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 7:08 p.m. by Wendy Presler, Chairperson.

MEMBERS PRESENT: Mark Billingsley Chris Guinn
Eric Muehling Mindy O’Neall
Robert Peterson Wendy Presler
Patricia Thayer John Perreault
Charles Whitaker

MEMBERS ABSENT: David Brandt Mike Stepovich

OTHERS PRESENT: Christine Nelson, Director of Community Planning
Manish Singh, Planner
Wendy Doxey, Assistant Borough Attorney
Mary Bork, Administrative Assistant
Nicole Nordstrand, Administrative Assistant

A. ROLL CALL

B. MESSAGES

1. Chairperson's Comments

   There were no comments by the Chairperson.

2. Commissioner's Comments

   There were no comments by Commissioners.

3. Communications to the Planning Commission

   Ms. Nelson introduced the newly approved Pre-Hearing Determination Forms for Quasi-Judicial Hearings.

   Ms. Nelson reported on the Housing Summit hosted by the Fairbanks Economic Development Corporation related to the increase of personnel at Eielson Air Force Base from the additional squadrons of F-35’s.

   Ms. Nelson drew attention the appeals matrix in Commissioners’ Addendum packets and specifically noted the recent appeal of the Folk School's conditional use denial and reminded Commissioners not to discuss the matter.
Ms. Nelson referred to the marijuana matrix in the Addendum packet and stated that if any Commissioners have questions, they should contact Manish Singh as the subject matter expert in the Community Planning Department.

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

There were no comments by citizens.

5. Disclosure & Statement of Conflict of Interest

There were no disclosures or conflicts 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.

CARRIED WITHOUT OBJECTION

D. MINUTES

The May 16, 2017, regular meeting minutes were not available.

E. CONSENT AGENDA ITEMS

There were no consent agenda items.

F. QUASI-JUDICIAL HEARING

1. CU2017-017: A request by Donna Mears, PE from Environmental Management, Inc. on behalf of Central Monofill Services, Inc. DBA Salcha Canaday Homestead C&D Monofill for renewing conditional use approval of a sanitary landfill in the General Use 1 (GU-1) zone on TL-3403, TL-3405 & TL-3409, Section 34, T4S-R4E, F.M. (located at 7070 Canaday Road, on the north side of Canaday Road, east of Richardson Highway).

OATH GIVEN

Mr. Singh presented his report and presentation on CU2017-017.

Questions by the Commissioners

Mr. Muehling asked if there is a regulatory agency that ensures compliance of conditions.

Mr. Singh answered that enforcement of conditions have been on a complaint basis. He further stated that the Community Planning Department does not conduct an annual inspection, but that most enforcement is handled by Department of Environmental Conservation [hereinafter referred to as “DEC”].

Mr. Perreault asked if there have been any complaints on this property in the past.
Mr. Singh replied that the Community Planning Enforcement Officer indicated no reported complaints.

Mr. Billingsley questioned how many tires were found on site.

Mr. Singh responded that it was hard to quantify; there were no tires lying around loosely, and that all the tires on the property were those used in road stabilization, marking perimeters of cell sites, and for construction of berms.

Mr. Billingsley clarified that then there were no spare tires.

Mr. Singh replied that it was reported by DEC in 2015 that there were some lying around, but he had not seen any during his site visit.

Mr. Muehling asked for clarification on the 15’ vegetative buffer.

Mr. Singh replied that the intent is for them to retain the existing buffer which is full of existing vegetation to mitigate the visual impact.

Mr. Muehling inquired what a berm looks like.

Mr. Singh drew Commissioners’ attention to the photographs in the addendum packet and described the related photographs.

Mr. Muehling inquired on the source of the 6” cover material.

Mr. Singh responded that most of the cover material is soil itself, and explained how they are using soil on the property to use as a cover on an as needed basis.

Ms. O’Neall asked if Mr. Singh had seen Applicant’s reply to Condition #3, and what his position is on their proposed language.

Mr. Singh replied that he understands tires are being used for berm construction and road stabilization, but that he was unclear until he visited the site on June 2, 2017. He further stated that the term “landfill construction” is not specific, and is general. He expressed concerns that having tires on site is a health, safety, and welfare issue.

Mr. Billingsley questioned Mr. Singh on whether or not he would accept tires if they are used for berm construction and/or road stabilization.

Mr. Singh replied that generally they are not seen as impacting health, safety, and welfare, whereas general disposal of tires could be a health, safety, and welfare issue.

Mr. Billingsley asked what Community Planning Department’s position is on Applicant’s proposed response to Conditions 6, 8, and 9.

Mr. Singh replied that Condition #6 was imposed to mitigate the visual impact. He further stated that the Applicant did advise that constructing a berm prior to placement of the waste is not a standard practice, but he was not a monofill expert, and believes constructing the berms prior to placement is the best practice to mitigate the visual impact to neighboring properties.
Mr. Billingsley probed again for position on Conditions 8 and 9.

Mr. Singh responded that Condition #8 addressed the soil cover, and that the Community Planning Department’s belief that the 6” soil cover is necessary for litter control and restricting water from infiltrating the ground. He further explained that the term “weekly” was used because “as needed” is not a quantifiable and enforceable criterion. He further indicated that there is nothing in the Alaska Administrative Code addressing quantifiable, but that DEC has asked the Applicant for a schedule of soil cover.

Ms. Presler requested response to Condition #9.

Mr. Singh responded that the condition is practically verbatim from their Application, but as a measure of protecting health, safety, and welfare during winter months, addresses snow melt and infiltration. He further explained of the potential concerns of water contamination.

