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 6:01 p.m. by Eric Muehling, Acting Chair.

A. ROLL CALL

MEMBERS PRESENT: Chris Guinn  Charlie Whitaker 
Mike Stepovich  John Perreault 
David Brandt  Eric Muehling 
Doug Sims

MEMBERS EXCUSED: Mindy O’Neall  Robert Peterson

OTHERS PRESENT:  Christine Nelson, Director of Community Planning 
Ben Jaffa, Asst. Borough Attorney 
Manish Singh, Planner III 
Donald Galligan, Transportation Planner 
Michelle Gutierrez, Admin Assistant III

B. MESSAGES
Citizen’s Comments – limited to three (3) minutes
None
Disclosure & Statement of Conflict of Interest
None

C. APPROVAL OF AGENDA AND CONSENT AGENDA

Motion to approve the agenda and consent agenda made by Commissioner Sims and seconded by Commissioner Whitaker. Carried without objection or roll call vote.

Motion to approve the consent agenda minutes by Commissioner Stepovich and seconded by Commissioner Sims. Carried without objection or roll call vote.

D. *MINUTES

*Minutes from July 10, 2018. 
*Minutes from December 11, 2018.

E. QUASI-JUDICIAL HEARING

OATH ADMINISTERED

CU2019-006: A request by Daniel Peters DBA GoodSinse LLC on behalf of Business Services of Alaska LLC for conditional use approval of a marijuana product manufacturing facility, unlimited in the Light Industrial (LI) zone on NE¼ and SE¼ of Block 17, Subdivision of E.M. Jones Homestead (located at 2604 Davis Road, on the north side of Davis Road, west of Peger Road). (Staff Contact: Manish Singh)

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


**Applicant's Testimony**

Applicant, Daniel Peters testified as follows:

- Retail and cultivation portion of the business going well since Dec 2016 and this is a natural progression into the next phase.
- Will improve the security and overall company goals

**Questions by Commissioners**

**Commissioner Sims** asked Mr. Peters to elaborate on the closed-loop system.

Mr. Peters further explained how it works.

**Commissioner Sims** questioned the elements being used.

Mr. Peters stated there are butane, CO₂ and alcohol extractions that are primary and potentially secondary elements like dry ice, etc.

Further discussion ensued in regards to the materials being explosive or hazardous.

**Commissioner Muehling** asked if there were any complaints about the odor.

Mr. Peters said they have had some complaints and they have changed out the carbon filters and no other complaints since doing so.

Discussion ensued in regards to properly sizing and installing carbon filter systems as well as brief details on the increase security with the manufacturing facility rather than transporting the leaf and plant matter to another facility.

Mr. Peters explained the proposed waste management procedures.

**Commissioner Sims** questioned if there is an enforcement measures in place by staff.

Mr. Singh explained the system in place that is mostly administered by the State. The State conducts an inspection and reviews all approvals before handing over the license.

**Commissioner Perreault** asked if the applicant will be importing materials from other growers to process at his facility.

Mr. Peters said typically no but some will probably be imported.

**Commissioner Stepovich** questioned if he will be exporting the product manufactured as well besides what does not reach the retail shelves.

Mr. Peters agreed.

**Interested Person Testimony Opened**

None

**Interested Person Testimony Closed**
MOTION: To approve the Conditional Use Permit (CU2019-006) for a commercial marijuana product manufacturing facility, unlimited with three (3) conditions, and adopting the staff report, and three (3) findings of fact in support of approval by Commissioner Sims, seconded by Commissioner Perreault.

Conditions

1. Prior to the commencement of marijuana product manufacturing operation, the applicant or holder of this conditional use permit shall comply with all applicable land use related laws. Applicable permits and approvals may include but are not limited to:
   a. As required by the FNSB and the Department of Commerce, Community, and Economic Development (Alcohol and Marijuana Control Office), the applicant or holder of this conditional use permit shall ensure the site and operation meets all licensing requirements for a commercial marijuana product manufacturing facility.
   b. The applicant or holder of this conditional use permit shall obtain a formal plan review by the City of Fairbanks Building and Fire Departments and shall comply with all recommendations and/or requirements resulting from the plan review(s).
   c. The applicant or holder of this conditional use permit shall obtain a formal plan review by the State of Alaska Department of Environmental Conservation for the proposed use of a septic system for non-domestic wastewater discharge; and shall comply with all recommendations and/or requirements resulting from the plan review.

