



North Slope Borough

Department of Planning and Community Services

Instructions for Completing Form 300 - Rezoning and Master Plan Application

GENERAL INFORMATION

When do I use this form?

This form is used to request approval for Rezoning, Master Plans, Master Plan Updates in the North Slope Borough (NSB).

How can I get help filling out this form?

The NSB has created this application form and provided these detailed instructions to streamline the application process. The NSB Department of Planning and Community Services and staff are also available to answer specific questions pertaining to your application. Please contact the NSB Land Management Administrator (NSB Planning Director) at (907) 852-0440 to schedule a pre-application meeting or obtain additional information.

Where can I find the NSBMC?

Title 19 of the North Slope Borough Municipal Code (NSBMC) governs zoning and land use permitting. The NSBMC can be found at http://www.north-slope.org/departments/law/Code_of_Ordinances.php. For ease of reference, these instructions contain relevant parts of the NSBMC. Please refer to the entire NSBMC for full and complete guidance.

What is Rezoning?

Rezoning is required to make changes to NSB zoning district boundaries shown on the NSB official zoning map. Rezoning requires NSB Assembly approval. The NSB Planning Commission will make a recommendation to the NSB Assembly for Rezoning applications outside of the Utqiagvik Zoning Districts. The Utqiagvik Zoning Commission will make a recommendation to the NSB Assembly for Rezoning applications in Utqiagvik. If approved, a Rezoning Ordinance will be issued by the NSB Assembly and the NSB official zoning map will be revised to reflect the approved change.

An application for a Rezoning to the Scientific Research or Resource Development Districts requires a Master Plan (NSBMC §19.60.070). The Rezoning portion of the application must describe what lands require rezoning to accommodate the Applicants proposed use or development. The Master Plan must describe the location, type, and schedule for uses and developments proposed within that area proposed for Rezoning.

The procedures for Rezoning are found in the NSBMC §19.60.060. The code states the following procedures must be followed:

NSBMC §19.60.060 - REZONING.

Rezoning is changes to zoning district boundaries as shown on the official zoning map. Prior to submission of an application, the developer is encouraged to contact the Administrator for the purpose of discussing the site, the proposed development and the approval procedure.

- (A) **Initiation.** *A rezoning may be initiated by the developer, the Administrator, any member of the Planning or Zoning Commission, a city council or Assembly member, or by a petition bearing the signatures of the owners of at least two-thirds of the property within the area proposed to be rezoned.*

- (B) **Restrictions.** *Rezoning of an area less than one acre shall not be considered unless the rezoning involves the expansion of an existing zone. Streets or other rights-of-way shall not be included in calculating the minimum area for a rezoning. The area to be rezoned shall be a logical, integrated area.*
- (C) **Procedure.** *The application, acceptance and notice procedures for a rezoning shall follow the procedures set forth for conditional use in Chapter 19.60. The Planning or Zoning Commission's affirmative recommendations shall be forwarded to the Assembly.*
- (D) **Review and decision.** *The Planning or Zoning Commission as appropriate shall hold a public hearing on the rezoning application. The Planning or Zoning Commission shall approve or disapprove the application or return it to the developer for modification or corrections, based on the requirements of this title, within 60 days of its acceptance by the Administrator, unless the developer consents to an extension of the 60-day period. If the Planning or Zoning Commission fails to act within the 60-day period, the recommendation shall be considered for approval and the application shall be forwarded to the Assembly.*
- (E) **Criteria.** *The Planning or Zoning Commission shall make a recommendation based on written findings that each of the following criteria have been addressed:*
- (1) *The proposed rezoning must comply with the policies in Chapter 19.70;*
 - (2) *The proposed rezoning is in an area with adequate services, including roads, parking, boardwalks, water, sewer, garbage collection, gas, electricity, drainage, police and fire protection or the developer has agreed to provide all the necessary improvements or services for the area;*
 - (3) *The comments from reviewing parties on the proposed rezoning have been adequately addressed;*
 - (4) *There is a demonstrated need for additional land in the zoning district being requested;*
 - (5) *The resulting district or expanded district will be a logical, integrated area and will not constitute spot zoning; and*
 - (6) *An approved master plan is available for the area to be developed.*
- (F) **Assembly.** *The Assembly shall review and act on a rezoning by ordinance. The Assembly shall consider the application and Commission recommendation at its next regular meeting after receipt of the Commission's recommendation. Upon enactment of the ordinance, the Administrator shall cause the official zoning map to be changed accordingly. The Assembly's decision shall be final.*