Mr. Peterson questioned if soil or test wells are required on site.

Mr. Singh asked for clarification.

Mr. Peterson specified “water test wells around the perimeter”.

Mr. Singh responded that the Applicant must demonstrate that the groundwater table meets the 10’ separation distance every five (5) years. He further stated that according to the application, the water tables were between 8’ to 15’ around the property, but noted that general groundwater monitoring is not required by DEC due to the amount of precipitation. He further explained that DEC does require testing to demonstrate the groundwater table level of separation.

Mr. Perreault asked if the 6” of cover once a week is a new condition.

Mr. Singh responded affirmatively.

Mr. Perreault inquired of the previous condition on this issue.

Mr. Singh drew attention to Exhibit 3 on page 41 outlining the eight (8) conditions in the previous permit which did not have a condition for soil cover.

Mr. Perreault inquired if that is the same condition for the intermediate soil cover in the winter and in times of disuse.

Mr. Singh responded that the Conditions in CU2013-001 did not include intermediate cover.

Mr. Perreault asked why there is a need to include that now, and since we do not have a five (5) year time limit from this point going forward, why the change.

Mr. Singh replied that it is not necessarily a change, it is monitored by DEC, and they are required to establish 12” of soil cover if not in use for ninety (90) days, and the Applicant has been doing it without the condition, however, noted that the Community Planning Department believes it is necessary to establish as a condition due to health, safety, and welfare issues and that if soil covers are not applied, litter could be blown around the property (noted he did not find any), especially in light of the no expiration date.
Mr. Perreault stated he understands the value of the cover, but if they are already required by Alaska Department of Environmental Conservation [DEC], but questioned why the need for a separate condition requiring them to comply with a DEC regulation when they are already required to do so.

Mr. Singh responded that it’s a health, safety, and welfare issue, and further explained his understanding from DEC on their soil cover regulations.

Mr. Perreault clarified that at the time of disuse there is quantifiable regulations for soil cover.

Mr. Singh replied that DEC requires them to apply soil cover to protect any nuisance. He further stated that his understanding of nuisance is affecting health, safety, and welfare (high standard), and that Community Planning wants to protect the health, safety, and welfare of neighboring property.

Mr. Stuart Jacques introduced himself and indicated he is with Central Monofil Services.

Ms. Donna Mears introduced herself and provided a summary of Central Monofil Services’ history of use of the land and past and current operations and practices at the site.

Ms. Mears provided a brief summary of the permitting and oversight required by DEC, and expressed concern related to conditions contained within the Staff Report as stated in her response dated June 2, 2017, further explained their objections and impact to operations, and appealed that additional requirements, outside of the already established DEC requirements, not be imposed. She specifically addressed the DEC requirements already in place related to Conditions 3, 6, 8, and 9 recommended in the Staff Report. She further indicated that they are seeking membership with Salcha Fire and Rescue.

Mr. Jacques added that ADEC regulates monofilms and landfills and has a rigorous process every five (5) years for permitting, and he does not want to see conditions applied to conditions already in place by ADEC because they are the subject matter experts. He further expressed his frustration of “prohibiting a prohibited item” as a condition not making sense. He stated that they want to continue to be a good operator and believes they provide a valuable service to the Fairbanks North Star Borough and they would like to continue.

Ms. Presler clarified that the monofil accepts construction and demolition debris, and not usually a bag of garbage.

Mr. Jacques stated that they are prohibited from accepting municipal waste.

Ms. Presler asked for a percentage of “garbage” type debris that may become part of their operation from the construction and demolition type debris.

Mr. Jacques indicated that the amount is very small. He further provided an example of the Ryan Middle School demolition that consisted of concrete and CMU block and when mixed all together, it becomes quite dense and in their process binds it all together. He further pointed out that as Mr. Singh indicated, there is no litter offsite which DEC has confirmed too.

Ms. Presler asked Mr. Jacques to explain the berms constructed ahead of time and built all the way around the cell, how the debris gets dumped, compacted, and covered.
Mr. Jacques explained varying load volume depending on projects, and indicated they are selective on what is taken. He provided an example of a “project” and further explained the different trucks used for the different types of materials being hauled, and how the materials are dumped and compacted.

Ms. Presler quantified that generally if a load gets delivered it gets compacted.

Mr. Perreault asked Mr. Jacques to elaborate on the ADEC time and type requirement for coverage of an active cell and its difference from a disused cell.

Mr. Jacques explained that generally it’s the tops being covered because the side slopes are already formed by being compacted, and DEC’s requirement is a performance type of requirement for not generating litter. He further expressed concern for the need to cover at a depth of 6” once a week and questioned where the 6” number comes from and secondly indicated there is no such requirement. He explained that he does not want to be limited to the method, and explained how Mat-Su Borough uses a membrane that it pulls back and then puts back in place each time it has a dump.

Mr. Perreault stated that ADEC’s general requirement is to limit litter.

Mr. Jacques indicated that is correct, and that DEC has requirements for other things, such as, RACM has to be covered every day, and non-RACM has to be covered once a week, and general debris is more open.

Mr. Perreault inquired where the coverage is coming from.

Mr. Jacques indicated that generally the materials are being mined from the site, concrete from projects are often used, and they may need to import materials in the future.

Ms. Mears interjected that the FNSB landfill utilizes a cover system similar to their operation.

Mr. Jacques stated that ADEC does actually approve shredded waste as an approved daily cover.

Mr. Guinn questioned where the old tires come from.

Mr. Jacques responded that they generate some tires from their recycle facilities, but generally the tires come from around their operation, and there is not a massive amount of tires. He further stated that they do bale tires for use as retaining walls, use them for the center of the berms and build dirt around them which make them extremely stable and water flows, and use them for stabilization.

