1. **ROLL CALL**

2. **MEMORANDA/ REPORTS/ PRESENTATIONS**
   
a. Presentation by Community Planning staff and Shelly Wade of Agnew::Beck regarding the Salcha-Badger Subarea plan, to include a question and answer period.

b. Presentation by Administration on Non-Areawide Emergency Medical Services Borough powers, to include a question and answer period.

3. **ADVANCED ORDINANCES AND RESOLUTIONS**
   
a. **ORDINANCE NO. 2019-12.** An Ordinance Amending Chapter 3.24 FNSBC To Establish A New Regional Emergency Services Advisory Committee. (Sponsors: Mayor Ward and Assemblymember Cooper) *(Page 2)*

b. **ORDINANCE NO. 2019-10.** An Ordinance Amending FNSBC Title 18 Regarding Small Wireless Facilities And To Amend The Definitions Of And Standards For Communication Towers, And Amending Chapter 21.05 FNSBC, Street Address Assignments. (Sponsor: Mayor Ward) *(Page 8)*

c. **ORDINANCE NO. 2019-13.** An Ordinance Authorizing The Direct Sale Of USMS 1907 Within Section 2, T.3N., R.1E., F.M., To An Adjoining Land Owner And Finding A Public Need For USMS 1907 No Longer Exists (MP 28 Steese Hwy). (Sponsor: Mayor Ward) *(Page 32)*

4. **BRIEFINGS FROM THE BOROUGH MAYOR**

5. **ASSEMBLY BUSINESS/ COMMENTS**

6. **ADJOURNMENT**
MEMORANDUM

To: Fairbanks North Star Borough Assembly
From: Bryce Ward, Mayor
Date: February 28, 2019
Subject: Ordinance No. 2019-12
Establishing Regional Emergency Services Advisory Committee

Attached is an ordinance establishing a regional emergency services advisory committee. This proposal is being introduced as an alternative to Mayor Kassel's August 9, 2018 Ordinance 2018-24 which proposed to eliminate Fire Service Commissions and establish a new Fire and Emergency Medical Services Advisory Commission. No final action has been taken by the Assembly on Ordinance 2018-24.

This ordinance and 2018-24 both recognize that our current system of fire service and EMS has evolved into a regional service delivery system where service providers are dependent on each other and where service delivery standards are sometimes blurry. Both ordinances recognize opportunities to improve service delivery provisioning standards, to include operational efficiencies.

My intention is for the Assembly, Fire Service Commissioners and staff to discuss the merits of both ordinances at the Saturday March 2, 2019 Fire/EMS work session, then refer this ordinance to Fire Service Commissions for comments. Please consider bringing this ordinance back to the Assembly for a public hearing and action on not earlier than April 11th, 2019.

Attachment: Ordinance
FAIRBANKS NORTH STAR BOROUGH

ORDINANCE NO. 2019-12

AN ORDINANCE AMENDING CHAPTER 3.24 FNSBC TO ESTABLISH A NEW REGIONAL EMERGENCY SERVICES ADVISORY COMMITTEE

WHEREAS, The Borough has five fire service areas created in accordance with AS 29.35.450, to provide fire service that was not otherwise provided on an areawide or nonareawide basis; and

WHEREAS, The Borough provides nonareawide Emergency Medical Services (EMS) which means the service is provided to all areas of the borough outside the cities; and

WHEREAS, Each fire service area has its own commission and, with the exception of the University Fire Service Area, the Borough contracts with an independent non-profit fire department governed by a board of directors to provide fire protection on behalf of the service area; and

WHEREAS, Each fire department also has a contract with the Borough to provide EMS, generally within its fire response area; and

WHEREAS, The Borough contracts with the City of Fairbanks to provide EMS to Lakeview Terrace and the Secluded Acres Subdivision; and the City of North Pole to provide EMS to areas of the North Star Fire Service Area generally located south of the Chena River; and

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT

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WHEREAS, Borough fire service and EMS providers, through a series of formal and informal operational arrangements, have evolved into a regional service delivery system; and

WHEREAS, An interdependent network of fire protection service providers has evolved because all area fire departments require outside assistance in order to field sufficient resources to meet national response standards and ensure adequate staffing and water supply to respond to a fire emergency; and

WHEREAS, This requirement causes the initial dispatch of as many as five fire departments, including from adjacent fire service areas, whenever a call for a confirmed fire is received by the dispatch center; and

WHEREAS, Some fire departments require that an ambulance respond from an adjacent fire department to transport patients that are sick or injured because they are contracted to provide first responder level EMS only; and

WHEREAS, This interdependence of emergency services providers creates an opportunity for a regional advisory committee to recommend standards for equipment, training, fire station locations and staffing, as well as evaluating opportunities for improving efficiencies through cooperative purchasing, sharing of staff and facilities; and

WHEREAS, The Assembly conducted a series of work sessions in 2014 and 2015 to discuss the complexity of the current service delivery model and consider opportunities for improvement of our current system of providing fire service and EMS; and

