ASSEMBLY COMMITTEE OF THE WHOLE WORKSESSION AGENDA
April 18, 2019
Mona Lisa Drexler Assembly Chambers
Juanita Helms Administration Center
907 Terminal Street, Fairbanks, Alaska
*Immediately following Assembly Finance Committee*

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **MEMORANDA/REPORTS/PRESENTATIONS**

   NONE

4. **ADVANCED ORDINANCES AND RESOLUTIONS**

   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) (Page 3)

   b. **ORDINANCE NO. 2019-01.** An Ordinance Amending FNSBC Title 17 Regarding Legal And Constructed Road Access For Subdivisions.

   (Sponsor: Mayor Ward) (Page 75)

   c. **ORDINANCE NO. 2019-17.** An Ordinance Authorizing The Mayor To Enter Into A Lease Agreement With The Northern Lights Council Of Dancers Inc. Within GL-12, Section 9, T.1S., R.1W., F.M. And That Portion Of The SW ¼ Of The SW ¼ Of Section 9, T.1S., R.1W., F.M. (Pioneer Park).

   (Sponsor: Mayor Ward) (Page 91)
5. **BRIEFINGS FROM THE BOROUGH MAYOR**

6. **ASSEMBLY BUSINESS/ COMMENTS**

7. **ADJOURNMENT**
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
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
### 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 [x] *

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 [x] *

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**FISCAL IMPACT PRO FORMA SUMMARY - BEST ESTIMATE**

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<thead>
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<tbody>
<tr>
<td>1. Timeline inclusive of all phases</td>
<td>FY 20/</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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<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 [x] *

**Contact Person’s Name, for FIS questions:**
Mary Bork/Kellen Spillman

**Extension:**
1259/1266

**Director(s) Signature(s):**
[Signature]

**Date:** 2-5-19

**Mayor’s Office or Assembly Member Signature:**
[Signature]

**Date:** 2-8-19

**Chief Financial Officer Signature:**
[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)

-Referral 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 (S%) 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 (N½) of southeast one-quarter (SE½), 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 'Outskirt Area' and approximately 19% of the rezone area as 'Outskirt Area Preferred Residential Land'. Outskirt Area is “Area generally within a 20 to 30 minute travel time of urban destinations, and which contains primarily open space, mining and residential uses; variable densities are encouraged provided they are compatible with the surrounding community, sensitive to natural systems and have adequate water and sewer facilities. Other uses include agriculture, and supporting commercial uses.” Preferred Residential Land is “Land determined to be more suitable than other lands for development because it is generally: a) on slopes of 20% or less, b) not designated wetlands, c) has a lower probability of containing detrimental permafrost conditions.”

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

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

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

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

   a. Land Use Goal 3, Strategy 7, Action B which encourages a mix of lot sizes, addresses compatibility of the surrounding community, conformance with natural systems, and recognize the importance of the rural lifestyle in the Borough.

   b. Land Use Goal 4, Strategy 10, Action A which encourages compatible land uses and recommends rezoning new subdivisions concurrent with platting process.

6. The rezone conforms to the public health, safety or welfare because:
a. The proposed RA-5 zone will better implement 'Outskirt Area' land use designation.

b. The proposed RE-2 zones will better implement 'Outskirt Area Preferred Residential Land' land use designation.

c. The proposed RA-5 and RE-2 zones will minimize the potential for land use incompatibility in the rezone area with the current GU-1 zone.

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

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

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

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

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

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

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

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

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

e. The case law provides guidance that parcels over 13 acres are almost always found not to be a spot zone. The proposed RA-5 rezone area of 344 acres and the proposed RE-2 rezone area of 240 acres are independently significantly larger than 13 acres.
f. The area within the remainder GU-1 zone boundary is estimated to be more than 2,000 acres. Therefore, this rezone does not constitute a reverse spot zone because this rezone does not single out parcels of GU-1 zoned land totally different from that of the surrounding area.

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:

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<th>Name</th>
<th>Comment</th>
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<tr>
<td>3/5/19</td>
<td>Donna Robertson</td>
<td>- David inquired about this rezone and did not offer any</td>
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<tr>
<td>(walk in)</td>
<td>(received DPO)</td>
<td>comments</td>
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<tr>
<td>3/6/19</td>
<td>David Bohart</td>
<td>- Donna inquired about this rezone and did not offer any</td>
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<tr>
<td>(phone call)</td>
<td>(received DPO)</td>
<td>comments</td>
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</table>
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
Draft 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.
## Existing GU-1 Zone

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<th>Permitted uses</th>
<th>Any use (except conditional uses)</th>
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<td>Conditional uses</td>
<td>Nuclear power plant, large scale development, petrochemical plant, sanitary landfill, storage of hazardous substances, etc.</td>
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<tr>
<td>Lot size</td>
<td>40,000 sq.ft.</td>
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<td>Setback</td>
<td>None</td>
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# Proposed RA-5 Zone

