MEMORANDUM

TO: Fairbanks North Star Borough Assembly

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

FROM: Kellen D. Spillman
Community Planning Acting Director

DATE: January 13, 2022

RE: ORD 2022-10 (RZ2022-003), An Ordinance rezoning Tract A, Block 1, Bog Subdivision from the Rural Estate-4 (RE-4) Zoning District to the Mineral Lands (ML) Zoning District and portions of the Tract to Open Space Buffer (OSB) Zoning District or other appropriate zone (located north of Chena Ester Ditch Road and East of Dragline Drive)

On December 14, 2021, the Planning Commission of the Fairbanks North Star Borough held a public hearing regarding rezone request RZ2022-003.

The Community Planning Department recommended denial of the request.

The Planning Commission concurred with the staff recommendation and voted seven (7) in favor, zero (0) opposed, to recommend denial of the request to the Borough Assembly.

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

ORDINANCE NO. 2022 – 10

AN ORDINANCE REZONING TRACT A, BLOCK 1, BOG SUBDIVISION FROM THE RURAL ESTATE-4 (RE-4) ZONING DISTRICT TO THE MINERAL LANDS (ML) ZONING DISTRICT AND PORTIONS OF THE TRACT TO OPEN SPACE BUFFER (OSB) ZONING DISTRICT OR OTHER APPROPRIATE ZONE (LOCATED NORTH OF CHENA ESTER DITCH ROAD AND EAST OF DRAGLINE DRIVE)

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

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

Section 2. The following described property is rezoned from the Rural Estate-4 (RE-4) Zoning District to the Mineral Lands (ML) Zoning District:

Tract A, Block 1, Bog Subdivision (Plat No. 99-11), excluding an area of land on Tract A, Block 1, Bog Subdivision (Plat No. 99-11) beginning at the westerly property line, and a distance of 1,329.30 feet south of the northwest corner of Section 16 (otherwise known as the centerline of the 20-foot-wide Recreational Trail Easement); thence N 59°54'03" E a distance of 440.39 feet; thence N 64°36'32" E a distance of 260.84 feet with an additional 200-foot break; thence N 48°13'36" E a distance of 205.86 feet; the first 90 feet of which is widened by 40 feet to include “a wooden relic” as noted on plat; thence N 62°49'53" E a distance of 408.74 feet.

Additionally, a 20-foot wide area of land (entirely encumbered by the existing 20-foot-wide Recreational Trail Easement) near the northeast corner of Tract A that is oriented east-west a distance of 178.29 feet.
Section 3. The following described property is rezoned from the Rural Estate-4 (RE-4) Zoning District to the Open Space Buffer (OSB) Zoning District:

An area of land on Tract A, Block 1, Bog Subdivision (Plat No. 99-11) beginning at the westerly property line, and a distance of 1,329.30 feet south of the northwest corner of Section 16 (otherwise known as the centerline of the 20-foot-wide Recreational Trail Easement); thence N 59°54’03” E a distance of 440.39 feet; thence N 64°36’32” E a distance of 260.84 feet with an additional 200-foot break; thence N 48°13’36” E a distance of 205.86 feet; the first 90 feet of which is widened by 40 feet to include “a wooden relic” as noted on plat; thence N 62°49’53” E a distance of 408.74 feet.

Additionally, a 20-foot wide area of land (entirely encumbered by the existing 20-foot-wide Recreational Trail Easement) near the northeast corner of Tract A that is oriented east-west a distance of 178.29 feet.

The proposed Open Space Buffer (OSB) Zoning District as described above is shown on Exhibit A.

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 __________ 2022.

Mindy O’Neall
Presiding Officer

ATTEST:

April Trickey, MMC
Borough Clerk

APPROVED:

Jill S. Dolan
Borough Attorney
## Original Name:

Fairbanks North Star Borough Fiscal Impact Statement (FIS) (FNSBC 3.20.010 C.)

### Originator's Name:
MELISSA KELLNER

### Department:
COMMUNITY PLANNING

### To Be Introduced/Sponsored By:
ASSEMBLY

### Abbreviated Ordinance Title:
REZONE 2022-03

### Department(s)/Division(s) Affected:
Community Planning/Planning and Zoning

### Proposed Introduction Date:
13 JAN 2021

### Ordinance No.:
2022-10

### 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

### FISCAL IMPACT PRO FORMA SUMMARY - BEST ESTIMATE

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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:
MELISSA KELLNER  
Extension: 1252

### Director(s) Signature(s):

Date: 12/1/21

### Mayor's Office or Assembly Member Signature:

Date: 1/1/22

### Chief Financial Officer Signature:

Date:
USMS 355, BLOCK: TL 2, LOT: %A
Airport Equipment Rentals Inc
PO BOX 72578
Fairbanks, AK 99707

NORTHRIDGE, BLOCK: 03, LOT: 01
Chapman Harold
PO BOX 606
Nenana, AK 99760

USMS 355, LOT: 028
Do Not Use
Nothing.

NORTHRIDGE, BLOCK: 03, LOT: 05
Gannon Ian P
PO BOX 81012
Fairbanks, AK 99708

NORTHRIDGE, BLOCK: 03, LOT: 06
Misura Sergey D
401 Snowy Owl Ln
Fairbanks, AK 99712

NORTHRIDGE, BLOCK: 01, LOT: 09
Pro Ruslan
Pro Anna
845 Dragline Dr
Fairbanks, AK 99709

GOLDEN VALLEY HO, BLOCK: 01, LOT: 02
Singer John A
PO BOX 60749
Fairbanks, AK 99706

GOLDEN VALLEY HO, BLOCK: 01, LOT: 01
Trainor Joseph
PO BOX 89336
Fairbanks, AK 99708

GOLDEN VALLEY HO, BLOCK: 02, LOT: 03
Williams Gary
609 Chena Ridge Rd
Fairbanks, AK 99709

GOLDEN VALLEY HO, BLOCK: 02, LOT: 05
Bettsworth Alexander B
Bettsworth Retchenda George
PO BOX 84111
Fairbanks, AK 99708

NORTHRIDGE, BLOCK: 03, LOT: 04
Conner Jeffrey M
PO BOX 85086
Fairbanks, AK 99708

USMS 355, BLOCK: TL 2, LOT: %E
Denton Mikel Et Al
C/o Denton Dan
2730 E San Tan St
Chandler, AZ 85225

NORTHRIDGE, BLOCK: 01, LOT: 07
Dunaway Patrick L
PO BOX 60398
Fairbanks, AK 99706

NORTHRIDGE, BLOCK: 03, LOT: 14
Heblis Christopher J
720 Ridgepointe Dr
Fairbanks, AK 99709

GOLDEN VALLEY HO, BLOCK: 01, LOT: 03
Ngang Cheeho
228 Woodridge St Unit 15
Fairbanks, AK 99709

NORTHRIDGE, BLOCK: 03, LOT: 15
Ross Donald E
2532 Roland Rd
Fairbanks, AK 99709

PEREGRINE HEIGH2, BLOCK: 03, LOT: 10
Pro Anna
Pro Jacob
845 Dragline Dr
Fairbanks, AK 99709

NORTHRIDGE, BLOCK: 01, LOT: 07
Sage Family Trust
3499 Moonshine Run
Fairbanks, AK 99709

GOLDEN VALLEY HO, BLOCK: 02, LOT: 01A
Steyr Martha M
PO BOX 60497
Fairbanks, AK 99706

PEREGRINE HEIGH2, BLOCK: 03, LOT: 16
TaVi Russell E
TaVi Paige L
PO BOX 60668
Fairbanks, AK 99706

BOG VIEW, LOT: B
University of Alaska
C/o Univ Facuty & Land Mgmt
1815 Brgaw St Ste 101
Anchorage, AK 99508

BOG VIEW, LOT: A
Ways and Means Revocable Trust
19706 77th Ave E
Bradenton, FL 34202

NORTHRIDGE, BLOCK: 03, LOT: 03
Zietz William Et Al
PO BOX 42
Lk Minchumina, AK 99757

TOTAL: 27
As of December 21, 2021, minutes from the December 14 Planning Commission meeting are not yet available.
Fairbanks North Star Borough

COMMUNITY PLANNING
Division of Planning and Zoning
planning@fnsb.gov
Main: (907) 459-1260
Fax: (907) 459-1255

STAFF REPORT

TO: Fairbanks North Star Borough Planning Commission

THROUGH: Kellen D. Spillman, Acting Director
Department of Community Planning

FROM: Melissa Kellner, Long Range Planner

DATE: December 14, 2021

SUBJECT: RZ2022-003: A request by David Ways to rezone Tract A Block 1 Bog Subdivision from Rural Estate (RE-4) to Mineral Lands/Open Space Buffer (ML/OSB) (located north of Chena Ester Ditch Road and east of Dragline Drive.

PLEASE NOTE: The applicant submitted a revised application and supplemental materials after the submittal deadline on December 1, 2021. These items are included in the Planning Commission packet but have not been evaluated in this staff report due to time constraints. The applicant was conveyed this information and elected to proceed with this hearing.¹

I. EXECUTIVE SUMMARY

This request is to rezone one tract comprising approximately 28 acres from Rural Estate (RE-4) to Mineral Lands/Open Space Buffer (ML/OSB). The subject parcel is located northwest of the unconstructed Chena Ester Ditch Road ROW and east of Dragline Drive.

Rezoning this property to ML is partially consistent with the FNSB Regional Comprehensive Plan and the existing adjacent land use. FNSB Title 18 rezone criteria are not met. Due to the concerns surrounding potential mining traffic on Chena Ester Ditch Road and Dragline Drive, as well as incompatibility with the adjacent residential development and zoning, Community Planning is recommending denial of this rezone request.

¹ Attachment 7
## II. GENERAL INFORMATION

### Property Information

<table>
<thead>
<tr>
<th>Property</th>
<th>Details</th>
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<tbody>
<tr>
<td>Applicant</td>
<td>David Ways</td>
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<tr>
<td>Rezone Area</td>
<td>Approximately 28.4 acres</td>
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<td>Existing Zoning</td>
<td>Rural Estate-4</td>
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<td>Proposed Zoning</td>
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<td>Comprehensive Plan</td>
<td>Outskirt, High Mineral Potential, Perimeter</td>
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<tr>
<td>Flood Zone</td>
<td>X (Source: March 17, 2014 dFIRM)</td>
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<td>Code Violations</td>
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### Adjacent Zoning/Land Use

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<tr>
<td>North</td>
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<tr>
<td>South</td>
<td>RE-4/ Undeveloped</td>
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<tr>
<td>East</td>
<td>RE-4/Residential</td>
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<tr>
<td>Public Services</td>
<td></td>
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<td>Maintenance Authority</td>
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<table>
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<th>Zoning History</th>
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<tbody>
<tr>
<td>May 3, 1979</td>
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<tr>
<td>April 19, 1988</td>
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<table>
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<th>Existing RE-4 Zoning Standards$^2$</th>
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<td>Permitted Uses</td>
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<td>Conditional Uses</td>
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<tr>
<td>Minimum Lot Size</td>
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<td>Setback Requirement</td>
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<td>Building Height</td>
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<tr>
<th>Proposed ML Zoning Standards$^3$</th>
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<tbody>
<tr>
<td>Permitted Uses</td>
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<tr>
<td>Conditional Uses</td>
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<tr>
<td>Minimum Lot Size</td>
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$^2$ FSNBC 18.36
$^3$ FSNBC 18.80
III. STAFF ANALYSIS

Zoning and Land Use:

The subject rezone area is currently zoned RE-4 and adjacent to RE-4 zoning to the south, east and west and GU-1 zoning to the north. The Rural Estate zoning district is "intended for low density residential development and other compatible uses in areas where community sewer and water systems are unavailable." Mining and natural resource extraction uses have not been deemed a compatible use in the Rural Estate zoning district and thus are not either a permitted use or a conditional use.

The constructed portions of Chena-Ester Ditch Road and Dragline Drive end at the northeast and southwest corners of this tract, respectively. An unconstructed portion of the Chena-Ester Ditch Road right-of-way continues along the subject tract’s southeast boundary.

The parcels along Chena-Ester Ditch Road and Dragline Drive are generally developed with single-family homes, including those parcels immediately adjacent to the subject tract to the northeast and west. A neighborhood trail easement, identified in the Trails Plan as part of the Chena Ridge F.E. Ditch Trails, crosses the property from its northeast corner southwest to its western boundary. To the northeast of the subject tract are a

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4 FSNBC 18.52
5 FNSBC 18.36.010
series of mining claims and active mining operations. Those lots are in the General Use-1 zone and are generally accessed via the Parks Highway.

The applicant is proposing rezoning to Mineral Lands with an Open Space Buffer zone in several locations. The OSB is proposed along portions of the trail easement that passes roughly east-west through the southern portion of the tract with the exception of 200' in the center to allow for vehicle access and ending at the 50’ section line and 30’ public utility easements adjacent to the west lot line. OSB is also proposed in the northeast corner of the tract, extending west from the property boundary approximately 352 feet along another existing recreational trail easement. This easement is adjacent to 30’ public utility and 50’ section line easements south of the tract’s north boundary. Both of these trails are surveyed and included in the plat for the subject tract. The proposed OSB
extends the length of the shared boundary with Lot 1, Block 2 Golden Valley Subdivision at the end of Chena-Ester Ditch Road.

Mr. Ways also owns Tracts A and B, Bog View subdivision, located to the southeast of the rezone area. Those lots are also zoned RE-4. Mr. Ways has stated an intent to utilize the gravel from the subject tract for "road and driveway construction for the neighboring Bog View Subdivision."

*Figure 3: Applicant's proposal*
The intent of the ML district is to protect mineralized areas from the intrusions of incompatible land uses, to allow active exploration for and development of mineral resources, and to allow development necessary to carry out the recovery of mineral resources. This district is further intended to limit structural development of nonmineral related uses that would conflict with future mineral development. This district is intended to complement, and not be in lieu of, any applicable federal and state law.\(^6\)

\(^6\) FNSBC 18.80.010
The intent of the OSB is to encourage open space and preserve natural vegetative buffers within the borough and other traditional outdoor open space uses by prohibiting structural development, above ground utilities and roads. This district is intended to allow minimal clearing of living vegetative growth only after a conditional use has been granted. This zone does not convey public use of private property. The sole permitted use in this zone is trail maintenance not greater than 10 feet in width.

Comprehensive Plan:

The FNSB Regional Comprehensive Plan divides the subject tract into the Area Designations of Outskirt and Perimeter. In addition, the tract is partially designated in the Land Category of High Mineral Potential, which overlaps a portion of the Outskirt Area Designation in the north portion of the property.

![Comprehensive Plan](image)

Figure 5: Comprehensive Plan

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7 FNSBC 18.24.010
**Outskirt**: Area generally within a 20 to 30 minute travel time of urban destinations, and which contains primarily open space, mining and residential uses; variable densities are encouraged provided they are compatible with the surrounding community, sensitive to natural systems and have adequate water and sewer facilities. Other uses include agriculture and supporting commercial uses.

**Perimeter**: Area generally within a 10 to 20 minute travel time of urban destinations, and which contains primarily residential use; variable densities are encouraged providing they are compatible with the surrounding community, sensitive to natural systems and have adequate water and sewer facilities.

**High Mineral Potential**: Areas in the RURAL and OUTSKIRT areas that have been identified as having a high potential for mineral deposits. The priority land use in these areas is mining. Land uses incompatible with mining are discouraged.

While the High Mineral Potential designation prioritizes mining activity and is located within the Outskirt area, which also identifies mining and residential as primary uses, the adjacent Perimeter area identifies residential as its primary use. Both Area designations emphasize compatibility with the surrounding community. This boundary area creates potential for incompatibilities which must be more closely examined within the context of this particular neighborhood, which has existing mining and residential development.

**Land Use Goal 4**: To enhance development opportunities while minimizing land use conflicts.

**Strategy 10**: Attract and support development that is compatible with and enhances existing land use.

**Action B**: Develop a pattern of compatible land uses and either separate, transition or buffer incompatible land uses.

- Minimize disruption to adjoining land uses while providing access for mineral development.

While other mining operations do exist nearby, the subject property is adjacent to RE-4 zoning on three sides and existing residential development on two sides. Rezoning from a residential zone to ML in this residential neighborhood does not minimize disruption or buffer incompatible land uses. Further, if mining vehicles were to utilize the adjacent subdivision roads, traffic safety and road maintenance would likely be impacted.

- **Where Borough permitting is required for the extraction of sand, gravel, peat, placer and hard rock mining, the following guidelines should be used:**
  - Surrounding properties are not adversely damaged.
  - Excessive dust does not materially affect surrounding properties.
  - Hours of operation, lights, and noise levels are compatible with surrounding uses.
- Truck traffic, where possible, is routed so as to minimize impact to surrounding sensitive neighborhoods.
- Sites are restored by the property owner for long-term reuse consistent with the Comprehensive Plan on a case-by-case basis.
- Water quality and quantity are either not diminished or they are mitigated.

Without a more detailed mining plan, these criteria cannot be specifically evaluated.

Rezoning this tract from RE-4 to ML/OSB in the applicant’s proposed configuration is not consistent with the Comprehensive Plan designations and goals. Quite a few of the permitted uses in the ML zoning district have been deemed incompatible with intended residential uses of the Rural Estates zoning district.

**IV. TRAFFIC AND TRIP GENERATION**

The subject property is legally accessed by two subdivision roads. Dragline and North Ridge Road are Local Roads and Moonshine Run is a Minor Collector. These roads are maintained by two different Road Service Areas: Golden Valley Road Service Area maintains Chena Ester Ditch Road, and North Ridge Service Area maintains Dragline & Moonshine. The subject tract is within the Golden Valley Service Area.

The minimum standards for such roads are 8-12" of base material and 3-4" of surface material over a 24' width. It is unclear whether these roads currently meet those standards. While the applicant does not anticipate utilizing these roads, if mining traffic were to utilize then, improvements would likely be needed to accommodate additional truck traffic in this area.

In addition, Moonshine, Dragline and Ester-Chena Ditch Roads are generally characterized by a narrow roadway, steep slopes and tight turns. It is unknown whether mineral extraction from the subject lot would include significant truck traffic on these roads; however, it is likely that if such traffic were to use these roads, the quality and safety of these roads would be significantly impacted.

The adjacent properties to the north and west are active mining claims zoned General Use-1. The applicant has indicated a possibility of directing offsite mining vehicles, if any are utilized, to avoid the subdivision roads and utilize access through those mining claims.

The rezone to ML poses concerns for the impact to the transportation system within the area. There may not be adequate capacity on the roadway to serve the traffic that this rezone may generate. The applicant has indicated that he does not intend to use the roadways in this area for mineral extraction use, but all possibilities must be considered.

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8 Traffic and Trip Generation Section information provided by FNSB Planner IV – Transportation, Don Galligan and FNSB Rural Services Civil Engineer Floyd Sheesley
when evaluating a rezone and all of the potential impacts that could be associated with a rezone in the future.

V. NONCONFORMING LOTS, STRUCTURES AND USES

The subject lot is currently undeveloped. ML has no minimum lot size. A rezone would not create any nonconformities.

VI. PLANNING COMMISSION RECOMMENDATION CRITERIA [FNSBC 18.104.020 (C)]

(1) The proposed rezone conforms to the comprehensive plan.

The subject property is partially designated as High Mineral Potential in the Comprehensive Plan. This designation identifies mining as the sole priority land use. However, as proposed, this rezone does not conform to the comprehensive plan, as it does not minimize the potential for land use conflicts or buffer incompatible land uses, as identified in Land Use Goal 4. The Perimeter Area/Outskirt Area boundary that runs through this property intensifies this need for buffering between different Area designations.

(2) The proposed rezone conforms to the public health, safety and welfare.

This proposed rezone raises concerns about public health, safety and welfare. If utilized, mining vehicles are likely to have a negative impact on the safety and maintenance of the subdivision roads in the area. In addition, a lack of buffering between the residential zoning and development and the mining zoning and development may adversely affect the existing residential development. The majority of the adjacent parcels to this rezone area are currently zoned Rural Estates, a district “intended for low density residential development and other compatible uses.”

