Please refer to Planning Commission Rule #25: Any action taken during this meeting is subject to reconsideration during this meeting or at the next. A request for reconsideration at the next meeting must be submitted in writing by a Planning Commissioner (who voted on the prevailing side) by the close of business the day following the meeting.

Roll Call, Citizens Comments, Agenda and *Consent Agenda.

Commissioners Present:    Chris Guinn  Charlie Whitaker
                          Mike Stepovich  John Perreault
                          Eric Muehling  Doug Sims
                          Mindy O’Neall

Commissioners Absent & Excused:  David Brandt  Robert Peterson

MOTION:  To reorganize the agenda to move unfinished business before the legislative hearings and to move ORD2019-10 up to number 1 under legislative hearings by Commissioner Perreault seconded by Commissioner Whitaker.

ROLL CALL

Seven (7) in Favor:  Sims, Perreault, Guinn, Whitaker, Stepovich, Muehling and O’Neall
Zero(0) Opposed:  

MOTION PASSED

APPROVAL OF THE AGENDA AND CONSENT AGENDA

*MINUTES


Audio Track 1

AGENDA AND CONSENT AGENDA MOVED WITHOUT OBJECTION

UNFINISHED BUSINESS

Remand of RZ2019-001: A request by Don Duncan (Master Guide License # 136) DBA Alaska Private Guide Service to rezone approximately 420 acres from Rural Residential (RR) to Outdoor Recreational (OR) or other appropriate zone. The area proposed to be rezoned includes parcels described as Shuros Subdivision – Block 2, Schroeder Property Waiver – Tract B and Tract C, Section 28 T1N R1W F.M. – TL-2805, Section 29 T1N R1W F.M. – TL-2914 and GL-16 (located on the south side of Farmers Loop Road, near milepost 6). (Staff Contact: Manish Singh)

On January 10, 2019 the FNSB Assembly remanded Ordinance No. 2018-48 back to the Planning Commission with the following instructions:
1. The Planning Commission should make additional finding of fact as to whether the proposed rezone to Outdoor recreation conforms to the comprehensive plan and to the public health, safety and welfare.

2. The Planning Commission should address whether a spot zone or reverse spot zone is created by the exclusion of the two parcels between Mr. Duncan’s lot and the Creamer’s Field perimeter area lots.

3. The Planning Commission should address whether the rezone to Outdoor Recreation of the non-perimeter area lots, i.e. the lots designated as Open Space Natural Area, conforms to the comprehensive plan to the public health, safety and welfare.

4. The Planning Commission should address how the proposed zoning change would effect current State use of that land.

MOTION: To adopt 10 additional findings of fact in response to the Borough Assembly’s instructions on remand of Ordinance No. 2018-48 (RZ2019-001) by Commissioner Sims seconded by Commissioner Perreault.

1. The FNSB Regional Comprehensive Plan designates approximately 96% of the area proposed to be rezoned as Open Space/Natural Area. “Open space is an undeveloped area in a natural state, golf course, park, or cemetery, along a road that provides some visual relief from urbanization and public recreation. Open space may or may not be improved, but it does serve to interrupt more intense land uses. Natural area is an area left in natural state deemed not suitable for development. Natural areas may be minimally improved, i.e., to provide access to or through them, or to accommodate a trail, but basically they are left to their natural state.” The FNSB Regional Comprehensive Plan designates approximately 4% of the area proposed to be rezoned as Perimeter Area.

2. Of the six lots proposed for rezone, three lots are designated as Perimeter Area in the Comprehensive Plan. These three Perimeter Area lots, which consist of the applicant’s lot and two state-owned lots to the east of applicant’s lot, were described in the Planning Commission’s November 13, 2018 finding of fact as “Farmers Loop perimeter lots.” The other three lots proposed for rezone are designated as Open Space/Natural Area. With the exception of the applicant’s lot, all lots proposed for rezone are within the Creamer’s Field Migratory Waterfowl Refuge.

3. The current RR zone is not consistent with the three Open Space/Natural Area Comprehensive Plan designated lots, but it is consistent with the three Perimeter Area designated lots. The current RR zone is intended for low density residential development and does not protect the existing recreational use of the Creamer’s Field Refuge. The land uses in the Open Space/Natural Area designation (such as recreational open space, golf courses, and trail facilities) are not allowed in the RR zone.