2. Indoor product manufacturing rooms or portions of the building where marijuana or marijuana products will be prepared, processed, packaged or stored shall be equipped with appropriately sized odor filtration systems such that the marijuana odor shall not be detectable by the public from outside the product manufacturing facility.

3. If any modifications are made to the site plan, floor plans, or other FNSB required documents or operational characteristics, the applicant or holder of this conditional use permits shall submit revised documents to the FNSB Community Planning Department. If modifications are made to the conditional use, an amendment to the Conditional Use Permit may be required pursuant to FNSBC 18.104.050(D).

Findings of Fact

1. With the conditions imposed, the proposed conditional use will conform to the intent and purpose of Title 18 and of other ordinances and state statutes:
   a. The purpose of Title 18 will be met because the proposed conditional use is consistent with ‘Light Industrial Area’ comprehensive plan land use designation. The Comprehensive Plan Land Use Goal 3 and Economic Development Goal 2 are enhanced by the conditional use.
   b. The intent of Title 18 will be met because with the conditions imposed, the conditional use will both protect private property rights and promote public health, safety, and welfare.
   c. 3AAC 306 governs the state licensing and operational standards for marijuana facilities. Title 18 requires that a borough-permitted commercial marijuana facility obtain a license pursuant to all state regulations including ADEC and State Fire
2. With the conditions imposed, there are adequate existing energy and transportation facilities serving the site and other public services are available to serve the proposed conditional use.

   a. The facility will have adequate water supply because the building has an existing 1000-gallon water tank.

   b. The facility has an existing septic system for the non-domestic wastewater. With the conditions imposed, the facility will have adequate wastewater/sewage capacity.

   c. With the conditions imposed obtain a formal plan review by the City of Fairbanks Building and Fire Departments, the facility has adequate fire services because the property is served by the City of Fairbanks Fire Department.

   d. The facility has adequate power supply because it is served by the GVEA grid.

   e. The facility is served by the City of Fairbanks Police Department for law enforcement.

   f. The property has access from Davis Road which is a major collector type roadway maintained by AKDOT&PF. Davis Road can accommodate the small number of trip ends generated by the proposed product manufacturing facility.

   g. The site plan shows 21 parking spaces and a loading area which are adequate for the proposed facility.

3. With the conditions imposed, the proposed conditional use will protect public health, safety, and welfare because the marijuana product manufacturing facility will comply with Title 18 standards for the LI zone (FNSBC 18.72) and Standards for Commercial Marijuana Establishments (FNSBC 18.96.240) as well as with other applicable land use related laws.

   a. With the conditions imposed, security systems, alarms, cameras and lighting will meet state regulations required to obtain a commercial marijuana product manufacturing license.

   b. With the conditions imposed, any solid or liquid waste including marijuana waste will be disposed of in accordance with state and local regulations.

   c. With the conditions imposed, odor will be mitigated with appropriately sized odor filtration systems in the facility.

   d. All marijuana and marijuana products will be secured inside the building to ensure the general public does not have access to them.

   e. The noise generated from this product manufacturing facility would not negatively impact the neighboring property owners because the operation is completely indoors.

   f. The outdoor lighting will not negatively impact the neighboring property owners because it will point downward.
g. The proposed hours of operation for the product manufacturing facility are from 8 am to 10 pm, daily. These hours of operation are the same as those for the existing cultivation facility and the retail store.

Discussion on the motion ensued between commissioners.

**ROLL CALL**

Six (6) in Favor: Sims, Perreault, Brandt, Whitaker, Stepovich and Muehling

Zero (0) Opposed:

MOTION PASSED

OATH ADMINISTERED

**CU2019-007**: A request by Theresa L. Harvey for conditional use approval of three attached multiple-family dwelling units (triplex) in the Rural Residential (RR) zone on Lot 5, Erin Estates Subdivision (located at 3572 Erin Drive, on the north side of Erin Drive, west of Chena Slough).

(Staff Contact: Manish Singh)

Mr. Manish Singh provided a presentation of his staff report and recommendations on behalf of the Borough's Planning Department, and recommended approval with one (1) condition and three (3) findings of fact as listed in the Staff Report.

Questions by Commissioners

**Commissioner Sims** questioned if condition 1 covers any potential future subdividing or replatting the 5-acre parcel.

Mr. Singh stated it does.

