PLANNING COMMISSION MEETING

SEPTEMBER 10, 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

September 10, 2019 6:00 PM

WORK SESSION
A work session to review the Chena Hot Springs Road interchange with the Steese Highway roundabout project to include the re-alignment of Whitney Drive and a shared use path along the north side of Chena Hot Springs Road.

The Regular Meeting will begin immediately following the work session.

A. CALL TO ORDER AND ROLL CALL

B. MESSAGES
1. Citizen’s Comments – limited to three (3) minutes
   a. Agenda items not scheduled for public hearing
   b. Items other than those appearing on the agenda

2. Communications to the Board

3. Disclosure & Statement of Conflict of Interest

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

D. *MINUTES

E. PUBLIC HEARING
ORD2019-32: A ordinance amending FNSBC Title 18 to define banquet halls and to add banquet halls as a use in various zones.

F. APPEALS
GR2019-132: An appeal by Michael Helean of the denial of a request for affirmative recognition of legal nonconforming use status (grandfather rights) for an existing junkyard in the Rural Agricultural (RA-5) zoning district for property located at 3135 Old Richardson Highway.

G. NEW BUSINESS
1. Planning Commission Meeting Reference Binders
2. Ordinance NO. 2019-34 Boards and Commission Teleconferencing Participation
H. **EXCUSE FUTURE ABSENCES**

I. **COMMISSIONER’S COMMENTS/COMMUNICATIONS**

J. **ADJOURNMENT**

Persons who have not received direct notice by mail from the Fairbanks North Star Borough regarding a particular application, and who wish to testify on that application, must apply to participate in the hearing. Applications are available at the Department of Community Planning Office and must be received by the Community Planning Department by September 3, 2019 @ 5PM. Requests to testify may also be made at the hearing.

Any questions, please contact the Clerk of the Planning Commission at 907-459-1260 or via email at fnsbpc@fnsb.us
MINUTES

AUGUST 27, 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 or other location. The meeting was called to order at 7:05 p.m. by Eric Muehling, Acting Chair.

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

Commissioners Present: Chris Guinn Doug Sims
John Perreault Kerynn Fisher
Eric Muehling Toni Abbey
Charles Whitaker – excused for conflict of interest before adjournment

Commissioners Absent & Excused: Mike Kenna

OTHERS PRESENT: Annmarie Billingsley, Asst. Attorney
Christine Nelson, Community Planning Director
Kellen Spillman, Deputy Director
Kristina Heredia, Planner III
Sharon Wittenkeller, Clerk

B. **MESSAGES**

Citizen’s Comments – limited to three (3) minutes – None.

Communications to the Board – None.

Disclosure & Statement of Conflict of Interest

Commissioner Whitaker stated he received a DPO letter regarding the appeal for GR2019-133. Commissioner Muehling, determined there was a conflict of interest based on the answers given by Commissioner Whitaker. Commissioner Whitaker did not participate in the appeal.

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

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

D. **MINUTES**

Minutes from August 13, 2019 approved on consent.

E. **NEW BUSINESS**

Planning Commission Elections
Elections held for the seat of Chair

**Votes**

- **Commissioner Muehling** six votes
- **Commissioner Perreault** one vote

**Commissioner Muehling** is the new Chair

Elections held for the seat of Vice-Chair

**Votes**

- **Commissioner Perreault** received all 7 votes

**Commissioner Perreault** is the new Vice-Chair

**Commissioner Whitaker** was excused for a conflict of interest for the remainder of the meeting.

**F. APPEALS**

1. **GR2019-133:** An appeal by Leon Kotsch of the denial of a request for affirmative recognition of legal nonconforming building status (grandfather rights) for an existing carport attached to an existing two-family dwelling with an east side-yard setback of 0 feet instead of the required 5 feet in the Two-Family Residential (TF) zone for the property described as Lot 33, Block B, Birch Estates Subdivision (Located at 4024 Teal Avenue).

**Oath Administered**

Interested Persons

Maria Billings stated she is the next-door neighbor to Mr. Kotsch. She spoke in support of Mr. Kotsch and his appeal. She had no objection to the carport.

Christine Nelson presented the staff report. Cecily Manning from the Borough’s Assessing office was present. She clarified and answered questions for the assessing portion of the report. Based on the staff report, the Department of Community Planning recommended **DENIAL** of the appeal and to uphold the Administrative Hearing Officer decision.

Appellant Leon Kotsch stated he did not have testimony or evidence to support the claim that the carport was built when it would have been in compliance.

**MOTION:** I move to deny the appeal and uphold the Administrative Hearing Officer’s decision denying affirmative recognition of legal nonconforming structure status (grandfather rights) for an existing carport attached to an existing two-family attached dwelling and garage, with an east side-yard setback of zero (0) +/- feet instead of the required 5 feet in the Two-Family Residential (TF) zone, and adopting the appeal
staff report dated August 27, 2019 and sixteen (16) Findings of Fact in support of this decision by Commissioner Fisher and seconded by Commissioner Sims.

ROLL CALL
Six in Favor: Sims, Perreault, Guinn, Abbey, Fisher, Muehling
Zero Opposed

MOTION PASSED

G. **EXCUSE FUTURE ABSENCES**
The absence of Commissioner Perreault is excused September 10, 2019. Commissioner Perreault is will be absent from the September 4, 2019 FAST Planning meeting, Commissioner Fisher will attend in his absence.

H. **COMMISSIONER’S COMMENTS/COMMUNICATIONS**
Chairperson’s Comments
Commissioner Muehling thanked staff for the Grandfather Rights work session.

Commissioner’s Comments – None.

Communications to the Commission
Ms. Nelson reminded the Commission the September 24th meeting is cancelled. Ms. Nelson noted there may or may not be an appeal to an amnesty case for October 8th. The Commission agreed to hold the meeting if there is an item or to cancel the meeting if there are no items.

I. **ADJOURNMENT**
There being no further business, the meeting was adjourned at 8:20 p.m.
PRESENTATION MATERIALS

Work Session
Our mission is to **Keep Alaska Moving** through service and infrastructure.

Alaska Department of Transportation & Public Facilities

Steese Highway

Chena Hot Springs Road

Roundabouts & Bypass Lane

Carl Heim

Planning Commission Work Session

September 10, 2019
Purpose of this meeting

- Discuss the safety benefits of this project
- Identify changes made to the design based on public feedback
- Answer your questions
HSIP at a glance

- Federally-mandated safety program
- Goal to reduce potential for fatalities and serious injuries
- DOT&PF reviews crash data
- Projects targeting high-severity and high-frequency crashes submitted for consideration
- Approval contingent on cost-effectiveness
Why this project?

• Reduce conflicts
• Reduce crashes and severity
• Project better sight-distance
Roundabout safety benefits

Potential Vehicle Movement Conflicts

Conventional Intersection

Modern Roundabout

- Merging: 8
- Diverging: 8
- Crossing: 16
  Total: 32

- Merging: 4
- Diverging: 4
- Crossing: 0
  Total: 8
Crash history

Table 1. Crash Summary (2012-2016)

<table>
<thead>
<tr>
<th>Facility</th>
<th>Angle/Turning</th>
<th>Side-swatch</th>
<th>Rear End</th>
<th>Head On</th>
<th>Fixed Object / Animal</th>
<th>Ped / Bike</th>
<th>Other / Unknown</th>
<th>PDO</th>
<th>Injury</th>
<th>Fatality</th>
<th>Total Crashes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Steese Highway On and Off-Ramps</td>
<td>6</td>
<td>-</td>
<td>-</td>
<td>3</td>
<td>-</td>
<td>-</td>
<td>1</td>
<td>9</td>
<td>1</td>
<td>0</td>
<td>10</td>
</tr>
<tr>
<td>Chena Hot Springs Road</td>
<td>-</td>
<td>-</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>1</td>
<td>2</td>
<td>-</td>
<td>0</td>
<td>2</td>
</tr>
</tbody>
</table>

Of the 12 reported crashes, there were no fatalities. One major injury crash occurred in 2014 when a vehicle waiting to turn left onto the northbound entrance ramp was rear-ended. Six of the reported crashes were multi-vehicle crashes involving a left-turning vehicle. Half of the reported crashes occurred in wet, snowy or icy conditions.
Current safety issues

