PLANNING COMMISSION MEETING

JULY 9, 2019
WORK SESSION

Brief presentation and update by Community Planning staff regarding the final draft of the Salcha-Badger Road Area Plan. (Staff Contact: Kellen Spillman and Melissa Kellner)

The Regular Meeting will begin immediately following the work session.

A. CALL TO ORDER AND ROLL CALL

B. MESSAGES

1. 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

2. Communications to the Board

3. 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. Administer Oath

2. CU2019-011: A request by Michelle Westlake, DBA Badger Buds LLC, for conditional use approval of a retail marijuana store in the General Use 1 (GU-1) zone on Lot 2, Block C, Endecott Subdivision (located at 2008 Levado Avenue, Unit A, on the north side of Levado Avenue, east of Badger Road). (Staff Contact: Kristina Heredia)

F. APPEALS

1. Appeal of SD021-19/RP030-19 Coincidence Subdivision: An appeal of the FNSB Platting Board’s decision on May 15, 2019 to exclude from Coincidence Subdivision the vacation of the existing 300 foot building setback
Persons who have not received direct notice by mail from the Fairbanks North Star Borough regarding a particular application, and who wish to testify on that application, must apply to participate in the hearing. Applications are available at the Department of Community Planning Office and must be received by the Community Planning Department by July 1, 2019. Requests to testify may also be made at the hearing.

Any questions, please contact the Clerk of the Planning Commission at 907-459-1277 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 6:23 p.m. by Mindy O’Neill, Chair.

A. **CALL TO ORDER AND ROLL CALL**

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<tr>
<th>MEMBERS PRESENT:</th>
<th>Chris Guinn</th>
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<td>Charles Whitaker</td>
<td>Mike Kenna</td>
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<td>Toni Abbey</td>
<td>Eric Muehling</td>
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<td>Mindy O’Neill</td>
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| MEMBERS EXCUSED:    | Doug Sims   | Kerynn Fisher |

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<th>OTHERS PRESENT:</th>
<th>Christine Nelson, Director of Community Planning</th>
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<td>Melissa Kellner, Community Planning</td>
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<td>Donald Galligan, Community Planning</td>
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<td>Annmarie Billingsley, Assistant Borough Attorney</td>
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<td>Kielecia Coker, Clerk</td>
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B. **MESSAGES**

Ms. Nelson briefed Commissioners on the following:
- upcoming meetings
- a recent Boards and Commissions training and “Know Your Property” seminar
- projects in the works, including ordinances and re-organizing zoning requirements

Commissioner Muehling asked Ms. Nelson about nuances regarding representation of interested parties if processes are changed.

Ms. Nelson replied that the process would be similar.

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

MOTION: To approve the agenda and the consent agenda by Commissioner Muehling seconded by Commissioner Perreault.

MOVED WITHOUT OBJECTION OR ROLL CALL

D. **MINUTES**

Minutes from April 23, 2019. Approved.

E. **QUASI-JUDICIAL HEARING**

1. **CU2019-010**: A request by Allan Hayton for conditional use approval of a guesthouse, located at 736 Arkansas Drive, in the Rural Residential (RR) zoning district on Lot 10, Block 6, Mountain View 5 (on the north side of Arkansas Drive, southeast of Keep Drive). (Staff Contact: Kristina Heredia)
Kristina Heredia presented the staff report. Based on the staff analysis, the FNSB Department of Community Planning recommended approval.

**Commissioner Muehling** asked if the note on the plat was a covenant.

Ms. Heredia said the note was not a covenant, but a zoning comment on a non-zoning document. She did not find any covenants recorded and mentioned that the Borough does not enforce covenants.

**Commissioner Muehling** and Ms. Heredia discussed the impacts of a pit privy on neighboring properties.

**Commissioner Abbey** asked if homes in the area had wells.

Ms. Heredia said that the applicant was in contact with ADEC staff regarding that information.

**Applicant Testimony**

Allan Hayton testified as follows:
- He was planning to use the guesthouse in the event that he or his family members needed a place to stay.
- He mentioned the merits of the cabin’s construction.

**Questions by Commissioners**

**Commissioner Muehling** asked if Mr. Hayton knew of the setback requirements by GVEA.

Mr. Hayton answered that he had been in contact with GVEA and was in compliance.

**Commissioner Muehling** asked about the construction of the pit privy.

Mr. Hayton replied that he was in contact with ADEC and contractors regarding proper installation and that the pit privy would be able to be pumped.

**MOTION:** To approve the Conditional Use Permit (CU2019-010) for a guesthouse on Lot 10, Block 6 with three (3) conditions, and adopting the staff report and three (3) Findings of Fact in support of the approval by **Commissioner Perreault** seconded by **Commissioner Guinn**.

Discussion ensued among Commissioners. Commissioners mentioned that the applicant seemed to be well-informed and following proper procedures.

**Commissioner Muehling** mentioned that granting an additional property right such as a guesthouse was specific to the applicant, not to the entire neighborhood.

**Public Testimony**

None

**ROLL CALL**

Seven in Favor:  Perreault, Guinn, Whitaker, Abbey, Muehling, Kenna, O’Neall
Zero Opposed

MOTION PASSED
Conditions for Approval

1. If an addition is made to the guesthouse that increases the size of the guesthouse to be equal to or greater than the principal dwelling, a modification to the conditional use permit is required pursuant to FNSBC 18.104.050(F).

2. Only one shared driveway access will be allowed on the property due to its proximity to the intersection of Arkansas Drive and Colorado Court.

3. The pit privy must be built per ADEC guidelines and regulations.

Findings of Fact for Approval

1. The proposed conditional use conforms to the intent and purpose of Title 18 and of other ordinances and state statutes because:
   a. The proposed conditional use is consistent with the ‘Perimeter Area’ comprehensive plan land use designation because it supports a variety of residential development.
   b. FNSB Regional Comprehensive Plan Land Use Goal 1 and Goal 3 are supported by the conditional use by increasing the density of the neighborhood in a manner that supports the necessary variety of residential development.
   c. The intent of Title 18 is met because the conditional use, with conditions, protects private property rights and promotes public health, safety, and welfare.
   d. The proposed conditional use conforms to state statues because the applicant intends to build the pit privy in accordance with applicable ADEC regulations.

2. There are adequate existing energy and transportation facilities serving the site and other public services are available to serve the proposed conditional use.
   a. The dry cabin will have a separate pit privy and outhouse, which will be constructed in accordance with ADEC regulations.
   b. The subject property is served by the Steese Fire Department for emergency fire response.
   c. The subject property has adequate power supply because it is served by the GVEA grid.
   d. The subject property is served by the Alaska State Troopers for law enforcement.
   e. The subject property has access from Arkansas Drive which is a Local 1 type roadway maintained by Mt. View Service Area. Arkansas Drive can accommodate the proposed additional trips generated from the property.
   f. The FNSB zoning code requires one off-street parking space for the guesthouse.

3. The proposed conditional use protects public health, safety, and welfare because the property complies with Title 18 standards for the RR zone (FNSBC 18.40) as well as with other applicable land use related laws.
   a. The conditional use does not greatly increase the residential density in the neighborhood because it will only add one additional single-family dwelling unit.
b. Noise, odor, dust and other negative impacts to the neighborhood are not expected to be created by the addition of a second dwelling unit as there is already an existing dwelling unit in a residentially developed neighborhood.

c. A shared driveway will help ensure the safety of drivers by limiting the number of driveway accesses off of Arkansas Street.

d. The dry cabin will be situated on a gravel bed, and the pit privy dug in accordance with ADEC regulations.

F. UNFINISHED BUSINESS

1. Discussion of quasi-judicial procedures, including current code requirements in Titles 4, 17 and 18, potential methods to increase public involvement and comment, and other ways to streamline or make the quasi-judicial process more efficient and effective.

Ms. Nelson, Ms. Kellner, and Commissioners discussed quasi-judicial matters including standing, interested persons, and the process for accepting written testimony. Comparisons were made between the Fairbanks North Star Borough and other Alaskan communities.

A Working Group was developed to discuss these matters in more detail and report back to the Commission. The Working Group would include Commissioner Guinn, Commissioner Muehling, and Commissioner Abbey.

G. EXCUSE FUTURE ABSENCES

The absence of Commissioner Abbey (July 9) was excused.

H. COMMISSIONER’S COMMENTS/COMMUNICATIONS

1. FMATS

Commissioner Perreault gave an update on FMATS meetings. He mentioned that FMATS is now FAST Planning. He discussed the non-motorized plan, the Salcha-Badger plan, the draft state implementation plan (PM2.5), federal grant sequences, and bus pullouts.

I. ADJOURNMENT

There being no further business, the meeting was adjourned at 7:24 p.m.
CU2019-011

STAFF REPORT
I. EXECUTIVE SUMMARY

The applicant, Michelle Westlake, applied for a Conditional Use for a retail marijuana establishment called Badger Buds on May 24, 2019. The subject property for this conditional use application is located on Levado Avenue, east of Badger Road, outside of both Fairbanks and North Pole City limits (see Figure 1 for location map).

Figure 1: Location Map
The property is zoned General Use (GU-1) and is 1.16 acres in size. The subject property is on the same street as two lots that have residential dwelling units as their principle buildings. The adjacency of these residential uses requires an approved Conditional Use to operate, because, per FNSBC Title 18, Section 18.96.240.6 “Marijuana establishments other than marijuana cultivation facilities, indoor small and marijuana testing facilities located in GU-1 or GU-5 zoning and adjacent to a lot upon which a principal building used as a dwelling is located are a conditional use subject to the requirements of this title.”

Besides the residential dwellings, the street is also occupied by “Two Hands Enterprise”, a trucking company that operates out of the same building Badger Buds will utilize. This location is where Two Hands Enterprise does mechanical upkeep of their trucks, as well as restoration of cars. The other side of the street is also industrial in nature, being utilized by Alaska Drilling and Water Services. (See Figure 2 for aerial of surrounding area).

**Figure 2: Aerial of Subject Property and Surrounding Uses**

The applicant has provided a narrative and full application packet ([Attachment 1](#)) which outlines how the business will be operated, the hours of operation, including deliveries, security measures, and site planning to mitigate potential problems with the surrounding properties (See [Attachment 2](#) for site plan).
**Key Issues:**

1. **Adjacent Single-Family Residence (SFR):** The existence of this dwelling unit predates the retail store. This property is covered in heavy vegetation and located at the end of the cul-de-sac. Anyone entering this property must drive past Badger Buds’ parking lot, the trucks for Two Hands Enterprise, and Alaska Drilling. Figure 3 below shows the entrance to this Single-Family Residence, and what the current conditions leading to that property are.

The SFR’s property has a solid line of trees separating the two property lines. On the outside of the tree line, the SFR’s property also has a line of vehicles. The applicant and the SFR’s property owner have come to an agreement and will be jointly installing a fence that will run along their adjoining property line. This privacy fence will screen the SFR’s property from Badger Buds, giving the property owner additional privacy, and will increase the aesthetic value of Badger Bud’s property, as it will shield the line of vehicles from their customer’s view. A condition could be imposed on the applicant that could require a privacy fence be installed on any adjacent property line if that adjacent property loses the vegetation buffer.

**Figure 3: Entrances to Primary Uses on Levado Avenue**
**Key Issues Continued:**

2. **Condition of Levado Avenue:** Levado Avenue is a local type roadway that is accessed off of Badger Road. Levado Avenue is in poor condition and in need of repair, as seen in Figure 2. There are several potholes on the road, and Don Galligan, FNSB Planner IV - Transportation, suggests that the road might need new surface course. Levado Avenue is not under the authority of a Road Service Area (See Attachment 3 additional pictures of Levado Avenue, and Attachment 17 for further analysis by FNSB Transportation Planner Don Galligan).

**Staff Recommendation:** Approval with four (4) conditions

Due to the overall industrial nature of the area, and the fact that the applicant has taken measures to both increase the aesthetic nature of the site, and reduce impacts to surrounding properties, Community Planning Staff is recommending approval of this conditional use, with **four conditions of approval (summary):**

1. The applicant shall comply with all applicable land use related laws before opening.

2. Parking must be located entirely on-site

3. If any significant modification is made to any document as approved with the Conditional Use, an amendment to the Conditional Use Permit may be required pursuant to FNSBC 18.104.050(D).

4. If Badger Buds becomes visible to any adjacent property due to the removal of vegetation, then Badger Buds shall install a privacy fence on that property line.

**II. GENERAL INFORMATION**

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III. PROPOSED USE AND PROJECT INFO

A retail marijuana store is defined as “a legally licensed commercial retail marijuana store as defined by state law. A retail marijuana store may sell marijuana accessories as defined by state law [FNSBC 18.04.010]."
The applicant is leasing one parcel, Lot 2, Block C, Endecott Subdivision, in the General Use (GU-1) zoning district. The applicant currently has the option to buy the property if she so chooses to. There is currently a dilapidated mobile home located on the property that will be removed shortly (see Attachment 2 for site plan). The retail store will be located in the existing commercial building, and the area to be utilized for the storefront has been remodeled to suit a retail establishment. The remodel allows for a separate arctic entry into the retail store, with the arctic entry serving as a security checkpoint (See Figure 4 for floor plan). Once ID has been verified, the customers will be able to enter the store and purchase their cannabis. There is also a proposed office that will only be accessible via a locked security door, and all merchandise and product will be stored in the office, with the cannabis being stored in a separate safe. The building as a whole is 2,648 sq. ft., with Badger Buds occupying 848 sq. ft.

Figure 4: Floor Plan

Customers will only be able to access the retail shop through the arctic entry and will not be allowed in any other locations. The site plan shows the restricted areas with the red striping. The restricted areas are only accessible to employees. Security at the store will further include a buzzer system at the arctic entry, hardened doors at all access points, as well as a
“complete camera system with serve and storage for backup that is required to be Alcohol and Marijuana Control Office compliant” (Attachment 1).

Badger Buds anticipates they will employ a maximum number of 10 people, all over the age of 21. All employees must have or obtain a valid marijuana handler’s card. Delivery of the cannabis will vary based on sales, but should be several times a week. Delivery of cannabis will only occur in personal vehicles; no heavy trucks will be utilized for delivery. Delivery will also be limited to the hours between 8am and 5pm, except for extenuating circumstances such as weather delays. Hours of operation will be in accordance with Alaska state statute (3 AAC 306) and will not conduct business between the hours of 5am and 8am daily. The applicant has further limited their business hours to 8am-12am (Sunday – Wednesday) and 8am-2am (Thursday – Saturday). The applicant will have a 30 sq. ft. banner at the arctic entry which will identify the retail business.

IV. PROPERTY DEVELOPMENT HISTORY

The surrounding properties are all zoned General Use (GU-1) (Figure 5). There is typically very little zoning restrictions in the GU-1 zone, and a mixture of industrial, commercial and residential uses can be commonplace along Badger Road. To the east, across from the Chena Slough is Rural Estate (RE-2) zoning.

Figure 5: Zoning in the Surrounding Area
Levado Avenue has a mix of industrial and residential, with an established history of homes and businesses coexisting since the mid 1970’s (Attachments 4-11). Because of the historical mixture of land uses for Levado Avenue, Planning staff does not anticipate that the addition of a retail marijuana establishment would constitute a negative impact to the surrounding properties. Rather, there are quite a few more impactful land uses allowed by right (in GU-1) than the applicant is proposing.

Frequently the side streets along Badger Road that lead to residential areas are covered in heavy vegetation, and the street itself is not clearly visible to traffic approaching on Badger Road. Levado Avenue however has been cleared of trees and the entire street and its businesses are clearly visible from Badger Road (See Figure 6 for visibility from Badger Road). This provides further evidence that Levado Avenue is a commercial/industrial avenue, not a residential street.

**Figure 6: Visible Conditions from Badger Road**
The subject property has a Land Use Designation of “Perimeter Area Preferred Residential”; a designation shared with all properties in the area. ‘Preferred Residential Land’ is land that is "determined to be more suitable than other lands for development because it is generally: a) on slopes of 20% or less, b) not designated wetlands, c) has a lower probability of containing detrimental permafrost conditions.” There are many residential homes in the area, though this particular section of Badger Road has not developed in a residential manner and traditionally planning best practices ties to locate residential neighborhoods a distance away from arterial type roadways.

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

V. APPLICABLE APPROVAL CRITERIA

Conditional Uses for marijuana establishments are governed by FNSBC18.104.050(C) and FNSBC18.96.240 (see **Attachment 12** for details).
VI. PUBLIC NOTICE

The applicant posted a public hearing notice sign on May 30, 2019. This sign meets the 'notice by applicant' requirements (see Attachment 13). The Community Planning Department mailed 166 dear property owner notices on June 14, 2019 and as of publishing this report had received two inquiry about this case.

VII. AGENCY COMMENTS

The FNSB Department of Community Planning contacted the following agencies for comments (see Attachment 14 for agency comments):

a. State Fire Marshal
b. North Star Fire Service Area
c. Alaska State Troopers
d. FNSB Departments
e. Alaska Department of Transportation and Public Facilities (ADOT&PF)
f. Alaska Department of Natural Resources (ADNR)
g. Alaska Department of Environmental Conservation (ADEC)
h. Golden Valley Electric Association (GVEA)
i. Golden Heart Utilities
j. Valley Water
k. FNSB Addressing

VIII. STAFF ANALYSIS

FNSBC 18.96.240 Standards for Commercial Marijuana Establishments:

A. General Standards

2. A commercial marijuana establishment may only be allowed with the written consent of the owner of the property.

The current property owner has provided written consent to the proposed retail marijuana store.

3. No marijuana establishment, except a marijuana testing facility, shall be located within the following buffer distances (see FNSBC 18.96.240(A)(3)(a-e)).

The applicant’s submittals include an area map identifying all land uses within a 500-foot proximity of the subject lot (Attachment 15). This map demonstrates that the retail marijuana store does not encroach into any required buffer distances, and was verified during a site visit.

4. Outdoor Storage. No outdoor storage of marijuana, marijuana products or hazardous substances shall be allowed.
The applicant is not proposing outdoor storage of marijuana, marijuana products, or hazardous substances, as shown in the site plan and explained in the narrative.