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Fairbanks North Star Borough, Alaska

ORDINANCE NO. 2019-
WHEREAS, It is advantageous to have an advisory committee to consider the provision of fire services from a regional perspective to recommend ways to leverage borough resources in such way as to provide a uniform level of fire protection services to all residents of fire service areas; and

WHEREAS, There are opportunities to improve EMS provided to borough residents, including ensuring that the closest ambulance is dispatched when a call for medical assistance is received, and

WHEREAS, The current structure of having five separate fire service area commissions without a regional advisory body inhibits the development of long-range plans including those that are best developed regionally, including: capital plans, standards of response coverage, future fire station locations and construction, staffing, recruitment and retention strategies, deferred maintenance priorities, and annexations.

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

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

Section 2. Chapter 3.24 FNSBC is amended to add a new Section 3.24.070, Regional Emergency Services Advisory Committee, as follows:

A. A regional emergency services advisory committee is created with the chair and one member to be appointed from the membership of the assembly by the presiding officer. The chair shall preside over all meetings of the regional emergency services advisory committee, setting its agenda, and organizing such procedures as are

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necessary to meet annual goals. Goals shall be set annually by the chair and the administration.

1. Notwithstanding other provisions of this chapter, additional members of the regional emergency services advisory committee shall include: two representatives designated annually in January by the five fire service area commission chairs to represent their collective interests; two residents appointed by the mayor that have a demonstrated knowledge in fire and emergency medical services; and, one property owner appointed by the borough mayor that can adequately represent the interests of rural residents. No member shall be appointed who is a current fire or emergency medical services contractor for the borough. Members appointed by the mayor shall serve at the pleasure of the mayor. The borough mayor and emergency operations director shall be ex-officio members of the committee, but are not entitled to vote and are not members for purposes of establishing a quorum.

2. The committee shall meet quarterly or at the call of the chair. A majority of the committee members shall constitute a quorum.

B. The purpose of the regional emergency services advisory committee shall be to review and monitor the provision of fire, emergency medical, and other emergency services in the borough, and make recommendations to the assembly. The committee shall have the following powers and duties:

1. Review risk and service demand, revenue and expenses, and make recommendations for the implementation of service levels and delivery provided by the borough, to include assisting with the development of a Standards of Response Coverage document for all borough fire and emergency medical services and recommending location of fire stations and the distribution of apparatus and personnel;

2. Review the facilities, capital equipment, human and financial resources, response data, and any plans for the delivery of fire and emergency medical services in the borough:
3. Conduct public meetings to elicit input from residents concerning desired levels of service and cost of providing services;

4. Make recommendations for long term solutions that ensure equitable delivery of services in the borough, including consideration of annexations, differential tax zones, or other legally available options.

Section 3. 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
MEMORANDUM

TO: Fairbanks North Star Borough Assembly

THROUGH: Bryce Ward, Mayor
          Jim Williams, Chief of Staff

FROM: D. Christine Nelson, AICP
       Community Planning Director

DATE: February 14, 2019

SUBJECT: ORDINANCE NO. 2019-10

Ordinance 2019- proposes to amend Title 18 to align borough code with existing federal regulations of wireless telecommunications. The proposed ordinance will update the definition of a minor communications tower and add a definition for a small wireless facility to clarify the distinction between these uses. The proposed ordinance will also exempt small wireless facilities and other utility distribution lines from the requirement for a zoning permit. The proposed ordinance also creates streamlined permitting processes for the collocation, modification, and replacement of existing telecommunications facilities.

Please refer this ordinance to the Planning Commission for their review and recommendation to the Borough Assembly.
FAIRBANKS NORTH STAR BOROUGH

ORDINANCE NO. 2019-10

AN ORDINANCE AMENDING FNSBC TITLE 18 REGARDING SMALL WIRELESS FACILITIES AND TO AMEND THE DEFINITIONS OF AND STANDARDS FOR COMMUNICATION TOWERS, AND AMENDING CHAPTER 21.05 FNSBC, STREET ADDRESS ASSIGNMENTS

WHEREAS, Wireless telecommunications is important to the economy and citizens of the Fairbanks North Star Borough; and

WHEREAS, Wireless telecommunications technology has evolved rapidly and continues to evolve with the commencement of 5G technology and service; and

WHEREAS, As essential infrastructure for 5G technology, wireless service providers deploy a network of small wireless service antennas, commonly referred to as small wireless facilities; and

WHEREAS, Although small wireless facilities are smaller in size than major or minor communications towers, larger numbers of these facilities are necessary to support 5G service; and

WHEREAS, Most small wireless facilities are expected to be located within public rights-of-way; and

WHEREAS, Small wireless facilities have an appearance and land use impacts similar to other existing infrastructure in public rights-of-way; and

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
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WHEREAS, Small wireless facilities on private property have negligible land use impacts on neighbors because their appearance is similar to other utility poles and structures; and