Current Intersections

- Required & Unobstructed Sight Distance Area
- Required Blt. Obstructed Sight Distance Area
- Driver’s Decision Point
- Bridge Abutment

Additional locations:
- Chena Hot Springs Road
- Old Steeple Hill

Date: 9/13/2019
Solutions considered

• Lengthen bridge
• Signalized intersection
• Signage and enforcement
• Roundabouts
Key benefits of roundabouts

- Reduce crashes by 67%
- Crashes that do occur are less severe
- Less delay compared to signals
- Saves fuel by reducing idle time
- Better for air quality
- Lower maintenance costs
CHSR East Roundabout with Bypass
CHSR West Roundabout
Design changes based on feedback from public

- Added a bypass lane
- 100% federal funding for all phases of the project
- Brought Whitney drive into roundabout
- Kept CHSR grade to Old Steese the same
- Provided flat spot for Old Steese traffic from Curry’s Corner
- Showed that total delay during busiest time is 11 seconds
- Reconstructing 0-6 CHSR and intersection at Old Steese Highway and Swan Lane
- Coordinated with Alaska Trucking Association to create OSOW lanes, because the current bridge is weight-restricted
- Designed to handle all traffic projections through 2040
- Considered mirrors, but they are not reliable, especially in low light
- A full bridge replacement is very costly
- Traffic signals increase rear-end crashes and are more costly to operate
Professional survey results

200 People Surveyed

- Daily Users
- Weekly Users
- Monthly or Less

Opinion of Intersection

- Needs to be Changed
- Fine as it is
- Other

200 People Surveyed
Safety wins with public opinion

How public opinion changed

- Had heard about it before the survey:
  - Supported: 41
  - Opposed: 44
  - Unsure: 16

- Project introduced during survey:
  - Supported: 70
  - Opposed: 25
  - Unsure: 5

- Across all groups, after safety benefits were explained:
  - Supported: 58
  - Opposed: 38
  - Unsure: 4
Thank you!

Questions or comments?
ORDINANCE 2019-032
MEMORANDUM

TO: Fairbanks North Star Borough Planning Commission
FROM: D. Christine Nelson, Director
       Department of Community Planning
DATE: September 10, 2019
SUBJECT: ORDINANCE NO. 2019-32: AN ORDINANCE AMENDING FNSBC TITLE 18 TO DEFINE BANQUET HALLS AND TO ADD BANQUET HALLS AS A USE IN VARIOUS ZONES

Purpose and Intent

The attached ordinance was referred by the FNSB Assembly to the Planning Commission for recommendation (Attachment 1). The proposed ordinance is sponsored by FNSB Assembly members Leah Berman-Williams and Marna Sanford. The purpose of this ordinance is to create a definition for "banquet hall" and add the use as a conditional use in the Rural and Agriculture (RA) and Rural Farmstead (RF) zones. This ordinance resulted from inquiries by a property owner who wanted to develop his RA-5 zoned land as an outdoor wedding venue.

Background

Several months ago, Community Planning was contacted by a property owner who wanted to develop his Rural and Agriculture (RA-5) zoned land as an outdoor wedding venue. Title 18 does not have "wedding venue" as a listed use so Community Planning staff reviewed the permitted and conditional uses in Title 18 to determine which uses might be similar to the proposed use. The Community Planning Director issued a determination that a banquet hall was the only use currently in Title 18 that was similar to the proposed wedding venue; however a banquet hall was not a permitted or conditional use in the RA-5 zone (Attachment 2).

The demand for rural wedding and special event venues have been steadily growing over the last several decades. The zoning regulations for most rural communities do not adequately address special event venues and their related land use impacts on neighboring property owners. Some communities are changing their zoning code to facilitate the development of wedding and special event venues in rural areas and agricultural zones to address the increasing demand for such facilities and to boost economic development, while still protecting surrounding agricultural uses and property owners from the conflicting land use impacts. Increased interest in hosting wedding receptions at wineries, in old barns and other picturesque rural settings has expanded into a demand for conferences, retreats, farm-to-table restaurants, family and corporate gatherings, and a variety of other events and activities in rural agricultural areas. The issues associated with amending zoning codes and the related land use impacts of these special event venues prompted the American Planning Association to publish a Zoning Practice report in November 2018 (Attachment 3).
Consistency with the FNSB Regional Comprehensive Plan

Ordinance 2019-32 is consistent with FNSB Regional Comprehensive Plan, particularly:

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

**Strategy 1:** Establish the Borough as the center of economic activity for Interior Alaska

**Action D:** Continue efforts to foster and retain local entrepreneurs

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

**Economic Development Goal 2:** To diversify the economy

**Strategy 6:** Emphasize development that brings new dollars into the community, including efforts to add value to the region’s natural, manufactured, service and intellectual resources

Nationally, the demand for rural event venues is increasing and constitutes a growing segment of the hospitality and event industry. Enabling the development of such special event facilities helps diversify and strengthen the local economy. It also helps foster and retain local entrepreneurs since start-ups tend to be undertaken by local entrepreneurs; and hiring local workers. Special event facilities can help bring people and new money into the area. Tourism and hospitality businesses can also benefit from these uses, including showcasing local tourism activities and promoting new and additional tourism opportunities.

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

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

**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

**Strategy 11:** Encourage effective and harmonious resolution of community land-use conflicts

Land use compatibility can be an issue with event venues in rural areas and agricultural zones. The development of such facilities must be balanced with the impacts on surrounding properties and neighborhoods. The conditional use permit process encourages involvement by nearby residents in the evaluation of the proposed use on a specific site and the likely land use impacts and compatibility issues.

The addition of banquet halls as conditional uses in rural agricultural zones could help diversify and strengthen the local economy, supports local entrepreneurship, promotes local hospitality and
tourism businesses, and facilitates economic development by helping bring new dollars into the community. Consideration for the balance between individual private property rights and the mitigation of land use incompatibilities must also be weighed as elements of compliance with the comprehensive plan.

Analysis

Banquet halls are listed as a use in Title 18, but are not specifically defined. If a use is not listed as permitted or conditional in a specific zone, that use is not allowed in that zone. Therefore, banquet halls are not currently allowed in the Rural Agriculture (RA) or Rural Farmstead (RF) zones as either a permitted or conditional use.

The purpose of this ordinance is to create a definition for "banquet hall" and add the use as a conditional use in the Rural Agriculture (RA) and Rural Farmstead (RF) zones. Lines 32-34 define banquet hall. Lines 36-39 adds banquet hall to the RA zones as a conditional use. Lines 41-44 adds banquet hall to the RF zones as a conditional use.

Determining an appropriate zone for a use is generally based on the purpose and intent of the zone, the nature of the use, and similar uses already allowed in each zone. Each type of use has different land use impacts and some zones are more appropriate for a specific use while others are not. Distinctions should be made based on the size and nature of each use to best align a specific use with the appropriate zone.

The purpose and intent of the RA zones 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." The RA zone includes 4 districts (RA-5, RA-10, RA-20 and RA-40) that generally allow the same permitted and conditional uses, but have differing minimum lot sizes. The minimum lot size ranging from 200,000 square feet to 1.6 million square feet (Attachment 4).

The purpose and intent of the RF zones is "intended for small scale agricultural uses of land. These districts are intended for areas where community sewer and water systems are unavailable." The RF zone includes 4 districts (RF-2 and RF-4) that allow the same permitted and conditional uses, but have differing minimum lot sizes. The minimum lot size ranging from 80,000 square feet to 160,000 square feet. (Attachment 5).

Most of the uses currently allowed in the RA and RF zones are associated with agriculture, the care of animals, or low density residential. There are some commercial uses allowed, either permitted or conditional, that are not directly related to agriculture, such as bed and breakfast establishments, golf courses, schools, shooting ranges, clubs and lodges, and professional offices. These uses may or may not have similar type and intensity of land use impacts as a banquet hall.

