A regular meeting of the Fairbanks North Star Borough Planning Commission was held in the Mona Lisa Drexler Assembly Chambers, Juanita Helms Administration Center, 907 Terminal Street, Fairbanks, Alaska. The meeting was called to order at 6:00 p.m. by Wendy Presler, Chairman.

MEMBERS PRESENT: Mike Stepovich John Perrault
David Brandt Eric Muehling
Chris Guinn Charles Whitaker
Robert Peterson Mindy O’Neall
Mark Billingsley Wendy Presler

MEMBERS ABSENT: Pat Thayer

OTHERS PRESENT: Christine Nelson, Director of Community Planning
Stacy Wasinger, Planner
Kellen Spillman, Deputy Director of Community Planning
Wendy Doxey, Asst. Borough Attorney
Laura McLean, Administrative Assistant

A. ROLL CALL

B. MESSAGES

1. Chairperson’s Comments

2. Commissioner’s Comments

3. Communications to the Planning Commission

Ms. Nelson requested that the Commissioners identify themselves or have the Chair call on them by name when speaking. It made it easier to identify who was speaking when transcribing the minutes. She announced that three ordinances that this Commission recently heard, Marijuana buffers, Sign Code and Community Gardens, had all passed the Assembly. She concluded and invited the Commission to attend a training session on April 12, 2017 regarding Grandfather Rights, Amnesty, Setback violations, Groundwater Protection areas and such. The training would take place in the Assembly Chambers at 4:00 pm.

4. Citizen’s Comments – limited to three (3) minutes

   a. Agenda items not scheduled for public hearing
   b. Items other than those appearing on the agenda

   No one requested to speak.

5. Disclosure & Statement of Conflict of Interest
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. Peterson, seconded by Mr. Billingsley.

CARRIED WITHOUT OBJECTION

D.  MINUTES

1. *Minutes from March 21, 2017 PC Meeting

E.  CONSENT AGENDA ITEMS

1. *HP2017-003: A request by the Alaska Department of Transportation for local planning authority approval of the Richardson Highway MP 337 Eielson AFB Intersection Improvements project. This project is proposing to construct intersection improvements at the Eielson Air Force Base (EAFB) south entry control point access road, near MP 337 on the Richardson Highway. The project will add a northbound right turning lane, a southbound left turning lane, and a northbound acceleration lane at the south entry control point.

F.  QUASI-JUDICIAL HEARING

NONE

G.  PUBLIC HEARING

1. RZ2017-004: A request by Brian Charlton on behalf of the FNSB Parks and Recreation Department to rezone approximately 470.56 acres from General Use 1 (GU-1) to Outdoor Recreational (OR) or other appropriate zone. The proposed rezone boundary includes the parcel described as Tract A, Section 16, T1N R1W, F.M. (Located at and near Skyline Ridge Park, south of Chad Street, west of Summit Drive and north of Farmers Loop Road.)

Ms. Wasinger gave the staff report; staff recommended preliminary approval of the rezone with the following six (6) Findings of Fact:

1. The FNSB Regional Comprehensive plan assigns the Perimeter Area and Outskirt Area land use designations to this area. The rezone request conforms to these designations because the parcel is intended to be utilized for public recreation and open space, which are both consistent with the preferred uses under these Comprehensive Plan land use designations. The OR zone is more compatible for this parcel and surrounding neighborhood because it limits the potential uses of the land from the wider variety of much more intensive uses allowed in the GU-1 zone to the uses allowed in the OR zone. The current use of the parcel does not currently require water and sewer facilities. The request is consistent with the goals and policies of the Regional Comprehensive Plan.
a. The rezone request is consistent with Human and Community Resources Goal 1, Strategy 3, which is to “provide opportunities for community recreation”; and Land Use Goal 4, Strategy 10, which is to “Attract and support development that is compatible with and enhances existing land use.” The uses permitted in the OR zone are more compatible with the existing land uses and the rezone will help protect recreational opportunities.

b. The request is consistent with the Comprehensive Parks and Recreation Plan, which is an element of the FNSB Regional Comprehensive Plan, including Goal I to “provide year round recreational opportunities for all Borough residents” and Goal IV is to “insure adequate public land for recreational uses.” The proposed rezone would help meet these goals by limiting the future land uses to those allowed in the OR zone and meet the patent condition to maintain the land for public recreation. This will help ensure that the parcel continues to be utilized as year round, public recreation.

c. The request is consistent with the FNSB Comprehensive Recreational Trails Plan, which is an element of the FNSB Regional Comprehensive Plan, including Goal 2 to “[e]stablish legal reservations which protect recreational uses for all recreational trails included in categories A or B in the Comprehensive Recreational Trail Plan” and Goal 3 to “[p]rovide for a permanent trail system of both multiple use and non-motorized trails which is geographically distributed throughout the Borough and which can accommodate all trail user groups.” The rezone will have the effect of limiting the uses permitted on the parcel and protecting the outdoor recreational uses currently existing, including the trails identified in the Trails Plan.

2. The parcel can only be used for public recreation uses or ownership may revert to the State of Alaska pursuant to the land patent conditions that conveyed the land to FNSB. The OR zone will help maintain the public recreation use on the land.

