

FNSB PLATTING BOARD

MINUTES

May 28, 2015

A regular meeting of the Fairbanks North Star Borough Platting Board was held in the Assembly Chambers, 809 Pioneer Road, Fairbanks, Alaska. The meeting was called to order at 6:05 p.m. by Randy Pitney, Chair.

The following Board members were in attendance: Margery Kniffen, Bill Mendenhall, Troy Bouffard, and Clint Meyer.

Also present were: Cynthia Klepaski, Asst. Borough Attorney; Christine Nelson, Director, Department of Community Planning; Jacob Barowsky, Platting Officer; George Stefan, Platting Officer; Angela Parker, Platting Officer; David Bredlie, Public Works Engineer; and Laura McLean, Recording Clerk.

CITIZENS' COMMENTS (On items not scheduled for public hearing, including consent agenda items)

None

*APPROVAL OF AGENDA AND CONSENT AGENDA

The agenda and consent agenda for this meeting, including the minutes of the April 15, 2015 Platting Board meeting, were approved without objection after a motion by **Meyer**, seconded by **Mendenhall**.

APPROVAL OF THE MINUTES (April 15, 2015)

CHAIR'S COMMENTS

Pitney stated that perhaps in the future if a meeting has to be re-scheduled to a date other than the usual date for Platting Board meetings, it would be helpful if the Platting Board members who were not present on the prior meeting be called and /or e-mailed to inform them of this.

COMMUNICATIONS TO THE BOARD

Stefan addressed the Platting Board. He stated that at the June Platting Board meeting, staff is wanting to hold a work session prior to the regular Platting Board meeting to discuss street addressing and road naming. Eventually, staff would like to see some Title 17 amendments and ordinances for said amendments. This is to update the current addressing code. The work session will start at 5:00 p.m. Dinner will be served during the work session.

Stefan further commented that on the agenda for this evening, there are four items which the Platting Department would like the Platting Board to consider sponsoring. These are amendments to Title 17 that staff would like to see made. It is being requested that either an individual Platting Board member sponsor them or the Platting Board sponsor them. The Mayor may also sponsor them.

Klepaski added that either the Platting Board as a whole would ask staff to create a draft ordinance to review. Or, one of the Platting Board members can offer to sponsor these

ordinances. If an individual Platting Board member were to sponsor it, the draft ordinance would not go forward until the whole board reviews it, has a public hearing and then votes on the ordinance.

Barowsky addressed the Platting Board. He stated that the reason that staff would prefer the Platting Board sponsor these draft ordinances is because it cuts down in the amount of time that the proposed ordinance goes back and forth between the Board and Assembly. If the Mayor was to sponsor, they would have to be introduced to the Assembly. The Assembly would have to send it to the Platting Board and the Platting Board would have to send it back to the Assembly. If the Platting Board sponsors something, it just cuts out one step.

Barowsky began with the first ordinance that staff would like to see sponsored. It involves plats that are not increasing the number of lots. Some examples of these types of plats are minor lot line changes, lot line vacations or a Public Utility Easement vacation. What normally happens is that staff ends up supporting variances because there is no increased burden on the roads or any public services. **Barowsky** gave an example of a Quick Plat that was recently done as an example.

Barowsky commented that the second ordinance change that staff would like the Platting Board to consider is a change to the monumentation requirements. Currently, code says that all exterior angle points in a subdivision shall be marked with a primary marker which requires a surveyor to dig a pit, install the marker and then refill the pit with earth. A secondary monument, usually a 5/8" piece of rebar, is pounded into the ground with a hammer. The costs and expense associated with setting primary monuments compared to setting a secondary monument is ten times more expensive as a secondary monument. For example, a primary monument could take up to two hours to set whereas a secondary monument could take as little as twenty minutes. **Barowsky** provided an example of a plat with very small angle changes on the outside boundary. A strict interpretation of title in this particular example would require multiple primary monuments which is a huge added expense. While the Borough does recognize the need for primary monuments, staff does not feel that this many would be necessary. This example was so outrageous that Barowsky added that he cannot find anywhere where staff has actually enforced the primary monument requirements. He further commented that staff is not comfortable ignoring title, therefore the request for the ordinance change.