**Commissioner Sims** asked if a condition should be included to insure any future subdividing ensure that the triplex maintain a minimum lot size of 80,000 sq. ft.

Mr. Singh stated that would be consistent with the department's thought process and suggested if commissioners feel that is appropriate a motion to amend the motion could be made.

**Applicant's Testimony**

Applicant, Theresa Harvey testified as follows:

- Staff did a great job.

Questions by Commissioners

**Commissioner Sims** asked if Ms. Harvey is aware of any future potential subdividing.

Ms. Harvey stated the CUP was pursued in order to finalize closing on the property and to her understanding the potential buyer is going to keep it as a 5-acre parcel.

**Interested Person Testimony Opened**

None
Interested Person Testimony Closed

MOTION: To approve the Conditional Use Permit (CU2019-007) for three attached multiple-family dwelling units (triplex) with one (1) condition, and adopting the staff report, and three (3) findings of fact in support of approval by Commissioner Perreault, seconded by Commissioner Sims.

Condition

1. If any modifications are made to the site plan or the number of dwelling units, the applicant or holder of this conditional use permit shall submit revised documents to the FNSB Community Planning Department. If modifications are made to the conditional use, an amendment to the Conditional Use Permit may be required pursuant to FNSBC 18.104.050(D).

Findings of Fact

1. The proposed conditional use conforms to the intent and purpose of Title 18 and of other ordinances and state statutes:
   a. The purpose of Title 18 is met because the proposed conditional use is consistent with ‘Perimeter Area’ comprehensive plan land use designation. The triplex provides a residential density which is less than that already allowed in the RR zone. The conditional use supports Land Use Goal 3, Strategy 7 because it provides residential land use opportunity in the North Pole area.
   b. The intent of Title 18 will be met because the conditional use both protects private property rights and promotes public health, safety, and welfare.
   c. A residential water supply and wastewater disposal system evaluation report provided by the applicant demonstrates the compliance of the existing water supply and wastewater disposal system with the requirements established by the ADEC. Additionally, the State Fire Marshal's office doesn’t require a plan review for triplexes. The applicant has provided information sufficient to show that they intend to meet the state regulations.

2. There are adequate existing sewage capacities, transportation facilities, energy and water supplies, and other public services to serve the proposed conditional use.
   a. The triplex has adequate water supply because the property has an existing well.
   b. The triplex has adequate sewage capacities because the property has a septic system. A wastewater disposal system evaluation report reflects that the existing septic system meets the minimum requirements established by the ADEC.
   c. The triplex has adequate fire services because the property is served by the North Star Volunteer Fire Department.
   d. The triplex has adequate power supply because it is served by the GVEA grid.
   e. The property has adequate law enforcement because it is served by the Alaska State Troopers.
f. The subject property has access from Erin Drive via a 60’ common shared driveway easement. Erin Drive could accommodate the trips generated from the triplex.

g. The site plan shows three parking spaces which are adequate for the triplex.

3. The proposed conditional use protects public health, safety, and welfare because the triplex complies with Title 18 standards for the RR zone (FNSBC 18.40) as well as with other applicable land use related laws.

   a. The property has been used as a triplex for almost 40 years. The conditional use does not propose any new dwelling units and continues the use of an existing triplex.

   b. Noise, odor, dust and other negative impacts to the neighborhood are not expected to be created by the existing triplex because it provides a residential density which is less than that already allowed in the RR zone.

   c. The outdoor lighting does not negatively impact the public health, safety and welfare of the surrounding properties because the applicant has stated that the five existing exterior lights face down. The triplex is located at least 200 feet from the nearest residence to the northwest and at least 250 feet from the nearest residence to the west.

Discussion on the motion ensued between commissioners.

ROLL CALL

Six (6) in Favor: Perreault, Brandt, Whitaker, Stepovich, Sims and Muehling

Zero (0) Opposed:

MOTION PASSED

OATH ADMINISTERED

[Nancy Durham joined the meeting]

CU2019-008: A request by Dan Britton from Interior Gas Utility, on behalf of Golden Valley Electric Association, for conditional use approval of a bulk fuel (liquefied natural gas) distribution and storage facility in the Heavy Industrial (HI) zone, on a portion of Lot 2, H&H Industrial Subdivision (located at 1095 H&H Road, on the east side of H&H Road, west of Old Richardson Highway). (Staff Contact: Manish Singh)

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

Questions by Commissioners

Commissioner Perreault questioned the impoundment elevation working as a flood control levy.

