

FNSB PLATTING BOARD
MINUTES
February 1, 2006
[re-scheduled from January 25, 2006]

A re-scheduled regular meeting of the Fairbanks North Star Borough Platting Board was held in the Assembly Chambers, 809 Pioneer Road, Fairbanks, Alaska. The meeting was called to order at 3:00 p.m. by Janet Matheson, Vice Chairman.

PRESENT: Oliver Backlund
 Margery Kniffen
 Janet Matheson, Vice Chair
 Bill Mendenhall
 Lee O'Hare
 John Reeves

ABSENT: Ronald McIntosh, Chairman

ALSO PRESENT: Loriann Quakenbush, Platting Officer
 Martin Gutoski, Platting Officer
 Bernardo Hernandez, Director Community Planning
 Randy Johnson, FNSB Public Works
 Todd Boyce, FNSB Transportation Planner
 Rene Broker, FNSB Borough Attorney
 Denise Wade, Recording Clerk

The minutes of the December 14, 2005 Platting Board meeting and the agenda for this meeting were approved with one correction identified by Matheson. Near bottom of page 10, Kniffen begins "thought" not "through."

ORDINANCE REVIEW

Title 17 Road Standards

1. **Ord 2005-33** - Proposed changes to Title 17 road standards.

Hernandez gave brief staff report on road standard changes and the development of ordinance modifications recommended by Platting Board and committee representatives. He commended committee members and all who participated in revising. Deadline to Assembly will be met pending approval of Platting Board. Additional funding for revisions to the entire Title 17 ordinance is supported by Mayor.

Patrick Kalen, private surveyor, expressed his concern with the previous ordinance believing the Assembly was moving too fast as the ordinance wasn't complete. He expressed his delight when it went to the Platting Board and committee, and thinks this re-write is an improvement.

Paul Barrett, College Service Area Commissioner, explained that the College Road Service Area Commission takes the position that because of the urban nature and high density residential development in the service area, all future subdivision streets should be paved at the time of development. Some developers have paved the roads, some have not. Without a mandatory

requirement, it increases the possibility of future subdivision streets to go unpaved. Homeowners of unpaved roads approach the commission requesting the road get paved, Some commissioners are reluctant to use service area funding to pave requested streets and view it as a gift to the property owner. If developers realize they can allow unpaved streets, and expect service area funds to pave them, he is concerned that they will see more of this not less. He suggests that a precedence be set, requesting that it be a mandatory requirement in the College Service Area that future subdivision streets be paved.

Randy Johnson read line item #387 which states the Platting Board may require higher minimum standards within the FNSB Road Service Area provided the higher standard is commiserate with that of the majority of the roads constructed within the service area in which the subdivision is being developed. He explained that Mr. Barrett wants to make sure that any new roads will have pavement as he believes 90-95% of the College Service Area roads are paved. The Title 17 committee worked to allow any service area the ability to make the developer have similar roads to what already exists, to protect service areas without giving service areas the ability to make its own set of standards.

Margery Kniffen asked if it is possible for this particular instance if they pave those streets that are currently unpaved that they can assess only the properties abutting those streets as opposed to the service area as a whole?

Rene' Broker, FNSB Attorney, replied that there is a special assessment process where you can do an improvement and only tax those benefiting properties, and is different from the service area process.

Kniffen asked if the process would apply to the situation Mr. Barrett was describing?

Broker replied yes, it potentially could be used for something like that. The title says that if the majority of the roads are paved then we would assume this would be in a RSA comment at the time of a new subdivision, and new subdivisions could be required to provide paving according to the title. Margery mentioned that if retroactive paving is done there could be group assessments that would only require those property owners to pay for the cost rather than everybody in the subdivision.

Paul Barrett reiterates the commission has consistently and unanimously favored a mandatory requirement rather than a discretionary process. Paul submitted a draft of what they would like included in the ordinance. This amendment would be after line 390, page 13 of the draft ordinance and specifies that subdivisions developed within the service areas listed in the following table shall be constructed to the standards set forth in this chapter and is modified by the listed higher minimum standards for that particular service area. Following that language there is a table where currently there is only one listing for the College Service Area. There are five higher standards indicated. No organic materials allowed within the limits of the road embankment, nor within 3ft below the bottom of the sub base layer where encountered organic material shall be removed and replaced with non organic material and compacted to 90% maximum density. The sub base layer thickness shall be 18 inches. The base material shall be 4

inches of D-1 base material, with technical reference for the finished treatments to consist of a two course asphalt surface treatment in accordance with AKDOT. Finished asphalt surface width and shoulders shall be determined by the Public Works Engineer.

Jeff Whipple, Stutzmann Engineering, is concerned with staying consistent with the terminology of base and sub base in the AKDOT definitions. He said some engineers are confused about what identifies base and sub base standards.

Johnson said that Mr. Whipple was referring to line item 49, a hot topic between surveyors, engineers, developers, and AKDOT. He said it was a huge debate and it did not meet AKDOT.

William Blizzard, surveyor, commented that with the geometric changes it may be a cost trade off and there was a lot of good effort put into this. He thinks it was well worth asking for.

Richard Heieren spoke in favor of the proposed ordinance without the RSA amendment and asked if the Board is amending to accommodate the College Road Service area, then to consider the City of Fairbanks and City of North Pole standards as well. He thinks the title as it is written addresses those difference and leaves the responsibility of road standards to Public Works.

Matheson closed public hearing.

