FAIRBANKS NORTH STAR BOROUGH PLANNING COMMISSION

MINUTES
February 13, 2018

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 6:02 p.m. by Mindy O’Neall, Chairperson.

A. ROLL CALL

MEMBERS PRESENT:  Charles Whitaker   Chris Guinn
                   Doug Sims       Mindy O’Neall
                   Eric Muehling   David Brandt
                   Wendy Presler   Mike Stepovich
                   John Perreault

MEMBERS ABSENT & EXCUSED:  Robert Peterson   Pat Thayer

OTHERS PRESENT:  Christine Nelson, Community Planning Director
                 Stacy Wasinger, Planner
                 Manish Singh, Planner
                 Wendy Doxey, Assistant Borough Attorney
                 Nicole Nordstrand, Recording Clerk

B. MESSAGES

1. Chairperson’s Comments

   Chair O’Neall communicated that conflicts of interests and disclosure will be called after each matter is read into the record, and drew attention to blue packets related to GR2017-152 that were admitted just prior to the meeting.

2. Commissioner’s Comments

   There were no comments by Commissioners.

3. Communications to the Planning Commission

   There was no communication to the Planning Commission.

4. Citizen’s Comments – limited to three (3) minutes

   There were no comments by Citizens.

5. Disclosure & Statement of Conflict of Interest
C. *APPROVAL OF REVISED 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.

Chair O’Neall communicated that a request was received to withdraw CU2018-008 and proposed accepting the withdrawal and approve the agenda as amended removing CU2018-008.

Commissioner Muehling stated he wished to add a [sic] to the statement he read into the record for new business, third paragraph from the end should read: “The people who chose to go from current setbacks to reduced setbacks should provide their case”.

**MOTION:** To approve Agenda and Consent Agenda as Amended Commissioner Sims and seconded by Commissioner Presler.

**PASSED WITHOUT OBJECTION**

D. *MINUTES*

1. *Minutes from the January 16, 2018 Meeting.*

E. QUASI-JUDICIAL HEARINGS

1. CU2018-009: A request by Tori Clyde, on behalf of the Ester Volunteer Fire Department and Fairbanks North Star Borough, for conditional use approval of a public utility and service use for a water storage and fill facility for emergency services in the Rural Estates 2 (RE-2) zone on Tract G, Cripple Creek II Subdivision, First Addition (located at 1457 Oboe Court, on the east side of Cripple Creek Road, the north side of Isberg Road, and south of the Parks Highway).

**OATH ADMINISTERED**

*There were no disclosures or statements of conflict of interest.*

The Applicant, Chief Tori Clyde, representing the Ester Volunteer Fire Department was present and indicated she would defer to staff to present first.

Ms. Stacy Wasinger provided a presentation of her staff report and recommendations on behalf of the Borough’s Planning Department and recommended approval with conditions listed in the Staff Report, with a modification to proposed condition 1.

Questions by Commissioners

Commissioner Muehling asked if the conditions specify hours of operation, and Ms. Wasinger responded they were not included in an effort not to hinder emergency services. Commissioner Muehling understood as to emergency services, and questioned if any thought had been given to the quarterly training and refill of the water tank. Ms. Wasinger pointed to condition #3, and deferred to the Applicant to elaborate on training schedule.
Commissioner Perreault inquired to the number of refill sites exist in the Borough and if there had been any complaints at any of the other sites, and Ms. Wasinger deferred to the Applicant.

Commissioner Sims asked if there was any feedback from any property owners who received notice, and Ms. Wasinger comments that there were 7 inquiries and expressed concern on what she could report of those inquiries.

Ms. Doxey cautioned that due to the quasi-judicial nature of the matter, reliance on hearsay testimony should be avoided since they are not under oath and available for questioning.

Commissioner Sims restated his question and asked if any response was received; either positive or negative, and Ms. Wasinger reported that generally speaking there was no concern although a few spoke concerning the depth of the water table and whether a well would be dug, and reported that did not factor into the consideration of meeting the conditional use criteria at this time.

Applicant’s Testimony

Applicant, Chief Tori Clyde, presented her presentation and testified as follows:

- Location is to provide water to a non-hydrant area in the subdivision.
- Subdivision has been identified as a zone of concern by the Division of Forestry.
- 2 acres of the 5 acre parcel will be utilized and the project entails tree removal, ground work, add power, dig a hole to place two (2) 15,000 gallon tanks underground, build a driveway and access road into the cul-de-sac, and add a small structure.
- Showed a slide of an overview of the area including the Parks Highway, and identified the red areas as zones of concern from Forestry and indicated those areas for mitigation of trees.
- Demonstrated how the emergency vehicles would access the sites.
- Showed other sites with similar refilling stations that currently exist.
- Showed a video of an emergency vehicle entering and exiting the area.

Questions by Commissioners

Commissioner Whitaker asked if there trucks actually pump the water or if the pump is located in the “pump house” and Chief Clyde responded they are looking at either pumping or drafting and explained the mechanics of each. Commissioner Whitaker clarified his understanding there would be two tanks for a total of 3,000 gallons, and Chief Clyde replied there would be two tanks for a total of 30,000 gallons, and explained the capacity of each water trucks.

Commissioner Muehling commented on the noise related to the operations; mentioning the beeping noise when the trucks back up, and wondered if each noise should be addressed or whether non-emergency response activities are permitted 7 a.m. to 9 p.m., and Chief Clyde replied that would not be a problem and offered that their training activities are Tuesday nights to 9 p.m., and mentioned that due to the cul-de-sac creation there will be no need for vehicles to back up.

Commissioner Perreault renewed his question on the number of sites currently in operations, and Chief Clyde indicated there are none in her fire service area, though there are others located in the Chena/Goldstream area and believed there to be four. Commissioner Perreault inquired how the tanks would be refilled, and Chief Clyde indicated at this time water would be brought in to fill the tanks. Commissioner Perreault asked if the primary use would be wildfire or residential response, and Chief Clyde stated it is to contain the spread of wildfire or structure fire.
Commissioner Guinn inquired if the presence of the storage tanks would change the ISO rating, and Chief Clyde communicated if the insurance companies continue to use the ISO as a rating to reduce property insurance then it certainly would reduce property insurance.

Commissioner Brandt queried on the lighting to be utilized on or around the facility, and Chief Clyde indicated it would be sensor-based lighting and then lighting from the vehicle.

