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 6:06 p.m. by Wendy Presler, Chairperson.

A. **ROLL CALL**

MEMBERS PRESENT: Charles Whitaker, Chris Guinn, Doug Sims, Robert Peterson, Eric Muehling, David Brandt, Wendy Presler

MEMBERS ABSENT & EXCUSED: Mike Stepovich, John Perreault, Mindy O’Neall, Pat Thayer

OTHERS PRESENT: Christine Nelson, Director of Community Planning; Stacy Wasinger, Planner; Wendy Doxey, Assistant Borough Attorney; Nicole Nordstrand, Administrative Assistant

B. **MESSAGES**

1. Chairperson’s Comments

   *Ms. Presler* reminded Commissioners to be mindful of cross-talking and having side conversations.

2. Commissioner’s Comments

   *There were no comments by Commissioners.*

3. Communications to the Planning Commission

   *Ms. Nelson* reported there were 62 Commissioners at the APA Conference.

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

   *There were no comments by Citizens.*

5. Disclosure & Statement of Conflict of Interest

   *Commissioner Brandt* reported he did receive a “Dear Property Owner” letter on the matter to be heard. *Ms. Presler* inquired how close he lives, and *Mr. Brandt* reported the subject property is directly to the south. *Ms. Presler* found Mr. Brandt’s interest is
elevated beyond that of some in the general public, so found he did have a conflict and asked him to excuse himself from that item.

C. * APPROVAL OF REVISED AGENDA AND CONSENT AGENDA

Approval of Consent Agenda passes all routine items indicated by asterisk (*) on agenda. Consent Agenda items are not considered separately unless any Planning Commission member or citizen so requests. In the event of such request, the item is returned to the general agenda.

MOTION: To approve the Agenda by Mr. Peterson and seconded by Mr. Whitaker.

PASSED WITHOUT OBJECTION

D. MINUTES

1. The October 24, 2017 regular meeting minutes were unavailable at time of meeting.

(Commissioner Brandt left the dais)

E. PUBLIC HEARING

1. RZ2018-003: A request by Northland Surveying & Consulting LLC, on behalf of Ainley International Memorial Fund, to rezone approximately 218 acres from Two-Family Residential (TF), Single-Family Residential (SF-10), Multiple-Family Residential (MF), General Commercial (GC), Light Industrial (LI), Outdoor Recreation (OR), and Multiple-Family Residential/Professional Office (MFO), and Waterway Setback Designation (WS) overlay zone, all with the Groundwater Damage Protection overlay (GWP) to Two-Family Residential (TF), Multiple-Family Residential (MF), General Commercial (GC), and Light Industrial with Special Limitations (LI/SL), all with the Groundwater Damage Protection (GWP) overlay zone and a 25’ Waterway Setback Designation (WS) overlay zone from Beaver Springs Creek or other appropriate zone. The proposed rezone boundary includes parcels described as all of North Star II Subdivision and all of North Star II Buzby Subdivision (located southwest of the Richardson Highway, west of Buzby Road, east of the Alaska Railroad and Old Richardson Highway).

Ms. Presler reported that just prior to the meeting, it was discovered this matter was not properly noticed in that it first appeared in the Fairbanks Daily News Miner today rather than the required ten (10) days’ notice. Ms. Presler advised that the meeting would proceed to have Staff present, the Applicant present, and to give any member of the public the opportunity to testify then it would be continued and left open for public testimony.

The Applicant, Northland Surveying and Consulting LLC, Paula Hicks was present.

Ms. Stacy Wasinger provided a presentation of her staff report and recommendations on behalf of the Borough’s Planning Department.

Questions by Commissioners

Mr. Guinn sought to clarify if Fish and Game are currently stocking the pond. Ms. Wasinger indicated her understanding from Fish and Game is that they are stocking it now and want to
continue to do so in the future and wanted to maintain public assess, and stated that nothing is platted currently.