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:

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9 FNSBC 18.36.010
1. The consistency of the amendment with the comprehensive plan;

The ML zoning district is consistent with the High Mineral Potential designation that exists on a portion of the lot, but is inconsistent with the Perimeter Area designation, which is intended for residential uses under the current proposal. In this particular location, buffering between potentially incompatible mining and residential uses as indicated in Land Use Goal 4 is critical to avoid potential land use conflicts.

This proposal is not consistent with the Comprehensive Plan and in particular is contrary to Land Use Goal 4.

2. The benefits and detriments of the amendment to the owners, adjacent landowners, and community; and

Approval of this rezone will allow mining operations to extend into an area zoned on three sides by a zone “intended for low density residential development and other compatible uses”\textsuperscript{10}, which has developed primarily residetially. While the overall intended development is to enable development of a nearby residential subdivision, the immediate benefits are primarily to the sole owner of the subject tract, and the detriments are borne by the adjacent landowners.

It is possible that portions of this rezone could be detrimental to the adjacent landowners and the community.

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. Additionally, “the size of the area rezoned should not be considered more significant than other factors in determining whether spot zoning has occurred. A parcel cannot be too large per se to preclude a finding of spot zoning, nor can it be so small that it mandates a finding or spot zoning.”\textsuperscript{11} The subject lot is approximately 28 acres, exceeding this guiding threshold.

While not clearly a spot zone, there are concerns with this rezoning request based on the thresholds established under Griswold v. City of Homer, 925 P.2d 1015, Alaska, 1996.

VIII. PUBLIC NOTICE

\textsuperscript{10} FNSBC 18.36.010
\textsuperscript{11} Griswold v. City of Homer 925 P.2d at 1024-1025 (Alaska 1996)
The Department of Community Planning mailed 27 Dear Property Owner (DPO) notices on November 12, 2021. As of publishing, one response has been submitted, opposed to the rezone and citing concerns about damage to local roads. Another DPO recipient responded over the phone, stating their opposition the construction vehicles using Chena-Ester Ditch Road. The applicant posted one public hearing notice sign on November 20. This sign meets the notice requirements.

IX. AGENCY COMMENTS

Community Planning contacted the following agencies for comments:

b. State Troopers
c. GVEA: Julie Karl
d. Golden Heart Utilities
e. Chena-Goldstream Fire & Rescue
f. FAST Planning: Jackson Fox, Executive Director
g. FNSB:
   a. E-911 Addressing: Bill Witte
   b. Natural Resource Development: Daniel Welch, Manager
c. Rural Services: Floyd Sheesley, Civil Engineer
h. Alaska Department of Transportation: Randi Bailey, Transportation Planner
i. Alaska Department of Fish & Game: Audra Brase, Regional Supervisor
j. Alaska Department of Natural Resources: Tim Shilling, Manager
k. University of Alaska Land Management: Laurie Swartz, Sr Property Mgr.
l. Army Corps of Engineers: Ashley Kraetsch, Regulatory Specialist

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12 Attachment 4
13 Attachment 3
The Army Corps of Engineers noted that "a Section 404 permit will be required for any activities that result in impacts to jurisdictional wetlands or other waters of the US within the noted tract."

The FNSB Rural Services Division contributed comments and information about the Road Service roads, as discussed in Section IV above.

DOT responded with no comment.

No other responses had been received at the time of publication.

**X. SITE VISIT**

A site visit was conducted and photos were taken on November 19, 2021.\(^{14}\)

**XI. RECOMMENDATION**

Based on the staff analysis above, the Department of Community Planning recommends denial of this rezone request.

**XII. FINDINGS OF FACT**

The Department of Community Planning further recommends adoption of the staff report and the following six (6) Findings of Fact in support of **DENIAL** of the rezone.

1. The FNSB Regional Comprehensive Plan designates the rezone area as falling within the Perimeter/Outskirt Area Boundary. A portion of the Outskirt Area is also designated as High Mineral Potential.

2. The current RE-4 zoning is more consistent with the Comprehensive Plan designations and existing adjacent zoning and development.

3. The rezone does not conform to the following FNSB Regional Comprehensive Plan goals:

   **Land Use Goal 4:** To enhance development opportunities while minimizing land use conflicts.

   **Strategy 10:** Attract and support development that is compatible with and enhances existing land use.

   **Action B:** Develop a pattern of compatible land uses and either separate, transition or buffer incompatible land uses.

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\(^{14}\) Attachment 5
4. The rezone does not conform to the public health, safety and welfare because:
   a. There are potentially not adequate existing transportation facilities in that local roads and road safety will likely be adversely impacted should they be used by mining vehicles.
   b. The rezone would not buffer or separate potentially incompatible mining and residential uses.
   c. The existing road network is not capable of handling additional mining-related vehicle traffic.

5. The proposed rezone has spot zone concerns because:
   a. The rezone is consistent with the “High Mineral Potential” designation, but potentially inconsistent with the Perimeter/Outskirt Area Boundary and other areas of the comprehensive plan because it will promote development of incompatible uses in close proximity. This proposal is contrary to Land Use Goal 4 in particular.
   b. This rezone is potentially a detriment to the adjacent and nearby residential landowners because of the safety concerns and other impacts of a mining operation adjacent to residential uses.
   c. The area to be rezoned does meet the rough size thresholds of a rezone.

DRAFT PLANNING COMMISSION MOTION:

I move to recommend denial of RZ2022-003, a request to rezone Tract A, Block 1 Bog Subdivision from Rural Estate-4 to Mineral Lands and Open Space Buffer, adopting the staff report and six findings of fact in support of this recommendation.

Attachment 1: Zoning map
Attachment 2: Comprehensive Plan map
Attachment 3: Agency comments
Attachment 4: DPO recipient comment
Attachment 5: Site visit photos
Attachment 6: Application with narrative
Attachment 7: Revised application
Hello Kellen,

USACE has no substantial comments; however, a Section 404 permit will be required for any activities that result in impacts to jurisdictional wetlands or other waters of the US within the noted tract.

Thank you,

Ashley Kraetsch
Regulatory Specialist
U.S. Army Corps of Engineers
Regulatory Division
P.O. Box 35066
Fort Wainwright, AK 99703

From: Kellen Spillman <kellen.spillman@fnsb.gov>
Sent: Friday, November 5, 2021 4:52 PM
To: David.tyler@alaska.gov; jillian.roberts@alaska.gov; chunger@cgfr.com; dispatch.fairbanks@alaska.gov; chief@cgfr.com; Bill Witte <bill.witte@fnsb.gov>; Daniel Welch <daniel.welch@fnsb.gov>; Bailey; Randi L (DOT) (randi.bailey@alaska.gov) <randi.bailey@alaska.gov>; Timothy.shilling@alaska.gov; Audra Brase <audra.brase@alaska.gov>; Soiseth, Benjamin N CIV USARMS CEPOA (USA) <Benjamin.N.Soiseth@usace.army.mil>; JKLarl@gvea.com; usainfo@akwater.com; Jackson Fox <jackson.fox@fastplanning.us>; Jkswartz@alaska.edu
Cc: Melissa Kellner <melissa.kellner@fnsb.gov>; Sarah Bingham <sarah.bingham@fnsb.gov>

Subject: [Non-DoD Source] RZ2022-003 Rezone from Rural Estates 4 (RE-4) to Mineral Lands/Open Space Buffer

Agency partners,

Please see attached and below. A rezone application has been filed to rezone Tract A Block 1 Bog Subdivision from Rural Estates 4 (RE-4) to Mineral Lands/Open Space Buffer. This parcel is located off of Dragline Drive and Chena Ester Ditch Road, off of Chena Ridge Road.

The Rural Estates zoning district is “...Intended for low density residential development and other compatible uses in areas where community sewer and water systems are unavailable.” All listed uses and standards are available here https://fnsb.borough.codes/FNSBC/18.36

The Mineral Land district “is intended to protect mineralized areas from the intrusions of incompatible land uses, to allow active exploration for and development of mineral resources, and to allow development necessary to carry out the recovery of mineral resources. This district is further intended to limit structural development of nonmineral related uses that would conflict with future mineral development. This district is intended to complement, and not be in lieu of, any applicable federal and state law.” All listed uses and standards are available here https://fnsb.borough.codes/FNSBC/18.80
The applicants application is attached and goes into more detail. This will be heard at the December 9, 2021 FNSB Planning Commission Meeting. Could you please submit any comments back to the Community Planning Department by replying to this e-mail ensure that Melissa Kellner Sarah Bingham and I are copied, not later than November 19, 2021.

Kellen Spillman
Deputy Director
FNSB Community Planning
kellen.spillman@fnsb.gov
(907) 459-1266

SERVE ★ LEAD ★ THRIVE
FAIRBANKS NORTH STAR BOROUGH

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.
Kellen,

The DOT has reviewed the rezone application for the Bog Subdivision has no comment.

Thank you,
Randi

From: Kellen Spillman [mailto:kellen.spillman@fnsb.gov]
Sent: Friday, November 5, 2021 4:52 PM
To: David.tyler@alaska.gov; jillian.roberts@alaska.gov; chunger@cgfr.com; dispatch_fairbanks (DPS sponsored) <dispatch.fairbanks@alaska.gov>; chief@cgfr.com; Bill Witte <bill.witte@fnsb.gov>; Daniel Welch <daniel.welch@fnsb.gov>; Bailey, Randi L (DOT) <randi.bailey@alaska.gov>; Shilling, Timothy A (DNR) <timothy.shilling@alaska.gov>; Brase, Audra L (DFG) <audra.brase@alaska.gov>; Benjamin n.soliseth@usace.army.mil; JLKar@gvea.com; usainfo@akwater.com; Jackson Fox <jackson.fox@fastplanning.us>; lkswartz@alaska.edu
Cc: Melissa Kellner <melissa.kellner@fnsb.gov>; Sarah Bingham <sarah.bingham@fnsb.gov>
Subject: RZ2022-003 Rezone from Rural Estates 4 (RE-4) to Mineral Lands/Open Space Buffer

Agency partners,

Please see attached and below. A rezone application has been filed to rezone Tract A Block 1 Bog Subdivision from Rural Estates 4 (RE-4) to Mineral Lands/Open Space Buffer. This parcel is located off of Dragline Drive and Chena Ester Ditch Road, off of Chena Ridge Road.

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The applicants application is attached and goes into more detail. This will be heard at the December
9, 2021 FNSB Planning Commission Meeting. Could you please submit any comments back to the Community Planning Department by replying to this e-mail ensure that Melissa Kellner Sarah Bingham and I are copied, not later than November 19, 2021.

Kellen Spillman
Deputy Director
FNSB Community Planning
kellen.spillman@fnsb.gov
(907) 459-1266

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FAIRBANKS NORTH STAR BOROUGH
CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.
Melissa Kellner

From: Donald Galligan
Sent: Monday, November 29, 2021 8:10 AM
To: Melissa Kellner
Subject: RE: Traffic info for Bog subdivision rezone

Melissa, the closest I have is Chena Ridge around Canterbury which has approximately 1300 vehicles per day. I have a call into Floyd about Chena Ester Ditch, Dragline, and Moonshine. I'll get more info when we speak.

Donald C. Galligan, Jr. AICP | Planner IV—Transportation
Fairbanks North Star Borough | Community Planning
907.459.1272 (direct) | 907.459.1260 (department)
donald.galligan@fnsb.gov |

From: Melissa Kellner <melissa.kellner@fnsb.gov>
Sent: Sunday, November 28, 2021 5:34 PM
To: Donald Galligan <Donald.Galligan@fnsb.gov>
Subject: Traffic info for Bog subdivision rezone

Don, do you have AADT numbers for anything near the Bog subdivision rezone? Chena Ester Ditch Road, Dragline Drive, or Moonshine?

Also, any overall comments I can use in my staff report regarding the suitability of these roads for mining vehicles?

Thanks,

Melissa

Melissa Kellner
Long-Range Planner
Community Planning Department
Fairbanks North Star Borough
Thanks Floyd.

Donald C. Galligan, Jr. AICP | Planner IV—Transportation
Fairbanks North Star Borough | Community Planning
907.459.1272 (direct) | 907.459.1260 (department)
donald.galligan@fnsb.gov |

From: Floyd Sheesley <floyd.sheesley@fnsb.gov>
Sent: Monday, November 29, 2021 10:57 AM
To: Donald Galligan <Donald.Galligan@fnsb.gov>
Subject: RE: rezone of PAN 503801

It looks like Dragline and Northridge are listed as Local Road. Probably Local 2 which would be 24’ wide (20’ + 2’ shoulders).
Moonshine Run is listed as a Minor Collector which would be 24’ wide (20’ + 2’ shoulders).

I am not sure what depth of base material and surface course material is out there now for these roads but the developer should confirm that they have 8”-12” of base and 3”-4” of surface material and 24’ wide, if not they should be required to improve the roads to these minimum standards.

This does not address the ongoing maintenance of the roads since the roads being used are in the adjacent SA as the property being taxed.

Floyd Sheesley

From: Donald Galligan <Donald.Galligan@fnsb.gov>
Sent: Monday, November 29, 2021 10:41 AM
To: Floyd Sheesley <floyd.sheesley@fnsb.gov>
Subject: RE: rezone of PAN 503801

Floyd, could you get those road standard recommendations to me late today/early tomorrow? We have a telecon with the developer tomorrow at 10:00, and Melissa’s staff report is due tomorrow, Wednesday at the latest. Just wondering if that is doable, or if my ask is too great. Let me know.

Thanks

Donald C. Galligan, Jr. AICP | Planner IV—Transportation
Fairbanks North Star Borough | Community Planning
907.459.1272 (direct) | 907.459.1260 (department)
donald.galligan@fnsb.gov |
From: Floyd Sheesley <floyd.sheesley@fnsh.gov>
Sent: Monday, November 29, 2021 9:54 AM
To: Donald Galligan <Donald.Galligan@fnsh.gov>
Cc: Michael Bredlie <michael.bredlie@fnsh.gov>
Subject: rezone of PAN 503801

Don,

The first thing that jumps out at me is that this parcel is located within the Golden Valley Road SA however the most likely route out to Chena Ridge is through the Northridge SA. This would mean that even if the assessed value of the parcel were increased the tax dollars collected would go to the Golden Valley Road SA rather than the SA that maintains the roads that would be impacted the most (i.e. Northridge SA).

I am sure that between Michael, David and myself we can come up with recommendations for improvements to Dragline, Northridge and Moonshine in order to accommodate additional truck traffic from a new gravel mine/pit at this location.

It does not sound like a good precedent to set by zooming this Mineral Lands right in the middle of RE-4.

It seems like if the owner wants to utilize the gravel on their property for the development of the lot that should be allowed but to re-zone to Mineral Lands for the ability to create a gravel mine at this location is not appropriate.

Floyd Sheesley
Civil Engineer
Fairbanks North Star Borough
Division of Rural Services
E-mail: floyd.sheesley@fnsh.gov
Division E-mail: RuralServices@fnsh.gov
Phone: 907-459-1203
Fax: 907-459-1499
Dear Property Owner:

The Fairbanks North Star Borough Planning Commission is considering RZ2022-003, a request by David Ways to rezone Tract A Block 1 Bog Subdivision from Residential Estate (RE-4) to Mineral Lands/Open Space Buffer (ML/OSB) located north of Chena Ester Ditch Road and east of Dragline Drive.

You are being notified as required by code because your property is within 2000 feet of the request. The public hearing on this request will be held at or after 6:00 pm, Tuesday, December 14, 2021. You are encouraged to testify at this public hearing and/or submit written comments. Testimony is limited to three minutes per person at the public hearing. This meeting will be conducted in-person and by Zoom or Zoom-only, to be determined after consideration given to the FNSB Operational Status, and if the Juanita Helms Administration Center is otherwise open to the public. For more information visit https://fnsb.gov/475/Planning-Commission or contact the Borough Clerk’s Office at (907) 459-1401 or email clerks@fnsb.gov.

You may provide written comments on this application by returning this notice, or by submitting your comments in an email prior to the meeting. For email comments, please email them to planning@fnsb.gov.

For more information, please email planning@fnsb.gov or contact Community Planning at 459-1260. The staff report to the Commission will be available online a minimum of five days before the hearing, at https://www.fnsb.gov/475/Planning-Commission under the meeting date.

Property Owner: 3510 Moonshine Run, Sergey Misyura
Address or Lot/Block/Sub: 3510 Moonshine Run, Fairbanks, AK 99709
Comments: We are against this project. Our road is damaged by all the equipment. We don’t want any of this happening here.

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.
Curve on Chena Ester Ditch Road

Cul-de-sac and trailhead at the end of Chena Ester Ditch Road
End of Dragline Drive, looking north

Property boundary between rezone request and residence. Cutbank generally indicates boundary.
Thank you Kellen,

Yes, we'd like to make the Open Space Buffer at the same location as the platted recreational trail easement, as we have the dimensions and coordinates for the center line of the trail on the Bog Subdivision plat.

I will provide a drawing that shows these measurements precisely.

I appreciate all your help!

Sincerely,
David

> On October 26, 2021 5:29 PM Kellen Spillman <kellen.spillman@fnsb.gov> wrote:
> 
> > Mr. Ways,
> > 
> > We have completed a completeness review on your new submittals and it has been deemed completed. Pending confirmation for the Planning Commission Chair you will be scheduled for a public hearing on December 14 on or at 6:00pm. Please make yourself available at that hearing in person or in the zoom format to present your case and answer any questions the Commission may have. A staff report will be available prior to the meeting and you will be distributed a copy. Please ensure that you complete the signage requirements and affidavit by the required date of November 24, 2021, as previously discussed. It appears that you have yet to pick up your sign.
> > 
> > Prior to the hearing we will need more specific measurements on your OSB proposal. Please include the exact length and distance from the property lines of the proposed easement so we can ensure it is correctly proposed. It does appear that you have changed the placement of the OSB since your first application. Can you please confirm that this is your intent.
> > 
> > Please reach out to me directly with and questions.
> > 
> > Thanks,
> > 
> > Kellen Spillman
> > FNSB Community Planning
> > 
> > 
> > Kellen Spillman
> > FNSB Community Planning
> > 
> > -----Original Message-----
From: Kellen Spillman
Sent: Thursday, October 21, 2021 8:18 AM
To: dew@skeeta.com <dew@skeeta.com>
Cc: Melissa Kellner <melissa.kellner@fnsb.gov>; Sarah Bingham <sarah.bingham@fnsb.gov>; Donald Galligan <Donald.Galligan@fnsb.gov>
Subject: RE: RZ2022-003 Final Application Revised

> Mr. Ways,

I can confirm we have received your revised application and have scheduled another completeness review. I will be in touch next week.

Thanks,

Kellen Spillman
FNSB Community Planning

-----Original Message-----
From: dew@skeeta.com <dew@skeeta.com>
Sent: Wednesday, October 20, 2021 2:21 AM
To: Kellen Spillman <kellen.spillman@fnsb.gov>
Cc: Melissa Kellner <melissa.kellner@fnsb.gov>; Sarah Bingham <sarah.bingham@fnsb.gov>; Donald Galligan <Donald.Galligan@fnsb.gov>
Subject: RZ2022-003 Final Application Revised

Good morning Kellen,

Please see the attached revised Rezone Application, incorporating the comments and suggestions from the completeness review.

Thank you for all your help!

Kind regards,

David E. Ways

On October 15, 2021 2:37 PM Kellen Spillman <kellen.spillman@fnsb.gov> wrote:

Mr. Ways,

We have reviewed your application and need more information and several deficiencies corrected before we can proceed. Please see full list below:

1. In your application you noted that the property to be rezoned was “Block 1” can you please confirm that the specific property is Block 1, Track A, Bog Subdivision and amend all sections of the application and petition that reference this.

2. Our records indicate that the parcel in question is owned by “Ways and Means Revocable Trust”. Can you please provide information that you have signatory authority for this entity.

3. You noted that in your “special limitations” you would like an “open space buffer” zone applied. This is not a special limitation, but it’s own stand along zoning district. Please ament the application to reflect this as a principal zone, which would result in your parcel being a split zone parcel.
4. FNSB code requires that the comprehensive plan designation all properties is noted in the application. It appears you only noted "high potential mineral deposits" as the comp plan designation. Our records show that there are three separate designations on the parcel, "high mineral potential", "outskirt area" and "perimeter area". Please amend your application and narrative to reflect this.

