

FNSB PLATTING BOARD

MINUTES

December 20, 2017

A regular meeting of the Fairbanks North Star Borough Platting Board was held in the Mona Lisa Drexler Assembly Chambers, Juanita Helms Administrative Center, 907 Terminal Street, Fairbanks, Alaska. The meeting was called to order at 6:01 p.m. by Clint Meyer, Vice-Chair.

ROLL CALL

Members Present: Kellie Fritze, Crystal Haman, Troy Hicks, Whitney Malin, Jason McComas-Roe, Clint Meyer and Bill Mendenhall.

Members Absent: Peter Flint (excused) and Randy Pitney (excused).

Others Present: Kellen Spillman, Deputy Director of Community Planning
Noah Klein, Assistant Borough Attorney
George Stefan, FNSB Platting Officer
Angela Parker, FNSB Platting Officer
Daniel Welch, FNSB Platting Officer
Laura McLean, FNSB Recording Clerk

MESSAGES

Citizens Comments – limited to three (3) minutes

None

Communications to the Platting Board

None

Chair comments

None

Disclosure and Statement of Conflict of Interest

McComas-Roe stated that he may have a perceived conflict with both cases represented by Stutzmann Engineering. He stated that his company has utilized their services in the past as well as he personally has contracted with them in the past. **Vice-Chair Meyer** inquired if he has any financial interest with Stutzmann Engineering. **McComas-Roe** state that he does not. **Meyer** stated that he feels that there may be a conflict. He invited the rest of the Board to give their opinion.

Haman stated that she does not feel that he has a conflict. She queried if McComas-Roe worked with them regarding either of the plats before the Platting Board this evening.

McComas-Roe replied "No".

Hicks commented that he does not feel that there is a conflict.

Mendenhall commented that he does not feel that there is a conflict.

Meyer inquired if there was any expectation of future business between McComas-Roe and Stutzmann Engineering. **McComas-Roe** replied “No”.

Meyer concluded that McComas-Roe does not have a conflict.

Hicks stated that he has a conflict with the three cases represented by Northland Surveying and Consulting. His wife works at Northland Surveying and Consulting. **Meyer** concluded that Hicks does have a conflict and will recuse himself for these items.

APPROVAL OF AGENDA AND CONSENT AGENDA

Motion to approve the agenda and consent agenda made by **Mr. Hicks**, seconded by **Ms. Haman**. Motion carried without objection.

MINUTES

Minutes of November 15, 2017

CONSENT AGENDA ITEMS

None

OATH

QUASI-JUDICIAL HEARING

1. **SD015-18 Page Subdivision** A request by Blizzard Alaska Surveys, on behalf of George Allen Page, to subdivide the NE ¼ NW ¼ SE ¼ NE ¼ and W ½ NW ¼ SE ¼ NE ¼ Section 20, T1S R2E FM, also known as Tax Lot 2017, into two lots of 3.984 and 2.756 acres (Located on Muskeg Lane). This request includes a variance from construction of Muskeg Lane. **Staff Contact: Angela Parker**

Parker presented the Staff Report. Based on Staff analysis, the Department of Community Planning recommends DENIAL of the subdivision and the variance with the following three (3) Findings of Fact:

- a) The proposed subdivision is within the Lee Lane Road Service Area.
- b) Muskeg Lane is maintained to the eastern boundary of the proposed subdivision.
- c) Without the variance, Muskeg Lane must be constructed to FNSB Local 1 road standards, providing a temporary turnaround at the western boundary of the subdivision. Prior to Platting Board approval, design information and a drainage plan must be submitted.

Haman queried if the two southern Tax Lots to the west have access via Lee Lane. **Parker** replied that she is not sure as Lee Lane is a private easement and staff did not research access for those lots.

Hicks questioned if Muskeg Lane is already existing right-of-way or easement. **Parker** stated that they are dedicating with this plat. The eastern portion was previously dedicated and approved by the Borough and the service area is maintaining that portion.

Meyer questioned if Muskeg Lane continues beyond the boundary of this property. **Parker** replied that there is no dedication or easement that continues past this subdivision. If the subdivision were recommended for approval, a temporary turnaround would have to be constructed at the boundary of the subdivision.

Applicant Testimony

Bill Blizzard, surveyor, addressed the Platting Board. He stated that this is not the first time that this request has come before the Platting Board. The first time was in 2012. At that time, they were required to upgrade Muskeg Lane. It was upgraded to match the dedication portion east of the subdivision.

Blizzard provided the Platting Board with photographs of the improvements that have been done to Muskeg Lane heading west from Mr. Pages' mailbox.

Haman asked which property Mr. Kaiser owns. **Blizzard** replied that he is living in the trailer which will become Lot 2 if the subdivision is approved.

Hicks queried if there was already some form of a turnaround on the extension of Muskeg Lane. **Blizzard** confirmed that there is a temporary turnaround on Muskeg Lane.

Meyer asked how wide the right-of-way is. **Blizzard** replied that they are dedicating 50'.

Meyer asked if this is in a road service area. **Blizzard** replied that it is.

Parker asked for confirmation that all of the pictures provided to the Platting Board were of Muskeg Lane. **Blizzard** confirmed that all of the pictures he provided to the Platting Board were of Muskeg Lane.

George Page, owner, addressed the Platting Board. He stated that it is possible for two cars to pass each other on Muskeg Lane. He further commented that the lots to the west of him will never be subdivided in the future. He stated that the total access for Lot 2 will be off of Lee Lane.

McComas-Roe queried if the applicant had calculated the cost of making the improvements that staff recommended. **Page** replied that it would be expensive and is not necessary.

Interested Person Testimony

William Kaiser, interested person, addressed the Platting Board. He stated that he addresses his home via Lee Lane. He stated that he invested his life savings to build the temporary turnaround that currently exists.

Public Hearing Closed

Applicant Rebuttal

None

MOTION: A motion was made by **Ms. Malin**, seconded by **Ms. Fritze** to deny Page Subdivision adopting the five (5) Findings of Fact and the Staff Report in support of the denial.