Mr. Guinn stated his confusion on the recommendation of the 50 foot setback from Beaver Springs versus the 25 foot. Ms. Wasinger explained her recommendation of the current 50 foot setback overlay along Beaver Springs Creek, her discussions with Fish and Game, and various options available to the Commission/Assembly.

Mr. Sims asked the depth of the City’s well and is natural gas in close proximity related to air quality. Ms. Wasinger responded that she does not know the depth of the well and natural gas or air quality was not part of Staff’s analysis.

Mr. Muehling asked if the Flint Hills contaminated groundwater is nearby. Ms. Wasinger stated Flint Hills is proximate to it, and stated there is public water available. Mr. Muehling further inquired if future property owners will be allowed to drop a well or dig a septic, and Ms. Wasinger responded that Staff did not make an special limitations requiring connecting to water and sewer and would defer to the Applicant for more specificity, but noted that due to a number of the lot sizes and DEC requirements it would be difficult to place a well and septic and other regulations may prevent future lots from having a well or septic.

Mr. Muehling asked if the City of North has indicated its system is capable of taking on the added usage. Ms. Wasinger explained that the water system is present and presumed to be able to accommodate, and indicated it is unclear if the sewer system would need to be upgraded as it was decommissioned sometime ago. Mr. Muehling referred Ms. Wasinger to page 20 of the Staff Report where it spoke about special limitations and asked for verification from her that that is action the Commission can take, and Ms. Wasinger responded affirmatively that it is an option.

Mr. Muehling asked for clarification on the difference between a waterway setback and a waterway protection, and asked if a waterway protection is more restrictive with no clearing and no building. Ms. Wasinger read the definition of the waterway protection designation and waterway setback overlay zones and the regulations related to said designations. Mr. Muehling then asked if a conditional use would be required if a property owner wanted to place a dock, and Ms. Wasinger responded affirmatively.

Mr. Muehling inquired about air quality concerns since it is a non-attainment area. Ms. Wasinger stated they would be required to abide by all permitting processes related to the air quality plan and standards.

Ms. Presler questioned if the area to be rezoned light industrial will only be used for gravel extraction for the development of the subdivision. Ms. Wasinger explained that is the stated intent and noted that the gravel extraction would require a conditional use permit where additional conditions could be placed. Discussion ensured about natural resource extractions requirement, zoning regulations, and appropriateness of light industrial versus some other type of zoning. Ms. Wasinger pointed to the exhibit on page 49 which is the conceptual plan.

Mr. Muehling inquired if two overlays are possible. Ms. Wasinger explained how it would need to be worded to accomplish the intent.

Mr. Sims inquired what was meant by the reference to a 50 foot waterway setback designation overly from Beaver Springs Creek and pond, but directly beneath that there is 25 foot waterway
setback on page 33. **Ms. Wasinger** clarified it is a typo and should be 50 feet, but noted on page 35 there is reference to a 25 foot setback that is correct.

**Applicant’s Testimony**

The Applicant, Northland Surveying and Consulting, represented by Paula Hicks offered the follow:

- Ainley International Memorial Fund represents more than 30 charities.
- Working on the proposed Brookside Park Subdivision simultaneously with this rezone.
- Rezone will correct the split zones and align it with the proposed subdivision.
- Developed a plan to create a subdivision that balances the cost of road building and bringing in utilities with the present market price for land in the area.
- Exhibit 18-92-100 depicts the 25 foot setback from the bank.
- Giving up an additional 25 feet will not align with the current plan.
- Preliminary plat that has been submitted to FNSB is an adaptation of the original subdivision plan proposed in 1970.
- Intent of the original development plan was to preserve the natural beauty and habitat along the creeks; there was not pond back then.
- Originally asked for the 50 foot waterway setback overlay along Beaver Springs Creek and Beaver Springs Creek to be changed to a 25 foot waterway setback in the Application.
- After speaking with Fish and Game, FNSB, and the Ainley Memorial Fund, now would like to offer another solution; in that the waterway protection overlay is better suited for the preservation of the natural vegetation along Beaver Springs Creek. Requesting at 25 foot waterway protection overlay to replace the current 50 foot waterway setback.
- Discussed the late Mr. Ainley's original desires.
- Talked about Fish and Game’s concurrence with the 25 foot waterway setback.
- Tract B is being set aside for a public park if acceptable to the City of North Pole.
- Explained area to the northeast of Tract B and planned development.
- Exhibit 18-92-090 is an example of a 50 foot waterway setback existing in the Doyon Estates Subdivision, and then showed an example of undeveloped lots.

