A regular meeting of the Fairbanks North Star Borough Planning Commission was held in the Mona Lisa Drexler Assembly Chambers, Juanita Helms Administration Center, 809 Pioneer Road, Fairbanks, Alaska. The meeting was called to order at 6:00 p.m. by Chris Guinn, Chairman.

MEMBERS PRESENT: Chris Guinn, Mark Billingsley, Sean Reilly, Mindy O’Neall, Charles Whitaker, Pat Thayer (6:07 p.m.), John Perreault, Wendy Presler, Robert Peterson

MEMBERS ABSENT: Christine Nelson, Director of Community Planning, Manish Singh, Planner III, Stacy Wasinger, Planner III, Wendy Doxey, Asst. Borough Attorney, Tanya Hughes, Administrative Assistant

OTHERS PRESENT: Christine Nelson, Director of Community Planning, Manish Singh, Planner III, Stacy Wasinger, Planner III, Wendy Doxey, Asst. Borough Attorney, Tanya Hughes, Administrative Assistant

A. ROLL CALL

B. MESSAGES

1. Chairperson’s Comments

NONE

2. Communications to the Planning Commission

Ms. Nelson informed the commission of the following items:
   - Introduced the new Platting Officer
   - Reminded about the Alaska APA Conference
   - Informed about an upcoming workshop.

3. Citizens’ Comments – limited to three (3) minutes
   a. Agenda items not scheduled for public hearing.

NONE

b. Items other than those appearing on the agenda.
4. Disclosure & Statement of Conflict

Mr. Peterson declared that he resided in the Goldstream Subdivision but did not receive a DPO for CU2017-002.

Ms. Doxey inquired if he resided within the radius to receive a DPO.

Mr. Peterson replied that his residence was outside the radius.

Mr. Guinn declared no Conflict of Interest.

Mr. Whitaker declared that he received a phone call from a resident of the Goldstream Subdivision regarding CU2017-002 and he referred the caller to the Department of Community Planning for additional information.

Mr. Guinn declared that he had two conversations with Ms. Wasinger regarding CU2017-002.

Ms. Doxey inquired if the conversations were regarding procedural information or if they involved substantive information regarding the case.

Mr. Guinn clarified they were procedural.

C. * 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.

MOTION: To approve the Agenda and Consent Agenda by Mr. Billingsley, seconded by Ms. Thayer.

CARRIED WITHOUT OBJECTION

D. MINUTES

1. *Minutes from September 7, 2016 PC Meeting

E. CONSENT AGENDA ITEMS

*HP2017-001 A request by the Alaska Department of Transportation and Public Facilities – Northern Region for local planning authority approval of the Chena Hot Springs Road MP 20 Jenny M. Creek Bridge Replacement project. (Staff Contact: Kellen Spillman)
F. QUASI-JUDICIAL HEARING

CU2017-004 A request by Koma Fenton, AlasConnect, Inc. on behalf of John and Mariagrace Adams for conditional use approval of a 52-foot communications tower, minor in the Rural Estate 2 (RE-2) zone on Parcel #2 of the plat labeled ‘The Partition of the Property of Frank and Sue Ellen Therrel’ in the NW1/4 of the NW1/4 of Section 29, T1S R2W, F.M. (Located at 1345 N Becker Ridge Road, on the west side of N Becker Ridge Road, west of Chena Ridge Road) (Staff Contact: Manish Singh)

OATH GIVEN

Koma Fenton, applicant and Project Manager for AlasConnect, LLC., explained that placing the telecommunication pole across from an existing pole was necessary to serve underserved and unserved residents on the west side. The current pole that will be located across from the proposed pole will serve underserved and unserved residents on the east side. The proposed pole was a communications pole different from a large cell tower, while this would be a utility pole with communications gear at the top. This pole is expected to serve between 2-3 dozen people.

Mr. Guinn stopped the Hearing and declared that he had a Conflict of Interest with the case; he had received a DPO letter but had forgotten the case was on this evening’s agenda.

Mr. Guinn passed the gavel to Ms. Thayer as acting Chair

Ms. Thayer invited Mr. Fenton to continue.

Mr. Fenton replied that his testimony was concluded.

Ms. O’Neall queried what the appearance of the pole would look like and of there were plans for screening.

Mr. Fenton replied that the pole would look like a GVEA power pole and would be located in the right-of-way and surrounded by trees. The visual impact is low; the pole would be indistinguishable from any of the power poles in the same area.

Mr. Billingsley queried why they were not co-locating on another pole.

Mr. Fenton replied that no other poles in the area met their requirements for Line of Sight and proximity for the frequencies they are using.

Mr. Whitaker inquired if foliage interfered.

Mr. Fenton replied yes, with Line of Sight the range increases to between 3 to 5 miles.

Mr. Perreault inquired if there would be additional permit in the future to expand range into other neighborhoods.

Mr. Fenton replied that this was likely the last permit; the conditional use permit process in zones other than General Use 1 was cost prohibitive. It was almost more economical to run fiber directly.
Mr. Singh presented the staff report; the staff analysis determined that the communications tower, minor, with proposed conditions, will meet the intent and purpose of Title 18 and of other ordinances and state statutes, will have adequate public services and will protect public health, safety and welfare. The Department of Community Planning recommended approval of the conditional use permit request for a 52-foot Communications Tower, Minor in the RE-2 zone with seven (7) conditions and three (3) findings of fact:

CONDITIONS:

1. The applicant or holder of this conditional use permit shall comply with all applicable local, state, and federal laws.
2. The applicant or holder of this conditional use permit shall provide FNSB Community Planning Department a set of design drawings and specifications stamped by a registered professional in the state of Alaska.
3. All existing vegetation on the south side of the property, except that necessary to be removed for maintenance of the communications tower, shall be maintained on the property.
4. The support structure of the communications tower shall be a wooden utility pole to appear similar to other power poles in the neighborhood.
5. No shelter, ground equipment or other structures associated with the communications tower shall be added to the site unless appropriate land use approvals are obtained.
6. The communications tower shall not be illuminated.
7. If any modifications are made to the tower design, proposed location, site plan, or other FNSB required documents, the applicant or holder of this conditional use permit shall submit revised documents to the FNSB Community Planning Department. If substantial modifications are made to these documents or to the operation of the communications tower, an amendment to the conditional use permit may be required pursuant to FNSBC 18.104.050 (D).

