FAIRBANKS NORTH STAR BOROUGH
Regular Assembly Meeting
March 28, 2019
Mona Lisa Drexler Assembly Chambers
Juanita Helms Administration Center
907 Terminal Street, Fairbanks, AK
6:00 p.m.

1. CALL TO ORDER

2. NONSECTARIAN INVOCATION

3. PLEDGE OF ALLEGIANCE

4. ROLL CALL

5. REQUEST FOR REMOVAL OF ITEMS FROM THE CONSENT AGENDA AND ANY OTHER PROCEDURAL MOTIONS.

6. CITIZENS’ COMMENTS – Each person’s comments limited to 3 minutes (Citizens’ Comments shall recess at 6:50 p.m. for public hearing)

   a. A citizen may speak on agenda items not scheduled for public hearing (Memorandums, Bid Awards, Unfinished Business [items postponed from previous meetings, reconsideration, or notice of intent to rescind], Resolutions, or Ordinances being advanced to a public hearing on a different date). Citizens’ comments on Board of Adjustment matters are not permitted.

   b. Items that are not scheduled on the agenda.
7. **APPROVAL OF AGENDA AND CONSENT AGENDA**

Approval of the consent agenda passes all routine items indicated by an asterisk (*) on the agenda. Consent agenda items are not considered separately unless an Assemblymember so requests. Note: If the consent item to be removed is an ordinance up to be introduced, advanced, or referred, it takes two Assemblymembers to remove the item from the consent agenda. In the event of such a request, the item is returned to the general agenda.

8. **APPROVAL OF MINUTES**

*a.* Regular Assembly Meeting minutes of March 14, 2019. (Page 6)

9. **COMMUNICATIONS TO THE ASSEMBLY**

*a.* IFB Award: IFB Number 19051
Fire Extinguisher Inspections and Maintenance

Approval of Lot One as submitted by Arctic Fire & Safety, Inc. in the amount of $34,140.45 for the initial contract period, and an estimated amount of $170,702.25 if the four one-year renewal options are exercised. (Page 22)

*b.* IFB Award: IFB Number 19046
Badger Transfer Site Expansion Phase II

Approval of Base Bid, Alternate 1 and Alternate 2 as submitted by Great Northwest Inc. for a total amount of $571,940.00. (Page 26)

*c.* Memorandum from Mayor Ward recommending the appointment of Ruben Mardes Clayton III to the Ester Fire Service Area Commission. (Page 33)

*d.* Memorandum from Mayor Ward recommending the appointment of Jacqueline Morton to the Platting Board. (Page 37)

10. **MESSAGES FROM THE BOROUGH MAYOR**

11. **REPORTS OF STANDING AND SPECIAL COMMITTEES**
THE AGENDA ITEMS AS LISTED MAY NOT BE CONSIDERED IN SEQUENCE. THIS AGENDA IS SUBJECT TO CHANGE TO INCLUDE THE DELETION OF ITEMS; OR EXECUTIVE SESSIONS, IF NEEDED.
15. CITIZEN’S COMMENTS – Each person’s comments limited to 3 minutes (continuation if needed)
   
a. Items that are not scheduled for public hearing – continuation.

16. CONSIDERATION OF CALENDAR – New Business – Resolutions
   
   *a. RESOLUTION NO. 2019-12. A Resolution Calling On The Alaska State Legislature To Remove The Mandatory Exemptions Established In AS 29.45.030 For Senior Citizens And Disabled Veterans. (Sponsor: Mayor Ward) (Page 328)

   *b. RESOLUTION NO. 2019-13. A Resolution Authorizing The Mayor To Grant An Easement To The State Of Alaska, Department Of Transportation And Public Facilities Within Section 35, T.1S., R.1E., F.M. (Flood Control Drainage Channel B). (Sponsor: Mayor Ward) (Page 337)

17. CONSIDERATION OF CALENDAR – New Business – Ordinances To Be Referred To Committees Or Commissions
   
   NONE

18. CONSIDERATION OF CALENDAR – New Business – Ordinances To Be Introduced And Advanced To Public Hearing
   
   a. ORDINANCE NO. 2019-11. An Ordinance Rezoning Approximately 584 Acres, Including Silver Creek Subdivision Lots 1 Through 6, Tract A And Tract B, And South Half (S½) Of Southeast One-Quarter (SE¼), Section 35, T2N R1W FM From General Use 1 (GU-1) To Rural And Agricultural 5 (RA-5) Or Other Appropriate Zone, And; Northeast One-Quarter (NE¼) And North Half (N½) Of Southeast One-Quarter (SE¼), Section 35, T2N R1W FM From General Use 1 (GU-1) To Rural Estate 2 (RE-2) Or Other Appropriate Zone (Located On The North Side Of Goldstream Road, Approximately One Mile West Of The Old Steese Highway) (RZ2019-003). (Sponsor: Mayor Ward)
   (Refer to the Committee of the Whole on April 4, 2019; Advance to April 11, 2019 for Public Hearing) (Page 343)

   (Refer to the Committee of the Whole on April 4, 2019; Advance to April 11, 2019 for Public Hearing) (Page 418)
Ordinances To BeIntroduced And Advanced To Public Hearing - continued

(Sponsor: Assemblymember Cooper)
(Refer to the Committee of the Whole on April 4, 2019; Advance to April 11, 2019 for Public Hearing) (Page 420)

(Sponsor: Mayor Ward)
(Refer to the Finance Committee on April 4, 2019; Advance to April 11, 2019 for Public Hearing) (Page 457)

*e. ORDINANCE NO. 2018-20-1Y. An Ordinance Amending the FY 2018-19 Budget By Reappropriating $75,000 From The Department Of The Assembly In the General Fund To The Capital Projects Fund For The Purpose Of Funding The Replacement Of Election Equipment And Software. (Sponsor: Assemblymember Cooper)
(Refer to the Finance Committee on April 4, 2019; Advance to April 11, 2019 for Public Hearing) (Page 473)

19. CITIZENS’ COMMENTS – Each person’s comments limited to 3 minutes (continuation if needed)

b. Items that are not scheduled on the agenda.

20. ASSEMBLYMEMBER’S COMMENTS

21. ADJOURNMENT
A Regular meeting of the Fairbanks North Star Borough Assembly was held Thursday, March 14, 2019, in the Mona Lisa Drexler Assembly Chambers of the Juanita Helms Administration Center, 907 Terminal Street, Fairbanks, Alaska.

There were present:

Angela Major, Deputy Presiding Officer and
Aaron Lojewski          Liz Lyke
Christopher Quist      Shaun Tacke
Marna Sanford          Leah Berman Williams

Comprising a quorum of the Assembly, and

Bryce Ward, Borough Mayor
Sallie Stuvek, Acting Chief of Staff
Jill S. Dolan, Borough Attorney
Cory Beal, Chief Procurement Officer
Mike Bork, Parks and Recreation Director
David Bredlie, Public Works Director
Jerry Cleworth, City of Fairbanks Representative
Sean Rice, School Board Representative
Brian Charlton, Parks Project Coordinator
Dan Sloan, Architect and Engineer Asset Manager
Mindy O’Neall, Planning Commission Chair
April Trickey, CMC, Borough Clerk
Adena Benn, CMC, Deputy Borough Clerk

Absent and Excused

Andrew M. Gray
Matt Cooper
NONSECTARIAN INVOCATION AND PLEDGE OF ALLEGIANCE
Track 1, 00:24

Deputy Presiding Officer Major gave a nonsectarian invocation and led the pledge of allegiance.

PRESENTATIONS
Track 1, 02:13

Mayor Ward read and presented a proclamation to Melissa Prince, Collection Librarian – Training Position, for March Employee of the Month.

Mayor Ward read and presented the proclamation recognizing every Friday as Blue and Gold day to recognize the positive impact of the University of Alaska Fairbanks (UAF) in our community.

REQUEST FOR REMOVAL OF ITEMS FROM THE CONSENT AGENDA AND ANY OTHER PROCEDURAL MOTIONS
Track 1, 07:00

NONE

CITIZEN’S COMMENTS
Track 1, 07:30

a. A citizen may speak on agenda items not scheduled for public hearing. Memorandums, Bid Awards, Unfinished Business (items postponed from previous meetings, reconsideration, or notice of intent to rescind), Resolutions, or Ordinances being advanced to a public hearing on a different date.

Jimmy Fox, resident of the borough, spoke in support of Resolution No. 2019-08.

Mike Prax, resident of the borough, spoke in opposition to Resolution No. 2019-08 and spoke regarding Resolution No. 2019-11.

Asa Dowdy, resident of the borough, spoke in opposition to Resolution No. 2019-08.

b. Items other than those appearing on the agenda (this is the section to speak on anything Not Scheduled on the agenda).

Mikki Rosser, resident of the borough, thanked Mayor Ward and his staff for the Mayor’s Town Hall meeting.
CITIZEN’S COMMENTS - continued

Scott Calder, resident of the borough, spoke regarding borough transfer sites, borough surveys and requested a resolution on the citizen review panel.

Asa Dowdy, resident of the borough, spoke regarding the Mayor’s Town Hall meeting and about school tax.

APPROVAL OF AGENDA AND CONSENT AGENDA

The Clerk read the consent agenda.

QUIST, Seconded by WILLIAMS moved to approve the agenda and consent agenda.

VOTE ON MOTION TO APPROVE THE AGENDA AND CONSENT AGENDA.

Yeses: Sanford, Quist, Lojewski, Tacke, Lyke, Williams, Major

Noes: None

MOTION CARRIED 7 Yeses, 0 Noes

APPROVAL OF MINUTES


Without objection this measure was read by title and approved under the consent agenda.

COMMUNICATIONS TO THE ASSEMBLY

a. IFB Award: IFB Number 19001

Ester Transfer Site Expansion Phase II

Approval of Base Bid, Alternate 1 and Alternate 2 as submitted by M & M Constructors in the amount of $456,255.00

Without objection this measure was read by title and approved under the consent agenda.
COMMUNICATIONS TO THE ASSEMBLY - continued

b. Contract Award: CXT Vault Toilets
   Track 1, 33:33

   Approval of contract with CXT, Inc. in the amount of $277,406.70.

   Brian Charlton, Parks Project Coordinator, gave a staff report.

   TACKE, Seconded by WILLIAMS
   moved to award Contract Award, CXT Vault Toilets, to CXT, Inc. in the amount of $277,406.70.

   VOTE ON MOTION TO AWARD CONTRACT AWARD, CXT VAULT TOILETS, TO CXT, INC. IN THE AMOUNT OF $277,406.70.

   Yeses: Lojewski, Tacke, Sanford, Williams, Quist, Lyke, Major
   Noes: None
   MOTION CARRIED 7 Yeses, 0 Noes

c. Memorandum from Matt Cooper, Presiding Officer, recommending the appointment of James Fox and Valerie Therrien to the Assembly Board of Ethics.

   Without objection this measure was read by title and approved under the consent agenda.

d. Memorandum from April Trickey, Borough Clerk, recommending the appointment of canvass board members for the March 26, 2019 Service Area Elections.

   Without objection this measure was read by title and approved under the consent agenda.

e. Memorandum from Mayor Ward recommending the appointment of various service area commissioners.

   Without objection this measure was read by title and approved under the consent agenda.
MESSAGES FROM THE BOROUGH MAYOR

Mayor Ward provided a written report to the Assembly and highlighted the following:

- 170 people attended the March 9th Town Hall Meeting, the audio track link is available at fnsb.us. Survey results will be available soon. The Mayor thanked everyone for their participation.
- Spoke about the proclamation regarding recognizing every Friday as Blue and Gold day to recognize the positive impact of UAF in our community.

REPORTS OF SPECIAL AND STANDING COMMITTEES

Assemblymember Williams reported the Sustainability Commission met March 13th for a presentation on climate change and discussed plans for Earth Day events.

REPORTS FROM REPRESENTATIVES

a. Report from the City of Fairbanks Representative.

Councilmember Cleworth reported:

- Thanked City Engineers and spoke regarding upcoming road projects.
- Thanked Public Works employees for their work on snow removal and city road maintenance.
- Spoke about the City’s budget and revenue sources.

b. Report from the City of North Pole Representative.

NONE

c. Report from the School Board Representative.

School Board Representative Sean Rice reported:

- The Board is continuing its work on the upcoming budget and welcomes citizen input.
- There will be a Special Worksession on March 18th at 6:00 p.m.
- The next Regular Board meeting is March 19th at 6:00 p.m.
- There will be a Budget Meeting on March 20th at 5:30 p.m.
- The 4th quarter begins on Monday.
- April and May are busy months for students and staff.
REPORTS FROM REPRESENTATIVES - continued

- Lathrop High School Choir traveled to New York during Spring Break to meet and learn from Broadway performers.
- The District’s Honor Choir concert will be held on March 21st at 7:00 p.m at the Herring Auditorium.
- Dr. Gaborik will host a Facebook Live event on March 28th at 5:30 p.m.

SPECIAL ORDERS - PUBLIC HEARING

a. Liquor License – Transfer #1 – Beverage Dispensary – License #3195

From: Adam Wool  
DBA: Blue Loon  
2999 Parks Hwy  
Fairbanks, AK 99709

To: Blue Loon, Inc.  
DBA: Blue Loon  
2999 Parks Hwy  
Fairbanks, AK 99709

Liquor License – Transfer #2 – Beverage Dispensary – License #3195

From: Blue Loon, Inc.  
DBA: Blue Loon  
2999 Parks Hwy  
Fairbanks, AK 99709

To: Hand Made, LLC  
DBA: Blue Loon  
2999 Parks Hwy  
Fairbanks, AK 99709

Sallie Stuvek, Acting Chief of Staff, gave a staff report.

The Deputy Presiding Officer called for public testimony, there being none public hearing was closed.

TACKE,  
Seconded by WILLIAMS moved to file no protest on Liquor License #3195 – Transfer #1 – Beverage Dispensary and Liquor License #3195 Transfer #2 – Beverage Dispensary.
PUBLIC HEARING - continued

Assemblymember Lojewski declared a potential conflict of interest regarding Liquor License #3195 Transfer #1 and Transfer #2 because in the past one or more Blue Loon, Inc. passenger vans were parked in front of his campaign signs. The Chair ruled a conflict of interest did not exist.

Discussion ensued.

VOTE ON MOTION TO FILE NO PROTEST ON LIQUOR LICENSE #3195 - TRANSFER #1 - BEVERAGE DISPENSARY AND LIQUOR LICENSE #3195 TRANSFER #2 - BEVERAGE DISPENSARY.

Yeses: Tacke, Lyke, Lojewski, Williams, Quist, Sanford, Major

Noes: None

MOTION CARRIED 7 Yeses, 0 Noes

b. Liquor License - Transfer #1 - Beverage Dispensary - License #4834
track 2, 12:09

From: Adam Wool
DBA: Blue Loon
2999 Parks Hwy
Fairbanks, AK 99709

To: Blue Loon, Inc.
DBA: Blue Loon
2999 Parks Hwy
Fairbanks, AK 99709

Liquor License - Transfer #2 - Beverage Dispensary - License #4834

From: Blue Loon, Inc.
DBA: Blue Loon
2999 Parks Hwy
Fairbanks, AK 99709

To: Hand Made, LLC
DBA: Blue Loon
2999 Parks Hwy
Fairbanks, AK 99709
PUBLIC HEARING - continued

Sallie Stuvek, Acting Chief of Staff, gave a staff report.

The Deputy Presiding Officer called for public testimony, there being none public hearing was closed.

TACKE, Seconded by WILLIAMS

moved to file no protest on Liquor License #4834 - Transfer #1 - Beverage Dispensary and Liquor License #4834 - Transfer #2 - Beverage Dispensary.

VOTE ON MOTION TO FILE NO PROTEST ON LIQUOR LICENSE #4834 - TRANSFER #1 - BEVERAGE DISPENSARY AND LIQUOR LICENSE #4834 TRANSFER #2 - BEVERAGE DISPENSARY.

Yeses: Lyke, Quist, Sanford, Tacke, Lojewski, Williams, Major

Noes: None

MOTION CARRIED 7 Yeses, 0 Noes

c. Marijuana License - Transfer - Retail Store - License #13949

Track 2, 14:20

From: Wishful Things, LLC
DBA: Wishful Things, LLC
3505 Airport Way
Fairbanks, AK 99709

To: The Grass Station, LLC
DBA: Grass Station 49
3505 Airport Way, Suite A
Fairbanks, AK 99709

Assemblymember Quist declared a potential conflict of interest on Marijuana License #13949 as his mother-in-law and father-in-law own a marijuana cultivation facility. The Chair ruled a conflict did exist and Mr. Quist was excused from the dais.

Assemblymember Tacke declared a potential conflict of interest on Marijuana License #13949 as he is part owner of a marijuana product manufacturing facility. The Chair ruled a conflict did exist and Mr. Tacke was excused from the dais.
PUBLIC HEARING - continued

Assemblymember Sanford declared a potential conflict of interest on Marijuana License #13949 as she is an investor in a marijuana cultivation facility. The Chair ruled a conflict did exist and Ms. Sanford was excused from the dais.

Sallie Stuvek, Acting Chief of Staff, gave a staff report.

The Deputy Presiding Officer called for public testimony, there being none public hearing was closed.

WILLIAMS, moved to file no protest against Transfer – Retail Store – License #13949.
Seconded by LYKE

Discussion ensued.

VOTE ON MOTION TO FILE NO PROTEST ON TRANSFER – RETAIL STORE – LICENSE #13949.

Yeses: Lyke, Lojewski, Williams, Major
Noes: None

MOTION FAILED 4 Yeses, 0 Noes

Clerk’s Note: Motion to file no protest failed due to 3 members conflicting out, leaving only 4 members at the dais. A majority of 5 members is required to carry a motion to file no protest.

Assemblymembers Tacke, Quist, and Sanford returned to the dais.

d. ORDINANCE NO. 2019-06. An Ordinance Amending FNSBC 18.104.020 Regarding Rezones. (Sponsor: Mayor Ward)

Track 2, 20:39

Mayor Ward gave a staff report and Mindy O’Neall, Planning Commission Chair, made herself available for questions.

The Deputy Presiding Officer called for public testimony, there being none public hearing was closed.
PUBLIC HEARING - continued

TACCÉ, moved to adopt Ordinance No. 2019-06.
Seconded by QUIST

Discussion ensued.

VOTE ON MOTION TO ADOPT ORDINANCE NO. 2019-06.

Yeses: Williams, Lyke, Lojewski, Sanford, Quist, Tacke, Major

Noes: None

MOTION CARRIED 7 Yeses, 0 Noes

e. ORDINANCE NO. 2018-20-1V. An Ordinance Amending The FY 2018-19 Budget By Appropriating $1,043,038 From The Facilities Maintenance Reserve To The Capital Projects Fund For The Mary Siah Recreation Center Improvement Project. (Sponsor: Mayor Ward)

Dan Sloan, Architect Engineer Asset Manager, and Mike Bork, Parks and Recreation Director, gave a staff report.

The Deputy Presiding Officer called for public testimony.

Victor Siah, resident of the borough, spoke in support of Ordinance No. 2018-20-1V.

Arlene Slocum, resident of the borough, spoke in support of Ordinance No. 2018-20-1V.

Molly Wilson, resident of the borough, spoke in support of Ordinance No. 2018-20-1V.

Carolyn Vaught, resident of the borough, spoke in support of Ordinance No. 2018-20-1V.

Pam Bruce, resident of the borough, spoke in support of Ordinance No. 2018-20-1V.

Mikki Rosser, resident of the borough, spoke in support of Ordinance No. 2018-20-1V.
PUBLIC HEARING - continued

Joanne Sexton, resident of the borough, spoke in support of Ordinance No. 2018-20-1V.

Benny Williams, resident of the borough, spoke in support of Ordinance No. 2018-20-1V.

Phyllis Tugman-Alexander, resident of the borough, spoke in support of Ordinance No. 2018-20-1V.

Scott Calder, resident of the borough, spoke in support of Ordinance No. 2018-20-1V.

Asa Dowdy, resident of the borough, spoke in support of Ordinance No. 2018-20-1V.

Mike Prax, resident of the borough, spoke in opposition to Ordinance No. 2018-20-1V.

Molly Wilson, resident of the borough, spoke for 1 additional minute in support of Ordinance No. 2018-20-1V.

Mikki Rosser, resident of the borough, spoke for 1 additional minute in support of Ordinance No. 2018-20-1V.

The Deputy Presiding Officer called for further public testimony, there being none public hearing was closed.

TACKE, Seconded by WILLIAMS moved to adopt Ordinance No. 2018-20-1V.

Discussion ensued.

VOTE ON MOTION TO ADOPT ORDINANCE NO. 2018-20-1V.

Yeses: Lyke, Tacke, Quist, Lojewski, Sanford, Williams, Major

Noes: None

MOTION CARRIED 7 Yeses, 0 Noes
f. **ORDINANCE NO. 2018-20-1W.** An Ordinance Amending The FY 2018-19 Budget By Reallocating $227,244 Within The Capital Projects Fund To Be Used As A Required Match For The Tanana River Recreation Area Access Improvements Project Located Within The Tanana Lakes Recreation Area To Be Constructed By The Federal Highway Administration. (Sponsor: Mayor Ward)

Track 3, 26:17

Brian Charlton, Parks Project Coordinator, gave a staff report.

The Deputy Presiding Officer called for public testimony, there being none public hearing was closed.

TACKE, Seconded by QUIST

moved to adopt Ordinance No. 2018-20-1W.

Discussion ensued.

**VOTE ON MOTION TO ADOPT ORDINANCE NO. 2018-20-1W.**

Yees: Sanford, Quist, Tacke, Williams, Lyke, Major

Noes: Lojewski

MOTION CARRIED 6 Yeses, 1 Noes

**CONSIDERATION OF CALENDAR - Unfinished Business**

NONE

**CITIZEN’S COMMENTS - Limited To 3 Minutes (Continuation if needed)**

a. items that are not scheduled for public hearing - continuation.

NONE
CONSIDERATION OF CALENDAR - New Business - Resolutions

a. RESOLUTION NO. 2019-11. A Resolution Opposing Senate Bill 57, An Act Repealing The Credit For Municipal Payments Against The State Levy Of Tax On Oil And Gas Exploration, Production, And Pipeline Transportation Property And Repealing The Levy Of Tax By A Municipality On Oil And Gas Exploration, Production, And Pipeline Transportation Property. (Sponsors: Mayor Ward, Assemblymembers Williams and Cooper)

Track 1, 40:20

Mayor Ward and Assemblymember Williams gave a staff report.

TACKE, Seconded by QUIST

moved to adopt Resolution No. 2019-11.

Discussion ensued.

VOTE ON MOTION TO ADOPT RESOLUTION NO. 2019-11.

Yeses: Lyke, Tacke, Williams, Quist, Sanford, Major

Noes: Lojewski

MOTION CARRIED 6 Yeses, 1 Noes

b. RESOLUTION NO. 2019-08. A Resolution Supporting Legislation Granting The Alaska Department Of Environmental Conservation, Division Of Air Quality The Authority To Issue Civil Fines For Violations In Areas Classified As Serious Nonattainment Areas. (Sponsors: Assemblymembers Williams and Sanford)

Track 3, 30:22

Assemblymember Williams gave a staff report.

TACKE, Seconded by QUIST

moved to adopt Resolution No. 2019-08.

Discussion ensued.
CONSIDERATION OF CALENDAR - New Business - Resolutions - continued

VOTE ON MOTION TO ADOPT RESOLUTION NO. 2019-08.

Yeses: Williams, Quist, Tacke, Sanford, Lyke, Major

Noes: Lojewski

MOTION CARRIED 6 Yeses, 1 Noes

c. RESOLUTION NO. 2019-06. A Resolution In Support Of A Law Enforcement Firing Range & Training Facility For Interior Alaska. (Sponsor: Mayor Ward)

Track 1, 29:35

Without objection this measure was read by title and approved under the consent agenda.

d. RESOLUTION NO. 2019-10. A Resolution Urging Operators Of Vehicles On Alaskan Roadways To Ensure Their Headlights Are Installed And Maintained In A Manner To Follow State Law And Protect Oncoming Drivers From Excessive Glare. (Sponsor: Mayor Ward)

Track 1, 29:35

Without objection this measure was read by title and approved under the consent agenda.

CONSIDERATION OF CALENDAR - New Business - Ordinances To Be Referred To Committees Or Commissions

NONE

CONSIDERATION OF CALENDAR - New Business - Ordinances To Be Introduced And Advanced To Public Hearing

Track 1, 29:35


Without objection the measure was read by title, introduced and referred under the consent agenda to the Committee of the Whole on March 21, 2019; Advanced to March 28, 2019 for Public Hearing.
CONSIDERATION OF CALENDAR - New Business - Ordinances To Be Introduced And Advanced To Public Hearing - continued

b. ORDINANCE NO. 2018-20-1U. An Ordinance Amending The FY 2018-19 Budget By Appropriating $300,000 From The Solid Waste Collection District Fund Fund Balance To The Multi-Year General Subfund For Transfer Sites Attendant Services. (Sponsor: Mayor Ward)

Without objection the measure was read by title, introduced and referred under the consent agenda to the Finance Committee on March 21, 2019; Advanced to March 28, 2019 for Public Hearing.

c. ORDINANCE NO. 2018-20-1X. An Ordinance Amending The FY 2018-19 Budget By Appropriating $18,915 In Federal Pass-Through Grant Funding To The Capital Projects Fund For The Purchase Of Sport Wheelchairs To Be Used By The Adaptive Recreation Program. (Sponsor: Mayor Ward)

Without objection the measure was read by title, introduced and referred under the consent agenda to the Finance Committee on March 21, 2019; Advanced to March 28, 2019 for Public Hearing.

CITIZENS’ COMMENTS - Limited To 3 Minutes (Continuation if needed)

b. Items that are not scheduled on the agenda.

NONE

ASSEMBLYMEMBER’S COMMENTS
Track 3, 40:05

Assemblymember Lyke commented on the hard work the assembly does.

Assemblymember Quist commented on property taxation and the mischaracterization that it is theft.

Assemblymember Williams commented in support of the UAF proclamation and encouraged wearing blue and gold on Fridays.

Assemblymember Lojewski commented on property taxation and how some citizens view it as theft.

Assemblymember Sanford thanked the Mayor and staff for hosting the Mayor’s Town Hall forum, and reported the Athabaskan Fiddler’s Festival will be held on March 16th at 7:30 p.m. at the Morris Thompson Cultural and Visitor’s Center.
**ASSEMBLYMEMBER’S COMMENTS - continued**

Assemblymember Major commented on making tough decisions, thanked her fellow assemblymembers for being a part of the process, and shared she will be wearing blue and gold on Fridays in support of UAF.

Assembly Schedule for the week of March 18, 2019:

- Thursday, March 21\(^{st}\) Finance Committee at 5:30 p.m. in the Assembly Chambers with the Committee of the Whole Worksession immediately following.

- Reminder – The annual APOC Financial Disclosure Statements are due no later than tomorrow, March 15, 2019 for those who have not filed yet.

**ADJOURNMENT**

There being no further business to come before the Fairbanks North Star Borough Assembly, the meeting adjourned at 8:56 p.m.

________________________________
Angela Major
Deputy Presiding Officer

ATTEST:

________________________________
April Trickey, CMC
Borough Clerk
MEMORANDUM

TO: Matt Cooper, Presiding Officer
    Fairbanks North Star Borough Assembly

THROUGH: Bryce Ward, Borough Mayor

FROM: Cory T. Beal, Chief Procurement Officer
       General Services Department

DATE: March 28, 2019

SUBJECT: RECOMMENDATION TO APPROVE AWARD
IFB Number 19051
Fire Extinguisher Inspections and Maintenance

CONTRACTOR: Arctic Fire And Safety Inc.

CONTRACT AMOUNT: $170,702.25

Risk Management recommends Assembly approval of Lot One as submitted by Arctic Fire & Safety Inc. in the amount of $34,140.45 for the initial contract period and an estimated amount of $170,702.25 if the four one-year renewal options are exercised.

This project allows for the inspection and maintenance of fire extinguishers for the Fairbanks North Star Borough and the Fairbanks North Star Borough School District.

The competitive process was conducted in compliance with Title 16. Arctic Fire And Safety Inc. is the lowest responsible, responsive bidder.

Funding for this project has been made available by Ordinance Number 2020-20 (General Fund).

Please place this recommendation to award on consent for the Assembly meeting agenda for the meeting to be held March 28, 2019. Bids were opened at 2:00 pm February 25, 2019 for the subject project. Results of this solicitation are included in the attached bid tabulation. The appeal period expired at 5:00 p.m. on March 11, 2019.

Attached is the documentation package provided by the Risk.
To: Marilyn Ordal, Procurement Specialist  
General Services

Through: Sallie Stuvek, Human Resources Director

Through: Wendy Tisland, Risk Manager

From: Tracy Brand, Senior Risk Technician

Date: March 4, 2019

Subject: Recommendation to Award Fire Extinguisher Maintenance Contract  
IFB No. 19051

Action Requested: Risk Management recommends the above bid to be awarded to  
Arctic Fire & Safety Inc. The award would be contingent on successful expiration of  
the appeal period.

Project Description: The base bid work consists of maintenance of fire extinguisher  
and range hood systems for the Fairbanks North Star Borough and School District.
Fairbanks North Star Borough
Division of Purchasing
Bid Tabulation

IFB NO.: 19051
DATE: 2/28/2019
PROJECT: Fire Extinguisher Inspections & Maintenance

<table>
<thead>
<tr>
<th>VENDOR</th>
<th>LOT ONE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arctic Fire &amp; Safety Inc.</td>
<td>$34,140.45*</td>
</tr>
<tr>
<td>Johnson Controls Fire Protection / SimplexGrinnell</td>
<td>$52,584.50*</td>
</tr>
</tbody>
</table>

*mathematical corrections

Bids opened by Bidnet

The above tabulation is for informational purposes only and is not the official record. The low bid is the apparent low. All bids will receive administrative review for accuracy and to determine if the low bid is responsive and responsible.
NOTICE OF INTENT TO AWARD

<table>
<thead>
<tr>
<th>SUBJECT: Fire Extinguisher Inspections and Maintenance</th>
<th>DATE OF NOTICE: March 5, 2019</th>
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</thead>
<tbody>
<tr>
<td>BID NUMBER: 19051</td>
<td>OPENING DATE: February 25, 2019</td>
</tr>
<tr>
<td>CHIEF PROCUREMENT OFFICER: Cory T. Beal</td>
<td>PROCUREMENT SPECIALIST: Marilyn Ordal</td>
</tr>
</tbody>
</table>

It is the intent of the Fairbanks North Star Borough to award a contract to the low responsive, responsible bidder, in accordance with the specifications and requirements described in the IFB. Award may be made no sooner than five (5) days from the date of this notice. This serves solely as notice of the Borough’s intent to award a contract and should not be construed as a notice to proceed with delivery of goods or services.

NOTE: ★ = AWARD TO BIDDER  Y = RESPONSIVE BIDDER  N = NON-RESPONSIVE BIDDER  
• = BID NOT EVALUATED BECAUSE THERE WAS A LOWER RESPONSIVE BID  
Ø = BID EXCEEDED AVAILABLE FUNDS  
BIDS OVER $100,000 WILL BE FORWARDED TO THE ASSEMBLY FOR APPROVAL

<table>
<thead>
<tr>
<th>ITEM</th>
<th>PRICE</th>
<th>AWARD</th>
<th>COMMENTS</th>
<th>RESPONSIVE Y / N</th>
<th>BIDDER</th>
</tr>
</thead>
<tbody>
<tr>
<td>Base Bid</td>
<td>$34,140.45</td>
<td>★</td>
<td>Low Responsive Bidder</td>
<td>Y</td>
<td>Arctic Fire &amp; Safety Inc.</td>
</tr>
<tr>
<td>Base Bid</td>
<td>$52,584.50</td>
<td></td>
<td></td>
<td></td>
<td>Johnson Controls Fire Protection / SimplexGrinnell</td>
</tr>
</tbody>
</table>

This is the FNSB Notice of Intent to Award (NOIA) Base Bid of IFB 19051 to Arctic Fire And Safety Inc. The appeal period for this NOIA will expire on March 11, 2019 at 5:00 pm.
MEMORANDUM

TO: Matt Cooper, Presiding Officer
   Fairbanks North Star Borough Assembly

THROUGH: Bryce Ward, Borough Mayor

FROM: Cory T. Beal, Chief Procurement Officer
       General Services Department

DATE: March 28, 2019

SUBJECT: RECOMMENDATION TO APPROVE AWARD
         IFB Number 19046
         Badger Transfer Site Expansion Phase II

CONTRACTOR: Great Northwest Inc.

CONTRACT AMOUNT: $571,940.00

The Department of Public Works recommends Assembly approval of Base Bid, of $439,440.00, Alternate 1 of $97,000.00 and Alternate 2 of $35,500.00 as submitted by Great Northwest Inc. for a total contract award in the amount of $571,940.00.

The bid consists of:
   The placement of aggregate and RAP, grade of separated roll-off areas and installation of fencing, lighting and signs.
   - Alternate No. 1: Construction of a Reuse Shelter
   - Alternate No. 2: Construction of a Household Hazardous Waste (HHW) Shelter

Funding for this project has been made available by Ordinance Number 2015-20-1L (Local funds) and Ordinance Number 2017-20-1F (Local funds).

The competitive process was conducted in compliance with Title 16. The bid submitted by Great Northwest Inc. is the lowest responsible, responsive bid.

Please place this recommendation to award on the Assembly agenda for the meeting to be held March 28, 2019. Bids were opened at 2:00 pm March 12, 2019 for the subject project. Results of this solicitation are included in the attached bid tabulation. The appeal period expired at 5:00 p.m. on March 22, 2019.

Attached is the documentation package provided by the Department of Public Works.
MEMORANDUM

TO: Cory Beal, Chief Procurement Officer
Department of General Services

THROUGH: Dave Halverson, Architect/Engineer
Department of Public Works

FROM: Jeremy Spargur, Project Manager
Department of Public Works

DATE: March 18, 2019

PROJECT: Project Name: Badger Road Transfer Site Expansion, Phase 2
IFB No.: 19046
Project No.: 15-SWTPRJ-7

SUBJECT: Recommendation to Award for the Assembly Meeting of March 28, 2019

Action Requested: The Department of Public Works recommends award of the Base Bid, Alternate No. 1, and Alternate No. 2 to Great Northwest, Inc., for a total contract amount of $571,940.00.

Project Description: Placement of aggregate and RAP, construction of two shelters, a grade separated roll off area, and installation of fencing, lighting, and signs.

Alternate(s):
- Alternate No. 1: Reuse Shelter
- Alternate No. 2: Household Hazardous Waste (HHW) Shelter

Funding:
- Ordinance # 2015-20-1L Local
- 2017-20-1F Local

Attachments:
- Fund Verification
- Recommendation to Award from Department of Solid Waste, User
- Recommendation to Award from Kinney Engineering, LLC, Consultant

cc: David Bredlie, Director (Memo Only)
FUND VERIFICATION

to be completed by originating department

DEPARTMENT / DIVISION: Public Works / Design & Construction

IFB / RFP NO.: 19046

PURPOSE / PROJECT NAME: Badger Transfer Site Expansion Phase 2

DESCRIPTION: Placement of aggregate and RAP, construction of two shelters and a grade separated roll off area, and installation of fencing, lighting, and signs.

Est. Cost: $710,000.00  Est. Contingency: $102,602.65  Total Cost: $812,602.65

ACCOUNTING VERIFICATION

SOURCE OF FUNDS:

Account No: LSCTT-I72027 / 15-SWTPRJ-7  Amount: $812,602.65

Account No:  Amount: 

Account No:  Amount: 

Total: $812,602.65

*If the source of funds above will be used to meet the matching requirements of a grant, please indicate with a Y.

**If the source of funds is a Grant OR a Match to a Grant, be sure the preparer has attached a copy of the grant agreement.

Jeremy Spaguri, Project Manager
Date 1/8/19

Dave Halverson, Supervising A/E
Date 1/8/2019

David Breide, Design & Construction Manager
Date 1/9/19

Local bidder preference (FNSB 16.16.050) is prohibited.

*** Local bidder preference (FNSB 16.16.050) is allowed.

Funding Source

☐ U.S. DOT - FTA
☐ U.S. DOT - all other
☐ Federal Common Rule
☐ Other  (Note the agency)
☐ N/A

Chief Accountant or Grants Accountant
Date 1/9/19

*** NOTE: If local bidder preference is allowed, a change in funding source, which impacts this determination, is not permissible after the opening date and time of an Invitation for bid (IFB).
MEMORANDUM

TO: Bob Jordan, Manager
    Solid Waste Division

FROM: Jeremy Spargur, Project Manager
      Department of Public Works

DATE: March 13, 2019

PROJECT: Badger Road Transfer Site Expansion, Phase 2
    Project No.: 15-SWTPRJ-7
    IFB No.: 19046

SUBJECT: USER RECOMMENDATION TO AWARD

Construction bids for the above referenced project were opened at 2:00 PM on
March 12, 2019. A copy of the Bid Tabulation, recorded by the FNSB General
Services Department, is attached for your review.

The Department of Public Works recommends a contract award of the Base Bid,
Alternate #1 and Alternate #2 to the apparent low bidder, Great Northwest, Inc., for a
total bid amount of $571,940.00.

If you concur with our recommendation, please sign below and return as soon as
possible.

JS:sh

Attachment: Bid Tabulation

Bob Jordan, Manager

Date
MEMORANDUM

TO: Phoebe R. Bredlie, P.E.
    Kinney Engineering, LLC

FROM: Jeremy Spargur, Project Manager
    Department of Public Works

DATE: March 13, 2019

PROJECT: Badger Road Transfer Site Expansion, Phase 2
        Project No.: 15-SWTPRJ-7
        IFB No.: 19046

SUBJECT: CONSULTANT RECOMMENDATION TO AWARD

Construction bids for the above-referenced project were opened at 2:00 p.m. on
March 12, 2019. A copy of the Bid Tabulation, recorded by the FNSB General
Services Department, is attached for your review.

The Department of Public Works recommends a contract award of the Base Bid and
Alternate No. 1, and Alternate No. 2, to the apparent low bidder, Great Northwest,
Inc., in the total bid amount of $571,940.00.

If you concur with our recommendation, please sign below and return as soon as
possible.

JS:sh

Attachment: Bid Tabulation

Phoebe R. Bredlie, P.E.

Date 3/13/19
<table>
<thead>
<tr>
<th>Organization Name</th>
<th>Line Item Bids</th>
<th># of Lowest Item Bids</th>
<th>Bid Amount</th>
<th>Bid Rank</th>
<th>Awarded Items</th>
<th>Amount Awarded</th>
</tr>
</thead>
<tbody>
<tr>
<td>CCI Group, LLC</td>
<td>Full</td>
<td>0 / 3</td>
<td>$678,151.98</td>
<td>4</td>
<td>0</td>
<td>$0.00</td>
</tr>
<tr>
<td>Great Northwest, Inc.</td>
<td>Full</td>
<td>1 / 3</td>
<td>$571,940.00</td>
<td>1</td>
<td>0</td>
<td>$0.00</td>
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<tr>
<td>Groundhogs, LLC</td>
<td>Full</td>
<td>0 / 3</td>
<td>$672,508.06</td>
<td>3</td>
<td>0</td>
<td>$0.00</td>
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<tr>
<td>Paving Products Inc.</td>
<td>Full</td>
<td>2 / 3</td>
<td>$815,504.00</td>
<td>2</td>
<td>0</td>
<td>$0.00</td>
</tr>
</tbody>
</table>
NOTICE OF INTENT TO AWARD

It is the intent of the Fairbanks North Star Borough to award a contract to the low responsive, responsible bidder, in accordance with the specifications and requirements described in the IFB. Award may be made no sooner than five (5) days from the date of this notice. This serves solely as notice of the Borough's intent to award a contract and should not be construed as a notice to proceed with delivery of goods or services.

NOTE: ★ = AWARD TO BIDDER  Y = RESPONSIVE BIDDER  N = NON-RESPONSIVE BIDDER
- = BID NOT EVALUATED BECAUSE THERE WAS A LOWER RESPONSIVE BID
Ø = BID EXCEEDED AVAILABLE FUNDS

BIDS OVER $100,000 WILL BE FORWARDED TO THE ASSEMBLY FOR APPROVAL

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</thead>
<tbody>
<tr>
<td>Base Bid, Alt #1 &amp; Alt #2</td>
<td>$571,940.00</td>
<td>★</td>
<td>Low Responsive Bidder</td>
<td>Y</td>
<td>Great Northwest Inc.</td>
</tr>
<tr>
<td>Base Bid, Alt #1 &amp; Alt #2</td>
<td>$615,504.00</td>
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<td></td>
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<td>Paving Products Inc.</td>
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<tr>
<td>Base Bid, Alt #1 &amp; Alt #2</td>
<td>$672,508.06</td>
<td></td>
<td></td>
<td></td>
<td>Groundhogs LLC</td>
</tr>
<tr>
<td>Base Bid, Alt #1 &amp; Alt #2</td>
<td>$678,151.98</td>
<td></td>
<td></td>
<td></td>
<td>CCI Group LLC</td>
</tr>
</tbody>
</table>

This is the FNSB Notice of Intent to Award (NOIA) Base Bid of IFB 19046 to Great Northwest Inc. The appeal period for this NOIA will expire on March 22, 2019 at 5:00 pm.
MEMORANDUM

TO: Fairbanks North Star Borough Assembly

THROUGH: Bryce Ward, Borough Mayor

FROM: David Gibbs, Emergency Operations Director

DATE: March 28, 2019

SUBJECT: Appointment of Fire Service Area Commissioners

Pursuant to the Fairbanks North Star Borough Code of Ordinances, I hereby nominate the following people to serve as Fire Service Area Commissioners.

These citizens have agreed to serve two-year terms, ending June 30, 2021.

Your confirmation of appointment is respectfully requested.

Commissioner / Address  Commission

Ruben Mardes Clayton III  154 Pebble Drive, Ester, AK 99725  Ester Fire Service
Name of Board/Commission: Ester Volunteer Fire Department

Applicant's Name: Ruben Mardes Clayton III

Residence Address: 154 Pebble Drive

City/State/Zip: Ester, AK 99725

Mailing Address: P.O. Box 210

City/State/Zip: Ester, AK 99725

Work Phone: 907 888-8310

Home Phone: 907 4793457

FAX: 

E-mail: ruben@mosquitonet.com

Are you registered to vote within the Fairbanks North Star Borough [required by FNSB 4.04.040] Yes [ ] No [ ]

Do you currently serve on any other Borough Boards & Commission? Yes [ ] No [ ]

If yes please list which one:

Statement of Interest (use reverse side of form if necessary):

I used to hunt, fish, hike, water and snow ski, surf, fly RC aircraft, ride dirt bikes, four wheelers, and jet ski's. Being 74 and having had surgeries on both knees, both shoulders, and both hands I have taken up the less strenuous pursuit of learning to play music.

Brief Personal Biography (or attach resume)

Please see attached resume.

Professional Licenses/Training

I have a business licenses for training with the State of Alaska

APPLICANT'S SIGNATURE: 

DATE: 3/6/2019

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

FOR OFFICE USE ONLY

Date Received: MAR 7 2019

By: J. Fraiser
*RETURN TO THE OFFICE OF THE MAYOR*
DISCLOSURE OF PRESENT ECONOMIC INTEREST
APPOINTED PUBLIC MEMBERS OF A BOARD, COMMISSION, OR OTHER MUNICIPAL BODY

1. Clayton III, Ruben, Mardes
   (YOUR NAME: LAST, FIRST, MIDDLE)
   Commissioner, Ester Volunteer Fire Department

2. (BOARD, COMMISSION, OR OTHER PUBLIC BODY TO WHICH YOU ARE APPLYING.)

3. FOR TERM ENDING: 3/6/2020 or the period established by policy or statute

4. PLEASE GIVE THE BUSINESS NAME OF YOUR EMPLOYER, TYPE OF BUSINESS, YOUR POSITION:
   At the time of retirement: Alaska Laborers Training School, Training, Lead Instructor
   (BUSINESS NAME) (TYPE OF BUSINESS) (YOUR POSITION)

5. ARE YOU SELF-EMPLOYED? YES ☑ NO □

DECLARATION

I understand that I am required to disclose any interest which would cause me or an immediate family member (including all household members) to have a personal or financial interest, different than those of the public generally in matters coming before the board, commission, or other public body of the municipality to which I have been appointed. When such matters arise, I will also inform the other members on the record, so that the potential for a conflict of interest can be addressed prior to action by the public body.

I have the following interest(s) which would cause me, an immediate family member, or household member to have a personal or financial interest, different than those of the public generally, in matters coming before the public body during my term:

(ATTACH SEPARATE SHEETS AS NECESSARY)

I have in Ester: 1) My home at: 154 Pebble Drive
   2) One 20x24 dry rental cabin at: 445 Alpha Way
   3) One undeveloped 5 acre lot

I have a HAZWOPER training business "Alaska Compliance Training". Last years clients list: Tanacross Village Council near Tok and Travis Peterson Environmental here in Fairbanks.