**Questions by Commissioners**

Mr. Muehling asked if a waterway setback overlay provides erosion protection. Ms. Hicks responded if the vegetation remains it would offer protection. Mr. Muehling inquired if it was more beneficial to have a waterway setback or protection when it comes to area wildlife. Ms. Hicks opined the waterway protection would be more beneficial to the wildlife.

Mr. Sims asked for the depth of the City well, and Ms. Hicks stated she did not know. Mr. Sims referred to Tract B and asked why zone it multiple-family versus open-space buffer district. Ms. Hicks communicated that the Ainley Fund is still working with the City of North Pole to finalize the plan for a park. Mr. Sims asked for the depth of the lots that front the Creek, and Ms. Hicks replied that they are 130’ along the pond, 150’ to 200’ along the eastern most
portions of the Creek. Mr. Sims inquired about air quality and natural gas, to which Ms. Hicks stated her uncertainty, although the natural gas company did ask that an easement be set aside.

Mr. Guinn asked if the intent is to bring sewer and water into the project. Ms. Hicks replied that for 46 of the lots the plan is to connect to public utilities, and then cautioned that there is potential for future development that may not include connection to public utilities. Mr. Guinn asked for the average lot size, and Ms. Hicks replied they would be up to 40,000 square feet.

Mr. Whitaker inquired of her thoughts on legal pedestrian access to Beaver Springs Creek. Ms. Hicks indicated there is no plan for a public walkway for the entire Creek; though there are plans for public walkways around the pond and down the middle of Blanket Boulevard. Mr. Whitaker asked if allowing legal pedestrian access would be a deal breaker, and Ms. Hicks indicated her uncertainty.

Mr. Muehling inquired if water quality testing has been completed by the Applicant. Ms. Hicks stated they had not. Mr. Muehling asked of the minimum lot size needed to support a septic system, and Ms. Hicks responded that they are using 20,000.

Mr. Guinn commented that the Ford Subdivision in the City of North Pole has 20,000 square foot lots and city water and septic systems and that seemed to be the standard the City wanted.

Public Testimony Opened

Mr. Evan Franklin testified where his property is located and expressed concerns related to the proposed rezone is that between his property and 1152 North Star Drive is that in previous plats the road proposed would fit the character of the subdivision, however, with the proposed zoning the road to be constructed will allow high volume general commercial traffic into the neighborhood. He further testified that for Lot A1 there are two primarily roads; Buzby Road and St. Nicholas, plus this new road to the southeast corner which are better suited to handle that type of traffic. He further discussed previous plats and surveys and his concern with his property’s status in the roadway due to the various surveys. He requested that the proposed easement road be removed from the plat between 1206 and 1152 and no road be developed or constructed. He stated his other concern is that when Lot A1 is developed, the change of the zoning will lead to a greatly increased noise and decrease in the privacy, so he’d like to see a privacy fence built with a minimum height of 84 inches.

Mr. Franklin addressed Mr. Sims question concerning natural gas and offered that there is natural gas piping and the mains on St. Nicholas.

Questions by Commissioners

Ms. Presler asked Mr. Franklin to use the pointer to illustrate on the map where his property is located. Mr. Franklin pointed to his property and the easement, and explained roads constructed versus unconstructed. Ms. Presler queried which road Mr. Franklin utilizes to access his property, and Mr. Franklin explained there is only one way in and out of his neighborhood and that is via St. Nicholas.

