

FNSB PLATTING BOARD

MINUTES

October 25, 2017

A regular meeting of the Fairbanks North Star Borough Platting Board was held in the Mona Lisa Drexler Assembly Chambers, Juanita Helms Administrative Center, 907 Terminal Street, Fairbanks, Alaska. The meeting was called to order at 6:00 p.m. by Randy Pitney, Chair.

A. ROLL CALL

MEMBERS PRESENT: Peter Flint, Kellie Fritze, Troy Hicks, Jason McComas-Roe, Clint Meyer, Bill Mendenhall and Randy Pitney.

MEMBERS ABSENT: Crystal Haman and Whitney Malin

OTHERS PRESENT: Noah Klein, Asst. Borough Attorney; Christine Nelson, Director, Department of Community Planning; George Stefan, Platting Officer; Angela Parker, Platting Officer; Ann Worhatch, Public Works Engineer; and Laura McLean, Recording Clerk.

B. MESSAGES

Citizen's Comments – limited to three (3) minutes

None.

Chairs Comments

Pitney commented on the Community Planning Public meeting which was held at the Westmark Hotel. He stated that it was very informative.

Pitney also commented on an FMATS meeting that he attended recently.

Pitney questioned if a decision had been made as to who from the Platting Board will be attending the APA Commissioner Training in Anchorage. **Nelson** replied that McComas-Roe will be attending this year and Meyer has elected to self-pay to attend.

Disclosure and Statement of Conflict of Interest

Fritze commented that she may have a conflict of interest with item #4. She stated that she works with the owner of the property for item #4. **Pitney** inquired if there was any financial interest for Fritze with regards to this item. **Fritze** stated that she has no financial interest in the property. **Pitney** determined that there is not a conflict.

Hicks commented that he may have a conflict of interest with item #4. He stated that his wife works for Northland Surveying and Consulting which is the surveyor for this item. **Pitney** determined that he does have a conflict.

Meyer commented that he may have a conflict of interest with item #2. He stated that he knows the surveyor personally and has done work for him in the past as well as the surveyor has worked for him in the past.

McComas-Roe queried if this will affect Meyers ability to be objective. Meyer replied that it most likely would not but he does not want anybody to doubt his objectivity. **Pitney** confirmed that Meyer does have a conflict.

C. APPROVAL OF AGENDA AND CONSENT AGENDA

Motion to approve the agenda and consent agenda made by **Meyer** and seconded by **Fritze**. Carried without objection or roll call vote.

D. MINUTES

Minutes from September 20, 2017.

E. CONSENT AGENDA ITEMS

None

OATH

F. QUASI-JUDICIAL HEARING

1. **SD001-18 Green Mountain Subdivision** A request by Ralph Mathews, on behalf of Danny James Wood and Irene Grace Wood, to subdivide TL-2207, totaling approximately 55 acres, into two tracts of 15 and 39 acres. The subdivision proposal includes a request for a variance to allow direct access onto a major collector road. The road construction exemption has been applied for, and the request includes additional dedication of Steele Creek Road and dedication of a temporary turnaround along a section line easement corridor. The property is located within the SW¼ Section 22, T1N, R1E, FM (located on Steele Creek Road and Eastwood Lane).

Stefan presented the staff report. Based on the staff analysis, the Department of Community Planning recommended APPROVAL of the request based on the following Conditions and Findings of Fact:

Conditions:

1. ACS, GCI, IGU and the Steese Fire Service Area Fire Chief shall review and comment on the final plat.
2. GVEA shall have a maximum of 30 calendar days to review and comment on the final plat.
3. A note shall be place on the final plat which states, "Tracts A and B may not be further subdivided until such time as legal, constructed road access is available to the boundary of the tract proposed to be resubdivided."
4. A note shall be placed on the final plat which states, "Roads in and to this subdivision were not required to and may not meet the borough's minimum standards for materials and construction. To the extent these road standards have not been met,

- fire protection, ambulance and other public services may not be available year-around or their availability may be severely limited.”
5. A note shall be placed on the final plat which states, “Access from Tract B onto Steele Creek Road is restricted to the existing access point. Additional direct lot access is prohibited. Any modification to the existing driveway within the Steele Creek Road right-of-way will require an approved driveway permit from ADOT&PF.”
 6. A note shall be placed on the final plat which states, “Disturbance of more than one acre on a single lot may require a Storm Water Permit by ADEC.”
 7. All easements of record shall be shown on the final plat.
 8. The approved variance shall be noted on the final plat.