Who can initiate Rezoning?

Rezoning may be initiated by the Applicant, the NSB Land Management Administrator, any member of a Commission, a City Council or Assembly member, or by a petition bearing the signatures of the owners of at least two-thirds of the property within the area proposed to be rezoned. NSBMC §19.60.060(A).

When is Rezoning required?

Rezoning is required when an Applicant proposes a large-scale project consisting of uses and developments that are generally not allowed in the existing zone. Rezoning is most often sought for resource development in the Conservation District. Limited exploration and development is allowed in the Conservation District, however, rezoning of lands zoned Conservation District to a Resource Development district is required for permanent large-scale resource development. NSBMC §19.40.070.

NSB will carefully evaluate the Applicants request, seek input from affected NSB residents, complete an analysis of whether the application is consistent with NSBMC, and seek NSB Commission and NSB Assembly review and approval.

Is there a minimum or maximum size of land that can be rezoned?

Rezoning an area less than one acre is not allowed, unless the Rezoning Application is simply expanding an existing zoning district. Streets or other rights-of-way are not included in calculating the minimum area for a rezoning. Currently, there is no

maximum acreage limitation, although Rezoning will not be approved beyond the expected area of proposed uses and developments. NSBMC §19.60.060(B).

Can different areas be rezoned at the same time?

The area to be rezoned must be a logical, integrated area. Thus, while an existing district may be enlarged in more than one place, the resulting district should be one contiguous zone. NSBMC §19.60.060(B). If your project includes multiple Rezoning actions that do not result in contiguous land Rezoning, then you must submit a separate application for each contiguous zone.

What procedures are used for Rezoning?

The application, acceptance and notice procedures for Rezoning follow the Conditional Use Permit Procedures of NSBMC §19.60.030, §19.60.010 and §19.60.020.

NSBMC §19.60.030 - PROCEDURE.

The following procedure applies to requests for a conditional use, conditional development or master plan approval.

- (A) **Application.** *An application shall be submitted to the Administrator in conformity with §19.50.010(A).*
- (B) **Public notice.** *If the application is accepted the Administrator shall:*
 - (1) *Place the application on the agenda of the next meeting of the appropriate Commission;*
 - (2) *Publish the agenda item in a newspaper of general circulation in the Borough, or cause public service announcements on radio or television;*
 - (3) *Within ten days of acceptance, issue a draft recommendation based upon the appropriate criteria;*
 - (4) *Mail or electronically transfer a copy of the agenda item and draft recommendation to the Applicant, the village council or councils if the development is in a village area of influence, and to reviewing parties;*
 - (5) *In the mixed use, suburban residential, industrial and reserve districts the agenda item and draft recommendations shall be sent to the owners of land within a minimum of 200 feet of the boundary of the site. The Administrator may expand the area for notification, based on the impacts of the proposed development or uses; and*
 - (6) *Deliver a copy of the agenda item and draft recommendation five days prior to the date of the meeting to the appropriate Commission members and mayor.*
- (C) **Comment period.** *Written comments on the proposal and draft recommendation must be received within five days of the date of the public hearing to be included in the Commission meeting packet. The public hearing shall be held no sooner than 30 days from the acceptance of the application by the Administrator.*
- (D) **Public hearing.** *The appropriate Commission shall conduct a public hearing to review and receive comments. Each Commission shall adopt by resolution rules of order to conduct public hearings.*
- (E) **Decision.** *The Commission's decision will be made immediately following the public hearing portion of the Commission meeting. The decision may be made at a later date if agreed to by the Applicant.*

Is a Pre-Application Conference required for a Rezoning Application?

