1. **ROLL CALL**

2. **MEMORANDA/REPORTS/PRESENTATIONS**
   
a. Presentation by the Administration on Ground Water Protection Overlay, with a question and answer period.

3. **ADVANCED ORDINANCES AND RESOLUTIONS**
   
a. **ORDINANCE NO. 2019-11.** An Ordinance Rezoning Approximately 584 Acres, Including Silver Creek Subdivision Lots 1 Through 6, Tract A And Tract B, And South Half (S½) Of Southeast One Quarter (SE¼), Section 35, T2N R1W FM From General Use 1 (GU-1) To Rural And Agricultural 5 (RA-5) Or Other Appropriate Zone, And; Northeast One Quarter (NE¼) And North Half (N½) Of Southeast One Quarter (SE¼), Section 35, T2N R1W FM From General Use 1 (GU-1) To Rural Estate 2 (RE-2) Or Other Appropriate Zone (Located On The North Side Of Goldstream Road, Approximately One Mile West Of The Old Steese Highway) (RZ2019-003). (Sponsor: Mayor Ward) (Page 3)

   **CLERK’S NOTE:** THIS ITEM WAS NOT REFERRED TO THE COMMITTEE OF THE WHOLE DURING THE REGULAR ASSEMBLY MEETING ON MARCH 28, 2019 DUE TO TIME CONSTRAINTS.

ADVANCED ORDINANCES AND RESOLUTIONS – continued


4. BRIEFINGS FROM THE BOROUGH MAYOR

5. ASSEMBLY BUSINESS/COMMENTS

6. ADJOURNMENT
MEMORANDUM

TO: Fairbanks North Star Borough Assembly

THROUGH: Bryce Ward, Mayor
Jim Williams, Chief of Staff

FROM: Christine Nelson, AICP
Community Planning Director

DATE: March 28, 2019

SUBJECT: ORDINANCE NO. 2019-15 ‘Accessory Structures’


After analysis of the request, the Department of Community Planning recommended approval of the requested ordinance change.

The Planning Commission voted 6 in favor, 0 opposed, to recommend approval of the ordinance to the Borough Assembly.

This item is requested to be placed on the agenda for advancement to public hearing on the next Fairbanks North Star Borough Assembly meeting. Attached is a packet with further details of the request.
FAIRBANKS NORTH STAR BOROUGH

ORDINANCE NO. 2019 - 15

AN ORDINANCE AMENDING FNSBC 18.96.030 'ACCESSORY STRUCTURES' TO REDUCE SETBACK REQUIREMENTS FOR ACCESSORY BUILDINGS, EXCEPT GUESTHOUSES, IN RURAL AND AGRICULTURAL, RURAL FARMSTEAD, RURAL ESTATE, AND RURAL RESIDENTIAL ZONING DISTRICTS

WHEREAS, Examples of accessory buildings in rural zones include shops, storage units and storage sheds; and

WHEREAS, Accessory buildings in rural zones, except guesthouses, have fewer land use impacts on neighboring properties compared to dwelling units; and

WHEREAS, It is appropriate for accessory buildings in rural zones, except guesthouses, to have some exception to the side and rear-yard requirements; and

WHEREAS, It is important to ensure that the placement of an accessory building does not adversely affect adjoining property owners or increase the potential for the spread of fire; and

WHEREAS, Accessory buildings constructed in side and rear-yard in rural zones should have limitations on their size and bulk to minimize land use impacts on the adjacent property; and

**AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT**

Text to be *added* is *underlined*

Text to be *deleted* is [BRACKETED, CAPITALIZED]
WHEREAS, Allowing small accessory structures to be placed within the normal setbacks without adversely impacting neighboring properties is a more efficient use of land; and

WHEREAS, Maintaining some setback for accessory buildings in rural zones is consistent with the rural nature of these zones; and

WHEREAS, Frontages that have driveway access should not have any exception to the front-yard requirement to protect their safe interaction with the public right-of-way; and

WHEREAS, Other Alaskan municipalities have allowed certain setback exemptions in rural zones; and

WHEREAS, The FNSB Planning Commission initiated a review of setbacks in rural zones by voting to form a Subcommittee on January 16, 2018; and

WHEREAS, The FNSB Planning Commission Subcommittee held seven publicly noticed meetings to consider and recommend changes to FNSBC 18.