WHEREAS, FNSBC Title 18 does not currently distinguish small wireless facilities from minor communications towers, which require a conditional use permit in many zones; and

WHEREAS, Orders issued by the Federal Communications Commission in 2014 and 2018 significantly changed how wireless telecommunications can be regulated; and

WHEREAS, The September 26, 2018 FCC order clarifies that the Telecommunication Act of 1996 preempts local regulations or requirements that conflict with Federal law by materially inhibiting the provision of wireless services; unreasonable permitting delays or fees, and service-inhibiting location or aesthetic standards are preempted by federal law; and

WHEREAS, Application of Title 18 minor communication tower requirements to small wireless facilities is preempted by Federal law; and

WHEREAS, Small wireless facilities are defined and regulated by Federal law, and must comply with Federal environmental and safety standards; and

WHEREAS, FNSBC Title 18 has not been updated since 2012 to address significant changes in the regulation and technology of wireless telecommunications; and

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WHEREAS, The existing telecommunications infrastructure in the borough requires frequent modifications in order to continue to upgrade the telecommunications network; and

WHEREAS, Modifications to existing communications towers that do not increase the allowed tower height and are within a fenced compound have negligible land use impacts on neighboring property owners; and

WHEREAS, As the technology evolves and engineering requirements change, tower replacements are often necessary to keep a tower structurally sound and protect the public safety; and

WHEREAS, The amendments to Title 18 will assist in the improvement and expansion of wireless telecommunications services by streamlining the permitting process for small wireless facilities and the collocation, modification, and replacement of communication towers.

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]

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“Communications tower, minor” means any tower, pole, or similar guyed or fixed structure that supports a communications antenna, other than a small wireless facility, which does not exceed the greater of [60]80 feet in height from adjacent ground level or 30 feet above the roof of any building atop which the tower may be constructed [ANTENNAS WHICH ARE DIRECTLY ATTACHED TO BUILDING FACADES AND DO NOT EXTEND ABOVE THE ESTABLISHED ROOF LINE ARE EXEMPT FROM THIS TITLE]. A minor communications tower is not a principal building under this title.

“Small wireless facility” means a type of wireless communications infrastructure that is typically in the form of small antennas mounted on a structure of limited height together with small associated equipment for the purpose of enabling wireless communication between user equipment and a communications network and that meets the standards set forth in the supplementary regulations in this title (Chapter 18.96 FNSBC). A small wireless facility is not a principal building under this title.

Section 3. FNSBC 18.20.020(A) Outdoor Recreational, Use regulations, is hereby amended as follows: [the Clerk shall add or amend the permitted uses in alphabetical order as necessary]

Small wireless facility:

Section 4. FNSBC 18.20.020(B) Outdoor Recreational, Use regulations, is hereby amended as follows: [the Clerk shall add or amend the conditional uses in alphabetical order as necessary]

Public utility and service uses including, but not limited to: fire stations, transfer stations, neighborhood dumpsters, public dumping sites, electric substations, gas regulator stations, sewage treatment plants, well and water pumping stations, water filtration plants, water reservoirs, and other similar uses. These uses do not include the installation and maintenance of utility lines [WHICH ARE PERMITTED USES IN ALL ZONING DISTRICTS];

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Section 5. FNSBC 18.28.020(A) Rural and Agricultural, Use regulations, is hereby amended as follows: [the Clerk shall add or amend the permitted uses in alphabetical order as necessary]

Small wireless facility;

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. These uses do not include the installation and maintenance of utility lines [WHICH ARE PERMITTED USES IN ALL ZONING DISTRICTS];

Section 6. FNSBC 18.32.020(A) Rural Farmstead, Use regulations, is hereby amended as follows: [the Clerk shall add or amend the permitted uses in alphabetical order as necessary]

Small wireless facility;

Section 7. 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]

Public utility and services 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 IN ALL ZONING DISTRICTS];
Section 8. FNSBC 18.36.020(A) Rural Estate, Use regulations, is hereby amended as follows: [the Clerk shall add or amend the permitted uses in alphabetical order as necessary]

Small wireless facility:

Section 9. FNSBC 18.36.020(B) Rural Estate, Use regulations, is hereby amended as follows: [the Clerk shall add or amend the conditional uses in alphabetical order as necessary]

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 IN ALL ZONING DISTRICTS];

Section 10. FNSBC 18.40.020(A) Rural Residential, Use regulations, is hereby amended as follows: [the Clerk shall add or amend the permitted uses in alphabetical order as necessary]

Small wireless facility:

Section 11. FNSBC 18.40.020(B) Rural Residential, Use regulations, is hereby amended as follows: [the Clerk shall add or amend the conditional uses in alphabetical order as necessary]

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

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uses do not include the installation and maintenance of utility lines [WHICH ARE PERMITTED USES IN ALL ZONING DISTRICTS];

Section 12. FNSBC 18.44.020(A) Single-Family Residential, Use regulations, is hereby amended as follows: [the Clerk shall add or amend the permitted uses in alphabetical order as necessary]