5. In all zones in which marijuana establishments, with the exception of a marijuana testing facility, are a permitted or conditional use, the applicant shall include an area map drawn to scale indicating all land uses on complete parcels within a 500-foot proximity of the lot upon which the applicant is seeking a zoning permit or conditional use permit.

The applicant’s submittals include an area map drawn to scale indicating all land uses within a 500-foot proximity of the subject lot (Attachment 15).

6. Marijuana establishments other than marijuana cultivation facilities, indoor small and marijuana testing facilities located in GU-1 or GU-5 zoning and adjacent to a lot upon which a principal building used as a dwelling is located are a conditional use subject to the requirements of this title.

The applicant has applied for a conditional use permit for the proposed retail store on the subject property in the GU-1 zone because there are two adjacent properties, both of which contain a dwelling unit(s).

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 ‘Perimeter Area Preferred Residential’.

Perimeter Area land is land that is “within a 10 to 20 minute travel time of urban destinations, and which contains primarily residential uses”. Also, “variable densities are encouraged provided they are compatible with the surrounding community”.

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1 The Comprehensive Plan is a set of goal and policy statements to guide development in the Borough. Those goals and policies are executed, more specifically, by the zoning code. The Comprehensive Plan provides the framework for citizens and officials to make decisions related to land use, and to form the basis for ordinances and programs to guide land development, and use. It is a long-range document to guide the Borough through the next few decades. The Comprehensive Plan thus guides the implementation of zoning; the zoning code is the codified law. A specific area or zone must be “in accordance with” the Plan, which means it must be consistent with the validly enacted plan. It is impossible to instantaneously implement all Plan goals and policies in every designated area of the Borough, and there is no expectation that this be done. Instead, the law merely requires consistency with the Plan. It is important to note that while the Comprehensive Plan reflects Borough’s official land use policy, it is not a zoning ordinance and does not codify any land use standards. It should not be interpreted as restricting the Assembly’s ability to accommodate the actual development of the Borough and the changing needs of the community.
Perimeter Area Preferred Residential land is land that is “determined to be more suitable than other lands for development because it is generally: a) on slopes of 20% or less, b) not designated wetlands, c) has a lower probability of containing detrimental permafrost conditions.”

This conditional use is to allow an applicant to establish a retail marijuana business. The applicant’s property is considered preferred to develop residentially, where "variable densities are encouraged". While the majority of the surrounding properties were developed with single-family structures, there are small variations in the densities of the area, such as the multi-family structure adjacent to the west. As mentioned previously, while significant areas off of Badger Road have indeed developed residentially, Levado Avenue was never developed in this manner, and has continued to be significantly non-residential. Allowing the retail marijuana store would be consistent with the majority of Levado Avenue, as there is very little residential land use on the street.

The request is consistent with the following goals of the FNSB Regional Comprehensive Plan:

**Land Use Goal 1** - To recognize that the foremost aspect of land use involving private property is the retention and maintenance of private property rights.

**Strategy 2** - Work for community end goals with a minimum impact and disruption of individual private property rights.

This conditional use application does not propose any development that has the potential to disrupt the surrounding properties. 2008 Levado Avenue has historically been a property that was both residential and commercial/industrial. Records from the Assessor’s office indicate that both a mobile home and a commercial garage have been in existence on this property since it was first developed, and the surrounding properties on Levado have existed in a similar manner. The applicant is currently renting out to a trucking company that repairs trucks on site (See Attachment 16 for truck photos); a use that is permitted in the GU-1 zone without a conditional use. Similarly, the applicant could have a marijuana cultivation facility onsite, without a conditional use. Approving a CU for a retail marijuana store would not cause any impacts not already identified on this street, and could potentially limit further negative impacts and disruption.

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

**Strategy 6** - Provide for commercial land uses in both urban and non-urban areas.

This conditional use application will allow for the applicant to continue the commercial presence already in existence on Levado Avenue. Strategy 6 calls for “clustered commercial developments”. As this street is already identified as having commercial development, a retail marijuana store is better suited to Levado Avenue than the surrounding streets that have a stronger residential presence.
Intent of FNSBC Title 18: The intent of Title 18 which is “to protect private property rights, to promote the public health, safety and general welfare of the residents of the borough, and safety from fire and to promote the efficient distribution of water, sewage, schools, parks and other public requirements; to provide safe traffic flow on the public streets; to promote economic development and the growth of private enterprise; and to divide the borough into districts (FNSBC 18.12.020).”

Allowing a property owner to develop their private property is an example of protecting private property rights within clearly defined local zoning regulations. This proposal is to use the property as a retail marijuana store which requires a conditional use permit in GU-1 zone because there are 2 dwelling units on two adjacent properties. The public notification, public hearing procedures and approval criteria for conditional uses help protect the property rights of the surrounding property owners.

The subject property is accessible from Levado Avenue via Badger Road. Badger Road is maintained by the Alaska Department of Transportation & Public Facilities (ADOT & PF). It is classified as a Major Arterial type roadway. Badger Road can accommodate the trip ends generated by the proposed retail store.

The proposed conditional use promotes economic development and the growth of private enterprise because it would support 10 jobs in the area and would help diversify the commercial activity in the Fairbanks North Star Borough, specifically the North Pole area.

The applicant has addressed site security elements and has developed strategies for plant waste disposal. Moreover, the applicant has agreed to comply with state marijuana regulations. The application material and the narrative for this proposal illustrates that it meets the intent of Title 18 because this application is to protect property rights and with the conditions imposed, it would promote the public health, safety and general welfare of the residents of the borough.

Alaska State Statute and Other Ordinances: 3AAC 306 governs the state licensing and operational standards for marijuana facilities. Title 18 requires that a borough permitted commercial retail marijuana store obtain a license pursuant to all state regulations. The applicant has provided information sufficient to show they intend to meet the state regulations and has already applied for a state issued license.

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

Water and wastewater/ Sewage: There is an existing well on site that currently handles all the water needs of the property. The applicant has stated in her narrative that she will not be using well water to treat any plant materials, as she will not be cultivating any plants. The applicant has further stated that water for drinking will be provided to both employees and customers via bottled water for purchase (customers). The applicant has had the well checked by ADEC and the State has determined that adequate facilities exist.
The applicant has an existing septic system on site that meets all ADEC regulations and requirements.

**Emergency Fire Response:** The property has adequate fire services because the property is served by the North Star Volunteer Fire Department.

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

**Police:** The property is served by the Alaska State Troopers for law enforcement.

**Transportation**: The existing dwelling has access from Levado Avenue, which is a Local type roadway, and is not maintained by a Road Service Area. A retail store such as is proposed generates approximately 25-35 vehicle trips per day.³

The FNSB zoning code requires that all commercial retail stores outside of the General Use zoning district have at least one parking spaces per 200 square feet. Therefore the applicant is proposing to provide four parking spaces for the retail store.

FNSB Planner IV – Transportation, Don Galligan has reviewed the conditions of Levado Avenue and his comments are included in this report (Attachment 17).

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

Site security, marijuana waste, signs, noise, odor and hours of operation could be potential concerns for surrounding properties with a retail marijuana store operation, however the applicant has addressed these issues in a way that mitigates the public health, safety and welfare concerns.

**Site Security and Marijuana Waste Disposal:** The applicant intends to comply with the state security regulations for a retail marijuana store. The applicant has stated that the security provisions include video surveillance on the property, motion active outdoor lighting, and a separate arctic entry that any potential customer must first walk through, and show ID in, to obtain access to the store.

The applicant’s proposal for the marijuana plant waste management meets the regulations set forth by Alaska Department of Environmental Conservation and Marijuana Control Board. The applicant plans to grind marijuana waste and render it unusable by mixing it with compostable material on a 1:1 ratio. This composted mix will then be transferred to an on-site compost bin by a trained employee, and the compost bin is recorded by video security. The applicant has plans to use the compost onsite to maintain flowerbeds and landscaping in the spring.

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2 This section of this staff report includes comments from Donald Galligan, FNSB Transportation Planner
**Signs:** The applicant has proposed a banner type wall sign, to be mounted above the arctic entry to Badger Buds. The banner will be 3’ H x 10’ L and will display their logo and name. Business hours will be posted in the window rather than on the banner; in the event they change, Badger Buds will not have to have the banner redone. The applicant also is considering a window decal with their logo only on one of the windows.

The subject property is located in the GU-1 zone where only the general regulations of the FNSB sign standards apply (FNSBC 18.96.070.A). Moreover, any number of signs flat against the building and not extending beyond the building are allowed in the GU-1 zone (FNSBC 18.96.070.C.2.d & 18.96.070.C.3). Therefore, the signs proposed by the applicant meet the FNSB sign standards. Signage on retail marijuana stores is also regulated by the State (3AAC 306.360). The State allows “not more than three signs, visible to the general public from the public right-of-way, which identify the retail marijuana store by its business name. A sign may be placed in the retail marijuana store’s window or attached to the outside of the licensed premises. The size of each sign may not exceed 4,800 sq. inch.”

**Odor:** The applicant does not expect any marijuana odor because the operation is for a retail store only, and no cultivation will take place at this location.

**Noise:** The conditional use is not expected to generate significant noise from retail sales and packaging because it would be completely indoors. The retail store has direct access from Badger Road, which is a Major Arterial type roadway and experiences 24-hour traffic.

**Hours of Operation:** The subject property is located in GU-1 zoning where there are no restrictions on hours of operation. The applicant has stated that the hours of operation would be 8 am – midnight, Sunday through Wednesday, and 8 am – 2am, Thursday through Saturday. These times are within the hours permitted By Alaska State Statute. The applicant has stated in her narrative that these hours may change based upon business activities, however they will not exceed those permitted by State. Delivery of cannabis will never take place outside of the posted hours of operation, and the applicant does not anticipate any deliveries occurring past 5pm, except for occasional deliveries from out of the Fairbanks region, which may take longer to arrive, i.e. arrival from Anchorage.

**IX. RECOMMENDATION**

Based on the staff analysis above, the Department of Community Planning recommends **APPROVAL** of the conditional use permit request for a retail marijuana store on Lot 2, Block C, Endecott Subdivision in the General Use (GU-1) zone with four (4) conditions.

**X. CONDITIONS**

1. Prior to the commencement of retail marijuana store 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 retail marijuana store.

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.

2. All parking, turning and maneuvering area shall be located entirely within the subject property of the conditional use being served.

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).

4. If the current vegetation/tree line from any adjoining property is removed, the owner of Badger Buds shall install a privacy fence within 90 days.

XI. 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 because:

   a. FNSB Regional Comprehensive Plan Land Use Goal 1 and Goal 3 are supported by the conditional use by increasing the variety of land uses, especially cluster commercial development.

   b. The intent of Title 18 is met because the conditional use, with conditions, protects private property rights and promotes public health, safety, and welfare.

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

2. There are adequate existing utilities serving the site and other public services are available to serve the proposed conditional use.
a. There are adequate existing well and septic system in place.

b. The subject property is served by the North Star Volunteer Fire Department for emergency fire response.

c. The subject property has adequate power supply because it is served by the GVEA grid.

d. The subject property is served by the Alaska State Troopers for law enforcement.

e. The subject property has access from Levado Avenue which is a Local type roadway that is not part of a road service area. Though Levado Avenue is unmaintained, it should be able to accommodate the proposed additional trips generated from the property, as the heaviest road uses are the result of the other industrial uses on Levado.

f. The subject property is accessible from Badger Road, which is a Major Arterial type roadway. Badger Road can accommodate the trip ends generated by the proposed retail store.

g. Four (4) off-street parking spaces and a loading area have been provided on-site, which are adequate for the proposed conditional use.

3. The proposed conditional use protects public health, safety, and welfare because the property complies with Title 18 standards for the GU-1 zone (FNSBC 18.40) as well as Title 18 standards for marijuana establishments (FNSBC 18.96.240).

a. The applicant has proposed specific mitigation efforts to limit any negative impacts to the surrounding properties, including limiting the hours of operation and delivery hours to reasonable time slots, by having the outdoor lighting be motion activated rather than permanently on, and by not cultivating plants that could cause strong odors.

b. 

c. Site Security and waste disposal adhere to all requirements per Alaska Statute 3AAC 306.

d. Odor and noise are limited due to the operation being entirely indoors and no plant growth or cultivation on site.

e. Hours of operation are within Alaska State regulations.
DRAFT PLANNING COMMISSION MOTION:

I move to approve the Conditional Use Permit (CU2019-011) for a retail marijuana establishment on Lot 2, Block C, Endecott Subdivision with four (4) conditions, and adopting the staff report and three (3) Findings of Fact in support of the approval.
Attachment 1: Application Materials from Application
Attachment 1

Fairbanks North Star Borough
Department of Community Planning
907 Terminal Street/P.O. Box 71267
Fairbanks, Alaska 99707-1267
(907) 459-1260 Fax: (907) 205-5169
planning@fnsb.us

MARIJUANA FACILITY
CONDITIONAL USE PERMIT APPLICATION
File No.: CU2019-Q11

*****FEES ARE NON-REFUNDABLE*****

FEES: ☑ $1,000 conditional use permit application
       ☑ $250 verification of sensitive use buffers
       ☑ $200 sign deposit (check or cash recommended)

<table>
<thead>
<tr>
<th>Applicant:</th>
<th>Property Owner:</th>
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<tbody>
<tr>
<td>Contact Name: Michelle Westlake</td>
<td>Name: Daniel Sheridan</td>
</tr>
<tr>
<td>Business Name: Badger Buds LLC</td>
<td>Mailing Address: 1300 Rangeview Rd.</td>
</tr>
<tr>
<td>Mailing Address: 1340 Overhill Dr.</td>
<td>City, State Zip: North Pole, AK 99705</td>
</tr>
<tr>
<td>City, State Zip: Fairbanks, AK 99709</td>
<td>Phone:</td>
</tr>
<tr>
<td>Phone: 907-388-9725</td>
<td>Cell: 907-460-4468</td>
</tr>
<tr>
<td>E-mail: <a href="mailto:Badgerbudsllc@gmail.com">Badgerbudsllc@gmail.com</a></td>
<td>E-mail:</td>
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<table>
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<th>Property Information:</th>
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<tr>
<td>Property Description: Endecott, Block C Lot 2</td>
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<tr>
<td>Street Address: 2008 Levado Ave. Unit A</td>
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<td>Parcel Account Numbers (PAN): 0294667</td>
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<tr>
<td>Lot Size: 50,398 soft</td>
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<td>Zoning District: GU1</td>
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<tr>
<td>Proposed Use(s): Retail Marijuana Store</td>
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<tr>
<td>Request Description and Reasons for the Request: Retail Marijuana Store for legal consumption</td>
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I have attached a detailed site plan drawn to scale and to the standards of the Commercial/Industrial Site Plan guidelines. I certify that the information included in this application is to the best of my knowledge true and complete.

APPLICANT SIGNATURE: Michelle Westlake DATE: 5/24/19

OWNER SIGNATURE (if different): DATE: 4/18/2019

If the applicant is not the sole property owner, written consent of all property owners must be provided pursuant to FNSBC 18.104.050(B).
Property Information for PAN#: 0294667

STATUS: ACTIVE - ROLL TYPE 1
PROPERTY DESCRIPTION: ENDECOTT, BLOCK: C, LOT: 02
OWNER: Sheridan Family Trust [ownership]
BILLING ADDRESS: 1300 Range View Rd North Pole, AK 99705 5352
SITUS ADDRESS: 2008 Levado Ave B, 2008 Levado Ave A
PARCEL SIZE: 50398 SF
NEIGHBORHOOD: Lakloey-Persinger (2005)
LAND CLASS: GENERAL RESIDENTIAL, General Residential
PRIMARY USE: Industrial
FLOOD ZONE: X: PROTECTED BY LEVEE (100%)
SPECIAL REG. AREAS: None
ZONING: GU-1 (100%)
COMP PLAN: Perimeter Area Preferred Residential Land (100%), Perimeter Boundary (100%)
PLANNING DISTRICT: Badger (100%)
ROAD DISTRICT: N/A
URBAN BOUNDARY (2003): YES
ROAD SERVICE AREA: None
FIRE SERVICE AREA: North Star (100%)
FIRE SERVICE (Property DB): North Star Fire S A
STRUCTURES: Wood, Open Steel (0 Units), Manufactured SFR (1 Unit)
BUSINESS ON SITE: RT INTERIORS REMODEL & REPAIR
MILL GROUP: North Star Fire Service Area (0977) (Est. Mill Rate: 13.898)
PLAT NUMBER: ENDECOTT HMST (FRD1972_31_001)
DESCRIPTION (VAULT): LOT 2 TRACT C ENDECOTT
COMMUNITY PLANNING PERMITS: NONE

Assessment History

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<td>$155,122</td>
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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.
COMMERCIAL MARIJUANA FACILITY
CONDITIONAL USE PERMIT INTAKE CHECKLIST

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

2. A legible site plan drawn to a verifiable scale (i.e. 1” = 10' or 1” = 20’, etc.), with north arrow and dimensions in feet including all of the following:

   More than one site plan of different scales may be used to illustrate the site.
   - Location and dimensions of property lines
   - Location and dimensions of utility easements and access easements including section line easements.
   - Name of the access road and any other roads adjacent to the property lines and widths of all right-of-ways.
   - Location and dimensions of all existing and proposed buildings and structures such as greenhouses, barns, offices, sheds, employee washrooms/restrooms, etc. Include any proposed additions. Label each building or structure as existing or proposed. Provide height and number of stories for all buildings to be utilized for the conditional use.
   - Uses of all existing and proposed buildings and structures, portions of buildings, and areas of the property, such as residence, barn, storage, land in crops, etc.
   - Setback distances of all existing and proposed buildings and structures from property lines, except in the General Use (GU) zones.
   - Distances between all existing and proposed buildings and structures.
   - Location of well on site, if applicable.
   - Location of septic on-site, if applicable.
   - Location and dimensions, including height, of all existing and proposed signage.
   - Location of all outdoor lighting.
   - Location of trash dumpster(s). \( \text{\textcircled{\text{none}}} \)
   - Location of security fencing and gates. Include clearance width of all gates. \( \text{\textcircled{\text{none}}} \)
4. **NARRATIVE**

☑ Provide a typed narrative addressing the following:

- Total (maximum) number of employees expected to be working on the site, including full and part-time, temporary and seasonal.
- Type and frequency of other vehicle trips to the site such as deliveries, security, product transport, or other visitors.
- Hours of operation
- Activities occurring on the site on a daily, weekly, monthly, periodic, seasonal, occasional and annual basis
- Phases of development, if applicable
- Impacts of the proposed use that may cross property lines such as odor, noise, dust, light, etc.
- Provide a list of the chemicals utilized or stored on the site.
- Describe how plant waste and/or product waste materials will be handled and disposed of
- Energy source serving the proposed use
- Water source serving the proposed use
- Method of sewage disposal for the proposed use
- Method of wastewater management for the proposed use
- Other public utilities and services to serve the proposed use such as garbage, communications, fire protection, police, etc.
- For a marijuana manufacturing facility, provide information on the type of manufacturing process(es) to be utilized.
- Compliance with state requirements for facility security.