Mr. Guinn queried if he will take tires from anyone.

Mr. Jacques responded that they are not in that business “necessarily” and that they do take tires at times. He further explained their Anchorage recycle operation, and stated that their operation up here does not have the mechanism to take them like their Anchorage operation.

Ms. O’Neall asked if tire recycling is something they want to get into in Fairbanks.
Mr. Jacques indicated no, but he doesn’t want to have a restriction just because they have a few tires on the property. He further stated that there are no such restrictions on any other monofil in the State of Alaska.

Ms. O’Neall clarified that the tires that they have are part of their operation and use on site.

Mr. Jacques indicated her understanding is correct, but clarified that there will be some amount of tire disposal and use of tires. He further stated that tires do not self-combust, so there is no fire hazard risk.

Mr. Muehling asked if the asbestos is separated on site or before it is delivered.

Mr. Jacques replied that it is separated before it is delivered.

Mr. Muehling asked how easily it becomes airborne.

Mr. Jacques questioned if Mr. Muehling was referring to the asbestos.

Mr. Muehling responded affirmatively.

Mr. Jacques stated that in the landfill it won’t at all. He further explained regulated asbestos materials and non-regulated materials and the types of materials commonly falling under these categories.

Mr. Muehling inquired about Mr. Jacques concerns on building a berm being cost prohibitive.

Mr. Jacques stated it is not just cost prohibitive.

Mr. Muehling further inquired if it would be feasible to stipulate that a berm would be built while you fill and maintained at 5’ above the highest fill point.

Mr. Jacques responded that it is close, but 5’ above is high, considering you have to keep it structurally sound.

Mr. Muehling asked what Mr. Jacques felt would be a reasonable regulation of berm height that stays above the material height.

Mr. Jacques indicated that a couple feet above it would be just fine. He further stated that he has no problem with the berm, rather building it beforehand.

Mr. Muehling inquired about the other technologies Mr. Jacques mentioned other than 6” of fill. He further asked Mr. Jacques to illustrate how regulation could be written to achieve covering takes place with changing technologies.

Ms. Mears interjected that it should be left to DEC to regulate and that any alternative covers must be approved by DEC.

Mr. Muehling asked what the approved covers are by DEC.
Mr. Jacques replied that the approved cover is the soil, but you can go to DEC to get that modified to add a cover. He further gave an example of achieving cover by DEC for alternative methods.

Mr. Guinn spoke indicating that the answer to Mr. Muehling’s question is whatever DEC says.

Mr. Jacques replied affirmatively.

Ms. O’Neall stated that Staff had some questions on clarity (related to proposed condition #3), of what landfill construction means, and the application lists it as road construction and stabilization. She asked if there could be anything else used under the context of landfill construction.

Ms. Mears replied that for this facility those are the only two things they have used it for, but in their Anchorage operation they have approval from DEC to use them to construct the side-slope. She further indicated that there are no plans to use them in Fairbanks at this time.

Ms. O’Neall clarified that ADEC already has regulations that would clarify what that would mean in that particular instance.

Ms. Mears stated that ADEC has a process.

Mr. Muehling inquired if the Applicant had acquired the lot to the North.

Mr. Jacques responded affirmatively.

Mr. Muehling asked Ms. Doxey that if Applicant wished to develop the new lot, would they have to go through the same process.

Ms. Doxey replied that if it is zoned the same, then they would need to go through the conditional use process.

**Opened Public Testimony**

*There was no public testimony.*

**Closed Public Testimony**

Ms. Doxey expressed concerns about the record. She stated that her review of proposed conditions #8 and #9 indicate standards written, for instance soil cover material to cover the non-asbestos waste to a depth of 6” at least once per week, which addresses concerns expressed by Staff, but there hasn’t been a connection between how this condition is going to address their concern.

Mr. Guinn asked what Staff thinks now and if they would like to make changes to the proposed conditions. He further inquired if now was the appropriate time to ask this question.

Ms. Doxey stated the time to ask questions is before the Motion and the Applicant can then have the opportunity for rebuttal.

Mr. Muehling asked what health concern is being addressed with a 6” cover every week.
Mr. Singh responded that the reason or the condition is because the application was not specific for when they apply soil cover. He further indicated that while their operation appeared clean during his visits and no complaints have been received in the past five years, this proposed monofil is for the next 42 years. He further explained that there is no regulation by DEC or AAC which regulates a quantifiable measure rather it is “as needed”.

Mr. Muehling summarized the purpose is to protect the ground water.

Mr. Singh responded that it is protecting ground water contamination and protecting general debris being blown to neighboring properties.

Mr. Muehling asked if there was any data showing that 2” is not as good as 6”.

Mr. Singh responded that there are not a lot of studies done in Alaska perspective, but 6” was a number that was frequently mentioned for asbestos and non-asbestos cells, and Staff believes the same soil cover will protect general debris.

Ms. Thayer asked for clarification of if there are any changes to the conditional use permit, the Applicant would have to come back before the Commission again.

Mr. Singh responded that that is the standard, and that the Applicant would report any changes to the Community Planning Department, and that any changes would come back to the Commission, however, a minor change could just be filed in the file, but a substantial change, it would come back to the Commission.

Ms. Thayer asked if the Commission were to come up with the appropriate soil covering, but if it was later changed by DEC, then the Applicant could come back to Community Planning, and if it is something simple, Community Planning would handle and it wouldn't come back before the Commission.

