PLANNING COMMISSION MEETING

MARCH 12, 2019
FAIRBANKS NORTH STAR BOROUGH PLANNING COMMISSION MEETING AGENDA
MONA LISA DREXLER ASSEMBLY CHAMBERS AT THE
JUANITA HELMS ADMINISTRATION CENTER
907 TERMINAL STREET, FAIRBANKS, ALASKA

MARCH 12, 2019 6:00 PM
WORK SESSION

Community Planning staff will provide an overview of the downtown planning process to date and a draft downtown land use map. (Staff Contact: Melissa Kellner)

AGENDA
Immediately following the Work Session

A. 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. 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. PUBLIC HEARING
1. Ordinance No. 2019-11 RZ2019-003: A request by Mayor Bryce Ward to rezone approximately 584 acres, including Silver Creek Subdivision Lots 1 through 6, Tract A and Tract B, and south half (S½) of southeast one-quarter (SE¼), Section 35, T2N R1W FM from General Use 1 (GU-1) to Rural and Agricultural 5 (RA-5) or other appropriate zone, and; northeast one-quarter (NE¼), north half (N½) of southeast one-quarter (SE¼), Section 35, T2N R1W FM from General Use 1 (GU-1) to Rural Estate 2 (RE-2) or other appropriate zone. (Located on the north side of Goldstream Road, approximately one mile west of the Old Steese Highway) (Staff Contact: Kellen Spillman)

F. EXCUSE FUTURE ABSENCES

G. COMMISSIONER’S COMMENTS/COMMUNICATIONS
1. FMATS
2. Other

H. ADJOURNMENT
MINUTES

FEBRUARY 26, 2019
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 6:50 p.m. by Mindy O’Neall, Chair.

A. ROLL CALL

MEMBERS PRESENT: Chris Guinn  Charlie Whitaker
Mike Stepovich  John Perreault
Eric Muehling  Doug Sims
Mindy O’Neall

MEMBERS EXCUSED: David Brandt  Robert Peterson

OTHERS PRESENT: Christine Nelson, Director of Community Planning
Kellen Spillman, Deputy Director of Community Planning
Ben Jaffa, Asst. Borough Attorney
Manish Singh, Planner III
Kristina Heredia, Planner II
Michelle Gutierrez, Admin Assistant III
Sharon Wittenkeller, Admin Assistant III

B. MESSAGES

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

Becky Hassebroek commented as follows:
- Suggested to allow the owner of the refuge to rezone all at once

Juliette Funek commented as follows:
- Trails user
- RZ2019-001 is a personal financial benefit for the business owner
- More motorized vehicles on the trails scare away wild life
- Expressed concerns with safety on the trails with unexperienced snow machine users

Lindsey Dresse commented as follows:
- Spoke against RZ2019-001 and the potential of other commercial businesses to have the opportunity to also open a business in the area
- The rezone is a personal benefit over the greater good of the trails and users
- Expressed concerns of trail maintenance
- Protocols need to be followed if RZ2019-001 is to pass

Stan Justice commented as follows:
- Spoke about many years ago trails having too many snow machines on them which is dangerous
- Prefers less snow machines in the area of the proposed RZ2019-001
- Encouraged disapproval of RZ2019-001
- Better zone for the refuge would be Open Space Buffer Zone
- Commercial use in the refuge is inappropriate
Don Duncan commented as follows:
- Explained people’s misconceptions to be untrue and gave examples like snow machines are not allowed on the refuge, which is untrue
- Skijorers and dog mushers go faster and are not in control
- Been running his business for 5 years without incidents
- Not all of this snow machines will be used at once
- Cars on Farmers Loop Road are louder than his machines
- His trails are maintained

Lei Guo commented as follows:
- Office manager at Skylar Travel that has worked with Mr. Duncan for past 3 winters with no bad feedback
- Beginner riders are slow; most people stop for pictures
- Low impact to community
- People should be given a heated facility to change into gear for tour

Chris Van Dyck commented as follows:
- Spoke against RZ2019-001 and stated the people that are in favor of the rezone have a financial tie to Mr. Duncan’s business
- Snow machines are dangerous and cause deaths, more so than skijoring
- Referenced OR Zone uses and how it would allow a cell tower which he is against
- Referenced Title 18.104.20 regarding land owned property and explained the rezone should not have gone forward
- He doesn’t hear cars from Farmers Loop Road but can hear the snow machines on the trails
- Suggested Open Space Buffer Zone as a more appropriate zone

Jamie Marchner commented as follows:
- Mr. Duncan does not groom trails
- He goes fast during his tours
- Mr. Duncan cleared land without permission and is now an eye sore
- Spoke against RZ2019-001
- 35 snow machines cause bad smell and are loud; Farmers Loop Road is not a buffer
- Doesn’t want this rezone to open the door for other businesses to open in the area
- Mr. Duncan did not follow rules of the issued special area permit

Bernard Marschner commented as follows:
- Residents in the area of proposed RZ2019-001 bought homes to access trails and snow machines running in their backyards could hurt property values
- Snow machines are loud; he hears them
- Mr. Duncan allows drag races on his tours
- Urged Planning Commission the rezone is not compatible with the area

Kailyn Davis commented as follows:
- Avid user of trails
- Snow machines cause trail damage
- Expressed safety concerns of unexperienced snow machine users
- Dog sleds have brake systems

Susan Miller commented as follows:
• Opposed to RZ2019-001
• Residential area shouldn’t be changed for one person’s gain for his business
• Tourism is growing in Fairbanks, no one is asking for Mr. Duncan to close his business
• Bought home because of the quiet area
• Property value goes down due to snow machine business in the area
• Urged Planning Commission to not allow the rezone

Patrick Marlow commented as follows:
• Spoke against RZ2019-001; concerned with spot zone
• Uses trails daily
• Renovated his home and couldn’t imagine why people should be subject to having a snow machine business in the middle of a residential area
• Rezone is for personal benefit for his business
• Not against the business itself, just shouldn’t be across from his home

Jeff Benowitz commented as follows:
• Opposed to RZ2019-001
• Expressed concerns of sound; travels far in winter
• Concerned with unexperienced snow machine users on trails
• Questioned spot zoning to benefit one person
• Expressed concerns if rezoned, it will allow future owners to potentially open a shooting range in the area
• Suggested Creamer’s Field be rezoned to Open Space Buffer Zone

Maia Genaux commented as follows:
• Does not support RZ2019-001
• Snow machine usage on land is almost industrial
• Land is a wildlife refuge
• OR zone permitted uses opens the opportunity for incompatible uses in the future
• Wants to preserve the peace and quiet of the area

[Commissioner Muehling left the dais]

Karl Franke commented as follows:
• Spoke against RZ2019-001
• Unexperienced riders not compatible for refuge

Jim Altherr commented as follows:
• Grooms some of the trails himself which can be time consuming and he does it willingly and on his own dime
• Suggested the commissioners to go use the trails before making a decision
• Creamer’s Field trails cannot hold snow machines
• Snow machines are loud and cause damage to the trails
• Snow machines are not compatible with the area

Matthew Banning commented as follows:
• His property is surrounded by the proposed rezone of Creamer’s Field
• Spoke against RZ2019-001
• Mr. Duncan bulldozed the land creating no vegetation buffer
• Farmers Loop not a buffer
• Spot zone will be created for a benefit for one person to the detriment of surround property owners
• His property will be a reverse spot zone and is less than the mandatory 3 acres to rezone his property to OR
• Non-perimeter lots of Creamer’s Field probably doesn’t dispute that they should be Open Space natural area
• Mr. Duncan’s plans to run a commercial industry from a perimeter lot, to include warm up huts, bathrooms, storage for machines, etc. does not constitute natural state and minimal improvement
• Confused why it is considered how the rezoning change effects the state land when rezoning ordinances refer to owner initiated rezone; Mr. Duncan requested a rezone of Creamer’s Field; because he is a resident of Alaska, do all lands belong to him

Siegmar Siebeneich commented as follows:
• Opposed to RZ2019-001
• Business will increase traffic to the area
• Mr. Duncan’s property entrance is not wide enough to handle busses of people and would need a parking lot for 50 people and if he has a parking lot, where will he have room to train new users
• Bought home for the quiet area
• Snow machines are loud

Darla Theisen commented as follows:
• Opposed to RZ2019-001
• Urged commission to not allow for OR zone for the refuge
• Snow machine tours are not compatible with the refuge
• Concerned for the health, safety and welfare of the people and refuge

Eric Muehling commented as follows:
• Stated he is speaking as a member of the public with no inside information and is recused from hearing the remand case for RZ2019-001
• Owner of 12 lots, east and west of Mr. Duncan’s property that all are built on permafrost similar to Mr. Duncan’s property and he has successfully built a home with running water and septic and multiple dry cabins. Neighbors have also successfully built on permafrost with full plumbing.
• Over the past 40 years he has developed on permafrost land residentially; built affordable housing nearly 10,000 sq. ft of living space on the same permafrost land
• RR zoning and this property is clearly useable as residential
• Explained proper knowledge of how to build on permafrost is needed
• He has constructed gravel pads and put down railroad ties for foundations, other neighbors have driven steel pilings into the permafrost or used concrete pads and screw jacks to make adjustments to their foundation when it settles
• Mr. Duncan purchased his property fully aware that is was zoned RR and Mr. Duncan can develop his property in a way that is consistent with the rural character of the community and the current RR zoning
• Farmer’s Loop is mentioned to be a buffer but what if you are located on the same side of the road as Mr. Duncan’s property; his property shares the same section line
• Owns more than 30 acres near Mr. Duncan with over 28 tenants that have all signed a lease that prohibits snow machine use which will keep the residential area quiet
• His residential business preexists Mr. Duncan’s proposal by 25 years and his proposed use is in conflict with his residential use
Disclosure & Statement of Conflict of Interest

[Commissioner Muehling returned to the dais]

Chair O’Neall declared Commissioner Muehling has a conflict on the remand of RZ2019-001 and will be excused from the remand hearing.

MOTION: To reorganize the agenda to move unfinished business before the legislative hearings and to move ORD2019-10 up to number 1 under legislative hearings by Commissioner Perreault seconded by Commissioner Whitaker.

ROLL CALL

Seven (7) in Favor: Sims, Perreault, Guinn, Whitaker, Stepovich, Muehling and O’Neall
Zero(0) Opposed:

MOTION PASSED

C. APPROVAL OF AGENDA AND CONSENT AGENDA

Motion to approve the agenda and consent agenda made by Commissioner Perreault and seconded by Commissioner Sims. Carried without objection or roll call vote.

D. MINUTES

Minutes from February 12, 2019.

[Commissioner Muehling left the dais due to conflict of interest]
[Commissioner Stepovich left the dais as a result of not previously reviewing the November 13, 2018 RZ2019-001 meeting documents and audio in which he was absent for]

E. UNFINISHED BUSINESS

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

On January 10, 2019 the FNSB Assembly remanded Ordinance No. 2018-48 back to the Planning Commission with the following instructions:

1. The Planning Commission should make additional finding of fact as to whether the proposed rezone to Outdoor recreation conforms to the comprehensive plan and to the public health, safety and welfare.
2. The Planning Commission should address whether a spot zone or reverse spot zone is created by the exclusion of the two parcels between Mr. Duncan’s lot and the Creamer’s Field perimeter area lots.
3. The Planning Commission should address whether the rezone to Outdoor Recreation of the non-perimeter area lots, i.e. the lots designated as Open Space Natural Area, conforms to the comprehensive plan to the public health, safety and welfare.
4. The Planning Commission should address how the proposed zoning change would effect current State use of that land.

