

FNSB ADMINISTRATIVE HEARING

Ester Conference Room, 2nd Floor
Juanita Helms Administration Center
907 Terminal Street, Fairbanks, Alaska

AGENDA
10:30 a.m.
April 19, 2018

A. CALL TO ORDER

B. MESSAGES

This hearing may include Quick Plat, Legal Nonconforming (Grandfather Rights), Amnesty Relief and Administrative Variance requests. Public testimony will be requested as each agenda item comes up. *Any action taken during this meeting may be appealed. Appeal of a Hearing Officer decision must be submitted in writing.*

Agenda, meeting audio, and Hearing Officer decisions are posted at <http://www.co.fairbanks.ak.us/cp/Pages/Administrative-Hearings.aspx>.

C. COMMUNICATIONS TO THE HEARING OFFICER

D. HEARING OFFICER COMMENTS

E. QUASI-JUDICIAL HEARING

1. **SD024-18 / RP019-18 Birch Lane Subdivision** A request by Stutzmann Engineering Associates, Inc., on behalf of the Hurley Family Trust, Martha J. Mason, Mark L. Winans, Gordon I. Williams and Leah W.B. Williams, to replat Lots 1-B-2-A and 2-1 MK Subdivision, Gov't Lot 30 and a portion of Gov't Lot 31, totaling approximately 6.35 acres, into four lots ranging in size from 1.24 to 2.10 acres, within the SW¼ NW¼ Section 7 T1S R1W, FM (located on Birch Lane and Tovey Drive). **Staff Contact: Daniel Welch**

F. COMMENTS

Citizens

Planning Staff

G. ADJOURNMENT

Daniel Welch,
Platting Officer

SD024-18/RP022-18 Birch Lane Subdivision

Applicant/Owner:	Hurley Family Trust 410 Tovey Drive Fairbanks, AK 99709	Martha J. Mason & Mark L. Winans PO Box 85035 Fairbanks, AK 99708	Gordon I. Williams & Leah W. B. Williams 4335 Birch Lane Fairbanks, AK 99709
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Surveyor: Stutzmann Engineering Associates, Inc
P.O. Box 71429
Fairbanks, AK 99707

Specific Request: A request by Stutzmann Engineering Associates, Inc., on behalf of the Hurley Family Trust, Martha J. Mason, Mark L. Winans, Gordon I. Williams and Leah W.B. Williams, to replat Lots 1-B-2-A and 2-1 MK Subdivision, Gov't Lot 30 and a portion of Gov't Lot 31, totaling approximately 6.35 acres, into four lots ranging in size from 1.24 to 2.10 acres.

The intent of this request is to alter common lot lines, creating four new lots out of four lots.

Location: The parcels are located within the SW¼ NW¼ Section 7 T1S R1W, FM on Birch Lane and Tovey Drive.

Existing Land Use: Residential

Current Zoning: Rural Residential (RR)

Comprehensive Plan: Urban Area

Soils: Salchaket very fine sandy loam

Flood Zone: X – Protected By Levee and Flood Zone AE

Wetlands: NONE

Road Service Area: College RSA

Fire Service Area: University FSA

History: The current configuration of the parcels involved in this subdivision were created as follows:

- Portion of Government Lot 31 was legally created by deed on February 13, 1956, Vol 78, Page 10 F.R.D. A relevant platting authority did not have jurisdiction over the property at this time.
- Government Lot 30 was legally created by federal patent on March 31, 1954, Vol 75, Page 79 F.R.D.
- Lot 1-B-2-A was originally a portion of Lot 1, MK Subdivision. Subsequent replats continued to alter the property into the current configuration of the lot. The most recent replat that created Lot 1-B-2-A was recorded on March 17, 2005, Plat No. 2005-48 F.R.D.
- Lot 2-A was originally a portion of Lot 2, MK Subdivision. The replat that created Lot 2-A, MK Subdivision was recorded on July 23, 2004, Plat No. 2004-90.

Applicability: This request is exempt from meeting the design and public improvement requirements of Chapter 17.56. FNSBC 17.52.050 states "Any application to subdivide any number of lots that have been approved by the relevant platting authority when created or were exempt from platting authority approval when created shall not be subject to the design and public improvement requirements of this Title provided that all of the following criteria are met:

- A. The proposed subdivision does not result in an increase in the number of lots.
- B. The proposed subdivision does not create a new violation of the design and public improvement requirements of this title.

- C. The proposed subdivision does not increase the non-conformity of any lot under this or any other FNSB title.”

