nancy Durham <NDurham@fnsb.us>; Bill Witte <BWitte@fnsb.us>; Horton, George C (DNR) <george.horton@alaska.gov>; Bear, Tonya (DEC) <tonya.bear@alaska.gov>; Buteyn, Douglas J (DEC) <doug.buteyn@alaska.gov>; Durst, James D (DFG) <james.durst@alaska.gov>; Jlkarl@gvea.com
Subject: CU2018-008: Requesting Comments for Marijuana Cultivation App. (11161 Richardson Highway)

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Thanks,
Manish

Manish Singh
Planner II
Manish Singh

From: Manish Singh
Sent: Friday, December 29, 2017 9:19 AM
To: 'David.tyler@alaska.gov'; 'David.aden@alaska.gov'; 'jillian.roberts@alaska.gov'; 'lloyd.nakano@alaska.gov'; 'diana.parks@alaska.gov'; 'chief@acsalaska.net'; 'Dps.ast.directors.office@alaska.gov'; 'randi.motsko@alaska.gov'; 'pete.eagan@alaska.gov'; Nancy Durham; Bill Witte; 'George.horton@alaska.gov'; 'Tonya.bear@alaska.gov'; 'Doug.buteyn@alaska.gov'; 'james.durst@alaska.gov'; 'JLKarl@gvea.com'

Subject: CU2018-008: Requesting Comments for Marijuana Cultivation App. (11161 Richardson Highway)
Attachments: CU2018-008_Carr_AppPkt_2017_1228.pdf

Dear Sir/Ma’am

The Fairbanks North Star Borough Planning Commission is considering **CU2018-008**, a request for conditional use approval of a marijuana cultivation facility, indoor large in the General Use 1 (GU-1) zone, located at **11161 Richardson Highway** (on the west side of Richardson Highway, near milepost 315). This case is scheduled for the Planning Commission meeting on February 13, 2018.

I have attached the application with this email. The department requests you to send us your comments for this proposal by January 12, 2018. For more information about this case, please email mSingh@fnSB.us or contact Manish Singh at (907) 459-1225. The staff report to the commission will be available online at www.fnsb.us/Boards/Pages/Planning-Commission.aspx at least five days before the hearing.

Thanks,
Manish

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

Fairbanks North Star Borough
907 Terminal Street
Fairbanks, AK 99701
SAFETY

☐ State Fire Marshal
☐ Fire Service Area (see attachment)
   Specify: Salcha Fire & Rescue
☐ City of Fairbanks
   ○ Chief of Staff
   ○ Fire Department
   ○ Police Department
   ○ Building Department
☐ City of North Pole
   ○ City Clerk – Mayor
   ○ Fire Department
   ○ Police Department
   ○ Building Department
☐ Alaska State Troopers

ROADS AGENCIES

☐ Alaska Department of Transportation and Public Facilities (AK DOT & PF)
☐ FNSB Rural Services
☐ Road Service Area (see attachment)
   Specify: ____________________________

OTHER AGENCIES

STATE

☐ Alaska Department of Environmental Conservation (ADEC)
☐ Alaska Department of Natural Resources (ADNR)
☐ Alaska Department of Fish and Game (ADF&G)
☐ Alaska Railroad (ARR)

FEDERAL

☐ U.S. Department of the Interior Bureau of Land Management (BLM)
☐ U.S. Army Corps of Engineers
☐ U.S. Environmental Protection Agency (EPA) Region 10
☐ U.S. Department of Agriculture (USDA)
   ○ Natural Resources Conservation Service
☐ Fort Wainwright Army Base
☐ Eielson Air Force Base
☐ Federal Emergency Management Agency (FEMA)
   Region 10

OTHER BOROUGH

☐ Land Management
☐ Public Works
☐ Parks & Recreation
☐ Assessing
☐ Transit
☐ Chief of Staff
☐ Other Floodplain Administration
☐ FNSB Addressing

UTILITIES

ENERGY

☐ Fairbanks Natural Gas
☒ Golden Valley Electric Association (GVEA)
☐ Interior Gas Utility
☐ Alyeska Pipeline Services Co.
☐ Aurora Energy
☐ Other ___________________

WATER/SEWER

☐ Utility Services of Alaska
☐ Valley Water, INC.
☐ City of North Pole Public Works
☐ College Utilities
☐ Golden Heart Utilities
☐ Other ___________________

TELECOMMUNICATION

☐ Alaska Communications
☐ GCI FCC (Fiber Optic Cable)
☐ Alaska Wireless Network, LLC (GCI)
☐ AT&T Alascom
☐ AlasConnect
☐ Summit Telephone
☐ Verizon Wireless
☐ Other ___________________

Comments to be returned by: Jan 12, 2018 (2 weeks)

I have sent the application materials for File # U2018-008 to all of the agencies checked above on Dec 29, 2017

Name of Planner (PRINTED) Marish Singh
Date Signed Dec 29, 2017
State of Alaska Department of Public Safety, Division of Fire and Life Safety
David Tyler, Alaska State Fire Marshal/Director David.tyler@alaska.gov
David Aden, Building Plans Examiner 1 David.aden@alaska.gov

Jillian Roberts jillian.roberts@alaska.gov
Lloyd Nakano lloyd.nakano@alaska.gov
Diana Parks diana.parks@alaska.gov

Salcha Fire and Rescue
ERNEST D. MISEWICZ, CHIEF chief@acsalaska.net

State Troopers
Dps.ast.directors.office@alaska.gov

Alaska Department of Transportation
Randi Motsko randi.motsko@alaska.gov
Pete Eagan pete.eagan@alaska.gov

FNSB Floodplain Administrator
Nancy Durham NDurham@fnsb.us

FNSB Addressing
Bill Witte BWitte@fnsb.us

Alaska Department of Natural Resources
George Horton George.horton@alaska.gov

Alaska Department of Environmental Conservation
Tonya Bear Tonya.bear@alaska.gov
Doug Buteyn Doug.buteyn@alaska.gov

Alaska Dept. of Fish and Game
James Durst - james.durst@alaska.gov

GVEA
Julie Karl JlKarl@gvea.com
Application Material Received on December 28, 2017

CU2018-008
Fairbanks North Star Borough
Department of Community Planning
809 Pioneer Road/P.O. Box 71267
Fairbanks, Alaska 99707-1267
(907) 459-1260    Fax: (907) 459-1255
planning@fnsb.us

MARIJUANA FACILITY
CONDITIONAL USE PERMIT APPLICATION
File No. CU2018-008

FEES:
$300 conditional use permit application
$250 verification of sensitive use buffers
$200 sign deposit (check or cash only)

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Property Owner</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contact Name: Amber Carr</td>
<td>Name: Richard Carr</td>
</tr>
<tr>
<td>Business Name: The Great Alaskan Grovery</td>
<td>Mailing Address: Same</td>
</tr>
<tr>
<td>Mailing Address: 909 Babe Ct</td>
<td>City, State Zip: Fairbanks AK 99712</td>
</tr>
<tr>
<td>Phone:</td>
<td>Cell: 907 978 5194</td>
</tr>
<tr>
<td>E-mail:</td>
<td>E-mail: <a href="mailto:gccarr64@gmail.com">gccarr64@gmail.com</a></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Property Information:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Description: Lot 2 CARR previously assessed as 6S 4E 25 2509</td>
</tr>
<tr>
<td>Street Address: 11561 Richardson Hwy</td>
</tr>
<tr>
<td>Parcel Account Numbers (PAN): 0574139</td>
</tr>
<tr>
<td>Lot Size: 5 acres</td>
</tr>
<tr>
<td>Zoning District: GU-1</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Conditional Use Request Information:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed Use(s): Marijuana Cultivation Facility, Indoor Large</td>
</tr>
<tr>
<td>Request Description and Reasons for the Request:</td>
</tr>
</tbody>
</table>

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

APPLICANT SIGNATURE: [Signature]  DATE: 1/3/17

OWNER SIGNATURE (if different): [Signature]  DATE: 1/3/17

If the applicant is not the sole property owner, written consent of all property owners must be provided pursuant to FNSBC 18.104.050(B).
COMMERCIAL MARIJUANA FACILITY
CONDITIONAL USE PERMIT INTAKE CHECKLIST

1. A completed conditional use permit application including the following:
   - Property description and address
   - Specific type of commercial marijuana facility being requested as defined in FNSBC 18.04.010
   - Property owner's signature or signed letter authorizing use of the property for a commercial marijuana facility

2. A legible site plan drawn to a verifiable scale (i.e. 1" = 10' or 1" = 20', etc.), with north arrow and dimensions in feet including all of the following:
   - More than one site plan of different scales may be used to illustrate the site.
   - Location and dimensions of property lines
   - Location and dimensions of utility easements and access easements including section line easements.
   - Name of the access road and any other roads adjacent to the property lines and widths of all right-of-ways.
   - Location and dimensions of all existing and proposed buildings and structures such as greenhouses, barns, offices, sheds, employee washrooms/restrooms, etc. Include any proposed additions. Label each building or structure as existing or proposed. Provide height and number of stories for all buildings to be utilized for the conditional use.
   - Uses of all existing and proposed buildings and structures, portions of buildings, and areas of the property, such as residence, barn, storage, land in crops, etc.
   - Setback distances of all existing and proposed buildings and structures from property lines, except in the General Use (CU) zones.
   - Distances between all existing and proposed buildings and structures
     - Location of well on site, if applicable.
     - Location of septic on-site, if applicable.
     - Location and dimensions, including height, of all existing and proposed signage.
     - Location of all outdoor lighting.
     - Location of trash dumpster(s).
     - Location of security fencing and gates. Include clearance width of all gates,
4. NARRATIVE

☐ Provide a typed narrative addressing the following:
  - Total (maximum) number of employees expected to be working on the site, including full and part-time, temporary and seasonal.
  - Type and frequency of other vehicle trips to the site such as deliveries, security, product transport, or other visitors.
  - Hours of operation
  - Activities occurring on the site on a daily, weekly, monthly, periodic, seasonal, occasional and annual basis
  - Phases of development, if applicable
  - Impacts of the proposed use that may cross property lines such as odor, noise, dust, light, etc.
  - Provide a list of the chemicals utilized or stored on the site.
  - Describe how plant waste and/or product waste materials will be handled and disposed of.
  - Energy source serving the proposed use
  - Water source serving the proposed use
  - Method of sewage disposal for the proposed use
  - Method of wastewater management for the proposed use
  - Other public utilities and services to serve the proposed use such as garbage, communications, fire protection, police, etc.
  - For a marijuana manufacturing facility, provide information on the type of manufacturing process(es) to be utilized.
  - Compliance with state requirements for facility security.

5. NARRATIVE Demonstrating conformance with conditional use approval criteria (FNSBC 18.104.050(C)(1-3)) including Title 18, the FNSB Regional Comprehensive Plan, other FNSB ordinances and applicable state statutes

**FNSBC 18.104.050(C):**
The planning commission shall review, hear and decide whether or not to approve a request for a conditional use. The planning commission shall also consider and adopt findings in each of the following:

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

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

3. Whether or not the proposed conditional use will protect the public health, safety and welfare.
Location, type and depth of surface material and dimensions of existing and proposed driveways including any aprons and distances to property corners. Include location and dimensions of existing and proposed curb cuts and sidewalks, if applicable.

Location, type and depth of surface material and dimensions of each off-street parking space. Off-street parking spaces are required to be at least 9' by 18", with sufficient back-up and maneuvering area such that all back-up and maneuvering actions occur on the site (FNSBC 18.96.060). Label parking spaces with dimensions.

Location, type and depth of surface material and dimensions of loading areas.

Location, and type and depth of surface material of all traffic circulation areas. Provide dimensions of drive aisles, backing and maneuvering areas and all areas where motor vehicles will travel on the site.

Show any obstructions located within the parking and vehicle maneuvering areas, such as a wall, post, guard rail, or other obstruction.

Location and area of existing or proposed landscaping, screening, and existing vegetation to be retained, if applicable.

Show any buffer and open space areas, if applicable.

Vehicle maneuvering diagram(s) may be required to demonstrate adequate fire and emergency vehicle access.

3. OTHER REQUIRED INFORMATION:

Provide a map showing all lots and parcels within 500 feet of the subject property to be utilized as a marijuana facility. Label all specific land uses located on each property including the subject property such as dwelling, restaurant, church, retail store, etc. with specific business names preferred. The land uses on each property may be listed by tax lot on a separate sheet.

Provide a floor plan drawn to scale for each floor utilized. If using a portion of a building, show how that portion of the building is separated from other portions (i.e. fire wall with person door, etc.). Provide room dimensions and label specific use of each portion of floor area used for. Provide square footage calculations for each type of use.

- Production activities such as cultivation, drying, processing, manufacturing, retail sales, etc.; and
- Non-production support activities such as office, storage, employee areas such as locker room, break room, restrooms, and stairs or hallways, etc.

Provide total square footage calculations of all areas to be used for the marijuana facility, including the location and square footage of portions of existing and proposed buildings/structures and land in marijuana cultivation.
COMMERCIAL / INDUSTRIAL SITE PLAN

Existing Buildings
Commercial building
#1. 34'x44' shop converted to Standard Cultivation

Domestic Buildings
#2. 58'x42' residence of cultivation owner
#3. 8'x8' shed
#4. 6'x12x chicken coop
#5. 12'x30' domestic greenhouse
The Great Alaskan Growery
11161 Richardson Hwy

We are The Great Alaskan Growery. We would like to utilize the shop located on our property at 11161 Richardson Hwy as the restricted access area for our standard cultivation. We feel that this property is an ideal location for such activity. We are not located in or near a residential neighborhood and no properties within 500’ facilitate activities that are restricted per Alaska regulation 306.010. There are two adjacent properties, one is a commercial property with a dwelling and the other is a residential property with an old earth floor shed.

We are owner operated and expect the three owners and approximately five part-time employees.

Vehicle activity will be minimal and consist of daily owners vehicles, employees and occasional deliveries.

The majority of activity will commence indoor behind secure access points. There will be no pedestrian activity. Guests to the establishment will be very limited and on a prearranged basis only.

Our cultivation is a 24 hour, 7 day a week, year round operation.

Exhaust air will be filtered through inline carbon filtration to remove odor that may potentially affect adjacent property.

Noise will be limited to human activity and indoor fan noise that is unlikely to be detectable by anyone outside of the restricted access area.

This is not a dust producing activity.

Exterior lighting is minimal to facilitate video surveillance and is pointed down at the access point and minimal area surrounding.

Chemicals stored on site consist of: bleach, dish detergent, and ORGANIC fertilizers
Bio Bizz: top max, bio bloom, bio heaven, fish mix, algae stuff
Advance Nutrient: Mother earth “blue” bloom, mother earth “green” vegetative
Organic Bountea: Humisoil
Safety Data Sheets are onsite for all chemicals

We anticipate very little plant waste, at most there will be 350 pounds of stems and roots per year. Plant waste will be mulched and combined with equal parts of waste soil and deposited in a compost pile near the domestic garden onsite and when seasonally appropriate worked into the domestic garden and flower beds.

Very little to no wastewater will be produced. Any residual water that isn’t simply left to evaporate will be held in a grey water tank for recycle.

GVEA is the electric company
Water Well onsite
Sewer onsite is for domestic waste only.
AT&T cellular for communication
Garbage is Salcha transfer station, for domestic refuse only. ALL commercial trash consisting of shipping material and packaging will be transported to borough landfill.
Fire Protection is Salcha Volunteer fire dept through an annual subscription
Police is Alaska State Troopers

To comply with state Security regulations 3 AAC 306.715 and 720 each of the two exterior access point will be well lit, equipped with commercial grade locks, a security alarm switch and continually monitored with entry and exit video cameras. Each of the five interior access points will be continually monitored with entry and exit cameras providing a clear and unobstructed view of regular activity, facilitating clear identification of any person or activity in those areas.

There are no ground level windows to secure.

Onsite DVR is located in a locked cabinet in the locked office. Surveillance footage will be saved for 40 days both onsite and an offsite cloud.

Only the shop (building #1) will be utilized for the business, marijuana cultivation. We are working w/ flood plane administrator to comply w/ flood plane regulations and permitting.
I have talked to DEC about a graywater tank of 55 gallon drum we will have very little if none of graywater due to our growing process. We are growing in dirt no hydroponics. I have spoken to Dawn Bodgelit with DEC and they are good with this method. We will be installing a DEC approved Septic system in the future for this operation.

We are a member of Salcha Rescue & Fire for our property already.

A restroom is located in the annex home for employees.

Comm. Planning Dept.

DEC 28 2017

RECEIVED
LOTS AND PARCELS WITHIN 500’ OF PROPOSED CULTIVATION,

The 500’ perimeter comes in contact with eight land areas in section 25. I was able to find six property summaries within this area, one of which is the proposed cultivation.

Subject Property: Lot 2 CARR, 11161 Richardson Hwy, PAN 0574139, Richard Carr, Residential
LOT 1 CARR, 10981 Richardson Hwy, PAN 0574121, C Lazy Moose RV Park LLC, Commercial
TL-2508, 11189 & 11191 Richardson Hwy, PAN 0195561, Rebecca Symens, Residential
TL-2505, 11205 Richardson Hwy, PAN 0195537, Rebecca Symens, Midway Lodge, Commercial
TL-2500, 11158 Richardson Hwy, PAN 0195481, Bobby Kempson, Vacant Land

Additional areas within the 500’ radius are state lands and highway right of ways.
The Great Alaskan Growery

\[\frac{1}{8} = 1\text{foot scale}\]

No Eighths

Comm. Planning Dept
DEC 28 2017
RECEIVED

Dec 2017
February 13, 2018
Application Material Received on
January 2, 2018

CU2018-008
Hi Manish,
Forwarding you a copy of the email sent to Pete just now.
And I will forward his reply at the time we receive it.

Thank you
Amber Carr

--------- Forwarded message ---------
From: Amber Carr <thegreatalaskangrowery@gmail.com>
Date: Tue, Jan 2, 2018 at 11:13 AM
Subject: Conditional use permit, 11161 Richardson Hwy driveway
To: pete.eagan@alaska.gov

Hi Pete,

I am attaching the street view and aerial shots of 11161 Richardson Hwy.

The existing driveway has been in use since the early 70s and specifically used by Gary Carr since the mid 80s. If there is any narrative that is helpful in determining its suitability for our proposed use please let us know.

Thank you,
Amber Carr

Thegreatalaskangrowery@gmail.com
9079785194
Application Material Received on January 24, 2018

CU2018-008
Existing Garage/shop

Existing Residence
Driveway leading to the residence and the garage/shop

Driveway off of Richardson Hwy
The trees block the view of building #1, cultivation building, from the street. you cant see that building until you are well on the property.

On Tue, Jan 23, 2018 at 3:59 PM, Manish Singh <MSingh@fnsb.us> wrote:

Thanks Amber, can you please email the photos?

Thanks,

Manish

The wording on the map that expresses 4-6" of gravel for drive and parkway is a note for the driveway and parkway themselves, not for the area of the note itself.

I shared five pics with you from google photos, gcarr64@gmail.com. I can copy them to an email if sharing doesn't suffice.

One of us will be by tomorrow morning to submit the affidavit

Thank you,
Amber and Gary Carr

On Mon, Jan 22, 2018 at 1:39 PM, Manish Singh <MSingh@fnsb.us> wrote:

Hi Amber,

I hope are doing well. I have started working on the staff report on your conditional use permit. I have following requests:

- **Public Sign Posting on the Property:** As discussed previously, the sign posting deadline for your case is January 24, 2018. Before this deadline,
  - Please post the sign on the subject property following the instructions on the ‘sign posting affidavit’.
  - Send me a photograph of the posted sign, showing that it is legible from the road.
  - Complete and submit the ‘sign posting affidavit’ (we have notaries on staff if you need help with that)

- **Additional Site Photos:** Can you please send me a few additional photos of the site? Please see the attached pdf where I have shown the four photographs you could provide.
  - Photo 1 – standing on the driveway and looking toward building # 1
  - Photo 2 – standing on the driveway and looking toward building # 2
  - Photo 3 – standing at the beginning of the driveway and looking toward building # 1&2
  - Photo 4 – looking toward your driveway from the highway

- **DOT Driveway Permit:** I noticed you provided the information requested by Mr. Pete Eagan for your existing driveway. I wanted to check with you if you have heard back from him?

- **FNSB Floodplain Permit:** I wanted to check with you if you have already applied for a FNSB Floodplain permit? If you have not, please contact Nancy Durham at (907) 450-1263 or via email at NDurham@fnsb.us
- The ‘4”-6” compact gravel driveway & parking area’ shown on the site plan: I noticed that your ‘4”-6” compact gravel driveway & parking area’ shown on your site plan encroaches the 150’ Richardson Highway Right-of-Way easement (see attached image showing easements on your property). I also noticed that you have provided parking next to your grow building in your floor plan drawing, which appears to be adequate for this operation. I wanted to double check if it is your intent to use 150’ Richardson Highway Right-of-Way easement on your property for any “parking” related to this cultivation operation? If you do not intend to park in the Right-of-Way easement, please let me know.

Let me know if you have any questions for me.

Thanks,

Manish

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

Fairbanks North Star Borough

907 Terminal Street

Fairbanks, AK 99701
DEAR PROPERTY OWNER

“INTERESTED PERSONS”

CU2018-008
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<thead>
<tr>
<th>Parcel ID</th>
<th>Address 1</th>
<th>Address 2</th>
<th>Address 3</th>
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<td>6S 4E, SEC: 26, TAXLOT: 2601</td>
<td>Alaska State of Dnr</td>
<td>3700 Airport Way</td>
<td>Fairbanks, AK 99709</td>
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<td>WILLIAMS TANANA, LOT: 14</td>
<td>Ball Glenn E Iii</td>
<td>6001 E 142nd Ave</td>
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<td>Anchorage, AK 99516</td>
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<td>CARR, LOT: 01</td>
<td>C Lazy Moose R V Park Llc</td>
<td>10961 Richardson Hwy</td>
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<td>Pliska Keely</td>
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STAFF REPORT

APPEAL OF GR2017-152
MEMORANDUM

TO: Fairbanks North Star Borough Planning Commission
FROM: Manish Singh, Planner II
DATE: November 20, 2017
SUBJECT: Appeal of GR2017-152: An appeal by Brian Reagin DBA Sunshine Health Foods of the denial of a request on behalf of Dan and Yvette Thompson for affirmative recognition of legal nonconforming use status (grandfather rights) for an existing grocery store in the Two-Family Residential (TF) zone for the property on Lot 1 & 2, Block 18, Hamilton Acres Subdivision (located at 410 Trainor Gate Road, on the northeast side of Trainor Gate Road, south of Craig Ave).

Background

The FNSB Department of Community Planning received the grandfather rights application on May 23, 2017. This application was supplemented on July 31, 2017 and August 31, 2017. On September 7, 2017, all owners of nearby lots or land within 1,000 feet of the subject property were notified of the hearing by mail. A public Administrative Hearing was held on September 28, 2017.

After a public administrative hearing on September 28, 2017, the FNSB Administrative Hearing Officer did not affirm (denied) the request for affirmative recognition of legal nonconforming use status (grandfather rights) for an existing grocery store in the Two-Family Residential (TF) zone (Exhibit 1). On October 12, 2017, the applicant appealed the FNSB Administrative Hearing Officer’s decision. Pursuant to FNSBC 18.108.030(C), appeals of administrative determination of the grandfather rights shall be heard de novo by the Planning Commission.

Applicable Criteria

FNSB 18.108.020: Any nonconforming building, use or lot which existed lawfully prior to the effective date of the ordinance codified in this title or any lawful building, use or lot which has become nonconforming upon the adoption of the ordinance codified in this title or any subsequent amendment thereto may be continued, subject to the restrictions in this chapter.

FNSB 18.108.040(B)(4): In the event that a nonconforming use of a building or premises, or part thereof, is discontinued for any reason for a period of 36 months, the subsequent use of the same building or premises, or part thereof, shall thereafter be in conformance with the zoning district in which it is located. The director of community planning, with the concurrence of the borough assembly, may extend this 36-month period to allow relief from emergencies or other extenuating circumstances which are outside the control of the landowner.
The subject parcels, Lot 1 & Lot 2 are currently under common ownership and Lot 2 is used as the parking area for the existing commercial building located on Lot 1 in the Two-Family Residential (TF) zone (Exhibit 2). The subject building currently has two principal uses, 1) a grocery store DBA Sunshine Health Foods and 2) an animal grooming shop DBA Lucky Dog Grooming. The applicant has applied for the grandfather rights affirmation only for the grocery store.

For the property history, Community Planning relies on FNSB Assessor Field Card and land use permits. Exhibit 3 shows the approved land use permits and relevant FNSB Assessor Field Card notes in a chronological order. A copy of the FNSB Assessor Field Card for Lot 1 has been included in Exhibit 4 and a copy of the FNSB Assessor Field Card for Lot 2 has been included in Exhibit 5.

FNSB Assessor Field Card reflects that the Assessing Department estimates the building to be constructed in 1954 (Exhibit 6). In 1954, the subject property was outside the City of Fairbanks limit and there was no zoning in unincorporated areas of the Borough.

The 1959 Polk’s Fairbanks (Alaska) City Directory shows that three businesses, ‘P&A Company Inc.’, ‘Serv-U Gros’ and ‘Blue Ribbon Meat Co’, had telephone connections at 410 Trainor Gate Road. The Polk’s Fairbanks (Alaska) City Directories from 1964, 1965 and 1966 show that ‘Harrison Homer K’ and the business, ‘Shoppers Mkt’, had telephone connections at 410 Trainor Gate Road (Exhibit 7).

Hamilton Acres Subdivision was annexed into the City of Fairbanks on October 1, 1965 (Exhibit 8). The subject property was zoned General Residential (R2) by Fairbanks Zoning Code at the time of annexation in 1965. A grocery store was not an allowed use in General Residential (R2) zone (Exhibit 9). Because the grocery store use of the property existed prior to the zoning which prohibited the grocery store use; the property became legal nonconforming (grandfathered) for a grocery store use under Fairbanks Zoning Code Section 13.111(d) on October 1, 1965. On October 1, 1965, Fairbanks Zoning Code had a 12 months threshold for discontinuation of legal nonconforming (grandfathered) uses.