Findings of fact:

- a) The subdivision request is exempt from constructing the portion of Eastwood Lane from its intersection with Steele Creek Road to the north boundary of the subdivision per FNSBC 17.56.020.G because:
 - i. The proposed subdivision creates two lots.
 - ii. Legal access exists to the subdivision boundary from the 66ft wide section line easement corridor that contains Eastwood Lane.
- b) Per FNSBC 17.56.020.G a lot created under this subsection may not be further subdivided until such time as legal, constructed road access is available to the boundary of the lot proposed to be resubdivided. Condition #2 satisfies this.
- c) Per FNSBC 17.56.020.B.3, exterior boundary right-of-way width may be shared with the adjoining property owner if the shared right-of-way is existing and public.
- d) This subdivision request, upon recording of the final plat, creates two legal tracts and thereby corrects the illegal subdivision created by the Warranty Deed recorded on July 11, 1975 in Bk 14, Pg 206 Fairbanks Recording District.
- e) Per FNSBC 17.56.090, “No street or right-of-way shall be created or modified within 15 feet of a permanent building existing on or adjoining the property to be subdivided or dedicated unless the applicant proves that the replat will not impede safe public access or otherwise result in a hazard to persons or property.”
- f) The barn is 11.7 feet from the proposed additional dedication for the Steele Creek Road right-of-way, and the applicant has demonstrated that the subdivision will not impede safe public access or otherwise result in a hazard to persons or property because:
 - i. The barn has been in its current location in relation to the road since 1984.
 - ii. The location of the road is not being altered by this subdivision request.
 - iii. FNSB Public Works does not have a concern about the location of the barn.
 - iv. The barn location in relation to the location of the right-of-way would not have been an issue if the applicant wasn't required to dedicate the required minimum 40ft of right-of-way as part of this subdivision request.
- g) Per FNSBC 17.52.040.D.5, all existing easements must be shown on the final plat.
- h) The applicant has applied for and shall be exempted from the road construction requirements for Eastwood Lane within the subdivision boundary, up to and including the temporary turnaround, per FNSBC 17.56.060.A. because:
 - i. The proposed subdivision creates two lots.
 - ii. The proposed subdivision is not within a road service area and does not rely on road service area roads for access to the subdivision.

- iii. Proposed Tract A relies on Eastwood Lane for access.
- i) With the eight conditions recommended by staff, this subdivision request meets the applicable requirements of Title 17.

The Platting Board questioned the following:

Pitney queried if there would be any backing out of the barn onto Steele Creek Road. **Stefan** deferred to the applicant.

Applicant Testimony

Ralph Mathews, surveyor, addressed the Platting Board. He stated that this request is quite clear. He spoke to other options he had with regard to the right-of-way. This design provides for consistency with regard to the right-of-way.

McComas-Roe questioned if the applicant was aware that with this plat they are granting a blanket easement to GVEA. **Mathews** replied that they were aware.

Flint queried if there was any objection to staff recommendation of changing note number five. **Mathews** responded that he did not have any objection.

Interested Person Testimony

Matt Seymour, interested person, addressed the Platting Board. He stated that he has tried to go through the quick plat process but was told that he would need a permanent cul-de-sac and in order to do that he would have to correct the access to his property because the angle at the access from Steele Creek onto Eastwood doesn't meet Borough code. He questioned if this was considered with this application.

Pitney suggested that Seymour ask staff after the meeting as the Platting Board cannot answer questions of Interested Persons.

Meyer queried when Seymour applied said plat on his property. **Seymour** responded in the summer of 2016.

Pitney inquired of Mathews if he felt any of Seymour's testimony could be rebutted. **Mathews** declined rebuttal.

MOTION:

A motion was made by **Meyer**, seconded by **McComas-Roe**, to approve the subdivision with the eight (8) amended conditions and to adopt the nine (9) findings of fact and the staff report in support of approval.

MOTION:

A motion was made by **McComas-Roe**, seconded by **Meyer**, to approve a variance from FNSBC 17.56.010.F to allow direct access onto Steele Creek Road, a major collector road, adopting the five (5) findings of fact and the staff report in support of approval.

