FAIRBANKS NORTH STAR BOROUGH PLANNING COMMISSION MEETING AGENDA
MONA LISA DREXLER ASSEMBLY CHAMBERS AT THE
JUANITA HELMS ADMINISTRATION CENTER
907 TERMINAL STREET, FAIRBANKS, ALASKA

JUNE 11, 2019 6:00 PM

WORK SESSION
Brief presentation and update by Community Planning staff regarding the Downtown Plan. (Staff Contact: Melissa Kellner)

A. CALL TO ORDER AND ROLL CALL

B. MESSAGES

1. 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

2. Communications to the Board

3. 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

   Pg. 4


E. QUASI-JUDICIAL HEARING

   Pg. 15

1. Administer Oath

2. CU2019-010: A request by Allan Hayton for conditional use approval of a guesthouse, located at 736 Arkansas Drive, in the Rural Residential (RR) zoning district on Lot 10, Block 6, Mountain View 5 (on the north side of Arkansas Drive, southeast of Keep Drive). (Staff Contact: Kristina Heredia)

F. UNFINISHED BUSINESS

1. Discussion of quasi-judicial procedures, including current code requirements in Titles 4, 17 and 18, potential methods to increase public involvement and comment, and other ways to streamline or make the quasi-judicial process more efficient and effective.
G. EXCUSE FUTURE ABSENCES

H. COMMISSIONER’S COMMENTS/COMMUNICATIONS

1. FMATS
2. Other

I. 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 6:49 p.m. by Mindy O’Neall, Chair.

A. ROLL CALL

MEMBERS PRESENT: Chris Guinn  John Perreault
                 Doug Sims    Robert Peterson
                 Charles Whitaker  Mike Kenna
                 Toni Abbey    Eric Muehling
                 Mindy O’Neall

MEMBERS EXCUSED: Mike Stepovich

OTHERS PRESENT: Christine Nelson, Director of Community Planning
                Kellen Spillman, Deputy Director
                Wendy Dau, Assistant Borough Attorney
                Manish Singh, Planner III
                Kielecia Coker, Clerk
                Laura Melotte, Administrative Assistant III

B. MESSAGES

Kelly Egger testified as follows:
- A letter he received from the Borough was difficult to read and links were incorrect.
- He spoke with neighbors who were also confused by the contents of the letters they received. He and several neighbors had to go to the Borough offices to find out more information.
- He asked that future correspondence be edited for clarity.
- He said the staff members of the Borough were great and very helpful once he visited the offices. He thanked staff for their work and enthusiasm.

Disclosure & Statement of Conflict of Interest

Commissioner Abbey reported an appearance of a conflict due to being family friends with Travis Johnson for about 25 years. She believed her relationship with the applicant would keep her from making an unbiased decision on CU2019-009.

Chair O’Neall confirmed a conflict of interest and asked that Commissioner Abbey be excused from the dais during the hearing.

C. APPROVAL OF AGENDA AND CONSENT AGENDA

MOTION: To approve the agenda and the consent agenda with clerical changes to April 9, 2019 minutes by Commissioner Peterson seconded by Commissioner Guinn.

MOVED WITHOUT OBJECTION OR ROLL CALL
D. **MINUTES**

Minutes from April 9, 2019. Approved with clerical changes of spelling and names.

E. **QUASI-JUDICIAL HEARING**

CU2019-009: A request by Travis Johnson for conditional use approval of a guesthouse, located at 1006 Senate Loop, in the Rural Residential (RR) zoning district on Lot 11, Block 1, Bartlett Heights Subdivision (on the southwest side of Senate Loop, north of the intersection of Farmers Loop Road and Summit Drive). *(Staff Contact: Kristina Heredia)*

*[Commissioner Abbey was excused from dais due to conflict of interest.]*

**OATH ADMINISTERED**

Manish Singh presented the staff report. Based on the staff analysis, the FNSB Department of Community Planning recommended approval.

**Commissioner Muehling** mentioned the site plan seemed to show two driveways, while only one was allowed. He asked for clarification.

Mr. Singh responded that there was only one access point to the driveway.

**Commissioner Muehling** asked if there were any limits or conditions to the use of a guesthouse, including a bed and breakfast or long-term rental.

Mr. Singh responded that a bed and breakfast is a separately defined use. The property owner would need to apply for a zoning permit for this. However, a long-term rental is not restricted as the guesthouse must be used as a dwelling.

Discussion ensued between **Commissioner Peterson** and Mr. Singh regarding the terms "subordinate in size" and the size of the guesthouse that would be allowed under the conditional use permit. Mr. Singh mentioned there was no maximum size limit on a guesthouse as long as it is smaller than the main dwelling.

**Commissioner Sims** questioned the foundation system of Building A and if the home could be easily removed.

Mr. Singh responded that the foundation is not permanent according to the applicant.

**Commissioner Perreault** asked if the existing septic was noted on the schematic.

Discussion ensued between **Commissioner Perreault** and Mr. Singh regarding the final septic systems. Mr. Singh did not believe distances had been exactly calculated at this time, but mentioned Condition 4 would ensure appropriate distances be maintained via ADEC regulations.

**Commissioner Guinn** asked if a third dwelling unit would be allowed on this lot.

Mr. Singh responded that a third dwelling unit is not legally allowed. Only one guesthouse is allowed at a time.

**Commissioner Muehling** questioned the soil type.

Mr. Singh did not know the soil type.
Applicant Testimony

Travis Johnson testified as follows:
- He felt like a victim by his neighbors, but did not have a lot to say.
- He welcomed questions from Commissioners.
- He noted that Building A would be easily removed and was a temporary home for his brother.

Questions by Commissioners

Commissioner Kenna asked if the septic systems were currently in the applicant’s plans.

Mr. Johnson answered that the septic would be sufficiently separated and is planned to be well over 100 feet away from neighboring properties.

Commissioner Kenna asked if Mr. Johnson was familiar with ADEC regulations.

Mr. Johnson answered that he didn’t know what that the ADEC regulations were.

Commissioner Sims and Mr. Johnson discussed the possibility of re-subdividing the property. Mr. Johnson wasn’t sure if the final guesthouse, which he intends to use as a mother-in-law home, would actually be built and he did not wish to subdivide at this time.

Commissioner Sims and Mr. Johnson discussed the possibility of adding on to Building A instead of building the additional Building C. Mr. Johnson mentioned he was not the owner of Building A. It belonged to his brother and would be moved.

Commissioner Muehling clarified the sequence of the buildings. He mentioned that Building A must be gone before Building C construction begins.