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<th><strong>Permitted uses</strong></th>
<th>Single-family and two-family dwellings, guesthouse, kennels, agriculture, commercial outdoor recreation, marijuana cultivation facility, etc.</th>
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<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>
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<tr>
<td><strong>Lot size</strong></td>
<td>200,000 sq.ft. (approx. 4.6 acres)</td>
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<td><strong>Setback</strong></td>
<td>35' front, 10' side and rear</td>
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## Proposed RE-2 Zone

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<td><strong>Permitted uses</strong></td>
<td>Single-family and two-family dwellings, guesthouse, domestic livestock, bed and breakfast, home occupations, etc.</td>
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<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>
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<tr>
<td><strong>Lot size</strong></td>
<td>80,000 sq.ft. (approx. 1.8 acres)</td>
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<td><strong>Setback</strong></td>
<td>35’ front, 25’ side and rear</td>
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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
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

<table>
<thead>
<tr>
<th>Property Information</th>
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<tbody>
<tr>
<td>Sponsor</td>
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<td>Property owner</td>
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<td>PAN</td>
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<tr>
<td>Existing zoning</td>
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<td>Existing land use</td>
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<th>Adjacent Zoning/Land Use</th>
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<td>March 28, 1968</td>
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<th>Existing GU-1 Zoning Standards</th>
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<td>Permitted uses</td>
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<td>Conditional uses</td>
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<tr>
<td>Minimum lot size</td>
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<tr>
<td>Setback requirement</td>
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<tr>
<td>Building height</td>
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<table>
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<tr>
<th>Proposed RA-5 Zoning Standards</th>
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</thead>
<tbody>
<tr>
<td>Permitted uses</td>
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<tr>
<td>Conditional uses</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>
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<tbody>
<tr>
<td>Lot 1, Silver Creek Subdivision</td>
<td>687183</td>
<td>6.583</td>
<td>University of Alaska</td>
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<td>RA-5</td>
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<td>RA-5</td>
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<td>Lot 3, Silver Creek Subdivision</td>
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<td>RA-5</td>
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<td>North half (N¼) of southeast one-quarter (SE¼), Section 35, T2N R1W FM</td>
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<td>80</td>
<td>Alaska Department of Natural Resources</td>
<td>GU-1</td>
<td>RE-2</td>
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<tr>
<td>Northeast one-quarter (NE¼), Section 35, T2N R1W FM</td>
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<td>160</td>
<td>Alaska Department of Natural Resources</td>
<td>GU-1</td>
<td>RE-2</td>
</tr>
</tbody>
</table>

Existing Zoning and Land Uses

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

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

**Proposed Zoning**

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

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

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

**Comprehensive Plan Designations**

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

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

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

**Land Development Suitability**

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

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

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

IV. APPLICABLE APPROVAL CRITERIA

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

V. PUBLIC NOTICE

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

VI. AGENCY COMMENTS

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

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

VII. ZONING AND LAND USES

The proposed rezone area is currently undeveloped and zoned GU-1 (see Figure 3 for existing zoning map and Figure 4 for existing land use map). The area surrounding the rezone is also zoned GU-1 except a 240-acre privately-owned parcel to the north is zoned RE-2 and a 118-acre State-owned parcel to the south is zoned OR. The area surrounding the rezone is predominantly vacant except the residential-developed properties adjacent to the south 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 Goldstream Road. As the University-owned and State-owned lots within the rezone area become available for sale, the area is likely to experience greater development.

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

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

The proposed RA-5 zone is more appropriate for the University-owned parcels in the Silver Creek Subdivision and for the State-owned south half (S½) of southeast one-quarter (SE¼) of Section 35 (see Figure 5 for proposed zoning map). The RA-5 zone is "intended for agricultural uses of land for very low density residential development. These districts are intended for areas where community sewer and water systems are unavailable" (FNSBC 18.28.010). The RA-5 zone would 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 would 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
The "Outskirt Area" comprehensive plan designation is predominantly located on the State-owned land proposed to be rezoned RE-2. On the other hand, the "Outskirt Area" preferred residential land 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 2017.¹ 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.

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 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.
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 1:63.360, 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
This map is for graphic representation only. It is intended to be used as a guide only and may not show the exact location of existing surveyed parcels or show all easements and reservations. Source documents remain the official record.

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

Township 2N Range 1W
Section 35 Fairbanks Meridian
USGS Quad 1:63,360, Fairbanks D-2
Colin Craven
Department of Natural Resources
Division of Mining, Land, and Water
Land Sales Section
907-451-2730
land.development@alaska.gov

Parent Region
PROPOSED LAND SALE

Attachment A: Easements Map
DMVA Tracts, ADL 420894

0 500 1,000 1,500 Feet

CMC Oct 17, 2018

Fairbanks
Fox

57
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/](http://landsales.alaska.gov/) or [http://aws.state.ak.us/OnlinePublicNotices/](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/](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 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

FORTH JUDICIAL DISTRICT

1. Manish Singh, being first duly sworn, depose and state that:
   1. I have submitted an application identified as RZ2019-003.
   2. I have posted and will maintain public notice sign # 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 f.