Matheson said there is one item before us to consider which was from the College Road Service Commissioner and asked what the Board thinks of this.

Lee O'Hare said to have one service area separated, it separates it from the Title. She thinks the majority of testimony given has been that the Title the way it is proposed can address the needs of the service districts.

Bill Mendenhall shared his concern that with different types of roads throughout the Borough, to adopt this might be good for building up subdivisions such as the College Service Area, but leaves Service Areas such as Salcha out. He wants something applicable throughout the Borough. Does not like to see this brought into this proposal right now, at the last minute.

Kniffen thinks that the standards are accommodated by actions in the past. She suggested sending it to the Assembly with recommendation it not be amended as suggested by College RSA, and to approve as it is written.

Oliver Backlund agreed to send the ordinance to Assembly as it currently is. He said he sympathizes with College Road Service Area and understands that it is a unique situation.

John Reeves, encouraged the College Road Service Area residents to attend platting meetings.

Matheson said she knows the importance of the considerations for College, and thinks the staff and board need to keep this in mind when College comes before them. The new paragraph on page 13 of the Title which requires higher minimum standards will have to go through a test period to see if it works under conditions like this.

A roll call vote was taken on the motion to amend the ordinance amending Title 17 road standards to include the special standards presented by the College Road Service Area. The amendment failed unanimously.

AMENDMENT FAILED

A roll call vote was taken on the motion to forward the proposed substitute ordinance to the Fairbanks North Star Borough Assembly with recommendation to approve. Approval was unanimous.

APPROVED

APPLICATIONS

(track 3)

Preliminary Applications

1. **SD 047-06 Birkebakke Subdivision** – A request by RCH Surveys on behalf of Stephen Brunanski and Mette Moeller to subdivide the SE¼ NW¼, Sec 26, T1N R2W, FM AK (TL 2604), a parcel of 40 acres more or less, into two lots of approximately 12.1 acres and 27.7 acres (located on Hafele Ave off Line Dr and Sheep Creek Rd).

(track 4)

Quakenbush gave the staff report; staff recommended denial of a variance from 17.60.130.B, Right-of-Way Width to allow the right-of-way for Hafele Avenue to be 40' wide (east of Hafele Estates) with the following findings: Hafele Avenue is classified as a minor collector and has the potential to function as an east / west corridor serving a large amount of property. The applicant has not demonstrated a substantial hardship warranting the variance per the requirements of Title 17.70.010.

Staff recommended approval of a variance from 17.60.130.B, Traffic Way Width to allow the existing road improvements and the extension of Hafele Avenue to be constructed to Local Road standards. The existing Hafele Avenue is constructed to Local Road standards and provides adequate access to adjoining parcels. Even with the additional lots created by this subdivision, at this time Hafele Avenue will provide access to fewer than 10 lots. Requiring the subdivider to upgrade over 1,000' feet of road to minor collector standards in addition to constructing an additional 450' for the extension of Hafele Avenue for a two-lot subdivision would be a substantial hardship of the applicant. The variance will not jeopardize health and safety as the road and turnaround will be adequate for local traffic and emergency service vehicles.

Staff recommended preliminary approval of Birkebakke Subdivision with seven conditions: Any variance approved by the Platting Board be noted on the final plat. Hafele Avenue be constructed to Local Road standards from it's current terminus within Hafele Estates to provide access to Lots 1 and 2 of Birkebakke Subdivision, and the temporary turnaround / cul-de-sac be constructed to Title 17 standards. The location of the Tanana Valley Railroad Trail and the Equinox Marathon Trail be depicted on the final plat, and recreational trail easements, 20' wide, be reserved (and accurately labeled) on the final plat. The subdivider/owner coordinate with GVEA the location of public utility easements to be reserved on the final plat, standard utility notes be reserved on the final plat, and GVEA review and comment on final plat utility easement provisions. Standard wetland advisory note be placed on the final plat. Prior to final plat approval the flood zone designation be verified by Doug Sims, FNSB Planner, and a determination be made by the director of community planning as to whether the standard flood zone A requirements are applicable to this subdivision considering the amount of area that appears to be within Flood Zone A. GCI and Our RSA be given 10 days to review and comment on Birkebakke Subdivision prior to final plat approval.

Staff further recommended adoption of the following findings in addition to the findings of fact listed for the variances above: Dedication, east of the proposed cul-de-sac along the south boundary of Lots 1 and 2 to the eastern boundary of the subdivision, is not necessary to provide access to the lots within the proposed subdivision. The additional right-of-way dedication along the south boundary would not immediately result in a connection to the road network from the east; and is therefore, not directly beneficial to the proposed subdivision at this time. The FNSB Comprehensive Road Plan does not identify a transportation corridor along the south boundary of TL 2604 or the north boundary of TL 2629 and 2611. This replat meets the applicable technical requirements of Title 17.

Matheson asked if there are any questions from the Board?

Reeves asked if the applicant objected to the reservations of these 20 ft. easements for recreational trails?

Quakenbush replied that the applicant did not object and that the applicant is willing to dedicate those trail easements on the final plat.

Reeves asked if the Tanana Valley Railroad is it going to show the depiction of where it was? Where it is now? or where it was a hundred years ago?

Quakenbush replied that the trail that is currently being used will be the depiction of the trail because that is what is identified on the comprehensive trails plan.

Reeves asked if the trail will be surveyed in?

Quakenbush said that it is part of the requirement to locate that trail so that they know where to put the 20 ft. easement.