Discussion ensued regarding the wooded portion of the property and the distance between the guesthouse and the main dwelling. Mr. Johnson mentioned that most of the land had been cleared since the aerial photos were taken. He wanted to let his mother-in-law have privacy.

Commissioner Muehling asked if the property owner had any intention of turning the guesthouse into a bed and breakfast or rental.

Mr. Johnson said he did not.

Public Testimony Opened

Mary Louise Walmsley testified as follows:
- Her main concern was that two detached dwellings could devalue the property of the entire neighborhood and she believed the dwellings would detract from the Rural Residential nature of the neighborhood.
- She believed that all parties involved should have thoroughly researched the septic issue well before this time.

Eleanor Guthrie testified as follows:
- As a tenant in the duplex directly to the north of the applicant, she noticed the applicant was often burning brush. She believed that the applicant would push the boundaries of a permit if acquired.
- She believed the two dwellings were unnecessary and would detract from the Rural Residential nature of the neighborhood.

Sherri Harvey testified as follows:
Her first interaction with the applicant was when she noticed widespread burning at his property. When she questioned the property owner he said, “What’s it to you?” Her neighbor also visited the applicant’s property during the burning and didn’t believe proper safety measures were being taken.

Commissioner Peterson interrupted to ask that testimonies be on the subject of the proposed guesthouse.

Sherri Harvey continued:
- She believed the applicant would push the boundaries of a permit.

Commissioner Muehling commented that the conditional uses would lay out what the property owner could do.

Chair O’Neill also asked that testimonies relate to a conditional use permit for a guesthouse.

Lily Dong handed out documents for Commissioners to follow. She testified as follows:
- As a next door neighbor to the applicant, she pointed out that the septic tank was very close to her well.
- She mentioned that the applicant’s land was much higher than her land and was concerned about wastewater entering her well.
- She mentioned the applicant’s dwelling would be facing her home and would be three stories high. She was concerned about her family’s privacy. She pointed out that the distance between her home and the applicant’s proposed home was half the distance between the proposed guesthouse and the applicant’s proposed home.
- She wanted the neighborhood to remain peaceful and private.
- She mentioned that a guesthouse was to be smaller in size than an existing dwelling, and she believed this permit was going against the regulations.

Questions by Commissioners

Commissioner Sims asked if Ms. Dong knew the distance between the applicant’s septic and her well. He also wondered about the depth of the well.

Ms. Dong did not know, but said that it was very close to her property border. She also did not know the depth of the well.

Commissioner Muehling asked if the foundation of Building B had already started.

Ms. Dong said it had not started.

Questions by Staff

Mr. Singh asked if Ms. Dong acknowledged that the minimum setback requirement was 25 feet.

Ms. Dong responded that she did, but that the beauty of the neighborhood was the space in between homes.

Mr. Singh questioned whether Ms. Dong knew that the maximum building height in this zone was unlimited.

Ms. Dong answered that she was aware of this and this was why she was concerned.

Questions by Applicant
Mr. Johnson asked how far Ms. Dong’s house was from the property line and asked about her Airbnb rental.

Discussion ensued between applicant and Ms. Dong regarding the distances between dwellings and the Airbnb apartment.

Beverly Spears testified as follows:
- She objected to the permit because she believed it would set a precedent in the neighborhood, leading to other property owners building multiple dwellings on lots. She believed this would lead to increased traffic, dust, noise, sewage, waste water, and light pollution.
- She mentioned covenants were in effect at one point which stated that there could only be one dwelling per lot, which she wanted the neighborhood to adhere to.

Questions by Commissioners

Commissioner Whitaker asked if the covenants had expired.
Ms. Spears confirmed they had expired.

Commissioner Kenna questioned when the covenants expired.
Ms. Spears was not sure of when the covenants expired.

Kelly Egger testified as follows:
- He mentioned he was not in support of multiple dwellings on one lot.
- He said Mr. Johnson did not get a driveway permit or building permit until he was encouraged to do so. He said Mr. Johnson exhibited bad neighbor behavior.
- He didn’t believe the Borough did a good job of enforcing rules and he didn’t believe Mr. Johnson would follow the rules.
- He said Mr. Johnson put his septic right up to the septic setback requirement although he had three acres of property.

Questions by Staff

Mr. Singh asked if Mr. Egger if he was referring to Title 18 when he mentioned the setback.
Mr. Egger said he had read it somewhere, but did not have a copy.

Juliet DeLong testified as follows:
- She said that what Mr. Johnson was doing seemed nebulous. She wondered when the dwellings would actually be built, and pointed out the site plan had 3 dwellings at once.
- She said she was did not think this would be comfortable to live with.

Debra DeLong testified as follows:
- Several neighbors mentioned to her that Mr. Johnson planned to build two houses on his property, but no other lots in the neighborhood had more than one house.
- Mr. Johnson began building his home before he applied for a permit. He applied for the permit because he was forced to do so.
- She would be happy to have him build all dwellings under one roof.

Questions by Commissioners

Commissioner Sims wanted to know why she preferred one roof instead of two roofs.
Ms. DeLong answered that it is hard to tell that there are multiple families under one roof in a duplex. She was concerned that if Mr. Johnson eventually sold the property there would be two homes on one lot, which she believed would devalue neighborhood properties.

Discussion ensued between Commissioner Sims and Ms. DeLong regarding the number of roofs and Mr. Johnson’s character. Ms. DeLong believed this permit would set a precedent in the neighborhood, but Commissioner Sims pointed out this was not against any rules.

Commissioner Guinn mentioned that if Mr. Johnson subdivided into two lots, he would be able to put up even more dwellings.

Discussion ensued between Commissioner Guinn and Ms. DeLong regarding subdividing the property.

Commissioner Muehling asked for confirmation that no other property in the neighborhood had more than one house.

Ms. DeLong confirmed this was the case as far as she knew.

Commissioner Muehling questioned whether the covenants which were previously in place allowed two houses.

Ms. DeLong didn’t believe the covenants allowed this.

Questions by Staff

Mr. Singh asked if Ms. DeLong realized the minimum lot size in this zoning was one acre.

Ms. DeLong did not.

Mr. Singh asked if Ms. DeLong realized there was no restriction on the size of the primary dwelling unit.

Ms. DeLong did realize this.

Scott Reisland testified as follows:

- The homes in Bartlett Heights were built far away from property lines, and no houses were close to the others, which made for a beautiful neighborhood.
- He was opposed to multiple houses on Mr. Johnson’s lot because it was going to be built right next to the property line, would be very large, would overlook the neighbor’s home, and would affect the view of the Alaska Range.

Commissioner Sims asked if Mr. Reisland would be opposed to a duplex.