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

Notary Public in and for Alaska

Comm. Planning Dept

FEB 20 2019

RECEIVED
Public Hearing
Call 459-1260
RZ 2019-003

Comm. Planning Dept
FEB 20 2019
RECEIVED
Agency Notifications

SAFETY

☐ State Fire Marshal
☐ Fire Service Area (see attachment)
Specify: Cheng Goldstream

☐ City of Fairbanks
  ☐ Chief of Staff
  ☐ Fire Department
  ☐ Police Department
  ☐ Building Department

☐ City of North Pole
  ☐ City Clerk – Mayor
  ☐ Fire Department
  ☐ Police Department
  ☐ Building Department

☐ Alaska State Troopers

ROADS AGENCIES

☐ Alaska Department of Transportation and Public Facilities (AK DOT & PF)
☐ FNSB Rural Services
☐ Road Service Area (see attachment)
Specify: ________________________

OTHER AGENCIES

STATE

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

FEDERAL

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

ENERGY

☐ Fairbanks Natural Gas
☒ Golden Valley Electric Association (GVEA)
☐ Interior Gas Utility
☒ Alyeska Pipeline Services Co.
☐ Aurora Energy
☐ Other ____________________

WATER/SEWER

☐ Utility Services of Alaska
☐ Valley Water, INC.
☐ City of North Pole Public Works
☐ College Utilities
☐ Golden Heart Utilities
☐ Other ____________________

TELECOMMUNICATION

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

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

I have sent the application materials for File # R2 2019-003

to all of the agencies checked above on Feb 15th, 2019

Date Sent

Marish Singh

Date Signed

Name of Planner (PRINTED)
Case No. RZ2019-003

State Fire Marshall

David Tyler, Alaska State Fire Marshal/Director
David.tyler@alaska.gov

David Aden, Building Plans Examiner 1
David.aden@alaska.gov

Jillian Roberts, Deputy Fire Marshal
jillian.roberts@alaska.gov

Lloyd Nakano, Assistant State Fire Marshal
lloyd.nakano@alaska.gov

Chena Goldstream Fire Service Area

Jack Willard, Fire Chief
chief@cgfr.com

Chris Hunger, Deputy Chief
chunger@cgfr.com

Dianne Young, Administrative Assistant
dyoung@cgfr.com

State Troopers

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

FNSB Departments

Sandra Mota, Land Management
smota@fnsb.us

Nancy Durham, Floodplain Administrator
NDurham@fnsb.us
Alaska Department of Transportation (ADOT)

Randi Bailey, Transportation Planner
randi.bailey@alaska.gov

Pete Eagan, Right-Of-Way Agent IV
pete.eagan@alaska.gov

Alaska Department of Environmental Conservation (ADEC)
Tonya Bear, Division of Water, Wastewater Discharge
Tonya.bear@alaska.gov

Doug Buteyn, ADEC Solid Waste Program
Doug.buteyn@alaska.gov

Alaska Department of Natural Resources (ADNR)

George Horton, Land Surveyor
George.horton@alaska.gov

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

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

Alaska Department of Fish and Game (ADF&G)

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

Army Core of Engineers

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

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

Julie Karl, Land Management Supervisor
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 msingh@fnsb.us or contact Manish Singh at (907) 459-1225. The staff report to the commission will be available online at www.fnsb.us/Boards/Pages/Planning-Commission.aspx at least five days before the hearing.

Thanks,
Manish

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

From: Nancy Durham
Sent: Tuesday, February 19, 2019 1:20 PM
To: Manish Singh
Subject: RE: 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 **R22019-003**, 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 (5/6) of southeast one-quarter (SE1/4), Section 35, T2N R1W FM from General Use 1 (GU-1) to Rural and Agricultural (RA-5) or other appropriate zone, and; northeast one-quarter (NE1/4), north half (N1/2) of southeast one-quarter (SE1/4), 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 ¼) 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."
MEMORANDUM

TO: Fairbanks North Star Borough Assembly

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

FROM: Christine Nelson, AICP
Community Planning Director

DATE: April 11, 2019

SUBJECT: ORDINANCE NO. 2019-01 AN ORDINANCE AMENDING FNSBC TITLE 17 REGARDING LEGAL AND CONSTRUCTED ROAD ACCESS FOR SUBDIVISIONS

Ordinance 2019-01 is sponsored by FNSB Administration and was referred to the Platting Board on January 10, 2019 for review and recommendation. This ordinance will amend Title 17 of the Code of Ordinances to simplify and ensure legal road access and road construction standards for subdivision development. The ordinance also establishes an "exemptions to road construction" section of Title 17 and reduces the number of allowable exemptions.