Meyer commented that he has no opposition to the variance.

ROLL CALL ON THE VARIANCE

Seven (7) in Favor: Flint, Fritze, Hicks, McComas-Roe, Meyer, Mendenhall and Pitney

Zero (0) Opposed:

MOTION CARRIED

ROLL CALL ON THE SUBDIVISION

Seven (7) in Favor: Flint, Fritze, Hicks, McComas-Roe, Meyer, Mendenhall and Pitney

Zero (0) Opposed:

MOTION CARRIED

- 2. SD003-18 Valentine Subdivision** A request by Alaska Survey Innovations, on behalf of David & Virginia Valentine, to subdivide a portion of the S ½ Section 12, T1S, R3W, FM; a total of 3.93 acres, into two lots of 1.60 and 2.33 acres. The property is located on Krogstie Lane and the Old Nenana Highway. This subdivision includes dedication of a small portion of right-of-way for Krogstie Lane as well as a variance request to waive the requirement to construct the portion of Krogstie Lane that is within the subdivision to FNSB standards.

Parker presented the staff report. Based on the staff analysis, the Department of Community Planning recommended DENIAL of the request based on the following Findings of Fact:

Findings of fact:

- a) The proposed subdivision is within the Old Wood Road Service Area.
- b) Krogstie Lane has been maintained by the service area since 1989.
- c) The service area commissioner notes that improvements are needed on Krogstie Lane within the proposed subdivision.
- d) Without the variance, the road must be constructed to FNSB Local 2 standards, providing at least 40 feet of frontage for each lot. Prior to Platting Board approval, design information and a drainage plan must be submitted.

The Platting Board questioned the following:

Pitney commented regarding the Old Wood Road Service Area maintaining Krogstie Road as it is not in the road service area. **Parker** deferred to Ann Worhatch, Borough Engineer.

Worhatch clarified that there are times when there is no place to turn a plow truck around. For this reason, Old Wood Road Service Area maintains this section of the road.

Flint inquired if the road service area was an official entity of the Borough and if so, is the Borough accepting the road as it is. **Worhatch** replied that Krogstie Lane is not built to Borough

standards. Information was requested of the applicant with regards to the curve in the road but was not provided.

Worhatch queried when Patricia Subdivision was approved. **Parker** replied that Patricia Subdivision was created through a series of waivers in 1981 and at that time waivers did not address road conditions.

Applicant Testimony

Martin Gutoski, surveyor, addressed the Platting Board. He commented on the staff report with regard to this application qualifying for the road exemption because they are creating five or fewer lots. It was his understanding that the road exemption was not eligible for roads in a service area.

Gutoski inquired if this subdivision qualifies for the road exemption. **Parker** replied that in this case the portion of Krogstie Lane that is within the subdivision does not qualify but the portion coming from Patricia Subdivision to the boundary of this subdivision is what the staff report was referring to because that hasn't been officially approved by the Borough as well.

Gutoski asked for clarification that the road exemption wouldn't apply to this subdivision. **Parker** replied that it does. It doesn't apply to the road within this subdivision.

Gutoski expressed frustration with this application. He stated that he wasn't given adequate time to bring in the requested information regarding the road situation. He provided the Platting Board with his recollection of the history of Krogstie Road as he knew it when he worked for the Borough as he did the research on it.

Gutoski commented that a good third of this subdivision is already encumbered by a DOT easement for the public. The only problem area is the little triangle. The service area has maintained this road since 1988. He doubts that there is anything but a prescriptive easement for the portion of Krogstie within their property. The owners have been paying taxes on this property and public funds have been expended since 1988 on improving the road to some Borough standard. When he did the 1996 Patricia Subdivision he as-built the road and found that the alignment would fit the way that the road was built.

Gutoski continued with how he would do his research when he was a Platting Officer at the Borough.

Gutoski commented regarding a culvert that starts at the eastern side of the driveway and intersects Krogstie. He stated that if his clients have to improve that portion, they cannot go north with road improvements. This road met local one road standards back in 1996. In 2005, width requirements were increased through a Title 17 re-write. As it is now, improvements would require a lot of material to just improve the 80' that is necessary.

Gutoski stated that it is not impractical but rather unnecessary because the road has qualified for access since 1988 and public funds have been expended on it.

