FAIRBANKS NORTH STAR BOROUGH PLANNING COMMISSION

MINUTES
July 10, 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 8:49 p.m. by Chair Muehling.

MEMBERS PRESENT: Wendy Presler  Chris Guinn
                  Mike Stepovich  John Perreault
                  Doug Sims       Robert Peterson
                  Charles Whitaker Eric Muehling

MEMBERS EXCUSED: Mindy O’Neall

MEMBERS ABSENT: Patricia Thayer  David Brandt

OTHERS PRESENT: Christine Nelson, Director of Community Planning
                Kellen Spillman, Deputy Director of Community Planning
                Wendy Doxey, Assistant Attorney
                Stacy Wasinger, Planner III
                Manish Singh, Planner II
                Don Galligan, Planner IV, Transportation
                Mary Bork, Recording Clerk

A. ROLL CALL

B. MESSAGES

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

Disclosure & Statement of Conflict of Interest

Commissioner Sims mentioned conflict on case CU2018-016.

Commissioner Muehling determined a conflict.

Ms. Doxey asked questions to help determine if Commissioner Sims has a conflict of interest on CU2018-016.

MOTION: To override the chair decision of a conflict of interest by Commissioner Peterson seconded by Commissioner Perrault.
ROLL CALL

Six (6) in Favor: Presler, Perreault, Guinn, Whitaker, Peterson, Stepovich

One (1) Opposed: Muehling

MOTION PASSED

C. APPROVAL OF AGENDA AND CONSENT AGENDA

MOTION: To approve the agenda and consent agenda not including meeting minutes from May 8th, and 22nd, 2018 by Commissioner Peterson and seconded by Commissioner Whitaker.

CARRIED WITHOUT OBJECTION

D. QUASI-JUDICIAL HEARING

CU2018-015: A request by Charles E. Workman for amendment of the conditional use approval of a marijuana cultivation facility, indoor large to make changes to the site plan and building size and configuration in the General Use 1 (GU-1) zone on Tract A, Bias Drive East Subdivision (located at 278 Bias Drive East, on the north side of Bias Drive East, east of Beacon Road). Staff Contact: Manish Singh.

OATH ADMINISTERED

Applicant’s Testimony

Aaron Heath, representing Charles Workman, testifies as follows:

- As outlined in the documents we’re changing the building size. Adding 10 feet to one side and 3.5 feet to the other side. Changed it from 60 x 70 to 63.5 x 80.
- Moving the entrance to the opposite side.
- Added an exterior light on the west façade.
- Outside, added a parking space, making it 8.
- Increased the driveways to 16 feet.
- Moved compost area close to the building to keep it out of apparent wetlands.
- We’re hoping to avoid having to get the Army Corp. involved.
- The State had some issues with hemp create, as the State is not allowed to regulate hemp anymore. They recommended I change it to canacrete, so I have done that. It’s simply a name change. That’s part of our solid waste disposal plan.
- We’ll turn some of the waste into bricks. They can be used for insulation and building. We don’t plan on selling them.
Questions by Commissioners

None

Mr. Manish Singh presented the staff report and recommendations on behalf of the Borough’s Planning Department, and recommended approval with four (4) conditions and three (3) findings as listed in the Staff Report.

Questions by Commissioners

Commissioner Guinn asked Mr. Singh if canacrete is a real word.

Mr. Singh explained that in the previous application there were some Wikipedia definitions quoted. I don’t see Wikipedia as a very reliable source, so I am basing my understanding on the information provided by the applicant, that hemp create uses hemp wastes, and canna create uses marijuana waste. That is my understanding, I haven't relied on any credible source for any definitions.

Commissioner Perreault asked Mr. Heath if the landfill is being added as a disposal because you’re expecting to have more waste then you’re current compost level can handle.

Mr. Heath answered yes.

Commissioner Perreault asked Mr. Heath if the canacrete or other waste product is something they currently take.

Mr. Heath said the canacrete would be the final product and he would not be disposing of it. He would be using it onsite for various constructions processes.

Chair Muehling stated to Mr. Heath that his application states he is adding an additional light, and that he says they are all downward pointing.

Chair Muehling asked Mr. Heath if he is shielding the lights horizontally to keep the lights from directly being seen from the neighbors.

Mr. Heath answered yes sir.

Chair Muehling asked Mr. Heath, if this was an additional 1000 square feet.

Mr. Heath answered yes.

Chair Muehling What are you doing to mitigate odors? Is your existing system sufficient? Are you improving your air filtration?
Mr. Heath stated we will absolutely have air filtration on all of the areas that have it. We’re going to be mostly having positive air flow and not exchanging air with the outside as much as possible. We will absolutely be providing adequate filtration to not have any smells going past. For the most part we plan on having a closed loop and adding CO2 to the atmosphere.

