

FAIRBANKS NORTH STAR BOROUGH PLATTING BOARD

**MINUTES  
AUGUST 15, 2018**

A regular meeting of the Fairbanks North Star Borough Platting Board 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 Randy Pitney, Chair.

**A. ROLL CALL**

MEMBERS PRESENT: Kellie Fritze, Crystal Haman, Troy Hicks, Michael Kwasinski, Jason McComas-Roe, Clint Meyer, Bill Mendenhall, Tadd Wilmer and Randy Pitney

OTHERS PRESENT: Christine Nelson, Department of Community Planning Director, Noah Kline, Assistant Borough Attorney, George Stefan, Platting Officer, Daniel Welch, Platting Officer, Chad Hosier, Public Works Civil Engineer and Laura McLean, FNSB Recording Clerk

**B. MESSAGES**

Mr. Kwasinski and Mr. Wilmer introduced themselves as the newest members of the board.

**Chair Pitney** will excuse himself from hearing SD036-18 due to a conflict of interest.

**Chair Pitney** deemed a conflict of interest; **Mr. Hicks** will be excused from SD037-18, MD004-18/SD036-17 and VR040-18/SD008-13/RP017-13.

**Chair Pitney** deemed a conflict of interest; **Ms. Fritze** will be excused from SD037-18, MD004-18/SD036-17 and VR040-18/SD008-13/RP017-13.

**Chair Pitney** deemed a conflict of interest; **Mr. McComas-Roe** will be excused from SD035-18.

**Chair Pitney** deemed a conflict of interest; **Mr. Meyer** will be excused from SD037-18.

**C. APPROVAL OF AGENDA AND CONSENT AGENDA**

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

**D. MINUTES**

None

**E. CONSENT AGENDA ITEMS**

None

**F. ADMINISTER GROUP OATH**

**G. QUASI-JUDICIAL HEARING**

*[Mr. McComas-Roe left the dias]*

1. **SD035-18 North Lake Estates** A request by Stutzmann Engineering Associates, Inc., on behalf of Lakeview Enterprises, Inc., to subdivide Tax Lot 2330, a total of approximately 79.0 acres, into two lots of 4.6 and 73.4 acres. Additional right-of-way for Easy Street will be dedicated. The request includes a variance from FNSBC 17.56.010.1 to allow Tract A to exceed the 4:1 lot depth to width ratio. The property is located within the E½ Section 23 T1S R1W, FM. (located on Easy Street). **Staff Contact: George Stefan**

George Stefan presented the staff report. Based on the staff analysis, the Department of Community Planning recommended **APPROVAL**.

Questions by board

None

Applicant Testimony

Jeremy Stark testified as follows:

- Commented on condition 6 and requested a correction on the staff report to reflect there is no cul-de-sac ROW dedication.
- Reentered the request as explained in the staff report.

**Mr. Meyer** asked why they didn't subdivide it all at once; it would save money in the future.

Mr. Stark stated if subdivided at once they would have to redo the road and other improvements that would have to be done without financing.

Public Comment Opened

None

Public Comment Closed

Applicant Rebuttal

None

**MAIN MOTION:** To approve North Lake Estates Subdivision with the five conditions, adopting the four findings of fact and the staff report in support of this decision by **Mr. Mendenhall** seconded by **Mr. Meyer**.

Conditions for Approval

1. GHU and GVEA shall have a maximum of 30 calendar days to review and comment on the final plat.
2. ACS shall have a maximum of 10 calendar days to review and comment on the final plat.
3. The approved variance shall be noted on the final plat.
4. A note shall be placed on the final plat which states, "Access from this subdivision onto Easy Street is restricted to the three existing access points. New access onto Easy Street is prohibited. Prior to construction, any modification to the existing driveways will require an ADOT&PF driveway permit."

5. The base flood elevation (BFE) and elevation benchmark requirements of FNSBC 17.52.040.D.18 shall be met prior to final plat approval.
- ~~6. A 25-foot minimum radius curve return shall be incorporated into the cul-de-sac ROW dedication.~~

Findings of fact for Approval

- a) ADOT&PF is the managing authority for Easy Street.
- b) FNSBC 17.52.040.D.18 requires elevation bench mark monuments be established for subdivisions within Flood Zone A or AE, and that data is required to be depicted on the final plat. This subdivision contains areas within Flood Zone AE. Condition #5 satisfies this requirement.
- c) FNSBC 17.56.080.E.4 requires all permanent turnarounds to have a 25-foot minimum radius curve return between the turnaround bubble and the parallel right-of-way lines to which it attaches. Condition #6 satisfies this requirement.
- d) With the six conditions recommended by staff, this subdivision meets the applicable requirements of Title 17.

