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 7:14 p.m. by Mindy O’Neall, Chair.

A.  **ROLL CALL**

MEMBERS PRESENT:  
Chris Guinn  
Mike Stepovich  
John Perreault  
Doug Sims  
Eric Muehling  
Mindy O’Neall  

MEMBERS EXCUSED:  
Robert Peterson  
Charles Whitaker  

OTHERS PRESENT:  
Christine Nelson, Director of Community Planning  
Kellen Spillman, Deputy Director of Community Planning  
Manish Singh, Planner III  
Kristina Heredia, Planner II  
Jill Dolan, Borough Attorney  
Michelle Gutierrez, Clerk  

B.  **MESSAGES**

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

Commissioner Guinn stated he appraised half of the proposed rezone area and was paid. Questions ensued by Chair O’Neil and Ms. Dolan which resulted the determination of no conflict of interest. Commissioner Guinn will hear the public hearing case.

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

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

D.  **MINUTES**

*Minutes from February 26, 2019.

E.  **PUBLIC HEARING**

1.  **Ordinance No. 2019-11 RZ2019-003:** A request by Mayor Bryce Ward to rezone approximately 584 acres, including Silver Creek Subdivision Lots 1 through 6, Tract A and Tract B, and south half (S½) of southeast one-quarter (SE¼), Section 35, T2N R1W FM from General Use 1 (GU-1) to Rural and Agricultural 5 (RA-5) or other appropriate zone, and; northeast one-quarter (NE¼), north half (N½) of southeast one-quarter (SE¼), Section 35, T2N R1W FM from General Use 1 (GU-1) to Rural Estate 2 (RE-2) or other appropriate zone. (Located on the north side of Goldstream Road, approximately one mile west of the Old Steese Highway) (Staff Contact: Kellen Spillman)
Kellen Spillman gave opening comments that explained the case is an administration sponsored rezone which has been referred to the Planning Commission by the Borough Assembly and further briefed the commission on how the case came about.

Manish Singh presented the staff report. Based on the staff report, the Department of Community Planning **recommended approval**.

**Questions by Commissioners**

**Commissioner Perreault** questioned the small portion cornered at the S1/2 SE quarter that crosses Goldstream Road leaving a wedge on the other side.

Mr. Singh clarified that most of Goldstream Road in that area is similar to an easement; the rezone boundary was taken from the DNR’s land sale document.

**Commissioner Sims** questioned if there is a plat in process on the DNR state land.

Mr. Singh said no and explained the future buyer of the DNR’s land could subdivide the land. DNR did not intend to subdivide prior to the land sale.

**Commissioner Sims** referenced the university land and asked if there is no physical access to some of the interior lots.

Mr. Spillman confirmed his observation and stated the lots have been platted and they utilized one of the road exemptions and there is nothing other than a 30 foot landing that was constructed.

**Commissioner Sims** asked if any inquiries were received by ongoing mining operations in Goldstream Creek with respect to compatibility and potential future conflicts with noise.

Mr. Singh stated they were notified but the department did not receive any comments.

**Commissioner Muehling** asked if any of the lands are permafrost or wetlands in respect to development issues.

Mr. Singh explained the land suitability analysis and referenced the wetland designated map from his presentation and further explained the reasoning to why 5 acre minimums were chosen in the area where development may be challenging.

Discussion ensued which clarified that the quality of the land dictated RA-5 for the University property and the more buildable land should be RE-2.

Timothy Shilling, DNR Natural Resource Manager, gave a brief history of the parcel located on the proposed RE-2 section. He explained the intent is to sell the piece of property as whole, the entire 320 acres and further explained the additional reservations from when it was originally private property.

**Public Hearing Opened**

None

**Public Hearing Closed**
MOTION: To recommend approval of the rezone (RZ2019-003) including Silver Creek Subdivision Lots 1 through 6, Tract A and Tract B, and south half (S½) of southeast one-quarter (SE¼), Section 35, T2N R1W FM from General Use 1 (GU-1) to Rural and Agricultural 5 (RA-5), and; northeast one-quarter (NE¼), north half (N½) of southeast one-quarter (SE¼), Section 35, T2N R1W FM from General Use 1 (GU-1) to Rural Estate 2 (RE-2), and adopt the staff report and seven (7) Findings of Fact in support of the recommendation of approval by Commissioner Perreault seconded by Commissioner Muehling.

Discussion on the motion ensued between the commissioners. Several Commissioners expressed that they supported the rezone.