Yes. A Mandatory Pre-Application Conference is required prior to submitting a Rezoning Application. NSBMC §19.50.010 (A)(1). This way any issues or concerns on your application can be addressed early on.

What is a Master Plan?

A Master Plan is a plan of development prepared and submitted by the developer, showing the location, type, and schedule for uses and developments that may be administratively approved by the NSB Land Management Administrator. NSBMC §19.20.020.

When is a Master Plan required?

A Master Plan must be submitted with any application to rezone an area to the Scientific Research District or the Resource Development District. NSBMC §19.60.070. Developers with large, multi-phased projects in other zones may find a Master Plan to be advantageous since, once approved, all uses and developments described in the plan can generally be approved by the NSB Land Management Administrator without the need to reappear before the Commission. The Applicant must adhere to the approved Master Plan.

Prudhoe Bay, Milne Point, Duck Island and Kuparuk River Resource Development Areas were included in the NSB Resource Development District as pre-existing development NSBMC §19.40.080 (E). The relevant plan of development and operations for the unitized fields as approved by the Alaska Department of Natural Resources (ADNR) and subsequent annual updates approved by ADNR and the NSB, are adopted as the Master Plans for these areas. Other reservoirs which are located in different geologic strata directly under these existing areas are also included in the Resource Development District.

Which Commission approves a Master Plan?

Master Plans are approved by the NSB Assembly. The Utqiagvik Zoning Commission reviews and provides a recommendation to the NSB Assembly on Master Plans with the Utqiagvik Zoning Districts. NSBMC §19.30.060 (D). The Planning Commission reviews and provides a recommendation to the NSB Assembly on all Master Plans outside the Utqiagvik Zoning Districts. NSBMC §19.30.050 (A).

What procedures are used to approve a Master Plan?

Master Plans are approved according to the procedures of NSBMC §19.60.070.

NSBMC §19.60.070 - MASTER PLAN APPROVAL.

An application for a rezoning to the Scientific Research or Resource Development Districts shall be accompanied by a Master Plan containing the following:

- (A) Maps, at a scale to be determined by the Administrator, indicating the site requested to be rezoned, the land ownership and status within the area to be rezoned, the land ownership and status of all adjoining lands, all existing development on the site and within two miles of the site, and all proposed development as determined in these regulations on the site to be governed by the proposed district;*
- (B) An estimate of the schedule for development of the proposed development;*
- (C) An analysis of the impact of the proposed development in the proposed district pursuant to each applicable policy in Chapter 19.70;*
- (D) Requested policy changes (modifications in wording or application of policies, additions of new policies, or suspension of existing applicable policies) for the proposed district, and an analysis of the cumulative impact of the proposed development in the proposed district pursuant to the policies if changed;*
- (E) Each area rezoned for Resource Development or Scientific Research shall designate a land manager who is responsible for implementation of the Master Plan; and*
- (F) Such other information as the Commission by rule may prescribe.*

Is a Pre-Application Conference required for a Master Plan Application?

Yes. A Mandatory Pre-Application Conference is required prior to submitting a Master Plan Application. NSBMC §19.50.010 (A)(1). This way any issues or concerns on your application can be addressed early on.

When is a Master Plan Update required?

NSB Commissions may require periodic updates to the Master Plan to indicate changes in the prospective development/uses and new development/uses not shown on the approved plan. All uses/development approved by the Commission in Master Plan Update will be administratively approved at the actual time of construction. NSBMC §19.60.080. Master Plan Updates are reviewed and approved by the NSB Planning Commission for all Districts outside of Utqiagvik and by the Utqiagvik Zoning Commission in Utqiagvik.

Does my application have to designate a land manager responsible for implementing the Master Plan?

