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 6:34 p.m. by Wendy Presler, Chairperson.

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

MEMBERS ABSENT: Patricia Thayer

OTHERS PRESENT: Christine Nelson, Director of Community Planning
Kellen Spillman, Deputy Director of Community Planning
Stacy Wasinger, Planner
Don Galligan, Transportation Planner
Wendy Doxey, Assistant Borough Attorney
Nicole Nordstrand, Administrative Assistant

1. **ROLL CALL**

B. **MESSAGES**

1. Chairperson’s Comments

   **Ms. Presler** communicated that the next meeting is August 15, 2017 at 5:30 p.m., and will include a work session. She also advised that Ms. Thayer’s absence on June 20, 2017, was excused.

2. Commissioner’s Comments

   There were no comments by Commissioners.

3. Communications to the Planning Commission

   **Ms. Nelson** requested postponement of her communications until Commissioner’s Comments at the end of the meeting. Ms. Presler granted the request.

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

   There were no comments by citizens.
5. Disclosure & Statement of Conflict of Interest

Mr. Guinn indicated the public hearing item on the McGrath Road Upgrade may involve partial acquisition of real property that he intends to bid on, so conceded he may have a conflict. Ms. Presler agreed, and it was concluded Mr. Guinn would excuse himself from that matter.

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 adopt approval of the Agenda and Consent Agenda by Mr. Peterson and seconded by Mr. Guinn.

CARRIED WITHOUT OBJECTION

D. MINUTES

1. *Minutes from the June 20, 2017 Meeting.

E. PUBLIC HEARING

1. HP2017-005: McGrath Road Upgrade – A request by the Department of Transportation and Public Facilities for local planning authority approval of the McGrath Road Upgrade project. This project proposes to upgrade approximately 2.9 miles of McGrath Road from Farmer’s Loop Road to the Old Steese Highway with new surface and safety improvements like widened shoulders and guard rail improvements. The project is anticipated to require right-of-way acquisition.

OATH GIVEN

Ms. Lauren Little introduced herself as the engineering manager with the State of Alaska, Department of Transportation. She deferred to Mr. Galligan for presentation of the project.

Mr. Galligan presented his report and presentation on HP2017-005.

Questions by the Commissioners

Mr. Billingsley questioned that the plan is to reduce the road grade by 11%. Mr. Galligan responded that by closing the North access to Old Steese where the road forks, it is an 11% grade to get from McGrath Road to Old Steese, and the grade of the other one is 7% and while there are houses on the 7% grade, there are no houses on the 11%. Mr. Billingsley asked if there is consideration for keeping the speed down on all of McGrath Road by improving it, to which Mr. Galligan deferred to DOT.

Mr. Perrault asked if a traffic analysis had been completed to see if the majority usage is south on Old Steese or connecting to Hagelburger or North on Old Steese and wondered if that has a
bearing on continuation of the northern leg. Mr. Galligan stated to his knowledge an origin destination study has not been performed for this project.

**Mr. Peterson** asked how many properties will become non-conforming due to the right-of-way acquisition. Mr. Galligan stated that his analysis determined nine properties would involve right-of-way acquisition, and of those, four are already non-conforming. **Mr. Peterson** inquired how much they would become non-conforming and Mr. Galligan replied that the largest right-of-way acquisition would be approximately 305 square feet, to which **Mr. Peterson** inquired if there was a way to handle these non-conformities now, rather than after the fact.

**Ms. Doxey** interjected that there is a special code provision for variances caused by highway projects, and it is typically part of the project.

**Ms. Presler** asked if they are already non-conforming, are they still able to get the variance because it is further affected by the highway project.

**Mr. Spillman** communicated that DOT has the ability to go through the variance process for the property owner, and even though the lots are non-conforming, since the right-of-way acquisition is making them further non-conforming, DOT would have to approach the Planning Commission for the necessary variances.

**Mr. Perrault** asked if the primary purpose of closing the northern leg was the increased grade to the southern leg. Mr. Galligan confirmed, and added that it also does come into McGrath Road at a substandard sharp curve. **Mr. Perrault** further inquired if there is an associated cost with keeping that leg open and upgrading versus closing it off. Mr. Galligan explained that those details have not been finalized.