Matheson asked if there are any other questions for staff? There were no questions. Then she commented that the finding at the end appear to be written as if variance No. 1 passed. She asked if this is correct?

Quakenbush replied that staff is recommending that variance No. 1 be denied for reasons listed after the recommendation.

Matheson noted that in the final paragraphs it says dedication is not necessary to provide access within the proposed subdivision.

Quakenbush replied that the variance she is recommending denial of, those findings are listed under variance No. 1 recommendations. She said that on the second variance, under recommendations, she did not reiterate the four reasons cited earlier in the report for recommending approval of the construction variance but they are listed 1-4 of the discussion. Then under the findings she was illustrating were the findings for not requiring the dedication along the entire South boundary of the proposed subdivision. Those finding relate to not requiring the dedication.

Matheson asked what if the property owner after subdivision decides to subdivide Lot 2 and does not use the Southern boundary? She asked that instead it provided a different configuration within the subdivision, would this design be contingent or not?

Quakenbush said that every time we get a subdivision we evaluate whether access is required so we would have to see what they are proposing to subdivide and what has been developed adjoining the property, and whether the access is necessary at that time.

Matheson asked if there were anymore questions from the Board? There were not so she proceeded to public hearing. She asked if the applicant was present and do they have any comments or questions? There were no questions at this time.

Sue Heinrichs, neighboring property owner adjacent to Birkebakke with access from Lawlor Road, said that she supports subdividing this parcel, however she does not want a road easement to the East end of the property. The two new properties will have access from Hafele Avenue and all the properties East of Birkebakke have access from Lawlor Road, so access is not an issue. There is no need to extend the easement beyond the necessary 125 ft. to access the new parcels from Hafele. She thinks the only reason the Borough might suggest

extending the easement is for possible creation of a through road between Hafele and Lawlor in the future. Hafele and Lawlor are quiet neighborhoods and putting in a unnecessary through road in would spoil the neighborhood. In addition the Equinox Marathon Trail runs along the proposed easement and the trail runs from there into the Borough Recreation Area, a through road would make both of these more dangerous and spoil the esthetics of the trails. She said that The Borough's Comprehensive Plan also addresses development on marginal lands including permafrost land. She thinks the entire neighborhood and especially the north slope including Birkebakke and Lawlor has permafrost at a shallow depth. The Borough's plan aims to discourage concentrated development on the North Slope

and permafrost land. Developing a through road with hopes to encourage future subdividing on permafrost land does not follow the Comprehensive Plan. She does not want a through easement through the entire parcel.

Ben Kennedy, neighboring property owner along Hafele Avenue, shares his neighbors concerns regarding a dedicated 20 ft. right away along the South boundary of the proposed lots 1 and 2 to the Eastern boundary of the subdivision for the future extension of Hafele Avenue. The remaining 40 ft. could be acquired when the Southern adjoiners subdivide. He said he is not in favor of the additional dedication as a condition of approval for the subdivision for reason that have already been read into the record, and the fact that staff is not recommending it.

Gail Mayo, neighboring property owner, spoke on behalf of her and her husband Larry Mayo. Gail said that she came to support the application made for the Birkebakke subdivision and the variances that were originally described. She came especially to say that any extension of right away across the Southern boundary of TL 2604 is completely not acceptable. She is against any kind of road across there because it is a nice quiet neighborhood, and the existing access is adequate. They have worked with the two parties developing this subdivision and provided access for their use in a way that ensured that a minimum amount of the new roadway is needed, furthermore the layout was cooperatively planned so that they would not have to build fences as a result of the new road. Fences would be needed because this part of the farm is not visible from their home.

The Equinox Marathon Trail is established exactly where the proposed vehicle right of way is proposed. Collectively over the years they have developed a rural access pattern not a city pattern that is dominated by road systems and the result is that their homes are secluded from access traffic, noise, fumes, lights, and dangers to children, pets, dog sleds, farm tractors, bicycles, etc. Therefore they are opposed strongly to setting aside a public right of way along the boundary of the subdivision and their far as no property needs it for access.

Reeves asked if there is a reservation on your plat for the Equinox Marathon?

Gail Mayo replied yes, it was done by the Equinox Marathon Committee.

Kerre Mullis, property owner of TL 2611 next to the Mayo's, said that she is opposed to the roadway going from Hafele Avenue to Lawlor Road. The Equinox is also on her property and she has given them right of way two years ago. There have been accommodations to give Birkebakke

subdivision access and that there is access to the other properties via Lawlor Road the way it is. She is concerned that it would add to traffic that does not need to be made.

Reeves asked how her property is accessed.

Kerre Mullis replied that she has a dedicated roadway from the Alaska Native Association called Moving Free Road.

Stephen Brunanski, applicant, offered information to clear up any confusion. Steve said that there was an error on the Boroughs Maps. The tax lot that is directly South of the proposed subdivision is actually TL 2629. It is the parcel that is owned by Larry and Gail Mayo. When he bought this property, he learned that it was actually a stranded lot, without any access to it. He went to the Mayo's to ask for consideration in granting an easement to access the property to begin with. In accordance with the Mayo's wishes, he chose this particular proposal that would only dedicate the smallest amount of property that would allow him legal access. His intention is only to have two private residences, one on each proposed lot. He has no further intentions for sub-development in the future. In granting this easement, he promised the Mayo's that from his perspective that as long as he owned the property he would not consider granting roadway easement to the east.

Reeves asked if the Borough offered to pay for that easement?

Stephen Brunanski replied no. He added that he was informed that it would be required to have legal access to the property to qualify for subdividing to two lots.

