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 6:05 p.m. by Mindy O’Neall, Chair.

A. **CALL TO ORDER AND ROLL CALL**
   
   MEMBERS PRESENT: Chris Guinn    Kerynn Fisher  
   John Perreault   Doug Sims  
   Charles Whitaker   Mike Kenna  
   Toni Abbey       Eric Muehling  
   Mindy O’Neall  

   MEMBERS EXCUSED: None  

   OTHERS PRESENT: Christine Nelson, Director of Community Planning  
   Kellen Spillman, Deputy Director of Community Planning  
   Melissa Kellner, Community Planning  
   Kristina Heredia, Planner II  
   Annmarie Billingsley, Assistant Borough Attorney  
   Mary Bork, Clerk  

B. **MESSAGES**

   No disclosures or statements of conflict of interest from Board.

C. **APPROVAL OF AGENDA AND CONSENT AGENDA**

   Amended to reorder the agenda.

   **MOTION:** To approve the agenda and the consent agenda by Commissioner Muehling seconded by Commissioner Whitaker.

   **MOVED WITHOUT OBJECTION OR ROLL CALL**

D. **MINUTES**

   Minutes from July 9, 2019 Planning Commission Meeting.

E. **QUASI-JUDICIAL HEARING**

   1. **CU2019-012**: A request by Timothy Abbott for conditional use approval of a guesthouse, located at 3030 Maule Lane, in the Rural Residential (RR) zoning district on Lot 4, Block 8, Airway First Addition (on the north side of Maule Lane, northeast of Flight Street). *(Staff Contact: Kristina Heredia)*
Kristina Heredia presented the staff report. Based on the staff analysis, the FNSB Department of Community Planning recommended approval.

**Commissioner Muehling** asked that with the guesthouse being behind the primary residence, are there issues with emergency services accessing. Ms. Heredia replied that due to not receiving public feedback from notices sent to that fire service area, it did not appear to be a concern.

**Commissioner Muehling** asked if the area was on City water or well water and if the compost from the composting toilet needed to be 100’ from the neighbors well. Ms. Heredia answered that the area is on well water and that the ADEC does not have specific regulations.

**Commissioner Sims** asked if the applicant is aware of the setbacks and if they will be able to meet the structural setback requirements. Ms. Heredia responded that Community Planning has verified the applicant’s site plan and all setback requirements are met.

**Applicant Testimony**

**Timothy Abbott** testified as follows:
- Structure is basically a mother-in-law cabin and will be used for family and friends when they visit.
- They have no future plans to have access to the structure from Plack Road.
- They have not purchased the composting toilet as of yet, but will be doing so in the near future.

**Commissioner Guinn** inquired into how visitors would be taking baths or showers. Applicant replied that they would use the main house. Confirmed that there would be no real bathroom and can be compared to a dry cabin.

**Commissioner Muehling** asked staff about the response that they had received from the public. Ms. Heredia replied that the concern was regarding access from Plack Road. It was communicated that access from Plack Road was prohibited.

**MOTION:**

I move to approve the Conditional Use Permit (CU2019-012) for a guesthouse on Lot 04, Block 08, Airway Subdivision, First Addition, with three (3) conditions, and adopting the staff report and three (3) Findings of Fact in support of the approval by **Commissioner Perreault** seconded by **Commissioner Sims**.

Discussion ensued among Commissioners. Commissioners mentioned the applicants seemed to be following proper procedures and in compliance with laws and regulations.

**ROLL CALL**
Nine (9) in Favor: Sims, Perreault, Guinn, Whitaker, Kenna, Abbey, Fisher, Muehling, O’Neal
Zero (0) Opposed

MOTION PASSED

CONDITIONS OF APPROVAL
1. If an addition is made to the guesthouse that increases the size of the guesthouse to be equal to or greater than the principal dwelling, a modification to the conditional use permit is required pursuant to FNSBC 18.104.050(F).
2. Only one shared driveway access will be allowed on the property to minimize the appearance of the guesthouse, and to be in accord with Note 7 of the Final Plat for the Airway Subdivision, First Addition.
3. The composting toilet must be installed per ADEC guidelines and regulations.