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

**FNSBC 18.104.050(C):**

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

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

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

3. **Whether or not the proposed conditional use will protect the public health, safety and welfare.**
DEPOSIT / REFUND FORM
PUBLIC NOTICE SIGN DEPOSITS &
EXPERT REVIEW DEPOSITS

FILE/CASE # C.U 2019-01

DEPOSITS

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

Sign # 3
(if required)

DATE Prepared: 6/24/19

Prepared By: Hamilton
Fairbanks North Star Borough

RECEIPT Number: 473563

PAID By: Cash ☐ Check # 0075 Credit Card ☐ Last 4 digits #

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

Name & Address on Check

Name & Contact # on Credit Card

If cash name and address for refund:


SIGN REFUNDS

Sign Returned: Date: Initiate Refund: ☐YES ☐NO

Staff who took sign in:

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

Additional Damage Yes ☐ No ☐ Partial Refund ☐Yes $

Describe ____________________________________________

Applicant Initial ___________
Marijuana Conditional Use Permit Narrative  
Badger Buds LLC  
2008 Levado Ave. North Pole, AK 99705

Badger Buds LLC will be a small cannabis retail store run by a mother and son. Our goal is to provide a legal cannabis retail store for the community. We will provide cannabis, CBD products, clothing, smoking items, and cannabis education. We want to work closely with our community and be able to give back to the community in the future.

- Badger Buds LLC will employ a maximum number of 10 people including full and part-time, temporary and seasonal employees all age 21 or over. Each employee will be required to pass the marijuana handlers course and receive their handlers card. Every employee will be trained on how to recognize an intoxicated person and how to handle the situation. The retail store has an arctic entrance where customers will be required to show ID and be evaluated by employees before being allowed entrance into the retail store. Each employee will also go through a store training on expected hygiene and sanitary handling of cannabis and expectations.
- Delivery of incoming cannabis will depend on current sales. We estimate that cannabis delivery will be a few times a week. Deliveries from USPS to include non cannabis retail items will be delivered in a mail box by the road or for larger packages will be dropped off at the retail store during USPS operating hours. Delivery of cannabis product will be delivered in personal vehicles as not to be outstanding to neighbors and will be delivered during the hours of 8 am - 5 pm except on accession when delivery is not local (for example: Anchorage, Kenai, Palmer) but will not exceed the hour of Midnight. There will be no heavy trucks or traffic created by deliveries.
- Hours of operation will be Sunday - Wednesday 8:00am - 12:00am, Thursday - Saturday 8:00am - 2:00am. These are the planned hours of operation. After the business has had time to review customer activity the hours could change to being open later and/or closer earlier per state statute. Delivery of cannabis and non cannabis items will happen periodically.
- Activities at this location will include the legal retail sale of cannabis and non cannabis items (CBD items, clothing, smoking items) on a daily basis.
- Improvements to the property will be reviewed by the state fire marshal for state code compliance and improvements will begin once permit is granted. Improvements will/have included the removal of an old run down house trailer (by mid summer), cleaning of the lot from all garbage (the lot was covered in garbage), removal of old vehicles (several vehicles and a bus), new windows in building and new siding and parking lot improvements. The building is a total of 2,648 SqFt. The retail arctic entrance is 112 SqFt., the retail store is 406 SqFt., Staff bathroom is 65 SqFt., surveillance room is 60 SqFt., office is 180 SqFt., and the hallway between the retail store and office for security is 25 SqFt. Out of the 2,648 SqFt, Badger Buds will occupy 848 SqFt. The building was covered in pink insulation but is currently being resided in metal siding with red siding on top and silver bottom with sandstone trim. This will help to clean up the area and be better for the two homes on this road and the surrounding business.
- Location of the retail store is zoned GU1. There are several local businesses surrounding the area (Alaska drilling, Alaska k9, Custom Flooring, Fairbanks Pumping and Thawing, Badger Gas). The front of the retail faces Alaska Drilling so the lighting from the front of the store will not be facing a residential area. We are not anticipating largely increasing traffic on Badger Rd as it is already in a business area. We do anticipate Levado Ave. to see an increase in
traffic of about 25 to 35 trips daily depending on the day of the week. We are currently trying to work with our neighbors to improve the road conditions of Levado Ave. At a minimum we plan to lay road gravel to fill pot holes and grade the road. The road approaching the retail store (Levado) only has two houses on it and traffic will only pass one home before reaching the retail store. This home is a multi-family home and houses employees from Alaska Drilling. The other house is past the store so it will receive very little impact from traffic. The back of the store and both sides of the lot are lined by trees. These trees are not owned by us and should the current owners decided to remove the trees we anticipate putting up a fence as a buffer. The house past the retail store currently has a line of unused cars lined up on the property line. We anticipate adding a fence to this side of the property to help with the visual ascetics of the premises. The current trees will create a buffer to any lighting that may be produced by the retail store for advertising or security. Outdoor lighting will be on a motion sensor so that it is not shining at all times on sides and back of store. The business’s will be facing the construction company and will be buffered by trees so as not to be disruptive to the neighbors. The sign will be 3ft x 10ft banner on top of the arctic entry of the retail store. There should be no strong odors causing a nuisance for the neighbors as this is only a retail only establishment.

- I, Michelle Westlake, am currently leasing the building with the option to buy. I am currently sub leasing to Badger Buds LLC, Two Hands Enterprise Company and an apartment. There are two arctic entrances to enter the building. One arctic entrance only always entrance to the retail store. The other arctic entrance allows entry to the apartment, the retail office and the downstairs renter. Once entering the arctic entrance each place has its own separate locked door. The retail office will be kept locked at all times and only owners and management will have a key to this entrance. The downstairs is currently being rented by Two Hands Enterprise Company. They are a trucking company that are sub renting from me to maintain the upkeep of their trucks as well as restoring cars. There is a solid wall between the rental bay and the retail store, there is a door that leads from the rental bay to the retail office. This door will be kept locked at all times with a dead bolt and key lock and only owners and management will have the key and ability to use this door in case of emergencies. Should any of these renters not renew their lease I will not rent to any church, day care, school, or any other organization that is against Fairbanks North Star Borough and the Alcohol and Marijuana Control Board regulations.
- Basic chemicals (bleach, bathroom cleaner, etc.). All cleaning materials will be kept in a utility bathroom that is not available to the public. It will only be accessible by employees.
- Plant waste and product waste will stored will be recorded by camera and stored on a digital video recorder as footage for three days before destroyed. Waste from retail will be ground to smaller than 1cmx1cm and rendered with inert material at a 1:1 ratio and will be stored/composted on site. All waste will be documented and handled by trained and authorized employees.
- The retail store will be run off of existing GVEA 200 amp single phase service. All work will be completed by a certified electrician and will be in compliance with state fire marshal requirements and codes.
- Water source is an on site water well. The retail store will not be selling any products that will require the use of the water on site. The Department of Environmental Conservation has determined the water system to be private and the retail store will not require any further work to the water system. Water for customers will be sold in a bottle and water for employees will be provided by Badger Buds by either bottled water or a water dispensing machine.
- An existing commercial septic system will service the sewage and wastewater. This system will meet all of the Department of Environmental Conservation division of wastewater and
wastewater discharge policies. An Engineer will inspect the septic system and all reports will be given to the DEC.

- North Star Volunteer Fire Department is the servicing fire department and will conduct an access review as required by the state fire marshal. Alaska State Troopers will be notified in the event of a threat to life, limb or property as a result of third party activities. Communication systems will be provided by GCI (land line telephone, internet). Badger Buds intends to work closely with the community services to keep its neighbors and employees safe.

- Security will be serviced by a suite of motion detectors (doors, windows, ID check station, register and counters), hardened doors at access points, door strikes, motion detecting flood lights, panic button, control room, and buzzer entrance door, and a complete camera system with server and storage for backup that is required to be Alcohol and Marijuana Control Office compliant. A safe will be used to store all products in a separate room from the retail and the office. It will require a key to enter and only a select few people will have the access code to the safe. There is a Hallway between the retail and the office with two doors so that employees can exit the retail and close doors if needed. There will be a TV security monitor in the office and in the safe room to be able to be viewed by manager on site. An arctic entrance will allow employees to ID and view customers before entering the store. This will allow employees to refuse service to anyone the deem intoxicated or unsafe. They will be able to close the window between the arctic entrance and the retail store where ID’s are checked if needed and not buzz the customer into the store. Bars will cover all accessible windows. There will be no less than two employees on site at all times.

All plans are to be reviewed by AMCO examiners, AMCO board, engineers, and the state fire marshal to ensure Badger Buds LLC is in compliance. The safety, health, and welfare of the neighbors and general public is of great importance for Badger Buds LLC. Potential negative impacts will be mitigated by the respective overseeing regulatory bodies direction. This facility was chosen in an area with other local business in a GU1 zone as to provide a service to the local area with the safety and welfare of the community in mind. We chose this area because we believe this area will provide minimal disruption to the surrounding communities.
Please add to the narrative the following:

My daughter is living in the upstairs apartment and will be attending UAF in the fall and I plan for her to continue to live in the apartment while attending college. We are not intending to rent the apartment to anyone else.

Michelle Westlake
Badger Buds LLC
Sent from my iPad
LOTS AND PARCELS
Within 500 Ft. Of Badger Buds LLC

1. Fairbanks Pumping and Thawing
   Provide Septic System Work

2. Vacant Lot

3. Residential

4. Residential

5. Large Equipment Storage/Salvage

6. Residential

7. Residential

8. Residential

9. Residential

10. Alaska K9 Center
    Training Dogs

11. Residential

12. Badger Buds LLC
    Marijuana Retail Store

13. Residential

14. Residential

15. Plambeck's Floor Custom

16. Alaska Drilling and Water Services
    Water drilling contractor

17. Residential

18. Vacant Lot

19. Residential

20. Vacant Lot

21. Arctic Marine Repair
    Repairs boats and motors
SHERIDAN FAMILY TRUST
CERTIFICATION OF TRUST

The undersigned Settlors and Trustees, personally appeared before the undersigned Notary Public in and for the Fourth Judicial District, State of Alaska, and the undersigned Settlors and Trustees, who after being duly sworn state and certify on oath the following:

The undersigned Settlors and Trustees hereby certify the following:

1. This Certification of Trust refers to the SHERIDAN FAMILY TRUST dated November 24, 2014, and any amendments thereto, executed by CHRISTENE E.E. SHERIDAN and DANIEL J. SHERIDAN, as Settlors. Any property owned by the Trust may be taken in the name of the SHERIDAN FAMILY TRUST.

2. The address of the Settlors is:

CHRISTENE E.E. SHERIDAN and DANIEL J. SHERIDAN,
Trustees of the SHERIDAN FAMILY TRUST
1300 RANGEVIEW DRIVE
NORTH POLE, AK 99705

This will be the account address.

3. The initial Trustees of the Trust are:

CHRISTENE E.E. SHERIDAN and

DANIEL J. SHERIDAN

4. The Trustees currently serving are:

CHRISTENE E.E. SHERIDAN and

DANIEL J. SHERIDAN

5. The Social Security Number of either Settlor may be used as the Taxpayer Identification Number (TIN) for the trust.

CHRISTENE E.E. SHERIDAN’s Social Security Number is [redacted] and

DANIEL J. SHERIDAN’s Social Security Number is [redacted]
6. With respect to successor trustees, **ARTICLE I, TRUSTEE SUCCESSION** reads as follows:

**ARTICLE I**

**TRUSTEE SUCCESSION**

**Trustee Succession if Either Settlor Dies or Becomes Incapacitated.** If either Settlor dies or is adjudicated to be incompetent or in the event that such Settlor is not adjudicated incompetent, but by reason of illness or mental or physical disability is, in the opinion of the other Settlor unable to properly handle his or her own affairs, then and in that event the other Settlor shall become the sole Trustee hereunder. If the sole Settlor dies or is adjudicated to be incompetent or in the event that the sole Settlor is not adjudicated incompetent, but by reason of illness or mental or physical disability is, in the opinion of two licensed physicians, unable to properly handle his or her own affairs, then and in that event the Trustee named below shall immediately become the Trustee under this Trust Agreement. The Settlors name the following as successor Trustee:

**CRAIG N. CAISSIE**

Third parties may rely on an affidavit by the Trustee named above stating that the successor Trustee is now acting as Trustee hereunder.

7. With respect to powers of trustee, **ARTICLE XIII, POWERS OF TRUSTEE** reads as follows:

**ARTICLE XIII**

**POWERS OF TRUSTEE**

**Powers for Trustee.** The Trustee is authorized in its fiduciary discretion (which shall be subject to the standard of reasonableness and good faith to all beneficiaries) with respect to any property, real or personal, at any time held under any provision of this Trust Agreement and without authorization by any court and in addition to any other rights, powers, authority and privileges granted by any other provision of this Trust Agreement or by statute or general rules of law:

- (1) To collect trust property and accept or reject additions to the Trust Estate from a Settlor or any other person.

- (2) To retain in the form received any property or undivided interests in property donated to, or otherwise acquired as a part of the Trust Estate, including residential property and shares of the Trustee's own stock, regardless of any lack of diversification, risk or nonproductivity, as long as it deems advisable, and to exchange any such security or property for other securities or properties and to retain such items received in exchange, although such property represents a large percentage of the total property of the Trust Estate or even the entirety thereof.
(3) To deposit trust money in accounts of all types, including margin accounts, in all types of regulated financial service institutions.

(4) To invest and reinvest all or any part of the Trust Estate in any property and undivided interests in property, wherever located, including bonds, debentures, notes, secured or unsecured, stocks of corporations regardless of class, interests in limited partnerships, limited liability companies or similar entities, real estate or any interest in real estate whether or not productive at the time of investment, interests in trusts, investment trusts, whether of the open and/or closed fund types, and participation in common, collective or pooled trust funds of the Trustee, insurance contracts on the life of any beneficiary or annuity contracts for any beneficiary, without being limited by any statute or rule of law concerning investments by fiduciaries.

(5) To abandon or decline to administer property of no value or of insufficient value to justify its collection or continued administration.

(6) To sell or dispose of or grant options to purchase any property, real or personal, constituting a part of the Trust Estate, for cash or on credit, at public or private sale, to exchange any property of the Trust Estate for other property, at such times and upon such terms and conditions as it may deem best, and no person dealing with it shall be bound to see to the application of any monies paid.

(7) To hold any securities or other property in its own name as Trustee, in its own name, in the name of a nominee (with or without disclosure of any fiduciary relationship) or in bearer form.

(8) To keep, at any time and from time to time, all or any portion of the Trust Estate in cash and uninvested for such period or periods of time as it may deem advisable, without liability for any loss in income by reason thereof.

(9) To sell or exercise stock subscription or conversion rights.

(10) To refrain from voting or to vote shares of stock which are a part of the Trust Estate at shareholders' meetings in person or by special, limited, or general proxy and in general to exercise all the rights, powers and privileges of an owner in respect to any securities constituting a part of the Trust Estate.

(11) To participate in any plan of reorganization or consolidation or merger involving any company or companies whose stock or other securities shall be part of the Trust Estate, and to deposit such stock or other securities under any plan of reorganization or with any protective committee and to delegate to such committee discretionary power with relation thereto, to pay a proportionate part of the expenses of such committee and any assessments levied under any such plan, to accept and retain new securities received by the Trustee pursuant to any such plan, to exercise all conversion, subscription, voting and other rights, of whatsoever nature pertaining to such property,
and to pay any amount or amounts of money as it may deem advisable in connection therewith.

(12) To borrow money with or without security and to encumber, mortgage, or pledge any asset of the Trust Estate for a term within or extending beyond the term of the trust, in connection with the exercise of any power vested in the Trustee.

(13) To pledge the Trust Estate and to cause this Trust to guarantee loans made by others to a beneficiary or any business owned by the Trust.

(14) To enter for any purpose into a lease as lessor or lessee, including a lease or other arrangement for exploration and removal of natural resources, with or without option to purchase or renew for a term within or extending beyond the term of the trust.

(15) To subdivide, develop, or dedicate real property to public use or to make or obtain the vacation of plats and adjust boundaries, to adjust differences in valuation on exchange or partition by giving or receiving consideration, and to dedicate public or private easements to private or public use without consideration, including by way of example qualified conservation and façade easements.

(16) To make ordinary or extraordinary repairs or alterations in buildings or other structures, to demolish any improvements, to raze existing or erect new party walls or buildings.

(17) To continue and operate any business or other enterprise owned by the Settlers or either of them at such Settlor's death, whether an interest in a proprietorship, partnership, limited liability company, business trust, corporation, or other form of business or enterprise, and to do any and all things deemed needful or appropriate by the Trustee, including the power to incorporate the business and to put additional capital into the business, for such time as it shall deem advisable by shareholders, members, or property owners, without liability for loss resulting from the continuance or operation of the business except for its own negligence; and to merge or otherwise change the form of business organization or contribute additional capital, close out, liquidate, or sell the business at such time and upon such terms as it shall deem best.

(18) To collect, receive, and receipt for rents, issues, profits, and income of the Trust Estate.

(19) To insure the assets of the Trust Estate against damage or loss and to insure the Trustee, the Trustee's agents, and beneficiaries against liability arising from the administration of the Trust.

