ASSEMBLY
Christopher Quist, Presiding Officer
Mindy O'Neall, Deputy Presiding Officer
Marna Sanford
Frank Tomaszewski
Jimi Cash
Liz Lyke
Leah Berman Williams
Aaron Lojewski
Matt Cooper

BOROUGH MAYOR
Bryce J. Ward

BOROUGH ATTORNEY
Jill S. Dolan

BOROUGH CLERK
April Trickey, CMC

FAIRBANKS NORTH STAR BOROUGH

Regular Assembly Meeting
October 22, 2020
This meeting will be held by teleconference in the
Mona Lisa Drexler Assembly Chambers
Juanita Helms Administration Center
907 Terminal Street, Fairbanks, AK
6:00 p.m.

1. CALL TO ORDER

2. NONSECTARIAN INVOCATION

3. PLEDGE OF ALLEGIANCE

4. ROLL CALL

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

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

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

b. Items that are not scheduled on the agenda.

THE AGENDA ITEMS AS LISTED MAY NOT BE CONSIDERED IN SEQUENCE. THIS AGENDA IS SUBJECT TO CHANGE TO INCLUDE THE DELETION OF ITEMS; OR EXECUTIVE SESSIONS, IF NEEDED.

7. APPROVAL OF AGENDA AND CONSENT AGENDA

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

8. APPROVAL OF MINUTES

NONE

9. COMMUNICATIONS TO THE ASSEMBLY

a. Memorandum from April Trickey, Borough Clerk, regarding certification of the Fairbanks North Star Borough October 6, 2020 Regular Municipal Election. (**Page 6**)

*b. Memorandum from Wendy Dau, Assistant Borough Attorney, regarding claim for refund of taxes paid under protest by Fairbanks Gold Mining, Inc. (**Page 21**)

*c. Memorandum from Mayor Ward recommending the appointment of Kerynn Fisher to the Planning Commission. (**Page 22**)

*d. Change Order: For Contract Issued as a Result of IFB No. 20041 Lighting Upgrades for School District Facilities

Approval of a change order to G2 Construction, Inc., in the amount of $192,797.00, for a total contract amount of $1,729,748.27. (**Page 26**)

10. MESSAGES FROM THE BOROUGH MAYOR

Brief update on COVID-19 public health emergency by Mayor Ward and/or a representative from the Interior Alaska Unified Command.

11. REPORTS OF STANDING AND SPECIAL COMMITTEES

12. REPORTS FROM REPRESENTATIVES

a. Report from the City of Fairbanks Representative.

b. Report from the City of North Pole Representative.

c. Report from the School Board Representative.

13. SPECIAL ORDERS – Public Hearing at or after 7:00 p.m. (each person's comments limited to 3 minutes)

a. Swear-In of Newly Elected Officials

- Borough Assembly Seats D, E, and H
- Interior Alaska Natural Gas Utility Board (IGU) At-Large Seat C and D

b. Liquor License – New – Beverage Dispensary-Tourism – License #5927 (**Page 29**)

Fairbanks Hospitality, LLC
DBA: Hyatt Place Fairbanks
400 Merhar Ave
Fairbanks, AK 99701

c. ORDINANCE NO. 2020-34. An Ordinance Dissolving Tanana Valley Fairgrounds Service Area. (Sponsor: Mayor Ward) (**Page 54**)

d. ORDINANCE NO. 2020-02. An Ordinance Amending Fairbanks North Star Borough Code Of Ordinances Titles 4, 15, 17, 18, And 22 Regarding Quasi-Judicial Appeals To Add A New Board Of Appeals And New Appeals Officer Section And Amending FNSBC Title 8 Regarding The Appeal Process For Property Tax Exemptions. (Sponsor: Mayor Ward) (**Page 58**)

14. CONSIDERATION OF CALENDAR – Unfinished Business

NONE

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

a. Items that are not scheduled for public hearing – continuation.

16. CONSIDERATION OF CALENDAR – New Business – Resolutions

*a. RESOLUTION NO. 2020-42. A Resolution Thanking And Honoring Christopher Quist For His Service On The Fairbanks North Star Borough Assembly. (Sponsor: FNSB Assembly) (**Page 123**)

b. RESOLUTION NO. 2020-43. A Resolution Amending Resolution No. 2020-20 Regarding The Real Property Tax Delinquency Date For Certain Properties. (Sponsor: Mayor Ward) (**Page 125**)

17. CONSIDERATION OF CALENDAR – New Business – Ordinances To Be Referred To Committees Or Commissions

NONE

18. CONSIDERATION OF CALENDAR – New Business – Ordinances To Be Introduced And Advanced To Public Hearing

*a. ORDINANCE NO. 2020-35. An Ordinance Rezoning A Portion Of Tract B Of Lakeview Park Subdivision From Multiple-Family Residential/Mobile Home Subdivision/Military Noise Overlay To Light Industrial Or Other Appropriate Zone (Located East Of The Intersection Of Van Horn Road And Easy Street, South Of The Old Richardson Highway). (RZ2021-001)
(Sponsor: Mayor Ward)
(Refer to the Committee of the Whole on November 5, 2020; Advance to November 12, 2020 for Public Hearing) (**Page 128**)

PROPOSED SUBSTITUTE by Mayor Ward

ORDINANCE NO. 2020-35. An Ordinance Rezoning A Portion Of Tract B Of Lakeview Park Subdivision From Multiple-Family Residential/Mobile Home Subdivision/Military Noise Overlay To Light Industrial **/Special Limitations / Military Noise Overlay** Or Other Appropriate Zone (Located East Of The Intersection Of Van Horn Road And Easy Street, South Of The Old Richardson Highway). (RZ2021-001) (**Page 133**)

*b. ORDINANCE NO. 2020-20-1F. An Ordinance Amending The FY 2020-21 Budget By Appropriating $280,000 From The General Fund Fund Balance To The Capital Projects Fund For Additional Funding Of The Pioneer Park Church Structural Repair Project. (Sponsor: Mayor Ward)
(Refer to the Finance Committee on November 5, 2020; Advance to November 12, 2020 for Public Hearing) (**Page 214**)

Ordinances To Be Introduced And Advanced To Public Hearing – continued

*c. ORDINANCE NO. 2020-36. An Ordinance Amending The Parameters Of The Cares Act Business Interruption Grant Program Established In Ordinance No. 2019-20-1Z To Provide Economic Relief To Businesses Impacted By The COVID-19 Pandemic.
(Sponsors: Assemblymembers Cooper, Tomaszewski and O'Neall)
(Refer to Special Finance Committee on October 29, 2020; Advance to November 5, 2020 Special Assembly Meeting for Public Hearing) (**Page 220**)

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

b. Items that are not scheduled on the agenda.

20. ASSEMBLYMEMBER'S COMMENTS

21. ADJOURNMENT

Fairbanks North Star Borough
Borough Clerk
907 Terminal Street * PO Box 71267 * Fairbanks, Alaska 99707-1267 * (907)459-1401 FAX 459-1224

MEMORANDUM

TO: Fairbanks North Star Borough Assembly

FROM: April Trickey, CMC, Borough Clerk

DATE: October 22, 2020

SUBJECT: Certification of the Fairbanks North Star Borough October 6, 2020 Regular Municipal Election

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Attached for your review and certification is the report of the Election Canvass Board for the Regular Election held on October 6, 2020.

In reviewing the October 6, 2020 Regular Municipal Election, the Canvass Board found no irregularities in the election. Final certificate of the results of votes cast by:

- Early 1,226
- Absentee 1,766
- Questioned 506
- Regular Ballot 13,674
- Challenged Ballots 102

I ask for your acceptance of the Report of the Canvass Board.

The proper motion to certify the election is:

"Move that the Assembly accept the report of the Election Canvass Board and declare that the Regular Election of October 6, 2020 was validly held."

Entered upon the minutes of this meeting together will be the above motion, and the total number of votes cast for each candidate and for or aganist each propostion or question, per FNSBC 5.32.050(A).

Attachments:
Report of Election Canvass Board
2020 Unoffical Election Summary Results
2020 Unoffical Precinct, Early Voting, Absentee & Questioned Results

Fairbanks North Star Borough
Borough Clerk
907 Terminal Street * PO Box 71267 * Fairbanks, Alaska 99707-1267 * (907)459-1401 FAX 459-1224

CERTIFICATION OF REGULAR MUNICIPAL ELECTION

We, the undersigned duly elected officials of the Fairbanks North Borough Assembly, do hereby certify we have accepted the report of the Election Canvass Board and declare the Regular Municipal Election of October 6, 2020 was validly held.

Christopher Quist Presiding Officer	Mindy O'Neall Deputy Presiding Officer
Marna Sanford	Frank Tomaszewski
Jimi Cash	Liz Lyke
Leah Berman Williams	Aaron Lojewski
Matt Cooper	

Certified this 22nd day of October, 2020.

ATTEST:

April Trickey, CMC, Borough Clerk

REPORT OF ELECTION CANVASS BOARD

We, the undersigned, duly appointed at the regular assembly meeting of September 10, 2020 to serve as canvass board judges in the Municipal Election of October 6, 2020 do hereby certify that we have examined in detail all absentee and questioned ballots, original and questioned registers, for each of the 40 voting precincts of the Fairbanks North Star Borough.

Upon completion of the canvass, it is our opinion that the attached summary of election returns, as compiled by the borough clerk, accurately reflects the totals shown on the Certificate of Election Returns by the election board of each voting precinct, dated this 13th day of October, 2020.

Mary McCarroll

Patty Wisel

Leann Folsom

Ramona Lewis

Linda Nios

Bev Higdon

Chairperson

Election Summary Report

Regular Election
Fairbanks North Star Borough
October 06, 2020
Summary for: All FNSB Contests, Tabulators, Counting Groups
Unofficial Election Results

Elector Group	Counting Group	Ballots	Voters	Registered Voters	Turnout
FNSB					
	Election Day	13,674	13,674		17.85%
	Absentee	1,766	1,766		2.31%
	Early Voting	1,226	1,226		1.60%
	Question	506	506		0.66%
	Total	17,172	17,172	76,586	22.42%

Precincts Reported: 40 of 40 (100.00%)

FNSB BOROUGH ASSEMBLY SEAT D (Vote for 1)

Precincts Reported: 40 of 40 (100.00%)

Candidate	Total	
Chris Ludtke	1,919	11.46%
Tammie Wilson	8,189	48.89%
Donald Crocker	6,573	39.24%
	Total	
Unresolved Write-In	68	

FNSB BOROUGH ASSEMBLY SEAT E (Vote for 1)

Precincts Reported: 40 of 40 (100.00%)

Candidate	Total	
Jimi Cash	8,769	53.75%
Shaun Tacke	7,443	45.62%
	Total	
Unresolved Write-In	103	

FNSB BOROUGH ASSEMBLY SEAT H (Vote for 1)

Precincts Reported: 40 of 40 (100.00%)

Candidate	Total	
Aaron Lojewski	9,361	57.57%
Ryan L. VanReenan	6,800	41.82%
	Total	
Unresolved Write-In	100	

FNSB SCHOOL BOARD SEAT E (Vote for 1)

Precincts Reported: 40 of 40 (100.00%)

Candidate		Total	
Tim Doran		8,463	53.38%
Jeffrey Rentzel		7,273	45.88%
		Total	
Unresolved Write-In		117	

FNSB SCHOOL BOARD SEAT F (Vote for 1)

Precincts Reported: 40 of 40 (100.00%)

Candidate		Total	
Brianna Gray		5,135	32.12%
Gregory Kahoe		1,749	10.94%
April Smith		6,173	38.62%
Sean Rice		2,833	17.72%
		Total	
Unresolved Write-In		96	

FNSB SCHOOL BOARD SEAT G (Vote for 1)

Precincts Reported: 40 of 40 (100.00%)

Candidate		Total	
Brandon Boylan		6,983	44.62%
Maggie Matheson		8,554	54.65%
		Total	
Unresolved Write-In		114	

FNSB IGU BOARD AT-LARGE SEAT C (Vote for 1)

Precincts Reported: 40 of 40 (100.00%)

Candidate		Total	
Luke Hopkins		12,997	92.77%
		Total	
Unresolved Write-In		1,013	

FNSB IGU BOARD AT-LARGE SEAT D (Vote for 1)

Precincts Reported: 40 of 40 (100.00%)

Candidate		Total	
Bert Bell		12,814	94.47%
		Total	
Unresolved Write-In		750	

FNSB PROPOSITION 1 (Vote for 1)

Precincts Reported: 40 of 40 (100.00%)

Candidate	Total	
YES	9,984	59.75%
NO	6,726	40.25%
	Total	
Unresolved Write-In	0	

2020 Unofficial Precinct, Early Voting, Absentee and Questioned Results
Fairbanks North Star Borough
Regular Election
October 6, 2020

FNSB BOROUGH ASSEMBLY SEAT D (Vote for 1)

Precinct	Chris Ludtke	**Tammie Wilson**	Donald Crocker	Write-in
01-446 Aurora	77	246	170	2
01-455 Fairbanks #1	12	61	38	0
01-465 Fairbanks #2	14	64	50	0
01-470 Fairbanks #3	37	160	109	1
01-475 Fairbanks #4	31	69	64	0
01-480 Fairbanks #5	62	241	182	1
01-485 Fairbanks #6	26	109	57	1
01-490 Fairbanks #7	26	116	60	2
01-495 Fairbanks #10	12	59	35	1
02-345 Badger #2	52	345	81	3
02-355 Fairbanks #8	58	203	127	3
02-365 Fairbanks #9	82	259	148	3
02-375 Fort Wainwright	2	20	1	0
03-130 Badger #1	48	404	90	3
03-135 Chena Lakes	45	381	53	1
03-165 Newby	70	437	94	3
03-175 North Pole	29	170	35	0
03-183 Plack	43	357	74	0
04-230 Ester	25	88	200	1
04-240 Farmers Loop	57	250	425	4
04-250 Goldstream #1	31	108	217	1
04-260 Goldstream #2	56	121	330	3
04-265 Steese	101	458	271	1
04-270 Steese West	112	441	291	3
04-280 University Hills	14	36	101	0
05-580 Airport	10	41	25	0
05-582 Chena	122	492	551	3
05-586 Geist	49	152	173	0
05-587 Lakeview	4	33	10	0
05-588 Pike	16	84	40	0
05-590 Richardson	5	66	7	1
05-592 Shanly	21	83	95	1
05-594 University	3	7	17	0
05-596 University West	81	241	227	0
06-145 Eielson	4	9	3	0
06-150 Fox	10	93	25	0
06-155 Moose Creek	13	66	19	1
06-160 Salcha	26	174	32	1
06-170 Steele Creek	35	158	115	1
06-180 Two Rivers	32	164	76	1
20-000 Absentee	150	512	1,041	3
30-000 Early Voting	161	390	629	11
40-000 Question	55	221	185	8
Total	1,919	**8,189**	6,573	68

2020 Unofficial Precinct, Early Voting, Absentee and Questioned Results
Fairbanks North Star Borough
Regular Election
October 6, 2020

FNSB BOROUGH ASSEMBLY SEAT E (Vote for 1)

Precinct	**Jimi Cash**	Shaun Tacke	Write-in
01-446 Aurora	280	205	2
01-455 Fairbanks #1	60	44	1
01-465 Fairbanks #2	76	53	0
01-470 Fairbanks #3	180	122	0
01-475 Fairbanks #4	78	81	0
01-480 Fairbanks #5	276	203	6
01-485 Fairbanks #6	104	85	2
01-490 Fairbanks #7	106	88	3
01-495 Fairbanks #10	65	39	2
02-345 Badger #2	333	130	4
02-355 Fairbanks #8	231	153	1
02-365 Fairbanks #9	286	201	1
02-375 Fort Wainwright	19	4	0
03-130 Badger #1	390	135	3
03-135 Chena Lakes	370	90	3
03-165 Newby	449	134	2
03-175 North Pole	173	57	1
03-183 Plack	351	102	5
04-230 Ester	102	194	1
04-240 Farmers Loop	287	416	5
04-250 Goldstream #1	137	212	2
04-260 Goldstream #2	159	323	3
04-265 Steese	512	300	0
04-270 Steese West	504	323	5
04-280 University Hills	40	102	1
05-580 Airport	49	28	0
05-582 Chena	543	596	5
05-586 Geist	179	177	3
05-587 Lakeview	30	15	0
05-588 Pike	83	53	0
05-590 Richardson	54	18	0
05-592 Shanly	97	97	0
05-594 University	5	19	0
05-596 University West	263	272	4
06-145 Eielson	13	3	0
06-150 Fox	88	35	1
06-155 Moose Creek	69	27	1
06-160 Salcha	159	56	5
06-170 Steele Creek	160	136	5
06-180 Two Rivers	159	100	3
20-000 Absentee	567	1,095	5
30-000 Early Voting	433	716	10
40-000 Question	250	204	8
Total	**8,769**	7,443	103

2020 Unofficial Precinct, Early Voting, Absentee and Questioned Results
Fairbanks North Star Borough
Regular Election
October 6, 2020

FNSB BOROUGH ASSEMBLY SEAT H (Vote for 1)

Precinct	**Aaron Lojewski**	Ryan L. VanReenan	Write-in
01-446 Aurora	301	181	2
01-455 Fairbanks #1	67	38	1
01-465 Fairbanks #2	77	50	0
01-470 Fairbanks #3	175	127	1
01-475 Fairbanks #4	90	72	0
01-480 Fairbanks #5	292	189	4
01-485 Fairbanks #6	122	65	2
01-490 Fairbanks #7	110	83	2
01-495 Fairbanks #10	69	35	1
02-345 Badger #2	341	120	3
02-355 Fairbanks #8	239	139	0
02-365 Fairbanks #9	304	172	2
02-375 Fort Wainwright	19	4	0
03-130 Badger #1	396	122	3
03-135 Chena Lakes	359	102	3
03-165 Newby	443	131	3
03-175 North Pole	171	52	1
03-183 Plack	354	95	5
04-230 Ester	111	185	2
04-240 Farmers Loop	314	387	7
04-250 Goldstream #1	147	202	2
04-260 Goldstream #2	185	299	3
04-265 Steese	520	289	1
04-270 Steese West	528	286	7
04-280 University Hills	48	95	1
05-580 Airport	52	25	0
05-582 Chena	585	553	6
05-586 Geist	222	141	0
05-587 Lakeview	39	9	0
05-588 Pike	98	37	1
05-590 Richardson	56	15	1
05-592 Shanly	109	88	0
05-594 University	9	16	0
05-596 University West	314	216	1
06-145 Eielson	9	7	0
06-150 Fox	90	33	1
06-155 Moose Creek	71	25	0
06-160 Salcha	171	48	2
06-170 Steele Creek	187	112	3
06-180 Two Rivers	169	89	1
20-000 Absentee	636	1,021	6
30-000 Early Voting	509	646	10
40-000 Question	253	199	12
Total	**9,361**	6,800	100

2020 Unofficial Precinct, Early Voting, Absentee and Questioned Results
Fairbanks North Star Borough
Regular Election
October 6, 2020

FNSB SCHOOL BOARD SEAT E (Vote for 1)

Precinct	**Tim Doran**	Jeffrey Rentzel	Write-in
01-446 Aurora	241	235	3
01-455 Fairbanks #1	55	47	0
01-465 Fairbanks #2	69	54	2
01-470 Fairbanks #3	167	125	1
01-475 Fairbanks #4	90	66	0
01-480 Fairbanks #5	276	196	5
01-485 Fairbanks #6	103	83	2
01-490 Fairbanks #7	90	97	4
01-495 Fairbanks #10	48	57	1
02-345 Badger #2	165	279	6
02-355 Fairbanks #8	169	202	2
02-365 Fairbanks #9	233	241	1
02-375 Fort Wainwright	5	19	0
03-130 Badger #1	175	328	5
03-135 Chena Lakes	149	300	3
03-165 Newby	184	380	1
03-175 North Pole	80	141	3
03-183 Plack	140	300	5
04-230 Ester	199	89	3
04-240 Farmers Loop	449	236	8
04-250 Goldstream #1	218	121	4
04-260 Goldstream #2	331	134	4
04-265 Steese	357	432	2
04-270 Steese West	372	415	6
04-280 University Hills	108	36	1
05-580 Airport	33	39	0
05-582 Chena	633	473	7
05-586 Geist	206	147	1
05-587 Lakeview	17	27	0
05-588 Pike	59	71	1
05-590 Richardson	20	48	1
05-592 Shanly	111	79	0
05-594 University	20	3	1
05-596 University West	287	232	2
06-145 Eielson	1	14	1
06-150 Fox	46	70	1
06-155 Moose Creek	37	57	0
06-160 Salcha	80	135	2
06-170 Steele Creek	136	154	4
06-180 Two Rivers	111	129	3
20-000 Absentee	1,187	422	6
30-000 Early Voting	766	365	8
40-000 Question	240	195	7
Total	**8,463**	7,273	117

2020 Unofficial Precinct, Early Voting, Absentee and Questioned Results
Fairbanks North Star Borough
Regular Election
October 6, 2020

FNSB SCHOOL BOARD SEAT F (Vote for 1)

Precinct	Brianna Gray	Gregory Kahoe	**April Smith**	Sean Rice	Write-in
01-446 Aurora	136	52	166	122	3
01-455 Fairbanks #1	27	15	35	28	0
01-465 Fairbanks #2	40	12	42	33	0
01-470 Fairbanks #3	112	20	106	47	1
01-475 Fairbanks #4	57	19	53	30	0
01-480 Fairbanks #5	135	57	183	100	4
01-485 Fairbanks #6	70	18	71	30	0
01-490 Fairbanks #7	59	12	79	46	2
01-495 Fairbanks #10	25	10	47	22	0
02-345 Badger #2	86	40	228	97	5
02-355 Fairbanks #8	96	32	160	88	0
02-365 Fairbanks #9	135	38	188	115	1
02-375 Fort Wainwright	3	2	18	1	0
03-130 Badger #1	71	32	295	120	3
03-135 Chena Lakes	59	31	302	68	1
03-165 Newby	83	28	351	106	2
03-175 North Pole	41	10	138	35	1
03-183 Plack	73	18	286	76	5
04-230 Ester	145	34	73	44	1
04-240 Farmers Loop	305	119	192	81	5
04-250 Goldstream #1	152	44	96	50	1
04-260 Goldstream #2	235	82	102	50	1
04-265 Steese	204	71	389	123	2
04-270 Steese West	227	88	361	112	7
04-280 University Hills	86	14	34	12	1
05-580 Airport	16	9	28	19	0
05-582 Chena	433	143	392	138	8
05-586 Geist	119	47	115	77	1
05-587 Lakeview	4	0	24	15	0
05-588 Pike	31	14	60	29	1
05-590 Richardson	10	6	39	15	0
05-592 Shanly	72	23	56	43	0
05-594 University	15	7	3	2	0
05-596 University West	212	59	174	77	2
06-145 Eielson	0	0	11	4	1
06-150 Fox	18	15	59	22	0
06-155 Moose Creek	21	6	52	13	0
06-160 Salcha	40	20	125	32	3
06-170 Steele Creek	70	35	130	54	5
06-180 Two Rivers	68	29	111	45	2
20-000 Absentee	725	239	344	320	2
30-000 Early Voting	468	153	286	216	13
40-000 Question	151	46	169	76	12
Total	5,135	1,749	**6,173**	2,833	96

2020 Unofficial Precinct, Early Voting, Absentee and Questioned Results
Fairbanks North Star Borough
Regular Election
October 6, 2020

FNSB SCHOOL BOARD SEAT G (Vote for 1)

Precinct	Brandon Boylan	**Maggie Matheson**	Write-in
01-446 Aurora	196	276	4
01-455 Fairbanks #1	51	53	0
01-465 Fairbanks #2	53	69	0
01-470 Fairbanks #3	127	157	1
01-475 Fairbanks #4	68	84	0
01-480 Fairbanks #5	195	280	5
01-485 Fairbanks #6	65	118	0
01-490 Fairbanks #7	71	119	3
01-495 Fairbanks #10	38	67	0
02-345 Badger #2	131	309	7
02-355 Fairbanks #8	141	229	3
02-365 Fairbanks #9	185	283	1
02-375 Fort Wainwright	3	19	0
03-130 Badger #1	135	371	3
03-135 Chena Lakes	117	330	2
03-165 Newby	150	408	3
03-175 North Pole	53	163	2
03-183 Plack	118	325	4
04-230 Ester	182	112	1
04-240 Farmers Loop	396	277	9
04-250 Goldstream #1	196	141	2
04-260 Goldstream #2	294	160	3
04-265 Steese	292	484	3
04-270 Steese West	297	471	8
04-280 University Hills	97	41	1
05-580 Airport	36	33	0
05-582 Chena	547	539	7
05-586 Geist	161	181	1
05-587 Lakeview	10	29	0
05-588 Pike	50	81	1
05-590 Richardson	12	54	1
05-592 Shanly	98	87	1
05-594 University	18	8	0
05-596 University West	231	288	0
06-145 Eielson	3	13	0
06-150 Fox	34	81	1
06-155 Moose Creek	28	65	0
06-160 Salcha	63	155	1
06-170 Steele Creek	127	160	3
06-180 Two Rivers	83	154	2
20-000 Absentee	1,030	556	4
30-000 Early Voting	606	483	14
40-000 Question	195	241	13
Total	6,983	**8,554**	114

2020 Unofficial Precinct, Early Voting, Absentee and Questioned Results
Fairbanks North Star Borough
Regular Election
October 6, 2020

FNSB IGU BOARD AT-LARGE SEAT C (Vote for 1)

Precinct	**Luke Hopkins**	Write-in
01-446 Aurora	398	27
01-455 Fairbanks #1	87	6
01-465 Fairbanks #2	112	9
01-470 Fairbanks #3	244	16
01-475 Fairbanks #4	128	10
01-480 Fairbanks #5	399	21
01-485 Fairbanks #6	159	11
01-490 Fairbanks #7	161	12
01-495 Fairbanks #10	86	3
02-345 Badger #2	370	25
02-355 Fairbanks #8	314	19
02-365 Fairbanks #9	403	29
02-375 Fort Wainwright	17	1
03-130 Badger #1	380	60
03-135 Chena Lakes	330	34
03-165 Newby	436	42
03-175 North Pole	176	16
03-183 Plack	315	44
04-230 Ester	248	20
04-240 Farmers Loop	582	39
04-250 Goldstream #1	289	18
04-260 Goldstream #2	407	16
04-265 Steese	594	72
04-270 Steese West	624	72
04-280 University Hills	122	6
05-580 Airport	58	8
05-582 Chena	899	63
05-586 Geist	292	15
05-587 Lakeview	34	0
05-588 Pike	107	9
05-590 Richardson	51	6
05-592 Shanly	167	15
05-594 University	21	0
05-596 University West	447	23
06-145 Eielson	14	2
06-150 Fox	80	14
06-155 Moose Creek	77	10
06-160 Salcha	163	21
06-170 Steele Creek	230	25
06-180 Two Rivers	195	18
20-000 Absentee	1,434	55
30-000 Early Voting	992	68
40-000 Question	355	33
Total	**12,997**	1,013

2020 Unofficial Precinct, Early Voting, Absentee and Questioned Results
Fairbanks North Star Borough
Regular Election
October 6, 2020

FNSB IGU BOARD AT-LARGE SEAT D (Vote for 1)

Precinct	**Bert Bell**	Write-in
01-446 Aurora	411	18
01-455 Fairbanks #1	91	0
01-465 Fairbanks #2	105	8
01-470 Fairbanks #3	255	10
01-475 Fairbanks #4	129	6
01-480 Fairbanks #5	415	11
01-485 Fairbanks #6	161	10
01-490 Fairbanks #7	157	16
01-495 Fairbanks #10	87	1
02-345 Badger #2	375	20
02-355 Fairbanks #8	321	15
02-365 Fairbanks #9	410	19
02-375 Fort Wainwright	17	1
03-130 Badger #1	403	34
03-135 Chena Lakes	352	24
03-165 Newby	458	24
03-175 North Pole	178	11
03-183 Plack	335	27
04-230 Ester	221	18
04-240 Farmers Loop	560	30
04-250 Goldstream #1	252	18
04-260 Goldstream #2	359	20
04-265 Steese	621	38
04-270 Steese West	652	43
04-280 University Hills	105	5
05-580 Airport	60	4
05-582 Chena	860	53
05-586 Geist	282	16
05-587 Lakeview	39	0
05-588 Pike	120	2
05-590 Richardson	54	5
05-592 Shanly	170	3
05-594 University	18	0
05-596 University West	441	16
06-145 Eielson	15	1
06-150 Fox	89	9
06-155 Moose Creek	75	6
06-160 Salcha	167	18
06-170 Steele Creek	224	20
06-180 Two Rivers	186	16
20-000 Absentee	1,313	52
30-000 Early Voting	929	72
40-000 Question	342	30
Total	**12,814**	750

2020 Unofficial Precinct, Early Voting, Absentee and Questioned Results
Fairbanks North Star Borough
Regular Election
October 6, 2020

FNSB PROPOSITION 1 (Vote for 1)

Precinct	**YES**	NO
01-446 Aurora	284	204
01-455 Fairbanks #1	67	42
01-465 Fairbanks #2	65	67
01-470 Fairbanks #3	199	112
01-475 Fairbanks #4	101	62
01-480 Fairbanks #5	314	181
01-485 Fairbanks #6	125	68
01-490 Fairbanks #7	134	73
01-495 Fairbanks #10	63	47
02-345 Badger #2	326	152
02-355 Fairbanks #8	256	132
02-365 Fairbanks #9	309	186
02-375 Fort Wainwright	13	11
03-130 Badger #1	349	189
03-135 Chena Lakes	331	149
03-165 Newby	386	214
03-175 North Pole	166	69
03-183 Plack	338	132
04-230 Ester	158	158
04-240 Farmers Loop	404	321
04-250 Goldstream #1	207	151
04-260 Goldstream #2	258	235
04-265 Steese	550	284
04-270 Steese West	542	306
04-280 University Hills	57	93
05-580 Airport	49	29
05-582 Chena	677	482
05-586 Geist	217	160
05-587 Lakeview	32	19
05-588 Pike	84	49
05-590 Richardson	51	24
05-592 Shanly	114	90
05-594 University	6	22
05-596 University West	332	217
06-145 Eielson	8	8
06-150 Fox	96	37
06-155 Moose Creek	66	34
06-160 Salcha	150	79
06-170 Steele Creek	188	122
06-180 Two Rivers	159	108
20-000 Absentee	873	825
30-000 Early Voting	609	589
40-000 Question	271	194
Total	**9,984**	6,726

Fairbanks North Star Borough Department of Law
907 Terminal Street • PO Box 71267 • Fairbanks, AK 99707 - (907) 459-1318 FAX 459-1155

MEMORANDUM

TO:	**Assembly members**
THROUGH:	**Jill Dolan, Borough Attorney** JSD
FROM:	**Wendy Dau, Assistant Borough Attorney** WMD
DATE:	**October 22, 2020**
SUBJECT:	**Claim for refund of taxes paid under protest by Fairbanks Gold Mining, Inc.**

Fairbanks Gold Mining, Inc. ("Fairbanks Gold") paid the first installment of its 2020 taxes under protest and has submitted claims for refund of those taxes. Pursuant to FNSBC 8.16.060, after taking certain other steps, a taxpayer's payment under protest is perfected when the Assembly either decides the claim for refund or the Assembly fails to act within a reasonable time.[1] Fairbanks Gold has appealed the Board of Equalization decision for tax years 2018, 2019 and 2020; the 2018 appeal is pending before the Alaska Supreme Court and the 2019 and 2020 appeals are currently pending before the Alaska Superior Court. Therefore, this office recommends that the Assembly, by approval of this memorandum, decline to decide Fairbanks Gold's claim for refund at this time. Instead, this office recommends that the Assembly decide Fairbanks Gold's claim for refund within a reasonable time after the court's decision.

[1] FNSBC 8.16.060(B)(4).

Fairbanks North Star Borough
Mayor's Office
907 Terminal Street P.O. Box 71267 Fairbanks, AK 99707-1267 T.(907)459-1300 F.(907)459-1102

MEMORANDUM

TO: Fairbanks North Star Borough Assembly

FROM: Bryce Ward, Mayor CW for BW

DATE: October 22, 2020

SUBJECT: Appointment
Planning Commission

I am recommending the appointment of the following individual to the Planning Commission:

Kerynn Fisher- Borough

Her term of office will expire on December 31, 2023.

A copy of her current application and disclosure form is attached.

For your information members of the commission are:

John Perreault	Borough
Charles Whitaker	Borough
Chris Guinn	Borough
Gerard Kenna	Borough
Eric Muehling	Borough
Savannah Fletcher	Borough
Shane Koester	City of Fairbanks
Jason McComas-Roe	City of Fairbanks
Doug Sims	City of Fairbanks

Your confirmation of the appointment is respectfully requested.

/km

FAIRBANKS NORTH STAR BOROUGH
907 Terminal Street PO Box 71267 Fairbanks, AK 99707

(907) 459-1300
FAX (907) 459-1102

BOARDS/COMMISSIONS APPLICATION FORM

Name of Board/Commission: Planning Commission

Applicant's Name: Kerynn Fisher

Residence Address: 3971 Ridgeview Drive

City/State/Zip: Fairbanks, AK 99709

Mailing Address: 3971 Ridgeview Drive

City/State/Zip: Fairbanks, AK 99709

Work Phone: _____ Home Phone: 907-479-0559

FAX: _____ E-mail: kerynn@gmail.com

Are you registered to vote within the Fairbanks North Star Borough [required by FNSB 4.04.040]
Yes ☑ No ☐
Do you currently serve on any other Borough Boards & Commission? Yes ☐ No ☑
If yes please list which one:

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

See attached

Brief Personal Biography (or attach resume)

See attached

Professional Licenses/Training

APPLICANT'S SIGNATURE — DATE: 10/12/20

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

FOR OFFICE USE ONLY

Date Received _____ By _____

Note Any Attachments

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

1. Fisher, Kerynn Lee
(YOUR NAME: LAST, FIRST, MIDDLE)

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

3. FOR TERM ENDING: willing to serve a full term, or the remainder of an open seat

4.PLEASE GIVE THE BUSINESS NAME OF YOUR EMPLOYER, TYPE OF BUSINESS, YOUR POSITION:

University of Alaska - Special Assistant to the President

(BUSINESS NAME) **(TYPE OF BUSINESS)** **(YOUR POSITION}**

5. ARE YOU SELF-EMPLOYED? **YES** ☐ **NO** ☑

DECLARATION

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

n/a

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

Signature _____ **Date** 10/12/20

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

Planning Commission Statement of Interest for Kerynn Fisher

I'm excited to submit this application to return to the Fairbanks North Star Borough planning commission. I served on the commission in 2019, but sadly had to cut my service short in fall 2019 when I accepted a position on the borough staff as the grants coordinator. I've been recruited back to the university as special assistant to the university president – an opportunity I couldn't pass up. The silver lining is that am again eligible to serve on the planning commission.

While my professional background is not in a planning-related field, I enjoy reading about urban, community, and transportation issues affecting communities and some of the innovative approaches to those issues, both in the US and abroad. Closer to home, I enjoyed the discussions on planning/zoning issues that came before the planning commission and the intersection of code/policy with decisions impacting residents' lives and homes. With the comprehensive roads plan and comprehensive trails plan updates underway, I think there will be more interesting discussions and opportunities for the planning commission in the coming years.

I would appreciate the opportunity to serve on the planning commission again, both to help shape what we want the future Fairbanks community to look like and to have a voice in the incremental decisions that help us reach those goals.

Biography

Originally from Washington DC, Kerynn Fisher came to Alaska for "the summer" in 1994 and never left. Except for a one-year stint in Sitka, she's lived in Fairbanks the entire time. She holds a B.A. in Environmental Sciences and Economics from the University of Virginia (double major). After serving as the borough's grant coordinator, she recently returned to the University of Alaska, where she serves as special assistant to the system president. She previously served as an executive assistant at UAF, where special projects included managing executive/director searches and providing staff support for the UAF master plan and the gender inclusion work group, and as communications manager at the University of Alaska Museum of the North. In her free time, she enjoys time on Alaska's trails and rivers (particularly hiking, snowshoeing and stand-up paddleboarding), travel, cooking and yoga.

MEMORANDUM

TO: Christopher Quist, Presiding Officer
Fairbanks North Star Borough Assembly

THROUGH: Bryce Ward, Borough Mayor for BW

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

DATE: October 22, 2020

SUBJECT: RECOMMENDATION TO APPROVE CHANGE ORDER
FOR CONTRACT ISSUED AS A RESULT OF IFB NO. 20041
Lighting Upgrades for School District Facilities

CONTRACTOR: **G2 Construction, Inc**

CO AMT: **$192,797.00**

The Department of Public Works recommends Assembly approval of a Change Order to this contract in the amount of $192,797.00. The resulting total contract amount, after approval of this change order, will be $1,729,748.27.

- In accordance with 16.12.090, "every borough contract, contract modification, or change order is subject to the prior approval of the borough assembly or finance committee of the borough assembly, when the amount exceeds $100,000."

Your approval is requested.

Please place this recommendation to award on the Assembly agenda for the meeting to be held October 22, 2020.

Attached is the documentation packet provided by the Department of Public Works.

MEMORANDUM

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

THROUGH: David Bredlie, Director DB
Janet Smith, Deputy Director
Department of Public Works

FROM: Jeremy Spargur, Project Manager
Department of Public Works

DATE: October 12, 2020

PROJECT: Project Name: Lighting Upgrades for School District Facilities
IFB No.: 20041
Project No.: 19-PWDPRJ-5

SUBJECT: Recommendation to Approve Change Order for contract issued as a result of IFB No. 20041 for the Assembly Meeting of October 22, 2020

Action Requested: The Department of Public Works recommends Assembly approval of a change order to G2 Construction, Inc. for an amount not to exceed $192,797.00 for a total contract amount of $1,729,748.27.

Project Description: This project involves replacement of fluorescent bulbs with LED bulbs in School District Buildings.

Project History: The estimated number of bulbs required to complete the project through the first half of the project is approximately 13% higher than the bid quantity. The contractor shall purchase and install 13% more lamps than estimated for the remaining buildings.

Funding: Project funding is available for this work through Ordinance # 2019-20-1F (School District Facilities Maintence Reserve and Facilities Maintenance Reserve)

Attachment:
Fund Verification

RCVD '20 FEB 5 8:20

GENERAL SERVICES

FUND VERIFICATION

to be completed by originating department

DEPARTMENT / DIVISION: Public Works - Administration IFB / RFP NO.: 20041

PURPOSE / PROJECT NAME: Lighting Upgrades for School District Facilities

DESCRIPTION: Replacement of fluorescent lamps with LED lamps at School District buildings.

Est. Cost: 2,200,000 Est. Contingency: 316,000 Total Cost: 2,516,000

SOURCE OF FUNDS:			*Match ? [√ if Yes]	**Grant or Match ? [√ if Yes]*	*to be completed by Accounting* Ordinance Number	Accounting Verification
Account No:	FMRLIT-61710 / 19-PWDPRJ-5	Amount: 1,110,119	☐		2019-20-1F	KT
Account No:	LEDLIT-61710 / 19-PWDPRJ-5	Amount: 1,405,881	☐		2019-20-1F	KT
Account No:		Amount:	☐			
		Total: 2,516,000			Date: 2/3/2020	

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

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

Jeremy Spargur, Project Manager — 1/31/20 Date

Janet Smith, Division Manager — 01.31.20 Date

David Bredlie, Department Director — 2/3/20 Date

to be completed by Accounting

On the date signed above by Accounting, fund sources shown above are sufficient to pay the costs of the requested action and may legally be used for this purpose.

Local bidder preference (FNSB 16.16.050) is prohibited. ____

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

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

Chief Accountant or Grants Accountant — 2/4/2020 Date

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

Revised 3/2018

Fairbanks North Star Borough
Mayor's Office
907 Terminal Street P.O. Box 71267 Fairbanks, AK 99707-1267 T.(907)459-1300 F.(907)459-1102

MEMORANDUM

TO: Fairbanks North Star Borough Assembly

FROM: Jim Williams, Chief of Staff

SUBJECT: New Liquor License

DATE: October 22nd, 2020

Attached you will find copies of the application for a new liquor license for the following:

BEVERAGE DISPENSARY-TOURISM LICENSE # 5927

DBA: Hyatt Place Fairbanks
Fairbanks Hospitality, LLC
400 Merhar Ave.
Fairbanks, AK 99701

Pursuant to FNSB 9.08 the Assembly must determine whether or not to protest the liquor license after holding a public hearing. The administration recommends no protest.

/km
cc: Concerned Licensee

LIQUOR LICENSE

Date Notice Received: 09/14/2020 **60 DAY DUE DATE** 11/13/2020

Type of License: License Number: 5927

☑ **NEW** ☐ **TRANSFER**
- Transfer of location
- Transfer of ownership
- Transfer of stock

☑ Beverage Dispensary ☐ Distillery ☑ Tourism
☐ Restaurant/Eating Place ☐ Golf Course ☐ Duplicate
☐ Package Store ☐ Recreational Site ☐ Other

DBA: Hyatt Place Fairbanks

Licensee/Applicant (LA): Fairbanks Hospitality, LLC

Physical Address: 400 Merhar Ave, Fairbanks AK 99701

Mailing Address: 108 N Washington Street, Suite 603 Spokane, WA 99201

INTERNAL REVIEW SCHEDULE

PLANNING DEPARTMENT: Signature: Date: 09/24/20

- Land Use Compliance: Zone: GU-1. A beverage dispensary is a listed permitted use in the GU-1 zoning district pursuant to FNSBC 18.84.020(A). Zoning permits are not required pursuant to FSNBC 18.104.080. Despite this, zoning permit # 15825 was issued in 2007 for the related use of a 115-room (62,162 SF) hotel DBA Holiday Inn Express.

ASSESSING DEPARTMENT: Signature: Date:

- Parcel Key Number:
- Property Description:
- Property Owner (PO) Name:

TREASURY/ BUDGET: Signature: Date:

- Property Taxes:
- ☐(LA) ☐(PO) Alcoholic Beverage Sales Taxes:

(If either party owes, give amount and attach printout)

LIQUOR LICENSE

Date Notice Received: 09/14/2020 **60 DAY DUE DATE** 11/13/2020

Type of License: License Number: 5927

☑ **NEW** ☐ **TRANSFER**
- Transfer of location
- Transfer of ownership
- Transfer of stock

☑ Beverage Dispensary ☐ Distillery ☑ Tourism
☐ Restaurant/Eating Place ☐ Golf Course ☐ Duplicate
☐ Package Store ☐ Recreational Site ☐ Other

DBA: Hyatt Place Fairbanks

Licensee/Applicant (LA): Fairbanks Hospitality, LLC

Physical Address: 400 Merhar Ave, Fairbanks AK 99701

Mailing Address: 108 N Washington Street, Suite 603 Spokane, WA 99201

INTERNAL REVIEW SCHEDULE

PLANNING DEPARTMENT: Signature: Date:

- Land Use Compliance:

ASSESSING DEPARTMENT: Signature: Jolene Parzick Date: 9/17/2020

- Parcel Key Number: 0575054
- Property Description: LOT 14 BENTLEY BROTHERS 4TH ADD
- Property Owner (PO) Name: FAIRBANKS HOSPITALITY LLC

TREASURY/ BUDGET: Signature: Joan Hancock Date: 9/17/20

- Property Taxes: 2020 Taxes current
- ☐(LA) ☐(PO) Alcoholic Beverage Sales Taxes: Within City of Fairbanks Limits

(If either party owes, give amount and attach printout)

THE STATE of ALASKA
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community, and Economic Development
ALCOHOL & MARIJUANA CONTROL OFFICE
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

September 14, 2020

City of Fairbanks
Fairbanks North Star Borough
Attn: City/Borough Clerk
Via Email: kmajor@fnsb.us, dsnider@fairbanks.us

License Type:	Beverage Dispensary – Tourism	**License Number:**	5927
Licensee:	Fairbanks Hospitality, LLC		
Doing Business As:	Hyatt Place Fairbanks		
Premises Address:	400 Merhar Avenue, Fairbanks		

☒ **New Application**
☐ **Transfer of Location Application**
☐ **Transfer of Ownership Application**
☐ **Transfer of Controlling Interest Application**

We have received a completed application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under AS 04.11.480.

A local governing body may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of receipt of this notice, and by allowing the applicant a reasonable opportunity to defend the application before a meeting of the local governing body, as required by 3 AAC 304.145(d). If a protest is filed, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable. To protest the application referenced above, please submit your protest within 60 days and show proof of service upon the applicant.

AS 04.11.491 – AS 04.11.509 provide that the board will deny a license application if the board finds that the license is prohibited under as a result of an election conducted under AS 04.11.507.

AS 04.11.420 provides that the board will not issue a license when a local governing body protests an application on the grounds that the applicant's proposed licensed premises are located in a place within the local government where a local zoning ordinance prohibits the alcohol establishment, unless the local government has approved a variance from the local ordinance.

Sincerely,

Glen Klinkhart, Interim Director
amco.localgovernmentonly@alaska.gov

Attached: AB-00,AB-02, and AB-03 if applicable

Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
alcohol.licensing@alaska.gov
https://www.commerce.alaska.gov/web/amco
Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

Form AB-00: New License Application

What is this form?

This new license application form is required for all individuals or entities seeking to apply for a new liquor license. Applicants should review **Title 04** of **Alaska Statutes** and **Chapter 304** of the **Alaska Administrative Code**. All fields of this form must be completed, per AS 04.11.260 and 3 AAC 304.105.

This form must be completed and submitted to AMCO's main office, along with all other required forms and documents, before any license application will be considered complete.

Section 1 – Establishment and Contact Information

Enter information for the business seeking to be licensed.

