

FAIRBANKS NORTH STAR BOROUGH
Platting Board
July 21, 2021
6:00 p.m.

A regular meeting of the Platting Board was held Wednesday, July 21, 2021, in the Mona Lisa Drexler Assembly Chambers of the Juanita Helms Administration Center, 907 Terminal Street, Fairbanks, Alaska.

ROLL CALL

There were present:

Ginger Orem	Traci Schachle
Troy Hicks	Steven Brooks
Kellie Fritze, Vice Chairperson	Randy Pitney, Chairperson

Comprising a quorum of the Board, and

Adena Benn, CMC, Deputy Clerk
Kellen Spillman, Acting Community Planning Director
David Ruzicka, Platting Officer II
George Stephan, Platting Officer IV
Alexis Fackeldey, Administrative Assistant III
Ehren Lohse, Assistant Borough Attorney
Wendy Dau, Assistant Borough Attorney

Absent & Excused

Michael Kwasinski	Jacqueline Morton
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MESSAGES

1. Opening

Chair Pitney gave a short introduction regarding the operation of the Platting Board and a safety brief.

2. Chair's Comments

Chair Pitney stated he was pleased to see people in person and to prepare for changes to the process as the board is in a state of transition.

MESSAGES – continued

3. Introduction of Staff to the board and the public.
4. Mr. Spillman spoke about an upcoming work session for the August Platting Board meeting which will discuss the upcoming changes to the Comprehensive Road Plan. He also spoke about Laura Melotte's departure from clerking the Platting Board meetings and stated that Alexis Fackeldey will be taking over clerking duties starting at this meeting.
- 5.a. Citizen's Comments on agenda items not scheduled for public hearing.
NONE
- 5.b. Citizen's Comments on items other than those appearing on the agenda.
NONE
6. Disclosure & Statement of Conflict of Interest

Mr. Hicks stated he has a conflict about HY001-21 Gillam Way as he is a Department of Transportation employee for the State of Alaska and is working on this project in that capacity.

RECESS - A Five Minute Recess was Declared by the Chair.

Ms. Dau advised that there will need to be five members of the board in order to maintain a quorum for HY001-21 Gillam Way.

Chair Pitney stated that Mr. Hicks had a conflict and therefore is excused from the dais for HY001-21 Gillam Way hearing.

Mr. Brooks declared he is also a Department of Transportation employee with the State of Alaska, and he helped prepare the application for highway project HY001-21 Gillam Way.

Chair Pitney stated that Mr. Brooks had a conflict and therefore is excused from the HY001-21 Gillam Way hearing.

These disqualifications put the Platting Board under the required members in order to maintain a quorum for this item and the hearing will be scheduled for a future date.

MESSAGES – continued

Ms. Schachle disclosed she works with Stutzmann Engineering, Design Alaska, and 3-Tier Alaska in her capacity as a realtor.

Chair Pitney ruled that she did not as of this time have a conflict on RP044-21 Greenfield Subdivision, SD015-21 Solski Subdivision, or VA001-21 Chatanika Drive.

Ms. Orem stated as a realtor she had commissioned work from Design Alaska within the last month and said that she works with these surveyors frequently.

Chair Pitney ruled Ms. Orem had a conflict of interest on SD015-21 Solski Subdivision. Mr. Brooks asked why Chair Pitney believed that. Chair Pitney stated that Ms. Orem had a financial interest in the firm and therefore should not be allowed to vote. Ms. Dau asked a clarifying question to Ms. Orem regarding whether the work has yet been paid for. Ms. Schachle stated that she has been in the same position in the past as she is also a realtor and been allowed to vote.

Ms. Dau elaborated on the rules regarding Conflict of Interest and the appearance of a Conflict of Interest.

Ms. Orem was asked whether she was working directly with any of the items on the agenda and she stated she was not.

Ms. Orem also stated that she does not pay the surveyors directly.

BROOKS,
Seconded by SCHACHLE

moved to overrule the Chair’s decision to disqualify Ms. Orem from voting on items involved with Design Alaska (SD015-21 Solski Subdivision).

VOTE ON MOTION TO OVERRULE THE CHAIR’S DECISION TO DISQUALIFY MS. OREM FROM VOTING ON ITEM SD015-21 SOLSKI SUBDIVISION.