Mr. Reisland indicated he would not be opposed to that.

Brittney Johnson testified as follows:

- As the wife of Mr. Johnson, she and her family planned to build their dream house on their property.
- The current dwelling (Building A) belonged to Mr. Johnson’s brother and would be moved.
- The future main dwelling would not be facing the neighbor’s home, but facing the road.
- She mentioned that the mother-in-law home may or may not ever be built.
- She said they planned to stay in the home for life, were life-long Alaskans, and had no intention of building a duplex or multi-family structure.
Questions by Commissioners

Commissioner Muehling asked about the size of the shop and garage and asked what type of business the family planned to do.

Ms. Johnson said that there was no business; the shop would be for her husband’s “toys.”

Commissioner Peterson asked if it would be possible to do away with the brother’s home before beginning construction on the main home.

Ms. Johnson said that would be ideal, but they were not sure when that would happen.

Renee Sexton testified as follows:
  • She and her husband enjoyed the fact that there was one dwelling on each lot in the neighborhood, and worried that if two structures were allowed it would establish a precedent.
  • She believed this might cause problems with wells and septic systems.
  • She would prefer a two-family attached dwelling rather than two separate structures.
  • She would like for the Johnsons to be nice to their neighbors.

Tom DeLong testified as follows:
  • The neighborhood has changed very little in 41 years, and this issue would be a change.
  • He did not realize that the zoning could lead to subdividing into 1 acre lots and believed residents should be aware of this.
  • He questioned whether the neighborhood could come together to reestablish covenants.
  • He would like to know more information about subdividing and re-zoning.

Questions by Staff

Mr. Singh welcomed Mr. DeLong to visit the Community Planning Department for information on these topics.

[Commission took a brief at ease.]

Applicant Rebuttal

Mr. Johnson testified as follows:
  • He apologized for the widespread burning and mentioned he had a lot of land to clear. He had permits for the burning from the Fire Department.
  • He planned to landscape his yard in the future.

MOTION: To approve the Conditional Use Permit (CU2019-009) for a guesthouse on Lot 11, Block 1 with four (4) conditions, and adopting the staff report and three (3) Findings of Fact in support of the approval by Commissioner Guinn seconded by Commissioner Perreault.

Discussion ensued among Commissioners and Ms. Dau.

ROLL CALL

Seven in Favor: Sims, Perreault, Guinn, Whitaker, Peterson, Kenna, O’Neall
One Opposed: Muehling

MAIN MOTION PASSED
Conditions for Approval

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, a modification to the conditional use permit is required pursuant to FNSBC 18.104.050(F).

2. At no time shall more than two single-family dwelling units be located on the property. Structure A must be removed in its entirety before Structure C can be constructed, pursuant to FNSBC 18.104.050(D).

3. Only one shared driveway access will be allowed on the property due to its location on the curve of Senate Loop.

4. Any septic systems serving the guesthouse conditional use shall meet Alaska Department of Environmental Conservation (ADEC) requirements.

Findings of Fact for Approval

1. The proposed conditional use conforms to the intent and purpose of Title 18 and of other ordinances and state statutes because:
   a. The proposed conditional use is consistent with the ‘Perimeter Area Preferred Residential Land’ comprehensive plan land use designation because it supports a variety of residential development.
   b. FNSB Regional Comprehensive Plan Land Use Goal 1 and Goal 3 are supported by the conditional use by increasing the density of the neighborhood in a manner that supports the necessary variety of residential development.
   c. The intent of Title 18 is met because the conditional use, with conditions, protects private property rights and promotes public health, safety, and welfare.

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. Structure A has adequate water capacity because it has an existing 1,000-gallon water tank. The proposed well will provide water to both proposed dwelling units (Structure B & C).
   b. The existing septic system and provides adequate sewage capacity to the current dwelling unit. Both proposed new dwelling units will have their own septic systems installed.
   c. The subject property is served by the Steese Fire Department for emergency fire response.
   d. The subject property has adequate power supply because it is served by the GVEA grid.
   e. The subject property is served by the Alaska State Troopers for law enforcement.
   f. The subject property has access from Senate Loop which is a Local 1 type roadway maintained by Summit Road Service Area. Senate Loop can accommodate the proposed additional trips generated from the property.
g. The FNSB zoning code does not require any off-street parking spaces for the guesthouse/current structure.

3. The proposed conditional use protects public health, safety, and welfare because the property complies with Title 18 standards for the RR zone (FNSBC 18.40) as well as with other applicable land use related laws.

   a. The conditional use does not greatly increase the residential density in the neighborhood because it will only add one additional single-family dwelling unit.

   b. Noise, odor, dust and other negative impacts to the neighborhood are not expected to be created by the addition of a second dwelling unit as there already an existing dwelling unit in a residentially developed neighborhood that allows for duplexes without conditional use approval.

   c. A shared driveway will help ensure the safety of drivers by limiting the number of driveway accesses off of Senate Loop.

[Commissioner Abbey returned to the dais.]

F. NEW BUSINESS

1. Discussion of quasi-judicial procedures, including current code requirements in Titles 4, 17 and 18, potential methods to increase public involvement and comment, and other ways to streamline or make the quasi-judicial process more efficient and effective.

Ms. Nelson briefed the Commission on quasi-judicial practices. She discussed the practices of FNSB compared to the practices of other communities in Alaska.

Discussion ensued among Commissioners, Ms. Dau, and Ms. Nelson regarding quasi-judicial practices and standing requirements. There was also discussion centered on best practices when providing notice to the public and receiving testimony from the public via written comment.

Ms. Dau gave an overview of due process, especially in regards to the Planning Commission.

Gary Newman testified as follows:

   • He had previously brought up a number of issues regarding due process and standing requirements.
   • He mentioned a case that had occurred in which a Surveyor was ruled to not have standing, and Mr. Newman believed that the Planning Commission should be the ones to make the decision regarding who was an interested person.
   • He had an experience where his wife submitted an affidavit for a case, but several affidavits were not read into the record. He also believed there were several due process problems that occurred during this case which lead to an unsatisfactory outcome.
   • He believed it was intimidating for the public to appear for testimony due to standing requirements.

Discussion ensued among Commissioners, Ms. Nelson, and Mr. Newman regarding due process and standing requirements.

Ms. Nelson pointed out that Fairbanks was the most restrictive community in Alaska for standing requirements and believed there should be changes made.
G. EXCUSE FUTURE ABSENCES

The absences of Commissioner Sims (June 11, June 25, and July 9) and Commissioner Perreault (September 10) are excused.