Gutoski described his design and the purposes for designing it as he did.

Gutoski stated that applying the variance is necessary because the road is adequate for the access today as it was in 1996.

Pitney stated that he heard the Borough comment that they weren't provided with adequate information and Gutoski state that he was not provided enough time to provide the requested information. **Pitney** queried if Gutoski would like to ask for a postponement. **Gutoski** responded that he does not want a postponement and that he may have to appeal this if it denied.

David Valentine, owner, addressed the Platting Board. He stated that they bought the property in 1997 and the road was and is a very sparsely used road. He stated further that if they were to do the improvements to the road, it would not look like the rest of the road. He spoke in opposition to having to make the improvements on the road.

Interested Person Testimony

Monica Dallas, realtor, requested to testify but it was determined by the Platting Board Chair that she did not receive a Dear Property Owner letter and this application does not affect her personal property therefore she will not be allowed to give testimony.

Klein concurred with the Chair.

MOTION:

A motion was made by **Mendenhall**, seconded by **Flint**, to deny the subdivision with the four (4) findings of fact and the staff report in support of denial.

Pitney questioned why the motions were made in the negative rather than the positive. Klein clarified that if the Platting Board votes against this denial, then the application would still be on the table, however there is nothing procedurally wrong with making a motion in the negative.

MOTION:

A motion was made by **Fritze**, seconded by **Flint**, to deny a variance from FNSBC 17.56.020.B for access constructed to the standards required by this title adopting the five (5) Findings of Fact in support of denial.

McComas-Roe stated that he intends to vote against the motion for the variance as he is supportive of the applicant's request for a variance.

Flint commented that he is in agreement with the applicant and intends to vote in support of the variance.

Hicks stated that he is undecided at this time but is leaning towards supporting staff's recommendation for denial.

Mendenhall stated that he is not committed one way or the other.

Fritze commented that the applicant had the opportunity to either postpone or bring in the information requested by staff in order for staff to make a decision. She is inclined to vote to support denial because they did not meet what was required by staff to support approval of the variance.

McComas-Roe stated that time is of the essence. The opportunity to construct those improvements has already passed for this season which has the potential to put further burden on the applicant should we choose to table or postpone this application.

Klein clarified that it is ultimately the Board's decision whether or not to grant a variance. Regardless of whether staff felt they had enough information, the ultimate decision is whether the Board feels like there is enough information.

Pitney stated that, for purposes of transparency and perception, he has worked with Monica Dallas several years ago.

Klein commented that it doesn't sound like Pitney has a conflict. The Platting Board concurred with Klein.

Pitney commented that he is in favor of denial of this variance. He stated that he sees long term ramifications with this request.

ROLL CALL TO DENY THE VARIANCE REQUEST FROM FNSBC 17.56.020.B

Three (3) in Favor: Fritze, Hicks and Pitney.

Three (3) Opposed: Flint, McComas-Roe and Mendenhall

MOTION DEFEATED

MOTION:

A motion was made by **McComas-Roe**, seconded by **Flint**, to approve a variance from FNSBC 17.56.020.B for access constructed to the standards required by this title.

McComas-Roe emphasized that while he has the greatest respect for staff's recommendation, he found the testimony by ALS compelling in speaking to this issue. He reiterated his support with regards to the applicant's request for this variance.

Flint with questioned if it is practical to have to build 40' of Borough standard roadway over a half mile section of non-standard road. To him this is a pretty compelling case of impracticality.

Fritze stated that this Board does not have enough information to determine if it is impractical or not, other than verbal testimony.

McComas-Roe disagreed with Fritze and stated that he is very familiar with the costs of building 40' of road.

Hicks commented that there is not enough information to determine. However, he is convinced that it would be unnecessary due to specific circumstances being that the road was there in service and is encroaching the right-of-way. He feels that this is the special circumstance. He is prepared to accept the variance.

Mendenhall stated that he has been convinced to accept the variance.

ROLL CALL ON THE MOTION TO APPROVE A VARIANCE FROM FNSBC 17.56.020.B

Four (4) in Favor: Flint, Hicks, McComas-Roe and Mendenhall.

Two (2) Opposed: Fritze and Pitney

MOTION APPROVED

McComas-Roe commented that he intends to oppose the motion to deny the subdivision. As the Platting Board has now approved the variance, staff's recommendation for denial was precipitated on denial of the variance.

