

**COMMITTEE OF THE WHOLE WORKSESSION AGENDA**

April 16, 2015

\* Immediately following Finance Committee \*  
Mona Lisa Drexler Assembly Chambers  
Fairbanks North Star Borough Administrative Center  
809 Pioneer Road  
Fairbanks, Alaska

**1. MEMORANDA/REPORTS/PRESENTATIONS**

NONE

**2. ADVANCED ORDINANCES AND RESOLUTIONS**

- a. ORDINANCE NO. 2015-17. An Ordinance Rezoning Lots 13 And 14 Koponen Homestead, Approximately 9.3 Acres, From General Use 1 (GU1) To Rural Estate-2 (RE-2) Or Other Appropriate Zone. (RZ2015-007) (Located North Of Waugstroe Drive And East of Haman Street) (Sponsor: Mayor Hopkins) **(Page 2)**
- b. ORDINANCE NO. 2015-18. An Ordinance Amending FNSBC 8.21.035 Regarding The Enhanced Voluntary Removal, Replacement And Repair Program, Removing The Additional Fuel Payment From The Program And Repealing FNSBC 8.21.045 Regarding The Voluntary Burn Cessation Program. (Sponsor: Assemblymember Roberts) **(Page 24)**
- c. ORDINANCE NO. 2015-19. An Ordinance Amending FNSBC 2.19.020 Regarding Borough Attorney Duties To Require Assembly Approval Prior To Borough Filing Of Non-Routine Litigation. (Sponsor: Assemblymember Roberts) **(Page 31)**

**3. BRIEFINGS FROM THE BOROUGH MAYOR**

**4. ASSEMBLY BUSINESS/COMMENTS**

**5. ADJOURNMENT**



# FAIRBANKS NORTH STAR BOROUGH

809 Pioneer Road ☆ P.O. Box 71267 ☆ Fairbanks, Alaska 99707-1267

(907) 459-1260 ☆ FAX (907) 459-1255

## MEMORANDUM

TO: Fairbanks North Star Borough Assembly

THROUGH: Luke Hopkins, Mayor  
 Jeff Jacobson, Chief of Staff *[Signature]*

FROM: D. Christine Nelson, Director *DCN*  
 Department of Community Planning

DATE: April 9, 2015

SUBJECT: ORDINANCE NO. 2015- 17 (RZ2015-007)

RE: **RZ2015-007** A request by Chena Newman to rezone Lots 13 and 14 Koponen Homestead, approximately 9.3 acres, from General Use 1 (GU-1) to Rural Estate-2 (RE-2) or other appropriate zone. **(Located north of Waugstroe Drive and East of Haman Street)**

The attached ordinance will rezone Lots 13 and 14 Koponen Homestead. (Located north of Waugstroe Drive and East of Haman Street)

On March 17, 2015, the Planning Commission of the Fairbanks North Star Borough held a public hearing to rezone the property described above.

After analysis of the request, the Department of Community Planning recommended **approval** of the requested rezone.

The Planning Commission concurred with the staff recommendation and voted 9 in favor, 0 opposed, to recommend **approval** of the request to the Borough Assembly. The Planning Commission adopted the following Findings of Fact in support of its decision:

1. The rezone request is consistent with the goals and policies of the Comprehensive Plan and the "preferred residential" designation by ensuring compatible long term residential land use remains consistent with established residential uses in the area.
2. Lots 13 and 14 abut land with existing RE-2 zoning to the west.
3. The proposed zoning will reduce the potential intensity of land uses allowed on the property.
4. The proposed zoning will reduce the potential amount of traffic associated with land uses on the subject parcels.
5. The proposed zoning is consistent with surrounding residential land uses and will not jeopardize public health, safety or welfare.

This item is requested to be placed on the Consent Agenda for advancement to the next Fairbanks North Star Borough Assembly meeting. Attached is a packet with further details of the request.

By: Luke T. Hopkins, Mayor  
Introduced: April 9, 2015

FAIRBANKS NORTH STAR BOROUGH

ORDINANCE NO. 2015 – 17

AN ORDINANCE REZONING LOTS 13 AND 14 KOPONEN HOMESTEAD,  
APPROXIMATELY 9.3 ACRES, FROM GENERAL USE 1 (GU1) TO RURAL ESTATE-2  
(RE-2) OR OTHER APPROPRIATE ZONE. (LOCATED NORTH OF WAUGSTROE  
DRIVE AND EAST OF HAMAN STREET)

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  
(GU1) to Rural Estate-2 (RE-2):

LOTS 13 AND 14 KOPONEN HOMESTEAD

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

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

CODE AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT

Text to be *added* is underlined

Text to be *deleted* is [BRACKETED AND CAPITALIZED]

33 PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.

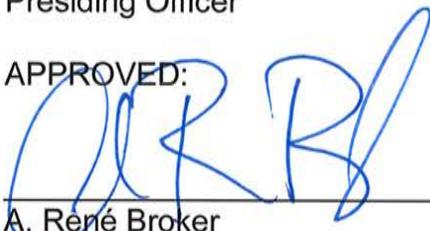
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ATTEST:

\_\_\_\_\_  
Nanci Ashford-Bingham, MMC  
Municipal Borough Clerk

\_\_\_\_\_  
Karl Kassel  
Presiding Officer

APPROVED:

  
\_\_\_\_\_  
A. René Broker  
Borough Attorney

CODE AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT  
Text to be *added* is underlined  
Text to be *deleted* is [BRACKETED AND CAPITALIZED]

**Fairbanks North Star Borough  
Fiscal Impact Statement (FIS) (FNSBC 2.09.035 C.)**

Check	Date
Version 1	
Version 2	
Version 3	
Version 4	

**Originator's Name:** Tanya Hughes **Department:** Community Planning

**To Be Introduced/Sponsored By:** Mayor Hopkins

**Abbreviated Ordinance Title:** Ord. No. 2015-

**Department(s)/Division(s) Affected:** \_\_\_\_\_

**Proposed Introduction Date:** \_\_\_\_\_ **Ordinance No.:** 2015-17

**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  \*

Required Information/Estimates	FISCAL IMPACT PRO FORMA SUMMARY - BEST ESTIMATE				
	Remainder of Current FY	1st Full FY of Operations	2nd Full FY of Operations	3rd Full FY of Operations	4th Full FY of Operations
	FY 20__ / __	FY 20__ / __	FY 20__ / __	FY 20__ / __	FY 20__ / __
1. Timeline inclusive of all phases					
2. Number and type of new positions which may be required					
3. Cost of operations and maintenance					
4. Future costs to complete capital assets					
5. Estimated revenue impact					
6. Estimated non-Borough funds that may be received:					
a. to fund the ordinance					
b. to fund future phases					
c. to fund future operations and maintenance costs					
7. Anticipated annual tax subsidy					

Is backup attached? Yes \_\_\_ No \_\_\_

**Contact Person's Name, for FIS questions:** \_\_\_\_\_ **Extension:** \_\_\_\_\_

**Director(s) Signature(s):** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Mayor's Office or Assembly Member Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Chief Financial Officer Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

## Process/Instructions

### To prepare a Fiscal Impact Statement (FIS):

Complete the top section of the FIS.

Answer the two questions, Yes or No.

\* If the answer to either question on page 1 is Yes, complete the Pro Forma Summary and provide the FIS contact person's information and the Director's signature.

- To avoid uncertainty, fill in every solid box; if an answer is zero or none, enter 0 or None.
- Attach backup detail to support your estimates, as necessary.

\* If the answer to both questions is No, provide the FIS contact person's information and if Administration initiated Director's signature. Continue to next block.

### Ordinance from a department:

Department submits FIS to Mayor's Office for signature and for concurrence to be the ordinance sponsor.

Mayor's Office dates and signs FIS Version 1.

After Mayor's Office OK, department drafts ordinance and prepares a Finance Checklist for the appropriating ordinance.

Department submits an FIS Version 1 signed by the Mayor's Office, to Finance along with the draft ordinance and Finance Checklist for the appropriating ordinance.

### Ordinance from the Mayor:

Mayor's Office works with affected department(s) to prepare the FIS.

Mayor's Office dates and signs FIS Version 1.

If the Law department will be drafting the ordinance, the Mayor's Office will submit the signed FIS Version 1 to Law along with the request for Law to draft the ordinance.

- Law drafts the ordinance.
- Law requests department(s) to revise FIS if needed, to match the ordinance.
- Mayor's Office concurs with, and dates and signs the new FIS version.

Otherwise, the Mayor's Office drafts the ordinance and prepares a Finance Checklist for the appropriating ordinance. Mayor's Office submits latest FIS version to Finance along with the draft ordinance and Finance Checklist.

### Ordinance from an Assembly Member:

If Assembly Member/Clerk's Office/Law requires assistance in preparing the FIS, a request shall be submitted to the Mayor's Office for scheduling/coordination with affected department(s) to assist in preparing the FIS.

Department(s) work with Assembly Member/Clerk's Office/Law to prepare the FIS.

Assembly Member/Clerk's Office dates and signs FIS Version 1.