On March 6, 2019, and March 20, 2019 the Fairbanks North Star Borough Platting Board held public hearings regarding the proposed ordinance. The Platting Board voted (five in favor one opposed) to recommended approval with the following amendments.

Platting Board’s Recommended Amendments to Ordinance 2019-01:

Amendment #1:
Add the phrase "unless the landing is within a State right of way, the City of Fairbanks, or the City of North Pole, in which case the landing shall meet the standards set forth by the managing authority" on Line 304 (formerly Line 298).

Amendment #2:
That the Assembly consider if there is a safety issue if formerly Lines 260 and 262 are removed.

Amendment #3:
Change the phrase "on the first borough business day" to "365 days" on Line 311-312 (formerly Line 304).
Amendment #4:
Create an exemption to road construction requirements for a single lot, 5 acres or less, subdividing into no more than two lots.

After analysis of the Platting Board’s recommendations, the FNSB Administration incorporated the following changes into Ordinance 2019-001 that has been revised for introduction.

FNSB Administration Recommended Amendments to Ordinance 2019-01:

Amendment #1:
Add the phrase “unless the landing is within a State right of way, the City of Fairbanks, or the City of North Pole, in which case the landing shall meet the standards set forth by the managing authority” on Line 304 (formerly Line 298).

Amendment #2:
Reduce the size of parcels required for road construction from “over 40 acres or 1/16 section in size” to “20 acres or larger in size” on Line 254.

Amendment #3:
Add a clarifying statement that “Communication sites and utility sites do not require constructed road access to or within the subdivision” on Line 258.

Amendment #4:
Create an exemption to road construction requirements for a single lot, not within the City of Fairbanks or the City of North Pole, subdividing into two or fewer lots on Lines 262-264 (as recommended by the Platting Board).

Amendment #5:
Change the phrase “on the first borough business day” to “180 days” on Line 311-312 (formerly Line 304).

The administration has incorporated the majority of the changes that were recommended by the Platting Board. The Community Planning Department requests that this ordinance be placed on the next regular Assembly meeting agenda for Introduction.

Attachments:

Ordinance No. 2019-01, Revised for Introduction
Ordinance No. 2019-01, Original
Ordinance Fact Sheet
Platting Board Staff Report March 6, 2019
Platting Board Presentation Slides March 6, 2019
Public Comments to Date
Platting Board Minutes March 6, 2019 and March 20, 2019 (pending)
FAIRBANKS NORTH STAR BOROUGH

ORDINANCE NO. 2019-01

AN ORDINANCE AMENDING FNSBC TITLE 17 REGARDING LEGAL AND CONSTRUCTED ROAD ACCESS FOR SUBDIVISIONS

WHEREAS, State law authorizes the Borough, as part of its platting powers, to implement road construction requirements, and the Assembly has the discretion to decide whether road construction should be included in the Borough’s subdivision requirements; and

WHEREAS, Current FNSBC Title 17 subdivision regulations allow for exemptions to road construction based on three ordinances adopted by the Assembly between June 2012 and April 2013; and

WHEREAS, The current sections contained within FNSBC Title 17 allowing for exemptions to road construction are contained in different sections of the Title, making review and application very difficult for the public; and

WHEREAS, From the time the first road construction exemption was adopted, approximately 13% of subdivision applications have used the exemption, resulting in over 65 exempted roads; and

WHEREAS, Approximately 76% of the exempted roads are within a Fire Service Area and approximately 27% are within a Road Service Area; and

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
Text to be added is underlined
Text to be deleted is [BRACKETED, CAPITALIZE]
WHEREAS, An estimated 88% of the exempted roads have some type of drivable surface, but do not meet current FNSBC Title 17 standards; and

WHEREAS, The FNSB Regional Comprehensive Plan, Land Use Goal 1, Strategy 3 states “To work to reduce to the fullest extent possible the natural conflict that develops between private property right and community needs and interests”; and

WHEREAS, The FNSB Regional Comprehensive Plan, Transportation and Infrastructure Goal 1, Strategy 1, Action B is:

Revise Title 17 to:

- Improve road standards.
- Ensure access for emergency service vehicles to new developments.
- Include the pedestrian element in the subdivision platting process.
- Require public and private developers to provide adequate rights-of-way and road construction in conformance with Borough road standards; and

WHEREAS, It is difficult to develop a constructed road system in line with the FNSB Comprehensive Road Plan when sections can be exempted from construction; and

WHEREAS, One of the stated purposes of FNSBC Title 17 is to “Promote and provide for adequate and efficient street and road systems” and the existing exemptions to road construction do not accomplish this purpose; and

WHEREAS, Subdivision plats utilizing one of the existing road construction exemptions shall contain a plat note stating “Roads in and to this subdivision were not required to and may not meet the borough’s minimum standards for materials and
construction. To the extent these road standards have not been met, fire protection, ambulance and other public services may not be available year-around or their availability may be severely limited"; and

WHEREAS, One consequence of the adopted road construction exemption ordinances is that physical road access to the new subdivision boundary is not necessarily located within legal access to the new subdivision boundary.