While not a code requirement the following information is also requested for staff to be able to do a health, safety and welfare review of your request.

1. It appears that there are one or more trail easements on your parcel. While not required by code, your application will be increased by noting how or if the trail easements will be protected.

2. Our transportation planner has requested information on what proposed route you would have vehicles use to access the site, both for gravel extraction and potential mining activity. Additionally, do you have any information on the proposed truck traffic volumes that would occur for both the gravel extraction and potential mining activity?

3. Do you have information on where on the property you think the potential gravel extraction and/or where the mining activity would occur?

We will be requiring a full new application packet to ensure that everything is received as one package. If this information is received by Wednesday 10.20.21 we can proceed with this being scheduled for the December 14th Planning Commission Meeting.

Thanks,

Kellen Spillman
Deputy Director
FNSB Community Planning
kellen.spillman@fnsb.gov
(907) 459-1266

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CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.
Fairbanks North Star Borough
Department of Community Planning
907 Terminal Street/P.O. Box 71267
Fairbanks, Alaska 99707-1267
(907) 459-1260 Fax: (907) 459-1255
planning@fnsb.us

REZONE APPLICATION

File #: RZ2022-003

REZONE

** Fee waived if rezoning a split zone parcel or rezoning a GU zoned property to an appropriate residential zone if the rezone encompasses at least 13 acres or 5 more contiguous lots

<table>
<thead>
<tr>
<th>Applicant:</th>
<th>Property Owner:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contact Name:</td>
<td>Name:</td>
</tr>
<tr>
<td>David E. Ways</td>
<td>David E. Ways</td>
</tr>
<tr>
<td>Business Name:</td>
<td>Mailing Address:</td>
</tr>
<tr>
<td>N/A</td>
<td>19706 77th Ave E</td>
</tr>
<tr>
<td>Mailing Address:</td>
<td>City, State Zip:</td>
</tr>
<tr>
<td>19706 77th Ave E</td>
<td>Bradenton, FL 34202</td>
</tr>
<tr>
<td>City, State Zip:</td>
<td>Phone:</td>
</tr>
<tr>
<td>Bradenton, FL 34202</td>
<td>(941) 322-9739</td>
</tr>
<tr>
<td>Phone:</td>
<td>Cell:</td>
</tr>
<tr>
<td>(941) 322-9739</td>
<td>(941) 773-1898</td>
</tr>
<tr>
<td>E-mail:</td>
<td>E-mail:</td>
</tr>
<tr>
<td><a href="mailto:DEW@skeeta.com">DEW@skeeta.com</a></td>
<td><a href="mailto:DEW@skeeta.com">DEW@skeeta.com</a></td>
</tr>
</tbody>
</table>

Property Information:

Property Description: Block 1, Tract A, Bog Subdivision

| Street Address: | Size: |
| Unassigned | 28.439 Acres |
| Parcel Account Numbers (PAN): | Existing Use: |
| 503801 | Undeveloped |
| Existing Zone: | Proposed Zone: |
| Residential Estate 4 (RE-4) | Mineral Land (ML) & Open Space Buffer (OSB) |

I certify that the information included in this application is to the best of my knowledge true and complete.

APPLICANT SIGNATURE: ___________________________ DATE: 10/20/2021

OWNER SIGNATURE (if different): N/A DATE: N/A
REZONE INTAKE CHECKLIST

Please submit the required documentation listed below. Applications will not be scheduled for a Planning Commission meeting agenda until these items have been submitted and the application has been deemed complete.

REZONE

1. Attach a detailed written narrative that addresses the following criteria set forth in 18.104.020:

☐ Explain why the existing zone is unsatisfactory and state the reasons for requesting the rezoning. Discuss the advantages of rezoning the property.

☐ Explain how the proposed rezone conforms to the FNSB Regional Comprehensive Plan and/or the North Pole Land Use Plan. Please review the Plan goals, strategies and actions that would be furthered by the proposed rezone and to include them in the narrative. Copies of the Regional Comprehensive Plan are available at the Department of Community Planning or online at: https://www.fnsb.gov/DocumentCenter/View/900/Regional-Comprehensive-Plan-PDF

☐ Explain how the proposed rezone will protect the public health, safety and welfare, including protection from the impacts of traffic, noise, screening/buffering, etc.

2. Submit the following:

☐ Public Notice Sign Posting Affidavit. The form is included in the application packet.

☐ Zoning Petition if more than one property owner is involved in the proposed rezone. The form is included in this application packet.

☐ Include application fee (cash, check or charge)

☐ Include sign deposit (cash or check only – separate payment)

REZONE WITH SPECIAL LIMITATIONS

When requesting special limitations for the proposed rezone, the following items are required in addition to the above items as set forth in FNSBC 18.104.030:

A. Narrative to include the following:

☐ Explain your project and discuss how it will mitigate the adverse impacts of the project and the change in rezoning districts.
Explain how the proposed rezone with special limitations promotes aesthetics to the adjoining neighborhood.

Explain how the proposed rezone with special limitations does not defeat the general intent of surrounding zones, nor constitute a spot zone.

B. Submit a detailed site development plan of your project (see attached Rezone with Special Limitations Intake Checklist)

1. A site plan drawn to a verifiable scale with north arrow and dimensions in feet (i.e. 1” = 10’ or 1” = 20’, etc.), including all of the following information:

   More than one site plan of different scales may be used to illustrate the site.
   - Location and dimensions of property lines
   - Name of the access road and any other roads adjacent to the property lines
   - Location and dimensions of all existing and proposed buildings and structures (including additions) Label as existing or proposed
   - In the Light Commercial (LC) zone, list the height of all proposed buildings
   - Uses of all existing and proposed buildings and structures, portions of buildings, and areas of the property
   - Setback distances of all existing and proposed buildings and structures from property lines, except in the General Use (GU) zones
   - If adjacent to residentially zoned property, show the location and type of all outdoor lighting
   - Location and dimensions of existing and proposed driveways. A driveway permit may be needed if accessing a Road Service Area (RSA) road or AKDOT&PF permitted right-of-way (ROW) or if located within city limits
   - Location and dimensions of off-street parking spaces. Off-street parking spaces are required to be at least 9’ by 18’, with sufficient back-up and maneuvering area such that all back-up and maneuvering actions occur on the site (FNSBC 18.96.060). Label parking spaces with dimensions
   - Location and dimensions of loading areas if the use involves the loading and unloading of merchandise, materials, or supplies.
   - Location and dimensions of all traffic circulation areas. Show drive aisles, backing and maneuvering areas and all areas where motor vehicles will travel on the site
   - Show any obstructions located within the parking and vehicle maneuvering areas, such as a wall, post, guard rail, or other obstruction.

Additional information may be required beyond the items listed above.
C. Submit **written consent from the owner of the property approving the Special Limitations.** The form is included in this application packet.

D. Submit **acknowledgement form** from the property owner that they have the right to have the Assembly consider their rezone without the requested special limitations and that their requested rezone will go to the Assembly for their consideration regardless of whether the property owner accepts or rejects any suggested special limitation. The form is included in this application packet.

E. Special limitations may be added, but not limited to the following purposes:

- **□** Prohibit structures, or uses of land or structures, that would adversely affect the surrounding neighborhood or conflict with the comprehensive plan
- **□** Conform the rezoning to the comprehensive plan, or to further the goals and policies of the comprehensive plan
- **□** Conform development under the rezoning to existing patterns of development in the surrounding neighborhood
- **□** Mitigate the adverse effects of development under the rezoning on the surrounding neighborhood and on public facilities and services
- **□** Allow for innovation in design or use of land

F. **Special limitations shall do one or more of the following:**

- **□** Limit residential density or prohibit structures or uses of land or structures otherwise permitted in a use district
- **□** Require compliance with design standards for structures and other site features
- **□** Require compliance with a site plan approved under this title
- **□** Require the construction and installation of improvements, including public improvements
- **□** Impose time limits for taking subsequent development actions
- **□** Impose time restrictions such as hours of operation or other additional numeric standards on permitted uses
REZONE PETITION FORM
WE THE UNDERSIGNED JOIN IN REQUESTING AND AUTHORIZE
REZONING OF Block 1, Tract A, Bog Subdivision
FROM Residential Estate 4 (RE-4) ZONE
TO Mineral Land (ML) & Open Space Buffer (OSB) ZONE.
ALL BLANKS MUST BE COMPLETED AND LEGIBLE.

David E. Ways
Printed Name
19706 77th Ave E., Bradenton, FL 34202
Mailing Address

N/A
Signature

N/A
Printed Name

N/A
Mailing Address

N/A
Property Description (Subdivision, Lot & Block)

N/A
Signature

N/A
Printed Name

N/A
Mailing Address

N/A
Property Description (Subdivision, Lot & Block)

N/A
Signature

N/A
Printed Name

N/A
Mailing Address

N/A
Property Description (Subdivision, Lot & Block)
PUBLIC NOTICE SIGN POSTING AFFIDAVIT

STATE OF ALASKA   )
FOURTH JUDICIAL DISTRICT   )

I, David E. Ways, being first duly sworn, depose and state that:

1. I have submitted an application identified as Rezone Application.

2. I have posted and will maintain public notice sign #1 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 30’ from the edge of the road to further ensure readability from streets.
   e. Sign was posted on 11-20-2021 (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 $300.00 (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.

[Signature]
David E. Ways
19706 77th Ave E
Bradenton, FL 34202

(Print Name and Address of Affiant)

SUBSCRIBED AND SWORN TO BEFORE ME on this 22 day of November, 2021

[Signature]
Notary Public in and for Alaska Florida

Commission Expires 10/3/2026

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.
BLOCK 1, TRACT A, BOG SUBDIVISION REZONE TO MINERAL LANDS (ML) & OPEN SPACE BUFFER (OSB)

10-20-2021

A. Explain why the existing zone is unsatisfactory and state the reasons for requesting the rezoning.

A Rezone of Block 1, Tract A, Bog Subdivision to Mineral Lands (ML) and Open Space Buffer (OSB) is requested, because it is currently zoned Rural Estate 4 (RE-4), which is incompatible with the best land use, and is unsatisfactory for optimal implementation of the FNSB Comprehensive Plan, for the following reasons:

1. Block 1, Tract A, Bog Subdivision has been identified in the FNSB Comprehensive Plan as having “High Mineral Potential”, as well as portions of the land being identified as “Outskirt” & “Perimeter” areas. See Public Data File 83-8, by T.E. Smith. “The priority land use in High Mineral Potential is mining.” “Land uses incompatible with mining are discouraged.”

2. Residential Estate (RE-4) zone is an ad hoc zoning designation for Block 1, Tract A, Bog Subdivision, as it was designated before it was subdivided from Section 16, and because RE-4 zone does not “recognize forest, mining, and agricultural activities as a priority”, “emphasize development and expansion of mining “, “provide access for mineral development”, or “discourage residential development on lands in high mineral potential areas”.

3. RE-4 zone restricts access to and Placer Mining of on-site Gold.

4. RE-4 zone restricts access to and processing of on-site Gravel.

5. RE-4 zone restricts access to and processing of on-site Wood.

6. RE-4 zone negatively impacts Block 1, Tract A, Bog Subdivision road construction within the platted Right-of-Way, intended to connect Dragline Drive in Northridge Subdivision with Chena-Ester Ditch Road in Golden Valley Subdivision, by requiring gravel to be hauled-in from miles away, which is a prohibitive expense to feasible construction, while on-site gravel is available.

7. RE-4 zone negatively impacts the adjacent Block 1, Tract A, Bog Subdivision potential future community development of 4 acre lots, by requiring gravel for road and driveway construction to be hauled-in from miles away, which is a prohibitive expense to economically feasible construction, while near site gravel is potentially available.

8. The two adjacent properties to Block 1, Tract A, Bog Subdivision adjoin RE-4 zoned properties at two locations (including Bog Subdivision) while they are adjoined at six locations by General Use (GU) zoned properties, that extend to the north for hundreds of miles.

B. Discuss the advantages of rezoning the property:

Rezoning Block 1, Tract A, Bog Subdivision from Rural Estate 4 (RE-4) to Mineral Lands (ML) and Open Space Buffer (OSB) is advantageous for optimal implementation of the FNSB Comprehensive Plan at this property location for the following reasons:
1. ML zone is intended to **protect mineralized areas** from the intrusions of incompatible land uses, to allow active exploration for and development of mineral resources, and to allow development necessary to carry out the recovery of mineral resources.
2. ML zone enables **access to high mineral potential-bearing areas** that have not been developed.
3. ML zone enables **development and expansion of mining**.
4. ML zone enables efforts that **add value to mining products and activities**.
5. ML zone enables **strategies for leveraging resources**, of on-site gold, gravel, and wood.
6. ML zone enables minimal disruption to adjoining land uses while providing access for mineral development.
7. ML zone enables development that brings **new dollars into the community**.
8. ML zone enables development with **responsible stewardship of our resources**.
9. ML zone **creates new economic ventures**.
10. ML zone provides access to gravel to create infrastructure that **minimizes public and private costs**, both initial and long-term.
11. ML zone **encourages related complementary business** and commercial activities in and around designated industrial areas.
12. OSB zone is located concurrent with the platted 20’ wide recreational trail easement, along a portion of the northerly section line, adjacent to the 30’ utility easement, and following the F.E. Ditch trail that defines the southern boundary of intended mineral excavation area.
13. OSB zone has two space breaks along the open buffer zone to provide vehicle & equipment access to the intended mineral excavation site, at the base of Chena Ridge.
14. OSB zone is intended to protect and preserve the recreational trail for public use.
15. OSB zone provides a visual buffer along the perimeter of the mineral excavation site.
16. OSB zone provides a noise & dust buffer along the perimeter of the mineral excavation site.
17. OSB zone along the recreational trail separates the mineral excavation site from the remaining wood harvesting area, uphill to the property boundary along Chena-Ester Ditch Rd ROW.

C. **Explain how the proposed rezone conforms to the FNSB Regional Comprehensive Plan and/or the North Pole Land Use Plan. Please review the Plan goals, strategies and actions that would be furthered by the proposed rezone and to include them in the narrative.**

**Fairbanks North Star Borough Regional Comprehensive Plan**

**VISION**

The FNSB Regional Comprehensive Plan is the guide for the community's response to future growth and change. Significant opportunities that deserve attention include, but are not limited to:

- Integrating development with **responsible stewardship of our resources**.

**PLAN IMPLEMENTATION**

**LAND USE**
GOAL 1: To recognize that the foremost aspect of land use involving private property is the retention and maintenance of private property rights.

   Strategy 1: Work for decisions by commissioners and the Assembly that protects individual private property rights to the maximum extent possible.

GOAL 2: To continue public land use and sales programs.

   Action B: Target preferred residential land for public residential land sales.

      • Discourage public residential land sales in areas designated high mineral potential, while recognizing that there will be site-specific exceptions in this process.

GOAL 3: To have a variety of land uses that fit the diverse needs of the community.

   Strategy 6: Provide for commercial land uses in both urban and non-urban areas.

      Action A: Provide for a variety of commercial areas that adequately serve the market area.

      • Review and recommend changes to the Comprehensive Plan map to include commercial land use designations.

   Strategy 7: Provide a variety of residential land use opportunities.

      Action A: Designate residential areas on the Comprehensive Plan map.

      • Discourage residential development on lands in high mineral potential areas.

   Action B: Encourage a mix of lot sizes.

      • Maintain and encourage residential patterns that minimize public and private costs, both initial and long-term.

GOAL 8: Provide for industrial land uses in both urban and non-urban areas.

   Action A: Protect and preserve the integrity of industrially classified areas.

      • Rezone industrial-designated areas with appropriate industrial zoning.

      • Encourage related complementary business and commercial activities in and around designated industrial areas.

GOAL 9: Recognize individual communities within the Borough as unique planning areas.

   Action B: Designate appropriate uses and rezone as necessary those Reserve Lands outside of individual communities.
GOAL 4: To enhance development opportunities while minimizing land use conflict.

Strategy 10: Attract and support development that is compatible with and enhances existing land use.

Action A: Support innovative land development and compatible land use that addresses special area needs, site constraints, energy, or design objectives.

- **Rezone new subdivisions to appropriate land use designations concurrent with the platting process.**
- **Recognize forest, mining, and agricultural activities as a priority while addressing existing residential uses within these designated reserve areas.**

Action B: Develop a pattern of compatible land uses and either separate, transition or buffer incompatible land uses.

- Minimize disruption to adjoining land uses while **providing access for mineral development.**
- Designate and **protect sand and gravel, riprap and aggregate resources on the Comprehensive Plan map.**
- Where Borough permitting is required for the extraction of sand, gravel, peat, placer and hard rock mining, the following guidelines should be used:
  1. Surrounding properties are not adversely damaged.
  2. Excessive dust does not materially affect surrounding properties.
  3. Hours of operation, lights, and noise levels are compatible with surrounding uses.
  4. Truck traffic, where possible, is routed so as to minimize impact to surrounding sensitive neighborhoods.
  5. Sites are restored by the property owner for long-term reuse consistent with the Comprehensive Plan on a case-by-case basis.
  6. Water quality and quantity are either not diminished or they are mitigated.

- Support the State of Alaska requirements for the long-term reclamation of the land.

Strategy 11: Encourage effective and harmonious resolution of community land-use conflicts.

Action A: Provide and/or evaluate zoning regulations for difficult planning issues.

- **Use rezoning or other methods to protect high mineral potential-bearing areas that have not been developed.**
Designate and update high mineral potential areas on the Comprehensive Plan map as needed.

**BOROUGH AREA DESIGNATIONS**

**OUTSKIRT:**
Area generally within a 20 to 30 minute travel time of urban destinations, and which contains primarily open space, mining and residential uses; variable densities are encouraged provided they are compatible with the surrounding community, sensitive to natural systems and have adequate water and sewer facilities. Other uses include agriculture, and supporting commercial uses.

**RURAL:**
This area includes nine distinct land categories, including military land, rural settlement, remote settlement, high mineral potential land, agricultural land, forest, and wildlife resource area. These areas are intended for limited public improvement.

**HIGH MINERAL POTENTIAL:**
Areas in the RURAL and OUTSKIRT areas that have been identified as having a high potential for mineral deposits. The priority land use in these areas is mining. Land uses incompatible with mining are discouraged.

**ECONOMIC DEVELOPMENT**

**GOAL 1: To strengthen and expand the existing economy.**

Strategy 1: Establish the Borough as the center of economic activity for Interior Alaska.

Action E: Expand existing and create new economic ventures with Interior and Northern Alaska communities.

Action G: Continue efforts to create infrastructure to foster economic development objectives.

Strategy 4: Emphasize development and expansion of mining, local manufacturing, agriculture, tourism, conventions, hospitality and forest-related businesses.

Action A: Promote mining by:

Encouraging efforts that add value to mining products and activities.

Maintaining the Borough's urban areas as the support and administrative hub of mining activity for the Interior.

Support and promote reasonable, expeditious permitting processes.
GOAL 2: To diversify the economy.

Strategy 6: Emphasize development that brings new dollars into the community, including efforts to add value to the region’s natural, manufactured, service and intellectual resources.

Action C: Promote the characteristics of the Borough that have potential for economic development.

- Develop strategies for leveraging resources.

D. Explain how the proposed rezone will protect the public health, safety and welfare, including protection from the impacts of traffic, noise, screening/buffering, etc.

Rezoning Block 1, Tract A, Bog Subdivision from Residential Estate 4 (RE-4) to Mineral Lands (ML) and Open Space Buffer (OSB) zones will permit access to on-site gravel for road and driveway construction for the neighboring Bog View Subdivision; which will protect the public’s health, safety and welfare, including protection from the impacts of traffic & noise, that will occur if gravel is required to be hauled-in from miles away, as it is with the current zoning.

Open Space Buffer (OSB) zones, are designated to preserve the existing trees, screen views of future mining activities, and mitigate any potential noise and lights.

These Open Space Buffers zones are 20 foot wide, and in concurrent location as the existing 20’ wide recreational trail easement along portions of the northerly property line, adjacent to existing 100 foot wide section line easements and 30 foot wide utility easement; totally 150 foot wide buffer between the neighboring residential property in Golden Valley Subdivision.