Ms. Durham stated the impoundment area for any spills has to meet the flood resistant requirements; the tanks are above the impoundment area and as long as it’s floodproofed it will meet the requirements.
Commissioner Perreault stated the H&H road is listed as the access and is at 500 ft. and asked if that is acceptable.

Ms. Durham states yes and further explained the equipment has to be 3 ft. above the base flood elevation but the H&H Road could be at the base flood elevation.

Commissioner Perreault questioned the access roads on figure 9

Mr. Singh further explained the four phases in the diagram and explained that for the rail off-loading facility, the applicant will be required to come back before the Planning Commission for a conditional use modification.

Commissioner Sims asked for the status of the subdivision; if Lot 2A has been recorded or platted.

Mr. Singh explained the preliminary plat approval was granted in December of 2018 and should be recorded soon because the application for the final plat has been received.

Commissioner Muehling questioned the purpose of the 300,000 gallon storage limit.

Mr. Singh stated the number was provided by IGU.

Mr. Jaffa clarified that there is no heightened burden of proof involving FNSB Title 15, there are additional standards that apply. He stated the burden of proof is the same needing substantial evidence to support factual findings.

**Applicant's Testimony**

David Prusak, project manager, testified as follows:

- Stated staffs presentation accurately reflects the discussions had.
- About 73 miles of natural gas pipeline has been constructed in 2015 in preparation for bringing storage down to that area and to the community.
- Golden Valley Electric was interested; a site they have studied for putting LNG.
- Referenced Figure 1 in the staff report.
- With the power plant being nearby, the gas that could be provided, the distance would be shortened.
- Facility at Trea Road is operational before tanks can be dispatched.
- Spoke about the 75,000 gallon tank.

**Questions by Commissioners**

Commissioner Sims questioned if there are any old slough remnants that would give rise to that area.

Mr. Prusak said no; they did a geotechnical investigation.

Commissioner Sims asked if it is the intent to file a letter of map revision, based on fill, to FEMA.

Mr. Prusak stated if that is a requirement that was put forth, he sees no reason why they would not meet that.

Discussion ensued in regards to the 300,000 gallon limit depending on site layout and not being a safety limit.
Interested Person Testimony Opened

Erica Betts with PDC Engineers, testified as follows:

- Further explained the little remnant of the flood plain; flood insurance study.
- Stated the purpose is to get a letter of map revision based on fill, post construction.

Questions by Commissioners

Commissioner Perreault questioned how will the fill, prior to construction mitigate the chance for contamination; how the impoundment wall be effective and concerns about damage to the facility in a flood event.

Ms. Betts further explained the steps that will be taken.

Mr. Prusak further explained the details of the flood proof containment system.

Commissioner Muehling asked what the permeability of the levy between the Tanana River and the property.

Ms. Betts explained how it is not a direct access.

Commissioner Sims stated the levy has been certified to protect against surface flows but not subsurface.

Interested Person Testimony Closed

Applicant’s Rebuttal

None

MOTION: To approve the Conditional Use Permit (CU2019-008) for a bulk fuel (liquefied natural gas) distribution and storage facility with three (3) conditions, and adopting the staff report, and three (3) findings of fact in support of approval by Commissioner Sims, seconded by Commissioner Perreault.

Conditions

1. The applicant or holder of this conditional use permit shall ensure that the facility complies with all applicable land use related laws. Applicable approvals may include but are not limited to:

   a. As required by the Pipeline and Hazardous Materials Safety Administration (PHMSA), the applicant or holder of this conditional use permit shall ensure that the facility complies with the federal safety standards for liquefied natural gas facilities established by 49 CFR Part 193.

   b. The applicant or holder of this conditional use permit shall obtain a Floodplain Permit and a Certificate of Compliance and shall ensure that the facility complies with the FNSB Title 15 - Floodplain Management Regulations including standards for critical facilities stated in FNSBC 15.04.110(G).
c. The applicant or holder of this conditional use permit shall obtain a formal plan review by the City of North Pole Building Department and shall comply with all recommendations and/or requirements resulting from the plan review including but not limited to obtaining building permits and driveway permits.

d. The applicant or holder of this conditional use permit shall obtain a formal plan review by the State of Alaska Department of Public Safety (Division of Fire and Life Safety, Plan Review Bureau) and shall comply with all recommendations and/or requirements resulting from the plan review.