(20) To select a mode of payment under any employee benefit or retirement plan, annuity, or life insurance payable to the Trustee, exercise rights thereunder, including exercise of the right to indemnification for expenses and against liabilities, and take appropriate action to collect the proceeds.
(21) In buying and selling assets, in lending and borrowing money, and in all other transactions, irrespective of the occupancy by the same person of dual positions, to deal with itself in its separate, or any fiduciary capacity.

(22) To compromise, adjust, arbitrate, sue on or defend, abandon or decline to administer property of no value or of insufficient value to justify its collection or continued administration, or otherwise deal with and settle claims in favor of or against the Trust Estate or to prosecute or defend an action, claim, or judicial proceeding in any jurisdiction to protect the Trust Estate and the Trustee in the performance of the Trustee’s duties, as the Trustee shall deem best.

(23) To exercise elections with respect to federal, state, and local taxes.

(24) To employ and compensate agents, accountants, investment advisers, brokers, attorneys-in-fact, attorneys-at-law, tax specialists, realtors, appraisers, and other assistants and advisors deemed by the Trustee needful for the proper administration of the Trust Estate, and to do so without liability for any neglect, omission, misconduct, or default of any such agent or professional representative provided such person was selected and retained with reasonable care.

(25) To appoint a Trustee to act in another jurisdiction with respect to the Trust Estate located in the other jurisdiction, confer upon the appointed Trustee all of the powers and duties of the appointing Trustee, require that the appointed Trustee furnish security, and remove any Trustee so appointed.

(26) To determine what shall be fairly and equitably charged or credited to income and what to principal.

(27) To resolve a dispute concerning the interpretation of the Trust or its administration by mediation, arbitration, or other procedure for alternative dispute resolution.

(28) To hold and retain the principal of the Trust Estate undivided until actual division shall become necessary in order to make distributions; to hold, manage, invest, and account for the several shares or parts thereof by appropriate entries on the Trustee's books of account; and to allocate to each share or part of share its proportionate part of all receipts and expenses; provided, however, the carrying of several trusts as one shall not defer the vesting in title or in possession of any share or part of share thereof.

(29) To make payment in cash or in kind, or partly in cash and partly in kind upon any division or distribution of the Trust Estate (including the satisfaction of any pecuniary distribution) without regard to the income tax basis of any specific property allocated to any beneficiary and to value and appraise any asset and to distribute such asset in kind at its appraised value; and when dividing fractional interests in property among several beneficiaries to allocate entire interests in some property to one beneficiary and entire interests in other property to another beneficiary or beneficiaries.
(30) In general, to exercise all powers in the management of the Trust Estate which any individual could exercise in his or her own right, upon such terms and conditions as it may reasonably deem best, and to do all acts which it may deem reasonably necessary or proper to carry out the purposes of this Trust Agreement.

(31) To purchase property, real or personal, from either Settlor's general estate upon such terms and conditions as to price and terms of payment as the Settlor's Executor or Administrator and the Trustee shall agree, to hold the property so purchased as a part of the Trust Estate although it may not qualify as an authorized trust investment except for this provision, and to dispose of such property as and when the Trustee shall deem advisable. The fact that the Settlor's Executor or Administrator and the Trustee are the same shall in no way affect the validity of this provision.

(32) To lend funds to either Settlor's general estate upon such terms and conditions as to interest rates, maturities, and security as the Settlor's Executor or Administrator and the Trustee consider to be fair and reasonable under the circumstances, the fact that they may be the same in no way affecting the validity of this provision.

(33) To receive property bequeathed, devised or donated to the Trustee by either Settlor or any other person; to receive the proceeds of any insurance policy which names the Trustee as beneficiary; to execute all necessary receipts and releases to Executors, donors, insurance companies and other parties adding property to the Trust Estate.

(34) To combine assets of two or more trusts if the provisions and terms of each trust are substantially identical, and to administer them as a single trust, if the Trustee reasonably determines that the administration as a single trust is consistent with the Settlors' intent, and facilitates the trust's administration without defeating or impairing the interests of the beneficiaries.

(35) To divide any trust into separate shares or separate trusts or to create separate trusts if the Trustee reasonably deems it appropriate and the division or creation is consistent with the Settlors' intent, and facilitates the trust's administration without defeating or impairing the interests of the beneficiaries.

(36) To divide property in any trust being held hereunder with an inclusion ratio, as defined in section 2642(a)(1) of the Internal Revenue Code of 1986, as from time to time amended or under similar future legislation, of neither one nor zero into two separate trusts representing two fractional shares of the property being divided, one to have an inclusion ratio of one and the other to have an inclusion ratio of zero, to create trusts to receive property with an inclusion ratio of either one or zero and if this cannot be done to refuse to accept property which does not have a matching inclusion ratio to the receiving trust's ratio, all as the Trustee in its sole discretion deems best.
(37) If the Trustee shall act as the Executor of either Settlor's estate, to elect to allocate any portion or all of such Settlor's generation-skipping transfer exemption provided for in Code section 2631 or under similar future legislation, in effect at the time of such Settlor's death, to any portion or all of any other trusts or bequests in such Settlor's Will or any other transfer in which such Settlor is the transferor for purposes of the generation-skipping tax. Generally, the Settlors anticipate that each Settlor's Executor will elect to allocate this exemption first to direct skips as defined in Code section 2612, then to Trust B, unless it would be inadvisable based on all the circumstances at the time of making the allocation; and to make the special election under section 2652(a)(3) of the Code to the extent such Settlor's Executor deems in the best interest of the Settlor's estate.

8. The Trust is Revocable and the Trust has not been revoked and there have been no amendments limiting the powers of our Trustees over trust property.

9. No person or entity paying money to or delivering property to our Trustees shall be required to see to its application. All persons relying on this document regarding our Trustees and their powers over trust property shall be held harmless for any resulting loss or liability from such reliance. A copy of this Certificate of Trust shall be just as valid as the original.

Trustees certify that they will inform the recipient of this Certificate of Trust of any change or Amendment to the Trust or Trust Agreement that would affect the powers of the Trustees, the names of the Trustees, the revocability of the Trust, or the Name of the Trust.

The undersigned certify, swear, subscribe and affirm that the statements in this Certification of Trust are true and correct and that it was executed in the Fourth Judicial District, State of Alaska.

SETTLORS:

CHRISTENE E.E. SHERIDAN
DANIEL J. SHERIDAN

TRUSTEES:

CHRISTENE E.E. SHERIDAN
DANIEL J. SHERIDAN

Sheridan Family Trust – Certificate of Trust  
Page 7
VERIFICATION

STATE OF ALASKA

FOURTH JUDICIAL DISTRICT

I, a Notary Public, within and for the State and County aforesaid do hereby certify that the foregoing instrument of writing was this day produced to me in the above State and County by CHRISTENE E.E. SHERIDAN and DANIEL J. SHERIDAN, Settlors and Trustees, parties hereto, and was executed and acknowledged by them to be the Settlors’ and Trustees’ free act and voluntary deed.

WITNESS my signature this November 24, 2014.

Signature of Notary Public
My commission expires: February 22, 2017
Badger Buds is a small retail store. There is no cultivation or manufacturing at this site. Badger Buds is anticipating to have less than 1oz of cannabis waste per month on an average, with the majority of waste coming from products that have expired such as edibles.

3 AAC 306.740. Waste disposal. States that a marijuana establishment shall
(1) give the board notice, on a form prescribed by the board, not later than three days before making the waste unusable and disposing of it; however, the director may authorize immediate disposal on an emergency basis;
(2) record the waste in the marijuana inventory tracking system required under 3 AAC 306.730

Badger Buds will remove any waste/expired product from their available inventory and shelves and move it to waste in their inventory. The product will be reported as required by regulation 3 AAC 306.740 to the METRC system. The waste will be placed in a container marked as cannabis waste. The container will be in a restricted room (office) and on camera where it will be recorded on a digital video camera for the 3 days. This is to ensure that waste product is not tampered with during the 3 day notification period.

Once the 3 day notification period has passed, Badger Buds will report to METRC that the waste product is being removed to the onsite compost bin. On the end of the 3rd day all waste will be shredded, crumbled, or ground into pieces 1cm x 1cm and will be rendered with inert materials (dirt, food, landscape waste) on a 1:1 ratio and placed in the compost bin by trained and authorized employees. Transfer from the waste bin to the compost bin will be recorded by video camera to ensure proper transfer occurs.

Badger Buds will have a compost bin onsite that will be 2’x2’x2’ and will be covered by a tarp secured to the bin. Due to the small amount of waste expected Badger Buds intends to use all compost in flower beds and landscaping each spring.
License #20561
Scale 1" = 37'

North

Color Code Key

- Power line
- To be Demolished
- DBA: Badger Buds LLC
- Rental Area
- Parking

2in. D1 gravel

Levado Ave
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<th>Units</th>
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<th>Eff Year Quality Grade</th>
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**DECAL # 1247**  **YEAR APPLIED**  **ALT KEY #** 0294467  **MAKE:** Marlette  **COLOR:** White/Green  **YEAR:** 1972  **SER #:** 814265FD820  **SIZE:** 14 x 62  **EXP:** X  **LOCATION:** Lot 2, Travis C. Endolett  **PREV. LOC:**  **REMARKS:** 8-86-87 Avg. and for avg. 788
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<th>Foundation</th>
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<td>BUILDING TYPE AND USE</td>
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<tr>
<td>Act. Office</td>
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<td>Store</td>
<td>Stucco</td>
<td>Dirt</td>
<td>Wood Sprinklers</td>
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<td>Bank</td>
<td>Concrete Block</td>
<td>Conc. on Grade</td>
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<td>Garage</td>
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<td>Conc. on Grade, Rain.</td>
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<td>Docks</td>
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<td>Restaurant</td>
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**FINAL CALCULATIONS**

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**REMARKS:**

- 12-19-79 - Revision - Est. of value to add 50% Since Transfer to a building and sale of 88-76 (3)
- 2-1-82 - Appraisal made by selected.
- 7-11-85 - Est. Dep. 30th C.P. 4 day PDP.
- 3% of total cost to value

See back of form for drawings.
## Description

**Influences**
- Topography
- Drainage
- Access
- Irreg. Mod.

**Area Changes:**

**Year** | **Appr.** | **Unit Area**
--- | --- | ---
1981 | RT | 50398 ft²
1983 | RT | 1.157 ac
1985 | RAW | 1247

**Assessed Valuation**

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<th>Imp</th>
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<td>1984</td>
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<td>85</td>
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<td>86</td>
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<tr>
<td>2004</td>
<td>Shepherd, Jerry L. &amp; Teresa L.</td>
<td>2003-016105-0 7-2-2003 WD</td>
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**Remarks:**

- Feb 2, 1982: CALC M.H. FOR 82 TR FSH
- Aug 26, 1984: Review, spoke to Mr. Miller, M.H. is correct.
- Mar 10, 1985: Review, Mr. Miller is correct.
- Mar 15, 1985: Review, removed 40% last. 0.46 ac. - 164 ft

**Dot:** 96,000 7-2-03

---

65
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<th>MINUS</th>
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<td>Irregular Modification</td>
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<tr>
<td>View</td>
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<td>Drainage</td>
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<tr>
<td>Sewer</td>
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<td>Sidewalk</td>
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<td>Paving</td>
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<tr>
<td>Carb &amp; Gutter</td>
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<tr>
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<td>TOTAL</td>
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<td>Kumpf, Kenneth</td>
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Remarks: 12-11-72 Vacant SUSKEM
11/73 Review: N, C S. S /KEM
JUL-74 Vacant KEM/LK
7-75 Vacant HH DM
11/72 Vacant HH & P
6/77 Vacant HH & P
11/78 Vacant HH & P

Dec 7 1978 Review: N/C JR/DJP
Oct 10 1979

Nov 25 1980 CALM M. H. FOR 81TR FSH
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<th>BUILDING AREA CALCULATION</th>
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<td>ROOF COVER</td>
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<td>Amps 200</td>
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<td></td>
<td>Piling</td>
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<td>Other</td>
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<table>
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<tr>
<th>EXT. WALLS</th>
<th>FIREPLACES</th>
<th>GARAGE TYPE</th>
<th>INTERIOR FINISH</th>
<th>PORCHES &amp; DECKS</th>
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<tr>
<td>Sliding</td>
<td></td>
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<td>Floors</td>
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<tr>
<td>Sheating</td>
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<td>Walls</td>
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<td>Insul.</td>
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<th>OTHER BLDGS. MISC.</th>
<th>AREAS</th>
<th>FLOOR</th>
<th>ROOF</th>
<th>HEAT</th>
<th>AGE</th>
<th>COND:</th>
<th>OTHER</th>
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<table>
<thead>
<tr>
<th>BLDG CALCULATIONS</th>
<th>Operations &amp; Procedures</th>
<th>Bidg. Area Calculations</th>
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<tr>
<td>Grade</td>
<td>Area Sq. Ft.</td>
<td>Performed by</td>
</tr>
<tr>
<td>300</td>
<td>1104</td>
<td>Computer</td>
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<tr>
<th>Deprec. &amp; Obsol.</th>
<th>Physical Functional</th>
<th>Perimeter</th>
<th>Scale - 1/4&quot; = 1 Feet</th>
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<td>14 3/8</td>
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<tr>
<td>YEAR</td>
<td>OWNER</td>
<td>ASSESSED VALUATION (TND)</td>
<td>Land</td>
</tr>
<tr>
<td>------</td>
<td>-------</td>
<td>--------------------------</td>
<td>------</td>
</tr>
<tr>
<td>1923</td>
<td>Wood &amp; Reavis, E.</td>
<td>4,000</td>
<td>8,000</td>
</tr>
<tr>
<td>1924</td>
<td>Wood &amp; Reavis, E.</td>
<td>4,000</td>
<td>8,000</td>
</tr>
<tr>
<td>1925</td>
<td>Wood &amp; Reavis, E.</td>
<td>4,000</td>
<td>8,000</td>
</tr>
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<td>1926</td>
<td>Wood &amp; Reavis, E.</td>
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<td>8,000</td>
</tr>
<tr>
<td>1927</td>
<td>Wood &amp; Reavis, E.</td>
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<td>8,000</td>
</tr>
<tr>
<td>1928</td>
<td>Wood &amp; Reavis, E.</td>
<td>4,000</td>
<td>8,000</td>
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</table>

Remarks: Call for additional parcel data for this property.
**Name: Nottle**

**Serial:**

<table>
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<tr>
<th>Year 69</th>
<th>75</th>
<th>77</th>
<th>20</th>
<th>79</th>
<th>0</th>
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</table>

**Size:** 2500 sq. ft.

**Exband:**

- **L/L:** 12 x 12
- **Exband:** 2500 sq. ft.

**Date:**

- **Decal 1207**
- **Decal 1209**

**Location:**

- **L1 TT C. Edgert**

**Remarks:**

- **See Reamks**

**Color:**

- **See Color**

---

### BUILDING VALUE CALCULATION

| Building Type | Area | Floor | Roof | Interior | Height | Plumb | Unit Cost | Adds & Deducts | Total
|---------------|------|-------|------|----------|--------|-------|-----------|---------------|-------
|               | 101  | 72    | 27   | 101       | 27     | 101   | 1260.00   | 1260.00       | 1260.00 |

### OPERATIONS AND PROCEDURES

- **Performed by:**
  - Inspection
  - Classification
  - Calculation
  - Review

### DEPRECIATION AND CONSIDERATION

- **Depreciation:**
  - Effective Age Depreciation
  - Observed Physical Condition
  - Total Depreciation

### SUMMARY OF APPRAISED VALUE

<table>
<thead>
<tr>
<th>Adjusted Replacement Cost</th>
<th>18,979.9</th>
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</thead>
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<tr>
<td>Name</td>
<td>Marletta</td>
</tr>
<tr>
<td>------</td>
<td>----------</td>
</tr>
<tr>
<td>Year</td>
<td>1961</td>
</tr>
<tr>
<td>Size</td>
<td>16x20</td>
</tr>
<tr>
<td>Expando</td>
<td>77</td>
</tr>
<tr>
<td>Fbks. Dealer</td>
<td>Wannigan</td>
</tr>
<tr>
<td>Blue Book</td>
<td>79</td>
</tr>
<tr>
<td>Freight</td>
<td>6000</td>
</tr>
<tr>
<td>Total</td>
<td>1207</td>
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<td>DECAL</td>
<td>1207</td>
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**Building Value Calculation**

<table>
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<tr>
<th>Area &amp; Country</th>
<th>Unit Cost</th>
<th>Total</th>
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<tbody>
<tr>
<td>1200 F</td>
<td>320</td>
<td>3820</td>
</tr>
<tr>
<td>25</td>
<td>1224</td>
<td>1850</td>
</tr>
<tr>
<td>20</td>
<td>1024</td>
<td>1800</td>
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<tr>
<td>25</td>
<td>128</td>
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**Additions and Deductions**

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<th>Item</th>
<th>Description</th>
<th>Unit Cost</th>
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<tr>
<td>10</td>
<td>10000.00</td>
<td>10000.00</td>
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<tr>
<td>20</td>
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<td>30</td>
<td>3000.00</td>
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**Summary of Appraised Value**

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<tr>
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<th>Amount</th>
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<tr>
<td>Total Improvement Cost</td>
<td>32824.00</td>
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<tr>
<td>Cost Correction Factor</td>
<td>1.50</td>
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<tr>
<td>Adjusted Appraisal Cost</td>
<td>49956.50</td>
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</table>

Notes: 1. All figures are in dollars.
2. All figures are rounded to the nearest whole number.
### ATTACHMENT 7

#### Building Value Calculation

<table>
<thead>
<tr>
<th>Area</th>
<th>Floor</th>
<th>In.</th>
<th>Ext.</th>
<th>Total</th>
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</thead>
<tbody>
<tr>
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#### Operations and Procedures

- Adjustments and Deductions
- Final Net Condition

#### Summary of Appraised Value

<table>
<thead>
<tr>
<th>Cost</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

---

**Reference Only**

---

**Building Area Calculation**

- Gross Area: 1200 sq ft
- Net Area: 1080 sq ft

---

**OPERATIONS AND PROCEDURES**

- Adjustments and Deductions
- Final Net Condition

---

**SUMMARY OF APPRAISED VALUE**

<table>
<thead>
<tr>
<th>Cost</th>
<th>Total</th>
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<tbody>
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**References**

- Included in the description of the image.
<table>
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<th>Year</th>
<th>Reason for Change</th>
<th>Land Use</th>
<th>Valuation For Change</th>
<th>Current Land Value</th>
<th>Net Assessed Value</th>
<th>Net Valued Land Value</th>
<th>Reason</th>
<th>Land Use Value</th>
<th>Net Valued Land Value</th>
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</thead>
<tbody>
<tr>
<td>1977</td>
<td>graffiti</td>
<td>6,800 sq ft</td>
<td>200,900 sq ft</td>
<td>42,000 sq ft</td>
<td>26,000 sq ft</td>
<td>16,000 sq ft</td>
<td>graffiti</td>
<td>6,800 sq ft</td>
<td>16,000 sq ft</td>
</tr>
<tr>
<td>1977</td>
<td>graffiti</td>
<td>6,800 sq ft</td>
<td>200,900 sq ft</td>
<td>42,000 sq ft</td>
<td>26,000 sq ft</td>
<td>16,000 sq ft</td>
<td>graffiti</td>
<td>6,800 sq ft</td>
<td>16,000 sq ft</td>
</tr>
</tbody>
</table>

REMARKS:
- The current land value is $16,000.
- The net valued land value is $16,000.