If the situation changes or I acquire new interests, I will file a supplemental disclosure with the Clerk’s Office. I affirm that this DISCLOSURE is true and correct to the best of my knowledge.

Signature Ruben M. Clayton Date 3/6/2019

The Fairbanks North Star Borough is subject to the Alaska Public Records Act, AS 40.25 et seq, and this document may be subject to public disclosure under state law.
SUMMARY
- Twenty years construction laborer experience.
- Eleven years of teaching industrial safety, hazardous materials transportation, and HAZWOPER classes.
- Four years domestic and international experience teaching secondary biology, chemistry, and physics.

EXPERIENCE
- Alaska Laborers Training School, Fairbanks, AK
  Lead Instructor ........................................ 1/1995 – 1/1/2018
  8-hour First Responder, 24-hour Hazmat Technician, 40-hour Hazardous Waste Site Worker, Asbestos Abatement Supervisor and Hazardous, Paint Handlers for Alaska Laborers Training School. MSHA training. OSHA Construction (10 & 30 Hour classes).

- Earth Movers of Fairbanks and Alaska Laborers Training School, Anchorage, AK
  Industrial First Aid and Blood-Borne Pathogens. Developed all course materials for 40-hour and 8-hour HAZWOPER courses. Prepared and submitted successful application for Post-Secondary Education Commission approval of HAZWOPER courses.

EDUCATION
- B.S. Zoology / Arizona State University, Tempe, AZ .................. 1968
  Minors in Education and Physical Sciences (chemistry and physics).

SPECIALIZED TRAINING
- University of Washington ........................................ 6/1998
  Sampling and Evaluating Airborne Asbestos Dust (NIOSH 582)

- NSC Safety Training Institute .................................. 5/1996
  Received Advanced Safety Certificate for completion of courses in Principles of Occupational Safety and Health, Safety Management Techniques, and Safety Training Methods

- Transportation Safety Institute .................................. 1996
  ICAO/IATA training

- OSHA Region X .................................................. 1996
  Trainer Course in Occupational Safety and Health Standards for the Construction Industry

- Transportation Safety Institute .................................. 1996
  Instructor Training: HazMat Transportation Modules

- Laborers-AGC Education and Training Fund ......................... 9/1995
  40 hour Asbestos Abatement Instructor Training Course
MEMORANDUM

TO: Fairbanks North Star Borough Assembly

FROM: Bryce Ward, Mayor

DATE: March 28, 2019

SUBJECT: Appointment
Platting Board

I am recommending the appointment of the following individual to the Platting Board:

Jacqueline Morton

Her term of office will expire on December 31, 2019.

A copy of her application and disclosure form are attached.

For your information other members of the board are:

Harold Wilmer
Michael Kwasinski
Kellie Fritze
Troy Hicks
Randy Pitney
Jason McComas-Roe
William Mendenhall
Clint Meyer

Your confirmation of the appointment is respectfully requested.

/km
Boards/Commissions Application Form

Name of Board/Commission: Platting Board

Applicant's Name: Jacqueline Morton

Residence Address: 692 Dalton Trail

City/State/Zip: Fairbanks, AK 99709

Mailing Address: same as above

City/State/Zip: 

Work Phone: 474-4700 Home Phone: 314-954-2207

FAX: 

E-mail: jacqueline.e.morton@gmail.com

Are you registered to vote within the Fairbanks North Star Borough [required by FNSB 4.04.0401] Yes [ ] No [ ]

Do you currently serve on any other Borough Boards & Commission? Yes [ ] No [ ]

If yes please list which one:

Statement of Interest (use reverse side of form if necessary):
We moved to Fairbanks about 18 months ago and have fallen in love with Fairbanks. I want to increase my involvement in the community that we love so dearly. The Platting board is a great opportunity to learn about Fairbanks.

Brief Personal Biography (or attach resume)
I started my career as an active duty officer in the Army (ROTC) and eventually transitioned into the Army Reserve where I am currently a Colonel with the Army Reserve G2 (Intelligence) Staff. I am currently the Director for the Department of Military and Veteran Services at UAF. I have attached my resume as well.

Professional Licenses/Training

Applicant's Signature: 

Date: 8 Feb 19

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

For Office Use Only

Date Received: 

By: 

---

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Note Any Attachments

'RETURN TO THE OFFICE OF THE MAYOR'
DISCLOSURE OF PRESENT ECONOMIC INTEREST
APPOINTED PUBLIC MEMBERS OF A BOARD, COMMISSION, OR OTHER MUNICIPAL BODY

1. Morton, Jacqueline E.  
   (YOUR NAME: LAST, FIRST, MIDDLE)

2. Plating
   (BOARD, COMMISSION, OR OTHER PUBLIC BODY TO WHICH YOU ARE APPLYING.)

3. FOR TERM ENDING: __________________________

4. PLEASE GIVE THE BUSINESS NAME OF YOUR EMPLOYER, TYPE OF BUSINESS, YOUR POSITION:
   University of Alaska Fairbanks, Director of the Department of Military and Veteran Services
   (BUSINESS NAME) University of Alaska Fairbanks  
   (TYPE OF BUSINESS) Director  
   (YOUR POSITION) University of Alaska Fairbanks, Director of the Department of Military and Veteran Services

5. ARE YOU SELF-EMPLOYED? YES [ ] NO [✓]

DECLARATION

I understand that I am required to disclose any interest which would cause me or an immediate family member (including all household members) to have a personal or financial interest, different than those of the public generally, in matters coming before the board, commission, or other public body of the municipality to which I have been appointed. When such matters arise, I will also inform the other members on the record, so that the potential for a conflict of interest can be addressed prior to action by the public body.

I have the following interest(s) which would cause me, an immediate family member, or household member to have a personal or financial interest, different than those of the public generally, in matters coming before the public body during my term:

(ATTACH SEPARATE SHEETS AS NECESSARY)

The only property we own in Fairbanks is our home on Dalton Trail. I do participate as the UAF representative at the Civilian-Military Meeting held at the FBNSB Mayor's office.

If the situation changes or I acquire new interests, I will file a supplemental disclosure with the Clerk's Office. I affirm that this DISCLOSURE is true and correct to the best of my knowledge.

Signature [Signature] Date [8Feb 19]

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

Text to be added is underlined
Text to be deleted is [BRACKETED, CAPITALIZE]
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

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
Text to be added is underlined
Text to be deleted is [BRACKETED, CAPITALIZE]
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]
“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];

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
Text to be added is underlined
Text to be deleted is [BRACKETED, CAPITALIZE]
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

**AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT**

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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];

**AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT**

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Text to be deleted is [BRACKETED, CAPITALIZE]
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 substation, 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 substation, 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;

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
Text to be added is underlined
Text to be deleted is [BRACKETED, CAPITALIZE]
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
permitting 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
permitting per lot; or
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
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.

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
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Text to be deleted is [BRACKETED, CAPITALIZE]
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.

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
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338 g. Distance from Existing Tower. A permit for a proposed tower within
339 1,000 feet of an existing tower shall not be issued unless the applicant certifies that the
340 existing tower does not meet the applicant’s structural specifications and the applicant’s
341 technical design requirements, or that a collocation agreement could not be obtained.
342 h. Yard Requirements. Yards shall be a distance equal to 50 percent
343 or greater of the height of the tower from a lot line. The planning commission may
344 modify this requirement if the tower and equipment will be adequately screened to
345 mitigate its visual impact and no safety hazards are presented.
346 i. Fencing. The area around the tower, including all associated
347 equipment, shall be enclosed within a sight-obscuring fence of no less than 6 feet in
348 height unless equipment is located within a full enclosed building.
349 [I]j. Height. The permitted height of a proposed tower shall be the
350 minimum required to meet the applicant’s technical needs and will consider the impact
351 on the surrounding uses.
352 [I]k. Zoning District Standards. Nothing in this section alters the
353 requirements for visibility, fencing, screening, landscaping, parking, access, lot size,
354 exterior illumination, sign, storage, or other general zoning district regulations, except
355 yard and height requirements, of any specific zone. Yard and height requirements in
356 this section shall apply.
357 [K]l. Design Drawings and Specifications. A permit shall be conditioned
358 to require the applicant to submit design drawings and specifications stamped by a
359 registered professional in the state of Alaska certifying compliance with the building
360 code of the authority having jurisdiction.
361 [L]m. Compliance with Other Laws. A proposed tower must comply with
362 all local, state, and federal laws.
363 D. In all zones in which communications towers are a permitted or conditional use,
364 the following standards apply:

**AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT**
Text to be **added** is underlined
Text to be **deleted** is [BRACKETED, CAPITALIZE]
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

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
Text to be added is underlined
Text to be deleted is [BRACKETED, CAPITALIZE]
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.

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: Christine Nelson, Director, Community Planning

FROM: Adena Benn, CMC, Acting Borough Clerk

DATE: February 19, 2019

SUBJECT: REFERRAL OF ORDINANCE NO. 2019-10

On February 14, 2019 the Fairbanks North Star Borough Assembly introduced and referred Ordinance No. 2019-10 to the Planning Commission meeting of February 26, 2019 for review and recommendation.

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)
-Referred to the Planning Commission on February 26, 2019 with recommendation due back no later than March 12, 2019; Referred to the Committee of the Whole on March 21, 2019; Advanced to March 28, 2019 for Public Hearing

A recommendation is due to the Assembly by March 12, 2019. Please place this item on the February 26, 2019 Planning Commission agenda.

As a reminder, all legislative hearings by a board or commission shall be conducted according to procedures outlined in FNSBC 4.04.150(D).

Should you have any questions, please contact me at 1402.

Enclosure: Ord. No. 2019-10

cc: Jim Williams, Chief of Staff
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’Neill
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
PROPOSED SUBSTITUTE
By: Bryce Ward, Mayor

Introduced: February 14, 2019
Referred to the Planning Commission: February 14, 2019

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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Text to be deleted is [BRACKETED, CAPITALIZED & BOLD]
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

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
Text to be added is underlined & bold
Text to be deleted is [BRACKETED, CAPITALIZED & BOLD]
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]
"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].

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

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installation and maintenance of utility lines [WHICH ARE PERMITTED USES IN ALL ZONING DISTRICTS] which are a permitted use;

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], including, 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] which are a permitted use;

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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] which are a permitted use;

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] which are a permitted use;

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] which are a permitted use;

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] which are a permitted use;

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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] which are a permitted use;

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 [INCLUD]E, including 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; or

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

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] small wireless 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] facilities 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]criterion is met.
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] Zone.**
A permit should not be issued in a residential [NEIGHBORHOOD] zone (RE, RR, SF, TF, MF, MFO) unless the area cannot be adequately served or the provider's service objective cannot otherwise be met by a facility placed in a nonresidential [AREA] zone for valid technical or network deployment reasons. Conditions may be imposed to lessen the impact of a communications tower on a residential [NEIGHBORHOOD] zone, 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.

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]six 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.

[j]. 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.

[j]. 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.

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

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

[1. COLLOCATION. COLLOCATION OF ANTENNA AND COMMUNICATIONS EQUIPMENT ON AN EXISTING COMMUNICATIONS TOWER SHALL BE PERMITTED WITH THE ISSUANCE OF A ZONING PERMIT.]

[2] a. Minor modifications to towers, antennas, and equipment shall be permitted with a zoning permit. A minor modification is a collocation or other 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 to more than 80 feet in height or more than 30 feet above the roofline of any building atop which the tower is constructed; and

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

   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[.]; and

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

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

b. Major modifications to a conditional use shall be submitted to the planning commission as a request to amend the conditional use permit. Major modifications to a permitted use shall be submitted as a zoning permit application unless the communication tower with the modification otherwise
requires a conditional use permit. A major modification is a change that does not meet the criteria for a minor modification.

[3]2. 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
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 and all other applicable permits [IS] are obtained prior to the replacement of the tower.

[4]3. 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.


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

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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

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. Small wireless facilities do not require a zoning permit.

6. 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

APPROVED:

Jill S. Dolan  
Borough Attorney

ATTEST:

April Trickey, CMC  
Borough Clerk

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT  
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MEMORANDUM

TO: Fairbanks 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

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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
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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 Tricke, CMC  
Borough Clerk

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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
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.

ATTEST:

Presiding Officer

Clerk of the Assembly
CHATANIKKA EMERGENCY SERVICES SITE
RESOLUTION 89-078
TL-208, T3N R1E

SCALE: 1" = 400'
TO: Fairbanks North Star Borough Assembly
THRU: Bryce Ward, Borough Mayor
FROM: Daniel Sloan, Director
        Department of Public Works
DATE: March 14, 2019
SUBJECT: Ordinance 2018-20-1U
        Transfer Sites Attendant Services

Attached for your approval is a proposed budget ordinance. The ordinance amends the FY 2018-19 budget by appropriating $300,000 from the Solid Waste Collection District Fund fund balance to the Multi-Year General Subfund. These funds will be used to provide attendant services during the summer of 2019.

I urge its adoption.

Attachment
FAIRBANKS NORTH STAR BOROUGH
ORDINANCE NO. 2018-20-11

AN ORDINANCE AMENDING THE FY 2018-19 BUDGET BY APPROPRIATING $300,000 FROM THE SOLID WASTE COLLECTION DISTRICT FUND FUND BALANCE TO THE MULTI-YEAR GENERAL SUBFUND FOR TRANSFER SITES ATTENDANT SERVICES

WHEREAS, The Fairbanks North Star Borough (Borough) has 13 transfer sites that are currently open 24 hours a day, seven days a week without any oversight; and

WHEREAS, At these transfer sites there are safety issues, user concerns, environmental and health liabilities, and overall unnecessary costs from undesirable activities; and

WHEREAS, Attendant services are staffing the transfer sites, by providing gate services with set hours, general guidance and direction, redirecting behavior, reporting, and discouraging and preventing City of Fairbanks and commercial use at the transfer sites; and

WHEREAS, Attendant services, where both the Borough and a contractor supplied staffing, were implemented in the summer of 2017 under trial periods at three transfer sites with overall success; and

WHEREAS, Attendant services were supplied by a contractor at seven transfers sites in the summer of 2018 with overall success including reduced tonnage, fewer abandoned junk vehicles, and overall improved user behavior; and

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WHEREAS, Survey results supported attendant services with a desire of longer hours, continued cleanliness, and the concern for personal safety; and

WHEREAS, The remaining transfer sites that did not receive attendant services experienced significant vandalism, illegal dumping, and had user concerns; and

WHEREAS, Significant time and funding has been, and is being spent on major maintenance and improvements of most of the transfer sites and these efforts should be protected.

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. Solid Waste Collection District Fund Appropriation. Notwithstanding the Reserve Policies section IV. B. of the Borough's fiscal policies as stated in Ordinance No. 2018-20, Attachment B, the FY 2018-19 budget is hereby amended by appropriating $300,000 to the Solid Waste Collection District Fund budgetary guideline entitled "Contribution to Multi-Year General Subfund" and by increasing Contribution from Fund Balance by a like amount.

Section 3. Multi-Year General Subfund Appropriation. The FY 2018-19 budget is hereby amended by appropriating $300,000 to the Multi-Year General Subfund budgetary guideline entitled "Transfer Sites Attendant Services" and by increasing Contribution from Solid Waste Collection District Fund by a like amount.
Section 4. **Lapse of Funds.** Upon completion of the project, any unexpended, unencumbered balance will lapse to the Solid Waste Collection District Fund fund balance.

Section 5. **Effective Date.** This ordinance is 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
I. Request

Ordinance No: 2018-20-1U Date Introduced: 03/14/2019

Abbreviated Title: Appropriating $300,000 from the Solid Waste Collection District Fund to the Multi-Year General Subfund for Transfer Sites Attendant Services

II. Financial Detail

Department/Division Affected: Public Works/Solid Waste Collection District

<table>
<thead>
<tr>
<th>EXPENDITURE</th>
<th>Solid Waste Collection District Fund</th>
<th>Multi-Year General Subfund</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contribution to Multi-Year General Subfund</td>
<td>FY 18/19 300,000</td>
<td>FY 18/19 300,000</td>
</tr>
<tr>
<td>Contractual Services</td>
<td>FY 18/19 300,000</td>
<td>FY 18/19 300,000</td>
</tr>
<tr>
<td>Total</td>
<td>FY 18/19 300,000</td>
<td>FY 18/19 300,000</td>
</tr>
</tbody>
</table>

SOURCE OF FUNDING

| Contribution from Fund Balance           | FY 18/19 300,000                      |
| Contribution from Unrestricted Net Position | FY 18/19 300,000                      |
| Contribution from Solid Waste Collection District Fund | FY 18/19 300,000                      |
| Total                                     | FY 18/19 300,000                      |

Specify Funding Sources: Solid Waste Collection District Fund fund balance

OTHER FUNDING (PREVIOUSLY APPROPRIATED)

III. Project Purpose:

To fund transfer sites attendant services during the summer of 2019

IV. Analysis of Future Liabilities and Funding Sources:

None

V. Fund Certification: I certify that funding sources are available as detailed in II above.

Debra L. R. Brady
Chief Financial Officer

Date: 2/19/19

[Signature]

W:/Financial Services/FS Ordinances & Resolutions/ORDINANCES/FY19/Transfer Site Attendant Svcs 3-28-19/Transfer Site Attendant Svcs Fiscal Note 3-26-19 v1.docx
Fairbanks North Star Borough Fiscal Impact Statement (FIS) (FNSBC 3.20.010 C.)

Originator's Name: Bob Jordan  
Department: Public Works - Solid Waste Division

To Be Introduced/Sponsored By: Bryce Ward, Borough Mayor

Abbreviated Ordinance Title: Transfer Sites Attendant Services

Department(s)/Division(s) Affected: Public Works - Solid Waste Collection District

Proposed Introduction Date: March 28, 2019 (3/14/19 if possible)  
Ordinance No.: 2018-20-1U

Does this ordinance authorize:
1) a new or expansion of services which entails additional costs beyond that approved in the current adopted budget?  
   Yes ____ No ____ *

2) a project that is capital in nature and increases operational costs of the Borough in the current or any future fiscal year?  
   Yes ____ No ____ *

<table>
<thead>
<tr>
<th>Required Information/Estimates</th>
<th>FISCAL IMPACT PRO FORMA SUMMARY - BEST ESTIMATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Timeline inclusive of all phases</td>
<td>Remainder of Current FY 1st Full FY of Operations 2nd Full FY of Operations 3rd Full FY of Operations 4th Full FY of Operations</td>
</tr>
<tr>
<td>2. Number and type of new positions which may be required</td>
<td>none</td>
</tr>
<tr>
<td>3. Cost of operations and maintenance</td>
<td>$0.00</td>
</tr>
<tr>
<td>4. Future costs to complete capital assets</td>
<td>$0.00</td>
</tr>
<tr>
<td>5. Estimated revenue impact</td>
<td></td>
</tr>
<tr>
<td>6. Estimated non-Borough funds that may be received</td>
<td></td>
</tr>
<tr>
<td>a. to fund the ordinance</td>
<td>$0.00</td>
</tr>
<tr>
<td>b. to fund future phases</td>
<td>$0.00</td>
</tr>
<tr>
<td>c. to fund future operations and maintenance costs</td>
<td>$0.00</td>
</tr>
<tr>
<td>7. Anticipated annual tax subsidy</td>
<td></td>
</tr>
</tbody>
</table>

Is backup attached?  
Yes ____ No ____ *

Contact Person's Name, for FIS questions: Bob Jordan  
Extension: 1365

Director(s) Signature(s):  
Date: 2/1/19

Mayor's Office or Assembly Member Signature:  
Date: 2/14/19

Chief Financial Officer Signature:  
Date: 2/19/19

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\tundra2\workgrp\Financial services\FS Ordinances & Resolutions\ORDINANC\Fiscal Impact Statement\Fiscal Impact Statement 9-5-2017
Revision - code.xlsx  FIS
9/5/17 4:22PM

Page 1 of 2
# Attendant Services - Tonnage Comparison

## Transfer Sites & Select Customers
May 1 - October 31

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Transfer Sites:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Farmers Loop East</td>
<td>5,728</td>
<td>6,051</td>
<td>6,492</td>
<td>323</td>
<td>441</td>
<td>6%</td>
<td>7%</td>
</tr>
<tr>
<td>North Pole</td>
<td>5,040</td>
<td>5,202</td>
<td>3,675</td>
<td>162</td>
<td>(1,527)</td>
<td>3%</td>
<td>-29%</td>
</tr>
<tr>
<td>Farmers Loop West</td>
<td>5,169</td>
<td>5,768</td>
<td>5,410</td>
<td>599</td>
<td>(358)</td>
<td>12%</td>
<td>-6%</td>
</tr>
<tr>
<td>Badger Road</td>
<td>4,598</td>
<td>4,911</td>
<td>4,866</td>
<td>313</td>
<td>(45)</td>
<td>7%</td>
<td>-1%</td>
</tr>
<tr>
<td>Chena Pump</td>
<td>3,909</td>
<td>3,783</td>
<td>3,364</td>
<td>(126)</td>
<td>(419)</td>
<td>-3%</td>
<td>-11%</td>
</tr>
<tr>
<td>Ester</td>
<td>1,652</td>
<td>1,719</td>
<td>1,440</td>
<td>67</td>
<td>(279)</td>
<td>4%</td>
<td>-16%</td>
</tr>
<tr>
<td>Fox</td>
<td>1,348</td>
<td>1,265</td>
<td>900</td>
<td>(83)</td>
<td>(365)</td>
<td>-6%</td>
<td>-29%</td>
</tr>
<tr>
<td>Dale Road</td>
<td>725</td>
<td>657</td>
<td>944</td>
<td>(68)</td>
<td>287</td>
<td>-9%</td>
<td>44%</td>
</tr>
<tr>
<td>Two Rivers</td>
<td>925</td>
<td>1,000</td>
<td>1,161</td>
<td>75</td>
<td>161</td>
<td>8%</td>
<td>16%</td>
</tr>
<tr>
<td>Chatanika</td>
<td>77</td>
<td>85</td>
<td>69</td>
<td>8</td>
<td>(16)</td>
<td>10%</td>
<td>-19%</td>
</tr>
<tr>
<td>South Sites</td>
<td>1,990</td>
<td>2,096</td>
<td>2,886</td>
<td>106</td>
<td>790</td>
<td>5%</td>
<td>38%</td>
</tr>
<tr>
<td><strong>subtotal</strong></td>
<td><strong>31,161</strong></td>
<td><strong>32,537</strong></td>
<td><strong>31,207</strong></td>
<td><strong>1,376</strong></td>
<td><strong>(1,330)</strong></td>
<td><strong>4%</strong></td>
<td><strong>-4%</strong></td>
</tr>
</tbody>
</table>

| **Select Customers:** | | | | | | |
| Residential (1)     | 1,287.96     | 1,287.50     | 1,670        | (0.46)                 | 383                    | 0%               | 30%              |
| Small Commercial (2)| 5,761        | 6,018        | 6,457        | 257                    | 439                    | 4%               | 7%               |
| Alaska Waste (3)    | 17,830       | 16,701       | 16,735       | (1,129)                | 34                     | -6%              | 0%               |
| **subtotal**        | **24,879**   | **24,007**   | **24,862**   | **(872)**              | **856**                | **-4%**          | **4%**           |

(1) Self hauled residential tonnage borough wide.
(2) Combined tonnage from over 200 small businesses.
(3) Major commercial hauler with combined tonnage from all their customers.

**Notes:**
- 2016 - No Attendant Svs. Major maintenance projects at FLE & FLW Transfer Sites
- 2017 - Trial period attendant services at FLE, NP, & FLW. Smaller maint. projects at Two Rivers & Salcha Transfer Sites.
- 2018 - Attendant svs. at FLE, NP, FLW, BR CP, Ester & Fox. Major maint. projects at Ester, BR, NP & Fox Transfer Sites
MEMORANDUM

To: Fairbanks North Star Borough Assembly
Through: Bryce Ward, Borough Mayor
From: Mike Bork, Director, Parks and Recreation
Date: March 14, 2019
Subject: Ordinance No. 2018-20-1X

AN ORDINANCE AMENDING THE FY2018-19 BUDGET BY APPROPRIATING $18,915 IN FEDERAL PASS-THROUGH GRANT FUNDING TO THE CAPITAL PROJECTS FUND FOR THE PURCHASE OF SPORT WHEELCHAIRS TO BE USED BY THE ADAPTIVE RECREATION PROGRAM

Attached for your approval is an ordinance amending the FY2018-19 budget by appropriating funds totaling $18,915 to purchase 10 sport wheelchairs for the Adaptive Recreation Program.

In 2017, the Parks & Recreation Department launched a Wheelchair basketball program with the help of Challenge Alaska, an Anchorage non-profit that generously loaned the 10 chairs. Wheelchair basketball is an inclusive sport that levels the playing field for participants of all abilities. There are currently three participants with paralysis who participate in the program, however the program has been very popular with all participants. The new chairs, which have improved sport features will increase the fun and safety while ensuring the longevity of the program.

I request your consideration and urge your approval of this ordinance.
FAIRBANKS NORTH STAR BOROUGH

ORDINANCE NO. 2018-20-F

AN ORDINANCE AMENDING THE FY 2018-19 BUDGET BY APPROPRIATING $18,915 IN FEDERAL PASS-THROUGH GRANT FUNDING TO THE CAPITAL PROJECTS FUND FOR THE PURCHASE OF SPORT WHEELCHAIRS TO BE USED BY THE ADAPTIVE RECREATION PROGRAM

WHEREAS, The Christopher and Dana Reeve Foundation has made $18,915 available in U.S. Department of Health and Human Services (HSS) funding to the Fairbanks North Star Borough (Borough) to purchase ten sport wheelchairs to be used by the Borough’s Adaptive Recreation program; and

WHEREAS, An additional $3,000 in voluntary in-kind match will be contributed in gym rentals and salaries and benefits; and

WHEREAS, Wheelchair basketball is an inclusive sport which has been adapted from basketball for people who have varying levels of disabilities; and

WHEREAS, In 2017, Challenge Alaska, an Anchorage-based non-profit dedicated to improving the lives of people with disabilities, their families and the whole community through adaptive sports, therapeutic recreation and education, generously loaned the Borough ten older-model sport wheelchairs; and

WHEREAS, For the past two years, the Borough has offered wheelchair basketball as part of the winter season Adaptive Recreation program; and

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
Text to be added is underlined
Text to be deleted is [BRACKETED, CAPITALIZED]
WHEREAS, New sport wheelchairs will provide a better basketball experience for participants and will ensure the longevity of the program hosted by the Borough.

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. Acceptance of Pass-Through Grant Funding. The Borough accepts the award of $18,915 in federal grant funding from the HSS, passed through the Christopher and Dana Reeve Foundation, for the purchase of sport wheelchairs for the Adaptive Recreation program.

Section 3. Capital Project Fund Appropriation. The FY 2018-19 budget is hereby amended by appropriating $18,915 to the Capital Projects Fund budgetary guideline entitled “Adaptive Sport Wheelchairs” and by increasing the revenue from federal grants by a like amount.

Section 4. Eligible Expenditure Period. Expenditures incurred within the effective dates of the signed grant agreement are eligible for reimbursement.

Section 5. Effective Date. This ordinance is 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

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
Text to be added is underlined
Text to be deleted is [BRACKETED, CAPITALIZED]
FAIRBANKS NORTH STAR BOROUGH
FISCAL NOTE

I. Request

Ordinance No: 2018-20-1X Date Introduced: March 14, 2019

Abbreviated Title: $18,915 in U.S. Department of Health and Human Services (HHS) Grant Funding to Purchase 10 Sport Wheelchairs

II. Financial Detail

Department/Division Affected: Parks and Recreation/Recreation

<table>
<thead>
<tr>
<th>EXPENDITURE</th>
<th>General Fund FY 18/19</th>
<th>Special Revenue Fund FY 18/19</th>
<th>Capital Projects Fund FY 18/19</th>
<th>Total FY 18/19</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Services</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commodities Capital Outlay</td>
<td></td>
<td></td>
<td>17,195</td>
<td></td>
</tr>
<tr>
<td>Indirect</td>
<td></td>
<td></td>
<td>1,720</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td>18,915</td>
<td></td>
</tr>
</tbody>
</table>

SOURCE OF FUNDING

Federal Pass-Through Grants 18,915
State Grants
Total 18,915

Specify Funding Sources: U.S. Department Health and Human Services, passed through the Christopher and Dana Reeve Foundation

OTHER FUNDING

Voluntary Cash Match: Parks and Recreation Salaries and Benefits, Gym Rental 3,000

III. Project Purpose:

To fund the purchase of 10 sport wheelchairs for Parks & Recreation Adaptive Recreation program

IV. Analysis of Future Liabilities and Funding Sources:

None

V. Fund Certification: I certify that funding sources are available as detailed in II above.

Debra L. R. Brady
Chief Financial Officer

Date 2/15/19
Fairbanks North Star Borough Fiscal Impact Statement (FIS) (FNSBC 3.20.010 C.)

Originator's Name: Steve Taylor
Department: Parks & Recreation

To Be Introduced/Sponsored By: Mayor Ward

Abbreviated Ordinance Title: Appropriating $18,915 in Reeve Foundation funds to purchase sport wheelchairs.

Department(s)/Division(s) Affected: Parks & Recreation / Recreation

Proposed Introduction Date: March 8, 2019
Ordinance No.: 2018-20-1X

Does this ordinance authorize:
1) a new or expansion of services which entails additional costs beyond that approved in the current adopted budget? Yes _ No *
2) a project that is capital in nature and increases operational costs of the Borough in the current or any future fiscal year? Yes _ No *

FISCAL IMPACT PRO FORMA SUMMARY - BEST ESTIMATE

Required Information/Estimates
1. Timeline inclusive of all phases
2. Number and type of new positions which may be required
3. Cost of operations and maintenance
4. Future costs to complete capital assets
5. Estimated revenue impact
6. Estimated non-Borough funds that may be received:
   a. to fund the ordinance
   b. to fund future phases
   c. to fund future operations and maintenance costs
7. Anticipated annual tax subsidy

Is backup attached? Yes _ No

Contact Person's Name, for FIS questions: Steve Taylor

Director(s) Signature(s): [Signature]
Date: 1/23/19

Mayor's Office or Assembly Member Signature: [Signature]
Date: 1/24/19

Chief Financial Officer Signature: [Signature]
Date: 2/15/19
FAIRBANKS NORTH STAR BOROUGH

ORDINANCE NO. 2018 - 48

AN ORDINANCE REZONING APPROXIMATELY 420 ACRES, DESCRIBED AS SHUROS SUBDIVISION - BLOCK 2, SCHROEDER PROPERTY WAIVER – TRACT B AND TRACT C, SECTION 28 T1N R1W FM – TL-2805, SECTION 29 T1N R1W FM – TL-2914 AND GL-16 FROM RURAL RESIDENTIAL (RR) TO OUTDOOR RECREATIONAL (OR) OR OTHER APPROPRIATE ZONE (LOCATED ON THE SOUTH SIDE OF FARMERS LOOP ROAD, NEAR MILEPOST 6)

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

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

Section 2. The following described property is rezoned from Rural Residential (RR) to Outdoor Recreational (OR):

Shuros Subdivision – Block 2, Schroeder Property Waiver – Tract B and Tract C, Section 28 T1N R1W FM – TL-2805, Section 29 T1N R1W RM – TL-2914 and GL-16

Section 3. The official zoning map is amended in accordance with this ordinance.

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, CAPITALIZE]
PASSED AND APPROVED THIS ____ DAY OF ________, 2018.

______________________________
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 14, 2019

SUBJECT: Remand of Ordinance No. 2018-48 (RZ2019-001)

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

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

On February 26, 2019, the Fairbanks North Star Borough Planning Commission made the following recommendation in regards to the remand:

The Planning Commission voted 5 in favor, 0 opposed, to uphold the previous recommendation of disapproval and to adopt 10 additional findings of fact in response to the Borough Assembly’s instructions on remand of Ordinance No. 2018-48 (RZ2019-001):

1. The FNSB Regional Comprehensive Plan designates approximately 96% of the area proposed to be rezoned as Open Space/Natural Area. “Open space is an undeveloped area in a natural state, golf course, park, or cemetery, along a road that provides some visual relief from urbanization and public recreation. Open space may or may not be improved, but it does serve to interrupt more intense land uses. Natural area is an area left in natural state deemed not suitable for development. Natural areas may be minimally improved, i.e., to provide access to or through them, or to accommodate a trail, but basically they are left to their natural state.” The FNSB Regional Comprehensive Plan designates approximately 4% of the area proposed to be rezoned as Perimeter Area.
2. Of the six lots proposed for rezone, three lots are designated as Perimeter Area in the Comprehensive Plan. These three Perimeter Area lots, which consist of the applicant's lot and two state-owned lots to the east of applicant's lot, were described in the Planning Commission's November 13, 2018 finding of fact as "Farmers Loop perimeter lots." The other three lots proposed for rezone are designated as Open Space/Natural Area. With the exception of the applicant's lot, all lots proposed for rezone are within the Creamer's Field Migratory Waterfowl Refuge.

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

4. The rezone to Outdoor Recreation for the non-Perimeter Area lots, i.e. Open Space/Natural Area designated lots is consistent with the Comprehensive Plan and health, safety and welfare.
   a. As to the non-Perimeter Area lots, the proposed OR zone is consistent with FNSB Regional Comprehensive Plan land use designation of Open Space/Natural Area.
   b. The proposed OR zone is intended to protect outdoor recreational uses on public lands or on private lands if requested by the property owner. The OR zone would better protect the predominant outdoor recreational uses in the Open Space/Natural Area designated lots. The refuge will continue to be compatible with the nearby rural residential development by providing recreational and open space opportunities.
   c. The rezone conforms to the following FNSB Regional Comprehensive Plan goals because it would better protect the existing outdoor recreational uses within the refuge and outdoor recreational uses are essential to support the winter tourism market in the Borough:
      1. Economic Development Goal 1, Strategy 4, Action C which refers to promoting tourism and hospitality.
      2. Economic Development Goal 2, Strategy 6, Action C which refers to promoting the characteristics of the Borough that have potential for economic development.
      3. Environment Goal 3, Strategy 8, Action A which refers to providing for opportunities to enjoy the outdoors.
      4. The rezone to OR for the three non-Perimeter Area lots conforms to the following FNSB Comprehensive Economic Development Strategy (CEDS), Industry Cluster Development Goal 3 (Tourism) which refers to increasing winter tourism. The CEDS identifies tourism industry cluster with strong potential for growth as winter tourism expands in the Borough.
   d. As to the non-Perimeter Area lots, the rezone conforms to health, safety and welfare. The current RR zone in the non-Perimeter lots, i.e. the Open Space/Natural Area lots, is intended for low density residential development and does not protect the existing recreational use of the Creamer's Field Refuge. Rezoning these lots to OR does protect these uses, and therefore conforms to the public health, safety and welfare.

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

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

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

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

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

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

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

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

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

8. As to the three non-Perimeter lots, the rezone conforms to the following FNSB Regional Comprehensive Plan goals because it would better protect the existing outdoor recreational uses within the refuge and outdoor recreational uses are essential to support the winter tourism market in the Borough:
   a. Economic Development Goal 1, Strategy 4, Action C which refers to promoting tourism and hospitality.
   b. Economic Development Goal 2, Strategy 6, Action C which refers to promoting the characteristics of the Borough that have potential for economic development.
   c. Economic Development Goal 3, Strategy 8, Action A which refers to providing for opportunities to enjoy the outdoors.

9. As to the three non-Perimeter lots, i.e. the lots designated Open Space/Natural Area, the rezone conforms to the public health, safety or welfare because;
   a. The OR zone will protect the existing recreational uses within the Creamer's Field Refuge. The refuge will continue to be compatible with the nearby rural residential development by providing recreational and open space opportunities.

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

MINUTES
FEBRUARY 26, 2019

A regular meeting of the Fairbanks North Star Borough Planning Commission was held in the Mona Lisa Drexler Assembly Chambers, Juanita Helms Administration Center, 907 Terminal Street, Fairbanks, Alaska. The meeting was called to order at 6:50 p.m. by Mindy O’Neall, Chair.

A. ROLL CALL

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

MEMBERS EXCUSED: David Brandt Robert Peterson

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

B. MESSAGES

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

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

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

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

Stan Justice commented as follows:
- Spoke about many years ago trails having too many snow machines on them which is dangerous
- Prefers less snow machines in the area of the proposed RZ2019-001
- Encouraged disapproval of RZ2019-001
- Better zone for the refuge would be Open Space Buffer Zone
• Commercial use in the refuge is inappropriate

Don Duncan commented as follows:
• Explained people's misconceptions to be untrue and gave examples like snow machines are not allowed on the refuge, which is untrue
• Skijorers and dog mushers go faster and are not in control
• Been running his business for 5 years without incidents
• Not all of this snow machines will be used at once
• Cars on Farmers Loop Road are louder than his machines
• His trails are maintained

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

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

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

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

Kailyn Davis commented as follows:
• Avid user of trails
• Snow machines cause trail damage
• Expressed safety concerns of unexperienced snow machine users
• Dog sleds have brake systems
Susan Miller commented as follows:
- Opposed to R22019-001
- Residential area shouldn't be changed for one person's gain for his business
- Tourism is growing in Fairbanks, no one is asking for Mr. Duncan to close his business
- Bought home because of the quiet area
- Property value goes down due to snow machine business in the area
- Urged Planning Commission to not allow the rezone

Patrick Marlow commented as follows:
- Spoke against R22019-001; concerned with spot zone
- Uses trails daily
- Renovated his home and couldn't imagine why people should be subject to having a snow machine business in the middle of a residential area
- Rezone is for personal benefit for his business
- Not against the business itself, just shouldn't be across from his home

Jeff Benowitz commented as follows:
- Opposed to R22019-001
- Expressed concerns of sound; travels far in winter
- Concerned with unexperienced snow machine users on trails
- Questioned spot zoning to benefit one person
- Expressed concerns if rezoned, it will allow future owners to potentially open a shooting range in the area
- Suggested Creamer's Field be rezoned to Open Space Buffer Zone

Maia Genaux commented as follows:
- Does not support R22019-001
- Snow machine usage on land is almost industrial
- Land is a wildlife refuge
- OR zone permitted uses opens the opportunity for incompatible uses in the future
- Wants to preserve the peace and quiet of the area

[Commissioner Muehling left the dais]

Karl Franks commented as follows:
- Spoke against R22019-001
- Unexperienced riders not compatible for refuge

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

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

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

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

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

Disclosure & Statement of Conflict of Interest

[Commissioner Muehling returned to the dais]

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

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

ROLL CALL

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

MOTION PASSED

C. APPROVAL OF AGENDA AND CONSENT AGENDA

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

D. *MINUTES

Minutes from February 12, 2019.

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

E. UNFINISHED BUSINESS

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

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

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

Chair O’Neall requested a brief summary of procedure and options the commission has on the remand from legal.

Mr. Jaffa stated the commission has the option to make the instructed findings in the course of a reconsideration of the main motion, which have time limits and the other option is to proceed to make the instructed findings under a standalone motion for additional findings and he further explained the difference in options.

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

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

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

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

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

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

Commissioner Perreault stated the two particular concerns he had were addressed in the additional findings of fact; one being pointing out the difference between the perimeter lots versus the core of the Creamer’s Field and a core portion of the acreage proposed for rezone and the other being the reverse spot zone created by the two lots in between the two perimeter areas included in the rezone area which are incompatible with the comprehensive plan which is address in finding of fact #5.

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

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

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

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

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

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

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

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

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

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

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

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

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

      4. The rezone to OR for the three non-Perimeter Area lots conforms to the following FNSB Comprehensive Economic Development Strategy (CEDS), Industry Cluster Development Goal 3 (Tourism) which refers to increasing winter tourism. The CEDS identifies tourism industry cluster with strong potential for growth as winter tourism expands in the Borough.
d. As to the non-Perimeter Area lots, the rezone conforms to health, safety and welfare. The current RR zone in the non-Perimeter lots, i.e. the Open Space/Natural Area lots, is intended for low density residential development and does not protect the existing recreational use of the Creamer’s Field Refuge. Rezoning these lots to OR does protect these uses, and therefore conforms to the public health, safety and welfare.

5. The rezone to Outdoor Recreation for the Perimeter Area lots is not consistent with the Comprehensive Plan and health, safety and welfare.

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

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

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

a. The Rezone is not consistent with the comprehensive plan

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

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

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

1. The rezone of the three Perimeter Area lots to Outdoor Recreation will be detrimental to the surrounding RR property owners to the north and west and east by introducing incompatible uses, which is developed in a predominately residential pattern.
2. Although the growth of winter tourism has benefits to the community, this can be accomplished without rezoning the Perimeter Area lots as currently proposed.

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

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

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

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

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

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

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

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

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

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

ROLL CALL

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

MOTION PASSED

[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 one at a time.

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, 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 do that, it’s just for clarity; defining a neighborhood is tougher.
PUBLIC HEARING – continued

GRAY, Seconded by WILLIAMS moved to file no protest against Marijuana License #18493 – New – Product Manufacturing Facility.

WITHOUT OBJECTION, SO ORDERED
d. Marijuana License – New – Retail Store – License #18187

The Fairbanks Cut, LLC
DBA: The Fairbanks Cut, LLC
188 Bentley Trust Road, Suite A
Fairbanks, AK 99701
Track 2, 17:07

Jim Williams, Chief of Staff, gave a staff report.

The Presiding Officer called for public testimony, there being none public hearing was closed.

GRAY, Seconded by WILLIAMS moved to file no protest against Marijuana License #18187 – New – Retail Store.

WITHOUT OBJECTION, SO ORDERED

Assemblymembers Tacke and Sanford returned to the dais.

e. ORDINANCE NO. 2018-48. An Ordinance Rezoning Approximately 420 Acres, Described As Shuros Subdivision – Block 2, Schroeder Property Waiver – Tract B And Tract C, Section 28 T1N R1W FM – TL-2805, Section 29 T1N R1W FM – TL-2914 And GL-16 From Rural Residential (RR) To Outdoor Recreational (OR) Or Other Appropriate Zone (Located On The South Side Of Farmers Loop Road, Near Milepost 6) (RZ2019-001).
(Sponsors: Assemblymembers Lyke and Lojewski)
Track 2, 18:20

Presiding Officer Cooper passed the gavel to Deputy Presiding Officer Major.

Assemblymember Cooper declared a potential conflict of interest on Ordinance No. 2018-48 as he is employed by the University of Alaska Fairbanks (UAF), which is an interested party in this rezone. Mr. Cooper provided legal advice to UAF regarding this rezone. The Chair ruled a conflict did exist and Mr. Cooper was excused from the dais.
PUBLIC HEARING – continued

Christine Nelson, Community Planning Director, and Chris Guinn, Planning Commission Commissioner, gave a staff report.

The Deputy Presiding Officer called for public testimony.

Matthew Banning, resident of the borough, spoke in opposition to Ordinance No. 2018-48.

Mike Prax, resident of the borough, spoke in support of Ordinance No. 2018-48.

Taylor Englert, resident of the borough, spoke in support of Ordinance No. 2018-48.

Russell Miller, resident of the borough, spoke in support of Ordinance No. 2018-48.

John Benevento, resident of the borough, spoke in opposition to Ordinance No. 2018-48.

Don Duncan, resident of the borough and applicant, spoke in support of Ordinance No. 2018-48.

Ron Gunn, resident of the borough, spoke in support of Ordinance No. 2018-48.

Susan Miller, resident of the borough, spoke in opposition to Ordinance No. 2018-48.

Kathryn Baird, resident of the borough, spoke in opposition to Ordinance No. 2018-48.

James Baird, resident of the borough, spoke in opposition to Ordinance No. 2018-48.

Sam Harrel, resident of the borough, spoke in support of Ordinance No. 2018-48.

Eric Muehling, resident of the borough, spoke in opposition to Ordinance No. 2018-48.

Chris Van Dyke, resident of the borough, spoke in opposition to Ordinance No. 2018-48.

Patricia Ekberg, resident of the borough, spoke in opposition to Ordinance No. 2018-48.
PUBLIC HEARING – continued

Asa Dowdy, Jr., resident of the borough, spoke regarding Ordinance No. 2018-48.

The Deputy Presiding Officer called for further public testimony, there being none public hearing was closed.

TACKE, Seconded by LOJEWSKI

moved to adopt Ordinance No. 2018-48.

Discussion ensued.

LOJEWSKI, Seconded by LYKE

moved to remand Ordinance No. 2018-48 to the Planning Commission for reconsideration of this request as follows

"1. The Planning Commission should make additional findings of fact as to whether the proposed rezone to Outdoor Recreation conforms to the comprehensive plan and to the public health, safety and welfare. 2. The Planning Commission should address whether a spot zone or reverse spot zone is created by the exclusion of the two parcels between Mr. Duncan's lot and the Creamer's Field perimeter area lots. 3. The Planning Commission should address whether the rezone to Outdoor Recreation of the non-perimeter area lots, i.e. the lots designated as Open Space Natural Area, conforms to the comprehensive plan and to the public health, safety and welfare."