Matheson does the board or staff have any other questions?

Quakenbush clarified that what the Borough is recommending is an additional 20 ft. of ROW be dedicated (adjacent to the 40' x 125' existing access easement only, not along the entire south boundary of the subdivision) to make the right-of-way 60' wide, which is what the ordinance calls for, for a minor collector road.

Matheson said moving onto the variances. She moved on to variance number 1 and said variances requested from Title 17.60.130.B to allow the right of way for Hafele to be 40 ft. wide East of Hafele Estates. Matheson said she would like to entertain a motion for approval of the variance.

Reeves made a motion for approval of the variance.

Backlund seconded the motion for approval.

A roll call vote was taken on the motion to approve a variance from 17.60.130.B, Right-of-Way Width to allow the right-of-way for Hafele Avenue to be 40' wide (east of Hafele Estates). Approval was 5 to 1.

VARIANCE APPROVED

A roll call vote was taken on the motion to approve a variance from 17.60.130.B, Traffic Way Width to allow the existing road improvements and the extension of Hafele Avenue to be constructed to Local Road standards with the following findings: The existing Hafele Avenue is constructed to Local Road standards and provides adequate access to adjoining parcels. Even with the additional lots created by this subdivision, at this time Hafele Avenue will provide access to

fewer than 10 lots. Requiring the subdivider to upgrade over 1,000' feet of road to minor collector standards in addition to constructing an additional 450' for the extension of Hafele Avenue for a two-lot subdivision would be a substantial hardship to the applicant. The variance will not jeopardize health and safety as the road and turnaround will be adequate for local traffic and emergency service vehicles. Approval was unanimous.

VARIANCE APPROVED

A roll call vote was taken on the motion for subdivision approval with the seven conditions. Approval was unanimous.

SUBDIVISION APPROVED

(track 5)

- 2. SD 046-03 Mitchell Industrial Park (modification)** – A request by RCH and Associates for M.T. Killion for a modification of the preliminary approval granted April 23, 2003 to add one lot and a right-of-way easement along the north boundary of TL 2804, owned by Thomas Maher, resulting in the subdivision of approximately 34 acres into 9 lots varying in size from 1.1 acres to 2.7 acres, and one tract of approximately 18.4 acres within the NW¼ NE¼, Sec 28, T1S, R1W, FM AK (TL 2803) (located on Sanduri Ave).

Quakenbush gave the staff report; staff recommended preliminary approval of the modification of Mitchell Industrial Park subject to two conditions: Prior to recording the final plat, a plot plan be submitted that shows the location of the warehouse structure in relation to the proposed lot lines. The book and page reference on the Tanana Levee be corrected on the final plat.

Staff further recommends adoption of the following finding: This subdivision, as modified, meets the applicable requirements of Title 17.

Matheson asked if there were any other questions or comments from staff?

Reeves said he was concerned about access because of the railroad and asked if it will be considered a road? or an easement? He also wondered if that would be the main access?

Quakenbush answered Reeves saying that it would be the main access and it is considered a public roadway easement. Quakenbush clarified that they are still required to build access to Borough standards to the property and the Borough has a current bond on file for this.

Matheson asked if there are any more questions? There were none. Matheson asked if the applicant was present and if they had any questions or comments? Applicant was present, but had no questions or comments.

A roll call vote was taken on the motion for approval of the modification of Mitchell Industrial Park. Approval was unanimous.

SUBDIVISION APPROVED

(track 6)

3. **SD 043-06 Bakkenwood Estates, Phases II, III, IV** - A request by RCH Surveys on behalf of Edward and Michelle Daml to subdivide a portion of the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec 30, T1S R2E, FM AK (Tax Lot 3010) into 29 lots ranging in size from 0.92 acres to 1.3 acres to be developed in three phases (located on Scougal Rd off Bradway Rd).

Quakenbush staff recommended postponement of Bakkenwood Subdivision, Phases II, III, and IV pending further information and analysis.

Matheson asked if there are any interested or any grieved parties present? There were none so she asked for a motion for postponement. A motion was made and seconded.

A roll call vote was taken on the motion for postponement of Bakkenwood Subdivision. Approval was unanimous.

ITEM POSTPONED

(track 7)

4. **SD 006-06 / RP 007-06 Bentley Brothers Subdivision, 4th Addition (modification)** – Preliminary approval was given by the Platting Board on August 3, 2005 to replat Lot 11C-4, Bentley Brothers Subdivision, 3rd Addition into two lots of 1.84 acres and 41.55 acres respectively. This request by J & J Development, LLC is to modify the preliminary plat design to create seven lots ranging in size from approximately 40,000 sq ft to 4.13 acres and one tract of approximately 21.4 acres within Sec 2 and 3, T1S R1W, FM AK (located on

Merhar St off Hunter St and the Johansen Expressway).

Quakenbush said that the only changes are shown in purple, very minimal so that the body of the report is the same as they already have. She gave the staff report; staff recommended preliminary approval of the modification of Bentley Brothers, 4th Addition (date stamped January 11, 2006) with three conditions: ACS, GVEA, FNG, and GHU review and comment on the final plat. A note be placed on the final plat prohibiting direct lot access onto the Johansen Expressway or College Road. A letter from the City of Fairbanks be submitted with the final plat either accepting the road and drainage improvements for Merhar Avenue or verifying that a performance bond has been posted to cover the cost of constructing the improvements at a later date.