**VARIANCE MOTION:** To approve VR036-18, a variance from FNSBC 17.56.010.I to allow Tract A to exceed the 4:1 lot depth to width ratio, adopting the two findings of fact and staff report in support of the approval by **Mr. Meyer** seconded by **Ms. Haman**.

Discussion ensued in regards to the variance motion.

Findings of fact for approval (variance)

- a) The subdivision, with the variance, can be developed consistent with public welfare and safety because:
  - i. Tract A currently contains nine permanent structures under construction, all of which are served by community water and sewer utilities.
  - ii. Tract A relies on the existing internal driveway and access onto Easy Street, and no new access will be created.
  - iii. The FNSB Transportation Planner and Public Works support the variance.
- b) It is impractical and unnecessary to configure Tract A with a depth to width ratio that is 4:1 or less because:
  - i. The length to width ratio requirement is intended to be applied to individual lots rather than development tracts.
  - ii. This property is zoned Multi-Family / Mobile Home Subdivision, and Tract A can be further subdivided to provide individual lots for the nine permanent residences under construction.
  - iii. This property is served by a community water and wastewater system.
  - iv. A subdivision meeting the requirements of Title 17, including a new dedicated road right-of-way, can be developed from Tract A.

**ROLL CALL (Variance Motion)**

8 in Favor: **Hicks, Kwasinski, Wilmer, Fritze, Haman, Meyer, Mendenhall and Pitney**

0 Opposed:

**MOTION PASSED**

Discussion ensued in regards to the main motion.

**ROLL CALL (Main Motion)**

8 in Favor: **Mendenhall, Fritze, Haman, Hicks, Kwasinski, Wilmer, Meyer and Pitney**

0 Opposed:

**MOTION PASSED**

*[Mr. McComas-Roe returned to the dias]*

*[Chair Pitney left the dias; handed the gavel to Mr. Meyer to Chair this item]*

- 2. SD036-18 Nalak Subdivision** A request by Scarborough & Associates, on behalf of Todd and Mary Groat, to subdivide Tax Lots 1133 and 11119, a total of approximately 11.26 acres, into eight lots ranging in size from 1.00 to 1.53 acres. The request includes dedication and construction of new rights-of-way. Two variances have been requested: 17.56.110.B to waive the requirement for Edsson Avenue right-of-way dedication to the subdivision boundary; and 17.56.100.C.2 to waive the requirement for dedicating the northern corner rounding at the street intersection. The property is located within the NW¼ Section 11 T2S R2E, FM. (located on Edsson Avenue). **Staff Contact: George Stefan**

George Stefan presented the staff report. Based on the staff analysis, the Department of Community Planning recommended **APPROVAL**.

Questions by board

**Mr. McComas-Roe** asked if the owner of the adjacent property will be notified of that vacation.

Mr. Stefan stated staff typically does not notify them but could see his point of it no longer being encumbered.

**Chair Meyer** asked if it was a section line easement or a wide boundary line between TL-1110 or TL-1130 and TL-1157.

Mr. Stefan stated it was a gap that was created when the lots were created by deed and it's about 10 feet.

Applicant Testimony

Mr. Scarborough testified as follows:

- In 2008 he did a certificate of plat and explained what remained (referenced purple line on map) out of the center of the quarter section came from a screw up and poor judgement of the board back in the 1980's; that is what they started with.

**Chair Meyer** asked why that one section wasn't dedicated as a ROW instead of an easement for tax reasons.

Mr. Scarborough said if he dedicated it he would reduce the lot size.

Public Comment Opened

None

Public Comment Closed

## Applicant Rebuttal

None

**MAIN MOTION:** To approve Nalak Subdivision with the eleven conditions, adopting the four findings of fact and the staff report in support of this decision by **Mr. McComas-Roe** seconded by **Ms. Fritze**.