FINDINGS OF FACT

1. The proposed conditional use will conform to the intent and purpose of Title 18 and of other ordinances and state statutes because it will conform to Title 18 requirements as a conditional use in the RE-2 zone.
   a. The purpose of Title 18 will be met because the Comprehensive Plan Transportation and Infrastructure Goal 2 and Land Use Goal 4 are being enhanced with the development of this site as communications tower, minor.
   b. The intent of Title 18 will be met because with the conditions imposed, the conditional use will both protect private property rights and promote public health, safety, and welfare.
   c. The applicant has provided information sufficient to show they intend to meet all local, state, and federal laws.
2. There are adequate existing energy and transportation facilities serving the site and other public services are available to serve the proposed conditional use.
   a. The proposed conditional use does not need any water or sewer for operation.
   b. The site is within Chena Goldstream Fire Service Area.
   c. The site is currently connected to the GVEA grid which will provide sufficient energy supply for tower operation.
   d. The site is served by N Becker Ridge Road and Chena Ridge Road.
   e. Matanuska Telephone Association (MTA), Alasconnect's parent company and a registered public utility company would erect the wooden pole and the install antennas and equipment using the public utility easement and the section line easement toward the west side of the property.
   f. The maintenance of the tower would be done using N Becker Ridge Road.
   g. The tower does not generate any additional trips and does not impede vehicular and pedestrian traffic on the surrounding roads.

3. With the conditions imposed, the proposed conditional use will protect public health, safety, and welfare as the facility will comply with Title 18 standards for the RE-2 zone (FNSBC 18.36) and Standards for communications towers (FNSBC 18.96.160) as well as other federal, state and local requirements for a communications tower, minor.
   a. The tower would serve residents in the neighborhood that are currently underserved by internet service providers.
   b. The visual impact analysis provided by the applicant shows the tower is visually screened by existing trees and houses. The structure and design of the tower makes its appearance very similar to other power poles in the neighborhood minimizing the visual impact.
   c. There are no existing communications towers located in the neighborhood or anywhere within 1,000 feet of the proposed tower location for collocation. There are no existing alternate structures such as power and telephone poles, buildings and other structures in the area meeting the technical requirements of the service provided by ACW.
   d. The proposed location of tower in RE-2 zone meets the technical needs of Line of Sight (LOS) required by the equipment utilized by ACW and the location of the tower helps minimize the visual impact to the residential neighborhood.
   e. The tower is designed to allow for future collocations.
   f. The section of the pole utilized by ACW is only 42% of its capacity; allowing for expansion of ACW's service.
   g. The tower is not illuminated.
   h. The tower meets all requirements of RE-2 zone including yard and height requirements. The tower is located 33 feet from the south property line which is more than the 50% of the height of the tower; therefore, meeting the FNSBC 18.96.160 (C)(2)(h) yard requirements.
   i. The 52 foot height is the minimum required to maintain the LOS to a repeater on another broadcast location.
   j. The tower operates on unlicensed frequencies and do not require an FCC license.
   k. The tower has a determination of no hazard from FAA.
Ms. O’Neall inquired if the property owners resided on the same lot.

Mr. Singh indicated that he noticed activity on the property but referred the question to the owners.

Mr. Perreault queried regarding the phone inquiries based on the DPO’s.

Ms. Doxey clarified that would be hearsay.

Mr. Perreault clarified that he was looking to understand if the calls were factual inquiries or concerns regarding the case.

Ms. Doxey allowed a general summary by Mr. Singh.

Mr. Singh informed that one call was general in nature and the second was regarding visual impact which was the impetus for additional photographs on site.

Ms. O’Neall queried the main access point; the easement is not currently constructed.

Mr. Singh replied it was N. Becker Ridge Drive; the applicant chose to use the easement and the company, MTA, will maintain it if needed for access.

Mr. Fenton declined the opportunity to ask questions of the staff.

Interested Person Testimony Opened

Randy Pitney, interested person, spoke in favor of the request; he cited health and welfare advantages to having cell coverage in this area.

Interested Person Testimony Closed

Mr. Fenton declined the opportunity for rebuttal.

Mr. Reilly queried if the proposed tower was maintenance free.

Mr. Fenton responded that most maintenance could be done remotely; the only on-site maintenance required would be if the equipment breaks.

Mr. Reilly inquired if there was a disaster plan in place.

Mr. Fenton responded that they had a contingency plan for all of their towers; if a new tower was required they would have to contact the parent company, MTA.
MOTION: To approve the Conditional Use Permit for the communications tower, minor with seven (7) conditions, adopting the staff report and three (3) Findings of Fact in support of the approval by Mr. Reilly, seconded by Ms. O’Neall.

DISCUSSION

Mr. Reilly spoke in favor of the application; the tower was necessary and an advantage to protecting the health, safety, and welfare of residents in the area.

Ms. Presler spoke in favor of the application and agreed with Mr. Reilly regarding health, safety, and welfare for the community; further, the services provided were required in the area, it meets the intent of Title 18, and the visual impact was low.

ROLL CALL

Eight (7) in Favor: Mr. Peterson, Ms. O’Neall, Mr. Billingsley, Mr. Reilly, Mr. Perreault, Ms. Presler, Mr. Whitaker, and Ms. Thayer.

Zero (0) Opposed:

MOTION CARRIED

CU2017-002 A request by John Larrison for conditional use approval of a kennel, minor in the Rural Estate 4 (RE-4) zone on Lot 84, Goldstream Subdivision. (Located at 1261 Ballina Road on the south side of Ballina Road, southeast of Goldstream Road). (Staff Contact: Stacy Wasinger)

Mr. Guinn spoke to Interested Person status, which was required to testify for quasi-judicial cases such as this, and relayed that several individuals who resided outside the notification radius applied for pre-hearing determination and he denied those requests. He indicated that he was inclined to make the same determination for all others.

Ms. Doxey clarified that Mr. Guinn would have to consider each request on a case by case basis.

OATH GIVEN
Ms. Wasinger presented the staff report; the staff analysis determined that with the proposed conditions a non-commercial, minor dog kennel which would limit: activity and feeding hours, require vegetation to be retained within the east side yard setback, and maintain all setbacks help mitigate the potential noise impacts, meet the intent and purpose of Title 18 and other ordinances and state statutes, and will protect public health, safety and welfare. The Department of Community Planning recommended approval of the conditional use request for a kennel, minor in the RE-4 zone with ten (10) conditions and three (3) findings of fact in support of approval, noting that condition #8 had changed after the packet was printed and #’s 9 and 10 were new:

CONDITIONS

1. The applicant or holder of this conditional use permit shall comply with all applicable local, state, and federal laws.

2. All training, exercise, feeding, and other kennel activities shall be limited to between the hours of 8am to 10pm.

3. All animals shall be contained on the site through tethers as proposed, fencing, or other equivalent containment methods.

