

# FNSB PLATTING BOARD

## MINUTES

June 20, 2018

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

### ROLL CALL

Members Present: Kellie Fritze, Crystal Haman, Troy Hicks, Jason McComas-Roe, Bill Mendenhall and Randy Pitney

Members Absent: Clint Meyer

Others Present: Christine Nelson, Director, Department of Community Planning; George Stefan, FNSB Platting Officer; Angela Parker, FNSB Platting Officer; Daniel Welch, FNSB Platting Officer; Chad Hosier, FNSB Public Works Engineer; Noah Kline, FNSB Assistant Attorney; Laura McLean, FNSB Recording Clerk

### MESSAGES

Citizens Comments – limited to three (3) minutes

None

Disclosure and Statement of Conflict of Interest

**Ms. Fritze** stated that she feels she may have a conflict with item #3, Fox Estates. She stated that she worked for Mr. Fox nearly 20 years prior. Mr. Pitney determined that Ms. Fritze does not have a conflict of interest.

**Mr. McComas-Roe** stated that he feels he may have a conflict with item #3, Fox Estates. Mr. Fox occupies an office three doors down from him. There is no financial connection. **Mr. Pitney** determined that Mr. McComas-Roe does not have a conflict of interest.

**Mr. Hicks** stated that he has a conflict with item #2, Musher Subdivision. He is the surveyor for the applicant. **Mr. Pitney** confirmed that Mr. Hicks does have a conflict with item #2. Mr. Hicks will not hear this item.

**Mr. Hicks** stated that he has a conflict with item #3, Fox Estates. His wife, Paula Hicks is employed by 3 Tier-Alaska, LLC which is the surveyor for this request. **Mr. Pitney** confirmed that Mr. Hicks does have a conflict with item #2. Mr. Hicks will not hear this item.

**Chair Pitney** passed the gavel to Acting Vice-Chair Crystal Haman.

**Mr. Pitney** stated that he may have a conflict with item #3, Fox Estates. He stated that he has known the applicant for many years and has had business dealings with him in the past. He currently has no financial obligations to Mr. Fox. **Ms. Haman** questioned Mr. Pitney about his dealings with Mr. Fox. Following discussion with the Platting Board, **Ms. Haman** determined that Mr. Pitney does not have a conflict.

**Mr. Pitney** stated that he may have a conflict with item #5, T40 Subdivision. He stated that he has known the Binkley family for many years and did have financial dealings with them in the past. He further commented that he feels he can be impartial. **Ms. Haman** determined that Mr. Pitney does have the appearance of a conflict. Mr. Pitney will not hear this item.

### **APPROVAL OF AGENDA AND CONSENT AGENDA**

**Mr. Stefan** requested a change of order to the agenda so that the applicants for item #5, T40 Subdivision, can catch their flight back to Anchorage this evening.

Motion to approve the agenda and consent agenda as amended made by **Mr. Mendenhall**, seconded by **Mr. McComas-Roe** Motion carried without objection.

### **MINUTES**

None

### **CONSENT AGENDA ITEMS**

None

### **OATH**

### **QUASI-JUDICIAL HEARING**

1. **NR002-18 Straight and Narrow Road** A request by Ken Bailey to name ADL 417710, a currently un-named road, located off of the Steese Highway within Section 12, T1N, R2E, FM. **Staff Contact: Angela Parker**

**Parker** presented the Staff Report. Based on Staff analysis, the Department of Community Planning recommends APPROVAL of the road naming request with the following two (2) conditions:

1. The applicant shall install signage which meet the requirements of FNSBC 17.60.010.D for road name signs.
2. Photo verification shall be submitted by June 20, 2020 showing that all required signage has been installed.

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

- a) FNSBC 17.36.020.A.1 requires that a road naming petition be “signed by at least 75% of the adjoining property owners”.