Staff further recommends adoption of the following finding: This subdivision / replat meets the applicable requirements of Title 17.

Matheson said that there is a revised staff report, and asked if everybody on the Board has read it? Assuming that they had, she asked Quakenbush to read it.

Matheson asked if there were any questions from the Board?

Kniffen asked if in denying the request for easement of the Alaska Railroad for additional access from the north, don't they have access along there own right of way to the Laidlaw parcel to the South?

Quakenbush replied that yes they do.

Kniffen noted that they have been using that for years until suddenly they were able to run through the paved roads.

Quakenbush said that what happened was that access got converted to a right in, and right out only. It comes out at Trainor Gate and Laidlaw can no longer turn left on to Old Steese Highway but they do have access within the right of way that they have always had. The buses are using the Bentley property. Regardless of having the easements, they have been using the roads anyway.

Matheson asked if there are any more questions? There were none. Matheson asked if the applicant was present and if they had and questions or comments? Applicant was present but had no questions.

Matheson asked for a motion for approval with the three conditions as shown, and the two findings of fact. A motion was made and seconded.

A roll call vote was taken on the motion for modification of the preliminary plat design to create seven lots from approximately 40,000 sq ft to 4.13 acres and one tract of approximately 21.4 acres within Sec 2 and 3, T1S R1W, FM AK (located on Merhar St off Hunter St and the Johansen Expressway). Approval was unanimous.

SUBDIVISION APPROVED

(track 8 & 9)

- 5. SD 034-04 / VA 007-04 Taylor Subdivision 1st Addn (modification)** – A request by 3 Tier Alaska on behalf of Gary and Bonnie Taylor to modify the preliminary approval given January 28, 2004. This modification is to subdivide only TL-2128, a parcel of 10.33 acres, into 6 lots ranging in size from 40,203 sq ft to 74,131 sq ft and to vacate a 1,098 sq foot area of the 33' wide section line easement, all within the SW¼ NW¼, Sec 21, T1N R1E,

FM AK (located on Bennett Rd and El Rancho Ln).

Martin Gutoski gave the staff report; staff recommended approval of *Variance # 1a: 17.60.150.C.7.* to allow Old Farm Ave to intersect with a 4% grade landing onto Bennett Rd to be less than 100' long. However staff recommends that the minimum landing be no less than 75' rather than the 50' request made by the applicant.

Staff also recommended approval of *Variance # 1b: 17.60.150.B.1.* to allow Old Farm Ave road grade after the landing to exceed 10% for over 500'. The combination with variance # 1a above for the landing length must not exceed 11% maximum at the intersection with the existing driveway for TL-2122 at the end of the dedication station 5+88 shown on the profile.

This recommendation is contingent on the road being built 22' wide to accommodate the increase in grade.

Staff recommended approval of the vacation of a 1,098 sq ft area of the 33' wide section line easement on which the house encroaches. Finding of fact for approval are: The applicant will provide additional right-of-way for Bennett Rd where it is presently only ditch-to-ditch. Access to adjoining property will not be denied to Bennett Rd or El Rancho Lane by this vacation. El Rancho Lane will be dedicated with 40' of road right-of-way to provide alternate access. Wilder

Subdivision recorded on Jan 18, 2006 now provides additional public access for western ad-joiners using El Rancho Lane onto Bennett Rd. This vacation meets the requirements of 17.40.030.E.1. that *other provisions have been made which are more beneficial to the public.*

A roll call vote was taken on the motion to approve *Variance # 1b: 17.60.150.B.1.* to allow Old Farm Ave road grade after the landing to exceed 10% for over 500'. The combination with variance # 1a above for the landing length must not exceed 11% maximum at the intersection with the existing driveway for TL-2122 at the end of the dedication station 5+88 shown on the profile. This recommendation is contingent on the road being built 22' wide to accommodate the increase in grade.

Staff recommended preliminary approval of the subdivision / vacation request with seven conditions: GVEA and ACS review and comment on final plat utility easement provisions. A note be placed on the final plat stating that any new access onto Bennett Rd will require an ADOT&PF driveway permit. ADOT&PF review and comment on final plat access provisions. Approved variances be noted on the final plat. 40' access easement for El Rancho Lane within Lot 3 be dedicated as road right-of-way. Old Farm Ave be built 22' wide with the appropriate gravel surfacing and temporary turnaround approved by FNSB Engineering. As-built be provided for Old Farm Ave showing the grades on the 75' landing and 500' portion terminating at the eastern boundary do not exceed the approved variances of 4% and 11% respectively.

Findings for the two variances collectively: The location of the existing driveway to the house on TL-2122 will be severely impacted by the additional fill required if Old Farm Ave is built to title standards. The variances are to accommodate an adjacent subdivision (Fraser) of which TL-2122 will become part of for the dedication of Old Farm Ave. Old Farm Ave will be built 2' wider in order to offset the steeper grade. There will be a temporary turnaround at the end of Old Farm Ave to reduce the 11% grade to 2% for 85'. There are no curves in the alignment of Old Farm Ave to exacerbate the excess grade.

Gutoski read into the record a letter submitted by Robert & Ingrid Taylor that protests the modification to the original subdivision application.

Matheson asked if there were any questions for staff.

Kniffen asked Martin what is the size of parcel 2032?

Gutoski said somewhere around 20 acres.

Kniffen asked if that area should ever wish to be subdivided using that easement, does the fact that it is only 50 ft. wide in one little area make it not meet the standards for a minor collector or local road?

