PLANNING COMMISSION MEETING

SEPTEMBER 11, 2018
AGENDA
September 11, 2018
6:00 p.m.

A. ROLL CALL

B. MESSAGES

1. Chairperson’s Comments
2. Commissioner’s Comments
3. Communications to the Planning Commission
4. Citizen’s Comments – limited to three (3) minutes
   a. Agenda items not scheduled for public hearing
   b. Items other than those appearing on the agenda
5. Disclosure & Statement of Conflict of Interest

C. APPROVAL OF AGENDA AND CONSENT AGENDA

Approval of consent agenda passes all routine items indicated by asterisk (*) on agenda. Consent agenda items are not considered separately unless any Commission member or citizen so requests. In the event of such request, the item is returned to the general agenda.

D. *MINUTES


E. QUASI-JUDICIAL HEARING

1. CU2019-001: A request by Donald J. Krigsvold Sr. for conditional use approval of an existing guesthouse in the Rural Residential (RR) zone on Lot 1 and Lot 2, Block 2, Frito Subdivision. (located at 4693 Rivers Street, on the south side of Rivers Street, on the east side of Bellwood Street). (Staff Contact: Manish Singh)

F. LEGISLATIVE

1. ORD2018-25: An Ordinance Amending FNSBC Title 18 to Add a Definition of Commercial Outdoor Recreation and Add it as an Allowable Use in various zones. (Staff Contact: Christine Nelson)

G. NEW BUSINESS

1. Update from FNSB Planning Commission Subcommittee on setback requirements in Title 18 related to Rural Residential and Rural Estates zoning districts.
H. **EXCUSE FUTURE ABSENCES**

I. **COMMISSIONER'S COMMENTS/COMMUNICATIONS**
   
   1. FMATS

J. **ADJOURNMENT**
A regular meeting of the Fairbanks North Star Borough Planning Commission was held in the Mona Lisa Drexler Assembly Chambers, Juanita Helms Administration Center, 907 Terminal Street, Fairbanks, Alaska. The meeting was called to order at 6:01 p.m. by Eric Muehling, Chairman.

A. ROLL CALL

MEMBERS PRESENT: Chris Guinn
John Perreault
Robert Peterson
David Brandt

Mike Stepovich
Doug Sims
Patricia Thayer

MEMBERS ABSENT: Wendy Presler
Mindy O’Neall
Charles Whitaker

OTHERS PRESENT: Christine Nelson, Director of Community Planning
Manish Singh, Planner
Don Galligan, Transportation Planner
Wendy Dau, Asst. Borough Attorney
Michelle Gutierrez, Administrative Assistant

B. MESSAGES

1. Chairperson’s Comments

None

2. Commissioner’s Comments

None

3. Communications to the Planning Commission

Ms. Nelson mentioned the recent security issues at the JHAC and the practice for the beginning of each meeting for our boards and commissions; the exits should be pointed out for a quick exit if needed. Ms. Nelson mentioned staff vacancies in the department and three open seats on the CRFC. Alaska APA conference in January has funding for four people to attend planning commissioner training on a Sunday and funding to send one of the four to attend the rest of the conference. The legal department has hired two new lawyers; assignments have been reassigned. She touched base on the appeal matrix that shows two active appeals, and reminded the commissioners to not speak about the active cases.
Wendy Dau stated new lawyer Ben Jaffa will be eased into new position and introduced to the commission in the near future.

4. Citizen’s Comments – limited to three (3) minutes
   a. Agenda items not scheduled for public hearing
   b. Items other than those appearing on the agenda

5. Disclosure & Statement of Conflict of Interest

C. * APPROVAL OF AGENDA AND CONSENT AGENDA

Approval of Consent Agenda passes all routine items indicated by asterisk (*) on agenda. Consent Agenda items are not considered separately unless any Planning Commission member or citizen so requests. In the event of such request, the item is returned to the general agenda.

MOTION: To approve the Agenda and Consent Agenda by Commissioner Thayer, seconded by Commissioner Guinn.

CARRIED WITHOUT OBJECTION

D. *MINUTES

1. Minutes from April 24, 2018 Planning Commission Meeting.
4. Minutes from June 12, 2018 Planning Commission Meeting.
5. Minutes from July 24, 2018 Planning Commission Meeting.

E. QUASI-JUDICIAL HEARING

CU2018-004: A request by Sandra Mota on behalf of the Fairbanks North Star Borough for conditional use approval of public utility and service use (municipal snow storage) on a 1.75-acre portion of Tract B, Hamilton Acre Reserve Subdivision in the Outdoor Recreational (OR) zone, expanding the existing City of Fairbanks snow storage located on Tract A, Hamilton Acre Reserve Subdivision onto Tract B (located at 103 Hamilton Avenue, on the east side of Hamilton Avenue, north of Chena River). (Staff Contact: Manish Singh)

OATH ADMINISTERED

Mr. Manish Singh provided a presentation of his Staff Report and recommendations on behalf of the Borough’s Planning Department, and recommended approval with eight (8) conditions, and adopting the staff report and three (3) Findings of Fact as listed in the Staff Report.
Questions by Commissioners

Commissioner Thayer asked Mr. Singh to pull up the definition of OR zone, to show the permitted uses. Mr. Singh covered what the permitted uses are. She asked Mr. Singh to further explain the obtrusive development plan in the area. Mr. Singh explained in his staff report how the neighborhood is structured around this property, as well as commercial uses that are located in GU zoning that don’t have to abide by any CU requirement. He gave an example that there is no limit on how much noise these uses in the GU-1 zone could produce, so that is why if the snow dump noise levels are slightly increased; it is still consistent with the surroundings. The only regulations that GU-1 uses have to abide by is the City’s noise regulation, that the snow dump is already abiding by.

Discussion ensued between Mr. Singh and Commissioner Thayer about sound decimals level comparisons to life action examples.

Commissioner Sims asked if the daily average number of trucks won’t increase, as stated in the staff report, was correct. Mr. Singh stated that is the argument the City has made and their staff could talk more about that topic. The expansion mentioned in the City’s application is necessary to accommodate heavy snow fall, so they will probably use the snow dump for more days but keep the average daily truck trips limited to what they already have.

Commissioner Muehling asked Mr. Singh to further explain Condition 1A, shall develop and implement a storm water pollution prevention plan, and to describe what that is. Commissioner Muehling asked if that was enforceable. Mr. Singh stated the information is provided in the application on page 152. It is a requirement by DEC, which has a storm water program. The intent of that program is to prohibit or restrict the pollutants that might go to any water ways due to any construction or land clearing activity. If more than 1 acre of land is being cleared, a SWPPP is required to be filed and get a general construction permit from DEC. The DEC environmental coordinator is charged with the responsibility of maintaining this document and implementing that on site. For Condition 1A, he tried to detail out what the applicant needs in terms of meeting all local and state requirements.

Commissioner Muehling referred to 1A specifically talks about the construction of this project. He asked where in the conditions might there be ongoing enforcement of pollutants that might come from this site and enter the Chena River via the Slough. Mr. Singh stated that the SWPPPrefers to a number of best management practices. There are some practices that the City is only recommending for the construction period, that are listed as temporary best management practices. The others are listed as permanent best management practices, such as putting the fence, expand on the swale system. The SWPPP document will be permanently maintained on the property. Further detail can be found on page 173 in the staff report.

Commissioner Muehling stated there is the initial development of the project which conforms to the SWPPP plan, beyond that, he asked if there is a compliance component that carries to the future, in these conditions. Mr. Singh stated he would refer that question to the City representatives that are more familiar with their conversation with DEC.

Commissioner Muehling referred to the mentioning of a public safety emergency to trigger additional hours, and if that could be more specifically related to a snow public safety emergency. Could words be added to the condition, to state “snow”. Mr. Singh stated generally the City Mayor has the authority to declare a public safety emergency and during that emergency period, they could
operate for longer hours. The city representatives could talk more about their practices in regards to a public safety emergency announcement.

**Commissioner Muehling** asked what the purpose of the fence is. **Mr. Singh** stated it is to provide security, so people who are visiting the area may not get into the snow storage area. Also, the chain link fence helps catch any trash that may not have been picked, during runoff.

**Commissioner Peterson** commented the fence is for safety; to keep people that really shouldn’t be in there out. **Mr. Singh** mentioned the meeting minutes from 1996, the neighborhood heavily emphasized on getting a fence on all four sides, for security concerns. To keep the snow dump operations isolated from the surroundings, which could protect children from going into the snow dump.

**Commissioner Stepovich** asked if Mr. Singh wanted Condition 3 to match the hours of operation to state 7:30 am to 11 pm, rather than 7 am as stated in the Staff Report. **Mr. Singh** stated the City mentioned 7:30am on up to 6pm and when night crew is utilized, they could go up to 11 pm. The condition he drafted is more general in nature, shadowing the City’s noise ordinance, which they are required to abide by. The condition allows them some flexibility in case they need to operate at 7 am. The City can request a change if they would like.

**Commissioner Brandt** asked if there are any current uses of the property that would be affected by the proposal. **Mr. Singh** said not necessarily, when he was talking to neighbors he heard some concerns about people using the existing area to walk their dogs but other than that, there are no land uses associated with the vegetated area. **Commissioner Brandt** stated it looked like there are trails in the area. **Mr. Singh** stated it is Borough land and there might be some walking paths but no land uses are associated with that land as of now.

**Commissioner Thayer** stated this is OR, if the neighborhood is using that for trails then they are using it for what the intended purpose is, so no permit is needed. **Mr. Singh** clarified that it is not a designated park. **Ms. Dau** stated per code, on all undeveloped land, causal use is allowed that generally includes those kinds of trails. Unless the trails have some sort of legal standing, such as an easement, it wouldn’t prevent the Borough from developing the land that they own.

**Applicant’s Testimony**

**Mr. Jeff Jacobson**, City of Fairbanks Public Works Director, testified as follows:
- COF development has grown; increased pressure of city safety during the winter months
- Other snow storage sites around the city have been expanded
- It is not the COF intent to haul snow from other areas of the city to this site
- The expansion will help with more efficiency operations
- 23 days of hauling snow
- Sensitive to residential area; 100ft buffer from the structures
- Snow removal operation time restrictions; in residential areas are done during the day, as late as 10 or 11 pm which is rarely done.
- COF purchased a turf rake to clean debris
- The fence will serve as a protection barrier to avoid people going in to snow sled; public safety will be preserved
- Most of the snow evaporates, very little area of water streaming off; COF has a Flood Control Plan
- COF is responsible for managing storm water with in the city limits
• They are very sensitive to any runoff that goes into any bodies of water
• This plan does not jeopardize their standing with the compliance with the requirements of the storm water permit for the entire city.

Mr. Jeff Whipple, testified as follows:
• The expansion is for efficiency of operations; so the snow doesn’t have to be blown into a big pile
• It will allow the snow to be distributed over a bigger area, allowing the snow to melt quicker
• The gravel underneath the proposed area to be filled will produce an additional area for peculation
• Bigger retention ditches; drainage swells with a slight gradient
• The COF does have the storm water permits; SWIP permits that cover the construction
• They will submit a permanent storm water plan; will mirror the temporary construction permit
• No problems with the existing cite
• The expansion will improve the area for efficiency and for the storm water management practices
• Addressed the affidavit; concerning the intersection with the driveway and the traffic
• They are aware of the traffic in the area
• Noted there will not be more truck traffic
• They do post in the area when snow removal will occur
• If needed, they could post signs before and after the entrance to the dump indicating trucks will be entering and leaving

Questions by Commissioners

Commissioner Perreault stated there are existing fences in some parts of the area, he asked where is the existing fences and where do they propose the fences to be at the end of the expansion. Mr. Jacobson stated there is a fence near the community garden that goes along that alleyway and to the front of the property and along that strip of vegetation. The back lot does not have a current fence. There is a gate so vehicle traffic is restricted when the snow dump is not in operation. The purposed fencing is to extend up on the 50ft buffer, 100ft buffer and the 50ft and connect it to the existing fence line, to be fully enclosing the snow storage area. The vegetative buffer between the apartments and the proposed expansion area will remain unfenced.

Commissioner Sims asked if they consider alternatives to expanding this site. Mr. Jacobson stated there is no other alternative in the Hamilton acres area that would have less impact to the neighborhood than this expansion. Commissioner Sims clarified that this site would serve Hamilton Acres, Shannon Park and Island Homes. Mr. Jacobson stated those are the current neighborhoods that have snow hauled in there, some of Shannon Park depending on what time they are hauling snow, might be moved over to Bentley snow storage or even down to Johansen Expressway. Same thing with Island homes, depending on when they are operating and what the snow capacity is. Commissioner Sims asked if there were no new additional neighborhoods being added to this site. Mr. Jacobson said no. They are hoping with the development with Lazelle Road, that part of Shannon Park will go in the opposite direction, there will be less traffic flowing into the Hamilton snow storage site. They have been fortunate of the last years to not have that much snow, and the last two winters have been an increased
amount of snow fall. Which has taxed their ability to get the snow off the streets quickly and to some place without filling up the snow storage sites.

**Commissioner Guinn** asked Mr. Singh to show Figure 7 from the Staff Report; asked Mr. Jacobson how the noise was tested; how was noise measured. **Mr. Whipple** the sites where measured for noise while snow removal operations were going on. **Commissioner Guinn** asked if a tailgate alarm is going off, generally above 60dB. The rest, if the tailgate alarm wasn’t going off, was below conversation level.

**Commissioner Stepovich** asked Mr. Singh to show the photo, Exhibit 11 on page 114 of the Staff Report. He asked if that was part of Tract A, behind where it butts into the access road to the community garden. He asked why the hill is not as high, in the photo. **Mr. Jacobson** stated that is an area that was filled in, then as needed, snow has been blown up creating a larger hill. Normally they do not blow snow up, but as the Hamilton Acres site was reaching its capacity they started blowing the new snow up and over to back fill in the snow storage area.

Discussion ensued between **Commissioner Stepovich, Mr. Whipple and Mr. Jacobson** about space in the photo not being utilized.

**Commissioner Peterson** explained the area behind the fence is almost like a parking area and the road to the left of the photo goes right down to the river, all of that is beyond the snow dump fence.

**Ms. Dau** reminded the commission this is the time to ask questions, and that commissioners cannot testify; to create a question.

**Commissioner Peterson** asked if there is a fence on the east side of the snow dump in-between the river and the snow dump. **Mr. Jacobson** said that is correct.

**Commissioner Muehling** asked if the Storm Water Pollution Plan needed to be complied with during the course of construction. He asked what they are required to comply with in terms of environmental regulation beyond the construction phase. **Mr. Whipple** stated there is a permanent storm water plan that has to be submitted to the DEC and approved which will have the storm water controls in it. He further explained their plan.

**Commissioner Muehling** recommended a possible condition to comply with storm water permit that is issued by DEC. **Mr. Whipple** said that it is state law that they comply. **Commissioner Muehling** suggested the commission tie their use to compliance with the DEC.

**Commissioner Muehling** asked if there can be a difference between a snow related public safety emergency and an ordinary public safety emergency; asked if they could insert the words “snow related” and if it would make any material difference. **Mr. Whipple** stated to his knowledge, there has never been a declared emergency by the Mayor for something like that. **Mr. Jacobson** stated he saw no problem with inserting the words “public safety snow related emergency as declared by the Mayor” that it will not affect the use of the property as they intend it to be used for.

**Commissioner Muehling** stated they have to be in compliance with the cities Alaska Pollutant Discharge Elimination Permit. He asked what criteria was used to determine the design of the original fence. **Mr. Whipple** said it is standard 6ft or 8ft chain linked fence.
Commissioner Sims asked how they arrived at the 1.75 acres size. Mr. Jacobson explained that they determined the requirement of the buffer zone first, for the protection of the neighborhood, and went 50ft, 50ft and a 100ft and then that left the 1.75 acres.

Commissioner Sims asked why they need this site expanded if there are no additional neighborhoods being brought to it. Mr. Jacobson said there are additional houses being constructed; Island Homes did have an expansion in the last decade. There is new construction going on that does impact how much snow is being put out to the streets for collection. He reiterated that this is a positioning for the City, so they have the capacity to respond when there is heavy snow fall, so they can be the most efficient use of the city resources when they have limited funds, equipment and time to get the snow moved from one place to another.

Commissioner Brandt mentioned earlier testimony mentioning snow from other neighborhoods could possibly be moved to different snow dumps. He stated the amount of snow needing to be put in this area, would lessen the amount of expansion needed. Mr. Jacobson stated currently, they do not haul snow from Birch Estates, there may be some future arrangements, which then could be utilizing the Hamilton Acres snow storage site.

Commissioner Thayer asked how large the other snow storage sites mentioned are, she asked if they are all 2-3 acres sites. Mr. Jacobson and Mr. Whipple said yes.

Applicant’s Testimony Closed

Interested Person Testimony Opened

Testimony by Affidavit from Daryl Haggstrom.

Ms. Tracy Simmons testified as follows:
- She currently has a beautiful view of trees and wildlife from her back deck
- She feels the snow dump is not being used to its full capacity as it should
- She does not want the area to be cleared; she would like the area to remain wooded
- Everybody uses the area
- She hears noise from snow dumping at 3am
- There has to be a more effective way to help out with keeping the wildlife and the trails
- There are signs up that state the area is a park; FNSB Hamilton Acres Park
- They are not allowed to destroy anything
- Sound travels far on a cold winter night
- No one came to ask her opinion on what they were proposing
- Reiterated to save the woods and to not let this happen

Questions by Commissioners

Commissioner Thayer asked Ms. Simmons if there is an actual sign posted that there is a park located there, she asked where it is posted. Ms. Simmons said it is closer by the Chena River, towards the big parking area. The wooden sign is there, with big rocks, next to the community garden.