Additionally, a 20 foot wide Open Space Buffer zone is proposed in the concurrent location as the F.E. Lower Ditch recreational trail easement, with 2 zone breaks to enable vehicle & equipment access to the mineral extraction site.

- Where Borough permitting is required for the extraction of sand, gravel, peat, placer and hard rock mining, the following guidelines should be used:

1. Surrounding properties are not adversely damaged.

Open Space Buffer (OSB) zones will be designated to protect the existing recreational trail, and preserve the existing trees that serve to screen views of the property’s future mining activities.

2. Excessive dust does not materially affect surrounding properties.

Open Space Buffer (OSB) zones will mitigate any adverse impacts, such as; potential dust from future mining operations.

3. Hours of operation, lights, and noise levels are compatible with surrounding uses.
Open Space Buffer (OSB) zones will mitigate any adverse impacts, such as; potential lights from future mining operations.

4. **Track traffic, where possible, is routed so as to minimize impact to surrounding sensitive neighborhoods.**

Open Space Buffer (OSB) zones, will route the vehicle & equipment access to mining operation site, a width of 20', plus the 100' section line easement and the 30' utility easement; for a total Open Space Buffer width of 150', on the Northerly property line between the adjacent Golden Valley Subdivision.

5. **Sites are restored by the property owner for long-term reuse consistent with the Comprehensive Plan on a case-by-case basis.**

Reclamation of the Block 1, Tract A, Bog Subdivision mining site will include beautification amenities, such as; a small stocked lake and large open space, to promote the aesthetics of the area and adjacent neighborhoods.

6. **Water quality and quantity are either not diminished or they are mitigated.**

Proposed future placer mining operation on Block 1, Tract A, Bog Subdivision will ensure the water quality and quantity are either not diminished or they are mitigated.

* Support the State of Alaska requirements for the long-term reclamation of the land.

The Reclamation Plan for mining activities on Block 1, Tract A, Bog Subdivision will be harmonious with reclamation plans for potential mining activities throughout all the claims surrounding Cripple Creek.

**ADDITIONAL REZONE NARRATIVE**

A. **Explain your project and discuss how it will mitigate the adverse impacts of the project and the change in rezoning districts:**

The purpose of our project is in keeping with the Goals and Strategies of the FNSB Comprehensive Plan, to provide access to the “High Mineral Potential Lands” and create new economic ventures that will contribute to the economic development of the Fairbanks North Star Borough.

This Block 1, Tract A, Bog Subdivision Rezone will designate Open Space Buffers (OSB) zones, in locations concurrent with the platted 20’ wide recreational trail easement, to protect and preserve the existing trees that serve to screen views, and mitigate any adverse impacts, such as; potential noise, dust, and lights from the future mining operations.

B. **Explain how the proposed rezone promotes aesthetics to the adjoining neighborhood.**

The Block 1, Tract A, Bog Subdivision Rezone to Mineral Lands (ML) and Open Space Buffer (OSB) zone areas along the perimeter of the property will have breaks in the zone that provide for vehicle & equipment access to excavate on-site gravel, to improve the neighboring roads, and construct driveways that will foster community development of the adjoining Bog View Subdivision.
The Reclamation Plan for the Block 1, Tract A, Bog Subdivision mining site will include beautification amenities, such as; a small stocked lake and large open space, to promote the environmental aesthetics of the area and adjacent neighborhoods.

C. Explain how the proposed rezone does not defeat the general intent of surrounding zones, nor constitute a spot zone.

The Block 1, Tract A, Bog Subdivision Rezone to Mineral Lands (ML) and Open Space Buffer (OSB) zones at locations along the perimeter of the property, does not defeat the general intent of the surrounding areas, in fact; it will preserve the trees and enhance the existing recreational trails that connects to the communities in the area and beyond.

The Reclamation Plan for mining activities on Block 1, Tract A, Bog Subdivision will be harmonious with reclamation plans for the future “FE Dredge #7” mining activities throughout all the claims about Cripple Creek, to envision comprehensive beautification development strategy for the entire valley.

REPLIES TO FNSB COMMUNITY PLANNING DEPARTMENT’S COMPLETENESS REVIEW COMMENTS

1. In your application you noted that the property to be rezoned was “Block 1” can you please confirm that the specific property is Block 1, Tract A, Bog Subdivision and amend all sections of the application and petition that reference this.

The recorded plat for Bog Subdivision and the FNSB property appraiser’s office designates the parcel as Block 1, Tract A, Bog Subdivision. All sections in the application including drawings have been amended.

2. Our records indicate that the parcel in question is owned by “Ways and Means Revocable Trust”. Can you please provide information that you have signatory authority for this entity?

Please see the attached copy of the first page and signature pages of the Ways and Means Revocable Trust that authorize David E. Ways and Olga V. Ways as Settlor and co-Trustees.

3. You noted that in your “special limitations” you would like an “open space buffer” zone applied. This is not a special limitation, but its own stand-alone zoning district. Please amend the application to reflect this as a principal zone, which would result in your parcel being a split zone parcel.

This Rezone application has been amended to remove reference to Special Limitations, and identifies the Open Space Buffer (OSB) zones as stand-alone districts, along with the Mineral Land (ML) district.

4. FNSB code requires that the comprehensive plan designation all properties is noted in the application. It appears you only noted “high potential mineral deposits” as the comp plan designation. Our records show that there are three separate designations on the parcel, “high mineral potential”, “outskirt area” and “perimeter area”. Please amend your application and narrative to reflect this.

While not a code requirement the following information is also requested for staff to be able to do a health, safety and welfare review of your request.
1. It appears that there are one or more trail easements on your parcel. While not required by code, your application will be increased by noting how or if the trail easements will be protected.

Open Space Buffer (OSB) zones, are designated to preserve the existing trees, screen views of future mining activities, and mitigate any potential noise and lights, with zone breaks the enable vehicle & equipment access.

These Open Space Buffers zones are 20 foot wide, and in concurrent location as the existing 20' wide recreational trail easement along portions of the northerly property line, adjacent to existing 100 foot wide section line easements and 30 foot wide utility easements; totally 150 foot wide buffers between the neighboring residential property in Golden Valley Subdivision.

Additionally, a 20 foot wide Open Space Buffer zone is proposed in the concurrent location as the F.E. Lower Ditch recreational trail easement, with 2 zone breaks to enable vehicle & equipment access to the mineral extraction site.

2. Our transportation planner has requested information on what proposed route you would have vehicles use to access the site, both for gravel extraction and potential mining activity. Additionally, do you have any information on the proposed truck traffic volumes that would occur for both the gravel extraction and potential mining activity?

Block 1, Tract A, Bog Subdivision is accessible from two existing roads; Dragline Drive from Northridge Subdivision, and Chena-Ester Ditch Road, through Golden Valley Subdivision.

Initially, vehicle and equipment access will be from Golden Valley Subdivision along Chena-Ester Ditch Road, and the vacated portion of the lower ditch trail that connects to the site at a shallow slope, suitable for vehicle travel and is adjacent to the High Mineral Potential area.

The envisioned scope of placer mining activities, and gravel extraction will primarily be internal to Block 1, Tract A, Bog Subdivision and Bog View Subdivision, with minimal traffic through surrounding areas.

3. Do you have information on where on the property you think the potential gravel extraction and/or where the mining activity would occur?

The intended mining activity and gravel extraction site is in the “High Mineral Potential” and “Outskirt” designated areas at the base of Chena Ridge, north of the Open Space Buffer zone defined by the F.E. lower ditch recreational trail easement.

The remaining portion of land, south of the F.E. lower ditch recreational trail easement / Open Space Buffer, uphill to the property boundary along Chena-Ester Ditch Rd ROW, will permit wood harvesting.
WAYS AND MEANS REVOCABLE TRUST
as amended and restated

THIS TRUST AGREEMENT is entered into on the 23rd day of October, 2018, between DAVID E. WAYS (the "Husband") and OLGA V. WAYS (the "Wife"), of Manatee County, Florida, as settlors (the "Settlors") and as initial co-trustees (hereinafter referred to jointly as the "Trustee"). The Settlors originally created a revocable trust by an instrument dated July 2, 2014, entitled the "WAYS AND MEANS REVOCABLE TRUST." This new Trust Agreement is intended by the Settlors to amend, restate, and supersede such prior instrument. Accordingly, the following is an amendment and restatement in its entirety of the "WAYS AND MEANS REVOCABLE TRUST." All assets currently owned by the "WAYS AND MEANS REVOCABLE TRUST" (or any similar designation) shall be controlled by this new Trust Agreement.

WITNESSETH:

The Settlors desire to create a trust to be held, administered and distributed in accordance with the provisions of this Trust Agreement. Accordingly, the Settlors have transferred to the Trustee, and the Trustee acknowledges receipt from the Settlors of the sum of ten dollars ($10.00) in cash. This property, together with any other property which may be conveyed to the Trustee subject to the trust hereby created, shall be held, administered and distributed by the Trustee, upon the trust and for the purposes and uses herein set forth. The trust initially created by this Trust Agreement shall be known as the "WAYS AND MEANS REVOCABLE TRUST."

Article I.
Identification

The Settlors have two children, AARON ROBERT WAYS and MIRA BELLA WAYS. All references in this Trust Agreement to the "Settlors' children" are to them and to all children hereafter born to or adopted by the Settlors.

Article II.
Initial Revocable Trust

A. DISTRIBUTIONS. The Trustee shall hold, manage, sell, exchange, invest and reinvest the trust property, collect all income and, after deducting such expenses as are properly payable, shall accumulate and distribute the income and principal as herein provided. The Trustee shall
delivered to each beneficiary of the affected trust.

N. **Per Stirpes.** When a distribution is to be made to a person's descendants "per stirpes," property shall be divided into as many equal shares as there are (i) living children of such person, if any, and (ii) deceased children who left descendants who are then living. Each living child shall receive one share, and the share that would have passed to each deceased child shall be divided in a similar manner (by reapplying the preceding rule) among his or her then living descendants. For example, if a person has deceased children and living children when a distribution is to be made, the assets will be divided into equal shares at the child level and distributed per stirpes below that level; however, if the person has no living children at that time, that equal division will still be made at the child level and distributed per stirpes below that level. This definition is intended to override any conflicting or contrary common law definition. In the case of a distribution which is to be made "per stirpes" in the event of the death of one of the Settlors, references in this Section to "then living" or to "living" shall mean persons who survive the Settlors.

O. **Notice of Trustee Duties.** The Trustee hereunder may have duties and responsibilities in addition to those described in this Trust Agreement. By signing this Trust Agreement, the Trustee acknowledges that the Trustee will obtain legal advice if necessary to answer questions relating to matters involving this Trust Agreement.

IN WITNESS WHEREOF, the Settlors and the Co-Trustees have hereunto set their hands as of the date first above written.

David E. Ways,
DAVID E. WAYS, Settlor

Olga V. Ways,
OLGA V. WAYS, Settlor

David E. Ways,
DAVID E. WAYS, Co-Trustee

Olga V. Ways,
OLGA V. WAYS, Co-Trustee
We, the undersigned witnesses, certify that the foregoing instrument was signed by the settlors in our presence as of the date first above written, and declared by them to be their revocable trust, and such instrument was signed by the Co-Trustees in our presence as of the date first above written, and we, the undersigned witnesses, sign our names hereunto as witnesses at the request and in the presence of the Settlors and the Co-Trustees, and in the presence of each other, on the 23rd day of October, 2018.

BART SCOVILL

BETTINA SCOVILL

STATE OF FLORIDA

COUNTY OF SARASOTA

WE, the undersigned, being the Settlors, the Trustees, and the witnesses, respectively, whose names are signed to the attached or foregoing instrument, having been sworn, declared to the undersigned officer that the Settlors and the Trustees, in the presence of witnesses, signed the instrument as their revocable trust, that such Settlors and Trustees signed such instrument, that the Settlors and the Trustees signed such instrument willingly, and that each of the witnesses, in the presence of the Settlors and the Trustees and in the presence of each other, signed the revocable trust as a witness.

DAVID E. WAYS, Settlor and Co-Trustee

OLGA V. WAYS, Settlor and Co-Trustee

BART SCOVILL

BETTINA SCOVILL

SUBSCRIBED AND SWORN TO before me by DAVID E. WAYS, Settlor and Co-
Trustee, who produced a driver's license issued by Florida that contained his photograph and signature as identification thereby proving him to be the person whose name is subscribed to the foregoing instrument as Settlor and as Co-Trustee, by OLGA V. WAYS, Settlor and Co-Trustee, who produced a driver's license issued by Florida that contained her photograph and signature as identification thereby proving her to be the person whose name is subscribed to the foregoing instrument as Settlor and as Co-Trustee, by BART SCOVILL, a witness who is personally known to me, and by BETTINA SCOVILL, a witness who is personally known to me, on the 23rd day of October, 2018.

\[Signature\]

Notary Public, State of Florida

CYNTHIA L. WILLIAMSON
Commission # GG 268388
Expires April 11, 2022
D unded Thu. 26480 Notary Services
Hi Melissa,

Since we already have been publicly advertised, and we are currently included on the agenda, it seems good to proceed with our rezone proposal at this upcoming planning meeting on December 14th, 2021.

I will work on getting a letter from our neighbor to the north, granting us equipment access across their mining operation, as he expressed to me he would in our telephone conversation yesterday.

To address the two major comments from Community Planning, we amended our proposal to obtain a letter granting equipment access from the adjacent mining operation on the north, and we are keeping the portion of land along the road ROW in Bog Subdivision as Residential Estate (RE-4), including the additional 20' Open Space Buffer (OSB) zone to along the recreational trail.

Thank you for all your help, I think we have the best rezone proposal we can make.

Please let me know how I may join the meeting via Zoom, and anything I should be aware of to participate.

Kind regards,

David E. Ways

> On December 1, 2021 12:48 PM Melissa Kellner <melissa.kellner@fnsb.gov> wrote:
> 
> 
> 
> > Mr. Ways,
> >
> > We've received your additional information. As we discussed yesterday on the phone, would you like to officially request postponement of your Planning Commission public hearing so that this revised request may be analyzed by staff?
> >
> > As it stands, your original request has been publicly advertised and included on the agenda. If postponed, we can likely re-schedule this amended request for a January or February Planning Commission meeting and a February or March Assembly meeting.
> >
> > Kind regards,
> >
> > Melissa
> >
> > Melissa Kellner
> > Long-Range Planner
> > Community Planning Department
Fairbanks North Star Borough

Original Message

From: dew.skeeta.com <dew@skeeta.com>
Sent: Wednesday, December 1, 2021 1:35 AM
To: Kellen Spillman <kellen.spillman@fnsb.gov>
Cc: Melissa Kellner <melissa.kellner@fnsb.gov>; Sarah Bingham <sarah.bingham@fnsb.gov>; Kayde Whiteside <kayde.whiteside@fnsb.gov>
Subject: RE: RZ2022-003 Site Visit

Hi Kellen & Melissa,

Please see our attached Amended Rezone application.

We propose to keep the Residential Estate 4 (RE-4) zone in place for the portion of land south of the Lower Ditch Recreational Trail / Open Space Buffer (OSB) zone, to address the FNSB community planning staff’s recommendation for additional buffer space from the proposed Mineral Lands portion, to the north of the Lower Ditch trail.

Additionally, I spoke the adjacent property owner of the existing mining operation to the north of Bog Subdivision, Jerry Sadler Jr., with Alaska Equipment Rental, who informally expressed to me, he has no objection to us accessing our rezoned Mineral Lands portion, through their property, off of the Parks Highway, and/or along the section line easement.

We will provide a letter expressing their permission for us to access our proposed mining activities, from their existing adjacent gravel extraction and gold mining operation, to address the FNSB staff’s concern of the potential for heavy equipment driving through the adjoining neighborhoods.

Please let me know if there is anything else we need to provide for the meeting on December 14th, and how I may attend via Zoom call.

Thank you,

David E. Ways

On November 22, 2021 4:16 PM Kellen Spillman <kellen.spillman@fnsb.gov> wrote:

Mr. Ways,

Thank you and I can confirm receipt of your sign posting affidavit.

Thanks,

Kellen Spillman
Good morning Kellen,

Please see the attached motorized affidavit along with a photograph of the sign set-up on site.

Please let me know if this is sufficient.

I hope your site visit was good.

Thank you,

David E. Ways

On November 17, 2021 7:52 PM Kellen Spillman <kellen.spillman@fnb.gov> wrote:

Mr. Ways,

In preparation for making a recommendation on your rezone request, we would like to do a site visit to the area to be rezoned, which includes the parcel that you own in the area. This is typical for all rezone requests that go before the planning commission. If possible, we would like your permission to do a site visit this Friday, November 19th from roughly 12:00pm to 2:00pm. You or anyone you would like are more than welcome to attend the visit with us, but is not required.

Thanks and please let me know if you have any questions.

Thanks,

Kellen Spillman
Deputy Director
FNSB Community Planning
kellen.spillman@fnb.gov
(907) 459-1266

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**REZONE APPLICATION**

File #: RZ2022-003

**REZONE**

**REZONE WITH SPECIAL LIMITATIONS**

**FEES:**
- $1,000 rezone application**
- $300 sign deposit (check or cash recommended)

**Fee waived if rezoning a split zone parcel or rezoning a GU zoned property to an appropriate residential zone if the rezone encompasses at least 13 acres or 5 more contiguous lots**

<table>
<thead>
<tr>
<th>Applicant:</th>
<th>Property Owner:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contact Name:</td>
<td>Name:</td>
</tr>
<tr>
<td>David E. Ways</td>
<td>David E. Ways</td>
</tr>
<tr>
<td>Business Name:</td>
<td>Mailing Address:</td>
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<tr>
<td>N/A</td>
<td>19706 77th Ave E</td>
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<tr>
<td>19706 77th Ave E</td>
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</tr>
<tr>
<td>Bradenton, FL 34202</td>
<td>(941) 322-9739</td>
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<td>Phone:</td>
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<tr>
<td>(941) 322-9739</td>
<td>(941) 773-1898</td>
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<tr>
<td><a href="mailto:DEW@skeeta.com">DEW@skeeta.com</a></td>
<td><a href="mailto:DEW@skeeta.com">DEW@skeeta.com</a></td>
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**Property Information:**

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<th>Property Description:</th>
<th>Block 1, Tract A, Bog Subdivision</th>
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<td>Street Address:</td>
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<td>Size:</td>
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<tr>
<td>Proposed Zone:</td>
<td>Residential Estate 4 (RE-4), Mineral Lands (ML), &amp; Open Space Buffer (OSB)</td>
</tr>
</tbody>
</table>

I certify that the information included in this application is to the best of my knowledge true and complete.

APPLICANT SIGNATURE: ___________________________ DATE: 12/1/2021

OWNER SIGNATURE (if different): N/A DATE: N/A

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.

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Page 1 of 8 Revised 02/22/2021
REZONE INTAKE CHECKLIST

Please submit the required documentation listed below. Applications will not be scheduled for a Planning Commission meeting agenda until these items have been submitted and the application has been deemed complete.

REZONE

1. Attach a detailed written narrative that addresses the following criteria set forth in 18.104.020:
   - Explain why the existing zone is unsatisfactory and state the reasons for requesting the rezoning. Discuss the advantages of rezoning the property
   - Explain how the proposed rezone conforms to the FNSB Regional Comprehensive Plan and/or the North Pole Land Use Plan. Please review the Plan goals, strategies and actions that would be furthered by the proposed rezone and to include them in the narrative. Copies of the Regional Comprehensive Plan are available at the Department of Community Planning or online at: https://www.fnsb.gov/DocumentCenter/View/900/Regional-Comprehensive-Plan-PDF
   - Explain how the proposed rezone will protect the public health, safety and welfare, including protection from the impacts of traffic, noise, screening/buffering, etc.