Commissioner O'Neall stated there is a bit of a slope on Oboe to Isberg and asked if there is any concern, and Chief Clyde stated that it is rather flat and does not pose any concern.

Interested-Person Testimony Opened

Mr. Hal Meyer testified he fully supports the Ester Volunteer Fire Department and the proposed project, and stated his concern should the fire department decide to dig a well, and explained their efforts to gain water at their residence and fears that the draw down to fill 30,000 gallons may put a strain on their ability to draw water from their well.

Commissioner Whitaker inquired how many gallons per minute his well supplies and how many neighbors have wells. Mr. Meyer responded 3 – 5 gallons per minute, and at least a few of their nearby neighbors have wells and explained some issues associated with those wells.

Commissioner Brandt asked if he had any concerns about non-emergency hours of operation. Mr. Meyer reported they are far enough away and had no concerns regarding lighting or sound.

Interested-Person Testimony Closed

Applicant’s Rebuttal

The Applicant, Tori Clyde reiterated that the zone is an area of concern and having a refill station at this site is a true benefit to the Community.

Questions by Commissioners

Commissioner Muehling asked if the other fill stations are using wells or holding tanks. Chief Clyde responded that Ester Dome is a fill site and believes the one at Isberg and Chena Ridge is drawn from a well. Commissioner Muehling inquired of the advantages to one or the other, and Chief Clyde explained the traffic congestion with filling 30,000 gallons and long-term cost effectiveness on a well.

MOTION: To approve the Conditional Use Permit for a public utility or service use for a water storage fill facility for emergency services in the Rural Estate 2 (RE-2) zone on Tract G, Cripple Creek II Subdivision First Addition with three (3) conditions, and adopting the staff report and three (3) Findings of Fact in support of the approval by Commissioner Muehling and seconded by Commissioner Perreault.

MOTION: To amend to add an additional condition “non-emergency events are limited to the hours of 7:00 a.m. 9:00 p.m. by Commissioner Muehling and seconded by Commissioner Guinn.
Discussion on the Motion

Commissioner Muehling stated his intent is to show the neighbors that the sound problems would be mitigated unless there is an emergency.

MOTION TO AMEND PASSED WITHOUT OBJECTION

Commissioner Sims questioned Staff on whether or not the Applicant would need to come back if they were to add a well.

Chair. O’Neall reminded Commissioner Sims that the Body is in deliberations and that the time to asked questions has closed.

Ms. Doxey clarified the question, and replied that generally speaking, the Borough does not regulate ground water use, except for limited land use impacts, and stated a condition could be added to the effect compliance with ADEC requirements.

Commissioner Sims clarified his question was intended to address neighboring concerns of a well draw down and whether adding a well would constitute a substantial change requiring a review of the Conditional Use Permit.

Ms. Doxey restated that the Borough would not have any power to regulate since it is regulated by the State.

Commissioner Guinn communicated a potential well in the Chena Ridge area is not drawn from the same water source and opined it would be difficult to prove that the area would be dewatered, and stated the public purpose outweighs any concern at the moment on the potential well.

Commissioner Muehling communicated that a balance has to be struck; balancing the areas fire safety against the neighborhood’s desire to possibly protect their water levels. He stated that public safety appears paramount and will be supporting.

ROLL CALL (main motion):

Nine (9) in Favor: Guinn, Whitaker, Stepovich, Presler, Sims, Perreault, Brandt, Muehling, and O’Neall.

Zero (0) Opposed.

MOTION PASSED

2. V2018-001: A request by Heather Lambert from Somers & Associates, on behalf of Kelly and Lorna Shaw, for a setback variance of 13 feet +/- to the front-yard setback requirement of 20 feet in the Single-Family Residential 10 (SF-10) zone on Lot 46B, Arctic Orchard Subdivision (located at 1100 Poplar Drive, on the west side of Poplar Drive, between Teal Ave and Marian Luther Road).

Commissioner Whitaker disclosed he owns rental properties in the area and received a “dear property owner” letter. Chair O’Neall declared that automatically disqualified him from sitting on the matter.

[Commissioner Whitaker left the dais]
Commissioner Sims disclosed that his name appears on previously issued zoning and floodplain permits on the principal residence and has no additional information on what is here before the Body. Chair O’Neall inquired if he ever visited the site prior to issuance of those permits, and Commissioner Sims stated he had not, and accordingly Chair O’Neall determined there not to be any conflict.

OATH ADMINISTERED

The Applicant, Heather Lambert with Sommers & Associates, was present and clarified she is representing the potential buyer of the property, Lauren Little, who was also present and they indicated their deferment to staff presenting first.

Mr. Manish Singh provided a presentation of his staff report and recommendations on behalf of the Borough’s Planning Department, and recommended denial of the variance with seven (7) findings of fact listed in the Staff Report.

Questions by Commissioners

Commissioner Perreault asked for an explanation on the floodplain AE designation, and Mr. Singh explained AE designation is where the base flood elevation is known, and in an A designation the floodplain elevation is not known, and added his knowledge of a floodway elevation.

Commissioner Perreault pointed to Lot 41 at corner of Teal and Poplar sticks out into Poplar Drive and Poplar has two different widths and asked for an explanation. Mr. Singh explained the platting history as the possible cause for the variations.

Commissioner Muehling inquired if the garage was constructed without a construction permit. Mr. Singh confirmed the garage did not have a zoning permit, and added it does have a floodplain permit. Commissioner Muehling inquired on Mr. Singh’s statement that all criteria must be met.

Ms. Doxey confirmed that the requirement for all criteria to be met is both in Statutes and Code.

Commissioner Sims inquired if the other detached structures in the area which were found to appear to meet setbacks were based on a visual inspection and if there were any variances granted in the past on other properties, and Mr. Singh stated he relied on the aerial and measurement tools, and stated there is a lot size variance.

Commissioner Sims asked Mr. Singh to explain his statement “it meets the purpose of title 18, but not the intent”. Mr. Singh explained his analysis and referred to the description of intent and purpose stated in Title 18.

Commissioner Brandt stated that the northern setback follows the couture of the slough, and asked if there are additional setback requirements caused by the slough itself. Mr. Singh responded the setback is 5 feet in Title 18 and there is a recommendation from Fish and Game to retain vegetation in the setback.