If the Law department will be drafting the ordinance, the Assembly Member/Clerk's Office will submit the signed FIS Version 1 to Law along with the request for Law to draft the ordinance.

- Law drafts the ordinance.
- Law requests department(s) to revise FIS if needed, to match the ordinance.
- Assembly Member/Clerk's Office concurs with, and dates and signs the new FIS version.

Otherwise, the Assembly Member drafts the ordinance.

Assembly Member/Clerk's Office/Law submits latest FIS version to Finance along with the draft ordinance.

### Chief Financial Officer (CFO) reviews FIS:

CFO reviews FIS version submitted to Finance with ordinance.

CFO consults with affected department(s) and/or ordinance sponsor, and requests FIS revisions if needed.

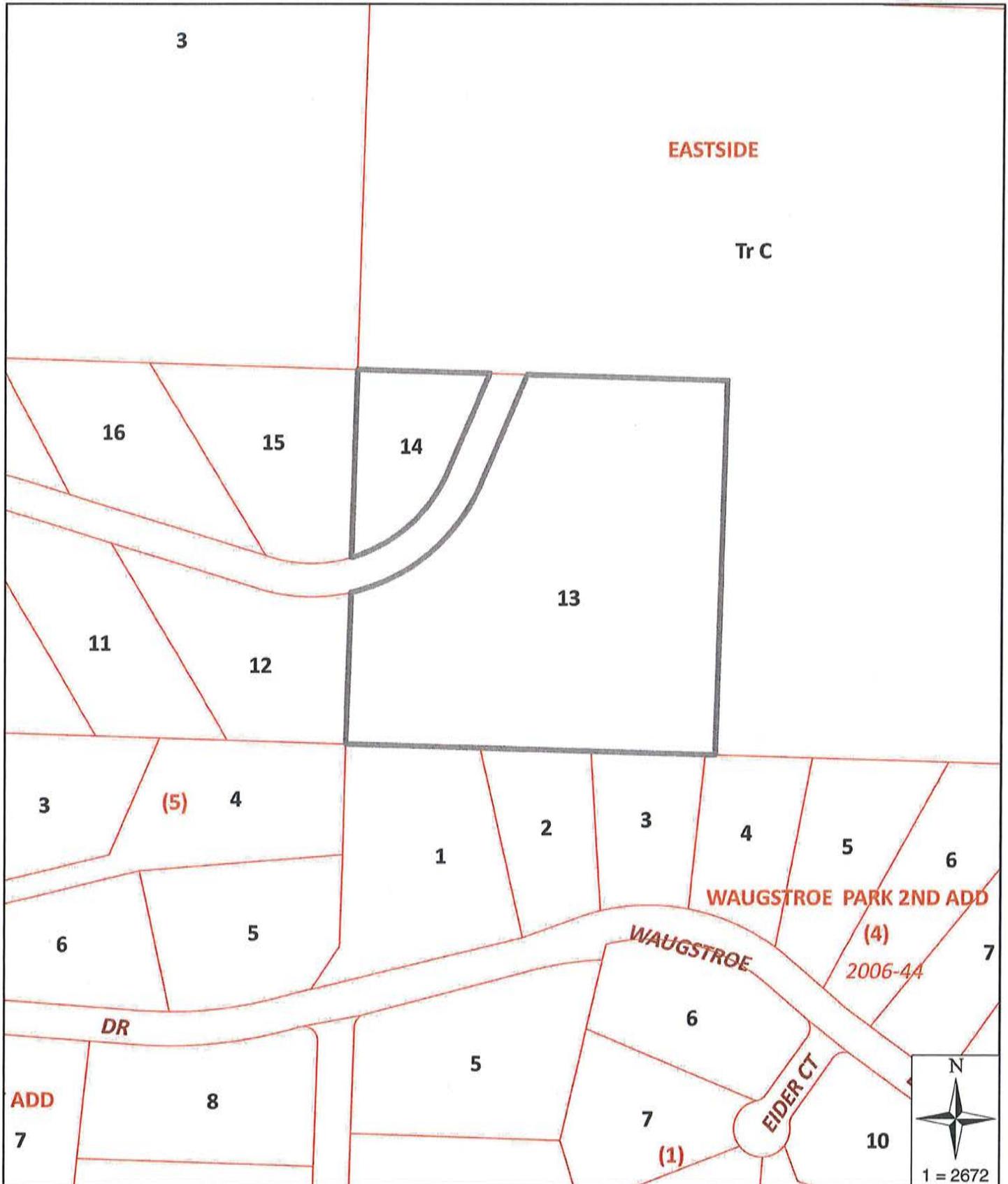
CFO dates and signs FIS and routes it to Law, along with the draft ordinance and Finance Checklist, if any.



**FNSB Dept. Of Community Planning**  
**Planning Commission**

Printed on: Feb 9, 2015

**RZ 2015-007**



DEPARTMENT OF COMMUNITY PLANNING  
STAFF REPORT

**RZ2015-007**

TO: Fairbanks North Star Borough Planning Commission

FROM: Doug Sims, Floodplain Administrator 

RE: **RZ2015-007** A request Chena Newman to rezone Lots 13 and 14 Koponen Homestead, approximately 9.3 acres, from General Use 1 (GU1) to Rural Estate-2 (RE-2) or other appropriate zone. **(Located north of Waugstroe Drive and East of Haman Street)**

I. GENERAL INFORMATION

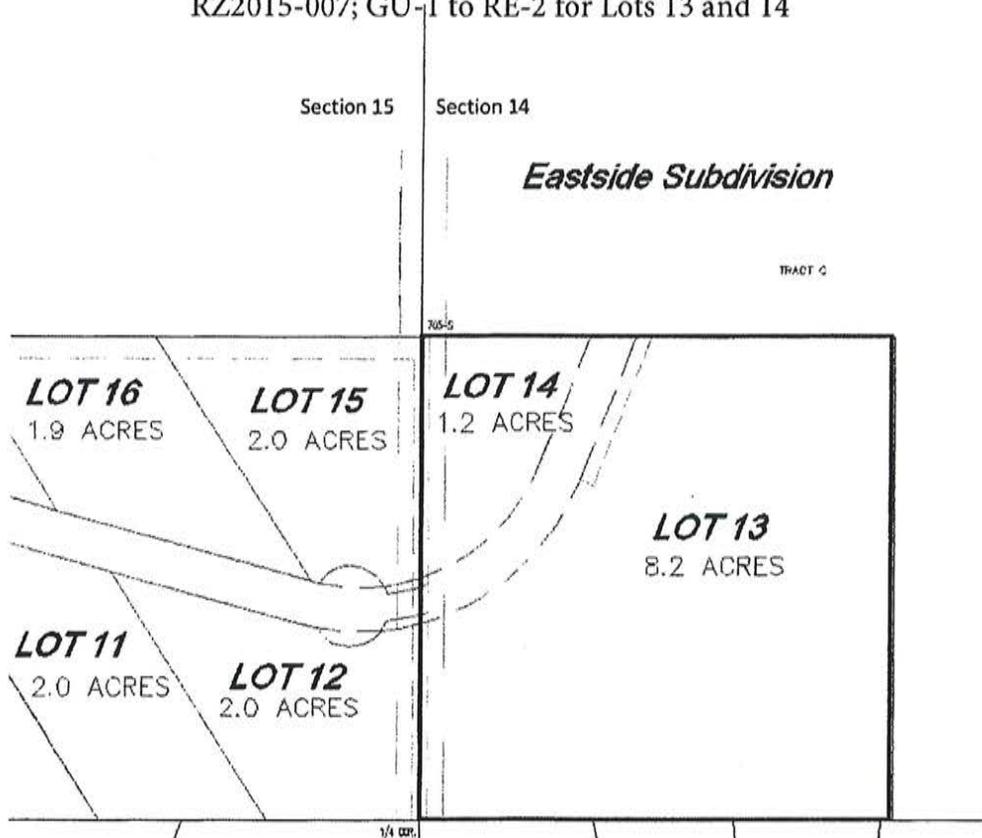
- A. Purpose To rezone 9.3 acres, Lots 13 and 14 Koponen Homestead from General Use 1 to Rural Estate-2
- B. Location north of Waugstroe Drive and east of Haman Street
- C. Access Haman Street
- D. Size/PAN
- | <u>Lot/TL</u> | <u>Sf.</u> | <u>PAN</u> |
|---------------|------------|------------|
| 13            | 8.18 ac    | 655268     |
| 14            | 1.2 ac     | 655278     |
- E. Existing Zone General Use 1  
-Minimum lot size 40,000 sf
- F. Proposed Zone Rural Estate-2  
-Minimum lot size 80,000 sf
- G. Existing Land Use undeveloped
- H. Surrounding Land Use/Zoning North: undeveloped/GU-1  
South: low density residential/GU-1  
East: undeveloped/GU-1  
West: undeveloped/RE-2
- I. Zoning History UU to General Use 1; April 1988

J. Non-conforming Structures, Uses	Lot 14 will become non-conforming lot size upon approval of the request
K. Comprehensive Plan Designation	Perimeter and Perimeter Preferred Residential
L. Community Facilities	Water/sewer: none Electricity: GVEA
M. Code Violations	none
N. Soils	Gilmore silt loam, 7-12 % slope Gilmore silt loam, 30-45 % slope
O. Flood Zone	X 500
P. Ownership	Lot 13—James Magdanz Lot 14—Estate of Niilo Koponen
Q. Applicant	Chena Newman 1083 Esro Road Fairbanks, AK. 99712

## II. ANALYSIS

The applicant is requesting a rezone to Rural Estate-2 in order to maintain the low density residential character of their subdivision development and to ensure consistency between private subdivision covenants and zoning. Lot 14 is 1.2 acres in size and will become a non-conforming lot size if the rezone is approved since the minimum lot size requirement for the RE-2 zone is 1.8 acres. The applicants request the rezone to RE-2 for Lot 13 and 14 instead of GU-1 zone in order to ensure long term land use compatibility in a low density residential subdivision. . Lots 13 and 14 are subject to a covenant (#22) that limits land use and development on the parcels to all conditions of the RE-2 zone until such time as the land can be rezoned to RE-2. This covenant was placed on Lots 13 and 14 by the property owner concurrent with the Koponen Homesteads subdivision which was platted in October 2013. A subdivision with covenants protecting residential uses should be zoned residentially to best align current and future land uses within the neighborhood.