The FNSB Assessor Field Card shows that the name of the property owner includes “DBA Shoppers Mkt.” for the 1966 assessment (Exhibit 10). A Statutory Warranty Deed, recorded on July 6, 1966 shows that Homer K. Harrison and Garnette A. Harrison DBA Shoppers Market and Polaris Superette purchased the property from First National Bank of Fairbanks (Exhibit 11). FNSB Assessor Field Card reflects that the property was inspected on January 9, 1968 for flood damage and that the building was vacant and was in “poor condition” (Exhibit 12). Two photographs, dated October 2, 1968 and October 2, 1968 respectively, from the FNSB Assessor Field Card show the “Shoppers Mkt” sign on the front elevation of the building (Exhibit 13).

FNSB established their zoning regulations with the adoption of Ord. No. 67-34 on March 28, 1968. The subject property was rezoned from General Residential (R2) to Restricted Residential (R1). A grocery store was not an allowed use in Restricted Residential (R1) zone (Exhibit 14).

Ord. No. 67-34 also continued the 12 months threshold for discontinuation of legal nonconforming (grandfathered) uses. The subject property was rezoned from Restricted Residential (R1) to General Residential (R2) with the adoption of the Ord. No. 69-29 on August 14, 1969. A grocery store was not an allowed use in General Residential (R2) zone (Exhibit 15).
FNSB Assessor Field Card reflects that the property was inspected on June 30, 1970 and that the building was being used as a warehouse (Exhibit 16). FNSB Assessor Field Card reflects that the property was inspected on December 13, 1974 and that the “storefront was vacant” (Exhibit 17).

The FNSB Assessor records indicate at least five inspections were conducted in the 4½ years between July 1970 through December 1974 when the building was not used as grocery store and was vacant or used for other purposes (Exhibit 3).

<table>
<thead>
<tr>
<th>Assessor Staff Inspection Date</th>
<th>Notes in Assessor Field Card</th>
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</thead>
<tbody>
<tr>
<td>June 30, 1970</td>
<td>“building being used as a warehouse and no changes made since last inspection”</td>
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<tr>
<td>July 10, 1970</td>
<td>“exterior + interior inspection, this building is in poor condition”</td>
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<tr>
<td>April 28, 1972</td>
<td>“interior inspection, building in very poor condition”</td>
</tr>
<tr>
<td>January 1973</td>
<td>“no change”</td>
</tr>
<tr>
<td>December 3, 1973</td>
<td>“no apparent change”</td>
</tr>
<tr>
<td>December 13, 1974</td>
<td>“no change, storefront vacant now”</td>
</tr>
</tbody>
</table>

On September 16, 1975, FNSB Department of Community Planning issued a zoning permit for an ice-cream parlor on the subject property (Exhibit 18). This zoning permit appears to have been issued in error because an ice-cream parlor was not a permitted use in General Residential (R2) zone on September 16, 1975. On March 4, 1981, FNSB Planning Commission approved a conditional use permit for a pre-school facility on the subject property (Exhibit 19). FNSB Assessor Field Card reflects that the property was inspected on July 10, 1987 and that the building was being used as a veterinary clinic and a photo studio (Exhibit 20).

The subject property was rezoned from General Residential (R2) to Two-Family Residential (TF) when Ord. No. 88-010 came in effect on April 25, 1988. A grocery store is not an allowed use in Two-Family Residential (TF) zone (Exhibit 21). On April 25, 1988, Ord. No. 88-010 increased the threshold for discontinuation of legal nonconforming (grandfathered) uses from 12 months to 36 months. On April 24, 1997, Ord. No. 97-013 changed the threshold for discontinuation of legal nonconforming (grandfathered) uses from 36 months back to 12 months (Exhibit 22). On February 02, 2011, Ord. No. 2010-55 reinstated the 36 months threshold for discontinuation of legal nonconforming (grandfathered) uses (Exhibit 23).

The applicant stated in his application that Sunshine Health Foods moved in the subject building in 1996. Community Planning Department did not issue any zoning permit or conditional use permit for a grocery store DBA Sunshine Health Foods on the subject property.

Recommendation

Community Planning recommends that the legal nonconforming (grandfathered) use has been discontinued for at least 4½ years and therefore the subject property no longer has legal nonconforming (grandfathered) use status for a grocery store use in the Two-Family Residential (TF) zone.

1. The grocery store use of the property existed prior to the zoning that came into effect on October 1, 1965 which prohibited the grocery store use; therefore, the property became
legal nonconforming (grandfathered) for a grocery store use under Fairbanks Zoning Code Section 13.111(d) on October 1, 1965.

2. Fairbanks Zoning Code Section 13.111(d) had a 12 months threshold for discontinuation of legal nonconforming (grandfathered) uses from October 1, 1965 to March 28, 1968 and FNSBC 49.15.030 had a 12 months threshold for discontinuation of legal nonconforming (grandfathered) uses from March 28, 1968 to April 25, 1988 and the FNSB Assessor records indicate multiple inspections in the 4½ years between July 1970 through December 1974 when the building was not used as grocery store and was vacant or used for other purpose.

Findings of Fact

Community Planning recommends the following Findings of Fact in support of this determination:

1. The subject parcels, Lot 1 & Lot 2, are a zoning lot for land use purposes because Lot 1 & Lot 2 are currently under common ownership and are developed as a unit for commercial use where Lot 2 is used as the parking area for the commercial building located on Lot 1 in the Two-Family Residential (TF) zone.

2. The existing building on the subject property currently has two principal uses, 1) a grocery store DBA Sunshine Health Foods and 2) an animal grooming shop DBA Lucky Dog Grooming. The applicant has applied for the grandfather rights affirmation only for the grocery store.

3. FNSB Assessor Field Card reflects that the Assessing Department estimates the building to be constructed in 1954. In 1954, the subject property was outside the City of Fairbanks limit and there was no zoning in unincorporated areas of the Borough.


5. Hamilton Acres Subdivision was annexed into the City of Fairbanks on October 1, 1965. The subject property was zoned General Residential (R2) by Fairbanks Zoning Code at the time of annexation in 1965. A grocery store was not an allowed use in General Residential (R2) zone. The grocery store use became legal nonconforming at that time.

6. On October 1, 1965, Fairbanks Zoning Code had a 12 months threshold for discontinuation of legal nonconforming (grandfathered) uses. Fairbanks Zoning Code Section 13.111(d) stated that “if a nonconforming use be discontinued for a period of one year, the same cannot be again continued.”

7. The FNSB Assessor Field Card shows that the name of the property owner includes “DBA Shoppers Mkt.” for the 1966 assessment.

9. FNSB Assessor Field Card reflects that the property was inspected on January 9, 1968 for flood damage and that the building was vacant and was in “poor condition.”

10. FNSB established their zoning regulations with the adoption of Ord. No. 67-34 on March 28, 1968. The subject property was rezoned from General Residential (R2) to Restricted Residential (R1). A grocery store was not an allowed use in Restricted Residential (R1) zone.

11. On March 28, 1968, Ord. No. 67-34 continued the 12 months threshold for discontinuation of legal nonconforming (grandfathered) uses. FNSB 49.15.030 stated that “any such non-conforming use which is discontinued for a period of twelve months may not be re-established; and, provided further no such non-conforming structure or use may be expanded except in accordance with the standards established by this ordinance.”

12. Two photographs from the FNSB Assessor Field Card, dated October 2, 1968 and October 10, 1968 respectively, show the “Shoppers Mkt” sign on the front elevation of the building.

13. The subject property was rezoned from Restricted Residential (R1) to General Residential (R2) with the adoption of the Ord. No. 69-29 on August 14, 1969. A grocery store was not an allowed use in General Residential (R2) zone.

14. FNSB Assessor Field Card reflects that the property was inspected on June 30, 1970 and that the building was being used as a warehouse.

15. FNSB Assessor Field Card reflects that the property was inspected on December 13, 1974 and that the “storefront was vacant”.

16. On September 16, 1975, FNSB Department of Community Planning issued a zoning permit for an ice-cream parlor on the subject property. This zoning permit appears to have been issued in error because an ice-cream parlor was not a permitted use in General Residential (R2) zone on September 16, 1975.

17. On March 4, 1981, FNSB Planning Commission approved a conditional use permit for a pre-school facility on the subject property.

18. FNSB Assessor Field Card reflects that the property was inspected on July 10, 1987 and that the building was being used as a veterinary clinic and a photo studio.

19. The subject property was rezoned from General Residential (R2) to Two-Family Residential (TF) when Ord. No. 88-010 came in effect on April 25, 1988. A grocery store is not an allowed use in Two-Family Residential (TF) zone.

20. On April 25, 1988, Ord. No. 88-010 increased the threshold for discontinuation of legal nonconforming (grandfathered) uses from 12 months to 36 months.

21. The applicant stated in his application that Sunshine Health Foods moved in the subject building in 1996.

22. Community Planning Department did not issue any zoning permit or conditional use permit for a grocery store DBA Sunshine Health Foods on the subject property.
23. On April 24, 1997, Ord. No. 97-013 changed the threshold for discontinuation of legal nonconforming (grandfathered) uses from 36 months back to 12 months.


25. A grocery store has not been a permitted or conditional use on the subject property since October 1, 1965.

26. The applicant did not provide evidence that the grocery store was in continuous use and had not been discontinued for a period of 12 months or more from October 1, 1965 to April 25, 1988, or for a period 36 months or more from April 25, 1988 to April 24, 1997.

27. The public testimony received by neighbors at the public administrative hearing on September 28, 2017 indicated that the property was vacant for periods longer than 12 months in the 1970s and the 1980s.

28. The FNSB Assessor records indicate at least five inspections were conducted in the 4½ years between July 1970 through December 1974 when the building was not used as grocery store and was vacant or used for other purposes.

Draft Motion

I move to deny the appeal and uphold the Administrative Hearing Officer decision to not affirm recognition of legal nonconforming use status (grandfather rights) for an existing grocery store in the Two-Family Residential (TF) zone for the property on Lot 1 & 2, Block 18, Hamilton Acres Subdivision, adopting the staff report dated November 20, 2017 and the Administrative Hearing Officer decision dated October 13, 2017.
NOTICE OF DECISION RE: GR2017-152

October 13, 2017

Brian Reagain DBA Sunshine Health Foods
410 Trainor Gate Road
Fairbanks, AK 99701

Property Description: Lot 1 & 2, Block 18, Hamilton Acres Subdivision
Property Address: 410 Trainor Gate Road
PAN: 0525341 and 0071943
Issue: A request by Brian Reagain DBA Sunshine Health Foods on behalf of Dan and Yvette Thompson for affirmative recognition of legal nonconforming use status (grandfather rights) for an existing grocery store in Two-Family Residential (TF) zone for the property on Lot 1 & 2, Block 18, Hamilton Acres Subdivision (located at 410 Trainor Gate Road).

Determination: Not Affirmed (denied) for the Grocery Store Use

After a public administrative hearing on September 28, 2017, the FNSB Administrative Hearing Officer DID NOT AFFIRM (denied) your request for affirmative recognition of legal nonconforming use status (grandfather rights) for an existing grocery store in Two-Family Residential (TF) zone. The FNSB Administrative Hearing Officer adopted the following Findings of Fact in support of this determination:

1. The subject parcels, Lot 1 & Lot 2, are a zoning lot for use purposes because Lot 1 & Lot 2 are currently under common ownership and are developed as a unit for commercial use where Lot 2 is used as the parking area for the commercial building located on Lot 1 in the Two-Family Residential (TF) zone. FNSB 18.04.010 defines a zoning lot as "a parcel or contiguous parcels of land designated by its owner or developer as a tract to be used, developed or built upon as a unit under single ownership or control."

2. The applicant has stated that the existing building on the subject property currently has two principal uses, 1) a grocery store DBA Sunshine Health Foods and 2) an animal grooming shop DBA Lucky Dog Grooming. The applicant has applied for the grandfather rights affirmation only for the grocery store.

3. Lot 1 and 2, Block 18 were created with the recording of a plat for the North East Portion of Hamilton Acres Subdivision in 1948.

4. FNSB Assessor Field Card reflects that the Assessing Department estimates the building to be constructed in 1954. In 1954, the subject properties were outside the City of Fairbanks limit and there was no zoning in unincorporated areas of the Borough.

5. The 1959 Polk's Fairbanks (Alaska) City Directory shows that three businesses, 'P&A Company Inc.', 'Serv-U Gros' and 'Blue Ribbon Meat Co', had telephone connections at 410 Trainor Gate Road.
6. The Polk’s Fairbanks (Alaska) City Directories from 1964, 1965 and 1966 show that ‘Harrison Homer K’ and the business, ‘Shoppers Mkt’, had telephone connections at 410 Trainor Gate Road.

7. FNSB Assessor Field Card reflects that the property was owned by P. and A. Company, Inc. in 1965 and had a total assessed value of $76,075 including $75,075 for the existing building and $1,000 for the land.


9. Hamilton Acres Subdivision was annexed into the City of Fairbanks on October 1, 1965. The subject properties were zoned General Residential (R2) by Fairbanks Zoning Code at the time of annexation in 1965. A grocery store was not an allowed use in General Residential (R2) zone.

10. On October 1, 1965, Fairbanks Zoning Code had a 12 months threshold for discontinuation of legal nonconforming (grandfathered) uses. Fairbanks Zoning Code Section 13.111(d) stated that "if a nonconforming use be discontinued for a period of one year, the same cannot be again continued."

11. The FNSB Assessor Field Card shows that the name of the property owner includes "DBA Shoppers Mkt." for the 1966 assessment.


13. FNSB Assessor Field Card reflects that the property was inspected on January 9, 1968 for flood damage and that the building was vacant and was in "poor condition."

14. FNSB established their zoning regulations with the adoption of Ord. No. 67-34 on March 28, 1968. The subject properties were rezoned from General Residential (R2) to Restricted Residential (R1). A grocery store was not an allowed use in Restricted Residential (R1) zone.

15. On March 28, 1968, Ord. No. 67-34 continued the 12 months threshold for discontinuation of legal nonconforming (grandfathered) uses. FNSBC 49.15.030 stated that "any such non-conforming use which is discontinued for a period of twelve months may not be re-established; and, provided further no such non-conforming structure or use may be expanded except in accordance with the standards established by this ordinance."

16. A photograph, dated October 2, 1968, from the FNSB Assessor Field Card shows the "Shoppers Mkt" sign on the front elevation of the building.

17. The subject properties were rezoned from Restricted Residential (R1) to General Residential (R2) with the adoption of the Ord. No. 69-29 on August 14, 1969. A grocery store was not an allowed use in General Residential (R2) zone.

18. FNSB Assessor Field Card reflects that the property was inspected on June 30, 1970 and that the building was being used as a warehouse.
19. FNSB Assessor Field Card reflects that the property was inspected on December 13, 1974 and that the "storefront was vacant".

20. On September 16, 1975, FNSB Department of Community Planning issued a zoning permit for an ice-cream parlor on the subject property. This zoning permit appears to have been issued in error because an ice-cream parlor was not a permitted use in General Residential (R2) zone on September 16, 1975.


22. FNSB Assessor Field Card reflects that the property was inspected on July 10, 1987 and that the building was being used as a veterinary clinic.

23. The subject property was rezoned from General Residential (R2) to Two-Family Residential (TF) when Ord. No. 88-010 came in effect on April 25, 1988. A grocery store is not an allowed use in Two-Family Residential (TF) zone.

24. On April 25, 1988, Ord. No. 88-010 increased the threshold for discontinuation of legal nonconforming (grandfathered) uses from 12 months to 36 months.

25. On April 24, 1997, Ord. No. 97-013 changed the threshold for discontinuation of legal nonconforming (grandfathered) uses from 36 months back to 12 months.


27. The applicant stated in his application that "Mrs. Mary Kopf has owned Sunshine Health Foods business for almost 33 years, over 21 of those years located on said property (410 Trainer Gate Rd.)."

28. Community Planning Department did not issue any zoning permit or conditional use permit for a grocery store DBA Sunshine Health Foods on the subject properties.

29. A grocery store has not been a permitted or conditional use on the subject property since October 1, 1965.

30. The applicant did not provide evidence that the grocery store was in continuous use and had not been discontinued for a period of 12 months or more from October 1, 1965 to April 25, 1988, or for a period 36 months or more from April 25, 1988 to April 24, 1997.

31. The public testimony received by neighbors at the public administrative hearing on September 28, 2017 indicated that the property was vacant for periods longer than 12 months in the 1970s and the 1980s.

32. The FNSB Assessor records indicate multiple inspections in the 4½ years between July 1970 through December 1974 when the building was not used as grocery store and was vacant or used for other purposes.
Because the grocery store use of the property existed prior to the zoning which prohibited the grocery store use and came into effect on October 1, 1965, the property became legal nonconforming (grandfathered) for a grocery store use under Fairbanks Zoning Code Section 13.111(d) on October 1, 1965.

However, Fairbanks Zoning Code Section 13.111(d) had a 12 months threshold for discontinuation of legal nonconforming (grandfathered) uses from October 1, 1965 to March 28, 1968 and FNSBC 49.15.030 had a 12 months threshold for discontinuation of legal nonconforming (grandfathered) uses from March 28, 1968 to April 25, 1988 and the FNSB Assessor records indicate multiple inspections in the 4½ years between July 1970 through December 1974 when the building was not used as grocery store and was vacant or used for other purposes; therefore, the legal nonconforming (grandfathered) use has been discontinued and subject property does not have legal nonconforming (grandfathered) use status for a grocery store use in the Two-Family Residential (TF) zone under Chapter 18.108, Nonconforming (Grandfathered) Uses and Lots.

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

Sincerely,

D. Christine Nelson, AICP
FNSB Administrative Hearing Officer

DCN/ms

CC: Dan and Yvette Thompson, 1810 Burgess Ave, Fairbanks, AK 99709
## Land use permits and Assessor Notes in chronological order

<table>
<thead>
<tr>
<th>Date/Year</th>
<th>Description of Permits and Assessor Notes</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>1954</td>
<td>Field Card's estimated date of building construction</td>
<td>FNSB Assessor Field Card</td>
</tr>
<tr>
<td>1959</td>
<td>Telephone connections for three businesses 'P&amp;A Company Inc.', 'Serv-U Gros' and 'Blue Ribbon Meat Co'</td>
<td>Polk's Fairbanks (Alaska) City Directory</td>
</tr>
<tr>
<td>1964</td>
<td>Telephone connections for 'Harrison Homer K' and the business, 'Shoppers Mkt'</td>
<td>Polk's Fairbanks (Alaska) City Directory</td>
</tr>
<tr>
<td>1965</td>
<td>Telephone connections for 'Harrison Homer K' and the business, 'Shoppers Mkt'</td>
<td>Polk's Fairbanks (Alaska) City Directory</td>
</tr>
<tr>
<td>August 1, 1965</td>
<td>Field Card notes &quot;no apparent change&quot;</td>
<td>FNSB Assessor Field Card</td>
</tr>
<tr>
<td>October 1, 1965</td>
<td>Zoning which prohibited the grocery store use came into effect</td>
<td>Fairbanks Zoning Code</td>
</tr>
<tr>
<td>1966</td>
<td>Telephone connections for 'Harrison Homer K' and the business, 'Shoppers Mkt'</td>
<td>Polk's Fairbanks (Alaska) City Directory</td>
</tr>
<tr>
<td>January 26, 1966</td>
<td>Field Card notes &quot;no apparent change&quot;</td>
<td>FNSB Assessor Field Card</td>
</tr>
<tr>
<td>January 9, 1968</td>
<td>Field Card notes &quot;inspected for flood damage, building vacant, in very poor condition&quot;</td>
<td>FNSB Assessor Field Card</td>
</tr>
<tr>
<td>July 10, 1968</td>
<td>Field Card notes &quot;estimate 45% damage existed on January 1st, building is being repaired, check for '69&quot;</td>
<td>FNSB Assessor Field Card</td>
</tr>
<tr>
<td>October 2, 1968</td>
<td>Field Card photograph shows the &quot;Shoppers Mkt&quot; sign on the front elevation of the building</td>
<td>FNSB Assessor Field Card</td>
</tr>
<tr>
<td>June 30, 1970</td>
<td>Assessor staff moved the building from Lot 2's Field Card to Lot 1's Field Card. Field Card notes &quot;building being used as a warehouse and no changes made since last inspection&quot;</td>
<td>FNSB Assessor Field Card</td>
</tr>
<tr>
<td>July 10, 1970</td>
<td>Field Card notes &quot;exterior + interior inspection, this building is in poor condition&quot;</td>
<td>FNSB Assessor Field Card</td>
</tr>
<tr>
<td>April 28, 1972</td>
<td>Field Card notes &quot;interior inspection, building in very poor condition&quot;</td>
<td>FNSB Assessor Field Card</td>
</tr>
<tr>
<td>January 1973</td>
<td>Field Card notes &quot;no change&quot;</td>
<td>FNSB Assessor Field Card</td>
</tr>
<tr>
<td>December 3, 1973</td>
<td>Field Card notes &quot;no apparent change&quot;</td>
<td>FNSB Assessor Field Card</td>
</tr>
<tr>
<td>December 13, 1974</td>
<td>Field Card notes &quot;no change, storefront vacant now&quot;</td>
<td>FNSB Assessor Field Card</td>
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<tr>
<td>September 16, 1975</td>
<td>Zoning permit issued for alteration of an ice-cream parlor</td>
<td>ZP-1673</td>
</tr>
<tr>
<td>November, 1975</td>
<td>Field Card notes &quot;used 1st floor as warehouse although it has been a store&quot;</td>
<td>FNSB Assessor Field Card</td>
</tr>
<tr>
<td>Date</td>
<td>Note</td>
<td>FNSB Assessor Field Card</td>
</tr>
<tr>
<td>--------------------</td>
<td>----------------------------------------------------------------------</td>
<td>-----------------------------------------------</td>
</tr>
<tr>
<td>September 27, 1976</td>
<td>Field Card notes “no apparent changes”</td>
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<tr>
<td>November 9, 1977</td>
<td>Field Card notes “no change”</td>
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</tr>
<tr>
<td>May 22, 1978</td>
<td>Field Card notes “some apparent renovation and new offices here”</td>
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<tr>
<td>August 16, 1978</td>
<td>Field Card notes “no changes, building is for lease”</td>
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<tr>
<td>August 15, 1979</td>
<td>Field Card notes “no change”</td>
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<tr>
<td>March 4, 1981</td>
<td>Conditional use permit issued for a pre-school facility</td>
<td>CU1981-001</td>
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<tr>
<td>February, 1986</td>
<td>Field Card notes “no change”</td>
<td></td>
</tr>
<tr>
<td>July 10, 1987</td>
<td>Field Card notes “veterinary clinic, 3 meters, garage (nw), photo studio, remodeling other areas, 410 Trainor Gate, fire damage apparent”</td>
<td></td>
</tr>
<tr>
<td>September 29, 1988</td>
<td>Field Card notes “inspection, no change”</td>
<td></td>
</tr>
<tr>
<td>July 26, 1990</td>
<td>Field Card notes “now Alaska Veterinary Clinic”</td>
<td></td>
</tr>
<tr>
<td>October 2002</td>
<td>Field Card notes “exterior inspection, still in tough shape”</td>
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<tr>
<td>Building Type and Use</td>
<td>Exterior</td>
<td>Interior</td>
</tr>
<tr>
<td>----------------------</td>
<td>----------</td>
<td>----------</td>
</tr>
<tr>
<td>4. EXTERIOR</td>
<td>Wood - Brick</td>
<td>Metal - 1/2 Pine</td>
</tr>
<tr>
<td>7. FLOORS</td>
<td>Wood - 1/2 Plywood</td>
<td>1/2 Plywood</td>
</tr>
<tr>
<td>2. BASEMENT</td>
<td>Stairs:</td>
<td>Stairs:</td>
</tr>
<tr>
<td>6. ROOF</td>
<td>Hip</td>
<td>Gable</td>
</tr>
<tr>
<td>1. FRAME</td>
<td>Wood - 1 1/2 Spruce</td>
<td>Wood - 1 1/2 Spruce</td>
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</table>

<table>
<thead>
<tr>
<th>Height (ft)</th>
<th>Full</th>
<th>Roof</th>
<th>Terri</th>
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</thead>
<tbody>
<tr>
<td>10</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**YARD IMPROVEMENTS**

Water Source: 3 feet

**Fireplaces**

- Water Source: 3 feet
- S Labile

**Housing Condition**

- Electric: 10. ELECTRICAL
- Gas: 10. ELECTRICAL
- Water: 10. ELECTRICAL
- Sewer: 10. ELECTRICAL

**Land Requisites**

- Bearing Wall
- Retaining Wall
- Fence
- Sidewalk
- DriveWay
- Elevation
- Elevation
- Elevation
- Elevation

**Buildings**

- Building Elevator
- Building Elevator
- Building Elevator
- Building Elevator
- Building Elevator

**Occupancy**

- 4. Occupancy
- 5. Building Area
- 6. Exterior Wall
- 7. No. of Stories
- 8. Average Floor Area
- 9. Average Parimeter
- 10. Age and Condition

**Marshall & Swift Manual**

- Building Cost: 10.10.6.6
- Building Cost: 10.10.6.6
- Building Cost: 10.10.6.6
- Building Cost: 10.10.6.6
- Building Cost: 10.10.6.6

**Square Foot Cost**

- Building Cost: 10.10.6.6
- Building Cost: 10.10.6.6
- Building Cost: 10.10.6.6
- Building Cost: 10.10.6.6
- Building Cost: 10.10.6.6

**Square Foot Requisites**

- Building Cost: 10.10.6.6
- Building Cost: 10.10.6.6
- Building Cost: 10.10.6.6
- Building Cost: 10.10.6.6
- Building Cost: 10.10.6.6

**Requisite Calculations**

- Building Cost: 10.10.6.6
- Building Cost: 10.10.6.6
- Building Cost: 10.10.6.6
- Building Cost: 10.10.6.6
- Building Cost: 10.10.6.6

**Summary**

- Building Cost: 10.10.6.6
- Building Cost: 10.10.6.6
- Building Cost: 10.10.6.6
- Building Cost: 10.10.6.6
- Building Cost: 10.10.6.6

**Note**

- See back of form for drawings.
<table>
<thead>
<tr>
<th>Observed Physical Condition</th>
<th>Exterior</th>
<th>Interior (Continued)</th>
<th>Foundation</th>
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<tbody>
<tr>
<td><strong>BUILDING TYPE AND USE</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single</td>
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<tr>
<td>Double</td>
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<td>Other</td>
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<td># Stories</td>
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<tr>
<td>Attic Finish</td>
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<tr>
<td>Basement</td>
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<tr>
<td>Frame</td>
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<tr>
<td>Concrete</td>
<td>Block</td>
<td>Trin</td>
<td>Kind</td>
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<tr>
<td>Log</td>
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<tr>
<td>Total #</td>
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<tr>
<td>Plywood</td>
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<tr>
<td>Roof</td>
<td>Flat</td>
<td>Gable</td>
<td>Hip</td>
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<td>Attic</td>
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<tr>
<td>Other</td>
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<td>Basement</td>
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<td>1st Floor</td>
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<tr>
<td>Metal</td>
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<tr>
<td>2nd Floor</td>
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<td>3rd Floor</td>
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<td>Other</td>
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<td>4. INTERIOR</td>
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<td>Roof</td>
<td>Flat</td>
<td>Gable</td>
<td>Hip</td>
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<td>Attic</td>
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<td>Other</td>
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<td>5. ROOF</td>
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<td>Flat</td>
<td>Gable</td>
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<td>Other</td>
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<td>6. INTERIOR</td>
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<tr>
<td>Roof</td>
<td>Flat</td>
<td>Gable</td>
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<td>Attic</td>
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<td>Other</td>
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<tr>
<td>7. FLOORS</td>
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<tr>
<td>Roof</td>
<td>Flat</td>
<td>Gable</td>
<td>Hip</td>
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<tr>
<td>Other</td>
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</tbody>
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**BUILDING VALUE CALCULATION**

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Area or Quantity</th>
<th>Unit Cost</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>27.8 #</td>
<td>27.8</td>
<td>9.31</td>
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<tr>
<td>2</td>
<td>10.2 #</td>
<td>10.2</td>
<td>6.1</td>
</tr>
<tr>
<td>3</td>
<td>1.2</td>
<td>1.2</td>
<td>1.2</td>
</tr>
</tbody>
</table>

**OPERATIONS AND PROCEDURES**

- Inspection Date: 1/14/68
- Classification: B1M
- Calculation Method: B1M
- Perimeter: 155'
- Scale: 1/8" = 1'

**BUILDING AREA CALCULATION**

- Floor Area: 6.54
- Wall Area: 1.2
- Total Area: 7.74

**DEPRECIATION AND OBSOLESCENCE**

- Effective Age: 15%
- Observed Physical Condition: 50%
- Total Depreciation: 22.5%
- Net Condition: 77.5
- O.