The nature of event venues is that they tend to evolve and grow over time. Like any business, demand and popularity will likely result in expansion of services, including an increase in the number and variety of events being held on the site. It can be extremely difficult to predict or enforce limitations on the expansion of these services; often leaving neighboring property owners frustrated and angry about the changes in their neighborhood and the lack of effective enforcement. Event venues can range in size but generally are developed to accommodate several hundred or more people on the site at one time. The number of events, frequency and timing of events can vary widely but maximum potential impacts should be considered when evaluating the appropriateness of a zone for a specific use. The development of new event venues and the expansion or change in operational characteristics of an existing venue can result in a wide variety of additional and
different land use impacts to the surrounding area. Those impacts typically include traffic, lack of
effective traffic control measures, parking off-site, noise, dust, odors, litter, adequate restroom
facilities and disposal of human waste, intoxicated people and drivers associated with the venue,
frequency of events, hours of operation, trespass, etc. so determining the appropriateness of the
proposed zone for this type of use and the appropriate permit review process is very important to
the compatibility of such event venues within existing rural areas and neighborhoods. The
conditional use process allows for notification of neighboring property owners and encourages their
participation in the application review process. However, the conditional use criteria alone may not
be sufficient to address and mitigate all of the potential land use impacts. Road maintenance is
one such issue since the Planning Commission generally can’t assign road maintenance
responsibilities as a condition of approval, even if traffic from an event venue site disproportionately
affects the condition of the road. Supplemental standards may be necessary to adequately address
and mitigate land use compatibility concerns.

While land use impacts may be mitigated through the conditional use process, the size of the
property upon which a special event venue can be located is very important in order to allow
sufficient space for both the event area but also for sufficient buffering from neighboring properties.
Nationally, in communities that regulate special event venues, the minimum lot size for these uses
range from 3 acres to 150 acres, with 10 acres being the most common minimum lot size
(Attachment 3). The minimum lot size in the RA-5 zone is 200,000 square feet (4.50 acres) and in
the RF-2 and RF-4, it is 80,000 square feet (1.84 acres) and 160,000 square feet (3.67 acres)
respectively. However, many lots in these zones do not meet that minimum lot size. In the RA-5
zone, 43% of lots are less than the 200,000 square foot minimum lot size. Of the total lots, 35%
are less than 75% (less than 150,000 sq. ft. or 3.44 acres) of the minimum lot size and 22% are
less than 50% (less than 100,000 sq. ft. or 2.3 acres) of the minimum lot size. In the RF-2 zone,
19% of lots are less than the minimum and 17% of the total lots are less than 75% (60,000 sq. ft.
(1.38 acres) or less) of the minimum lot size (Attachment 6). In the RF-4 zone, 10% of lots are less
than the minimum and 3% of the total lots are less than 75% (120,000 sq. ft. (2.75 acres) or less)
of the minimum lot size.

By their very nature and purpose, event venues in rural areas and agricultural zones utilize a large
amount of outdoor space. Even if a permanent building is utilized, many of the activities are
conducted outside. Lots of less than 200,000 square feet are less likely to have the adequate size
necessary for a building or space for events, and the parking, restroom facilities and other amenities
necessary or desirable for special events. Sufficient space is also generally needed for setbacks,
vegetative buffers, fencing and other separations between event activities and neighboring
properties to enhance land use compatibility. Based on the minimum lot size requirements and the
actual lot sizes in the RA-5 and RF zones, Community Planning is recommending that the banquet
halls use not be added as a conditional use in the RF zones and that the use in RA zones be
restricted to parcels of 200,000 square feet and larger. Community Planning is proposing the
following amendments to Ordinance 2019-32:

**Proposed Amendment #1:** Amend Line 39 to read: Banquet halls, only on lots of not less
than 200,000 square feet in area; This amendment would limit banquet halls as a conditional use
to lots of 200,000 square feet (4.59 acres) or larger in the RA-5, RA-10, RA-20, and RA-40 zones.

**Proposed Amendment #2:** Delete Lines 41-44. This amendment would remove the proposed
banquet halls use from inclusion in the RF zones.

Community Planning also suggests that supplemental standards may need to be created to further
regulate these special event uses in order to better mitigate potential land use conflicts.
Adding banquet halls as a conditional use in the RA zones with limitation on lot size complies with the general purpose and intent of the zone, is appropriate based on other similar uses allowed in the zones, is compatible with the minimum and actual lot sizes in the zones, and is consistent with the FNSB Regional Comprehensive Plan.

Recommendation

FNSB Community Planning staff recommends that the Planning Commission make a recommendation to approve Ordinance No. 2019-32 with the two amendments discussed above.

Proposed Draft Motion:

I move that the Planning Commission recommends approval of Ordinance No. 2019-32 to the FNSB Assembly with the following amendments:

Amendment #1: Amend Line 39 to read: Banquet halls, only on lots of not less than 200,000 square feet in area;

Amendment #2: Delete Lines 41-44

Attachments

Attachment 1: Proposed Ordinance No. 2019-32
Attachment 2: Community Planning Interpretation of Wedding Venue as a Use (May 28, 2019)
Attachment 3: APA Zoning Practice: Rural Event Venues (November 2018)
Attachment 4: FNSBC 18.28 RA zones
Attachment 5: FNSBC 18.32 RF zones
Attachment 6: Analysis of Actual Lot Sizes
FAIRBANKS NORTH STAR BOROUGH

ORDINANCE NO. 2019 - 32

AN ORDINANCE AMENDING FNSBC TITLE 18 TO DEFINE BANQUET HALLS AND TO ADD BANQUET HALLS AS A USE IN VARIOUS ZONES

WHEREAS, Agricultural lands provide an opportunity for scenic locations for ceremonies and receptions, and are becoming increasingly popular venues for these events; and

WHEREAS, Borough code does not currently provide for a use in either the rural agricultural or rural farmstead zones that allows for the general public to rent a venue for a wedding or other event; and

WHEREAS, Allowing banquet halls as a conditional use in rural zones will provide a mechanism to ensure the use is compatible with surrounding development.

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

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

Section 2. FNSBC 18.04.010(B), Definitions, is hereby amended as follows: [the Clerk shall add or amend the definitions in alphabetical order]
"Banquet hall" means a room, building, or outdoor venue arranged for the purpose of hosting a party, banquet, wedding, or other reception, intended to be made available for rent by the public.

Section 3. FNSBC 18.28.020(B) Rural and Agricultural, Use regulations, is hereby amended as follows: [the Clerk shall add or amend the conditional uses in alphabetical order as necessary]

Banquet halls;

Section 4. FNSBC 18.32.020(B) Rural Farmstead, Use regulations, is hereby amended as follows: [the Clerk shall add or amend the conditional uses in alphabetical order as necessary]

Banquet halls;

Section 5. 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:

April Trickey, CMC
Borough Clerk

Jill S. Dolan
Borough Attorney

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
Text to be added is underlined
Text to be deleted is [BRAKETED, CAPITALIZE]
May 28, 2019

Alden Rick Wilbur
857 Bouton Court
Fairbanks, AK 99712

Re: Interpretation of Wedding Venue as a Use in Title 18

Title 18 is structured such that if a use is listed in any zone within the code, but not in the specific zone in which the use is proposed, that use would not be allowed in that zone. A proposed use that may be similar to a use listed in Title 18 can be evaluated to determine if it meets the definition of that use.

Several uses listed in Title 18 were identified and analyzed as potentially similar to the proposed wedding/event venue which would allow a member of the general public to rent the location for outdoor weddings and other events.

“Banquet Hall” is not specifically defined in Title 18, but the common understanding is that a banquet hall is a room or building for the purpose of hosting a party, banquet, wedding or other reception, or other social event. The banquet hall use appears to be the most similar to the proposed wedding/event venue which is intended to be made available for hire by a member of the general public on a short-term rental basis to stage a wedding or other social event, which could include a meal or refreshments. An outdoor venue that serves these same functions can be considered to be a banquet hall.

However, the wedding/event venue does not meet the definitions of the other potential uses evaluated, including:

“Club” or “Lodge” which is defined as a building, along with accessory structures and facilities, which is designed or primarily intended to accommodate an association of persons and in which the buildings, structures and facilities are limited and restricted to members and their guests. This definition does not include home meetings or other similar activities.