Small wireless facility;

Section 13. FNSBC 18.44.020(B) Single-Family Residential, Use regulations, is hereby amended as follows: [the Clerk shall add or amend the conditional uses in alphabetical order as necessary]

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 IN ALL ZONING DISTRICTS];

Section 14. FNSBC 18.56.020(B) Multiple-Family Residential/Professional Office, Use regulations, is hereby amended as follows: [the Clerk shall add or amend the conditional uses in alphabetical order as necessary]

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 [PUBLIC] utility lines [WHICH ARE PERMITTED USES IN ALL ZONING DISTRICTS];

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Section 15. FNSBC 18.60.020(B) Light Commercial, Use regulations, is hereby amended as follows: [the Clerk shall add or amend the conditional uses in alphabetical order as necessary]

Public utility and service uses including, but not limited to: fire stations, electric substations, gas regulator stations, telephone exchanges, well and water pumping stations, water filtration plants, water reservoirs, and other similar uses. These uses do not include the installation and maintenance of [PUBLIC] utility lines [WHICH ARE PERMITTED USES IN ALL ZONING DISTRICTS];

Section 16. FNSBC 18.64.020(A) General Commercial, Use regulations, is hereby amended as follows: [the Clerk shall add or amend the permitted uses in alphabetical order as necessary]

Public utility and service uses including, but not limited to: fire stations, transfer stations, neighborhood dumpsters, public dumping sites, electric substations, gas regulator stations, sewage treatment plants, well and water pumping stations, water filtration plants, water reservoirs, and other similar uses. These uses do not include the installation and maintenance of [PUBLIC] utility lines [WHICH ARE PERMITTED USES IN ALL ZONING DISTRICTS];

Section 17. FNSBC 18.96.155 Standards for Small Wireless Facilities, is hereby added as follows:

A. Small wireless facilities are subject to the following requirements:

1. Each antenna shall be no more than three cubic feet in volume; and

2. All other wireless equipment associated with the structure, including wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, shall be no more than 28 cubic feet in volume; and

3. The facility shall not be mounted on a structure such that:

   a. it is more than 50 feet in height, including antennas;

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b. it is more than 10% taller than other adjacent structures;

c. mounting extends the existing structure on which it is located to a height of more than 50 feet or more than 10%, whichever is greater.

4. The height of a communications facility is the distance measured from the base of the structure to the top of the structure, including all antennas and other appurtenances.

B. For purposes of this section, structure means pole, tower, base station, or other building, whether or not it has an existing antenna facility.

C. Wireless infrastructure exceeding the requirements of this section shall be considered a minor communications tower.

Section 18. FNSBC 18.96.160 Supplementary Regulations, Standards for communications towers, is hereby amended as follows:

A. In all zones in which major communications towers are a permitted or conditional use, [THE FOLLOWING STANDARDS APPLY:

1. One freestanding tower with a maximum height of [150][200 feet is permitted per lot. Additional freestanding towers and those with a height exceeding [150] 200 feet are conditional uses and are subject to the requirements of subsection (C) of this section. [COLLOCATION SHALL GRANT AN ADDITIONAL 15 FEET ABOVE THE BASE HEIGHT FOR EACH QUALIFYING ANTENNA TO A MAXIMUM OF 30 FEET OF ADDITIONAL HEIGHT. "HEIGHT" OF A COMMUNICATIONS TOWER IS THE DISTANCE FROM THE BASE OF THE TOWER TO THE TOP OF THE STRUCTURE.]

2. COMMUNICATIONS TOWERS AND ANTENNAS MUST COMPLY WITH ALL FEDERAL, STATE AND LOCAL LAWS.]

B. In all zones in which minor communications towers are a permitted or conditional use, the following standards apply:

1. One freestanding tower with a maximum height of 80 [60] feet is permitted per lot; or

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2. One nonfreestanding tower and/or antenna, affixed atop a building or structure, is permitted per lot.

3. Additional towers or roof-mounted antennas are a conditional use subject to the requirements of subsection (C) of this section.

[4. COMMUNICATIONS TOWERS AND ANTENNAS MUST COMPLY WITH ALL FEDERAL, STATE AND LOCAL LAWS.]