4. All dog shelters and other structures shall meet zoning district setback requirements.

5. Commercial kennel activities shall not be permitted.

6. All existing vegetation within the 25 foot setback on the west side of the property, except that necessary to be removed for maintenance or construction of the dog shelters, shall be maintained on the property.

7. A revised site plan with all dog shelters located out of the setbacks and vegetative buffers shall be submitted to the FNSB Community Planning Department.

8. If any modifications are made to the proposed location, site plan, or other FNSB required documents, the applicant or holder of this conditional use permit shall submit revised documents to the FNSB Community Planning Department. If substantial modifications are made to these documents or to the operation of the kennel, an amendment to the conditional use permit may be required pursuant to FNSBC 18.104.050 (D).

9. No dogs will be kept on the site until the residence is constructed and occupied.

10. Dog fecal material will be collected daily and disposed of weekly.

FINDINGS OF FACT

1. The proposed conditional use will conform to the intent and purpose of Title 18 and of other ordinances and state statutes because it will conform to Title 18 requirements as a conditional use in the RE-4 zone.
a. The purpose of Title 18 will be met because the Fairbanks North Star Borough Comprehensive Plan Land Use Goal 4, Strategy 10 of the FNSB Regional Comprehensive Plan, which is to “attract and support development that is compatible with and enhances existing land use”. With appropriate conditions, as proposed, the proposed conditional use is compatible with the existing land uses. The proposed conditional use is also consistent with the Outskirt Area designation.

b. The intent of Title 18 will be met because with the conditions imposed, the conditional use will both protect private property rights and promote public health, safety, and welfare.

c. The Applicant has provided information sufficient to show they intend to meet all local, state, and federal laws.

2. There are adequate existing energy and transportation facilities serving the site and other public services are available to serve the proposed conditional use.

a. The proposed conditional use will be served by hauled water, an outhouse for the dry cabin, and animal and other solid waste will be removed from the site to appropriate disposal transfer sites.

b. The site is within Chena Goldstream Fire Service Area.

c. The site will be connected to the GVEA grid which will provide sufficient energy supply for the kennel and cabin.

d. The site is served by Ballina Road and Goldstream Road.

e. The non-commercial kennel is not expected to generate significant additional trips and does not impede vehicular and pedestrian traffic on the surrounding roads.

3. With the conditions imposed, the proposed conditional use will protect public health, safety, and welfare as the facility will comply with Title 18 standards for the RE-4 zone (FNSBC 18.36) as well as other federal, state and local requirements for a kennel, minor.

a. The existing vegetation and proposed fencing will create a buffer and minimize the visual impact of the proposed conditional use.

b. Noise impacts are expected with the operation of the kennel. Hours of activity will be limited to 8am through 10pm to minimize noise impacts on the surrounding residential neighborhood.

c. Odor impacts involving the kennel use will be minimized with the removal of animal waste daily.

d. Animals will be tethered on site to prevent health, safety, and welfare concerns caused by uncontained animals.

e. Outdoor lighting will not be directed toward or impact neighboring properties.

f. The applicant will comply with all other local, state, and federal laws, including any wetland determination by the Army Corp of Engineers.

Mr. Perreault queried where the previously permitted kennel was located and inquired if it was also a minor kennel.

Ms. Wasinger replied that the previous kennel was no longer in operation; however, it was a minor kennel while operating.
Ms. Thayer queried the setback requirements.

Ms. Wasinger replied setback requirements in the RE-4 zone were 35 feet from the front property line and 25 feet from all other property lines.

Ms. Thayer remarked that included the easement.

Ms. Wasinger concurred.

Mr. Guinn queried how many kennels were located in the neighborhood.

Ms. Wasinger replied there were no other conditional use permits for kennels in the neighborhood.

Mr. Guinn queried if there was a record of covenants.

Ms. Wasinger replied that the residents spoke of covenants, however, she could not find any recorded against the property.

Mr. Reilly noted that the dog houses were located within the setback on the site plan; he inquired what the dog houses would be constructed of; would they be temporary.

Ms. Wasinger responded the dog houses would be moveable, and they are required to meet the setbacks. This was the impetus for the additional conditions.

Mr. Whitaker inquired if staff currently performed site inspections to ensure that setback requirements are met, and further, if code enforcement was complaint driven.

Ms. Singer replied that was correct for zoning code violations. With conditional use there is a little more purview, however, by practice FNSB is complaint driven.

Ms. Nelson clarified that under FNSB Conditional Use Code staff was allowed to verify that conditions were being met; it was not required to be complaint driven.

Ms. O’Neall questioned the shortened Hours of Operation; noting the applicant had requested to be in operation until 11 p.m.

Ms. Singer replied that was an acknowledgement that there were residential uses nearby and 10 p.m. was a generally accepted time for neighborhoods to expect quiet hours; feeding a minor kennel would generate a high degree of noise.

Mr. Guinn spoke regarding the noise generated by barking dogs, citing the decibel table in the staff report.

Ms. Singer clarified that according to her research the typical noise a barking dog makes would be between 65 to 75 db from 3 feet away.

Mr. Guinn reiterated that that level dropped significantly from a distance of 300 feet.

Ms. Singer agreed and clarified that vegetative buffers do not deflect as much as a solid object would, like noise abating fencing.
Mr. Guinn inquired how far away the neighboring house to the east was located.

Ms. Singer explained that according to FNSB GIS it is approximately 300 feet.

Mr. Larrison, applicant and owner, concurred with the accuracy of the staff report and remarked that he did not foresee any difficulty with meeting the conditions proposed. He explained that he purchased the property in May; it was a beautiful area and would be a great spot to have some dogs. He described his dogs as well-mannered and well trained to reduce the noise generally associated with a kennel. He estimated that 90 to 95% of the time his dogs were quiet. His process for feeding was efficient to minimize the time that feeding associated noise was active. He clarified that his kennel consisted of working dogs and he kept them active throughout the winter months, which tired them. He posited that management was crucial for a kennel and expressed that he understood the neighbors’ concerns regarding potential noise. He explained his plans for noise and sight barriers between the dogs and the neighborhood. There will be some barking as dogs will smell the presence of people, other dogs on the road, wildlife in the area. Other than these incidences the dogs are quiet. Monitoring the health of animals was imperative; fecal matter reveals information about the health of an animal and would be picked up on a regular basis.

Ms. Presler queried when meal times would be, as they were noisier times.

Mr. Larrison noted the dogs caloric needs were higher in the winter in order to keep their fat and body temperature at the level it needs to be; during summer, he would feed the dogs once a day, during winter he would feed them twice a day – morning and evening after the run.