Gutoski replied that under the current regulations it would not meet it as a minor, they would need a variance for a 50 ft. right of way instead of 60 ft.

Kniffen asked if it would be a impediment of serious enough nature to be considered at this time, or would it be more likely to get that variance, therefore we are not creating an impossibility of subdivision for 2032?

Gutoski said that he looked at the flag lot that was 50 ft. It was approved under old title standards for a minimum, so he suspects that it would need a variance. Also it may qualify as a local road if the new ordinance is passed.

O'Hare asked if the people who are objecting to the vacation is because it will adversely impact the value of their property?

Gutoski replied he does not determine the value property, but the reason for the objection is because the property owner perceives it as a devaluing of his property. Martin pointed out the structure has been there for well over 40 years and is the original homesteaders house. Effectively, nothing in this vacation is going to change the situation for the physical restriction of Dr. Taylor's 50 ft. flag stem.

Mendenhall said originally there was to be a 60 ft. road about half on the section line, and half on the other correct?

Gutoski said originally that was the application.

Matheson asked if there were any more questions? There were none. She asked if the applicant was present? The applicant was present and spoke on the matter.

Jim Ringstad, surveyor representing the applicant, said that this vacation has been in process for a while now. They thought they had an agreement, but then Dr. Taylor did not want to participate. He thinks he is objecting for reasons for a financial benefit. He thinks that a road with single lot frontage running right down the property line next to Gary's structure would not be a practical roadway design or layout for a subdivision. Jim says that he would like to see this get resolved.

Matheson asked if there were any other questions? There were none. She then asked if there are any interested or any grieved parties present?

Richard Heieren, representing Ingrid and Robert Taylor, said that the Taylor's object to the modification as presented and he was present to answer any questions.

Reeves asked Richard if Dr. Taylor wanted to have some buried utilities moved?

Richard Heieren answered yes. It was a buried line from a pole on his property to a drop running over to Gary's house. It is a pre-existing condition for both owners. It was Robert Taylor's understanding that this would be resolved in this process.

Reeves asked how big of a deal is it to fix?

Richard Heieren said that he did not believe that this is that big of a fix, about 50 yards.

Reeves asked if the only reason he is objecting is because this power pole issue has not been resolved?

Richard Heieren said this is correct.

Travis Fraser, Fraser Subdivision, said that this would negatively effect the driveway in Fraser Subdivision and this is why he supports the variance.

Gutoski said the one issue on this variance is the stationing for the beginning of the landing started at the center line at Bennett Road. The ordinance says that it starts at the shoulder, not the center line so right now the profile is giving 25 ft credit for a 6 ½% grade on Bennett Road that AKDOT created. The landing will only be 25 ft. The Fire Chief recommended 75 ft. because 40 ft' trucks that are 20 thousand pounds and he can't land on 25 ft. The Fire Chief will not be able to safely access on a 25 ft. landing.

Johnson said that there is about 66 ft. drop, he thinks it is workable. The intention is to provide TL 2122 the ability to get in and out of his lot and not to create this fill situation. He thinks that the variances that are provided can work.

Matheson asked the applicant how did he feel about the modification on variance 1a. from 50ft. to 75 ft. Is it possible?

Jim Ringstad answered that he did believe it is possible.

Kniffen asked what is the greatest elevation of the road above the natural ground level? What is the amount of fill?

Jim Ringstad answered that he measured it at 10.5% and taking about 7 ft. to 8 ft. of fill.

Travis Fraser noted that he drives the road everyday and wants a safe road, and that he does want to please the Fire Chief.

Kniffen asked if we give them the modification does that give them another two years?

Gutoski answered yes

A roll call vote was taken on the motion to approve *Variance # 1a: 17.60.150.C.7.* to allow Old Farm Avenue to intersect with a 4% grade landing onto Bennett Rd to be less than 100' long and the minimum landing to be no less than 75' long. Combined with the motion to approve *Variance # 1b: 17.60.150.C.7.* to allow Old Farm Avenue grade after the landing to exceed 10% for over 500 ft. not to exceed 11.5 % maximum. Approval was unanimous.

VARIANCES APPROVED

A roll call vote was taken on the motion for approval of the subdivision vacation of a 1,098 sq foot area of the 33' wide section line easement that has the house encroachment. Approval was unanimous.

VACATION APPROVED

A roll call vote was taken on the motion for preliminary approval of the subdivision / vacation request with the seven conditions. GVEA and ACS review and comment on final plat utility easement provisions. A note be placed on the final plat stating that any new access onto Bennett Rd will require an ADOT&PF driveway permit. ADOT&PF review and comment on final plat access provisions.

Approved variances be noted on the final plat. 40' access easement for El Rancho Lane within Lot 3 be dedicated as road right-of-way. Old Farm Ave be built 22' wide with the appropriate gravel surfacing and temporary turnaround approved by FNSB Engineering. Approval was unanimous.

SUBDIVISION APPROVED

(track 10)

6. **SD 048-06 Fraser Subdivision** – A request by 3 Tier Alaska on behalf of Travis Fraser, Joseph and Virginia Jeffers, and Norman and Mary Klann to subdivide three parcels totaling 56 acres into six lots ranging in size from 0.9648 acres to 4.904 acres and one tract of 48.62 acres, comprised of TL 2122, 2126, and 2129 within the S½, Sec 21, T1N R1E, FM AK (located off Bennett Rd and El Rancho Ln).