Discussion ensued.

WILLIAMS, Seconded by TACKE

moved to amend by adding “4. The Planning Commission should address how the proposed zoning change would effect current State use of that land.”
PUBLIC HEARING – continued

VOTE ON MOTION TO AMEND BY ADDING “4. THE PLANNING COMMISSION SHOULD ADDRESS HOW THE PROPOSED ZONING CHANGE WOULD EFFECT CURRENT STATE USE OF THAT LAND.”

Yeses: Sanford, Gray, Tacke, Williams, Lyke, Lojewski, Major

Noes: None

MOTION CARRIED 7 Yeses, 0 Noes

VOTE ON MOTION TO REMAND TO THE PLANNING COMMISSION, AS AMENDED.

Yeses: Lyke, Tacke, Lojewski, Gray, Williams, Major

Noes: Sanford

MOTION CARRIED 6 Yeses, 1 Noes

Assemblymember Cooper returned to the dais and Deputy Presiding Officer Major returned the gavel to Presiding Officer Cooper.

f. ORDINANCE NO. 2018-40. An Ordinance Amending FNSBC Title 18 To Allow Reconstruction Of A Nonconforming Building And Adding A Definition Of Permanent Foundation. (Sponsor: Assemblymember Lojewski)

Track 3, 47:02

Assemblymember Lojewski and Christine Nelson, Community Planning Director, gave a staff report.

The Presiding Officer called for public testimony.

Mike Prax, resident of the borough, spoke in support of Ordinance No. 2018-40.

The Presiding Officer called for further public testimony, there being none public hearing was closed.

GRAY, Seconded by MAJOR

moved to adopt Ordinance No. 2018-40.

Discussion ensued.
REMAND

RZ2019-001

The Chair of the Planning Commission elected to not re-open public testimony. The Final decision will be made by the FNSB Assembly.

Comments on the remand were allowed under Citizen’s Comments.
Public Comments Received after the FNSB Assembly meeting on January 10, 2019

RZ2019-001
<table>
<thead>
<tr>
<th>Date</th>
<th>Name</th>
<th>Comment</th>
</tr>
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| 1/16/19    | David Gehrke (owns 1402       | • David is against the rezone because it include 400+ acres of public property  
| (phone     | Farmers Loop Rd)             | • This business is not a new start, it is already operating in the Creamer's Field.  
| call)      |                               | • The new proposed location on Farmers Loop is concerning because it would increase traffic on the road and create traffic safety issues.  
|            |                               | • The noise level is going to increase with the snow machines  
|            |                               | • There will be more snow machines on the trails and increase conflicts with the other public users                                                                                                                                       |
| 1/16/19    | Matthew Banning (owns 1311    | • Matthew is against this rezone because Mr. Duncan has 42 snow machines that will have a lot of impacts on his property  
| (phone     | Farmers Loop Rd)             | • Mr. Duncan's operation will reduce the property value of Matthew's property and reduce the number of potential buyers/renters                                                                                              |
| call)      |                               |                                                                                                                                                                                                                                                                                                                                      |
| 1/16/19    | Gabriele Larry                | • Gabriele inquired about the remand of the rezone and didn't offer any comments.                                                                                                                                                                                                                                                    |
|            |                               |                                                                                                                                                                                                                                                                                                                                      |
| 1/24/19    | Meredith Parker (owns property| • Meredith opposes this rezone because the trails within the refuge should be non-motorized. In her opinion, Fish & Game policies says that the trail use should be according to the borough plans that call these trails to be non-motorized  
| (phone     | on NRA lane)                  | • Farmers Loop Road should not be commercial use. It should remain residential. The users are already driving very fast since the road was improved and making it commercial will only make it worse  
| call)      |                               | • Midnight Sun Road doesn't have any parking space and it is a designated access to the refuge. People have to put A-frames but there is no space for parking                                                                                                                     |
| 1/24/19    | Jake Hakala (owns property on | • Jake lives on Air Park Drive which connects to Echo Acre Drive  
| (phone     | Air Park Drive)               | • He inquired about the next Planning Commission hearing date and didn't offer any comments                                                                                                                                                                                                                                      |
| call)      |                               |                                                                                                                                                                                                                                                                                                                                      |
| 1/25/19    | Stan Justice (owns property    | • Stan is the president of Interior Trails Preservation Council  
| (phone     | near the Golf Course)         | • He inquired about the public hearing and didn't offer any comments                                                                                                                                                                                                                                                                  |
| call)      |                               |                                                                                                                                                                                                                                                                                                                                      |
| 2/4/19     | Meredith Nava (owns property  | • Meredith visited Community Planning office to obtain a copy of the proposed ordinance and a zoning map of the area                                                                                                                                                                                                                      |
| (walk-in)  | on NRA lane)                  |                                                                                                                                                                                                                                                                                                                                      |
| 2/4/19     | Karol Nordan (owns property on| • Karol wants this rezone to be denied because the subject section of the Farmers Loop Road has sharp turn and that is not good for public safety                                                                                                                                                                                   |
| (phone     | Grenac Road)                  |                                                                                                                                                                                                                                                                                                                                      |
| call)      |                               |                                                                                                                                                                                                                                                                                                                                      |
- Another concern she has is the potential noise produced from snow machining

<table>
<thead>
<tr>
<th>Date</th>
<th>Contact Name</th>
<th>Ownership Details</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>2/5/19</td>
<td>Dan Swartz</td>
<td>owns property is Twin Moose Subdivision</td>
<td>Dan wants this rezone denied and feels that the remand was unnecessary</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>He provided comments in the previous public hearing and wants the Planning Commission and Borough Assembly to review them and deny this rezone</td>
</tr>
<tr>
<td>2/7/19</td>
<td>Chuck Lemke</td>
<td>owns property on Holy Cross Drive</td>
<td>Chuck is a road commissioner</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>He inquired about this case and didn’t offer any comments</td>
</tr>
<tr>
<td>2/11/19</td>
<td>Paula Wille</td>
<td>owns property in Chena Ridge area</td>
<td>Paula inquired about this case and didn’t offer any comments</td>
</tr>
<tr>
<td>2/13/19</td>
<td>Mike</td>
<td>(a DPO recipient)</td>
<td>Mike inquired about this case and didn’t offer any comments</td>
</tr>
<tr>
<td>2/13/19</td>
<td>Jeff Benowitz</td>
<td>(Skijor Board)</td>
<td>Jeff inquired about this case and mentioned that he would provide written comments later</td>
</tr>
<tr>
<td>2/19/19</td>
<td>Daniel Greiner</td>
<td>(owns property on Ithaca Road)</td>
<td>Daniel inquired about this case and didn’t offer any comments</td>
</tr>
<tr>
<td>2/19/19</td>
<td>Susan Miller</td>
<td>(owns property within the notification area)</td>
<td>Susan has emailed her comments and she inquired about this case</td>
</tr>
<tr>
<td>2/20/19</td>
<td>Meredith Parker</td>
<td>(owns property on NRA lane)</td>
<td>Meredith requested a list of uses allowed in the OR zone</td>
</tr>
<tr>
<td>2/22/19</td>
<td>Carol Nordin</td>
<td>(owns property within DPO area)</td>
<td>Carol requested a copy of the remand questions Assembly has raised for Planning Commission</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>She plans to write a letter/email to the Assembly</td>
</tr>
<tr>
<td>2/25/19</td>
<td>Tim Desrochers</td>
<td>(owns property on Holy Cross Dr)</td>
<td>Tim is against this rezone because it converts a residential area into a commercial area</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>He doesn’t want Creamer’s Field to be used by a snow machine business</td>
</tr>
</tbody>
</table>
Good morning Toni Kaufman,

I apologize for the delayed reply, I am typically away from my desk a few hours before a scheduled Planning Commission meeting to prepare. At last night’s meeting, this remand case was not presented as a public hearing, therefore public testimony was not opened. The public did have the opportunity to speak on this matter during citizen’s comment at the beginning of the meeting. The ultimate decision will be with the FNSB Assembly and you may have an opportunity to comment then, allowing public testimony again would be up to the Assembly. The Assembly date for this matter is currently set for the March 14, 2019 Assembly Meeting. To confirm you are welcome to contact the FNSB Clerk's Office at 459-1401. We thank you for contacting the Department of Community Planning.

Michelle Gutierrez
Administrative Assistant III
Community Planning Department
Fairbanks North Star Borough
(907) 459-1277
mgutierrez@fnsb.us

Commenting on RZ2019-001

We feel very strongly that this agenda item should not be approved. Creamer's Field is an amazing treasure for the Fairbanks area and should be protected in every way from change or additional new motorized activities.

Our future generations will thank us for preserving this valuable historic area.

Thank you,

Toni Kaufman and John Manthei
1600 Goldenview Dr.
Fairbanks, AK 99709
Ms. Lewis,

We thank you for contacting the Department of Community planning in regards to RZ2019-001. At this time, your comments will not be added to the meeting packet. The remand for this case is listed under Unfinished Business for the February 26, 2019 Planning Commission meeting. At this time we do not know if public testimony will be re-opened. That decision will lay with the Planning Commission Chair, the night of the meeting. If public testimony is not re-opened at the Planning Commission meeting tonight, the ultimate decision will be with the FNSB Assembly and you will have an opportunity to comment then. The Assembly date for this matter is currently set for the March 14, 2019 Assembly Meeting. To confirm you are welcome to contact the FNSB Clerk’s Office at 459-1401. The agenda and meeting packet materials are available on our website, linked below. Thank you.

http://www.co.fairbanks.ak.us/Boards/Pages/Planning-Commission.aspx

Sincerely,

Michelle Gutierrez
Administrative Assistant III
Community Planning Department
Fairbanks North Star Borough
(907) 459-1277
mgutierrez@fnsb.us
2036 Teton Ct., Fairbanks, 99709

P.O. Box 80096, Fairbanks, 99708
Dear Sir/Ma'am,

I have lived at my residence (1243 Grenac Rd) located near 5 mile Farmers Loop Rd since 1978. I strongly oppose Mr. Duncan's request to rezone his personal property at 1341 Farmer's Loop Rd from RR to OR. Mr. Duncan's desire to use his property for commercial purposes is not consistent with the use of the surrounding properties and would have a negative impact on this community. This area of Farmer's Loop is densely populated and includes Pearl Creek Elementary School and Bethel Baptist Church. This area is not compatible with an Open Recreational Zoning classification. Farmer's Loop Road is already a high traffic road with a speed limit of 50 MPH. Unfortunately, many drive much faster than that! Many individuals make good use of the bike trails along Farmer's Loop, even during the winter months, to walk with their children, loved ones and pets. With such a close proximity to a major school, church and many residential homes, it would be unwise to grant Mr. Duncan's proposal to rezone his 3.8 acre private lot.

Also, Once a property is rezoned it maintains that zoning. If Mr. Duncan were to sell his property, the neighborhood would have no idea what type of use the property would then be given until it was already done. This type of uncertainty is unfair to the other property owners who bought their homes or land and built their homes because they were in a Rural Residential Area and not a recreational or business area. This rezoning request has a far greater impact and effects a far larger number of people than just Mr. Duncan, his property and his business interests. Please consider the health and welfare of all of Mr. Duncan's neighbors when making your decision regarding RZ2019-001.

As for the issue of rezoning the other acres near and/or encompassing hundreds of acres in Creamer's Field Migratory Waterfowl Refuge, I see this as a separate issue and I believe it should not be mixed in with Mr. Duncan's initial request to rezone his personal 3.8 acres. I also oppose the use of motorized recreational vehicles on lands that sit adjacent to rural residential areas due to their potential hazard to walkers, skiers and all non-motorized users. The noise pollution (especially from snow machines) is also of great concern. All of these are side issues to the main issue that Rural Residential areas are not compatible with commercial use nor many aspects of Open Recreational use.

Thank you for considering my comments and for your service to the Fairbanks community and the larger Fairbanks North Star Borough.

Sincerely,

Carol Nordin

Comm. Planning Dept
FEB 25 2019
RECEIVED
Dear Ms. Nordin,

Please find attached the notification for the remand hearing. This letter includes questions that Planning Commission plans to consider on Feb 26th.

Thanks,
Manish

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

Looking around the zoning map I do see similar areas to Creamers Wildlife Refuge zoned OR. But I noticed there is also the OSB zone. When I first read the OSB uses I thought – that is the perfect zone for a wildlife refuge since the focus of the refuge is conserving wildlife not recreation. But on the map I could only find one OSB zoned parcel near Geist Road. What are your thoughts on the suitability of OSB zone for remote parcels of Creamers Refuge?

Stan
479-5017
712-4035

From: Manish Singh [mailto:MSingh@fnsb.us]
Sent: Wednesday, January 30, 2019 11:36 AM
To: stanjustice@acsalaska.net
Subject: RE: Zones

Mr. Justice,

Please find out online zoning map on the link below:

https://gisportal.fnsb.us/enterprise/apps/webappviewer/index.html?id=8b49f3ccf21a4c76a46023d6b073d1fa

Thanks,
Manish

From: Manish Singh
Sent: Wednesday, January 30, 2019 8:13 AM
To: 'stanjustice@acsalaska.net' <stanjustice@acsalaska.net>
Subject: RE: Zones

Dear Mr. Justice,

Thank you for your email. I apologize for any inconvenience you had with our online zoning map. I would recommend using the online zoning map and the online borough code in tandem. The Title 18 of Borough Code includes description of zones i.e. what is allowed? What is not allowed?

Please find out Title 18 of Borough Code on the link below:

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

I hope you’d find this helpful. Let me know if you have any additional questions for me. I can be reached at (907) 459-1225.
Thanks,
Manish Singh
FNSB Community Planning

From: Mary Bork <mabork@fnsb.us>
Sent: Wednesday, January 30, 2019 7:25 AM
To: Manish Singh <MSingh@fnsb.us>
Subject: RE: Zones

Manish,

Please respond to Mr. Justice. I would answer this myself, but I haven’t worked with the GIS enough to know why descriptions aren’t link. I imagine that the borough just doesn’t have the resources although it has the ability.

Thank you,

Mary Bork
Administrative Assistant IV, Community Planning | Fairbanks North Star Borough
Direct: (907) 459-1259

From: Stan Justice <stanjustice@acsalaska.net>
Sent: Tuesday, January 29, 2019 8:59 PM
To: Webmail Planning <planning@fnsb.us>
Subject: Zones

Hi Planning
Trying to find descriptions of the various zones – what is allowed on OR and RR. I find I can view zones on the GIS but just as various colors – no key to what the colors mean. So I drill down on a specific parcel thinking surely along with all the other info the zone will be displayed – don’t see it. This should not be this hard.
Stan Justice
712-4035
Hello, I am a property owner near this proposed rezone and I still oppose it. Thanks, Heidi 1605 Scenic Loop
Dear Mr. Wool,

It was nice talking to you. Please find more information about the rezone in the link below.

http://fnsb.us/Boards/BoardCommissionMeetingDocuments/2019Feb26PCFP.pdf

You can contact Assembly Directly on assembly@fnsb.us to submit comments. Otherwise, you can write an email to me and I will check if Planning Commission opens the remand hearing on Feb 26th for public hearing.

Let me know if you have any questions for me.

Thanks,
Manish

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

I apologize for not getting back to you earlier. The rezone matter is within the hands of the Borough Assembly. Therefore, if DNR withdraws (hypothetically), it doesn't appear that the rezone process would automatically terminate. The Borough Assembly would decide what the appropriate subsequent action would be.

I agree that it may be more useful to contact the Assembly directly and clarify your interest.

Let me know if I didn't answer your question correctly. I can set up a phone conversation next week and try answering some of your questions with the help of my supervisors.

Thanks,
Manish

Hi Manish,

Thanks for getting back to me. I do have a few questions.

Hypothetically, what would the process look like if we were to withdraw our lands from Mr. Duncan's request and then re-apply separately to have the entire refuge rezoned as Outdoor Recreation? Would the Assembly then be able to consider the merits of Mr. Duncan's request on its own?

However, since the process is so far underway, would it be more appropriate to contact the Assembly to simply clarify that the department is interested in having the refuge rezoned but does not explicitly support Mr. Duncan's request?

-Adam
To: Dubour, Adam J (DFG) <adam.dubour@alaska.gov>  
Subject: RE: Creamers Rezone

Hi Adam,

On Jan. 10, 2019, FNSB Assembly remanded the rezone back to the Planning Commission (see attached notice we shared with neighbors). The Planning Commission is going to discuss the four questions raised by the Borough Assembly on Feb. 26, 2019. At this point, we are not sure if the Planning Commission will reopen public testimony on Feb. 26th. After the Planning Commission Remand Hearing, the case will go back to Borough Assembly for final decision.

With this being said, your department could reach out to the Borough Assembly at any point to communicate any new information or testimony. Let me know if you have any questions for me.

Thanks,
Manish

---

From: Dubour, Adam J (DFG) <adam.dubour@alaska.gov>  
Sent: Thursday, February 14, 2019 9:24 AM  
To: Manish Singh <MSingh@fnsb.us>  
Subject: Creamers Rezone

Hello Manish,  

I wanted to reach out to see what is happening with the Creamer's Re-zone situation. Audra Brase, with ADF&G Habitat Division in Fairbanks has been keeping an eye on the progress and learned through the Assembly minutes that the ordinance was "Remanded to the Planning Commission". We were not sure what that means exactly though.

Is the request still being considered? Could you explain where the process goes from here? Is there anything that ADF&G should be doing right now to clarify our position?

Basically, ADF&G would still be interested in having the refuge zoned in accordance with the intended use of the land (Outdoor Recreation). However, if need be, we can clarify that we are not explicitly supporting the rezone of Mr. Duncan's land.

Talk soon. Thanks,

Adam DuBour  
Access Defense Program  
Alaska Department of Fish and Game  
Division of Wildlife Conservation  
333 Raspberry Road  
Anchorage, Alaska 99518  
(907)267-2292  
adam.dubour@alaska.gov
Below are my comments on the rezone

RZ2019-001: A request by Don Duncan (Master Guide License #136) DBA Alaska Private Guide Service to rezone approximately 420 acres from Rural Residential (RR) to Outdoor Recreational (OR) or other appropriate zone.

I am very concerned about the prospect of increased snowmachine traffic from the planned commercial tour operation and ask that the rezone be rejected. I live adjacent to the golf course and use the mushing trails frequently.

This rezone might make sense for 99 percent of land but it contains a poison pill – a snowmachine business. Don’t get me wrong – I own a snowmachine and use it to groom trails and do cabin trips. But let’s go back a few years, back to early 2000s when snowmachines raced all over town. One would take their life in their hands to use the bike path along Farmers Loop Road. I used to jump behind a light post for protection as they screamed by. There were numerous accidents; ER doctors talked about gruesome injuries they would see; there were snowmachine – car collisions and even dog teams getting hit.

Friends and I decided something had to be done as the politicians were scarred to do anything against the well-organized pro machine groups. We formed an organization, drew lines on maps, came up with ordinance language, gathered donations and began collecting signatures on an initiative to ban recreational snowmachine use in Fairbanks. Out spent 10:1 the initiative was voted down. But then a strange thing happened – the racing around became less and less. Somehow we won even though we lost. Now it is rare to see a snowmachine on the mushing trails unless it is pulling a drag. The West end of town has gone quiet...and we like it that way!

Maybe there is a win win here. I agree with Mr. Duncan that his location is perfect for a trailhead. But perhaps it could be a public trailhead. The beautiful Caribou Lakes is very close to the parcel. For years bird watchers have trespassed across the parcel to go look for Blue-winged Teal. And once duck season opens hunters enjoy the ponds. In the winter I set ski tracks across the lakes and lead ski tours. The existing trailhead beside Midnight Sun Road is small, tangled with a driveway and roads and is a long wet slog to the lakes. Could we collect enough donations and grants to buy the parcel from Mr. Duncan?

I am very familiar with the trails in the vicinity of Shuros rezone. Every fall I use a snow machine and homemade equipment to drag the 18.9 mile trail and cut brush to widen it out. I then set shallow classic tracks from Fairbanks Golf and Country Club over to Caribou Lakes. I set ski tracks around the lakes then on around other trails to make a loop. I lead an annual ski tour for Nordic Ski Club of Fairbanks on the Caribou Lakes Loop.
The purpose of planning and zoning is to prevent incompatible land uses from occurring. I feel the rezone would allow uses that are incompatible for the following reasons.

1. Part of the rezone includes Creamers Wildlife Refuge lands. Some refuge managers worked hard for the years to minimize snowmachine use by installing split rail fencing, signage, etc. Recreational snowmachine use in the refuge has declined.
2. The Mushing Trails are designated non-motorized in the FNSB Comprehensive Recreational Trail Plan. (The Trails Advisory Commission is drafting a change to the plan to clarify that motorized equipment can be used to maintain a non-motorized trail.)
3. The rezone includes a number of lots that would make nice residential homes consistent with neighboring lots. Lot GL-16 is 2.4 acres and Midnight Sun Road leads to it. It should remain zoned RR. Lot B and C of Schroeder Properties have a home on the lot to the W and the lot to the E is owned by “Nature Cabins” so sounds like intended for a residential use. And Mr. Duncan’s lot has the abandoned residential house that provided housing to someone for many years.
4. Almost all the lands on the W end of Farmers Loop are zoned RR. I think it would be bad policy and probably spot zoning to include OR zones in the middle of an RR zone.
5. Allowing commercial activity in the middle of a large RR zone will cause noise and pollution in a residential area.

It is very inconsistent for the applicant to say that his land is wetlands and permafrost so not suitable for residential use but good for a warming facility with restrooms. There are residences on many of the nearby lots but most use outhouses and hauled water. Public restrooms on his lot would be problematic. Well drillers have encountered problems when drilling in lands such as Mr. Duncan’s. Artesian water can be hit and if it flows up outside the casing severe flooding can occur with thick ice buildup. A wastewater disposal system would have to be carefully engineered.

Is recreational use of snowmachines allowed on the mushing trails?

The Jeff Studdert Sleddog Trails are listed as non-motorized in the 1985 FNSB Recreational Trails Plan. The plan has been amended some 8 times and another amendment is being worked on by the Trails Advisory Commission. The mushing trails are listed as class B trails, the trails that the borough accepted as components of the FNSB Recreational Trail Network. The trail plan became part of the FNSB Comprehensive Plan when it was adopted by the assembly. Non-motorized is the designation FNSB Planners should consider with this rezone!

Landownership for the Jeff Studdert Sleddog Trails is a mixture. There are easements across private parcels that are non-motorized. Where the trails cross Creamers Wildlife Refuge it is appropriate to review the refuge management plan. When the plan was being drafted snowmachine use was very controversial. The factions could not agree so the plan was finalized with a schedule to revisit the issue of snowmachine use. Basically, they decided to decide later... but then never did. Refuge managers installed split rail fencing around the fields in part to discourage snowmachines. The skijor club started grooming trails in the fields. Bit by bit recreational snowmachine use greatly declined. The refuge management plan says “general Special Area Permit is issued each fall to allow public off-road snowmachine use on the refuge during the winter.” The Habitat Division of Fish and Game issued Special Area Permit FH15-III-001-SA on March 6, 2015 and should be included in your deliberations.
The mushing trails also cross University of Alaska lands and I don’t know what agreements are in place for snowmachine use on UAF lands.

Mr. Duncan offered to assist with trail grooming and brushing. The mushing trails are plagued with a U shape because traffic packs down the center while the sides are higher with vegetation. Thus the grooming equipment is designed to pull snow from the edges into the center. ADMA discourages others from assisting with grooming as they commonly do more harm than good. Brushing is always appreciated.

Spot Zone
It appears the state lands were rolled into this rezone to make it appear to not be a spot zone. The rezone application was for 3.8 acres. The State’s request for a rezone should have been treated as a separate request. It is clear there are two very different types of parcels in this rezone. There are 4 parcels with access to Farmers Loop and to be consistent with the neighborhood should remain RR. Then there is the large portion of the refuge. The two should not be lumped into a single rezone as the land characters are so different. I suspect it was done just to avoid a spot zone problem. The refuge lands should all be a single zone but not a zone that allows commercial activity. The subdivided perimeter lands should be RR like adjacent lands.
Manish Singh

From: Manish Singh
Sent: Thursday, February 14, 2019 9:47 AM
To: 'Dubour, Adam J (DFG)'
Subject: RE: Creamers Rezone
Attachments: RZ2019-001_Duncan_DPO-Remand.pdf

Hi Adam,

On Jan. 10, 2019, FNSB Assembly remanded the rezone back to the Planning Commission (see attached notice we shared with neighbors). The Planning Commission is going to discuss the four questions raised by the Borough Assembly on Feb. 26, 2019. At this point, we are not sure if the Planning Commission will reopen public testimony on Feb. 26th. After the Planning Commission Remand Hearing, the case will go back to Borough Assembly for final decision.

With this being said, your department could reach out to the Borough Assembly at any point to communicate any new information or testimony. Let me know if you have any questions for me.

Thanks,
Manish

From: Dubour, Adam J (DFG) <adam.dubour@alaska.gov>
Sent: Thursday, February 14, 2019 9:24 AM
To: Manish Singh <MSingh@fnsb.us>
Subject: Creamers Rezone

Hello Manish,

I wanted to reach out to see what is happening with the Creamer’s Re-zone situation. Audra Brase, with ADF&G Habitat Division in Fairbanks has been keeping an eye on the progress and learned through the Assembly minutes that the ordinance was “Remanded to the Planning Commission”. We were not sure what that means exactly though.

Is the request still being considered? Could you explain where the process goes from here? Is there anything that ADF&G should be doing right now to clarify our position?

Basically, ADF&G would still be interested in having the refuge zoned in accordance with the intended use of the land (Outdoor Recreation). However, if need be, we can clarify that we are not explicitly supporting the rezone of Mr. Duncan’s land.

Talk soon. Thanks,

Adam DuBour
Access Defense Program
Alaska Department of Fish and Game
Division of Wildlife Conservation
333 Raspberry Road
Anchorage, Alaska 99518
(907)267-2292
adam.dubour@alaska.gov
Mr. Hartnell,

The remand of Ordinance 2018-48 for RZ2019-001 is on the agenda for the February 26, 2019 Planning Commission meeting. This case is listed under Unfinished Business on the agenda, and not under Public Hearing. At this time we do not know if public testimony will be re-opened. That decision will lay with the Planning Commission Chair, the night of the meeting. At this time, your comments will not be added to the meeting packet. Even if public testimony is not reopened at the Planning Commission meeting, the ultimate decision will be with the Assembly and you will have an opportunity to comment then. The Assembly date for this matter is currently set for the March 14, 2019 Assembly Meeting. To confirm you are welcome to contact the FNSB Clerk's Office at 459-1401. The agenda for the Feb 26th Planning Commission meeting is made available online (link below). We thank you for contacting the Department of Community Planning.

http://www.co.fairbanks.ak.us/Boards/Pages/Planning-Commission.aspx

Michelle Gutierrez
Administrative Assistant III
Community Planning Department
Fairbanks North Star Borough
(907) 459-1277
mgutierrez@fnsb.us

Greetings:

I am a 45 year Fairbanks resident. I am extremely familiar with the area bounded by Farmers Loop, the Steese Highway, and College Road. This area is a wonderful wildlife sanctuary and offers a range of non-motorized recreation opportunities.

The proposed rezone of 1341 Farm No. 2018-48, RZ2019-001) and Creamer's Refuge to permit commercial snow machine traffic would be an incredible tragedy, an affront to wildlife, skiers, mushers, skijors, hikers, bicyclists and residents of adjoining neighborhoods.

The number of proposed snow machines ridden by neophyte riders will panic the moose, driving them to cross the hard surface roads with the all too familiar consequences.
The snow machines will destroy the trails for all other users and will pose a hazard to those users as well.

And then there is the noise. The cold, dense air of winter carries noise for long distances, destroying the serenity of not only the proposed area but all adjoining neighborhoods as well.

It is difficult to adequately express my disdain for this rezone application without use of Anglo-Saxon expletives. Please reject this application.

Sincerely,
Thomas Hartnell
907-322-0946

Sent from my iPhone
I am a 45 year Fairbanks resident. I am extremely familiar with the area bounded by Farmers Loop, the Steese Highway, and College Road. This area is a wonderful wildlife sanctuary and offers a range of non-motorized recreation opportunities.

The proposed rezone of 1341 Farmers Loop (Ordinance No. 2018-48, RZ2019-001) and Creamer's Refuge to permit commercial snow machine traffic would be an incredible tragedy, an affront to wildlife, skiers, mushers, skijors, hikers, bicyclists and residents of adjoining neighborhoods.

The number of proposed snow machines ridden by neophyte riders will panic the moose, driving them to cross the hard surface roads with the all too familiar consequences.

The snow machines will destroy the trails for all other users and will pose a hazard to those users as well.

And then there is the noise. The cold, dense air of winter carries noise for long distances, destroying the serenity of not only the proposed area but all adjoining neighborhoods as well.

It is difficult to adequately express my disdain for this rezone application without use of Anglo-Saxon expletives. Please reject this application.

Sincerely,
Thomas Hartnell
907-322-0946

There are a large number of areas in the Borough more suitable to flocks of

Sent from my iPhone
Manish Singh

From: Michelle Gutierrez
Sent: Tuesday, February 12, 2019 2:51 PM
To: gail mayo
Cc: Manish Singh
Subject: RE: A citizen comment for today's meeting

Ms. Mayo,

The Planning Commission agenda for Feb 12th, the rezone is listed under communications for staff to remind the commission of the remand that will be on the agenda for Feb 26th. There will not be public testimony for items under communications on the agenda tonight. The remand of Ordinance 2018-48 for RZ2019-001 is on the agenda for the February 26, 2019 Planning Commission meeting. This case is listed under Unfinished Business on the agenda, and not under Public Hearing. At this time we do not know if public testimony will be re-opened. That decision will lay with the Planning Commission Chair, the night of the meeting. At this time, your comments will not be added to the meeting packet. If public testimony is not reopened at the Planning Commission meeting, the ultimate decision will be with the Assembly and you will have an opportunity to comment then. The Assembly date for this matter is currently set for March 14, 2019 Assembly Meeting. To confirm you are welcome to contact the FNSB Clerk's Office at 459-1401. We thank you for contacting the Department of Community Planning.

Michelle Gutierrez
Administrative Assistant III
Community Planning Department
Fairbanks North Star Borough
(907) 459-1277
mgutierrez@fnsb.us

-----Original Message-----
From: gail mayo <mayogail@gmail.com>
Sent: Tuesday, February 12, 2019 2:22 PM
To: Webmail Planning <planning@fnsb.us>
Subject: A citizen comment for today's meeting

I am aware that a rezone is being considered by the planning board for lands including Creamer's Field Migratory Waterfowl Refuge. I have been told the rezone would be to General Recreation Lands. I am not convinced that this Zone would serve the purposes of an urban refuge used and revered by many Fairbanksans because of the high usage by individuals, mostly on foot and because of the urban setting with 100's of neighbors near by. I understand that the rezone is to allow more commercial usage by snow machines, and perhaps by other off road vehicles. This is very inappropriate usage for any of the refuge lands.

Gail Mayo, 282 Hay Way 99709 and frequent user of Refuge trails.
Manish Singh

From: Michelle Gutierrez
Sent: Monday, February 11, 2019 2:27 PM
To: Manish Singh
Subject: FW: Duncan Rezone - Ordinance No. 2018-48 (RZ2019-001)

Michelle Gutierrez
Administrative Assistant III
Community Planning Department
Fairbanks North Star Borough
(907) 459-1277
mgutierrez@fnsb.us

-----Original Message-----
From: Michelle Gutierrez
Sent: Thursday, February 7, 2019 1:05 PM
To: 'Jamie Marschner' <jamie.marschner@gmail.com>
Subject: RE: Duncan Rezone - Ordinance No. 2018-48 (RZ2019-001)

Jamie Marschner,

My apologies, I forgot to mention that even if public testimony is not reopened at the Planning Commission meeting, the ultimate decision will be with the Assembly and you will have an opportunity to comment then. The Assembly date for this matter is currently set for March 14, 2019 Assembly Meeting. To confirm you are welcome to contact the FNSB Clerk's Office at 459-1401.

Michelle Gutierrez
Administrative Assistant III
Community Planning Department
Fairbanks North Star Borough
(907) 459-1277
mgutierrez@fnsb.us

-----Original Message-----
From: Michelle Gutierrez
Sent: Thursday, February 7, 2019 9:40 AM
To: 'Jamie Marschner' <jamie.marschner@gmail.com>
Subject: RE: Duncan Rezone - Ordinance No. 2018-48 (RZ2019-001)

Jamie Marschner,

The remand of Ordinance 2018-48 for RZ2019-001 is on the draft agenda for the February 26, 2019 Planning Commission meeting. This case is listed under Unfinished Business on the draft agenda, and not under Public Hearing. At this time we do not know if public testimony will be re-opened. That decision will lay with the Planning Commission Chair, the night of the meeting. At this time, your comments will not be added to the meeting packet. The agenda will be
made available online (link below) on 2/12/19 and will be published in the Daily Newsminer on 2/15/19. We thank you for contacting the Department of Community Planning.

http://www.co.fairbanks.ak.us/Boards/Pages/Planning-Commission.aspx

Michelle Gutierrez
Administrative Assistant III
Community Planning Department
Fairbanks North Star Borough
(907) 459-1277
mgutierrez@fnsb.us

-----Original Message-----
From: Jamie Marschner <jamie.marschner@gmail.com>
Sent: Thursday, February 7, 2019 9:12 AM
To: David Brandt <david.brandt@fnsb-bc.us>; John Perreault <john.perreault@fnsb-bc.us>; Michael Stepovich <michael.stepovich@fnsb-bc.us>; doug_sims@fnsb-bc.us; Robert Peterson <RPeterson@fnsb-bc.us>; Eric Muehling <eric.muehling@fnsb-bc.us>; Charles Whitaker <CWhitaker@fnsb-bc.us>; Chris Guinn <CGuinn@fnsb-bc.us>; Mindy ONEall <mindy.oneall@fnsb-bc.us>; Webmail Planning <planning@fnsb.us>
Cc: Christine Nelson <CNelson@fnsb.us>
Subject: Duncan Rezone - Ordinance No. 2018-48 (RZ2019-001)

Dear Planning Commissioners:

I am a property owner within 2000 feet of Mr. Duncan’s property on Farmers Loop. I am strongly against the rezone for Mr. Duncan’s property for the following reasons.

1. Mr. Duncan totally clearcut his 3 acre property last summer and did not apply for the proper permit to do so. The property is a total eyesore on Farmers Loop.

2. Mr. Duncan plans to run up to 35 snow machines several times a day from his property on Farmers Loop. I can’t even imagine the smell and noise from 35 snow machines right next to the road. Most of the people he plans to take on his tours have never been on a snow machine before and he will need to do some training. So there will be a lot of noise and oil smell for each group. His website says he will take out several tours each day from November through April which will be a real problem for public health as far as the noise and smell and for public safety as far as 35 snow machines on the Creamer’s trails several times a day with inexperienced drivers.

3. I am a member of the board of the skijor club (ASPA - Alaska Skijoring and Pulk Association) and Mr. Duncan given a permit by the Alaska Dept. of Fish & Game a couple of years ago. The permit states he is to contact the skijor club and the mushers (ADMA - Alaska Dog Mushing Association) to make sure he doesn’t conflict with their race schedules. He contacted me once as I was the President of the skijor club when he first got the permit but never again. He was told by the ADMA group not to use the trails before the Open North American and he used the trails anyway (which had to be re-groomed at great expense). He doesn’t assist with any grooming that is done by volunteers on Creamer’s Field and by paid groomers on the mushing trails in the Creamer’s Field Migratory Wildlife Refuge (CFMWR). He has snow machines that tear up the newly groomed trails and he has stated that he plans to allow the new drivers to open up and go as fast as they want in certain areas on Creamer’s trails. This will definitely impact the condition of the trails, not to mention public safety and welfare with new drivers and the possibility of running into dog mushing teams (both junior and adult), skijoring teams, skiers, walkers, and families.

4. I am a member of the board of Friends of Creamer’s who run the programs on the Creamer’s Refuge. Mr. Duncan has not contacted Friends of Creamers to make sure his tours will not conflict with the numerous programs using the trails.
His 35 snow machines will definitely impact the public welfare and safety of the many thousands of walkers, skiers, skijors, and mushers who use those same trails in the winter. These are PUBLIC recreational trails and commercial motorized use is not compatible with current use by local residents. Local people raised money to preserve Creamer’s so that the land was not developed and Mr. Duncan’s plan goes against the original goals of the community.

5. I am a member of the board of Arctic Audubon who use the Creamer’s trails for bird and wildlife watching in the winter. This is another group who will be impacted negatively when 35 snow machines run through while bird watching.

6. As I understand it, rezones are not granted to a single property owner who desires a rezone. Everyone I have talked to who lives in the area is against the rezone and no one wants to live near all the noise and smell. This is a residential area and not a business area.

I would like to know if public comment will be allowed on this issue in the February 12 or February 26 Planning Commission meetings.

Thank you for your consideration,
Jamie Marschner
1266 Viewpointe Drive
907-458-0462
Ms. Miller,

We thank you for contacting the Department of Community Planning in regards to RZ2019-001. At this time, your comments will not be added to the meeting packet. The remand for this case is listed under Unfinished Business for the February 26, 2019 Planning Commission meeting. At this time we do not know if public testimony will be re-opened. That decision will lay with the Planning Commission Chair, the night of the meeting. If public testimony is not re-opened at the Planning Commission meeting, the ultimate decision will be with the FNSB Assembly and you will have an opportunity to comment then. The Assembly date for this matter is currently set for the March 14, 2019 Assembly Meeting. To confirm you are welcome to contact the FNSB Clerk’s Office at 459-1401. The agenda for the Feb 26th Planning Commission meeting will be made available online (link below) on 2/12/19 and will be published in the Daily Newsminer on 2/15/19. We thank you for contacting the Department of Community Planning.

http://www.co.fairbanks.ak.us/Boards/Pages/Planning-Commission.aspx

Michelle Gutierrez
Administrative Assistant III
Community Planning Department
Fairbanks North Star Borough
(907) 459-1277
mgutierrez@fnsb.us

From: Susan Miller <2018susanmiller@gmail.com>
Sent: Monday, February 11, 2019 11:54 AM
To: Webmail Planning <planning@fnsb.us>
Subject: Remand of Ordinance # 2018-48 (RZ2019-001)

RZ 2019-001

February 11, 2019
Comments from property owner Susan Miller

I testified at the November 13 and the January 10 meetings regarding the rezoning of 420 acres of property. I strongly oppose rezoning of this property, especially the 3.8 acres on Farmer’s Loop.

It was very disappointing that the mayor remanded this ordinance back to the Planning Commission, especially after the unanimous vote by the Planning Commission to not approve the rezone request.

Don Duncan bought his 3.8 acres on Farmer’s Loop as a rural residential property. I don’t know if he did his homework on what his options were with the property before he bought it, but he should not be allowed to set up a business in a residential zoned area. A residential area should not be changed in order to accommodate one person who wants a zoning exception after purchasing the land and then clearing all trees.
Mr. Duncan has a tourism business nearby. He has stated at each of the meetings that he wants to move his business to Farmer's Loop because it is more convenient for him to operate at a different location.

At the borough assembly meeting, concerns were brought up about the impact on tourism if Mr. Duncan could not have his business on Farmer's Loop. Tourism won't be affected as he is already operating a business and no one is asking him not to. His employees testified about having a job with Mr. Duncan. No one is considering denying employment to any of his employees.

His arguments for rezone are weak and self-serving. Once one business is set up in a residential area, what is to keep others from wanting to rezone property to have their business in a residential area.

Please consider the financial investment of property owners and those who are following the zoning regulations and deny this request for rezone.

Thank you,

Susan Miller
FYI, I can't remember if I bcc'd you. This is a different one.

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Ms. Yazwinski

The remand of Ordinance 2018-48 for RZ2019-001 is on the draft agenda for the February 26, 2019 Planning Commission meeting. This case is listed under Unfinished Business on the draft agenda, and not under Public Hearing. At this time we do not know if public testimony will be re-opened. That decision will lay with the Planning Commission Chair, the night of the meeting. At this time, your comments will not be added to the meeting packet. Even if public testimony is not re-opened at the Planning Commission meeting, the ultimate decision will be with the Assembly and you will have an opportunity to comment then. The Assembly date for this matter is currently set for the March 14, 2019 Assembly Meeting. To confirm you are welcome to contact the FNSB Clerk's Office at 459-1401. The agenda for the Feb 26th Planning Commission meeting will be made available online (link below) on 2/12/19 and will be published in the Daily Newsminer on 2/15/19. We thank you for contacting the Department of Community Planning.

http://www.co.fairbanks.ak.us/Boards/Pages/Planning-Commission.aspx

Michelle Gutierrez
Administrative Assistant III
Community Planning Department
Fairbanks North Star Borough
(907) 459-1277
mgutierrez@fnsb.us

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From: Molly Yazwinski <myazwinski@gmail.com>
Sent: Tuesday, February 5, 2019 9:11 PM
Hello,

I would like to provide public comment regarding the remand of Ordinance 2018-48 (RZ2019-001). I am writing at this time to confirm that public testimony regarding this ordinance will be taken during the Planning Commission meeting on February 26, 2019 6 pm in Assembly Chambers.

-Molly Yazwinski
To: Manish Singh
Sent: Saturday, January 12, 2019 5:39 PM
To: Manish Singh
Subject: I am against Donald Duncan property rezoning

Manish Singh

From: Bonnie Borba <bmborba@yahoo.com>

I am a long standing member of the Alaska Dog Mushers Association and I also work at the Alaska Department of Fish and Game. I have been running dogs at ADMA track, starting from the mushers hall as well as Creamers side, since 1981 and have been through the entire trails system at one time or another. I have spent many years helping the club brush the trail for the benefit of all users. For the last few years I have been running into these snow machine tour groups quite often. There have been issues every time I encounter them.

Think about it, the tourists our novices driving snowmachines down the middle of a main trail system (see other comments about motorized or non-motorized designation in this area). These machines have no mirrors on them to watch behind them and the tourists do not know what to do even if they were watching. ADMA tried to work with a tour operator to use the inside loop of the trail system (30 mile extension which is ~8 miles of trail) as this area has less traffic most of the year but I did not see it working out as I always encountered the machines on the main trail near the hall and they were not even heading to the 30 mile extension section. Each time I have encounter the tours there were numerous machines together driving slower than my dog team was traveling and when I catch them I can not get by cleanly. Getting behind 3 or more machines I have found it is difficult to get the dogs to pass each successive machine. I have gotten behind 8 to a dozen machines in a row more than one time and it is demoralizing to the team to have to hook down and wait to get distance between them waiting for them to turn off the track proper.

I feel this is a huge safety issue as these tourists are less experienced drivers than the local kids that tear through the trails and they have no clue what to do around other users or dogs. Meanwhile the team and I are breathing all the exhaust during our athletic training and tearing up the trails' prepared surface with each stop. Tours such as this should occur farther from town where it is more open area perhaps, with less walkers, children and loose pets (though loose dogs are a separate issue, for dog teams loose dog encounters are a better than tour machines as a team can jump a loose dog (and have) but serious injury can occur with snowmachines in the wrong hands). I could not believe it when ADF&G began permitting this type of use on the well used trails practically in town. This is like allowing motorized vehicles on the bike paths with children (dogs have the mental capacity of children), the machines are too overpowering for the other users and is not a safe practice.

ADMA spends thousands of dollars annually grooming 30 miles of trail system to keep damage from other users to a minimum for the enjoyment of the public and the ability to put on a handful of events. Additionally the trail system ADMA maintains is known as being the fastest sled dog track in the WORLD and brings competition from around the world to Fairbanks for the sheen experience.

Since these tours have been cropping up around town the local trails have been seriously impacted. I have the same problem on my home training trails in recent years in Goldstream Valley. Snowmachine tours create moguls in the trails from the action of the track which can injure in particular fast sprint dogs. Last year in the Goldstream Valley the trails got so bad even slow teams were complaining and I could not even train there from all the damage from snowmachine traffic including another tour group. Even though I put in over 400 miles of trail grooming in the valley each year with my personal snowmachine and 12 foot groom I cannot keep up with this type of damage. I hope your decision on this one does not displace them to another area like the valley which is also a greenbelt and mecca for outdoor recreation.

Please deny the change in zoning of this or any property for incompatible uses such as snowmachine touring business on this trail system, as well as within the Fairbanks North Star Borough as far as I am concerned. Winter tour groups want to promote the wilds of Alaska they should go to the wilds and make their own path.

Thank you for your consideration in this matter.