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 17.04.010, Definitions, is hereby amended to add the following definition [the Clerk shall add the definition in alphabetical order]:

"Borough engineer" means the director of public works or designee.

Section 3. FNSBC 17.16.010(A), Quick Plat Criteria, is hereby amended as follows:

A. Subject to subsection (C) of this section, a hearing officer may, using the procedures set forth in this division, consider and approve plat applications requesting the following:

1. A movement or elimination of lot lines resulting in no more than four lots.

2. A subdivision resulting in four or fewer tracts or lots meeting the access standards of Chapter 17.56.FNSBC[ 17.56.020].

3. A subdivision of a communication site or utility site which requires no legal road access as defined in Chapter 17.56.FNSBC[ 17.56.020(E)].
4. Modification, elimination or reservation of a public utility easement.

Section 4. FNSBC 17.20.010, Subdivisions by waiver of a plat, is hereby amended as follows:

A. The platting board shall approve the subdivision and waive the preparation, approval, and recording of a final plat upon showing by the applicant that the subdivision meets all the following requirements:

1. Each tract or parcel of land created will have [ADEQUATE] legal and constructed access to a public highway or street;

2. Each parcel created is nominally five acres in size or larger and the land is divided into four or fewer parcels;

3. No dedication of a street, alley, thoroughfare or other public area is involved or required. [FOR THE PURPOSES OF THIS SUBSECTION, EASEMENTS FOR TRAILS REQUIRED TO BE DEDICATED IN CONFORMANCE WITH THE ADOPTED COMPREHENSIVE RECREATIONAL TRAIL PLAN MAY BE RESERVED BY A WRITTEN DEED OF DEDICATION.]

B. FOR THE PURPOSE OF SUBSECTION (A)(1) OF THIS SECTION, THE REQUIREMENT OF "ADEQUATE ACCESS" TO A PUBLIC HIGHWAY OR STREET MAY BE MET BY ACCESS MEETING THE STANDARDS SET FORTH IN FNSBC 17.56.020.

1. IF THE ACCESS IS PROVIDED BY AN EASEMENT AS DESCRIBED IN FNSBC 17.56.020(C)(5) OR (6) LYING WITHIN THE PARCEL BEING SUBLDIVIDED, THE ACREAGE OCCUPIED BY THE EASEMENT MAY BE INCLUDED IN THE ACREAGE OF THE PARCEL FOR PURPOSES OF APPLYING SUBSECTION (A)(2) OF THIS SECTION.

2. RIGHT-OF-WAY WIDTH WITHIN THE SUBDIVISION BOUNDARY MUST CONFORM TO STANDARDS PRESCRIBED IN FNSBC 17.56.080. IF THIS QUALIFICATION IS NOT MET, A DEDICATION IS REQUIRED.]

[C]B. A waiver under this chapter is a waiver of the final plat only. All other requirements of this title must be met.

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
Text to be added is underlined
Text to be deleted is [BRACKETED, CAPITALIZE]
Section 5. FNSBC 17.56.020 is hereby repealed and reenacted as follows:

17.56.020 Legal Access.

A. Except as otherwise allowed in this section, there shall be legal access originating from a state-maintained roadway available for year-round public use to the boundary of the subdivision.

B. The applicant shall show to the satisfaction of the platting authority that legal access exists, providing for construction, improvements, and maintenance of a trafficway up to a width and standard required by this title, to the boundary of the subdivision.

C. All lots within the subdivision shall have legal access.
   1. All road rights-of-way within the subdivision shall be dedicated to the public.
   2. Exterior boundary right-of-way width may be shared with the adjoining property owner if the shared right-of-way is existing and public.

D. Communication sites and utility sites do not require legal access. At a minimum, an easement allowing ingress and egress from legal access as defined in this section to the communication site or utility site is required.

E. The platting board may accept alternate means of access to the subdivision in lieu of road access upon an application and findings by the platting board that:
   1. There is no practical means of providing usable road access to the proposed subdivision.
   2. Permanent public access by air, water, or railroad is both practical and feasible.
   3. The primary mode of access shall be noted on the plat.

F. "Legal access" may be established by one of the following means:
   1. The applicant dedicates sufficient land to provide access between the subdivision and the existing public road.
   2. A dedicated right-of-way exists for access to the land.

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
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3. Legal access is established by judicial decree.

