

MEMORANDUM

TO: George Stefan, Platting Officer, Community Planning
THROUGH: John Haas, Parks Maintenance Superintendent, Parks and Recreation
FROM: Bryant Wright, Trails Coordinator, Parks and Recreation
DATE: November 8, 2019

SUBJECT: Parks and Recreation comments regarding University of Alaska Land Management's application for variance from FNSB Code Title 17.56.040 "Trail Easements" for the proposed North College Road subdivision

The Parks and Recreation Department has reviewed the subdivision variance application to waive trail dedication requirements of Title 17.56.040 "Trail Easements" submitted by the Conservation Fund on behalf of the University of Alaska Land Management. The Jeff Stuffert Sled Dog Trails, designated as non-motorized trail #B-11 in the Borough's Comprehensive Recreational Trail Plan, run through this property in Sections 32 and 33 of T1N, R1W. Upon review Parks and Recreation has the following concerns:

The purpose of 17.56.040 is to ensure that trails in the Borough's Comprehensive Recreational Trail Plan are dedicated to the public so that they can be permanently available and managed according to that plan. We appreciate the applicant and representative's creative efforts to protect these trails, as that truly is the goal of this chapter in title. However, it is not apparent that varying from 17.56.040(A) will indeed ensure that access to the trails are protected. As such, *we do not recommend accepting this proposed variance.*

The applicant's arguments for foregoing 17.56.040—that the trails will be protected in another way after subdivision—hinge on intentions rather than certainties. While the intent to transfer this property to a public land agency is admirable, this action is proposed to take place after and outside of the subdivision process. This intention is thus not a subject of consideration in this subdivision application. Despite stated intentions, completing this subdivision without dedication, as requested in this recommendation, will leave trails in this parcel unprotected and in trespass. Aside from 17.56.040, I am not aware of any obligation faced by the applicant to protect future access to these trails. Absent some other guarantee of protecting public access to the trails, I do not recommend accepting this variance as written.

This variance also does not address the fact that, after subdivision without implementing 17.56.040, protected sections of trail will be left leading into trespass, even after a proposed transfer of ownership were to occur. This could possibly leave the landowner and trail user open to liability of injury or damage to property, a major risk that 17.56.040 was adopted to help avoid. Despite the current landowner's present willingness to allow trail use, unprotected trail sections are more likely to experience future blockages, reroutes, and limitations on trail users' abilities to manage the trails and keep them safe and enjoyable. The historic route of the trail was already blocked by development activity of the applicant's leaseholder and required a reroute to avoid tall, steep drops into the peat ponds. In short, without formal dedication, trails are more likely to pose a risk to the safety of trail users. Trail users are appreciative of every effort the current landowners and managers have made to allow trail use, but the purpose of this title is to seek permanent protection, and that is not guaranteed if 17.56.040 is waived.

In addition, request does not address that ADFG's management of the trails is not consistent with recommendations in the Borough's Trail Plan. Specifically, the FNSB Trail Plan calls for the Jeff Studdert trails to be dedicated for non-motorized uses while the ADFG plan allows multiple uses including motorized snowmachines. This remains a source of contention for many dog mushers, for whom the trail was primarily designated in the Borough's Trail Plan. Conflicts between snowmachiners and dog mushers and safety concerns are still very salient, as witnessed in recent collisions and a failed rezoning effort related to public perceptions of snowmachine traffic on the Jeff Studdert Sled Dog trails. If future plans for this parcel are limited by these inconsistent agency use designations for the trails, I'd offer this suggestion: rather than requesting to waive the dedication requirement of 17.56.040(A) entirely, the applicant might consider requesting to waive specifically the portion that requires the dedication to conform to the adopted Trail Plan, and more specifically the proposed trail use designation. This issue of use conflicts still needs addressed and should not be taken lightly, but may have less of an impact on trail users than a complete lack of trail dedication.

Title 17 provides another option for the future to address the ADFG's lack of desire to accept lands encumbered with dedicated trails. After trails would be dedicated through the Borough's subdivision process, and the parcel is in the hands of a public agency, the new landowner can submit a Vacation Application under 17.32.020 (as described in 17.56.040.D.). This would still not address the issue of contrasting visions for the trail system's use designation, but through that process a better argument for the trail's protection could be made.

Thank you for your continued interest and efforts in finding a way to protect the trails on this parcel. Please contact me if you have any questions moving forward.

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