Yes, NSBMC §19.60.070(E) requires that a land manager be designated for areas rezoned to Resource Development or Scientific Research.

How long will the Rezoning and Master Plan approval process take?

The appropriate Commission reviews and makes a recommendation to the NSB Assembly regarding Rezoning and Master Plans. NSBMC §19.30.050(A) and §19.30.060(D). Rezoning ordinances are acted on by the NSB Assembly. NSBMC §19.30.010(A). This process generally takes about six months to one year, once a complete application is submitted to the NSB Land Management Administrator.

The NSB requires a Pre-application Conference to be held between the NSB and the Applicant. Based on the specific information provided in that Pre-application Conference, the NSB can provide a more refined time-frame for your specific application. The process will likely be expedited if the Applicant provides a complete application and works with affected stakeholders to address concerns and propose acceptable mitigation plans. The Pre-application process may only take a few months for an experienced Applicant or up to one year for less experienced Applicants.

Once the NSB Land Management Administrator receives a complete application for Rezoning, a Master Plan or a Master Plan Update that is ready for processing, the application is processed according to the following schedule:

- Within 60 days of the Administrator’s acceptance (unless the Applicant consents to an extension of the 60-day period), the Planning Commission (or Utqiagvik Zoning Commission if application is for Utqiagvik) will hold a public hearing on the Rezoning application during which it will recommend approval or disapproval of the application, or return it for modification or corrections;
- The Assembly considers the application and Commission recommendation (by Resolution) at its next regular monthly meeting after receipt of the Commission’s recommendation. The Assembly generally enacts an ordinance approving the Rezoning at the same meeting, although the ordinance may be enacted at the next meeting if modifications are required. Rezoning is effective once the Assembly enacts the ordinance. NSBMC §19.60.060 (F).

Master Plan Updates only require Commission approval, and do not generally require Assembly approval. NSBMC §19.60.080. This process typically takes three to six months for Commission approval.

What happens if my application is incomplete?

Incomplete applications will be returned to the Applicant for modification and correction. Only applications that are determined to be entirely complete, including fee payment, will be accepted. Once an application is accepted, if the NSB Land Management Administrator, Commission, or Assembly determines that additional information is needed, the approval process may be suspended until the information is provided.

What meetings are required?