3. The current GU-1 zone is no longer appropriate for this parcel because it allows many uses not consistent with the existing outdoor recreation uses on the parcel, the patent, and future intended uses by the FNSB Parks and Recreation Department. All uses allowed in the OR zone are also allowed in the GU-1 zone; the rezone limits the uses on the parcel to those allowed in the OR zone.

4. The rezone to OR will establish setbacks on the parcel, which will help create a buffer for adjacent properties.

5. The rezone conforms to the public health, safety, and welfare because it limits the allowed uses to predominantly outdoor recreation, establishes 50 foot required front yard and 25 foot required side and rear yard setbacks that help provide a buffer to the adjacent parcels, protects the existing public recreation facilities and uses existing on the site, and meets the future use of the parcel for public recreation; all of which protect and enhance public health, safety, and welfare.

6. The proposed rezone is not a spot zone because:

a. It is consistent with the Comprehensive Plan Human and Community Resources Goal 1, Strategy 3 and Land Use Goal 4, Strategy 10, as well as the Perimeter Area and Outskirt Area designations on the subject parcel. The uses permitted in the OR zone are more compatible with the existing land uses and the rezone will help protect recreational opportunities.
b. The request is consistent with the Comprehensive Parks and Recreation Plan, which is an element of the FNSB Regional Comprehensive Plan, including Goal I to “provide year round recreational opportunities for all Borough residents” and Goal IV to “insure adequate public land for recreational uses.” The proposed rezone would help meet these goals by limiting the future land uses to those allowed in the OR zone and meet the patent condition to maintain the land for public recreation. This will help ensure that the parcel continues to be utilized as year round, public recreation.

c. The request is consistent with the FNSB Comprehensive Recreational Trails Plan, which is an element of the FNSB Regional Comprehensive Plan, including Goal 2 to “[e]stablish legal reservations which protect recreational uses for all recreational trails included in categories A or B in the Comprehensive Recreational Trail Plan” and Goal 3 to “[p]rovide for a permanent trail system of both multiple use and non-motorized trails which is geographically distributed throughout the Borough and which can accommodate all trail user groups.” The rezone will have the effect of limiting the uses permitted on the parcel and protecting the outdoor recreational uses currently existing, including the trails identified in the Trails Plan.

d. The rezone would benefit the existing uses and surrounding property owners by limiting the allowed uses to the predominantly outdoor recreational uses permitted in the OR zone.

e. This rezone request extends the existing OR zone boundary directly adjacent on the north sides of the proposed rezone area and the total area within the proposed rezone boundary is approximately 470.56 acres. The rezone expands the contiguous area zoned OR to approximately 1930.2 acres.

f. The rezone request does not create a reverse spot zone because approximately 449.42 acres will remain zoned GU-1.

Mr. Muehling questioned if the current trails were multi-use or if they were designated non-motorized.

Ms. Wasinger replied that they were multi-use trails. It was also her understanding that future development of the park was minimal.

Mr. Muehling commented that one of the letters that the Commission received was from an adjacent property owner who had concerns regarding noise and trail erosion from motorized use. He asked for her comments.

Ms. Wasinger replied that with the rezone, all of the uses, including motorized trails were currently allowed under the GU-1 zone. Anything that would become non-conforming under the Outdoor Recreational zone would be “grandfathered” under the new zoning district. As part of the rezone itself, that concern was essentially not something that would be addressed with the rezone criteria.

Mr. Muehling commented that the rezone established a 50’ setback on frontage and 25’ on side and rear yards. He questioned if it was in relation to the property or the four properties that were adjacent to the subject parcel.

Ms. Wasinger responded that an access point (driveway) determined the front yard location and all other property lines became side and rear lines. In this case because of where the access point was, the north and east property lines would be front yard setback required. As for the south and the west property lines, there was no access, therefore, those would be 25’ setback requirements.
Mr. Muehling queried if the Borough had plans to develop buildings, parking areas or additional trails on the property.

Ms. Wasinger deferred this question to the applicant. She added that no development plan was submitted with the rezone application.

Mr. Perrault commented that there were communication towers at the top of Ski Boot Hill. He questioned if property setbacks applied to communication towers.

Ms. Wasinger replied that they did apply but were a little different; she informed that they were attached to the height of the tower.

Mr. Perrault queried if the rezone would affect the ability to build additional towers on the adjacent parcels.

Ms. Wasinger stated that the established setbacks would be only for the 470 acres that was being rezoned.

Brian Charlton, FNSB Parks & Recreation, addressed the Planning Commission. He clarified that the trails on this property were multi-use and were recognized as such in the Comprehensive Trails Plan. With regard to trail erosion, Parks & Rec. was currently working on two grants which would address the erosion which had taken place. He continued and said that with regard to the two trail improvement grants, Parks & Rec. did not plan to do any other work in the area. They were considering a parking area in the northeast corner of the property so the public could utilize the park.

Ms. O’Neall queried if Parks & Rec. were solely responsible for the maintenance of the trails or if other organizations participated as well.