Mr. Peterson asked if Mr. Franklin had his lot surveyed prior to building, and Mr. Franklin replied that the house was built in the mid-70’s and have the plat from then, then when the previous owner built the garage, it was surveyed, and then when they purchased the house, it was surveyed a third time and there are adjustments of more than a few feet and can find the
monuments on the southwest and the eastern corners, but according to the plats, there should be a monument out to the center of the road.

**Mr. Sims** asked if it is the proximity and adjacency to the general commercial zone or the unconstructed easement that could be constructed. **Mr. Franklin** stated his concern is mainly the unconstructed easement due to the potential for commercial traffic.

**Mr. Franklin** added that in their neighborhood they do not have city water or sewer.

**Mr. Jerry Koerner** stated he is the general manager for the Ainley International Memorial Fund, and testified as follows:

- The Fund is the holding company of the remaining estate that David Ainley left.
- Has worked for Mr. Ainley since 1982.
- First subdivision was 1962, dividing over 600 acres in North Pole, and left behind 200 acres to be developed and sold.
- Proceeds from sale of properties go to shareholders which for the most part are non-profits throughout the Community, State, and World.
- Focus of his estate is to lend humanitarian aid and spiritual needs of people.
- The Fund management team, in cooperation with Mayor Ward, entered into a development agreement in September which lays out the development plan.
- The Master Plan for this area was posted in City Hall for years.
- City water and sewer has been installed in the area.
- Have met with developers, builders, consultants, and bankers with how best to meet the land needs of the community.
- Believes the proposed zoning will meet the needs and desires of the community to come.

**Questions by Commissioners**

**Mr. Muehling** asked how long this project has been in the works. **Mr. Koerner** reported that the Master Plan was developed in the 1970s and designed by Richard Heieren of Northland Surveying and Consulting.

**Mr. Sims** inquired if any gravel remains in Beaver Springs Pond, and **Mr. Koerner** replied that they were permitted to extract for a certain period of time under the Conditional Use Permit, and once that period of time expired the extraction stopped. **Mr. Koerner** further reported it must finalized by 2020 when the lake will connect to the stream, and reported that the pond is a natural pond and is not stocked and cannot be stocked because it is a lake that connects to a natural stream and believes there was confusion with Beaver Lake Resort which is stocked.

**Mr. Peterson** asked what the plans are for the pond that will be created with the new area’s gravel extraction. **Mr. Koerner** reported it will be another high-quality development with houses overlooking the pond.

**Mr. Sims** inquired if they considered amending the Conditional Use Permit for Beaver Springs Pond to extract gravel from that site for development of this site versus opening a new pit. **Mr. Koerner** reported that the Permit expired, and stated he had promised the property owners in the subdivision that he would not bale anymore.
Ms. Presler asked for the intent of light industrial and for how long gravel would be extracted. Mr. Koerner replied it will be for development of this subdivision and community needs, and the timeframe would depend on the growth of North Pole. Ms. Presler asked for the gravel extraction depth anticipated, and Mr. Koerner stated under the prior Permit, requested 100', but only dug to 50', so it would depend on contractor and their equipment.

Mr. Whitaker inquired of Mr. Koerner, on his thoughts on legal pedestrian access to Beaver Springs Creek. Mr. Koerner explained his efforts to carryout Mr. Ainley’s dreams and explained original intent and discussions with Fish and Game and US Army Corp of Engineers which did not envision people being able to walk and view everyone’s back yard.

Mayor Bryce Ward testified he was speaking as the Mayor of North Pole, and not the City Council, as the Council has not taken an official position on this matter. Mayor Ward stated he is in support of this rezone and has been working on the platting level with the Fund for over a year. He stated the Council did approve a new developer agreement for the proposed plat on the southern end of the development. Mayor Ward mentioned the letter he had written and explained the City’s wells, the water and sewer system in the area, and potential issues related to water contamination.