- b) Both of the applicable property owners (100%) have signed the road naming application.
- c) The proposed name Straight and Narrow Road is not a duplicate of, nor does it conflict with, any existing street names.
- d) FNSBC 17.60.010.D provides specific regulations on road signs and support structures.
- e) The Street Addressing Coordinator supports naming the road Straight and Narrow Road.
- f) FNSBC 17.36.030.I requires that the applicant install street name signs if the road naming request is approved. Conditions 1 and 2 fulfill this requirement.
- g) FNSBC 17.36.030.I states that the applicant “will be responsible for replacing and installing all street name signs.” This includes the maintenance and replacement of signage.
- h) With the conditions recommended by staff, this public road naming request meets the applicable requirements of Title 17.

**Ms. Haman** commented that every road should have a name.

Applicant Testimony

None

Interested Person Testimony

None

Applicant Rebuttal

None

**MOTION:** A motion was made by **Mr. McComas-Roe**, seconded by **Ms. Haman**, to approve the naming of a previously unnamed road Straight and Narrow Road with the two (2) conditions, adopting the eight (8) findings of fact and the staff report in support of approval.

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

**Mr. Hicks** left the dias.

2. **RP019-18 (Musher Subdivision)** A request by Troy Hicks, on behalf of April Huisman, to replat of Lot 1, Musher Subdivision, totaling 9.43 acres, into two lots of approximately 1.84 and 7.59 acres. The request includes a variance from FNSBC 17.56.100.C.4 to allow for a Type II flag stem that will be less than 200 feet from an existing intersection of another road. The property is located within the NE¼ NW¼ Section 27 T1N R1W, FM, on Mushers Road. **Staff Contact: Daniel Welch**

**Welch** presented the Staff Report. Based on Staff analysis, the Department of Community Planning recommends APPROVAL of the replat with the following eight (8) conditions:

1. GVEA shall have a maximum of 30 calendar days to review and comment on the final plat.
2. ACS, Spring Glade Road Service Area, and Steese Volunteer Fire Service Area shall have a maximum of 10 calendar days to review and comment on the final plat.
3. A note shall be placed on the final plat which states "Lots created by this plat may not be further subdivided until such time as legal and constructed road access meeting FNSB Title 17 standards is available to the boundary of the lot proposed to be resubdivided."
4. Note 4 on the preliminary plat shall be replaced by a note on the final plat that states "Portions of this subdivision may contain wetlands. If development plans entail the discharge or placement of dredged and/or fill material into these wetlands, issuance of an individual Department of the Army permit may be required pursuant to section 404 of the Clean Water Act prior to initiating work."
5. Note 3 on the preliminary plat shall be removed from the final plat.
6. A note shall be added to the final plat that states "New access, or the modification of existing access, into the Musher Road right-of-way will require an FNSB driveway permit."
7. The trail easements shall reference a note(s) on the final plat. The trail-related note(s) shall be approved by the FNSB Trails Coordinator.
8. The approved variance shall be referenced as a note on the final plat.

Furthermore, staff recommended adoption of the following ten (10) Findings of Fact and the Staff Report in support of approval:

- a. The proposed subdivision creates two lots.
- b. The proposed subdivision creates Lot 1-B as a Type II Flag Lot.
- c. A subdivision of Lot 1, Musher Subdivision without a flag lot configuration would result in lots that exceed the 4:1 depth to width ratio as required by FNSBC 17.56.010.I.
- d. FNSBC 17.56.010.H.2.b states "Evidence has been submitted by the applicant that a borough-standard road can be constructed in the stem in the event of a future dedication."
- e. The applicant has submitted evidence that a borough-standard road can be constructed in the proposed flag stem. FNSB Public Works is satisfied with the evidence submitted and concurs.
- f. FNSBC 17.56.100.C.4 states "The distance between intersection centerlines shall not be less than 200 feet." A variance request was submitted to FNSBC 17.56.100.C.4.
- g. Lot 1, Musher Subdivision was legally created with 319.65 feet of frontage along Musher Road and a depth of 1285.43 feet by Plat No. 96-117.
- h. The existing right-of-way and location of Congressional Drive was created by Plat No. 76-33.
- i. The proposed subdivision is within the Spring Glad Road Service Area.

