

## AGENDA

FAIRBANKS NORTH STAR BOROUGH PLANNING COMMISSION  
ASSEMBLY CHAMBERS, BOROUGH ADMINISTRATIVE OFFICES

**June 18, 2002**

PLANNING COMMISSION MEETING: 7:00 P.M.

A. ROLL CALL

B. MESSAGES

1. Chairman's Comments
2. Communications to the Planning Commission
3. 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

C. \*MINUTES

D. APPROVAL OF AGENDA AND CONSENT AGENDA

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

E. PUBLIC HEARING

**CU010-2002** A request by Tyler and Gayle Connell for Conditional Use approval of a temporary mobile home for up to two years in the Rural Estates-2 zone on Tax Lot 2030, Section 20, T. 1S., RI 2W. (**located west of Chena Ridge Road and south of Basin Street**).

**ORDINANCE NO. 2002-11**. An Ordinance Amending FNSB 18.54.010B To Require An Applicant For Rezone, Conditional Use Or Variance To Post Notice Of Public Hearing On The Subject Property. (Sponsor: Assembly member Webb)

F. UNFINISHED BUSINESS

G. NEW BUSINESS

H. COMMISSIONER'S COMMENTS

I. ADJOURNMENT

DEPARTMENT OF COMMUNITY PLANNING  
STAFF REPORT

CU010-2002

TO: Fairbanks North Star Borough Planning Commission

RE: **CU010-2002** A request by Tyler and Gayle Connell for conditional use approval of a temporary mobile home for up to two years in the Rural Estate-2 zone on Tax Lot 2030, Section 20, T.1S., R.2W., F.M. **(located west of Chena Ridge Road and south of Basin Street)**

I. GENERAL INFORMATION

A. Purpose	To place a temporary mobile home in the RE-2 zone for up to for up to 2 years
B. Location	West of Chena Ridge Road
C. Access	Chena Ridge Road
D. Size	3.82 acres
E. Existing Zone	Rural Estate-2
F. Existing Land Use	Vacant
G. Surrounding Land Use/Zoning	North: Vacant/Rural Estate-2 South: Vacant/Rural Estate-2 East: Single Family/Rural Estate-2 West: Vacant/Rural Estate-2
H. Community Facilities	Water/Sewer: Private Electricity: GVEA
I. Code Violations	None
J. Flood Zone	X 500
K. Alternate Key #	175676
L. Ownership	Tyler and Gayle Connell Box 80462 Fairbanks, AK. 99708

I. APPLICANT'S REQUEST

The applicant is requesting Conditional Use approval to place a mobile home in the Rural Estate-2 zone on a temporary basis during construction of a conventional single family home. The expected temporary time frame would be a maximum of 2 yrs.

II. ANALYSIS

Surrounding zoning is entirely Rural Estate-2. Surrounding land use is comprised of a single family residence to the east and vacant lands to the north, south and west.

As shown on the site plan, the mobile home will be setback well over 200 feet from all lot lines. The applicant intends to haul domestic water and install a conventional waste water disposal system by the end of the current building season. Once a permanent home is completed within two years, the mobile home will be removed and the new structure plumbed into the septic system built originally for the mobile home.

Another temporary mobile home Conditional Use Permit was granted for Lot 1 Aikencrest located a short distance to the south from the subject property in 1994. The permit was granted for 1 year and the mobile home has been removed from the property.

III. RECOMMENDATION

Based on staff analysis, the Department of Community Planning recommends approval of the request with the following conditions:

1. The mobile home shall be located as shown on the applicant's site plan.
2. The applicant shall obtain a zoning permit prior to placement of the mobile home.
3. Existing vegetation shall be retained to the extent possible that the mobile home is not visible from adjacent properties.
4. On site wastewater disposal systems shall be installed by a licensed and bonded installer.
5. The mobile home shall be removed from the property prior to September 1, 2004

IV. FINDINGS OF FACT

The Department of Community Planning further recommends adoption of the following findings of fact in support of approval:

1. The proposed temporary mobile home does conform to the intent and purpose of Title 18 and State Statutes.
2. The proposed Conditional Use will not jeopardize public health, safety or welfare.

