

FNSB PLATTING BOARD

MINUTES

December 19, 2018

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

ROLL CALL

Members Present: Kellie Fritze, Troy Hicks, Jason McComas-Roe, Clint Meyer, Bill Mendenhall, Tadd Wilmer and Randy Pitney

Members Absent: Crystal Haman (excused) and Mike Kwasinski (excused)

Others Present: George Stefan, Platting Officer; Daniel Welch, Platting Officer; Julie Kotila, Platting Officer; Chad Hosier, FNSB Public Works Engineer; Wendy Dau, FNSB Assistant Borough Attorney, Christine Nelson, Director of Community Planning and Laura McLean, FNSB Recording Clerk.

MESSAGES

Chairs Comments-

Mr. Pitney wished all a Happy Holiday season.

Citizens Comments – limited to three (3) minutes

None.

Disclosure and Statement of Conflict of Interest

Ms. Fritze stated that she may have a perceived conflict of interest with any 3-Tier applications. She clarified that 3-Tier completed a plot plan for her last spring. **Mr. Pitney** stated that this was the same disclosure that she had disclosed earlier and he still does not deem this to be a conflict as the work has been completed.

Mr. Hicks disclosed that he has a conflict with items #1 and #3 as his wife, Paula Hicks, works for 3-Tier Alaska. **Mr. Pitney** confirmed that there is a conflict of interest. Mr. Hicks will not hear this item.

Mr. Hicks disclosed that with regard to the Golden View application, he realized that the owners of the properties children have worked for him in the past doing surveying work.

Mr. Meyer inquired as to the length of time since they last worked for Mr. Hicks. **Mr. Hicks** replied one was perhaps 1 ½ years and the other 3-4 months.

The Board continued to inquire as to the length of employment of each employee.

Following further discussion, **Mr. Pitney** deemed that Mr. Hicks will not sit on the dias for this application.

Mr. McComas-Roe added that he does not agree with the Chairs determination.

Mr. Pitney defended his position as that it appears that it has only been a few months that they were employed and that they could probably be employed again.

Mr. McComas-Roe reminded Mr. Pitney that the employees were third parties.

Ms. Dau commented that because this is a quasi-judicial matter the conflict standard is much more stringent and extends to appearances of impropriety or appearances of a conflict and so considering the time line and how recent a relationship with one of the employees, and because of the characterization of the employment as seasonal, she would agree that there is or appears a conflict of interest.

APPROVAL OF AGENDA AND CONSENT AGENDA

MOTION: A motion was made by **Mr. Meyer**, seconded by **Ms. Fritze** to reorder the agenda moving item "H" to the first item on the agenda. Motion carried without objection.

MOTION: A motion was made by **Mr. Meyer**, seconded by **Ms. Fritze** to postpone item "H" to a future meeting date. Motion carried without objection.

Upon further discussion it was determined that the Platting Board Rules will be discussed at the February meeting.

MINUTES

None.

CONSENT AGENDA ITEMS

None.

OATH

QUASI-JUDICIAL HEARING

1. **SD018-17 Amayun Subdivision** A request by Diane L. Stevens Sam and Crystal K. Drum, on behalf of themselves, Bonnie Gale Brosius, and the Estate of Martha A. Stevens, to subdivide TL-704, TL-706, TL-707, TL-709, and TL-710, a total of approximately 46.37 acres, into four lots ranging in size from 3.23 to 29.08 acres. The request includes dedication of a temporary turnaround easement along a section line easement corridor. The property is located within the SW¼ Section 7, T2N R1E, FM.
Staff Contact: George Stefan

Stefan presented the Staff Report. Based on Staff analysis, the Department of Community Planning recommends APPROVAL of the subdivision with the following five (5) conditions:

1. GVEA shall be given a maximum of 30 calendar days to review and comment on the final plat.
2. A note shall be placed on the final plat which states, "The Davidson Ditch Access Road – Elliott Highway provides a 100-foot wide right-of-way that may cross a portion of Lot 4 of this subdivision. This right-of- way was established by RS-2477 and is also known as RST-1967."
3. A note shall be placed on the final plat which states, "Roads in and to this subdivision were not required to and may not meet the borough's minimum standards for materials and construction. To the extent these road standards have not been met, fire protection, ambulance and other public services may not be available year-around or their availability may be severely limited."
4. A note shall be placed on the final plat which states, "No subdivision lot may be further subdivided until such time as legal, constructed road access is available to the boundary of the lot proposed to be resubdivided."
5. A note shall be placed on the final plat which states, "New direct access onto the Elliott Highway is prohibited. Any modification to the existing driveway onto the Elliott Highway will require an approved ADOT&PF driveway permit prior to commencing construction."