2. An amendment to the Conditional Use Permit shall be required for any LNG storage capacity more than 300,000 gallons or for any direct access onto Old Richardson Highway.

3. If any modifications are made to the site plan (Exhibit A) or other FNSB required documents or operational characteristics, the applicant or holder of this conditional use permit shall submit revised documents to the FNSB Community Planning Department. If modifications are made to the conditional use, an amendment to the Conditional Use Permit may be required pursuant to FNSBC 18.104.050(D).

Findings of Fact

1. With the conditions imposed, the proposed conditional use will conform to the intent and purpose of Title 18 and of other ordinances and state statutes:

   a. The purpose of Title 18 will be met because the proposed conditional use is consistent with ‘Industrial’ North Pole Land Use Plan designation.

   b. The request is consistent with the City of North Pole Land Use community goal related to expanding and maintaining public utilities because this conditional use will allow IGU to construct a liquefied natural gas (LNG) distribution and storage facility within the City of North Pole to serve their natural gas distribution system in the North Pole area.

   c. The request is consistent with the FNSB Regional Comprehensive Plan Land Use Goal 3, Strategy 8, Action A about preserving the integrity of industrially classified areas because this conditional use proposes a liquefied natural gas (LNG) distribution and storage facility in an area that is zoned HI and has already developed with other industrial uses such as the GVEA Power Plant and the Petro Star Refinery.

   d. The request is consistent with the FNSB Regional Comprehensive Plan Transportation and Infrastructure Goal 2, Strategy 6, Action C about promoting the use of alternative energy sources because natural gas is an alternative source of energy and this conditional use will allow IGU to construct a liquefied natural gas (LNG) distribution and storage facility within the City of North Pole to serve their natural gas distribution system in the North Pole area.

   e. The intent of Title 18 will be met because with the conditions imposed, the conditional use will both protect private property rights and promote public health, safety, and welfare.

   f. The intent of Title 15 will be met because with the conditions imposed, the conditional use will meet floodplain permitting requirements including the
construction standards for critical facilities, will help minimize flood losses, and promote health, safety and welfare.

g. IGU has provided an alternate site analysis that meets the applicant’s burden of proof demonstrating that there were no alternate sites available for the four bullet tanks from Phases 2 and 3 with their respective impoundment areas outside the SFHA.

h. With the conditions imposed, the applicant has provided information sufficient to show that the facility will meet the intent and purpose of Alaska State Statute and other ordinances.

2. With the conditions imposed, there are adequate existing energy and transportation facilities serving the site and other public services are available to serve the proposed conditional use.

a. The facility has adequate water supply and sewage capacity because the property is served by the City of North Pole utilities.

b. The facility has adequate fire services because the property is served by the City of North Pole Fire Department.

c. The facility has adequate power supply because it is served by the GVEA grid.

d. The facility is served by the City of North Pole Police Department for law enforcement.

e. The property has access from H&H Road which is a local paved road maintained by the City of North Pole. H&H Road can accommodate the truck traffic generated by the proposed facility.

f. With the condition imposed to obtain driveway permits from the City of North Pole, the facility will have adequate driveways.

g. The site plan shows eight parking spaces and a traffic circulation area which are adequate for the proposed facility.

3. With the conditions imposed, the proposed conditional use will protect public health, safety, and welfare because the facility will comply with Title 18 standards for the HI zone (FNSBC 18.76) and Title 15 standards for critical facilities (FNSBC 15.04.110.G) as well as with other applicable land use related laws.

a. With the proposed conditions related to compliance with the PHMSA regulations (49 CFR Part 193), the facility will have tank construction, spill impoundment areas, fencing, controlled access, lighting, sensors, alarms, monitoring schedule and other safety features to protect public safety.

b. The noise produced from the facility will not negatively impact the area because the area has already developed with other commercial and industrial uses.

c. The artificial odor added to the LNG will make it detectable. The odor from the facility will not negatively impact the area because the area has already developed with other commercial and industrial uses.
d. With the proposed condition related to the plan reviews by the State Fire Marshal and the City of North Pole Building Department, the facility will minimize fire and other safety risks.

e. With the proposed condition related to FNSBC Title 15 compliance, the facility will minimize the risks related to potential flooding.