Commissioner Sims asked Ms. Simmons to clarify or explain how she feels the site is not being used to its full capacity. Ms. Simmons stated that they don’t pile up the snow to the fullest capacity first, they go in and they dump. She stated that if they fill up the far end first, which is
closest to the river then they will have plenty of room. She stated it does currently flood into the woods. She also stated that the area does flood, despite their testimony saying it does not.

Mr. Jacobson asked if Ms. Simmons is aware that commercial properties that hire contractors to remove the snow throughout the night. Ms. Simmons stated that she is confident that it is city trucks that she hears in the night. Mr. Jacobson asked Ms. Simmons if she was aware that blowing snow is not a normal practice, it is a response to needing more room when needed; it is more expensive to blow snow than to haul snow. Ms. Simmons stated that if city workers would stack the snow properly, they wouldn't have to resort to snow blowing.

Mr. Mike Mertes testified as follows:
- What about mental health that is commonly accorded to an outdoor recreation area
- He walks his dog along the trail and picks up trash sometimes
- There are two signs that call it a park, one right past the entrance on Hamilton
- No woods left, this is all that is left
- It is large enough to support a little bit of wilderness
- The area is lovely, worth protecting
- Listening to people compare efficiency with cost, he knows it’s expensive
- He asked that we save the last scrap of woods in Hamilton Acres
- It’s worth saving

Ms. Spannagel testified as follows:
- Asked for better maps to be mailed out with DPO, she misunderstood it
- She lives on Farewell and she does like the woods
- Asked if they can fix the fence to keep four wheeler at 4am out

Mr. William “Bill” Digan testified as follows:
- City does a good job maintaining the area
- He walks his dog in the area year around
- It is the only place in the City that has that much forested area in one spot
- Snow machines go through the area
- Moose droppings all throughout Tract B area
- Never seen Tract A drain into the river, it drains into Tract B creating big ponds that obstruct the trail
- Can hear noise from the snow storage area

Commissioner Thayer asked Mr. Digan if the ponds that are created are a good size. Mr. Digan said he got carried away, it is not ponds, it is puddles.

Interested Person Testimony Closed

Rebuttal by Applicant

Mr. Jacobson explained that one of the aspects of the expansion is to reslope the entire snow storage site so there is drainage for the front of the property and not into the wooded area.

[Recessed for an at ease till 7:47 pm]
MOTION: To approve CU2018-004 with eight (8) conditions, adopting the staff report, and three (3) findings of fact in support of approval by Commissioner Muehling, seconded by Commissioner Sims.

CONDITIONS

1. The municipal snow storage expansion on Tract B shall comply with all applicable local, state, and federal land use related laws. Applicable permits and approvals may include but are not limited to:
   a. The applicant or holder of this conditional use permit shall develop and implement a Storm Water Pollution Prevention Plan (SWPPP) to comply with the Construction General Permit requirements regulated by the State of Alaska Department of Department of Environmental Conservation (ADEC).

2. The applicant or holder of this conditional use permit shall maintain at least a 50-foot vegetative buffer along east and west boundaries and a 100-foot vegetative buffer along the north boundary of the municipal snow storage expansion on Tract B.

3. Snow removal equipment shall not operate at the municipal snow storage expansion on Tract B between the hours of 11 p.m. and 7 a.m. unless a public safety emergency is declared by the City Mayor.

4. A new fence similar to that located around the existing snow storage facility on Tract A shall be constructed along the north, west and east boundaries of the snow storage facility expansion on Tract B.

5. No outdoor lighting shall be placed on the municipal snow storage expansion on Tract B.

6. Litter and trash removal shall be conducted over the municipal snow storage expansion on Tract B at least twice a year, once prior to June 1, and once prior to September 1 of each year.

7. The municipal snow storage expansion on Tract B shall not be the cause of any pollution to the Chena River.

8. If any modifications are made to the site plan 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. 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 ‘Urban Area’ comprehensive plan land use designation. The Comprehensive Plan Land Use Goal 1, Transportation and Infrastructure Goal 1, Transportation and
Infrastructure Goal 2, Environment Goal 3, and Community and Human Resources Goal 1 are enhanced by the municipal snow storage expansion on Tract B.

b. Chena Riverfront Plan Goal I, Policy 5 and Goal IV, Policy 1 are supported by the municipal snow storage expansion on Tract B. On August 8, 2018, Chena Riverfront Commission unanimously recommended Community Planning to recommend approval for this expansion.

c. 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.

d. The municipal snow storage expansion on Tract B is located outside the Special Flood Hazard Area and is not required to meet the FNSB Title 15 – Floodplain Management Regulations.

e. The City is authorized to discharge storm water into waters for the United States under their Alaska Pollutant Discharge Elimination Permit. Under this permit, the City owns and operates a Municipal Separate Storm Sewer System (MS4), and is in compliance with the permit requirements. The drainage from the existing snow storage and from the proposed expansion is covered under this permit.

f. With the conditions imposed, the applicant will develop and implement a Storm Water Pollution Prevention Plan (SWPPP) for the municipal snow storage expansion on Tract B to meet the Construction General Permit requirements regulated by the State of Alaska Department of Department of Environmental Conservation (ADEC).

2. 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 property has access to City of Fairbanks water and sewer. The municipal snow storage expansion on Tract B doesn’t require any water and sewage capacity.

b. The property is served by the City of Fairbanks Fire Department for emergency fire response.

c. The property is served by City of Fairbanks Police Department for law enforcement.

d. The property has adequate power supply, if needed, because they are served by GVEA grid. The municipal snow storage expansion on Tract B does not require any power supply because the City has not proposed any outdoor lighting.

e. The property has access from Hamilton Avenue which is a local type roadway maintained by ADOT&PF. Hamilton Avenue can accommodate the truck trips generated by the proposed expansion.

f. The existing 30-foot wide gravel driveway is adequate for ingress and egress of the trucks accessing the site for the existing facility and for the proposed expansion.
g. The FNSB zoning code does not require any off-street parking spaces for the snow storage facility.

3. With the conditions imposed, the proposed conditional use will protect public health, safety, and welfare because the municipal snow storage expansion on Tract B will comply with Title 18 standards for the OR zone (FNSBC 18.20) as well as other applicable land use related laws.

a. The proposed conditional use enhances public safety by facilitating access to fire trucks, ambulances and police cars in periods of heavy snowfall because the snow storage facility expansion would allow the City to better serve Hamilton Acres and Shannon Park neighborhoods with snow plowing.

b. The existing driveway has a 30-foot wide gate to restrict access only to the City trucks and equipment. With the conditions imposed, the municipal snow storage expansion on Tract B will be fenced.

c. With the conditions imposed, the snow removal equipment will not operate at the municipal snow storage expansion on Tract B between the hours of 11 p.m. and 7 a.m. unless a public safety emergency is declared by the City Mayor.

d. With the conditions imposed, the 50-foot vegetative buffer along east and west boundaries and the 100-foot vegetative buffer along the north boundary of the municipal snow storage expansion on Tract B will be protected and it will help mitigate noise impacts to the immediate neighbors.

e. The properties to the west of Hamilton Ave are zoned GU-1 and are developed with certain commercial uses. The GU-1 zone allows for very intensive commercial and industrial uses without any restriction on noise and hours of operation, except those imposed by the City’s noise ordinance.

f. The proposed swales around the municipal snow storage expansion on Tract B will help mitigate any meltwater runoff onto the neighboring properties or into the Chena River.

g. With the conditions proposed, the applicant will remove litter and trash from the municipal snow storage expansion on Tract B at least twice every year.

h. With the conditions proposed, the municipal snow storage expansion on Tract B will not have any outdoor lighting.

Discussion on the Motion

Commissioner Muehling stated his initial response is the city needs snow dumps and there is always the question of how do we balance the needs as community planners, the impact of the community of those people living closest.

Commissioner Guinn agreed and stated it was a decision of the City’s needs, and the community’s needs. He stated that the City did a fine job of putting it all together but the fact remains that this is one of the last forested areas in the city and he is not willing to jump on the city’s side on this case, at this time. He stated that he would vote no.
Commissioner Muehling added that the FNSB could choose to cut the trees down at any time.

Commissioner Sims mentioned that CU permit in 1984 recognized it as a community garden, snow dumping in passing park use. He stated that some of those may not be compatible when in close proximity. Snow dumping takes on an industrial feel during active snow removal operations. He stated that we also expect the City to operate efficiently when it comes to snow removal. He mentioned the testimony’s in regards to the park and the passage use of the area which he can appreciate. He stated that he is torn, and that he is interested in what road mileage is and if that is increasing.

Commissioner Thayer stated that she is having a hard time agreeing with the expansion. She mentioned that you can’t predict snow weather and that she understands the vital need to efficiently remove snow. She also mentioned that she can’t support something that could happen down the road when the community utilizes it as a community park, and garden. She reiterated that the borough owns the land and they could come and clear cut it at any time but that she can’t agree in the moment that this is in the best public health safety and welfare to move forward with this expansion.

Commissioner Brandt stated that he doesn’t feel the City has demonstrated an urgent need at this time to expand the facility.

Commissioner Perreault stated that he understands the increase in capacity and the increase in efficiency helps keep the burden of the cost for the tax payers down but there is a system wide expansion going on. He stated that this is different from the other sites that have been expanded and it deserves different consideration. He stated that he will vote no.

Ms. Dau reminded the commission that denial of this permit does not mean the wooded area on this Tract of land would be preserved and the property could still be clear cut. She suggested more discussion on the health, safety and welfare of denying the permit aside from just preserving this wooded area.

Commissioner Thayer stated the permissible things within this zone that could take place. She stated this permit is an unconditional use that takes away health, safety and welfare for the community of Hamilton Acres. She stated that she cannot see the need of the expansion, right now.

Ms. Dau clarified the CU permit standard; something is listed as a CU not because it is not allowable but it is actually presumed that there will be circumstances that in this zone it would an allowable use.

Commissioner Thayer stated that the snow dump that currently stands is completely sufficient for what is needed and she has not seen anything that indicated that this needs to be expanded.

Commissioner Muehling spoke to community impacts such as noise complaints. He stated he heard conflicting testimony’s on if traffic would be increased. He reiterated that sound impacts would be increased.

Commissioner Peterson stated that the impact to the community is hard to see. He mentioned that the City has lost snow dump areas since the 70’s and there has been years where we get more than the average snow fall. He stated the City has a hard time finding places to put snow.
He stated that the City is trying to be proactive and he can understand their position. He stated that he is in favor of the motion.

**Commissioner Muehling** stated that he is struggling with this motion and he has no idea how a vote would go. He stated that if approved, he would want additional protections from the State of Alaska Department of Environment Conservation. He stated he doesn't see this condition being tied to the City’s requirements to stay in compliance.

**Point of Fact by Commissioner Perreault:** Condition 1A does directly require the holder of this permit to comply with ADEC requirements.

**Commissioner Muehling** said that was not his understanding.

**Ms. Dau** clarified that Condition 1A requires development and implementation of the storm water pollution prevention plan in order to comply with the construction general permit which is temporary and she believed what Chair Muehling was getting at is a longer term ADEC condition.

**Commissioner Muehling** stated that a reasonable condition for the commission to apply would be to require a long-term compliance with ADEC. He also mentioned that he believes 1B should read “Storm water discharge resulting from this conditional use permit shall be in compliance with the COF Alaska Pollutant Discharge Elimination Permit”.

**MOTION TO AMEND:**

To amend Condition 1A to read, The applicant or holder of this Conditional Use Permit shall develop, implement and comply with the Storm Water Pollution Prevention Plan (SWPP), the Permanent Storm Water Plan and shall obtain and comply with the Construction General Permit requirements regulated by the State of Alaska Department of Environmental Conservation (ADEC) by **Commissioner Muehling**.

**MOTION FAILED FOR LACK OF A SECOND**

**MOTION TO AMEND:**

To add Condition 1B to read as follows, Storm water discharge resulting from this conditional use permit shall be in compliance with the COF Alaska Pollutant Discharge Elimination Permit by **Commissioner Muehling**.

**MOTION FAILED FOR LACK OF A SECOND**

**Commissioner Thayer** asked the board if the current zoning for this parcel is OR, she stated there is signage of a community park. She referenced the Certificate of Corporate Ownership Dedication and Compliance, on page 134 and asked for a definition.

**Ms. Dau** stated that she doesn’t see on the plat that the Tract is designated as a park. She stated that without further research, the standard language is that if nothing is designated as a park then it is not dedicated.
ROLL CALL

Two (2) in Favor: Peterson, Muehling
Six (6) Opposed: Sims, Perreault, Brandt, Thayer, Guinn, Stepovich

MOTION FAILED

MOTION: To not approve the Conditional Use Permit (CU2018-004) for public utility and service use (municipal snow storage) on a 1.75-acre portion of Tract B by Commissioner Muehling, seconded by Commissioner Perreault.

[Recessed for an at ease till 8:26 pm]

Discussion on the Motion

Commissioner Perreault read the four (4) Findings of Fact that he would like to have added.

MOTION TO AMEND: To amend the Conditional Use Permit (CU2018-004) with the four (4) Findings of Fact for denial by Commissioner Thayer, seconded by Commissioner Sims.

Ms. Dau stated she had legal concerns about supporting denial with preserving urban open space because that is not truly what the denial of this permit has the power to do, she suggested replacing the language with something to the effect of not clear cutting current wooded are for a snow dump.

MOTION TO AMEND: To amend the wording of Conditional Use Permit (CU2018-004) Findings of Fact one (1) and three (3) for denial by Commissioner Thayer, seconded by Commissioner Perreault.

ROLL CALL(MOTION TO AMEND THE AMENDMENT)

Eight (8) in Favor: Brandt, Thayer, Guinn, Peterson, Stepovich, Sims, Perreault, Muehling
Zero (0) Opposed:

MOTION PASSED

MOTION TO AMEND: To amend the Conditional Use Permit (CU2018-004) to add a fourth (4) Findings of Fact for denial by Commissioner Perreault, seconded by Commissioner Thayer.
Discussion on the Motion to Amend

**Commissioner Perreault** stated that he wanted to make sure that they were compatible with the comprehensive plan for the area when the commission makes a decision and able to support the findings with the comprehensive plan.

**ROLL CALL(MOTION TO AMEND THE AMENDMENT)**

Eight (8) in Favor:  Sims, Perreault, Brandt, Thayer, Guinn, Peterson, Stepovich, Muehling

Zero (0) Opposed:

**MOTION PASSED**

**ROLL CALL(MOTION TO AMEND)**

Eight (8) in Favor:  Perreault, Brandt, Thayer, Guinn, Peterson, Stepovich, Sims, Muehling

Zero (0) Opposed:

**MOTION PASSED**

Discussion on the Main Motion

**Commissioner Perreault** stated for the record that he is generally in favor of the development of internal infrastructure for the efficient use of clearing streets and maintaining what makes a City a City, he stated this site amongst the snow dumps sites is unique and deserves different consideration than the other sites.

**Commissioner Thayer** agreed with Perreault and understands the needs for adequate dump sites, they are very difficult to come by but she believed this site is different.

**Commissioner Sims** added his belief in the existing site being satisfactory and may require blowing snow, taking longer time to melt off in the spring but that it comes at the loss of the buffer and the noise impacts. He stated the City will still have a functioning snow dump site at this location that can meet their needs.

**ROLL CALL(MAIN MOTION)**

Seven (7) in Favor:  Sims, Perreault, Brandt, Thayer, Guinn, Stepovich, Muehling

One (1) Opposed:  Peterson

**MOTION PASSED**
FINDINGS OF FACT IN DENIAL

1. Protecting both private property rights and promote public health, safety and welfare by not clearcutting current forested area for a snow dump.
2. The applicant failed to demonstrate the need to expand the existing site.
3. The site location and proposed expansion adversely impacts surrounding residential areas due to increased noise impacts, should clearcutting of the existing forested area by reducing the noise buffer.
4. Denial of application fits comprehensive plan Goal 4, strategy 10, action B: to develop a pattern of compatible land uses, and to buffer incompatible land uses. As well as goal 3, to have a variety of land uses that fit the diverse needs of the community, strategy 7, provide a variety of residential land use opportunities and maintaining existing residential areas that can accommodate diverse lifestyles.

F. PUBLIC HEARING

1. **HP2019-001 FMATS Sidewalk Improvements:** A request by the State of Alaska Department of Transportation and Public Facilities for local planning authority approval of the FMATS Sidewalk Upgrade project. The Alaska Department of Transportation and Public Facilities (ADOT&PF), in cooperation with participating agencies within the Fairbanks Metropolitan Area Transportation System (FMATS) and the Federal Highway Administration (FHWA), propose to construct, reconstruct, or improve pedestrian facilities in five (5) locations in the Fairbanks North Star Borough under the FMATS Sidewalk Improvement Program FFY2016-2018 (Design). The proposed project locations are as follows:
   A. City of Fairbanks
      1. 5th Avenue (Barnette Street to Cowles Street)
      2. Bjerremark Street (26th Avenue to approximately 100 feet south of 27th Avenue).
      3. Cowles Street (23rd Avenue to 29th Avenue).
   B. City of North Pole
      1. Homestead Drive (Old Richardson Highway to Perimeter Drive)
   C. Fairbanks North Star Borough (FNSB)
      1. Loftus Road

**Commissioner Brandt** stated that he owns a property in the area. Ms. Dau asked if the property is actually a part of this highway project. **Commissioner Brandt** said no. Ms. Dau asked if he had a financial or private interest that directly and substantially varies with the outcome of the decision. **Commissioner Brandt** said no. **Chair Muehling** ruled no conflict.