### Conditions for Approval

1. GVEA shall have a maximum of 30 calendar days to review and comment on the final plat.
2. ACS, GCI, and IGU shall have a maximum of 10 calendar days to review and comment on the final plat.
3. The North Star Fire Service Area and Moose Meadows Road Service Area shall have a maximum of 10 calendar days to review and comment on the final plat.
4. The approved variances shall be noted on the final plat.
5. Edsson Avenue shall be constructed to Local 2 road standards from the existing temporary turnaround adjoining Lot 3A Golden Forest to the permanent cul-de-sac and approved by FNSB Public Works prior to final plat approval.
6. Nalak Court shall be constructed to Local 1 road standards and approved by FNSB Public Works prior to final plat approval.
7. A Consent To Annex form shall be submitted for Lots 5,6,7 & 8 for the Moose Meadows Road Service Area.
8. A note shall be placed on the final plat which states, "Prior to construction, any new driveway or modification to a driveway within the Edsson Avenue or Nalak Court right-of-way will require an approved permit from FNSB Public Works."
9. A driveway/approach road permit shall be approved by FNSB Public Works Rural Services prior to constructing the extension of Edsson Avenue.
10. Note #5 shall be removed from the plat.
11. Note #7 shall be revised to state, "Any lot development disturbing more than one acre may require a storm water permit from the managing authority."

### Findings of Fact for Approval

- a) FNSBC 17.56.070.D states, "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."
- b) FNSBC 17.56.070.C states, "Local road 1 is designed to provide direct access to individual properties and have the potential of serving 10 or fewer residential lots, with a maximum length of 1,320 feet."
- c) FNSBC 17.48.010.E requires if a road proposed for access to the subdivision is maintained by a road service area, consent to the exercise of road construction and maintenance powers signed by all owners of the real property to be submitted if the subdivision is eligible for inclusion into a road service area.
- d) With the eleven conditions recommended by staff, this subdivision meets the applicable requirements of Title 17.

**VARIANCE MOTION:** To approve VR001-19, a variance from FNSBC 17.56.110.B to waive the requirement for extending Edsson Avenue to the subdivision boundary, adopting the two findings of fact and staff report in support of the approval by **Ms. Fritze** seconded by **Ms. Haman**.

Discussion ensued in regards to the variance motion.

### Findings of Fact for Approval

- a) The subdivision, with the variance, can be developed consistent with public welfare and safety because:

- i. Nalak Subdivision will provide adequate right-of-way dedication for the new subdivision lots as well as one of the adjoining parcels, TL-1136.
  - ii. Nalak Subdivision will extend Edsson Avenue and construct a new subdivision road, Nalak Court, thereby creating additional turnarounds for emergency response apparatus.
  - iii. The FNSB Transportation Planner and Public Works support the variance.
- b) It is a hardship for the developer to dedicate Edsson Avenue to the subdivision boundary for the following reasons:
- i. Dedication of Edsson Avenue to the southern subdivision boundary would make proposed Lot 2 unusable.
  - ii. The burden of providing dedicated access to all illegally created lots to the south should not entirely fall on the applicant.
  - iii. The applicant is providing dedication of a 40ft wide public access easement to TL-1136.

**ROLL CALL (Variance Motion)**

8 in Favor: **McComas-Roe, Mendenhall, Wilmer, Hicks, Kwasinski, Fritze, Haman and Meyer**

0 Opposed:

**MOTION PASSED**

**VARIANCE MOTION:** To approve VR039-18, a variance from FNSBC 17.56.100.C.2 to waive the requirement for dedicating the northern corner rounding at the street intersection, adopting the three findings of fact and the staff report in support of the approval by **Mr. McComas-Roe** seconded by **Ms. Fritze**.

Discussion ensued in regards to the variance motion.

**ROLL CALL (Variance Motion)**

8 in Favor: **Haman, Mendenhall, Wilmer, Kwasinski, Hicks, Fritze, McComas-Roe and Meyer**

0 Opposed:

**MOTION PASSED**

Discussion ensued in regards to the main motion.

**ROLL CALL (Main Motion)**

8 in Favor: **Mendenhall, Hicks, Haman, Kwasinski, McComas-Roe, Wilmer, Fritze and Meyer**

0 Opposed:

**MOTION PASSED**

*[Chair Pitney returned to the dias]*

*[Meyer, Hicks and Fritze left the dias]*

3. **SD037-18 Arctic Winter Adventures Subdivision** A request by 3 Tier-Alaska, Corp., on behalf of Sven Haltmann and the Fairbanks North Star Borough, to subdivide TL-1401, a total of approximately 342.00 acres, into one lot of approximately 19.30 acres

and a remainder tract of approximately 322.90 acres. The property is located within Section 14, T2N R1W FM on Old Murphy Dome Road. This request includes a variance request from the monumentation requirements of the remainder tract. The request also includes variances to several construction requirements of Old Murphy Dome Road, which include: two foot-wide shoulders, surface course, and a minimum three percent crown for the roadway. **Staff Contact: Daniel Welch**

Daniel Welch presented the staff report. Based on the staff analysis, the Department of Community Planning recommended **APPROVAL**.