**OBSOLESCENCE**

- Overimprovement: 10%
- Underimprovement: 5%
- Other: 10%

**SUMMARY OF APPRAISED VALUE**

- Principal Building: 45120
- Total Building: 7855
- Total Land: 32.97
- Total Appraisal: 85456

**Planning Commission Cost:** $356
**February 13, 2018**
<table>
<thead>
<tr>
<th>YEAR</th>
<th>APPR.</th>
<th>UNIT AREA</th>
<th>UNIT PRICE</th>
<th>BASIC VALUE</th>
<th>(+) or (-)</th>
<th>NET UNIT VALUE</th>
<th>LAND VALUE</th>
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<tbody>
<tr>
<td>1981</td>
<td>Kem</td>
<td>12972 ft²</td>
<td>2.94</td>
<td>25,944</td>
<td>-2594</td>
<td>1830</td>
<td>23,350</td>
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<tr>
<td>1987</td>
<td>RT</td>
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<table>
<thead>
<tr>
<th>YEAR</th>
<th>OWNER</th>
<th>ASSESSED VALUATION</th>
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<tr>
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<td>Kem</td>
<td>23,350 23,775 101,125</td>
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<tr>
<td>1987</td>
<td>RT</td>
<td>23,350 12,175 121,525</td>
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</tbody>
</table>

REMARKS:
- Inspection, NCA, 1966/1980
- 209 ft creeks, 100% wetland
- 20% C & O
- 80% C & O
- 10% C & O
- Right of way, 200 ft, 60% wetland, 400 ft
- 100% C & O
- Floodplain, 20%
- Clearing, 10%
- Survey required - 3/8
<table>
<thead>
<tr>
<th>Parcel Description</th>
<th>Parcel Number</th>
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<tbody>
<tr>
<td>NEIGHBORHOOD STRATIFICATION</td>
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<tr>
<td>Major</td>
<td>Minor</td>
</tr>
<tr>
<td>Access</td>
<td>Man Book Number</td>
</tr>
<tr>
<td>Lot</td>
<td>Serial</td>
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<tr>
<td>Remarks:</td>
<td></td>
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<tr>
<td>11/27/10 fig here more. No changes at all.</td>
<td></td>
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<tr>
<td>11/27/10 fig here more. No changes at all.</td>
<td></td>
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<tr>
<td>11/27/10 fig here more. No changes at all.</td>
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<tr>
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<tr>
<td>11/27/10 fig here more. No changes at all.</td>
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</tr>
<tr>
<td>ACCESS PHYS CONDITION</td>
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<tr>
<td>1. Good</td>
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</tr>
<tr>
<td>2. Fair</td>
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<tr>
<td>3. Poor</td>
<td></td>
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<td>4. None</td>
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<td>5. Paved</td>
<td></td>
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<td>6. Graveled</td>
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<td>7. Unimproved</td>
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<td>8.</td>
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<tr>
<td>PARCEL SHAPE</td>
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<td>1. Rectangle</td>
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<td>2. Square</td>
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<tr>
<td>3. Triangle</td>
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<tr>
<td>4. Long &amp; Narrow</td>
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<tr>
<td>5. Irregular</td>
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<tr>
<td>6. Divided</td>
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<td>7. Uncertified</td>
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<td>8. Oversized</td>
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<td>9.</td>
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<td>6. Curb &amp; Gutter</td>
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<td>7. Public Water</td>
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<td>8. Community Water</td>
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<td>9. Well Water</td>
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<td>11. Woodchuck</td>
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<td>7. Cul-De-Sac</td>
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<td>8. Corner</td>
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<td>9. Alley</td>
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<td>4. 12 - 20%</td>
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Planning Commission 359 February 13, 2018
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<th>Unit Cost</th>
<th>Total</th>
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**REFERENCE ONLY**

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**DEPRECIATION AND OBsolescence**

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<th>Type</th>
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<td>b. Otherwise</td>
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</tr>
<tr>
<td>c. Physical Condition</td>
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**SUMMARY OF APPRAISAL VALUE**

- Principal Building Approval: $45,000
- Accessory Buildings Approval: $5,000
- Total Building Approval: $50,000

**Total**

- Total Repairs: $300
- TOTAL APPLAISABLE VALUE: $50,000

---

**EXHIBIT 5**

February 13, 2018

---

**BUILDING WALLS & USE**

<table>
<thead>
<tr>
<th>Condition</th>
<th>Exterior</th>
<th>Foundation</th>
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**FOUNDATION WALLS**

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<tr>
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<th>Material</th>
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**BASEMENT WALLS**

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**Roof**

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**INTERIOR FINISHES**

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**FIREPLACE**

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**BUILDING VALUE CALCULATION**

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<th>Area or Quantity</th>
<th>Unit Cost</th>
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**OPERATIONS AND PROCEDURES**

- Inspection
- Classification
- Calculation
- Revision

**DEPRECIATION AND OBsolescence**

<table>
<thead>
<tr>
<th>Type</th>
<th>Percentage</th>
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<tr>
<td>a. Effective Age</td>
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<td>b. Otherwise</td>
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<td>c. Physical Condition</td>
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**CONSTRUCTION IMPROVEMENTS**

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**BUILDING AREA CALCULATION**

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**FINAL NET CONDITION**

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**Total**

- Total Replacement Cost: $300
- TOTAL APPLAISABLE VALUE: $50,000

---

**Planner**

February 13, 2018
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<tr>
<th>Year</th>
<th>Appr.</th>
<th>Unit Area</th>
<th>Unit Price</th>
<th>Basic Value</th>
<th>(+) or [-]</th>
<th>Net Unit Value</th>
<th>Land Value</th>
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<tr>
<td>1981</td>
<td>Rm 80</td>
<td>8251 #</td>
<td>200 #</td>
<td>16502</td>
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<td>1987</td>
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**Assessed Valuation**

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<th>Owner</th>
<th>Land</th>
<th>Imp</th>
<th>Total</th>
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<tbody>
<tr>
<td>1981</td>
<td>Wm. Thompson, Thompson &amp; Clovers</td>
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<td>1982</td>
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<td>83</td>
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**Remarks:**

- DOT 85,000
- 11-29-95 (1)
- DOT 101,585 (60-03 culmisc)
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<th>YEAR</th>
<th>OWNER</th>
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<th>REASON FOR CHANGE</th>
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<tr>
<td></td>
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<td>Land</td>
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<td>1965</td>
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<tr>
<td>1967</td>
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<td>1000</td>
<td>75,200</td>
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<td>1968</td>
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<td>1971</td>
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<td>1000</td>
<td>75,235</td>
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<tr>
<td>1980</td>
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**REMARKS:**
- 3-30-65 Inspected for land damage. Damage estimated. $10,000 estimated. 
- 12-1-65 Inspected for land damage. 
- 1-20-66 No apparent change. 
- 12-1-67 No apparent change.
- 12-1-68 No apparent change.
- 1-20-69 No apparent change.
- 12-1-69 No apparent change.
- 1-20-70 No apparent change.
- 12-1-70 No apparent change.
- 1-20-71 No apparent change.
- 12-1-71 No apparent change.
- 1-20-72 No apparent change.
- 12-1-72 No apparent change.
- 1-20-73 No apparent change.
- 12-1-73 Review. No changes.

**PICTURE:**
- Changed to Lot
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**REMARKS:**
5.22.78 Vacant ±100'.

**ASSIST PHYS CONDITION**

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**PARCEL SHAPE**

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**DRAINAGE**

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<td>Fair</td>
<td>Poor</td>
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<td>Marsh</td>
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**SITE IMPROVE**

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<td>Landscaping Good</td>
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<td>Sidewalk</td>
<td>Curb &amp; Gutter</td>
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<td>Community Water</td>
<td>Well Water</td>
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**ACCESS STATUS**

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**SLOPE**

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<td>&gt; 45%</td>
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**Remarks:**
## Planning Commission

**February 13, 2018**

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<td>1967 City Purchasers 1967</td>
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<td>1980 Landmark Properties</td>
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**REMARKS:**

- 1-8-65 No apparent change.
- 3-9-65 Form in calculation changed from 1944 land.
- 1-26-66 No apparent change. CH 716.
- 12-1-66 Form in calculation changed. Key.
- 1964 Suspended for flood damage. Reinstatement.
- Inspect of Marine 1966 Building and inclusion in calculation.
- Lambed. (Landmark CH D C.)

**PICTURE:**

- Inspected 10/66. Est. 45% damage.
- Renovated on Van 1st.
- Placed is being repaired. Check for 69.
- 6-30-70 Building on lot 1. This lot vacant.

**JAN-13 REVIEW N/C SVS/KEM**

12-13-73 Review on change. CH 716.

**1/76 REVIEW N/C DMTVHN**

*February 13, 2018*
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<tr>
<th>Owner</th>
<th>4 MAN THOMPSON</th>
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<td>HAMilton AcreS</td>
<td>1890 61ST Street</td>
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<td>Thompson Investment Company</td>
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CONTAINS:

- Buyers' Guide and a complete classified business directory
- Alphabetical directory of business concerns and private citizens
- Complete street and avenue guide, including a list of householders, and occupants of office buildings and other business places, with telephones
- Numerical telephone directory

PLUS
Useful and interesting information about the city

PRICE $65.00
Planning Commission
February 13, 2018
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PLUS

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PRICE $65.00

Directory Library For Free Use of Public At Chamber of Commerce

R. L. POLK & CO.
PUBLISHERS
71 Columbia, Room 301
Seattle, Washington 98104

Member Association of North American Directory Publishers
| THOMAS (College) | From 800
Bayes av west to Deborah av
3450 Hnman Harold 479-2519
3594 Vacant
Hess av ends |
|-----------------|------------------|
| TIMBERLAND DRIVE | \(10\)
(Hamilton Acres) | From 401
Chena dr southeast to 428 |
| Hamilton av | |
| 1 Isaacson Milton | Hooper Frank R 452-6114
Bishop Aemock A |
| 2 Long Ronald 456-7338 |
| 4 Apartments | 3 Ziemer Grant H 456-6745 |
| 5 Vacant | 6 Price Larry D |
| 6 Vacant | 7 Sims Mack W |
| 8 Vacant | hmt: Villwock Anna C |
| Street continued | |
| 6 Hendrickson Hal | 7 Boone Leonard B |
| 7 Machaia Chas C 455-7457 | |
| 8 Turlocke Mary Mrs | 9 Barron Dennis L |
| 9 Vacant | 10 Todd Jas G 452-3698 |
| 11 Noyes Irene M Mrs 456-5339 | 12 Smith Jemmie R |
| 13 Legerat Frank M 456-7638 | 14 Zellay Andrew H |
| 15 Alder Donald G 456-6765 | 17 Vacant |
| 16 Vacant | 19 Bullwinkle Walter H |
| 17 Vacant | contr 456-7415 |
| 18 Vacant | 20 Kubany John A 456-5715 |
| 22 Lagunafo Alex P 456-7134 | 48 Soboleff Simon M |
| 20 Albritt Ellis S 455-7070 | 456-6871 |
| 10 TRAINER GATE ROAD | 410 Shoppers' Mkt geo 456-6871 |
| (Hamilton Acres) | Harrison Homer K 456-6871 |
| 114 Clayton Geo C 458-4550 | 124 Albright Ellis S 455-7070 |
| 14 Clayton Geo C 458-4550 | 124 Albright Ellis S 455-7070 |
| 410 Shoppers' Mkt geo 456-6871 | Harrison Homer K 456-6871 |
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Seattle, Washington 98111

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Planning Commission

February 13, 2018

TOTEM DR (College; Snowball; Totem Park Sub)—Contd.
Westwood way ends
2701 Pierce Walker @ 479-2702
2703 Curry Jack E @ 479-2702
Pochett begins
(Totem Park Subdivision)
2804 Vacant
2820 Sauer Elec contr. 479-6787
Sauer Donald C @ 479-6787
2821 Rovers Gerald
2822 Phipps John O @ 479-6764
2826 Russell Jay T 479-2207 (College Subdivision)
2899 Deveneau Wm @ 479-7777
3012 Crockett Kenneth M @ 479-7757
3040 Cross Joe W 479-2436
3050 Jackovich Melo jr @ 479-6416
3070 Barker Herbert 479-2557
3085 Hengler Jude J 479-3401
3090 Bergman Emil @ 479-6414
3100 Vacant
3120 Chapple Emery W @ 479-2548
3145 Tippin Wayne A
3155 Mayo Clyde @ 479-2426
3160 Moncarts Richd F jr @ 479-2438
3175 Barron Albert D
3185 No return

TRAINER GATE RD (Hamilton Acre)—From 500 Steese hwy east to Blair rd
114 Clayton Geo C @ 456-4550
124 Albright Ellis S @ 456-7070
410 Shoppers’ Mkt gro @ 456-8971
Harrison Homer K @ 456-6971
415 No return
510 Delta Elec Co contrs 456-4009

TURNER—From 609 1st av south to 29th av
113 First Natl Bank side ent
2d av intersects
3d av intersects
5th av intersects
6th av intersects
7th av intersects
8th av intersects
9th av intersects
10th av intersects
11th av intersects
12th av intersects

Airport way intersects
1301 Magoffin Jas S @ 452-2757
1318 Vacant
1322 Vacant
1334 Vacant
1330 Turner Apartments
1 Vacant
2 Chatfield David
3 No return
4 Swain Roger
5-6 Markle Pete
14th av intersects
1401 Vacant
1408 Chamber Pauline R 452-5688
1412 Vacant
1417 C & R Garage 452-3336
1418 Vacant
1424 Ayers Don M
1430 Mayo Chas 452-2704

Mary Ann intersects
1446 Fairbanks Builders Inc
14463 Fairbanks Builders Inc
1450-2747
contrs 452-2747
Aparments
A Horton Steve K 456-4562
B Hilke Gaylen L 452-481
C Beall Mary Mrs
D Serling LaVerne
E Cooper David J 452-4074
1448 Vacant
1450 Bulgren Fred
1511 Kwiatkowski Jack T
1481 City Park

SPIC-H-SPAN JANITORIAL SERVICE
COMMERCIAL — DOMESTIC
No Job Too Big;—No Job Too Small
834 23d Ave. Tel. 456-6514
February 13, 2018

FAIRBANKS ZONING CODE

January

1965
SEC. 13.105. General residential zone.

(a) "Uses permitted". The following uses are permitted in the general residential area:

(1) Single family dwellings

(2) Two family dwellings

(3) Accessory buildings, such as are ordinarily appurtenant to single and two family dwellings, including one private garage of not more than three (3) car capacity.

(4) The offices of physician, dentist, or other professional person when located in his or her dwelling, also home occupations in addition to domestic occupation engaged in by individuals within their dwellings, when no window or other display is made, and no sign other than one not exceeding two (2) square feet in area and bearing the name and occupation of the occupant and located no closer to the front property line than three (3) feet.

(5) The renting of rooms for lodging purposes only for the accommodation of not to exceed four (4) persons in a single family dwelling.

(6) Signs not exceeding six (6) square feet in area pertaining to the leasing, rental or sale of buildings or premises are permitted provided the sign is erected flat against the building or twenty (20) feet from street frontage.

(7) Nothing herein contained shall be deemed to prohibit the use of unoccupied property for gardening.

(8) Uninhabited trailers may be stored provided that all other requirements of this Article are complied with.

(9) Churches, schools, community club houses, public libraries, memorial buildings, or buildings which are necessary for the exercise of a governmental function shall be allowed after receiving both (1), a favorable endorsement by the planning and zoning commission or, on appeal by the city council, that such uses will not be inconsistent with the purpose and scope of the zoning regulations, and (2), approval by the city council.

(b) "Front yard". In general residential zone, interior lots shall have a minimum front yard of fifteen (15) feet, provided, however, that:

(1) Corner lots shall provide a minimum front yard of fifteen (15) feet from the street line on the narrow side of a corner lot and seven and one-half (7 1/2) feet on the street line along the long side of such corner lot.

(2) Eaves and cornices, steps, platforms and porches having no roof covering and not over thirty-six (36) inches high may extend into a front yard.
(3) When forty per cent (40%) or more of all lots on one side of a street between two intersecting streets has been built up at the time of passage of this ordinance with dwellings having a front yard of less depth than established by this section, the average of such varying depths shall be the minimum.

(c) "Side yard". In the general residential zone there shall be a side yard of not less than five (5) feet in width on each side of a building, provided that:

(1) Eaves and cornices may extend over the required side yard for distance of not more than two (2) feet.

(2) *Detached accessory structures may be built to the inside line of the lot or property provided no part of such structure is used for dwelling purposes; provided such structure is not closer than fifteen (15) feet to any door or window of any dwelling on an adjoining lot; provided each such accessory structure shall be located at least five (5) feet from any other structure. This does not prevent accessory structures on adjoining lots being joined on the lot line with a fire wall.

(d) "Rear yard". In the general residential zone there shall be a rear yard having a minimum depth of twenty (20) feet, except that on a lot which does not extend from street to street, a rear yard of not less than three (3) feet is permissible; provided that:

(1) Eaves and cornices may extend over the required rear yard for a distance of not more than two (2) feet.

(e) "Setback required". A minimum distance of the thirty (30) feet is required between the center line of Barnette Street and the face of any building on either side of such street.

(f) "Site area". In the general residential zone no building shall hereafter be erected or increased in building area on a lot which provides less than three thousand seven hundred and fifty (3,750) square feet of area, or a minimum width of forty (40) feet or cover more than thirty-five per cent (35%) of an inside lot or forty-five per cent (45%) of a corner lot, exclusive of accessory buildings for a dwelling or place of human habitation; provided that:

(1) Where a lot or lots of official record at the time of enactment of the ordinance do not provide the minimum site area or width as above stipulated, the owner may request from the planning and zoning commission a waiver of the site area, minimum width and/or yard requirements of this ordinance; whereupon the planning and zoning commission shall determine if such waiver or waivers would be consistent with the purpose and scope, of section 13.102, of this chapter, and if found to be in keeping with said section, the planning and zoning commission shall make a finding and grant those waivers consistent with said section.
SEC. 13.111 General provisions; procedure.

(a) "Subdivisions". All plans, plats, or replats of land laid out in lots or plats, and the streets, alleys, or other portions of the same intended to be dedicated to public or private use within the corporate limits of the City of Fairbanks, shall first be submitted to the planning commission for its approval or rejection, and transmitted to the council. Before such plans, plats and replats shall be entitled to record in the office of the United States Commissioner and ex officio recorder of the Fairbanks recording precinct, they must bear such approval. It shall be unlawful to file or record any such plan, plat or replat in any public office unless the same shall also bear thereon the approval of the council, which when given shall be endorsed by the municipal clerk.

(b) "Plot plans". All applications for building permits shall be accompanied by a plan in duplicate drawn to scale, showing the actual dimensions of the lot to be built upon, the size, use, and location of existing building or buildings to be erected, and furnished such other information as may be necessary to provide for the enforcement of this ordinance. A careful record of such applications and plans shall be kept in the office of the enforcement official.

(c) "Ownership divided by a district boundary line". If a zone boundary line cuts a property having a single ownership of record at the time of the passage of this ordinance, all such property may take the least restrictive classification provided the property is developed as one unit.

(d) "Existing building and nonconforming uses". When a property or an existing building at the time of the passage of this ordinance has a use which is legal prior to the passage of the ordinance such use may continue even though same be not in conformity to the zoning regulations. If, however, the use of the building or premises is changed it shall be changed to a use conforming to the zoning regulations, and after such change it will not be permissible to change back again to the original nonconforming use. A nonconforming use shall not be extended, but the extension of a use to any portion of a building which was arranged, designed or devoted to such nonconforming use at the time of the passage of the zoning ordinance shall not be deemed the extension of a nonconforming use. If a nonconforming use be discontinued for a period of one year, the same cannot be again continued.

A building arranged, designed or devoted to nonconforming use at the time of the passage of this ordinance may be reconstructed or structurally altered provided the cubicule content thereof is not increased, and provided further that the cost of such reconstruction or alteration does not exceed fifty per cent (50%) of the replacement value of the entire building. When a building having a nonconforming use is damaged by fire or other cause so that the total deterioration exceeds sixty per cent (60%) of the cost of replacing the building, using new material, then such building in its construction and uses shall conform fully to the requirements of the zoning code and other ordinances of the city as applied to new buildings and uses in the district in which it is located. When a nonconforming use building is damaged by fire, rebuilding shall commence within six (6) months if the new building is to be used for the same use as before the fire.

(e) "District changes and amendment". The city council may, after proper notice and public hearing before the city planning and zoning commission, amend, supplement, or change by ordinance the boundaries of districts established on the zoning map of the city, or any of the regulations set forth in this ordinance. Any proposed amendment, supplement or change shall first be submitted to the city planning and zoning commission for the
(b) "General residential zone". All lots and blocks, not included in restricted residential zones, multiple residential zones, business zones, neighborhood shopping zones, or industrial zones, shall be classed as general residential zones.

The property of Johnny W. Smith and Deloris M. Smith.

The half block strip south of 23rd Avenue stretching from Lathrop Street to the military reservation.

Rabbit Island between Clay Street and the Chena River and between First Avenue and Tenth Avenue in its entirety.

That portion of Island Homes annexed to the city in its entirety.

That portion of Graehl annexed to the city with the exception of Lots 2, 3, and 4, Block 1, Lots 8 and 9, Block 2, all property north of Minnie, the land bounded by Minnie, Steese and Circle Avenue, the land on the southwest corner of the intersection of Minnie and Steese more particularly described as 140 feet deep on Second Street, northerly 124 feet, westerly approximately 90 feet to a lot line, northerly along the lot line to Minnie Street.

(c) "Multiple residential zones".

<table>
<thead>
<tr>
<th>Lots</th>
<th>Blocks</th>
<th>Lots</th>
<th>Blocks</th>
</tr>
</thead>
<tbody>
<tr>
<td>A-2</td>
<td>A</td>
<td>A11</td>
<td>121</td>
</tr>
<tr>
<td>A-3</td>
<td>A</td>
<td>4-9</td>
<td>122</td>
</tr>
<tr>
<td>A1</td>
<td>26</td>
<td>A1</td>
<td>127</td>
</tr>
<tr>
<td>5 and 6</td>
<td>64</td>
<td>7</td>
<td>129</td>
</tr>
<tr>
<td>A1</td>
<td>72</td>
<td>A11</td>
<td>137</td>
</tr>
<tr>
<td>A1</td>
<td>89</td>
<td>South 150 feet</td>
<td>146</td>
</tr>
<tr>
<td>1 and 2</td>
<td>107</td>
<td>A11</td>
<td>151</td>
</tr>
<tr>
<td>A1</td>
<td>108</td>
<td>14</td>
<td>Rickert</td>
</tr>
<tr>
<td>4</td>
<td>116</td>
<td>1-20</td>
<td>21</td>
</tr>
<tr>
<td>3-10</td>
<td>117</td>
<td>A1</td>
<td>22</td>
</tr>
<tr>
<td>A1</td>
<td>118</td>
<td>A1</td>
<td>23</td>
</tr>
<tr>
<td>A1</td>
<td>119</td>
<td>6</td>
<td>5 North</td>
</tr>
<tr>
<td>A1</td>
<td>120</td>
<td>7 Addition</td>
<td></td>
</tr>
</tbody>
</table>

Lots 7B, 7A, 8A1, 8A2, 8A3, and 8B and 6, 7, 8, 9, 10, 11, 12, (the latter group of lots lying immediately east of Woodlawn Street), and 1, 2, 3, 4, and 5 lying immediately west of Woodlawn Street, all being in Block 128 of the Smythe Subdivision as the same are delineated on a map and plat of Blocks 128, 129, and 130, entitled "City Assessor's Map", dated December 29, 1952, and on file in the office of the city assessor; said property described being that occupied by the Queens Court Housing Project.