Discussion on the motion ensued between commissioners.

**ROLL CALL**

Six (6) in Favor: Brandt, Whitaker, Stepovich, Sims, Perreault and Muehling

Zero (0) Opposed: 

**MOTION PASSED**

[Nancy Durham left the meeting]  

F. **PUBLIC HEARING**

**HP2006-007 Third Street Widening:** A request by the State of Alaska Department of Transportation and Public Facilities for local planning authority re-affirmation of the Third Street Widening project. The Alaska Department of Transportation and Public Facilities (ADOT&PF), in cooperation with participating agencies within the Fairbanks Metropolitan Area Transportation System (FMATS) and the Federal Highway Administration (FHWA), propose to reconstruct and widen (addition of through and turning lanes) Third Street between the Minnie Street Noyes Slough Bridge and the Hamilton/Farewell intersection and re-pave the Steese Highway between the Chena River Bridge and College Road. *(Staff Contact: Don Galligan)*

Mr. Donald Galligan provided a presentation of his 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

**Commissioner Stepovich** asked for an elaboration on how the project came back to the Planning Commission if it was approved in 2006.

**Mr. Galligan** explained that as part of the MOU; if a project lapses in activity more than two years, they have to come back for a re-approval. He explained that the project was moving along but they did not commit a funding source and it was shelved until 2016 when they began activity with this project once more.

**Commissioner Sims** questioned if variances will be required.

**Mr. Galligan** stated the determination is still to be made but the majority of the impacts are to properties zoned GU-1.

**Commissioner Muehling** questioned the timeframe for a long range plan as such.

**Mr. Galligan** stated typically 20-25 years and further explained the difference between short, medium and long range projects; this particular project is a short range project and is expected to be constructed within the next five years.
Commissioner Muehling asked what the 5 ft. sidewalks connected to.

Mr. Galligan stated to the west it would connect with the sidewalk that is on the north side of Minnie Street; the sidewalk would be on both sides.

Applicant’s Testimony

Russell Johnson with DOT and Gary Jenkins, Civil Engineer, with DOWL, testified as follows:

- Elaborated on how the traffic studies were reevaluated, in relation to the design of the project in 2016 when Mr. Johnson became project manager.
- Mr. Johnson stated there will be ROW acquisitions.
- Mr. Johnson further explained there are no parking requirements for the zoning.
- Mr. Johnson clarified the sidewalks will be 6 ft. wide.
- Mr. Johnson stated there will be connectivity of the sidewalks
- Mr. Johnson stated there will be 4 ft. shoulders that could be used for bicyclists in the summer and snow storage in the winter; not a bike facility.
- Mr. Jenkins stated the current plan is to construct in 2020.

Questions by Commissioners

Commissioner Sims questioned what the projections are like now versus in 2006.

Mr. Johnson explained the area does not have room for more houses and in 2006 might have anticipated more homes than there actually is now and further explained the purpose of the project.

Mr. Jenkins explained that sometimes growth rate projections are wrong.

Commissioner Perreault asked if there is any design that is addressed to improve flow from the Steese.

Mr. Johnson explained how the turn pocket will be lengthened.

Discussion ensued in regards to roundabouts and bike lanes between Commissioner Perreault and Mr. Johnson.

Commissioner Whitaker stated bicycles are also important to him and he is tempted to vote against future projects that don’t have a bicycle facility implemented into the project.

Commissioner Muehling questioned the ROW impacts; in particular the Alaska Barbershop.

Mr. Johnson explained that the ROW acquisition would remove his sign.

Discussion ensued in regards to imminent domain ROW acquisitions.

Commissioner Stepovich questioned the roundabout design and the snow removal maintenance.

Mr. Johnson said it will be a traditional roundabout with low bush vegetation in the middle and will be plowed.

Discussion ensued about condemnation between Commissioner Muehling and Mr. Johnson.
Mr. Jaffa stated the discussion has legal questions that are resolved by the court and stated to his knowledge Mr. Johnson is not an attorney and may not have the legal standards that apply and cautioned the commission on how far into the discussion of condemnation they should get into.

Commissioner Whitaker questioned if bicycle facilities is a topic that is even discussed as the project engineer.

Mr. Johnson referenced his previous pedestrian multi-use path projects.

