WORK SESSION

A presentation on the September 2018 FCC Order on Small Cell Telecommunications
THE NEED FOR SMALL CELLS: MEETING CONSUMER DEMAND, ENABLING INNOVATION

CONSUMERS ACROSS THE COUNTRY ARE USING INTERNET CONNECTED DEVICES AND DEMANDING MORE DATA THAN EVER BEFORE.

- Wireless data traffic increased by nearly four times between 2014 and 2017.¹
- More than one-half of American homes (53.9%) had only wireless telephones at the end of 2017.²
- Today, there are an average of 14.7 connected devices per household.³
- By 2020, there will be 20.8 billion devices connected to the internet, generating over 20 zettabytes of data.
  - For reference, if one gigabyte is represented by the volume of an 11 oz. cup of coffee, one zettabyte would be the equivalent of the volume of the Great Wall of China.⁴

1 gigabyte = 1 zettabyte

SMALL CELLS HELP MEET THIS INCREASING DEMAND THAT IS PUTTING IMMENSE PRESSURE ON OUR MOBILE NETWORKS.

- Small cells help to deliver increased data capacity, faster connectivity speeds and an overall better wireless experience.
- Small cells are flexible network solutions—like mini-macro cell sites—that can be readily deployed to specific locations that are heavily populated, prone to connection issues or that can’t effectively be served by a traditional macro cell.
- Previous small cell trials have shown that adding 3 small cells to increase coverage of a macro cell can double the capacity available in that area.⁵
- Mobile providers will be able to provide a better experience today while preparing for the technologies of the future — such as 5G, smart cities and new developments in the Internet of Things (IoT).

Small cells will ensure consumers have access to the connectivity they need, while ensuring mobile networks can enable innovative technologies of the future.

¹ CTIA Industry Data, https://www.ctia.org/the-wireless-industry/infographics-library
³ IDG (March 2018), https://www.futureenterprise.com/08856015/connected-device-market-monitor-q4-2016
Small cells help bring customers faster download speeds, improved call quality and an overall better wireless experience.

Consumers and businesses are using their mobile devices more than ever before to connect to everyone and everything around them. From January 2007 through December 2017, AT&T experienced a 360,000% increase in data usage on our network. And, as streaming video continues to become more prominent and new apps and services are introduced, this growth in data use will continue to rise.

- With this increased demand and pressure on the mobile network, AT&T is thinking of more innovative ways to enhance our network, prepare for the next generation of technologies and services and provide a better experience for our customers. One of these solutions is the deployment of small cells.

What is a small cell?
- Small cells are flexible network solutions that can be readily deployed to specific locations, including those where customers are prone to experience connectivity issues or in areas that can’t effectively be served by a traditional cell tower.

- Small cells provide enhanced voice and data services by helping to bolster network capacity to allow faster downloads and improved call quality within its coverage area.

- Small cells are low profile, compact, scalable and unobtrusive. Depending on the need, small cells can be placed in buildings or outdoors. When placed outdoors, small cells can be attached to existing utility poles, light poles, traffic lights or exterior walls of buildings. And indoors, small cells can be placed above ceiling tiles, attached to drop ceiling mounts or placed in telecom closets.

What are the benefits and purposes of a small cell?
- Small cells are often used in dense urban environments where capacity is an issue or in places with particularly difficult geographical challenges where coverage is an issue.

- Small cells are used to densify AT&T’s network. This allows us to provide a better LTE experience today and also allows us to prepare for future technologies.

- The size and flexibility of small cells helps AT&T target areas needing additional capacity and to address localized coverage issues. Where traditional macro cells are the best solution, we will deploy macros. Where small cells are the best solution, we’ll use small cells.

- Small cells can also help improve service in small geographical areas and in more sparsely populated areas.

- Small cells work to more efficiently use spectrum, which is a benefit to our network and users overall. However, small cells do not replace the need to continue acquiring spectrum.

What factors go in to determining whether to deploy small cells?
- AT&T looks to see where we might have potential performance challenges within the network and uses that data to help guide where we need to target the small cell solutions.

- Speed, cost, flexibility and scalability are all vital to determining if small cells are the right fit.

- Local zoning and permitting restrictions are always taken into account. Local officials and leaders can facilitate the deployment of small cells to bring their citizens enhanced network coverage and capacity by establishing streamlined permitting processes and/or universal Master Leasing Agreements (MLAs).

- Small cells are not the right solution for all areas, but they are an important innovation that will help provide an enhanced mobile experience with faster downloads, higher voice quality and more seamless coverage.

Small cells provide additional network capacity allowing us to better keep up with customer demand for better, faster and smarter technologies and services.

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SMALL CELLS & PUBLIC SAFETY...

Better Calls: Small cells provide better voice services by bolstering network coverage and capacity for improved call quality within their coverage area. Small cells complement traditional cell towers in high-traffic areas.

More Data, Faster: Small cells allow for more information to be shared and accessed. When a large-scale emergency or natural disaster occurs, wireless networks often experience a surge in traffic as many people try to reach emergency services or loved ones. Increased network capacity benefits both those trying to reach help and responders arriving on scene.

A Network, Ready When Needed: Areas prone to network congestion, during an emergency or otherwise, are exactly where small cells are particularly effective at enhancing the network. Small cells can relieve network congestion that often occurs during an emergency or disaster similar to the World Trade Center bombings in 1993 and 9/11, Boston Marathon bombing, and the recent mass shooting in Las Vegas.

Small cells will help put new technology in hands that save Alaska lives.

With faster download speeds and higher voice quality, small cells will:

- Help first responders with new life saving capabilities like quickly downloading building floorplans and blueprints and uploading ultrasounds and other medical data and video.

- Enable video-intensive applications such as first responder bomb squad robotic video, thermal and medical imaging.

By delivering enhanced capacity and faster connectivity speeds, small cells are part of the network foundation needed for various “smart city” initiatives that will help public safety, such as:

- Gunfire detection technology could help law enforcement react quickly and efficiently. Remote sensors on light posts and other infrastructure would help law enforcement determine the number of people involved and the number of rounds fired.

- Near real-time information on traffic conditions could help determine the fastest route to an emergency scene.

- The increased wireless data speeds and improved call quality small cells provide could complement emergency response services to improve public safety.

Small Cells Deliver the Next-Generation Technology Alaska’s Public Safety Community Deserves
FAIRBANKS NORTH STAR BOROUGH PLANNING COMMISSION MEETING
MONA LISA DREXLER ASSEMBLY CHAMBERS AT THE
JUANITA HELMS ADMINISTRATION CENTER
907 TERMINAL STREET, FAIRBANKS, ALASKA

WORK SESSION
November 13, 2018
5:30 p.m.

A presentation on the September 2018 FCC Order on Small Cell Telecommunications
(Staff Contact: Christine Nelson)

AGENDA
Immediately following the Work Session

A. ROLL CALL

B. MESSAGES

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

C. APPROVAL OF AGENDA 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 HEARING

1. **CU2019-005:** A request by Terrell Towns DBA Tot’s ‘R’ Us Childcare for conditional use approval of a day care facility in the Single-Family Residential 10 (SF-10) zone on Lot 11, Block 7, Taku Subdivision, First Addition (located at 1178 Nenana Street, on the west side of Nenana Street, between Ruby Avenue and Kuskokwim Avenue). **Staff Contact:** Manish Singh
F. PUBLIC HEARING

1. RZ2019-001: A request by Don Duncan (Master Guide License #136) DBA Alaska Private Guide Service to rezone approximately 420 acres from Rural Residential (RR) to Outdoor Recreational (OR) or other appropriate zone. The area proposed to be rezoned include parcels described as Shuros Subdivision – Block 2, Schroeder Property Waiver – Tract B and Tract C, Section 28 T1N R1W F.M. – TL-2805, Section 29 T1N R1W F.M. – TL-2914 and GL-16 (located on the south side of Farmers Loop Road, near milepost 6). Staff Contact: Manish Singh

G. LEGISLATIVE HEARINGS

1. ORDINANCE NO. 2018-40: An Ordinance Amending FNSBC 18.108.040(A) To Allow Reconstruction Of A Nonconforming Building. Staff Contact: Christine Nelson

H. EXCUSE FUTURE ABSENCES

I. COMMISSIONER’S COMMENTS/COMMUNICATIONS

1. FMATS

2. Other

J. ADJOURNMENT

Any questions, please contact Community Planning at 907-459-1260 or via email at: FNSBPC@fnsb.us
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 6:15 p.m. by Mindy O’Neall, Chairman.

MEMBERS PRESENT: Chris Guinn  Mike Stepovich
                   John Perreault  Doug Sims
                   Robert Peterson  Charles Whitaker
                   David Brandt  Eric Muehling

MEMBERS ABSENT: Wendy Presler  Patricia Thayer

OTHERS PRESENT: Christine Nelson, Director of Community Planning
                Manish Singh, Planner II
                Donald Galligan, Transportation Planner
                Ben Jaffa, Asst. Borough Attorney
                Michelle Gutierrez, Administrative Assistant III

A. **ROLL CALL**

B. **MESSAGES**

   1. Chairperson’s Comments
   
   2. Commissioner’s Comments
   
   3. Communications to the Planning Commission
   
   4. Citizen’s Comments – limited to three (3) minutes

      a. Agenda items not scheduled for public hearing
      
      b. Items other than those appearing on the agenda
   

   5. Disclosure & Statement of Conflict of Interest

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

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

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

**CARRIED WITHOUT OBJECTION**

**D. MINUTES**

1. *Minutes from October 9, 2018 PC Meeting*

**E. QUASI-JUDICIAL HEARING**

**CU2019-004:** A request by Justin Hocklander DBA High Vibes LLC on behalf of North Canyon Properties LLC for conditional use approval of a marijuana cultivation facility, indoor large in the General Use 1 (GU-1) zone on Lot 4, Block 1, Bunge Subdivision (located at 2145 Richardson Highway, on the south side of Richardson Highway, between mileposts 352 and 353). **Staff Contact: Manish Singh**

**OATH ADMINISTERED**

Mr. Manish Singh provided a presentation of his staff report and recommendations on behalf of the Borough's Community Planning Department, and recommended approval with three (3) conditions and three (3) findings of fact as listed in the Staff Report.

**Questions by Commissioners**

**Commissioner Muehling** asked if there were any parking issues.

**Mr. Singh** concluded there were no parking issues and stated the applicant provided five spaces in the front of the building which are adequate for the five employees.

**Commissioner Whitaker** asked if some modifications can be done at the counter of the Department of Community Planning.

**Mr. Singh** stated the further review agencies often request certain changes and everytime a change is proposed, the applicant is required to update the planning department which is reviewed by the Community Planning Director to decide which of the changes need to go back before the Planning Commission for modification.
**Commissioner Muehling** asked for clarification on how the property to the east was characterized as residential and why.

**Mr. Singh** stated the property to the east has some outdoor storage and no existing businesses were identified on the property, the property has a dwelling unit that is being taxed by the assessing department.

**Commissioner Whitaker** asked if the other properties were to start a commercial marijuana operation; they would not have to go before the commission since no surrounding lot is residential.

**Mr. Singh** stated that is correct; because of the location of a dwelling unit on the adjacent lot, the applicant is going through a conditional use permit but if the adjacent lot wants to develop their property as a marijuana cultivation facility they don’t have to go through a CU process because no neighboring properties would have dwelling units.

**Applicant’s Testimony**

Applicant, Justin Hocklander testified:

- Leased property for over a year
- Neighbor is similar to an industrial lot, has heavy equipment traffic
- Experienced with cultivation facilities
- Understands odor is a main concern
- Explained air being exchanged every five minutes, using 3-5 filters per room
- Every room would have a carbon filter to maintain odor

**Questions by Commissioners**

**Commissioner Muehling** asked Mr. Hocklander to characterize what he has seen in regards to the neighboring property and the uses he has observed.

Mr. Hocklander stated nobody was there this past winter and in the summer he saw skid loaders, he saw a car every so often, and expressed no one was really there.

**Commissioner Perreault** asked if production was expected to be ongoing or seasonality to the amount of employees.

Mr. Hocklander stated the operations will be all year long and doesn’t foresee expansion and five employees are more than enough.

**Commissioner Muehling** asked what will be on the exterior of the building that will identify it as to the activities that are going on inside.
Mr. Hocklander stated they will have a sign that says their business name and address that will be visible from the road and highway along with all other required signage.

Chair O’Neall asked if he anticipates the business to be opened to the public.

Mr. Hocklander said no, it is not a retail store and if a member of the public wants to go inside, they have to follow procedures and cannot touch anything.

Interested Person Testimony Opened

Otis Rowland, 2091 Edward Drive, testified:

- Main concern is heightened security risk
- Mentioned all of the cameras that will be set up
- Concerned about the odor; he can smell odor when he passes other marijuana places like Chena Cannabis and Bloom Enterprises
- Asked who will enforce the rules
- Won’t let his kids exercise around the cultivation area

Questions by Commissioners

Commissioner Sims asked if Mr. Rowland is adjacent immediately to the east.

Mr. Rowland stated he is within 2000 ft. of the cultivation but not immediately to the east of the property.

Commissioner Muehling asked Mr. Rowland to expand on his statement of odor he smells when passing Chena Cannabis and Bloom Enterprises.

Mr. Rowland said it stinks.

Interested Person Testimony Closed

Rebuttal by Applicant

Mr. Hocklander stated the security cameras are per regulation; a 45 day record for inspection for the state and stated the cameras would be adding more of a benefit to the neighborhoods security. Mr. Hocklander stated his lighting will be facing down and will probably go around 20 ft. Mr. Hocklander responded to the concern of odor and understands the importance of odor and has set up CFM’s which will exchange the air in every room and he will do his best to maintain the odor. He also responded to the question about enforcement; a report can be made and inspectors will inspect the building and fine accordingly if needed. He stated the building will look the same as before and will not draw any unwanted attention.
MOTION: To approve the Conditional Use Permit (CU2019-004) for a commercial marijuana cultivation facility, indoor large with three (3) conditions, adopting the staff report and three (3) Findings of Fact in support of approval by Commissioner Muehling, seconded by Commissioner Sims.

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/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 all applicable floodplain permits if there are any changes made within the Special Flood Hazard Area to ensure that the marijuana cultivation 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 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).
FINDINGS OF FACT

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 ‘Urban Area’ and ‘Light Industrial Area’ comprehensive plan land use designations. The Comprehensive Plan Land Use Goal 3 and Economic Development Goal 2 are enhanced by the conditional use.
   
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 that 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 cultivation facility has an existing well to meet the water supply needs for marijuana cultivation.
   
b. The cultivation 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 cultivation facility is served by the North Star Volunteer Fire Department for emergency fire response.
   
d. The cultivation facility has adequate power supply because it is served by the GVEA grid.
   
e. The cultivation facility is served by the Alaska State Troopers for law enforcement.
f. The cultivation facility has access from the Frontage Road via the Richardson Highway. Richardson Highway can accommodate the trips generated from the facility.

g. The site plan shows five parking spaces and a loading area which are adequate for the proposed cultivation facility.

3. With the conditions imposed, the proposed conditional use will protect public health, safety, and welfare because the marijuana cultivation 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 with other applicable land use related laws.

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 facility would not negatively impact the neighboring residential property owners because the operation is completely indoors.

f. The outdoor lighting will not negatively impact the neighboring property owners because it will point down.

g. The facility is located in the GU-1 zone where there are no restrictions on hours of operation

Discussion on the Motion

**Commissioner Muehling** stated the applicant spoke with detail and authority with his experience with installing carbon filters to mitigate odors that goes to the health, safety and welfare that the commission has to protect, as long as he follows the EPA requirements for the disposal and treatment of the water on site and the compost and stated no anticipated risk increase and stated the neighbor does industrial like uses and
not just residential use which should not raise concerns and this conditional use falls under Title 18.

ROLL CALL

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

Zero (0) Opposed:

MOTION PASSED

F. PUBLIC HEARING

HP2019-002 Cushman Street Bridge: A request by the State of Alaska Department of Transportation and Public Facilities for local planning authority approval of the Cushman Street Bridge rehabilitation. The Alaska Department of Transportation and Public Facilities (ADOT&PF), in cooperation with participating agencies within the Fairbanks Metropolitan Area Transportation System (FMATS) and the Federal Highway Administration (FHWA), propose to upgrade Cushman Street between the 1st Avenue and Terminal Street intersections in Fairbanks, Alaska. Improvements include widening sidewalks, ADA improvements including a new ADA path to the Gordon Wear Memorial Park, bridge rail upgrades, new bridge street lighting, re-paving the road and new roadway signs. Staff Contact: Donald Galligan

Mr. Donald Galligan provided a presentation of his staff report and recommendations on behalf of the Borough’s Planning Department, and recommended approval with three (3) findings of fact as listed in the Staff Report.

Questions by Commissioners

Commissioner Sims asked if the Chena Riverfront Commission made any formal recommendations to this project and if it has been incorporated into the project design.

Mr. Galligan stated they recommended the bridge rails that were mentioned; to be able to see through the rails and it has been incorporated into the project design.

Commissioner Muehling asked if the walk ways are going to cantilever off further out than the existing limits of the width.

Mr. Galligan said no and it is that width; one travel lane to be taken away and sidewalks exist on both sides of the bridge but only 6 ft. wide and stated the travel lanes are 14 feet wide, at least two of them, and these will be 12 feet wide lanes; no change to the profile.
Commissioner Muehling asked how the effects of compaction and vibration be mitigated for the Immaculate Conception Church.

Mr. Galligan stated the understanding of the engineer report on that building is that the compaction and vibration that will occur in the reconstruction of the roadway will not impact that structure.

Commissioner Muehling asked if the project includes guardrails or anything that can keep traffic out, other than a curb.

Mr. Galligan stated a small retaining wall will be included and it is primarily for holding back soil and stated the church is as vulnerable now as it would be after the project is complete.

Commissioner Muehling asked if DOT holds any responsibility to mitigate risk to the church.

Mr. Galligan stated not that he is aware.

Chair O’Neill asked if there will be any eminent domain in the project.

Mr. Galligan stated just the one piece of right of way for which the City is doing a deed transfer.

Commissioner Perreault asked what the time line for the project is.

Mr. Galligan stated the project could begin construction in 2019-2020, he was uncertain of exactly when but that it is to be a one season project. Mr. Galligan stated traffic will be diverted to two ways across the Barnette Street Bridge which was incorporated into the Barnette Street Plan.

Commissioner Whitaker asked if the river traffic will need to be diverted.

Mr. Galligan indicated he was unaware of a need for that.

Public Testimony Opened

Russell Johnson, DOT Highway Design Project Manager testified:

- Stated the ROW acquisition is more of a formality to rectify the ROW to make it all legitimate.
- Parcel plat has been submitted as well as a dedication deed.
- The bridge railing will look similar to the Peger Road bridge, that will meet crash standards.
• The underside of the bridge will need to be painted which may cause some boat traffic control.
• Sidewalk and stairs near Gordon Wear Memorial Park will be replaced with an ADA pedestrian path.
• Mentioned landscaping arrangements.
• Bridge will not be widened.
• Will be two north bound lanes with six foot shoulders which will provide snow storage in the winter and availability for bicyclists in the summer.

Questions by Commissioners

Commissioner Guinn asked how the vibration and compactions are handled for the church.

Mr. Johnson said smaller lifts will be done when they backfill the pavement section and they won’t turn the vibrator on; it will be mostly like a grader out there.

Commissioner Perreault asked what the capacity of the north bound lanes are now and what they are expected to be after.

Mr. Johnson explained he did not know off the top of his head and further stated the road will not be widened.

Commissioner Perreault asked if the bike area be at grade and striped separate from the traffic lanes.

Mr. Johnson said no, it would look like a fog stripe with a six foot shoulder and it is not a bicycle facility or a dedicated bike lane.

Discussion ensued between Commissioner Perreault and Mr. Johnson in regards to the bike shoulder and how it should not be referred to as a bike path or advertised as such.

Commissioner Whitaker questioned the lighting upgrades being a higher kelvin rating.

Mr. Johnson stated they will be LED.

Discussion ensued between Commissioner Whitaker and Mr. Johnson in regards to the lighting options to make it not so intense.

Commissioner Stepovich asked if it was considered to use the same railing as the Barnette Bridge to keep it uniform.
Mr. Johnson stated it was discussed but a more view of the river was requested by the CRF Commission and others.

Commissioner Brandt asked if the flags will remain.

Mr. Johnson said yes and added that the path underneath the bridge will be raised about 18 inches to help minimize the maintenance efforts after it floods.

Chair O’Neall asked if that would be extended to the path underneath the Barnette Bridge as well and stated the path is usually under water more than it is usable.

Mr. Johnson said no and it will be closely matched to the Barnette Bridge elevation.

Public Testimony Closed

MOTION: To approve HP2019-002 Cushman Street Bridge Rehabilitation as being consistent with the Comprehensive Plan, adopting the staff report and three findings of fact in support of the approval by Commissioner Sims, seconded by Commissioner Muehling.

MOTION: To amend finding of fact #1 to remove the words “and Bike Shoulders” by Commissioner Perreault, seconded by Commissioner Whitaker.

Discussion on the Motion to Amend

Commissioner Muehling requested more reasoning as to why it should be removed.

Commissioner Perreault stated according to the testimony given, it won’t be maintained as bike accessible in the winter so they can use it for snow storage and in the summer it won’t be striped or designated as a bike area and will only exist the length of the bridge, being terminated at the left turn pocket at the north end and none existent on the south end beyond the intersection with 1st Avenue.

Commissioner Muehling stated the shoulder can’t be called a bike path because it is a shoulder and exampled the Phillips Field project that was approved last year is similar where there wasn’t room for a dedicated bike path but it was acknowledged that the shoulder would be shared with bicyclists, and it is bicycle friendly and stated it should not be removed from the finding.

Commissioner Perreault stated his concern of it not being a functional piece of bike infrastructure unlike either Phillips Field or Yankovich where they are part of larger systems and in this case they would force bikes to cross a left turn lane while traffic is trying to turn into the left turn pocket.
Phoebe Bredlie, design consultant with Kinney Engineering stated the term that should be used would be “shared use shoulders” because it is bike friendly but a maintenance issue will arise if dedicated as a bike facility and stated it would be up to the bicyclists if they feel comfortable using that shoulder.

Discussion ensued between Commissioner Perreault and Ms. Bredlie in regards to the shoulder and the bicyclists route options.

**ROLL CALL (Motion to Amend)**

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

One (1) Opposed: Muehling

**MOTION TO AMEND PASSED**

**AMENDED MOTION:** To approve HP2019-002 Cushman Street Bridge Rehabilitation as being consistent with the Comprehensive Plan, adopting the staff report and three findings of fact as amended in support of the approval by Commissioner Sims, seconded by Commissioner Muehling.

Discussion on the Main Motion

Chair O’Neall commended projects that come with the idea of bikes being included and stated that it’s not quite there yet to have safe biking facilities and it is disappointing to see the projects brought forward without those, especially downtown.

**ROLL CALL (Main Motion)**

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

Zero (0) Opposed:

**MOTION PASSED**

**G. EXCUSE FUTURE ABSENCES**

Chair O’Neall excused Commissioner Perreault from the November 13, 2018 and the December 11, 2018 meetings.
H. COMMISSIONER’S COMMENTS

Chair O’Neall reminded the commission of the FCC Order on Small Cell Telecommunications Work Session scheduled for 5:30pm on November 13, 2018.

Commissioner Guinn mentioned the fee schedule and to possibly add to a future agenda for discussion.

Chair O’Neall suggested that we add that to the agenda for December 11, 2018.

Commissioner Perreault gave thanks for the support of advocacy of multimodal practical solutions.

Commissioner Whitaker agreed with the frustrations to see the facilities called bike paths and to see them designed and then never taken care of.

Ms. Nelson stated it is a matter of no one wanting to take responsibility for maintenance.

Chair O’Neall reminded the commission to not have a conversation on the matter and it can be added to an agenda in the future for discussion.

Commissioner Perreault expressed his advocacy for bike paths and if a project is to call it a bike path there needs to be money set aside for maintenance, building correctly and networking with other paths so there is a functional system.

Ms. Nelson mentioned the downtown working plan will be discussion transportation in the near future and stated the commission may initiate a discussion on a future agenda for what the commission would like to see for downtown bike paths and make a recommendation to the working group that states goals needed.

Commissioner Muehling stated he will keep in mind the discussion at the meeting since he is a voice for the group to FMATS.

Commissioner Sims expressed similar situations in the past for landscaping; nobody wanted to incorporate landscaping on any of the road projects because it would imply somebody had to maintain it and mentioned the open house at the Noel Wein Library on October 24, 2018 and how it would be a good opportunity to start with comments regarding the bike infrastructures throughout town. Mr. Sims also mentioned the municipal highway plan and stated to pay close attention as to what goes into the plan because once it gets through the process and to the Assembly for approval that is it, the commission won’t see it again.
Mr. Galli stated the plan has to be updated every five years so the commission would see it again at some point.

Ms. Nelson clarified that if a project goes through within the five years, the MTP is the guiding document and it won’t come back before the Planning Commission for approval again and expressed the level of detail in the plan could be very important.

Chair O’Neall commented on the bicycle facilities and stated there is a problem in the town on the culture of having other people and things on the road other than vehicles and when a half planned idea is put forward about having a bike shoulder but not in the winter when more people are riding their bikes in the winter and vehicles are not used to seeing people on the road, so if it is a goal of the community to build out that way then we have to commit to it.

I. ADJOURNMENT

There being no further business, the meeting was adjourned at 7:49 p.m.
STAFF REPORT

CU2019-005
STAFF REPORT

To: Fairbanks North Star Borough Planning Commission
From: Manish Singh, AICP, CFM, Planner II
Date: October 24, 2018
Subject: CU2019-005: A request by Terrell Towns DBA Tot's 'R' Us Childcare for conditional use approval of a day care facility in the Single-Family Residential 10 (SF-10) zone on Lot 11, Block 7, Taku Subdivision, First Addition (located at 1178 Nenana Street, on the west side of Nenana Street, between Ruby Avenue and Kuskokwim Avenue).

I. EXECUTIVE SUMMARY

Tot's 'R' Us Childcare is an existing state-licensed day care facility located at 1178 Nenana Street, within the City of Fairbanks. Their state license allows for a maximum of 12 children. The subject property is located in the Single-Family Residential 10 (SF-10) zone which requires a conditional use approval for a day care facility. This facility didn't obtain a conditional use approval prior to starting the day care operation. The Community Planning Department received a complaint about this zoning code violation (see Exhibit 1). This conditional use application is to bring the existing day care facility into zoning compliance. Consistent with their state license, the applicant has proposed a maximum of 12 children, from 6 weeks to 12 years of age, for this conditional use.

Figure 1: Oblique view of the property from south
Key Issues:

**Hours of Operation:** The hours of operation for the day care facility are 7 am to 6 pm, daily. The regular drop-off hours for clients are 7 am to 10 am; however, a child may arrive late. The pick-up hours vary from 1 pm to 6 pm depending on the full-time or part-time enrollment of the child. There is a late fee of $1.00 per minute per child for late pick-ups. Except in winter months, children get supervised playtime in the fenced backyard twice a day – 10 am to 12 pm and 4 pm to 6 pm.

The hours of operation for the day care facility do not negatively impact the residential neighborhood because the day care does not operate during the evening or nighttime. The late fee for late pick-ups incentivizes parents to pick up their children on time.

**Noise:** The noise produced by the day care facility does not negatively impact the residential neighborhood because the day care is for a maximum of 12 children and the supervised outdoor playtime is limited to 10 am to 12 pm and 4 pm to 6 pm. The limited number of children and the playtime hours minimize the noise impacts, thereby ensuring public health, safety and welfare.

**Transportation Facilities:** The day care facility has adequate existing transportation facilities. The subject property has access from Nenana Street which is a local road maintained by the City of Fairbanks. Nenana Street has 50-foot wide right-of-way with 36-foot wide paved driving surface. The subject property has a 20-foot wide paved driveway. The day care facility could generate a maximum of 48 trip ends per weekday. Nenana Street can accommodate this small number of trip ends. The applicant has proposed to have a maximum of one full-time employee. The site plan shows one parking space that is adequate for one employee. The site plan shows the child drop-off and paved traffic circulation area which is adequate for the day care facility.

**Fire Safety:** Fire and rescue services for this facility are available through the City of Fairbanks Fire Department. On December 4, 2017, the day care facility passed their fire inspection. The compliance with City of Fairbanks Fire Code and the availability of fire and rescue services through the City of Fairbanks Fire Department minimize fire and other safety risks, thereby ensuring public health, safety and welfare.

**Future Modifications:** Community Planning recommends a condition of approval that if any modifications are made to the site plan, maximum number of children, or operational characteristics, the applicant shall submit revised documents to the Community Planning Department. If any modifications are made to the approved documents or operations characteristics, an amendment to the conditional use permit may be required.

**Staff Recommendation:** Approval with one (1) condition
II. GENERAL INFORMATION

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Summary of Staff Analysis

Hearing and Decision by the Planning Commission, FNSBC 18.104.050(C)

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<td>Conforms to the intent and purpose (Title 18, other ordinances and state statutes)</td>
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<td>Has adequate public services (water, sewage, energy, transportation etc.)</td>
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<td>Protects public health, safety and welfare</td>
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III. PROPOSED USE AND PROJECT INFO

Location

The subject property, Lot 11, for this conditional use application is located in the Taku Subdivision, within the City of Fairbanks (see Figure 2 for location map).

Facility Description

Tot's 'R' Us Childcare is an existing state-licensed day care facility within the existing residence located at Lot 11 (see Figure 3 for the existing building, see Figure 4 for site plan). Their state license allows for a maximum of 12 children (see Exhibit 2 for the state license details).

FNSBC Title 18 defines a day care facility as "a home or institution used and maintained to provide care for seven or more individuals unrelated to the care provider (see FNSB Code 18.04.010)."

Lot 11 is located in the SF-10 zone, which requires conditional use approval for a day care facility. Tot's 'R' Us Childcare didn’t obtain a conditional use approval prior to starting the day care operation.

This conditional use application is to continue using an existing residence for a day care facility in the SF-10 zone. Currently, the day care facility has seven children from three sets of parents. However, consistent with their state license, the applicant has proposed a maximum of 12 children, from 6 weeks to 12 years of age.

