



Eric Troyer &lt;fbxtrails@gmail.com&gt;

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## Creamer's Field and ADMA trails

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Bryant Wright &lt;BWright@fnsb.us&gt;

Mon, Dec 9, 2019 at 4:06 PM

To: Eric Troyer &lt;fbxtrails@gmail.com&gt;, Stan Justice &lt;stanjustice@acsalaska.net&gt;

Eric and Stan,

Please find the staff report for the December 18 Platting Board hearing where they will consider UA's subdivision application and Title 17 variance applications. I have also attached a map to better illustrate the ramifications of the proposed variance with regards to the trails. Regarding your observations and concerns in the previous email, see my responses italicized below.

- The sale of the NE ¼ S 32 parcel will not go through if the variance fails.
  - *THIS IS A SUBDIVISION APPLICATION. The Borough's role is to determine whether the subdivision can meet the requirements of code. In this process the Borough is not the arbiter of whether the land is sold, just how it is subdivided. We cannot subjectively bend the rules to facilitate one particular developer's plans. The proposed sale and negotiations are events outside of the subdivision process and are a civil matter between those parties. The sale is only addressed because it was written as the applicant's justification for meeting the criteria of the variance. The parties involved have many other options to make this sale happen, but they have to choose to find a way to permanently protect the trails for recreational access throughout the entire subdivision. If you open the doors to waiving the requirements to dedicate trails because of a developer's plans, you will have a hard time in the future defending the need to adhere to this part of title when another developer comes along and doesn't want to dedicate a trail. This precedent should not be set, regardless of how you feel about the applicant.*
- The purchase contract expires Dec. 31. If the sale does not happen by Dec 31, it is unknown if another attempt will be made.
  - *THIS IS A SUBDIVISION APPLICATION. How the sale or developments are be paid for is not a platting issue and not relevant when adjudicating whether this is a viable variance application. Our job is to ensure that trails are protected in a consistent and equitable manner in accordance to the Trail Plan and the code that the community agreed to. The applicant has had ample time to come up with some option to protect the trail as required by code- we started working with them more than a year ago. This is "variance or no sale" is a false dichotomy. There are many options available to make a sale happen. Can draft a new sale contract? Can they negotiate different terms for their contract? Can they reapply for funds or apply for an extension? Can they raise funds to acquire the entire parcel and eliminate the need for subdivision? They could also just dedicate the easement as required by code or apply for a more minor variance to the code. This is not an exhaustive list of*

*options. Their funding situation and timeline are not reasons to waive title and be pressured into a bad deal for the long term protection of the trails.*

- **Joe Nava bought the parcel adjacent to the golf course and is trying to donate it to the refuge, but F&G won't take it unless NE ¼ S 32 goes through.**
  - *THIS IS A SUBDIVISION APPLICATION BY THE UA LAND DIVISION. Mr. Nava is not the applicant and his land was not a subject of staff's consideration of whether or not this application can adhere to Borough code. He is a neighbor and may testify regarding how this affects his property. His testimony would be reviewed by the Platting Board. Negotiations of any proposed sale will all between Mr. Nava and Fish & Game. If Fish & Game are motivated to get these parcels as well as Mr. Nava's, I would hope they'd look for a mutually acceptable solution for this subdivision or consider changing the terms of the proposed sale. Furthermore, the trail across his parcel is already dedicated to the public via FNSB Plat #93-169 (also attached).*
- **The parcel in question only has a short bit of trail in the NE corner.**
  - *Not true.... This application affects much more than the NE ¼ of Section 32. The area in question here is actually the entire subdivision, much more than just the NE ¼. I have attached a map to explain. There are a total of about 10,200 linear feet of trail crossing through the entire proposed subdivision. I understand that only the NE ¼ is intended for sale. But the proposed waiver to Title 17.56.040 applies to the entire scope of the subdivision, not just that small lot that is eventually intended for sale. Even if the land is sold to the refuge, 9,000 feet of trail will still remain across UA land, undedicated and unprotected other than by a revocable use license. That license does not meet the standards for dedication as required by Title 17.*
  - *One of the many options I encouraged to this applicant was to vary from title only for this small corner. That would require a relatively small reroute to get all the length within the existing section line easement. There is a much better argument for that course of action than a gross variance from the dedication requirement. If facilitating the sale of the NE ¼ is the primary purpose of this variance, they could have requested a variance just for those roughly 600 feet of trail in the NE corner. But they have requested to not dedicate all the remaining length as well, which is not justifiable. **In terms of access and protection, you would be giving up way more than you would be getting by supporting this variance.***
- **There is a section line that the short section of trail could be moved to.**
  - *Regarding moving the NE corner trail to the section line: Yes, sounds good. I suggested this several times as a means to facilitate the sale. There is language in title that may allow for this. But again, that approach only addresses part of the subdivision. What about the 9,000 feet of trail through the rest of the subdivision? See above.*
- **The larger parcel sale is going through without trail easements because there will be no subdivision, so no easements required.**
  - *That's fine. This is a separate issue and not relevant. We have to work within the boundaries of the proposed subdivision.*

Hope this helps understand the issues.

## Bryant Wright

Trails Coordinator

Fairbanks North Star Borough

Parks & Recreation Dept.

Phone: 907-459-7401

**From:** Eric Troyer [mailto:[fbxtrails@gmail.com](mailto:fbxtrails@gmail.com)]

**Sent:** Friday, December 06, 2019 6:43 AM

**To:** Bryant Wright

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### 3 attachments



**SD015-19\_NorthCollegeRoadSR\_Revised.pdf**

1711K



**Fairbanks Golf and Country Club Sub 1st Add Plat #93-169.pdf**

445K



**CollegeNorthSub\_12-18-2019\_VarianceMAP2.pdf**

496K