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 6:35 p.m. by Mindy O’Neall, Chairperson.

A. ROLL CALL

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

MEMBERS ABSENT & EXCUSED: Patricia Thayer

OTHERS PRESENT: Kellen Spillman, Deputy Director of Community Planning
Wendy Doxey, Assistant Borough Attorney
Don Galligan, Planner IV – Transportation
Stacy Wasinger, Planner III – Current Planning
Mary Bork Recording Clerk

B. MESSAGES

1. Chairperson’s Comments

There were no comments by the Chairperson.

2. Commissioner’s Comments

There were no comments by Commissioners.

3. Communications to the Planning Commission

Mr. Spillman stated the new Administrative Assistant III will start August 1, 2018. Platting Officer, Angela Parker has moved on to another municipality in Wyoming. Planner III, Stacy Wasinger has accepted another position in Colorado. Mr. Spillman touched base on catching up on past meeting minutes. The August 14, 2018 Planning Commission Meeting has been canceled due to no agenda items, delaying the work session as well. The next meeting will be August 28, 2018. The Urban Agriculture Ordinance and the Brewpub Ordinance were unable to go before the Assembly last month. These two ordinances will go to public hearing on Thursday, July 26, 2018. The Salcha Badger Sub-Area Plan has had two public open houses, both well attended. This plan will also be the main focus at the Tanana Valley Fair Booth.
**Commissioner Sims** asked what became of the proposed conditional use changes on the marijuana grow and rezoning introduced by Assemblyman Roberts. **Mr. Spillman** responded by stating it was not specific to marijuana but specific to conditional uses and giving the option of staying conditional uses, which was not approved the Assembly.

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

*There were no comments by Citizens.*

5. Disclosure & Statement of Conflict of Interest

**Commissioner Guinn** stated that he had appraised the subject property for RZ2018-005 for the Fairbanks North Star Borough Land Management Division nearly a year ago. That he knew Ms. Mota as part of a professional relationship.

**Ms. Doxey** conveyed that because the item was legislative matter, the standard for conflict was whether or not there was a substantial financial interest involved. Ms. Doxey queried Commissioner Guinn about his financial interests.

**Chair O’Neal** determined that Commissioner Guinn did not have a conflict.

C. *APPROVAL OF AGENDA AND CONSENT AGENDA*

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

**MOTION:** To approve the Agenda and Consent Agenda without minutes by **Commissioner Peterson**, seconded by **Commissioner Presler**.

**CARRIED WITHOUT OBJECTION**

D. **PUBLIC HEARING**

1. **RZ2018-005**: A request by Fairbanks North Star Borough Land Management Division, on behalf of Fairbanks North Star Borough, to rezone approximately 33.39 acres from General Use 1 (GU-1) to Rural and Agricultural 5 (RA-5) or other appropriate zone. The proposed rezone includes parcels described as Portion of Government Lot 1, Section 6, T1N, R1W, F.M. (located north and south of Goldstream Road, north of Ballaine Road).

**Staff Contact:** Stacy Wasinger

**Ms. Stacy Wasinger** provided a presentation of her Staff Report and findings of fact on behalf of the Borough’s Planning Department and recommended approval with six (6) findings fact as listed in the Staff Report.

**Questions by Commissioners**

**Commissioner Quinn** inquired about community meetings, regarding the potential rezone of multiple FNSB owned acres in the Goldstream Valley.
Ms. Wasinger explained that there had been one (1) community meeting on May 23, 2018 as there were a large number of acres that were owned the Fairbanks North Star Borough that were already zoned GU-1, which was a separate community planning effort from this particular application. Another community meeting was scheduled for July 25, 2018.

Commissioner Muehling asked if the 13 acre threshold was met so that this rezone was not a spot zone, but had it been less than 13 acres could the rezone not have qualified as a being a spot zone because it was adjacent to an existing RA-5.

Ms. Wasinger affirmed that this was correct.

Commissioner Muehling inquired about the character of the land, was it wet lands.

Ms. Wasinger answered that some of the area was wetlands based upon the information that the Fairbanks North Star Borough had to include on the plat, but there was not a specific Army Corps of Engineers determination. Any future property owners, when wanted to develop, will need a formal determination of jurisdictional wetlands from the Army Corps.