Figure 2: Location Map

Figure 3: Existing Building
Employees

Alejandra Barragan and Terrell Towns reside in the existing residence and run the day care facility. The facility will have a maximum of one full-time employee in addition to Alejandra and Terrell.

Hours of Operation

The hours of operation for the day care facility are 7 am to 6 pm, daily. The regular drop-off hours for clients are 7 am to 10 am; however, a child may arrive late. The pick-up hours vary from 1 pm to 6 pm depending on the full-time or part-time enrollment of the child. There is a late fee of $1.00 per minute per child for late pick-ups. Except in winter months, children get supervised playtime in the fenced backyard twice a day – 10 am to 12 pm and 4 pm to 6 pm.

Access

The subject property has access from Nenana Street which is a local road maintained by the City of Fairbanks. Nenana Street has 50-foot wide right-of-way with 36-foot wide paved driving surface.
Zoning Designations

The subject property and all surrounding properties are zoned SF-10. All surrounding properties are developed residentially with single-family residences (see zoning map in Figure 5 and surrounding land uses in Figure 1).

Figure 5: Zoning in the Surrounding Area

![Zoning Map](image)

Comprehensive Plan Designation

The comprehensive plan land use designation for the subject property is ‘Urban Area’ (see comprehensive plan land use map in Figure 6).

‘Urban Area’ is “area that is served or can be served with community water and sewer, and contains the most intensive residential, commercial, and industrial development.”
IV. PROPERTY DEVELOPMENT AND ZONING HISTORY

The area was zoned Restricted Residential with the Fairbanks Zoning Code in January 1959. Lot 11 was created with the recording of a plat for Taku Subdivision, First Addition on June 17, 1960 (see Exhibit 3 for the recorded plat). FNSB Assessing Records show that a residence was constructed on Lot 11 in 1960. Lot 11 was rezoned to SF-10 when Ord. 88-010 came in effect on April 25, 1988.

On October 25, 2017, the FNSB Community Planning Department affirmed the legal nonconforming lot status (grandfather rights) for Lot 11 (see Exhibit 4). Lot 11 has 8,775 sq.ft. lot area in the SF-10 zone which requires a minimum lot size requirement of 10,000 sq.ft.

V. APPLICABLE APPROVAL CRITERIA

Conditional Uses are governed by FNSBC18.104.050(C) (see Exhibit 5 for details).

VI. PUBLIC NOTICE

Community Planning mailed 188 dear property owner notices and received no inquiries about this case. The applicant posted a public hearing notice sign on October 24, 2018. This sign meets the ‘notice by applicant’ requirements (see Exhibit 6).

VII. AGENCY COMMENTS

Community Planning contacted the following agencies for comments (see Exhibit 7 for agency comments):

a. City of Fairbanks (Chief of Staff, Building Department, Public Works, Engineering Department, Police Department, Fire Department)
b. Alaska Department of Transportation and Public Facilities (ADOT&PF)
c. Alaska Department of Environmental Conservation (ADEC)
d. Golden Valley Electric Association (GVEA)
e. Golden Heart Utilities

STAFF ANALYSIS

IX. FNSBC 18.104.050(C): PLANNING COMMISSION DECISION CRITERIA

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

Purpose of FNSBC Title 18: The purpose of Title 18 is “to implement the Fairbanks North Star Borough comprehensive plan” (FNSBC 18.12.020). The Comprehensive Plan Land Use Map characterizes this area as ‘Urban Area’. ‘Urban Area’ is “area that is served or can be served with community water and sewer, and contains the most intensive residential, commercial, and industrial development.” The conditional use request is consistent with the ‘Urban Area’ comprehensive plan land use designation because it is for a small day care facility in an urban residential neighborhood.

The request is consistent with the following goals of the FNSB Regional Comprehensive Plan:
**Community and Human Resources Goal 1** – To have services and facilities that enrich the quality of life for all residents

**Strategy 1** – Provide for delivery of the essential human services for residents.

The conditional use proposal is to bring an existing state-licensed day care facility into compliance with the FNSB zoning code. This day care facility serves the borough residents by providing essential childcare services.

**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).”

**Property Rights**

This conditional use application is to continue using an existing residence for a day care facility in the SF-10 zone. Allowing a property owner to use his private property as a day care facility is an example of protecting private property rights within clearly defined local zoning regulations. The public notification, public hearing procedures and approval criteria for conditional uses help protect the property rights of the surrounding property owners.

**Public health, safety and general welfare**

The subject property has access from Nenana Street which is a local road maintained by the City of Fairbanks. Nenana Street has 50-foot wide right-of-way with 36-foot wide paved driving surface. Nenana Street can accommodate the small number of trip ends generated by the day care facility.

The applicant has addressed the traffic, fire safety, noise and hours of operation. Moreover, the applicant has obtained a state license for a day care facility (see Exhibit 2 for the state license details). This conditional use meets the intent of Title 18 because it protect property rights and it would promote the public health, safety and general welfare of the residents of the borough.

**Alaska State Statute and Other Ordinances:** The Child Care Licensing (CCL) Program is authorized under Alaska Statute and Alaska Administrative Code to enforce licensing and health and safety requirements to any individuals providing child care services regardless of compensation or licensing status.

The applicant has obtained a state license for a day care facility (see Exhibit 2 for the state license details). On July 10, 2018, the State conducted an unannounced inspection of the day care facility and found it in compliance with the state licensing requirements and regulations (see Exhibit 8 for the inspection details).

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2 Alaska Statute (AS) 47.32 Centralized Licensing and Related Administrative Procedures, AS 47.05.300– 47.05.390 Criminal History; Registry
3 Alaska Administrative Code (AAC) 7 AAC 10 Licensing, Certification, and Approvals, and 7 AAC 57 Child Care Facilities Licensing
Per AS 43.70.020(a) a business license is required for the privilege of engaging in a business in the State of Alaska. Tot's 'R' Us Childcare has obtained a business license from Division of Corporations, Business and Professional Licensing, Alaska Department of Commerce, Community, and Economic Development (see Exhibit 9). The applicant has provided information sufficient to show that they intend to meet the state regulations.

The City of Fairbanks General Code (FGC 14-601 through 14-604) requires that every person or legal entity required to obtain a state business license shall obtain an annual City business license if the person or legal entity maintains business premises within the City limits, delivers goods or provides services within the City limits, or otherwise does business in the City limits. Tot's 'R' Us Childcare has obtained a City of Fairbanks business license (Ref. No. 10912). The applicant has provided information sufficient to show that they intend to meet the City 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:** The facility has adequate water supply because the property is served by Golden Heart Utilities.

**Sewage:** The facility has adequate sewage capacities because the property is served by Golden Heart Utilities.

**Emergency Fire Response:** The facility has adequate fire services because the property is served by the City of Fairbanks Fire Department.

**Energy:** The facility has adequate power supply because it is served by the GVEA grid.

**Police:** The facility has adequate law enforcement because it is served by the City of Fairbanks Police Department.

**Transportation**\(^6\): The subject property has access from Nenana Street which is a local road maintained by the City of Fairbanks (see Figure 7). Nenana Street has 50-foot wide right-of-way with 36-foot wide paved driving surface. The subject property has a 20-foot wide paved driveway.

The day care facility could generate a maximum of 48 trip ends per weekday. This

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\(^4\) Business Licensing FAQs, Division of Corporations, Business and Professional Licensing, Alaska Department of Commerce, Community, and Economic Development

\(^5\) City Business License FAQs, Clerk’s Office, City of Fairbanks

\(^6\) This section of this staff report includes comments from Donald Galligan, FNSB Transportation Planner
calculation is based on the drop-off and pick-up trips required for a total of 12 children. Nenana Street can accommodate this small number of trip ends.

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 has proposed to have a maximum of one full-time employee. The site plan shows one parking space that is adequate for one employee. The site plan shows the child drop-off, paved traffic circulation area with adequate backing, turning and maneuvering space. With the city-maintained Nenana Street and 20-foot paved driveway, the facility has adequate existing transportation facilities.

(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 the applicant’s business plan. The operating plan is intended to minimize and mitigate adverse impacts to surrounding properties.

There are two other existing state-licensed day care facilities within a half mile radius (see Exhibit 10). “Room for Babies Daycare” is located at 2618 Kuskokwim Avenue, which is approximately 400 feet from the subject property. “New Horizons Day Care” is located at 1109 Park Drive, which is approximately 2,000 feet from the subject property. Each of these day care facilities have a maximum capacity of 12 children – similar to the conditional use request on subject property. The Community Planning Department could not locate any conditional use permit approvals for either day care which suggests that both may currently be in violation of the FNSB Zoning Code. However, to date Community Planning has received no complaints for either facility.

Hours of operation, noise and fire safety could be potential concerns affecting public health, safety and welfare for surrounding properties but the applicant has addressed these issues in a way that mitigates these concerns. Odor, dust and other negative impacts to the neighborhood are not expected to be created by the day care facility.

**Hours of Operation:** The hours of operation for the day care facility could potentially be a concern for surrounding property owners. The hours of operation for the day care facility are 7 am to 6 pm, daily. The regular drop-off hours for clients are 7 am to 10 am; however, a child may arrive late. The pick-up hours vary from 1 pm to 6 pm depending on the full-time or part-time enrollment of the child. There is a late fee of $1.00 per minute per child for late pick-ups. Except in winter months, children get supervised playtime in the fenced backyard twice a day – 10 am to 12 pm and 4 pm to 6 pm.

The City of Fairbanks Noise Ordinance prohibits the use of loud sounds or noise generating appliances or vehicles between the hours of 11 pm and 7 am (City of Fairbanks Code of Ordinances Section 46-42). The hours of operation for the day care facility do not negatively impact the residential neighborhood because the day care does not operate in the evening or at night. The late fee for late pick-ups incentivizes parents to pick up their children on time. Moreover, these hours of operation are consistent with the City’s noise ordinance.

**Noise:** The applicant has proposed a maximum of 12 children, from 6 weeks to 12 years of age, for this day care facility. The noise produced by the children playing in the backyard could be a potential concern for surrounding property owners especially during the supervised playtime. Except in winter months, children get supervised outdoor playtime in the fenced backyard twice a day – 10 am to 12 pm and 4 pm to 6 pm.
The noise produced by the day care facility does not negatively impact the residential neighborhood because the day care is for a maximum of 12 children and the playtime is limited to 10 am to 12 pm and 4 pm to 6 pm during non-winter months only. The limited number of children and the playtime hours minimize the noise impacts, thereby ensuring public health, safety and welfare.

**Fire Safety:** Fire and rescue services for this facility are available through the City of Fairbanks Fire Department. On December 4, 2017, the day care facility passed their fire inspection. The applicant has stated that the day care conducts a monthly fire drill with children.

The compliance with City of Fairbanks Fire Code and the availability of fire and rescue services through the City of Fairbanks Fire Department minimize fire and other safety risks, thereby ensuring public health, safety and welfare.

**Future Modifications:** Because this conditional use approval is for a specific use, a change in the site plan, maximum number of children 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 of approval that if any modifications are made to the site plan, maximum number of children, hours of operation or other operational characteristics, the applicant shall submit revised documents to the Community Planning Department. If any modifications are made to the approved documents or operations characteristics, an amendment to the conditional use permit may be required.

**X. RECOMMENDATION**

Based on the staff analysis, the Department of Community Planning recommends **APPROVAL** of the conditional use permit request for the day care facility in the SF-10 zone with one (1) condition.

**XI. CONDITIONS**

1. If any modifications are made to the site plan, maximum number of children, hours of operation or other operational characteristics, 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).

**XII. FINDINGS OF FACT**

The Department of Community Planning further recommends adoption of the staff report and following findings of fact in support of **APPROVAL** of the conditional use request.

1. The proposed conditional use conforms to the intent and purpose of Title 18 and of other ordinances and state statutes:
   a. The purpose of Title 18 is met because the proposed conditional use is consistent with ‘Urban Area’ comprehensive plan land use designation. The conditional use is consistent with the Comprehensive Plan Community and Human Resources Goal 1, Strategy 1 because the day care facility serves the borough residents by providing essential childcare services.
b. The intent of Title 18 will be met because the conditional use both protects private property rights and promotes public health, safety, and welfare.

c. The applicant has obtained a state license for a day care facility from Child Care Licensing (CCL) Program. The applicant has obtained a business license from Division of Corporations, Business and Professional Licensing, Alaska Department of Commerce, Community, and Economic Development. The applicant has also obtained a business license from the City of Fairbanks. The applicant has provided information sufficient to show that they intend to meet the city and state regulations.

2. There are adequate existing sewage capacities, transportation facilities, energy and water supplies, and other public services to serve the proposed conditional use.

a. The day care facility has adequate water supply because the property is served by Golden Heart Utilities.

b. The facility has adequate sewage capacities because the property is served by Golden Heart Utilities.

c. The facility has adequate fire services because the property is served by the City of Fairbanks Fire Department.

d. The facility has adequate power supply because it is served by the GVEA grid.

e. The facility is served by the City of Fairbanks Police Department for law enforcement.

f. The subject property has access from Nenana Street which is a local road maintained by the City of Fairbanks. Nenana Street can accommodate the small number of trip ends generated by the day care facility.

g. The site plan shows one parking space and a child drop-off area which are adequate for the day care facility.

3. The proposed conditional use protects public health, safety, and welfare because the day care facility complies with Title 18 standards for the SF-10 zone (FNSBC 18.44) as well as with other applicable land use related laws.

a. The hours of operation for the day care facility do not negatively impact the residential neighborhood because the day care does not operate in the night. These hours of operation are consistent with the City’s noise ordinance. The late fee for late pick-ups incentivizes parents to pick up their children on time.

b. The noise produced by the day care facility does not negatively impact the residential neighborhood because the day care is for a maximum of 12 children and the playtime is limited to 10 am to 12 pm and 4 pm to 6 pm.

c. On December 4, 2017, the day care facility passed their fire inspection from City of Fairbanks Fire Department. The compliance with City of Fairbanks Fire Code and the availability of fire and rescue services through the City of Fairbanks Fire Department minimize fire and other safety risks.
DRAFT PLANNING COMMISSION MOTION:

I move to approve the Conditional Use Permit (CU2019-005) for a day care facility with one (1) condition, and adopting the staff report and three (3) Findings of Fact in support of the approval.
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**Property Owner(s)**
TOWNS, TERRELL D

**Physical Address**
1178 NENANA ST

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**Property Description:**
0102016: LOT 11 BLOCK 7 TAKU 1ST ADDN

**Complainant**

*Complainant requests anonymity*
Violation#  CE 2018-0099  Date:  05/29/2018
Status:  Open
Property Owner(s)  Alleged Violation:
TOWNS, TERRELL D  CONDITIONAL USE: Day care

Physical Address  Zone:  SF-10 (100%)
1178 NENANA ST  RSA:  SF-10 (100%)

Comment
ALLEGED DAY (CHILD) CARE FACILITY IN THE SF-10 ZONING DISTRICT WITHOUT A CONDITIONAL USE PERMIT. CHILDREN PLAYING OUTSIDE.

2018-05-23 - Initial complaint rec'd via phone (MS). Complaint form saved in W drive. CASE MAINTAINED ELECTRONICALLY; no physical file created.

2018-07-19 - Site insp by BJS. Photos saved in W drive. "Day care facility" = 7 or more individuals unrelated to the care provider. BJS spoke with one of two ladies at front door. She provided ph# for her boss named Alejandra ("Andrea"): 907-347-7960. She said it was nap time, but she wouldn't say how many kids they take care of. A woman was leaving when BJS arrived, presumably a client. The other woman at the door was holding one very small child. Need to CALL Alejandra and follow up with LETTER if necessary. BJS provided gal with his card.

No outward sign of day care such as children playing, children toys scattered, or a business sign. LOOK UP State business license for this address. No photos taken.

2018-07-20 - VM rec'd from prop owner, Terrell Towns (626-590-9699), in response to card left. BJS returned call same date. The owner said that he was the owner of the day care. He said they take care of 12 kids. None were related to him. They fluctuate some over the year, btwn 8 and 12. BJS advised that a CU permit was required and recommended a pre-app. He provided MS with the owner's contact info to arrange the pre-app.

2018-07-26 - MS spoke with BJS. He said that he had made a couple of attempts to contact the owner to set up a pre-app mtng, but without success.

2018-08-30 - FNSB records indicate no applications submitted to date.

2018-09-04 - Letter Sent
Child Care Facility Provider Details

Data as of: 10/1/2018 1:52:07 PM

Facility Name: TOT'S 'R' US CHILDCARE
Applicant: TERRELL TOWNS
Address: 1178 NENANA ST
FAIRBANKS, AK 99709
Phone Number: (907) 347-7960
Child Care License Effective Date: 02/01/2018
Child Care License Expiration Date: 01/31/2019
Capacity: 12 CHILD(REN)
Age Range: 0 WEEK(S) THROUGH 12 YEAR(S)

View Compliance History
October 25, 2017
Kenneth E Hayes, Jr
541 Slater Dr
Fairbanks, AK 99701

Property Description: Lot 11, Block 7 First Addition Taku Subdivision
Property Address: 1178 Nenana Street
PAN: 102016
Issue: Request for affirmative recognition of legal nonconforming lot size status (grandfather rights) for Lot 11, Block 7 First Addition Taku Subdivision in the Single-Family Residential (SF-10) zone

Determination: Affirmed (approved)

On October 25, 2017, the Fairbanks North Star Borough Department of Community Planning AFFIRMED (approved) your request for affirmative recognition of legal nonconforming lot size status (grandfather rights) for Lot 11, Block 7 First Addition Taku Subdivision in the Single-Family Residential (SF-10) zone. The Fairbanks North Star Borough Department of Community Planning adopted the following Findings of Fact in support of this determination:

1. Lot 11, Block 7 First Addition Taku Subdivision is 8,775 square feet and zoned Single-Family Residential (SF-10). The lot does not comply with SF-10 zoning because it does not meet the current minimum lot size requirement of 10,000 square feet.

2. Lot 11, Block 7 was created with the recording of plat #60-4443 on June 17, 1960 (Exhibit 1).

3. The Fairbanks Property and Area Map created in 1959 depicts Lot 11, Block 7 within the Restricted Residential zone (Exhibit 3).

4. At the time it was created, Lot 11, Block 7 was zoned Restricted Residential zoning with the adoption of Ordinance No. 437, Fairbanks Zoning Code as amended January 1959 (Exhibit 2). The subject property had a minimum lot size requirement of 5,000 square feet.

5. The minimum lot size requirement was increased to 10,000 square feet with the adoption of Ordinance No. 67-34 on March 28, 1968 (Exhibit 4).

6. The property was rezoned from R1 to Restricted Residential II (R1-II) with the adoption of Ordinance No 70-18 on June 11, 1970 (Exhibit 5). The minimum lot size remained 10,000 square feet.

7. Lot 11, Block 7 was rezoned from R1-II to Single-Family Residential (SF-10) with the adoption of Ordinance No 88-010 on April 19, 1988 (Exhibit 6). The minimum lot size for the SF-10 zone is 10,000 square feet.

8. Lot 11, Block 7 has not been altered since it was created in 1960.

Because Lot 11, Block 7 was created prior to establishment of the 10,000 square foot minimum lot size requirement for the subject property with the adoption of Ordinance 67-34 on March 28, 1968; Lot 11, Block 7 First Addition Taku Subdivision has an affirmative recognition of legal non-conforming lot status (grandfather rights) as it pertains to lot size in the Single-
Family Residential (SF-10) 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  
Community Planning Director

DCN/ap
APPLICABLE APPROVAL CRITERIA

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

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

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

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

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

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

The planning commission may approve or deny a conditional use request or may approve a conditional use request with conditions to ensure the protection of the public health, safety and welfare. Such conditions may relate to any, or more, of the following: traffic flow and access requirements, lighting, pedestrian movements, time limits for commencing or ceasing use.
PUBLIC NOTICE SIGN POSTING AFFIDAVIT

STATE OF ALASKA

FOURTH JUDICIAL DISTRICT

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

1. I have submitted an application identified as CU2019-005.

2. I have posted and will maintain public notice sign # R 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 Oct 24, 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.

[Signature]

[Print Name and Address of Affiant]

SUBSCRIBED AND SWORN TO BEFORE ME on this 24th day of October, 2018.

[Signature]

Commission Expires

[Notary Public in and for Alaska]
Agency Notifications

Exhibit 7

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 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 ________________
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: 04.15.2018 (2 weeks)

I have sent the application materials for File # UA2019-005 to all of the agencies checked above on 04.01.2018.

Date Sent

By: Monish Singh

Name of Planner (PRINTED)

Date Signed: 04.11.2018
CU2019-005

City of Fairbanks

Mike Meeks, Chief of Staff
mmeeks@fairbanks.us

Clem Clooten, Building Official
cclooten@fairbanks.us

Public Works
pwmail@fairbanks.us

Andrew Ackerman, Environmental Manager
AAckerman@fairbanks.us

Fairbanks Police Department
fpd@ci.fairbanks.ak.us

Police Chief Eric Jewkes
ejewkes@fairbanks.us

Jim Styers, Fire Chief
jstyers@fairbanks.us

Ron Templeton, Assistant Fire Chief
rtempleton@fairbanks.us

Alaska Department of Transportation (ADOT)

Randi Bailey, Transportation Planner
randi.bailey@alaska.gov

Pete Eagan, Right-Of-Way Agent IV
pete.eagan@alaska.gov

Alaska Department of Environmental Conservation (ADEC)

Tonya Bear, Division of Water, Wastewater Discharge
Tonya.bear@alaska.gov

Doug Buteyn, ADEC Solid Waste Program
Doug.buteyn@alaska.gov

GVEA

Julie Karl, Land Management Supervisor
JLKarl@gvea.com

Richard Possenti, Lead Construction Field Representative
RJPossenti@gvea.com

Golden Heart Utilities

General Information
usainfo@akwater.com

Marc Harmon, Environmental Compliance Manager
marc@akwater.com
Dear Sir/Ma’am

The Fairbanks North Star Borough Planning Commission is considering **CU2019-005**, a request for conditional use approval of a **day care facility** in the Single-Family Residential 10 (SF-10) zone, located at **1178 Nenana Street** (on the west side of Nenana Street, between Ruby Avenue and Kuskokwim Avenue). This case is scheduled for the Planning Commission meeting on November 13, 2018.

I have attached the application with this email. The department requests you to send us your comments for this proposal by October 15, 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](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
Fairbanks North Star Borough
(907) 459-1225 / msingh@fnsb.us
Manish Singh

From: Andrew Ackerman &lt;AAckerman@fairbanks.us&gt;
Sent: Monday, October 01, 2018 2:55 PM
To: Manish Singh
Subject: RE: CU2019-005: Requesting Comments for Day Care App. (1178 Nenana St)

Follow Up Flag: Follow up
Flag Status: Completed

No comment from Engineering.

Andrew
907.459.6836 (office)
907.987.2938 (cell)

From: Manish Singh [mailto:MSingh@fnsb.us]
Sent: Monday, October 1, 2018 2:31 PM
To: Mike Meeks &lt;MMeeks@fairbanks.us&gt;; Clemens M. Clooten &lt;CClooten@fairbanks.us&gt;; PWMail &lt;PWMail@fairbanks.us&gt;; Andrew Ackerman &lt;AAckerman@fairbanks.us&gt;; Fairbanks Police Department &lt;fpd@fairbanks.us&gt;; Eric Jewkes &lt;EJewkes@fairbanks.us&gt;; Jim Styers &lt;JStyers@fairbanks.us&gt;; Ron Templeton &lt;rtempleton@fairbanks.us&gt;; randi.bailey@alaska.gov; pete.eagan@alaska.gov; Tonya.bear@alaska.gov; Doug.buteyn@alaska.gov; JL.Karl@vea.com; RJ.Possenti@vea.com; usinfo@akwater.com; marc@akwater.com
Subject: CU2019-005: Requesting Comments for Day Care App. (1178 Nenana St)

Dear Sir/Ma’am

The Fairbanks North Star Borough Planning Commission is considering CU2019-005, a request for conditional use approval of a day care facility in the Single-Family Residential 10 (SF-10) zone, located at 1178 Nenana Street (on the west side of Nenana Street, between Ruby Avenue and Kuskokwim Avenue). This case is scheduled for the Planning Commission meeting on November 13, 2018.

I have attached the application with this email. The department requests you to send us your comments for this proposal by October 15, 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
Fairbanks North Star Borough
(907) 459-1225 / msingh@fnsb.us
October 5, 2018

Phone call conversation with

Catherine Hoyos, Support Clerk
City of Fairbanks, Fire Department
Phone: 907-450-6600

Manish Singh, FNSB Planner, asked if the existing day care at 1178 Nenana St. has passed their fire inspection. Ms. Hoyos confirmed that a final fire inspection was made on Dec. 4, 2017 for the Tot’s 'R' Us Childcare facility and they passed their fire inspection.

Manish Singh, FNSB Planner
Manish Singh

From: Bailey, Randi L (DOT) <randi.bailey@alaska.gov>
Sent: Monday, October 08, 2018 10:07 AM
To: Manish Singh
Cc: Daniel Welch; George Stefan
Subject: RE: CU2019-005: Requesting Comments for Day Care App. (1178 Nenana St)
Attachments: Nenana St Letter.pdf

Manish,

Attached is the comment letter for the Nenana Street conditional use permit. DOT&PF has no comments.

Thanks,
Randi

From: Manish Singh [mailto:MSingh@fsnb.us]
Sent: Monday, October 1, 2018 2:31 PM
To: mmeeeks@fairbanks.us; cclooten@fairbanks.us; pwmail@fairbanks.us; AAckerman@fairbanks.us; fpd@ci.fairbanks.ak.us; ejewkes@fairbanks.us; jstyers@fairbanks.us; rtempleton@fairbanks.us; Bailey, Randi L (DOT) <randi.bailey@alaska.gov>; Eagan, Pete (DOT) <pete.eagan@alaska.gov>; Bear, Tonya (DEC) <tonya.bear@alaska.gov>; Buteyn, Douglas J (DEC) <doug.buteyn@alaska.gov>; JLKarl@gvea.com; RJPossenti@gvea.com; usainfo@akwater.com; marc@akwater.com
Subject: CU2019-005: Requesting Comments for Day Care App. (1178 Nenana St)

Dear Sir/Ma’am

The Fairbanks North Star Borough Planning Commission is considering **CU2019-005**, a request for conditional use approval of a **day care facility** in the Single-Family Residential 10 (SF-10) zone, located at **1178 Nenana Street** (on the west side of Nenana Street, between Ruby Avenue and Kuskokwim Avenue). This case is scheduled for the Planning Commission meeting on November 13, 2018.

I have attached the application with this email. The department requests you to send us your comments for this proposal by October 15, 2018. For more information about this case, please email msingh@fsnb.us or contact Manish Singh at (907) 459-1225. The staff report to the commission will be available online at www.fsnb.us/Boards/Pages/Planning-Commission.aspx at least five days before the hearing.

Thanks,
Manish

Manish Singh, AICP
Planner II
Department of Community Planning
Fairbanks North Star Borough
(907) 459-1225 / msingh@fsnb.us
October 8, 2018

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

Property Owner/Developer: Terrell Towns

Type of Request: Conditional Use Permit CU2019-005: 1178 Nenana Street

Property Location: Taku 1, Block 07, Lot 11

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

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

Thank you.

Sincerely,

Randi Bailey

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

cc: George Stefan, FNSB
    Dan Welch, FNSB

“Keep Alaska Moving through service and infrastructure.”
Manish Singh

From: Stephen R. Anderson <SAnderson@fairbanks.us>
Sent: Monday, October 08, 2018 11:54 AM
To: Manish Singh
Cc: Clemens M. Clooten
Subject: RE: CU2019-005: Requesting Comments for Day Care App. (1178 Nenana St)

Manish,

In this case we do not require a permit or plan review. Given the conditions of operation stated in the attachment and the Fire Department’s prior approval additional requirements are minimal and a complete restart with an application and review would be unnecessary.

However, we will contact the owner and arrange an inspection to verify a requirement or two the Fire Department might not have included. We weren’t involved in their inspection/approval and don’t have record of their scope. We don’t want to inadvertently pass on a correction that’s needed.

-SA

Stephen Anderson
CBCO / Building Plans Examiner
City of Fairbanks Building Department
T(907)459-6703 F(907)459-6719 sanderson@fairbanks.us

FOR THE PREVENTION OF HARM THROUGH COMPLIANCE WITH BUILDING SAFETY CODES

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From: Manish Singh [mailto:MSingh@fnsb.us]
Sent: Friday, October 05, 2018 2:40 PM
To: Stephen R. Anderson
Subject: FW: CU2019-005: Requesting Comments for Day Care App. (1178 Nenana St)

Hi Steve,

We have received a conditional use permit application for a day care that is already in operation at 1178 Nenana St (see attached email). The state has issued them a day care license but I am trying to follow-up with the City departments if the day care needed other permits.

I checked with the fire department and they told me that the day care passed City’s fire inspection on Dec. 4, 2017.

I talked to the City’s building department today. I was informed that using an existing house for a day case doesn’t need a new building permit unless changes are made to the building such as structural, mechanical, electrical or plumbing changes.

Do you have any additional comments? Would you require a plan review in this case?

Thanks,
Manish

---

From: Manish Singh
Sent: Monday, October 01, 2018 2:31 PM
To: 'mmeeks@fairbanks.us'; 'cclooten@fairbanks.us'; 'pwmall@fairbanks.us'; 'AAckerman@fairbanks.us'; 'fpd@ci.fairbanks.ak.us'; 'ejewkes@fairbanks.us'; 'jstyers@fairbanks.us'; 'rtempleton@fairbanks.us';
Dear Sir/Ma’am

The Fairbanks North Star Borough Planning Commission is considering **CU2019-005**, a request for conditional use approval of a **day care facility** in the Single-Family Residential 10 (SF-10) zone, located at **1178 Nenana Street** (on the west side of Nenana Street, between Ruby Avenue and Kuskokwim Avenue). This case is scheduled for the Planning Commission meeting on November 13, 2018.

I have attached the application with this email. The department requests you to send us your comments for this proposal by October 15, 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](http://www.fnsb.us/Boards/Pages/Planning-Commission.aspx) at least five days before the hearing.