Commissioner Guinn asked Mr. Singh to explain the diagram on page 140 of the packet on the various alternatives. Mr. Singh stated those are only two options he drew to show the garage could have been placed differently to meet the setbacks. Commissioner Guinn questioned the tightness of building in the alternative locations, and Mr. Singh indicated his drawings rely on the surveyed lines.
Commissioner Sims probed if any enforcement action is being taken to remove the two sheds in the right-of-way, and Mr. Singh replied not to his knowledge at the present time.

Commissioner Presler questioned if the property is within the City limits, and Mr. Singh stated it is just outside the City limits, so a building permit is not required, but a zoning and floodplain permit would have been required.

Ms. Heather Lambert asked Mr. Singh if an accessory building requires a permit. Mr. Singh replied that all new buildings require a permit.

Applicant’s Testimony

Applicant, Heather Lambert, brought some materials for the Commissioner to consider. Chair O’Neall stopped her from handing out the materials until she had the opportunity to review.

[Brief at ease until 7:32 p.m. for Chair to review materials]

Chair O’Neall indicated admissibility of one packet of information pertaining to the property and photographs and ruled that the other two (2) packets were copies of State Statutes and FNSB Code which is information already under the Commission’s purview.

Ms. Lambert testified in doing her research she looked at the statutes, code, and analyzed her findings as follows:

- Goal 1 of Comprehensive Plan – recognize the foremost aspect of land use involving private property is the retention and maintenance of private property rights
- Goal 3 to protect natural systems – consider land development will toward areas where natural systems will be the least adversely affected
- Variance can be given if a special condition exits
- Advised that Title Companies are no longer requiring “as built” surveys as of January 15th
- Believes a special condition can be proven
- Stated situations listed in statute that allow for variances to be granted
- Drew attention to the FNSB All Data Report related to the flood elevation
- Pointed to lot size in its entirety versus with setbacks and placement of the sewer and water separation requirements
- Explained orientation of pictures, elevation, and vegetation

Ms. Lauren Little, the potential buyer of the property, testified as follows:

- Under contract to purchase property
- Not being sought to relieve pecuniary hardship
- Preserving vegetation along a Riparian area is critical
- Discussed base flood elevation and fill necessary
- Any other location would require relocation of the well and removal of vegetation
- Slough drove location of the garage
- Noted 66’ right-of-way on Poplar / normal right-of-way is less
- Setback does not interfere in any way to the right-of-way
- Water/septic on lot and required separation distance (including neighbors) drove location of the utilities and based on their location precludes access to the back of the lot
Ms. Lambert interjected that the amount of fill dirt that would have to have been brought in and the amount of vegetation it would have destroyed still would place it in a location that could flood. Ms. Lambert noted that she does not believe code requires a permit for an accessory building since the use of the property is not changing, and the previous owners were told it was not mandatory.

Questions by Commissioners

Commissioner Brandt stated that the application said the previous owner intended to place the building not in the setbacks which contradicts that placement in its location was the only option, and asked if a different shaped garage could have been built. Ms. Little confirmed it was not built in the location by accident, the previous owners did know they needed a variance at the time they built, and no surveyor has been able to locate the property corner that is not utilized. Commissioner Brandt asked if any thought was put into getting a portion of the right-of-way vacated to bring the property into compliance. Ms. Little responded that may be a future consideration due to challenges with public involvement and given the timeframe.

Commissioner Muehling referenced the photograph showing the drop off from the garage, and asked what the garage was constructed on. Ms. Lambert responded that it is 3/12’, and Ms. Little interjected that it is roughly the same elevation relative to the road and believes they dug down to get their foundation. Commissioner Muehling communicated that testimony indicates 5’ which is not substantial to warrant a special condition on the property. Ms. Little explained that there is not a lot of grade over the entire property, and there is a 50% grade at the location on the left-hand portion of the lot where the garage is located.

Interested-Person Testimony Opened

OATH ADMINISTERED TO KEVIN PETERMAN

Mr. Jerry Flodin testified he is the nearest property owner to the subject property. Mr. Flodin spoke in favor of granting the variance and testified that the garage is not an eyesore and it does not interfere or obstruct the roadway. He further testified that the Kelly and Lorna Shaw are very responsible people and spoke of their previous employers and would do the due diligence required to ensure they do what they are supposed to do.

Commissioner Perreault inquired if Mr. Flodin knew why the right-of-way on Poplar Drive is wide. Mr. Flodin indicated he did not know the reason.

Mr. Kevin Peterman testified he supports the variance and has driven the road on many occasions and echoed Mr. Flodin’s testimony, and is a property value increasing building.

Commissioner Muehling asked Mr. Peterman if there is a powerline easement. Mr. Peterman testified he does not know.

Interested-Person Testimony Closed

Rebuttal by Applicant

Ms. Little responded that the right-of-way started out as a section line easement.

Discussion ensued between Ms. Little and Commissioner Muehling about section line easements.
MOTION: To deny the setback variance of 13 feet +/- to the front-yard setback requirement of 20 feet in the SF-10 zone adopting the staff report and seven (7) Findings of Fact in support of denial by Commissioner Perreault and seconded by Commissioner Guinn.

Discussion on the Motion

Commissioner Muehling spoke of testimony by Staff and the Applicant about property rights and stated that property rights are very important and are protected by code and opined that denial of the proposed variance would not deprive the Applicant of the use of the property in a manner permitted to owners of property in the immediate area if the owner had properly measured for the setback. Commissioner Muehling communicated that the principal is that everyone follows the same rules and granting it would deny other property owners their property rights.

Commissioner Presler stated her agreement with Commissioner Muehling that property rights are at stake, however, Commissioner Presler stated her belief that there are special circumstances on the particular piece of property and the drop off to the slough and filling in the property up to the slough would damage the slough. Commissioner Presler opined that there are only a handful of properties along the slough and this property has special conditions that other property owners do not have.

Commissioner Sims stated he disagrees with Commissioner Muehling on the property rights assumption since that assumes all properties are the same. He communicated that slope influenced the siting of the garage in conjunction with the preexisting septic and well and radically limited where the garage could be placed. Commissioner Sims pointed out that Poplar Drive was granted a waiver to construct in 2000 by the Borough Platting Board and spoke of the reference to that issue and the Staff Report.

Mr. Guinn stated that the typography and shape of the lot, existing slough, all are factors in determining placement, and options are limited. He stated his support to grant the variance.