Sincerely,

Bonnie Borba
Born and raised Alaskan
Manish Singh

From: Michelle Gutierrez
Sent: Wednesday, February 6, 2019 8:40 AM
To: Molly Yazwinski
Subject: RE: Remand of Ordinance 2018-48 (RZ2019-001)

Ms. Yazwinski,

The remand of Ordinance 2018-48 for RZ2019-001 is on the draft agenda for the February 26, 2019 Planning Commission meeting. This case is listed under Unfinished Business on the agenda, and not under Public Hearing. At this time we do not know if public testimony will be re-opened. That decision will lay with the Planning Commission chair, the night of the meeting. The agenda will be made available online (link below) on 2/12/19 and will be published in the Daily Newsminer on 2/15/19. We thank you for contacting the Department of Community Planning and for your patience.

http://www.co.fairbanks.ak.us/Boards/Pages/Planning-Commission.aspx

Michelle Gutierrez
Administrative Assistant III
Community Planning Department
Fairbanks North Star Borough
(907) 459-1277
mgutierrez@fnsb.us

From: Molly Yazwinski <myazwinski@gmail.com>
Sent: Tuesday, February 5, 2019 9:11 PM
To: Webmail Planning <planning@fnsb.us>
Subject: Remand of Ordinance 2018-48 (RZ2019-001)

Hello,

I would like to provide public comment regarding the remand of Ordinance 2018-48 (RZ2019-001). I am writing at this time to confirm that public testimony regarding this ordinance will be taken during the Planning Commission meeting on February 26, 2019 6 pm in Assembly Chambers.

-Molly Yazwinski
Hi Molly,

I notice that the Planning Commission clerk Michelle Gutierrez responded to you on Feb. 6. Do you have additional questions? Please give me a call at (907) 459-1225.

Thanks,
Manish

From: Molly Yazwinski <myazwinski@gmail.com>
Sent: Wednesday, February 6, 2019 1:20 PM
To: Manish Singh <MSingh@fnsb.us>
Subject: Ordinance 2018-48 (RZ2019-001)

Hello,

I would like to provide public comment regarding the remand of Ordinance 2018-48 (RZ2019-001). I am writing at this time to confirm that public testimony regarding this ordinance will be taken during the Planning Commission meeting on February 26, 2019 6 pm in Assembly Chambers. A recent Public Hearing notice (dated February 1, 2019) was sent to property owners indicating that a Remand Hearing will be held as part of the Planning Commission meeting scheduled for February 26, 2019. Will public testimony regarding this ordinance be taken at the Planning Commission meeting scheduled for February 12, 2019?

-Molly Yazwinski
MEMORANDUM

TO: Fairbanks North Star Borough Assembly

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

FROM: Christine Nelson, AICP
      Community Planning Director

DATE: December 13, 2018

SUBJECT: Proposed Rezone (RZ2019-001) Don Duncan

ORDINANCE NO. 2018-48

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

On November 13, 2018, the Fairbanks North Star Borough Planning Commission held a public hearing to rezone the properties described above.

The area proposed to be rezoned includes an approximately 3.8-acre private property and the approximately 416-acre western portion of the Creamer's Field Refuge. After analysis of the request, the Department of Community Planning recommended approval of the requested rezone.

The Planning Commission heard testimony from the applicant and neighboring property owners. In their discussion, the Planning Commission agreed on rezoning the Creamer's Field Refuge properties with the "Open Space/Natural Area" Comprehensive Plan land use designation to OR. However, the Commission disagreed with rezoning the parcels with the "Perimeter Area" Comprehensive Plan land use designation to OR. The parcels with "Perimeter Area" designation included the 3.8-acre private property and two Creamer's Field Refuge properties; all three properties abut Farmers Loop Road.

The Planning Commission voted 5 in favor, 0 opposed, to recommend disapproval of the rezone request to the Borough Assembly.

The Planning Commission adopted the following Finding of Fact in support of the recommendation of disapproval.
1. The proposed rezone of the Farmers Loop perimeter lots to Outdoor Recreational (OR) is not consistent with the FNSB Regional Comprehensive Plan designation of Perimeter Area.

This item is requested to be placed on the Consent Agenda for advancement to the next Fairbanks North Star Borough Assembly meeting. Attached is a packet with further details of the request.
NOTICE OF RECOMMENDATION RE: RZ2019-001

November 15, 2018

Original sent via US Postal Service/mailed to:
apgs@gci.net

Don Duncan
299 Alvin Street
Fairbanks, Alaska 99712

Dear Mr. Duncan:

The purpose of this letter is to inform you regarding the Fairbanks North Star Borough Planning Commission recommendation for your rezone request – RZ2019-001. At its regular meeting of November 13, 2018, the Planning Commission considered the following request:

Applicant’s Rezone Request:

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

FNSB Planning Commission Recommendation to the Borough Assembly:

Pursuant to FNSBC 18.104.020(C), the Planning Commission voted five (5) in favor, zero (0) opposed to recommend disapproval of the rezone (RZ2019-001) of Shuros Subdivision – Block 2, Schroeder Property Waiver – Tract B and Tract C, Section 28 T1N R1W F.M. – TL-2805, Section 29 T1N R1W F.M. – TL-2914 and GL-16 from Rural Residential (RR) to Outdoor Recreational (OR), and adopted one (1) Finding of Fact in support of the recommendation of disapproval.

FINDING OF FACT

1. The proposed rezone of the Farmers Loop perimeter lots to Outdoor Recreational (OR) is not consistent with the FNSB Regional Comprehensive Plan designation of Perimeter Area.

The Fairbanks North Star Borough Assembly will be holding a public hearing on this matter sometime in the near future. Please retain the rezone sign posted as required until the Borough Assembly has made its decision on your request.
If you have any questions regarding this matter, please feel free to contact the Department of Community Planning, Division of Planning and Zoning, 907 Terminal Street, or call 459-1260.

Sincerely,

D. Christine Nelson, AICP
Community Planning Director

DCN/mg
TO: April Trickey, Borough Clerk, CMC
FROM: D. Christine Nelson, AICP
DATE: November 15, 2018
SUBJECT: Findings of Fact & Conditions
RE: RZ2019-001: A request by Don Duncan (Master Guide License #136) DBA Alaska Private Guide Service to rezone approximately 420 acres from Rural Residential (RR) to Outdoor Recreational (OR) or other appropriate zone. The area proposed to be rezoned include parcels described as Shuros Subdivision – Block 2, Schroeder Property Waiver – Tract B and Tract C, Section 28 T1N R1W F.M. – TL-2805, Section 29 T1N R1W F.M. – TL-2914 and GL-16 (located on the south side of Farmers Loop Road, near milepost 6).

On Tuesday, November 13, 2018, the Fairbanks North Star Borough Planning Commission voted five (5) in favor; zero (0) opposed, to recommend disapproval of the rezone (RZ2019-001) of Shuros Subdivision – Block 2, Schroeder Property Waiver – Tract B and Tract C, Section 28 T1N R1W F.M. – TL-2805, Section 29 T1N R1W F.M. – TL-2914 and GL-16 from Rural Residential (RR) to Outdoor Recreational (OR), and adopted one (1) Finding of Fact in support of the recommendation of disapproval.

FINDING OF FACT

1. The proposed rezone of the Farmers Loop perimeter lots to Outdoor Recreational (OR) is not consistent with the FNSB Regional Comprehensive Plan designation of Perimeter Area.

Appeal Due by
FNSB Clerk (Initial):
STAFF REPORT

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

I. EXECUTIVE SUMMARY

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

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

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

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

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

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

Staff Recommendation: Approval
II. GENERAL INFORMATION

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<th>Property Information</th>
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<td>Applicant</td>
<td>Don Duncan DBA Alaska Private Guide Service</td>
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<td>Property owner</td>
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<td>Proposed zoning</td>
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<td>South</td>
<td>RA-5, Vacant (University of Alaska owned)</td>
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<td>East</td>
<td>RA-5, Recreational (Creamer's Field)</td>
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<td>March 28, 1968</td>
<td>FNSB adopted first zoning ordinance (Ord. 67-34), established Unrestricted Use (UU) zone</td>
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<td>August 14, 1969</td>
<td>Rezone from Unrestricted Use (UU) to Rural Residential (RR) with Ord. 69-23</td>
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</tr>
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<tbody>
<tr>
<td>Permitted uses</td>
<td>Single-family dwelling, two-family attached dwelling, bed and breakfast, church, home occupations, urban livestock, etc.</td>
</tr>
<tr>
<td>Conditional uses</td>
<td>Guesthouse, group home, day care, animal and veterinary hospitals, communications tower, professional offices, etc.</td>
</tr>
<tr>
<td>Minimum lot size</td>
<td>40,000 sq.ft.</td>
</tr>
<tr>
<td>Setback requirement</td>
<td>25 ft. from all property lines</td>
</tr>
<tr>
<td>Building height</td>
<td>Unlimited</td>
</tr>
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</table>
Proposed OR Zoning Standards

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

Agency Comments

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

Summary of Staff Analysis

Conformance to FNSB Regional Comprehensive Plan (2005)

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

**Economic Development Goal 2:** To diversify the economy
**Strategy 6:** Emphasize development that brings new dollars into the community, including efforts to add value to the region’s natural, manufactured, service and intellectual resources
**Action C:** Promote the characteristics of the Borough that have potential for economic development...

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

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

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

**Industry Cluster Development Goal 3 (Tourism):** Diversify visitor serving attractions and facilities to extend the tourism season and expand the types of visitors attracted to the borough
**Objective:** Increase winter tourism through improved transportation services, attractions and enhanced marketing efforts
| Hearing and Recommendation by the Planning Commission, FNSBC 18.104.020(C) |
| Conforms to the comprehensive plan | ✓ |
| Conforms to the public health, safety and welfare | ✓ |

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

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

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

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

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

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

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

Figure 4: Zoning in the Surrounding Area
Figure 5: Land Uses in the Surrounding Area

![Map of land uses in the surrounding area](image)

Proposed Zoning and Land Uses

The applicant has proposed OR zoning for the subject parcels. The OR zone "is intended to protect outdoor recreational uses on public lands or on private lands if requested by the property owner. This zone does not convey public use of private property" (FNSBC 18.20.010).

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

Comprehensive Plan Designations

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

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

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

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

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

Floodplain

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

Applicant's arguments for rezone

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

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

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

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

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

IV. APPLICABLE APPROVAL CRITERIA

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

V. PUBLIC NOTICE

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

VI. AGENCY COMMENTS

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

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

VII. ZONING AND LAND USES

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

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

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

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

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

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

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

VIII. COMPREHENSIVE PLAN

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

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

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

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

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

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

**Economic Development Goal 2** – To diversify the economy  
**Strategy 6** – Emphasize development that brings new dollars into the community, including efforts to add value to the region's natural, manufactured, service and intellectual resources  
**Action C** – Promote the characteristics of the Borough that have potential for economic development...

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

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

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

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

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

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

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

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

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

IX. TRAFFIC AND TRIP GENERATION

The lots in the rezone area are accessed by Farmers Loop Road, a minor arterial road maintained by Alaska DOT&PF. Average Daily Traffic (ADT) counts on Farmers Loop Road were 4,416 vehicles per day in 2017. This rezone request does not have the potential to significantly increase the current traffic and trip generation levels associated with the road and the Creamer’s Field Refuge.

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

X. NONCONFORMING LOTS, STRUCTURES AND USES

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

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

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

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

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

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

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

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

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

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

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

XII. SPOT ZONE ANALYSIS

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

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

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

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

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

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

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

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

**Benefit and Detriments to the Property Owners**

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

**Benefit and Detriments to the Adjacent Landowners**

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

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

**Benefit and Detriments to the Community**

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

(3) The size of the area rezoned.

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

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

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

XIV. FINDINGS OF FACT

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

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

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

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

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

5. The rezone conforms to the following FNSB Comprehensive Economic Development Strategy (CEDS), Industry Cluster Development Goal 3 (Tourism) which refers to increasing winter tourism. The CEDS identifies tourism industry cluster with strong potential for growth as winter tourism expands in the Borough.
6. The rezone conforms to the public health, safety or welfare because:
   a. The proposed OR zone would be more consistent with the Open Space/Natural Area land use designation and would better protect the existing predominant recreational use of the rezone area.
   b. The proposed OR zone permits recreational uses such as recreational open space, boat launch, community garden, skiing facilities etc. that could be compatible with the surrounding rural residential development.
   c. The OR zone would protect the existing recreational uses within the Creamer's Field Refuge. The refuge would continue to be compatible with the nearby rural residential development by providing recreational opportunities.
   d. The Farmers Loop Road would act as a buffer between the existing residential uses on the west side and the proposed outdoor recreational uses on the east side. The Farmers Loop Road provides direct access to other OR zoned property with recreational uses such as the Fairbanks Gold Course.
   e. The FNSB zoning code also requires a conditional use permit for high impact land uses within the OR zone such as commercial outdoor recreation, outdoor shooting ranges, convention centers, organized trail facilities, stadiums etc. Any conditional uses in the OR zone require a public hearing with the FNSB Planning Commission and thereby, help protect health, safety and welfare of the surrounding property owners.
   f. This rezone request does not have the potential to significantly increase the current traffic and trip generation levels associated with the road and the Creamer's Field Refuge.

7. The rezone is not a spot zone or a reverse spot zone because:
   a. The rezone is consistent with the comprehensive plan. The OR zone would protect the predominant outdoor recreational uses in the rezone area, which would be more consistent with the Open Space/Natural Area land use designation. Additionally, the existing outdoor recreational uses within the Creamer's Field Refuge, along with the applicant's proposed snowmachine tour business, would help advance FNSB Regional Comprehensive Plan and FNSB Comprehensive Economic Development Strategy (CEDS) goals.
   b. The rezone benefits both property owners within the rezone area. The State wants to correct the zoning within a portion of the refuge which is inappropriately zoned RR. The applicant intends to apply for a conditional use to operate a snowmachine tour business from his 3.8-acre private property.
   c. The rezone of the 416-acre western portion of the Creamer's Field Refuge benefits all surrounding property owners because the OR zone would be more consistent with the existing recreational use of the refuge. The OR zone would protect the existing recreational uses within the Creamer's Field Refuge. The refuge would continue to be compatible with the nearby rural residential development by providing recreational opportunities.
   d. The rezone of the 3.8-acre private property may not benefit the surrounding property owners to the north and west though, because their properties are developed residentially and the snowmachine business might have certain incompatible land use impacts.
FNSB zoning code requires a conditional use permit for high impact land uses within the OR zone such as commercial outdoor recreation, convention centers, organized trail facilities, stadiums etc. In a conditional use public hearing, the surrounding property owners could express their concerns about the specific conditional use proposal. The FNSB Planning Commission is required to make findings of fact regarding the protection of public health, safety and welfare to support their decision. The required conditional use process would protect the health, safety and welfare of these surrounding property owners.

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

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

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

DRAFT PLANNING COMMISSION MOTION:

I move to recommend approval of the rezone (RZ2019-001) of Shuros Subdivision – Block 2, Schroeder Property Waiver – Tract B and Tract C, Section 28 T1N R1W F.M. – TL-2805, Section 29 T1N R1W F.M. – TL-2914 and GL-16 from Rural Residential (RR) to Outdoor Recreational (OR), and adopt the staff report and eight (8) Findings of Fact in support of the recommendation of approval.
FAIRBANKS NORTH STAR BOROUGH

ORDINANCE NO. 2018-25

AN ORDINANCE AMENDING FNSBC TITLE 18 TO ADD A DEFINITION OF COMMERCIAL OUTDOOR RECREATION AND ADD IT AS AN ALLOWABLE USE IN VARIOUS ZONES

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

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

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

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

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

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

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

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
Text to be added is underlined
Text to be deleted is [BRACKETED, CAPITALIZED]
Section 3. FNSBC 18.20.020(B) pertaining to the Outdoor Recreational
districts is hereby amended to add the following conditional use [the Clerk shall add the
conditional use in alphabetical order]:

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

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

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

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

Commercial outdoor recreation and related buildings essential in the operation of
the use, including buildings exceeding a total of 5,000 square feet of gross
floor area per lot and individual buildings exceeding a gross floor area of 3,600 square
feet.

Section 6. Effective Date. This ordinance shall be effective at 5:00 p.m.
of the first Borough business day following its adoption.

PASSED AND APPROVED THIS 25TH DAY OF OCTOBER, 2018.

Kathryn Dodge
Presiding Officer

ATTEST:

April Trickey, CMC
Borough Clerk

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

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

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

18.20.020 Use regulations.
A. Permitted Uses. In the OR, outdoor recreational district, permitted uses are:

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

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

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

3. *Domestic livestock;*

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

5. Public *recreation buildings and community centers;*

6. Public utility and service *uses* including, but not limited to: fire stations, *transfer stations, neighborhood dumpsters, public dumping sites,* electric substations, gas regulator stations, sewage treatment plants, well and water pumping stations, water filtration plants, water reservoirs, and other similar *uses.* These *uses* do not include the installation and maintenance of utility lines which are *permitted uses* in all *zoning districts;*

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

8. *Shooting range, outdoor;*

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

10. *Travel trailer parks;*

11. Watersports facilities;


**18.20.030 Standards.**

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

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

B. Required *Yards* for *Buildings.*

1. *Front yard* shall not be less than 50 feet;

2. *Side yard* shall not be less than 25 feet;

3. *Rear yard* shall not be less than 25 feet.

C. *Building Height.* Unlimited.

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

E. Parking. See Chapter 18.96 FNSBC.

## Public Comments:

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

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

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

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

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

Property Owner: John & Sally Beenvento
Address or Lot/Block/Sub: 1374 Farmers Loop Lot 2 Block 3 Shuros
Comments: We are strongly opposed to this rezone. The Creamers Field Waterfowl Refuge is used by outdoor enthusiasts for walking, observation, and other "quiet" activities. Snow machine and/or noisy outdoor vehicles/offroad vehicles would be disturbing to our area.

RZ2019-001: A request by Don Duncan (Master Guide License # 138) DBA Alaska Private Guide Service to rezone approximately 420 acres from Rural Residential (RR) to Outdoor Recreational (OR) or other appropriate zone. The area proposed to be rezoned includes all parcels described as Shuros Subdivision - Block 2, Schroeder Property Waiver - Tract B and Tract C, Section 28 T1N R1W F.M. - TL-2805, Section 29 T1N R1W F.M. - TL-2914 and GL-16 (located on the south side of Farmers Loop Road, near milepost 6).

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

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

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

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

Property Owner: Dan M. Schatz Sr.

Address or Lot/Block/Sub: Twin Moose Block A Lot 08

Comments: Not for Rezoning, will restrict public use, tax increase for property owners along with heavy traffic increase and safety of property owners. Too close to town.

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

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

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

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

CMJackman

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

Dear Mr. Jackman,

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

Thanks,

Manish

Manish Singh, AICP
Planner II

Department of Community Planning

Fairbanks North Star Borough

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

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

Thanks,
Manish

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

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

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

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

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

Thanks,
Manish

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

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

Michelle,

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

Thank you,

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

Thanks!

Peter
Hi Bennie,

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

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

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

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

Thanks,
Manish

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

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

Manish,

Please respond to Bennie.

Thank you,

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

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

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

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

Thanks for your expected input.

bennie@sci.net

Telephone 479-5203
Dear Mr. Mueling,

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

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

Thanks,
Manish

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

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

Manish,

Please see the comment below and address as needed.

Thank you,

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

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

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

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

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

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

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

Respectfully John & Sally Benevento.

bennie@gci.net
Hi Heidi,

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

Thanks,
Manish Singh
Planner II
FNSB Community Planning

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

Manish,

Please respond to Ms. Rader.

Thank you,

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

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

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

Thanks, Heidi Rader
1605 Scenic Loop
Fairbanks, AK 99709
Dear Mr. VanDyck,

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

Thanks,
Manish

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

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

Uses permitted in the current RR zone

Use permitted in the proposed OR zone

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

Thanks,

Manish

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

From: Manish Singh
Sent: Friday, November 02, 2018 8:12 AM
To: 'American Hacker'
Subject: RE: RZ2019-001 :: Application and Zoning Map

Dear Mr. Jackman,

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

Thanks,
Manish

From: American Hacker [mailto:1unholydriver@gmail.com]
Sent: Friday, November 02, 2018 6:43 AM
To: Manish Singh
Subject: Re: RZ2019-001 :: Application and Zoning Map

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

CMJackman

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

Dear Mr. Jackman,

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

Thanks,
Manish

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

STATE OF ALASKA

FOURTH JUDICIAL DISTRICT

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

1. I have submitted an application identified as 222019-001.

2. I have posted and will maintain public notice sign # 1 in accordance with the following provisions:
   a. Sign is posted on the property on which my request for rezone, conditional use or variance has been made.
   b. Sign is clearly visible from streets and roads.
   c. Sign will be maintained free of snow or other materials which impede readability.
   d. Sign is posted between an elevation of 2’ and 8’ above ground level and no further than 50’ from the edge of the road to further ensure readability from streets.
   e. Sign was posted on Oct. 15, 2018 (date) and complies with posting requirements of 20 days prior to the public hearing date.
   f. I shall return the sign to the FNSB Department of Community Planning within 10 days following the final public hearing.

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

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

Donald C. Duncan

Signature

Notary Public
STEPHANIE ILLICHMANN
State of Alaska
My Commission Expires With Office

SUBSCRIBED AND SWORN TO BEFORE ME on this 11th day of October, 2018

Notary Public in and for Alaska

Commission Expires

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

Revised 07/01/2018
SAFETY

☐ State Fire Marshal
☐ Fire Service Area (see attachment)
 Specify: University

☐ City of Fairbanks
   ☐ Chief of Staff
   ☐ Fire Department
   ☐ Police Department
   ☐ Building Department

☐ City of North Pole
   ☐ City Clerk – Mayor
   ☐ Fire Department
   ☐ Police Department
   ☐ Building Department

☐ Alaska State Troopers

OTHER AGENCIES

STATE

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

FEDERAL

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

OTHER BOROUGH

☐ Land Management
☐ Public Works
☐ Parks & Recreation
☐ Assessing
☐ Transit
☐ Chief of Staff
☐ Other ____________________

ROADS AGENCIES

☐ Alaska Department of Transportation and Public Facilities (AK DOT & PF)
☐ FNSB Rural Services
☐ Road Service Area (see attachment)
 Specify: Scenic Height
UTILITIES

ENERGY

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

WATER/SEWER

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

TELECOMMUNICATION

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

Comments to be returned by: Sep 12, 2018 (2 weeks)

I have sent the application materials for File # RZ2019-001
to all of the agencies checked above on Aug 29, 2018

[Signature]  Name of Planner (PRINTED)  Aug 29, 2018  Date Signed
Case No. RZ2019-001

State Fire Marshall

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

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

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

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

University Fire Service Area

Douglas Schrage, Fire Chief
drschrag@alaska.edu

Brooke Zellweger, Assistant Fire Marshal
bczellweger@alaska.edu

Kalen Middleton, Office Manager
krmiddleton@alaska.edu

State Troopers

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

FNSB Rural Services

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

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

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

Alaska Department of Transportation (ADOT)

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

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

Alaska Department of Environmental Conservation (ADEC)

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

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

Alaska Department of Natural Resources (ADNR)

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

Alaska Department of Fish and Game (ADF&G)

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

Army Core of Engineers

Benjamin N. Solseth, Supervisor, Fairbanks Regulatory Field Office
Benjamin.n.solseth@usace.army.mil
Executive Office
POA.ExecutiveOffice@usace.army.mil

GVEA

Julie Karl, Land Management Supervisor
JLKarl@gvea.com

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

From: Manish Singh
Sent: Wednesday, August 29, 2018 4:05 PM
To: 'David.tyler@alaska.gov'; 'David.aden@alaska.gov'; 'jillian.roberts@alaska.gov'; 'lloyd.nakano@alaska.gov'; 'drschrage@alaska.edu'; 'bczellweger@alaska.edu'; 'krmiddleton@alaska.edu'; 'dps.ast.directors.office@alaska.gov'; Floyd Sheesley; Gary Tellep; Doug Blankenship; 'randi.bailey@alaska.gov'; 'pete.eagan@alaska.gov'; 'Tonya.bear@alaska.gov'; 'Doug.buteyn@alaska.gov'; 'George.horton@alaska.gov'; 'audra.brase@alaska.gov'; 'Benjamin.n.soiseth@usace.army.mil'; 'POA.ExecutiveOffice@usace.army.mil'; 'JLKarl@gvea.com'; 'RJPossenti@gvea.com'

Subject: RZ2019-001: Requesting Comments for Rezone App. (from RR to OR)
Attachments: RZ2019-001_D uncun_AppPkt.pdf

Dear Sir/Ma’am

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

I have attached the application with this email. The department requests you to send us your comments for this proposal by September 12, 2018. For more information about this case, please email m Singh@fnsb.us or contact Manish Singh at (907) 459-1225. The staff report to the commission will be available online at www.fnsb.us/Boards/Pages/Planning-Commission.aspx at least five days before the hearing.

Thanks,
Manish

Manish Singh, AICP
Planner II
Department of Community Planning
Fairbanks North Star Borough
(907) 459-1225 / msingh@fnsb.us
August 24, 2018

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

Subject: Request for rezone by Donald Duncan

Greetings:

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

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

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

Please feel free to contact me with any further comments or questions regarding this matter.
August 24, 2018

Sincerely,

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

cc:  
Mark Fink, ADF&G/WC  
Joe Meehan, ADF&G/WC  
Laurie Boeck, ADF&G/WC  
Audra Brase, ADF&G/HAB  
Darren Bruning, ADF&G/WC  
AJ Wait, ADNR/MLW  
Donald Duncan
This property is not located within a Service Area. Rural Services has no issue with the proposed re-zone of this lot. thanks

Floyd Sheesley

Dear Sir/Ma’am

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

I have attached the application with this email. The department requests you to send us your comments for this proposal by September 12, 2018. For more information about this case, please email msingh@fnsb.us or contact Manish Singh at (907) 459-1225. The staff report to the commission will be available online at www.fnsb.us/Boards/Pages/Planning-Commission.aspx at least five days before the hearing.

Thanks,
Manish

Manish Singh, AICP
Planner II
Department of Community Planning
Fairbanks North Star Borough
(907) 459-1225 / msingh@fnsb.us
No objection from University Fire.

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

Dear Sir/Ma’am

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

I have attached the application with this email. The department requests you to send us your comments for this proposal by September 12, 2018. For more information about this case, please email msingh@fnsb.us or contact Manish Singh at (907) 459-1225. The staff report to the commission will be available online at www.fnsb.us/Boards/Pages/Planning-Commission.aspx at least five days before the hearing.

Thanks,
Manish

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

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

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

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

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

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

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

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

Property Owner/Developer: Donald C. Duncan

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

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

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

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

Thank you.

Sincerely,

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

cc: George Stefan, FNSB
    Angela Parker, FNSB
    Dan Welch, FNSB
October 10, 2018

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

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

Greetings:

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

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

Please accept this letter as an indication of the State’s intent to authorize the inclusion of the below described lands with Mr. Duncan’s rezone petition.
Manish Singh  

- 2 -  

October 10th, 2018

Tax Lot-2805 located within the S ½ of Section 28, Township 1 North, Range 1 West, Fairbanks Meridian

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

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

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

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

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

Sincerely,

Adam DuBour  

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

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

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

☒ State Fire Marshal
☒ Fire Service Area (see attachment)

Specify: [ ] University

☐ City of Fairbanks
   ○ Chief of Staff
   ○ Fire Department
   ○ Police Department
   ○ Building Department

☐ City of North Pole
   ○ City Clerk – Mayor
   ○ Fire Department
   ○ Police Department
   ○ Building Department

☒ Alaska State Troopers

ROADS AGENCIES

☒ Alaska Department of Transportation and Public Facilities (AK DOT & PF)
☒ FNSB Rural Services
☒ Road Service Area (see attachment)

 Specify: [ ] scenic heights

OTHER AGENCIES

STATE

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

FEDERAL

☐ U.S. Department of the Interior Bureau of Land Management (BLM)
☒ U.S. Army Corps of Engineers
☐ U.S. Environmental Protection Agency (EPA) Region 10
☐ U.S. Department of Agriculture (USDA)
   ○ Natural Resources Conservation Service
   ○ Fort Wainwright Army Base
   ○ Eielson Air Force Base
   ○ Federal Emergency Management Agency (FEMA) Region 10

OTHER BOROUGH

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

ENERGY

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

WATER/SEWER

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

TELECOMMUNICATION

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

Comments to be returned by: 04-30-2018 (2 weeks)

I have sent the application materials for File # R222019-001 (REVISED)

to all of the agencies checked above on 04-16-2018

Name of Planner (PRINTED)  Date Signed

Manish Singh  04-16-2018
Case No. RZ2019-001

State Fire Marshall

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

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

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

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

University Fire Service Area

Douglas Schrage, Fire Chief
drschrage@alaska.edu

Brooke Zellweger, Assistant Fire Marshal
bczellweger@alaska.edu

Kalen Middleton, Office Manager
krmiddleton@alaska.edu

State Troopers

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

FNSB Rural Services

Floyd Sheesley, Civil Engineer
FSheesley@fnsb.us
Executive Office
POA.ExecutiveOffice@usace.army.mil

GVEA

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

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

FNSB

Nancy Durham, FNSB Floodplain Administrator
NDurham@fnsb.us
Dear Sir/Ma’am,

The rezone request, **RZ2019-001**, has been revised by the applicant to include an approximately 3.8-acre private property located at 1341 Farmers Loop Road and an approximately 4.16-acre western portion of Creamer’s Field Migratory Waterfowl Refuge, located on the south side of Farmers Loop Road, near milepost 6 (see included map). The revised rezone request is to rezone a total of approximately 420 acres from Rural Residential (RR) to Outdoor Recreational (OR). This case is rescheduled for the Planning Commission meeting on November 13, 2018.

I have attached the revised application with this email. The department requests you to send us your comments for this revised proposal by October 30, 2018. For more information about this case, please email msingh@fnsb.us or contact Manish Singh at (907) 459-1225. The staff report to the commission will be available online at www.fnsb.us/Boards/Pages/Planning-Commission.aspx at least five days before the hearing.

Thanks,
Manish

---

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

---

Dear Sir/Ma’am:

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

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

From: Manish Singh  
Sent: Tuesday, October 16, 2018 8:50 AM  
To: Nancy Durham  
Subject: FW: R22019-001: Requesting Comments for Rezone App. (from RR to OR)  
Attachments: RZ2019-001_Duncan_RevisedApp-Oct15.pdf; Floodplain.jpg

Hi Nancy,

I am forwarding you a rezone application for your comment (see my email below for details). I didn’t send you the original request because the previous rezone boundary didn’t include any special flood hazard area. The revised rezone boundary, which includes a portion of Creamer’s Field, has some Flood Zone A (see attached floodplain map).

Let me know if you have any questions for me.

Thanks,
Manish

---

Manish Singh

From: Manish Singh  
Sent: Tuesday, October 16, 2018 8:46 AM  
To: 'David.tyler@alaska.gov'; 'David.aden@alaska.gov'; 'jillian.roberts@alaska.gov'; 'lloyd.nakano@alaska.gov'; 'drschrage@alaska.edu'; 'bczellwege@alaska.edu'; 'kmiddleton@alaska.edu'; 'dps.ast.directors.office@alaska.gov'; Floyd Sheesley; Gary Tellep; Doug Blankenship; 'randi.bailey@alaska.gov'; 'pete.eagan@alaska.gov'; 'Tonya.bear@alaska.gov'; 'Doug.buteyn@alaska.gov'; 'George.horton@alaska.gov'; 'audra.brase@alaska.gov'; 'Benjamin.n.soiseth@usace.army.mil'; 'POA.ExecutiveOffice@usace.army.mil'; 'JLKarl@gvea.com'; 'RJPossenti@gvea.com'  
Subject: RE: RZ2019-001: Requesting Comments for Rezone App. (from RR to OR)

Dear Sir/Ma’am,

The rezone request, RZ2019-001, has been revised by the applicant to include an approximately 3.8-acre private property located at 1341 Farmers Loop Road and an approximately 416-acre western portion of Creamer’s Field Migratory Waterfowl Refuge, located on the south side of Farmers Loop Road, near milepost 6 (see included map). The revised rezone request is to rezone a total of approximately 420 acres from Rural Residential (RR) to Outdoor Recreational (OR). This case is rescheduled for the Planning Commission meeting on November 13, 2018.

I have attached the revised application with this email. The department requests you to send us your comments for this revised proposal by October 30, 2018. For more information about this case, please email msingh@fnsb.us or contact Manish Singh at (907) 459-1225. The staff report to the commission will be available online at www.fnsb.us/Boards/Pages/Planning-Commission.aspx at least five days before the hearing.

Thanks,
Manish

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

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

I have attached the application with this email. The department requests you to send us your comments for this proposal by September 12, 2018. For more information about this case, please email msingh@fnsb.us or contact Manish Singh at (907) 459-1225. The staff report to the commission will be available online at [www.fnsb.us/Boards/Pages/Planning-Commission.aspx](http://www.fnsb.us/Boards/Pages/Planning-Commission.aspx) at least five days before the hearing.

Thanks,
Manish

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

From: Nancy Durham
Sent: Tuesday, October 16, 2018 9:17 AM
To: Manish Singh
Subject: RE: RZ2019-001: Requesting Comments for Rezone App. (from RR to OR)

Manish,

Any development (see definition below) on Tract B, Tract C and TL-2805 will require a Floodplain Permit.

"Development" means any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard. Soil test bores for the purpose of determining land suitability for development, and that are temporary, involve no permanent structures and will not change the dynamic of the floodplain, are excluded from this definition.

If the development is outside Flood Zone A, the applicant will submit the Floodplain Permit Application for Split Flood Zone along with a Site Plan showing the location of the Flood Zone and location of development.

Sincerely,

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

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

From: Manish Singh
Sent: Tuesday, October 16, 2018 8:50 AM
To: Nancy Durham
Subject: FW: RZ2019-001: Requesting Comments for Rezone App. (from RR to OR)

Hi Nancy,

I am forwarding you a rezone application for your comment (see my email below for details). I didn’t send you the original request because the previous rezone boundary didn’t include any special flood hazard area. The revised rezone boundary, which includes a portion of Creamer’s Field, has some Flood Zone A (see attached floodplain map).

Let me know if you have any questions for me.

Thanks,
Manish
Sheesley; Gary Tellep; Doug Blankenship; randi.bailey@alaska.gov; ‘pete.eagan@alaska.gov’; 'Tonya.bear@alaska.gov'; 'Doug.buteyn@alaska.gov'; 'George.horton@alaska.gov'; 'audra.brace@alaska.gov'; 'Benjamin.n.soiseth@usace.army.mil'; 'POA.ExecutiveOffice@usace.army.mil'; 'JLKarl@gvea.com'; 'RJPossenti@gvea.com'

**Subject:** RE: R22019-001: Requesting Comments for Rezone App. (from RR to OR)

Dear Sir/Ma’am,

The rezone request, **R22019-001**, has been revised by the applicant to include an approximately 3.8-acre private property located at 1341 Farmers Loop Road and an approximately 416-acre western portion of Creamer’s Field Migratory Waterfowl Refuge, located on the south side of Farmers Loop Road, near milepost 6 (see included map). The revised rezone request is to rezone a total of approximately 420 acres from Rural Residential (RR) to Outdoor Recreational (OR). This case is rescheduled for the Planning Commission meeting on November 13, 2018.

I have attached the revised application with this email. The department requests you to send us your comments for this revised proposal by October 30, 2018. For more information about this case, please email mSingh@fnsb.us or contact Manish Singh at (907) 459-1225. The staff report to the commission will be available online at www.fnsb.us/Boards/Pages/Planning-Commission.aspx at least five days before the hearing.

Thanks,

Manish

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

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**From:** Manish Singh  
**Sent:** Wednesday, August 29, 2018 4:05 PM  
**To:** 'David.tyler@alaska.gov'; 'David.aden@alaska.gov'; 'jillian.roberts@alaska.gov'; 'lloyd.nakano@alaska.gov'; 'drschrage@alaska.edu'; 'bzellweger@alaska.edu'; 'kmiddleton@alaska.edu'; 'dps.ast.directors.office@alaska.gov'; Floyd Sheesley; Gary Tellep; Doug Blankenship; randi.bailey@alaska.gov; 'pete.eagan@alaska.gov'; 'Tonya.bear@alaska.gov'; 'Doug.buteyn@alaska.gov'; 'George.horton@alaska.gov'; 'audra.brace@alaska.gov'; 'Benjamin.n.soiseth@usace.army.mil'; 'POA.ExecutiveOffice@usace.army.mil'; 'JLKarl@gvea.com'; 'RJPossenti@gvea.com'

**Subject:** R22019-001: Requesting Comments for Rezone App. (from RR to OR)

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Thanks,

Manish

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Manish Singh, AICP
Planner II
Manish Singh

From: Floyd Sheesley
Sent: Tuesday, October 16, 2018 9:30 AM
To: Manish Singh
Subject: RE: RZ2019-001: Requesting Comments for Rezone App. (from RR to OR)

Rural Services has no comments or objections regarding the proposed rezone request (RZ2019-001).

thanks

Floyd Sheesley

From: Manish Singh
Sent: Tuesday, October 16, 2018 8:46 AM
To: David.tyler@alaska.gov; David.aden@alaska.gov; Jillian.roberts@alaska.gov; lloyd.nakano@alaska.gov; drschrage@alaska.edu; bczellweger@alaska.edu; krmiddleton@alaska.edu; dps.ast.directors.office@alaska.gov; Floyd Sheesley; Gary Tellep; Doug Blankenship; randi.bailey@alaska.gov; pete.eagan@alaska.gov; Tonya.bear@alaska.gov; Doug.buteyn@alaska.gov; George.horton@alaska.gov; audra.brase@alaska.gov; Benjamin.n.soiseth@usace.army.mil; POA.ExecutiveOffice@usace.army.mil; Jlkarl@gvea.com; RJPossenti@gvea.com
Subject: RE: RZ2019-001: Requesting Comments for Rezone App. (from RR to OR)

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Thanks,

Manish

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

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

---

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

From: Nakano, Lloyd M (DPS) <lloyd.nakano@alaska.gov>
Sent: Tuesday, October 16, 2018 10:20 AM
To: Manish Singh
Subject: RE: R22019-001: Requesting Comments for Rezone App. (from RR to OR)

Ma'am,
Please ensure owners submit a plan review in accordance with 13 Alaska Administrative Code 50.027.

13 AAC 50.027. Non-structural plan review and approval; stop work orders
(a) Before beginning the construction, alteration, repair, or changing the occupancy of a building, a substantial land structure, or structure regulated by the state division of fire and life safety, plans and specifications regarding that building's or structure's location on the property, area, height, number of stories, occupancy, type of construction, fire-resistant construction, interior finish, exit facilities, electrical systems, mechanical systems, flammable or combustible liquid and gas storage tanks and their appurtenances, automatic fire-extinguishing systems, and fire alarm systems must be submitted by the owner or the owner's representative to the state division of fire and life safety for examination and approval. This review does not address structural considerations or mechanical or electrical review beyond that necessary to confirm compliance with fire or life safety requirements. A copy of the approval must be posted as required in 13 AAC 55.100.

Please contact the Plan Review Bureau at (907) 269-2004.

Thank you.

v/r
Lloyd M Nakano
Assistant State Fire Marshal
Division of Fire and Life Safety
5700 E. Tudor Road
Anchorage, AK 99507
Phone: 907-269-5491

From: Manish Singh [mailto:MSingh@fnsb.us]
Sent: Tuesday, October 16, 2018 8:46 AM
To: Tyler, David L (DPS) <david.tyler@alaska.gov>; Aden, David G (DPS) <david.aden@alaska.gov>; Roberts, Jillian T (DPS) <jillian.roberts@alaska.gov>; Nakano, Lloyd M (DPS) <lloyd.nakano@alaska.gov>; drschrage@alaska.edu; bczellweger@alaska.edu; krmmiddeton@alaska.edu; AST Directors Office, DPS (DPS sponsored) <DPS.AST.DIRECTORS.OFFICE@alaska.gov>; Floyd Sheesley <FSheesley@fnsb.us>; Gary Tellep <Gary.Tellep@fnsb-rs.us>; Doug Blankenship <Doug.Blankenship@fnsb-rs.us>; Bailey, Randi L (DOT) <randi.bailey@alaska.gov>; Eagan, Pete (DOT) <pete.eagan@alaska.gov>; Bear, Tonya (DEC) <tonya.bear@alaska.gov>; Buteyn, Douglas J (DEC) <doug.buteyn@alaska.gov>; Horton, George C (DNR) <george.horton@alaska.gov>; Brase, Audra L (DFG) <audra.brase@alaska.gov>; Benjamin.n.soiseth@usace.army.mil; POA.ExecutiveOffice@usace.army.mil; JLIkarl@gvea.com; RMaster@gvea.com
Subject: RE: RZ2019-001: Requesting Comments for Rezone App. (from RR to OR)

Dear Sir/Ma'am,

The rezone request, RZ2019-001, has been revised by the applicant to include an approximately 3.8-acre private property located at 1341 Farmers Loop Road and an approximately 416-acre western portion of Creamer's Field.
Migratory Waterfowl Refuge, located on the south side of Farmers Loop Road, near milepost 6 (see included map). The revised rezone request is to rezone a total of approximately 420 acres from Rural Residential (RR) to Outdoor Recreational (OR). This case is rescheduled for the Planning Commission meeting on November 13, 2018.

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Thanks,
Manish

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

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

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Thanks,
Manish

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

The University Fire Department has no objections at this time to this rezone request.

Also, could you please update your distribution list to remove Brooke Zellweger (bczellweger@alaska.edu) and adding me (kgreen38@alaska.edu).

If you have a separate distribution list for the City of Fairbanks, you may need to remove me from that one too.

Thank you!

Regards,

Kyle Green
Fire Marshal
University Fire Department
1011 N. Chandalar Drive
Fairbanks, AK 99775
P: (907)474-5757

On Thu, Oct 18, 2018 at 10:20 AM Douglas Schrage <drschrage@alaska.edu> wrote:
Kyle - for your review. Please reply and cc me.

----------- Forwarded message -----------
From: Manish Singh <MSingh@fnsb.us>
Date: Tue, Oct 16, 2018 at 8:46 AM
Subject: RE: RZ2019-001: Requesting Comments for Rezone App. (from RR to OR)
To: David.tyler@alaska.gov <David.tyler@alaska.gov>, David.aden@alaska.gov <David.aden@alaska.gov>, jillian.roberts@alaska.gov <jillian.roberts@alaska.gov>, lloyd.nakano@alaska.gov <lloyd.nakano@alaska.gov>, drschrage@alaska.edu <drschrage@alaska.edu>, bczellweger@alaska.edu <bczellweger@alaska.edu>, krmiddleton@alaska.edu <krmiddleton@alaska.edu>, dps.ast.directors.office@alaska.gov <dps.ast.directors.office@alaska.gov>, Floyd Sheesley <FSheesley@fnsb.us>, Gary Tellep <Gary.Tellep@fnsb-rs.us>, Doug Blankenship <Doug.Blankenship@fnsb-rs.us>, randi.bailey@alaska.gov <randi.bailey@alaska.gov>, pete.eagan@alaska.gov <pete.eagan@alaska.gov>, Tonya.bear@alaska.gov <Tonya.bear@alaska.gov>, Doug.buteyn@alaska.gov <Doug.buteyn@alaska.gov>, George.horton@alaska.gov <George.horton@alaska.gov>, audra.brase@alaska.gov <audra.brase@alaska.gov>, Benjamin.n.soiseth@usace.army.mil <Benjamin.n.soiseth@usace.army.mil>, POA.ExecutiveOffice@usace.army.mil <POA.ExecutiveOffice@usace.army.mil>, JL.Karl@gvea.com <JL.Karl@gvea.com>, RJPossenti@gvea.com <RJPossenti@gvea.com>
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Thanks,

Manish

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From: Manish Singh  
Sent: Wednesday, August 29, 2018 4:05 PM  
To: 'David.tyler@alaska.gov'; 'David.aden@alaska.gov'; 'jillian.roberts@alaska.gov'; 'lloyd.nakano@alaska.gov'; 'drschrage@alaska.edu'; 'bczellweger@alaska.edu'; 'kmiddleton@alaska.edu'; 'dps.ast.directors.office@alaska.gov'; Floyd Sheesley; Gary Tellep; Doug Blankenship; 'randi.bailey@alaska.gov'; 'pete.eagan@alaska.gov'; 'Tonya.bear@alaska.gov'; 'Doug.buteyn@alaska.gov'; 'George.horton@alaska.gov'; 'audra.brase@alaska.gov'; 'Benjamin.n.solseth@usace.army.mil'; 'POA.ExecutiveOffice@usace.army.mil'; 'J.Karl@gvea.com'; 'RJPossenti@gvea.com'  
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Thanks,

Manish

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Manish Singh, AICP

Planner II

Department of Community Planning

Fairbanks North Star Borough

(907) 459-1225 / msingh@fnsb.us
October 22, 2018

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

Property Owner/Developer: Donald C. Duncan

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

Property Location: All Block 2 Shuros

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

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

Thank you.