Findings of Fact

1. The FNSB Regional Comprehensive Plan designates approximately 81% of the rezone area as ‘Outskirt Area’ and approximately 19% of the rezone area as ‘Outskirt Area Preferred Residential Land’. 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.” Preferred Residential Land is “Land determined to be more suitable than other lands for development because it is generally: a) on slopes of 20% or less, b) not designated wetlands, c) has a lower probability of containing detrimental permafrost conditions.”

2. The current GU-1 zoning is not consistent with the Comprehensive Plan ‘Outskirt Area’ and ‘Outskirt Area Preferred Residential Land’ designations because the GU-1 zone “is intended for rural areas where community sewer and water systems are unavailable.” The GU-1 zoning 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 zone would better implement ‘Outskirt Area’ land use designation. The RA-5 zone allows for low-density residential, agricultural and supporting commercial uses. The minimum lot size requirement of 200,000 sq.ft. in the RA-5 zone would minimize development in the wetlands around Silver Creek.

4. The proposed RE-2 zone would better implement ‘Outskirt Area Preferred Residential Land’ land use designation. The RE-2 zone allows for low-density residential uses with very few compatible commercial uses. The minimum lot size requirement of 80,000 sq.ft. in the RE-2 zone would ensure accommodation of private residential wells and septic systems.

5. 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.

6. The rezone conforms to the public health, safety or welfare because:
a. The proposed RA-5 zone will better implement ‘Outskirt Area’ land use designation.

b. The proposed RE-2 zones will better implement ‘Outskirt Area Preferred Residential Land’ land use designation.

c. The proposed RA-5 and RE-2 zones will minimize the potential for land use incompatibility in the rezone area with the current GU-1 zone.

d. The RA-5 zone will limit the overall development density in the “Less Capable for Development” area shown in the land development suitability map. Simultaneously, the RA-5 zone will provide some commercial potential to the State-owned lots abutting Goldstream Road.

e. The RE-2 zone will allow more residential density than RA-5 zone in the “Most Capable for Development” area shown in the land development suitability map. However, the residential density allowed with the RE-2 zone will be significantly lower than that allowed with the current GU-1 zone.

f. This rezone and the resulting low-density residential and compatible commercial development will minimize the potential for unknown, and potentially unlimited, trip generation under its current GU-1 zone.

g. The rezone would not make any existing lots nonconforming within the rezone area. There are no existing structures or uses within the rezone area.

7. 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’ and ‘Outskirt Area Preferred Residential Land’ land use designations. The rezone advances Land Use Goals 3 and 4 of the Regional Comprehensive Plan.

b. The rezone benefits both property owners, ADNR and UA, within the rezone area because when they market these properties they can ensure that the properties have been zoned appropriately to minimize land use incompatibilities.

c. The area surrounding the rezone is predominantly vacant except the residential-developed properties adjacent west along Goldstream Road. This rezone area is approximately a mile west of the Goldstream Road and Old Steese Highway intersection. The properties around this intersection are developed with a mix of residential, commercial and industrial uses. 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’ and ‘Outskirt Area Preferred Residential Land’. The implementation of the land use plan is a benefit to the community.

e. The case law provides guidance that parcels over 13 acres are almost always found not to be a spot zone. The proposed RA-5 rezone area of 344 acres and the proposed RE-2 rezone area of 240 acres are independently significantly larger than 13 acres.
f. The area within the remainder GU-1 zone boundary is estimated to be more than 2,000 acres. Therefore, this rezone does not constitute a reverse spot zone because this rezone does not single out parcels of GU-1 zoned land totally different from that of the surrounding area.

ROLL CALL
Six in Favor: Sims, Perreault, Guinn, Stepovich, Muehling and O’Neall
Zero Opposed:
MOTION PASSED/RECOMMENDED FOR APPROVAL

F. EXCUSE FUTURE ABSENCES
Chair O’Neall is excused from the March 26, 2019 meeting.

G. COMMISSIONER’S COMMENTS/COMMUNICATIONS
Commissioner Guinn stated with the 3 vacant commissioner seats if anyone knew someone interested to send them to staff.

Commissioner Perreault explained he will take over FMATS at the next meeting.

Commissioner Muehling stated he has enjoyed his time and has learned a lot by attending the FMATS meetings.

Chair O’Neall stated the notice of resignation from Commissioner Brandt was received and also explained that with 3 vacancies it may cause problems with quorum.

Mr. Spillman communicated to the commission the efforts by the department to fill the 3 vacant seats and further stated a representative is needed for the Salcha-Badger Plan working group and the Downtown working group.

Commissioner Sims offered to be the representative for the Downtown working group and stated he will be out of town for the months of May and June.

Commissioner Stepovich offered to be the representative for the Salcha-Badger Plan working group.

H. ADJOURNMENT
There being no further business, the meeting was adjourned at 7:54 p.m.