- j. With the variance and eight conditions recommended by staff, this subdivision meets the applicable requirements of Title 17.

**Ms. Fritze** questioned what the trail is that is depicted on the plat. **Mr. Welch** explained that it is a trail but it is currently outside of the subdivision boundary.

**Ms. Haman** queried if Musers Road was flat. Mr. Welch confirmed that it is flat. That was also one of the applicants' reasons for the variance request is that there is great sight distance. Additionally, to the east, Musers Road ends in a temporary turnaround.

Applicant Testimony

None

Interested Person Testimony

None

Applicant Rebuttal

None

**MOTION:** A motion by **Ms. Fritze**, seconded by **Mr. Mendenhall** approve the replat of Lot 1, Musher Subdivision with the eight (8) conditions, adopting the ten (10) findings of fact and the staff report in support of approval.

**Ms. Haman** commented that she feels the request is straight forward.

**MOTION ON THE VARIANCE:**

A motion by **Ms. Haman**, seconded by **Ms. Fritze**, to approve VR026-18 adopting the five (5) findings of fact and the staff report in support of approval.

**Ms. Haman** commented that she is in favor of this request.

**Mr. McComas-Roe** commented that he intends to support because he concurs with staffs' findings of fact.

**ROLL CALL ON THE VARIANCE:**

5 in favor      Fritze, Mendenhall, Haman, McComas-Roe, and Pitney  
0    opposed

**Mr. McComas-Roe** stated that he intends to support the replat because he concurs with staffs' findings of fact.

**Ms. Haman** concurred with Mr. McComas-Roe.

**Mr. Pitney** concurred with Mr. McComas-Roe and Ms. Haman.

## ROLL CALL ON THE REPLAT:

5 in favor Fritze, Mendenhall, Haman, McComas-Roe and Pitney  
0 opposed

- 3. SD031-18/RP027-18 Fox Estates** A request by 3 Tier-Alaska Corporation, on behalf of Robert P. and Karen L. Fox, to subdivide Lot 6 Nelson Subdivision, a total of approximately 23.77 acres, into 19 lots ranging in size from 1.01 acres to 1.78 acres. The request includes dedication and construction of a new right-of-way. The following three variances have been requested: FNSBC 17.56.110.B to waive the requirement for connecting the new subdivision road to an existing adjacent subdivision road; 17.56.100.C.2 to waive the requirement for dedicating the northern corner rounding at the road intersection; and 17.56.010.F to allow direct lot access onto a major collector. The property is located within the SW¼ NE¼ Section 13 T2S R2E, FM (located on Nelson Rd and Ismo Dr). **Staff Contact: George Stefan**

**Stefan** presented the Staff Report. Based on Staff analysis, the Department of Community Planning recommends DENIAL of the subdivision / replat based on the following four (4) findings of fact:

1. The applicant has not demonstrated that the subdivision, with the variances, can be developed consistent with public welfare and safety as required by FNSBC 17.64.010.A.
2. Without approval of Variance #1, a new subdivision road is required to be dedicated and constructed such that it connects with Ismo Drive.
3. Without approval of Variance #2, Horus Court is required to be dedicated with the northern corner rounding.
4. Without approval of Variance #3, lots 1 & 2 are required to be reconfigured such that they do not have direct lot access onto Nelson Road.

**Kellen Spillman**, FNSB Department of Community Planning Deputy Director, addressed the Platting Board. He stated that he was speaking in place of the Transportation Planner who could not attend the meeting.

**Mr. Spillman** stated that he is here to clarify and support the comments that the Transportation Planner made in the staff report. He addressed the comments that were made and gave the reasoning behind the decisions that were made.

### Applicant Testimony

**Ryan Hunt**, 3 Tier-Alaska, addressed the Platting Board. With regard to variance #1 he stated that he did send to Mr. Crouch at the North Star Fire Department a copy of the plat and his only comment was that the cul-de-sac may exceed the Boroughs' limits. Hunt made the change on the plat accordingly.