Mr. Charlton replied that most of the and development had been done by user groups.

Mr. Whitaker questioned if motorized vehicles were limited by size, weight or horse power.

Mr. Charlton replied that it was his understanding that a lot of the erosion issues were caused by large “highway style” vehicles. Parks & Rec. had installed bollards on either end of the trail head in an attempt to prevent these types of vehicles from entering the trail.

Mr. Charlton added that Parks & Rec. didn’t have written restrictions, but it was Parks & Recs opinion that that type of use was not appropriate in the area.

Mr. Muehling questioned if any of the trails were within the proposed setback areas.

Mr. Charlton replied that some of the trails came within the proposed setback area along the north property line.

Mr. Billingsley asked if it was a park.

Mr. Charlton responded that it was a park which was managed by the Parks & Recreation Department, and was called Skyline Ridge Park.

Mr. Billingsley asked the purpose of rezoning from GU-1 to OR.

Mr. Charlton replied that in the Comprehensive Plan and the Parks & Rec Comprehensive Plan, it was desired to get parcels zoned appropriately to their use. That was the reason for the rezone.
Mr. Perrault questioned if the bollards had been effective.

Mr. Charlton replied that he could not speak to the question but that members of the public may be able to answer this question.

Mr. Guinn questioned if dumpsters or trash receptacles would be installed if a parking lot were to be developed and who would maintain the parking area.

Mr. Charlton replied that there would most likely not be trash receptacles.

Mr. Muehling inquired if a 50’ setback along the perimeter of the property be possible.

Mr. Charlton replied that Planning staff stated that the north and east boundaries would be 50’ setbacks because of where the access was located. There was no other legal access to the parcel for vehicles.

PUBLIC HEARING OPENED

Kristi Sherman addressed the Planning Commission. She stated that as a frequent user of the park and trails, she was in support of the rezone.

Molly Sherman addressed the Planning Commission. She stated that as a frequent user of the park and trails, she was in support of the rezone.

Jon Underwood addressed the Planning Commission. He stated that he had utilized the trails in this area since 1982. He commented that he built the After Hours trail which was in the area. He further stated, as a member of the Borough Trails Commission, he was involved in the process to convey the lands to the Borough. He urged the Planning Commission to vote in favor of this rezone.

Bob Perkins addressed the Planning Commission. He stated that when the land was originally conveyed, the application went through the State but the Borough was the applicant. The application indicated that the purpose of the land was for outdoor recreation. He stated that there were multiple trails in the area which were utilized by many different user types. He commented that since 1995, he had organized a clean-up effort for the area each year. He added that the parking for the area was at the KUAC transmitter at the top of the hill. He concluded that he was in support of the rezone.

John Morack addressed the Planning Commission. He gave a brief recap of how the property was conveyed to the Borough, and spoke in support of the rezone.

Audrey Daigger addressed the Planning Commission. She stated that she and her husband utilize the trails year round. She encouraged the Planning Commission to approve the rezone request.

Andy Holland addressed the Planning Commission. He gave a brief description of where the trails in the area lead to and how he had utilized them in the past. He commented that he was in support of the rezone and strongly encouraged the Planning Commission to do so as well.
Andrew Harrington addressed the Planning Commission. He stated that he didn’t live in the area of this trail system. He was in attendance on behalf of the Running Club North. He was the liaison for the organization. He stated that the Running Club supported the request and would hope that the Planning Commission would support the rezone request.

Mr. Whitaker queried the number of people involved with Running Club North.

Mr. Harrington responded that there were approximately 550 members.

PUBLIC HEARING CLOSED

Mr. Charlton added that Parks & Rec. appreciated all of the support that was shown at the public hearing.

MOTION: To recommended approval of RZ2017-004 adopting the staff report, and six (6) findings of fact in support of approval by Mr. Billingsley, seconded by Mr. Whitaker.

DISCUSSION

Mr. Guinn requested clarification of Finding of Fact #6f.

Ms. Wasinger replied the finding referred to the adjacent parcels which would remain GU-1.

Mr. Billingsley commented that he believed that the request was consistent with the current and intended future use of the parcel for public recreation. It was consistent with the Comprehensive Plan, the Comprehensive Parks & Recreation Plan and the Comprehensive Trails Plan. He felt that it was good for public health, safety and welfare.

Mr. Whitaker commented that it was exactly what the community needed and he hoped that the other Planning Commissioners would support it.

Mr. Muehling added that it promoted public health; and stated he was in support.

Ms. Presler added that she appreciated the turnout of the community in support of the request and thanked them. As for the concerns of the public opposed to the rezone, she stated that she was not convinced that the rezone would change traffic or use. She stated that the request did conform to Title 18 and the Comprehensive Plan. She was in support of this request.

ROLL CALL

Ten (10) in Favor: Mr. Perreault, Mr. Muehling, Mr. Guinn, Mr. Whitaker, Ms. O’Neall, Mr. Stepovich, Mr. Brandt, Mr. Peterson, Mr. Billingsley Ms. Presler

Zero (0) Opposed:

RECOMMENDED FOR APPROVAL
2. **HP2017-002:** A request by the Alaska Department of Transportation for local planning authority approval of the **Phillips Field Road Improvements project.** This project is proposing to reconstruct portions of Phillips Field Road and add 4-ft paved shoulders, a retaining wall to facility road widening, geometry improvements, and removal of utility poles. The new roadway will be approximately 8-ft wider than the existing, and the shoulders will accommodate bicycles, as well as occasional pedestrians.