The subdivision request proposes to only move or adjust existing lot lines of legally created lots. It is a replat of four lots into four lots. No new lots will be created by this request which is one reason the plat is applicable to meet FNSBC 17.52.050. This portion of Title 17 exempts the plat from any portion of Chapter 17.56, Design and Public Improvements Requirements.

This proposed subdivision meets the requirements of FNSBC 17.52.050 because;

1. The request only involves lots that have been approved by the relevant platting authority when created
2. The request does not result in an increase in the number of lots
3. The application does not create a new violation of the design and public improvement requirements of Title 17 and
4. The proposed replat does not increase the non-conformity of any lot under this or any other FNSB title.

By meeting the requirements of FNSBC 17.52.050, the proposed subdivision shall not be subject to the design and public improvement requirements of Title 17. Those platting requirements include, but or not limited to:

- Physical road access to Borough standards to the boundary of the subdivision and for each lot.
- A soils report for on-site septic requirements.
- The dedication for any rights-of-way.
- Lot configuration, specifically flag lot requirements

Access: All of the proposed lots will continue to use the legal access established by the parent parcels.

Proposed Lot 4 will remain as a flag lot accessing Birch Lane via a flag stem with an existing common driveway easement, which is shared by an adjacent flag lot outside of this subdivision. The adjacent flag lot is Lot 1-B-1 of MK Subdivision (Plat No. 2004-90). The double flag lot configuration was previously approved by a former subdivision request and meets FNSBC 17.56.010.G because there are only two flag stems and they are sharing a common drive way. FNSBC 17.56.010.G states “Flag lots shall be limited to a maximum of two lots sharing adjacent flag stems. Two adjacent flag lots will be required to share one common driveway within the flag stems.”

Proposed Lot 1 has the legal frontage and access onto Birch Lane.

Proposed Lot 2 has the legal access and double frontage onto both Birch Lane and Tovey Drive.

Proposed Lot 3 has legal frontage and access onto Tovey Drive. A portion of Birch Lane and the entirety of Tovey Drive lie within road and utility easements established by federal patent when conveying the original government lots within the area. Additional dedication is not required for these roads as the easements meet the requirements of Title 17. Additionally, FNSBC 17.52.050 would not require further dedication by this subdivision, or any other requirements of Chapter 17.56, because the request is proposing four legally created lots into four lots. No new lots are being created. This is further discussed in the analysis section below.

All lots are within the College Road Service Area. Dedication of rights-of-way or road construction are not proposed by this subdivision, however, a note will be required on the plat stating any new or modification of a driveway onto Birch Lane will require an FNSB Driveway Permit.

Soils Report: A professional soils analysis is not required because the properties may be served by College Utilities. Additionally the subdivision request meets the requirements of FNSBC 17.52.050 and is exempt from the design and public improvement requirements of Chapter 17.56.

FNSB In-house Review:

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

“Addressing: Verified addresses on addressable structures in plat area.

Street Naming: No new streets named by this plat. Verified street names of named thoroughfares listed on the plat.”

Public Works: (David Bredlie, P.E., Design and Construction Manager) “No comments.”

Zoning: (Manish Singh, Planner II)

“Thank you for offering me an opportunity to comment on this plat request. I notice that this request is to reconfigure four existing lots into four new lots. The proposed lots 1 through 4 are located in the Rural Residential (RR) zone which has a minimum lot size requirement of 40,000 sq.ft. The proposed lots 1 through 4 meet the minimum lot size requirement in the RR zone.

The RR zone has a setback requirement of 25 feet from all property lines. Unfortunately, the plat doesn't include drawings for existing structures. The surveyor has used a faded aerial image in the background to show existing structures. It is very difficult for me to use this aerial image and estimate where the edges of the existing structures are. It is further difficult for me to see where all primary and accessory structures are located in a washed-out aerial image. Therefore, I am unable to offer any comments on the existing and proposed setbacks. I understand that a Title 17 platting action would not depend on the setback determination, however, I believe it is useful information for the property owner. I would request the surveyor to show the existing structures on the plat for me to verify the existing and the proposed setbacks.”

Land Management: (Shelley Rowton, Land Officer) “Land Management has no objection to the proposed quick plat. ”

Transportation: (Don Galligan, Transportation Planner) “No Comments.”

Flood: (Nancy Durham, Flood Plain Administrator) “This plat has all the required elements for Floodplain Management.”

Rural Services: (Floyd Sheesly, Engineer) “Rural Services has no comments on the proposed quick plat application.”

Agency and Utility Review:

GVEA: “Golden Valley Electric Association, Inc. has no objection to approval of the above preliminary plat, as submitted on March 1, 2018, by Stutzmann Engineering Associates, Inc., provided the following changes are included in the final plat:

- A) Provide a 30-foot wide easement centered on existing electrical facilities, either by PUE or reference to GVEA easements.