#### Questions by board

**Mr. McComas-Roe** questioned why it is a hardship for the FNSB and why Variance #1 should be granted.

Mr. Welch stated the size of the parcel and the variance criteria has been met.

**Chair Pitney** questioned staff on requirement of a three percent crown.

Mr. Welch referred to page 13 of the staff report.

Discussion ensued about a flat road and how it softens if water sits on it and the importance of a crown.

Discussion ensued in regards to potential traffic increase in the near future and if the variance will change the traffic pattern.

**Chair Pitney** queried public works judgment on variance #1.

Mr. Hosier stated a dirt road should have at least a three percent crown and further stated the road in question is low volume and has been functioning for years and is maintained by a service area.

#### Applicant Testimony

Brian Hunt with 3-Tier Alaska, representing the applicant, testified as follows:

- Discussed road crowing and the road is bumpy.
- Service area is grading but it's a constant battle.
- To update the amount of road would be a burden for a lease lot.
- The Pipeline monumentation would be used.
- It would take several days or a week to survey the remainder 333 acres and thousands of dollars.

**Mr. McComas-Roe** asked if this is the stage where the rudimentary practices are supposed to be refined, where the new property corners are supposed to be permanently marked and put in the monuments.

Mr. Hunt stated a lot of the monuments are already in and the section corners are the only ones that may not be in.

**Mr. McComas-Roe** stated he was under the impression that the variance request was so that the 8 monuments would not have to be put in and referenced Mr. Hunt's statement that some are already there.

Discussion ensued in regards to if the continuation of the lease is dependent upon the subdivision.

**Chair Pitney** questioned the amount of times the area is graded and referenced his testimony of “numerous” time.

Mr. Hunt stated in his opinion, two times a year would be numerous.

Discussion ensued about crowning the road.

Public Comment Opened

None

Public Comment Closed

Applicant Rebuttal

None

**MAIN MOTION:** To approve Arctic Winter Adventures Subdivision with the eight conditions, adopting the seven findings of fact and the staff report in support of approval by **Ms. Haman** seconded by **Mr. Kwasinski**.

**VARIANCE #1 MOTION:** To approve VR041-18 adopting the seven findings of fact and the staff report in support of approval by **Ms. Haman** seconded by **Mr. Kwasinski**.

Discussion ensued on variance #1 motion.

Findings of Fact for Approval (Variance #1)

- a) The applicant has the burden of proof to demonstrate that the required variance criteria have been met.
- b) The applicant has submitted a variance application that requests relief for proposed Tract A from FNSBC 17.60.030.B, which requires monumentation on the exterior angle points of the tract because:
  - i. The total area of the subdivision is approximately 340 acres in size.
  - ii. The purpose of the proposed subdivision is to create a single 19.3 acre lot that follows and existing lease boundary
  - iii. The subdivision is not part of a master plan to create more lots from the remainder parcel, Tract A.
  - iv. Approval of the variance will not endanger public welfare and safety because the exterior boundary of Tract A will not change from what is show on State of Alaska Patent No. 5312, which defines the boundary of the parent parcel.
- c) The mandatory public welfare and safety requirement of the variance criteria has been met. The subdivision, with the variance, can be developed consistent with public health safety and welfare because:
  - i. The lack of monumentation will not endanger the public.
  - ii. The boundary of Lot 1 following the lease boundary will be monumented.
  - iii. The exterior boundary of Tract A will not change from what is show on State of Alaska Patent No. 5312.



- d) The variance granting process requires that either criteria 1 or 2 of FNSBC 17.64.010.A is met. Criterion 2 states “The requirement is impractical or unnecessary due to specific circumstances or conditions of the subdivision or surrounding development.”
- e) The variance application meets the requirement of FNSBC 17.64.010.A.1 and 17.64.010.A.2 because:
  - i. The total area of the subdivision is approximately 340 acres in size.
  - ii. The purpose of the proposed subdivision is to create a single 19.3 acre lot that follows and existing lease boundary
  - iii. The subdivision is not part of a master plan to create more lots from the remainder parcel, Tract A.
  - iv. A survey for the remainder are of Tract A would create a substantial hardship in the form of costs for the applicant trying to create a single 19.3 acre lot.
- f) The FNSB staff supports the variance.
- g) The applicant has met the burden of proof to demonstrate that the Title 17 variance criteria have been met.

### **ROLL CALL (Variance #1)**

3 in Favor: **Haman, Kwasinski and Pitney**

3 Opposed: **McComas-Roe, Wilmer, Mendenhall**

### **MOTION FAILED**

*[Recessed for a brief at ease]*

**VARIANCE #2 MOTION:** To approve VR042-18 adopting the seven findings of fact and the staff report in support of approval by **Ms. Haman** seconded by **Mr. Kwasinski**.

