

**COMMITTEE OF THE WHOLE WORKSESSION AGENDA**

August 20, 2015  
5:30 P.M.

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. 2015-43. An Ordinance Rezoning Approximately 28.6 Acres From General Use-1 (GU-1) To Rural & Agricultural-20 (RA-20) Or Other Appropriate Zone. The Parcel Is Described As The Southern Portion Of Tract A Rosie Creek Farm (Located At 2659 Livingston Loop, North Of The Tanana River And On The South Side Of Livingston Loop) (RZ2015-008) (Sponsor: Mayor Hopkins) **(Page 2)**
- b. ORDINANCE NO. 2015-44. An Ordinance Amending FNSBC 17.60.055 To Add An Exception From The Subdivision Design And Improvement Requirements For Subdivisions That Do Not Increase The Number Of Lots. (Sponsor: Platting Board) **(Page 28)**
- c. ORDINANCE NO. 2015-45. An Ordinance Amending FNSBC 17.20.010 And 17.60.060 Regarding Flag Lots, 17.60.150 Regarding Road Geometrics And 17.70.010 Regarding Variances. (Sponsor: Platting Board) **(Page 43)**

**3. BRIEFINGS FROM THE BOROUGH MAYOR**

**4. ASSEMBLY BUSINESS/COMMENTS**

**5. ADJOURNMENT**



MEMORANDUM

TO: Fairbanks North Star Borough Assembly

THROUGH: Luke Hopkins, Mayor  
 Jeff Jacobson, Chief of Staff *JJJ for LH*

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

DATE: August 13, 2015

SUBJECT: ORDINANCE NO. 2015-43 (RZ2015-008)

RE: **RZ2015-008:** A request by Michael Emers and Joan Hornig to rezone approximately 28.6 acres from General Use-1 (GU-1) to Rural & Agricultural-20 (RA-20) or other appropriate zone. The parcel is described as the southern portion of Tract A Rosie Creek Farm (**Located at 2659 Livingston Loop, north of the Tanana River and on the south side of Livingston Loop**)

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The attached ordinance will rezone the southern portion of Tract A Rosie Creek Farm (approximately 28.6 acres ) (**Located at 2659 Livingston Loop, north of the Tanana River and on the south side of Livingston Loop**)

On July 14, 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 8 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 request is consistent with the goals and policies of the Comprehensive Plan, specifically Land Use Goal 3, which promotes a variety of land use opportunities; Goal 4, which encourages enhancing development opportunities while minimizing land use conflicts; and Goal 2, Strategy 4, Action C, which is to encourage the development of agricultural industries in the Interior. This rezone encourages the continued agricultural use of this property and reduces potential incompatibilities with the adjacent residential neighborhood.
2. The subject property is adjacent to Rural & Agricultural 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 Rural & Agricultural-20 zone does not jeopardize public health, safety or welfare because it does not result in a substantial intensification of uses. The uses permitted in RA-20 are also permitted in the current GU-1; however, many of the potentially incompatible uses of GU-1 are eliminated.

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: August 13, 2015

FAIRBANKS NORTH STAR BOROUGH

ORDINANCE NO. 2015 – 43

AN ORDINANCE REZONING APPROXIMATELY 28.6 ACRES FROM GENERAL USE-1 (GU-1) TO RURAL & AGRICULTURAL-20 (RA-20) OR OTHER APPROPRIATE ZONE. THE PARCEL IS DESCRIBED AS THE SOUTHERN PORTION OF TRACT A ROSIE CREEK FARM (LOCATED AT 2659 LIVINGSTON LOOP, NORTH OF THE TANANA RIVER AND ON THE SOUTH SIDE OF LIVINGSTON LOOP)

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 & Agricultural-20 (RA-20):

THE SOUTHERN PORTION OF TRACT A ROSIE CREEK FARM

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

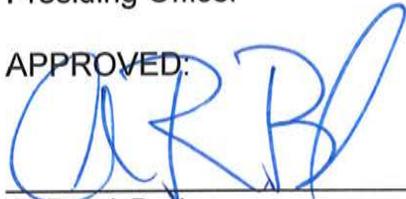
Text to be *deleted* is [BRACKETED AND CAPITALIZED]

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

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

ATTEST:

APPROVED:  


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

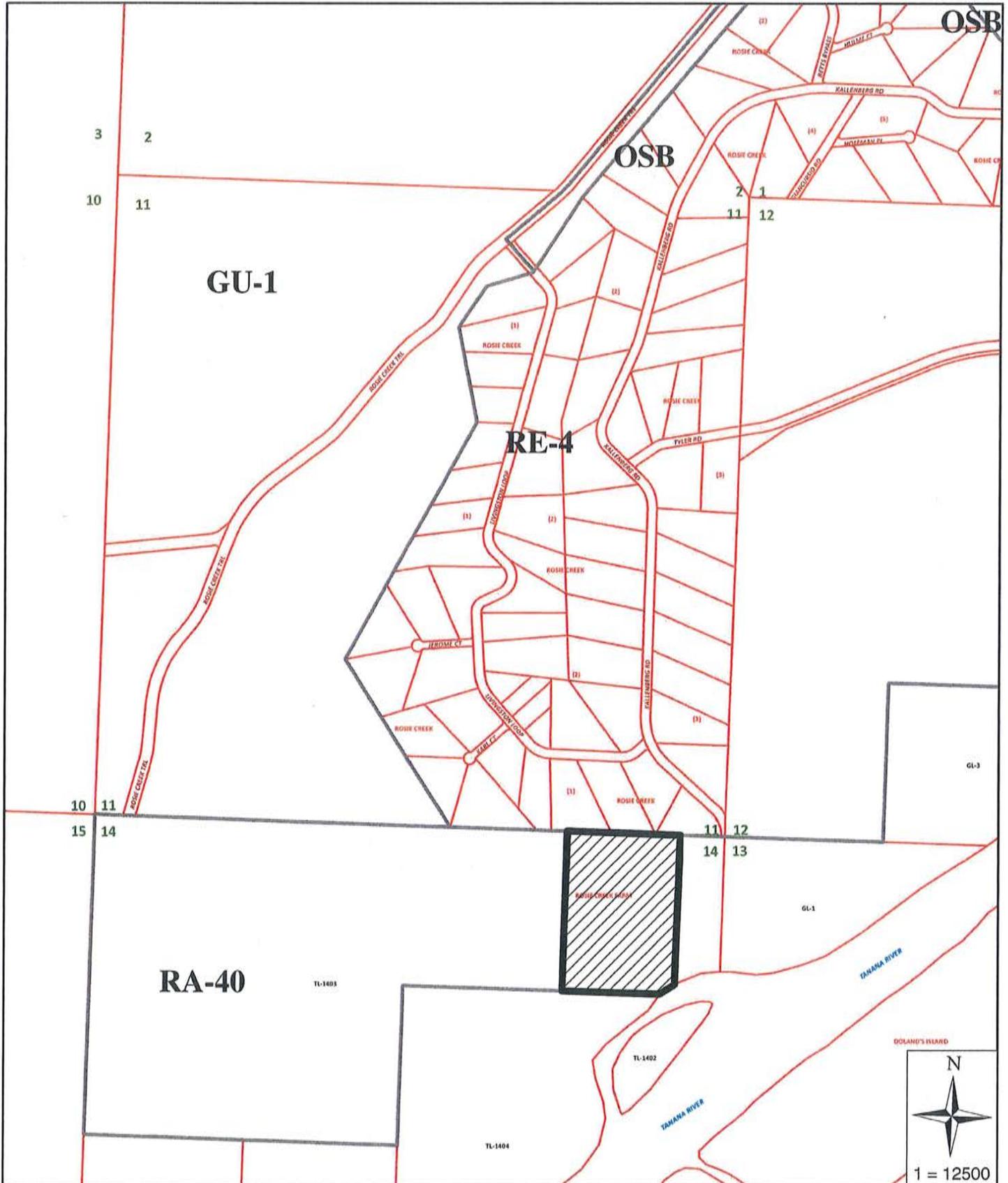
\_\_\_\_\_  
A. René Broker  
Borough Attorney

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



**RZ 2015-008**

**OSB**



**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:** August 13, 2015      **Ordinance No.:** 2015- 43

**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):** *A. Christine Nelson*      **Date:** 7-27-15

**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.

DEPARTMENT OF COMMUNITY PLANNING  
STAFF REPORT

**RZ2015-008**

TO: Fairbanks North Star Borough Planning Commission

RE: **RZ2015-008:** A request by Michael Emers and Joan Hornig to rezone approximately 28.6 acres from General Use-1 (GU-1) to Rural & Agricultural-20 (RA-20) or other appropriate zone. The parcel is described as the southern portion of Tract A Rosie Creek Farm (**Located at 2659 Livingston Loop, north of the Tanana River and on the south side of Livingston Loop**).

I. GENERAL INFORMATION

- A. Purpose To rezone approximately 28.6 acres from General Use-1 (GU-1) to Rural & Agricultural-20 (RA-20)
- B. Location north of the Tanana River and south of Livingston Loop
- C. Access Livingston Loop
- D. Size/PAN
- | <u>Lot/TL</u> | <u>Acres</u> | <u>PAN</u> |
|---------------|--------------|------------|
| A             | 28.6         | 549495     |
- E. Existing Zone General Use-1 (GU-1)  
-Minimum lot size 1 nominal acre (40,000 square feet)
- F. Proposed Zone Rural & Agricultural-20 (RA-20)  
-Minimum lot size 20 nominal acres (800,000 square feet)
- G. Existing Land Use Agricultural
- H. Surrounding Land Use/Zoning  
North: Residential/Rural Estates-4 (RE-4)  
South: Undeveloped, Tanana River/GU-1  
East: Undeveloped/GU-1  
West: Undeveloped/RA-40
- I. Zoning History 1988: Ord. No. 88-010: GU-1
- J. Non-conforming Structures, Uses None
- K. Comprehensive Plan Designation Outskirt, Preferred Residential
- L. Community Facilities Water/sewer: Private

	Electricity:	GVEA
M. Code Violations		None
N. Soils		Fairbanks Silt loam, 7-12% slope; Minto silt loam, 7-12%; Goldstream peat, 0-3%; Tanana silt loam
O. Flood Zone		91% X, 9% A
P. Ownership		Michael J Emers & Joan E Hornig PO Box 181 Ester, Alaska 99725
Q. Applicant		Same

## II. ANALYSIS

This rezone request involves a portion of one lot totaling approximately 26.6 acres. A significant portion of this property is developed agriculturally as Rosie Creek Farm, and the owners wish to downzone to protect the agricultural use and prevent subdivision in the future.

