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 6:01 p.m. by Eric Muehling, Chairman.

A. **ROLL CALL**

MEMBERS PRESENT: Chris Guinn  
                 Mike Stepovich  
                 John Perreault  
                 Doug Sims  
                 Robert Peterson  
                 Patricia Thayer  
                 David Brandt

MEMBERS ABSENT: Wendy Presler  
                Mindy O’Neall  
                Charles Whitaker

OTHERS PRESENT: Christine Nelson, Director of Community Planning  
                Manish Singh, Planner  
                Don Galligan, Transportation Planner  
                Wendy Dau, Asst. Borough Attorney  
                Michelle Gutierrez, Administrative Assistant

B. **MESSAGES**

1. Chairperson’s Comments

None

2. Commissioner’s Comments

None

3. Communications to the Planning Commission

**Ms. Nelson** mentioned the recent security issues at the JHAC and the practice for the beginning of each meeting for our boards and commissions; the exits should be pointed out for a quick exit if needed. Ms. Nelson mentioned staff vacancies in the department and three open seats on the CRFC. Alaska APA conference in January has funding for four people to attend planning commissioner training on a Sunday and funding to send one of the four to attend the rest of the conference. The legal department has hired two new lawyers; assignments have been reassigned. She touched base on the appeal matrix that shows two active appeals, and reminded the commissioners not to speak about the active cases.
Wendy Dau stated new lawyer Ben Jaffa will be eased into new position and introduced to the commission in the near future.

4. Citizen’s Comments – limited to three (3) minutes
   a. Agenda items not scheduled for public hearing
   b. Items other than those appearing on the agenda

5. Disclosure & Statement of Conflict of Interest

C. * APPROVAL OF AGENDA AND CONSENT AGENDA

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

MOTION: To approve the Agenda and Consent Agenda by Commissioner Thayer, seconded by Commissioner Guinn.

CARRIED WITHOUT OBJECTION

D. *MINUTES

1. Minutes from April 24, 2018 Planning Commission Meeting.
4. Minutes from June 12, 2018 Planning Commission Meeting.
5. Minutes from July 24, 2018 Planning Commission Meeting.

E. QUASI-JUDICIAL HEARING

CU2018-004: A request by Sandra Mota on behalf of the Fairbanks North Star Borough for conditional use approval of public utility and service use (municipal snow storage) on a 1.75-acre portion of Tract B, Hamilton Acre Reserve Subdivision in the Outdoor Recreational (OR) zone, expanding the existing City of Fairbanks snow storage located on Tract A, Hamilton Acre Reserve Subdivision onto Tract B (located at 103 Hamilton Avenue, on the east side of Hamilton Avenue, north of Chena River). (Staff Contact: Manish Singh)

OATH ADMINISTERED

Mr. Manish Singh provided a presentation of his Staff Report and recommendations on behalf of the Borough’s Planning Department, and recommended approval with eight (8) conditions, and adopting the staff report and three (3) Findings of Fact as listed in the Staff Report.
Questions by Commissioners

Commissioner Thayer asked Mr. Singh to pull up the definition of OR zone, to show the permitted uses. Mr. Singh covered what the permitted uses are. She asked Mr. Singh to further explain the obtrusive development plan in the area. Mr. Singh explained in his staff report he made some arguments on how the neighborhood is structured around this property, as well as commercial uses that are located in GU zoning that don’t have to abide by any CU requirement. He gave an example that there is no limit on how much noise these uses in the GU-1 zone could produce, so that is why if the snow dump noise levels are slightly increased; it is still consistent with the surroundings. The only regulations that GU-1these uses have to abide by is the City’s noise regulation, that the snow dump is already abiding by.

Discussion ensued between Mr. Singh and Commissioner Thayer about sound decimals level comparisons to life action examples.

Commissioner Sims asked if the daily average number of trucks won’t increase, as stated in the staff report, was correct. Mr. Singh stated that is the argument the City has made and their staff could talk more about that topic. The expansion mentioned in the City’s application is necessary to accommodate heavy snow fall, so they will probably use the snow dump for more days but keep the average daily truck trips limited to what they already have.

Commissioner Muehling asked Mr. Singh to further explain Condition 1A, shall develop and implement a storm water pollution prevention plan, and to describe what that is. Commissioner Muehling asked if that was enforceable. Mr. Singh stated the information is provided in the application on page 152. It is a requirement by DEC, which has a storm water program. The intent of that program is to prohibit or restrict the pollutants that might go to any water ways due to any construction or land clearing activity. If more than 1 acre of land is being cleared, a SWPPP SWIP is required to be filed and get a general construction permit from DEC. The DEC environmental coordinator is charged with the responsibility of maintaining this document and implementing that on site. For Condition 1A, he tried to detail out what the applicant needs in terms of meeting all local and state requirements.

