

FAIRBANKS NORTH STAR BOROUGH PLANNING COMMISSION

MINUTES
October 28, 2008

A regular meeting of the Fairbanks North Star Borough Planning Commission was held in the Assembly Chambers, Borough Administration Offices, 809 Pioneer Road, Fairbanks, Alaska. The meeting was called to order at 7:00 p.m. by Emily Bratcher, Vice Chairman.

MEMBERS PRESENT: Chris Miller Emily Bratcher
 Tom Temple Tom Marsh
 Brian Flemming Jennifer Peterson
 Nello Cooper Umit Spencer

MEMBERS ABSENT: Ian Michael Hebert, David Pruhs

OTHERS PRESENT: Bernardo Hernandez, Director of Community Planning
 Doug Braddock, Deputy Director of Community Planning
 Doug Sims, Planner III
 Rene' Broker, Borough Attorney
 Julie Conover, Planning Secretary

A. ROLL CALL

B. MESSAGES

Chairperson's Comments

Mr. Miller noted there would be a worksession following the regular meeting regarding Vision Fairbanks items.

Communications to the Planning Commission

Bernardo Hernandez referred to Vision Fairbanks and various meetings that would be happening, involving Planning Commissioners. He advised that through discussions with Jill Dolan in Legal, it was noted that no more than one Planning Commissioner should be at any one specific meeting due to the Open Meeting Act stipulations. A schedule of the meetings is available, and Notices will be published in the paper advising there may be Planning Commissioner's at these meetings. The current ad won't be published until Friday which is short by a day of legal 5-day Notice for upcoming meetings on November 3rd and 4th so he asked that Commissioners schedule their meetings for those dates accordingly, with only one Commissioner being present at each meeting.

Mr. Miller advised that Jill Dolan had her baby girl and that all was well.

Citizen's Comments – limited to three (3) minutes

Agenda items not scheduled for public hearing

None

Items other than those appearing on the agenda

None

C. *MINUTES

D. APPROVAL OF AGENDA AND CONSENT AGENDA

Approval of Consent Agenda passes all routine items indicated by asterisk (*) on agenda. Consent Agenda items are not considered separately unless any Planning Commission member or citizen so requests. In the event of such request, the item is returned to the general agenda.

MOTION: To approve agenda and consent agenda, including minutes of previous meeting by **Mr. Temple**, seconded by **Mr. Marsh**.

Objections

None

MOTION APPROVED

E. CONSENT AGENDA ITEMS

F. PUBLIC HEARING

RZ 2009-005 A request by Liberty Homes, Inc. to rezone a portion of Tract C1, Ford Subdivision 2nd Addition consisting of approximately 55 acres from General Use 1 to Two Family residential or other appropriate zone. **(located north of 4th Avenue, east of Homestead Drive, west of the Old Richardson Highway)**

Doug Sims presented the staff report. Based upon staff analysis the Department of Community Planning recommended approval of the proposed ordinance.

Marsh noted the lots were approximately one-half acre in size and asked staff if that was adequate to allow for on-site septic, for SF as well as TF.

Sims responded, yes.

Marsh said that zoning it TF, what would prevent someone from subdividing it further other than not being able to put septic on it?

Sims said that was the limiting factor, the on-site septic.

Marsh clarified that they wouldn't be allowed to develop a lot smaller than one-half acre with on-site septic.

Sims said that was correct. They would have to bring in city sewer utility.

Miller asked staff if the 20,000 sf was a DEC issue; did they actually set that number.

Sims said it was DEC rule of thumb if how he understood it. Not sure that it is an actual regulation anywhere.

Miller said the 40,000 is typical for water and septic.

Sims responded that was right, to insure adequate separation. But if you have your own water supply from a city utility you can get a smaller lot size for on-site septic.

Miller asked if there was a chance that it wouldn't be allowed.

Sims said it was the same development pattern that was already accomplished to the south, with on-site septic.

Cooper asked what staff felt was the highest and best use of the property.

Sims said to some degree that would depend on who you ask. He felt the property owner would suggest the rezone proposal reflected their notion of what highest and best use was.

