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

A. ROLL CALL

MEMBERS PRESENT: Chris Guinn  Mark Billingsley
Michael Stepovich  Mindy O’Neall
Charles Whitaker  Pat Thayer
Eric Muehling  Wendy Presler
Robert Peterson

MEMBERS ABSENT:  John Perrault, David Brandt

OTHERS PRESENT:  Christine Nelson, Director of Community Planning
Wendy Doxey, Asst. Borough Attorney
Laura McLean, Administrative Assistant

B. MESSAGES

1. Chairperson’s Comments

   Ms. Presler commented that she will not be able to attend the Assembly meeting on March 23, 2017. Ms. Thayer will attend in her place.

2. Commissioner’s Comments

   Mr. Guinn questioned if it would be possible for Ms. Presler to appoint a small group of this Commission to meet with the Director of Community Planning and the Legal department to discuss broadening the Community Garden Ordinance. Ms. Presler replied that there was discussion at the last Assembly meeting along these same lines. She feels that the Assembly may propose an amendment to this particular ordinance. Ms. Doxey confirmed that the Assembly may in fact propose an amendment if they choose. Ms. Presler suggested that this commission wait to see what happens at the Assembly meeting on the 23rd. All were in agreement.

   Ms. Presler will send an invite to this commission to look for volunteers to work on this if the Assembly does not propose an amendment.

   Mr. Whitaker questioned how things get publically noticed regarding the Community Garden ordinance. Ms. Doxey replied that it has to do with how it is drafted. Generally, this commission is allowed to consider making changes within the scope of the title. Sometimes you will be limited by the “whereas” clauses which express the intent. It really is a case by case analysis.
Mr. Whitaker commented that he would like to see things not come to this commission that cannot be dealt with.

Mr. Billingsley inquired how the Assembly could expand this proposed ordinance if this commission could not. Ms. Doxey replied that she does not know what the Assembly will be considering or how they will be expanding therefore she is not able to answer this question.

3. Communications to the Planning Commission

Ms. Doxey communicated that after last meeting she had several commissioners express confusion over her role as the legal advisor for the Planning Commission.

Ms. Doxey clarified that she does not represent any commissioner as individuals. She represents the Planning Commission in its role as a part of the Borough entity. She represents the entity. Therefore, as the Planning Commission is a part of the Borough entity, she can give legal advice and potentially have attorney client communications. Also, with Community Planning as a department and because they are a part of the Borough entity, she can give legal advice to them as well.

Ms. Nelson informed the commission that since the last meeting, she attended a housing summit which was focused on the personnel associated with the arrival of the F-35s. The summit was really well attended.

Ms. Nelson continued that there will be subsequent summits. She will keep this commission informed of dates in the future.

Ms. Nelson also commented that Community Planning is planning a series of training sessions. The subject will be land use education. Appraisers, assessors and members of the mortgage loan industry will be invited to attend to discuss a variety of topics including Grandfather Rights, Amnesty, Ground Water Protection and other issues that these professionals need to know about. These topics are becoming an issue for homeowners. Hopefully these training sessions will get all of these different professions on the same page. The first session is scheduled for April 12, 2017 at 4:00 p.m. in the Mona Lisa Drexler Assembly Chambers. All members of this commission are invited to attend.

Ms. Nelson also addressed the commission and presented an appeal matrix for review. She commented that currently there are three appeals that are still open. She reminded the commission to not discuss any of these three items.

Ms. Thayer queried if it might be possible to change the date of the training as some of this commission may not be available. Ms. Nelson stated that this date and time were selected based on the availability of the Chambers. She plans to hold additional trainings.

Ms. Nelson conveyed that the entire PowerPoint presentation of the Housing Summit is available on FEDCO’s website.
4. Citizen’s Comments – limited to three (3) minutes
   a. Agenda items not scheduled for public hearing
   b. Items other than those appearing on the agenda

No member of the public requested to speak.

5. Disclosure & Statement of Conflict of Interest

None.

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.

Ms. Doxey pointed out that the minutes for February 7, 2017 and March 7, 2017 are included in the Approval of Agenda and Consent Agenda. If any member has a concern regarding either set of minutes, a motion will be required to discuss them.

Mr. Muehling commented that he would like to clarify a comment he made that is reflected in the March 7, 2017 minutes regarding the size of residential signs. He stated “8 inch square sign” when in fact he meant “8 foot square sign.”

Ms. Doxey clarified that if it is Mr. Muehling’s intent to make an amendment to the minutes, a motion would be required. If Mr. Muehling simply wishes to clarify for the record, he can do so without a motion and just insert a [sic] into the minutes which indicates that this is a mistake.

Mr. Muehling requested that his clarification be noted for the record.

ALL WERE IN FAVOR OF APPROVAL.
THERE WERE NO OBJECTIONS.