Yeses: Orem, Fritze, Schachle, Brooks

Noes: Hicks, Pitney

MOTION CARRIED 4 Yeses, 2 Noes

MESSAGES – continued

Chair Pitney stated that he was contacted by a surveyor for 3-Tier Alaska in order to allow the surveyor to set up equipment on his property to provide the surveyor access to some lots near his property. He believes he will not gain anything from this as he already has legal access to his lot, but he also believes that this would disqualify him from voting on any matter associated with the 3-Tier Alaska.

Clerk’s Note: Chair Pitney passed the gavel to the Vice Chair Fritze.

Vice Chair Fritze asked if he received any financial benefit and whether Chair Pitney could be impartial in this matter. Chair Pitney stated he was gaining a second legal access, but he could be impartial in this matter. Mr. Brooks asked which item he was referring to and Chair Pitney stated it was item VA001-21 Chatanika Drive. Ms. Dau clarified the rules regarding conflicts of interest and iterated that the item in question was a public hearing item, not quasi-judicial and therefore the rules were not as strict. Mr. Hicks stated the public was losing something due to the vacation. Discussion ensued. Vice Chair Fritze asked whether the outcome of any item would affect Chair Pitney personally. He stated that it would not. Vice Chair Fritze ruled there was no conflict between Chair Pitney and VA001-21 Chatanika Drive.

Clerk’s note: Vice Chair Fritze passed the gavel back to Chair Pitney.

APPROVAL OF AGENDA AND CONSENT AGENDA

FRITZE moved to approve the agenda and consent
Seconded by BROOKS agenda as read.

VOTE ON MOTION TO APPROVE THE AGENDA AND CONSENT AGENDA AS READ.

Yeses: Brooks, Fritze, Orem, Schachle, Hicks,
Pitney

Noes: None

MOTION CARRIED 6 Yeses, 0 Noes

APPROVAL OF MINUTES

- 1. *Minutes of the June 16, 2021 meeting.

Without objection this measure was read by title and approved under the consent agenda.

QUASI-JUDICIAL HEARING

F.1 HY001-21 Gillam Way

A request by the State of Alaska Department of Transportation and Public Facilities to replat four (4) parcels, with two (2) of the parcels being reduced in size and (2) of the parcels being affected with new public right-of-way easements, to provide for Gillam Way reconstruction. The property is located within United States Survey No. 849 and within Sections 10 and 15, T.1S., R.1W., F.M., specifically on the east side of Gillam Way between 22nd Avenue to 14th Avenue within the City of Fairbanks, Alaska.

Due to conflicts of interest by Mr. Hicks and Mr. Brooks there was not a quorum available to hear item HY001-21 Gillam Way. Item to be rescheduled to the August 18, 2021 Platting Board meeting.

2. SD013-21 Golden View Subdivision First Addition

Clerk Fackeldey administered the oath to the assembled staff and applicants.

A request by Degerlund Engineering, LLC, on behalf of Karl and Florine Benson, to subdivide Lot 1, Leonid Subdivision, totaling approximately 115.5 acres, into ten lots ranging in size from 1.4 to 2.3 acres and two tracts of 32.5 and 62.0 acres. The request includes dedication and construction of a new subdivision road. The property is located within the N½ Section 28, T.1N., R.2E., F.M., on Chena Hot Springs Road.

Mr. George Stefan, FNSB Platting Officer III, presented the staff report.

Mr. Nils Degerlund, of 3900 Plack Road North Pole Alaska 99705, a representative of Degerlund Engineering, had no questions of the staff report nor any objections to the staff report.

The Chair called for public testimony and there being none public testimony was closed.

HICKS
Seconded by OREM

moved to approve SD013-21 Golden View Subdivision First Addition with the four amended conditions and adopting the four findings of facts.

There was no discussion of this motion.

VOTE ON MOTION TO APPROVE SD GOLDEN VIEW SUBDIVISION FIRST ADDITION WITH THE FOUR AMENDED CONDITIONS AND ADOPTING THE FOUR FINDING OF FACTS.