**Applicant’s (DOT&PF) Testimony**

**Ms. Lauren Little** responded to concerns expressed on speed and closing the northern portion. She explained DOT&PF’s review process for all new projects and their conformance to latest design standards, access configuration, traffic volumes, and public comments. She further explained that the amount of traffic affected by the northern closure did not warrant an origin destination study analysis. She further communicated that the road is very expensive to maintain and explained issues presented with ground settling, and indicated that speed control is addressed by using narrower lanes, a commonly accepted traffic calming measure, with a minimum amount of widening.

**Questions by the Commissioners**

**Mr. Billingsley** asked if the sidewalk ends and then there is a 3 foot shoulder. Ms. Little answered there is a separated path today that will be moved in closer towards the road to make a uniform separation with a five foot buffer that goes up to Willow Grouse Road and then there is a 24 foot uniform paved road on the northern half. **Mr. Billingsley** inquired if the abandoned section is going to be barricaded off or will people be able to drive through that area. Ms. Little commented that the final design is not complete and they intend to go out for public comment before final determination, but the idea is to make it not look like the main “McGrath” road.

**Mr. Perrault** expressed what he perceives as the difficulty created in closing the northern portion and explained that the primary east access to McGrath Road for commuters is from New Steese via Hagelburger which poses complications and increases the length of the commute,
and asked if alternative improvements could be done to avoid closure of the northern portion. Ms. Little explained that there is no way to improve that section without significant right-of-way acquisition.

Mr. Whitaker inquired if the repairs to damage caused by ATVs are between the surface and the bike path. Ms. Little answered his understanding is correct, and explained that with a five foot separation and a slope, it won’t be a comfortable ride thus reducing maintenance.

Ms. Presler asked if closure of the northern leg will result in any property getting landlocked. Ms. Little responded that it would not, and explained how it would look and how future development could still provide driveway access on the closed area. Ms. Presler asked for clarification on the McGrath realignment and wondered if she could speak to how any of this project would affect snow removal; its ease or will it affect snow removal in any way. Ms. Little replied that reestablishing uniformed ditches will help with snow removal from the roadway. Ms. Presler further inquired if DOT intends to apply for the variances for the 4 properties that are non-conforming and Ms. Little indicated that it is standard practice in matters involving right-of-way acquisition.

(The meeting recessed at 7:15 p.m., and reconvened at 7:26 p.m.)

Public Testimony Opened

Ms. Annabelle Freese spoke in support of the project as to resurfacing and widening improvements, but expressed concerns with drivers not following the posted speed limits, tailgating, passing unsafely, as well as concerns with moving the bike path closer to the road; forcing them onto private property.

Mr. Wally Smith spoke in general support of the project including the lower leg design proposed, but echoed the same concerns as Ms. Freese and added that by improving the design it may even cause people to drive faster, so suggested flashing speed signs/light to mitigate the speed issue on McGrath Road.

Ms. Andrea Greenberg spoke in support of the overall improvements, but expressed her concern with the closure of the road due to it being her back driveway for access to her septic system, and the upper part of McGrath Road being a terribly winding road. Mr. Billingsley questioned that the upper portion of the Y is more desirable, so if the lower part of Y were improved would that satisfy her concern. Ms. Greenberg indicated that it would not because most of the traffic comes down Old Steese and explained the typical traffic pattern and her concerns, and opinioned that a traffic study would show where the majority of traffic in this area is using the northern access off of Old Steese.

Ms. Mary McFarland spoke in support of the project, but too expressed the same concerns with speed being a contributing hazard to the road, in addition to inexperienced drivers on the curvy and roller coaster riding road and planned bike paths, especially in the winter and while straightening of the curves is beneficial, without adjusting speed limit, the hazards still exist.

Mr. Laurence Mantei spoke in support of the project and the road closure, but also expressed concern with speed, sharp/blind corners, bike traffic using road surface not bike path, lack of familiarity with the road, and asked for consideration of extending the bike path further up McGrath Road. Mr. Billingsley asked if he believes more cars currently take the Hagelburger or the McGrath to Old Steese. Mr. Mantei responded that more people take the more
dangerous route that is proposed to be closed, and he sees five to six accidents per year and described the travel pattern that creates the accidents. Mr. Whitaker inquired if he spoke to DOT about moving bike path further north. Mr. Mantei indicated he may have commented early on.

Mr. Eric Hill spoke of his concerns with speed, sharp corners, embankment, and spoke of the myriad of accidents over the years, asking for consideration in designing the road more appropriately. Mr. Peterson inquired if his property currently meets the setback requirements. Mr. Hill indicated nothing was disclosed when he purchased the house, to which Mr. Peterson asked the distance from his house to the edge of the road, and Mr. Hill responded it is at least 30 to 35 feet.