Cooper explained that he was asking because when he referred to Goal #4, Action Plan A it stated 'recognize forest, mining and agriculture activities as priority, while addressing existing residential use'. He was trying to get an idea as to the highest and best use of the property.

Sims said that given its location, the proximity of utility, being inside the city limits of North Pole, his personal opinion was that residential was the highest and best use.

Bratcher noted that one of the DPO's referred to the flood plain and asked if this was in a flood plain.

Sims said no, it was not a flood zone.

Bratcher asked if North Pole had any regulation speaking to hooking up utilities; it would be city water, but no city sewer.

Sims said that was correct.

Bratcher asked the reason for it not going to city sewer.

Sims said the applicant could address that best, but based on the previous examples to the south, it was cost prohibitive to bring in the city sewer.

Bratcher clarified that the city of North Pole didn't have any regulations that speak to using its utilities.

Sims said no, not to his knowledge.

Miller asked about the Light Industrial area and asked if that was based on the airport location.

Sims said he felt it was; the Bradley Airport location as well as the high school. The refinery was just to the south and was designated as heavy industrial.

Miller noted that between the two it was urban.

Sims said correct.

Public Hearing Opened

Debra Rosson, applicant, said they were proposing to do the same thing as was done on the southern portion of the property. She noted that it was cost prohibitive to put sewer in due to dewatering issue. Lots would be one-half acre, with city water. Water has been installed on the north section and subject property was surrounded by houses.

Marsh asked if they would be building single family as well as duplexes.

Rosson said there could be a few duplexes, but she was not sure at this time. Wanted to keep options open.

Bratcher asked what made putting in city sewer cost prohibitive.

Rosson said they recently did it in Holiday Park to the north; the city put it in for that subdivision. It was several million dollars and a very small area. The water line that Liberty put in cost over \$1.5 million. Even if you had a 2,000 sf lot, you wouldn't be able to put both water and sewer in there. DEC allows for the lot size if they have contained water, which they do. This

way they can still have a decent lot and have public water. There is plenty of room to move the septic if needed.

Bratcher asked if it was the material costs that made it so expensive.

Rosson said, dewatering. Gravity issues.

Cooper asked what she believed the highest and best use of the property would be. He noted that one of the neighbors returned a DPO recommending that only single family units be placed there. Referring to the Comprehensive Plan it notes that Light Industrial uses be given priority.

Rosson said that since it was entirely surrounded by residential, it would be residential. She couldn't see putting industrial in there at this point.

Cooper said a neighbor was requesting single family only, and he was just trying to determine if it was necessary to go to two-family.

Rosson said she felt they needed to request TF. Her intent was always to have owner-occupied properties. Duplexes that are there are probably more than 2 times the size; the main unit. The others are smaller units. She didn't want to get to the point where the housing was so high that it wouldn't allow someone to purchase a home if they had income from the rental.

Public Hearing Closed

MOTION: Move to approve with two Findings of Fact by **Mr. Temple**, seconded by **Mr. Marsh**.

Discussion

Peterson expressed that she felt this was a good proposal and would support it; however the fact that there is not some reasonable way to put utility septic into an area that is clearly higher density residential is disappointing in the very least. The fact that it is not happening and is cost prohibitive yet there is no compulsion and/or carrot to make that happen is a shame.

Bratcher said she would echo Ms. Peterson's sentiments. Nevertheless, she thanked the applicant for choosing to put residential on the GU-1 land. It was preferred over the other options available.

Marsh said to echo the staff report, despite it being designated on the Plan as light industrial, it was surrounded by residential and it is close in. Without sewer you can't develop it any denser so it seemed to be the best use of the property right now. He, also, thanked applicant for rezoning from GU-1, which was a scary zone close to an urban area.

Miller said regarding the Comprehensive Plan designation of LI, he felt they could agree that it seemed inconsistent with the development patterns and didn't seem to meet a current need in the community for that spot close to the core of North Pole. Although it was inconsistent with the Comprehensive Plan, that was why the Comprehensive Plan was being worked on.

Roll Call: **Mr. Marsh**, yes; **Ms. Bratcher**, yes; **Ms. Peterson**, yes; **Mr. Flemming**, yes; **Mr. Spencer**, yes; **Mr. Cooper**, no; **Mr. Temple**, yes; **Mr. Miller**, yes.