GVEA requests review of the final plat prior to approval.”

GCI: “No objections from us on this plat.”

ACS: Agency was provided an opportunity to comment as of March 1, 2018. A response has not been submitted.

CUC: “College Utilities Corporation (CUC) has reviewed the preliminary plat of Birch Lane Subdivision and has no objection providing the following condition is satisfied.

1. CUC reviews and comments on the final plat prior to FNSB approval.”

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

Fire: “After reviewing the Birch Lane Subdivision Preliminary Plat there are no objections or concerns from the University Fire Department.”

Road Service Area: A Chairwoman of the College Road Service Area was provided an opportunity to comment as of March 1, 2018. A response has not been submitted.

FNG: “FNG has no conflict with this plat.”

Analysis: The purpose of this plat is to move common lot lines between the existing parcels.

Per FNSBC 17.52.050 this platting request is exempt from the design and public improvement requirements of Title 17; however, the plat must still meet the preliminary and final plat requirements. Any preliminary plat or final plat requirement not met will be included as a recommended condition.

The plat reserves 20-foot and 15-foot public utility easements to cover existing electrical facilities. The proposed public utility easements seem to meet the request from GVEA per their submitted comments. GVEA will have an opportunity to review the final plat after preliminary approval and confirm that the proposed P.U.E.s meet their requirements.

Small portions of the parcels directly adjacent to the Chena River (Lots 3 and 4) are within the Floodway, which is synonymous to Flood Zone AE for the platting requirements. Per the Flood Plain Administrator’s review and comment of this subdivision request, all platting requirements relating to the Flood Zone AE have been met. Notes 8,9 and 10 on the preliminary plat meet the requirements of FNSBC 17.48.010.D.23; however, FNSBC 17.52.040.D.18.a requires that a benchmark be placed within 1,000 feet of any lot within Flood Zone AE. The preliminary plat does not meet this final plat requirement, therefore a recommended condition of approval will be that the final plat shows an appropriate benchmark meeting FNSBC 17.52.040.D.18.a.

Including the recommended conditions below, this subdivision request meets the applicable portion of FNSBC Title 17.

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

1. GVEA and CUC shall have a maximum of 30 calendar days to review and comment on the final plat.
2. ACS and the College Road Service Area shall have a maximum of 10 calendar days to review and comment on the final plat.
3. A note shall be added to the final plat that states “A driveway permit is required from the Fairbanks North Star Borough for new, or modifications to existing driveways onto Birch Lane.”
4. A benchmark shall be shown on the final plat meeting the requirements of FNSBC 17.52.040.D.18.a.

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

- a. FNSBC 17.52.050 exempts this platting application from the design and public improvements requirements of Title 17 because:
 1. The lots have been legally created.
 2. The request does not increase the number of lots.

3. The request does not create a new violation of the design and public improvement requirements of Title 17.
4. The request does not increase the non-conformity of any lot under this or any other FNSB title.
- b. FNSBC 17.52.040.D.18.a requires that benchmarks be placed within the subdivision as primary monuments and be stamped and noted on the plat with the North American Vertical Datum of 1988 (NAVD88) elevation determined to National Geodetic Survey third order vertical standards. The monumentation shall be placed so that no lot within Flood Zone A or AE is more than 1,000 feet from a benchmark. Condition #4 satisfies this requirement.
- c. FNSBC 17.52.040.D.18.b requires the Base Flood Elevation (BFE) determined by a method approved by the floodplain administrator, or as published by the Federal Emergency Management Agency, shall be noted prominently on the final plat. Note 9 on the plat satisfies this requirement.
- d. FNSBC 17.52.040.D.18 requires that a flood note be included on the final plat if the property lies within Flood Zone A or AE. Note 10 on the plat satisfies this requirement.
- e. This plat request does not deny legal and physical access to any lot or tract.
- f. This plat does not vacate a public road, trail, public area or any easements other than public utility easement.
- g. This plat does not alter a dedicated street or right-of-way or require dedication.
- h. This plat request does not require road construction or improvement.
- i. This plat request does not require a variance from a subdivision regulation.
- j. With the four conditions recommended by staff, this subdivision request meets the applicable requirements of Title 17.

ACTION by hearing officer at a public hearing on April 19, 2018: The above named file was

_____ *Approved* with the four conditions and adopting the staff report and Findings of Fact a through j. 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
Sharon Hollensbe, College RSA
Cindy Lester, CUC
Robert Horner, ACS