Tract A totals approximately 35.6 acres. A portion of the tract, approximately 8.9 acres in size, extends to the north to Livingston Loop, providing access to the farm. This portion of the lot is zoned RE-4 and is not part of the rezone request. Although typically split zoning, or one lot with more than one zone, is discouraged, in this case it is more appropriate for the northern portion of the lot to remain RE-4. That portion was originally platted as Lot 3, Block 1 Rosie Creek subdivision and is adjacent on three sides to RE-4-zoned lots developed residentially. The applicants acquired this portion of the property to ensure legal access when they conveyed the east portion of the lot (now Rosie Creek Farm Lot 1) in 2004. This rezone request applies to the subject property as shown in Figure 1. The northern portion, previously known as Lot 3, Block 1 Rosie Creek subdivision, is proposed to remain RE-4, and the standards of that zone would apply to that portion of the property.

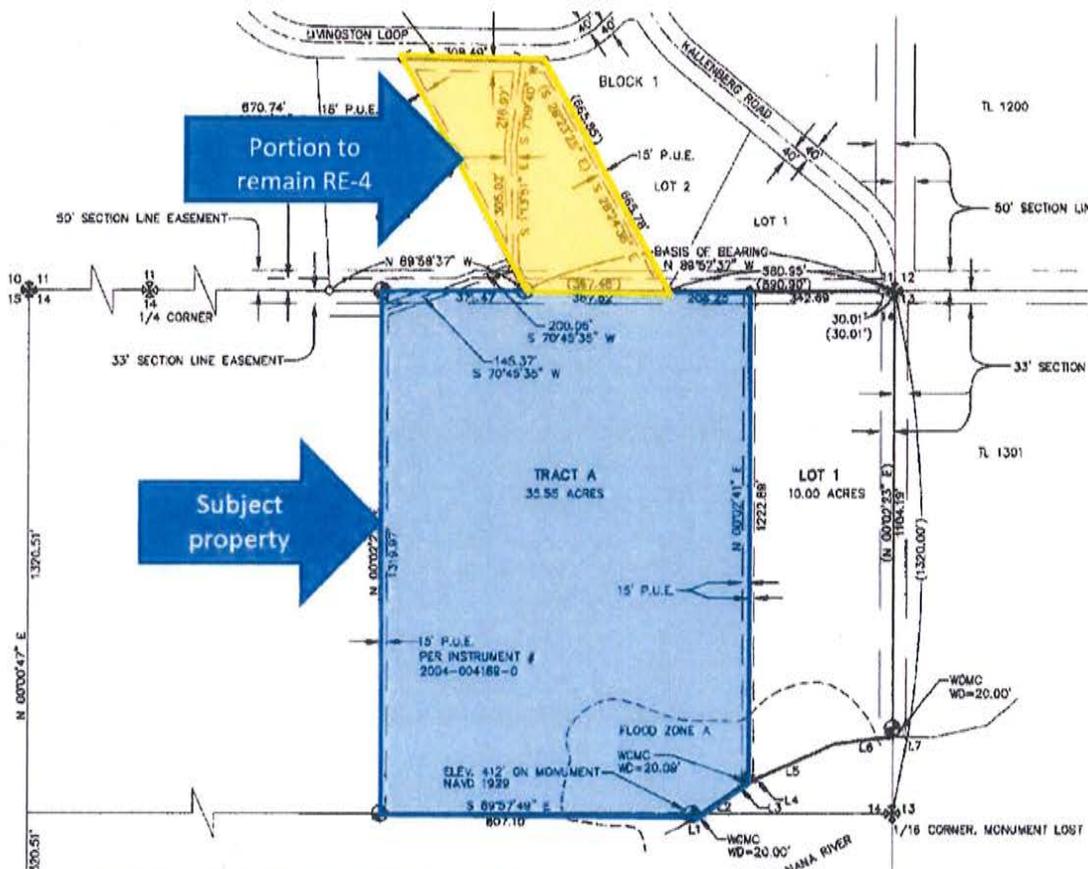


Figure 1. Rosie Creek Farm subject property

### Surrounding Land Use and Zoning

Surrounding land use and zoning is a mixture of undeveloped areas and low density residential. Rosie Creek subdivision to the north is zoned RE-4 and developed with single-family homes on lots ranging in size from one to five acres. A privately owned, 200-acre lot adjacent to the west is undeveloped and zoned RA-40. Parcels to the south and east are zoned GU-1. The 83-acre tract to the south is largely undeveloped with the exception of a cabin near the Tanana River. Property to the east is undeveloped.

Although RA-40 is adjacent to the west, that zone is not an option for the applicants because the subject property is smaller than the minimum lot size of 40 nominal acres, or 1,600,000 square feet (sf). At approximately 26.6 acres (1,158,696 sf), RA-20 is the appropriate zone for the lot size. The use regulations remain the same for all RA zones.

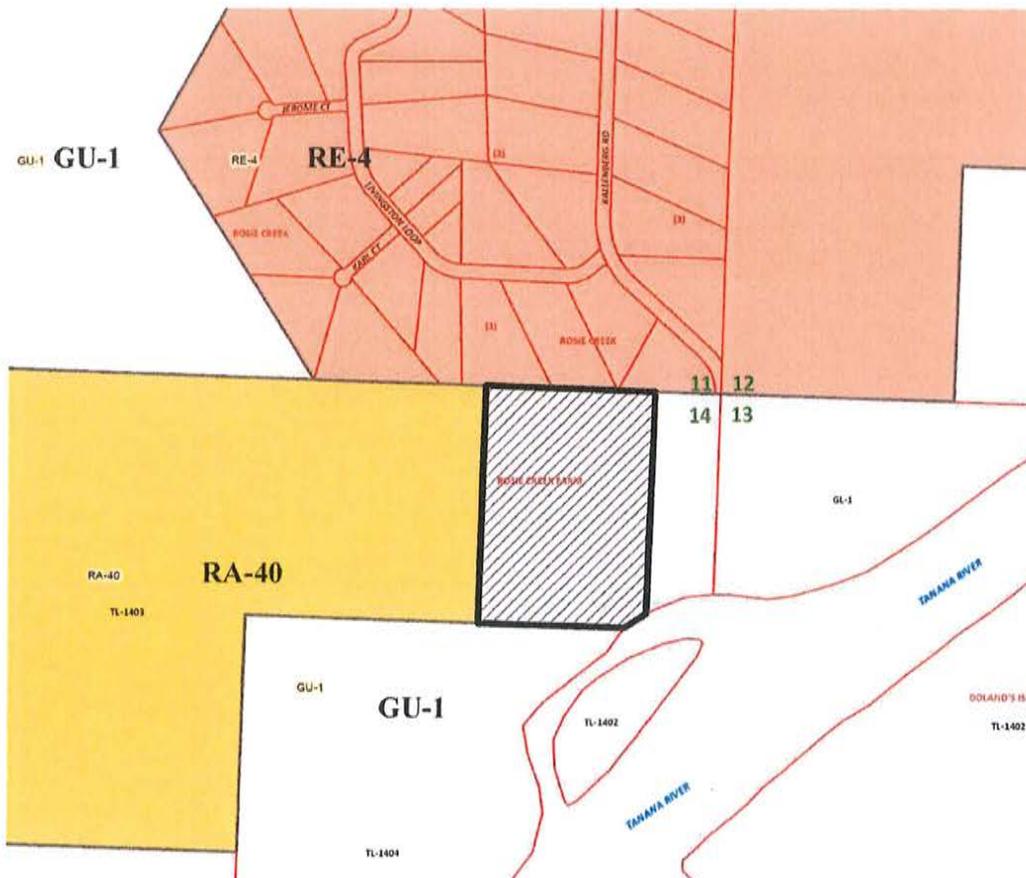


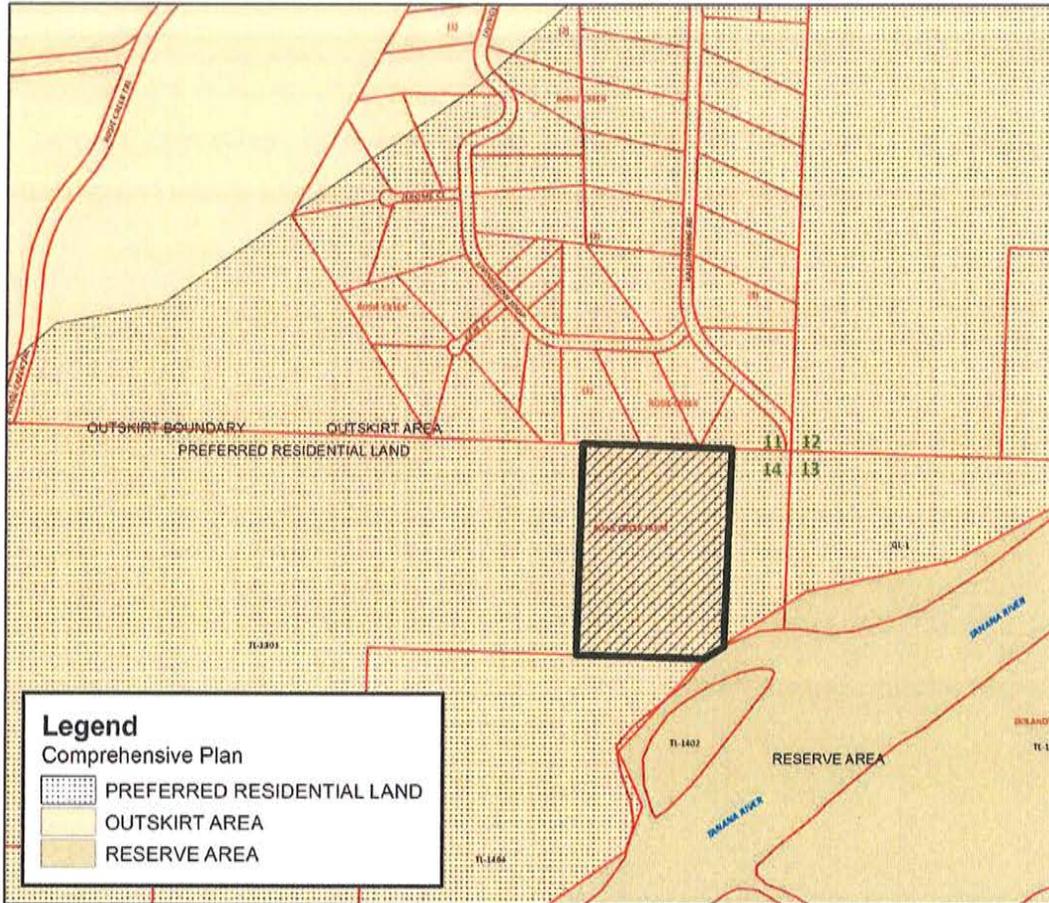
Figure 2. Rosie Creek Farm area zoning

### Comprehensive Plan

The Comprehensive Plan designation for this area is **Outskirt** and **Preferred Residential**. **Outskirt** is defined as the *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.* The **Preferred Residential** designation is applied to *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.* These characteristics also make the land attractive for agriculture. Although increasing the minimum lot size from one acre to 20 does not encourage residential development, a rezone from GU to RA does encourage and protect the existing agricultural use of the property and reduces the potential for uses that are incompatible with the nearby low-density residential uses and zoning.