Commissioner Sims asked about Note 6 of the subdivision plat for Goldstream Dream Lot 1, the winter trail, was there an easement established for that. Ms. Wasinger answered that no trails were identified in the comprehensive trails plan and no trails were dedicated with the plat. Ms. Wasinger read Note 6: “The winter trail shown on this plat is not identified in FNSB comprehensive trail plan and is not dedicated by this plat”.

Commissioner Perreault noted at there was GU-1 on three (3) sides of the recommendation with RA-5 on only one (1) side, were there suggestions/plans to rezone because of the developed areas around it were RA-5 or similar zones. He inquired about existing developed properties. Ms. Wasinger explained that the majority of the surrounding properties were in private ownership and that those owners would need to put forth their own applications if they wanted to rezone.

Commissioner Sims asked if GU-5 was considered instead of RA-5 when in discussions with Land Management. Ms. Wasinger responded that it did not. She added that the concept at the time was that RA-5 was adjacent to the south and it was a potential extension of an existing zone, but that it does limit some of the more intensive uses that might be less compatible with the existing residential in the area.

Commissioner Peterson inquired about major kennels in GU-1. Ms. Wasinger responded that they were an allowed use in GU-1. Commissioner Peterson commented that was actually a major trail system in the area that was highly used by dog mushers. Ms. Wasinger said that major kennels were allowed in RA-5.

Commissioner Peterson inquired about the public meeting, did people from the major subdivision to the west show up who had any concerns about kennels. Ms. Wasinger responded that staff did hear at the public meeting and from a few phone calls that there was an interest in keeping the trails and the option of having kennels. To her knowledge, there was no concern about having kennels as a determinant in that area.

[The applicant had no questions of staff]
Applicant Testimony

Sandra Mota, Land Manager for the Fairbanks North Star Borough and rezone applicant, added that the intended subdivision was approved by the Assembly for sale by ordinance in 2016, foreseeing sales two (2) years out and that it was contingent on a possible rezone and what that rezone would be was not determined at that time. It was felt that going forward with the action, where the Assembly would have oversight at the end of the process. That was the thought behind establishing the sale first, developing the preliminary plat, and then coming in last to the Planning Commission for the rezone.

Ms. Mota added that in regard to the community meeting, that the subdivision was referenced as a sale that was going to occur possibly this fall and it was discussed in terms of removing it from the overall conversation that began with that community meeting and it will continue tomorrow and possibly after that, specifically so that it would not be GU-1 when it went to sale this fall. The overall concern from the community was that the property not be GU-1.

Questions by Commissioners

Commissioner Whitaker inquired about ADOT giving a driveway permit for Calvin Drive. Ms. Mota advised that DOT had coordinated on the plat and addressed specifically the need to request a driveway permit for the larger parcel to the south. She added that there was a requirement to construct a road landing to Calvin Drive although Calvin Drive would not be constructed at this time and that there were no driveway permits at this time to the individual lots from Calvin Drive. Mr. Whitaker probed as to whether or not ADOT or Ms. Mota thought that the site distances were met on the road from where Calvin Drive came out on the corner. Ms. Mota recalled that there was a variance in that area because the entire road curved and there was no way around that.

Commissioner Whitaker questioned if it was the borough’s intention to subdivide the property to the north and west and would many of those lots access Calvin Drive onto the bad corner. Ms. Mota responded that there was no plan at this time to subdivide, the thought was to lay out the planning before ever getting to the point of subdivision, giving the community the opportunity to shape the area before there was any intent to subdivide. Commissioner Whitaker inquired about the approval of the variance. Ms. Mota answered that the variance was approved by the Platting Board just for this subdivision.

Commissioner Sims asked about the neighbor’s concerns at community meeting regarding subdivided and sales of property that were not left GU-1. Ms. Mota responded that the community was in support of the entire area including this portion not being GU-1. Commissioner Sims noted that the surrounding properties are GU-1, were the comments from neighbors who were zoned GU-1. Ms. Mota replied that she could not discern the zoning of commenting neighbors, but that the concerns revolved more around lot size and road access where the smaller the lot size would lead to more traffic. This was more concerning, specifically, than what the lot would be used for in the future.