Hicks clarified that a vote against the motion would be to approve the subdivision. **Pitney** confirmed this.

Klein clarified the actions that the Platting Board could take depending on how the vote on this motion is tallied.

ROLL CALL ON THE MOTION TO DENY THE SUBDIVISION REQUEST

One (1) in Favor: Pitney

Five (5) Opposed: Flint, Fritze, Hicks, McComas-Roe and Mendenhall

MOTION DEFEATED

MOTION:

A motion was made by **McComas-Roe**, seconded by **Flint**, to approve the subdivision.

The Platting Board took a recess to develop conditions and findings of fact in support of approval.

An amended motion was made by **McComas-Roe**, seconded by **Flint**, to amend the motion to include six (6) conditions and to adopt the seven (7) Findings of Fact in support of approval.

Adopted Conditions:

1. GVEA shall have a maximum of ten days to review and comment on the final plat.
2. All easements of record shall be shown on the final plat.
3. A note shall be placed on the final plat which reads, "Direct lot access to the Old Nenana Highway is prohibited. Krogstie Lane shall be the access for both Lots 1 and 2."
4. A note shall be placed on the final plat stating, "Lots created by this subdivision were not required to have constructed road access to the boundary of the subdivision. No lot in this subdivision may be further subdivided until such time as legal, constructed road access is available to the boundary of the lot proposed to be resubdivided."
5. All standard utility, wastewater and other required notes shall be included on the final plat.
6. A note shall be placed on the final plat which states, "Any new driveway or modification of an existing driveway requires an FNSB driveway permit."

Findings of Fact:

- a) This subdivision creates two lots from one and dedicates a small portion of right-of-way for Krogstie Lane.
- b) Lot 2 contains a 150' right-of-way easement for the Old Nenana Highway.
- c) The Old Nenana Highway is an arterial road, no direct access is allowed to an arterial road per FNSBC 17.56.010.F.
- d) Both lots will use Krogstie Lane as legal, physical access.
- e) The proposed subdivision is within the Old Wood Road Service Area.
- f) Krogstie Lane has been maintained by the service area since 1989.
- g) With the conditions recommended by staff, this replat meets the applicable requirements of Title 17.

ROLL CALL ON THE MOTION TO APPROVE THE SUBDIVISION REQUEST

Six (6) in Favor: Flint, Fritze, Hicks, McComas-Roe, Mendenhall and Pitney.

Zero (0) Opposed:

MOTION APPROVED

Nelson clarified that making a motion in the positive does not mean that the Platting Board has to always say "we approve." It means that the Platting Board does not say "we do not approve or we do not deny." You can do it either way but staff will continue to make clear their motion of what they are recommending, ie., approve or deny.

3. **SD005-18 Golden View Subdivision** A request by Degerlund Engineering, on behalf of Karl & Florine Benson, to subdivide the SE ¼ SW ¼ Section 21, T1N, R2E, FM; a total of approximately 40 acres, into five lots ranging in size from 3.03 acres to 23.92 acres. The property is located off Chena Hot Springs Road. The subdivision includes dedication of right-of-way. **Staff Contact: Angela Parker**

Parker presented the staff report. Based on the staff analysis, the Department of Community Planning recommended APPROVAL of the request based on the following Conditions and Findings of Fact:

- 1) GVEA shall have a maximum of ten days to review and comment on the final plat.
- 2) All existing and required easements shall be shown on the final plat.
- 3) The portion of Chena Valley View Lane within the subdivision boundary shall be constructed to FNSB Local 2 standards and approved by FNSB Public Works prior to submittal of the final plat.
- 4) The portion of the existing access easement that runs through proposed Lot 1 shall be vacated by deed prior to final plat approval.
- 5) The portion of the road within the existing private easement that runs through proposed Lot 1 shall be barricaded at the intersection with the new portion of Chena Valley View Lane and at the intersection with the ADL such that vehicular access is not possible.
- 6) A note shall be placed on the final plat which reads, "No lot can be further subdivided until such time as legal, constructed access is available to the boundary of the lot proposed to be resubdivided."

- 7) The curve radius at the intersection of Chena Valley View Lane with the ADL right-of-way to the north shall be changed to no less than 205 feet.
- 8) A note is required on the final plat which states, "Disturbance of more than one acre of land on any parcel may require a Storm Water permit from ADEC."