MOTION: A motion was made by **Ms. Malin**, seconded by **Ms. Fritze** to deny the variance from FNSBC 17.56.020.B to waive the requirement for construction of Muskeg Lane and the temporary turnaround adopting the Findings of Fact as recommended by staff.

Mendenhall questioned what happened with this request between 2012 and now.

Parker replied that the subdivision was originally submitted in 2012 and it subsequently expired as no final plat was submitted. Therefore, they are required to start all over.

Haman stated that she struggles with this request as Lee Lane is a private road and the owners of the road could shut it down if they wanted.

McComas-Roe commented that he would be interested to know how long after the original preliminary plat approval did they make the improvements to Muskeg Lane.

Hicks commented that he would be interested to know what the conditions for preliminary plat approval were.

Further discussion ensued.

Fritze commented that although the applicant has stated that no one beyond his property intends to ever utilize Muskeg Lane that could change in the future. Therefore, it is the responsibility of the Platting Board to ensure that access meets Title 17 standards.

McComas-Roe commented that his concern is that the road service area will be tasked with maintaining an inadequately constructed road.

Hicks queried why the applicants or their surveyor did not apply for an extension rather than letting the application expire.

McComas-Roe added that he sees no practical future need for an extension of Muskeg Lane.

Meyer commented that he would rather not have seen a road built as there is an ordinance that only requires dedication. He has issues with the road having to be maintained by other peoples tax dollars.

Meyer opened the meeting up for further Staff and Platting Board questions and public testimony.

David Bredlie, Public Works Engineer, addressed the Platting Board. He stated that if this property was not in a service area, it would likely be exempt from road construction standards. This particular service area is currently on the books to be dissolved in the near future.

Hicks queried what the requirement was for the end of Muskeg Lane at the preliminary approval in 2012.

Blizzard responded that they were required to build a road 17' wide without a requirement for the road. The service area spread the gravel and constructed the turnaround.

Blizzard further commented that the reason that the application expired was that his client was experiencing health issues and was not available.

McComas-Roe commented regarding the quality of the plat.

Meyer queried why the applicants didn't apply for an extension. **Page** responded that he was experiencing health issues and was not made aware by his surveyor that an extension was a possibility.

Blizzard stated that he knew about an extension but that his client was not in town.

McComas-Roe questioned Parker if the improvements that have been made meet the requirements that were required based on the original application approval. **Parker** stated that the improvements could potentially meet the requirements but because the file expired, no site visit was performed to determine if they met the original requirements.

McComas-Roe questioned Bredlie regarding the possibility of the road service area dissolving in the near future. **Bredlie** confirmed that it is a possibility.

McComas-Roe questioned if this application were continued to another Platting Board meeting, would the applicant and his surveyor have the opportunity to redesign the plat without incurring additional fees. **Parker** replied "Yes".

Further discussion ensued.

McComas-Roe questioned if this case should be postponed.

Public Hearing Closed

The Platting Board discussed further the standards that are required for the variance.

Meyer stated that he does not believe that all of the criteria has been met. The fact that the service area may or may not dissolve in the future should not be a consideration for the Platting Board. **Meyer** further commented that he finds the quality of the plat to be lacking.

McComas-Roe concurred with Meyer and added that apparently the road service area accepted the road years ago when they created the turnaround. He intends to vote against staff recommendation.

Malin commented that she has seen when road service areas utilize other peoples' materials to build roads that are not favorable.

Fritze reiterated that the Platting Board has a responsibility to follow code.

Mendenhall asked for procedural clarification.

ROLL CALL: 3 in favor Fritze, Hicks and Meyer
4 opposed Haman, Malin, McComas-Roe and Mendenhall

MOTION: A motion was made by **Mr. Mendenhall**, seconded by **Ms. Malin** to approve the variance from FNSBC 17.56.020.B to waive the requirement for construction of Muskeg Lane and the temporary turnaround.

The Platting Board discussed reasons to formulate Findings of Fact in support of the motion.

MOTION: A motion was made by **Mr. McComas-Roe**, seconded by **Ms. Malin** to amend the motion to approve the variance from FNSBC 17.56.020.B to include two (2) Findings of Fact.

Fritze commented that the zoning of this property and the surrounding property is GU-1. Potentially, there are at least 5 lots in this area that could subdivide in the future.

Meyer concurred.

ROLL CALL: 6 in favor Haman, Hicks, Malin, McComas-Roe, Meyer and Mendenhall
1 opposed Fritze

ROLL CALL: 5 in favor Haman, Malin, McComas-Roe, Meyer and Mendenhall
2 opposed Fritze and Hicks

ROLL CALL: 1 in favor Fritze
6 opposed Haman, Hicks, Malin, McComas-Roe, Meyer and Mendenhall

MOTION: A motion was made by **Mr. McComas-Roe**, seconded by **Mr. Hicks** to approve Page Subdivision adopting the six (6) Conditions and seven (7) Findings of Fact in support of the approval.

Staff read the new Conditions and Findings of Fact into the record.

ROLL CALL: 7 in favor Fritze, Haman, Hicks, Malin, McComas-Roe, Meyer and Mendenhall
0 opposed

2. **VR010-18/SD008-13/RP017-13 Morning Sun Subdivision First Addition** A request by 3 Tier Alaska, Corp., on behalf of Edward and Galilee Halbert, for a variance from FNSBC 17.56.100.C.7.a to allow the through road grade of Bruhn Road to exceed six percent 75-feet each side of its intersection with the proposed subdivision road, Galilee Drive. The property is located within the SW¼ NE¼ Section 21 T1N R1W FM (located on Bruhn Road). **Staff Contact: George Stefan**

Stefan presented the Staff Report. Based on Staff analysis, the Department of Community Planning recommends APPROVAL of the variance with the following five (5) Findings of Fact:

- a) Bruhn Road's intersection with Summer Rose Drive and the driveways in this area would adversely be impacted if the Bruhn Road roadway grade was brought up to Title 17 standards.
- b) Summer Rose Drive would have to be reconstructed to properly intersect with Bruhn Road if the Bruhn Road roadway grade was brought up to Title 17 standards.
- c) If the Bruhn Road roadway grade was brought up to Title 17 standards there would be significant potential impacts to existing conditions in the surrounding area such as drainage, the cut slope to the north and GVEA power line
- d) The subdivision, with the variance, can be developed consistent with public welfare and safety because:
 - i. There is adequate sight distance at the intersection.
 - ii. Bruhn Road does not create a hazard at the intersection because it is a through road with no stopping leg. Galilee Drive is the new subdivision's intersecting road which is required to stop at the intersection, and it will be constructed to Title 17 standards.
- e) FNSB Public Works supports the variance.

