



NOTICE OF DECISION RE: CU2018-014

May 24, 2018

Original sent via US Postal Service/emailed to:
kjnp@mosquitonet.com

Richard Olson, President
Calvary's Northern Lights Mission
P.O. Box 56359
North Pole, Alaska 99705-1359

Dear Mr. Olson:

At its regular meeting of May 22, 2018, the Planning Commission of the Fairbanks North Star Borough considered your request for conditional use approval for the replacement of an existing major communications tower for a 425-foot KJNP-AM Antenna tower in the General Use 1 (GU-1) zone on TL-1007, Section 10, T2S-R2E, F.M. (located at 2501 Mission Road, on the northwest side of Mission Road, southeast of Chena Slough).

The Commission voted unanimously (eight (8) in favor, zero (0) opposed), to **approve** your request and adopted the revised Staff Report (dated May 15, 2018) and the following Conditions and Findings of Fact in support of its decision:

CONDITIONS

1. The replacement of the 425-foot KJNP-AM Antenna tower (Tower A) shall comply with all local, state, and federal laws.
2. If any modifications are made to the site plan, tower location, tower height, tower design or other FNSB required documents or to the operational characteristics, the applicant or holder of this conditional use permit shall submit revised documents to the FNSB Community Planning Department. If modifications are made to the conditional use, an amendment to the Conditional Use Permit may be required pursuant to FNSBC 18.104.050(D).

FINDINGS OF FACT

1. The conditional use request is for the replacement of the existing Tower A. The tower replacement will be in the same location and of the same configuration, width and height of the existing Tower A except the texture, color and the updated lighting required by the FAA.
2. The existing Tower A was constructed in 1967, prior to zoning on the property.
3. Tower A is located on a 28.37 acre parcel. The tower is located in a cleared area toward the northwestern portion of the property which is closer to the Chena Slough. This location and the

size of the property reduce the visual impact onto the neighboring properties because it allows Tower A to be approximately 507 feet away from the north property line, 406 feet away from the west property line and more than 500 feet away from south and east property lines. Additionally, there are existing trees on the subject property and along the slough that help reduce the visual impact of existing Tower A.

4. The replacement Tower A meets the existing yard requirements and the applicant has not requested any yard modifications.
5. KJNP is a broadcasting station with their only location on the subject property. There are no existing structures or towers within 1,000 feet that meet the KJNP's technical requirements to relocate the functions of the existing Tower A.
6. It is not technically feasible to relocate the existing Tower A with the broadcasting station to a new property away from the existing adjacent residential neighborhoods. If Tower A was to be relocated on another property, other microwave users in the FNSB would be impacted as the existing microwave STL links are coordinated with other broadcasters and users of the radio frequency spectrum and relocation may result in interference.
7. The residential neighborhoods around the subject property were developed after Tower A was constructed in 1967.
8. The replacement Tower A cannot accommodate or support any antennas or equipment because the existing Tower A is an AM broadcast tower which is insulated at the base and acts as the antenna itself.
9. The height of Tower A (425 feet) is the minimum to meet KJNP's technical needs.
10. The replacement Tower A will only have the lighting required by the FAA.
11. The replacement Tower A will be galvanized silver-gray in color and will blend better with the overcast or blue sky during the daytime than the painted tower. In sunlight, the impact of white flashing lights will be minimal and will be less visible than existing painted Tower A. At night, the replacement Tower A will have a comparable visual impact as the existing Tower A because the reduced number of lights on the replacement tower will be offset by more lights that flash.
12. The applicant has provided a copy of drawings for the replacement of Tower A stamped by an engineer registered in the State of Alaska.
13. With the conditions imposed, the proposed conditional use will conform to the intent and purpose of Title 18 and of other ordinances and state statutes:
 - a. The purpose of Title 18 will be met because the proposed conditional use is consistent with 'Perimeter Area Preferred Residential Land' comprehensive plan land use designation. The Comprehensive Plan Land Use Goal 1 and Community and Human Resource Goal 3 are enhanced by the replacement of Tower A.
 - b. The intent of Title 18 will be met because with the conditions imposed, the conditional use will both protect private property rights and promote public health, safety, and welfare.
14. With the conditions imposed, there are adequate existing energy and transportation facilities serving the site and other public services are available to serve the proposed conditional use.

- a. The replacement of Tower A doesn't require any water and sewage facilities.
 - b. The property is served by the North Star Volunteer Fire Department for emergency fire response.
 - c. The facility is served by Alaska State Troopers for law enforcement.
 - d. The facility is currently connected to the GVEA grid which will provide sufficient energy supply.
 - e. The property has access from Mission Road, a minor collector type roadway maintained by ADOT&PF. The property has a 40' driveway easement across Tract K-1. Mission Road can accommodate the small number of trip ends generated by the tower maintenance.
15. With the conditions imposed, the proposed conditional use will protect public health, safety, and welfare because the replacement Tower A will comply with Title 18 standards for the GU-1 zone (FNSBC 18.84) and Standards for Communications Towers (FNSBC 18.96.160) as well as other applicable laws; including:
- a. The replacement Tower A will have a plan review from State Fire Marshal's office which will minimize fire and other safety risks.
 - b. The replacement Tower A has a "determination of no hazard to air navigation" from FAA which will minimize aviation safety risks.
 - c. The replacement Tower A is not located in a floodplain and also appear to be outside the wetlands

This decision may be appealed in writing to the Office of the Borough Clerk within fifteen (15) days from the date of the decision to the Fairbanks North Star Borough Board of Adjustment.

A separate Agreement to Conditions is attached to this letter for your signature. Please read the Agreement carefully as they must be adhered to for this approval to be valid. Please sign and return the enclosed agreement within fifteen (15) days from the date of the decision of the Planning Commission.

Public notice signs must be returned within 10 days. Upon receipt, in good condition, we will promptly initiate a refund of the sign deposit.

If you have any questions regarding this matter, please feel free to contact the Department of Community Planning, 907 Terminal Street, Fairbanks, Alaska 99707 or call (907) 459-1260.

Sincerely,



D. Christine Nelson, AICP
Community Planning Director

CN/bmh

Attachment: Agreement to Conditions