

FAIRBANKS NORTH STAR BOROUGH PLATTING BOARD

**MINUTES
SEPTEMBER 19, 2018**

A regular meeting of the Fairbanks North Star Borough Platting Board 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 6:00p.m. by Randy Pitney, Chair.

A. ROLL CALL

MEMBERS PRESENT: Crystal Haman, Mike Kwasinski, Jason McComas-Roe, Clint Meyer, Bill Mendenhall, Tadd Wilmer and Randy Pitney

MEMBERS ABSENT: Troy Hicks

OTHERS PRESENT: George Stefan, Platting Officer, Daniel Welch, Platting Officer, Christine Nelson, Department of Community Planning Director, Kellen Spillman, Department of Community Planning Deputy Director, David Bredlie, Public Works Engineer, Ehren Lohse, Assistant Borough Attorney, Wendy Dau, Assistant Borough Attorney, Laura McLean, Recording Clerk

B. MESSAGES

Ms. Nelson reminded the board of the APA Conference in January 2019 and stated the October Platting Board meeting canceled due to lack of agenda items.

C. APPROVAL OF AGENDA AND CONSENT AGENDA

Motion to approve the agenda and consent agenda made by **Mr. McComas-Roe** and seconded by **Ms. Haman**. Carried without objection or roll call vote.

D. MINUTES

None

E. CONSENT AGENDA ITEMS

1. **SD023-16 Far Westridge Estates (extension)** A request by 3 Tier-Alaska, Corp., on behalf of Eugene H. West, for a two-year extension to the Platting Board's September 21, 2016 approval of Far Westridge Estates, the subdivision of a portion of Government Lot 3, also known as Tax Lots 639, 640 & 637; a total of 35.23 acres, into nine lots ranging in size from 1.59 acres to 16.51 acres, within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 6, T1N R1W, FM (located on Pandora Drive and Woodbine Drive). **Staff Contact: George Stefan**

F. ADMINISTER GROUP OATH

G. QUASI-JUDICIAL HEARING

1. **SD002-15 Happy Creek Subdivision Fourth Addition (extension)** A request by 3 Tier-Alaska, Corp., on behalf of Mark Nielson, for a second two-year extension to the preliminary approval of Happy Creek Subdivision Fourth Addition, the three-phase subdivision of Tax Lot 2801, a total of 40 acres, into 15 lots ranging in size from 1.90 acres to 4.94 acres within the SE¼ NE¼ Section 28, T1N R2W, FM (located on McFadden Lane and Saxon Avenue). The subdivision was granted preliminary approval on October 15, 2014 and a two-year extension on November 16, 2016 by the Platting Board. **Staff Contact: George Stefan**

George Stefan presented the staff report. Based on the staff analysis, the Department of Community Planning recommended **APPROVAL**.

Questions by the board

Mr. McComas-Roe asked for clarification of the map.

Mr. Stefan stated it is the boundary to the 33 foot wide ROW that was dedicated by the plat of McFadden Estates.

Discussion ensued in regards to the nature of the ROW, when the pedestal was placed, and current state law which states that the utility is only a secondary permitted use of the section line easement.

Mr. McComas-Roe questioned if anyone evaluated if any of the 9 Title 17 amendments are germane to the subdivision since the initial approval of the subdivision.

Mr. Stefan stated Title 17 currently does support McFadden Estates; that the road should be required to be upgraded to support the new subdivision.

Mr. Pitney asked if there is a public utility easement in place.

Mr. Stefan stated there is an existing GVEA easement roughly 20 feet to the west and a PUE was reserved over the top; directly abutting the limits of the road right-of-way.

Applicant Testimony

Mark Nielson testified as follows:

- In regards to the PUE he stated the box went in around 1982.
- Most of the roads have been completed and topped with E1 from M&M Construction.
- Lacking 2 stop signs and completing that last 200 feet of McFadden Lane to be able to go to FNSB to ask for final inspection.

Mr. McComas-Roe asked if he recently commented as a citizen on this matter before the board.

Mr. Nielson said yes as public testimony and he recapped his comments in regards to the green box being in the middle of McFadden Lane.

Public Comment Opened

None

Public Comment Closed

Applicant Rebuttal

None

MOTION: To approve the second two-year time extension for Happy Creek Subdivision Fourth Addition with the one condition and adopt the staff report and the seven findings of fact in support of the approval by **Mr. Meyer** seconded by **Mr. Kwasinski**.

Discussion ensued with legal if something can be done legally in regards to this matter, since the board has no road service powers.

ROLL CALL

7 in Favor: **Mendenhall, Wilmer, Haman, Kwasinski, McComas-Roe, Meyer and Pitney**

0 Opposed:

MOTION PASSED

Conditions for Approval

1. The final plat application for the first phase shall be submitted by October 15, 2020, and the final plat application for the last phase shall be submitted by October 15, 2024 or the preliminary approval will become void.