Thanks,
Manish

**Manish Singh, AICP**
Planer II
Department of Community Planning
Fairbanks North Star Borough
(907) 459-1225 / msingh@fnsb.us
October 8, 2018

Phone call conversation with

Andrew Ackerman
City of Fairbanks, Engineering Department
Phone: 907-459-6836

Manish Singh, FNSB Planner, asked if it is allowed for the existing day care at 1178 Nenana St. to use on-street parking in front of their property. Mr. Ackerman stated that on-street parking mostly comes up in conversations related to the downtown area where on-street parking signs are posted. However, Mr. Ackerman couldn’t recall any city code or policy that would prohibit the temporary use of on-street parking for drop-off and pick-up within the Taku area. Mr. Ackerman mentioned that the day-care customers should not park in a manner to block ongoing traffic or access to fire hydrants.

Manish Singh, FNSB Planner
October 11, 2018

Phone call conversation with

Diana
City of Fairbanks, Clerk Office
Phone: 907-459-6702

Manish Singh, FNSB Planner, asked if the existing day care Tot’s 'R' Us at 1178 Nenana St. has obtained a business license from the City of Fairbanks. Diana confirmed that Tot's 'R' Us has obtained a City business license (Ref. No. 10912) and this license is valid until Dec. 31, 2018.

Manish Singh, FNSB Planner
Manish Singh

From: Andrew Ackerman <AAckerman@fairbanks.us>
Sent: Wednesday, October 17, 2018 12:29 PM
To: Manish Singh
Subject: FW: City Parking code

Follow Up Flag: Follow up
Flag Status: Completed

Manish,
This is what we came up with for city codes. Again I would encourage that the area around the fire hydrant be off limits but otherwise there are no exclusive claims to parking along streets, regardless of property ownership.

Andrew
907.459.6836 (office)
907.987.2938 (cell)

From: Jackson C. Fox
Sent: Wednesday, October 10, 2018 11:54 AM
To: Andrew Ackerman <AAckerman@fairbanks.us>
Subject: City Parking code

See Chapter 78 for all parking related restrictions...not sure if any of these regulations apply to a daycare:

https://library.municode.com/ak/fairbanks/codes/code_of_ordinances?nodeId=PTIICOOR_CH78TRVE

Thanks,

Jackson C. Fox
Executive Director | 907.459.6786

FMATS
FAIRBANKS METROPOLITAN AREA TRANSPORTATION SYSTEM

facebook twitter linkedin
ARTICLE XI. - STOPPING, STANDING AND PARKING

Sec. 78-381. - State law incorporated, amended.

(a) Reserved.

(b) For purposes of this article, 13 AAC 02.340(d)(1)(E) shall read:

(E) between a safety zone and the adjacent curb or within ten feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings.

(Code 1960, § 7.08.101; Ord. No. 5927, § 4, 10-12-2013)

Sec. 78-382. - Parking not to obstruct traffic.

No person shall park any vehicle upon a publicly maintained street other than an alley in such manner or under such conditions as to leave available less than ten feet from the center of the roadway to the nearest part of the parked vehicle for free movement of vehicular traffic.

(Code 1960, § 7.08.102)

Sec. 78-383. - Parking in alleys.

(a) No person shall park a vehicle within an alley in such manner or under such conditions as to leave available less than ten feet of the width of the alley for the free movement of vehicular traffic.

(b) No person shall stop, stand or park a vehicle within an alley in such position as to block the driveway entrance to any abutting property.

(Code 1960, § 7.08.103)

Sec. 78-384. - Parking adjacent to schools.

(a) The city engineer is authorized to erect signs indicating no parking upon either or both sides of any publicly maintained street adjacent to any school property when such parking would, in his opinion, interfere with traffic or create a hazardous situation.

(b)
When official signs are erected indicating no parking upon either side of a street adjacent to any school property as authorized in this section, no person shall park a vehicle in any such designated place.

(Code 1960, § 7.08.104)

Sec. 78-385. - Standing or parking on one-way streets or narrow streets.

(a) The city engineer is authorized to erect signs indicating no parking upon any street when the width of the roadway does not exceed 26 feet or upon one side of a street as indicated by such signs when the width of the roadway does not exceed 35 feet.

(b) When official signs prohibiting parking are erected upon narrow streets as authorized in this section, no person shall park a vehicle upon any such street in violation of any such sign.

(c) The city engineer is authorized to erect signs upon the left-hand side of any one-way street to prohibit the standing or parking of vehicles. When such signs are in place, no person shall stand or park a vehicle upon such left-hand side in violation of any such sign.

(Code 1960, § 7.08.105)

Sec. 78-386. - Standing or parking on one-way roadways.

If a street includes two or more separate roadways and traffic is restricted to one direction upon any such roadway, no person shall stand or park a vehicle upon the left-hand side of such one-way roadway unless signs are erected to permit such standing or parking. The city engineer is authorized to determine when standing or parking may be permitted upon the left-hand side of any such one-way roadway and to erect signs giving notice of such parking.

(Code 1960, § 7.08.106)

Sec. 78-387. - Stopping, standing or parking near hazardous or congested places.

(a) The city engineer is authorized to determine and designate by proper signs places in which the stopping, standing or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic.

(b)
When official signs are erected at hazardous or congested places as authorized in this section, no person shall stop, stand or park a vehicle in any such designated place.

(Code 1960, § 7.08.107)

Sec. 78-388. - Parking during certain hours.

(a) The city engineer is authorized to determine and designate by proper signs places in which stopping, standing or parking of vehicles during certain hours of the day would create a hazardous condition or would cause unusual delay to traffic.

(b) When official signs prohibiting parking during certain hours of the day are erected as authorized in this section, no person shall stop, stand or park a vehicle in any such designated place.

(Code 1960, § 7.08.108)

Sec. 78-389. - Parking during street cleaning and snow removal.

(a) The director of public works is authorized to determine and designate by proper signs places in which stopping, standing or parking of vehicles would be prohibited during certain hours of the day for the purpose of removal of snow, ice, rocks, gravel, dirt, debris, litter or other accumulation upon public streets, highways, alleys, sidewalks, places, city parking lot or other place where the city by law or written agreement has a legal duty to make such a removal.

(b) When official signs prohibiting parking during certain hours of the day are erected as authorized in this section, no person shall stop, stand or park a vehicle in such a designated place during the proscribed time.

(c) The minimum fine for violation of subsection (b) is $60.00.

(Code 1960, § 7.08.109; Ord. No. 5495, § 1, 10-7-2002)

Sec. 78-390. - Parking time limited.

(a) The city engineer and police chief are authorized to determine places in which there is public demand or necessity for short-time parking and to designate such places by proper signs indicating the time limit for parking.

(b)
When official signs are erected indicating time limit parking in places as authorized in this section, no person shall stop, stand or park a vehicle in such designated place for a time longer than indicated on such signs.

(c) The penalty and bail fee schedule for violation of two-hour parking time limits as posted and authorized under this section shall be $10.00 for the first three offenses, $35.00 for the fourth offense and thereafter shall be a fine of $75.00 herein. These penalties shall be subject to each calendar year.

(Code 1960, § 7.08.110; Ord. No. 5515, § 1, 2-1-2003; Ord. No. 5571, § 1, 5-29-2004; Ord. No. 5819, § 1, 10-30-2010)

Sec. 78-391. - Parking prohibited over 24 hours.

No person shall park a vehicle on any city street, highway, public way, right-of-way or city-owned parking lot for a period of time longer than 24 consecutive hours unless otherwise posted. If a vehicle posted with notice of this violation is moved within 24 hours of posting, there is no fine; if not, the minimum fine is $60.00 and the vehicle is subject to towing and impound. In the case of impound, the vehicle's owner shall pay all the costs of impound, including towing and storage, in accordance with the fee schedule on file at the city clerk's office.

(Code 1960, § 7.08.111; Ord. No. 5495, § 2, 10-7-2002; Ord. No. 5819, § 1, 10-30-2010)

Sec. 78-392. - Regulations not exclusive.

The provisions of this article imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.

(Code 1960, § 7.08.112)

Sec. 78-393. - Application of article.

The provisions of this article prohibiting the standing or parking of a vehicle shall apply at all times or at those times specified or as indicated on official signs except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with directions of a police officer or official traffic control device.

(Code 1960, § 7.08.113)
Sec. 78-394. - Signs or markings indicating angle parking.

(a) The city engineer shall determine when upon a publicly maintained street, angle parking shall be permitted and shall mark or sign such streets upon a determination that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

(b) Angle parking shall not be indicated or permitted at any place where passing traffic would thereby be caused or required to drive upon the left side of the street.

(c) Except when otherwise provided in this section, every vehicle stopped or parked upon a roadway shall be so stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with its right-hand wheels within 18 inches of the right-hand curb or edge of the roadway, or its left-hand wheels within 18 inches of the left-hand curb or edge of the roadway.

(Code 1960, § 7.08.114)

Sec. 78-395. - Obedience to angle parking signs or markings.

On those streets which have been signed or marked by the city engineer for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings.

(Code 1960, § 7.08.115)

Sec. 78-396. - Permits for loading or unloading.

(a) The director of public works is authorized to issue special permits to permit the backing of a vehicle to the curb for the purpose of loading or unloading merchandise or materials subject to the terms and conditions of such permit. Such permits may be issued either to the owner or lessee of real property or to the owner of the vehicle and shall grant to such person the privilege as stated in the permit and authorized in this section.

(b) It is unlawful for any permittee or other person to violate any of the special terms or conditions of any such permit.

(Code 1960, § 7.08.116)

Sec. 78-397. - Parking of trailers restricted.
(a) No trailer shall be parked on any publicly maintained street or highway of this city for a period longer than one hour at any one time.

(b) The city engineer may designate a publicly maintained street in the central business traffic district on which no trailer shall be stopped, parked or allowed to stand between the hours of 6:00 a.m. and 6:00 p.m.

(Code 1960, § 7.08.117)

Sec. 78-398. - Authority to impound vehicles; notice; hearing.

(a) Whenever any vehicle shall be located or is standing upon any street, alley, right-of-way or city parking lot in violation of the provisions of this article or any rule or regulation adopted pursuant to this article, or whenever such vehicle could be a traffic safety hazard, or whenever any vehicle shall be found to be mechanically unsafe to operate upon the street or alley, or whenever the driver of any vehicle shall be impaired or is taken into custody by an officer for an offense involving either driving while under the influence of alcoholic beverages or controlled substances, reckless driving, negligent driving or any felony, any police officer may remove or have removed by a private towing company such vehicle to a place of storage. When the owner or authorized representative of the owner of the vehicle claims it, he shall be informed of the nature and circumstances causing the impoundment of the vehicle and where and how he may obtain its release.

(b) No person shall allow, permit or suffer any vehicle registered in his name to stand or park upon or be operated upon any street in this city in violation of this article or any rule or regulation adopted or issued pursuant to this article.

(c) The registered owner of a vehicle impounded under this section shall be provided with notice of and an opportunity for a post-towing hearing to determine whether sufficient and probable cause existed to sustain the towing. The hearing must be requested by the owner no later than seven days after the towing and shall be heard by the mayor no later than 48 hours after the demand for hearing. The hearing may be informal but shall provide the owner and the police representative the opportunity to present evidence, including but not limited to the presentation of relevant witnesses.

(Code 1960, § 7.08.118)
Sec. 78-399. - Authority to impound vehicles by boot device.

(a) Whenever any vehicle shall be located at or is standing upon any street, alley, right-of-way or city parking lot in violation of any parking provisions of this article, in addition to impoundment by towing, a vehicle may be impounded by use of a boot. For purposes of this section a boot is defined as a device consisting of metal clamps or jaws and screws and a padlocking device which, when attached to the wheel of a motor vehicle, prevents the vehicle from being driven.

(b) Impoundment by the boot method shall be limited to a period not to exceed 24 hours except under emergency or unusual conditions as may be determined to exist by the police chief in his discretion for safety or traffic reasons. Such time period may be reduced or extended by the police chief.

(c) No vehicle shall be impounded by use of the boot unless the vehicle has four or more uncontested parking citations which have been issued to the vehicle on a prior occasion which continue to remain outstanding and unpaid.

(d) No vehicle shall be impounded by use of the boot when to do so would create a hazard to the public or to traffic.

(e) Any individual owning or operating a vehicle impounded by the use of the boot may obtain its release by paying the fine for all uncontested traffic citations with the parking authority or its designee in accordance with the traffic fine schedule set forth in section 78-5 and an impoundment fee established by the authority which shall be set only after public notice and hearing on the proposed fee.

(f) The registered owner of a vehicle impounded under this section shall be provided with a post-impoundment hearing to determine whether sufficient and probable cause existed to sustain the impoundment. The hearing must be requested by the owner no later than seven days after the impoundment and shall be heard by the parking authority within one month after the demand for hearing. The hearing may be informal but shall provide the owner the opportunity to present evidence including but not limited to the presentation of relevant witnesses.

(Code 1960, § 7.08.118.5; Ord. No. 5792, § 1, 11-7-2009; Ord. No. 5819, § 1, 10-30-2010)

Sec. 78-400. - Registered owner responsible for illegal parking.
Every person in whose name a vehicle is registered shall be responsible for any parking of his vehicle and for all offenses other than moving violations of this article. It shall be no defense to such charge that the vehicle was illegally parked or used by another unless it is shown that at such time the vehicle was being used without the consent of the registered owner. The foregoing shall apply only when the procedure as prescribed in section 78-401 has been followed.

(Code 1960, § 7.08.120)

Sec. 78-401. - Citation on illegally parked vehicle.

Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by ordinance of this city, the officer shall conspicuously affix to such vehicle a traffic citation on a form provided by the city for the driver to answer to the charge against him within five days during the hours and at a place specified in the citation.

(Code 1960, § 7.08.121)

Sec. 78-402. - Failure to comply with traffic citations attached to parked vehicle.

(a) If a violator of the restrictions on stopping, standing or parking under the traffic laws or ordinances of this city does not appear in response to a traffic citation affixed to such motor vehicle within a period of five business days, the city clerk shall send to the owner of the motor vehicle to which the traffic citation was affixed a notice informing him of the violation and warning him that if such letter is disregarded for a period of 14 days, a summons and complaint shall be issued.

(b) Where a traffic citation is issued under the authority of the parking authority, a violator of the restrictions on stopping, standing or parking under the traffic laws or ordinances of this city shall pay the amount of the face of the citation or contest the citation to the parking authority within five days of issuance. A person desiring to contest a ticket may first bring their ticket to the parking authority office and state the reasons for protest. If there is no resolution, then the person may request a hearing with the parking authority board which will render final judgment. After the hearing, upheld tickets must be paid within three business days. The parking authority will convene to hear ticket protests at least once a month.

(c)
The authority shall send the registered owner of the vehicle with an unpaid and uncontested traffic citation a notice which shall inform the owner of the violation and request that the scheduled fine be paid within 15 days from the date of mailing by the authority and that failure to pay the fine may result in the issue of a summons and complaint against the owner or the matter being referred for collection. The authority may provide for the doubling of fines not paid within five working days of the date of issuance of the citation and for the addition of a fee for the cost incurred in collection of fines. This process shall also be used for a contested traffic citation except that a contested citation may not be used against a violator in cases of a vehicle impoundment under section 78-399.

(Code 1960, § 7.08.122; Ord. No. 5515, § 2, 2-1-2003; Ord. No. 5771, § 1, 4-25-2009; Ord. No. 5819, § 1, 10-30-2010)

Sec. 78-403. - Handicapped parking.

(a) No person may park or cause to be parked a motor vehicle in a parking space designated for handicapped parking only, whether such parking space is on public or private property, unless such vehicle displays a valid handicapped parking permit issued or approved by the state.

(b) For purposes of this section, a "parking space designated for handicapped parking only" is a parking space conspicuously posted and marked as being restricted to vehicles displaying handicapped parking permits, provided that such posting or marking is approved by the police chief.

(Code 1960, § 7.08.123; Ord. No. 5819, § 1, 10-30-2010)

Sec. 78-404. - Penalties for parking.

(a) The maximum penalty for a violation of any provision of this article shall be a fine of not more than $300.00.

(b) Any person convicted of a violation of any of the provisions of this article will be given a minimum fine of $20.00.

(Code 1960, § 7.08.124)

Sec. 78-405. - Parking by permit only.

The police chief is authorized to erect signs prohibiting parking except for police vehicles or
by permits issued by the police chief.

(Code 1960, § 7.08.125; Ord. No. 5819, § 1, 10-30-2010)

Sec. 78-406. - Parking on private property.

(a) No person may park a vehicle on private property, including privately owned parking lots, without the consent of the property owner.

(b) The minimum penalty of $20.00 per violation shall apply unless notice of a greater penalty is posted by the Fairbanks Parking Authority or the Fairbanks Police Department.

(c) This section only applies when notice that parking is prohibited is provided to the public by way of posted signs on the property in a manner as approved by the Fairbanks Parking Authority or the Fairbanks Police Department.

(Ord. No. 5463, § 1, 1-14-2002)

Sec. 78-407. - Administrative appeal.

Any person assessed with a fine under sections 78-389 or 78-391, may seek administrative relief from the city mayor who may waive penalties in whole or in part. Any person not satisfied with the mayor's decision may appeal to the city council within 30 days from the mayor's decision.

(Ord. No. 5495, § 6, 10-7-2002)

Secs. 78-408—78-435. - Reserved.
Child Care Facility Compliance History for:
TOT'S 'R' US CHILDCARE

Data as of: 10/8/2018 11:15:11 AM

Number of compliance history records found: 1

The information displayed below includes the last three years of the facility's compliance history, if applicable.
If you have questions on a particular record or would like any additional information please contact the Child Care Program Office at 1 (888) 268-4632.

<table>
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<tr>
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<th>Compliance Type</th>
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<th>Findings</th>
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<th>Action Taken</th>
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<td>IN-COMPLIANCE</td>
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<td>IN REGULATORY COMPLIANCE/NO VIOLATIONS</td>
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Alaska Department of Commerce, Community, and Economic Development
Division of Corporations, Business and Professional Licensing
P.O. Box 110806, Juneau, Alaska 99811-0806

This is to certify that

TOTS "R" US CHILDCARE

1178 NENANA ST FAIRBANKS AK 99709

owned by

ALEJANDRA A BARRAGAN; TERRELL D TOWNS

is licensed by the department to conduct business for the period

November 20, 2017 through December 31, 2018

for the following line of business:

62 - Health Care and Social Assistance

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

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

Mike Navarre
Existing State-licensed Day Care Facilities within 0.5 mile radius from Tot’s ‘R’ Us Childcare
CU2019-005 :: Photos by Community Planning Staff

Nenana St, looking north

Nenana St, looking south
Day care facility

Day care facility
Day care facility

Existing fence to the north of the facility
Existing fence to the south of the facility

Fenced backyard play area
Employee parking and drop-off

On street parking in Taku Subdivision (Gregory Street)
Application Material Received on
September 28, 2018

CU2019-005
**CONDITIONAL USE PERMIT APPLICATION**

**File No. CU2019-005**

*FEES ARE NON-REFUNDABLE*

<table>
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<tr>
<th>Applicant:</th>
<th>Property Owner:</th>
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<tr>
<td><strong>Contact Name:</strong></td>
<td><strong>Name:</strong></td>
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<tr>
<td><strong>Business Name:</strong></td>
<td><strong>Terrell Towns</strong></td>
</tr>
<tr>
<td><strong>Mailing Address:</strong></td>
<td><strong>1178 nenana St.</strong></td>
</tr>
<tr>
<td><strong>City, State Zip:</strong></td>
<td><strong>Fairbanks, AK 99709</strong></td>
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<tr>
<td><strong>Phone:</strong></td>
<td><strong>626-590-9699</strong></td>
</tr>
<tr>
<td><strong>E-mail:</strong></td>
<td><strong><a href="mailto:terrelltee@gmail.com">terrelltee@gmail.com</a></strong></td>
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<table>
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<td><strong>Proposed Use(s):</strong></td>
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<tr>
<td><strong>Request Description and Reasons for the Request:</strong></td>
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**APPLICANT SIGNATURE:** [Signature]

**DATE:** 9-28-18

**OWNER SIGNATURE (if different):**

**DATE:**

If the applicant is not the sole property owner, written consent of all property owners must be provided (FNSBC 18.104.050(B)).
Property Information for PAN#: 0102016

PROPERTY DESCRIPTION: TAKU 1, BLOCK: 07, LOT: 11
OWNER: Towns Terrell D [ownership]
BILLING ADDRESS: 120 Ina St Fairbanks, AK 99701 3066
SITUS ADDRESS: 1178 Nenana St
PARCEL SIZE: 8775.5 SF
NEIGHBORHOOD: Taku-Westgate (0145)
LAND CLASS: General Residential
PRIMARY USE: Residential
FLOOD ZONE: X: Protected By Levee (100%)
SPECIAL REG. AREAS: None
ZONING: SF-10 (100%)
COMP PLAN: Urban Area (100%), Urban Boundary (100%)
PLANNING DISTRICT: Fairbanks (100%)
ROAD DISTRICT: N/A
URBAN BOUNDARY (2003): YES
ROAD SERVICE AREA: City of Fairbanks (100%)
EMS RESPONSE AGENCY: N/A
FIRE SERVICE AREA: City of Fairbanks (100%)
FIRE SERVICE (Property DB): City of Fairbanks
STRUCTURES: SFR (1 Unit)
BUSINESS ON SITE: N/A
MILL GROUP: Taku (0170) (Est. Mill Rate: 17.113)
PLAT NUMBER: TAKU 1ST (FRD1960_4443_001)
DESCRIPTION (VAULT): LOT 11 BLOCK 7 TAKU 1ST ADDN
COMMUNITY PLANNING PERMITS:
Code Enforcement: 20180099
Grandfather Rights: 20180070

Assessment History

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<td>$160,669</td>
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</table>

The Fairbanks North Star Borough does not warrant the accuracy of maps or data provided, nor their suitability for any particular application. There may be errors in the data.
Terrell Towns
1178 Nenana St.
Fairbanks, AK 99709

- The maximum number of employees would be **one**. (see page 3)

- Traffic hours varies throughout the day. My hours are from 7 a.m to 6 p.m (page 2 of our policies). Normal drop off for our parents are between 7 a.m and 10 a.m. Although we do have children arrive late due to illness, doctors appointments and everyday mishaps. Normal pick up times vary from anytime after lunch, depending on if the child is full-time or not. We currently have 3 sets of parents that have 7 children enrolled between them, therefore cutting down and limiting traffic coming in and out.

- Hours of operation-(see page 2)

- During summer business hours the children will be given supervised playtime in the enclosed backyard twice a day, depending on the weather. Once in the morning from 10am to 12pm and once in the afternoon from 4pm to close. In the winter outside play would stop until spring/summer.

- There will be no lights, odor or dust. During the summer supervised playtime children can be heard playing and sometimes crying. Myself and staff and staff are fully trained daycare providers and are taught how to deal with these situations and how to keep the noise minimum.

I have attached a copy of my business policies. If you have any questions please don’t hesitate to ask. Thank You
Tots “R” Us ChildCare
Parent HandBook
Located at 1178 Nenana St.
Fairbanks, Alaska 99709
Phone:907 347-7960

My Philosophy

Hello, My name is Alejandra Barragan I have been in the Childcare field since 2007. I am currently enroll in the University Of Alaska to get my degree in Child Care Development. My partner Terrell Towns has work in the field for more than a year helping me with children. Terrell Towns has worked in the community for TSA and is working on his degree in Justice. This childcare is a family business and our goal is to provide a safe and happy environment for each child that will stimulate their physical, intellectual, social and emotional growth at their own pace. I offer loving care that focus on each child as a unique and wonderful individual and in doing so, builds self-esteem and respect for others.

ENROLLMENT PROCEDURES
All necessary enrollment forms must be completed and returned prior to admission. It is the parent’s responsibility to ensure all forms are updated immediately upon changes and at least once a year. Upon arrival at the family child care learning home the parent, or adult dropping off the child, must escort the child into the home and ensure that the provider is aware of their presence.
Forms needed:
*Parent Handbook
*Policies and Procedures Handbook
*Immunization Roecd *
*Permission to Administer Medication *
*Food Program Form*
*Medical Consent
*Financial Agreement*Information Form
*Authorization to Leave Care

Ages Served
Tots ‘R’ Us Childcare has the capacity to care forum to 12 children.
Ages that can be served are from 6 weeks up to 12 years of age.
Tot's "R" US Childcare provide transportation for pick up only for school. Arrangements must be made in advance. Parents will have to sign a form of consent giving permission to the facility to transport her/his child in our personal vehicle. Our vehicles are insured. I am available for after school and no school days to care for older children.

DAYS AND HOURS OF OPERATION
Child care is open Monday—Friday from 7:00a.m. to 6:00p.m. Please remember that your fee is based on the hours you contract for, not the hours that I am open. I will care for your child from __________a.m. until __________p.m. You are scheduled for child care @the above hours. If pick-up your child late you will be charged a late fee of $1.00 per minute per child per every minute that you are late. This also applies if your contracted drop off time is 8 a.m. even though my child care is open at 7:00 a.m. Please choose your drop off and pick up times carefully. Late drop-off does not constitute late pick up. If you at times require an earlier drop off, you must call in advance to authorize this. Please provide a schedule or any changes in writing.

Parents should park in the childcare facility driveway in the hours of operation from 7:00 am to 6:00 pm Monday through Friday only to drop off and pick up your child. Please notify us in advance if your child is going to get picked up early or later than their normal time.

Holidays
Memorial Day
July 4th
Labor Day
ThanksgivingDay
Day after Thanksgiving
Christmas Eve
Christmas Day and 26 th
New Years Eve
New Years Day and 2nd
2 weeks vacation yearly may vary

EMERGENCY
If I would become sick or in an emergency during childcare hours either myself or other staff member we will have to notified you to pick up your child. If I become ill or my staff we will seat with the children until they are picked up. If for some reason my staff get sick and I don't have another person to cover I will have to closed for the day. License requirements are 8 children for 1 provider and 3
children under 30 months, 2 provider for 9 to 12 children. I need to follow license regulations and procedures. So you need to have a back up provider for any emergency or any closures days.

**Transportation**

Tot's "R" US Childcare provides transportation for pick up only for after school. Notification will be provided in advance if we can't provide transportation and so you will be responsible to pick up your child from school. Parents will have to sign a form of consent giving permission to the facility to transport her/his child in our personal vehicle. Our vehicles are insured. I am available for after school and no school days to care for older children.

**Tots "R" Us**: Does not provide any substitute caregivers or any emergencies caregivers either. You are responsible to make any arrangements for any situations that this childcare can't provide services at the time.

**Child Care Ratios:**

- *2 caregivers required, one must be the administrator and must be at least 21 years of age.

- *Caregiver must be at least 18 years of age.

- *No more than 12 children total younger then 13 years of age.

- *No more than 5 children under the age of 30 months.

- *No more than 4 children may be non-ambulatory.

**Ratio**: 8 children for 1 staff
8 to 12 will require 2 staff.

- *Children will be under supervision by our staff at all time.

- *During nap time staff and children will maintain in the same room.

- *Outside activities staff will be with children at all the time.

- *During diaper / potty time one staff will maintain with the other children while I take other children with me and be on ratio.
As a group home we only have 2 staffs working together and we will try our best to keep eyes on children all the time. We won't have no field trips until we have a 3rd person available for additional help.

Child Care Rates

Full time Rates:
- Infant  Birth thru 12 months  $825.00
- Toddler  13month through 36 months  $888.00
- Preschool  36 months through 59 months  $675.00
- School age  5 years thru 12 years  $639.00

Part Time Rates:
- Infant  Birth through 12 months  $495.00
- Toddlers  13 month thru 35 month  $533.00
- Preschool  36 months thru 59 months  $405.00
- School age  5 years thru 12 years  $383.00

Late Charge:
Charge of $1.00 per minute is assessed for pick up's made after the schedule pick up time as listed on your agreement. All pickups made after 6:00 p.m. as well.

Enrollment Fee:
A $50.00 per child enrollment fee is nonrefundable this is used for interview process, paper work and some kids materials. A $100.00 deposit to hold spot for your child will only cover for a week if the parent doesn't communicate at all it will be a nonrefundable deposit. Your child will be enrolled in the Child Care Food Program. This is a federally funded program and insures that your child will be served nutritionally balanced meals.

Meals will be served at the following times:
- Breakfast: 7:00 to 9:00 a.m.
- Lunch: 12:00 p.m. to 1:00 p.m.
- Snack: 3:15 to 4:00 p.m.

If your child will be arriving after a meal time has begun, but you still want your child to eat here, prior notice is required. If your child comes after a mealtime, it will be your responsibility to make sure that child has eaten prior to arriving. Bringing a meal from a restaurant and having the child eat here causes hard feelings from the rest of the children and is therefore, not allowed.

Infant formula: If you have an infant using formula, you have the choice of providing the formula yourself or having me provide the formula and having the
infant on the county food program. If I provide the formula it will be a formula with iron. If your child drinks another formula that I don't provide you will need to provide.

NAPS: Children under the age of four years old are required to lie down in the afternoon. Nap time is from 1:00 p.m. – 3:00 p.m. Infants will sleep in an approved playpen.

Toddlers and preschoolers sleep in matts. At the age of 5 and up they are ready to give up nap time, they can take quiet time in the playroom watching a movie while the other children nap.

Sample Meals to be served to children
Breakfast: Shredded wheat cereal with milk
Strawberries and banana slices
Lunch: Tuna* or egg salad on whole wheat tortilla or flatbread cucumber slices, orange slices and milk
Afternoon Snack: crackers with cheese with pears
Water

Infant Sample Meals
Breast Milk and/or Formula first.
• Infant Cereal – 1 food cube or 1-2 tablespoons
• Fruit or Vegetable – 2 or 3 food cubes or 4-6 tablespoons total
• Dairy (Optional) – Yogurt – 1 or 2 food cube sized portions (or about 2 tablespoons) Read about Introducing Yogurt to Your Baby

Lunch – Breast Milk and/or Formula first.
• Infant Cereal or Other Grain – (Optional) (i.e. pasta, rice) – 1 or 2 food cubes or 2-4 tablespoons
• Meat/Meat-Protein Alternate – (Optional) 1 or 2 food cubes or 2-4 tablespoons
• Fruit or Vegetable – 2 or 3 food cubes or 4-6 tablespoons total of each or you can mix the cubes together with the Grain
• Example: Rice mixed with Peas served with Pear Sauce on the side
• Dairy (Optional) – Yogurt or Cheeses
Snack-
– Breast Milk and/or Formula first.
  • Grain (Optional) (i.e. pasta, rice) – 1 or 2 food cubes
  • Meat/Meat Alternate – (Optional) – 1 food cube
  • Fruit and/or Vegetable – 2 or 3 food cubes of each or mix the cubes together
  • Example: Tofu mixed with Avocado served with Applesauce & Blueberries on the side
  • Dairy – Yogurt or Cheeses (Optional)
Signing in and out/Attendance Records Policy

Children are signed in and out by staff members upon their arrival and departure. We ask that if your child is not going to attend care as per usual that you inform the center no later than 10am. Children later than 10:00 am without notification will not be able to attend our childcare. This will help us plan activities for the day. When your child does not attend daycare you must call to let us know the reason — if it is a communicable illness we are required to record this in case of other cases breaking out. If no one answers the phone please leave a brief message. Also, upon arrival and preparing your child for the day please help them or direct them to wash their hands before beginning to play with toys, in order to prevent the spread of germs.