Furthermore, staff recommended adoption of the following five (5) Findings of Fact and the Staff Report in support of approval:

- a) The applicants have applied for and shall be exempted from the road construction requirements for a road within the section line easement corridor along the subdivision's west boundary, including the proposed temporary turnaround as allowed by FNSBC 17.56.060.A because:
 - i. The proposed subdivision is not within a road service area or fire service area.
 - ii. The proposed subdivision does not rely on roads maintained by a service area for its only access or for access that is required by the subdivision plat.
- b) A requirement for the applicant who utilizes the road construction exemption of FNSBC 17.56.060.A is that a cautionary plat note be placed on the final plat. Condition #3 satisfies this.
- c) The subdivision request is exempt from constructing a Title 17 road within the portion of the section line easement corridor from the Elliott Highway to the northwest corner of the subdivision as allowed by FNSBC 17.56.020.G because:
 - i. The proposed subdivision creates fewer than five lots.
 - ii. Legal access exists to the subdivision boundary from the Elliott Highway to the subdivision boundary via the section line easement corridor.
- d) Per FNSBC 17.56.020.G a lot created under this subsection may not be further subdivided until such time as legal, constructed road access is available to the boundary of the lot proposed to be resubdivided. Condition #4 satisfies this.
- 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. Where double-frontage lots are platted, lots shall not access onto major collector or arterial roads unless topography allows no reasonable alternative. Restricted access shall be noted on the plat." Condition #5 satisfies this restriction.

Mr. Meyer queried if there was a conflict of ownership with regard to this property. **Mr. Stefan** replied that the title report shows no conflict.

Mr. Pitney requested clarification regarding the RS2477 trail that may be in the area and wanted to know if the general public will still be able to utilize this trail. **Mr. Stefan** stated that access to an RS2477 trail cannot be denied.

Mr. Pitney requested clarification regarding access to these lots. **Mr. Stefan** provided clarification for him.

Mr. Pitney queried if Lot 4 access the Elliot Highway via the section line easement. **Mr. Stefan** replied that they can access the Elliot Highway via the section line easement because the section line easement is a public right-of-way.

Further discussion ensued regarding access onto the Elliot Highway.

Ms. Dau clarified that the DOT comment specifies direct access and that historically is what is called “a term of art”. She further commented that Mr. Stefan is correct in speaking to direct lot access, not right-of-way access onto the Elliot Highway.

Ms. Dau continued to clarify for the Platting Board the access questions.

Mr. McComas-Roe queried if a legally conforming intersection be constructed at the angle of intersection within the rights-of-way. **Mr. Hosier** responded that he has not analyzed this particular intersection but tends to believe that Mr. Stefan is correct that there is enough space to provide a much better angle of intersection than what is shown by the right-of-way.

Mr. Meyer suggested getting clarification from DOT legal department.

Applicant Testimony

Karen Tilton, R&M Consultants, addressed the Platting Board. She clarified some of the confusion that was had regarding the section line easement and construction onto the Elliot Highway. She further commented that she believes that the right-of-way that is available would allow for a generally good intersection, though they have not analyzed this possibility.

Mr. McComas-Roe asked if the future owner of Lot 4 would be responsible for constructing this intersection. **Ms. Tilton** responded that they would have two options as there are two public rights-of-way leading to Lot 4.

Mr. McComas-Roe queried if there was any vestigial easement associated with this property with regard to the Tanana Valley Railroad railbed that is located on this property. **Ms. Tilton** replied that there is a deed from the Alaska Railroad for the Tanana Valley Railroad but it does not call for a right-of-way width.