Findings of Fact for Approval

- a) The Platting Board approved the subdivision on October 15, 2014.
 - b) The Platting Board approved a two-year time extension on November 16, 2016.
 - c) The preliminary plat expires on October 15, 2018.
 - d) FNSB staff support the second extension request.
 - 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) FNSBC 17.12.030.J.1 has been interpreted by staff to include the extension of the entire subdivision request.
 - g) 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.
2. **SD003-19 Chatanika Gold Camp** A request by 3 Tier-Alaska, Corp., on behalf of Chatanika Gold Camp, LLC, to subdivide TL-1, USMS 1917, a total of approximately 17.74 acres, into two lots of 4.72 and 12.68 acres. The request includes dedication of right-of-way for the Old Chatanika Road. The property is located within the SW¼ Section 1, SE¼ Section 2, and NE¼ Section 11, T3N R1E, FM (located on the Steese Highway and Old Chatanika Road). **Staff Contact: George Stefan**

George Stefan presented the staff report. Based on the staff analysis, the Department of Community Planning recommended **APPROVAL**.

Questions by the board

Mr. Meyer asked where the private easement starts and ends.

Mr. Stefan explained that it starts at the entrance to the Steese Highway and continues into proposed Lot 2, traversing Lot 2 to the subdivision boundary.

Discussion ensued in regards to the properties to the north and west and if it is the same owners as the subdivision and what would happen if those properties were to be subdivided in the future.

Mr. Meyer asked if there is potential for it to become not a private easement and if it can be required in the future to become a public easement.

Mr. Stefan stated if the subdivision developer agreed to do so and expressed his difficulty speaking to a hypothetical request. He continued to explain the one form of legal access to the boundary of a subdivision is a private access easement so long as it meets certain criteria.

Discussion ensued in regards to the width of the proposed portions.

Mr. Meyer asked for clarification on GVEA requesting a 15 foot PUE over the existing power line.

Mr. Stefan stated per the plat, it is offering 30 feet; 15 on both sides.

Mr. Mendenhall asked about the kink in the top northeast corner of the map (green line).

Mr. Stefan explained there is a structure there and the jog in the proposed common lot line is to accommodate that structure so it remains in Lot 1.

Discussion ensued on the west lot near Old Chatanika Road on being a right-of-way.

Applicant Testimony

Valerie Scullion, applicant, did not give testimony.

Mr. McComas-Roe asked the applicant how she felt about GVEA demanding a 30 foot easement.

Ms. Scullion stated she has no future plans on subdividing Lot 2 so it doesn't make a difference.

Mr. Meyer asked the applicant if she knows who owns the lot to the west.

Ms. Scullion stated Chatanika Gold Camp, LLC.

Public Comment Opened

Mr. McComas-Roe fully disclosed that Amy Keyes is his mail delivery lady but does not have a conflict of interest.

Chair Pitney deemed no conflict with no objection from the board.

Amy Keyes, property owner, testified as follows:

- Excited about the project and spoke in favor of it passing.

Public Comment Closed

Applicant Rebuttal

MOTION: To approve Chatanika Gold Camp with the amended four conditions, adopting the eight findings of fact and the staff report in support of approval by **Mr. Kwasinski** seconded by **Mr. Meyer**.

Discussion ensued in regards to the motion.

ROLL CALL

7 in Favor: **McComas-Roe, Mendenhall, Wilmer, Haman, Kwasinski, Meyer and Pitney**

0 Opposed:

MOTION PASSED

Conditions for Approval

1. GVEA shall have a maximum of 30 calendar days to review and comment on the final plat.
2. ACS shall have a maximum of 10 calendar days to review and comment on the final plat.
3. A note shall be added to the final plat which states, "Direct lot access from this subdivision on to the Steese Highway is restricted to the existing access. No additional access is allowed."
4. A note shall be placed on the final plat which states, "Prior to construction, any new driveway or modification to a driveway onto the Steese Highway will require an ADOT&PF driveway permit."