**Land Use Goal 3** addresses the need for a variety of land uses that fit the diverse needs of the community. **Goal 4** is to enhance development opportunities while minimizing land use conflicts. **Goal 2, Strategy 4, Action C** is to encourage the development of agricultural industries in the Interior. This rezone encourages the continued agricultural use of this property and reduces potential incompatibilities with the adjacent residential neighborhood.

Rezoning from GU-1 to RA-20 is considered downzoning because RA-20 has more restrictive use standards as well as a larger minimum lot size. It has less potential to be incompatible with the surrounding zoning and land uses. GU-1 has very few use restrictions, no setback requirements and a one-acre minimum lot size, allowing for development that could be incompatible with the nearby low-density residential development. All of the uses that are permitted in RA-20 are also permitted in GU-1, but fewer of the potentially incompatible uses are included in RA-20. Although commercial agriculture has the potential to be incompatible with residential uses, maintaining the RE-4 zoning on the northern portion of the lot will minimize that potential.



**Figure 3. Rosie Creek Farm area Comp Plan designations**

Traffic

Approval of the request is not expected to create adverse traffic conditions. The agricultural use is already established on the property. This rezone will remove the potential in the future for uses or subdivisions that would increase traffic in the area. Under GU-1 zoning, the property in question can be subdivided into over 30 one-acre lots, which would likely have a much higher traffic impact. Downzoning decreases the potential traffic impact.

III. RECOMMENDATION

Based on the staff analysis above, the Department of Community Planning recommends **APPROVAL** of the requested rezone to Rural & Agricultural-20.

#### IV. FINDINGS OF FACT

The Department of Community Planning further recommends adoption of the following findings of fact in support of **APPROVAL**:

1. The request is consistent with the goals and policies of the Comprehensive Plan, specifically Land Use Goal 3, which promotes a variety of land use opportunities; Goal 4, which encourages enhancing development opportunities while minimizing land use conflicts; and Goal 2, Strategy 4, Action C, which is to encourage the development of agricultural industries in the Interior. This rezone encourages the continued agricultural use of this property and reduces potential incompatibilities with the adjacent residential neighborhood.
2. The subject property is adjacent to Rural & Agricultural 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 Rural & Agricultural-20 zone does not jeopardize public health, safety or welfare because it does not result in a substantial intensification of uses. The uses permitted in RA-20 are also permitted in the current GU-1; however, many of the potentially incompatible uses of GU-1 are eliminated.

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

**Move to recommend approval of the rezone of the southern portion of Tract A Rosie Creek Farm from General Use-1 to Rural & Agricultural-20 and adopt five Findings of Fact in support of the recommendation of approval.**



# Fairbanks North Star Borough

## All Data Report

PAN# 0549495

Printed on: 06/30/2015

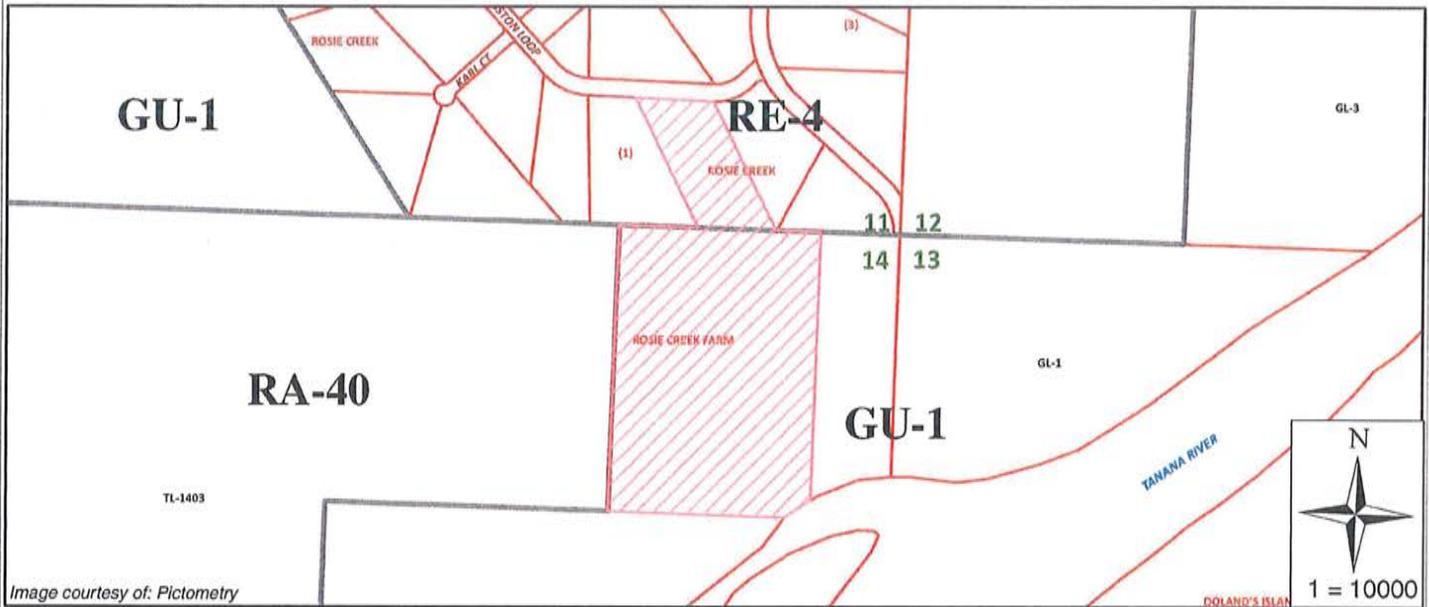


Image courtesy of: Pictometry

### Property Information for PAN#: 0549495

PROPERTY DESCRIPTION: ROSIE CREEK FARM, LOT: A  
 OWNER: Emers Michael J [ownership], Hornig Joan E [co-owner]  
 BILLING ADDRESS: PO BOX 181 Ester, AK 99725 0181  
 SITUS ADDRESS: 2659 Livingston Loop  
 PARCEL SIZE: 35.55 AC  
 NEIGHBORHOOD: Rosie Creek (1102)  
 LAND CLASS: Rural Residential  
 PRIMARY USE: Farm Use  
 FLOOD ZONE: X (91%), A (9%)  
 SPECIAL REG. AREAS: None  
 ZONING: GU-1 (85%), RE-4 (15%)  
 COMP PLAN: Outskirt Area (100%), Preferred Residential Land (100%), Outskirt Boundary (100%)  
 PLANNING DISTRICT: Chena Ridge (100%)  
 ROAD DISTRICT: N/A  
 URBAN BOUNDARY (2003): NO  
 ROAD SERVICE AREA: Becker Ridge (15%)  
 EMS RESPONSE AGENCY: Chena-goldstream Fire and Rescue (100%)  
 FIRE SERVICE AREA: Chena Goldstream (100%)  
 FIRE RESPONSE AGENCY: Chena Goldstream Fire and Rescue (100%)  
 FIRE SERVICE (Property DB): Chena Goldstream Fire S A  
 STRUCTURES: Cabin, Low Grade (1 Unit)  
 BUSINESS ON SITE: Rosie Creek Farm  
 MILL GROUP: Becker Ridge Service Area (0978) (Est. Mill Rate: 15.697)  
 PLAT NUMBER: Rosie Creek Farm Subdivision (FRD2004\_69\_001)  
 DESCRIPTION (VAULT): TRACT A ROSIE CREEK FARM  
 Previously assessed as 2S 3W 14 1401  
 COMMUNITY PLANNING PERMITS: NONE

FEMA Base Flood Elevation Lines (March 17, 2014 dFIRM) FEMA Cross-Sections (March 17, 2014 dFIRM)  
 BFE\_Lines\_symbol Cross\_Section\_symbol

Photo Date: 10, 2012 Photo No: 00



10/02/2012

### Assessment History

Year	Land	Improvements	Total
2015	\$167,974	\$38,949	\$206,923
2015	\$167,974	\$38,949	\$206,923
2015	\$167,974	\$38,949	\$206,923
2014	\$167,974	\$39,867	\$207,841
2013	\$173,306	\$40,782	\$214,088

The Fairbanks North Star Borough does not warrant the accuracy of maps or data provided, nor their suitability for any particular application. There may be errors in the data.



Comm. Planning Dept.