Respectfully submitted,

Doug M. Sims, Planner III  
Division of Planning and Zoning

for

Rex A. Nutter, Director  
Department of Community Planning

Attachments

DPO's sent 39

To: Planning Commission

From: Bernardo Hernandez, Deputy Director  
Department of Community Planning

Date June 7, 2002

Subject Proposed Ordinance No. 2002-11 regarding the Posting of Notice of Public Hearing

### **Request**

Assemblyperson Nancy Webb has introduced Ordinance 02-011. Ordinance 02-011 proposes to amend Title 18 as it relates to the notification of property owners in the cases of rezones, conditional uses, and variances. The Borough Assembly has referred this proposed ordinance to the Planning Commission for review and recommendation. Ms. Webb also introduced a similar posting ordinance regarding Title 17, the Subdivision Ordinance. It should be noted that the general procedures and workflow are different between the two ordinances. Thus each proposed ordinance will be reviewed independently.

### **Current Zoning Notification Procedures For Rezones, Conditional Uses, Variances**

According to Title 18.54.010, notification consists of two basic elements:

1. Publish the time and place of the public hearing at least ten days prior to the date of public hearing in the newspaper.
2. Send a notice (Dear Property Owner Letter or DPO) to all property owners, which are affected by the zoning action. Also, a DPO is sent to all property owners of lots within 500 feet of the property affected by the zoning action if located within the Cities of North Pole or Fairbanks. If the property affected is not in either the cities of North Pole or Fairbanks, then the DPO is sent to all property owners of lots that are within 1000 feet of the property affected by the zoning action.

In addition, although not a codified procedure, the Planning Department puts the Planning Commission Agenda on the Borough Internet Site under "Public Meetings." The agenda is also posted on the bulletin board in the second floor lobby, and in the glass enclosed display on the outside of the Borough building.

### **What This Ordinance Will Do**

In essence, this ordinance requires that there be a notice (or sign) of public hearing physically placed on the property where the rezone, conditional use, or variance is located ten days before the actual public hearing date.

The notice is to be in a standardized form approved by the Department of Community Planning. The applicant must submit an affidavit that the notice was posted as required.

## **Purpose**

In the "Whereas" section of the proposed ordinance, a number of reasons are given for initiating this ordinance. First it is stated that the public be given every opportunity to be informed, notified, and to participate in public hearings involving land use changes in their neighborhoods." Second, it is stated that the "Borough extends over a large land area and it is sparsely populated in many areas." Third, it is stated that notification is "limited to property owners only within certain specified distances and may not reach all those affected by the action and wishing to participate." Fourth, it is stated that "extending notification by mail is not the most effective means of reaching all those residents who wish to comment on a land use change." Finally it is stated that posted notices of pending land use decisions have been proven to be cost effective in other communities and a complementary method to notification by mail."

## **How Would This Ordinance Improve The Existing Notification Procedure?**

Because of busy schedules, and because the likelihood of a public hearing item occurring in any given neighborhood is low, most people do not keep track of public hearing issues in the paper. The most effective existing notification procedure for zoning issues is the mailing of the Dear Property Owner (DPO) letters. This is direct notification to the public about an issue. People will generally read their mail, and therefore be notified. These letters are usually sent to a household about two weeks before public hearing. The DPO has a map showing the subject lot highlighted, gives a phone number to call, and provides date of the public hearing. In addition, comments can be written on the DPO and returned in the mail to the Planning Department to be included in the Planning Commissioner packets.

For those persons who do not own property within the DPO notification area, but still own property in the general neighborhood, a posted notice will enhance the opportunity for property owners to make comment on projects in a neighborhood. At the same time it affords renters who also reside in the neighborhood the opportunity to become aware of a pending land use change or action and the public hearing.

**Initial Questions:** When first reviewed, the Planning Staff had the following questions:

- What should the notice say?
- How big should the notice be?
- Should we verify that the notice is posted as required, or do we rely on the affidavit?
- Who maintains notices? Do they have to be maintained after they are up?
- What if the zoning action encompasses a large area like the Airport Noise Sensitive Area Overlay Zone, which encompassed more than 8300 acres? Where and how many signs are needed?
- What is the effect on due process if the sign is vandalized or removed days before public hearing?
- Will the number of phone calls dramatically increase as a result of the posting of notice?
- What are the financial impacts? To the property owner? To the Planning Department?
- How should the sign be placed — on a tree, a post, a barrel?
- Who creates the notices, the applicant or the Planning Department?

## **What other communities are doing**

To answer some of the questions above, staff conducted an informal survey of other communities in Alaska. See Exhibit A. It appears that at least three communities, including the City of Wasilla, the City and Borough of Juneau, and the Municipality of Anchorage, have posting requirements. Each community does the posting in a different manner.

