

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

**How to Participate in
Land Use Decisions**



June 2006



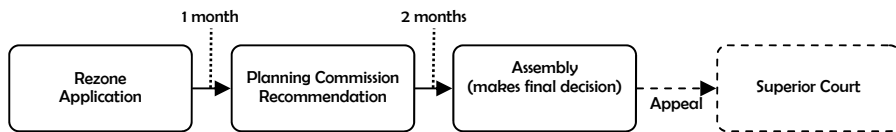
Citizen participation is the contemporary stand-in for the town meeting of early America. It is a formalized method to make possible a meaningful exchange of factual information, opinions, objectives, and alternatives between decision makers, proponents, and citizens.

We encourage your participation in the planning process. Communicating your concerns and providing proposed solutions is the basis of effective citizen participation. In fact, your contributions are vital in helping formulate sound public policy and decisions.

1. What types of planning actions are there?

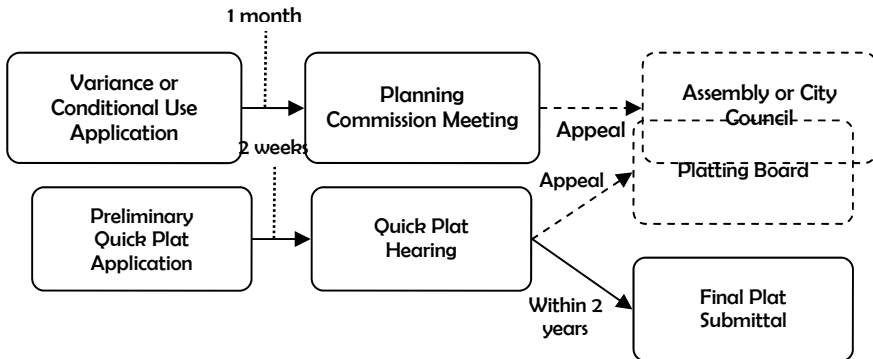
Rezoning: All land in the Borough is located in zoning districts within which certain land uses are permitted. A rezoning changes the zone for a given area. The rezoning process takes about three months and looks like this:

Conditional Use Approval: Certain land uses in every zoning district require approval from the Planning Commission. These uses are listed in the Title 18 zoning ordinance separately for each zone.



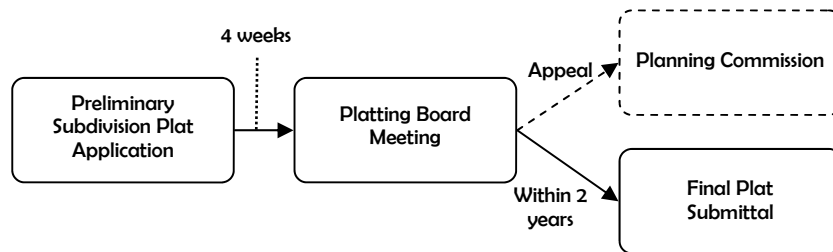
Zoning Variance: A departure from the numerical standards (setback, lot size, etc) required in a given zone. This requires approval of the Planning Commission.

The process for conditional use approvals and variances takes about one month and looks like this:



Quick Plat: A simple subdivision plat for a development that does not require road dedication or construction, does not involve a right-of-way vacation, and does not require a variance from a platting regulation. The preliminary plat is approved by a hearing officer and a Platting Board appearance is not required. The process looks like this:

Major Subdivision Plat: A plat for a development that does not meet the Quick Plat criteria. An appearance before the Platting Board is required. The process looks like this:



We encourage each applicant to hold a neighborhood meeting to explain his or her proposal to the neighbors. Although such a meeting is not required, holding one can make the planning process much easier for both the applicant and the neighbors.

2. What can I do to make a difference?

Be informed!

To be effective in the debate of a public planning issue you must understand the issue. Your criticisms of and/or support for a planning issue will have more weight if you make it clear that you have thoroughly considered the issue and have correct and relevant information.

Becoming informed means:

- Reading about the topic
- Visiting the Planning Department to question staff or examine case files
- Contacting the Planning Department by phone (907.459.1260) or e-mail (planning@co.fairbanks.ak.us)
- Attending special meetings called on the topic by the Planning Department, proponents, or opponents
- Researching websites devoted to the topic, including the Planning Department's website at www.co.fairbanks.ak.us/CommunityPlanning
- Giving thoughtful consideration to possible alternatives

Actively participate in the decision process

Your opinion, recommendations, and suggested alternatives can help in the final formulation of public planning decisions. You may prepare and submit written testimony in the form of:

- Letters (FNSB Community Planning, P.O. Box 71267, Fairbanks, Alaska 99707-1267)
- Returned Dear Property Owner notices
- E-mails (planning@co.fairbanks.ak.us)
- Faxes (907.459.1255)

Be sure to submit your written testimony with enough time to allow it to get to the decision-makers (at least seven days prior to the meeting in order for it to get in the Commissioner's packets). You may also testify before the Planning Commission or Platting Board at a public hearing (see information about testifying on page 7).