Licensee:	Fairbanks Hospitality, LLC				
License Type:	Beverage Dispensary - Tourism	**Statutory Reference:**	AS 04.11.400(d)		
Doing Business As:	Hyatt Place Fairbanks				
Premises Address:	400 Merhar Avenue				
City:	Fairbanks	**State:**	AK	**ZIP:**	99701
Local Governing Body:	City of Fairbanks, Fairbanks North Star Bourough				
Community Council:	None				

Mailing Address:	108 N Washington Street, Suite 603				
City:	Spokane	**State:**	WA	**ZIP:**	99201

Designated Licensee:	William Lawson		
Contact Phone:	(509) 624-1170 ext 1	**Business Phone:**	
Contact Email:	bill@aacdi.com - THIS IS PREFERRED OVER PHONE		

Seasonal License? Yes ☐ No ☑ **If "Yes", write your six-month operating period:** _____

OFFICE USE ONLY					
Complete Date:		*License Years:*		*License #:*	
Board Meeting Date:			*Transaction #:*		
Issue Date:			*BRE:*		

Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
alcohol.licensing@alaska.gov
https://www.commerce.alaska.gov/web/amco
Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

Form AB-00: New License Application

Section 2 – Premises Information

Premises to be licensed is:

☑ an existing facility ☐ a new building ☐ a proposed building

The next two questions must be completed by beverage dispensary (including tourism) and package store applicants only:

What is the distance of the shortest pedestrian route from the public entrance of the building of your proposed premises to the outer boundaries of the nearest school grounds? Include the unit of measurement in your answer.

1.3 miles

What is the distance of the shortest pedestrian route from the public entrance of the building of your proposed premises to the public entrance of the nearest church building? Include the unit of measurement in your answer.

1.6 miles

Section 3 – Sole Proprietor Ownership Information

This section must be completed by any sole proprietor who is applying for a license. Entities should skip to Section 4.
If more space is needed, please attach a separate sheet with the required information.
The following information must be completed for each licensee and each affiliate (spouse).

This individual is an: ☐ applicant ☐ affiliate

Name:					
Address:					
City:		**State:**		**ZIP:**	

This individual is an: ☐ applicant ☐ affiliate

Name:					
Address:					
City:		**State:**		**ZIP:**	

Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
alcohol.licensing@alaska.gov
https://www.commerce.alaska.gov/web/amco
Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

Form AB-00: New License Application

Section 4 – Entity Ownership Information

This section must be completed by any entity, including a corporation, limited liability company (LLC), partnership, or limited partnership, that is applying for a license. Sole proprietors should skip to Section 5.
If more space is needed, please attach a separate sheet with the required information.

- If the applicant is a **corporation**, the following information must be completed for each ***stockholder who owns 10% or more*** of the stock in the corporation, and for each ***president, vice-president, secretary,*** and ***managing officer***.
- If the applicant is a **limited liability organization**, the following information must be completed for each ***member with an ownership interest of 10% or more***, and for each ***manager***.
- If the applicant is a **partnership**, including a **limited partnership**, the following information must be completed for each ***partner with an interest of 10% or more***, and for each ***general partner***.

Entity Official:	AAWL, LLC				
Title(s):	Member	**Phone:**	509-624-1170	**% Owned:**	71
Address:	108 N Washington Street, Suite 603				
City:	Spokane	**State:**	WA	**ZIP:**	99201

Entity Official:	Hope Holdings, LLC				
Title(s):	Member	**Phone:**	509-624-1170	**% Owned:**	20
Address:	PO Box 2846				
City:	Spokane	**State:**	WA	**ZIP:**	99220

Entity Official:	Adrian Lawson				
Title(s):	Affiliate	**Phone:**	509-624-1170	**% Owned:**	0
Address:	108 N Washington Street, Suite 603				
City:	Spokane	**State:**	WA	**ZIP:**	99201

Entity Official:	Andrew Lawson				
Title(s):	Affiliate	**Phone:**	509-624-1170	**% Owned:**	0
Address:	108 N Washington Street, Suite 603				
City:	Spokane	**State:**	WA	**ZIP:**	99201

Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
alcohol.licensing@alaska.gov
https://www.commerce.alaska.gov/web/amco
Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

Form AB-00: New License Application

This subsection must be completed by any applicant that is a corporation or LLC. Corporations and LLCs are required to be in good standing with the Alaska Division of Corporations (DOC) and have a registered agent who is an individual resident of the state of Alaska.

DOC Entity #:	108882	**AK Formed Date:**	5/24/2007	**Home State:**	WA
Registered Agent:	Barbara Kraft		**Agent's Phone:**	907-257-5324	
Agent's Mailing Address:	1888 W Northern Lights Blvd, Suite 1100				
City:	Anchorage	**State:**	AK	**ZIP:**	99503

Residency of Agent:

	Yes	No
Is your corporation or LLC's registered agent an individual resident of the state of Alaska?	☑	☐

Section 5 – Other Licenses

Ownership and financial interest in other alcoholic beverage businesses:

	Yes	No
Does any representative or owner named in this application have any direct or indirect financial interest in any other alcoholic beverage business that does business in or is licensed in Alaska?	☑	☐

If "Yes", disclose which individual(s) has the financial interest, what the type of business is, and if licensed in Alaska, which license number(s) and license type(s):

AK Liquor Licenses 4869, 4844, 5507 - William Lawson

Section 6 – Authorization

Communication with AMCO staff:

	Yes	No
Does any person other than a licensee named in this application have authority to discuss this license with AMCO staff?	☑	☐

If "Yes", disclose the name of the individual and the reason for this authorization:

Catherine DeVane (615-517-5511) Sherri Myre-Burrington (509-624-1170 ext 2)

Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
alcohol.licensing@alaska.gov
https://www.commerce.alaska.gov/web/amco
Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

Form AB-00: New License Application

Section 7 – Certifications

Read each line below, and then sign your initials in the box to the right of each statement:	Initials
I certify that all proposed licensees (as defined in AS 04.11.260) and affiliates have been listed on this application.	WL
I certify that all proposed licensees have been listed with the Division of Corporations.	WL
I certify that I understand that providing a false statement on this form or any other form provided by AMCO is grounds for rejection or denial of this application or revocation of any license issued.	WL
I certify that all licensees, agents, and employees who sell or serve alcoholic beverages or check the identification of a patron will complete an approved alcohol server education course, if required by AS 04.21.025, and, while selling or serving alcoholic beverages, will carry or have available to show a current course card or a photocopy of the card certifying completion of approved alcohol server education course, if required by 3 AAC 304.465.	WL
I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application.	WL

As an applicant for a liquor license, I declare under penalty of perjury that I have read and am familiar with AS 04 and 3 AAC 304, and that this application, including all accompanying schedules and statements, is true, correct, and complete.

William J Lawson
Signature of licensee

William J Lawson
Printed name of licensee

Sherri R Myre Burrington
Signature of Notary Public

Notary Public in and for the State of Washington.

My commission expires: 2/8/22

SHERRI R MYRE-BURRINGTON
NOTARY PUBLIC
COMM. EXPIRES
FEB. 8, 2022
STATE OF WASHINGTON

Subscribed and sworn to before me this 15 day of August, 2020.

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Anchorage, AK 99501
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Alaska Alcoholic Beverage Control Board

Form AB-02: Premises Diagram

What is this form?

A detailed diagram of the proposed licensed premises is required for all liquor license applications, per AS 04.11.260 and 3 AAC 304.185. Your diagram must include dimensions and must show all entrances and boundaries of the premises, walls, bars, fixtures, and areas of storage, service, consumption, and manufacturing. If your proposed premises is located within a building or building complex that contains multiple businesses and/or tenants, please provide an additional page that clearly shows the location of your proposed premises within the building or building complex, along with the addresses and/or suite numbers of the other businesses and/or tenants within the building or building complex.

The second page of this form is not required. Blueprints, CAD drawings, or other clearly drawn and marked diagrams may be submitted in lieu of the second page of this form. The first page must still be completed, attached to, and submitted with any supplemental diagrams. An AMCO employee may require you to complete the second page of this form if additional documentation for your premises diagram is needed.

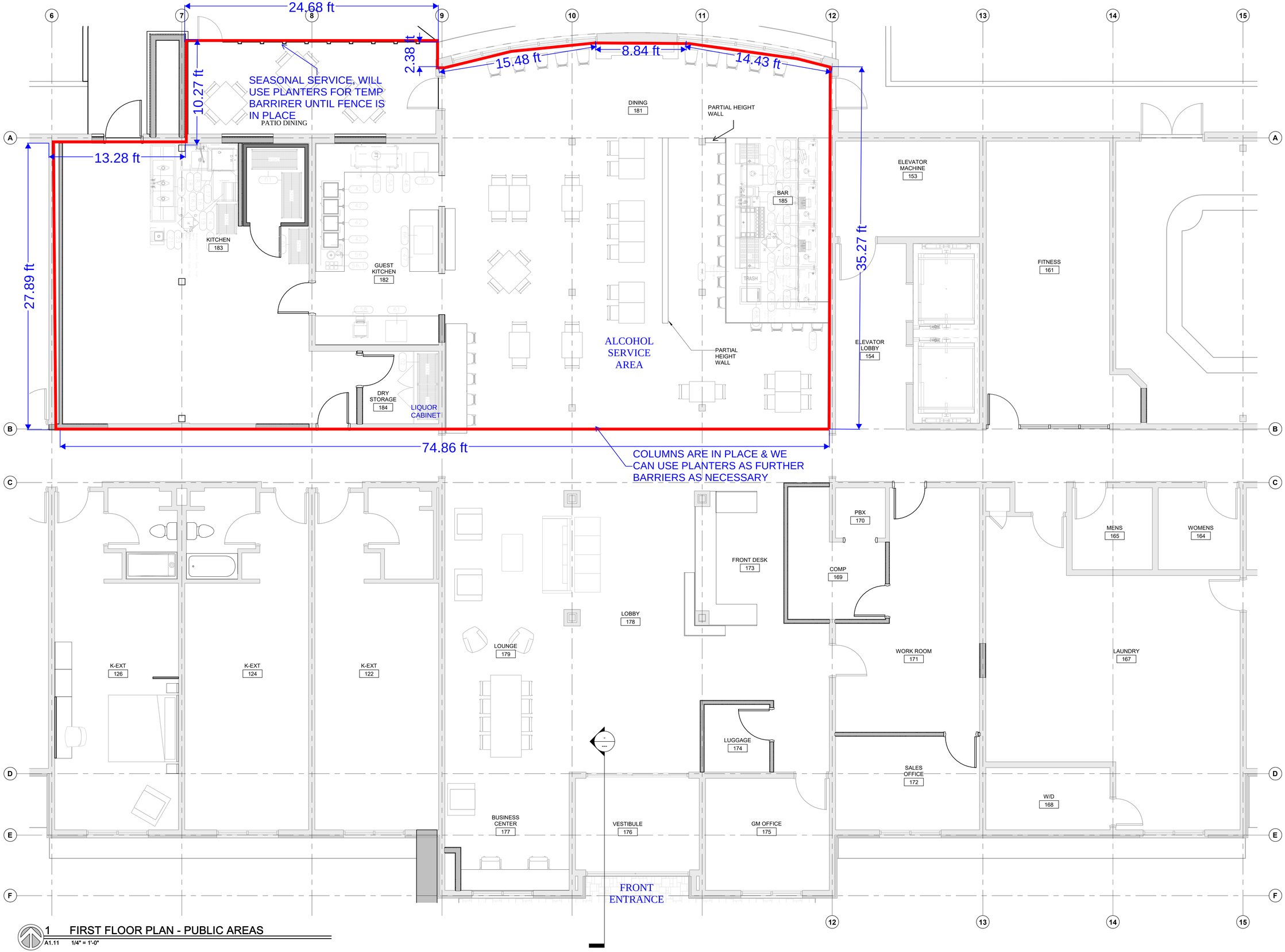
This form must be completed and submitted to AMCO's main office before any license application will be considered complete.

	Yes	No
I have attached blueprints, CAD drawings, or other supporting documents in addition to, or in lieu of, the second page of this form.	☑	☐

Section 1 – Establishment Information

Enter information for the business seeking to be licensed, as identified on the license application.

Licensee:	Fairbanks Hospitality, LLC	**License Number:**	5927		
License Type:	Beverage Dispensary - Tourism				
Doing Business As:	Hyatt Place Fairbanks				
Premises Address:	400 Merhar Avenue				
City:	Fairbanks	**State:**	AK	**ZIP:**	99701



1 FIRST FLOOR PLAN - PUBLIC AREAS

A1.11 1/4" = 1'-0"

Revisions:

ENLARGED PLAN

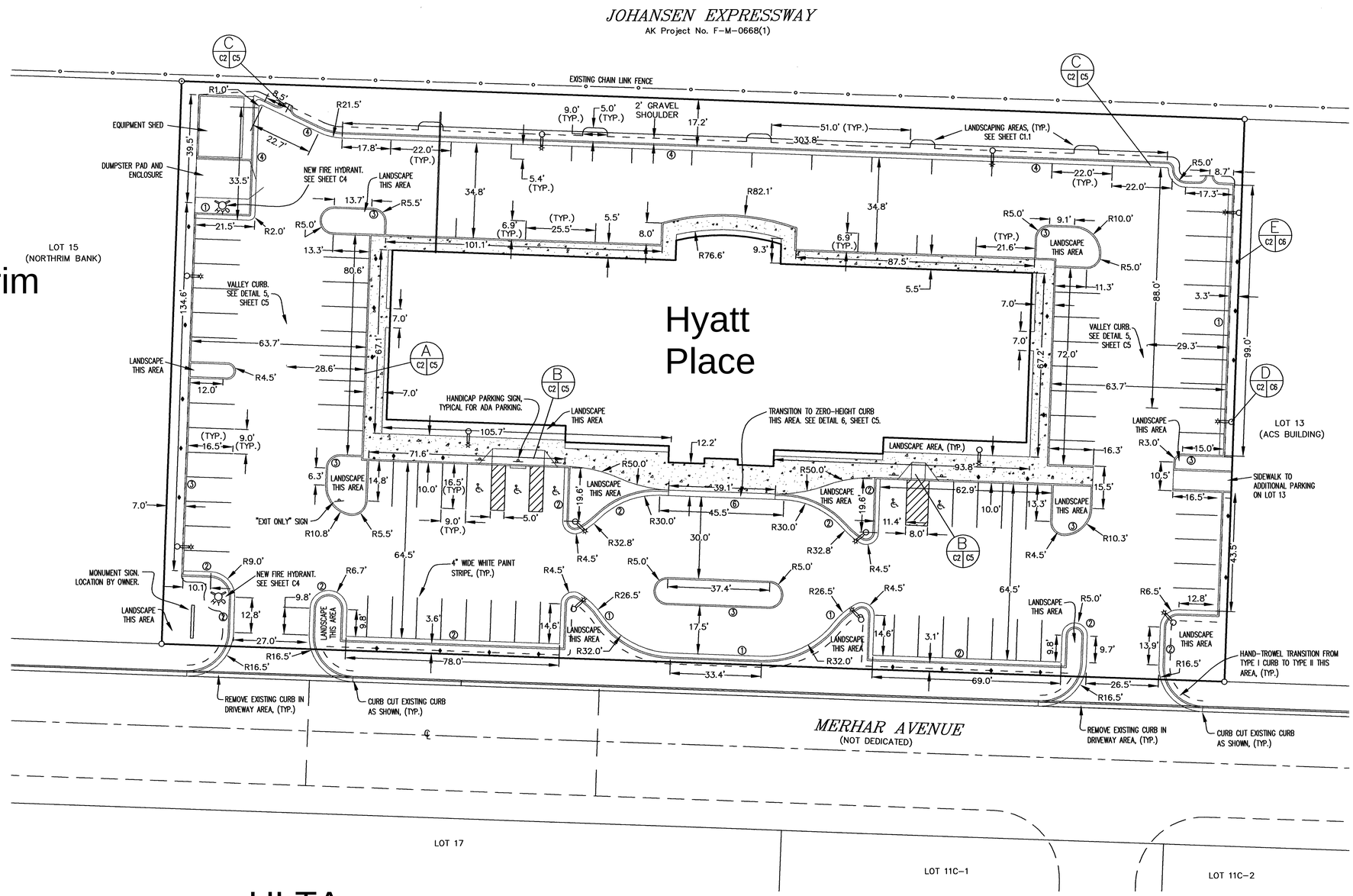
FAIRBANKS SIDING REMODEL
A&A CONSTRUCTION & DEVELOPMENT, INC.
400 MERHAR AVE, FAIRBANKS, AK 99701

WAG®
Wolfe Architectural Group
1015 N. Calispel Street Suite 'B'
Spokane, Washington 99201
p 509.455.6999 f 509.455.3933
www.wagarch.com

Project No.:	19.136
Date:	9/25/2019
Drawn By:	DRW
Checked By:	JAM

Sheet No.

A1.11



Northrim Bank

ULTA Beauty

Hyatt Place Fairbanks
Outdoor/Indoor Serving Security Plan

1. All minors must be accompanied by an adult (age over 21) while in the restricted area when any alcohol is being served/sold/consumed.
2. All new patrons are carded upon ordering alcohol.
3. All staff is trained in the identification of fake IDs.
4. Waist-high planters will be used temporarily for barriers around the outdoor servicing area until winter is over.
5. Underaged persons will be monitored closely by our professionally trained alcohol servers.
6. Proper egress from the outdoor service area will always remain unobstructed.
7. ABC mandated posters as required by law are posted inside Hyatt Place Fairbanks and at the entrances of the outdoor seating area.
8. All entrances and exits will provide clear notice that NO ALCOHOL IS ALLOWED BEYOND THE OUTDOOR SEATING AREA.
9. Keeping outdoor seating area viable without any increased risk to minors exposed to alcohol WILL continue to be a part of our training for our staff.
10. All safety related operations for our current liquor service will additionally be enforced in the new service area.
11. Proper signage at points of entry indicating no minors without a parent or legal guardian will be posted.
12. All servers will closely monitor that only the guests that have been carded will have alcoholic beverages.
13. Our top priority continues in providing safety for all guests regarding the service of alcoholic beverages.
14. Servers will be present in the outdoor area to monitor consumption.

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alcohol.licensing@alaska.gov
https://www.commerce.alaska.gov/web/amco
Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

Form AB-03: Restaurant Designation Permit Application

What is this form?

A restaurant designation permit application is required for a licensee desiring designation under 3 AAC 304.715 – 3 AAC 304.795 as a bona fide restaurant, hotel, or eating place for purposes of AS 04.16.010(c) or AS 04.16.049. Designation will be granted only to a holder of a beverage dispensary, club, recreational site, golf course, or restaurant or eating place license, and only if the requirements of 3 AAC 304.305, 3 AAC 304.725, and 3 AAC 304.745, as applicable, are met. A **menu** or expected menu listing the meals, including entrees prepared onsite and offered to patrons, and copy of the DEC Food Service Permit (or corresponding DHHS documentation for licenses located in the Municipality of Anchorage) must accompany this form. Applicants should review AS 04.16.049 – AS 04.16.052 and 3 AAC 304.715 – 3 AAC 304.795. All fields of this form must be completed. The required $50 permit fee may be made by credit card, check, or money order.

Section 1 – Establishment Information

Enter information for licensed establishment.

Licensee:	Fairbanks Hospitality, LLC				
License Type:	Beverage Dispensary - Tourism	**License Number:**	5927		
Doing Business As:	Hyatt Place Fairbanks				
Premises Address:	400 Merhar Avenue				
City:	Fairbanks	**State:**	AK	**ZIP:**	99701
Contact Name:	Catherine DeVane	**Contact Phone:**	615-517-5511		

Section 2 – Type of Designation Requested

This application is for the request of designation as a bona fide restaurant, hotel, or eating place for purposes of AS 04.16.010(c) or AS 04.16.049, and for the request of the following designation(s) (check all that apply):

1. ☐ **Dining after standard closing hours:** AS 04.16.010(c)
2. ☑ **Dining by persons 16 – 20 years of age:** AS 04.16.049(a)(2)
3. ☑ **Dining by persons under the age of 16 years, accompanied by a person over the age of 21:** AS 04.16.049(a)(3)
4. ☐ **Employment for persons 16 or 17 years of age:** AS 04.16.049(c)
   NOTE: Under AS 04.16.049(d), this permit is not required to employ a person 18 - 20 years of age.

OFFICE USE ONLY			
Transaction #:		*Initials:*	

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Alaska Alcoholic Beverage Control Board

Form AB-03: Restaurant Designation Permit Application

Section 3 – Minor Access

Review AS 04.16.049(a)(2); AS 04.16.049(a)(3); AS 04.16.049(c)

List where within the premises minors are anticipated to have access in the course of either dining or employment as designated in Section 2. (Example: Minors will only be allowed in the dining area. OR Minors will only be employed and present in the Kitchen.)

Minors will only be allowed in the dining area with no access to service areas, and we do not employ minors

Describe the policies, practices and procedures that will be in place to ensure that minors do not gain access to alcohol while dining or employed at your premises.

All alcohol will be secured behind service counters in lockable storage cabinets. These cabinets are locked after hours and are staffed during normal business hours.

	Yes	No
Is an owner, manager, or assistant manager who is 21 years of age or older always present on the premises during business hours?	☑	☐

Section 4 – DEC Food Service Permit

Per 3 AAC 304.910 for an establishment to qualify as a Bona Fide Restaurant, a Food Service Permit or (for licenses within the Municipality of Anchorage) corresponding Department of Health and Human Services documentation is required.

Please follow this link to the DEC Food Safety Website: http://dec.alaska.gov/eh/fss/food/
Please follow this link to the Municipality Food Safety Website:
http://www.muni.org/Departments/health/Admin/environment/FSS/Pages/fssfood.aspx

IF you are unable to certify the below statement, please discuss the matter with the AMCO office:	Initials
I have attached a copy of the current food service permit for this premises OR the plan review approval.	WL

**Please note, if a plan review approval is submitted, a final permit will be required before finalization of any permit or license application.*

Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
alcohol.licensing@alaska.gov
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Alaska Alcoholic Beverage Control Board

Form AB-03: Restaurant Designation Permit Application

Section 5 – Hours of Operation

Review AS 04.16.010(c).

Enter all hours that your establishment intends to be open. Include variances in weekend/weekday hours, and indicate am/pm:

Tentatively Planned for the following:
Breakfast Monday - Friday, 6:30am - 9:00am and Sat/Sun 7:00am - 10:00am
Bar 5:00pm - 10:00pm daily
Sundry market available 24/7 - will not be selling alcohol

Section 6 – Entertainment & Service

Review AS 04.11.100(g)(2)

Are any forms of entertainment offered or available within the licensed business or within the proposed licensed premises?

Yes ☐ No ☑

If "Yes", describe the entertainment offered or available and the hours in which the entertainment may occur:

Food and beverage service offered or anticipated is:

☑ table service ☑ buffet service ☑ counter service ☐ other

If "other", describe the manner of food and beverage service offered or anticipated:

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Alaska Alcoholic Beverage Control Board

Form AB-03: Restaurant Designation Permit Application

Section 7 – Certifications and Approvals

Read each line below, and then sign your initials in the box to the right of each statement:	Initials
There are tables or counters at my establishment for consuming food in a dining area on the premises.	WL
I have included with this form a menu, or an expected menu, listing the meals to be offered to patrons. This menu includes entrees that are regularly sold and prepared by the licensee at the licensed premises.	WL
I certify that the license for which I am requesting designation is either a beverage dispensary, club, recreational site, golf course, or restaurant or eating place license.	WL
I have included with this application a copy of the most recent AB-02 or AB-14 for the premises to be permitted. *(AB-03 applications that accompany a new or transfer license application will not be required to submit an additional copy of their premises diagram.)*	WL

I declare under penalty of perjury that this form, including all attachments and accompanying schedules and statements, is true, correct, and complete.

William J Lawson
Signature of licensee

William J Lawson
Printed name of licensee

Sherri Myrle Barrington
Signature of Notary Public

Notary Public in and for the State of Washington.

My commission expires: 2/8/22

SHERRI R MYRLE BARRINGTON
NOTARY PUBLIC
COMM. EXPIRES
FEB. 8, 2022
STATE OF WASHINGTON

Subscribed and sworn to before me this 15 day of August, 20 20.

Local Government Review (to be completed by an appropriate local government official): Approved ☐ Denied ☐

Signature of local government official — Date

Printed name of local government official — Title

Alcohol and Marijuana Control Office
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Anchorage, AK 99501
alcohol.licensing@alaska.gov
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Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

Form AB-03: Restaurant Designation Permit Application

AMCO Enforcement Review: Enforcement Recommendation: Approve ☐ Deny ☐

Signature of AMCO Enforcement Supervisor

Printed name of AMCO Enforcement Supervisor

Date

Enforcement Recommendations:

AMCO Director Review: Approved ☐ Denied ☐

Signature of AMCO Director

Printed name of AMCO Director

Date

Limitations:

Alaska Food Code
2020 Establishment Permit

Division of Environmental Health
Food Safety & Sanitation Program

Permit Number:	10624
Issued to:	**FAIRBANKS HOSPITALITY LLC**
For:	**Hyatt Place Fairbanks**
For Operation of:	**FF-1 Food Service**
Located at:	**400 Merhar AVE Fairbanks, AK 99701**

This permit, issued under the provisions of 18 AAC 31, is valid until the noted expiration date or unless suspended or revoked by the department.

This permit is not transferable for change of ownership, facility location, or type of operation. It must be posted in plain view in the establishment and is the property of the State of Alaska.

Expiration Date:
December 31, 2020

Program Manager:

If you have questions or concerns regarding safe food handling practices call toll free:

1-87-SAFE-FOOD

(in Anchorage call 334-2560)

Expected Menu

MENU

SHARE

CITRUS-CHILE POPCORN
freshly popped popcorn, citrus-chile spice, chives ***(v, gf)***

BAKED BRIE
warm brie wheel, glazed pecans, dried fruit, honey, served with artisan bread ***(v)***

P&S FLATBREAD
Applegate® prosciutto, genoa salami, mozzarella and parmesan cheeses, basil pesto, oven-roasted tomato, lemon-dressed arugula, drizzled with honey

CRISPY BRUSSELS SPROUTS
brussels sprout halves, whole-grain honey-mustard sauce, all-natural bacon ***(gf)***

AVOCADO TOAST
oven-roasted tomato, parmesan cheese, avocado, hot sauce, served on artisan bread
~ put an egg on it + $1.00

MEDITERRANEAN HUMMUS
roasted garlic hummus, cucumber, kalamata olives, olive oil, basil pesto, served with naan ***(v)***

PARMESAN-PAPRIKA FRENCH FRIES
parmesan cheese, paprika, basil aioli, served with boom boom sauce ***(v, gf)***

CHARCUTERIE BOARD
genoa salami, Applegate® prosciutto, brie cheese, whole-grain mustard, dark-berry jam, gherkins, served with artisan bread

CLASSIC CHEESE PIZZA
8-inch cheese pizza, marinara, mozzarella and parmesan cheeses
~ put pepperoni on it + $0.75

BBQ HARDWOOD SMOKED CHICKEN WINGS
tossed in bbq sauce, served with buttermilk ranch dressing ***(gf)***

Prices do not include applicable taxes.

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Expected Menu

SOLO

BURGER
two 3 oz. grass-fed Strauss® beef patties, cheddar cheese, arugula, tomato, boom boom sauce, served on a toasted bun
~ put an egg on it + $1.00
~ put guacamole on it + $0.50
~ put all-natural bacon on it + $0.75

ALL NATURAL CHICKEN
GRASS-FED BEEF

CHICKEN AND BRIE CLUB
grilled chicken breast, brie cheese, baby kale, tomato, all-natural bacon, honey-mustard dressing, served on artisan bread

BEYOND MEAT™ BURGER
vegan burger patty, arugula, oven-roasted tomato, smashed avocado, red onion, served on a toasted bun (v)

QUESO BLANCO MAC AND CHEESE
classic mac and cheese, green chiles, diced tomato, topped with breadcrumbs (v)

BABY KALE CHICKEN CAESAR
baby kale salad mix, grated parmesan cheese, classic caesar dressing, garlic croutons (available vegetarian)

WEEKENDER SALAD
arugula and kale mix, all-natural bacon, grilled chicken, scallions, diced tomato, shredded carrot, served with buttermilk ranch dressing (gf)

CHICKEN TORTILLA SOUP
shredded chicken, roasted corn, poblano peppers, in a rich tomato broth, topped with tortilla strips

TURKEY B.L.A.T.
all-natural bacon, baby kale, avocado, smoked turkey breast, served on artisan bread

FISH TACOS
beer battered cod, spicy slaw, salsa verde, flour tortillas, served with french fries

AVAILABLE LATE NIGHT
AVAILABLE FOR GRAB AND GO
(gf) GLUTEN-FREE *(v)* VEGETARIAN

Prices do not include applicable taxes.
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Fairbanks North Star Borough

Generic Report

PAN# 575054

Printed on: 9/24/2020

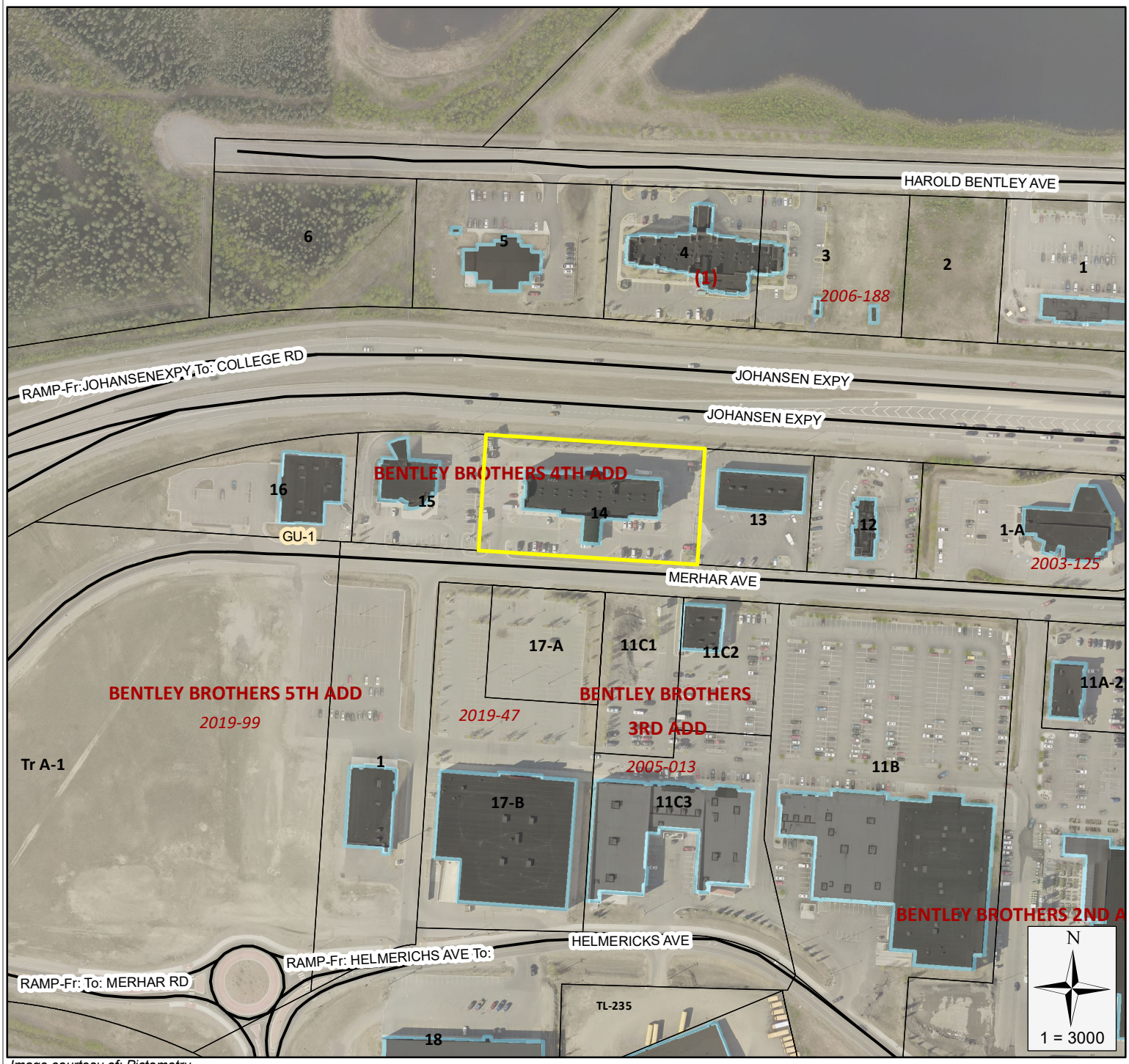


Image courtesy of: Pictometry

Property Information for PAN#: 575054

PROPERTY DESCRIPTION: Bentley Brothers 4th Addn, Lot 14
OWNER: Fairbanks Hospitality LLC
SITUS ADDRESS: 400 Merhar Ave
ZONING: GU-1 (100%)
COMMUNITY PLANNING PERMITS:
Zoning: 15825

Legend

- Parcels selection
- Building Outlines (2017 Pictometry)

Zoning

GU-1

Proximity and Zoning Map
Hyatt Place Fairbanks
Liquor License - New- #5927
Beverage Dispensary - Tourism

0 100 200 Feet

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.

Fairbanks North Star Borough
809 Pioneer Road
Fairbanks, Alaska 99701

Zoning Permit Number: 15825

This permit is being processed under the authority of Title 18 Fairbanks North Star Borough Zoning Ordinance.

This permit is issued, based on the lot dimensions and zone applicable to the lot on the date of issuance. If prior to construction, the zone or lot dimensions changed, this permit will no longer be valid, and a new permit must be obtained.

General Information

Date: June 14, 2007 **Phone:** (509) 994-1282
Applicant: Bill Lawson
Company: A & A Construction & Development Inc.
Mailing Address: 621 West Mallon Ave Ste 509, Spokane, WA 99201
Site Address: 400 Merhar
Property Description: SUB/TR: Bently Brothers 4th Addition BLK/SEC: LOT/TL: 14
Existing Use: vacant
Proposed Use: Commercial
Proposed Description: 115 Room Holiday Inn Express
Units: 0 **New:** 0 **Existing** 0
Building Height (stories): 4 stories
Total Area of Structure: 62162 sq.ft. **New:** 62162 **Existing:** 0
Lot Size: 80000 sq.ft.
Est. Cost of Construction: $10,000,000.00
Plot Plan Attached:

Information included in this permit, is to the best of my knowledge, true and complete. I acknowledge and will comply with the requirements set forth by this zoning permit. This permit is not valid until all additional permits are obtained including those identified on this form.

on file 7.26.07
Applicant Signature Date

Office Use only

Existing Zone:	GU-1	**Planning District #**	01
Minimum Lot Size:	40000	**Road Service Area:**	No
Front Yard Req:	0	**Flood Zone:**	X500
Side Yard Req:	0	**Parking Spaces Req:**	0
Rear Yard Req:	0	**Building Type:**	Principal
Max Building Height:	none	**PAN 1:**	0575054
Home Occupation:	☐	**PAN 2:**	0000000

Conditions

Is a Floodplain Permit Required? No **BFE** 0

Is a F.N.S.B. Driveway Permit Required? No

Other Conditions:

Reasons: Meets requirements of GU-1 zone.

Permit Approved: **Yes** Thursday, June, 14, 2007

6.14.07
Zoning Official: Zimmerman, T Date Signed

Zoning Permit

Number 15825

Fairbanks North Star Borough
Department of Community Planning
809 Pioneer Road
Fairbanks, Alaska 99701
(907) 459-1260 / (907) 459-1255 FAX
www.co.fairbanks.ak.us

COMM PLANNING DEPT
JUN 13 2007
RECEIVED

This Permit is being processed under the authority of Title 18 Fairbanks North Star Borough Zoning Ordinance. This permit is issued based on lot dimensions and zone applicable to the lot on the date of issuance. If prior to construction, the zone or lot dimensions are changed, this permit will no longer be valid and a new permit must be obtained.

1. Applicant A&A Construction & Dev Inc. Date 6·13·07
2. Mailing Address 621 West Mallon Ave Ste 501 Zip Code 99201 Telephone 5099941282 fax 509-621-1255
3. Site Address 400 Merhar Brothers 4th
4. Property Description (Subdivision/Block/Lot) Bently Addition (14 Lot #)
   (Township/Range/Tax Lot)
5. Describe Existing Use RAW LAND
6. Describe Proposed Use 115 Room Holiday Inn Express
7. Number of New Residential Units: 115 0 Number of Existing Units: 0 Total Number of Units: 115 0
8. Sq Ft of New Construction 62162 Sq Ft of Existing Construction 0 Lot Size 80000 #
9. Building Height/Number of Stories 38' - 4 stories Estimated Cost of New Construction $ 8-10 M
10. Draw Plot Plan (See Attachment A)

Information included in this permit is to the best of my knowledge, true and complete. I acknowledge and will comply with the requirements set forth by this zoning permit. This permit is not valid until all additional permits are obtained including those identified on this form.

Applicants Signature — Date 6·13·07

Office Use Only:

11. Existing Zone GU-1
12. Minimum Lot Size 40,000 #
13. Front Yard Required Ø
14. Rear Yard Required Ø
15. Side Yard Required Ø
16. Maximum Building Height N/A
18. Planning District # 1
19. Road Service Area Yes ☐ No ☒
20. Flood Zone X500
21. Parking Spaces Required Ø
22. Principal Building ☒ Accessory Building ☐
23. PAN (Parcel Account Number) 575054
24. Home Occupation Yes ☐ NO ☒

Conditions:

24. Is Floodplain Permit Required Yes ☐ No ☒ If Yes, Base Flood Elevation is
25. Is Fairbanks North Star Borough Driveway Permit Required Yes ☐ No ☒
26. ☐ Other

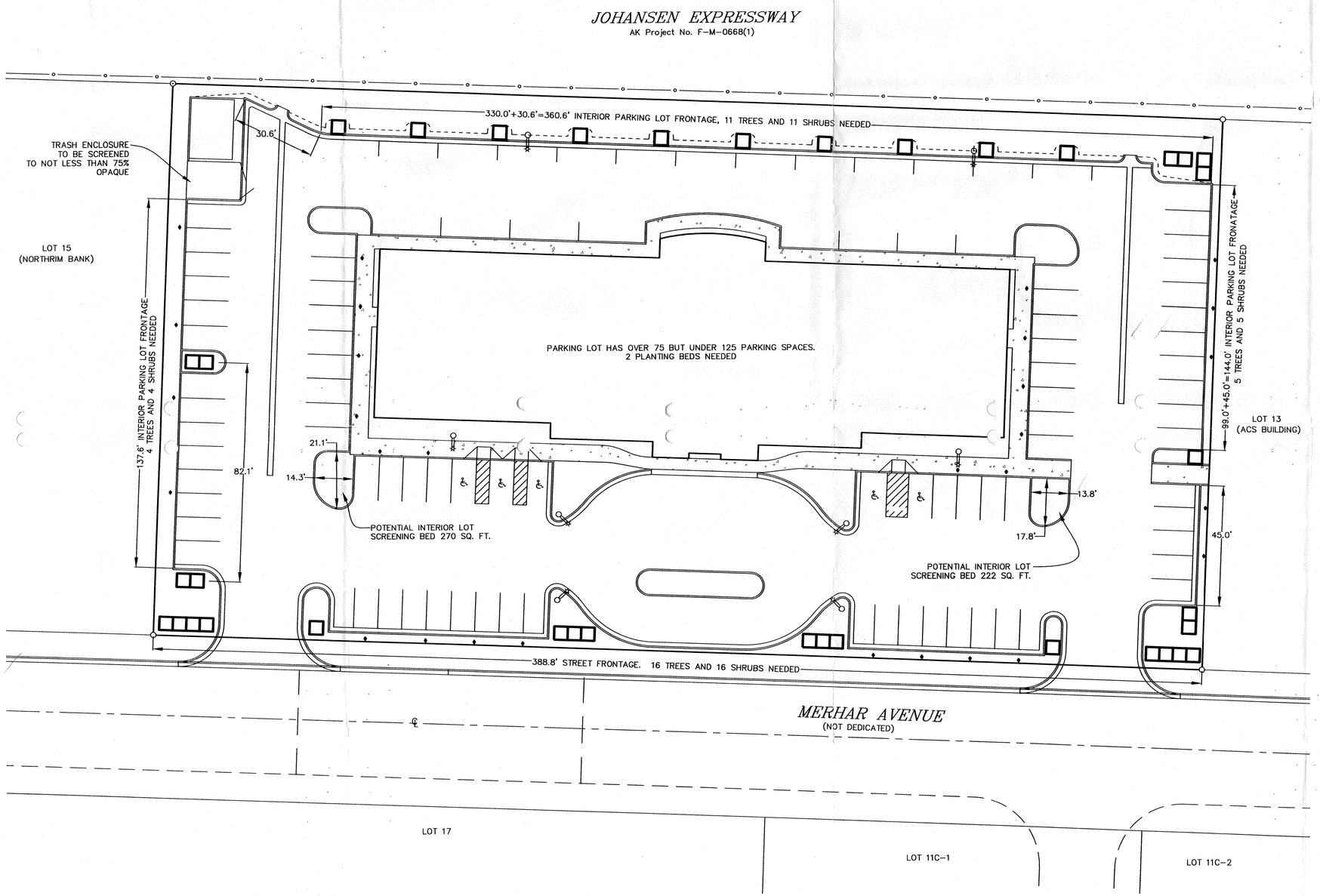
Application Approved: Yes ☒ No ☐

leaving Fbx 6-13 eve. fax when done

Reason Meets requirements of GU-1 zone

TZ — 6·14·07

Zoning Official Signature — Date



NOTES

1. This sheet is for permit purposes only. It is prepared for the sole purpose of showing that the minimum requirements of the City of Fairbanks' Landscape Ordinance can be met by the current site plan. It is our understanding that a qualified landscape architect will be designing the landscaping features on this site and that the final design will meet or exceed the minimum requirements of the Landscape Ordinance.

LEGEND

☐ = 5' x 5' MINIMUM PLANTING BED FOR EACH TREE. (REQUIRED SHRUB INCLUDED IN THIS AREA.)

N W E S

GRAPHIC SCALE

20 0 10 20 40 80

(IN FEET)
1 inch = 20 ft.

LOCATE ALL EXISTING UTILITIES BEFORE YOU DIG

PERMIT SET

NO.	DATE	BY	DESCRIPTION

LANDSCAPE PLAN

LOT 14 BENTLEY BROTHERS SUBDIVISION 4TH ADDITION

FOR: Holiday Inn Express

ENGINEERS SURVEYORS PLANNERS
STUTZMANN ENGINEERING ASSOCIATES, INC.
P. O. BOX 1429, FAIRBANKS, AK. 99707
(907) 452-4094

SCALE: 1" = 20'
DATE: June 13, 2007
DRAWN BY: J.E.M..
CHECKED BY: J.H.A.
DRAWING NO.
C1.1

Fairbanks North Star Borough

MAYOR'S OFFICE

mayor@fnsb.gov
Main: (907) 459-1300
Fax: (907) 459-1102

MEMORANDUM

TO: Fairbanks North Star Borough Assembly

From: Bryce Ward, Mayor JW for BW

Date: October 8, 2020

Subject: Ordinance 2020 – 34
Dissolving the Tanana Valley Fairgrounds Service Area

Attached for your consideration is an Ordinance that proposes to dissolve the Tanana Valley Fairgrounds Service Area. The service area was created in 1979 at the request of the Tanana Valley State Fair Association (TVSFA) so that TVSFA could provision and provide sewer and water utility services at the fairgrounds. Since construction of the sewer and water service in 1980, the Borough has taken no actions regarding the service area.

I urge your adoption of this ordinance.

Attachments: Ordinance

/jw

By: Bryce Ward, Mayor
Introduced: 10/08/2020

FAIRBANKS NORTH STAR BOROUGH

ORDINANCE NO. 2020 – 34

AN ORDINANCE DISSOLVING TANANA VALLEY FAIRGROUNDS SERVICE AREA

WHEREAS, Ordinance No. 79-30 established the Tanana Valley Fairgrounds Service Area pursuant to a request of the Tanana Valley State Fair Association, recognized in Resolution No. 79-8, in order to exercise the power to provide sewer and water facilities at the Fairgrounds; and

WHEREAS, Through Resolution No. 79-35 and 80-14, the Fairbanks North Star Borough accepted a grant from the State of Alaska, Department of Environmental Conservation for partial payment of the cost of constructing the water and sewer system within the service area; further, in Resolution No. 79-39, the Assembly approved the general plan for the Tanana Valley Fairgrounds Special Assessment District and through Resolution No. 80-1 approved the assessment rolls and levying special assessment for these improvements; and

WHEREAS, Resolution No. 79-8 asserted the Tanana Valley State Fair Association would assume responsibility for maintenance and operation of the sewer and water facilities, and no further action has been taken by the Borough with respect to this service area since the construction was completed.

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

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

Section 1. Section 3 of this ordinance is of a general and permanent nature and shall be codified. Sections 2 and 4 of this ordinance are not of a general and permanent nature and shall not be codified.

Section 2. The following service area is hereby dissolved:
Tanana Valley Fairgrounds Service Area

Section 3. Chapter 14.24 FNSBC is hereby amended to remove the following section:
[14.24.030 TANANA VALLEY FAIRGROUNDS SERVICE AREA – CREATION AND POWERS – COMMISSION MEMBERS.
A. THERE IS ESTABLISHED A SERVICE AREA WITHIN THE BOROUGH DESIGNATED AS THE "TANANA VALLEY FAIRGROUNDS SERVICE AREA," INCLUDING THAT PORTION OF THE BOROUGH AS SHOWN ON THE CORRESPONDING MAP IN THE CLERK'S OFFICE.
B. THE TANANA VALLEY FAIRGROUNDS SERVICE AREA SHALL HAVE THE POWER TO PROVIDE SEWER AND WATER FACILITIES.
C. THE TANANA VALLEY FAIRGROUNDS SERVICE AREA COMMISSIONERS SHALL BE THE MEMBERS OF THE TANANA VALLEY FAIR BOARD.]

Section 4. Effective Date. This ordinance shall be effective at 5:00 p.m. of the first Borough business day following its adoption except that pursuant to FNSBC 14.08.030(I), no dissolution shall be effective prior to the date on which the chief financial officer certifies that all receivables and all payables of the service area as established by the financial records of the borough have been satisfied.

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

ADOPTED THE _____ DAY OF _____ 2020.

