

FNSB ADMINISTRATIVE HEARING
NOVEMBER 22, 2017

SD012-18
WIKE SUBDIVISION

Daniel Welch,
Platting Officer

SD012-18 Wike Subdivision

Applicant/Owner:	Terence Wike 544 S Bermont Dr. Lafayette, CO 80026	Christopher Wike 1519 New Garden Rd. Apt. 2C Greensboro, NC 27410	Melanie Flamme PO Box 84833 Fairbanks, AK 99708
Surveyor:	Degerlund Engineering, LLC 3900 Plack Road North Pole, AK 99705		
Specific Request:	A request by Degerlund Engineering, LLC, on behalf of Terence Wike, Christopher Wike, and Melanie Flamme, to subdivide TL-1028, a property of approximately 14.95 acres, into two lots of approximately 11.6 acres and 3.7 acres.		
Location:	The parcel is located within the NE¼ SE¼ Section 10, T1S R2W FM, on Montana Road and Change Lane.		
Existing Land Use:	Vacant Land		
Current Zoning:	RE-2		
Comprehensive Plan:	Perimeter Area, Preferred Residential Land		
Soils:	Steese silt loam and Fairbanks silt loam		
Flood Zone:	X (100%)		
Wetlands:	Yes		
Road Service Area:	Golden Valley RSA		
Fire Service Area:	Chena Goldstream FSA		

History: TL-1028 was originally part of a 40 acre parcel patented to a private individual on March 31, 1959 (U.S. Patent #1194025). Subsequent deeds and subdivisions have split the original 40 acre parcel creating TL-1028 along with other adjacent lots. TL-1028 was created in part by a warranty deed recorded on April 30, 1982.

Access: This subdivision request does not propose any change to the current legal and constructed access used by the parent parcel TL-1028; however, there are some access and right-of-way concerns that should be addressed.

The primary concern is the portion of the physical roadway that traverses across the northeast corner of the property. The portion of the roadway within TL-1028 where Change Lane becomes Montana Road is covered by an easement granted on 1/15/2015 from the property owner to the Fairbanks North Star Borough. FNSBC 17.56.020.B.1 states "All road rights-of-way within the subdivision shall be dedicated to the public." Dedication in fee of the roadway within TL-1028 is not required because of the aforementioned easement. The easement meets the dedication requirement of FNSBC 17.56.020.B.1 because the easement is a form of dedication that meets the definition of "Dedication" within Title 17 which states, "...the deliberate grant of land by an owner to the public for any general and public use, reserving to himself no other rights that such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted." The easement was granted to the FNSB and it clearly states that use of the easement is for a public road, it is perpetual and declares that "any use by the grantor which would be incompatible with its use as a road easement is prohibited."

Another concern regarding access is in regards to the two different roads that the proposed subdivision fronts. Both Change Lane and Montana Road are within road service areas; however, they are in separate road service areas. The comment from FNSB Rural Services suggests that a plat note be added to restrict lot access only onto Montana Road. This is because Montana Road is maintained by the Golden Valley Road Service Area, which is the same road service area that will continue to receive

taxes from the proposed lots. Change Lane is maintained by the Ridgecrest Road Service Area which will not receive taxes from the proposed lots. The requirements of Title 17 cannot restrict access onto a public right-of-way for the reasons mentioned above; however, a regulatory note to require an FNSB driveway permit for direct lot access onto a road service area maintained roadway is acceptable.

Soils Report: A professional soils analysis was submitted with the subdivision request and reviewed by FNSB Public Works. The report states that a single soil bore test was taken within proposed Lot 1. The results of the test show the proposed subdivision contains suitable soils and sufficient area for conventional waste water systems meeting ADEC requirements.

FNSB In-house Review:

Addressing/Street Naming: (Kim Streeter, GIS-Emergency Services Technician)

Addressing: Cabin on proposed lot 2 needs its own address. Please have property owner or representative submit a site address request.

Street Naming: No new street names proposed by this plat."

Public Works: (Ann Worhatch, Civil Engineer)

"PW comments are as follows:

- Provide contours at no greater than 20' intervals.
- Show wetlands on plat, as it may be important for installing a driveway; also include the wetlands note.
- Road service area: requires the driveway permit note.
- Note on storm water: "This subdivision has highly erodible soils: disturbance of one acre or more on any single lot may require a Storm Water from ADEC"
- Recommend 18" driveway culverts in this area."

Zoning: (Manish Singh, Planner II)

"Current Planning does not object to this plat request. The proposed parcels, Lot 1 and 2 are in RE-2 Zoning and meet the minimum lot size requirement of 80,000 sq.ft.