Findings of fact:

- a. The proposed subdivision creates five lots.
- b. The proposed subdivision dedicates right-of-way for Chena Valley View Lane.
- c. The proposed subdivision qualifies for the FNSBC 17.56.010.G road construction exemption for roads leading to the subdivision.
- d. Chena Valley View Lane will be constructed to FNSB Local 2 standards within the subdivision.
- e. The portion of the private access easement that runs through Lot 1 will be vacated and barricaded to prevent access since the angle of the intersection with Chena Valley View Lane does not meet FNSB standards.
- f. With the variance and conditions recommended by staff, this subdivision meets the applicable requirements of Title 17.

Applicant Testimony

Karl Benson, applicant addressed the Platting Board. He stated that he is in concurrence with the staff report and agrees with the recommendation.

Interested Person Testimony

Jim Button, member of the public requested to speak to the Platting Board. He stated that he did not receive a Dear Property Owner letter but lives "adjacent" to this request. His issue is the road that will access this subdivision being off of the roads that they built in his subdivision.

Pitney requested clarification that Mr. Button did not receive a DPO letter. **Parker** confirmed this.

Pitney questioned Button and allowed him to give testimony based on his responses.

Button continued that his concern is his road which will allow access to the road accessing this subdivision. He continued concern about the amount of traffic which his road will be burdened with.

Buttons' other concern is drainage.

Pitney allowed the applicant, Karl Benson, rebuttal.

Benson, addressed the Platting Board in rebuttal. He stated that he has deeded easement to his property and he feels that in the development that they do with regard to this request, he feels that quality homes will be built in this area and the new owners are going to want to have quality roads. He feels that if anything, Mr. Buttons' road will be improved as a result.

MOTION:

A motion was made by **Flint**, seconded by **Fritze**, to approve the subdivision with the eight (8) conditions and to adopt the six (6) findings of fact and the staff report in support of approval.

Flint commented that he feels everyone is happy with this request.

ROLL CALL ON THE MOTION TO APPROVE THE SUBDIVISION REQUEST

Six (6) in Favor: Flint, Fritze, Hicks, McComas-Roe, Mendenhall and Pitney.

One (1) Opposed: Meyer

MOTION APPROVED

- 4. SD006-18 River Front Estates** A request by Northland Surveying & Consulting LLC, on behalf of Debra and Bruce Hanson, to subdivide TL-725, totaling approximately 9.13 acres, into two lots of 4.56 and 4.57 acres. The subdivision proposal includes a request for a variance to allow an existing private easement for access to the subdivision that does not meet Title 17 standards. The road construction exemption has been applied for, and the request includes dedication of a right-of-way. The property is located within the NE $\frac{1}{4}$, Section 7, T1S R2E, FM (located on Patterson Lane). **Staff Contact:**
George Stefan

Stefan presented the staff report. Based on the staff analysis, the Department of Community Planning recommended APPROVAL of the request based on the following Conditions and Findings of Fact:

Conditions:

1. GVEA shall have a maximum of 30 calendar days to review and comment on the final plat.
2. ACS, GCI and ADOT shall be given a maximum of 10 calendar days to review and comment on the final plat.
3. The proposed subdivision lots shall not be less than 194,000 square feet each.
4. A note shall be placed on the final plat which states, "Roads in and to this subdivision were not required to and may not meet the borough's minimum standards for materials and construction. To the extent these road standards have not been met, fire protection, ambulance and other public services may not be available year-around or their availability may be severely limited."
5. A note shall be placed on the final plat which states, "Any disturbance of more than one acre on a single lot may require a Storm Water permit from ADEC."
6. The regulatory floodway note, "The cross-hatched area represents that portion of this property which falls within the regulatory floodway limits. No person shall construct or cause the construction of a new structure including fill, substantial improvements or other development in a regulatory floodway unless certification if provided by a registered professional engineer, hydrologist, architect or other registered professional's statement demonstrating that such encroachments will not result in any increase in flood levels within the community during the occurrence of the base flood discharge.", shall be placed on the final plat.
7. Note # 3 shall be revised such that the third sentence states, "Any development including construction or substantial improvement to a structure in the flood hazard

zone (flood zone "AE") requires a flood plain permit from the Fairbanks North Star Borough."

