

1 By: Barbara Haney  
2 Referred to the Planning Commission:  
3 June 8, 2023  
4

5 FAIRBANKS NORTH STAR BOROUGH

6  
7 ORDINANCE NO. 2023 – 30  
8

9 AN ORDINANCE AMENDING FNSBC TITLE 18 TO REQUIRE PUBLIC AND PROPERTY  
10 OWNER NOTIFICATION FOR CERTAIN COMPREHENSIVE PLAN AMENDMENTS,  
11 AMENDING FNSBC TITLE 17 TO ADD A NEW SECTION PROVIDING FOR  
12 COMPENSATION FOR TRAIL DEDICATIONS DURING THE SUBDIVISION PROCESS, AND  
13 AMENDING ORDINANCE NO. 2023-20 (FY 2023-24 BUDGET) TO CREATE A NEW  
14 MULTI-YEAR PROGRAM COMMUNITY PLANNING- COMPREHENSIVE PLAN  
15 DEDICATIONS AND APPROPRIATING \$50,000 FROM THE GENERAL FUND FUND  
16 BALANCE TO THE PROGRAM  
17

18 WHEREAS, In accordance with AS 29 and FNSBC Title 18, the Borough  
19 Assembly, with the recommendations of the planning commission, adopts by ordinance  
20 a comprehensive plan that guides the physical, social, and economic development, both  
21 public and private, of the Borough; and  
22

23 WHEREAS, The Borough’s Regional Comprehensive Plan Land Use Goal 1  
24 is, “To recognize that the foremost aspect of land use involving private property is the  
25 retention and maintenance of private property rights;” and  
26

27 WHEREAS, The Borough has adopted plans including the Trails Plan and  
28 the Comprehensive Road Plan as elements of its Regional Comprehensive Plan, and as  
29 part of its subdivision code requires dedications of areas identified on these plans at the  
30 time a property is divided for development; and  
31

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

32 WHEREAS, Recent comprehensive planning processes, such as the revisions  
33 to the Trail Plan, have created confusion for some property owners who will be required  
34 to dedicate portions of their property for public use if they subdivide their land; and

35  
36 WHEREAS, A postcard notification of such an important planning decision  
37 is insufficient, and personal notice should be provided to the property owner by first class  
38 mail; and

39  
40 WHEREAS, Property owners should be given the choice as to whether their  
41 property is included in comprehensive planning documents that require dedications, and  
42 even if they consent to the dedication, they should be compensated at fair market value  
43 for the use of their land by the public.

44  
45 NOW, THEREFORE, BE IT ORDAINED by the Assembly of the Fairbanks  
46 North Star Borough:

47  
48 Section 1. This ordinance is of a general and permanent nature and shall  
49 be codified.

50  
51 Section 2. FNSBC 18.08.010, Comprehensive Plan, is hereby amended as  
52 follows:

53 A. This title is the regulation that implements the Fairbanks North Star Borough  
54 Comprehensive Plan, adopted in September, 2005. The Comprehensive Plan is a set  
55 of goal and policy statements and a map to guide the physical development of the  
56 Borough. In accordance with the Comprehensive Plan, the Borough Assembly shall  
57 guide and regulate the use of land through the adoption and enforcement of a  
58 Borough-wide zoning ordinance.

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59 B. If property is identified in the Comprehensive Plan and is proposed in full or in part to  
60 be dedicated for public purposes, such as a park, trail or road, the publication of notice  
61 and the mailing of notice by the department of community planning shall be done in  
62 accordance with the process for rezonings prior to any public hearing where citizens  
63 will have the opportunity to be heard. If a property owner objects to the inclusion of  
64 their property in such planning documents, it shall be removed.

65  
66 Section 3. A new section, FNSBC 17.08.100, Compensation for dedications,  
67 shall be added to Chapter 17.08 FNSBC as follows:

68  
69 17.08.100 Compensation for dedications.

70 If a trail that has not previously been dedicated is required to be dedicated as part of a  
71 subdivision application or approval process required by this title, the property owner shall  
72 be compensated by the Borough at fair market value for such dedication. For purposes  
73 of this section, "fair market value" means the estimated price that land or improvements  
74 would bring in an open market and under the then-prevailing market conditions in a sale  
75 between a willing seller and a willing buyer both conversant with the property and with  
76 prevailing general price levels. The Borough Assessor shall determine fair market  
77 value unless the Mayor determines in writing that a fee appraiser shall determine fair  
78 market value.

79  
80 Section 4. Amendment to Multi-Year Programs in the FY 2023-24 Budget.  
81 The FY 2023-24 Budget Document, Multi-Year Programs, is hereby amended to add a  
82 new program, Community Planning—Comprehensive Plan Dedications, as follows:

83 Community Planning—Comprehensive Plan Dedications.

84 Provide funds for compensation to property owners for dedications of roads, trails, and  
85 other public areas when they are required as part of the subdivision approval process.

86 This is a recurring program.

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Section 5. General Fund Appropriation. The FY 2023-24 budget is hereby amended by appropriating \$50,000 to the General Fund budgetary guideline entitled "Multi-Year Programs" and by increasing Contribution to Fund Balance by a like amount.

Section 6. Effective Date. This ordinance is effective at 5:00 p.m. on the first Borough business day following its adoption.

ADOPTED THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2023.

\_\_\_\_\_  
Aaron Lojewski  
Presiding Officer

ATTEST:  
\_\_\_\_\_  
April Trickey, MMC  
Borough Clerk

APPROVED:  
  
\_\_\_\_\_  
Jill S. Dolan  
Borough Attorney

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FAIRBANKS NORTH STAR BOROUGH  
FISCAL NOTE

I. Request

Ordinance No: 2023-30 Date Introduced: \_\_\_\_\_

Abbreviated Title: Appropriating \$50,000 from the General Fund Fund Balance to the Multi-Year General Subfund for the Community Planning-Comprehensive Plan Dedications Program

II. Financial Detail

Department/Division Affected: Community Planning / Planning & Zoning

EXPENDITURE	General Fund	Multi-Year General Subfund	
	FY 23/24	FY 23/24	
Awaiting Budget		50,000	
Contribution to Multi-Year General Subfund	50,000		
Total	50,000	50,000	

SOURCE OF FUNDING

Contribution from General Fund		50,000	
Contribution from Fund Balance	50,000		
Total	50,000	50,000	

Specify Funding Sources: General Fund fund balance

OTHER FUNDING (PREVIOUSLY APPROPRIATED)

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III. Project Purpose:

To provide funds for compensation to property owners for dedications of roads, trails, and other public areas when they are required as part of the subdivision approval process


IV. Analysis of Future Liabilities and Funding Sources:

Recurring program funding

V. Fund Certification: I certify that funding sources are available as detailed in II above.

  
\_\_\_\_\_  
Joanne K. Pascoe  
Chief Financial Officer

7/5/2023  
Date

FA	SrGLA
GA	CA
 FinSp	C
TBM	GLSA