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. RZ 2015-008

Application is for [X] Rezone (\$400) [ ] Variance (\$250) [ ] Conditional Use Approval (\$250)

Property Owner: Name: Michael Emers Lean Hornig
Mailing Address: P.O. Box 181
Ester 99725
Phone: 907-479-3643
E-mail: miked@rosiecreekfarm.com

Property Information: Legal Description: Lot A Rosie Creek Farm Subdivision
Street Address: 2559 Livingston Loop
Size: 35.55 acres
Parcel Account Numbers (PAN): 549495
Existing Zone: GV-1
Existing Use: Farming / Ag

I hereby certify that [X] (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: [Signature] DATE: 6/4/2015
OWNER SIGNATURE (if different): [Signature] DATE: 6/4/2015

Table with 5 columns: Received By, Fee, Receipt No., Proposed Meeting Date, Sign Issued?
Received By: mo
Fee: \$400
Receipt No.: 503059
Proposed Meeting Date: July 14, 2015
Sign Issued?: [X] Yes Sign #: I

File No. RZ 2015-008

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 3/2013



P.O. Box 181  
Ester, Alaska 99725  
[mike@rosiecreekfarm.com](mailto:mike@rosiecreekfarm.com)  
907-479-3642

June 4, 2015

Fairbanks North Star Borough  
Department of Community Planning  
P.O. Box 71267  
Fairbanks, Alaska 99707

Dear FNSB,

We are writing to you concerning a rezone of our property, Tract A of the Rosie Creek Farm Subdivision from GU-1 to RA-20. We have been farming on this property since 1998 after clearing the land, enriching the soil, and building a sound operational farming infrastructure. After this effort of building rich agricultural soil, operating a successful farming operation and providing food to our community, we would like to ensure that the property remain agricultural so that our children and the community will be able to know that this farm will continue into the future.

We believe that this request is consistent with the Regional Comprehensive Plan's (RCP) goals of emphasizing the development of an agricultural industry in the Borough. We have been a key vendor at the Tanana Valley Farmers Market, partnered with public schools to host field trips, gone into the schools to educate children, and we have built crop storage facilities. All of these elements are outlined in the RCP's goals of promoting agriculture in the Borough.

Please help us preserve Rosie Creek Farm as farmland by enabling this zoning change from GU-1 to RA-20.

Sincerely,

Michael Emers and Joan Hornig











**RZ2015-008** A request by Michael Emers and Joan Hornig to rezone approximately 28.6 acres from General Use-1 (GU-1) to Rural & Agricultural-20 (RA-20) or other appropriate zone. The parcel is described as the southern portion of Tract A Rosie Creek Farm. **(Located at 2659 Livingston Loop, north of the Tanana River and on the south side of Livingston Loop)**

**Melissa Kellner** presented the staff report. Based upon staff analysis, the Department of Community Planning recommended **approval** of the proposed request with the following findings of fact in support:

1. The request is consistent with the goals and policies of the Comprehensive Plan, specifically Land Use Goal 3, which promotes a variety of land use opportunities; Goal 4, which encourages enhancing development opportunities while minimizing land use conflicts; and Goal 2, Strategy 4, Action C, which is to encourage the development of agricultural industries in the Interior. This rezone encourages the continued agricultural use of this property and reduces potential incompatibilities with the adjacent residential neighborhood.
2. The subject property is adjacent to Rural & Agricultural 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 Rural & Agricultural-20 zone does not jeopardize public health, safety or welfare because it does not result in a substantial intensification of uses. The uses permitted in RA-20 are also permitted in the current GU-1; however, many of the potentially incompatible uses of GU-1 are eliminated.

**Mr. McBeath** queried why this was not a spot zone.

**Ms. Kellner** responded there were several reasons; the size of the lot, 27 acres, surpassed the size typical for a rezone to be considered a spot zone, the proposed zone is adjacent to essentially the same zone – uses are exactly the same, and the zoning and land use are compatible with the adjacent low-density and undeveloped uses.

**Ms. Klepaski** added that it was consistent with the Comprehensive Plan.

**Michael Emers**, owner, explained that they had put a lot of work into cultivating the soil, have farmed for 18 years successfully and want to ensure that it remains a farm in the future.

**Mr. Billingsley** inquired how many acres of the whole were farmed.

**Mr. Emers** elucidated that 8 acres were cleared; the topography limits the use on portions.

**Mr. Reilly** probed, based on the content of Mr. Emers' testimony, whether there was a way for owner's to ensure that their property usage continued in the future after the property had transferred ownership.

**Ms. Kellner** explained that the right to apply for a rezone would be available to any future owner.

Public Hearing Opened

**James Holt**, affected property owner, commented that Mr. Emers and Ms. Hornig were wonderful neighbors; their property actually enhances the neighborhood. He posited that more farming was needed.

**Mr. McBeath** requested clarification; was Mr. Holt in support of the rezone?

**Mr. Holt** responded yes.

**Mr. McBeath** inquired if he was their neighbor.

**Mr. Holt** explained, from his driveway, their property is located second on the right.

**Mr. McBeath** asked how long Mr. Holt had lived there.

**Mr. Holt** replied, since July of the previous year.

Public Hearing Closed

**MOTION** Move to approve **RZ2015-008** with five (5) Findings of Fact by **Mr. Guinn**, seconded by **Mr. Reilly**.

Discussion

**Mr. Guinn** spoke in favor of approval and remarked that the staff did a good.

**Mr. Reilly** spoke in favor of approval and commended Mr. Emers for taking a stance; he posited that the area needed more locally grown products.

**Mr. McBeath** queried how many Dear Property Owner letters had been sent.

**Ms. Kellner** replied that 30 were sent; there had been 6 calls received in response to the Public Hearing signs posted prior to the letters being sent asking general questions, no objections were received.

**Mr. McBeath** observed that since this was not a Quasi-Judicial case the Commission could ask questions about Dear Property Owner letters and consider information received outside of Public Testimony and noted that there were not objections received.

**Mr. Billingsley** spoke in favor of approval; the adjacent zoning was compatible according to the Comprehensive Plan. The applicant request was "downzoning" which restricted the salability of the land and limits the long-term use, without a future rezone, to agricultural.

ROLL CALL

Eight (8) in Favor: Mr. Guinn, Mr. Whitaker, Mr. Peterson, Ms. Thayer, Mr. Bouffard,  
Mr. Reilly, Mr. Billingsley, and **Mr. McBeath**

Zero (0) Opposed:

**RECOMMENDED FOR APPROVAL**

**CU2015-006** A request by Jeff Ballek for conditional use approval of a retirement center with a 42-unit assisted living facility, 224 retirement dwelling units, and a community center in the Multiple-Family Residential (MF) zone on Lots B-2 & B-3 of Eagle Estates (**Located at White Eagle Loop and Golden Eagle Loop, between NPHS Boulevard and Patriot Drive, west of Old Richardson Highway**)

**OATH GIVEN**

**Nancy Durham** presented the staff report.

**Kellen Spillman** presented the traffic analysis.

**Ms. Durham** continued the staff report. Based upon staff analysis, the Department of Community Planning recommended **approval** of the proposed request with the following conditions and findings of fact:

**CONDITIONS:**

1. The applicant shall submit development plans to the State Fire Marshal for Plan Review and to the North Pole Fire Department # 110 for Local Review.
2. The applicant shall contact ADEC Division of Water and obtain all applicable permits and approvals for all phases of this development.
3. The applicant shall submit one full set of plans to FNSB Community Planning that have been approved and stamped by the State of Alaska Fire Marshal's office and all applicable City of North Pole departments.
4. The applicant shall submit to the City of North Pole Building Department a simulation/modeling of the water and sewer systems to make sure the demands and supplies are adequate and are per North Pole's local ordinances as part of the City of North Pole Building Permit & Utility Permit application.
5. This approval is for 224 retirement dwelling units, 42-bed assisted living center and 15,119 square foot community center consisting of lobby with reception and coat check, library, lounge, convenience store, spa/salon with massage, conference room, doctor's office, multi-purpose room, dining room, kitchen, bar, stage area,

ROSIE CREEK, BLOCK: 01, LOT: 07  
Barrett Cheryle A  
PO BOX 81222  
Fairbanks, AK 99708

2S 3W, SEC: 13, TAXLOT: 01  
Binkley Charles M Jr  
Binkley James L  
1975 Discovery Dr  
Fairbanks, AK 99709

2S 3W, SEC: 14, TAXLOT: 1404  
Coady Family Trust  
PO BOX 84612  
Fairbanks, AK 99708

ROSIE CREEK, BLOCK: 01, LOT: 10  
Cole Timothy D  
Lotspeich Paula L  
PO BOX 80792  
Fairbanks, AK 99708

ROSIE CREEK, BLOCK: 01, LOT: 09  
Daeumichen Silvia  
2605 Karl Ct  
Fairbanks, AK 99709

ROSIE CREEK, BLOCK: 03, LOT: 04  
Deivert Richard T  
4543 Kallenberg Rd  
Fairbanks, AK 99709

ROSIE CREEK FARM, LOT: 01  
Elsberg Andrew M  
Brockman Shannon E  
1145 H St  
Anchorage, AK 99501

ROSIE CREEK, BLOCK: 01, LOT: 02  
Elterman Aaron B  
PO BOX 362  
Ester, AK 99725

ROSIE CREEK FARM, LOT: A  
Emers Michael J  
Hornig Joan E  
PO BOX 181  
Ester, AK 99725

ROSIE CREEK, BLOCK: 01, LOT: 04  
Emers Michael  
Hornig Joan  
PO BOX 181  
Ester, AK 99725

ROSIE CREEK, BLOCK: 02, LOT: 04  
Erickson Richard A  
Holt James E  
240 Minnie St  
Fairbanks, AK 99701

TANANA 440, LOT: B  
Fairbanks North Star Borough  
Land Management  
PO BOX 71267  
Fairbanks, AK 99707

2S 3W, SEC: 14, TAXLOT: 1403  
Flodin Jerry  
4000 S Cushman St  
Fairbanks, AK 99701

ROSIE CREEK, BLOCK: 01, LOT: 01  
Freese Samuel F  
4640 Kallenberg Rd  
Fairbanks, AK 99709

ROSIE CREEK, BLOCK: 02, LOT: 01B  
Gable Lincoln C  
Gable Meagan M  
PO BOX 141  
Orcas, WA 98280

ROSIE CREEK, BLOCK: 02, LOT: 05  
Hierl David J  
PO BOX 4869  
Whitefish, MT 59937

ROSIE CREEK, BLOCK: 02, LOT: 03  
Hubbell Theresa F  
PO BOX 80451  
Fairbanks, AK 99708

ROSIE CREEK, LOT: B  
Jaeger Ronald A  
PO BOX 72095  
Fairbanks, AK 99707

ROSIE CREEK, BLOCK: 02, LOT: 07  
Kincaide Michael  
Kincaide Mellione  
4540 Kallenberg Rd  
Fairbanks, AK 99709