Chair O’Neall requested a brief summary of procedure and options the commission has on the remand from legal.
Mr. Jaffa stated the commission has the option to make the instructed findings in the course of a reconsideration of the main motion, which have time limits and the other option is to proceed to make the instructed findings under a standalone motion for additional findings and he further explained the difference in options.

Commissioner Perreault questioned procedure on addressing the four points from the Assembly that need to be addressed.

Mr. Jaffa explained the Assembly could potentially remand the case again if they felt the four points weren’t address. Mr. Jaffa encouraged the commission to address all the instructions from the Assembly.

**MOTION:** To adopt 10 additional findings of fact in response to the Borough Assembly’s instructions on remand of Ordinance No. 2018-48 (RZ2019-001) by Commissioner Sims seconded by Commissioner Perreault.

Commissioner Sims spoke on the 10 additional findings of fact retaining the original recommendation to disapprove the request to the Assembly and further explained that with the additional findings, each of the four instructions have been addressed.

[10 minute at ease taken to review the 10 additional findings of fact]

Commissioner Perreault stated the two particular concerns he had were addressed in the additional findings of fact; one being pointing out the difference between the perimeter lots versus the core of the Creamer’s Field and a core portion of the acreage proposed for rezone and the other being the reverse spot zone created by the two lots in between the two perimeter areas included in the rezone area which are incompatible with the comprehensive plan which is address in finding of fact #6.

Commissioner Guinn stated the rezone request is not compatible with the master plan and the Creamer’s refuge management should request the rezone on a comprehensive basis.

Chair O’Neill agreed with the 10 additional findings of fact and stated they further support the original decision to recommend disapproval and it is clear that the general health and welfare of the community is dependent on the decision and it would impact the neighborhood in an adverse way, that does not align with the comprehensive plan.

Planning Commission upheld the previous recommendation for disapproval and adopted 10 additional findings of fact.

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

2. Of the six lots proposed for rezone, three lots are designated as Perimeter Area in the Comprehensive Plan. These three Perimeter Area lots, which consist of the applicant’s lot and two state-owned lots to the east of applicant’s lot, were described in the Planning Commission’s November 13, 2018 finding of fact as “Farmers Loop
perimeter lots.” The other three lots proposed for rezone are designated as Open Space/Natural Area. With the exception of the applicant’s lot, all lots proposed for rezone are within the Creamer’s Field Migratory Waterfowl Refuge.

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

4. The rezone to Outdoor Recreation for the non-Perimeter Area lots, i.e. Open Space/Natural Area designated lots is consistent with the Comprehensive Plan and health, safety and welfare.

   a. As to the non-Perimeter Area lots, the proposed OR zone is consistent with FNSB Regional Comprehensive Plan land use designation of Open Space/Natural Area.

   b. The proposed OR zone is intended to protect outdoor recreational uses on public lands or on private lands if requested by the property owner. The OR zone would better protect the predominant outdoor recreational uses in the Open Space/Natural Area designated lots. The refuge will continue to be compatible with the nearby rural residential development by providing recreational and open space opportunities.

   c. The rezone conforms to the following FNSB Regional Comprehensive Plan goals because it would better protect the existing outdoor recreational uses within the refuge and outdoor recreational uses are essential to support the winter tourism market in the Borough:

      1. Economic Development Goal 1, Strategy 4, Action C which refers to promoting tourism and hospitality.

      2. Economic Development Goal 2, Strategy 6, Action C which refers to promoting the characteristics of the Borough that have potential for economic development.

      3. Environment Goal 3, Strategy 8, Action A which refers to providing for opportunities to enjoy the outdoors.

      4. The rezone to OR for the three non-Perimeter Area lots conforms to the following FNSB Comprehensive Economic Development Strategy (CEDS), Industry Cluster Development Goal 3 (Tourism) which refers to increasing winter tourism. The CEDS identifies tourism industry cluster with strong potential for growth as winter tourism expands in the Borough.

   d. As to the non-Perimeter Area lots, the rezone conforms to health, safety and welfare. The current RR zone in the non-Perimeter lots, i.e. the Open Space/Natural Area lots, is intended for low density residential development and does not protect the existing recreational use of the Creamer’s Field Refuge. Rezoning these lots to OR does protect these uses, and therefore conforms to the public health, safety and welfare.
5. The rezone to Outdoor Recreation for the Perimeter Area lots is not consistent with the Comprehensive Plan and health, safety and welfare.

   a. As to the Perimeter Area lots, the proposed OR zone is not consistent with FNSB Regional Comprehensive Plan land use designation of Perimeter Area with respect to introducing potential commercial outdoor recreational uses. Primary land uses in the Perimeter Area are residential, which is consistent with the current RR zone, and open space. Secondary land uses are commercial, industrial and agriculture. The request is also inconsistent with FNSB Regional Comprehensive Plan Land Use Goal 3, strategy 6, action B that addresses commercial facilities outside preferred commercial areas.

   b. As to the Perimeter Area lots, the rezone does not protect the public health safety and welfare of surrounding residential properties. Farmers Loop Road is not a sufficient buffer between the potentially higher impact uses of the proposed OR zone, such as commercial outdoor recreation, and the surrounding residential properties.

6. The rezone as proposed creates a reverse spot zone concern because it arbitrarily singles out Perimeter Area lots for a use classification totally different from that of the surrounding area. The following factors support the finding of a reverse spot zone:

   a. The Rezone is not consistent with the comprehensive plan

      1. With respect to the three Perimeter Area lots, the request is not consistent with FNSB Regional Comprehensive Plan Land Use Goal 3, strategy 6, action B that addresses commercial facilities outside preferred commercial areas and therefore does not protect the public health safety and welfare of surrounding residential properties. Commercial outdoor recreational use is currently occurring on Rural Agricultural land in the eastern portion of the refuge, and is a permitted use. (Ord. 2018-25)

      2. With respect to the three Perimeter Area lots, rezone to OR is not consistent with the Comprehensive Plan designation as Perimeter Area, which contemplates the primarily residential use that currently exists in the two omitted parcels and the surrounding RR zoned Perimeter Area.

   b. It is detrimental to adjacent owners and the community, while primarily benefitting the applicant.

      1. The rezone of the three Perimeter Area lots to Outdoor Recreation will be detrimental to the surrounding RR property owners to the north and west and east by introducing incompatible uses, which is developed in a predominately residential pattern.

      2. Although the growth of winter tourism has benefits to the community, this can be accomplished without rezoning the Perimeter Area lots as currently proposed.

   c. The exclusion of two lots to the east of the applicant's lot is consistent with a spot zone or reverse spot zone.

      1. Although areas over 13 acres are almost always found not to be a spot zone, the size of the proposed rezone area relative to the size of
the included Perimeter Area lots, and the exclusion of the two of Perimeter Area lots in the request, is consistent with a spot zone. The total proposed rezone is approximately 420 acres. Approximately 4% of this is designated as Perimeter Area. The two excluded Perimeter Area lots, i.e. the two lots east of the Applicant’s lot and west of the two State-owned Perimeter Area lots, are each similar in size to the applicant’s 3.8 acre lot. The proposed rezone would create an island of two RR lots bordered on three sides by OR lots, singling out the RR lots for allowed uses totally different from the OR lots, and vice versa. It would also single out the three included Perimeter Area lots for uses totally different from surrounding Perimeter Area lots, which remain RR.

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

8. As to the three non-Perimeter lots, the rezone conforms to the following FNSB Regional Comprehensive Plan goals because it would better protect the existing outdoor recreational uses within the refuge and outdoor recreational uses are essential to support the winter tourism market in the Borough:

   a. Economic Development Goal 1, Strategy 4, Action C which refers to promoting tourism and hospitality.

   b. Economic Development Goal 2, Strategy 6, Action C which refers to promoting the characteristics of the Borough that have potential for economic development.

   c. Economic Development Goal 3, Strategy 8, Action A which refers to providing for opportunities to enjoy the outdoors.

9. As to the three non-Perimeter lots, i.e. the lots designated Open Space/Natural Area, the rezone conforms to the public health, safety or welfare because;

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

10. Effects on state use of land; The rezone to OR on the non-Perimeter Area lots will permit continued recreational use on refuge lands. It will also allow, subject to applicable state and borough permit requirements, the continued commercial outdoor recreation uses that are currently taking place. If only the three Open Space/Natural Area lots are rezoned OR, and the Perimeter Area lots remain RR zone, any new commercial outdoor recreation activities will be subject to Conditional Use approval on significantly larger parcels with adequate means to mitigate potential harmful effects to surrounding properties.

**ROLL CALL**

Five (5) in Favor: Sims, Perreault, Guinn, Whitaker and O’Neall
Zero(0) Opposed:  

**MOTION PASSED**
F. LEGISLATIVE HEARINGS

1. ORD2019-10: An Ordinance Amending FNSB Title 18 to Add a Definition of Small Wireless Communications Facilities, Amend the Definitions of and Standards for Communication Towers, and Exempt the Requirements For Zoning Permits For Small Wireless Communications Facilities. *(Staff Contact: Christine Nelson)*

Ms. Christine Nelson provided a staff report on behalf of the Borough’s Planning Department and recommends approval with the ten recommended amendments to the FNSB Assembly.

Questions by Commissioners

Commissioner Muehling asked if the towers can go in a sidewalk and if ADA requirements have been addressed.

Ms. Nelson explained they can go in a ROW which includes sidewalks; generally on a pole that is mounted into the sidewalk and explained the ADA requirements will be part of the utility ROW permit process.

Discussion ensued in respect to colocation requiring a zoning permit.

Ms. Nelson further explained the ten recommended amendments individually.

Questions by Commissioners

Commissioner Whitaker asked if residential zone would refer to a zoning classification that says residential in it, referring to amendment #4

Ms. Nelson explained that is correct and it wouldn’t include Rural Agriculture, RF or GU; while they may allow residences they are not focused primarily on residential.

Commissioner Whitaker questioned if the industry, in this case, are given all the power and the options and they wouldn’t have to come before the commission if there is another option down the road zoned GU-1 or RA-5 and it’s obvious they are in a neighborhood, those people would have no options anymore.

Ms. Nelson stated the FCC preempted how much of that analysis the local government can do and stated if they wanted to leave it residential neighborhood, nothing in the FCC that would require you to change that criterion, it’s just for clarity. Defining a neighborhood is tougher and none subjective.

Further discussion ensued on the language about the provider’s service objectives and network deployment.

Mr. Jaffa addressed the preemption as it relates to small wireless facilities, in the context of regulations of telecommunications which are federally regulated under the Telecommunications Act. Mr. Jaffa further explained the ruling that states local communities can’t consider a gap analysis or a gap in service.
**Commissioner Sims** questioned why Rural Agriculture is not considered a residential zone when the intent statements mention low density residential.