Ms. Presler inquired what time the evening feeding would occur.

Mr. Larrison explained that feeding prior to running could cause severe medical problems; in accordance with the conditions he would have the dogs returned to the kennel and the food dished out to the prior to 10 p.m.

Ms. Presler queried how Mr. Larrison would access the trails.

Mr. Larrison replied access was down the street.

Mr. Whitaker inquired where the dogs were kept currently.

Mr. Larrison replied they were on a rental property.

Mr. Whitaker queried if he had received complaints from neighbors.

Mr. Larrison responded that he had never had a single complaint.

Mr. Guinn queried where the rental property was located.

Mr. Larrison replied it was located in the Goldstream Valley.

Mr. Billingsley queried regarding the development of neighboring properties, and the plan for construction of the fence.
Mr. Larrison described neighboring properties. The current plan for fence construction would have to be modified to meet setback requirements. He explained that he fully intended to use a vegetative buffer to hide Ballina Road from view of the dogs. Additionally, fences would be added for barrier.

Mr. Billingsley inquired if he had any ideas for sound dampening.

Mr. Larrison described a sound deadening blanket that was used in conjunction with the fence that helped. He suggested that rotating the location of dogs, with respect to each other, if noise increased; he was open to additional ideas.

Mr. Reilly inquired where Mr. Larrison got his current dogs.

Mr. Larrison explained that he bred his own dogs.

Mr. Reilly queried if he would continue to breed them.

Mr. Larrison replied that he applied for a minor kennel because he has no intention of breeding dogs; this kennel was for his current mushing team.

Ms. Thayer requested specifications of dog shelter dimensions.

Mr. Larrison described the construction of shelters with 6 to 8 foot chains to allow for exercise.

Ms. Thayer noted, based on the site plan, the dogs were all consolidated in the upper corner closest to the road.

Mr. Larrison responded that keeping the dogs closer helped to keep the noise level down.

Ms. Thayer inquired why the location was not centered in the 4.9 acre lot.

Mr. Larrison explained there were some natural barriers to developing this lot; a culvert from the neighbor’s property diverting water to a pond on his property, there was an undeveloped existing driveway. The dogs in the proposed location are the farthest away from the closest neighbors, will be able to utilize the driveway, and will be able to house the dogs on higher and drier land.

Mr. Peterson queried if Mr. Larrison had considered using Ballina Road, crossing Goldstream, going up trails to access the pipeline.

Mr. Larrison replied yes, he had considered that. His current plan was to keep his teams on trails that were familiar. He preferred to keep his dogs away from traffic.

Mr. Peterson inquired if the lot would be lighted.

Mr. Larrison replied no.

Mr. Peterson requested the contingency plan for an unplanned litter of puppies.

Mr. Larrison replied that he would comply with the conditions for a minor kennel; he would relocate the additional dogs with other mushers.
Ms. O’Neall inquired if Mr. Larrison mushed all of the dogs at the same time.

Mr. Larrison explained that he broke the dogs into two distinct teams, and generally ran 10 to 12 dogs, alternating teams.

Ms. O’Neall enquired if there was any anxiety when the dogs were separated.

Mr. Larrison replied yes, there was of sorts.

Ms. O’Neall queried if the separation anxiety created noise.

Mr. Larrison responded, perhaps in the case of a death of a running mate.

Ms. O’Neall asked when Mr. Larrison purchased the property and when he planned to develop it.

Mr. Larrison replied that he purchased the property last May and planned to develop it in the spring.

Mr. Reilly enquired if the property would be completely fenced in when developed.

Mr. Larrison explained that he currently planned to install barrier fences in front of each row of dogs, to obscure their view.

Mr. Reilly enquired if there was a contingency plan if any of the dogs escape.

Mr. Larrison remarked that loose dogs did happen on occasion; his experience with his own dogs was they stayed within the general vicinity and come when called.

Mr. Peterson queried if he closed on the property with a title company.

Mr. Larrison replied yes.

Mr. Peterson enquired if he was informed of any restrictions or neighborhood covenants.

Mr. Guinn inquired if the property was purchased through a realtor.

Mr. Larrison replied yes.

**Interested Person Determination Opened**

Lily Misel, applying for Interested Person Standing, identified her property outside the FNSB Notification radius and posited that the approval would reduce her property value.

Mr. Peterson inquired if Ms. Misel had a professional opinion that the property value would drop based on a minor kennel in the neighborhood.

Ms. Misel replied that she did not but had personal experience from living near a dog yard which severely impacted the ability to sell houses in that neighborhood because of the noise. There was a trail that starts at the bottom of Waterford and Goldstream and parallels Waterford...
and merges with the pack trail that goes to the pipeline. She explained that she and her family use the trail that parallels Waterford and would be impacted by a dog team.

Mr. Perreault noted that trail was a public use trail.

Ms. Misel concurred.

Mr. Perreault reiterated that Mr. Larrison had already testified that there were trails he preferred.

Mr. Guinn requested that Ms. Doxey restate the standards required to testify as an Interested Person.

Ms. Doxey stated, for individuals wishing to testify that did not receive a Dear Property Owner letter, three elements needed to be addressed: establish a specific property interest, establish the significant effect that is caused by the proposed action, and the effect has to be different than from the effect felt by the general public.

Mr. Reilly enquired how he would be impacted differently by using the trail.

Ms. Misel explained that she was concerned and impacted by the noise from the dog yard.

Chair Guinn Ruled Not an Interested Person

William Munera, applying for Interested Person Standing, identified his property outside the FNSB Notification radius and stated that if Mr. Larrison were to access the trail they would have to pass his property. He stated that he lived there since 2001, owns two horses, and has nothing but problems with his neighbor’s dogs. His specific interest was noise, and loose dogs.

Chair Guinn Ruled Not an Interested Person

Kemal Bouraoui, applying for Interested Person Standing, identified his property outside the FNSB Notification radius and stated that he had owned the property since 1997. His significant effect was the noise and a decline in property value due to the proposed action.

Chair Guinn Ruled Not an Interested Person

Ms. Thayer clarified that the impact is the same as that on residents who did receive a Dear Property Owner Letter and were going to testify. That is why the 2,000 foot limit is being enforced for testimony; no one is denying that residents outside that radius would also be impacted; however, the impact will not be significantly different.

Eric Pyne, applying for Interested Person Standing, identified his property outside the FNSB Notification radius and stated that he lived there since 1981. He posited that the GIS radius may not be accurate and he could likely be within the radius as his property was located very near
the FNSB 2,000 foot line. He explained that his background was wildland fire since 1978. The impact on his property was significantly different from that of the general public due to the poor response time from Division of Forestry if a fire was started by the applicant's straw in the summertime.