Pitney asked if the Platting Board would be drafting the verbage for the proposed ordinance changes or if staff would be assisting the Platting Board with this. **Barowsky** replied that staff would draft an ordinance change and present it to the Platting Board for approval. Once the Platting Board is satisfied with the ordinance change, it would then proceed through the normal public hearing process.

Mendenhall asked for clarification. He wanted to confirm that the no increase in lots ordinance would only apply to legal subdivisions. **Barowsky** confirmed this and stated that staff does not want to create a "loop hole."

Stefan inquired if the Platting Board were interested in sponsoring any of these ordinance changes. **Klepaski** clarified that the Platting Board can instruct staff to draft something for them to look at to determine if the Platting Board is interested in sponsoring it. She further commented that the board as a whole can sponsor or one person can sponsor it. Staff is just looking for direction.

Meyer commented that he would like to see it sponsored by the Platting Board as a group.

Pitney indicated that he is uncertain whether it should be sponsored by an individual or the Platting Board as a whole.

Mendenhall commented that he has no objections to the ordinance changes. He feels that they are necessary.

Parker added that whether the board as a whole decides to have staff move forward with the draft language, staff will draft it and then return it to the Platting Board for approval. Staff will be doing the work on this.

Kniffen commented that she felt that by directing staff to draft language for this is just an extra step which she feels is unnecessary.

A motion was made by Meyer, seconded by Bouffard to direct staff to draft language to create an ordinance change for lot line eliminations and modifications. The motion was approved 5-0. The motion passed unanimously.

A motion was made by Bouffard, seconded by Meyer, to direct staff to draft language to revise monumentation requirements to match current surveying practices. The motion was approved 5-0. The motion passed unanimously.

Stefan commented that some of the ordinances that will be drafted may be more complex than others. At any Platting Board meeting in which they are heard they are public hearing items so they can be postponed if more discussion is warranted.

Stefan then introduced the next ordinance change which is being proposed. It is to add the Community Planning Director as an Ex-Officio member to the Platting Board. **Stefan** stated that Title 2.21 applies to all Boards and Commissions to include the Platting Board and the Planning Commission. For any Board or Commission, an Ex-Officio member is not allowed to vote on any item nor can they be used for the purposes of establishing a quorum. **Stefan** went on to describe how Ex-Officio members are appointed. He then described the differences between the Platting Board (Ex-Officio members **may** be appointed by the Mayor) and the Planning Commission (Ex-Officio members **shall** be appointed by the Mayor).

Stefan closed with asking if the Platting Board would like staff to draft language that would allow the Community Planning Department Director to be appointed as an Ex-Officio member to the Platting Board.

Nelson commented that Platting is part of the Planning process and the purpose of having a Planning Director or other experts as Ex-Officio to your Board or Commission is that they can bring information to that deliberation and discussion. They do not vote but they can provide information to the Platting Board that the Platting Board may not have otherwise in some cases. Nelson further commented that she feels it is valuable not only to the Platting Board but to the department and community as well. That is why staff is asking the Platting Board to consider this. You would be giving a recommendation to the Mayor of how to amend the code to better fit what the members of the Platting Board want that makeup to be.

Meyer questioned Kniffen and Mendenhall if this matter had ever been approached in the past. Both indicated that it had not been defined such as this. **Meyer** commented if it isn't broke, don't fix it.

Meyer asked what benefit you come from having the Planning Director sit on the Platting Board. **Klepaski** responded that it makes it more official. She feels that somebody could object to the Planning Director speaking during deliberations. At this point, if someone asks a question, the Planning Director cannot participate. **Pitney** added that the Platting Board has always allowed the Planning Director to speak during discussions. **Klepaski** responded that that is the grey area where there could be questions.

Meyer compared having the Planning Director on the Platting Board for deliberations like that of a jury scenario. **Nelson** replied that he is making her case. **Meyer** replied that if he were an applicant he would not want the Planning Director to sit on the Platting Board. He does not feel that it is independent at that point. It becomes a Borough Board as there would be a borough employee sitting on the board. **Nelson** reminded the Platting Board that this person would sit on the Platting Board, be able to talk during discussion and deliberation, but would not be able to vote. They provide technical expertise and professional background to the conversation. There is also then a greater wall between staff and the Director because of the different roles.

Pitney added that he is fairly supportive of this although he can certainly see the other side.