Mr. Singh deferred to Ms. Doxey, but indicated that if it was a change that directly relates to discussion here, then it would come back to the Planning Commission. He then deferred to Ms. Nelson.

Ms. Nelson indicated that the other cover options were not initially addressed in the application. She suggested the Commission indicate something along the lines of “…..or other DEC approved cover methodology”, and that way it would be permissible under the current condition and not have to come back before the Commission.

Ms. Thayer questioned again why a certain condition for coverage amount would be placed as a condition if DEC is providing that background.

Ms. Nelson replied that DEC does not require how often cover is required except when it is inactive (Condition #9) which is in Alaska Statutes, so in discussions with DEC, weekly cover is at the very conservative end of the spectrum; daily cover is too restrictive, bi-weekly is okay, but the “as needed” is not regulated and is up to the applicant. She further explained the basis for the 6” in discussions with other communities.

Ms. Thayer stated that there are different kinds of waste, for instance the general landfill rubbish, so inquired if “apples to apples” were being compared.
Ms. Nelson responded affirmatively that discussions were specifically on construction monofils.

Ms. O’Neall inquired then if proposed Condition #9 would read, intermediate cover as per the ADEC permit.

Ms. Nelson responded that the Commission could chose to eliminate Condition #9 because there is State Law that says 90 days which essentially winter months, but Condition #8 helps mitigate when cell is active.

Ms. O’Neall asked Mr. Singh if their business model includes the buying and selling of tires, would that constitute a change in the conditions requiring it to come before the Commission.

Mr. Singh asked for clarification of the question.

Ms. O’Neall restated that if they were to expand their operation in a way that they have in their Anchorage location.

Mr. Singh indicated that Condition #3, as written, would require them to if they are disposing of tires other than the berm construction.

Mr. Peterson speculated that although DEC is not very specific on the cover, they certainly are very specific on the trash leaving the site, and there has not been a problem with that occurring.

Mr. Singh explained the lack of specificity in the application and generally his lack of knowledge of the Alaska Administrative Code. He further explains the language related to litter and nuisance related to trash and standards for creating such conditions.

Mr. Thayer questioned the use of term “for the next 42 years”, but recalls early statements about there being no limit on the term of the proposed conditional use permit.

Mr. Singh replied that there is no end date for the conditional use permit, but the life of the monofil is 42 years as stated in the application.

Mr. Jacques stated that we are trying to regulate something that DEC already regulates, and one of his concerns is that DEC puts a lot of effort into the wording of their regulations. He further indicated that DEC sends that wording out for review to public hearing, legal, etc., and is concerned that there isn’t that process here. He provided an example of the problem with wording, but reading Condition #8 which requires “weekly” cover, so questions if that really means 52 weeks out of the year and doesn’t indicate “when operational”.

Mr. Singh responded that in discussions with DEC that requirement is when you have an active cell, so that is why the language is as written, “uncovered, non-asbestos waste”, because if it has already been covered and project ends, you do not have to put the fill.

Ms. Nelson stated that Staff did have extensive discussions about establishing a sunset date versus more extensive conditions. She further explained the basis for the conditions in meeting the community concerns.

Mr. Guinn indicated that the Applicant indicated the cover does not have to be 6” and could be a tarp, is that something Staff can work with.
Mr. Singh replied that the Department would be okay with any DEC approved cover material, but still believes a timeframe is needed for health, safety, and welfare.

Mr. Guinn inquires if Staff is looking for Commission to develop or if Mr. Singh could go back and work with the Applicant to develop new conditions and come back to the Commission.

Mr. Singh responded that it is up to the Commission to determine the Conditions based on the information before them.

Ms. Presler indicated that she believes the Commission should not be specifying cover because DEC does closely monitor landfill and it is there thing and not the Commission’s. She indicates her inclination to remove some of the conditions and leave it at “they must comply with DEC”.

Mr. Singh responded he would be okay if the Commissioners feel that DEC has the enforcement authority to protect health, safety, and welfare. He further stated that proposed Conditions #8 and #9 were added because it was very unclear what DEC regulates and what they do not, and DEC indicated that they require some cover as a nuisance control plan.

Ms. Presler interjected that they do inspect the landfill periodically.

Mr. Singh replied affirmatively, and indicated annually.

Ms. Presler indicated her understanding that they are being monitored and have been doing a good job, so we should let DEC continue.

Mr. Singh responded that he was okay with that and deferred further to Ms. Nelson.

Ms. Nelson stated that DEC only regulates according to State Statutes, and have heard about other construction monofils that have operated and DEC only became involved after the Borough tried to do code enforcement and was not successful. She expressed concerns on putting everything on DEC and removing the “tools from our tool kit” for enforcement, so maybe amend proposed Condition #9 to say what you want it to say, but not eliminated because DEC is not regulating “daily cover”.

Ms. Thayer asked if the FNSB is going to go out on a weekly or bi-weekly basis to confirm that this is being done.

Ms. Nelson responded that it would not unless a complaint about the site is made and then it would be inspected, and if there is evidence they are not doing what the conditions say, then they have a tool to say the Applicant is not doing what they are supposed to be doing and bring it back to the Commission.

Ms. Thayer asked if DEC would be brought in to have them fulfill what the requirements are.

Ms. Nelson responded affirmatively, but indicated if they were violating their litter control plan, but DEC might have a level of discretion that is different than what our community demands. She further indicated that it should be a partnership to ensure the operations are appropriate and not negatively impacting surrounding properties.
Mr. Perreault asked why, if there is a litter issue, we cannot use DEC’s “as needed” language for enforcement.

Ms. Nelson replied that the term “as needed” is subjective and the applicant, DEC, and the Borough may have different opinions.