Commissioner Muehling referred to 1A specifically talks about the construction of this project. He asked where in the conditions might there be ongoing enforcement of pollutants that might come from this site and enter the Chena River via the Slough. Mr. Singh stated that the SWPPP SWIP refers to a number of best management practices. There are some practices that the City is only recommending for the construction period, that are listed as temporary best management practices. The others are listed as permanent best management practices, such as putting the fence, double swaleswell system. The SWPPP SWIP document will be permanently maintained on the property. Further detail can be found on page 173 in the staff report.

Commissioner Muehling stated there is the initial development of the project which conforms to the SWIP SWPPP plan, beyond that, he asked if there is a compliance component that carries to the future, in these conditions. Mr. Singh stated he would refer that question to the City representatives that are more familiar with their conversation with DEC.

Commissioner Muehling referred to the mentioning of a public safety emergency to trigger additional hours, and if that could be more specifically related to a snow public safety emergency. Could words be added to the condition, to state “snow”. Mr. Singh stated generally the City Mayor has the authority to declare a public safety emergency and during that emergency period, they could
operate for longer hours. The city representatives could talk more about their practices in regards to a public safety emergency announcement.

Commissioner Muehling asked what the purpose of the fence is. Mr. Singh stated it is to provide security, so people who are visiting the area may not get into the snow storage area. Also, the chain link fence helps catch any trash that may not have been picked, during runoff.

Commissioner Peterson commented the fence is for safety; to keep people that really shouldn't be in there out. Mr. Singh mentioned the meeting minutes from 1996, the neighborhood heavily emphasized on getting a fence on all four sides, for security concerns. To keep the snow dump operations isolated from the surroundings, which could protect children from going into the snow dump.

Commissioner Stepovich asked if Mr. Singh wanted Condition 3 to match the hours of operation to state 7:30 am to 11 pm, rather than 7 am as stated in the Staff Report. Mr. Singh stated the City mentioned 7:30am on up to 6pm and when night crew is utilized, they could go up to 11 pm. The condition he drafted is more general in nature, shadowing the City’s noise ordinance, which they are required to abide by. The condition allows them some flexibility in case they need to operate at 7 am. The City can request a change if they would like.

Commissioner Brandt asked if there are any current uses of the property that would be affected by the proposal. Mr. Singh said not necessarily, when he was talking to neighbors he heard some concerns about people using the existing area to walk their dogs but other than that, there are no land uses associated with the vegetated area. Commissioner Brandt stated it looked like there are trails in the area. Mr. Singh stated it is Borough land and there might be some walking paths but no land uses are associated with that land as of now.

Commissioner Thayer stated this is OR, if the neighborhood is using that for trails then they are using it for what the intended purpose is, so no permit is needed. Mr. Singh clarified that it is not a designated park. Ms. Dau stated per code, on all undeveloped land, causal use is allowed that generally includes those kinds of trails. Unless the trails have some sort of legal standing, such as an easement, it wouldn’t prevent the Borough from developing the land that they own.

Applicant’s Testimony

Mr. Jeff Jacobson, City of Fairbanks Public Works Director, testified as follows:
- COF development has grown; increased pressure of city safety during the winter months
- Other snow storage sites around the city have been expanded
- It is not the COF intent to haul snow from other areas of the city to this site
- The expansion will help with more efficiency operations
- 23 days of hauling snow
- Sensitive to residential area; 100ft buffer from the structures
- Snow removal operation time restrictions; in residential areas are done during the day, as late as 10 or 11 pm which is rarely done.
- COF purchased a turf rake to clean debris
- The fence will serve as a protection barrier to avoid people going in to snow sled; public safety will be preserved
- Most of the snow evaporates, very little area of water streaming off; COF has a Flood Control Plan
- COF is responsible for managing storm water with in the city limits
- They are very sensitive to any runoff that goes into any bodies of water
- This plan does not jeopardize their standing with the compliance with the requirements of the storm water permit for the entire city.

Mr. Jeff Whipple, testified as follows:
- The expansion is for efficiency of operations; so the snow doesn’t have to be blown into a big pile
- It will allow the snow to be distributed over a bigger area, allowing the snow to melt quicker
- The gravel underneath the proposed area to be filled will produce an additional area for peculation
- Bigger retention ditches; drainage swells with a slight gradient
- The COF does have the storm water permits; SWIP permits that cover the construction
- They will submit a permanent storm water plan; will mirror the temporary construction permit
- No problems with the existing site
- The expansion will improve the area for efficiency and for the storm water management practices
- Addressed the affidavit; concerning the intersection with the driveway and the traffic
- They are aware of the traffic in the area
- Noted there will not be more truck traffic
- They do post in the area when snow removal will occur
- If needed, they could post signs before and after the entrance to the dump indicating trucks will be entering and leaving

Questions by Commissioners

Commissioner Perreault stated there are existing fences in some parts of the area, he asked where is the existing fences and where do they propose the fences to be at the end of the expansion. Mr. Jacobson stated there is a fence near the community garden that goes along that alleyway and to the front of the property and along that strip of vegetation. The back lot does not have a current fence. There is a gate so vehicle traffic is restricted when the snow dump is not in operation. The purposed fencing is to extend up on the 50ft buffer, 100ft buffer and connect it to the existing fence line, to be fully enclosing the snow storage area. The vegetative buffer between the apartments and the proposed expansion area will remain unfenced.