ROLL CALL:

One (1) in Favor: Muehling

Seven (7) Opposed: Stepovich, Presler, Sims, Perreault, Brandt, Guinn, and O’Neall.

MOTION FAILED

[Recessed for an at ease till 8:34 pm]

MOTION: To approve the variance with the following five (5) Findings of Fact:

1. The property has special topographical features and conditions that prevented building the garage elsewhere on the lot. The special features are the Chena Slough to the north, and a significant drop-off less than 13 feet from the structure. The flood map 10’ contours are not accurate enough to show the slough or the bank, but they are evident in staff and applicant photos.
2. The applicant did not create the need for the variance, and is not seeking the variance for pecuniary reasons.

3. Granting the variance will enable the applicant to enjoy property rights consistent with those of their neighbors. Other neighbors in the area have developed their properties with ancillary structures, some larger than this one.

4. Granting the variance is in keeping with the Comprehensive Plan. The structure does not impede right-of-way or public use of the road, and does not create a fire hazard.

5. The variance is for a residential use in a residential zone, and does not create a zoning conflict.

by Commissioner Presler and seconded by Commissioner Perreault.

Discussion on the Motion

Commissioner Presler indicated that the survey shows the property lines correctly, but lacks depth and does not show the banks of the Chena Slough and if you remove that area from buildable and observe the other setbacks, it leaves little room to build a garage.

Commissioner Perreault quantified that the primary reason he supports the variance is that he does not believe the maps to support staff report accurately show the buildable area and believes the AE flood area is a better analog for what is actually buildable on the property, and slope exits and is significant, and it does not impede any emergency travel or vehicle travel.

Commissioner Muehling stated that construction without special conditions and lack of due diligence is not a reason to allow a variance. He further stated that it is a .8 acre lot and other lots are 2 acres or larger, aside from shape and contour, well and septic, then there is not a place to build a garage.

Commissioner Perreault interjected that there is no finding in the motion about there not being another location to build a lot.

Commissioner Muehling stated he is still not in favor of granting an exception.

Ms. Doxey asked for discussion on why the Commission does not find it possible to build a driveway along the south property line to the proposed alternate location C.

Commissioner Brandt responded that the only way to get to the western portion of the lot would require driving over the septic or the well.

Ms. Doxey explained that development of the lot as far as placement of well and septic are generally not going to be special conditions unless that placement was necessitated by a special condition.

Commissioner Presler quantified that the assuming the well and septic were not there, they could build a garage at the location at C or a little south, it would still require installation of a well and septic which have to be 100 feet apart, it would still require driving on them to get on and off your property.
Commissioner Perreault stated that the plot shows a significant overlay of the flood area AE, and is a better analog of the buildable area, and the far west side of the lot does not have a significant area that is not part of the AE overlay.

Ms. Doxey requested more discussion on the reliance of the flood overlay on the northern property line, and explained her request.

Commissioner Perreault explained there is a significant swathe across the entire northern portion of the lot that is part of the overlay and in satellite photos, the house is a far up as it goes, and there is no room for placement of a garage and further detailed various placements that could not work.

Ms. Doxey sought clarification that the Commission was finding that there is not adequate space south of the AE overlay to build.

Commissioner Perreault interjected he is speaking of specifically to the west of the house.

Ms. Doxey clarified it is to the south of the AE overlay to the west of the house and is caused by the AE overlay.

Commissioner Perreault confirmed, and stated from the photos shown is consistent with the bank drop-off of the slough.

Ms. Doxey asked what evidence or testimony in the record that there is not buildable area in that place.

Commissioner Perreault confirmed not much as discussed in that area, but relying on testimony about the north and the aerial photos provided to extrapolate.

Ms. Doxey reminded the Commission that the decisions have to be based on substantial evidence in the record.

Commissioner Perreault stated that nothing he is basing his decision on is not as part of the Applicant’s submission or testimony or evidence.

Commissioner Presler drew attention to the 2nd picture on page 2 of the pictures presented by the Applicant which is taken from behind the garage shows that the slough comes to the south before turning north and encroaches on the property more than is shown on the All Data Report.

Commissioner Muehling communicated that finding of fact #2 that the Applicant stated they are not seeking this for pecuniary reasons, however, testified they are under contract to buy.

Commissioner Presler stated her understanding of the testimony was that it would cost them money if they did not get the variance when indeed it is going to cost them money since they are under contract.

Commissioner Muehling asked if there was testimony that they could get out of the contract if the variance is denied.

Commissioner Presler confirmed Ms. Little’s testimony was if it is granted, she would have to buy the house.
ROLL CALL:
Seven (7) in Favor: Stepovich, Presler, Sims, Perreault, Brandt, Guinn, and O’Neall
One (1) Opposed: Muehling.

MOTION PASSED

[Commissioner Whitaker returned to the dais]

F. APPEALS

1. GR2017-152: An appeal by Brian Reagin, DBA Sunshine Health Foods, of the denial of a request on behalf of Dan and Yvette Thompson, for affirmative recognition of legal nonconforming use status (grandfather rights) for an existing grocery store in the Two-Family Residential (TF) zone for the property on Lot 1 & 2, Block 18, Hamilton Acres Subdivision (located at 410 Trainor Gate Road, on the northeast side of Trainor Gate Road, south of Craig Avenue).

Chair O’Neall stated she needed to disclose a potential conflict with attorney Mr. Paskvan and handed the gavel to Vice Chair Muehling.

Acting Chair Muehling clarified that the attorney is a field of Commissioner O’Neall and questioned her as to giving more weight to testimony by the Applicant due to the relationship, trust the Applicant more, and ability to set aside relationship and base decision solely on the facts. Commissioner O’Neall stated she would not give more weight, nor trust the testimony of Applicant, and base her decision solely on the facts presented. Acting Chair Muehling determined no conflict exit.

OATH ADMINISTERED

The Appellant, Brian Reagin, was present along with Lennie Reagin, property owner Dan Thompson who was represented by attorney Joe Paskvan. Mr. Paskvan advised that they would defer to staff to present first.

Mr. Singh provided a presentation of his staff report and recommendation on behalf of the Borough’s Planning Department and recommended denial of the appeal and to uphold the administrative determination.

Questions by Commissioners

Commissioner Perreault asked if the blue-fronted packets are from the Applicant or Staff, and Mr. Singh responded they are from the Applicant and there are some duplicate records.