**Hunt** continued to address their reasons for the request for the variances.

**Hunt** provided a copy of a publication that addressed crime statistics and their relation to cul-de-sacs in neighborhoods.

**Ms. Haman** queried if it would be possible to change the configurations for Lots 1 & 2 as proposed by Borough staff. **Mr. Hunt** responded that they would be losing a lot of land. They feel that their configuration is best suited for this area to obtain the highest value for the lots when sold.

**Ms. Fritze** questioned why they can't meet Title 17 with regard to the connection to Ismo Road. **Mr. Hunt** responded that Ismo Road is only dedicated to 50' and is not quite constructed such that it could handle the additional traffic and that would present a safety issue.

**Mr. Spillman** questioned Hunt regarding the document that he provided on crime and the theory of crime prevention through environmental design. **Mr. Spillman** continued that it is his understanding that this theory only applies to urban or significantly urban settings and wasn't necessarily applicable in rural type setting.

**Mr. Stefan** questioned Hunt with regard to variance #2. He wanted to know how it is better that this design produces long skinny lots versus creating shorter, squattier lots with a road running through for access. **Mr. Hunt** replied that the distance between the well and septic locations is the reason for the proposed configuration. It is possible, but he feels this proposed configuration is more desirable.

**Mr. Pitney** commented that he was under the impression that cul-de-sacs and dead ends are areas where crime is more prevalent. He questioned if the report that Hunt provided is representative of the outlying areas of Fairbanks. He further queried Hunt if there were any studies done with regard to crime rates in the North Star Borough.

**Mr. Hunt** replied that last year the City of Fairbanks blocked off some of the streets in south Fairbanks to help deter crime in that area. This has prevented criminals from driving through to "case" homes.

**Mr. Hunt** further commented that with regard to the publication that he provided, there is a page that indicated that it is similar to other areas. Regardless, the numbers are staggering.

#### Interested Person Testimony

**Robert Fox**, owner, addressed the Platting Board. He gave his reason for the request and made himself available for questions.

**Russell Rabjohns**, interested person, addressed the Platting Board. He stated that he is concerned about the design of this proposed plat. He stated that if there were to be a connection to Ismo Road, the traffic by his home will increase significantly. He is opposed to this request.

**Ms. Fritze** questioned if anyone ever addressed Mr. Rabjohns with regard to corner rounding on his property. **Mr. Rabjohns** replied that he has not spoken to anyone regarding corner rounding, but he would be willing to work with them should they contact him.

**Vanessa Knutson**, interested person, addressed the Platting Board. She stated that she too is opposed to this request because of the very same reasons as Mr. Rabjohns.

## Applicant Rebuttal

**Mr. Hunt** addressed the Platting Board in rebuttal. He gave the current required standards for constructed shoulders of a cul-de-sac. He further commented that they would be willing to compromise a larger radius of the cul-de-sac if necessary.

A five minute (5) at ease was taken.

### **MOTION:**

A motion was made by **Mr. McComas-Roe**, seconded by **Ms. Haman**, to postpone the item to the next meeting of the Platting Board.

**Mr. McComas-Roe** gave his reasons for wanting to postpone to the next meeting.

**Ms. Haman** concurred with Mr. McComas-Roe.

**Mr. Pitney** queried the applicant how a postponement would impact him.

**Mr. Fox** responded that he would prefer not to postpone. Time is of the essence and finding a contractor to do work is no small undertaking. Pushing out the construction will make it harder to develop the land with winter looming.

**Mr. Pitney** questioned if Mr. Fox has a contractor ready to go at this time. **Mr. Fox** responded that he is on a waiting list.

**MOTION:** A motion was made by **Mr. McComas-Roe**, seconded by **Ms. Haman**, to withdraw the motion to postpone this item to the next meeting of the Platting Board.

### **MOTION ON THE SUBDIVISION:**

A motion was made by **Ms. Haman**, seconded by **Ms. Fritze** to DENY the subdivision adopting the four (4) findings of fact and the staff report in support of the decision.