RZ2015-007; GU-1 to RE-2 for Lots 13 and 14



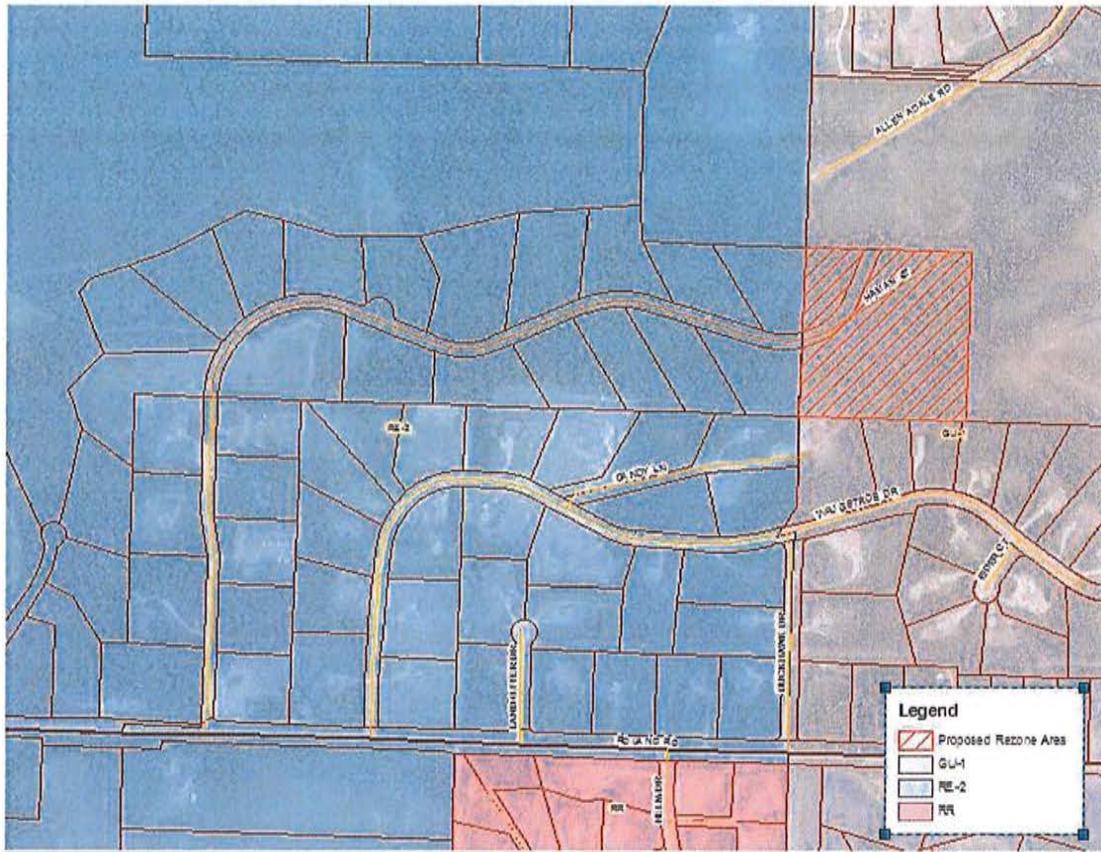
**Koponen Homestead**

Surrounding Land Use and Zoning

Surrounding land use to the north, east and west is vacant. Land use to the south is low density residential with several lots remaining undeveloped. Surrounding zoning is Rural Estate to the west and south west. General Use 1 zoning occurs to the north, east and south.

The applicant's narrative explains the topographic nature of subdividing and road right of way that follows a contour. Although Lot 14 conforms to current zoning of GU-1, upon approval of the request, it will become non-conforming with respect to lot size. Lot 13 drops steeply to the east with adequate buildable areas evident closer to the Haman Road right of way. A zoning map of the area is shown in Figure 1.

**Figure 1: Surrounding Zoning**



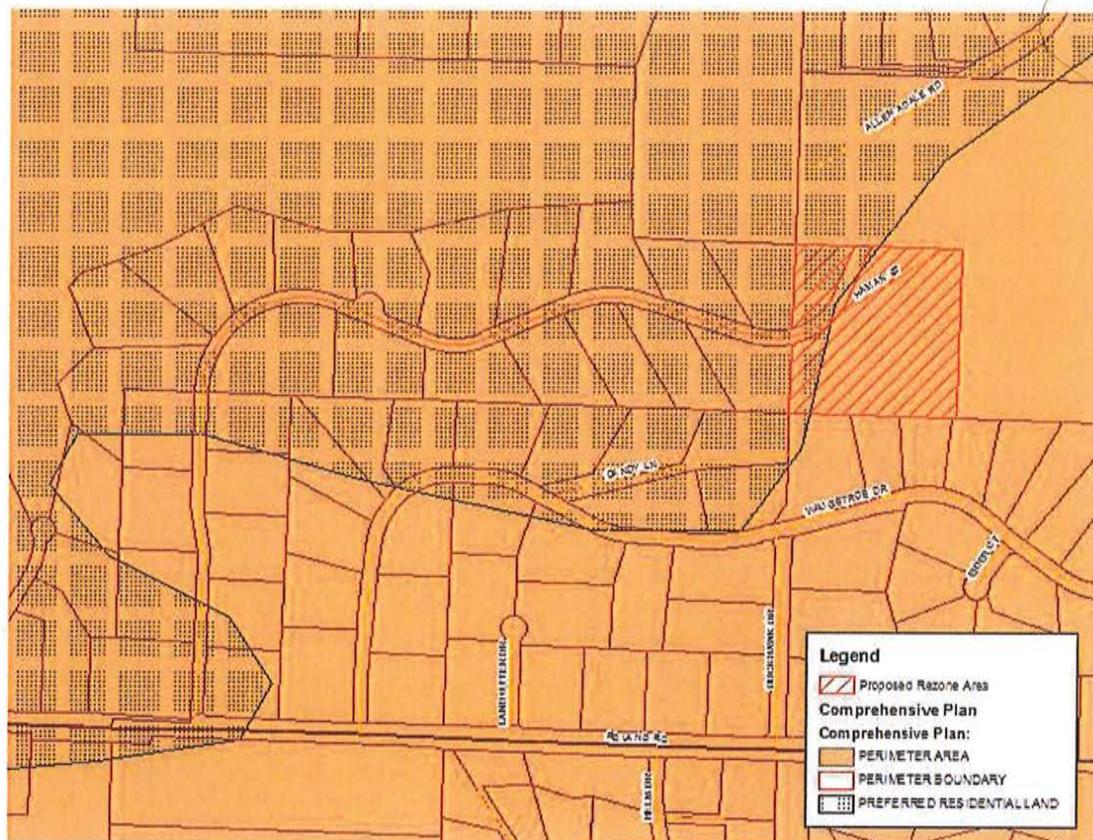
### Comprehensive Plan

The plan designation for the subject rezone site is “perimeter”. Lot 14, the smaller lot, is designated “perimeter area/preferred residential” whereas only a small portion on the western edge of Lot 13 is identified as “perimeter area/preferred residential” with the remainder of the lot designated “perimeter area”. Perimeter area is defined as “Area generally within 10 to 20 minute travel time of urban destinations, and which contains primarily residential use; variable densities are encouraged providing they are compatible with the surrounding community, sensitive to natural systems and have adequate water and sewer facilities”. Preferred residential is defined as “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 designations of the surrounding area are shown in Figure 2.

A rezone to Rural Estate is consistent with these Comp Plan designations. The plan generally supports rezoning requests from GU-1 to a residential zoning district in support of land use compatibility within residential subdivisions under Goal 3: "To have a variety of land uses that fit diverse needs of the community", Strategy 7: "Provide a variety of residential land use opportunities", Action A: "Designate residential areas on the Comprehensive Plan map". Koponen Homestead Phase 2 is a recently completed subdivision that is predominately zoned Rural Estate-2. Goal 3 and strategy 7 "support a variety of residential land use opportunities." A mix of lot sizes are encouraged that maintain residential land use patterns that minimize public and private costs.