**Chair Guinn Ruled Mr. Pyne was an Interested Person**

**John Holmgren**, applying for Interested Person Standing, identified his property outside the FNSB Notification radius and stated that Ms. Wasinger had stated that he could testify. He relayed that he was a Road Service Commissioner in this area, had lived there for 35 years, and knew the history of the previous two dog teams in the area; he stated that he was significantly impacted because it would change the nature of the subdivision in which he lived.

**Ms. Doxey** advised that the potential for Interested Person Standing be examined separately as a resident verses as a Road Commissioner.

**Mr. Reilly** spoke to the fact that Ms. Wasinger reportedly told Mr. Holmgren he could testify.

**Ms. Doxey** noted that even if Ms. Wasinger had stated that this person could testify, and that statement was in question, the Planning Commission needed to make that determination.

**Mr. Holmgren** commented that as a Road Commissioner he was responsible for the conditions and use of the roads.

**Mr. Guinn** inquired if he enforced any laws.

**Mr. Holmgren** replied no.

**Ms. Doxey** added that Road Service Commissions were responsible for maintenance of the roads; a proposed use that impacted the Road Service Area then standing may be granted.

**Mr. Holmgren** commented that he was the head Commissioner for this area.

**Chair Guinn Ruled Mr. Holmgren was an Interested Person**

**Samuel Deal**, applying for Interested Person Standing, identified the property where he rented a residence within the 2000 foot radius and stated that the owners lived in the lower 48.

**Chair Guinn Ruled Mr. Deal was an Interested Person**

**Scott Lewis**, stated that he did receive a DPO letter.

**Mr. Guinn** informed that he would be called back for Interested Person Testimony.

**Interested Person Determination Closed**
Interested Person Testimony Opened

Sarah Belway, Interested Person, disagreed with the staff recommendation; she posited that the proposed use was not compatible with the surrounding property and does not meet the intent of Title 18, which was to protect private property rights and promote the public health, safety, and general welfare. She gave the following reasoning in support; First, Water Quality, as a registered Civil Engineer and Environmental Engineer in the State of Alaska and after reviewing both the US Fish and Wildlife service’s wetland designation and FNSB ARCGIS maps she stated that the entire property except the area immediately adjacent to Ballina Road was covered by wetlands. The proposed location of the dog yards on the west side may be in wetlands, the location may be moved. The fluid run off to include: urine, feces, food, and straw waste, which are high in nutrient content, will directly impact waters of the United States and would cause degradation to the water quality under the site and directly down gradient to the site and does not protect public health. Second, Noise, a dog kennel located in the neighborhood would create a noise nuisance due to 19 dogs barking. She expressed concern regarding the ability to enjoy the following activities: quiet on their own property, walking their own dog at various times of the day or night, and a 10 pm feeding schedule since her work hours began early. Upon personal inspection, the vegetation near Ballina was sparse on the north east area near her own property, there was direct line of sight; existing vegetation would not create much noise barrier. She expressed concern regarding the proposed fences, positing that they would not reduce the noise. She reported the ability to hear a neighbor’s dog barking from ¼ mile away and expressed concern regarding how 19 dogs would sound from 700 feet away. Third, Property Values; the existence of a kennel would discourage people from buying in the neighborhood and attract other dog mushers. There were additional items of concern that could not be addressed fully during the time allowed such as odor, security, and enforcement by FNSB.

Ms. O’Neall inquired if they were aware that they were purchasing property in a zone that allowed for this type of use.

Ms. Belway replied that when they purchased the property it was zoned RE-4 and allowed up to 5 dogs.

Mr. Billingsley requested clarification if Ms. Belway was conveying that the zoning changed to allow a kennel by Conditional Use.

Ms. Belway replied no, she posited that the passage of this request for a Conditional Use kennel would encourage others.

Mr. Billingsley inquired if she was aware that within the RE-4 zone there were allowed and conditional uses, like kennel, minor, that were allowed after this process.

Ms. Belway replied yes.

Mr. Larrison inquired if Ms. Belway could visualize, with her background in ecology, any way that any sort of livestock could coexist in this neighborhood.

Ms. Belway replied that she did not have a background in Ecology, she was a Civil and Environmental Engineer.
Mr. Larrison continued that she expressed concerns regarding animal waste.

Ms. Belway queried if he was asking in regards to water quality.

Mr. Larrison replied from a water quality standpoint, were Ms. Belway’s concerns regarding all forms of livestock and animals, or just specific to his kennel.

Ms. Belway replied that Mr. Larrison’s property was almost entirely covered by wetlands and was a poor choice of location.

Mr. Larrison replied that his dogs would be located on elevated ground. He inquired if Ms. Belway knew that part of the process required that his plan be approved by the Army Corps of Engineers prior to developing the site.

Ms. Belway replied she was familiar with the process.

Audio Difficulties with microphone system

Adam Fender, Interested Person, described the character of his neighborhood and stated that he specifically chose this location for purchase of property due to a lack of dog teams. In his experience that even under ideal circumstances a pack of dogs presents issues to their human neighbors. Ideal conditions do not lessen these issues; waste disposal, set feeding hours, and fences. However, they do not eliminate issues. If purchasing property today a kennel to the southwest would lessen the amount he would be willing to pay. He had several questions regarding the proposed operation; fencing, vegetative barrier, transportation of dogs off site for mushing; and waste disposal. The FNSB Comprehensive Plan Title 18, Land Use Goal 4, Strategy 10 was to attract and support development that is compatible with and enhances existing land use. To allow a kennel would take away from the neighborhood what the residents enjoy about the community, lowers property values, breeds discontent, and open the Borough to complaints.

Kathy Cannone, Interested Person, explained that she had lived in her home for over 25 years. She voiced concerns regarding the proposed kennel including; lowering property values, the health and welfare of the community, extreme stress, and mental anguish. Current RE-4 zoning has been in place since April 5, 1988, which allowed no more than 5 dogs per house without a conditional use permit; she posited that too many dogs on a property created a nuisance due to noise which in turn creates daily stress which affects mental health. Zoning in the area was changes to exclude dog kennels, which are incompatible with residents lifestyles and does not enhance the community in any way. Residents have invested substantial money in their homes. The presence of a kennel would lower the value of future home sales.

Mr. Whitaker inquired if Ms. Cannone was in residence when previous dog mushers were granted conditional use permits.

Ms. Cannone replied that the last musher was Gary Schultz, who had been Grandfathered. He has since moved.