_____
Christopher Quist
Presiding Officer

ATTEST:

_____
April Trickey, CMC
Borough Clerk

APPROVED:

_____
Jill S. Dolan
Borough Attorney

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

Fairbanks North Star Borough

MAYOR'S OFFICE

mayor@fnsb.gov
Main: (907) 459-1300
Fax: (907) 459-1102

MEMORANDUM

TO: Fairbanks North Star Borough Assembly

From: Bryce Ward, Mayor JW for BW

Date: October 8, 2020

Subject: Ordinance 2020 – 02
Revised for Introduction: An ordinance amending Fairbanks North Star Borough Code of Ordinances Titles 4, 15, 17, 18 and 22 regarding quasi-judicial appeals to add a new board of appeals and new appeals officer section

---

Attached for your consideration is a revised for introduction version of Ordinance 2020-02. Ordinance 2020-02 was introduced on January 16, 2020 and referred to the Planning Commission and Animal Control Commission. This revised version proposes a new section that changes the appeals process related to the Assessor's determination of exemptions and cleans up unable to comply determination processes. This revised for introduction ordinance also removes originally proposed language that would have removed the Planning Commission as the appeal body for appeals based on Platting Board actions.

I urge your adoption of this ordinance.

Attachments: Ordinance

/jw

REVISED FOR INTRODUCTION

By: Bryce Ward, Mayor
Referred to the Animal Control Commission and the Planning Commission: 01/16/2020
Introduced: 10/08/2020

FAIRBANKS NORTH STAR BOROUGH

ORDINANCE NO. 2020 – 02

AN ORDINANCE AMENDING FAIRBANKS NORTH STAR BOROUGH CODE OF ORDINANCES TITLES 4, 15, 17, 18, AND 22 REGARDING QUASI-JUDICIAL APPEALS TO ADD A NEW BOARD OF APPEALS AND NEW APPEALS OFFICER SECTION AND AMENDING FNSBC TITLE 8 REGARDING THE APPEAL PROCESS FOR PROPERTY TAX EXEMPTIONS

WHEREAS, The Fairbanks North Star Borough (Borough) tasks various boards and commissions with providing input to the administration and/or the Assembly, and some boards and commissions have additional quasi-judicial functions, including hearing appeals from decisions of the administration and other bodies; and

WHEREAS, Boards and commissions are generally comprised of volunteer members of the public who are recommended by the administration and confirmed by the Assembly; and

WHEREAS, Quasi-judicial hearings and procedures require significant training of board or commission members prior to such proceedings occurring, and require knowledge of Borough code and how to apply law to facts; and

WHEREAS, Staff currently appears as a party in all quasi-judicial matters and, instead of providing advice and guidance to board and commission members, advocates for or against an application brought by a member of the public; and

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

34 WHEREAS, There are many matters in which staff could make
35 recommendations and then assist a board or commission rather than appearing as a party
36 before the decision-making body; and
37
38 WHEREAS, Citizen boards should be available as a first level appeal, rather
39 than going directly to superior court, when feasible; and
40
41 WHEREAS, There are benefits to using an appeals officer rather than having
42 the assembly sit as a board of adjustment, such as allowing assembly members to talk
43 to their constituents and pursue legislative changes without concerns of ex-parte contacts
44 or other due process considerations; and
45
46 WHEREAS, Minimizing staff's role as a party in quasi-judicial matters not
47 involving an appeal, and providing for an experienced board of appeals and/or appeals
48 officer review in matters that do involve an appeal, will allow the Department of Law to
49 more fully provide substantive and procedural advice; and
50
51 WHEREAS, Code currently provides a taxpayer who disagrees with the
52 assessor's determination regarding the tax exempt status of property may appeal directly
53 to superior court, but may only appeal to the board of equalization "as provided by law"
54 which is currently limited to senior citizen and disabled veteran exemptions; and
55
56 WHEREAS, It is desirable that all exemption determinations receive an
57 administrative appeal hearing by a body prior to court review; and
58
59 WHEREAS, The Assembly may delegate its authority to sit as a board of
60 equalization to one or more boards appointed by it.

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

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

Section 2. The name of FNSBC Title 4, Boards and Commissions, will be amended as follows:

Boards, [AND] Commissions, and Appeal Officers

Section 3. FNSBC 4.04.150, Procedure, is hereby amended as follows:

A. Notwithstanding any language to the contrary, all boards and commissions shall follow, as a minimum, the procedural rules set forth in this section. A board or commission may adopt other rules but those rules may not conflict with this section. In all matters of procedure not covered by this or other code sections or rules adopted by the board or commission, Robert's Rules of Order, as revised, shall be applicable and shall govern.

1. Boards and commissions conducting quasi-judicial hearings shall adopt rules permitting telephonic testimony by a party or witness upon request for good cause and in the absence of substantial prejudice to opposing parties. If telephonic participation is approved, then the party requesting it shall be responsible for arranging the telephone call and for payment of associated telephone charges. Adopted rules may limit the number of individuals testifying telephonically due to technological or other valid considerations; however, if an individual's telephonic participation is denied because of these limits, the rules shall permit other reasonably available alternatives such as setting an additional or alternate date for the testimony.

2. Boards and commissions conducting quasi-judicial hearings shall also adopt rules permitting parties to submit their testimony by affidavit subject to the opposing

89 parties' right of cross-examination that the chair determines to be reasonably necessary
90 to explore any matters which tend to contradict, modify or explain the testimony.
91 3. Boards and commissions conducting quasi-judicial hearings shall establish
92 rules providing for a determination concerning an individual's status as a party sufficiently
93 in advance of the hearing to allow the person to timely request participation by telephonic
94 or submit testimony by other allowable means. If an individual qualifies as an interested
95 person, the individual may provide testimony but the chair may otherwise limit
96 participation at the hearing unless the person possesses a significant property interest
97 that is not adequately represented by existing parties.
98 4. Formal rules of evidence do not apply to quasi-judicial hearings; however,
99 the chair may exclude irrelevant, immaterial or unduly repetitious evidence.
100 B. All de novo quasi-judicial hearings by a board or commission involving an appeal
101 from an administrative determination shall be conducted according to the following
102 procedures:
103 1. Copies of all procedural rules and any written [STAFF] report must be
104 available at least five working days prior to the hearing and at the hearing. At least five
105 working days prior to the hearing, the parties shall exchange copies of all documents
106 intended to be submitted to the board or commission. [STAFF SHALL ALSO ENSURE THAT
107 T]<u>T</u>he relevant public files [ARE] <u>shall be made</u> available for inspection and copying by
108 the parties.
109 2. At the beginning of the hearing, the chair shall give a brief introduction
110 regarding the matter and inquire as to whether any member needs to make any
111 disclosures required by the code of ethics or disclose any ex parte communications
112 regarding the matter at issue. All parties must at this time express their objections, if any,
113 to a member participating in the hearing.
114 3. Testimony must be taken under oath or affirmation. A group oath or
115 affirmation, including all parties, may be given prior to taking any testimony. Relevant
116 testimony and evidence may be submitted at the hearing. To the extent time limits are

imposed, those time limits shall not include time spent responding to questions and shall be evenly applied to all parties.

4. All parties shall, unless their participation is limited by the chair as authorized in this chapter, have the right to present evidence including testimony and exhibits and the right of cross-examination of witnesses to the extent the chair determines to be reasonably necessary to explore any matters which tend to contradict, modify, or explain testimony given on direct. The party bearing the burden of proof shall have the right to first provide testimony and present all relevant witnesses and evidence and shall have the right to rebuttal.

5. If a party seeks to introduce a document not previously copied and exchanged with the other party and the other party objects, the document shall be admitted only if the board finds a good faith reason for its failure to be included in the documentary exchange. A "good faith reason" includes, but is not limited to, the portion of an animal behavior log for the days occurring after the required documentary exchange. If the late admission creates any prejudice to the opposing party, the chair shall provide the opposing party additional time or take other allowable measures to address any resulting prejudice.

C. All de novo quasi-judicial hearings by a board or commission not involving an appeal from an administrative determination shall be conducted according to the following procedures:

1. Copies of all procedural rules and any written staff report must be available at least five working days prior to the hearing and at the hearing. Staff shall also ensure that the relevant public files are available for inspection and copying by the parties. If additional documents or information is submitted to staff after the report is written, those documents and information shall become part of the public file. If documents or information is added to the public file after the staff report is written, staff shall notify the parties who have previously inspected the file as soon as reasonably practicable and

144 provide a copy to the parties if requested. Documents or information added to the file in
145 compliance with this section may be provided to the board or commission.
146 2. At the beginning of the hearing, the chair shall give a brief introduction
147 regarding the matter and inquire as to whether any member needs to make any
148 disclosures required by the code of ethics or disclose any ex parte communications
149 regarding the matter at issue. All parties must at this time express their objections, if any,
150 to a member participating in the hearing.
151 3. Testimony must be taken under oath or affirmation. A group oath or
152 affirmation, including all parties and staff, may be given prior to taking any testimony.
153 Relevant testimony and evidence may be submitted at the hearing. To the extent time
154 limits are imposed, those time limits shall not include time spent responding to questions
155 and shall be evenly applied to staff and the applicant. Time limits for interested persons
156 shall be set by the chair.
157 4. Staff Report. Staff may provide a report on any technical or other issues
158 within their expertise and may make recommendations to the board or commission.
159 Questions of staff by the decision-making body and by the applicant, if present, should
160 be asked at this point.
161 5. Applicant. The applicant or the applicant's representative, if present, may
162 present testimony and evidence to support the application. To the extent the applicant
163 wishes to present expert witnesses, they should testify at this point. Questions of the
164 applicant by the decision-making body [OR STAFF] should be asked at this point. The
165 applicant shall be provided a minimum of 10 minutes which may be extended by the chair
166 dependent upon the complexity of the issue. In addition, if the staff report
167 [OPPOSES]recommends denial of the application in whole or in part, the applicant's time
168 shall be extended if necessary to ensure the applicant receives time equivalent to that
169 provided to staff.
170 6. All parties shall, unless their participation is limited by the chair as
171 authorized in this chapter, have the right to present evidence including testimony and

172 exhibits and the right of cross-examination of witnesses to the extent the chair determines
173 to be reasonably necessary to explore any matters which tend to contradict, modify, or
174 explain testimony given on direct.

175 7. Rebuttal. The applicant shall be provided a minimum of five additional
176 minutes to respond to any testimony presented by interested persons. This time may be
177 extended by the chair in consideration of lengthy or complex testimony. In addition, to
178 the extent the decision-making body decides, after testimony, to ask any further
179 questions, the applicant shall be given a reasonable time to respond.

180 D. All legislative hearings by a board or commission shall be conducted according to
181 the following procedures:

182 1. Sponsor Report. If present, the sponsor(s) of the proposed legislation or
183 the sponsor's designee(s) shall first be afforded an opportunity to provide a report on the
184 proposed legislation. The sponsor may choose to present before or after the staff report.
185 If time limits are applied, the sponsor and staff shall receive equivalent time. Questions
186 of the sponsor by the decision-making body concerning the proposed legislation should
187 be asked at this point so that the members of the public wishing to comment can be
188 reasonably informed.

189 2. Staff Report. Staff may then provide a report on any technical or other
190 issues within their expertise. Questions of staff by the sponsor(s) or the decision-making
191 body concerning the proposed legislation should be asked at this point so that the
192 members of the public wishing to comment can be reasonably informed.

193 3. Public Comment. Members of the public may comment on legislative issues.
194 Time limits may be placed on individual comments. If time limits are placed, they should
195 be applied in an equal manner to all individuals providing public comment. Comments
196 may be limited to the hearing subject.

197 4. Sponsor Response. The sponsor(s) or designee(s) shall be afforded a
198 reasonable opportunity to respond to any questions, issues or concerns raised during the
199 staff report or public comment.

E. If a hearing involves both a legislative issue and a quasi-judicial matter, the quasi-judicial procedures shall apply except that if the matter is scheduled for a public hearing, the public may comment on the legislative issue. Time limits may be placed on individual comments (excluding applicant and staff presentation). If time limits are placed, they should be applied in an equal manner to all individuals providing public comment. Comments should be limited to those relevant to the hearing subject.

F. Definitions.

1. "Applicant" means any person or entity whose specific legal rights are being adjudicated in the quasi-judicial hearing.

2. "Staff" means borough employees who as part of their job responsibilities are tasked with providing the board or commission with technical or other relevant information or those individuals from whom the board or staff has specifically sought, after notice to the applicant, their input or advice.

3. "Sponsor" means the mayor, assembly member, chairperson of committee draft, or a member of the public whose authorized application created the proposed legislation. If the authorized application involves multiple owners or multiple properties, "sponsor" only includes one owner representative for each property.

4. "Party" means the applicant[,]; any appellant(s); and, [STAFF]an administrative decisionmaker (e.g., borough assessor, planning director). It also includes "interested persons" or "persons aggrieved" to the extent their participation is expressly permitted by borough code in a quasi-judicial matter. It does not include members of the public testifying under public comment.

Section 4. Subsection D of FNSBC 4.16.040, Responsibilities, is hereby deleted as follows:

[D. CONDUCT ANIMAL BITE HEARINGS AS A QUASI-JUDICIAL BODY AS SET FORTH IN THIS CHAPTER.]

228 Section 5. FNSBC 4.16.050, Hearings and appeals to the animal control
229 commission, is hereby repealed as follows:
230 [AN OWNER AGGRIEVED BY THE DECISION OF THE ANIMAL CONTROL OFFICER MAY
231 APPEAL TO THE ANIMAL CONTROL COMMISSION. SUCH REQUEST FOR APPEAL MUST
232 BE FILED WITHIN 10 DAYS OF THE DATE OF THE DECISION OF THE ANIMAL CONTROL
233 OFFICER. THE ANIMAL CONTROL COMMISSION MAY AFFIRM, REVERSE, OR MODIFY
234 THE DECISION OF THE ANIMAL CONTROL OFFICER. THE ANIMAL
235 CONTROL COMMISSION SHALL HAVE THE POWER TO EUTHANIZE THE ANIMAL.
236 THE ANIMAL CONTROL COMMISSION SHALL SET A HEARING DATE TO BE HELD WITHIN
237 20 DAYS OF THE RECEIPT OF THE REQUEST FOR APPEAL BY THE OWNER.]
238
239 Section 6. FNSBC 4.16.060, Hearing procedure, is hereby repealed as
240 follows:
241 [A. A QUORUM SHALL CONSIST OF THREE MEMBERS OF THE ANIMAL CONTROL
242 COMMISSION. IF ONLY THREE MEMBERS OF THE COMMISSION ARE PRESENT, IT WILL
243 TAKE A UNANIMOUS VOTE IN ORDER TO EUTHANIZE AN ANIMAL. IF MORE THAN THREE
244 MEMBERS OF THE COMMISSION ARE PRESENT, THEN A MAJORITY OF THOSE PRESENT
245 MUST VOTE IN FAVOR OF EUTHANASIA.
246 B. THE ANIMAL CONTROL COMMISSION SHALL REVIEW THE WRITTEN DECISION
247 OF THE ANIMAL CONTROL OFFICER, HEAR STATEMENTS FROM THE VICTIM AND
248 REPRESENTATIVE OF ANIMAL CONTROL, AND HEAR STATEMENTS FROM THE OWNER
249 OF THE ANIMAL, AND REVIEW ANY PERTINENT MATERIALS. ADDITIONAL WITNESSES
250 WHO OBSERVED THE EVENT SHALL ALSO BE HEARD, AND THE OWNER MAY PRESENT
251 WITNESSES TO TESTIFY TO THE GENERAL CHARACTER OR DEMEANOR OF THE
252 ANIMAL, SUBJECT TO THE DISCRETION OF THE ANIMAL CONTROL COMMISSION TO
253 LIMIT CUMULATIVE, REDUNDANT OR IRRELEVANT TESTIMONY. THE COMMISSION,
254 THE ANIMAL CONTROL REPRESENTATIVE AND THE OWNER SHALL HAVE THE
255 OPPORTUNITY TO QUESTION WITNESSES.

256 C. AN OWNER AGGRIEVED BY THE DECISION OF THE ANIMAL CONTROL
257 COMMISSION MAY APPEAL TO THE SUPERIOR COURT WITHIN 30 DAYS. NOTICE OF
258 INTENT TO APPEAL SHALL BE GIVEN TO THE ANIMAL CONTROL OFFICER WITHIN 72
259 HOURS OF THE DECISION OF THE ANIMAL CONTROL COMMISSION. IF THE ANIMAL
260 WHICH IS THE SUBJECT OF THE APPEAL IS IMPOUNDED, THE ANIMAL CONTROL
261 OFFICER SHALL REQUIRE ADVANCE PAYMENT FOR ONE MONTH OF ROOM AND BOARD
262 EXPENSE IF THE OWNER PROVIDES A NOTICE OF INTENT TO APPEAL.]
263
264 Section 7. Chapter 4.24 FNSBC, Board of Adjustment, is hereby repealed.
265
266 Section 8. Chapter 4.26 FNSBC, Board of Appeals, is hereby added as
267 follows:
268 Sections:
269 4.26.010 Established.
270 4.26.020 Qualifications.
271 4.26.030 Responsibilities.
272
273 4.26.010 Established.
274 There is established a board of appeals, which shall have three members and two
275 alternates appointed by the mayor and confirmed by the assembly. Alternates will serve
276 as designated by the chair if a regular member is unavailable. Notwithstanding anything
277 in FNSBC Title 4 to the contrary, the mayor shall appoint the chair and vice-chair. The
278 termination provisions in FNSBC 4.04.180 shall not apply to this board.
279
280 4.26.020 Qualifications.
281 In addition to the qualifications in this title, the chair shall have previous experience
282 adjudicating disputes and the demonstrated ability to apply law to facts or be admitted
283 to the Alaska bar. All members should have adjudicatory experience or experience serving

284 on a board or commission. A member of the board may hold no other appointed or
285 elected office with the borough.
286
287 4.26.030 Responsibilities.
288 The board of appeals shall hear and decide the following matters:
289 A. Appeals from administrative decisions of the planning director or designee
290 pursuant to FNSBC Title 18, including grandfather rights and amnesty decisions, zoning
291 permit determinations, and revocations of conditional use permits.
292 B. Appeals arising under Chapter 15.04 FNSBC, floodplain management.
293 C. Appeals of dangerous animal determinations and decisions of the animal control
294 manager as provided in FNSBC Title 22.
295 D. Appeals from paratransit eligibility determinations.
296 E. Appeals from the Assessor's determinations on property tax exemptions and
297 unable to comply determinations.
298
299 Section 9. FNSBC 4.80.040(A)(3), Powers and duties, is hereby repealed
300 as follows: *[Note: The Clerk shall renumber accordingly.]*
301 [3. THE COMMISSION SHALL ACT AS THE PLATTING BOARD APPEALS BODY
302 AND SHALL HEAR AND DECIDE APPEALS FROM THE DECISIONS OF THE PLATTING
303 BOARD.]
304
305 Section 10. Chapter 4.88 FNSBC, Public Transportation Advisory
306 Commission, is hereby repealed as follows:
307 [SECTIONS:
308 4.88.010 ESTABLISHED.
309 4.88.020 TERMS OF OFFICE.
310 4.88.030 ORGANIZATION.
311 4.88.040 DUTIES.

312

313 4.88.010 ESTABLISHED.

314 WITHIN THE OFFICE OF THE BOROUGH MAYOR THERE IS ESTABLISHED A PUBLIC
315 TRANSPORTATION ADVISORY COMMISSION CONSISTING OF SEVEN MEMBERS TO BE
316 APPOINTED BY THE BOROUGH MAYOR AND CONFIRMED BY THE ASSEMBLY. MEMBERS
317 SHALL BE APPOINTED WITH DUE REGARD TO THEIR INTEREST IN PUBLIC
318 TRANSPORTATION AND SHALL AS NEARLY AS POSSIBLE BE REPRESENTATIVE OF ALL
319 ELEMENTS OF THE COMMUNITY.

320

321 4.88.020 TERMS OF OFFICE.

322 MEMBERS OF THE PUBLIC TRANSPORTATION ADVISORY COMMISSION SHALL SERVE
323 FOR A TERM OF THREE YEARS OR UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIED;
324 PROVIDED, THAT THE TERMS OF THE INITIAL COMMISSION MEMBERS SHALL BE
325 STAGGERED SO THAT THREE MEMBERS WILL BE APPOINTED IN EACH OF TWO YEARS
326 AND FOUR THE THIRD YEAR.

327

328 4.88.030 ORGANIZATION.

329 THE COMMISSION SHALL ANNUALLY ELECT A CHAIRMAN AND VICE CHAIRMAN AND
330 SHALL ADOPT RULES FOR THE CONDUCT OF ITS MEETINGS. ROBERT'S RULES OF
331 ORDER SHALL APPLY UNLESS DIFFERENT RULES ARE ADOPTED BY THE COMMISSION.
332 MINUTES OF ALL MEETINGS OF THE COMMISSION SHALL BE KEPT AND FILED IN THE
333 OFFICE OF THE BOROUGH MAYOR WITH COPIES BEING FURNISHED TO THE ASSEMBLY.

334

335 4.88.040 DUTIES.

336 THE COMMISSION SHALL:

337 A. ACT AS LIAISON WITH THE COMMUNITY FOR THE PURPOSES OF GAUGING
338 ATTITUDES AND NEEDS CONCERNING PUBLIC TRANSPORTATION AND MAKING
339 RECOMMENDATIONS;

340 B. MAINTAIN A CONTINUOUS REVIEW OF THE PUBLIC TRANSPORTATION SYSTEM
341 OF THE BOROUGH AND ALL ITS ASPECTS INCLUDING RATE STRUCTURES, ROUTE
342 EXTENSIONS AND CHANGES, AND MAKE RECOMMENDATIONS TO THE BOROUGH
343 MAYOR AND THE TRANSPORTATION DIRECTOR CONCERNING PRESENT AND FUTURE
344 NEEDS;
345 C. ASSIST IN THE PREPARATION OF THE ANNUAL BUDGET OF THE
346 TRANSPORTATION DIVISION AND THE CAPITAL IMPROVEMENTS PROGRAM;
347 D. HEAR APPEALS OF DENIALS OF PARATRANSIT ELIGIBILITY.]
348
349 Section 11. Chapter 4.116 FNSBC, Appeals Officers, is hereby added as
350 follows:
351 Sections:
352 4.116.010 Appeals Officers.
353 4.116.020 Procedures.
354
355 4.116.010 Appeals Officers.
356 Appeals officers shall be assigned by the borough clerk from a list approved by the
357 assembly and have jurisdiction over the following matters:
358 A. Appeals of planning commission determinations on conditional use permits,
359 variances, and other matters as set forth in Title 18.
360 B. Appeals of platting board decisions.
361
362 4.116.020 Procedures.
363 A. Notice of Appeal. An appeal must be perfected no later than 15 days after the
364 mailing of the notification of decision. The appeal is perfected by the filing of a notice of
365 appeal, appeal fee, and cost bond in accordance with this subsection.

366 1. The notice of appeal must be filed with the clerk's office on a form
367 prescribed by the borough clerk and must contain detailed and specific allegations of
368 error.
369 2. The appellant shall pay the applicable non-refundable appeal fee. In
370 addition, the appellant shall file a cost bond of $200.00. Following completion of the
371 record pursuant to subsection D, the appellant shall pay the actual cost of the record.
372 However, should the decision of the lower body be reversed in whole or in part, the cost
373 bond shall be refunded in full.
374 3. The borough clerk shall deny an untimely notice of appeal or a notice of
375 appeal which does not conform with the requirements of this subsection. No further
376 proceedings shall be made on a defective notice of appeal unless the defect is corrected
377 within the period provided for an appeal.
378 4. The borough clerk shall mail the notice of appeal to any party that
379 participated in the proceeding before the lower body.
380 B. An appellee brief may be submitted by:
381 1. The party in whose favor, in whole or in part, the lower administrative
382 body's decision was rendered;
383 2. Any borough agency;
384 3. Any person who participated below and would be aggrieved if the decision
385 of the lower administrative body were reversed.
386 C. Appellees who wish to file a brief and be notified by the borough clerk of the date
387 the record is available and of the date the appellant's brief is filed must file a notice of
388 intent to file a brief with the clerk's office on a form prescribed by the borough clerk,
389 within 20 days after the mailing of the notice of appeal.
390 D. Preparation of Record.
391 1. Upon timely perfection of an appeal, the borough clerk shall prepare an
392 appeal record. The record shall contain:

393 a. A copy of the written decision of the administrative body, including
394 its findings and conclusions.
395 b. A verbatim transcript of any proceedings before the administrative
396 body from which the appeal has been taken prepared in accordance with subsection
397 (D)(2) of this section;
398 c. Copies of all documentary evidence, memoranda and exhibits,
399 correspondence and other written material submitted to the administrative body prior to
400 the decision from which the appeal is taken;
401 2. The borough clerk shall provide the appellant a copy of the audio of the
402 proceedings before the lower body. The appellant shall arrange for the preparation of
403 the transcript by a certified court reporter and shall pay the cost of such preparation. The
404 appellant shall file this transcript with the clerk's office. If the appellant fails to file the
405 transcript within 30 days of the filing of the notice of appeal, the appeal shall be
406 automatically denied.
407 3. Upon completion of the record, the borough clerk shall notify the appellant
408 by certified mail of the cost of its preparation. If the appellant fails to pay the costs within
409 seven days of receiving the notice, the appeal shall be automatically denied. Upon timely
410 payment of costs, the borough clerk shall, by certified mail or other means agreed to by
411 the parties, serve a copy of the record on the appellant and notify the appellees that the
412 record is available. Upon request, the borough clerk shall provide a copy of the record to
413 an appellee in accordance with the fee schedule.
414 E. Written Argument.
415 1. Brief of the Appellant. The appellant may file a written brief of points and
416 authorities in support of those allegations of error specified in the notice of appeal with
417 the clerk's office no later than 15 days after mailing of the appeal record. The borough
418 clerk shall notify by certified mail or other means agreed to by the parties, those appellees
419 who have filed a notice of intent to file a brief that the appellant's brief is available for

420 pickup. Upon request, the borough clerk shall provide a copy of the appellant's brief to
421 appellees.
422 2. Brief of Appellee. An appellee who has filed a notice of intent to file a brief
423 shall prepare and submit to the clerk's office a written response to the notice of appeal
424 and any brief in support thereof no later than 30 days after notification of filing of the
425 appellant's brief. The borough clerk shall notify the appellant by certified mail or other
426 means agreed to by the parties that appellee briefs have been filed.
427 3. Reply Brief. An appellant may file a written reply brief to the appellee briefs
428 no later than 10 days after mailing of notice that the appellee briefs have been filed.
429 4. Form of Briefs. All briefs shall be type- written on eight and one-half by 11-
430 inch pages. The text of the brief shall be double-spaced other than quotations from the
431 record, case law, or other applicable law or exhibits which cannot be retyped on eight
432 and one-half by 11-inch pages. The brief of the appellant is limited to 25 pages not
433 including exhibits. The brief of appellee is limited to 25 pages not including exhibits. The
434 reply brief is limited to 10 pages not including exhibits. Exhibits must be from the record
435 and not be new evidence. The clerk's office shall not accept a brief unless it is in the form
436 prescribed by this subsection.
437 5. Untimely Briefs. If a brief is not filed within the time prescribed by this
438 section, the borough clerk shall notify the appeals officer that the brief was filed late. The
439 appeals officer shall determine whether to accept a late brief and whether to allow
440 additional time for any qualified opposing party to file its brief.
441 F. Appeal Packet. Following the time set for the receipt of written argument, the
442 borough clerk shall prepare and distribute to the appeals officer an appeal packet
443 containing only the notice of appeal, the appeal record, and any briefs filed in accordance
444 with subsection (E) of this section. Appeal packets shall be made available to the public
445 in accordance with the fee schedule.
446 G. Scope of Administrative Review.

447 1. The appeals officer shall not hear arguments nor take additional testimony
448 or other evidence. An appeal shall be heard solely on the basis of the record established
449 before the lower administrative body, the notice of appeal, and the parties' briefs.
450 2. The appeals officer may exercise their independent judgment on legal
451 issues raised by the appellant. Legal issues as used in this subsection means those
452 matters that relate to the interpretation or construction of ordinances or other provisions
453 of law.
454 3. The appeals officer shall defer to the judgment of the lower administrative
455 body regarding disputed issues or findings of fact. Findings of fact adopted expressly or
456 by necessary implication by the lower administrative body may be considered as true if
457 they are supported in the record by substantial evidence. Substantial evidence for the
458 purpose of this subsection means such relevant evidence as a reasonable mind might
459 accept as adequate to support a conclusion. If the record affords a substantial basis of
460 fact from which the fact in issue may be reasonably inferred, it shall be considered that
461 the fact is supported by substantial evidence.
462 4. New Evidence – Changed Circumstances. Appeals alleging new evidence or
463 changed circumstances shall not be heard by the appeals officer but shall be remanded
464 forthwith to the lower administrative body. New evidence or changed circumstances
465 includes only items that did not exist and therefore could not be obtained prior to the
466 original hearing.
467 H. Decision.
468 1. The appeals officer may affirm or reverse the decision of the lower
469 administrative body in whole or in part. They shall decide an appeal on the basis of the
470 record on appeal and the briefs of the parties to the appeal, in accordance with the
471 standards of subsection (I) of this section. A decision reversing or modifying the decision
472 appealed from shall be in a form which finally disposes of the case on appeal except
473 where the case is remanded in accordance with subsection (I) of this section.

474 2. Every decision to affirm or reverse the decision of the lower administrative
475 body shall be based upon findings and conclusions adopted by the appeals officer. Such
476 findings must be reasonably specific so as to provide the community, and where
477 appropriate, reviewing authorities, a clear and precise understanding of the reason for
478 the decision.
479 I. Remedies.
480 1. Where the appeals officer reverses or modifies a decision of the lower
481 administrative body in whole or in part, their decision shall finally dispose of the matter
482 on appeal, except that the case shall be remanded to the lower body where they
483 determine either:
484 a. That there is insufficient evidence in the record on an issue material
485 to the decision of the case; or
486 b. That there has been a substantial procedural error which requires
487 further public hearing.
488 2. A decision remanding a case shall describe any issue upon which further
489 evidence should be taken and shall set forth any further directions the appeals officer
490 deems appropriate for the guidance of the lower administrative body.
491 3. The lower administrative body shall act on the case upon remand in
492 accordance with the decision of the appeals officer in the minimum time allowed by the
493 circumstances.
494 J. Special Rules of Procedure Applicable to Appeals Before the Appeals Officer.
495 1. Ex Parte Contacts Prohibited. The appeals officer shall be impartial in all
496 appeal matters, both in fact and in appearance. No appeals officer shall receive or
497 otherwise engage in ex parte contacts with the appellant, other parties adversely affected
498 by the appeal, or members of the public concerning the appeal or issues specifically
499 presented in the notice of appeal either before the appeal hearing or during any period
500 of time the matter is subject to reconsideration.

501 2. Decisions of the appeals officer may be brought up for reconsideration or
502 rehearing only if:
503 a. There was substantial procedural error in the original proceeding; or
504 b. The appeals officer acted without jurisdiction in the original
505 proceeding; or
506 c. The original decision was based upon fraud or misrepresentation.
507 The appellant or appellee may seek reconsideration or a rehearing by filing a request with
508 the clerk's office, together with materials supporting one or more of the grounds stated
509 above, within 15 days of the mailing of the original decision. The appeals officer may
510 schedule a rehearing only if it finds the allegations to be correct. A rehearing shall be
511 conducted in the same manner as original proceedings.
512 K. Judicial Review. Either the appellant or appellee may appeal the decision of the
513 appeals officer to the superior court. Appeals shall be made to the superior court in
514 accordance with the rules of appellate procedure.
515
516 Section 12. FNSBC 15.04.080, Appeals, is hereby amended as follows:
517 The [COMMISSION] board of appeals shall consider and decide appeals where it is alleged
518 there is error in any order, requirement, condition, decision or determination made by
519 the director regarding approval or denial of a floodplain permit or certificate of
520 compliance.
521 A. The appellant shall file an appeal with the [COMMISSION] clerk's office within [10
522 CALENDAR] 15 days after mailing of the director's decision. The appellant shall include
523 their name or names, their interest in the matter, their address, and which order,
524 requirement, condition, decision or determination made is being appealed.
525 B. The [COMMISSION] board of appeals may reverse or affirm, [WHOLLY] in whole
526 or in part, or modify the order, requirement, condition, decision or determination under
527 appeal, so long as such action is in conformity with this chapter. The [COMMISSION]

528 board of appeals shall make its decision in writing, setting forth its findings of fact,
529 reasons for its decisions and corrective actions to be taken, if necessary.
530 [C. APPEALS FROM COMMISSION DECISIONS ARE MADE TO THE ASSEMBLY USING
531 THE APPEAL PROCESS AS REQUIRED IN FNSBC 4.24.030(C) THROUGH (L).]
532 [D.]C. Either the appellant or appellee may appeal the [ASSEMBLY'S] board's decision to
533 superior court. Appeals may be made to the superior court in accordance with the rules
534 of appellate procedure.
535
536 Section 13. Subsection T of FNSBC 8.04.060, Real property exempted from
537 taxation, is hereby added as follows:
538 T. An applicant for an exemption may appeal the assessor's determination to the
539 board of appeals.
540
541 Section 14. FNSBC 8.16.010, Appeal, is hereby amended as follows:
542 A. Right to Appeal.
543 1. Valuation. A person whose name appears on the assessment roll or the
544 agent or assigns of that person may appeal to the board of equalization for relief from an
545 alleged error in valuation not adjusted by the assessor to the appellant's satisfaction.
546 a. Appeal Deadline. Unless there is a determination that the taxpayer
547 was unable to comply, the appellant contesting a property valuation not adjusted to the
548 appellant's satisfaction shall, no later than 30 days after the date of mailing notice of
549 assessment, submit to the assessor a written appeal specifying grounds in the form that
550 the board of equalization may require.
551 b. Unable to Comply Determination. A person who missed the 30-day
552 valuation appeal deadline may request a deadline extension from the board of
553 equalization by demonstrating inability to comply with the deadline. The extension
554 request affidavit and the written valuation appeal must be filed with the assessor no later
555 than 30 days from the date of the close of the applicable appeal period of that tax year.

556 i. If the extension request is granted for a valuation appeal, the
557 valuation appeal will be set for hearing and the appellant and the property owner will be
558 given notice of the hearing.
559 ii. If the extension request is denied, the borough clerk['S
560 OFFICE] shall notify the appellant and the property owner of the board's decision.
561 2. Farm Use. An applicant for a farm use assessment who believes that the
562 valuation or classification assigned to the land that is the subject of the application is
563 erroneous may appeal to the board of equalization.
564 a. Appeal Deadline. Unless there is a determination that the taxpayer
565 was unable to comply, the applicant contesting a farm use valuation and/or classification
566 shall, no later than 30 days after the date of mailing notice of the assessment and/or
567 classification, submit to the assessor a written appeal specifying grounds in the form that
568 the board of equalization may require.
569 b. Unable to Comply Determination. A person who missed the 30-day
570 farm use valuation appeal deadline may request a deadline extension from the board of
571 equalization by demonstrating inability to comply with the deadline. The extension
572 request affidavit and the written valuation appeal must be filed with the assessor no later
573 than 30 days from the date of the close of the applicable appeal period of that tax year.
574 i. If the extension request is granted for a farm use valuation
575 appeal, the valuation appeal will be set for hearing and the appellant and the property
576 owner will be given notice of the hearing.
577 ii. If the extension request is denied, the borough clerk['S
578 OFFICE] shall notify the appellant and the property owner of the board's decision.
579 3. [SENIOR CITIZEN OR DISABLED VETERAN] Exemptions. An applicant
580 aggrieved by any determination of the assessor regarding a [SENIOR CITIZEN OR
581 DISABLED VETERAN] property tax exemption may appeal to the board of
582 [EQUALIZATION]appeals.

583 a. Appeal Deadline. Unless there is a determination that the taxpayer
584 was unable to comply, an applicant contesting a determination of the assessor regarding
585 a [SENIOR CITIZEN OR DISABLED VETERAN PROPERTY] tax exemption shall, no later
586 than 10 days after the date of mailing of the assessor's decision, submit to the assessor
587 a written appeal specifying grounds in the form that the board of
588 [EQUALIZATION]appeals may require.
589 b. Unable to Comply Determination. A person who missed the [SENIOR
590 CITIZEN OR DISABLED VETERAN] exemption application deadline may request a deadline
591 extension from the assessor by demonstrating inability to comply with the deadline. The
592 extension request affidavit and the exemption application must be filed with the assessor
593 prior to May 1st of the year for which the exemption is sought.
594 i. If the extension request is granted for the exemption
595 application deadline, the assessor shall accept the application as if timely filed.
596 ii. If the extension request is denied for the exemption
597 application deadline, the applicant may appeal the decision to the [ASSEMBLY]board of
598 appeals by filing a notice of appeal with the clerk's office within 10 working days of the
599 date of the assessor's decision.
600 [4. RESIDENTIAL HOMEOWNER EXEMPTION UNABLE TO COMPLY
601 DETERMINATION. A PERSON WHO MISSED THE RESIDENTIAL HOMEOWNER
602 EXEMPTION APPLICATION DEADLINE AS PROVIDED BY FNSBC 8.04.060(I) MAY
603 REQUEST A DEADLINE EXTENSION FROM THE ASSESSOR BY DEMONSTRATING
604 INABILITY TO COMPLY WITH THE DEADLINE. THE EXTENSION REQUEST AFFIDAVIT
605 AND THE EXEMPTION APPLICATION MUST BE FILED WITH THE ASSESSOR PRIOR TO
606 MAY 1ST OF THE YEAR FOR WHICH THE EXEMPTION IS SOUGHT.
607 I. IF THE EXTENSION REQUEST IS GRANTED FOR THE EXEMPTION
608 APPLICATION DEADLINE, THE ASSESSOR SHALL ACCEPT THE APPLICATION AS IF
609 TIMELY FILED.

610 II. IF THE EXTENSION REQUEST IS DENIED FOR THE EXEMPTION
611 APPLICATION DEADLINE, THE APPLICANT MAY APPEAL THE DECISION TO THE BOARD
612 OF EQUALIZATION BY FILING A NOTICE OF APPEAL WITH THE ASSESSOR WITHIN 10
613 WORKING DAYS OF THE DATE OF THE ASSESSOR'S DECISION. IF THE BOARD OF
614 EQUALIZATION GRANTS THE EXTENSION REQUEST, THE ASSESSOR SHALL ACCEPT
615 THE EXEMPTION APPLICATION AS IF TIMELY FILED.]
616 B. Unable to Comply Determinations. For purposes of this chapter, "unable to comply"
617 or "inability to comply" means that the failure to timely appeal was based upon a serious
618 medical or other similar serious condition or event beyond the taxpayer's control. A failure
619 to pick up or read mail, or to make arrangements for an appropriate and responsible
620 person to pick up or read mail, or a failure to timely provide a current address to the
621 office of the borough assessor, will not be deemed to result in an inability to comply and
622 the appeal will not be accepted for that tax year.
623 1. All assertions of inability to comply must be filed by an affidavit and
624 supporting documentation, if any, setting forth the reasons why the applicant or appellant
625 was unable to file by the deadline.
626 2. The assessor shall supply to the appropriate decision maker all relevant
627 information and documents including the affidavit and supporting documents submitted
628 by the applicant or appellant and any documents specifically requested by the decision
629 maker. The decision maker shall consider the extension request only on the submitted
630 documents and shall not consider evidence regarding property valuation or exemption.
631 3. The authority provided in this chapter to grant extensions may not be
632 exercised so as to permit acceptance of an application or appeal other than for the current
633 year.
634 C. Notice of Hearing. The assessor for a board of equalization hearing or the clerk for
635 a hearing before the [ASSEMBLY] board of appeals shall notify an appellant and the
636 property owner by mail of the time and place of hearing. The notices shall be mailed not
637 later than 10 calendar days before the date of the hearing. Exemption appeals shall follow

638 the procedures provided in FNSBC 4.04.150(B). (De novo hearings involving an appeal
639 from an administrative determination.)
640 D. Summary of Assessment Data. The assessor shall prepare for use by the board of
641 equalization a summary of assessment data relating to each valuation assessment that is
642 appealed. Upon request of the appellant, the assessor shall provide the appellant with
643 the assessment data that will be presented to the board of equalization relating to each
644 valuation assessment that is appealed.
645 E. Appeals by City. A city in the borough may appeal an assessment to the borough
646 board of equalization in the same manner as a taxpayer. Within five days after receipt of
647 the appeal, the assessor shall notify the person whose property assessment is being
648 appealed by the city.
649
650 Section 15. FNSBC 8.16.040, Claims based on the tax exempt status of
651 property, is hereby amended as follows:
652 A taxpayer who claims that property is not taxable under law may appeal a determination
653 of the assessor that property is taxable directly to the superior court as provided by rules
654 of court applicable to appeals from the decisions of administrative agencies, or the
655 taxpayer may first appeal to the board of appeals [BOARD OF EQUALIZATION AS
656 PROVIDED BY LAW].
657
658 Section 16. Subsection H of FNSBC 17.16.030, Action on quick plat
659 application, is hereby amended as follows:
660 H. A party or interested person who appeared at the quick plat hearing may appeal
661 the decision by submitting written notice of appeal and paying the appropriate fee within
662 10 working days of the hearing. Appeal of hearing officer decisions will be heard de novo
663 by the [PLATTING BOARD UNDER PROCEDURES ADOPTED AND ESTABLISHED BY THE
664 PLATTING BOARD] board of appeals.
665

666 Section 17. Subsection E of FNSBC 17.28.040 is hereby deleted as follows:
667 [E. ALL DECISIONS OF THE PLATTING BOARD UNDER THIS CHAPTER ARE FINAL
668 UNLESS APPEALED TO THE PLANNING COMMISSION WITHIN SEVEN CALENDAR DAYS.
669 ANY APPEAL IS SUBJECT TO CHAPTER 17.68 FNSBC.]
670
671 Section 18. Chapter 17.68 FNSBC, Appeals, is hereby amended as follows:
672 Sections:
673 17.68.010 Appeals from platting board[TO PLANNING COMMISSION] decisions.
674 [17.68.020 NOTICE OF APPEAL.
675 17.68.030 DECISION ON APPEAL.
676 17.68.040 APPEAL FROM PLANNING COMMISSION.]
677
678 17.68.010 Appeals from platting board [TO PLANNING COMMISSION] decisions.
679 Except for a final plat and action on a vacation application, any party or interested person
680 who participated in the hearing before the platting board may appeal a decision of the
681 platting board to [THE PLANNING COMMISSION] an appeals officer by [SUBMITTING]
682 filing a written notice of appeal with the [PLATTING OFFICER] clerk's office within
683 [SEVEN] 15 days of the [DATE] mailing of the notification of [THE] decision. Members of
684 the public may appeal the platting board's application of this title's requirements
685 concerning the dedication or realignment of trails pursuant to FNSBC 17.56.040.
686
687 [17.68.020 NOTICE OF APPEAL.
688 A. A NOTICE OF APPEAL SUBMITTED PURSUANT TO THIS TITLE MUST BE IN
689 WRITING AND CONTAIN THE FOLLOWING INFORMATION:
690 1. NAMES AND ADDRESSES OF THE APPELLANT(S);
691 2. PLATTING SERIAL CASE FILE NUMBER OR OTHER IDENTIFICATION OF THE
692 MATTER FROM WHICH THE APPEAL IS TAKEN;

3. DATE AND IDENTITY OF THE SPECIFIC ACTION OR DECISION FROM WHICH THE APPEAL IS TAKEN;

4. SPECIFIC GROUNDS OR REASONS FOR THE APPEAL, WITH REFERENCE TO ALL FNSBC TITLE 17 PROVISIONS UPON WHICH THE APPELLANT RELIES. APPEALS ARE LIMITED TO ALLEGATIONS OF ERROR ARISING FROM THE PLATTING BOARD'S INTERPRETATION, APPLICATION OR FAILURE TO APPLY THE REQUIREMENTS OF THIS TITLE AND UNLESS BASED ON CHANGED CIRCUMSTANCES OR NEW EVIDENCE WHICH WITH DUE DILIGENCE COULD NOT HAVE BEEN DISCOVERED FOR PRESENTATION TO THE PLATTING BOARD, MUST BE BASED ON FACTS OR ARGUMENTS RAISED BELOW.

B. A NOTICE OF APPEAL SHALL BE ACCOMPANIED BY THE APPROPRIATE FEE FOR APPEALS FROM THE PLATTING BOARD.

C. THIS FEE IS REFUNDABLE TO A SUCCESSFUL APPELLANT.

D. AN APPEAL MAY BE ACCEPTED BY THE PLANNING COMMISSION ONLY IF IT COMPLIES WITH THE REQUIREMENTS OF THIS CHAPTER.

E. AFTER ACCEPTANCE OF AN APPEAL, NOTICE OF THE APPEAL MUST BE SENT TO ALL PARTIES AND "INTERESTED PERSONS" WHO PARTICIPATED IN THE HEARING BEFORE THE PLATTING BOARD NOTIFYING THEM OF THE RIGHT TO REQUEST PARTICIPATION IN THE APPEAL ON OR BEFORE THE DEADLINE ESTABLISHED BY THE CHAIR OR BY THE RULES OF THE COMMISSION.

17.68.030 DECISION ON APPEAL.

THE DECISION OF THE PLANNING COMMISSION ON AN APPEAL UNDER THIS CHAPTER SHALL BE AS A RESOLUTION EXPRESSING SPECIFIC FINDINGS OF FACT AND REASONS WHY THE ACTION WAS TAKEN, INCLUDING REFERENCE SPECIFICALLY TO THE RECORD UPON WHICH ANY DISPUTED QUESTIONS OF FACT HAVE BEEN RESOLVED AND PROVISIONS OF CODE OR STATUTE WHICH SUPPORT SUCH FINDINGS.

719

720 17.68.040 APPEAL FROM PLANNING COMMISSION.

721 APPEALS FROM THE PLANNING COMMISSION WITH RESPECT TO THIS TITLE SHALL BE
722 MADE TO THE SUPERIOR COURT.]

723

724 Section 19. Subsection I of FNSBC 18.92.110, SLA-Special landscape area,
725 is hereby amended as follows:

726 I. Appeals. An applicant, owner or developer may appeal a decision of the
727 administrative hearing officer to the [PLANNING COMMISSION] board of appeals by filing
728 a notice of appeal with the [DEPARTMENT OF COMMUNITY PLANNING] clerk's office
729 within 15 days of the date of mailing of the decision. The appeal shall be heard de novo
730 by the [PLANNING COMMISSION] board. The appeal shall be accompanied by a copy of
731 the submitted landscape design. The [COMMISSION'S] board's decision may be appealed
732 to the superior court in accordance with the rules of appellate procedure.