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 18.96.030, Accessory structures, is amended as follows:

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

Fairbanks North Star Borough, Alaska

ORDINANCE NO. 2019-
A. In all districts, an accessory building shall meet the yard requirements of the zoning district in which it is located, except as provided in this section.

B. An accessory structure shall not directly discharge water or snow from the roof, eave, gutter, or downspout onto another's property.

C. In the single-family residential (SF-20, SF-10, SF-5), two-family residential (TF), multiple-family residential (MF) and multiple-family residential/professional office (MFO) districts, an accessory building shall:

1. Be located on the same zoning lot as the principal building or structure it serves is located.

2. Meet the yard requirements as set forth in this title, except that one accessory building of not greater than 120 square feet may be located in the required side or rear yard.

3. Be located at least 10 feet from the principal building, if the accessory building is constructed within the required side or rear yard.

D. In the rural and agricultural (RA-40, RA-20, RA-10, RA-5), rural farmstead (RF-4, RF-2), rural estate (RE-4, RE-2) and rural residential (RR) districts:

1. An accessory building shall be located on the same zoning lot as the principal building or structure it serves is located.

2. One accessory building may be located in the required side or rear yard if it meets the following criteria:

   a. The accessory building is not a dwelling or a guesthouse;

   b. It does not exceed 200 square feet of gross floor area;

   c. It does not have a building height of more than 14 feet.

   d. It will not have a yard of less than five feet; and

   e. It is located at least 10 feet from the principal building.
Section 3. 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 _________, 2019.

__________________________
Matt Cooper
Presiding Officer

ATTEST:

APPROVED:

__________________________
April Trickey, CMC
Borough Clerk

__________________________
Jill S. Dolan
Borough Attorney
MEMORANDUM

TO: Fairbanks North Star Borough Planning Commission
THROUGH: D. Christine Nelson, FNSB Planning Director
FROM: Kellen Spillman, FNSB Deputy Planning Director
SUBJECT: Recommendation on setback changes in existing FNSB Rural Zoning Districts
DATE: December 28, 2018

The purpose of this memorandum is to clarify and update the August 28, 2018 memorandum from the Planning Commission Subcommittee on Rural Residential and Rural Estates.

After the August 28, 2018 memorandum was written the Subcommittee, the FNSB Community Planning Department and the FNSB Department of Law held three additional meetings (September 25, 2018, October 9, 2018, and November 13, 2018. As a result of those subcommittee meetings the Subcommittee make the decision to reduce the scope of the draft ordinance to only include reduced setbacks for accessory structures and not address reduced setbacks for substandard lots. The draft ordinance and subcommittee recommendations regarding reducing setbacks for accessory structures remain substantially unchanged.

Acting in a support capacity for the Planning Commission, the Department submits these recommendations to the Planning Commission for discussion and to determine if the Commission wants to act on these recommendations.

Attachments: Draft Ordinance
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 FNSB 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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<tr>
<td>OR</td>
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<td>5</td>
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<td>SFR 5,000 sq. ft.</td>
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<td>SFR 5,000 sq. ft.</td>
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<td>40,000 sq. ft.</td>
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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 18 Appx. A)
Available buildable area in Rural Residential (RR) zone

Setbacks in RR zone

Scale 1"=50'

Lot 10
40,509 SF

30' x 70' House

Grandview Court
225'
200'

25' Setback
25' Setback

Scenic Loop
25' Setback
188'
180'
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

272'

294'

25' Setback

294'
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'

300'
25' Setback

570'
25' Setback

35' Setback

35' x 30'
Garage

45' x 35'
House
### Rural Zoning Setbacks in Other Alaska Communities

<table>
<thead>
<tr>
<th>District</th>
<th>Lot size (sq. ft.)</th>
<th>Setbacks (ft.)</th>
<th>Front</th>
<th>Side</th>
<th>Rear</th>
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<td>Residential (R-6)</td>
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<td>Residential (R-9)</td>
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<td><strong>Wasilla</strong></td>
<td>20,000</td>
<td>25</td>
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<td>RR</td>
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<td>RR**</td>
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<td>D-1**</td>
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<td><strong>Palmer</strong></td>
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<td><strong>Kenai (City)</strong></td>
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<tr>
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<td>20</td>
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<td><strong>Kodiak</strong></td>
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<tr>
<td>RR1*****</td>
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<tr>
<td><strong>Homer</strong>*</td>
<td>40,000</td>
<td>20</td>
<td>10</td>
<td>15</td>
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</table>

* 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, 30 ft. side yard setback.