Sincerely,

Randi Bailey

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

cc: George Stefan, FNSB  
Dan Welch, FNSB

"Keep Alaska Moving through service and infrastructure."
PART IV

A. MOTORIZED VEHICLE USE
PART IV
A. MOTORIZED VEHICLE USE

Background

1. Off-road Vehicle Use

Off-road vehicle use on the refuge has been subject to a permit requirement since 1985. Unauthorized summer and fall off-road vehicle use occurs within farm fields and on some of the established winter trails prior to extensive snowfall, primarily by 3- and 4-wheelers and motorcycles. Some cross-country travel occurs on refuge wetlands. Occasional summer and infrequent winter (in light snow pack conditions) 4-wheel drive highway vehicle "sorties" across fields and on existing trails also occurs. These uses are not authorized under existing policies or regulations. Although fencing has been installed at key access points (and subsequently destroyed in some locations) in an effort to limit unauthorized use, efforts at placing signs, public education, news releases and enforcement directed at eliminating these unauthorized uses has been minimal.

2. Winter Snowmachine Use

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

The refuge itself provides many opportunities for snowmachine users. Many riders enjoy the wildlife viewing potential. With good populations of moose, fox, small mammals and birds, riders are provided with opportunities to view and enjoy wildlife. The refuge also provides local riders with an opportunity to play, because of the availability of open areas with limited tree coverage. Snowmachine races were held on the refuge from the late 1960s until the early 1980s, but there have been no organized snowmachine activities on the refuge since then.

Legal/Historical Status

All off-road use of wheeled or tracked equipment within the refuge requires an ADF&G Special Area Permit under AS 16.20 and 5 AAC 95.420 (regulations effective in 1985).
The department may issue a permit for either an individual or the general public, but only if the following standards are met:

1. the use or activity is consistent with the protection of fish and wildlife and their use, protection of fish and wildlife habitat, and the purpose for which the refuge was established; and

2. the use or activity does not unduly restrict or interfere with the public use and enjoyment of the resource values for which the refuge was established; and

3. any adverse effect upon fish and wildlife, and their habitats, and any restriction or interference with public use, is mitigated (5 AAC 95.430).

Currently, a general Special Area Permit is issued each fall to allow public off-road snowmachine use on the refuge during the winter.

The Jeff Studdert Memorial Trail system, located partly on the refuge, is maintained by the Alaska Dog Mushers Association (ADMA). Maintenance activities are regulated under a Memorandum of Agreement between the ADMA and the ADF&G. The Memorandum of Agreement specifies that the trail system shall be open to public use and requires that use of the trails is not limited to the activities of dog mushing or to the ADMA and its members" (for more information, see Part IV.C. Dog Activities section). ADMA uses snowmachines for trail maintenance work, and department personnel also use snowmachines for refuge management and enforcement activities.

**Conflict Identification**

Motorized vehicle uses within the refuge received the most public comment of any management issue discussed during development of this management plan. While nearly all those commenting supported imposition of restrictions on spring, summer, and fall off-road motorized vehicle use (usually citing wildlife harassment, habitat impacts, and a general incompatibility with refuge purposes), regulation of winter off-road vehicle use (particularly snowmachine) generated significant discussion and disagreement among various refuge users. Approximately half of the public comment supported either an outright prohibition of all winter motorized vehicle use within the refuge or establishment of a core area closed to motorized use. Conversely, roughly half supported continuation and possible expansion of winter snowmachine and three- and four-wheeler vehicle uses within the refuge.
Public comment and Advisory Group discussion primarily focused on the following three areas of concern:

1. **Public Safety** motorized versus non-motorized winter uses of the same trails.

2. **Habitat Impacts** snow compaction, wildlife harassment.

3. **Philosophical** pro-snowmachine versus anti-snowmachine. Philosophical viewpoints on the use of snowmachines within the refuge vary widely. At issue is the question of what the public expects, wants, and in some cases, what they believe (correctly or not) the refuge was created for.

**Winter Snowmachine Use**

During this planning process an effort was made to resolve the areas of disagreement regarding winter snowmachine use on the refuge. It was discussed extensively at several Advisory Group meetings and in other meetings with those particularly interested in this issue. Draft management guidelines were tentatively agreed upon by the end of 1992. However, before the plan was finalized agreement was lost. In view of the fact that it will take additional, unscheduled staff time and effort to reach agreement and draft new management guidelines, the department decided not to postpone finalizing this management plan until the snowmachine use issue could be resolved. Therefore, it is not addressed in this plan, and will be addressed through a separate planning process in the future.

The future plan will also address safety concerns, winter trails use, finding ways to accommodate multiple uses of the refuge's trail system by both motorized and non-motorized uses (cross-country skiing, ski-joring, dog mushing, snowshoeing, and hiking), and finding ways to minimize potential philosophical conflicts through development of educational programs, posting of informational signs, and development of a winter trail safety and etiquette guide. The plan will be done in conjunction with the Advisory Group and in consultation with the Alaska Dog Mushers Association, the Fairbanks Snow Travelers, and other interested groups and individuals. The draft management guidelines and Advisory Group comments and recommendations that were generated during this planning process will be saved for use in the future planning process.
Management Guidelines (Other Motorized Vehicle Use)

Motorized Highway Vehicles and Heavy Equipment: The off-road use of motorized highway vehicles and heavy equipment (vehicles weighing more than 1500 pounds gross vehicle weight (GVW), including 4-wheel drive vehicles, and passenger cars) is prohibited year-round within the refuge, except as authorized by the department under a Special Area Permit or cooperative agreement for use on existing farm roads or for refuge management, habitat enhancement, or emergency purposes, subject to the requirements of 5 AAC 95.430 (see above).

Spring/Summer/Fall Off-Road Motorized Vehicle: Spring/Summer/Fall off-road motorized vehicles use (off road motorized vehicles less than 1500 pounds GVW) is prohibited within the refuge between April 15 and October 15, except as authorized by the department under a Special Area Permit or cooperative agreement for legitimate purposes where a demonstrable need can be shown, or for refuge management, habitat enhancement, or emergency purposes; subject to the requirements of 5 AAC 95.430 (see above).
Alaska tourism numbers keep increasing

Robin Wood rwood@newsminer.com Oct 13, 2018

Mark and Marina Fairbanks are photographed by their daughter-in-law Erin in front of a section of the Alyeska Pipeline at Gold Dredge #8 as members of Mark Fairbanks’s family visits Fairbanks as part of his 50th anniversary vacation with his wife Marina Tuesday, July 17, 2018. Fairbanks, from Virginia, is a relative of Indiana Sen. and Vice President Charles Fairbanks after which Fairbanks, Alaska was named.

Eric Engman

FAIRBANKS — Tourism numbers in Alaska continue to climb, helping fill state coffers with crucial funds, bringing valuable business to communities and growing private-sector jobs during a time when the state as a whole has lost jobs.

That’s according to Heather Haugland, a senior project manager at the McDowell Group.
Haugland shared data Tuesday at the Alaska Travel Industry Association’s annual convention with a presentation titled “The Role of Visitors in Alaska’s Economy.”

In her presentation, Haugland detailed 2017’s numbers, what they mean for Alaska and gave preliminary results for 2018's numbers.

“All signs point to a really healthy 2018 season,” she said.

Alaska hosted 1.93 million visitors in 2017, a 4 percent increase over 2016. Nearly the entire increase is attributable to more cruise ship passengers, according to Haugland.

Since 2010’s recession-attributed slump of 1.53 million visitors, Alaska has seen tourism rates increase 26 percent. Since 2008, the climb has been more modest at 13 percent.

According to Haugland, taxes and fees imposed on 2017’s visitors were directly responsible for $125.6 million that went directly to the state government.

In the Interior, visitors spent $478 million, and tourism was responsible for 8,500 jobs.

Throughout Alaska, visitors spent $3.2 billion, and tourism created 43,000 jobs, an increase of 3,600 jobs since 2015.

The Interior is also the hot spot for winter travelers. At 14 percent of total visitors, winter makes up a small portion of tourists, but fall-winter traffic has been increasing faster than summer has, Haugland said.

Between the winters of 2008 and 2017, winter tourism has increased 33 percent.

“New businesses are being created to accommodate the market,” she said, referring to lodging, aurora viewing, ice fishing and tours.

Finalized numbers for summer 2018 aren’t expected for a few months, but cruise ship passengers are expected to show an additional 7 percent increase and are projected grow by an additional 17 percent in 2019, according to Haugland.
“That’s huge,” she said.

Cross-border vehicle traffic is expected to grow about 13 percent in 2018, from 190,074 passengers to 214,873. Those numbers include any passengers from private vehicles, whether they are residents or visitors.

All border crossings have shown increased traffic, with a 24 percent increase on the Alaska-Canada Highway, 19 percent on the Top of the World Highway, 8 percent in Haines and 5 percent in Skagway.

“More indicators the noncruise industry has sort of bounced back,” Haugland said.

Contact staff writer Robin Wood at 459-7510. Follow him on Twitter: @FDNMcity.
Visitor industry outlook is good, says Explore Fairbanks CEO

By Amanda Bohman, abohman@newsminer.com  Jan 24, 2018

A Fairbanks tourism promotional video plays during the State of the Industry Address presented by Explore Fairbanks President and CEO Deb Hickok at the Annual Interior Tourism Conference Wednesday morning, January 24, 2018 at the Westmark Hotel Gold Room.

Eric Engman

FAIRBANKS—Tourism is going strong across the globe and Fairbanks is no exception, according to the head of Explore Fairbanks.
Summer is still the busiest season for visitors to Fairbanks, but most of the growth happening here has to do with wintertime aurora viewing, Explore Fairbanks CEO Deb Hickok said Wednesday in remarks at the Annual Interior Tourism Conference, a day of visitor industry information and workshops held at the Westmark Fairbanks Hotel.

"We have really developed into a year-round tourism destination," Hickok said. "I think we can say that with a straight face."

Numbers from the U.S. Travel Association and the U.S. Department of Commerce show growth in travel expenditures in the U.S. every year since 2009, according to Hickok.

In Fairbanks, spending on hotel and motel rooms in the Fairbanks North Star Borough has been on the rise in recent years.

In 2014, $56.8 million was spent on lodging in the area. The total rose to $59.7 million in 2015 and $65.1 million in 2016, according to the latest Community Research Quarterly, published by the borough.

Final numbers are not yet available for 2017, but it looks on track to beat 2016 after the first quarter of 2017 showed a 30 percent increase in revenue over the same time period, January through March, in 2016.

Border crossings from Canada are also up.

According to Hickok, crossings at the Poker Creek and Beaver Creek entry points, on the Top of the World Highway and on the Alaska Highway, respectively, have been rising steadily every year since 2014.

More than 72,000 border crossings were reported in 2014. The number jumped to 83,360 in 2015, 96,473 in 2016 and 102,412 in 2017, according to Hickok.

The Explore Fairbanks CEO credited much of the local visitor industry growth to advances in air service here.
The number of airline passengers in and out of Fairbanks International Airport—about 1.1 million people in 2017—has been rising annually since 2009, according to numbers provided by Hickok and in the Community Research Quarterly.

Hickok noted that Japan Airlines charters to Fairbanks have continued since 2004. When the Asia-based airline has reduced service, other airlines have stepped in to bring Japanese guests to Fairbanks, namely Korean Airlines and, more recently, Uzbekistan Airlines and All Nippon Airways, according to Hickok.

Charters have been arriving from Taiwan since 2015, she said.

Hickok said efforts are underway to attract direct service to Fairbanks from Phoenix, San Francisco or Los Angeles, which she said is key for boosting international travel.

Fairbanks is a leader in the state for attracting visitors from outside of the U.S., according to Hickok. The international travelers are coming to Fairbanks primarily for aurora viewing, she said.

Visitor industry experts are anticipating an uptick in cruise line passengers to Alaska in the coming years. Explore Fairbanks is looking for ways to attract those travelers to Fairbanks, Hickok said.

"We are really stepping up our game in terms of talking with travel agents about land tours," she said.

Denali National Park and Preserve has seen a boost in visitors every year since 2012. That year, the park logged 388,433 visitors. In 2016, the park had 599,822 visitors, according to the National Park Service website.

Attempts to reach the Park Service to get the number of visitors for 2017 were unsuccessful on Wednesday.
The Alaska Railroad Corp. has reported steady growth in passengers since 2014 and is expecting that to continue in 2018, railroad spokesman Tim Sullivan said. He said the railroad had 495,457 passengers in 2016 and 505,994 in 2017.

Contact staff writer Amanda Bohman at 459-7587. Follow her on Twitter: @FDNMborough.
RZ2019-001 :: Photos by Community Planning Staff

Farmers Loop, looking east

Farmers Loop, looking west
Residential Uses north of Farmers Lp

1341 Farmers Lp, looking west from driveway
1341 Farmers Lp, looking south from driveway

Existing dwelling on 1341 Farmers Lp
RZ2019-001
RR to OR
Farmers Loop Road

FNSB Planning Commission Meeting
November 13, 2018
Open Space/Natural Area

"...area in a natural state, golf course, park, or cemetery..."

"...provides...public recreation"

"...interrupt more intense land uses..."

"...deemed not suitable for development...minimally improved..."
Proposed OR Zoning

Intent:

"...protect outdoor recreational uses..."

"...public lands..."

"...private lands if requested by the property owner..."
## Proposed OR Zoning Uses

<table>
<thead>
<tr>
<th>Permitted uses</th>
<th>Recreational open space, playgrounds, campgrounds, golf courses, skiing facilities, outdoor ice rinks, nature centers, boat launch, etc.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conditional uses</td>
<td>Commercial outdoor recreation, organized trail facilities, public recreation buildings, community centers, stadiums, arenas, indoor ice rinks, auditoriums, convention center, etc.</td>
</tr>
</tbody>
</table>
1. ...conforms to the comprehensive plan.

Open Space/Natural Area

FNSB Regional Comprehensive Plan goals:

A. Economic Development Goal 1, Strategy 4, Action C – *promoting tourism and hospitality*

B. Economic Development Goal 2, Strategy 6, Action C – *promoting the characteristics of the Borough that have potential for economic development*
FNSB Comprehensive Economic Development Strategy (CEDS) goals:

A. Industry Cluster Development Goal 3 (Tourism) – *increasing winter tourism*
FNSBC Title 18 Rezone Approval Criteria

2. ...conforms to the public health, safety and welfare

- Protects the existing recreational uses within the Creamer’s Field Refuge
- Permitted uses in OR are compatible with the surrounding rural residential development
- Conditional use required for high impact land uses such as commercial outdoor recreation, outdoor shooting ranges, etc.
Farmers Loop Road would act as a buffer

Farmers Loop Road provides direct access to other OR zoned property (Fairbanks Gold Course)

Does not have the potential to significantly increase the current traffic and trip generation levels
Spot Zone Analysis

- The consistency of the amendment with the comprehensive plan;
  - OR zone implements ‘Open Space/Natural Area’
- The benefits and detriments of the amendment to the owners, adjacent landowners, and community; and
  - Creamer's Field Refuge benefits all surrounding property owners
  - Applicant’s property may not benefit the surrounding property owners
- The size of the area rezoned.
  - 420-acre rezone area is more than the 13 acre threshold
Approval

Eight (8) findings of fact (pg. 118-120)
2000-Foot DPO Notification Distance

316 DPOs

25+ Public Comments
Draft Motion

I move to recommend approval of the rezone (RZ2019-001) of Shuros Subdivision – Block 2, Schroeder Property Waiver – Tract B and Tract C, Section 28 T1N R1W F.M. – TL-2805, Section 29 T1N R1W F.M. – TL-2914 and GL-16 from Rural Residential (RR) to Outdoor Recreational (OR), and adopt the staff report and eight (8) Findings of Fact in support of the recommendation of approval.
Manish Singh, AICP, CFM
Planner II

- American Institute of Certified Planners
- ASFPM Certified Floodplain Manager
- Master of Urban Planning, University of Illinois at Urbana-Champaign
- Bachelor of Architecture, Indian Institute of Technology Roorkee
- Six years' experience/education in planning and architecture
Transportation comments and feedback by:

Donald Galligan, Planner IV/Transportation Planner

Bachelor of Science in Sociology, University of Iowa, 1988
Masters of Science in Urban and Regional Planning, University of Iowa, 1990

Planner IV, Fairbanks North Star Borough, April 2017-present
Associate Transportation Planner, SRF Consulting, 2015-2016

Planning Manager, McMillen LLC, 2007-2011
Senior Planner, HDR Engineering, 2000-2007
Senior Transportation Planner, JRH Transportation Engineering, 1997-2000
Senior Planner, Oregon Department of Transportation, 1995-1997
Planning Director, Bannock Planning Organization, 1990-1995
Public Comments Received after Staff Report was completed on November 2, 2018

RZ2019-001
Public Comments received after Staff Report was completed on Nov. 2, 2018:

<table>
<thead>
<tr>
<th>Date</th>
<th>Name</th>
<th>Comment</th>
</tr>
</thead>
</table>
| 11/5/18 (phone call) | Charles E Cole (owns property in Viewpointe Subdivision) | • Charles requested a copy of the application and the department staff report.  
• He is interested in understanding what public notices the State is required to provide if they decide to start a "shooting range" within the Creamer's Field Refuge. |
| 11/8/18 (phone call) | Tim Desrochers (owns property in University Heights Subdivision) | • Tim wants Creamer's Field Refuge to stay the way it is.  
• He is concerned about the existing hunting practices in the area and opposes this rezone because this rezone will open up everything that is allowed under the OR zone.  
• He is not against hunting and snowmachining; however, he is concerned about the proximity of this proposal to established residential neighborhoods.  
• Additional noise from this operation and other potential future operations would decrease the quality of nearby residential neighborhoods. |
I am a resident of Farmers Loop, and have been since 1967. I am very opposed to the request to rezone 1341 Farmers Loop from RR to OR. Many people walk their dogs, children, ski etc on trails there. There are so many blind corners. Very dangerous. Sometimes with hats on one can't hear machines coming. I have personally seen snow machines run down young moose to get a better look. Also the dog mushers race and practice on those trails. You can expect snow machine/dog team collisions, and that is very tragic. Also Farmers Loop in that area is 2 lane. It is a brand new road, and people drive at high speeds. I am in fear of putting more traffic on it. School bus safety is a concern. So are crazy drivers who regularly pass in that area, right after a blind curve!! A lot of people walk on this road, with bus stops. I would like to see no businesses in this area, as it is a quiet residential area. I fear if this one is granted, more will be in the future as is often the case in FNSB. It should be noted the person requesting it DOES HAVE an alternate route the borough has granted him and he has been using at Echo Acres. Not granting him this will not put him out of business. Thank you for your service to our borough, Meredith Nava Parker 1573 Farmers Loop
Manish Singh

From: Michelle Gutierrez
Sent: Tuesday, November 13, 2018 8:29 AM
To: Manish Singh
Cc: Mary Bork
Subject: FW: RZ2019-001

Manish,

Here is comment for the rezone at tonight’s meeting. This person has already cc’d the planning commissioners, would you like this to be added to the addendum folders?

Michelle Gutierrez
Administrative Assistant III
Community Planning Department
Fairbanks North Star Borough
(907) 459-1277
mgutierrez@fnsb.us

From: Tundra Excavation [mailto:tundraexcavation@gmail.com]
Sent: Monday, November 12, 2018 7:17 AM
To: Webmail Planning
Cc: John Perreault; Michael Stepovich; Doug Sims; Robert Peterson; Patricia Thayer; Eric Muehling; Charles Whitaker; Chris Guinn; Mindy ONeall; Wendy Presler; Christine Nelson; David Brandt
Subject: RZ2019-001

Dear Sir/Ma’am,

I am writing in regards to Public Hearing notice RZ 2019-001, the request to rezone approximately 420 acres from Rural Residential (RR) to Outdoor Recreational (OR).

I own 1311 Farmers Loop, ALL BLOCK 1 SHUROS PLAT 74-10 2/13/74 OUT OF TL-2801 SEC 28 T1N-R1W. My lot is adjoining Creamer’s Field, as well as 1341 Farmers Loop, owned by Don Duncan. My property has 3 dry cabins on it that I rent out. My tenants typically are college students or twentiesomethings who are looking for low cost accommodations and appreciate that while our cabins are older and on a main bus bus route, the road noise is mitigated by trees and the cabins back up to Creamer’s Field so they are always quiet.

My primary concern with the rezoning is not the 320 acre portion of Creamer’s Field, TL-2805 SEC 28 T1N-R1W, or the 80 acre portion, TL-2914 SECTION 29 T1N-R1W. They have been used for outdoor recreation and enjoyment for decades and the rezoning is consistent with the current use of the property. I have found it to be a benefit to my property and my tenants, and I believe it is a benefit to the borough to rezone the property.

My primary concern is with the rezoning of Mr. Duncan’s property, 1341 Farmers Loop (All Block 2 Shuros). By rezoning his property, as well as the portions of Creamer’s Field described as TRACT B SCHROEDER PROPERTY WAIVER WAIVER 123-75 6/6/1975 Previously assessed as IN 1W 28 2800, and TRACT C SCHROEDER PROPERTY WAIVER WAIVER 123-75 6/6/1975 Previously assessed as IN 1W 28 2800, the Borough will be effectively encompassing my lot, as well as the neighboring lot, 1305 Farmers Loop Rd, with a new zoning structure inconsistent with the zoning of our lots. When I purchased the property, it was zoned Rural Residential, as was the surrounding area. The use of the properties surrounding mine, including 1341 Farmers Loop, was also consistent with the zoning. The use of the properties along Farmers Loop between the golf course and the Musher’s Hall is consistent with the zoning of RR.

I contend that this rezoning process was put forward by Mr. Duncan in an effort to serve his purposes at the cost of the community surrounding his property. I would appreciate the Planning Commission taking a moment to consider the rezoning of Mr. Duncan’s property, 1341 Farmer’s Loop, on the basis of its own merits, not lumped in with the rezoning of Creamer’s Field.
Mr. Duncan's lot, at 3.8 acres, is larger than the minimum requirements of 3 acres to be considered for rezoning, but is considerably less than the 13 acres required to not be considered for the possibility of "spot zoning". His lot, if rezoned, will be the only privately held lot in the area zoned OR.

Mr. Duncan has not tried to conceal his desire to make use of his property, not for residential purposes as it has been zoned, but for a commercial use, which is not consistent with the use of the surrounding properties and will negatively impact the community.

The new definition of OR approved under Ordinance No. 2018-25, and its preference to furthering tourism in the area, and the fact that Mr. Duncan is intending to use his property for commercial purposes, which is not the use that it was zoned for when I bought my property, I believe will diminish the value of my property both by limiting my prospective field of tenants, as well as limiting the value of my lot and any prospective resale.

I believe my property value will be diminished do to several reasons:

- Under the new ordinance, commercial outdoor recreation is deemed compatible use with Outdoor Recreation Zoning, and it includes "examples of aurora viewing, off-highway vehicle tours, and dog sled tours." These uses will impact the residences by increasing traffic, noise from machines and dogs teams, noxious smells due to increased machine traffic. Mr. Duncan proposes to keep business hours between 10am-7pm, but should he or a future owner choose to include aurora viewing, which by its very nature must occur at night, these activities cannot be fit into that time frame or be expected to recognize normal neighborhood quiet hours.

- The Borough in it's Staff Report, suggests that this will require a conditional use permit, and thereby helps protect the "Health, safety, and welfare of the surrounding property owners."
  - Rezoning Mr. Duncan's property does not benefit my property and does have certain incompatible land use impacts.
  - He has cleared the property in question and his land is designated wetlands. He has failed to fill out the appropriate paperwork with the Army Corps of Engineers to get approval to clear his lot and properly mitigate erosion and keep sediment from draining into the adjoining wetlands (including the seasonal wetlands on my property) and Reindeer Lake in Creamer's Field. The Army Corps of Engineers is currently looking into the situation.

The new definition approved for OR was designed to take into consideration the increase in tourism in the Borough and to promote the use of land in ways that will further the economy in the Fairbanks area. Rezoning Creamer's Field does indeed fit into this comprehensive plan, but I contend that rezoning Mr. Duncan's property will have no impact on the tourism industry or his ability to continue his guide business. Rezoning his property and approving a conditional use permit for commercial operations is not essential to his business. He is currently operating a thriving business, and his ability to access Creamer's Field from Echo Acres Dr. is not coming to an end.

Due to the above stated reasons, I am against the rezoning of Mr. Duncan's property. Thank you for your consideration.

Sincerely,
Christina Banning
Email you requested Manish

---

Hello Manish,
Per our conversation this morning, I have attached a pdf document with my comments about the rezone.
Please let me know if there are any problems opening this document. Thank you.

--

Susan Miller
1350 Viewpointe
I strongly oppose the rezoning of the 3.8 acre private property, at 1341 Farmer’s Loop, from a RR to OR.

Below, in italics, are statements from what the Planning Commission posted on the borough website regarding the rezone, including the page #s. The statements in regular font are my (Susan Miller) comments.

The rezone of the 3.8-acre private property benefits the applicant who intends to operate a snow machine tour business there. It may not benefit the surrounding property owners to the north and west though, because their properties are developed residentially and the snow machine business might have certain incompatible land use impacts. However, the required conditional use process would protect the health, safety and welfare of these surrounding property owners. Benefits the community by implementation of the land use vision. [Underline from me] pg. 105

Increased traffic and noise pollution on Farmer’s Loop does not benefit the community. Tourism promotion is already being achieved with Mr. Duncan’s snow machine business which is no more than five or six miles away from the property he wants rezoned.

The proposed snow machine tour operation from the applicant’s 3.8-acre private property would allow tourists and borough residents to enjoy snow machine rides closer to town. The operation would offer restrooms and warmup space to customers. pg. 111

The Applicant’s current snow machine tourism business is already close to town. As his website states, it is a 10-15 minute trip to his current business from local hotels. Those of us living in a residential area do NOT want warm up huts and restrooms as part of what we have to view.

Community Planning supports the proposed OR zone … Additionally, the existing outdoor recreational uses within the Creamer’s Field Refuge, along with the applicant’s proposed snow machine tour business, would help advance FNSB Regional Comprehensive Plan and FNSB Comprehensive Economic Development Strategy (CEDS) goals. pg. 114

Residents should not be subjected to increased noise pollution and traffic created by the increased business activities of a single proprietor. Comprehensive planners should keep in mind balance between increasing economic development and maintaining a stable residential area where many home owners have their largest investment.

Residential development is not preferred on the applicant’s 3.8-acre private property because the property has permafrost and wetlands. pg. 110

From Mr. Duncan’s application materials: This makes the property at 1341 Farmer’s Loop Road not ideal for any kind of substantial residential property. pg. 196

There are substantial residential properties adjacent and close to this land. Because the applicant does not prefer residential development is not a reason to rezone.

(2) The proposed rezone conforms to the public health, safety and welfare. However, if this rezone request is approved, the applicant or future property owners could pursue any permitted or conditional use listed under the OR zone. (see Exhibit 2 for the permitted and conditional uses in the OR zone). [Underline by me] pg.115
The proposed hours of operation would be 10 am to 7 pm and the tour business would mostly operate from November through March. The traffic on the 3.8-acre private property would be approximately 5 cars/vans per day. The applicant has not proposed any summer tour business. However, certain summer use may be proposed contingent on the tourism market demands. pg. 110

The applicant would be able to change his business in any way that benefitted him under the general umbrella of OR, which could increase the noise and business activity in a residential area. If this land is rezoned, there is no guarantee that the number of cars/vans per day will stay at five.

There is already a lot of snow machine activity in Creamer’s Field, including Mr. Duncan’s current business. The waterfowl refuge is designed ALSO for walkers, skiers, bird watchers and should not have even more snow machine activity.

Don Duncan’s Application Materials
In the application from Mr. Duncan, he states: I see this rezone request as a positive move for F&G and DNR because it increases access and public use of the Refuge and at the same time guarantees that we will be taking care of trail maintenance at no costs to the State or public. [Underline by me] pg. 196

The public already has access to Creamer’s Field. Does the applicant mean that access for the general public will be through his land, or is this increased access only for those who are paying Mr. Duncan for his services?

He also states: The best use of the property would be for an outdoor recreation headquarters with a conditional use permit to allow 2 or more trail heads and trail head facilities and infrastructure to serve me as a business owner the Fairbanks public and tourist. [comments in bold from me] pg. 196

The comments above summarize what the purpose is for this zoning request from Mr. Duncan. As a property owner, I am concerned about the increased business activity in a residential area for the benefit of someone who already has a business with access to Creamer’s Field.

He also states: The proposed rezone would allow the snowmobiles to be parked and staged on location without having to trailer large trailers as mentioned before. But it also drastically reduces the number of times the machine would need to be started and warmed up before riding by as much as 3 times less. That is, the machines would not have to be loaded on the trailer or unloaded of the trailer, staged, then restarted when the clients arrive and then be restarted again to load back up to leave. pg. 197

Mr. Duncan’s web site for his business, https://www.apgs.com/, has a picture showing over 20 snow machines lined up. Does he plan to store all these machines on Farmer’s Loop?

In summary, Mr. Duncan wants a more convenient access for his business, which I understand. But the residents in the area should not be subjected to more noise and business activity in order to accommodate a person who already has a business set up with access to the Creamer’s Field Migratory Waterfowl Refuge, which is exactly what he wants the rezone to do.
From: American Hacker <1unholydriver@gmail.com>
Sent: Friday, November 02, 2018 6:43 AM
To: Manish Singh
Subject: Re: RZ2019-001 :: Application and Zoning Map

So Manish, I won't be able to make it over to the public hearing on the 13th. So please just voice my valid concerns WITHOUT GIVING MY NAME so this neighborhood doesn't get ruined by greedy psychopath newcomers who have no understanding of, "traditional" nor appropriate use of this area is. Also, what is the Borough thinking going from torturing it's citizens with a scam issue like, "wood burning" which was found to be an actual scam pulling wool over everyones eyes by the way. Thanks Karl, terrorism is really nice when performed by Royal Freemasons and the Chamber of Commerce another local hate group.

Then immediately seemingly flipping on the REAL living environment that people actually live in? SNOW MACHINES put out more sound pollution than police cars! Or have you ALL gone bi-polar for the greed monster?! There has to be a better place, like perhaps where he's already at?! Give that a shove why don't ya?!

Jeez the level of obtuse rhetoric at this assembly is epic. Surmount only to the largest of garbage fires!

Capital D! Disapprove!

Thanks again, Cory M. Jackman

P.s. Am I the only one here with a still free mind or has MK ultra stolen everyones brains?!

CMJackman

On Fri, Nov 2, 2018, 8:11 AM Manish Singh <MSingh@fnsb.us> wrote:

Dear Mr. Jackman,

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

Thanks,

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

CMJackman

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

Dear Mr. Jackman,

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

Thanks,
Manish

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

It was a pleasure talking to you on phone today. As you requested, I have attached the rezone application with this email. The Planning Commission packet for the November 13th meeting (as it exists at this time) has been posted to the FNSB website:

http://fnsb.us/Boards/BoardCommissionMeetingDocuments/2018Nov13PCFP.pdf

Let me know if you have any questions for me.

Thanks,
Manish

Manish Singh, AICP
Planner II
Department of Community Planning
Fairbanks North Star Borough
(907) 459-1225 / msingh@fnsb.us
Ok then. Did you make them aware of the issues this heinous operation will present to the good residents of this area. People who do not deserve to be burdened by excessive noise and traffic up and down Farmers Loop? Basically all the things I shared with you before? The fact that this operation hasn't been shut down already begs the question? Does the Borough Administration ever do anything right?

CMJackman

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Thanks,
Manish

Manish Singh, AICP
Planner II
Department of Community Planning
Fairbanks North Star Borough
(907) 459-1225 / msingh@fnsb.us
Sam Harrel, 1305 Farmers Loop Road, former Trail Boss Alaska Dog Mushers Association.

I support Don Duncan’s request to change his Farmers Loop Road property, along with the adjoining Creamer’s Field Migratory Waterfowl Refuge lands, from Rural Residential to Outdoor Recreational. I believe this is a better designator for the lands of the refuge and the those adjoining a world premier trail system. It will build interest the area and support for the ADMA who maintains the trail. There are far more users the trails than the dog mushers.

I am Outside and am not able to attend Tuesday’s, Nov. 13, Planning Commission Meeting.

Sam Harrel
(907)322-7204 cell/text
Comments received on
November 26, 2018

RZ2019-001
I'm not sure if I can make the meeting tonight so wanted to give my comments.

I just wanted to let you know that when I was looking at property 5 years ago I would record the sound levels outside at each place I was considering, as I didn't want to live in a loud neighborhood. Sound is my main concern because I prefer non motorized transportation in the woods. I skied those trails a fair amount last year and maybe met the tour group and took their picture. Everyone has good etiquette. I know the trails that are the least used by skiers and fat bikers are those ones between his property and the mushers hall, but is also closer to the houses and therefore louder for neighbors. I selfishly would prefer the business to be operating out of a different location to minimize impact in my neighborhood.

Alyson Rigby
1326 Viewpointe Dr.
Other Communication after Staff Report was completed on November 2, 2018

RZ2019-001
Hi Audra,

Please see the email below for the meeting packet. I look forward to see you at the public hearing tonight. Let me know if you have any questions for me.

Thanks,
Manish

From: Manish Singh
Sent: Tuesday, November 13, 2018 11:20 AM
To: 'maria.gladziszewski@alaska.gov'
Cc: Kellen Spillman; Christine Nelson
Subject: Rezone meeting packet

Dear Ms. Gladziszewski,

It was pleasant talking to you on phone today. You can access the Planning Commission meeting packet (including the rezone RZ2019-001) on the following link:
http://fnsb.us/Boards/BoardCommissionMeetingDocuments/2018Nov13PCFP.pdf

Also, as you requested, I have attached the public comments we received after we published the staff report online on Nov. 2, 2018. I hope you’d find this information helpful and let me know if you have any questions.

Thanks,
Manish

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

It was pleasant talking to you on phone today. You can access the Planning Commission meeting packet (including the rezone RZ2019-001) on the following link:
http://fnsb.us/Boards/BoardCommissionMeetingDocuments/2018Nov13PCFP.pdf

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Thanks,
Manish

Manish Singh, AICP
Planner II
Department of Community Planning
Fairbanks North Star Borough
(907) 459-1225 / msingh@fnsb.us
Manish,
I was stunned by the package I just received. The amount of material included was beyond my belief. I had no idea this would be such an involved process notifying so many agencies. I knew neighbors would inquire. I expected that.

I know realize what a big process this actually is. Before I had no idea it would be this big a deal.

I see you have received many requests for information. Some replied and some did not. Thank you for telling them it will never be a gun shooting range. It seems some people always get scared and assume the worst.

I am a virgin in this process, but I could clearly see how you were helping me present my case for a rezone even though I may not have covered all the bases in written words. In spoken words, I have tried to make it clear what my intentions are.

I have a few questions.

Would it be appropriate or customarily for me to contact the people that contacted you and try to ally their fears and concerns?

It appeared as though the planning commission approved recommending the rezone. Or made a motion to do so IS the Nov. 13 at 6 pm meeting in front of the planning commission or the full borough assembly or just the planning commission? I am confused on that.

It appears that our original plan of getting the property zoned OR and then attempting to get the conditional use permit is what will need to happen at this point. So the new ordinance passed would basically do me no good. I would still need the conditional use permit for trail head facilities if I was re-zoned to Outdoor recreation. One comment from a state agency said that I would need to move the building already there because it needed a “50 foot front yard”. (been there since 1982) Consequently I have shut down all repair attempts at that piece of crap building. I am not necessarily against it, but destroying it and starting again would probably been a better plan if that needs to happen now.

It may have been the best option to begin with.

Please let me know where and when I am suppose to be.

Don
457-8318
Public Comments Received after the Planning Commission meeting on November 13, 2018

RZ2019-001
Dear Property Owner:

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

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

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

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

Property Owner:  Tom Parks & Faith Navar

Address or Lot/Block/Sub: 1605 Farmers Lp Lot 1 WB Heed

Comments:  We do not approve this change. We do not believe there should be commercial use of the Refuge.

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

The Fairbanks North Star Borough is subject to the Alaska Public Records Act, AS 40.25 et seq, and this document may be subject to public disclosure under state law.
A regular meeting of the Fairbanks North Star Borough Planning Commission was held in the Mona Lisa Drexler Assembly Chambers, Juanita Helms Administration Center, 907 Terminal Street, Fairbanks, Alaska. The meeting was called to order at 6:21 p.m. by Mindy O'Neall, Chairman.

MEMBERS PRESENT: Wendy Presler  Chris Guinn
Doug Sims  Charles Whitaker
David Brandt  Eric Muehling

MEMBERS EXCUSED: Mike Stepovich  John Perreault
Patricia Thayer

MEMBERS ABSENT: Robert Peterson

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

A. ROLL CALL

B. MESSAGES

1. Chairperson’s Comments

Chair O'Neall stated she will need to be excused from the meeting at 10pm to catch a flight.

2. Commissioner’s Comments

3. Communications to the Planning Commission

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

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

5. Disclosure & Statement of Conflict of Interest

Chair O'Neall determined Commissioner Muehling will be excused from RZ2019-001.

C. * APPROVAL OF AGENDA AND CONSENT AGENDA

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

CARRIED WITHOUT OBJECTION

D. MINUTES

1. Minutes from October 23, 2018 PC Meeting

E. QUASI-JUDICIAL HEARING

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

OATH ADMINISTERED

Mr. Manish Singh provided a presentation of his staff report and recommendations on behalf of the Borough’s Planning Department, and recommended approval with one (1) condition and three (3) findings of fact as listed in the Staff Report.

Questions by Commissioners

Commissioner Guinn asked if the conditional approval met the requirements of the complainant.

Mr. Singh explained the complaint was anonymous and no response was submitted by any DPO receiver that was against the conditional use, only one inquiry that was general in nature.

Commissioner Guinn questioned why the permit was for 12 children.

Mr. Singh explained it was to keep consistent with the state license.

Commissioner Muehling questioned the hours of operation and if any DPO’s were returned with negative comments.

Mr. Singh stated no negative comments from the interested persons were submitted.

Applicant's Testimony

Applicant, Terrell Towns testified as follows:

- Works for TSA, the daycare is second job.
- Girlfriend is the owner and he is the administrator.
- Number of children fluctuates.
- Passionate to helping families that have a hard time finding childcare.
- Lots of the parents receive state funds for childcare.
- Service to the community.
- Contacted the surrounding neighbors prior to FNSB contacting them, everyone was in support.
- They did not know what a conditional use was prior to this process.
- They want to abide by the rules.
- Not a lot of males in the profession and sometimes children need that male role model.

**OATH ADMINISTERED TO ALEJANDRA BARRAGAN**

Alejandra Barragan, owner of Tot’s ‘R’ Us, testified as follows:

- 13 years of experience.
- Used to work for FNA Early Headstart.
- Wants to follow regulations and rules; they didn’t know about the process before.
- Not a lot of daycare facilities, so they want to help parents.
- Try to avoid all problems if possible, with neighbors.
- Daycare has yearly inspections and on call inspections.
- Daycare has fire reports every two years.
- Daycare hours can be changed, but parents need 2 week notice.
- Explained for 12 children, two employees are needed.
- Daycare has monthly fire drills.

**Questions by Commissioners**

**Commissioner Presler** questioned if another employee works at the daycare.

Ms. Barragan stated they have one worker that fills in for when Mr. Towns is at his other job.

**Commissioner Sims** asked if they are opened on the weekends.

Ms. Barragan and Mr. Towns said no; Monday to Friday only.

**Commissioner Sims** asked if a number of clients come from the immediate neighborhood or from outside the neighborhood.

Ms. Barragan stated that most of their clients are from different areas.

**Commissioner Muehling** asked if there were any issues with non-compliance with the state licensing regulations for the daycare.

Ms. Barragan and Mr. Towns said no.

**Commissioner Guinn** questioned the amount of traffic generated at pickup and drop-off times.

Ms. Barragan and Mr. Towns stated the drop off times and typically two or three cars at one time; some of the clients have multiple children, siblings, they drop off at once.

**Chair O’Neall** asked if they had any children of their own and if they are counted into the allowed number of 12 children.
Ms. Barragan stated she has two, one child that goes to school and one that stays home and is included in the total of 12 children.

**Interested Person Testimony Opened**

None

**Interested Person Testimony Closed**

**MOTION:** To approve the Conditional Use Permit (CU2019-005) for a day care facility with one (1) condition, and adopting the staff report, and three (3) findings of fact in support of approval by Commissioner Muehling, seconded by Commissioner Sims.

**CONDITIONS**

1. If any modifications are made to the site plan, maximum number of children, hours of operation or other operational characteristics, the applicant or holder of this conditional use permit shall submit revised documents to the FNSB Community Planning Department. If modifications are made to the conditional use, an amendment to the Conditional Use Permit may be required pursuant to FNSBC 18.104.050(D).

**FINDINGS OF FACT**

1. The proposed conditional use conforms to the intent and purpose of Title 18 and of other ordinances and state statutes:
   a. The purpose of Title 18 is met because the proposed conditional use is consistent with ‘Urban Area' comprehensive plan land use designation. The conditional use is consistent with the Comprehensive Plan Community and Human Resources Goal 1, Strategy 1 because the day care facility serves the borough residents by providing essential childcare services.
   b. The intent of Title 18 will be met because the conditional use both protects private property rights and promotes public health, safety, and welfare.
   c. The applicant has obtained a state license for a day care facility from Child Care Licensing (CCL) Program. The applicant has obtained a business license from Division of Corporations, Business and Professional Licensing, Alaska Department of Commerce, Community, and Economic Development. The applicant has also obtained a business license from the City of Fairbanks. The applicant has provided information sufficient to show that they intend to meet the city and state regulations.

2. There are adequate existing sewage capacities, transportation facilities, energy and water supplies, and other public services to serve the proposed conditional use.
   a. The day care facility has adequate water supply because the property is served by Golden Heart Utilities.
   b. The facility has adequate sewage capacities because the property is served by Golden Heart Utilities.
   c. The facility has adequate fire services because the property is served by the City of Fairbanks Fire Department.
   d. The facility has adequate power supply because it is served by the GVEA grid.
   e. The facility is served by the City of Fairbanks Police Department for law enforcement.
The subject property has access from Nenana Street which is a local road maintained by the City of Fairbanks. Nenana Street can accommodate the small number of trip ends generated by the day care facility.

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

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

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

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

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

Discussion on the Motion

Commissioner Muehling stated the daycare is fulfilling the need of the community, the applicant stated they are in compliance with state licensing and regulations and there have been no complaints from the neighborhood about their operations.

Commissioner Guinn stated his initial concern for increased traffic but nobody from the neighborhood showed up to complain and reiterated the need the daycare is fulfilling to the community.

Chair O'Neall stated the applicant has a good traffic control flow with the staggered pickup and drop-off times

ROLL CALL

Seven (7) in Favor: Presler, Sims, Brandt, Guinn, Whitaker, Muehling and O'Neall

Zero (0) Opposed:

MOTION PASSED

F. PUBLIC HEARING

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

[Commissioner Muehling and Commissioner Brandt left the dais]
Mr. Manish Singh provided a presentation of his staff report and recommendations on behalf of the Borough's Planning Department, and recommended approval with eight (8) findings of fact as listed in the Staff Report.

Questions by Commissioners

Commissioner Sims questioned what zoning Echo Acres is.

Mr. Singh stated Rural Estates.

Commissioner Sims asked if the proposed rezone to OR would be considered a commercial venture.

Mr. Singh stated no and further explained his reasoning and how the proposed rezone would align with existing uses.

Chair O'Neall asked if individuals could ride their snow machines through the area with the current zoning.

Mr. Singh clarified who would need a permit to use a snow machines within Creamers Field.

Commissioner Guinn asked if a conditional use permit will be presented to the commission in the near future.

Mr. Singh stated the applicant addressed that he would be applying for a conditional use permit and reminded the commission and public that once a rezone is approved you are not bound by the application anymore; the rezone is one step and then the property owner could propose any of the permitted or conditional uses that are listed within the zoning description.

Commissioner Guinn asked if the applicant runs his snow machine business if a conditional use permit is needed.

Mr. Singh stated yes.

Commissioner Whitaker asked if the applicant sells the property and if it would be allowed that the new owner wanted to put in a conditional use permit for a shooting range which will have no noise or lighting restrictions.

Mr. Singh stated if the rezone is approved, the applicant could sell his property and the new property owner may apply for a conditional use permit for one of the uses listed in the description.

Discussion ensued between Commissioner Sims and Mr. Singh in reference to taking a perimeter lot, zoned RR and changing it to OR in reference to consistency with the comprehensive plan and land use map.