**Staff’s Presentation**

**Mr. Don Galligan** provided a presentation of his staff report and recommendations on behalf of the Borough’s Planning Department, and recommended approval with three (3) findings of fact as listed in the Staff Report.

FINDINGS OF FACT:

1. The FMATS Sidewalk Improvements project will “ensure that road designs improve safety and minimize adverse impacts”, and “integrate pedestrian-friendly sidewalks as
enhancements during road construction and maintenance”. *(Transportation and Infrastructure: Goal 1, Strategy 1, Action C)*

2. The FMATS Sidewalk Improvements project will help to “make the borough more pedestrian friendly”. *(Transportation and Infrastructure Goal 1, Strategy 3)*

3. The FMATS Sidewalk Improvements project will “encourage use of non-motorized transportation systems”. *(Transportation and Infrastructure Goal 1, Strategy 4, Action B)*

Robert Pristash with the City of Fairbanks stated he concurs with the staff report given.
- All the areas reconstruct existing sidewalks that are ADA deficient or at the end of their design life.
- Or they fill in gaps in existing corridors.
- Gave examples of the roads that would benefit from reconstruction.

Public Testimony Opened

*No one present*

Public Testimony Closed

Questions by Commissioners

**Commissioner Peterson** asked if there is grant funding available in regards to maintenance in the winter time. **Mr. Pristash** stated grants are not used for maintenance. **Commissioner Peterson** mentioned budget cuts and asked where funds are coming from for future maintenance. **Mr. Pristash** explained that it is cheaper to fix an existing road.

**Mr. Galligan** stated the projects are funded through FMATS and are required maintenance agreements to be signed prior to granting of the funds. FNSB has signed a maintenance agreement for Loftus Rd. **Mr. Pristash** stated that maintenance agreements have already been signed.

**Commissioner Muehling** asked if non-motorized sidewalks go through low income neighborhoods. **Mr. Pristash** said that would be the case in south Fairbanks.

Discussion ensued between **Commissioner Muehling, Mr. Pristash and Mr. Galligan** about the scoring criteria that might help benefit low income neighborhoods that may have a greater need for sidewalks.

**Commissioner Stepovich** asked why the design costs are so high, being around $856,000. **Ms. Hall**, DOT Project Manager, explained it is due to the project being at five different locations. She explained that adding a sidewalk requires adequate drainage, etc. which have to be surveyed and is a considerable cost. Ms. Hall stated that typically the smaller jobs cost more on design compared to a large project.

**Commissioner Brandt** asked why they are shifting Homestead Drive. **Mr. Pristash** said there is a ROW problem.

**MOTION:** The Planning Commission to approve HP2019-001 FMATS Sidewalk Improvements as being consistent with the Comprehensive Plan, adopting the staff report and three findings of fact by **Commissioner Thayer** and seconded by **Commissioner Peterson**.
MOTION TO AMEND: To amend the motion to remove the wording “The Planning Commission” by Commissioner Thayer and seconded by Commissioner Peterson.

Discussion on the Motion to Amend

None

ROLL CALL (Motion to Amend Motion):

Eight (8) in Favor: Sims, Perreault, Brandt, Thayer, Guinn, Peterson, Stepovich, Muehling

Zero (0) Opposed.

MOTION PASSED

Discussion on the Main Motion

Commissioner Muehling commented that FMATS goes through a process where projects are scored and these projects rose to the top as they represent needs in Fairbanks and he approves of the motion.

Commissioner Thayer stated not only the City of Fairbanks, but the City of North Pole will benefit from the projects. She mentioned how she has seen people in wheelchairs in the street because they cannot use the sidewalk on 5th Avenue and it is great to see projects for improvements.

Commissioner Muehling stated the projects serve disadvantage populations and low income neighborhoods, he is in full support of those projects.

ROLL CALL (Main Motion):

Eight (8) in Favor: Perreault, Brandt, Thayer, Guinn, Peterson, Stepovich, Sims, Muehling

Zero (0) Opposed.

MOTION PASSED

G. EXCUSE FUTURE ABSENCES

Commissioner Muehling and Commissioner Thayer are excused from the September 11, 2018 meeting.

Commissioner Sims is excused from the September 25, 2018 meeting.

Commissioner Perreault is excused from the December 11, 2018 meeting.
H. COMMISSIONER’S COMMENTS

Commissioner Muehling reported on the RE/RR setback subcommittee’s proposal that has been sent to legal and it will be coming to the Planning Commission soon.

Commissioner Perreault reported on a neighbors produce that was for sale. It was nice and fresh produce and he thanked the commission for passing the community agriculture.

I. ADJOURNMENT

There being no further business, the meeting was adjourned at 9:11 p.m.
STAFF REPORT

CU2019-001
STAFF REPORT

To: Fairbanks North Star Borough Planning Commission
From: Manish Singh, AICP, CFM, Planner II
Date: August 29, 2018
Subject: CU2019-001: A request by Donald J. Krigsvold Sr. for conditional use approval of an existing guesthouse, located at 4693 Rivers Street, in the Rural Residential (RR) zone on Lot 1 (located at 3388 Bellwood Street) and Lot 2 (located at 4693 Rivers Street), Block 2, Frito Subdivision (on the south side of Rivers Street, on the east side of Bellwood Street).

I. EXECUTIVE SUMMARY

The applicant owns two adjacent parcels, Lots 1 and 2, in the Rural Residential (RR) zone. Lots 1 and 2 each contain a single-family residence. The structure and the septic on Lot 1 encroach onto Lot 2. The applicant has stated that he is having difficulty in selling these properties with the encroachments. The applicant has applied for a Quick Plat to vacate the common lot line between Lots 1 and 2 to resolve the encroachment issues. If the common lot line between Lots 1 and 2 is vacated, the combined lot will contain two dwellings which are allowed in the RR zone only if one of the dwellings has a conditional use approval for a guesthouse. Therefore, the applicant has proactively applied for a conditional use permit for the existing dwelling on Lot 2 to be a guesthouse on the combined Lots 1 and 2 (see Figure 1).

Figure 1: Oblique view of the property from south
This conditional use application does not propose any new dwelling units; however, this application requests continuing an existing dwelling as a guesthouse. The surrounding properties are predominantly developed with single-family residential uses except to the west where Moose Creek Apartments are located across Bellwood Street (see Figure 1). The existing dwelling (proposed guesthouse) has access from Rivers Street which is a local type roadway maintained by Moose Creek Road Service Area. The applicant has stated that the existing dwelling (proposed guesthouse) has a 2,000 gallon underground water tank for any water needs. The applicant has stated that the existing dwelling (proposed guesthouse) has a septic system for any sewer needs which was replaced by an ADEC certified installer in 2016.

**Key Issues:**

**Wastewater Disposal:** The existing septic system appears to meet the ADEC regulations because it was installed by an ADEC certified installer.

**Existing Setbacks:** The existing dwelling (proposed guesthouse) has an east side-yard setback of 7.6 feet +/- instead of the required 25 feet. The porch, attached to the existing dwelling (proposed guesthouse), has a north front-yard setback of 13.3 feet +/- instead of the required 25 feet (20 feet is required incorporating the 20% exception for porches in accordance with FNSBC 18.96.040). The FNSB Administrative Hearing Officer has granted amnesty relief for these setback violations. Amnesty relief means relief from any enforcement of certain existing violations of Title 18.

**Staff Recommendation:** Approval with one (1) condition
## II. GENERAL INFORMATION

### Property Information

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Donald J. Krigsvold Sr.</th>
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<tbody>
<tr>
<td>Property owner</td>
<td>Same</td>
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<tr>
<td>PAN</td>
<td>129976, 129984</td>
</tr>
<tr>
<td>Lot size</td>
<td>17,530 sq.ft. (Lot 1), 19,000 sq.ft. (Lot 2)</td>
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<tr>
<td>Existing zoning</td>
<td>RR</td>
</tr>
<tr>
<td>Existing land use</td>
<td>Single-family residences</td>
</tr>
<tr>
<td>Comprehensive plan</td>
<td>Military Land</td>
</tr>
<tr>
<td>Flood zone</td>
<td>X (100%) (Source: March 17, 2014 dFIRM)</td>
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<td>Code violations</td>
<td>None of file</td>
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### Adjacent Zoning/Land Use

<table>
<thead>
<tr>
<th>North</th>
<th>RR, residential (single-family) across River St</th>
</tr>
</thead>
<tbody>
<tr>
<td>South</td>
<td>RR, detached garage</td>
</tr>
<tr>
<td>East</td>
<td>RR, residential (single-family)</td>
</tr>
<tr>
<td>West</td>
<td>GU-1, residential (multiple-family) across Bellwood St</td>
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### Public Services

<table>
<thead>
<tr>
<th>Water</th>
<th>2000-gallon underground water tank</th>
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<tr>
<td>Sewage</td>
<td>Septic system</td>
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<tr>
<td>Electricity</td>
<td>GVEA</td>
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<td>Police</td>
<td>Alaska State Troopers</td>
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<td>Fire</td>
<td>North Star Volunteer Fire Department</td>
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### Transportation

<table>
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<tr>
<th>Access road</th>
<th>Rivers Street</th>
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<tbody>
<tr>
<td>Road type</td>
<td>Local</td>
</tr>
<tr>
<td>Maintenance authority</td>
<td>Moose Creek Road Service Area</td>
</tr>
<tr>
<td>Daily traffic count</td>
<td>N/A</td>
</tr>
<tr>
<td>Trip generation</td>
<td>9 trips per day for a dwelling, no change proposed to the existing trips</td>
</tr>
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</table>

### Property Development and Zoning History

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>August 18, 1959</td>
<td>Plat recorded (FRD1959-192829-001) for Frito Subdivision</td>
</tr>
<tr>
<td>March 28, 1968</td>
<td>Lots 1 and 2 were zoned Unrestricted Use (UU) by Ord. 67-34</td>
</tr>
<tr>
<td>April 25, 1988</td>
<td>Lots 1 and 2 were rezoned to General Use 1 (GU-1) by Ord. 88-010</td>
</tr>
<tr>
<td>December 5, 1992</td>
<td>Lots 1 and 2 were rezoned to Rural Residential (RR) by Ord. 92-069</td>
</tr>
<tr>
<td>July 23, 2018</td>
<td>Conditional use application (CU2019-001) received for a guesthouse on Lots 1 and 2</td>
</tr>
<tr>
<td>July 25, 2018</td>
<td>Legal nonconforming structure status (grandfather rights, GR2019-005) affirmed for the setbacks of the existing residence on Lot 1</td>
</tr>
<tr>
<td>July 31, 2018</td>
<td>Legal nonconforming lot status (grandfather rights, GR2019-006) affirmed for Lots 1 and 2</td>
</tr>
<tr>
<td>August 7, 2018</td>
<td>Quick plat application (RP009-19/PU003-19) received for vacating the common lot line between Lots 1 and 2</td>
</tr>
<tr>
<td>August 21, 2018</td>
<td>Amnesty Relief (AM2019-002) granted for the setbacks of the existing residence on Lot 2</td>
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### Agency Comments

<table>
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<tr>
<th>Agency</th>
<th>Comments</th>
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<tbody>
<tr>
<td>FNSB Rural Services</td>
<td>No objections</td>
</tr>
<tr>
<td>ADEC Wastewater</td>
<td>No review process for a conventional septic for a single-family residence, ADEC has restrictions on who may install the septic system</td>
</tr>
<tr>
<td>Moose Creek Road Service Area</td>
<td>If this request costs money to the Road Service Area, the road service area wants to protest this conditional use</td>
</tr>
</tbody>
</table>

### Hearing and Decision by the Planning Commission, FNSBC 18.104.050(C)

- Conforms to the intent and purpose (Title 18, other ordinances and state statutes) ✔
- Has adequate public services (water, sewage, energy, transportation etc.) ✔
- Protects public health, safety and welfare ✔

### III. PROPOSED USE AND PROJECT INFO

The subject properties, Lots 1 and 2, for this conditional use application are located in the Moose Creek area (see Figure 2 for location map).

The applicant owns two adjacent parcels, Lots 1 and 2, in the Rural Residential (RR) zone. Lots 1 and 2 each contain a single-family residence (see Figure 3 for site plan). The structure and the septic on Lot 1 encroach onto Lot 2. The applicant has stated that he is having difficulty in selling these properties with the encroachments. The applicant has applied for a Quick Plat to vacate the common lot line between Lots 1 and 2 to resolve the encroachment issues. The administrative hearing for this Quick Plat application is scheduled on September 6, 2018. If the common lot line between Lots 1 and 2 is vacated, the combined lot will contain two dwellings which are allowed in the RR zone only if one of the dwellings has a conditional use approval for a guesthouse [see FNSB Code 18.40.020(B)]. Therefore, the applicant has proactively applied for a conditional use permit for the existing dwelling on Lot 2 to be a guesthouse on the combined Lots 1 and 2.

FNSBC Title 18 defines guesthouse as “an accessory building, designed as a detached dwelling unit subordinate in size to and located on the same lot as the principal single-family detached dwelling or mobile home it serves. A guest house may be a mobile home in zoning districts where mobile homes are permitted uses (see FNSB Code 18.04.010).”

The existing dwelling on Lot 1 (located at 3388 Bellwood Street, shown in green in Figure 3) is 1,847 sq.ft. in size and the existing dwelling on Lot 2 (located at 4693 Rivers Street, shown in orange in Figure 3) is 1,790 sq.ft. in size (see Exhibit 1 for floor plans). This conditional use request is for the existing dwelling on Lot 2 to be the guesthouse because it is “subordinate in size.” The existing dwelling on Lot 2 would be the “principal single-family detached dwelling” and does not require a conditional use permit.
Figure 3: Site Plan

Figure 4: Zoning in the Surrounding Area
The surrounding properties to the north (across Rivers Street), east and south are zoned RR and the properties to the west (across Bellwood Street) are zoned GU-1. The surrounding properties are predominantly developed with single-family residential uses except to the west (across Bellwood Street) where Moose Creek Apartments are located (see zoning map in Figure 4 and surrounding land uses in Figure 1). The comprehensive plan land use designation for Lots 1 and 2 and for the surrounding properties is ‘Military Land’ (see comprehensive plan land use map in Figure 5).

**Figure 5: Comprehensive Plan Land Use Designations in the Surrounding Area**

The existing dwelling (proposed guesthouse) has access from Rivers Street which is a local type roadway maintained by Moose Creek Road Service Area. The applicant has stated that the existing dwelling (proposed guesthouse) has a 2,000 gallon underground water tank for any water needs. The existing well on the property has been capped off because of the groundwater contamination in the Moose Creek residential area. The applicant has stated that the existing dwelling (proposed guesthouse) has a septic system for any sewer needs which was replaced by an ADEC certified installer in 2016.

### IV. PROPERTY DEVELOPMENT AND ZONING HISTORY

On August 18, 1959, Lots 1 and 2 were created with the recording of a plat for Frito Subdivision (FRD1959-192829-001, Exhibit 2). On March 28, 1968, the FNSB enacted their zoning regulations with the adoption of Ord. 67-34 and the subject properties were zoned Unrestricted Use (UU). On April 25, 1988, the subject properties were zoned to General Use 1 (GU-1) when Ord. 88-010 came in effect. On December 5, 1992, the subject properties were zoned to Rural Residential (RR) with the adoption on Ord. 92-069. The existing dwelling (proposed guesthouse) on Lot 2 was originally

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1 Chemicals called perfluorooctane sulfonate (PFOS) and perfluorooctanoic acid (PFOA) were found in water wells on Eielson Air Force Base and in the Moose Creek residential area in the Fairbanks North Star Borough, Alaska (Alaska Department of Health and Social Services, “Perfluoroalkyl Substances - Moose Creek, Alaska”, November 22, 2016).
constructed in 1977 and was significantly remodeled in 2000 (see photos from FNSB Assessing Database, Exhibit 3).

On July 23, 2018, the Community Planning Department received a conditional use application (CU2019-001) for changing the use of the dwelling located on Lot 2 to a guesthouse. On July 25, 2018, Community Planning Department affirmed legal nonconforming structure status (grandfather rights) for the setbacks of the existing dwelling on Lot 1 (GR2019-005, Exhibit 4). On July 31, 2018, Community Planning Department affirmed legal nonconforming lot size status (grandfather rights) for Lots 1 & 2 (GR2019-006, Exhibit 5). On August 7, 2018, Community Planning Department received a quick plat application for vacating the common lot line and the PUE between Lots 1 and 2. On August 21, 2018, FNSB Administrative Hearing Officer granted amnesty relief for the setback violations of the existing dwelling (proposed guesthouse) on Lot 2 (AM2019-002, Exhibit 6).

V. APPLICABLE APPROVAL CRITERIA

Conditional Uses are governed by FNSBC18.104.050(C) (see Exhibit 7 for details).