FINDINGS OF FACT
1. The proposed conditional use conforms to the intent and purpose of Title 18 and of other ordinances and state statutes because:
   a. The proposed conditional use is consistent with the ‘Perimeter Area, Preferred Residential’ comprehensive plan land use designation because it supports a variety of residential development.
   b. FNSB Regional Comprehensive Plan Land Use Goal 1 and Goal 3 are supported by the conditional use by increasing the density of the neighborhood in a manner that supports a variety of residential development.
   c. The intent of Title 18 is met because the conditional use, with conditions, protects private property rights and promotes public health, safety, and welfare.
   d. The proposed conditional use conforms to state statues because the applicant intends to install a composting toilet in accordance with applicable ADEC regulations.

2. 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 dry cabin will have a composting toilet, which will be constructed in accordance with ADEC regulations.
   b. The subject property is served by the North Star Fire Department for emergency fire response.
   c. The subject property has adequate power supply because it is served by the GVEA grid.
   d. The subject property is served by the Alaska State Troopers for law enforcement.
   e. The subject property has access from Maule Lane which is a Local type roadway maintained by the Airway Service Area. Maule Lane can accommodate the proposed additional trips generated from the property.

3. The proposed conditional use protects public health, safety, and welfare because the property complies with Title 18 standards for the RR zone (FNSBC 18.40) as well as with other applicable land use related laws.
a. The conditional use does not greatly increase the residential density in the neighborhood because it will only add one additional single-family dwelling unit.
b. Noise, odor, dust and other negative impacts to the neighborhood are not expected to be created by the addition of a second dwelling unit as there is already an existing dwelling unit in a residentially developed neighborhood.
c. A shared driveway will help ensure the safety of drivers by limiting the number of driveway accesses off of Maule Lane.
d. The dry cabin will have a composting toilet installed in accordance with ADEC regulations.

CU2019-012 APPROVED
[NINE IN FAVOR/ ZERO OPPOSED]

This decision may be appealed in writing to the Office of the Borough Clerk within fifteen (15) days from the date of the decision to the Fairbanks North Star Borough Board of Adjustment.

F. PUBLIC HEARING

1. RZ2019-004: A request by Colin Craven (DNR Land Sales) to rezone approximately 120 acres from General Use (GU-1) to Rural Agriculture (RA-5 & RA-40) or other appropriate zone, for property located at N1/2, NW1/4, & NW1/4, NE1/4 of Section 23, T1N, R1E, FM (east side of Juniper Drive, north of Luther’s Loop). (Staff Contact: Kristina Heredia)

Kristina Heredia presented the staff report. Based on the staff analysis, the FNSB Department of Community Planning recommended approval of the rezone.

Mr. Tim Shilling, DNR (applicant), provided testimony explaining the application and the concurrent subdivision process.

Commissioner Sims questioned the limited accessibility options for the property. Mr. Shilling responded that the subsequent purchaser would have the same access rights as other Ezra Road residents and could secure easements and access rights as needed.

Commissioner Guinn and Mr. Shilling discussed the activity of the river in that area and inquired if there had been any discussion into making it an OR zone. If it was zoned OR, there would be a wider public process.

Commissioner Muehling asked about the setback on Steele Creek was the goal to have a Riparian setback. Mr. Shilling confirmed that was the case and included that the proposed setback was 300’ on either side of the high watermark.

Commissioner Muehling asked if the suggestion to have the eastern portion be zoned RA-20 rather than RA-40 would be a benefit. Mr. Shilling responded that the Department of Natural Resources would prefer to see it zoned as RA-40 primarily due to the concern of further subdivision of that parcel and would allow for continued agricultural use.
Commissioner Whitaker asked what the DNR process is of proposing a piece of property for sale. Mr. Shilling explained the project area selection; comparing the process to a comprehensive plan. The properties are selected by identifying as suitable for settlement and through public nominations.

Commissioner Whitaker asked if the rezone was approved for the RA-40 zone. Does DNR list it for sale, does DNR list the property or does it just stay for sale. How does it work? Mr. Shilling responded that it would become available through DNR annual sealed bid auction.

Commissioner Sims questioned consistency within the subdivision about being able to further subdivide. Mr. Shilling responded that during the public comment period, the biggest concern was being able to further subdivide on the East side of Steele Creek.

Public Testimony

Gary Newman testified as follows:
- He owns the 20 acre tract north of the proposed rezone, is President of Ezro Road Organization and presented contour maps of the area.
- People are not denied access on Ezro Road and it is maintained by contributions, donations and volunteers.
- Mr. Newman stated his opinion that the lower portion of the property was not suitable for agricultural use.