Ryan Hunt, 3-Tier Alaska, addressed the Platting Board. He stated that his company did prove that a road could be built along the section line easement. He made himself available for questions.

Interested Person Testimony

None.

Applicant Rebuttal

None.

MOTION: A motion was made by **Mr. McComas-Roe**, seconded by **Mr. Wilmer** to approve Amayun Subdivision with the five amended conditions and adopting the five findings of fact and the staff report in support of approval.

Mr. Meyer commented that he intends to support this request.

Ms. Fritze commented that she too plans to support his request.

Mr. Wilmer echoed Ms. Fritzes comment.

Mr. Mendenhall stated that he has no objection to this request.

Mr. McComas-Roe added that he in in agreement with staff recommendation. He plans to approve this request.

Mr. Pitney stated that he intends to support this request.

ROLL CALL: 6 in favor Fritze, McComas-Roe, Mendenhall, Meyer, Wilmer and Pitney
0 opposed

2. **MD003-19/SD005-18 Golden View Subdivision** A request by Degerlund Engineering, LLC, on behalf of Karl and Florine Benson, for a modification to the Platting Board's approval of Golden View Subdivision on October 25, 2017. The approved request was for the subdivision of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 21, T1N, R2E, FM, a total of approximately 40 acres, into five lots ranging in size from 3.03 acres to 23.92 acres. The modification request is to remove two conditions approved by the Platting Board related to a private access easement and to reconfigure the five proposed lots to range in size from 2.08 acres to 20.21 acres. The property is located on Chena Valley View Lane. **Staff Contact: George Stefan**

Mr. Stefan presented the Staff Report. Based on Staff analysis, the Department of Community Planning recommends APPROVAL of the modification with the following nine (9) findings of fact in support of the approval:

- a. The Golden View Subdivision request was submitted with a design in which the new subdivision road, Chena Valley View Lane, was proposed to intersect with an existing private access easement at an angle of less than 60 degrees.
- b. FNSBC 17.56.100.C.1 requires that, "Streets shall intersect at an angle as close to 90 degrees as feasible, and in no event, at an angle less than 60 degrees."
- c. Golden View Subdivision was approved on October 25, 2017 by the Platting Board with conditions #4 and #5 in order to rectify the code violation of FNSBC 17.56.100.C.1. Those conditions were approved as:
 1. The portion of the existing access easement that runs through proposed Lot 1 shall be vacated by deed prior to final plat approval.
 2. The portion of the road within the existing private easement that runs through proposed Lot 1 shall be barricaded at the intersection with the new portion of Chena Valley View Lane and at the intersection with the ADL such that vehicular access is not possible.
- d. On November 21, 2018 the Platting Board granted approval for a variance from FNSBC 17.56.100.C.1 to allow the intersection angle of the new subdivision road, Chena Valley View Lane, and a private access easement to be less than 60 degrees.
- e. The subdivision, with the modification, can be developed consistent with public welfare and safety because:
 1. The applicant's registered professional has designed the new subdivision road, Chena Valley View Lane, to provide as safe as possible road given the existing topography.

2. Chena Valley View Lane will provide a much safer and practical connection between the properties to the west and the ADL ROW to the north compared to the private access easement.
 3. The substandard trail within the private access easement may only be used by the dominant estate properties, and Chena Valley View Lane may be used by the general public.
- f. The private access easement is no longer necessary due to the construction of Chena Valley View Lane.
 - g. The substandard trail within the private access easement will likely become overgrown and unusable for vehicular traffic over time since Chena Valley View Lane will be used.
 - h. It is very likely that the few parties who directly benefit from the private access easement will instead use Chena Valley View Lane for access.
 - i. FNSB Public Works and the Transportation Planner support the modification.

Mr. Meyer queried if the pioneer trail through Lot 1 will be vacated. **Mr. Stefan** replied that it will not be vacated. The modification is asking that the conditions to vacate it and barricade it be removed.

Applicant Testimony

Karl Benson, applicant, addressed the Platting Board. He stated that unless this trail is vacated, no one is going to want to purchase this property. That is the motivation to remove the easement.

Ms. Fritze queried who will maintain the new road and who maintains the older road. **Mr. Benson** stated that the old road was maintained by the folks living at the far north-east corner. **Mr. Benson** further stated that he has a two year warranty on the new road, therefore he will be maintaining it for the next two years and then it will fall into the hands of the new owners.