**Ms. Nelson** further explained it has not been classified as residential in past ordinances and explained which other zones are not considered a residential zone.

Further discussion ensued in regards to the difference between using “residential neighborhoods” and “residential zones” and the difficulties of having to define what a neighborhood is.

**Mr. Spillman** referenced the marijuana standard that calls out residential zones and in parentheses calls out RE, RR, SF, TF, MF, and MFO. Rural and Agricultural is not listed.

**Commissioner Sims** questioned if what is considered a residential zone will be called out in the language of the ordinance.

**Ms. Nelson** explained that could be done.

[**Commissioner Guinn left the dais**]

**Ms. Nelson** continued to explain the recommended amendments.

**Questions by Commissioners**

**Commissioner Muehling** questioned if the ordinance would cover short wave radio, standalone tower that is taller than his house.

**Mr. Spillman** stated that HAM radio operations were specifically excluded in the definition section.

**Commissioner Stepovich** asked for clarification on what is referred to as utility lines and if they don’t require a zoning permit, only needing a utility permit.

**Ms. Nelson** stated poles, lines, equipment, utility boxes, water and sewer lines, phone, power, fiber, etc. Currently by practice zoning permits are not being required in the public ROW.

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

**Public Testimony Opened**

Meridee Pabst on behalf of AT&T testified as follows:

- Helped prepare written comments in Attachment C
- Thanked Borough staff for the work to update the wireless code for consistency with changes in both technology and law
- AT&T has met with the COF to look into issues such as sidewalk clearance
- AT&T supports the approach of this ordinance
- Spoke on consistency with Federal Law in reference to colocation and modification

**Ms. Nelson** further addressed the timeline for colocation and modification and the timeline for a zoning permit being five days from the submission of a complete application.

**Public Testimony Closed**
Mr. Singh briefly spoke on how the applicant’s process and 6409A modification and colocation process aren’t cohesive.

**MOTION:** To approve Ordinance No. 2019-10 with the ten recommended amendments to the FNSB Assembly by Commissioner Sims seconded by Commissioner Whitaker.

Discussion on the motion ensued between commissioners.

Further discussion on residential zone designations between commissioners and staff.

**MOTION TO AMEND:** Amendment #4, line 317 to read “should not be issues in a residential zone (including RA, RF) by Commissioner Whitaker.

**FAILED FOR LACK OF A SECOND**

Further discussion on the zones considered to be residential. Agricultural zones (RA, RF) and Residential zones (RE, RR, SF, TF, MF, and MFO)

Mr. Spillman expressed concern with redefining residential zones here when they are defined differently elsewhere in the two other supplemental sections of FNSBC.

Mr. Jaffa stated if it is being defined differently in different standards it would be appropriate for the record to be developed as to why inclusion of those additional zoning districts here but not on others, is justifiable from a zoning perspective.

No further will of the commission to offer an amendment.

Commissioner Whitaker expressed the want to give a neighborhood another say in the matter when it seems as if the industry can do what they want.

Discussion on public easements regarding to the matter.

Commissioner Sims stated he is baffled as to why RA and RF are not considered residential zones.

Mr. Jaffa stated with respect to RA zones, minor and major towers are permitted uses and to include RA would be inconsistent with current FNSBC.

Ms. Nelson further explained that when it is over 200 feet a tower will automatically require a CUP.

Mr. Singh further explained another existing requirement; a CUP is needed when they are trying to have 2 towers on 1 property.

Commissioner Muehling agreed consistency is important.

**ROLL CALL (MAIN MOTION)**

Six (6) in Favor: Sims, Perreault, Guinn, Stepovich, Muehling and O’Neall
One (1) Opposed: Whitaker

**MOTION PASSED**
**RECOMMENDED FOR APPROVAL**
2. **ORD2019-** An Ordinance Amending FNSBC 18.96.030, Accessory Structures, to Provide Supplementary Regulations in the Rural and Agricultural, Rural Farmstead, Rural Estate, and Rural Residential Zoning Districts. *(Staff Contact: Kellen Spillman)*

**Mr. Spillman** explained the proposed ordinance is proposed to be sponsored by the Planning Commission and was composed by the subcommittee and felt it appropriate for a member of the subcommittee gave the presentation.

**Commissioner Guinn (subcommittee member)** explained that the memo given to the commission was to look into reducing the setback requirements of the Rural Residential and Rural Estate zoning and 23% of the lots that are zoned RR or RE have setback problems. Mr. Guinn further explained what the subcommittee covered and what concerns legal originally had with the ordinance.

**Mr. Spillman** explained the ordinance presented is the accessory structure.

**Commissioner Muehling (subcommittee member)** explained the subcommittee was trying to determine what would be allowed within the setback requirements that would have minimal impacts on the neighbors and further explained why there is a height requirement.

[Commissioner Muehling left the dais]

**Mr. Spillman** presented his setback exemption presentation.

**Questions by Commissioners**

None

**Public Testimony Opened**

None

**Public Testimony Closed**

**MOTION:** To recommend approval of Ordinance 2019: An Ordinance amending FNSBC 18.96.030, Accessory Structures, to Provide Supplementary Regulations in the Rural and Agricultural, Rural Farmstead, Rural Estate, and Rural Residential Zoning Districts by **Commissioner Guinn** seconded by **Commissioner Sims**.

Discussion on the motion ensued between commissioners.

**ROLL CALL**

Six (6) in Favor: Sims, Perreault, Guinn, Whitaker, Stepovich and O'Neall
Zero (0) Opposed:

**MOTION PASSED**
**RECOMMENDED FOR APPROVAL**

3. **ORD2019-06:** An Ordinance Amending FNSBC 18.104.020 Regarding Rezones. *(Staff Contact: Christine Nelson)*

**Ms. Christine Nelson** explained the ordinance clarifies the process by which an applicant initiated rezone is sponsored and heard by the FNSB Assembly. The Department of Community Planning recommended approval.
Questions by Commissioners
None

Public Testimony Opened

Chris Van Dyck testified as follows:
- Referenced RZ2019-001 not following initiation procedures
- Referenced FNSBC 18.104.020 (A) section 2 and interpreted as a person like Mr. Duncan cannot bring a rezone forward because the SOA land shouldn’t be considered in the computation

Questions by Commissioners
None

Public Testimony Closed

Discussion on FNSBC 18.104.020 (A) (2) Rezone Application Requirements and if it should be considered in the ordinance; the discussion included clarification on how computation of land for rezone is interpreted by staff.

Mr. Jaffa explained that the proposed ordinance does not change the application procedure, it changes the procedure after a recommendation is made by the Planning Commission and it goes to the Assembly. He further explained the legal department will retain the ability to review for legality.

Discussion ensued on how the proposed ordinance will fill a gap in the FNSBC in the case if administration did not sponsor an ordinance and.

MOTION: To recommend approval for ORD2019-06 to FNSB Assembly by Commissioner Sims seconded by Commissioner Perreault.

Discussion on the motion ensued between commissioners.

ROLL CALL
Six (6) in Favor: Sims, Perreault, Guinn, Whitaker, Stepovich, and O’Neall
Zero (0) Opposed:

MOTION PASSED
RECOMMENDED FOR APPROVAL

G. EXCUSE FUTURE ABSENCES
None

H. COMMISSIONER’S COMMENTS/COMMUNICATIONS
Chair O’Neall on behalf of Commissioner Muehling mentioned that Mr. Muehling has been on the FMATS Committee for 1 year and would like to step down.

Commissioner Perreault expressed interest and will be representing the Planning Commission at the FMATS meetings moving forward.
Clerk reminded the commission of APOC deadlines and introduced Kristina Heredia, new Planner II.

I. ADJOURNMENT

There being no further business, the meeting was adjourned at 10:25 p.m.
STAFF REPORT

RZ2019-003
STAFF REPORT

To: Fairbanks North Star Borough Planning Commission

From: Manish Singh, AICP, CFM, Planner III

Date: March 1, 2019

Subject: RZ2019-003: A request by Mayor Bryce Ward to rezone approximately 584 acres, including Silver Creek Subdivision Lots 1 through 6, Tract A and Tract B, and south half (S½) of southeast one-quarter (SE¼), Section 35, T2N R1W FM from General Use 1 (GU-1) to Rural and Agricultural 5 (RA-5) or other appropriate zone, and; northeast one-quarter (NE¼), north half (N½) of southeast one-quarter (SE¼), Section 35, T2N R1W FM from General Use 1 (GU-1) to Rural Estate 2 (RE-2) or other appropriate zone. (Located on the north side of Goldstream Road, approximately one mile west of the Old Steese Highway)

I. EXECUTIVE SUMMARY

This Borough Administration-sponsored application is to rezone approximately 584 acres north of Goldstream Road from GU-1 to RA-5 and RE-2. The rezone area is located approximately one mile west of the Steese Highway. The 584-acre rezone area includes 320-acre State-owned land and 264-acre University-owned land. Recently, the State has proposed to sell their land and the University has also subdivided lots for sale.

The rezone area is currently zoned GU-1. This zone is prone to land use conflicts because it allows for a wide variety of commercial, residential, and industrial uses outright with no setback requirements. FNSB Department of Community Planning collaborated with the University and the State to rezone this area to appropriate zones prior to its sale in order to ensure that the properties conform to the FNSB Regional Comprehensive Plan and protect the health, safety and welfare. The Department of Community Planning had at least three meetings with representatives from ADNR and UA before Borough Administration sponsored this rezone.

After consultation with ADNR and UA, the FNSB Administration has proposed RA-5 zone for the University-owned parcels in the Silver Creek Subdivision and for the State-owned south half (S½) of southeast one-quarter (SE¼) of Section 35. The FNSB Administration has proposed RE-2 zone for the State-owned northeast one-quarter (NE¼) and north half (N½) of southeast one-quarter (SE¼) of Section 35.

The RA-5 zone will limit the overall development density in the University-owned land that is less suitable for development. Simultaneously, the RA-5 zone will provide some compatible commercial potential to the State-owned land abutting Goldstream Road. The RE-2 zone for the State-owned land in northeast portion of the rezone will allow slightly more residential density than RA-5 zone but it will be significantly lower than that allowed with the current GU-1 zone. This rezone and the resulting low-density residential and compatible commercial development will minimize the potential for unknown, and potentially unlimited, vehicle trip generation under its current GU-1 zone.