The proposed wedding/event venue is not associated with any type of club, association, or membership organization. The venue is proposed to be available for hire by a member of the general public for weddings or other events, but not limited to members of a specific organization and their guests. Therefore, the proposed wedding venue does not meet the definition of club or lodge.
"Grange hall" is not specifically defined in Title 18, but common understanding is that a grange hall is a building associated with a specific type of agricultural organization. Wikipedia states that "The Grange, officially named The National Grange of the Order of Patrons of Husbandry, is a fraternal organization in the United States that encourages families to band together to promote the economic and political well-being of the community and agriculture." Since the proposed wedding/event venue is not associated with "The Grange" organization and its agricultural purposes, it does not meet the general understanding or purpose and intent of a grange hall.

"Commercial outdoor recreation" is defined as a commercial use that focuses on recreation opportunities undertaken predominantly in the outdoors on natural landscapes. This definition excludes recreation buildings, amusement establishments, kennels, and accessory overnight lodging with more than nine guestrooms. Examples of commercial outdoor recreation include aurora viewing, off-highway vehicle tours, and dog sled tours.

The proposed venue, while outdoors, is intended to be available for hire by the general public for weddings or other social events, not predominantly for recreational activity. The proposed wedding/event venue does not meet the definition of commercial outdoor recreation.

Therefore, the proposed wedding/event venue would be allowed in those zones in which a banquet hall is either a permitted or conditional use. The wedding/event venue would not be permitted in those zones that do not allow a banquet hall as either a permitted or conditional use.

This interpretation is an administrative decision and is appealable within fifteen (15) days from the date of this notice to the Fairbanks North Star Borough Planning Commission. An appeal application may be filed with the Community Planning Department office.

Please contact me at 907-459-1251 if you have any questions.

Sincerely,

D. Christine Nelson, AICP
Community Planning Director
ISSUE NUMBER 11
PRACTICE RURAL VENUES
Rural Event Venues—Rustic Charm and Rural Zoning

By Doug Demosi, AICP

Perform a Google search for "rural event venues," "wedding barns," or a similar phrase, and the results will be staggering. You'll get millions of hits. The most popular sites will more than likely contain information on nearby event venues, or "retreats" as they are also known.

The rural retreat trend, which began several years ago, seems to be increasingly popular nationwide. What is it that makes these venues so attractive, and what are the implications for planners?

Many of these venues are unique and can provide beautiful views and a rustic ambiance that cannot be found in urban areas. Brandon Whitl, owner of The Grove in Rutherford County, Tennessee, says that venues in rural areas "can also provide something that venues within urban environments cannot: space. These venues provide the kind of space where you can stretch out and not feel confined as some people might by a more urban or suburban environment."

It's also important to realize that it is not just weddings that can occur at these facilities. Most who inquire about establishing such a facility will often propose a "wedding venue," but other events are likely to be held there. These can include proms, fraternity and sorority events, family gatherings, and corporate events and retreats. Rural retreats have a wide variety of property sizes and occupancy loads, just one important consideration among many for planners and local officials.

CHALLENGES AND IMPACTS

So this all sounds great, right? Old wooden barns in rural areas being fixed up for special events, with lots of people, alcohol being served, and tables set with candles. What could possibly go wrong?

As it turns out, plenty. There are many potential issues that make these venues a challenge for county and rural planners. First, rural event venues don't always make the best neighbors. Concerns typically raised at public meetings include increased levels of traffic, patrons who have had too much to drink driving on the roads, noise and lights from parties that can last deep into the night, and eventgoers trespassing onto neighboring properties. Neighbors living next to what is perceived to be a commercial business also worry about property values.

Compliance with building and safety codes is also a significant concern for local planners and code administrators. In my experience, many rural retreats get their start when people attend or hear about an event at a similar facility.

Perhaps they consider fixing up an existing barn on their property or building a new purpose-built facility and begin advertising for events on their property. Unfortunately, they are often shocked when they see just how much time and expense goes into making such a facility meet applicable building and fire codes. This is especially frustrating for those who have already made a significant investment in the property or who have already begun hosting events.

Finally, many county and rural community zoning ordinances do not have specific regulations for rural event venues. Being a relatively new trend, most of these communities (my community included) were not prepared to address the demand for these facilities. Having standards in place allows for predictability in the application process and provides applicants guidance as to where these rural event venues are allowed and what is expected of them. These standards can also assist planning and code staff with enforcement.

The purpose of this article is not to identify a perfect solution to these issues. Nor is it meant to be an exhaustive review of the different regulations that are currently approved. Rather, this article seeks to identify common issues with rural retreats and venues, and to make suggestions based on current practice as to how these issues can be addressed in the context of the local zoning ordinance. As with any planning project, each application is unique and has its own set of challenges, even among venues in the same jurisdiction. Therefore, it is essential for planners to consider the issues and solutions within the local context of their communities.

AGRICULTURAL VERSUS NONAGRICULTURAL USES

Of all the issues involved with regulating rural event venues, sorting out the particulars of nonagricultural uses on agricultural land is probably the most challenging to address. Many states have laws that exempt agricultural uses from certain zoning requirements, especially in counties or in predominantly rural areas. For example, Tennessee Code Annotated Section 13-3-105 2.A. includes most of the items one would expect to find in such a definition, such as the land, buildings, and machinery used in the commercial production of farm products and nursery stock. The code also addresses "entertainment activities" by stating that they are permissible when "conducted with, but secondary to, commercial production of farm products and nursery stock, when such activities occur on land used for the commercial production of farm products and nursery stock." Unfortunately, entertainment activities are not further defined in this section.

While it can likely be argued that event venues and rural retreats on agricultural property fall into this exception, it can also be argued that these venues are not promoting or maintaining agricultural
use of the property, and that these venues are taking advantage of agricultural exemptions that were never intended for such activities.

The code described above also does not expand on what "secondary to" means. Is it secondary to the amount of income earned, land area, time involved, or some other metric? Perhaps several applicants have stated that they are looking for ways to supplement income from their farm by building an event venue, a common reason for entering the rural retreat market.

Yet the particularities of their land introduce yet another variable. Should a property used only for baling hay be afforded the same protection for "entertainment activities" as a true working farm? Even with a working farm, if most of the income produced on the property is from the special events, should these properties also be afforded the same protection? This becomes especially problematic when it comes to regulating event venues where potential impacts from noise, traffic, etc., are the same whether or not the use falls under an agricultural exemption.

Some jurisdictions are more prescriptive in their ordinances. The Snohomish County, Washington, code specifically states that for properties within the A-10 Zoning District, "The applicant must demonstrate that the use is accessory to the primary use of the site for agricultural purposes and supports, promotes or sustains agricultural operations and production," and that it does not interfere with "the overall agricultural use of the property and neighboring properties" (§30.22.130(B)(6)(a)).

Applicants may try to claim an agricultural exemption, but the gray areas are considerable. Just because somebody has 50 acres of land and an old barn on the property doesn't mean they automatically qualify as "agriculture," especially if the land hasn't been actively farmed for a number of years.

There really are no easy answers to these questions. For planners, administrators, and other local officials, it is important to know what agricultural exemptions exist in your locality so that they can be taken into consideration in the review process.

PERSONAL VERSUS BUSINESS USE

Besides determining whether or not a facility is protected by agricultural exemptions, the second most challenging task can be whether or not the facility is being used for strictly personal reasons or for business use. Some venues begin when a property owner hosts a private event for a family member or close friend. Unfortunately, when the owners see how successful these events can be, a second event is held, and then a third, etc. Word-of-mouth, Facebook pages, and websites typically follow. Before you know it, what was just a barn used for personal reasons has now become a full-fledged business. In trying to make a determination of business use, a variety of sources can be used, such as whether or not a business license has been issued, or whether or not there is a presence on the Internet or social media. Many of these venues will also advertise in more traditional formats, such as newspapers or local magazines.