Commissioner Fisher asked how the road association works in terms of maintaining the road. Mr. Newman explained that they ask for donations from members and have an agreement with GCI, who has an earth station located in the area, who also contributes.

Commissioner Guinn asked for more history of Ezro Road. He mentioned that at one time it (Ezro Road) was supposed to be closed off at least once a year. Mr. Newman responded that they make sure Ezro Road is accessible to school buses, mail delivery and other public services.

Commissioner Muehling asked if emergency vehicles could access Ezro Road. Mr. Newman replied that emergency vehicles could access the road and that there was a turnaround at the end of the road.

Commissioner Muehling asked why GA-20 (RA-20) has more flexibility. Inquired into what the purpose would be of having further flexibility. Mr. Newman replied that the land isn’t suitable for agricultural development and would prefer to see it preserved as a wildlife corridor. The option to divide the parcel would be of interest.

Commissioner Sims asked for clarification on the proposed lot split as it seemed to contradict Department of Natural Resources’ statement for further subdividing. Mr. Newman responded that property owners did not want small subdivisions in the area. Agreed that it would be beneficial to have it zoned other than GU-1. A little flexibility, will not figure in to the platting changes occurring in December of this year.
MOTION: I move to recommend approval of the rezone (RZ2019-004) for the property located at N1/2, NW 1/4, & NW1/4, NE1/4 of S23, T1N R1E FM, from General Use 1 (GU-1) to Rural Agriculture (RA-5 & RA-40), and adopt the staff report and six (6) Findings of Fact in support of the recommendation of approval. By Commissioner Muehling seconded by Commissioner Perreault.

Commissioner Muehling mentioned that getting the property out of GU-1 is positive for the neighborhood and supports the residential character of the area.

Commissioner Guinn appreciated the public recommendation to have flexibility with the 20 acre lots on the Eastern side of Steele Creek but disagrees and would rather keep it RA-40 to keep accessibility to a minimum; preventing people from harming the area.

Commissioner Fisher and Commissioner Abbey discussed further accessibility challenges and the potential negative impact on the property, but agrees with the rezoning of the parcel.

ROLL CALL
Nine in Favor: Perreault, Guinn, Whitaker, Fisher, Muehling, Abbey, O’Neall, Sims, Kenna
Zero (0) Opposed

MOTION PASSED

FINDINGS OF FACT
1. The FNSB Regional Comprehensive Plan designates the rezone area as ‘Outskirt Area’. Outskirt Area is “Area generally within a 20 to 30 minute travel time of urban destinations, and which contains primarily open space, mining and residential uses; variable densities are encouraged provided they are compatible with the surrounding community, sensitive to natural systems and have adequate water and sewer facilities. Other uses include agriculture, and supporting commercial uses.”

2. The current GU-1 zoning is less consistent with the Comprehensive Plan ‘Outskirt Area’ designation because the GU-1 zone allows for most residential, commercial, and industrial uses without any permits with the exception of a few very intensive commercial and industrial uses that require conditional use permits.

3. The proposed RA-5 and RA-40 zones would better implement ‘Outskirt Area’ land use designation because the RA zone allows for low-density residential, agricultural and supporting commercial uses. The minimum lot size requirement of 200,000 sq.ft. and 1,600,000 sq. ft. allows larger lots for future development with possible natural constrains such as soil quality.

4. The rezone conforms to the following FNSB Regional Comprehensive Plan goals:
a. Land Use Goal 3, Strategy 7, Action B which encourages a mix of lot sizes, addresses compatibility of the surrounding community, conformance with natural systems, and recognize the importance of the rural lifestyle in the Borough.

b. Land Use Goal 4, Strategy 10, Action A which encourages compatible land uses and recommends rezoning new subdivisions concurrent with platting process.

5. The rezone conforms to the public health, safety or welfare because:
   a. The proposed RA zone will better implement ‘Outskirt Area’ land use designation.
   b. The proposed RA zones will minimize the potential for land use incompatibility in the rezone area with the current GU-1 zone.
   c. The rezone would not make any existing lots nonconforming within the rezone area. There are no existing structures or uses within the rezone area.
   d. Having larger lots on land with possible development challenges, such as soil type, ensures property owners can develop their property with consideration to “compatibility of the surrounding community” and “conformance with natural systems”

6. The rezone is not a spot zone or a reverse spot zone because:
   a. The rezone is consistent with the comprehensive plan because it will better implement ‘Outskirt Area’ land use designation. The rezone advances Land Use Goals 3 and 4 of the Regional Comprehensive Plan.
   b. The rezone is not solely for the benefit of the property owner
   c. This rezone benefits the adjacent landowners by minimizing the potential for unknown, and potentially unlimited, trip generation under its current GU-1 zone.
   d. The FNSB residents have developed a land use vision for the area through the comprehensive planning process which designated this area as ‘Outskirt Area’. The implementation of the land use plan is a benefit to the community.
   e. The proposed rezone area of 120 acres, significantly larger than spot zone thresholds.