Applicant Testimony

Ryan Hunt, 3-Tier Alaska, addressed the Platting Board. He stated that he concurs with the staff recommendation. He made himself available for questions.

Interested Person Testimony

William Griffin, Interested Person, addressed the Platting Board. He stated that he is in opposition to this application due to issues with the drainage plan. He further commented that he addressed the Platting Board approximately a year ago when the prior surveyor brought the application to the Board. He was in opposition to the application at that time for the same reasons he is opposed to this application.

Kent Slaughter, Spring Glade Road Service Area Commissioner, addressed the Platting Board. He stated that he does support the variance that has been requested. However, he does have concerns regarding the crown of the road.

McComas-Roe inquired if the applicant could speak to the concerns expressed by Mr. Griffin.

Applicant Rebuttal

Hunt stated that the contractor is aware of Mr. Griffin's concerns and was still working on the road up until snowfall this year.

MOTION: A motion was made by **Mr. McComas-Roe**, seconded by **Ms. Haman** to approve VR010-18, a variance from FNSBC 17.56.100.C.7.a to allow the through road grade of Bruhn Road to exceed six percent 75-feet each side of its intersection with the proposed subdivision road, Galilee Drive, adopting the five (5) Findings of Fact and the Staff Report in support of the approval.

ROLL CALL: 7 in favor Fritze, Haman, Hicks, Malin, McComas-Roe, Meyer and Mendenhall
0 opposed

- 3. SD013-18 Garden Subdivision 1st Addition** A request by Stutzmann Engineering Associates, Inc., on behalf of Lee Schut, Jomarie Kougl-Schut, and Josephine Kougl, to subdivide TL-3233 and TL3205, parcels of approximately 4.39 acres and 1.29 acres in size, by shifting a common lot line to the west and creating two lots of approximately 3.4 acres and 2.3 acres in size. The request includes a variance from FNSBC 17.56.080.D to not require dedication of a temporary turnaround or cul-de-sac at the end of a public road. The parcels are located within the SW¼ NW¼ Section 32, T1S R2E FM (Located on Woll Road). **(Staff Contact: Daniel Welch)**

Welch presented the Staff Report. Based on Staff analysis, the Department of Community Planning recommends APPROVAL of the subdivision with the following ten (10) conditions:

1. GVEA shall have a maximum of 30 calendar days to review and comment on the final plat.
2. ACS, GCI and IGU shall be given a maximum of 10 calendar days to review and comment on the final plat.
3. A 40ft-wide public right-of-way shall be dedicated consistent with the intent of the Dedication Deed recorded on December 15, 1980 in Book 199 at Page 730, Fairbanks Recording District.
4. The portion of Woll Road within the northern boundary of the subdivision shall be renamed on the final plat and must meet the criteria of FNSBC 17.36.010.B. FNSB Addressing shall review the final plat to ensure the requirements of FNSBC 17.36.010.B have been met.
5. A 100ft diameter temporary turnaround shall be dedicated providing a minimum of 40ft of frontage for Lot 1.
6. A note shall be placed on the final plat which states, "Roads in and to this subdivision were not required to and may not meet the borough's minimum standards for materials and construction. To the extent these road standards have not been met, fire protection, ambulance and other public services may not be available year-around or their availability may be severely limited."
7. A note shall be placed on the final plat which states, "Portions of this subdivision may contain wetlands. If development plans entail the discharge or placement of dredged and/or fill material into these wetlands, issuance of an individual Department of the Army permit may be required pursuant to section 404 of the Clean Water Act prior to initiating work."
8. Note # 10 shall be removed from the final plat.

9. A note shall be added to the final plat which states "These lots may not be further subdivided until such time as legal and constructed road access, meeting FNSB Title 17 standards, is available to the boundary of the lot proposed to be resubdivided."
10. Any approved variance shall be noted on the final plat.

Furthermore, staff recommended adoption of the following eight (8) Findings of Fact and the Staff Report in support of approval:

- a) The Dedication Deed providing a 40ft-wide public right-of-way over a portion of Woll Road was recorded in 1980 (Bk 199, Pg 730 F.R.D.) and has been used for lot access for over 30 years. Construction for the roadway within the right-of-way created by the deed is not required. Dedication by this plat and approved by the FNSB over the same land described in the dedication deed by formally accepts the right-of-way historically connected to these properties.
- b) FNSBC 17.36.010.B states "Street names shall neither duplicate nor be subject to confusion with the spelling or the pronunciation of any existing street name in the borough." Condition # 4 satisfies this requirement.
- c) FNSBC 17.56.080.D states "Roads that do not connect to adjacent roads shall end in a cul-de-sac or temporary turnaround." Condition # 5 satisfies this requirement.
- d) Dedication of turnaround meeting FNSBC 17.56.080.D is consistent with FNSBC 17.08.010.A.5.
- e) Note # 10 on the preliminary plat provides information for the purpose of staff analysis during the preliminary plat application process. The information from Note # 10 is not required on the final plat.
- f) The subdivision request is exempt from constructing a portion of Woll Road per FNSBC 17.56.020.G because:
 - i. The proposed subdivision creates two lots.
 - ii. Legal access exists to the subdivision boundary from Woll Road dedicated by deed in 1980, found on Book 199, Page 730 Fairbanks Recording District.
- g) The applicants have applied for and shall be exempted from the road construction requirements for the 100-foot diameter temporary turnaround per FNSBC 17.56.060.A. because:
 - i. The proposed subdivision creates two lots.
 - ii. The proposed subdivision is not within a road service area and does not rely on road service area roads for access to the subdivision.
- h) With the ten conditions recommended by staff, this subdivision request meets the applicable requirements of Title 17.