From Corner No. 2 of U. S. Survey No. 438, Fairbanks Townsite, thence South 0°01'30" West a distance of 299.22 feet to a point on the south right-of-way line of Airport Way; thence North 89°05'19" West along the south right-of-way of Airport Way a distance of 454.20 feet to Corner No. 1, to point of beginning; thence along a curve to the left
<table>
<thead>
<tr>
<th>YEAR</th>
<th>OWNER</th>
<th>ASSESSED VALUATION</th>
<th>REASON FOR CHANGE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Land</td>
<td>Blgds.</td>
</tr>
<tr>
<td>1965</td>
<td>R &amp; O Company, Inc.</td>
<td>1000</td>
<td>75,075</td>
</tr>
<tr>
<td>1966</td>
<td><em>Expo Stores, Inc.</em></td>
<td>1000</td>
<td>75,125</td>
</tr>
<tr>
<td>1967</td>
<td></td>
<td>1000</td>
<td>75,200</td>
</tr>
<tr>
<td>1968</td>
<td>Landrum-Wagner Co.</td>
<td>1000</td>
<td>15,000</td>
</tr>
<tr>
<td>1969</td>
<td>&amp;C Edwards &amp; Co. Landrum</td>
<td>1000</td>
<td>52,975</td>
</tr>
<tr>
<td>1970</td>
<td></td>
<td>1000</td>
<td>52,975</td>
</tr>
<tr>
<td>1971</td>
<td></td>
<td>1475</td>
<td>-</td>
</tr>
<tr>
<td>1972</td>
<td></td>
<td>1475</td>
<td>-</td>
</tr>
<tr>
<td>1973</td>
<td></td>
<td>3300</td>
<td>-</td>
</tr>
<tr>
<td>1974</td>
<td></td>
<td>3300</td>
<td>-</td>
</tr>
<tr>
<td>75</td>
<td></td>
<td>4125</td>
<td>-</td>
</tr>
<tr>
<td>06</td>
<td></td>
<td>5375</td>
<td>-</td>
</tr>
<tr>
<td>77</td>
<td></td>
<td>5375</td>
<td>-</td>
</tr>
<tr>
<td>1978</td>
<td></td>
<td>5375</td>
<td>-</td>
</tr>
<tr>
<td>79</td>
<td></td>
<td>7850</td>
<td>-</td>
</tr>
<tr>
<td>1980</td>
<td></td>
<td>7850</td>
<td>-</td>
</tr>
</tbody>
</table>
STATUTORY WARRANTY DEED

The Grantor, FIRST NATIONAL BANK OF FAIRBANKS, ALASKA, a National Banking Association, for and in consideration of Ten ($10.00) Dollars, in hand paid, conveys and warrants to HOMER K. HARRISON and GARNETTE A. HARRISON, husband and wife, dba, Shoppers Market and Polaris Superette, and GARNETTE A. HARRISON, Grantee(s), as tenants by the entirety with the right of survivorship, and not as tenants in common, the following described real estate located in the State of Alaska, Fourth Judicial District, to-wit:

Lots One (1) and Two (2) of Block Eighteen (18) of the HAMILTON ACRES SUBDIVISION, according to the plat of the Northeast portion filed February 16, 1948, as Instrument No. 107,114, Records of the Fairbanks Recording District.

subject, however, to the reservations, restrictions and easements of record.

DATED this 30th day of June, 1966.

FIRST NATIONAL BANK OF FAIRBANKS

By T. G. Hubbell, Vice President

STATE OF ALASKA

FOURTH JUDICIAL DISTRICT

THIS IS TO CERTIFY, that before me, the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn, personally appeared T. G. HUBBELL, known to me to be the identical individual mentioned in and who executed the within and foregoing Statutory Warranty Deed; and he acknowledged to me that he executed same for and on behalf of said bank as its free and voluntary act and deed under authority so to do from the Board of Directors of said bank, for the uses and purposes therein specified; and that the seal thereto affixed is the official seal of said bank.

WITNESS my hand and notarial seal the day and year in this certificate first above written.

Notary Public for Alaska
My commission expires: 16-67
REMARKS: 1-8-65 No apparent change
1-30-65 Error in calculation change for 1966
1-26-66 No apparent change, CH T/C
12-1-66 Error in calculation. Leg.
1-9-68 Inspected for flood damage. One
side of roof removed. Building vacant. Insu-
wept on conditions. Consider owners estimate
Conserve, Inc. CH T/C

Inspected 7/10/68 EW. Est 45% damage
existed on Jan 1st.
Bldg is being repaired. Check for '69
6-30-70 Building on Lot 2. This lot vacant
RCK.

4-30-72 - Vacant Lot - C

JAN-73 REVIEW N/C SVS/KEM

12-3-73 - Review - no change. CS HH

2-26-74 - Review - Vacant -

1/76 REVIEW N/C DM/HH
ORDINANCE NO. 67-34

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

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

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

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

[Signatures]

ATTEST:

[Signature]
Clerk of the Assembly
(kk) **Zone Change.** The alteration of a zone boundary or the reclassification of a lot from one zone to another.

**Sec. 49.15.030. Non-Conforming Lots, Structures, and Uses.** Lots of record, or uses of land or structures existing at the time of adoption of, or amendment to, this ordinance may be continued even though they do not conform to the standards established by this ordinance; provided any such non-conforming use which is discontinued for a period of twelve months may not be re-established; and, provided further no such non-conforming structure or use may be expanded except in accordance with the standards established by this ordinance.

**Sec. 49.15.040. Zone Abbreviations.** The following zones and their respective two-letter abbreviations are established:

<table>
<thead>
<tr>
<th>ZONE</th>
<th>ABBREVIATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Outdoor Recreation</td>
<td>OR</td>
</tr>
<tr>
<td>(b) General Agriculture</td>
<td>GA</td>
</tr>
<tr>
<td>(c) Rural Estate</td>
<td>RE</td>
</tr>
<tr>
<td>(d) Rural Residential</td>
<td>RR</td>
</tr>
<tr>
<td>(e) Restricted Residential</td>
<td>RI</td>
</tr>
<tr>
<td>(f) General Residential</td>
<td>RZ</td>
</tr>
<tr>
<td>(g) Multiple Residential</td>
<td>R3</td>
</tr>
<tr>
<td>(h) Neighborhood Shopping</td>
<td>NS</td>
</tr>
<tr>
<td>(i) Business</td>
<td>BS</td>
</tr>
<tr>
<td>(j) Light Industrial</td>
<td>LI</td>
</tr>
<tr>
<td>(k) Heavy Industrial</td>
<td>HI</td>
</tr>
<tr>
<td>(l) Unrestricted Use</td>
<td>UU</td>
</tr>
</tbody>
</table>

**Sec. 49.15.050. Zone Boundaries.** The Fairbanks North Star Borough shall be divided into zones as described on the following pages:
Sec. 49.15.050. Zone Boundaries.

(e) Restricted Residential Zone.

<table>
<thead>
<tr>
<th>Lots</th>
<th>Blocks</th>
<th>Subdivision</th>
</tr>
</thead>
<tbody>
<tr>
<td>A11</td>
<td>138</td>
<td>Fairbanks Townsite</td>
</tr>
<tr>
<td>A11</td>
<td>139</td>
<td>Fairbanks Townsite</td>
</tr>
<tr>
<td>A11</td>
<td>140</td>
<td>Fairbanks Townsite</td>
</tr>
<tr>
<td>A11</td>
<td>141</td>
<td>Fairbanks Townsite</td>
</tr>
<tr>
<td>A11</td>
<td>145</td>
<td>Fairbanks Townsite</td>
</tr>
<tr>
<td>A11</td>
<td>147</td>
<td>Fairbanks Townsite</td>
</tr>
<tr>
<td>A11</td>
<td>208</td>
<td>Fairbanks Townsite</td>
</tr>
<tr>
<td>A11</td>
<td>211</td>
<td>Fairbanks Townsite</td>
</tr>
<tr>
<td>1,2,15,16, 8, 113 ft. of 17</td>
<td>2</td>
<td>Graehl Townsite</td>
</tr>
<tr>
<td>10,11</td>
<td>3</td>
<td>Graehl Townsite</td>
</tr>
<tr>
<td>7,8,9,10</td>
<td>4</td>
<td>Graehl Townsite</td>
</tr>
<tr>
<td>A11</td>
<td>M</td>
<td>Slater</td>
</tr>
<tr>
<td>A11</td>
<td>N</td>
<td>Slater</td>
</tr>
<tr>
<td>A11</td>
<td>1</td>
<td>Taku</td>
</tr>
<tr>
<td>A11</td>
<td>2</td>
<td>Taku</td>
</tr>
<tr>
<td>A11</td>
<td>3</td>
<td>Taku</td>
</tr>
<tr>
<td>A11</td>
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<td>Taku</td>
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<tr>
<td>A11</td>
<td>5</td>
<td>Taku</td>
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<tr>
<td>A11</td>
<td>6</td>
<td>Taku</td>
</tr>
<tr>
<td>A11</td>
<td>7</td>
<td>Taku</td>
</tr>
<tr>
<td>A11</td>
<td>8</td>
<td>Taku</td>
</tr>
<tr>
<td>A11</td>
<td>9</td>
<td>Taku</td>
</tr>
<tr>
<td>A11</td>
<td>1</td>
<td>Westgate</td>
</tr>
<tr>
<td>A11</td>
<td>2</td>
<td>Westgate</td>
</tr>
<tr>
<td>A11</td>
<td>3</td>
<td>Westgate</td>
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<tr>
<td>A11</td>
<td>4</td>
<td>Westgate</td>
</tr>
<tr>
<td>A11</td>
<td>5</td>
<td>Westgate</td>
</tr>
<tr>
<td>A11</td>
<td>6</td>
<td>Westgate</td>
</tr>
<tr>
<td>A11</td>
<td>7</td>
<td>Westgate</td>
</tr>
<tr>
<td>1</td>
<td>11</td>
<td>South Addn. to Westgate</td>
</tr>
</tbody>
</table>

A parcel of land 800 feet by 150 feet lying between Lots 1 and 2 of Block 4, Taku;

A parcel of land 150 feet by 100 feet lying between Lots 6 and 7, Block 6, Taku;

That portion of Block 210 which is an irregularly shaped parcel of land 500 feet deep on 16th Avenue and 520 feet long, bounded on the east by Hunter School, on the north by 16th Avenue, on the west by Cowles Street, and on the south by 17th Avenue;
That area bounded by Young Street on the west, Stewart Street on the east, Crosson Avenue on the South and Tenth Avenue on the north. (The area immediately described above is often referred to as Blocks 148, 149, 150 and 153, Fairbanks Townsite.);

That area bounded on the north by Second Avenue, on the west by Young Street, on the south by 10th Avenue, on the east by Wien Avenue, Fairbanks Townsite. (This area is often referred to as Block 152, Fairbanks Townsite.);

The North Addition to Westgate Subdivision;

All of the Northwest Portion of Hamilton Acres, all of the Middle East Portion of Hamilton Acres, and all of the Northeast Portion of Hamilton Acres, according to the plats filed as instrument numbers 133.741; 122.417; and 107.114 respectively in the District Recorder's Office, Fairbanks, Alaska; and all of Timberland Subdivision, according to plat filed as instrument number 126.520 in the District Recorder's Office, Fairbanks, Alaska; and NW-1/4 SW-1/4, Section 12, T16, R1W, Fairbanks Meridian and that part of the east 1/2 of Section 11, T15, R1W, Fairbanks Meridian, bounded on the north and east by Hamilton Acres Subdivision and on the south by the Chena River and on the west by the City Limits of Fairbanks, as of November 22, 1967.

That tract or parcel of land in Section 16, T15, R1W, Fairbanks Meridian east of the west 16th line of said section except the NE-1/4 NW-1/4 and the NW-1/4 NE-1/4 of said section.

All city owned property between Airport Way and 19th Avenue not presently zoned otherwise.
<table>
<thead>
<tr>
<th>ZONE</th>
<th>Maximum Building Area (% of Lot Area)</th>
<th>Minimum Lot Area (Square Feet)*</th>
<th>Minimum Street Yard Depth (Feet)</th>
<th>Minimum Interior Yard Depth (Feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outdoor Recreation</td>
<td>10</td>
<td>200,000</td>
<td>50</td>
<td>50</td>
</tr>
<tr>
<td>General Agriculture</td>
<td>10</td>
<td>200,000</td>
<td>50</td>
<td>50</td>
</tr>
<tr>
<td>Rural Estate</td>
<td>5</td>
<td>80,000</td>
<td>35</td>
<td>35</td>
</tr>
<tr>
<td>Rural Residential</td>
<td>10</td>
<td>30,000</td>
<td>25</td>
<td>25</td>
</tr>
<tr>
<td>Restricted Residential</td>
<td>25</td>
<td>10,000</td>
<td>25</td>
<td>15</td>
</tr>
<tr>
<td>General Residential</td>
<td>40</td>
<td>4,000</td>
<td>20</td>
<td>15**</td>
</tr>
<tr>
<td>Multiple Residential</td>
<td>55</td>
<td>2,000</td>
<td>20</td>
<td>0</td>
</tr>
<tr>
<td>Neighborhood Shopping</td>
<td>90</td>
<td>2,000</td>
<td>20</td>
<td>0</td>
</tr>
<tr>
<td>Business</td>
<td>100</td>
<td>1,500</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Light Industrial</td>
<td>100</td>
<td>5,000</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Heavy Industrial</td>
<td>100</td>
<td>5,000</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Unrestricted Use</td>
<td>100</td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
</tbody>
</table>

* A lot shall be of such shape as to encompass a rectangular area of at least twenty feet by forty feet exclusive of required yards.

** Except that building is permitted up to one interior lot line or each of two intersecting interior lot lines.
## SCHEDULE A

<table>
<thead>
<tr>
<th>P = Permitted Outright</th>
<th>R = Permitted Conditionally</th>
<th>N = Not Permitted</th>
</tr>
</thead>
<tbody>
<tr>
<td>OR = Outdoor Recreation</td>
<td>R1 = Restricted Residential</td>
<td>BS = Business</td>
</tr>
<tr>
<td>GA = General Agriculture</td>
<td>R2 = General Residential</td>
<td>LI = Light Industrial</td>
</tr>
<tr>
<td>RE = Rural Estate</td>
<td>R3 = Multiple Residential</td>
<td>HI = Heavy Industrial</td>
</tr>
<tr>
<td>RR = Rural Residential</td>
<td>NS = Neighborhood Shopping</td>
<td>UU = Unrestricted Use</td>
</tr>
</tbody>
</table>

|   | O | R | G | A | R | E | R | R | R | R | S | S | S | B | L | I | H | I | U |
| 1. Parking lot, park with no overnight facility, trail, water sports facility, golf course, utility substation | P | P | C | C | C | C | P | P | P | P | | | | | | | | |
| 2. Trailer Park, Campground | P | P | N | N | N | N | N | P | N | N | P | | | | | | | | |
| 3. Residential structure containing one dwelling | P | P | P | P | P | P | P | N | N | N | N | P | | | | | | | |
| 4. Residential structure containing two dwelling units | P | P | P | P | P | N | P | N | N | N | N | P | | | | | | | |
| 5. Residential structure containing more than two dwelling units, Rooming House | N | N | N | N | N | N | N | P | N | P | N | N | P | | | | | | |
| 7. Educational or Religious Use, Social Hall | P | P | C | C | C | C | P | P | C | N | P | | | | | | | | |
| 8. Mortuary, Cemetery, Crematory | P | P | C | N | N | C | C | P | P | C | N | P | | | | | | | |
| 9. Hospital, Sanitorium, Nursing Home | C | N | N | N | N | N | P | N | P | N | N | P | | | | | | | |
| 10. Commercial Radio & TV Broadcasting Facility | C | P | N | N | N | N | C | P | P | P | | | | | | | | | |
| 11. Commercial Agricultural Use & Food and Beverage Processing | N | P | N | N | N | N | N | N | N | N | N | P | P | | | | | | |
| 12. Animal & Veterinary Hospital, Kennels | P | P | C | N | N | N | N | N | N | N | C | P | P | | | | | | |
| 13. Saw Mill | C | P | N | N | N | N | N | N | N | N | N | N | P | P | | | | | | |
### Schedule A - continued

<table>
<thead>
<tr>
<th>Activity</th>
<th>P = Permitted Outright</th>
<th>C = Permitted Conditionally</th>
<th>N = Not Permitted</th>
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<tr>
<th>Activity</th>
<th>OR</th>
<th>GA</th>
<th>RE</th>
<th>RR</th>
<th>R1</th>
<th>R2</th>
<th>R3</th>
<th>NS</th>
<th>BS</th>
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<td>14. Filling Station, Minor Automobile Repair</td>
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<td>N</td>
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<td>N</td>
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<td>C</td>
<td>P</td>
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<tr>
<td>15. Hardware Store, Garden Supply Store, Self-Service Dry Cleaning &amp; Laundry</td>
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<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>16. Carpenter, Electrical, Plumbing, Machine, Sign, Heating, Sheetmetal, Painting, or Upholstering Shop, Tire Recapping, Major Automotive Repair, Bus Depot, Brewery, Contractor Storage Yard, Dry Cleaning Plant, Laundry, Warehouse, Storage Building, Bus or Truck Storage, Rail, Motor, Freight or Truck Terminal, Lumber Yard</td>
<td>N</td>
<td>N</td>
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<td>N</td>
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<td>N</td>
<td>N</td>
<td>P</td>
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<td>17. Car, Mobile Home or Trailer Sales</td>
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<td>N</td>
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<td>18. Drive-In Theater</td>
<td>P</td>
<td>N</td>
<td>N</td>
<td>N</td>
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<td>19. Heavy Contractor Equipment Storage Yard, Shop or Rental, Truck or Bus Repair</td>
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<td>P</td>
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<td>20. Fraternal Organization</td>
<td>P</td>
<td>C</td>
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<td>N</td>
<td>C</td>
<td>P</td>
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<tr>
<td>21. Office, Bank, Library, Post Office</td>
<td>N</td>
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<td>22. Museum, Auditorium, Indoor Sport Facility, Exhibition or Convention Hall</td>
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<td>23. Hotel, Motel</td>
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</tbody>
</table>

| 23. Power Plant, above ground fuel storage, Tanning, Mineral Extraction | C C N N N N N N N N C P |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 25. Refining of Petroleum or Petroleum Products, Junk or Automotive Wrecking Yard, Smelting, Commercial Airports | N N N N N N N N N N C P |
| 26. Manufacturing or Processing of Handicrafts or Garden Products Principally for Retail Sale on the Premises | P P N N N N N C P P C P |
| 27. Retail Business or Service Establishment, except as listed above | N N N N N N N N P P P C P |
| 28. Manufacturing, except as listed above | N N N N N N N N N C C P |
| 29. Private Airports | P P P N N N N N P P P P |
ORDINANCE NO. 69-29

AN ORDINANCE AMENDING THE FAIRBANKS NORTH STAR BOROUGH CODE OF ORDINANCES SECTION 49.15.050 ZONE BOUNDARIES BY REZONING BLOCKS 18 AND 20, HAMILTON ACRES SUBDIVISION FROM (e) RESTRICTED RESIDENTIAL TO (f) GENERAL RESIDENTIAL.

WHEREAS, on July 8, 1969, and after due publication and notification, the Fairbanks North Star Borough Planning Commission held a public hearing on the rezoning of Blocks 18 and 20, Hamilton Acres Subdivision, for changing said property from Restricted Residential to General Residential, and;

WHEREAS, the Planning Commission, after public hearing recommends the said property be rezoned;

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

That Fairbanks North Star Borough Code of Ordinances Section 49.15.050 (e) and (f) be amended by adding the words which are underlined and deleting the words which are in capitals and enclosed by brackets.

Section 49.15.050 Zone Boundaries

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<thead>
<tr>
<th>LOTS</th>
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<tbody>
<tr>
<td>11</td>
<td>138</td>
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<td>11</td>
<td>208</td>
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<tr>
<td>11</td>
<td>211</td>
<td>Fairbanks Townsite</td>
</tr>
<tr>
<td>1, 2, 15, 16 &amp; 8, 113 ft. of 17</td>
<td>2</td>
<td>Graehl Townsite</td>
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<tr>
<td>10, 11</td>
<td>3</td>
<td>Graehl Townsite</td>
</tr>
<tr>
<td>7, 8, 9, 10</td>
<td>4</td>
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<tr>
<td>11</td>
<td>1A, 2A</td>
<td>Hamilton Acres</td>
</tr>
<tr>
<td>11</td>
<td>81/2 9, 10, 11</td>
<td>Hamilton Acres</td>
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<tr>
<td>11</td>
<td>16 through 16</td>
<td>Hamilton Acres</td>
</tr>
<tr>
<td>[ALL]</td>
<td>19, 20</td>
<td>[ALL]</td>
</tr>
<tr>
<td>11</td>
<td>8 1/2 21, 22-25</td>
<td>Hamilton Acres</td>
</tr>
<tr>
<td>11</td>
<td>30 through 35</td>
<td>Siler</td>
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<td>11</td>
<td>N</td>
<td>Siler</td>
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<td>11</td>
<td>1</td>
<td>Taku</td>
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<td>11</td>
<td>8</td>
<td>Taku</td>
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<tr>
<td>11</td>
<td>9</td>
<td>Timberland</td>
</tr>
</tbody>
</table>

Planning Commission

February 13, 2018
A parcel of land 500 feet by 150 feet lying between Lots 1 and 2, Block 4, Talke.

A parcel of land 150 feet by 100 feet lying between Lots 6 and 7, Block 6, Talke.

That portion of Block 210 which is an irregularly shaped parcel of land 500 feet deep on 16th Avenue and 520 feet long, bounded on the east by Hunter School, on the north by 16th Avenue, on the west by Condes Street, and on the south by 17th Avenue.

That area bounded by Young Street on the west, Steward Street on the east, Crosson Avenue on the south and 10th Avenue on the north. (The area immediately described above is often referred to as Block 149, 150 and 151, Fairbanks Townsite.)

That area bounded on the north by Second Avenue, on the west by Young Street, on the south by 10th Avenue, on the east by Wien Avenue, Fairbanks Townsite. (This area is often referred to as Block 152, Fairbanks Townsite.)

The North Addition to Westgate Subdivision.

All of Sec. 16, T18S, R2W, Fairbanks Meridian except the N 1/2 W1/4, NW 1/4 NE 1/4, SW 1/4 NW 1/4, W 1/2 SW 1/4, NW 1/4, W 1/2 SE 1/4, W 1/2 E 1/2 SW 1/4 and except that portion of Sec. 16, T18S, R2W, Fairbanks Meridian which lies in Hebb and Narodick Subdivision, and except that portion which lies in the Big Dipper Tract, and except that portion which is included in the Hospital Site.

All City owned property between Airport Way and 19th Avenue not presently zoned otherwise. This pertains only to the following parcels of land: North Portion of Lot 10, Block 16, Rickert Subdivision; North Portion of Lot 11, Block 16, Rickert Subdivision; North Portion of Lot 12, Block 16, Rickert Subdivision; Lot 1, Block 11, South Addition to Westgate; all Block 207, Fairbanks Townsite; all Block 211, Fairbanks Townsite; Lot 16, Block 2, Hebb and Narodick Subdivision; the northeastern portion of proposed Block 211 which is TL 20, Rickert Hamstead; proposed Block 210 which is TL 24, Rickert Hamstead; proposed Block 208 which is TL 27, Rickert Hamstead; and proposed Block 209 which is TL 28, Rickert Hamstead.

A portion of the S E 1/4 of Sec. 9, T18S, R2W, Fairbanks Meridian, commonly known as Block 146, Fairbanks Townsite and more particularly described as:

Beginning at a point on the south boundary of Hilton Avenue which lies N 12° 18' 6" and S 89° 35' 25" W 263.83 feet from the quarter corner common to Section 9 and 16, T18S, R2W, Fairbanks Meridian; thence S 89° 35' 25" W 13' 30" W 80.00 feet; thence W 89° 55' 25" W 658.54 feet; thence W 00° 13' 30" W 20.00 feet; thence W 89° 35' 25" W 950.00 feet; thence N 00° 13' 30" E 100.00 feet to the point of beginning.

(f) General Residential

All lots and blocks and tracts located within the limits of the City of Fairbanks, Alaska, as of November 27, 1965, not included in another zone. All lots and blocks and tracts located within the limits of the City of North Pole, Alaska, as of May 22, 1969, not included in another zone.

PASSED AND APPROVED THIS 14 DAY OF 1969

By: [Signature]

Planning Commission

394

February 13, 2018
6-30-70 Building previously located on lot 2 is on this lot. Building being used as warehouse and no changes made since last inspection RCK.
7-10-70 Ext int inspection, this building in poor condition, recall RCK.