Defining an "event in the local code can assist with this issue. Butte County, California, defines a special event as "...a celebration, ceremony, wedding, reception, corporate function or similar activity for the benefit of someone other than the property owner that takes place on a periodic basis, involving the gathering of individuals assembled for the common purpose of attending a special event" (§24-175.2.B.1.). This definition does not include uses that are accessory to a single-family residential use, such as private parties, gatherings and similar activities. In addition, one-time, private events can be specifically excluded from regulation.

In Rutherford County, Tennessee, language was inserted into their ordinance that states, "This definition does not include uses that are accessory to a single-family residential use, such as private parties, gatherings and similar activities" (§1408.E.b.i.(2)).

BUILDING, FIRE, AND HEALTH CODES

Although many state statutes will exempt certain agricultural uses from zoning regulations, those exemptions do not typically apply to building, fire, and health codes. Event venues are classified as an Assembly Group A-2 under the 2012 International Building Code (§203.3). According to the code, these uses are intended for food and drink consumption in areas wherein large numbers of people congregate in high densities. The uniqueness of this type of occupancy is characterized by low lighting, entertainment by bands or loud music above normal sound levels, and tables and chairs arranged to create "aisles"—all of which have the potential to cause a delayed awareness of a fire situation, confuse occupant response time, and hamper their ability to vacate the building without panic.

While compliance with building and fire codes is typically understood, adding some language to your ordinance to this effect, or directly referencing any applicable fire and building codes, can clarify any potential misunderstandings during the application process. Most of the regulations reviewed for
this article contained some type of language requiring code compliance, certificates of occupancy, and even annual inspections and renewal to ensure building and fire code compliance. If temporary structures such as tents are used, materials should be made of a fire-retardant material and inspected, especially if they are going to be up for a considerable length of time.

Building and fire code requirements are easier to incorporate into new construction than they are for retrofitted existing structures. When property owners plan to convert an existing barn into an event venue, they want to save as much of the "charm" of the existing structure as possible. However, this charm will often be lost due to modifications required to comply with these codes.

Some examples of high-cost, noncontextual items can include a new, completely independent septic system, sufficient bathroom facilities, commercial-grade electrical wiring and fixtures, emergency ingress/egress hinged doors equipped with panic hardware, handicapped accessibility/ADA compliance, and HVAC for year-round events. In rural areas, where water availability can be a challenge, fire hydrants and sprinkler systems may also be required.

Rutherford County (Tennessee) Fire Chief Larry Farley summed it up nicely in a Daily News Journal newspaper article when he said, "You don't want the happiest day of your life to turn out to be the worst day of your life. You have people packed inside these old barns. It's just a recipe for disaster."

If food and beverages are to be served as part of these events, local health department regulations may also be required. Alcohol may require a beer or liquor license. While not necessarily a zoning function, a blanket statement that venues are required to meet all other local and state regulations is appropriate.

BY-RIGHT OR SPECIAL EXCEPTION/CONDITIONAL USE PERMIT

The regulations reviewed for this article varied regarding how event venues and rural retreats are permitted. Some allow them by right, such as Snohomish County, Washington (provided certain standards are met), but most of them require a special exception/conditional use permit review.

In Rutherford County, Tennessee, retreats are classified as Minimal Impact Facilities, which are only allowed by special exception in certain districts. Retreats that are less than 10 acres or desire to have more than 30 events in a given year are required to apply for planned unit development zoning ($1408.E.6.B.i.(2)).

Jurisdictions may wish to look for alternatives to commercial zoning for these venues, as large acreage tracts in rural areas may not be consistent with either the comprehensive plan or with the character of the area. This is especially true if the venue doesn't succeed and is sold to another party, where incompatible land uses that are allowed within a nonresidential zoning district could be established on the property.

BULK REQUIREMENTS

Rural areas tend to have larger property sizes due to the predominance of agricultural and traditionally rural land-use patterns. Given the potential impacts from operating a venue, such as the provision of adequate parking areas, noise and lighting issues, nuisances, etc., establishing lot size standards, specific setbacks, and parking and screening requirements is appropriate. Proper and contextual standards will be dependent upon the adopted plans and regulations tailored to the context of each jurisdiction. Compliance with these regulations can be verified through the site plan review process.

- Minimum Lot Size: The minimum lot size regulations reviewed for this article varied considerably. The smallest lot size requirement was three acres (Riley County, Kansas (§6.6.R.)), while the largest was 150 acres (Round Hill, Virginia, where the minimum lot size depended on Intensity and Character (§5-601.i.)). Some ordinances did not specify a minimum lot size, defaulting to the minimum lot size of the respective district. The most common minimum size was 10 acres.

- Setbacks and Screening: Space and screening can be useful tools to help diminish some of the potential impacts from event venues. The smallest setback (30 feet) was found in Butte County, California, although there was flexibility built into their regulations that could provide for a larger setback if necessary ($§24-175.2.f.6). Knox County, Tennessee, requires setbacks of at least 200 feet from property lines and 300 feet from existing residential dwellings on adjacent parcels, although these could be reduced with written agreement from adjacent property owners ($4.104.02.D.). Lake Elmo, Minnesota, requires parking areas to be 100 feet from existing residential property lines and 200 feet from neighboring houses, while indoor and outdoor activity spaces are required to be 300 feet and 400 feet, respectively ($134.310.D.B.). Setbacks of at least 100 feet are common.

Specific screening requirements for event venues were not listed in several ordinances. Some reference existing screening requirements. Others, such as Riley County, Kansas, were vague in their screening requirements. Riley County requires parking areas to be located or screened in a manner that mitigates visual impact on the rural character of the area (§8.6.R.). Rutherford County, Tennessee, ties setback requirements to screening. Wider, or more opaque, buffers result in smaller setbacks. Even with the thickest buffer allowed (i.e., a type 3 buffer) the minimum setback is still 50 feet ($1408.E.6.B.i.(e)).

- Floor Area Limitations: Some ordinances place limits on floor area maximums. Others, like Williamson County, Tennessee’s, provide a limit of 5,000 square feet on limited retreats ($11.03(D)(6)b.). Extensive Retreats with a conference/event component limit the maximum floor area to 1,000 square feet for every five acres of site area, up to a maximum of 20,000 square feet ($11.03(D)(5)(c)ii). Other ordinances, such as Rutherford County, Tennessee's, use a percentage of the lot area (2.5 percent) ($1408.E.6.B.i.(e)).
Bulk, setbacks, and floor area regulations may be especially challenging to put in place for venues that previously served agricultural uses, as in the building pictured here.

ACCESS AND PARKING
Access to the property is discussed in several ordinances. Knox County, Tennessee, requires that rural retreats have direct access to an arterial or collector street as defined in their major road plan (§4.104.02.A). Rutherford County, Tennessee, does not allow access off of private easements (§1408.E.6.B.I.(2)). Some ordinances also require traffic studies or traffic control plans, such as in Butte County, California (§24-175.2.F.3). The provision of adequate fire access routes is also an important consideration and was referenced in several ordinances.

Most ordinances establish off-street parking requirements. Butte County, California, for example, requires one space for every four seats or one space for every four persons based upon maximum building occupancy, whichever is greater (§24-175.2.F.10). Hood River County, Oregon, requires one space for every three guests (§73-30 G., which references §11.10.F.7). Riley County, Kansas, did not specifically call out this use in their ordinance, besides requiring all places of assembly to have one space for every four seats (§54.8), however, their ordinance does have a statement within their zoning regulations that uses not listed are determined by the county zoning officer (§14.8). Most ordinances also reference compliance with ADA standards.

Another consideration is the surface material of the parking areas. Applicants for event venues, especially in rural areas, may be hesitant to provide paved parking areas due to cost and the feeling that it will ruin the rustic ambiance of the area. Some ordinances, such as Rutherford and Knox Counties in Tennessee, allow other options for parking besides paving, with the approval of engineering staff or the board or commission, (§1408.E.6.B.I.(2) and §4.104.02.E., respectively). Despite allowing other surface options, any required handicapped parking is still required to meet ADA standards.

SEWAGE DISPOSAL
Lack of access to sanitary sewer systems is a common characteristic of rural development. Most properties have to rely on conventional septic systems for sewage disposal. If event venues have to rely on conventional septic systems, it is important to know the topography, soil types, and regulations for the area. Conventional systems are composed of a septic tank and soil area for effluent disposal. The soil area should not be disturbed, as the proper working of the system depends on it. The size of the system is determined by average flows for the proposed use.