Overall, the posting procedure for the different communities seems to be easily implemented without major difficulty. There does not appear to be a problem with vandalism. If there is a problem with posting, then public hearing can be postponed — but this apparently does not happen often. The City of Wasilla required that the applicant post the notice, however, the staff is now doing the posting because the posting was not being done in a timely manner. Juneau and Anchorage continue to require that the applicant post the notice. Wasilla and Anchorage provide disposable signs. Juneau provides a reusable freestanding sign to the applicant. The City of Wasilla places its notices on anything available such as trees, fences, etc.

It appears that the proposed posting ordinance is modeled after the Anchorage ordinance. Anchorage notices are posted 21 one days before public hearing. Anchorage provides commercially printed signs 13.5' X 21.5' in size. The signs cost about \$1.50 to produce and they are used for both zoning and platting actions.

### **The Comprehensive Plan**

The proposed ordinance is consistent with Goal I, under Citizen Participation of the Borough's Comprehensive Plan which states:

Maximize community involvement and self-determination in governmental and local affairs.

### **Tailoring The Ordinance To Title 18 And Planning Department Workflow**

- On any given zoning issue, it is possible to send 50 to 300 or more DPO letters depending on the location of the property. We normally send out the DPO letters about 14 days before public hearing. The proposed ordinance states that the notice should be posted 10 days before public hearing. The problem is that if we send out the DPO letters and the applicant fails to post the notice, then we have notified hundreds of property owners of a public hearing only to be postponed because the applicant failed to post notice. It would be better to have the notice posted before we send out the Dear Property Owner letters are sent. Instead of 10 days, the notice should be posted 20 days before public hearing.
- The proposed ordinance states that the notice be "clearly legible from each improved Street adjacent to the land." There may be cases where the land may not be adjacent to an improved Street. Or there may be numerous lots that are affected by a rezone such as the proposed Airport Noise Sensitive Area Overlay Zone or a rezone of a large number of separate lots. Where would be an appropriate place to post notices on such cases? The proposed ordinance should be flexible to allow the Planning Director to determine how to post notice in unusual situations.
- The Planning Department proposes a few changes to clarify wording. Please see final page.

### **How The Planning Department Might Implement The Ordinance?**

To implement the ordinance, the Planning Department would provide the notices to ensure uniformity. The notice will contain the Borough logo. The notices would be approximately 13" X 20", similar in size and legibility to those used in Anchorage. The applicant would receive the notices at the time of application and be told where to place the notice(s) as specified by the ordinance. The applicant will be required to submit a signed affidavit that the property has been posted at least 20 days before public hearing. We would require that the applicant give us a picture as proof of the posting.

It should be pointed out that the Planning Department does not foresee putting in a dedicated phone number solely for inquires about pending action on lands with a recorded message. We will continue giving out the Planning Department contact number which rings the department receptionist. It is possible that the Department put more information on the Borough's Internet web site regarding the various planning case files in the future.

### **Recommendation**

The Planning Department recommends that the Planning Commission recommend approval of the proposed ordinance as amended below

### **Title 18 Version**

3. Notice by Applicant. The applicant shall provide notice of the public hearing by posting the land subject to the application for a [REZONING] rezone, conditional use or variance with notice clearly legible from each improved street adjacent to the land, or as determined by the Community Planning Director or his designee. All posted notices shall be in the standardized form approved by the Department of Community Planning and shall be posted at least [10] 20 calendar days prior to the date of the public hearing and remain until final action has been taken on the matter. Twenty days before the public hearing, the applicant shall submit to the Department of Community Planning [AN] a signed affidavit, [SIGNED BY THE PERSON WHO DID THE POSTING OR THE PERSON WHO CAUSED THE POSTING TO BE DONE,]that the notice was posted as required by this subsection.

ORDINANCE NO. 2002-11

AN ORDINANCE AMENDING FNSB 18.54.010B TO REQUIRE AN APPLICANT FOR A REZONE, CONDITIONAL USE OR VARIANCE TO POST NOTICE OF PUBLIC HEARING ON THE SUBJECT PROPERTY

WHEREAS, it is the intent of the Fairbanks North Star Borough Assembly in adopting this ordinance that the public be given every opportunity to be informed, notified, and to participate in public hearings involving land use changes in their neighborhoods; and

WHEREAS, the Fairbanks North Star Borough extends over a large land area and it is sparsely populated in many areas; and

WHEREAS, the current notification procedure of the FNSB Planning Department is limited to property owners only within certain specified distances and may not reach all those affected by the action and wishing to participate; and

WHEREAS, extending notification by mail is not the most effective means of reaching all those residents who wish to comment on a land use change; and

WHEREAS, posted notices of pending land use decisions have been proven to be cost effective in other communities and a complementary method to notification by mail; and

WHEREAS, it is the intent of the Borough Assembly in adopting this ordinance that a standardized and highly visible posted notice shall be used to inform the public. The posted notice shall be posted by the applicant of the land use change and shall be posted in full view of the public on each street side of the land involved and shall be maintained by the applicant until a final determination has been made by the Planning Commission or Assembly; and

WHEREAS, it is the intent of this ordinance that the notice shall include a large representation of the FNSB logo, a notice of pending action on the property and a contact number for further information. It is further intended that the contact phone number shall provide information about pending actions on land (rezones, conditional

use permits, or variances) 24 hours a day, seven days a week with a means of directly contacting staff person at Community Planning during business hours regarding the proposed action.