Commissioner Sims asked if they consider alternatives to expanding this site. Mr. Jacobson stated there is no other alternative in the Hamilton acres area that would have less impact to the neighborhood than this expansion. Commissioner Sims clarified that this site would serve Hamilton Acres, Shannon Park and Island Homes. Mr. Jacobson stated those are the current neighborhoods that have snow hauled in there, some of Shannon Park depending on what time they are hauling snow, might be moved over to Bentley snow storage or even down to Johansen Expressway. Same thing with Island homes, depending on when they are operating and what the snow capacity is. Commissioner Sims asked if there were no new additional neighborhoods being added to this site. Mr. Jacobson said no. They are hoping with the development with Lazelle Road, that part of Shannon Park will go in the opposite direction, there will be less traffic flowing into the Hamilton snow storage site. They have been fortunate of the last years to not have that much snow, and the last two winters have been an increased
amount of snow fall. Which has taxed their ability to get the snow off the streets quickly and to some place without filling up the snow storage sites.

**Commissioner Guinn** asked Mr. Singh to show Figure 7 from the Staff Report; asked Mr. Jacobson how the noise was tested; how was noise measured. **Mr. Whipple** the sites where measured for noise while snow removal operations were going on. **Commissioner Guinn** asked if a tailgate alarm is going off, generally above 60dB. The rest, if the tailgate alarm wasn’t going off, was below conversation level.

**Commissioner Stepovich** asked Mr. Singh to show the photo, Exhibit 11 on page 114 of the Staff Report. He asked if that was part of Tract A, behind where it butts into the access road to the community garden. He asked why the hill is not as high, in the photo. **Mr. Jacobson** stated that is an area that was filled in, then as needed, snow has been blown up creating a larger hill. Normally they do not blow snow up, but as the Hamilton Acres site was reaching its capacity they started blowing the new snow up and over to back fill in the snow storage area.

Discussion ensued between **Commissioner Stepovich, Mr. Whipple and Mr. Jacobson** about space in the photo not being utilized.

**Commissioner Peterson** explained the area behind the fence is almost like a parking area and the road to the left of the photo goes right down to the river, all of that is beyond the snow dump fence.

**Ms. Dau** reminded the commission this is the time to ask questions, and that commissioners cannot testify; to create a question.

**Commissioner Peterson** asked if there is a fence on the east side of the snow dump in-between the river and the snow dump. **Mr. Jacobson** said that is correct.

**Commissioner Muehling** asked if the Storm Water Pollution Plan needed to be complied with during the course of construction. He asked what they are required to comply with in terms of environmental regulation beyond the construction phase. **Mr. Whipple** stated there is a permanent storm water plan that has to be submitted to the DEC and approved which will have the storm water controls in it. He further explained their plan.

**Commissioner Muehling** recommended a possible condition to comply with storm water permit that is issued by DEC. **Mr. Whipple** said that it is state law that they comply. **Commissioner Muehling** suggested the commission tie their use to compliance with the DEC.

**Commissioner Muehling** asked if there can be a difference between a snow related public safety emergency and an ordinary public safety emergency; asked if they could insert the words “snow related” and if it would make any material difference. **Mr. Whipple** stated to his knowledge, there has never been a declared emergency by the Mayor for something like that. **Mr. Jacobson** stated he saw no problem with inserting the words “public safety snow related emergency as declared by the Mayor” that it will not affect the use of the property as they intend it to be used for.

**Commissioner Muehling** stated they have to be in compliance with the cities Alaska Pollutant Discharge Elimination Permit. He asked what criteria was used to determine the design of the original fence. **Mr. Whipple** said it is standard 6ft or 8ft chain linked fence.
Commissioner Sims asked how they arrived at the 1.75 acres size. Mr. Jacobson explained that they determined the requirement of the buffer zone first, for the protection of the neighborhood, and went 50ft, 50ft and a 100ft and then that left the 1.75 acres.

Commissioner Sims asked why they need this site expanded if there are no additional neighborhoods being brought to it. Mr. Jacobson said there are additional houses being constructed; Island Homes did have an expansion in the last decade. There is new construction going on that does impact how much snow is being put out to the streets for collection. He reiterated that this is a positioning for the City, so they have the capacity to respond when there is heavy snow fall, so they can be the most efficient use of the city resources when they have limited funds, equipment and time to get the snow moved from one place to another.