Gutoski gave the staff report; staff recommended approval of a variance from 17.60.070.B *All lots within the subdivision shall have legal, physical road access constructed to the standards required by this title*, to allow the applicant not to construct an extension for Old Farm Ave and a temporary turnaround for phase one at Lots 1 and 6.

Staff also recommended approval of a variance from 17.60.160.A *The alignment of subdivision streets shall conform to the official streets and highway plan, when adopted by the FNSB Assembly*, to allow the applicant to defer the road dedications through Lots 1 and 6 as shown on the FNSB Comprehensive Road Plan.

Staff recommends preliminary approval of the subdivision, with six conditions: Lots 1 and 2 be combined into a single lot for Phase One and split into two lots for Phase Two. Old Farm Ave be built to minor collector standards for Phase Two, and as-built be submitted showing the road grades meet Title standards from the driveway intersection at Lot 1 to the temporary turnaround. Drainage provisions be approved by FNSB Public Works Engineer. GVEA review and comment on final plat utility easement provisions. The US Army Corps of Engineers wetlands determination be obtained, and applicable notes be placed on the final plat. A note be placed on the final plat referencing the variances granted from 17.60.070.B. and 17.60.160.A. if approved.

Staff further recommends adoption of the following findings: As conditioned and with the variances as approved, this replat meets the applicable requirements and purposes of Title 17. The dedication and extension of Old Farm Ave through Lots 1 and 6 will provide right-of-way to the 50 acre parent parcel (TL-2129) which does not have any public road access presently available.

Findings: Phase one will not create any lots in addition to the three tax lots that already exist. Lots 1 and 6 have an existing driveway for access to El Rancho Lane via Bennett Rd. Lots 1 and 6 are existing parcels that are dedicating required public road access only for the benefit of TL 2129. Phase two will construct an extension for Old Farm Ave to provide minor collector access to Lots 1 and 2. If Old Farm Ave is built for phase one, the topographical constraints of the existing driveway to the house on TL-2122 present a hardship; for that reason this variance meets the requirements of 17.70.010.A.

Findings: The alignment of the connecting road from Birch Knoll Estates to the south is not final. Birch Knoll Estates preliminary phasing shows the road connection further east of Lots 1 and 6. Birch Knoll Estates final plat has until June 2007 to connect. Fraser Subd remainder is over 40 acres and has a high probability of being subdivided in the near future, by which time the Birch Knoll connection

may be completed. Due to the development in surrounding property not yet dedicating the final alignment in Birch Knoll Estates for connection with this property to accommodate the corridor identified in the FNSB road plan, this variance meet the requirements of 17.70.010.A.

Matheson asked if there were any more questions? There were none. She asked if the applicant was present? The applicant was present and had no comments on the matter. She then asked if there are any interested or any grieved parties present? There were none.

A roll call vote was taken on the motion to approve a variance from 17.60.070.B not to construct an extension for Old Farm Ave and a temporary turnaround for phase one at Lots 1 and 6. Approval was unanimous.

7. **SD 046-06 / VA 007-06 Mendone Subdivision** - A request by Ralph Mathews on behalf of Interior Regional Housing Authority to subdivide SE $\frac{1}{4}$ NW $\frac{1}{4}$ and the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Gov't Lots 5 and 10 (Tax Lot 1247) and a portion of Gov't Lot 1 (Tax Lot 1365), 145.3 acres, into 62 lots varying in size from 1.8 acres to 2.2 acres and to vacate a portion of the 66 ft wide section line easement between Sections 12 and 13 and a portion of a 20 ft-wide access easement off Persinger Drive within Sections 12 and 13, T1S R1E, FM AK (located on Persinger Drive and Pleasure Drive).

Matheson noted Bill Mendenhall has been excused from the meeting, and they proceeded.

Gutoski gave the staff report; two vacations were approved at the December 14, 2005 platting board meeting. Action on these did not need to be taken again: Vacation #1: associated with phase two is the vacation of a 66' wide by 400' long section line easement intersecting Persinger Drive. Vacation #2: a 20' wide portion not being dedicated with the 40' local road for Coldsnap Court. However the vacations will not be sent to the Assembly until the subdivision is acted on.

Staff recommends preliminary approval of the subdivision, with ten conditions: Provide drainage protection notes or easements within the subdivision, as determined necessary by FNSB Public Works. Provide a copy of the Storm Water Pollution Prevention Plan and EPA notification of permit coverage. Provide a copy of the approved ADOT&PF Driveway Permit for the new road intersections with Persinger Dr. GVEA and ACS review and comment on final plat utility easement provisions. Approved US Army Corps of Engineers wetlands permit be provided for construction, and gravel extraction within designated areas. A note be placed on the final plat stating that no direct lot access shall be allowed onto Persinger Drive. Pleasure Drive connection with Pleasureland be built to minor collector standards as part of Phase 3 improvements. Flood Zone A notes, TBM, and BFE be established for final plat within designated areas. Loop road in phase three be provided with a non-duplicate name separate from Yukeen Drive and Pleasure Drive. Each phase be given two years to complete.

Staff further recommended adoption of the following findings: As conditioned, this subdivision meets the applicable requirements and purposes of Title 17. The impact of the connection with Pleasure Drive in Pleasureland as part of phase three will be reduced when Yukeen Drive is constructed to cross the slough to connect Persinger Drive. The alternate way out using Pleasure Drive afforded by connecting with Yukeen Drive benefits not only Mendone Subd but Pleasureland lots and those off Feliz Street. The phase revisions and loop road addresses the concerns of the North Star Fire Chief for getting access into subdivisions from more than one way. The consent to annexation petition has been submitted for the property to be added to the Pleasure Road Service Area. If that annexation is unsuccessful, IRHA will record a homeowners agreement with the plat for continued road maintenance. DOT traffic counts indicate that access using Persinger Drive splits nearly equally between vehicles going west to Fairbanks and those going east to North Pole, thereby allowing Yukeen Drive to absorb traffic from this subdivision and adjoiners.