Mr. Richard Heieren stated his desire to emphasize a couple of points, and reported that the pond could be handled by keeping the ownership “fee simple” to the adjoining development to the south and extend lot lines into the pond and create an easement overlay to allow the easement to be transferred to the City or homeowners association rather than creating a separate tract. He further explained the existing sewer and water facilities were designed around the initial Master Plan. He discussed the waterway protection overlay request and how the design would be compromised. He talked about the infrastructure development distribution of costs and the impact it may have if the cost distribution is spread out over fewer lots resulting in cost prohibitive lots.

Questions by Commissioners

Mr. Sims clarified his understanding to keep the pond as a separate tract only if the City takes it, otherwise keep the ownership “fee simple”, and Mr. Heieren confirmed his understanding. Mr. Sims asked for confirmation that Mr. Heieren is in favor of the 25 foot waterway protection alternative, and Mr. Heieren confirmed.

MOTION: To suspend this matter to December 12, 2017 by Mr. Peterson and seconded by Mr. Muehling.

PASSED WITHOUT OBJECTION

Public Testimony Suspended and Postponed to December 12, 2017

(The meeting recessed from 7:37 – 7:47 p.m.)

(Commissioner Brandt returned to the dias)
F. **NEW BUSINESS**

1. New FNSB Board and Commission Policy

   **Ms. Nelson** briefed Commissioners on a new policy recently adopted by the Borough to standardize how the FNSB Boards and Commissions handle matters related to agendas, minutes, public notices, etc., and is primarily directed at Staff. **Ms. Nelson** indicated that the next item was added for information to determine if there is a need to change the Rules and Procedures of the Planning Commission.

2. Rules and Procedures of the Planning Commission

   **Mr. Muehling** discussed the basis for what constitutes an excused absence.

   **Ms. Presler** responded that absent from the Borough.

   **Ms. Doxey** mentioned that the current version, in the meeting packet, were recently adopted by this Body, but they can be changed.

   Discussion ensued amongst the Commission on absences, excused absences, unexcused absences, process for excusing, and requirements of FNSBC 4.808.020(b).

G. **EXCUSE ABSENT MEMBERS**

   **Clerk** notes that Ms. Thayer and Ms. O'Neall were excused from this meeting at the October 24, 2017 meeting, and Mr. Stepovich and Mr. Perreault are absent. **Ms. Presler** reported that Mr. Perreault is ill and Mr. Stepovich is studying for a work-related exam for a license and hearing no objection, they are excused tonight.

   **Mr. Peterson** communicated that he would be absent from the Fairbanks North Star Borough until the 1st meeting in April 2018, and requested to be excused. **Ms. Presler** asked if there were any objections, and hearing none, Mr. Peterson is excused through March 2018.

H. **COMMISSIONER’S COMMENTS**

   **Mr. Guinn** communicated that he had written a memo to the Chair and Ms. Nelson regarding that the Administration consider the setback requirement in rural zones; specifically in the RR zone and RE zone. He explained that by reducing the setback requirement, would eliminate a lot of administrative time and restore property owner rights. He stated his proposal is to bring it up at a later meeting and have the Commission discuss the matter further.

   **Mr. Sims** asked what Mr. Guinn was intending to correct. **Mr. Guinn** responded and detailed historical information and then the current state of setback requirements not being met creating problems when financing.

   **Mr. Muehling** inquired if Staff would be presenting a report in January to give an idea of the impact a change could create. **Ms. Nelson** responded that Staff would have some maps focusing on the RR and RE to give a cursory overview and comment.
Mr. Muehling reported that he attended his first FMATS meeting this month representing the Commission.

Ms. Nelson reported that Donna Gardino is no longer the Executive Director for FMATS and Jackson Fox has been named the Acting FMATS Director.

I. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:11 p.m.