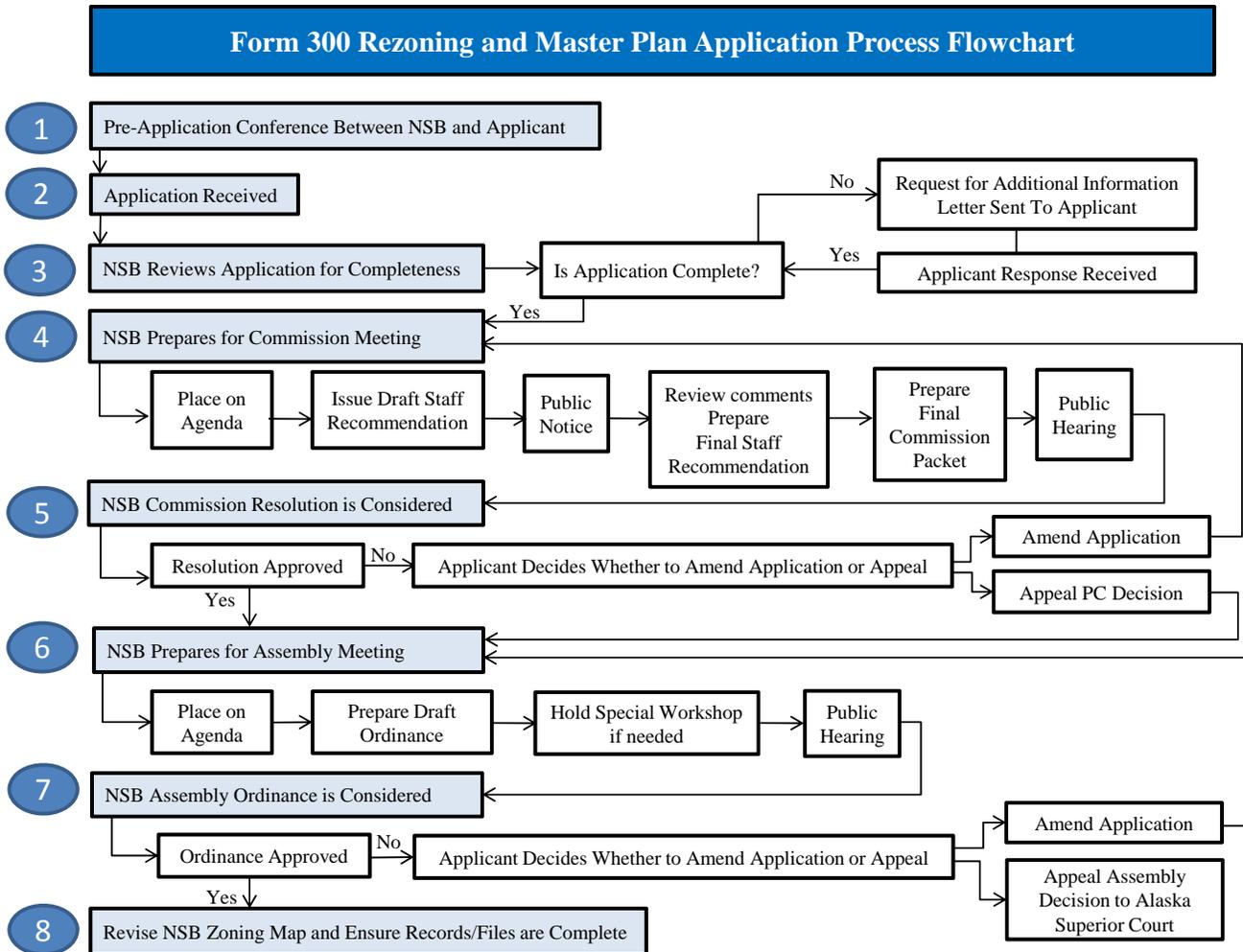
NSB requires that you contact the NSB Land Management Administrator (NSB Planning Director) at (907) 852-0440 to schedule a Pre-application Conference to discuss your application prior to submittal. The Administrator will provide advice on how to complete the application. NSB also recommends that you meet with the nearest affected Village early in the process. NSBMC §19.60.040 (C). You will need to be present at all Commission and Assembly meetings when your application is considered to answer specific questions and to listen to any concerns that are raised.

How do I submit my application?

Signed applications must be mailed to the NSB Land Management Administrator, NSB Department of Planning and Community Services, P.O. Box 69, Utqiagvik, Alaska 99723, along with a copy of all required attachments and fee payment. You must submit one signed copy of the application and all attachments, and one electronic GIS map-file. The copy and payment must be received by the NSB before the application approval process formally starts.

Is there an application and approval process flow chart that I can refer to?

NSB has developed the process flow chart below to help you navigate the rezoning and master plan requirements. Rezoning Applications and Master Plan approvals follow all eight steps shown in the flowchart below. A Master Plan Update follows steps 1-5 because Assembly approval is generally not required.



What is the fee?

The Planning Commission Fee Schedule sets fees for all areas outside of Utqiagvik and the Utqiagvik Zoning Commission Fee Schedule sets fees for Utqiagvik, as summarized in the table below. Your application will be returned if the sufficient fee is not submitted. If a Special Commission Meeting is required to meet your project schedule there is an additional fee for each special meeting. All fees must be paid by check made payable to the North Slope Borough. The fee must be paid and attached to the application before NSB will commence processing the application. The fees are as follows:

FEE PAID	<input type="checkbox"/>	Utqiagvik and Village Districts - Rezoning	\$2,000
	<input type="checkbox"/>	Master Plan Updates – All Locations	\$3,000
	<input type="checkbox"/>	<u>Outside</u> Utqiagvik or Village District - Rezoning	\$10,000
	<input type="checkbox"/>	<u>Outside</u> Utqiagvik or Village District – Special Planning Commission Meeting	\$12,000
TOTAL AMOUNT PAID			\$ _____

What other Borough approvals do I need before I start my project?