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

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the Fairbanks North Star Borough Code of Ordinances.

Section 2. Section 18.54.010B of the Fairbanks North Star Borough Code of Ordinances is amended as follows:

**General procedures for rezoning, conditional uses and variances.**

A. Initiation. Applications for rezoning, conditional uses and variances shall be made and reviewed according to the following procedures:

1. The applicant shall complete and submit the application forms provided by the borough, along with the required processing fee, prior to the time and date established as the deadline for the planning commission meeting.

2. The department of community planning shall review the submitted request, and submit the recommendation and all other applicable information to the planning commission and borough assembly. The recommendation shall be based upon conformance to the comprehensive plan and public safety.

B. Public Hearing. Rezoning, conditional uses and variances shall become effective only after a public hearing has been held at which all interested parties and/or citizens shall have an opportunity to be heard, and at which approval has been recommended or granted by the members of the planning commission or borough assembly.

1. Publication of notice. Notice of the time and place of the public hearing shall be published at least ten (10) days prior to the date of the hearing in a newspaper with general circulation in the jurisdiction of the planning commission and borough assembly.

2. Mailing of Notice By The Department Of Community Planning. [IN ADDITION, WHENEVER A PARCEL, LOT OR AREA OF LAND IS TO BE CONSIDERED FOR A REZONING CONDITIONAL USE OR VARIANCE,] N[n]otice of the public hearing shall be mailed to all owners, as shown by the records of the borough assessor, of property in the area to be considered for a rezoning, conditional use or variance. Notice shall [ALSO] be sent to owners of lots or land either within an area measured five hundred

(500) feet in all directions from the boundaries of the area being considered if the request is of land within the incorporated areas of the cities of Fairbanks and North Pole, or within an area measured one thousand (1,000) feet in all directions from the boundaries of the area being considered if the request is of land outside of the incorporated areas of the cities of Fairbanks and North Pole. In either instance at least ten (10) owners of lots or land outside of the area being considered shall be notified by mail, whereby these distance requirements shall be increased.

3. Notice [POSTED] by Applicant. The applicant shall provide notice of the public hearing by posting the land subject to the application for a [REZONING] **rezone**, conditional use or variance with notice clearly legible from each improved street adjacent to the land, **or as determined by the Community Planning Director or his designee.** All posted notices shall be in the standardized form [APPROVED] **provided** by the department of community planning and shall be posted at least [10] **20 calendar** days prior to the date of the public hearing and remain until final action has been taken on the matter. **Twenty days b**[B]efore the public hearing, the applicant shall submit to the department of community planning [AN] **a signed** affidavit, [SIGNED BY THE PERSON WHO DID THE POSTING OR THE PERSON WHO CAUSED THE POSTING TO BE DONE,] that the notice was posted as required by this subsection. If a site inspection is conducted, staff will note in the staff report the presence or absence of the posted notice. **The applicant shall remove the sign within 10 days following the public hearing.**

C. Limitations. A proposed rezoning, conditional use or variance which has been denied by the planning commission and/or the borough assembly on a particular tract of land for a particular purpose cannot again be applied for within six (6) months from the date of the denial, unless a new request is submitted that is determined to be substantially different from the original request (i.e., an application for a different but not necessarily a more restrictive zoning district, use, distance, area, etc.).

D. Public hearings. Testimony shall be limited to matters dealing with public health, safety and general welfare.

Section 3. Review. The Planning Commission shall, three years after adoption of this ordinance, forward to the Assembly a recommendation concerning whether the notice posting requirements of this ordinance should be repealed or continued.

Section 4. Effective date. This ordinance shall become effective at 5:00 p.m. on the first business day following its adoption.

PASSED AND APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2002.

\_\_\_\_\_  
Hank Bartos  
Presiding Officer

ATTEST:

APPROVED:

\_\_\_\_\_  
Mona Lisa Drexler, CMC  
Municipal Borough Clerk

\_\_\_\_\_  
Renee Broker  
Borough Attorney