

COMPREHENSIVE PLAN ADVISORY BOARD (CPAB)

MINUTES March 4, 2009

A regular meeting of the Comprehensive Plan Advisory Board was held in the Chizmar Conference Room, 1st Floor, Borough Administrative Offices, 809 Pioneer Road, Fairbanks, Alaska. The meeting was called to order at 3:30 pm.

MEMBERS PRESENT: Matt Reckard
Bob Henszey
Deb Horner
Jennifer Peterson

FNSB STAFF PRESENT: Bernardo Hernandez
Doug Sims
Melissa Kellner
Jeff Bouton
Loriann Quakenbush
Marnie Long-Boehl

MEMBERS NOT PRESENT: Victoria Foote

A. NEW BUSINESS

Title 17 Update:

1. **Loriann Quakenbush** gave a presentation on the rewrite process and the issues the Title 17 Committee thought important to consider for incorporation into the ordinance.
 - A consultant came up last spring and took input from the steering committee, staff, and other interest groups and then prepared a DRAFT report.
 - Staff and Steering Committee reviewed the draft. The staff has compiled the recommendation for the consultant. The consultant will incorporate items into an outline and a revised report. They expect the consultant back in early April to make a presentation and get additional input from the steering committee and staff. This will start the actual drafting process of the first draft of the ordinance. The draft will be reviewed in house. There are a lot of technical changes that need to be incorporated. Design Alaska is part of the consulting team. Work sessions will be scheduled with the Platting Board and the Planning Commission for their input and then the draft will go out for public hearings before going to the Assembly. Technical changes will be added after first draft.
 - **Mr. Hernandez** asked if the consultant is taking our code to modify or starting a brand new code.
 - **Ms. Quakenbush** thinks he's starting a brand new code but is not sure if he is going to use the format of our code or change it altogether. We will find out when he gives a presentation the first part of April. Should be major areas of change on the existing code as well as additions to the code. We have baffled the consultant with our lack of regulations, road service areas, limited community sewer and water, no building codes, and no functioning DEC.
 - We don't have the enforcement for all the problems.

- **Mr. Hernandez** asked Loriann if they are going to be providing a laundry list for CPAB.
- **Ms. Quakenbush** replied that they are making a list of recommendations; i.e. resolve GU1 zoning issues, combine road service areas, adopt minimum road maintenance standards in service areas, etc.
- Having to get a rezone before subdividing the property in the manner they wish the lot to be subdivided, is not an option according to the Legal Department.
- Open space incentive or density bonus – similar to the concept of a cluster. Matsu has this in their subdivision code but our attorneys don't believe it belongs in the subdivision code because it has to do with reducing lot sizes. It seems more appropriate for the zoning code. It allows subdividers to reduce their lot area, for individual lots, up to 25% provided that they reserve in kind area as open space. These smaller lot sizes would have to be able to support on site waste water disposal. It allows the better soils to have dense development.
- **Mr. Hernandez** stated that if the whole area is full of permafrost, we would tell them what kind of development or a cluster development so they won't put roads everywhere. We need the Land Suitability Analysis bid award ready by 19th of April to go to the Borough Assembly finance committee to bless it.
- **Ms. Quakenbush** talked about a Design Manual which separates out the road construction requirements from the code itself. Changes would be up to Community Planning and Public Works.
- DEC problem – The committee is recommending that we incorporate standards similar to Matsu Boroughs. They are very specific regarding how many test holes you need. The new ordinance will require to reporting to Borough Public Works on test holes, soil conditions, and minimum lot sizes for various soils.
- Septic systems that are not conventional – the committee recommends that the minimal lot size be 200,000 sq ft (5 acre lot size) in soils that are not suitable for conventional on-site waste water disposal systems. Smaller lot sizes may be allowed if they enter into a property owners association to deal with maintenance of these alternate systems or do a cluster development.
- **Ms. Horner** commented on another option – you have certain zones where you are looking at permafrost and the Borough has to make a commitment to say “you can develop here but you have to meet these criteria's”. Then we will be addressing our unbuildable lands through the mapping process.
- **Mr. Hernandez** stated that we need to do a lot better planning with our resources and our cities and communities so it's not so expensive to live.
- **Ms. Quakenbush** said since the utilities are privately owned; it's hard to get grants to expand community sewer and water service.
- **Ms. Horner** stated that ultimately it's the Assembly that would vote on the changes to the subdivision ordinance.
- **Ms. Quakenbush** stated that we need the tools in place to be able to subdivide responsibly which include Land Use Planning and Zoning regulations...
- **Mr. Sims** said it comes down to a political choice to enforce land use regulations.
- The biggest things are setting the minimum lot size; implementing a set of regulations and requirements criteria for on-site waste/water disposal systems.