*A motion was made by **Mendenhall**, seconded by **Kniffen** to direct staff to draft language to create an ordinance change to allow the Community Planning Department Director to be appointed to the Platting Board as an Ex-officio member. The motion failed 2-3.*

Parker addressed the Platting Board with the last of the ordinance changes that staff would like to suggest. This ordinance change would clean-up Title 17 with regard to corner roundings. Currently, Title states that flagstems will be a minimum of 40 to 60 feet in width. Staff is suggests changing the verbiage to read "... a minimum of 40 feet" as there may be circumstances where a flagstem is wider than 60 feet.

Parker also noted that there is a discrepancy in the table which depicts the standards for local roads. This will be cleaned-up with this ordinance as well.

*A motion was made by **Mendenhall**, seconded by **Meyer** to direct staff to draft language to create an ordinance change to require flagstems to be a minimum of 40' and to correct the table in title to reflect this change and clean up the table. The motion passed 5-0.*

ADMINISTER GROUP OATH

DISCLOSURE & STATEMENT OF CONFLICT

Kniffen commented that she will have a conflict with item SD036-11/RP028-11, Tanchena Bluff Subdivision, as she is the President of Fairhill, Inc. which is the applicant.

A vote was taken to determine if Kniffen had any conflict with this application. The Platting Board voted 4-0 that she DOES have a conflict.

PUBLIC HEARING ITEMS

Preliminary Applications

1. **SD036-11/RP028-11 Tanchena Bluff Subdivision** A request by Northland Surveying and Consulting, LLC, on behalf of Fairhill, Inc, for a second two-year extension of the preliminary approval of Tanchena Bluff Subdivision, a 5-lot subdivision totaling 13.05 acres within the S ½ Section 28, T1S, R2W, FM (located on Chena Pump Road, Pickering Drive and Edby Road). Preliminary approval was received from the Platting Board on May 18, 2011 and the first extension was approved by the Platting Board on May 14, 2013. (Staff Contact: Angela Parker)

POSTPONED DUE TO LACK OF QUORUM

2. **SD008-15 Seay Subdivision** A request by Kalen & Associates, Inc, on behalf of Connie Seay, Shirley Rae Seay and Joshua B. Coghill, to subdivide TL-1310 and TL-1339, totaling approximately 6.3 acres, into three lots of 1.2, 1.5 and 3.6 acres, within the NE¼ of Section 13, T1S, R1E, F.M., including a request for two variances from FNSBC Title 17 (located on Clint Street and Persinger Drive).(Continued from the April 15, 2015 Platting Board meeting) (Staff Contact: Jacob Barowsky)

Barkowsky gave the staff report; staff recommended preliminary approval of the subdivision with the following conditions:

1. The right-of-way along the South boundary of the subdivision shall be extended along the south boundary of this subdivision at the full 40' local road width to provide at least 40' of frontage to TL 1357.
2. The Clint street right-of way shall widen adjacent to TL 1361 to provide a minimum of 40' of linear frontage for TL 1361. Said frontage shall be at least 40' wide.
3. The Clint Street right-of-way alignment shall meet FNSBC Title 17.60 Local 1 road geometrics requirements, including a minimum 125' radius curves for the curves proposed by the applicant.
4. There shall be a 20' corner rounding at the intersection of Clint Street and the as yet unnamed right-of-way along the South boundary of the subdivision.
5. If the unnamed right-of-way along the South boundary of the subdivision is extended to the East boundary of the subdivision a temporary turn around shall be provided within Lot 3. If the dedication stops short of the East boundary a permanent turnaround shall be provided. In either case the turnaround shall be at least 100' in diameter.
6. A note shall be placed on the final plat which states, "No lot in this subdivision shall be further subdivided until such time as legal, constructed road access, as defined by FNSBC, is available to the boundary of the lot proposed to be subdivided."
7. A note shall be placed on the final plat which states, "Roads in and to this subdivision were not required to and may not meet the borough's minimum standards for materials and construction. To the extent these road standards have not been met, fire protection, ambulance and other public services may not be available year-around or their availability may be severely limited."
8. A note shall be placed on the final plat which states, "The Clint Street public access easement dedicated by this plat is for roadway construction, improvements and maintenance. Any development which would be incompatible with its use as a road easement is prohibited."
9. A note shall be placed on the final plat which states, "Portions of Lot 1 and Lot 2 along Chena Slough may contain wetlands that are regulated under Section 404 of the Clean Water Act. A Department of the Army will be required to place fill in these areas."