**Carl Heim,** DOT Project Manager, addressed the Planning Commission. He gave a brief but thorough history of the need for the improvement project and described in detail what the retaining wall would look like. He requested that the Planning Commission approve the project without conditions, because it would add to the timeline and DOT was already doing what the proposed conditions suggested.

**Mr. Perrault** questioned what the downstream bank will look like where the wall ended and the natural streambank began.

**Mr. Heim** deferred the question to David Jensen the Project Engineer.

**Mr. Jensen** clarified that as you approached the end of the wall, the bank rose up so the wall would blend into the rising bank and be keyed in with rip-rap around the end of it.

**Ms. Presler** questioned how the new design compared with what was existing with regard to shoulder and lane widths.

**Mr. Heim** stated that currently there were no shoulders and the lanes were 12’ wide. A four foot shoulder was being added to one side and a five foot shoulder to the other side with the guardrail.

**Mr. Muehling** inquired if the retaining wall would reach the water.

**Mr. Heim** responded that the retaining wall didn’t come close to the water. The rip-rap was three feet away at the closest point to the river. That was only in one very small specific location. Everywhere else was considerably farther away.

**Mr. Muehling** questioned if he would be able to see the rip-rap when canoeing down the river.

**Mr. Heim** clarified that you would see the wall and the rip-rap as this project was proposed.

**Mr. Muehling** asked if it would narrow the Chena River or change the flow speed of the river.

**Mr. Heim** replied that it would not.

**Mr. Muehling** asked if the project would increase the stopping sight distance in the area.

**Mr. Heim** replied that it did not; he further stated, they were bringing the roadway up to current design standards and would be fixing a compound curve in the area; and that the project would improve the operational geometry of the roadway.

**Mr. Muehling** inquired if the part of the road was a no passing zone.
Mr. Jensen responded that as it was currently striped, it was a no passing zone for the entire length of the project.

Mr. Muehling inquired if there was a setback from the railroad tracks that must be respected and asked who owned the property that the road was on.

Mr. Heim replied that DOT had a long standing permit to operate and maintained the road. The roadway was on railroad property. There were not official setbacks but DOT was trying to maintain and stay away from the tracks as much as possible.

Mr. Muehling asked if the five foot shoulder served two purposes. One was a pedestrian/bike path and the other a roadway shoulder for vehicles.

Mr. Heim stated that it would be five feet in front of the guardrail. He added that Alaska law stated that bikes and pedestrians could use a four foot shoulder as long as bikes go with the direction of vehicles. Pedestrians could go either way. The four foot shoulder served as a pedestrian and bicycle facility.

Mr. Muehling asked if there had been any consideration to put extra signs that indicated that it was a bike path.

Mr. Heim replied that it was a shoulder that was usable as a bicycle and pedestrian facility. It was not a dedicated bike or pedestrian facility.

Mr. Billingsley inquired why it was not more bicycle and pedestrian friendly.

Mr. Heim stated that he and the Project Engineer, Mr. Jensen, spent a lot of time looking for ways to get a sidewalk in the area. Unfortunately, where the coal chute was, there just wasn’t enough room. Additionally, there was a large fence in the way and steam lines were buried in the area. There was no room to build a sidewalk due to the geometric restrictions.

Mr. Heim added that the design would allow for additional features in the future.

Mr. Billingsley asked if there were alternatives considered when deciding to build a retaining wall.

Mr. Heim replied that there was always going to be the need for the retaining wall because in the area, they couldn’t get any closer to the railroad tracks. Moving the tracks meant moving all of the railroad buildings which was a very exorbitant cost. They had minimized the amount of impact that was needed on the river side with potential accommodation for the future.

Ms. O’Neall clarified for the record that plans for the project did include working with the Chena Riverfront Commission, specifically on the aesthetics of the retaining wall. She also inquired if community livability ideas would be included in the retaining wall.

Mr. Heim replied that he did not attend Ms. Nelsons’ presentation on Community Livability. He clarified that the retaining wall, as designed, was as aesthetically pleasing as the scope of the project would allow. Lagging, texture and the ability to dye the concrete are all considerations that they thought of when designing the project.
Ms. O’Neall inquired if DOT would be working with the Chena Riverfront Commission regarding the color of the retaining wall.

Mr. Heim stated that they would.

Ms. O’Neall inquired if DOT would be working to restore lighting that was proposed to be taken out as it was a safety project.

Mr. Heim stated that they currently had a design directive in the Northern Region to remove lighting where possible due to the current budget climate. He added that the roadway didn’t fit the need for having lighting; that there was a lot of off street lighting in the area.

Ms. O’Neall added that with the extension of the shoulder, she felt that it was reasonable to think there would be increased bike and pedestrian traffic. She questioned how the design didn’t require lighting when pedestrian and bike traffic was expected to increase.