All Hazard Mitigation Plan

- **Mr. Sims** has been working with a staff member from emergency services that are in their rewrite of the Borough wide hazard mitigation plan. His focus has been floods. He received their most recent DRAFT. It describes basic flooding circumstances here of different varieties, stream flow, ice jams, auffs, ground water, snow melt, rain fall, etc. Tells what the Borough is doing regarding flooding and proposes a series of flood mitigation actions – update Title 15, update and comply with NFIP requirements as a high priority, high cost benefit rate, update the firm maps, continuing the Borough as a cooperating technical partner with FEMA which allows us to do cost sharing and in kind services with FEMA to produce these digital flood insurance rate maps. Pursue State and Federal Project Grant Funding for eligible flood projects. Adoption process needs to be blessed by the State, FEMA, and Assembly. The purpose of revising and updating this hazard mitigation plan is so the Borough can receive Federal funding to recover some of the costs from this last summer’s flood.
- **Mr. Hernandez** stated that the plan is to amend Title 18, the zoning code, and to require zoning permits in GU zones.
- **Mr. Sims** said “one of the means to mitigate the hazards is to revise Title 18 to require permits. If you are going to build in a flood zone – elevate”.

Discussion Zoning Permit Position Paper

- **Mr. Hernandez** showed a position paper he started on the overhead. It stated - Zoning was first initiated in the United States in New York City at the turn of the last century. The fundamental reason for creating the zoning to address the health and safety of residents living in large tenant structures which had poor sanitary conditions, lack of sun light, adequate fresh air. Like all communities in our country, Fairbanks has zoning that is created to protect the public safety and welfare into the Community Comprehensive Plan. One of the serious safety issues for our community is flooding. People’s lives, property, and investments totaling hundreds of millions of dollars, are placed in jeopardy every year due to flooding events. Even though the community has flood insurance rate maps showing where special flood areas are located; residents continue to build in a flood plain. The Borough Planning Department has these maps available for review by the public. It also has base flood elevations so that indeed someone decides to build in the flood plain, the individual can build the first floor of the building above where the flood waters are expected to rise. In addition, the Borough does outreach to inform residents that this information is available. Staff has made presentations to the Builders Association, the Board of Realtors, Mortgage Lenders, and discussed these ideas in the Daily News Miner. The Borough places display ads in the newspaper to inform builders to check the flood potential before they build. The Borough has sent out Dear Property letters to all property owners with land in the flood hazard areas stating that they need to obtain a flood plain permit before building. Still only 17% of the structures in the flood plain have obtained a flood plain permit.

- **Ms. Horner** asked if this was strictly for flood zone areas – overlay?
- **Mr. Hernandez** replied that people don't get zoning permits for a variety of reasons. We are trying to put this on the health and safety hazardous effects. The reason that people don't get zoning permits is because you're not required to get zoning permits in the GU zoning which leads people to the misunderstanding that some areas you do need zoning permits and others you don't need permits. People build without knowing the regulations.
- **Ms. Horner** stated that focusing on flooding – maybe you should be including other hazards. Other hazards – wild fires?
- **Ms. Peterson** asked "What other issues that zoning can mitigate".
- Other examples stated - set back issues, driveway permits, parking, preventing building on lot lines, and easements.
- The City requires a building permit.
- **Ms. Horner** added " The argument is for instituting zoning permits – making sure that people come in and get them regardless of whether its GU1 or RR.
- **Mr. Hernandez** would like to see that you are required to get a zoning permit in every zone you are in.
- The penalty if you don't is \$300.00 (twice a year). There is a code that allows us to issue a citation if you don't get a zoning permit. We don't enforce it but we can. It doesn't have to go through the Borough's Legal Department.
- **Ms. Peterson** stated a list of items to be included in the zoning permit position paper: Setbacks, building over lot lines, parking issues, flood plain, and driveway. These items listed are why people are losing property values.
- **Mr. Hernandez** added that millions of dollars of people's actual investments is built in the flood plains and is in jeopardy of being flooded.
- **Mr. Sims** added that addressing is also a problem.
- **Mr. Hernandez** clarified it was site addresses not postal addresses. Site addresses are where you live not where you get your mail.
- **Ms. Horner** mentioned to have legal tell us that we can't have one zone that is exempt from building permits.

Next meeting agenda item:

- Land Suitability Analysis Planning Project
- Membership
- GU-1 Zoning Permit / Position Paper
- Next Meeting Agenda Item
- Adjournment

Next meeting will be Wednesday, March 25, 2009 in the Assembly Chambers at 3:30 – 5:00 pm.

ADJOURNMENT