ROSIE CREEK, BLOCK: 02, LOT: 02  
Korb Tammy S  
Korb Raymond C  
2648 Livingston Loop  
Fairbanks, AK 99709

ROSIE CREEK, BLOCK: 01, LOT: 06  
Montag Steven R  
Montag Yelena  
PO BOX 72395  
Fairbanks, AK 99707

ROSIE CREEK, BLOCK: 01, LOT: 05  
Russell Phillippe A  
PO BOX 84751  
Fairbanks, AK 99708

ROSIE CREEK, BLOCK: 03, LOT: 03  
Schaus Kevin T Jr  
PO BOX 332  
Ester, AK 99725

2S 3W, SEC: 14, TAXLOT: 1402  
Silas John Et Al  
C/o Tanana Chiefs Conference  
122 1st Ave  
Fairbanks, AK 99701

ROSIE CREEK, BLOCK: 02, LOT: 01D  
Sipes Ernest Neal  
228 Woodridge Dr Apt 23  
Fairbanks, AK 99709

ROSIE CREEK, BLOCK: 02, LOT: 01C  
Sipes Joseph Elliot  
Sipes Jannarae  
3459 Durham Cir  
North Pole, AK 99705

ROSIE CREEK, BLOCK: 02, LOT: 01A  
Sipes Melanie  
1750 N Summerwoods Dr  
Palmer, AK 99645

ROSIE CREEK, BLOCK: 01, LOT: 08  
Slayton Nancy J  
PO BOX 136  
Ester, AK 99725

ROSIE CREEK, BLOCK: 03, LOT: 02  
Tinsley Ronald E Trust  
PO BOX 349  
Ester, AK 99725

ROSIE CREEK, BLOCK: 03, LOT: 01  
Tinsley Vivian E Pederson  
Trust  
PO BOX 349  
Ester, AK 99725

RZ2015-008



# FAIRBANKS NORTH STAR BOROUGH

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

(907) 459-1260 ☆ FAX (907) 459-1255

TO: Fairbanks North Star Borough Assembly

THROUGH: Luke Hopkins, Mayor  
Jeff Jacobson, Chief of Staff *JJ SoLH*

FROM: Christine Nelson, Director *DN*  
Department of Community Planning

DATE: August 13, 2015

SUBJECT: ORDINANCE NO. 2015 – 44

RE: **An Ordinance Amending FNSBC Title 17 to add an exemption to the Subdivision Design and Public Improvement Requirements for lot line adjustments.**

---

The purpose of this ordinance is to establish a quicker and easier process by which minor lot line adjustments or eliminations can be approved.

At its regular meeting on July 15, 2015, the Platting Board of the Fairbanks North Star Borough considered a proposal to recommend a modification to Title 17. This amendment would create an exception to the design and public improvement requirements for platting actions that do not increase lot density. This modification would allow the Quick Plat Hearing Officer to approve minor lot line adjustments within previously approved subdivisions and other legally created parcels, thereby making the approval process quicker and easier for applicants.

The Platting Board held a public hearing on the proposed amendment on July 15, 2015 and voted 6 in favor and 0 opposed to recommend approval of the attached ordinance.

FAIRBANKS NORTH STAR BOROUGH

ORDINANCE NO. 2015 - 44

AN ORDINANCE AMENDING FNSBC 17.60.055 TO ADD AN EXCEPTION FROM THE SUBDIVISION DESIGN AND IMPROVEMENT REQUIREMENTS FOR SUBDIVISIONS THAT DO NOT INCREASE THE NUMBER OF LOTS.

WHEREAS current Title 17 applies design and public improvement requirements to all subdivisions; and

WHEREAS the Title 17 definition of subdivision includes minor lot line adjustments and any other minor alteration affecting more than one lot; and

WHEREAS a subdivision resulting in no increase in the number of lots does not increase the burden on public rights of way or other public facilities; and

WHEREAS applying design and public improvement requirements to subdivisions resulting in no increase in the number of lots unnecessarily increases the cost to the applicant and the resources required of Borough staff; and

WHEREAS it is the intent of this ordinance that an applicant would not have to request a variance for a current violation of the design and public improvement requirements of Title 17; however, a variance would be required if the subdivision would create a new violation of the design and public improvement requirements of Title 17; and

WHEREAS if a variance is not required, a minor lot line adjustment will qualify for the quick plat process.

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

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

36  
37 Section 1. This ordinance is of a general and permanent nature and shall  
38 be codified.

39  
40 Section 2. The following is added to FNSBC Title 17 Article 3 Design and  
41 Public Improvement Requirements:

42 17.60.055 Applicability

43 Any application to subdivide any number of lots that have been approved by the  
44 relevant platting authority when created or were exempt from platting authority approval  
45 when created shall not be subject to the design and public improvement requirements of  
46 this Title provided that all the following criteria are met:

47 A. The proposed subdivision does not result in an increase in the number of lots.

48 B. The proposed subdivision does not create a new violation of the design and  
49 public improvement requirements of this Title.

50 C. The proposed subdivision does not increase the non-conformity of any lot under  
51 this or any other FNSB Title.

52  
53 Section 3. Effective Date. This ordinance shall be effective at 5:00 p.m. of  
54 the first Borough business day following its adoption.

55  
56 PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.

57  
58  
59

60 \_\_\_\_\_  
Karl Kassel  
61 Presiding Officer

62  
63 ATTEST:

64 APPROVED:

65  
66   
67 \_\_\_\_\_  
A. René Broker  
68 Borough Attorney

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

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

Prepared July 1, 2015

**STAFF REPORT**  
FNSB PLATTING BOARD

July 15, 2015

by

Jacob Barowsky  
Platting Officer

~~~~~  
**Title 17 Amendment: Adding an Exemption to  
Subdivision Standards**

**Summary:** Currently the FNSBC Title 17 Subdivision Design and Public Improvement Requirements apply to all subdivision applications. These requirements, which are codified in FNSBC 17.60.060-17.60.180, include road standards, access requirements, and other design standards. The definition of a subdivision (FNSBC 17.10.020.B) includes “..the division of a tract or parcel of land into two or more lots, sites or other divisions, irrespective of their size before or after the division.” This means that an application that only intends to make a slight modification to an existing lot line is held to the same standards as a large subdivision.

One of the effects of this is that a strict application of Title 17 holds property owners in subdivisions that have been previously approved under prior versions of Title 17 responsible to upgrade to the current version, even when their applications are for very minor adjustments. Although staff normally supports variances and the Platting Board normally approves them in these situations, this unproportionately drives up the cost and effort associated with minor lot line changes.

Staff feels that subdivision applications that do not increase the number of lots have very little public impact and are appropriately processed through the quick plat process. Requiring variances in these cases adds an extra burden to applicants without any discernable public benefit.

**Recommended Motion:**

*I move to recommend to the Borough Assembly the proposed ordinance for inclusion into Title 17 as recommended by Staff.*

# **Title 17 Amendment adding an exemption to subdivision design and improvement standards for some minor replats**

## What does it do?

- Only applies to platting actions that do not create additional lots
- Allows most minor lot line changes of previously approved lots to be processed through the Quick Plat process without variances.
- Permits applicants to maintain status quo if they are not creating new lots.

## What does it not do?

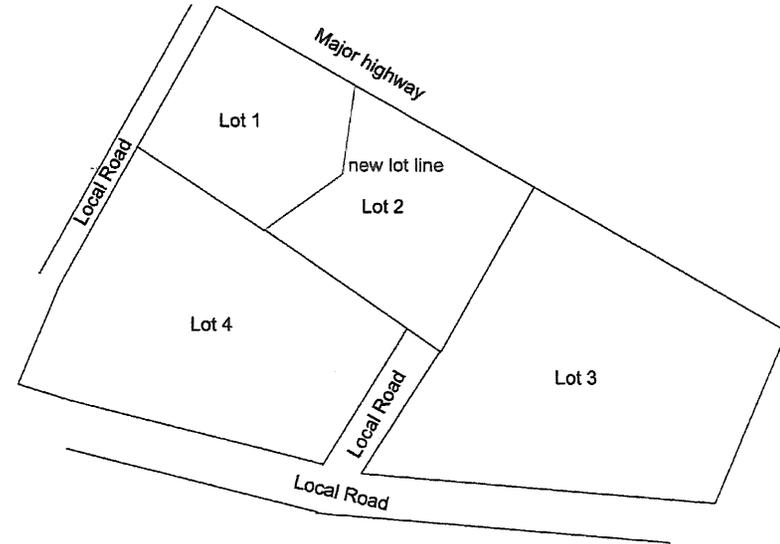
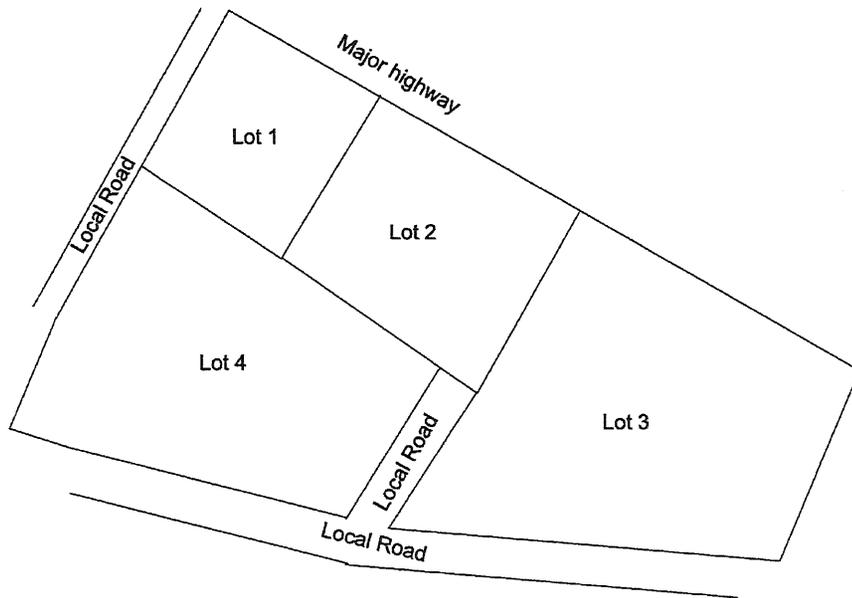
- Allow the creation of any new violations of Title 17.
- Allow lot line changes in illegal subdivisions without a case by case evaluation by the platting board.
- Change the information required to be shown on the plat.
- Change the survey/monumentation requirements.

# Five scenarios:

1. No existing violation and no created violation.
2. Existing violation not changed or made better.
3. New violation created.
4. Existing violation made worse.
5. Illegal subdivision.

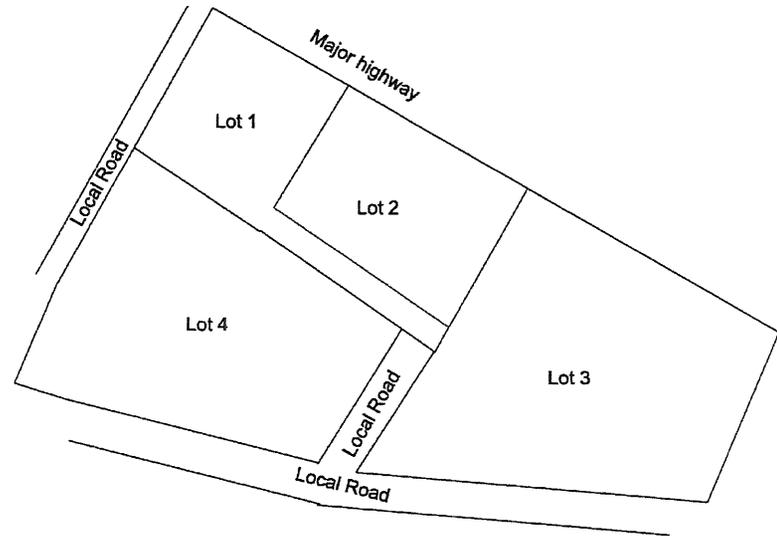
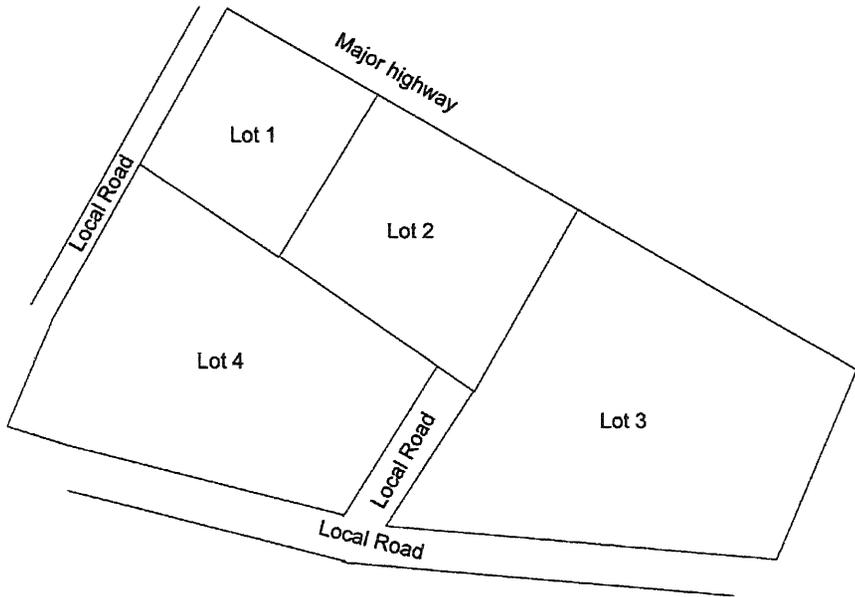
# No variance needed

FNSBC 17.60.130.D. Roads...shall end in a cul-de-sac...



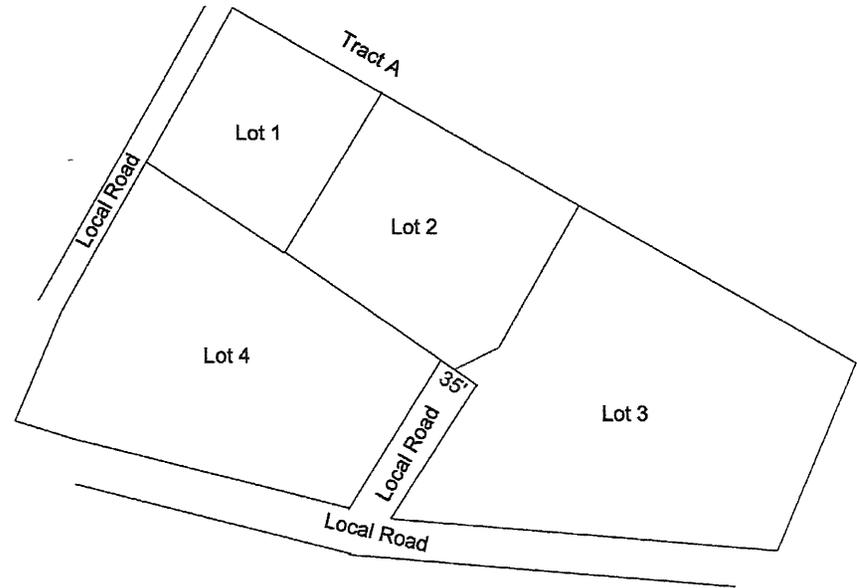
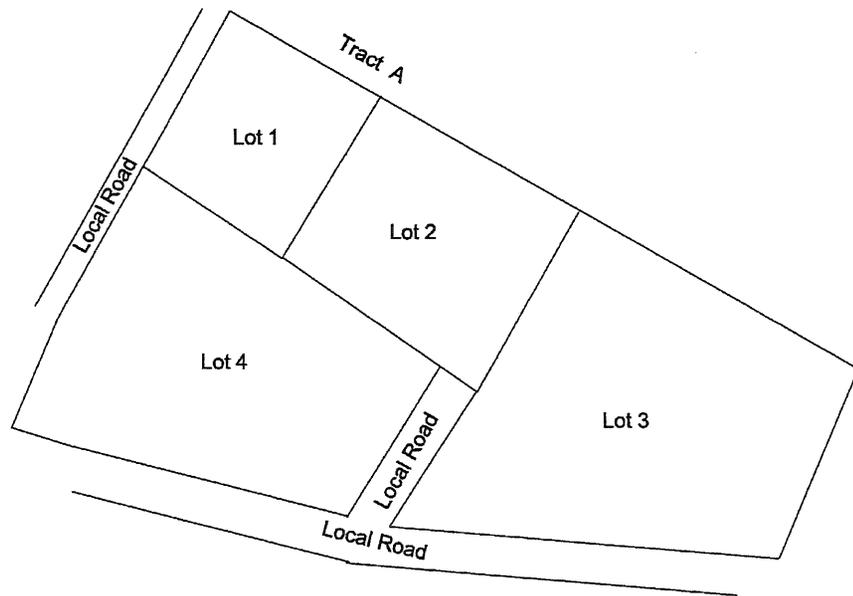
# Variance required

FNSBC 17.60.60.F. Direct lot access onto a ...arterial shall not be allowed...



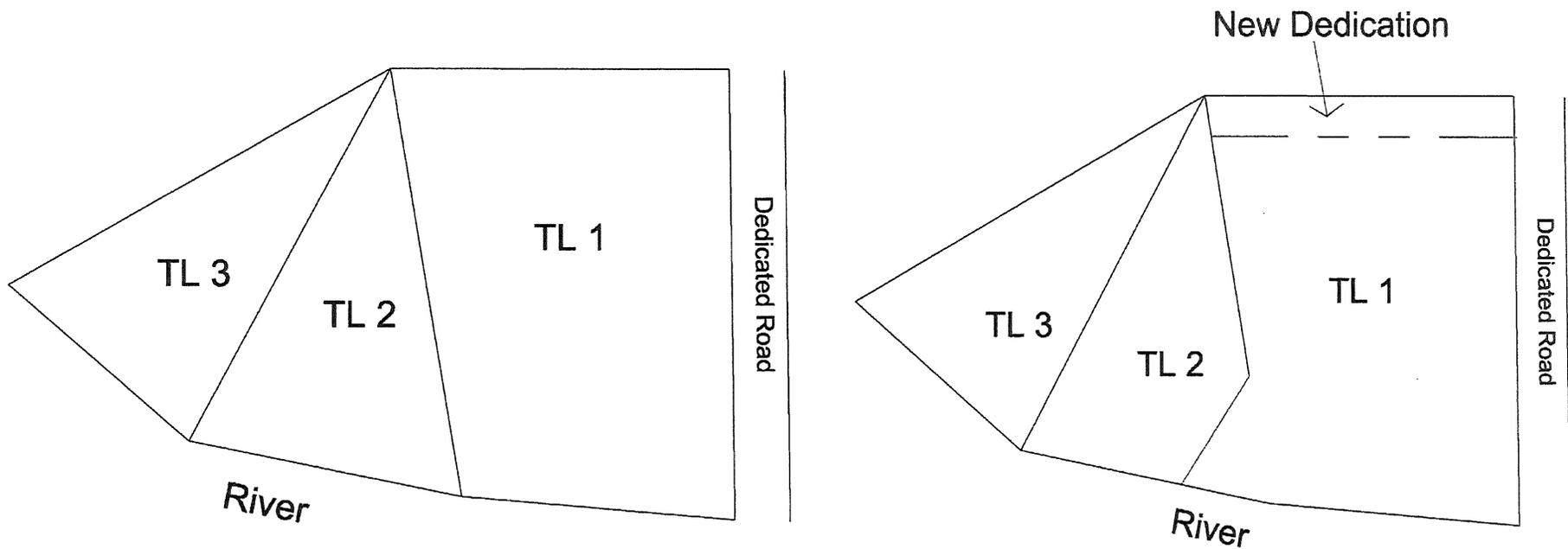
# Variance required

FNSBC 17.60.60.B Lots shall have at least 40 feet of frontage...



# Variance required

FNSBC 17.60.160.B. Rights-of-way...shall be provided to the boundary of the proposed subdivision.



# Recommended Motion

*I move to recommend to the Borough Assembly the proposed ordinance for inclusion into Title 17 as recommended by Staff.*

a) The variance meets the requirements of 17.70.010 because there is a hardship in dedicating Hillcrest Drive right-of-way.

b) There is a private easement providing access for the four parcels.

***A roll call vote was taken on the motion to approve Variance #2 for the two (2) findings of fact. The motion was approved 6-0. The motion passed unanimously.***

***A motion was made by Mr. Marcinkowski, seconded by Mr. Meyer to approve Variance #1 for a variance from 17.60.060.B and the three (3) finding of fact, as recommended by staff.***

***A roll call vote was taken on the motion to approve Variance #1 for a variance from 17.60.060.B with the three (3) findings of fact. The motion was approved 6-0. The motion passed unanimously.***

***A motion was made by Mr. Meyer, seconded by Mr. Marcinkowski to approve the subdivision, the six (6) conditions, and the four (4) findings of fact, as recommended by staff.***

***A roll call vote was taken on the motion to approve the subdivision with the three variances. The motion was approved 6-0. The motion passed unanimously.***

**APPROVED**

### Ordinances

1. **Title 17 Amendment A** proposed ordinance adding an exemption to subdivision design and improvement standards for some minor replats.

**Mr. Barowsky** gave the staff report.

**Ms. Klepaski** clarified that this has not gone to the Assembly yet. The Platting Board would be the Sponsor of this.

**Karen Tilton**, local surveyor, addressed the Platting Board. She gave an example of where this particular proposed ordinance would make a lot of sense. It just happens to be a piece of property that her family trust owns. There are two lots and both were approved with approved plats. They had a problem with adverse possession and they had to sue to Quiet Title to some property that was actually within the fence lines but not within the plat. In order for her to go through a platting process she would have to ask for a variance for a standard from Title 17. She further commented that it seems that in order to vacate the lot lines, this would be a perfect example of how this ordinance change would make the process simpler and not bring an unnecessarily complicated request in front of the Platting Board when it actually had been previously approved under prior ordinances. She expressed that she is in support of this proposed ordinance.

**Tim Sprout**, local surveyor, addressed the Platting Board. He stated that he appreciates staff for addressing this issue. He further commented that he is in support of this ordinance change and requests that the Platting Board support it as well.

## PUBLIC HEARING CLOSED

***A motion was made by Mr. Meyer, seconded by Mr. Marcinkowski, to recommend to the Borough Assembly the proposed ordinance for inclusion into Title 17 as recommended by staff.***

***A roll call vote was taken on the motion to approve proposed ordinance change to Title 17. The motion was approved 6-0. The motion passed unanimously.***

- 2. Title 17 Amendment** A proposed ordinance to correct discrepancies in the wording of Title 17 in regards to flag staffs; discrepancies in regards to horizontal curve radii for Local 1 and 2 roads and clarification of the corner rounding requirements.

**Ms. Parker** gave the staff report.

**Ms. Parker** stated that the Planning Department would like to change the language in regards to flagstaffs. It is more common to use the term "stem" instead of "staff" when referring to lots with this configuration. This change is proposed to be changed throughout Title 17. Changing the wording will also require an amendment to the definition of "flagstaff" in 17.20.010.

**Ms. Parker** continued that the Platting Department is also proposing that the wording in the criteria for a Type 2 flagstaff be revised to remove the width range. Right now it reads "between 40 feet and 60 feet" and the Platting Department would like to have the minimum width requirement with a stipulation that the width is sufficient to accommodate current or future road requirements.

As for road geometrics, **Ms. Parker** stated that the Platting Department would like to correct the discrepancy in regard to the horizontal curves for Local 1 and 2 roads. There is a table in 17.60.150 that lists minimum curve radii for both Local 1 and 2 roads but the language in 17.60.150.A doesn't match the table. It is proposed to change this to match the table by adding a line that has Local 2 with a minimum of 205'.

**Ms. Parker** continued that recently there was an amendment to the corner rounding requirements. However, the current language limits the corner rounding to a 20' radius and if an applicant wanted to provide a greater radius, they would have to ask for a variance. The Platting Department is proposing that the word "minimum" be added to the 20' requirement so that if someone were to want to dedicate a greater corner rounding they could do so without a variance.

With regards to the code citation, 17.70.010.B states that variances are not required for alternate designs for geometrics and profiles under FNSBC 17.60.150 when the requirements of 17.60.110.A are met. Section 110 was recently amended. That amendment changed the lettering therefore the citation was not updated to reflect those changes. Section 110.A relates to road construction exemptions and the requirements for alternate designs is located in 110.E. The "A" will be changed to "E" so that it refers to the correct sub-section.