733

734 Section 20. FNSBC 18.104.050, Procedures for conditional uses, is hereby
735 amended as follows:

736 A. Generally. The development and execution of this title is based upon the division
737 of the borough into districts. It is recognized, however, that there are conditional uses
738 which, because of their unique character and special and unusual impact upon the use
739 of adjacent property, cannot be properly classified in any particular district or districts
740 without consideration, in each case, of the impact of those uses upon adjacent property
741 and upon the public need for the particular use in a particular location. Conditional uses
742 are those operated by a public agency or public utility or uses traditionally associated
743 with the public interest, or uses entirely private in nature but of such a character that
744 their operation may give rise to unique problems with respect to their impact upon
745 adjacent property or public facilities.

B. Application for a Conditional Use. An applicant for a conditional use shall complete and submit the approved application form in accordance with the procedures established herein. The applicant shall be the owner of the property described on the application, the contract purchaser of said property, the holder of an option to purchase said property, or such persons that possess a substantial proprietary interest in the property being considered. The written consent of the owner, or an authorized representative having power of attorney, shall accompany all applications. The written consent of a holder of a security interest in the property does not need to be obtained. The application shall also include the following information:

1. The legal and common description of the property to be considered for a conditional use;

2. The conditional use requested and the reasons for requesting it;

3. The property's present zoning classification;

4. A site plan showing the subject property and its dimensions;

5. The use, location, size and height of all existing and proposed buildings and structures on the subject property;

6. Where applicable, the location of all existing and proposed curb cuts, driveways, off-street parking spaces and loading areas, traffic circulation patterns, street and right-of-way width, sidewalks, landscaping, screening, open space areas, signage, lighting and other related matters.

C. Hearing and Decision by the Planning Commission. The planning commission shall review, hear and decide whether or not to approve a request for a conditional use. The planning commission shall also consider and adopt findings in each of the following:

1. Whether or not the proposed conditional use conforms to the intent and purpose of this title and of other ordinances and state statutes;

2. Whether or not there are adequate existing sewage capacities, transportation facilities, energy and water supplies, and other public services to serve the proposed conditional use;

774 3. Whether or not the proposed conditional use will protect the public health,
775 safety and welfare.
776 The planning commission may approve or deny a conditional use request or may approve
777 a conditional use request with conditions to ensure the protection of the public health,
778 safety and welfare. Such conditions may relate to any, or more, of the following: traffic
779 flow and access requirements, lighting, pedestrian movements, time limits for
780 commencing or ceasing use.
781 D. Application to Amend a Conditional Use. An owner of a property for which a
782 conditional use has been permitted, the contract purchaser of said property, the holder
783 of an option to purchase said property, or such persons that possess a substantial
784 proprietary interest in said property may apply for amendment of the conditional use
785 relating to said property. An application for amendment of a conditional use shall be
786 processed in the same manner as an application for a conditional use and shall be
787 governed by the procedures set out in this chapter.
788 E. Application to Amend Conditional Use for a Planned Unit Development. A
789 conditional use for a planned unit development granted under this or a former title may
790 be amended as provided for in subsection (D) of this section.
791 F. Revocation of Conditional Use Permit.
792 1. After a mandatory written notification to the permittee and, if feasible, an
793 opportunity to comply with the terms of the conditional use permit within the time frame
794 set at the discretion of the code enforcement officer, the planning [COMMISSION]
795 director may conduct an administrative hearing and revoke a conditional use permit upon
796 a finding of:
797 a. A material change in the conditional use without an amendment; or
798 b. Material noncompliance with the conditions prescribed upon issuance
799 of the conditional use permit; or
800 c. An error, misstatement, or misrepresentation of a material fact by
801 the permittee as to the nature of the conditional use to be conducted.

802 2. Written notice setting forth the specific grounds for the proposed revocation
803 and the time set for hearing before the planning [COMMISSION] director must be mailed
804 or delivered to the permittee at least 30 days prior to the hearing. Publication of notice
805 and mailing of notice procedures applicable to the granting of a conditional use shall
806 apply to a revocation action.
807 G. Revocation Effect. Unless otherwise ordered, the permittee or owner shall have up
808 to 30 days after the decision of the planning [COMMISSION] director [OR THE
809 COMPLETION OF ANY APPEAL] to cease the conditional use that has been revoked. The
810 permittee shall be responsible for any and all remediation of the property subject to the
811 conditional use permit as may be ordered by the [PLANNING COMMISSION OR ON
812 APPEAL] director. A decision by the planning director concerning revocation of a permit
813 may be appealed to the board of appeals by filing a notice of appeal with the clerk's office
814 within 15 days after the final decision was mailed. Failure to timely cease the conditional
815 use shall be a violation.
816
817 Section 21. FNSBC 18.104.060(D), Procedures for variances, is hereby
818 amended as follows:
819 D. Administrative Approval of Yard Setback Variance.
820 1. Notwithstanding any requirements in this chapter to the contrary, if a yard
821 setback variance is being requested and the property meets the following requirements,
822 the variance may be heard by the planning director or designee, as hearing officer, at an
823 administrative hearing:
824 a. The relevant area of the building for which the setback variance is
825 requested was built prior to April 25, 1988, or the setback violation existed when the
826 property was purchased by the current owner prior to July 21, 2010;
827 b. The setback variance request is for 50 percent or less of the yard
828 requirement;

c. The setback variance request meets the state requirements set forth in AS 29.40; and

d. The setback variance will not be injurious to the health, safety or welfare of the neighborhood.

2. Within five working days after the administrative yard setback variance application deadline, one of the following actions shall be taken by the community planning department:

a. Accept the application for a review and action by the hearing officer;

b. Return the application if it is incomplete;

c. Schedule the application for a planning commission hearing if it is determined that a more comprehensive review is needed.

3. The hearing officer shall make the final decision within five working days of the hearing. If, as a result of the hearing, the hearing officer determines that conditions exist that may adversely affect the public health, safety or welfare, traffic or parking, or otherwise may necessitate a more comprehensive review by the planning commission, the hearing officer may forward the application to the planning commission in lieu of a decision. The requested variance shall be heard before the planning commission without an additional fee.

4. An administrative yard setback variance decision by the planning director or designee may be appealed by any aggrieved person, as defined in FNSBC 18.104.090(A)(4), to the [PLANNING COMMISSION] board of appeals by filing a notice of appeal with the [COMMUNITY PLANNING DEPARTMENT] clerk's office within 15 days after the final decision was mailed. The appeal shall be heard de novo by the [PLANNING COMMISSION] board of appeals. The [PLANNING COMMISSION] board of appeals' decision may be appealed by a party to the [BOARD OF ADJUSTMENT] superior court.

Section 22. FNSBC 18.104.090, Appeals, is hereby amended as follows:

856 [A. INITIATION OF APPEAL.] Decisions may be appealed to [THE BOARD OF
857 ADJUSTMENT OR A HEARING OFFICER] an appeals officer by:
858 1. An applicant for a conditional use or variance;
859 2. The permittee or owner of land for which a conditional use has been
860 revoked;
861 3. Any governmental agency or unit;
862 4. Any person aggrieved by a decision or determination made by the director
863 of the department of community planning in the enforcement of this title, or by a decision
864 of the planning commission concerning a request for conditional use or variance. To be
865 considered a "person aggrieved," the person must qualify as an interested person and if
866 a quasi-judicial hearing was held must have participated in the hearing as a party or
867 interested person. A request for variance from the terms of the land use regulations may
868 be appealed when literal enforcement would deprive a property owner of rights commonly
869 enjoyed by other properties in the district.
870
871 Section 23. FNSBC 18.108.030(C), Affirmative recognition of grandfather
872 rights, is hereby amended as follows:
873 C. Within 15 days of the hearing the department shall issue an administrative
874 determination of the grandfather rights. If no hearing is required the administrative
875 determination shall be issued within 10 working days of the application. Administrative
876 determinations granting structural-related grandfather rights without a hearing must be
877 mailed to the applicant and owners of nearby lots or land as set forth in FNSBC
878 18.104.010(C)(2). Administrative determinations may be appealed within 15 days of the
879 date the determination was mailed by filing a notice of appeal with the clerk's office. The
880 appeal shall be heard de novo by the [PLANNING COMMISSION]board of appeals. The
881 [PLANNING COMMISSION]board of appeals shall uphold or reverse the determination
882 and adopt specific findings of fact after considering the oral and written statements of

883 the applicant, interested persons, and the department of community planning. This
884 decision is appealable to the [BOARD OF ADJUSTMENT]superior court.
885
886 Section 24. FNSBC 18.116.040(C), Affirmative recognition of amnesty
887 relief, is hereby amended as follows:
888 C. Within 15 days of the hearing, the department shall issue an administrative
889 determination regarding the affirmative recognition of amnesty relief. If no hearing is
890 required, the administrative determination shall be issued within 10 working days of the
891 application. The applicant or any aggrieved person, as defined by FNSBC
892 18.104.090(A)(4), may appeal to the [PLANNING COMMISSION]board of appeals by filing
893 a notice of appeal with the [COMMUNITY PLANNING DEPARTMENT] clerk's office within
894 15 days after the department's determination was mailed. The appeal shall be heard de
895 novo by the [PLANNING COMMISSION]board of appeals. The [PLANNING
896 COMMISSION]board of appeals shall uphold or reverse the determination and adopt
897 specific findings of fact after considering the oral and written statements of the applicant,
898 interested persons, and the department of community planning. This decision is
899 appealable to the [BOARD OF ADJUSTMENT]superior court.
900
901 Section 25. FNSBC 22.20.010(D), Dangerous animals, is hereby amended
902 as follows:
903 D. Any owner aggrieved by the determination and decision of animal control may
904 appeal to the [ANIMAL CONTROL COMMISSION]board of appeals [PURSUANT TO
905 CHAPTER 4.16 FNSBC].
906
907 Section 26. Effective Date.This ordinance shall be effective at 5:00 p.m. on
908 January 1, 2021.
909

ADOPTED THE _____ DAY OF _____ 2020.

_____
Christopher Quist
Presiding Officer

ATTEST:

_____
April Trickey, CMC
Borough Clerk

APPROVED:

_____
Jill S. Dolan
Borough Attorney

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

Fairbanks North Star Borough Division of Animal Control
2408 Davis Road • PO Box 71267 • Fairbanks, Alaska 99707-1267 • (907) 459-1451 • FAX 459-1120

MEMORANDUM

TO: Bryce Ward, Mayor

THRU: Sandy Hill, Animal Control Manager SH

FROM: Thomas Swan, Animal Control Commission Vice Chair SH for TS

DATE: September 30, 2020

SUBJECT: Recommendations for Ordinance 2020-02

On June 15th, 2020 the Animal Control Commission met to discuss the Ordinance 2020-20 and made the following recommendations.

The commission voted 7 to 0 to oppose Ordinance 2020-02 as written.

Another motion was made to propose that the Animal Control Commission work with a hearing officer who may or may not be an administrative law judge, but who otherwise has expertise in the appeals process to reside over the procedural aspects of the appeals cases with a minimum of three (3) Animal Control Commissioners to serve as they have and to provide their expertise, and if there is a recommendation of euthanasia, that a minimum of three(3) Animal Control Commissioners be in agreement of the decision. This motion was voted for in favor (7) seven; opposed (0) zero.

2. An Ordinance 2020-02 Amending FNSB Code Of Ordinances Titles 4, 15, 17, 18, And 22 Regarding Quasi-Judicial Appeals To Add A New Board Of Appeals And New Appeals Officer Section.

The sponsor, Mayor Ward, was not available to give a report.

Christine Nelson, Director, Department of Community Planning presented the staff report on the ordinance:

Ms. Nelson noted the following:

- The ordinance amends many titles to standardized quasi-judicial processes regarding appeals and establishes a new board of appeals and an appeals hearing officer sections.

- The history of the ordinance is that more than three years ago the borough administration established an internal boards and commission working group to review the functionality and the roadblocks to efficient and effective public meetings borough wide. Some of the issues were the consistency of meetings, the transparency of meetings for the public and clarity and confusion of the public about how a meeting is supposed to function and how they can participate, compliance with the open meetings act, lack of standardized processes and needs for training. Many of the issues have already been addressed.

- One of the concerns raised about borough meetings is associated with appeals; including complexity of the process, the requirements, the infrequency of appeals, and lack of experience on boards and commissions with appeals, and efficient use of tax payer resources, including the number of local appeals, and staff as a party.

- The ordinance is intended to standardize processes for appeals including administrative decisions, the Animal Control Commission decisions on animal bites, the Board of Adjustment appeals on various land use cases, Planning Commission and Public Transportation Advisory Commission, and Platting Board with the exception of one local appeal process.

- The ordinance is based on several premises; the limited number of local government appeals to one, one initial application decision and one appeal. It is also based on appeal of decision by staff which would be heard by a citizen body. For example, if animal control staff made a decision it would go to a body, not an individual hearing officer. An appeal of a decision made by a citizen body would go to an appeals hearing officer.

- How it relates specifically to the Animal Control Commission is that section 4, lines 211 – 212, of the Ordinance, repeals the authority of the Animal Control Commission to act as the appeal hearing body for animal bite appeals. Section 5 and 6, Lines 214-248, repeals the procedures for the Animal Control appeal hearings. Section 21, lines 754-758 amends the appeal body from the Animal Control Commission to the new board of appeals. Section 8, lines 252-281, establishes the new appeals body, and establishes the procedures for appeals board, and appeal hearings. If the ordinance is adopted those new requirements would apply to animal bite appeal hearings.

- The benefits of the ordinance is that it standardizes the processes, it helps clarify the process for the public, it also benefits the board of adjustment in that they are not appeal body, so they are not therefore limited in serving their constituents. If they are an appeal body, because of the quasi-judicial nature they can't speak to any other constituents about that matter, otherwise it is considered ex parte contact. The ordinance allows the board of adjustments to fully serve their constituents in their role as policy makers and exempts them from the appeal process. It removes staff as a party, which allows staff to deal with questions from their boards and commissions ahead of a meeting, acting as expert staff assisting each board and commission, rather than a party to a decision or appeal. It allows for one level of appeal, not multiple levels of an appeal which saves the tax payer money.

Ms. Nelson shared a matrix and flow chart of the current and proposed process for animal bite appeal hearings.

The commission questioned and discussed with staff the following:

- The flow chart; there is no difference with a two-step process for the public on animal bite appeal hearings.
- What advantage there is for the borough removing the Animal Control Commission from the process, and transferring the responsibility with little to no expertise in regard to animal issues.
- An advantage would be a matter of standardization.
- Pros and cons on what the commission would bring to an appeals process and what an appeals board would bring to the process.
- Have the commission remain as jurors for the appeal hearings, with an appeals hearing officer to run the hearing.
- As proposed in the ordinance, the Animal Control Commission would have no role in an animal bite appeal hearing.
- The importance of having commissioners serve with their expertise knowledge of animals and animal behavior.
- Role of staff as part of an appeal, they offer animal expertise, and can include witnesses during an appeal.
- Conflict of interest with staff as animal expert in appeal hearing depending on the role of staff.

- Staff's decisions are being appealed in hearings and staff cannot serve as the experts due to their recommendation for an animal's release, which is the decision that is being appeal.
- Citizen involvement with citizen issues moving towards a more bureaucratic process.
- Hearing officer as chair of the hearing, and have the commission remain as the decision making body.
- Whether or not any other boards have the same type of law enforcement authority that the Animal Control Commission has.
- Positions of those with animal expertise in the appeal process.

Jill Dolan, Borough Attorney share the following information with the commission:

- The Borough Attorney's office assists boards and commissions with quasi-judicial matters.
- The role of legal during quasi-judicial procedures; provide procedural advice, a benefit for both public and staff participation, and provide commission assistance.
- The legal department is fairly limited in what they can do ethically when they represent the entire entity and not a specific party, part of the concept behind creating the board of appeals was not to take authority away from the Animal Control Commission as it was to put it in a different body that they would not legally advise.
- Legal would instead work with staff and staff would be the expert. The role as an attorney and staff's roll as the expert would be to train the adjudicator.

The commission questioned and discussed with staff the following:

- Conditions of release, not always strictly an issue of law rather than an judgment call of those with animal expertise.
- Animal Control Commissioners testifying at appeal hearings if they are no longer part of the appeals board.
- Commissioner's role in a quasi-judicial matter; serve as judge, the decision based on evidence presented.

Chair Thornton opened the public hearing.

The following individuals testified:

Kaz Storm, Chena Ridge, spoke in favor of having individuals with animal expertise when making decisions regarding animals.

MOTION: I move that the Animal Control Commission oppose Ordinance 2020-02 as written made by **Commissioner Swan** seconded by **Commissioner Chesney.**

Commissioner Fortune agreed with Commissioner Swan's motion.

Commissioner Swan stated he followed the news closely, and over the past two weeks, throughout the major cities and the Lower 48 they have seen massive demonstrations and even very violent riots and civil unrest at a level that we've not seen in this nation for decades. And what many of these protesters are asking for and requesting is something we have right here in our borough. They are asking for citizen oversight of their law enforcement agencies. While the borough has very limited law enforcement authority. One of the most visible parts of that limited authority is within the animal control division, and particularly the animal control officers, that are working very hard and doing in his opinion a very good job. As recently as 2006, there have been significant complaints about animal control officers abusing their authority to the detriment of some of our some of our constituents. In our function as an appeals board we essentially serve as a civilian oversight commission of a law enforcement agency. I believe at a time in history when so many people across the nation are clamoring for exactly the type of oversight that we provide, I feel it would be just extremely unwise for us to abrogate that authority, or that that role. It's just not a good idea for the animal Control Commission to be included within this ordinance.

Commissioner Chesney commented in regards to the motion weather if it would be better to vote for a motion expressing disapproval or to suggest amendments to the ordinance as presented. He further noted that after listening to the staff reports, he was not sure the commission would get anywhere by suggesting that everybody but animal control be addressed by this ordinance, getting them removed from the change in procedure seems very clear that they are set on absolute uniformity. So for that reason he seconded the motion to disapprove.

Commissioner Thornton stated having a potential amendment to propose having a hearing officer run the logistical side and having commissioners serve as the expertise would not be agreed upon. For that reason he also supported disapproval of the ordinance and stated being to open discussions with the borough later to work on having a hearing officer to try to improve the process.

Commissioner Rosenberg stated in the past, over her 20 years on the commission especially in the summer, they would have upwards of three and five hearings a month. There were times they had scheduled two in one evening and she was the chair for many of those years and conducted the hearings. Only a few of them got appealed and when they did get appealed, they were upheld and they were not appealed because they made technical errors. Nowadays the officers have gained expertise. We have new officers. They have different procedures and hearings are few and far in-between. It would be very difficult for them to serve as hearing officers at this point. She believed, however, the commission should be the people that help craft the decision as to what should be done. The process can't be totally standardized. The procedures can be standardized, perhaps, but not the decision of how we're going to try to prevent an injury. She didn't think having just a neutral hearing officer and not involving the commission is a good thing.

Further discussion ensued regarding an amendment to the motion.

Commissioner Fortune stated that this standardization across the board will be changing the level of fairness that the presence of the Animal Control Commission is always offered the community and their animals as a result.

Further discussion ensued regarding preference on having an administrative law judge or moving to strictly an appeals board.

ROLL CALL

Seven (7) in Favor: **Fortune, Rosenberg, Swan, Thornton, Gardner, Chesney, Marschner**

Zero (0) Opposed

MOTION CARRIED

MOTION: to propose that the Animal Control Commission work with a hearing officer who may or may not be an administrative law judge, but who otherwise has expertise in the appeals process to reside over the procedural aspects of the appeals cases with a minimum of three (3) Animal Control Commissioners to serve as they have and to provide their expertise, and if there is a recommendation of euthanasia, that a minimum of three (3) Animal Control Commissioners be in agreement of the decision made by **Commissioner Rosenberg** seconded by **Commissioner Thornton.**

ROLL CALL

Seven (7) in Favor: **Rosenberg, Swan, Gardner, Chesney, Marschner, Fortune, Thornton**

Zero (0) Opposed:

MOTION CARRIED

F. EXCUSE FUTURE ABSENCES Monday, July 20, 2020 – None.

G. COMISSIONER'S COMMENTS/COMMUNICATIONS

Commissioner Rosenberg reported on the shelter fund fundraising efforts and tax filing status.

Commissioner Gardner commented on the new volunteer policy.

H. ADJOURNMENT

There being no further business, the meeting was adjourned at 7:35.

DRAFT

FAIRBANKS NORTH STAR BOROUGH Department of Community Planning
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MEMORANDUM

TO: Fairbanks North Star Borough Assembly

THROUGH: D. Christine Nelson, AICP
Community Planning Director

FROM: Fairbanks North Star Borough Planning Commission

DATE: September 30, 2020

SUBJECT: Proposed Ordinance

RE: **ORD2020-02:** An ordinance amending FNSB Code of Ordinances Titles 4, 15, 17, 18, and 22 regarding quasi-judicial appeals to add a new board of appeals and new appeals officer section.

On May 12, 2020 and May 26, 2020 the Planning Commission of the Fairbanks North Star Borough held a public hearing to discuss Ordinance No. 2020-02.

The Planning Commission opposed the Ordinance and voted seven (7) in favor, one (1) opposed, that the Planning Commission not recommend Ordinance No. 2020-02 to the Fairbanks North Star Borough Assembly.

Planning Commission Worksession 5·12·20

3. **ORD2020-02**: An ordinance amending FNSB Code of Ordinances Titles 4, 15, 17, 18, and 22 regarding quasi-judicial appeals to add a new board of appeals and new appeals officer section.

Commissioner Muehling asked the clerk to take roll call asking each commissioner if they had a disclosure of conflict of interest on this matter. No disclosures were stated.

Mayor Ward presented the Sponsor Report on Ordinance 2020-02. He explained the ordinance would change several processes for the Planning Commission including the appeals process for quasi-judicial hearings. He spoke to the reasons the ordinance was being brought forward. A few of them being staff as a party and staff's ability to provide technical support to the commission in the event of an appeal of a quasi-judicial hearing. There are current challenges with the process due to the position staff has to take in supporting the commission and the decisions the commission itself has to make. The current process poses some inconsistencies and confusion for members of the public when they have their appeals heard. To remedy this, an appeals board would be created. The planning commission would be able to make their ruling on a case, but if there was an appeal it would be heard by a hearings board. The hearing board would consist of a group of citizens chosen to specifically hear appeals. In a final step the appeal could be brought to a court of law. It gives the public the ability to be heard by a citizen board prior to taking action in a court of law. This process would be consistent among all the commissions. He spoke of the current appeal process of the Assembly separating their responsibilities as quasi-judicial matter vs. a legislative matter. The proposed ordinance would allow the Assembly to take on a more legislative capacity vs. both legislative and quasi-judicial, speeding up the process. The proposed ordinance would also allow the legal department to support the commissions through the quasi-judicial process. The Borough would be able to better utilize staff and attorneys to support the commissions. Through the appeals process the Borough would be able to use outside council or screen off an attorney to be able to create a more streamline appeals process.

Questions by Commissioners

Commissioner Perreault asked if the public transportation advisory commission was being entirely dissolved.

Mayor Ward replied the commission has not been activate for a number of years. The review of appeals for the transit system have been heard by staff.

Commissioner Perreault asked what the other functions of that board are.

Mayor Ward asked to clarify if the question was other functions of the board from a planning perspective.

Commissioner Perreault stated he was concerned a commission was being dismissed entirely including their ability to act as a liaison with the community and maintaining a citizen's review of the transportation system. There are activities of the Public Transportation Advisory Commission that have nothing to do with appeals but have other functions within the citizens advisory process that are also being removed.

Mayor Ward stated the appeals process has been done by staff. Setting up fares and making decisions about routes has been done by the assembly. The commission has not operated for a number of years.

Commissioner Perreault stated he spoke with a commissioner who is waiting for the meetings to resume and perhaps the information should be relayed to them.

Commissioner Perreault stated one of his concerns listed in the whereas section is the effort spent to bring the different commissions up-to-date on the quasi-judicial system and where now the board of appeals would be working with the quasi-judicial system and will have to be well versed in many sections of code. Taking the expertise out of the commission's hand and putting into the board of appeals. Now a board of appeals would have to be experts in the planning code, platting code, transportation accessibility code, flood plain permit code and animal control code amongst others.

Mayor Ward stated it's a matter of perspective. From the administrative perspective one of the things we ask the commissions to do is be experts on those subjects. When the decisions are made by those bodies we rely on the information and work they do in the commission meetings. The appeals are generally an appeal to the decisions made based on the merits presented and the decision determined by the commission. The skills set is different for an appeals board. When an appeal is heard its based on merits of the decisions that was made. It's more of a judge review or a citizen's board review looking to see if the process was followed in order to come to the determination. It's possible in some appeal cases for it to be referred back to the commission if the process was not followed or for missed information for example on incorrect findings of fact.

Commissioner Perreault asked if the appeals board would not hear de-novo hearings, only adjudicating on whether the process was correct.

Mayor Ward stated he believed the de-novo hearings would still be completed by staff, but deferred to staff on the question.

Commissioner Koester asked Mayor Ward to expand on the technical support he explained, the limitations of the ability of the staff to provide technical support. Will staff still be a party and will legal still be available for guidance.

Mayor Ward stated as he understands the process the challenge currently is when the commission reviews a decision, staff has to represent the Borough, but can't necessarily represent the commission. Staff has to be considerate with how they provide advice to the commission vs. their role as the Borough for the process being followed. Under the proposed changes, the attorney's would be able to provide more robust decision and staff would be able to provide more robust support to the commission in the decisions the commission has to generate. If an appeal was made to a decision the appeals board would be supported by outside council.

Commissioner Koester asked if the Borough is taking themselves out of the whole process of the appeal hearing by not providing an attorney for guidance, and look for outside assistance.

Mayor Ward deferred to Borough Attorney Jill Dolan for a legal response.

Jill Dolan, Borough Attorney stated there are two different procedures contemplated in the ordinance. One is to add a board of appeals and the other is to an appeals officer. The difference between the matters that would go before one vs. the other would be whether a citizen board first heard an application or matter. The concept being if staff has made an administrative determination they are necessarily a party because of their determination that is being appealed. The matter would go before a board of appeals review, which would be de-novo. If it is an appeal from a citizen board level of review such as the planning commission or platting board the appeal would be on the record to an appeals officers. As it relates to the Borough attorney's office or staff support when you are hearing quasi-judicial matters currently, staff is a party. Which means you cannot have ex-parte contact with staff. Under Alaska law and Borough code the Borough attorney is the legal advisor to essentially everyone in the entity, the Mayor, the assembly, and other officials of the Borough and all civil matters. By code, legal must attend planning commission and platting board meetings. It is a general entity model of legal representation, meaning representing the organization when in front of the commission with staff as a party, the commission being the neutral body. In order for legal to represent the Borough as an entity, they have to be cautious that they represent just the legal aspect and not advocacy with strategic counseling.

Commissioner Guinn spoke in favor of the new process and asked how they will find the people to fill the positions of the appeal board and appeal officer.

Commissioner McComas-Roe asked Ms. Dolan if she was aware the City Council passed a resolution on February 10th encouraging the FNSB Assembly to amend it's code to reestablish the Fairbanks City Council as the board of adjustment for appeals concerning property located within the City of Fairbanks.

Ms. Dolan stated she was aware, explaining it is allowable under title 29. The assembly has the option to exercise that and they were made aware of the resolution.

Commissioner McComas-Roe asked Ms. Dolan how she felt the new process would be less confusing and fairer to the citizens.

Ms. Dolan stated it's a policy matter and she is not the sponsor of the ordinance.

Commissioner Koester asked how many appeal cases are being heard by commissions.

Ms. Dolan stated there was analysis done on the workload taken by a working group and Ms. Nelson may have it in her staff report.

Commissioner Muehling stated at a certain point in the ordinance it would have been helpful to have a flow chart. He asked if Borough staff makes a decision, which is appealed to a board of appeals is it heard de-novo.

Ms. Dolan stated that was correct.

Commissioner Muehling asked if a citizen board i.e. the planning commission has an appeal is it heard by an appeals officer.

Ms. Dolan stated that was correct. There is a distinction that staff will not be a party unless it is an appeal from a decision they have made, where they were already a party because they were the decision maker.

Mayor Ward replied to the comment from Commissioner McComas-Roe, he explained the ordinance will allow for the Borough to offer more support to citizens with an appeal.

Commissioner Muehling asked about the structure of the appeals board and appeals officer.

Mayor Ward stated there would be a board of appeals of five members, chosen with a background in the legislative or legal process, appointed by the Mayor and ratified by the assembly.

Commissioner Sims asked how the ordinance makes the process better.

Mayor Ward stated the legislative body would be able better to act in their capacity because they would not be hearing the appeals.

Commissioner Koester asked under the current system how many superior court cases been heard as the result of an appeal within the five years.

Ms. Dolan stated five or less.

Commissioner McComas-Roe asked how taking the current fairly democratic process and making it a more bureaucratic process can be a good idea.

Mayor Ward replied there are matters of democratic or legislative nature, and matters of a judicial nature. When looking at execution of code the assembly has the legislative authority, and the planning commission has the ability to sponsor ordinances. The legal review of the decisions based on the law is reserved for the legislative body. When the appeals body acts in a quasi-judicial capacity they would be reviewing that the proper steps were followed. The appeals body will look at the appeals based on the decisions that were made. If there were additional work needed to be done on the details of the decisions that would be referred back to the commission. There is a difference between the legislative capacity and the judicial review of those decisions made based on those laws.

Commissioner McComas-Roe asked for clarification if the process entails that citizens would be going from getting a nine member citizen body of the planning commission, if it were to hear an appeal from the platting board to a proposed one or three judge tribunal. Taking an appellant process that gives the citizen access to a hearing from nine individuals from the community replacing that with in some instances an administrative officer.

Mayor Ward replied yes.

Commissioner Abbey asked how much public involvement or solicitation was involved in drafting the ordinance, is there public support for this ordinance.

Mayor Ward stated it was his understanding from being engaged in these groups and started having conversations based on commissioner comments on the quasi-judicial capacity and members of the public that there was a desire to change the process. There were several commissioners who expressed displeasure in working in a quasi-judicial capacity. It was his understand that there was a desire to make these changes. Bringing forth the ordinance to the commissions and a hearing with the assembly is part of the public process. From his experience with the challenges in the process, this was an appropriate strategy.

Commissioner Abbey thanked Mayor Ward for his efforts in improving the process.

Commissioner Guinn asked if they would get a chance to hear from Director Nelson.

Christine Nelson, Director of Community Planning presented the staff report. Based on the staff analysis, the Department of Community Planning recommended approval with three proposed amendments.

<u>Questions by Commissioners</u>

Commissioner Kenna asked when an appeal officer hears an appeal that the planning commission has already made a decision on what is their power in scope of the decision.

Ms. Nelson replied they would be reviewing the record, it would not be a de-novo hearing. The appellant would have to supply a transcript, the record would be developed, and sent to the clerks office.

Commissioner Kenna asked what decision power they have, are they able to over power a planning commission decision.

Ms. Nelson stated yes they can. They can grant the appeal or they could also remand it back to the commission for additional findings or other specific direction.

Commissioner Kenna asked in which scenario an appellant could provide new evidence at an appeal hearing.

Ms. Nelson replied it would not apply to an on the record hearing to an appeal hearing officer, but would only apply to decisions made by staff that would be appealed to the citizen board of appeals.

Commissioner Kenna asked what the basis would be for an appeals officers to overturn a decision on a planning commission decision.

Ms. Nelson it would be if the facts were not correctly applied to the code, perhaps a misinterpretation of code. It is not based on personal opinion, it is based on application of facts to the law.

Commissioner Kenna inquired if the ordinance would be taking a nine member citizen board and allowing one person to over turn their decision.

Ms. Dolan stated that in the draft ordinance, the findings of fact by the lower administrative body are considered true if they are supported in the record. The planning commission would be making the initial determination. The case has to get remanded to the lower body if there is insufficient evidence in the record or there has been a substantial procedural error otherwise the hearing officer could affirm or reverse either in whole or in part the decision on the record, and every decision has to be supported on findings.

Commissioner Kenna asked if they have decided how an appeals officer will get hired for the position and by whom.

Ms. Dolan replied there would be a list approved by the assembly, who will approve or remove the officers from the list.

Commissioner Perreault asked Ms. Nelson what the fee is for an appeal.

Ms. Nelson stated if an appeal is filed through community planning the fee is $400. If it is an appeal of a planning commission decision, it is filed with the clerk's office to the Board of Adjustment and it is a $200 fee.

Commissioner Perreault asked if Ms. Nelson knew if appeals sent to transportation and animal control are in the same price range.

Ms. Nelson stated she did not know, they are most likely closer to the $200 fee.

Commissioner Abbey asked how public input has been incorporated into the drafting of the ordinance.

Ms. Nelson answered they have not done any specific outreach, this meeting and the meeting before the assembly is the public's opportunity to weigh in on the ordinance.

Commissioner McComas-Roe asked if this is a good time to get the public's input on such a sweeping change. How likely is their participation during the current circumstances.

Ms. Nelson replied she feels they have had better participation over the zoom meeting platform the last few meetings than they have had in person, more than average due to people social distancing at home.

Commissioner McComas-Roe asked Ms. Dolan if the appeal officer has the ability to remand the decision back to the planning commission.

Ms. Dolan stated there is a basis in the ordinance for when a remand can happen, such as, if there was not sufficient evidence in the record to rule on the case, or there was a procedural error.

Mayor Ward asked Ms. Nelson if she knew the referral date from the assembly.

Ms. Nelson stated she had the information in the office and was participating from home.

Ms. Dolan replied January 16th, and it was also referred to the animal control commission and they have held one meeting on it and the intent is for them to hold a second meeting on it.

Public Testimony Open

Lance Roberts, City of Fairbanks spoke in opposition on the ordinance. He stated this is one of the biggest ordinances he has seen. He spoke of concerns with taking the ability away from a body with expertise and giving it to people who may or may not have expertise. He stated the commissioners are the important people who can make those decisions, they have the knowledge and recognize the duty to serve the citizens and it's not about checking boxes. The ability to make a decision should not go to one person who does not have specific domain knowledge that the commissioners have. He hopes the commissioners do not give up this ability. This is going to be a major change that is going to effect the Borough and how people see the government and how the government responds to people.

Gary Newman, Esro Road stated he last spoke to the planning commission in April 2019 on the subject, the quasi-judicial process imposed on a number of boards and commissions. A special committee was set up and first met last September. It composed of three planning commissioners, two staff and Mr. Newman, they only met once. He was notified the Mayor has subsequently disbanded all subcommittees pending a process review. This proposed ordinance is represented as a several year effort of an under radar internal boards and commission working group with the appeal processes rising to the top. Other than the section that removes staff as a party, which a good idea, he submits that creating an appeals officer and board to deal with the challenges of a very cumbersome process is a not a fix. The heart of the issues is the quasi-judicial process is extremely prescriptive, more suited for a courtroom than a local government body. The ordinance separates the various commissions from the matters on which they have the expertise. The quasi-judicial process itself ill serves the Borough and all parties involved. His request to the commission is for them to recommend to the assembly that ordinance 2020-02 do not pass and ask the assembly to undertake a more compressive effort to get rid of the current quasi-judicial process in favor of an easier process.

Commissioner McComas-Roe ask who the three planning commissioners are that he worked with.

Mr. Newman stated they were online and he could ask them.

Commissioner McComas-Roe said he does.

Mr. Newman stated they had an organizational meeting, they had other meetings set up but they were cancelled.

Commissioner Koester inquired about an addendum item he sent in.

Mr. Newman stated it was an item that came out for the organizational meeting, planning staff polled the other communities to see where they were with their processes.

Mayor Ward asked if Mr. Newman knew why subcommittee meetings were cancelled.

Mr. Newman stated he was told it was possibly over concerns of open meetings violation.

Mayor Ward stated that would be a correct assessment.

Mr. Newman stated there are ways to work around that.

Mayor Ward asked Mr. Newman what would take the place of the quasi-judicial process.

Mr. Newman spoke to a process that was in existence before the current process.

Yevette Lancaster, Gold Stream, stated she recently went through an appeals process and does not believe the ordinances are at fault. She stated how the ordinances are being interpreted may have some impact. She feels the meeting itself should be a citizen process, and the lack of quantitative or qualitative information on meetings is disturbing. She stated there is necessity in the process that ensures a checks and balance that mistakes were not made. She felt many of the appeals she researched were of due process rather than the decision itself. Her primary comments and concerns were when was there public input on the ordinance, what was the public input, who was in the committee, where are the reports for the informed public for the current hearing. Until the public has information to make comments at the planning meetings, they are not likely to have public comment at 11:30 at night. She encourages the commission to allow the public to have a fair chance to review and comment on this information.

Mayor Ward asked Ms. Lancaster if she knew that drafting ordinances is a process that is reserved of the sponsor of the ordinance and having the ordinance reviewed by commissions is part of the public process.

Ms. Lancaster replied she was aware, but that it is difficult to find information about when these meetings take place or background information on the ordinance.

Rebuttal

Mayor Ward stated his interest in ideas and suggestions of how the commission feels the process can be better. It is not his intention to make this a more complicated or frustrating process for the public, yet create a better and simplified process.

Public Testimony Closed

MOTION: to have the chair be directed to suspend Rule #10 allowing the commission to deliberate on the matter by **Commissioner McComas-Roe**.

NO SECOND, MOTION FAILED

MOTION: to continue discussion on ordinance 2020-02 at the next regularly scheduled meeting of May 26, 2020 and put it as the first item on the agenda by **Commissioner Perreault** and seconded by **Commissioner Guinn**.

Commissioner Perreault agreed the ordinance needs thorough discussion at the next meeting.

ROLL CALL

7 (seven) in Favor: **Guinn**, **Perreault, Abbey, Sims, Kenna, Koester, Muehling**

1 (one) Opposed: **McComas-Roe**

MOTION CARRIED

F. EXCUSE FUTURE ABSENCES

The absence of **Commissioner Abbey** is excused for May 26, 2020.

G. COMMISSIONER'S COMMENTS/COMMUNICATIONS

Commissioner Sims stated he found the comments on the Peede Road outdoor rec zoning in light of the rezone that took place prior applicable; urban open space is just as valuable.

Commissioner Abbey appreciated Commissioner Sims comment.

Commissioner Perrault looks forward to the discussion on the item in two weeks.

1. FAST Update

Commissioner Perreault reported they approved an additional $223, 000 for Gillam Way reconstruction increases. There is a roads and rails reduction realignment plan that will be available for comment May 18th,2020. It can be found at fastplanning.us to submit comments or you may submit comments to him directly.

Commissioner Muehling thanked the commissioners for their service, staff and technical staff who helped make the meeting happen.

H. ADJOURNMENT

There being no further business, the meeting was adjourned at 11:59 p.m.

FAIRBANKS NORTH STAR BOROUGH PLANNING COMMISSION

MINUTES
May 26, 2020

A regular meeting of the Fairbanks North Star Borough Planning Commission was held telephonically from the Mona Lisa Drexler Assembly Chambers, Juanita Helms Administration Center, 907 Terminal Street, Fairbanks, Alaska.

The meeting was called to order at 6:00 p.m. by Eric Muehling, Chair.

A. ROLL CALL

MEMBERS PRESENT: Chris Guinn, Doug Sims, John Perreault, Mike Kenna, Eric Muehling, Shane Koester, Charles Whitaker, Jason McComas-Roe

MEMBERS ABSENT (note if excused): (E) Toni Abbey

OTHERS PRESENT: Christine Nelson, Director of Community Planning
Kellen Spillman, Deputy Director of Community Planning
Jill Dolan, Borough Attorney
Annmarie Billingsley, Asst. Borough Attorney
Kristina Heredia, Planner III
Sarah Bingham, Planner II
Nancy Durham, Flood Plain Administrator
Kristen Walker, Recording Clerk
Jessica Davis, Administrative Assistant IV

B. MESSAGES

Citizen's Comments – limited to three (3) minutes – None.

Communications to the Planning Commission

Ms. Nelson stated the minutes on the agenda were not available.

Disclosure & Statement of Conflict of Interest – None.

C. APPROVAL OF AGENDA AND CONSENT AGENDA

Motion to approve the agenda without the minutes made by **Commissioner Guinn** and seconded by **Commissioner Perreault**. Carried without objection or roll call vote.

D. MINUTES

Minutes from April 14 and 28, 2020 were not yet available.

E. LEGISLATIVE HEARING

ORD2020-02 Continuation Of An Ordinance Amending FNSB Code Of Ordinances Titles 4, 15, 17, 18, And 22 Regarding Quasi-Judicial Appeals To Add A New Board Of Appeals And New Appeals Officer Section.

MOTION: I move that the Planning Commission recommend approval of Ordinance No. 2020-02 to the FNSB Assembly with the following amendments:

Amendment 1: Amend Lines 269-270 to read "All members should have experience serving on a board or commission."

Amendment 2: Amend Line 389 to read "within **45** days of filing..."

Amendment 3: Amend Line 429 to read "G. Standard and Scope of Administrate Review".

Amendment 4: Amend Lines 433-436 to read "2. The appeals officer reviews purely legal issues raised on appeal of record de novo. Legal issues include, but are not limited to, issues of standing, interpretations of ordinances, the construction of ordinances, and other interpretations of the law."

Amendment 5: Amend Lines 437-444 to read "3. The appeals officer's standard of review for findings of fact and disputed non-legal issues is Clearly Erroneous. Findings of fact adopted expressly or by necessary implication by the lower administrative body are considered as true if they are supported in the record by any evidence. The evidence for the purpose of this subsection means such evidence as a reasonable mind might accept as adequate to support a conclusion. If the record affords a basis of fact from which the fact in issue may be reasonably inferred, it shall be considered that the fact is supported by the evidence."

Amendment 6: Amend Lines 647-649 to read "...the planning director may revoke a conditional use permit upon finding of:"

Amendment 7: Amend Lines 655 inserting "Immediately upon revocation, the planning director will request a hearing before the planning commission. Written notice setting forth the specific grounds for the revocation and the time set for the hearing before the planning commission must be mailed or delivered to the permittee at least 30 days prior to the hearing. Publication of notice...".

Amendment 8: Amend Lines 661-667 to read "to 30 days after the planning commission hearing on the decision to revoke the conditional use that has been revoked. The permittee shall be responsible for any and all remediation of the property subject to the conditional use permit as may be ordered by the planning commission. A decision by the planning commission affirming the revocation of a

conditional use permit may be appealed to the Appeals Officer by filing notice of appeal with the clerk's office within 15 days after the final decision was mailed."

Amendment 9: Remove Line 712-713.

Amendment 10: Amend FNSBC 17.68.020 to require further appeal of a Platting Board decision on a quick plat appeal to go to superior court made by **Commissioner Kenna** and seconded by **Commissioner Perreault**.

Commissioner Kenna stated the following:

- The intent of his motion was based on three main points; to clarify the power and scope of oath, the Administrative Review Officer, and ideas behind the Planning Commission power.
- The largest concerns from members of the Planning Commission was they were seceding their power and ability to solve problems to an appeal officer who would be one person who would have plenary authority to overturn Planning Commission decisions.
- Planning Commission members are concerned their 9-member commission would be subverted by a single person appointed by the person trying to push forth the addendum.
- Issue with supporting the ordinance due to what the commission was told:
  - Inconsistent results; the commission was not told what the inconsistencies were.
  - That this was an expensive process to run.
  - Other cities in the state practice the proposed appeals process; which is not valid a reason to put forth.
- Two valid reasons of the ordinance:
  - Streamline the appeals process by cutting out a third appeal in every instance.
  - Staff would be removed as a party.
- As a Planning Commission he stated he did not feel it was their position to stand in the way of the ordinance, that authority should fall with the Assembly.
- The proposed amendments clarify the roles of everyone and takes some power away from the appeals board officer.
- Commissioner Kenna explained each amendment.

Commissioner McComas-Roe spoke on the following:

- The citizen appellant has more options with the current appeals process and would have fewer options with the proposed ordinance.
- Commissioner Kenna's proposed ordinance amendments still yield the same outcomes as the proposed original ordinance.

Commissioner Perreault spoke on the following:

- Thanked Commissioner Kenna for his work on the amendments.
- New citizen boards would still require training and understanding on several sections of code.
- Current citizen board members already have experience within their area of expertise.

- Agreed with Commissioner McComas-Roe; the ordinance is incomplete and difficult.
- Does not support sending the ordinance to the Assembly in any version.
- There is an opportunity to send a negative recommendation to the Assembly.

Commissioner Koester spoke on the following:
- An appeal cost is $400.
- With the proposed ordinance an appellant would have to provide a verbatim transcript thus incurring more cost.
- Does not see a large number of increases in appeals to warrant a entire separate body or person to hear appeals cases.
- It is helpful as a commissioner to hear appeals to gain more knowledge of Borough code and how it interacts with Planning Commission code.
- Complicated ordinance to understand, complicated process for appellant.
- Ordinance should not be recommended to the Assembly.

Commissioner Sims spoke on the following:
- Agreed with previous commissioners statements
- Liked that staff would be removed as an interested party in quasi-judicial matters.
- Liked that the Board of Adjustment would be removed as an appeal body.
- Dislikes list is much bigger than the likes.
- Draconian in comparison to other Alaskan municipalities.
- Moves away from citizen engagement.
- Removal of the Planning Commission as a primary appeal body is uncomfortable.
- Ordinance does not feel right.

Commissioner Koester spoke on the following:
- Did research on appeals heard over the years.
- Found in Assembly minutes where the Assembly has heard around ten Board of Adjustment cases.
- Legal staff stated there were about five cases that went to superior court, does not seem like a large number.
- Would like to have a second citizen appeal body to hear appeals.
- The appeals process is expensive; costs could be shared with the Cities of North Pole and Fairbanks by enlisting the Cities as Boards of Adjustment.

Commissioner Guinn spoke on the following:
- Mixed feelings about the ordinance.
- At the time he served as Chair on the Planning Commission several issues came up; he felt the Commission was at a disadvantage running a meeting that should require a professional hearing officer.
- Does not feel the Assembly should act as a Board of Adjustment adjudicating its own ordinances.
- Agrees with the process and procedure of the ordinance.
- Inquired about community outreach efforts; felt there should be a lot of input from the Animal Control community and Real Estate community.