Mr. Heim stated that there were already bikes and pedestrians on Phillips Field Road, DOT was just giving them a legal shoulder to be on.

Ms. O’Neall queried how much money DOT would save by not having lighting.

Mr. Heim didn’t have a number.

Ms. O’Neall inquired when they planned to construct the project and if Phillips Field Road would have to be closed.

Mr. Heim replied they would like to build the project this summer; that they had it slated for a 90 day contract and were going to propose to close the roadway but allow business access during the construction duration.

Ms. O’Neall queried if signage would be placed to warn motorists of pedestrians and bicycles.

Mr. Heim stated that the project would be re-signed as it was now.

Mr. Perrault questioned why the guardrail on the south side of the road couldn’t be moved closer to the lane of traffic providing a barrier for traffic on the inside of the guardrail for pedestrians.

Mr. Heim clarified that the guardrail was protecting the hazard of people going off into the retaining wall and into the river. The area behind the guardrail was provided for deflection if someone should hit the guardrail.

Mr. Perrault questioned what the surface was between the guardrail and the pedestrian barrier as designed for.

Mr. Heim responded that it would be a gravel surface so that water could drain through.

Mr. Jensen added that from a safety perspective, they didn’t want people walking behind the guardrail because of the steel posts behind them; he further stated, if someone were to trip and fall and strike one of the posts they could be seriously injured.
Ms. Presler questioned if there was a particular standard that specifies the distance from the edge of the traveled way to the guardrail.

Mr. Jensen responded that according to the bicycle guide, if they allowed bicycles to use the shoulders, the design standard called for five feet to the base of the guardrail.

Ms. O'Neall inquired if the retaining wall would affect the fish habitat or natural flow of the river.

Mr. Heim responded that they scoped the project out with Fish & Game and they felt that it would have no impact on the salmon fishery.

Mr. Peterson stated that since it was not a specified pedestrian/bike path, was there a requirement to keep the shoulders clear of snow.

Mr. Heim replied that the shoulder would be plowed just as the roadway was plowed.

Mr. Guinn asked if he had read the letter from the Chena Riverfront Commission stating their concerns with the project.

Mr. Heim stated that he was uncertain.

A copy of the letter was provided to Mr. Heim and Mr. Jensen.

Mr. Heim stated that the letter was basically the draft format letter that he saw previously. He further commented that he was working with the CRFC to address their concerns.

Mr. Muehling recommended installing “Share the Road” signs in the area. He further questioned what the expected design life of the retaining wall would be.

Mr. Jensen stated that they would have to ask the bridge designer who designed the wall but typically structures were a little longer than the 20 year highway design life.

Mr. Heim added that he would guess it probably had a 75-100 year life design.

Ms. O’Neall asked if there were plans to put anything reflective on the roadway other than paint.

Mr. Heim responded that they would be doing inlaid paint marking which had glass beads in it to reflect light.

Mr. Whitaker asked if regarding the agreement with the railroad, did the railroad have to approve the improvements before the project could be built.

Mr. Heim responded that they would have to modify the current TCP agreement that they had and they were in the process of doing such based on current design plans.

Mr. Spillman gave the staff report; staff recommended preliminary approval of the rezone with the following one (1) Condition and two (2) Findings of Fact:

**CONDITIONS**

1. The DOT&PF will apply for a FNSB Title 15 Floodplain permit prior to any “development” in the “special flood hazard area”.

Mr. Spillman added the Chena Riverfront had an opportunity to review the staff report for the project at a special meeting of the CRFC that was held March 29, 2017. At the time the CRFC made two motions; the first was to recommend the Planning Commission approve staffs’ recommendations with a third condition; the third condition was that DOT continue to work on the design of the project to address revegetation of the riparian zone and aesthetic design of the wall. The second motion by the CRFC was to approve the letter which was included in the meeting packet.

**FINDINGS OF FACT**

1. The Phillips Field Road Improvement project will “ensure that road designs improve safety and minimize adverse impacts”, and “integrate pedestrian-friendly sidewalks and bike trails along newly-developed roads or as enhancements during road maintenance”, by adding four foot shoulders on each side of the road to a roadway with little shoulders. (Transportation and Infrastructure: Goal 1, Strategy 1, Action C)

2. The multi-modal facility the Phillips Field Road Improvement project will help “integrate safe multiuse trail circulation into road networks and maintain multiuse trails for commuter and recreational purposes” and “construct new paths along, above, and as close as possible to the riverbank in order to take full advantage of river views” by adding four foot shoulders on each side of the road. (Transportation and Infrastructure Goal 1, Strategy 4, and Chena Riverfront Plan Goal 4, Policy 1, Objective D):

Mr. Spillman continued that staff was now recommending that the original Condition #1 as appeared in the written staff report included in the packet be removed as the DOT had been working with the CRFC regarding the visual impacts and the vegetative buffer. Staff could also recommend Condition #2 could be removed, as the DOT did apply for a Title 15 Floodplain permit earlier that day. As a result, it was possible that the Planning Commission could recommend approval with no conditions.

