

**FNSB PLATTING BOARD
MINUTES
May 15, 2019 6:00 p.m.**

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 6:03 p.m. by Randy Pitney, Chair.

ROLL CALL

Members Present: Kellie Fritze, Bill Mendenhall, Jackie Morton, Tadd Wilmer and Randy Pitney

Members Absent: Mike Kwasinski (Excused), Jason McComas-Roe (Excused), Clint Meyer (Excused) and Troy Hicks

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

MESSAGES

Chair's Comments – **Mr. Pitney** welcomed the newest member to the Platting Board, Jackie Morton.

Communications to the Board – **Mr. Stefan** reiterated that the new Road Construction Exemption Ordinance will become effective on January 1, 2020.

Mr. Stefan reminded the Platting Board of the "Know Your Property" seminar that the Interior Right-of-Way Association is hosting on May 30, 2019. He welcomed all to attend this full day seminar. The seminar will be held in the Borough Assembly Chambers.

Mr. Stefan advised the Platting Board of a "Boards and Commissions Training" that will be held in the Assembly Chambers on June 10, 2019. All members of all boards and commissions within the Borough are welcome to attend. This training event will be from 5:30 p.m. to 6:30 p.m.

Mr. Stefan advised the Platting Board of FEMA related training that is planned for June 20, 2019 from 8:00 a.m. to 12 noon. The training will take place in the Assembly Chambers.

Citizens Comments – limited to three (3) minutes - None

Disclosure and Statement of Conflict of Interest

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 a Commission or Board member or citizen so requests. In the event of such request, the item is returned to the general agenda.

Mr. Pitney recommended changing the order of the agenda based on information received regarding a particular case. It was recommended to hear the “Cogan” case first followed by “Coincidence” and “Moonlight Acres 1st Addition” respectively.

Motion to approve the agenda and consent agenda as amended made by **Ms. Fritze**, seconded by **Mr. Wilmer**. Motion carried without objection.

***MINUTES**

Minutes of April 17, 2019

CONSENT AGENDA ITEMS

None

OATH

QUASI-JUDICIAL HEARING

- 1. SD026-19 Cogan Subdivision** - A request by 3-TIER Alaska, LLC., on behalf of the Cogan Family Homestead, LLC, to subdivide TL-3500, a total of approximately 159.96 acres, into five lots ranging in size of approximately 24.7 acres to 44.9 acres. The request includes dedication of an 80-foot wide right-of-way for Cogan Drive. The property encompasses all of U.S. Survey 6596, located within protracted Sections 35 and 36, T4N, R1W, FM on Cogan Drive.
Staff Contact: Daniel Welch

Mr. Pitney commented that it is his understanding that parts of this application request have not been completed. **Mr. Welch** clarified that staff has determined that

there is a portion of this application that is incomplete, therefore the item cannot be heard due to the incomplete application.

Steve Lowry, 3-Tier, Alaska, addressed the Platting Board. He stated that they are asking that this item be placed back on the agenda and that testimony be heard. He further commented that they have signed letters from both Road Commissioners in the area that they have discussed this request and approve of the request. Furthermore, they indicated that they did meet in the recent past to discuss this topic and were in agreement at that time. They do not have another Road Service Area Commission meeting until the end of June which would result in this item not being able to come before the Platting Board until July at best.

Ms. Dau clarified that what is at issue here is a code requirement that a subdivision that relies on Road Service Area roads to access the subdivision. In order to qualify for a road construction exemption, the applicant must provide a "duly authorized" letter of non-objection from that Road Service commission. This "duly authorized" letter of non-objection has not been obtained at this time. The letter was merely signed by the chair of the Road Service commission however, a public meeting was not held to authorize the Road Service Area commission to take action. **Mr. Lowry** disagreed with Ms. Dau.

Ms. Dau continued that a road service area commission has an obligation to hold a public meeting. The item must be noticed on an agenda so that the public can appear and testify if they wish. Additionally, the body is required to have a motion on the floor and vote as a body.

Mr. Lowry requested that this be a condition that is placed on the final plat so that they can have their Road Service Area commission meeting in late June and fulfill the requirement for the public meeting.

Julie Kotila, applicant, added that a special meeting could be called so that they could have this item placed on the June Platting Board meeting agenda.

Mr. Lowry further commented that this is not the first time that this situation has arisen and in the past the application was allowed to proceed through the process.

Mr. Pitney commented that according to staff, the application is incomplete. **Mr. Welch** added that the application is incomplete and he has no intention of providing a staff report at this time.

Ms. Dau reiterated that in order to apply for the exemption, code requires a letter of no objection to the Road Construction Exemption. Code further states that it must be "Duly authorized". Because the letter is coming from a commission, the commission needs to meet as a body and make a decision as a body.

MOTION: A motion was made by **Mr. Mendenhall**, seconded by **Mr. Wilmer** to remand this application back to staff.