On the preliminary plat, there are no existing structures shown on Lot 2; however, there are existing "containers" and a "26 X 26 shed" on the proposed Lot 1. The existing structures on Lot 1 do not appear to meet the current setback requirement and are not allowed as accessory uses in absence of a primary use. I understand that these zoning violations do not impact the Title 17 platting process. My goal is to inform the applicant and the property owner about these existing violations.

I also want to inform the applicant and the property owner about the "front lot lines" created by the "public road easement inst. # 2015-001938-0, FRD" and the "33' Section line easement" referenced in this preliminary plat. These "front lot lines" would have front-yard setback requirements of 35 feet for any future structures in the RE-2 zone."

Land Management: (Shelley Rowton, Land Officer)

"Land Management has no objection to the proposed subdivision."

Transportation: (Don Galligan, Transportation Planner)

"...because this subdivision is in a road service area it will require a note about obtaining a driveway permit. Along those same lines, any driveway for lot 1 cannot intersect on the curve connecting Change Lane and Montana Road, it must come in at a 90 degree angle and intersect on a straight section of road, unless otherwise infeasible."

Flood: (Nancy Durham, Flood Plain Administrator)

"SD012-18 is located in Flood Zone X (100%) and is not required to meet FNSBC Title 15 Floodplain Management Regulations."

Assessing: (Cynthia Anderson, Senior Title Examiner)

"No comment from Assessing"

Rural Services: (Floyd Sheesley, Rural Services Engineer)

"Plat notes shall include the following statements;

A Driveway Permit from Rural Services shall be required prior to the construction of any new access or the improvement to any existing access onto Change Lane or Montana Road.

Access onto the horizontal curve portion of the road connecting Change Lane and Montana Road shall require the submission of an engineering study addressing safety concerns as part of the Driveway Permit application."

Agency and Utility Review:

GVEA: "Golden Valley Electric Association, Inc. has no objection to the approval of the preliminary plat for Wike Subdivision as submitted to GVEA on October 10, 2017, by Nils Degerlund, Degerlund Engineering, LLC provided the following:

- A) GVEA requests review of the final plat prior to approval by the FNSB;
- B) GVEA asks that all easements of record be shown on the final plat; and
- C) GVEA requests the 30-foot easement, as described in the attached Right-of-Way Easement, Recorded at [Book] 720 Page 0365 in the Fairbanks Recording District, be depicted on the Wike Subdivision plat."

GCI: "...no objection from us."

ADOT: "ADOT&PF has reviewed the above request and has no comments."

RSA: Correspondence with Golden Valley Road Service Area has not been submitted.

FSA: Correspondence with Chena Goldstream Fire Service Area has not been submitted.

Analysis: The purpose of this plat is to create two lots out of one parcel through the addition of a single interior lot line.

The access for the proposed tracts will not change from what is currently providing access to the parent parcel. Because Montana Road and Change Lane are within a Road Service Area, an FNSB driveway permit is required in order to modify or create new access points within those rights-of-way.

Per the National Wetlands Inventory, there are wetlands within the northwest and western portion of the subdivision. Because the mapper shows wetlands within the boundary of the subdivision, an informational note will be required to be on the final plat.

GVEA has requested that all easements of record be shown on the final plat to include the specific 30-foot wide easement described in Book 720, Page 0365, FRD. A condition of approval, based on the final plat requirement of FNSBC 17.52.040.D.7 that all easements of record be shown on the final plat will ensure GVEA's request is satisfied.

FNSB Public Works has requested an informational note be placed on the final plat regarding an ADEC Storm Water Permit. This note is not regulatory in nature but may provide valuable information for current or future lot owners. The note will be a recommended condition for approval.

Both the FNSB Transportation Planner and the Rural Services Engineer recommend a note prohibiting direct lot access onto the curved portion of the road where Montana Rd and Change Ln connect. The special standards and restrictions section of Title 17 would allow for this note. FNSBC 17.60.020.A states "In those areas where the platting board has been presented with evidence which indicates that the preliminary layout, if approved and developed, would result in a hazard to persons or property, or if evidence has been presented which indicates that damage to properties lying beyond the boundaries of the proposed subdivision may occur, the platting board may impose more restrictive standards than those already established in other sections of these regulations." Prohibiting access onto either rights-of-

way at the curve via plat note is more restrictive than any established standard regarding driveway access onto a curve, because there is no standard preventing driveway access onto a curve. As discussed by both the Transportation Planner and Rural Services Engineer, access onto the inside of the curved portion of the road within the property has a potential to result in "hazard to persons or property." The input from the FNSBC Transportation Planner and Rural Services Engineer is relevant because FNSBC 17.60.020.B states "In all cases involving this section, the board, in considering special standards or requiring additional improvements, shall see recommendations for solutions by professional persons active in the appropriate field." Both professionals are active in a field that pertains to rights-of-way usage and access, and both professionals have commented with their analysis regarding rights-of-way access onto the curve connecting Change Lane and Montana Road. Their analysis represents the safety concerns for access onto the curve, therefore a plat note prohibiting access prior to an engineering study addressing any safety concerns will be a condition of approval for this preliminary plat.