2. Submit the following:
   - Public Notice Sign Posting Affidavit. The form is included in the application packet
   - Zoning Petition if more than one property owner is involved in the proposed rezone. The form is included in this application packet
   - Include application fee (cash, check or charge)
   - Include sign deposit (cash or check only – separate payment)

REZONE WITH SPECIAL LIMITATIONS

When requesting special limitations for the proposed rezone, the following items are required in addition to the above items as set forth in FNSBC 18.104.030:

A. Narrative to include the following:
   - Explain your project and discuss how it will mitigate the adverse impacts of the project and the change in rezoning districts
Explain how the proposed rezone with special limitations promotes aesthetics to the adjoining neighborhood

Explain how the proposed rezone with special limitations does not defeat the general intent of surrounding zones, nor constitute a spot zone

B. Submit a detailed site development plan of your project (see attached Rezone with Special Limitations Intake Checklist)

1. A site plan drawn to a verifiable scale with north arrow and dimensions in feet (i.e. 1” = 10’ or 1” = 20’, etc.), including all of the following information:

   More than one site plan of different scales may be used to illustrate the site.

   - Location and dimensions of property lines
   - Name of the access road and any other roads adjacent to the property lines
   - Location and dimensions of all existing and proposed buildings and structures (including additions) Label as existing or proposed
   - In the Light Commercial (LC) zone, list the height of all proposed buildings
   - Uses of all existing and proposed buildings and structures, portions of buildings, and areas of the property
   - Setback distances of all existing and proposed buildings and structures from property lines, except in the General Use (GU) zones
   - If adjacent to residentially zoned property, show the location and type of all outdoor lighting
   - Location and dimensions of existing and proposed driveways. A driveway permit may be needed if accessing a Road Service Area (RSA) road or AKDOT&PF permitted right-of-way (ROW) or if located within city limits
   - Location and dimensions of off-street parking spaces. Off-street parking spaces are required to be at least 9’ by 18’, with sufficient back-up and maneuvering area such that all back-up and maneuvering actions occur on the site (FNSBC 18.96.060). Label parking spaces with dimensions
   - Location and dimensions of loading areas if the use involves the loading and unloading of merchandise, materials, or supplies.
   - Location and dimensions of all traffic circulation areas. Show drive aisles, backing and maneuvering areas and all areas where motor vehicles will travel on the site
   - Show any obstructions located within the parking and vehicle maneuvering areas, such as a wall, post, guard rail, or other obstruction.

Additional information may be required beyond the items listed above.
C. Submit written consent from the owner of the property approving the Special Limitations. The form is included in this application packet.

D. Submit acknowledgement form from the property owner that they have the right to have the Assembly consider their rezone without the requested special limitations and that their requested rezone will go to the Assembly for their consideration regardless of whether the property owner accepts or rejects any suggested special limitation. The form is included in this application packet.

E. Special limitations may be added, but not limited to the following purposes:

- ☐ Prohibit structures, or uses of land or structures, that would adversely affect the surrounding neighborhood or conflict with the comprehensive plan
- ☐ Conform the rezoning to the comprehensive plan, or to further the goals and policies of the comprehensive plan
- ☐ Conform development under the rezoning to existing patterns of development in the surrounding neighborhood
- ☐ Mitigate the adverse effects of development under the rezoning on the surrounding neighborhood and on public facilities and services
- ☐ Allow for innovation in design or use of land

F. Special limitations shall do one or more of the following:

- ☐ Limit residential density or prohibit structures or uses of land or structures otherwise permitted in a use district
- ☐ Require compliance with design standards for structures and other site features
- ☐ Require compliance with a site plan approved under this title
- ☐ Require the construction and installation of improvements, including public improvements
- ☐ Impose time limits for taking subsequent development actions
- ☐ Impose time restrictions such as hours of operation or other additional numeric standards on permitted uses
REZONE PETITION FORM

WE THE UNDERSIGNED JOIN IN REQUESTING AND AUTHORIZE
REZONING OF Block 1, Tract A, Bog Subdivision
FROM Residential Estate 4 (RE-4) ZONE
TO Residential Estate 4 (RE-4), Mineral Lands (ML), & Open Space Buffer (OSB) ZONE.

ALL BLANKS MUST BE COMPLETED AND LEGIBLE.

Signature

Bog Subdivision, Tract A, Block 1

Property Description (Subdivision, Lot & Block)

N/A

David E. Ways

Printed Name

19706 77th Ave E., Bradenton, FL 34202

Mailing Address

N/A

Signature

N/A

Property Description (Subdivision, Lot & Block)

N/A

N/A

Signature

N/A

Property Description (Subdivision, Lot & Block)

N/A

N/A

Signature

N/A

Property Description (Subdivision, Lot & Block)

N/A

N/A

Signature

N/A

Property Description (Subdivision, Lot & Block)

N/A

N/A

Signature

N/A

Property Description (Subdivision, Lot & Block)

N/A

N/A

Signature

N/A

Property Description (Subdivision, Lot & Block)

N/A

N/A

Signature

N/A

Property Description (Subdivision, Lot & Block)
PUBLIC NOTICE SIGN POSTING AFFIDAVIT

STATE OF ALASKA

FOURTH JUDICIAL DISTRICT

I, ____________________________, being first duly sworn, depose and state that:

1. I have submitted an application identified as ________________ Rezone Application.

2. I have posted and will maintain public notice sign # 1 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 _______11-20-2021_______ (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 $300.00 (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.

__________________________
Signature

David E. Ways
19706 77th Ave E
Bradenton, FL 34202

(Print Name and Address of Affiant)

__________________________
Notary Public in and for Alaska

10/3/2021
Commission Expires

SUBSCRIBED AND SWORN TO BEFORE ME on this ____22____ day of November, 2021

____________________________________________________________________

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.

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Revised 02/22/2021
DEPOSIT / REFUND FORM
PUBLIC NOTICE SIGN DEPOSITS & EXPERT REVIEW DEPOSITS

FILE/CASE # RZ2022-003

DEPOSITS

SIGN DEPOSIT ☑ EXPERT REVIEW DEPOSIT ☐ (see box below)

Sign # JJ (if required)

DATE Prepared: Oct. 12, 2021

Prepared By: Tineke Kezer
Fairbanks North Star Borough

RECEIPT Number: 473602

PAID By: Cash ☐ Check ☑ #________________ Credit Card ☑ Last 4 digits # 1648

(if paying by check we MUST refund to name & address showing on check)
Name & Address on Check ____________________________
Name & Contact # on Credit Card David Ways (941) 322-9739
If cash name and address for refund: ______________________

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 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.

We\Community Planning\AdminForms & Handouts\FY21\Application_Rezones.docx

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A. Explain why the existing zone is unsatisfactory and state the reasons for requesting the rezoning.

A Rezone of Block 1, Tract A, Bog Subdivision to Residential Estate 4 (RE-4), Mineral Lands (ML), and Open Space Buffer (OSB) is requested, because it is currently zoned Rural Estate 4 (RE-4), which is incompatible with the best land use, and is unsatisfactory for optimal implementation of the FNSB Comprehensive Plan, for the following reasons:

1. Block 1, Tract A, Bog Subdivision has been identified in the FNSB Comprehensive Plan as having “High Mineral Potential”, as well as portions of the land being identified as “Outskirt” & “Perimeter” areas. See Public Data File 83-8, by T.E. Smith. “The priority land use in High Mineral Potential is mining.” “Land uses incompatible with mining are discouraged.”

2. Residential Estate (RE-4) zone is an ad hoc zoning designation for Block 1, Tract A, Bog Subdivision, as it was designated before it was subdivided from Section 16, and because RE-4 zone does not “recognize forest, mining, and agricultural activities as a priority”, “emphasize development and expansion of mining”, “provide access for mineral development”, or “discourage residential development on lands in high mineral potential areas”.

3. RE-4 zone restricts access to and Placer Mining of on-site Gold.

4. RE-4 zone restricts access to and processing of on-site Gravel.

5. RE-4 zone restricts access to and processing of on-site Wood.

6. RE-4 zone negatively impacts Block 1, Tract A, Bog Subdivision road construction within the platted Right-of-Way, Intended to connect Dragline Drive in Northridge Subdivision with Chena-Ester Ditch Road in Golden Valley Subdivision, by requiring gravel to be hauled-in from miles away, which is a prohibitive expense to feasible construction, while on-site gravel is available.

7. RE-4 zone negatively impacts the adjacent Block 1, Tract A, Bog Subdivision potential future community development of 4 acre lots, by requiring gravel for road and driveway construction to be hauled-in from miles away, which is a prohibitive expense to economically feasible construction, while near site gravel is potentially available.

8. The two adjacent properties to the north of Block 1, Tract A, Bog Subdivision, that also adjoin the RE-4 zoned properties to the West and East of Bog Subdivision; are Gold Mining Claims in General Use (GU) zone, which extends to the north for hundreds of miles.

B. Discuss the advantages of rezoning the property:

Rezoning Block 1, Tract A, Bog Subdivision from Rural Estate 4 (RE-4) to Residential Estate 4 (RE-4), Mineral Lands (ML), and Open Space Buffer (OSB) is advantageous for optimal implementation of the FNSB Comprehensive Plan at this property location for the following reasons:
1. ML zone is intended to protect mineralized areas from the intrusions of incompatible land uses, to allow active exploration for and development of mineral resources, and to allow development necessary to carry out the recovery of mineral resources.
2. ML zone enables access to high mineral potential-bearing areas that have not been developed.
3. ML zone enables development and expansion of mining.
4. ML zone enables efforts that add value to mining products and activities.
5. ML zone enables strategies for leveraging resources, of on-site gold, gravel, and wood.
6. ML zone enables minimal disruption to adjoining land uses while providing access for mineral development.
7. ML zone enables development that brings new dollars into the community.
8. ML zone enables development with responsible stewardship of our resources.
9. ML zone creates new economic ventures.
10. ML zone provides access to gravel to create infrastructure that minimizes public and private costs, both initial and long-term.
11. ML zone encourages related complementary business and commercial activities in and around designated industrial areas.
12. OSB zone is located concurrent with the platted 20’ wide recreational trail easement, along a portion of the northerly section line, adjacent to the 30’ utility easement, and following the F.E. Ditch trail that defines the southern boundary of intended mineral excavation area.
13. OSB zone has two space breaks along the open buffer zone to provide access through the site.
14. OSB zone is intended to protect and preserve the recreational trail for public use.
15. OSB zone provides a visual buffer along the perimeter of the mineral excavation site.
16. OSB zone provides a noise & dust buffer along the perimeter of the mineral excavation site.
17. OSB zone along the recreational trail separates the mineral excavation site from the remaining Residential Estate (RE-4) zone, uphill to the property boundary along Chena-Ester Ditch Rd ROW.

C. Explain how the proposed rezone conforms to the FNSB Regional Comprehensive Plan and/or the North Pole Land Use Plan. Please review the Plan goals, strategies and actions that would be furthered by the proposed rezone and to include them in the narrative.

Fairbanks North Star Borough Regional Comprehensive Plan

VISION

The FNSB Regional Comprehensive Plan is the guide for the community’s response to future growth and change. Significant opportunities that deserve attention include, but are not limited to:

- Integrating development with responsible stewardship of our resources.

PLAN IMPLEMENTATION

LAND USE
Attachment 7

GOAL 1: To recognize that the foremost aspect of land use involving private property is the retention and maintenance of private property rights.

Strategy 1: Work for decisions by commissioners and the Assembly that protects individual private property rights to the maximum extent possible.

GOAL 2: To continue public land use and sales programs.

Action B: Target preferred residential land for public residential land sales.

- Discourage public residential land sales in areas designated high mineral potential, while recognizing that there will be site-specific exceptions in this process.

GOAL 3: To have a variety of land uses that fit the diverse needs of the community.

Strategy 6: Provide for commercial land uses in both urban and non-urban areas.

Action A: Provide for a variety of commercial areas that adequately serve the market area,

- Review and recommend changes to the Comprehensive Plan map to include commercial land use designations.

Strategy 7: Provide a variety of residential land use opportunities.

Action A: Designate residential areas on the Comprehensive Plan map.

- Discourage residential development on lands in high mineral potential areas.

Action B: Encourage a mix of lot sizes.

- Maintain and encourage residential patterns that minimize public and private costs, both initial and long-term.

Strategy 8: Provide for industrial land uses in both urban and non-urban areas.

Action A: Protect and preserve the integrity of industrially classified areas.

- Rezone industrial-designated areas with appropriate industrial zoning.

- Encourage related complementary business and commercial activities in and around designated industrial areas.

Strategy 9: Recognize individual communities within the Borough as unique planning areas.

Action B: Designate appropriate uses and rezone as necessary those Reserve Lands outside of individual communities.
GOAL 4: To enhance development opportunities while minimizing land use conflict.

Strategy 10: Attract and support development that is compatible with and enhances existing land use.

Action A: Support innovative land development and compatible land use that addresses special area needs, site constraints, energy, or design objectives.

- **Rezone new subdivisions to appropriate land** use designations concurrent with the platting process.

- **Recognize forest, mining, and agricultural activities as a priority** while addressing existing residential uses within these designated reserve areas.

Action B: Develop a pattern of compatible land uses and either separate, transition or buffer incompatible land uses.

- Minimize disruption to adjoining land uses while providing access for mineral development.

- Designate and protect sand and gravel, riprap and aggregate resources on the Comprehensive Plan map.

- Where Borough permitting is required for the extraction of sand, gravel, peat, placer and hard rock mining, the following guidelines should be used:
  
  1. Surrounding properties are not adversely damaged.
  2. Excessive dust does not materially affect surrounding properties.
  3. Hours of operation, lights, and noise levels are compatible with surrounding uses.
  4. Truck traffic, where possible, is routed so as to minimize impact to surrounding sensitive neighborhoods.
  5. Sites are restored by the property owner for long-term reuse consistent with the Comprehensive Plan on a case-by-case basis.
  6. Water quality and quantity are either not diminished or they are mitigated.

- Support the State of Alaska requirements for the long-term reclamation of the land.

Strategy 11: Encourage effective and harmonious resolution of community land-use conflicts.

Action A: Provide and/or evaluate zoning regulations for difficult planning issues.

- Use rezoning or other methods to protect high mineral potential-bearing areas that have not been developed.
Designate and update high mineral potential areas on the Comprehensive Plan map as needed.

**BOROUGH AREA DESIGNATIONS**

**OUTSKIRT:** Area generally within a 20 to 30 minute travel time of urban destinations, and which contains primarily open space, mining and residential uses; variable densities are encouraged provided they are compatible with the surrounding community, sensitive to natural systems and have adequate water and sewer facilities. Other uses include agriculture, and supporting commercial uses.

**RURAL:** This area includes nine distinct land categories, including military land, rural settlement, remote settlement, high mineral potential land, agricultural land, forest, and wildlife resource area. These areas are intended for limited public improvement.

**HIGH MINERAL POTENTIAL:** Areas in the RURAL and OUTSKIRT areas that have been identified as having a high potential for mineral deposits. The priority land use in these areas is mining. Land uses incompatible with mining are discouraged.

**ECONOMIC DEVELOPMENT**

**GOAL 1:** To strengthen and expand the existing economy.

Strategy 1: Establish the Borough as the center of economic activity for Interior Alaska.

Action E: Expand existing and create new economic ventures with Interior and Northern Alaska communities.

Action G: Continue efforts to create infrastructure to foster economic development objectives.

Strategy 4: Emphasize development and expansion of mining, local manufacturing, agriculture, tourism, conventions, hospitality and forest-related businesses.

Action A: Promote mining by:

Encouraging efforts that add value to mining products and activities.

Maintaining the Borough's urban areas as the support and administrative hub of mining activity for the Interior.

Support and promote reasonable, expeditious permitting processes.

**GOAL 2:** To diversify the economy.
Strategy 6: Emphasize development that brings new dollars into the community, including efforts to add value to the region's natural, manufactured, service and intellectual resources.

Action C: Promote the characteristics of the Borough that have potential for economic development.

- Develop strategies for leveraging resources.

D. Explain how the proposed rezone will protect the public health, safety and welfare, including protection from the impacts of traffic, noise, screening/buffering, etc.

Rezoning Block 1, Tract A, Bog Subdivision from Residential Estate 4 (RE-4) to Residential Estate 4 (RE-4), Mineral Lands (ML), and Open Space Buffer (OSB) zones will permit access to on-site gravel for road and driveway construction for the neighboring Bog View Subdivision; which will protect the public's health, safety and welfare, including protection from the impacts of traffic & noise, that will occur if gravel is required to be hauled-in from miles away, as it is with the current zoning.

Open Space Buffer (OSB) zones, are designated to preserve the existing trees, screen views of future mining activities, and mitigate any potential noise and lights.

These Open Space Buffers zones are 20 foot wide, and in concurrent location as the existing 20' wide recreational trail easement along portions of the northerly property line, adjacent to existing 100 foot wide section line easements and 30 foot wide utility easement; totally 150 foot wide buffer between the neighboring residential property in Golden Valley Subdivision.

Additionally, a 20 foot wide Open Space Buffer zone is proposed in the concurrent location as the F.E. Lower Ditch recreational trail easement, with two zone breaks to enable access throughout the site.

- Where Borough permitting is required for the extraction of sand, gravel, peat, placer and hard rock mining, the following guidelines should be used:

1. Surrounding properties are not adversely damaged.

Open Space Buffer (OSB) zones will be designated to protect the existing recreational trail, and preserve the existing trees that serve to screen views of the property's future mining activities.

2. Excessive dust does not materially affect surrounding properties.

Open Space Buffer (OSB) zones will mitigate any adverse impacts, such as; potential dust from future mining operations.

3. Hours of operation, lights, and noise levels are compatible with surrounding uses.

Open Space Buffer (OSB) zones will mitigate any adverse impacts, such as; potential lights from future mining operations.
4. **Truck traffic, where possible, is routed so as to minimize impact to surrounding sensitive neighborhoods.**

Truck traffic and mining equipment will access the Mineral Lands along the Section line easement from the North, off the Parks Highway. The adjacent property owner of the existing mining operation on north of Bog subdivision, has expressed an interest in permitting limited access across their property. The Open Space Buffer (OSB) zones with a width of 20’, plus the 100’ section line easement and the 30’ utility easement; provide for a total buffer width of 150’, on the Northerly property line between the adjacent Golden Valley Subdivision.

5. **Sites are restored by the property owner for long-term reuse consistent with the Comprehensive Plan on a case-by-case basis.**

*Reclamation of the Block 1, Tract A, Bog Subdivision mining site will include beautification amenities, such as; a small stocked lake and large open space, to promote the aesthetics of the area and adjacent neighborhoods.*

6. **Water quality and quantity are either not diminished or they are mitigated.**

Proposed future placer mining operation on Block 1, Tract A, Bog Subdivision will ensure the water quality and quantity are either not diminished or they are mitigated.

- **Support the State of Alaska requirements for the long-term reclamation of the land.**

The Reclamation Plan for mining activities on Block 1, Tract A, Bog Subdivision will be harmonious with reclamation plans for potential mining activities throughout all the claims surrounding Cripple Creek.

**ADDITIONAL REZONE NARRATIVE**

A. **Explain your project and discuss how it will mitigate the adverse impacts of the project and the change in rezoning districts:**

The purpose of our project is in keeping with the Goals and Strategies of the FNSB Comprehensive Plan, to provide access to the “High Mineral Potential Lands” and create new economic ventures that will contribute to the economic development of the Fairbanks North Star Borough.

This Block 1, Tract A, Bog Subdivision Rezone will keep Residential Estate 4 (RE-4) zone on a portion of the land adjacent to North Ridge Subdivision, and designate Open Space Buffers (OSB) zones, in locations concurrent with the platted 20’ wide recreational trail easement, to protect and preserve the existing trees that serve to screen views, and mitigate any adverse impacts, such as; potential noise, dust, and lights from the future mining operations.

B. **Explain how the proposed rezone promotes aesthetics to the adjoining neighborhood.**
The Reclamation Plan for the Block 1, Tract A, Bog Subdivision mining site will include beautification amenities, such as; a small stocked lake and large open space, to promote the environmental aesthetics of the area and adjacent neighborhoods.

C. Explain how the proposed rezone does not defeat the general intent of surrounding zones, nor constitute a spot zone.

The Block 1, Tract A, Bog Subdivision Rezone to Residential Estate 4 (RE-4), Mineral Lands (ML), and Open Space Buffer (OSB) zones at locations along the perimeter of the property, does not defeat the general intent of the surrounding areas, in fact; it will preserve the trees and enhance the existing recreational trails that connects to the communities in the area and beyond.