Ms. Doxey interjected with a suggestion that language could include something to the effect of “cover that is adequate protect waste from blowing off site or leaving the site”, to get rid of the subjective “as needed” language. She further stated that the standard is if there is waste off site and it belongs on site, you have violated your conditional use permit.

Mr. Perreault responded by asking whether or not it is enough that the site needs to satisfy DEC requirements and if we feel they don’t, do they have to violate to ADEC’s requirement to fail the requirement.

Ms. Nelson replied that it depends on how the condition is written. She further asks Mr. Singh if they received a copy of the Litter Control Plan.

Mr. Singh indicated they do have it and it is at pages 124 and 130 of packet.

Ms. Nelson responded that in her experience in enforcement and in writing conditions, specificity is necessary to ensure the Applicant knows their responsibility and that if there is an issue it can be enforced.

Mr. Muehling asked how much of the landfill requires covering every week and how large of an area requires covering.

Mr. Jacques explains the varying requirements based on type of waste and explains how waste is built up in conforming to requirements. He further questions whether the Borough already has litter enforcement authority.

Mr. Muehling stated that the cover is not just litter control; it is also ground water protection.

Mr. Jacques responded that that is Mr. Singh’s statement; not his.

Mr. Muehling again asked how large of an area requires coverage.

Mr. Jacques indicated that most of the landfill is already covered. He further stated that at a given time, it might be an acre or two acres; the stuff behind it would have already been covered.

Ms. Nelson stated that proposed Condition #8 states that it shall not exceed more than 5,000 square feet at any time of uncovered waste and the Applicant indicated to Mr. Singh that they never have more than that.

Ms. Mears spoke up that there are other areas of the landfill, but the 5,000 square feet is the working face.

Ms. Doxey asked for someone to point her to where in the record it refers to the 42 year life span.
Mr. Singh replied that Exhibit 11 on page 73 which is a table from the Applicant which indicates the 42 year life of the monofil.

**Applicant’s Rebuttal**

Mr. Jacques stated that there has been reference to this being an open-ended permit, and reminded everyone that every five (5) years they have to go before DEC. He provided a scenario of if during a five (5) year period there was a litter complaint that matter would be brought up at the next five (5) year timeframe. Here reiterated that there is a set of established regulations and that is what they should be held to.

*(Five (5) minute break)*

Ms. Presler reconvened the meeting and reminded everyone of Robert’s Rules of Order which indicates that each Commissioner can address a certain topic no more than twice.

Mr. Guinn stated that the Applicant cannot be satisfied by proposed Condition #6 with the 15’ height, and the fact that it has not be addressed yet.

Ms. Presler asked the Applicant that if the language concerning the 15’ were changed to read that the height of the berms would be constructed to be 1’ to 2’ above the top of the debris, that that would be acceptable.

Ms. Mears believes the proposed language gets there without putting a specific number in there.

Ms. Presler offers Applicant Further Rebuttal

Ms. Mears clarified that on proposed Condition #6 that that is the waste as going up immediately adjacent to the waste. She further indicates that their June 2nd response to the Staff Report are all still valid and within DEC.

**MOTION:** To approve CU2017-017 for a sanitary landfill with the following conditions by Ms. Presler:

1. The applicant or holder of this conditional use permit shall comply with all applicable land use related laws. Applicable permits and approvals may include but are not limited to:
   
   a. As required by the FNSB and the State of Alaska Department of Environmental Conservation (ADEC), the applicant or holder of this conditional use permit shall ensure that the site meets all solid waste disposal permitting requirements for a private construction and demolition debris solid waste disposal facility.
   
   b. The applicant or holder of this conditional use permit shall obtain and maintain approval of the ADEC’s Division of Water for a General Permit for Storm Water Discharges for Construction General Permit Activity (Construction General Permit) of which, the Storm Water Pollution Prevention Protection Plan (SWPPP) is a component. The applicant or holder of this conditional use permit shall provide a copy of the approved SWPPP to the Department of Community Planning.
   
   c. The applicant or holder of this conditional use permit shall dispose all Non-Regulated Asbestos-Containing Materials (Non-RACM) and Regulated Asbestos-
Containing Materials (RACM) complying with all applicable local, state and federal laws.

2. The applicant or holder of this conditional use permit shall only dispose of inert construction and demolition material in the monofill but excluding PCB Waste or other Hazardous Wastes, Household Waste, Putrescible Waste, Liquids, Compressed Gas Cylinders, Batteries, Appliances with CFC/HCFC, Chemical Waste, Animal Carcasses, Petroleum Contaminated Materials and Polluted Soils.

3. The applicant or holder of this conditional use permit shall ensure that the site has emergency fire response service.

4. The applicant or holder of this conditional use permit shall maintain a 15 foot wide dense vegetative buffer along all property lines.

5. The applicant or holder of this conditional use permit shall construct earth berms along the proposed outer 'limit of monofill waste'; the height of these berms shall be higher than the top of the debris.

6. The applicant or holder of this conditional use permit shall construct an 8 foot fence, or a 4 foot fence on top of a berm on all sides of any open cell. The combined height of the berm and the fence shall be no less than 8 feet in total. The fence and/or the berm shall be constructed before any waste is placed in an open cell and must be maintained until the waste material in a cell is fully covered and reclaimed.

7. The applicant or holder of this conditional use permit shall spread native soil over the top for a minimum of two feet once a cell is full and revegetate with renewable vegetation within two years after closure of each cell.

8. If any modifications are made to the site plan, operations plan, or other FNSB required documents, the applicant or holder of this conditional use permits shall submit revised documents to the FNSB Community Planning Department. If modifications are made to the conditional use, an amendment to the Conditional Use Permit may be required pursuant to FNSBC 18.104.050(D).