Haman queried if Woll Road was dedicated to the Borough. **Welch** stated that there is a Dedication Deed but he could not find were the Borough accepted the Deed.

Applicant Testimony

Jeremy Stark addressed the Platting Board. He stated that this application was originally submitted as a quick plat. Subsequently, they were informed that this was originally an illegal subdivision so it would not meet quick plat criteria. He vented frustration in the fact that the illegal subdivision occurred when the Borough created the drainage channel. He feels it is not proper for the Borough to place the burden of cleaning up this mess on his client. He made himself available for questions.

McComas-Roe queried if they were creating a temporary or permanent turnaround. **Stark** responded that it will be permanent as there is no means for it to connect.

Stefan inquired of **Stark** if he felt a formal dedication is necessary with this platting action. **Stark** responded that a dedication does clear up the title but the actual dedication of Woll Road does not affect his client in a negative manner.

Interested Person Testimony

None

Applicant Rebuttal

None

MOTION: A motion was made by **Ms. Haman**, seconded by **Ms. Fritze** to approve Garden Island, 1st Addition, with the ten (10) Conditions and adopting the eight (8) Findings of Fact and the Staff Report in support of approval.

MOTION: A motion was made by **Ms. Malin**, seconded by **Ms. Haman** to deny VR012-18, a variance from FNSBC 17.56.080.D. to allow relief from dedication of a 100-foot diameter temporary turnaround for the local road along the northern border of the subdivision, adopting the two (2) Findings of Fact and Staff Report in support of the denial.

Hicks commented that it would be in the best interest of the client to dedicate the turnaround however he intends to vote that the applicant be granted the variance.

Haman concurred with Hicks.

McComas-Roe concurred with Hicks and Haman.

Meyer commented that denying the variance is a plus for the landowner. **Meyer** questioned the need for 100' diameter turnaround. He intends to vote for denial of the variance request.

ROLL CALL: 6 in favor Fritze, Haman, Malin, McComas-Roe, Meyer and Mendenhall
 1 opposed Hicks

Haman commented that this request seems like an easy approval.

Malin concurred with Haman.

ROLL CALL: 7 in favor Fritze, Haman, Hicks, Malin, McComas-Roe, Meyer and
 Mendenhall
 0 opposed

- 4. SD016-18 Chena Point Lake Subdivision 1st Addition** A request by Stutzmann Engineering Associates, Inc., on behalf of Chena Point Gravel, L.L.C., to subdivide Lot 1, Chena Point Lake Subdivision, a parcel of approximately 40.2 acres, into two lots of approximately 35.73 acres and 3.0 acres, and dedicating a 33 foot wide right-of-way along the western boundary of the subdivision over the existing section line easement and portions of the existing Raven Lake Street. The parcel is located within the NW $\frac{1}{4}$ Section 27, T1S R2W FM (Located Chena Pump Road and Raven Lake Street). **(Staff Contact: Daniel Welch)**

Welch presented the Staff Report. Based on Staff analysis, the Department of Community Planning recommends APPROVAL of the subdivision with the following seven (7) conditions:

1. GVEA and ADOT&PF shall have a maximum of 30 days to review and comment on the final plat.
2. ACS, Chena Goldstream Fire Service, and Chena Point Road Service Area shall have a maximum of 10 days to review and comment on the final plat.
3. A 100ft diameter temporary turnaround shall be dedicated providing a minimum of 40ft of frontage for Lot 1B.
4. A note shall be added to the final plat that states "Additional access onto Chena Pump Road is prohibited. There are two existing access points from the subdivision onto Chena Pump Road. Any modification to, or use of an existing access point will require an approved DOT permit."
5. An approved and completed DOT permit shall be submitted for the connection of Raven Lake Street into the Chena Pump Road right-of-way prior to final plat approval.
6. Notes 10 and 13 shall be removed from the final plat.
7. The final plat for Chena Point Lake Subdivision shall be approved and recorded prior to approval and recording of the plat for Chena Point Lake Subdivision, 1st Addition.

Furthermore, staff recommended adoption of the following twelve (12) Findings of Fact and the Staff Report in support of approval:

- a) The proposed subdivision creates two lots.
- b) The proposed subdivision dedicates right-of-way for a portion of Raven Lake Street.
- c) The proposed subdivision does not qualify for either the FNSBC 17.56.010.G or FNSBC 17.56.060.A road construction exemptions for roads leading to, or within, the subdivision.
- d) FNSBC 17.56.080.D states "Roads that do not connect to adjacent roads shall end in a cul-de-sac or temporary turnaround." Condition #3 satisfies this requirement.
- e) Construction of Raven Lake Street and the temporary turnaround to Title 17 standards is not required by this plat if the Variance to FNSBC 17.56.020.B is granted.
- f) FNSBC 17.56.010.F states "Direct lot access onto a major collector road or arterial shall not be allowed unless topography allows no reasonable alternative." Access to the proposed lots is via Raven Lake Street. The plat does not propose direct lot access onto Chena Pump Road.

- g) Chena Pump Road is a DOT maintained roadway and an appropriate permit is required for the connection of Raven Lake Street onto Chena Pump Road.
- h) The proposed subdivision is partially within the Chena Point Road Service Area. Raven Lake Street is not maintained by the road service area.
- i) Once the final plat for Chena Point Lake Subdivision is recorded, the property owner for proposed Lots 1A and 1B may formally request the property to be removed from the Chena Point Road Service Area.
- j) Condition #7 is based on Staff's recommended condition for approval for variance request VR013-18. Condition #7 is only applicable to the subdivision request if VR013-18 is approved as recommended by staff.
- k) The lot proposed to be subdivided by this plat is to be created by Chena Point Lake Subdivision. The final plat application for Chena Point Lake Subdivision has been submitted, but a final plat for the subdivision has not been recorded. Condition #8 requires it to be recorded.
- l) With the variance and seven conditions recommended by staff, this subdivision meets the applicable requirements of Title 17.