VI. PUBLIC NOTICE

The Community Planning Department mailed 115 dear property owner notices and received one inquiry about this case. The applicant posted a public hearing notice sign on August 8, 2018. This sign meets the ‘notice by applicant’ requirements (see Exhibit 8)

VII. AGENCY COMMENTS

The FNSB Department of Community Planning contacted following agencies for comments (see Exhibit 9 for agency comments):

a. State Fire Marshal
b. North Star Volunteer Fire Service Area
c. Alaska State Troopers
d. Alaska Department of Transportation and Public Facilities (ADOT&PF)
e. FNSB Rural Services
f. Moose Creek Road Service Area
g. Alaska Department of Environmental Conservation (ADEC)
h. Alaska Department of Natural Resources (ADNR)
i. Alaska Railroad
j. Golden Valley Electric Association (GVEA)

STAFF ANALYSIS

VIII. FNSBC 18.104.050(C): PLANNING COMMISSION DECISION CRITERIA

(1) Whether or not the proposed conditional use conforms to the intent and purpose of this title and of other ordinances and state statutes;

Purpose of FNSBC Title 18: The purpose of Title 18 is “to implement the Fairbanks North Star Borough comprehensive plan” (FNSBC 18.12.020). The Comprehensive Plan Land Use Map

2 The Comprehensive Plan is a set of goal and policy statements to guide development in the Borough. Those goals and policies are executed, more specifically, by the zoning code. The Comprehensive Plan provides the framework for citizens and officials to make decisions related to land use, and to form the basis for ordinances and programs to guide land
characterizes this area as ‘Military Land’. Military Land is defined as “Federal property allowing military activity.”

This conditional use application is to continue an existing dwelling as a guesthouse. Although Lots 1 and 2 are envisioned by the comprehensive plan to be federal properties to allow military activity, these lots are currently developed with residential uses under private ownership. With the incoming military personnel arriving at Eielson AFB for the F-35 squadrons, the existing dwelling (proposed guesthouse) could potentially provide housing near the Eielson AFB. Therefore, the conditional use is consistent with the Military Land designation because it supports the military activity by providing off-base housing.

The request is consistent with the following goals of the FNSB Regional Comprehensive Plan:

**Land Use Goal 1** – To recognize that the foremost aspect of land use involving private property is the retention and maintenance of private property rights

**Strategy 2** – Work for community end goals with a minimum impact and disruption of individual private property rights

This conditional use application does not propose any new dwelling units; however, this application requests continuing an existing dwelling as a guesthouse. The need for this conditional use permit is triggered by property owner’s intent to vacate the common lot line between Lots 1 and 2. Furthermore, the need for vacating the common lot line is triggered by the desire to acquire conventional financing for the sale of this property. The ability to sell this property with conventional financing is an important aspect of the applicant’s private property right. Therefore, the conditional use supports Land Use Goal 1, Strategy 2 because it doesn’t disrupt the existing residential use of the guesthouse.

**Land Use Goal 3** – To have a variety of land uses that fit the diverse needs of the community

**Strategy 7** – Provide a variety of residential land use opportunities

This conditional use application is to continue an existing dwelling as a guesthouse. Therefore, the conditional use supports Land Use Goal 3, Strategy 7 because it provides residential land use opportunity in the Moose Creek area.

**Intent of FNSBC Title 18:** The intent of Title 18 which is “to protect private property rights, to promote the public health, safety and general welfare of the residents of the borough, and safety from fire and to promote the efficient distribution of water, sewage, schools, parks and other public requirements; to provide safe traffic flow on the public streets; to promote economic development and the growth of private enterprise; and to divide the borough into districts (FNSBC 18.12.020).”

This conditional use application is to continue an existing dwelling as a guesthouse. Allowing a property owner to continue the residential use of his property is an example of protecting private property rights within clearly defined local zoning regulations. The public notification, public hearing procedures and approval criteria for conditional uses help protect the property rights of the surrounding property owners.
The existing dwelling (proposed guesthouse) has access from Rivers Street which is a local type roadway maintained by Moose Creek Road Service Area. The existing dwelling (proposed guesthouse) has a 2,000 gallon underground water tank for any water needs. The existing dwelling (proposed guesthouse) has a septic system for any sewer needs which was replaced by an ADEC certified installer in 2016.

The conditional use application illustrates that it meets the intent of Title 18 because this application is to protect property rights and it would promote the public health, safety and general welfare of the residents of the borough.

**Alaska State Statute and Other Ordinances:** The Alaska Department of Environmental Conservation (ADEC) regulates the wastewater disposal system for the guesthouse. The applicant has stated that the existing dwelling (proposed guesthouse) has a septic system for any sewer needs which was replaced in 2016 by Rolling Stones Inc., an ADEC certified installer. The applicant has provided information sufficient to show they intend to abide by state regulations.

(2) **Whether or not there are adequate existing sewage capacities, transportation facilities, energy and water supplies, and other public services to serve the proposed conditional use;**

**Water and Sewage:** The existing dwelling (proposed guesthouse) has a 2,000 gallon underground water tank for any water needs. The existing well on the property has been capped off because of the groundwater contamination in the Moose Creek residential area.

The applicant has stated that the existing dwelling (proposed guesthouse) has a septic system for any sewer needs which was replaced in 2016 by Rolling Stones Inc., an ADEC certified installer. The ADEC regulates the wastewater disposal system for the existing dwelling (proposed guesthouse) (18 AAC 72 Wastewater Treatment and Disposal). The ADEC doesn't have any minimum lot area requirements for septic systems; however, they have a minimum separation distance of 100 feet between the septic system and the nearby wells. The ADEC doesn't have a plan review process for the conventional septic systems for private residences. However, the ADEC restricts who may install onsite wastewater systems to registered engineers, certified Installers, approved homeowners or contractors or individuals who have their work inspected by a registered engineer (see Exhibit 10). The existing septic system appears to meet the ADEC regulations because it was installed by an ADEC certified installer. This septic system provides adequate sewage capacity for the existing dwelling (proposed guesthouse)

**Emergency Fire Response:** The existing dwelling (proposed guesthouse) has adequate fire services because the property is served by the North Star Volunteer Fire Department.

**Energy:** The existing dwelling (proposed guesthouse) has adequate power supply because it is served by the GVEA grid.

**Police:** The existing dwelling (proposed guesthouse) is served by the Alaska State Troopers for law enforcement.

**Transportation:** The existing dwelling (proposed guesthouse) has access from Rivers Street which is a local type roadway maintained by Moose Creek Road Service Area. A single-family dwelling unit such as this proposed guesthouse generates approximately 9 vehicle trips per day. This trip generation rate for the property is not expected to change with this conditional use application.

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3 This section of this staff report includes comments from Donald Galligan, FNSB Transportation Planner
because it does not propose any new dwelling units. Rivers Street could accommodate the trips generated from the existing dwelling (proposed guesthouse).

The existing driveway is 14 feet wide and has 12 inches of gravel base. On July 24, 2018, Floyd Sheesley, the Civil Engineer for FNSB Rural Services Division commented on this conditional use application and had no objections. The FNSB zoning code does not require any off-street parking spaces for the existing dwelling (proposed guesthouse) (FNSBC 18.96.060). Nevertheless, the property has adequate space to provide parking for residents and visitors, if needed.

(3) **Whether or not the proposed conditional use will protect the public health, safety and welfare.**

This proposed conditional use will protect the public health, safety, and welfare because it does not increase the residential density of the neighborhood and continues an existing dwelling as a guesthouse. Noise, odor, dust and other negative impacts to the neighborhood are not expected to be created by the existing dwelling (proposed guesthouse) because it is located in a residentially developed neighborhood. Additionally, the septic system for the existing dwelling (proposed guesthouse) meets the ADEC regulations and protects health, safety and welfare of the neighborhood.

The existing dwelling (proposed guesthouse) has an east side-yard setback of 7.6 feet +/- instead of the required 25 feet. The porch, attached to the existing dwelling (proposed guesthouse), has a north front-yard setback of 13.3 feet +/- instead of the required 25 feet (20 feet is required incorporating the 20% exception for porches in accordance with FNSBC 18.96.040). These setback violations do not pose a danger to the public health, safety and welfare of borough residents because they do not jeopardize fire safety of any existing nearby structures. The nearest structure to the east is located at least 15 feet from the existing dwelling (proposed guesthouse) and the nearest structure to the north is located at least 100 feet from the porch across Rivers Street. The setback violation for the porch does not obstruct the vision of pedestrians or motorists on River Street because the existing porch does not have any walls and it is located approximately 20 feet from the driving surface of Rivers Street. On August 21, 2018, FNSB Administrative Hearing Officer granted amnesty relief for these setback violations (AM2019-002, Exhibit 6). Amnesty relief means relief from any enforcement of certain existing violations of Title 18 (FNSBC 18.04.010).

This conditional use approval is for continuing the dwelling located on Lot 2 as a guesthouse. However, an addition to the existing floor area may increase the size of this guesthouse to be equal or greater than the principal dwelling located on Lot 1. With such an addition, the dwelling on Lot 2 will no longer meet the definition of a guesthouse which requires the dwelling to be “subordinate in size.” Therefore, Community Planning recommends a condition that if an addition is made to the guesthouse that increases the size of the guesthouse to be equal to or greater than the principal dwelling an amendment to the conditional use permit is required pursuant to FNSBC 18.104.050(D).

**IX. RECOMMENDATION**

Based on the staff analysis above, the Department of Community Planning recommends **APPROVAL** of the conditional use permit request for a guesthouse on Lots 1 and 2, Block 2, Frito Subdivision in the Rural Residential (RR) zone with one (1) condition.

**X. CONDITIONS**

1. If an addition is made to the guesthouse that increases the size of the guesthouse to be equal to or greater than the principal dwelling, an amendment to the conditional use permit is required pursuant to FNSBC 18.104.050(D).
XI. FINDINGS OF FACT

The Department of Community Planning further recommends adoption of the staff report and following findings of fact in support of **APPROVAL** of the conditional use request.

1. The proposed conditional use conforms to the intent and purpose of Title 18 and of other ordinances and state statutes:
   
   a. The purpose of Title 18 is met because the proposed conditional use is consistent with ‘Military Land’ comprehensive plan land use designation because it supports off-base housing. The Comprehensive Plan Land Use Goal 1 and Goal 3 are supported by the conditional use.
   
   b. The intent of Title 18 is met because the conditional use protects private property rights and promotes public health, safety, and welfare.
   
   c. The conditional use meets the intent of Alaska State Statute and other ordinances because the wastewater disposal method meets the ADEC regulations.

2. 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 guesthouse has adequate water capacity because it has an existing 2,000 gallon underground water tank.
   
   b. The existing septic system provides adequate sewage capacity to the guesthouse.
   
   c. The guesthouse is served by the North Star Volunteer Fire Department for emergency fire response.
   
   d. The guesthouse has adequate power supply because it is served by the GVEA grid.
   
   e. The guesthouse is served by the Alaska State Troopers for law enforcement.
   
   f. The guesthouse has access from Rivers Street which is a local type roadway maintained by Moose Creek Road Service Area. Rivers Street can accommodate the trips generated from the guesthouse.
   
   g. The existing 14-foot wide gravel driveway is adequate for the guesthouse.
   
   h. The FNSB zoning code does not require any off-street parking spaces for the guesthouse.

3. The proposed conditional use protects public health, safety, and welfare because the guesthouse complies with Title 18 standards for the RR zone (FNSBC 18.40) as well as with other applicable land use related laws.
   
   a. The wastewater disposal system for the guesthouse meets the ADEC regulations and protects health, safety and welfare of the neighborhood.
   
   b. The conditional use does not increase the residential density in the neighborhood because it continues an existing dwelling as a guesthouse.
c. Noise, odor, dust and other negative impacts to the neighborhood are not expected to be created by the guesthouse use because this is an existing dwelling unit in a residentially developed neighborhood.

d. The FNSB Administrative Hearing Officer has granted amnesty relief for the side-yard setback violation of the guesthouse and for the front-yard setback violation of the porch attached to the guesthouse.

**DRAFT PLANNING COMMISSION MOTION:**

I move to approve the Conditional Use Permit (CU2019-001) for a guesthouse on Lots 1 and 2 with one (1) condition, and adopting the staff report and three (3) Findings of Fact in support of the approval.
Sketch By April Sketch & Standard™

Comments:

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Net Livable Area (rounded) 1494

3 Items (rounded) 1494
NOTICE OF DECISION RE: GR2019-005

July 25, 2018

Donald J. Krigsvold Sr.
PO Box 570
Volcano, HI 96785

Property Description: Lot 1, Block 2, Frito Subdivision
Property Address: 3388 Bellwood Street
PAN: 0129976
Issue: Request for affirmative recognition of legal nonconforming structure status (grandfather rights) for an existing single-family residence with nonconforming west front-yard setback of 21.5 feet +/- and east side-yard setback of 0 feet instead of the required 25 feet each in the Rural Residential (RR) zone

Determination: Affirmed (approved) for west front-yard and east side-yard setbacks

On July 25, 2018 the Fairbanks North Star Borough Department of Community Planning AFFIRMED (approved) your request for affirmative recognition of legal nonconforming structure status (grandfather rights) for an existing single-family residence with nonconforming west front-yard setback of 21.5 feet +/- and east side-yard setback of 0 feet instead of the required 25 feet each in the Rural Residential (RR) zone. The Fairbanks North Star Borough Department of Community Planning adopted the following Findings of Fact in support of this determination:

1. Lot 1, Block 2 contains a single-family residence. This residence doesn’t comply with the RR zone standards because it does not meet the west front-yard setback and east side-yard setback requirements of 25 feet each (Exhibit 1).

2. Lot 1, Block 2 was created with the recording of a plat for Frito Subdivision on August 18, 1959 (Exhibit 2).

3. Fairbanks North Star Borough (FNSB) adopted their zoning regulations with the adoption of Ord. 67-34 on March 28, 1968. The subject parcel was zoned Unrestricted Use (UU). The UU zone had no setback requirements (Exhibit 3).

4. The UU zone did not require any zoning permits for any residential construction.

5. The FNSB Assessing Field Card includes a photograph dated November 2, 1971, which shows the existing residence (Exhibit 4).

6. The FNSB Assessing Field Card reflects that the parcel was inspected by Assessor’s staff on September 24, 1981. The Assessor’s staff picked up a garage attached to the existing residence. A photograph dated September 1981 shows the existing residence with an attached garage (Exhibit 4).

7. The subject parcel was rezoned from UU to General Use 1 (GU-1) when Ord. 88-010 came in effect on April 25, 1988. The GU-1 zone had no setback requirements (Exhibit 5).
8. On December 5, 1992, Ord. 92-69 rezoned the subject parcel from GU-1 to RR. The RR zone had a minimum front-yard and side-yard setback requirements of 25 feet each (Exhibit 6).

Because the existing single-family residence with a west front-yard setback of 21.5 feet +/- and east side-yard setback of 0 feet was built prior to December 5, 1992 when the 25-foot front-yard and side-yard setback requirements came in effect, the existing single-family residence on Lot 1, Block 2, Frito Subdivision has an affirmative recognition of legal non-conforming structure status (grandfather rights) for the west front-yard and east side-yard setbacks in the Rural Residential (RR) zone under Chapter 18.108, Nonconforming (Grandfathered) Uses and Lots.

The FNSB notes that the plot plan, dated June 27, 2018, submitted with the application indicate that the single-family residence's deck was constructed across the property line. The FNSB expresses no approval of or opinion regarding that apparent encroachment, which is a civil matter between the property owners.

This decision does not grant or provide any variances or exceptions to any other Fairbanks North Star Borough or state regulations, building codes, ordinances or statutes.

The issuance of this notice is an administrative decision and is appealable within fifteen (15) days from the date of this notice to the Fairbanks North Star Borough Planning Commission. An appeal application may be filed with the Community Planning Department office.

Sincerely,

[Signature]

D. Christine Nelson, AICP
Community Planning Director

DCN/ms
July 31, 2018

Donald J. Krigsvold Sr.
P.O. Box 570
Volcano, HI 96785

Property Description: Lot 1 & 2, Block 2, Frito Subdivision
Property Address: 3388 Bellwood Street & 4693 Rivers Street
PAN: 0129976 & 0129984
Issue: Request for affirmative recognition of legal nonconforming lot size status (grandfather rights) for Lots 1 & 2, Block 2, Frito Subdivision in the Rural Residential (RR) zone

Determination: Affirmed (approved)

On July 30, 2018 the Fairbanks North Star Borough Department of Community Planning AFFIRMED (approved) your request for affirmative recognition of legal nonconforming lot size status (grandfather rights) for Lots 1 & 2, Block 2, Frito Subdivision (3388 Bellwood Street and 4693 Rivers Street) in the Rural Residential (RR) zone. The Fairbanks North Star Borough Department of Community Planning adopted the following Findings of Fact in support of this determination:

1. Lots 1 and 2, Block 2, Frito Subdivision are 17,530 square feet and 19,000 square feet in size respectively. Both lots are zoned Rural Residential (RR) (Exhibit 1). The lots do not comply with RR zoning standards because they do not meet the current minimum lot size requirement of 40,000 square feet.

2. Lots 1 and 2, Block 2 were created with the recording of plat for Frito Subdivision on August 18, 1959 (FRD1959_192829_001, Exhibit 2). There was no zoning in the unincorporated areas at that time.

3. The properties were zoned Unrestricted Use (UU) with the adoption of Ordinance No. 67-34 on March 28, 1968 (Exhibit 3). There was no minimum lot size requirement for the UU zone.

4. The subject parcels were rezoned from UU to General Use (GU-1) when Ordinance No. 88-010 came in effect on April 25, 1988 instituting a minimum lot size requirement of 40,000 square feet (Exhibit 4). Lots 1 & 2, Block 2 became non-conforming at that time.

5. The subject properties were rezoned from GU-1 to Rural Residential (RR) with the adoption of Ordinance No. 92-069 on December 5, 1992. The minimum lot size requirement for the RR zone remained the same as 40,000 square feet (Exhibit 5).

6. Lots 1 and 2, Block 2 have not been altered since they were created in 1959.

Because Lots 1 & 2, Block 2, Frito Subdivision were legally created on August 18, 1959 prior to the establishment of the minimum lot size requirement of 40,000 square feet that came in effect on April 25,1988; Lots 1 and 2, Block 2, Frito Subdivision have affirmative recognition of legal non-conforming lot status (grandfather rights) as it pertains to lot size in the Rural Residential (RR) zone under Chapter 18.108, Nonconforming (Grandfathered) Uses and Lots.