Prior to beginning any use or development, as the terms are defined in NSBMC §19.20.020, you must obtain a NSB Land Use Permit as well as any required state, federal, tribal, or municipal permits. NSB requires that you contact the NSB Land Management Regulations (LMR) Manager at (907) 852-0320 for a Pre-application meeting to discuss your project and to get advice on which NSB permits are required. NSB has specific permit application forms that must be used for various types of project permits.

Permits for uses and developments listed in the Master Plan can be obtained through the Administrative Approval process. This is the benefit of having a complete Master Plan approved.

Prior to applying for any permit for any new construction, earth moving activities, or ice roads/pads outside of Utqiagvik and the villages, you must apply for and obtain IHLC/TLUI Clearance. This clearance process, which is designed to protect culturally and historically significant sites, is a two-step process that is coordinated by the Inupiat History, Language, and Culture Department. The application forms necessary for this process, Forms 500 and 600, can be obtained at <http://north-slope.org/departments/planning/applicationNforms.php> or by contacting Planning at (907) 852-0440.

PART 1 – APPLICATION PURPOSE AND APPLICANT INFORMATION

Please check all the boxes that apply and fill in the required information. This section of the application must be completed by all Applicants. Please note that all Rezoning Applications must be accompanied by a Master Plan.

PART 2 – APPLICATION SUMMARY

It is important to have a clear and concise summary of your application request for communicating with the Commission, Assembly and public. This is the goal of Part 2 of the application form. If your project is complex and you require additional information to be supplemented in an attachment, please type that information and clearly label it as an attachment to Part 2 of this application. This section of the application must be completed by all Applicants.

PART 3 – LOCATION

Please check all the boxes that apply and fill in the required information. This section of the application must be completed by all Applicants.

Where can I get information on the zoning status?

NSB Zoning District Maps can be obtained by calling the NSB GIS Division at (907)852-0320. NSB does not warrant information is correct and complete.

What is the village area of influence?

This is the area outside of a village which is used in common by some or all of the village residents for subsistence, transportation, public facilities or other purposes. NSBMC §19.20.020. Your project may be situated in the area of influence for more than one village.

How do I know who owns the land I will be operating on?

NSB has information on land ownership and may be able assist you. You can view a land ownership map during a pre-application meeting; however, the Applicant retains the liability and responsibility for correctly identifying the owner.

PART 4 – INFORMATION REQUIRED FOR REZONING APPLICATIONS ONLY

Who completes this section?

Applications for Rezoning must complete this section. If the application only applies to a Master Plan this section does not have to be filled out.

What happens if the proposed Rezoning will result in a rezoned area that it is not “contiguous”?

Per NSBMC §19.60.060(E)(5), the area to be rezoned must be a logical, integrated area and must not constitute spot zoning. An application to rezone various, disintegrated spots in the Borough will not be approved. If your rezoning request is not contiguous, you must revise your application to only include a contiguous area. If your project covers more than one contiguous area you must submit separate Rezoning Applications and Master Plans for each contiguous area.

Where do I get the legal description of the new zone?

If you are seeking Rezoning of a previously rezoned area, the description may be in an existing rezoning ordinance. You may consult with a Land Management Specialist to view existing ordinances. In other cases, the legal description is generally based on legal descriptions found in land titles and deeds. Consult with your lawyer if you need further assistance developing a legal description.

Why do I have to demonstrate that additional land is needed in the relevant zoning district?

Per NSBMC §19.60.060(E)(4), rezoning Applicants must demonstrate the need for additional land in the zoning district being requested.