- His recommendation was there should be more outreach.

Borough Attorney, Jill Dolan spoke on the following:
- There are other municipalities within the State that have done similar models as proposed in the ordinance.
- The proposed ordinance was modeled off of Anchorage's zoning board of appeals who hears appeals.
- Kenai and Mat-Su Boroughs have variations of hearing officer models.
- Mat-Su Borough has an office of administrative hearings.

Commissioner McComas-Roe spoke on the following:
- In his opinion superior court is not a remedy for many people, it is cost prohibitive.
- Which makes it that much more important that the opportunities that a citizen appellant has now be maintained.

Commissioner Sims spoke on the following:
- In reference to Ms. Dolan's statement, his comments generated from information the commission received regarding quasi-judicial proceedings within other Alaska communities.
- The FNSB stands out as being extremely draconian.
- The document of information in the meeting was provided by Gary Newman and was what he was referring too.

Borough Attorney, Ms. Dolan spoke on the following:
- The document Commissioners Sims referred to had inaccuracies in it.
- All Alaskan municipalities typically follow the same standards.

Commissioner Kenna inquired on the following:
- If a recommendation would still move forward to the Assembly regardless of the recommendation outcome of the Planning Commission.

Commissioner Muehling confirmed that was correct.

Commissioner Kenna spoke on the following:
- He understood and substantially agreed with everyone's comments.
- His caveat was to not recommend the ordinance with the amendments is essentially not voting.
- This is the commission's opportunity to try to fix the ordinance as best as they can.
- If the amendments are not included in a motion he will vote to not recommend.
- Through his amendments his goal was to clarify roles and powers, limit powers above the commission, and keep the power in the hands of the citizens.
- He requested if the ordinance were to move forward it would be best to include amendments from the commission.

Borough Attorney, Dolan spoke on the following:

- The ordinance was referred to two commissions, the Animal Control Commission and Planning Commission.
- The ordinance had not yet been introduced to the Assembly, only placed for referral.
- The ordinance sponsor, Mayor Ward can consider both commissions' comments and proposed amendments prior to introducing the ordinance.
- The Assembly can also consider recommendations from other commissions.

Community Planning Director, Ms. Nelson spoke on the following:

- On legislative items the Community Planning Director is an ex-officio member of the Planning Commission.
- She clarified her amendment, #3, in speaking with Attorney Dolan there are some problems with it.
- In the spreadsheet provided as an addendum there are three possible amendment options to the quick plat application process, the amendment she proposed is options #1 and #3, the problem is that staff remains a party.

Commissioner Koester inquired:

- If it is appropriate for the commission to make amendments on Title 17.

Ms. Nelson replied:

- The section of Title 17 in the ordinance are appeals of platting board decisions which impacts the Planning Commission.

Commissioner Muehling inquired:

- if any of Commissioner Kenna's amendments were part of the amendments in the original draft motion.

Commissioner Kenna replied:

- His amendment #1 was an inclusion of the draft motion amendment #1;
- He did change the language and excluded repetition.
- Amendment #9 and #10 consider the Platting Board, directly from his proposed amendment.

Mayor Ward spoke on the following:

- Part of the public input process to develop ordinances is to bring the ordinance to the commissions for review and recommendation.
- Asked the commission to expand on the pros and cons of the proposed ordinance.

Commissioner McComas-Roe spoke on the following:

- An issue which was not addressed in the proposed ordinance is that the City of Fairbanks would like to be restored to act as the appellant body for appeals within the City of Fairbanks.
- It is a bad idea to take away the commission's ability to act as an appellant body.

- The citizen's options would be diminished and their rights would be removed or restricted by the proposed ordinance.

Commissioner Koester spoke on the following:
- The City of Fairbanks would like to be the appellant body once again.
- The proposed ordinance would be more complicated for citizens and cost prohibitive due to having to provide verbatim transcripts and possibly hiring a lawyer.
- If it is a cost issue, transfer the responsibility to the Cities of Fairbanks and North Pole, they can share the cost of planning and zoning.
- The current process works.
- Does not understand why the change needs to happen.

Commissioner Perreault *[broken audio] @ T1 1:06:10* spoke on the following:
- Issues regarding additional costs, and keeping the costs down.
- The Platting Board and Planning Commission come up often in the proposed ordinance; these bodies do important work, removing these bodies removes an opportunity for citizens to redress.
- Does not see a way forward with the proposed ordinance.
- He suggested to not recommend to the Assembly.

Commissioner Guinn referred to Mayor Ward the following:
- Refunds on appeals when appellant is found to be correct as is done with DOT appeals.

Mayor Ward replied:
- Looking for additional information on comments on diminished rights by citizens through the proposed process.
- His goal in the ordinance is to make the process clearer and easier for citizens with a consistent structure.
- Referred to staff on refunds on appeals when an appeal is overturned.

Ms. Nelson spoke on the following:
- There is not a refund provision in Title 18 or in the proposed ordinance.
- A refund provision does exist in Title 17.

Commissioner Sims in reference to Mayor Ward's comment spoke on the following:
- On the diminished citizen involvement comment removing staff as an interested party on quasi-judicial matters would go a long way.

Commissioner Muehling spoke on the following:
- Citizen's board are an essential piece in the process.
- Liked the process to end with a Board of Appeals that has expertise on the issues.
- Liked the process to be streamlined and consistent through all the commissions.

ROLL CALL

2 (Two) in Favor: **Kenna, Guinn**

6 (Favor) Opposed: **McComas-Roe, Perreault, Whitaker, Sims, Koester, Muehling**

MOTION FAILED

MOTION: I move that the Planning Commission not recommend ordinance 2020-02 to the Fairbanks North Star Borough Assembly made by **Commissioner Perreault** and seconded by **Commissioner Koester**.

Commissioner Perreault spoke on the following:
- Technical issues with staff as a party should be addressed.
- Removing options for citizens and potentially increasing costs are the underlining reasons to oppose the proposed ordinance.

Commissioner McComas-Roe spoke on the following:
- The proposed ordinance was well intended but badly written to solve a problem that does not exist.

Commissioner Whitaker spoke on the following:
- Noted a comment from Lance Roberts that the Planning Commission is the mercy in the system.
- The way code is written might not recognize the appellant's situation.
- Leaning toward not recommending proposed ordinance to the Assembly.

Commissioner Kenna spoke on the following:
- Will vote yes on the motion.
- The commission is missing an opportunity to exert their influence on the proposed ordinance moving forward.
- Hopeful that the commission's comments will be heeded by Mayor Ward and he will rewrite the proposed ordinance.
- By saying yes to this motion the commission is not voting and is relying on Mayor Ward to make change to the proposed ordinance.

Commissioner Guinn spoke on the following:
- Agreed with Commissioner Kenna.
- Trusts Mayor Ward will take the commission's comments into consideration and the proposed ordinance will be substantially rewritten.

Commissioner Koester spoke on the following:
- Will vote to not recommend the proposed ordinance.
- Referred to comments made previously regarding not supporting the proposed ordinance.

Mayor Ward spoke on the following:

- Benefits of the Assembly acting as the appeal body so that they better understand issues with borough code and can initiate code changes to address community problems.
- He made a list of the pros and cons noted by the commission.
- Would like to speak with staff and take into consideration the discussion from the meeting.
- Some issues he heard were compelling and more issues that were not as compelling.
- Would be helpful for the referral process to have more suggestions on the parts of the proposed ordinance the commission does not like.
- Does not intent to make all the suggested changes to the proposed ordinance suggested by the commission.

Commissioner Muehling spoke on the following:

- Likes the process to begin with a citizen board and to end with a Board of Appeals that has expertise on the issues.
- Likes the process to be streamlined and consistent through all the commissions.
- Likes the revision.
- May be losing responsibility and authority of the commission.
- Likes the way the original ordinance was proposed.

ROLL CALL

7 (Seven) in Favor: **Whitaker, Sims, Kenna, Koester, Guinn, McComas-Roe, Perreault**

1 (One) Opposed: **Muehling**

[Brief recess]

[Roll call taken to re-establish quorum]

F. QUASI-JUDICIAL HEARING

1. **CU2020-005:** A request by Donia Rego for conditional use approval of a guesthouse in the Rural Residential (RR) zoning district on Lot 16, Salcha Estates West Subdivision (located at 2095 Yankovich Road).

OATH ADMINISTERED

Sarah Bingham presented the staff report. Based on the staff analysis, the Department of Community Planning recommended approval with the seven (7) conditions as amended, and adopting the staff report and three (3) findings of fact.

Commissioner Sims questioned and discussed the following items with Mr. Spillman:

- Status of the Yankovich Road project and the timeline for construction.
- Federal transportation funding is set for FY2022.

Fairbanks North Star Borough
Borough Clerk
907 Terminal Street * PO Box 71267 * Fairbanks, Alaska 99707-1267 *(907)459-1401 FAX 459-1224

MEMORANDUM

TO: Christine Nelson, Director, Community Planning
David Gibbs, Director, Emergency Operations

FROM: Adena Benn, CMC, Acting Borough Clerk

DATE: January 21, 2020

SUBJECT: REFERRAL OF ORDINANCE NO. 2020-02

On January 16, 2020 the Fairbanks North Star Borough Assembly referred Ordinance No. 2020-02 to the Planning Commission and Animal Control Commission.

ORDINANCE NO. 2020-02. An Ordinance Amending Fairbanks North Star Borough Code Of Ordinances Titles 4, 15, 17, 18, And 22 Regarding Quasi-Judicial Appeals To Add A New Board Of Appeals And New Appeals Officer Section. (Sponsor: Mayor Ward)
-Referred to the Planning Commission and Animal Control Commission with recommendations due back no later than April 15, 2020

A recommendation is due to the Assembly by April 15, 2020. Please place this item on your next agenda.

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

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

Enclosure: Ord. No. 2020-02

cc: Jim Williams, Chief of Staff
Sandra Hill, Animal Control Manager

By: FNSB Assembly
Introduced: October 22, 2020

FAIRBANKS NORTH STAR BOROUGH

RESOLUTION NO. 2020 – 42

A RESOLUTION THANKING AND HONORING CHRISTOPHER QUIST FOR HIS SERVICE ON THE FAIRBANKS NORTH STAR BOROUGH ASSEMBLY

WHEREAS, Christopher Quist was elected to the Borough Assembly in 2014 and again in 2017; and

WHEREAS, Christopher hit the ground running by accepting appointments to serve on the FNSB Economic Development Commission, Air Pollution Control Commission, Sustainability Commission and Finance Committee, in addition to his regular assembly business; and

WHEREAS, Christopher's contributions became progressively more responsible during his tenure as he served in leadership roles such as the Chair of the Legislative Priorities Committee, Vice Chair and then Chair of the Finance Committee, and as Deputy Presiding Officer and Presiding Officer of the Assembly; and

WHEREAS, As Presiding Officer, Christopher has navigated this assembly thorough an ongoing public health emergency, balancing concern for the safety of his peers and the community against the importance of conducting borough business and safeguarding the public's right to participate in local government, and

WHEREAS, We appreciate the thoughtful way Christopher presides over meetings, from addressing many polarizing issues with grace and fairness, to offering his nonsectarian invocations with frequent messages of respect and gratitude; and

WHEREAS, Christopher is a dependable ally to many causes in the community including his support of the Capital Improvement Program, marijuana zoning and taxation, and the creation of a Central Recycling Facility; and

WHEREAS, Christopher has spent several years advocating for local education, and we note his unwavering support for forward-funding educational budgets, collaboration between the borough and school district and his vocal celebration of teachers and all educational leaders in the borough; and

WHEREAS, We acknowledge Christopher's tenacity for causes he believes in and his commitment to practicing what he promotes, such as riding his electric skateboard to Thursday night meetings;

NOW THEREFORE BE IT RESOLVED that we thank Assemblymember Quist for his service to our community (and for always bringing in freshly roasted coffee on meeting nights) and wish him success in all future endeavors.

ADOPTED THE _____ DAY OF _____ 2020.

_____
Mindy O'Neall
Deputy Presiding Officer

ATTEST:

_____
April Trickey, CMC
Borough Clerk

Fairbanks North Star Borough

MAYOR'S OFFICE

mayor@fnsb.gov
Main: (907) 459-1300
Fax: (907) 459-1102

MEMORANDUM

To: Fairbanks North Star Borough Assembly

From: Bryce Ward, Mayor

Date: October 22, 2020

Subject: Resolution 2020 – 43
Amending 2020 Property Tax Delinquency Dates for Certain Properties

---

The proposed resolution would amend the real property tax delinquency date for certain properties to January 4, 2021. (See Resolution Attachment A for PAN list).

It was discovered by staff that some commercial parcels that had allowable partial exemptions attached had incorrect tax bills calculated. The root problem has been identified and corrected to ensure it does not repeat – however, the property owners will need to get a correct tax bill and be provided sufficient notice of taxes due.

I urge your adoption of this resolution.

attachment: Resolution with Attachment

/jw

By: Bryce J. Ward, Mayor
Introduced: 10/22/2020

FAIRBANKS NORTH STAR BOROUGH

RESOLUTION NO. 2020 – 43

A RESOLUTION AMENDING RESOLUTION NO. 2020-20 REGARDING THE REAL PROPERTY TAX DELINQUENCY DATE FOR CERTAIN PROPERTIES

WHEREAS, The Assembly of the Fairbanks North Star Borough (Borough) has approved the FY 2021 Borough Budget, set the 2020 mill levies for Areawide, Non-Areawide, Solid Waste Collection District, and Service Areas jurisdictions, and established delinquency dates for real property taxes; and

WHEREAS, Due to an error, a tax exemption was inaccurately reflected on certain tax bills and/or no tax bill was sent on certain properties; and

WHEREAS, It is important that all citizens pay their share of taxes due and that they be given sufficient notice and time to make such payments.

NOW, THEREFORE, BE IT RESOLVED by the Assembly of the Fairbanks North Star Borough.

Section 1. Real Property Tax Delinquent Dates. The dates upon which the real property taxes levied by Ordinance No. 2020-20 shall become delinquent for the properties listed on Attachment A hereto is January 4, 2021, as more particularly set forth in FNSBC 8.04.130 and according to the terms thereof.

Section 2. Effective Date. This Resolution shall become effective immediately upon adoption.

ADOPTED THE _____ DAY OF _____ 2020.

_____
Christopher Quist
Presiding Officer

ATTEST:

_____
April Trickey, CMC
Borough Clerk

APPROVED:

Approved by JSD
Jill S. Dolan
Borough Attorney

FAIRBANKS NORTH STAR BOROUGH Department of Community Planning
907 Terminal Street ☆ P.O. Box 71267☆ Fairbanks, Alaska 99707-1267 (907) 459-1260 ☆ FAX (907) 205-5169

MEMORANDUM

TO: Fairbanks North Star Borough Assembly

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

FROM: D. Christine Nelson, AICP
Community Planning Director

DATE: September 28, 2020

SUBJECT: Proposed Rezone; Ordinance No. 2020-35

RE: RZ2021-001: A request by Craig Chausse to rezone approximately 11.49 acres from Multiple-Family Residential/Mobile Home Subdivision/Military Noise Overlay (MF/MHS/MNO) to Light Industrial (LI) or other appropriate zone, for a triangular portion of Tract B, Lakeview Park Subdivision, located on the southeastern corner of Lakeview Park, Tract B, located east of the intersection of Van Horn Road and Easy Street, and south of the Old Richardson Highway.

On September 22, 2020, the Planning Commission of the Fairbanks North Star Borough held a public hearing to rezone the properties described above.

Staff proposed the 11.49 acres be rezoned to Light Industrial/Special Limitations/Military Noise Overlay (LI/SL/MNO) with the following two (2) Special Limitations:

1. There shall be a "buffer landscape," as defined in Title 18, along the northeastern boundary of the rezoned area that is a minimum of 30 feet in width and shall consist of natural vegetation or a sight-obscuring screen, with the exception of the 20' public utility easement shown on the proposed preliminary plat, attached.

2. No structural development is allowed within the buffer landscape, except within the public utility easement, for the purpose of utilities and appurtenances.

After analysis of the request, the Department of Community Planning recommended approval of the rezone to Light Industrial/Special Limitations/Military Noise Overlay (LI/SL/MNO), not the requested rezone to Light Industrial (LI).

The Planning Commission concurred with staff recommendation and voted eight (8) in favor, zero (0) opposed, to recommend approval of the modified request to the Borough Assembly.

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

By: Assembly
Introduced: 10/22/2020

FAIRBANKS NORTH STAR BOROUGH

ORDINANCE NO. 2020 – **35**

AN ORDINANCE REZONING A PORTION OF TRACT B OF LAKEVIEW PARK SUBDIVISION FROM MULTIPLE-FAMILY RESIDENTIAL/MOBILE HOME SUBDIVISION/MILITARY NOISE OVERLAY TO LIGHT INDUSTRIAL OR OTHER APPROPRIATE ZONE (LOCATED EAST OF THE INTERSECTION OF VAN HORN ROAD AND EASY STREET, SOUTH OF THE OLD RICHARDSON HIGHWAY)

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

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

Section 2. The following described property is rezoned from Multiple-Family Residential/Mobile Home Subdivision/Military Noise Overlay (MF/MHS/MNO) to Light Industrial (LI):

A portion of Tract B of Lakeview Park Subdivision, shown on Exhibit A and described as:

Commencing at the southwest corner of said Tract B and the True Point of Beginning;

Thence N 00°00′54″ W along the westerly boundary of said Tract B and the easterly right-of-way limit of Easy Street a distance of 1226.46 feet to a point;

Thence N 89°59′06″ E a distance of 41.48 feet to a point;

Thence S 36°23′03″ E a distance of 98.77 feet to a point;

Thence S 30°12′49″ E a distance of 274.47 feet to a point;

Thence S 33°57′56″ E a distance of 241.44 feet to a point;

Thence S 28°40′11″ E a distance of 501.83 feet to a point;

Thence S 17°14′17″ E a distance of 192.94 feet to a point;

Thence S 10°31′07″ E a distance of 87.28 feet to a point on the southerly boundary of said Tract B;

Thence N 89°55′41″ W along the southerly boundary of said Tract B a distance of 686.63 feet to the southwest corner of Tract B and the Point of Beginning.

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

Section 4. Effective Date. This ordinance is effective at 5:00 p.m. on the first Borough business day following its adoption.

ADOPTED THE _____ DAY OF _____ 2020.

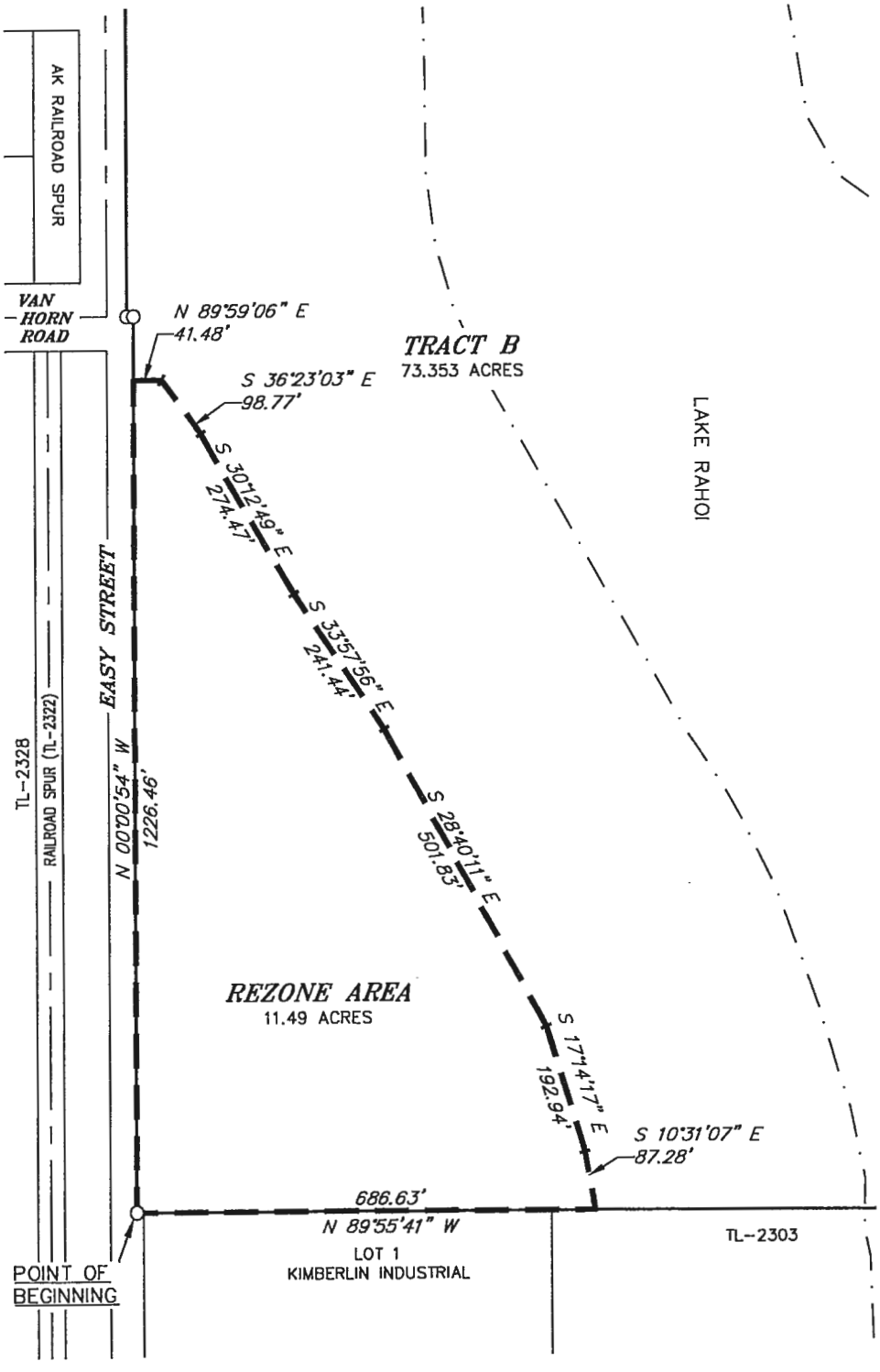
_____
Christopher Quist
Presiding Officer

ATTEST:

_____
April Trickey, CMC
Borough Clerk

APPROVED:

Approved by JSD
Jill S. Dolan
Borough Attorney


AK RAILROAD SPUR
VAN HORN ROAD
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41.48'
TRACT B
73.353 ACRES
S 36°23'03" E
98.77'
LAKE RAHOI
S 30°12'49" E
274.47'
S 33°57'56" E
241.44'
EASY STREET
TL-2328
RAILROAD SPUR (TL-2322)
N 00°00'54" W
1226.46'
S 28°40'11" E
501.83'
REZONE AREA
11.49 ACRES
S 17°14'17" E
192.94'
S 10°31'07" E
87.28'
686.63'
N 89°55'41" W
LOT 1
KIMBERLIN INDUSTRIAL
TL-2303
POINT OF BEGINNING

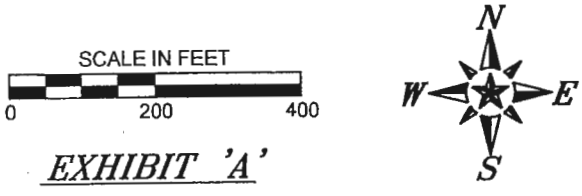
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EXHIBIT 'A'

PROPOSED SUBSTITUTE By: Assembly
By: Bryce Ward, Mayor Introduced: 10/22/2020

FAIRBANKS NORTH STAR BOROUGH

ORDINANCE NO. 2020 – 35

AN ORDINANCE REZONING A PORTION OF TRACT B OF LAKEVIEW PARK SUBDIVISION FROM MULTIPLE-FAMILY RESIDENTIAL/MOBILE HOME SUBDIVISION/MILITARY NOISE OVERLAY TO LIGHT INDUSTRIAL**/SPECIAL LIMITATIONS/MILITARY NOISE OVERLAY** OR OTHER APPROPRIATE ZONE (LOCATED EAST OF THE INTERSECTION OF VAN HORN ROAD AND EASY STREET, SOUTH OF THE OLD RICHARDSON HIGHWAY)

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

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

Section 2. The following described property is rezoned from Multiple-Family Residential/Mobile Home Subdivision/Military Noise Overlay (MF/MHS/MNO) to Light Industrial **[(LI)]** **with Special Limitations/Military Noise Overlay (LI/SL/MNO) with the following special limitation**:

1. A continuous landscape area at least 30 feet in width and consisting of natural vegetation or a site obscuring screen shall be maintained along the northeastern boundary of the rezone area. No structural development is allowed within the landscape area except that accessory utilities and appurtenances may be placed in the public utility easement as depicted on the approved preliminary plat of Lakeview Park Subdivision, First Addition, shown on Exhibit A.

A portion of Tract B of Lakeview Park Subdivision, shown on Exhibit **[A]<u>B</u>** and described as:

Commencing at the southwest corner of said Tract B and the True Point of Beginning;

Thence N 00°00′54″ W along the westerly boundary of said Tract B and the easterly right-of-way limit of Easy Street a distance of 1226.46 feet to a point;

Thence N 89°59′06″ E a distance of 41.48 feet to a point;

Thence S 36°23′03″ E a distance of 98.77 feet to a point;

Thence S 30°12′49″ E a distance of 274.47 feet to a point;

Thence S 33°57′56″ E a distance of 241.44 feet to a point;

Thence S 28°40′11″ E a distance of 501.83 feet to a point;

Thence S 17°14′17″ E a distance of 192.94 feet to a point;

Thence S 10°31′07″ E a distance of 87.28 feet to a point on the southerly boundary of said Tract B;

Thence N 89°55′41″ W along the southerly boundary of said Tract B a distance of 686.63 feet to the southwest corner of Tract B and the Point of Beginning.

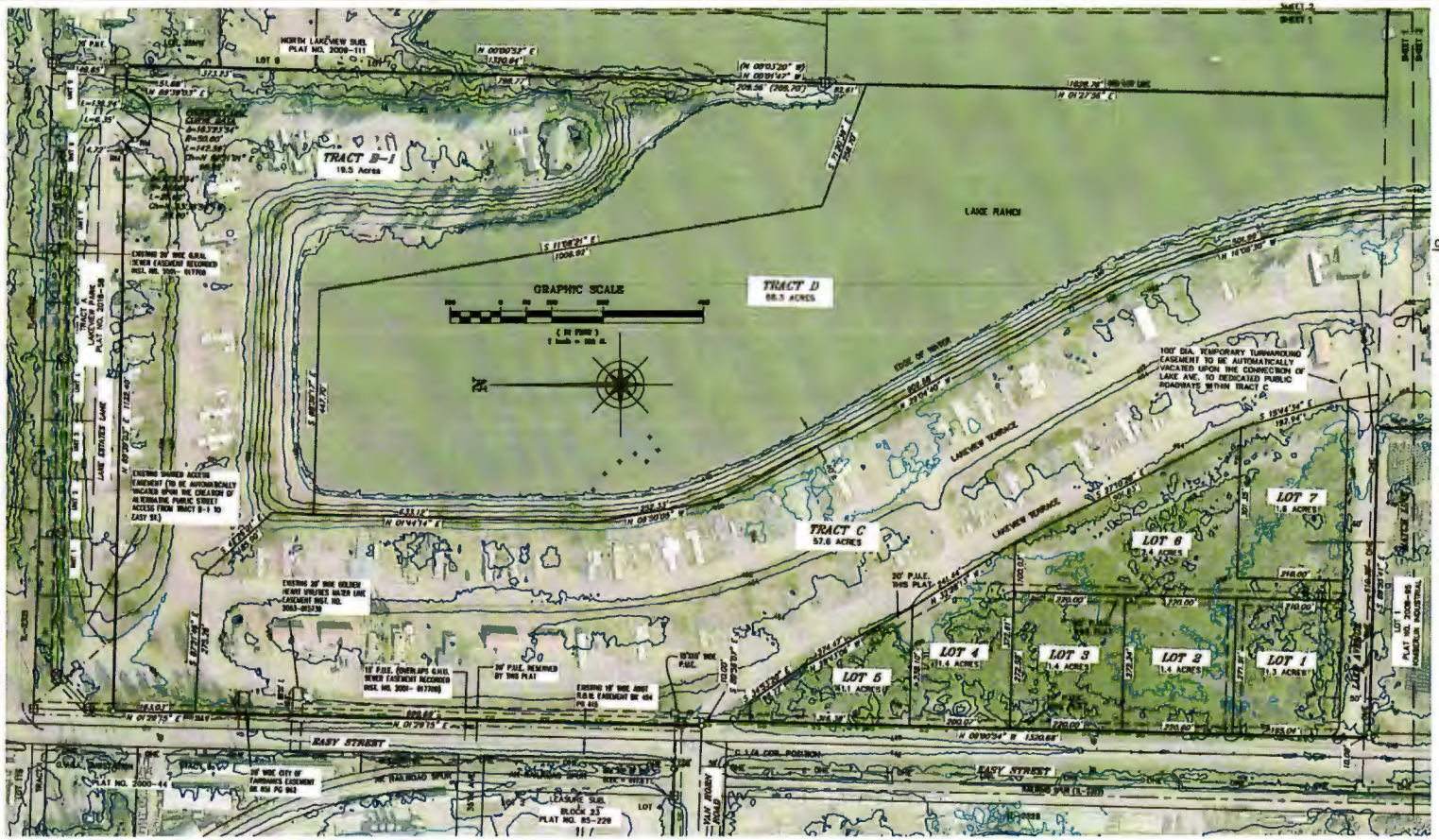
Section 3. The official zoning map is amended in accordance with this ordinance.

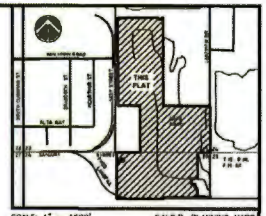
Section 4. <u>Effective Date.</u> This ordinance is effective at 5:00 p.m. on the first Borough business day following its adoption.

ADOPTED THE _____ DAY OF _____ 2020.

_____
Christopher Quist
Presiding Officer

ATTEST:	APPROVED:
_____	Approved by JSD
April Trickey, CMC	Jill S. Dolan
Borough Clerk	Borough Attorney





SCALE: 1" = 1500' F.N.S.B. PLANNING MAPS

VICINITY MAP

CERTIFICATE OF CORPORATE OWNERSHIP, DEDICATION AND COMPLIANCE

I hereby certify that Lakeview Enterprises, Inc. is the owner of the herein specified property shown and described hereon and that I hereby adopt this plan of subdivision with my consent and dedicate all streets, alleys, walks, parks, and other designated public spaces to public use.

I further certify that all required improvements comply with the standards established in Title 17, Subdivisions, Fairbanks North Star Borough Code.

Craig Chavez, President, Lakeview Enterprises, Inc.

UNITED STATES OF AMERICA
STATE OF ALASKA } S. S.

This is to certify that on this ____ day of _____ 20__, before me, a Notary Public for the State of Alaska, duly commissioned and sworn, personally appeared:

to me known to be the identical individual mentioned and who executed the within plat, and he acknowledged to me that he signed the same freely and voluntarily for the uses and purposes therein specified in his capacity as PRESIDENT of said corporate owner and that at the time he presented this plat that he was clothed with the power and authority to sign this plat on behalf of said corporation.

Witness my hand and notarial seal the day and year in this certificate first herein written.

Notary Public in and for the State of Alaska

My Commission Expires: _____

PHASING SCHEDULE

TRACTS B-1, C, D E 2022
LOTS 1-5 LAKE AVE. R.O.W.

LOT 6, 7 2024
LAKE AVE. CONSTRUCTION

LEGEND

- B.L.M. OR G.L.O. MONUMENT, RECOVERED THIS SURVEY
- 3" DIA. ALUMINUM CAP MONUMENT WITH MAGNETS, RECOVERED (7409-S UNLESS NOTED OTHERWISE)
- BRASS CAP MONUMENT STAMPED 1409-S, RECOVERED
- 3 1/4" ALUMINUM CAP MONUMENT, CAP ILLEGIBLE, RECOVERED
- 5/8" REBAR AND 1 1/2" ALUMINUM SURVEY CAP, RECOVERED THIS SURVEY. (7531-S UNLESS NOTED OTHERWISE)
- (1000.00) RECORD INFORMATION

NOTES

1. There will be a 20' radius easement at each pole location for guys, anchors, and other supportive structures.
2. A 10' wide strip of land as determined necessary by the utility companies is granted for the installation, maintenance, repair, or removal of yard poles.
3. The utility companies shall have the right to identify and then remove any dead, weak, overhanging or otherwise dangerous trees adjacent to or in the vicinity of the easement.
4. An easement is hereby dedicated within all lots for secondary cable crossings as determined necessary by the utility companies.
5. These properties are served by community sewer and water.
6. This property is located within Flood Zone "X", Flood Zone "AE" and Flood Zone "AH" per Federal Emergency Management Agency Flood Insurance Rate Maps 02090C4378J, 02090C4383J, 02090C4387J AND 02090C4391J, dated March 17, 2014. The Base Flood Elevations in this area are 444 and 445 Ft. (NAVD88).
7. Portions of this subdivision have been determined to be located, in whole or in part, within Flood Zone "A", a flood hazard area as identified by the Federal Emergency Management Agency. All development shall be required to comply with Federal Regulations and Title 15 of the Borough Code. Any construction or substantial improvement in a structure in the flood hazard zone (Flood Zone "A") requires a flood plain permit from the Fairbanks North Star Borough.
8. This area is overlain by Steinhatchee and Tanana soils per USDA Soil survey Series 1956, No. 25, Fairbanks Area, Alaska.
9. The purpose of this plat is to create 11 lots from 1.
10. Any new driveway or modification of an existing driveway onto Easy Street shall require a permit from the State of Alaska Department of Transportation. Prior to construction, any modification to the existing driveways will require an ADOT&PF permit.
11. Except for driveway construction, the rear right-of-way adjacent to the Lake Avenue road prism is reserved for drainage purposes. Placement of fill that limits this area's capacity for the detention of storm water is prohibited. Lake Drive is already constructed and in use. The minimal upgrade proposed and the installation of surfacing will not impact or change the drainage to adjacent land.
12. This property is relatively flat. Drainage trends to Lake Rahoi.

EXHIBIT 'A'

RP 000-00
SD 000-00

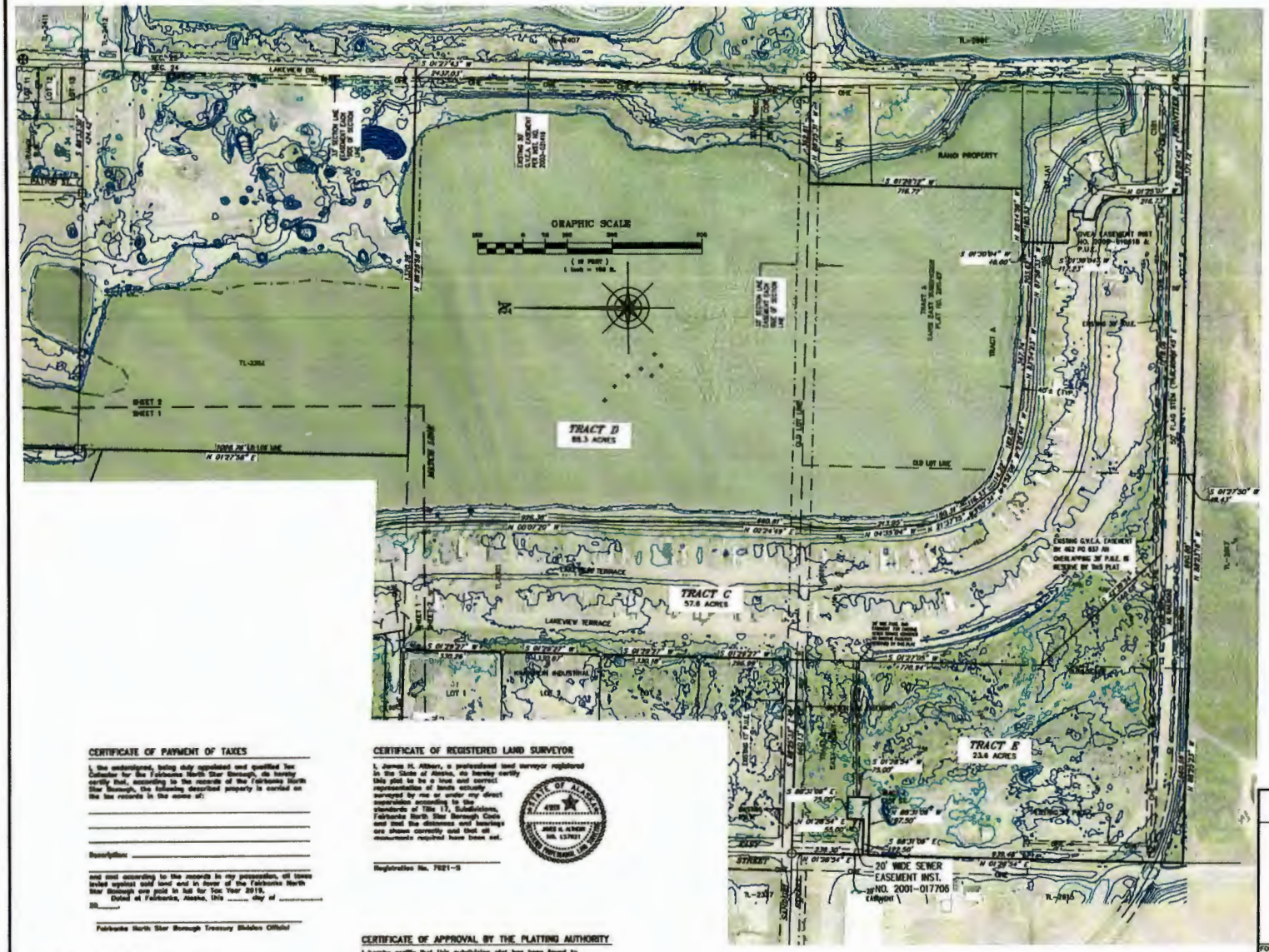
PRELIMINARY PLAT

STUTZMANN ENGINEERING ASSOCIATES, INC.
P.O. BOX 71429, FAIRBANKS, ALASKA 99707-1429
OFFICE AT 8 ADAK AVENUE | (907) 452-4094 | AK C-687

LAKEVIEW PARK SUBDIVISION 1ST ADD.

THE SUBDIVISION AND REPLAT OF TRACT D, LAKEVIEW PARK SUB. (PLAT NO. 2018-58) AND TRACT A, RAHOI EAST SUB. (PLAT NO. 2011-57) AND TRACT D, EASY STREET SUB. (PLAT NO. 2008-117) AND A PORTION OF THE SE1/4 SEC. 23 AND THE E1/2 NW1/4 NE1/4 SEC. 26 T.1S., R.1W., F.M. ALASKA
FAIRBANKS RECORDING DISTRICT

FOR:	LAKEVIEW ENTERPRISES, INC., JHK INVESTMENTS, LLC		
SURVEYED BY:	S.E.A.	DATE:	N/A
DRAWN BY:	J.D.S.	DATE:	AUG. 11, 2020
CHECKED BY:	---	SCALE: 1"=100'	SHEET 1 OF 2



CERTIFICATE OF LLC OWNERSHIP, DEDICATION AND COMPLIANCE

I hereby certify that JHK Investments, LLC is the owner of the herein specified property shown and described hereon and that I hereby adopt this plan of subdivision with my consent and dedicate all streets, alleys, walks, parks, and other designated public spaces to public use.

I further certify that all required improvements comply with the standards established in Title 17, Subdivisions, Fairbanks North Star Borough Code.

Craig Chesnes, JHK Investment, LLC

UNITED STATES OF AMERICA } S. S.
STATE OF ALASKA

This is to certify that on this ____ day of _____, 20__ before me, a Notary Public for the State of Alaska, duly commissioned and sworn, personally appeared

to me known to be the identical individual mentioned and who executed the within plat, and he acknowledged to me that he signed the same freely and voluntarily for the uses and purposes therein specified in his capacity as MEMBER of said corporate owner and that at the time he presented this plat that he was cloaked with the power and authority to sign this plat on behalf of said corporation.

Witness my hand and notarial seal the day and year in this certificate first herein written.

Notary Public in and for the State of Alaska

My Commission Expires: _____

CERTIFICATE OF PAYMENT OF TAXES

I, the undersigned, being duly appointed and qualified Tax Collector for the Fairbanks North Star Borough, do hereby certify that, according to the records of the Fairbanks North Star Borough, the following described property is carried on the tax records in the name of:

_____

_____

_____

Description: _____

and and according to the records in my possession, all taxes levied against said land and in favor of the Fairbanks North Star Borough are paid in full for Tax Year 2019.

Dated at Fairbanks, Alaska, this _____ day of _____, 20__.

Fairbanks North Star Borough Treasury Division Official

CERTIFICATE OF REGISTERED LAND SURVEYOR

I, James H. Albert, a professional land surveyor registered in the State of Alaska, do hereby certify this plat to be a true and correct representation of lands actually surveyed by me or under my direct supervision according to the standards of Title 17, Subdivisions, Fairbanks North Star Borough Code and that the distances and bearings are shown correctly and that all monuments required have been set.

Registration No. 7621-S

STATE OF ALASKA
7621
JAMES H. ALBERT
LS7621

CERTIFICATE OF APPROVAL BY THE PLATTING AUTHORITY

I hereby certify that this subdivision plat has been found to comply with the regulations of Title 17.52, Final Plats, of the Fairbanks North Star Borough Code of Ordinances, and that

EXHIBIT 'A'

RP 000-00
SD 000-00

PRELIMINARY PLAT

STUTZMANN ENGINEERING ASSOCIATES, INC.
P.O. BOX 71429, FAIRBANKS, ALASKA 99707-1429
OFFICE AT 9 ADAK AVENUE | (907) 452-4064 | AK C-527

LAKEVIEW PARK SUBDIVISION 1ST ADD.