QUASI-JUDICIAL HEARING - continued

Yeses: Fritze, Schachle, Brooks, Orem, Hicks, Pitney
Noes: None
MOTION CARRIED 6 Yeses, 0 Noes

Chair Pitney announced the Platting Board’s decision may be appealed to the Planning Commission within 7 days by filing an appeal pursuant to FNSBC 17.68.010.

3. RP044-21 Greenfield Subdivision

A request by Stutzmann Engineering Associates, Inc., on behalf of Lauren & Alice Pennington and Robert & Frances Schulz, to replat Lots 2A and 2B, Greenfield Subdivision by vacating a 40-foot-wide driveway easement. The property is located within the NW¼ NW¼ Section 20, T.1N., R.1E., F.M., on Deep Freeze Court.

Clerk Fackeldey administered the oath to the assembled staff and applicants.

Mr. David Ruzicka, FNSB Platting Officer IV, presented the staff report.

Mr. Jeremy Stark with Stutzmann Engineering stated that Mr. Ruzicka’s staff report adequately described the request and fell within Title 17’s guidelines.

Mr. Lauren Pennington, the applicant, stated he deferred to Mr. Stark, that it provided no benefit to him, and would only provide working room for expansion of buildings for personal use.

The Chair called for public testimony and there being none public testimony was closed.

BROOKS moved to approve RP044-21 Greenfield Subdivision the replat of lots 2a and 2b of Greenfield Subdivision with the four conditions and adopting the seven findings of fact in support of the approval.
Seconded by FRITZE

There was no discussion of this motion.

VOTE ON MOTION TO APPROVE RP044-21 GREENFIELD SUBDIVISION THE REPLAT OF LOTS 2A AND 2B OF GREENFIELD SUBDIVISION WITH THE FOUR CONDITIONS AND ADOPTING THE SEVEN FINDINGS OF FACT IN SUPPORT OF THE APPROVAL.

QUASI-JUDICIAL HEARING - continued

Yeses: Fritze, Schachle, Brooks, Orem, Hicks, Pitney

Noes: None

MOTION CARRIED 6 Yeses, 0 Noes

Chair Pitney announced the Platting Board’s decision may be appealed to the Planning Commission within 7 days by filing an appeal pursuant to FNSBC 17.68.010.

4. SD015-21 SOLSKI SUBDIVISION

A request by Design Alaska, Inc., on behalf of Stanley Solski, to subdivide Tract A, Lyle Subdivision Phase I, totaling approximately 11.38 acres, into two lots of 3.80 and 6.88 acres and a utility lot of 0.71 acre. Three variances have been requested: (1) FNSBC 17.56.080(B) to allow access to the subdivision from a Local 2 Road that includes one section of 30ft wide right-of-way; (2) FNSBC 17.56.060(A) to allow for a portion of the existing constructed road leading to the subdivision to not be within the legal access; and (3) FNSBC 17.56.010(B) to allow a subdivision lot to have 20ft of frontage rather than the required 40ft. The property is located within the W½ SW¼ Section 16, T.1S., R.1W., F.M., on Eberhardt Road and Laura Ann Avenue.

Mr. George Stefan, FNSB Platting Officer III, presented the staff report.

Mr. Brooks questioned whether they would be creating a new right-of-way and Mr. Stefan replied in the negative.

Mr. Bill Kinne, of 601 College Road Fairbanks Alaska 99701, a representative of Design Alaska, addressed Mr. Brooks’s question by stating that they are not changing or creating any access on Eberhardt Road. He also stated they were dealing with an odd-shaped lot.

Mr. Rob Wright, of 1948 Laura Ann Avenue Fairbanks Alaska 99712, wished to testify as part of this item. Ms. Dau wondered whether he met the standard for interested person’s testimony. The standard for interested persons was read out. Mr. Wright stated traffic and safety would directly impact his lots. Mr. Hicks did not feel that the board should hear Mr. Wright’s testimony as it would make them party to the application. Ms. Orem stated she was interested in Mr. Wright’s testimony. Mr. Brooks concurred. Chair Pitney determined that the board would listen to Mr. Wright’s testimony.

QUASI-JUDICIAL HEARING - continued

HICKS
Seconded by FRITZE

moved to overrule the chair's ruling to allow Mr. Rob Wright to speak as an interested person on SD015-21 Solski Subdivision.