MOTION TO RECOMMEND APPROVAL PASSED

G. UNFINISHED BUSINESS

OC2009-001 An Ordinance adding definitions in Chapter 18 and amending FNSBC 18.50.040, Exception to Required Yards. (Postponed from September 16, 2008 meeting)

Doug Braddock presented the staff report. Based upon analysis, staff recommended approval of the proposed Ordinance.

Discussion

Miller clarified that the ordinance changes would apply to residential, 18.50.40 only.

Braddock said that was correct, and only in the urban residential zones

Hernandez noted that the MFO zone had a 20 foot front yard setback and rear yard setback of 20 feet. He clarified that in the case of corner lots, they would both still have 20 foot setbacks.

Braddock said that was correct. In an earlier draft ordinance there were changes to the rear setbacks for MFO and TF, and Ms. Dolan advised that since that earlier ordinance was defeated at the September 16th meeting, it could not be included. It was something that the Planning Commission could put in if they desired to. But this ordinance did not deal with that issue.

Marsh said when the change to the MFO and TF setbacks didn't pass, there was discussion about stipulating the frontage not being the same as the rear yard; allowing for a 10 foot setback, specifically to address the MFO situation.

Braddock said that issue was not specifically dealt with in the ordinance.

Discussion followed as to making Motion to amend and wording to be used.

MOTION TO AMEND:

Amend Line 47 to indicate that second frontage shall have a yard with a minimum depth of 10 feet.

Amend Line 54 to indicate that no other frontage on such a lot shall have a yard with a depth of less than 10 feet.

VOTE: No objections

MOTION TO AMEND APPROVED

MOTION TO APPROVE, AS AMENDED: No objections.

MOTION TO RECOMMEND APPROVAL PASSED

H. NEW BUSINESS

I. COMMISSIONER'S COMMENTS

Mr. Miller congratulated Ms. Bratcher on her election to the City Council. Ms. Bratcher noted that she would continue to serve with the Planning Commission also.

Mr. Miller commented on the issue of dewatering, stating that it was a huge problem; an incredibly expensive problem. For those who remember when the Great Northwest pumped out their pit to make gravel and all the well problems, that is exactly what happens. Technology can't overcome physics so dewatering is a difficult issue.

Commissioner Activity Reports

1. FMATS

Bratcher noted that at the last FMATS meeting one of the issues discussed was putting together a 'wish-list' to present to the State with the idea that there will be a gas line someday. They are working on that, deciding where their requests would best be spent. November meeting will be next Wednesday.

2. Title 17 Rewrite Project

Hernandez advised they have submitted comments to the Contractor. They have received new comments and proposals back which will be distributed to Committee members.

3. Vision Fairbanks Design Standards

To be discussed at the worksession after the meeting.

4. North Pole Land Use

Hernandez said November 17th there will be a public hearing on the Plan in the North Pole area.

Miller asked Mr. Sims to bring up the NP designations on overhead, clarifying that they were Plan designations. Mr. Sims said that was correct. They were designations not currently in use but indicate direction they were headed in.

5. Comprehensive Plan Advisory Board (CPAB)

Peterson advised that the RFP was approved by the Mayor and was being processed now. Board will meet again when RFP goes public. RFP is for hiring someone to draw land map.

6. Other

Bratcher referred to the open meetings act and Commissioners attending other meetings, and asked when it dropped to one person.

Hernandez said if there were two or more at one of the upcoming Vision Fairbanks meetings where they were actually crafting ordinances that the Planning Commission would be seeing at a later date, which would be in violation of the open meetings act. Just to be safe and keep it simple, he requested it be kept to one member. If members were attending two different meetings, that's fine. He just wanted it to be clear that no more than one Planning Commissioner should be participating in these workshops on November 3rd and 4th, where they would be crafting ordinances that the Planning Commission would be making decisions on. 4th.

Miller suggested that they go through Mr. Braddock for coordination of who was attending what and when. After these initial meetings in early November, proper notification will be in place and there won't be the same problems involved.

J. ADJOURNMENT

There being no further business the meeting was adjourned at 8:35 p.m.