THE SUBDIVISION AND REPLAT OF
TRACT B, LAKEVIEW PARK SUB. (PLAT NO. 2018-58)
AND TRACT A, RANCH EAST SUB. (PLAT NO. 2011-57)
AND TRACT B, EASY STREET SUB. (PLAT NO. 2008-117)
AND A PORTION OF THE SE1/4 SEC. 23 AND
THE E1/2 NW1/4 NE1/4 SEC. 26
T.1S., R.1W., F.M. ALASKA
FAIRBANKS RECORDING DISTRICT

FOR:	LAKEVIEW ENTERPRISES, INC., JHK INVESTMENTS, LLC		
SURVEYED BY:	S.E.A.	DATE:	N/A
DRAWN BY:	J.B.S.	DATE:	JULY 25, 2020
CHECKED BY:	---	SCALE: 1"=100'	SHEET 2 OF 2

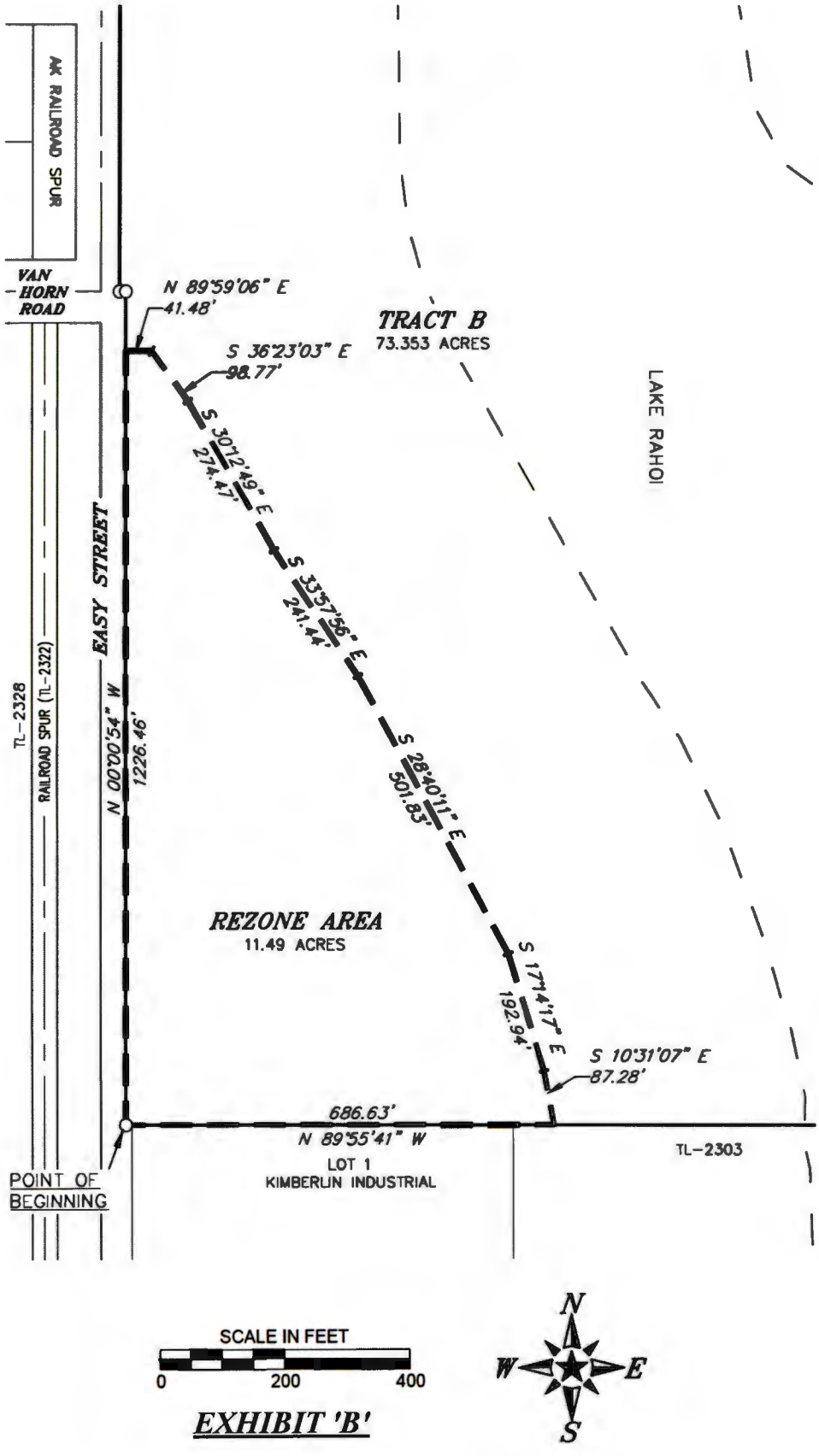

AK RAILROAD SPUR
VAN HORN ROAD
N 89°59'06" E
41.48'
S 36°23'03" E
98.77'
TRACT B
73.353 ACRES
LAKE RAHOI
S 30°12'49" E
274.47'
S 33°57'56" E
241.44'
S 28°40'11" E
501.83'
S 17°14'17" E
192.94'
S 10°31'07" E
87.28'
EASY STREET
N 00°00'54" W
1226.46'
TL-2328
RAILROAD SPUR (TL-2322)
REZONE AREA
11.49 ACRES
686.63'
N 89°55'41" W
LOT 1
KIMBERLIN INDUSTRIAL
TL-2303
POINT OF BEGINNING
SCALE IN FEET
0
200
400
N
W
E
S

EXHIBIT 'B'

WISE INDUSTRIAL3, BLOCK: 03, LOT: 19
Achman Dennis R Sr
PO BOX 70871
Fairbanks, AK 99707

LEASURE 5TH ADDI, BLOCK: 20, LOT: 03A
Ahtna Construction
Primary Products Corporation
Attn: Yodeen John
110 W 38th Ave Ste 100
Anchorage, AK 99503

US SURVEY 9069, LOT: UMB01
Alaska Railroad Corporation
Attn Real Estate Department
PO BOX 107500
Anchorage, AK 99510

LEASURE 4, BLOCK: 25, LOT: 09A
Alaska Rubber Properties Llc
210 E Van Horn Rd
Fairbanks, AK 99701

LEASURE 4, BLOCK: 25, LOT: 10A
Alaska Rubber Properties Llc
220 E Van Horn Rd
Fairbanks, AK 99701

1S 1W, SEC: 25, TAXLOT: 2501
Alaska State of Mhta
C/o Trust Land Office
2600 Cordova St Ste 100
Anchorage, AK 99503

LEASURE 3, BLOCK: 12
Alaskan Action Llc
981 Summit Dr
Fairbanks, AK 99712

LEASURE 5TH ADDI, BLOCK: 20, LOT: A1
Anthony Properties Llc
3400 Macarthur St # 4
Fairbanks, AK 99701

WISE INDUSTRIAL2, BLOCK: 01, LOT: 03
Arctic Alaska Invstmnt Llc
303 E Van Hom Rd
Fairbanks, AK 99701

NORTH LAKEVIEW, LOT: 08
Back Gerald F
Back Rosemary P
709 Yak Rd
Fairbanks, AK 99709

NORTH LAKEVIEW, LOT: A
Back Gerald
Back Rosemary
709 Yak Rd
Fairbanks, AK 99709

LEASURE, BLOCK: 02, LOT: 06A
Barnette Trading Company Llc
PO BOX 70195
Fairbanks, AK 99707

LEASURE 3, BLOCK: 16, LOT: 03
Bighorn Enterprises Llc
PO BOX 58095
Fairbanks, AK 99711

LEASURE, BLOCK: 03, LOT: 01
Boen Jesse
328 Slater Dr
Fairbanks, AK 99701

WISE INDUSTRIAL3, BLOCK: 03, LOT: 11
Boswell Properties Llc
1200 Wildrose Ave
Fairbanks, AK 99701

LEASURE 3, BLOCK: 11N&
Bozeman Glenna D
981 Summit Dr
Fairbanks, AK 99712

WISE INDUSTRIAL3, BLOCK: 03, LOT: 12
Brainerd John C
1200 Wild Rose Ave
Fairbanks, AK 99701

WISE INDUSTRIAL2, BLOCK: 02, LOT: 21
Brewer William B
Brewer Donna L
PO BOX 71927
Fairbanks, AK 99707

LEASURE, BLOCK: 05S&
Carpenter Holdings Llc
Carpenter Stella V
666 11th Ave Unit 304
Fairbanks, AK 99701

RAHOI, LOT: 13
Carpenter Mark A
Carpenter Judy D
3596 Lakeview Dr
Fairbanks, AK 99701

RAHOI, LOT: 04S&
Casey Teresa M
Casey Shawn R
3410 Lakeview Dr
Fairbanks, AK 99701

LEASURE, BLOCK: 01, LOT: 05
Cem Leasing Inc
PO BOX 70651
Fairbanks, AK 99707

MOBILE HOME, LOT: D1747
Clarneau Glen W
C/o Action Auto
3225 Leasure St
Fairbanks, AK 99701

1S 1W, SEC: 24, TAXLOT: 03
Cook Inlet Region Inc
Attn Land Dept
PO BOX 93330
Anchorage, AK 99509

RAHOI, LOT: 10S&
Corey Ryan A
Corey Kayla C
3590 Lakeview Dr
Fairbanks, AK 99701

WISE INDUSTRIAL2, BLOCK: 02, LOT: 16
Cruikshank Terry
Bailey Lisa M
3740 Braddock St
Fairbanks, AK 99701

RAHOI EXTENSION, LOT: 01
Dcc Investments Llc
PO BOX 73087
Fairbanks, AK 99707

LEASURE 3, BLOCK: 17, LOT: 03
Doyle Family Ltd Prtnrshp
2230 Spar Ave
Anchorage, AK 99501

LEASURE, BLOCK: 21A1
Doyle Family Ltd Prtnrshp
C/o Doyles Fuel Service
2230 Spar Ave
Anchorage, AK 99501

RAHOI, LOT: 02A-1
Drotzur Lee
1665 Richardson Hwy
North Pole, AK 99705

FAIRBANKS SAND 1, LOT: 01A
Dunavant Family Ltd Prtnrshp
PO BOX 240427
Anchorage, AK 99524

LEASURE 3, BLOCK: 11S&
Easy Street Partners Llc
3250 Easy St
Fairbanks, AK 99701

PRECISION CRANE, LOT: 21A
F & F Llc
PO BOX 56646
North Pole, AK 99705

1S 1W, SEC: 23, TAXLOT: 2331
Fairbanks North Star Borough
Land Management
PO BOX 71267
Fairbanks, AK 99707

1S 1W, SEC: 24, TAXLOT: 2407
Fairbanks Snowmobile Fun
Lions Club
PO BOX 71131
Fairbanks, AK 99707

KIMBERLIN INDUST, LOT: 02
Fairbanks Waste Facility Llc
PO BOX 202845
Anchorage, AK 99520

LEASURE, BLOCK: 03, LOT: UMB01
Faulk David G
8240 Sandlewood Pl Ste 201
Anchorage, AK 99507

LEASURE, BLOCK: 03, LOT: 03
Flatirons Development Llc
PO BOX 74201
Fairbanks, AK 99707

FAIRBANKS SAND 2, LOT: 02
Fps Inc
PO BOX 73087
Fairbanks, AK 99707

1S 1W, SEC: 23, TAXLOT: 2304
Fs&g Aggregate Inc
PO BOX 72844
Fairbanks, AK 99707

LYNSEY, LOT: A
G & D Rentals Llc
758 Old Richardson Hwy
Fairbanks, AK 99701

EASY STREET, LOT: A
Golden Heart Utilities Inc
PO BOX 80370
Fairbanks, AK 99708

1S 1W, SEC: 23, TAXLOT: 2318
Golden Valley Elect Assn Inc
PO BOX 71249
Fairbanks, AK 99707

WISE INDUSTRIAL3, BLOCK: 01, LOT: 12A
Gower Jimmy & Janice Living
Trust
3018 Riverview Dr
Fairbanks, AK 99709

WISE INDUSTRIAL2, BLOCK: 02, LOT: 12
Gray Television Inc
4370 Peachtree Rd Ne
Brookhaven, GA 30319

FAIRBANKS SAND &, LOT: 02
Greer Tank Inc
PO BOX 71193
Fairbanks, AK 99707

1S 1W, SEC: 24, TAXLOT: UMB03
Greerleasco Ii
PO BOX 71193
Fairbanks, AK 99707

1S 1W, SEC: 23, TAXLOT: 2313
Hagen Alfred D Ii
2207 State Rd
Bensalem, PA 19020

VINCENT E HALVER, LOT: 01
Halverson Brothers Prtnrshp
400 W 70th Ave Ste 3
Anchorage, AK 99518

LEASURE 4, BLOCK: 24, LOT: 16A1
Henry Kenneth H Ii
Henry Cynthia L
3216 Riverview Dr
Fairbanks, AK 99709

RAHOI, LOT: UMB02
Herrera Randy
Herrera Sydney
3580 Lakeview Dr
Fairbanks, AK 99701

RAHOI, LOT: 33
Howard Ricky C Jr
1080 Charlotte Rd
North Pole, AK 99705

WISE INDUSTRIAL2, BLOCK: 02, LOT: 13
Inland Petroservice Inc
3690 Braddock St
Fairbanks, AK 99701

1S 1W, SEC: 26, TAXLOT: UMB01
Jmk Investments Llc
PO BOX 73087
Fairbanks, AK 99707

1S 1W, SEC: 23, TAXLOT: 2315
John Thomas Llc
3317 Mountain View Dr
Anchorage, AK 99501

KIMBERLIN INDUST, LOT: 04
Killion Land Company Llc
PO BOX 70195
Fairbanks, AK 99707

WISE INDUSTRIAL3, BLOCK: 02, LOT: 20A
Kw Properties Llc
1851 Fox Ave
Fairbanks, AK 99701

WISE INDUSTRIAL3, BLOCK: 02, LOT: UMB01
Kw Properties Llc
3810 Braddock St
Fairbanks, AK 99701

EASY STREET, LOT: B
Lakeview Enterprises Inc
1000 Lakeview Ter
Fairbanks, AK 99701

RAHOI, LOT: 34
Lakeview Enterprises Inc
Lakeview Trl Court
1000 Lakeview Ter
Fairbanks, AK 99701

RAHOI, LOT: 12
Little Gerald
3592 Lakeview Dr
Fairbanks, AK 99701

RAHOI, LOT: 35NW&
Lundeen Darwin W
701 Williams Gate Rd
Fairbanks, AK 99701

WISE INDUSTRIAL2, BLOCK: 02, LOT: 08A
M V Investments Llc
981 Van Horn Rd
Fairbanks, AK 99701

RAHOI, LOT: 07
Mcdonald Jeremy
PO BOX 10385
Fairbanks, AK 99710

WISE INDUSTRIAL2, BLOCK: 01, LOT: 09
Mirae B2 Llc
PO BOX 70743
Fairbanks, AK 99707

OLD GUN SITE, LOT: 02
Mv Investments Llc
981 Van Horn Rd
Fairbanks, AK 99701

1S 1W, SEC: 23, TAXLOT: 2317
Or 12 Llc
PO BOX 70195
Fairbanks, AK 99707

1S 1W, SEC: 24, TAXLOT: 2412
Paving Products Inc
PO BOX 80430
Fairbanks, AK 99708

WISE INDUSTRIAL2, BLOCK: 01, LOT: 02
Precision Cranes Inc
PO BOX 56646
North Pole, AK 99705

1S 1W, SEC: 23, TAXLOT: 2320
Real Estate Investment
Company Inc
542 4th Ave Ste 300
Fairbanks, AK 99701

FAIRBANKS SAND 1, LOT: 03
Lo-cal Llc
PO BOX 80430
Fairbanks, AK 99708

MOBILE HOME, LOT: D4219
Lundeen Darwin
701 Williams Gate Rd
Fairbanks, AK 99701

WISE INDUSTRIAL2, BLOCK: 02, LOT: 11
Macdonald Gregg C Jr
Revocable Trust
PO BOX 61618
Fairbanks, AK 99706

WISE INDUSTRIAL3, BLOCK: 03, LOT: UMB01
Mirae A Llc
PO BOX 70743
Fairbanks, AK 99707

WISE INDUSTRIAL2, BLOCK: 01, LOT: 11
Mirae V Llc
PO BOX 70743
Fairbanks, AK 99707

WISE INDUSTRIAL2, BLOCK: 02, LOT: 09A
Nichols Lane
Nichols Julie
2052 Van Horn Ct
Fairbanks, AK 99701

WISE INDUSTRIAL2, BLOCK: 01, LOT: 04
Osborne Construction Company
PO BOX 97010
Kirkland, WA 98083

LEASURE 4, BLOCK: 23, LOT: 04
Petersen Leroy Carl
Tannehill Phillip M
924 Kellum St Unit 202
Fairbanks, AK 99701

LEASURE, BLOCK: 05, LOT: 03
Prosperity Holdings Llc
253 Romans Way Apt 2
Fairbanks, AK 99701

WISE INDUSTRIAL2, BLOCK: 02, LOT: 07B
Roberts Thomas M
Roberts Courtney M
PO BOX 70286
Fairbanks, AK 99707

LEASURE, BLOCK: 05, LOT: 04
Lowe Noel
PO BOX 870578
Wasilla, AK 99687

1S 1W, SEC: 23, TAXLOT: 2314
Lundgren Gary
PO BOX 3517
Redmond, WA 98073

LEASURE 4, BLOCK: 23, LOT: 03
Mcculloch Benjamin W
3224 Lakeview Dr Bldg E
Fairbanks, AK 99701

WISE INDUSTRIAL2, BLOCK: 02, LOT: 15
Mirae B Llc
PO BOX 70743
Fairbanks, AK 99707

1S 1W, SEC: 24, TAXLOT: 2411
Morton Callen J
Morton Laura W
1475 Alderwood Dr
Fairbanks, AK 99709

1S 1W, SEC: 23, TAXLOT: 2322
North Star Inc
Arr Corporation
C/o Real Estate Department
PO BOX 107500
Anchorage, AK 99510

LEASURE 4, BLOCK: 25, LOT: 11A
Pacific Dvsfd Invstmnt Inc
PO BOX 224889
Anchorage, AK 99522

WISE INDUSTRIAL2, BLOCK: 02, LOT: 17
Pierce Gregory T
Pierce Debra V
469 Henderson Rd S
Fairbanks, AK 99709

RAHOI EAST, LOT: 01
Rahoi Beverly J Trust
1129 Lakeview Ter
Fairbanks, AK 99701

LEASURE 3, BLOCK: 19A, LOT: UMB01
Saw Jacques Llc
229 E Whitney Rd Ste 200
Anchorage, AK 99501

WISE INDUSTRIAL3, BLOCK: 03, LOT: 10
Schroader Timothy
4061 Bradley Ct
Fairbanks, AK 99701

1S 1W, SEC: 23, TAXLOT: 2307
Skidmore Sam C
Skidmore Donna G
PO BOX 70470
Fairbanks, AK 99707

1S 1W, SEC: 23, TAXLOT: 2321
Spirit Realty L P
2727 N Harwood St Ste 300
Dallas, TX 75201

WISE INDUSTRIAL2, BLOCK: 02, LOT: 14
Tannehill Phillip M
Peterson Leroy
924 Kellum St Unit 202
Fairbanks, AK 99701

1S 1W, SEC: 14, TAXLOT: 1400
United States of America
1150 University Ave
Fairbanks, AK 99709

LEASURE 4, BLOCK: 25, LOT: 08A
Weaver Brothers Inc
PO BOX 2229
Kenai, AK 99611

RAHOI, LOT: UMB01
Werczynski John M
Werczynski Rainee L
90 Lakeview Dr
Fairbanks, AK 99701

NORTH LAKEVIEW, LOT: 10
Scott Fred
PO BOX 80651
Fairbanks, AK 99708

RAHOI, LOT: 08
Smith Douglas B
Parker Smith Linda C
2584 Riverview Dr
Fairbanks, AK 99709

LEASURE, LOT: C-1
Stewart William M
Stewart Connie B
1010 Cushman St
Fairbanks, AK 99701

RAHOI, LOT: 30
Taylor Robert
13763 N Yellowstone Hwy
Pocatello, ID 83202

MOBILE HOME, LOT: D3389
Vanreenan Rachel
2053 Lakeview Ter
Fairbanks, AK 99701

LEASURE 3, BLOCK: 19E&
Wehmeyer Michael E
2679 Mockler Ave
North Pole, AK 99705

RAHOI, LOT: 32
Werczynski John
Werczynski Rainee
90 Lakeview Dr
Fairbanks, AK 99701

RAHOI, LOT: 05
Siebels Robert J
3430 Lakeview Dr
Fairbanks, AK 99701

NORTH LAKEVIEW, LOT: 09
Sonnenberg Timothy
3230 Cool Cacy Dr
Fairbanks, AK 99701

LEASURE, LOT: B
Talvi Russell E
PO BOX 60668
Fairbanks, AK 99706

LEASURE 4, BLOCK: 25, LOT: 07A
Tompkins Aaron Scott
1804 S Cushman St
Fairbanks, AK 99701

LEASURE, BLOCK: 08, LOT: 01
Viers Duane A
PO BOX 80182
Fairbanks, AK 99708

LEASURE 3, BLOCK: 15, LOT: I
Wehmeyer Michael E
3600 Easy St
Fairbanks, AK 99701

RAHOI, LOT: 01
Williams Gate Land Company
751 Williams Gate Rd
Fairbanks, AK 99701

F. LEGISLATIVE HEARINGS

1. **RZ2021-001:** A request by Craig Chausse to rezone approximately 11.49 acres from Multiple-Family Residential/Mobile Home Subdivision/Military Noise Overlay (MF/MHS/MNO) to Light Industrial (LI) or other appropriate zone, for a triangular portion of Tract B, Lakeview Park Subdivision, located on the southeastern corner of Lakeview Park, Tract B, located east of the intersection of Van Horn Road and Easy Street, and south of the Old Richardson Highway.

Kristina Heredia presented the staff report. Based on the staff analysis, the Department of Community Planning recommended approval to the FNSB Assembly.

The commission questioned and discussed with staff the following:

- The buffer and use of the buffer by the utility company, and the potential loss of the buffer to residents.
- The public utility easement going through the buffer for approximately 200 feet.
- The entire length of the buffer is approximately 1400 feet long.
- Consideration that the 200 foot area of the buffer where the public utility easement is may not have as much vegetation as desired.
- Overall, the entire length of the buffer will provide adequate protection for residents.
- The buffer as a plat notation.
- The preliminary plat was approved by the Platting Board, with no zoning note on the plat.
- Typically, zoning notes are not placed on a plat, because the zoning can be changed, which would result in the plat note being incorrect.
- Special limitations of the rezone will be documented with the zoning.
- Possible utility structures within the buffer; poles, and small transformers, not anticipating large structure.
- Possible vegetation around any utility structure within the 30 foot buffer.
- Reasoning for choosing a 30-foot buffer within the range of 10 to 40 foot buffers based on research of past special limitations in regard to landscaping and buffers that have been approved by the FNSB Assembly.
- The 30 foot wide buffer proposed by the applicant was deemed sufficient by staff.
- Berm construction proposed by applicant, approximately 6 feet tall, which would be permitted in a special limitation zone.
- Benefits of a berm; opaque screening, berms fall under definitions in FNSBC under buffer landscape and sight obscuring screen, it raises height of vegetation thus shielding residents, & limitations of industrial traffic.

Applicant, Mr. Chausse questioned and discussed with the staff the following:

- If the berm would delay the rezone approval.
- It was stated by staff that berms are allowed within the special limitations.
- There are no timeframes to which the berm must be created, or that it must be created at all if the applicant chose to use a different option.

Applicant, Mr. Chausse presented his case for the rezone noting the following:

- The rezone is a great use of the undeveloped land.
- A major concern was protecting the residents, which is why he proposed the berm.
- He does not want industrial traffic entering the residential area, another reason for proposing the berm as well as the proposed 30-foot green barrier.

Chair Muehling opened the Public Hearing. There were no citizens to provide public testimony.

MOTION: I move to recommend to the FNSB Assembly rezoning the subject area (RZ2021-001) from Multiple-Family Residential/Mobile Home Subdivision/Military Noise Overlay (MF/MHS/MNO) to Light Industrial with Special Limitations/Military Noise Overlay (LI/SL/MNO) with the following two special limitations:

1. There shall be a "buffer landscape," as defined in Title 18, along the northeastern boundary of the rezoned area that is a minimum of 30 feet in width and shall consist of natural vegetation or a sight-obscuring screen, with the exception of the 20' public utility easement shown on the proposed preliminary plat, attached.

2. No structural development is allowed within the buffer landscape, except within the public utility easement, for the purpose of utilities and appurtenances made by **Commissioner Perreault** and seconded by **Commissioner Fletcher**.

Commissioner Perreault noted that his biggest concern was spot zones for single lots, or small groups of lots such as this, however, the area is located right next to an industrial area and with a buffer maintained it matches with the zoning plans for the area, and helps maintain the health, safety, and welfare of the resident.

Commissioner Muehling noted that the vegetative buffer and screening is a good idea to separate the mobile home park from light industrial. it is a mixed zone area, and light industrial is appropriate. It is large enough to not be a spot zone. He intends to support the motion.

ROLL CALL

Eight in Favor: Kenna, Koester, Fletcher, Guinn, McComas-Roe, Perreault, Sims, Muehling.

Zero Opposed:

RECOMMENDED FOR APPROVAL

Special Limitations for Approval

1. There shall be a "buffer landscape," as defined in Title 18, along the northeastern boundary of the rezoned area that is a minimum of 30 feet in width and shall consist of natural vegetation or a sight-obscuring screen, with the exception of the 20' public utility easement shown on the proposed preliminary plat, attached.

2. No structural development is allowed within the buffer landscape, except within the public utility easement, for the purpose of utilities and appurtenances.

Findings of Fact for Approval

1. The FNSB Regional Comprehensive Plan designates the rezone area as 'Light Industrial Area'. Light Industrial Area is area with "*activities such as manufacturing, storage, wholesaling, repair maintenance and relate office functions which to not handle explosives or other hazardous materials, or emit noise, air, chemicals, or other pollutants detrimental to surrounding land uses*".

2. The current MF zoning is less consistent with the Comprehensive Plan 'Light Industrial Area' designation because the MF zone does not allow any industrial uses.

3. The LI zone would better implement the 'Light Industrial Area' land use designation because the LI zone allows for industrial uses, such as those already present in the surrounding area.

4. The rezone, with special limitations, conforms to the following FNSB Regional Comprehensive Plan goals:
   a. Land Use Goal 4, Strategy 10, Action B which is intended to "develop a pattern of compatible land uses and either separate, transition or buffer incompatible land uses".

   b. Land Use Goal 3, Strategy 8, Action A which is intended to "*provide for industrial land uses*" while "*protecting[ing] and preserv[ing] the integrity of industrially classified areas.*"
   c. Keeping the Military Noise Overlay (MNO) zone is consistent with the comprehensive plan action of identifying "noise sensitive area(s)".

5. The rezone, with special limitations, conforms to the public health, safety and welfare because:
   a. The proposed LI zone will better implement the 'Light Industrial Area' Comprehensive Plan land use designation, as the surrounding area is already

developed industrially, and the applicant is proposing additional industrial development.

b. The proposed special limitations will minimize the potential for land use incompatibility with the adjacent LI zone by providing a 30' wide buffer landscaping.

c. The rezone would not make any existing lots nonconforming within the rezone area, as there are no existing structures or uses within the rezone area.

d. The newly developed property should not create a burden to Easy Street, as the existing industrial uses to the west already generates traffic flow, and Easy Street has the capability to handle an increase of traffic.

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

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

   b. The use of special limitations to create a buffer is clearly consistent with the Comprehensive Plan because it "separate[s] commercial and industrial uses from residential or incompatible land uses by methods such as screening, [or] buffering..." and the 30' wide vegetative buffer is a type of "Buffer."

   c. The implementation of the Comprehensive Plan is a benefit to the community by providing for a variety of land uses.

   d. The proposed rezone area is 11.49 acres, which is larger than established spot zone thresholds.

STAFF REPORT

RZ2021-001

FNSB Dept. Of Community Planning

Printed on: Sep 11, 2020

Planning Commission

RZ 2021-001

FAIRBANKS NORTH STAR BOROUGH Department of Community Planning
907 Terminal Street ☆ P.O. Box 71267☆ Fairbanks, Alaska 99707-1267 (907) 459-1260 ☆ FAX (907) 205-5169

STAFF REPORT

To: Fairbanks North Star Borough Planning Commission

Through: Kellen D. Spillman, Deputy Director
Department of Community Planning KDS

From: Kristina Heredia, Planner III KMH

Date: September 22, 2020

Subject: **RZ2021-001:** A request by Craig Chausse to rezone approximately 11.49 acres from Multiple-Family Residential/Mobile Home Subdivision/Military Noise Overlay (MF/MHS/MNO) to Light Industrial (LI) or other appropriate zone, for a triangular portion of Tract B, Lakeview Park Subdivision, located on the southeastern corner of Lakeview Park, Tract B (located east of the intersection of Van Horn Road and Easy Street, and south of the Old Richardson Highway).

I. EXECUTIVE SUMMARY

This owner-initiated application is to rezone an 11.49-acre portion of Tract B, in the Lakeview Park Subdivision. The property is located just south of the City of Fairbanks and is identified as the green rectangle in **Figure 1**. The current primary zoning designation is Multiple-Family Residential (MF) and the location of the Lakeview Terrace Mobile Home Park. There is a Mobile Home Subdivision (MHS) overlay designation on the entire property. The applicant is proposing to rezone a portion of Tract B to Light Industrial (LI). The parcel is also zoned Military Noise Overlay, and that overlay should continue to include this property.

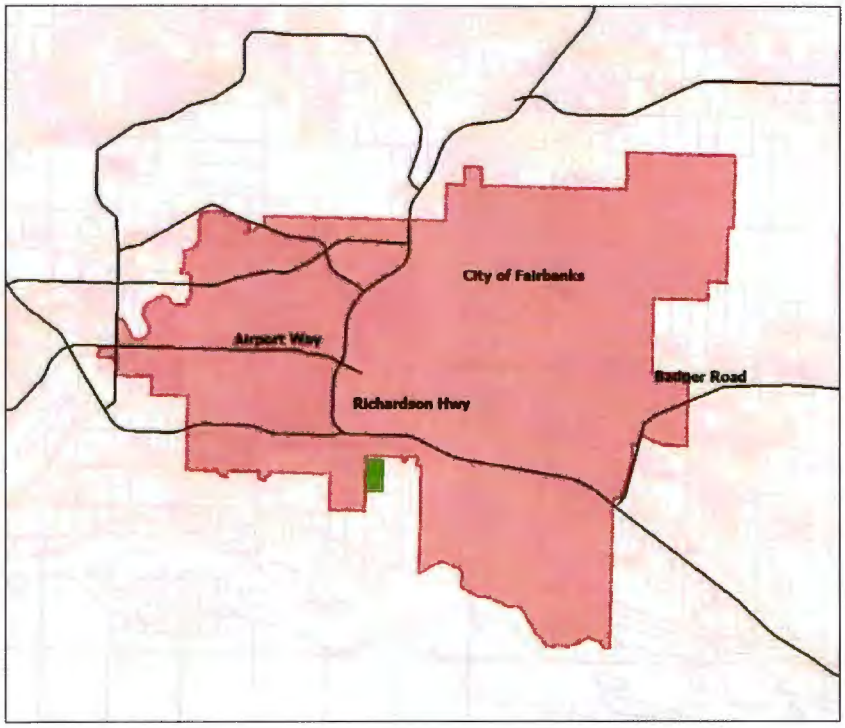


Figure 1: Location Map

The applicant is proposing to rezone a vacant triangle portion of land situated on the southwest corner of Tract B (please see **Figure 2** & **Attachment 1: Aerial Map**), and the applicant is

Figure 2: Triangle Portion of Tract B to be rezoned

proposing to separate this 11.49 acre vacant parcel out of the mobile home subdivision and further subdivide the proposed rezone area into 7 lots in a separate, concurrent subdivision request (see **Attachment 2: Proposed Preliminary Plat**). The replat will go before the Platting Board on September 16, 2020 for preliminary approval. The applicant has stated in his narrative that he wishes to utilize the vacant land for "warehouse use," and a rezone to Light Industrial would permit warehouse land uses. The Comprehensive Land Use Designation for the proposed rezone is Light Industrial, and rezoning this property into a zoning designation that facilitates industrial development will assist with future growth of the area; and further implement the Comprehensive Plan. However, it is not considered a good planning practice to place industrial zones and residential zones directly adjacent to each other. Providing for a buffer would protect the existing residential land uses that are part of the currently existing Tract B, and could mitigate potential land use conflicts such as noise, light and air pollution from the nearby industrial uses. Currently a vegetative buffer is provided by the entire vacant section of Tract B to be rezoned, and the applicant has proposed to keep a "30' wide greenway" on the eastern boundary of the rezoned area. Staff is proposing that this 30 feet wide strip, with the exception of a proposed public utility easement, be kept in perpetuity as a vegetative buffer for the adjoining residential development by imposing a special limitation on the Light Industrial zoning designation. This will provide screening and protection for the existing residences of Lakeview Terrace, while still affording the property owner the right to develop his property.

Community Planning Staff is recommending that the Planning Commission recommend approval to the Assembly, rezoning the subject area to Light Industrial (LI), with a Military Noise Overlay and two special limitations requiring a "buffer landscape" on the eastern boundary of the rezone proposal.

II. GENERAL INFORMATION

Property Information	
Sponsor	Applicant initiated – (Assembly sponsored rezone)
Property owner	Lakeview Enterprises, INC
PAN	686342
Lot size	11.49 acres to be rezoned (73.35 total acres)
Existing zoning	Multiple-Family Residential/Mobile Home Subdivision/Military Noise Overlay (MF/MHS/MNO)
Existing land use	Vacant land

Proposed zoning	Light Industrial (LI)
Comprehensive plan	Light Industrial Area
Flood zone	X: Protected by Levee (Source: March 17, 2014 dFIRM)
Code violations	None on file

Adjacent Zoning/Land Use	
North	GC/MNO – Fairbanks Office Building
South	GU-1/MNO – Fairbanks Waste Facility
East	MF/MHS/MNO – Lakeview Mobile Home Park
West	GU-1/MNO– Van Horn Industrial Park

Public Services	
Water and sewage	Golden Heart Utilities
Electricity	GVEA
Police	Alaska State Troopers
Fire	N/A

Transportation	
Access roads	Easy Street
Road types	Minor Collector
Maintenance authority	State of Alaska
AADT[1]	2200 vehicle trips per day

Zoning History	
Pre-Borough	No zoning
March 28, 1968	Property was zoned to Unrestricted Use (UU) by Ord. 67-34
October 14, 1976	Rezone from UU to Multiple Residential II by Ord. 76-44
April 25, 1988	Rezone from Multiple Residential II to Multiple-Family Residential/Mobile Home Subdivision Overlay (MF/MHS) by Ord. 88-10
December 10, 2015	Military Noise Overlay (MNO) Designation Added

Existing MF Zoning Standards[2]	
Permitted uses	Single-Family Residences, Two-Family Residences & Multiple-Family Residences, as well as bed and breakfast, church buildings, home occupations, urban livestock, market gardens and playgrounds
Conditional uses	Communication towers, daycare facilities and parking lots as principle uses, group homes, mobile home parks, museums
Minimum lot size	Dependent on use, minimum of 5,000 sq. ft.

[1] Average Annual Daily Traffic, from AKDOT&PF's website, http://www.dot.state.ak.us/
[2] FSNBC Title 18, Section 18.52

Setback requirement	20 feet from front-lot lines, 10 feet from side-lot lines, 10 feet from rear-lot lines
Building height	Unlimited

Proposed LI Zoning Standards[3]	
Permitted uses	Uses permitted in the Light Commercial, General Commercial or CBD, except residential uses not associated with an onsite business. Also permitted are uses "whose primary purpose is concerned with the light manufacturing, fabricating assembly, disassembly, processing or treatment of goods and products", warehouse,
Conditional uses	Airports, large scale developments, certain marijuana uses, natural resources extraction, railroad yard or roundhouse
Minimum lot size	No minimum
Setback requirement	20 feet from front-lot lines, no side or rear yard setbacks unless abutting a residential zone, then 15 feet
Building height	Unlimited

Proposed/Existing MNO Zoning Standards[4]	
Purpose	To encourage land uses compatible with the military mission in the area within the composite noise contours surrounding Fort Wainwright and the 65 dB noise contours surrounding Eielson Air Force Base
Regulations	No regulations included nor intended to be included

Agency Comments[5]	
ADOT & PF	No direct access onto Easy Street from Lot 1
State Fire Marshall	Before construction, owners need to submit a plan review
FNSB Addressing	Addresses will be needed for new lots as development proceeds
ADEC	No comment received

Hearing and Recommendation by the Planning Commission, FNSBC 18.104.020(C)	
Conforms to the comprehensive plan	✓
Conforms to the public health, safety and welfare	✓

III. STAFF ANALYSIS

Zoning:

Tract B is currently zoned Multiple-Family Residential/Mobile Home Subdivision/Military Noise Overlay (MF/MHS/MNO) and is the home of the Lakeview Terrace mobile home park (See **Attachment 3: Zoning Maps**). The earliest aerial photograph the Borough has showing

[3] FSNBC Title 18, Section 18.72
[4] FSNBC Title 18, Section 18.92.130
[5] See Attachment 8 for full Agency Comments

Lakeview Terrace is from 1978 (See **Figure 3** on the following page). The property was zoned Multiple Residential II by Ord. 76-44 in 1976, so the park may have been in existence prior to the 1978 aerial. The area of the proposed rezoning (southeastern triangle) from MF to Light Industrial (LI) is vacant in this aerial, and it appears to never have been developed, as it is currently still vacant and heavy with vegetation. As the surrounding area has developed with several industrial uses, the mobile home park has continued to be zoned and used residentially. Currently, the mobile home subdivision is bordered to the east by an operational gravel pit and to the west by an internal private street named Lakeview Terrace, the vacant portion to be rezoned and Easy Street. To the west, across Easy Street, is the FNSB Landfill. Developing this vacant portion of Tract B industrially may have a negative effect on the Lakeview Terrace residences, as the buffer this vacant section creates will cease to exist if provisions are not made. The applicant has proposed to create a "30' wide greenway" on the eastern boundary of the rezone area, and staff is in support of this, as it will continue to provide a buffer between the residentially developed MF and the proposed LI zoning district. Special Limitations to this effect would help guarantee the longevity of the "greenway"/vegetative buffer which will protect the nearby residences. It is the professional opinion of Community Planning Staff that a 30' wide vegetative buffer is of sufficient depth to continue to provide screening for the current residents. Rezoning with special limitations will allow industrial development while also protecting and screening the existing residences from potential negative impacts. The 30' wide vegetative buffer is consistent with past rezones with special limitations, which have varied between 10' and 40'.

Figure 3: 1978 Aerial of Tract B

A proposed replat for this property will be heard by the Platting Board on September 16, 2020. In addition to dividing this portion of Tract B into seven lots ranging in size from 1.4 to 7.4 acres, the proposed preliminary plat has a 20' wide PUE that runs along a portion of the eastern border of the rezone area and would be in the same location as part of the 30' wide vegetative buffer that the applicant has proposed. This PUE is approximately 200' in length (see **Figure 4**), cutting through the eastern side of the rezone "triangle," that is itself approximately 1,400 feet in

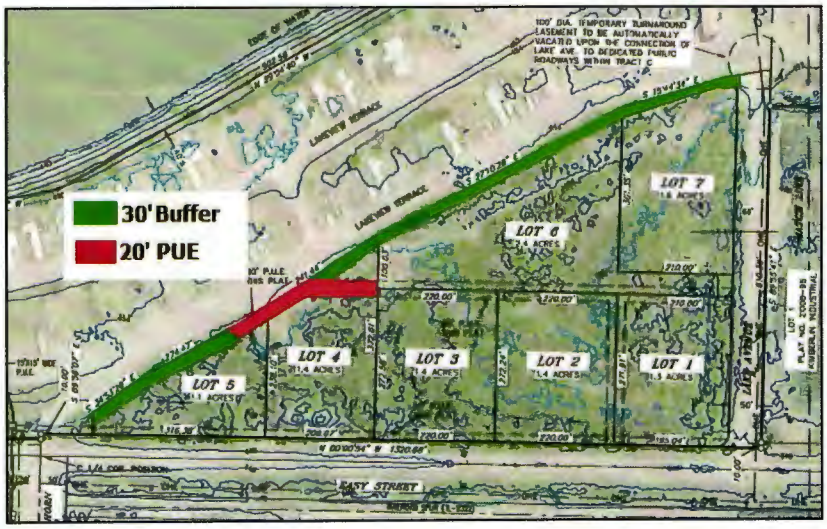


Figure 4: 30' Buffer & 20' PUE (Figure oriented to the East)

length, and is fully adjacent to the interior private street, Lakeview Terrace. Staff is proposing that SLs be added to the LI rezone, instead of rezoning this buffer to Open Space Buffer (OSB), as was done in previous rezones. The reasoning behind this decision is because the OSB zone does not allow for clearing or maintenance of land without also imposing a conditional use permit (CUP) on the property. Since the PUE requires limited access to the property for the purpose of maintaining and servicing utilities, it is more effective and favorable to restrict use of that buffer via a special limitation rather than impose an OSB that is not compatible with the PUE.

Staff is proposing the following Special Limitations:

1. There shall be a "buffer landscape," as defined in Title 18, along the northeastern boundary of the rezoned area that is a minimum of 30 feet in width and shall consist of natural vegetation or a sight-obscuring screen, with the exception of the 20' public utility easement shown on the proposed preliminary plat, attached.

2. No structural development is allowed within the buffer landscape, except within the public utility easement, for the purpose of utilities and appurtenances.

Lastly, though the applicant did not propose it, Staff proposes including the Military Noise Overlay (MNO) zone to the proposed Light Industrial/Special Limitations rezone, as it is already present and serves as an advisory overlay with no additional regulations. This rezone request is still within the area affected by military noise, identified by Ordinance 2015-049.

Comprehensive Plan:

The portion of Tract B to be rezoned has a Comprehensive Plan Designation of "Light Industrial Area" (See **Attachment 4: Comprehensive Plan Map**). Light Industrial Area is identified as having "*activities such as manufacturing, storage, wholesaling, repair maintenance and relate office functions which to not handle explosives or other hazardous materials, or emit noise, air, chemicals, or other pollutants detrimental to surrounding land uses.*" While the designation of Light Industrial is designed to not have "*pollutants detrimental to surrounding land uses,"* development patterns do not always align with the Comprehensive Plan Overlay. For example, directly to the west across Easy Street is the FNSB Landfill. Easy Street and the vegetative triangle proposed to be rezoned are the only things separating the existing residential subdivision from the landfill. The Borough recognizes that minimizing land use conflicts is of upmost importance, as defined in Land Use Goal 4, "To enhance development opportunities while minimizing land use conflicts". This can be obtained by actively "separate[ing], transition[ing] or buffer[ing] incompatible land uses"[6]. The requested 30-foot wide greenway for the eastern part of the rezone is the embodiment of this Goal, and will provide protection from the landfill to the existing residences. Lastly, the Comprehensive Plan calls to "*provide for industrial land uses"* while *"protecting[ing] and preserv[ing] the integrity of industrially classified areas."*[7] This can be achieved by rezoning "*industrial-designated areas with appropriate industrial zoning.*[8]" Rezoning this portion of Tract B from MF to LI, and

[6] FNSB Regional Comprehensive Plan, Land Use Goal 4, Strategy 10, Action B
[7] FNSB Regional Comprehensive Plan, Land Use Goal 3, Strategy 8, Action A
[8] FNSB Regional Comprehensive Plan, Land Use Goal 3, Strategy 8, Action A

imposing special limitations that restrict development on the eastern 30′ wide vegetative buffer, is in-line with both the Comprehensive Plan Land Use Designation, and also with the Land Use Goals within the Plan.

Keeping the Military Noise Overlay (MNO) zone is consistent with the comprehensive plan action of identifying "noise sensitive area(s)".[9]

Land Development Suitability:

The FNSB prepared a land development suitability report in 2013 to help gauge the physical suitability of land within the FNSB. The goal of this document is to help planners and residents understand the characteristics that may make property more or less physically suitable for varying degrees of development. The analysis considers factors such as slopes, solar aspect, natural hazards, natural features, and soil conditions. The report ranks land on a scale from "Least Capable" to "Most Capable" (See **Attachment 5: Land Suitability Map**).

Generally, Tract B is identified on the Land Suitability Map as being "Most Capable" for development. While the Land Suitability Map/tool was not intended to be used as this small of a scale, this favorable designation means that this undeveloped section of Tract B can withstand the development process and would be a prime location for industrial development.

IV. TRAFFIC AND TRIP GENERATION[10]

Easy Street, directly west of where the subject property is located, is a minor collector under the jurisdiction of the State of Alaska. The road is paved and handles approximately 2,200 cars per day. Easy Street routinely withstands the stresses put on it from industrial traffic from the Van Horn Industrial area immediately to the west of this road.

The rezone to Light Industrial poses no concerns for the impact to Easy Street or the transportation system within the area. There is plenty of capacity on the roadway and its surface and substructure are adequate to service the traffic that this rezone will generate.

Furthermore, the property owner has submitted a master plan as part of the subdivision process going before the Platting Board on September 16, 2020. As part of this master plan, the applicant is proposing to eventually dedicate the internal street (Lakeview Terrace) directly adjacent to the eastern boundary of the rezone area. If this street is dedicated and becomes a public right of way, it will further act as a buffer to the residential lots within the Lakeview Terrace Mobile Home Park.

V. NONCONFORMING LOTS, STRUCTURES AND USES

The proposed rezone would not make any existing lots nonconforming within the rezone area, as there do not appear to be existing structures or uses within the rezone area.

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[9] FNSB Regional Comprehensive Plan, Land Use Goal 4, Strategy 10, Action A

[10] This section of this staff report includes commentary by Don Galligan, FNSB Transportation Planner

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

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

Major land use goals within the comprehensive plan express the importance of developing "pattern(s) of compatible land uses" and also separating incompatible land uses with buffers. The proposed rezone is designated as Light Industrial Area, and the applicant is proposing a rezone to Light Industrial (LI), which conforms to the Comprehensive Plan. Staff is proposing special limitations on the eastern boundary of the rezone that would create and protect a 30' wide vegetative buffer on the eastern boundary of the rezone to buffer the newly created industrially zoned, and Comprehensive Plan designated, section of Tract B.

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

By imposing special limitations on the eastern 30 feet of the proposed rezone, the surrounding residential homes are protected with a natural vegetative buffer. This will mitigate any potential noise, air and other pollutants from the current and proposed industrial uses to the west.

VII. SPOT ZONE ANALYSIS

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

1. The consistency of the amendment with the comprehensive plan;

The LI zoning district is in alignment with the 'Light Industrial Area' designation as it is designed for industrial uses, which is how the nearby properties are developed, and what the applicant is proposing to develop. Additionally, the use of special limitations is clearly consistent with the Comprehensive Plan because it "separate[s] commercial and industrial uses from residential or incompatible land uses by methods such as screening, [or] buffering..." Special limitations would impose a "buffer,"[11] [12] protect the residents, and still allow for the maintenance of utilities within the PUE.

[11] FNSB Regional Comprehensive Plan, Land Use Goal 4, Strategy 10, Action B
[12] FNSBC 18.24

2. ***The benefits and detriments of the amendment to the owners, adjacent landowners, and community; and***

This rezone will allow for the development of vacant land that is being underutilized and will protect adjacent landowners with a vegetative buffer. The rezone proposal recommended by Staff is consistent with and further implements the FNSB Regional Comprehensive Plan, thus a community benefit.

3. ***The size of the area rezoned***

While case law does not give an exact size for making a spot zone determination, it does provide guidance that parcels less than 3 acres are almost always a spot zone and parcels over 13 acres are almost always found not to be a spot zone. This rezone proposal recommended by Staff is for an 11.19 acre portion of a parcel, and clearly consistent with the FNSB Regional Comprehensive Plan.

VIII. PUBLIC NOTICE

The Department of Community Planning mailed 111 Dear Property Owner (DPO) notices on August 28, 2020, and as of publishing this report has received zero responses. The Applicant posted a public hearing notice sign on July 20, 2020. This sign meets the 'notice by applicant' requirements.

IX. AGENCY COMMENTS

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

a. State Fire Marshal
b. FAST Planning
c. Alaska State Troopers
d. Alaska Department of Transportation and Public Facilities (ADOT&PF)
e. Golden Valley Electric Association (GVEA)
f. Alaska Department of Environmental Conservation (ADEC)
g. Golden Heart Utilities

X. SITE VISIT

A site visit was conducted on September 3, 2020, and photos from the site visit are included in **Attachment 7**.

XI. RECOMMENDATION

Based on the staff analysis above, the Department of Community Planning recommends rezoning the subject area to Light Industrial, with a Military Noise Overlay, and two special

limitations. For a complete legal description of the proposed area to be rezoned, see **Attachment 8**.

XII. SPECIAL LIMITATIONS

The special limitations recommended by staff:

1. There shall be a "buffer landscape," as defined in Title 18, along the northeastern boundary of the rezoned area that is a minimum of 30 feet in width and shall consist of natural vegetation or a "sight-obscuring screen", with the exception of the 20' public utility easement shown on the proposed preliminary plat, attached.

2. No structural development is allowed within the buffer landscape, except within the public utility easement, for the purpose of utilities and appurtenances.

XIII. FINDINGS OF FACT

The Department of Community Planning further recommends adoption of the staff report and following six (6) Findings of Fact in support of **APPROVAL** of the rezone.

1. The FNSB Regional Comprehensive Plan designates the rezone area as 'Light Industrial Area'. Light Industrial Area is area with "*activities such as manufacturing, storage, wholesaling, repair maintenance and relate office functions which to not handle explosives or other hazardous materials, or emit noise, air, chemicals, or other pollutants detrimental to surrounding land uses*".

2. The current MF zoning is less consistent with the Comprehensive Plan 'Light Industrial Area' designation because the MF zone does not allow any industrial uses.

3. The LI zone would better implement the 'Light Industrial Area' land use designation because the LI zone allows for industrial uses, such as those already present in the surrounding area.