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

Staff Recommendation: Approval
## II. GENERAL INFORMATION

### Property Information

<table>
<thead>
<tr>
<th>Sponsor</th>
<th>Mayor Bryce Ward per FNSBC 18.104.020(B)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property owner</td>
<td>State of Alaska Department of Natural Resources (320 acres) University of Alaska (264 acres) (see Table 1)</td>
</tr>
<tr>
<td>PAN</td>
<td>See Table 1</td>
</tr>
<tr>
<td>Lot size</td>
<td>Approximately 584 acres</td>
</tr>
<tr>
<td>Existing zoning</td>
<td>General Use 1 (GU-1)</td>
</tr>
<tr>
<td>Existing land use</td>
<td>Vacant land</td>
</tr>
<tr>
<td>Proposed zoning</td>
<td>Rural and Agricultural 5 (RA-5) (344 Ac.), Rural Estate 2 (RE-2) (240 Ac.)</td>
</tr>
<tr>
<td>Comprehensive plan</td>
<td>Outskirt Area (81%), Outskirt Area Preferred Residential Land (19%)</td>
</tr>
<tr>
<td>Flood zone</td>
<td>X (100%) (Source: March 17, 2014 dFIRM)</td>
</tr>
<tr>
<td>Code violations</td>
<td>None on file</td>
</tr>
</tbody>
</table>

### Adjacent Zoning/Land Use

<table>
<thead>
<tr>
<th>North</th>
<th>GU-1/RE-2, Vacant land</th>
</tr>
</thead>
<tbody>
<tr>
<td>South</td>
<td>GU-1/OR, Residential across Goldstream Road</td>
</tr>
<tr>
<td>East</td>
<td>GU-1, Vacant land</td>
</tr>
<tr>
<td>West</td>
<td>GU-1, Residential</td>
</tr>
</tbody>
</table>

### Public Services

<table>
<thead>
<tr>
<th>Water and sewage</th>
<th>Private</th>
</tr>
</thead>
<tbody>
<tr>
<td>Electricity</td>
<td>GVEA</td>
</tr>
<tr>
<td>Police</td>
<td>Alaska State Troopers</td>
</tr>
<tr>
<td>Fire</td>
<td>Chena Goldstream Fire Service Area</td>
</tr>
</tbody>
</table>

### Transportation

<table>
<thead>
<tr>
<th>Access roads</th>
<th>Goldstream Road</th>
</tr>
</thead>
<tbody>
<tr>
<td>Road types</td>
<td>Major Collector</td>
</tr>
<tr>
<td>Maintenance authority</td>
<td>Alaska DOT&amp;PF</td>
</tr>
<tr>
<td>Traffic counts</td>
<td>880 daily trips (2017)</td>
</tr>
</tbody>
</table>

### Zoning History

- March 28, 1968: FNSB adopted first zoning ord., established Unrestricted Use (UU) zone
- April 25, 1988: Rezone from Unrestricted Use (UU) to General Use 1 (GU-1)

### Existing GU-1 Zoning Standards

<table>
<thead>
<tr>
<th>Permitted uses</th>
<th>Any use (except conditional uses)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conditional uses</td>
<td>Nuclear power plant, large scale development, petrochemical plant, sanitary landfill, storage of hazardous substances, etc.</td>
</tr>
<tr>
<td>Minimum lot size</td>
<td>40,000 sq.ft.</td>
</tr>
<tr>
<td>Setback requirement</td>
<td>None</td>
</tr>
<tr>
<td>Building height</td>
<td>Unlimited</td>
</tr>
</tbody>
</table>

### Proposed RA-5 Zoning Standards

<table>
<thead>
<tr>
<th>Permitted uses</th>
<th>Single-family and two-family dwellings, guesthouse, kennels, agriculture, commercial outdoor recreation, marijuana cultivation facility, etc.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conditional uses</td>
<td>Cemeteries, day care facilities, commercial sawmills, schools, outdoor</td>
</tr>
</tbody>
</table>
shooting range, stadium arenas and fairgrounds, etc.

| Minimum lot size          | 200,000 sq.ft. (approx. 4.6 acres or 5 nominal acres) |
| Setback requirement       | 35 feet from front-property line, 10 feet from all other property lines |
| Building height           | Unlimited |

**Proposed RE-2 Zoning Standards**

| Permitted uses                                      | Single-family and two-family dwellings, guesthouse, domestic livestock, bed and breakfast, home occupations, etc. |
| Conditional uses                                    | Cemeteries, minor kennels, day care facilities, professional offices, animal and veterinary hospitals, schools, vocational schools, etc. |
| Minimum lot size                                    | 80,000 sq.ft. (approx. 1.8 acres or 2 nominal acres) |
| Setback requirement                                 | 35 feet from front-property line, 25 feet from all other property lines |
| Building height                                     | Unlimited |

**Agency Comments**

FNSB Floodplain Administrator
The rezone area is located in Flood Zone X (100%) and is not required to meet FNSB Title 15.04 Floodplain Management Regulations

AKDOT&PF
AKDOT&PF fully supports the rezone

**Summary of Staff Analysis**

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

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

**Strategy 7:** Provide a variety of residential land use opportunities

**Action B:** Encourage a mix of lot sizes
- Address compatibility of the surrounding community, conformance with natural systems, and availability of public or private water/sewer facilities
- Ensure and recognize the importance of the rural lifestyle in the Borough

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

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

**Action A:** Support innovative land development and compatible land use that addresses special area needs, site constraints, energy, or design objectives
- Rezone new subdivisions to appropriate land use designations concurrent with the platting process

**Hearing and Recommendation by the Planning Commission, FNSBC 18.104.020(C)**

Conforms to the comprehensive plan
Conforms to the public health, safety and welfare

**Spot Zone Analysis**

| Consistency with the comprehensive plan | Consistent with the comprehensive plan land use designations: Outskirt Area, Preferred Residential Land |
| Benefits and detriments | Benefits the property owners by ensuring compatible development prior to the sale, benefits the adjacent landowners by limiting traffic, and benefits the community by implementation of the land use vision. |
| Size of the area | Rezones of over 13 acres are almost always found to not be spot zones. The RA-5 rezone area of 344 acres and the RE-2 rezone area of 240 acres are independently significantly larger than 13 acres |
| Determination | Not a spot zone or a reverse spot zone |
III. REZONE REQUEST DESCRIPTION

This Borough Administration-sponsored application is to rezone approximately 584 acres north of Goldstream Road from GU-1 to RA-5 and RE-2. The rezone area is located approximately one mile west of the Steese Highway (see Figure 1 for location map).

The University of Alaska (UA) and the State of Alaska Department of Natural Resources (ADNR) are the majority land owners in the surrounding area. The 584-acre rezone area includes 320-acre State-owned land and 264-acre University-owned land (see Figure 2 for ownership in the surrounding area).

In October 2018, ADNR proposed to sell their 320-acre land (see Exhibit 1 for the land sale public notice). In November 2018, UA recorded a final plat for their 264-acre land creating six lots for sale (see Exhibit 2 for the Silver Creek Subdivision plat).

The rezone area is currently zoned GU-1. This zone is prone to land use conflicts because it allows for a wide variety of commercial, residential, and industrial uses outright without any setback requirements. In November 2018, the FNSB Department of Community Planning submitted comments to ADNR requesting to collaborate for rezoning the State-owned land to appropriate zones prior to its sale in order to ensure that the properties conform to the FNSB Regional Comprehensive Plan and protect the health, safety and welfare (see Exhibit 3 for comments from Community Planning). At the same time, UA subdivided their land adjacently west to the ADNR land for sale. The Department of Community Planning reached out to both ADNR and UA to discuss the appropriateness of rezoning for their lands prior to the sale. The Department of Community Planning had at least three meetings with representatives from ADNR and UA before FNSB Administration sponsored this rezone (see Table 1 for the parcels included in this rezone).
Table 1: Parcels included in the Rezone RZ2019-003

<table>
<thead>
<tr>
<th>Legal Description</th>
<th>PAN</th>
<th>Lot Size (Acres)</th>
<th>Property Owner</th>
<th>Current Zone</th>
<th>Proposed Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot 1, Silver Creek Subdivision</td>
<td>687183</td>
<td>6.583</td>
<td>University of Alaska</td>
<td>GU-1</td>
<td>RA-5</td>
</tr>
<tr>
<td>Lot 2, Silver Creek Subdivision</td>
<td>687193</td>
<td>5.822</td>
<td>University of Alaska</td>
<td>GU-1</td>
<td>RA-5</td>
</tr>
<tr>
<td>Lot 3, Silver Creek Subdivision</td>
<td>687201</td>
<td>6.106</td>
<td>University of Alaska</td>
<td>GU-1</td>
<td>RA-5</td>
</tr>
<tr>
<td>Lot 4, Silver Creek Subdivision</td>
<td>687211</td>
<td>5.814</td>
<td>University of Alaska</td>
<td>GU-1</td>
<td>RA-5</td>
</tr>
<tr>
<td>Lot 5, Silver Creek Subdivision</td>
<td>687221</td>
<td>6.332</td>
<td>University of Alaska</td>
<td>GU-1</td>
<td>RA-5</td>
</tr>
<tr>
<td>Lot 6, Silver Creek Subdivision</td>
<td>687153</td>
<td>16.561</td>
<td>University of Alaska</td>
<td>GU-1</td>
<td>RA-5</td>
</tr>
<tr>
<td>Tract A, Silver Creek Subdivision</td>
<td>687173</td>
<td>78.33</td>
<td>University of Alaska</td>
<td>GU-1</td>
<td>RA-5</td>
</tr>
<tr>
<td>Tract B, Silver Creek Subdivision</td>
<td>687143</td>
<td>138.224</td>
<td>University of Alaska</td>
<td>GU-1</td>
<td>RA-5</td>
</tr>
<tr>
<td>South half (S½) of southeast one-quarter (SE¼), Section 35, T2N R1W FM</td>
<td>207811</td>
<td>80</td>
<td>Alaska Department of Natural Resources</td>
<td>GU-1</td>
<td>RA-5</td>
</tr>
<tr>
<td>North half (N½) of southeast one-quarter (SE¼), Section 35, T2N R1W FM</td>
<td>207811</td>
<td>80</td>
<td>Alaska Department of Natural Resources</td>
<td>GU-1</td>
<td>RE-2</td>
</tr>
<tr>
<td>Northeast one-quarter (NE¼), Section 35, T2N R1W FM</td>
<td>207781</td>
<td>160</td>
<td>Alaska Department of Natural Resources</td>
<td>GU-1</td>
<td>RE-2</td>
</tr>
</tbody>
</table>

Existing Zoning and Land Uses

The proposed rezone area is currently undeveloped and zoned GU-1 (see Figure 3 for existing zoning map and Figure 4 for existing land use map). The GU-1 zone “is intended to be located in rural areas where community sewer and water systems are unavailable” (FNSBC 18.84.010). The area surrounding the rezone to the west and east is also zoned GU-1. The area surrounding the rezone to the north is zoned GU-1 and RE-2. The area surrounding the rezone to the south is zoned GU-1 and OR.

Figure 3: Existing Zoning in the Surrounding Area
The area surrounding the rezone is predominantly undeveloped except to the southwest which is developed with single-family residential uses along Goldstream Road.

Proposed Zoning

After consultation with ADNR and UA, the FNSB Administration has proposed RA-5 zone for the University-owned parcels in the Silver Creek Subdivision and for the State-owned south half (S½) of southeast one-quarter (SE¼) of Section 35. The FNSB Administration has proposed RE-2 zone for the State-owned northeast one-quarter (NE¼) and north half (N½) of southeast one-quarter (SE¼) of Section 35 (see Figure 5 for proposed zoning map).

The RA-5 zone is “intended for agricultural uses of land for very low density residential development. These districts are intended for areas where community sewer and water systems are unavailable” (FNSBC 18.28.010).