Recommendation: Staff recommends preliminary approval of Wike Subdivision with the following conditions:

1. GVEA, Golden Valley RSA and Chena Goldstream FSA shall be given a maximum of 30 calendar days to review and comment on the final plat.
2. All easements of record shall be shown on the final plat.
3. A note shall be added to the final plat that states "This subdivision has highly erodible soils: disturbance of one acre or more on any single lot may require a Storm Water from ADEC."
4. A note shall be added to the final plat that states "Any new access, or the modification of an existing access, within the Montana Road or Change Lane rights-of-way will require an approved FNSB Driveway Permit."
5. A note shall be added to the final plat that states "Portions of this subdivision may contain wetlands. If development plans entail the discharge or placement of dredged and/or fill material into these wetlands, issuance of an individual Department of the Army permit may be required pursuant to section 404 of the Clean Water Act prior to initiating work."
6. A note shall be added to the plat that states "Direct lot access onto the curved portion of the Change Lane and Montana Road rights-of-way is prohibited."

Findings of fact: Staff further recommends adoption of the following findings of fact:

- a. FNSBC 17.52.040.D.7 requires "The width, bearing, and other data necessary to delineate all easements to which the lots are subject." Condition #2 satisfies this final plat requirement.
- b. FNSBC 17.60.020.A allows for a condition of approval to "impose more restrictive standards than those already established in other sections of these regulations" should the approval and development of a subdivision result in hazards to persons or property. Condition #6 is upheld by Title 17 because allowing access onto a curve risks the safety of the public traveled way of either Change Ln or Montana Rd.
- c. FNSBC 17.60.020.B states "In all cases involving this section, the board, in considering special standards or requiring additional improvements, shall seek recommendations for solutions by professional persons active in the appropriate field." Because the FNSB Transportation Planner and the Rural Services Engineer have safety concerns regarding access on a curve, a plat note prohibiting access on the road curve is appropriate for this request.
- d. This plat request does not deny legal and physical access to any lot or tract.
- e. This plat does not vacate a public road, trail, public area or any easements.
- f. This plat does not alter a dedicated street or right-of-way or require dedication.
- g. This plat request does not require road construction or improvement.

- h. This plat request does not require a variance from a subdivision regulation.
 - i. With the six conditions recommended by staff, this subdivision request meets the applicable requirements of Title 17.
-

ACTION by hearing officer at a public hearing on November 22, 2017: The above named file was

_____ *Approved* with the six conditions and adopting the staff report and Findings of Fact a through i. A final plat must be prepared by a registered land surveyor and submitted to this office within 24 months or the preliminary approval will become void.

_____ *Denied*. Any appeal must be filed within ten working days of this decision.

_____ *Recommended for hearing* by the Platting Board. (See Platting Officer for requirements.)

APPEAL of this decision must be made in writing within ten days of the decision. Request an appeal form from the Community Planning Department.

FNSB Hearing Officer

date

cc: Julie Karl, GVEA
Golden Valley RSA
Chena Goldstream FSA

CERTIFICATE OF OWNERSHIP, DEDICATION AND COMPLIANCE

I hereby certify that I am owner of the property shown and subdivision with my free consent and dedicate all streets, alleys, walks, parks, and other designated public spaces to public use.

We further certify that all required improvements comply with standards established in Title 17, Subdivisions, Fairbanks North Star Borough Code.