PART 5 – REQUIRED ATTACHMENTS TO THE APPLICATION FORM

What information must I attach to my application?

Part 5 of the application lists each item that must be submitted along with the application. Complete, detailed applications expedite the process. Review of incomplete applications will be suspended while additional information is requested. It is the NSB’s goal to streamline the application process; consequently, we have provided a detailed list of the type of information that must be provided with your application. Additionally, we have provided an example format to assist you in completing a NSBMC Chapter 19.60 and Chapter 19.70 analysis.

What kind of format is required for the maps?

The map(s) showing boundary lines and land ownership must be submitted in GIS Mapping Format (a digital GIS shape file of the proposed permit area, projected in Alaska Albers Equal Area Conic using either a NAD 1927 or a NAD 1983 horizontal datum) for ready inclusion in the NSB GIS Database.

The map showing existing uses should be in the form of an as-built survey, depicting any pads, wells, housing, tanks, etc. The scale should be 1 inch to a mile within Villages/Utqiagvik or 1:250 in other districts.

How comprehensive and detailed should my Master Plan be?

A Master Plan for the project must be submitted that clearly and specifically describes the projected uses and development for the life of the project and provides an estimated schedule for the uses/development. It is important for an Applicant to understand that all uses/developments described in the Master Plan, and approved by the NSB Assembly, are eligible for streamlined NSB permitting processes in the future (Administratively Approved). Uses/developments not described in a Master Plan will require a Conditional Use Permit that must be approved by the NSB Planning Commission or Utqiagvik Zoning Commission (as applicable), and in some cases may also require Assembly approval if recommended by the Commission. The NSB has examples of approved Master Plans on file that can be reviewed by the Applicant during the Pre-Application Conference.

How do I develop a NSBMC Chapter 19.60 and 19.70 Analysis?

A NSBMC Chapter 19.60 and 19.70 Analysis is a written document that examines each applicable policy in Chapter 19.60 and Chapter 19.70 and projects the likely impacts of your proposed application in the proposed zoning district. This analysis will be used by NSB staff, Commission, and Assembly to decide whether your proposed application is consistent with the NSBMC. NSB Department of Planning and Community Services Staff are required to develop a NSB Staff Recommendation that examines your application against each Chapter 19.60 and 19.70 policy. Your Chapter 19.60 and 19.70 analysis will serve as a starting point for the NSB Staff Recommendation. NSB Staff will determine whether they agree with your analysis, and if so, will simply state agreement. If NSB Staff do not agree with your analysis, or find that additional data or mitigation measures are required for your project to meet the NSBMC requirements, NSB Staff will supplement your analysis with that additional data and will recommend additional mitigation measures to the Commission and Assembly. The NSB Staff Recommendation will be provided to the public, Commission and Assembly as part of the public review and hearing process. Therefore, it is very important for you to carefully prepare a complete, well thought out Chapter 19.60 and Chapter 19.70 analysis, including all proposed mitigation measures that are needed to ensure your project can be supported by NSB staff and the public and approved by the NSB.

Is there a specific format for the NSBMC Chapter 19.60 and 19.70 Analysis?

Yes, the NSB has developed NSBMC Chapter 19.60 and Chapter 19.70 Analysis Supplement Form that must be used and attached to your application.

What information do I need to submit to demonstrate NSBMC Title 9 Compliance?

You must submit a written explanation, attached to your application, describing how you will comply with NSBMC Title 9 requirements for water supply and waste handling. The NSB provides water supply and waste handling services within the NSB. You must demonstrate that you have carefully considered use of the NSB water supply and waste handling services and explain how you will use NSB’s services, or explain why that option is not feasible. In Service Area 10, all Applicants must use NSB services, unless otherwise approved by the NSB Mayor.

What must be covered in the economic development plan?

The economic development plan must provide: (a) an analysis of the projects economic benefits to the NSB in terms of tax valuation for property taxes, (b) an employment plan to train and hire NSB residents, and a (c) plan to provide contracts to regional and village Native corporations.