Ms. Doxey asked staff where in the Comprehensive Plan did Condition #3 appear regarding revegetation of the riparian zone and aesthetic design of the wall.

Mr. Spillman responded that he believed it was supported in Goal 1, Policy 2, Objective B.

Mr. Billingsley asked why the first proposed Condition was not acceptable.

Mr. Spillman replied that it was deemed not acceptable because it may not be a power that the CRFC held.

Ms. Doxey clarified that when the Borough was reviewing highway projects that the State was proposing, the Planning Commission was directed to simply review them for consistency with the Comprehensive Plan. The Planning Commission had no authority to delegate or refer a project to some other commission other than the Assembly as set out in the MOU. There was no legal authority for the Planning Commission to refer a State project to another commission for review.

Ms. O’Neall questioned where the public found announcements for meetings such as theirs.

Mr. Spillman deferred the question to DOT but did add that the Borough noticed the meeting in the normal forums for this public meeting as well as for each time the CRFC heard the project.
Mr. Heim and Mr. Jensen were given time for last comments or rebuttal.

Mr. Heim commented that they had a website for these types of projects. He stated that they didn’t have an open house for this project, but that there was opportunity for public comment at the CRFC meeting. He stated normally projects were noticed in the newspaper, or postcards were sent out; and there were internal mechanisms for notification to the public.

PUBLIC HEARING OPENED

Anna Plager, member of the Chena Riverfront Commission, addressed the Planning Commission. She stated that she was one of the authors of the letter that the CRFC submitted to the Planning Commission. She apologized for the late arrival of the letter but added that the CRFC just learned of the plan. She stated at that point the CRFC had to meet all guidelines of public notification so they could hold a special meeting to discuss the project with DOT and draft a letter.

Ms. Plager continued that the Chena Riverfront Plan, didn’t have the force of law, in the sense that it had not been adopted into Title 18, but the CRFC Plan had been adopted as part of the Comprehensive Plan. The CRFC Plan was revised every five years, or as often as possible.

Ms. Plager continued that when DOT explained to the CRFC at their special meeting last week that the rip-rap would be going down below the retaining wall that was the first time the CRFC had heard that. She further stated that the CRFC has been working for over a decade with the US Fish and Wildlife Service to try and establish a healthy riparian zone along the riverbank. The riparian zone was not below ordinary high water. It was the riverbank. It was where the water went. Ordinary high water was not where the water goes. In this case, the rock would be under water and if some vegetation wasn’t left there, the fish would suffer. The Chena River was one of the top Chinook salmon spawning tributaries of the Yukon River and was critical that a stretch this long not be stripped of vegetation.

Ms. Plager concluded and said that the CRFC were asking DOT to continue designing in a bio-engineering fashion. They also had concerns about the safety of pedestrians and bicyclists and lighting.

Mr. Billingsley commented that there were three proposed conditions in the CRFC letter to DOT.

Ms. Plager replied that there were four and described them to the Planning Commission. She also commented that she would like to see a worksession scheduled sometime with Mitch Osborne from the US Fish & Wildlife Service regarding repairing riparian zones with bio-engineering practices.

Mr. Billingsley inquired about the third condition.

Ms. Plager explained that the request ensured the aesthetic design complied with the Green Streets Policy that both the City of Fairbanks and the Borough had adopted.

It was established that Ms. Plager was referring to a draft version of the letter and the Planning Commission was reviewing the final version which was signed by the Chair of the CRFC, Ian Olson.
Ms. Plager clarified that the fourth bullet was added to the letter that it was not part of the motion they made.

Mr. Guinn commented that he was of the opinion that Mr. Heim felt that the request of the CRFC were workable. He questioned if both entities were “passing in the night.”

Ms. Plager responded that DOT had been making an effort to work with the CRFC. The concern of the CRFC was that the 90 day timeframe would expire and DOT would move forward without regard for the concerns of the CRFC as there was no requirement that DOT adhere to any of the suggestions of the CRFC.

Mr. Whitaker inquired how many projects Ms. Plager was aware of that had utilized bio-engineering methods.

Ms. Plager stated that she wasn’t familiar with all of the ones that had been done on the Kenai River. She said this one may be unusual in that there was a road right on top of it. Most of the projects had been done along rivers with pathways or buildings on top of them. Buildings were significant weight, generally more than a vehicle. She continued that their design was not done by anyone who had been trained in any of the bio-engineering techniques. The CRFC would like to have such dialogue to ensure that DOT understands how it had been done statewide, especially in other jurisdictions besides Fairbanks. She concluded and said there was a revetment outside the building. She described the project in which root wads were added along the river behind the Borough building and said that this particular project was working to re-establish the habitat in the area.

Mr. Muehling commented that he was hearing two areas of concerns from the CRFC, visual impacts and riparian impacts. He stated that with regard to visual impacts, he questioned if the wall would be visible from the railroad industrial area.

Ms. Plager stated that it would only be visible from the river or from 1st Avenue along the Chena Riverwalk. She added that less would be seen where the vegetation added to the rip-rap because the vegetation would disguise part of the wall.