Mr. McComas-Roe asked who built the road. **Mr. Benson** state that they did.

Interested Person Testimony

None.

Applicant Rebuttal

None.

MOTION: A motion by **Mr. Meyer**, seconded by **Ms. Fritze** to approve MD003-19, a modification to remove conditions #4 and #5 from the original Golden View Subdivision approval by the Platting Board at its October 25, 2017 meeting, adopting the nine findings of fact and staff report in support of the approval.

ROLL CALL: 6 in favor Fritze, McComas-Roe, Mendenhall, Meyer, Wilmer and Pitney
0 opposed

3. **SD006-19 Cullen Acres** A request by 3-TIER Alaska, LLC., on behalf of Timothy L. Cullen, to subdivide TL-2300, a total of approximately 40 acres, into one lot of approximately 0.98 acres and a remainder tract of approximately 39.02 acres. The request includes dedication of a seven foot wide public access easement along the existing section line easement within the property. The property is located within NE¼ SE¼ Section 23, T1N R2W FM on Miller Hill Extension Road. **Staff Contact: Daniel Welch**

Mr. Welch presented the Staff Report. Based on Staff analysis, the Department of Community Planning recommends APPROVAL of the subdivision with the following nine (9) conditions:

1. GVEA shall have a maximum of 30 calendar days to review and comment on the final plat.
2. ACS and the Chena Goldstream Fire Service Area shall have a maximum of 10 days to review and comment on the final plat.
3. A note shall be added to the plat which states "Upon construction and connection of Miller Hill Road and Miller Hill Extension Road, direct lot or driveway access onto the through road will be prohibited, and until there is other adequate road access, driveways from Lot 1 and Tract A are limited to the 25' shared driveway easement. Any other driveway connections to the major collector road will be removed at time of new roadway construction."
4. A note shall be added to 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."
5. The Flood zone Note 2 shall be amended to state "The base flood elevation for this area is 590.5'..." The note shall be reviewed by the FNSB Flood Plain Administrator or other CFM within the Department of Community Planning.
6. The final plat shall include the benchmark requirements of FNSBC 17.52.040.18.a. This requirement shall be reviewed by the FNSB Flood Plain Administrator or other CFM within the Department of Community Planning.
7. A note shall be added to the final plat that states "Roads in and to this subdivision were not required to and may not meet the borough's minimum standards for materials and construction. To the extent these road standards have not been met, fire protection, ambulance and other public services may not be available year-around or their availability may be severely limited."
8. A note shall be added to the final plat that states "Lots created by this plat may not be further subdivided until such time as legal and constructed road access meeting FNSB Title 17 standards is available to the boundary of the lot proposed to be resubdivided."
9. Water and Wastewater Disposal Notes 1-3 shall be replaced by a note to reflect the findings of the submitted soils report. The note shall state something to the effect of "The soil classifications as stated above are not suitable for conventional onsite wastewater disposal systems. The onsite wastewater disposal systems should be designed by a professional engineer and submitted for plan review and approval by ADEC prior to installation." FNSB Public Works shall review the note.

Furthermore, staff recommended adoption of the following eight (8) Findings of Fact and the Staff Report in support of approval:

- a) The proposed subdivision creates one lots and one tract, for a total of two parcels.
- b) The subdivision plat proposes to dedicate an additional 7 foot public access easement for right-of-way purposes following the existing section line easement corridor.
- c) Per FNSBC 17.56.020.B.3 states that dedication of the exterior boundary right-of-way width may be shared with the adjoining property owner if the shared right-of-way exists and is public.
 - i. The applicant is only required to supply half of the 14-feet of required right-of-way.
- d) FNSBC 17.56.090 states “No street or right-of-way shall be created or modified within 15 feet of a permanent building existing on or adjoining the property to be subdivided or dedicated unless the applicant proves that the replat will not impede safe public access or otherwise result in a hazard to persons or property.”
 - i. The permanent structure will be within 14.2 feet of the proposed dedication.
 - ii. Evidence was submitted by the applicant showing that the existing structure would not impede safe public access in the event of future road improvements.
- e) FNSBC 17.56.110.A states “The alignment of subdivision streets shall conform to the comprehensive road plan adopted by the Fairbanks North Star Borough assembly.”
- f) The FNSB Comprehensive Road Plan intends for the connection of Miller Hill Road and Miller Hill Road Extension.
 - i. The connection will create a new through road for the existing road network.
 - ii. The FNSB Comprehensive Road Plan classifies the connection as a Major Collector Road.
 - iii. Improvements of Miller Hill Road Extension do not connect to the constructed improvements of Miller Hill Road.
 - iv. Miller Hill Road Extension does not function as a major collector.
 - v. Once constructed, the connection of Miller Hill Road and Miller Hill Road Extension will function as a Major Collector Road.
- g) The subdivision is not within the Miller Hill Extension Road Service Area.
- h) The subdivision plat relies on Miler Hill Extension Road.
- i) Miller Hill Extension Road is maintained by the Miller Hill Extension Road Service Area.
 - i. Miller Hill Extension Road Service Area does not maintain Miller Hill Road Extension to the boundary of the subdivision.
- j) The applicant has met the requirements for road construction exemption under FNSBC 17.56.060.B.
- k) The road construction exemption of FNBC 17.56.020.G applies to this subdivision.

- l) Road improvements leading to or within the subdivision are not proposed or required by this plat.
- m) Portions of the property are located within Flood Zone A.
- n) FNSBC 17.52.040.D.18.a requires that bench marks be placed within the subdivision as primary monuments and be stamped and noted on the plat. Monumentation shall be placed so that no lot within the Flood Zone A or AE is more than 1,000 from a benchmark. Condition #6 satisfies this requirement.
- o) With the nine conditions recommended by staff, this subdivision meets the applicable requirements of Title 17.

Mr. McComas-Roe asked for the citation number for this request. **Mr. Welch** gave the citation as 17.56.090.

Mr. Meyer asked if this area was going to apply to become part of the service area. **Mr. Welch** replied that when utilizing the road construction exemption, there is a portion of title that says that until these roads are built to a certain standard, they are not eligible to become part of the road service area.

Ms. Fritze queried what evidence was submitted and who approved it. **Mr. Welch** replied that a cross section was provided that shows the road and how it would be built to Borough standards.

Mr. McComas-Roe asked if the comprehensive road plan makes a habit of planning 80' rights-of-way for 66' easements. **Mr. Welch** deferred this question to the Transportation Planner.

Further discussion ensued regarding the road and the turnaround.

Applicant Testimony

Paula Hicks, 3-Tier Alaska, addressed the Platting Board. She requested confirmation that if in the future Tract A is subdivided, the condition #3 will not restrict a future road from connecting to Miller Hill Extension. **Mr. Welch** replied that that is correct, it will not restrict Tract A from connecting to Miller Hill Extension.

Ms. Hicks commented that she would like to see the Comprehensive Road Plan updated. She made herself available for questions.

Interested Person Testimony

None.

Applicant Rebuttal

None.

MOTION: A motion by **Ms. Meyer**, seconded by **Ms. Fritze** to approve Cullen Acres with the nine conditions as amended, adopting the fifteen findings of fact as amended and the staff report in support of approval.

Mr. Meyer stated that he intends to support this request.

Mr. McComas-Roe commented that he concurs with staffs' recommendation and will be supporting this request.

Ms. Fritze agreed with Mr. McComas-Roe.

Mr. Wilmer stated that he is in agreement with staffs' recommendation.

Mr. Pitney commented that he also is in agreement with this request.

ROLL CALL: 6 in favor Fritze, Mendenhall, McComas-Roe, Meyer, Wilmer and Pitney
0 opposed

NEW BUSINESS

- Platting Board Rules

This item was postponed to the February meeting date.

Mr. Pitney requested that staff and the legal department work together to get this information out to the Platting Board as soon as possible so that they will have ample time to review the material.

EXCUSE FUTURE ABSENCES

BOARD MEMBER COMMENTS / COMMUNICATIONS

Mr. Meyer wished all a happy holiday.

Mr. Pitney wished all a happy season.

ADJOURNMENT