Public Testimony Opened

James Smith, neighbor in receipt of DPO, had the following concerns:
- how would taxes be affected;
- would the University have any impact the rezone;
- impacts on his property
**Public Testimony Closed**

**Rebuttal by Applicant**

Ms. Mota responded that she was unaware of any implications caused by the University.

Chair O’Neill inquired if Ms. Mota had any information about how property taxes would be affected based on the rezoning of the area. Ms. Mota responded there were none to her knowledge.

Commissioner Perreault inquired if RA-5 allowed for commercial agriculture use or other commercial uses. Mr. Spillman responded that most agricultural related uses were allowed in RA-5 such as greenhouses and almost all types of agro business, but those uses were also allowed in GU-1.

Commissioner Whitaker asked about dedicated trails. Ms. Mota said that the FNSB Trails Coordinator was present and that a layer was shown with not just the official comprehensive plan trails but also the non-official trails in order to get a sense from the community of which ones were more important or not. The conversation drove more towards road access and if the areas were developed, how traffic would flow into them more than into the trails themselves. The expectation was that the community charrette on July 25th would further help to gain a sense of areas could possibly be OR or which trails they request to be dedicated.

**MOTION:** To recommend approval of the rezone of the lot in question to Rural and Agricultural 5 (RA-5) or other appropriate zone, and adopting the staff report and six (6) Findings of Fact in support of the recommendation by Commissioner Perreault, seconded by Commissioner Whitaker.

**FINDINGS OF FACT**

1. The FNSB Regional Comprehensive plan assigns “Outskirt Area” designation to the subject property. This designation envisions area that is not served by community sewer and water and includes primarily open space, mining and residential uses. The GU-1 zone allows many more intensive uses and all uses permitted in the RA-5 zone are already allowed on the subject parcel in the GU-1 zone. The property owner intends this property to be subdivided and individual lots sold. The rezone request to RA-5 will help ensure compatible uses to the established and future uses in the area. It will also increase the minimum required lot size. Low-density residential and agricultural uses are more compatible with the uses and soil types in the area.

2. The current GU-1 zone is no longer appropriate for the subject property because of the existing low-density predominantly residential development in the area. The Comprehensive Plan designation of “Outskirt Area” is more consistent with the RA-5 zone than the GU-1 zone because the RA-5 limits the more intensive commercial and industrial uses that are allowed in the GU-1 zone.

3. The proposed RA-5 zone is consistent with FNSB Comprehensive Plan goals:

   a. Land Use Goal 3, Strategy 6; to “provide a variety of residential land use opportunities.”
b. Land Use Goal 4, Strategy 10; to “attract and support development that is compatible with and enhances existing land use.”
   i. Action A; specifically to “Rezone new subdivisions to appropriate land use designations concurrent with the platting process.”
   ii. Action B; specifically to “Separate commercial and industrial land uses from residential or incompatible land uses by methods such as screening, buffering, and/or alleys” and “Encourage agricultural development that is compatible with surrounding land uses and densities.”

c. Environment Goal 3, Strategy 7; to “consider land development toward areas where natural systems will be least adversely affected.”

4. The proposed RA-5 zone does not make any of the existing or proposed lots nonconforming because they are all over 200,000 square feet. The rezone does not make any structures or uses within the proposed rezone boundary nonconforming because the subject parcel is currently vacant.

5. The rezone to RA-5 conforms to the public health, safety or welfare because:
   a. It is compatible with the existing surrounding land uses and will not permit the more intensive uses that are currently allowed in the GU-1 zone. Because all uses that are permitted in the RA-5 zone are already allowed in the GU-1 zone on the subject property, the rezone to RA-5 would not increase and may potentially decrease traffic.

   b. The RA-5 zone establishes 35 foot front-yard and 10 foot side and rear-yard setbacks. These setbacks will help provide fire separation between buildings on adjacent properties and allow additional privacy for each lot.