Discussion ensued on variance #2 motion between staff, Mr. Hunt and the board.

### Findings of Fact for Approval (Variance #2)

- a) The applicant has the burden of proof to demonstrate that the required variance criteria have been met.
- b) The applicant has submitted a variance application that requests relief for Old Murphy Dome Road from FNSBC 17.56.080.C, which requires a minimum of 2-foot wide shoulders on either side of the trafficway because:
  - i. The narrowest part of Old Murphy Dome Road fronting this subdivision is 27 feet in total width.
  - ii. The road only has 1.5-foot wide shoulders which is included in the total 27-foot wide road measurement.
  - iii. Old Murphy Dome Road is a major collector road and requires 2-foot wide shoulders.
- c) The mandatory public welfare and safety requirement of the variance criteria has been met. The subdivision, with the variance, can be developed consistent with public health safety and welfare because:
  - i. Old Murphy Dome Road has a low traffic volume for a road with a major collector classification.

- ii. Old Murphy Dome Road has been functioning well in its current condition.
  - iii. The current conditions of the road are maintained by the O'connor Creek Road Service Area.
- d) The variance granting process requires that either criteria 1 or 2 of FNSBC 17.64.010.A is satisfied. Criterion 2 states "The requirement is impractical or unnecessary due to specific circumstances or conditions of the subdivision or surrounding development."
- e) The variance application meets the requirement of FNSBC 17.64.010.A.2 because:
- i. Old Murphy Dome Road has a low traffic volume for a major collector road.
  - ii. Additional shoulder width is required because of that major collector road classification.
  - iii. The roadways functions well in its current constructed condition.
  - iv. Old Murphy Dome Road is maintained by the O'connor Creek Road Service Area.
  - v. O'connor Creek Road Service Area has no issues with the proposed subdivision.
- f) The FNSB Staff supports the variance.
- g) The applicant has met the burden of proof to demonstrate that the Title 17 variance criteria have been met.

Questions by the board were reopened in regards to the variance.

Applicant rebutted.

#### **OATH ADMINISTERED TO CHRISTINE NELSON**

Ms. Nelson stated the applicant has the burden of proof and stated the board has asked questions that staff do not have answers to and stated the board could deny or postpone.

Discussion ensued in regards to the effect of a potential postponement.

#### **ROLL CALL (Variance #2)**

0 in Favor:

6 Opposed: **McComas-Roe, Haman, Mendenhall, Kwasinski, Wilmer and Pitney**

#### **MOTION FAILED**

**VARIANCE #3 MOTION:** To approve VR043-18 adopting the ten findings of fact and the staff report in support of the approval by **Ms. Haman** seconded by **Mr. McComas-Roe**.

Discussion ensued on variance #3 motion.

#### Findings of Fact for Approval (Variance #3)

- a) The applicant has the burden of proof to demonstrate that the required variance criteria have been met.
- b) The applicant has submitted a variance application that requests relief for Old Murphy Dome Road from FNSBC 17.56.0120.C, which requires a specific standard of surface course material and depth because:

- i. Old Murphy Dome Road may not have the appropriate E-1 surface course.
  - ii. Old Murphy Dome Road may not have the appropriate depth of the surface course
- c) The mandatory public welfare and safety requirement of the variance criteria has been met. The subdivision, with the variance, can be developed consistent with public health safety and welfare because:
  - i. Old Murphy Dome Road has a low traffic volume for a major collector road.
  - ii. Old Murphy Dome Road is functioning well as constructed.
  - iii. Old Murphy Dome Road is maintained by the O'connor Creek Road Service Area.
  - iv. O'connor Creek Road Service Area has no objections to this subdivision request.
- d) The variance granting process requires that either criteria 1 or 2 of FNSBC 17.64.010.A is met. Criterion 1 states "The tract to be subdivided is of such unusual size or shape or is surrounded by such development or conditions that the strict application of the provisions of this title shall result in a substantial hardship."
- e) The variance application meets the requirement of FNSBC 17.64.010.A.1 because:
- f) The parent parcel, TL-1401, is of unusually large size with an area of 340 acres.
- g) The length of the roadway requiring surface course by this plat is approximately 3,625 feet in length.
- h) E-1 surface course is the requirement for the Old Murphy Dome Road.
  - i. The cost of E-1 surface course material for 3,625 feet in length would be a financial hardship compared to the purpose of the plat; to create a single 19.3 acre lot from a large 340 acre parcel.
- i) The FNSB staff supports the variance.
- j) The applicant has met the burden of proof to demonstrate that the Title 17 variance criteria have been met.