C. The following standards shall apply to major or minor communications towers when a conditional use permit is required pursuant to this section or other sections of this title:

1. Application Requirements. In addition to providing the information specified in this title for conditional uses, an application for a conditional use permit for the construction of a communications tower or placement of a telecommunications antenna on an existing structure other than a tower or antenna previously permitted must include the following information:

   a. One copy of the specifications for the proposed structures and antennas, including description of the design characteristics and material;

   b. A site plan drawn to scale showing property boundaries, tower location, tower height, guy wires and anchors, existing structures, photographs or elevation drawings depicting typical design of proposed structures, parking, fences, landscaping, and existing land uses on adjacent property;

   c. A current map showing locations of all of the applicant’s antennas, facilities, existing towers, and proposed towers within the borough;

   d. Names of the owners of the tower, antennas and equipment to be located on the site;

   e. Evidence that a valid FCC license for the proposed activity has been issued, if required;

   f. A copy of the FAA determination as to whether the tower poses an aviation hazard, including the safety lighting and marking required by FAA, if any, and

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whether preferences or requests for deviations from such marking and lighting systems were submitted;

g. A written agreement, approved by the borough attorney, to remove the tower and/or antenna within 180 days after the tower or antenna is substantially unused for a period of 12 consecutive months;

h. A visual impact analysis that quantifies the amount of visual impact on properties located within 500 feet of any proposed tower; for major communications towers, additional analysis must be conducted at 2,500 feet, and two miles from the proposed communications tower site. Such analysis should include, to the extent practicable, the visual impact from at least two of the four compass directions, and show the relationship of the tower and its facilities against the massing of surrounding structures, trees, and other intervening visual masses. This analysis will include recommendations to mitigate adverse visual impacts on other properties;

i. An alternative site analysis including the availability of suitable existing towers and other alternative structures or locations for the proposed tower considered by the applicant;

j. Additional information required by the planning department for determination that all applicable laws are met.

2. Approval Criteria. The planning commission shall approve, approve with conditions or deny a permit under this section after considering all of the following criteria:

a. Location and Visual Impact. The proposed communications tower, antenna or accessory structure will be placed in a reasonably available location which will minimize the visual impact on the surrounding area and allow the facility to function in accordance with minimum standards imposed by the applicable communications regulations and applicant's technical design requirements. Conditions may be imposed, including camouflage, screening, vegetative buffers and/or site requirements, to ensure this criteria is met.

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b. Inability to Locate on an Existing Structure. A permit should not be issued unless a proposed antenna and equipment cannot be accommodated and function as required by applicable regulations and applicant’s technical requirements without unreasonable modifications on any existing structure or tower under control of the applicant.

c. Necessity for Location in a Residential Neighborhood. A permit should not be issued in a residential neighborhood unless the area cannot be adequately served by a facility placed in a nonresidential area for valid technical reasons. Conditions may be imposed to lessen the impact of a communications tower on a residential neighborhood, including limitations on times for maintenance work to be performed, number of vehicles present, yard maintenance, and similar requirements.

d. Design for Future Use. A new tower must be designed to accommodate additional antennas equal in number to the applicant’s present and reasonably foreseeable future requirements.

e. Collocation. A permit shall be conditioned to require the applicant to make the tower available for use by as many other licensed carriers as can be technically collocated thereon when the use will not result in substantial injury to the owner, or in substantial detriment to the service to the customers of the owners. All licensed carriers shall cooperate with each other in collocating additional facilities upon such towers. All licensed carriers shall exercise good faith in collocating with other licensed carriers and in the sharing of towers, including the sharing of technical information to evaluate the feasibility of collocation.

f. Illumination. A communications tower may not be illuminated unless otherwise required by state or federal law or regulations or unless evidence has been presented that lighting is necessary to ensure the safety of the public. To prevent direct light reflection on other property, tower structure lighting shall be shielded to the extent permitted by the Federal Aviation Administration.

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g. Distance from Existing Tower. A permit for a proposed tower within 1,000 feet of an existing tower shall not be issued unless the applicant certifies that the existing tower does not meet the applicant’s structural specifications and the applicant’s technical design requirements, or that a collocation agreement could not be obtained.

h. Yard Requirements. Yards shall be a distance equal to 50 percent or greater of the height of the tower from a lot line. The planning commission may modify this requirement if the tower and equipment will be adequately screened to mitigate its visual impact and no safety hazards are presented.

i. Fencing. The area around the tower, including all associated equipment, shall be enclosed within a sight-obscuring fence of no less than 6 feet in height unless equipment is located within a full enclosed building.

j. Height. The permitted height of a proposed tower shall be the minimum required to meet the applicant’s technical needs and will consider the impact on the surrounding uses.

k. Zoning District Standards. Nothing in this section alters the requirements for visibility, fencing, screening, landscaping, parking, access, lot size, exterior illumination, sign, storage, or other general zoning district regulations, except yard and height requirements, of any specific zone. Yard and height requirements in this section shall apply.

l. Design Drawings and Specifications. A permit shall be conditioned to require the applicant to submit design drawings and specifications stamped by a registered professional in the state of Alaska certifying compliance with the building code of the authority having jurisdiction.

m. Compliance with Other Laws. A proposed tower must comply with all local, state, and federal laws.

D. In all zones in which communications towers are a permitted or conditional use, the following standards apply:

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
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1. Collocation. Collocation of antenna and communications equipment on an existing communications tower shall be permitted with the issuance of a zoning permit.