Peter Van Flein spoke of his support of the improvements, but expressed concerns on speed definitely being a factor, and stated he is on the road commission for the McGrath Estates Subdivision and expressed his concerns during the construction phase of the project.

Pauline Bennett-Gannon commended DOT for listening to residence when the project was being designed, but spoke of her concern with noise if the road gets pushed closer to her property and the increased speed resulting from removal of the curves.

Public Testimony Closed

Applicant Rebuttal

Ms. Little addressed the concerns she heard from the public testimony and spoke about speed factors, utilizing most effective methods for controlling speed, guardrail utilization, neighborhood accessibility, off-road vehicles, and road widening constraints.

Questions by the Commissioners

Ms. Presler asked if the traffic control plan during construction is handled by DOT or someone else. Ms. Little replied the contractor would set forth particulars of hours of operation and would seek public input, but ultimately would be up to the contractor to work out the details.

Mr. Whitaker inquired if the detour goes through McGrath Service Area, does DOT have it in their budget to keep dust down and resurface after it gets used. Ms. Little stated she does not have a specific answer for this project, but explained considerations that are given within the limits.

Ms. Doxey interjected to clarify that a motion on this type of project allows the Commission straight approval without conditions, or if the Commission wants to add conditions, then it has to go to the Assembly with a recommendation for approval with conditions.

MOTION: To approve HP2017-005 as being consistent with the Comprehensive Plan, adopting the staff report, and (4) Findings of Fact in support by Mr. Billingsley and seconded by Mr. Whitaker.

Mr. Spillman clarified that in past practices on projects with any right-of-way acquisition; the process has been to pass a resolution from the Fairbanks North Star Borough Assembly as the official approval, and that is what Staff is recommending be done herein.
Ms. Doxey explained that the MOA between the Borough and the State sets forth the processes for these highway projects and read the pertinent part of the MOA clarifying options available to the Commission.

Ms. Presler summarized that if approved without conditions, there is no appeal period and it would be approved, but if conditions are made or no decision made, then it goes to the Assembly.

Mr. Perreault sought clarification that if the Commission took no formal action it would go to the Assembly for approval.

Ms. Doxey confirmed Mr. Perreault’s understanding.

Discussion on the Motion

Mr. Perreault asked Mr. Spillman why historically these types of projects have been sent to the Assembly and not approved directly.

Mr. Spillman responded that it is not specifically in code, but the practice has been to have the Assembly take final action on projects that involve right-of-way acquisition.

Mr. Perreault further asked if the Commission has in the past, taken no formal action or added conditions in cases where there was no general objection.

Mr. Spillman replied that to the best of his knowledge, the Commission has taken action on every project.

Ms. Doxey spoke that if the Commission desires to move this forward to the Assembly, it could attach a condition that it be heard at public hearing for the Assembly.

Mr. Peterson stated that he is fine with the Motion, and believes that DOT has done a good job on these road upgrade projects in the Borough and it is mainly to improve safety and what they are proposing certainly improves road safety.

Mr. Muehling conveyed his support of the project and all the design improvements will improve the quality of McGrath Road.

Ms. Presler stated that the proposed upgrades are going to improve McGrath Road and the overwhelming concern heard is speed and while there could be more discussion on the flashing speed signs, Ms. Little addressed the overuse of those signs and the corresponding effectiveness.

Mr. Billingsley stated his belief that the Commission should trust DOT to address the public’s concerns including the concerns during construction.

Ms. Presler drew the Commissions attention to addendums in their packet concerning this project.
ROLL CALL

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

Zero (0) Opposed:

MOTION PASSED

2. RZ2017-006: A request by Mark Nielsen to rezone Tax Lot 2801, T1N R2W, Section 28 from General Use 1 (GU-1) to Rural Estates 2 (RE-2) or other appropriate zone (located on the west side of McFadden Lane and south of Ester Dome Road).

Ms. Wasinger presented her staff report and presentation on RZ2017-006.

Questions from Commissioners

There were no questions by Commissioners.

Applicant’s Presentation

Mr. Mark Nielsen advised that the eastern most ten (10) acres was once a hayfield, with only minor mining development on the southernmost edge and northwest corner, BLM firebreaks have been dozed through the black spruce areas creating pockets of birch forest enhancing the land BLM, and there are ski trails which are maintained by the owner of Goldstream Sports.