ADJUSTMENTS:
- No adjustments made.

NOTES:
- The property is a single-family dwelling.
- The property is located at 6800 sq ft.
- The property has been assessed for graffiti.

OTHER:
- The property is located on a dirt road.
- The property has a rectangular shape.
- The property has a foundation of concrete.
- The property has a roof of asphalt shingles.
- The property has a garage.
<table>
<thead>
<tr>
<th>ROOF COVER</th>
<th>PLUMBING</th>
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<tbody>
<tr>
<td>Asph. Shingle</td>
<td># 4 Fix</td>
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</tbody>
</table>

**REMARKS:**

<table>
<thead>
<tr>
<th>Date</th>
<th>Remarks</th>
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</thead>
<tbody>
<tr>
<td>Aug 24 1977</td>
<td>8.5 ft. 4'x10' mobile home, in use with shop and garage, 1st story 12 ft. X 48 ft. 2nd floor 8x12 ft. 1st floor is a racquet court. Walls are stained.</td>
</tr>
<tr>
<td>Aug 24 1977</td>
<td>30x84 ft. Mobile home, attached to shop.</td>
</tr>
<tr>
<td>Aug 24 1977</td>
<td>64x2 ft. Mobile home, attached to shop.</td>
</tr>
</tbody>
</table>

**ADDENDUM:**

- **Nov 6, 1975:** Recalculated w/ Current Value.
  - 12/76 Calc. W/ Cur. TRL Value
    - 30x72 ft. Mobile home, no longer in use. (MISC)
  - 26x28 ft. Mobile home, in use with shop and garage, 1st story 12 ft. X 48 ft. 2nd floor 8x12 ft. 1st floor is a racquet court. Walls are stained. (MISC)

**BEMARKS:**

- **12/78 M.C.F. FOR ’79 KEM**

**AUDITED DATA:**

- **Jan 19, 1980:** Calc. M. H. For 80 Tr FSH
- **Nov 25, 1980:** Calc. M. H. For 81 Tr FSH
- **11/3/87 Pm TPE W/ Art For M/T D3084 For 97 Tr-3205**

---

8/4/1 Inspection for Exterior. P/U Detached Shop. It appears the detached shop has been converted to a fourth rental unit; overall condition of improvements is below average. Age reflecting a 1970 EV. Also applied 10% factor due to the extent adequacy of the detached shop; the large Carey-1 Sh. 11/87 exterior inspection note at this time.
ATTACHMENT 9

Owner: Schaper
Mailing Address:
Property Address: 4024 Canada

Permits
Date Built

Observed Physical Condition

Exterior

Interior

Foundation

BUILDING TYPE AND USE

4. EXTERIOR

6. INTERIOR (Continued)

7. Floors (Continued)

- Single
- Double
- Other
- Stories
- Attic Finish
- Basement
- Frame
- Concrete
- Block
- Sheathing
- Kind
- Building Paper
- Insulation
- Kind

- Trim
- Kind
- Grade
- P
- A
- G
- Finish
- Wood
- Concrete
- Bath
- Living Room
- Bed Room
- Basement
- Siding
- Kind
- Stucco
- Shakes

Floor
Number Rooms
Number Baths
1st Floor

DECAL # O607 YEAR APPLIED ALT KEY # 0294615

MAKE: SCHUT
COLOR: WHT/BRN

YEAR: 1969
SER #: N/A

SIZE: 12 X 67

EXP: X

LOCATION: LOT 3 TRACT C Endecott
PREV. LOC: #193 Columbia MHP

REMARKS:

BUILDING VALUE CALCULATION

OPERATIONS AND PROCEDURES

Building Area Calculation

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Area or Quantity</th>
<th>Unit Cost</th>
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<tr>
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<tr>
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<tr>
<td>Calculation</td>
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<tr>
<td>Review</td>
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<tr>
<td>Depreciation and Obsolescence</td>
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<td>a. Effective Age</td>
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BUILDING VALUE CALCULATION

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<th>Item No.</th>
<th>Area or Quantity</th>
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<th>Total</th>
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<tr>
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<td>Review</td>
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<tr>
<td>Depreciation and Obsolescence</td>
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<tr>
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BUILDING AREA CALCULATION

Square Feet - Ground Area

<table>
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<th>Floor or Part</th>
<th>Width</th>
<th>Length</th>
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Scale 1/4" = 1'

82
<table>
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<tr>
<th>ITEM</th>
<th># UNITS</th>
<th>TYPE</th>
<th>EFF YEAR</th>
<th>QUALITY GRADE</th>
<th>ATTACHMENT 9</th>
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<tbody>
<tr>
<td>5UG</td>
<td>804</td>
<td>SF</td>
<td>1969</td>
<td>3</td>
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<td>TLF</td>
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<tr>
<td>1981</td>
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<td>1983</td>
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<td>1985</td>
<td>B/RW</td>
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<th>OWNER</th>
<th>ASSESSED VALUATION</th>
<th>REASON FOR CHANGE</th>
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<tr>
<td>1982</td>
<td></td>
<td>7650</td>
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<tr>
<td>1983</td>
<td></td>
<td>8200</td>
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PICTURE: 23,000 7/29/93
### ATTACHMENT 9

**Area:** 1.171 Ac.  
**Use Zone:**  
**Unit Price:**

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<th>INFLUENCES:</th>
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<th>MINUS</th>
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<tr>
<td>View</td>
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<tr>
<td>Drainage</td>
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<tr>
<td>Access</td>
<td></td>
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</tr>
<tr>
<td>Corner</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water</td>
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</tr>
<tr>
<td>Sewer</td>
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<tr>
<td>Sidewalk</td>
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<tr>
<td>Paving</td>
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<tr>
<td>Curb &amp; Gutter</td>
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<td>Other</td>
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<tr>
<td><strong>TOTAL</strong></td>
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</tbody>
</table>

**Year of Valuation:** 73-75  
**Basic Land Value:** $5279  
**Plus or (Minus) Factors:**  
**Net Price of Land:**

**Remarks:** 3/6 Endecott

---

**YEAR** | **OWNER** | **ASSESSED VALUATION** | **REASON FOR CHANGE**
---|---|---|---
1972 | Cato & Moore | |  
1973 | Leonard & D'Obia | |  
1974 | | |  
1975 | | |  
1976 | | |  
1977 | | |  
1978 | | |  
1979 | | |  
1980 | | |  

**REMARKS:** 12-11-72 - Vacant S&W KEM  
11/73 REVIEW N/C S'S/KEM  
JUL-74 VACANT KEM/LK  
7-75 VACANT HH CM  
VACANT HH 1/72  
6-30-72 Review and survey held marked here on  
Total and appraised value at this time.  
DEC 7 1978 REVIEW N/C 1/72/DJP

**PICTURE:**

PLACE PICTURE HERE
# ATTACHMENT 11

<table>
<thead>
<tr>
<th>Description</th>
<th>Value</th>
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</thead>
<tbody>
<tr>
<td>Mailing Address</td>
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<tr>
<td>Owner</td>
<td>Miller</td>
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<tr>
<td>Permits</td>
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<td>Date Built</td>
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<table>
<thead>
<tr>
<th>Observed Physical Condition</th>
<th>Exterior</th>
<th>Interior</th>
<th>Foundation</th>
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</thead>
<tbody>
<tr>
<td>Apte, Office, Loft</td>
<td>Wood</td>
<td>Metal</td>
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<td></td>
<td>Dirt</td>
<td>Wood</td>
<td>Sprinklers</td>
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<tr>
<td>Hotel</td>
<td>Stucco</td>
<td>Conc. on Grade</td>
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<tr>
<td>Church</td>
<td>Conc. Block</td>
<td>Brick</td>
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<td>Gas Station Industrial</td>
<td>Other</td>
<td>Tile</td>
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<td>Warehouse</td>
<td>Greenhouse</td>
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<td>Hospital</td>
<td>Restaurant</td>
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<table>
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<tbody>
<tr>
<td>Concrete</td>
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<tr>
<td>Wood Posts</td>
<td></td>
<td></td>
<td></td>
</tr>
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<td>Wood Posts</td>
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<td>Piling</td>
<td>Shakes</td>
<td>Shingling</td>
<td>Air Conditioning</td>
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<td>2. BASEMENT</td>
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<td>Built-Up</td>
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<td>3. FRAME</td>
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<td>10. ELECTRICAL</td>
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<td>Retaining Wall</td>
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| Unfurnished Parking          |          |          |            |
| Storage - Utility            |          |          |            |
| Apartment                    |          |          |            |
| Office                       | A. INTERIOR |          |            |
| Floor                        | Open Stud |          |            |
| 5. Fram                        | Wallboard |          |            |
| Wood                         |          |          |            |
| Concrete                     |          |          |            |
| Corners                      |          |          |            |

| Attic                        |          |          |            |
| Basement                     |          |          |            |
| Cellar                       |          |          |            |

| Light Steel                  |          |          |            |
| Story Height                 |          |          |            |
| Type                         |          |          |            |
| No.                          |          |          |            |
| Cap.                         |          |          |            |
| $ Floors                     |          |          |            |
| Lumb Sums                    |          |          |            |

## Operations and Procedures
- **Operated By**: Performed By
- **Date**: 19/12/03
- **Classification**: Inspection
- **Calculation**: Review

## Building Area Calculation
- **Main Area (sq. ft. - Ground Area)**
- **Floor/Part Length**: 2400 ft.
- **Width**: 20 ft.
- **Area**: 48,000 sq. ft.
- **Height**: 70 ft.
- **Parallelogram**: 48,000 sq. ft.

## Remarks
- **Office Inside**: 12' x 10' = 120 sq. ft.
- **Ceramic Tile**: 12' x 12' = 144 sq. ft.

## Final Calculations

### SQUARE FOOT REFINEMENTS
- **BASE SQUARE FOOT COST**
- **HASTING, COOLING, VENTILATION**
- **ELEVATOR DEDUCTION**
- **MISCELLANEOUS**
- **TOTAL LINES 11 THROUGH 14**

### HEIGHT AND SIZE REFINEMENTS
- **NUMBER OF STOREYS - MULTIPLIER**
- **HEIGHT PER STOREY - MULTIPLIER (SEE LINE 7)**
- **FLOOR AREA + PERIMETER MULTIPLIER (SEE LINES 8 & 9)**
- **COMBINED H/K SIZE MULTIPLIER (LINE 16 X 17 X 18)**

## TOTAL APPRAISED VALUE $1,

See back of form for drawings.

87
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.
18.96.240 Standards for commercial marijuana establishments.

A. General Standards.

1. Applicability. Standards of this section shall apply to commercial marijuana establishments regardless of whether they are a permitted or conditional use.

2. A commercial marijuana establishment may only be allowed with the written consent of the owner of the property.

3. No marijuana establishment, except a marijuana testing facility, shall be located within the following buffer distances:

   a. Five hundred feet of primary and secondary school buildings (K-12) including vocational programs, playgrounds, adult and juvenile correctional facilities and housing facilities owned by a public housing authority with children as residents; and

   b. Two hundred feet of any post-secondary school buildings including but not limited to trade/technical/vocational schools, colleges and universities; and

   c. One hundred feet of youth centers, group homes serving persons ages 18 and under, public swimming pools, state licensed day care facilities, arcades, state licensed substance use treatment provider or facility providing substance abuse use treatment, church buildings and residential zones (RE, RR, SF, TF, MF, MFO).

   d. Buffer distances shall be measured from the nearest public entrance of a commercial marijuana establishment to:

      i. Outer boundaries of school buildings, including outdoor school facilities where students are regularly found;

      ii. Outer boundaries of playgrounds;

      iii. The lot line of a lot in a residential zone; or

      iv. The principal building containing other uses listed in subsections (A)(3)(a) through (c) of this section.

   e. Buffer distance measurements shall not extend beyond the nearest ordinary high water (OHW) mark of a river or lake or beyond the nearest edge of a right-of-way (ROW) of a controlled access facility.

4. Outdoor Storage. No outdoor storage of marijuana, marijuana products or hazardous substances shall be allowed.
5. In all zones in which marijuana establishments, with the exception of a marijuana testing facility, are a permitted or conditional use, the applicant shall include an area map drawn to scale indicating all land uses on complete parcels within a 500-foot proximity of the lot upon which the applicant is seeking a zoning permit or conditional use permit.

6. Marijuana establishments other than marijuana cultivation facilities, indoor small and marijuana testing facilities located in GU-1 or GU-5 zoning and adjacent to a lot upon which a principal building used as a dwelling is located are a conditional use subject to the requirements of this title.

B. Cultivation Facility Standards.

1. Yard Setbacks. Outdoor marijuana cultivation facilities, including all land planted with marijuana, shall be located at least 50 feet from a lot line.

2. Height Limitations.
   a. The maximum height for a marijuana cultivation facility, indoor small shall be 35 feet.
   b. The maximum height for a marijuana cultivation facility, indoor large shall be 75 feet.

The Fairbanks North Star Borough Code is current through Ordinance 2019-21, passed April 25, 2019.

Disclaimer: The Borough Clerk’s Office has the official version of the Fairbanks North Star Borough Code. Users should contact the Borough Clerk’s Office for ordinances passed subsequent to the ordinance cited above.

Borough Website: www.fnsb.us
Code Publishing Company
PUBLIC NOTICE SIGN POSTING AFFIDAVIT

STATE OF ALASKA

FOURTH JUDICIAL DISTRICT

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

1. I have submitted an application identified as 2019-011.

2. I have posted and will maintain public notice sign #5 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 5-30-19 (date) and complies with posting requirements of 20 days prior to the public hearing date.
   f. I shall return the sign to the FNSB Department of Community Planning within 10 days following the final public hearing.

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

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

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

Signature

1340 Overhill Dr
Fairbanks, AK 99709

Michelle Westlake
(Print Name and Address of Affiant)

SUBSCRIBED AND SWORN TO BEFORE ME on this 1 day of June, 2019

Notary Public in and for Alaska

Commission Expires
Case No. CU2019-011

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

North Star Volunteer Fire Service Area

Steve Crouch, Fire Chief
Scrouch@northstarfire.org

Veronica Baysinger, Admin
Vbaysinger@northstarfire.org

State Troopers

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

FNSB Departments

Sandra Mota, Land Management
smota@fnsb.us

Don Galligan, Transportation Planner
DGalligan@fnsb.us
Melissa Kellner, Long Range Planning
MKellner@fnsb.us

Bill Witte, FNSB E-911 Addressing
BWitte@fnsb.us

Brad Acord, Deputy Assessor
BAcord@fnsb.us

Ivar Halvarson, Borough Assessor
IHalvarson@fnsb.us

David Bredlie, Chief Civil Engineer, Public Works
dbredlie@fnsb.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

Tim Shilling, Natural Resource Manager
Timothy.shilling@alaska.gov

Colin Craven, Natural Resource Specialist
Colin.craven@alaska.gov

GVEA

Julie Karl, Land Management Supervisor
JL.Karl@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

Valley Water

Company Email
valleywaterco@hotmail.com
Kristina Heredia

From: Steven Crouch <scrouch@northstarfire.org>
Sent: Monday, June 17, 2019 10:06 AM
To: Kristina Heredia
Subject: Re: CU2019-011: Requesting Comments for conditional use app. for retail Marijuana (2008 Levado Ave Unit A)

Kristina,

Thank you for sending this. We have not seen a request for an access letter yet.

Steve Crouch
Fire Chief, North Star Volunteer Fire Department

On Mon, Jun 17, 2019 at 9:23 AM Kristina Heredia <Kristina.Heredia@fnsb.us> wrote:

Dear Sir/Ma’am

The Fairbanks North Star Borough Planning Commission is considering CU2019-011, a request for conditional use approval of a retail Marijuana store in the General Use (GU-1) zoning district, located at 2008 Levado Avenue, Unit A (on the north side of Levado Avenue, east Badger Road). This case is scheduled for the Planning Commission meeting on July 9, 2019.

I have attached the application with this email. The department requests you to send us your comments for this proposal by July 1, 2019. For more information about this case, please email kristina.heredia@fnsb.us or contact Kristina Heredia at (907) 459-1262. 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. Let me know if you have any questions for me.

Very truly yours,

Kristina Heredia
Planner II
kristina.heredia@fnsb.us
Hi Steve,

I am requesting an access letter for Badger Buds LLC located at 2008 Levado Ave. Unit A. If you have any questions regarding the property feel free to call me at (907) 388-8776.

