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By: Bryce J. Ward, Mayor
Jimi Cash
Aaron Lojewski
Tammie Wilson
Introduced: 08/24/2023
Advanced: 08/24/2023
Amended: 09/14/2023
Adopted: 09/14/2023
Immediate
Reconsideration Failed: 09/14/2023
Adopted: 09/14/2023

FAIRBANKS NORTH STAR BOROUGH

ORDINANCE NO. 2023 – 50

AN ORDINANCE AMENDING FNSBC 17.56.040(C) TO ADD THE OPTION OF THE BOROUGH CLEARING A TRAIL EASEMENT WHEN A PROPERTY OWNER PROPOSES REALIGNING A TRAIL, AMENDING FNSBC 20.12.020 TO ALLOW FOR THE ACQUISITION OF TRAIL EASEMENTS, AND AMENDING ATTACHMENT C OF ORDINANCE NO. 2023-20 (FY 2023-24 BUDGET) TO ADD A FEE WAIVER FOR PLATS RESERVING CERTAIN TRAIL EASEMENTS

WHEREAS, The Fairbanks North Star Borough (Borough) has had an adopted trails plan since 1985; and

WHEREAS, The Borough Administration and the Trails Advisory Commission have been going through a process to update the Comprehensive Recreational Trails Plan (Trails Plan) originally developed in 1985; and

WHEREAS, A draft updated Trails Plan was presented to the Trails Advisory Commission, Planning Commission and Platting Board in August and September of 2022; and

WHEREAS, At their respective public meetings, the Trails Advisory Commission, Planning Commission, and Platting Board each unanimously recommended that the Assembly adopt the Trails Plan as part of the Borough Regional Comprehensive Plan; and

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

40 WHEREAS, The Trails Plan was referred back to the Platting Board by the
41 Borough Assembly on February 23, 2023 for a recommendation on "...at least three
42 alternative ways of connecting A and B trails without forcing landowners to give up their
43 property through the platting process"; and
44

45 WHEREAS, The Platting Board made a recommendation on May 17, 2023
46 to "consider the option of having the FNSB clear and brush trail easements when sub-
47 dividers are re-routing a trail easement covered in FNSBC 17.56.040(C)"; and
48

49 WHEREAS, The Platting Board made a recommendation on May 17, 2023
50 to "amend the FNSB Land Management Code, FNSBC 20.12.020, to develop a more
51 streamlined process explicitly allowing for the FNSB Administration to acquire trail
52 easements for trails in the updated Trails Plan when fair market value is being offered
53 without additional Assembly approval"; and
54

55 WHEREAS, The Platting Board made a recommendation on May 17, 2023
56 to "amend the FNSB Budget to allow for a fee waiver for Final Plats on subdivisions that
57 are dedicating trail easements per FNSBC 17.56.040(A). This could be a free final plat or
58 a reduced cost final plat"; and
59

60 WHEREAS, The Assembly adopted Ordinance No. 2022-47 on June 20,
61 2023, adopting the updated Comprehensive Recreational Trails Plan; and
62

63 WHEREAS, The updated Trails Plan recommends that the FNSB pursue
64 providing "...incentives for formally granting public access on private land"; and
65

66 WHEREAS, FNSBC 17.56.040(B) allows for trail alignment to be "adjusted
67 to minimize impact on subdivision design" and
68

69 WHEREAS, FNSBC 17.56.040(C)(1) requires that, where realignment is
70 proposed, the landowner clear new segments of all trees or brush; and
71

72 WHEREAS, FNSBC 20.12.020, which describes when an Assembly resolution
73 is required to authorize real property acquisition, does not explicitly address the
74 acquisition of real property for the purpose of access to trails in the Trails Plan; and
75

76 WHEREAS, The Trails Plan forbids the Borough from using powers of
77 eminent domain to acquire real property for trails in the Trails Plan; and
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79 WHEREAS, Borough land acquisitions are contingent on the willing
80 participation of and successful negotiation with a landowner; and
81

