Please refer to Planning Commission Rule #25: Any action taken during this meeting is subject to reconsideration during this meeting or at the next. A request for reconsideration at the next meeting must be submitted in writing by a Planning Commissioner (who voted on the prevailing side) by the close of business the day following the meeting.

Urban/Agriculture Work Session - Audio Track 1

Joint Land Use Study Work Session - Audio Track 2

Opening Statements, Agenda and Consent Agenda(*)

Audio Track 3

APPROVED

GR2017-171: An appeal by Ray Brasier of the denial of a request on behalf of Patricia Anne Cornwall Roth IRA for affirmative recognition of legal nonconforming use status (grandfather rights) for an existing four-plex building in the Two-Family Residential (TF) zone for the property on Lot 2E, Block 99, Fairbanks Townsite (located at 1122 Eighth Avenue, on the north side of Eighth Avenue, northwest of Cowles Street. (Staff contact: Stacy Wasinger) (Continued from September 6, 2017)

Audio: Track 3

FINDINGS OF FACT

1. The subject property was issued a building permit and multiple inspection reports clearly identifying it as a multi-family or four-plex building;

2. The City of Fairbanks had zoning and permitting authority at the time of construction;

3. Applicant's testimony introduced evidence of other multi-family dwellings built around the same time, in the immediate area and zone; and

4. This constitutes substantial evidence that the construction was legal and allowed according to the City of Fairbanks.

APPROVED

CU2017-023: A request by Aaron Joseph Heath DBA AlasKind LLC on behalf of Charles Edward Workman for conditional use approval of a marijuana cultivation facility, indoor large, in the General Use 1 (GU-1) zone on Tract A, Bias Drive East Subdivision (located at 278 Bias Drive East, on the north side of Bias Drive East, east of Beacon Road). (Staff contact: Manish Singh)

Audio: Track 4
CONDITIONS OF APPROVAL

1. Prior to the commencement of marijuana cultivation operation, 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 Department of Commerce, Community, and Economic Development (Alcohol and Marijuana Control Office), the applicant or holder of this conditional use permit shall ensure the site meets all licensing requirements for a commercial marijuana cultivation facility.

   b. The applicant or holder of this conditional use permit shall obtain a formal plan review by the State of Alaska Department of Public Safety (Division of Fire and Life Safety, Plan Review Bureau) and shall comply with all recommendations and/or requirements resulting from the plan review.

   c. The applicant or holder of this conditional use permit shall obtain a formal plan review by the State of Alaska Department of Environmental Conservation (ADEC) Division of Water, Wastewater Discharge for the proposed septic system, for the proposed wastewater storage tank and for the application of the wastewater onto the property and shall comply with all recommendations and/or requirements resulting from the plan review.

   d. The applicant or holder of this conditional use permit shall obtain a formal plan review by the U.S. Army Corps of Engineers (USACE) and shall comply with all recommendations and/or requirements resulting from the plan review or provide documentation that a review for the proposed marijuana cultivation facility and the compost area is not required.

2. If the applicant or holder of this conditional use permit decides to sell the Hempcrete products or the composted marijuana waste or make it available for public to pick up, the applicant or holder of this conditional use permit shall obtain a formal plan review by the State of Alaska Department of Environmental Conservation (ADEC) Solid Waste Program for the marijuana waste management plan and shall comply with all recommendations and/or requirements resulting from the plan review.

3. Indoor cultivation, drying, and processing rooms or portions of the building where marijuana will be grown, processed or stored, shall be equipped with appropriately sized odor filtration systems such that the marijuana odor shall not be detectable by the public from outside the indoor cultivation facility.

4. If any modifications are made to the site plan, floor plans, or other FNSB required documents or operational characteristics, 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).

FINDINGS OF FACT

1. With the conditions imposed, the proposed conditional use will conform to the intent and purpose of Title 18 and of other ordinances and state statutes:

   a. The purpose of Title 18 will be met because the proposed conditional use is compatible with the ‘Perimeter Area’ comprehensive plan land use designation.
The Comprehensive Plan Land Use Goal 3 and Economic Development Goal 2 are being enhanced with the development of this site as a marijuana cultivation facility.

b. The intent of Title 18 will be met because with the conditions imposed, the conditional use will both protect private property rights and promote public health, safety, and welfare.

c. 3AAC 306 governs the state licensing and operational standards for marijuana facilities. Title 18 requires that a borough permitted commercial marijuana facility obtain a license pursuant to all state regulations. The applicant has provided information sufficient to show they intend to meet the state regulations and to apply for a state issued license.

2. With the conditions imposed, there are adequate existing energy and transportation facilities serving the site and other public services are available to serve the proposed conditional use.

   a. The site is proposed to have an onsite septic system for the wastewater generated from the restroom and a 5,000 gal. tank for storing the wastewater generated from the cultivation operation. With the conditions imposed, the property will have adequate capacity to receive the non-domestic wastewater generated from the cultivation facility.
   b. The site is served by Steese Volunteer Fire Department for emergency fire response.
   c. The site is served by Alaska State Troopers for law enforcement.
   d. The site is currently connected to the GVEA grid which will provide sufficient energy supply for indoor cultivation activities.
   e. Seven (7) off-street parking spaces and a loading area have been provided on-site, which are adequate for the proposed cultivation conditional use.
   f. The subject property is accessible from Bias Drive East. Bias Drive East is a Road Service Area maintained road and it could accommodate the trip ends generated by the proposed cultivation facility.