The Reclamation Plan for mining activities on Block 1, Tract A, Bog Subdivision will be harmonious with reclamation plans for the future “FE Dredge #10” mining activities throughout all the claims about Cripple Creek, to envision comprehensive beautification development strategy for the entire valley.

REPLIES TO FNSB COMMUNITY PLANNING DEPARTMENT’S COMPLETENESS REVIEW COMMENTS

1. In your application you noted that the property to be rezoned was “Block 1” can you please confirm that the specific property is Block 1, Tract A, Bog Subdivision and amend all sections of the application and petition that reference this.

The recorded plat for Bog Subdivision and the FNSB property appraiser’s office designates the parcel as Block 1, Tract A, Bog Subdivision. All sections in the application including drawings have been amended.

2. Our records indicate that the parcel in question is owned by “Ways and Means Revocable Trust”. Can you please provide information that you have signatory authority for this entity?

Please see the attached copy of the first page and signature pages of the Ways and Means Revocable Trust that authorize David E. Ways and Olga V. Ways as Settlor and co-Trustees.

3. You noted that in your “special limitations” you would like an “open space buffer” zone applied. This is not a special limitation, but its own stand-alone zoning district. Please amend the application to reflect this as a principal zone, which would result in your parcel being a split zone parcel.

This Rezone application has been amended to remove reference to Special Limitations, and identifies the Open Space Buffer (OSB) zones as stand-alone districts, along with the Mineral Land (ML), and Residential Estate 4 (RE-4) districts.

4. FNSB code requires that the comprehensive plan designation all properties is noted in the application. It appears you only noted “high potential mineral deposits” as the comp plan designation. Our records show that there are three separate designations on the parcel, “high mineral potential”, “outskirt area” and “perimeter area”. Please amend your application and narrative to reflect this.
While not a code requirement the following information is also requested for staff to be able to do a health, safety and welfare review of your request.

1. It appears that there are one or more trail easements on your parcel. While not required by code, your application will be increased by noting how or if the trail easements will be protected.

Open Space Buffer (OSB) zones, are designated to preserve the existing trees, screen views of future mining activities, and mitigate any potential noise and lights, with zone breaks the enable vehicle & equipment access.

These Open Space Buffers zones are 20 foot wide, and in concurrent location as the existing 20’ wide recreational trail easement along portions of the northerly property line, adjacent to existing 100 foot wide section line easements and 30 foot wide utility easements; totally 150 foot wide buffers between the neighboring residential property in Golden Valley Subdivision.

Additionally, a 20 foot wide Open Space Buffer zone is proposed in the concurrent location as the F.E. Lower Ditch recreational trail easement, with 2 zone breaks to enable vehicle & equipment access to the mineral extraction site.

2. Our transportation planner has requested information on what proposed route you would have vehicles use to access the site, both for gravel extraction and potential mining activity. Additionally, do you have any information on the proposed truck traffic volumes that would occur for both the gravel extraction and potential mining activity?

Block 1, Tract A, Bog Subdivision is accessible from two existing roads; Dragline Drive from Northridge Subdivision, and Chena-Ester Ditch Road, through Golden Valley Subdivision.

Mining vehicles and equipment access will be from the north along section line easement with limited access permission from the owners of the adjacent existing mining operations.

The envisioned scope of placer mining activities, and gravel extraction will primarily be internal to Block 1, Tract A, Bog Subdivision and Bog View Subdivision, with minimal traffic through surrounding areas.

3. Do you have information on where on the property you think the potential gravel extraction and/or where the mining activity would occur?

The mining activity and gravel extraction site is in the “High Mineral Potential” and “Outskirt” designated areas at the base of Chena Ridge, on the north of the Open Space Buffer zone defined by the F.E. lower ditch recreational trail easement.

The remaining portion of land, south of the F.E. lower ditch recreational trail easement / Open Space Buffer, uphill to the property boundary along Chena-Ester Ditch Rd ROW, will remain as Residential Estate 4 (RE-4) zoned lands in keeping with the community properties.
WAYS AND MEANS REVOCABLE TRUST
as amended and restated

THIS TRUST AGREEMENT is entered into on the 23rd day of October, 2018, between DAVID E. WAYS (the "Husband") and OLGA V. WAYS (the "Wife"), of Manatee County, Florida, as settlors (the "Settlors") and as initial co-trustees (hereinafter referred to jointly as the "Trustee"). The Settlors originally created a revocable trust by an instrument dated July 2, 2014, entitled the "WAYS AND MEANS REVOCABLE TRUST." This new Trust Agreement is intended by the Settlors to amend, restate, and supersede such prior instrument. Accordingly, the following is an amendment and restatement in its entirety of the "WAYS AND MEANS REVOCABLE TRUST." All assets currently owned by the "WAYS AND MEANS REVOCABLE TRUST" (or any similar designation) shall be controlled by this new Trust Agreement.

WITNESSETH:

The Settlors desire to create a trust to be held, administered and distributed in accordance with the provisions of this Trust Agreement. Accordingly, the Settlors have transferred to the Trustee, and the Trustee acknowledges receipt from the Settlors of the sum of ten dollars ($10.00) in cash. This property, together with any other property which may be conveyed to the Trustee subject to the trust hereby created, shall be held, administered and distributed by the Trustee, upon the trust and for the purposes and uses herein set forth. The trust initially created by this Trust Agreement shall be known as the "WAYS AND MEANS REVOCABLE TRUST."

Article I.
Identification

The Settlors have two children, AARON ROBERT WAYS and MIRA BELLA WAYS. All references in this Trust Agreement to the "Settlors' children" are to them and to all children hereafter born to or adopted by the Settlors.

Article II.
Initial Revocable Trust

A. Distributions. The Trustee shall hold, manage, sell, exchange, invest and reinvest the trust property, collect all income and, after deducting such expenses as are properly payable, shall accumulate and distribute the income and principal as herein provided. The Trustee shall
delivered to each beneficiary of the affected trust.

N. **Per Stirpes.** When a distribution is to be made to a person's descendants "per stirpes," property shall be divided into as many equal shares as there are (i) living children of such person, if any, and (ii) deceased children who left descendants who are then living. Each living child shall receive one share, and the share that would have passed to each deceased child shall be divided in a similar manner (by reapplying the preceding rule) among his or her then living descendants. For example, if a person has deceased children and living children when a distribution is to be made, the assets will be divided into equal shares at the child level and distributed per stirpes below that level; however, if the person has no living children at that time, that equal division will still be made at the child level and distributed per stirpes below that level. This definition is intended to override any conflicting or contrary common law definition. In the case of a distribution which is to be made "per stirpes" in the event of the death of one of the Settlors, references in this Section to "then living" or to "living" shall mean persons who survive the Settlors.

O. **Notice of Trustee Duties.** The Trustee hereunder may have duties and responsibilities in addition to those described in this Trust Agreement. By signing this Trust Agreement, the Trustee acknowledges that the Trustee will obtain legal advice if necessary to answer questions relating to matters involving this Trust Agreement.

IN WITNESS WHEREOF, the Settlors and the Co-Trustees have hereunto set their hands as of the date first above written.

[Signatures]

DAVID E. WAYS, Settlor

OLGA V. WAYS, Settlor

DAVID E. WAYS, Co-Trustee

OLGA V. WAYS, Co-Trustee

WAYS AND MEANS REVOCABLE TRUST
as amended and restated
We, the undersigned witnesses, certify that the foregoing instrument was signed by the settlors in our presence as of the date first above written, and declared by them to be their revocable trust, and such instrument was signed by the Co-Trustees in our presence as of the date first above written, and we, the undersigned witnesses, sign our names hereunto as witnesses at the request and in the presence of the Settlors and the Co-Trustees, and in the presence of each other, on the 23rd day of October, 2018.

BART SCOVILL

BETTINA SCOVILL

STATE OF FLORIDA

COUNTY OF SARASOTA

WE, the undersigned, being the Settlors, the Trustees, and the witnesses, respectively, whose names are signed to the attached or foregoing instrument, having been sworn, declared to the undersigned officer that the Settlors and the Trustees, in the presence of witnesses, signed the instrument as their revocable trust, that such Settlors and Trustees signed such instrument, that the Settlors and the Trustees signed such instrument willingly, and that each of the witnesses, in the presence of the Settlors and the Trustees and in the presence of each other, signed the revocable trust as a witness.

DAVID E. WAYS, Settlor and Co-Trustee

OLGA V. WAYS, Settlor and Co-Trustee

BART SCOVILL

BETTINA SCOVILL

SUBSCRIBED AND SWORN TO before me by DAVID E. WAYS, Settlor and Co-
Trustee, who produced a driver's license issued by Florida that contained his photograph and signature as identification thereby proving him to be the person whose name is subscribed to the foregoing instrument as Settlor and as Co-Trustee, by OLGA V. WAYS, Settlor and Co-Trustee, who produced a driver's license issued by Florida that contained her photograph and signature as identification thereby proving her to be the person whose name is subscribed to the foregoing instrument as Settlor and as Co-Trustee, by BART SCOVILL, a witness who is personally known to me, and by BETTINA SCOVILL, a witness who is personally known to me, on the 23rd day of October, 2018.

[Signature]

Notary Public, State of Florida

WAYS AND MEANS REVOCABLE TRUST
as amended and restated

Page 28 of 28
Addendum:
Public comments received after December 3, 2021
Property Owners:
Elizabeth P. Cotter & Michael G. Williams

Address:
3095 Chena-Ester Ditch Road
LOT 4 BLOCK 2 GOLDEN VALLEY HOMESTEADS OUT OF TL-1016 T1S-R2W

Comments:

To Whom It May Concern:
My name is Elizabeth Cotter, and I am the property owner of 3095 Chena-Ester Ditch. My husband, Michael Williams, and I are within 2000 feet of this proposed request and strongly disagree with RZ2022-003, the rezoning of Tract A Block 1 Bog Subdivision.
We purchased our property in 2012 and since that time we have improved our land by clearing a lot, cutting in a driveway, and building a cabin. The appeal to us of building in Golden Valley Homestead is the community of friends it provides, the solitude the property offers while being within 15 minutes to town, and the recently improved road.

Although we have no intention of selling our land, we do consider it a financial investment in our future lives. On an average morning in the summer, we will see a family of juvenile gray jays quietly pass through while we drink our morning coffee, we’ll see our neighbors out for a walk, kids riding their bikes and children getting lessons on a four-wheeler. The noise and traffic a functioning mine would create would be incredibly detrimental to all these things and we concur with the assessment that a mine is not compatible with residential properties.

By being within 2000 feet of an operational mine, we do not believe the proposed Open Space Buffer would be adequate to conceal the noise of mining activity. Currently, we can hear the existing mine when it is operational, and it is further away than the proposed rezoning area. We understand that the stated intention of this proposed rezone is to create more residential land in other tracts of Bog View but it would not prevent this mine from continuing to operate far into the future. As previously mentioned, although we have no intention of selling our property, this would dramatically impact the resale value of our investment. This would hold true for everyone in our community. The increase of traffic and heavy equipment on the road would be detrimental to the road itself and to the safety of our community. Our quality of life would be diminished, and the solitude of Golden Valley Homestead would be lost.
For the reasons stated above we strongly disagree with the rezoning of Tract A Block 1 Bog Subdivision from RE-4 to MI/OSB and ask that the community planning commission denies this request.

Thank you for your time and consideration,

[Signature]

Elizabeth Cotter & Michael Williams
Contact the Planning Commission

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Subject: opposition of proposal RZ2022-003

Your First Name: Melanie
Your Last Name: Flamme
Your Email Address: msmtpattie@gmail.com

Comments

To Whom it May Concern:
I am writing in opposition of proposal RZ2022-003 (request to re-zone Tract A, Block 1, Bog Subdivision from Residential Estate (RE-4) to Mineral Lands/Open Space Buffer (ML/OSB), located north of Chena Ester Ditch road and east of Dragline Drive). This area encompasses the Ridgecrest and Golden Valley Homesteads neighborhoods. I am a 30-year resident of the Ridgecrest neighborhood and have many serious concerns about the safety and feasibility of this proposal. A gravel mining operation would likely entail regular transport of gravel material along Ridgecrest, Change Lane, Montana and Chena Ester Ditch roads via heavy equipment and/or trucks, impacting many residents of both neighborhoods. Further, this route is the only access most residents have to their properties and commercial heavy truck/equipment traffic would increase congestion on already narrow, neighborhood roads and impact traffic on Chena Ridge Road. It’s also concerning that no residents beyond the 1000 foot perimeter from the proposed development were notified about this proposal to re-zone, even though two large neighborhoods will be impacted.

The area is currently zoned for RE-4 to reflect larger pieces of property with lower population-density residential areas. We live here for the peace, quiet and space, and changing the zoning to commercial ML/OSB would be disruptive (traffic, dust, noise, road damage) to many families throughout both neighborhoods. First, I have concerns about safety for the families with children and pets and the many neighborhood dog walkers, bike commuters, snowmachiners, horse-back riders, and four-wheelers who frequent the road. Increased commercial heavy-truck and equipment traffic will not only tax the fragile road system and underlying discontinuous permafrost throughout the
neighborhood, but increase risks to our children, pets, bikers and neighbors driving smaller vehicles. Second, we already have issues with road maintenance and road damage from loaded heavy equipment and/or trucks on Ridgecrest, Change Lane, Montana and Chena Ester Ditch roads. The current washboard and potholed conditions are caused by normal vehicle and truck traffic. Additional heavy trucks and equipment traffic would be devastating to road conditions. These neighborhood roads also are easily saturated with water in spring and in heavy rain, making the roads slick and soft. Because these neighborhoods include two road-service areas, road maintenance and repair for the entire route from Ridgecrest to Chena Ester Ditch is difficult to coordinate, often resulting in just portions of the route getting plowed or receiving repairs. Presently, winter road maintenance for Golden Valley Homesteads neighborhood is conducted by two local residents because funding to keep Montana Road and Chena Ester Ditch plowed throughout the winter is insufficient.

Third, the sharpness of the angle of the turn at the intersection of Change Lane and Montana Road in combination with the steepness of Montana Road is a frequent place for vehicles to go off the road and block traffic (both in winter and during heavy rains when the road surface is saturated with water in spring, summer and fall). Increased traffic from loaded heavy trucks and/or equipment may cause additional road damage, interrupt traffic, and block access for emergency service vehicles and residents. Lastly, heavy trucks and/or equipment loaded with gravel products from mining operations may risk public health. They may contain toxic fugitive dusts from heavy metals (e.g. arsenic) native to the local soils that could be dispersed not only throughout both the Ridgecrest and Golden Valley Homesteads neighborhoods, but also along the transport route on Chena Ridge Road and beyond.

I am just a long-term resident and private citizen in the Ridgecrest neighborhood and not a road expert. However, I have lived here a long time and these narrow, neighborhood road cannot handle the increase in heavy truck/equipment traffic implied by a commercial gravel mining operation. If the roads are damaged by commercial traffic, will the mining operation pay for the repairs? Currently, this proposal does not provide enough detail to understand the extent of the proposed commercial mining enterprise, its potential affects to neighborhood traffic, and impacts to human health and safety addressed here.

Extensive research and a full plan and impact analysis need to be conducted prior to consideration of any proposal to re-zone a long-term RE-4 residential area in the Ridgecrest and Golden Valley Homesteads neighborhoods.

Thank you,

Melanie Flamme, Fairbanks, AK

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Subject: proposal RZ2022-003

Your First Name: Paul

Your Last Name: Henderson

Your Email Address: Pjinak@hotmail.com

Comments:

To Whom it May Concern:

I am writing in opposition of proposal RZ2022-003 (request to rezone Tract A, Block 1, Bog Subdivision from Residential Estate (RE-4) to Mineral Lands/Open Space Buffer (ML/OSB), located north of Chena Ester Ditch road and east of Dragline Drive).

I am a 30+ year Chena Ridge resident of the Sexburg subdivision and have many serious concerns about the safety and feasibility of this proposal.

I am currently traveling outside or would otherwise attend the meeting.

We live in this area on Chena ridge for the peace, quiet and space. It seems to me that if approved this project would bring about major increases to traffic, dust, noise and road damage. Increased commercial heavy-truck and equipment traffic will not only tax the road system in the area but increase risks to our children, pets, bikers and neighbors driving smaller vehicles. Increased traffic from loaded heavy trucks and/or equipment may cause additional road damage. Lastly, heavy trucks and/or equipment loaded with gravel products from mining operations may risk public health. They may contain toxic dusts from heavy metals native to the local soils that could be dispersed not only throughout numerous neighborhoods.

PLEASE DO NOT APPROVE THIS PROPOSAL!

Paul Henderson & Becky Litzinger
Fairbanks, Alaska
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Subject: proposal RZ2022-003
Your First Name: Johnnie
Your Last Name: Williams
Your Email Address: johnniedomehead@gmail.com
Comments:

To whom it may concern,
My name is Johnnie Williams. My wife, Teresa Shannon, and I own and reside at 3055 Chena Ester Ditch. We are writing in opposition to proposal RZ2022-003 (request to re-zone Tract A, Block 1, Bog Subdivision from Residential Estate (RE-4) to Mineral Lands/Open Space Buffer (ML/OSB), located north of Chena Ester Ditch road and east of Dragline Drive).
We do not believe that the road system is capable of bearing that huge increase in traffic that will come with a commercial mining operation. We bought our property over 20 years ago when Chena Ester Ditch Rd. was one of the very worst roads in the borough. We voluntarily increased our taxes in the road service area for a period of close to 10 years and eventually got a significant upgrade finally accomplished. We do not want see all that time and money destroyed by a parade of dump trucks.
This preposed rezone is not compatible with the character of the neighborhood and would be detrimental to our quality of life and our property values.
We strongly oppose this proposal.

Johnnie Williams and Teresa Shannon
3055 Chena Ester Ditch Rd
Fairbanks AK 99709

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Subject: Public comment on proposal RZ2022-003

Your First Name: Christina

Your Last Name: Ireton

Your Email Address: Christina.ireten16@gmail.com

Comments:
To Whom it May Concern:

I am writing in opposition of proposal RZ2022-003 (request to re-zone Tract A, Block 1, Bog Subdivision from Residential Estate (RE-4) to Mineral Lands/Open Space Buffer (ML/OSB), located north of Chena Ester Ditch road and east of Dragline Drive). This area encompasses the Ridgecrest and Golden Valley Homesteads neighborhoods. I am a 30-year resident of the Ridgecrest neighborhood and have many serious concerns about the safety and feasibility of this proposal. A gravel mining operation would likely entail regular transport of gravel material along Ridgecrest, Change Lane, Montana and Chena Ester Ditch roads via heavy equipment and/or trucks, impacting many residents of both neighborhoods. Further, this route is the only access most residents have to their properties and commercial heavy truck/equipment traffic would increase congestion on already narrow, neighborhood roads and impact traffic on Chena Ridge Road. It’s also concerning that no residents beyond the 1000-ft perimeter from the proposed development were notified about this proposal to re-zone, even though two large neighborhoods will be impacted.