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT

Text to be *added* is underlined

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

82 WHEREAS, The Assembly reclassified seven trails as Category C Trails prior
83 to adopting the final Trails Plan because portions of the trails passed through private
84 property (i.e., Smallwood Creek Loop, Far Mountain Traverse, Salcha River Trail, Pearl
85 Creek Commuter Trail, Haines-Fairbanks Pipeline, Social Security Mine Trail, and Ester
86 Dome Trail), but the Assembly authorized Borough resources to be used to pursue and
87 acquire public access where missing; and

88
89 WHEREAS, The updated Trails Plan recommends amending Borough Code
90 “Chapter 20.12 Land Acquisition to address trail easements more specifically”; and

91
92 WHEREAS, The Platting Board’s recommendations are consistent with
93 recommendations and implementation strategies in the updated Trails Plan.

94
95 NOW, THEREFORE, BE IT ORDAINED by the Assembly of the Fairbanks
96 North Star Borough:

97
98 Section 1. Sections 2 and 3 of this ordinance are of a general and permanent
99 nature and shall be codified. All other sections of this ordinance are not of a general and
100 permanent nature and shall not be codified.

101
102 Section 2. FNSBC 17.56.040, Trail easements, shall be amended as
103 follows:

- 104 C. Where realignment is proposed, the new segments to be reserved shall be:
- 105 1. Cleared of all trees or brush to a width of five feet for nonmotorized trails
106 or eight feet for multiple use trails. This clearing can be completed by the applicant or by
107 the Borough at the request of the applicant if funds have been appropriated for this
108 purpose; and
 - 109 2. Equivalent, as nearly as practicable, to the average grade, slope, and terrain
110 of the existing trail; and
 - 111 3. A gradual transition from the existing trail. Transition points shall be marked
112 or flagged to identify the transitions.

113
114 Section 3. FNSBC 20.12.020, Assembly resolution authorizing the real
115 property acquisition, shall be amended as follows:

- 116 A. An Assembly resolution authorizing the acquisition shall be required before the Borough
117 may acquire land or improvements except that a resolution shall not be required if the
118 acquisition is for [a] at or below fair market value and the acquisition is:
- 119 1. Pursuant to a dedication of a right-of-way or public utility easement;
 - 120 2. Pursuant to a grant previously approved by the Assembly;
 - 121 3. Pursuant to a general grant land entitlement previously approved by the Assembly;
 - 122 4. Pursuant to a deed in full or partial satisfaction or settlement of a debt owed to
123 the Borough, legal action with the Borough, or judgment in favor of the Borough; or

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124 5. For a right-of-way or easement necessary for the development of a service area
125 improvement, Borough facility or Borough land disposal previously approved by the
126 Assembly.


127 B. The mayor is authorized to accept a dedication at or below fair market value of a trail
128 easement identified as a Category A or B trail in the adopted Comprehensive Recreational
129 Trails Plan and may also accept dedications of Category C trails that are intended to be
130 reclassified as Category A or B once public access has been acquired.

131
132 Section 4. Attachment C, User Fee Schedule/Community Planning/Platting
133 Service/Final Plat of Ordinance No. 2023-20 is hereby amended to add a note ^j to Final
134 Plat as follows:

135 Explanations:
136 ^j If a trail easement is required to be dedicated as a condition of plat approval, the \$400
137 final plat fee is waived and there is no fee for any lot through which the trail easement
138 passes.

139
140 Section 5. Effective Date. This ordinance is effective at 5:00 p.m. on the
141 first Borough business day following its adoption.

142
143 ADOPTED THE 14TH DAY OF SEPTEMBER 2023.

144
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148 
149 Aaron Lojewski
150 Presiding Officer

151 ATTEST:

152
153 
154 April Trickey, MMC
155 Borough Clerk
156

157
158 Yeses: Guttenberg, Rotermund, Wilson, O’Neill, Fletcher, Kelly, Haney, Cash, Lojewski
159 Noes: None

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