AUDITED 12-17-71 LC

4-28-72 Ext. inspection building in very poor condition, Revalued under M.S. Joint Bl

AUDITED 5-2-72 M1

JAN-73 REVIEW N/C SYS/KEM

12-3-73 Review no apparent change 6x14H
FAIRBANKS NORTH STAR BOROUGH
P. O. BOX 1267 - FAIRBANKS, ALASKA 99707

ZONING PERMIT
SALES TAX EXEMPTION PERMIT BUILDING MATERIALS ONLY

1. APPLICANT: Dan Thompson (Ice Cream Parlor) DATE September 16, 1975
2. MAILING ADDRESS: box 1234 Fbks.
3. BUILDING ADDRESS: Tralnor Bate Rd.
4. LEGAL DESCRIPTION OF LOT OR PARCEL: Lot 1 and 2;Bk 18;Ham Acres;Fbks.Ak
5. RECORD OWNER: Dan Thompson
6. MAILING ADDRESS: Box 1234
7. DESCRIPTION OF WORK: NEW ALTERATION ADDITION REPAIRS
8. USE OF STRUCTURE: Ice Cream Parlor RESIDENTIAL NO. OF UNITS
R-ZONE $14,000, ESTIMATED COST
COMMERCIAL
9. ELEVATION FIRST FLOOR: FEET (COMPA:ED TO 1967 FLOOD LEVEL)

10. I understand that if the zone is changed on the property indicated hereon, prior to construction, that this permit will no longer be valid, and that a new permit must be applied for. In lieu of such zone change I understand that this permit is valid for a period not to exceed two (2) years from date of issuance.

11. I understand that this permit is being processed under the Authority of the Fairbanks North Star Borough Zoning Ordinance, Section 49.15.180., and the Fairbanks North Star Borough Sales Tax Ordinance, Section 69.10.040 (m), and that the information I have given is to the best of my knowledge, true and complete.

12. Application approved [X] Yes [ ] No

Reason ________________________________

DATE: September 16 [ ] 19 75

No. 1673

ZONING OFFICER
M.H. HARDIN BUILDING OFFICIAL
CITY OF FAIRBANKS

February 13, 2018
March 9, 1981

Dan E. Thompson
203 Second Avenue
Fairbanks, Alaska  99701

RE: Dance Studio CU 001-81

Dear Mr. Thompson;

A review of the uses permitted on Lots 1 & 2, Block 18, Hamilton Acres Subdivision, indicates that Malloy & Company Dance Studio is considered an "Educational Use". A Conditional Use Permit is required for "Educational Use" in a General Residential Zone.

Mr. Derrick requested that you be informed so you may take appropriate action as soon as possible.

If you have any further questions please contact the Planning Department of the Fairbanks North Star Borough located at 520 5th Avenue or call 452-4761 for an appointment.

Sincerely,

Dee Vian
Zoning Administrator

cc: Al DeKrey

DV/skm
March 4, 1981

Tracie Wheat
Fairbanks Native Association
310½ 1st Avenue
Fairbanks, Alaska 99701

RE: CU 001-81

Dear Ms. Wheat:

The enclosed letter is an approval of your request contingent upon certain conditions being met. Please read these conditions carefully as they must be adhered to in order for your Conditional Use Permit to be valid. If you understand and agree with said conditions, as listed below, please sign in the space provided. Only when this form is returned with your signature will your Conditional Use Permit be valid.

If you have any questions regarding this matter please feel free to contact the Fairbanks North Star Borough Planning Department, 520 5th Avenue, or call 452-4761 for an appointment.

Sincerely,

Dick Derrick
Zoning Administrator

[Signature of Applicant]

Acknowledging and agreeing to abide by the conditions listed below of his/her permit.

CONDITIONS:

1. The play area be fenced (at least 5 feet in height)
2. At least 6 employee off-street parking spaces be provided and designated for "employees only"
3. The maximum number of children be limited to 12 per session
4. Signage be limited to 2 square feet
5. An additional 4 off-street parking spaces be provided for student pick-up and drop-off.
REMARKS: 7/14/13 VETERINARY CLINIC SMARSS
CARRIE (mom) PHOBE SULLOD, REMOVED
OTHER AREA. 5:14 TONQ GATE.
FIRE ON MALE ADAPTED WOONI
UNT INUBRIF SAND
9/29/13. Inspection. 1C37, CBB 7/22/70 Now
Alaska Veterinary Clinic/Dr. Van Pelt - NOC.
Combine Lot 1 & 2 for tax purposes 1R'91 CBB
6/30/72. 1CU - Took at 3020 Foot, 86500 to 400
1/9/70 Right of Way. Trimmer Gate Rd. Reduce lot size. DKB
10/82 Examin inspection, still in tough shape. Current inventory
appears appropriate - ISH
ORDINANCE NO. 88-010

A ZONING ORDINANCE PROVIDING REGULATIONS TO PROMOTE THE PUBLIC HEALTH, SAFETY, AND WELFARE, BY CLASSIFYING THE BOROUGH INTO DIFFERENT DISTRICTS AND REGULATING THEREIN THE LOCATION, CONSTRUCTION, RECONSTRUCTION, ALTERATION, AND USE OF BUILDINGS, STRUCTURES, AND LAND.

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

Section 1. Classification. This ordinance is not of a general and permanent nature and shall not be codified.

Section 2. Title 18, Fairbanks North Star Borough Code of Ordinances, is hereby repealed and replaced by Title 18, Fairbanks North Star Borough Code of Ordinances, as set forth in Exhibit A hereto.

Section 3. The official Borough zoning map shall be amended as provided for in the zoning ordinance text.

Section 4. Effective Date. This ordinance shall be effective on April 25, 1988.


Presiding Officer

ATTEST:

[Signature]

[Signature]
18.04.060 Severability

If any section or part hereof is for any reason declared unconstitutional or invalid, the validity of the remaining portions hereof shall not be affected.

18.04.070 Implementation

Upon adoption of this Ordinance, the following changes shall be made to the Official Zoning Map. Land zoned Q, Holding prior to the adoption of this Ordinance, shall become zoned to the largest contiguous zoning district. Grandfathering of all land uses shall take precedent when a conflict arises.

<table>
<thead>
<tr>
<th>Zoning Districts in Effect Prior to the Adoption of this Ordinance</th>
<th>Shall Be Changed To</th>
<th>Zoning Districts and/or Overlay Zones as Provided by this Ordinance</th>
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</thead>
<tbody>
<tr>
<td>OR, Outdoor Recreation</td>
<td>OR, Outdoor Recreation</td>
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</tr>
<tr>
<td>CA-40, General Agriculture</td>
<td>RA-40, Rural and Agricultural</td>
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</tr>
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<td>CA-20, General Agriculture</td>
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<td>GA, General Agriculture</td>
<td>RA-5, Rural and Agricultural</td>
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<td>RE-LA1, Rural Estate</td>
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<td>RE-4, Rural Estate</td>
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<td>REI-LA1, Rural Estate I</td>
<td>RE-4, Rural Estate with MHS, Mobile Home Subdivision Overlay</td>
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<tr>
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<td>RE-4, Rural Estate with MHS, Mobile Home Subdivision Overlay</td>
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<td>SF-20, Single-Family Residential</td>
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</tr>
<tr>
<td>R1-11, Restricted Residential II</td>
<td>SF-10, Single-Family Residential</td>
<td></td>
</tr>
<tr>
<td>R2, General Residential</td>
<td>MF, Multiple-Family Residential</td>
<td></td>
</tr>
<tr>
<td>R3-1, Multiple Residential I</td>
<td>MF, Multiple-Family Residential</td>
<td></td>
</tr>
<tr>
<td>R3-11, Multiple Residential II</td>
<td>MF, Multiple-Family Residential with MHS, Mobile Home Subdivision overlay</td>
<td></td>
</tr>
<tr>
<td>R4, Residential Office</td>
<td>MFO, Multiple-Family Residential/Professional Office</td>
<td></td>
</tr>
<tr>
<td>Code</td>
<td>Description</td>
<td>Code</td>
</tr>
<tr>
<td>------</td>
<td>------------------------------</td>
<td>------</td>
</tr>
<tr>
<td>NS</td>
<td>Neighborhood Shopping</td>
<td>CC</td>
</tr>
<tr>
<td>BS I</td>
<td>Business I</td>
<td>CC</td>
</tr>
<tr>
<td>BS II</td>
<td>Business II</td>
<td>CC</td>
</tr>
<tr>
<td>BS III</td>
<td>Business III</td>
<td>CBD</td>
</tr>
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<td>AI</td>
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<td>HI</td>
<td>Heavy Industrial</td>
<td>HI</td>
</tr>
<tr>
<td>ML</td>
<td>Mineral Lands</td>
<td>ML</td>
</tr>
<tr>
<td>SU</td>
<td>Unrestricted Use</td>
<td>GI-1</td>
</tr>
</tbody>
</table>

February 13, 2018
Chapter 18.56.000
NONCONFORMING (GRANDFATHERED) USES AND LOTS

Sections:
18.56.010 Purpose
18.56.020 Authority to Continue
18.56.030 Restrictions

18.56.010 Purpose

The purpose of this chapter is to provide for the regulation of nonconforming buildings, structures, uses, and lots, and to specify the circumstances and conditions under which they shall be allowed to continue as legal nonconforming uses and lots.

18.56.020 Authority to Continue

Any nonconforming building, structure, use, or lot which existed lawfully prior to the effective date of this Ordinance or any lawful building, structure, use, or lot which has become nonconforming upon the adoption of this Ordinance or any subsequent amendment thereto, may be continued. Any change in ownership of such a building, structure, use, or lot does not void grandfather rights.

18.56.030 Restrictions

Except for agricultural buildings, structures, and livestock, and any other agricultural activities, any nonconforming building, structure, use, or lot, which does not conform with the regulations of the zoning district in which it is located shall be subject to the following:

A. Nonconforming Buildings and Structures.

1. A nonconforming building or structure may be enlarged or altered.

B. Nonconforming Uses.

1. A building, structure, or premises devoted to or designed for, in whole or in part, a nonconforming use may be enlarged or altered.

2. In the event that a nonconforming use of a building, structure, or premises, or part thereof, is discontinued for any reason for a period of thirty-six (36) months, the subsequent use of the same building, structure, or premises, or part thereof, shall thereafter be in conformance with the zoning district in which it is located. The Director of the Department of Community Planning, with the concurrence of the Borough Assembly, may extend this thirty-six (36) month period to allow relief from emergencies or other extenuating circumstances which are outside the control of the landowner.

C. Nonconforming Lots.

1. In any zoning district, a lot, which was lawfully subdivided and recorded prior to the adoption of this Ordinance or any subsequent amendment thereto, and that because of said adoption or amendment fails to meet the minimum lot size requirements of the zoning district in which it is located, shall be considered as a useable lot.
## APPENDIX A

### GEOMETRIC STANDARDS

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Front Yard</th>
<th>Side Yard</th>
<th>Rear Yard</th>
<th>Maximum Building Height</th>
<th>Minimum Lot Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>OR</td>
<td>50</td>
<td>25</td>
<td>25</td>
<td>Unlimited</td>
<td>None&lt;sup&gt;1&lt;/sup&gt;</td>
</tr>
<tr>
<td>RA-40</td>
<td>35</td>
<td>10</td>
<td>10</td>
<td>Unlimited</td>
<td>40 acres</td>
</tr>
<tr>
<td>RA-20</td>
<td>35</td>
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<td>20 acres</td>
</tr>
<tr>
<td>RA-10</td>
<td>35</td>
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<td>10</td>
<td>Unlimited</td>
<td>10 acres</td>
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<tr>
<td>RA-5</td>
<td>35</td>
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<td>10</td>
<td>Unlimited</td>
<td>5 acres</td>
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<tr>
<td>RF-4</td>
<td>35</td>
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<td>Unlimited</td>
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<tr>
<td>RF-2</td>
<td>35</td>
<td>10</td>
<td>10</td>
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<td>80,000 sq. ft.</td>
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<tr>
<td>RE-4</td>
<td>35</td>
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<td>25</td>
<td>Unlimited</td>
<td>160,000 sq. ft.</td>
</tr>
<tr>
<td>RE-2</td>
<td>35</td>
<td>25</td>
<td>25</td>
<td>Unlimited</td>
<td>80,000 sq. ft.</td>
</tr>
<tr>
<td>RR</td>
<td>25</td>
<td>25</td>
<td>25</td>
<td>Unlimited</td>
<td>40,000 sq. ft.</td>
</tr>
<tr>
<td>SF-20</td>
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<td>5</td>
<td>10</td>
<td>Unlimited</td>
<td>20,000 sq. ft.</td>
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<tr>
<td>SF-10</td>
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<td>5</td>
<td>10</td>
<td>Unlimited</td>
<td>10,000 sq. ft.</td>
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<tr>
<td>SF-5</td>
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<td>5,000 sq. ft.</td>
</tr>
<tr>
<td>TF</td>
<td>20</td>
<td>5</td>
<td>5</td>
<td>Unlimited</td>
<td>SFR 5,000 sq. ft.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Duplex 3,500 sq. ft./ unit</td>
</tr>
<tr>
<td>MF</td>
<td>20</td>
<td>10</td>
<td>10</td>
<td>Unlimited</td>
<td>SFR 5,000 sq. ft.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Duplex 3,500 sq. ft./ unit</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Multi-Family 2,000 sq. ft./ unit</td>
</tr>
<tr>
<td>MFO</td>
<td>20</td>
<td>10</td>
<td>20</td>
<td>Unlimited</td>
<td>SFR 5,000 sq. ft.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Duplex 3,500 sq. ft./ unit</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Multi-Family 1,500 sq. ft./ unit</td>
</tr>
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<td>0</td>
<td>Unlimited</td>
<td>None&lt;sup&gt;1&lt;/sup&gt;</td>
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<td>0</td>
<td>0</td>
<td>Unlimited</td>
<td>None&lt;sup&gt;1&lt;/sup&gt;</td>
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<tr>
<td>CBD</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>Unlimited</td>
<td>None&lt;sup&gt;1&lt;/sup&gt;</td>
</tr>
<tr>
<td>LI</td>
<td>20</td>
<td>0</td>
<td>0</td>
<td>Unlimited</td>
<td>None&lt;sup&gt;1&lt;/sup&gt;</td>
</tr>
<tr>
<td>HI</td>
<td>10</td>
<td>0</td>
<td>0</td>
<td>Unlimited</td>
<td>None&lt;sup&gt;1&lt;/sup&gt;</td>
</tr>
<tr>
<td>ML</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>Unlimited</td>
<td>None&lt;sup&gt;1&lt;/sup&gt;</td>
</tr>
<tr>
<td>GU-1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>Unlimited</td>
<td>40,000 sq. ft.</td>
</tr>
</tbody>
</table>

<sup>1</sup> Except as may be required by the State of Alaska Department of Environmental Conservation in areas where community sewer and water are unavailable.

---

Planning Commission  
405  
February 13, 2018
ORDINANCE NO. 97-013

AN ORDINANCE AMENDING TITLE 18 OF THE FAIRBANKS NORTH STAR BOROUGH CODE OF ORDINANCES REGARDING NONCONFORMING (GRANDFATHERED) USES, STRUCTURES AND LOTS

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

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the Fairbanks North Star Borough Code of Ordinances.

Section 2. Section 18.06.010B of the Fairbanks North Star Borough Code of Ordinances is hereby amended by inserting a new subsection, 78, as follows:

78. "Lawful" means not in violation of any local, state or federal law.

The following subsections shall be renumbered as appropriate by the Borough clerk.

Section 3. Section 18.56.020 of the Fairbanks North Star Borough Code of Ordinances is hereby amended as follows:

Authority to continue.
Any nonconforming building, structure, use or lot which existed lawfully prior to the effective date of the ordinance codified in this title or any lawful building, structure, use or lot which has become nonconforming upon the adoption of the ordinance codified in this title or any subsequent amendment thereto, may be continued, subject to the restrictions in this chapter. Any change in ownership of such a building, structure, use or lot does not void grandfather rights.

Section 4. Section 18.56.030 of the Fairbanks North Star Borough Code of Ordinances is hereby amended as follows:
Restrictions.
Except for agricultural buildings, structures and livestock, and any other agricultural activities, any nonconforming building, structure, use or lot, which does not conform with the regulations of the zoning district in which it is located shall be subject to the following restrictions:

A. Nonconforming Buildings and Structures
1. A nonconforming building or structure may be enlarged or altered as long as the enlargement or alteration is in conformance with this title and does not increase the existing nonconformity or result in a new or additional nonconformity of this code.

B. Nonconforming Uses:
1. Except as otherwise provided in this subsection, a [A] building, structure or premises devoted to or designed for, in whole or in part, a nonconforming use, may not be enlarged or altered.

2. Junkyards. A junkyard shall be allowed to continue or expand only within the boundaries of the fence required by FNSB 8.16.030 in place at the time it became nonconforming.

3. Natural Resource Extraction and Outside Storage. Natural resource extraction and outside storage uses shall be allowed to expand to the boundaries of the lot on which they are located at the time they become nonconforming.

4. In the event that a nonconforming use of a building, structure, or premises, or part thereof, is discontinued for any reason for a period of [THIRTY-SIX (36)] twelve (12) months, the subsequent use of the same building, structure, or premises, or part thereof, shall thereafter be in conformance with the zoning district in which it is located. The Director of the Department of Community Planning, with the concurrence of the Borough Assembly, may extend this [THIRTY-SIX (36)] twelve (12) month period to allow relief from emergencies or other extenuating circumstances which are outside the control of the landowner.
C. Nonconforming Lots.
1. In any zoning district, a lot, which was lawfully subdivided and recorded prior to the adoption of the ordinance codified in this title or any subsequent amendment thereto, and that because of said adoption or amendment fails to meet the minimum lot size requirements of the zoning district in which it is located, shall be considered as a usable lot.

Section 5. Effective Date. This ordinance shall be effective at 5:00 p.m. of the first Borough business day following its adoption.

PASSED AND APPROVED THIS 24TH DAY OF APRIL, 1997.

[Signature]
Henry "Hank" Hove
Presiding Officer

ATTEST:

[Mona Lisa Drexler, CMC/AAE]
Mona Lisa Drexler, CMC/AAE
Municipal Borough Clerk

Ayes: Bartos, Sattley, Quakenbush, Sonafrank, Parr, Kilgore, Webb, St. John, McBride, LaSota and Hove
Noes: None

(OC003-97)
FAIRBANKS NORTH STAR BOROUGH

ORDINANCE NO. 2010-55

AN ORDINANCE AMENDING CHAPTER 18.56 OF THE FAIRBANKS NORTH STAR BOROUGH CODE OF ORDINANCES AS IT RELATES TO NONCONFORMING AND GRANDFATHERED BUILDINGS STRUCTURES, USES AND LOTS AND ADDING A SECTION TO CHAPTER 18.58 CONCERNING THE INITIATION OF TITLE 18 COMPLAINTS

WHEREAS Chapter 18.56 of the FNSB zoning ordinance contains provisions for recognizing that a property owner maintains existing uses of their property in the event that buildings, structures, and/or uses become nonconforming as a result of zoning ordinance changes and;

WHEREAS the purpose of Title 18 is to implement the Fairbanks North Star Borough Comprehensive Plan; and

WHEREAS the first goal of the FNSB Comprehensive Land Use Plan is: "To recognize that the foremost aspect of land use involving private property is the retention and maintenance of private property rights"; and

WHEREAS strategy 1 of the FNSB Comprehensive Land Use Plan is to: "Work for decision by commissioners and the assembly that protects individual private property rights to the maximum extent possible"; and

WHEREAS strategy 2 of the FNSB Comprehensive Land Use Plan is to: "Work for community end goals with a minimum impact and disruption of individual private property rights"; and

WHEREAS The Purpose of The FNSB Title 18 Zoning Ordinance (Section18.04.020) states: "This title is intended to protect private property rights, to promote the public health, safety and general welfare of the residents of the borough, and safety from fire and to promote the efficient distribution of water, sewage, schools, parks; to promote economic development and the growth of private enterprise; and

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
Text to be added is underlined & bold
Text to be deleted is [BRACKETED, CAPITALIZED & BOLD]
WHEREAS Application of the FNSB Title 18 Zoning Ordinance (Section 18.04.030) in pertinent part states: "Structures and land use that becomes nonconforming as a result of implementation of this chapter shall have grandfather rights"; and

WHEREAS Implementation of the FNSB Title 18 Zoning Ordinance (Section 18.04.070 Implementation) states in pertinent part: "Grandfathering of all land uses shall take precedent when a conflict arises"; and

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

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

Section 2. Chapter 18.56 of the Fairbanks North Star Borough Code of Ordinances is hereby amended as follows:

NONCONFORMING (GRANDFATHERED) USES AND LOTS

18.56.010 Purpose.

The purpose of this chapter is to provide for the regulation of nonconforming buildings, structures, uses and lots, and to specify those circumstances and conditions under which they shall be allowed to continue as legal nonconforming uses and lots.

18.56.020 Authority to Continue.

Any nonconforming building, structure, use or lot which existed lawfully prior to the effective date of the ordinance codified in this title or any lawful building, structure, use or lot which has become nonconforming upon the adoption of the ordinance codified in this title or any subsequent amendment thereto may be continued, subject to the restrictions in this chapter. Any change in ownership of such a building, structure, use or lot does not void grandfather rights.

18.56.025 Affirmative Recognition of Grandfather Rights.

A. An applicant may seek an affirmative recognition of their grandfather rights by submitting an application and affidavit to the department of community planning director or his designee describing the nonconforming building(s), structure(s), use(s) or lot(s) that existed prior to the date of the zoning change that caused the nonconformance. The applicant shall be the owner of the property described in the application, the contract purchaser of said property, the holder of an option to purchase said property, or such persons that possess a substantial proprietary interest in the property being considered. The written consent of the owner, or an authorized representative having power of attorney, shall accompany all applications. The

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
Text to be added is underlined & bold
Text to be deleted is [BRACKETED, CAPITALIZED & BOLD]
application must contain a written positive assertion that said building(s), structure(s),
use(s) or lot(s) existed prior to the date of the zoning change. This application may be
made at any time. The application may be accompanied by pictures, statements of
support, and other evidence.

B. Within 15 days after the filing of the owner affidavit, the Department shall
schedule an administrative hearing. Notice of the application and the hearing shall be
provided using the procedures set forth in FNSBC 18.54.010 B, 1 and 2. Lot size
determinations are exempt from the requirements of this subsection.

C. Within 15 days of the hearing the Department shall issue an administrative
determination of the grandfather rights. That determination may be appealed to the
Board of Adjustment (as designated by FNSBC 18.52.030) within 15 days of the date of
the determination. Appeals shall be heard de novo. The Board of Adjustment shall
uphold or reverse the determination and adopt specific findings of fact after considering
the oral and written statements of the applicant, the public, and the department of
community planning. This decision is appealable to the superior court in accordance
with the civil rules.

18.56.030 Restrictions.

Except for agricultural buildings, structures, and livestock, and any other
agricultural activities, any nonconforming building, structure, use or lot which does not
conform with the regulations of the zoning district in which it is located shall be subject
to the following restrictions which shall be interpreted to the extent allowable by law in a
manner that ensures that property owners are not deprived of reasonable use of their
property:

A. Nonconforming Buildings and Structures.

1. A nonconforming building or structure may be enlarged or altered
as long as the enlargement or alteration [IS IN CONFORMANCE WITH THIS TITLE
AND] does not [INCREASE THE EXISTING NONCONFORMITY OR RESULT IN]
create a new [OR ADDITIONAL] nonconformity of this code except that expansion is
permitted within the standards that were in place when the zone changed.

B. Nonconforming Uses.

1. Except as otherwise provided in this subsection, a building,
structure or premises devoted to or designed for, in whole or in part, a nonconforming
use, may [NOT] be enlarged or altered as long as the use reflects the nature and
purpose of the use prevailing when the zoning took effect and there is no difference in
the quality or character of the use.

2. Junkyards. A junkyard shall be allowed to continue or expand only
within the boundaries of the fence required by FNSB 18.50.130(B) in place at the time it
became nonconforming.

3. Natural Resource Extraction and Outside Storage. Natural
resource extraction and outside storage uses shall be allowed to expand to the
boundaries of the lot on which they are located at the time they became nonconforming.

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
Text to be added is underlined & bold
Text to be deleted is [BRACKETED, CAPITALIZED & BOLD]
4. In the event that a nonconforming use of a building, structure or
premises, or part thereof, is discontinued for any reason for a period of [12 MONTHS]
36 months, the subsequent use of the same building, structure, or premises, or part
thereof, shall thereafter be in conformance with the zoning district in which it is located.
The director of community planning, with the concurrence of the borough assembly,
may extend this [12 MONTH] 36 month period to allow relief from emergencies or other
extenuating circumstances which are outside the control of the landowner.
C. Nonconforming Lots.
1. In any zoning district, a lot, which was lawfully subdivided and
recorded prior to the adoption of the ordinance codified in this title or any subsequent
amendment thereto, and that because of said adoption or amendment fails to meet the
minimum lot size requirements of the zoning district in which it is located, shall be
considered as a usable lot.
2. If a structure on a nonconforming lot encroaches onto an adjoining
lot under common ownership, the two lots shall thereafter be considered a single lot for
purposes of this title.

Section 3. Chapter 18.58 is amended to add the following section:

18.58.030 Initiation of Complaints.

Any complaints brought under this Title must meet the following conditions:
A. To initiate a complaint the alleged violation must personally and adversely
affect a matter in which a person has a specific interest or property right in a way
different than that of the general public.
B. The complainant bears the burden of proving the adverse effect the
alleged violation has on their own property.
C. The complaint shall:
1. Be in writing.
2. State in ordinary and precise language the provisions of Title 18
alleged to have been violated and the facts alleged to constitute the violation.
3. Include statements of support and/or other evidence supporting the
allegations.
D. The Department unit may investigate a complaint provided that the above
conditions have been met.

Section 4. Effective Date. This ordinance shall be effective at 5:00 p.m.
of the first Borough business day following its adoption.
PASSED AND APPROVED THIS 25TH DAY OF FEBRUARY 2011.