The primary issue for determining the amount of septic soil needed is with identifying peak flows. Peak flows are typically averaged out over days, whereas with event venues, their peak flows will occur during the events, many of which occur on weekends. Events that serve alcohol can also increase these flows. This has the potential to overload the system and cause sewage backups. Systems designed for event venues are most similar to those designed for churches, which see similar usage patterns.

EVENT MANAGEMENT
Management of individual events within a venue normally falls outside of traditional zoning regulations. That being said, jurisdictions can take steps to regulate various aspects of these events that have the potential to cause adverse effects to neighboring properties.

Some, like Hood River County, Oregon, limit the time of events from 7 a.m. to 10 p.m. (§73.30.D.), Williamson County, Tennessee, divides rural retreats into two categories: extensive and limited. There are no time restraints for events at extensive retreats, with the exception of those retreats with a conference/event center component (§11.03.D.(1)(v)), but limited retreats must have events between the hours of 7 a.m. and 8 p.m. (§11.03.D.(6)(d)). Rutherford County, Tennessee, doesn’t have any time restrictions specifically for events, but does state that any amplified
music and outdoor lighting must be discontinued at 10 p.m. (§1408.E.6.B.i.2). Williamson County, Tennessee, has a similar regulation for sound but uses decibel levels as opposed to requiring them to be turned off altogether (§11.03(D)(5) and (6)).

Several other jurisdictions use decibel levels, such as Riley County, Kansas. Its regulations also call for all exterior lighting to be shielded or directed away from any adjacent lot, parcel, street, or residential use (§3.6.R). If a jurisdiction already has lighting and noise standards, it might be appropriate to simply reference those in the regulations.

Some jurisdictions regulate the number and size of events that can occur at a venue. Hood River County, Oregon, for example, allows no more than one event per day and limits that event to a maximum of 300 guests (§73.30.B. and C). Butte County, California, limits events to no longer than two days, with a maximum of 500 guests (§24-175.2.F.4.b.). These limitations were not a common thread through the various ordinances I reviewed, but they might be a viable option in some communities.

Another potential tool is requiring a business plan. Butte County, California, requires the owner/operator to maintain an event management plan that includes applicable conditions of approval, traffic management plan, etc. A copy of the plan is provided to the county’s Department of Development Services and must be available for on-site inspection at all times (§24-175.2.F.1).

OVERNIGHT ACCOMMODATIONS
Some venues may offer overnight accommodations for guests. Regulations can be placed that limit the use of overnight accommodations in conjunction with scheduled events only. Many ordinances also limit the length of stays for event patrons. The rooms should not be rented out to those who are not attending an event at the facility.

There is also a clear distinction between a rural retreat with guest accommodations and a bed-and-breakfast facility; retreats do not provide meals for guests beyond whatever food and beverages may be served during the actual event. However, overnight accommodations may still be considered hotel rooms by a jurisdiction and subject to local or state hotel and motel taxes.

OTHER POTENTIAL ISSUES AND CONSIDERATIONS
Other issues that should be considered when creating an event venue ordinance include:

- **Signage**: Most of the ordinances reviewed require compliance with existing sign codes. Butte County, California, however, provides specific standards for signage, subject to the general standards of their sign regulations (§24-175.2.F.4.G).
CODE RESOURCES
This article cites a number of municipalities who are using their zoning, land use, and building codes to regulate rural event venues. These municipalities and the location of the codes are listed below.
- Solid Waste Disposal: Events can create huge amounts of trash. Having regulations in place can help ensure that trash is contained to the site and disposed of properly. Lake Elmo, Minnesota, requires that all solid waste must be stored in a manner to prevent attracting flies and rodents, etc. and must be removed at least once every seven days by a licensed solid waste hauler ($154,310.28). Snohomish County, Washington, requires adequate facilities to be provided on-site pursuant to health district provisions (§302.22.130(b)(b)(i)(ii)). Most ordinances do not provide specific regulations such as those in Lake Elmo, but many do require this information as part of the application process (i.e., Rutherford and Knox Counties, Tennessee (§1408-E.6-B.I.(a) and 4.404.01.A., respectively).
- Accessory Uses: Many ordinances allow for uses incidental and subordinate to the venue, including swimming pools, tennis courts, and banquet facilities, etc. These should be intended for use by event guests and not available to the general public.

APPLICATION PROCESS AND ENFORCEMENT
It's imperative to provide direction to potential applicants. Meet with staff members from the departments mentioned in this article—planning, engineering, building code, fire department, etc. Several ordinances (i.e., those in Rutherford and Knox Counties, Tennessee, among others) include a requirement for a description of proposed activities, which include several elements—the number of employees, hours of operation, proposed lighting and sound amplification, etc. This is a good tool to use to begin the conversation and to let applicants know what is expected of them. Enforcement of these provisions is very important, as it is with any zoning or code regulation. If the provisions can't be enforced, there really isn't much point of creating them in the first place. Compounding this issue is the fact that most events occur during nonworking hours for zoning enforcement officials, meaning that inspectors have to rely on neighbor testimony or the venue's social media presence. Inspectors may have to work during nonbusiness hours to determine if a venue is operating without approval or if an approved venue is in violation of any regulations. Proper inspections are critical, considering the potential for legal liability should a mishap occur.

CONCLUSION
Whether the rural wedding and event-space trend is simply a fad or the new normal is yet to be seen. It seems possible that eventually, the supply of these venues will begin to outweigh the demand. When and if this happens, it's reasonable to expect that the more established venues will survive, while others will be abandoned (likely leading to additional issues).

Regardless of the direction taken to address the issues these venues can raise, it is important that local regulations are clear and easy to understand so that a balance can be struck between rural charm and effective zoning controls.

ABOUT THE AUTHOR
Doug Demosi, AICP, is the planning director for Rutherford County, Tennessee, where he has worked since 2006. He received his master's degree in city and regional planning from Clemson University. He currently serves as chapter president for APA Tennessee.

Cover: Photo by IStockphoto ©

VOL. 35, NO. 11
Zoning Practice (ISSN 1548-0129) is a monthly publication of the American Planning Association. James M. Drinan, JD, Chief Executive Officer; David Rouse, FAICP, Managing Director of Research and Advisory Services; Joseph DeAngelis, AICP, and David Morley, AICP, Editors.

Subscriptions are available for $55 (U.S.) and $120 (foreign). Missing and damaged print issues: Contact APA Customer Service (512-431-9500 or subscriptions@planning.org) within 60 days of the publication date.

2018 by the American Planning Association, which has offices at 205 N. Michigan Ave., Suite 1200, Chicago, IL 60601-5937, and 1030 25th St., NW, Suite 750 West, Washington, DC 20007-1503; planning.org.

All rights reserved. No part of this publication may be reproduced or utilized in any form or by any means without permission in writing from APA.

Printed on recycled paper, including 50-70% recycled fiber and 10% post-consumer waste.
Chapter 18.28

RA-40, RA-20, RA-10 AND RA-5 RURAL AND AGRICULTURAL DISTRICTS

Sections:
18.28.010 Intent.
18.28.020 Use regulations.
18.28.030 Standards.