2. Modification. Modification may only be made to communication towers and their associated antennas and equipment if they meet all applicable permitting requirements, including prior conditions of approval, or are legal non-conforming.

   a. Minor modifications to towers, antennas, and equipment shall be permitted with a zoning permit. A minor modification is a change to an existing tower, antennas or equipment that meets the following criteria:

      i. The modification does not increase the height of a minor communications tower more than 80 feet in height or more than 30 feet above the roof of any building atop which the tower is constructed;

      ii. The modification does not increase the height of a major communications tower more than 200 feet in height;

      iii. The modification does not add an antenna or appurtenance to the body of the tower that protrudes more than 20 feet from the edge of the tower.

      iv. The modification is located on an existing tower, within a fenced compound area, or in a fully enclosed building;

      v. The modification does not violate any prior conditions of approval.

   b. Major modifications shall be submitted to the planning commission as a request to amend the conditional use permit. A major modification is a change that does not meet the criteria for a minor modification.

3. Replacement. Existing communication towers may be replaced if the following criteria are met:

   a. The existing tower meets all applicable permitting requirements, including prior conditions of approval, or is legal non-conforming; and

   b. The replacement tower does not exceed more than 10% of the height of the existing tower; and

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c. The replacement tower is placed in the same location as the 
existing tower; and

d. The replacement tower does not violate any prior conditions of 
approval; and

e. A zoning permit is obtained prior to the replacement of the tower.

4. Height. The height of a communications tower is the distance measured 
from the base of the structure to the top of the structure, including all antennas, lights, 
lightning rods, and other appurtenances. For purposes of this section, structure means 
pole, tower, base station, or other building, whether or not it has an existing antenna 
facility.

5. Compliance. Communications towers and antennas must comply with all 
federal, state and local laws.

Section 19. FNSBC 18.104.080(B) Amendments, Changes and Procedures, 
Zoning permits, is hereby amended as follows:

B. Requirements. Before any excavation, construction, relocation or installation is 
started for a new use, a zoning permit shall be obtained by the owner, or his/her 
authorized representative, of any land in both the incorporated and unincorporated 
areas of the borough. The zoning permit application shall include the necessary 
information and be submitted in accordance with the standards and procedures as 
adopted by the borough and as required in this title and other ordinances.

1. Except for conditional uses and permitted marijuana establishments, 
changes made to any land or use in the general use districts and outside any 
designated special landscape area overlay zone do not require a zoning permit.

2. The clearing or grading of a lot does not require a zoning permit.

3. Construction activities as described in the 2015 Edition of the International 

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4. The installation and maintenance of utility distribution lines and small wireless facilities, including poles, lines, and cabinets, do not require a zoning permit.

5. Antennas which are directly attached to building facades and do not extend above the established roof line do not require a zoning permit.

Section 20. FNSBC 21.05.010 Street Address Assignment, Definitions, is amended as follows:

"Addressable feature" means a constructed or proposed improvement with a fixed location that requires a street address for an owner’s business or personal purpose or for the potential delivery of emergency services, including facilities that transmit, convey, or deliver information to a public safety agency.

Section 21. 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

APPROVED:

Jill S. Dolan
Borough Attorney
MEMORANDUM

TO: Fairbanks North Star Borough Assembly

THROUGH: Bryce Ward, Mayor
Jim Williams, Chief of Staff

FROM: Christine Nelson, AICP
Community Planning Director

DATE: March 28, 2019

SUBJECT: ORDINANCE NO. 2019-10 Small Wireless Facilities

Ordinance 2019-10 is sponsored by FNSB Administration and was referred to the Planning Commission on February 14, 2019 for review and recommendation.

On February 26, 2019, the Fairbanks North Star Borough Planning Commission held a public hearing regarding the proposed ordinance.

After analysis of the request, the Department of Community Planning recommended approval of the requested ordinance change with 10 recommended amendments.

The Planning Commission concurred with the staff recommendation and voted 6 in favor, 1 opposed, to recommend approval of the ordinance with 10 recommended amendments to the Borough Assembly.

Planning Commission’s Recommended Amendments to Ordinance 2019-10:

Amendment #1:
Add the phrase “which are permitted uses in all zoning districts and do not require a zoning permit” after the words “utility lines” on Lines 115, 126, 141, 156, 171, 186, 196, 205, and 215.

Amendment #2:
Add the word “or” to the end of Lines 226 and 277.

Amendment #3:
Add the words “small wireless” and delete the word “communications” before the word “facility” on Line 230; and
Add the word “facilities” and delete the word “infrastructure” after the word “Wireless” on Line 235; and

Delete the word “minor” before the word “communications” on Line 236; and

Replace the word “criteria” with “criterion” on Line 310.

Amendment #4:
Replace the word “neighborhood” on Lines 316, 317 and 320 and the word “area” on Line 318 with the word “zone”; and

Add the phrase “or the provider’s service objective cannot otherwise be met” after the word “served” on Line 318; and

Add the phrase “or network deployment” after the word “technical” on Line 318.

Amendment #5:
Remove lines 365 and 366; and

Add the phrase “collocation or other” after the phrase “minor modification is a” and before the word “change” on Lines 371.