**Ms. Klepaski** added that the Platting Department asks that the Platting Board adopt the proposed substitute which is in the Agenda Addendum as it is the more current version and has been reviewed by Legal.

**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:** Jacob Barowsky      **Department:** Community Planning

**To Be Introduced/Sponsored By:** Platting Board

**Abbreviated Ordinance Title:** Ord. #2015-XXX (Amendment to Title 17 to add an exemption to the design & lot li

**Department(s)/Division(s) Affected:** Community Planning - Platting

**Proposed Introduction Date:** August 13, 2015      **Ordinance No.:** 2015- 44

**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:** Christine Nelson      **Extension:** 1251

**Director(s) Signature(s):** *Christine Nelson*      **Date:** 7-17-15

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

**Chief Financial Officer Signature:**      **Date:**



# 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 *JJ for LA*

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

DATE: August 13, 2015

SUBJECT: ORDINANCE NO. 2015 – 45

RE: **An Ordinance Amending Title 17 to Correct Minor Discrepancies in Several sections and Amending Flag Lots, Road Geometrics and Variance Granting.**

---

The purpose of this ordinance is to amend language within Title 17 to make it a more clear, cohesive and consistent document.

At its regular meeting on July 15, 2015, the Platting Board of the Fairbanks North Star Borough considered a proposal to recommend an amendment to Title 17. This amendment would clarify language and correct minor discrepancies that have resulted from several code changes within the last few years.

The Platting Board conducted a public hearing on the proposed amendment on July 15, 2015; the resulting vote was 5 in favor and 1 opposed to recommend that the Assembly approve the attached ordinance.

FAIRBANKS NORTH STAR BOROUGH

ORDINANCE NO. 2015 - 45

AN ORDINANCE AMENDING FNSBC 17.20.010 AND 17.60.060 REGARDING FLAG LOTS,  
17.60.150 REGARDING ROAD GEOMETRICS AND 17.70.010 REGARDING VARIANCES

WHEREAS current Title 17 has been updated with several minor code changes in the last few years; and

WHEREAS the Title 17 changes have resulted in minor discrepancies within different sections; and

WHEREAS adjusting the wording within some sections of Title 17 will easily correct the discrepancies; and

WHEREAS corrections to these discrepancies will result in less confusion when reading and interpreting Title 17.

WHEREAS the term "flag stem" is more common than the term "flag staff" when describing the access to a flag lot; and

WHEREAS the maximum width of a flag stem should not be numerically limited; however, the width must be reasonably sufficient to accommodate current access or, if the flag lot is subdividable, future road requirements; and

WHEREAS different minimum curve radiuses are set forth in the chart at the end of FNSB C 17.60.150 for local 1 and 2 roads (125 feet and 205 feet respectively); however, those geometrics are not set forth in FNSB 17.60.150A; and

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

33  
34           WHEREAS the current code sets a definitive 20 foot requirement for a  
35 corner rounding; however, a minimum of 20 feet is all that is necessary and gives the  
36 landowner the option for larger corner roundings; and

37  
38           WHEREAS FNSBC 17.60.110 relating to general road  
39 requirements was changed and the subsections renumbered but a reference to it in  
40 FNSBC 17.70.010 relating to variance granting was not corrected.

41  
42           NOW THEREFORE, BE IT ORDAINED by the Assembly of the Fairbanks  
43 North Star Borough:

44  
45           Section: 1. This ordinance is of a general and permanent nature and shall  
46 be codified.

47  
48           Section 2. FNSBC Title 17.20.010 Definitions is amended as follows:  
49 “Flag [STAFF] stem” means the long narrow strip used as access to the flag lot.

50  
51           Section 3. FNSBC Title 17.60.060 G and H Lot Configuration is amended  
52 as follows:

53 G. Flag lots shall be limited to a maximum of two lots sharing adjacent flag  
54 [STAFFS] stems. Two adjacent flag lots will be required to share one common  
55 driveway within the flag [STAFF] stems. The common driveway shall be constructed to  
56 pioneer road standards. Adjacent nonflag lots may have rights to access a common  
57 driveway easement within the flag [STAFF] stem(s).

58 H. The flag stem of a flag lot shall meet the minimum requirements of this  
59 subsection and shall be no wider than is reasonably required to meet current access or  
60 future road requirements. Two types of flag lots are recognized by this title and shall be  
61 allowed as follows:

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

62 1. Type I Flag Lot. A flag lot that cannot be further subdivided under this  
63 title.

64 a. The flag [STAFF] stem is a minimum of 20 feet wide.

65 b. The depth to width ratio for the lot complies with this title. (The  
66 [STAFF] stem shall not be utilized in computing the depth to width ratio.)

67 2. Type II Flag Lot. A flag lot that can be further subdivided under this title.

68 a. The flag [STAFF] stem is [BETWEEN] a minimum of 40 feet [AND  
69 60 FEET] wide[, DEPENDING ON FUTURE ROAD NEEDS IN THE AREA].

70 b. Evidence has been submitted by the applicant that a borough-  
71 standard road can be constructed in the [STAFF OR HANDLE] stem in the event of a  
72 future dedication.

73 c. The depth to width ratio for the lot complies with this title. (The  
74 [STAFF] stem shall not be utilized in computing the depth to width ratio.)

75

76 Section 4. FNSBC Title 17.60.150 A Road geometrics and profiles is  
77 amended as follows:

78 A. Where the deflection angle of two road tangents exceeds 10 degrees, a  
79 horizontal circular curve is required, the centerline radius of which shall not be less than  
80 as outlined below:

81 1. Local 1 and Pioneer access roads, 125 feet;

82 2. Local 2 roads, 205 feet;

83 3. Minor collector road, 300 feet;

84 [3]4. Switchbacks. Switchbacks shall be connected with at least a 50-foot  
85 radius curve, and the curve shall have a maximum grade of two percent. Switchbacks  
86 will be allowed on local roads and pioneer access roads only;

87 [4]5. Single curves shall be separated by a 220-foot minimum tangent length for  
88 collector and frontage road classifications.

89

CODE AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT

Text to be *added* is underlined

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

90 Section 5. FNSBC Title 17.60.150 C2 Road geometrics and profiles is  
91 amended as follows:

92 2. In classifications other than pioneer access roads, corner roundings with a  
93 minimum 20-foot radius shall be required at intersections except the creation of corner  
94 roundings shall not be required by platting action that otherwise would require no other  
95 right-of-way dedication if the Borough Engineer and if existing, a managing public  
96 agency of the roadway(s) find the following:

97 a. The existing right-of-way provide sufficient area for the existing  
98 road improvements; and

99 b. The existing rights-of-way provide sufficient area for planned future  
100 road improvements.

101

102 Section 6. FNSBC Title 17.70.010B is amended as follows:

103 B. Variances are not required for alternate designs for road geometrics and profiles  
104 under FNSBC 17.60.150 when the requirements of FNSB 17.60.110([A]E) are met.

105

106 Section 7. Effective Date. This ordinance shall be effective at 5:00 p.m.  
107 of the first Borough business day following its adoption.

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

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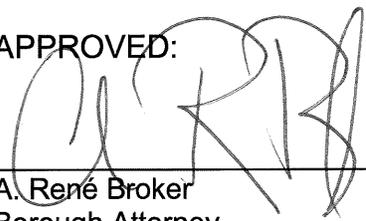
121

ATTEST:

\_\_\_\_\_  
Nanci Ashford-Bingham, MMC  
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]

|                                                                             |                                                                                                                                                           |                      |
|-----------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|
| Prepared July 13, 2015<br>by<br><br>Angela Parker, AICP<br>Platting Officer | <b>STAFF REPORT</b><br><b>FNSB PLATTING BOARD</b><br>~~~~<br><b>Title 17 Amendment: Miscellaneous Wording<br/>         Cleanup (Amended Staff Report)</b> | <b>July 15, 2015</b> |
|-----------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|

**Summary:** Title 17 has had several minor amendments over the years, unintentionally creating some inconsistencies in the language of the Title. This amendment aims to clean up the wording in a few areas, thereby clarifying the requirements and making it easier to understand the intent of the Title.

The major areas this cleanup is concerned with are as follows:

1. Change the language in 17.60.060 Lot Configuration that refers to flag staffs.