**Chair Muehling** What was the reason for flipping the orientation of your building?

Mr. Heath stated it made the access a little bit better and there was a possible conflict with a neighboring building that he couldn’t get a clear answer on that is not technically a youth facility. He didn’t want anything to come up later where people argued that.

**Interested Person Testimony Opened**

None.

**Applicant Rebuttal**

None.

**Interested Person Testimony Closed**

**MOTION:** To approve the conditional use amendment request (CU 2018-015) for the marijuana cultivation facility indoor large, with four (4) conditions, and adopting the staff report and three (3) findings of fact in support of the approval by Commissioner Guinn, seconded by Commissioner Perreault.

**Discussion on the Motion**

**Commissioner Guinn** stated he didn’t see a difference on this and what they voted on before. Public hasn’t come and added anything. He sees it as simply an extension of what they approved earlier with similar reasons.

**Commission Perreault** stated he seconded Mr. Guinn’s motion and he seconded Mr. Guinn’s comments as well. With the addition he thanked Mr. Heath for following the letter of the condition use, he thinks it’s a minor change that is adequately taken care of as the original operation.

**Commission Muehling** stated that as staff had included the original conditions they remain part of the conditions of the current request, these are additional conditions or modifications of the existing conditions but all the conditions that were originally placed remain in place, except for what has been modified.
Ms. Doxey stated the staff have set out the old conditions and findings of fact. She stated the commission voted on the conditions and findings of fact that were presented in the current staff report per the motion which supersedes the old conditional use permit.

**Commissioner Presler** suggested the commission document some of the findings of fact. She stated the CU permit satisfied the intent of Title 18 by providing economic diversity, the proposed site is a GU1 zone site and the use is a CU in that zone, adequate transportation and public facilities are available and have been addressed at the site. The modifications of the driveway and the additional parking space both serve to improve public health, safety, and welfare. It has good access, the new application will address some potential waste management issues that the applicant has identified which is also a positive thing for this CU permit. She stated she supports the CUP.

**Commissioner Muehling** stated that the applicant is mitigating the impact of the lights and the odors from the operation to the neighborhood, and health and safety of the community.

**ROLL CALL**

Eight (8) in Favor: Presler, Sims, Perreault, Guinn, Whitaker, Peterson, Stepovich, and Muehling

Zero (0) Opposed

**MOTION PASSED**

**CU2018-016:** A request by Fairbanks North Star Borough Land Management on behalf of the Fairbanks North Star Borough for conditional use approval of schools: art, music, dance, business, trade and similar educational uses for the Folk School to be located in Pioneer Park in the Outdoor Recreational (OR) zone on Tax Lot 906, Section 9, T1S, R1W (2300 Airport Way, on the north side of Airport Way, east of Peger Road, and west of Moore Street). **Staff Contact: Stacy Wasinger.**

**OATH ADMINISTERED**

**Commissioner Muehling** mentioned potential conflict and passed the gavel to **Commissioner Whitaker**, who then proceeded with questions along with Ms. Doxey and determined no conflict of interest.

**Ms. Wasinger** provided a presentation of her staff report and recommendations on behalf of the Borough’s Planning Department, and recommended approval with two conditions and three findings of fact as listed in the Staff Report.
Questions by Commissioners

**Commissioner Whitaker** questioned if a certificate of occupancy is required for all the cabins at Pioneer Park.

Ms. Wasinger stated the certificate is needed for this CUP and would have to defer to the COF for more information.

**Applicant’s Testimony**

Sandra Mota and Donnie Hayes testified as follows:

- Folk School is a great thing for the park
- Opportunity to revitalize FNSB owned facilities

Questions by the Commissioners

**Commissioner Sims** questioned if building #35, the museum, is planned for exterior modifications.

Mr. Hayes no specific plans currently.

**Commissioner Muehling** questioned how many parking spaces in the parking lot near the river.

Mr. Hayes did not know the exact number.

Discussion ensued on how parking is going to be enforced and noise concerns.

**Interested Person Testimony Opened**

Gordon Williams, 4335 Birch Lane, testified as follows:

- President of Folk School
- Briefly stated what the school has been working on
- Acknowledged FNSB staff for all of their work
- Excited to move into Pioneer park, more convenient location
- Hopeful for approval

Questions by Commissioners

**Commissioner Presler** asked the average class size.

Mr. Williams stated 8 people on average.

**Commissioner Stepovich** asked if pizza will be sold to the public, or just for Folk School attendees.
Mr. Williams has been used for fundraisers in the past, but no intentions of selling to the public to avoid further state requirements.

Discussion ensued on year around operations and how it is encouraged for school participants to park in the larger parking lot.

Interested Person Testimony Closed

Applicant’s Rebuttal

None

MOTION: To approve the Conditional Use Permit for the Folk School in the Outdoor Recreational (OR) zone on a portion of Pioneer Park on Tax Lot 906, Section 9, T1S, R1W with two (2) conditions, and adopting the staff report, and three (3) Findings of Fact in support of the approval by Commissioner Perreault, seconded by Commissioner Presler.