Commissioner Muehling asked if there was evidence that a business license existed at the time be evidence that the building was occupied. Mr. Singh stated that a business license could be evidence for a business. Commissioner Muehling clarified his question was that any business license registered to an address would constitute business activity. Ms. Nelson indicated it would be a factor that would be considered if there was a business license for a grocery store for that period of time. Further discussion ensured on whether or not a listing in the phone book would be evidence, and balancing conflicting information with assessor’s office. Mr. Singh clarified that when it became legal nonconforming in 1965, the period of allowable
vacancy was 12 month, in 1988 it was increased to be 36 months, then went back to be 12 months in 1997 and in 2011 it came back to 36 months. Commissioner Muehling reflected on the flood of 1967 and the significant impacts to the area and, at that time, rebuilding would require completion within 12 months. Ms. Nelson responded that is correct, and would have taken into consideration evidence if they had restarted operations and indicated there was 4-1/2 years where there is no evidence the store was in operation.

Commissioner Stepovich sought clarification that there was no evidence it was operated as a store from 1970 to 1974, and Ms. Nelson confirmed.

Commissioner Sims inquired if the property has ever been conforming in use, and Mr. Singh responded there has never been residential type use. Commissioner Sims asked why the differentiations between grocery store use and commercial use. Ms. Nelson responded that commercial is not a use it is a category, and explained specificity in code.

Ms. Doxey clarified the hornbook treaties on grandfather rights.

Commissioner Sims inquired how that narrows it down to a grocery store if the quality or character.

Ms. Doxey advised that code and general common law on this topic instructs to look at the use that was actually in effect at the time of the grandfathering and whether a changed used reflects the nature and purpose of the original use and whether there is a change in quality or character.

Commissioner Whitaker asked if there are any special circumstances that could extend the 12 or 36 month periods, and Mr. Singh read a portion of FNSBC 18.108.040.

Ms. Doxey clarified current provisions versus past provisions of code and clarified the time periods for applying historical versions of code. She stated that FNSBC 18.108.040 was not in code in 1965 or 1968; the period in question on this matter.

Commissioner Whitaker inquired if there was anything in code in 1968 that allowed for special circumstances.

Ms. Doxey pointed to page 378 of the packet, the City of Fairbanks code, and read the code related to special circumstances. She further communicated that nothing in code allowed for it until 1988.

Commissioner Muehling asked if there is any evidence that the Director extended that period. Mr. Singh replied there is no process in place.

Ms. Doxey clarified that the 1988 provision would only be applied to something that happened after the 1988 provision is implemented.

Commissioner Muehling read the multitude of businesses that have occupied the building over the years and surmised that they do not appear to have the same quality and character of a grocery store, and sought clarity on the issue really being that the building had been vacant for a period of time without operation of a grocery store. Mr. Singh summarized the applicable zoning codes and corresponding time period a building could be vacant and preserve their grandfather rights.
Commissioner Sims questioned if a zoning permit was issued for the ice cream parlor in 1975, and Mr. Singh indicated it was likely issued in error.

Commissioner Brandt stated the building is commercial in nature and has never been used as residential, and Mr. Singh agreed it has been utilized for different types of commercial uses over time, it has been vacant, and agreed it has never been residential. Discussion ensued on lack of conforming use since the Borough took over zoning and that it has always been taxed as a commercial building.

Chair O’Neall explained that D, E and G were submitted prior to the meeting for review, and had determined they would not be allowed prior to the meeting. She announced that after reviewing the statutes realized the information should be allowed, show she allowed them and had them handed out prior to the meeting.

Ms. Doxey asked if Exhibit F was submitted.

Chair O’Neall clarified addendums and some discussion ensued about why materials were not admitted.

Ms. Doxey drew attention to affidavits received.

Chair O’Neall discussed the affidavits and the manner in which they were received.

Ms. Doxey explained the issues related to the affidavit submitted by the Applicant and that it did not follow the property channels to allow for cross-examination while the other affidavit was submitted timely, it did not get distributed properly.

Discussion ensued about the proper methods and the correct why to correct this issue.

MOTION: To set aside Rule 34 for Affiant Ronald Rafson by Commissioner Muehling and seconded by Commissioner Sims.

Commissioner Presler questioned why the Rule would be set aside for one and not the other one.

Mr. Paskvan explained that it came in one day after the seven day deadline and they were under the impression that all materials had to be submitted five days prior to the meeting and stated his belief that there would be zero prejudice in allowing both affidavits.

Neither party objected to admission of both affidavits.

MOTION: To amend Motion to include both affidavits by Commissioner Muehling and seconded by Commissioner Whitaker.

BOTH MOTIONS PASSED WITHOUT OBJECTION

[Recessed for an at ease till 9:47 pm]

Mr. Joe Paskvan spoke on behalf of the property owner, Dan Thompson and offered the following:
• Dan Thompson of Thomas Investments owns the property and has since the 1970s.  
• Exhibits provided support the statements made in Exhibit A and reads as follows:
  o Building has always been a commercial building rented to many types of light commercial businesses
  o Was not built as a residence, it is not suited as a residence and is only usable as a light commercial property since the 1950s
  o It has always been taxed as a commercial property
  o Sunshine Health and Lucky Dog have occupied the premises for over 20 years
  o Sunshine Health is interested in buying the building which is why this grandfather issue arose
  o 1968 Lease with the Fairbanks North Star Borough School District as a storage for food and books
  o Tundra Northwest Construction Company partially occupied the building
  o Sandstrom Plumbing and Heating partially occupied the building
  o Mt. McKinley Paint and Decorating occupied portions of the building from 1972 – 1975 with the Fairbanks North Star Borough School District
  o In 1974, Dan Thompson, in looking at purchasing the building, personally observed a pallet of butter and books housed there by the FNSB School District
  o In 1975 Dan Thompson received a zoning permit from the FNSB for an ice cream parlor
  o In building was used for storage by Alaska Music Company and Lavetta Terry for restaurant equipment
  o In the late 1970s, a consulting engineering firm and photographic studio occupied the commercial structure
  o In 1981, the Fairbanks North Star Borough Planning approved the Fairbanks Native Association to operate a preschool on the premises
  o The Fairbanks North Star Borough Planning approved the use of the property as a veterinary clinic owned by Dr. VanPelt from 1982 - 1983
  o Dolores O’Mara, of the FNSB Planning and Zoning, told Dr. VanPelt that “setting up a business in your building would be acceptable upon completion of the included form” and “that you as owner may continue to lease to businesses on your grandfather rights”
  o Other businesses include dog training, ceramic studio, photo darkroom and studio, Davis Construction, second-hand store, Superette, Top of the World Productions by Greg and Cindy Knowles
  o Lucky Dog has occupied the premises from 1992 to the present
  o Sunshine Health has occupied the premises from 1995 to the present