  - It is more common to use the term “stem” instead of “staff” when referring to those lots with this configuration, so it is proposed to change the term accordingly.
  - This change also requires an amendment to the definition of “Flag Staff” in 17.20.010 Definitions.
  - It is also proposed that the wording in the criteria for Type II Flag Lots be revised to remove the width range and only have a minimum width requirement, with the stipulation that the width is sufficient to accommodate current or future road requirements.
  
2. Correct a discrepancy in 17.60.150 Road geometrics and profiles in regards to the horizontal curves for Local 1 and 2 roads, and clarify the requirements for corner roundings.
  - The table, “Minimum Road Design Standards, Road Geometrics and Profiles” within 17.60.150 lists minimum curve radii for both Local 1 and Local 2 roads, but the language in 17.60.150.A does not match as it should. The language will be corrected to match the table.
  - Recently, an amendment to the corner rounding requirements was enacted, but the current language limits the corner rounding to a 20 foot radius, which may require a variance if an applicant were to propose 25 foot radius corner roundings, something that is better than what Title 17 requires. Adding the word “minimum” in front of “20 foot...” in 17.60.150.C.2 will allow the developer the option for larger corner roundings without the need for a variance.
  
3. Correct a citation within 17.70.010 Variance granting--Application that points to the wrong section.
  - 17.70.010.B states, “Variances are not required for alternate designs for road geometrics and profiles under FNSBC 17.60.150 when the requirements of FNSB 17.60.110(A) are met.”
  - 17.60.110 was amended in recent years, resulting in the renumbering of subsections. The citation in 17.70.010.B was not updated to reflect those changes. FNSB 17.60.110.A now relates to road construction exemptions, and

the requirements for alternate designs for road geometrics are located in 17.60.110.E.

**Recommended Language for Ordinance Proposal to the Borough Assembly:**

(see attached proposal)

**Recommended Motion:**

*I move to recommend to the Borough Assembly the proposed ordinance for inclusion into Title 17 as recommended by Staff.*

**Title 17 Amendment to correct discrepancies in the wording of Title 17 in regards to flag staffs; discrepancies in regards to horizontal curve radii for Local 1 and 2 roads; correction of a code citation and clarification of the corner rounding requirement.**

# Flag Staffs

- ❖ Replace “staff” with “stem” in 17.60.060 and 17.20.010
- ❖ Revise the wording in the criteria for Type II Flag Lots (17.60.060.H)

# Road geometrics

- ❖ Add the curve radius requirements for Local 2 roads (17.60.150.A)
- ❖ Add “minimum” to the radius requirement for corner roundings, allowing applicants to increase the radius without having to apply for a variance.

# Variations

- ❖ Correct a citation in Title that refers to the wrong subsection (17.70.010B).

# Recommended Motion

*I move to recommend to the Borough Assembly the proposed substitute ordinance for inclusion into Title 17 as recommended by Staff.*

## PUBLIC HEARING CLOSED

***A motion was made by Mr. Meyer, seconded by Mr. Marcinkowski, to recommend to the Borough Assembly the proposed ordinance for inclusion into Title 17 as recommended by staff.***

***A roll call vote was taken on the motion to approve proposed ordinance change to Title 17. The motion was approved 6-0. The motion passed unanimously.***

- 2. Title 17 Amendment** A proposed ordinance to correct discrepancies in the wording of Title 17 in regards to flag staffs; discrepancies in regards to horizontal curve radii for Local 1 and 2 roads and clarification of the corner rounding requirements.

**Ms. Parker** gave the staff report.

**Ms. Parker** stated that the Planning Department would like to change the language in regards to flagstaffs. It is more common to use the term "stem" instead of "staff" when referring to lots with this configuration. This change is proposed to be changed throughout Title 17. Changing the wording will also require an amendment to the definition of "flagstaff" in 17.20.010.

**Ms. Parker** continued that the Platting Department is also proposing that the wording in the criteria for a Type 2 flagstaff be revised to remove the width range. Right now it reads "between 40 feet and 60 feet" and the Platting Department would like to have the minimum width requirement with a stipulation that the width is sufficient to accommodate current or future road requirements.

As for road geometrics, **Ms. Parker** stated that the Platting Department would like to correct the discrepancy in regard to the horizontal curves for Local 1 and 2 roads. There is a table in 17.60.150 that lists minimum curve radii for both Local 1 and 2 roads but the language in 17.60.150.A doesn't match the table. It is proposed to change this to match the table by adding a line that has Local 2 with a minimum of 205'.

**Ms. Parker** continued that recently there was an amendment to the corner rounding requirements. However, the current language limits the corner rounding to a 20' radius and if an applicant wanted to provide a greater radius, they would have to ask for a variance. The Platting Department is proposing that the word "minimum" be added to the 20' requirement so that if someone were to want to dedicate a greater corner rounding they could do so without a variance.

With regards to the code citation, 17.70.010.B states that variances are not required for alternate designs for geometrics and profiles under FNSBC 17.60.150 when the requirements of 17.60.110.A are met. Section 110 was recently amended. That amendment changed the lettering therefore the citation was not updated to reflect those changes. Section 110.A relates to road construction exemptions and the requirements for alternate designs is located in 110.E. The "A" will be changed to "E" so that it refers to the correct sub-section.

**Ms. Klepaski** added that the Platting Department asks that the Platting Board adopt the proposed substitute which is in the Agenda Addendum as it is the more current version and has been reviewed by Legal.

**Mr. Meyer** inquired if some of these items were discussed at previous Platting Board meetings.

**Ms. Parker** replied that it was the Platting Board who requested that "staff" be changed to "stem".

**Mr. Pitney** asked if there was a National Standard for this at all. Ms. Parker replied that she is not aware of one however there are other jurisdictions that use "stem". It is more common.

PUBLIC HEARING CLOSED

*A motion was made by Mr. Marcinkowski, seconded by Mr. Meyer, to recommend to the Borough Assembly the proposed ordinance for inclusion into Title 17 as recommended by staff.*

**Ms. Klepaski** reminded the Platting Board that if they vote on this and it goes forward it will not say "proposed substitute" because that's the proposed substitute to the Platting Board. When it goes to the Assembly it will look like a regular ordinance.

*A roll call vote was taken on the motion to approve proposed ordinance change to Title 17. The motion was approved 5-1 with Mr. Bandopadhyay, Mr. Mendenhall, Mr. Marcinkowski, Mr. Meyer and Mr. Pitney voting to approve and Ms. Kniffen voting to deny.*

APPROVED

#### OLD BUSINESS

None

#### NEW BUSINESS

None

#### EXCUSE ABSENT MEMBERS

**Mr. Mendenhall** asked what the policy is regarding attendance. He also welcomed Mr. Bandopadhyay to the Platting Board.

**Mr. Bandopadhyay** added that sometimes absences can't be avoided as people do have other commitments. If the absences can be justified, he is o.k. with it.

**Mr. Pitney** eluded to the fact that Mr. Bryan will most likely be absent for a few more months. He questioned the Platting Board as to their desire and/or solution for this situation. He further stated that obtaining and maintaining a quorum is the ultimate goal. Too many times platting requests have had to be postponed because a quorum cannot be obtained. If Platting Board members will let it be known that one will not be in attendance at a particular meeting, that absence will be deemed excused. If notification is not received, that is not an excused absence. Occasionally things will come up at the last minute but quick notification is requested.

**Mr. Pitney** inquired what the process was if the Platting Board were to desire to remove a member from the Board.

**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:** Jacob Barowsky      **Department:** Community Planning

**To Be Introduced/Sponsored By:** Platting Board

**Abbreviated Ordinance Title:** Ord. #2015-XXX (Amendment to Title 17 to correct minor discrepancies in several

**Department(s)/Division(s) Affected:** Community Planning - Platting

**Proposed Introduction Date:** August 13, 2015      **Ordinance No.:** 2015- 45

**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:** Christine Nelson      **Extension:** 1251

**Director(s) Signature(s):** *Christine Nelson*      **Date:** 7-17-15

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

**Chief Financial Officer Signature:**      **Date:**