**Mr. Mendenhall** questioned if a motion to deny is appropriate. **Mr. Pitney** clarified that it is appropriate to move to deny.

### **MOTION ON VARIANCE #2:**

A motion was made by **Ms. Fritze**, seconded by **Ms. Haman**, to DENY VR032-18, a request for a variance from FNSBC 17.56.100.C.2 to waive the requirement for dedicating the northern corner rounding at the road intersection adopting the six (6) findings of fact and the staff report in support of the denial.

**Mr. McComas-Roe** stated that he does not feel that this variance request is even necessary as the adjacent property owner has indicated a willingness to provide for the corner rounding.

**Further** discussion ensued.

**Hunt** clarified that they would like to keep the variance but under the condition that the right-of-way be widened.

**ROLL CALL ON VARIANCE #2:**

5 in favor                      Fritze, Haman, McComas-Roe, Mendenhall and Pitney  
0 opposed

The Platting Board took an at ease.

**RECONSIDERATION MOTION ON VARIANCE #2:**

A motion by **Mr. McComas-Roe**, seconded by **Ms. Haman**, to reconsider VR032-18.

**ROLL CALL VOTE ON THE RECONSIDERATION MOTION:**

5 in favor                      Fritze, Haman, McComas-Roe, Mendenhall and Pitney  
0 opposed

**ROLL CALL VOTE ON VARIANCE #2:**

0 in favor  
5 opposed                      Fritze, Haman, McComas-Roe, Mendenhall and Pitney

Discussion ensued in an effort to develop findings of fact in support of the approval.

**2<sup>ND</sup> MOTION ON VARIANCE #2:**

A motion by **Ms. Fritze**, seconded by **Ms. Haman**, to APPROVE VR032-18, a request for a variance from FNSBC 17.56.100.C.2 to waive the requirement for dedicating the northern corner rounding at the road intersection, adopting the three (3) findings of fact developed by the Platting Board in support of the approval.

**ROLL CALL VOTE ON VARIANCE #2**

5 in favor                      Fritze, Haman, McComas-Roe, Mendenhall and Pitney  
0 opposed

**MOTION ON VARIANCE #3:**

A motion was made by **Ms. Haman**, seconded by **Ms. Fritze**, to DENY VR033-18, a request for a variance from FNSBC 17.56.010.F to allow direct lot access onto a major collector adopting the seven (7) findings of fact and the staff report in support of the denial.

**Ms. Haman** commented that she does not have issue with this request. She stated that she intends to vote in support of the request.

**Ms. Fritze** concurred with Ms. Haman. She stated that she feels the need is impractical because it would take such a large piece of Lots 2 & 4 to get to Lot 1. She intends to deny the denial.

**Mr. Pitney** stated that the access onto the road does not seem like it would be a health or safety factor to him. He believes when Lot 4 is reconfigured, it would be more of a hardship.

Further discussion ensued regarding access onto Nelson Road.

**Mr. Mendenhall** commented that in a case such as this, perhaps access onto Nelson Road should be allowed.

**ROLL CALL ON VARIANCE #3:**

1 in favor	Mendenhall
0 opposed	Fritze, Haman, McComas-Roe and Pitney

The Platting Board reviewed the applicants' reasons for the variance request.

The Platting Board discussed this request and developed their findings of fact for approval of the request.

**2<sup>nd</sup> MOTION ON VARIANCE #3:**

**A motion by Ms. Haman, seconded by Ms. Fritze, to APPROVE VR033-18**, a request for a variance from FNSBC 17.56.010.F to allow direct lot access onto a major collector adopting the three (3) findings of fact developed by the Platting Board in support of the approval.

**ROLL CALL VOTE ON VARIANCE #3:**

5 in favor	Fritze, Haman, McComas-Roe, Mendenhall and Pitney
0 opposed	

**MOTION ON VARIANCE #1:**

A motion was made by **Ms. Fritze**, seconded by **Ms. Haman** to DENY VR031-18, a request for a variance from FNSBC 17.56.110.B to waive the requirement for connecting the new subdivision road to an existing adjacent subdivision road adopting the eight (8) findings of fact and the staff report in support of the denial.