Commissioner Sims questioned why Farmers Loop Road was listed as adequate buffer.
Mr. Singh stated the impression of buffer is subjective and stated his professional opinion that Farmers Loop Road provides some buffer and where it is adequate or not depends on the use across the road.

Commissioner Presler asked for clarification on if the zone changes, would the applicant have to apply for a conditional use permit to operate his business, even though the applicant currently has a permit from Creamers Field and asked if going forward would the public would still be able to use their snow machines on Creamers Field.

Mr. Singh stated the applicant has a current permit to operate his business through Echo Acres Drive and if he uses his own property for access and puts a trail head and/or a restroom for his customers then he will require a CUP from the FNSB and stated the way the public uses within the Creamers Field are not likely to change.

**Applicant's Testimony**

Applicant, Don Duncan testified as follows:

- Thanked Mr. Singh for educating him on the process.
- He mentioned he offered Fish & Game to build a parking lot for them on Midnight Sun Drive for public use.
- There is a trail in the middle of his property that has been there for many years that people access.
- He has a permit that will allow him to connect his property with Fish & Game's trail.
- His intention is to allow an increased public use of the area.
- He never had intentions to make it a shooting range or anything else.
- Mentioned the 100ft well that has crystal clear, pure water that is on his property.
- The property has 3 artesian wells.
- The building on the property is not in good condition.
- Primary use of the property will be for the snow machine business that will help cut time with not having to trailer snow machines every day.
- Mentioned the fear of conflict between snow machiners, dog mushers, skijorers and fat tire bikers but they had a meeting with Fish & Game to resolve the fears that never materialized.
- No major conflicts in the past five years.
- His snow machines on the trails are going slower than the dog mushers on the trails.
- Spent 100s of man hours keeping the trails open.
- Mentioned the guided tours are not allowed to run free and they are under control as best as possible.
- Gave his word that he will not ask for a conditional use permit to make it a shooting range.
- Mentioned the trails are multi-use and snow machines are allowed.
- The snow machines he uses grooms the trails.
- He doesn’t plan on using dog teams on the property.
- Mentioned he cleared trees for the safety of people just learning to ride a snow machine.
- Stated the property is down low that acts as a double buffer.
- He doesn’t think noise will be a problem.
- Uses snow machines that don’t have tuned exhaust, they are not loud.
- He doesn’t use paddle track snow machines cause it pulls up snow that could harm the dogs paws.
- Has been operating his business for 4-5 years.
- If he thought it would be a negative impact, he wouldn't be asking for the rezone.
- Thinks his business and what he does for the public is an overall good impact.
- There is a 19 mile trail junction on the property, where all the trails come together.
- He bulldozed it and it is permafrost.

Questions by Staff

Mr. Singh asked if he had any plans to expand his operation in the near future or to acquire additional land.

Mr. Duncan stated he made two offers to the property to the east of his but was unacceptable to the land owner. The property just east of that eastern property, next to the Fish and Game properties, was willing to join the rezone but is out of town for work. Mr. Duncan stated he couldn't afford the property right next to his.

Questions by Commissioners

Commissioner Whitaker asked how many snow machines are in his fleet and how many clients are taken out at a time.

Mr. Duncan stated he has 40 to 45 snow machines and the busy season can range up to 40 people but on average outside of the busy season, it is an average tour group of two people here and there. He reiterated the need for a central base operation for days that it's just two people to avoid hauling work.

Commissioner Presler asked how long a typical snow machine tour is and how many people are taken out at once during the busy season.

Mr. Duncan stated it is typically a one hour tour and stated he has one guide per every four to six snow machiners and if it is more than six people, you need another tour guide.

Commissioner Sims asked if the Echo Acres area has any structures or parking lots or outhouses and asked why he is moving from Echo Acres to the proposed rezone location to facilitate his business.

Mr. Duncan said his permit from Fish & Game didn't allow for an outhouse but he built one because the girls were having to walk across the street, through the woods and have to do their business in front of someone's property, which he felt was wrong. He stated Echo Acres is perfect in a lot of ways and he doesn't know if he would abandon entirely and continued to explain how the road is one of the last to be maintained and it is not an easy road to trailer a 8 ½ ft wide trailer full of snow machines on.

Discussion ensued between Commissioner Sims and Mr. Duncan in regards to his snow machines being two stroke machines and not tuned exhaust pipes and how his machines are not loud.

Commissioner Sims asked if he briefs his clients of trail etiquette.

Mr. Duncan said yes, they have an online training video and they walk them through everything and explained how they received a grant to make signs for the trail.
Commissioner Whitaker questioned if some of the dog walkers are unhappy with him in that area.

Mr. Duncan said not that he knows of.

Commissioner Whitaker queried the amount of blue smoke in the air if quite a few machines are idling and asked how long they would sit idling before the tour.

Mr. Duncan stated they are started and warmed up on the trailer first, then they are put onto the starting line and they are then shut off and then they are restarted when it’s time for the tour and if they are able to be at the property as proposed, then they would only need to be started once.

**Public Testimony Opened**

Susan Miller, Viewpointe neighborhood, testified as follows:

- Strongly requested the rezone be denied.
- Mr. Duncan’s request should have been a spot zone and denied.
- Creamer’s field is inappropriately zoned RR.
- The applicant’s property is 1% of the rezone and the residents shouldn’t be subjected to a nearby business.
- Let the state request the rezone and not by a private land owner.
- She didn’t see how tourism will be improved.
- Mentioned the noise, and air pollution of the business which is not conducive of the health, safety and welfare of the neighborhood.
- Requested a denial to maintain a stable and quiet area.

Patrick Marlow, 1418 Farmers Loop Road, testified as follows:

- Uses the trails often.
- The snow machine tours are extremely well behaved and the business is well ran.
- Mr. Duncan clears the trails.
- The neighborhood uses the trails to walk their dogs, etc.
- Hard to believe that the business will go unheard or unseen.
- When it comes time to sell his property, if there is a commercial use in the area, he may not get the same value out of the property.

Kathryn Baird, Viewpointe Subdivision, testified as follows:

- Urged the commission to deny the request.
- Rezoning the property would allow a potential archery range, camp ground, minor communications tower, or a shooting range.
- The potential uses if rezoned are not compatible with the environment of the neighborhood.
- The applicant’s property is a small part of the rezone request.
- The state didn't ask for the rezone.
- The area is not appropriate for 40 people practicing how to use a snow machine, so close to houses.
- If there is an increase in tourism, the traffic would also increase.
- If the applicant already has a successful business, then the rezone wouldn’t impact it.
Matthew Banning, owner of 1311 Farmers Loop Road, testified as follows:

- Against the proposed rezone.
- It's basically a spot zone according to the definition.
- It will have a negative impact to the area.
- There will be a conflict of interest with the surrounding property owners.
- To say the property cannot be used for residential premises is not accurate; he owns rentable cabins.
- If the applicant chooses to use the land as zoned or not is his choice.
- The business already exist and to move it from one place to another for the owner's convenience is a detriment to the community.
- Contacted the Core of Engineers and found out the applicant did not file proper paperwork.
- The applicant cleared the land with a dozer and there is an ongoing investigation with the Core of Engineers for this violation.
- If the applicant has no regard for protocol, how will the Planning Commission keep him within his conditional use permit?
- The rezone will have a negative impact to the surrounding community.

Siegmar Siebeneich, 1304 Farmers Loop Road, testified as follows:

- Recently purchased their property for residential area, not to have a commercial use nearby.
- Cannot justify the rezone application based on 40 snow machines being across the road from his property.
- Questioned the hours of operation and suggested it would be at 11pm when people are sleeping.

Alan Jubenville, 1300 Shuros Drive, testified as follows:

- Uses the property in the winter time.
- The rezone will change the area dramatically.
- RR is the best zoning for the area because nothing has taken place in the area for a long period of time since Creamers Field existed.
- There will be more congestion in the area if rezoned.
- The rezone will cause conflict.
- Before anything is done, a wetland permit is required and no one has applied for one.
- Most of the 400 acres is wetlands.
- The area is currently very enjoyable.
- If rezoned, there will be a lot more noise in the area and more demand for trail development.
- The rezone is not suitable.

Audra Brase, 725 Ridge Point Drive, testified as follows:

- Represented the Alaska Department of Fish and Game as the Regional Supervisor, Division of Habitat.
- ADF&G has been delegated land management authority for the Creamer’s Field Migratory Waterfowl Refuge from the ADNR.
- Division of Habitat is responsible for issuing Special Area Permits for activities that occur within the refuge.
- The proposed rezone will place a portion of Creamer’s Field into a more appropriate category as the principal activities that take place at the refuge are providing habitat for wildlife and year-round public recreation on the multi-use trails.
- If the rezone is approved, ADF&G has no plans to make any changes to currently allowed uses on the lands.
- If the rezone is not approved, ADF&G may pursue rezoning the Creamer’s Field lands in their entirety, with a future request.
- ADF&G has no objection to the rezoning of the portions of Creamer’s Field currently designated as RR to the category of OR.
- ADF&G continues to have no objection to the rezoning of the adjacent private parcel.

Questions by Commissioners

Commissioner Guinn asked if there is any requirement for a Core Permit.

Ms. Brase stated what is currently going on, being just trails, there is no Core Permit needed.

Commissioner Whitaker asked if she was supervisor when the original snow machine permit was issued for the applicant and asked what the application process was.

Ms. Brase said yes and explained the process of a new application.

Discussion ensued between Commissioner Whitaker and Ms. Brase about the uses of the parking lot on Echo Acres and the idea of putting outhouses on the barn side of things.

Commissioner Presler asked for clarification on Ms. Brase testimony of ADF&G pursing the rezone to OR if the proposed rezone is not approved.

Ms. Brase said yes, they did not realize how it was currently zoned and if they wanted to put in new trails it would potentially not be allowed.

Commissioner Presler asked if the rezone is approved, will they still look into bringing the rest of the zoning up to something that is more appropriate for the use.

Ms. Brase said yes they have discussed that.

Taylor Englert, 1640 Cottonwood Street, testified as follows:

- Neighbor to the applicant and offered to work for him to help trim the trails.
- Advocated for the rezone.
- Currently it is hard to get into the refuge.
- The current zoning is wrong.
- The tourism is increasing and finding stuff closer to town to entertain them is important.
- Most people don’t want to smell dog feces on a trail.
- Picture of a moose to a Chinese person is invaluable.
- Stated the applicant wants everyone to use the trails and not for his business only.
Plans to possibly buy the applicants business in the future.

Jennifer Gehrke, 1402 Farmers Loop Road, testified as follows:
- Uses the trails often.
- Main issue is with air quality and the snow machines creating a health impact while idling.
- Purchased their property because nothing was developed commercially in the area.
- Concerned about property values.

Glen Hemingson, 1011 Denali Street, Anchorage, testified as follows:
- Operations manager for Alaska Skylar Travel with offices in Fairbanks, Anchorage and China.
- Supports the rezone.
- The applicant is the primary vendor for snow machine tours for Skylar Travel and they value their partnership and know the applicant to be honest, ethical, hardworking and committed to the company.
- The tour service requires the applicant to transport snow machines daily to Echo Acres.
- The applicant purchased the property in hopes to eliminate the arduous daily task.
- The applicant intends to apply for a CUP in the hopes of building a permanent structure on the property for storage, guest restrooms and for guests to have a place to change.
- Requested approval of the rezone which will improve the business operations which will continue to grow tourism.

Cory Jackman, 1185 Farmers Loop Road, testified as follows:
- Many problems with the proposed rezone, which he deemed inappropriate for the area.
- Houses all around that have a problem with road noise and with diesel pollution from school buses.
- Huge difference between the uses of OR and Commercial operations utilizing OR.
- People purchase homes in the area thinking they will have a nice, safe surrounding with clean air.
- 40 loud snow machines is asinine.
- Moose run off if they encounter a snow machine.
- Every other person utilizing the trails is affected by the snow machine fumes.

Chris VanDyke, 1325 Shuros Drive, testified as follows:
- Opposed to the rezone.
- Purchased his property specifically because there were no commercial businesses in the area and for the access to the trails.
- Uses the trails along Midnight Sun on a daily basis in the winter.
- The road is opposite from a buffer because you line of sight of the property with no trees for a sound buffer.
- The passing of the rezone would diminish the value and the enjoyment of his property.
- Stated there is nothing forcing the applicant to keep his promises, and if he sells his business there is nothing preventing others using tuned exhaust.
The only benefit of the rezone would be for the applicant and his business partners and not to the public.

**Questions by Commissioners**

Chair O’Neall asked if in the event that Fish and Game in the future asks to change the zone, if his opinion would change about the use.

Mr. VanDyke said as long as the private portion was not included, he would be fine with it.

Discussion ensued between Chair O’Neall and Mr. VanDyke in regards to the public access of trails.

Eric Muehling, Po Box 84415, testified as follows:

- Testifying as an affected resident and not in any official capacity and will not be using any inside information and had no expectation of any special consideration, the information he used is available to any and all residents.
- Strongly opposed to the proposed rezone.
- Stated that with the applicant’s original application, he couldn’t get what he wanted due to the spot zoned restrictions so he expanded his request to include public land.
- The general public may be thinking, what gives the applicant the right to request a rezone since he doesn’t have any ownership interest in the 416 acres of public land, at least no more property interest than any other citizen.
- According to public records, the applicant is currently permitted to operate a commercial guide business in the waterfall refuge on Echo Acres and because of that, the comprehensive economic development goals already being satisfied with the applicants activity.
- There is little or no change in the economic impact to the FNSB if the business moves from one location to another, no financial hardship but there would be an impact on the residents in the area.
- Mentioned the applicant stated his property is not buildable because it has permafrost; he owns 10 lots within 1500 feet of the applicant’s property, his house and cabins were all successfully built over the past 40 years on the same permafrost on pads and pilings.
- There is already a public trailhead on the applicant’s west property line, a parking lot on Midnight Sun Street and Farmers Loop Road has signs posted by Fish and Game that directs walk-in hunters and other trail users where to park.
- The rezone for the applicants residential property to OR would be the first step on a path to commercial or other high end activities that are not compatible in the residential neighborhood.
- Urged the commission to deny the request.

[Brief at ease was taken]

**Public Testimony Closed**

**Rebuttal by Applicant**

Mr. Duncan responded to testimony and stated that he doesn’t need a Core of Engineers permit to clear his own trees on his property, his hours of operation would be somewhere
between 10am to 5pm and later in March, and stated most days his business would not have 40 snow machines fired up and during November to March, most days won't have any snow machines running. Reiterated his intentions to eliminate trailering the snow machines back and forth. Mr. Duncan stated the Midnight Sun trail is narrow and has a turn into trees that someone could hit. He mentioned people use his trail which he believes is better. He mentioned the road is 15-20 feet high and has a berm in front of that and he believes that they won't be able to see or hear his business much.

MOTION: To recommend approval of the rezone (RZ2019-001) of Shuro’s Subdivision – Block 2, Schroeder Property Waiver – Tract B and Tract C, Section 28 T1N R1W F.M. – TL-2805, Section 29 T1N R1W F.M. – TL-2914 and GL-16 from Rural Residential (RR) to Outdoor Recreational (OR), and adopt the staff report and eight (8) Findings of Fact in support of the recommendation of approval by Commissioner Sims, seconded by Commissioner Presler.

FINDINGS OF FACT

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

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

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

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

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

6. The rezone conforms to the public health, safety or welfare because:
   a. The proposed OR zone would be more consistent with the Open Space/Natural Area land use designation and would better protect the existing predominant recreational use of the rezone area.
   b. The proposed OR zone permits recreational uses such as recreational open space, boat launch, community garden, skiing facilities etc. that could be compatible with the surrounding rural residential development.
   c. The OR zone would protect the existing recreational uses within the Creamer's Field Refuge. The refuge would continue to be compatible with the nearby rural residential development by providing recreational opportunities.
   d. The Farmers Loop Road would act as a buffer between the existing residential uses on the west side and the proposed outdoor recreational uses on the east side. The Farmers Loop Road provides direct access to other OR zoned property with recreational uses such as the Fairbanks Gold Course.
   e. The FNSB zoning code also requires a conditional use permit for high impact land uses within the OR zone such as commercial outdoor recreation, outdoor shooting ranges, convention centers, organized trail facilities, stadiums etc. Any conditional uses in the OR zone require a public hearing with the FNSB Planning Commission and thereby, help protect health, safety and welfare of the surrounding property owners.
   f. This rezone request does not have the potential to significantly increase the current traffic and trip generation levels associated with the road and the Creamer's Field Refuge.

7. The rezone is not a spot zone or a reverse spot zone because:
   a. The rezone is consistent with the comprehensive plan. The OR zone would protect the predominant outdoor recreational uses in the rezone area, which would be more consistent with the Open Space/Natural Area land use designation. Additionally, the existing outdoor recreational uses within the Creamer’s Field Refuge, along with the applicant’s proposed snowmachine tour business, would help advance FNSB Regional Comprehensive Plan and FNSB Comprehensive Economic Development Strategy (CEDS) goals.
   b. The rezone benefits both property owners within the rezone area. The State wants to correct the zoning within a portion of the refuge which is inappropriately zoned RR. The applicant intends to apply for a conditional use to operate a snowmachine tour business from his 3.8-acre private property.
   c. The rezone of the 416-acre western portion of the Creamer’s Field Refuge benefits all surrounding property owners because the OR zone would be more consistent with the existing recreational use of the refuge. The OR zone would protect the existing recreational uses within the Creamer's Field Refuge. The refuge would continue to be compatible with the nearby rural residential development by providing recreational opportunities.
   d. The rezone of the 3.8-acre private property may not benefit the surrounding property owners to the north and west though, because their properties are developed residually and the snowmachine business might have certain incompatible land use impacts. The FNSB zoning code requires a conditional use permit for high impact land uses within the OR zone such as commercial outdoor recreation, convention centers, organized trail facilities, stadiums etc. In a conditional use public hearing, the surrounding property owners could express their concerns about the specific conditional use proposal. The FNSB Planning Commission is required to
make findings of fact regarding the protection of public health, safety and welfare to support their decision. The required conditional use process would protect the health, safety and welfare of these surrounding property owners.

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

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

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

Discussion on the Motion

Commissioner Sims stated he disagreed with some of what staff analyzed in the staff report with respect to it not being a commercial use and had a proximity issue; a potential commercial use too close to a well-established residential area and he also contended that a perimeter area lot zoned RR and then changed to OR is not consistent with the comprehensive plan by virtue of it being a potential commercial use located outside of the Urban Preferred Commercial area. Mr. Sims stated he understands why the applicant wants to move and stated he also had air quality concerns. Mr. Sims stated there is an alternative site that is usable and available, presently and expressed that he is on the fence on the decision. Mr. Sims stated it would be wise for the state to come forward for the rest of their refuge and zone it appropriately.

Commissioner Presler expressed her initial agreement with the rezone and has been back and forth throughout the evening for different reasons. Ms. Presler’s initial agreement was because of the large portion being Creamer’s Field which is the most appropriate zone for the refuge. Ms. Presler stated the discussion was not in regards to the conditional use, it was for the rezone and after hearing the concerns from the testimonies in opposition to the one personal property and was unsure of where she stood on the matter.

Commissioner Guinn stated the Creamer’s Field property should be rezoned to OR and mentioned the business being operated on the private property by the applicant will be discussed under a conditional use permit at a future date. Mr. Guinn stated if rezoned, any future CUP request will be with conditions and stated he felt the private property was not an ideal candidate for OR and stated he wanted to see it removed from the proposed rezone.

Commissioner Whitaker stated his support of the state rezoning their property but did not support Mr. Duncan’s request. Mr. Whitaker reiterated the testimonies stating they want to protect the character of the neighborhood.

Commissioner Sims asked legal if a rezone application fails at the Planning Commission would it still forward to the Assembly.

Mr. Jaffa stated the commission had a few options, one is to recommend approval, it is simply a recommendation that goes before the Assembly, or recommend disapproval or to recommend reclassification to a more appropriate zone which can include certain parcels but when doing that the commission will need to do an independent spot zone analysis if the commission
intends to remove Farmers Loop frontage parcels from the rezone. Mr. Jaffa explained that the request would go before the Assembly as written along with the commission's recommendation and the Assembly could go with the recommendation or they could go with the original request or they could determine a different zone as being more appropriate. Mr. Jaffa explained that if the commission chose to remove certain parcels there would need to be specific factual findings different from findings in the staff report that are written in support of the rezone.

**ROLL CALL**

Zero (0) in Favor:  

Five (5) Opposed: Guinn, Whitaker, Presler, Sims, and O'Neall  

**MOTION FAILED**

**MOTION:** To recommend disapproval of the rezone (RZ2019-001) of Shuros Subdivision – Block 2, Schroeder Property Waiver – Tract B and Tract C, Section 28 T1N R1W F.M. – TL-2805, Section 29 T1N R1W F.M. – TL-2914 and GL-16 from Rural Residential (RR) to Outdoor Recreational (OR), and adopt one (1) Finding of Fact in support of the recommendation of disapproval by Commissioner Sims, seconded by Commissioner Presler.

**FINDING OF FACT**

1. The proposed rezone of the Farmers Loop perimeter lots to Outdoor Recreational (OR) is not consistent with the FNSB Regional Comprehensive Plan designation of Perimeter Area.

**Discussion on the Motion**

Commissioner Guinn asked for clarification on the perimeter lots.

Chair O'Neall stated there are three.

Commissioner Whitaker clarified the process of the recommendation going forward to the Assembly.

**ROLL CALL**

Five (5) in Favor: Whitaker, Presler, Sims, Guinn, and O'Neall  

Zero (0) Opposed:  

**MOTION PASSED**

**G. LEGISLATIVE HEARING**

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

[Commissioner Muehling returned to the dais]
NOTICE OF PUBLIC HEARING

The Fairbanks North Star Borough Assembly will hold a public hearing **Thursday, January 10, 2019** at or after 7:00 p.m., in the Mona Lisa Drexler Assembly Chambers, Juanita Helms Administration Center, 907 Terminal Street, on the following item:

**ORDINANCE NO. 2018-48.** An Ordinance Rezoning Approximately 420 Acres, Described As Shuros Subdivision - Block 2, Schroeder Property Waiver – Tract B And Tract C, Section 28 T1N R1W FM – TL-2805, Section 29 T1N R1W FM – TL-2914 And GL-16 From Rural Residential (RR) To Outdoor Recreational (OR) Or Other Appropriate Zone (Located On The South Side Of Farmers Loop Road, Near Milepost 6) (RZ2019-001).
(Sponsors: Assemblymembers Lyke and Lojewski)

All interested persons shall be given the opportunity to speak at this public hearing and/ or submit written comments. Comments to the Assembly can be mailed to P.O. Box 71267, Fairbanks, Alaska 99707, or emailed to assembly@fnsb.us. Please reference Ordinance No. 2018-48 on all correspondence.

Any questions regarding this zoning request can be directed to the Department of Community Planning at 459-1260.

NOTICE OF PUBLIC HEARING

The Fairbanks North Star Borough Assembly will hold a public hearing **Thursday, January 10, 2019** at or after 7:00 p.m., in the Mona Lisa Drexler Assembly Chambers, Juanita Helms Administration Center, 907 Terminal Street, on the following item:

**ORDINANCE NO. 2018-48.** An Ordinance Rezoning Approximately 420 Acres, Described As Shuros Subdivision - Block 2, Schroeder Property Waiver – Tract B And Tract C, Section 28 T1N R1W FM – TL-2805, Section 29 T1N R1W FM – TL-2914 And GL-16 From Rural Residential (RR) To Outdoor Recreational (OR) Or Other Appropriate Zone (Located On The South Side Of Farmers Loop Road, Near Milepost 6) (RZ2019-001).
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Any questions regarding this zoning request can be directed to the Department of Community Planning at 459-1260.
NOTICE OF PUBLIC HEARING

The Fairbanks North Star Borough Assembly will hold a public hearing Thursday, March 28, 2019 at or after 7:00 p.m., in the Mona Lisa Drexler Assembly Chambers, Juanita Helms Administration Center, 907 Terminal Street, on the following item:

ORDINANCE NO. 2018-48. An Ordinance Rezoning Approximately 420 Acres, Described As Shuros Subdivision - Block 2, Schroeder Property Waiver – Tract B And Tract C, Section 28 T1N R1W FM – TL-2805, Section 29 T1N R1W FM – TL-2914 And GL-16 From Rural Residential (RR) To Outdoor Recreational (OR) Or Other Appropriate Zone (Located On The South Side Of Farmers Loop Road, Near Milepost 6) (RZ2019-001). (Sponsors: Assemblymembers Lyke and Lojewski)

All interested persons shall be given the opportunity to speak at this public hearing and/or submit written comments. Comments to the Assembly can be mailed to P.O. Box 71267, Fairbanks, Alaska 99707, or emailed to assembly@fnsb.us. Please reference Ordinance No. 2018-48 on all correspondence.

Any questions regarding this zoning request can be directed to the Department of Community Planning at 459-1260.
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SCENIC HEIGHTS, LOT: 13
Glebavicius Frank
573 Hilltop Ave
Fairbanks, AK 99709

1N 1W, SEC: 28, TAXLOT: 2817
Goodrich Joseph K
Goodrich Cordelia J
PO BOX 84026
Fairbanks, AK 99708

CANDAMAR, LOT: 09
Gross Teresa
1491 Dolly Varden Ln
Fairbanks, AK 99709

GOLF COURSE HOME, LOT: 07
Glover Matthew R
1625 Farmers Rd Loop
Fairbanks, AK 99709

TWIN MOOSE, BLOCK: A, LOT: 09
Gott Michael C
1724 Barn Swallow Way
Fairbanks, AK 99709

1N 1W, SEC: 29, TAXLOT: 2925
Gustafson Alan E
1467 Farmers Loop Rd
Fairbanks, AK 99709

UNIVERSITY HEIG5, BLOCK: 06, LOT: 16
Greiner Daniel W
Greiner Colleen J
1394 Ithaca Rd
Fairbanks, AK 99709

LOUIS, LOT: 04
Haering Karl
Haering Bianca
1437 Ithaca Rd
Fairbanks, AK 99709

GOLF COURSE HOME, LOT: 03A
Hage James A
415 1st Ave
Fairbanks, AK 99701

VIEWPOINTE, BLOCK: 01, LOT: 09
Handinero Jo F
Howdesholl Mark A
1309 Viewpointe Dr
Fairbanks, AK 99709

SCENIC HEIGHTS, LOT: 28
Hahn Neil L
Hahn Kerry
1537 Scenic Loop
Fairbanks, AK 99709

UNIVERSITY HEIG5, BLOCK: 06, LOT: 20
Hall Burnie R
Hall Claudia J
1443 Holy Cross Dr
Fairbanks, AK 99709

CANDAMAR, LOT: 18
Hampton Georganne M
695 Pyrola Dr
Fairbanks, AK 99709

VIEWPOINTE, BLOCK: 01, LOT: 09
Handinero Jo F
Howdesholl Mark A
1309 Viewpointe Dr
Fairbanks, AK 99709

SCENIC HEIGHTS 1, LOT: A1&
Happy Mining Association
C/o Calhoun Dale
1570 Farmers Loop Rd
Fairbanks, AK 99709

UNIVERSITY HEIG3, BLOCK: 03, LOT: 04
Hardcastle Karen Lee
Delaney Rainer F
PO BOX 73771
Fairbanks, AK 99707

SHUROS, BLOCK: 05, LOT: 05B
Harris Shaine Virgil
347 Hillside Dr
Fairbanks, AK 99712

UNIVERSITY HEIG6, BLOCK: 03, LOT: 17
Hawkins Terry
Hawkins Roxa L
PO BOX 70018
Fairbanks, AK 99707

CANDAMAR, LOT: 12
Heinz Courtnay J
1159 Walker Way
Fairbanks, AK 99709

SCENIC HEIGHTS 1, LOT: 26
Heuscher Emond Family Trust
1515 Scenic Loop
Fairbanks, AK 99709

UNIVERSITY HEIG5, BLOCK: 06, LOT: 12
He Hong
PO BOX 70586
Fairbanks, AK 99707

SHUROS, BLOCK: 05, LOT: 02A
Hite Jennifer Page
Hite David Randolph Jr
1364 Shuros St
Fairbanks, AK 99709

VIEWPOINTE, BLOCK: 01, LOT: 19
Hicks Russell W
6588 S Federal Way # 341
Boise, ID 83716

MUSHER, LOT: 01
Hulman April
797 Juniper Dr Apt D
Fairbanks, AK 99712

TWIN MOOSE, BLOCK: B, LOT: 08
Hulman Russel Dewey
Fennimore Nathan Winston
PO BOX 753263
Fairbanks, AK 99775
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<th>Address</th>
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<tr>
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<td>Tanner William D</td>
<td>1371 Overhill Dr</td>
</tr>
<tr>
<td>SCENIC HEIGHTS, LOT: 02</td>
<td>113 Ina St</td>
<td>Fairbanks, AK 99701</td>
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<td>SCENIC HEIGHTS, LOT: 14</td>
<td>Stoeber Tobias</td>
<td>1371 Overhill Dr</td>
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<td>1308 Overhill Dr</td>
<td>Fairbanks, AK 99709</td>
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<tr>
<td>VIEWPOINTE, BLOCK: 03, LOT: 09</td>
<td>Stringer Richard W</td>
<td>1308 Overhill Dr</td>
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<tr>
<td>VIEWPOINTE, BLOCK: 03, LOT: 10</td>
<td>Stringer Beverly J</td>
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<tr>
<td>VIEWPOINTE, BLOCK: 03, LOT: 06</td>
<td>Taylor James R</td>
<td>1335 Viewpointe Dr</td>
</tr>
<tr>
<td>VIEWPOINTE, BLOCK: 02, LOT: 13</td>
<td>Taylor Corlis Y</td>
<td>Fairbanks, AK 99709</td>
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<td>VIEWPOINTE, BLOCK: 01, LOT: 06</td>
<td>Thompson Pierre D</td>
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<td>VIEWPOINTE, BLOCK: 02, LOT: 14-A</td>
<td>Thompson Nichole</td>
<td>Fairbanks, AK 99707</td>
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<td>Thompson Adam T</td>
<td>1300 Overhill Dr</td>
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<td>Van Bueren Jeanette L</td>
<td>1581 Scenic Loop</td>
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<td>UNIVERSITY HEIGH, BLOCK: 09, LOT: 01</td>
<td>L Paquette Cmfrt Hill Kennel</td>
<td>Fairbanks, AK 99709</td>
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<td>UNIVERSITY HEIGH, BLOCK: 03, LOT: 19</td>
<td>90 Comfort Hl</td>
<td>Fairbanks, AK 99709</td>
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<td>UNIVERSITY HEIGH, BLOCK: 02, LOT: 02</td>
<td>Vergennes, VT 05491</td>
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<td>Twogood Arthur S</td>
<td>1348 Farmers Loop Rd</td>
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<td>UNIVERSITY HEIGH, BLOCK: 04, LOT: 15E &amp;</td>
<td>Twogood Vanessa L</td>
<td>Fairbanks, AK 99709</td>
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<td>University of Alaska</td>
<td>1815 Bragaw St Ste 101</td>
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<td>Vournas George Trust Agreement</td>
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<td>4370 NW Crescent Valley Dr</td>
<td>Corvallis, OR 97330</td>
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<td>1815 Bragaw St Ste 101</td>
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<td>Anchorage, AK 99508</td>
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HUSKY GARDENS, LOT: 08
Wenrick Everett
Wenrick Anne
1494 Husky Way
Fairbanks, AK 99709

FAIRBANKS GOLF &, LOT: A
Wessel Henrik
PO BOX 701
Talkeetna, AK 99676

VIEWPOINTE, BLOCK: 02, LOT: 14
West Vivian G
1277 Overhill Dr
Fairbanks, AK 99709

VIEWPOINTE, BLOCK: 03, LOT: 05
Westlake Theodore
1340 Overhill Dr
Fairbanks, AK 99709

VIEWPOINTE, BLOCK: 02, LOT: 03
Westphal Carl F
Westphal Martha M
PO BOX 115
Ester, AK 99725

VIEWPOINTE, BLOCK: 01, LOT: 17
Zaverl Adam J
Zaverl Rebecca M
1245 Viewpointe Dr
Fairbanks, AK 99709

VIEWPOINTE, BLOCK: 01, LOT: 13
Yatsyla Peter B
Yatsyla Cheryl L
1275 Viewpointe Dr
Fairbanks, AK 99709

VIEWPOINTE, BLOCK: 03, LOT: 15-A
Young Ashly Y
Young Chad B
1274 Overhill Dr
Fairbanks, AK 99709

NORDIN, LOT: 01
Whiteside Gregory V
1249 Nordin Dr # C
Fairbanks, AK 99709

SCENIC HEIGHTS 1, LOT: A2 &
Yarie John A Trust
PO BOX 81266
Fairbanks, AK 99708

VIEWPOINTE, BLOCK: 01, LOT: 32
Zahare Andrew G
1528 Scenic Loop
Fairbanks, AK 99709

CANDAMAR, LOT: 17
Wyman William J
Wyman Amanda M
1130 Walker Way
Fairbanks, AK 99709

VIEWPOINTE, BLOCK: 02, LOT: 15
Young Ashly Y
1249 Overhill Dr
Fairbanks, AK 99709

GOLF COURSE HOME, LOT: 05
Zito Family Trust
4926 Pororcastle Dr
New Prt Rchy, FL 34652

FIREWEED HILL, LOT: 06
Whatley Janet Elizabeth
Whatley Terry Glenn
1212 Viewpointe Dr
Fairbanks, AK 99709

HUSKY GARDENS, LOT: 28B
Williams Patrick D
1520 Farmers Rd Loop
Fairbanks, AK 99709

1N 1W, SEC: 29, TAXLOT: 2901
Wilde Damien R
1464 Farmers Loop Rd
Fairbanks, AK 99709

VIEWPOINTE, BLOCK: 01, LOT: 14
Williams Patrick D
1520 Farmers Rd Loop
Fairbanks, AK 99709

VIEWPOINTE, BLOCK: 01, LOT: 15
Williams Patrick D
1520 Farmers Rd Loop
Fairbanks, AK 99709

VIEWPOINTE, BLOCK: 02, LOT: 15
Williams Patrick D
1520 Farmers Rd Loop
Fairbanks, AK 99709
MEMORANDUM

To: Fairbanks North Star Borough Assembly
From: Bryce Ward, Mayor
Date: March 28, 2019
Subject: Resolution No. 2019 – 12
Removal of Mandatory Exemptions in AS 29.45.030

Attached for your consideration is a resolution asking the Alaska Legislature to remove the Title 29 mandatory property tax exemptions for senior citizens and disabled veteran property owners.

Alaska statues require the State of Alaska to reimburse the Borough for real property taxes lost because of state mandated exemptions. In 2018, state mandated property tax exemptions for senior citizens and disabled veterans resulted in a 1.079 mill property tax burden to other property owners in the Borough.

I urge your approval of this resolution.

Attachments: Resolution
FAIRBANKS NORTH STAR BOROUGH

RESOLUTION NO. 2019 - 12

A RESOLUTION CALLING ON THE ALASKA STATE LEGISLATURE TO REMOVE THE MANDATORY EXEMPTIONS ESTABLISHED IN AS 29.45.030 FOR SENIOR CITIZENS AND DISABLED VETERANS

WHEREAS, AS 29.45.030 requires exemptions for municipal property; property used exclusively for nonprofit religious, charitable, cemetery, hospital, or educational purposes; property of a nonbusiness organization composed entirely of persons with 90 days or more of active service in the armed forces of the United States whose conditions of service and separation were other than dishonorable; senior citizens and disabled veterans; property of a political subdivision, agency, corporation, or other entity of the United States to the extent required by federal law; and property that its owned by a private, nonprofit college or university; and

WHEREAS, AS 29.45.030(g) states that the State of Alaska shall reimburse a borough or city, as appropriate, for the real property tax revenues lost to it by the operation of the senior citizens and disabled veterans exemptions; and

WHEREAS, The Alaska State Legislature has failed to adequately fund the tax exemption reimbursement program since its inception in 1973; and

WHEREAS, Lack of full state funding places a great financial burden on boroughs and cities to meet the state property tax exemption; and

WHEREAS, The Fairbanks North Star Borough (Borough) has addressed the senior citizens and disabled veterans property tax exemption in the past through Resolutions 98-061, 91-007, and 93-027; and
WHEREAS, State mandated tax exemptions for senior citizens and
disabled veterans increased the borough areawide mill rate by 8.8% in Fiscal Year
2018; and

WHEREAS, State mandated tax exemptions for senior citizens and
disabled veterans equal 1.296 mills in Fiscal Year 2019; and

WHEREAS, This loss resulted in an increased tax burden upon the other
residents of the Borough of approximately 1.079 mills in Fiscal Year 2018.

NOW THEREFORE BE IT RESOLVED that the Assembly of the Fairbanks
North Star Borough asks that the Alaska State Legislature remove the mandatory
exemptions for senior citizens and disabled veterans established in AS 29.45.030(e).

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to
the Alaska Interior Delegation.

PASSED AND APPROVED THIS ___ DAY OF ____________, 2019.

Matt Cooper
Presiding Officer

ATTEST:

April Trickey, CMC
Borough Clerk

APPROVED:

Jill S. Dolan
Borough Attorney
RESOLUTION NO. 98-061

A RESOLUTION CALLING ON THE ALASKA STATE LEGISLATURE TO FULLY FUND THE SENIOR CITIZENS/DISABLED VETERANS PROPERTY TAX EXEMPTION REIMBURSEMENT PROGRAM

WHEREAS, AS 29.45.030 (e) states that "The real property owned and occupied as the primary residence and permanent place of abode by a (1) resident 65 years of age or older; (2) disabled veteran; or (3) resident at least 60 years old who is the widow or widower of a person who qualified for an exemption under (1) or (2) of this subsection, is exemption from taxation on the first $150,000 of the assessed value of the real property;" and

WHEREAS, this property exemption program has resulted in a loss of revenue to the Fairbanks North Star Borough in the amount of $3,222,615 for Fiscal Year 1998 and it is projected that the loss in Fiscal Year 1999 will be $3,609,308; and

WHEREAS, this loss resulted in an increased tax burden upon the other residents of the Fairbanks North Star Borough of approximately 1 mill; and

WHEREAS, AS 29.45.030 (g) further states that the State of Alaska shall reimburse a borough or city, as appropriate, for the real property tax revenues lost to it by the operation of this statute; and

WHEREAS, the Alaska State Legislature has failed to adequately fund the tax exemption reimbursement program since its inception in 1973.

NOW, THEREFORE, BE IT RESOLVED that the Fairbanks North Star Borough Assembly asks that the Alaska State Legislature fully fund the Senior Citizens/Disabled Veterans Property Tax Exemption Reimbursement Program, which is keeping in the spirit of the law as established in AS 29.45.030.

BE IT FURTHER RESOLVED that this resolution be sent to the Honorable Tony Knowles, Governor of the State of Alaska; the Interior Delegation of the Alaska State Legislature and the Alaska Municipal League.
PASSED AND APPROVED THIS 27th DAY OF AUGUST 1998.

Hank Bartos  
Presiding Officer

ATTEST:

Mona Lisa Drexler, CMC/AAE  
Municipal Borough Clerk

Ayes:    Sattley, Quakenbush, Prax, Webb, Young, McBride, Solie, Bartos
Noes:    None

RESOLUTION NO. 98-061  
Page 2 of 2
RESOLUTION NO. 91-007

A RESOLUTION RELATING TO THE SENIOR CITIZENS/DISABLED VETERANS TAX EXEMPTION

WHEREAS, in 1972, the Senior Citizen/Disabled Veterans Property Tax Exemption Program was created by the Alaska State Legislature; and

WHEREAS, AS 29.45.030 which requires Senior Citizen/Disabled Veterans exemptions was implemented in January 20, 1973; and

WHEREAS, the Alaska State Legislature has failed to fully fund the tax exemption since 1985; and

WHEREAS, the FY 90 program summary of the Senior Citizen/Disabled Veteran Property Tax Exemption Program, by the office of the Alaska State Assessor showed:

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<th>Total all Boroughs &amp; Cities</th>
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<td>Total Tax Exemption</td>
<td>$1,170,376</td>
<td>$8,624,823</td>
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<td>Prorated Payment</td>
<td>345.055</td>
<td>2,542,803</td>
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<tr>
<td>(Prorating = 29.48% with existing funds)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reimbursement shortage</td>
<td>$825,321</td>
<td>$6,082,021 ; and</td>
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</table>

WHEREAS, lack of full state funding places a great financial burden on boroughs and cities to meet the state property tax exemption as evidenced by the State Assessor's report.
NOW, THEREFORE, BE IT RESOLVED that the Fairbanks North Star Borough Assembly strongly urges the Alaska State Legislature to meet their moral obligation and fully fund these worthwhile programs.

BE IT FURTHER RESOLVED that copies of this resolution shall be sent to the Honorable Walter J. Hickel, Governor, State of Alaska and all members of the Interior Delegation.


ATTEST:

[Signature]

Presiding Officer

[Signature]

Clerk of the Assembly

RESOLUTION NO. 91-007
Page 2 of 2
RESOLUTION NO. 93-027

A RESOLUTION RELATING TO HB 66 REGARDING SENIOR CITIZEN/DISABLED VETERAN PROPERTY TAX EXEMPTIONS

WHEREAS, the Legislature has introduced HB 66 which would make granting a Senior Citizen/Disabled Veteran property tax exemption a local option; and

WHEREAS, a Committee Substitute has been adopted by a House Finance Committee Sub-Committee which would do the following:

* repeal the State-mandated SC/DV property tax exemption, effective January 1, 1994;
* Allow municipalities to establish by ordinance a local property tax exemption or property tax deferral program for SC/DV that is suited to local resources, priorities, and needs;
* Exclude the value of property optionally exempted under such a program from the full value determination used for school funding; and

WHEREAS, the Committee Substitute still places the onus of establishing property tax exemptions on the local governing body, offers no provisions for property tax exemptions based on need, makes the effective date January 1, 1994, which is not enough time to develop local exceptions or deferral programs and, the deferral program would increase the cost of purchasing a home for the next buyer who purchases a home from a Senior Citizen/Disabled Veteran and may preclude anyone buying a home from them.
NOW, THEREFORE, BE IT RESOLVED that the Fairbanks North star Borough Assembly respectfully requests the Legislature to adopt a Committee Substitute for HB 66 which would mandate that the local governments hold an election offering the voters the choice of whether or not they want a Senior Citizen/Disabled Veterans property tax exemption. The Committee substitute should also contain a provision which would allow a municipality, should the voters decide against the tax exemption, to base a tax exemption for Senior Citizens/Disabled Veterans on need.

BE IT FURTHER RESOLVED the Fairbanks North Star Borough respectfully requests that the Legislature fund the tax exemption for 1993 at $2.8 million, the appropriation level of the last two years.

BE IT FURTHER RESOLVED that copies of this resolution shall be sent to the Honorable Walter J. Hickel, Governor, State of Alaska; the Chairpersons of the appropriate Senate Committees and all members of the Interior Delegation.

PASSED AND APPROVED THIS 8TH DAY OF APRIL, 1993.

Henry "Bank" Hove
Presiding Officer

ATTEST:

Mona Lisa Drexler, CMC/AAB
Municipal Borough Clerk
MEMORANDUM

TO: Fairbanks North Star Borough Assembly

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

FROM: Sandra Mota, Land Manager

DATE: March 28, 2019

SUBJECT: RESOLUTION NO. 2019-13
          A RESOLUTION AUTHORIZING THE MAYOR TO GRANT AN EASEMENT TO THE STATE OF ALASKA, DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES WITHIN SECTION 35, T. 1 S., R. 1 E., F.M. (Flood Control Drainage Channel B)

The attached resolution would authorize the Mayor to grant the State of Alaska, Department of Transportation and Public Facilities (ADOT&PF) a non-exclusive 50 year term easement on Borough land.

The easement requested grants approximately 30,000 square feet of workspace adjacent the Richardson Highway as shown on the attached Exhibit “A” for improvement of DOT infrastructure and continued maintenance purposes. Three existing culverts would be replaced and extended into the easement area located within the Flood Control Project’s Channel B parcel. The easement would require that ADOT&PF not impede the drainage channel at any time and assume any and all responsibility and liability with respect to use, operation, and maintenance of the culverts.

To comply with FNSBC 20.16.030(D), the Grantee would be required to provide a survey of the easement area before the easement is granted. The Mayor has waived all fees associated with this request as is permitted by FNSBC 20.16.030(C).