[Signature]
Joseph C. Blanchard II
President Officer

ATTEST:

[Signature]
Nanci A. Ashford, CMC, Deputy Clerk
Acting for Mona Lisa Drexler, MMC
Municipal Borough Clerk

Ayes: Hutchison, Howard, Beck, Dukes, Want, Kassel, Musick, Blanchard II
Noes: Winters

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
Text to be added is underlined & bold
Text to be deleted is [BRACKETED, CAPITALIZED & BOLD]
Agency Comments

Appeal of GR2017-152
Manish Singh

From: Motsko, Randi Lynn (DOT) <randi.motsko@alaska.gov>
Sent: Wednesday, November 08, 2017 10:35 AM
To: Manish Singh
Cc: George Stefan; Angela Parker; Daniel Welch
Subject: Sunshine Health Foods
Attachments: 1513_001.pdf

Importance: Low
Follow Up Flag: Follow up
Flag Status: Flagged

Hello,

Please find the final comments for ADOT&PF appeal application for 410 Trainor Gate Road.

Thanks.

Randi Motsko
Transportation Planner
AK Dept. of Transportation & Public Facilities, Fairbanks Field Office
2301 Peger Rd
Fairbanks, Alaska 99709
(907) 451-2386
November 7, 2017

Manish Singh
Department of Community Planning
459-1225
msingh@fnsb.us

Property Owner/Developer: Brian Reagin DBA Sunshine Health Foods

Type of Request: Appeal Application GR2017-152: 410 Trainor Gate Road

Property Location: An appeal of 410 Trainor Gate, Lot 1 & 2, Block 18, Hamilton Acres Subdivision.

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

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

Thank you.

Sincerely,

[Signature]

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

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

"Keep Alaska Moving through service and infrastructure."
From: Manish Singh  
Sent: Monday, October 30, 2017 11:12 AM  
To: 'mmeeks@fairbanks.us'; 'cmclooten@ci.fairbanks.ak.us'; 'pwmail@ci.fairbanks.ak.us';  
'jcfox@ci.fairbanks.ak.us'; 'bejohnson@ci.fairbanks.ak.us'; 'KGreen@fairbanks.us';  
'usainfo@akwater.com'; 'marc@akwater.com'; 'randi.motsko@alaska.gov';  
'JLkarl@gvea.com'; 'RealEstTech@akrr.com'  
Subject: Appeal of GR2017-152: Requesting Comments for Grandfather Rights appeal App. (410 Trainor Gate Rd)  
Attachments: GR2017-152_SunshineHealth_Appeal Application.pdf; GR2017-152_Reagin_Determination.pdf

Dear Sir/Ma’am

The Fairbanks North Star Borough Planning Commission is considering an appeal of **GR2017-152**, which denied a request for affirmative recognition of legal nonconforming use status (grandfather rights) for an existing grocery store in the Two-Family Residential (TF) zone, located at **410 Trainor Gate Road** (on the northeast side of Trainor Gate Road, south of Craig Ave). This case is scheduled for the Planning Commission meeting on December 12, 2017.

I have attached the appeal application and the GR2017-152 Notice of Decision with this email. The department requests you to send us your comments for this proposal by November 13, 2017. For more information about this case, please email msingh@fnsb.us or contact Manish Singh at (907) 459-1225. The staff report to the commission will be available online at [www.fnsb.us/Boards/Pages/Planning-Commission.aspx](http://www.fnsb.us/Boards/Pages/Planning-Commission.aspx) at least five days before the hearing.

Thanks,
Manish

---

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

Fairbanks North Star Borough  
907 Terminal Street  
Fairbanks, AK 99701
Appeal of GR2017-152

City of Fairbanks
mmeeks@fairbanks.us
cmclooten@ci.fairbanks.ak.us
pwmail@ci.fairbanks.ak.us
jcfox@ci.fairbanks.ak.us
bejohnson@ci.fairbanks.ak.us
KGreen@fairbanks.us

Golden Heart Utilities
usainfo@akwater.com
marc@akwater.com

Alaska Department of Transportation
Randi Motsko randi.motsko@alaska.gov

GVEA
Julie Karl
JLKarl@gvea.com

Alaska Railroad Anchorage AK Headquarters
General Real Estate and Planning Enquiries RealEstTech@akrr.com
Agency Notifications

SAFETY

☐ State Fire Marshal
☐ Fire Service Area (see attachment)
  Specify: ____________________________

☐ City of Fairbanks
  ☑ Chief of Staff
  ☑ Fire Department
  ☑ Police Department
  ☑ Building Department

☐ City of North Pole
  ☐ City Clerk – Mayor
  ☐ Fire Department
  ☐ Police Department
  ☐ Building Department

☐ Alaska State Troopers

ROADS AGENCIES

☐ Alaska Department of Transportation and Public Facilities (AK DOT & PF)
☐ FNSB Rural Services
☐ Road Service Area (see attachment)
  Specify: ____________________________

OTHER BOROUGH

☐ Land Management
☐ Public Works
☐ Parks & Recreation
☐ Assessing
☐ Transit
☐ Chief of Staff
☐ Other ________________

OTHER AGENCIES

STATE

☐ Alaska Department of Environmental Conservation (ADEC)
☐ Alaska Department of Natural Resources (ADNR)
☐ Alaska Department of Fish and Game (ADF&G)
☐ Alaska Railroad (ARR)

FEDERAL

☐ U.S. Department of the Interior Bureau of Land Management (BLM)
☐ U.S. Army Corps of Engineers
☐ U.S. Environmental Protection Agency (EPA) Region 10
☐ U.S. Department of Agriculture (USDA)
  ☐ Natural Resources Conservation Service
☐ Fort Wainwright Army Base
☐ Eielson Air Force Base
☐ Federal Emergency Management Agency (FEMA) Region 10

Planning Commission 421 February 13, 2018
UTILITIES

ENERGY

☐ Fairbanks Natural Gas
☐ Golden Valley Electric Association (GVEA)
☐ Interior Gas Utility
☐ Alyeska Pipeline Services Co.
☐ Aurora Energy
☐ Other ____________________

WATER/SEWER

☐ Utility Services of Alaska
☐ Valley Water, INC.
☐ City of North Pole Public Works
☐ College Utilities
☐ Golden Heart Utilities
☐ Other ____________________

TELECOMMUNICATION

☐ Alaska Communications
☐ GCI FCC (Fiber Optic Cable)
☐ Alaska Wireless Network, LLC (GCI)
☐ AT&T Alascom
☐ AlasConnect
☐ Summit Telephone
☐ Verizon Wireless
☐ Other ____________________

Comments to be returned by: Nov. 13, 2013 (2 weeks)

I have sent the application materials for File # 352-18

to all of the agencies checked above on 10/30/13

Date Sent

Name of Planner (PRINTED)

Date Signed
Application Material Received on
October 20, 2017

Appeal of GR2017-152
**Planning Commission**

Department of Community Planning
907 Terminal Street/P.O. Box 71267
Fairbanks, Alaska 99707-1267
(907) 459-1260 Fax: (907) 205-5169
planning@fnsb.us

**APPEAL APPLICATION**

File No. Appeal 9-GR2017-152

| FEES:  | □ $200 application |

**Appellant:**
- Name: Brian Reagin DBIA SUNSHINE HEARTH FOODS
- Mailing Address: 410 Traskor Gate Road
- Phone: (907)-460-6684
- Cell: 
- E-mail: bmninga@hotmail.com
- Appellant is:
  - □ The property owner or applicant from the decision being appealed
  - □ An interested person or a person aggrieved
  - □ A member of the public appealing a trail dedication
  - □ A representative (e.g. an attorney) of one of the above parties
    (please indicate which category of party you represent; include your name and contact information)

| APPEAL TYPE: |
- □ Title 18 Administrative Variance
- □ Amnesty Relief
- □ Legal Non-Conforming (Grandfather Rights)
- □ Other: 
- □ Quick Plat
- □ Preliminary Plat
- □ Title 17 Variance
- □ Trail Dedication
- □ Street Naming of Public Roads

**Appeal Information:**

- Case Number Being Appealed: GR 2017-152
- Date of Decision’s Mailing for Case Being Appealed: Oct 13, 2017

Specific Grounds or Reasons for Appeal (attach additional sheets as needed):

- See Attached Sheet.

Cite Title 17 (Subdivisions) or Title 18 (Zoning) Provisions to Support Appeal (attach additional sheets as needed):

- See Attached Sheet.

**APPELLANT SIGNATURE:**

**DATE:** 10/20/17

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*Fairbanks North Star Borough is subject to the Alaska Public Records Act, AS 40.25 et seq. and this document may be subject to public disclosure under state law.*
SPECIFIC GROUNDS/REASONS FOR APPEAL CONCERNING CASE NUMBER GR2017-152

1.) LOT 2 HAS NOT BEEN 'DEVELOPED' AS A 'PARKING LOT' AND THOUGH AT (INFREQUENT) TIMES CARS HAVE PARKED THERE IT IS NOT ON A VERY REGULAR BASIS.

2.) IT IS THE INTENTION OF SUNSHINE HEALTH FOODS TO PURCHASE THE BUILDING AND TO BECOME THE SOLE ESTABLISHMENT CONTAINED IN SAID STRUCTUR.

3.) LOTS 1&2 WERE CREATED (1948) AND THE STRUCTUR BUILT (1952) OUTSIDE CITY LIMITS AND BEFORE ZONING LAWS WERE EVEN ESTABLISHED IN SAID LOCATION.

4.) THERE WAS ALREADY A GROCERY STORE ESTABLISHED AND IN USE (16 YEARS) BEFORE SAID PROPERTY WAS REZONED TO R2 IN 1965.

5.) THE FNSB ASSESSOR FIELD CARD SHOWS THAT NAME ON THE PROPERTY OWNER INCLUDES DBA SHOPPERS MARKET FOR THE 1966 ASSESSMENT PROVING THAT IT WAS STILL A GROCERY STORE AT THAT TIME.

6.) FNSB ASSESSOR FIELD CARD REFLECTS THAT THE PROPERTY WAS INSPECTED ON JANUARY 9, 1968 FOR FLOOD DAMAGE AND THAT THE BUILDING WAS VACANT AND WAS IN POOR CONDITION..........WELL OF COURSE IT WAS, IT WENT THRU A BLOODY FLOOD AND WAS IN NEED OF EXTREME REPAIRS WHICH IN FACT REQUIRED ADDITIONAL STRUCTURAL REPAIRS THAT WERE FINALLY PREFORMED JUST A FEW YEARS AGO! WITH THIS SAID A LONGER PERIOD SHOULD OF TIME SHOULD BE GRANTED FOR VACANCIES DUE TO THE NATURAL DISASTER OF THE FLOOD. (SEE DOC. 1A).

7.) EVEN AFTER SUSTAINING THE SEVERE DAMAGE FROM THE FLOOD (OF WHICH SOME ESTABLISHED BUSINESSES IN FAIRBANKS NEVER RECOVERED), THE BUILDING UNDERWENT THE NECESSARY REPAIRS, TRANSFORMED THE 'STORE FRONT' AND WAS (RE) ISSUED A ZONING PERMIT TO SELL ICE-CREAM OUT OF THE SUBJECT PROPERTY/BUILDING (8/16/75)

8.) SAID BUILDING WAS ALSO ISSUED A CONDITIONAL PERMIT FOR A PRESCHOOL FACILITY FOR USE IN A PORTION OF SUBJECT PROPERTY (MARCH 4, 1981).

9.) SEVERAL YEARS LATER ANOTHER PORTION OF THE BUILDING WAS USED AS A (COMMERTIAL) VETERINARY CLINIC
10.) THE ZONING LAWS HAVE CHANGED THRUOUT THE YEARS, BUT THIS BUILDING AND THE USE OF ITS OCCUPIED ESSTABLISHMENT (A RETAIL STORE OF SOME SORT, ONE WAY OR THE OTHER) HAS REMAINED THE SAME.

CONCLUSION: IT IS THE DESIRE OF ALL PARTIES INVOLVED (OWNERS/LESSEES) THAT THIS BUILDING BE REZONED BACK TO ITS ORIGINAL SITE FOR USE AS A RETAIL STORE FOR AS LONG AS SUNSHINE HEALTH FOODS OCCUPIES SAID BUILDING/PROPERTY.

HUMBLY WITH THANKS,

BRIAN REAGIN DBA SUNSHINE HEATHFOODS
410 TRAINOR GATE ROAD
FAIRBANKS, AK 99701
(907) 460-6684
Application Material Received on
October 27, 2017

Appeal of GR2017-152
PERTAINING TO: GR2017-152

FIRST, LET ME APOLOGIZE FOR NOT INCLUDING THESE DOCUMENTS WITH THE ORIGINAL PACKET.

1.) DOCUMENT 1.A: THIS IS A TAX FORM STATING THAT THE BUILDING APPEARED TO BE VACANT AND YET THERE ARE CARS IN THE FRONT AND REAR OF THE BUILDING AND CURRENT CONSTRUCTION OF THE BUILDING EXPANSION IS TAKING PLACE. THE VACANCY BEING SPOKE OF HERE (THE TAX FORM) MUST HAVE BEEN REFERRING TO THE BUILDING LOCATED ON LOT 3 AS THE BUILDING ON LOT 1 (410 TRAINOR GATE) WAS OBVIOUSLY IN USE.

2.) I (BRIAN REAGIN) HAVE ALSO INCLUDED SOME COPY'S OF THE CONDITION OF OUR TOWN OF FAIRBANKS DURING THE TIME OF THE FLOOD. MOST OF THE BUILDINGS WERE SEVERELY DAMAGED OR EVEN DESTROYED DO TO WATER DAMAGE OR EVEN FIRE, AND IT TOOK A GREAT DEAL OF TIME, MONEY AND ENERGY TO REBUILD THAT WHICH WAS CRIPPLED DURING THE TIME OF SAID NATURAL DISASTER.

3.) IT SHOULD BE NOTED THAT AT THE TIME OF THE 67 FLOOD, EQUIPMENT, SUPPLIES AND COMMUNICATIONS WERE NOT READILY AVAILABLE, AND IT WAS FAR MORE TIME CONSUMING, LABORIOUS AND EXPENSIVE TO MAKE NEEDED REPAIRS. THIS WAS A TIME WHEN WE STILL SHARED 'PARTY LINE' ON THE PHONE AND DID NOT GET TO WATCH CHRISTMAS MOVIES UNTIL AFTER EASTER! IT IS A MIRACLE THAT THE BUILDING IN QUESTION BEGAN CONSTRUCTION MODIFICATIONS AS FAST S IT DID (SEE DOC. 1A)

THANK YOU FOR YOUR TIME CONCERNING THIS MATTER AND IF YOU HAVE ANY QUESTIONS PLEASE DO NOT HESITATE TO CALL ME AT: (907)-460-6684

WITH GREAT APPRECIATION,
BRIAN REAGIN
DBA SUNSHINE HEALTH FOODS

[Signature]
10/21/17
Fairbanks 1967 flood photographs.

Title: Fairbanks 1967 flood photographs. UAF-1977-180-CO

Description: Fairbanks 1967 flood photographs is a collection of over 200 color slides and currently 3 color prints that depict the flood and surrounding areas submerged, notably the downtown area showing water rising up to various buildings. Such buildings include Woolworth, Penney’s, Tommy’s Elbow Room, and Nenana Furniture, among others. The damage to residences and businesses as well as the people being evacuated is evident in the images. A combination of weather conditions produced heavy rainfall in the Fairbanks area in August 1967, causing the Chena and Tanana Rivers to rise dramatically, resulting in widespread flooding and devastation.

Creator: Inouye, Ronald K.

Subject, TGM: Floods, Boats, Helicopters, Cityscapes, Streets, Buildings, Debris, Storefronts, Automobiles, People, Roads

Corporate Name: Avis-Rent-A-Car System, First National Bank Alaska, J.C. Penney Co., Nenland’s Furniture and Home Appliance (Fairbanks, Alaska), Samson Hardware (Fairbanks, Alaska), Elbow Room (Fairbanks, Alaska), Woolworth Corporation

Reference URL: uaf-1977-0180-00001
Fairbanks 1967 flood photographs.

Fairbanks 1967 flood photographs is a collection of over 200 color slides and currently 3 color photographs developed surrounding areas submerged, notably the downtown area showing water rising up to various business signs, such as Fairbanks, Tommy's Elbow Room, Penney's, Nerland's Furniture, and even the Nenana Civic Center, where the fire of people being evacuated, gathering for food, assessing damage to their residences and businesses, and even sleeping near the firehouse.

A combination of weather conditions produced heavy rainfall in the Fairbanks area in August 1967 causing the Chena and Tanana River to flood and devastate the area's aftermath.

Creator
Inouye, Ronald K.

Subject-TGM
Floods
Boats
Helicopters
Cityscapes
Streets
Buildings
Debris
Storefronts
Automobiles
People
Roads

Corporate Name
Avis-Rent-A-Car System
First National Bank Alaska
J.C. Penney Co.
Nerland's Furniture and Home Appliance (Fairbanks, Alaska)
Samson Hardware (Fairbanks, Alaska)
Elbow Room (Fairbanks, Alaska)
Woolworth Corporation
Alaska's Digital Archives

Fairbanks 1967 flood photographs.

View Description

Object Description

Collection Name
Fairbanks 1967 flood photographs

Identifier
UAF-1977-180-CO

Title
Fairbanks 1967 flood photographs.

Description
Fairbanks 1967 flood photographs is a collection of over 200 color slides and currently 3 color photographs developed from the silver halide negative film. The collection of color transparencies depicts people being evacuated, gathering for food, assessing the damage to their residences and businesses, and even sleeping on the streets. A combination of weather conditions produced heavy rainfall in the Fairbanks area in August 1967 causing the Chena and Tanana rivers to overflow their banks.

Creator
Inouye, Ronald K.

Subject.TGM
Floods
Boats
Helicopters
Cityscapes
Streets
Buildings
Debris
Storefronts
Automobiles
People
Roads

Corporate Name
Avis-Rent-A-Car System
First National Bank Alaska
J.C. Penney Co.
Nerland’s Furniture and Home Appliance (Fairbanks, Alaska)
Samson Hardware (Fairbanks, Alaska)
Elbow Room (Fairbanks, Alaska)
Woolworth Corporation

Location

Planning Commission

February 13, 2018

http://vilda.alaska.edu/cdm/ref/collection/cdm11/id/35056

Page 1 of 2
Fairbanks 1967 flood photographs.

Accession Number: uaf-1977-0180-00017

Object Description

Collection Name: Fairbanks 1967 flood photographs
Identifier: UAF-1977-180-CO
Title: Fairbanks 1967 flood photographs.
Description: Fairbanks 1967 flood photographs is a collection of over 200 color slides and currently 3 color photographs developed of people being evacuated, gathering for food, assessing the damage to their residences and businesses and eventually cleaning up from the flood. A combination of weather conditions produced heavy rainfall in the Fairbanks area in August 1967 causing the Chena and Tanana rivers to overflow their banks.

Creator: Inouye, Ronald K.

Subject:TGM

- Floods
- Boats
- Helicopters
- Cityscapes
- Streets
- Buildings
- Debris
- Storefronts
- Automobiles
- People
- Roads

Corporate Name: Avis-Rent-A-Car System
First National Bank Alaska
J.C. Penney Co.
Nerland’s Furniture and Home Appliance (Fairbanks, Alaska)
Samson Hardware (Fairbanks, Alaska)
Elbow Room (Fairbanks, Alaska)
Woolworth Corporation
Fairbanks 1967 flood photographs.

View Description

Object Description

Collection Name: Fairbanks 1967 flood photographs
Identifier: UAF-1977-180-CO
Title: Fairbanks 1967 flood photographs.
Description: A combination of weather conditions produced heavy rainfall in the Fairbanks area in August 1967 causing the Chena and Tanana devastated in the flood's aftermath.

Creator: Inouye, Ronald K.

Subject/TGN: Floods, Boats, Helicopters, Cityscapes, Streets, Buildings, Debris, Storefronts, Automobiles, People, Roads

Corporate Name: Avis-Rent-A-Car System, First National Bank Alaska, J.C. Penney Co., Neerland's Furniture and Home Appliance (Fairbanks, Alaska), Samson Hardware (Fairbanks, Alaska), Elbow Room (Fairbanks, Alaska), Woolworth Corporation

Location:
DEAR PROPERTY OWNER

“INTERESTED PERSONS”

APPEAL OF
GR2017-152
HAMILTON ACRES, BLOCK: 22, LOT: 04
Phillips Larry E
Phillips Mary Ann
409 Eureka Ave
Fairbanks, AK 99701

HAMILTON ACRES, BLOCK: 04, LOT: 05
Phillips Thomas
Phillips Rebecca
PO BOX 719631
Fairbanks, AK 99708

HAMILTON ACRES, BLOCK: 16, LOT: 18
Pluma Tom
Pluma Victoria
400 Craig Ave
Fairbanks, AK 99701

HAMILTON ACRES, BLOCK: 23, LOT: 03
Pollack Jones Neria A
Jones Thomas E
309 Eureka Ave
Fairbanks, AK 99701

HAMILTON ACRES, BLOCK: 20, LOT: 02
Possenti Macy C
521 Dunbar Ave
Fairbanks, AK 99701

HAMILTON ACRES, BLOCK: 16, LOT: 17
Rafson Ronald R
312 Eureka Ave
Fairbanks, AK 99701

HAMILTON ACRES, BLOCK: 21, LOT: 09
Reichmuth Raymond J
Reichmuth Cynthia Karen
520 Farewell Ave
Fairbanks, AK 99701

HAMILTON ACRES, BLOCK: 09, LOT: 13
Preslan Dennis H
Preslan Abbie J
308 Dunbar Ave
Fairbanks, AK 99701

HAMILTON ACRES, BLOCK: 22, LOT: 10
Pugliese Edward F
PO BOX 70965
Fairbanks, AK 99707

HAMILTON ACRES, BLOCK: 08, LOT: 07A
Quan Kwai See
605-5926 Tisdall St
Vancouver, BC V5Z CANADA

HAMILTON ACRES, BLOCK: 16, LOT: 16
Rafson Gerald J
1912 Gilmore Trl
Fairbanks, AK 99712

HAMILTON ACRES, BLOCK: 16, LOT: 17
Rafson Ronald R
312 Eureka Ave
Fairbanks, AK 99701

HAMILTON ACRES, BLOCK: 23, LOT: 16
Roy Milton G
Roy Song H
316 Farewell Ave
Fairbanks, AK 99701

HAMILTON ACRES, BLOCK: 10, LOT: 14
Rustad James F
Stevens Rustad Sophia C
PO BOX 72890
Fairbanks, AK 99707

HAMILTON ACRES, BLOCK: 31, LOT: 07
Ryan Deborah
1308 Miller Hill Rd Ext
Fairbanks, AK 99709

HAMILTON ACRES, BLOCK: 05, LOT: 10A
Sailee David W
Sailee Cathryn L
500 Baranof Ave
Fairbanks, AK 99701

HAMILTON ACRES, BLOCK: 06, LOT: 07
Saunders Jason
535 Baranof St
Fairbanks, AK 99701

HAMILTON ACRES, BLOCK: 22, LOT: 16
Sawby Michael O
410 Farewell Ave
Fairbanks, AK 99701

SHANNON PARK, BLOCK: C, LOT: 16
Shumate Antonio C
Shumate D Letter H
PO BOX 70123
Fairbanks, AK 99707

SHANNON PARK, BLOCK: C, LOT: 17
Shumate Antonio C
Shumate D Letter H
PO BOX 70123
Fairbanks, AK 99707

SHANNON PARK 3, BLOCK: L, LOT: 12
Ribalcenco Denis A
Ribalcenco Iana
1104 21st Ave
Fairbanks, AK 99701

SHANNON PARK 3, BLOCK: L, LOT: 18
Roderick Gary W
452 Shannon Dr
Fairbanks, AK 99701

SHANNON PARK, BLOCK: B, LOT: 07B
Rohl Robert J
Rohl Cynthia A
464 Trainor Gate
Fairbanks, AK 99701

RECEIVED
February 13, 2018

Planning Commission
HAMILTON ACRES, BLOCK: 09, LOT: 05
Slater Mary Lou
PO BOX 60035
Fairbanks, AK 99706

HAMILTON ACRES, BLOCK: 22, LOT: 06
Smith Judith A
421 Eureka Ave
Fairbanks, AK 99701

HAMILTON ACRES, BLOCK: 17, LOT: 02A
Smith Lance W
Smith Georgiana
409 D St
Fairbanks, AK 99701

HAMILTON ACRES, BLOCK: 16, LOT: 05
Smith Robert Joseph
319 Dunbar Ave
Fairbanks, AK 99701

HAMILTON ACRES, BLOCK: 22, LOT: UMB01
Snyder Rebecca B
406 Farewell Ave
Fairbanks, AK 99701

HAMILTON ACRES, BLOCK: 07, LOT: 12
Solski Shelby
321 Baranof Ave
Fairbanks, AK 99701

HAMILTON ACRES, BLOCK: 17, LOT: 02A
Smith Lance W
Smith Georgiana
409 D St
Fairbanks, AK 99701

HAMILTON ACRES, BLOCK: 09, LOT: 12
Standley Robert K
Standley Carin R
310 Dunbar Ave
Fairbanks, AK 99701

HAMILTON ACRES, BLOCK: 06, LOT: 21
Steely Daniel E
Steely Deana D
504 Craig Ave
Fairbanks, AK 99701

HAMILTON ACRES, BLOCK: 21, LOT: UMB01
Swerman Sidney L
Swerman Karen J
1367 6th Ave
Fairbanks, AK 99701

HAMILTON ACRES, BLOCK: 05, LOT: 09
Stumpe Mark A
1285 Overhill Dr
Fairbanks, AK 99709

HAMILTON ACRES, BLOCK: 15, LOT: 12
Stewart James R
232 Eureka Ave
Fairbanks, AK 99701

HAMILTON ACRES, BLOCK: 05, LOT: 07
Straub Hazel D
PO BOX 73105
Fairbanks, AK 99707

HAMILTON ACRES, BLOCK: 19, LOT: 10
Tilton Patrick A
535 Craig Ave
Fairbanks, AK 99701

HAMILTON ACRES, BLOCK: 22, LOT: 01
Thurmond Edward J Sr
329 D St
Fairbanks, AK 99701