4. The rezone to Outdoor Recreation for the non-Perimeter Area lots, i.e. Open Space/Natural Area designated lots is consistent with the Comprehensive Plan and health, safety and welfare.

   a. As to the non-Perimeter Area lots, the proposed OR zone is consistent with FNSB Regional Comprehensive Plan land use designation of Open Space/Natural Area.

   b. The proposed OR zone is intended to protect outdoor recreational uses on public lands or on private lands if requested by the property owner. The OR zone would better protect the predominant outdoor recreational uses in the Open
Space/Natural Area designated lots. The refuge will continue to be compatible with the nearby rural residential development by providing recreational and open space opportunities.

c. The rezone conforms to the following FNSB Regional Comprehensive Plan goals because it would better protect the existing outdoor recreational uses within the refuge and outdoor recreational uses are essential to support the winter tourism market in the Borough:

1. Economic Development Goal 1, Strategy 4, Action C which refers to promoting tourism and hospitality.

2. Economic Development Goal 2, Strategy 6, Action C which refers to promoting the characteristics of the Borough that have potential for economic development.

3. Environment Goal 3, Strategy 8, Action A which refers to providing for opportunities to enjoy the outdoors.

4. The rezone to OR for the three non-Perimeter Area lots conforms to the following FNSB Comprehensive Economic Development Strategy (CEDS), Industry Cluster Development Goal 3 (Tourism) which refers to increasing winter tourism. The CEDS identifies tourism industry cluster with strong potential for growth as winter tourism expands in the Borough.

d. As to the non-Perimeter Area lots, the rezone conforms to health, safety and welfare. The current RR zone in the non-Perimeter lots, i.e. the Open Space/Natural Area lots, is intended for low density residential development and does not protect the existing recreational use of the Creamer's Field Refuge. Rezoning these lots to OR does protect these uses, and therefore conforms to the public health, safety and welfare.

5. The rezone to Outdoor Recreation for the Perimeter Area lots is not consistent with the Comprehensive Plan and health, safety and welfare.

a. As to the Perimeter Area lots, the proposed OR zone is not consistent with FNSB Regional Comprehensive Plan land use designation of Perimeter Area with respect to introducing potential commercial outdoor recreational uses. Primary land uses in the Perimeter Area are residential, which is consistent with the current RR zone, and open space. Secondary land uses are commercial, industrial and agriculture. The request is also inconsistent with FNSB Regional Comprehensive Plan Land Use Goal 3, strategy 6, action B that addresses commercial facilities outside preferred commercial areas.

b. As to the Perimeter Area lots, the rezone does not protect the public health safety and welfare of surrounding residential properties. Farmers Loop Road is not a sufficient buffer between the potentially higher impact uses of the proposed OR zone, such as commercial outdoor recreation, and the surrounding residential properties.
6. The rezone as proposed creates a reverse spot zone concern because it arbitrarily singles out Perimeter Area lots for a use classification totally different from that of the surrounding area. The following factors support the finding of a reverse spot zone:

a. The Rezone is not consistent with the comprehensive plan

1. With respect to the three Perimeter Area lots, the request is not consistent with FNSB Regional Comprehensive Plan Land Use Goal 3, strategy 6, action B that addresses commercial facilities outside preferred commercial areas and therefore does not protect the public health safety and welfare of surrounding residential properties. Commercial outdoor recreational use is currently occurring on Rural Agricultural land in the eastern portion of the refuge, and is a permitted use. (Ord. 2018-25)

2. With respect to the three Perimeter Area lots, rezone to OR is not consistent with the Comprehensive Plan designation as Perimeter Area, which contemplates the primarily residential use that currently exists in the two omitted parcels and the surrounding RR zoned Perimeter Area.

b. It is detrimental to adjacent owners and the community, while primarily benefiting the applicant.

1. The rezone of the three Perimeter Area lots to Outdoor Recreation will be detrimental to the surrounding RR property owners to the north and west and east by introducing incompatible uses, which is developed in a predominately residential pattern.

2. Although the growth of winter tourism has benefits to the community, this can be accomplished without rezoning the Perimeter Area lots as currently proposed.

c. The exclusion of two lots to the east of the applicant’s lot is consistent with a spot zone or reverse spot zone.