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

RESOLUTION NO. 2019-13

A RESOLUTION AUTHORIZING THE MAYOR TO GRANT AN EASEMENT TO THE STATE OF ALASKA, DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES WITHIN SECTION 35, T. 1 S., R. 1 E., F.M. (FLOOD CONTROL DRAINAGE CHANNEL B)

WHEREAS, The Fairbanks North Star Borough (FNSB) holds title to a portion of the N1/2 of the S1/2, of Section 35, T. 1 S., R. 1 E., F.M. by Warranty Deed recorded in Bk. 140, Pg. 516 of the Fairbanks Recording District; and

WHEREAS, The State of Alaska, Department of Transportation and Public Facilities (ADOT&PF), has requested an easement adjacent the Richardson Highway and within Drainage Channel B of the Flood Control Project, as shown on the attached Exhibit “A” Map, for replacement of the existing culverts; and

WHEREAS, An assembly resolution authorizing the easement is required before the Mayor may grant an easement in accordance with FNSBC 20.16.030(B); and

WHEREAS, The requested easement will provide ADOT&PF with approximately 30,000 square feet for extension of the three existing 72” culverts and continued maintenance of said culverts; and

WHEREAS, There is no existing easement suitable for the purposes for which the easement is requested, and a term of 50 years is reasonable as related to the useful life of the improvement served by the easement; and

WHEREAS, Said easement lies within the Flood Control Project requiring measures of protection to the drainage function; and

By: Bryce J. Ward, Mayor
Introduced: March 28, 2019
WHEREAS, The Mayor has waived the easement fee in accordance with FNSBC 20.16.030(C); and

WHEREAS, The Grantee will survey and map the easement, at their expense, in accordance with FNSBC 20.16.030(D).

NOW, THEREFORE, BE IT RESOLVED that the Assembly of the Fairbanks North Star Borough determines granting a 50 year term, non-exclusive easement to ADOT&PF within the portion of the N1/2 of the S1/2, Section 35, T. 1 S., R. 1 E., F.M as shown on the attached Exhibit A is an appropriate use of Borough owned land, and that the Mayor is authorized to take all actions and execute all documents necessary to grant said easement.

BE IT FURTHER RESOLVED that the easement is solely for the purpose of removal and reinstallation of Grantee's three existing 72" culverts, replacement of riprap to fortify the improvement, and continued right to ingress and egress in, on, over, under, through and/or across the Easement for maintenance purposes. Grantee shall maintain and keep the culverts in good and usable repair. Grantee shall not impede the drainage channel at any time.

PASSED AND APPROVED THIS ___ DAY OF ____________, 2019.

Matt Cooper
Presiding Officer

ATTEST:

April Trickey, CMC
Borough Clerk

APPROVED:

Jill S. Dolan
Borough Attorney

Fairbanks North Star Borough, Alaska
RESOLUTION NO. 2019-
A RESOLUTION AUTHORIZING THE MAYOR TO GRANT AN EASEMENT TO ADOT&PF WITHIN SECTION 35, T. 1 S., R. 1 E., F.M. (Flood Control Drainage Channel B)
MEMORANDUM

TO: Fairbanks North Star Borough Assembly

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

FROM: Christine Nelson, AICP
       Community Planning Director

DATE: February 28, 2019

SUBJECT: ORDINANCE NO. 2019-11 (RZ2019-003)

RE: DMVA Tracts/Silver Creek Subdivision Rezone

The attached ordinance will rezone approximately 581.35 acres from General Use 1 (GU-1) to Rural and Agricultural (RA-5), Rural Estates (RE-2) or other appropriate zone to include parcels described as Silver Creek Subdivision (Plat No. 2018-79 FRD) Lots 1 – 6, Tract A and Tract B; Southeast one-quarter (SE¼); and Northeast one-quarter (NE¼) all within section 35 T2N R1W (Located on the north side of Goldstream Road, approximately one mile west of the Old Steese Highway).

This proposed re-zone is all publicly owned land and discussions with the State of Alaska and the University of Alaska Fairbanks were had prior to drafting this rezone. The administration is agreeing to sponsor this re-zone, due to the potential of these parcels becoming privately owned in the near future.

I urge you to refer this ordinance to the FNSB Planning Commission for a recommendation; the Department of Community Planning will provide an in-depth staff report at that time.

Attachment: Ordinance
By: Bryce Ward, Mayor
Referred to Planning Commission: February 28, 2019

FAIRBANKS NORTH STAR BOROUGH

ORDINANCE NO. 2019 - 11

AN ORDINANCE REZONING APPROXIMATELY 584 ACRES, INCLUDING SILVER CREEK SUBDIVISION LOTS 1 THROUGH 6, TRACT A AND TRACT B, AND SOUTH HALF (S½) OF SOUTHEAST ONE-QUARTER (SE¼), SECTION 35, T2N R1W FM FROM GENERAL USE 1 (GU-1) TO RURAL AND AGRICULTURAL 5 (RA-5) OR OTHER APPROPRIATE ZONE, AND; NORTHEAST ONE-QUARTER (NE¼) AND NORTH HALF (N½) OF SOUTHEAST ONE-QUARTER (SE¼), SECTION 35, T2N R1W FM FROM GENERAL USE 1 (GU-1) TO RURAL ESTATE 2 (RE-2) OR OTHER APPROPRIATE ZONE (LOCATED ON THE NORTH SIDE OF GOLDSTREAM ROAD, APPROXIMATELY ONE MILE WEST OF THE OLD STEESE HIGHWAY)

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

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

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

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

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

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
Text to be added is underlined
Text to be deleted is [BRACKETED, CAPITALIZE]
Northeast one-quarter (NE¼) and North half (N½) of Southeast one-quarter (SE¼), Section 35, T2N R1W FM.

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

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
Text to be added is underlined
Text to be deleted is [BRACKETED, CAPITALIZE]
Proposed Zoning

RA-5

RE-2
Fairbanks North Star Borough Fiscal Impact Statement (FIS) (FNSBC 3.20.010 C.)

Originator's Name: Kellen Spillman  Department: Community Planning
To Be Introduced/Sponsored By: Assembly
Abbreviated Ordinance Title: DMVA Tracts Silver Creek Sub
Department(s)/Division(s) Affected: Community Planning/Planning & Zoning

Proposed Introduction Date: February 28, 2019  Ordinance No.: 2019- 11

Does this ordinance authorize:
1) a new or expansion of services which entails additional costs beyond that approved in the current adopted budget?  Yes  No
2) a project that is capital in nature and increases operational costs of the Borough in the current or any future fiscal year? Yes  No

<table>
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<td>1. Timeline inclusive of all phases</td>
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<tr>
<td>2. Number and type of new positions which may be required</td>
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<tr>
<td>3. Cost of operations and maintenance</td>
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<tr>
<td>4. Future costs to complete capital assets</td>
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<tr>
<td>5. Estimated revenue impact</td>
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<tr>
<td>6. Estimated non-Borough funds that may be received:</td>
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<tr>
<td>a. to fund the ordinance</td>
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<tr>
<td>b. to fund future phases</td>
</tr>
<tr>
<td>c. to fund future operations and maintenance costs</td>
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<tr>
<td>7. Anticipated annual tax subsidy</td>
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FISCAL IMPACT PRO FORMA SUMMARY - BEST ESTIMATE

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<td>Is backup attached? Yes  No</td>
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Contact Person's Name, for FIS questions: Mary Bork/Kellen Spillman  Extension: 1259/1266

Director(s) Signature(s):  Date: 2-5-19

Mayor's Office or Assembly Member Signature:  Date: 2-8-19

Chief Financial Officer Signature:  Date:
MEMORANDUM

TO: Christine Nelson, Director, Community Planning

FROM: April Trickey, CMC, Borough Clerk

DATE: March 4, 2019

SUBJECT: REFERRAL OF ORDINANCE NO. 2019-11

On February 28, 2019 the Fairbanks North Star Borough Assembly introduced and referred Ordinance No. 2019-11 to the Planning Commission for review and recommendation.

ORDINANCE NO. 2019-11. An Ordinance Rezoning Approximately 584 Acres, Including Silver Creek Subdivision Lots 1 Through 6, Tract A And Tract B, And South Half (S½) Of Southeast One-Quarter (SE¼), Section 35, T2N R1W FM From General Use 1 (GU-1) To Rural And Agricultural 5 (RA-5) Or Other Appropriate Zone, And; Northeast One-Quarter (NE¼) And North Half (N½) Of Southeast One-Quarter (SE¼), Section 35, T2N R1W FM From General Use 1 (GU-1) To Rural Estate 2 (RE-2) Or Other Appropriate Zone (Located On The North Side Of Goldstream Road, Approximately One Mile West Of The Old Steese Highway) (RZ2019-003). (Sponsor: Mayor Ward)
- Referred to the Planning Commission with recommendation due back no later than April 15, 2019

A recommendation is due to the Assembly by April 15, 2019. Please place this item on the next Planning Commission agenda.

As a reminder, all legislative hearings by a board or commission shall be conducted according to procedures outlined in FNSBC 4.04.150(D).

Should you have any questions, please contact me at 1402.

Enclosure: Ord. No. 2019-11

cc: Jim Williams, Chief of Staff
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. 2019-11 (RZ2019-003) Silver Creek Subdivision

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

Ordinance 2019-11 was referred to the Planning Commission on February 28, 2019 for review and recommendation.

On March 12, 2019, the Fairbanks North Star Borough Planning Commission held a public hearing regarding the referenced matter.

After analysis of the request, the Department of Community Planning recommended approval.

The Planning Commission voted unanimously to recommend approval of the request to the Borough Assembly.

This item is requested to be placed on the agenda for the next Fairbanks North Star Borough Assembly meeting. Attached is a packet with further details of the request.
A regular meeting of the Fairbanks North Star Borough Planning Commission was held in the Mona Lisa Drexler Assembly Chambers, Juanita Helms Administration Center, 907 Terminal Street, Fairbanks, Alaska. The meeting was called to order at 7:14 p.m. by Mindy O’Neall, Chair.

A. ROLL CALL

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

MEMBERS EXCUSED: Robert Peterson Charles Whitaker

OTHERS PRESENT: Christine Nelson, Director of Community Planning
Kellen Spillman, Deputy Director of Community Planning
Manish Singh, Planner III
Kristina Heredia, Planner II
Jill Dolan, Borough Attorney
Michelle Gutierrez, Clerk

B. MESSAGES

Citizen’s Comments – limited to three (3) minutes
None
Disclosure & Statement of Conflict of Interest

Commissioner Guinn stated he appraised half of the proposed rezone area and was paid.

Questions ensued by Chair O’Neall and Ms. Dolan which resulted the determination of no conflict of interest. Commissioner Guinn will hear the public hearing case.

C. APPROVAL OF AGENDA AND CONSENT AGENDA

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

D. *MINUTES

*Minutes from February 26, 2019.

E. PUBLIC HEARING

1. Ordinance No. 2019-11 RZ2019-003: A request by Mayor Bryce Ward to rezone approximately 584 acres, including Silver Creek Subdivision Lots 1 through 6, Tract A and Tract B, and south half (S½) of southeast one-quarter (SE¼), Section 35, T2N R1W FM from General Use 1 (GU-1) to Rural and Agricultural 5 (RA-5) or other appropriate zone, and; northeast one-quarter (NE¼), north half (N½) of southeast one-quarter (SE¼), Section 35, T2N R1W FM from General Use 1 (GU-1) to Rural Estate 2 (RE-2) or other appropriate zone. (Located on the north side of Goldstream Road, approximately one mile west of the Old Steese Highway) (Staff Contact: Kellen Spillman)
Kellen Spillman gave opening comments that explained the case is an administration sponsored rezone which has been referred to the Planning Commission by the Borough Assembly and further briefed the commission on how the case came about.

Manish Singh presented the staff report. Based on the staff report, the Department of Community Planning recommended approval.

Questions by Commissioners

Commissioner Perreault questioned the small portion cornered at the S1/2 SE quarter that crosses Goldstream Road leaving a wedge on the other side.

Mr. Singh clarified that most of Goldstream Road in that area is similar to an easement; the rezone boundary was taken from the DNR's land sale document.

Commissioner Sims questioned if there is a plat in process on the DNR state land.

Mr. Singh said no and explained the future buyer of the DNR's land could subdivide the land. DNR did not intend to subdivide prior to the land sale.

Commissioner Sims referenced the university land and asked if there is no physical access to some of the interior lots.

Mr. Spillman confirmed his observation and stated the lots have been platted and they utilized one of the road exemptions and there is nothing other than a 30 foot landing that was constructed.

Commissioner Sims asked if any inquiries were received by ongoing mining operations in Goldstream Creek with respect to compatibility and potential future conflicts with noise.

Mr. Singh stated they were notified but the department did not receive any comments.

Commissioner Muehling asked if any of the lands are permafrost or wetlands in respect to development issues.

Mr. Singh explained the land suitability analysis and referenced the wetland designated map from his presentation and further explained the reasoning to why 5 acre minimums were chosen in the area where development may be challenging.

Discussion ensued which clarified that the quality of the land dictated RA-5 for the University property and the more buildable land should be RE-2.

Timothy Shilling, DNR Natural Resource Manager, gave a brief history of the parcel located on the proposed RE-2 section. He explained the intent is to sell the piece of property as whole, the entire 320 acres and further explained the additional reservations from when it was originally private property.

Public Hearing Opened

None

Public Hearing Closed
MOTION: To recommend approval of the rezone (RZ2019-003) including Silver Creek Subdivision Lots 1 through 6, Tract A and Tract B, and south half (S½) of southeast one-quarter (SE¼), Section 35, T2N R1W FM from General Use 1 (GU-1) to Rural and Agricultural 5 (RA-5), and; northeast one-quarter (NE¼), north half (N½) of southeast one-quarter (SE¼), Section 35, T2N R1W FM from General Use 1 (GU-1) to Rural Estate 2 (RE-2), and adopt the staff report and seven (7) Findings of Fact in support of the recommendation of approval by Commissioner Perreault seconded by Commissioner Muehling.

Discussion on the motion ensued between the commissioners. Several Commissioners expressed that they supported the rezone.

Findings of Fact

1. The FNSB Regional Comprehensive Plan designates approximately 81% of the rezone area as 'Outskirts Area' and approximately 19% of the rezone area as 'Outskirts Area Preferred Residential Land'. Outskirt Area is "Area generally within a 20 to 30 minute travel time of urban destinations, and which contains primarily open space, mining and residential uses; variable densities are encouraged provided they are compatible with the surrounding community, sensitive to natural systems and have adequate water and sewer facilities. Other uses include agriculture, and supporting commercial uses." Preferred Residential Land is "Land determined to be more suitable than other lands for development because it is generally: a) on slopes of 20% or less, b) not designated wetlands, c) has a lower probability of containing detrimental permafrost conditions."

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

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

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

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

6. The rezone conforms to the public health, safety or welfare because:
a. The proposed RA-5 zone will better implement 'Outskirt Area' land use designation.

b. The proposed RE-2 zones will better implement 'Outskirt Area Preferred Residential Land' land use designation.

c. The proposed RA-5 and RE-2 zones will minimize the potential for land use incompatibility in the rezone area with the current GU-1 zone.

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

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

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

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

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

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

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

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

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

e. The case law provides guidance that parcels over 13 acres are almost always found not to be a spot zone. The proposed RA-5 rezone area of 344 acres and the proposed RE-2 rezone area of 240 acres are independently significantly larger than 13 acres.
f. The area within the remainder GU-1 zone boundary is estimated to be more than 2,000 acres. Therefore, this rezone does not constitute a reverse spot zone because this rezone does not single out parcels of GU-1 zoned land totally different from that of the surrounding area.

ROLL CALL
Six in Favor: Sims, Perreault, Guinn, Stepovich, Muehling and O'Neall
Zero Opposed: 
MOTION PASSED/RECOMMENDED FOR APPROVAL

F. EXCUSE FUTURE ABSENCES
Chair O'Neall is excused from the March 26, 2019 meeting.

G. COMMISSIONER'S COMMENTS/COMMUNICATIONS
Commissioner Guinn stated with the 3 vacant commissioner seats if anyone knew someone interested to send them to staff.

Commissioner Perreault explained he will take over FMATS at the next meeting.

Commissioner Muehling stated he has enjoyed his time and has learned a lot by attending the FMATS meetings.

Chair O'Neall stated the notice of resignation from Commissioner Brandt was received and also explained that with 3 vacancies it may cause problems with quorum.

Mr. Spillman communicated to the commission the efforts by the department to fill the 3 vacant seats and further stated a representative is needed for the Salcha-Badger Plan working group and the Downtown working group.

Commissioner Sims offered to be the representative for the Downtown working group and stated he will be out of town for the months of May and June.

Commissioner Stepovich offered to be the representative for the Salcha-Badger Plan working group.

H. ADJOURNMENT
There being no further business, the meeting was adjourned at 7:54 p.m.
Public Comments received before FNSB Planning Commission Public Hearing on March 12 2019:

<table>
<thead>
<tr>
<th>Date</th>
<th>Name</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>3/5/19</td>
<td>Donna Robertson</td>
<td>• David inquired about this rezone and did not offer any comments</td>
</tr>
<tr>
<td></td>
<td>(walk in)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(received DPO)</td>
<td></td>
</tr>
<tr>
<td>3/6/19</td>
<td>David Bohart</td>
<td>• Donna inquired about this rezone and did not offer any comments</td>
</tr>
<tr>
<td></td>
<td>(phone call)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(received DPO)</td>
<td></td>
</tr>
</tbody>
</table>
RZ2019-003
GU-1 to RA-5/RE-2
DMVA Tracts & Silver Creek Subdivision

FNSB Planning Commission Meeting
March 12, 2019
Land Suitability

Rezone Area
Most Capable
More Capable
Average Capability
Less Capable
Least Capable

Goldstream Road
Outskirt Area

...within a 20 to 30 minute travel time...
...primarily open space, mining and residential uses...
...sensitive to natural systems...
...other uses include agriculture, and supporting commercial uses.

Preferred Residential Land

...more suitable than other lands for development...
FNSBC Title 18 Rezone Approval Criteria

1. ...conforms to the comprehensive plan.

Outskirt Area
Preferred Residential Land

FNSB Regional Comprehensive Plan goals:

Land Use Goal 3, Strategy 7, Action B – mix of lot sizes, conformance with natural systems, rural lifestyle

Land Use Goal 4, Strategy 10, Action A – minimize land use conflicts, rezone subdivisions concurrent with the platting process
FNSBC Title 18 Rezone Approval Criteria

2. ...conforms to the public health, safety and welfare

- RA-5 zone will limit the development density in the “Less Capable for Development” and provide some commercial potential lots abutting Goldstream Road

- RE-2 zone will allow more residential density than RA-5 zone in the “Most Capable for Development” – significantly lower than GU-1

- Rezone will minimize the potential for unknown, and potentially unlimited, vehicle trip generation
Spot Zone Analysis

• The consistency of the amendment with the comprehensive plan;

• The benefits and detriments of the amendment to the owners, adjacent landowners, and community; and

• The size of the area rezoned.
Staff Recommendation

Approval

Seven (7) findings of fact (pg. 35-36)
2000-Foot DPO Notification Distance

25 DPOs

2 inquiries

No public comments
I move to recommend approval of the rezone (RZ2019-003) including Silver Creek Subdivision Lots 1 through 6, Tract A and Tract B, and south half (S½) of southeast one-quarter (SE¼), Section 35, T2N R1W FM from General Use 1 (GU-1) to Rural and Agricultural 5 (RA-5), and; northeast one-quarter (NE¼), north half (N½) of southeast one-quarter (SE¼), Section 35, T2N R1W FM from General Use 1 (GU-1) to Rural Estate 2 (RE-2), and adopt the staff report and seven (7) Findings of Fact in support of the recommendation of approval.
## Existing GU-1 Zone

<table>
<thead>
<tr>
<th>Permitted uses</th>
<th>Any use (except conditional uses)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Conditional uses</strong></td>
<td>Nuclear power plant, large scale development, petrochemical plant, sanitary landfill, storage of hazardous substances, etc.</td>
</tr>
<tr>
<td><strong>Lot size</strong></td>
<td>40,000 sq.ft.</td>
</tr>
<tr>
<td><strong>Setback</strong></td>
<td>None</td>
</tr>
</tbody>
</table>
## Proposed RA-5 Zone

<table>
<thead>
<tr>
<th><strong>Permitted uses</strong></th>
<th>Single-family and two-family dwellings, guesthouse, kennels, agriculture, commercial outdoor recreation, marijuana cultivation facility, etc.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Conditional uses</strong></td>
<td>Cemeteries, day care facilities, commercial sawmills, schools, outdoor shooting range, stadium arenas and fairgrounds, etc.</td>
</tr>
<tr>
<td><strong>Lot size</strong></td>
<td>200,000 sq.ft. (approx. 4.6 acres)</td>
</tr>
<tr>
<td><strong>Setback</strong></td>
<td>35' front, 10' side and rear</td>
</tr>
<tr>
<td><strong>Proposed RE-2 Zone</strong></td>
<td></td>
</tr>
<tr>
<td>------------------------</td>
<td></td>
</tr>
<tr>
<td><strong>Permitted uses</strong></td>
<td>Single-family and two-family dwellings, guesthouse, domestic livestock, bed and breakfast, home occupations, etc.</td>
</tr>
<tr>
<td><strong>Conditional uses</strong></td>
<td>Cemeteries, minor kennels, day care facilities, professional offices, animal and veterinary hospitals, schools, vocational schools, etc.</td>
</tr>
<tr>
<td><strong>Lot size</strong></td>
<td>80,000 sq.ft. (approx. 1.8 acres)</td>
</tr>
<tr>
<td><strong>Setback</strong></td>
<td>35’ front, 25’ side and rear</td>
</tr>
</tbody>
</table>
50-ft Contour Lines
Manish Singh, AICP, CFM
Planner III

- American Institute of Certified Planners
- ASFPM Certified Floodplain Manager
- Master of Urban Planning, University of Illinois at Urbana-Champaign
- Bachelor of Architecture, Indian Institute of Technology Roorkee
- Six years' experience/education in planning and architecture
STAFF REPORT

To: Fairbanks North Star Borough Planning Commission
From: Manish Singh, AICP, CFM, Planner III
Date: March 1, 2019
Subject: RZ2019-003: A request by Mayor Bryce Ward to rezone approximately 584 acres, including Silver Creek Subdivision Lots 1 through 6, Tract A and Tract B, and south half (S½) of southeast one-quarter (SE¼), Section 35, T2N R1W FM from General Use 1 (GU-1) to Rural and Agricultural 5 (RA-5) or other appropriate zone, and; northeast one-quarter (NE¼), north half (N½) of southeast one-quarter (SE¼), Section 35, T2N R1W FM from General Use 1 (GU-1) to Rural Estate 2 (RE-2) or other appropriate zone. (Located on the north side of Goldstream Road, approximately one mile west of the Old Steese Highway)

I. EXECUTIVE SUMMARY

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

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

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

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

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

Staff Recommendation: Approval
## II. GENERAL INFORMATION

### Property Information

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

### Adjacent Zoning/Land Use

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

### Public Services

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

### Transportation

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

### Zoning History

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

### Existing GU-1 Zoning Standards

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

### Proposed RA-5 Zoning Standards

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

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

Proposed RE-2 Zoning Standards

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

Agency Comments

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

Summary of Staff Analysis

Conformance to FNSB Regional Comprehensive Plan (2005)

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

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

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

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

Spot Zone Analysis

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

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

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

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

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

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

Existing Zoning and Land Uses

The proposed rezone area is currently undeveloped and zoned GU-1 (see Figure 3 for existing zoning map and Figure 4 for existing land use map). The GU-1 zone is intended to be located in rural areas where community sewer and water systems are unavailable" (FNSBC 18.84.010). The area surrounding the rezone to the west and east is also zoned GU-1. The area surrounding the rezone to the north is zoned GU-1 and RE-2. The area surrounding the rezone to the south is zoned GU-1 and OR.
The area surrounding the rezone is predominantly undeveloped except to the southwest which is developed with single-family residential uses along Goldstream Road.

**Proposed Zoning**

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

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

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

**Comprehensive Plan Designations**

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

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

\[\text{Figure 4: Existing Land Uses in the Surrounding Area}\]

\[\text{Figure 5: Proposed Zoning in the Surrounding Area}\]
Preferred Residential Land is "Land determined to be more suitable than other lands for development because it is generally: a) on slopes of 20% or less, b) not designated wetlands, c) has a lower probability of containing detrimental permafrost conditions."

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

**Land Development Suitability**

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

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

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

Figure 8: Wetlands Map

IV. APPLICABLE APPROVAL CRITERIA

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

V. PUBLIC NOTICE

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

VI. AGENCY COMMENTS

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

a. State Fire Marshal
b. Chena Goldstream Fire Service Area
c. Alaska State Troopers
d. Alaska Department of Transportation and Public Facilities (ADOT&PF)
e. FNSB Land Management
f. FNSB Floodplain Administrator
g. Alaska Department of Environmental Conservation (ADEC)
h. Alaska Department of Natural Resources (ADNR)
i. Alaska Department of Fish and Game (ADF&G)
j. U.S. Army Corps of Engineers
k. University of Alaska Land Management
l. Golden Valley Electric Association (GVEA)
m. Alyeska Pipeline Services
The proposed rezone area is currently undeveloped and zoned GU-1 (see Figure 3 for existing zoning map and Figure 4 for existing land use map). The area surrounding the rezone is also zoned GU-1 except a 240-acre privately-owned parcel to the north is zoned RE-2 and a 118-acre State-owned parcel to the south is zoned OR. The area surrounding the rezone is predominantly vacant except the residential-developed properties adjacently west along Goldstream Road. This rezone area is approximately one mile west of the Goldstream Road and Old Steese Highway intersection. The properties around this intersection are developed with a mix of residential, commercial and industrial uses. In between this intersection and the rezone area, commercial/industrial uses such as Polar Mining, Jon’s Machine Shop, Arm & Hammer Construction, CNC Drilling, Silver Gulch Quarry, Becker Truck Shop, and Fox Transfer Station are located along the Goldstream Road. As the University-owned and State-owned lots within the rezone area become available for sale, the area is likely to experience greater development.

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

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

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

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

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

VIII. COMPREHENSIVE PLAN

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

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

Preferred Residential Land is “Land determined to be more suitable than other lands for development because it is generally: a) on slopes of 20% or less, b) not designated wetlands, c) has a lower probability of containing detrimental permafrost conditions.”

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

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

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

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

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

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

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

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

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

**IX. TRAFFIC AND TRIP GENERATION**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

XII. SPOT ZONE ANALYSIS

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

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

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

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

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

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

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

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

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

Benefit and Detriments to the Property Owners

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

Benefit and Detriments to the Adjacent Landowners

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

Benefit and Detriments to the Community

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

(3) The size of the area rezoned.

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

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

XIII. RECOMMENDATION

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

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

1. The FNSB Regional Comprehensive Plan designates approximately 81% of the rezone area as 'Outskirt Area' and approximately 19% of the rezone area as 'Outskirt Area Preferred Residential Land'. Outskirt Area is "Area generally within a 20 to 30 minute travel time of urban destinations, and which contains primarily open space, mining and residential uses; variable densities are encouraged provided they are compatible with the surrounding community, sensitive to natural systems and have adequate water and sewer facilities. Other uses include agriculture, and supporting commercial uses." Preferred Residential Land is "Land determined to be more suitable than other lands for development because it is generally: a) on slopes of 20% or less, b) not designated wetlands, c) has a lower probability of containing detrimental permafrost conditions."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Dear George,

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

DNR also proposes to authorize two easements:

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

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

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

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

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

Sincerely,

Colin Craven
(907) 451-2730
colin.craven@alaska.gov
Land Sales Section
Division of Mining, Land and Water
Department of Natural Resources
3700 Airport Way
Fairbanks, AK 99709
PROPOSED LAND SALE

Attachment A: Vicinity Map
DMVA Tracts, ADL 420894

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

Township 2N Range 1W
Section 35 Fairbanks Meridian

USGS Quad 1:6:360, Fairbanks D-2
Colin Craven
Department of Natural Resources
Division of Mining, Land, and Water
Land Sales Section
907-451-2730
land.development@alaska.gov

© 2018 Microsoft Corporation, the 3-D model is Autodesk, 3D GeoScene 2018, Oct 12, 2018.
This map is for graphic representation only. It is intended to be used as a guide only and may not show the exact location of existing surveyed parcels or show all easements and reservations. Source documents remain the official record.

**Township 2N Range 1W Section 35 Fairbanks Meridian**

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

**Project Area Boundary**
**Private Easement ADL 421088**
**Public Access Easement ADL 421103**
**Section Lines**
This proposed project includes offering for sale parcels in a future offering under the method and the two proposed easements as described in the Preliminary Decision document.

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

Project size: 320 acres proposed for sale.

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

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

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

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

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

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

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

Dear Mr. Craven,

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

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

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

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

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

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

Respectfully,

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

KS/bh

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

STATE OF ALASKA

FOURTH JUDICIAL DISTRICT

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

1. I have submitted an application identified as R22019-003.

2. I have posted and will maintain public notice sign # H in accordance with the following provisions:
   a. Sign is posted on the property on which my request for rezone, conditional use or variance has been made.
   b. Sign is clearly visible from streets and roads.
   c. Sign will be maintained free of snow or other materials which impede readability.
   d. Sign is posted between an elevation of 2' and 8' above ground level and no further than 50' from the edge of the road to further ensure readability from streets.
   e. Sign was posted on Feb 20, 2019 (date) and complies with posting requirements of 20 days prior to the public hearing date.
   f. I shall return the sign to the FNSB Department of Community Planning within 10 days following the final public hearing.

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

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

Manish Singh

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

Subscribed and sworn to before me on this 20 day of February, 2019

Commission Expires

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

Revoked 07/01/2018
### Agency Notifications

#### SAFETY
- State Fire Marshal
- Fire Service Area (see attachment)
- City of Fairbanks
  - Chief of Staff
  - Fire Department
  - Police Department
  - Building Department
- City of North Pole
  - City Clerk – Mayor
  - Fire Department
  - Police Department
  - Building Department
- Alaska State Troopers

#### OTHER AGENCIES

**STATE**
- Alaska Department of Environmental Conservation (ADEC)
- Alaska Department of Natural Resources (ADNR)
- Alaska Department of Fish and Game (ADF&G)
- Alaska Railroad (ARR)

**FEDERAL**
- U.S. Department of the Interior Bureau of Land Management (BLM)
- U.S. Army Corps of Engineers
- U.S. Environmental Protection Agency (EPA) Region 10
- U.S. Department of Agriculture (USDA)
  - Natural Resources Conservation Service
- Fort Wainwright Army Base
- Eielson Air Force Base
- Federal Emergency Management Agency (FEMA) Region 10

#### ROADS AGENCIES
- Alaska Department of Transportation and Public Facilities (AK DOT & PF)
- FNSB Rural Services
- Road Service Area (see attachment)

**OTHER BOROUGH**
- Land Management
- Public Works
- Parks & Recreation
- Assessing
- Transit
- Chief of Staff
- Other Floodplain Administrator
UTILITIES

ENERGY

☐ Fairbanks Natural Gas
☒ Golden Valley Electric Association (GVEA)
☐ Interior Gas Utility
☒ Alyeska Pipeline Services Co.
☐ Aurora Energy
☐ Other ______________________

WATER/SEWER

☐ Utility Services of Alaska
☐ Valley Water, INC.
☐ City of North Pole Public Works
☐ College Utilities
☐ Golden Heart Utilities
☐ Other ______________________

TELECOMMUNICATION

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

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

I have sent the application materials for File # R2 2019-003

to all of the agencies checked above on Feb 15th, 2019

[Signature]
Name of Planner (PRINTED)

[Signature]
Date Signed
Case No. RZ2019-003

State Fire Marshall

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

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

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

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

Chena Goldstream Fire Service Area

Jack Willard, Fire Chief
chief@cgfr.com

Chris Hunger, Deputy Chief
chunger@cgfr.com

Dianne Young, Administrative Assistant
dyoung@cgfr.com

State Troopers

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

FNSB Departments

Sandra Mota, Land Management
smota@fnsb.us

Nancy Durham, Floodplain Administrator
NDurham@fnsb.us
Alaska Department of Transportation (ADOT)
Randi Bailey, Transportation Planner
randi.bailey@alaska.gov
Pete Eagan, Right-Of-Way Agent IV
pete.eagan@alaska.gov

Alaska Department of Environmental Conservation (ADEC)
Tonya Bear, Division of Water, Wastewater Discharge
Tonya.bear@alaska.gov
Doug Buteyn, ADEC Solid Waste Program
Doug.buteyn@alaska.gov

Alaska Department of Natural Resources (ADNR)
George Horton, Land Surveyor
George.horton@alaska.gov
Tim Shilling, Natural Resource Manager
Timothy.shilling@alaska.gov
Colin Craven, Natural Resource Specialist
Colin.craven@alaska.gov

Alaska Department of Fish and Game (ADF&G)
Audra Brase, Regional Supervisor
audra.brase@alaska.gov

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

Executive Office
POA.ExecutiveOffice@usace.army.mil

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GVEA

Julie Karl, Land Management Supervisor
JLKarl@gvea.com

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

Alyeska Pipeline Service Company

General contact information
alveskamail@alveska-pipeline.com

University of Alaska Land Management

Laurie Swartz, Senior Property Manager
lkswartz@alaska.edu

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

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

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

Thanks,
Manish

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

From: Nancy Durham
Sent: Tuesday, February 19, 2019 1:20 PM
To: Manish Singh
Subject: RE: R22019-003: Requesting Comments for Rezone (584 acres, Goldstream Rd)

Follow Up Flag: Follow up
Flag Status: Flagged

Manish,

R22019-003 is located in Flood Zone X (100%) and is not required to meet FNSBC 15.04 Floodplain Management Regulations.

Kind Regards,

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

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

---

From: Manish Singh <MSingh@fnsb.us>
Sent: Friday, February 15, 2019 4:25 PM
To: David.tyler@alaska.gov; David.aden@alaska.gov; jillian.roberts@alaska.gov; lloyd.nakano@alaska.gov; chief@cgfr.com; chunger@cgfr.com; dyoung@cgfr.com; dps.ast.directors.office@alaska.gov; Sandra Mota <smota@fnsb.us>; Nancy Durham <NDurham@fnsb.us>; randi.bailey@alaska.gov; pete.eagan@alaska.gov; Tonya.bear@alaska.gov; Doug.buteyn@alaska.gov; George.horton@alaska.gov; Timothy.shilling@alaska.gov; Colin.craven@alaska.gov; audra.brase@alaska.gov; Benjamin.n.soiseth@usace.army.mil; POA.ExecutiveOffice@usace.army.mil; JLKarl@gvea.com; RJPossenti@gvea.com; alyeskamail@alyeska-pipeline.com; lkswartz@alaska.edu; desiegfried@alaska.edu
Subject: R22019-003: Requesting Comments for Rezone (584 acres, Goldstream Rd)

Dear Sir/Ma'am

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

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

Thanks,
Manish

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

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

Rezone is initiated and sponsored by: Mayor Bryce Ward

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

Property Location: Lots 1-6; Tract A and Tract B, and South half (S ½) of Southeast one-quarter (SE ¼), Section 35, T.2N., R.1W., FM and Northeast one-quarter (NE ¼) and North half (N ½) of Southeast one-quarter (SE ¼), Section 35, T.2N., R.1W., FM.

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

- ADOT&PF fully supports the rezone

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

Thank you.

Sincerely,

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

cc: George Stefan, FNSB
    Dan Welch, FNSB

"Keep Alaska Moving through service and infrastructure."

414
FAIRBANKS NORTH STAR BOROUGH

ORDINANCE NO. 2019 -

AN ORDINANCE REZONING APPROXIMATELY 581.35 ACRES, DESCRIBED AS SILVER CREEK SUBDIVISION (Plat No. 2018-79 FRD) LOTS 1 - 6, TRACT A AND TRACT B; SOUTHEAST ONE-QUARTER (SE\(\frac{1}{4}\)); AND NORTHEAST ONE-QUARTER (NE\(\frac{1}{4}\)) ALL WITHIN SECTION 35 T2N R1W FROM GENERAL USE 1 (GU-1) TO RURAL AND AGRICULTURE (RA-5) OR RURAL ESTATE (RE-2) OR OTHER APPROPRIATE ZONE (LOCATED ON THE NORTH SIDE OF GOLDSTREAM ROAD, APPROXIMATELY ONE MILE WEST OF THE OLD STEESE HIGHWAY)

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

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

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

Silver Creek Subdivision Lots 1-6; Tract A and Tract B, and South half (S\(\frac{1}{2}\)) of Southeast one-quarter (SE\(\frac{1}{4}\)), Section 35, T2N R1W FM.

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

Northeast one-quarter (NE\(\frac{1}{4}\)) and North half (N\(\frac{1}{2}\)) of Southeast one-quarter (SE\(\frac{1}{4}\)), Section 35, T2N R1W FM.
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

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
Text to be added is underlined
Text to be deleted is [BRACKETED, CAPITALIZE]
FAIRBANKS NORTH STAR BOROUGH

ORDINANCE NO. 2019 - 14

AN ORDINANCE AMENDING CHAPTER 2.32, PERSONNEL SYSTEM, REGARDING AMENDMENTS AND VARIANCES

WHEREAS, The Borough Mayor has the authority to vary or modify the strict application of the personnel system in certain cases, with notification to the presiding officer of the assembly; and

WHEREAS, When a code provision is varied or modified, the entire assembly should be informed of that action.

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 2.32.040, Amendments and variances, is hereby amended as follows:

The borough mayor shall have the authority to vary or modify the strict application of the provisions of this chapter in specific cases in which the strict application of a particular provision would result in significant operating difficulties; however, [THE PRESIDING OFFICER OF] the borough assembly will be advised of any such modification in writing within three working days of such variance. Permanent modification of this chapter shall be by formal amendment.

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
Text to be added is underlined
Text to be deleted is [BRACKETED, CAPITALIZE]
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

APPROVED:

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 [BRACKETED, CAPITALIZE]

Fairbanks North Star Borough, Alaska

ORDINANCE NO. 2019-
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. 2019-15 ‘Accessory Structures’


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

The Planning Commission voted 6 in favor, 0 opposed, to recommend approval of the ordinance to the Borough Assembly.

This item is requested to be placed on the agenda for advancement to public hearing on the next Fairbanks North Star Borough Assembly meeting. Attached is a packet with further details of the request.
FAIRBANKS NORTH STAR BOROUGH

ORDINANCE NO. 2019-15

AN ORDINANCE AMENDING FNSBC 18.96.030 'ACCESSORY STRUCTURES’ TO REDUCE
SETBACK REQUIREMENTS FOR ACCESSORY BUILDINGS, EXCEPT GUESTHOUSES, IN
RURAL AND AGRICULTURAL, RURAL FARMSTEAD, RURAL ESTATE, AND RURAL
RESIDENTIAL ZONING DISTRICTS

WHEREAS, Examples of accessory buildings in rural zones include shops, storage units and storage sheds; and

WHEREAS, Accessory buildings in rural zones, except guesthouses, have fewer land use impacts on neighboring properties compared to dwelling units; and

WHEREAS, It is appropriate for accessory buildings in rural zones, except guesthouses, to have some exception to the side and rear-yard requirements; and

WHEREAS, It is important to ensure that the placement of an accessory building does not adversely affect adjoining property owners or increase the potential for the spread of fire; and

WHEREAS, Accessory buildings constructed in side and rear-yard in rural zones should have limitations on their size and bulk to minimize land use impacts on the adjacent property; and

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
Text to be added is underlined
Text to be deleted is [BRACKETED, CAPITALIZED]
WHEREAS, Allowing small accessory structures to be placed within the normal setbacks without adversely impacting neighboring properties is a more efficient use of land; and

WHEREAS, Maintaining some setback for accessory buildings in rural zones is consistent with the rural nature of these zones; and

WHEREAS, Frontages that have driveway access should not have any exception to the front-yard requirement to protect their safe interaction with the public right-of-way; and

WHEREAS, Other Alaskan municipalities have allowed certain setback exemptions in rural zones; and

WHEREAS, The FNSB Planning Commission initiated a review of setbacks in rural zones by voting to form a Subcommittee on January 16, 2018; and

WHEREAS, The FNSB Planning Commission Subcommittee held seven publicly noticed meetings to consider and recommend changes to FNSBC 18.

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

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

Section 2. FNSBC 18.96.030, Accessory structures, is amended as follows:

**AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT**

Text to be *added* is underlined
Text to be *deleted* is [BRACKETED, CAPITALIZED]
A. In all districts, an accessory building shall meet the yard requirements of the zoning district in which it is located, except as provided in this section.

B. An accessory structure shall not directly discharge water or snow from the roof, eave, gutter, or downspout onto another's property.

C. In the single-family residential (SF-20, SF-10, SF-5), two-family residential (TF), multiple-family residential (MF) and multiple-family residential/professional office (MFO) districts, an accessory building shall:

1. Be located on the same zoning lot as the principal building or structure it serves is located.

2. Meet the yard requirements as set forth in this title, except that one accessory building of not greater than 120 square feet may be located in the required side or rear yard.

3. Be located at least 10 feet from the principal building, if the accessory building is constructed within the required side or rear yard.

D. In the rural and agricultural (RA-40, RA-20, RA-10, RA-5), rural farmstead (RF-4, RF-2), rural estate (RE-4, RE-2) and rural residential (RR) districts:

1. An accessory building shall be located on the same zoning lot as the principal building or structure it serves is located.

2. One accessory building may be located in the required side or rear yard if it meets the following criteria:

   a. The accessory building is not a dwelling or a guesthouse;

   b. It does not exceed 200 square feet of gross floor area;

   c. It does not have a building height of more than 14 feet.

   d. It will not have a yard of less than five feet; and

   e. It is located at least 10 feet from the principal building.

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
Text to be added is underlined
Text to be deleted is [BRACKETED, CAPITALIZED]
Section 3. **Effective Date.** This ordinance shall be effective at 5:00 p.m. of the first Borough business day following its adoption.

PASSED AND APPROVED THIS _____ 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 Planning Commission

THROUGH: D. Christine Nelson, FNSB Planning Director

FROM: Kellen Spillman, FNSB Deputy Planning Director

SUBJECT: Recommendation on setback changes in existing FNSB Rural Zoning Districts

DATE: December 28, 2018

The purpose of this memorandum is to clarify and update the August 28, 2018 memorandum from the Planning Commission Subcommittee on Rural Residential and Rural Estates.

After the August 28, 2018 memorandum was written the Subcommittee, the FNSB Community Planning Department and the FNSB Department of Law held three additional meetings (September 25, 2018, October 9, 2018, and November 13, 2018. As a result of those subcommittee meetings the Subcommittee make the decision to reduce the scope of the draft ordinance to only include reduced setbacks for accessory structures and not address reduced setbacks for substandard lots. The draft ordinance and subcommittee recommendations regarding reducing setbacks for accessory structures remain substantially unchanged.

Acting in a support capacity for the Planning Commission, the Department submits these recommendations to the Planning Commission for discussion and to determine if the Commission wants to act on these recommendations.

Attachments: Draft Ordinance
MEMORANDUM

TO: Fairbanks North Star Borough Planning Commission

FROM: Planning Commission Subcommittee on Rural Residential and Rural Estates
       Zoning District Setbacks
       Commissioner Chris Guinn
       Commissioner Eric Muehling
       Commissioner Doug Sims

SUBJECT: Recommendation on setback changes in existing FNSB Rural Zoning Districts

DATE: August 28, 2018

In a written statement dated November 2, 2017, Commissioner Guinn expressed interest to the Planning Commission Chair and Community Planning Director in reducing the setback requirements in certain rural zoning districts (Exhibit 1). On January 16, 2018 the FNSB Planning Commission formed a subcommittee to examine the setback standards in the Rural Residential (RR), and Rural Estates 2 and 4 (RE-2 and RE-4) zones. Specifically, the subcommittee was tasked to evaluate and form a recommendation on the following:

- The impacts of reducing required setbacks within rural zones
- Consider the impact to the community as well as property rights

The Subcommittee reviewed FNSB zoning district standards and the resulting buildable area on lots (Exhibit 2), other Alaska communities’ zoning standards (Exhibit 3), GIS analysis of existing structures and lot sizes, and other data related to building setback standards in the RR and RE zones. The Subcommittee met a total of four times in noticed public meetings.