8. The benchmark requirements of FNSBC 17.52.040.D.18 shall be met prior to final plat approval.
9. The approved variance shall be noted on the final plat.

Findings of fact:

- a) The minimum lot area for RA-5 zoning is 200,000sf (4.59ac). There is an allowable lot area deviation of up to 3% per FNSB Ordinance 2016-12, adopted on April 28, 2016 and codified as FNSBC 18.96.040.A. The lot area for both proposed lots of River Front Estates fall within the acceptable 3% deviation. Condition #3 insures the proposed lots' areas will not be less than the allowable deviation.
- b) The applicants have applied for and shall be exempted from the road construction requirements for Patterson Lane from its intersection with Patterson Court to the subdivision boundary as well as the roadway within the subdivision, up to and including a temporary turnaround per FNSBC 17.56.060.A. because:
 - i. The proposed subdivision creates two lots.
 - ii. The proposed subdivision is not within a road service area and does not rely on road service area roads for access to the subdivision.
 - iii. The proposed subdivision lots rely on Patterson Lane for access.
 - iv. Patterson Lane is classified as a Local Road 2.
 - v. Per FNSBC 17.56.070.D, "Local road 2 is a road within residential subdivisions which provides or supports access to 11 to 40 lots and does not function as a minor collector."
- c) With the nine conditions recommended by staff, this subdivision request meets the applicable requirements of Title 17.

The Platting Board questioned the following:

Meyer queried if the Platting Board is normally provided with high water marks indicated on the plat for lots along the river. **Stefan** deferred to the surveyor and stated that the final plat will depict the ordinary high water level.

Applicant Testimony

Steve Lowry, Northland Surveying & Consulting, addressed the Platting Board. He stated that they have in fact already measured the ordinary high water marks. He concurred with Stefan that the final plat will show the meanders of the Chena River.

Lowry concurred with the staff report. He further stated that the access easement has been used for quite some time, probably close to 40 years. The width of the access easement is not defined well, thus the request for the variance. A Borough standard road cannot be built if there is not the area to build it in.

Lowry added that with this plat they will be granting a public access easement of 50 feet.

Bruce Hanson, owner, addressed the Platting Board. He stated that he concurs with the staff report. He gave his reasoning for requesting the variance.

Debi Hanson, owner, addressed the Platting Board. She added that Pierce Estates has sold some of their lots and that as a result, there were a number of construction vehicles in and out of this area all summer and none had an issue with the condition of the road. She feels that this road could easily accommodate emergency vehicles as well.

Interested Person Testimony

None

MOTION:

A motion was made by **Flint**, seconded by **Meyer**, to approve the subdivision with the nine (9) conditions and to adopt the three (3) findings of fact and the staff report in support of approval.

MOTION:

A motion by **Meyer**, seconded by **Flint**, to approve the variance from FNSBC 17.56.020.7.d to allow an existing private easement for access to the subdivision that does not meet Title 17 standards adopting the seven (7) findings of fact and the staff report in support of approval.

Mendenhall inquired about the meandering high water marks and if there was the possibility that this property may be cut in half due to high water in the future and should this Platting Board be concerned with this.

Pitney replied that it is possible but it is his belief that they will either build a bridge or do reinforcements to deter the water so as not to cut the northern properties off.

ROLL CALL IN FAVOR OF APPROVAL OF THE VARIANCE FROM FNSBC 17.56.020.7.B.

Six (6) in Favor: Flint, Fritze, McComas-Roe, Meyer, Mendenhall and Pitney

Zero (0) Opposed:

MOTION CARRIED

ROLL CALL ON THE SUBDIVISION

Six (6) in Favor: Flint, Fritze, McComas-Roe, Meyer, Mendenhall and Pitney

Zero (0) Opposed:

MOTION CARRIED

Before continuing, **Mr. Meyer** declared a conflict of interest with item #5. His wife works for FNSB Land Management. **Pitney** determined that Meyer does have a conflict. Meyer will not hear this item

- 5. SD043-17 Straight Alder Subdivision** A request by PDC, Inc., on behalf of the Fairbanks North Star Borough Land Management Division, to subdivide TL-1603, totaling approximately 190.69 acres, into five lots ranging in size from 5.57 to 148.14 acres and to dedicate a portion of Old Ridge Trail. The property is located within the