Mr. Whitaker queried if that dog kennel was an issue for Ms. Cannone.

Ms. Cannone replied no.
Mr. Billingsley queried if there was an RE-4 situation in which Ms. Cannone thought that a kennel was appropriate; if so, what would that be like.

Ms. Cannone responded that it would not be a situation where a residential community was already highly developed and invested in.

Mr. Guinn queried how close to fully developed the neighborhood was.

Ms. Cannone responded that it was almost fully developed.

James Middleton, Interested Person, agreed with previous testimony; he reiterated that a home is most individuals’ biggest expense. His deck is within 200-300 feet of the proposed location of the dog yard and was curious about the decibel testing referenced in the staff report; it must be amplified by 19 dogs. He explained that his property value was his main concern. This area is backed by wetlands and Mr. Larrison cited wildlife as a trigger for barking. There is a 50 foot pond that moose visit daily. How would he keep the wildlife from triggering barking all day and night? If the permit were granted, who would be responsible for the loss of property value? According to research and a conversation with a local Realtor, the proximity of the proposed permit could negatively affect his property value between 8-18 %, which equates to a range of $20,000-50,000. If this passes would the Borough assess that loss?

Mr. Perreault queried regarding the wildlife in the area and Mr. Middleton’s view of the pond on Mr. Larrison’s property.

Mr. Middleton described the wildlife and explained that he had a view of the pond, there was a faint tree line along this area of Ballina Road and on Mr. Larrison’s lot it was mostly dead willows and black spruce. There would be no vegetative barrier for sound or sight.

Mr. Guinn queried if Mr. Middleton had any documentation of the reduction in property value he was concerned with.

Mr. Middleton responded that he did not have anything in writing but described the research he had done online.

Mr. Larrison queried if during his research of property value being affected by a dog kennel moving into the neighborhood had Mr. Middleton looked at the properties that had sold over the course of the last year and knew how many had sold and how long they were on the market in order to have a balanced understanding of the Real Estate market of Fairbanks.

Jon Holmgren, Interested Person and Road Commissioner, explained that he had been around the neighborhood a long time. The previous dog kennel owner, Gary Schultz, had approached the neighbors individually before attaining the conditional use permit and they agreed but the neighbors regretted the decision for the next 10 years because of the noise. Mr. Schultz eventually quit mushing. The second dog musher did not obtain a conditional use permit and when the code enforcement officer responded to a complaint, they told the owner that if he put up a structure with heat lamps they could get by under the less than 5 dogs rule because the rest would be housed indoors in a heated area. That is what the owner did and pretended to keep their dogs in the structure.

Mr. Perreault inquired if Mr. Holmgren was familiar with the history of the lot.
Mr. Holmgren described the previous owners efforts to develop the property for residential use only to discover it was almost entirely permafrost.

Mr. Larrison queried if he was aware of the site plan which showed he did not intend to clear more land; he planned to build a cabin.

Mr. Holmgren replied yes, and that any land cleared would also become a pond.

Mr. Larrison enquired how many dog yards he had seen built on a similar land to draw that conclusion.

Mr. Holmgren replied that he had no experience with dog lots on permafrost but he did have experience with the proposed property.

Mr. Larrison asked if he could imagine that his dogs were no louder than his neighbors one or two dogs.

Mr. Holmgren replied that individually may be correct; however, he currently had a neighbor with a barking dog and 19 barking dogs would be a problem.

Bob Cannone, Interested Person, reminded the Planning Commission that the Department of Community Planning was charged with the health, safety, and welfare of property owners, as well as the value of the largest investment that they would make through zoning, code enforcement, etc. The staff report notes that there would be noise impacts, which are health, safety, and welfare concerns; however it fails to suggest measures to minimize that impact. The report also fails to address any impact the kennel may have on property values. The report does not consider the noise impacts of all 19 dogs and focuses only on levels of noise that would be physically damaging; this fails to consider the impact of everyday noise on the residents’ health and stress levels. The staff proposed limitation of hours of operation was ridiculous; dogs do not obey “quiet hours”. He described a recent hunting trip that was near a dog kennel whose dogs barked from 6 p.m. to midnight. The report suggested that visual impacts could be mitigated; most of the impact on property values would come from the noise generated by having a dog kennel in the subdivision, not from visual impact. He described how a previous request for the temporary placement of a mobile home on the lot was denied based on visual impacts and posited that the permanent presence of a dog kennel would be greater.

Mr. Larrison inquired if his opinion would be different if there were no visual or noise impacts; if the kennel could not be seen or heard.

Mr. Cannone opined that he did not believe that to be possible.

Ray Werner, Interested Person, spoke in opposition to the request and agreed with previous testimony. He posited that the residents had all worked hard for their properties and Mr. Larrison received wrong information on the property prior to purchase. A dog kennel on that property would create a problem in the area, and it seemed like more of a hobby. He himself worked an alternative schedule so the hours of feeding would not work for him. Also, the entire back of Mr. Larrison’s property was open to forest with wildlife that moved through. He opinioned the neighborhood should not be changed for someone’s hobby.

Caroline Vaught, Interested Person, explained that she had been a resident in the Goldstream area since 1989 and had two children who attended the local public school by bus. She
expressed that Mr. Larrison would probably be a good neighbor but the kennel noise would affect the future of vacancies in her rentals in the area. One renter who worked night shift already contacted her regarding the request. She explained that she rode her horse on Ballina Road and voiced concern regarding the potential dangers of loose dogs while riding there and on her own property, where she has horses, goats, and dogs.

Mr. Perreault inquired if her livestock was loose on her property.

Ms. Vaught replied no, they were fenced but her dogs were loose when she was at home.

Mr. Perreault queried what she did with her waste hay.

Ms. Vaught replied that she did not use hay.

Ms. Presler inquired how many of each type of animal she owned.

Ms. Vaught replied that she had 2 horses and 7 or 8 goats.

Ms. O’Neall inquired if any of the neighbors had expressed concern regarding contamination of waste water due to the livestock she kept on her property.

Ms. Vaught replied she did not think that was an issue because she had no ponds on her property and any runoff went down to the culvert that connected to her other property.

Mr. Peterson inquired if that was the culvert that crossed Ballina Road.

Ms. Black replied no.

Naomi Broderson, Interested Person, spoke in opposition to the request and expressed similar concern regarding noise, safety, and the negative impact of property value.

Hilma Lewis, Interested Person, spoke in opposition to the request and agreed with previous testimony regarding concerns.

James Wilson, Interested Person, spoke in opposition to the request and agreed with previous concerns brought up by neighbors’ testimony. He expressed sympathy for Mr. Larrison’s situation.