If someone else will be picking up your child please let staff know upon arrival. Photo ID will be required by the person picking up your child as well if the staff member is not familiar with that person. Please let any individuals other than parents who may pick up the children that they will be asked for picture ID in order to ensure the safety of all children.

Children will not be released to unauthorized individuals. If someone shows up to pick up your child and staff was not made aware of it, we will have to track you down to confirm that this is in fact permitted, as well as see a picture ID of that individual to confirm their identity.

Absences/Exclusion from Daycare

If a child is too sick to attend daycare, please keep him/her home. There is no “sick room” at the daycare, and the best place for a child to be recuperating from an illness is at home. There are also many symptoms that a child may have that may prevent them from being able to partake in everyday activities. If your child experiences any of the following please keep them home until they are gone, or are well enough to participate in normal everyday activities:

Fever greater than or equal to 101.0 degrees F.
Excessive drainage (clear or discolored) from the mouth, nose, eyes, or ears.
Pink eye, yellow discharge from the eye
Skin rashes as they are difficult to diagnose unless seen by a physician.
Severe abdominal pain, vomiting or diarrhea
A deep, hacking cough
Difficulty breathing or untreated wheezing
Chicken Pox
Cuts or openings on the skin that are pus-filled or oozing
Lice or nits
Impetigo
If your children are sent to daycare with any of the above listed symptoms, or develop during the day they will be sent home. Children should NEVER be medicated and then sent to daycare (i.e., given Tylenol to break fever). You should arrange for back-up care when your child is sick, and unfortunately there are no refunds or discounts for days that your child does not attend daycare. There are still costs associated with each childcare spot each day that unfortunately cannot be avoided if your child is not in attendance.

If your child will not be attending daycare due to illness or any other reason, please let us know as soon as possible. Please let the staff know reason they will not be attending. This will prevent activities from being delayed.

**Developing Illness Policy**
In the event a child becomes ill during the course of the day, to the point where they are not capable of participating in regular activities, the parents/guardians will be contacted immediately and be required to come pick the child up. If the parents/guardians can’t be reached the alternate emergency contact person will be called to come pick up the child. Allergy related and common cold symptoms as well as non-communicable diseases/illnesses do not require that the child be excluded from care.

If any of the following conditions are present, it is required that children be excluded from care: Children may return to care when they are free of symptoms or are approved to return by the facility operator or in some extreme cases, by a medical doctor.

- Pain - any unexplained or undiagnosed pain

- Difficulty in breathing — wheezing or persistent cough

- Fever (101.5° F or higher) — child must be free from fever (without being medicated) for 24 hours before returning to care at the facility

- Sore Throat or trouble swallowing
- Infected skin or eyes (mucus/pus draining) or an undiagnosed rash
- Severe body or scalp itching

- Children with a known or suspected communicable disease/illness
Medications

All medications are stored in a closet that is inaccessible to children. Children are not given any medication without the parents’ written consent. Written consent may only be on a “Permission to Administer Medications” form and all medications must be in their original bottles with original labels. Staff must also indicate on the administering form the date, time and dosage of medicine given at each administration, and then initial this information.

For prescription medication, only the directions on the bottle will be accepted for administering the medication. And in all instances staff need to know when the child received his/her last dosage of the medication, to ensure medication is given at appropriate times consistently.

With any prescription antibiotics children may not return to care until they’ve had a full 24 hours of dosage, are no longer contagious and ready to participate in the full child care day, to ensure they are well on the road to recovery.

Allergies

All allergies (and dietary concerns) will be clearly posted in each room, on the refrigerator and written on the child’s emergency info/consent cards. If you send any food with your child, or donate any food to any functions held at the daycare please ensure that these foods are not expire. If they do not have the appropriate symbols or ingredients list then they will not be served to anyone for safety reasons, and will have to be returned home, or discarded.

Clothing Code

Children should come dressed in comfortable, season appropriate clothing that can get dirty, since some activities we do on a daily basis are messy. A spare change of clothes is required for all children in case of soiling of clothes. Children under the age of 3, and those who are potty-training require at least two changes of clothing (including socks). We want to keep your children happy and comfortable.
A separate set of indoor shoes is required at the daycare for each child at all times. Feet are required to remain covered by public health at ALL times when indoors. These “indoor shoes” can be simply a pair of crocs from the dollar store, or a pair of slippers that they don't use at home, or even a separate set of sneakers if you wish. Indoor shoes also protect your child's feet in the event of a fire drill in the winter months/rainy days.

Please also remember whenever weather permits the children are taken outside for 20 minutes to 1 hour twice a day. Please ensure that you have proper outerwear provided for your child so that they are comfortable and don't miss out on outdoor play. If a child does not have proper outdoor apparel they will have to remain indoors with another teacher/classroom. This happens all too often in the winter time because of a lack of snow pants and hats and mitts, please leave an extra pair of these items with us if you can, or be sure to bring them everyday.

Outside Weather policies: All children except the ncn mobile infants will have to go outside to play. The weather temperature that children will still go outside will be the same as the school district that can be up to-15 degrees.

Television/Computer: Is permitted in our childcare for no more than 30 minutes twice a week. We will provide educational programs like Dora Explore, Elmo or movies age appropriate.

**Items Needed From Home**

Diapers/Rash Ointment (Training pants or pull-ups for those who are potty training)

Spare Clothing – including underwear and socks, at least 3 complete sets for those potty training age and under

Sunscreen/Sun Block, and a wide-brimmed hat
Weather appropriate clothing — jacket/splash/snow pants/hats/mitts, boots, etc., lack of weather appropriate clothing will prevent your child from enjoying our outdoor play time, please ensure you dress your child for outdoor play everyday.

Please ensure that children come dressed in “play” clothes. Although we are careful while doing art and playing outside; there are instances where clothes could become dirty and stained. We appreciate your understanding and so do the children. Extra supplies can be left at the daycare and replenished when necessary space permitting.

Children are welcome to bring toys from home to the daycare but we ask that it be limited to one toy a day, and it must fit in their allotted cubby space. Children will be asked to share these toys from home with the other children. If a child does not wish to share his/her it will be put away for them until they feel like sharing. The only toys we ask that the children do not bring to the daycare are play guns and weapons. Thank you for you’re understanding.

**Potty Training Policies**

We strive to support your efforts of potty training at home right through the day here at daycare. However, there are some key signs to look for before we are able to help you train your child at daycare. The key signs of readiness for potty training include:

- The child is able to pull down and up their pants and underwear/pull-ups on their own with little or no assistance
- The child is able to communicate to you when they need to go to the bathroom
- The child’s diaper is dry after nap times and for long periods during the day
- The child is able to hold their bowels and bladder until they get to the potty once they realize that they need to go

If these signs are not present, your child is not ready to potty train at daycare, as we cannot have a potty in each room for them to use — it is against public health sanitation policies. We will always encourage children to use the potty regularly and we begin to introduce sitting on the potty as soon at the age of 2 years old.

When your child does potty train, we ask that you provide extra clothing and remove soiled clothing daily. If we run out of clean clothes and underwear then you will have to be contacted during the day in order for you to provide them, as we do not have daycare “loaner” clothes.
Daily Routine

7:00am to 9:00 Opens - Breakfast, Free Play (Table toys, puzzles, coloring, etc.).

9:00 am to 9:30 Clean-up and Circle Time/Other Educational Activity (our learning time)

9:30 am to 10:00 am Educational Activities and Programming, examples include - Art, Science Experiment, Weather Chart and Story Time

10:00 a to 11:00am Outside Play (weather permitting) — activities include visiting local parks, going on walks, or remaining at the daycare outdoor play area
12 noon Lunch

12:30 pm Clean-up from lunch

12:45 pm Nap time - Children remaining awake may read books, do puzzles, other quiet activities
while others sleep

2:45/3:00 pm Quiet time is over for napping children, After School care children arrive

3:00 pm Nutritious Snack

4:00 pm Educational Activities and Programming, examples include – Art, Science, Music, or Literacy Activities that relate to current theme/web, Homework time for school aged children

4:30 pm Outside Play (weather permitting) in yard until centre closes if weather permits

6:00 pm* Centre Closes – Children must be picked up by 6pm or late charges will apply. If you need to speak to staff about any concerns you have please come in ample time to do so.

FRIDAY FOLDERS
Children put their artwork and work sheets into there Friday Folders each day. The folders will be taken home with them on Fridays. The folders are to come back every Monday to store their work throughout the week. Children who
remember their folders will get a sticker to put on their folder. Please go through
the folders with your child each Friday. I will not be liable if you don’t know of
future days off, etc.
LEARNING EXPERIENCES AND PLAYTIME
Attending “Tots R. US Child Care” should be an enjoyable experience for the
child as well as the parent. While at child care, your child will be exposed to
many kinds of learning experiences including:
1. Arts and Crafts
2. Music and fingerplay
3. Story and listening adventures
4. Poems, book, flannel stories
5. Computer time if is available
6. Large and small muscle play
7. Self initiated play
8. Numbers and counting
9. Letter recognition
10. Social development and kindergarten readiness
11. Individual play time
12. Weekly themes
13. Parents can be confident their children are being well cared for in a cheerful
environment.
Parent involvement is encouraged. Parents may visit any time (during daycare
hours).

Sample Daily Infant schedule (This schedule does not apply to every child)
7:00am-8:30am - Arrival of families, breakfast, bottles (Exchanging information
to the caregiver about your child, such as their sleep at night, diaper rash, fussy,
or if they have had new milestones!)

8:30-9:00 am - Changing and Checking Diapers, we will be checking on a
regular basis or at least every two hours.

9:00-9:30am - Rug Play, nurturing one on one, gross motor play, tummy time

9:30-10:30am - First Nap time for some children (Infants nap at what fits their
own schedule and based on your information of your baby. Nap time and the
duration is unique to each infant. Or individual one on one nurturing and bottles
if needed.

10:30 - 11:00 am - Diapering
11:00 - 11:45 am - Small motor, tummy time, art activities, outdoor time, music time, sensory activities

11:45-12:00pm-Infant story time and Circle time, singing songs and games , etc.

12:00-1:00pm - Lunch time and bottles

1:00-1:30 pm - Diapering

1:30-2:00 pm - Story time, rug play, tummy time, nurturing one on one time

2:00-3:00 pm - Second Nap time/Bottles

3:00-3:30pm- Diapering

3:30-4:15 pm-Snack /bottles

4:15-5:00pm - Sensory Play, tummy time, nurturing one on one, gross play, outdoor play weather permitted.

5:00-6:00pm - Diapering, departure, Communication with families and families will be given infant daily reports

The daily schedule includes activities designed to meet your babies needs and abilities. Routine care giving activities, such as feeding and diapering are used as opportunities for language interactions and for nurturing on a one to one relationship with your child's caregiver. Infants do not always follow a schedule therefore, this is subject to change depending on the sleeping, eating and diapering needs of your child each day.

DISCIPLINE

The children are explained the rules of the child care home frequently, so they are all familiar with the guidelines. Please keep in mind that there WILL be disagreements between children. Young children— especially, who are not adept at communication; have a hard time expressing they're feeling's . Sometimes they hit or throw toys, etc. Although teaching children appropriate behavior is what I will be doing, remember that this behavior is normal in most cases. The following methods of discipline will be used:

*Encourage children to solve problems themselves
* Intervention and discussion
* Redirection to another play area * Loss of privileges
* Time-out
If I feel there is a chronic behavioral issue that needs attention, I will let you
Know so that you and I are handling it in the same way and your child has
continuity in discipline between our homes. These types of behavior might
include such things as biting, use of bad words, chronic hitting, etc.
Together, we will try to find a solution. You may be called to remove your child if
his/her behavior prevents me from being able to properly care for the other
children. If problem continues, other arrangements for the care of the child will
have to be made, for the safety and well being of all under NO
CIRCUMSTANCES will their be any spanking, physical abuse, verbal abuse.
Neither food nor sleep will ever be withheld from children as a means of
punishment. As a Child care provider, I have a responsibility by law to recognize
and report any evidence of child abuse—physical or emotional—or neglect. This
is strictly for the benefit of your child.

**Child Abuse/Neglect**

If there is any abuse or neglect suspected of any children in our care, we are
mandatory reporters and will have to report it to OCS (Office Of Children’s
Services.)

**FIRE DRILLS PROCEDURES**

We have monthly fire drills. The children are instructed to go outside in front of
the garage until everyone is outside. If there is a fire the children will be moved to
safety and the fire department will be called. We will all remain there until it is
safe to return to the child care area.

**PARENT/CAREGIVER COMMUNICATION**

Communication is very important to me. When I accept a new family into my child
care, I like to be sure that we can share openly any concerns or questions that
may arise. It is important that there is a similar child care philosophy between us.
I welcome questions, feedback, or discussions of any kind that are oriented
towards a positive outcome for the children. Sensitive issues will be discussed in private outside of regular child care hours either by telephone.

OPEN DOOR POLICY
At "Tots R. US Child Care," you can always be assured that the door is open to you. Please keep in mind there may be times when it is not convenient for me to run to the phone. (i.e., diaper changing, bottle feeding, etc.) If the phone goes unanswered, please do not become alarmed, simply leave me a voice mail and I will call as soon as I am able. You may also communicate with me via email. There may be those times when something comes to you at work that you don’t want to forget to relay to me. If you have an email, please feel free to drop me a line and I will generally replay during rest time email : alejandreamexican@hotmail.com

Poison Plants: Children will be supervise at all the time while they play outside during recess. No poison plants inside the facility.

GRIEVANCE POLICY
If you are unsatisfied with my services or policy, please feel free to communicate these concerns with me at any time at 907 347-7960.

Policy Notice: Tots “R” Us will give a 2 weeks notification for any changes that we will do in our policies to parents and any agency that maybe Child Care Licensing , CCA, TCC, and OCS.

Parents’ Guide To License Child Care CC61: will be attach to the policies to provide you with information about childcare and the requirements.

FINAL NOTICE
A two week notice is required at the time of termination. By signing a contract agreement, you agree to give a two week notice before terminating care or
paying the two week fee to terminate immediately. I would appreciate as much notice as possible, so if you give more than two weeks, your child’s spot is guaranteed until your date of termination. I will not ask you to leave because of a new child coming in.

TRAIL PERIOD AND WITHDRAWAL
A two week trial period will be given— upon enrollment, to determine the suitability of the arrangements. If, at any time during the two weeks, you feel the arrangement has not proven workable, then you will be required to give a two week notice in writing. I will also have the right to terminate, with the same notice. If I feel that it is not working out. If there is a problem where I feel that it is affecting the safety and welfare of the other children that I care for, I have the right to immediate dismissal. If, however, you are happy with the care that your child is receiving and your child is settling in, then we will enter into a permanent contract.

Photographs/Video Cameras
We like to take lots of pictures at the daycare to share with the children, and the parents how much fun we have at daycare. We do have a few daycare photo albums that we place these pictures into (that do not leave the daycare. We like to get your written consent to share any pictures of children with other parents.

REQUIRED REPORTING
The family child care provider is a mandated reporter of suspected abuse, neglect, or deprivation of a child. This means the law requires the provider to report any known or suspected abuse, neglect, or deprivation to the Department of Family and Children Services.
I have read and fully understand these policies and procedures. I agree to abide by the above policies and procedures. I have received an exact copy of this Policies and Procedures Handbook for my own records.

Parent/Guardian
Signature______________________________ Date___________

Provider Signature________________________ Date___________
STAFF REPORT

To: Fairbanks North Star Borough Planning Commission
From: Manish Singh, AICP, CFM, Planner II
Date: November 2, 2018
Subject: RZ2019-001: A request by Don Duncan (Master Guide License # 136) DBA Alaska Private Guide Service to rezone approximately 420 acres from Rural Residential (RR) to Outdoor Recreational (OR) or other appropriate zone. The area proposed to be rezoned includes parcels described as Shuks Subdivision – Block 2, Schroeder Property Waiver – Tract B and Tract C, Section 28 T1N R1W F.M. – TL-2805, Section 29 T1N R1W F.M. – TL-2914 and GL-16 (located on the south side of Farmers Loop Road, near milepost 6).

I. EXECUTIVE SUMMARY

This application is to rezone approximately 420 acres from Rural Residential (RR) to Outdoor Recreational (OR). The rezone area proposed to be rezoned includes an approximately 3.8-acre private property and the approximately 416-acre western portion of the Creamer's Field Refuge. The applicant intends to apply for a conditional use to operate a snowmachine tour business from his 3.8-acre private property. The State wants to correct the zoning within a portion of the refuge which is inappropriately zoned RR.

The area proposed to be rezoned is predominantly used for outdoor recreation and habitat conservation. It includes a 416-acre portion of the Creamer’s Field Refuge that accounts for 99% of this rezone area. The FNSB Regional Comprehensive Plan characterizes approximately 96% of the rezone area as Open Space/Natural Area.

The current RR zone is not consistent with the Open Space/Natural Area designation. The RR zone is intended for low density residential development, while the land uses anticipated in the Open Space/Natural Area designation such as recreational open space, golf courses, and trail facilities are not allowed in the RR zone.

The proposed OR zone is more consistent with the Open Space/Natural Area designation. The OR zone is intended to protect outdoor recreational uses on public lands or on private lands if requested by the property owner. The OR zone would better protect the predominant outdoor recreational uses in the rezone area. The OR zone implements the FNSB Regional Comprehensive Plan and FNSB Comprehensive Economic Development Strategy (CEDS) goals related to tourism.

If this rezone is approved, the FNSB zoning code would still require a conditional use permit for higher impact land uses such as commercial outdoor recreation, outdoor shooting range, convention center, organized trail facilities, stadiums etc. Conditional uses require a public hearing with the FNSB Planning Commission and thereby, help protect health, safety and welfare of the surrounding property owners.

Community Planning does not find this rezone request to be a spot zone or a reverse spot zone.

Staff Recommendation: Approval
## II. GENERAL INFORMATION

### Property Information

<table>
<thead>
<tr>
<th>Property Information</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant</td>
<td>Don Duncan DBA Alaska Private Guide Service</td>
</tr>
<tr>
<td>Property owner</td>
<td>State of Alaska Department of Natural Resources (416.28 acres) Don Duncan (3.83 acres)</td>
</tr>
<tr>
<td>PAN</td>
<td>246107, 538647, 538655, 199869, 249301, 248983</td>
</tr>
<tr>
<td>Lot size</td>
<td>420.11 acres</td>
</tr>
<tr>
<td>Existing zoning</td>
<td>Rural Residential (RR)</td>
</tr>
<tr>
<td>Existing land use</td>
<td>Recreational (Creamer’s Field), Single-Family Residence (abandoned)</td>
</tr>
<tr>
<td>Proposed zoning</td>
<td>Outdoor Recreational (OR)</td>
</tr>
<tr>
<td>Flood zone</td>
<td>X (96%), A (4%) (Source: March 17, 2014 dFIRM)</td>
</tr>
<tr>
<td>Code violations</td>
<td>None on file</td>
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</table>

### Adjacent Zoning/Land Use

<table>
<thead>
<tr>
<th>Adjacent Zoning/Land Use</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>RR, Residential across Farmers Loop Road</td>
</tr>
<tr>
<td>South</td>
<td>RA-5, Vacant (University of Alaska owned)</td>
</tr>
<tr>
<td>East</td>
<td>RA-5, Recreational (Creamer’s Field)</td>
</tr>
<tr>
<td>West</td>
<td>RR, Residential</td>
</tr>
</tbody>
</table>

### Public Services

<table>
<thead>
<tr>
<th>Public Services</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water and sewage</td>
<td>Private</td>
</tr>
<tr>
<td>Electricity</td>
<td>GVEA</td>
</tr>
<tr>
<td>Police</td>
<td>Alaska State Troopers</td>
</tr>
<tr>
<td>Fire</td>
<td>University Fire Service Area</td>
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</table>

### Transportation

<table>
<thead>
<tr>
<th>Transportation</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Access roads</td>
<td>Farmers Loop Road</td>
</tr>
<tr>
<td>Road types</td>
<td>Minor Arterial</td>
</tr>
<tr>
<td>Maintenance authority</td>
<td>Alaska DOT&amp;PF</td>
</tr>
<tr>
<td>Traffic counts</td>
<td>4,416 daily trips</td>
</tr>
</tbody>
</table>

### Zoning History

<table>
<thead>
<tr>
<th>Zoning History</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>March 28, 1968</td>
<td>FNSB adopted first zoning ordinance (Ord. 67-34), established Unrestricted Use (UU) zone</td>
</tr>
<tr>
<td>August 14, 1969</td>
<td>Rezone from Unrestricted Use (UU) to Rural Residential (RR) with Ord. 69-23</td>
</tr>
</tbody>
</table>

### Existing RR Zoning Standards

<table>
<thead>
<tr>
<th>Existing RR Zoning Standards</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permitted uses</td>
<td>Single-family dwelling, two-family attached dwelling, bed and breakfast, church, home occupations, urban livestock, etc.</td>
</tr>
<tr>
<td>Conditional uses</td>
<td>Guesthouse, group home, day care, animal and veterinary hospitals, communications tower, professional offices, etc.</td>
</tr>
<tr>
<td>Minimum lot size</td>
<td>40,000 sq.ft.</td>
</tr>
<tr>
<td>Setback requirement</td>
<td>25 ft. from all property lines</td>
</tr>
<tr>
<td>Building height</td>
<td>Unlimited</td>
</tr>
</tbody>
</table>
### Proposed OR Zoning Standards

<table>
<thead>
<tr>
<th><strong>Permitted uses</strong></th>
<th>Recreational open space, playgrounds, campgrounds, golf courses, skiing facilities, outdoor ice rinks, nature centers, boat launch, etc.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Conditional uses</strong></td>
<td>Organized trail facilities, public recreation buildings, community centers, stadiums, arenas, indoor ice rinks, auditoriums, convention center, etc.</td>
</tr>
<tr>
<td><strong>Minimum lot size</strong></td>
<td>None</td>
</tr>
<tr>
<td><strong>Setback requirement</strong></td>
<td>50 feet from front-property line, 25 feet from all other property lines</td>
</tr>
<tr>
<td><strong>Building height</strong></td>
<td>Unlimited</td>
</tr>
</tbody>
</table>

### Agency Comments

| **Alaska Fish & Game (AKF&G)** | Applicant has a special area permit to operate a snowmachine tour business in the Creamer’s Field Refuge. This permit allows the applicant to use a parking area on Echo Acres Drive to stage his equipment and access the refuge. The applicant has been a responsible user of the refuge. The State has decided that it would be appropriate to rezone the Rural Residential (RR) zoned parcels within the refuge to the Outdoor Recreational (OR) zoning as part of applicant’s rezone request. |
| **FNSB Rural Services** | No comments or objections |
| **FNSB Floodplain Administrator** | Any development on Tract B, Tract C and TL-2805 will require a Floodplain Permit |

### Summary of Staff Analysis

#### Conformance to FNSB Regional Comprehensive Plan (2005)

**Economic Development Goal 1**: To strengthen and expand the existing economy

*Strategy 4*: Emphasize development and expansion of mining, local manufacturing, agriculture, tourism, conventions, hospitality and forest-related businesses

*Action C*: Promote tourism and hospitality…

**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 C*: Promote the characteristics of the Borough that have potential for economic development…

**Environment Goal 3**: To protect natural systems

*Strategy 8*: Encourage use of natural resources under best stewardship practices

*Action A*: Identify and preserve areas that support sustainable harvesting

- Identify and survey the value of natural resources
- Provide for opportunities to enjoy the outdoors

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

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

#### Conformance to FNSB Comprehensive Economic Development Strategy (CEDS) (2016)

**Industry Cluster Development Goal 3 (Tourism)**: Diversify visitor serving attractions and facilities to extend the tourism season and expand the types of visitors attracted to the borough

**Objective**: Increase winter tourism through improved transportation services, attractions and enhanced marketing efforts
<table>
<thead>
<tr>
<th>Hearing and Recommendation by the Planning Commission, FNSBC 18.104.020(C)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conforms to the comprehensive plan  ✔</td>
</tr>
<tr>
<td>Conforms to the public health, safety and welfare  ✔</td>
</tr>
</tbody>
</table>

<table>
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<tr>
<th>Spot Zone Analysis</th>
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<tbody>
<tr>
<td>Consistency with the comprehensive plan</td>
</tr>
<tr>
<td>Benefits and detriments</td>
</tr>
<tr>
<td>Size of the area</td>
</tr>
<tr>
<td>Determination</td>
</tr>
</tbody>
</table>
III. REZONE REQUEST DESCRIPTION

This application is to rezone approximately 420 acres from Rural Residential (RR) to Outdoor Recreational (OR). The rezone area includes an approximately 3.8-acre private property and the approximately 416-acre western portion of the Creamer’s Field Migratory Waterfowl Refuge. Both properties are located on the south side of Farmers Loop Road near milepost 6 (see Figure 1 for location map and Figure 2 for proposed rezone area).

The applicant for this rezone, Don Duncan, owns the 3.8-acre private property. The triangular parcel abuts Farmers Loop Road and the Creamer’s Field Refuge and contains an abandoned residence. FNSB Assembly recently passed Ord. 2018-25 which defined “commercial outdoor recreation” (see Exhibit 1). If this rezone is approved, the applicant intends to apply for a conditional use permit to operate a snowmachine tour business from his private property.

The State of Alaska Department of Fish and Game (ADF&G) and Department of Natural Resources (DNR) have joined the applicant’s rezone request for the approximately 416-acre western portion of the Creamer’s Field Refuge to bring the existing outdoor recreational uses of the refuge in line with zoning. These uses are not permitted under the current RR zone.

The applicant has a special area permit from the ADF&G to operate a snowmachine tour business in the Creamer’s Field Refuge. This permit allows the applicant to use a parking area on Echo Acres Drive (located along the northeast boundary of the Creamer’s Field Refuge) for staging his equipment and accessing the refuge.
Existing Zoning and Land Uses

The proposed rezone area is currently zoned RR (see Figure 4 for zoning map). The RR zone “is intended for low density residential development and other compatible uses in areas where community sewer and water systems may or may not be available” (FNSBC 18.40.010). The applicant’s 3.8-acre private property contains an abandoned residence (see Figure 3). The 416-acre portion of the Creamer’s Field Refuge is used for outdoor recreation and habitat conservation (see Figure 5 for land use map).

The lots surrounding the rezone area to the north and west are zoned RR and are developed residentially. The lot surrounding the rezone area to the east is zoned Rural and Agricultural 5 (RA-5) and is part of the Creamer’s Field Refuge. The lots surrounding the rezone area to the south are also zoned RA-5. These lots are current vacant and owned by the University of Alaska.

Figure 4: Zoning in the Surrounding Area
The applicant has proposed OR zoning for the subject parcels. The OR zone “is intended to protect outdoor recreational uses on public lands or on private lands if requested by the property owner. This zone does not convey public use of private property” (FNSBC 18.20.010).

The applicant intends to operate a snowmachine tour business from the 3.8-acre private property. However, if this rezone request is approved, the applicant or future property owners could pursue any permitted or conditional use listed under the OR zone (see Exhibit 2 for the permitted and conditional uses in the OR zone). The State has not proposed land use changes within the refuge.

Comprehensive Plan Designations

The predominant Comprehensive Plan Designation for the rezone area is “Open Space/Natural Area” (see Figure 6 for comprehensive plan designation map). Approximately 96% of the rezone area has Open Space/Natural Area Comprehensive Plan Designation.

“Open space is an undeveloped area in a natural state, golf course, park, or cemetery, along a road that provides some visual relief from urbanization and public recreation. Open space may or may not be improved, but it does serve to interrupt more intense land uses. Natural area is an area left in natural state deemed not suitable for development. Natural areas may be minimally improved, i.e., to provide access to or through them, or to accommodate a trail, but basically they are left to their natural state.”
Approximately 4% of the rezone area has “Perimeter Area” Comprehensive Plan Designation. This includes applicant’s 3.8 acre private property and two other Creamer’s Field Refuge parcels that have direct access from Farmers Loop Road. Perimeter Area is “generally within a 10 to 20 minute travel time of urban destinations, and which contains primarily residential use; variable densities are encouraged providing they are compatible with the surrounding community, sensitive to natural systems and have adequate water and sewer facilities.”

**Figure 6: Comprehensive Plan Designations in the Surrounding Area**

The Comprehensive Plan Designation map notes that “boundary lines are approximate and may out of necessity, or public input be changed. It is not the intent to divide lots or specific uses by these boundary lines.”
**Wetlands**

The subject parcels are predominantly located in Wetlands (see Figure 7 for wetlands map). Any development in the wetland is required to meet U.S. Army Corps of Engineers regulations irrespective of their zoning designation.

**Floodplain**

The subject parcels are partially located in Flood Zone A (see Figure 8 for floodplain map). Any development in the Flood Zone A is required to meet the FNSB Floodplain Management Regulations in FNSBC 15.04, irrespective of their zoning designation.

**Applicant’s arguments for rezone**

- The Creamer’s Field Refuge is inappropriately zoned RR because the RR zone is not consistent with the existing recreational use of the refuge. The OR zone is more consistent with the existing recreational use of the refuge.

- Residential development is not preferred on the applicant’s 3.8-acre private property because the property has permafrost and wetlands. This property abuts the Creamer’s Field Refuge which increases the potential for a recreational use with trail head facilities.

- The OR zone would allow for a winter tourism related business which is consistent with the Economic Development Goals of the FNSB Regional Comprehensive Plan.
• The existing special area permit from the ADF&G allows a snowmachine tour business operation within the Creamer’s Field Refuge. As a condition of this permit, the applicant is required to maintain the refuge trails. Therefore, the refuge trails are packed, groomed and continuously cleared of fallen and dead trees without any cost to the public.