Commissioner Brandt mentioned earlier testimony mentioning snow from other neighborhoods could possibly be moved to different snow dumps. He stated the amount of snow needing to be put in this area, would lessen the amount of expansion needed. Mr. Jacobson stated currently, they do not haul snow from Birch Estates, there may be some future arrangements, which then could be utilizing the Hamilton Acres snow storage site.

Commissioner Thayer asked how large the other snow storage sites mentioned are, she asked if they are all 2-3 acres sites. Mr. Jacobson and Mr. Whipple said yes.

Applicant’s Testimony Closed

Interested Person Testimony Opened

Testimony by Affidavit from Daryl Haggstrom.

Ms. Tracy Simmons testified as follows:

• She currently has a beautiful view of trees and wildlife from her back deck
• She feels the snow dump is not being used to its full capacity as it should
• She does not want the area to be cleared; she would like the area to remain wooded
• Everybody uses the area
• She hears noise from snow dumping at 3am
• There has to be a more effective way to help out with keeping the wildlife and the trails
• There are signs up that state the area is a park; FNSB Hamilton Acres Park
• They are not allowed to destroy anything
• Sound travels far on a cold winter night
• No one came to ask her opinion on what they were proposing
• Reiterated to save the woods and to not let this happen

Questions by Commissioners

Commissioner Thayer asked Ms. Simmons if there is an actual sign posted that there is a park located there, she asked where it is posted. Ms. Simmons said it is closer by the Chena River, towards the big parking area. The wooden sign is there, with big rocks, next to the community garden.

Commissioner Sims asked Ms. Simmons to clarify or explain how she feels the site is not being used to its full capacity. Ms. Simmons stated that they don’t pile up the snow to the fullest capacity first, they go in and they dump. She stated that if they fill up the far end first, which is
closest to the river then they will have plenty of room. She stated it does currently flood into the woods. She also stated that the area does flood, despite their testimony saying it does not.

Mr. Jacobson asked if Ms. Simmons is aware that commercial properties that hire contractors to remove the snow throughout the night. Ms. Simmons stated that she is confident that it is city trucks that she hears in the night. Mr. Jacobson asked Ms. Simmons if she was aware that blowing snow is not a normal practice, it is a response to needing more room when needed; it is more expensive to blow snow than to haul snow. Ms. Simmons stated that if city workers would stack the snow properly, they wouldn’t have to resort to snow blowing.

Mr. Mike Mertes testified as follows:
- What about mental health that is commonly accorded to an outdoor recreation area
- He walks his dog along the trail and picks up trash sometimes
- There are two signs that call it a park, one right past the entrance on Hamilton
- No woods left, this is all that is left
- It is large enough to support a little bit of wilderness
- The area is lovely, worth protecting
- Listening to people compare efficiency with cost, he knows it’s expensive
- He asked that we save the last scrap of woods in Hamilton Acres
- It’s worth saving

Ms. Spannagel testified as follows:
- Asked for better maps to be mailed out with DPO, she misunderstood it
- She lives on Farewell and she does like the woods
- Asked if they can fix the fence to keep four wheeler at 4am out

Mr. William “Bill” Digan testified as follows:
- City does a good job maintaining the area
- He walks his dog in the area year around
- It is the only place in the City that has that much forested area in one spot
- Snow machines go through the area
- Moose droppings all throughout Tract B area
- Never seen Tract A drain into the river, it drains into Tract B creating big ponds that obstruct the trail
- Can hear noise from the snow storage area

Commissioner Thayer asked Mr. Digan if the ponds that are created are a good size. Mr. Digan said he got carried away, it is not ponds, it is puddles.

Interested Person Testimony Closed

Rebuttal by Applicant

Mr. Jacobson explained that one of the aspects of the expansion is to reslope the entire snow storage site so there is drainage for the front of the property and not into the wooded area.

[Recessed for an at ease till 7:47 pm]
MOTION: To approve CU2018-004 with eight (8) conditions, adopting the staff report, and three (3) findings of fact in support of approval by Commissioner Muehling, seconded by Commissioner Sims.

CONDITIONS

1. The municipal snow storage expansion on Tract B shall comply with all applicable local, state, and federal 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 develop and implement a Storm Water Pollution Prevention Plan (SWPPP) to comply with the Construction General Permit requirements regulated by the State of Alaska Department of Department of Environmental Conservation (ADEC).

2. The applicant or holder of this conditional use permit shall maintain at least a 50-foot vegetative buffer along east and west boundaries and a 100-foot vegetative buffer along the north boundary of the municipal snow storage expansion on Tract B.

3. Snow removal equipment shall not operate at the municipal snow storage expansion on Tract B between the hours of 11 p.m. and 7 a.m. unless a public safety emergency is declared by the City Mayor.