RECOMMENDED FOR APPROVAL
[NI NE IN FAVOR/ ZERO OPPOSED]

1. ORD2019-xx: An Ordinance Amending and Adopting the Salcha-Badger Road Area Plan as an element of the FNSB Regional Comprehensive Plan: (Staff Contact: Kellen Spillman)

Kellen Spillman presented the staff report with Shelly Wade (Agnew-Beck). Based on the staff analysis, the FNSB Department of Community Planning recommended the Planning Commission sponsor the draft ordinance and recommend approval to the FNSB Assembly.

Commissioner Perreault asked if this plan would help the argument that allocation of DOT monies help to support upgrades. Mr. Spillman responded that that is the
hope and a lot of emphasis has been placed on this plan and population growth of the area.

**Commissioner Perreault** there were certain trails that were requested by the public to be preserved and if those trails will be recognized. Mr. Spillman stated that it has been discussed and that there is an opportunity this fall to get a grant to bring on a consultant to focus on those recreational areas.

**Commissioner Whitaker** asked about funding source for maintaining trails after they are built. Mr. Spillman responded that it is a challenge at the current financial climate but are trying to look into more unique options through FAST planning.

**Commissioner Muehling** stated that it was a good idea to look at the private property easements involving the trails systems and resolving those issues up front.

**Commissioner Muehling** commended everyone for their dedication to the project and thanked presenters for all the work they’ve done.

**Commissioner Abbey** commended the use of the online mapping tool as a way to increase public participation and collect comments.

**MOTION:** I move that the Planning Commission recommend approval of an Ordinance adopting the Salcha-Badger Road Area Plan as an Element of the FNSB Regional Comprehensive Plan to the FNSB Assembly by **Commissioner Muehler** seconded by **Commissioner Guinn**.

**ROLL CALL**
Nine (9) in Favor: Perreault, Guinn, Whitaker, Fisher, Muehling, Abbey, O’Neall, Sims, Kenna
Zero (0) Opposed

**MOTION PASSED**

1. **ORD2019-30 LOMR:** An Ordinance Amending Chapter 15.04 FNSBC Floodplain Management Regulations to adopt Letter of Map Revisions and Letter of Map Revisions based on Fill. *(Staff Contact: Nancy Durham)*

Nancy Durham presented the staff report. Based on the staff analysis, the FNSB Department of Community Planning recommended that the Planning Commission recommend approval to the FNSB Assembly.

**Commissioner Sims** asked specifically about the 19 parcels in the Salcha area that have the LOMR effective dates have come and gone so once ordinance is adopted those parcels already become adopted. Ms. Durham confirmed that that is the case.

**Commissioner Kenna** asked for clarification on whether or not the individuals who own those 19 lots, would or would not have to pay flood insurance. Ms. Durham replied that with the Railroad Ordinance, there were under 10 properties that came into the flood zone. Property owners were notified.
**Commissioner Kenna** asked how many of the 19 properties would have increased costs, can those properties be identified and if those properties could be taken out of the ordinance to give them a proper hearing. Ms. Durham replied that it would be under 10, the information on the specific properties was not on hand, but available and no, the properties could not be excluded from the approval of the ordinance.

**MOTION:** I move that the Planning Commission recommends approval of Ordinance No. 2019-30 to the FNSB Assembly by Commissioner Abbey seconded by Commissioner Muehling.

**ROLL CALL**
Eight (8) in Favor: Perreault, Guinn, Whitaker, Fisher, Muehling, Abbey, O’Neall, Sims
One (1) Opposed: Kenna

Commissioner Muehling requested future discussion on building height restrictions.

**G. EXCUSE FUTURE ABSENCES**
None

**H. COMMISSIONER’S COMMENTS/COMMUNICATIONS**
Ms. Nelson mentioned the Planning Commission training in Anchorage on February 9, 2020. If you are interested, please let her know.

**I. ADJOURNMENT**
There being no further business, the meeting was adjourned at 9:09 p.m.

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