Questions from Commissioners

Mr. Whitaker questioned if the ski trails have been platted into the subdivision to which Mr. Nielsen responded that they had not, and that new property owners are afforded the verbal opportunity to weigh in on the public use of trails and if opposed, an attempt is made to accommodate them if possible.

Mr. O’Neal queried if the intent is to provide single-family residences and Mr. Nielsen indicated that is his desire.

Ms. Presler sought confirmation of the intent is to sell lots and build roads and Mr. Nielsen responded affirmatively.

Mr. Muehling asked if any of the property is classified as wetlands and if so, if the Army Corp of Engineers would be involved in permitting. Mr. Nielsen replied that the north(east) corner is designated wetlands and stated his understanding is that he would not be able to get a permit to do anything in that wetlands area.

Public Testimony Opened

There was no one present for public testimony.

Public Testimony Closed
Rebuttal by Applicant

There was no rebuttal.

MOTION: To recommend approval of rezone of Tax Lot 2801, T1N R2W, Section 28 from General Use 1 (GU-1) to Rural Estates 2 (RE-2) or other appropriate zone, and adopt the staff report and six (6) Findings of Fact in support of the approval by Ms. O’Neall and seconded by Ms. Presler.

Discussion on the Motion

Ms. O’Neall noted her support of the rezone stating that the proposed plans are consistent with the feel of the current neighborhood atmosphere and fits within the definition of Rural Estates 2, and traffic impacts have been analyzed.

Ms. Presler indicated her support, and pointed out that Rural Estates 2 is more restrictive than General Use 1 (larger lot sizes and setback requirements), and opined that it is not a spot zoning, is consistent with the Borough’s Comprehensive Plan, and its trip generation is not expected to increase under the rezone.

ROLL CALL

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

Zero (0) Opposed:

MOTION PASSED

F. LEGISLATIVE HEARING

1. ORDINANCE NO. 2017-46: An Ordinance Amending Chapter 4.32 FNSBC Regarding The Responsibilities of The Chena Riverfront Commission And FNSBC 18.104.010 Regarding Procedures For Rezoning, Conditional Uses, And Variances To Implement Chena Riverfront Commission Review For Properties Along The Chena River (Sponsors: Mayor Kassel and Assemblymember Davies).

Mr. Spillman presented his staff report and presentation on Ordinance No. 2017-46, including a line-by-line explanation of the proposed ordinance changes.

Questions from Commissioners

Mr. Peterson stated that all projects are already public noticed which allows them (Chena Riverfront Commissioners (CRFC)) to see the projects through that process and attend public hearings and comment. Mr. Spillman responded that they do as a member of the public, but not in their official capacity as the joint CRFC of the Borough and the City of Fairbanks.

Mr. Billingsley inquired of the magnitude of impact it creates by broadening the scope to 150 feet of the high water mark, and questioned whether the CRFC’s failure to respond within the 24-day response timeframe would cause delays in making decisions. Mr. Spillman replied that
in some areas of the Chena River the amount of properties impacted will be similar and in other areas smaller, but it was the best representation and most consistent with CRFC Rule 16. Mr. Spillman further answered that if the CRFC goes beyond its 24-days, the project will continue as usual.

Mr. Guinn questioned if there are rules and procedures for the CRFC to cooperate with the Historic Commission for those properties now included by moving the line back, and stated that maybe there is not any affected.

Ms. Presler asked what types of projects would be included versus ones they would have not been involved in before. Mr. Spillman directed them to line 63 of the ordinance, specifically line 68-70 and Section E. Ms. Presler then inquired about private property owner’s projects such as one wanting to build a gazebo. Mr. Spillman responded that those types of projects would not necessarily go unless they involved a conditional use, variance, etc., but private property owners could approach the CRFC for support or a recommendation; for instance recommendations of best practices or a letter of support if they were seeking bank restoration.

Mr. Stepovich commented that his recollection is that the CRFC has appeared before the Commission in the past and provided recommendations, and expressed concern that it would delay the process. Mr. Spillman replied that the CRFC has been doing exactly what the ordinance will give them the authority to do whereas in the past they did so without actual authority, and since the Community Planning Department already allows for other agency input, the CRFC will just be added as another “entity” to reach out to for their input.

Mr. Perrault clarified that the 24-day period is already built into the process for Community Planning to reach out to other organizations and this just adds another group to that list, but doesn’t lengthen the process. Mr. Spillman confirmed his understanding.