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<tr>
<th></th>
<th>Average</th>
<th>Median</th>
<th>Mode</th>
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</tr>
<tr>
<td>Side</td>
<td>16</td>
<td>15</td>
<td>15</td>
</tr>
<tr>
<td>Rear</td>
<td>24</td>
<td>25</td>
<td>25</td>
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</tbody>
</table>
Commissioner Muehling agreed consistency is important.

ROLL CALL (MAIN MOTION)

Six (6) in Favor: Sims, Perreault, Guinn, Stepovich, Muehling and O'Neal
One (1) Opposed: Whitaker

MOTION PASSED
RECOMMENDED FOR APPROVAL

2. ORD2019- An Ordinance Amending FNSBC 18.96.030, Accessory Structures, to Provide Supplementary Regulations in the Rural and Agricultural, Rural Farmstead, Rural Estate, and Rural Residential Zoning Districts. (Staff Contact: Kellen Spillman)

Mr. Spillman explained the proposed ordinance is proposed to be sponsored by the Planning Commission and was composed by the subcommittee and felt it appropriate for a member of the subcommittee gave the presentation.

Commissioner Guinn (subcommittee member) explained that the memo given to the commission was to look into reducing the setback requirements of the Rural Residential and Rural Estate zoning and 23% of the lots that are zoned RR or RE have setback problems. Mr. Guinn further explained what the subcommittee covered and what concerns legal originally had with the ordinance.

Mr. Spillman explained the ordinance presented is the accessory structure.

Commissioner Muehling (subcommittee member) explained the subcommittee was trying to determine what would be allowed within the setback requirements that would have minimal impacts on the neighbors and further explained why there is a height requirement.

[Commissioner Muehling left the floor]

Mr. Spillman presented his setback exemption presentation.

Questions by Commissioners
None

Public Testimony Opened
None

Public Testimony Closed


Discussion on the motion ensued between commissioners.

ROLL CALL

Six (6) in Favor: Sims, Perreault, Guinn, Whitaker, Stepovich and O'Neal
Ms. Christine Nelson explained the ordinance clarifies the process by which an applicant initiated rezone is sponsored and heard by the FNSB Assembly. The Department of Community Planning recommended approval.

Questions by Commissioners

None

Public Testimony Opened

Chris Van Dyck testified as follows:
- Referenced RZ2019-001 not following initiation procedures
- Referenced FNSBC 18.104.020 (A) section 2 and interpreted as a person like Mr. Duncan cannot bring a rezone forward because the SOA land shouldn't be considered in the computation

Questions by Commissioners

None

Public Testimony Closed

Discussion on FNSBC 18.104.020 (A) (2) and if it should be considered in the ordinance; the discussion included clarification on what computation means by staff.

Mr. Jaffa explained that the proposed ordinance does not change the application procedure, it changes the procedure post recommendation by the Planning Commission and it making it to the Assembly and further explained the legal department will attain a review for legality.

Discussion ensued on an example of administration not wanting to sponsor an ordinance and how the proposed ordinance will fill a gap in the FNSBC.

MOTION: To recommend approval for ORD2019-06 to FNSB Assembly by Commissioner Sims seconded by Commissioner Perreault.

Discussion on the motion ensued between commissioners.