4. The rezone, with special limitations, conforms to the following FNSB Regional Comprehensive Plan goals:

    a. Land Use Goal 4, Strategy 10, Action B which is intended to "develop a pattern of compatible land uses and either separate, transition or buffer incompatible land uses".

    b. Land Use Goal 3, Strategy 8, Action A which is intended to "*provide for industrial land uses*" while "*protecting[ing] and preserv[ing] the integrity of industrially classified areas.*"

    c. Keeping the Military Noise Overlay (MNO) zone is consistent with the comprehensive plan action of identifying "noise sensitive area(s)".

5. The rezone, with special limitations, conforms to the public health, safety and welfare because:

    a. The proposed LI zone will better implement the 'Light Industrial Area' Comprehensive Plan land use designation, as the surrounding area is already developed industrially, and the applicant is proposing additional industrial development.

    b. The proposed special limitations will minimize the potential for land use incompatibility with the adjacent LI zone by providing a 30' wide buffer landscaping.

    c. The rezone would not make any existing lots nonconforming within the rezone area, as there are no existing structures or uses within the rezone area.

    d. The newly developed property should not create a burden to Easy Street, as the existing industrial uses to the west already generates traffic flow, and Easy Street has the capability to handle an increase of traffic.

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

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

    b. The use of special limitations to create a buffer is clearly consistent with the Comprehensive Plan because it "separate[s] commercial and industrial uses from residential or incompatible land uses by methods such as screening, [or] buffering…" and the 30' wide vegetative buffer is a type of "Buffer."

    c. The implementation of the Comprehensive Plan is a benefit to the community by providing for a variety of land uses.

    d. The proposed rezone area is 11.49 acres, which is larger than established spot zone thresholds.

DRAFT PLANNING COMMISSION MOTION:

I move to recommend to the FNSB Assembly rezoning the subject area (RZ2021-001) from Multiple-Family Residential/Mobile Home Subdivision/Military Noise Overlay (MF/MHS/MNO) to Light Industrial with Special Limitations/Military Noise Overlay (LI/SL/MNO) with the following two special limitations:

1. **There shall be a "buffer landscape," as defined in Title 18, along the northeastern boundary of the rezoned area that is a minimum of 30 feet in width and shall consist of natural vegetation or a sight-obscuring screen,**

with the exception of the 20' public utility easement shown on the proposed preliminary plat, attached.

2. **No structural development is allowed within the buffer landscape, except within the public utility easement, for the purpose of utilities and appurtenances.**

Attachment 1: Aerial Map
Attachment 2: Proposed Preliminary Plat
Attachment 3: Zoning Maps
Attachment 4: Comprehensive Plan Map
Attachment 5: Land Suitability Map
Attachment 6: Agency Comments
Attachment 7: Site Visit Photos
Attachment 8: Application with narrative

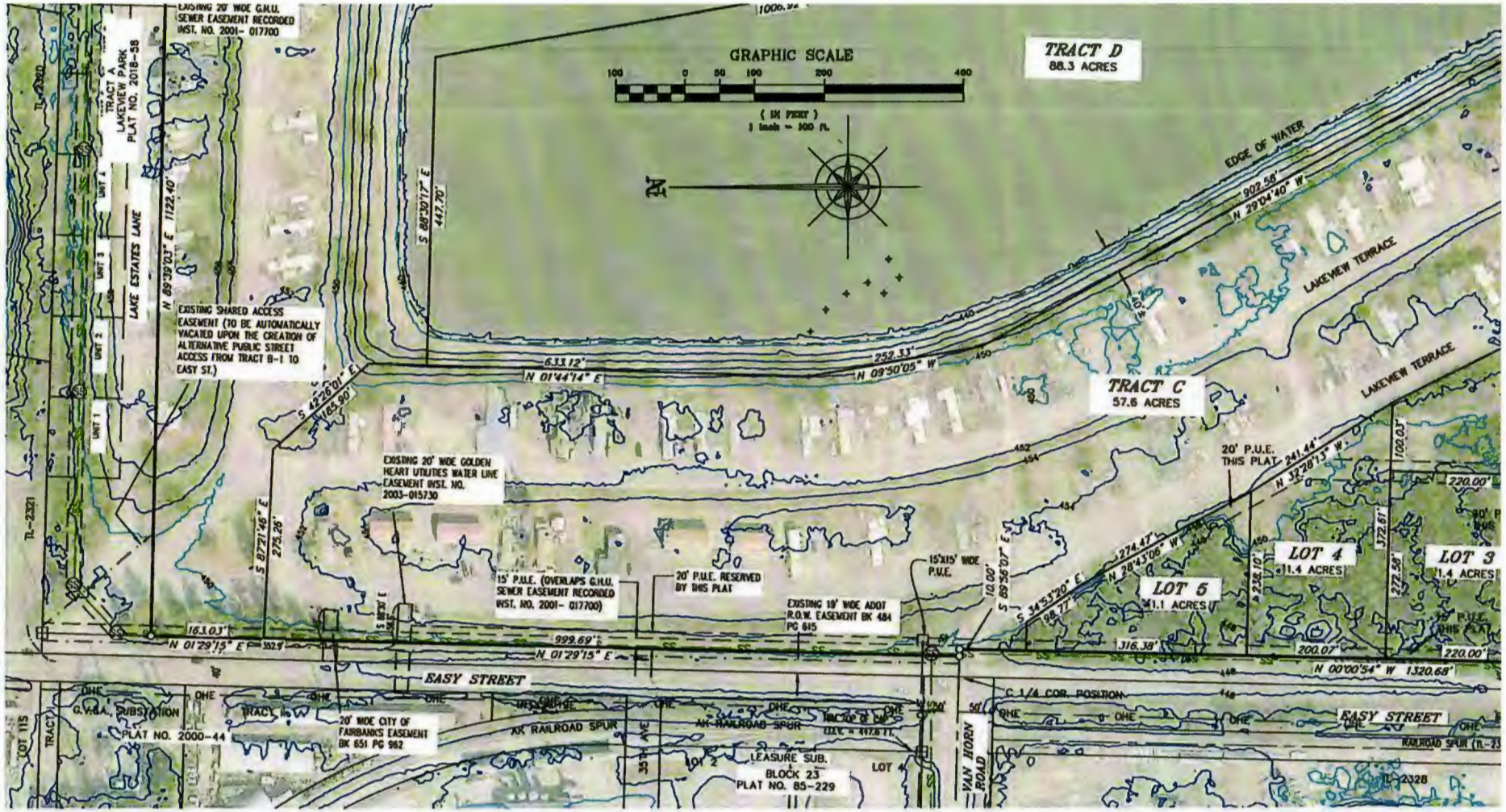
Fairbanks North Star Borough

Aerial (2020)

PAN# 0686342

Printed on: 08/31/2020

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.



LEGEND

- B.L.M. OR G.L.O. MONUMENT, RECOVERED THIS SURVEY
- 3" DIA. ALUMINUM CAP MONUMENT WITH MAGNETS, RECOVERED (703-S UNLESS NOTED OTHERWISE)
- BRASS CAP MONUMENT STAMPED 1406-S, RECOVERED
- 3 1/4" ALUMINUM CAP MONUMENT, CAP ILLEGIBLE, RECOVERED
- 5/8" REBAR AND 1 1/2" ALUMINUM SURVEY CAP, RECOVERED THIS SURVEY. (7621-S UNLESS NOTED OTHERWISE)
- (XXX.XX) RECORD INFORMATION

NOTES

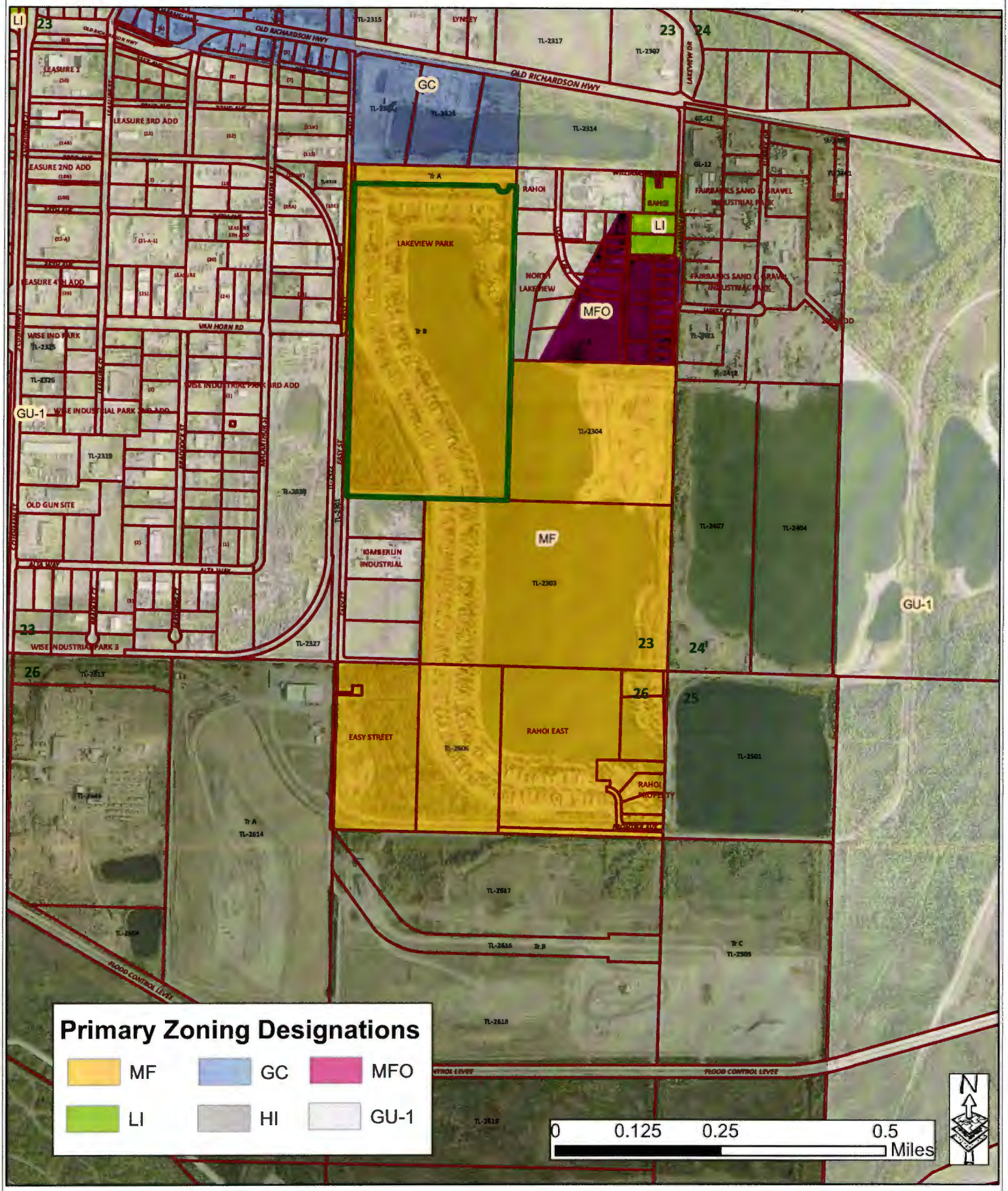
1. There will be a 35' radius easement at each pole location for guys, anchors, and other supportive structures.
2. A 15' wide strip of land as determined necessary by the utility companies is granted for the installation, maintenance, repair, or
3. The utility companies shall have the right to identify and then remove any dead, weak, overhanging or otherwise dangerous trees easement.
4. An easement is hereby dedicated within all lots for secondary aerial crossings as determined necessary by the utility companies.
5. These properties are served by community sewer and water.
6. This property is located within Flood Zone "X", Flood Zone "AE" and Flood Zone "AH" per Federal Emergency Management Agency 02090C4379J, 02090C4383J, 02090C4387J AND 02090C4391J, dated March 17, 2014. The Base Flood Elevations in this area are
7. Portions of this subdivision have been determined to be located, in whole or in part, within Flood Zone "A", a flood hazard area Emergency Management Agency. All development shall be required to comply with Federal Regulations and Title 15 of the Borou substantial improvement to a structure in the flood hazard zone (Flood Zone "A") requires a flood plain permit from the Fairban
8. This area is overlain by Salchaket and Tanana soils per USDA Soil survey Series 1959, No. 25, Fairbanks Area, Alaska.
9. The purpose of this plat is to create 11 lots from 1.
10. Any new driveway or modification of an existing driveway onto Easy Street shall require a permit from the State of Alaska Depar construction, any modification to the existing driveways will require an ADOT&PF permit.
11. Except for driveway construction, the road right-of-way adjacent to the Lake Avenue road prism is reserved for drainage purpos area's capacity for the detention of storm water is prohibited. Lake Drive is already constructed and in use. The minimal upgr surfacing will not impact or change the drainage to adjacent land.
12. This property is relatively flat. Drainage trends to Lake Rohol.

Fairbanks North Star Borough

Zoning Map (Primary)

PAN# 0686342

Printed on: 08/31/2020



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.

Fairbanks North Star Borough

Zoning Map (Overlay)

PAN# 0686342

Printed on: 08/31/2020

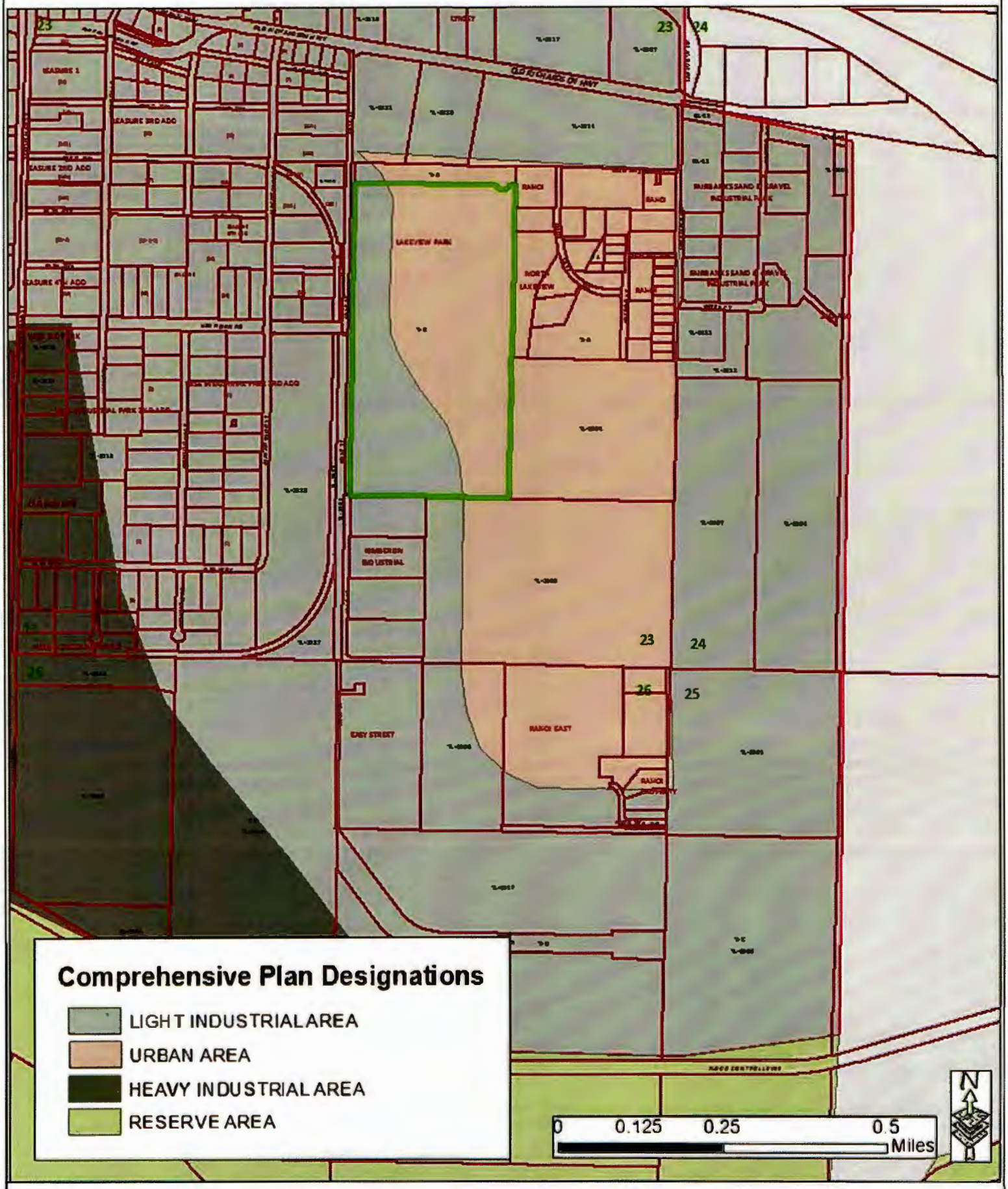
The Fairbanks North Star Borough does not warrant the accuracy of maps or data provided, nor their suitability for any particular application. There may be errors in the data.

Fairbanks North Star Borough

Comprehensive Plan Map

PAN# 0686342

Printed on: 08/31/2020



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.

Fairbanks North Star Borough

Land Suitability

PAN# 0686342

Printed on: 08/31/2020

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.

Case No. RZ2021-001

State Fire Marshall

- David Tyler, Alaska State Fire Marshal/Director
  David.tyler@alaska.gov
- David Aden, Building Plans Examiner 1
  David.aden@alaska.gov
- Jillian Roberts, Deputy Fire Marshal
  jillian.roberts@alaska.gov
- Lloyd Nakano, Assistant State Fire Marshal
  lloyd.nakano@alaska.gov

State Troopers

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

FAST Planning

- Jackson Fox, Executive Director
  jackson.fox@fastplanning.us

FNSB Departments

- Bill Witte, FNSB E-911 Addressing
  BWitte@fnsb.us
- David Bredlie, Chief Civil Engineer, Public Works
  dbredlie@fnsb.us
- Don Galligan, Transportation Planner
  Donald.galligan@fnsb.us

Alaska Department of Transportation (ADOT)

- Randi Bailey, Transportation Planner
  randi.bailey@alaska.gov
- Pete Eagan, Right-Of-Way Agent IV
  pete.eagan@alaska.gov

Alaska Department of Environmental Conservation (ADEC)

- Tonya Bear, Division of Water, Wastewater Discharge
  Tonya.bear@alaska.gov
- Doug Buteyn, ADEC Solid Waste Program
  Doug.buteyn@alaska.gov

GVEA

- Julie Karl, Land Management Supervisor
  JLKarl@gvea.com

- Richard Possenti, Lead
  Construction Field Representative
  RJPossenti@gvea.com

Golden Heart Utilities

- General Information
  usainfo@akwater.com

- Marc Harmon, Environmental
  Compliance Manager
  marc@akwater.com

Agency Contact
State Fire Marshall

From: Nakano, Lloyd M (DPS)
To: Kristina Heredia
Cc: Fisher, Timothy W (DPS); Aden, David G (DPS)
Subject: RE: Requesting Comments for a Rezone, RZ2021-001: MF to LI
Date: Tuesday, September 1, 2020 7:33:11 AM

Ma'am,
Please ensure owners contact the Plan Review Bureau and submit a plan review in accordance with 13 Alaska Administrative Code 50.027.

13 AAC 50.027. Non-structural plan review and approval; stop work orders
(a) Before beginning the construction, alteration, repair, or changing the occupancy of a building, a substantial land structure, or structure regulated by the state division of fire and life safety, plans and specifications regarding that building's or structure's location on the property, area, height, number of stories, occupancy, type of construction, fire-resistive construction, interior finish, exit facilities, electrical systems, mechanical systems, flammable or combustible liquid and gas storage tanks and their appurtenances, automatic fire-extinguishing systems, and fire alarm systems must be submitted by the owner or the owner's representative to the state division of fire and life safety for examination and approval. This review does not address structural considerations or mechanical or electrical review beyond that necessary to confirm compliance with fire or life safety requirements. A copy of the approval must be posted as required in 13 AAC 55.100.

Please contact the Plan Review Bureau at (907) 269-2004.

Thank you.

v/r
Lloyd M Nakano
Assistant State Fire Marshal
Office of the Alaska State Fire Marshal
5700 E. Tudor Road
Anchorage, AK 99507
Phone: 907-269-5491

From: Kristina Heredia [mailto:Kristina.Heredia@fnsb.us]
Sent: Monday, August 31, 2020 8:06 PM
To: david.tyler@alaska.gov; Aden, David G (DPS) <david.aden@alaska.gov>; jillian.roberts@alaska.gov; Nakano, Lloyd M (DPS) <lloyd.nakano@alaska.gov>; AST Directors Office, DPS (DPS sponsored) <DPS.AST.DIRECTORS.OFFICE@alaska.gov>; Jackson Fox <jackson.fox@fastplanning.us>; Bill Witte <bill.witte@fnsb.us>; David Bredlie <david.bredlie@fnsb.us>; Donald Galligan <Donald.Galligan@fnsb.us>; Bailey, Randi L (DOT) <randi.bailey@alaska.gov>; Eagan, Pete (DOT) <pete.eagan@alaska.gov>; Bear, Tonya (DEC) <tonya.bear@alaska.gov>; Buteyn, Douglas J (DEC) <doug.buteyn@alaska.gov>; JLKarl@gvea.com; Richard J. Possenti <RJPossenti@gvea.com>; usainfo@akwater.com; marc@akwater.com
Subject: Requesting Comments for a Rezone, RZ2021-001: MF to LI

Dear Sir/Ma'am

The Fairbanks North Star Borough Planning Commission is considering **RZ2021-001**, a request by Craig Chausse to rezone approximately 11.49 acres from Multiple-Family Residential/Mobile Home Subdivision/Military Noise Overlay (MF/MHS/MNO) to Light Industrial (LI) or other appropriate zone, for a triangular portion of Tract B, Lakeview Park Subdivision, located on the southeastern corner of Lakeview Park, Tract B (located east of the intersection of Van Horn Road and Easy Street, and south of the Old Richardson Highway).

This case is scheduled for the Planning Commission meeting on September 22, 2020.

I have attached the application with this email. The department requests you to send us your comments for this proposal by **September 4, 2020**. I apologize for the request for a prompt reply.

For more information about this case, please email Kristina.Heredia@fnsb.us or contact Kristina Heredia at (907) 459-1262. The staff report to the commission will be available online at www.fnsb.us/Boards/Pages/Planning-Commission.aspx at least five days before the hearing. Let me know if you have any questions for me.

Very truly yours,

Kristina Heredia
Planner III
kristina.heredia@fnsb.us
(907) 459-1262

Agency Contact
FNSB Addressing

From:	Bill Witte
To:	Kristina Heredia
Cc:	Address
Subject:	RE: Requesting Comments for a Rezone, RZ2021-001: MF to LI
Date:	Wednesday, September 2, 2020 8:49:23 AM

Hi Kristina-
It appears that this rezone will be followed by a subdivision request and that lots 1 – 7 do not exist yet. As development proceeds, new addresses will be needed for locations within the rezone (Title 21). The 50 ft wide Public Road noted on page 4 will need to be named (Title 17) – either as part of the platting action or separately.
Bill

From: Kristina Heredia <Kristina.Heredia@fnsb.us>
Sent: Monday, August 31, 2020 8:06 PM
To: david.tyler@alaska.gov; Aden, David G (DPS <david.aden@alaska.gov>; jillian.roberts@alaska.gov; Nakano, Lloyd M (DPS <lloyd.nakano@alaska.gov>; AST Directors Office, DPS (DPS sponsored <DPS.AST.DIRECTORS.OFFICE@alaska.gov>; Jackson Fox <jackson.fox@fastplanning.us>; Bill Witte <bill.witte@fnsb.us>; David Bredlie <david.bredlie@fnsb.us>; Donald Galligan <Donald.Galligan@fnsb.us>; Bailey, Randi L (DOT <randi.bailey@alaska.gov>; Eagan, Pete (DOT <pete.eagan@alaska.gov>; Bear, Tonya (DEC <tonya.bear@alaska.gov>; Buteyn, Douglas J (DEC <doug.buteyn@alaska.gov>; JLKarl@gvea.com; Richard J. Possenti <RJPossenti@gvea.com>; usainfo@akwater.com; marc@akwater.com
Subject: Requesting Comments for a Rezone, RZ2021-001: MF to LI

Dear Sir/Ma'am

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Very truly yours,

Kristina Heredia
Planner III
kristina.heredia@fnsb.us
(907) 459-1262

Agency Contact

ADOT&PF

THE STATE of ALASKA
GOVERNOR MIKE DUNLEAVY

Department of Transportation and Public Facilities

DIVISION OF PROGRAM DEVELOPMENT AND STATEWIDE PLANNING
Fairbanks Planning Office

2301 PEGER ROAD
FAIRBANKS, ALASKA 99709-5316
Main: 907-451-5151
Fax: 907-451-2313
www.dot.state.ak.us

Comm. Planning Dept
SEP 15 2020
RECEIVED

September 15, 2020

Kristina Heredia
Department of Community Planning
459-1262
kheredia@fnsb.us

Property Owner/Developer: Lakeview Enterprises Inc

Type of Request: Rezone 2021-001

Property Location: Tract B Lakeview Park, 10.8 acres, PAN 686342.

ADOT&PF has reviewed the above request and has the following comment:

- Please add note prohibiting direct access to Easy Street from Lot 1. Access from this lot should be limited to Lake Avenue.

Driveways on state owned roads must meet current Alaska DOT&PF standards. If they do not meet these standards, ADOT&PF may request that they be modified to do so. If the owner wishes to modify an existing permitted driveway, or create a new driveway, an ADOT&PF driveway permit is required. The ADOT&PF permitting website can be found at: http://www.dot.state.ak.us/permits/index.shtml

Thank you.

Sincerely,

Randi Bailey
Fairbanks Area Transportation Planner
(907) 451-2386

cc: George Stefan, FNSB
Billy Cardentey, FNSB

Site Photos

View Looking North

Lakeview Terrace, the private street that will separate the MF from the LI/OSB

The proposed OSB zone will protect the vegetation and surrounding residential

View Looking West at Area to be Rezoned

The area to be rezoned is heavily vegetated and acts as a buffer from the surrounding industrial uses. The applicant has proposed to leave a 30′ wide strip of this area as a greenway, and to construct a 6′ vegetative berm within it.

View Looking East at Residential Land Uses and Gravel Pit

Though the residential homes have frontage and a view of a lake, it is also an active gravel pit.

Looking East from Easy Street at the Area to be Rezoned

Several of the lots being created by the preliminary plat will have frontage on Easy Street; a DOT maintained minor collector type street.

Nearby Berm – Similar Proposed by Applicant

Staff is proposing delaying the adoption of the rezone's ordinance to allow the property owner ample time to construct the berm

RZ2021-001

MF/MHS/MNO to LI/SL/MNO

A Portion of Tract B, Lakeview Terrace

FNSB Planning Commission Meeting

September , 2020

(Pages 222 – 268 in Packet)

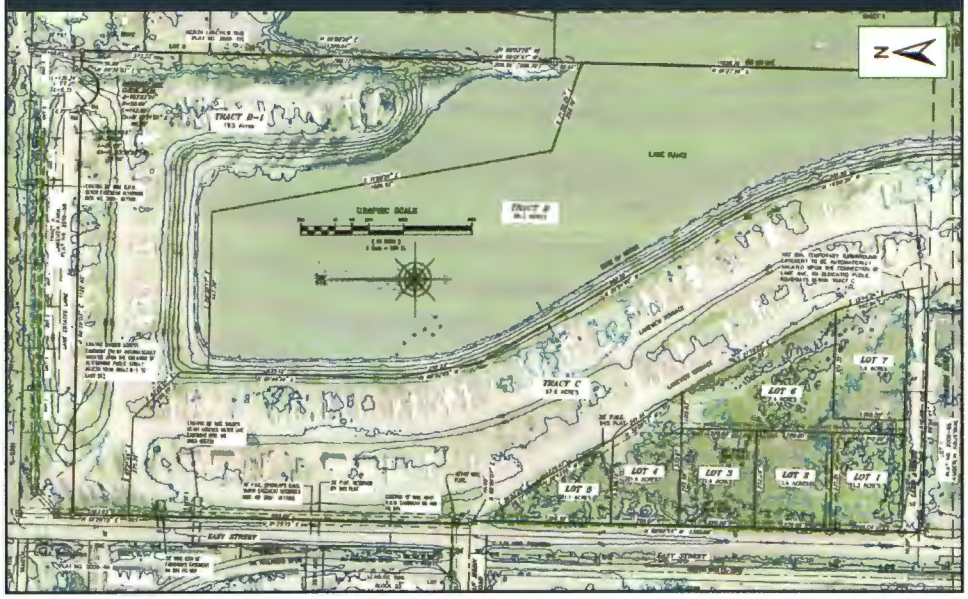
Location

Location

Aerial (2020)

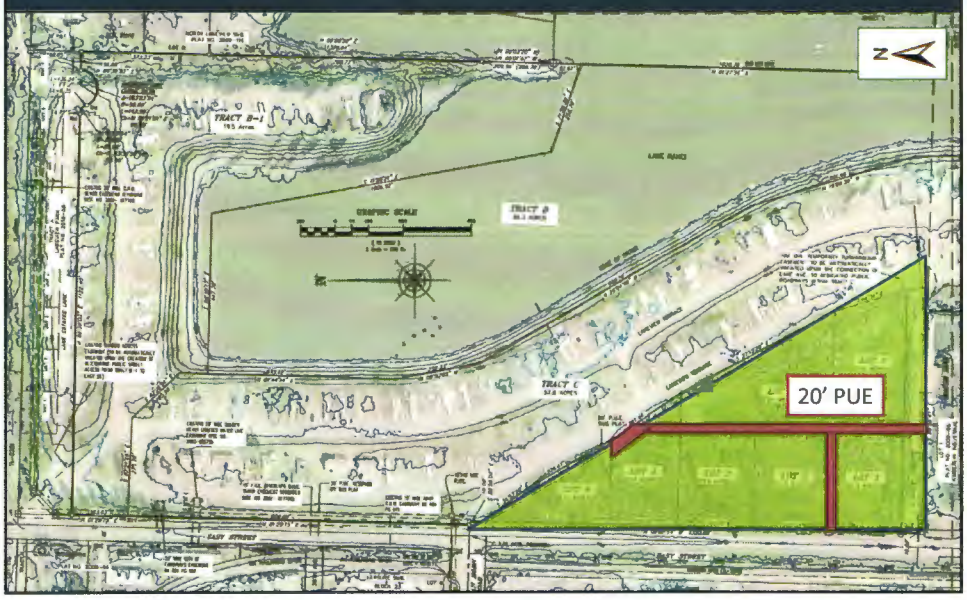
Aerial (2020)

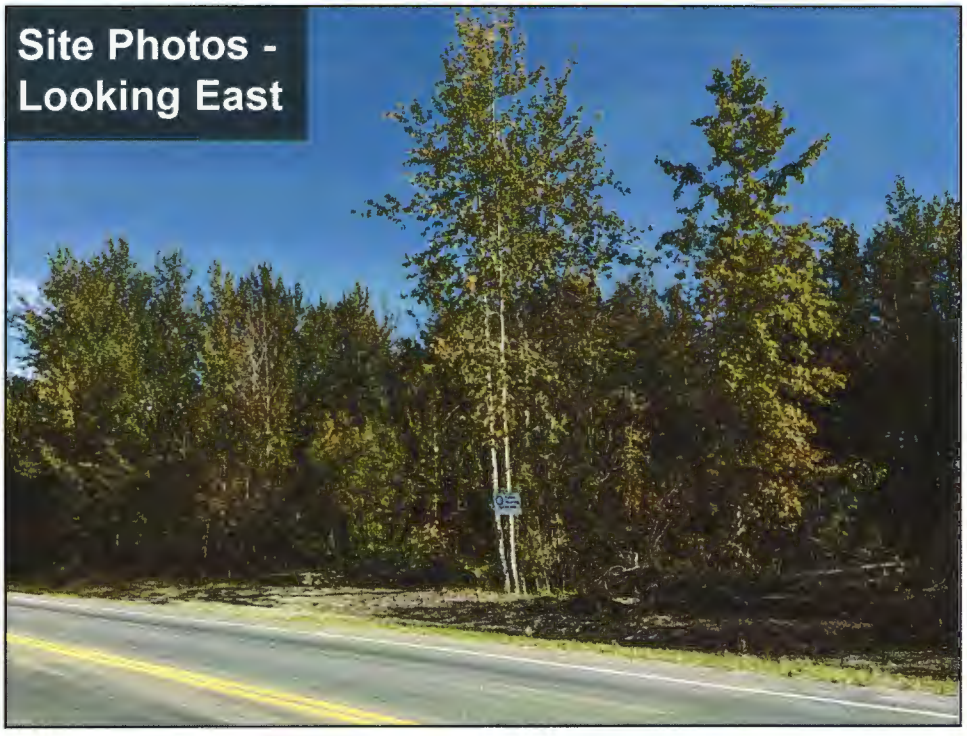
Preliminary Plat – Approved Sept 16th, 2020



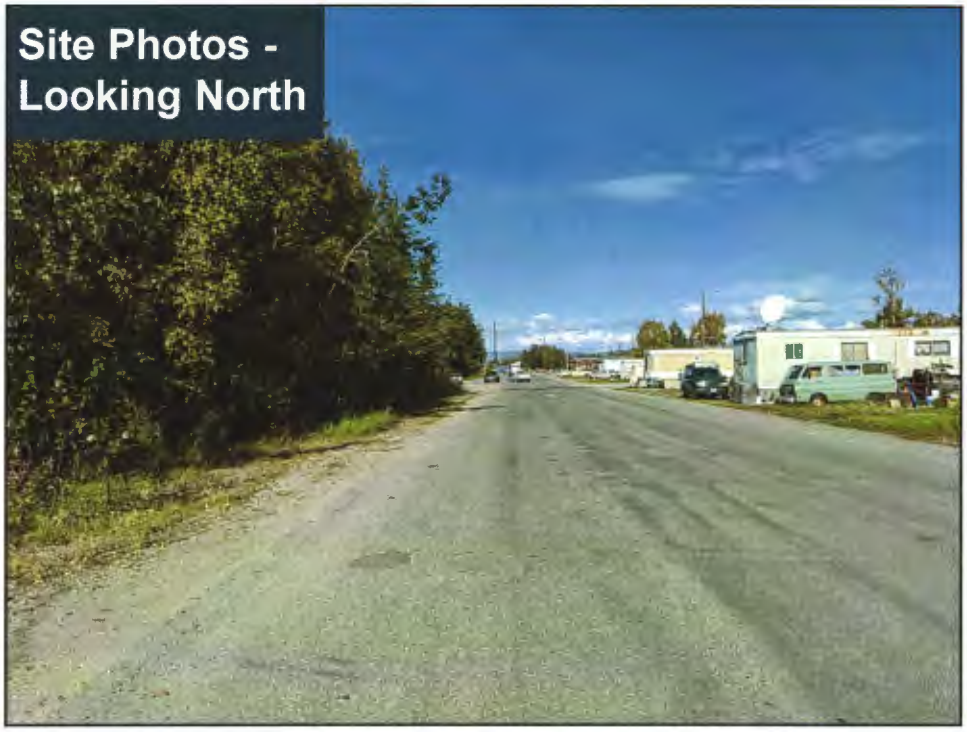
Preliminary Plat – Approved Sept 16th, 2020

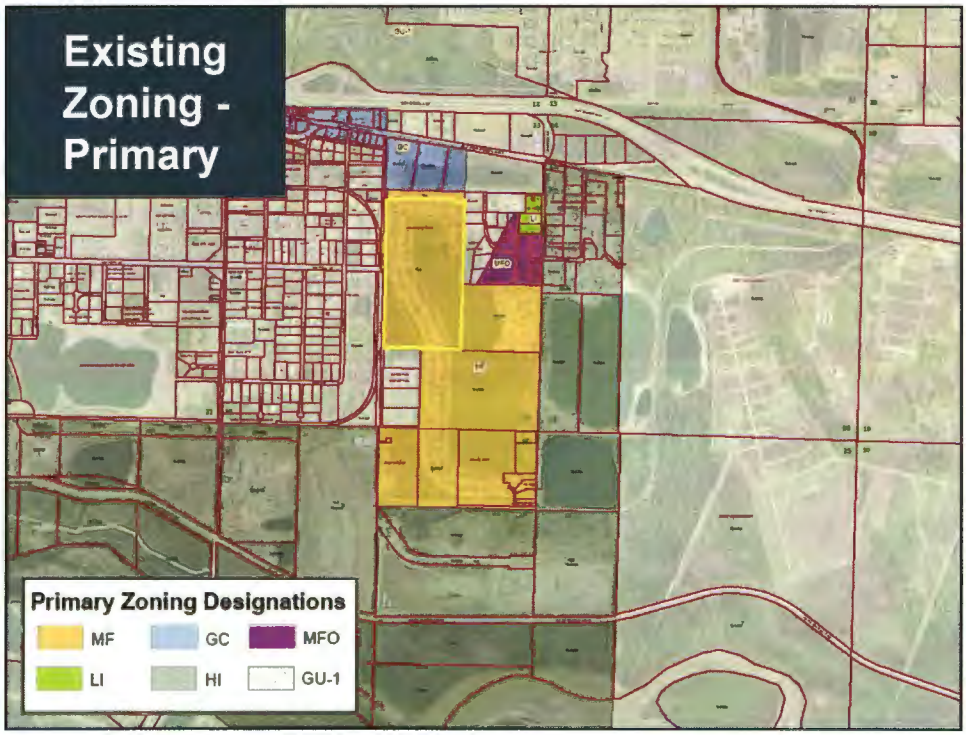
Preliminary Plat – Approved Sept 16th, 2020

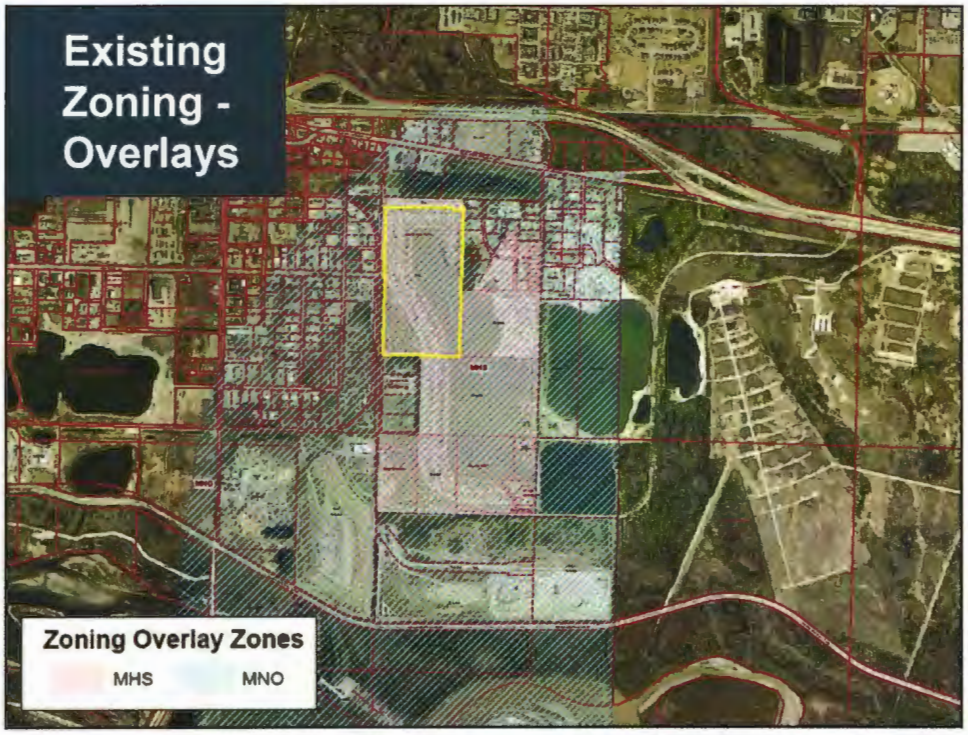



Site Photos -
Looking East

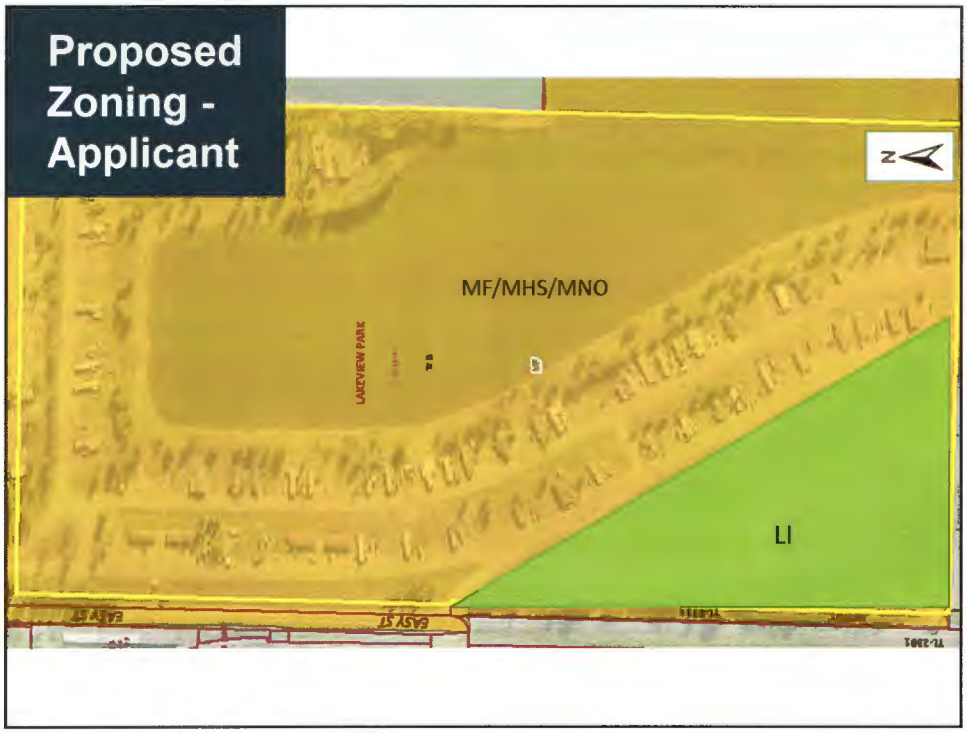
Site Photos -
Looking West

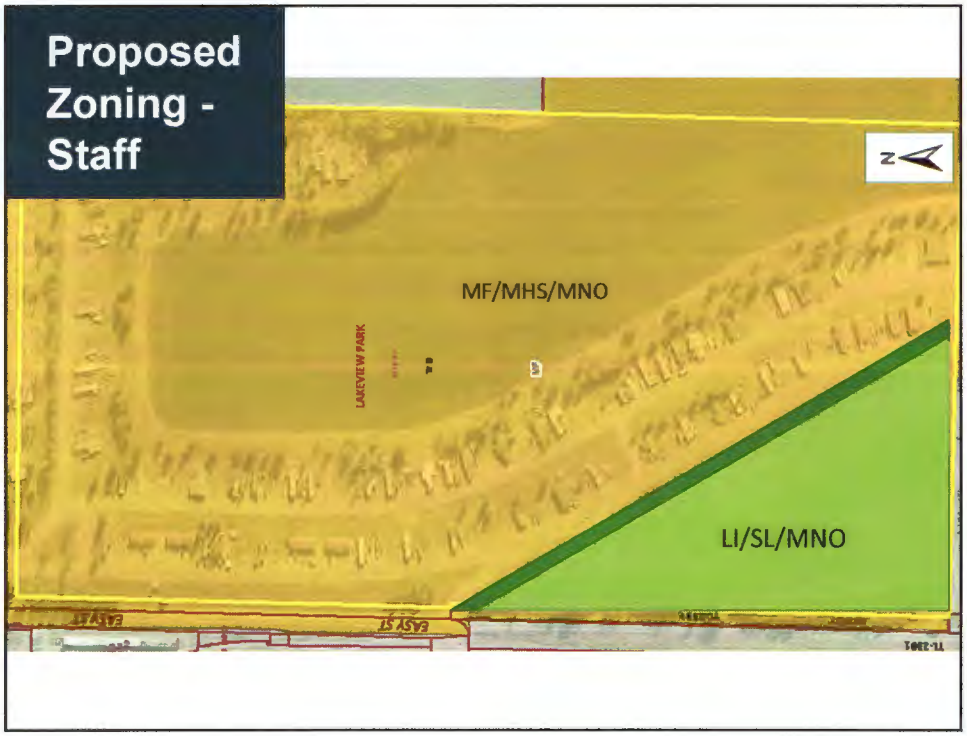

Site Photos -
Looking North

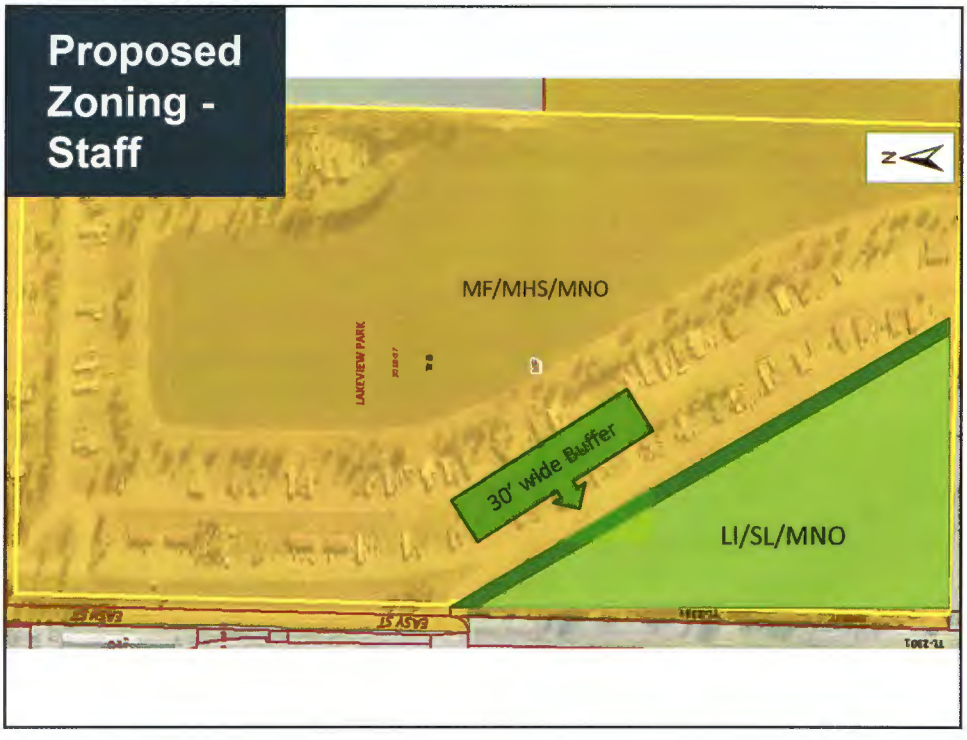

Existing
Zoning -
Primary
Primary Zoning Designations
MF
GC
MFO
LI
HI
GU-1

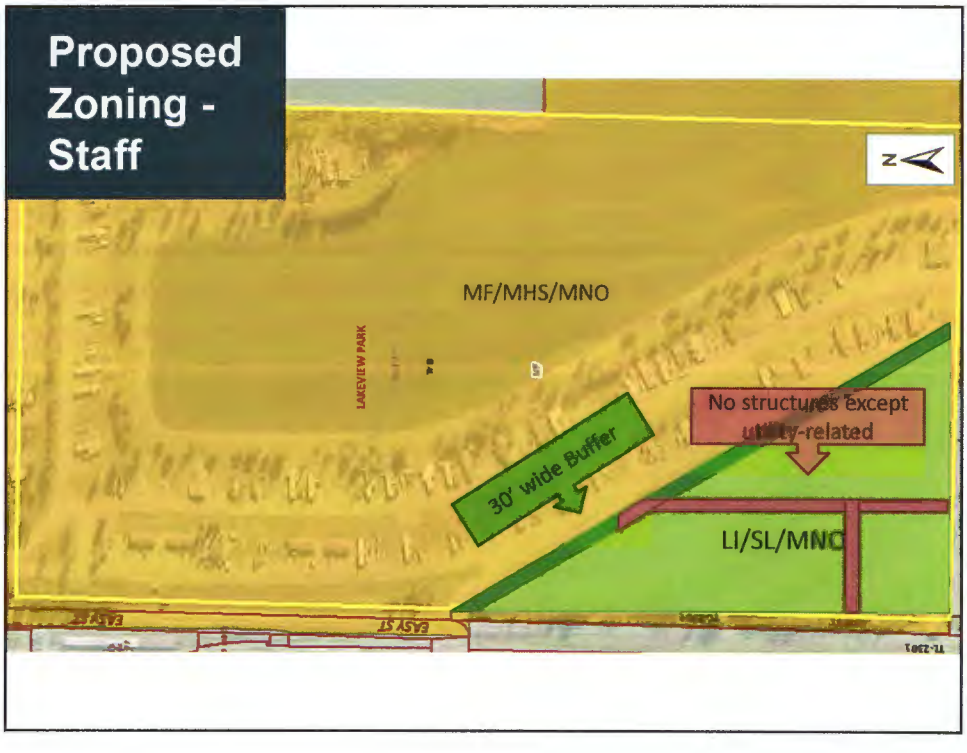

Existing Zoning - Overlays
Zoning Overlay Zones
MHS
MNO

Current Zoning
MF/MHS/MNO
LAKEVIEW PARK
EASY ST
N


Proposed Zoning - Applicant
MF/MHS/MNO
LI
LAKEVIEW PARK
EASY ST
EASY ST
N


Proposed Zoning - Staff
MF/MHS/MNO
LI/SL/MNO
LAKEVIEW PARK
EASY ST
EASY ST
N


Proposed Zoning - Staff
MF/MHS/MNO
LAKEVIEW PARK
30' wide Buffer
LI/SL/MNO
EAST ST


Proposed Zoning - Staff
MF/MHS/MNO
LAKEVIEW PARK
30' wide Buffer
No structures except utility-related
LI/SL/MNO
EAST ST

Proposed Special Limitations (Page 229 in Packet)

1. There shall be a "buffer landscape," as defined in Title 18, along the northeastern boundary of the rezoned area that is a minimum of 30 feet in width and shall consist of natural vegetation or a sight-obscuring screen, with the exception of the 20' public utility easement shown on the proposed preliminary plat, attached.