UNITED STATES OF AMERICA }
 STATE OF ALASKA } S.S.
 This is to certify that on this _____ day of _____, 2017, before me, a Notary Public for the State of Alaska, duly commissioned and sworn, personally appeared:

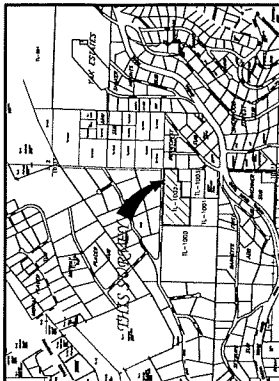
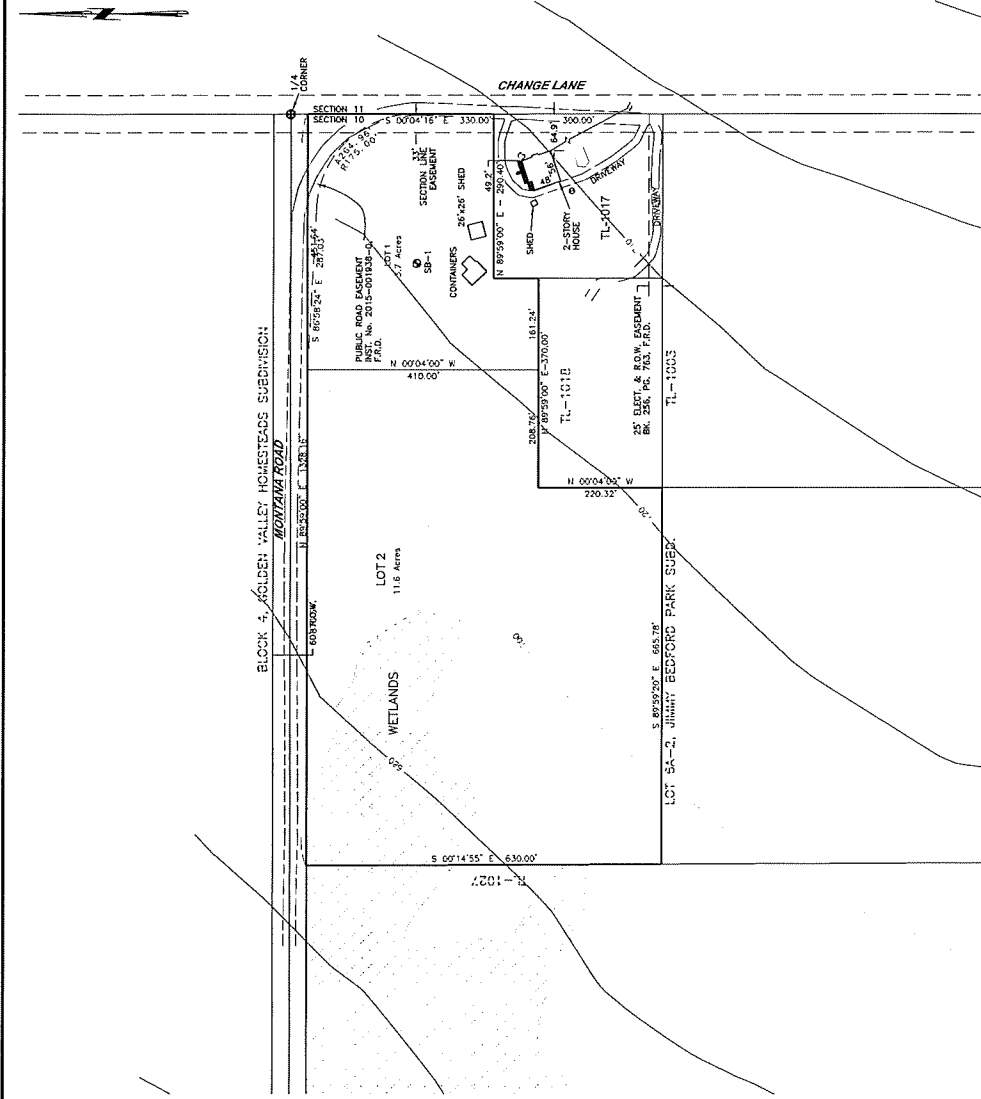
one known to be the identified individual mentioned and who executed the within plot, and they acknowledged to me that they signed the same freely and voluntarily for the uses and purposes herein specified and intended. Witnessed first herein written. This certificate first herein written.

Notary Public in and for the State of Alaska _____
 My Commission Expires: _____

CERTIFICATE OF PAYMENT OF TAXES
 I, the undersigned, being duly appointed and qualified tax collector for the Fairbanks North Star Borough, do hereby certify that, according to the records of the Fairbanks North Star Borough, the following described property is carried on the tax records in the name of:

and in the name of: _____
 Description: _____
 and that, according to the records in my possession, all taxes levied against said land and in favor of the Fairbanks North Star Borough, are paid in full.
 Dated at Fairbanks, Alaska, this _____ day of _____, 2017.