The area is currently zoned for RE-4 to reflect larger pieces of property with lower population-density residential areas. We live here for the peace, quiet and space, and changing the zoning to commercial ML/OSB would be disruptive (traffic, dust, noise, road damage) to many families throughout our neighborhoods. First, I have concerns about safety for the families with children and pets and the many neighborhood dog walkers, bike commuters, snowmachiners, horse-back riders, and four-wheelers who frequent the road. I myself spend time walking with my family, and biking on these same roads. Increased commercial heavy-truck and equipment traffic will not only tax the
fragile road system and underlying discontinuous permafrost throughout the neighborhood, but increase risks to our children, pets, bikers and neighbors driving smaller vehicles. Second, we already have issues with road maintenance and road damage from loaded heavy equipment and/or trucks on Ridgecrest, Change Lane, Montana and Chena Ester Ditch roads. The current washboard and potholed conditions are caused by normal vehicle and truck traffic. Additional heavy trucks and equipment traffic would be devastating to road conditions. These neighborhood roads also are easily saturated with water in spring and in heavy rain, making the roads slick and soft. Because these neighborhoods include two road-service areas, road maintenance and repair for the entire route from Ridgecrest to Chena Ester Ditch is difficult to coordinate, often resulting in just portions of the route getting plowed or receiving repairs. Presently, winter road maintenance for Golden Valley Homesteads neighborhood is conducted by two local residents because funding to keep Montana Road and Chena Ester Ditch plowed throughout the winter is insufficient. Third, the sharpness of the angle of the turn at the intersection of Change Lane and Montana Road in combination with the steepness of Montana Road is a frequent place for vehicles to go off the road and block traffic (both in winter and during heavy rains when the road surface is saturated with water in spring, summer and fall). Increased traffic from loaded heavy trucks and/or equipment may cause additional road damage, interrupt traffic, and block access for emergency service vehicles and residents. Lastly, heavy trucks and/or equipment loaded with gravel products from mining operations may risk public health. They may contain toxic fugitive dusts from heavy metals (e.g. arsenic) native to the local soils that could be dispersed not only throughout both the Ridgecrest and Golden Valley Homesteads neighborhoods, but also along the transport route on Chena Ridge Road and beyond.

I am a resident and private citizen in the Chena Ridge neighborhood. Our narrow neighborhood roads cannot handle the increase in heavy truck/equipment traffic implied by a commercial gravel mining operation. If the roads are damaged by commercial traffic, will the mining operation pay for the repairs? Currently, this proposal does not provide enough detail to understand the extent of the proposed commercial mining enterprise, its potential affects to neighborhood traffic, and impacts to human health and safety addressed here. Extensive research and a full plan and impact analysis need to be conducted prior to consideration of any proposal to re-zone a long-term RE-4 residential area in the Ridgecrest and Golden Valley Homesteads neighborhoods.

Thank you,
Christina Iretan
Fairbanks, Alaska
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Cullen Mahaffey

From: Cullen Mahaffey
Sent: Tuesday, December 14, 2021 8:48 AM
Cc: Kellen Spillman; Melissa Kellner; April Trickey
Subject: FW: RZ2022-003 Imagery

Good morning Commissioners,

Please see the comments below on RZ2022-003, an agenda item that will be heard at this evening’s meeting.

Best regards,

Cullen Mahaffey | Administrative Assistant III
Fairbanks North Star Borough | Clerk’s Office
907 Terminal Street | P.O. Box 71267 Fairbanks, AK 99707
907.459.1401 | cullen.mahaffey@fnsb.gov

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From: JOHN SINGER <jasmda@aol.com>
Sent: Monday, December 13, 2021 12:02 PM
To: Melissa Kellner <melissa.kellner@fnsb.gov>
Subject: Re: RZ2022-003 Imagery

Melissa,

I have read the enclosed information you provided and reviewed the information in the online published agenda for tomorrow night’s meeting. I would like to officially go on record as opposing this rezoning request based on his intent to placer mine and he has not addressed concerns regarding use of Chena Ester Ditch or Dragline Roads.

I would like the opportunity to be placed on the agenda to make an oral statement at tomorrow’s meeting regarding this request.

Sincerely
John A. Singer
3120 Chena Ester Ditch Road.

On Nov 15, 2021, at 2:32 PM, Melissa Kellner <melissa.kellner@fnsb.gov> wrote:

Mr. Singer,

Thanks for calling today. Here’s the image I referenced in our conversation:
The tract outlined in purple is the subject of the rezone request. I believe the existing trail is visible roughly across the middle of that tract. The Chena-Ester Ditch ROW makes the southeast boundary of that tract. This image also shows where the ROW connects to Dragline Drive to the west.

I hope this is helpful. Feel free to call again to talk this through or with any other comments or concerns.

Kind regards,

Melissa

Melissa Kellner
Long-Range Planner
Community Planning Department
Fairbanks North Star Borough

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Good morning Commissioners,

Please see the comments below on RZ2022-003, an agenda item that will be heard at this evening’s meeting.

Best regards,

Cullen Mahaffey | Administrative Assistant III
Fairbanks North Star Borough | Clerk’s Office
907 Terminal Street | P.O. Box 71267 Fairbanks, AK 99707
907.459.1401 | cullen.mahaffey@fnsb.gov

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From: Savana Burgess <vannab_09@yahoo.com>
Sent: Monday, December 13, 2021 7:20 PM
To: Webmail Planning <planning@fnsb.gov>
Subject: Rezoning from residential to mining

To Whom it May Concern:
I am writing in opposition of proposal RZ2022-003 (request to re-zone Tract A, Block 1, Bog Subdivision from Residential Estate (RE-4) to Mineral Lands/Open Space Buffer (ML/OSB), located north of Chena Ester Ditch road and east of Dragline Drive). This area encompasses the Ridgecrest and Golden Valley Homesteads neighborhoods. I am a 4 year resident of the Ridgecrest neighborhood and have many serious concerns about the safety and feasibility of this proposal. A gravel mining operation would likely entail regular transport of gravel material along Ridgecrest, Change Lane, Montana and Chena Ester Ditch roads via heavy equipment and/or trucks, impacting many residents of both neighborhoods. Further, this route is the only access most residents have to their properties and commercial heavy truck/equipment traffic would increase congestion on already narrow, neighborhood roads and impact traffic on Chena Ridge Road. It’s also concerning that no residents beyond the 1000-ft perimeter from the proposed development were notified about this proposal to re-zone, even though two large neighborhoods will be impacted.
The area is currently zoned for RE-4 to reflect larger pieces of property with lower population-density residential areas. We live here for the peace, quiet and space, and changing the zoning to commercial ML/OSB would be disruptive (traffic, dust, noise, road damage) to many families throughout both neighborhoods. First, I have concerns about safety for the families with children and pets and the many neighborhood dog walkers, bike commuters, snowmachines, horse-back riders, and four-wheelers who frequent the road. Increased commercial heavy-truck and equipment traffic will not only tax the fragile road system and underlying discontinuous permafrost throughout the neighborhood, but increase risks to our children, pets, bikers and neighbors driving smaller vehicles. Second, we already have issues with road maintenance and road damage from loaded heavy equipment and/or trucks on Ridgecrest, Change Lane, Montana and Chena Ester Ditch roads. The current washboard and potholed conditions are caused by normal vehicle and truck traffic. Additional heavy trucks and equipment traffic would be devastating to road conditions. These neighborhood
roads also are easily saturated with water in spring and in heavy rain, making the roads slick and soft. Because these neighborhoods include two road-service areas, road maintenance and repair for the entire route from Ridgecrest to Chena Ester Ditch is difficult to coordinate, often resulting in just portions of the route getting plowed or receiving repairs. Presently, winter road maintenance for Golden Valley Homesteads neighborhood is conducted by two local residents because funding to keep Montana Road and Chena Ester Ditch plowed throughout the winter is insufficient. Third, the sharpness of the angle of the turn at the intersection of Change Lane and Montana Road in combination with the steepness of Montana Road is a frequent place for vehicles to go off the road and block traffic (both in winter and during heavy rains when the road surface is saturated with water in spring, summer and fall). Increased traffic from loaded heavy trucks and/or equipment may cause additional road damage, interrupt traffic, and block access for emergency service vehicles and residents. Lastly, heavy trucks and/or equipment loaded with gravel products from mining operations may risk public health. They may contain toxic fugitive dusts from heavy metals (e.g. arsenic) native to the local soils that could be dispersed not only throughout both the Ridgecrest and Golden Valley Homesteads neighborhoods, but also along the transport route on Chena Ridge Road and beyond.

I am just a resident and private citizen in the Ridgecrest neighborhood and not a road expert. However, I have lived here a long time and these narrow, neighborhood road cannot handle the increase in heavy truck/equipment traffic implied by a commercial gravel mining operation. If the roads are damaged by commercial traffic, will the mining operation pay for the repairs? Currently, this proposal does not provide enough detail to understand the extent of the proposed commercial mining enterprise, its potential affects to neighborhood traffic, and impacts to human health and safety addressed here. Extensive research and a full plan and impact analysis need to be conducted prior to consideration of any proposal to re-zone a long-term RE-4 residential area in the Ridgecrest and Golden Valley Homesteads neighborhoods.

Thank you,
Savanna Burgess-Jones
Fairbanks, Alaska

*Sent from Yahoo Mail on Android*

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Subject: Proposed Gravel Road Extraction

Your First Name: Carol

Your Last Name: Meyer

Your Email Address: Liquidearth3@gmail.com

Comments:

To Whom it May Concern:

I am writing in opposition of proposal RZ2022-003 (request to re-zone Tract A, Block 1, Bog Subdivision from Residential Estate (RE-4) to Mineral Lands/Open Space Buffer (ML/OSB), located north of Chena Ester Ditch road and east of Dragline Drive). This area encompasses the Ridgecrest and Golden Valley Homesteads neighborhoods. I am a 35 year resident of the Cripple Creek neighborhood and have many serious concerns about the safety and feasibility of this proposal, as I use this route to get to town. A gravel mining operation would likely entail regular transport of gravel material along Ridgecrest, Change Lane, Montana and Chena Ester Ditch roads via heavy equipment and/or trucks, impacting many residents of both neighborhoods. Further, this route is the only access most residents have to their properties and commercial heavy truck/equipment traffic would increase congestion on already narrow, neighborhood roads and impact traffic on Chena Ridge Road. It’s also concerning that no residents beyond the 1000-ft perimeter from the proposed development were notified about this proposal to re-zone, even though two large neighborhoods will be impacted.

The area is currently zoned for RE-4 to reflect larger pieces of property with lower population-density residential areas. We live here for the peace, quiet and space, and changing the zoning to commercial ML/OSB would be disruptive (traffic, dust, noise, road damage) to many families throughout both neighborhoods. First, I have concerns about safety for the families with children and pets and the many neighborhood dog walkers, bike commuters, snowmachiners, horse-back riders, and four-wheelers who frequent the road. Increased commercial heavy-truck and equipment traffic will not only tax the fragile road...
system and underlying discontinuous permafrost throughout the neighborhood, but increase risks to our children, pets, bikers and neighbors driving smaller vehicles. Second, there are already issues with road maintenance and road damage from loaded heavy equipment and/or trucks on Ridgecrest, Change Lane, Montana and Chena Ester Ditch, as well as those in Cripple Creek. The current washboard and potholed conditions are caused by normal vehicle and truck traffic. Additional heavy trucks and equipment traffic would be devastating to road conditions. These neighborhood roads also are easily saturated with water in spring and in heavy rain, making the roads slick and soft. Because these neighborhoods include two road-service areas, road maintenance and repair for the entire route from Ridgecrest to Chena Ester Ditch is difficult to coordinate, often resulting in just portions of the route getting plowed or receiving repairs. Presently, winter road maintenance for Golden Valley Homesteads neighborhood is conducted by two local residents because funding to keep Montana Road and Chena Ester Ditch plowed throughout the winter is insufficient. Third, the sharpness of the angle of the turn at the intersection of Change Lane and Montana Road in combination with the steepness of Montana Road is a frequent place for vehicles to go off the road and block traffic (both in winter and during heavy rains when the road surface is saturated with water in spring, summer and fall). Increased traffic from loaded heavy trucks and/or equipment may cause additional road damage, interrupt traffic, and block access for emergency service vehicles and residents. Lastly, heavy trucks and/or equipment loaded with gravel products from mining operations may risk public health. They may contain toxic fugitive dusts from heavy metals (e.g. arsenic) native to the local soils that could be dispersed not only throughout both the Ridgecrest and Golden Valley Homesteads neighborhoods, but also along the transport route on Chena Ridge Road and beyond.

I am just a long-term resident and private citizen and not a road expert. However, I have lived here a long time and these narrow, neighborhood roads cannot handle the increase in heavy truck/equipment traffic implied by a commercial gravel mining operation. If the roads are damaged by commercial traffic, will the mining operation pay for the repairs? Currently, this proposal does not provide enough detail to understand the extent of the proposed commercial mining enterprise, its potential affects to neighborhood traffic, and impacts to human health and safety addressed here. Extensive research and a full plan and impact analysis need to be conducted prior to consideration of any proposal to re-zone a long-term RE-4 residential area in the Ridgecrest and Golden Valley Homesteads neighborhoods.

Thank you,
Carol Meyer
Fairbanks, Alaska
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Subject
Opposition of proposal RZ2022-003

Your First Name
Linda

Your Last Name
Thai

Your Email Address
lkthai@alaska.edu

Comments

Tuesday, December 14, 2021
To Whom it May Concern:

I am writing in opposition of proposal RZ2022-003 (request to re-zone Tract A, Block 1, Bog Subdivision from Residential Estate (RE-4) to Mineral Lands/Open Space Buffer (ML/OSB), located north of Chena Ester Ditch road and east of Dragline Drive). This area encompasses the Ridgecrest and Golden Valley Homesteads neighborhoods.

I am a 15-year resident of the Ridgecrest neighborhood and have many serious concerns about the safety and feasibility of this proposal.

The existing roads were built for low-density residential traffic loads, not heavy traffic by commercial vehicles. Furthermore, the steep cutbanks, the steepness of Montana Road and the sharp corner at Montana Road pose significant safety concerns for further road/land degradation and safety for local residential vehicle traffic.

The area is currently zoned for RE-4 to reflect larger pieces of property with lower population-density residential areas.

I know all of my neighbors because we play on the road, with bicycles, sleds, four-wheelers and mini-motorcycles, with our dogs and our children.

Community exists ***because of*** the low-density vehicle traffic.
A change in zoning will result in a change in traffic patterns which will directly impede the strength of our community and our quality of life.

We purchased land in this community because of the current zoning laws. It is shameful that the FNSB regulations do not require notification of residents who live beyond the area directly impacted, and it is testament to our community that word has spread quickly to mount a community response in opposition to this proposal.

Respectfully,

Linda Thai
Fairbanks, Alaska

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Subject: proposal RZ2022-003
Your First Name: Samantha
Your Last Name: Wuttig
Your Email Address: swuttig@gmail.com
Comments: To Whom it May Concern: I am writing in opposition of proposal RZ2022-003 (request to re-zone Tract A, Block 1, Bog Subdivision from Residential Estate (RE-4) to Mineral Lands/Open Space Buffer (ML/OSB), located north of Chena Ester Ditch road and east of Dragline Drive). This area encompasses the Ridgecrest and Golden Valley Homesteads neighborhoods. I am a 47-year resident of the Ridgecrest neighborhood and have many serious concerns about the safety and feasibility of this proposal. A gravel mining operation would likely entail regular transport of gravel material along Ridgecrest, Change Lane, Montana and Chena Ester Ditch roads via heavy equipment and/or trucks, impacting many residents of both neighborhoods. Further, this route is the only access most residents have to their properties and commercial heavy truck/equipment traffic would increase congestion on already narrow, neighborhood roads and impact traffic on Chena Ridge Road. It’s also concerning that no residents beyond the 1000-ft perimeter from the proposed development were notified about this proposal to re-zone, even though two large neighborhoods will be impacted. The area is currently zoned for RE-4 to reflect larger pieces of property with lower population-density residential areas. We live here for the peace, quiet and space, and changing the zoning to commercial ML/OSB would be disruptive (traffic, dust, noise, road damage) to many families throughout both neighborhoods. First, I have concerns about safety for the families with children and pets and the many neighborhood dog walkers, bike commuters, snowmachines, horse-back riders, and four-wheelers who frequent the road. Increased commercial heavy-truck and equipment traffic will not only tax the fragile road system and underlying discontinuous permafrost throughout the neighborhood, but increase risks to our children, pets, bikers and
neighbors driving smaller vehicles. Second, we already have issues with road maintenance and road damage from loaded heavy equipment and/or trucks on Ridgecrest, Change Lane, Montana and Chena Ester Ditch roads. The current washboard and potholed conditions are caused by normal vehicle and truck traffic. Additional heavy trucks and equipment traffic would be devastating to road conditions. These neighborhood roads also are easily saturated with water in spring and in heavy rain, making the roads slick and soft. Because these neighborhoods include two road-service areas, road maintenance and repair for the entire route from Ridgecrest to Chena Ester Ditch is difficult to coordinate, often resulting in just portions of the route getting plowed or receiving repairs. The existing road maintenance budget is barely adequate for the current local traffic. For instance, the road regularly fails and needs patching and repair even with existing local traffic. This problem has been amplified over a couple of decades as state and local funds have dried up, it is now completely up the taxpayer to fund the construction and maintenance of the roadway. Increased traffic particularly commercial heavy vehicles will undoubtedly cause the road to fail in quick order. This then becomes a life safety issue and will undoubtedly raise the taxes necessary to maintain the roadway... the current proposal simply doesn't address the effects on the roadway, resulting from this rezoning proposal. A detailed plan containing appropriate covenants is lacking, particularly given the type of (frozen) soils, and existing road conditions in the areas mentioned in this application. Third, the sharpness of the angle of the turn at the intersection of Change Lane and Montana Road in combination with the steepness of Montana Road is a frequent place for vehicles to go off the road and block traffic (both in winter and during heavy rains when the road surface is saturated with water in spring, summer and fall). Increased traffic from loaded heavy trucks and/or equipment may cause additional road damage, interrupt traffic, and block access for emergency service vehicles and residents. Lastly, heavy trucks and/or equipment loaded with gravel products from mining operations may risk public health. They may contain toxic fugitive dusts from heavy metals (e.g. arsenic) native to the local soils that could be dispersed not only throughout both the Ridgecrest and Golden Valley Homesteads neighborhoods, but also along the transport route on Chena Ridge Road and beyond. I am just a long-term resident and private citizen in the Ridgecrest neighborhood and not a road expert. However, I have lived here a long time and these narrow, neighborhood road cannot handle the increase in heavy truck/equipment traffic implied by a commercial gravel mining operation. If the roads are damaged by commercial traffic, will the mining operation pay for the repairs? Currently, this proposal does not provide enough detail to understand the extent of the proposed commercial mining enterprise, its potential affects to neighborhood traffic, and impacts to human health and safety addressed here. Extensive
research and a full plan and impact analysis need to be conducted prior to consideration of any proposal to re-zone a long-term RE-4 residential area in the Ridgecrest and Golden Valley Homesteads neighborhoods. Thank you. Sincerely, Samantha Wuttig, Fairbanks, Alaska

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Contact the Planning Commission

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Subject: Re: Proposal RZ2022-003 (request to re-zone Tract A, Block 1, Bog Subdivision from Residential Estate (RE-4) to Mineral Lands/Open Space Buffer (ML/OSB)

Your First Name: Kirsten

Your Last Name: Blair

Your Email Address: aldercreekak@gmail.com

Comments: To Whom It May Concern,

As a permanent resident of 2960 Chena Ester Ditch Rd, I am writing in opposition to proposal RZ2022-003 (request to re-zone Tract A, Block 1, Bog Subdivision from Residential Estate (RE-4) to Mineral Lands/Open Space Buffer (ML/OSB). I believe re-zoning this area would be detrimental to this quiet, peaceful, and clearly, residential area. Heavy commercial vehicles and equipment would be significantly damaging to the roads mentioned (which are already struggling to be maintained safely). This is the only access that I have to my home and as it is already necessary to take care (especially during the winter months) when meeting on-coming residential traffic, I can't imagine meeting a dump truck full of gravel safely. This neighborhood is currently growing at a sustainable rate, and is abundant with dog-walkers, children, wildlife, and more. Additionally, my family and I do not wish to see this proposal passed, as it is far too vague in its current state, and I do not believe it has the best interests of a majority of the full-time permanent residents in mind.

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Subject: RZ2022-003
Your First Name: Gus
Your Last Name: Bystedt
Your Email Address: bystedt@alaska.net
Comments: This change to the zoning will create excessive noise for the entire north side of Chena Ridge and will disrupt hundreds of residents living on that side of the ridge. That noise of working equipment and trucks will continue for years and will only benefit one person and that is the requestor of this change, strictly for profits. If this is approved hundreds of residents will be unfairly subjected to noise all summer long. The road network will suffer from the added dump truck traffic and it may affect safety along the road routes which are for residential living.