### **ROLL CALL (Variance #3)**

6 in Favor: **Kwasinski, Mendenhall, Haman, McComas-Roe, Wilmer and Pitney**

0 Opposed:

### **MOTION PASSED**

**VARIANCE #4 MOTION:** To approve VR044-18 adopting the ten findings of fact and the staff report in support of approval by **Ms. Haman** seconded by **Mr. McComas-Roe**.

Discussion ensued on variance #4 motion.

### Findings of Fact for Approval (Variance #4)

- a) The applicant has the burden of proof to demonstrate that the required variance criteria have been met.

- b) The applicant has submitted a variance from FNSBC 17.56.120.F.2 to allow for a portion of Old Murphy Dome Road to remain without a 3% crown because:
  - i. The portion of Old Murphy Dome Road within the subdivision does not have a sufficient crown of at least 3 percent in order to meet FNSBC 17.56.120.F.2
- c) The mandatory public welfare and safety requirement of the variance criteria has been met. The subdivision, with the variance, can be developed consistent with public health safety and welfare because:
  - i. Old Murphy Dome Road has a low traffic volume for a major collector road.
  - ii. Old Murphy Dome Road is functioning well as constructed.
  - iii. Old Murphy Dome Road is maintained by the O'connor Creek Road Service Area.
  - iv. O'connor Creek Road Service Area has no objections to this subdivision request.
- d) The variance granting process requires that either criteria 1 or 2 of FNSBC 17.64.010.A is met. Criterion 1 states "The tract to be subdivided is of such unusual size or shape or is surrounded by such development or conditions that the strict application of the provisions of this title shall result in a substantial hardship."
- e) The variance application meets the requirement of FNSBC 17.64.010.A.2 because:
- f) The parent parcel, TL-1401, is of unusually large size with an area of 340 acres.
- g) The length of the roadway requiring surface course by this plat is approximately 3,625 feet in length.
- h) A minimum of a 3 percent crown is required for the Old Murphy Dome Road.
  - i. The cost creating a 3 percent crown for 3,625 feet length of road would be a financial hardship compared to the purpose of the plat; to create a single 19.3 acre lot from a large 340 acre parcel.
- i) The FNSB staff supports the variance.
- j) The applicant has met the burden of proof to demonstrate that the Title 17 variance criteria have been met.

**ROLL CALL (Variance #4)**

0 in Favor:

6 Opposed: **Wilmer, Mendenhall, Haman, Kwasinski, McComas-Roe and Pitney**

**MOTION FAILED**

Discussion ensued on the main motion for the subdivision.

*[Recessed for a brief at ease]*

Main Motion recalled by its maker and its second.

**MAIN MOTION:** To approve Arctic Winter Adventures Subdivision with the eight conditions, adopting the seven findings of fact and the staff report in

support of approval with a change to findings of fact “g” to read “with the one variance” by **Ms. Haman** seconded by **Mr. Kwasinski**.

Discussion ensued on the main motion.

#### Conditions for Approval

1. GVEA shall have a maximum of 30 calendar days to review and comment on the final plat.
2. ACS, IGU, and O’connor Creek Road Service Area shall have a maximum of 10 calendar days to review and comment on the final plat.
3. A note shall be placed on the final plat which states “An FNSB driveway permit is required for new driveways or modification to existing driveways within the Old Murphy Dome Road right-of-way. Lot 1 is limited to a total of two driveways onto Old Murphy Dome Road, additional driveways into the Old Murphy Dome Road right-of-way from Lot 1 is prohibited.”
4. A note shall be placed on the final plat which states “A 40’ recreational trail easement on this plat is dedicated to the public for the Old Murphy Dome Road Trail, known as trail I-A6 in the Fairbanks North Star Borough Comprehensive Recreational Trail Plan. Refer to the current trail plan for information and recommendations regarding this trail.”
5. A note shall be added the final plat that states “Portions of this subdivision may contain wetlands. If development plans entail the discharge or placement of dredged and/or fill material into these wetlands, issuance of an individual Department of the Army permit may be required pursuant to section 404 of the Clean Water Act prior to initiating work.”
6. Notes 4, 5, 6, and 7 on the preliminary plat shall be removed from the final plat.
7. The large remainder tract shall be labeled to meet the requirements of FNSBC 17.52.040.D.8.
8. Any approved variances shall be referenced as a note(s) on the final plat.