4. A new fence similar to that located around the existing snow storage facility on Tract A shall be constructed along the north, west and east boundaries of the snow storage facility expansion on Tract B.

5. No outdoor lighting shall be placed on the municipal snow storage expansion on Tract B.

6. Litter and trash removal shall be conducted over the municipal snow storage expansion on Tract B at least twice a year, once prior to June 1, and once prior to September 1 of each year.

7. The municipal snow storage expansion on Tract B shall not be the cause of any pollution to the Chena River.

8. If any modifications are made to the site plan or other FNSB required documents or to the operational characteristics, 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. 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 consistent with ‘Urban Area’ comprehensive plan land use designation. The Comprehensive Plan Land Use Goal 1, Transportation and Infrastructure Goal 1, Transportation and
Infrastructure Goal 2, Environment Goal 3, and Community and Human Resources Goal 1 are enhanced by the municipal snow storage expansion on Tract B.

b. Chena Riverfront Plan Goal I, Policy 5 and Goal IV, Policy 1 are supported by the municipal snow storage expansion on Tract B. On August 8, 2018, Chena Riverfront Commission unanimously recommended Community Planning to recommend approval for this expansion.

c. 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.

d. The municipal snow storage expansion on Tract B is located outside the Special Flood Hazard Area and is not required to meet the FNSB Title 15 – Floodplain Management Regulations.

e. The City is authorized to discharge storm water into waters for the United States under their Alaska Pollutant Discharge Elimination Permit. Under this permit, the City owns and operates a Municipal Separate Storm Sewer System (MS4), and is in compliance with the permit requirements. The drainage from the existing snow storage and from the proposed expansion is covered under this permit.

f. With the conditions imposed, the applicant will develop and implement a Storm Water Pollution Prevention Plan (SWPPP) for the municipal snow storage expansion on Tract B to meet the Construction General Permit requirements regulated by the State of Alaska Department of Environmental Conservation (ADEC).

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 property has access to City of Fairbanks water and sewer. The municipal snow storage expansion on Tract B doesn’t require any water and sewage capacity.

b. The property is served by the City of Fairbanks Fire Department for emergency fire response.

c. The property is served by City of Fairbanks Police Department for law enforcement.

d. The property has adequate power supply, if needed, because they are served by GVEA grid. The municipal snow storage expansion on Tract B does not require any power supply because the City has not proposed any outdoor lighting.

e. The property has access from Hamilton Avenue which is a local type roadway maintained by ADOT&PF. Hamilton Avenue can accommodate the truck trips generated by the proposed expansion.

f. The existing 30-foot wide gravel driveway is adequate for ingress and egress of the trucks accessing the site for the existing facility and for the proposed expansion.
g. The FNSB zoning code does not require any off-street parking spaces for the snow storage facility

3. With the conditions imposed, the proposed conditional use will protect public health, safety, and welfare because the municipal snow storage expansion on Tract B will comply with Title 18 standards for the OR zone (FNSBC 18.20) as well as other applicable land use related laws.

   a. The proposed conditional use enhances public safety by facilitating access to fire trucks, ambulances and police cars in periods of heavy snowfall because the snow storage facility expansion would allow the City to better serve Hamilton Acres and Shannon Park neighborhoods with snow plowing.

   b. The existing driveway has a 30-foot wide gate to restrict access only to the City trucks and equipment. With the conditions imposed, the municipal snow storage expansion on Tract B will be fenced.

   c. With the conditions imposed, the snow removal equipment will not operate at the municipal snow storage expansion on Tract B between the hours of 11 p.m. and 7 a.m. unless a public safety emergency is declared by the City Mayor.

   d. With the conditions imposed, the 50-foot vegetative buffer along east and west boundaries and the 100-foot vegetative buffer along the north boundary of the municipal snow storage expansion on Tract B will be protected and it will help mitigate noise impacts to the immediate neighbors.

   e. The properties to the west of Hamilton Ave are zoned GU-1 and are developed with certain commercial uses. The GU-1 zone allows for very intensive commercial and industrial uses without any restriction on noise and hours of operation, except those imposed by the City’s noise ordinance.

   f. The proposed swales around the municipal snow storage expansion on Tract B will help mitigate any meltwater runoff onto the neighboring properties or into the Chena River.

   g. With the conditions proposed, the applicant will remove litter and trash from the municipal snow storage expansion on Tract B at least twice every year.

   h. With the conditions proposed, the municipal snow storage expansion on Tract B will not have any outdoor lighting.

Discussion on the Motion

Commissioner Muehling stated his initial response is the city needs snow dumps and there is always the question of how do we balance the needs as community planners, the impact of the community of those people living closest.

Commissioner Guinn agreed and stated it was a decision of the City’s needs, and the community’s needs. He stated that the City did a fine job of putting it all together but the fact remains that this is one of the last forested areas in the city and he is not willing to jump on the city’s side on this case, at this time. He stated that he would vote no.
Commissioner Muehling added that the FNSB could choose to cut the trees down at any time.