There were 52 Dear Property Owner notices mailed out, none were returned.

**Figure 2: Comprehensive Plan Area**



### Traffic

There are no adverse traffic conditions expected to occur as a result of the rezone request. The request represents a downzone that will reduce the potential intensity of land uses. Koponen Homestead Subdivision Phase 2 received final plat approval on October 16, 2013 and is in the very early stages of being developed with low density residential uses. Haman Street has been constructed to the east section line at section 14 and 15 with a 120 foot temporary cul-de-sac. A driveway has then been extended to Lots 13 and 14.

If this re-zone is not approved, the potential for traffic generation would be significantly higher under the General Use designation due to the virtually unlimited allowed uses. Under the Rural Estates zoning designation the uses are limited to residential and other compatible uses that do not generate a significant amount of traffic.

### III. RECOMMENDATION

Based on the staff analysis above, the Department of Community Planning recommends approval of the requested Rural Estate-2 zone.

### IV. FINDINGS OF FACT

The Department of Community Planning further recommends adoption of the following Findings of Fact in support of approval:

1. The rezone request is consistent with the goals and policies of the Comprehensive Plan and the "preferred residential" designation by ensuring compatible long term residential land use remains consistent with established residential uses in the area.
2. Lots 13 and 14 abut land with existing RE-2 zoning to the west.
3. The proposed zoning will reduce the potential intensity of land uses allowed on the property.
4. The proposed zoning will reduce the potential amount of traffic associated with land uses on the subject parcels.
5. The proposed zoning is consistent with surrounding residential land uses and will not jeopardize public health, safety or welfare.

### **DRAFT PLANNING COMMISSION MOTION:**

**I move to recommend approval of the rezone of Lots 13 and 14 Koponen Homestead Subdivision from General Use 1 to Rural Estates- 2 and adopting five Findings of Fact in support of the recommendation of approval.**



**Fairbanks North Star Borough  
Department of Community Planning**

P.O. Box 71267  
Fairbanks, Alaska 99707-1267  
(907) 459-1260 Fax: (907) 459-1255  
planning@co.fairbanks.ak.us

**PUBLIC HEARING APPLICATION**

File No. PZ 2015-007

Application is for  **Rezone (\$400)**  **Variance (\$300)**  **Conditional Use Approval (\$300)**

Property Owner:	Owner's Representative (if any):
Name: Chena K. Newman	Name:
Mailing Address: 1083 Esro Rd. Fairbanks, AK 99712	Mailing Address:
Phone: 907-488-2001	Phone:
Fax: 907-488-9608	Fax:
E-mail: chena@chena.org	E-mail:

Property Information:	
Legal Description: Lots 13 and 14, Koponen Homestead	
Street Address: Haman St. - no addresses yet	Size: 9.3 <input checked="" type="checkbox"/> acres <input type="checkbox"/> square feet
Parcel Account Numbers (PAN): 655268, 655278	
Existing Zone: GU-1	Existing Use: undeveloped residential lots
Existing Water/Wastewater Providers: <input type="checkbox"/> Private <input type="checkbox"/> Public: undeveloped (name of provider)	
<i>For Rezones:</i> Proposed Zone: RE-2	<i>For Variances:</i> <input type="checkbox"/> Lot Size <input type="checkbox"/> Setback <input type="checkbox"/> Parking <input type="checkbox"/> Other: _____
<i>For Conditional Uses:</i> Requested Use:	Description:

I hereby certify that  (I am)  (I am authorized to act for) the owner of the property. I understand that payment of the application fee helps to cover the costs associated with processing this application, and that payment of the fee does not assure approval of the application.

APPLICANT SIGNATURE: Chena K. Newman DATE: 2/9/2014  
 OWNER SIGNATURE (if different): \_\_\_\_\_ DATE: \_\_\_\_\_

Received By: <u>dms</u>	Fee: <u>\$400</u>	Receipt No. <u>502903</u>	Proposed Meeting Date: <u>3-17-15</u>	Sign Issued? <input checked="" type="checkbox"/> Yes Sign #: <u>K</u>
Date: <u>2-9-15</u>				

File No. 2015-007

Fairbanks North Star Borough is subject to the Alaska Public Records Act, AS 40.25 et seq. and this document may be subject to public disclosure under state law. Revised 7/2014

**Rezone Request**

**February 6, 2015**

**Lots 13 and 14, Koponen Homestead**

**by Chena Newman, Koponen Homestead, LLC**

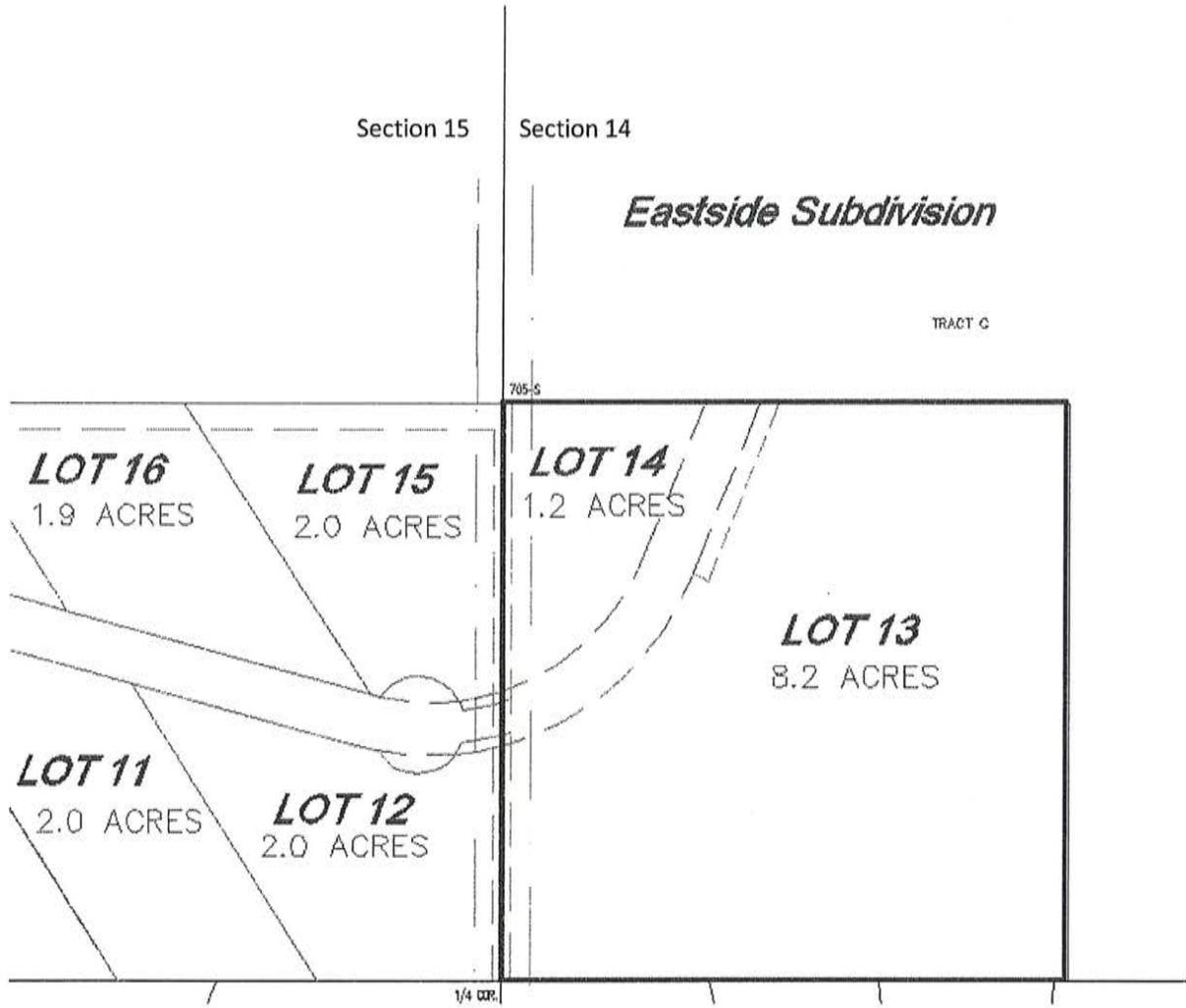
Koponen Homestead Phase 1 received final plat approval and was recorded on October 16, 2013. All of the lots in Phase 1 were already zoned RE-2 except for the 10 acre piece contained within Section 14, which was zoned GU-1. The latter lots are Lots 13 and 14, Koponen Homestead, the subject parcels of this rezone request.

These lots are already subject to the conditions of RE-2 through Koponen Homestead Covenant restriction 22., but it is in the public interest to more clearly delineate this by rezoning these parcels to RE-2.