• The proposed snowmachine tour operation from the applicant’s 3.8-acre private property would allow tourists and borough residents to enjoy snowmachine rides closer to town. The operation would offer restrooms and warmup space to customers.

• The proposed hours of operation would be 10 am to 7 pm and the tour business would mostly operate from November through March. The traffic on the 3.8-acre private property would be approximately 5 cars/vans per day. The applicant has not proposed any summer tour business. However, certain summer use may be proposed contingent on the tourism market demands.

IV. APPLICABLE APPROVAL CRITERIA

Rezones are governed by FNSBC18.104.050(C) which states that “the planning commission shall review, hear and recommend whether or not a request for rezoning should be approved. The planning commission shall also consider and adopt findings of fact demonstrating whether or not the proposed rezoning conforms to the comprehensive plan and to the public health, safety and welfare.”

V. PUBLIC NOTICE

Community Planning mailed 316 dear property owner notices and received sixteen (16) inquiries about this case (see Exhibit 3 for public comments). The applicant posted a public hearing notice sign on October 15, 2018 (see Exhibit 4). This sign meets the ‘notice by applicant’ requirements.

VI. AGENCY COMMENTS

Community Planning contacted the following agencies for comments (see Exhibit 5 for agency comments):

a. State Fire Marshal
b. University Fire Service Area
c. Alaska State Troopers
d. FNSB Rural Services
e. Scenic Heights Road Service Area
f. FNSB Floodplain Administrator
g. Alaska Department of Transportation and Public Facilities (ADOT&PF)
h. Alaska Department of Environmental Conservation (ADEC)
i. Alaska Department of Natural Resources (ADNR)
j. Alaska Department of Fish and Game (ADF&G)
k. U.S. Army Corps of Engineers
l. Golden Valley Electric Association (GVEA)
STAFF ANALYSIS

VII. ZONING AND LAND USES

The Creamer’s Field Refuge Management Plan states that, “General winter snowmachine use takes place within the refuge (primarily on the fields and along established winter trails) from early November to early April. Historical use has occurred for decades, with the refuge serving as a connector to a network of winter trails in Goldstream Valley, Chena Hot Springs Road, the Chena River, Tanana Flats, Chena Ridge, military lands, and the flood control project. Many of these connections would not be available without the refuge trails” (see Exhibit 6 for the Creamer’s Field Refuge Management Plan).

Off-road vehicle and snowmachine use on the refuge has been subject to a permit requirement since 1985. The ADF&G may issue a special area permit to allow public off-road snowmachine use on the refuge during the winter. The applicant already has a special area permit from the ADF&G to operate a snowmachine tour business in the Creamer’s Field Refuge.

The RR zone does not protect the existing recreational use of the Creamer’s Field Refuge. Moreover, the RR zone may restrict the State from implementing their refuge management plan because the RR zone doesn’t allow for “recreational open space” and “organized trail facilities.”

The proposed OR zone would be more consistent with the existing recreational use of the Creamer’s Field Refuge. The OR zone would also be appropriate for the applicant’s 3.8 acre private property because it abuts the refuge and meets the intent of the OR zone which allows for outdoor recreational uses “on private lands if requested by the property owner.”

The proposed OR zone permits recreational uses such as recreational open space, boat launch, community garden, skiing facilities etc. that could be compatible with the surrounding rural residential development. However, the OR zone also allows for higher impact land uses such as commercial outdoor recreation, outdoor shooting range, convention center, organized trail facilities, stadiums etc. as conditional uses. Conditional uses require a public hearing with the FNSB Planning Commission. The conditional use public hearing process helps minimize the land use conflicts and supports development that is compatible with existing land uses in the area.

The Farmers Loop Road would continue to act as a buffer between the existing residential uses on the west side and the proposed outdoor recreational uses on the east side. The Farmers Loop Road also provides direct access to other OR zoned property with recreational uses such as the Fairbanks Gold Course.

Community Planning supports this rezone. 99% of the rezone area is already part of the Creamer’s Field Refuge, which is used for outdoor recreation but inappropriately zoned RR. Additionally, the applicant’s private property would be appropriate for outdoor recreational uses due to its proximity to the refuge and its direct access to the Farmers Loop Road. Allowing for outdoor recreational uses on private property if requested by the property owner is also consistent with the intent of the OR zone.

VIII. COMPREHENSIVE PLAN

The predominant Comprehensive Plan Designation for the rezone area is “Open Space/Natural Area” (see Figure 6 for comprehensive plan designation map). Approximately 96% of the rezone area has Open Space/Natural Area Comprehensive Plan Designation.
Open space is an undeveloped area in a natural state, golf course, park, or cemetery, along a road that provides some visual relief from urbanization and public recreation. Open space may or may not be improved, but it does serve to interrupt more intense land uses. Natural area is an area left in natural state deemed not suitable for development. Natural areas may be minimally improved, i.e., to provide access to or through them, or to accommodate a trail, but basically they are left to their natural state.

The current RR zoning is not consistent with the Open Space/Natural Area land use designation because the RR zone “is intended for low density residential development and other compatible uses in areas where community sewer and water systems may or may not be available” (FNSBC 18.40.010). The land uses envisioned by the Open Space/Natural Area land use designation such as recreational open space, golf courses, and trail facilities are not allowed with the RR zoning.

The rezone area is predominantly used for outdoor recreation and habitat conservation and it includes a 416-acre portion of the Creamer’s Field Refuge (see Figure 5 for land use map). The proposed OR zone “is intended to protect outdoor recreational uses on public lands or on private lands if requested by the property owner. This zone does not convey public use of private property” (FNSBC 18.20.010). The OR zone would better protect the predominant outdoor recreational uses in the rezone area and implement Open Space/Natural Area land use designation.

The proposed rezone conforms to the following FNSB Regional Comprehensive Plan and FNSB Comprehensive Economic Development Strategy (CEDS) goals:

**FNSB Comprehensive Plan (2005) goals:**

- **Economic Development Goal 1** – To strengthen and expand the existing economy
  - **Strategy 4** – Emphasize development and expansion of mining, local manufacturing, agriculture, tourism, conventions, hospitality and forest-related businesses
  - **Action C** – Promote tourism and hospitality…

- **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 C** – Promote the characteristics of the Borough that have potential for economic development…

- **Environment Goal 3:** To protect natural systems
  - **Strategy 8:** Encourage use of natural resources under best stewardship practices
  - **Action A:** Identify and preserve areas that support sustainable harvesting
    - Identify and survey the value of natural resources
    - Provide for opportunities to enjoy the outdoors

- **Land Use Goal 4** – To enhance development opportunities while minimizing land use conflicts
  - **Strategy 10** – Attract and support development that is compatible with and enhances existing land use

**FNSB Comprehensive Economic Development Strategy (CEDS) (2016) goals:**

- **Industry Cluster Development Goal 3 (Tourism)** – Diversify visitor serving attractions and facilities to extend the tourism season and expand the types of visitors attracted to the borough
  - **Objective** – Increase winter tourism through improved transportation services, attractions and enhanced marketing efforts
The Creamer’s Field Refuge is an important tourist attraction contributing to the existing tourism industry. Explore Fairbanks has recognized the increasing winter tourism market in the Fairbanks area. A series of newspaper articles also note the booming Fairbanks winter tourism market. Specifically, winter tourism has increased 33 percent between the winters of 2008 and 2017 (see Exhibit 7).

The FNSB Comprehensive Economic Development Strategy (CEDS) (2016) highlights the importance of promoting tourism in the Borough by stating that “in terms of employment, accommodation and food service are key sectors in one of the major clusters in the region (i.e. the tourism cluster), with strong potential for further growth as winter tourism becomes more popular.”

A cluster is a regional concentration of related industries in a particular location. Clusters consist of companies, suppliers, and service providers, as well as government agencies and other institutions that provide specialized training and education, information, research, and technical support. Economic development practitioners and policymakers are increasingly turning to the industry cluster approach to foster sustainable economic development.

The proposed OR zone would better protect the existing outdoor recreational uses within the refuge because it would allow the State to implement their management plan. These outdoor recreational uses are essential to support the winter tourism market in the Borough. In addition to this, the applicant’s proposed snowmachine tour business would expand winter tourism within the refuge.

The proposed OR zone permits recreational uses such as recreational open space, boat launch, community garden, skiing facilities etc. that could be compatible with the surrounding rural residential development. However, the OR zone also allows for higher impact land uses such as commercial outdoor recreation, outdoor shooting range, convention center, organized trail facilities, stadiums etc. as conditional uses. Conditional uses require a public hearing with the FNSB Planning Commission. The conditional use public hearing process helps minimize the land use conflicts and supports development that is compatible with existing land uses in the area.

Community Planning supports the proposed OR zone because it would protect the predominant outdoor recreational uses in the rezone area, which would be more consistent with the Open Space/Natural Area land use designation. Additionally, the existing outdoor recreational uses within the Creamer’s Field Refuge, along with the applicant’s proposed snowmachine tour business, would help advance FNSB Regional Comprehensive Plan and FNSB Comprehensive Economic Development Strategy (CEDS) goals.

**IX. TRAFFIC AND TRIP GENERATION**

The lots in the rezone area are accessed by Farmers Loop Road, a minor arterial road maintained by Alaska DOT&PF. Average Daily Traffic (ADT) counts on Farmers Loop Road were 4,416 vehicles per day in 2017.² This rezone request does not have the potential to significantly increase the current traffic and trip generation levels associated with the road and the Creamer’s Field Refuge.

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¹ This section of this staff report includes comments from Donald Galligan, FNSB Transportation Planner
² 2017 Annual Average Daily Traffic (AADT) GIS Map, Alaska DOT&PF Transportation Data Programs
The proposed snowmachine tour operation on the applicant’s 3.8-acre private property has potential to slightly increase the trip generation levels on his property; however, the Farmers Loop Road being a minor arterial road can accommodate this potential increase in trip generation levels.

X. NONCONFORMING LOTS, STRUCTURES AND USES

The proposed OR zone would make the existing residence on the applicant’s 3.8 acre-property a nonconforming structure and a nonconforming use. Single-family residences are not permitted in the OR zone and the existing residence would not meet the 50-foot front-yard setback requirement in the OR zone.

The proposed OR zone would not make any existing lots, structures or uses nonconforming within the 416-acre portion of the Creamer’s Field Refuge.

XI. PLANNING COMMISSION RECOMMENDATION CRITERIA [FNSBC 18.104.020 (C)]

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

The proposed rezone conforms to the comprehensive plan. The OR zone would protect the predominant outdoor recreational uses in the rezone area, which would be more consistent with the Open Space/Natural Area land use designation.

Additionally, the existing outdoor recreational uses within the Creamer’s Field Refuge, along with the applicant’s proposed snowmachine tour business, would help advance FNSB Regional Comprehensive Plan and FNSB Comprehensive Economic Development Strategy (CEDS) goals because outdoor recreational uses are essential to support the winter tourism market in the Borough.

In the OR zone, the conditional use public hearing process required for higher impact land uses such as commercial outdoor recreation helps minimize the land use conflicts with the existing surrounding residential property owners (see Section VIII of this staff report for details).

(2) The proposed rezone conforms to the public health, safety and welfare.

The 420-acre rezone area is predominantly used for outdoor recreation and habitat conservation. The State has not proposed land use changes within the refuge. If this rezone is approved, the applicant intends to apply for a conditional use permit for operate a snowmachine tour business from his 3.8-acre private property. However, if this rezone request is approved, the applicant or future property owners could pursue any permitted or conditional use listed under the OR zone (see Exhibit 2 for the permitted and conditional uses in the OR zone).

The proposed OR zone permits recreational uses such as recreational open space, boat launch, community garden, skiing facilities etc. that could be compatible with the surrounding rural residential development. The OR zone would protect the existing recreational uses within the Creamer’s Field Refuge. The refuge would continue to be compatible with the nearby rural residential development by providing recreational opportunities. Additionally, a number of uses permitted on applicant’s 3.8-acre private property with the OR zone such as community garden, playground, skiing facility etc. could be compatible with the surrounding residential areas.
The Farmers Loop Road would act as a buffer between the existing residential uses on the west side and the proposed outdoor recreational uses on the east side. The Department of Community Planning has received concerns from the surrounding property owners regarding the listed permitted uses within the OR zone. Specifically, they are concerned about the potential for the 3.8-acre private property to be developed as a “shooting range, outdoor permitted” in the proposed OR zone. However, the applicant cannot develop his property as an outdoor shooting range without a conditional use permit. The FNSB zoning code does not allow outdoor shooting ranges as a permitted use within a quarter mile of any existing dwelling unit in the nearby area (FNSBC 18.96.230).

The FNSB zoning code also requires a conditional use permit for other high impact land uses within the OR zone such as convention centers, organized trail facilities, stadiums etc. Any conditional uses in the proposed OR zone require a public hearing with the FNSB Planning Commission and thereby, helps protect health, safety and welfare of the surrounding property owners.

XII. SPOT ZONE ANALYSIS

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

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

Community Planning does not find this rezone request to be a spot zone or a reverse spot zone because of the following reasons:

1. Consistency of the amendment with the comprehensive plan;

The proposed rezone is consistent with the comprehensive plan. The OR zone would protect the predominant outdoor recreational uses in the rezone area, which would be more consistent with the Open Space/Natural Area land use designation.

Additionally, the existing outdoor recreational uses within the Creamer’s Field Refuge, along with the applicant’s proposed snowmachine tour business, would help advance FNSB Regional Comprehensive Plan and FNSB Comprehensive Economic Development Strategy (CEDS) goals because outdoor recreational uses are essential to support the winter tourism market in the Borough.

In the OR zone, the conditional use public hearing process required for higher impact land uses such as commercial outdoor recreation helps minimize the land use conflicts with the existing surrounding residential property owners (see Section VIII of this staff report for details).

3 “Shooting range, outdoor permitted” means an outdoor shooting range that meets the standards set forth in the supplementary regulations in this title (Chapter 18.96 FNSBC).
The benefits and detriments of the amendment to the owners, adjacent landowners, and community:

Benefit and Detriments to the Property Owners

The rezone benefits both property owners within the rezone area. The State wants to correct the zoning within a portion of the refuge which is inappropriately zoned RR. The applicant intends to apply for a conditional use to operate a snowmachine tour business from his 3.8-acre private property.

Benefit and Detriments to the Adjacent Landowners

The rezone of the 416-acre western portion of the Creamer's Field Refuge benefits all surrounding property owners because the OR zone would be more consistent with the existing recreational use of the refuge. The OR zone would protect the existing recreational uses within the Creamer's Field Refuge. The refuge would continue to be compatible with the nearby rural residential development by providing recreational opportunities.

The rezone of the 3.8-acre private property may not benefit the surrounding property owners to the north and west though, because their properties are developed residentially and the snowmachine business might have certain incompatible land use impacts. The FNSB zoning code requires a conditional use permit for high impact land uses within the OR zone such as commercial outdoor recreation, convention centers, organized trail facilities, stadiums etc. In a conditional use public hearing, the surrounding property owners could express their concerns about the specific conditional use proposal. The FNSB Planning Commission is required to make findings of fact regarding the protection of public health, safety and welfare to support their decision. The required conditional use process would protect the health, safety and welfare of these surrounding property owners.

Benefit and Detriments to the Community

The FNSB residents have developed a land use vision for the area through the comprehensive planning process which designated this area predominantly as Open Space/Natural Area. Therefore, the implementation of the land use plan is a benefit to the community. Specifically, the proposed rezone conforms to the FNSB Regional Comprehensive Plan and FNSB Comprehensive Economic Development Strategy (CEDS) goals related to promoting winter tourism.

The size of the area rezoned.

The case law does not give an exact size for making a spot zone determination, and the size of the property is not the only factor in the spot zone determination. Yet the case law provides guidance that parcels less than 3 acres are almost always a spot zone and parcels over 13 acres are almost always found not to be a spot zone. The 420-acre rezone area is significantly more than 13 acres and therefore, does not constitute a spot zone.

The area within the remainder RR zone boundary is estimated to be more than 1,000 acres. Therefore, this rezone would not constitute a reverse spot zone because this rezone does not single out parcels of RR zoned land totally differently from that of the surrounding area.
XIII. RECOMMENDATION

Based on the staff analysis above, the Department of Community Planning recommends **APPROVAL** of the rezone from RR to OR.

XIV. FINDINGS OF FACT

The Department of Community Planning further recommends adoption of the staff report and following findings of fact in support of **APPROVAL** of the rezone from RR to OR.

1. The FNSB Regional Comprehensive Plan designates approximately 96% of the area proposed to be rezoned as Open Space/Natural Area. “Open space is an undeveloped area in a natural state, golf course, park, or cemetery, along a road that provides some visual relief from urbanization and public recreation. Open space may or may not be improved, but it does serve to interrupt more intense land uses. Natural area is an area left in natural state deemed not suitable for development. Natural areas may be minimally improved, i.e., to provide access to or through them, or to accommodate a trail, but basically they are left to their natural state.” The FNSB Regional Comprehensive Plan designates approximately 4% of the area proposed to be rezoned as Perimeter Area.

2. The current RR zone is not consistent with the Open Space/Natural Area designation. The RR zone is intended for low density residential development and does not protect the existing recreational use of the Creamer’s Field Refuge. The land uses in the Open Space/Natural Area designation (such as recreational open space, golf courses, and trail facilities) are not allowed in the RR zone.

3. The proposed OR zone is more consistent with the Open Space/Natural Area designation. The OR zone is intended to protect outdoor recreational uses on public lands or on private lands if requested by the property owner. The OR zone would better protect the predominant outdoor recreational uses in the rezone area.

4. The rezone conforms to the following FNSB Regional Comprehensive Plan goals because it would better protect the existing outdoor recreational uses within the refuge and outdoor recreational uses are essential to support the winter tourism market in the Borough:
   a. Economic Development Goal 1, Strategy 4, Action C which refers to promoting tourism and hospitality.
   b. Economic Development Goal 2, Strategy 6, Action C which refers to promoting the characteristics of the Borough that have potential for economic development.
   c. Environment Goal 3, Strategy 8, Action A which refers to providing for opportunities to enjoy the outdoors.
   d. Land Use Goal 4, Strategy 10 which refers to minimizing land use conflicts. The conditional use public hearing process required for higher impact land uses help minimize the land use conflicts.

5. The rezone conforms to the following FNSB Comprehensive Economic Development Strategy (CEDS), Industry Cluster Development Goal 3 (Tourism) which refers to increasing winter tourism. The CEDS identifies tourism industry cluster with strong potential for growth as winter tourism expands in the Borough.
6. The rezone conforms to the public health, safety or welfare because:

a. The proposed OR zone would be more consistent with the Open Space/Natural Area land use designation and would better protect the existing predominant recreational use of the rezone area.

b. The proposed OR zone permits recreational uses such as recreational open space, boat launch, community garden, skiing facilities etc. that could be compatible with the surrounding rural residential development.

c. The OR zone would protect the existing recreational uses within the Creamer’s Field Refuge. The refuge would continue to be compatible with the nearby rural residential development by providing recreational opportunities.

d. The Farmers Loop Road would act as a buffer between the existing residential uses on the west side and the proposed outdoor recreational uses on the east side. The Farmers Loop Road provides direct access to other OR zoned property with recreational uses such as the Fairbanks Gold Course.

e. The FNSB zoning code also requires a conditional use permit for high impact land uses within the OR zone such as commercial outdoor recreation, outdoor shooting ranges, convention centers, organized trail facilities, stadiums etc. Any conditional uses in the OR zone require a public hearing with the FNSB Planning Commission and thereby, help protect health, safety and welfare of the surrounding property owners.

f. This rezone request does not have the potential to significantly increase the current traffic and trip generation levels associated with the road and the Creamer’s Field Refuge.

7. The rezone is not a spot zone or a reverse spot zone because:

a. The rezone is consistent with the comprehensive plan. The OR zone would protect the predominant outdoor recreational uses in the rezone area, which would be more consistent with the Open Space/Natural Area land use designation. Additionally, the existing outdoor recreational uses within the Creamer’s Field Refuge, along with the applicant’s proposed snowmachine tour business, would help advance FNSB Regional Comprehensive Plan and FNSB Comprehensive Economic Development Strategy (CEDS) goals.

b. The rezone benefits both property owners within the rezone area. The State wants to correct the zoning within a portion of the refuge which is inappropriately zoned RR. The applicant intends to apply for a conditional use to operate a snowmachine tour business from his 3.8-acre private property.

c. The rezone of the 416-acre western portion of the Creamer’s Field Refuge benefits all surrounding property owners because the OR zone would be more consistent with the existing recreational use of the refuge. The OR zone would protect the existing recreational uses within the Creamer’s Field Refuge. The refuge would continue to be compatible with the nearby rural residential development by providing recreational opportunities.

d. The rezone of the 3.8-acre private property may not benefit the surrounding property owners to the north and west though, because their properties are developed residentially and the snowmachine business might have certain incompatible land use impacts. The
FNSB zoning code requires a conditional use permit for high impact land uses within the OR zone such as commercial outdoor recreation, convention centers, organized trail facilities, stadiums etc. In a conditional use public hearing, the surrounding property owners could express their concerns about the specific conditional use proposal. The FNSB Planning Commission is required to make findings of fact regarding the protection of public health, safety and welfare to support their decision. The required conditional use process would protect the health, safety and welfare of these surrounding property owners.

e. The FNSB residents have developed a land use vision for the area through the comprehensive planning process which designated this area predominantly as Open Space/Natural Area. The implementation of the land use plan is a benefit to the community.

f. The case law provides guidance that parcels over 13 acres are almost always found not to be a spot zone. The 420-acre rezone area is significantly more than 13 acres and therefore, does not constitute a spot zone.

g. The area within the remainder RR zone boundary is estimated to be more than 1,000 acres. Therefore, this rezone does not constitute a reverse spot zone because this rezone does not single out parcels of RR zoned land totally different from that of the surrounding area.

DRAFT PLANNING COMMISSION MOTION:

I move to recommend approval of the rezone (RZ2019-001) of Shuros Subdivision – Block 2, Schroeder Property Waiver – Tract B and Tract C, Section 28 T1N R1W F.M. – TL-2805, Section 29 T1N R1W F.M. – TL-2914 and GL-16 from Rural Residential (RR) to Outdoor Recreational (OR), and adopt the staff report and eight (8) Findings of Fact in support of the recommendation of approval.
AN ORDINANCE AMENDING FNSBC TITLE 18 TO ADD A DEFINITION OF COMMERCIAL OUTDOOR RECREATION AND ADD IT AS AN ALLOWABLE USE IN VARIOUS ZONES

WHEREAS, Commercial outdoor recreation is a growing part of the tourist industry, and also serves the residents of the community; and

WHEREAS, Large rural properties are often zoned Rural and Agricultural, and Outdoor Recreational, and commercial outdoor recreation is a compatible use in these zones; and

WHEREAS, It is in the best interests of the community to provide more opportunities for these types of businesses.

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

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

Section 2. FNSBC 18.04.010(B), Definitions, is hereby amended to add the following definition [the Clerk shall add the definition in alphabetical order]:

"Commercial outdoor recreation" means a commercial use that focuses on recreation opportunities undertaken predominantly in the outdoors on natural landscapes. This definition excludes recreation buildings, amusement establishments, kennels, and accessory overnight lodging with more than nine guestrooms. Examples of commercial outdoor recreation include aurora viewing, off-highway vehicle tours, and dog sled tours.
Section 3. FNSBC 18.20.020(B) pertaining to the Outdoor Recreational
districts is hereby amended to add the following conditional use [the Clerk shall add the
conditional use in alphabetical order]:

   Commercial outdoor recreation and related buildings essential in the operation of
the use.

Section 4. FNSBC 18.28.020(A) pertaining to the Rural and Agricultural
districts is hereby amended to add the following permitted use [the Clerk shall add the
permitted use in alphabetical order]:

   Commercial outdoor recreation and related buildings essential in the operation of
the use not to exceed a total of 5,000 square feet of gross floor area per lot and with
no building to exceed a gross floor area of 3,600 square feet;

Section 5. FNSBC 18.28.020(B) pertaining to the Rural and Agricultural
districts is hereby amended to add the following conditional use:

   Commercial outdoor recreation and related buildings essential in the
operation of the use, including buildings exceeding a total of 5000 square feet of gross
floor area per lot and individual buildings exceeding a gross floor area of 3,600 square
feet.

Section 6. 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 OCTOBER, 2018.

______________________________
Kathryn Dodge
Presiding Officer

ATTEST:

__________________________
April Trickey, CMC
Borough Clerk

Ayes: Cooper, Quist, Lojewski, Roberts, Tacke, Lawrence, Dodge
Noes: None
Other: Gray (Excused), Major (Excused)
Chapter 18.20
OR OUTDOOR RECREATIONAL DISTRICT

Sections:
  18.20.010 Intent.
  18.20.020 Use regulations.
  18.20.030 Standards.

18.20.010 Intent.
This district is intended to protect outdoor recreational uses on public lands or on private lands if requested by the property owner. This zone does not convey public use of private property. (Ord. 2000-06 § 2, 2000; Ord. 88-010 § 2, 1988. 2004 Code § 18.10.010.)

18.20.020 Use regulations.
A. Permitted Uses. In the OR, outdoor recreational district, permitted uses are:
   1. Accessory uses;
   2. Archery range;
   3. Campgrounds;
   4. Communications tower, minor;
   5. Community garden, neighborhood;
   6. Community garden, regional;
   7. Corrals and hitching posts;
   8. Dock, deck or boat launch;
   9. Golf courses and related buildings;
   10. Ice rinks, outdoor;
   11. Nature centers and related buildings;
   12. Playgrounds;
   13. Playing fields;
   14. Recreational open space;
   15. Shooting range, indoor;
   16. Shooting range, outdoor permitted;
   17. Skiing facilities and related buildings.

B. Conditional Uses. In the OR, outdoor recreational district, conditional uses are:
1. *Communications tower, major*;

2. Convention, exhibition, and civic centers and *auditoriums*;

3. *Domestic livestock*;

4. Organized trail facilities and related *buildings*, as a *principal use*;

5. Public *recreation buildings* and *community centers*;

6. Public utility and service *uses* including, but not limited to: fire stations, *transfer stations, neighborhood dumpsters, public dumping sites*, electric substations, gas regulator stations, 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 districts*;

7. Schools: art, music, dance, business, trade and similar educational *uses*;

8. *Shooting range, outdoor*;

9. Stadiums, arenas and *fairgrounds*, and ice rinks, indoor;

10. *Travel trailer parks*;

11. Watersports facilities;


**18.20.030 Standards.**

In the OR, outdoor recreational district, geometric standards are:

A. *Lot Area*. There shall be no minimum *lot area* except as may be required by the State of Alaska Department of Environmental Conservation in areas where community sewer and water are unavailable.

B. Required *Yards* for *Buildings*.

   1. *Front yard* shall not be less than 50 feet;
   2. *Side yard* shall not be less than 25 feet;
   3. *Rear yard* shall not be less than 25 feet.