Mr. Paskvan argued the Fairbanks North Star Borough written past of approval of the light commercial uses for these premises recognized the grandfather rights vested in the premises and at no time did the planning department represent there was a concern that the grandfather
rights of Thompson Investment are not valid or the uses that the FNSB approved were invalid uses. He further contended that of the 200+ letters sent to neighbors asking for them to come forward if they object and none were received, and only one protested before, Sarah Madison, who has since provided an affidavit indicating her support. In closing, Mr. Paskvan stated that the nature and purpose of this structure is leases to light commercial business as has been done since the 1950’s and building has been taxed and assessed as a commercial building, and a significant commercial investment has been made in the building over the past 4 – 5 years.

Mr. Brian Reagin, the Appellant, testified that Sunshine Health has served the community for over 33 years and have had no objection from the various customers the business serves. He talked about the history of the building and the destruction caused by the flood and of his desire to continue improving the building and continuing to serve the community.

Mr. Paskvan advised the Commission that when this matter was originally scheduled to be heard, Mr. Thompson was in the hospital and subsequently Denali Center for a couple of months which lends to Mr. Thompson’s desire to sell the property.

Questions by Commissioners

Commissioner Sims asked what Sunshine Health relied upon when making investments and Mr. Thompson invested in the building since it has always been commercial and did not see it changing and was trying to get it into good order to sell.

Commissioner Muehling stated that the characterization of the building does not match the zoning and asked Mr. Paskvan if he realized it, and Mr. Paskvan responded that at the time the building was constructed there was no zoning, and this building was included within the ordinances giving it grandfather rights and the Borough has said the building could be used for light commercial and points to Exhibit G – communication by Dr. VanPelt. Commissioner Muehling communicated issues related to rezoning and Mr. Paskvan indicated he has not explored that option. Commissioner Muehling asked what instrument he is referring to that the Borough approved other uses, and Mr. Paskvan again pointed to Dr. VanPelt’s approval to operate and pointed to Exhibit G and the Fairbanks Native Association approval by the Borough of the operation of a preschool. Commissioner Muehling compared the timelines and asked if Mr. Paskvan could acknowledge there were times when the building was not in use. Mr. Paskvan responded that in the forty years Mr. Thompson has owned the property, it has always been in use by light commercial operations, and there is an assignment of lease by the school district from 1968 through 1974. Further discussion on the Borough’s field notes on inspection.

Commissioner Perreault asked where Mr. Muehling was getting his information from.

Commissioner Muehling pointed to page 352 of the packet and read comments on the field card.

Clarification ensued on what documents are considered field cards.

Ms. Doxy directed the Commission to page 364 of the packet.

Commissioner Perreault questioned that there is no entry for 1969 on use. Mr. Paskvan stated that from the recorded documents, the Fairbanks North Star Borough School District commenced occupancy August 1, 1968 through its lease with Tundra Northwest Construction Company and that continued with materials observed in the premise to sometime in 1974. Commissioner Perreault asked who occupied the building in 1967, and Mr. Paskvan indicated
that Harrison d/b/a Shoppers Mart and Polaris Superette, and then there was a foreclosure immediately followed by the flood.

**Commissioner Muehling** asked at what point did the grocery store change, and Mr. Paskvan stated he has not analyzed the 12 months/36 months, and argued that Sunshine Health is closer to grocery store than a preschool operation or a veterinary clinic and the point is that expanding uses/building are addressed in code, as long as they are of a comparable nature and use. **Commissioner Muehling** asked for an affirmative defense that allowed for the various uses and Mr. Paskvan pointed to 18.108.040 and read it, and related that there has always been store/operations in the building and it was blanketed in a residential zone when it was not built that way.

**Commissioner Brandt** asked for confirmation that it has never been used as a residential building, and Mr. Paskvan confirmed. **Commissioner Brandt** asked if anyone from the Borough has ever told Mr. Thompson that he cannot have a commercial building in this zone. Mr. Thompson replied “no”.

**Commissioner Muehling** pointed to page 345, zoning permits, and asked if the applicant considered the current zoning. Mr. Brian Reagan responded “negative”.

**Commissioner Brandt** asked if they obtained City building permits, and Mr. Thompson indicated he did and Mr. Brian Reagin also indicated he did as well. **Commissioner Brandt** asked if anyone from the City, Borough or State has ever brought up that the commercial operation is not allowed, and Mr. Brian Reagin indicated no one has ever said anything.

**Mr. Lennie Reagin** interjected that the field card forms used by the Borough are Marshal Shift which are only used for commercial buildings.

**Ms. Nelson** referenced Exhibit G – written statement of Dr. VanPelt, and asked if there is anything directly from Dolores O’Mara, and Mr. Paskvan stated not to his knowledge other than the documents from Dr. VanPelt’s attorney and Thompson Investments. **Ms. Nelson** asked if they had the form referenced in Dr. VanPelt’s statement, and Mr. Paskvan stated they did not. **Ms. Nelson** asked for a written documentation that grandfather rights existed. **Ms. Nelson** asked if they were aware that zoning permits have been required since 1968 and Mr. Thompson indicated he is aware.

*[Brief at ease till 10:39 pm]*

**Chair O’Neall** announced her decision to allow Appellant’s exhibits B & F.

**Mr. Paskvan** pointed to Exhibit B Yukon Title report the Assignment of Lease by the Fairbanks North Star Borough School District and number 24 Tundra Northwest Construction Company to the Small Business Administration, and number 22 and 23 are Sandstrom’s assignment of lease, and explained Exhibit A and other supporting materials to Exhibit A.

**Ms. O’Neall** asked for evidence in the record that supports the claim that the building was in use during the late 60’s and 70’s, and Mr. Paskvan referred to the Yukon Title Report and pointed out several real estate recordings during the late 60’s.

**Ms. Doxey** asked Mr. Paskvan to identify the “Book and Page number” listed on the top of the actual document supporting the index.
Mr. Paskvan stated it is Book 165 Page 64 number is 67-1344, Assignment of Dead of Trust, and pointed to Assignment of Lease at Book 27 Page 26, recording 68-10283. He pointed to the FNSB School District Lease dated August 1, 1968.