9. Monofill waste shall not be allowed to blow off site.

Seconded by Ms. Thayer.

Discussion on the Motion

Mr. Billingsley stated that the Motion recommended approval, whereas it should be seeking to approve.

Ms. Presler clarifies her Motion was to approve.

Ms. Thayer indicates her second also included approving.

Ms. Presler indicated she removed #3 because it is a construction and debris monofil and tires are not necessary to consider, there hasn’t been tires litter in the site, and Applicant pointed out that it is not a municipal waste site (an inert debris landfill). She further explained her belief that
it should not be their place to dictate how they cover the material or if they cover the material which is why she added the new condition, so the Borough has the ability to enforce. She further addresses the health, safety and welfare aspect in that the Applicant will be contracting with Salcha Fire and Rescue, has utilities available (even though may not be required), conforms to the intent of Title 18, and is consistent with the Open Space and Natural Air Comprehensive Plan.

Ms. Doxey indicated she did not hear anything about adopting Findings of Fact with the motion.

**MOTION:** To Amend Motion to Approve to adopt the three (3) Findings of Fact by Ms. Presler and seconded by Ms. Thayer.

**MOTION:** To Strike Findings of Fact 3I from the record by Mr. Perreault and seconded by Mr. Peterson.

**Discussion on the Motion to Strike**

Mr. Perreault stated he made the Motion in order to match the Findings of Fact with the Conditions put forth for this permit.

**VOTE:** The Motion to Strike Findings of Fact 3I was passed without objection.

**VOTE:** The Motion to Amend the Motion to Approve to Adopt the Findings of Fact passed without objection.

Mr. Muehling requested that main Motion be restated.

Ms. Presler restated the Conditions that are part of the Motion to Amend and her justification for the changes from Staff’s recommended Conditions.

Mr. Muehling questioned whether 8 or 9 were included.

Ms. Presler responded that she did not, and explained how they were already addressed by DEC regulated.

Mr. Perreault stated his support of the Motion and believes it allows ADEC to be the arbiter while still allowing the Borough the ability to enforce. Ms. Thayer illustrates her support and points to the Applicant’s compliance during the past five (5) years.

Mr. Muehling stated that the 100% by ADEC indicates their compliance, but is concerned that this property is in their back yard and would have like to see a higher stand and a condition requiring cover every two (2) weeks.

Ms. Doxey clarified that she did not see anything in the permit limiting the permit to expire at the end of the 42 year life and that the permit runs with the use of the land.

**ROLL CALL**

Eight (8) in Favor: Mr. Billingsley, Mr. Peterson, Mr. Whitaker, Mr. Guinn, Ms. O’Neall, Ms. Thayer, Ms. Presler, and Mr. Perreault
PC Meeting Minutes  
June 6, 2017

One (1) Opposed: Mr. Muehling

MOTION PASSED

G. PUBLIC HEARING

1. **RZ2017-005:** A request by Patrick Smith on behalf of the City of Fairbanks to rezone Lot 2, Tanana Chiefs Medical Center Subdivision and Tract L, ASLS80-64 from Single-Family Residential 10 (SF-10) to General Commercial (GC) or other appropriate zone (located south of Eagan Ave and west of Lathrop Street).

Mr. Singh gave his Staff Report and presentation recommending preliminary approval of the rezone from Single-Family Residential 10 to General Commercial with twelve (12) findings of fact in support of approval.

**Questions from Commissioners**

Mr. Perreault asked for clarification that the plan is to open Lathrop Street to now access the proposed expansion of the parking lot for Chief Andrew Isaac Center.

Mr. Singh replied that they are certainly open for access, but the City has indicated that they will not provide any vehicular access of that parking lot on Lathrop Street, and they will continue to access the facility, including the new parking lot, from Cowles Street.

Mr. Perreault asked about development of the plotted, but not yet developed, Eagan Avenue.

Mr. Singh responded that Eagan Avenue is on the map, but it is not constructed.

Mr. Perreault stated that then there are no plans in this expansion to construct it.

Mr. Singh responded affirmatively.

Mr. Perreault inquired if there was any discussion concerning this pocket of two (2) family surrounded by GC to make this expansion not to GC, but to LC as a buffer.

Mr. Singh replied that there were internal discussions and explained and drew attention to the plan on zoning it GC and not LC.

Ms. Thayer asked about the colored lines on the zoning map of the area, and asked if the intent was to vacate portions of those as part of replat.

Mr. Singh clarified that the red line is the property boundary, but when you rezone something, the rezone boundary (which is a hypothetical line) goes to the middle of the road. He further explains how the rezone will work if approved.

Ms. Thayer asked if any discussions took place requesting a portion of Eagan Avenue be vacated, if not going to be developed, to give them more room.

Mr. Singh responded that that was not part of discussion.
Mr. Billingsley asked if the City planned to transfer the property to TCC.

Mr. Singh indicated the intent is to transferring the property to TCC after the rezoning to double the parking lot.

Mr. Billingsley asked if that was only the lot on the right.

Mr. Singh indicated that they are dividing the lots, and selling a portion of lot 2 which is 3.5 acres to TCC with the City keeping the remaining portion.

Mr. Billingsley asked if there are any other restrictions on how this property gets used if rezoned to GC which allows basically anything.

Mr. Singh responded that there may be some confusion on GC versus GU-1; GU-1 allows for anything but certain conditional uses, such as a nuclear power plant.

Mr. Billingsley stated that the jail could expand to this lot if the City decided to sell to FCC.