D. MINUTES

1. *Minutes from February 7, 2017 and March 7, 2017 PC Meeting

E. CONSENT AGENDA ITEMS

None.

F. QUASI-JUDICIAL HEARING

None.
G. **PUBLIC HEARING**

1. Ordinance 2017-22: An Ordinance Amending FNSBC Title 4 and FNSBC Title 18 Regarding Appeals of Grandfather Rights Determinations. (Sponsors: Assemblymembers Lawrence and Dodge)

Ms. Kathryn Dodge, Assemblymember, addressed the Commission. She stated that this ordinance is an attempt to bring the Assembly processes in-line with the rest of the processes. She read the following overview statement:

“The purpose of this ordinance is to make grandfather rights decisions consistent with other land use processes. At this time all other appeals from an administrative finding or initial decisions on land use go through the Planning Commission, as you know. An earlier Assembly felt that grandfather rights should not go through the Planning Commission but be handled directly by the Assembly.”

“This ordinance would change that to make the review process consistent with all other land use decisions and review processes. Our logic is that the Planning Commission has more experience applying land use regulations as was proved recently when the Assembly held its first de novo hearing. This commission regularly holds de novo hearings where testimony evidence is presented. Meanwhile, the Assembly only occasionally sits as a board of adjustment which only reviews the record made by the Planning Commission to determine if the Planning Commission has correctly applied the relevant law.”

Ms. Dodge concluded that by changing this, things are more consistent and the applicant is also given an additional level of local appeal before having to go before the Superior Court system as their next option. She further commented that her colleague, Mr. Lawrence, was unable to attend this evening but they both would appreciate the support of the Planning Commission regarding this request.

Mr. Billingsley queried what brought this issue to their attention. Ms. Dodge responded that the Assembly recently had an appeal of a grandfather rights case and the Assembly was puzzled by the process. They felt that the system should be rectified and made more consistent.

Mr. Billingsly asked if the Board of Adjustment would be de novo. Ms. Dodge responded “No. The Planning Commission would be de novo and the Assembly would be the record.”

Ms. Nelson addressed the Planning Commission. She stated that she concurs with Ms. Dodge. She continued that this ordinance change does bring this appeal process for grandfather rights in line with other land uses appeals. The Planning Commission is the land use body for the Borough and it does add a second level of local appeal.

In conclusion, Ms. Nelson stated that this ordinance is merely moving language out of Title 4 and into Title 18.

Mr. Billingsley queried if this adds additional work to the Community Planning Department. Ms. Nelson responded “Minimally.”
Ms. Presler questioned how many appeals of grandfather rights cases do the Assembly currently hear per year. Ms. Dodge responded that the Assembly heard its first one in her tenure last month.

Ms. Nelson added that there have been a few in the recent past, but most have been dropped by the applicant. She estimated maybe 5 cases in her two years with the borough.

Ms. Dodge asked of Ms. Nelson if she felt that people would be more prone to appeal if it were going to the Planning Commission rather than the Board of Adjustment. Ms. Nelson responded that she does not feel that there are any substantive differences in the requirements between the two.

PUBLIC HEARING OPENED

There were no members of the public that wished to comment on this item.

PUBLIC HEARING CLOSED

MOTION: A motion by Ms. Thayer, seconded by Mr. Billingsley, that the Planning Commission makes a recommendation of approval of Ordinance No. 2017-22 to the Fairbanks North Star Borough Assembly.

Ms. Thayer commented that she feels that this moves the process in alignment where it should be. She intends to support this request.

Mr. Guinn concurred with Ms. Thayer.

Mr. Muehling commented that it does not appear to have a financial impact on the Borough. He intends to support this request.

Ms. Presler stated that she is in support of this ordinance. She feels that it makes sense and she likes that it adds another option for applicants. It seems to make the process more in-line with other process of zoning that this commission already hear.

ROLL CALL

Seven (9) in Favor: Mr. Whitaker, Mr. Peterson, Ms. O'Neall, Mr. Billingsley, Mr. Stepovich, Mr. Muehling, Mr. Guinn, Ms. Thayer and Ms. Presler.

Zero (0) Opposed:

MOTION CARRIED

H. APPEALS

None.

I. UNFINISHED BUSINESS (Continued)

None.
J. **NEW BUSINESS**

None.

K. **EXCUSE ABSENT MEMBERS**

The absence of Mr. Perrault and Mr. Brandt were excused.

L. **COMMISSIONER’S COMMENTS**

Ms. Thayer advised the commission that she will not be in attendance at the April 4, 2017 meeting. Ms. Presler will attend the FMATS meeting on April 5th for Ms. Thayer.

M. **ADJOURNMENT**

There being no further business, the meeting was adjourned at 6:23 p.m.