Discussion of the motion ensued including comments from Ms. Dau. Ms. Schachle asked for a list of people who had been sent interested persons letters. Mr. Stefan provided a list of interested persons by sharing his screen through Zoom.

VOTE ON MOTION TO OVERRULE THE CHAIR'S RULING TO ALLOW MR. ROB WRIGHT TO SPEAK AS AN INTERESTED PERSON ON SD015-21 SOLSKI SUBDIVISION.

Yeses:

Hicks

Noes:

Schachle, Brooks, Orem, Fritze, Pitney

MOTION FAILED

1 Yes, 5 Noes

Mr. Wright testified that he is worried about the future of the neighborhood, including potential future subdivisions, and that he believed there was an access problem. Public testimony was closed for this item.

Mr. Kinne as a rebuttal stated that Whispering Meadow did not abut any of the lots on that were part of this subdivision. He stated Eberhardt Road was already built and approved as access. He also reiterated that they were not planning on splitting it into tiny lots.

The Chair called for public testimony and there being none public testimony was closed.

Mr. Brooks asked whether there was legal access to this subdivision and Mr. Kinne confirmed the constructed access to this lot.

FRITZE
Seconded by OREM

moved to approve SD015-21 Solski Subdivision with the four conditions and adopting the three findings of fact in support of the approval.

Discussion ensued.

VOTE ON MOTION TO APPROVE SD015-21 SOLSKI SUBDIVISION WITH THE FOUR CONDITIONS AND ADOPTING THE THREE FINDINGS OF FACT IN SUPPORT OF THE APPROVAL.

QUASI-JUDICIAL HEARING - continued

Yeses: Fritze, Schachle, Brooks, Orem, Hicks, Pitney

Noes: None

MOTION CARRIED 6 Yeses, 0 Noes

A question of proper procedure was raised by Chair Pitney and a five-minute recess was called.

The meeting was brought back to order.

HICKS moved to reconsider the approval of SD015-21 Solski Subdivision with the four conditions and adopting three findings of fact in support of the approval.
Seconded by OREM

There was no discussion of this motion.

VOTE ON MOTION TO RECONSIDER THE APPROVAL OF SD015-21 SOLSKI SUBDIVISION WITH THE FOUR CONDITIONS AND ADOPTING THREE FINDINGS OF FACT IN SUPPORT OF THE APPROVAL.

Yeses: Brooks, Orem, Hicks, Fritze, Schachle, Pitney

Noes: None

MOTION CARRIED 6 Yeses, 0 Noes

Chair Pitney stated that the variances need to be presented as amendments.

BROOKS moved to approve VR015-21 a variance from 17.56.80(b) to allow access from the subdivision from a Local 2 Road that includes one section of 30ft wide right-of-way adopting the 2 findings of fact and staff report in support of the approval.
Seconded by OREM

There was no discussion of this motion.

QUASI-JUDICIAL HEARING - continued

VOTE ON MOTION TO APPROVE VR015-21 A VARIANCE FROM 17.56.80(B) TO ALLOW ACCESS FROM THE SUBDIVISION FROM A LOCAL 2 ROAD THAT INCLUDES ONE SECTION OF 30FT WIDE RIGHT-OF-WAY ADOPTING THE 2 FINDINGS OF FACT AND STAFF REPORT IN SUPPORT OF THE APPROVAL.

Yeses: Fritze, Schachle, Brooks, Orem, Hicks, Pitney

Noes: None

MOTION CARRIED 6 Yeses, 0 Noes

BROOKS
Seconded by OREM
moved to approve VR016-21 a variance from FNSBC 17.56.060(A) to allow for a portion of the existing constructed road leading to the subdivision to not be within the legal access with 2 findings of fact and the staff report in support of the approval.

There was no discussion of this motion.

VOTE ON MOTION TO APPROVE VR016-21 A VARIANCE FROM FNSBC 17.56.060(A) TO ALLOW FOR A PORTION OF THE EXISTING CONSTRUCTED ROAD LEADING TO THE SUBDIVISION TO NOT BE WITHIN THE LEGAL ACCESS WITH 2 FINDINGS OF FACT AND THE STAFF REPORT IN SUPPORT OF THE APPROVAL.