Fritze queried why this application did not qualify as a quick plat. **Welch** stated that dedication makes this application ineligible as a quick plat.

Applicant Testimony

Jeremy Stark, Stutzmann Engineering, addressed the Platting Board. He stated that this application does not qualify for the quick plat process because of the dedication of Raven Lake Street.

Stark continued that they originally applied for the road exemption. His interpretation was since the small lot being created was being created outside of the road service area it would apply. Subsequently, they and Platting staff have come to a mutual agreement that a variance would suffice in this case.

Stark added that he is not totally in agreement with Condition #5 but will work with DOT to clear up this matter. He made himself available for any questions.

Interested Person Testimony

None

Applicant Rebuttal

None

MOTION: A motion was made by **Ms. Haman**, seconded by **Ms. Malin** to approve Chena Point Lake Subdivision, 1st Addition with the seven (7) Conditions and adopting the twelve (12) Findings of Fact and the Staff Report in support of approval.

MOTION: A motion was made by **Ms. Malin**, seconded by **Ms. Haman** to approve VR013-18 with the one (1) Condition, adopting the eight (8) Findings of Fact and the Staff Report in support of approval.

Haman commented that everyone seemed to agree that this is the best route to go. She is in favor of this variance request.

Malin inquired how long the applicant will have to get the approach paving done. **Welch** stated that it is not to the call of the Borough. The applicant will just have to provide proof of the permit from DOT.

ROLL CALL: 7 in favor Fritze, Haman, Hicks, Malin, McComas-Roe, Meyer and Mendenhall
0 opposed

Haman commented that she will be voting in favor of this request.

ROLL CALL: 7 in favor Fritze, Haman, Hicks, Malin, McComas-Roe, Meyer and Mendenhall
0 opposed

- 5. SD017-18 Chena Landings Subdivision First Addition** A request by Northland Surveying & Consulting LLC, on behalf of the Alaska Railroad Corporation, to subdivide Tracts 4 and 5 of Chena Landings Subdivision, totaling approximately 12.6 acres, in three phases into 23 lots ranging in size from 9,000 to 57,000 square feet and a remainder tract of 5.1 acres. The subdivision proposal includes a request for a variance to allow the six proposed flag lots to have 20ft wide flag stems. The property is located within the W½ Section 9, T1S R1W, FM (located on Chena Landings Loop Road and Phillips Field Road). **(Staff Contact: George Stefan)**

Stefan presented the Staff Report. Based on Staff analysis, the Department of Community Planning recommends APPROVAL of the subdivision with the following eleven (11) Conditions:

1. The subdivision shall be rezoned from GU-1 so that the proposed lot sizes will conform to the borough zoning ordinance.
2. A note shall be placed on the final plat which states, "Direct access from Lot 1 onto Phillips Field Road is prohibited. Access from Lot 1 onto Chena Landings Loop Road is restricted to the furthest point practical to the south of Phillips Field Road."
3. A minimum 20-foot radius corner rounding shall be dedicated at the intersection of Chena Landings Loop Road and Phillips Field Road.
4. The approved variance shall be noted on the final plat.
5. The flood zone note shall be revised to indicate Flood Zone X: Protected by Levee.
6. A note shall be placed on the final plat which states, "A driveway permit is required from the City of Fairbanks for access to lots adjoining Chena Landings Loop Road."
7. A note shall be placed on the final plat which states, "All parcels within this subdivision are required to connect to sewer and water facilities in accordance with City of Fairbanks Ordinances."
8. ACS and GCI shall have a maximum of 10 calendar days to review and comment on the final plat.
9. ADOT&PF and the City of Fairbanks shall have a maximum of 30 calendar days to review and comment on the final plat.

10. The applicant shall work with GVEA to ensure that the appropriate utility easements are created and depicted on the final plat.
11. The final plat application for the first phase shall be submitted by December 20, 2019, and the final plat application for the last phase shall be submitted by December 20, 2023.

Furthermore, staff recommended adoption of the following five (5) Findings of Fact and the Staff Report in support of approval:

- a) FNSBC 17.56.010.A requires that lot sizes shall conform to the borough zoning ordinance. The current zoning application for a rezone from GU-1 to MFO, as conditioned and if approved by the FNSB Assembly, will allow the proposed lots to be created. Condition #1 satisfies this requirement.
- b) FNSBC 17.56.010.F states, "Direct lot access onto a major collector road or arterial shall not be allowed unless topography allows no reasonable alternative. Where double-frontage lots are platted, lots shall not access onto major collector or arterial roads unless topography allows no reasonable alternative. Restricted access shall be noted on the plat." Condition #2 satisfies this requirement.
- c) Per FNSBC 17.56.100.C.2 corner roundings with a minimum 20-foot radius shall be required at intersections. Condition #3 satisfies this requirement.
- d) Per FNSBC 17.12.030.J the Platting Board may provide for the later submittal of one or more phases or segments of the subdivision, and deadlines for submitting the last phase shall be set by the Platting Board at the initial preliminary subdivision hearing. Condition #10 satisfies this provision.
- e) With the ten conditions recommended by staff, this subdivision request meets the applicable requirements of Title 17.

McComas-Roe inquired about flooding. **Stefan** replied that a drainage easement has been provided. They will also be required to provide temporary benchmarks for the base flood elevation. As for preventative or mitigation, that is not addressed in a drainage plan.

McComas-Roe commented that it appears that for many of the lots with current setback requirements, many of the proposed structures could be as much as 10' off of the riverbank. **Parker** replied that those issues will be addressed because they will be required to submit Floodplain permit application and permits. Those requirements will be addressed at the time of development.