10. The flood zone note shall be corrected to read, "This property is within flood zone X and A per firm panel 02090C4430J, dated March 17, 2014. Portions of Lot 1 and Lot 2 have been determined, in whole or in part, to be located within Flood Zone A, a flood hazard area as identified by the Federal Emergency Management Agency. All development shall be required to comply with federal regulations and FNSBC Title 15."
11. The final plat shall fulfill the TBM and BFE requirements of FNSBC Title 17.60.050.D.18.
12. The plat annotation "Road Easement Bk.1167 Pg. 114" shall be moved southerly into the Gov't Lot 5 area.
13. The annotation "Keeling Road (private road)" shall be placed on the final plat.
14. ADOT, ACS and IGU shall review and comment on the final plat.
15. GVEA, GCI and the North Star Fire Service Area shall be given a minimum of 10 days to review and comment on the final plat.
16. Primary monuments shall be set at the intersection of the northerly and southerly boundaries of this subdivision and the Chena Slough, or primary witness corner monuments may be used.
17. A note shall be placed on the final plat which states, "All on-site wastewater disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation."
18. A note shall be placed on the final plat which states, "A septic tank and its soil absorption system may not be placed within 100', measured horizontally, of any natural or man-made lake, river, stream, slough or coastal water of the states."
19. A note shall be placed on the final plat stating "The natural meanders of the line of ordinary high water is the true boundary of this subdivision. The approximate line of ordinary high water is shown for computational purposes only."
20. The right of way along the South boundary of this subdivision shall be assigned a name in compliance with FNSBC 17.40.050

Staff further recommended adoption of the following findings:

- a) Per FNSBC 17.60.070.G this subdivision is exempt from road construction to the boundary of the subdivision.
- b) Per FNSBC 17.60.110.A this subdivision is exempt from road construction within the subdivision.
- c) With the recommended conditions all lots that can be provided legal access by this subdivision will have legal access.
- d) FNSBC 17.60.220.B requires all exterior angle points of a subdivision to be marked by primary monuments.
- e) FNSBC 17.60.150.C.2 requires 20' corner roundings at intersections.
- f) The creation of public access easements meets the FNSBC Title 17.20 definition of dedication.
- g) With the twenty conditions recommended by staff this subdivision meets the applicable requirements of Title 17.

Mendenhall inquired what legal access TL-1360 and TL-1363 have. **Barowsky** responded that they will be left as is with no legal access. Title 17 does not provide any method of fixing that problem because there is no way of fixing it without changing lot lines to the South of this application.

Mendenhall inquired if the Seays' could do anything with their property to resolve the situation of no legal access. **Barowsky** responded that Mr. Seay owns, along with another party, TL-

1361 and if they chose to they could fix the situation. The Borough is not requiring this though as Title 17 does not allow it.

Pitney asked why the easement on 40' easement on TL-1362 and TL-1357 was not extended for this purpose. **Barowsky** stated that the two lots that have no legal access come to a single point. The point does touch the easement but it is merely a point. You would need some kind of finite width to actually use it.

Pitney questioned if the corner rounding (Condition No. 4, Finding "e") should have a minimum of 20' corner roundings based on the discussions that were had earlier in the evening regarding corner roundings. **Stefan** responded that that change has not been made yet. Staff is working towards that, but an ordinance revision has not been approved yet. Current title requires 20' corner rounding. **Pitney** questioned if the Platting Board can require 20' minimum corner roundings as that is where the code is headed. **Barowsky** responded that staff would have no objection if they provided more than twenty feet but what they have provided at this time meets Title 17.

Pat Kalen, Kalen & Associates, Inc., addressed the Platting Board. He stated that he has no testimony. He is available for questions.

PUBLIC HEARING CLOSED

A motion was made by Meyer, seconded by Mendenhall to approve the subdivision, the twenty conditions, and the seven findings of fact, as recommended by staff.

A roll call vote was taken on the motion to approve the subdivision. The motion was approved 5-0. The motion passed unanimously.