1. Although areas over 13 acres are almost always found not to be a spot zone, the size of the proposed rezone area relative to the size of the included Perimeter Area lots, and the exclusion of the two of Perimeter Area lots in the request, is consistent with a spot zone. The total proposed rezone is approximately 420 acres. Approximately 4% of this is designated as Perimeter Area. The two excluded Perimeter Area lots, i.e. the two lots east of the Applicant’s lot and west of the two State-owned Perimeter Area lots, are each similar in size to the applicant’s 3.8 acre lot. The proposed rezone would create an island of two RR lots bordered on three sides by OR lots, singling out the RR lots for allowed uses totally different from the OR lots, and vice versa. It would also single out the three included Perimeter Area lots for uses totally different from surrounding Perimeter Area lots, which remain RR.

7. The proposed OR zone is more consistent with the Open Space/Natural Area designated lots. The OR zone is intended to protect outdoor recreational uses on public lands or on
8. As to the three non-Perimeter lots, the rezone conforms to the following FNSB Regional Comprehensive Plan goals because it would better protect the existing outdoor recreational uses within the refuge and outdoor recreational uses are essential to support the winter tourism market in the Borough:

   a. Economic Development Goal 1, Strategy 4, Action C which refers to promoting tourism and hospitality.

   b. Economic Development Goal 2, Strategy 6, Action C which refers to promoting the characteristics of the Borough that have potential for economic development.

   c. Economic Development Goal 3, Strategy 8, Action A which refers to providing for opportunities to enjoy the outdoors.

9. As to the three non-Perimeter lots, i.e. the lots designated Open Space/Natural Area, the rezone conforms to the public health, safety or welfare because;

   a. The OR zone will protect the existing recreational uses within the Creamer’s Field Refuge. The refuge will continue to be compatible with the nearby rural residential development by providing recreational and open space opportunities.

10. Effects on state use of land; The rezone to OR on the non-Perimeter Area lots will permit continued recreational use on refuge lands. It will also allow, subject to applicable state and borough permit requirements, the continued commercial outdoor recreation uses that are currently taking place. If only the three Open Space/Natural Area lots are rezoned OR, and the Perimeter Area lots remain RR zone, any new commercial outdoor recreation activities will be subject to Conditional Use approval on significantly larger parcels with adequate means to mitigate potential harmful effects to surrounding properties.

**ROLL CALL**

Five (5) in Favor: Sims, Perreault, Guinn, Whitaker and O’Neall
Zero(0) Opposed:

**MOTION PASSED**

Planning Commission upheld the previous recommendation for disapproval and adopted 10 additional findings of fact.

Audio: Tracks 1, 2 & 3

**LEGISLATIVE HEARINGS**

**ORD2019-10:** An Ordinance Amending FNSB Title 18 to Add a Definition of Small Wireless Communications Facilities, Amend the Definitions of and Standards for Communication Towers, and Exempt the Requirements For Zoning Permits For Small Wireless Communications Facilities. (Staff Contact: Christine Nelson)
MOTION: To approve Ordinance No. 2019-10 with the ten recommended amendments to the FNSB Assembly by Commissioner Sims seconded by Commissioner Whitaker.

MOTION TO AMEND: Amendment #4, line 317 to read "should not be issues in a residential zone (including RA, RF) by Commissioner Whitaker.

FAILED FOR LACK OF A SECOND

ROLL CALL (MAIN MOTION)

Six (6) in Favor: Sims, Perreault, Guinn, Stepovich, Muehling and O’Neall
One (1) Opposed: Whitaker

MOTION PASSED
RECOMMENDED FOR APPROVAL

Audio Tracks 4 & 5

ORD2019- An Ordinance Amending FNSBC 18.96.030, Accessory Structures, to Provide Supplementary Regulations in the Rural and Agricultural, Rural Farmstead, Rural Estate, and Rural Residential Zoning Districts. (Staff Contact: Kellen Spillman)


ROLL CALL

Six (6) in Favor: Sims, Perreault, Guinn, Whitaker, Stepovich and O’Neall
Zero (0) Opposed:

MOTION PASSED
RECOMMENDED FOR APPROVAL

Audio Track 5

ORD2019-06: An Ordinance Amending FNSBC 18.104.020 Regarding Rezones. (Staff Contact: Christine Nelson)

MOTION: To recommend approval for ORD2019-06 to FNSB Assembly by Commissioner Sims seconded by Commissioner Perreault.

ROLL CALL

Six (6) in Favor: Sims, Perreault, Guinn, Whitaker, Stepovich, and O’Neall
Zero (0) Opposed:

MOTION PASSED
RECOMMENDED FOR APPROVAL

Audio Track 5

Excuse Future Absences, Commissioner’s Comments and Adjournment.
Audio: Track 5

Further information may be obtained from FNSB Department of Community Planning at 459-1260