18.28.010 Intent.
These districts are intended for agricultural uses of land for very low density residential
development. These districts are intended for areas where community sewer and water

18.28.020 Use regulations.
A. Permitted Uses. In the RA-40, RA-20, RA-10 and RA-5, rural and agricultural
districts, permitted uses are:
1. Accessory uses;
2. Agribusiness;
3. Agricultural uses;
4. Airports, heliports and aircraft landing fields, and related buildings essential in
the operation of said uses, in the RA-40 and RA-20 districts only;
5. Animal and veterinary hospitals;
6. Animal boarding and breeding facilities;
7. Archery Range;
8. Bed and breakfast homestay;
9. Bed and breakfast residence;
10. Blacksmith shop;
11. Church buildings;
12. Commercial agriculture;
13. Commercial and/or domestic livestock;
14. Commercial outdoor recreation and related buildings essential in the operation
of the use not to exceed a total of 5,000 square feet of gross floor area per lot and with
no building to exceed a gross floor area of 3,600 square feet;
15. Communications tower, major;
16. Communications tower, minor;
17. Community garden, neighborhood;
18. Community garden, regional;
19. Golf courses and related buildings;
20. Grange hall;
21. Guesthouse;
22. Home occupations;
23. Kennels, major and minor;
24. Marijuana cultivation facility, indoor large;
25. Marijuana cultivation facility, indoor small;
26. Marijuana cultivation facility, outdoor limited;
27. Mobile homes;
28. Public utility and service uses including, but not limited to: fire stations, transfer stations, electric substations, gas regulator stations, sewage treatment plants, well and water pumping stations, water filtration plants, water reservoirs, and other similar uses, including the installation and maintenance of utility lines;
   29. Riding academies and stables;
   30. Sawmills, noncommercial;
   31. Shooting range, indoor;
   32. Shooting range, outdoor permitted;
   33. Single-family detached dwellings;
   34. Small wireless facility;
   35. Storage of fertilizers, farm supplies and common livestock husbandry;
   36. Trade/technical/vocational school;
   37. Two-family attached dwellings.

B. Conditional Uses. In the RA-40, RA-20, RA-10 and RA-5, rural and agricultural districts, conditional uses are:
   1. Airports, heliports and aircraft landing fields, and related buildings essential in the operation of said uses, in the RA-10 and RA-5 districts only;
   2. Biosolids application when used for agricultural purposes or beneficial land application, conditionally permitted in the RA-40 district only;
   3. Cemeteries;
   4. Clubs and lodges;
   5. Commercial outdoor recreation and related buildings essential in the operation of the use, including buildings exceeding a total of 5,000 square feet of gross floor area per lot and individual buildings exceeding a gross floor area of 3,600 square feet;
   6. Day care facilities;
   7. Dormitories and other dwelling units, including mobile homes, placed on the premises to be used by individuals employed in the agricultural uses of the premises;
   8. Group homes;
   9. Hostels;
   10. Marijuana cultivation facility, indoor unlimited;
   11. Marijuana cultivation facility, outdoor unlimited;
   12. Marijuana product manufacturing facility, limited;
   13. Marijuana retail agricultural accessory facility;
   14. Marijuana testing facility;
   15. Mobile home parks;
   16. Neighborhood dumpsters;
   17. Professional offices;
   18. Public dumping sites;
   19. Residential cluster development;
   20. Sawmills, commercial;
   21. School buildings;
   22. Shooting range, outdoor;
   23. Stadiums, arenas and fairgrounds;

18.28.030 Standards.
In the RA-40, RA-20, RA-10 and RA-5, rural and agricultural districts, geometric standards are:
A. Lot Area.
   1. In the RA-40 district, lot area shall not be less than 1,600,000 square feet.
   2. In the RA-20 district, lot area shall not be less than 800,000 square feet.
   3. In the RA-10 district, lot area shall not be less than 400,000 square feet.
   4. In the RA-5 district, lot area shall not be less than 200,000 square feet.
B. Required Yards for Buildings.
   1. Front yard shall not be less than 35 feet.
   2. Side yard shall not be less than 10 feet.
   3. Rear yard shall not be less than 10 feet.
C. Building Height. Unlimited.
D. Exceptions to Yard, Lot Area and Building Height Requirements. See Chapter 18.96 FNSBC.
E. Parking. See Chapter 18.96 FNSBC.
Chapter 18.32

RF-4 AND RF-2 RURAL FARMSTEAD DISTRICTS

Sections:
- 18.32.010 Intent.
- 18.32.020 Use regulations.
- 18.32.030 Standards.

18.32.010 Intent.
These districts are intended for small scale agricultural uses of land. These districts are intended for areas where community sewer and water systems are unavailable. (Ord. 88-010 § 2, 1988. 2004 Code § 18.16.010.)

18.32.020 Use regulations.
A. Permitted Uses. In the RF-4 and RF-2, rural farmstead districts, permitted uses are:
   1. Accessory uses;
   2. Agricultural uses;
   3. Animal and veterinary hospitals;
   4. Animal boarding and breeding facilities;
   5. Bed and breakfast homestay;
   6. Bed and breakfast residence;
   7. Church buildings;
   8. Clubs and lodges;
   9. Commercial agriculture;
   10. Commercial and/or domestic livestock;
   11. Communications tower, minor;
   12. Community garden, neighborhood;
   13. Community garden, regional;
   14. Guesthouse;
   15. Home occupations;
   16. Kennels, major and minor;
   17. Marijuana cultivation facility, indoor large;
   18. Marijuana cultivation facility, indoor small;
   19. Marijuana cultivation facility, outdoor limited;
   20. Mobile homes;
   21. Riding academies and stables;
   22. Single-family detached dwellings;
   23. Small wireless facility;
   24. Two-family attached dwellings;
   25. Trade/technical/vocational school.

B. Conditional Uses. In the RF-4 and RF-2, rural farmstead districts, conditional uses are:
   1. Agribusiness;
   2. Airports, heliports and aircraft landing fields, and related buildings essential in the operation of such uses;
3. Cemeteries;
4. Communications tower, major;
5. Day care facilities;
6. Dormitories and other dwelling units, including mobile homes, placed on the premises to be used by individuals employed in the agricultural uses of the premises;
7. Group homes;
8. Hostels;
9. Marijuana cultivation facility, indoor unlimited;
10. Marijuana cultivation facility, outdoor unlimited;
11. Marijuana product manufacturing facility, limited;
12. Marijuana retail agricultural accessory facility;
13. Marijuana testing facility;
14. Professional offices;
15. Public utility and service uses including, but not limited to: fire stations, transfer stations, neighborhood dumpsters, public dumping sites, electric substations, gas regulator stations, telephone exchanges, sewage treatment plants, well and water pumping stations, water filtration plants, water reservoirs, and other similar uses. These uses do not include the installation and maintenance of utility lines which are permitted uses;
16. Residential cluster development;

18.32.030 Standards.
In the RF-4 and RF-2, rural farmstead districts, geometric standards are:
A. Lot Area.
   1. In the RF-4 district, lot area shall not be less than 160,000 square feet;
   2. In the RF-2 district, lot area shall not be less than 80,000 square feet.
B. Required Yards for Buildings.
   1. Front yard shall not be less than 35 feet;
   2. Side yard shall not be less than 10 feet;
   3. Rear yard shall not be less than 10 feet.
C. Building Height. Unlimited.
D. Exceptions to Yard, Lot Area and Building Height Requirements. See Chapter 18.96 FNSBC.
E. Parking. See Chapter 18.96 FNSBC.
## Analysis of Actual Lot Sizes

<table>
<thead>
<tr>
<th></th>
<th>RA-5</th>
<th>RF-4</th>
<th>RF-2</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total # of lots</strong></td>
<td>1,438</td>
<td>72</td>
<td>48</td>
</tr>
<tr>
<td><strong>Minimum lot size</strong></td>
<td>200,000</td>
<td>160,000</td>
<td>80,000</td>
</tr>
<tr>
<td><strong>Actual acreage size</strong></td>
<td>4.59 acres</td>
<td>3.67 acres</td>
<td>1.84 acres</td>
</tr>
<tr>
<td># of lots less than minimum lot size</td>
<td>618</td>
<td>7</td>
<td>9</td>
</tr>
<tr>
<td>% of lots less than minimum lot size</td>
<td>43%</td>
<td>10%</td>
<td>19%</td>
</tr>
<tr>
<td># of lots under 75% of minimum lot size</td>
<td>504</td>
<td>2</td>
<td>8</td>
</tr>
<tr>
<td>% of lots under 75% of minimum lot size</td>
<td>35%</td>
<td>3%</td>
<td>17%</td>
</tr>
<tr>
<td># of lots under 50% of minimum lot size</td>
<td>314</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>% of lots under 50% of minimum lot size</td>
<td>22%</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>
**Attachment 6: Analysis of Actual Lot Sizes**