The RE-2 zone is “intended for low density residential development and other compatible uses in areas where community sewer and water systems are unavailable” (FNSBC 18.36.010).

Comprehensive Plan Designations

Figure 6 shows the comprehensive plan designations in the rezone area. Approximately 81% of the rezone area has “Outskirt Area” comprehensive plan designation and approximately 19% of the rezone area has “Outskirt Area Preferred Residential Land” comprehensive plan designation.

Outskirt Area is “Area generally within a 20 to 30 minute travel time of urban destinations, and which contains primarily open space, mining and residential uses; variable densities are encouraged provided they are compatible with the surrounding community, sensitive to natural systems and have adequate water and sewer facilities. Other uses include agriculture, and supporting commercial uses.”
Preferred Residential Land is “Land 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.”

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

Land Development Suitability

The FNSB prepared a land development suitability report in 2013 with the help of Comprehensive Plan Advisory Board. The goal of this document is to help planners and residents understand the characteristics that may make property suitable for varying degrees of development. The analysis considers factors such as soil conditions, slopes, solar aspect, natural hazards and natural features. The report ranks land on a scale from “Least Capable for Development” to “Most Capable for Development.”

Figure 7 shows that land development suitability map for the rezone area. The western portion of the rezone area i.e. the University-owned land is predominantly shown as “Less Capable for Development.” The eastern portion i.e. the State-owned land is predominantly shown as “Most Capable for Development.”
Wetlands

The western portion of the rezone area is predominantly located in Wetlands (see Figure 8 for wetlands map). Any development in the wetland is required to meet U.S. Army Corps of Engineers regulations irrespective of their zoning designation.

IV. APPLICABLE APPROVAL CRITERIA

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

V. PUBLIC NOTICE

The Department of Community Planning mailed 25 dear property owner notices and did not receive any inquiries about this case (see Exhibit 4 for public comments). The Borough Administration posted a public hearing notice sign on February 20, 2019 (see Exhibit 5). This sign meets the ‘notice by applicant’ requirements.

VI. AGENCY COMMENTS

Community Planning contacted the following agencies for comments (see Exhibit 6 for agency comments):

a. State Fire Marshal
b. Chena Goldstream Fire Service Area
c. Alaska State Troopers
d. Alaska Department of Transportation and Public Facilities (ADOT&PF)
e. FNSB Land Management
f. FNSB Floodplain Administrator
g. Alaska Department of Environmental Conservation (ADEC)
h. Alaska Department of Natural Resources (ADNR)
i. Alaska Department of Fish and Game (ADF&G)
j. U.S. Army Corps of Engineers
k. University of Alaska Land Management
l. Golden Valley Electric Association (GVEA)
m. Alyeska Pipeline Services
VII. ZONING AND LAND USES

The proposed rezone area is currently undeveloped and zoned GU-1 (see Figure 3 for existing zoning map and Figure 4 for existing land use map). The area surrounding the rezone is also zoned GU-1 except a 240-acre privately-owned parcel to the north is zoned RE-2 and a 118-acre State-owned parcel to the south is zoned OR. The area surrounding the rezone is predominantly vacant except the residential-developed properties adjacently west along Goldstream Road. This rezone area is approximately one mile west of the Goldstream Road and Old Steese Highway intersection. The properties around this intersection are developed with a mix of residential, commercial and industrial uses. In between this intersection and the rezone area, commercial/industrial uses such as Polar Mining, Jon’s Machine Shop, Arm & Hammer Construction, CNC Drilling, Silver Gulch Quarry, Becker Truck Shop, and Fox Transfer Station are located along the Goldstream Road. As the University-owned and State-owned lots within the rezone area become available for sale, the area is likely to experience greater development.

The GU-1 zone “is intended to be located in rural areas where community sewer and water systems are unavailable” (FNSBC 18.84.010). The GU-1 zone is predisposed to having land use incompatibilities in developed areas because it allows for a wide variety of residential, commercial or industrial development as outright permitted uses. Only twelve (12) uses in the GU-1 zone require conditional uses permits. The conditional uses in GU-1 include very high impact developments such as a nuclear power plant, large scale development, petrochemical plant, sanitary landfill, and storage of hazardous substances etc. The GU-1 zone has a relatively small minimum lot size of 40,000 sq.ft. and has no setback requirements.

Figure 7 shows that land development suitability map for the rezone area. The western portion of the rezone area (i.e. the University-owned land) is predominantly shown as “Less Capable for Development.” The eastern portion (i.e. the State-owned land) is predominantly shown as “Most Capable for Development.”

The proposed RA-5 zone is more appropriate for the University-owned parcels in the Silver Creek Subdivision and for the State-owned south half (S½) of southeast one-quarter (SE¼) of Section 35 (see Figure 5 for proposed zoning map). The RA-5 zone is “intended for agricultural uses of land for very low density residential development. These districts are intended for areas where community sewer and water systems are unavailable” (FNSBC 18.28.010). The RA-5 zone will limit the residential density to a maximum of two dwelling units per 200,000 sq.ft. The RA-5 zone will also allow for agricultural and other compatible commercial uses such as marijuana cultivation facilities, commercial outdoor recreation and blacksmith shops etc. as permitted uses. The RA-5 zone will allow for day care, professional offices, group homes, commercial sawmills etc. as conditional uses. In addition to ensuring low density residential, agricultural and other compatible development, the RA-5 zone will establish a minimum lot size requirement of 200,000 sq.ft., a minimum front-yard setback requirement of 35 feet and a minimum side and rear-yard setback requirement of 10 feet which would allow development on one lot to be buffered from development on neighboring lots. The RA-5 zone would minimize the potential for land use incompatibility in the rezone area. The RA-5 zone will limit the overall development density in the “Less Capable for Development” area shown in the land development suitability map. Simultaneously, the RA-5 zone will provide some commercial potential to the State-owned lots abutting Goldstream Road.

The proposed RE-2 zone is more appropriate for the State-owned northeast one-quarter (NE¼) and north half (N½) of southeast one-quarter (SE¼) of Section 35 (see Figure 5 for proposed zoning map). The RE-2 zone is “intended for low density residential development and other compatible uses in areas where community sewer and water systems are unavailable” (FNSBC 18.36.010). The RE-2
zone will establish a minimum lot size requirement of 80,000 sq.ft. The RE-2 zone will limit the residential density to a maximum of two dwelling units per 80,000 sq.ft. The RE-2 zone allows for a very few commercial uses as permitted uses that are compatible with the low-density residential uses such as home occupations and bed and breakfast. The RE-2 zone will allow for day care, professional offices, and group homes etc. as conditional uses. In addition to ensuring low density residential and other compatible development, the RE-2 zone will establish a minimum front-yard setback requirement of 35 feet and a minimum side and rear-yard setback requirement of 25 feet which would allow development on one lot to be buffered from development on neighboring lots. The RE-2 zone would mitigate the potential for land use incompatibility in the rezone area.

The RE-2 zone will allow more residential density than RA-5 zone in the “Most Capable for Development” area shown in the land development suitability map. However, the residential density allowed with the RE-2 zone will still be significantly lower than that allowed with the current GU-1 zone. In addition to this, the private property abutting the rezone area to the north is already zoned RE-2 and this rezone would expand that existing RE-2 zoning boundary onto the northeastern portion of the rezone area.

VIII. COMPREHENSIVE PLAN

Figure 6 shows the comprehensive plan designations in the rezone area. Approximately 81% of the rezone area has ‘Outskirt Area’ comprehensive plan designation and approximately 19% of the rezone area has ‘Outskirt Area Preferred Residential Land’ comprehensive plan designation. The ‘Outskirt Area Preferred Residential Land’ comprehensive plan designation is predominantly located on the State-owned land proposed to be rezoned RE-2. On the other hand, the ‘Outskirt Area’ comprehensive plan designation is predominantly located on the land proposed to be rezoned RA-5.

Outskirt Area is “Area generally within a 20 to 30 minute travel time of urban destinations, and which contains primarily open space, mining and residential uses; variable densities are encouraged provided they are compatible with the surrounding community, sensitive to natural systems and have adequate water and sewer facilities. Other uses include agriculture, and supporting commercial uses.”

Preferred Residential Land is “Land 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.”

The current GU-1 zoning is not consistent with the Comprehensive Plan ‘Outskirt Area’ and ‘Outskirt Area Preferred Residential Land’ land use designations because the GU-1 zone “is intended for rural areas where community sewer and water systems are unavailable” (FNSBC 18.84.010). The GU-1 zoning allows for most residential, commercial, and industrial uses without any permits with the exception of a few very intensive commercial and industrial uses that require conditional use permits.

The ‘Outskirt Area’ land use designation envisions primarily residential uses with agricultural and supporting commercial uses. This designation also envisions the development to be sensitive to natural systems and have adequate water and sewer facilities. The proposed RA-5 zone would better implement ‘Outskirt Area’ land use designation. The RA-5 zone allows for low-density residential, agricultural and supporting commercial uses. The minimum lot size requirement of 200,000 sq.ft. in the RA-5 zone would minimize development in the wetlands around Silver Creek.

The ‘Outskirt Area Preferred Residential Land’ indicates more suitable land for development compared to other lands. The proposed RE-2 zone would better implement ‘Outskirt Area Preferred Residential Land’ land use designation. The RE-2 zone allows for low-density residential uses with
very few compatible commercial uses. The minimum lot size requirement of 80,000 sq.ft. in the RE-2 zone would ensure accommodation of private residential wells and septic systems.

The proposed rezone conforms to the following FNSB Regional Comprehensive Plan goals:

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

**Land Use Goal 3:** To have a variety of land uses that fit the diverse needs of the community  
**Strategy 7:** Provide a variety of residential land use opportunities  
**Action B:** Encourage a mix of lot sizes  
- Address compatibility of the surrounding community, conformance with natural systems, and availability of public or private water/sewer facilities  
- Ensure and recognize the importance of the rural lifestyle in the Borough

The rezone request from GU-1 to RA-5 and RE-2 would encourage a mix of lot sizes. Additionally, this rezone would minimize the potential for land use incompatibility in the rezone area with the current GU-1 zone. The RA-5 zone allows for low-density residential, agricultural and supporting commercial uses. The minimum lot size requirement of 200,000 sq.ft. in the RA-5 zone would minimize development in the wetlands around Silver Creek. The RE-2 zone allows for low-density residential uses with very few compatible commercial uses. The minimum lot size requirement of 80,000 sq.ft. in the RE-2 zone would ensure accommodation of private residential wells and septic systems.

**Land Use Goal 4:** To enhance development opportunities while minimizing land use conflicts  
**Strategy 10:** Attract and support development that is compatible with and enhances existing land use  
**Action A:** Support innovative land development and compatible land use that addresses special area needs, site constraints, energy, or design objectives  
- Rezone new subdivisions to appropriate land use designations concurrent with the platting process

The rezone request from GU-1 to RA-5 and RE-2 would minimize the potential for land use incompatibility in the rezone area with the current GU-1 zone. This rezone would implement the comprehensive plan land use designations on public property before it is made available for sale.