**Ms. Fritze** stated that she is conflicted on this request. She can understand the applicants' justification as well as the neighbors who are in opposition to the request.

**Mr. McComas-Roe** stated that he has reservations about the request with regard to public safety.

**Ms. Haman** stated that she is conflicted with this matter as well.

**Mr. Mendenhall** stated that he too is conflicted.

**Ms. Haman** stated that she will be voting against the motion.

**Mr. Pitney** commented that he also is conflicted as he can see both sides reasons.

**Mr. Mendenhall** commented that he is supportive of both sides. He intends to vote to deny the request.

**Ms. Fritze** reminded the Board that the applicants comment that if he doesn't get his way he is not going to build has any merit in the Boards' decision. She intends to vote against the motion.

**Mr. McComas-Roe** agreed with Ms. Fritze.

Further discussion ensued regarding this variance request.

Discussion was had about annexing into a service area.

A five minute at ease was taken.

**Mr. Pitney** commented that he has reservations regarding the health, safety and welfare component with regard to emergency vehicles being able to get in and out of cul-de-sacs. However, he can see both sides of the issue.

**ROLL CALL ON VARIANCE #1:**

0 in favor

5 opposed

Fritze, Haman, McComas-Roe, Mendenhall and Pitney

**Ms. Haman** commented that one of the findings is that the Platting Board feels that the turnaround is sufficient for emergency vehicles.

**Ms. Haman** further commented that she does not feel that Ismo Road is capable of handling the additional traffic created by this subdivision, especially as it is not in a road service area.

Further discussion ensued regarding making a second motion to approve the variance request and findings of fact to support the possible motion.

**2<sup>nd</sup> MOTION ON VARIANCE #1:**

A motion was made by **Mr. McComas-Roe**, seconded by **Ms. Fritze** to APPROVE VR031-18 adopting the three (3) findings of fact in support of the approval.

**2<sup>nd</sup> ROLL CALL ON VARIANCE #1:**

5 in favor

0 opposed

Fritze, Haman, McComas-Roe, Mendenhall and Pitney

**MOTION:** A motion was made by **Ms. Haman**, seconded by **Ms. Fritze** to withdraw the original motion to DENY the subdivision adopting the four (4) findings of fact and the staff report in support of the decision.

The Platting Board took a five minute at ease to develop findings of fact in support of the subdivision request.

**Mr. Hosier** commented on the need for the road right-of-way to be increased to at least 70' to allow for corner roundings.

The Platting Board took another five minute at ease to develop conditions in support of the subdivision request.

**MOTION ON THE SUBDIVISION:**

A motion by **Mr. Mc.Comas-Roe**, seconded by **Ms. Fritze**, to APPROVE the subdivision with the seven (7) conditions in support of approval.

**Mr. Kline** commented that the Board will need to develop findings of fact in support of approval.

**MOTION ON THE SUBDIVISION:**

A motion by **Mr. Mc.Comas-Roe**, seconded by **Ms. Fritze**, to withdraw their motion to APPROVE the subdivision with the seven (7) conditions in support of approval.

**MOTION ON THE SUBDIVISION:**

A motion by **Mr. Mc.Comas-Roe**, seconded by **Mr. Mendenhall**, to APPROVE the subdivision with the seven (7) conditions and the one (1) finding of fact in support of approval.

The Platting Board did not have any additional questions or input with regard to this request.