Stefan added that with the rezone, a 25' river setback was imposed. No structures other than docks and such can be constructed in this area.

McComas-Roe requested clarification as he believes that the property line depicted on the plat shows it in the river. **Stefan** deferred this question to the applicant/surveyor.

Applicant Testimony

Paula Hicks, Northland Surveying & Consulting, addressed the Platting Board. She gave a brief recap of the process that they went through for the rezone.

Hicks continued that it is the owners' intent to replat Lot 1 into three lots as shown on the master plan. They will submit a variance to access onto Phillips Field Road at that time.

Hicks requested that Condition #2 be revised to reflect the temporary nature of the plat note.

Jon Cook, Chair of the Board of Directors for the Alaska Railroad Corporation, addressed the Platting Board. He stated that this is a phased subdivision request for several reasons. As previously noted the Alaska Railroad has historically never sold land. He stated that he never understood a lease only policy especially in an area where you have land like this that is clearly residential. The likelihood of leasing residential land in Fairbanks, Alaska is not feasible. That is why this land has sat empty for twenty years.

Cook continued that the reason for phasing is that they want to “test the waters” to see how the market responds. If future investment is required to extend roads or other services, they need to be able to generate cash flow from the sales of these lots. If all goes well with the sale of the initial ten lots, they will return at a later date to replat Tract “A.”

With regard to Lot 1, **Cook** addressed the issue of access and described what the Railroad has already done.

Cook stated that they willingly imposed the 25’ waterway setback because it is the right thing to do.

Cook spoke to the access onto Phillips Field Road and how it is not feasible. He requested that with regard to Condition #2, the note read “Any access onto Phillips Field Road from Lot 1 will require an ADOT&PF driveway permit.”

Cook added that they do have a permit to construct a “right in right out” access to Chena Landings Road from Peger Road near the bridge. Construction of this access will be built in the spring of 2018.

Hicks clarified McComas-Roes’ earlier question about the subdivision boundary going into the river. She stated that the boundary goes to the top of the bank. The other lines on the preliminary plat show the floodway per the FEMA map.

McComas-Roe questioned the need to create so many lots in this area. He also expressed concern about another access onto Phillips Field Road from Lot 1. He questioned if Cook had concerns about the dangers of adding additional access onto Phillips Field Road.

Cook reiterated that there is a 25’ waterway setback so no structures will be allowed to be built within that area and the Chena Riverfront Commission is pleased with this setback.

Further discussion ensued regarding the topics that have been addressed to this point.

Haman queried if Cook expects a commercial business to be placed on Lot 1. **Cook** replied that you can’t predict and that the lot has the potential to go either way.

Stefan queried if the applicant was aware that Title 17 does not allow for access onto a major collector arterial road. Furthermore, Title states that restricted access shall be

noted on the plat. Since a variance request has not been submitted, the Borough is bound by title to prohibit that access and note it on the final plat.

Cook responded that they will be requesting a variance when they come back to replat Lot 1.

Cook again stated for the record that they have received notification from DOT that access will be allowed onto Phillips Field Road.

Paula Hicks added that their biggest concern with this plat note is that it will prohibit the applicant from being able to subdivide Lot 1.

Stefan offered alternative verbiage for the plat note. **Paula Hicks** was accepting of the new verbiage.

Interested Person Testimony

None

Applicant Rebuttal

None

MOTION: A motion was made by **Ms. Malin**, seconded by **Ms. Fritze** to approve Chena Landings Subdivision First Addition with the amended ten (10) conditions and adopting the four (4) Findings of Fact and the staff report in support of approval.

MOTION: A motion was made by **Ms. Haman**, seconded by **Ms. Malin** to approve VR011-18, a variance from FNSBC 17.56.010.H.2.a to allow the six flag lots to have 20ft wide flag stems, adopting the five (5) Findings of Fact and staff report in support of the approval.

Malin commented that she feels the variance request is reasonable.

Haman concurred with Malin.

Mendenhall and **Meyer** both stated that they are on board with the variance request and will be voting in support of the request.

ROLL CALL: 6 in favor Fritze, Haman, Malin, McComas-Roe, Meyer and Mendenhall
0 opposed

Haman commented that she feels that the plat note does not restrict the possibility of subdividing Lot 1 in the future. It does prohibit access to Phillips Field Road. She suggested alternate verbiage for the plat note.

Malin concurred with Haman.

MOTION: A motion was made by **Ms. Haman**, seconded by **Ms. Malin** to amend Plat Note #1 as proposed by staff.

ROLL CALL: 6 in favor Fritze, Haman, Malin, McComas-Roe, Meyer and Mendenhall
0 opposed

ROLL CALL: 6 in favor Fritze, Haman, Malin, McComas-Roe, Meyer and Mendenhall
0 opposed

Meyer suggested changing to change the order of the agenda to allow item #7 to be heard before item #6. All were in favor. There were no objections.

6. SD007-18/RP006-18 Sholes Subdivision First Addition A request by Northland Surveying & Consulting, LLC, on behalf of R.C. & Joyce Swarthout, Jeffrey & Molly Green, and Ralph & Marilyn Swarthout, to subdivide Tract A Sholes Subdivision and TL-2311, totaling approximately 127.8 acres, into two lots of 59.0 and 68.8 acres. The request includes a variance to the requirement to provide road design data for the existing flag stem north of Mink Lane. The parcel is located within the SE¼ Section 23, T1N R2E FM (Located on Buffalo Lane and Mink Lane). (Staff Contact: Angela Parker)

Parker presented the Staff Report. Based on Staff analysis, the Department of Community Planning recommends DENIAL of the subdivision with the following nine (9) Findings of Fact:

- a) The proposed subdivision is not within a road service area.
- b) The proposed lots are over 40 acres each.
- c) The proposed subdivision creates five or fewer lots; per FNSBC 17.56.020.G, no construction is required to the boundary of the subdivision.
- d) Mink Lane ends at the southern boundary of the proposed subdivision, without any type of turnaround area.
- e) Buffalo Lane and Mink Lane were approved by the borough engineer on October 3, 1975.
- f) Adventure Drive was approved by the borough engineer on October 5, 2007.
- g) Parcel 1 has legal, constructed access onto Buffalo Lane.
- h) Without the variance, evidence is required that a borough standard road can be constructed within the flag stem of Parcel 2. This requires additional submittals before the Platting Board can approve the subdivision.
- i) With the exception of the flag stem requirements, Sholes Subdivision First Addition meets the applicable requirements of Title 17.