Martin Miranda, Interested Person, spoke in opposition to the request and agreed with previous testimony regarding concerns. He expressed disagreement with Mr. Larrison’s plan to drive off wildlife to combat dog noise; wildlife was one of the main reasons he lived in this area. He explained that his grandchildren visited often and described a previous experience of a vicious dog attack that heightened his concern regarding the potential for loose dogs. Further, even a fully fenced dog lot would not address noise.

Mr. Larrison enquired if Mr. Miranda knew of any instance where the disruption of a moose’s migratory pattern caused them to leave the area entirely. He further asked what Mr. Miranda’s experience with how they moved from area to area.

Mr. Miranda they moved 15 feet at a time wandering around.
Scott Lewis, Interested Person, spoke in opposition to the request and explained that Goldstream was no longer a strictly rural area. He explained that his property was located uphill, and above the tree level, from the proposed lot and posited that the sound would travel. Also, he was allergic to dogs and the way the air system traveled in that area a kennel would affect him. He spoke favorably toward dog mushing.

Alicia Giamichael, Interested Person, spoke in opposition to the request and agreed with previous concerns regarding noise, the safety of children, and potential negative impacts on property values. She reiterated that the staff report did not include any information on the potential impact on neighboring property values and wondered if staff had performed research regarding that.

Eric Pyne, Interested Person, spoke in opposition to the request and explained that he lived in the area since 1981 and helped clear and create the existing road and confirmed that the area was full of permafrost; It took a significant amount of rock to build up the road. The proposed location was particularly bad and there was a reason that no one lived there. He posited that if the dogs were there and tore the tundra, there would have subsidence. He cited experience with the Army Corps of Engineers while operating his mining operation and stated they have a bad track record of dealing with issues on small lots, they preferred to focus on large developments. He cited his experience as a Wildland Firefighter since 1978 and described Mr. Larrison's property and the whole area as “high risk” for wildland fires, they were working on a fuel break on the back side of the subdivision. A Two Rivers wildland fire was attributed to a waste pile from animals. State funding for wildland fire positions and equipment was being reduced; therefore, meaningful response time was diminished. This was a subdivision surrounded by black spruce so anything that increases the chance of fire would lead to people losing their homes.

Mr. Perreault noted that the fire risk from a waste pile could be reduced and queried what steps could be taken to reduce the chances.

Mr. Pyne replied, removing offsite daily in the summer months.

Ms. O’Neall spoke to Mr. Pyne’s experience with the ground and permafrost in the area and queried how the property next door to Mr. Larrison’s was able to be developed while his was not.

Mr. Pyne responded that the structure located on it was similar to what Mr. Larrison proposed to build but there was not as much clearing on the neighboring property as there was on the property that he purchased; Mr. Larrison’s property already had the tundra mat stripped off of it. He explained that a distance of 50 to 100 feet could make a difference with the ground features like ice wedges. Mr. Larrison’s feature was in the middle of the property, probably exacerbated by the culvert they had installed; more water would lead to more melting and runoff issues.

Ms. O’Neall requested clarification; Mr. Pyne did think that a cabin could be built on this location.

Mr. Pyne responded that he thought a cabin could be constructed; the problem he foresaw was the dogs; dogs and wetlands were not a good combo. To get around that you would have to fill the wetland area; which requires dealing with the Army Corps of Engineers.

Ms. O’Neall noted that there was a process to go through.
Mr. Pyne replied yes, however, the Army Corps of Engineers was understaffed and the review was not as good as it should be; when approved the whole neighborhood would suffer.

Mr. Reilly inquired if a different type of bedding or foundation would eliminate issues.

Mr. Pyne replied yes, straw was the issue for fires; rock would be an issue for filling wetlands.

Mr. Larrison asked if Mr. Pyne could see a situation in which all of the straw, which was only used in winter months, would be removed from the property and would eliminate the fire danger.

Mr. Pyne replied that he could see a “best effort” scenario; however, in his experience these never worked out. Good intentions…

Isaac Helford, Interested Person, spoke in opposition to the request and agreed with previous testimony. He requested that the application be denied.

Samuel Deal, Interested Person, spoke in opposition to the request and explained that he was a directly adjacent neighbor. He had similar concerns to those already listed; he spoke to concerns regarding air issues and compatibility with his own as a non-traditional work and sleep schedule.

Ms. O’Neall queried if he had any permafrost or water issues on his property.

Mr. Deal explained that the cabin was located on a high point; behind the cabin was a wetland area.

Ms. O’Neall asked if his cabin had running water.

Mr. Deal replied that it had an inside water storage and an above ground septic to the rear of the structure.

Interested Person Testimony Closed

Rebuttal

Mr. Larrison described Alaska’s long history with sled dogs as a sport and for work tasks. He opined that it would be a shame if Alaska grew to the exclusion of sled dogs. He explained that his dogs respond well to his commands; they were quiet approximately 95% of the time. He explained that they would stay well within the limits of city noise ordinances. The area was zoned for a minor kennel. There was still a tundra mat located on the property; it was only missing where the property was previously cleared for development and the pond was now located. He explained that he could have a kennel here without impacting the environment and would work with the Army Corps of Engineers. He agreed that the concept of 19 dogs would be alarming to most people; however, he sought to be a responsible neighbor and there could be multiple use in this area. He opined that they all have rights and that each person’s right would not necessarily benefit anyone else. However, to take away his rights because of speculative concerns would be wrong.

Ms. Thayer inquired if Mr. Larrison looked at other properties prior to purchasing.
Mr. Larrison responded that he had looked for several years; he purchased this lot, in part, because it was advertised by the Realtor as a dog mushing property.

Mr. Perreault asked where the access points for the trail system that he would use were located.

Mr. Larrison explained that El Dorado Creek was in the opposite direction.

MOTION: To approve CU2017-002 for kennel, minor with Ten (10) conditions and adopting the staff report and Three (3) findings of fact in support of the approval by Ms. O’Neill, seconded by Mr. Guinn.

Mr. Billingsley noted that this was a tough case. A high number of neighbors have testified to concerns regarding the noise. He remarked that Mr. Larrison had conducted himself with integrity under attack and was well spoken. There were other livestock kept in the area. Alaska did have a long history with and identity of a dog mushing community; Goldstream Valley was directly linked to that history. It comes down to health, safety, and welfare, and good points were made on both sides of the case.