Amendment #6:
Add the word “to” before the word “more” on Lines 374 and 377; and

Add the word “and” to the end of lines 375, 377, 379 and 381; and

Change the word “roof” to the word “roofline” at the end of Line 374; and

Change the phrase, after the word “or” and before the word “fully” on Line 381, to read “within a cabinet or”.

Amendment #7:
Add the phrase “to a conditional use” after the word “modifications” on Line 384; and

Add the sentence “Major modifications to a permitted use shall be submitted as a zoning permit.” after the first sentence that ends with “....conditional use permit.” on Line 385.

Amendment #8:
Add the phrase “and all other applicable permits are” after the phrase “A zoning permit” and before the word “obtained” on Line 397.
Amendment #9:
Remove Lines 420-421 and replace them so that the lines read:
4. The installation and maintenance of utility lines, including poles, lines, and cabinets, are
a permitted use in all zones and do not require a zoning permit.
5. Small wireless facilities do not require a zoning permit.

Amendment #10:
Add the phrase “or a conditional use permit in zoning districts that would otherwise require
a conditional use permit” at the end of Line 423.
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

[Commissioner Muehling and Commissioner Stepovich returned to the dais]

[Brief at ease was taken]

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
MEMORANDUM

TO: Faithbanks North Star Borough Assembly

THROUGH: Bryce J Ward, Mayor
Ivar Halvarson, Director, Assessing

FROM: Sandra Mota, Land Manager

DATE: March 14, 2019
ORDINANCE NO. 2019-13

SUBJECT: AN ORDINANCE AUTHORIZING THE DIRECT SALE OF USMS 1907 WITHIN SECTION 2, T.3N., R.1E., F.M., TO AN ADJOINING LAND OWNER AND FINDING A PUBLIC NEED FOR USMS 1907 NO LONGER EXISTS (MP 28 STEESE HWY)

The attached ordinance requests authorization for the direct sale of US Mineral Survey 1907 to an adjoining landowner. Located primarily southwest of the Steese Highway at milepost 28, the parcel was conveyed to the Borough in fee simple by deed recorded on 5 October 1970 in Book 251, Page 337 of the Fairbanks Recording District. As a patented Federal mining claim predating statehood, this conveyance included the mineral estate. The land is primarily dredge tailings with a 200' wide right-of-way imposed across the northeast corner for the Steese Highway. The parcel is 15.79 acres with 2.803 acres subject to said highway right-of-way.

Retained for public purposes by Resolution 89-078, the site was proposed as a location for construction of a Chatanika emergency fire and medical response facility. The site was later found inadequate for the intended purpose.

FNSBC 20.20.090(A) allows the sale of borough land directly to those holding a land interest in borough land or land adjoining borough land. The applicant, Mr. John Reeves currently owns the majority of the adjacent properties. Other adjoining interest holders were contacted and invited to bid for the purchase having declined to do so.

The sale price would reflect the appraised fair market value (FMV) with an added ten percent of FMV as required by FNSBC 20.20.090(A). The sale would not require surveying or platting prior to conveyance. Should the buyer request financing, terms requiring ten (10) percent of the sale price as down payment, and a 10 year deed of trust guarantee to the Borough as Beneficiary with interest set at 4.25 percentage points above the then Federal Discount Rate, would be required.
As required by FNSBC 20.20.020(A), Land Management has reviewed records for the property and there are no existing mining claims or other third-party interests known to Land Management within the proposed sale property which Land Management believes impact or are impacted by the proposed sale.

We support the ordinance and urge its adoption. Thank you.
FAIRBANKS NORTH STAR BOROUGH

ORDINANCE NO. 2019 - 13

AN ORDINANCE AUTHORIZING THE DIRECT SALE OF USMS 1907 WITHIN SECTION 2, T.3N., R.1E., F.M., TO AN ADJOINING LAND OWNER AND FINDING A PUBLIC NEED FOR USMS 1907 NO LONGER EXISTS (MP 28 STEESE HWY)

WHEREAS, The Fairbanks North Star Borough (Borough) is the owner of certain real property known as USMS 1907 within Section 2, T.3N., R.1E., F.M., as shown on Exhibit Map “A” attached hereto; and

WHEREAS, FNSBC 20.20.090 states that the Assembly may, by ordinance, authorize the Mayor to sell borough land directly to an owner of land adjoining borough land; and

WHEREAS, Mr. John Reeves owns multiple parcels of land adjoining the intended sale parcel, more specifically: USMS 1908, USMS 1712, USMS 817, and USMS 1905, Section 2, T.3N., R.1E., F.M.; and

WHEREAS, Other qualifying adjoining interest holders were contacted and invited to bid for the sale parcel having declined to do so; and

WHEREAS, USMS 1907 was retained for needful Borough purposes in the area of Health and Safety by Assembly Resolution 89-078, and at the time was thought suitable to the siting of emergency fire and medical response facilities but later was found inadequate for said purpose; and

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
Text to be added is underlined
Text to be deleted is [BRACKETED, CAPITALIZED]
WHEREAS, Land Management has reviewed records for the property and there are no existing mining claims or other third-party interests known to Land Management within the proposed sale property which Land Management believes impact or are impacted by the proposed sale.