3. *How do I find out about planning issues?*

The Planning Department advises the public of pending planning related issues and decisions. These issues and decisions may have the potential to impact the whole community or just a local area.

The Department distributes notice of the pending issue through several means, which include:

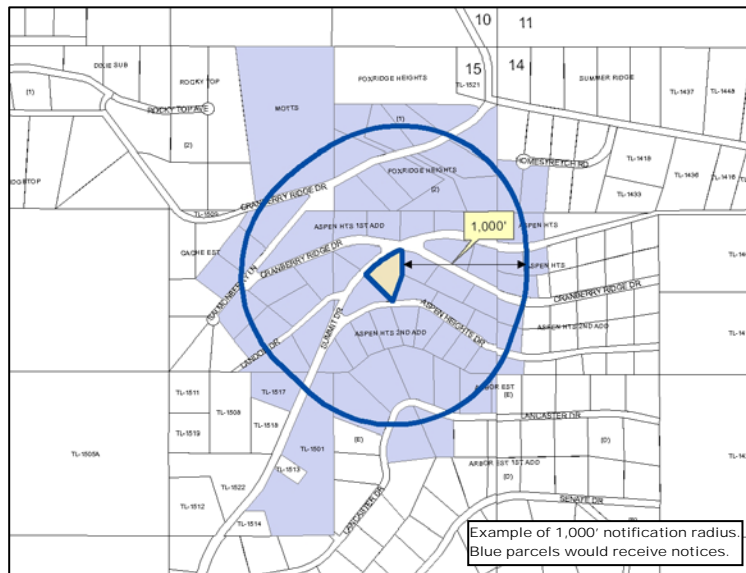
- Newspaper ads
- Mailed ***Dear Property Owner*** notices to nearby property owners
- Public hearing signs posted on the affected property (zoning issues only)
- Listings on the FNSB's web site at www.co.fairbanks.ak.us/Meetings
- News media reporting

The essential information that the ***Dear Property Owner*** notice provides is:

- A brief description of the pending planning issue or proposed change
- A description and a map of the land affected
- The location, date, and time of any meeting which you may attend
- Who will be conducting the meeting
- Where you may obtain additional information
- Where you may send written comments or opinions

4. *Why did my neighbor get a Dear Property Owner notice and I didn't?*

For rezones, zoning variances and conditional use permits, we mail Dear Property Owner notices to the owners of all property within 1,000 feet (500 feet within the limits of the City of Fairbanks or City of North Pole) of the property affected by these issues. For subdivision plats, we mail Dear Property Owner notices only to property owners adjoining the land proposed for subdivision.



The notice is mailed to those persons who are listed as the property owner on the FNSB's real property tax rolls. If you are a renter, then the landlord-property owner was sent the notice. If you are a property owner and did not receive a notice, then it is very likely that your property is just outside the computed notice radius or that your tax roll address is not current.

5. What types of meetings and hearings are there?

Public Meetings, Open Houses and Workshops

Public meetings, open houses, and workshops are usually conducted by Planning Department staff and/or consultants employed by the Department.

- The purpose of these meetings is to present a planning issue to the public for informational purposes or to gain informal feedback to staff on the issue.
- Testimony, if any, is usually not recorded although notes may be taken.
- Reference material is usually available on the issue.
- No formal action is taken at these types of meetings.

Regulatory Hearings (Planning Commission and Platting Board Meetings)

Regulatory actions and hearings are the strictest kinds of hearings. As these planning matters are dealing with property rights it is imperative that the project applicant be insured of a "fair and impartial" hearing.

- Contact with decision-makers outside of Platting Board meetings ('ex parte' contact) is prohibited.
- Examples of regulatory matters are conditional uses, preliminary plats, and zoning variances.
- Actions taken by the Planning Commission and Platting Board must be based on factual information. Neighborhood opposition alone is not considered sufficient grounds for denial.
- The numbers of proponents or opponents presenting testimony should have no impact on the final decision, or, in other words, counting noses cannot be the sole supporting reason for a decision.
- Conduct of the public hearing will be set by the rules of the Planning Commission and Platting Board.

- Exhibits and written and oral testimony will be accepted, and the testimony will be recorded.
- Any exhibit or document submitted at the hearing will likely be retained for the public record.
- Minutes of all public hearings will be available.

Work Sessions

Work sessions are special meetings called by the Assembly or by a board or commission.