6. The rezone is not a spot zone because:
   a. It is consistent with the FNSB Comprehensive Plan Land Use Goal 3, Strategy 6; Land Use Goal 4, Strategy 10, Actions A and B; and Environment Goal 3, Strategy 7. The low-density residential and agricultural uses permitted in the RA-5 zone are consistent with the “Outskirt Area” land use designation.

   b. (1) The RA-5 zone benefits the property owner because it would allow for a more appropriate zone on the property providing more certainty for future land owners before the proposed lots are sold; (2) The proposed RA-5 zone will have benefits for the surrounding residentially developed and vacant properties because it provided more predictability by limiting potential future uses and establishing setbacks; (3) The proposed RA-5 zone would have benefits for the community because it would provide additional variety of housing options and more appropriate zoning for the property.

   c. The total area of the proposed rezone boundary is approximately 33.39 acres. The subject parcel is adjacent to GU-1 zoning on three sides and RA-5 zoning to the south. The rezone area is over 13 acres and extends an existing RA-5 zone. The rezone does not constitute a reverse spot zone because it does not leave GU-1 zoned parcels as a small remainder.
Commissioner’s Comments

Commissioner Perreault spoke that the recommendation was a reasonable set of rezones in an area that was being developed on either side and to the south in a couple of directions and that it was part of the borough’s plan to release borough land to the public and that the rezone was part of that process.

Commissioner Muehling stated that Finding of Fact 5.A well explained why he was in support of the recommendation.

Mr. Spillman conveyed that the community meeting in May and the one on July 25th were not specific to proposed rezone that they were specific to 2,600 that the FNSB owns and what the plan was what to do in that area, that there was no intention of the administration to subdivide the area at this time, but that there was nothing to prevent the area from being zoned appropriately. The pressing need for the rezone at hand was the fact that the area was expected to be in private ownership this fall or this winter. This was specifically communicated to the community who seemed to be agreement with that. Mr. Spillman added that Bryant Wright, the FNSB Trails Plan Coordinator showed not only a map of all the planned trails, but every trail in the area that Mr. Wright inventoried just for this meeting.

ROLL CALL

Ten (10) in Favor: Ms. Presler, Mr. Sims, Mr. Perrault, Mr. Brandt, Mr. Guinn, Mr. Whitaker, Mr. Peterson, Mr. Stepovich, Mr. Muehling, Ms. O’Neall

Zero (0) Opposed:

RECOMMENDED FOR APPROVAL

F. NEW BUSINESS

1. FMATS Metropolitan Transportation Plan: Discussion and action by the Commission for involvement in the development of the FMATS Metropolitan Transportation Plan, and for consideration of adoption as an element of the Comprehensive Plan.

Mr. Spillman stated that Don Galligan, FNSB Transportation Planner will go over a presentation summarizing the high points of what was learned at the work session. The big proposal from staff and FMATS is that the Planning Commission and Assembly consider adopting the FMATS Metropolitan Transportation Plan as our Master Municipal Highway Plan. Mr. Spillman conveyed that is makes great sense to have plans align with FMATS plans where both entities are responsible for planning to a certain degree in the same jurisdiction. The proposal at the last work session was to potentially form a subcommittee.

Mr. Galligan explained that FMATS is a federally designated area based on census, established by the Governor and FMATS is an independent organization. Mr. Galligan continued to describe the FMATS committees and the legal responsibilities for the expenditure of certain federal funds for transportation that come into this region. Mr. Galligan stated that AS19.22.00 establishes the ability for MPO’s to exist in the State of Alaska and to coordinate transportation planning in urbanized areas and to achieve the
transportation planning goals of 23USC134. The idea behind 23USC134 is as areas grow and reach a threshold of 50,000 or more people, there is a need to coordinate transportation planning and land use within the metropolitan area. Mr. Galligan explained state statute in regards to a municipal master highway plan which supports transportation planning. This created the foundation upon which the MPO’s plan is constructed. It is explained that a department and a municipality may enter into an agreement with each other or with the federal government for the financing, planning, establishment, improvement, maintenance, use, regulation or vacation of controlled access facilities or other public ways in their respected jurisdiction. The MPO has reviewed the federal regulation, established draft goals and objective, obtained forecast of future growth, evaluated existing conditions in transportation, and forecasted future travel demand. The presentation explained options on how the Commission can participate. Mr. Galligan gave his suggestions on how the subcommittee can become up to speed on where the process is at currently. The presentation was concluded by stating the last few steps the MPO has to complete are the most important to the planning process.