4. An access easement exists which meets all the following requirements:
   a. It is public.
   b. It is perpetual and irrevocable.
   c. It is recorded.
   d. It prohibits the use of any interest retained by the grantor which would be incompatible with its use as a road easement to the parcel being subdivided.

5. It is a verified section line easement.

6. A private access easement exists which meets all of the following requirements:
   a. It is an easement appurtenant without limits on transferability to future subdivided parcels.
   b. It is perpetual and irrevocable.
   c. It is recorded.
   d. It prohibits the use of any interest retained by the grantor which would be incompatible with its use as a road easement to the parcel being subdivided.
   e. It serves a subdivision not within a road service area and the subdivision does not rely on roads maintained by a service area for its only access.

Section 6. FNSBC 17.56.060 is hereby repealed and reenacted as follows:

17.56.060 General road requirements.

A. There shall be constructed road access originating from a state-maintained roadway or a roadway previously approved for access under criteria established by this or prior titles to the boundary of the subdivision. The constructed road shall be within legal access as defined in this chapter. For the purposes of this title, if an established road exists and is proposed for access to the subdivision, it will be deemed constructed if it is a state maintained roadway; if the roadway has been previously approved by the
borough engineer in accordance with this or former titles; or if it meets the requirements of this subsection.

1. Roads originally approved as pioneer roads will be subject to upgrade to the width of trafficway standards contained in this section.

2. If an established road exists and has not been previously approved by the borough engineer, it will be deemed constructed if it meets all of the following:
   a. In the professional opinion of the borough engineer, it is adequately drained;
   b. In the professional opinion of the borough engineer, the road bed is of stable material;
   c. All grades comply with FNSB 17.56.100(B)(1) and (B)(3);
   d. The width of the trafficway and right-of-way comply with FNSBC 17.56.080(B) as follows:
      i. Subdivisions with the potential for serving 10 or fewer residential lots – meet local road 1 standards,
      ii. Subdivisions with the potential for serving 11 to 40 lots – meet local road 2 standards,
      iii. Subdivisions with the potential for serving over 40 lots – meet minor collector road standards;

3. If no constructed road exists to the subdivision or if the road to the subdivision does not meet the requirements of this section, all new construction must comply with the standards required in this chapter for minor collectors.

B. All lots within the subdivision shall have road access constructed to the standards required by this title and shall be constructed within a public right-of-way or public easement, unless exempted in this chapter.

C. The platting board may require higher minimum standards within Fairbanks North Star Borough road service areas provided the higher standard is commensurate with that
of the majority of roads constructed within the service area in which the subdivision is
being developed.

D. Road construction must be built taking into account the
conclusions/recommendations based on the typical roadway cross-sections.

E. If the standards as contained herein are impractical because of terrain, soil
characteristics, or drainage, the borough engineer may recommend to the platting board
alternate designs when substantiated by a design analysis prepared, signed and sealed
by the applicant’s registered professional. Any alternate geometric design shall be in
accordance with sound engineering principles and meet AASHTO/ITE guidelines or
applicable federal, state or local standards.

F. Any certification documents of public improvements submitted by the applicant
shall be certified by a registered professional.

G. The owner shall warrant and guarantee that the required improvements will
remain within the specifications of this title for a period of two years after final plat
approval or approval by the borough engineer, whichever is later, and agrees to make all
repairs necessary to meet those requirements during that two-year period. This
guarantee shall be enforceable by municipal action or by private action by any lot owner
within the subdivision.

1. The warranty and guarantee required by this section include defects in
design, workmanship, materials, and any damage to required improvements caused by
the subdivider, or his or her agents.

2. The duration of the warranty period may be extended for up to one year
after completion of repairs or modifications made during the warranty period.

3. A surety in the amount of five percent of the borough engineer’s cost
estimate of the required improvements shall be provided at the time of final plat and shall
be in effect through the warranty period, and, if necessary, for additional time for repairs
necessary to meet the specifications of this title.

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
Text to be added is underlined
Text to be deleted is [BRACKETED, CAPITALIZE]
4. If defects or damage are discovered during the two-year period beginning from the date of final plat approval, or engineer approval as applicable, the borough shall notify the subdivider of the deficiencies to be corrected. In the event the subdivider fails to correct such deficiencies within 60 days or if the deficiencies constitute a public health and safety hazard, the borough may take the following remedial actions:

   a. Seek an equitable order requiring the subdivider to correct the deficiencies;

   b. Draw on the surety to correct the deficiencies, reserving the right to proceed against the subdivider for any insufficiency in the amount of the surety;

   c. Make any repairs or corrections deemed by the borough to be essential to public health and safety and to proceed separately against the subdivider and/or the surety for the cost of the repairs or corrections;

   d. The remedies set forth in this subsection are cumulative; provided, that it shall not be construed to allow the borough to recover more than the cost of curing the deficiencies, together with such costs, attorneys' fees and penalties as may be imposed through the court system.