#### Findings of fact for Approval

- a) The proposed subdivision creates 2 lots, approximately a 19.3 acre lot and a 322 acre tract.
- b) FNSBC 17.56.040.A states “On lands through which Category A and B trails pass, the platting board shall require the dedication of easements to conform to the adopted comprehensive recreational trail plan.”
  - a. Old Murphy Dome Road Trail is a Category A trail.
- c) FNSBC 17.56.040.E.1.a.ii states that the width for Category A multiple use trail easements on public lands shall be forty feet.
- d) Old Murphy Dome Road provides the proposed lots with legal and physical access.
  - a. Old Murphy Dome Road is not constructed to Title 17 standards.
  - b. Old Murphy Dome Road is maintained by the O’connor Creek Road Service Area.
  - c. Proposed Lot 1 has two permitted access points into the Old Murphy Dome Road right-of-way.

- e) 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.” The plat does not require a variance to this portion of Title 17 because:
  - a. Old Murphy dome Road is the only available access to the proposed lots.
  - b. The existing access points are permitted by the managing authority.
  - c. The request is not proposing new access points.
- f) FNSBC 17.52.040.D.8 states “All lots and blocks shall be numbered in a simple, consecutive, easy-to-follow manner.”
- g) With the one variance and eight conditions recommended by staff, this subdivision meets the applicable requirements of Title 17.

**ROLL CALL (Main Motion)**

6 in Favor: **Kwasinski, Haman, Mendenhall, Wilmer, McComas-Roe and Pitney**

0 Opposed:

**MOTION PASSED**

*[Mr. Meyer returned to the dias]*

*[Mr. Hicks and Ms. Fritze left the dias]*

- 4. MD004-18/SD036-17 Halbert Meadows** A request by 3 Tier-Alaska, Corp., on behalf of Sam Halbert, to modify the approved preliminary plat of Halbert Meadows, a request to subdivide TL-803, a total of 80.00 acres, into 38 lots ranging in size from 1.05 to 3.40 acres. The subdivision request was granted preliminary approval on July 19, 2017 by the Platting Board. The modification is to incorporate four phases into the subdivision plan, which provides for the following final plat application deadlines: Phase One—July 19, 2019; Phase Two—July 19, 2021; Phase Three—July 19, 2023; Phase Four—July 19, 2025. The property is located within the N½ SE¼ Section 8, T1S R2E FM (located on Freeman Road and Blalock Road). **Staff Contact: George Stefan**

George Stefan presented the staff report. Based on the staff analysis, the Department of Community Planning recommended **APPROVAL**.

Questions by board

None

Ryan Hunt questioned if the date should be two years from this day.

Mr. Stefan stated the date of July 19<sup>th</sup> was based on the date of original approval and it wasn't in the request for the date to reset.

Ryan Hunt requested that the date be reset to two years from this day upon approval.

Legal advised the board they could send something back for correction.

**Chair Pitney** stated it would be well advised to move the case along now as it is.

Applicant Testimony

Ryan Hunt with 3-Tier Alaska gave no testimony.

Public Comment Opened

None

Public Comment Closed

Applicant Rebuttal

None

**MOTION:** To approve the modification of Halbert Meadows with the original five conditions and one new condition, adopting the staff report and the two findings of fact in support of the decision by **Mr. Wilmer** seconded by **Mr. Kwasinski**.

Discussion ensued on the motion.

**ROLL CALL**

7 in Favor: **Meyer, Mendenhall, Wilmer, Haman, Kwasinski, McComas-Roe and Pitney**

0 Opposed:

**MOTION PASSED**

New Condition for Approval

1. The final plat application for the first phase shall be submitted by July 19, 2019. The final plat for the last phase shall be submitted by July 19, 2025.

Findings of Fact for Approval

- a) FNSBC 17.12.030.J.1 allows the Platting Board to provide for the later submittal of one or more phases or segments of the subdivision.
- b) There does not appear to be any change to the subject property or surrounding development that would warrant a new preliminary review by the Platting Board.

**5. VR040-18/SD008-13/RP017-13 Morning Sun Subdivision First Addition** A request by 3 Tier-Alaska, Corp., on behalf of Edward and Galilee Halbert, for a variance from FNSBC 17.56.100.C.7.a to allow the intersecting road grade of Galilee Drive to exceed four percent within 100 feet of the through road shoulder of Bruhn Road. The subdivision request was originally granted preliminary approval on May 14, 2013 by the Platting Board. The property is located within the NW¼ NE¼ Section 21 T1N R1W FM (located on Bruhn Road). **Staff Contact: George Stefan**

George Stefan presented the staff report. Based on the staff analysis, the Department of Community Planning recommended **APPROVAL**.