APPROVED

- 3. RP007-15 (Bentley Brothers 1st Addition)** A request by Stutzmann Engineering Associates, Inc. on behalf of Fred Meyer Stores, Inc. to modify a previously approved public utility easement modification within Lot 8 Bentley Brothers 1st Addition by requesting a variance to not depict the data necessary to delineate all easements to which the lot is subject to on the final plat, within Section 2 T1S R1W F.M. (located on Old Steese Highway, Helmericks Avenue and Herb Miller Boulevard). (Staff Contact: Jacob Barowsky)

Barkowsky gave the staff report; staff recommends denial of the variance to FNSBC 17.70.010.A. based on the following findings of fact:

- a) There are no specific circumstances that make the requirement to dimension the easements unnecessary.
- b) The only result of not granting this easement is extra drafting time will be required.
- c) Extra drafting time is not a substantial hardship.
- d) More information on the plat will not result in an illegible plat.
- e) The requirement to dimension the easement is not impractical.

- f) Granting this variance may require future owners to repeat the work required to locate the easements that has already been performed by the applicant.

Mendenhall asked for clarification of staff recommendation. **Barowsky** replied that staff is recommending not approving the variance. The recommended motion has been stated in the positive. **Mendenhall** stated that he understands now.

Pitney asked if there would be a conflict of interest as most of the Platting Board shops at Fred Meyer at some point. **Klepaski** replied that Platting Board members have the same as most everybody else in the community.

Jeremy Stark, Stutzmann Engineering, addressed the Platting Board. He commented that there was discussion earlier before the Public Hearing items which was quite lengthy. He feels that the customer and the public would have been better served if this discussion could have been had after Public Hearing items.

Stark commented that he is a little irritated by the way that this has taken place. He submitted a final plat in January of this year. Past Platting Officers and past platting actions routinely have allowed what he is requesting. Ninety percent of the easement that are being discussed this evening exist entirely outside the platting process. They are all reserved by individual document. They are all private easements. They could all go away or change outside of the platting process and have nothing to do with this plat. Previous versions of this plat have not shown bearings and distances. They have not been delineated. He expected to do the same with this plat. He was told "No." At a secondary discussion, he was told that perhaps something could be done. As a result of this discussion, he added some detailing and submitted it back. He then received it back from staff with the same comment. He then asked if staff would be in support of a variance. He stated that they said they would be in support of a variance. He arrived here at the meeting this evening and staff is not in support of a variance.

Stark added that the single example that staff showed about how easy it would be to detail easements is wrong. There are other sets of easements. There is a circular water line that would have to be delineated. There are a couple of sewer easements that have curves. If staff just wants him to detail that easement he would be happy to do it. He stated that there are cases where it doesn't benefit the public and it is absolutely unnecessary to detail these specific easements. If he adds a bunch of bearings and dimensions to detail the underground power easement that goes there, the layperson is not going to be able to go locate that easement. They are not going to go lay out a curve. There is no purpose. Secondary to that, he does not feel that his plat should be the source of their understanding of the location of that easement. That location exists in a single location in a document of record. That is where that easement exists, not on his plat. If down the line Fred Meyer wants to know where that easement is they are going to get an Alta survey and a surveyor will be placing that easement. They are not going to go out there and lay it out based on some chicken scratch on a plat.

In conclusion, **Stark** stated that there is an idea in engineering called "double detailing." If you are going to specify something you try to only specify it in a single location to avoid conflict. When he started adding a bunch of dimensions on this plat, suddenly this plat becomes the source for the document and anything that he adds that happens to be in conflict with those becomes a source of confusion. Once again, he is adding dimensions on a plat that has no control over the locations of those easements. All he is doing is reporting it, supposedly, for the benefit of the people. The actual details for those easements are entirely within the documents. If a property owner wants to know where those easements are, when they purchase or finance, they get a title report. If one keeps track of their records, these documents are right there in the

title report. He further commented that he does not understand some of the logic behind many of staffs' statements. In his mind, what they are asking is unnecessary and yes it does create a substantial hardship because a significant amounts of additional drafting details will be required, most likely a second sheet. There are going to be a bunch of tables showing bearings and distances because some of those overlap. It serves zero purpose and will just be confusing.