Mr. Muehling inquired if she could document what disruption of this 600’ of riverbank might do ecologically to the migrating fish.

Ms. Plager replied that if there was a sterile riverbank, that was a dangerous spot for fish. You couldn’t separate the 600’ from the next 100’, but every project along the river cumulatively added up to a lot. She stated the CRFC worked with the military upstream. They worked with all kinds of private landowners and every 100’ really made a difference. It didn’t take much to heat up the river and 600’ was the longest stretch that she was familiar with in the ten years that she had been on the CRFC.

Ms. O’Neall questioned why lighting was not one of the three bullet points included in the final letter.

Ms. Plager responded that the CRFC Plan had guidelines that specifically requested lighting for safety purposes, not aesthetics; and commented that she couldn’t state exactly why lighting was not part of the motion, although it ended up being an important part of the discussion. It clearly was one of the four bullet points that the CRFC was concerned about, but the final letter did not reflect it.
Ms. O’Neall queried if she still thought lighting was a priority of the CRFC and if it fell within the scope of the CRFC work.

Ms. Plager replied “Absolutely.”

Heim and Jensen were given an opportunity for rebuttal.

Mr. Heim stated that DOT did receive a letter from Audra Brase, Regional Manager for US Fish & Game. In her letter she stated the wall was not going to impact any androminous salmon or resident fish species. He reminded the Planning Commission that they weren’t required to get a fish permit as the project was above the ordinary high water level. He addressed the rip-rap and vegetation issue along the streambank and stated that due to the concerns of the CRFC, they could fill the voids with a sand slurry and could stake in willows which would help promote streambank vegetation. He wanted to clarify that the rip-rap was to protect the wall because the wall was holding back the road. Some of the other examples of revegetation they had looked at wouldn’t support vehicles above them. The rock was to protect the wall. He concluded that with the rock and rip-rap and adding sand slurry and willows, DOT was confident the area would be revegetated for the future.

Mr. Heim addressed the issue of lighting and stated that lighting would not be maintained. The project was on Alaska Railroad property and the roadway would be maintained by DOT. That DOT didn’t have anyone to maintain lighting as lighting does not meet the design standards for the project. He stated in conclusion that with regard to the third condition, DOT had a way to help re-facilitate the streambank vegetation, they just hadn’t had the opportunity to talk with the CRFC.

PUBLIC HEARING CLOSED

Ms. Doxey clarified for the Planning Commission that with this Highway Project, if the Planning Commission was inclined to not impose conditions, the motion would be to approve. It will not be a recommendation to the Assembly. If the Planning Commission was inclined to implement conditions, it will be a motion to recommend approval with the recommended conditions and then it would go to the Assembly.

Ms. Presler queried when the Planning Commission could expect to hear the item.

Ms. Doxey replied that there was a 90 day time frame but could not give an exact date.

Mr. Spillman clarified that the Clerks’ Office would be able to properly notice the item for resolution at their last April meeting which met the 90 day timeline.

MOTION: To recommend approval of HP2017-002 with no conditions, adopting the staff report and the 2 (two) findings of fact by Mr. Peterson, seconded by Mr. Perrault.

DISCUSSION

Mr. Billingsley questioned if the motion was to approve or to recommend approval.

Ms. Doxey responded that the language was to recommend approval for the proposed motion.
Ms. McLean clarified that the motion was to recommend approval with two findings of fact and no conditions.

Mr. Peterson withdrew his motion.

**MOTION:** To approve HP2017-002 with no conditions, adopting the staff report and the 2 (two) findings of fact by Mr. Peterson, seconded by Mr. Perrault.

**DISCUSSION**

Mr. Billingsley commented that he felt DOT should be required to minimize visual impacts and preserve or restore the vegetative buffer.

Mr. Presler inquired if the Planning Commission should impose Condition #1.

Mr. Billingsley stated that Condition #1 should be imposed even if it slowed down the project.

Mr. Guinn stated that he felt the same as Mr. Billingsley but didn't want to make it a condition; he felt DOT and the CRFC seemed to be working things out.

Mr. Perrault stated that he felt DOT was working in good faith with the Chena Riverfront Commission not only on this project but on others. He stated that he didn't feel the visual impact from the Chena Riverwalk. As indicated from the drawings from DOT, the 600 feet of retaining wall were all across from the existing Aurora Energy plant and facility site and the Riverwalk went between 1st Avenue and the buildings. He stated that it wasn't a huge concern for him and he believed DOT was already taking into consideration the visual aspects of the project. In conclusion, he stated that adding a condition was adding unnecessary hurdles that were already being addressed.

Mr. Muehling commented that he realized it was an extremely narrow corridor. He understood that safety was the primary concern and the roadway needed to be built to modern standards; and those standards included lane width and space on the side, and the project satisfied the standards. While he wasn't in favor of putting conditions on the design but he did have a sense that from what he had seen at this meeting, the CRFC and DOT were talking and would continue to talk and he trusted that DOT would get signs in the area that reinforced the road was shared with pedestrians and bicyclists.

Mr. Muehling suggested additional signage to reminded vehicular traffic to share the road. He concluded and said he hoped DOT would do whatever they could to accommodate the CRFC.