Mr. Peterson sought clarification that on people’s private property regarding variances and conditional uses, CRFC automatically becomes a party-in-interest. Mr. Spillman responded that that is not correct; the CRFC can provide feedback to Community Planning, but they cannot approach the Planning Commission with a request because they do not meet the definition of “interested person”.

Co-Sponsor’s Presentation

Assemblymember John Davies introduced himself stated he is a co-sponsor of the ordinance mainly related to Section E, at line 62, and that he was on the Assembly in 1989 to 1992, and during that time he sponsored the ordinance that created the CRFC. He further explained the background related to the development of the existing ordinance and responsibilities of the CRFC involving the Chena Riverfront Plan which was adopted by the Borough and the City of Fairbanks and in its discretion the recommendations they would make with respect to any particular project having to be consistent with the already approved Plan and its considerable constraints within the Plan.

Assemblymember Davies further noted that the CRFC is an advisory body; they do not write any rules or regulations, only provide recommendation. He explained that when originally drafted, it was always the intent that the CRFC would play an integral part in implementing the Plan, unfortunately it left out the procedures in the original ordinance, and this amended ordinance fixes that oversight. He communicated that it is the purpose of this code to have a group of people to look at various development projects as they come along and help the
community see how those projects fit into enhancing the riverfront, slightly modifying it, or seeking grant funding to help, but the main focus of this thing is to have a group of people to think about how the development is progressing along the Chena River and the public economic value (bike paths, flowers) and private value.

**Assemblymember Davies** advised the Commission that the Chena River is the second largest habitat along the Yukon River that provides the second most production of King Salmon in the entire Yukon.

**Questions from Commissioners**

Mr. **Muehling** questioned the 24-day period as being a request now, but with the ordinance will be a requirement for them to comply. Mr. Spillman responded that the 24-days is specific to applications that come before them, not some of the factors that Mr. Davies elaborated on with actual implementation of the plan, but for property owners approaching the commission, that 24-days is not binding in those instances.

Mr. **Davies** also responded that if someone was developing a piece of property and were applying to the Fish and Game for funds for habitat enhancement and approached the commission, and the commission wanted to write a letter in support of that project and it was consistent with the plan, the 24-days would not apply.

**Public Testimony Opened**

*There was no one present for public testimony.*

**Public Testimony Closed**

**MOTION:** To recommend approval of Ordinance 2017-46 to the Fairbanks North Star Borough Assembly by **Ms. Presler** and seconded by **Mr. Billingsley**.

**Discussion on the Motion**

Ms. **Presler** stated her support and mentioned how the Commission has heard from the CRFC in the past and is a valuable resource in helping make tough decisions, and helpful to both the Commission and the public concerning matters potentially affecting the river (view, habitat), and believes this is simply filling in a gap that was intended to be there previously, but now would be a formal way to request their assistance.

Mr. **Guinn** echoed Ms. Presler’s comments and concurred with them and supports formalizing it into code.

Mr. **Billingsley** commented that it is great to have this group of volunteers who is committed to protecting the river, providing their expertise, and helping guide the Commission.

Ms. **Muehling** stated the method of measuring the area impacted makes a lot more sense of where the river is wide and is more inclusive of more riverbank to call it the distance from the high watermark versus from the distance from the center line of the river.

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

Zero (0) Opposed:

G. **NEW BUSINESS**

1. Approval of quasi-Judicial Application Forms for Pre-Hearing Determinations.

Ms. Presler and Ms. Nelson introduce the forms. Ms. Nelson further explains the necessity for the Commission to approve the forms.

**MOTION:** To approval the new forms by Mr. Peterson and seconded by Mr. Perreault.

**CARRIED WITHOUT OBJECTION**

H. **EXCUSE ABSENT MEMBERS**

Ms. Presler communicated that Ms. Thayer’s absence is excused.

I. **COMMISSIONER’S COMMENTS**

Ms. Nelson resumed her communications to the Planning Commission by providing an update on the three (3) pending appeals (Focus School, Chena Pump Transfer Site, and Folk School).

Ms. Nelson communicated on the working group members of the Downtown Plan and provided updates on the groups’ formation.

Ms. Nelson advised the Commission of the potential transition of FMATS due to key personnel retirement and job responsibility sharing between FMATS, the Borough, and the City.

J. **ADJOURNMENT**

There being no further business, the meeting was adjourned at 9:25 p.m.