Mr. Reilly spoke in opposition to the request; however, he spoke in favor of diversity and noted that a kennel, minor was a conditional use in this zone. He expressed that he was not concerned with hypotheticals like impact on property values; no proof was entered into the record. He posited that dissention and hard feelings would go away over time and quiet hours could be altered. He agreed with Mr. Billingsley’s observation that Mr. Larrison had conducted himself with integrity while being under attack all evening. He cited specific quantifiable concerns regarding waste water contamination, waste removal, fencing, health, safety, and welfare of the community as the reasons he would vote to deny.

Ms. Presler noted that there was a great deal of testimony regarding permafrost. She noted that visible water ponding on a property did not constitute wetlands; the components of a wetland delineation were specific water, vegetation type, and soil. It is in the proposed Conditions that Mr. Larrison complies with the Army Corps of Engineers. Regarding the concern that dogs would contaminate the water in the area she noted that there were other animals in the area and no one should be drinking the surface water. She stated that her biggest concern was that the Planning Commission was there to protect the property rights of all owners.

Mr. Whitaker spoke in opposition to the request. He posited the request was not in compatible with the neighborhood and cited the Comprehensive Plan Goal 4 Strategy 10, the application did enhance the good of the neighborhood. He spoke to experience living next to a dog team and agreed that you could not keep dogs from barking during the quiet hours. He expressed sympathy for Mr. Larrison.

Ms. Thayer agreed with Mr. Billingsley’s previous statement that health, safety, and the welfare and the protection of the quality of life were paramount and this would be a tough decision.

Ms. O’Neill spoke in favor of the request and observed that this was a tough decision, and when weighing opposing property rights was it different if it was collective verses a single person. She listed other sources of outside noise that could impact various owners on their property. Living in Alaska means different things to each person and having consideration for
different lifestyles. These differences at times impact neighbors. There was other livestock in this neighborhood. The question was where you draw the line. The zoning does allow for the conditional use of a minor kennel in this zone, which allows all residents to have a voice. She commented that the community should ask themselves if they were really a great community, and if they welcomed diversity. She addressed Mr. Larrison directly and remarked that if the permit were not granted perhaps he should consider if he wished to live in a community that treated their neighbors in this way.

Ms. Doxey clarified that in RE zones domestic livestock was an allowed use while a kennel is a conditional use.

Mr. Billingsley added that if the request were approved the residents could check their covenants.

Mr. Perreault spoke in opposition to the request and noted there were competing land use ideas in this case. In Alaska, private property rights were strongly held and did come into conflict. He opined that the staff proposed noise mitigation was not sufficient to mitigate the noise issue. There was a great deal of experience, both the residents and the Commissioners, with kennels and the noise they generate. A kennel may be shielded from sight, but the noise would still remain. He expressed regret with the need to vote to deny.

Mr. Guinn spoke in opposition to the request due to the fact that loud noises were a health and welfare issue. He posited that a kennel did not fit the character of the neighborhood.

ROLL CALL

One (1) in Favor: Ms. O’Neall

Eight (8) Opposed: Mr. Billingsley, Ms. Thayer, Mr. Reilly, Mr. Perreault, Ms. Presler, Mr. Whitaker, and Mr. Peterson, and Mr. Guinn.

MOTION CARRIED

MOTION: To deny CU2017-002 with findings of fact to be determined, by Mr. Billingsley, seconded by Mr. Whitaker.

ROLL CALL

Nine (9) in Favor: Mr. Perreault, Ms. Presler, Mr. Whitaker, Mr. Peterson, Ms. O’Neall, Mr. Billingsley, Ms. Thayer, Mr. Reilly, and Mr. Guinn,

Zero (0) Opposed:

MOTION CARRIED
MOTION: To adopt Three (3) findings of fact:
1.) The use is not consistent with the intent and purpose of Title 18 because the use does not match the character of the existing neighborhood
2.) The use will negatively impact the welfare of the area because the impact of the noise and odors caused by the dog kennel
3.) The use will negatively impact the health, safety and welfare of the neighborhood because of the impacts from noise and smell by Ms. Thayer, seconded by Mr. Billingsley.

MOTION: To amend the motion by striking finding of fact #2, by Ms. Thayer, seconded by Mr. Billingsley.

ROLL CALL ON THE AMENDMENT

Nine (9) in Favor: Ms. Presler, Mr. Whitaker, Mr. Peterson, Ms. O’Neall, Mr. Billingsley, Ms. Thayer, Mr. Reilly, Mr. Perreault, and Mr. Guinn,

Zero (0) Opposed:

MOTION CARRIED

ROLL CALL ON THE MAIN MOTION AS AMENDED

Nine (9) in Favor: Mr. Whitaker, Mr. Peterson, Ms. O’Neall, Mr. Billingsley, Ms. Thayer, Mr. Reilly, Mr. Perreault, Ms. Presler, and Mr. Guinn.

Zero (0) Opposed:

MOTION CARRIED

G. PUBLIC HEARING

NONE

H. APPEALS

NONE

I. UNFINISHED BUSINESS

1. Potential Planning Commission sponsorship of an amendment to Title 18 definitions of “School Buildings”.
Mr. Guinn commented that, after reading the information, he thought staff did not need to define school buildings further.

Ms. Nelson replied that there was no urgency. There had been a few issues with how the definition of school buildings impacted previous cases. She requested additional information from the Commission regarding what they wanted to change.

Mr. Guinn explained that regarding marijuana facilities applications, the definition of school buildings had been an issue; there was a previous hearing with Mr. Spillman during which Assembly member Roberts testified that an error had been made; some buildings were calling schools by some people and not by others. There was no clear answer at that time, so the definition of school buildings was requested for clarification.

Ms. Nelson replied that staff had been consistent in how school buildings were defined. Other people, including Mr. Roberts, had a different interpretation. Part of the issue was that the State did not have a definition for school buildings with relation to marijuana.

Ms. Doxey added that the Legal Department had specific concern regarding defined terms being modified, “K-12 including vocational programs”. Trying to apply the definition of school buildings, trade, technical, and vocational schools were not included; they have a specific definition as well. There was no definition for vocational program.

Ms. Nelson clarified this would be an amendment to the marijuana standards, not to the definition of school buildings. There is a marijuana cleanup ordinance on the Community Planning to do list, which could include this clarification.

Mr. Guinn recommended getting the easy fixes out of the way, first.

J. NEW BUSINESS
   NONE

K.excuse absent members
   NONE

L. COMMISSIONER’S COMMENTS
   1. FMATS
      Ms. Thayer relayed information regarding ongoing projects at FMATS.
   2. Other
      Mr. Perreault gave a brief update of KUAC.

M. ADJOURNMENT
   There being no further business, the meeting was adjourned at 11:25 p.m.