Commissioner Perreault questioned Exhibit F photograph of the FNSB zoning permit for the Ice Cream Parlor and asked for a summary.

Ms. Doxey asked for clarification for the record which document is being referenced.

Commissioner Perreault again as for a summary, and Mr. Paskvan testified it was to advance the issue of uses other than a grocery store as a conforming grandfather use of this property by submission of an ice cream parlor and Planning states it is issued in error and Thompson Investments argues it was not issued in error that it is an application that was approved because that is what the intended to do. Commissioner Perreault pointed to the Fairbanks Native Association February 23, 1981 letter to FNA, and the 2nd page, have highlights and asked Mr. Paskvan to explain and Mr. Paskvan explained that this information was included to show that a determination of grandfather rights was determined in 1981 based upon testimony before the Planning Commission.

Commissioner Muehling asked that since grocery store existed, there have only been two conditional use permits granted; ice cream parlor and preschool. Mr. Paskvan believes that Dr. VanPelt received approval, but could not locate documentation other than what has been provided and again pointed to the written documentation concerning Dr. VanPelt’s communication with Borough Planning.

Ms. Nelson clarified that the zoning permit for the ice cream parlor is signed by a City of Fairbanks Building Official and the only permits or grandfather rights on the property was the ice cream parlor and preschool.

Commissioner Brandt reflected on the zoning permit, and questioned if the City was responsible for zoning at that time.

Ms. Nelson indicated the City did not have zoning authority in 1975.

Discussion ensued to clarify dates of zoning authority.

Commissioner Muehling stated the current zoning is two-family residential and asked if there is any way to get an exemption, and Ms. Nelson replied it would require an amendment to code to change the definition of what is an allowable or permitted use.

Commissioner Guinn inquired about the time in the 70’s that the Assessor’s record appear to indicate the building was vacant and an assessor may have looked in the building and did not see any visible activity and commercial use was continuing, and Mr. Paskvan reflected on Exhibit G and read off the approved uses over the years.

Interested-Person Testimony Opened

No one present [with exception of the two Affidavits previously admitted]

Interested-Person Testimony Closed
MOTION: To deny the appeal and uphold the Administrative Hearing Officer decision to not affirm recognition of legal nonconforming use status (grandfather rights) for an existing grocery store in the Two-Family Residential (TF) zone for the property on Lot 1 & 2, Block 18, Hamilton Acres Subdivision, adopting the staff report dated November 20, 2017 and the Administrative Hearing Officer decision dated October 13, 2017 by Commissioner Muehling and seconded by Commissioner Guinn.

Discussion on the motion

Commissioner Muehling communicated that no one has been questioning whether all the uses have been conforming, does that constitute an acquiescence of the uses by the FNSB, and there is evidence of disuse of the property as a grocery store for a period of time.

Commissioner Stepovich stated he felt the same originally, but the Borough has consistently taxed at a commercial rate and there should have been some due diligence on the part of the FNSB.

Ms. Doxey clarified that the Borough’s taxation does not factor into the determination that has to be made by the Planning Commission and advised the taxation is outside the scope.

Commissioner Brandt stated the fact that it has been taxed at a commercial rate all this time proves it is a commercial building and always has been. He further communicated that zoning was done around this building and a rezone at this point would allow for a marijuana facility to go into the neighborhood and local owned businesses like this is good for the community, and Borough has some responsibility as it turned a blind eye to zoning violation while collecting taxes at a commercial rate.

Commissioner Sims echoed Commissioner Brandt’s statements and offered that the quality and character of the use is the same and compatible with surrounding land use and never been any indication by the Borough that any of the commercial uses were in violation of legal nonconforming status.

Ms. Doxey surmised that the Commission is viewing indications in the record that there was clearly a commercial use and taxes and requested discussion on whether it was a legal commercial use during time periods being referenced.

Commissioner Sims offered that there were no protests made.

Ms. Doxey stated that the Staff or Borough not recognizing a code violation does not change the fact that it is a violation.

Commissioner Presler opined that there has been testimony and written documents from a Planning Commission Meeting discussing grandfather rights to the property and expressed concern with being asked to take assessor notes as gospel.

Ms. Doxey reflected on the written documents as minutes from a Planning Commission meeting and if the Commission as a body was considering a conditional use permit and the issue of grandfather rights came up, the Commission might inquire to satisfy the conditional use process and the Planning Commission may not have even had the ability to consider grandfather rights.

Commissioner Presler continued that the property has a long history of various light commercial uses with City and Borough acknowledgement of those uses and the Commission should have
latitude on what documents should be allowed to be considered and noted that not one person appeared to protest, and who is served by denying it.

**Commissioner Perreault** continued on from Commissioner Presler point, and stated there is evidence that the disuse period is less than 12 months and has been used commercially continuously other than that period of January 1968 to August 1968. He further communicated that one cannot pick and choose some documents and not others and pointed out that the minutes reference grandfather rights stated “research was done to establish it” and it was not a move made by the citizen body.

**Ms. Doxey** reflected that it sounded like there is no problem with the fact that grandfather rights existed at one time. **Commissioner Perreault** confirmed. **Ms. Doxey** asked for discussion on when the Shoppers Market ceased.

**Commissioner Perreault** stated it appears to be 1967 or 1968.

**Ms. Doxey** stated for the record that there is an assessor’s field card submitted by staff which shows the property vacant from 1968.

**Commissioner Perreault** interjected that there are 2 lots in questions and that is for one of the lots.

**Commissioner Presler** interjected that that gap does not exist on the other lot

Discussion ensued about which lots are being identified.

**Commissioner Stepovich** clarified that page 358 is the vacant lot and page 362 shows there is a use.

**Ms. Doxey** identified that on page 362 staff’s citation to the date of 1-9-68 which says building vacant and in poor condition.

**Commissioner Perreault** responded that on page 358 the other card indicates on 10-2-68 it is a vacant lot and on 6-30-70 the building previously located on Lot 2 is on this lot and the one on page 362 as Lot 1.

**Commissioner Presler** interjected that the picture from 1968 clearly showed a building.

**Ms. Doxey** communicated that both field cards clearly state vacancy in 1968.

**Commissioner Perreault** stated that Lot 1 is a vacant lot as the building was moved to Lot 2, and agree that on 1-9-68 the building was listed as vacant, however, by August of 68 or at the latest November of 68 there are leases by commercial interest for this building.