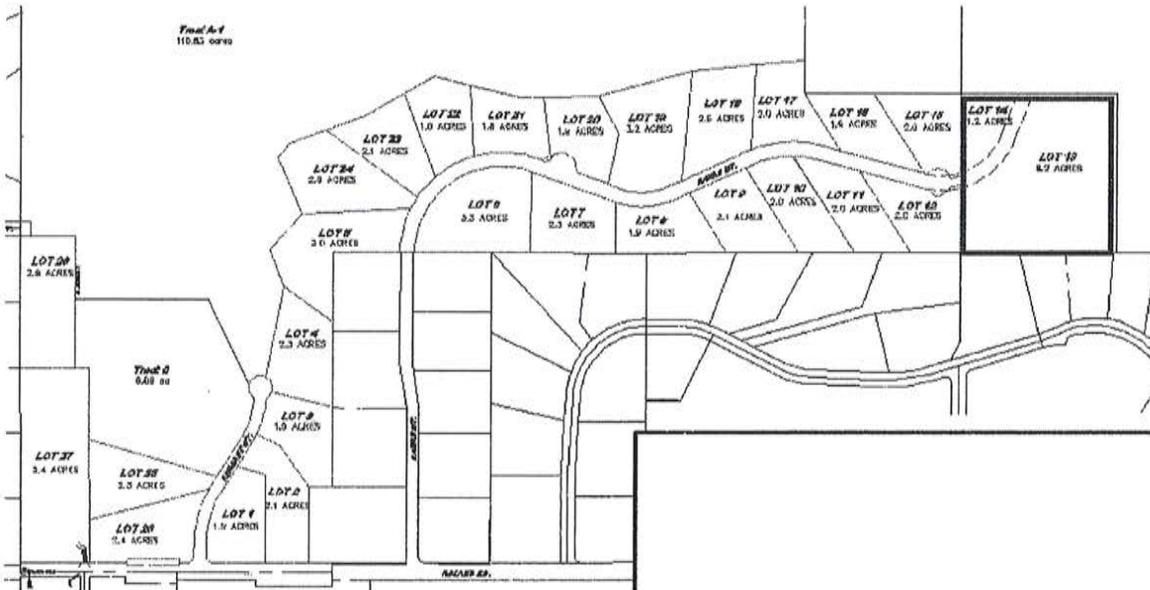
22. All the applicable conditions of the Rural Estates 2 zone contained in Fairbanks North Star Borough Title 18 Zoning Code shall apply to Lots 13 and 14 until such time as those lots are rezoned to Rural Estates 2 zone, noting that the lot size of Lot 14 is grandfathered at less than 80,000 square feet.

It a long standing policy of the FNSB to try to rezone property from what was UU, now GU, to something appropriate for the area. GU-1 is pretty wide open to every use with only a few major exceptions requiring a conditional use permit, such as petrochemical and nuclear plants and correctional institutions. In this case, because this is a residential subdivision which was designed to meet RE-2 standards, a rezone of Lots 13 and 14 to RE-2 is **the most** appropriate zone.

Of note is that Lot 14, at 1.2 acres, is less than the standard minimum lot size for RE-2. While allowable under the current zone of GU-1, it was unavoidable in development as the road extension that was required to be dedicated by the FNSB, because of topology and constructability, bisected the parent 10 acre parcel so that Lot 14 was not able to be larger than the size it is. We were also not able to combine it with parcels within Section 15 as there is a 66' section line easement which would have rendered the remainder of the parcel unusable. All other restrictive and allowable uses under RE-2 to which the Koponen Homestead is subject will still apply.



### Koponen Homestead





REZONE PETITION FORM

We, the undersigned, join in requesting and authorize rezone of

RZ 2015-007 (FNSB fills this line in)

From GU-1 zone to RE-2 zone.

(All blanks must be completed and be legible)

1.   
Signature \_\_\_\_\_ Printed Name James Magdanz  
Lot 13, Koponen Homestead \_\_\_\_\_  
Property Description (Subdivision, Lot, Block) Mailing Address Box 82178, Fairbanks, AK 99708
2. \_\_\_\_\_  
Signature \_\_\_\_\_ Printed Name \_\_\_\_\_  
\_\_\_\_\_ \_\_\_\_\_  
Property Description (Subdivision, Lot, Block) Mailing Address \_\_\_\_\_
3. \_\_\_\_\_  
Signature \_\_\_\_\_ Printed Name \_\_\_\_\_  
\_\_\_\_\_ \_\_\_\_\_  
Property Description (Subdivision, Lot, Block) Mailing Address \_\_\_\_\_
4. \_\_\_\_\_  
Signature \_\_\_\_\_ Printed Name \_\_\_\_\_  
\_\_\_\_\_ \_\_\_\_\_  
Property Description (Subdivision, Lot, Block) Mailing Address \_\_\_\_\_
5. \_\_\_\_\_  
Signature \_\_\_\_\_ Printed Name \_\_\_\_\_  
\_\_\_\_\_ \_\_\_\_\_  
Property Description (Subdivision, Lot, Block) Mailing Address \_\_\_\_\_
6. \_\_\_\_\_  
Signature \_\_\_\_\_ Printed Name \_\_\_\_\_  
\_\_\_\_\_ \_\_\_\_\_  
Property Description (Subdivision, Lot, Block) Mailing Address \_\_\_\_\_

F. PUBLIC HEARING

**RZ2015-007** A request by Chena Newman to rezone Lots 13 and 14 Koponen Homestead from General Use 1 to Rural Estate-2 or other appropriate zone. **(Located north of Waugstroe Drive and east of Haman Street)**

**Mr. Sims** presented the staff report. Based on the staff analysis, the Department of Community Planning recommends **approval** of the requested Rural Estate-2 zone with the following findings of fact:

1. The rezone request is consistent with the goals and policies of the Comprehensive Plan and the "preferred residential" designation by ensuring compatible long term residential land use remains consistent with established residential uses in the area.
2. Lots 13 and 14 abut land with existing RE-2 zoning to the west.
3. The proposed zoning will reduce the potential intensity of land uses allowed on the property.
4. The proposed zoning will reduce the potential amount of traffic associated with land uses on the subject parcels.
5. The proposed zoning is consistent with surrounding residential land uses and will not jeopardize public health, safety or welfare.

**Mr. McBeath** noted there was no comment about spot zones. He requested Mr. Sims make a definitive statement; if this action was approved by the Planning Commission it would not create a spot zone.

**Mr. Sims** replied he did not believe it would be a spot zone because it was adjacent to Rural Estates (RE) zoning, and consistent with the Comprehensive Plan.

**Ms. Banks** asked why the smaller lot was not Rural Residential (RR) instead of Rural Estates RE.

**Mr. Sims** replied that would start to lean towards spot zoning.

**Mr. Guinn** inquired if lot 14 was platted.

**Mr. Sims** responded it was.

**Mr. Guinn** observed that it would be grandfathered.

**Mr. Sims** stated it did conform to the current zoning; General Use-1 (GU-1).

**Mr. Guinn** noted with the section line easement it appeared the land would be tight for future development and asked if the setback requirements would also be grandfathered.

**Mr. Sims** replied, no, it would be grandfathered with respect to lot size only. Rural Estates has a thirty five foot (35') front yard setback and twenty five foot (25') setback requirements from the two remaining sides.

**Mr. Guinn** observed that with the setbacks it would be a tight area for construction.

**Mr. Lanning** inquired regarding the "L" shaped lot; with respect to the location of a road, would the two line up topographically?

**Mr. Sims** answered that you could build a reasonable road, yes.

**Mr. Billingsley** queried why the right-of-way was drawn in this location, dissecting proposed lots 14 and 15.

**Mr. Sims** elucidated, because of the slope and topography.

**Barry Newman**, representative for Koponen Homestead and applicant Chena Newman; spoke in favor of the staff recommendation. Responding to Mr. Billingsley's question, he explained that it was a Borough requirement to dedicate a road to the boundary. He posited there was no need for a road to extend to Allen Adel as Mr. Cerny had no desire to further develop. He discussed the location placement of roads and easements using staff report maps on the overhead projector. He communicated that a dedicated road in this location would be an inconvenience; he preferred to have a cul-de-sac. He offered they have done the best they could to provide adequate access.

**Mr. Billingsley** specified he was afraid Mr. Newman was going to end up with a lot that couldn't be developed.

**Mr. Newman** replied he had examined all the lots and did not share this concern; He informed that they had a vegetation setback to allow a setback around the perimeter.

#### Public Hearing Opened

NONE

#### Public Hearing Closed

**MOTION** Move to recommend approval of RZ2015-007 with five (5) Findings of Fact by **Ms. Major**, seconded by **Mr. Whitaker**.

#### Discussion

**Ms. Major** spoke in favor of recommending approval; expressing pleasure that there was discussion regarding spot zones.

**Mr. Whitaker** spoke in favor of recommending approval; offering that the request was straight forward.

**DRAFT**

**Mr. McBeath** spoke in favor of recommending approval; noting there was no opposing testimony, no Dear Property Owner letters were returned with opposing testimony, and no calls were received in opposition.