Findings of Fact for Approval

- h) The Steese Highway is classified in the FNSB Comprehensive Road Plan as a major collector road.
 - i) FNSBC 17.56.010.F states that direct lot access onto an arterial road shall not be allowed unless topography allows no reasonable alternative.
 - j) The existing access from the Steese Highway to the parent parcel has likely existed since the highway was improved by ADOT in 1963 and presumably even earlier.
 - k) The Steese Highway access has existed for decades for access to the Chatanika Gold Camp facilities and is permitted by the managing authority, ADOT&PF.
 - l) It is not a reasonable alternative to disallow direct lot access from the existing Steese Highway access for proposed Lot 1 and the private driveway easement. The only other access option is from the Steese Highway onto the Old Chatanika Road over a mile away.
 - m) FNSBC 17.56.010.F requires restricted access to be noted on the final plat. Condition #3 satisfies this requirement.
 - n) ADOT&PF is the managing authority for the Steese Highway, and any new driveway or modification of a driveway onto the Steese requires their approval. Condition #4 satisfies this.
 - o) With the four conditions recommended by staff, this subdivision meets the applicable requirements of Title 17.
3. **SD002-19 Aztec Subdivision** A request by 3 Tier-Alaska, Corp., on behalf of JELD, Inc, to subdivide TL-2220A and TL-2220B, a total of approximately 37.50 acres, into six lots ranging in size of approximately 1.00 acres to 6.90 acres, and a remainder tract of approximately 24.34 acres. The request is to create a total of seven parcels. The request includes additional dedication of right-of-way for Aztec Road and Choctaw Road. The property is located within SW¼ NE¼ Section 22, T1S R1E FM on Aztec Road, Choctaw Road, and Copper Street. **Staff Contact: Daniel Welch**

Daniel Welch presented the staff report. Based on the staff analysis, the Department of Community Planning recommended **APPROVAL**.

Questions by the board

Mr. Meyer asked if staff feels that all the roads have 20 foot driving surfaces.

Mr. Welch stated when measured, yes.

Discussion ensued in regards to exacting another 10 feet to make up a 60 foot ROW if 50 feet is the requirement.

Applicant Testimony

Applicant was not present.

Public Comment Opened

None

Public Comment Closed

Applicant Rebuttal

None

MOTION: To approve Aztec Subdivision with the three conditions, adopting the twelve findings of fact and the staff report in support of approval by **Mr. Meyer** seconded by **Mr. McComas-Roe**.

Discussion ensued in regards to the motion.

ROLL CALL

7 in Favor: **Wilmer, Haman, Kwasinski, McComas-Roe, Meyer, Mendenhall and Pitney**

0 Opposed:

MOTION PASSED

Conditions for Approval

1. GVEA shall have a maximum of 30 calendar days to review and comment on the final plat.
2. Access Note 1 shall be amended to state "Any new, or modification of existing access, onto Aztec Road, Copper Street, or Choctaw Road shall obtain a driveway permit from the FNSB prior to construction."
3. A note shall be added to the final plat that states "Portions of this subdivision may contain wetlands. If development plans entail the discharge or placement of dredged and/or fill material into these wetlands, issuance of an individual Department of the Army permit may be required pursuant to section 404 of the Clean Water Act prior to initiating work."

Findings of Fact for Approval

- a) The proposed subdivision creates six lots and one tract, for a total of seven parcels.

- b) The subdivision plat proposes 30 feet of additional dedicated right-of-way for Aztec Road.
- c) The subdivision plat proposes 20 feet of additional dedicated right-of-way for Choctaw Road.
- d) The subdivision plat relies on Aztec Road and Copper Street for legal and constructed access meeting the requirements of FNSBC 17.56.020.B.
- e) Choctaw Road is not constructed to Title 17 Local 2 road standards.
- f) Improvement of Choctaw Road is not required by this subdivision.
- g) Choctaw Road is a public road that is usable by any member of the public for driveway access, provided that the appropriate permit is obtained through the managing authority; Aztec Road Service Area.
- h) Aztec Road, Choctaw Road, and Copper Street are maintained by the Aztec Road Service Area.
- i) The subdivision plat does not propose construction or improvements to any roads.
- j) A professional engineer's soils analysis was not submitted for this subdivision.
- k) A professional engineer's soils analysis is not required since Plat Note 3 on the preliminary plat under "Soils and Topography" expressly states that soils in this subdivision require wastewater systems to be designed by a registered professional engineer.
- l) With the three conditions recommended by staff, this subdivision meets the applicable requirements of Title 17.

H. NEW BUSINESS

1. Platting Board Rules

Kellen Spillman stated there is a need to change the rules due to incorrect code citations. Mr. Spillman explained there was a renumbering of all FNSB codes about two years ago.

Discussion ensued in regards to a high level overview of potential rule changes.

2. Notification to DPO recipients regarding vacation of a temporary turnaround.

Ms. Nelson discussed no rule change and stated the practice will be changed in regards to how adjacent property owners will be notified.

I. EXCUSE FUTURE ABSENCES

None

J. CITIZENS COMMENTS

None

K. COMMISSIONER'S COMMENTS/COMMUNICATIONS

Ms. Dau stated in FNSB code there is an encroachment provision in relation to box in the first case which is generally initiated by a citizen complaint to the code enforcement officer for investigation.

Ms. Nelson stated there was a recent code change where FNSB staff and departments can initiate complaints and ultimately the citation has to be issued by the code enforcement officer.

L. ADJOURNMENT

There being no further business, the meeting was adjourned.