Questions by board

**Mr. McComas-Roe** questioned if the entrance to View Crest is better or worse.

Mr. Stefan stated it is difficult to say because it is a road that is uphill to the intersection versus View Crest that is approaching downhill.

Discussion ensued on the potential consequence of a shorter landing.

**Mr. Meyer** asked if this was the third or fourth time the board has seen this request.

Mr. Stefan stated that is correct; originally approved in 2013.

#### Applicant Testimony

Ryan Hunt testified as follows:

- Stated it was submitted by another engineer originally who made a design that the contractor could not construct.
- This is the third design and referenced a photo from staff's presentation that shows the road from a 5% grade to a 10% grade.
- Explained the potential burden if they have to chase the 10% road grade all the way down to the cul-de-sac rather than simply modifying approximately 300 feet.
- Explained low volume of traffic.
- Plans have been made to add surface course to the area.

**Chair Pitney** questioned the amount of traffic with potential growth of the subdivision.

Mr. Hunt stated he said it is unlikely there will be more than two cars at the location and zoning doesn't allow for less than 80,000 feet so it can no longer be subdivided.

Discussion ensued on FNSB code being 10% max grade unless a variance is approved.

#### Public Comment Opened

John Hangit, property owner, testified as follows:

- Urged the board to approve the variance.
- The improvements will make it better.
- Stated it is ridiculous that it takes this long.

#### Public Comment Closed

#### Applicant Rebuttal

None

**MOTION:** To approve VR040-18, a variance from FNSBC 17.56.100.C.7 to allow the intersecting road grade of Galilee Drive to exceed four percent within 100 feet of the through road shoulder of Bruhn Road, adopting the condition, five findings of fact, and staff report in support of the approval by **Mr. Meyer** seconded by **Ms. Haman**.

Discussion ensued on the motion.

#### **ROLL CALL**

7 in Favor: **McComas-Roe, Meyer, Haman, Kwasinski, Mendenhall, Wilmer and Pitney**

0 Opposed:

**MOTION PASSED**



### Conditions for Approval

1. A sanding box, commensurate in size and construction to existing area sanding boxes, shall be located in the Galilee Drive right-of-way within 100ft of its intersection with Bruhn Road.

### Findings of Fact for Approval

- a) The subdivision, with the variance, can be developed consistent with public welfare and safety because:
  - i. The applicant's registered professional has designed Galilee Drive to provide as safe as possible road given the existing topography.
  - ii. The proposed 50ft long landing does not exceed a 4% grade, providing sufficient vehicular stacking at the intersection with Bruhn Road.
  - iii. The already raised Galilee Drive roadway would need to be raised at least several feet higher to accommodate a Title 17 required 100ft long landing at 4% grade or less, thereby jeopardizing public welfare and safety. A higher roadway would create a more severe drop into the ditch and natural grade beyond the ditch in the event of a vehicle crashing off the roadway.
- b) The requirement is impractical due to the following specific circumstances of the subdivision:
  - i. The restrictions of the existing subdivision topography make it impractical to construct a Title 17 road without raising the roadway to an unreasonable level.
  - ii. There would be a considerable additional amount of fill required which would raise the roadway to an unreasonable level for the downhill lots (Lots 6 and 7) driveway access.
  - iii. Galilee Drive will serve a maximum of 7 lots.
  - iv. The 7 lots served by Galilee Drive cannot be further subdivided.
- c) The Spring Glade Road Service Area Commissioner Chair considered the variance request and determined that it is appropriate for the developer to install a sanding box within the Galilee Drive ROW, specifically within the area for which the variance has been requested. Condition #1 satisfies this determination.
- d) FNSBC 17.64.010.C states, "The board may impose reasonable conditions when a variance is granted and shall state in writing its reasons for granting any variance."
- e) FNSB Public Works and the Transportation Planner support the variance and the condition for the sanding box as requested by the Spring Glade Road Service Area Commissioner Chair.

*[Hicks and Fritze returned to the dias]*

### **H. UNFINISHED BUSINESS**

Discussion ensued in regards to alternative turnarounds.

### **I. NEW BUSINESS**

### **J. EXCUSE FUTURE ABSENCES**

None

### **K. CITIZENS COMMENTS**

None

**L. COMMISSIONER'S COMMENTS/COMMUNICATIONS**

**Mr. McComas-Roe** stated that a property owner should be notified when they regain full use of their property upon a vacation of an easement.

**M. ADJOURNMENT**

There being no further business, the meeting was adjourned.