Thank you,
Michelle Westlake

Sent from my iPhone
Kristina Heredia

From: Buteyn, Douglas J (DEC) <doug.buteyn@alaska.gov>
Sent: Monday, June 17, 2019 3:10 PM
To: Kristina Heredia
Subject: RE: CU2019-011: Requesting Comments for conditional use app. for retail Marijuana
(2008 Levado Ave Unit A)

Kristina:

I reviewed this proposal for the ADEC Solid Waste Program and so looked specifically for information regarding the management of marijuana waste generated at the facility. The discussion of this topic is limited to the following paragraph, found on page 3 of the pdf version of the application:

"Plant waste and product waste will stored (sic) will be recorded by camera and stored on a digital video recorder as footage for three days before destroyed. Waste from retail will be ground to smaller than 1cmx1cm and rendered with inert material at a 1:1 ratio and will be stored/composted on site. All waste will be documented and handled by trained and authorized employees."

While grinding marijuana plant waste and mixing it with another material complies with the marijuana regulations, the intent to store and/or compost the ground-up plant raises several questions. The intended procedure ("stored/composted") is very open-ended in that there is no explanation about when plant waste will be stored and when it will be composted. With regard to storing the marijuana plant waste, there is no explanation as to where the waste will be stored, how long the mixed waste will be stored, and the purpose for storing the waste. With regard to composting the plant waste, there is no explanation of the method to be used for composting, where composting will occur, and how the compost will be used. Also, the site map does not show where plant waste will be stored or composted, and there is no obvious location on the property (e.g. a garden or flower beds) where compost could be used. With all of these missing details and with no defined use or end point, the Solid Waste Program is concerned that plant waste management at this facility could become a de facto disposal.

The missing information and details about the intended management of marijuana plant waste should be added to the proposal to make clear exactly what is intended and how it will be accomplished.

Thank you for the opportunity to review this proposal. Let me know if you have any questions about my comments.

Doug Buteyn
Northern and Southeastern Regional Program Manager
ADEC Solid Waste Program
610 University Avenue
Fairbanks, AK 99709
Tel: 907-451-2135
Fax: 907-451-2188
doug.buteyn@alaska.gov
Dear Sir/Ma’am,

The Fairbanks North Star Borough Planning Commission is considering **CU2019-011**, a request for conditional use approval of a retail Marijuana store in the General Use (GU-1) zoning district, located at **2008 Levado Avenue, Unit A** (on the north side of Levado Avenue, east Badger Road). This case is scheduled for the Planning Commission meeting on July 9, 2019.

I have attached the application with this email. The department requests you to send us your comments for this proposal by **July 1, 2019**. For more information about this case, please email kristina.heredia@fnsb.us or contact Kristina Heredia at (907) 459-1262. 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. Let me know if you have any questions for me.

Very truly yours,

Kristina Heredia
Planner II
kristina.heredia@fnsb.us
(907) 459-1262
Disposal of Cannabis Waste Products
Badger Buds LLC

Badger Buds is a small retail store. There is no cultivation or manufacturing at this site. Badger Buds is anticipating to have less than 1oz of cannabis waste per month on an average, with the majority of waste coming from products that have expired such as edibles.

3 AAC 306.740. Waste disposal. States that a marijuana establishment shall
(1) give the board notice, on a form prescribed by the board, not later than three days before
making the waste unusable and disposing of it; however, the director may authorize immediate
disposal on an emergency basis;
(2) record the waste in the marijuana inventory tracking system required under 3 AAC 306.730

Badger Buds will remove any waste/expired product from their available inventory and shelves
and move it to waste in their inventory. The product will be reported as required by regulation 3
AAC 306.740 to the METRC system. The waste will be placed in a container marked as
cannabis waste. The container will be in a restricted room (office) and on camera where it will
be recorded on a digital video camera for the 3 days. This is to ensure that waste product is
not tampered with during the 3 day notification period.

Once the 3 day notification period has passed, Badger Buds will report to METRC that the
waste product is being removed to the onsite compost bin. On the end of the 3rd day all waste
will be shredded, crumbled, or ground into pieces 1cm x 1cm and will be rendered with inert
materials (dirt, food, landscape waste) on a 1:1 ratio and placed in the compost bin by trained
and authorized employees. Transfer from the waste bin to the compost bin will be recorded by
video camera to ensure proper transfer occurs.

Badger Buds will have a compost bin onsite that will be 2’x2’x2’ and will be covered by a tarp
secured to the bin. Due to the small amount of waste expected Badger Buds intends to use all
compost in flower beds and landscaping each spring.
Thank you, Kristina.

The additional information much more clearly defines the scope of the composting operation, and what is proposed makes sense for the facility. I have no further questions.

Doug Buteyn
Northern and Southeastern Regional Program Manager
ADEC Solid Waste Program
610 University Avenue
Fairbanks, AK 99709
Tel: 907-451-2135
Fax: 907-451-2188
doug.buteyn@alaska.gov

Good afternoon Doug,

Thank you for the feedback. The applicant has provided additional information about the disposal and management of the waste, and I have attached it to this email for your review. Please let me know if you have any additional questions or concerns.

Very truly yours,

Kristina Heredia
Planner II
kristina.heredia@fnsb.us
(907) 459-1262
Kristina:

I reviewed this proposal for the ADEC Solid Waste Program and so looked specifically for information regarding the management of marijuana waste generated at the facility. The discussion of this topic is limited to the following paragraph, found on page 3 of the pdf version of the application:

“Plant waste and product waste will stored (sic) will be recorded by camera and stored on a digital video recorder as footage for three days before destroyed. Waste from retail will be ground to smaller than 1 cm x 1 cm and rendered with inert material at a 1:1 ratio and will be stored/composted on site. All waste will be documented and handled by trained and authorized employees.”

While grinding marijuana plant waste and mixing it with another material complies with the marijuana regulations, the intent to store and/or compost the ground-up plant raises several questions. The intended procedure (“stored/composted”) is very open-ended in that there is no explanation about when plant waste will be stored and when it will be composted. With regard to storing the marijuana plant waste, there is no explanation as to where the waste will be stored, how long the mixed waste will be stored, and the purpose for storing the waste. With regard to composting the plant waste, there is no explanation of the method to be used for composting, where composting will occur, and how the compost will be used. Also, the site map does not show where plant waste will be stored or composted, and there is no obvious location on the property (e.g. a garden or flower beds) where compost could be used. With all of these missing details and with no defined use or end point, the Solid Waste Program is concerned that plant waste management at this facility could become a de facto disposal.

The missing information and details about the intended management of marijuana plant waste should be added to the proposal to make clear exactly what is intended and how it will be accomplished.

Thank you for the opportunity to review this proposal. Let me know if you have any questions about my comments.

Doug Butryn
Northern and Southeastern Regional Program Manager
ADEC Solid Waste Program
610 University Avenue
Fairbanks, AK 99709
Tel: 907-451-2135
Fax: 907-451-2188
doug.butryn@alaska.gov

From: Kristina Heredia [mailto:Kristina.Heredia@fnsb.us]
Sent: Monday, June 17, 2019 9:24 AM
To: David Scott <dwscoott@hotmail.com>; Aden, David G (DPS) <david.aden@alaska.gov>; Roberts, Jillian T (DPS) <jillian.roberts@alaska.gov>; Nakano, Lloyd M (DPS) <lloyd.nakano@alaska.gov>; Steve Crouch <scrouch@northstarfire.org>; ybaysinger@northstarfire.org; AST Directors Office, DPS (DPS sponsored) <DPS.AST.DIRECTORS.OFFICE@alaska.gov>; Sandra Mota <smota@fnsb.us>; Donald Galligan <DGalligan@fnsb.us>; Melissa Kellner <MKellner@fnsb.us>; Bill Witte <BWitte@fnsb.us>; Brad Acord <BACord@fnsb.us>; Ivar Halvarson <IHalvarson@fnsb.us>; David Bredlie <dBredlie@fnsb.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>; Shilling, Timothy A (DNR) <timothy.shilling@alaska.gov>; Craven, Colin M (DNR) <colin.craven@alaska.gov>; JKLkar@gvea.com; RJPossenti@gvea.com; usainfo@akwater.com; marc@akwater.com; valleywaterco@hotmail.com
Subject: CU2019-011: Requesting Comments for conditional use app. for retail Marijuana (2008 Levado Ave Unit A)
LOTS AND PARCELS
Within 500 Ft. Of Badger Buds LLC

1. Fairbanks Pumping and Thawing
   Provide Septic System Work

2. Vacant Lot

3. Residential

4. Residential

5. Large Equipment Storage/Salvage

6. Residential

7. Residential

8. Residential

9. Residential

10. Alaska K9 Center
    Training Dogs

11. Residential

12. Badger Buds LLC
    Marijuana Retail Store

13. Residential

14. Residential

15. Flambeck's Floor Custom

16. Alaska Drilling and Water Services
    Water drilling contractor

17. Residential

18. Vacant Lot

19. Residential

20. Vacant Lot

21. Arctic Marine Repair
    Repairs boats and motors
MEMORANDUM

To: Kristina Heredia, Planner II
From: Donald Galligan, Planner IV – Transportation
Date: June 24, 2019
Subject: Transportation Analysis for CU2019-011, a request by Michelle Westlake, DBA Badger Buds LLC, for conditional use approval of a retail marijuana store in the General Use 1 (GU-1) zone.

Summary:

Badger Buds is a Marijuana Dispensary that is proposed for conditional use in the North Pole area off of Badger Road. At issue is the state of repair of Levado Avenue, which is a dirt road with no maintenance authority. This road has little to no maintenance and it is showing signs of heavy wear. There are potholes, and drainage issues along the facility. Badger Buds is located approximately 350 feet from the intersection of Levado and Badger Road.

Trip Generation:

Marijuana Dispensary is a very recent land use, and one which does not have a lot of data collected about its trip generation characteristics. ITE Trip Generation Manual was consulted for a close land use, and Specialty Retail was chosen. Specialty retail generates approximately 45 trips per day per 1000 square feet of retail space. Badger Buds is approximately 400 square feet of retail area. Based on this, one could anticipate approximately 18 trips per day generated by this use.

Literature about trip generation for Marijuana Dispensaries show a much higher trip generation for the use, however these were taken in major metropolitan areas in and around the Denver Metropolitan area. Generation characteristics of a Marijuana Dispensary in North Pole Alaska would be vastly different than that of a metro area of 3 million people. Let’s say that the generation characteristics are such that we could expect twice the traffic impact, this is 36 trips per day, which is easily handled by the existing roadway facilities from a capacity standpoint.

Roadway Degradation:

At issue, however, is the state of repair of Levado Avenue, and whether or not the additional traffic would further degrade the roadway. In minor ways it certainly will, additional trips will cause additional rutting and potholing of the road, however the amount of traffic is such that the additional damage done to Levado Avenue pales in comparison to the damage made by heavy trucks accessing the shipping company and well drilling company on the same road. Heavy vehicles like semi-trucks and specialized well drilling trucks have been shown to do over ten times the damage than that of a passenger vehicle. This area is zoned General
Use-1, so there are many land uses that can be accommodated with a simple zoning permit that would have far greater impacts, like a gas station and convenience store, warehouse or a restaurant.

**Conclusion:**

The owner of Badger Buds has acknowledged that the roadway is in poor condition and has committed to grading and adding surface course to the road to improve its “opening day” condition. Beyond that, this road will only be maintained by local business owners when they deem it necessary.

The impact of Badger Buds is small and can be easily accommodated from a capacity standpoint. Compared to other more intense land uses that could go here without a conditional use its contribution to the overall degradation of Levado Avenue is minimal.
APPEAL OF
SD021-19 /
RP030-19

STAFF REPORT
STAFF REPORT

To: Fairbanks North Star Borough Planning Commission
From: George Stefan, Platting Officer
Date: July 9, 2019
Subject: APPEAL: Vacation of 300ft Building Setback Easement (SD021-19 / RP030-19 Coincidence Subdivision)

I. EXECUTIVE SUMMARY

This is an appeal of the FNSB Platting Board’s May 15, 2019 decision on Coincidence Subdivision to exclude the vacation of the existing 300 foot building setback easement created by General Note 16 from the plat of Bear’s Den Subdivision. The Platting Board approved Coincidence Subdivision, a replat of Lot 8, Block 3, Bear’s Den Subdivision, a total of 15.19 acres, into two lots of approximately 5.00 acres and 10.19 acres, but did not approve the vacation of the 300 foot building setback easement because it is required to go through the process for vacation of a public ROW easement. The property is located within the NE¼ NW¼ Section 9, T3N, R1W, FM.

Figure 1: Oblique aerial view of the property from North
Figure 2: Oblique aerial view of the property from South

**Background:**

**Appellant:** Eric Cousino, PLS, a registered professional land surveyor and the applicant, submitted an appeal application on May 22, 2019. Mr. Cousino participated in the May 15, 2019 Platting Board meeting on the property owners’ behalf. As codified in FNSBC 17.68.010, “Except for a final plat and action on a vacation application, any party or interested person who participated in the hearing before the platting board may appeal a decision of the platting board to the planning commission by submitting a written notice of appeal with the platting officer within seven days of the date of the decision.”

**Vacation of 300ft Building Setback Easement:** The parent subdivision, Bear’s Den Subdivision, was a subdivision by the State of Alaska, Department of Natural Resources (DNR). DNR designed the subdivision with a 300 foot building setback easement from the Elliott Highway ROW within the lots fronting the highway. The easement was created by General Note 16 of the recorded plat which states, "A 300’ building setback easement is dedicated along the Elliot Highway affecting Lot 1 and Lots 4-7, Block 5, and Lot 8, Block 3. No permanent structures are permitted in this easement. In addition, no interference with the natural vegetation is permitted that will significantly decrease its ability to serve as a
visual screen or to act as a buffer against highway noise.” The building setback easement was granted as a general easement and not created as a private easement as indicated on the plat. Therefore, it was determined the vacation must meet the requirements of FNSBC Chapter 17.32. FNSBC 17.32.010 states, “Vacation of a public road, trail, easement, or public area must conform to the requirements of AS 29 and as outlined in this chapter.” An application to vacate the building setback easement, as codified in FNSBC Chapter 17.32, was not submitted. Therefore, the Platting Board could not approve the vacation.

Coincidence Subdivision: The Platting Board approved the subdivision portion of the request, which was the replat of Lot 8, Block 3, Bear’s Den Subdivision, a total of 15.19 acres, into two lots of approximately 5.00 acres and 10.19 acres.

Key Issues: Coincidence Subdivision is the replat of Lot 8, Block 3, Bear’s Den Subdivision. The parent plat, Bear’s Den Subdivision, by General Note 16 dedicated a 300ft building setback easement by stating, “A 300’ building setback easement is dedicated along the Elliot Highway affecting Lot 1 and Lots 4-7, Block 5, and Lot 8, Block 3. No permanent structures are permitted in this easement. In addition, no interference with the natural vegetation is permitted that will significantly decrease its ability to serve as a visual screen or to act as a buffer against highway noise.” The easement has been determined by FNSB staff to be public because:

- The easement was granted very generally by plat note, which implies the easement is public and is to benefit the public, generally.
- A “dedication,” as defined in FNSBC 17.04.010, “means the deliberate grant of land by an owner to the public for any general and public use, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.”
- The grant of easement did not specify a dominant estate holder (i.e., the person(s) to benefit from the easement).

Staff Recommendation: Denial of the appeal with six (6) findings
II. GENERAL INFORMATION

<table>
<thead>
<tr>
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<th></th>
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<tr>
<td>Applicant</td>
<td>Eric Cousino, PLS, Windy Creek Survey, LLC</td>
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<tr>
<td>Owners</td>
<td>Darrel Colburn and Eric M. Slabaugh</td>
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<tr>
<td>PAN</td>
<td>360350</td>
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<td>Comprehensive plan</td>
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<td>Flood zone</td>
<td>X (100%) (Source: March 17, 2014 dFIRM)</td>
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<tr>
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<tr>
<td>Trip generation</td>
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<tbody>
<tr>
<td>Alaska ADOT&amp;PF</td>
<td>No objection; add note stating access shall be from Yogi Drive</td>
</tr>
<tr>
<td>Alaska DNR</td>
<td>Responded that DNR has no surface interest or management authority on any of the lots abutting the Elliott Highway within Plat No. 82-194 (Bear’s Den Subdivision) and stated that the parent parcel was patented into private ownership on July 22, 2003.</td>
</tr>
<tr>
<td>GVEA</td>
<td>No comment received</td>
</tr>
<tr>
<td>FNSB</td>
<td>Original comments are in the staff report below</td>
</tr>
</tbody>
</table>
III. HISTORY OF THE VACATION REQUEST

The original Coincidence Subdivision application was submitted as a Quick Plat application on March 5, 2019. During the review process, FNSB Platting staff realized the parent plat (Plat No. 82-194, Bear’s Den Subdivision) included a plat note (Attachment 1) which established a 300 foot building setback easement within the parent parcel (Lot 8, Block 3 Bear’s Den Subdivision). The easement area would have completely covered proposed Lot 1 and a portion of proposed Lot 2 of Coincidence Subdivision (Figure 3).
The applicant modified the preliminary plat (Attachment 2) by adding a plat note stating, “This plat vacates the 300 foot setback easement defined by note 16 on the plat of Bear’s Den Subdivision. Note 16 is hereby eliminated, in its entirety.” With the modification to include the vacation of the building setback easement, however, the request no longer met the Quick Plat criteria because FNSBC 17.16.010(C)(4) requires that a hearing officer may not approve a plat which vacates a public road, trail, public area or any easements other that a public utility easement. The subdivision request, including the easement vacation, was changed to a major plat application and scheduled for the next available Platting Board meeting of May 15, 2019.

Originally, FNSB staff recommended approval of the building setback easement vacation because the easement was interpreted as being private (Attachment 3). Staff considered the potential impacts the vacation may have on this subdivision and adjoining lot owners. The property owner notification letters would serve as sufficient notice for any adjoining property owner wishing to object to the subdivision and/or vacation at the public hearing. Vacation of the building setback easement allows the property owner to build permanent structures within 300ft of the highway ROW, but obviously not within the 200ft wide Elliott Highway ROW itself. The owner would also be allowed to clear trees and the natural vegetation, which could negatively impact the visual screen and noise buffer easement. As indicated by the earlier comment, DNR has no surface interest or management authority on any of the lots abutting the Elliott Highway within Bear’s Den Subdivision; therefore, the setback easement may be vacated by the property owner through the platting process.