Commissioner Sims questioned how transportation needs of the rural roads, that are not included in the MPO boundary, get addressed. He questioned how solid is the MPO boundary. Mr. Spillman responded that 23CFR is very specific about the MPO boundaries, to include census information. Further discussion ensued regarding the relation between the MPO boundary and the local comprehensive land use plan, to include comments by Commissioner Perreault and Mr. Galligan.

Commissioner Muehling asked for more insight on funding that DOT has for projects and how that works with FMATS. Mr. Galligan responded by explaining what projects FMATS handles and how they are much smaller in comparison with DOT projects. The state has a much larger pot of funds to draw from than does FMATS.

MOTION: To create a subcommittee to facilitate greater understanding and transfer of information between FMATS and the Planning Commission recommendation by Commissioner Muehling, seconded by Commissioner Sims.

Commissioner Muehling spoke that he attends the FMATS Technical Committee meetings which covers information that is project oriented, and proposed a subcommittee dealing with Metropolitan Transportation Plan would be helpful for the Planning Commission to be better informed.

Commissioner Perreault asked for clarification on duties of the subcommittee. Commissioner Muehling responded by suggesting the Metropolitan Plan be analyzed by the subcommittee. Mr. Spillman suggested the subcommittee look at the proposed projects coming out of the MTP.

Chair O’Neill questioned if the subcommittee would operate under the Planning Department. Mr. Spillman responded by explaining that the subcommittee would be facilitated by the Planning Department and expressed how important it is for the subcommittee and the Planning Commission to be in line with DOT’s planning vision for future projects.
Chair O’Neall asked when the deadline for the 2045 Plan to be adopted. Mr. Galligan responded in stating the adoption deadline is written for March of 2019, which can be extended if for valid reason.

Commissioner Perreault asked if the vision document lists specific documents. Mr. Spillman responded by explaining that specific MPO projects are listed in the plan, to include time frames and cost estimates.

Further discussion ensued regarding the reporting of the subcommittee and public participation role.

Commissioner Peterson questioned if the subcommittee was appointed, would the Planning Commission loose authority to approve or add conditions to local projects. Mr. Galligan stated there would be no requirement for DOT to come before the body for local planning authority approval if the project is consistent with the plan as written. The commission can request for local planning authority approval if the project is changed and no longer consistent with what was adopted. Chair O’Neall added that the borough has a separate MOU with the state. Mr. Spillman commented that the MOU is dated and is in need of amending.

Commissioner Sims asked who determines the consistency of the plan. Mr. Galligan proposed a process be put into place.

Commissioner Muehling requests to withdrawal his motion.

MOTION: To form a subcommittee of four members to examine the FMATS Metropolitan Transportation Plan for recommendation regarding the proposed adoption into the Borough Comprehensive Road Plan recommendation by Commissioner Muehling, seconded by Commissioner Sims.

(Discussion ensued regarding the difference between the Borough Comprehensive Road Plan and the Borough Comprehensive Plan)

MOTION TO AMEND: To amend the main motion by adding four members appointed by the chair and replacing Comprehensive Road Plan with Comprehensive Plan by Commissioner Muehling and seconded by Commissioner Sims.

ROLL CALL

Ten (9) in Favor: Mr. Sims, Mr. Perrault, Mr. Brandt, Mr. Guinn, Mr. Whitaker, Mr. Stepovich, Mr. Muehling, Ms. Presler, Ms. O’Neall

Zero (1) Opposed: Mr. Peterson

MOTION PASSED AS AMENDED

G. EXCUSE ABSENT MEMBERS
Commissioner Whitaker stated that he will not be in attendance for the August 28, 2018 meeting.

H. COMMISSIONER’S COMMENTS

Commissioner Muehling stated that he has the FMATS Technical Committee Meeting and Planning Subcommittee on Rural Residential and Rural Estates reports. A memo has been created to reflect information on how setbacks can be modified. Staff will be drafting an Ordinance to bring forward to the Planning Commission, in works by Commissioners Guinn, Sims and Muehling.

Commissioner Sims made a general comment in regards to the rezone, how the Borough is held to a different standard by the public.

Chair O’Neill thanked Ms. Wasinger for her work for the committee. Thanks were given to the Planning department staff for all of their work.

I. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:05 p.m. after a motion by Commissioner Muehling, seconded by Commissioner Perreault.