Commissioner Sims mentioned that CU permit in 1984 recognized it as a community garden, snow dumping in passing park use. He stated that some of those may not be compatible when in close proximity. Snow dumping takes on an industrial feel during active snow removal operations. He stated that we also expect the City to operate efficiently when it comes to snow removal. He mentioned the testimony’s in regards to the park and the passage use of the area which he can appreciate. He stated that he is torn, and that he is interested in what road mileage is and if that is increasing.

Commissioner Thayer stated that she is having a hard time agreeing with the expansion. She mentioned that you can’t predict snow weather and that she understands the vital need to efficiently remove snow. She also mentioned that she can’t support something that could happen down the road when the community utilizes it as a community park, and garden. She reiterated that the borough owns the land and they could come and clear cut it at any time but that she can’t agree in the moment that this is in the best public health safety and welfare to move forward with this expansion.

Commissioner Brandt stated that he doesn’t feel the City has demonstrated an urgent need at this time to expand the facility.

Commissioner Perreault stated that he understands the increase in capacity and the increase in efficiency helps keep the burden of the cost for the tax payers down but there is a system wide expansion going on. He stated that this is different from the other sites that have been expanded and it deserves different consideration. He stated that he will vote no.

Ms. Dau reminded the commission that denial of this permit does not mean the wooded area on this Tract of land would be preserved and the property could still be clear cut. She suggested more discussion on the health, safety and welfare of denying the permit aside from just preserving this wooded area.

Commissioner Thayer stated the permissible things within this zone that could take place. She stated this permit is an unconditional use that takes away health, safety and welfare for the community of Hamilton Acres. She stated that she cannot see the need of the expansion, right now.

Ms. Dau clarified the CU permit standard; something is listed as a CU not because it is not allowable but it is actually presumed that there will be circumstances that in this zone it would an allowable use.

Commissioner Thayer stated that the snow dump that currently stands is completely sufficient for what is needed and she has not seen anything that indicated that this needs to be expanded.

Commissioner Muehling spoke to community impacts such as noise complaints. He stated he heard conflicting testimony’s on if traffic would be increased. He reiterated that sound impacts would be increased.

Commissioner Peterson stated that the impact to the community is hard to see. He mentioned that the City has lost snow dump areas since the 70’s and there has been years where we get more than the average snow fall. He stated the City has a hard time finding places to put snow.
He stated that the City is trying to be proactive and he can understand their position. He stated that he is in favor of the motion.

**Commissioner Muehling** stated that he is struggling with this motion and he has no idea how a vote would go. He stated that if approved, he would want additional protections from the State of Alaska Department of Environment Conservation. He stated he doesn’t see this condition being tied to the City’s requirements to stay in compliance.

**Point of Fact by Commissioner Perreault:** Condition 1A does directly require the holder of this permit to comply with ADEC requirements.

**Commissioner Muehling** said that was not his understanding.

**Ms. Dau** clarified that Condition 1A requires development and implementation of the storm water pollution prevention plan in order to comply with the construction general permit which is temporary and she believed what Chair Muehling was getting at is a longer term ADEC condition.

**Commissioner Muehling** stated that a reasonable condition for the commission to apply would be to require a long-term compliance with ADEC. He also mentioned that he believes 1B should read “Storm water discharge resulting from this conditional use permit shall be in compliance with the COF Alaska Pollutant Discharge Elimination Permit”.

**MOTION TO AMEND:** To amend Condition 1A to read, The applicant or holder of this Conditional Use Permit shall develop, implement and comply with the Storm Water Pollution Prevention Plan (SWPP), the Permanent Storm Water Plan and shall obtain and comply with the Construction General Permit requirements regulated by the State of Alaska Department of Environmental Conservation (ADEC) by **Commissioner Muehling**.

**MOTION FAILED FOR LACK OF A SECOND**

**MOTION TO AMEND:** To add Condition 1B to read as follows, Storm water discharge resulting from this conditional use permit shall be in compliance with the COF Alaska Pollutant Discharge Elimination Permit by **Commissioner Muehling**.

**MOTION FAILED FOR LACK OF A SECOND**

**Commissioner Thayer** asked the board if the current zoning for this parcel is OR, she stated there is signage of a community park. She referenced the Certificate of Corporate Ownership Dedication and Compliance, on page 134 and asked for a definition.

**Ms. Dau** stated that she doesn’t see on the plat that the Tract is designated as a park. She stated that without further research, the standard language is that if nothing is designated as a park then it is not dedicated.
ROLL CALL

Two (2) in Favor: Peterson, Muehling
Six (6) Opposed: Sims, Perreault, Brandt, Thayer, Guinn, Stepovich

MOTION FAILED

MOTION: To not approve the Conditional Use Permit (CU2018-004) for public utility and service use (municipal snow storage) on a 1.75-acre portion of Tract B by Commissioner Muehling, seconded by Commissioner Perreault.