C. *Building Height*. Unlimited.

D. Exceptions to *Yard* and *Building Height* Requirements. See Chapter 18.96 FNSBC.

E. Parking. See Chapter 18.96 FNSBC.

## Public Comments:

<table>
<thead>
<tr>
<th>Date (phone call)</th>
<th>Name</th>
<th>Comment</th>
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| 10/16/18 | Cory Jackman (Creamer’s Field User) | • Cory is against the snow machine tourism business.  
• Snow machines do not go hand-in-hand with skiing and dog-mushing because snow machines are motorized.  
• Snow machines has more neighborhood impact because they make more noise.  
• Farmers Loop Road is scenic and the applicant has cut down trees destroying the scenic beauty.  
• The Creamer’s Field should be used by families for recreation. However, allowing businesses to use this collective resource is not fair.  
• The Creamer’s Field should be zoned Outdoor Recreational because it is being used that way; however, the applicant should not be allowed to have a snow machine tourism business. |
| 10/23/18 | Dan Schatz Sr (owns Lot 8, Block A, Twin Moose Subdivision) | • Received DPO  
• Dan opposes this rezone action because it looks like the applicant is trying to privatize the use of the Creamer’s Field.  
• Doesn’t want another regulation.  
• Creamer’s Field is fine the way it is.  
• This rezone will cost the public more money. |
| 10/23/18 | Matthew Banning (owns 1311 Farmers Loop Road) | • Matthew has concerns regarding this rezone.  
• He doesn’t want the applicant to start a dog team. |
| 10/24/18 | Jerome and Beth Vonnahme (own 1567 Farmers Loop Road) | • Beth and Jerome don’t want this rezone to be approved.  
• They do not want to see snow machines in the Creamer’s Field because they are loud and are not safe for other users of the refuge.  
• They do not want a tour business on the applicant’s property along Farmers Loop Road. |
| 10/24/18 | John Benevento (owns 1374 Farmers Loop Road) | • John’s property is approximately 400 feet from applicant’s property.  
• John doesn’t support this rezone because he doesn’t want snow machines.  
• Snow machines are loud like an aircraft and are unsafe when there are other users on the trails.  
• Creamer’s Field is not appropriate for snow machines; it is appropriate for walking and skiing.  
• John recommends the applicant to join the snow machine alliance or the 4-wheeler alliance for his intentions. These alliances have suitable properties for snow machining. |
<table>
<thead>
<tr>
<th>Date</th>
<th>Caller Description</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>10/24/18</td>
<td>Stephen Lundeen (received DPO)</td>
<td>Stephen asked about the case description.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>He doesn’t have any comments at this point because he wants to make a</td>
</tr>
<tr>
<td></td>
<td></td>
<td>few more phone calls to the State.</td>
</tr>
<tr>
<td>10/25/18</td>
<td>Christopher VanDyck (owns 1325 Shuro Drive)</td>
<td>Christopher doesn’t support this rezone because it would allow a business.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>He has concerns for rezoning the applicant’s private property to OR</td>
</tr>
<tr>
<td></td>
<td></td>
<td>because it allows for shooting ranges.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>The snow machine operation is in conflict with the dog</td>
</tr>
<tr>
<td></td>
<td></td>
<td>mushing and skiing.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>The snow machine traffic is bad for the neighborhood.</td>
</tr>
<tr>
<td>10/26/18</td>
<td>Alyson Rigby (owns 1326 Viewpointe Drive)</td>
<td>Alyson is interested in knowing how much snow machine traffic this tour</td>
</tr>
<tr>
<td>(walk-in)</td>
<td></td>
<td>business would generate.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>She is interested to find out if Mr. Duncan would allow the general</td>
</tr>
<tr>
<td></td>
<td></td>
<td>public to access his future trail head or would he only allow his</td>
</tr>
<tr>
<td></td>
<td></td>
<td>customers.</td>
</tr>
<tr>
<td>10/26/18</td>
<td>Meredith Parker (owns property on NRA Lane)</td>
<td>Meredith doesn’t support this rezone because the applicant already has a</td>
</tr>
<tr>
<td>(phone</td>
<td></td>
<td>“Plan B” for his business.</td>
</tr>
<tr>
<td>call)</td>
<td></td>
<td>The denial of the rezone would still allow the applicant to</td>
</tr>
<tr>
<td></td>
<td></td>
<td>continue operating his business from the existing staging area at Echo</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Acres drive.</td>
</tr>
<tr>
<td>10/29/18</td>
<td>Jim Cerney (owns property on Ithaca Road)</td>
<td>Jim doesn’t see any concerns with the rezone.</td>
</tr>
<tr>
<td>(phone</td>
<td></td>
<td>Most of the rezone area is already used for outdoor recreation</td>
</tr>
<tr>
<td>call)</td>
<td></td>
<td>A snow machine business wouldn’t change anything</td>
</tr>
<tr>
<td>10/30/18</td>
<td>David Gehrke (own 1402 Farmers Loop Road)</td>
<td>David used the existing trails for walking his dogs</td>
</tr>
<tr>
<td>(phone</td>
<td></td>
<td>He is concerned about the potential increase in the snow machine</td>
</tr>
<tr>
<td>call)</td>
<td></td>
<td>traffic on the existing trails and on the nearby bike-path.</td>
</tr>
<tr>
<td>10/31/18</td>
<td>Dixie Jennings (owns property on NRA lane)</td>
<td>Dixie does not want a business located on Farmers Loop Road because it</td>
</tr>
<tr>
<td>(phone</td>
<td></td>
<td>would set the precedent for other businesses.</td>
</tr>
<tr>
<td>call)</td>
<td></td>
<td>With more businesses, Farmers Loop Road will no</td>
</tr>
<tr>
<td></td>
<td></td>
<td>longer be residential.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>The residential nature of the Farmers Loop Road is essential for raising</td>
</tr>
<tr>
<td></td>
<td></td>
<td>families.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>The Farmers Loop Road already has the golf course.</td>
</tr>
<tr>
<td>11/1/18</td>
<td>Susan Miller (owns property on Viewpointe Dr)</td>
<td>Susan asked about the description of the rezone.</td>
</tr>
<tr>
<td>(phone</td>
<td></td>
<td>She didn’t offer any comments on phone and mentioned that she plans to</td>
</tr>
<tr>
<td>call)</td>
<td></td>
<td>attend the hearing.</td>
</tr>
</tbody>
</table>
Dear Property Owner:

The Fairbanks North Star Borough Planning Commission is considering **RZ2019-001**, a request to rezone approximately 420 acres from Rural Residential (RR) to Outdoor Recreational (OR). The area proposed to be rezoned includes an approximately 3.8-acre private property located at 1341 Farmers Loop Road and an approximately 416-acre western portion of Creamer's Field Migratory Waterfowl Refuge, located on the south side of Farmers Loop Road, near milepost 6 (see included map).

You are being notified as required by ordinance because your property is within 2,000 feet of the request. The public hearing on this request will be held at or after **6:00 pm, Tuesday, November 13, 2018**, at the Juanita Helms Administrative Center, Mona Lisa Drexler Assembly Chambers, 907 Terminal Street, Fairbanks. You are encouraged to speak at this public hearing and/or submit written comments. Testimony is limited to three minutes per person at the public hearing.

You may provide written comments on this application by returning this notice, or by submitting hard copy comments in person at the Community Planning counter, or by submitting your comments in an email prior to the meeting. For email comments, please email them to planning@fnsb.us.

For more information, please email planning@fnsb.us or contact Manish Singh at 459-1260. The staff report to the commission will be available online at www.fnsb.us/Boards/Planning-Commission.aspx a minimum of five days before the hearing.

Property Owner: **John & Sally Beenevento**

Address or Lot/Block/Sub: **1341 Farmers Loop, Lot 2, Block 3, Sharon**

Comments: We are strongly opposed to this rezone. The Creamer's Field Waterfowl Refuge is used by outdoor enthusiasts for walking, dog mushing and other "quiet" activities. Snow mobile and/or noisy outdoor vehicles (offroad vehicles) would be disturbing to the refugees and other neighbors.

RZ2019-001: A request by Don Duncan (Master Guide License # 139) DBA Alaska Private Guide Service to rezone approximately 420 acres from Rural Residential (RR) to Outdoor Recreational (OR) or other appropriate zone. The area proposed to be rezoned includes all parcels described as Shuros Subdivision – Block 2, Schroeder Property Walver – Tract B and Tract C, Section 28 T1N R1W F.M. – TL-2805, Section 29 T1N R1W F.M. – TL-2914 and GL-16 (located on the south side of Farmers Loop Road, near milepost 6).

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

The Fairbanks North Star Borough Planning Commission is considering RZ2019-001, a request to rezone approximately 420 acres from Rural Residential (RR) to Outdoor Recreational (OR). The area proposed to be rezoned includes an approximately 3.8-acre private property located at 1341 Farmers Loop Road and an approximately 416-acre western portion of Creamer's Field Migratory Waterfowl Refuge, located on the south side of Farmers Loop Road, near milepost 6 (see included map).

You are being notified as required by ordinance because your property is within 2,000 feet of the request. The public hearing on this request will be held at or after 6:00 pm, Tuesday, November 13, 2018, at the Juanita Helms Administrative Center, Mona Lisa Drexler Assembly Chambers, 907 Terminal Street, Fairbanks. You are encouraged to speak at this public hearing and/or submit written comments. Testimony is limited to three minutes per person at the public hearing.

You may provide written comments on this application by returning this notice, or by submitting hard copy comments in person at the Community Planning counter, or by submitting your comments in an email prior to the meeting. For email comments, please email them to planning@fnb.us.

For more information, please email planning@fnb.us or contact Manish Singh at 459-1260. The staff report to the commission will be available online at www.fnb.us/Boards/Pages/Planning-Commission.aspx a minimum of five days before the hearing.

Property Owner: Dan M. Schatz Sr.
Address or Lot/Block/Sub: Twin Moose Block A Lot 08
Comments: Not for Rezoning, will restrict public use, tax increase for property owners along with heavy traffic increase and safety at property owners.

RZ2019-001: A request by Don Duncan (Master Guide License # 136) DBA Alaska Private Guide Service to rezone approximately 420 acres from Rural Residential (RR) to Outdoor Recreational (OR) or other appropriate zone. The area proposed to be rezoned includes parcels described as Shuros Subdivision – Block 2, Schroeder Property Waiver – Tract B and Tract C, Section 28 T1N R1W F.M. – TL-2805, Section 29 T1N R1W F.M. – TL-2914 and GL-16 (located on the south side of Farmers Loop Road, near milepost 6).

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

From: American Hacker <1unholydriver@gmail.com>
Sent: Wednesday, October 17, 2018 6:08 AM
To: Manish Singh
Subject: Re: RZ2019-001 :: Application and Zoning Map

Manish, although the proposal sounds reasonable, and after reading it, I thought to myself how great it would be for me to have a job that I could ride a snow machine too. Since it’s on my side of the road less than a mile from my home... The opportunity is a non starter for so many reasons. This first is reason enough so I will start and end my reasons for shutting this terible idea down there. That is that at roughly 5:30am this morning I was awakened to the siren of a police car. I calculated the rate of speed by the amount of time until the noise reached my location and determined that I had been awakened by the sound of an siren/alarm that originated over a mile away from my home. Mind you, this occured from inside my home. So you can imagine the noise from outside my home... The location of my home, also calculated last night on my way back home from Fairbanks University side is less than a mile away from the proposed, "training and staging" area of this proposed business. Being as snow machines are a comparable source of sound and noise trespassing as police sirens and will be a daily operation in the winter, this is not an appropriate use of this area. The fact remains that although his ideas sound nice on paper, the reality of this area is that we are a group of residences up and down Farmers Loop rd. already struggling with all sorts of nuisance noises coming from all sorts of operations already operating on and around Farmers Loop rd. The last thing we need is a sanctioned area supported by the Borough, the State and F and G creating yet another source of unwanted easily preventable nuisance sound trespassing on our private properties. The resulting lawsuits filed against the Borough would result in a breaking of the bank for the Borough and thus a shut down of all Borough Operations. Lets leave this kind of operation where it belongs, in North Pole and the Bush. Not in a relatively population dense area where people are already struggling to maintain their much deserved peace. This project is a non starter.

CMJackman

On Tue, Oct 16, 2018, 2:56 PM Manish Singh <MSingh@fnsb.us> wrote:

Dear Mr. Jackman,

It was great talking to you on phone today. As you requested, I have attached a copy of the rezone application (original received on Aug 27th, then revised on Oct 15th) with this email. For your convenience, I have also attached a map of existing zoning in the area. I hope you’d find this email helpful and let me know if you have more questions for me.

Thanks,

Manish

Manish Singh, AICP
Dear Mr. Jackman,

It was great talking to you on phone today. As you requested, I have attached a copy of the rezone application (original received on Aug 27th, then revised on Oct 15th) with this email. For your convenience, I have also attached a map of existing zoning in the area. I hope you’d find this email helpful and let me know if you have more questions for me.

Thanks,
Manish

Manish Singh, AICP
Planner II
Department of Community Planning
Fairbanks North Star Borough
(907) 459-1225 / msingh@fnsb.us
Manish Singh

From: Manish Singh
Sent: Tuesday, October 23, 2018 8:59 AM
To: 'petebay@yahoo.com'
Subject: RE: RZ2019-001

Hello Peter,

Thank you for contacting the FNSB Community Planning Department. The area proposed to be rezoned includes an approximately 3.8-acre private property located at 1341 Farmers Loop Road and an approximately 416-acre portion of Creamer's Field Migratory Waterfowl Refuge. The applicant, Don Duncan DBA Alaska Private Guide Service, intends to operate a snow machine tour business from the 3.8-acre private property. However, if this rezone to OR is approved, the applicant can pursue any of the permitted or conditional uses in the OR zone. See the link below for permitted and conditional uses in the OR zone.

https://www.codepublishing.com/AK/FairbanksNorthStarBorough/#!/FNSBC18/FNSBC1820.html#!/18.20

For the 416-acre portion of Creamer's Field Migratory Waterfowl Refuge, the State is attempting to correct the zoning for the existing recreational use of the refuge. The State hasn't provided any indication for any proposed change within the refuge.

I hope you find this information helpful and let me know if you have any additional questions for me.

Thanks,
Manish

Manish Singh, AICP
Planner II
Department of Community Planning
Fairbanks North Star Borough
(907) 459-1225 / msingh@fnsb.us

-----Original Message-----
From: Mary Bork
Sent: Monday, October 22, 2018 3:52 PM
To: Michelle Gutierrez
Cc: Manish Singh
Subject: FW: RZ2019-001

Michelle,

Please respond to Pete Bay. I would send the DPO and map with a link to the PC packet. Please consider adding information about providing testimony if he received a DPO. From the comment below, I can't tell if he received a DPO.

Thank you,

Mary Bork
Can you tell me what the intended use of the land will be if the land is rezoned? The announcement for the rezone doesn't specify, but looking at the borough code it could be anything, including a shooting range which would be very negative for the neighborhood.

Thanks!

Peter
Hi Bennie,

Thank you for contacting the FNSB Community Planning Department. The area proposed to be rezoned includes an approximately 3.8-acre private property located at 1341 Farmers Loop Road and an approximately 416-acre portion of Creamer's Field Migratory Waterfowl Refuge. The applicant, Don Duncan DBA Alaska Private Guide Service, intends to operate a snow machine tour business from the 3.8-acre private property. However, if this rezone to OR is approved, the applicant can pursue any of the permitted or conditional uses in the OR zone. See the link below for permitted and conditional uses in the OR zone.

https://www.codepublishing.com/AK/FairbanksNorthStarBorough/#!/FNSBC18/FNSBC1820.html#18.20

For the 416-acre portion of Creamer's Field Migratory Waterfowl Refuge, the State is attempting to correct the zoning for the existing recreational use of the refuge. The State hasn't provided any indication for any proposed change within the refuge. This portion of the refuge is currently zoned Rural Residential (RR).

I hope you find this information helpful and let me know if you have any additional questions for me.

Thanks,
Manish

---

Manish Singh, AICP
Planner II
Department of Community Planning
Fairbanks North Star Borough
(907) 459-1225 / msingh@fnsb.us

---

From: Mary Bork
Sent: Tuesday, October 23, 2018 8:05 AM
To: Manish Singh
Subject: FW: RZ2019-001

Manish,

Please respond to Bennie.

Thank you,

Mary Bork
Administrative Assistant IV
Community Planning Department
Fairbanks North Star Borough
(907) 459-1259
mabork@fnsb.us
I live directly across the street of the proposed Zone change.

Can you tell me what the zone change from RR to OR (what the heck is Outdoor Recreational)? I have tried to look it up and there is no information that I could find that describes the usage of this Zone change.

I have watched and put up with the tree coverage burning most of the spring in the 3.8 acre across the street, and wondered what and why this was happening.

I see that there is 416 acre area west of Creamer’s field being changed to OR what was it before the change request?

Thanks for your expected input.

bennie@gci.net

Telephone 479-5203
Dear Mr. Mueling,

The sign you saw on Farmers Loop Rd is for a rezone request, RZ2019-001. This request is scheduled for a Planning Commission public hearing on Nov. 13, 2018. This is a request to rezone approximately 420 acres from Rural Residential (RR) to Outdoor Recreational (OR). The area proposed to be rezoned includes an approximately 3.8-acre private property located at 1341 Farmers Loop Road and an approximately 416-acre western portion of Creamer’s Field Migratory Waterfowl Refuge, located on the south side of Farmers Loop Road, near milepost 6 (see included map).

I hope you’d find this information helpful. Let me know if you have any additional questions for me.

Thanks,
Manish

Manish Singh, AICP
Planner II
Department of Community Planning
Fairbanks North Star Borough
(907) 459-1225 / msingh@fnsb.us
Manish Singh

From: Mary Bork
Sent: Wednesday, October 24, 2018 11:33 AM
To: Manish Singh
Cc: Michelle Gutierrez
Subject: FW: RZ 2019-001

Manish,

Please see the comment below and address as needed.

Thank you,

Mary Bork
Administrative Assistant IV
Community Planning Department
Fairbanks North Star Borough
(907) 459-1259
mabork@fnsb.us

From: bennie [mailto:bennie@gci.net]
Sent: Wednesday, October 24, 2018 11:30 AM
To: Webmail Planning
Subject: RZ 2019-001

On the morning of the 10th of October I called the planning and zoning folks and was able to talk to a gentleman (I cannot remember his name, but he has a German type accent). The response and interest expressed by him was excellent. I wish all public employees were as wonderful as he was to talk to.

I again wish to express both by wife Sally and myself are strongly opposed to this zoning change RZ 2019-001 from RR to OR.

IF Motor type vehicles, including snow machines & off road vehicles such as 4 wheelers were prohibited I would have no problem with the change.

We live within 50 feet (directly across Farmers Loop Road) of the staging activity the departure and return of all the snow machines he expects to guide through this 416 acres of the Cramer’s Field sanctuary will be very noisy and will certainly effect the tranquility of the neighborhood.

Again I wish to thank you folks for your expected interest in this zoning change.

Respectfully John & Sally Benevento.

bennie@gci.net
sallyb@gci.net

Telephone number 907 479-5203
Hi Heidi,

Thank you for contacting the Community Planning Department. I have attached the application provided by Mr. Duncan. If you have additional questions, please feel free to contact me at (907) 459-1225.

Thanks,
Manish Singh
Planner II
FNSB Community Planning

-----Original Message-----
From: Mary Bork
Sent: Wednesday, October 24, 2018 3:06 PM
To: Manish Singh
Cc: Michelle Gutierrez
Subject: FW: RZ 2019-001

Manish,

Please respond to Ms. Rader.

Thank you,

Mary Bork
Administrative Assistant IV
Community Planning Department
Fairbanks North Star Borough
(907) 459-1259
mabork@fnsb.us

-----Original Message-----
From: Heidi Rader [mailto:hbrader@icloud.com]
Sent: Tuesday, October 23, 2018 7:41 PM
To: Webmail Planning
Subject: RZ 2019-001

Hi,
I'm writing to oppose the rezoning of RZ 2019-001 to Outdoor Recreation. It seems like that is a pretty broad zone and could include a shooting range which I would definitely oppose. Is there any indication as to how or why Don Duncan is seeking this rezone?

Thanks, Heidi Rader
1605 Scenic Loop
Fairbanks, AK 99709
Manish Singh

From: Manish Singh  
Sent: Thursday, October 25, 2018 4:56 PM  
To: 'fncrv.uaf@gmail.com'  
Subject: RZ2019-001 Application  

Dear Mr. VanDyck,

It was nice talking to you on phone today. Please find attached the application we have received.

Thanks,

Manish

Manish Singh, AICP  
Planner II  
Department of Community Planning  
Fairbanks North Star Borough  
(907) 459-1225 / msingh@fnsb.us
Dear Ms. Jennings,

It was a pleasure talking to you on phone today. As you requested, please find attached the rezone application. Also, you were interested in knowing what uses are permitted under the current RR zone and the proposed OR zone. Please click on the following links:

Uses permitted in the current RR zone

Use permitted in the proposed OR zone

I hope you’d find this information useful and let me know if you have additional questions for me.

Thanks,
Manish

Manish Singh, AICP
Planner II
Department of Community Planning
Fairbanks North Star Borough
(907) 459-1225 / msingh@fnsb.us
Dear Mr. Jackman,

The Planning Commission hearing for the rezone is scheduled for the Nov. 13th meeting. I have not received any information related to any application withdrawal.

Thanks,
Manish

Assuming he dropped his plan as it's obviously not an appropriate idea for the area. Just want to hear the good news from the horses mouth?

CMJackman

On Tue, Oct 16, 2018, 2:56 PM Manish Singh <MSingh@fnsb.us> wrote:

Dear Mr. Jackman,

It was great talking to you on phone today. As you requested, I have attached a copy of the rezone application (original received on Aug 27th, then revised on Oct 15th) with this email. For your convenience, I have also attached a map of existing zoning in the area. I hope you’d find this email helpful and let me know if you have more questions for me.

Thanks,
Manish

Manish Singh, AICP
Planner II
Department of Community Planning
PUBLIC NOTICE SIGN POSTING AFFIDAVIT

STATE OF ALASKA

FOURTH JUDICIAL DISTRICT

I, Donald C Duncan, being first duly sworn, depose and state that:

1. I have submitted an application identified as RZ2019-001

2. I have posted and will maintain public notice sign # 1 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 2018-10-16 (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.

Signature
Donald C Duncan
299 Alvin St
Fairbanks AK 99701

(Print Name and Address of Affiant)

SUBSCRIBED AND SWORN TO BEFORE ME on this 16th day of October, 2018

Notary Public in and for Alaska

Commission Expires
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: Scenic Height

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: \underline{Sep. 12, 2018} (2 weeks)

I have sent the application materials for File # KZ2019-001 to all of the agencies checked above on \underline{Aug 29, 2018} Date Sent

\underline{Manish Singh} 
Name of Planner (PRINTED) \underline{Aug 29, 2018} Date Signed
Case No. RZ2019-001

State Fire Marshall

David Tyler, Alaska State Fire Marshal/Director
David.tyler@alaska.gov

David Aden, Building Plans Examiner 1
David.aden@alaska.gov

Jillian Roberts, Deputy Fire Marshal
jillian.roberts@alaska.gov

Lloyd Nakano, Assistant State Fire Marshal
lloyd.nakano@alaska.gov

University Fire Service Area

Douglas Schrage, Fire Chief
drschrage@alaska.edu

Brooke Zellweger, Assistant Fire Marshal
bczellweger@alaska.edu

Kalen Middleton, Office Manager
krmiddleton@alaska.edu

State Troopers

AST Directors Office
dps.ast.directors.office@alaska.gov

FNSB Rural Services

Floyd Sheesley, Civil Engineer
FSheesley@fnsb.us
Scenic Heights Road Service Area

Gary Tollep, Commissioner Chair
Gary.Tollep@fnsb-rs.us

Doug Blankenship, Commissioner
Doug.Blankenship@fnsb-rs.us

Alaska Department of Transportation (ADOT)

Randi Bailey, Transportation Planner
randi.bailey@alaska.gov

Pete Eagan, Right-Of-Way Agent IV
pete.eagan@alaska.gov

Alaska Department of Environmental Conservation (ADEC)

Tonya Bear, Division of Water, Wastewater Discharge
Tonya.bear@alaska.gov

Doug Buteyn, ADEC Solid Waste Program
Doug.buteyn@alaska.gov

Alaska Department of Natural Resources (ADNR)

George Horton, Land Surveyor
George.horton@alaska.gov

Alaska Department of Fish and Game (ADF&G)

Audra Brase, Regional Supervisor
audra.brase@alaska.gov

Army Core of Engineers

Benjamin N. Soiseth, Supervisor, Fairbanks Regulatory Field Office
Benjamin.n.soiseth@usace.army.mil
Executive Office
POA.ExecutiveOffice@usacc.army.mil

GVEA

Julie Karl, Land Management Supervisor
JLKarl@gvea.com

Richard Possenti, Lead Construction Field Representative
RJPossenti@gvea.com
Dear Sir/Ma’am

The Fairbanks North Star Borough Planning Commission is considering **RZ2019-001**, a request to rezone approximately 3.8 acres from Rural Residential (RR) to Outdoor Recreational (OR). The subject property is located at 1341 Farmers Loop Road, on the south side of Farmers Loop Road, east of Midnight Sun Street. This case is scheduled for the Planning Commission meeting on September 25, 2018.

I have attached the application with this email. The department requests you to send us your comments for this proposal by September 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
Fairbanks North Star Borough
(907) 459-1225 / msingh@fnsb.us
August 24, 2018

Manish Singh  
Community Planning Department  
Fairbanks North Star Borough  
Administrative Center, 2nd floor  
PO Box 71267  
Fairbanks, AK 99707

Subject: Request for rezone by Donald Duncan

Greetings:

The Alaska Department of Fish and Game (ADF&G) was recently contacted by Donald Duncan regarding his request for a rezoning application through the Fairbanks North Star Borough (FNSB). Duncan is attempting to rezone a 3.65-acre parcel of land within Section 28, T1N, R1W, F.M. adjacent to the northwest boundary of Creamer's Field Migratory Waterfowl Refuge (CFMWR), south of Farmer's Loop road. Mr. Duncan currently operates a snowmachine tour company in CFMWR under the authorization of a special area permit (FH17-III-012-SA) issued from ADF&G Habitat Division. Under the special area permit Mr. Duncan has a non-exclusive right to use a parking area on Echo Acres Drive to stage his equipment and access CFMWR. Mr. Duncan is attempting to rezone his property to Outdoor Recreation so that he may operate his business and directly access CFMWR from his property.

Mr. Duncan's parcel, the surrounding private parcels, as well as the adjacent parcels owned by the State of Alaska Department of Natural Resources and managed by ADF&G as part of the CFMWR, are currently zoned as Rural Residential by FNSB. We understand from you that, due to the size of Mr. Duncan's parcel, FNSB is likely to reject his application as it would result in a "spot zone" in which the zoning of a small parcel is mismatched with the surrounding land. Hence, Mr. Duncan has requested that ADF&G be a co-signer of his application to request the rezoning of his parcel as well as a 321-acre State parcel (TL-2805) within the refuge from Rural Residential to Outdoor Recreation.

Mr. Duncan has been a responsible user of the refuge, and we anticipate this would continue were he able to operate directly from his property. ADF&G would have no objection to FNSB approving Mr. Duncan's request to rezone his property to facilitate the operation of his tour company. However, FNSB zoning classifications and the authorizations of permitted or conditional uses do not affect State management actions for the refuge. Hence, we see no need for the State of Alaska to actively request to rezone State land within the CFMWR.

Please feel free to contact me with any further comments or questions regarding this matter.
Sincerely,

Adam DuBour
Habitat Biologist
Access Defense Program
Alaska Department of Fish and Game
(907) 267-2292
adam.dubour@alaska.gov

ecc:

Mark Fink, ADF&G/WC
Joe Meehan, ADF&G/WC
Laurie Boeck, ADF&G/WC
Audra Brase, ADF&G/HAB
Darren Bruning, ADF&G/WC
AJ Wait, ADNR/MLW
Donald Duncan
Manish Singh

From: Floyd Sheesley  
Sent: Wednesday, August 29, 2018 4:20 PM  
To: Manish Singh  
Subject: RE: RZ2019-001: Requesting Comments for Rezone App. (from RR to OR)

This property is not located within a Service Area. Rural Services has no issue with the proposed re-zone of this lot. thanks

Floyd Sheesley

From: Manish Singh  
Sent: Wednesday, August 29, 2018 4:05 PM  
To: David.tyler@alaska.gov; David.aden@alaska.gov; jillian.roberts@alaska.gov; lloyd.nakano@alaska.gov; drschrage@alaska.edu; bczellweger@alaska.edu; krmiddleton@alaska.edu; dps.ast.directors.office@alaska.gov; Floyd Sheesley; Gary Tellep; Doug Blankenship; randi.bailey@alaska.gov; pete.eagan@alaska.gov; Tonya.bear@alaska.gov; Doug.buteyn@alaska.gov; George.horton@alaska.gov; audra.brase@alaska.gov; Benjamin.n.solseth@usace.army.mil; POA.ExecutiveOffice@usace.army.mil; JJKarl@gvea.com; RJPossenti@gvea.com  
Subject: RZ2019-001: Requesting Comments for Rezone App. (from RR to OR)

Dear Sir/Ma’am

The Fairbanks North Star Borough Planning Commission is considering **RZ2019-001**, a request to rezone approximately 3.8 acres from Rural Residential (RR) to Outdoor Recreational (OR). The subject property is located at 1341 Farmers Loop Road, on the south side of Farmers Loop Road, east of Midnight Sun Street. This case is scheduled for the Planning Commission meeting on September 25, 2018.

I have attached the application with this email. The department requests you to send us your comments for this proposal by September 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  
Fairbanks North Star Borough  
(907) 459-1225 / msingh@fnsb.us
No objection from University Fire.

On Wed, Aug 29, 2018 at 4:05 PM Manish Singh <MSingh@fnsb.us> wrote:

Dear Sir/Ma’am

The Fairbanks North Star Borough Planning Commission is considering **RZ2019-001**, a request to rezone approximately 3.8 acres from Rural Residential (RR) to Outdoor Recreational (OR). The subject property is located at 1341 Farmers Loop Road, on the south side of Farmers Loop Road, east of Midnight Sun Street. This case is scheduled for the Planning Commission meeting on September 25, 2018.

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Thanks,

Manish

---

Manish Singh, AICP

Planner II

Department of Community Planning

Fairbanks North Star Borough

(907) 459-1225 / msingh@fnsb.us
Mr. DuBour,

Thank you for your letter and speaking with me last week regarding the zoning designations for some of the properties encompassing Creamer’s Field Waterfowl Refuge. As I mentioned the zoning district classifications that apply to Creamer’s Field may not be consistent with the State’s planned current, intended and future use of the property. Of particular interest is the northern portion of the property, which falls under the “Rural Residential” zoning district. Additionally this area falls within the “open space natural buffer” designation of the FNSB Regional Comprehensive Plan.

From a planning perspective a potential concern would be that “construction of trails”, “trails”, “trails and bike paths”, and/or “organized trail facilities...” are not listed uses in the Rural Residential zoning district. There could potentially be difficulties if the State of Alaska wanted to develop or expand the trail system in the area zoned Rural Residential because of this zoning designation. The intent of the Rural Residential zoning district is “for low density residential development and other compatible uses in areas where community sewer and water systems may or may not be available.” Compared to the intent of the Outdoor Recreation Zoning District, which is “is intended to protect outdoor recreational uses on public lands or on private lands if requested by the property owner...”

The reason that this is coming up in conversation right now is that a private property owner adjacent to Creamer’s Field has requested to rezone his property to Outdoor Recreation. It is likely that this will legally be a difficult rezone for staff to support due partially to the small nature of the request and that no other Outdoor Recreation zoning exists in the immediate area. If the state wished to join this rezone, there appears to still be an opportunity.

Regardless of how we proceed on this particular request, I think it would be beneficial to discuss a potential rezone of the area to a rezone that is not a residential zoning district.

Thanks, and please keep me posted to your thoughts on this matter.

Kellen Spillman
Deputy Director
FNSB Community Planning
kspillman@fnsb.us
(907) 459-1266
<image001.jpg>
September 10, 2018

Manish Singh  
Department of Community Planning  
459-1225  
msingh@fnb.us

**Property Owner/Developer:** Donald C. Duncan

**Type of Request:** Rezone Application RZ2019-001: 1341 Farmers Loop Road

**Property Location:** 3.83 acres at 1341 Farmers Loop Road, on the south side of Farmers Loop, east of Midnight Sun Street.

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](http://www.dot.state.ak.us/permits/index.shtml)

Thank you.

Sincerely,

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

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

"Keep Alaska Moving through service and infrastructure."
October 10, 2018

Manish Singh  
Community Planning Department  
Fairbanks North Star Borough  
Administrative Center, 2nd floor  
PO Box 71267  
Fairbanks, AK 99707  

Subject: Rezone request for Creamer’s Refuge parcels (RZ2019-001)

Greetings:

As previously summarized in a letter sent on August 24th, 2018, the Alaska Department of Fish and Game (ADF&G) was approached by Mr. Donald Duncan regarding his petition to the Fairbanks North Star Borough (FNSB) to rezone his property. To increase the likelihood of his petition being accepted, Mr. Duncan requested that ADF&G sign on to his petition to rezone an adjacent 320-acre parcel owned by the State of Alaska (hereafter the State) Department of Natural Resources (DNR) which is managed by ADF&G as part of the Creamer’s Field Migratory Waterfowl Refuge (CFMWR).