3. With the conditions imposed, the proposed conditional use will protect public health, safety, and welfare as the facility will comply with Title 18 standards for the GU-1 zone (FNSBC 18.84) and Standards for Commercial Marijuana Establishments (FNSBC 18.96.240) as well as state requirements for a commercial marijuana cultivation facility.

   a. With the conditions imposed, security systems, cameras and lighting will meet state regulations required to obtain a commercial marijuana cultivation license.
   b. With the conditions imposed, any solid or liquid waste including marijuana plant waste will be disposed of in accordance with state and local regulations.
   c. With the conditions imposed, odor will be mitigated with appropriately sized odor filtration systems in cultivation, drying, and processing facilities.
   d. All marijuana and marijuana products will be secured inside the building to ensure the general public does not have access to them.
   e. The noise generated from this cultivation operation would be minimal and it would not negatively impact the neighboring residential property owners because the operation is completely indoors.
   f. The outdoor lighting will point downwards and will not negatively impact the neighborhood or residential uses.
g. The cultivation hours of operation will not negatively impact the neighboring residential property owners because the cultivation operation is completely indoors and supplies are expected to be delivered only 2-4 times per month.

h. With the conditions imposed, any development within the wetlands on the property will be approved by the U.S. Army Corps of Engineers and will protect public health, safety, and welfare.

APPROVED

CU2018-002: A request by William Emery for conditional use approval of a guesthouse in the Rural Residential/Mobile Home Subdivision overlay/Groundwater Damage Protection overlay (RR/MHS/GWP) zone on Lot 1, Block F, Gordon Subdivision, Third Addition (located at 3789 Blessing Avenue, on the south side of Blessing Avenue, east of Nelson Road). (Staff contact: Stacy Wasinger)

Audio: Track 5

CONDITIONS OF APPROVAL

1. Prior to the commencement of operations, 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. The applicant or holder of this conditional use permit shall obtain any required formal plan review by the State of Alaska Department of Environmental Conservation (ADEC), Division of Water, Wastewater Discharge for new or modified septic systems and shall comply with all recommendations and/or requirements resulting from the plan review.

2. If any modifications are made to the site plan or layout or size of the building, the applicant or holder of this conditional use permit 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).

FINDINGS OF FACT

1. The proposed conditional use will conform to the intent and purpose of Title 18 and of other ordinances and state statutes because it will conform to Title 18 requirements as a conditional use in the RR zone.

   a. The conditional use is consistent with the Perimeter Area designation. With appropriate conditions, the conditional use is compatible with the existing land uses. The purpose of Title 18 will be met because the proposed use supports Land Use Goal 4, Strategy 10 of the FNSB Regional Comprehensive Plan, which is to “attract and support development that is compatible with and enhances existing land use”. The use also aligns with Land Use Goal 3 “to have a variety of land uses that fit the diverse needs of the community” and Strategy 6 to “provide a variety of residential land use opportunities.”

   b. The intent of Title 18 will be met because with the conditions imposed, the conditional use will both protect private property rights and promote public health,
safety, and welfare by allowing a land use compatible with the existing surrounding uses. Additionally, no traffic hazards, fire hazards, or other safety hazards will be created by the conditional use.

c. The applicant has provided information sufficient to show they intend to meet all local, state, and federal laws.

2. There are adequate existing energy and transportation facilities serving the site and other public services are available to serve the proposed conditional use.

   a. The subject site has an existing on-site well and septic system. The conditional use will be served with on-site well and septic.
   b. The site is served by the North Star Fire Service Area and the Gordon Road Service Area.
   c. The conditional use is expected to generate approximately 9 additional vehicle trips but existing facilities are adequate for any additional trips. Blessing Avenue is a local road and is maintained by the Gordon Road Service Area. Nelson Road is a minor collector road and is maintained by ADOT & PF. The use will not impede vehicular and pedestrian traffic on the surrounding roads because they have adequate capacity for current and future vehicular trips.
   d. Adequate on-site parking is provided that meets Title 18 requirements.

3. With the conditions imposed, the conditional use will protect public health, safety, and welfare as the guesthouse will comply with Title 18 standards for the RR zone.

   a. It is compatible with the existing adjacent land uses and the existing residential use of the site.
   b. No noise or odor impacts are expected beyond general residential uses.
   c. Lighting is not directed at any residentially zoned parcel.
   d. The conditional use does not create any fire, traffic, or public safety hazards.
   e. No off-site stormwater runoff is expected as a result of the conditional use. Runoff is expected to be absorbed on-site and will not discharge onto neighboring properties.

APPROVED

New Business, Excuse Absent Members, Closing Comments and Adjournment.

Audio: Track 5

Further information may be obtained from FNSB Department of Community Planning at 459-1260