- The meeting is open to the public, but usually not for the public to speak to the body.
- The focus of the work session is usually a presentation on a planning matter to the Assembly, board or commission by staff, a consultant, or a private project advocate.
- The work session may include attendance of more than one public decision-making body.

Legislative Hearings (FNSB Assembly Meetings)

Legislative hearings involve planning matters of general public policy such as adoption of plans, rezoning, or amending the land use laws.

- Conduct of the public hearing will be set by the rules of the Assembly.
- Exhibits and written and oral testimony will be accepted, and the testimony will be recorded.
- Any exhibit or document submitted at the hearing will likely be retained for the public record.
- Minutes of all public hearings will be available.

6. *If I want to testify, what should I do?*



The public hearing is your opportunity to present your opinion, relevant facts, and findings on the matter under consideration. To have the most impact, your testimony should be truthful, concise, and include any suggestions that you believe should be considered prior to any official action.

Testimony can be made in person and/or in written form through returned Dear Property Owner notices, letters, faxes, or e-mails. Generally, appearing in person will have the most impact. There is no way to accurately predict the number of persons who may present testimony, and the amount of testimony and the complexity of the debate sets the meeting timetable.

Organizing your presentation

Your presentation will be restricted to a limited amount of time in accordance with the hearing rules and will be recorded, so having your message organized is essential. The following are some things to consider when preparing your testimony:

- If you have never been to a public hearing before, **attend a hearing** prior to the date your item is to appear to observe what happens.
- **Prepare an outline** of what you would like to say. To be most effective given the limited time available, include a maximum of two to three key points. Practice or role play your testimony so you know how long your presentation will take.
- Be sure to **identify yourself** with your name and, if any, your affiliation with a relevant committee or group.
- **Clearly state your position.** Give a clear and concise description of your position on the issue.
- Most hearings do not require that persons testifying be sworn. Nevertheless, **it is expected that testimony will be truthful.**
- Although it is not necessary to have special expertise in order to testify, if you do have expertise in a particular field relevant to your testimony **advise the hearing body of that expertise.** For example, "I am a licensed PE (professional engineer) practicing civil engineering and designing highways."

- If your message or position statement is complex and shared by others in your neighborhood, coordinate your testimony to avoid repetition.
- If **pictures or drawings** will help explain the issue, have them available either in a form all can see or in quantities to give to each Board, Commission, or Assembly member. Other types of media can be used, but you may have to make your own arrangements for any special equipment such as TVs and projectors. Your visual aids may be kept by the Chair and made part of the official record of the proceedings.
- **Back up your testimony with factual evidence** if it is available. Avoid exaggerations. If you are speculating, say so. If your testimony is your opinion, let the hearing body know.
- **Listen to other testimony.** Try to present information that has not been presented by others.
- If you have an **alternate solution** to the matter under review, suggest it along with your reasons for support.
- In your presentation **do not attack any person or group on a personal level.** Personalities and motives are not at issue.
- Offer to **answer questions.**

Hearing decorum

Public hearings are official meetings. Such hearings must be fair and impartial. It is important that proponents and opponents of a particular matter conduct themselves with respect and restraint. The Chair is in charge of the public hearing. It is the job of the Chair to make sure that anyone who desires to present testimony has an opportunity to do so comfortably. The Chair cannot allow disruptive behavior, cheering, booing, clapping, waving placards, or anything else that would have the effect of intimidating a person while testifying.



7. Who are the decision makers?

Planning Commission

The Planning Commission is made up of 11 private citizens appointed by the Mayor for 3-year terms.

- The commissioners are volunteers.
- The Commission meets twice per month on Tuesdays from February to October and once per month from November through January.
- The Planning Commission performs three roles.
 - An advisory body to the Assembly on legislative planning matters such as adoption of plans, rezoning, or amending land use laws.
 - The final authority on regulatory matters such as conditional uses and variances.
 - The appeal body for Platting Board decisions.

Hearings

Agenda. Normally, matters before the Planning Commission will appear once on the Commission's agenda. The Commission must adopt specific written findings of fact to support each decision that it makes. A matter may appear on the agenda a second time (as unfinished business) if the proposed findings of fact required extensive revision.

When the Commission gets to a public hearing item (a variance, conditional use request or a rezone), the Chair will announce the matter, usually by referring to its agenda item number or its case number.

Consent Agenda. Planning matters that do not require a public hearing will be placed on the Commission's Consent Agenda. The Commission takes action on the entire Consent Agenda in one vote except when a Commissioner asks for an item to be removed from the Consent Agenda. Removed items are dealt with individually.

Obtaining the Agenda. Copies of the agenda are available at the meeting or on the FNSB's website at www.co.fairbanks.ak.us/Meetings/PlanningCommission. Agendas are also published in the Fairbanks Daily News-Miner on the Friday prior to each meeting.