While ADF&G had no objections to any zoning changes initiated by either Mr. Duncan or FNSB, we initially declined to join Mr. Duncan on his request as it was not deemed to be in the best interest of the State. Subsequent conversations with the Alaska Department of Law and staff at the FNSB Community Planning Department identified the potential management ramifications for CFMWR associated with the current Rural Residential zoning classification. Therefore, the State has decided that it would be appropriate at this time to rezone the Rural Residential parcels within CFMWR to the Outdoor Recreation classification as part of Mr. Duncan’s petition. At this time ADF&G is not intending to rezone the remainder of the refuge which is currently zoned as Rural Agricultural, Rural Estate or Multiple-Family Residential.

Please accept this letter as an indication of the State’s intent to authorize the inclusion of the below described lands with Mr. Duncan’s rezone petition.
Tax Lot-2805 located within the S ½ of Section 28, Township 1 North, Range 1 West, Fairbanks Meridian

Tract B, Schroeder Property located within the SE ¼ NW ¼ of Section 28, Township 1 North, Range 1 West, Fairbanks Meridian

Tract C, Schroeder Property located within the SE ¼ NW ¼ of Section 28, Township 1 North, Range 1 West, Fairbanks Meridian

Government Lot-16 located within the NE ¼ SE ¼ of Section 29, Township 1 North, Range 1 West, Fairbanks Meridian

Tax Lot-2914 located within the S ½ SE ¼ of Section 29, Township 1 North, Range 1 West, Fairbanks Meridian

Thank you for your consideration in this matter. Please feel free to contact me with any further questions or concerns.

Sincerely,

Adam DuBour
Habitat Biologist
Access Defense Program
Alaska Department of Fish and Game
(907) 267-2292
adam.dubour@alaska.gov

ccc:
Kellen Spillman, FNSB
Mark Fink, ADF&G/WC
Joe Meehan, ADF&G/WC
Audra Brase, ADF&G/HAB
Laurie Boeck, ADF&G/WC
Darren Bruning, ADF&G/WC
Donald Duncan

Aj Wait
Natural Resource Manager
Division of Mining Land and Water
Northern Region Office
Alaska Department of Natural Resources
(907) 451-2777
aj.wait@alaska.gov
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: Scenic Heights

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 Administrator
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: 10/30/2018 (2 weeks)

I have sent the application materials for File # R2219-001 (Rervised)
to all of the agencies checked above on 10/16/2018 Date Sent

Manish Singh 10/16/2018
Name of Planner (PRINTED) Date Signed
Case No. RZ2019-001

State Fire Marshall

David Tyler, Alaska State Fire Marshal/Director
David.tyler@alaska.gov

David Aden, Building Plans Examiner 1
David.aden@alaska.gov

Jillian Roberts, Deputy Fire Marshal
jillian.roberts@alaska.gov

Lloyd Nakano, Assistant State Fire Marshal
lloyd.nakano@alaska.gov

University Fire Service Area

Douglas Schrage, Fire Chief
drschrage@alaska.edu

Brooke Zellweger, Assistant Fire Marshal
bczellweger@alaska.edu

Kalen Middleton, Office Manager
krmiddleton@alaska.edu

State Troopers

AST Directors Office
dps.ast.directors.office@alaska.gov

FNSB Rural Services

Floyd Sheesley, Civil Engineer
FSheesley@fnsb.us
Scenic Heights Road Service Area

Gary Tellep, Commissioner Chair
Gary.Tellep@fnsb-rs.us

Doug Blankenship, Commissioner
Doug.Blankenship@fnsb-rs.us

Alaska Department of Transportation (ADOT)

Randi Bailey, Transportation Planner
randi.bailey@alaska.gov

Pete Eagan, Right-Of-Way Agent IV
pete.eagan@alaska.gov

Alaska Department of Environmental Conservation (ADEC)
Tonya Bear, Division of Water, Wastewater Discharge
Tonya.bear@alaska.gov

Doug Buteyn, ADEC Solid Waste Program
Doug.buteyn@alaska.gov

Alaska Department of Natural Resources (ADNR)

George Horton, Land Surveyor
George.horton@alaska.gov

Alaska Department of Fish and Game (ADF&G)

Audra Brase, Regional Supervisor
audra.brase@alaska.gov

Army Core of Engineers

Benjamin N. Soiseth, Supervisor, Fairbanks Regulatory Field Office
Benjamin.n.soiseth@usace.army.mil
Executive Office
POA.ExecutiveOffice@usace.army.mil

GVEA

Julie Karl, Land Management Supervisor
JLKarl@gvea.com

Richard Possenti, Lead Construction Field Representative
RJPossenti@gvea.com

FNSB

Nancy Durham, FNSB Floodplain Administrator
NDurham@fnsb.us
Manish Singh

From: Manish Singh
Sent: Tuesday, October 16, 2018 8:46 AM
To: 'David.tyler@alaska.gov'; 'David.aden@alaska.gov'; 'jillian.roberts@alaska.gov'; 'lloyd.nakano@alaska.gov'; 'drschrage@alaska.edu'; 'bczellweger@alaska.edu'; 'krmiddleton@alaska.edu'; 'dps.ast.directors.office@alaska.gov'; Floyd Sheesley; Gary Tellep; Doug Blankenship; 'randi.bailey@alaska.gov'; 'pete.eagan@alaska.gov'; 'Tonya.bear@alaska.gov'; 'Doug.buteyn@alaska.gov'; 'George.horton@alaska.gov'; 'audra.brase@alaska.gov'; 'Benjamin.n.soiseth@usace.army.mil'; 'POA.ExecutiveOffice@usace.army.mil'; 'JLKarl@gvea.com'; 'RJPossenti@gvea.com'
Subject: RE: RZ2019-001: Requesting Comments for Rezone App. (from RR to OR)

Dear Sir/Ma’am,

The rezone request, RZ2019-001, has been revised by the applicant to include an approximately 3.8-acre private property located at 1341 Farmers Loop Road and an approximately 416-acre western portion of Creamer’s Field Migratory Waterfowl Refuge, located on the south side of Farmers Loop Road, near milepost 6 (see included map). The revised rezone request is to rezone a total of approximately 420 acres from Rural Residential (RR) to Outdoor Recreational (OR). This case is rescheduled for the Planning Commission meeting on November 13, 2018.

I have attached the revised application with this email. The department requests you to send us your comments for this revised proposal by October 30, 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
Fairbanks North Star Borough
(907) 459-1225 / msingh@fnsb.us

From: Manish Singh
Sent: Wednesday, August 29, 2018 4:05 PM
To: 'David.tyler@alaska.gov'; 'David.aden@alaska.gov'; 'jillian.roberts@alaska.gov'; 'lloyd.nakano@alaska.gov'; 'drschrage@alaska.edu'; 'bczellweger@alaska.edu'; 'krmiddleton@alaska.edu'; 'dps.ast.directors.office@alaska.gov'; Floyd Sheesley; Gary Tellep; Doug Blankenship; 'randi.bailey@alaska.gov'; 'pete.eagan@alaska.gov'; 'Tonya.bear@alaska.gov'; 'Doug.buteyn@alaska.gov'; 'George.horton@alaska.gov'; 'audra.brase@alaska.gov'; 'Benjamin.n.soiseth@usace.army.mil'; 'POA.ExecutiveOffice@usace.army.mil'; 'JLKarl@gvea.com'; 'RJPossenti@gvea.com'
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Thanks,
Manish

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Planner II
Department of Community Planning
Fairbanks North Star Borough
(907) 459-1225 / msingh@fnsb.us
Hi Nancy,

I am forwarding you a rezone application for your comment (see my email below for details). I didn’t send you the original request because the previous rezone boundary didn’t include any special flood hazard area. The revised rezone boundary, which includes a portion of Creamer’s Field, has some Flood Zone A (see attached floodplain map).

Let me know if you have any questions for me.

Thanks,

Manish

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Thanks,
Manish

Manish Singh, AICP
Planner II
Department of Community Planning
Fairbanks North Star Borough
(907) 459-1225 / msingh@fnsb.us
Manish Singh

From: Nancy Durham  
Sent: Tuesday, October 16, 2018 9:17 AM  
To: Manish Singh  
Subject: RE: RZ2019-001: Requesting Comments for Rezone App. (from RR to OR)

Manish,

Any development (see definition below) on Tract B, Tract C and TL-2805 will require a Floodplain Permit.

"Development" means any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard. Soil test bores for the purpose of determining land suitability for development, and that are temporary, involve no permanent structures and will not change the dynamic of the floodplain, are excluded from this definition.

If the development is outside Flood Zone A, the applicant will submit the Floodplain Permit Application for Split Flood Zone along with a Site Plan showing the location of the Flood Zone and location of development.

Sincerely,

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

**Any property can flood! Flood insurance is recommended.

---

From: Manish Singh  
Sent: Tuesday, October 16, 2018 8:50 AM  
To: Nancy Durham  
Subject: FW: RZ2019-001: Requesting Comments for Rezone App. (from RR to OR)

Hi Nancy,

I am forwarding you a rezone application for your comment (see my email below for details). I didn’t send you the original request because the previous rezone boundary didn’t include any special flood hazard area. The revised rezone boundary, which includes a portion of Creamer’s Field, has some Flood Zone A (see attached floodplain map).

Let me know if you have any questions for me.

Thanks,

Manish
Sheesley; Gary Tellep; Doug Blankenship; 'randi.bailey@alaska.gov'; 'pete.eagan@alaska.gov'; 'Tonya.bear@alaska.gov'; 'Doug.buteym@alaska.gov'; 'George.horton@alaska.gov'; 'audra.brase@alaska.gov'; 'Benjamin.n.soiseth@usace.army.mil'; 'POA.ExecutiveOffice@usace.army.mil'; 'JLKarl@gvea.com'; 'RJPossenti@gvea.com'

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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 September 12, 2018. For more information about this case, please email mgsingh@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
Manish Singh

From: Floyd Sheesley
Sent: Tuesday, October 16, 2018 9:30 AM
To: Manish Singh
Subject: RE: RZ2019-001: Requesting Comments for Rezone App. (from RR to OR)

Rural Services has no comments or objections regarding the proposed rezone request [RZ2019-001].
thanks

Floyd Sheesley

From: Manish Singh
Sent: Tuesday, October 16, 2018 8:46 AM
To: David.tyler@alaska.gov; David.aden@alaska.gov; jillian.roberts@alaska.gov; lloyd.nakano@alaska.gov; drschrage@alaska.edu; bczellweger@alaska.edu; kmiddleton@alaska.edu; dps.ast.directors.office@alaska.gov; Floyd Sheesley; Gary Tellep; Doug Blankenship; randi.bailey@alaska.gov; pete.eagan@alaska.gov; Tonya.bear@alaska.gov; Doug.buteyn@alaska.gov; George.horton@alaska.gov; audra.brase@alaska.gov; Benjamin.n.soiseth@usace.army.mil; POA.ExecutiveOffice@usace.army.mil; JLPossenti@gvea.com
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Manish Singh, AICP
Planner II
Department of Community Planning
Fairbanks North Star Borough
(907) 459-1225 / msingh@fnsb.us

From: Manish Singh
Sent: Wednesday, August 29, 2018 4:05 PM
To: 'David.tyler@alaska.gov'; 'David.aden@alaska.gov'; 'jillian.roberts@alaska.gov'; 'lloyd.nakano@alaska.gov'; 'drschrage@alaska.edu'; 'bczellweger@alaska.edu'; 'kmiddleton@alaska.edu'; 'dps.ast.directors.office@alaska.gov'; Floyd Sheesley; Gary Tellep; Doug Blankenship; 'randi.bailey@alaska.gov'; 'pete.eagan@alaska.gov'; 'Tonya.bear@alaska.gov'; 'Doug.buteyn@alaska.gov'; 'George.horton@alaska.gov'; 'audra.brase@alaska.gov'; 'Benjamin.n.soiseth@usace.army.mil'; 'POA.ExecutiveOffice@usace.army.mil'; 'JLPossenti@gvea.com'; 'JLKarl@gvea.com'; 'RJPossenti@gvea.com'
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Manish

---

**Manish Singh, AICP**  
Planner II  
Department of Community Planning  
Fairbanks North Star Borough  
(907) 459-1225 / msingh@fnsb.us
Ma’am,
Please ensure owners submit a plan review in accordance with 13 Alaska Administrative Code 50.027.

13 AAC 50.027. Non-structural plan review and approval; stop work orders
(a) Before beginning the construction, alteration, repair, or changing the occupancy of a building, a substantial land structure, or structure regulated by the state division of fire and life safety, plans and specifications regarding that building's or structure's location on the property, area, height, number of stories, occupancy, type of construction, fire-resistant construction, interior finish, exit facilities, electrical systems, mechanical systems, flammable or combustible liquid and gas storage tanks and their appurtenances, automatic fire-extinguishing systems, and fire alarm systems must be submitted by the owner or the owner's representative to the state division of fire and life safety for examination and approval. This review does not address structural considerations or mechanical or electrical review beyond that necessary to confirm compliance with fire or life safety requirements. A copy of the approval must be posted as required in 13 AAC 55.100.

Please contact the Plan Review Bureau at (907) 269-2004.

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: Tuesday, October 16, 2018 8:46 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>; drschrage@alaska.edu; bczellweger@alaska.edu; krmiddleton@alaska.edu; AST Directors Office, DPS (DPS sponsored) <DPS.AST.DIRECTORS.OFFICE@alaska.gov>; Floyd Sheesley <FSheesley@fnsb.us>; Gary Tellep <Gary.Tellep@fnsb-rs.us>; Doug Blankenship <Doug.Blankenship@fnsb-rs.us>; Bailey, Randi L (DOT) <randi.bailey@alaska.gov>; Eagan, Pete (DOT) <pete.eagan@alaska.gov>; Bear, Tonya (DEC) <tonya.bear@alaska.gov>; Butryn, Douglas J (DEC) <doug.butryn@alaska.gov>; Horton, George C (DNR) <george.horton@alaska.gov>; Brase, Audra L (DFG) <audra.brase@alaska.gov>; Benjamin.n.soiseth@usace.army.mil; POA.ExecutiveOffice@usace.army.mil; JLKarl@gvea.com; RJPossenti@gvea.com
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Manish

Manish Singh, AICP
Planner II
Department of Community Planning
Fairbanks North Star Borough
(907) 459-1225 / msingh@fnsb.us

From: Manish Singh
Sent: Wednesday, August 29, 2018 4:05 PM
To: 'David.tyler@alaska.gov'; 'David.aden@alaska.gov'; 'jillian.roberts@alaska.gov'; 'lloyd.nakano@alaska.gov';
'drschraga@alaska.edu'; 'bcellweiger@alaska.edu'; 'krmiddleton@alaska.edu'; 'dps.ast.directors.office@alaska.gov'; Floyd
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Thanks,
Manish

Manish Singh, AICP
Planner II
Department of Community Planning
Fairbanks North Star Borough
(907) 459-1225 / msingh@fnsb.us
Hello Manish,

The University Fire Department has no objections at this time to this rezone request.

Also, could you please update your distribution list to remove Brooke Zellweger (bezweller<alaska.edu) and adding me (kgreen38@alaska.edu).

If you have a separate distribution list for the City of Fairbanks, you may need to remove me from that one too.

Thank you!

Regards,

Kyle Green
Fire Marshal
University Fire Department
1011 N. Chandalar Drive
Fairbanks, AK 99775
P: (907)474-5757

On Thu, Oct 18, 2018 at 10:20 AM Douglas Schrage <drschrage@alaska.edu> wrote:
Kyle - for your review. Please reply and cc me.

---------- Forwarded message ----------
From: Manish Singh <Msingh@fnsh.us>
Date: Tue, Oct 16, 2018 at 8:46 AM
Subject: RE: RZ2019-001: Requesting Comments for Rezone App. (from RR to OR)
To: David.tyler@alaska.gov <David.tyler@alaska.gov>, David.aden@alaska.gov <David.aden@alaska.gov>, jillian.roberts@alaska.gov <jill.r.obert@alaska.gov>, lloyd.nakano@alaska.gov <lloyd.nakano@alaska.gov>, drschrage@alaska.edu <drschrage@alaska.edu>, bczellwenger@alaska.edu <bezweller@alaska.edu>, krmiddleton@alaska.edu <krmiddleton@alaska.edu>, dps.ast.directors.office@alaska.gov <dps.ast.directors.office@alaska.gov>, Floyd Sheesley <FSheesley@fnsh.us>, Gary Tellep <Gary.Tellep@fnsh-rs.us>, Doug Blankenship <Doug.Blankenship@fnsh-rs.us>, randi.bailey@alaska.gov <randi.bailey@alaska.gov>, pete.eagan@alaska.gov <pete.eagan@alaska.gov>, Tonya.bear@alaska.gov <Tonya.bear@alaska.gov>, Doug.buteyn@alaska.gov <Doug.buteyn@alaska.gov>, George.horton@alaska.gov <George.horton@alaska.gov>, audra.brace@alaska.gov <audra.brace@alaska.gov>, Benjamin.n.soiseth@usace.army.mil <Benjamin.n.soiseth@usace.army.mil>, POA.ExecutiveOffice@usace.army.mil <POA.ExecutiveOffice@usace.army.mil>, J.Karl@gvea.com <JL.Karl@gvea.com>, RJPossenti@gvea.com <RJPossenti@gvea.com>
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Manish

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Planner II
Department of Community Planning
Fairbanks North Star Borough
(907) 459-1225 / m Singh@fnsb.us

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Sent: Wednesday, August 29, 2018 4:05 PM
To: 'David.tyler@alaska.gov'; 'David.aden@alaska.gov'; 'jillian.roberts@alaska.gov'; 'lloyd.nakano@alaska.gov'; 'drcr@alaska.edu'; 'bcz@alaska.edu'; 'krmiddleton@alaska.edu'; 'dps.ast.directors.office@alaska.gov'; Floyd Sheesley; Gary Tellep; Doug Blankenship; 'randi.bailey@alaska.gov'; 'pete.eagan@alaska.gov'; 'Tonya.bear@alaska.gov'; 'Doug.buteyn@alaska.gov'; 'George.horton@alaska.gov'; 'audra.brase@alaska.gov'; 'Benjamin.n.soiseth@usace.army.mil'; 'PQA.ExecutiveOffice@usace.army.mil'; 'JKarl@gvea.com'; 'RJPossenti@gvea.com'
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Thanks,

Manish

---

Manish Singh, AICP

Planner II

Department of Community Planning

Fairbanks North Star Borough

(907) 459-1225 / msingh@fnsb.us
October 22, 2018

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

Property Owner/Developer: Donald C. Duncan

Type of Request: Rezone Application RZ2019-001: 1341 Farmers Loop Road

Property Location: All Block 2 Shuros

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

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

Thank you.

Sincerely,

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

cc: George Stefan, FNSB  
Dan Welch, FNSB
PART IV

A. MOTORIZED VEHICLE USE
PART IV

A. MوتORIZED VEHICLE USE

Background

1. Off-road Vehicle Use

Off-road vehicle use on the refuge has been subject to a permit requirement since 1985. Unauthorized summer and fall off-road vehicle use occurs within farm fields and on some of the established winter trails prior to extensive snowfall, primarily by 3- and 4-wheelers and motorcycles. Some cross-country travel occurs on refuge wetlands. Occasional summer and infrequent winter (in light snow pack conditions) 4-wheel drive highway vehicle "sorties" across fields and on existing trails also occurs. These uses are not authorized under existing policies or regulations. Although fencing has been installed at key access points (and subsequently destroyed in some locations) in an effort to limit unauthorized use, efforts at placing signs, public education, news releases and enforcement directed at eliminating these unauthorized uses has been minimal.

2. Winter Snowmachine Use

General winter snowmachine use takes place within the refuge (primarily on the fields and along established winter trails) from early November to early April. Historical use has occurred for decades, with the refuge serving as a connector to a network of winter trails in Goldstream Valley, Chena Hot Springs Road, the Chena River, Tanana Flats, Chena Ridge, military lands, and the flood control project. Many of these connections would not be available without the refuge trails.

The refuge itself provides many opportunities for snowmachine users. Many riders enjoy the wildlife viewing potential. With good populations of moose, fox, small mammals and birds, riders are provided with opportunities to view and enjoy wildlife. The refuge also provides local riders with an opportunity to play, because of the availability of open areas with limited tree coverage. Snowmachine races were held on the refuge from the late 1960s until the early 1980s, but there have been no organized snowmachine activities on the refuge since then.

Legal/Historical Status

All off-road use of wheeled or tracked equipment within the refuge requires an ADF&G Special Area Permit under AS 16.20 and 5 AAC 95.420 (regulations effective in 1985).
The department may issue a permit for either an individual or the general public, but only if the following standards are met:

1. the use or activity is consistent with the protection of fish and wildlife and their use, protection of fish and wildlife habitat, and the purpose for which the refuge was established; and

2. the use or activity does not unduly restrict or interfere with the public use and enjoyment of the resource values for which the refuge was established; and

3. any adverse effect upon fish and wildlife, and their habitats, and any restriction or interference with public use, is mitigated (5 AAC 95.430).

Currently, a general Special Area Permit is issued each fall to allow public off-road snowmachine use on the refuge during the winter.

The Jeff Studdert Memorial Trail system, located partly on the refuge, is maintained by the Alaska Dog Mushers Association (ADMA). Maintenance activities are regulated under a Memorandum of Agreement between the ADMA and the ADF&G. The Memorandum of Agreement specifies that the trail system shall be open to public use and requires that use of the trails is not limited to the activities of dog mushing or to the ADMA and its members" (for more information, see Part IV.C. Dog Activities section). ADMA uses snowmachines for trail maintenance work, and department personnel also use snowmachines for refuge management and enforcement activities.

**Conflict Identification**

Motorized vehicle uses within the refuge received the most public comment of any management issue discussed during development of this management plan. While nearly all those commenting supported imposition of restrictions on spring, summer, and fall off-road motorized vehicle use (usually citing wildlife harassment, habitat impacts, and a general incompatibility with refuge purposes), regulation of winter off-road vehicle use (particularly snowmachine) generated significant discussion and disagreement among various refuge users. Approximately half of the public comment supported either an outright prohibition of all winter motorized vehicle use within the refuge or establishment of a core area closed to motorized use. Conversely, roughly half supported continuation and possible expansion of winter snowmachine and three- and four-wheeler vehicle uses within the refuge.
Public comment and Advisory Group discussion primarily focused on the following three areas of concern:

1. **Public Safety** motorized versus non-motorized winter uses of the same trails.

2. **Habitat Impacts** snow compaction, wildlife harassment.

3. **Philosophical** pro-snowmachine versus anti-snowmachine. Philosophical viewpoints on the use of snowmachines within the refugee vary widely. At issue is the question of what the public expects, wants, and in some cases, what they believe (correctly or not) the refugee was created for.

**Winter Snowmachine Use**

During this planning process an effort was made to resolve the areas of disagreement regarding winter snowmachine use on the refuge. It was discussed extensively at several Advisory Group meetings and in other meetings with those particularly interested in this issue. Draft management guidelines were tentatively agreed upon by the end of 1992. However, before the plan was finalized agreement was lost. In view of the fact that it will take additional, unscheduled staff time and effort to reach agreement and draft new management guidelines, the department decided not to postpone finalizing this management plan until the snowmachine use issue could be resolved. Therefore, it is not addressed in this plan, and will be addressed through a separate planning process in the future.

The future plan will also address safety concerns, winter trails use, finding ways to accommodate multiple uses of the refuge's trail system by both motorized and non-motorized uses (cross-country skiing, ski-joring, dog mushing, snowshoeing, and hiking), and finding ways to minimize potential philosophical conflicts through development of educational programs, posting of informational signs, and development of a winter trail safety and etiquette guide. The plan will be done in conjunction with the Advisory Group and in consultation with the Alaska Dog Mushers Association, the Fairbanks Snow Travelers, and other interested groups and individuals. The draft management guidelines and Advisory Group comments and recommendations that were generated during this planning process will be saved for use in the future planning process.
Management Guidelines (Other Motorized Vehicle Use)

Motorized Highway Vehicles and Heavy Equipment: The off-road use of motorized highway vehicles and heavy equipment (vehicles weighing more than 1500 pounds gross vehicle weight (GVW), including 4-wheel drive vehicles, and passenger cars) is prohibited year-round within the refuge, except as authorized by the department under a Special Area Permit or cooperative agreement for use on existing farm roads or for refuge management, habitat enhancement, or emergency purposes, subject to the requirements of 5 AAC 95.430 (see above).

Spring/Summer/Fall Off-Road Motorized Vehicle: Spring/Summer/Fall off-road motorized vehicles use (off road motorized vehicles less than 1500 pounds GVW) is prohibited within the refuge between April 15 and October 15, except as authorized by the department under a Special Area Permit or cooperative agreement for legitimate purposes where a demonstrable need can be shown, or for refuge management, habitat enhancement, or emergency purposes; subject to the requirements of 5 AAC 95.430 (see above).
Alaska tourism numbers keep increasing

Robin Wood rwood@newsminer.com  Oct 13, 2018

Mark and Marina Fairbanks are photographed by their daughter-in-law Erin in front of a section of the Alyeska Pipeline at Gold Dredge #8 as members of Mark Fairbanks’s family visits Fairbanks as part of his 50th anniversary vacation with his wife Marina Tuesday, July 17, 2018. Fairbanks, from Virginia, is a relative of Indiana Sen. and Vice President Charles Fairbanks after which Fairbanks, Alaska was named.

Eric Engman

FAIRBANKS — Tourism numbers in Alaska continue to climb, helping fill state coffers with crucial funds, bringing valuable business to communities and growing private-sector jobs during a time when the state as a whole has lost jobs.

That’s according to Heather Haugland, a senior project manager at the McDowell Group.
Haugland shared data Tuesday at the Alaska Travel Industry Association’s annual convention with a presentation titled “The Role of Visitors in Alaska’s Economy.”

In her presentation, Haugland detailed 2017’s numbers, what they mean for Alaska and gave preliminary results for 2018’s numbers.

“All signs point to a really healthy 2018 season,” she said.

Alaska hosted 1.93 million visitors in 2017, a 4 percent increase over 2016. Nearly the entire increase is attributable to more cruise ship passengers, according to Haugland.

Since 2010’s recession-attributed slump of 1.53 million visitors, Alaska has seen tourism rates increase 26 percent. Since 2008, the climb has been more modest at 13 percent.

According to Haugland, taxes and fees imposed on 2017’s visitors were directly responsible for $125.6 million that went directly to the state government.

In the Interior, visitors spent $478 million, and tourism was responsible for 8,500 jobs.

Throughout Alaska, visitors spent $3.2 billion, and tourism created 43,000 jobs, an increase of 3,600 jobs since 2015.

The Interior is also the hot spot for winter travelers. At 14 percent of total visitors, winter makes up a small portion of tourists, but fall-winter traffic has been increasing faster than summer has, Haugland said.

Between the winters of 2008 and 2017, winter tourism has increased 33 percent.

“New businesses are being created to accommodate the market,” she said, referring to lodging, aurora viewing, ice fishing and tours.

Finalized numbers for summer 2018 aren’t expected for a few months, but cruise ship passengers are expected to show an additional 7 percent increase and are projected grow by an additional 17 percent in 2019, according to Haugland.
“That’s huge,” she said.

Cross-border vehicle traffic is expected to grow about 13 percent in 2018, from 190,074 passengers to 214,873. Those numbers include any passengers from private vehicles, whether they are residents or visitors.

All border crossing have shown increased traffic, with a 24 percent increase on the Alaska-Canada Highway, 19 percent on the Top of the World Highway, 8 percent in Haines and 5 percent in Skagway.

“More indicators the noncruise industry has sort of bounced back,” Haugland said.

Contact staff writer Robin Wood at 459-7510. Follow him on Twitter: @FDNMcity.
Visitor industry outlook is good, says Explore Fairbanks CEO

By Amanda Bohman, abohman@newsminer.com  Jan 24, 2018

A Fairbanks tourism promotional video plays during the State of the Industry Address presented by Explore Fairbanks President and CEO Deb Hickok at the Annual Interior Tourism Conference Wednesday morning, January 24, 2018, at the Westmark Hotel Gold Room.

Eric Engman

FAIRBANKS—Tourism is going strong across the globe and Fairbanks is no exception, according to the head of Explore Fairbanks.
Summer is still the busiest season for visitors to Fairbanks, but most of the growth happening here has to do with wintertime aurora viewing, Explore Fairbanks CEO Deb Hickok said Wednesday in remarks at the Annual Interior Tourism Conference, a day of visitor industry information and workshops held at the Westmark Fairbanks Hotel.

"We have really developed into a year-round tourism destination," Hickok said. "I think we can say that with a straight face."

Numbers from the U.S. Travel Association and the U.S. Department of Commerce show growth in travel expenditures in the U.S. every year since 2009, according to Hickok.

In Fairbanks, spending on hotel and motel rooms in the Fairbanks North Star Borough has been on the rise in recent years.

In 2014, $56.8 million was spent on lodging in the area. The total rose to $59.7 million in 2015 and $65.1 million in 2016, according to the latest Community Research Quarterly, published by the borough.

Final numbers are not yet available for 2017, but it looks on track to beat 2016 after the first quarter of 2017 showed a 30 percent increase in revenue over the same time period, January through March, in 2016.

Border crossings from Canada are also up.

According to Hickok, crossings at the Poker Creek and Beaver Creek entry points, on the Top of the World Highway and on the Alaska Highway, respectively, have been rising steadily every year since 2014.

More than 72,000 border crossings were reported in 2014. The number jumped to 83,360 in 2015, 96,473 in 2016 and 102,412 in 2017, according to Hickok.

The Explore Fairbanks CEO credited much of the local visitor industry growth to advances in air service here.
The number of airline passengers in and out of Fairbanks International Airport—about 1.1 million people in 2017—has been rising annually since 2009, according to numbers provided by Hickok and in the Community Research Quarterly.

Hickok noted that Japan Airlines charters to Fairbanks have continued since 2004. When the Asia-based airline has reduced service, other airlines have stepped in to bring Japanese guests to Fairbanks, namely Korean Airlines and, more recently, Uzbekistan Airlines and All Nippon Airways, according to Hickok.

Charters have been arriving from Taiwan since 2015, she said.

Hickok said efforts are underway to attract direct service to Fairbanks from Phoenix, San Francisco or Los Angeles, which she said is key for boosting international travel.