Ms. Fritze commented that she is in agreement with counsels' recommendation. **Mr. Wilmer** concurred with Ms. Fritze.

Mr. Pitney concurred with Ms. Fritze and Mr. Wilmer.

ROLL CALL: 5 in favor Fritze, Mendenhall, Morton, Wilmer and Pitney
0 opposed

- 2. SD021-19/RP030-19 Coincidence Subdivision-** A request by Windy Creek Surveys, LLC on behalf of Darrel W. Colburn and Michael S. Slabaugh to replat Lot 8, Block 3, Bear's Den Subdivision, a total of 15.19 acres, into two lots of approximately 5.00 acres and 10.19 acres. The plat also vacates the existing 300 foot building setback easement within Lot 8, Block 3 created by General Note 16 from the plat of Bear's Den Subdivision. The property is located within the NE¼ NW¼ Section 9, T3N, R1W, 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 four (4) conditions:

1. GVEA and ACS shall have a maximum of 10 calendar days to review and comment on the final plat.
2. A note shall be placed on the final plat stating, "Access for Lot 1 shall be from Yogi Drive. Direct access onto the Elliott Highway is prohibited".
3. A note shall be placed on the final plat stating, "No subdivision lot may be further subdivided until such time as legal, constructed road access is available to the boundary of the lot proposed to be resubdivided".
4. The vicinity map shall correct the "Elliott Highway" spelling.

Furthermore, staff recommended adoption of the following four (4) Findings of Fact and the Staff Report in support of approval:

- a. The subdivision request is exempt from improving Yogi Drive to current Title 17 road standards as allowed by FNSBC 17.56.020(G) because:
 - i. The proposed subdivision creates fewer than five lots.
 - ii. Legal access exists to the subdivision boundary originating from the Elliott Highway to Yogi Drive, which is an existing dedicated right-of-way created by the parent plat, Bear's Den Subdivision.
- b. As required by FNSBC 17.56.020(G) a lot created under this subsection may not be further subdivided until such time as legal, constructed road access is

- available to the boundary of the lot proposed to be resubdivided. Condition #3 satisfies this requirement.
- c. As required by FNSBC 17.56.010(F) direct lot access onto the Elliott Highway, an arterial road, shall not be allowed unless topography allows no reasonable alternative, and restricted access shall be noted on the plat. Condition #2 satisfies this requirement.
 - d. With the four conditions recommended by staff, this subdivision request meets the applicable requirements of Title 17.

Mr. Pitney queried if Ms. Dau wanted to clarify with regard to the easement vacation.

Mr. Dau commented that the easement was determined to be public and gave several examples of private easement versus public easements.

Mr. Wilmer commented that once this property is subdivided and without the vacation of the easement, nothing will be able to be built on the newly created lot. **Mr. Stefan** confirmed this comment.

Applicant Testimony

Eric Cousino addressed the Platting Board. He expressed that he is not in agreement with staff as to the status of the easement and whether it is public or private.

Mr. Cousino gave a brief recap of the processes that he and his client have gone through to date submitting both as a quick plat and now a full plat.

Mr. Cousino commented to the fact that this application has been with the Borough for several months and the time that has been invested to date only to learn within the last week that this easement has been determined by legal to be public.

Ms. Fritze clarified that in March the applicant and surveyor understood the easement to be private and now it has been interpreted by staff to be public. **Mr. Cousino** confirmed this.

Interested Person Testimony

Darrell Colburn, interested person, addressed the Platting Board. He spoke in support of this request.

Julie Kotila, member of the public, addressed the Platting Board and requested the ability to testify on this case as she is familiar with the request due to the fact that she was the original Platting Officer before ending her employment with the Borough.

Mr. Pitney queried Ms. Kotila and with the support of the Platting Board gave her permission to speak to this item.

Ms. Kotila spoke to the issue of the easement and stated that when she was working this file as the original Platting Officer, she personally spoke with Larry King and A.J. Waite at DNR and they both agreed that the easement is not public.

Jeremy Stark, member of the public, addressed the Platting Board and requested permission to speak to this topic. The Platting Board allowed Mr. Stark to speak.

Mr. Stark commented that he is not in agreement with the interpretation that staff has come to with regard to this easement.

Applicant Rebuttal

Mr. Cousino addressed the Platting Board in rebuttal.

Ms. Dau provided further clarification to the Platting Board regarding public versus private easements.

MOTION: A motion was made by **Ms. Fritze**, seconded by **Mr. Wilmer** to approve Coincidence Subdivision, except for the vacation of the 300ft building setback easement, with the four conditions and adopting the four findings of fact and the staff report in support of approval.

Ms. Fritze spoke in favor of this application.

Mr. Mendenhall spoke in favor of the application.

Ms. Morton stated that if it is not managed or regulated by the Borough or DNR, who does it really belong to.