Testimony Time Limit. The Commission strictly limits the amount of time for a person's testimony to three minutes. Each person may testify only once per agenda item. A timer visible from the public's podium advises of the time remaining. On completion of an individual's testimony, the Commissioners may ask questions. There is no time limit imposed for Commissioner questions.

When all persons who desire to speak on the case have been heard, the Chair will close the public hearing.

Citizen's Comments. You may speak on agenda items not scheduled for a public hearing during the Citizen Comments section at the beginning of each meeting's agenda. Items not scheduled for a public hearing include items that are held over from a previous meeting and any other item for which a public hearing has already been held.



Motions and voting

Regardless of the staff's recommendation to approve or deny an item, the starting point for the Planning Commission's decision will always be a positive motion. One commissioner will move to approve the item and another commissioner will second the motion. The conversation will be something like:

"Move to approve RZ 2005-006."

"Second."

"The item has been moved and seconded. Is there any discussion?"

When debate has ceased the Commission will vote on the motion and any amendments. The amendments will be dealt with one by one until all have been handled. Then a vote will be taken on the amended motion. To pass or approve the motion, a majority of the Planning Commission members present must vote in the affirmative.

Lobbying

Planning Commissioners may be contacted prior to a public hearing, but they cannot engage in any discussion about an agenda item. They will listen to what you have to say, but they cannot discuss the item with you prior to the Planning Commission meeting. All official testimony must be given in a public hearing at a Planning Commission meeting or in writing.

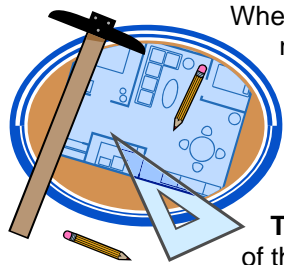
Platting Board

The Platting Board is made up of nine private citizens appointed by the Mayor for 3-year terms.

- The Board members are volunteers.
- The Board generally meets once a month, on Wednesdays.
- The Platting Board performs two roles:
 - The Board is the final authority on regulatory matters such as preliminary plats or subdivisions, dedications, and right-of-way vacations (although certain vacations must also be confirmed by the Assembly and/or the Alaska Department of Natural Resources).
 - The Board is an advisory body to the Assembly on legislative planning matters such as amending land use laws regarding subdivisions.

Hearings

Agenda. Normally, matters before the Platting Board will appear once on the Board's agenda. The Board crafts findings of fact to support each decision that it makes. A matter may appear on the agenda a second time if the proposed findings of fact required extensive revision.



When the Board gets to a public hearing item, the Chair will announce the matter, usually by referring to its agenda item number or its case number. Public testimony for each item will be requested by the Chair after the staff report and Board questions to the staff. Following the public testimony, the applicant and surveyor, engineer, or other representative will be asked to testify.

Obtaining the Agenda. Copies of the agenda are available at the meeting or on the FNSB's website at www.co.fairbanks.ak.us/Meetings/PlattingBoard. Agendas are also published in the Fairbanks Daily News-Miner on the Friday prior to each meeting.

Testimony Time Limit. The Board may limit each person's testimony to three minutes. A timer visible from the public's podium advises of the time remaining. On completion of an individual's testimony, the board members may ask questions. There is no time limit imposed for board member questions.

Citizen's Comments. You may speak on agenda items not scheduled for a public hearing during the Citizen Comments section at the beginning of each meeting's agenda. Items not scheduled for public hearing include items that are held over from a previous meeting and any other item for which a public hearing has already been held.

When all persons who desire to speak on the case have been heard, the Chair will close the public hearing.

Motions and Voting

Regardless of the staff's recommendation to approve or deny an item, the starting point for the Platting Board will be a positive motion. One Board member will move to approve the item. Another Board member may or may not second the motion (the Platting Board Rules of Order do not require that motions be seconded). The conversation will be something like:

"Move to approve RP 051-05."

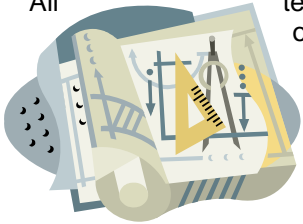
"Second."

"The item has been moved and seconded. Is there any discussion?"

When debate has ceased, the Board will vote on the motion and any amendments. The amendments will be dealt with one by one until all have been handled. Then a vote will be taken on the amended motion. To pass or approve the motion, a majority of the Platting Board members present must vote in the affirmative.

Lobbying

All testimony on a given item must be made at the public hearing. Independent contact of Platting Board members by an applicant or any other party is considered to be ex parte contact and is illegal.



Now you're ready to participate in the planning process!

Notes

Notes



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