Fairbanks is a leader in the state for attracting visitors from outside of the U.S., according to Hickok. The international travelers are coming to Fairbanks primarily for aurora viewing, she said.

Visitor industry experts are anticipating an uptick in cruise line passengers to Alaska in the coming years. Explore Fairbanks is looking for ways to attract those travelers to Fairbanks, Hickok said.

"We are really stepping up our game in terms of talking with travel agents about land tours," she said.

Denali National Park and Preserve has seen a boost in visitors every year since 2012. That year, the park logged 388,433 visitors. In 2016, the park had 599,822 visitors, according to the National Park Service website.

Attempts to reach the Park Service to get the number of visitors for 2017 were unsuccessful on Wednesday.
The Alaska Railroad Corp. has reported steady growth in passengers since 2014 and is expecting that to continue in 2018, railroad spokesman Tim Sullivan said. He said the railroad had 495,457 passengers in 2016 and 505,994 in 2017.

Contact staff writer Amanda Bohman at 459-7587. Follow her on Twitter: @FDNMborough.
Farmers Loop, looking east

Farmers Loop, looking west
Residential Uses north of Farmers Lp

1341 Farmers Lp, looking west from driveway
1341 Farmers Lp, looking south from driveway

Existing dwelling on 1341 Farmers Lp
Application Material Received on
August 27, 2018

RZ2019-001
REZONE APPLICATION  REZONE  REZONE WITH SPECIAL LIMITATIONS

FEES:  $1,000 rezone application**
       $200 sign deposit (check or cash recommended)
**Fee waived if rezoning a split zone parcel or rezoning a GU property to an appropriate residential zone if the rezone encompasses at least 13 acres or 5 more contiguous lots.

<table>
<thead>
<tr>
<th>Applicant:</th>
<th>Property Owner:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contact Name:</td>
<td>Name: DONALD C DUNCAN</td>
</tr>
<tr>
<td>Business Name:</td>
<td></td>
</tr>
<tr>
<td>ALASKA PRIVATE GUIDE SERVICE</td>
<td></td>
</tr>
<tr>
<td>Mailing Address:</td>
<td>Mailing Address: 299 ALVIN ST</td>
</tr>
<tr>
<td>City, State Zip:</td>
<td>City, State Zip: FAIRBANKS AK 99712</td>
</tr>
<tr>
<td>Phone: 907-457-8318</td>
<td>Phone: 907-457-8318</td>
</tr>
<tr>
<td>E-mail: apgsaf9ci.net</td>
<td>E-mail: apgsaf9ci.net</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Property Information:</th>
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</thead>
<tbody>
<tr>
<td>Property Description: ALL 5 SHUROS BLOCK 02 / ALL BLOCK 2 SHUROS</td>
</tr>
<tr>
<td>Street Address: 1541 FARMERS LOOP ROAD</td>
</tr>
<tr>
<td>Parcel Account Numbers (PAN): 0246107</td>
</tr>
<tr>
<td>Existing Zone: RURAL RESIDENTIAL</td>
</tr>
</tbody>
</table>

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

APPLICANT SIGNATURE: Donald C. Duncan  DATE: 08/24/18

OWNER SIGNATURE (if different):  DATE: 

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 07/01/2018
FNSB zoning change request 08.20.2018

This is a rezone application for 1341 Farmers Loop Road, Fairbanks Alaska being made by Donald C. Duncan of 299 Alvin Street, Fairbanks AK 99712 (907-457-8318) [apgs@gt.net] Doing business as Alaska Private Guide Service

Donald Duncan DBA Alaska Private Guide Service is requesting a zoning change from rural residential to Outdoor Recreation with a conditional use permitted for Trail Head Facilities. The property is located at 1341 Farmers Loop Road, Fairbanks Alaska. The 3.6 acre property is located on the south side of Farmers Loop with about 1000 feet of Creamers Wildlife Refuge Frontage and 1100 feet of Farmers loop property. In the past the property has been used as a residence with a 12x22 foot small shack on it. It has not had power, nor has it been inhabited for at least the last 3 years. It has been vandalized and is currently not worth what it is appraised at. The adjacent land owner to the south is the State of Alaska DNR. They have a block of 320 contiguous acres that is also zoned “Rural Residential”. I suspect that this property was purchased by the State from a private individual some time ago and the zoning change was simply not ever done. Currently the property is used exclusively for outdoor recreation regardless of the zoning. The are no plans to ever develop the property for anything else other than to remain a part of Creamers Wildlife Refuge. This Refuge is unique in that DNR/State of Alaska is the land owner but Fish and Game is the Manager. DNR is waiting for F&G to OK the zoning change request and F&G is stalling even though the zoning change actually reflects the actual current and future use of the land. F&G and DNR do not have plans to ever develop their property for anything other for what is being used right now which allows public use as a recreational area. Therefor I would not consider this zoning change request to be a “spot zone” no matter what DNR does. I see that the vast majority of the State land inside the Refuge is not zoned for its’ current primary use. Evidently the State and F&G have taken the position that they do not care what the zoning is. I see this rezone request as a positive move for F&G and DNR because it improves access and public use of the Refuge and at the same time guarantees that we will be taking care of trail maintenance at no costs to the State or public.

Since around 1982 this property has attempted to be used as a residential property. It is on permafrost that is verified to be about 100 feet deep. The current driveways and building pads were built mainly of cast offs from the Farmers Loop repave and re-do job 25 years ago. While the house foundation is somewhat stable and somewhat unstable the driveway base is stable enough to handle vehicles. The built up septic appears to work. As with anything built on permafrost, its’ longevity is questionable. Therefor a long term viable “residential” investment is questionable at best. The property has several artesian springs that I have found crossing the property from the base of Farmers Loop Road. They are there most likely because the ground water is hitting a permafrost shelf and then coming up to the surface. This will not change anytime soon. It keeps the property spongy on the low flat areas. The adjacent Refuge property is certainly covered in permafrost. This makes the property at 1341 Farmers Loop Road not ideal for any kind of substantial residential property. It may be able to support a year round residence with continued support and improvements as the ground thaws and things change but it will be costly and time consuming. The best use for the property is use during the winter when the ground is frozen.

The best use of the property would be for an outdoor recreation headquarters with a conditional use permit to allow 2 or more tail heads and trail head facilities and infrastructure to serve me as business owner the Fairbanks public and tourist. This will allow better utilization of this valuable resource close to
town. Rezoning the property has the following benefits to the public and surrounding neighbors and neighborhoods.

a) The property will not be used as a transient camp as in the past.
b) Complies with many goals of the FNSB Regional Comprehensive Plan for economic development particularly in the tourism sector.
c) Provides recreational access to the Refuge for snowmobiling, skiing, dog mushing, biking etc...
d) Refuge trails are packed and groomed.
e) Refuge trails are continuously cleared of fallen and dead trees across the trails
f) Easier access with plowed parking lots. (d, e and f are requirements that are included in my permit with F&G. Basically we are required to keep the parking lot on Echo Acres plowed out, help the dog mushers association and skijor club keep the trails open and cleared. For the last 4 years, we have all done an excellent job of working together and keeping the Refuge trails open for all with very minimal conflicts on these multi use trails. This is the biggest benefit to the Fairbanks residential public and the Borough. Basically everything is done and taken care of with no costs to the taxpayer, Borough or State)
g) Onsite sanitation facilities.
h) Onsite warm up and a place put on winter gear.
i) Jobs as guides, trail workers, caretakers
j) Less truck and trailer traffic on Farmers Loop Road, Fideler Road and Echo acres because we have the fixed base of operations as an option particularly on low volume client days.

The proposed rezone would allow the snowmobiles to be parked and staged on location with out having to trailer large trailers as mentioned before. But it also drastically reduces the number of times the machine would need to be started and warmed up before riding by as much as 3 times less. That is; the machines would not have to be loaded on the trailer or unloaded off the trailer, staged, then restarted when the clients arrive and then be restarted again to load back up to leave. This is particularly costly when there are only 2-4 clients that day.

The public and tourist will have a close to town place to ride a snowmobile without having to travel 20-25 miles out of town. The facilities would allow a gear rental trailer and warm up place for persons to put on their gear inside a heated space. That means they do not have to dress in the cold or suit up before leaving home. They can also receive instructions on driving the machines and learn about the Refuge rules and have a general orientation about what they will see as far as flora and fauna and for a safe and enjoyable experience not only for themselves but for other Refuge users as well. Many local Refuge users are not aware of the traffic rules and restrictions. The rezone will help educate everyone.

The property has a large flat cleared area for the warm up and training area. This area is primarily for teaching new riders and bikers or mushers how to operate safely before heading out onto the trails where there are trees to hit. The training area is bound by the Refuge line of tree and a large berm by Farmers loop. The Farmers Loop road bed is built up about 15 feet high and the 2 berms should prevent any additional noise from snowmobiles on the other side of the road. The neighbor to the east is over 100 yards away with a large stand of spruce trees in between to block any noise. The nearest neighbor to the west is at the west end of the training area but again there is a high berm for the Midnight Sun
road bed to prevent noise. With the property being in kind of a hole surrounded by tall berms or trees, I do not think noise will be a problem especially since the ground will be covered with snow.

Traffic to and from the location would be almost exclusively from about 10 am to 4 pm. Client traffic is almost always during daylight hours with the prime times being between 10-11 am and over before 4 pm. Some days would have no traffic. March would be the busiest time frame and some tours may not be over until 7 pm with the longer daylight hours. Usually snowmobile operations do not start until the ground is frozen and enough snow cover is present to prevent any damage to Refuge lands. The winter season ends in early April. My best guess for the November thru March season average would be about 5 cars or vans per day including guides. In reality, Thanksgiving, Christmas and New Years holidays and March would be busier. Site distance along Farmers Loop Road entering and departing the property is 400 yards plus in both directions. So entering and exiting should be pretty safe.

While this rezone request is primarily for winter use, I would suspect some summer use to develop as the ecotourism market in Fairbanks develops. The Refuge area with in 1000 yards of the property does lend itself to decent walking paths to the caribou lakes areas and it has a decent variety of trees and landscapes that may make a worthwhile ecotour.

Submitted by Don Duncan

299 Alvin St. Fairbanks AK 99712

907-457-8318

apgs@gci.net

08/24/2018
REZONE PETITION FORM
WE THE UNDERSIGNED JOIN IN REQUESTING AND AUTHORIZE
REZONING OF PROPERTIES LISTED BELOW
FROM __________ ZONE
TO __________ ZONE.
ALL BLANKS MUST BE COMPLETED AND LEGIBLE.

Signature

Printed Name

Property Description (Subdivision, Lot & Block)

Mailing Address

Signature

Printed Name

Property Description (Subdivision, Lot & Block)

Mailing Address

Signature

Printed Name

Property Description (Subdivision, Lot & Block)

Mailing Address

Signature

Printed Name

Property Description (Subdivision, Lot & Block)

Mailing Address
Application Material Received on
October 15, 2018

RZ2019-001
Manish Singh

From: Don Duncan <apgs@gci.net>
Sent: Monday, October 15, 2018 11:58 AM
To: Manish Singh
Subject: FW: Creamer’s Rezone

Manish;
Please consider this e-mail as acceptance on my part to add F&G/DNRs properties to my rezone request along Farmers Loop Road. Please see attachment for the listed properties.
Thank you for your help.
Don Duncan
299 Alvin Street
Fairbanks AK 99712

From: Dubour, Adam J (DFG) <adam.dubour@alaska.gov>
Sent: Monday, October 15, 2018 9:19 AM
To: Manish Singh <msingh@fnsb.us>
Cc: Fink, Mark J (DFG) <mark.fink@alaska.gov>; 'Kellen Spillman' <KSpillman@fnsb.us>; Meehan, Joe (DFG) <joe.meehan@alaska.gov>; Wait, Alexander J (DNR) <aj.wait@alaska.gov>; Brase, Audra L (DFG) <audra.brase@alaska.gov>; Bruning, Darren L (DFG) <darren.bruning@alaska.gov>; Bociek, Laurie A (DFG) <laurie.bociek@alaska.gov>; Don Duncan <apgs@gci.net>
Subject: Creamer’s Rezone

Hello Manish,
Please see the attached letter providing the State’s authorization to rezone the Rural Residential parcels within Creamer’s Refuge as part of Mr. Duncan’s petition. Contact me with any further questions or concerns.

Thank you,

Adam DuBour
Access Defense Program
Alaska Department of Fish and Game
Division of Wildlife Conservation
333 Raspberry Road
Anchorage, Alaska 99518
(907)267-2292
adam.dubour@alaska.gov
October 10, 2018

Manish Singh
Community Planning Department
Fairbanks North Star Borough
Administrative Center, 2nd floor
PO Box 71267
Fairbanks, AK 99707

Subject: Rezone request for Creamer’s Refuge parcels (RZ2019-001)

Greetings:

As previously summarized in a letter sent on August 24th, 2018, the Alaska Department of Fish and Game (ADF&G) was approached by Mr. Donald Duncan regarding his petition to the Fairbanks North Star Borough (FNSB) to rezone his property. To increase the likelihood of his petition being accepted, Mr. Duncan requested that ADF&G sign on to his petition to rezone an adjacent 320-acre parcel owned by the State of Alaska (hereafter the State) Department of Natural Resources (DNR) which is managed by ADF&G as part of the Creamer’s Field Migratory Waterfowl Refuge (CFMWR).

While ADF&G had no objections to any zoning changes initiated by either Mr. Duncan or FNSB, we initially declined to join Mr. Duncan on his request as it was not deemed to be in the best interest of the State. Subsequent conversations with the Alaska Department of Law and staff at the FNSB Community Planning Department identified the potential management ramifications for CFMWR associated with the current Rural Residential zoning classification. Therefore, the State has decided that it would be appropriate at this time to rezone the Rural Residential parcels within CFMWR to the Outdoor Recreation classification as part of Mr. Duncan’s petition. At this time ADF&G is not intending to rezone the remainder of the refuge which is currently zoned as Rural Agricultural, Rural Estate or Multiple-Family Residential.

Please accept this letter as an indication of the State’s intent to authorize the inclusion of the below described lands with Mr. Duncan’s rezone petition.
Tax Lot-2805 located within the S ½ of Section 28, Township 1 North, Range 1 West, Fairbanks Meridian

Tract B, Schroeder Property located within the SE ¼ NW ¼ of Section 28, Township 1 North, Range 1 West, Fairbanks Meridian

Tract C, Schroeder Property located within the SE ¼ NW ¼ of Section 28, Township 1 North, Range 1 West, Fairbanks Meridian

Government Lot-16 located within the NE ¼ SE ¼ of Section 29, Township 1 North, Range 1 West, Fairbanks Meridian

Tax Lot-2914 located within the S ½ SE ¼ of Section 29, Township 1 North, Range 1 West, Fairbanks Meridian

Thank you for your consideration in this matter. Please feel free to contact me with any further questions or concerns.

Sincerely,

Adam DuBour
Habitat Biologist
Access Defense Program
Alaska Department of Fish and Game
(907) 267-2292
adam.dubour@alaska.gov

Aj Wait
Natural Resource Manager
Division of Mining Land and Water
Northern Region Office
Alaska Department of Natural Resources
(907) 451-2777
aj.wait@alaska.gov

cce:
Kellen Spillman, FNSB
Mark Fink, ADF&G/WC
Joe Meehan, ADF&G/WC
Audra Brase, ADF&G/HAB
Laurie Boeck, ADF&G/WC
Darren Bruning, ADF&G/WC
Donald Duncan
Manish Singh

From: Don Duncan <apgs@gci.net>
Sent: Monday, October 15, 2018 11:08 PM
To: 'Dubour, Adam J (DFG)
Cc: aj.wait@alaska.gov; 'Nichols, Todd F (DFG)'; Manish Singh; darren.bruning@alaska.gov;
audra.brase@alaska.gov; Kellen Spillman; laurie.boeck@alaska.gov;
joe.mehan@alaska.gov
Subject: RE: Creamer's Rezone

Follow Up Flag: Follow up
Flag Status: Completed

Adam and all others;

Thank you for all your help and understanding. Manish is happy that they now have a relationship with F&G/DNR and he hopes / expects to clear up the rest of CWR zoning deals. I, personally, have learned a lot more than I ever expected. While my final goal is still not guaranteed by any means; I now have more hope for a positive outcome. I still hope and believe my dream/plans will be a very positive move for F&G and CWR and the public at large.

I was glad to see that you added the 2 properties east of me along Farmers Loop Road. The one adjacent to me I have upped my bid to buy to $60,000. The other property belongs to one of my guides and he is willing to join the outdoor recreation zone as well. He is more of a musher. He was the trail maintainer for the ADMA for many years and we worked together very well. Even he was surprised at how well everything went when my business entered the picture. He found and noticed benefits no one else had considered.

Our interactions with trail users have been 98% + positive. The only negative interactions from individual users have been from people that think the trails are for dog mushers only. The only other problem has been when the ADMA has their big March races and that is the same time we are busy. Busy as in very busy. And we have had to stay off the entire trail system until they are done entirely. Operating out of the new Farmers Loop property would actually allow us to do something on 2 of those 3 days (on 2 race weekends) with little if any risk of conflict. A rare win-win situation. We actually sold snowmobile trips this year where they could watch the racers go by the corner of the field we ride in as part of our deal. 30 minute ride with 30 minute watch the racers go by. It worked.

On the last race, the big race, the big money race, the ADMA did little to maintain those longer trail routes until just before the race. This year, we put in the vast majority of work to keep some of those trails open from the beginning. I spent a lot of time and money doing so for the benefit of all users and consider it a privilege to do so in consideration of the privilege F&G has granted me. Some of the trails the ADMA uses, I do not have permission to use and I do not use them or maintain them. That may change if I get permission.

In my opinion, this is a perfect example of how State, Borough, public, profit and non profit work together for the benefit of all in the most efficient manner.

Lastly, it may come as a surprise, but even if I get what I am after, it will be much more efficient and profitable per rider/driver/user but I strongly suspect that new competition will keep growth numbers down or negative. We have already seen negative trends with increased competition. And a new proposed Borough ordinance, if passed, will drastically change things negatively for me by making legal what many operators have been doing illegally. Many for a long time. Plus the tour operators want a shorter trip and cheaper trip which may end up with us just operating in the old hay fields along Echo Acres and not even getting on the “musher trails” for many (50%) of the trips. But we have seen an uptick in the independent drivers going from 1 hour to 1.5 hours which means we go from Echo Acres to the
Farmers Loop Property and back for that tour. In short, Operating on the new property would save me money but it will be off set by more competition elsewhere and most likely less riders on the “trails”.

Again, I appreciate your support, the support of F&G and DNR, the State and the FNSB. Should my operations ever become a negative, I will address any complaint and fix it immediately or stop entirely. You have my word on that.

Don Duncan M.G. #136
Alaska Private Guide Service
299 Alvin Street
Fairbanks AK 99712
apgs@gci.net
907-457-8318

From: Dubour, Adam J (DFG) <adam.dubour@alaska.gov>
Sent: Monday, October 15, 2018 9:19 AM
To: Manish Singh <msingh@fnsb.us>
Cc: Fink, Mark J (DFG) <mark.fink@alaska.gov>; 'Kellen Spillman' <KSpillman@fnsb.us>; Meehan, Joe (DFG) <joe.meehan@alaska.gov>; Wait, Alexander J (DNR) <aj.wait@alaska.gov>; Brase, Audra L (DFG) <audra.brase@alaska.gov>; Bruning, Darren L (DFG) <darren.bruning@alaska.gov>; Bceck, Laurie A (DFG) <laurie.boeck@alaska.gov>; Don Duncan <apgs@gci.net>
Subject: Creamer’s Rezone

Hello Manish,

Please see the attached letter providing the State’s authorization to rezone the Rural Residential parcels within Creamer’s Refuge as part of Mr. Duncan’s petition. Contact me with any further questions or concerns.

Thank you,

Adam DuBour
Access Defense Program
Alaska Department of Fish and Game
Division of Wildlife Conservation
333 Raspberry Road
Anchorage, Alaska 99518
(907)267-2292
adam.dubour@alaska.gov
MEMORANDUM

TO: Fairbanks North Star Borough Planning Commission

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

DATE: November 9, 2018


Purpose and Intent

The attached ordinance was referred by the FNSB Assembly. The intention of this amendment to the FNSB zoning code is to expand the options for how a nonconforming building can be changed, specifically to allow a nonconforming building to be reconstructed if an existing permanent foundation still remains.

Background

The general purpose and intent of having a nonconforming section in a zoning code is to eliminate nonconformities over time. Some communities are more concerned about reducing nonconformities than other communities, which is generally reflected in their code with more stringent regulations. These regulations typically include restrictions on what changes are allowed to be made to nonconforming uses or structures, shorter timelines for bringing a property into compliance when discontinued, and prohibitions against replacement or reconstruction except under very limited circumstances. Many communities only allow reconstruction or replacement if damaged or destroyed by fire, natural disaster, or other ‘act of god’; and only to a specific limit such as “no more than 50% of the value of the structure”. Some communities also amortize certain types of nonconformities, such as signs, over a set period of time to further accelerate achieving the community vision.

The history of zoning in the borough involves repeated rezones in some areas that resulted in yard setbacks changing significantly and frequently. These repetitive rezone actions with such a wide variety of different setback standards occurred so often that property owners likely did not know what their setbacks requirements were over time and many structures became nonconforming more than once, at various times.

In the last several years, the Community Planning Department has received a number of grandfather rights applications that the property owner wishes to replace or reconstruct a structure, or complete construction of a partial building. The zoning code does not currently address these situations and therefore, in most cases, grandfather rights had to be denied. This proposed ordinance would give property owners more flexibility with improvement and redevelopment of their property. However, the proposed ordinance does not address and enable reconstruction of all potential structures because of the Title 18 definition of “structure” which refers to the definition of “building”. Nonconforming
structures, such as telecommunications towers, retaining walls, bleachers, and other structures that do not “support, shelter, or enclosure of persons, animals, chattel or property of any kind” do not appear to be eligible for reconstruction under the proposed ordinance.

**Proposed Ordinance**

Ordinance No. 2018-40 is proposing to add the phrase “reconstructed on an existing permanent foundation” to Section 18.108.040(A)(1) Nonconforming Buildings (lines 49-50)

Lines 53-56 states the time period within which the reconstruction is required to occur.

**Consistency with the FNSB Regional Comprehensive Plan**

Land Use Goal 1 of the FNSB Regional Comprehensive Plan is to “recognize that the foremost aspect of land use involving private property is the retention and maintenance of private property rights”, and Strategy 2 is to “work for community end goals with a minimum impact and disruption of individual private property rights.”

This goal and strategy recognizes private property rights of all property owners but does not prioritize the property rights of one owner over another. Strategy 2 addresses community end goals with minimal impacts on private property rights. Reducing and eliminating nonconformities is a community end goal implemented by putting restrictions on the continuance of nonconformities in Title 18. Allowing for the reconstruction of nonconforming buildings is a community decision on how to balance the individual private property rights of adjacent land owners as well as the community vision of how the community should look and function.

Land Use Goal 4 is “To enhance development opportunities while minimizing land use conflicts” with Strategy 10 to “Attract and support development that is compatible with and enhances existing land use.” Action B directs to “Develop a pattern of compatible land uses and either separate, transition or buffer incompatible land uses”

This goal and strategy emphasizes the need to attract and enable development opportunities while avoiding land use conflicts. Reducing and eliminating nonconformities is one method of minimizing land use conflicts. Strategy 10 and Action B focus on compatibility of existing and future land uses. Achieving compatible land uses is a community goal that can be impacted by the restrictions placed on nonconformities and the limitations on the continuance of nonconformities in Title 18. Allowing for the reconstruction of nonconforming buildings is a community decision on how to balance land use compatibility and the community vision.

The proposed ordinance appears to be consistent with the FNSB Regional Comprehensive Plan.

**Analysis**

FNSB Community Planning supports the purpose and intent of Ordinance No. 2018-40 to clarify when a nonconforming building may be replaced or reconstructed and within what time period.
The ordinance appears not to make a distinction between whether the damage or destruction occurs as the result of circumstances outside of the property owner’s control such as fire or natural disaster or as the result of a deliberate choice of the property owner to demolish or replace a building. The Planning Commission should consider whether the same requirements should apply to these very different circumstances. The Planning Commission should also consider the issue of community vision and intent as it applies to non-conforming buildings. Does the community want all nonconforming buildings to continue indefinitely or do they want to limit the circumstances and timelines in which nonconforming buildings may continue; and whether that includes unrestricted reconstruction and replacement of nonconforming buildings.

In addition, Community Planning has several concerns about the interpretation and administration of language in the proposed ordinance. More clarification may be needed in order to better administer the nonconforming building requirements. Those concerns are (1) a lack of a definition of “permanent foundation” and (2) whether reconstruction must be completed or merely begun within the proposed three year deadline for reconstruction.

Community Planning is proposing two amendments to further clarify the concept of and parameters of “reconstruction” of a non-conforming building.

These concerns and proposed amendments are as follows:

**DEFINITION OF “PERMANENT FOUNDATION”**

In the past, structures in the Fairbanks North Star Borough have been constructed with “post and pier” foundations, on skids, and other types of foundations that may not be considered to be permanent. To minimize interpretation issues with the public, Community Planning recommends that a definition of a permanent foundation be adopted as part of this ordinance.

**Amendment #1:**

Amend FNSBC 18.04.010 (B) to add:

“Foundation, permanent” means a closed perimeter, supporting substructure of a building permanently affixed to the ground such as a full, poured concrete or masonry foundation. This definition excludes post and pier foundations, slab foundations, skids, and other non-permanent or movable support substructure.

**TIME LINE FOR RECONSTRUCTION**

The draft ordinance currently is unclear and appears to be open ended on how long reconstruction would be allowed to continue. While it may not be frequent, there are situations where construction can stretch out for years. That timeline should be finite, particularly for the reconstruction of nonconforming buildings. Community Planning recommends clarifying the timeline when construction must be completed, rather than merely “occur”, and also to limit the length of potential time extension.

**Amendment #2:** (Recommended changes by Community Planning are shown in red)

Amend FNSBC 18.108.040(A)(1) to state:
A. Nonconforming Buildings

1. A nonconforming building may be enlarged [OR], altered, reconstructed on an existing permanent foundation as long as [THE ENLARGEMENT OR ALTERATION] this does not create a new nonconformity of this code, except that expansion is permitted within the standards that were in place when the zone changed. Reconstruction must be completed [OCCUR] within a period of 36 months of a building being damaged or destroyed. The director of community planning, with the concurrence of the borough assembly, may extend this 36-month period, not to exceed a period of two additional years, to allow relief from emergencies or other extenuating circumstances which are outside of the control of the land owner.

Recommendation

The Community Planning Department recommends that the FNSB Planning Commission recommend that the FNSB Assembly adopt Ordinance No. 2018-40 with two amendments.

Attachments
Attachment A: FNSB Ordinance No. 2018-40
FAIRBANKS NORTH STAR BOROUGH

ORDINANCE NO. 2018-40

AN ORDINANCE AMENDING FNSBC 18.108.040(A) TO ALLOW RECONSTRUCTION OF A NONCONFORMING BUILDING

WHEREAS, Permanent foundations and the structures built on them both have significant value; and

WHEREAS, The useful life of a permanent foundation often is substantially longer than that of the structure built on it; and

WHEREAS, Permanent foundations cannot be easily or inexpensively moved or substantially altered; and

WHEREAS, A property owner may wish to rebuild a structure that was built on a permanent foundation if it was significantly damaged due to fire or natural disaster or simply in a state of decay due to old age and or deferred maintenance; and

WHEREAS, Current FNSB code has been interpreted to say that a property owner with grandfather rights on a structure with a permanent foundation cannot rebuild a structure on that permanent foundation without abandoning the grandfather rights associated with the structure; and

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
Text to be added is underlined
Text to be deleted is [BRACKETED, CAPITALIZE]
WHEREAS, A property owner with grandfather rights on a structure with a permanent foundation should be able to retain them should the structure built on the foundation be demolished and rebuilt in a timely fashion.

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

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

Section 2. FNSBC 18.108.040(A) Restrictions, is hereby amended as follows:
Except for agricultural buildings and livestock, and any other agricultural activities, any nonconforming building, 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.
   1. A nonconforming building may be enlarged [OR], altered, or reconstructed on an existing permanent foundation as long as [THE ENLARGEMENT OR ALTERATION] this does not create a new nonconformity of this code, except that expansion is permitted within the standards that were in place when the zone changed. Reconstruction must occur within a period of 36 months of a building being damaged or destroyed. 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.
PASSED AND APPROVED THIS _____ DAY OF __________, 2018.

______________________________
Kathryn Dodge
Presiding Officer

ATTEST:

APPROVED:

______________________________
April Trickey, CMC
Borough Clerk

______________________________
Jill S. Dolan
Borough Attorney
FMATS
TECHNICAL COMMITTEE MEETING
Wednesday, November 7, 2018
12:00 – 2:00 P.M.
City of Fairbanks, 800 Cushman Street, City Council Chambers

1. Call to Order
2. Introduction of Members and Attendees
3. Approval of the November 7, 2018 Agenda
4. Approval of the October 3, 2018 Minutes
5. Committee/Working Group Reports (including the Chair’s Report)
6. Public Comment Period (Non-Action Items)
7. Old Business
   a. FMATS Improvement Program Project Priorities (Action Item)
   b. Furthering the discussion on including Davis Road in the FFY20 Program
8. New Business
   a. TIP Administrative Modification #6 (Action Item)
   b. To recommend to the Policy Board to approve the Transportation Improvement Program Administrative Modification #6.
   b. BPAC Recommendation on City Sidewalk Winter Maintenance (Action Item)
   c. A resolution written by the Bicycle and Pedestrian Advisory Committee to aid the City of Fairbanks in prioritizing their snow removal on sidewalks.
   c. Election of Chair and Vice-Chair (Action Item)
9. Other Issues
10. Informational Items
   a. Fairbanks Air Quality Update
   b. Old Richardson Highway Intersection Improvements Open House, November 7
   c. Freight Mobility Plan Open House, November 13
   d. 10.17.18 Policy Board Action Items
   e. Obligations and Offsets
11. Technical Committee Comments
12. Adjournment

Next Scheduled Technical Committee Meeting – Wednesday, December 5, 2018, Noon, City Hall, City Council Chambers