Haman queried if it were possible to approve the variance and the plat and to require new plans to be submitted if the subdivide further. **Parker** responded that it is possible.

Mendenhall asked if Title 17 requirements had changed. **Parker** replied that Title 17 was revised in either 2005 or 2006.

McComas-Roe questioned if staff knew why the applicant has not submitted updated design information. **Parker** deferred this question to the applicant.

McComas-Roe asked if Parker knew of any reason why the flagstem as configured cannot accommodate a road by the current standards. **Parker** replied potentially the topography.

Applicant Testimony

Paula Hicks, Northland Surveying & Consulting, addressed the Platting Board. She gave a brief history of this application. She stated that this application was originally submitted as a quick plat. Upon further review by staff, it was determined that it could not go through the quick plat process because Tax Lot 2311 was the product of an illegal subdivision.

Hicks continued that although this action does not create any new parcels, and it is clearing up the illegal subdivision issue, it was determined by Platting staff that it would now have to go through the access part of code and that required the dedication of the turnaround. That is why they are here before the Platting Board.

Hicks read into record the items that staff requested to be submitted.

She continued that they are not creating a flagstem lot with this application. This lot was approved with Sholes Subdivision in 1991. Part of the plan and profile completed in 1990 was included in the packet materials. By quick determination, it appears a local 2 road built to the current standards could be constructed in the flagstem.

Hicks stated that it is impractical to request another design to see if a road can be built that meets Title 17 standards for this location. The landowners have already paid a registered professional to analyze this. It is unnecessary to analyze it again. At this time there are not any plans for future subdivision by the current owners. **Hicks** requested the Platting Board approval of this variance request and platting action.

Jeff Green, owner, addressed the Platting Board. He gave a brief history of how he obtained this property.

Fritze inquired if they would access this property off of Mink Lane. **Green** replied that they do not intend to build a road in the flagstem. They will access this property via the property directly to the west of the flagstem as they own that parcel as well.

McComas-Roe questioned what the cost of the design work was that the applicants have already paid for. **Hicks** responded that she did not know.

Green commented that they have no objection to the turnaround requirement. Rather, they object to having to provide a road design for a road that will never be built.

Parker added that both of the lots are over 40 acres and staff is only requesting the design information for the flagstem because of the size of the lots. Construction of the road is not required.

Mendenhall asked for clarification of the width of the section line dedication. **Hicks** confirmed that it is 66'.

Steve Lowry, Northland Surveying and Consulting, addressed the Platting Board. He spoke to the road design materials that were submitted in 1991. At that time a complete plan and profile was done for the road.

McComas-Roe asked if Northland Surveying did the original road design, why do they not have a copy of it now? **Lowry** stated that the method of the drawing was different then and the plan was hand drawn. To replicate it now would require a considerable amount of time and work. He questions why they are required to do this again. The design which was submitted was a solid plan and was accepted by the Borough in 1991.

Lowry further commented that he would like to see the Platting Board instruct the Borough to refund the cost of the variance as he feels that with the design which was provided in 1991, there is no need for a variance.

Klein commented that the Platting Board does not have the power to instruct the Borough to refund money.

Meyer asked why they are being asked to do something that was already done and accepted by the Borough in 1991. **Parker** deferred this question to David Bredlie, FNDB Public Works Engineer.

Bredlie stated that Title 17 requires that when you create a flagstem lot that you submit evidence that a Borough standard road can be built if that lot is further subdividable. That was done in 1991. It was approved at the time that it met title then.

Bredlie continued that the Borough did not get any submission with this application showing that a road could be constructed to today's standard in the flagstaff.

Bredlie suggested that they submit the design date that they had and if there are areas that do not meet current title, it would be more appropriate to request a variance for those criteria rather than a variance to not submit design date at all.

Lowry stated that he understands what Bredlie is saying but that what they are trying to make the Borough see is that the road design for the flagstem that was done in 1990 is for the exact same flagstem that it is today. The Borough had the design.

McComas-Roe queried that if they have the design data now as they had it in 1991, why didn't they submit it. **Lowry** replied that they didn't submit it now because it had already been approved.

Mendenhall queried if the minutes from 1991 were reviewed. **Parker** stated that there were no minutes in the old file from 1991. However, the fact that code has changed is the reason for requiring the design information.

Christine Nelson added that it was the department administration that determined that a variance was required in large part because the code had changed but also because this is quasi-judicial and the applicant has the burden of proof. Although the documents are in the old files, it is not the responsibility of the Borough to provide documents for the applicant.

Interested Person Testimony

None

Applicant Rebuttal

Lowry stated that the only thing missing from the original design plan submittal and what would be required now are vertical curves. Everything else had been approved. This design clearly shows that a road can be built to Borough standards in that flagstem.

Meyer commented that this is not the same plat as the one that was submitted in 1991.

McComas-Roe commented that he intends to support staff.

Klein added that staffs' interpretation of code is correct that code requires specific showings if a flag lot is going to exist as a result of subdivision.

Hicks added that they are not creating any new parcels.

Lowry added if a note was added stating that if a road is ever built in the flagstem a new design would have to be submitted to the Borough

Klein clarified that the suggestion for the note was that if there were to be any future subdivision, new design work would be required.

Further discussion ensued.

Klein clarified the meaning of "substantial hardship."