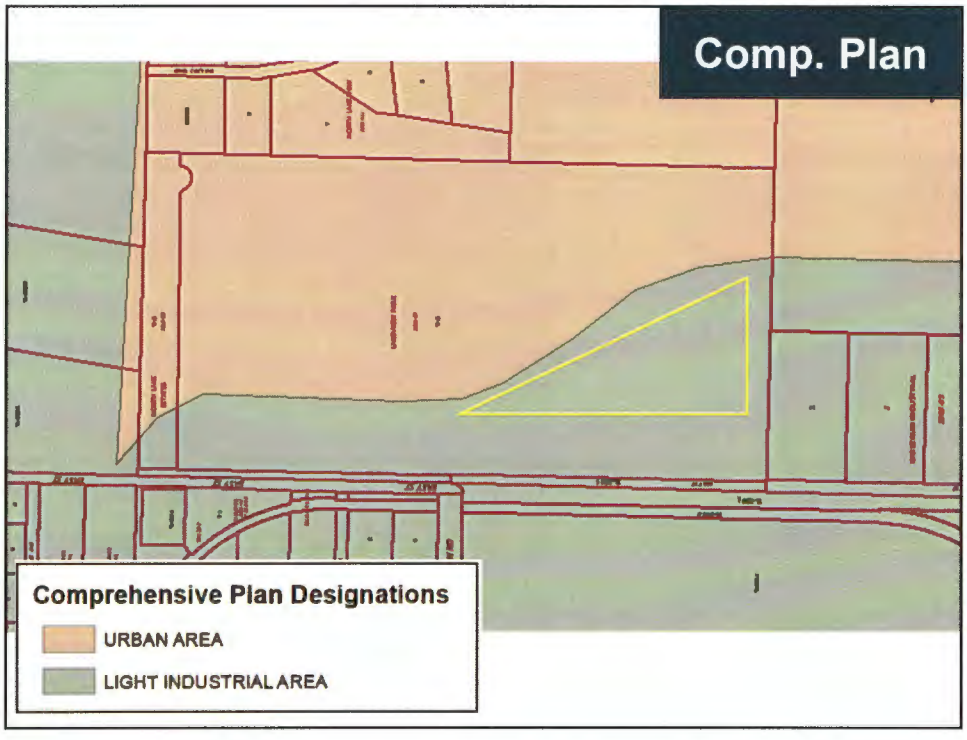
2. No structural development is allowed within the buffer landscape, except within the public utility easement, for the purpose of utilities and appurtenances.

FNSBC Title 18 Rezone Approval Criteria

1. ...conforms to the comprehensive plan.
'Light Industrial Area' – "activities such as manufacturing, storage, wholesaling..."

FNSB Regional Comprehensive Plan goals:

- Land Use Goal 3, Strategy 8, Action A – provide for industrial land uses by having industrial zoning
- Land Use Goal 4, Strategy 10, Action B – Buffer conflicting land uses/zones while enhancing development



FNSBC Title 18 Rezone Approval Criteria

1. ***...conforms to the comprehensive plan.***
   'Light Industrial Area' – "activities such as manufacturing, storage, wholesaling..."

FNSB Regional Comprehensive Plan goals:

- Land Use Goal 3, Strategy 8, Action A – provide for industrial land uses by having industrial zoning
- Land Use Goal 4, Strategy 10, Action B – Buffer conflicting land uses/zones while enhancing development

FNSBC Title 18 Rezone Approval Criteria

2. ...conforms to the public health, safety and welfare

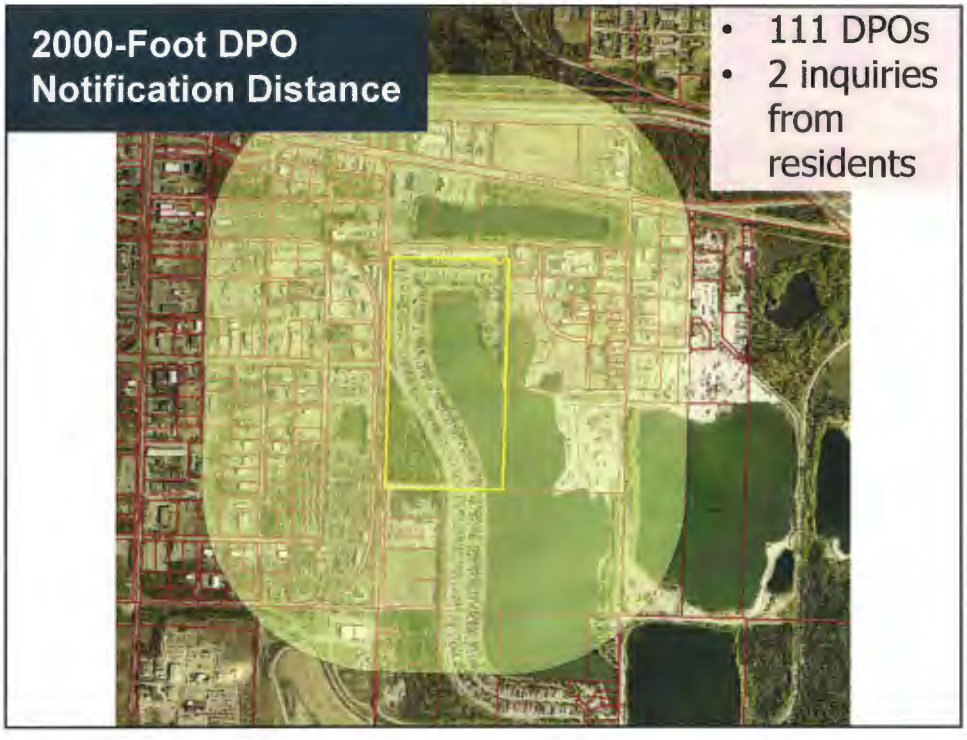
- Special Limitation: 30' wide vegetative buffer on eastern boundary
- Protects residential properties from surrounding industrial zones.
- Allowances for public utility easement

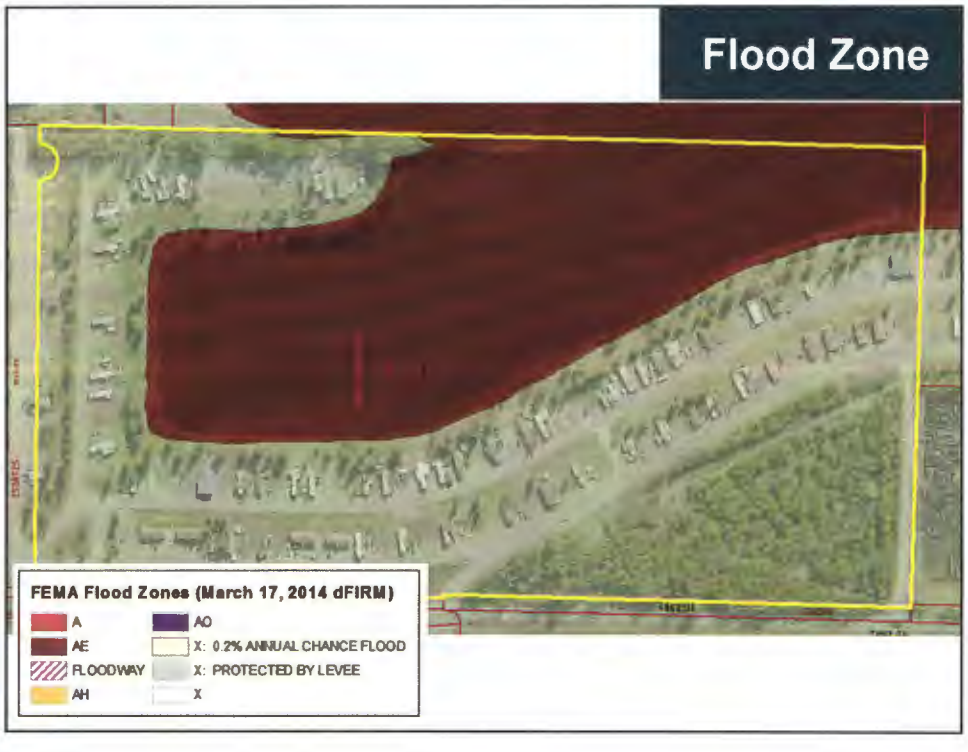
23

FNSBC Title 18 Rezone Approval Criteria

3. ... Is it Spot Zoning?

- *The consistency of the amendment with the comprehensive plan;*
  - 'Industrial' land use, zone and designation
- *The benefits and detriments of the amendment to the owners, adjacent landowners, and community;*
  - Buffer incompatible land uses with special limitations
- *The size of the area rezoned*
  - 11.49 acres


2000-Foot DPO
Notification Distance
• 111 DPOs
• 2 inquiries from residents


Flood Zone
FEMA Flood Zones (March 17, 2014 dFIRM)
A
AE
FLOODWAY
AH
AO
X: 0.2% ANNUAL CHANCE FLOOD
X: PROTECTED BY LEVEE
X

Staff Recommendation

Approval

From MF/MHS/MNO to LI/SL/MNO **with**

2 Special Limitations &

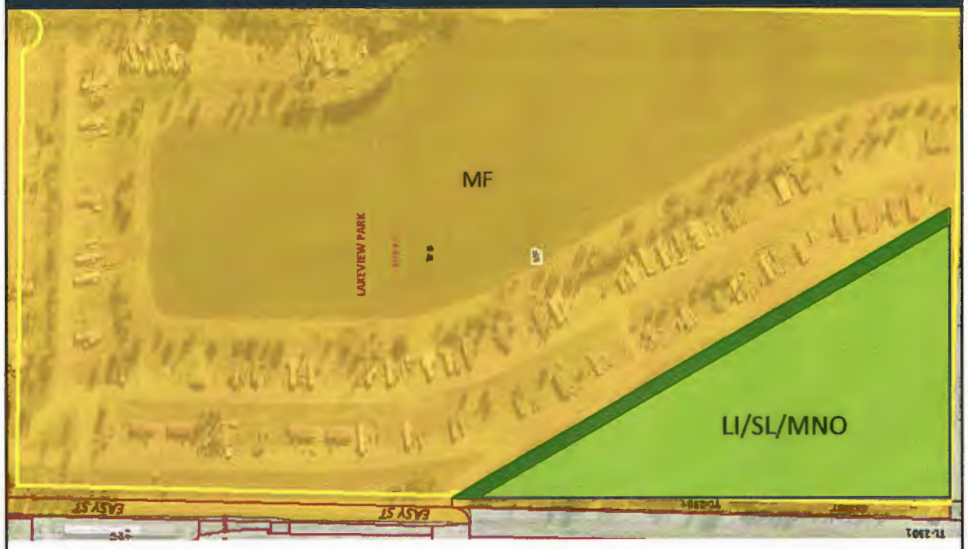
Six (6) findings of fact (Pgs. 233-234 in packet)

Draft Motion

I move to recommend to the FNSB Assembly rezoning the subject area (RZ2021-001) from Multiple-Family Residential/Mobile Home Subdivision/Military Noise Overlay (MF/MHS/MNO) to Light Industrial with Special Limitations/Military Noise Overlay (LI/SL/MNO) with the following two special limitations:

1. **There shall be a "buffer landscape," as defined in Title 18, along the northeastern boundary of the rezoned area that is a minimum of 30 feet in width and shall consist of natural vegetation or a sight-obscuring screen, with the exception of the 20' public utility easement shown on the proposed preliminary plat, attached.**
2. **No structural development is allowed within the buffer landscape, except within the public utility easement, for the purpose of utilities and appurtenances.**

Questions?



Findings of Fact: 1-3

1. The FNSB Regional Comprehensive Plan designates the rezone area as 'Light Industrial Area'. Light Industrial Area is area with "*activities such as manufacturing, storage, wholesaling, repair maintenance and relate office functions which to not handle explosives or other hazardous materials, or emit noise, air, chemicals, or other pollutants detrimental to surrounding land uses*".

2. The current MF zoning is less consistent with the Comprehensive Plan 'Light Industrial Area' designation because the MF zone does not allow any industrial uses.

3. The LI zone would better implement the 'Light Industrial Area' land use designation because the LI zone allows for industrial uses, such as those already present in the surrounding area.

Findings of Fact: 4

4. The rezone, with special limitations, conforms to the following FNSB Regional Comprehensive Plan goals:

a. Land Use Goal 4, Strategy 10, Action B which is intended to "develop a pattern of compatible land uses and either separate, transition or buffer incompatible land uses".

b. Land Use Goal 3, Strategy 8, Action A which is intended to "*provide for industrial land uses*" while "*protecting[ing] and preserv[ing] the integrity of industrially classified areas.*"

c. Keeping the Military Noise Overlay (MNO) zone is consistent with the comprehensive plan action of identifying "noise sensitive area(s)".

Findings of Fact: 5

5. The rezone, with special limitations, conforms to the public health, safety and welfare because:

a. The proposed LI zone will better implement the 'Light Industrial Area' Comprehensive Plan land use designation, as the surrounding area is already developed industrially, and the applicant is proposing additional industrial development.

b. The proposed special limitations will minimize the potential for land use incompatibility with the adjacent LI zone by providing a 30' wide buffer landscaping.

c. The rezone would not make any existing lots nonconforming within the rezone area, as there are no existing structures or uses within the rezone area.

d. The newly developed property should not create a burden to Easy Street, as the existing industrial uses to the west already generates traffic flow, and Easy Street has the capability to handle an increase of traffic.

Findings of Fact: 6

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

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

b. The use of special limitations to create a buffer is clearly consistent with the Comprehensive Plan because it "separate[s] commercial and industrial uses from residential or incompatible land uses by methods such as screening, [or] buffering..." and the 30' wide vegetative buffer is a type of "Buffer."

c. The implementation of the Comprehensive Plan is a benefit to the community by providing for a variety of land uses.

d. The proposed rezone area is 11.49 acres, which is larger than established spot zone thresholds.

Existing MF Zone

Permitted uses	Single-Family Residences, Two-Family Residences & Multiple-Family Residences, as well as bed and breakfast, church buildings, home occupations, urban livestock, market gardens and playgrounds
Conditional uses	Communication towers, daycare facilities and parking lots as principle uses, group homes, mobile home parks, museums
Lot size	Dependent on use, minimum of 5,000 sq. ft.
Setback	20 feet from front-lot lines, 10 feet from side-lot lines, 10 feet from rear-lot lines

Proposed LI Zone

Permitted uses	Airports, large scale developments, certain marijuana uses, natural resources extraction, railroad yard or roundhouse uses not associated with an onsite business. Also permitted are uses "whose primary purpose is concerned with the light manufacturing, fabricating assembly, disassembly, processing or treatment of goods and products", warehouse
Conditional uses	Veterinary clinics, communication towers, hospitals, parking lots as a principle use
Lot size	No minimum
Setback	20 feet from front-lot lines, no side or rear yard setbacks unless abutting a residential zone, then 15 feet

Proposed/Existing MNO Overlay Zone

Purpose	To encourage land uses compatible with the military mission in the area within the composite noise contours surrounding Fort Wainwright and the 65 dB noise contours surrounding Eielson Air Force Base
Regulations	No regulations included nor intended to be included

Planning Commission Presentation by:

Kristina Heredia,
Planner III

- Master of City and Regional Planning, University of Texas at Arlington
- Bachelor of University Studies; Minor of Economics, University of Texas at Arlington
- Five years experience in municipal planning

Transportation information provided by:

Kellen D. Spillman, AICP, CFM
Deputy Director of Community Planning

- American Institute of Certified Planners
- ASFPM Certified Floodplain Manager
- MCMP, University of Utah
- Approximately nine years planning experience

Application Material

Received

July 20, 2020

Fairbanks North Star Borough
Department of Community Planning
907 Terminal Street/P.O. Box 71267
Fairbanks, Alaska 99707-1267
(907) 459-1260 Fax: (907) 205-5169
planning@fnsb.us

For Office Use Only
Received By: MO/KH
Receipt No.: 432075
Sign #: 2-6/n
Proposed Meeting Date Sept. 8, 2020
Date Submitted
Joint Planning Dept
JUL 20 2020
RECEIVED

REZONE APPLICATION ☑ REZONE
File No. RZ2021-001 ☐ REZONE WITH SPECIAL LIMITATIONS

FEES: ☐ $1,000 rezone application**
☐ $~~200~~ 300 sign deposit (check or cash recommended)
**Fee waived if rezoning a split zone parcel or rezoning a GU property to an appropriate residential zone if the rezone encompasses at least 13 acres or 5 more contiguous lots

Applicant:		Property Owner:
Contact Name: CRAIG, CHAUSSE		Name: JMK / LAKEVIEW ENTERPRISES INC
Business Name: LAKEVIEW ENTERPRISES INC		Mailing Address: P.O BOX 73087
Mailing Address: P.O. BOX 73087		City, State Zip: FAIRBANKS, ALASKA 99707
City, State Zip: FAIRBANKS ALASKA 99707		Phone: 907 322-2639
Phone: 907-452-2553	Cell: 322-2639	Cell:
E-mail: BANKERS@ALASKA.~~COM~~ NET		E-mail: BANKERS@ALASKA.Net

Property Information:	
Property Description: ± 10.8 ACRES TRI-ANGLE PORTION OUT OF TRACT B	
Street Address: NHN EASY STREET	Size: 1320.68 X ~~10.8 AC~~ Acres 10.8
Parcel Account Numbers (PAN): 686342	Existing Use: VACANT / TREED LOT
Existing Zone: Multi Family	Proposed Zone: Light Industrial

I certify that the information included in this application is to the best of my knowledge true and complete.

APPLICANT SIGNATURE: [signature] DATE: ~~MAY 18,~~ July 20, 20

OWNER SIGNATURE (if different): [signature] DATE: 7/20/20

THIS LOT IS UNUSED - THE ~~BOROUGH~~ BOROUGH HAS Proposed THIS LOT ~~protected~~ AS Light INDUSTRIAL EAST Boundry TO HAVE A 30' GreenWay South Boundary 50' wide PUBLIC ROAD Parallel to WASTE MANAGEMENT FACILITY.

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.

Attachment 8

DEPOSIT / REFUND FORM
PUBLIC NOTICE SIGN DEPOSITS & EXPERT REVIEW DEPOSITS

FILE/CASE # R22021-001

DEPOSITS

SIGN DEPOSIT ☒ EXPERT REVIEW DEPOSIT ☐ (see box below)

Sign # 26/4
(if required)

DATE Prepared: 7-20-20

Prepared By: Kristina Heredia
Fairbanks North Star Borough

RECEIPT Number: 473577

PAID By: Cash ☐ Check ☐ # _____ Credit Card ☒ Last 4 digits # 9127

(if paying by check we MUST refund to name & address showing on check)

Name & Address on Check _____

Name & Contact # on Credit Card Craig Chaussee

If cash name and address for refund: P.O. Box 73087
Fairbanks 99709

SIGN REFUNDS

Sign Returned: Date: _____ Initiate Refund: ☐YES ☐NO

Staff who took sign in: _____

Be sure application has been completely acted on and the reconsideration has expired prior to taking in the sign. For Rezones, be sure the Assembly decision is final prior to taking in the sign.

Additional Damage Yes ☐ No ☐ Partial Refund ☐Yes $_____

Describe _____ Applicant Initial _____

Fairbanks North Star Borough

All Data Report

PAN# 0686342

Printed on: 07/20/2020

Property Information for PAN#: 0686342

STATUS: ACTIVE - ROLL TYPE 1
PROPERTY DESCRIPTION: LAKEVIEW PARK, LOT: B
OWNER: Lakeview Enterprises Inc [ownership]
BILLING ADDRESS: 1000 Lakeview Ter Fairbanks, AK 99701 7713
SITUS ADDRESS: N/A
PARCEL SIZE: 73.353 AC
NEIGHBORHOOD: Davis-Van Horn (1030)
LAND CLASS: Light Commercial Retail
PRIMARY USE: Residential
FLOOD ZONE: X: PROTECTED BY LEVEE (63%), AE (37%)
SPECIAL REG. AREAS: None
ZONING: MF/MHS/MNO (100%)
COMP PLAN: Urban Boundary (100%), Urban Area (62%), Light Industrial Area (38%)
PLANNING DISTRICT: Fairbanks (100%)
ROAD DISTRICT: N/A
URBAN BOUNDARY (2003): YES
ROAD SERVICE AREA: None
FIRE SERVICE AREA: None
FIRE SERVICE (Property DB): No Fire Service
STRUCTURES: SFR (1 Unit), Mobile Home (1 Unit), Conc. or Mason (0 Units), Manufactured Duplex (2 Units), Duplex (2 Units), Duplex (2 Units), Duplex (2 Units)
BUSINESS ON SITE: N/A
MILL GROUP: All Sw & Se (0925) (Est. Mill Rate: 12.7)
PLAT NUMBER: Lakeview Park (FRD2018_58_001)
DESCRIPTION (VAULT): TRACT B LAKEVIEW PARK
Previously assessed as 1S 1W 23 2330
COMMUNITY PLANNING PERMITS: NONE

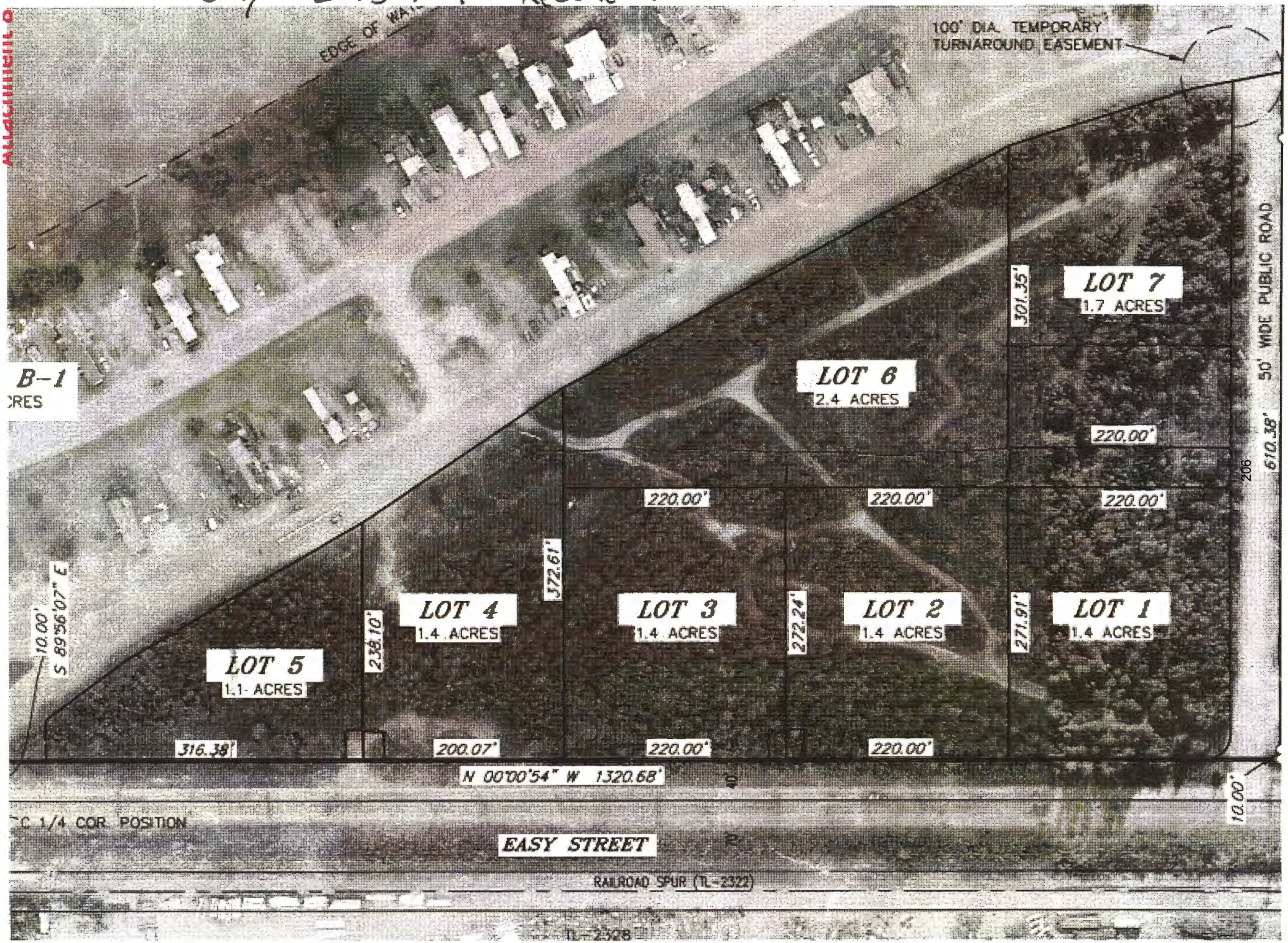
Photo Date: 01, 2017 Photo No: 10

Assessment History

Year	Land	Improvements	Total
2020	$792,212	$1,030,967	$1,823,179
2019	$792,212	$1,033,965	$1,826,177

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.

Only Lots 1-7 Rezone to LI (40m AH)



Fairbanks North Star Borough

PAN# 0686342

Printed on: 07/20/2020

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.

Supplemental Application Material

Received

August 5, 2020

Attachment 8

Comm. Planning Dept
AUG 05 2020
RECEIVED

FNSB SUPPLEMENTAL INFORMATION REGARDING R22021-001

1. The current zoning does not match the FNSB Reginal Comprehensive Plan. The current zoning is not reasonable for the type and location of land next to and across from industrial use land. It is our plan to market this as light industrial land for warehouse use. This will add a break from the heavy industrial area across Easy Street and the residential area to the east. Our plan includes a 15 foot high earthen barrier to help buffer any noise from Easy Street.

2. The new zoning is exactly what the FNSB Regional Comprehensive Plan recommends for this plot of land. It is the same zoning as neighboring lots to the South. It adds a buffer from the heavy industrial area to the west and the Multi-family to the east.

3. The new zoning will improve the separation of the heavy industrial zoning located to the West. There will be no road access to the Multi-family zoning to the east and the earthen barrier will ensure a safe partition to protect against the offensive noise of Easy Street. The building of warehouses on this land will also improve the noise buffering from Easy Street. The addition of a dedicated road from Easy Street to Lakeview Terrace will improve traffic flow for the multi-family area.

Craig Chaussé
President
Lakeview Enterprises Inc.

Post By: _____
Date

Instructions to comply with FNSBC 18.104.010.C.3:
1. Post the sign(s) in accordance with #2 below.
2. Take a photograph of the posted sign.
3. Return this affidavit and the photograph to the Department of Community Planning at least 20 days prior to the Planning Commission meeting (see the 'Post By' date). If these items are not received by the 'Post By' date, your application may be postponed to a future meeting.
4. This affidavit must be notarized. The Borough has notaries on staff or you may use your own notary.

PUBLIC NOTICE SIGN POSTING AFFIDAVIT

Comm. Planning Dept.
AUG 03 2020
RECEIVED

STATE OF ALASKA)
) ss.
FOURTH JUDICIAL DISTRICT)

I, David G. Chausse, being first duly sworn, depose and state that:

1. I have submitted an application identified as RZ2021-001.
2. I have posted and will maintain public notice sign #2G/4 in accordance with the following provisions:
   a. Sign is posted on the property on which my request for rezone, conditional use or variance has been made.
   b. Sign is clearly visible from streets and roads.
   c. Sign will be maintained free of snow or other materials which impede readability.
   d. Sign is posted between an elevation of 2' and 8' above ground level and no further than 50' from the edge of the road to further ensure readability from streets.
   e. Sign was posted on 7/20/20 (date) and complies with posting requirements of 20 days prior to the public hearing date.
   f. I shall return the sign to the FNSB Department of Community Planning within 10 days following the final public hearing.
3. I understand a refund check of $200.00 (the amount I have deposited for said sign) will be issued 7-10 days following return of the sign providing that sign is returned in usable condition. I further understand I may receive only partial refund if the sign is damaged when returned to the Borough.
4. This document is null and void when necessary action has been completed as provided in Item #2 f.

D G. Chausse
Signature

David G. Chausse
P.O. Box 73037
Fai AK 99707

(Print Name and Address of Affiant)

SUBSCRIBED AND SWORN TO BEFORE ME on this 20 day of July, 2020

x Carrie L. Jordan
Notary Public in and for Alaska

4/11/2021
Commission Expires

STATE OF ALASKA
NOTARY PUBLIC
Carrie L. Jordan
My Commission Expires: April 11, 2021

Supplemental Application Material

Received

August 18, 2020

A portion of Tract B of Lakeview Park Subdivision, according to the plat filed September 27, 2018 as Plat Number 2018-58 in the Fairbanks Recording District, Fourth Judicial District, State of Alaska, the location of which is more particularly described as follows:

Commencing at the southwest corner of said Tract B and the **True Point of Beginning**;

Thence N 00°00'54" W along the westerly boundary of said Tract B and the easterly right-of-way limit of Easy Street a distance of 1226.46 feet to the a point;

Thence N 89°59'06" E a distance of 41.48 feet to a point;

Thence S 36°23'03" E a distance of 98.77 feet to a point;

Thence S 30°12'49" E a distance of 274.47 feet to a point;

Thence S 33°57'56" E a distance of 241.44 feet to a point;

Thence S 28°40'11" E a distance of 501.83 feet to a point;

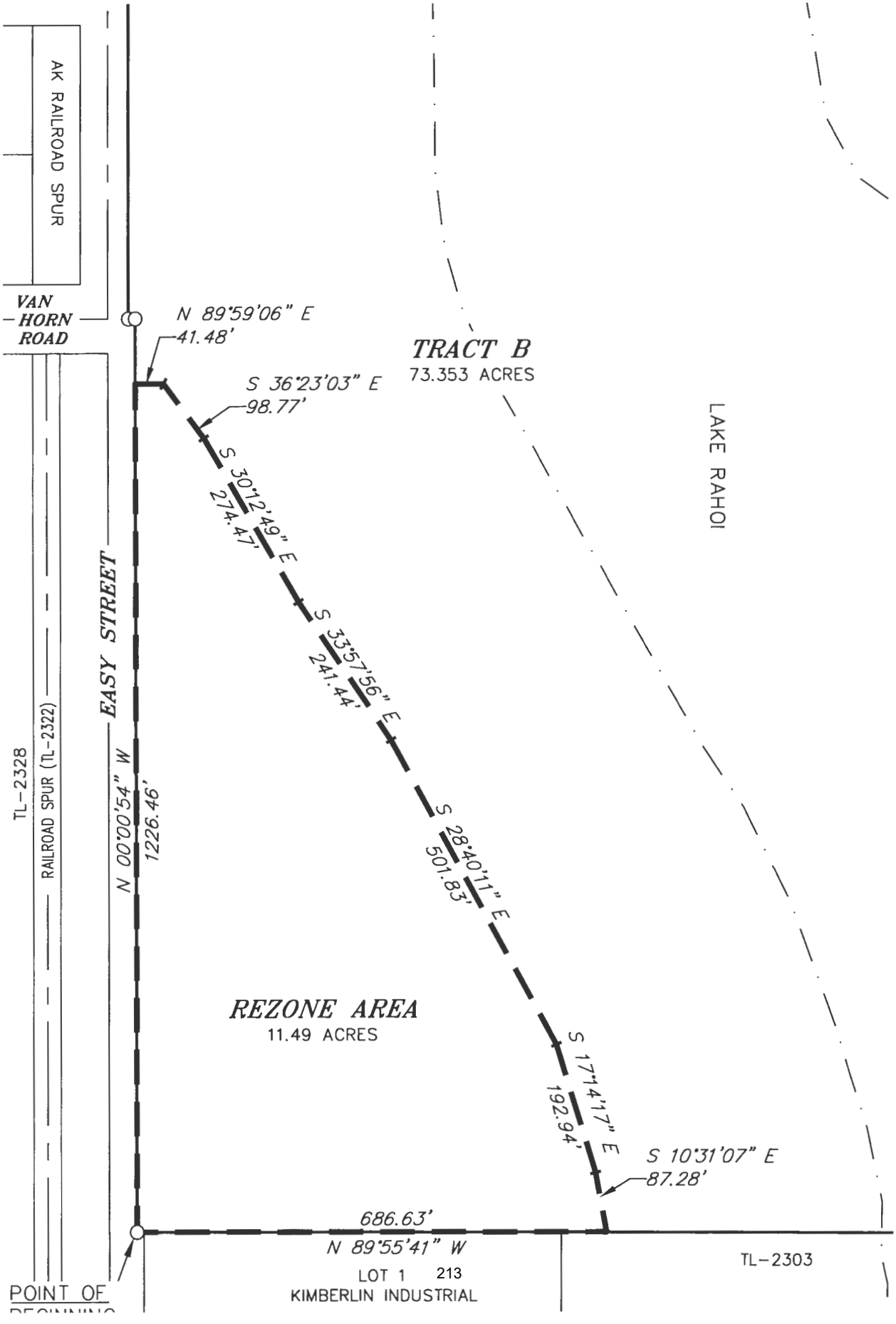
Thence S 17°14'17" E a distance of 192.94 feet to a point;

Thence S 10°31'07" E a distance of 87.28 feet to a point on the southerly boundary of said Tract B;

Thence N 89°55'41" W along the southerly boundary of said Tract B a distance of 686.63 feet to the southwest corner of Tract B and the **Point of Beginning**;

Containing 11.49 Acres, more or less.

As shown on described on attached Exhibit 'A'.


AK RAILROAD SPUR
VAN HORN ROAD
N 89°59'06" E
41.48'
TRACT B
73.353 ACRES
S 36°23'03" E
98.77'
S 30°12'49" E
274.47'
S 33°57'56" E
241.44'
S 28°40'11" E
501.83'
S 17°14'17" E
192.94'
S 10°31'07" E
87.28'
LAKE RAHOI
EASY STREET
N 00°00'54" W
1226.46'
TL-2328
RAILROAD SPUR (TL-2322)
REZONE AREA
11.49 ACRES
686.63'
N 89°55'41" W
LOT 1
KIMBERLIN INDUSTRIAL
TL-2303
POINT OF

Fairbanks North Star Borough

DEPARTMENT OF PUBLIC WORKS
Administration Division

fnsbpublicworks@fnsb.us
Main: (907) 459-1340

MEMORANDUM

TO: Fairbanks North Star Borough Assembly

THRU: Bryce Ward, Borough Mayor for BW

FROM: David Bredlie, Director
Department of Public Works

DATE: October 22, 2020

SUBJECT: Ordinance 2020-20-1F
Appropriation of funds from the General Fund Fund Balance for the Pioneer Park Church Structural Repair Project Funding

---

Attached for your approval is a proposed budget ordinance. This ordinance amends the FY 2020-21 budget by appropriating $280,000 from the General Fund fund balance for additional funding for the Pioneer Park Church Structural Repair Project.

The Pioneer Park First Presbyterian Church of Fairbanks – Cabin 15 was originally constructed in 1904. Based on building age and visible deflections a structural evaluation was commissioned in September of 2018. Several deficiencies were identified as needing repair. 2016 bond funding (Pioneer Park Misc. Roof and Wall Repair Project) was utilized for the structural evaluation and the associated design to address the deficiencies. The design is nearly complete, and it has been identified that $390,000 is required to finish the design, fund the project management expenses, and repair the deficiencies. There is approximately $110,000 remaining from the 2016 bond funding.

I urge its adoption.

By: Bryce Ward, Mayor
Introduced: 10/22/2020

FAIRBANKS NORTH STAR BOROUGH

ORDINANCE NO. 2020-20-1F

AN ORDINANCE AMENDING THE FY 2020-21 BUDGET BY APPROPRIATING $280,000 FROM THE GENERAL FUND FUND BALANCE TO THE CAPITAL PROJECTS FUND FOR ADDITIONAL FUNDING OF THE PIONEER PARK CHURCH STRUCTURAL REPAIR PROJECT

WHEREAS, The Pioneer Park First Presbyterian Church of Fairbanks – Cabin 15 (Pioneer Park Church) was originally built in 1904; and

WHEREAS, Several structural deficiencies have been identified as needing repair; and

WHEREAS, 2016 bond funding was used to fund a structural investigation and 95%-plans, specifications, and estimate; and

WHEREAS, The project will require $390,000 to complete the design, fund the project management expenses, and repair the deficiencies; and

WHEREAS, There is approximately $110,000 available from the 2016 bond funding (Pioneer Park Miscellaneous Roof and Wall Repair Project) appropriated in Ordinance No. 2016-35; and

WHEREAS, The Pioneer Park church is home to a small, local, religious organization and is one of the few non-denominational chapels in Fairbanks. This facility serves the community weekly through weddings, baptisms, religious ceremonies, and many other social gatherings; and

WHEREAS, Ordinance No. 2019-20 (FY 2019-20 budget) appropriated funds to the Public Works department, Facilities Maintenance division to repair and maintain Borough facilities, but not all the funds were spent by June 30, 2020.

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

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

Section 2. General Fund Appropriation. The FY 2020-21 budget is hereby amended by appropriating $280,000 to the General Fund budgetary guideline entitled "Contribution to Capital Projects Fund" and by increasing Contribution from Fund Balance by a like amount.

Section 3. Capital Projects Fund Appropriation. The FY 2020-21 budget is hereby amended by appropriating $280,000 to the Capital Projects Fund budgetary guideline entitled "Pioneer Park Church Structural Repair Project" and by increasing Contribution from General Fund by a like amount.

Section 4. Lapse of Funds. Upon completion or abandonment of the project, any unexpended, unencumbered funds will lapse to the General Fund fund balance.

Section 5. Effective Date. This ordinance is effective at 5:00 p.m. on the first Borough business day following its adoption.

ADOPTED THE _____ DAY OF _____ 2020.

_____
Christopher Quist
Presiding Officer

ATTEST:

_____
April Trickey, CMC
Borough Clerk

APPROVED:

_____
Jill S. Dolan
Borough Attorney

FAIRBANKS NORTH STAR BOROUGH
FISCAL NOTE

I. Request

Ordinance No: 2020-20-1F Date Introduced: October 22, 2020

Abbreviated Title: Appropriating $280,000 from the General Fund Fund Balance to the Capital Projects Fund for the Pioneer Park Church Structural Repair Project

II. Financial Detail

Department/Division Affected: Public Works/Design & Construction

EXPENDITURE	General Fund	Capital Projects Fund	Total
	FY 20/21	FY 20/21	FY 20/21
Awaiting Budget		280,000	
Contribution to Capital Projects Fund	280,000		
Total	280,000	280,000	

SOURCE OF FUNDING

Contribution from General Fund		280,000	
Contribution from Fund Balance	280,000		
Total	280,000	280,000	

Specify Funding Sources: General Fund fund balance

OTHER FUNDING (PREVIOUSLY APPROPRIATED)

Ord No 2016-35 (partial funding)		110,000	

III. Project Purpose:

To provide additional funding for the Pioneer Park Church structural repair project

IV. Analysis of Future Liabilities and Funding Sources:

Ongoing repairs and maintenance

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

for Debra L. R. Brady
Chief Financial Officer

9/28/2020
Date

FA	SrGLA
GA	CA
SpA	C
TBM	GLA

Fairbanks North Star Borough Fiscal Impact Statement (FIS) (FNSBC 3.20.010 C.)

Check	Date
Version 1	
Version 2	
Version 3	
Version 4	

Originator's Name: David Bredlie **Department:** Public Works

To Be Introduced/Sponsored By: Mayor Ward

Abbreviated Ordinance Title: Pioneer Park Structural Repair Project Funding

Department(s)/Division(s) Affected: PW / D&C

Proposed Introduction Date: 10/22/2020 **Ordinance No.:** 2020-20-1F

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: David Bredlie **Extension:** 1360

Director(s) Signature(s): **Date:** 09/17/2020

Mayor's Office or Assembly Member Signature: James D. Walker **Date:** 9/28/2020

Chief Financial Officer Signature: Susan Bergman for dlrb **Date:** 9/28/2020

By: Matt Cooper
Frank Tomaszewski
Mindy O'Neall
Introduced: October 22, 2020

FAIRBANKS NORTH STAR BOROUGH

ORDINANCE NO. 2020-36

AN ORDINANCE AMENDING THE PARAMETERS OF THE CARES ACT BUSINESS INTERRUPTION GRANT PROGRAM ESTABLISHED IN ORDINANCE NO. 2019-20-1Z TO PROVIDE ECONOMIC RELIEF TO BUSINESSES IMPACTED BY THE COVID-19 PANDEMIC

WHEREAS, The Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136) was signed into law by the President on March 27, 2020; and

WHEREAS, Title V, Section 5001 of the CARES Act amended the Social Security Act to add a new Title VI, Section 601, which established a $150 billion Coronavirus Relief Fund (CRF) for payments to States, Tribal governments, and units of local governments; and

WHEREAS, The Alaska Legislature accepted the State of Alaska's $1.25 billion allotment of CARES Act CRF dollars; and

WHEREAS, $24,684,398 of the State's CRF dollars have been allocated to the Fairbanks North Star Borough (Borough) and are being distributed by the Alaska Department of Commerce, Community, and Economic Development (DCCED); and

WHEREAS, The Borough Assembly established various grant programs in Ordinance No. 2019-20-1Z and allocated funding amongst those programs and into a Borough Response Fund; and

WHEREAS, A portion of the Borough Response Funding was later allocated to the University of Alaska Fairbanks through the passage of Ordinance No. 2020-20-1A; and

WHEREAS, The number of applications to the Business Interruption Grant program (BIG) was lower than anticipated, and the community has requested that the program parameters be expanded to allow additional opportunities for businesses to benefit from the BIG program; and

WHEREAS, The Mayor was authorized to reallocate funds between grant programs if expenditures were different than anticipated, but was not authorized to modify the parameters of the programs.

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. Amendment to Section 5 of Ordinance No. 2019-20-1Z. The parameters for the BIG program as set forth in Attachment A to Ordinance No. 2019-20-1Z are hereby modified as follows:

1. An applicant is eligible to receive up to $30,000 in relief or assistance.
2. If an application was previously submitted and approved, a second application may be submitted for the additional $15,000 in relief or assistance, provided that all other program requirements are met.
3. Grants may be given in an amount not to exceed six months of incurred operating expenses.

Section 3. Effective Date. This ordinance is effective immediately upon adoption.

ADOPTED THE _____ DAY OF _____ 2020.

_____
Christopher Quist
Presiding Officer

ATTEST:

_____
April Trickey, CMC
Borough Clerk

APPROVED:

_____
Jill S. Dolan
Borough Attorney