H. COMMISSIONER’S COMMENTS/COMMUNICATIONS

Commissioner Guinn believed some good would come out of the quasi-judicial discussion and was glad for the discussion.

Commissioner Perreault thanked Mr. Newman for participating in planning discussions.

Commissioner Whitaker was sad to hear Manish Singh would be leaving the Community Planning Department.

Commissioner Muehling welcomed the new Commissioners.

Commissioner Sims welcomed the new Commissioners and thanked Kellen Spillman for his great work on the Salcha-Badger plan.

Commissioner Whitaker said it was nice to see Ms. Dau at the meeting.

Ms. Nelson briefed the Commission on Marijuana On-Site Consumption. She also reminded the Commissioners about the current vacant seat on the Commission. She pointed out that there would be a new attorney for the Planning Commission beginning in June, Annmarie Billingsley.

Chair O’Neall thanked the Community Planning Department for their hard work and reports. She also welcomed new Commissioners. She thanked Ms. Dau and Mr. Jaffa.

Ms. Nelson updated the Commission on recent budget matters. She also mentioned that the department was working on prioritizing projects.

I. ADJOURNMENT

There being no further business, the meeting was adjourned at 10:03 p.m.
CU2019-010

STAFF REPORT
STAFF REPORT

To: Fairbanks North Star Borough Planning Commission
From: Kristina Heredia, Planner II
Date: June 11, 2019
Subject: CU2019-010: A request by Allan Hayton for conditional use approval of a guesthouse, located at 736 Arkansas Drive, in the Rural Residential (RR) zoning district on Lot 10, Block 6, Mountain View 5 (on the north side of Arkansas Drive, southeast of Keep Drive).

I. EXECUTIVE SUMMARY

The applicant owns one 42,000 sq. foot parcel located on Arkansas Drive, in the Rural Residential (RR) Zoning District. There is currently one single-family residence (SFR) on the subject property (Existing Home). The applicant has applied for a conditional use in order to build a second SFR on the same property. The applicant has provided a site plan that shows the locations and dimensions of both the current and proposed SFRs, (see Figure 1 and/or Attachment 2). The current home is a two-story SFR and the proposed SFR will be a dry cabin.

Figure 1: Site Plan showing the existing SFR and the proposed dry cabin
The surrounding properties are predominantly developed with single-family residential uses, with none of the adjacent properties have conditional uses allowing guesthouses on them.

Both the existing dwelling and the proposed guesthouse (dry cabin) will have a shared driveway access from Arkansas Drive, which is a Local 1 type roadway maintained by the Mt. View Road Service Area. The applicant has stated that the existing SFR has a 1,500 gallon holding tank for their water needs, as well as an existing septic system. When the guesthouse is constructed it will not share access to the holding tank or the septic. Instead water will be brought in manually by the gallon for the cabin, and the cabin will be served by a new pit privy with outhouse. The applicant has already been in contact with DEC for pit privy guidelines and regulations.

Key Issues:

Two Proposed Dwelling Units: This lot will be the only one in the area with an approved conditional use for a guesthouse. There are three properties in the area that have conditional uses for mobile homes.

While the Planning Commission has recently approved another applicant’s conditional use for a guesthouse in a Rural Residential zoning district, it was situated on a larger, 3.5 acre lot. While this applicant’s lot does meet the minimum lot size requirements for the RR zone, it exceeds the requirement by only 2,000 square feet. The applicant is proposing to place the dry cabin in the front of his lot, whereas the existing SFR is located in the rear of the lot. This separation will allow the character of the neighborhood to continue, without compromising the applicant’s desire to have a guesthouse on his property.

Pit Privy with Outhouse: The dry cabin the applicant would like to place on his property will not have access to the currently existing septic system. Rather, a pit privy will be constructed, with an outhouse placed over it. The applicant is aware of ADEC regulations in regards to pit privies, and is constructing his privy accordingly. ADEC regulations require that the pit privy be dug a minimum of 100 feet from any “surface water, wetlands, sloughs, swamps and from any potable water system that is not a public water system.” The applicant is aware of this requirement and will not be within 100 feet of any wells on neighboring properties. The applicant has also stated in his narrative that the privy pit will be “reinforced with barrels with holes to allow for drainage of fluid waste” (Attachment 3). A copy of the application with narrative was submitted to Tonya Bear with the ADEC, and no comments were submitted in response.

Staff Recommendation: Approval with three (3) 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, a modification to the conditional use permit is required pursuant to FNSBC 18.104.050(F).
2. Only one shared driveway access will be allowed on the property due to its proximity to the intersection of Arkansas Drive and Colorado Court.
3. The pit privy must be built per ADEC guidelines and regulations.
## II. GENERAL INFORMATION

### Property Information

<table>
<thead>
<tr>
<th>Property Information</th>
<th>Details</th>
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<tbody>
<tr>
<td><strong>Applicant</strong></td>
<td>Allan Hayton</td>
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<td><strong>Property owner</strong></td>
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<td><strong>PAN</strong></td>
<td>0415090</td>
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<td><strong>Comprehensive plan</strong></td>
<td>Perimeter Area</td>
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<td><strong>Flood zone</strong></td>
<td>X (100%) (Source: March 17, 2014 dFIRM)</td>
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<td><strong>Code violations</strong></td>
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### Adjacent Zoning/Land Use

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<th>Details</th>
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<tbody>
<tr>
<td><strong>Northeast</strong></td>
<td>RR, residential (single-family)</td>
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<td><strong>Northwest</strong></td>
<td>RR, vacant land</td>
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<td><strong>South</strong></td>
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<td><strong>East</strong></td>
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<td><strong>West</strong></td>
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### Public Services

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<tr>
<td><strong>Water</strong></td>
<td>1,500-gallon water tank currently, future well proposed</td>
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<td><strong>Sewage</strong></td>
<td>Septic system</td>
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<td><strong>Electricity</strong></td>
<td>GVEA</td>
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<td><strong>Police</strong></td>
<td>Alaska State Troopers</td>
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<td><strong>Fire</strong></td>
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### Transportation

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<td><strong>Access road</strong></td>
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<td><strong>Road type</strong></td>
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<td>Mt. View Road Service Area</td>
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<td><strong>Daily traffic count</strong></td>
<td>N/A</td>
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<tr>
<td><strong>Trip generation</strong></td>
<td>9 trips per day for one single-family dwelling, two single-family dwellings would be 18 trips per day</td>
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### Property Development and Zoning History