HAMILTON ACRES, BLOCK: 22, LOT: 02
Thurmond Edward Sr
725 Craig Ave
Fairbanks, AK 99701

HAMILTON ACRES, BLOCK: 18, LOT: UMB01
Thompson Daniel E
Thompson Yvette C
1810 Burgess Ave
Fairbanks, AK 99709

SHANNON PARK 3, BLOCK: K, LOT: 06
Thomson Judith Rae
433 Shannon Dr
Fairbanks, AK 99701

HAMILTON ACRES, BLOCK: 04, LOT: 02A
Timchak Alexander
Pietrak Dariusz
304 Baranof Ave
Fairbanks, AK 99701

HAMILTON ACRES, BLOCK: 17, LOT: 11
Tupper Kristine
408 Eureka Ave
Fairbanks, AK 99701

HAMILTON ACRES, BLOCK: 16, LOT: 10
Van Vleet Ralph
PO BOX 21051
Anaktuvuk Pas, AK 99721

HAMILTON ACRES, BLOCK: 17, LOT: 12
Wharton Matthew E
Wharton Mema L
406 Eureka Ave
Fairbanks, AK 99701

HAMILTON ACRES, BLOCK: 19, LOT: 14
White Jane M
534 Dunbar Ave
Fairbanks, AK 99701

HAMILTON ACRES, BLOCK: 21, LOT: 03
Whiteman James M
Whiteman KI I
407 E St
Fairbanks, AK 99701

SHANNON PARK 3, BLOCK: K, LOT: 09
Wahlgren Chin Suk Family
Trust
451 Shannon Dr
Fairbanks, AK 99701

HAMILTON ACRES, BLOCK: 04, LOT: 10
Walker Kyl
Walker Barbara J
336 Baranof Ave
Fairbanks, AK 99701

HAMILTON ACRES, BLOCK: 08, LOT: 04
Wells Melanie P
329 Baranof Ave
Fairbanks, AK 99701

HAMILTON ACRES, BLOCK: 17, LOT: 09
Wharton Matthew E
Wharton Mema L
406 Eureka Ave
Fairbanks, AK 99701

HAMILTON ACRES, BLOCK: 19, LOT: 02A
Taylor Corrine L
Taylor Clifford K
540 Baranof Ave
Fairbanks, AK 99701

HAMILTON ACRES, BLOCK: 03, LOT: 08
Taylor Kenneth R Sr
220 Baranof Ave Apt # 1
Fairbanks, AK 99701

HAMILTON ACRES, BLOCK: 18, LOT: 01
Thurmond Edward J Sr
1810 Burgess Ave
Fairbanks, AK 99709

HAMILTON ACRES, BLOCK: 22, LOT: 02
Thurmond Edward Sr
925 Aurora Dr
Fairbanks, AK 99709

HAMILTON ACRES, BLOCK: 21, LOT: UMB01
Swerman Sidney L
1367 6th Av
Fairbanks, AK 99701

HAMILTON ACRES, BLOCK: 22, LOT: 02
Swerman Sidney L
Swerman Karen J
1367 6th Ave
Fairbanks, AK 99701

HAMILTON ACRES, BLOCK: 04, LOT: 02A
Taylor Corrine L
Taylor Clifford K
540 Baranof Ave
Fairbanks, AK 99701

HAMILTON ACRES, BLOCK: 05, LOT: 20
Taylor Kenneth R Sr
220 Baranof Ave Apt # 1
Fairbanks, AK 99701

HAMILTON ACRES, BLOCK: 05, LOT: 07
Stumpe Mark A
1285 Overhill Dr
Fairbanks, AK 99709

HAMILTON ACRES, BLOCK: 04, LOT: 07
Stumpe Mark A
1285 Overhill Dr
Fairbanks, AK 99709

HAMILTON ACRES, BLOCK: 17, LOT: 02A
Taylor Corrine L
Taylor Clifford K
540 Baranof Ave
Fairbanks, AK 99701

HAMILTON ACRES, BLOCK: 03, LOT: 08
Taylor Kenneth R Sr
220 Baranof Ave Apt # 1
Fairbanks, AK 99701
HAMILTON ACRES, BLOCK: 09, LOT: 10
Whitmer Lyle E
Whitmer Cynthia S
318 Dunbar Ave
Fairbanks, AK 99701

HAMILTON ACRES, BLOCK: 17, LOT: 13
Wiese Steve
Wiese Joann
401 D St
Fairbanks, AK 99701

HAMILTON ACRES, BLOCK: 22, LOT: 05
Wiese Steven M
Wiese Joann
413 Eureka Ave
Fairbanks, AK 99701

HAMILTON ACRES, BLOCK: 20, LOT: 03
Willis Joyce M
Willis Andrew
525 Dunbar Ave
Fairbanks, AK 99701

HAMILTON ACRES, BLOCK: 17, LOT: 01A
Wivoda William B
Wivoda Norma J
PO BOX 72124
Fairbanks, AK 99707

HAMILTON ACRES, BLOCK: 04, LOT: 09
Zahasky David P C
328 Baranof Ave
Fairbanks, AK 99701

HAMILTON ACRES, BLOCK: 20, LOT: 03
Willis Joyce M
Willis Andrew
525 Dunbar Ave
Fairbanks, AK 99701

HAMILTON ACRES, BLOCK: 17, LOT: 01A
Wivoda William B
Wivoda Norma J
PO BOX 72124
Fairbanks, AK 99707

HAMILTON ACRES, BLOCK: 19, LOT: 22
Zimmer William K
Zimmer Sharon Louise
PO BOX 10267
Fairbanks, AK 99710

HAMILTON ACRES, BLOCK: 19, LOT: 21
Zimmer William
Zimmer Sharon
PO BOX 10267
Fairbanks, AK 99710
NEW BUSINESS
MEMORANDUM

TO: Planning and Zoning Division Staff

FROM: Kellen D. Spillman, Deputy Director
Department of Community Planning

SUBJECT: Staff Reports

DATE: October 19, 2017

At the last few Planning and Zoning Division staff meetings there has been discussion regarding the existing format and structure of staff reports to the Planning Commission. Attached to this memorandum are two publications from the American Planning Association (APA) regarding the structure and content of planning staff reports. Please review both of these publications and be prepared to talk about best practices at the October 31, 2017 Planning and Zoning Division staff meeting.

Attachments:
Quick Notes: Getting the Most out of Staff Reports
Can Better Decisions Result From Better Staff Reports?
GETTING THE MOST OUT OF STAFF REPORTS

In nearly every community in the country certain development projects require review by a planning commission, board of appeals, or governing body that makes a recommendation or decision on the project. Whether the case is a rezoning, variance, or site plan, these development review cases will eventually garner a recommendation or decision of approval, conditional approval, or denial from the commission or board. A thorough and accurate staff report is an important resource for these decision makers. Although that final decision is the ultimate prize in the chess game that is the development review process, it is often anticlimactic after the drama surrounding the issuance of the staff report. Depending on which side of the chess board you sit, the staff report is either glorified or vilified—to be quoted repeatedly or tossed in the recycling bin.

THE PURPOSE OF A STAFF REPORT

Commissioners, attorneys, judges, applicants, neighbors, and the professional staff may have different perspectives on the purpose of a staff report—especially when caught up in the emotion of a particular case. While there are likely many other reasons for staff reports—both practical and political—that are not covered here, the following purposes are common to most development review reports:

- To factually describe the project and the applicant’s request
- To objectively describe why the application is before the board or commission
- To anticipate and answer questions likely to be asked at the hearing
- To provide a professional recommendation
- To inform officials and stakeholders on the issues of compliance, consistency, and compatibility with adopted plans and applicable regulations
- To build a public record and a legally defensible foundation—should litigation arise.

THE CONTENTS OF A THOROUGH STAFF REPORT

The contents of the staff report are both objective and subjective, and it should be clear to the reader which is which. The description of the project site and features should be objective and factual. Those parts of the report that include the analysis of compatibility and key findings are certainly more subjective but must be supported by and rooted in legal and local precedent as well as professional judgment.

At minimum, a staff report should include sufficient data and analysis to put the case in context for the commissioner and to support the staff recommendation. The reason for the application and what outcome or authority is expected of the commissioner should be clear up front. A balanced description of the proposal and the property, as well as maps and exhibits, is considered basic in any report.

The analysis should seek to answer whether or not the project is consistent with adopted plans and in compliance with zoning, engineering, utility, and other regulations. It should discuss precedents for the application, the potential impacts of the project on public infrastructure, and compatibility with the surrounding neighborhood. The analysis should evaluate the findings of fact, and finally, it should contain the staff recommendation along with any recommended conditions.

When evaluating such projects it is important for the report to paint a picture so commissioners can compare the “before and after” conditions. That is, what are the existing conditions of the site, natural resources, infrastructure, and the adjacent properties before the proposed development occurs, and what would be the impacts of this development on the site, infrastructure, environment, and neighborhood after it is built?
Even for the smallest project, this is a significant amount of information and analysis. For example, Loudoun County, Virginia, uses a table of contents in its staff reports to help the reader navigate. Although report details may be too technical for the novice, these details are necessary to analyze and summarize the case for the decision makers, the applicant, and the community stakeholders. Unless you have a crystal ball and know in advance which cases will be litigated, your staff must put the same level of detail and analysis in even the simplest of cases.

**THE IMPORTANCE OF THE THREE CS**

What are the key findings on which the approving authority is supposed to gauge its decision? Findings are typically related to the concepts of compliance, consistency, and compatibility and are often the factors considered should the case be litigated.

**Compliance.** The report should identify which codes the application is subject to and, generally, how it complies. It should specify sections of the code with which the project does not comply and note whether there are any waivers, alternatives, or conditions to be considered. The report should relay how the application complies with environmental, utility, traffic, and other regulations in addition to zoning.

**Consistency.** The staff report should describe not only the land-use map classification but whether the proposed project is consistent with the goals and policies of the adopted plan. Consistency in applying codes is also important to assure equal protection. The report should identify prior decisions, if any, and indicate why this recommendation is similar (or why it is not).

**Compatibility.** This is probably the most subjective and debated of the parameters. The staff report should evaluate the project’s compatibility with adjacent properties. Is the use compatible with those around it? Is the height and scale of the building compatible with those adjacent? Are the site improvements (e.g., parking) and operational features (e.g., hours of operation) in character with the surrounding uses?

**WHAT A GOOD STAFF REPORT IS—AND WHAT IT ISN’T**

The author of the staff report must recognize and balance its multiple audiences—the public stakeholders, the commissioners, the applicant, and (potentially) a judge. The report must be technical enough to be legally defensible but not so technical that the commissioners don’t want to read it.

Looks matter! Use a consistent and interesting format; maps and photos can reinforce the text. The City of Orlando uses different fonts, page layouts, and boxes to keep the reader’s interest and maximize information per page.

While no amount of conditions can mitigate an incompatible use, planners should have a vehicle to make suggestions to improve a project even if they are not mandatory. Staff reports from Alexandria, Virginia, note whether conditions are required, recommended, or suggested.

A staff recommendation of approval does not mean the staff is advocating for the project or applicant. Instead, this professional interpretation and recommendation is an affirmation that the project is harmonious with adopted plans and codes that represent the community’s values about development. The report is not just an exhaustive list of conditions or a reminder of code requirements so that the staff can say “we warned you” during the permit process. Orlando handles this by differentiating “Conditions of Approval” from “Information for Permit Review.”

Commissioners depend on a good staff report that is fair, balanced, and accurate. It is material provided to decision makers—in addition to public testimony, site visits, and values—which they will consider in making their vote. The challenge for planners who author such reports is to make them technical and defensible while still readable. It is not a PowerPoint but a summary of a thorough analysis providing needed information and key findings for decision makers as well as a variety of stakeholders.

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**REFERENCES**

1. Published by American Planning Association

2. Other Resources
   Staff reports to the Loudon County Planning Commission.

   Staff reports to the City of Orlando Municipal Planning Board.
   www.cityoforlando.net/planning/cityplanning/MPBMeetings.htm
City of Oak Forest
Department of Planning and Zoning

REPORT -- ZONING CASE Z04-23
November 11, 2004

KEY ELEMENTS:
The Planning Commission selected the following key elements of the Zoning Ordinance:

5. Lakefront (L-1): Limited lake-related activities such as boating and fishing, with a buffer of at least 100 feet for protection of natural resources.
6. Communal use of wind farms, with maximum height limits of 300 feet and a buffer of at least 500 feet from existing structures.
7. Zoning of light industries, with limitations on late-night activities and restrictions on noise levels.
8. Special use permits for religious activities, with provisions for noise and traffic control.
9. Zoning of commercial areas, with restrictions on retail sales and commercial advertising.
10. Zoning of light industrial areas, with restrictions on noise and pollution.

Click for District
ADMINISTRATIVE DEPT: Community and Economic Development -- Planning Division
CONTACT PERSON: Michael Davidson and Jon Schurah, AICP, Principal Planners

PRACTICE
BETTER STAFF REPORTS

November 2004
AMERICAN PLANNING ASSOCIATION
Formatting and Writing the Staff Report

By Stuart Meck, FAICP, and Marya Morris, AICP

Writing staff reports on proposed developments and permit applications is a core skill of planning practice. A local planning department’s standard practice for preparing staff reports is developed over time by those who prepare reports and those who use them, namely professional planners and planning commissioners. Legal requirements, personal preferences, institutional memory, and changing technologies all play a role.

Several problems common to many staff reports include:
- poor organization and format
- mixing facts with subjective information
- excessive detail or inadequate detail
- unclear language.

These are the reports a professional planner prepares that digest a particular development proposal or permit request; assess site conditions; relate the proposal to the comprehensive plan, subplans, and functional plans; and make a recommendation, all against the backdrop of local government policies and development code criteria. A good report concisely communicates vital information on development proposals to members of the planning commission, the local legislative body, the board of zoning appeals, the public, and the persons applying for any type of development permission. Considering how much time planners spend on them, their preparation is a topic about which there is surprisingly little written.

This issue of Zoning Practice attempts to fill that void by concentrating on the organization of a good report. A well-organized staff report can help shorten the reviewing authority’s meeting and guide the outcome of the decision. If followed, it can also provide the necessary documentation and planning rationale should the decision be challenged in court. In addition, the Internet has facilitated technological efficiencies in the distribution and presentation of such information, which this article also discusses.

The ideal report provides an adequate amount of information for the board, commission, or other body to make a decision; for the public to be considered adequately informed; and for the applicant to determine what additional information it needs to submit or what changes it needs to make to the proposal in order to win approval. The best staff reports provide information in the most concise manner possible while meeting all associated requirements for review, disclosure, and notification. As with a business memorandum, the objective is to make clear what action the intended audience must take and in what time frame.

1. Cover sheet
2. Project description, including, if necessary, a legal description (required for a rezoning)
3. Factual information about the site and surrounding area, including:
   - the current zoning districts of the properties involved
   - description of the site, based on a site visit and survey by the planning staff
   - surrounding land use
   - recent land-use actions, including rezonings, conditional uses, and variances, affecting the area
   - existing and proposed public facilities serving the site, including sizes of water and sewer lines, and classification and condition of roads
   - identification of other services, such as public transit
   - traffic counts, if relevant
   - floodplain or wetlands information, if relevant
4. Staff analysis, including:
   - presentation of decision-making criteria from plans or development codes with comment on how the project meets or does not meet criteria (for rezonings, variances, conditional uses)
   - specialized impact analyses, if necessary
   - evaluation of consistency of proposed action with all applicable plans, ordinances, and regulations. This section would include statements of comprehensive plan map designations, written policies, and excerpts of relevant sections of ordinances and regulation
5. Description of information yet to be submitted
6. Comments from other agencies
7. Staff recommendations, including conditions, as appropriate
8. Maps displaying subject property
9. Photographs of the property, as appropriate
10. Information submitted by applicant (as attachments)
11. Written comments from citizens (as attachments)
Matrices, such as those shown in Figures 3 and 4 below, provide a quick and easy way for readers to gauge various proposals, such as a rezoning, conditional use, or variance, against standard zoning requirements or more subjective criteria contained in the zoning or subdivision code for such action.

Staff reports from all types and sizes of planning agencies tend to contain the same elements (see box). A chief difference between a good report and a bad report lies in how that information is organized and presented. Poorly organized reports include bits of information scattered throughout, which skips between facts, analysis, suggestions, commentary, and recommendations. Depending on who prepares the report in a given agency, the placement of data and information varies from report to report. A well-written and formatted staff report allows the reader to glean quickly the most important issues under consideration. It usually includes a cover sheet with pertinent information, sometimes presented in a form (see Figure 1) or under clear, bold subheadings. The full contents of the report are presented in distinct sections, each with bold headings as well.

Staff reports should be consistent in format, no matter which staff planner prepares them. The reader should expect to find the same elements in the same order in each type of report. If the staff report concerns a single development permission, such as a rezoning or subdivision, and additional actions by other agencies need to be taken, the report should indicate what those actions are. For example, if the applicant is requesting a rezoning (which must be reviewed by the planning commission and approved by the legislative body), and a rezoning must precede a conditional use permit application or variance (which is approved by a board of zoning appeals), then the report should state that those subsequent approvals must follow. For elected and appointed officials, there is limited time to review the staff reports, which therefore must get to the point quickly. Figure 2 is an example of a synopsis and summary from a staff report prepared by the Lynchburg, Virginia, Department of Community Planning and Development on a conditional use permit.

Some staff reports use matrices to present critical information relevant to the application. Matrices, such as those shown in Figures 3 and 4 below, provide a quick and easy way for readers to gauge various proposals, such as a rezoning, conditional use, or variance, against standard zoning requirements or more subjective criteria contained in the zoning or subdivision code for such action.

During December 13-23, go online to participate in our “Ask the Author” forum, an interactive feature of Zoning Practice. Stuart Meck, FACP, and Marya Morris, AICP, will be available to answer questions about this article. Go to the APA website at www.planning.org and follow the links to the Ask the Author section. From there, just submit your questions about the article using an e-mail link. The authors will reply, posting the answers cumulatively on the website for the benefit of all subscribers. This feature will be available for selected issues of Zoning Practice at announced times. After each online discussion is closed, the answers will be saved in an online archive available through the APA Zoning Practice web pages.

### Figure 1. Common Elements on Staff Report Cover Sheets

<table>
<thead>
<tr>
<th>Element</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project name</td>
<td>General location of subject property</td>
</tr>
<tr>
<td>Case number</td>
<td>Existing zoning</td>
</tr>
<tr>
<td>Report preparer’s name</td>
<td>Surrounding zoning</td>
</tr>
<tr>
<td>Action requested</td>
<td>Existing land use</td>
</tr>
<tr>
<td>Applicant name</td>
<td>Surrounding land use</td>
</tr>
<tr>
<td>Property owner</td>
<td>Parcel size</td>
</tr>
<tr>
<td>Date of hearing</td>
<td>Comprehensive plan map designation, plus relevant policies</td>
</tr>
</tbody>
</table>

### Figure 2. Sample Staff Report Cover Sheet with Project Summary

TO: Planning Commission
FROM: Planning Division
DATE: July 12, 2000
RE: CUP Randolph-Macon Women’s College, 2601 Rivermont Avenue

SYNOPSIS: Randolph-Macon Women’s College is petitioning for a Conditional Use Permit (CUP) to allow the expansion of the existing College into an adjacent existing subject structure for office use on a tract of about 0.7 acres, in an R-2, Single-Family Residential District, and an R-4, Multi-Family Residential District.

SUMMARY:

- Petition agrees with the General Plan.
- The College has existed in the community since 1893 with no reported problems; it now has a need for expansion.
- The subject structure will retain the appearance of a residence, but will change from a primarily residential use to an institutional use.

Source: City of Lynchburg, Virginia
The location is in the Village of Bloomingdale, Illinois, a suburb of Chicago, The City Council [economic development agency] would control how the money is used. . . . The applicant chose to make a monetary contribution rather than include affordable rental units in the project. Staff finds the $400,000 contribution acceptable.

Does the project improve traffic safety along Minnetonka Boulevard?
Yes. The project would improve the Gizmo Lane/Minnetonka Boulevard intersection by shifting the intersection about 75 feet to the west. This shift increases its spacing from the Highway 169 off-ramp and improves its sight lines, as it is at the crest of the hill along Minnetonka Boulevard.

Would the Minnehaha Creek floodplain and wetland area be protected?
Yes. Significant conservation development techniques have been incorporated into the project. They include a minimum 50-foot-wide wetland buffer and conservation easement, stormwater infiltration basins, use of native landscapes. . . . the establishment of a conservation management plan, and construction of a public trail, with overlooks. These are all elements that go beyond the basic requirements of the zoning code.

Would the project have an adverse impact on the existing neighborhood?
No. The project is not expected to have an adverse impact on the existing neighborhood. . . . Neighborhood impacts are avoided by orienting the buildings toward Highway 169, designing an apartment entrance off Gizmo Lane, . . . and by implementing an intensive landscaping plan. . . . The aforementioned project would allow the neighborhood to remain in its present state.

Here is an example of an analysis of a conditional use permit for a church expansion:
1. is the use required by the public need?
Yes. Churches and the related use are required to serve a growing population and the community.
2. Will the use be properly related to other land uses and transportation and service facilities in the vicinity?
Yes. The site is served by all required facilities and infrastructure. The site has accommodated the institutional church use for many years.
3. Will the use materially or adversely affect the health, safety and welfare or to property or improvements in the neighborhood?
No. If recommended performance standards and conditions are implemented as conditioned herein, the use would not adversely affect adjacent properties.
4. Will the use be contrary to the specific intent of the land use regulations established for the District in which it is to be considered? No. Subject church uses are Conditionally Permitted uses in the District. Conditions of approval must assure compatibility with surrounding land uses.

The property was annexed into the city in 1984. At the time of annexation the property was zoned T (Transition). In 1994, the zon- ing was changed to RLP [Rural Land Plan] with a PUD [Planned Unit Development] designation. When the City was comprehensively rezoned in 1997, the designation was changed to LMP (Low Density Mixed Use Neighborhood). No other applications or development plans have been approved for this site.

The City of Fort Collins, Colorado

The alternative to a matrix is to present several issues under consideration, in a question-and-answer format, where the questions are presented in italics with the answers in regular type. The following excerpt from an application for a rezoning from an R-1 low-density residential use to a 161-unit planned unit development on 7.25 acres in Minnetonka, Minnesota, shows how staff assessment of each criterion can be presented in the staff report.

Primary Issues
Does the development make provisions to increase the City's stock of affordable housing?
Yes. The applicant has agreed to contribute $400,000 to the City for affordable housing. The City Council and economic development

Figure 3 shows how staff assessment of each criterion can be presented in the staff report.

Does the alternative to a matrix is to present several issues under consideration, in a question-and-answer format, where the questions are presented in italics with the answers in regular type. The following excerpt from an application for a rezoning from an R-1 low-density residential use to a 161-unit planned unit development on 7.25 acres in Minnetonka, Minnesota.

Figure 3 is an example from a Fort Collins, Colorado, staff report prepared in July 2001, on a request for approval of a 173-acre overall development plan for a mixed-use residential development. Here the staff report quickly digests surrounding zoning and land uses in a table, followed by a narrative that gives the history of the property.

Another example is the excerpt in Figure 4 from a report prepared by Teska Associates, a planning consulting firm in Evanston, Illinois, for a combination of rezoning, preliminary site plan review, and various zoning exceptions, to allow the construction of a 4,250-square-foot commercial building to be occupied by Starbucks Coffee (with outdoor seating and other retail tenants unknown at the time of application). The location is in the Village of Bloomingdale, Illinois, a suburb of Chicago,

Figure 3 from a report prepared by Teska Associates, a planning consulting firm in Evanston, Illinois, for a combination of rezoning, preliminary site plan review, and various zoning exceptions, to allow the construction of a 4,250-square-foot commercial building to be occupied by Starbucks Coffee (with outdoor seating and other retail tenants unknown at the time of application). The location is in the Village of Bloomingdale, Illinois, a suburb of Chicago, in the special Old Town District. The matrix analysis demonstrates how the proposal departs from the requirements of the special old Town district.

The alternative to a matrix is to present several types of criteria, or simply the primary issues under consideration, in a question-and-answer format, where the questions are presented in italics with the answers in regular type. The following excerpt from an application for a rezoning from an R-1 low-density residential use to a 161-unit planned unit development on 7.25 acres in Minnetonka, Minnesota, shows how staff assessment of each criterion can be presented in the staff report.

Primary Issues
Does the development make provisions to increase the City’s stock of affordable housing?
Yes. The applicant has agreed to contribute $400,000 to the City for affordable housing. The City Council and economic development

FIGURE 3. ADJACENT LAND USE/ZONING SAMPLE MATRIX

<table>
<thead>
<tr>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Sod Farm</td>
</tr>
<tr>
<td>South</td>
<td>Agriculture</td>
</tr>
<tr>
<td>East</td>
<td>Sod</td>
</tr>
<tr>
<td>West</td>
<td>Undeveloped (Richards Lake PUD) and Ranchettes</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>North</th>
<th>FA-1 Larimer County</th>
</tr>
</thead>
<tbody>
<tr>
<td>South</td>
<td>LMN (Gillespie PUD)</td>
</tr>
<tr>
<td>East</td>
<td>FarmFA-1 Larimer County</td>
</tr>
<tr>
<td>West</td>
<td>LMN (Richards Lake PUD) and FA-1 Larimer County</td>
</tr>
</tbody>
</table>

The property was annexed into the city in 1984. At the time of annexation the property was zoned T (Transition). In 1994, the zoning was changed to RLP [Rural Land Plan] with a PUD [Planned Unit Development] designation. When the City was comprehensively rezoned in 1997, the designation was changed to LMP (Low Density Mixed Use Neighborhood). No other applications or development plans have been approved for this site.