ROLL CALL

Six (6) in Favor: Sims, Perreault, Guinn, Whitaker, Stepovich, and O’Neall
Zero (0) Opposed:

MOTION PASSED
RECOMMENDED FOR APPROVAL

G. EXCUSE FUTURE ABSENCES
Ordinance

AN ORDINANCE AMENDING FNSBC 18.96.030 ‘ACCESSORY STRUCTURES’ TO REDUCE SETBACK REQUIREMENTS FOR ACCESSORY BUILDINGS, EXCEPT GUESTHOUSES, IN RURAL AND AGRICULTURAL, RURAL FARMSTEAD, RURAL ESTATE, AND RURAL RESIDENTIAL ZONING DISTRICTS

FNSB Planning Commission Public Hearing
February 26, 2019
Request by P.C. member to evaluate setback in RR and RE

- Formation of Subcommittee (Guinn, Muehling, Sims)
  - "Evaluate the impacts of reducing required setbacks within rural zones"
  - "Consider the impact to the community as well as property rights"
Example: Buildable Area RR

Lot 10
40,509 SF
Example: Buildable Area RE-2

Forrest Drive

272'

35' Setback

294'

25' Setback

25' Setback

Lot 4
80,455 SF

60' x 35'
House

272'

294'
Example: Buildable Area RE-4

Lot 47
170,855 SF

House

Garage

Doonerak Road

300'

25' Setback

570'

25' Setback

35' Setback

35' Setback
## Lot Sizes

<table>
<thead>
<tr>
<th>Zone</th>
<th>properties</th>
<th>Minimum lot size</th>
<th>Properties under 40,000 square feet</th>
<th>Properties under 32,000 square feet</th>
<th>Properties under 31,000 square feet</th>
<th>Properties under 30,000 square feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>RR</td>
<td>6,254</td>
<td>40,000</td>
<td>1,476 (23.6%)</td>
<td>798 (12.8%)</td>
<td>723 (11.6%)</td>
<td>611 (9.8%)</td>
</tr>
<tr>
<td>RE-2</td>
<td>5,689</td>
<td>80,000</td>
<td>325 (5.7%)</td>
<td>210 (3.7%)</td>
<td>204 (3.6%)</td>
<td>199 (3.5%)</td>
</tr>
<tr>
<td>RE-4</td>
<td>1,612</td>
<td>160,000</td>
<td>18 (1.1%)</td>
<td>17 (1.1%)</td>
<td>17 (1.1%)</td>
<td>17 (1.1%)</td>
</tr>
</tbody>
</table>
Is this a real or perceived problem?

### GIS Analysis of Structure, Parcel, and Zoning Layers*

<table>
<thead>
<tr>
<th></th>
<th>Number of properties RR or RE</th>
<th>Properties with structures within 25 feet of property lines</th>
<th>Percent of properties with likely setback violations</th>
<th>Structures within 25 feet of property lines</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>13,555</td>
<td>3,154</td>
<td>23%</td>
<td>4,960</td>
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</tbody>
</table>

*Estimated based on GIS analysis*
<table>
<thead>
<tr>
<th>District</th>
<th>Lot size (sq. ft.)</th>
<th>Front</th>
<th>Side</th>
<th>Rear</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anchorage Low-density</td>
<td>43,560</td>
<td>50</td>
<td>25</td>
<td>50</td>
</tr>
<tr>
<td>Anchorage Low-density</td>
<td>174,240</td>
<td>25</td>
<td>15</td>
<td>25</td>
</tr>
<tr>
<td>Anchorage Low-density</td>
<td>87,120</td>
<td>25</td>
<td>15</td>
<td>25</td>
</tr>
<tr>
<td>Wasilla RR</td>
<td>20,000</td>
<td>25</td>
<td>10</td>
<td>25</td>
</tr>
<tr>
<td>Juneau RR**</td>
<td>36,000-72,000</td>
<td>25</td>
<td>15</td>
<td>25</td>
</tr>
<tr>
<td>Juneau D-1**</td>
<td>36,000-72,000</td>
<td>25</td>
<td>15</td>
<td>25</td>
</tr>
<tr>
<td>Palmer R-1E - Single-family</td>
<td>20,000</td>
<td>25</td>
<td>15</td>
<td>25</td>
</tr>
<tr>
<td>Palmer RR</td>
<td>43,560</td>
<td>30</td>
<td>30</td>
<td>30</td>
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<tr>
<td>Palmer AG Agricultural</td>
<td>43,560</td>
<td>25</td>
<td>10</td>
<td>25</td>
</tr>
<tr>
<td>Kenai (City) RR/RR-1</td>
<td>20,000</td>
<td>20</td>
<td>15</td>
<td>20</td>
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<tr>
<td>Soldotna RR</td>
<td>40,000</td>
<td>20</td>
<td>10</td>
<td>20</td>
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<tr>
<td>Kodiak RD - Rural</td>
<td>217,800</td>
<td>25</td>
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<td>25</td>
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<tr>
<td>Kodiak RR2 Rural</td>
<td>87,120</td>
<td>50</td>
<td>20</td>
<td>20</td>
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<td>15</td>
<td>20</td>
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<tr>
<td>Kodiak RR1****</td>
<td>40,000****</td>
<td>25</td>
<td>15</td>
<td>20</td>
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<tr>
<td>Valdez RR</td>
<td>40,000</td>
<td>20</td>
<td>10</td>
<td>15</td>
</tr>
<tr>
<td>Valdez RN Semi-Rural</td>
<td>40,000</td>
<td>20</td>
<td>10</td>
<td>15</td>
</tr>
<tr>
<td>Homer* RR</td>
<td>40,000</td>
<td>20</td>
<td>10</td>
<td>15</td>
</tr>
<tr>
<td><strong>Average</strong></td>
<td><strong>27</strong></td>
<td><strong>16</strong></td>
<td><strong>24</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Median</strong></td>
<td><strong>25</strong></td>
<td><strong>15</strong></td>
<td><strong>25</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Mode</strong></td>
<td><strong>25</strong></td>
<td><strong>15</strong></td>
<td><strong>25</strong></td>
<td></td>
</tr>
</tbody>
</table>