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<th>Property Development and Zoning History</th>
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<tr>
<td><strong>March 28, 1968</strong></td>
<td>Property was zoned Unrestricted Use (UU) by Ord. 67-34</td>
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<td><strong>October 30, 1984</strong></td>
<td>Plat recorded (FRD1984-257-001) for Mountain View, fifth phase</td>
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<td><strong>August 14, 1969</strong></td>
<td>Property was rezoned Rural Residential (RR) by Ord. 69-23</td>
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<tr>
<td><strong>2006</strong></td>
<td>Current SFR built</td>
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Conditional use application (CU2019-001) submitted for a
guesthouse on Lots 1l

Agency Comments

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<th>Comments</th>
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<td>FNSB Rural Services</td>
<td>No objections</td>
</tr>
<tr>
<td>State Fire Marshall</td>
<td>Requests applicant submit a plan review per AK Admin Code 50.027</td>
</tr>
<tr>
<td>Steese Fire Service Area</td>
<td>Requests owner consider proper access for large fire apparatus</td>
</tr>
<tr>
<td>Alaska Dept. of Transportation (ADOT)</td>
<td>No comment</td>
</tr>
</tbody>
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III. PROPOSED USE AND PROJECT INFO

The subject property for this conditional use application is located on Arkansas Drive, north of Farmers Loop, northwest of the Steese Hwy (see Figure 2 for location map).

The applicant owns one parcel, Lot 10, Block 6, Mountain View 5th Subdivision, in the Rural Residential (RR) zone. There is currently one single-family residence (SFR) located on the property (see Figure 1 and/or Attachment 2 for site plan). The applicant has applied for a conditional use application to build a secondary single-family residence (dry cabin) on the property.

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 is a two-story single-family residence that is approximately 1,260 sq. ft. in size, and the proposed dry cabin will be approximately 216 sq. ft. in size (see Attachment 2 for dimensions). The dry cabin qualifies to be a guesthouse as it is detached from the primary structure, and is subordinate in size.

The current SFR was built within the required rear-yard setback, and is only ±5 feet from the rear property line, as shown in Attachment 2. The current SFR was built in 2006 by a previous owner, and there is no record that a zoning permit was ever issued for its construction. Since the structure was built after the RR zoning was implemented in 1971, it would not qualify for grandfather rights, as the setback regulations were established prior to
construction. The structure also many not be eligible for amnesty relief, as the minimum yard setback granted under amnesty is 5 feet. The applicant is aware of this and understands that approval of the conditional use for the guesthouse does not also grant approval for the existing SFR in its current setback.

Figure 3: Zoning in the Surrounding Area

The surrounding properties are all zoned Rural Residential (RR). To the east is a mixture of RA-5 and RE-2. The surrounding properties are predominantly developed with single-family residential uses. Three of the properties in the surrounding neighborhood have approved conditional uses for mobile homes.
The subject property has a Land Use Designation of Perimeter Area, and most of the surrounding properties share the same designation. To the northwest however, the Perimeter Area Preferred Residential Land boundary cuts through some of the surrounding properties, making them have dual designations of Perimeter Area Preferred Residential Land & Perimeter Area.

IV. PROPERTY DEVELOPMENT AND ZONING HISTORY

In October of 1984, Lot 10, Block 6 was created with the recording of a plat for the fifth phase of the Mountain View Subdivision (FRD1984-257-001, Attachment 4). On March 28, 1968, the FNSB enacted their zoning regulations with the adoption of Ord. 67-34 and the subject property was zoned Unrestricted Use (UU). On August 14, 1969, the subject property became Rural Residential (RR) when Ord. 69-23 came in effect. The property remained vacant until 2006, when the previous property owner started construction of the current single-family dwelling unit on the property.

V. APPLICABLE APPROVAL CRITERIA

Conditional Uses are governed by FNSBC18.104.050(C) (see Attachment 5 for details).
VI. PUBLIC NOTICE

The Community Planning Department mailed 301 dear property owner notices and received no inquiries about this case. The applicant posted a public hearing notice sign on April 26, 2019. This sign meets the ‘notice by applicant’ requirements (see Attachment 6)

VII. AGENCY COMMENTS

The FNSB Department of Community Planning contacted following agencies for comments (see Attachment 7 for agency comments):

a. State Fire Marshal
b. Steese Fire Service Area
c. Alaska State Troopers
d. Alaska Department of Transportation and Public Facilities (ADOT&PF)
e. FNSB Rural Services
f. Mt. View Road Service Area
g. Alaska Department of Environmental Conservation (ADEC)
h. Golden Valley Electric Association (GVEA)
i. Golden Heart Utilities
j. Valley Water
k. Alyeska Pipeline Service Company
l. FNSB Addressing

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).¹ The Comprehensive Plan Land Use Map characterizes this area as ‘Perimeter Area’.

¹ 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 development, and use. It is a long-range document to guide the Borough through the next few decades. The Comprehensive Plan thus guides the implementation of zoning; the zoning code is the codified law. A specific area or zone must be “in accordance with” the Plan, which means it must be consistent with the validly enacted plan. It is impossible to instantaneously implement all Plan goals and policies in every designated area of the Borough, and there is no expectation that this be done. Instead, the law merely requires consistency with the Plan. It is important to note that while the Comprehensive Plan reflects Borough’s official land use policy, it is not a zoning ordinance and does not codify any land use standards. It should not be interpreted as restricting the Assembly’s ability to accommodate the actual development of the Borough and the changing needs of the community.
Perimeter Area land is land that is “within a 10 to 20 minute travel time of urban destinations, and which contains primarily residential uses”. Also, “variable densities are encouraged provided they are compatible with the surrounding community”.

This conditional use is to allow an applicant to place a second single-family dwelling unit (dry cabin). The applicant’s property is considered preferred to develop residentially, where “variable densities are encouraged”. While the majority of the surrounding properties were only developed with one single-family structure, there are small variations in the densities of the area, due to the different zoning designations, which require different minimum lot sizes. Adding one additional single-family dwelling unit to the applicant’s property will both provide for the variable densities desired in the comprehensive plan with minimum impact allowed by RR zoning with a conditional use, as the two dwelling uses are on opposite sides of the property.

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 development that has the potential to disrupt the surrounding properties.

The lot meets the minimum lot size requirement, and the proposed dwelling unit is outside the required setbacks for the RR zoning district. Both the applicant and the neighbors are able to exercise their private property rights as this development should have little impact on the surrounding properties, as two-family residencies are allowed as a permitted use, and two single-family residences are allowed with a conditional use. While no wells have been identified on the surrounding properties, the applicant is aware that he must construct his privy a minimum of 100 feet from any wells per ADEC regulations. Therefore, the conditional use supports Land Use Goal 1, Strategy 2 because it doesn’t disrupt the existing residential development of the neighborhood, nor the safety of potable drinking water.