Public Hearing Opened

Lance Tibido, 316 Front Street-D, testified as follows:

- Concerned with the 40 mile area.
- People use the middle turn lane as a through way.
- Opposed to a cement middle divide.
- The previous bike path project took away the trees and left no sound barrier.
- People cut through his driveway to get to the sidewalk.
- The area is very used.
- Expressed worry about the state absorbing the land on 3rd, near the Holiday.
- Sidewalks Minnie Street to Third Street are horrible.
- Gave thanks for carrying through the project.

Questions by Commissioners

None

Michael Ricky, 305 Eagle Avenue, Alaska Barbershop, testified as follows:

- Concerned if his property would be violating any ordinances after the project.
- Questioned if his sign will have visibility to the Steese.
- After surveyed, he owns his parking and it is not a ROW.
- Have not heard from the SOA for negotiations yet.

Questions by Commissioners

Commissioner Stepovich questioned if DOT talked to him about the sign relocation.

Mr. Ricky said only the engineer has.

Commissioner Muehling asked about the survey he had done; parking lot is his property.

Mr. Ricky said that is correct, he had it staked.

Public Hearing Closed

Applicant’s Rebuttal

Mr. Johnson stated they did try to minimize the ROW impacts as much as they could and clarified the sign relocation will be part of the project and explained the parking is not a ROW, he misspoke previously. He further explained that after the road is constructed, DOT will dispose of the excess ROW.
Mr. Jenkins stated they have been working with property owners about parking lot impacts and the acquisition process appraisals were just finished and once the appraisal packet is complete they will contact the property owners with offers.

Mr. Johnson and Mr. Jenkins touched base on the noise concerns and explained how they recently completed a noise analysis.

Questions regarding types of noise barriers and costs ensued between commissioners and Mr. Johnson and Mr. Jenkins.

**MOTION:** To approve HP2006-007 Third Street Widening Project as being consistent with the FNSB Regional Comprehensive Plan, adopting the staff report and four findings of fact in support of the approval by Commissioner Sims.

**FAILED FOR LACK OF A SECOND**

Mr. Galligan explained that he combined the findings of fact that were duplicates; in the original staff report FF 2 & 4 were very similar.

**MOTION:** To approve HP2006-007 Third Street Widening 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 Perreault.

Discussion ensued between commissioners in regards to the motion.

**Findings of Fact**

1. The Third Street Widening project has reduced its overall footprint from what has been previously approved by improving designs that minimize the need for additional turn lanes. This has had a beneficial effect on the number of properties impacted from 40 to 34, but also the severity of property impacts have decreased as well, with less right-of-way needed for the newly configured improvements. **Transportation and Infrastructure: Goal 1, Strategy 1, Action C**.

2. The Third Street Widening project will construct sidewalks throughout on Third Street and upgrade the multi-use pathways on the Steese Expressway, widening them from 5 to 8 feet. This project will ensure that all facilities are ADA compliant. **Transportation and Infrastructure: Goal 1, Strategy 1, Action C and Strategy 3, Action A**.

3. This project improves traffic flow on Third Street and the Steese Expressway by adding turn lanes and a roundabout at the intersection of Third Street and Eagle Road. This project also adds a center turn lane between Eagle Road and Hamilton Avenue, improving safety and the business climate. **Transportation and Infrastructure Goal 1, Strategy 1, Action F**.

**ROLL CALL**

Six (6) in Favor: Sims, Perreault, Brandt, Whitaker, Stepovich and Muehling

Zero (0) Opposed:

**MOTION PASSED**
G. **EXCUSE FUTURE ABSENCES**

None

H. **COMMISSIONER’S COMMENTS/COMMUNICATIONS**

1. **FMATS**

*Commissioner Muehling* relayed information regarding to FMATS.

2. **AK APA 2019 Conference Report**

*Commissioner Muehling* updated the commission and informed them conference slides are available from the planning clerk if needed.

3. **Duncan Rezone Remand**

*Commissioner Muehling* reminded the commission the remand will be heard at the next meeting. Clerk also reminded the members who were absent to fully review materials from November 13, 2018 meeting.

4. **Other**

Clerk introduced Sharon Wittenkeller as new admin staff to the Department of Community Planning.

I. **ADJOURNMENT**

There being no further business, the meeting was adjourned at 9:00 p.m.