**Ms. Doxey** asked to be directed to evidence in the record that established that the lease demonstrated use of the property. **Ms. Doxey** further inquired if the Commission is rejecting the evidence that the lot and the building were vacant based upon a lease.

**Commissioner Perreault** responded that on 10-2-68, Lot 2 was vacant because by January of 1968 the building had been moved to Lot 1.

**Commissioner O’Neill** reflected on Exhibit A indicating the various real property transactions occurring on the subject property in 1968 and shows occupancy from 1968 to 1972.
Commissioner Brandt added that from testimony, the Borough was leasing the building from 1972.

Ms. Doxey stated for the record that the Commission is accepting the evidence referenced that Chair O’Neall referenced and the testimony in conjunction over the contradictory evidence offered by Staff.

Commissioner Perreault stated that Staff is referencing that it appears vacant in January of 1968 and it is either vacant or being used for another purpose through 1974. Commissioner Perreault stated his belief that it was vacant for less than 12 months and people took lease of it in less than one year.

Ms. Doxey stated that the she wanted to clear up the vacancy issue first, and pointed to the City Directories provided by the Applicant that indicated in 1969 and 1970 the address was vacant and does the Commission give any weight to those documents.

Commissioner O’Neall stated that there is contradictory evidence that the North Star Borough School District leased for food items and general storage between 1968 and 1970.

Commissioner Brandt stated that in 1970 that the building is being used in a warehouse which is a commercial use and would not necessary have a phone.

Ms. Doxey summarized Commissioner Perreault’s statement that from January – August of 1968 the building appeared vacant and are relying on the evidence submitted by the applicant that the building was in use, at a minimum by the Borough School District warehouse after that time and through 1970. Commissioner Perreault confirmed.

Ms. Doxey shifted to the exploring the similarity of uses. She explained code related to changes in zoning code and uses.

Commissioner Muehling stated that charactering all the uses as light commercial is not the same as considering whether each subsequent use reflected the nature and purpose and quality and character of previous use.

Commissioner Perreault contended that they are and stated that throughout all the owners and various businesses it has remained a neighborhood establishment locally owned and cater to the neighborhood.

Commissioner Guinn added that the grandfather rights and commercial uses versus more specific uses was being administered by the Borough in a very broad interpretation and that was why all these businesses were allowed to remain and somewhere along the way the Borough changed.

Commissioner Brandt stated that the building itself does not fit into a two-family zone which it was forced into at no fault of its own; it has always been a commercial building.

Commissioner Sims added that the grocery store has a certain behavior associated with it while subsequent occupants, professional businesses, have their behavior, and feels they are less impactful than a grocery store.

Ms. Doxey cautioned using “less impactful” in analyzing uses.
Commissioner Muehling explained that allowing a business to go from grocery to warehouse is not considering zoning.

Commissioner Perreault called for the previous question.

ROLL CALL:

One (1) in Favor: Muehling

Eight (8) Opposed: Sims, Perreault, Brandt, Guinn, Whitaker, Stepovich, Presler, and O’Neall

MOTION FAILED

MOTION: To extend meeting until 12:30 a.m., by Commissioner Presler and seconded by Commissioner Perreault.

PASSED WITHOUT OBJECTION

MOTION: To approve the appeal and recognize the legal nonconforming use status for the existing grocery store in the Two-Family Residential zone for the property on Lot 1 and Lot 2, Block 18, Hamilton Acres Subdivision by Commissioner Perreault and seconded by Commissioner Presler.

[Brief at ease till 12:05 am]

Commissioner Perreault read his Findings of Fact in support of approval.

1. Subject property has a history of commercial uses prior to zoning in 1965 and has not been in a conforming residential use subsequently.

2. Planning Commission minutes from 1981 provided by applicant state grandfather rights were clarified and established by the FNSB.

3. There has been no prior indication from the FNSB that the commercial uses were in violation of a legal-nonconforming-use status.

4. The State of Alaska business licenses and City of Fairbanks Health and Sanitation Certificates have consistently recognized commercial use of the property.

5. The property has been assessed as commercial since its construction.

6. Uses of the subject property have been compatible with the neighborhood and similar in character, such as a grocery store, dance studio, veterinary clinic, and school warehouse. The uses have been small, neighborhood-scale business compatible with adjacency to a residential neighborhood.

7. The Commission finds no evidence of vacancy greater than 12 months. Leases, records of ownership, and testimony of applicant demonstrated occupancy.
MOTION: To amend motion to adopt the seven (7) Findings of Fact by Commissioner Perreault and seconded by Commissioner Presler.

PASSED WITHOUT OBJECTION

Commissioner Muehling communicated his discomfort with the process taken and questioned some of the findings of fact, specifically number 3, stated as a Commission the law should be looked at and followed.

Commissioner O’Neall commented she is in favor of the motion and felt as members of the community, sitting as a body, to look at evidence and history and to consider what is best for the community.

Ms. Doxey reminded the Commission that when sitting as a body in a quasi-judicial capacity, you have an ethical code based obligation to apply the facts you find to the law as it stands.

Commissioner O’Neall stated the body is upholding the law as intended.

ROLL CALL:

Eight (8) in Favor: Whitaker, Stepovich, Presler, Sims, Perreault, Brandt, Guinn and O’Neall

One (1) Opposed: Muehling

MOTION PASSED

G. NEW BUSINESS

1. Staff Reports – Discussion on potential restructuring staff report format to include an expanded summary section. (Christine Nelson and Staff)

Mr. Singh gave a brief presentation on a new style of staff reports that will be coming in the future, and some discussion ensued amongst the Commission.

J. EXCUSE FUTURE ABSENCES

Commissioner Peterson is excused from the February 27, 2018 meeting and Commissioner Sims will be excused from the March 27, 2018 meeting.

K. COMMISSIONER’S COMMENTS

Commissioner Muehling reported on the FMATS Technical Meeting he had intended.

Clerk reminded Commissioners to file their APOC by March 15, 2018.

Ms. Nelson offered updates on the Salcha-Badger plan and the Downtown Plan.

L. ADJOURNMENT

There being no further business, the meeting was adjourned at 12:23 a.m., on Wednesday, February 14, 2018.