**IX. TRAFFIC AND TRIP GENERATION**

The rezone area is accessed from Goldstream Road, a major collector road maintained by Alaska DOT&PF. Average Daily Traffic (ADT) counts on this section of Goldstream Road were 880 vehicles per day in 2017. This rezone and the resulting low-density residential and compatible commercial development will minimize the potential for unknown, and potentially unlimited, vehicle trip generation under its current GU-1 zone.

**X. NONCONFORMING LOTS, STRUCTURES AND USES**

The proposed rezone would not make any existing lots nonconforming within the rezone area. There are no existing structures or uses within the rezone area.

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1 2017 Annual Average Daily Traffic (AADT) GIS Map, Alaska DOT&PF Transportation Data Programs
XI. PLANNING COMMISSION RECOMMENDATION CRITERIA [FNSBC 18.104.020 (C)]

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

Figure 6 shows the comprehensive plan designations in the rezone area. Approximately 81% of the rezone area has ‘Outskirt Area’ comprehensive plan designation and approximately 19% of the rezone area has ‘Outskirt Area Preferred Residential Land’ comprehensive plan designation. The ‘Outskirt Area Preferred Residential Land’ comprehensive plan designation is predominantly located on the State-owned land proposed to be rezoned RE-2. On the other hand, the ‘Outskirt Area’ comprehensive plan designation is predominantly located on the land proposed to be rezoned RA-5.

The current GU-1 zoning is not consistent with these comprehensive plan designations because it allows for most residential, commercial, and industrial uses without any permits with the exception of a few very intensive commercial and industrial uses that require conditional use permits.

The ‘Outskirt Area’ land use designation envisions primarily residential uses with agricultural and supporting commercial uses. This designation also envisions the development to be sensitive to natural systems and have adequate water and sewer facilities. The proposed RA-5 zone would better implement ‘Outskirt Area’ land use designation. The RA-5 zone allows for low-density residential, agricultural and supporting commercial uses. The minimum lot size requirement of 200,000 sq.ft. in the RA-5 zone would minimize development in the wetlands around Silver Creek.

The ‘Outskirt Area Preferred Residential Land’ indicates more suitable land for development compared to other lands. The proposed RE-2 zone would better implement ‘Outskirt Area Preferred Residential Land’ land use designation. The RE-2 zone allows for low-density residential uses with very few compatible commercial uses. The minimum lot size requirement of 80,000 sq.ft. in the RE-2 zone would ensure accommodation of private residential wells and septic systems. Therefore, the proposed rezone conforms to the comprehensive plan (see Section VIII of this staff report for details).

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

The proposed rezone area is currently undeveloped and zoned GU-1 (see Figure 3 for existing zoning map and Figure 4 for existing land use map). The current GU-1 zoning doesn’t conform to the public health, safety and welfare because it allows for most residential, commercial, and industrial uses without any permits with the exception of a few very intensive commercial and industrial uses that require conditional use permits.

Figure 7 shows that land development suitability map for the rezone area. The western portion of the rezone area (i.e. the University-owned land) is predominantly shown as “Less Capable for Development.” The eastern portion (i.e. the State-owned land) is predominantly shown as “Most Capable for Development.”

The RA-5 zone will limit the overall development density in the “Less Capable for Development” area shown in the land development suitability map. Simultaneously, the RA-5 zone will provide some commercial potential to the State-owned lots abutting Goldstream Road.

The RE-2 zone will allow more residential density than RA-5 zone in the “Most Capable for Development” area shown in the land development suitability map. However, the residential
density allowed with the RE-2 zone will be significantly lower than that allowed with the current GU-1 zone.

This rezone and the resulting low-density residential and compatible commercial development will minimize the potential for unknown, and potentially unlimited, trip generation under its current GU-1 zone. The proposed rezone would not make any existing lots nonconforming within the rezone area. There are no existing structures or uses within the rezone area. Therefore, the proposed rezone conforms to the public health, safety and welfare (see Section VII, IX and X of this staff report for details).

XII. SPOT ZONE ANALYSIS

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

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

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

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

Figure 6 shows the comprehensive plan designations in the rezone area. Approximately 81% of the rezone area has ‘Outskirt Area’ comprehensive plan designation and approximately 19% of the rezone area has ‘Outskirt Area Preferred Residential Land’ comprehensive plan designation. The ‘Outskirt Area Preferred Residential Land’ comprehensive plan designation is predominantly located on the State-owned land proposed to be rezoned RE-2. On the other hand, the ‘Outskirt Area’ comprehensive plan designation is predominantly located on the land proposed to be rezoned RA-5.

The current GU-1 zoning is not consistent with these comprehensive plan designations because it allows for most residential, commercial, and industrial uses without any permits with the exception of a few very intensive commercial and industrial uses that require conditional use permits.

The ‘Outskirt Area’ land use designation envisions primarily residential uses with agricultural and supporting commercial uses. This designation also envisions the development to be sensitive to natural systems and have adequate water and sewer facilities. The proposed RA-5 zone would better implement ‘Outskirt Area’ land use designation. The RA-5 zone allows for low-density residential, agricultural and supporting commercial uses. The minimum lot size requirement of 200,000 sq.ft. in the RA-5 zone would minimize development in the wetlands around Silver Creek.

The ‘Outskirt Area Preferred Residential Land’ indicates more suitable land for development compared to other lands. The proposed RE-2 zone would better implement ‘Outskirt Area Preferred Residential Land’ land use designation. The RE-2 zone allows for low-density
residential uses with very few compatible commercial uses. The minimum lot size requirement of 80,000 sq.ft. in the RE-2 zone would ensure accommodation of private residential wells and septic systems. Therefore, the proposed rezone conforms to the comprehensive plan (see Section VIII of this staff report for details).

(2) The benefits and detriments of the amendment to the owners, adjacent landowners, and community;

*Benefit and Detriments to the Property Owners*

The rezone benefits both property owners, ADNR and UA, within the rezone area because when they market these properties they can ensure that the properties have been zoned appropriately to minimize land use incompatibilities.

*Benefit and Detriments to the Adjacent Landowners*

The area surrounding the rezone is predominantly vacant except the residential-developed properties adjacent west along Goldstream Road. This rezone area is approximately a mile west of the Goldstream Road and Old Steese Highway intersection. The properties around this intersection are developed with a mix of residential, commercial and industrial uses. This rezone benefits the adjacent landowners by minimizing the potential for unknown, and potentially unlimited, trip generation under its current GU-1 zone.

*Benefit and Detriments to the Community*

The FNSB residents have developed a land use vision for the area through the comprehensive planning process which designated this area as ‘Outskirt Area’ and ‘Outskirt Area Preferred Residential Land’. Therefore, the implementation of the land use plan is a benefit to the community. Specifically, the proposed rezone conforms to the FNSB Regional Comprehensive Plan goals related to minimizing land use incompatibilities and encouraging a mix of lot sizes.

(3) The size of the area rezoned.

The case law does not give an exact size for making a spot zone determination, and the size of the property is not the only factor in the spot zone determination. Yet the case law provides guidance that parcels less than 3 acres are almost always a spot zone and parcels over 13 acres are almost always found not to be a spot zone. The 584-acre rezone area encompasses 344 acres of proposed RA-5 zone and 240 acres of proposed RE-2 zone. The proposed RA-5 rezone area of 344 acres and the proposed RE-2 rezone area of 240 acres are independently significantly larger than 13 acres and therefore, do not constitute a spot zone.

The area within the remainder GU-1 zone boundary is estimated to be more than 2,000 acres. Therefore, this rezone would not constitute a reverse spot zone because this rezone does not single out parcels of GU-1 zoned land totally differently from that of the surrounding area.

XIII. RECOMMENDATION

Based on the staff analysis above, the Department of Community Planning recommends APPROVAL of the rezone.
XIV. FINDINGS OF FACT

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

1. The FNSB Regional Comprehensive Plan designates approximately 81% of the rezone area as ‘Outskirt Area’ and approximately 19% of the rezone area as ‘Outskirt Area Preferred Residential Land’. Outskirt Area is “Area generally within a 20 to 30 minute travel time of urban destinations, and which contains primarily open space, mining and residential uses; variable densities are encouraged provided they are compatible with the surrounding community, sensitive to natural systems and have adequate water and sewer facilities. Other uses include agriculture, and supporting commercial uses.” Preferred Residential Land is “Land 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.”

2. The current GU-1 zoning is not consistent with the Comprehensive Plan ‘Outskirt Area’ and ‘Outskirt Area Preferred Residential Land’ designations because the GU-1 zone “is intended for rural areas where community sewer and water systems are unavailable.” The GU-1 zoning allows for most residential, commercial, and industrial uses without any permits with the exception of a few very intensive commercial and industrial uses that require conditional use permits.

3. The proposed RA-5 zone would better implement ‘Outskirt Area’ land use designation. The RA-5 zone allows for low-density residential, agricultural and supporting commercial uses. The minimum lot size requirement of 200,000 sq.ft. in the RA-5 zone would minimize development in the wetlands around Silver Creek.

4. The proposed RE-2 zone would better implement ‘Outskirt Area Preferred Residential Land’ land use designation. The RE-2 zone allows for low-density residential uses with very few compatible commercial uses. The minimum lot size requirement of 80,000 sq.ft. in the RE-2 zone would ensure accommodation of private residential wells and septic systems.

5. The rezone conforms to the following FNSB Regional Comprehensive Plan goals:
   a. Land Use Goal 3, Strategy 7, Action B which encourages a mix of lot sizes, addresses compatibility of the surrounding community, conformance with natural systems, and recognize the importance of the rural lifestyle in the Borough.
   b. Land Use Goal 4, Strategy 10, Action A which encourages compatible land uses and recommends rezoning new subdivisions concurrent with platting process.

6. The rezone conforms to the public health, safety or welfare because:
   a. The proposed RA-5 zone will better implement ‘Outskirt Area’ land use designation.
   b. The proposed RE-2 zones will better implement ‘Outskirt Area Preferred Residential Land’ land use designation.
   c. The proposed RA-5 and RE-2 zones will minimize the potential for land use incompatibility in the rezone area with the current GU-1 zone.
d. The RA-5 zone will limit the overall development density in the “Less Capable for Development” area shown in the land development suitability map. Simultaneously, the RA-5 zone will provide some commercial potential to the State-owned lots abutting Goldstream Road.

e. The RE-2 zone will allow more residential density than RA-5 zone in the “Most Capable for Development” area shown in the land development suitability map. However, the residential density allowed with the RE-2 zone will be significantly lower than that allowed with the current GU-1 zone.

f. This rezone and the resulting low-density residential and compatible commercial development will minimize the potential for unknown, and potentially unlimited, trip generation under its current GU-1 zone.

g. The rezone would not make any existing lots nonconforming within the rezone area. There are no existing structures or uses within the rezone area.