This decision does not grant or provide any variances or exceptions to any other Fairbanks North Star Borough or state regulations, building codes, ordinances or statutes.
The issuance of this notice is an administrative decision and is appealable within fifteen (15) days from the date of this notice to the Fairbanks North Star Borough Planning Commission. An appeal application may be filed with the Community Planning Department office.

Sincerely,

[Signature]

D. Christine Nelson, AICP
Community Planning Director

DCN/bh
NOTICE OF DECISION RE: AM2019-002

August 21, 2018

Donald J. Krigsvold Sr.
PO Box 570
Volcano, HI 96785

Property Description: Lot 2, Block 2, Frito Subdivision
Property Address: 4693 Rivers Street
PAN: 0129984
Issue: AM2019-002: A request by Donald J. Krigsvold Sr. for amnesty relief for an existing single-family residence with an east side-yard setback of 7.6 feet +/- instead of the required 25 feet and for an existing porch with a north front-yard setback of 13.3 feet +/- instead of the required 25 feet (20 feet is required incorporating the 20% exception for porches in accordance with FNSBC 18.96.040) in the Rural Residential (RR) zone for the property on Lot 2, Block 2, Frito Subdivision (located at 4693 Rivers Street).

Determination: Amnesty Relief Granted for
A. East side-yard setback of 7.6 feet +/- for the single-family residence
B. North front-yard setback of 13.3 feet +/- for the porch

Dear Mr. Krigsvold:

A. Existing single-family residence

After a public administrative hearing on August 16, 2018, the FNSB Administrative Hearing Officer GRANTED your request for amnesty relief in conformance with FNSBC 18.116.030 for an existing single-family residence with an east side-yard setback of 7.6 feet +/- instead of the required 25 feet in the Rural Residential (RR) zone.

The FNSB Administrative Hearing Officer adopted the following Findings of Fact in support of this determination:

1. The east side-yard setback violation for the existing residence does not qualify for legal nonconforming structure status (grandfather rights) because the building footprint was expanded to the east between October 2000 and June 2007, which encroached into the 25-foot setback, after Ord. 92-69 established a minimum side-yard setback requirement of 25 feet on December 5, 1992.

2. The setback violation existed as of July 21, 2010 as evidenced by a photograph from June 2007 in FNSB Assessing database.

3. The side-yard setback violation was not intentional or willful because the property owner has stated that he was unaware of Ord. 92-069 and the establishment of 25-foot setback requirement when he expanded the building footprint to the east. The property owner was only aware of the 5-foot PUE on his property and thought he could expand the residence to the east.
4. The side-yard setback violation does not pose a danger to the public health, safety and welfare of borough residents because it does not jeopardize fire safety of any existing nearby structures. The nearest structure to the east is located at least 15 feet from the residence. The setback violation does not jeopardize safe traffic flow on adjacent roads and does not obstruct the vision of pedestrians or motorists because the violation is for a side-yard setback requirement.

5. The east side-yard setback violation is 17.4 feet +/-, which is 69.6% of the required 25 feet. This setback violation is less than 75% of the required setback and does not result in a setback of less than five feet.

6. The building complies with all other FNSBC platting and zoning requirements, including use. A single-family residence is a permitted use in the RR zone.

Therefore, the existing single-family residence on Lot 2, Block 2, Frito Subdivision is granted amnesty relief for the east side-yard setback of 7.6 feet +/- in the Rural Residential (RR) zone under Chapter 18.116, Amnesty Relief.

B. Existing porch

Although the north front-yard setback violation for the existing porch does not require an administrative hearing due to the setback violation of less than 50%, it was be combined with the administrative hearing on August 16, 2018 for the single-family residence because the porch is connected to the single-family residence.

After a public administrative hearing on August 16, 2018, the FNSB Administrative Hearing Officer GRANTED your request for amnesty relief in conformance with FNSBC 18.116.030 for an existing porch with a north front-yard setback of 13.3 feet +/- instead of the required 25 feet (20 feet is required incorporating the 20% exception for porches in accordance with FNSBC 18.96.040) in the Rural Residential (RR) zone.

The FNSB Administrative Hearing Officer adopted the following Findings of Fact in support of this determination:

1. The north front-yard setback violation for the existing porch does not qualify for legal nonconforming structure status (grandfather rights) because the porch was constructed to the north of the residence between June 1999 and October 2000, after Ord. 92-69 established a minimum front-yard setback requirement of 25 feet (20 feet is required incorporating the 20% exception for porches in accordance with FNSBC 18.96.040) on December 5, 1992.

2. The setback violation existed as of July 21, 2010 as evidenced by a photograph from June 2007 in FNSB Assessing database.

3. For purposes of amnesty relief, a violation is not intentional or willful if it is based on a good faith error of law or fact and violations that are less than 50% of the required setback are presumed to be in good faith [FNSBC 18.116.030 (B)].

4. The north front-yard setback violation for the existing porch does not pose a danger to the public health, safety and welfare of borough residents because it does not jeopardize fire safety of any existing nearby structures. The nearest structure to the north is located at least 100 feet...
from the porch across Rivers Street. The setback violation does not jeopardize safe traffic flow on adjacent roads and does not obstruct the vision of pedestrians or motorists because the existing porch does not have any walls and it is located 13.3 feet +/- from the front property line.

5. The north front-yard setback violation for the existing porch is 6.7 feet +/-, which is 33.5% of the required 20 feet, incorporating the 20% exception for porches in accordance with FNSBC 18.96.040. This setback violation is less than 75% of the required setback and does not result in a setback of less than five feet.

6. The building complies with all other FNSBC platting and zoning requirements, including use. A single-family residence is a permitted use in the RR zone.

Therefore, the existing porch on Lot 2, Block 2, Frito Subdivision is granted amnesty relief for the north front-yard setback of 13.3 feet +/- in the Rural Residential (RR) zone under Chapter 18.116, Amnesty Relief.

This decision does not grant or provide any variances or exceptions to any other Fairbanks North Star Borough or state regulations, building codes, ordinances or statutes; only amnesty relief is granted as defined in FNSBC 18.116.

The issuance of this notice is an administrative decision and is appealable within fifteen (15) days from the date of this notice to the Fairbanks North Star Borough Planning Commission. An appeal application may be filed with the Community Planning Department office.

Sincerely,

D. Christine Nelson, AICP
Community Planning Director

DCN/ms
APPLICABLE APPROVAL CRITERIA

Conditional Uses are governed by the following provisions of Title 18, Fairbanks North Star Borough Code of Ordinances:

18.104.050 (C): Hearing and Decision by the Planning Commission

The planning commission shall review, hear and decide whether or not to approve a request for a conditional use. The planning commission shall also consider and adopt findings in each of the following:

1. Whether or not the proposed conditional use conforms to the intent and purpose of this title and of other ordinances and state statutes;

2. Whether or not there are adequate existing sewage capacities, transportation facilities, energy and water supplies, and other public services to serve the proposed conditional use;

3. Whether or not the proposed conditional use will protect the public health, safety and welfare.

The planning commission may approve or deny a conditional use request or may approve a conditional use request with conditions to ensure the protection of the public health, safety and welfare. Such conditions may relate to any, or more, of the following: traffic flow and access requirements, lighting, pedestrian movements, time limits for commencing or ceasing use.
PUBLIC NOTICE SIGN POSTING AFFIDAVIT

STATE OF ALASKA  

FOURTH JUDICIAL DISTRICT  

1. Donald J. Keiserweld Sr., being first duly sworn, depose and state that:
   1. I have submitted an application identified as Conditional Use Permit File 
   2. I have posted and will maintain public notice sign # \(\checkmark\) in accordance with the following provisions:
      a. Sign is posted on the property on which my request for rezone, conditional use or variance has been made.
      b. Sign is clearly visible from streets and roads.
      c. Sign will be maintained free of snow or other materials which impede readability.
      d. Sign is posted between an elevation of 2' and 8’ above ground level and no further than 50’ from the edge of the road to further ensure readability from streets.
      e. Sign was posted on Aug 8, 2018 (date) and complies with posting requirements of 20 days prior to the public hearing date.
      f. I shall return the sign to the FNSB Department of Community Planning within 10 days following the final public hearing.
   3. I understand a refund check of $200.00 (the amount I have deposited for said sign) will be issued 7-10 days following return of the sign providing that sign is returned in usable condition. I further understand I may receive only partial refund if the sign is damaged when returned to the Borough.
   4. This document is null and void when necessary action has been completed as provided in Item #2 f.

[Signature]

Donald J. Keiserweld Sr.  
PO Box 570  
Venice, WI 96785

(Print Name and Address of Affiant)

SUBSCRIBED AND SWORN TO BEFORE ME on this 18th day of July 2018

Waynette Anne K. Schubert, Commissioner  
Notary Public in and for Alaska  

Doc. Date  
Notary No.  
Doc. Description  
Sig. Posting Affidavit

Waynette Anne K. Schubert, Commissioner

Notary Public in and for Alaska

This document may be subject to public disclosure under state law.
SAFETY

☒ State Fire Marshal
☒ Fire Service Area (see attachment)
    Specify: North Star
☐ City of Fairbanks
    ☐ Chief of Staff
    ☐ Fire Department
    ☐ Police Department
    ☐ Building Department
☐ City of North Pole
    ☐ City Clerk – Mayor
    ☐ Fire Department
    ☐ Police Department
    ☐ Building Department
☒ Alaska State Troopers

OTHER AGENCIES

STATE

☒ Alaska Department of Environmental Conservation (ADEC)
☒ Alaska Department of Natural Resources (ADNR)
☐ Alaska Department of Fish and Game (ADF&G)
☒ Alaska Railroad (ARR)

FEDERAL

☐ U.S. Department of the Interior Bureau of Land Management (BLM)
☐ U.S. Army Corps of Engineers
☐ U.S. Environmental Protection Agency (EPA) Region 10
☐ U.S. Department of Agriculture (USDA)
    ☐ Natural Resources Conservation Service
☐ Fort Wainwright Army Base
☐ Eielson Air Force Base
☐ Federal Emergency Management Agency (FEMA) Region 10

ROADS AGENCIES

☒ Alaska Department of Transportation and Public Facilities (AK DOT & PF)
☒ FNSB Rural Services
☒ Road Service Area (see attachment)
    Specify: Moose Creek

OTHER BOROUGH

☐ Land Management
☐ Public Works
☐ Parks & Recreation
☐ Assessing
☐ Transit
☐ Chief of Staff
☐ Other ____________________
UTILITIES

ENERGY
☐ Fairbanks Natural Gas
☒ Golden Valley Electric Association (GVEA)
☐ Interior Gas Utility
☐ Alyeska Pipeline Services Co.
☐ Aurora Energy
☐ Other __________________

WATER/SEWER
☐ Utility Services of Alaska
☐ Valley Water, INC.
☐ City of North Pole Public Works
☐ College Utilities
☐ Golden Heart Utilities
☐ Other __________________

TELECOMMUNICATION
☐ Alaska Communications
☐ GCI FCC (Fiber Optic Cable)
☐ Alaska Wireless Network, LLC (GCI)
☐ AT&T Alascom
☐ AlasConnect
☐ Summit Telephone
☐ Verizon Wireless
☐ Other __________________

Comments to be returned by: Aug 7, 2018 (2 weeks)

I have sent the application materials for File # CU 207-001 to all of the agencies checked above on Jul 24, 2018 Date Sent

Manish Singh
Name of Planner (PRINTED)

Date Signed
Case No. CU2019-001

State Fire Marshall

David Tyler, Alaska State Fire Marshal/Director
David.tyler@alaska.gov

David Aden, Building Plans Examiner 1
David.aden@alaska.gov

Jillian Roberts, Deputy Fire Marshal
jillian.roberts@alaska.gov

Lloyd Nakano, Assistant State Fire Marshal
lloyd.nakano@alaska.gov

North Star Volunteer Fire Service Area

Dan Kuhnert, Assistant Chief
dkuhnert@northstarfire.org

David Daniell, Deputy Chief
ddaniell@northstarfire.org

State Troopers

AST Directors Office
dps.ast.directors.office@alaska.gov

FNSB Rural Services

Floyd Sheesley, Civil Engineer
FSheesley@fnsb.us

Moose Creek Road Service Area

Albert Samuel, RSA Commissioner Chair
Albert.Samuel@fnsb-rs.us
Alaska Department of Transportation (ADOT)

Randi Motsko, Transportation Planner I
randi.motsko@alaska.gov

Pete Eagan, Right-Of-Way Agent IV
pete.eagan@alaska.gov

Alaska Department of Environmental Conservation (ADEC)
Tonya Bear, Division of Water, Wastewater Discharge
Tonya.bear@alaska.gov

Doug Buteyn, ADEC Solid Waste Program
Doug.buteyn@alaska.gov

Alaska Department of Natural Resources (ADNR)

George Horton, Land Surveyor
George.horton@alaska.gov

Alaska Railroad

Real Estate and Facilities
RealEstTech@akrr.com

Andrew Donovan, Director of Real Estate
donovana@akrr.com

GVEA

Julie Karl, Land Management Supervisor
JLKarl@gvea.com

Richard Possenti, Lead Construction Field Representative
RJPossenti@gvea.com
Dear Sir/Ma’am

The Fairbanks North Star Borough Planning Commission is considering **CU2019-001**, a request for conditional use approval of an existing **guesthouse** in the Rural Residential (RR) zone, located at **4693 Rivers Street** (on the south side of Rivers Street, on the east side of Bellwood Street). This case is scheduled for the Planning Commission meeting on September 11, 2018.

I have attached the application with this email. The department requests you to send us your comments for this proposal by August 7, 2018. For more information about this case, please email msingh@fnsb.us or contact Manish Singh at (907) 459-1225. The staff report to the commission will be available online at [www.fnsb.us/Boards/Pages/Planning-Commission.aspx](http://www.fnsb.us/Boards/Pages/Planning-Commission.aspx) at least five days before the hearing. Let me know if you have any questions for me.

Thanks,

Manish

---

**Manish Singh, AICP**
Planner II
Department of Community Planning
Fairbanks North Star Borough
(907) 459-1225 / msingh@fnsb.us
Manish Singh

From: Floyd Sheesley
Sent: Tuesday, July 24, 2018 3:45 PM
To: Manish Singh
Subject: RE: CU2019-001: Requesting Comments for conditional use app. for existing guesthouse (4693 Rivers Street)

Rural Services has no issue with this request for conditional use permit.

thanks

Floyd Sheesley
Civil Engineer
Fairbanks North Star Borough
Division of Rural Services
E-mail: fsheesley@fnsb.us
Division E-mail: RuralServices@fnsb.us
Phone: 907-459-1203
Fax: 907-459-1499

From: Manish Singh
Sent: Tuesday, July 24, 2018 2:18 PM
To: david.tyler@alaska.gov; david.aden@alaska.gov; jillan.roberts@alaska.gov; lloyd.nakano@alaska.gov; dkuhnert@northstarfire.org; ddaniel@northstarfire.org; dps.ast.directors.office@alaska.gov; floyd.sheesley@alaska.gov; albert.samuell@alaska.gov; randi.motsko@alaska.gov; pete.eagan@alaska.gov; tonya.bear@alaska.gov; doug.buteyn@alaska.gov; george.horton@alaska.gov; real’esttech@akrr.com; donovana@akrr.com; jlkarl@gvea.com; RJpossenti@gvea.com
Subject: CU2019-001: Requesting Comments for conditional use app. for existing guesthouse (4693 Rivers Street)

Dear Sir/Ma’am

The Fairbanks North Star Borough Planning Commission is considering CU2019-001, a request for conditional use approval of an existing guesthouse in the Rural Residential (RR) zone, located at 4693 Rivers Street (on the south side of Rivers Street, on the east side of Bellwood Street). This case is scheduled for the Planning Commission meeting on September 11, 2018.

I have attached the application with this email. The department requests you to send us your comments for this proposal by August 7, 2018. For more information about this case, please email msingh@fnsb.us or contact Manish Singh at (907) 459-1225. The staff report to the commission will be available online at www.fnsb.us/Boards/Pages/Planning-Commission.aspx at least five days before the hearing. Let me know if you have any questions for me.

Thanks,
Manish

Manish Singh, AICP
Planner II
Department of Community Planning
Fairbanks North Star Borough
(907) 459-1225 / msingh@fnsb.us
August 15, 2018

Phone call conversation with

Tonya Bear, P.E., Engineer I
Department of Environmental Conservation
Division of Water, Wastewater Discharge
610 University Avenue, Fairbanks, AK 99709
Phone: 907-451-2177

Manish Singh, FNSB Planner, asked if the existing septic system for the house at 4693 Rivers Street meets ADEC regulations. Ms. Bear mentioned that ADEC doesn’t have a plan review process for conventional septic systems for single-family residences. The plan review process only applies to commercial or industrial septic systems or for apartment complexes. However, there are regulations in effect, such as the separation distance requirement, in 18 AAC 72. ADEC doesn’t require any minimum lot size for septic systems to be installed.

Alaska regulations restrict who may install onsite wastewater systems anywhere in the State of Alaska to: Registered engineers, Certified Installers, Approved homeowners, Contractors or individuals who have their work inspected by a registered engineer. Not all contractors are ADEC certified installers. Once the septic system is installed by one of the ADEC approved methods, it is required to be registered with the ADEC. The requirement of registering the septic systems with the ADEC has not always been in effect and has gone back and forth. With a payment of $25 fee, a property owner may ask ADEC if their septic is registered with the ADEC.