By height - 1 story = 5', 1.5 stories = 6', 2 stories = 7', 2.5 stories = 8'
Subcommittee Recommendation - Aug 2018

- Allow reduced setback on Substandard lots
  - Did not pursue
- Allow reduced setbacks for one accessory structure

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 FNSB 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.
Ord. Recommendations

- Allow reduced setbacks for one accessory structure in if: (RA, RF, RE, RR)
  - Not a dwelling or guesthouse
  - Under 200 sq. ft.
  - Under 14 ft. high
  - 5 foot setback
  - 10 feet from principal building
- Consistent with exception in urban zones
- Allow flexibility but protect rural quality of life
8’ x 7’ Area, 7.5’ Height
8’ x 10’ Area, 8’ Height
8’ x 12.5’ Area, 8’ Height
10’ x 12’ Area, 7.5’ Height
20’ x 8’ Area, 8’ Height
12’ x 16’ Area, 9.5’ Height
12’ x 16’ Area, 13.5’ Height
12’ x 20’ Area, 9.5’ Height
14' x 20' Area, 13' Height

PLAN #280-1
14' x 20' 1-CAR GARAGE

ECONOMICAL, CONVENTIONAL FRAMED CONSTRUCTION

THIS SPACIOUS 14' WIDE PLAN FEATURES STANDARD 9' X 7'
GARAGE DOOR, SUITABLE FOR MOST VEHICLES

FLOOR PLAN

CROSS-SECTION
18’ x 26’ Area, 13.5’ Height
16’ x 28’ Area, 16’ Height
FAIRBANKS NORTH STAR BOROUGH

ORDINANCE NO. 2019 - 14

AN ORDINANCE AMENDING CHAPTER 2.32, PERSONNEL SYSTEM, REGARDING AMENDMENTS AND VARIANCES

WHEREAS, The Borough Mayor has the authority to vary or modify the strict application of the personnel system in certain cases, with notification to the presiding officer of the assembly; and

WHEREAS, When a code provision is varied or modified, the entire assembly should be informed of that action.

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

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

Section 2. FNSBC 2.32.040, Amendments and variances, is hereby amended as follows: The borough mayor shall have the authority to vary or modify the strict application of the provisions of this chapter in specific cases in which the strict application of a particular provision would result in significant operating difficulties; however, [THE PRESIDING OFFICER OF] the borough assembly will be advised of any such modification in writing within three working days of such variance. Permanent modification of this chapter shall be by formal amendment.
Section 3. **Effective date.** This ordinance shall be effective at 5:00 p.m. on the first borough business day following its adoption.

PASSED AND APPROVED THIS _____ DAY OF __________, 2019.

Matt Cooper
Presiding Officer

ATTEST:

April Trickey, CMC
Borough Clerk

APPROVED:

Jill S. Dolan
Borough Attorney