

FNSB PLATTING BOARD

MINUTES

February 20, 2019

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 6:04 p.m. by Randy Pitney, Chair.

ROLL CALL

Members Present: Kellie Fritze, Troy Hicks, Mike Kwasinski, Jason McComas-Roe, Clint Meyer, Bill Mendenhall, Tadd Wilmer and Randy Pitney.

Members Absent: None

Others Present: George Stefan, Platting Officer; Daniel Welch, Platting Officer; Julie Kotila, Platting Officer; Wendy Dau, Asst. Borough Attorney; Chad Hosier, FNSB Public Works Engineer; Christine Nelson, Community Planning Director and Laura Melotte, FNSB Recording Clerk.

MESSAGES

Chair's Comments

Pitney reminded the Platting Board that there will be a Worksession following tonight's meeting regarding Title 17 as well as an additional meeting on March 6, 2019 at 6:00 pm to take citizens comments.

Stefan addressed the Platting Board and stated that the applicants for item #1, Pete Simpson Memorial Road, have requested that the item be postponed to the March 20, 2019 meeting.

Citizens Comments – limited to three (3) minutes

Steve Lowry, member of the public, addressed the Platting Board with comments regarding changes to Title 17. He expressed dislike for the proposed changes to Title 17 with regard to the Road Construction Exemption.

OATH

Disclosure and Statement of Conflict of Interest

Hicks stated that he has a conflict with item #1, Pete Simpson Memorial Road. He state that his wife works for the surveyor for this application. **Pitney** confirmed that Hicks DOES have a conflict however the item has been postponed to the March 20, 2019 meeting.

Hicks stated that he has a conflict with item #2, Moody Subdivision. He stated that his wife works for the surveyor for this application. **Pitney** confirmed that Hicks DOES have a conflict and will NOT hear this item.

APPROVAL OF AGENDA AND CONSENT AGENDA

Approval of Consent Agenda passes all routine items indicated by asterisk (*) on the agenda. Consent Agenda items are not considered separately unless and Commission or Board 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 made by **Mr. Meyer**, seconded by **Ms. Fritze**. Motion carried without objection.

***MINUTES**

Minutes of the July 18, 2018, December 19, 2018 and January 16, 2019 Platting Board meeting minutes.

CONSENT AGENDA ITEMS

QUASI-JUDICIAL HEARING

- 1. DE001-19 Pete Simpson Memorial Road** A request by the State of Alaska, Department of Natural Resources, Division of Forestry, on behalf of the State of Alaska and the Fairbanks North Star Borough Division of Land Management, to dedicate a 100ft wide public access easement for the Pete Simpson Memorial Road. The access easement is accessed from Himilaya Road and is located within Sections 16, 20, 21, 29, and 30 T3N R2W and Sections 25 and 26 T3N R3W, FM. **Staff Contact: George Stefan**

Pitney reminded the Platting Board that the applicants have requested that this item be postponed to the March 20, 2019 meeting. **Stefan** concurred.

MOTION: A motion was made by **Ms. Fritze**, seconded by **Mr. Meyer** postpone this item per the applicants request to the March 20, 2019 Platting Board meeting.

ROLL CALL: All were in favor. There were no objections.

2. SD010-19 Moody Subdivision A request by 3 Tier-Alaska, LLC, on behalf of the Heirs and Devisees of James Edson Moody , to subdivide a portion of Gov't Lot 2, Section 13 T7S R5E, a total of approximately 3.53 acres, into two lots of 0.92 acre and 2.61 acres. Two variances from FNSB Title 17 have been requested: 17.56.100.C.5 to allow the subdivision road to intersect the Richardson Highway on a curve; and 17.56.060.A.4 to waive the requirement for construction of the subdivision road's 30ft landing at its intersection with the Richardson Highway. The property is located within the NW¼ Section 13, T7S R5E, FM. **Staff Contact: George Stefan**

Stefan presented the Staff Report. Based on Staff analysis, the Department of Community Planning recommends APPROVAL of the subdivision with the following five (5) conditions:

1. GVEA shall be given a maximum of 30 calendar days to review and comment on the final plat.
2. ACS shall be given a maximum of 10 calendar days to review and comment on the final plat.
3. The approved variances shall be noted on the final plat.
4. A note shall be placed on the final plat which states, "Roads in and to this subdivision were not required to and may not meet the borough's minimum standards for materials and construction. To the extent these road standards have not been met, fire protection, ambulance and other public services may not be available year-around or their availability may be severely limited."
5. A note shall be placed on the final plat which states, "Direct lot access from Tract A onto the Richardson Highway is prohibited."

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

- a) The applicants have applied for and shall be exempted from the road construction requirements for a road within the section line easement corridor along the subdivision's west boundary, including the proposed temporary turnaround as allowed by FNSBC 17.56.060.A because:
 - i. The proposed subdivision is not within a road service area or fire service area.
 - ii. The proposed subdivision does not rely on roads maintained by a service area for its only access or for access that is required by the subdivision plat.