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

a. The rezone is consistent with the comprehensive plan because it will better implement ‘Outskirt Area’ and ‘Outskirt Area Preferred Residential Land’ land use designations. The rezone advances Land Use Goals 3 and 4 of the Regional Comprehensive Plan.

b. The rezone benefits both property owners, ADNR and UA, within the rezone area because when they market these properties they can ensure that the properties have been zoned appropriately to minimize land use incompatibilities.

c. The area surrounding the rezone is predominantly vacant except the residential-developed properties adjacent west along Goldstream Road. This rezone area is approximately a mile west of the Goldstream Road and Old Steese Highway intersection. The properties around this intersection are developed with a mix of residential, commercial and industrial uses. This rezone benefits the adjacent landowners by minimizing the potential for unknown, and potentially unlimited, trip generation under its current GU-1 zone.

d. The FNSB residents have developed a land use vision for the area through the comprehensive planning process which designated this area as ‘Outskirt Area’ and ‘Outskirt Area Preferred Residential Land’. The implementation of the land use plan is a benefit to the community.

e. The case law provides guidance that parcels over 13 acres are almost always found not to be a spot zone. The proposed RA-5 rezone area of 344 acres and the proposed RE-2 rezone area of 240 acres are independently significantly larger than 13 acres.

f. The area within the remainder GU-1 zone boundary is estimated to be more than 2,000 acres. Therefore, this rezone does not constitute a reverse spot zone because this rezone does not single out parcels of GU-1 zoned land totally different from that of the surrounding area.
DRAFT PLANNING COMMISSION MOTION:

I move to recommend approval of the rezone (RZ2019-003) including Silver Creek Subdivision Lots 1 through 6, Tract A and Tract B, and south half (S½) of southeast one-quarter (SE¼), Section 35, T2N R1W FM from General Use 1 (GU-1) to Rural and Agricultural 5 (RA-5), and; northeast one-quarter (NE¼), north half (N½) of southeast one-quarter (SE¼), Section 35, T2N R1W FM from General Use 1 (GU-1) to Rural Estate 2 (RE-2), and adopt the staff report and seven (7) Findings of Fact in support of the recommendation of approval.
October 22, 2018

Re: Proposal to sell State land and create easements in Fox (DMVA Tracts project area)

Dear George,

The Alaska Department of Natural Resources (DNR) proposes to sell 320 acres of State-owned land north of Goldstream Road located approximately one mile west of the Steese Highway and Goldstream Road intersection. You are receiving this letter because the proposal area is within the Fairbanks North Star Borough.

DNR also proposes to authorize two easements:

- an access easement across State land to improve access options between Goldstream Road and the land sale area; and
- a private easement to the DNR Office of History and Archaeology for historic preservation of the Davidson Ditch within the land sale area.

Included are two maps that illustrate the location of the land sale area and the approximate location of the proposed easements.

Want to know more or comment on this proposal? I have included our public notice information sheet. It explains how to find the proposal documents, how to submit comments, and the deadline for commenting.

To access the full proposal or learn more about DNR Land Sales, visit: http://landsales.alaska.gov.

Please feel free to contact me if you have any input, questions, or want more information.

Sincerely,

Colin Craven
(907) 451-2730
colin.craven@alaska.gov
Land Sales Section
Division of Mining, Land and Water
Department of Natural Resources
3700 Airport Way
Fairbanks, AK 99709
Attachment A: Vicinity Map
DMVA Tracts, ADL 420894

This map is for graphic representation only. It is intended to be used as a guide only and may not show the exact location of existing surveyed parcels or show all easements and reservations. Source documents remain the official record.

Township 2N Range 1W
Section 35 Fairbanks Meridian

USGS Quad 1:63,360, Fairbanks D-2
Colin Craven
Department of Natural Resources
Division of Mining, Land, and Water
Land Sales Section
907-451-2730
land.development@alaska.gov
Attachment A: Easements Map
DMVA Tracts, ADL 420894

This map is for graphic representation only. It is intended to be used as a guide only and may not show the exact location of existing surveyed parcels or show all easements and reservations. Source documents remain the official record.

- Project Area Boundary
- Private Easement ADL 421088
- Public Access Easement ADL 421103
- Section Lines

Township 2N Range 1W
Section 35 Fairbanks Meridian

USGS Quad 1:63,360, Fairbanks D-2
Colin Craven
Department of Natural Resources
Division of Mining, Land, and Water
Land Sales Section
907-451-2730
land.development@alaska.gov
STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND, & WATER
LAND SALES SECTION

PUBLIC NOTICE
Requesting Input for:
Proposed Land Offering, DMVA Tracts, ADL 420894
Proposed Public Access Easement, ADL 421103
Proposed Private Easement, ADL 421088

COMMENT PERIOD ENDS 5:00PM, WEDNESDAY, NOVEMBER 28, 2018

This proposed project includes offering for sale parcels in a future offering under the method and the
two proposed easements as described in the Preliminary Decision document.

Located within DNR’s Northern Region, approximately one mile west of the Steese Highway and
Goldstream Road intersection, the project area is within Section 35, Township 2 North, Range 1 West,
Fairbanks Meridian, within the Fairbanks North Star Borough (FNSB).

Project size: 320 acres proposed for sale.

The proceeds from sale of this State land have been appropriated by the Alaska Legislature to fund
development of the Interior Alaska Veterans Cemetery by the Alaska Department of Military and
Veterans Affairs.

To obtain the notice of the Preliminary Decision or instructions on submitting comment, go to
http://landsales.alaska.gov/ or http://aws.state.ak.us/OnlinePublicNotices/. For assistance in obtaining
the documents by an alternative method, to request auxiliary aids, services, or special
accommodations, contact DNR’s Public Information Centers on State work days, Monday through
Friday, between 10AM and 5PM in Anchorage at 907.269.8400 (TDD for the hearing impaired:
907.269.8411) or Fairbanks at 907.451.2705 (TDD for the hearing impaired: 907.451.2770), or the
Southeast Land Office in Juneau at 907.465.3400 (TDD for the hearing impaired: 907.465.3888), or
go to http://dnr.alaska.gov/commis/pic/ for additional contact information. Individuals who require
special assistance must request assistance from the Public Information Center in Anchorage no later
than 4:00 PM, Wednesday, November 21, 2018.

Pursuant to AS 38.05.945 Notice, the public is invited to submit comment the Preliminary Decision.
The deadline for public comment is 5:00PM, WEDNESDAY, NOVEMBER 28, 2018. Only
persons from whom DNR DMLW LSS receives timely, written comment during the identified comment
period will be eligible to file an appeal of the Final Finding and Decision. Written comment may be
received by fax, email or postal mail. To submit comments or for direct inquiries, contact Colin
Craven, DNR Land Sales, 3700 Airport Way, Fairbanks, AK 99709, fax # 907.451.2751,
land.development@alaska.gov. If you have questions, call Colin Craven at 907.451.2730.

If no significant change is required, the Preliminary Decision, including any minor changes and a
summary of comments and responses, will be issued as the Final Finding and Decision without further
notice. A copy of the Final Finding and Decision will be sent to any persons who commented timely
on the Preliminary Decision.

DNR reserves the right to waive technical defects in this notice.
November 26, 2018

Colin Craven
Land Sales Section
Division of Mining, Land and Water
Department of Natural Resources
3700 Airport Way
Fairbanks, AK 99709
Via email: colin.craven@alaska.gov

RE: Proposal to sell State land and create easements in Fox (DMVA Tracts project area)

Dear Mr. Craven,

The FNSB Community Planning Department recently received notification of an opportunity for public comment regarding the proposed sale of 320 acres of State-owned land north of Goldstream Road located approximately one mile west of the Steese Highway and Goldstream Road Intersection. In regards to the proposed authorization of an access easement across State land to improve access options between Goldstream Road and the land sale area, an easement of that nature would appear to qualify as a dedication as defined by FNSBC 17.04.010 as “the deliberate grant of land by an owner to the public for any general and public use...” The dedication of this easement across state land for means of access would be required to go through the subdivision process, as FNSBC 17.04.010 includes in its definition of subdivision “the dedication to public use of a street or other specified area in or through a tract of land.”

In regards to the land sale itself, because of the proximity of the subject property to the urban area, the FNSB Community Planning Department strongly recommends that this land be rezoned to an appropriate residential zone prior to its sale in order to ensure that the property conforms to the Fairbanks North Star Borough Regional Comprehensive Plan and protects the health, safety, and welfare of the public. The Comprehensive Plan includes Goal 4, “to enhance development opportunities while minimizing land use conflicts” which includes rezoning new subdivisions to appropriate land use designations concurrent with the platting process.

Exhibit 1 shows that the subject property is designated as Outskirt Area and Preferred Residential Land on the Regional Comprehensive Plan Map. The Comprehensive Plan defines Outskirt Area as an “area generally within a 20 to 30 minute travel time of urban destinations, and which contains primarily open space, mining and residential uses; variable densities are encouraged provided they are compatible with the surrounding community, sensitive to natural systems and have adequate water and sewer facilities. Other uses include agriculture, and supporting commercial uses.” Preferred Residential Land is “land determined to be more
suitable than other lands for development because it is generally on slopes of 20% or less, not designated wetlands, or has lower probability of containing detrimental permafrost conditions."

The subject property is currently zoned General Use 1 (GU-1). This zone can be prone to land use conflicts because it allows for a wide variety of commercial, residential, and industrial uses with no setback requirements. Rezoning this property would better protect the health, safety, and welfare of the public. Rezoning also could better protect the State's intent for the property by establishing setback requirements for fire separation purposes and by decreasing land use conflicts between residential and more intensive commercial and industrial uses permitted in the GU-1 zone. A rezone would promote a variety of compatible land uses that fit the needs of the community as well as the State.

In the past, the State has worked with the FNSB Community Planning Department to rezone lands prior to sale and this collaboration is encouraged. If the State is interested in a no-cost applicant-initiated rezone, we recommend that you contact our department for the discussion of next steps. Otherwise the Borough has the authority to, and may choose to pursue a Borough-sponsored rezone of this area. If you have any questions or concerns about the rezone process, please let me know.

Thank you for the opportunity to provide comments on the proposed land sale.

Respectfully,

Kellen Spillman
Community Planning Deputy Director
Fairbanks North Star Borough
907 Terminal Street
P.O Box 71267
Fairbanks, AK 99707
(907) 459-1266

KS/bh

cc: Mayor Bryce Ward
Jim Williams, Chief of Staff
Christine Nelson, Community Planning Director
As of March 1, 2019, no public comments (telephonic or written) were received.
PUBLIC NOTICE SIGN POSTING AFFIDAVIT

STATE OF ALASKA

) ss.