ROLL CALL

Nine (9) in Favor: **Ms. Major, Mr. Reilly, Mr. Billingsley, Ms. Banks, Mr. Lanning, Mr. Guinn, Mr. Whitaker, Mr. Peterson, and Mr. McBeath**

Zero (0) Opposed:

**MOTION APPROVED**

WAUGSTROE PARK 2, BLOCK: 04, LOT: 07  
Agrawal Ashish N  
2620 Waugstroe Dr  
Fairbanks, AK 99709

WAUGSTROE PARK 2, BLOCK: 04, LOT: 03  
Allegood Anthony L, Allegood Aelin P  
2660 Waugstroe Dr  
Fairbanks, AK 99709

WAUGSTROE PARK 1, BLOCK: 01, LOT: 05  
Benson Jennifer Lin  
940 Duckhawk Dr  
Fairbanks, AK 99709

1S 2W, SEC: 14, TAXLOT: 81  
Booyesen Barney B, Booyesen Debra C  
2575 Linda Ln  
Fairbanks, AK 99709

WAUGSTROE PARK 2, BLOCK: 04, LOT: 05  
Brock Bobby Bruce  
1300 E State Highway 71  
West Point, TX 78963

WAUGSTROE PARK 2, BLOCK: 04, LOT: 06  
Brock Marc  
PO BOX 82131  
Fairbanks, AK 99708

WAUGSTROE PARK 2, BLOCK: 04, LOT: 04  
Burns Buck B  
PO BOX 80766  
Fairbanks, AK 99708

WAUGSTROE PARK 2, BLOCK: 01, LOT: 11  
Charlie Vicky A, Charlie Byron L  
PO BOX 58002  
Minto, AK 99758

KOPONEN HOMESTEAD, LOT: 09  
Conant James B, Conant Jamie Lynn  
3186 Forrest Dr  
Fairbanks, AK 99709

WAUGSTROE PARK 1, BLOCK: 05, LOT: 03  
Conlon Jerry E, Winner Shannon M  
1255 Helderdiver St  
Fairbanks, AK 99709

WAUGSTROE PARK 1, BLOCK: 05, LOT: 01  
Cronkhite Dale, Cronkhite Madelvis  
2730 Waugstroe Dr  
Fairbanks, AK 99709

KOPONEN HOMESTEAD, LOT: 08  
Cronkhite Madelvis  
2730 Waugstroe Dr  
Fairbanks, AK 99709

WAUGSTROE PARK 2, BLOCK: 01, LOT: 10  
Duvlea Brandon G  
500 Windsor Dr  
Fairbanks, AK 99709

WAUGSTROE PARK 1, BLOCK: 02, LOT: 07  
Evans Paula  
2695 Waugstroe Dr  
Fairbanks, AK 99709

1S 2W, SEC: 14, TAXLOT: 38  
Fairbanks North Star Borough Land  
Management  
PO BOX 71320  
Fairbanks, AK 99707

1S 2W, SEC: 14, TAXLOT: 18  
Fanning Kenneth J  
PO BOX 287  
Yakutat, AK 99689

1S 2W, SEC: 14, TAXLOT: 40  
Flaccus Karl Lovett, Alaska State of Natural  
Resources  
6845 47th Ave Ne  
Seattle, WA 98115

1S 2W, SEC: 14, TAXLOT: 60  
Rovig Teresa Glendinning, Fogleson Larry J  
2531 Linda Ln  
Fairbanks, AK 99709

KOPONEN HOMESTEAD, LOT: 12  
Fullford Angela R, Fullford Lael L  
4437 Stanford Dr  
Fairbanks, AK 99709

WAUGSTROE PARK 1, BLOCK: 02, LOT: 08  
Hall Robert C  
1145 Hayes Ave Apt A  
Fairbanks, AK 99709

WAUGSTROE PARK 1, BLOCK: 02, LOT: 09  
Interior Regional Housing Authority  
828 27th Ave  
Fairbanks, AK 99701

WAUGSTROE PARK 1, BLOCK: 02, LOT: 05  
Interior Regional Housing Authority  
828 27th Ave  
Fairbanks, AK 99701

SHERWOOD FOREST4, BLOCK: F, LOT:  
17A  
Kane Eileen M Family Trust  
48901 Us Highway 93 Ste A  
Polson, MT 59860

WAUGSTROE PARK 1, BLOCK: 01, LOT: 04  
Kohler Andrew  
956 Duckhawk Dr  
Fairbanks, AK 99709

KOPONEN HOMESTEAD, LOT: 15  
Koponen Niilo Emil Estate Of, Koponen Joan F  
1083 Esro Rd  
Fairbanks, AK 99712

WAUGSTROE PARK 1, BLOCK: 05, LOT: 02  
Kraska Timothy P, Kraska Shaun V  
2710 Candy Ln  
Fairbanks, AK 99709

KOPONEN HOMESTEAD, LOT: 13  
Magdanz James S  
PO BOX 82178  
Fairbanks, AK 99708

WAUGSTROE PARK 1, BLOCK: 02, LOT: 06  
Martsolf Ramon Bruce, Martsolf Elaine Marie  
2715 Waugstroe Dr  
Fairbanks, AK 99709

WAUGSTROE PARK 2, BLOCK: 01, LOT: 08  
Mcdermitt Lawrence A, Mcdermitt Nina A  
PO BOX 84142  
Fairbanks, AK 99708

1S 2W, SEC: 14, TAXLOT: 39  
Meredith Virginia W  
868 Gulkana Ct  
Fairbanks, AK 99709

RZ 2015-007

DPOs - 52<sup>22</sup>

ORD 2015-

WAUGSTROE PARK 2, BLOCK: 04, LOT: 02  
Minder Grace H, Minder Richard B  
PO BOX 83863  
Fairbanks, AK 99708

WAUGSTROE PARK 2, BLOCK: 01, LOT: 07  
Moses Ross C, Moses Shirley A  
955 Eider Ct  
Fairbanks, AK 99709

ALICE, LOT: 04  
Moss Loyd M, Moss Patricia A  
PO BOX 61155  
Fairbanks, AK 99706

WAUGSTROE PARK, BLOCK: 01, LOT: 02  
Northern Hut Llc  
PO BOX 82333  
Fairbanks, AK 99708

WAUGSTROE PARK 2, BLOCK: 01, LOT: 09  
Carter Joelene A, Orcutt Bradford K  
950 Eider Ct  
Fairbanks, AK 99709

WAUGSTROE PARK 1, BLOCK: 05, LOT: 04  
Panteleev Gleb, Francis Oceana P  
PO BOX 757340  
Fairbanks, AK 99775

EASTSIDE FIRST A, LOT: 03  
Patrick Donna M  
PO BOX 80208  
Fairbanks, AK 99708

WAUGSTROE PARK 2, BLOCK: 01, LOT: 06  
Putnam Jonthan L  
2645 Waugstroe Dr  
Fairbanks, AK 99709

SHERWOOD FOREST4, BLOCK: G, LOT: 01  
Raygor Scott C, Raygor Wendi M  
2615 Allen Adale Rd  
Fairbanks, AK 99709

SHERWOOD FOREST4, BLOCK: F, LOT: 15A-1  
Reagin Carol Elizabeth  
PO BOX 80204  
Fairbanks, AK 99708

SHERWOOD FOREST4, LOT: B  
Sherwood Partners  
1501 Queens Way Ste 209  
Fairbanks, AK 99701

ALICE, LOT: 05  
Shilling John Arthur & Anna F Revocable Living Trust  
PO BOX 81424  
Fairbanks, AK 99708

WAUGSTROE PARK, BLOCK: 02, LOT: 01  
Lott Lynne M  
PO BOX 750206  
Fairbanks, AK 99775

WAUGSTROE PARK, BLOCK: 02, LOT: 02  
Speranza Rose  
PO BOX 82173  
Fairbanks, AK 99708

WAUGSTROE PARK, BLOCK: 01, LOT: 03  
Stellon Odonnell Thomas Jason, Stellon Odonnell Nicole  
697 Fordham Dr  
Fairbanks, AK 99709

WAUGSTROE PARK 2, BLOCK: 04, LOT: 08  
Townsend John  
PO BOX 751444  
Fairbanks, AK 99775

1S 2W, SEC: 14, TAXLOT: 59  
Twogood Arthur S, Twogood Vanessa L  
1348 Farmers Loop Rd  
Fairbanks, AK 99709

EASTSIDE FIRST A, LOT: 02  
Underwood Trust  
PO BOX 83960  
Fairbanks, AK 99708

SHERWOOD FOREST4, BLOCK: F, LOT: 19  
Villalobos Moses M, Villalobos Codie L  
PO BOX 61332  
Fairbanks, AK 99706

SHERWOOD FOREST4, BLOCK: F, LOT: 18  
Weckwerth Brian E  
PO BOX 83445  
Fairbanks, AK 99708

WAUGSTROE PARK 1, BLOCK: 05, LOT: 06  
Williams Jason D, Desrochers Michele L  
PO BOX 60904  
Fairbanks, AK 99706

SHERWOOD FOREST4, BLOCK: F, LOT: 16A  
Woller Heather L  
PO BOX 84315  
Fairbanks, AK 99708

By: Lance Roberts  
Introduced: April 9, 2015

FAIRBANKS NORTH STAR BOROUGH

ORDINANCE NO. 2015 - 18

AN ORDINANCE AMENDING FNSBC 8.21.035 REGARDING THE ENHANCED VOLUNTARY REMOVAL, REPLACEMENT AND REPAIR PROGRAM, REMOVING THE ADDITIONAL FUEL PAYMENT FROM THE PROGRAM AND REPEALING FNSBC 8.21.045 REGARDING THE VOLUNTARY BURN CESSATION PROGRAM

WHEREAS, the Borough Assembly recently amended FNSBC 8.21.020 regarding borough listed solid fuel burning appliances so that the use of that defined term can now be substituted for the current lengthier description of an acceptable solid fuel burning appliance replacement for the enhanced voluntary removal, replacement and repair program ;and

WHEREAS, in order to maximize the limited funds available for the enhanced voluntary removal, replacement and repair program, it is necessary to remove the additional payment for the purchase of fuel; and

WHEREAS, the recently amended voluntary, removal, replacement and repair program largely replaces the separate voluntary burn cessation program and any funds intended to be spent on the cessation program could be more efficiently spent on the removal, replacement and repair program.