Manish Singh, FNSB Planner
August 17, 2018

Phone call conversation with

Albert Samuel, Commissioner Chair
Moose Creek Road Service Area
Phone: 907-488-0111

Mr. Samuel called Manish, FNSB Planner and stated that he wants to protest this conditional use permit if this would cost any money to the Moose Creek Road Service Area.

Mr. Samuel understood that the applicant wants to sell his property. Mr. Samuel mentioned that the applicant’s previous request to move the existing road out of his property has costed the service area $9,500 – which was not fair to the tax payers in the service area. The road service area cannot spend any more money on additional requests from the applicant. Mr. Samuel wants assurance that this conditional use request would not cost any money to the service area, otherwise he wants to protest this request.

Manish Singh, FNSB Planner
Manish Singh

From: Floyd Sheesley
Sent: Monday, August 20, 2018 8:26 AM
To: Manish Singh
Subject: RE: CU2019-001: Requesting Comments for conditional use app. for existing guesthouse (4693 Rivers Street)

Follow Up Flag: Follow up
Flag Status: Completed

As long as they are not proposing to do any work within the Right-Of-Way a driveway permit is not required.

Floyd Sheesley

From: Manish Singh
Sent: Thursday, August 16, 2018 9:36 AM
To: Floyd Sheesley
Subject: RE: CU2019-001: Requesting Comments for conditional use app. for existing guesthouse (4693 Rivers Street)

Hi Floyd,

I wanted to check if the existing driveway for the residence at 4693 Rivers Street has an existing driveway permit? If not, does this driveway (see attached site plan) meet your requirements?

Thanks,
Manish

From: Floyd Sheesley
Sent: Tuesday, July 24, 2018 3:45 PM
To: Manish Singh
Subject: RE: CU2019-001: Requesting Comments for conditional use app. for existing guesthouse (4693 Rivers Street)

Rural Services has no issue with this request for conditional use permit.
thanks

Floyd Sheesley
Civil Engineer
Fairbanks North Star Borough
Division of Rural Services
E-mail: fsheesley@fnsb.us
Division E-mail: RuralServices@fnsb.us
Phone: 907-459-1203
Fax: 907-459-1499

From: Manish Singh
Sent: Tuesday, July 24, 2018 2:18 PM
To: david.tyler@alaska.gov; David.aden@alaska.gov; jillian.roberts@alaska.gov; lloyd.nakano@alaska.gov; dkuhnert@northstarfire.org; ddaniell@northstarfire.org; dps.ast.directors.office@alaska.gov; Floyd Sheesley; Albert Samuel; randi.motsko@alaska.gov; pete.eagan@alaska.gov; Tonya.bear@alaska.gov; Doug.buteyn@alaska.gov;
George.horton@alaska.gov; RealEstTech@akrr.com; donovana@akrr.com; JLPark@gvea.com; RJPossenti@gvea.com

Subject: CU2019-001: Requesting Comments for conditional use app. for existing guesthouse (4693 Rivers Street)

Dear Sir/Ma’am,

The Fairbanks North Star Borough Planning Commission is considering CU2019-001, a request for conditional use approval of an existing guesthouse in the Rural Residential (RR) zone, located at 4693 Rivers Street (on the south side of Rivers Street, on the east side of Bellwood Street). This case is scheduled for the Planning Commission meeting on September 11, 2018.

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Thanks,
Manish

Manish Singh, AICP
Planner II
Department of Community Planning
Fairbanks North Star Borough
(907) 459-1225 / msingh@fnsb.us
OPTIONS FOR INSTALLING OR UPGRADING A SEPTIC SYSTEM

Alaska regulations restrict who may install onsite wastewater systems anywhere in the State of Alaska to:

• Registered engineers
• Certified Installers (PDF)
• Approved homeowners
• Contractors or individuals who have their work inspected by a registered engineer

IMPORTANT NOTE: The Municipality of Anchorage and the City of Valdez have additional requirements, please contact those offices if you are constructing in one of these areas.

Option 1 - Hire a Professional Registered Engineer:

A Professional Engineer who is registered in the State of Alaska may oversee the construction of a septic system by either a contractor or a homeowner. The engineer will evaluate the soils, perform a percolation test if necessary, and design the septic system. The contractor or homeowner will construct the system, while the Engineer is responsible for inspections and the completion of the required Documentation of Construction paperwork. An engineer is also required for any system serving multiple buildings, commercial buildings with wastewater flows over 500 gallons per day, non-domestic wastewater flows and conditions that do not allow installation of conventional wastewater system. An engineer is also required if minimum requirements or separation distances cannot be met.

Option 2 - Hire a Certified Installer:

Certified septic installers are contractors who have completed training which allows them to install conventional septic systems without the oversight of an engineer. However, if the soils on your parcel require a percolation test, the certified installer must hire an engineer to perform this test prior to installing a system. A list of Certified Installers is available online.
Option 3 - Participate in the approved homeowner program:

In order to participate in the DEC's Approved Homeowner Program you must follow the instructions below:

- **View** DEC's Interactive training CD on installing septic systems and pass the test provided on the CD.
- **Send** a copy of the Confirmation Letter of Completion and the current fee to the DEC will allow you to become certified as a homeowner to install one septic system on your own owner-occupied private residence within one year of the date of certification.
- **Evaluate Soils:** You MUST hire a Professional Engineer to evaluate the soils in the area within 25 feet of the proposed septic system before starting the design and excavation of the system. This information is used to properly size the absorption area and must be submitted with the Documentation of Construction form.
- **Photographs** of the installation and a Documentation of Construction form must be completed by the homeowner and submitted to the DEC within 90 days of construction to verify compliance with regulations.

**FOR A COPY OF THE INTERACTIVE TRAINING CD:**

- Click here to download a set of instructions for the Interactive Training CD.
- Click here to download the Interactive Training CD. This is a zip file and may take some time to download.
- If you are not able to download a copy of the Interactive Training CD and would like one mailed to you, or if you require further information, contact your local DEC office or Ryan Peterson at DEC/Soldotna Area Office. Ryan may be contacted at 907-262-3402, or by email at: ryan.peterson@alaska.gov

**NOTE:** The Mat-Su DEC office strongly recommends that homeowner-installers hire a Professional Engineer to oversee the design and construction of their septic system (see option 1). If an engineer provides oversight of the design and installation, the homeowner-installer fee and the test are not required.
Rivers St, looking east

Public notice sign
Rivers St, looking east, see existing guesthouse on the right side

Bellwood St, looking south
Existing guesthouse on Lot 2, view from Rivers St
Existing residence on Lot 1, view from Rivers St

Existing residence on Lot 1, view from Bellwood St
Application Material Received on
July 23, 2018

CU2019-001
**CONDITIONAL USE PERMIT APPLICATION**

**File No. CU 2019-061**

**FEES:**
- $800* conditional use permit application
- $200 sign deposit (check or cash recommended)

*Fee is $1,000 for conditional use permits with supplementary regulations in FNSBC 18.96

---

**Applicant:**

<table>
<thead>
<tr>
<th>Contact Name:</th>
<th>Donald J. Keisvold Sr.</th>
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<tbody>
<tr>
<td>Business Name:</td>
<td>N/A</td>
</tr>
<tr>
<td>Mailing Address:</td>
<td>PO Box 570</td>
</tr>
<tr>
<td>City, State Zip:</td>
<td>Volcano, HI 96785</td>
</tr>
<tr>
<td>Phone:</td>
<td>808-968-6837</td>
</tr>
<tr>
<td>Cell:</td>
<td>907-978-1243</td>
</tr>
<tr>
<td>E-mail:</td>
<td><a href="mailto:dkeisvoldsr@hotmai.com">dkeisvoldsr@hotmai.com</a></td>
</tr>
</tbody>
</table>

**Property Owner:**

| Name: | Donald J. Keisvold Sr./Donald J. Keisvold Trust |
| Mailing Address: | PO Box 570 |
| City, State Zip: | Volcano, HI 96785 |
| Phone: | 808-968-6837 |
| Cell: | 907-978-1243 |
| E-mail: | dkeisvoldsr@hotmai.com |

---

**Property Information:**

| Property Description: | Hena Sub Block 2 Lots 1+2 |
| Street Address: | 3388 Baldwood/4993 Rivers North Pole, AK |
| Lot Size: | 175.30 sq ft / 19000 sq ft |
| Parcel Account Numbers (PAN): | 0129776/0129784 |
| Zoning District: | Moose Creek Service Area |

**Existing Use(s):**

Residential

---

**Conditional Use Request Information:**

**Proposed Use(s):**

Residential Housing/Guest house

**Request Description and Reasons for the Request:**

I am quick plating both Lots 1+2 into one lot due to the encroachment of the structure on lot 1 onto lot 2. Making it difficult to sell. Doing this brings 2 structures on the same lot. I'm seeking a Conditional use permit for the additional structure to be a guest house/unattached chubber.

---

**APPLICANT SIGNATURE:**

[Signature]

**DATE:** 7/18/2018

**OWNER SIGNATURE (if different):**

[Signature]

**DATE:**

---

If the applicant is not the sole property owner, written consent of all property owners must be provided (FNSBC 18.104.050(B)).
Fairbanks North Star Borough
Department of Planning
907 Terminal St. Fairbanks, AK

To Whom it may concern,

The following request for use of conditional permit contains:

A narrative demonstrating conformance with conditional use approval criteria (FNSBC 18.104.050(C) 1-3) including Title 18, the FNSB Regional Comprehensive Plan, other FNSB ordinances and applicable state statutes.

Property description: Frito Subdivision Block Two lots 1 and 2. Street addresses, 3388 Bellwood Street and 4693 Rivers Street North Pole, Alaska 99705, respectively.

Conditional Use Requested for lots 1 and 2: Lots 1 and 2 are being quick-platted and combined into one property to become one parcel due to the encroachment of the structure on Lot 1 onto Lot 2. Since these lots are zoned as Residential I am requesting a conditional use permit so that one structure may become a guest house/unattached duplex on this adjoined property.

I am enclosing a site plan from 3-Tier Alaska, LLC that complies with the required site drawing of said properties. This includes all applicable requirements listed on ‘Checklist of Requirements’ mentioned in the application and as defined in FNSBC 18.04.010 for this permit.

As residential structures, both are currently rented as such and have no employees full, part-time temporary or seasonal working on either site. There are no types of vehicle trips to either site as customers, deliveries, security, visitors, etc. There are no hours of operation. There are no activities occurring on either site on a daily, weekly, monthly, periodic, seasonal, occasional or annual basis other than those by residential tenants renting the structures. There are no phases of development that will impact proposed use. There is nothing that will impact proposed use that may cross property lines such as odor, noise, dust, light, etc. There are no applicable chemicals utilized or stored on site. The energy source on each site is electrical power from GVEA for residential services. The water source on each site has regular water deliveries into 2,000-gallon underground water holding tank of which the proposed use is residential. Method of sewage disposal and wastewater management is by certified septic system for each structure. Other utilities of proposed use are: there is no garbage collection for either address. Disposal goes to Moose Creek Transfer Site and is the responsibility of each renter. Communication services to serve proposed use are provided to each site on existing easements. Fire Protection is provided by the Moose Creek North Star Fire Service Area. Police service provided by Alaska State Troopers and Emergency Medical Services from North Pole, AK.
Sincerely,

Donald James Krigsvold Sr.

PO Box 570
Volcano, Hawaii 96785
Cell: (907) 978-1243
Home: (808) 968-6837

7/18/2018
Fairbanks North Star Borough
Department of Planning
907 Terminal St. Fairbanks, AK

To Whom it may concern,

I, Donald James Krigsvold Sr, am submitting an application for a Conditional Use Permit. I am also the trustee of the Donald James Krigsvold Sr. Trust as recorded in Fairbanks, Alaska.

As a requirement of this process of the application I need to post a sign on my property stating such. I currently live out of state in Hawaii and getting to the Borough office to pick a sign up is not an easy option for me.

I have made arrangements with Trooper Silas Hessler of the Alaska State Troopers to pick up the sign and post it for me. He will return the sign to the borough at the end of the required posting period. I have enclosed the payment for the rent of the sign.

Please let this document make it understood that Alaska State Trooper, Silas Hessler, has my permission to pick up the sign and post it for me to comply with my application for Conditional use permit.

Sincerely,

Donald James Krigsvold Sr.

PO Box 570
Volcano, Hawaii 96785

Cell: (907) 978-1243
Home: (808) 968-6837

7/18/2018
3-Tier Alaska, LLC
326 Driveway Street, Suite 102
Fairbanks, AK 99701
(907) 456–5895

CONDITIONAL USE APPLICATION NOTES:
- LOT 1 & 2 STRUCTURES ARE 1-STORY HOUSES, USED FOR RESIDENTIAL PURPOSES.
- DRIVEWAY MATERIAL IS 14' WIDE AND AN ESTIMATED 12" OF GRAVEL BASE MATERIAL, PER OWNER.

PLAT NOTE:
P.U.E. as shown is a public utility easement per the note on the Plat for Frito Subdivision (Inst. #192.829 F.R.D.)

SITE PLAN

LOTS 1 & 2, BLOCK 2, FRITO SUBDIVISION
3388 BELLOWS STREET & 4693 RIVERS STREET, NORTH POLE, ALASKA 99705
OWNER: DONALD KRIGSVOLD SR.
Property Summary

PROPERTY PHYSICAL DESCRIPTION - DO NOT RELY ON AS A LEGAL DESCRIPTION
LOT 1 BLOCK 2 FRITO

BUSINESS

MOST RECENT MILLAGE RATE
17.4930

PROPERTY CLASS
Residential

STATUS
TAXABLE

ADDITIONAL INFORMATION
Building Details
View Property Location

NEIGHBORHOOD
0502 Salcha-Moose Creek

MILAGE GROUP
0596 Moose Creek Service Area

FIRE SERVICE AREA
NORTH STAR FIRE S A

LAND AREA
Parcel
Lot 1 Block 2 17530 Square Feet

OWNER
KRIGSVOLD, DONALD JAMES

INTEREST
OWNERSHIP

SITUS ADDRESS
3388 BELLWOOD ST

Documents
Documents are current as of 12-31-2016
The FNSB provides a link to view the recorded document at the State of Alaska Recorders Office through the instrument #. Current registered documents not showing may be seen at the State of Alaska Recorders Office Search page. The FNSB has no control over the contents posted on any external web sites and these sites may have separate terms of use and privacy policies. The inclusion of this web link does not imply endorsement by the FNSB of the site, its content, advertisers or sponsors.

DESCRIPTION
Deed of Trust
Corrective Deed
Deed of Trust
Quitclaim Deed
Quitclaim Deed
Deed of Trust
Quitclaim Deed
Ordinance

RECORD DATE
7/17/2012
7/17/2012
7/17/2012
7/17/2012
1/12/2010
2/2/2009
8/5/2008
2/7/2002
9/10/1992

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2002-002932-0

INSTRUMENT #

Assessment History
For questions regarding assessments, contact the FNSB Department of Assessing at 907-459-1428.

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Pay Property Taxes by credit card

Tax History (Updated: 07/17/18 03:50 AM AST)
If taxes are delinquent the interest calculation date is: 9/4/2018. All prior year delinquent payments must be made with guaranteed funds.
For payments made after the due dates, please call the FNSB Division of Treasury and Budget at 907-459-1441 for the correct amount.

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83
# Property Summary

**PAN** 0129984

**NEIGHBORHOOD** 0502 Satcha-Moose Creek

**MILLAGE GROUP** 0696 Moose Creek Service Area

**FIRE SERVICE AREA** NORTH STAR FIRE S A

**PROPERTY PHYSICAL DESCRIPTION - DO NOT RELY ON AS A LEGAL DESCRIPTION**

**LOT 2 BLOCK 2 FRITO**

**BUSINESS**

**PROPERTY CLASS** Residential

**MOST RECENT MILLAGE RATE** 17.4930

**STATUS** TAXABLE

**ADDITIONAL INFORMATION**
- Building Details
- View Property Location

**LAND AREA**

Parcel

Lot 2 Block 2 19000 Square Feet

**OWNER**

KRIGSVOLD DONALD JAMES SR TRUST, OWNERSHIP

**ADDRESS**

4693 RIVERS ST

**Documents**

Documents are current as of 12-31-2016

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Pay Property Taxes by credit card

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84
Borrower: Donald Krilg VOID

Property Address: 4693 Rivers Street

City: North Pole, County: F.N.S.B., State: AK, Zip Code: 99705

Lender/Client: New Day Financial, LLC.

Address: 8171 Maple Lawn Blvd STE 330, Fulton, MD 20759-2523
### AREA CALCULATIONS SUMMARY

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Net LIVABLE Area (rounded) 1494

3 Items (rounded) 1494
IN THE SUPERIOR COURT FOR THE STATE OF ALASKA AT FAIRBANKS

Trust No. 4FA-10-060 TR

REGISTRATION OF TRUST

Name of Trust: THE KRIGSVOLD FAMILY TRUST

Name of Trustee: DONALD JAMES KRIGSVOLD SR.

Address of Trustee: 4693 RIVERS Street, North Pole, ALASKA 99705

1. Trustee hereby acknowledges his trusteeship and submits himself to the jurisdiction of the court in any proceeding relating to the trust that may be initiated by any interested person while the trust remains registered, providing that notice is given as provided by law.

2. The trust (has not) been registered in another jurisdiction. (If registered elsewhere, state where: ____________________________)

Note: If a trust has been registered elsewhere, registration in this state is ineffective until either the earlier registration is released by order of the court where prior registration occurred or an instrument executed by the trustee and all beneficiaries is filed with the registration in this state.