Mr. Singh indicated he would need to check if a jail is an allowable use.

Mr. Billingsley stated his point is that there is nothing binding them to make this into a parking lot as opposed to something else.

Mr. Singh replied that when something is rezoned, it is open to all the allowed uses and conditional uses allowed in that zone.

Mr. Patrick Smith provides history of ownership since 1938 and have had many offers of purchase from the public which have all been denied, until now with the healthcare program offered to Native Alaskans through the Chief Andrew Isaac Health Center which was the final factor in the City to engage. He stated that parting with the space is painful to the City due to the lack of snow dumping areas they will be losing. He further explained the plan to acquire other properties to ensure no net loss in dumping grounds, and explained access and use to the site now and in the future, and explained the community and social benefits of healthcare.

Questions by the Commissioners

Mr. Billingsley asked for clarification that the City will still utilize this site for snow storage just beyond the portion conveyed to TCC.

Mr. Smith replied his understanding was correct.

Mr. Billingsley stated that it would be a diminished amount of snow storage compared to what it was before.

Mr. Smith responded that they will be losing some, but will be able to still maintain a healthy visual and acoustical buffer to the North.

Mr. Billingsley asked Mr. Smith if he knew if TCC expects to have access to the parking lot from Lathrop.
Mr. Smith replied that they would use their existing access on the South, but has been approved yet, and explained the City’s process and involvement in future development of the parking lot.

**Opened Public Testimony**

Ms. Melissa Farmer expressed her concerns about Eagan Avenue involving more foot traffic and loitering from visitors of TCC. She indicated that there is already a lot of car loitering as a result of the movie theater and medical center next to movie theater and the lack of lighting in the areas immediately adjacent to the proposed parking lot and parking lot itself.

Ms. O’Neall inquired if it was lighted.

Ms. Farmer replied that none of it is lighted.

Ms. O’Neall asked if the path and back of the parking lots are lighted.

Ms. Farmer stated that they were not.

Ms. O’Neall asked if the TCC current parking lot is lighted.

Ms. Farmer indicated she was unsure if it is lighted at night. She further stated that there were a lot of homeless people back there and a lot of trash.

Mr. Singh indicated that the application does include information on TCC’s lighting plans for the new parking lot.

Ms. Farmer indicated she received the letter and had no previous experience with the process.

Mr. Ben Shilling introduced himself as the Deputy Finance Officer for Tanana Chiefs. He gave a briefing on TCC’s expansion needs and plans and the suitable of the land for parking, as well as, the economic impacts that TCC has on the community.

Mr. Peterson inquired if it is just a day use facility.

Mr. Shilling responded that there are no overnights.

Mr. Peterson asked about future plans to do so.

Mr. Shilling replied that there are no current plans.

Mr. Peterson inquired about security guards.

Mr. Shilling indicated that there is 24 hours security.

Mr. Perreault asked if the lighting plan calls for overnight lights in the parking lot.

Mr. Shilling indicated they are at the very preliminary stages and that nothing has been specked out.
Mr. Perreault inquired if any consideration was given for a parking structure rather than a flat lot.

Mr. Shilling responded that the land would not support a structure.

Mr. Billingsley asked if this was expected expansion.

Mr. Shilling responded that it was always expected that would need to expand, but the schedule has been accelerated.

Closed Public Testimony

MOTION: To recommend approval of RZ2017-005 to rezone Lot 2, Tanana Chiefs Medical Center Subdivision and Tract L, ASLS 80-64 from Single-Family Residential 10 (SF-10) to General Commercial (GC) or other appropriate zone (located south of Eagan Ave and west of Lathrop Street) and adopt the staff report and twelve (12) findings of fact in support of approval by Mr. Guinn, seconded by Ms. Thayer.

Discussion on the Motion

Mr. Guinn indicated that it makes sense to make the land compatible with other land uses and believes that leaving it SF-10 may make it a spot zone.

Ms. Thayer stated her support of the rezoning upon belief that it falls within the Borough’s Comprehensive Land Use Plan and Economic Plan for Quality Healthcare to the Community, it fits within Title 18 the health, safety, and welfare for the Community providing additional services.

Ms. Presler indicates her support and states that it supports land use goals 3 and 6, it is a good compromise and good use of that land, and might be eliminating a spot zone, and it conforms to neighboring uses.

Ms. O’Neall expressed her appreciation to Ms. Farmer for her feedback.

Mr. Muehling stated that the expansion of healthcare in Fairbanks is beneficial to us as a community for our health and has economic benefits to our community, therefore offered his support.

ROLL CALL

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

Zero (0) Opposed:

MOTION PASSED

(Mr. Whitaker departed meeting)
2. **ORD2017-42:** An Ordinance Repealing the Vision Fairbanks Downtown Plan as an element of the Fairbanks North Star Borough Regional comprehensive Plan.

Ms. Nelson presented the history and development of the Vision Fairbanks Downtown Plan. She discussed the issues that arose related to compliance with such specific implementation requirements; leading to the need for the proposed Ordinance.

**Questions by the Commissioners**

Mr. Billingsley asked if repealing is going to reduce the amount of time before another plan is put in place.

Ms. Nelson replied that it would not because repealing is only one piece.

Mr. Billingsley asked what could be done to get a new plan in place sooner.

Ms. Nelson stated that resources were needed, and that they are exploring options in an attempt to get funding and technical assistance from non-profits. She further explained critical need for feedback from the Planning Commission and indicated she will be keeping the Commission advised.

Mr. Billingsley inquired about actually making improvement and not just planning for improvements.