Source: City of Fort Collins, Colorado

FIGURE 4. ZONING CONSISTENCY SAMPLE MATRIX

<table>
<thead>
<tr>
<th>Zoning Provision</th>
<th>Required</th>
<th>Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Size</td>
<td>8.3F(1)</td>
<td>30,000 sq.ft.</td>
</tr>
<tr>
<td>Minimum Lot Width</td>
<td>8.3F(2)</td>
<td>100'</td>
</tr>
<tr>
<td>Minimum Front Building Setback (from Lake Street)</td>
<td>8.3G(1)</td>
<td>75'</td>
</tr>
<tr>
<td>Minimum Corner Side Building Setback</td>
<td>8.3G(2)</td>
<td>40'</td>
</tr>
<tr>
<td>Minimum Side Building Setback</td>
<td>8.3G(3)</td>
<td>12'</td>
</tr>
<tr>
<td>Minimum Rear Building Setback</td>
<td>8.3G(4)</td>
<td>30'</td>
</tr>
<tr>
<td>Maximum Height</td>
<td>8.3H(1)</td>
<td>30'</td>
</tr>
<tr>
<td>Maximum FAR</td>
<td>8.3H(2)</td>
<td>0.60</td>
</tr>
</tbody>
</table>

Source: Teska Associates
MIXING FACTS WITH SUBJECTIVE INFORMATION

Many staff reports share the common problem of mixing factual information with subjective information. The excerpt below, taken from the findings section of a staff report, illustrates this shortcoming typical of many reports: the report drafter has intermingled statements of fact with subjective assessments, analysis, and commentary that seems to contain recommended conditions for approval. Taken on its face, such language would make it difficult for both the applicant and the commissioner to know what action he or she could or should take.

The property is designated SR1 single-family development in the 2010 Plan but there is no opportunity for a road connection to either [Nesbitt] or [Maple Avenue]. There have been several non-residential development inquiries for this site but no application for these has even been submitted. The proposed condominium development could be an acceptable use if the proper protections for adjacent property are incorporated and if high-quality development standards are met.

In this example, the fact presented is: “The property is designated SR1 single-family development in the 2010 Plan ...”

The analysis presented is: “no opportunity for a road connection.”

And the language that could constitute either analysis or a recommendation, includes: “condominium development could be an acceptable use,” “proper protections for adjacent property,” and “if high-quality development standards are met.”

It would take the reader several passes at the text to separate these elements. The upshot is that findings of facts, staff analysis, and recommendations should each be presented in separate sections of the report, with each highlighted by a heading.

EXCESSIVE DETAIL OR INADEQUATE DETAIL

Planners who prepare staff reports often unwittingly provide excessive information in an attempt to gear the report to all audiences and to cover all bases of potential inquiries from commissioners, applicants, and other users. Too much detail makes the report, which the members of the decision-making body often read shortly before the public meeting, hard to fathom. For example, in some staff reports APA reviewed, we found that copies of registered mail receipts were included, when simply a listing of the addresses from which receipts had been returned (or not returned) would have sufficed.

In contrast, many reports often leave out vital information that could have a bearing on a planning commissioner’s decision to approve, deny, or conditionally approve a development project. This was the case where either a particular reviewing agency, such as the engineering department, had not provided comments, or a particular requirement of the application had yet to be completed (e.g., “Petitioner must provide a Master Drainage Plan.”). With the former, such omissions make it difficult for the reader to discern if a

Ideally, any standard requirements to which the developer will need to adhere should be addressed in a preapplication conference.

Staff reports sometimes contain unclear language that makes it difficult for the applicant or the reviewing body to decipher exactly what standard is being applied or what action will be necessary to address the concerns raised in the report. The recommendations must provide clear guidance on what aspects of the proposal need to be revised, and by what date, for the proposal to be considered for approval. In the example below, the unclear language appears in italics. Just what exactly is expected of the applicant in this case?

Landscaping:

No preliminary landscaping plan has been provided with the Community Conference application. It is likely that the plant materials chosen will be those that blend and complement those used with the Maple Street I Building (Phase 1).

Along the south side of the parcel is a lineal planting strip comprised of coniferous trees (pines and cedars) and some deciduous trees mixed in. ... Care should be taken to see what could be done to preserve this lineal grouping of trees.

A fair amount of existing landscaping in north and south parking lots will be eliminated in order to construct the new office building and parking structure. Perhaps some of the landscaping that is currently in place can be reused or salvaged. [emphasis supplied]

Many staff reports intermingle or in some cases confuse standard requirements, as contained in the development code, with comments or conditions for approval. Ideally, any standard requirements to which the developer will need to adhere should be addressed in a preapplication conference. Thus, if one of the conditions of approval in the staff report is the submission of a specific plan (e.g., a drainage plan), document, or other needed drawing or data that technically should have been included as part of the initial application but was not, then the application is in effect incomplete and is not ready for review by the planning commission. One could argue that inclusion of language describing such boiler-plate requirements in the staff report serves simply as a reminder to the applicant that additional paperwork is still needed and to the commission that the requirement has not been overlooked by planning staff. The problem, however, is that the planning commission is perhaps being asked to make a decision on an application with vital information still pending.

In the staff report excerpt below, items 1, 4, and 8 are clearly standard requirements that should have been addressed by the applicant prior to the staff report’s completion. One wonders how the application got this far into public review without the requirements having been satisfied. Item 7 might be an initial submission requirement, or it might be left to the developer’s later discretion.

Comments on a PUD application by Public Works Department

1. A site drainage plan is required.
2. A 1 ft. no-access easement will be required along [Lovely Lakes Road] and [Planatown Lakes Parkway] since all direct access should come from the new public cul-de-sac street.
The Planning Department believes the proposed Bracireck addition, with the adjoining parcels in Christine Manor, with RH and RS zoning does not conflict with the purposes or goals of Newark’s comprehensive planning for the area. Although our comprehensive guidelines refer to detached and semi-detached uses at this Valley Road site and the plan includes townhomes, the overall site density is well within the range typical for single-family and semi-detached developments in the Newark area. In addition, the development plan for the site appears to meet the purposes of the City’s site plan approval process to foster distinctiveness and excellence of site arrangement and design... including architectural design [and] associated with the natural environment including landscaping.” The Department also notes that the proposed RH and RS zoning is compatible with the zoning of adjacent and nearby city communities as well as the zoning of Christine Manor (located in the unincorporated portion of New Castle County).

Noting the open space shown on the plan to be dedicated to the city of Newark “will contribute significantly to the City’s parkland holdings,” the staff report goes on to recommend to the municipal planning commission that it advise the city council to approve the annexation and the development.

An Ames, Iowa, planning staff report to its zoning board of adjustment offers a good example of how to incorporate conditions into a staff report. Here the request is for a conditional use permit to allow a stage, a 40-foot by 70-foot tent, and other equipment for a Baptist tent revival on agricultural land with a floodway overlay. The conditional use permit would be valid for eight days. The carefully written report presents a series of alternatives as follows.

**Alternatives:**

1. The Zoning Board of Adjustment may approve the Conditional Use Permit with the following stipulations:
   A. That the approval of the tent revival in the floodway is conditioned upon the approval of the [State] Department of Natural Resources;
   B. That the portable toilets shall be anchored to prevent them from being knocked over.
   C. That the construction shall not commence before August 24, 2001, and that all structures and materials shall be removed by August 31, 2001.
2. The Zoning Board of Adjustment may deny this request for a Conditional Use Permit, stating the standards [for a permit] have not been met.

3. The Zoning Board of Adjustment may modify this request for a Conditional Use Permit and approve it with modified stipulations.
4. The Zoning Board of Adjustment may table this request for a Conditional Use Permit for additional information from the developer, City staff, or Iowa Department of Natural Resources.

The staff report ultimately recommends Alternative 1.

**STAFF REPORTS ON THE WEB SITE**

Local government websites have expanded quickly in the last five years to post general information, ordinances, downloadable forms and applications, fee-paying systems, and other items needed by the public. The costs of developing and operating local government websites have grown, but the public has come to expect them. Planners expect they will be more cost-effective to taxpayers in the long run because of reduced labor and printing costs.

Planning departments now routinely post a planning commission meeting calendar, agendas, and minutes, as well as draft and adopted ordinances and resolutions, press releases, monthly reports of development activity, public notices, draft and final plans, and annual reports.

Using the web to post staff reports for planning commissioners has allowed many planning departments to eliminate the costly and time-consuming step of photocopying and delivering hard copies of all staff reports to commission members in the days or weeks before a meeting. Commission members can be notified via e-mail when the documents are available and can download any of the material for reference at the meeting. Hard copies of the full report can still be provided to any member who prefers that.

Perhaps the greatest benefit of putting staff reports online is that they can be linked to other data sources, including digital photos, GIS maps, land-use maps, aerial maps with the subject site outlined on it, applicable zoning designations, and relevant plans to aid in the commissioners’ decision making. The high volume of cases in many jurisdictions often makes site visits by all commissioners impractical. In lieu of a visit, multiple digital photos or short videos of the subject site can be linked to the online staff report. The pictures and video can illustrate the site’s existing conditions and immediate vicinity and help commissioners envision what is proposed. The pictures can also be used to show
how the proposed use, rezoning, or plan amendment may affect traffic circulation, neighboring uses, and environmental conditions such as streams or trees.

CONCLUSION
Staff resources in planning departments are often stretched thin, and staff reports are often sent to commissioners and other recipients at the last possible minute prior to the deadline for a hearing. This leaves commissioners, applicants, and the public with a very narrow window of time to thoroughly review the report, absorb its contents, and consider appropriate action before the formal hearing. The well-researched, well-organized staff report will therefore be a key determinant of the efficiency of the development review process. Most importantly, such a report will ensure that relevant planning policies, development standards, and review criteria are identified in a systematic fashion and complied with.

NEWS BRIEFS
MASSACHUSETTS TOWN APPROVES RECORD IMPACT FEE FROM LOWE’S
By Rebecca Retzlaff
The developer of a Lowe’s Home Improvement Store in Massachusetts has agreed to pay the town of Hadley $410,000 to offset the impact of its new development. The payment was part of an approval by voters that permits rezoning 12.8 acres of a local buffalo farm for the new development. The payment is reported to be the largest community impact agreement in the state and the second largest in the country.

Residents of Hadley are concerned not only about the loss of farmland and increased traffic associated with the development but also about the implications of accepting a large sum of money in exchange for a rezoning decision. Hadley Neighbors for Sensible Development writes, “While we are glad to see the town receive some compensation for this gift to the landowner, we hope that the rezone doesn’t set a bad precedent for Hadley’s zoning future.”

The vote was the fourth time the developer tried to win approval for the project. Paradigm Development of Colden, New York, offered no impact payments at the first vote in August 2003 but subsequently increased the proposed payments until voters approved the agreement in the fourth attempt. The developer will also be required to make infrastructure upgrades and traffic safety improvements and to construct noise and visual buffers.

Some Hadley residents are concerned about the new development’s impact on traffic along the town’s main commercial road. The new development will be located less than one mile from a new Home Depot, and the two combined developments will lead to an estimated 50 to 80 percent traffic increase. David Elvin, a member of Hadley Neighbors, believes that the transportation improvements will do little to actually improve the traffic situation. “[The development will] add huge traffic volumes on a road that is not ready to handle it,” he says.

The loss of farmland that will result from the development has also fueled concern. Hadley has some of the richest soil in the world, and much of this farmland has been under heavy development pressure in recent years. According to the American Farmland Trust (AFT), Massachusetts lost 18 percent of its farmland between 1982 and 1997. AFT named the Connecticut River Valley, where Hadley is located, one of the top 20 agricultural areas most threatened by development in 1997.

Elvin says the development also has raised concerns because the town lacks a comprehensive plan, has no planner on staff, and is not equipped to deal with developments of this intensity. “We are just not ready for the type of impact that this type of development would bring,” he says.

Many residents question the implications of allowing large sums of money to be the deciding factor in zoning decisions. Environmental attorney Alexandra Dawson, chair of the town’s conservation commission, says (speaking for herself) the question comes down to, “Do you want a rezoning? What do you have to pay for it?”

Although the developer brought the plan to the voters four times, the only change in each proposal was the amount of the impact payment. As Dawson points out, “[the decision] got pushed over the edge because of the money.” She asks, “What are the implications of having your zoning for sale? Is it putting in a curve way a huge amount of faith in the townspeople because it is adding huge amounts of cash that I am not sure we are ready for.”

According to William Dwyer, the clerk for the town’s planning board, payments intended to sway voters in favor of a development project are fairly common in Massachusetts. “It is not unheard of,” he says. “There is a case from the Supreme Judicial Court of Massachusetts [Durand v. IDC Bellingham, LLC, 793 N.E.2d 359 (Mass. 2003)], which says that a developer’s cash commitment conditioned upon a zoning change is not a violation of public policy.”

Dwyer concedes that impact payments played a role in the outcome because “It persuaded people that it was in the municipal interest and their interest to vote yes.”

To address the concerns about the loss of farmland, the need for planning, and the transportation impacts, approximately $100,000 of the impact payment will be used for planning, $25,000 for recreation, and $375,000 for agricultural preservation. The conservation commission will use most of the money to purchase agricultural development rights. “The citizens group reaction is that it is a step in the right direction, but it is still not enough to cover the impact of the development,” Elvin says.

Rebecca Retzlaff is a researcher with the American Planning Association and a Ph.D. candidate in urban planning and policy at the University of Illinois at Chicago.

Cover art: concept by Michael Davidson; designed by Lisa Barton.

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CAN BETTER DECISIONS RESULT FROM BETTER STAFF REPORTS?
STAFF REPORT

To: Fairbanks North Star Borough Planning Commission
From: Manish Singh, Planner II
Date: October 11, 2017
Subject: CU2018-005: A request by Audrey Ranstead DBA Baked Alaska Edibles on behalf of S. Corp Inc. for conditional use approval of a marijuana product manufacturing facility, limited in the General Use 1 (GU-1) zone on Lot 21, Fairbanks Industrial Park Subdivision (located at 2745 Hanson Road, on the south side of Hanson Road, between Commerce Street and Deere Street).

I. EXECUTIVE SUMMARY

‘Baked Alaska Edibles’ intends to use a unit in an existing warehouse building at 2745 Hanson Road as a marijuana product manufacturing facility, limited (2,530 sq.ft.) in the GU-1 zone. This product manufacturing facility is classified ‘limited’ by FNSB Code because the applicant has not proposed to utilize any “hazardous substances, volatile chemicals or explosive materials or processes.”

This facility requires a conditional use permit because the adjacent property to the west contains three dwelling units approximately 100 feet away from the existing warehouse building. Previously, Planning Commission approved a conditional use permit for a marijuana cultivation facility, indoor large for ‘R.C.H Cultivation’ in another unit inside the same warehouse building in Oct. 2017.

Staff Recommendation: Approval with three (3) conditions (available on Pg. 3)

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<tr>
<th>Property Information</th>
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<td>Applicant</td>
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<td>Sewage</td>
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<td>Marijuana Wastewater</td>
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Emergency Fire Response | City of Fairbanks
---|---
Energy | GVEA
Police | City of Fairbanks

### Transportation

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<td>Traffic Count</td>
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<tr>
<td>Estimated New Trips</td>
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### Agency Comments

**ADEC Solid Waste Program**

"the proposed facility will be compliant with the applicable solid waste management regulations."

### Standards for Commercial Marijuana Establishments, FNSBC 18.96.240

- Written consent of property owner received ✓
- Not located within buffer distances for FNSB sensitive uses ✓
- No outdoor storage of marijuana, marijuana products and hazardous substances ✓
- Map showing property uses within 500-foot proximity received ✓
- Apply for conditional use in GU-1 if adjacent to a lot with a dwelling ✓

### Hearing and Decision by the Planning Commission, FNSBC 18.104.050(C)

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

### Key Issues:

**Odor:** The applicant plans to address odor by carbon filters. Community Planning recommends a condition requiring installation of appropriately sized odor filtration systems in the indoor cultivation space such that the marijuana odor shall not be detectable by the public from outside the indoor cultivation facility.

**Site Security:** The applicant has stated that the building has been securitized by 'Vivint Smart Business Security Systems', a security company, to comply with the state security regulations.

**Marijuana Waste Disposal:** The applicant has stated that the marijuana waste would be rendered unusable and would then be disposed of at the Borough landfill according to state regulations.

**Marijuana Wastewater Disposal:** The applicant has proposed to engineer the existing septic system to receive the wastewater produced from the marijuana product manufacturing (non-domestic wastewater). Community Planning recommends a condition requiring a formal plan review by ADEC Division of Water, Wastewater Discharge for the septic system and compliance with all recommendations and/or requirements resulting from the plan review.

**Fire Safety:** Fire and rescue services for this operation are available through the City of Fairbanks Fire Department. Community Planning recommends a formal plan review by the City of Fairbanks.
Building and Fire Departments and compliance with all recommendations and/or requirements resulting from the plan review.

**FNSB Sensitive Uses:** The facility is not located within the buffer distances provided in FNSB Zoning Code because this facility doesn’t have any FNSB sensitive uses within 500 feet.

**Proposed Conditions:**

1. Prior to the commencement of marijuana product manufacturing operation, the applicant or holder of this conditional use permit shall comply with all applicable land use related laws. Applicable permits and approvals may include but are not limited to:
   
   a. As required by the FNSB and the Department of Commerce, Community, and Economic Development (Alcohol and Marijuana Control Office), the applicant or holder of this conditional use permit shall ensure the site meets all licensing requirements for a commercial marijuana product manufacturing facility.
   
   b. The applicant or holder of this conditional use permit shall obtain a formal plan review by the City of Fairbanks Building and Fire Departments and shall comply with all recommendations and/or requirements resulting from the plan review.
   
   c. The applicant or holder of this conditional use permit shall obtain a formal plan review by the State of Alaska Department of Environmental Conservation for the onsite septic system and shall comply with all recommendations and/or requirements resulting from the plan review.

2. Indoor product manufacturing rooms or portions of the building where marijuana or marijuana products will be prepared, processed, packaged or stored shall be equipped with appropriately sized odor filtration systems such that the marijuana odor shall not be detectable by the public from outside the product manufacturing facility.

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

**List of Exhibits:**

Exhibit 1: Aerial Image
Exhibit 2: Zoning Map
Exhibit 3: Comprehensive Plan Map
Exhibit 4: Site Plan
Exhibit 5: Floor Plans
Exhibit 6: Applicable Approval Criteria
Exhibit 7: Public Notification
Exhibit 8: Agency Comments
Exhibit 9: Map showing property uses within 500-foot proximity
Exhibit 10: Photographs provided by Community Planning
II. PROPERTY DEVELOPMENT HISTORY

The application states that the subject parcel contains an existing two-story warehouse building (53' X 120') (see site plan in Exhibit 5). This warehouse building has two units (Unit A and Unit B) and a dwelling unit on the second floor of Unit B. The subject parcel also contains a single-family residence. The FNSB Assessor’s Records reflect that the warehouse building was constructed in 2003 and the single-family residence was constructed in 1991. These structures are located in GU-1 zoning where zoning permits are not required.

On October 24, 2017, the FNSB Planning Commission approved a conditional use permit for a marijuana cultivation facility, indoor large for Unit A of the warehouse building for a different applicant (RCH Cultivation). The existing single-family residence is currently used for storage and is not part of this conditional use application.

III. PROPOSED USE AND PROJECT INFO

The applicant has requested a conditional use permit to convert the existing dwelling unit into a marijuana product manufacturing facility, limited (see floor plans in Exhibit 5).

A marijuana product manufacturing facility, limited is defined as “a legally licensed commercial marijuana product manufacturing facility as defined by state law, that packages, prepares or processes marijuana into a value-added form or product subject to testing, but excluding extraction processes utilizing hazardous substances, volatile chemicals or explosive materials or processes. Net floor area of the marijuana product manufacturing facility does not exceed 10,000 square feet [FNSBC 18.04.010]."

The total floor area of the product manufacturing facility is 2,530 sq.ft. which includes the 1,970 sq.ft. commercial kitchen on the second floor and the 560 sq.ft. secured entrance on the first floor. The applicant has stated that this facility will package, prepare and process marijuana into value-added forms such as cookies and brownies that will be subject to the state testing. The applicant has proposed to extract THC and CBD by heating marijuana with butter at a temperature no higher than 220°F. The applicant has not proposed to utilize any "hazardous substances, volatile chemicals or explosive materials or processes." Any use of these materials will require a new conditional use permit.

This marijuana product manufacturing facility, limited requires a conditional use permit in GU-1 zone because the principal building located on the adjacent property to the west (Lot 22) contains three dwelling units [FNSBC 18.96.240(A)(6)]. The subject property is within the City of Fairbanks limits (see aerial image in Exhibit 1) but the City's sewer and water lines don't serve Hanson Road. The applicant estimates having maximum three part-time employees. The applicant has stated that the facility will mostly operate from 8 am to 5 pm, Monday to Friday; however, these hours of operation may vary depending on the product demand.

The subject property is currently zoned GU-1 and is surrounded by GU-1 zoning on all sides (see zoning map in Exhibit 2). The adjacent property to the west has a law office and three dwelling units. The parcels to the east and to the north across Hanson Road are vacant. The subject parcel has the Alaska Railroad Corridor to the south across the 25’ public right-of-way (see land use map in Exhibit 3). The FNSB Comprehensive Plan Land Use Map characterizes this area as ‘Light Industrial Area’ (see comprehensive plan map in Exhibit 4).
3. If any modifications are made to the site plan, floor plans, or other FNSB required documents or operational characteristics, the applicant or holder of this conditional use permits shall submit revised documents to the FNSB Community Planning Department. If modifications are made to the conditional use, an amendment to the Conditional Use Permit may be required pursuant to FNSBC 18.104.050(D).

VII. FINDINGS OF FACT

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

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

   a. The purpose of Title 18 will be met because the proposed conditional use is consistent with ‘Light Industrial Area’ comprehensive plan land use designation. The Comprehensive Plan Land Use Goal 3 and Economic Development Goal 2 are being enhanced with the development of this site as a marijuana product manufacturing facility.

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

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

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

   a. The facility will have a 2,500 gal. tank and a contract with ‘Water Wagon’, a water delivery service, to meet the water supply needs for marijuana product manufacturing.

   b. The facility has an onsite septic system for domestic wastewater. With the conditions imposed, the facility will have an onsite septic system for nondomestic wastewater according to the state regulations.

   c. The facility is served by the City of Fairbanks Fire Department for emergency fire response is served by City of Fairbanks Police Department for law enforcement.

   d. The facility is currently connected to the GVEA grid which will provide sufficient energy supply for product manufacturing activities.

   e. Three (3) off-street parking spaces and a loading area have been provided on-site, which are adequate for the proposed conditional use.

   f. The subject property is accessible from Hanson Road. Hanson Road is a local road, maintained by the City of Fairbanks. Hanson Road can accommodate the small number of trip ends generated by the proposed facility.

3. With the conditions imposed, the proposed conditional use will protect public health, safety, and welfare as the facility will comply with Title 18 standards for the GU-1 zone (FNSBC 18.84) and Standards for Commercial Marijuana Establishments (FNSBC 18.96.240) as well as state requirements for a commercial marijuana product manufacturing facility.
a. With the conditions imposed, security systems, alarms, cameras and lighting will meet state regulations required to obtain a commercial marijuana product manufacturing license.

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

c. With the conditions imposed, odor will be mitigated with appropriately sized odor filtration systems in the product manufacturing facility.

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

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

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

g. The product manufacturing hours of operation will not negatively impact the neighboring residential property owners because the neighborhood has already developed with industrial and commercial uses.

VIII. DRAFT PLANNING COMMISSION MOTION

I move to approve the Conditional Use Permit for a commercial marijuana product manufacturing facility, limited with three (3) conditions, and adopting the staff report and three (3) Findings of Fact in support of the approval.
DEPARTMENT OF COMMUNITY PLANNING
STAFF REPORT

CU2018-005
December 12, 2017 Planning Commission Meeting

TO: Fairbanks North Star Borough Planning Commission
FROM: Manish Singh, Planner II
DATE: November 28, 2017

RE: CU2018-005: A request by Audrey Ranstead DBA Baked Alaska Edibles on behalf of S. Corp Inc. for conditional use approval of a marijuana product manufacturing facility, limited in the General Use 1 (GU-1) zone on Lot 21, Fairbanks Industrial Park Subdivision (located at 2745 Hanson Road, on the south side of Hanson Road, between Commerce Street and Deere Street).

I. EXECUTIVE SUMMARY

The Department of Community Planning recommends APPROVAL of the conditional use request with three (3) conditions and three (3) Findings of Fact in support of approval. The staff analysis finds that the marijuana product manufacturing facility, limited, with proposed conditions, will meet the intent and purpose of Title 18 and of other ordinances and state statutes, will have adequate public services and will protect public health, safety and welfare.

This marijuana product manufacturing facility, limited requires a conditional use permit in GU-1 zone because the principal building located on the adjacent property to the west (Lot 22) contains three dwelling units [FNSBC 18.96.240(A)(6)].

Figure 1: Existing Warehouse Building at 2745 Hanson Road
II. GENERAL INFORMATION

A. Purpose
To request a marijuana product manufacturing facility, limited in the GU-1 zone.

B. Location
On the south side of Hanson Road, between Commerce Street and Deere Street.

C. Access
Hanson Road

D. Size/PAN
Area: 54,101.52 sq.ft
PAN (Lot): 0128201 (Lot 21)

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

F. Existing Land Use
Storage warehouse, Residence

G. Surrounding Land Use/Zoning
North: Hanson Road
Zoning: GU-1
Land Use: Vacant

South: 25' wide Public Right-of-Way
Zoning: GU-1
Land Use: Alaska Railroad Corridor

East: Zoning: GU-1
Land Use: Vacant Land

West: Zoning: GU-1
Land Use: Commercial (Law Office), Multiple-Family Residential

H. Community Facilities
Onsite (Water: 2,500 gal. tank, Sewer: Septic System)
Electricity: GVEA

I. Code Violations
None on file

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

K. Zoning History
Zoning changed from UU to GU-1 through Ordinance No. 88-010, effective April 25, 1988

L. Ownership
S. Corp Inc.
2745 Hanson Road
Fairbanks, AK 99701

M. Applicant
Audrey Ranstead DBA Baked Alaska Edibles
PO Box 83573
Fairbanks, AK 99708