<table>
<thead>
<tr>
<th></th>
<th>RF-2</th>
<th>RF-4</th>
<th>RA-5</th>
<th>RA-10</th>
<th>RA-20</th>
<th>RA-40</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total # of lots</strong></td>
<td>48</td>
<td>72</td>
<td>1,438</td>
<td>192</td>
<td>32</td>
<td>45</td>
</tr>
<tr>
<td><strong>Minimum lot size in square feet</strong></td>
<td>80,000</td>
<td>160,000</td>
<td>200,000</td>
<td>400,000</td>
<td>800,000</td>
<td>1,600,000</td>
</tr>
<tr>
<td><strong>Minimum lot size in acres</strong></td>
<td>1.84 acres</td>
<td>3.67 acres</td>
<td>4.59 acres</td>
<td>9.18 acres</td>
<td>18.4 acres</td>
<td>36.7 acres</td>
</tr>
<tr>
<td><strong># of lots less than minimum lot size</strong></td>
<td>9</td>
<td>7</td>
<td>618</td>
<td>71</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td><strong>% of lots less than minimum lot size</strong></td>
<td>19%</td>
<td>10%</td>
<td>43%</td>
<td>37%</td>
<td>9%</td>
<td>4%</td>
</tr>
<tr>
<td><strong># of lots under 75% of minimum lot size</strong></td>
<td>8</td>
<td>2</td>
<td>504</td>
<td>55</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td><strong>% of lots under 75% of minimum lot size</strong></td>
<td>17%</td>
<td>3%</td>
<td>35%</td>
<td>29%</td>
<td>9%</td>
<td>4%</td>
</tr>
<tr>
<td><strong># of lots under 50% of minimum lot size</strong></td>
<td>0</td>
<td>0</td>
<td>314</td>
<td>24</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td><strong>% of lots under 50% of minimum lot size</strong></td>
<td>0</td>
<td>0</td>
<td>22%</td>
<td>13%</td>
<td>6%</td>
<td>4%</td>
</tr>
</tbody>
</table>
PUBLIC TESTIMONY

FAIRBANKS NORTH STAR BOROUGH PLANNING COMMISSION
LOCATION: Mona Lisa Drexler Assembly Chambers / 907 Terminal Street
MEETING OF: Tuesday, September 10, 2019 at or after 6:00 p.m.

ORD2019-32: A ordinance amending FNSBC Title 18 to define banquet halls and to add banquet halls as a use in various zones.

Please print your name and mailing address below. Thank you.

PRINTED NAME  SIGNATURE  NEIGHBORHOOD OR PLACE OF RESIDENCE
John Doe   John Doe   123 Anyplace Ave

Alden Wilbur   Alden Wilbur   Fairbanks
Marna Sanford MJ  Farmers Loop
Ordinance #2019-32
Banquet Halls

Planning Commission
September 10, 2019
Elements of Ordinance #2019-32

• Definition of Banquet Hall

• Adding Banquet Hall to the Rural and Agricultural zones (RA-5, RA-10, RA-20, and RA-40)

• Adding Banquet Hall to the Rural Farmstead zones (RF-2 and RF-4)
Purpose and Intent of RA/RF Zones

• RA zones: “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.”

• RF zones: “intended for small scale agricultural uses of land. These districts are intended for areas where community sewer and water systems are unavailable.”
<table>
<thead>
<tr>
<th></th>
<th>RF-2</th>
<th>RF-4</th>
<th>RA-5</th>
<th>RA-10</th>
<th>RA-20</th>
<th>RA-40</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total # of lots</td>
<td>48</td>
<td>72</td>
<td>1,438</td>
<td>192</td>
<td>32</td>
<td>45</td>
</tr>
<tr>
<td>Minimum lot size in square feet</td>
<td>80,000</td>
<td>160,000</td>
<td>200,000</td>
<td>400,000</td>
<td>800,000</td>
<td>1,600,000</td>
</tr>
<tr>
<td>Minimum lot size in acres</td>
<td>1.84 ac.</td>
<td>3.67 ac.</td>
<td>4.59 ac.</td>
<td>9.18 ac.</td>
<td>18.4 ac.</td>
<td>36.7 ac.</td>
</tr>
<tr>
<td># of lots less than minimum lot size</td>
<td>9</td>
<td>7</td>
<td>618</td>
<td>71</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>% of lots less than minimum lot size</td>
<td>19%</td>
<td>10%</td>
<td>43%</td>
<td>37%</td>
<td>9%</td>
<td>4%</td>
</tr>
<tr>
<td># of lots under 75% of minimum lot size</td>
<td>8</td>
<td>2</td>
<td>504</td>
<td>55</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>% of lots under 75% of minimum lot size</td>
<td>17%</td>
<td>3%</td>
<td>35%</td>
<td>29%</td>
<td>9%</td>
<td>4%</td>
</tr>
<tr>
<td># of lots under 50% of minimum lot size</td>
<td>0</td>
<td>0</td>
<td>314</td>
<td>24</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>% of lots under 50% of minimum lot size</td>
<td>0</td>
<td>0</td>
<td>22%</td>
<td>13%</td>
<td>6%</td>
<td>4%</td>
</tr>
</tbody>
</table>
Land Use Impacts of Event Venues

- Traffic
- Lack of effective traffic control measures
- Parking along roads off-site
- Intoxicated people/driver associated with events
- Inadequate restroom facilities and disposal of human waste
- Noise
- Hours of operation
- Frequency of events
- Odors/Litter/Dust
- Trespass onto neighboring properties
Consistency with the Comp Plan

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

- **Strategy 1:** Establish the Borough as the center of economic activity for Interior Alaska
  - **Action D:** Continue efforts to foster and retain local entrepreneurs

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

**Economic Development Goal 2:** To diversify the economy

- **Strategy 6:** Emphasize development that brings new dollars into the community, including efforts to add value to the region’s natural, manufactured, service and intellectual resources

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

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

**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

- **Strategy 11:** Encourage effective and harmonious resolution of community land-use conflicts
Proposed Amendments

• Proposed Amendment #1: Amend Line 39 to read: Banquet halls, only on lots of not less than 200,000 square feet in area;
  This amendment would limit banquet halls as a conditional use to lots of 200,000 square feet (4.59 acres) or larger in the RA-5, RA-10, RA-20, and RA-40 zones.

• Proposed Amendment #2: Delete Lines 41-44.
  This amendment would remove the proposed banquet halls use from inclusion in the RF zones.

• While supplemental standards are helpful for maintaining land use compatibility with neighboring properties and the establishment and enforcement of conditions, Community Planning is not proposing any such amendment(s) at this time.
RECOMMENDED DRAFT MOTION

I move to recommend approval of Ordinance #2019-32 with the following amendments:

1. Amend Line 39 to read: Banquet halls, only on lots of not less than 200,000 square feet in area; and

2. Delete Lines 41-44.
Wilber property near Farmers Loop Road
APPEAL OF GR2019-132
POSTPONED
FAST Planning
TECHNICAL COMMITTEE MEETING
Wednesday, September 4, 2019
12:00 – 2:00 P.M.
City of Fairbanks, 800 Cushman Street, City Council Chambers
Call In # (907) 459-6769

1. Call to Order
2. Introduction of Members and Attendees
3. Approval of the September 4, 2019 Agenda
4. Approval of the August 7, 2019 Meeting Minutes  Pg 1-5
5. Committee/Working Group Reports (including the Chair’s Report)
6. Public Comment Period (Non-Action Items)
7. Old Business
8. New Business
   a. 2020 Meeting Calendar (Action Item)   Pg 6
   b. Technical Committee Meeting Location (Action Item)
   c. 2nd Annual Winter Maintenance Forum   Pg 7
   d. FFY21/22 FAST Improvement Program – Project Nominations   Pg 8-25
   e. CMAQ Project Evaluation Criteria & Nomination Process   Pg 26-59
9. Other Issues
10. Informational Items
    a. 8.21.19 Policy Board Action Items   Pg 60-61
    b. Obligations and Offsets   Pg 62-65
11. Technical Committee Comments
12. Adjournment

Next Scheduled Technical Committee Meeting – Wednesday, October 2, 2019, Noon, Fairbanks City Council Chambers