- b) A requirement for the applicant who utilizes the road construction exemption of FNSBC 17.56.060.A is that a cautionary plat note be placed on the final plat. Condition #4 satisfies this.
- c) FNSBC 17.56.010.F states, "Direct lot access onto a major collector road or arterial shall not be allowed unless topography allows no reasonable alternative. Where double-frontage lots are platted, lots shall not access onto major collector or arterial roads unless topography allows no reasonable alternative. Restricted access shall be noted on the plat." Condition #5 satisfies this restriction.

McComas-Roe queried what the legal status of the existing road. **Stefan** replied that in his opinion, there is at best public prescriptive rights that cover the road however it is not appropriate for the Borough to assert those rights.

Further discussion ensued regarding legal access to subdivisions.

Applicant Testimony

Paula Hicks, 3-Tier Alaska, addressed the Platting Board. She conveyed to the Platting Board that in the past she submitted a variance request for another property for the same reason as this request and the request was approved. She questioned what has changed since then.

Stefan responded that it is the position of the Borough that the Legal Department as well as the Department of Community Planning that this request is not appropriate at this time.

Hicks continued her testimony. She commented that with this request what they are asking for is to delay the moving of a landing, not to not have to construct a landing as there is already one there that is serving the parcels that would be served by the new landing.

Hicks continued that she has spoken with DOT and it seemed to them that the best way around this situation was to move the landing at a later date because it is in use.

Hicks concluded that she feels that this is a special situation because of the existing landing so close by and already providing access. She requested support of this variance by the Platting Board.

Lowry reiterated Hicks' comments. He added that DOT will not allow two landings at this site. By being required to demo the existing landing would cut off access to the lots being served by this landing.

With regard to the application that Hicks referred to that was approved in the past, **Lowry** commented that precedent establishes the rule of law oftentimes and he feels that is what is being presented tonight and he urged the Platting Board to approve this request.

McComas-Roe queried why they designed the subdivision utilizing the Section Line Easement rather than the existing Old Richardson Highway. Hicks responded that the Old Richardson Highway was abandoned so DOT is not viewing it as an existing access any longer.

McComas-Roe questioned if it was true that they designed the road in the Section Line Easement with a temporary turnaround because there is existing access that will continue to be used. **Hicks** confirmed this and further commented that it is fair to say that this road will never be built.

Interested Person Testimony

None

Applicant Rebuttal

None

MAIN MOTION: A motion by **Mr. Meyer**, seconded by **Mr. Wilmer** to approve Moody Subdivision with the five (5) Conditions, adopting the three (3) Findings of Fact and the Staff Report in support of approval.

MOTION ON VR020-19: A motion by **Mr. Meyer**, seconded by **Ms. Fritze** to approve VR020-19, a variance from 17.56.100.C.5 to allow the subdivision road to intersect the Richardson Highway on a curve, adopting the two (2) Findings of Fact and the Staff Report in support of the approval.

Fritze commented that she feels the sight distance appears more than sufficient. She intends to support this variance request.

Wilmer disagreed with Fritze. He stated that as a CDL licensed driver, he sees this as a safety issue. He stated that he does not intend to support this request.

Pitney commented that he is in agreement with Wilmer. He expects that the Richardson Highway will be improved and widened at some point in the future and he feels that this could become a safety issue.

Fritze commented that this request does exceed the standards required by ASHTO.

McComas-Roe stated that he is in concurrence with staff recommendation. He intends to support this variance request.

Meyer stated that he too intends to support this variance request. He feels that there is plenty of sight distance at this intersection.

ROLL CALL ON VR020-19:

5 in favor Fritze, Kwasinski, McComas-Roe, Meyer and Mendenhall
2 opposed Wilmer and Pitney

MOTION ON VR021-19:

A motion by **Mr. Meyer**, seconded by **Mr. Wilmer** to approve VR021-19, a variance from FNSBC 17.56.060.A.4 to waive the requirement for construction of a subdivision road 30' landing at the intersection of the Richardson Highway adopting the two (2) Findings of Fact and the Staff Report in support of approval.

McComas-Roe commented that he concurs with the recommendation of staff and the legal department.

Fritze queried when construction of a new landing would be required if this variance is denied. **Dau** replied that construction would need to be completed prior to final plat.

Fritze commented that it seems unnecessary to require the applicants to design and pay for a road that will most likely never be built.

McComas-Roe concurred with Fritze. He added that there is probably a design alternative to this request.

Meyer commented that he plans to support this request based on the applicants' testimony that they received approval of this same request in the past.

Dau reminded the Platting Board that because something was approved in the past in error does not mean that this Board should repeat the problem in the future.

Pitney commented that he does not intend to support this request.

Mendenhall stated that he plans to support this request.