[Recessed for an at ease till 8:26 pm]

Discussion on the Motion

Commissioner Perreault read the four (4) Findings of Fact that he would like to have added.

MOTION TO AMEND: To amend the Conditional Use Permit (CU2018-004) with the four (4) Findings of Fact for denial by Commissioner Thayer, seconded by Commissioner Sims.

Ms. Dau stated she had legal concerns about supporting denial with preserving urban open space because that is not truly what the denial of this permit has the power to do, she suggested replacing the language with something to the effect of not clear cutting current wooded area for a snow dump.

MOTION TO AMEND: To amend the wording of Conditional Use Permit (CU2018-004) Findings of Fact one (1) and three (3) for denial by Commissioner Thayer, seconded by Commissioner Perreault.

ROLL CALL (MOTION TO AMEND THE AMENDMENT)

Eight (8) in Favor: Brandt, Thayer, Guinn, Peterson, Stepovich, Sims, Perreault, Muehling

Zero (0) Opposed:

MOTION PASSED

MOTION TO AMEND: To amend the Conditional Use Permit (CU2018-004) to add a fourth (4) Findings of Fact for denial by Commissioner Perreault, seconded by Commissioner Thayer.
Discussion on the Motion to Amend

Commissioner Perreault stated that he wanted to make sure that they were compatible with the comprehensive plan for the area when the commission makes a decision and able to support the findings with the comprehensive plan.

ROLL CALL(MOTION TO AMEND THE AMENDMENT)

Eight (8) in Favor: Sims, Perreault, Brandt, Thayer, Guinn, Peterson, Stepovich, Muehling

Zero (0) Opposed:

MOTION PASSED

ROLL CALL(MOTION TO AMEND)

Eight (8) in Favor: Perreault, Brandt, Thayer, Guinn, Peterson, Stepovich, Sims, Muehling

Zero (0) Opposed:

MOTION PASSED

Discussion on the Main Motion

Commissioner Perreault stated for the record that he is generally in favor of the development of internal infrastructure for the efficient use of clearing streets and maintaining what makes a City a City, he stated this site amongst the snow dumps sites is unique and deserves different consideration than the other sites.

Commissioner Thayer agreed with Perreault and understands the needs for adequate dump sites, they are very difficult to come by but she believed this site is different.

Commissioner Sims added his belief in the existing site being satisfactory and may require blowing snow, taking longer time to melt off in the spring but that it comes at the loss of the buffer and the noise impacts. He stated the City will still have a functioning snow dump site at this location that can meet their needs.

ROLL CALL(MAIN MOTION)

Seven (7) in Favor: Sims, Perreault, Brandt, Thayer, Guinn, Stepovich, Muehling

One (1) Opposed: Peterson

MOTION PASSED
FINDINGS OF FACT IN DENIAL

1. Protecting both private property rights and promote public health, safety and welfare by not clearcutting current forested area for a snow dump.
2. The applicant failed to demonstrate the need to expand the existing site.
3. The site location and proposed expansion adversely impacts surrounding residential areas due to increased noise impacts, should clearcutting of the existing forested area by reducing the noise buffer.
4. Denial of application fits comprehensive plan Goal 4, strategy 10, action B: to develop a pattern of compatible land uses, and to buffer incompatible land uses. As well as goal 3, to have a variety of land uses that fit the diverse needs of the community, strategy 7, provide a variety of residential land use opportunities and maintaining existing residential areas that can accommodate diverse lifestyles.

F. PUBLIC HEARING

1. **HP2019-001 FMATS Sidewalk Improvements**: A request by the State of Alaska Department of Transportation and Public Facilities for local planning authority approval of the FMATS Sidewalk Upgrade project. The Alaska Department of Transportation and Public Facilities (ADOT&PF), in cooperation with participating agencies within the Fairbanks Metropolitan Area Transportation System (FMATS) and the Federal Highway Administration (FHWA), propose to construct, reconstruct, or improve pedestrian facilities in five (5) locations in the Fairbanks North Star Borough under the FMATS Sidewalk Improvement Program FFY2016-2018 (Design). The proposed project locations are as follows:
   - **A. City of Fairbanks**
     1. 5th Avenue (Barnette Street to Cowles Street)
     2. Bjerremark Street (26th Avenue to approximately 100 feet south of 27th Avenue).
     3. Cowles Street (23rd Avenue to 29th Avenue).
   - **B. City of North Pole**
     1. Homestead Drive (Old Richardson Highway to Perimeter Drive)
   - **C. Fairbanks North Star Borough (FNSB)**
     1. Loftus Road

**Commissioner Brandt** stated that he owns a property in the area. Ms. Dau asked if the property is actually a part of this highway project. **Commissioner Brandt** said no. Ms. Dau asked if he had a financial or private interest that directly and substantially varies with the outcome of the decision. **Commissioner Brandt** said no. **Chair Muehling** ruled no conflict.