Considerations
The Subcommittee specifically considered the following regarding the current setback standards in rural zones and what issues might exist from these standards:

- Any burden to property owners from larger setbacks in rural zones
- Any additional burden caused by larger rural setbacks on substandard lot sizes
- Should there be exemptions for accessory and primary structures
- Should multiple frontage lots have certain exemptions
- Should there be general exemptions for all lots in rural zones or specific criteria
- Setback impacts to neighboring properties and public health, safety, and welfare
- Private property rights for property owners and adjacent property owners

Recommendations
The Subcommittee recommends that certain code changes would help alleviate some of the burden caused by larger setback standards on smaller rural lots while still conforming to the rural nature of these zones and protecting the public health, safety, and welfare.
The Subcommittee recommends the following regarding the Rural Residential zone (currently requires 25 foot setbacks from all property lines):

- Reduced setbacks only for any substandard lots, created by any means prior to the date of the ordinance, under the required minimum lot size of 40,000 square feet
- Allow a reduction to 15 feet for side and rear-yard setbacks on substandard sized lots
- Allow a reduction to front-yard setbacks for lots with multiple frontages on substandard sized lots, similar to those already allowed in urban zones (FNSBC 18.96.040)
  - The reduced frontage(s) setback shall not be less than 20 feet
  - The front-yard setback of 25 feet is still required for all lot lines which include driveway or garage access; only front lot lines without access may be reduced

The Subcommittee recommends the following regarding all rural zones (Rural Residential, Rural Estates, Rural Farmstead, Rural and Agricultural) (see Exhibit 2 for current standards):

- Allow reduced setback for one accessory structure, with provisions
  - Only side and rear setbacks may be reduced
  - Any reduction should not result in a setback of less than 5 feet
  - Only non-residential accessory structures (i.e. no guesthouses) would be permitted a reduced setback
  - The accessory structure with a reduced setback should be no larger than 200 square feet in size
  - The accessory structure with a reduced setback should have a maximum height of 14 feet from finished grade

These recommendations are based on two separate considerations. First, in the Rural Residential (RR) zone, approximately 23% of existing lots are under the required 40,000 square feet. This is due in part to a zoning code change in 1972, which increased the minimum lot size in the RR zone from 30,000 square feet to 40,000 square feet, making many existing lots at the time substandard in size. Lots under 40,000 square feet in size have less available developable area and are therefore proposed to have smaller setbacks than lots over 40,000 square feet in the RR zone. Specifically, side and rear yard requirements are proposed to be reduced to 15 feet on RR zoned lots under 40,000 square feet. On corner (multiple frontage) lots, the frontage(s) without driveway access are proposed to be allowed to be reduced to 20 feet on RR zoned lots under 40,000 square feet. This is consistent with the exceptions for multiple frontage lots in urban zones, which allow frontages not used for access to be reduced to 10 feet (FNSBC 18.96.040.A).

Second, the Subcommittee recommends permitting one accessory structure to encroach into side and rear yard setbacks in all rural zones. Currently, in urban zones, one accessory structure under 120 square feet is permitted in the side and rear yard setbacks (FNSBC 18.96.030). This recommendation uses those parameters as a guide and proposes modifications to better suit the rural zones. Specifically, a minimum 5 foot setback is recommended, and increasing the size of the accessory structure permitted to encroach.

The Subcommittee submits these recommendations to the Planning Commission for discussion and to determine if the Commission wants to act on these recommendations.

cc: D. Christine Nelson, Community Planning Director
To: Wendy Presler, Planning Commission Chair, Christine Nelson, Community Planning Director;

Subject: Reducing Building Setback Requirements

Date: Nov. 2, 2017

From: Chris Guinn, Planning Commissioner

OVERVIEW: If the side and rear yard building setbacks in rural zones are reduced we can accomplish two things. First, we can return more rights to the property owner. Second, we can reduce the number of applications for grandfather rights, which will provide more efficient services.

Last year the Assembly adopted an ordinance which allows the Planning Department staff to conduct an administrative hearing as a first step to a grandfather determination. This action has been beneficial to buyers & sellers by reducing the time in obtaining a grandfather letter. Nevertheless, the requirement for a letter did not disappear. In my opinion it is time to revisit the required setbacks in the zones typically found in areas outside the city.

RECENT HISTORY: More neighborhoods that are zoned GU-1 are anticipated to become interested in zoning to RR or RE (or some other rural zone) to protect themselves from Cannabis operations. Because existing buildings don’t have a required setback in the GU-1 zone many cases of new grandfather rights will need to be documented as the properties are rezoned, thereby slowing the ability of government and lending institutions to provide services. In a recent 16 lot rezone request to Rural Residential (RR) in the Badger Rd. area five of the lots did not meet the setback requirements of the RR zone. Add to this neighborhoods that were built up and then zoning was applied, and the concerns lately of institutional lenders to meet all zoning requirements, the applications for grandfather rights will increase.

RECOMMENDATION: Title 18 needs to be amended by ordinance. The Commission and the Administration should work together to work on the language of the ordinance and recommend any other zones which should be included in the ordinance. To begin a discussion I would recommend the Rural Residential zone be changed from a 25’ building setback from all lot lines to 15’ from the side and rear lot lines; and the Rural Estate 2 zone should be changed from the required side yard setbacks of not less than 35’ to side yard setbacks of 20 to 25’ (the rear setback is 10’ and seems to be satisfactory to property owners). We may want to consider other setback changes to other zones.
Chapter 18.120
GEOMETRIC STANDARDS

Sections:
18.120.010 Geometric Standards

18.120.010 Geometric Standards.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Front Yard</th>
<th>Side Yard</th>
<th>Rear Yard</th>
<th>Maximum Building Height</th>
<th>Minimum Lot Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>OR</td>
<td>50</td>
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<td>25</td>
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<td>RA-40</td>
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<tr>
<td>RA-5</td>
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<td>200,000 sq. ft.</td>
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<td>RF-4</td>
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<tr>
<td>TF</td>
<td>20</td>
<td>5</td>
<td>5</td>
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<td>SFR 5,000 sq. ft.</td>
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<td>10</td>
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<td>Unlimited</td>
<td>SFR 5,000 sq. ft.</td>
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<td>0</td>
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<td>None¹</td>
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<tr>
<td>ML</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>Unlimited</td>
<td>None¹</td>
</tr>
<tr>
<td>GU-5</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>Unlimited</td>
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<td>GU-1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>Unlimited</td>
<td>40,000 sq. ft.</td>
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¹ Except as may be required by the State of Alaska Department of Environmental Conservation in areas where community sewer and water are unavailable. (Ord. 2016-40 § 88, 2016; Ord. 88-070 § 4, 1988; Ord. 88-010 § 2, 1988. 2004 Code Title 18 Appx. A)
Available buildable area in Rural Residential (RR) zone

Setbacks in RR zone

Scale 1"=50'

Lot 10
40,509 SF

30' x 70' House
Available buildable area in Rural Estate 2 (RE-2) zone

Setbacks in RE-2 zone

Scale 1"=60'

Forrest Drive

272'

35' Setback

60' x 35' House

Lot 4
80,455 SF
Available buildable area in Rural Estate 4 (RE-4) zone

Setbacks in RE-4 zone

Scale 1"=100'

Lot 47
170,855 SF
### Rural Zoning Setbacks in Other Alaska Communities

<table>
<thead>
<tr>
<th>District</th>
<th>Lot size (sq. ft.)</th>
<th>Setbacks (ft.)</th>
<th></th>
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</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Front</td>
<td>Side</td>
</tr>
<tr>
<td><strong>Anchorage</strong></td>
<td>Low-density Residential (R-6)</td>
<td>43,560</td>
<td>50</td>
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<tr>
<td></td>
<td>Low-density Residential (R-8)</td>
<td>174,240</td>
<td>25</td>
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<tr>
<td></td>
<td>Low-density Residential (R-9)</td>
<td>87,120</td>
<td>25</td>
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<tr>
<td></td>
<td><strong>Wasilla</strong></td>
<td>RR</td>
<td>20,000</td>
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<td></td>
<td><strong>Juneau</strong></td>
<td>RR**</td>
<td>36,000-72,000</td>
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<tr>
<td></td>
<td></td>
<td>D-1**</td>
<td>36,000-72,000</td>
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<tr>
<td></td>
<td><strong>Palmer</strong></td>
<td>R-1E - Single-family Residential Estate****</td>
<td>20,000</td>
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<td></td>
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<td>RR</td>
<td>43,560</td>
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<td></td>
<td></td>
<td>AG Agricultural District</td>
<td>43,560</td>
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<tr>
<td></td>
<td><strong>Kenai (City)</strong></td>
<td>RR/RR-1</td>
<td>20,000</td>
</tr>
<tr>
<td></td>
<td><strong>Soldotna</strong></td>
<td>RR</td>
<td>40,000</td>
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<tr>
<td></td>
<td><strong>Kodiak</strong></td>
<td>RD - Rural Development</td>
<td>217,800</td>
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<td></td>
<td></td>
<td>RR2 Rural Residential 2</td>
<td>87,120</td>
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</tr>
<tr>
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<td></td>
<td>RR1*****</td>
<td>40,000****</td>
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<td><strong>Valdez</strong></td>
<td>RR</td>
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<td>RN Semi-Rural Residential</td>
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<tr>
<td></td>
<td><strong>Homer</strong>*</td>
<td>RR</td>
<td>40,000</td>
</tr>
</tbody>
</table>

*Not included in averages.
**17 feet for second frontage, not included in averages.
***15 feet for second frontage, not included in averages.
****Unless water/sewer available, then 20,000 sq. ft.
*****If 20,000 sq. ft. lot area, 30 ft. side yard setback.

<table>
<thead>
<tr>
<th></th>
<th>Average</th>
<th>Median</th>
<th>Mode</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>27</td>
<td>16</td>
<td>24</td>
</tr>
</tbody>
</table>

By height - 1 story = 5', 1.5 stories = 6', 2 stories = 7', 2.5 stories = 8'
Commissioner Muehling agreed consistency is important.

ROLL CALL (MAIN MOTION)

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

MOTION PASSED
RECOMMENDED FOR APPROVAL

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

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

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

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

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

[Commissioner Muehling left the room]

Mr. Spillman presented his setback exemption presentation.

Questions by Commissioners

None

Public Testimony Opened

None

Public Testimony Closed


Discussion on the motion ensued between commissioners.

ROLL CALL

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

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

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

Ms. Christine Nelson explained the ordinance clarifies the process by which an applicant initiated rezone is sponsored and heard by the FNSB Assembly. The Department of Community Planning recommended approval.

**Questions by Commissioners**

None

**Public Testimony Opened**

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

**Questions by Commissioners**

None

**Public Testimony Closed**

Discussion on FNSBC 18.104.020 (A) (2) and if it should be considered in the ordinance; the discussion included clarification on what computation means by staff.

Mr. Jaffa explained that the proposed ordinance does not change the application procedure; it changes the procedure post recommendation by the Planning Commission and it making it to the Assembly and further explained the legal department will attain a review for legality.

Discussion ensued on an example of administration not wanting to sponsor an ordinance and how the proposed ordinance will fill a gap in the FNSBC.

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

Discussion on the motion ensued between commissioners.

**ROLL CALL**

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

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

G. **EXCUSE FUTURE ABSENCES**
Ordinance

AN ORDINANCE AMENDING FNSBC 18.96.030 ‘ACCESSORY STRUCTURES’ TO REDUCE SETBACK REQUIREMENTS FOR ACCESSORY BUILDINGS, EXCEPT GUESTHOUSES, IN RURAL AND AGRICULTURAL, RURAL FARMSTEAD, RURAL ESTATE, AND RURAL RESIDENTIAL ZONING DISTRICTS

FNSB Planning Commission Public Hearing
February 26, 2019
Request to Planning Commission and Subcommittee

- Request by P.C. member to evaluate setback in RR and RE
- Formation of Subcommittee (Guinn, Muehling, Sims)
  - “Evaluate the impacts of reducing required setbacks within rural zones”
  - “Consider the impact to the community as well as property rights”

To: Wendy Presler, Planning Commission Chair, Christine Nelson, Community Planning Director;

Subject: Reducing Building Setback Requirements

Date: Nov. 2, 2017

From: Chris Guinn, Planning Commissioner

OVERVIEW: If the side and rear yard building setbacks in rural zones are reduced we can accomplish two things. First, we can return more rights to the property owner. Second, we can reduce the number of applications for grandfather rights, which will provide more efficient services.

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RECOMMENDATION: Title 18 needs to be amended by ordinance. The Commission and the Administration should work together to work on the language of the ordinance and recommend any other zones which should be included in the ordinance. To begin a discussion I would recommend the Rural Residential zone be changed from a 25’ building setback from all lot lines to 15’ from the side and rear lot lines; and the Rural Estate 2 zone should be changed from the required side yard setbacks of not less than 35’ to side yard setbacks of 20 to 25’ (the rear setback is 10’ and seems to be satisfactory to property owners). We may want to consider other setback changes to other zones.
Example: Buildable Area RR

Lot 10
40,509 SF

30' x 70' House

225'
25' Setback

186'
25' Setback

200'
25' Setback

Scenic Loop

Grandview Court
Example: Buildable Area RE-4

Lot 47
170,855 SF

Doonerak Road
300'

25' Setback
300'

570'

25' Setback
570'

25' Setback

35' Setback

35' x 30' Garage

45' x 35' House
## Lot Sizes

<table>
<thead>
<tr>
<th>Zone</th>
<th>properties</th>
<th>Minimum lot size</th>
<th>Properties under 40,000 square feet</th>
<th>Properties under 32,000 square feet</th>
<th>Properties under 31,000 square feet</th>
<th>Properties under 30,000 square feet</th>
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<tbody>
<tr>
<td>RR</td>
<td>6,254</td>
<td>40,000</td>
<td>1,476 (23.6%)</td>
<td>798 (12.8%)</td>
<td>723 (11.6%)</td>
<td>611 (9.8%)</td>
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<tr>
<td>RE-2</td>
<td>5,689</td>
<td>80,000</td>
<td>325 (5.7%)</td>
<td>210 (3.7%)</td>
<td>204 (3.6%)</td>
<td>199 (3.5%)</td>
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<tr>
<td>RE-4</td>
<td>1,612</td>
<td>160,000</td>
<td>18 (1.1%)</td>
<td>17 (1.1%)</td>
<td>17 (1.1%)</td>
<td>17 (1.1%)</td>
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Is this a real of perceived problem?

GIS Analysis of Structure, Parcel, and Zoning Layers*

<table>
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<tr>
<th>Description</th>
<th>Count</th>
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<td>Number of properties RR or RE</td>
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<tr>
<td>Properties with structures within 25 feet of property lines</td>
<td>3,154</td>
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<tr>
<td>Percent of properties with likely setback violations</td>
<td>23%</td>
</tr>
<tr>
<td>Structures within 25 feet of property lines</td>
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*Estimated based on GIS analysis
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<tr>
<th>District</th>
<th>Lot size (sq. ft.)</th>
<th>Front</th>
<th>Side</th>
<th>Rear</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anchorage</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Low-density</td>
<td>43,560</td>
<td>50</td>
<td>25</td>
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</tr>
<tr>
<td>Low-density</td>
<td>174,240</td>
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<td>15</td>
<td>25</td>
</tr>
<tr>
<td>Low-density</td>
<td>87,120</td>
<td>25</td>
<td>15</td>
<td>25</td>
</tr>
<tr>
<td>Wasilla</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RR</td>
<td>20,000</td>
<td>25</td>
<td>10</td>
<td>25</td>
</tr>
<tr>
<td>Juneau</td>
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<td></td>
</tr>
<tr>
<td>RR**</td>
<td>36,000-72,000</td>
<td>25</td>
<td>15</td>
<td>25</td>
</tr>
<tr>
<td>D-1**</td>
<td>36,000-72,000</td>
<td>25</td>
<td>15</td>
<td>25</td>
</tr>
<tr>
<td>Palmer</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>R-1E - Single-family</td>
<td>20,000</td>
<td>25</td>
<td>15</td>
<td>25</td>
</tr>
<tr>
<td>RR</td>
<td>43,560</td>
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</tr>
<tr>
<td>AG Agricultural</td>
<td>43,560</td>
<td>25</td>
<td>10</td>
<td>25</td>
</tr>
<tr>
<td>Kenai (City)</td>
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<td></td>
</tr>
<tr>
<td>RR/RR-1</td>
<td>20,000</td>
<td>20</td>
<td>15</td>
<td>20</td>
</tr>
<tr>
<td>Soldotna</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>RR</td>
<td>40,000</td>
<td>20</td>
<td>10</td>
<td>20</td>
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<tr>
<td>Kodiak</td>
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</tr>
<tr>
<td>RD - Rural</td>
<td>217,800</td>
<td>25</td>
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</tr>
<tr>
<td>RR2 Rural</td>
<td>87,120</td>
<td>50</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>RR</td>
<td>40,000</td>
<td>25</td>
<td>15</td>
<td>20</td>
</tr>
<tr>
<td>RR1****</td>
<td>40,000****</td>
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<td>15</td>
<td>20</td>
</tr>
<tr>
<td>Valdez</td>
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<td>RR</td>
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<td>RN Semi-Rural</td>
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<td>15</td>
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<tr>
<td>Homer*</td>
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<tr>
<td>RR</td>
<td>40,000</td>
<td>20</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Average 27  16  24
Median 25  15  25
Mode 25  15  25

By height - 1 story = 5', 1.5 stories = 6', 2 stories = 7', 2.5 stories = 8'
Subcommittee Recommendation - Aug 2018

- Allow reduced setback on Substandard lots
  - Did not pursue
- Allow reduced setbacks for one accessory structure
Ord. Recommendations

- Allow reduced setbacks for one accessory structure in if: (RA, RF, RE, RR)
  - Not a dwelling or guesthouse
  - Under 200 sq. ft.
  - Under 14 ft. high
  - 5 foot setback
  - 10 feet from principal building

- Consistent with exception in urban zones

- Allow flexibility but protect rural quality of life
8’ x 7’ Area, 7.5’ Height
8’ x 10’ Area, 8’ Height
8’ x 12.5’ Area, 8’ Height
10’ x 12’ Area, 7.5’ Height
20’ x 8’ Area, 8’ Height
12’ x 16’ Area, 9.5’ Height
12’ x 16’ Area, 13.5’ Height
12’ x 20’ Area, 9.5’ Height
14’ x 20’ Area, 13’ Height

PLAN #280-1
14’ x 20’ 1-CAR GARAGE

ECONOMICAL, CONVENTIONAL FRAMED CONSTRUCTION

THIS SPACIOUS 14’ WIDE PLAN FEATURES STANDARD 9’ x 7’ GARAGE DOOR, SUITABLE FOR MOST VEHICLES

FLOOR PLAN

CROSS-SECTION
18’ x 26’ Area, 13.5’ Height
16’ x 28’ Area, 16’ Height
MEMORANDUM

To: Fairbanks North Star Borough Assembly
From: Bryce Ward, Mayor
Date: March 28, 2019
Subject: Ordinance No. 2019-16
Fine Schedule and Penalty Provisions - Update

Attached is an ordinance updating various sections of Borough Code pertaining to penalty provisions and the fine schedule.

The court system recently requested that changes be made to Borough code in order to allow FNSB to continue to utilize the minor offense citation process without requiring mandatory court appearances when a person pleads guilty or no contest to a citation. Further, state law was recently amended to increase the statutorily required surcharge that FNSB must impose when using the minor offense citation process. This ordinance makes those changes and cleans up other related language in code.

I urge your adoption of this ordinance.

Attachment: Ordinance
FAIRBANKS NORTH STAR BOROUGH

ORDINANCE NO. 2019-16

AN ORDINANCE AMENDING THE FAIRBANKS NORTH STAR BOROUGH CODE REGARDING PENALTY PROVISIONS AND FINE SCHEDULE

WHEREAS, State law has been amended to increase the surcharge assessed to a person convicted of violating a misdemeanor or a municipal ordinance; and

WHEREAS, Borough code should be updated to conform with State law; and

WHEREAS, All offenses listed on the fine schedule have set fine amounts and are intended to create optional court appearance offenses; and

WHEREAS, Borough code sets fines “of not more than” or “not to exceed” specified amounts which create mandatory court appearance offenses; and

WHEREAS, Removing the “of not more than” and “not to exceed” language from code and instead referencing the fine schedule will create optional court appearance offenses and allow citations to be disposed of without a court appearance as provided in state law; and

WHEREAS, The fine schedule should be updated to ensure that all offenses referenced in the code are accurately reflected in the fine schedule.

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
Text to be added is underlined
Text to be deleted is [BRACKETED, CAPITALIZED]
NOW, THEREFORE, BE IT ORDAINED by the Assembly of the Fairbanks North Star Borough:

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

Section 2. FNSBC 1.20.010, Penalties, is hereby amended as follows:

A. A person who violates a provision of this code is guilty of a misdemeanor or a violation. Unless otherwise specified, violations shall be punished by a fine not to exceed $1,000. Unless otherwise specified, misdemeanors shall be punished by a fine [NOT TO EXCEED $1,000] or imprisonment for not more than 90 days or both.

B. All offenses are violations unless expressly designated as a misdemeanor.

C. The borough may institute a civil action against a person who violates a provision of this code. In addition to injunctive and compensatory relief, the borough may obtain a civil penalty [NOT TO EXCEED $1,000] for each violation. The borough may bring an action to enjoin a violation or to recover a civil penalty notwithstanding the availability of any other remedy.

D. Notwithstanding the availability of any other remedy in this or any other title of this code, in accordance with AS 29.25.070(a), citations or complaints for violations for which a particular amount is provided as the fine under FNSBC 1.20.070 may be disposed of as provided in FNSBC 1.20.030 through 1.20.[080]070.

E. The penalties authorized under this section may be imposed only if copies of the ordinance are made available for distribution to the public at no more than cost.

F. Excepting those enumerated violations arising from FNSBC Title 22, Animals, and Chapter 9.16 FNSBC, Compulsory Attendance, no more than two citations under FNSBC 1.20.070 for a continuing violation shall be issued to the same individual in a calendar year without full resolution of the [VIOLATION]citation. Continuing violation(s) shall be

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
Text to be added is underlined
Text to be deleted is [BRACKETED, CAPITALIZED]
forwarded to the department of law for consideration of other available remedies. Each
day that a violation of an ordinance continues constitutes a separate violation.

Section 3. FNSBC 1.20.020, Penalty surcharge, is hereby amended as
follows:
[A.] In addition to any fine or other penalty prescribed by law, a person convicted of
a misdemeanor or violation of code shall pay the surcharge required under AS
12.55.039 and 29.25.074. All such surcharges collected shall be remitted to the State of
Alaska as required by AS 29.25.074.[WHO PLEADS GUILTY OR NOLO CONTENDERE
TO, FORFEITS BAIL FOR, OR IS CONVICTED OF:
1. A MISDEMEANOR OR OTHER VIOLATION OF THIS CODE IF A SENTENCE
OF INCARCERATION MAY BE IMPOSED, SHALL BE ASSESSED A SURCHARGE OF
$50.00;
2. A MISDEMEANOR OR A VIOLATION OF THIS CODE IF A SENTENCE OF
INCARCERATION MAY NOT BE IMPOSED, SHALL BE ASSESSED A SURCHARGE OF
$10.00 IF THE FINE OR BAIL FORFEITURE AMOUNT FOR THE OFFENSE IS $30.00 OR
MORE.
B. THE SURCHARGE SHALL BE DEPOSITED INTO THE GENERAL FUND OF THE
STATE IN ACCORDANCE WITH AS 29.25.]

Section 4. FNSBC 1.20.070, [APPLICATION OF]Minor offense fine
schedule, is hereby amended as follows:
A. The purpose of this section is to provide a standardized fine schedule for certain
violations of the borough code for use in accordance with the Alaska Rules of Minor
Offense Procedure.
B. Any person violating any provision of this section[, FNSBC 1.20.080,] or
regulations issued hereunder, is guilty of a violation and shall be punished upon

**AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT**
Text to be *added* is underlined
Text to be *deleted* is [BRACKETED, CAPITALIZED]
conviction by a fine [NOT TO EXCEED $1,000], as set forth in the schedule of fines set forth in this chapter.

C. Fines set out in [FNSBC 1.20.080]this section are separate from and cumulative to penalties, costs, assessments and/or other remedies allowed under other titles of the FNSBC and any surcharge imposed under AS 29.25.074 and FNSBC 1.20.020.

D. [VOLUNTARY DISPOSITION BEFORE ARRAIGNMENT.] In accordance with AS 29.25.070(a), citations or complaints for violations for which a particular amount is provided as the fine under FNSBC 1.20.[080]070 may be disposed of as provided in AS 12.25.195 through 12.25.230 without a court appearance by submitting payment of the fine amount listed in FNSBC 1.20.070 and the applicable statutory surcharge required by AS 12.55.039 and AS 29.25.074 together with the completed/signed citation indicating a “no contest” plea to the Alaska Court System within 30 days. The Rules of Minor Offense Procedure in the Alaska Rules of Court apply to all offenses listed in FNSBC 1.20.070. Citations charging these offenses must meet the requirements of the Rules of Minor Offense Procedure. The fines set forth below may not be judicially reduced.

Section 5. FNSBC 1.20.080, Fine Schedule, is hereby repealed and reenacted as FNSBC 1.20.070(E).

Section 6. FNSBC 1.20.070(E), Fine Schedule, is hereby amended as follows:

<table>
<thead>
<tr>
<th>Code Section</th>
<th>Offense</th>
<th>[PENALTY/] Fine Amount</th>
<th>Mandatory Warning Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.16.140(C)</td>
<td>Wear, carry, or display, without authority, any means of identification specified by the Division of Homeland Security and Emergency Management.</td>
<td>$1,000</td>
<td>Yes, 1st offense</td>
</tr>
</tbody>
</table>

**AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT**

Text to be added is underlined

Text to be deleted is [BRACKETED, CAPITALIZED]
Section 7. FNSBC 2.16.140, Interference with disaster relief personnel -Penalty, is hereby amended as follows:

It is a violation punishable by a fine [OF $1,000] as set forth at Chapter 1.20 FNSBC for any person during a disaster emergency to do the following:

A. Willfully to obstruct, hinder or delay any member of the emergency management organization in the enforcement of any unlawful rule or regulation issued pursuant to this title, or in the performance of any duty imposed upon him by virtue of this chapter;

B. To do any act forbidden by any lawful rule or regulation issued pursuant to this chapter. If such an act is of such a nature as to give, or be likely to give, assistance to the enemy, or to imperil the lives or property of inhabitants of this borough, or to prevent, hinder, or delay the defense or protection thereof;

C. To wear, carry, or display, without authority, any means of identification specified by the Division of Homeland Security and Emergency Management.

Section 8. FNSBC 4.52.100, Unauthorized alterations prohibited, is hereby amended as follows:

No person may undertake any construction, alteration, demolition or removal of any property or structure within an historic district established under this chapter which

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
Text to be added is underlined
Text to be deleted is [BRACKETED, CAPITALIZED]

Fairbanks North Star Borough, Alaska

ORDINANCE NO. 2019-
affects the exterior of such property or structure, without first obtaining either a certificate of appropriateness or a certificate of economic hardship from the Fairbanks North Star Borough. A person who violates this section is guilty of a violation punishable by a fine as set forth at Chapter 1.20 FNSBC.

Section 9. FNSBC 8.04.080, Failure to notify assessor or false application for an exemption, is hereby amended as follows:

It shall be the responsibility of every person who obtains a property tax exemption under this chapter to notify the borough assessor of any change in ownership, property use, residency, permanent place of abode, status of disability or other factor affecting the exemption. If the assessor determines that the property is not eligible for an exemption, all taxes, penalty and interest due on the property from the tax year following the date the property should have been subject to taxation are immediately due and owing. Falsely applying for an exemption or failing to notify the borough assessor concerning a change in exemption status with an intent to evade taxation is a violation punishable by a fine OF $1,000 as set forth at Chapter 1.20 FNSBC.

Section 10. FNSBC 8.08.020(C), Tax exemption and deferral application procedure, is hereby amended as follows:

C. If anyone knowingly makes any false representations in any submission to the borough related to an initial application for or review of a tax exemption or deferral under this chapter and Chapter 8.12 FNSBC, that person shall be punishable by a fine OF $1,000 as set forth at Chapter 1.20 FNSBC.

Section 11. FNSBC 8.08.080, Transfer of ownership or change of use — Penalty, is hereby amended as follows:

As of the date of any change in majority ownership, sale, or substantive change in use of any property subject to a tax exemption or deferral under this chapter and Chapter
8.12 FNSBC, the borough shall revoke such tax exemption or deferral and require immediate payment of the property taxes thereby due. Any property owner who fails to notify the borough assessor of any such change in ownership, use, or sale by the date of such change in ownership, use, or sale shall be subject to a fine [OF NOT MORE THAN $300.00] as set forth at Chapter 1.20 FNSBC per day for each day thereafter.

Section 12. FNSBC 8.44.050(F), Prohibited acts and associated penalties, is hereby amended as follows:

F. Any person who violates or fails to comply with the provisions of this chapter shall be subject to a fine as set forth at Chapter 1.20 FNSBC and shall be personally liable for all costs, interest, penalties and taxes due under this chapter. For good cause shown, the chief financial officer may waive or reduce all or part of any penalty or interest imposed under this chapter.

Section 13. FNSBC 8.48.050(F), Registration for tax collection, is hereby amended as follows:

[F. FAILURE TO COMPLY WITH ANY PROVISION OF THIS CHAPTER IS A VIOLATION PUNISHABLE BY A FINE OF $1,000.]

Section 14. FNSBC 8.48.070(F), Prohibited acts and penalties, is hereby amended as follows:

F. Failure to comply with any provision of this chapter is a violation punishable by a fine [NOT TO EXCEED $1,000] as provided in Chapter 1.20 FNSBC [1.20.080], in addition to all other penalties provided under this chapter.

Section 15. FNSBC 8.52.050(F), Certificate of registration for tax collection, is hereby amended as follows:

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
Text to be added is underlined
Text to be deleted is [BRACKETED, CAPITALIZED]
[F. FAILURE TO COMPLY WITH ANY PROVISION OF THIS CHAPTER IS A VIOLATION PUNISHABLE BY A FINE OF $1,000.]

Section 16. FNSBC 8.52.080(G), Prohibited acts and associated penalties, is hereby amended as follows:

G. In addition to all other penalties provided under this chapter, [any seller that violates] failure to comply with any [REQUIREMENT] provision of this [SECTION]chapter is subject to a penalty [OF $1,000] as set forth at Chapter 1.20 FNSBC.

Section 17. FNSBC 8.52.110(G), Penalties, interest, fees and tax remittance, is hereby amended as follows:

G. Failure to comply with the provisions of this chapter is a violation punishable by a fine [OF $1,000] as set forth at Chapter 1.20 FNSBC.

Section 18. FNSBC 8.54.080(G), Prohibited acts and associated penalties, is hereby amended as follows:

G. In addition to all other penalties provided under this chapter, [ANY BUYER OR SELLER THAT VIOLATES ANY REQUIREMENT] failure to comply with any provision of this chapter is subject to a penalty [OF $1,000] as set forth at Chapter 1.20 FNSBC.

Section 19. FNSBC 8.54.110(G), Penalties, interest, fees and tax remittance, is hereby amended as follows:

G. Failure to comply with the provisions of this chapter is a violation punishable by a fine [OF $500.00] as set forth at Chapter 1.20 FNSBC.

Section 20. FNSBC 9.04.010(D), Offense against public property - Penalty, is hereby amended as follows:

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
Text to be added is underlined
Text to be deleted is [BRACKETED, CAPITALIZED]
D. A person who willfully violates any provision of this section is guilty of a violation, and upon conviction is punishable by a fine [OF $1,000] as set forth at Chapter 1.20 FNSBC.

Section 21. FNSBC 9.04.020(C), Loss, retention or destruction of library property, is hereby amended as follows:

C. A person who is convicted of a violation of this [CHAPTER]section is guilty of a violation punishable by a fine [OF $1,000] as set forth at Chapter 1.20 FNSBC.

Section 22. FNSBC 9.04.030(D), Consumption, possession of alcohol in borough parks, is hereby amended as follows:

D. A person who willfully violates the provisions of this section is guilty of a violation, and upon conviction is punishable by a fine [OF NOT MORE THAN $500] as set forth at Chapter 1.20 FNSBC.

Section 23. FNSBC 9.12.030, Prohibiting certain product manufacturing methods of marijuana concentrates, is hereby amended as follows:

Production of or attempting to produce a marijuana concentrate by a method of extraction using flammable or combustible chemicals including, but not limited to, butane, acetone, hexane, naphtha, ethanol, methanol, petroleum ether, and alcohol constitutes marijuana product manufacturing and is prohibited except where such marijuana extraction is authorized by state law or regulation, permit, license, or registration or where such marijuana extraction is authorized by borough ordinance, license, registration, or permit. A person who violates this section is guilty of a violation punishable by a fine as set forth at Chapter 1.20 FNSBC.

Section 24. FNSBC 9.16.050(D), Penalties, is hereby amended as follows:

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
Text to be added is underlined
Text to be deleted is [BRACKETED, CAPITALIZED]
D. A person who knowingly violates a provision of this [TITLE]chapter is guilty of a violation and shall be punished by a fine [NOT TO EXCEED $500.00 PER VIOLATION] as set forth at Chapter 1.20 FNSBC and attendance at parenting or other training or other penalty deemed appropriate by the court if prosecuted by information/complaint.

Section 25. FNSBC 9.20.020(D), Offenses, is hereby added as follows:

D. A person who violates any provision of this chapter is guilty of a violation punishable by a fine as set forth at Chapter 1.20 FNSBC.

Section 26. FNSBC 10.04.020(C), Unlawful acts, is hereby added as follows:

C. Any person who violates any provision of this section is guilty of a violation punishable upon conviction by a fine as set forth at Chapter 1.20 FNSBC.

Section 27. FNSBC 12.04.030, Encroachments prohibited, is hereby amended as follows:

No person shall cause, create, maintain or expand an encroachment. A person who violates this section is guilty of a violation punishable by a fine as set forth at Chapter 1.20 FNSBC.

Section 28. FNSBC 12.16.030, Reconstruction, is hereby amended as follows:

Any person or entity performing excavation or construction in or on any public road shall, upon completion of such excavation or construction, restore any portion of the road on which the work took place to the standards of the road’s original construction, or to Fairbanks North Star Borough road construction standards, whichever is higher. Original shoulder alignments shall be preserved, and the driving surface shall be compacted to the same degree existing prior to the excavation or construction. A
person who violates this chapter is guilty of a violation punishable by a fine as set forth at Chapter 1.20 FNSBC.

Section 29. FNSBC 12.16.040, Permit, is hereby amended as follows:

No person or entity shall commence any excavation or construction in or on any public road until a permit to commence such excavation or construction has been obtained from the Fairbanks North Star Borough department of public works. A person who violates this chapter is guilty of a violation punishable by a fine as set forth at Chapter 1.20 FNSBC.

Section 30. FNSBC 13.08.030(A), Enforcement, is hereby amended as follows:

A. Any person who permits or causes a violation of a provision of this title is [SUBJECT TO THE PROVISIONS OF] guilty of a violation punishable by a fine as set forth at Chapter 1.20 FNSBC.

Section 31. FNSBC 15.04.200(B), Violation – Penalties and remedies, is hereby amended as follows:

B. Other Remedies. Every person convicted of a violation of any provision of this [CHAPTER]title shall be punished by a fine of [NOT MORE THAN $500.00] as set forth at Chapter 1.20 FNSBC.

Section 32. FNSBC 17.08.080(A), Penalties for illegal subdivision, is hereby amended as follows:

A. In addition to such penalties and liabilities as may be imposed by state law, any person who subdivides land in violation of this title is subject to a fine [OF $500.00] as set forth at Chapter 1.20 FNSBC for each offense. Each act of violation and every day upon which any such violation occurs shall constitute a separate offense.

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
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Text to be deleted is [BRACKETED, CAPITALIZED]
Section 33. FNSBC 18.112.020(A), Penalties and remedies, is hereby amended as follows:

A. A violation of the provisions of this title or any regulation adopted hereunder shall be a violation. UPON CONVICTION, THE COURT SHALL LEVY a fine [OF $300.00 FOR THE VIOLATION] as set forth at Chapter 1.20 FNSBC. Each day that a violation exists shall be deemed a separate and distinct violation. However, violations of junkyard standards shall be subject to the penalty provisions of FNSBC 1.20.010.

Section 34. FNSBC 19.08.090, Penalties, is hereby added as follows:

FNSBC 19.08.090, Penalties.

A person who violates any provision of this chapter is guilty of a violation punishable by a fine. Fines for specific violations of this title are set forth at Chapter 1.20 FNSBC.

Section 35. FNSBC 19.12.160, Penalty for violations, is hereby amended as follows:

The owner or agent of land within the Fairbanks North Star Borough who constructs or operates a mobile home park in violation of this chapter and the regulations and statutes administered by the Fairbanks North Star Borough and/or the state of Alaska is guilty of a violation and, upon conviction, is punishable by a fine [OF $1,000] as set forth at Chapter 1.20 FNSBC. Each day that a park is operated in violation shall be deemed a separate and distinct violation.

Section 36. FNSBC 19.16.020, Mobile home sales, is hereby amended as follows:

Any seller or seller’s agent offering a mobile home for sale shall notify the buyer of any tax liens against the mobile home or delinquent taxes due on the mobile home. Notice

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
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Text to be deleted is [BRACKETED, CAPITALIZED]
Section 37. FNSBC 21.16.060, Penalties for violations, is hereby amended as follows:

Every person, firm, corporation, club, association or organization violating any of the provisions of this chapter is guilty of a violation punishable by a fine as set forth at Chapter 1.20 FNSBC.

Section 38. FNSBC 21.20.100(C), Collection and transportation of solid waste, is hereby amended as follows:

Vehicles or containers used for the collection and transportation of any solid waste shall be loaded and moved in such a manner that the contents will not fall, leak or spill therefrom. Where spillage does occur, it is the responsibility of the collector or transporter to pick up the material, return it to the vehicle or container, and properly clean the area. Any person collecting or transporting solid waste who permits the waste to fall, leak or spill from the vehicle or who fails to clean up waste which has fallen, leaked or spilled form his vehicle shall be a subject to a [CIVIL PENALTY NOT TO EXCEED $1,000] fine as set forth at Chapter 1.20 FNSBC in addition to the cost of cleanup incurred by the borough or other public agency.

Section 39. FNSBC 21.24.010(C), Vehicle plug-in program, is hereby amended as follows:

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
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Text to be deleted is [BRACKETED, CAPITALIZED]
C. Penalties for Violation.

1. The borough may institute a civil action against an employer or business that violates a provision of this chapter. In addition to injunctive and compensatory relief, [THE BOROUGH MAY OBTAIN A CIVIL PENALTY NOT TO EXCEED $1,000] a person who violates this section is guilty of a violation punishable by a fine for each violation as set forth at Chapter 1.20 FNSBC. The borough may bring an action to enjoin a violation or to recover a civil penalty notwithstanding the availability of any other remedy.

2. Each day that a violation of this chapter continues constitutes a separate violation.

Section 40. FNSBC 22.32.010, Penalties, is hereby amended as follows:

No person shall intentionally, recklessly or with criminal negligence interfere with, molest or hinder any police officer or animal control officer in the performance of any duty under this title, or seek to release any animal in the custody of such officer or from the animal shelter. Violation of this section is a violation punishable by a fine [OF $1,000] as set forth at Chapter 1.20 FNSBC.

Section 41. FNSBC 22.32.020(A), Penalties, is hereby amended as follows:

A. A person who violates any provision of this title is guilty of a violation punishable by a fine [NOT TO EXCEED $1,000]. Penalties for specific violations of this title are set forth at Chapter 1.20 FNSBC [1.20.080].

Section 42. Effective Date. This ordinance shall be effective at 5:00 p.m. of the first Borough business day following its adoption.
PASSED AND APPROVED THIS _____ DAY OF __________, 2019.

Matt Cooper
Presiding Officer

APPROVED:

Jill S. Dolan
Borough Attorney

ATTEST:

April Trickey, CMC
Borough Clerk

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
Text to be added is underlined
Text to be deleted is [BRACKETED, CAPITALIZED]
FAIRBANKS NORTH STAR BOROUGH

ORDINANCE NO. 2018-20-F

AN ORDINANCE AMENDING THE FY 2018-19 BUDGET BY REAPPROPRIATING $75,000 FROM THE DEPARTMENT OF THE ASSEMBLY IN THE GENERAL FUND TO THE CAPITAL PROJECTS FUND FOR THE PURPOSE OF FUNDING THE REPLACEMENT OF ELECTION EQUIPMENT AND SOFTWARE

WHEREAS, In Ordinance No. 2018-20, $75,000 was allocated in the FY 2018-19 budget to the Department of the Assembly for a potential mayoral runoff election. No runoff, however, was required; and

WHEREAS, Municipal elections are conducted using optical scan units and associated ballot boxes owned by the State of Alaska (State); and

WHEREAS, The State is currently in the procurement process to secure new election equipment and software and the State anticipates the new equipment and software will be in use by the 2020 election season; and

WHEREAS, The State and Fairbanks North Star Borough's (Borough) election equipment and software was purchased in 1998 and has reached its 20-year life expectancy; and

WHEREAS, Election equipment changes at the State level will have a fiscal impact on the Borough, including the need for new Borough equipment and software to conduct municipal elections.

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
Text to be added is underlined
Text to be deleted is [BRACKETED, CAPITALIZED]
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. General Fund Reappropriation. The FY 2018-19 budget is hereby amended by reappropriating $75,000 from the General Fund budgetary guideline entitled “Department of the Assembly” to the budgetary guideline entitled “Contribution to Capital Projects Fund.”

Section 3. Capital Projects Fund Appropriation. The FY 2018-19 budget is hereby amended by appropriating $75,000 to the Capital Projects Fund budgetary guideline entitled “Election Equipment & Software Replacement” and by increasing Contribution from General Fund by a like amount.

Section 4. Lapse of Funds. Upon completion or abandonment of the project, any unexpended, unencumbered balance will lapse to the General Fund fund balance.

Section 5. Effective Date. This ordinance is 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

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
Text to be added is underlined
Text to be deleted is [BRACKETED, CAPITALIZED]
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Text to be added is underlined
Text to be deleted is [BRACKETED, CAPITALIZED]
FAIRBANKS NORTH STAR BOROUGH
FISCAL NOTE

I. Request

Ordinance No: 2018-20- Date Introduced: April 11, 2019

Abbreviated Title: Reappropriating $75,000 from the General Fund Department of the Assembly to the Capital Projects Fund for the Replacement of Election Equipment and Software

II. Financial Detail

Department/Division Affected: Assembly/Elections

<table>
<thead>
<tr>
<th>EXPENDITURE</th>
<th>General Fund</th>
<th>Capital Projects Fund</th>
<th>Transit Enterprise Projects Fund</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contractual Services</td>
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<tr>
<td>Contribution to Capital Projects Fund</td>
<td>75,000</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Other – Awaiting Budget</td>
<td>75,000</td>
<td>75,000</td>
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<tr>
<td>Waiting for Reallocation</td>
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<tr>
<td>Total</td>
<td>-0-</td>
<td>75,000</td>
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</tbody>
</table>

SOURCE OF FUNDING

Federal Grants

| Contribution from General Fund     | 75,000       |
| State Grants                       |              |
| Total                              | 75,000       |

Specify Funding Sources: General Fund

OTHER FUNDING (PREVIOUSLY APPROPRIATED)

Cash Match:                      
In-Kind Match:                   

III. Project Purpose:

To provide funding for the replacement of election equipment and software

IV. Analysis of Future Liabilities and Funding Sources:

Ongoing equipment and software maintenance

V. Fund Certification: I certify that funding sources are available as detailed in II above.

Debra L. R. Brady
Chief Financial Officer

Debra L. R. Brady
Chief Financial Officer

Date
Fairbanks North Star Borough Fiscal Impact Statement (FIS) (FNSBC 3.20.010 C.)

Originator's Name: Matt Cooper
Department: Assembly

To Be Introduced/Sponsored By: Matt Cooper
Abbreviated Ordinance Title: Replacement of election equipment and software
Department(s)/Division(s) Affected: Assembly / Elections

Proposed Introduction Date: April 11, 2019
Ordinance No.: 2018-20-

Does this ordinance authorize:
1) a new or expansion of services which entails additional costs beyond that approved in the current adopted budget? Yes No *
2) a project that is capital in nature and increases operational costs of the Borough in the current or any future fiscal year? Yes No *

FISCAL IMPACT PRO FORMA SUMMARY - BEST ESTIMATE

Required Information/Estimates

<table>
<thead>
<tr>
<th>Required Information/Estimates</th>
<th>FY 20</th>
<th>FY 20</th>
<th>FY 20</th>
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<tbody>
<tr>
<td>1. Timeline inclusive of all phases</td>
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<td>2. Number and type of new positions which may be required</td>
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<td>3. Cost of operations and maintenance</td>
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<td>4. Future costs to complete capital assets</td>
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<td>5. Estimated revenue impact</td>
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<td>6. Estimated non-Borough funds that may be received:</td>
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<tr>
<td>a. to fund the ordinance</td>
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<td>b. to fund future phases</td>
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<td>c. to fund future operations and maintenance costs</td>
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<td>7. Anticipated annual tax subsidy</td>
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Is backup attached? Yes No *

Contact Person's Name, for FIS questions: April Trickey
Extension: 1402

Director(s) Signature(s): 

Date: 2-07-19

Mayor's Office or Assembly Member Signature: 

Date:

Chief Financial Officer Signature: Debra P Bradley

Date: 3/18/19

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Revision - code.xlsx  FIS
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