Ms. Nelson indicated working on parallel efforts, including a parking study that will align with any downtown discussion of parking. She further stated that the Plan is not bad; it was the level of specificity that was creating issue with implementation.

Mr. Billingsley stated that if there are smaller pieces that do not need to wait on a new Plan, desires to have them brought forward.

Ms. Nelson indicated she thinks there are some small amendments to the Central Business District zone that could be addressed and stated she would put it on the 2nd meeting in July.

Ms. Thayer inquired how the Downtown Fairbanks Association feels about this matter.

Ms. Nelson indicated that they are one of the driving forces for bringing it forward, and explained issues and ways to solve those issues.

Ms. O’Neall asked if there has been any opposition.

Ms. Nelson replied that none that have been relayed to her.

Mr. Muehling inquired what the process was in developing the original plan.

Ms. Nelson detailed who was involved, level of involvement and steps undertaken to develop the original Plan.
Opened Public Testimony

**Mr. David Vanden Berg** introduced himself as the Executive Director of the Fairbanks Downtown Association and explained that Mayor Kassel invited them to participate and take part in development of a new plan and support of the repeal efforts.

He further provided a historical recount of the implementations efforts since the Vision Fairbanks Downtown Plan and stated his desire to add additional “whereas” clauses to address historical accuracy. He stated that the Fairbanks Downtown Association had canvased the general public and found no one opposed to repealing Vision Fairbanks Downtown Plan.

**Mr. Billingsley** asked for explanation on requested changes to the “whereas” clauses.

**Mr. Vanden Berg** replied he would like the whereas clause starting at Line 29 to read: “The concept of new zone types was integral and fundamental to the function and implementation of the Vision Fairbanks Downtown Plan”, and then change the whereas clause beginning at Line 41 from specifying City of Fairbanks and replacing it with Fairbanks North Star Borough Assembly and adding language specific to zoning. He further explained his basis for asking for these clarified whereas clauses.

**Mr. Chris Miller** introduced himself and indicated to the Commission that he had sat on the other side of the dais during approval of the Regional Comprehensive Plan and the Vision Fairbanks Downtown Plan. He explained how the Vision Fairbanks Downtown Plan, as written, has gotten in the way of projects and explained historical development and intent versus practicality in implementation.

**Ms. Nelson** stated that pages 40 and 41 of the Plan has information about the Retail Hot Spot, and a conscious decision was made not to include a “whereas” clause in the ordinance and explained the basis for that decision.

Closed Public Testimony

**MOTION:** A motion by **Ms. Thayer**, seconded by **Mr. Billingsley**, that the Planning Commission makes a recommendation of approval of Ordinance No. 2017-42 to the Fairbanks North Star Borough Assembly.

Discussion on the Motion

**Ms. Thayer** stated that it falls within the Comprehensive Land Use Plan and economic quality of development of downtown, that the Vision Fairbanks Downtown Plan was developed before its time, and falls within Title 18 in developing of economic in downtown Fairbanks.

**Ms. O’Neall** stated her support of repealing the Ordinance, and expressed her excitement in seeing a new plan development and the vision for Fairbanks.

**Mr. Billingsley** stated that in order to get business done, the parties have gone away from the plan and have navigated around the plan to get projects done, and stated his belief that the Plan has been used as a guiding tool. He further stated his priority is not necessarily repealing this Plan; rather to get a new plan in place, so he indicated his support.
Ms. Presler stated her support in repealing the Plan, and echoes Mr. Billingsley desire to get a new plan in place.

**ROLL CALL**

Eight (8) in Favor: Mr. Peterson, Ms. O’Neall, Mr. Billingsley, Mr. Muehling, Mr. Guinn, Mr. Perreault, Ms. Thayer and Ms. Presler.

Zero (0) Opposed:

**MOTION PASSED**

**H. APPEALS**

*There were no appeals.*

**I. UNFINISHED BUSINESS**

*There was no unfinished business.*

**J. NEW BUSINESS**

1. The process for determining affirmative recognition (grandfathering) of substandard sized lots.

Mr. Guinn reported that there are subdivisions within the Borough whose lot size do not meet lot size requirements, and during the sale of the property these lots are non-conforming use which require a grandfather letter and must go through the timely process, to more often than not, be approved. He requested that these known subdivisions be named and approved as substandard lots to avoid having to go through the grandfather process each time, and that staff work on an ordinance.

Ms. Nelson reported that the Mayor has brought up Mr. Guinn’s idea; unfortunately, the code is written as such, preventing the Borough from initiating subdivision wide grandfather rights affirmations, so a code amendment would be required to allow more proactive initiation. She further stated her support.

Ms. Presler inquired if the Planning department is going to initiate the amendment to code.

Ms. Nelson replied that the Mayor or the Planning Commission could request that the Planning Department initiate the code amendment.

Mr. Presler asked Mr. Guinn if he wanted to tackle the matter or wait for the Planning Department.

Mr. Guinn stated he had no preference, but requested if Community Planning could get it done, the Planning Commission would back their efforts.

Ms. Nelson indicated she would talk to the Mayor.
K. **EXCUSE ABSENT MEMBERS**

Ms. Thayer and Mr. Muehling stated she would be absent for the Planning Commission meeting on June 20, 2017.

L. **COMMISSIONER’S COMMENTS**

1. **FMATS**

Ms. Thayer reported that FMATS meets tomorrow, June 7th. Since Ms. Thayer will not be able to report on June 20th, Ms. O’Neall will attend the meeting on Ms. Thayer’s behalf and report to the Commission on June 20, 2017.

M. **ADJOURNMENT**

There being no further business, the meeting was adjourned at 10:55 p.m.