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<thead>
<tr>
<th>Subject</th>
<th>Re: Proposal RZ2022-003 (request to re-zone Tract A, Block 1, Bog Subdivision from Residential Estate (RE-4) to Mineral Lands/Open Space Buffer (ML/OSB))</th>
</tr>
</thead>
<tbody>
<tr>
<td>Your First Name</td>
<td>Genevieve</td>
</tr>
<tr>
<td>Your Last Name</td>
<td>Hughes</td>
</tr>
<tr>
<td>Your Email Address</td>
<td><a href="mailto:coterider03@yahoo.com">coterider03@yahoo.com</a></td>
</tr>
<tr>
<td>Comments</td>
<td>My family and I are permanent residents of the Ridgecrest and Golden Valley Homesteads, owning three residential properties in this area. We have several concerns about this proposal for re-zoning, and believe that re-zoning is not in our neighborhood community's best interest. We do not want to see heavy equipment or commercial vehicles on these residential roads, as they are already not in the best shape as they are. Our family has many members who are active, and enjoy the quiet and peacefulness of the outdoors. We have chosen to make our permanent homes in this area because it has those qualities. We are concerned about the quality of life and safety of the children, pets, and wildlife in this area, should there be heavy vehicle traffic and commercial operations activity. Therefore, we are writing in opposition to proposal RZ2022-003 (request to re-zone Tract A, Block 1, Bog Subdivision from Residential Estate (RE-4) to Mineral Lands/Open Space Buffer (ML/OSB), located north of Chena Ester Ditch road and east of Dragline Drive). Thank you for reading!</td>
</tr>
</tbody>
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Contact the Planning Commission

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Subject: Opposition of RZ2022-003
Your First Name: John & Christine
Your Last Name: Clendenin
Your Email Address: jrc1endeninjr@gmail.com
Comments: To Whom It May Concern:
I am writing in opposition of proposal RZ2022-003 (request to rezone Tract A, Block 1, Bog Subdivision from Residential Estate (RE-4) to Mineral Lands/Open Space Buffer (ML/OSB), located north of Chena Ester Ditch road and east of Dragline Drive). This area encompasses the Ridgecrest and Golden Valley Homesteads neighborhoods.
We are in our 50’s and residents of the Ridgecrest neighborhood and have many serious concerns about the safety and feasibility of this proposal. A gravel mining operation would likely entail regular transport of gravel material along Ridgecrest, Change Lane, Montana and Chena Ester Ditch roads via heavy equipment and/or trucks, impacting many residents of both neighborhoods. Further, this route is the only access most residents have to their properties and commercial heavy truck/equipment traffic would increase congestion on already narrow, neighborhood roads and impact traffic on Chena Ridge Road. It’s also concerning that no residents beyond the 1000-ft perimeter from the proposed development were notified about this proposal to re-zone, even though two large neighborhoods will be impacted. Frankly, this amounts to running a mining operation through neighborhoods.
The area is currently zoned for RE-4 to reflect larger pieces of property with lower population-density residential areas. We live here for the peace, quiet and space, and changing the zoning to commercial ML/OSB would be disruptive (traffic, dust, noise, road damage) to many families throughout both neighborhoods. I have concerns about safety for the families with children and pets and the many neighborhood dog walkers, bike commuters, snowmachiners, horse-back riders, and four-wheelers who frequent the road. Increased commercial heavy-truck and
equipment traffic will not only tax the fragile road system and underlying discontinuous permafrost throughout the neighborhood, but increase risks to our children, pets, bikers and neighbors driving smaller vehicles. We already have issues with road maintenance and road damage from light duty traffic, loaded heavy equipment and/or trucks on Ridgecrest, Change Lane, Montana and Chena Ester Ditch roads. The current washboard and potholed conditions are caused by normal vehicle and truck traffic. Additional heavy trucks and equipment traffic would be devastating to road conditions. These neighborhood roads also are easily saturated with water in spring and in heavy rain, making the roads slick and soft. Because these neighborhoods include two road-service areas, road maintenance and repair for the entire route from Ridgecrest to Chena Ester Ditch is difficult to coordinate, often resulting in just portions of the route getting plowed or receiving repairs. The existing road maintenance budget is barely adequate for the current local traffic. For instance, the road regularly fails and needs patching and repair even with existing local traffic. This problem has been amplified over couple of decades as state and local funds have dried up, it is now completely up to the taxpayer to fund the construction and maintenance of the roadway. Increased traffic particularly commercial heavy vehicles will undoubtedly cause the road to fail in quick order. This then becomes a fire safety issue and will undoubtedly raise the taxes necessary to maintain the roadway, the current proposal simply doesn’t address the effects on the roadway, resulting from this rezoning proposal. A detailed plan containing appropriate covenants is lacking, particularly given the type of (frozen) soils, and existing road conditions in the areas mentioned in this application. The sharpness of the angle of the turn at the intersection of Change Lane and Montana Road in combination with the steepness of Montana Road is a frequent place for vehicles to go off the road and block traffic (both in winter and during heavy rains when the road surface is saturated with water in spring, summer and fall). Increased traffic from loaded heavy trucks and/or equipment may cause additional road damage, interrupt traffic, and block access for emergency service vehicles and residents. Lastly, heavy trucks and/or equipment loaded with gravel products from mining operations may risk public health. They may contain toxic fugitive dusts from heavy metals (e.g. arsenic) native to the local soils that could be dispersed not only throughout both the Ridgecrest and Golden Valley Homesteads neighborhoods, but also along the transport route on Chena Ridge Road and beyond.

We are just long-term residents and private citizens in the Ridgecrest neighborhood and not road experts. However, We have lived here a long time and these narrow, neighborhood roads cannot handle the increase in heavy truck/equipment traffic implied by a commercial gravel mining operation. Currently, this proposal does not provide enough detail to understand the extent
of the proposed commercial mining enterprise, its potential affects to neighborhood traffic, and impacts to human health and safety addressed here. Extensive research and a full plan and impact analysis need to be conducted prior to consideration of any proposal to re-zone a long-term RE-4 residential area in the Ridgecrest and Golden Valley Homesteads neighborhoods. Thank you,
John & Christine Clendenin
Fairbanks, Alaska

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Subject: G.1 RZ2022-003
Your First Name: William
Your Last Name: Blair
Your Email Address: williamreayblair@gmail.com
Comments:
I own the home at 2960 Chena Ester Ditch Rd.
And would like to make known that I would oppose opening up the lot up for rezoning and possible gravel or mineral extraction,
I’m not sure of the details of what’s being proposed from Mr Ways, other than he wants the lot and others from its current re-4, to ML.
For what purpose I’m not clear on.
I and many others use the existing trail at the end of Chena Ester Ditch Rd for recreation.
And for access to other trails in the area.
I would also express concern about additional heavy vehicular traffic on Chena Ester Ditch Rd in the future if this rezone application were successful. Chena Ester Ditch Rd is narrow enough with the local lite vehicle traffic and at times difficult to navigate without the addition of any large mining/construction vehicles.
Further more we live in a fairly peaceful residential area without any through traffic as Cheam Ester Ditch Rd terminates at a cul-de-sac. This makes this residential road a wonderful place for us to walk our dogs, neighbors kids play in the road and we have a nice sense of safety and community. Some of which could be impacted negatively if the rezoning application were successful.
Thanks for your consideration.
William Blair
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Subject: Proposal RZ2022-003 (request to re-zone Tract A, Block 1, Bog Subdivision from Residential Estate (RE-4) to Mineral Lands/Open Space Buffer (ML/OSB), located north of Chena Ester Ditch road and east of Dragne Line Drive)

Your First Name: Jacob

Your Last Name: Welborn

Your Email Address: jacobwelborn25@gmail.com

Comments:
To Whom it May Concern:
I am writing in opposition of proposal RZ2022-003 (request to re-zone Tract A, Block 1, Bog Subdivision from Residential Estate (RE-4) to Mineral Lands/Open Space Buffer (ML/OSB), located north of Chena Ester Ditch road and east of Dragne Line Drive). This area encompasses the Ridgecrest and Golden Valley Homesteads neighborhoods. I am a current resident of the Ridgecrest neighborhood and have many serious concerns about the safety and feasibility of this proposal. A gravel mining operation would likely entail regular transport of gravel material along Ridgecrest, Change Lane, Montana and Chena Esler Ditch roads via heavy equipment and/or trucks, impacting many residents of both neighborhoods. Further, this route is the only access most residents have to their properties and commercial heavy truck/equipment traffic would increase congestion on already narrow, neighborhood roads and impact traffic on Chena Ridge Road. It's also concerning that no residents beyond the 1000-ft perimeter from the proposed development were notified about this proposal to re-zone, even though two large neighborhoods will be impacted.

The area is currently zoned for RE-4 to reflect larger pieces of property with lower population-density residential areas. We live here for the peace, quiet and space, and changing the zoning to commercial ML/OSB would be disruptive (traffic, dust, noise, road damage) to many families throughout both neighborhoods. First, I have concerns about safety for the families with children and pets and the many neighborhood dog walkers, bike commuters, snowmachiners, horse-back riders, and four-wheelers who frequent the road. Increased commercial heavy-
truck and equipment traffic will not only tax the fragile road system and underlying discontinuous permafrost throughout the neighborhood, but increase risks to our children, pets, bikers and neighbors driving smaller vehicles. Second, we already have issues with road maintenance and road damage from loaded heavy equipment and/or trucks on Ridgecrest, Change Lane, Montana and Chena Ester Ditch roads. The current washboard and potholed conditions are caused by normal vehicle and truck traffic. Additional heavy trucks and equipment traffic would be devastating to road conditions. These neighborhood roads are easily saturated with water in spring and in heavy rain, making the roads slick and soft. Because these neighborhoods include two road-service areas, road maintenance and repair for the entire route from Ridgecrest to Chena Ester Ditch is difficult to coordinate, often resulting in just portions of the route getting plowed or receiving repairs. The existing road maintenance budget is barely adequate for the current local traffic. For instance, the road regularly fails and needs patching and repair even with existing local traffic. Increased traffic particularly commercial heavy vehicles will undoubtedly cause the road to fail in quick order. This then becomes a life safety issue and will undoubtedly raise the taxes necessary to maintain the roadway...the current proposal simply doesn't address the effects on the roadway, resulting from this rezoning proposal. A detailed plan containing appropriate covenants is lacking, particularly given the type of (frozen) soils, and existing road conditions in the areas mentioned in this application. Third, the sharpness of the angle of the turn at the intersection of Change Lane and Montana Road in combination with the steepness of Montana Road is a frequent place for vehicles to go off the road and block traffic (both in winter and during heavy rains when the road surface is saturated with water in spring, summer and fall). Increased traffic from loaded heavy trucks and/or equipment may cause additional road damage, interrupt traffic, and block access for emergency service vehicles and residents. Lastly, heavy trucks and/or equipment loaded with gravel products from mining operations may risk public health. They may contain toxic fugitive dusts from heavy metals (e.g. arsenic) native to the local soils that could be dispersed not only throughout both the Ridgecrest and Golden Valley Homesteads neighborhoods, but also along the transport route on Chena Ridge Road and beyond. I am a resident and private citizen in the Ridgecrest neighborhood and not a road expert. However, I have lived here long enough to know that these narrow, neighborhood road cannot handle the increase in heavy truck/equipment traffic implied by a commercial gravel mining operation. If the roads are damaged by commercial traffic, will the mining operation pay for the repairs? Currently, this proposal does not provide enough detail to understand the extent of the proposed commercial mining enterprise, its potential affects to neighborhood traffic, and impacts to human health and safety addressed here.
Extensive research and a full plan and impact analysis need to be conducted prior to consideration of any proposal to re-zone a long-term RE-4 residential area in the Ridgecrest and Golden Valley Homesteads neighborhoods.

Thank you for reading this! Jacob

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FAIRBANKS NORTH STAR BOROUGH

RZ2022-003
Bog Subdivision

Melissa Kellner, Community Planning
December 14, 2021
Location

RZ2022-003

1 parcel
Approx. 28 acres
1 property owner
Existing zoning and land use
Existing zoning and land use
RZ2022-003
Rezone proposal

- Mineral Lands
- Open Space Buffer along existing trail easements w/central gap for access
Rezone proposal

- Mineral Lands
- Open Space Buffer along existing trail easements w/central gap for access
West access: Moonshine Run/Northridge Rd/Dragline Dr
(Northridge RSA)
West access: Moonshine Run/Northridge Rd/Dragline Dr
(Northridge RSA)
West access: Change Ln/Montana Rd/Chena Ester Ditch Rd

(Golden Valley RSA)
East access:
Change Ln/ Montana Rd/
Chena Ester Ditch Rd
(Golden Valley RSA)
East access:
Change Ln/ Montana Rd/
Chena Ester Ditch Rd
(Golden Valley RSA)
RZ2022-003

Comprehensive Plan

- Perimeter/Outskirt boundary
- High Mineral Potential
Comprehensive Plan

Outskirt: Area generally within a 20 to 30 minute travel time of urban destinations, and which contains primarily open space, mining and residential uses; variable densities are encouraged provided they are compatible with the surrounding community, sensitive to natural systems and have adequate water and sewer facilities. Other uses include agriculture and supporting commercial uses.

Perimeter: Area generally within a 10 to 20 minute travel time of urban destinations, and which contains primarily residential use; variable densities are encouraged providing they are compatible with the surrounding community, sensitive to natural systems and have adequate water and sewer facilities.

High Mineral Potential: Areas in the RURAL and OUTSKIRT areas that have been identified as having a high potential for mineral deposits. The priority land use in these areas is mining. Land uses incompatible with mining are discouraged.
### SUMMARY OF BOROUGH AREAS

<table>
<thead>
<tr>
<th>Designation</th>
<th>Public Improvements Availability</th>
<th>Land Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>High</td>
<td>Med</td>
</tr>
<tr>
<td>Urban</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Perimeter</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Outskirt</td>
<td>(X)</td>
<td>X</td>
</tr>
<tr>
<td>Rural</td>
<td>(X)</td>
<td></td>
</tr>
</tbody>
</table>

**HIGH MINERAL POTENTIAL**

Areas in the RURAL and OUTSKIRT areas that have been identified as having a high potential for mineral deposits. The priority land use in these areas is mining. Land uses incompatible with mining are discouraged.
Comprehensive Plan

Land Use Goal 4: To enhance development opportunities while minimizing land use conflicts.

Strategy 10: Attract and support development that is compatible with and enhances existing land use.

Action B: Develop a pattern of compatible land uses and either separate, transition or buffer incompatible land uses.

Adjacent to residential zoning on three sides and residential development on two sides with little or no buffer

High potential for land use conflicts
Comprehensive Plan

- Minimize disruption to adjoining land uses while providing access for mineral development.
- Where Borough permitting is required for the extraction of sand, gravel, peat, placer and hard rock mining, the following guidelines should be used:
  - Surrounding properties are not adversely damaged.
  - Excessive dust does not materially affect surrounding properties.
  - Hours of operation, lights, and noise levels are compatible with surrounding uses.
  - Truck traffic, where possible, is routed so as to minimize impact to surrounding sensitive neighborhoods.
  - Sites are restored by the property owner for long-term reuse consistent with the Comprehensive Plan on a case-by-case basis.
  - Water quality and quantity are either not diminished or they are mitigated.

Constructed legal access is through residential subdivision roads that are not designed for this type of traffic.
No detailed mining plan exists yet to evaluate these other criteria.
## RE-4 vs ML: Numerical Standards

<table>
<thead>
<tr>
<th></th>
<th>RE-4</th>
<th>ML</th>
<th>OSB</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot size minimum</td>
<td>160,000 sf</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Front yard setback</td>
<td>35'</td>
<td>None</td>
<td>NA</td>
</tr>
<tr>
<td>Side yard setback</td>
<td>25'</td>
<td>None</td>
<td>NA</td>
</tr>
<tr>
<td>Rear yard setback</td>
<td>25'</td>
<td>None</td>
<td>NA</td>
</tr>
</tbody>
</table>
## RE-4 versus ML: Use Standards

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<thead>
<tr>
<th></th>
<th>RE-4</th>
<th>ML</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permitted uses</td>
<td>Single-family and two-family attached dwellings, minor communication towers, bed and breakfast, church buildings, urban livestock and market garden</td>
<td>All on-site uses directly related to mineral exploration, extraction and processing, such as, but not limited to: drilling, dredging, prospecting, mining, transportation materials, ore crushing, smelting, etc.; bed and breakfast; communications tower; timber harvest; outdoor recreation</td>
</tr>
<tr>
<td>Conditional uses</td>
<td>Major communication towers, kennels, professional offices</td>
<td>Biosolids application, livestock grazing, utility installations</td>
</tr>
</tbody>
</table>
Spot zone analysis

While not clearly a spot zone, there are concerns with this rezoning request based on the thresholds established under Griswold v. City of Homer:

The consistency of the amendment with the comprehensive plan;
The ML zoning district is consistent with the High Mineral Potential designation that exists on a portion of the lot, but is inconsistent with the Perimeter Area designation, which is intended for residential uses under the current proposal.

The benefits and detriments of the amendment to the owners, adjacent landowners, and community; and
While the overall intended development is to enable development of a nearby residential subdivision, the immediate benefits are primarily to the sole owner of the subject tract, and the detriments are borne by the adjacent landowners. It is possible that portions of this rezone could be detrimental to the adjacent landowners and the community.

The size of the area rezoned
This site exceeds the general threshold of 13 acres.
**Outreach**

- November 12, 2021: 27 Dear Property Owner letters mailed out; 16 responses (13 received today)

- Agency Feedback
  - Army Corps of Engineers: no substantial comments on the rezone; permits required for impacts to wetlands
  - DOT: no comment

- Public notice sign posted November 22.
Public comments

- Road Safety concerns
  - Kids, bikes, pets, ATVs, etc.
  - Sharp turns and steep grades
  - Access

- Road maintenance
  - Existing challenges with maintenance under current conditions/users

- Impacts to residential character/quality of life
  - Peace and quiet
  - Noise, dust, traffic

- Other impacts of mining vehicles/traffic
  - Health impacts of dust
Staff Analysis

- Required criteria:
  - Conforms to the comprehensive plan
    - Outskirt/Perimeter boundary
    - High Mineral Potential
    - Goals & strategies: minimizing

- Conforms to the public health, safety and welfare
  - Adequate transportation facilities do not exist
  - Adjacent to residential development on two sides; residential zoning on three sides
  - Access through residential subdivision roads
RZ2022-003 Bog Subdivision

Recommendation: Denial

1. The FNSB Regional Comprehensive Plan designates the rezone area as falling within the Perimeter/Outskirt Area Boundary. A portion of the Outskirt Area is also designated as High Mineral Potential.

2. The current RE-4 zoning is more consistent with the Comprehensive Plan designations and existing adjacent zoning and development.

3. The rezone does not conform to the following FNSB Regional Comprehensive Plan goals:

   Land Use Goal 4: To enhance development opportunities while minimizing land use conflicts.
   Strategy 10: Attract and support development that is compatible with and enhances existing land use.
   Action B: Develop a pattern of compatible land uses and either separate, transition or buffer incompatible land uses.
     • Minimize disruption to adjoining land uses while providing access for mineral development.
Recommendation: Denial

4. The rezone does not conform to the public health, safety and welfare because:

There are potentially not adequate existing transportation facilities in that local roads and road safety will likely be adversely impacted should they be used by mining vehicles.

The rezone would not buffer or separate potentially incompatible mining and residential uses.

The existing road network is not capable of handling additional mining-related vehicle traffic.

5. The proposed rezone has spot zone concerns because:

The rezone is consistent with the "High Mineral Potential" designation, but potentially inconsistent with the Perimeter/Outskirt Area Boundary and other areas of the comprehensive plan because it will promote development of incompatible uses in close proximity. This proposal is contrary to Land Use Goal 4 in particular.

This rezone is potentially a detriment to the adjacent and nearby residential landowners because of the safety concerns and other impacts of a mining operation adjacent to residential uses.

The area to be rezoned does meet the rough size thresholds of a rezone.
Draft motion

I move to recommend to the FNSB Assembly denial of RZ2022-003, a request to rezone Tract A, Block 1, Bog Subdivision from Rural Estate (RE-4) to Mineral Lands/Open Space Buffer (ML/OSB), adopting the staff report and five findings of fact in support of this recommendation.