However, two days prior to the Platting Board hearing, the concern was raised that the 300ft building setback easement was a public easement as outlined in FNSBC 17.32.010. The easement was determined by FNSB staff to be public based on these factors:

- The easement was granted very generally by plat note, which implies the easement is public and is to benefit the public, generally.
- A “dedication,” as defined in FNSBC 17.04.010, “means the deliberate grant of land by an owner to the public for any general and public use, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.”
- The grant of easement did not specify a dominant estate holder (i.e., the person(s) to benefit from the easement).

As a result, FNSB Community Planning determined that the easement vacation required submittal and processing of a vacation application as codified in FNSBC Chapter 17.32. Without the proper vacation application being submitted, the Platting Board could not approve the building setback easement vacation.

At the public hearing FNSB staff recommended that the Platting Board only approve the subdivision portion of the request and not the vacation of the building setback easement. The Platting Board approved Coincidence Subdivision, except for the vacation of the 300 foot building setback easement, with a vote of 5-0, with 5 votes for approval and no vote for denial.
IV. APPEAL: PARTICIPATION REQUIREMENTS FOR THE APPEAL

As required by FNSBC 17.80.020(E), "After acceptance of an appeal, notice of the appeal must be sent to all parties and "interested persons" who participated in the hearing before the platting board notifying them of the right to request participation in the appeal on or before the deadline established by the chair or by the rules of the commission." In other words, only a party or interested person who testified at the platting board meeting may participate in the appeal. The applicant, Eric Cousino, PLS, acting as the owner’s representative, testified at the hearing and was notified of his right to request participation in the appeal.

V. APPEAL: APPELLANT’S STATEMENTS WITH STAFF RESPONSE

The appellant submitted an appeal application (Attachment 4) which included a one-page narrative supporting the appeal. The narrative begins with General Note 16 from the recorded plat of Bear’s Den Subdivision which created the 300 foot building setback easement and basis for this appeal:

"Note 16 (from the plat - verbatim): "A 300’ building setback easement is dedicated along the Elliot Highway affecting Lot 1 and Lots 4-7, Block 5, and Lot 8, Block 3. No permanent structures are permitted in this easement. In addition, no interference with the natural vegetation is permitted that will significantly decrease its ability to serve as a visual screen or to act as a buffer against highway noise."

The narrative’s statements of appeal include:

a) **Appellant:** "Note 16 on the parent plat of Bear’s Den Subdivision (F.R.D. Plat No. 82-194) added the word easement to what would otherwise typically have been known as a covenant. The only way to remove the plat note is via a replat, and since the words "easement is dedicated" were added, in the opinion of the Borough’s Attorneys, it changed it into a public easement status, therefore requiring it to go through the process for vacation of a public ROW easement.

   **Staff Response:** The 300 foot building setback easement was dedicated by the plat, as described in General Note 16 on the recorded plat of Bear’s Den Subdivision. By the definition in FNSBC 17.04.010 “Dedication” is a grant to the public. The language of the plat note dedicated this setback easement area to the public; therefore, it may only be removed by the appropriate vacation action outlined in FNSBC 17.32.

b) **Appellant:** "Plat No. 82-194 specifically defined/created public rights-of-way, and it also specifically defined public easements. When reviewing the plat it is clear that by design, Note 16 did not fall under, nor was it expressly defined under, either of those categories. Note 16 clearly does not create a public ROW. Therefore, it is not reasonable to expect the criteria necessary to vacate a public ROW be submitted in order to justify acceptance of this easement vacation application. Hence, the second part of 17.32.030.E.1, which states, "It shall be incumbent upon the applicant to show that the area for the vacation is no longer practical for the uses or purposes authorized or that other provisions have been made that are more beneficial to the public” does not seem to justifiably apply to this application."
**Staff Response:** The 300 foot building setback easement created by Plat No. 82-194 does not specify a dominant estate holder (e.g., "for the benefit of the owner of Lot 7"), but instead is granted very generally, which implies the easement is public and is to benefit the public, generally. There is no indication that the easement is private. FNSBC 17.32.030(E)(1) does apply; therefore, the applicant must show that the area for the vacation is no longer practical for the uses or purposes authorized or that other provisions have been made that are more beneficial to the public.

**Appellant:** "In its entirety Note 16 appears to be most similar to a public utility easement, where rights are granted to a certain group that represents a portion of the public, but not expressly granted to the entirety of the public as is the case with a public ROW. The secondary portion of Note 16 is slightly ambiguous as to whom the visual screen protection adheres to, but the buffer against highway noise and the primary portion of the easement (300’ building setback) clearly adhere to owners of lots or certain particular lots within Bear’s Den Subdivision, which come to represent the dominant estate in this instance. Since the visual screen was part of the whole and not separately or expressly granted to the entirety of the public as was done specifically in other cases on this particular subdivision plat, it is perfectly legitimate and reasonable that it be interpreted to apply only to the owners within the subdivision that was being created by this plat. The only way that the visual screen could be interpreted as having been granted to the entire public would be to remove it from the context of the remainder of the easement, which it resides precisely in the middle of. Regardless, it seems an ill-considered and poorly worded note, particularly following the fine example set by the Plat of Goldstream Alaska Subdivision (401-1981-018) that the State recorded one year prior."

**Staff Response:** The plat note states that the 300’ building setback easement was "dedicated." The 300 foot building setback easement created by Plat No. 82-194 does not specify a dominant estate holder (e.g., "for the benefit of the owner of Lot 7"), but instead is granted very generally, which implies the easement is public and is to benefit the public, generally. There is no indication that the easement is private. When a dominant estate holder is not identified, the dedication is presumed to be for the general public.

**STAFF ANALYSIS**

Denial of the appeal is justified for the following reasons:

1. Plat No. 82-194, Bear’s Den Subdivision, states the “300’ building setback easement is dedicated.”

2. The 300 foot building setback easement created by Plat No. 82-194, Bear’s Den Subdivision, is considered a public easement.
   a. As codified in FNSBC 17.04.010, “dedication means the deliberate grant of land by an owner to the public for any general and public use, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.”
   b. The easement does not specify a dominant estate holder.
   c. The easement was granted generally by plat note.

3. FNSBC 17.32.010 requires that vacation of a public road, trail, easement, or public area must conform to the requirements of AS 29.

4. FNSBC 17.32.020 requires a vacation application to be submitted on a form provided for that purpose.
5. The Coincidence Subdivision request included the vacation of the 300 foot building setback easement, but the applicant did not submit a vacation application as required by FNSBC 17.32.020.
6. The Platting Board was correct in excluding the vacation of the 300 foot building setback easement from the Coincidence Subdivision approval on May 15, 2019.

The Platting Board correctly upheld the requirements of Title 17 for the vacation of the 300 foot building setback easement by excluding it from their approval of Coincidence Subdivision. The Platting Board’s action letter (Attachment 5) and minutes (Attachment 6) are included following this staff report.

Staff recommends the Planning Commission uphold the action of the Platting Board and deny the appeal as recommended by staff.

VI. RECOMMENDATION

Based on the staff analysis, the Department of Community Planning recommends the Planning Commission uphold the action of the Platting Board and DENY the appeal as recommended by staff.

VII. FINDINGS OF FACT

The Department of Community Planning further recommends adoption of the staff report and following findings of fact in support of DENIAL of the appeal.

1. Plat No. 82-194, Bear’s Den Subdivision, states the “300’ building setback easement is dedicated.”
2. The 300 foot building setback easement created by Plat No. 82-194, Bear’s Den Subdivision, is considered a public easement.
   a. As codified in FNSBC 17.04.010, “dedication means the deliberate grant of land by an owner to the public for any general and public use, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.”
   b. The easement does not specify a dominant estate holder.
   c. The easement was granted generally by plat note.
3. FNSBC 17.32.010 requires that vacation of a public road, trail, easement, or public area must conform to the requirements of AS 29.
4. FNSBC 17.32.020 requires a vacation application to be submitted on a form provided for that purpose.
5. The Coincidence Subdivision request included the vacation of the 300 foot building setback easement, but the applicant did not submit a vacation application as required by FNSBC 17.32.020.
6. The Platting Board was correct in excluding the vacation of the 300 foot building setback easement from the Coincidence Subdivision approval on May 15, 2019.

DRAFT PLANNING COMMISSION MOTION:

I move to deny the appeal to exclude from Coincidence Subdivision the vacation of the existing 300 foot building setback easement created by General Note 16 from the plat of Bear’s Den Subdivision, adopting the staff report and six (6) Findings of Fact in support of the approval.
16. A 300' building setback easement is dedicated along the Elliot Highway affecting Lot 1 and Lots 4-7, Block 5, and Lot 8, Block 3. No permanent structures are permitted in this easement. In addition, no interference with the natural vegetation is permitted that will significantly decrease its ability to serve as a visual screen or to act as a buffer against highway noise.
SD021-19/RP030-19 Coincidence Subdivision  
May 15, 2019  
STAFF REPORT

TO: Fairbanks North Star Borough Platting Board
THROUGH: Christine Nelson, Director of Community Planning
FROM: Daniel Welch, Platting Officer

Applicant/Owner: 
Michael S. Slabaugh  
1267 Yogi Drive  
Fairbanks, AK 99712
Darrel W. Colburn  
1281 Yogi Drive  
Fairbanks, AK 99712

Surveyor: 
Windy Creek Surveys, LLC 
2650 Monteverde Road  
Fairbanks, AK 99707

Specific Request/Legal Description: 
A request by Windy Creek Surveys, LLC on behalf of Darrel W. Colburn and Michael S. Slabaugh to replat Lot 8, Block 3, Bear’s Den Subdivision, a total of 15.19 acres, into two lots of approximately 5.0 acres and 10.19 acres. The plat also vacates the existing 300 foot building setback easement within Lot 8, Block 3 created by General Note 16 from the plat of Bear’s Den Subdivision. This property is located in the NE ¼ of the NW ¼ Section 9, T3N, R1W, FM

Location/Access: 
Approximate Mile Post 13 north along the Elliott Highway on Yogi Drive.

Existing Land Use: Residential

Current Zoning: 
GU-1 
Minimum lot size = 40,000 SF 
No building setback requirements

Comprehensive Plan: 
Rural Settlement Area (100%)

Soils: 
Saulich-Fairbanks complex and 
Histic Pergelic Cryaquepts

Flood Zone: 
X (100%)
Road Service Area: None

Fire Service Area: None

History: Subdivision of this area began with a Federal Patent No. 50-82-0089 issued on August 11, 1982 to the State of Alaska. The proposed subdivision, Coincidence Subdivision, totaling approximately 15.19 acres, originates from a State of Alaska Department of Natural Resources request to subdivide portions of sections 4, 8, and 9, T3N, R1W, FM into what is now the parent plat, Bear’s Den Subdivision (Plat 82-194), totaling approximately 298 acres. State patent No. 18818 was issued June 13, 2003 as Instrument No. 2003-014289-0 specifically for "Lot 8 in Block 3 of Alaska State Land Survey No. 82-125, Bear’s Den Subdivision, containing 15.191 acres, more or less, according to the survey plat filed in the Fairbanks Recording District on December 27, 1982, as plat 82-194.” The patent further states, "Subject to valid existing rights, including reservations, easements, and exceptions in the U.S. Patent or other federal conveyance, and in acts authorizing the issue thereof; easements, rights-of-way, covenants, conditions, reservations, notes on the plat, and restrictions of record, if any.” From its parent plat of Bear’s Den Subdivision the proposed Coincidence Subdivision is encumbered by a 300 foot building setback from the right-of-way (ROW) line of the Elliot Highway that denies any permanent structures to be built within it and prohibits interference with the natural vegetation that would significantly decrease its ability to serve as either a visual or noise barrier from the Elliott Highway.

Specific Request: Coincidence Subdivision, if approved, will resubdivide Lot 8 Block 3, (15.19 acres) of Bear’s Den Subdivision into two lots. The existing lot was legally created through approval from the FNSB platting authority in 1982 and recorded as Bear’s Den Subdivision. Proposed Lot 1 will be 5.00 acres, and proposed Lot 2 will be 10.19 acres. An additional PUE will be dedicated along the northern boundary of each lot. This proposed plat will also vacate an existing 300 foot building setback and sound buffer easement created by its parent plat.

Access: This subdivision is not in a road service nor a fire service area and relies on the parent plat’s ROW dedication of Yogi Drive for access, which intersects the Elliot Highway, an arterial road that is state maintained.

FNSBC 17.56.010(F) states “Direct lot access onto a major collector road or arterial road shall not be allowed unless topography allows no reasonable alternative. Where double-frontage lots are platted, lots shall not access onto major collector or arterial roads unless topography allows no reasonable alternative. Restricted access shall be noted on the plat.”

Proposed Lot 1 fronts both the Elliot Highway and Yogi Drive. Direct access onto the Elliot Highway shall not be allowed for proposed Lot 1 because it is prohibited by FNSBC 17.56.010(F) and has existing access from Yogi Drive. Additionally, plat note 15 from the parent plat of Bear’s Den Subdivision states, “No lots within this subdivision shall have direct access to the Elliot Highway.” The final plat shall contain a similar access prohibition note.
Yogi Drive is the existing access for both Lots 1 and 2. FNSBC 17.56.020(B) states “All lots within the subdivision shall have legal, physical road access constructed to the standards required by this title.” Yogi Drive provides the required legal access to each lot within this subdivision, but it does not provide the required constructed access since it does not meet current Title 17 road standards.

Even though Yogi Drive does not meet Title 17 road standards, the applicant is exempt from road construction by FNSBC 17.56.020(G) which states “A subdivision creating five or fewer lots shall not be required to have constructed road access to the boundary of the subdivision. However, a lot created under this subsection may not be further subdivided until such time as legal, constructed road access is available to the boundary of the lot proposed to be resubdivided.” The applicant may rely on FNSBC 17.56.020(G) because the subdivision creates two lots, and the Yogi Drive road ROW is located outside the boundary of the subdivision.

Soils Report: No soils report is required per FNSBC 17.56.050(B)(1), as both lots are over the 4.5 acre minimum lot size.

Road Construction Exemption: As described above, the road construction exemption of FNSBC 17.56.020(G) applies to this request.

Wetlands: From note 7 on the parent plat, and as depicted on this preliminary plat, this subdivision contains wetlands and may require Department of Army Corp of Engineers permits prior to development in these areas. Proposed Note 5 provides the required informational note regarding wetlands.

Flood Zone: This property is located within Flood Zone X which is accurately shown on preliminary plat note 3.

Comprehensive Plan: This proposed subdivision is located within the Rural Settlement Area (100%). The FNSB Regional Comprehensive Plan includes the following relevant definitions, goals, strategies and actions for this subdivision request.

Rural Settlement Area is defined as "Publicly owned land planned for residential land disposals. Rural settlement areas are intended to have appropriate public improvements common in other rural residential areas.

Land use Goal #1: To recognize that the foremost aspect of land use involving private property is retention and maintenance of private property rights.

Strategy 2: Work for community end goals with a minimum impact and disruption of individual private property rights.

Transportation and Infrastructure Goal #1: To have safe, efficient, multi-modal transportation system that anticipates community growth.

Strategy 1: Encourage location, design and maintenance of roads based on their function and community needs.

Action C: Ensure that road designs improve safety and minimize adverse impacts.
• Encourage limiting the number of access points to high volume/speed roads.

This subdivision creates two lots out of one lot that was legally created by the FNSB platting authority in 1982. It prohibits access for Lot 1 onto the Elliott Highway, an arterial road.

FNSB In-house Review:

Transportation Planning (D. Galligan, Transportation Planner) commented:

Direct access onto the Elliot Highway is prohibited.

Street Addressing (K Streeter, GIS Specialist): commented:

Elliott Hwy is still misspelled on the vicinity map. Everything else looks good.

Public Works Engineering (C Hosier, Public Works Engineer): commented:

I do not require a corner rounding and defer to DOT. I have no other comments for this subdivision.

Flood (N Durham, Floodplain Administrator): commented:

RP030-19 is located in Flood Zone X (100%) and is not required to meet FNSBC 15.04 Floodplain Management Regulations

FNSB Parks & Recreation (B Wright, Trails Coordinator): FNSB Parks & Rec would like the owners to consider dedication of the winter trail that runs through the proposed subdivision. This trail is NOT designated in the Comprehensive Recreational Trail Plan to require its dedication. (see “EXHIBIT A”)

Land Management (S Mota, Land Officer): No comment

Agency and Utility Review:

GVEA: no comment returned

ACS: no comment returned

AK DNR: Commented:
The State of Alaska, Department of Natural Resources, Division of Mining, Land and Water has no surface interest or management authority on any of the lots abutting the Elliot Highway within Plat 82-194, F.R.D. Lot 8, Block Three, ADL 409998, was patented into private ownership on July 22, 2003.

ADOT: commented:
1) Please add a note stating access to Lot 1 shall be from Yogi Drive.
2) ADOT&PF does not require a corner rounding on Lot 1.
Analysis: The purpose of this plat is to subdivide one lot into two, dedicate additional PUE, and to vacate an existing 300 foot building setback easement. This subdivision is exempt from road construction through FNSBC 17.56.020(G) and may not be further subdivided until legal, constructed road access is available to its proposed boundary.

Bear’s Den Subdivision was a subdivision request by the State of Alaska, Department of Natural Resources (DNR). DNR designed the subdivision with a 300ft building setback easement from the Elliott Highway ROW within the lots fronting the highway. The easement’s purpose, by General Note 16 from the plat of Bear’s Den Subdivision, was:

- Prohibit permanent structures within 300ft of the highway ROW
- Maintain the natural vegetation to provide a visual screen and noise buffer against highway traffic and noise

Staff considered the potential impacts the vacation may have on this subdivision and adjoining lot owners. Vacation of the building setback easement allows the property owner to build permanent structures within 300ft of the highway ROW, but obviously not within the 200ft wide Elliott Highway ROW itself. The owner would also be allowed to clear trees and the natural vegetation, which could negatively impact the visual screen and noise buffer easement. An easement of this nature is not regulated nor managed by the FNSB; the only requirement of the FNSB is that of the platting authority which allows for vacation of easements.