Yeses: Fritze, Schachle, Brooks, Orem, Hicks, Pitney

Noes: None

MOTION CARRIED 6 Yeses, 0 Noes

BROOKS
Seconded by OREM
moved to approve VR017-21 a variance from 17.56.010(B) to allow a subdivision lot to have 20ft of frontage rather than the required 40ft.

There was no discussion of this motion.

QUASI-JUDICIAL HEARING - continued

VOTE ON MOTION TO APPROVE VR017-21 A VARIANCE FROM 17.56.010(B) TO ALLOW A SUBDIVISION LOT TO HAVE 20FT OF FRONTAGE RATHER THAN THE REQUIRED 40FT WITH 2 FINDINGS OF FACT AND THE STAFF REPORT IN SUPPORT OF THE APPROVAL.

Yeses: Fritze, Brooks, Orem, Hicks, Pitney

Noes: Schachle

MOTION CARRIED 5 Yeses, 1 No

Clerks Note: The motion on the floor was the motion to SD015-21 Solski Subdivision with the four conditions and adopting the three findings of fact in support of the approval.

There was no discussion of this motion.

VOTE ON MOTION TO APPROVE SD015-21 SOLSKI SUBDIVISION WITH THE FOUR CONDITIONS AND ADOPTING THE THREE FINDINGS OF FACT IN SUPPORT OF THE APPROVAL.

Yeses: Fritze, Brooks, Orem, Hicks, Pitney, Schachle

Noes: None

MOTION CARRIED 6 Yeses, 0 Noes

Chair Pitney announced the Platting Board's decision may be appealed to the Planning Commission within 7 days by filing an appeal pursuant to FNSBC 17.68.010.

PUBLIC HEARING

1. VA001-21 Chatanika Drive

A request by 3-Tier Alaska, on behalf of Raymond Brooks, Catherine A. Brooks and Charles Hegdal to vacate a 40ft wide by 201 ft long portion of Chatanika Drive between Lot 2, Eyinck Subdivision, and Lot 2, R. Leonard Property. The property is located within the S½ SW¼ Section 30, T.1N., R.1W., F.M., on Chatanika Drive.

Mr. George Stefan, FNSB Platting Officer III, presented the staff report.

PUBLIC HEARING - continued

Mr. Brooks asked about the 20ft non-motorized public access easement and whether it was a requirement. He also asked whether there was any public feedback about the request. Chair Pitney asked how the legal access was impacted by Chatanika Drive. It was discovered it was an overlay error and there was access to the affected property.

Mr. Steve Lowry, of 326 Driveway Street Fairbanks Alaska 99701, a representative of 3-Tier Alaska, testified that Mr. Stefan covered the request well. Mr. Lowry also covered the history of the property in order to halve the property and stated that the plat notes of the subdivision to the north do not allow for motorized access to the easement. He iterated the reasoning behind the plat and stated that no ones' access would be changed or denied.

HICKS
Seconded by BROOKS

moved to approve VA001-21 Chatanika Drive the vacation of the 40ft wide by 200ft long portion of Chatanika Drive between Lot 2, Eyinck Subdivision, and Lot 2, R. Leonard Property adopting the three amended findings of fact, two conditions, and the staff report in support of approval.

There was no discussion of this motion.

VOTE ON MOTION TO APPROVE VA001-21 CHATANIKA DRIVE THE VACATION OF THE 40FT WIDE BY 200FT LONG PORTION OF CHATANIKA DRIVE BETWEEN LOT 2, EYINCK SUBDIVISION, AND LOT 2, R. LEONARD PROPERTY ADOPTING THE THREE AMENDED FINDINGS OF FACT, TWO CONDITIONS, AND THE STAFF REPORT IN SUPPORT OF APPROVAL.

Yeses: Fritze, Schachle, Brooks, Orem, Hicks, Pitney

Noes: None

MOTION CARRIED 6 Yeses, 0 Noes

H. EXCUSE FUTURE ABSENCES

Ms. Kellie Fritze will be absent for the August 18, 2021 Platting Board meeting and this absence has been excused.

I. BOARD MEMBER'S COMMENTS/COMMUNICATIONS

Ms. Orem thanked the staff for their attention to detail and presentations.

Chair Pitney thanked the attendees.

J. ADJOURNMENT

There being no further business to come before the Platting Board, the meeting was adjourned at 8:40 p.m.

DRAFT