3. The trust is: (Check one and fill in the blanks.)

☐ A testamentary trust. Name of testator: ____________________________
   Date and place of domiciliary probate: ____________________________

☐ A written inter vivos trust. Name of settlor: DONALD JAMES KRIGSVOLD SR.
   Name of original trustee: DONALD JAMES KRIGSVOLD SR.
   Date of trust instrument: DECEMBER 31, 2009

☐ An oral trust. Name of settlor: ____________________________
   Other sources of funds, if any, are: ____________________________

   Brief description of time and manner of creation of the oral trust and the terms of the trust, including the subject matter, beneficiaries and time of performance: ____________________________

RECEIVED

JAN 7 - 2010

Valerie _______ , P.C.
Attorney at Law

Trustee's Signature: ____________________________
Date: 12/31/09

Registered in the Superior Court on JAN 5, 2010

Superior Court Clerk/Registrar

AS 13.36.010
Application Material Received on
August 16, 2018

CU2019-001
Aloha Manish,

Here is the invoice for the new septic system for lot 2. Installed by Rolling Stone Inc.
I guess I was off on the time frame, 2 years ago instead of 3. I had it replaced the summer we moved to Hawaii.

Thanks,
Donald Krigsvold
## Rolling Stone Inc.

6665 Richardson Hwy.
Salcha, AK 99714

### Bill To

Don Krievold  
P.O. Box 570  
Volcano, HI 96785  
RE: 4693 Rivers, Salcha

### Invoice

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**Total**  
$7,800.00

Thank You for your business.

WE CAN REACHED BY PHONE AT 488-9240 OR  
FAX AT 488-2634
**Payment sent**

*We sent a confirmation email.*

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CU2019-001
Guesthouse
4693 Rivers Street

FNSB Planning Commission Meeting
September 11, 2018
Site Plan

CONDITIONAL USE APPLICATION NOTES:
- LOT 1 & 2 STRUCTURES ARE 1-STORY HOUSES, USED FOR RESIDENTIAL PURPOSES.
- DRIVEWAY MATERIAL IS 14' WIDE AND AN ESTIMATED 12" OF GRAVEL BASE MATERIAL, PER OWNER.

RESIDENCE on Lot 1 (1,847 sq.ft.)

PROPOSED GUESTHOUSE on Lot 2 (1,790 sq.ft.)

PLAT NOTE:
P.U.E. as shown is a public utility easement per the note on the Plat for Frito Subdivision (Inst. #192.829 F.R.D.)

SCALE: 1"=50'
Note - boundary lines are approximate and may out of necessity, or public input be changed. It is not the intent to divide lots or specific uses by these boundary lines.
Note - boundary lines are approximate and may out of necessity, or public input be changed. It is not the intent to divide lots or specific uses by these boundary lines.
FNSBC Title 18 Conditional Use Approval Criteria

1. ...the intent and purpose of this title and of other ordinances and state statutes.

• Comprehensive Plan
  • ‘Military Land’ – “Federal property allowing military activity” – Land use designation doesn’t apply
  • Land Use Goal 1, Strategy 2 – “…minimum impact and disruption of individual private property rights…”
  • Land Use Goal 3, Strategy 7 – “…variety of residential land use opportunities…”

• Alaska State Statute
2. ...adequate existing sewage capacities, transportation facilities, energy and water supplies, and other public services...

- 2,000 gallon underground water tank
- Septic system, installed by ADEC certified installer
- North Star Volunteer Fire Department
- GVEA Service Area
- Alaska State Troopers
- Rivers Street, maintained by Moose Creek Road Service Area
- 14-foot wide driveway, no parking required
FNSBC Title 18 Conditional Use Approval Criteria

3. ...will protect the public health, safety and welfare.

- Septic system, installed by ADEC certified installer
- No noise, odor, dust and other negative impacts
- Amnesty relief for setback violations
- Future modifications – condition recommended
Staff Recommendation

Approval

One (1) condition (pg. 39)

Three (3) findings of fact (pg. 40-41), one amendment proposed
2000-Foot DPO Notification Distance

115 DPOs

Three (3) inquiries received
1. If an addition is made to the guesthouse that increases the size of the guesthouse to be equal to or greater than the principal dwelling, an amendment to the conditional use permit is required pursuant to FNSBC 18.104.050(D).
Findings of Fact

1. The proposed conditional use conforms to the intent and purpose of Title 18 and of other ordinances and state statutes:

a. The purpose of Title 18 is met because the proposed conditional use is consistent with ‘Military Land’ comprehensive plan land use designation because it supports off-base housing. The Comprehensive Plan Land Use Goal 1 and Goal 3. are supported by the conditional use.

b. The intent of Title 18 is met because the conditional use protects private property rights and promotes public health, safety, and welfare.

c. The conditional use meets the intent of Alaska State Statute and other ordinances because the wastewater disposal method meets the ADEC regulations.
2. 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 guesthouse has adequate water capacity because it has an existing 2,000 gallon underground water tank.

b. The existing septic system provides adequate sewage capacity to the guesthouse.

c. The guesthouse is served by the North Star Volunteer Fire Department for emergency fire response.
d. The guesthouse has adequate power supply because it is served by the GVEA grid.

e. The guesthouse is served by the Alaska State Troopers for law enforcement.

f. The guesthouse has access from Rivers Street which is a local type roadway maintained by Moose Creek Road Service Area. Rivers Street can accommodate the trips generated from the guesthouse.

g. The existing 14-foot wide gravel driveway is adequate for the guesthouse.

h. The FNSB zoning code does not require any off-street parking spaces for the guesthouse.
3. The proposed conditional use protects public health, safety, and welfare because the guesthouse complies with Title 18 standards for the RR zone (FNSBC 18.40) as well as with other applicable land use related laws.

a. The wastewater disposal system for the guesthouse meets the ADEC regulations and protects health, safety and welfare of the neighborhood.

b. The conditional use does not increase the residential density in the neighborhood because it continues an existing dwelling as a guesthouse.

c. Noise, odor, dust and other negative impacts to the neighborhood are not expected to be created by the guesthouse use because this is an existing dwelling unit in a residentially developed neighborhood.
Findings of Fact

c. Noise, odor, dust and other negative impacts to the neighborhood are not expected to be created by the guesthouse use because this is an existing dwelling unit in a residentially developed neighborhood.

d. The FNSB Administrative Hearing Officer has granted amnesty relief for the side-yard setback violation of the guesthouse and for the front-yard setback violation of the porch attached to the guesthouse.
I move to approve the Conditional Use Permit (CU2019-001) for a guesthouse on Lots 1 and 2 with one (1) condition, and adopting the staff report, as amended, and three (3) Findings of Fact, as amended, in support of the approval.
(1) Whether or not the proposed conditional use conforms to the intent and purpose of this title and of other ordinances and state statutes.

(2) Whether or not there are adequate existing sewage capacities, transportation facilities, energy and water supplies, and other public services to serve the proposed conditional use.

(3) Whether or not the proposed conditional use will protect the public health, safety and welfare.
Staff Report and Presentation by:

Manish Singh, AICP, CFM
Planner II

• American Institute of Certified Planners
• ASFPM Certified Floodplain Manager
• Master of Urban Planning, University of Illinois at Urbana-Champaign
• Bachelor of Architecture, Indian Institute of Technology Roorkee
• Six years’ experience/education in planning and architecture
Transportation comments and feedback by:

Donald Galligan, Planner IV/Transportation Planner

Bachelor of Science in Sociology, University of Iowa, 1988
Masters of Science in Urban and Regional Planning, University of Iowa, 1990

Planner IV, Fairbanks North Star Borough, April 2017-present
Associate Transportation Planner, SRF Consulting, 2015-2016
Planning Manager, McMillen LLC, 2007-2011
Senior Planner, HDR Engineering, 2000-2007
Senior Transportation Planner, JRH Transportation Engineering, 1997-2000
Senior Planner, Oregon Department of Transportation, 1995-1997
Planning Director, Bannock Planning Organization, 1990-1995
STAFF REPORT

ORD2018-25
TO: Fairbanks North Star Borough Planning Commission
FROM: D. Christine Nelson, Director
Department of Community Planning
DATE: September 5, 2018
SUBJECT: ORDINANCE NO. 2018-25: An Ordinance Amending Title 18 To Add A Definition of Commercial Outdoor Recreation And Add It As An Allowable Use In Various Zones.

Purpose and Intent

The attached ordinance was referred by the FNSB Assembly. The intention of this amendment to the FNSB zoning code is to define “Commercial outdoor recreation” as a category of uses and establish appropriate zones where such uses should be allowed. At this time, there are no supplemental regulations proposed.

Background

Title 18 does not include “commercial outdoor recreation” and/or other tourism-related land uses such as aurora viewing, aurora photography, dog sled tours, and various types of motorized vehicle tours. Title 18 is structured so that listed uses are allowed either through a zoning permit or a conditional use permit process. Since these commercial outdoor recreational and tourism-related uses are not listed in Title 18 and there are no sufficiently similar (“like uses”) uses, they are only currently allowed in the General Use zones.

The outdoor recreational tourism sector of our local economy appears to be growing, and over the last several years, Community Planning has received numerous inquiries about where outdoor recreation tourism businesses can be located. A significant percentage of these land use inquiries include dog sled tours as part of their business model. In 2017-18, Community Planning also handled land use violations resulting from neighbors’ complaints about these types of businesses.

Proposed Ordinance

Ordinance No. 2018-25 is proposing to add a definition for “Commercial outdoor recreation” and add it as a permitted use in the Outdoor Recreation (OR), Open Space Buffer (OSB), and Rural and Agricultural (RA) zoning districts.

The proposed definition states that “Commercial outdoor recreation means a commercial use that focuses on recreation opportunities undertaken predominantly in the outdoors on unmodified natural landscapes, outside the confines of a building and generally not
dependent on the existence of a building. This definition excludes public recreation buildings and amusement establishments. Examples of commercial outdoor recreation include aurora viewing, snowmachine tours, and ATV tours.”

This definition specifically excludes buildings, even though many of these outdoor winter recreation businesses involve some type of heated structure such as warming hut, aurora viewing room, etc. The definition also gives a list of examples of commercial outdoor recreation that does not include dog sled tours or less traditional outdoor recreation opportunities such as photography.

Consistency with the FNSB Regional Comprehensive Plan

Economic Development Goal 1 is “To strengthen and expand the existing economy” with Strategy 1 to “Establish the Borough as the center of economic activity for Interior Alaska”. Action D is to "Continue efforts to foster and retain local entrepreneurs” and Strategy 4 is to “Emphasize development and expansion of mining, local manufacturing, agriculture, tourism, conventions, hospitality and forest-related businesses.”

Economic Development Goal 2 is “To diversify the economy” with Strategy 6 to “Emphasize development that brings new dollars into the community, including efforts to add value to the region’s natural, manufactured, service and intellectual resources.

The proposed ordinance will help strengthen, diversify and expand the local economy. Listing these types of commercial outdoor recreation uses in the zoning code and establishing appropriate zones in which to locate these uses will foster local entrepreneurship by supporting outdoor recreation businesses and bringing new dollars into the community. The proposed ordinance appears to be consistent with Economic Development Goals 1 and 2.

Land Use Goal 1 of the FNSB Regional Comprehensive Plan is to “recognize that the foremost aspect of land use involving private property is the retention and maintenance of private property rights”, and Strategy 2 is to “work for community end goals with a minimum impact and disruption of individual private property rights.”

This goal and strategy recognizes private property rights of all property owners but does not prioritize the property rights of one owner over another. Many of these outdoor commercial recreation businesses involve aurora viewing activities, and therefore are conducted late at night, and may involve large groups of people. The proposed ordinance does not address sled dog tours or other animal-related outdoor recreational activities. Community Planning believes that the needs of these commercial outdoor recreation businesses must be balanced against the potential land use impacts on neighboring property owners, including noise and traffic, in order to determine the appropriate zones, and the appropriate permitting process, for such uses.

Land Use Goal 3 is to “have a variety of land uses that fit the diverse needs of the community” and Strategy 6 is to “Provide for commercial land uses in both urban and non-urban areas.” Action B under Strategy 6 states “Allow commercial facilities outside preferred commercial areas after considering if:

- A need is served that cannot be met elsewhere in the preferred commercial areas.
- Traffic flow and safety impacts are addressed.
- Use is compatible with other development and sensitive to natural systems in the area.
- Adequate landscaping and buffering is provided to minimize adverse impacts on surrounding land uses.
- Adequate parking space is available.
- Adequate fire protection/suppression and hazardous materials response is available.
- Public transit is available.

OR in non-urban areas if, in addition to the above:

- Area lighting is shielded from residential and undeveloped areas.
- The use expands an existing commercial node or is sufficiently separated from existing commercial nodes to avoid strip development.
- A legal commitment is made to provide alternative water and wastewater facilities.
- Greenbelts and open spaces are maintained.

The FNSB Regional Comprehensive Plan recognizes that there is a need for commercial uses outside of the preferred commercial areas designated by the comprehensive plan land use map. But this goal clearly envisions a conditional use process in order to evaluate the appropriateness of such commercial uses and facilities outside of preferred commercial areas. The list of land use impacts and mitigations included in Action B directly aligns with the conditional use approval criteria.

Land Use Goal 4 is “To enhance development opportunities while minimizing land use conflicts” with Strategy 10 to “Attract and support development that is compatible with and enhances existing land use.” Action B directs to “Develop a pattern of compatible land uses and either separate, transition or buffer incompatible land uses” by “Separat[ing] commercial and industrial uses from residential or incompatible land uses by methods such as screening, buffering, and/or alleys.”

Land Use Goals 1, 3 and 4 support a public process by which neighboring property owners can comment on proposed commercial outdoor recreation uses that may have land use impacts on their property. Minimizing land use conflicts while still protecting private property rights of development can be a difficult balance. Requiring a conditional use permit for commercial outdoor recreation in certain zones may be the appropriate compromise to meet the needs of all property owners.

With the amendments proposed by Community Planning, the proposed ordinance would be consistent with the FNSB Regional Comprehensive Plan.

Analysis

FNSB Community Planning supports the purpose and intent of Ordinance No. 2018-25 to add a definition of types of outdoor recreational uses that are not currently defined in Title 18 and to establish appropriate zones for those types of uses. Such a code amendment will benefit tourism businesses and the local economy by providing outdoor recreation entrepreneurs with clear direction of where such business should be located.

Commercial outdoor recreation uses are appropriate in the OR zone and meet the purpose and intent of that zone which is “to protect outdoor recreation uses on public lands or on private lands if requested by the property owner”. In addition, there are very few privately-owned OR properties in the borough, most of which are already developed so this code amendment is unlikely to have much impact to neighboring property owners.
The same cannot be said about the OSB and RA zones. The purpose and intent of the OSB zone is “to encourage open space and preserve natural vegetative buffers within the borough, and other traditional outdoor open space uses by prohibiting structural development, above ground utilities and roads. The district is intended to allow minimal clearing of living vegetative growth only after a conditional use has been granted.” In fact, the only permitted use in the OSB zone is trail maintenance not greater than 10 feet in width. All other uses, including clearing of natural vegetation for road and driveways, trail maintenance greater than 10 feet in width, construction of trails and maintenance of natural vegetation, and fences are conditional uses. Looking at the uses allowed in the OSB zone, it is not appropriate or consistent with the purpose and intent of the zone to allow commercial outdoor recreation businesses as a permitted use, or even as a conditional use.

The purpose and intent of the Rural and Agricultural zoning districts is “for agricultural uses of land for very low density residential development.” Commercial outdoor recreation uses are neither agricultural nor residential in nature and do not meet the strict interpretation of purpose and intent of this zone. Although commercial outdoor recreation is similar to some of the non-agricultural recreation uses allowed in the zone. However, much of the land in these zones is developed residentially and has a significantly greater potential for incompatibility between land uses than in the OR zone based both on quantity of RA zoned land and the pattern of surrounding development.

Community Planning is proposing five amendments to clarify the concept of commercial outdoor recreation for the public while providing some flexibility of interpretation to facilitate new commercial outdoor recreation businesses, thereby making code provisions easier to administer. These concerns and proposed amendments are as follows:

**Definition**

Lines 32-37 adds a definition of “Commercial outdoor recreation”, however this definition utilizes vague terms open to very wide interpretation which will make the definition difficult to administer.

The use of the term “unmodified natural landscapes” (Line 33-34) appears inconsistent with the land use impacts of such a business that will likely require some developed facilities such as parking or a warming hut. Even trails are a modification of the natural environment. The phrase “generally not dependent on the existence of a building” (Lines 34-35) also does not give much guidance to potential business owners or the public on what aspects of commercial outdoor recreation may be considered dependent on a building. Commercial businesses tend to grow and evolve over time, so prohibiting structures as a function of these types of uses is likely to result in the creation of code violations, unwittingly or otherwise. A more effective method to manage the impacts of structures related to commercial outdoor recreation is to require a conditional use permit to allow structures for which the land use impacts are mitigated.

Expressly prohibiting overnight lodging clarifies the intent of commercial outdoor recreation and emphasizes that a variety of overnight accommodations are already listed in appropriate zones as either permitted or conditional uses.

A list of examples can be problematic to administer, particularly if a popular use requested such as dog sled tours is not included. It is not clear whether the proposed ordinance intended to include dog sled tours as “commercial outdoor recreation”.

Community Planning proposes three amendments to the definition of “commercial outdoor recreation” as follows:
Proposed Amendment #1:
Delete the word “unmodified” and the remainder of the sentence after the word “landscapes” on Line 33-34).

Proposed Amendment #2:
Add the words “overnight lodging” to the second sentence after the phrase “public recreation buildings” on Line 35.