5. If, at the end of the two-year warranty period, the borough has found no deficiencies in the improvements, the borough shall release the surety. If at the expiration of such period there are one or more outstanding notices to the subdivider, the borough may retain the surety until the deficiencies identified in the notice(s) have been corrected.

Section 7. FNSBC 17.56.065 is hereby added as follows:

17.56.065 Exemptions to road construction.

A. Lots 20 acres or larger in size do not require constructed road access to or within the subdivision. The applicant is required to demonstrate to the borough engineer that the proposed access can be constructed practically and economically within the legal access.
B. Communication sites and utility sites require no constructed road access.

C. An applicant for a subdivision may apply for and may be exempted from the minimum road materials and construction standards of this title, provided all of the following are met:

1. The proposed subdivision creates two or fewer lots and is not in the city of Fairbanks or the city of North Pole; or the proposed subdivision creates three to five lots and:
   a. Is not in the city of Fairbanks or the city of North Pole;
   b. Is not in a fire service area;
   c. Is not in a road service area;
   d. Does not rely on roads maintained by a service area for its only access; and,
   e. Does not rely on roads maintained by a service area for access that is required by the subdivision plat or by other regulation or ordinance.

2. The applicant shall provide to the platting authority a road design which meets the requirements of Chapter 17.48 FNSBC and Chapter 17.56 FNSBC, demonstrating that the subdivision roads have been designed to allow future construction that meets the standards of this title in effect at the time of the preliminary approval.

3. If an established road exists and does not meet the definition of constructed road and is proposed for access to or within the subdivision, the following shall apply:
   a. In the professional opinion of the borough engineer, the road is adequately drained and the roadbed is of stable material.
   b. The trafficway width meets or exceeds the minimum requirements of a pioneer access road.
   c. The road is within legal access.

4. If no established road exists for access to or within the subdivision, a road or roads shall be constructed to meet or exceed the minimum requirements of pioneer access roads.
5. A subdivision which is approved pursuant to this exemption is subject to all of the following requirements:
   a. It shall not be eligible for inclusion in a road service area until a registered professional certifies that the roads sought to be included meet the minimum design, materials and construction standards in effect when the subdivision was preliminarily approved; except that a subdivision creating two or fewer lots is not subject to this subsection.
   b. It shall contain a plat note with the disclosure containing essentially the following language:

   Roads in and to this subdivision were not required to and may not meet the borough's minimum standards for materials and construction. To the extent these road standards have not been met, fire protection, ambulance and other public services may not be available year-around or their availability may be severely limited.
   c. Where exempted roads intersect or connect with existing constructed roadways, landings shall be constructed with a minimum of a 30-foot length meeting the minimum standards for road materials and construction of this title unless the landing is within a State right of way, the City of Fairbanks, or the City of North Pole, in which case the landing shall meet the standards set forth by the managing authority.
   d. A lot created under this subsection may not be further subdivided until such time as legal, constructed road access meeting the standards of this title is available to the boundary of the lot proposed to be further subdivided.

Section 8. Effective Date. This ordinance shall be effective at 5:00 p.m. 180 days 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
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: Mayor Ward

Abbreviated Ordinance Title: Amending T. 17 Regarding Legal and Constructed Road Access for Subdivisions

Department(s)/Division(s) Affected: FNSB Community Planning and Public Works

Proposed Introduction Date: Jan 10, 2019  
Ordinance No.: 2019-01

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 ___ *

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<th>Required Information/Estimates</th>
<th>FISCAL IMPACT PRO FORMA SUMMARY - BEST ESTIMATE</th>
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<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>6. Estimated non-Borough funds that may be received:</td>
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<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: Kellen Spillman  
Extension: 1266

Director(s) Signature(s):  
Date: 12-19-18

Mayor's Office or Assembly Member Signature:  
Date:

Chief Financial Officer Signature:  
Date:
For Ordinance No. 2019-01 back up information

Click [here](#)
MEMORANDUM

TO:                  Fairbanks North Star Borough Assembly

THROUGH:             Bryce Ward, Borough Mayor
                     Mike Bork, Parks and Recreation Director

FROM:                Donnie Hayes, Manager
                     Pioneer Park

DATE:                April 11, 2019

SUBJECT:             ORDINANCE NO. 2019-17, AN ORDINANCE AUTHORIZING THE
                     MAYOR TO ENTER INTO A LEASE AGREEMENT WITH THE
                     NORTHERN LIGHTS COUNCIL OF DANCERS INC. WITHIN GL-12,
                     SECTION 9, T.1S., R.1W., F.M. AND THAT PORTION OF THE SW ¼
                     OF THE SW ¼ OF SECTION 9, T.1S., R.1W., F.M (PIONEER PARK)

The Northern Lights Council of Dancers (NLCD) has operated in Fairbanks for 40
years, with most of those years located here in Pioneer Park, formerly Alaska Land.
The Farthest North Square and Round Dance Center was built in 1982 through in
kind donations, fundraising by the NLCD, Alaska State and City of Fairbanks funds.
This building has been home to generations of dancers and has continued to be
maintained and programmed by the NLCD since its creation. This ordinance would
authorize the Mayor to enter into a lease with The NLCD and in so doing, continue to
support the existence of a community based non-profit focusing on folk dance.