**ROLL CALL ON THE SUBDIVISION MOTION:**

5 in favor                      Fritze, Haman, McComas-Roe, Mendenhall and Pitney  
0 opposed

- 4. MD002-18/SD023-13 Richardson Acres** A request by Degerlund Engineering, LLC, on behalf of J. Andrew and Bea Bachner, to modify the approved preliminary plat of Richardson Acres, a request to subdivide a 70.05 acre tract (TL-2244) into 35 lots ranging from 1.20 to 2.54 acres, within a portion of GL-48 & 49, Section 22 and a portion of the SW¼ Section 23 T5S R4E, FM. The modification is to incorporate three phases into the subdivision plan, which provides for the following final plat application deadlines: Phase One—April 17, 2019; Phase Two—April 17, 2021; Phase Three—April 17, 2023. This application was granted preliminary approval on April 17, 2013, a two-year extension on April 15, 2015, and a second two-year extension on April 19, 2017 by the Platting Board. The property is located within GL-48 & 49, Section 22 and the SW¼ Section 23 T5S R4E, FM (located on Sanshore Dr, Price Dr and Richardson Hwy). **Staff Contact: George Stefan**

**Stefan** presented the Staff Report. Based on Staff analysis, the Department of Community Planning recommends APPROVAL of the modification with the original six (6) conditions and the following two (2) new conditions, adopting the staff report and the three findings of fact in support of the decision.

1. The final plat application for the first phase shall be submitted by April 17, 2019. The final plat for the last phase shall be submitted by April 17, 2023.
2. Sipes Loop shall be renamed Sipes Drive or Sipes Road.

Furthermore, staff recommended adoption of the following three (3) Findings of Fact and the Staff Report in support of approval:

- a) FNSBC 17.12.030.J.1 allows the Platting Board to provide for the later submittal of one or more phases or segments of the subdivision.
- b) FNSBC 17.36.010.C provides street naming guidelines, including tag names.
- c) There does not appear to be any change to the subject property or surrounding development that would warrant a new preliminary review by the Platting Board.

Applicant Testimony

None

Interested Person Testimony

None

Applicant Rebuttal

None

**MOTION:** A motion was made by **Mr. McComas-Roe**, seconded by **Ms. Haman** to approve the modification of Richardson Acres with the original six conditions and two new conditions, adopting the staff report and the three findings of fact in support of the decision.

**Ms. Haman** stated that she does not see any issues with this request nor does she have any questions regarding the request.

**Ms. Fritze** concurred with Ms. Haman

**ROLL CALL:** 5 in favor Fritze, Mendenhall, Haman, Meyer and Pitney  
0 opposed

**Mr. Pitney** left the dias.

5. **MD003-18/SD022-14/RP047-14/VA007-14 T40 Subdivision** A request by Kalen & Associates, Inc, on behalf of James Binkley, Charles Binkley and John Binkley, to modify the approved preliminary plat of T40 Subdivision, a request to vacate a portion of the section line easements along Sections 12 and 13, T2S, R3W, FM, and to subdivide the following lots which total approximately 368 acres: Government Lot 1, Section 13, T2S, R3W, FM; Government Lot 3, Section 12, T2S, R3W, FM; Tract B, Tanana 440

Subdivision, Section 12, T2S, R3W, FM. The subdivision will create four tracts ranging in size from 5 to 288 acres. The modification is to dedicate proposed Tract A as a public access easement. The property is located within Section 12 and the NW¼ Section 13 T2S R3W, FM (located on Kallenberg Rd). **Staff Contact: George Stefan**

**Stefan** presented the Staff Report. Based on Staff analysis, the Department of Community Planning recommends APPROVAL of the extension of time with the following three (3) findings of fact:

- d) There does not appear to be any change to the subject property or surrounding development that would warrant a new preliminary review by the Platting Board.
- e) Per FNSBC 17.12.030.J.1, the Platting Board may provide for the later submittal of one or more phases or segments of the subdivision.
- f) FNSB Division of Land Management has appealed the State's decision approving the vacation, so the final plat application may not be processed by the FNSB Platting Division.

**Ms. Haman** queried why the public access easement had to be so wide. **Mr. Stefan** stated that it creates continuity with the existing easement.

#### Applicant Testimony

**Pat Kalen**, surveyor, addressed the Platting Board. He gave a brief history of the purpose of this request. He made himself available for questions.

#### Interested Person Testimony

**Shannon Brockman**, interested person, addressed the Platting Board. **Ms. Brockman** provided a written statement regarding this request and their reasoning for being opposed to this request.