As indicated by the earlier comment, DNR has no surface interest or management authority on any of the lots abutting the Elliott Highway within Bear’s Den Subdivision; therefore, the setback easement may be vacated by the property owner through the platting process. This subdivision request, including the easement vacation, did not meet the Quick Plat criteria because FNSBC 17.16.010(C)(4) states that a hearing officer may not approve a plat which vacates a public road, trail, public area or any easements other that a public utility easement. The Platting Board is the appropriate body to approve the vacation of the 300ft building setback easement.

Subdivision Recommendation: Staff recommends preliminary approval for Coincidence Subdivision with the following conditions:

1. GVEA and ACS shall have a maximum of 10 calendar days to review and comment on the final plat.
2. A note shall be placed on the final plat stating, “Access for Lot 1 shall be from Yogi Drive. Direct access onto the Elliott Highway is prohibited”.
3. A note shall be placed on the final plat stating, “No subdivision lot may be further subdivided until such time as legal, constructed road access is available to the boundary of the lot proposed to be resubdivided”.
4. The vicinity map shall correct the “Elliott Highway” spelling.

Findings of fact: Staff further recommends adoption of the following findings of fact:

a. The subdivision request is exempt from improving Yogi Drive to current Title 17 road standards as allowed by FNSBC 17.56.020(G) because:
1. The proposed subdivision creates fewer than five lots.
2. Legal access exists to the subdivision boundary originating from the Elliott Highway to Yogi Drive, which is an existing dedicated right-of-way created by the parent plat, Bear’s Den Subdivision.
   b. As required by FNSBC 17.56.020(G) a lot created under this subsection may not be further subdivided until such time as legal, constructed road access is available to the boundary of the lot proposed to be resubdivided. Condition #3 satisfies this requirement.
   c. As required by FNSBC 17.56.010(F) direct lot access onto the Elliott Highway, an arterial road, shall not be allowed unless topography allows no reasonable alternative, and restricted access shall be noted on the plat. Condition #2 satisfies this requirement.
   d. With the four conditions recommended by staff, this subdivision request meets the applicable requirements of Title 17.

**Recommended Subdivision Motion:**

*I move to approve Coincidence Subdivision with the four conditions and adopting the four findings of fact and the staff report in support of approval.*

---

DPOs sent 4 | Parcels notified 4
**FAIRBANKS NORTH STAR BOROUGH**  
**DEPARTMENT OF COMMUNITY PLANNING**  
907 Terminal Street/P.O. Box 71267  
Fairbanks, Alaska 99707-1267  
(907) 459-1260 Fax: (907) 205-5169  
planning@fnsb.us

**APPEAL APPLICATION**

*File No. ____________  

****FEES ARE NON-REFUNDABLE****

**FEES:** $400 application

**Appellant:**

<table>
<thead>
<tr>
<th>Name:</th>
<th>Eric Cusino</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mailing Address:</td>
<td>2650 Monteverde Road Fairbanks, AK 99709</td>
</tr>
<tr>
<td>Phone:</td>
<td>907-455-6776</td>
</tr>
<tr>
<td>Cell:</td>
<td>907-388-7632</td>
</tr>
<tr>
<td>E-mail:</td>
<td>EricWindyCreekSurveys.com</td>
</tr>
</tbody>
</table>

- [ ] The property owner or applicant from the decision being appealed
- [ ] An interested person or a person aggrieved
- [ ] A member of the public appealing a trail dedication
- [ ] A representative (e.g. an attorney) of one of the above parties
  (please indicate which category of party you represent; Include your name and contact information)

**APPEAL TYPE:**

- [ ] Title 18 Administrative Variance
- [ ] Amnesty Relief
- [ ] Legal Non-Conforming (Grandfather Rights)
- [ ] Title 15 Floodplain Management Regulations
- [ ] Quick Plat
- [ ] Preliminary Plat
- [ ] Title 17 Variance
- [ ] Trail Dedication
- [ ] Street Naming of Public Roads

**Appeal Information:**

| Case Number Being Appealed: | SD 021-19/PR 032-19 |
| Date of Decision’s Mailing for Case Being Appealed: | |

**Specific Grounds or Reasons for Appeal (attach additional sheets as needed):**

*Questions related to the determination that the vacation of a 300’ building setback easement be held to the same rigorous standard as the vacation of a public right-of-way.*

Cite Title 15 (Floodplain), Title 17 (Subdivisions) or Title 18 (Zoning) Provisions to Support Appeal (attach additional sheets as needed):

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**APPELLANT SIGNATURE:** [Sign]  
**DATE:** May 22, 2019
Narrative in support of the Appeal Application

Note 16 (from the plat – verbatim): “A 300’ building setback easement is dedicated along the Elliot Highway affecting Lot 1 and Lots 4-7, Block 5, and Lot 8, Block 3. No permanent structures are permitted in this easement. In addition, no interference with the natural vegetation is permitted that will significantly decrease its ability to serve as a visual screen or to act as a buffer against highway noise.”

Note 16 on the parent plat of Bear’s Den Subdivision (F.R.D. Plat No. 82-194) added the word easement to what would otherwise typically have been known as a covenant. The only way to remove the plat note is via a replat, and since the words “easement is dedicated” were added, in the opinion of the Borough’s Attorneys, it changed it into a public easement status, therefore requiring it to go through the process for vacation of a public ROW easement.

Plat No. 82-194 specifically defined/created public rights-of-way, and it also specifically defined public easements. When reviewing the plat it is clear that by design, Note 16 did not fall under, nor was it expressly defined under, either of those categories. Note 16 clearly does not create a public ROW. Therefore, it is not reasonable to expect the criteria necessary to vacate a public ROW be submitted in order to justify acceptance of this easement vacation application. Hence, the second part of 17.32.030.E.1, which states, “it shall be incumbent upon the applicant to show that the area for the vacation is no longer practical for the uses or purposes authorized or that other provisions have been made that are more beneficial to the public”, does not seem to justifiably apply to this application.

In its entirety Note 16 appears to be most similar to a public utility easement, where rights are granted to a certain group that represents a portion of the public, but not expressly granted to the entirety of the public as is the case with a public ROW. The secondary portion of Note 16 is slightly ambiguous as to whom the visual screen protection adheres to, but the buffer against highway noise and the primary portion of the easement (300’ building setback) clearly adhere to owners of lots or certain particular lots within Bear’s Den Subdivision, which come to represent the dominant estate in this instance. Since the visual screen was part of the whole and not separately or expressly granted to the entirety of the public as was done specifically in other cases on this particular subdivision plat, it is perfectly legitimate and reasonable that it be interpreted to apply only to the owners within the subdivision that was being created by this plat. The only way that the visual screen could be interpreted as having been granted to the entire public would be to remove it from the context of the remainder of the easement, which it resides precisely in the middle of. Regardless, it seems an ill-considered and poorly worded note, particularly following the fine example set by the Plat of Goldstream Alaska Subdivision (401-1981-018) that the State recorded one year prior.

It is our opinion that making the hurdle to remove the requirements of Note 16 unnecessarily high does more harm to the public than good. We continue to believe that what is being considered here is not a public ROW vacation in the same sense that a Section Line Easement is, and maintain that it should have been eligible to be vacated via the provisions of Title 17.32.040, or via the publicly advertised attempt made for the major plat that was heard before the Plating Board on May 15th, 2019. Unfortunately, that was disallowed in the late afternoon the day before the Plating Board Meeting, and a specific mechanism to deal with this exact kind of public easement vacation is not available in Title 17. The plat approval with the exception of the easement vacation points us to and confines us to using the Plat Vacation Application and the rules as laid out in Title 17.32.030 or 17.32.040 to complete the process. We have already exceeded the procedures for removing a public utility easement, as outlined in 17.32.040. Thus, in order to vacate an easement that is highly correlated to a PUE, we are pushed back to 17.32.030, the pertinent parts of which have also been complied with. This vacation process finds us trying to do something that we have arguably already done, the Plating Board having to hear this again, and the unnecessary consideration of the Assembly. It is a real shame.

Ultimately, the easement area proposed for vacation places a significant encumbrance upon the private owners of Lot 8, Block 3 and we are again asking to remove that burden. Requesting to vacate the building setback would not create a situation that is unlike anything anywhere else along the Elliot Highway, where structures have been constructed not far beyond the highway ROW. The secondary use for the easement as a visual screen and buffer against road noise, has in the relatively recent past seen a shift in cultural values where safety supercedes noise abatement and privacy concerns. This is evidenced by the creation of the firebreaks that have been cleared, which are in excess of 300’ wide, extend for miles, and with the exception of the highway side completely encompass an area that surrounds this subdivision. Cleared land protects more people than it harms, particularly in the black spruce stands that exist here and in places all over Interior Alaska. It is highly doubtful that the owner intends to clear the whole lot, or even “significantly decrease its ability to serve as a visual screen or to act as buffer against highway noise”, but if they did it is arguable that it would do less harm to the public locally or at large than if they did not. It is notable that due to the topography, clearing would not be likely to cause highway noise to measurably increase, with the exception of in the very immediate vicinity.
May 20, 2019

Eric Cousino  
2650 Monteverde Road  
Fairbanks, AK 99709

Re: SD021-19/RP030-19 Coincidence Subdivision

Dear Eric,

At its regular meeting on May 15, 2019 the Platting Board of the Fairbanks North Star Borough considered your request on behalf of Darrel W. Colburn and Michael S. Slabaugh to replat Lot 8, Block 3, Bear’s Den Subdivision, a total of 15.19 acres, into two lots of approximately 5.00 acres and 10.19 acres. The plat also vacates the existing 300 foot building setback easement within Lot 8, Block 3 created by General Note 16 from the plat of Bear’s Den Subdivision. The property is located within the NE1/4 NW1/4 Section 9, T3N, R1W, FM.

The Board gave preliminary approval to the request, except for the vacation of the 300ft building setback easement, subject to the following four (4) conditions:

1. GVEA and ACS shall have a maximum of 10 calendar days to review and comment on the final plat.
2. A note shall be placed on the final plat stating, “Access for Lot 1 shall be from Yogi Drive. Direct access onto the Elliott Highway is prohibited”.
3. A note shall be placed on the final plat stating, “No subdivision lot may be further subdivided until such time as legal, constructed road access is available to the boundary of the lot proposed to be resubdivided”.
4. The vicinity map shall correct the “Elliott Highway” spelling.

Furthermore, the Platting Board adopted the following three (3) Findings of Fact in support of the approval:

a. The subdivision request is exempt from improving Yogi Drive to current Title 17 road standards as allowed by FNSBC 17.56.020(G) because:
   i. The proposed subdivision creates fewer than five lots.
   ii. Legal access exists to the subdivision boundary originating from the Elliott Highway to Yogi Drive, which is an existing dedicated right-of-way created by the parent plat, Bear’s Den Subdivision.

b. As required by FNSBC 17.56.020(G) a lot created under this subsection may not be further subdivided until such time as legal, constructed road access is available to the boundary of the lot proposed to be resubdivided. Condition #3 satisfies this requirement.

c. As required by FNSBC 17.56.010(F) direct lot access onto the Elliott Highway, an arterial road, shall not be allowed unless topography allows no reasonable alternative, and restricted access shall be noted on the plat. Condition #2 satisfies this requirement.

d. With the four conditions recommended by staff, this subdivision request meets the applicable requirements of Title 17.

The final plat must be prepared by a registered land surveyor and submitted to this office by May 15, 2021 or the preliminary approval will become void.
If you have any question regarding this matter, please contact the Fairbanks North Star Borough Department of Community Planning at 907 Terminal Street, 459-1260.

Sincerely,

[Signature]

George Stefan, 
Platting Officer

Enclosure to Addressee

cc: 
    ADOT Planning
    Pete Eagan, ADOT ROW
    Chad Hosier, FNSB Public Works Engineer
    Jacquie Goss, GVEA
    Michael Stanley, ACS
1. **SD021-19/ RP030-19 Coincidence Subdivision** - A request by Windy Creek Surveys, LLC on behalf of Darrel W. Colburn and Michael S. Slabaugh to replat Lot 8, Block 3, Bear’s Den Subdivision, a total of 15.19 acres, into two lots of approximately 5.00 acres and 10.19 acres. The plat also vacates the existing 300 foot building setback easement within Lot 8, Block 3 created by General Note 16 from the plat of Bear’s Den Subdivision. The property is located within the NE¼ NW¼ Section 9, T3N, R1W, FM. **Staff Contact: George Stefan**

Stefan presented the Staff Report. Based on Staff analysis, the Department of Community Planning recommends APPROVAL of the subdivision with the following four (4) conditions:

1. GVEA and ACS shall have a maximum of 10 calendar days to review and comment on the final plat.
2. A note shall be placed on the final plat stating, “Access for Lot 1 shall be from Yogi Drive. Direct access onto the Elliott Highway is prohibited”.
3. A note shall be placed on the final plat stating, “No subdivision lot may be further subdivided until such time as legal, constructed road access is available to the boundary of the lot proposed to be resubdivided”.
4. The vicinity map shall correct the “Elliott Highway” spelling.

Furthermore, staff recommended adoption of the following four (4) Findings of Fact and the Staff Report in support of approval:

a. The subdivision request is exempt from improving Yogi Drive to current Title 17 road standards as allowed by FNSBC 17.56.020(G) because:
   i. The proposed subdivision creates fewer than five lots.
   ii. Legal access exists to the subdivision boundary originating from the Elliott Highway to Yogi Drive, which is an existing dedicated right-of-way created by the parent plat, Bear’s Den Subdivision.

b. As required by FNSBC 17.56.020(G) a lot created under this subsection may not be further subdivided until such time as legal, constructed road access is available to the boundary of the lot proposed to be resubdivided. Condition #3 satisfies this requirement.

c. As required by FNSBC 17.56.010(F) direct lot access onto the Elliott Highway, an arterial road, shall not be allowed unless topography allows no reasonable alternative, and restricted access shall be noted on the plat. Condition #2 satisfies this requirement.
d. With the four conditions recommended by staff, this subdivision request meets the applicable requirements of Title 17.

Mr. Pitney queried if Ms. Dau wanted to clarify with regard to the easement vacation.

Mr. Dau commented that the easement was determined to be public and gave several examples of private easement versus public easements.

Mr. Wilmer commented that once this property is subdivided and without the vacation of the easement, nothing will be able to be built on the newly created lot. Mr. Stefan confirmed this comment.

Applicant Testimony

Eric Cousino addressed the Platting Board. He expressed that he is not in agreement with staff as to the status of the easement and whether it is public or private.

Mr. Cousino gave a brief recap of the processes that he and his client have gone through to date submitting both as a quick plat and now a full plat.

Mr. Cousino commented to the fact that this application has been with the Borough for several months and the time that has been invested to date only to learn within the last week that this easement has been determined by legal to be public.

Ms. Fritze clarified that in March the applicant and surveyor understood the easement to be private and now it has been interpreted by staff to be public. Mr. Cousino confirmed this.

Interested Person Testimony

Darrell Colburn, interested person, addressed the Platting Board. He spoke in support of this request.

Julie Kotila, member of the public, addressed the Platting Board and requested the ability to testify on this case as she is familiar with the request due to the fact that she was the original Platting Officer before ending her employment with the Borough.

Mr. Pitney queried Ms. Kotila and with the support of the Platting Board gave her permission to speak to this item.

Ms. Kotila spoke to the issue of the easement and stated that when she was working this file as the original Platting Officer, she personally spoke with Larry King and A.J. Waite at DNR and they both agreed that the easement is not public.
Jeremy Stark, member of the public, addressed the Platting Board and requested permission to speak to this topic. The Platting Board allowed Mr. Stark to speak.

Mr. Stark commented that he is not in agreement with the interpretation that staff has come to with regard to this easement.

Applicant Rebuttal

Mr. Cousino addressed the Platting Board in rebuttal.

Ms. Dau provided further clarification to the Platting Board regarding public versus private easements.

MOTION: A motion was made by Ms. Fritze, seconded by Mr. Wilmer to approve Coincidence Subdivision, except for the vacation of the 300ft building setback easement, with the four conditions and adopting the four findings of fact and the staff report in support of approval.

Ms. Fritze spoke in favor of this application.

Mr. Mendenhall spoke in favor of the application.

Ms. Morton stated that if it is not managed or regulated by the Borough or DNR, who does it really belong to.

Ms. Dau stated that the staff report is staff’s position and though the Borough does not actively manage this easement it is delivered into the Boroughs’ trust to be held on the publics’ behalf. That is what a dedicated public easement is.

Ms. Dau clarified that if the Platting Board approves the recommended motion, it would expressly exclude the idea that the vacation would be effective.

Mr. Pitney commented in favor of this request.

ROLL CALL: 5 in favor Fritze, Mendenhall, Morton, Wilmer and Pitney
0 opposed
FAST Planning
FAST Planning

POLICY BOARD MEETING
Wednesday, June 19, 2019
12:00 P.M. – 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 June 19, 2019 Agenda
4. Approval of the May 15, 2019 Meeting Minutes   Pg 1-6
5. Committee/Working Group Reports (Including the Chair’s Report)
   a. Staff Report & Technical Committee Action Items   Pg 7-10
6. Public Comment Period (Non-Action Items)
7. Old Business
   a. Revised MOA Amendment for the Selection and Funding of CMAQ Projects within
      the Fairbanks PM2.5 Non-attainment Area (Action Item)   Pg 11-16
8. New Business
   a. Better Utilizing Investments to Leverage Development (BUILD) Grant (Action Item)   Pg 17-18
   c. Road Service Area Expansion Plan – Draft Scope of Work (Action Item)   Pg 26-32
   d. Cowles Street Reconstruction – Project Increase (Action Item)   Pg 33-36
   e. College Road Bus Pullouts – Project Increase (Action Item)   Pg 37
9. Other Issues
10. Informational Items
    a. Obligations and Offsets   Pg 38-41
11. Policy Board Comments
12. Adjournment

Next Scheduled Policy Board Meeting – Wednesday, July 17, 2019, Noon, Fairbanks City Hall