Mendenhall asked for clarification regarding easement and wanted to know if the structure being built is reflected in the easement on the plat. **Stark** responded that the purpose of this plat was to allow for the construction of a trash compactor shelter within a Public Utility Easement. Subsequent to that, additional requests have been made which add to the expense and complexity of the plat, which in his opinion are entirely unnecessary. Stark added that all the utility companies have reviewed the plat and are happy with the clearances. It is a permissive use that was approved by the utilities. That was part of the preliminary approval process.

Meyer asked for clarification of the location of the trash compactor. **Stark** replied that he believes it is located on the North side of the loading docks. **Meyer** asked again if all of the utilities had reviewed this. **Stark** confirmed this.

Pitney asked staff if they had any rebuttal to the comments made so far.

Barowsky stated that Stark did make some good points and maybe his points are a good argument for changing the ordinance, not for granting a variance. We are not here to discuss whether this is a good part of code or not. Barowsky had no further rebuttal.

Nelson added that this is current code. Despite what previous Platting Officers have done it is code. Both the legal department and she, as Director, have given staff direction to follow the code or fix the code. One does not ignore the code. That is how the Platting Division is operating now and will continue to do so. It is also why amendments are being brought forward to the Platting Board to fix issues such as this. There may be issues in fact with the way the code applies to this particular situation but it needs to be followed or provide a variance.

Pitney commented that he is in total agreement with Nelson. Title 17 says what it says and if the Platting Board is not in agreement with it, changes can be made. He questioned if Nelson can see an issue with this variance and then trying to change the ordinance after the fact. **Nelson** replied that it is the right of the Platting Board. She stated that staff feels that the variance does not meet the criteria for a variance, but if the Platting Board makes findings to the effect that it believes it does, that is the decision making ability of this Board. **Pitney** then asked if she felt a variance would be harmful.

Stefan added that in Title 17.70, Variances, it states that the Platting Board may vary or modify requirements of this title if the variance requests meets the criteria set forth below and the subdivision, with the variance, can be developed consistent with public welfare and safety. That is looked upon as well as then the two means of looking for the Platting Board to approve the variance. Is it impractical or unnecessary? Is it a hardship? Staff does have to look at both, that it meets those criteria and can be developed consistently with public welfare and safety. It is not one or the other.

Pitney asked Nelson if she felt if the Platting Board were to approve this variance would both bases be covered. **Nelson** replied that as long as the Platting Board made findings on both of those elements and agree that that is appropriate for this situation.

Stark commented that he feels this application meets the criteria and that it is unnecessary. That is his take. That is his understanding. He further commented that he does not see any negative aspects as far as health, safety and welfare which was the first criteria that staff mentioned. It is unnecessary due to the fact that there is a complex network of easements and it is not necessary to show them. They have those descriptions of those easements in their own paperwork and their own documents of record.

Pitney asked, regarding the hardship, how much hardship would this cause **Stark**. **Stark** responded that you have to create a bunch of detail. He estimated maybe a day. He was not sure. **Stark** responded that he would rather not focus on the unnecessary part.

PUBLIC HEARING CLOSED

*A motion was made by **Meyer**, seconded by **Mendenhall** to approve the variance from FNSBC 17.70.010.A to not dimension the easements within this plat.*

Mendenhall commented that when the Board sets out and promotes regulations and criteria they do it to try and meet the general conditions and do what they think is in the best interest. Once in a while, the Board will find that the decisions that were made in the past were not what they should have been. In this case, he is not concerned with this request. He does not feel that the public will be hurt by this.

Kniffen added that this is a good example of why motions should be in the affirmative. You read it the first time and you think you've got it and then you read it again and you see that "not" in there. Had that not been there, it would have been clarified better.

Meyer commented that he will be voting for the variance because this is such a small piece of all the variances he has approved. There have been variances come before the Platting Board that make this look like a joke. If the Platting Board is going to start correcting things, we need to start correcting somewhere. He sees this as unnecessary and also sees it as a hinderance and he sees it as a unnecessary charge to someone for doing this. There are a lot of other variances out there that are much more in violation of every Title 17 code. They aren't in violation, they skipped by.

Pitney commented that he is in agreement with Meyer. He further commented that he thinks the process needs to be fixed.

A roll call vote was taken on the motion to approve the variance. The motion was approved 5-0. The motion passed unanimously.