**Mr. Mendenhall** queried if there was a statute of limitations that would apply in this case. **Mr. Kline** advised that there is no statute of limitations with regard to the property owners' use of their property.

**Mr. McComas-Roe** clarified that there is a bluff within this section line easement which impedes the public from reaching the Tanana River within the easement.

Further discussion ensued.

#### Applicant Rebuttal

**Pat Kalen** addressed the Platting Board in rebuttal. He stated that this easement has been public and has been heavily utilized for many years. He continued that her statements regarding access to the river are not true.

**Mr. Kalen** gave a brief history of how he cleared the section line easement in the past.

**Mr. Hicks** questioned if the trail that leads to the river is within the section line easement. **Mr. Kalen** responded that the trail that exists today is entirely within the section line easement.

**Mr. McComas-Roe** questioned Ms. Brockman to see if she has visited the trespass trail since 2016. **Ms. Brockman** stated that she was at the property earlier in the winter and prior to that in 2014. She stated that there always a trail on the easement but it was a lot easier for people to access the river through their property.

**Mr. McComas-Roe** queried what the original purpose was for Tract A. **Mr. Kalen** responded that it was made to make it a good deal for the Borough to vacate the section line and to donate the section line as a land exchange.

**Mr. Mendenhall** inquired if all processes and requirements have been followed with regard to this item. **Mr. Stefan** gave the history of all of the platting actions that have been requested to date and their determinations with regard to this property.

**Ms. Brockman** stated that when the Borough originally did the land swap, they were not notified by mail. They did not receive notice of a public hearing or comments, nor were their neighbors. They did receive notice of upcoming platting actions but did not receive notification for the land swap.

**Mr. McComas-Roe** asked Mr. Kalen if notification was made regarding the section line vacation in the newspaper. **Mr. Kalen** replied affirmatively.

Further discussion ensued.

**Mr. McComas-Roe** queried if Title 17 makes any provisions for adjacent property owners. **Mr. Kline** responded that adjacent property owners will receive Dear Property Owner letters. The Platting Board is tasked with granting or denying plat applications based on compliance with Title 17. When someone receives a Dear Property Owner letter, they are given the chance to explain why or why not they are in support based on the facts.

**Mr. McComas-Roe** questioned Ms. Brockman if she was aware of any part of Title 17 that this request does not meet. **Ms. Brockman** responded "probably not."

**MOTION:** A motion was made by **Mr. Mendenhall**, seconded by **Mr. Hicks** to approve the two-year extension of MD003-18 / SD022-14 / RP047-14 / VA007-14 and to adopt the staff report and the three findings of fact as recommended by staff.

**Mr. Hicks** commented that there is a section line easement that does exist. It gives right to public use. It is 66' wide. He further commented that no one has the right to trespass on Lot 1.

**Mr. Hicks** continued that who ever owns Tract A and Tract C has the right to allow anyone to utilize it if so desired or to let the public use it.

**Mr. McComas-Roe** stated that he intends to support this request though he may not like it, this request meets the requirements of Title 17.

**Ms. Haman** and **Ms. Fritze** concurred with Mr. McComas-Roe.

**ROLL CALL:** 6 in favor      Fritze, Haman, Hicks, McComas-Roe and Mendenhall  
0 opposed

### **UNFINISHED BUSINESS**

None

### **NEW BUSINESS**

None

### **EXCUSE FUTURE ABSENCES**

**Mr. Meyer** was excused for this meeting.

**Ms. Haman** will not be able to attend the meeting in July.

### **BOARD MEMBER COMMENTS / COMMUNICATIONS**

**Mr. Stefan** commented that this evening was a learning experience.

**Mr. Welch** echoed Mr. Stefans' comments.

**Mr. Hosier** encouraged the Platting Board to ask questions of staff when necessary.

**Ms. Fritze** queried if Mr. Kline has created a list of draft questions to utilize when trying to develop findings of fact. **Mr. Kline** stated that he decided not to create the list so as not to put words in their mouths.

**Mr. Mendenhall** spoke to the issue of making negative motions.

### **ADJOURNMENT**