McComas-Roe queried Klein if this request constitutes a substantial hardship. **Klein** stated that he does not see how the Platting Board could justify a variance under substantial hardship.

McComas-Roe asked if the applicant would be amenable to the condition that the property not be further subdivided.

Hicks commented that that is not fair to ask. **Lowry** stated that it is his understanding that a limitation such as that cannot be imposed.

Klein concurred with Lowry.

Further discussion ensued regarding this specific topic.

Fritze commented that she likes the idea of having the suggested plat note included on the plat and approve the variance.

MOTION: A motion was made by **Ms. Malin**, seconded by **Ms. Haman** to deny Sholes Subdivision, 1st Addition, adopting the eight (8) Findings of Fact and the Staff Report in support of denial.

MOTION: A motion was made by **Ms. Malin**, seconded by **Ms. Haman** to deny VR016-18 a request to waive the requirements of FNSBC 17.56.010.H.2.b to provide evidence that a Borough standard road can be constructed in the flagstem of Parcel 2 adopting the Findings of Fact as recommended by staff.

Haman stated that she would like to find a way to approve the variance and the plat and deal with this issue when they subdivide the property in the future.

Malin concurred with Haman.

Mendenhall stated that further research needs to be done.

McComas-Roe concurred with Mendenhall.

ROLL CALL: 2 in favor McComas-Roe and Mendenhall
4 opposed Fritze, Haman, Malin and Meyer

Originally Meyer voted in favor of denial but changed his vote to “No.”

The Platting Board took a moment on record to develop Findings of Fact in support of approval of the variance request.

MOTION: A motion was made by **Ms. Haman**, seconded by **Mr. Mendenhall** to approve VR016-18 with 3 Findings of Fact in support of approval.

Haman expressed her reasoning for supporting this variance request.

ROLL CALL: 5 in favor Fritze, Haman, Malin, Meyer and Mendenhall
1 opposed McComas-Roe

ROLL CALL: 2 in favor McComas-Roe and Mendenhall
4 opposed Fritze, Haman, Malin and Meyer

Parker developed four (4) Conditions and eight (8) Findings of Fact in support of approval.

Parker read the four (4) Conditions and eight (8) Findings of Fact in support of approval.

MOTION: A motion was made by **Ms. Malin**, seconded by **Ms. Haman** to approve Sholes Subdivision, 1st Addition with the four (4) Conditions and adopting the eight (8) Findings of Fact and the Staff Report in support of approval.

McComas-Roe commented that he will not be voting in favor of this request.

ROLL CALL: 5 in favor Fritze, Haman, Malin, Mendenhall and Meyer
1 opposed McComas-Roe

7. **SD018-18/RP013-18 TanChena Bluff** A request by Northland Surveying & Consulting LLC, on behalf of Fairhill, Inc., to subdivide Lot 2 Hopkins Subdivision, totaling approximately 13.05 acres, in three phases into five lots ranging in size from 1.75 to 3.22 acres and to dedicate new right-of-way for Edby Road. The property is located within the S½ Section 28, T1S R2W FM (located on Edby Road, Pickering Drive and Chena Pump Road). **(Staff Contact: George Stefan)**

Stefan presented the Staff Report. Based on Staff analysis, the Department of Community Planning recommends APPROVAL of the subdivision request with the following five (5) conditions:

1. GVEA, IGU and ADOT shall have a maximum of 30 calendar days to review and comment on the final plat.
2. ACS shall be given a maximum of 10 calendar days to review and comment on the final plat.
3. A note shall be placed on the final plat which states, "Lots 1-5 may not be further subdivided until such time as legal, constructed road access is available to the boundary of the lot proposed to be resubdivided."
4. A note shall be placed on the final plat which states, "Portions of Lots 1-5 appear to have slopes greater than 25%. On-site wastewater disposal systems on slopes greater than 25% shall be designed by a professional engineer registered in the State of Alaska and approved by the State of Alaska Department of Environmental Conservation (ADEC). Any onsite wastewater disposal system must meet the requirements of ADEC."
5. The final plat application for the first phase shall be submitted by December 20, 2019, and the final plat application for the last phase shall be submitted by December 20, 2023.

Furthermore, staff recommended adoption of the following four (4) Findings of Fact and the Staff Report in support of approval:

- a) The subdivision request is exempt from constructing the portion of Edby Road from its intersection with Roden Lane to the subdivision boundary per FNSBC 17.56.020.G because:
 - i. The proposed subdivision creates five lots.
 - ii. Legal access exists to the subdivision boundary from Edby Road dedicated by Plat No. 69-3.
- b) Per FNSBC 17.56.020.G a lot created under this subsection may not be further subdivided until such time as legal, constructed road access is available to the boundary of the lot proposed to be resubdivided. Condition #3 satisfies this.
- c) Per FNSBC 17.12.030.J the Platting Board may provide for the later submittal of one or more phases or segments of the subdivision, and deadlines for submitting the last phase shall be set by the Platting Board at the initial preliminary subdivision hearing. Condition #5 satisfies this.
- d) With the five conditions recommended by staff, this subdivision request meets the applicable requirements of Title 17.

Applicant Testimony

Paula Hicks, Northland Surveying & Consulting, addressed the Platting Board. She gave a brief summary of the request.

Meyer queried if the 5 lots or less road exemption is being utilized in this request.

Interested Person Testimony

None

Applicant Rebuttal

None

MOTION: A motion was made by **Ms. Haman**, seconded by **Ms. Fritze** to approve TanChena Bluff with the five conditions and adopting the four findings of fact and the staff report in support of approval.

ROLL CALL: 6 in favor Fritze, Haman, Malin, McComas-Roe, Mendenhall and Meyer
0 opposed

UNFINISHED BUSINESS

None

NEW BUSINESS

Nelson commented that she will be addressing the Platting Board regarding the new Boards and Commissions Policy at the February meeting.

EXCUSE FUTURE ABSENCES

None

BOARD MEMBER COMMENTS / COMMUNICATIONS

None

ADJOURNMENT