NW¼, SW¼ and NE¼ of Section 16, T1S R3W FM (located on the Old Nenana Highway, Old Ridge Trail and Deraco Lane). **Staff Contact: George Stefan**

Stefan presented the staff report. Based on the staff analysis, the Department of Community Planning recommended APPROVAL of the request based on the following Conditions and Findings of Fact:

Conditions:

1. GVEA shall have a maximum of 30 calendar days to review and comment on the final plat.
2. ACS, GCI and ADOT shall be given a maximum of 10 calendar days to review and comment on the final plat.
3. The Deraco Road annotation shall be corrected to read Deraco Lane.
4. A note shall be placed on the final plat which states, "Access from Lot 3 onto the Old Nenana Hwy will be restricted to the Deraco Lane access point within the 100ft wide section line easement corridor. Access from Tract A onto the Old Nenana Hwy will be restricted to an access point within the 100ft wide section line easement corridor. Lots 1 and 4 are prohibited from direct access onto the Old Nenana Hwy."
5. A note shall be placed on the final plat which states, "Lots 1, 2 and 4 may not be further subdivided until such time as legal, constructed road access is available to the boundary of the lot proposed to be resubdivided."
6. A note shall be placed on the final plat which states, "Disturbance of more than one acre on a single lot may require a Storm Water Permit by ADEC."

Findings of fact:

- a) The subdivision request is exempt from constructing the portion of Old Ridge Trail from its intersection with the Old Nenana Highway to the east boundary of Tax Lot 1601 per FNSBC 17.56.020.G because:
 - i. The proposed subdivision creates five lots.
 - ii. Legal access exists to the subdivision boundary from the Old Nenana Highway and the portion of Old Ridge Trail dedicated by Plat No. 2010-124.
- b) Per FNSBC 17.56.020.G a lot created under this subsection may not be further subdivided until such time as legal, constructed road access is available to the boundary of the lot proposed to be resubdivided. Condition #5 satisfies this.
- c) FNSBC 17.56.020.B.1 requires all road rights-of-way within the subdivision to be dedicated to the public. The dedication of Old Ridge Trail within the western portion of the subdivision fulfills this requirement.
- d) FNSBC 17.56.010.F states, "Direct lot access onto a major collector road or arterial shall not be allowed unless topography allows no reasonable alternative. Where double-frontage lots are platted, lots shall not access onto major collector or arterial roads unless topography allows no reasonable alternative. Restricted access shall be noted on the plat."
- e) Access to the Old Nenana Highway is restricted to the section line easement corridors because:
 - i. The Old Nenana Highway is classified as an arterial road.
 - ii. There are two section line easement corridors serving this subdivision that intersect with the Old Nenana Highway. These are allowable access points to the subdivision since section line easements are public rights-of-way.
 - iii. Condition #4 satisfies this restriction.

The Platting Board questioned the following:

None

Applicant Testimony

Dennis Bogren, PDC, Inc., addressed the Platting Board. He concurred with the staff report. He made himself available for questions.

Mendenhall inquired about the angle of the road. **Bogren** replied that the angle is legal and that they do not have to construct the access or change the right-of-way.

Interested Person Testimony

None

MOTION:

A motion by **McComas-Roe**, seconded by **Flint**, to approve the subdivision with the six (6) conditions and adopting the five (5) findings of fact and the staff report as recommended by staff.

ROLL CALL

Six (6) in Favor: Flint, Fritze, Hicks, McComas-Roe, Mendenhall and Pitney

Zero (0) Opposed:

MOTION CARRIED

G. UNFINISHED BUSINESS

None

H. NEW BUSINESS

Pitney reiterated the new security measures implemented at the Juanita Helms Administration Center.

I. EXCUSE FUTURE ABSENCES

Flint commented that he will be unavailable for the November 15, 2017 meeting.

J. COMMISSIONER'S COMMENTS / COMMUNICATIONS

Chairperson's Comments

Commissioner's Comments

Members of the Board thanked Worhatch for her help and wished her well in the future.

Communications to the Platting Board

Stefan thanked legal and the Chair for their assistance in following procedures correctly.

K. ADJOURNMENT

There being no further business, the meeting was adjourned at 9:00 p.m.