Proposed Amendment #3:
Delete the last sentence of the definition listing examples (Lines 36-37).

With the three amendments proposed above, the definition would read:

“Commercial outdoor recreation means a commercial use that focuses on recreation opportunities undertaken predominantly in the outdoors on unmodified natural landscapes, outside the confines of a building and generally not dependent on the existence of a building. This definition excludes public recreation buildings, overnight lodging, and amusement establishments. Examples of commercial outdoor recreation include aurora viewing, snowmachine tours, and ATV tours.”

Appropriate Zones

Community Planning considers that “commercial outdoor recreation” is not an appropriate use in the OSB zoning district based on the intent and purpose of the zone and the existing allowed uses. In addition, Community Planning believes that “commercial outdoor recreation” should be a conditional use in the RA zoning districts because these uses are neither agricultural or residential uses, which is purpose and intent of the zone and because of potential land use impacts of “commercial outdoor recreation” uses on neighboring property owners.

Community Planning proposes two amendments to the permitting process for these uses in specific zoning districts as follows:

Proposed Amendment #4: Open Space Buffer zoning district
Delete “Commercial outdoor recreation” as a permitted use in the Open Space Buffer zoning district (Lines 44-47).

Proposed Amendment #5: Rural and Agricultural zoning district
Delete “Commercial outdoor recreation” as a permitted use in the Rural and Agricultural zoning districts (Lines 49-52) and add “Commercial outdoor recreation” to FNSB 18.28.020(B) as a conditional use in the Rural and Agricultural zoning districts.
Recommendation

The Community Planning Department recommends that the FNSB Planning Commission recommend that the FNSB Assembly adopt Ordinance No. 2018-25 as amended.

Attachments
Attachment A: FNSB Ordinance No. 2018-25
ADDENDUM
MATERIALS

ORDINANCE NO.
2018-25

September 11, 2018
FAIRBANKS NORTH STAR BOROUGH

ORDINANCE NO. 2018- 25

AN ORDINANCE AMENDING FNSBC TITLE 18 TO ADD A DEFINITION OF COMMERCIAL OUTDOOR RECREATION AND ADD IT AS AN ALLOWABLE USE IN VARIOUS ZONES

WHEREAS, Commercial outdoor recreation is a growing part of the tourist industry, and also serves the residents of the community; and

WHEREAS, Large rural properties are often zoned Rural and Agricultural, Open Space Buffer, and Outdoor Recreational, and commercial outdoor recreation is a compatible use in these zones; and

WHEREAS, It is in the best interests of the community to provide more opportunities for these types of businesses.

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

Section 1. This ordinance is of a general and permanent nature and shall be codified.

Section 2. FNSBC 18.04.010(B), Definitions, is hereby amended to add the following definition [the Clerk shall add the definition in alphabetical order]:

"Commercial outdoor recreation" means a commercial use that focuses on recreation opportunities undertaken predominantly in the outdoors on unmodified natural

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
Text to be added is underlined
Text to be deleted is [BRACKETED, CAPITALIZED]
landscapes, outside the confines of a building and generally not dependent on the
existence of a building. This definition excludes public recreation buildings and
amusement establishments. Examples of commercial outdoor recreation include aurora
viewing, snowmachine tours, and ATV tours.

Section 3. FNSBC 18.20.020(A) pertaining to the Outdoor Recreational
districts is hereby amended to add the following permitted use [the Clerk shall add the
permitted use in alphabetical order]:
Commercial outdoor recreation;

Section 4. FNSBC 18.24.020(A) pertaining to the Open Space Buffer
districts is hereby amended to add the following permitted use [the Clerk shall add the
permitted use in alphabetical order]:
Commercial outdoor recreation;

Section 5. FNSBC 18.28.020(A) pertaining to the Rural and Agricultural
districts is hereby amended to add the following permitted use [the Clerk shall add the
permitted use in alphabetical order]:
Commercial outdoor recreation;

Section 6. Effective Date. This ordinance shall be effective at 5:00 p.m.
of the first Borough business day following its adoption.

PASSED AND APPROVED THIS _____ DAY OF __________, 2018.

__________________________
Kathryn Dodge
Presiding Officer

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

April Trickey, CMC
Borough Clerk

APPROVED:

Jill S. Dolan
Borough Attorney
NEW BUSINESS
MEMORANDUM

TO: Fairbanks North Star Borough Planning Commission

FROM: Planning Commission Subcommittee on Rural Residential and Rural Estates
       Zoning District Setbacks
       Commissioner Chris Guinn
       Commissioner Eric Muehling
       Commissioner Doug Sims

SUBJECT: Recommendation on setback changes in existing FNSE Rural Zoning Districts

DATE: August 28, 2018

In a written statement dated November 2, 2017, Commissioner Guinn expressed interest to the Planning Commission Chair and Community Planning Director in reducing the setback requirements in certain rural zoning districts (Exhibit 1). On January 16, 2018 the FNSB Planning Commission formed a subcommittee to examine the setback standards in the Rural Residential (RR), and Rural Estates 2 and 4 (RE-2 and RE-4) zones. Specifically, the subcommittee was tasked to evaluate and form a recommendation on the following:

- The impacts of reducing required setbacks within rural zones
- Consider the impact to the community as well as property rights

The Subcommittee reviewed FNSB zoning district standards and the resulting buildable area on lots (Exhibit 2), other Alaska communities’ zoning standards (Exhibit 3), GIS analysis of existing structures and lot sizes, and other data related to building setback standards in the RR and RE zones. The Subcommittee met a total of four times in noticed public meetings.

Considerations
The Subcommittee specifically considered the following regarding the current setback standards in rural zones and what issues might exist from these standards:

- Any burden to property owners from larger setbacks in rural zones
- Any additional burden caused by larger rural setbacks on substandard lot sizes
- Should there be exemptions for accessory and primary structures
- Should multiple frontage lots have certain exemptions
- Should there be general exemptions for all lots in rural zones or specific criteria
- Setback impacts to neighboring properties and public health, safety, and welfare
- Private property rights for property owners and adjacent property owners

Recommendations
The Subcommittee recommends that certain code changes would help alleviate some of the burden caused by larger setback standards on smaller rural lots while still conforming to the rural nature of these zones and protecting the public health, safety, and welfare.
The Subcommittee recommends the following regarding the Rural Residential zone (currently requires 25 foot setbacks from all property lines):

- Reduced setbacks only for any substandard lots, created by any means prior to the date of the ordinance, under the required minimum lot size of 40,000 square feet
- Allow a reduction to 15 feet for side and rear-yard setbacks on substandard sized lots
- Allow a reduction to front-yard setbacks for lots with multiple frontages on substandard sized lots, similar to those already allowed in urban zones (FNSBC 18.96.040)
  - The reduced frontage(s) setback shall not be less than 20 feet
  - The front-yard setback of 25 feet is still required for all lot lines which include driveway or garage access; only front lot lines without access may be reduced

The Subcommittee recommends the following regarding all rural zones (Rural Residential, Rural Estates, Rural Farmstead, Rural and Agricultural) (see Exhibit 2 for current standards):

- Allow reduced setback for one accessory structure, with provisions
  - Only side and rear setbacks may be reduced
  - Any reduction should not result in a setback of less than 5 feet
  - Only non-residential accessory structures (i.e. no guesthouses) would be permitted a reduced setback
  - The accessory structure with a reduced setback should be no larger than 200 square feet in size
  - The accessory structure with a reduced setback should have a maximum height of 14 feet from finished grade

These recommendations are based on two separate considerations. First, in the Rural Residential (RR) zone, approximately 23% of existing lots are under the required 40,000 square feet. This is due in part to a zoning code change in 1972, which increased the minimum lot size in the RR zone from 30,000 square feet to 40,000 square feet, making many existing lots at the time substandard in size. Lots under 40,000 square feet in size have less available developable area and are therefore proposed to have smaller setbacks than lots over 40,000 square feet in the RR zone. Specifically, side and rear yard requirements are proposed to be reduced to 15 feet on RR zoned lots under 40,000 square feet. On corner (multiple frontage) lots, the frontage(s) without driveway access are proposed to be allowed to be reduced to 20 feet on RR zoned lots under 40,000 square feet. This is consistent with the exceptions for multiple frontage lots in urban zones, which allow frontages not used for access to be reduced to 10 feet (FNSBC 18.96.040.A).

Second, the Subcommittee recommends permitting one accessory structure to encroach into side and rear yard setbacks in all rural zones. Currently, in urban zones, one accessory structure under 120 square feet is permitted in the side and rear yard setbacks (FNSBC 18.96.030). This recommendation uses those parameters as a guide and proposes modifications to better suit the rural zones. Specifically, a minimum 5 foot setback is recommended, and increasing the size of the accessory structure permitted to encroach.

The Subcommittee submits these recommendations to the Planning Commission for discussion and to determine if the Commission wants to act on these recommendations.

cc: D. Christine Nelson, Community Planning Director
To: Wendy Presler, Planning Commission Chair, Christine Nelson, Community Planning Director;

Subject: Reducing Building Setback Requirements

Date: Nov. 2, 2017

From: Chris Guinn, Planning Commissioner

OVERVIEW: If the side and rear yard building setbacks in rural zones are reduced we can accomplish two things. First, we can return more rights to the property owner. Second, we can reduce the number of applications for grandfather rights, which will provide more efficient services.

Last year the Assembly adopted an ordinance which allows the Planning Department staff to conduct an administrative hearing as a first step to a grandfather determination. This action has been beneficial to buyers & sellers by reducing the time in obtaining a grandfather letter. Nevertheless, the requirement for a letter did not disappear. In my opinion it is time to revisit the required setbacks in the zones typically found in areas outside the city.

RECENT HISTORY: More neighborhoods that are zoned GU-1 are anticipated to become interested in zoning to RR or RE (or some other rural zone) to protect themselves from Cannabis operations. Because existing buildings don’t have a required setback in the GU-1 zone many cases of new grandfather rights will need to be documented as the properties are rezoned, thereby slowing the ability of government and lending institutions to provide services. In a recent 16 lot rezone request to Rural Residential (RR) in the Badger Rd. area five of the lots did not meet the setback requirements of the RR zone. Add to this neighborhoods that were built up and then zoning was applied, and the concerns lately of institutional lenders to meet all zoning requirements, the applications for grandfather rights will increase.

RECOMMENDATION: Title 18 needs to be amended by ordinance. The Commission and the Administration should work together to work on the language of the ordinance and recommend any other zones which should be included in the ordinance. To begin a discussion I would recommend the Rural Residential zone be changed from a 25’ building setback from all lot lines to 15’ from the side and rear lot lines; and the Rural Estate 2 zone should be changed from the required side yard setbacks of not less than 35’ to side yard setbacks of 20 to 25’ (the rear setback is 10’ and seems to be satisfactory to property owners). We may want to consider other setback changes to other zones.
### Chapter 18.120

**GEOMETRIC STANDARDS**

Sections:
18.120.010 Geometric Standards

#### 18.120.010 Geometric Standards.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Front Yard</th>
<th>Side Yard</th>
<th>Rear Yard</th>
<th>Maximum Building Height</th>
<th>Minimum Lot Size</th>
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¹ Except as may be required by the State of Alaska Department of Environmental Conservation in areas where community sewer and water are unavailable. (Ord. 2016-40 § 88, 2016; Ord. 88-070 § 4, 1988; Ord. 88-010 § 2, 1988. 2004 Code Title 19 Appx. A)
Available buildable area in Rural Estate 2 (RE-2) zone

Setbacks in RE-2 zone

Scale 1"=60'

Forrest Drive

272'

35' Setback

60' x 35' House

Lot 4
80,455 SF

25' Setback

294'

25' Setback

294'

272'
Available buildable area in Rural Estate 4 (RE-4) zone

Setbacks in RE-4 zone

Scale 1" = 100'

Lot 47
170,855 SF

Doonerak Road

300'

35' Setback

45' x 35'
House

35' x 30'
Garage

25' Setback

570'

25' Setback

570'

300'
## Rural Zoning Setbacks in Other Alaska Communities

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<th>District</th>
<th>Lot size (sq. ft.)</th>
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* Not included in averages.
** 17 feet for second frontage, not included in averages.
**** 15 feet for second frontage, not included in averages.
***** Unless water/sewer available, then 20,000 sq. ft.
****** If 20,000 sq. ft. lot area, 10 ft. side yard setback.

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<th>Average</th>
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FMATS
TECHNICAL COMMITTEE MEETING
Wednesday, September 5, 2018
12:00 – 2:00 P.M.
City of Fairbanks, 800 Cushman Street, City Council Chambers

1. Call to Order
2. Introduction of Members and Attendees
3. Approval of the September 5, 2018 Agenda
4. Approval of the August 1, 2018 Minutes Pg 2 - 7
5. Committee/Working Group Reports (including the Chair’s Report)
6. Public Comment Period (Non-Action Items)
7. Old Business
   a. MTP Candidate Project List Prioritization (Action Item) Pg 8 - 18
   b. Cowles Street Traffic Study (Action Item)
8. New Business
   a. FFY19 Meeting Schedule (Action Item) Pg 19
   b. Bailey Bridge Replacement
9. Other Issues
10. Informational Items
    a. Old Steese/Wendell Avenue Project Updates Pg 20 - 23
    b. Green Streets Plan Update
    c. PacTrans Conference- October 12 Pg 24
    d. 8.15.18 Policy Board Action Items Pg 25 - 26
    e. Obligations and Offsets Pg 27 - 29
11. Technical Committee Comments
12. Adjournment

Next Scheduled Technical Committee Meeting – Wednesday, October 3, 2018, Noon, City Hall, City Council Chambers
Please PRINT Name

Citizen’s Comments
These are for items that do not appear on the agenda

FAIRBANKS NORTH STAR BOROUGH PLANNING COMMISSION
LOCATION: Mona Lisa Drexler Assembly Chambers / 907 Terminal Street
MEETING OF: Tuesday, September 11, 2018

Please print your name and mailing address below. Thank you.

<table>
<thead>
<tr>
<th>PRINTED NAME</th>
<th>SIGNATURE</th>
<th>MAILING ADDRESS</th>
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<tbody>
<tr>
<td>John Doe</td>
<td>John Doe</td>
<td>123 Anyplace Ave Fairbanks AK 99701</td>
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...
Please PRINT Name

PUBLIC TESTIMONY

FAIRBANKS NORTH STAR BOROUGH PLANNING COMMISSION

MEETING OF: Tuesday, September 11, 2018

CU2019-001: A request by Donald J. Krigsvold Sr. for conditional use approval of an existing guesthouse in the Rural Residential (RR) zone on Lot 1 and Lot 2, Block 2, Frito Subdivision. (Located at 4693 Rivers Street, on the south side of Rivers Street, on the east side of Bellwood Street).

Please print your name and mailing address below. Thank you.

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<tbody>
<tr>
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CU2019-001: A request by Donald J. Krigsvold Sr. for conditional use approval of an existing guesthouse in the Rural Residential (RR) zone on Lot 1 and Lot 2, Block 2, Frito Subdivision. (located at 4693 Rivers Street, on the south side of Rivers Street, on the east side of Bellwood Street).

Please print your name and mailing address below. Thank you.

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Please PRINT Name
PUBLIC TESTIMONY

FAIRBANKS NORTH STAR BOROUGH PLANNING COMMISSION

MEETING OF: Tuesday, September 11, 2018

ORD2018-25: An Ordinance Amending FNSBC Title 18 to Add a Definition of Commercial Outdoor Recreation and Add it as an Allowable Use in various zones.

Please print your name and mailing address below. Thank you.

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<td>2240 Hanson Rd</td>
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<td>Rick Port</td>
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<td>DEB Hirdie</td>
<td>First Road/R &amp; P</td>
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<td>Tonya Schlementner</td>
<td>Tonya Schlementner</td>
<td>1348 Windfall Way 99701</td>
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# Planning Commission
## Voting Sheet

**Meeting Date:** 9/11/2018  
**Meeting Start Time:** 10:11 PM  
**Meeting Ended Time:** 9:22 PM

### Roll Call

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<tr>
<th>Members</th>
<th>P/E/A</th>
<th>Staff</th>
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</thead>
<tbody>
<tr>
<td>Wendy Presler</td>
<td>Absent</td>
<td>Christine Nelson, Director Community Planning</td>
</tr>
<tr>
<td>Chris Guinn</td>
<td></td>
<td>Kellen Spillman, Deputy Director Community Planning</td>
</tr>
<tr>
<td>Mike Stepovich</td>
<td>Absent</td>
<td>Wendy Dau, Assistant Attorney</td>
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<tr>
<td>John Perreault</td>
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<td>Manish Singh, Planner II</td>
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<td>Don Galligan, Planner IV - Transportation</td>
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<td>Robert Peterson</td>
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<td>Michelle Gutierrez, Recording Clerk</td>
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<td>Patricia Thayer</td>
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<td>David Brandt</td>
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<td>Eric Muehling – Vice Chair</td>
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<tr>
<td>Mindy O’Neall – Chair</td>
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**Signatures:**

* Signature/Note: [Signature Image]
# Planning Commission
## Voting Sheet

**Meeting Date:** 9/11/2018  
**Case #:** CU 2019-001  
**Pg:** 1 of 1

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<td>Mike Stepovich</td>
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<td>Eric Muehling</td>
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<tr>
<td>Mindy O’Neall - Chair</td>
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**CHANGE VOTE**

| FAVOR / OPPOSED | 0 |

*Note how many conditions and finding of facts for each item.*
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<td>Mindy O'Neal - Chair</td>
<td>✓</td>
<td></td>
</tr>
</tbody>
</table>

**CHANGE VOTE**

| FAVOR / OPPOSED | 10 |

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