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

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

CODE AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT  
Text to be added is underlined  
Text to be deleted is [BRACKETED AND CAPITALIZED]

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Section 2. FNSBC 8.21.035, **Enhanced voluntary removal, replacement and repair program**, is hereby amended as follows:

The Fairbanks North Star Borough shall, to the extent funds are available and appropriated by the assembly, offer an enhanced removal, replacement and repair program to help offset the costs of removing, replacing or repairing a *solid fuel burning appliance* (SFBA) or *fireplace*. This program shall be subject to the following eligibility requirements, conditions, and criteria:

A. General Requirements.

1. Application. An application approved by the *division* and signed by all property owner(s) must be submitted along with any documentation required by the *division*. Applicants must fully comply with the *division's* inspection process which shall verify the existence of a qualifying SFBA or *fireplace*.

2. Priority Ranking. Applications may be prioritized [AND MAY BE LIMITED] by the *division* in its discretion based on geographical location, the overall air quality benefit and the type of SFBA or *fireplace* being removed, replaced or repaired.

3. Eligibility. The program is limited to properties within the borough boundary in which a qualifying SFBA or fireplace is installed. If an application is approved for the program, the applicant will be given up to 90 days to meet all of the requirements. Applicants must have no delinquent property tax or penalty or interest owing at the time of application and at completion of the program requirements.

4. Additional Requirements. In addition to the general requirements set forth in this section, applicants must also meet the following requirements:

- a. Fully comply with the inspection process required by the *division* that shall ensure that the existence of the qualifying *appliance* to be removed, replaced or repaired is properly documented.
- b. Removal of *appliance*.
- c. Delivery of *appliance* to an authorized decommission station.
- d. Certificate of destruction delivered to the *division*, if applicable.

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- 63 e. Final installation of a qualified *appliance* visually verified.
- 64 f. All aspects of this section may be performed by borough-approved
- 65 personnel or a borough-approved vendor.

66 5. Payments. Applicants will be eligible for reimbursements or, at the option

67 of the applicant, payment may be made directly to a borough-approved vendor.

68 Reimbursements and payments shall be available as follows:

69 a. Replacement of an outdoor *hydronic heater*: With either a borough

70 listed solid fuel burning appliance [N EPA CERTIFIED SFBA WITH AN EMISSION

71 RATE LESS THAN OR EQUAL TO 2.5 GRAMS/HOUR, AN EPA PHASE II QUALIFIED

72 PELLET BURNING *HYDRONIC HEATER* WITH AN EMISSION RATE EQUAL TO OR

73 LESS THAN 0.2 POUNDS/MILLION BTUS], or an *appliance* designed to use pellets,

74 home heating oil (excluding waste oil), natural gas, propane, hot water district heat,

75 electricity or a *masonry heater* (including parts, labor and any costs associated with

76 upgrading the chimney to the extent required by the manufacturer of the appliance for

77 proper installation).

<b>Appliance [+ FUEL PAYMENT]</b>
Up to \$10,000 for purchase and installation of the <i>appliance</i> [PLUS FUEL PAYMENT, IF APPLICABLE].

78 b. Replacement of a non-borough listed [EPA certified] SFBA, or

79 fireplace], OR AN EPA CERTIFIED SFBA THAT HAS AN EMISSION RATE GREATER

80 THAN 2.5 GRAMS/HOUR]: With [EITHER] a borough listed solid fuel burning appliance

81 [N EPA CERTIFIED SFBA WITH AN EMISSION RATE EQUAL TO OR LESS THAN 2.5

82 GRAMS/HOUR] and an emission rate 50 percent or less than the replaced heater, or an

83 *appliance* designed to use pellets, home heating oil (excluding waste oil), natural gas,

84 propane, hot water district heat, electricity or a *masonry heater* (including parts, labor

85 and any costs associated with upgrading the chimney to the extent required by the

86 manufacturer of the appliance for proper installation).

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<b>Appliance [+ FUEL PAYMENT]</b>
Up to \$4,000 for purchase and installation of the <i>appliance</i> [PLUS FUEL PAYMENT, IF APPLICABLE].

87                   c.     Removal of a SFBA (limited to a one-time participation in this  
88 program per property).

<b>Cash Payment</b>
\$2,000 – if removing outdoor <i>hydronic heater</i>
\$1,000 – if removing other SFBA

89                   [D.    FUEL PAYMENT. IF A *PELLET FUEL BURNING APPLIANCE* OR  
90 A *PELLET STOVE* IS PURCHASED AND INSTALLED UNDER THIS PROGRAM, THE  
91 APPLICANT IS ELIGIBLE TO RECEIVE AN ADDITIONAL \$300.00 PAYMENT FOR  
92 THE PURCHASE OF PELLETS MANUFACTURED IN THE FAIRBANKS NORTH  
93 STAR BOROUGH. IF A *WOOD BURNING APPLIANCE* IS PURCHASED AND  
94 INSTALLED UNDER THIS PROGRAM, THE APPLICANT IS ELIGIBLE TO RECEIVE  
95 AN ADDITIONAL \$300.00 PAYMENT FOR BOROUGH-APPROVED PRESSED WOOD  
96 ENERGY LOGS MANUFACTURED IN THE FAIRBANKS NORTH STAR BOROUGH.]

97                   e.     Repair Program.

98                   i.     The repair program will pay for the:

99                   (A)    Replacement of a wood stove’s catalytic converter  
100 that has exceeded its life span through the one-time payment of up to \$750.00.

101                   (B)    Replacement of any emissions-reducing component  
102 of an EPA-certified wood stove up to the maximum amount of \$750.00.

103                   ii.    In addition to the general requirements set forth in this  
104 section, applicants must fully comply with any inspection process required by the  
105 *division*, which may be performed by a borough-approved vendor.

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107 Section 3. FNSBC 8.21.045, **Voluntary burn cessation program**, is  
108 hereby repealed:

109 [8.21.045 VOLUNTARY BURN CESSATION PROGRAM.  
110 THE FAIRBANKS NORTH STAR BOROUGH WILL, TO THE EXTENT FUNDS ARE  
111 AVAILABLE AND APPROPRIATED BY THE ASSEMBLY, ESTABLISH A PROGRAM  
112 TO ENCOURAGE, INCENTIVIZE, AND FACILITATE THE VOLUNTARY CESSATION  
113 OF THE USE OF WOOD BURNING *APPLIANCES* (I.E., WOOD STOVES, WOOD-  
114 FIRED *HYDRONIC HEATERS*, WOOD-FIRED FURNACES, *FIREPLACES*,  
115 *FIREPLACE INSERTS*, *MASONRY HEATERS* OR *PELLET FUEL BURNING*  
116 *APPLIANCES*) IN THE *NONATTAINMENT AREA* DURING *AIR QUALITY ALERTS*. IT  
117 IS RECOGNIZED THAT IT WILL BE DIFFICULT OR IMPOSSIBLE FOR SOME  
118 HOUSEHOLDS TO PARTICIPATE IN THIS PROGRAM (E.G., THOSE THAT HEAT  
119 SOLELY WITH WOOD OR FOR WHICH WOOD IS A NECESSARY SUPPLEMENT  
120 DURING PERIODS OF COLD WEATHER). THEREFORE, THIS PROGRAM IS  
121 INTENDED FOR HOUSEHOLDS THAT ARE ABLE TO USE SPACE HEATING  
122 ALTERNATIVES WITH SIGNIFICANTLY LOWER *PM<sub>2.5</sub>* EMISSIONS, INCLUDING  
123 THOSE FUELED BY GAS, OIL, ELECTRICITY, PROPANE OR DISTRICT HEAT, BUT  
124 NOT WOOD OR *PELLET STOVES* OR OTHER WOOD BURNING *APPLIANCES*.  
125 THIS PROGRAM WILL AT A MINIMUM CONSIST OF THE FOLLOWING  
126 COMPONENTS:

127 A. THE BOROUGH MAY CONTRACT WITH AN AGENCY THAT WILL  
128 PROVIDE SERVICES TO PROMOTE THE PROGRAM. THIS AGENCY MUST HAVE  
129 THE STANDING, EXPERIENCE, AND CAPABILITY TO CARRY OUT A CAMPAIGN  
130 TO ADVERTISE, REACH OUT, AND ATTRACT A LARGE NUMBER OF  
131 PARTICIPANTS IN THE *NONATTAINMENT AREA* WHO ARE WILLING TO CEASE  
132 THE USE OF A WOOD BURNING *APPLIANCE* DURING *AIR QUALITY ALERTS*.