Ms. O’Neall stated she wouldn’t be supporting this request. She stated she felt it was a good project but the lighting was a really big issue. She was concerned about an increase of traffic and couldn’t vote for this project.

Mr. Stepovich thanked DOT for working closely with Fish & Game regarding impacts to the wildlife. He was glad to see the road would be redesigned and brought up to current standards with respect to pedestrians and bicyclists.
Ms. Presler also stated she believed that DOT and the CRFC would continue to work together. and that the Planning Commission needed to remember the project was happening because of vehicle crashes in the area. It was, first, a vehicular safety issue and the proposed project would improve conditions for pedestrians and bicyclists. It would make it more like other roads that they were used to walking and riding on. She stated if DOT continued to work with the CRFC, they should be able to come up with a solution for revegetation in front of the wall and in the rip-rap to soften the environment for the fish and their habitat; she felt the if the wildlife habitat was protected it was a win-win for all. She spoke in favor of the motion.

ROLL CALL

Eight (8) in Favor: Mr. Perreault, Mr. Muehling, Mr. Guinn, Mr. Whitaker, Mr. Stepovich, Mr. Brandt, Mr. Peterson and Ms. Presler

Two (2) Opposed: Mr. Billingsley, Ms. O’Neall

MOTION CARRIED

H. APPEALS

NONE

I. UNFINISHED BUSINESS

NONE

J. NEW BUSINESS

1. Discussion of new planning effort for downtown Fairbanks

Ms. Nelson addressed the Planning Commission. She stated there was a meeting held which included the Borough Mayor, the City of Fairbanks Mayor, both Chief of Staffs, FMATS and the Downtown Association to talk about the status of Vision Fairbanks and what could be done. At this meeting it was agreed that Vision Fairbanks would be repealed. She informed she was currently working on an ordinance to send to Legal that repealed Vision Fairbanks from the Comprehensive Plan; and had created a draft schedule of how to move forward with the project and explained some of the processes which would have to be taken on in order to move forward with repealing Vision Fairbanks and would keep the commission apprised as things moved forward.

Ms. O’Neall inquired if there would be an application process for the working group.

Ms. Nelson stated it was in the beginning stages of development.

Ms. O’Neall suggested flipping the process and let the community decide who would be on the decision making committee.

Ms. Nelson stated she would keep it in mind when reporting back to the original group.

Ms. O’Neall inquired if there would be a time in which the community could become involved with the process.
Ms. Nelson replied that plans hadn’t gotten that far.

Mr. Billingsley asked that if the Downtown Association was to come up with its own plan, would the Borough support it and if not, then why.

Ms. Nelson replied that the Mayor said “No” because it wasn’t an inclusive process.

Mr. Billingsley questioned who decided on the decision making group for the new process.

Ms. Nelson replied it would be the two Mayors, the two Chiefs-of-Staff, a representative of Vision Fairbanks, FMATS, etc.

Mr. Billingsley questioned how the composition of the group was determined.

Ms. Nelson stated these were the entities that had to “buy-off” on it as it went through the process. The City of Fairbanks was the first of the downfall. FMATS and the Downtown Association have been actively advocating for getting rid of the plan.

Ms. Nelson stated that Vision Fairbanks was so specific that it wasn’t helping anything and in fact was hindering things. Ultimately they would like to replace Vision Fairbanks with something that was more specific than the regional Comprehensive Plan but not as specific as the Vision Fairbanks Plan.

Mr. Billingsley questioned if Vision Fairbanks should be repealed before another Plan was developed to replace it.

Ms. Nelson responded it was a risk that would be taken if the Planning Commission recommended and the Assembly chose to repeal.

Ms. Nelson suggested the Commission keep it in mind and be prepared for more in-depth discussions at a later date. She expected it to come back to the Planning Commission potentially at the May meeting.

Mr. Spillman added his only concern would be that we acknowledge the land use framework wasn’t being implemented to the specificity that it recommends. However, we do use the land use framework on a semi-regular basis. For example, for any rezones downtown, we used the land use framework set forth in that Vision Fairbanks Plan to recommend or not recommend the decision of Community Planning. That would be the one downfall, to not having the land use framework to make recommendations on.

Ms. Presler stated perhaps one of the stakeholders on the new committee could be a Planning Commission member.

Ms. Doxey added that when an ordinance was being referred to the Planning Commission from the Assembly, the Assembly could give the Planning Commission a longer time to consider it. It would potentially give the commission multiple meetings to consider whatever the ordinance was. Also, if there were a lot of changes the commission could bring forward a proposed substitute that could then get noticed that was a problem in the past.
Further general conversation was had regarding this topic. It would be discussed in greater
detail at a later date.

Mr. Spillman commented there were no applications submitted for the May 2, 2017 meeting
therefore said meeting was cancelled. The next meeting of the Planning Commission would
be May 16, 2017.

K. EXCUSE ABSENT MEMBERS

The absence of Thayer was excused without opposition.

L. COMMISSIONER'S COMMENTS

None

M. ADJOURNMENT

There being no further business, the meeting was adjourned at 9:45 p.m.