**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 will allow for the applicant to have two single-family dwelling units on his property. While most of the surrounding properties only have one single-family dwelling unit, there are several mobile homes in the area that are utilized as primary dwelling units. This request will continue to provide for residential variation as the applicant is requesting to place a dry cabin on his property. By allowing the applicant to build his guesthouse, the Planning Commission is allowing for diverse and varied residential homes.
Therefore, the conditional use supports Land Use Goal 3, Strategy 7 because it provides residential land use opportunity north of the Farmers Loop area.

**Intent of FNSBC Title 18:** The intent of Title 18 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 will allow for a guesthouse on the applicant’s private property. Allowing the property owner to continue to develop 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 property has access from Arkansas Drive, which is a Local 1 type roadway maintained by Mt. View Road Service Area. The current driveway into the property is 152 feet north of Colorado Court. Due to the proximity of the Arkansas Drive/Colorado Court intersection, the applicant should have only one driveway access point. The current driveway access is sufficient for all current and proposed dwelling units, and can be split into two driveways once on the property.

The existing dwelling has a 1,500-gallon water tank for its water needs. The existing dwelling has a septic system for any sewer needs as well. The new dry cabin will not have a separate water tank and water will have to be brought in manually, in gallon jugs.

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 property.

(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 (Structure A) has a 1,500 gallon water tank for any water needs. The applicant is not planning on utilizing that water tank, nor proposing to dig a well for the future use of the property.

The applicant has stated that the existing dwelling has a septic system for the sewer needs of the existing SFR. A pit privy will be dug and constructed per ADEC regulations. The applicant has already been in contact with ADEC and understands their guidelines and regulations.
Emergency Fire Response: The property has adequate fire services because the property is served by the Steese Fire Department.

Energy: The property has adequate power supply because it is served by the GVEA grid.

Police: The property is served by the Alaska State Troopers for law enforcement.

Transportation: The existing dwelling has access from Arkansas Drive, which is a Local 1 type roadway maintained by Mt. View Road Service Area. A single-family dwelling unit such as this proposed guesthouse generates approximately 9 vehicle trips per day. Adding an additional single-family dwelling unit will increase the vehicle trips to 18 per day in total.

The existing driveway leads to the current structure. When the applicant builds the second dwelling unit, the same driveway will be utilized for the guesthouse. There are no plans to have two separate driveway accesses at this time. On May 17, 2019, Floyd Sheesley, the Civil Engineer for FNSB Rural Services Division commented on this conditional use application and had no objections. Planning staff however is recommending a condition which will ensure that all current and proposed dwelling units share the same driveway access point to the property, to address public safety.

The FNSB zoning code requires that all residential dwelling units have at least one parking space per unit. Therefore the applicant will be required to provide one parking space for the dry cabin (FNSBC 18.96.060.C.7). While only one space is required, the property does has adequate space to provide additional 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 the proposed privy will have a minimum of 100 feet separation from any neighboring wells, and the dry cabin will not drastically increase the residential density of the neighborhood. Noise, odor, dust and other negative impacts to the neighborhood are not expected to be created by the proposed second single-family dwelling unit (dry cabin) because it does not have a large footprint, or heavy construction requirements. The applicant has outlined what companies he will be utilizing for the construction and placement of the cabin, and how noise, odor and dust will be mitigated, and temporary in nature (Attachment 7).

While the existing dwelling has a rear side-yard setback of 5 feet +/- instead of the required 25 feet, the proposed guesthouse will stay out of all of the required setbacks. This will ensure that the surrounding properties are not negatively affected by having an additional single-family dwelling unit on the property.

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2 This section of this staff report includes comments from Donald Galligan, FNSB Transportation Planner

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, a modification to the conditional use permit be 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 Lot 10, Block 6, Mountain View 5 Subdivision in the Rural Residential (RR) zone with three (3) conditions.

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, a modification to the conditional use permit is required pursuant to FNSBC 18.104.050(F).
2. Only one shared driveway access will be allowed on the property due to its proximity to the intersection of Arkansas Drive and Colorado Court.
3. The pit privy must be built per ADEC guidelines and regulations.

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 because:
   a. The proposed conditional use is consistent with the ‘Perimeter Area’ comprehensive plan land use designation because it supports a variety of residential development.
   b. FNSB Regional Comprehensive Plan Land Use Goal 1 and Goal 3 are supported by the conditional use by increasing the density of the neighborhood in a manner that supports the necessary variety of residential development.
   c. The intent of Title 18 is met because the conditional use, with conditions, protects private property rights and promotes public health, safety, and welfare.
   d. The proposed conditional use conforms to state statues because the applicant intends to build the pit privy in accordance with applicable 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 dry cabin will have a separate pit privy and outhouse, which will be constructed in accordance with ADEC regulations.

b. The subject property is served by the Steese Fire Department for emergency fire response.

c. The subject property has adequate power supply because it is served by the GVEA grid.

d. The subject property is served by the Alaska State Troopers for law enforcement.

e. The subject property has access from Arkansas Drive which is a Local 1 type roadway maintained by Mt. View Service Area. Arkansas Drive can accommodate the proposed additional trips generated from the property.

f. The FNSB zoning code requires one off-street parking space for the guesthouse.

3. The proposed conditional use protects public health, safety, and welfare because the property complies with Title 18 standards for the RR zone (FNSBC 18.40) as well as with other applicable land use related laws.

a. The conditional use does not greatly increase the residential density in the neighborhood because it will only add one additional single-family dwelling unit.

b. Noise, odor, dust and other negative impacts to the neighborhood are not expected to be created by the addition of a second dwelling unit as there is already an existing dwelling unit in a residentially developed neighborhood.

c. A shared driveway will help ensure the safety of drivers by limiting the number of driveway accesses off of Arkansas Street.

d. The dry cabin will be situated on a gravel bed, and the pit privy dug in accordance with ADEC regulations.