Nelson instructed the Platting Board that they will need to provide findings of fact to support approval of the variance.

Pitney asked if the Platting Board could support the variance because they feel that this would cause an unnecessary hardship and because they feel that it doesn't affect public safety. **Nelson** said that if they find it unnecessary due to specific circumstances or conditions, the Platting Board needs to say what those circumstances and conditions are. **Klepaski** added that it could be unnecessary because it will create a more cluttered plat because of all of the current easements. That is the applicants' argument. **Nelson** added that the Platting Board could say that the utility companies don't feel that there is any safety issues related to this.

Meyer asked who will challenge the Platting Boards findings of fact. **Klepaski** responded that the neighbors could or future purchasers. Anybody who has an interest could challenge it. **Nelson** added that if the Platting Board does not follow staffs' recommendation, it must come up with its own findings of fact.

Mendenhall inquired if the City of Fairbanks accepted the streets which were developed within this area of town. **Klepaski** state that they did not. The City did not want to accept the streets. The streets are still platted, they are just private.

The Platting Board developed the following findings of fact for approval of the variance:

1. 1. The requirement is unnecessary because the easements have been established in other documents.
- 2.
3. 2. Approval of the variance does not jeopardize public health and safety because not dimensioning the easements on the plat would increase any physical danger to the public.
- 4.
5. 3. The requirement is impractical since graphically depicting the numerous easements on the property will create a cluttered plat.
- 6.
7. 4. The subject parcel is a commercial property containing multiple easements, and the utility companies have no objection to the plat as provided by the developer.

Klepaski cautioned the Platting Board to keep in mind that when the next plat that comes along and has one easement on it, are they going to be able to get a variance for not putting that easement on.

Nelson commented that the rules and theory in writing good findings is to explain why this situation is different from other situations. That is why the "because" on the end of each of these findings is so important.

Nelson asked what the reasoning that the Platting Board did not think that the public safety was impacted. **Meyer** replied that the tractor trailer sitting next to the trash compactor shelter and they come and go all day long. This little building can hardly be called a safety issue when you have trucks and 40' vans backing up to loading docks. **Klepaski** reminded Meyer that the Platting Board is not approving that. The Platting Board is tasked with approving or denying the variance only. **Meyer** replied that if the Platting Board issues the variance, it is not going to change the danger to the public.

Pitney brought up several different examples where the public safety was an issue. He questioned how something as miniscule as this could be a public safety issue.

Pitney questioned why Stark felt that this was being approved one time and then staff swithched on him. **Nelson** replied that she does not know why he thought what he thought. She has not had much if any involvement in this discussion. What he eluded to at the beginning was past decisions. That is what Nelson is trying to address. Just because previous Platting Officers did it a certain way doesn't mean that that continues if it is not in compliance with the code.

Pitney added that he feels that the question of how supportive the Borough was on this request without regard for public safety will come up again and again.

Nelson commented that her perspective is that past bad decisions are not going to make her support a bad decision in the future. She further commented that she has heard of decisions in the past that made her concerned about public health, safety and welfare which Title 17, in her opinion, does not give the Platting Board and staff enough latitude to consider those. That is something else that could be addressed in future Title 17 amendments.

Barowsky added that Parker was the original Platting Officer for this application. When she was reviewing the final plat, this issue came up. At this point, she stated that if the applicant did not want to delineate the easements, a variance would be required. At that point, Stark asked if a variance would be supported and staff stated that they would have to look at Starks' argument and make a decision. **Barowsky** continued that he feels Stark was never told that staff would support it out right.

Meyer inquired if the findings of fact would be enough to cover all bases. Klepaski replied that the findings are definitely enough.

*A motion was made by **Mendenhall**, seconded by **Meyer** to approve the variance from FNSBC 17.70.010.A to not dimension the easements with the four findings of fact.*

A roll call vote was taken on the motion to approve the variance with the four findings of fact. The motion was approved 5-0. The motion passed unanimously.

APPROVED

EXCUSE ABSENT MEMBERS

The absences of [Marcinkowski](#), Maynard and Bryan were excused without objection.

COMMENTS

Citizens

No one asked to speak during this time.

Platting Staff

Audio recording failed.

Board Members

Audio recording failed.

ADJOURNMENT

The meeting was adjourned at 9:00 p.m.