Discussion ensued on the motion by commissioners and their intent to vote.

ROLL CALL

Eight (8) in Favor: Perreault, Guinn, Whitaker, Peterson, Stepovich, Presler, Sims and Muehling

Zero (0) Opposed: MOTION PASSED

[Brief at ease for five minutes]

E. PUBLIC HEARING

HP2018-003 Badger Road TWLTL: A request by the State of Alaska Department of Transportation and Public Facilities for local planning authority approval of the Badger Road Two Way Left Turn Lane Project. This project proposes to upgrade Badger Road to include a continuous two way left turn lane (TWLTL) from Dennis Road to Hurst Road, including road widening and to reduce the cross-slope at the intersection of Holmes and Peede. Ancillary work includes signing, striping, lighting, and drainage improvements. Staff Contact: Donald Galligan

Mr. Galligan presented the 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.
Questions by Commissioners

None

Lauren Little testified as follows:

- Highlighted it is a highway and safety improvement program project
- Pattern of crashes that can be mitigated by this
- Project cost is close to $20M

Questions by Commissioners

Commissioner Whitaker questioned the lighting portion of the project, involving LED lighting.

Ms. Little said she can’t speak to the LED conversion but mentioned budget plays a role along with technology and stated the lighting is not being updated; just relocation of some existing light poles due to the widening.

Commissioner Peterson questioned the ROW acquisition of the project.

Ms. Little stated there is none.

Discussion ensued regarding limiting driveway access for those who have to back onto Badger Road.

Discussion on the effect on traffic if a strip mall is to be built in the area.

Commissioner Sims questioned if the bike path will be impacted.

Ms. Little said no and the only impact would be during construction.

Public Hearing Opened

Rachel Hanks, Newby Subdivision resident, testified as follows:

- Uses Badger Road currently and would use it more often after this project
- Referenced different amounts of time it takes to use Badger or Bradway Rd.
- Spoke in support

Public Hearing Closed

Applicant’s Rebuttal

Ms. Little stated when roads like Bradway are used for cut-through traffic it creates new conflicts and with the project, it can improve safety throughout the road network.
MOTION: To approve the HP2018-003 Badger Road Two Way Left Turn Lane Project as being consistent with the FNSB Regional Comprehensive Plan, adopting the staff report and three findings of fact in support of the approval by Commissioner Sims, seconded by Commissioner Whitaker.

Discussion on the motion ensued between commissioners and their intent to vote.

ROLL CALL

Eight (8) in Favor: Guinn, Whitaker, Peterson, Stepovich, Presler, Sims, Perreault and Muehling

Zero (0) Opposed:

MOTION PASSED

HP2018-006 Gillam Way Upgrade: A request by the State of Alaska Department of Transportation and Public Facilities for local planning authority approval of the Gillam Way Upgrade project. This project proposes to reconstruct Gillam Way, from 22nd Avenue to 14th Avenue, including addition of traffic calming features, intersection improvements, drainage improvements, pedestrian and bicycle enhancements, and ADA improvements. Staff Contact: Donald Galligan

Mr. Galligan presented the staff report and recommendations on behalf of the Borough’s Planning Department, and recommended approval with three findings of fact as listed in the staff report.

Lauren Little testified as follows:

- Project was initially presented for just resurfacing, but is now synced with the COF Bjerremark improvement plans.
- Lots of community input

Questions from the commissioners

None

Public Hearing Opened

Rachel Hanks testified as follows:

- Representing CPA firm located at 1416 Gillam Way
- Questioned if their parking lot would be a storage place for equipment materials
- Mentioned sewer issues

Public Hearing Closed
Applicant's Rebuttal

Ms. Little stated the contractor would not occupy their parking lot and referenced the sewer issues along Gillam way and stated DOT does not have any jurisdiction on that matter and the utility company is working with them to improve the system while the road is being constructed.

MOTION: To approve the HP2018-006 Gillam Way Upgrades Project as being consistent with the FNSB Regional Comprehensive Plan, adopting the staff report and three findings of fact in support of the approval by Commissioner Perreault, seconded by Commissioner Sims.

Discussion on the motion ensued between commissioners and their intent to vote.

ROLL CALL

Eight (8) in Favor: Whitaker, Peterson, Stepovich, Presler, Sims, Perreault and Muehling

Zero (0) Opposed: MOTION PASSED

F. EXCUSE FUTURE ABSENCES

None

G. COMMISSIONER'S COMMENTS/COMMUNICATIONS

1. FMATS

Chair Muehling requested a subcommittee be created that reports regularly to the commission.

2. Other

Commissioner Presler thanked Mr. Muehling for a good job of chairing the meeting.

Commissioner Guinn thanked the commission for the get well card he received.

H. ADJOURNMENT

There being no further business, the meeting was adjourned.