Ms. Dau stated that the staff report is staff's position and though the Borough does not actively manage this easement it is delivered into the Boroughs' trust to be held on the public's behalf. That is what a dedicated public easement is.

Ms. Dau clarified that if the Platting Board approves the recommended motion, it would expressly exclude the idea that the vacation would be effective.

Mr. Pitney commented in favor of this request.

ROLL CALL: 5 in favor Fritze, Mendenhall, Morton, Wilmer and Pitney
 0 opposed

- 3. SD023-19 Moonlight Acres 1st Addition** A request by Stutzmann Engineering Associates, Inc., on behalf of Felix Krause and Silke Schiewer, to replat Tracts C and J, Moonlight Acres Subdivision, a total of approximately 46.19 acres, into eleven lots ranging in size from 2.08 to 8.12 acres in two phases. Two variances have been requested: FNSBC 17.56.010(F) to allow direct lot access onto a major collector; and FNSBC 17.56.080(E)(3) to allow for an alternate temporary turnaround instead of a 100ft diameter temporary turnaround. The property is located within Section 8, T1N, R2W, FM, AK (located on Murphy Dome Road, Spinach Creek Road, Hardluck Drive, and South Harvest Moon Drive). **Staff Contact: George Stefan**

Mr. Stefan presented the Staff Report. Based on Staff analysis, the Department of Community Planning recommends APPROVAL of the subdivision with the following six (6) conditions:

1. GVEA shall have a maximum of 30 calendar days to review and comment on the final plat.
2. ACS and the Chena Goldstream Fire Service Area shall have 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. The final plat application for Phase 1 shall be submitted by May 15, 2021, and the final plat application for Phase II shall be submitted by May 15, 2023, or the preliminary approval will become void.
5. The alternate temporary turnaround shall be approved by FNSB Public Works prior to final plat approval.
6. The plat graphic annotation for the public turnaround easement shall indicate it is temporary and will be vacated upon extension of South Harvest Moon Drive.

Furthermore, staff recommended adoption of the following two (2) Findings of Fact and the Staff Report in support of approval:

- a) FNSBC 17.12.030(J)(1) allows the Platting Board to provide for the later submittal of one or more phases of the subdivision.
- b) With the five conditions recommended by staff, this subdivision meets the applicable requirements of Title 17.

Applicant Testimony

Jeremy Stark, Stutzmann Engineering Assoc., Inc., addressed the Platting Board. He stated that he did not have any questions of the staff report. He made himself available for questions.

Interested Person Testimony

Silke Schiewer, applicant, addressed the Platting Board and made herself available for questions.

Applicant Rebuttal

MAIN MOTION:

A motion by **Ms. Fritze**, seconded by **Mr. Wilmer** to approve Moonlight Acres 1st Addition with the six (6) conditions as amended, adopting the two (2) findings of fact and the staff report in support of this decision

MOTION ON VARIANCE #1:

A motion by **Ms. Fritze**, seconded by **Mr. Wilmer**, to approve VR022-19, a variance from FNSBC 17.56.010.F to allow direct lot access onto a major collector adopting the three (3) findings of fact and the staff report in support of the approval.

Mr. Pitney commented that he is in support of this request based on the staff report.

The Platting Board did not have any further discussion.

ROLL CALL ON VARIANCE #1

5 in favor Fritze, Mendenhall, Morton, Wilmer and Pitney
0 opposed

MOTION ON VARIANCE #2:

A motion by **Ms. Fritze**, seconded by **Mr. Wilmer**, to approve VR023-19, a variance from FNSBC 17.56.080.E.3 to allow for an alternate temporary turnaround instead of a 100' diameter temporary turnaround adopting the two (2) findings of fact and the staff report in support of the approval.

Ms. Fritze commented that this request makes sense.

Mr. Wilmer concurred with Ms. Fritze.

ROLL CALL ON VARIANCE #2

5 in favor Fritze, Mendenhall, Morton, Wilmer and Pitney
0 opposed

Ms. Fritze commented that she has no problems with the main motion request.

Mr. Wilmer concurred with Ms. Fritze.

Mr. Pitney commented that he is in support of this request.

ROLL CALL ON THE MAIN MOTION:

5 in favor Fritze, Mendenhall, Morton, Wilmer and Pitney
0 opposed

UNFINISHED BUSINESS

None

NEW BUSINESS

Ms. Nelson addressed the Platting Board with regard to adding additional meetings in the months of October, November and December to accommodate any additional files submitted as a result of the looming deadline for the Road Construction Exemption Ordinance which goes into effect on January 1, 2019.

CITIZEN COMMENTS

None

EXCUSE FUTURE ABSENCES

Mr. McComas-Roe will still be absent for the month of June.

BOARD MEMBER COMMENTS / COMMUNICATIONS

ADJOURNMENT

The meeting adjourned at 8:15 p.m.