133 B. INCENTIVES WILL BE PROVIDED TO HOUSEHOLDS THAT  
134 PARTICIPATE IN THE PROGRAM. THESE INCENTIVES MAY INCLUDE THE  
135 PROVISION OF (1) A SIGN-UP BONUS SUCH AS CASH, A VOUCHER, OR GOODS  
136 AND SERVICES USEFUL TO A HOUSEHOLD THAT HEATS WITH WOOD; (2) A  
137 THANK-YOU LETTER, WINDOW OR YARD SIGN; OR, (3) OTHER FORM OF PUBLIC

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138 ACKNOWLEDGMENT. THE COST OF THIS INCENTIVE TO THE BOROUGH SHALL  
139 NOT EXCEED \$25.00 PER HOUSEHOLD. THESE INCENTIVES MAY BE PROVIDED  
140 OR AUGMENTED BY PRIVATE CONTRIBUTIONS.

141 C. FACILITATION OF THIS PROGRAM BY THE BOROUGH WILL  
142 INCLUDE, BUT NOT BE LIMITED TO, THE PROVISION OF NOTICE OF *AIR*  
143 *QUALITY ALERTS* TO INDIVIDUAL HOUSEHOLDS BY METHODS SUCH AS  
144 ELECTRONIC MAIL MESSAGES, TEXT MESSAGES, AUTOMATED PHONE CALLS,  
145 NOTICES TO RADIO AND TELEVISION STATIONS, AND INFORMATION POSTED  
146 ON ELECTRONIC READER OR DISPLAY BOARDS LOCATED THROUGHOUT THE  
147 BOROUGH IN LOCATIONS BEST SUITED TO NOTIFY RESIDENTS OF *AIR*  
148 *QUALITY ALERTS*.

149 D. PRIVATE CONTRIBUTIONS, INCLUDING GOODS AND/OR SERVICES,  
150 WILL BE SOUGHT FOR ALL APPROPRIATE ELEMENTS OF THE PROGRAM. IN  
151 GENERAL THIS WILL FOCUS ON THE PROVISION OF MATERIALS, EQUIPMENT,  
152 AND CERTAIN ONE-TIME SERVICES, BUT NOT TO FUND BOROUGH STAFF  
153 POSITIONS.]  
154

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

157 PASSED AND APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2015.

162 \_\_\_\_\_  
163 Karl Kassel  
164 Presiding Officer

165 ATTEST:

166 APPROVED:  
167   
168 \_\_\_\_\_

169 \_\_\_\_\_  
170 Nanci Ashford-Bingham, MMC  
Borough Municipal Clerk

A. René Broker  
Borough Attorney

CODE AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT  
Text to be added is underlined  
Text to be deleted is [BRACKETED AND CAPITALIZED]

**Fairbanks North Star Borough  
Fiscal Impact Statement (FIS) (FNSBC 2.09.035 C.)**

Check	Date
Version 1	
Version 2	
Version 3	
Version 4	

**Originator's Name:** Nanci Ashford-Bingham **Department:** Assembly

**To Be Introduced/Sponsored By:** Lance Roberts

**Abbreviated Ordinance Title:** Amending FNSBC 8.21.035 & Repealing FNSBC 8.21.045

**Department(s)/Division(s) Affected:** Transportation/Air Quality

**Proposed Introduction Date:** April 9, 2015 **Ordinance No.:** 2015-18

**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  \*

Required Information/Estimates	FISCAL IMPACT PRO FORMA SUMMARY - BEST ESTIMATE				
	Remainder of Current FY	1st Full FY of Operations	2nd Full FY of Operations	3rd Full FY of Operations	4th Full FY of Operations
	FY 2012/13	FY 20__/__	FY 20__/__	FY 20__/__	FY 20__/__
1. Timeline inclusive of all phases					
2. Number and type of new positions which may be required					
3. Cost of operations and maintenance					
4. Future costs to complete capital assets					
5. Estimated revenue impact					
6. Estimated non-Borough funds that may be received:					
a. to fund the ordinance					
b. to fund future phases					
c. to fund future operations and maintenance costs					
7. Anticipated annual tax subsidy					

Is backup attached? Yes \_\_\_ No \_\_\_

**Contact Person's Name, for FIS questions:** Nanci Ashford-Bingham **Extension:** 1401

**Director(s) Signature(s):** N. Ashford-Bingham **Date:** 4-1-15

**Mayor's Office or Assembly Member Signature:** [Signature] **Date:** 4/1/15

**Chief Financial Officer Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

By: Lance Roberts  
Introduced: April 9, 2015

FAIRBANKS NORTH STAR BOROUGH

ORDINANCE NO. 2015 - 19

AN ORDINANCE AMENDING FNSBC 2.19.020 REGARDING BOROUGH ATTORNEY DUTIES TO REQUIRE ASSEMBLY APPROVAL PRIOR TO BOROUGH FILING OF NON-ROUTINE LITIGATION

WHEREAS, the borough attorney is the legal advisor of the mayor, assembly school board and other officers of the borough; and

WHEREAS, borough code currently requires assembly approval prior to the borough attorney filing an appeal of any civil action, but does not require assembly approval for the filing of the underlying action; and

WHEREAS, although the assembly annually appropriates funds, including funds in the Legal Department's budget, that can be spent on litigation expenses, significant decisions must still be made as to how to best allocate and spend these funds; and

WHEREAS, non-routine litigation can consume significant borough resources including staff time sometimes at the expense of other borough priorities; and

WHEREAS, assembly approval of non-routine litigation ensures that the borough is fully committed to funding the litigation prior to its inception.

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

CODE AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT  
Text to be added is underlined  
Text to be deleted is [BRACKETED AND CAPITALIZED]

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

35  
36 Section 2. FNSBC 2.19.020 D. is hereby amended as follows:

37  
38 The borough attorney may not file any administrative case requiring the hiring of  
39 outside counsel, any non-routine civil action or any appeal of any civil action without the  
40 consent of the majority of the assembly. For purposes of this section "non-routine" does  
41 not include minor offenses, collections, subrogation claims, estate claims, bankruptcy  
42 claims, foreclosure, small-claims, cross-claims, counterclaims, emergency  
43 injunctions/temporary restraining orders or any other civil action that the borough  
44 attorney does not reasonably consider likely, at the time of filing, to require significant  
45 borough resources including staff time.

46  
47 Section 3. Effective Date. This ordinance shall be effective at 5:00 p.m. of the  
48 first Borough business day following its adoption.

49  
50 PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014.

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57 ATTEST: \_\_\_\_\_  
58  
59  
60 Nanci Ashford-Bingham, MMC  
61 Borough Municipal Clerk

\_\_\_\_\_  
Karl Kassel  
Presiding Officer

APPROVED:   
\_\_\_\_\_  
A. René Broker  
Borough Attorney

CODE AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT  
Text to be *added* is underlined  
Text to be *deleted* is [BRACKETED AND CAPITALIZED]

**Fairbanks North Star Borough**  
**Fiscal Impact Statement (FIS) (FNSBC 2.09.035 C.)**

Check	Date
Version 1	
Version 2	
Version 3	
Version 4	

**Originator's Name:** Nanci Ashford-Bingham **Department:** Assembly

**To Be Introduced/Sponsored By:** Lance Roberts

**Abbreviated Ordinance Title:** Amending FNSBC 2.19.020

**Department(s)/Division(s) Affected:** Legal

**Proposed Introduction Date:** April 9, 2015 **Ordinance No.:** 2015-19

**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**  \*

Required Information/Estimates	FISCAL IMPACT PRO FORMA SUMMARY - BEST ESTIMATE				
	Remainder of Current FY	1st Full FY of Operations	2nd Full FY of Operations	3rd Full FY of Operations	4th Full FY of Operations
	FY 2012/13	FY 20__ / __			
1. Timeline inclusive of all phases					
2. Number and type of new positions which may be required					
3. Cost of operations and maintenance					
4. Future costs to complete capital assets					
5. Estimated revenue impact					
6. Estimated non-Borough funds that may be received:					
a. to fund the ordinance					
b. to fund future phases					
c. to fund future operations and maintenance costs					
7. Anticipated annual tax subsidy					

Is backup attached? **Yes** \_\_\_ **No** \_\_\_

**Contact Person's Name, for FIS questions:** Nanci Ashford-Bingham **Extension:** 1401

**Director(s) Signature(s):** *NABingham* **Date:** 4-1-15

**Mayor's Office or Assembly Member Signature:** *[Signature]* **Date:** 4/1/15

**Chief Financial Officer Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_