TREASURY DIVISION OFFICIAL, Fairbanks North Star Borough



NOTES:

- THE PURPOSE OF THIS SUBDIVISION IS TO CREATE RESIDENTIAL BUILDING LOTS.
- SOILS IN THIS SUBDIVISION ARE MUD-CHAYANIKA COMPLEX ACCORDING TO 2004, WISCONSIN SOIL SURVEY OF THE GREATER FAIRBANKS AREA, ALASKA.
- THIS SUBDIVISION IS IN FLOOD ZONE X (FLOOD INSURANCE RATE MAP PANEL 0209004335X, EFFECTIVE 3/17/14).
- SOILS IN THIS SUBDIVISION HAVE BEEN FOUND SUITABLE FOR CONVENTIONAL SEWERAGE SYSTEMS. HOWEVER, SOILS WITH HIGH PLACED WATER TABLES OR HIGH GROUND WATER LEVELS MAY REQUIRE THE CONSTRUCTION OF AN ABSORPTION SYSTEM. THIS MAY REQUIRE THE CONSTRUCTION OF AN ABSORPTION SYSTEM WITH A MINIMUM OF 4 FEET ABOVE THE SEASONAL HIGH GROUND WATER LEVEL. THE ABSORPTION SYSTEM SHALL BE MAINTAINED AT A HORIZONTAL DISTANCE OF ONE HUNDRED FEET MUST BE MAINTAINED BETWEEN THE ABSORPTION SYSTEM AND ANY OTHER STRUCTURE OR UTILITY. THE SYSTEMS, INCLUDING THOSE ON ADJACENT LOTS, THE RECOMMENDATIONS FOR RESIDENTIAL UNITS LARGER THAN SINGLE FAMILY ARE DIFFERENT.
- THE UTILITY COMPANIES ARE REQUESTING TO BE IDENTIFIED AND THEN ADJACENT TO OR IN THE VICINITY OF THE EASEMENT.
- A THIRTY-FIVE FOOT RIGHTS OF WAY (IN ADDITION TO THE PLATTED PUBLIC RIGHTS OF WAY) SHALL BE REQUIRED FOR THE INSTALLATION, MAINTENANCE, AND REPAIR OF THE UTILITY COMPANIES AS DETERMINED AS NECESSARY FOR THE UTILITY COMPANIES.
- A FIFTEEN FOOT WIDE STRIP OF LAND IS GRANTED (AS DETERMINED AS NECESSARY BY THE UTILITY COMPANIES) FOR THE INSTALLATION, MAINTENANCE, AND REPAIR OF THE UTILITY COMPANIES.
- EASEMENT IS HEREBY GRANTED WITHIN ALL LOTS FOR SECONDARY AERIAL CROSSINGS AS DETERMINED NECESSARY BY THE UTILITY COMPANIES.

VICINITY MAP
 1" = 1/4 MI.
 SCALE: 1" = 1/4 MI.

TOTAL ACRES: 16.3

WIKI SUBDIVISION

0' 100' 200'

A SUBDIVISION OF PARCEL II AS DESCRIBED IN THE DEED DATED 1/27/16, RECORDED AS INSTRUMENT NO. 2016-016277 IN THE FAIRBANKS RECORDING DISTRICT, ALASKA, AND SITUATED WITHIN THE N1/2 NE1/4 SE1/4, SECTION 10, T.15S., R.24W., F.M. 14.

DECKERLAND ENGINEERING, LLC
 1900 BLACK ROAD, NORTH POLE, ALASKA 99705
 907.73.3971 FAX: 907.771.0800

CHECKED: NAD DATE: 11/16/17 SCALE: 1" = 100'
 SURVEYED: 6/12/17 BRANNI, NAD SHEET 1 OF 1



CERTIFICATE OF REGISTERED LAND

I, Nils J. DeGroot, a professional land surveyor registered in the State of Alaska, hereby certify that the subdivision shown on this map was actually surveyed by me or under my direct supervision, in accordance with the Fairbanks North Star Borough Code, and the distances and bearings are shown hereon to be correct.

CERTIFICATE OF APPROVAL BY THE STATING AUTHORITY

I, Nils J. DeGroot, a professional land surveyor registered in the State of Alaska, hereby certify that this subdivision was found to comply with the regulations of Chapter 17.60, Final Plat, of the Fairbanks North Star Borough Ordinances, and that said plat has been approved on _____ day of 2017, at Fairbanks, Alaska.

FNSB FILE NO. SD00X-17

GR2018-071

STEPHEN GEMMELL

Comm. Planning Dept

NOV 09 2017

RECEIVED

11-9-2017

To Whom it may concern,

I wish to withdraw
Application for GR2018-071



Stephen Gremmell