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. Authorization. The parcel proposed for sale meets the conditions of FNSBC 20.20.090 for a direct sale to the adjoining landowner. The Borough Mayor is authorized to take all actions and execute all documents necessary to convey the Borough's interest in USMS 1907 within Section 2, T.3N., R.1E., F.M., to Mr. John Reeves. The parcel shall be conveyed by Quit Claim Deed at 10 percent above fair market value. The Borough may offer financing terms, requiring 10 percent of the sale price as down payment, and a 10-year deed of trust guarantee to the Borough as Beneficiary with interest set at 4.25 percentage points above the then Federal Discount Rate.

Section 3. Release of Property Held For Public Purpose. USMS 1907 was retained for public purpose by Resolution 89-078. The Assembly finds a public purpose for this land no longer exists.

Section 4. Effective Date. This ordinance shall be effective at 5:00 p.m. on the first Borough business day following its adoption.

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
Text to be added is underlined
Text to be deleted is [BRACKETED, CAPITALIZED]
PASSED AND APPROVED THIS ___ DAY OF ________, 2019.

Matt Cooper
Presiding Officer

APPROVED:

Jill S. Dolan
Borough Attorney

ATTEST:

April Trickey, CMC
Borough Clerk
AN ORDINANCE AUTHORIZING THE DIRECT SALE OF USMS 1907 WITHIN SECTION 2, T.3N., R.1E., F.M., TO AN ADJOINING LAND OWNER AND FINDING A PUBLIC NEED FOR USMS 1907 NO LONGER EXISTS (MP 28 STEESE HWY).
RESOLUTION NO. 89-078

A RESOLUTION TO SET ASIDE, RESERVE, AND MAKE AVAILABLE FOR DEDICATED USE CERTAIN BOROUGH LANDS, FOR NEEDFUL BOROUGH PURPOSES IN THE AREA OF HEALTH AND SAFETY

WHEREAS, the Chatanika area is a relatively remote and isolated portion of the Fairbanks North Star Borough; and

WHEREAS, there is presently no fire service coverage in this area of the borough; and

WHEREAS, emergency medical coverage is available only from a significant distance, involving extended travel, and long delays; and

WHEREAS, there has been a gradual rise in the volume of traffic on the Steese Highway between mile 22 and mile 80, accompanied by a gradual rise in the number of automobile accidents; and

WHEREAS, the Fairbanks North Star Borough owns a parcel of real property which is suitable in location, access, availability of power, and with more than adequate size to accommodate the siting of emergency fire and medical response facilities.

NOW, THEREFORE, BE IT RESOLVED, by the Assembly of the Fairbanks North Star Borough that the Fairbanks North Star Borough set aside a portion of that parcel of borough land identified as Tax Lot 208 on the accompanying map attached.

By: Bonnie Williams
Introduced: 09/14/89
Postponed: 09/14/89
Substituted: 10/05/89
Adopted: 10/05/89
The size of the parcel shall not exceed 4 acres and shall be appropriately situated and configured within Tax Lot 208. The parcel shall be used for the following purposes and with the following conditions:

1. That the land and any facilities constructed thereon may be used for any usual and customary activity associated with the operation and maintenance of emergency fire, and emergency medical services, including but not limited to: housing equipment and apparatus, training, limited housing of volunteers, community meetings, and fundraising activities, the proceeds of which shall be dedicated to the provision of emergency services in the Borough.

2. That the parcel so designated have access to the Steese Highway, and be of adequate size to allow construction and operation of the facilities contemplated herein.

3. That any facilities constructed upon this site shall conform to the uniform building code for the use intended, and that all structures and structural improvements shall receive prior review and approval by the Fairbanks North Star Borough Public Works Department before construction shall commence.

4. That a suitable spot for landing and operating emergency helicopters shall be included.

5. That the land, and any improvement made on the land shall remain the property of the Fairbanks North Star Borough.
6. That any organization occupying this area shall operate within the guidelines, ordinances and procedures established by the Borough for the operation and provision of fire and emergency services.

7. That the Borough reserves the right to use and authorize the use of the remainder of Tax Lot 208 for other purposes, including commercial purposes, that are not in conflict with the operation of the emergency facilities on this reserved area.

BE IT FURTHER RESOLVED, that the Borough administration is authorized to take such actions as may be appropriate for establishment of emergency services providers and facilities in the Chatanika area using this parcel as a base of operations.

PASSED AND APPROVED THIS 5TH DAY OF OCTOBER, 1989.

[Signature]
Presiding Officer

[Signature]
Clerk of the Assembly
CHATANNAKA EMERGENCY SERVICES SITE
RESOLUTION 89-078
TL-208, T3N R1E