FOURTH JUDICIAL DISTRICT


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

1. I have submitted an application identified as RZ2019-003.

2. I have posted and will maintain public notice sign # 003 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 Feb 20, 2019 (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)

Manish Singh
407 Terminal St
Fairbanks, At 99701

(Print Name and Address of Affiant)

SUBSCRIBED AND SWORN TO BEFORE ME on this 20 day of February, 2019

Notary Public in and for Alaska

Commission Expires
Agency Notifications

SAFETY

☐ State Fire Marshal
☐ Fire Service Area (see attachment)
  Specify:  Chena Goldstream
☐ City of Fairbanks
  ○ Chief of Staff
  ○ Fire Department
  ○ Police Department
  ○ Building Department
☐ City of North Pole
  ○ City Clerk – Mayor
  ○ Fire Department
  ○ Police Department
  ○ Building Department
☐ Alaska State Troopers

OTHER AGENCIES

STATE

☒ Alaska Department of Environmental Conservation (ADEC)
☐ Alaska Department of Natural Resources (ADNR)
☒ Alaska Department of Fish and Game (ADF&G)
☐ Alaska Railroad (ARR)
☒ University of Alaska Land Management

FEDERAL

☐ U.S. Department of the Interior Bureau of Land Management (BLM)
☒ U.S. Army Corps of Engineers
☐ U.S. Environmental Protection Agency (EPA) Region 10
☐ U.S. Department of Agriculture (USDA)
  ○ Natural Resources Conservation Service

OTHER BOROUGH

☒ Land Management
☐ Public Works
☐ Parks & Recreation
☐ Assessing
☐ Transit
☐ Chief of Staff
☒ Other Floodplain Administrator
UTILITIES

ENERGY
- Fairbanks Natural Gas
- Golden Valley Electric Association (GVEA)
- Interior Gas Utility
- Alyeska Pipeline Services Co.
- Aurora Energy
- Other ________________

WATER/SEWER
- Utility Services of Alaska
- Valley Water, INC.
- City of North Pole Public Works
- College Utilities
- Golden Heart Utilities
- Other ________________

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

Comments to be returned by: March 1st, 2019 (2 weeks)

I have sent the application materials for File # R2 2019-003
 to all of the agencies checked above on Feb 15th, 2019

Date Sent

Name of Planner (PRINTED)  Date Signed

Marish Singh

W:\Community Planning\SAadmin\Forms & Handouts\FYE 2018\forms\AgencyNotifications_Checklist.docx
Case No. RZ2019-003

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

Chena Goldstream Fire Service Area

Jack Willard, Fire Chief
chief@cgfr.com

Chris Hunger, Deputy Chief
chunger@cgfr.com

Dianne Young, Administrative Assistant
dyoung@cgfr.com

State Troopers

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

FNSB Departments

Sandra Mota, Land Management
smota@fnsb.us

Nancy Durham, Floodplain Administrator
NDurham@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

Alaska Department of Fish and Game (ADF&G)

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

Army Core of Engineers

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

Executive Office
POA.ExecutiveOffice@usace.army.mil
GVEA

Julie Karl, Land Management Supervisor
JL.Karl@gvea.com

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

Alyeska Pipeline Service Company

General contact information
alyeskamail@alyeska-pipeline.com

University of Alaska Land Management

Laurie Swartz, Senior Property Manager
lkswartz@alaska.edu

Dian Siegfried, Real Property Specialist II
desiegfried@alaska.edu
Dear Sir/Ma’am

The Fairbanks North Star Borough Planning Commission is considering RZ2019-003, a request to rezone approximately 584 acres (see attached proposed ordinance & map), including Silver Creek Subdivision Lots 1 through 6, Tract A and Tract B, and south half (S½) of southeast one-quarter (SE¼), Section 35, T2N R1W FM from General Use 1 (GU-1) to Rural and Agricultural 5 (RA-5) or other appropriate zone, and; northeast one-quarter (NE¼), north half (N½) of southeast one-quarter (SE¼), Section 35, T2N R1W FM from General Use 1 (GU-1) to Rural Estate 2 (RE-2) or other appropriate zone. (Located on the north side of Goldstream Road, approximately one mile west of the Old Steese Highway).

This rezone is initiated and sponsored by Mayor Bryce Ward. This case is scheduled for the Planning Commission meeting on March 12, 2019. The Department of Community Planning requests you to send us your comments for this proposal by March 1, 2019. For more information about this case, please email msingh@fnsb.us or contact Manish Singh at (907) 459-1225. The staff report to the commission will be available online at www.fnsb.us/Boards/Pages/Planning-Commission.aspx at least five days before the hearing.

Thanks,
Manish

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

From: Nancy Durham
Sent: Tuesday, February 19, 2019 1:20 PM
To: Manish Singh
Subject: RE: RZ2019-003: Requesting Comments for Rezone (584 acres, Goldstream Rd)

Follow Up Flag: Follow up
Flag Status: Flagged

Manish,

RZ2019-003 is located in Flood Zone X (100%) and is not required to meet FNSBC 15.04 Floodplain Management Regulations.

Kind Regards,

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

** Any property can flood! Flood insurance is recommended.**

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From: Manish Singh <MSingh@fnsb.us>
Sent: Friday, February 15, 2019 4:25 PM
To: David.tyler@alaska.gov; David.aden@alaska.gov; jillian.roberts@alaska.gov; lloyd.nakano@alaska.gov; chief@cgrf.com; chunger@cgrf.com; dyoung@cgrf.com; dps.ast.directors.office@alaska.gov; Sandra Mota <smota@fnsb.us>; Nancy Durham <NDurham@fnsb.us>; randi.bailey@alaska.gov; pete.eagan@alaska.gov; Tonya.bear@alaska.gov; Doug.buteyn@alaska.gov; George.horton@alaska.gov; Timothy.shilling@alaska.gov; Colin.craven@alaska.gov; audra.brase@alaska.gov; Benjamin.n.soiseth@usace.army.mil; POA.ExecutiveOffice@usace.army.mil; JLKarl@gvea.com; RJPossenti@gvea.com; alyeskamail@alyeska-pipeline.com; lkswartz@alaska.edu; desiegfried@alaska.edu
Subject: RZ2019-003: Requesting Comments for Rezone (584 acres, Goldstream Rd)

Dear Sir/Ma’am

The Fairbanks North Star Borough Planning Commission is considering **RZ2019-003**, a request to rezone approximately 584 acres (see attached proposed ordinance & map), including Silver Creek Subdivision Lots 1 through 6, Tract A and Tract B, and south half (S½) of southeast one-quarter (SE¼), Section 35, T2N R1W FM from General Use 1 (GU-1) to Rural and Agricultural 5 (RA-5) or other appropriate zone, and; northeast one-quarter (NE¼), north half (N½) of southeast one-quarter (SE¼), Section 35, T2N R1W FM from General Use 1 (GU-1) to Rural Estate 2 (RE-2) or other appropriate zone. (Located on the north side of Goldstream Road, approximately one mile west of the Old Steeese Highway).

This rezone is initiated and sponsored by Mayor Bryce Ward. This case is scheduled for the Planning Commission meeting on **March 12, 2019**. The Department of Community Planning requests you to send us your comments for this
proposal by March 1, 2019. For more information about this case, please email msingh@fnsb.us or contact Manish Singh at (907) 459-1225. The staff report to the commission will be available online at www.fnsb.us/Boards/Pages/Planning-Commission.aspx at least five days before the hearing.

Thanks,
Manish

Manish Singh, AICP
Planner III
Department of Community Planning
Fairbanks North Star Borough
(907) 459-1225 / msingh@fnsb.us
March 1, 2019

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

Rezone is initiated and sponsored by: Mayor Bryce Ward

Type of Request: Rezone Application RZ2019-003: Silver Creek Subdivision (581 acres)

Property Location: Lots 1-6; Tract A and Tract B, and South half (S 1/2) of Southeast one-quarter (SE 1/4), Section 35, T.2N., R.1W., FM and Northeast one-quarter (NE 1/4) and North half (N 1/2) of Southeast one-quarter (SE 1/4), Section 35, T.2N., R.1W., FM.

ADOT&PF has reviewed the above request and has the following comment:

- ADOT&PF fully supports the rezone

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

Thank you.

Sincerely,

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

cc: George Stefan, FNSB  
Dan Welch, FNSB
By: Bryce Ward, Mayor
Introduced: February 28, 2019

FAIRBANKS NORTH STAR BOROUGH

ORDINATION NO. 2019 -

AN ORDINANCE REZONING APPROXIMATELY 581.35 ACRES, DESCRIBED AS SILVER CREEK SUBDIVISION (Plat No. 2018-79 FRD) LOTS 1 – 6, TRACT A AND TRACT B; SOUTHEAST ONE-QUARTER (SE¼); AND NORTHEAST ONE-QUARTER (NE¼) ALL WITHIN SECTION 35 T2N R1W FROM GENERAL USE 1 (GU-1) TO RURAL AND AGRICULTURE (RA-5) OR RURAL ESTATE (RE-2) OR OTHER APPROPRIATE ZONE (LOCATED ON THE NORTH SIDE OF GOLDSTREAM ROAD, APPROXIMATELY ONE MILE WEST OF THE OLD STEESE HIGHWAY).

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

Section 1. **Classification.** This ordinance is not of a general and permanent nature and shall not be codified.

Section 2. The following described property is rezoned from General Use 1 (GU-1) to Rural and Agricultural (RA-5):

Silver Creek Subdivision Lots 1-6; Tract A and Tract B, and South half (S½) of Southeast one-quarter (SE¼), Section 35, T2N R1W FM.

Section 3. The following described property is rezoned from General Use 1 (GU-1) to Rural Estate (RE-2):

Northeast one-quarter (NE¼) and North half (N½) of Southeast one-quarter (SE¼), Section 35, T2N R1W FM.

*AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT*

Text to be *added* is underlined

Text to be *deleted* is [BRACKETED, CAPITALIZE]
Effective date. This ordinance shall be effective at 5:00 p.m. on the first borough business day following its adoption.

PASSED AND APPROVED THIS _____ DAY OF __________, 2019.

Matt Cooper
Presiding Officer

ATTEST:

APPROVED:

April Trickey, CMC
Borough Clerk

Jill S. Dolan
Borough Attorney
FMATS
TECHNICAL COMMITTEE MEETING
Wednesday, March 6, 2019
12:00 – 2:00 P.M.
City of Fairbanks, 800 Cushman Street, City Council Chambers

1. Call to Order
2. Introduction of Members and Attendees
3. Approval of the March 6, 2019 Agenda
4. Approval of the February 6, 2019 Minutes  Pg 1-6
5. Committee/Working Group Reports (including the Chair’s Report)
6. Public Comment Period (Non-Action Items)
7. Old Business
   a. FFY2019-2023 Transportation Improvement Program (TIP)  Pg 7-18
      • Review of Draft Released for Public Comment & Status Update
   b. TIP Project Nominations  Pg 19
      • Discussion of Scoring Results, Policy Board Action, & Non-motorized
        Projects Nominated to the TIP
8. New Business
   a. Election of Vice Chair (Action Item)
   b. Tanana Loop & South Chandalar Drive – Design Increase (Action Item)  Pg 20-21
   c. FMATS Intersection Improvement Program (Action Item)  Pg 22-28
      • Consideration of Project Start for new Intersection Improvements
   d. MOA Amendment for the Selection and Funding of CMAQ Projects within the
      Fairbanks PM2.5 Non-attainment Area (Action Item)  Pg 29-42
      • Consideration of Replacing CMAQ Project Evaluation Board with the
        FMATS Technical Committee & Policy Board
9. Other Issues
10. Informational Items
    a. State Transportation Alternative Program Project Applications – Status Update
    b. 2.27.19 Policy Board Action Items  Pg 43
    c. Obligations and Offsets  Pg 44-47
11. Technical Committee Comments
12. Adjournment

Next Scheduled Technical Committee Meeting – Wednesday, April 3, 2019, Noon, Fairbanks City Council Chambers