DRAFT PLANNING COMMISSION MOTION:

I move to approve the Conditional Use Permit (CU2019-010) for a guesthouse on Lot 10, Block 6 with three (3) condition, and adopting the staff report and three (3) Findings of Fact in support of the approval.
**Property Information for PAN#: 0415090**

STATUS: ACTIVE - ROLL TYPE 1
PROPERTY DESCRIPTION: MOUNTAIN VIEW 5, BLOCK: 06, LOT: 10
OWNER: Hayton Allan J [ownership]
BILLING ADDRESS: 736 Arkansas Dr Fairbanks, AK 99712 1341
SITUS ADDRESS: 736 Arkansas Dr
PARCEL SIZE: 42000 SF
NEIGHBORHOOD: Farmers Loop (0902)
LAND CLASS: General Residential Hillside
PRIMARY USE: Residential
FLOOD ZONE: X (100%)
SPECIAL REG. AREAS: None
ZONING: RR (100%)
COMP PLAN: Perimeter Area (100%), Perimeter Boundary (100%)
PLANNING DISTRICT: North Fairbanks (100%)
ROAD DISTRICT: N/A
URBAN BOUNDARY (2003): YES
ROAD SERVICE AREA: Mt. View (100%)
FIRE SERVICE AREA: Steese (100%)
FIRE SERVICE (Property DB): Steese Vol Fire S A
STRUCTURES: SFR (1 Unit)
BUSINESS ON SITE: N/A
MILL GROUP: Mt. View Service Area (0600) (Est. Mill Rate: 15.81)
PLAT NUMBER: MOUNTAIN VIEW 5TH (FRD1984_257_001)
DESCRIPTION (VAULT): LOT 10 BLOCK 6 MOUNTAIN VIEW PHASE 5 OUT OF TL-2305 SEC 23 T1N-R1W
COMMUNITY PLANNING PERMITS: NONE

**Assessment History**

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Project Narrative

Proposal for installation of dry cabin guest house on property.

Newly constructed 12x18 log cabin. The custom-built with a mix of aged 8 and 10-inch logs. This unit is furnished with propane range, refrigerator, Toyo 300, 50-gallon fuel tank, and bunk beds.

Cabin to be situated on gravel building pad. Contracting with Ronnie with Interior Dirt Works, LLC (907) 699-7543 Designated area is 30 ft x 30 ft, by 3 ft high. Designated area will be cleared of trees, brush, typar will be laid, and gravel pad will be approximately 3ft in depth. Gravel pad will be built using coarse tailings, 100 yards of material. Gravel pad will be installed in 1ft lifts, compacted with each lift. Existing driveway will be leveled, compacted, and will be built up with 6” to 12” of material focused on softer problem areas of driveway. Driveway material will consist of coarse tailings, graded and compacted, with appropriate drainage dug along both sides of driveway connecting to existing drainage ditch at Arkansas Drive.

Ronnie is expecting to make 15 trips to gravel pit in Fox to move required materials to property location.
Entire pad for cabin is 25 ft from neighbor's property line. Ronnie Dubs utilized gps system, and metal detector to identify all property lines, and metal corner posts (photo).

Contacted Tonya Bear, P.E. at Alaska Department of Environmental Conservation for pit privy guidelines. Outhouse pit will be dug, and walls reinforced with barrels with holes to allow for drainage of fluid waste.

**Personnel**

A total of two contractors involved in project. Ronnie Dubs of Interior Dirt Works, LLC is contractor for construction of gravel pad, repairs on existing driveway, and digging of pit privy. Jacob Yule built the proposed cabin, as well as the outhouse structure.

Ronnie will work early evenings from 5 to 8pm, and weekends to complete construction of gravel pad, and driveway repairs. Entire time frame for proposed work will be 10 days. Once the construction is complete, which will be expedited by the fact that the structure is already built and will simply be moved to the location, it will function as a residence, and will not affect neighboring properties as far as noise, dust, odor, light, or other considerations.

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**April 26, 2019**
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 )
) ss.
FOURTH JUDICIAL DISTRICT )

I, __________, being first duly sworn, depose and state that:

1. I have submitted an application identified as __________.

2. I have posted and will maintain public notice sign #_________ 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 __________ (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

________________________
730 Arkansas Drive
Fairbanks, AK 99701

________________________
(Print Name and Address of Affiant)

SUBSCRIBED AND SWORN TO BEFORE ME on this __________ day of __________, 2019

________________________
Notary Public in and for Alaska

________________________
Commission Expires

Fairbanks North Star Borough is subject to the Alaska Public Records Act, AS 40.25 et seq. and this document may be subject to public disclosure under state law.

W/Community Planning/AdminForms & Handouts/FYE 2019/Application_CUP.docx

35
Case No. CU2019-010

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

Steese Fire Service Area

info@steesefire.org

Mitch Flynn, Fire Chief
mitch.flynn@steesefire.org

Samara Steele, Admin Assistant
samara.steele@steesefire.org

State Troopers

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

FNSB Rural Services

Floyd Sheesley, Civil Engineer
FSheesley@fnsb.us

Road Service Area
Sigvald Strandberg
Sigvald.Strandberg@fnsb-rs.us

FNSB Departments

Bill Witte, FNSB E-911 Addressing
BWitte@fnsb.us

Alaska Department of Transportation (ADOT)

Randi Bailey, Transportation Planner
randi.bailey@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

Tim Shilling, Natural Resource Manager
Timothy.shilling@alaska.gov

Colin Craven, Natural Resource Specialist
Colin.craven@alaska.gov

GVEA
Julie Karl, Land Management Supervisor
JLKarl@gvea.com

Richard Possenti, Lead Construction Field Representative
RJPossenti@gvea.com

Golden Heart Utilities

General Information
usainfo@akwater.com

Marc Harmon, Environmental Compliance Manager
marc@akwater.com

Alyeska Pipeline Service Company

General contact information
alyeskamail@alyeska-pipeline.com

Valley Water

Company Email
valleywaterco@hotmail.com
Application Material Received on
April 26, 2019

CU2019-010
File No. CU2019-010

FAIRBANKS NORTH STAR BOROUGH
Department of Community Planning
907 Terminal Street/P.O. Box 71267
Fairbanks, Alaska 99707-1267
(907) 459-1260 Fax: (907) 205-5169
planning@fnsb.us

CONDITIONAL USE PERMIT APPLICATION

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: ALLAN J. HAYTON
Property Owner: SAME
Contact Name: ALLAN J. HAYTON
Name: SAME
Business Name:
Mailing Address: 736 ARKANSAS DRIVE
Mailing Address:
City, State Zip: FAIRBANKS, AK 99712
City, State Zip:
Phone: 907.244.1925
Phone:
Cell: 907.244.1925
Cell:
E-mail: NOTYAH.NALLA@GMAIL.COM
E-mail:

Property Information:
Property Description: MOUNTAIN VIEW 5, BLOCK: 6, LOT: 10
Street Address: 736 ARKANSAS DRIVE
Lot Size: 42,000 SF
Parcel Account Numbers (PAN): 0415090
Zoning District:
Existing Use(s): RESIDENTIAL

Conditional Use Request Information:
Proposed Use(s): ADDITION OF DRY CABIN GUEST HOUSE ON LOT
Request Description and Reasons for the Request:

Conditional use for guest house

APPLICANT SIGNATURE: 4/25/19
OWNER SIGNATURE (if different): 4/25/19

If the applicant is not the sole property owner, written consent of all property owners must be provided (FNSBC 18.104.050(B)).
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SITUS ADDRESS: 736 Arkansas Dr
PARCEL SIZE: 42000 SF
NEIGHBORHOOD: Farmers Loop (0902)
LAND CLASS: General Residential Hillside
PRIMARY USE: Residential
FLOOD ZONE: X (100%)
SPECIAL REG. AREAS: None
ZONING: RR (100%)
COMP PLAN: Perimeter Area (100%), Perimeter Boundary (100%)
PLANNING DISTRICT: North Fairbanks (100%)
ROAD DISTRICT: N/A
URBAN BOUNDARY (2003): YES
ROAD SERVICE AREA: Mt. View (100%)
FIRE SERVICE AREA: Steese (100%)
FIRE SERVICE (Property DB): Steese Vol Fire S A
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BUSINESS ON SITE: N/A
MILL GROUP: Mt. View Service Area (0600) (Est. Mill Rate: 15.581)
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Cabin to be situated on gravel building pad. Contracting with Ronnie with Interior Dirt Works, LLC (907) 699-7543 Designated area is 30 ft x 30 ft, by 3 ft high. Designated area will be cleared of trees, brush, tarp will be laid, and gravel pad will be approximately 3ft in depth. Gravel pad will be built using coarse tailings, 100 yards of material. Gravel pad will be installed in 1ft lifts, compacted with each lift. Existing driveway will be leveled, compacted, and will be built up with 6" to 12" of material focused on softer problem areas of driveway. Driveway material will consist of coarse tailings, graded and compacted, with appropriate drainage dug along both sides of driveway connecting to existing drainage ditch at Arkansas Drive.

Ronnie is expecting to make 15 trips to gravel pit in Fox to move required materials to property location.
Entire pad for cabin is 25 ft from neighbor's property line. Ronnie Dubs utilized gps system, and metal detector to identify all property lines, and metal corner posts (photo)

Contacted Tonya Bear, P.E. at Alaska Department of Environmental Conservation for pit privy guidelines. Outhouse pit will be dug, and walls reinforced with barrels with holes to allow for drainage of fluid waste.

Personnel

A total of two contractors involved in project. Ronnie Dubs of Interior Dirt Works, LLC is contractor for construction of gravel pad, repairs on existing driveway, and digging of pit privy. Jacob Yule built the proposed cabin, as well as the outhouse structure.

Ronnie will work early evenings from 5 to 8pm, and weekends to complete construction of gravel pad, and driveway repairs. Entire time frame for proposed work will be 10 days. Once the construction is complete, which will be expedited by the fact that the structure is already built and will simply be moved to the location, it will function as a residence, and will not affect neighboring properties as far as noise, dust, odor, light, or other considerations.

[Signature]

April 26, 2019
FAST Planning
TECHNICAL COMMITTEE MEETING
Wednesday, June 5, 2019
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 June 5, 2019 Agenda
4. Approval of the May 1, 2019 Meeting Minutes Pg 1-6
5. Committee/Working Group Reports (including the Chair’s Report)
6. Public Comment Period (Non-Action Items)
7. Old Business
   a. Revised MOA Amendment for the Selection and Funding of CMAQ Projects within the
      Fairbanks PM2.5 Non-attainment Area (Action Item) Pg 7-12
8. New Business
   a. Air Quality – Draft State Implementation Plan Pg 13-33
      - Review of Transportation Control Measures & Emission Budgets
   b. Better Utilizing Investments to Leverage Development (BUILD) Grant (Action Item) Pg 34-35
      - Project Selection for Grant Application(s)
   c. National Highway Freight Program – Letter to Alaska DOT&PF (Action Item) Pg 36-42
   d. Road Service Area Expansion Plan – Draft Scope of Work (Action Item) Pg 43-49
   e. Cowles Street Reconstruction – Project Increase (Action Item) Pg 50-53
   f. College Road Bus Pullouts – Project Increase (Action Item) Pg 54
9. Other Issues
10. Informational Items
    a. 4.17.19 Policy Board Action Items Pg 55
    b. Obligations and Offsets Pg 56-59
11. Technical Committee Comments
12. Adjournment

Next Scheduled Technical Committee Meeting – Wednesday, July 3, 2019, Noon, Fairbanks City Council Chambers
ADDENDUM
STAFF REPORT ADDENDUM

To: Fairbanks North Star Borough Planning Commission

Through: D. Christine Nelson, Director
Department of Community Planning

From: Kristina Heredia, Planner II
Department of Community Planning

Date: June 11, 2019

Subject: CU2019-010: A request by Allan Hayton for conditional use approval of a guesthouse, located at 736 Arkansas Drive, in the Rural Residential (RR) zoning district on Lot 10, Block 6, Mountain View 5 (on the north side of Arkansas Drive, southeast of Keep Drive).

Planning staff received an application for a conditional use (CU) for a guesthouse for the property located at 736 Arkansas Drive. The applicant is proposing to have a secondary dwelling unit, or guesthouse constructed on his property. The guesthouse will be a dry cabin that is 216 sq. ft. in size (12’ x 18’). This CU will be heard before the Planning Commission on June 11, 2019. Planning is recommending approval of the CU, with three conditions, and the staff report has already been published online.

Recently, a neighbor of the applicant contacted Community Planning to inquire about covenants in their subdivision that would limit property owners from renting out their homes. Review of the plat and plat documents for Mountain View, Phase 5 showed no indication of any covenants. However, when the plat (FRD1984_257_001) (Attachment 1) was recorded in 1984, it included several notes that were designed to limit the type of development that could occur within the subdivision. Note 6 of the plat states that “no dwelling consisting of less than 950 square feet may be constructed upon any lot of this subdivision. Occupancy of mobile homes within this subdivision shall not be permitted.” Since the proposed guesthouse is less than 950 sq. feet, it would be in conflict with this plat note.

Planning staff does not consider this notation to be enforceable by the Borough, since it is outside the scope of the FNSB subdivision regulations, and no such zoning regulation exists. In addition, Phase 4 for the Mountain View Subdivision (FRD1983_6_001), has the exact same note recorded, which limits both dwellings under 950 sq. ft. and mobile homes. In 1991 the Planning Commission approved a conditional use (CU1999-0010) for a mobile home that disregarded this note. As such, Planning still recommends approval of the guesthouse for CU2019-010, with proposed conditions.