ROLL CALL ON VR021-19:

1 in favor Meyer

6 opposed Fritze, Kwasinski, McComnas-Roe, Mendenhall, Wilmer and Pitney

Dau suggested a clarification to amend the original motion to remove VR021-19 and to adopt the staff report excepting the request for VR021-19.

AMENDED MOTION:

A motion by **McComas-Roe**, seconded by **Kwasinski**, to amend the main motion to approve the subdivision request excepting VR021-19.

ROLL CALL ON THE AMENDED MAIN MOTION:

7 in favor Fritze, Kwasinski, McComas-Roe, Mendenhall, Meyer, Wilmer and Pitney
0 opposed

ROLL CALL ON THE MAIN MOTION:

7 in favor Fritze, Kwasinski, McComas-Roe, Mendenhall, Meyer, Wilmer and Pitney
0 opposed

Hicks returned to the dias.

- 3. SD013-19 Ebenezer Subdivision** - A request by Degerlund Engineering, LLC, on behalf of Nathan and Christine Carmichael, to subdivide TL-1249, a total of approximately 13.0 acres, into six lots ranging in size from 1.473 to 2.454 acres. A total of six variances are included with the application. Five variances to FNSBC 17.56.010.F have been requested to allow for five direct access points onto Hurst Road, a major collector road. One variance to FNSBC 17.56.080.B has been requested to allow for major collector road to have a trafficway of less than 24-foot in width. The request also includes a 40-foot wide dedication along the northern boundary of the proposed subdivision for Hurst Road. The property is located within the N½ NE¼ Section 12, T2S R2E, FM, AK (located Hurst Road and Nelson Road). **Staff Contact: Daniel Welch**

Welch presented the Staff Report. Based on Staff analysis, the Department of Community Planning recommends APPROVAL of the subdivision with the following three (3) conditions:

1. GVEA and Gordon Road Service Area shall have a maximum of 30 calendar days to review and comment on the final plat.
2. A note shall be added to the final plat that states "Any access onto Hurst Road shall require an FNSB Driveway Permit."
3. All approved variances shall be noted on the final plat.

Furthermore, staff recommended adoption of the following fifteen (15) Findings of Fact and the Staff Report in support of approval:

- a. The proposed subdivision creates six parcels.
- b. Nelson Road is classified as major collector road.
- c. The Comprehensive Road Plan classifies Hurst Road as a major collector road.
- d. FNSBC 17.56.080.B requires an 80-foot wide right-of-way for major collector roads.
- e. The subdivision plat proposes to dedicate 40-foot wide rights-of-way for the southern half of the Hurst Road right-of-way.
- f. Per FNSBC 17.56.020.B.3 states that dedication of the exterior boundary right-of-way width may be shared with the adjoining property owner if the shared right-of-way exists and is public.
 - i. The applicant is only required to supply half of the 80-foot width of required right-of-way.
- g. FNSBC 17.56.080.B requires a 24-foot wide trafficway for major collector roads.
- h. Hurst Road is constructed with a 20-foot wide trafficway.
- i. Hurst Road is maintained by the Gordon Road Service Area.
- j. The applicant has submitted a variance to the trafficway requirements of FNSBC 17.56.080.B.
- k. FNSBC 17.56.010.F prohibits direct lot access onto major collector roads.
- l. The proposed lots rely on Hurst Road, a major collector road, of their only access.

- m. The applicant has submitted five (5) variances to the requirement of FNSBC 17.56.010.F for each proposed access point.
- n. As submitted and with approval of the variance requests, road improvements within the subdivision are not proposed or required by this plat.
- o. With the three conditions and approved variances, as recommended by staff, this subdivision meets the applicable requirements of Title 17.

Applicant Testimony

Jason Mellinger, representative for the owners, addressed the Platting Board. He stated that he also lives across the street from this request and did receive a DPO. **Mellinger** gave a brief review of the history of the property and the current owners.

Pitney queried if the applicant owned the adjacent Tax Lot to this property. **Mellinger** replied that they do not.

Interested Person Testimony

Patrick Wilson, interested person, addressed the Platting Board. He stated that his concerns are with Hurst Road and the impacts that this subdivision may have on it.

McComas-Roe requested clarification from Wilson that he does not oppose the subdivision as presented but is concerned about the number of driveways being constructed. **Wilson** confirmed this.

Meyer queried Wilson as to the improvements that were done to Hurst Road recently. **Wilson** stated the recent improvements did add some sort of shoulder to the road.

Applicant Rebuttal

Mellinger stated that during construction of the driveways, they have been very conscientious of not damaging the roadway. He stated that he lives on this road and he would like the condition of the road to remain as it is and not be damaged.

McComas-Roe queried if there was an alternative design that was considered for the subdivision. **Mellinger** responded that there was but it would require DOT approval and would be very cost prohibitive to build.

MAIN MOTION:

A motion was made by **Mr. McComas-Roe**, seconded by **Mr. Meyer** to approve SD013-19, Ebenezer Subdivision, adopting the three (3)