FNSBC 20.16.020(D) states the Assembly may authorize the Mayor to lease
Borough land for less than fair rental value only if the ordinance authorizing the
lease contains a finding that the lease is for a compelling public purpose or use and
a statement of the facts on which the finding is based. NLCD has directly helped to
fulfill Pioneer Park’s Master Plan by promoting the heritage, history, and culture of
Fairbanks and the Interior of Alaska.

Additionally, Pioneer Park management has worked to evaluate each facility
confirming that it still meets the standards of our mission statement by maximizing
“...resident and visitor use of Pioneer Park as a premiere and essential recreation
facility...” The NLCD has a strong following in the community drawing dancers from
all over the state through local and state dance festivals, interesting weekly classes,
and instruction. Our partnership with the NLCD provides a great service to the
community and a substantial number of visitors year round to Pioneer Park.

We support this ordinance and urge its adoption.
FAIRBANKS NORTH STAR BOROUGH

ORDINANCE NO. 2019-17

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A LEASE AGREEMENT WITH THE NORTHERN LIGHTS COUNCIL OF DANCERS INC. WITHIN GL-12, SECTION 9, T.1S., R.1W., F.M. AND THAT PORTION OF THE SW ¼ OF THE SW ¼ OF SECTION 9, T.1S., R.1W., F.M. (PIONEER PARK)

WHEREAS, The Fairbanks North Star Borough owns a parcel of land described as Pioneer Park, within GL-12, Section 9, T.1S., R.1W., F.M. and that portion of the SW ¼ of the SW ¼ of SECTION 9, T.1S., R.1W., F.M. (Pioneer Park); and

WHEREAS, In 2005 a Pioneer Park Master Plan was created to guide the growth of the park, the focus of which is on the heritage, history, and culture of the Fairbanks and interior Alaska area; and

WHEREAS, For over 30 years the Northern Lights Council of Dancers has operated the facility known as the Square Dance Hall, within what was initially designated as Alaskaland and is now known as Pioneer Park; and

WHEREAS, Throughout said time, the Northern Lights Council of Dancers has operated and maintained the Square Dance Hall, providing quality dance programs to the Fairbanks community and its visitors in direct support of the Pioneer Park Master Plan objectives; and

WHEREAS, The existing lease granted to The Northern Lights Council of Dancers for use of the Square Dance Hall in Pioneer Park has expired; and

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
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Text to be deleted is [BRACKETED, CAPITALIZED]
WHEREAS, Those with a known land interest in adjoining properties have been notified of the proposed lease; and

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 lease area which Land Management believes impact or are impacted by the proposed lease.

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

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

Section 2. Determination of a Compelling Public Purpose or Need. The Assembly hereby finds that this proposed lease at less than fair market rental value is for a compelling public purpose based upon the following facts:

1. The Northern Lights Council of Dancers, with courses available to the whole community, has successfully operated for over 30 years.

2. The Dance Hall was built with grant funds through the City of Fairbanks and the State of Alaska for the express purpose of providing a home for historical styles of dance.

3. The Northern Lights Council of Dancers provides free instruction to the community periodically during the year. This includes public performances during Pioneer Park’s opening weekend, the Fourth of July, and Labor Day.

4. The Northern Lights Council of Dancers provides instruction in the following disciplines of dance: Ballroom, Contra, English Country, Square, and Middle Eastern.
Section 3. **Authorization.** The Borough Mayor or his delegate is hereby authorized to take all actions necessary to enter into a new lease with Northern Lights Council of Dancers, on the property described as a portion of GL-12, SECTION 9, T.1S., R.1W., F.M. and that portion of the SW ¼ of the SW ¼ of SECTION 9, T.1S., R.1W., F.M. (Pioneer Park), as shown on attached Exhibit Map “A”, at a rental rate of ONE (1) DOLLAR per year, for an initial term of four (4) years, with two (2) renewals of four (4) years each upon mutual agreement of the parties. All expenses associated with improvements, maintenance and utilities pertaining to the Leased Premises shall rest with the Lessee.

Section 4. **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

_________________________
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]
AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A LEASE AGREEMENT WITH THE NORTHERN LIGHTS COUNCIL OF DANCERS INC. WITHIN GL-12, SECTION 9, T.1S., R.1W., F.M. AND THAT PORTION OF THE SW ¼ OF THE SW ¼ OF SECTION 9, T.1S., R.1W., F.M. (PIioneer Park)