**Staff’s Presentation**

**Mr. Don Galligan** provided a presentation of his staff report and recommendations on behalf of the Borough’s Planning Department, and recommended approval with three (3) findings of fact as listed in the Staff Report.

**FINDINGS OF FACT:**

1. The FMATS Sidewalk Improvements project will “ensure that road designs improve safety and minimize adverse impacts”, and “integrate pedestrian-friendly sidewalks as
enhancements during road construction and maintenance". (Transportation and Infrastructure: Goal 1, Strategy 1, Action C)

2. The FMATS Sidewalk Improvements project will help to “make the borough more pedestrian friendly”. (Transportation and Infrastructure Goal 1, Strategy 3)

3. The FMATS Sidewalk Improvements project will “encourage use of non-motorized transportation systems”. (Transportation and Infrastructure Goal 1, Strategy 4, Action B)

Robert Pristash with the City of Fairbanks stated he concurs with the staff report given.
- All the areas reconstruct existing sidewalks that are ADA deficient or at the end of their design life.
- Or they fill in gaps in existing corridors.
- Gave examples of the roads that would benefit from reconstruction.

Public Testimony Opened

No one present

Public Testimony Closed

Questions by Commissioners

Commissioner Peterson asked if there is grant funding available in regards to maintenance in the winter time. Mr. Pristash stated grants are not used for maintenance. Commissioner Peterson mentioned budget cuts and asked where funds are coming from for future maintenance. Mr. Pristash explained that it is cheaper to fix an existing road.

Mr. Galligan stated the projects are funded through FMATS and are required maintenance agreements to be signed prior to granting of the funds. FNSB has signed a maintenance agreement for Loftus Rd. Mr. Pristash stated that maintenance agreements have already been signed.

Commissioner Muehling asked if non-motorized sidewalks go through low income neighborhoods. Mr. Pristash said that would be the case in south Fairbanks.

Discussion ensued between Commissioner Muehling, Mr. Pristash and Mr. Galligan about the scoring criteria that might help benefit low income neighborhoods that may have a greater need for sidewalks.

Commissioner Stepovich asked why the design costs are so high, being around $856,000. Ms. Hall, DOT Project Manager, explained it is due to the project being at five different locations. She explained that adding a sidewalk requires adequate drainage, etc. which have to be surveyed and is a considerable cost. Ms. Hall stated that typically the smaller jobs cost more on design compared to a large project.

Commissioner Brandt asked why they are shifting Homestead Drive. Mr. Pristash said there is a ROW problem.

MOTION: The Planning Commission to approve HP2019-001 FMATS Sidewalk Improvements as being consistent with the Comprehensive Plan, adopting the staff report and three findings of fact by Commissioner Thayer and seconded by Commissioner Peterson.
MOTION TO AMEND: To amend the motion to remove the wording “The Planning Commission” by Commissioner Thayer and seconded by Commissioner Peterson.

Discussion on the Motion to Amend

None

ROLL CALL (Motion to Amend Motion):

Eight (8) in Favor: Sims, Perreault, Brandt, Thayer, Guinn, Peterson, Stepovich, Muehling

Zero (0) Opposed.

MOTION PASSED

Discussion on the Main Motion

Commissioner Muehling commented that FMATS goes through a process where projects are scored and these projects rose to the top as they represent needs in Fairbanks and he approves of the motion.

Commissioner Thayer stated not only the City of Fairbanks, but the City of North Pole will benefit from the projects. She mentioned how she has seen people in wheelchairs in the street because they cannot use the sidewalk on 5th Avenue and it is great to see projects for improvements.

Commissioner Muehling stated the projects serve disadvantage populations and low income neighborhoods, he is in full support of those projects.

ROLL CALL (Main Motion):

Eight (8) in Favor: Perreault, Brandt, Thayer, Guinn, Peterson, Stepovich, Sims, Muehling

Zero (0) Opposed.

MOTION PASSED

G. EXCUSE FUTURE ABSENCES

Commissioner Muehling and Commissioner Thayer are excused from the September 11, 2018 meeting.

Commissioner Sims is excused from the September 25, 2018 meeting.

Commissioner Perreault is excused from the December 11, 2018 meeting.
H. COMMISSIONER’S COMMENTS

Commissioner Muehling reported on the RE/RR setback subcommittee’s proposal that has been sent to legal and it will be coming to the Planning Commission soon.

Commissioner Perreault reported on a neighbors produce that was for sale. It was nice and fresh produce and he thanked the commission for passing the community agriculture.

I. ADJOURNMENT

There being no further business, the meeting was adjourned at 9:11 p.m.