Matheson asked if there are any questions for staff from the Board?

Reeves said that it looks like a problem with the road going through the subdivision and that it may not be a problem today, but it will be a big problem as soon as that road gets built. John asked what is different on this proposal?

Gutoski said that they have slowed the impact of connecting Pleasure Drive for three to six years. The objection from the folks was that they did not want to see Pleasure Drive be built out

right away, so the Phasing was flipped to try to slow down some of the impact on Pleasure Drive.

Reeves asked where are they going to get the gravel for Phase 1?

Gutoski replied that it is assumed that Tract A will provide it, however he pointed that Title 17 does not say where you have to get your gravel from.

Reeves asked if they are going to build a haul road right down the middle?

Gutoski replied that they intend to build out Yukeen Drive. The title does not say that you have to build out Yukeen Drive for the first Phase because it is not required for access to the lots in the first Phase. It will probably be used for a construction road but it is pending on the Corps permitting for the slough crossing.

Reeves said that he remembered that there was a lot of public opposition on the whole concept of connecting Pleasure Drive to the far end and it looks like we are still doing that.

Gutoski replied that staff doesn't change recommendation for the connection because it still requires the long dead end road. Dedicated access was originally provided for an adjoiner. The applicant has the right to connect to that road.

Reeves remembered what had happened recently with the Chena Pump Road, a similar situation.

Gutoski replied that the vacation was not approved and the road is still there.

O'Hare asked how are they going to take gravel from Tract A and bring it down to the bottom of Phase 1 & 2 when the whole idea for Pleasure Drive is because they can't get from the gravel pit? It makes no sense that they are going to use gravel from Tract A. How are they going to bring the gravel to start Phase 1 and Phase 2.

Gutoski replied depending on the crossing permit for the Slough, they will either cross the Slough or they will have to haul it off Pleasure Drive.

O'Hare said that her other issue is that if they can get the gravel straight down the road, then why do they need Pleasure Drive connected? She thought that the only reason they needed Pleasure Drive is because they couldn't get down that road.

Matheson replied that there is also the long cul-de-sac issue.

Reeves asked how they will get to Phase 1, Phase 2, and Phase 3 unless they build a road through Phase 4? Are they going to build the Phase 4 road before they beginning Phase 1?

Gutoski said they can build it out, but it may not be dedicated. To access the construction for the pads and Slough crossing. Several developers do that and build the roads at once because of cost purposes.

Reeves said so conceivably they would build Pleasure Drive at the same time?

Gutoski said they can build all the roads at once and be dedicated only in the Phases.

Kniffen said that sometimes it is cheaper to buy gravel from a different pit than to build your own road and take it out of your own pit. There are numerous pits within a couple miles of this particular location that they could get their gravel from. Margery asked about construction lines built across the gravel pits.

O'Hare said her other concern is whether there are time limits set between Phases? Especially Phase 4? She thinks there is a disconnect between Phases 1 and 2 and Phase 3. The only way to access will be through Pleasure Drive. There will be the residence living on the river that can only use Pleasure Drive. She asks Martin how can this be resolved?

Gutoski said as indicated last month, this could be two separate Phases to subdivision that meet title. The middle portion does not necessarily need to occur. IRHA has proposed to have a homeowners agreement with the plat that says they will maintain it for as long as they own it. IRHA leases back the property to the client and after 20 or 30 years the resident effectively buys it. They have done what title requires. They have signed the annexation to consent to road service powers, and it is then forwarded to Assembly. Beyond the petition, the board has no control over it. This subdivision does meet title, and they are asking for no variances.

Reeves asked if they can build the roads at once, can they use them? They could be running the gravel trucks through Pleasurland for the next six years?

Gutoski said yes, they have that option.

Reeves asked if there are any road restrictions?

Gutoski said that on Persinger Drive, DOT has load limits, certain seasons, etc. Load limits can be imposed. It is tough because trying to balance the request from the developer which does meet the title, with the request of the neighborhood.

Matheson asked Martin if there was any precedent in making the Pleasure Drive connection a Phase 5, so that they can't use Pleasure for construction activity? Instead of building the Pleasure Drive connection in Phase 3, it becomes the very last thing they do?

Gutoski said that he tried suggesting this before but it was declined.

Matheson said there is one issue of an alternate access to this peninsula from the next door neighbors road. Another issue is building the whole subdivision by running on someone else's roads is really a destructive option. We don't want to tell a developer how he can construct his subdivision, but it is a daunting alternative to have all the construction traffic for everything occurring to the other subdivision.

Gutoski said this has been happening with other subdivisions, if we say don't connect here, where do we tell them to connect later?

Matheson said but in this case they have.

Gutoski said 15 lots is not a large number in our ordinance.

Reeves said he can't believe that with the 60,000 dump trucks spreading over many years, there is something that we can't do here that says that they have to stay off the Pleasureland roads. Because they will be using it to haul gravel and cats, because they don't have a bridge until Phase 1 and Phase 2 are complete.

O'Hare said that she didn't see anything in this design that is going to resolve it, and that is the problem which is what they were hoping for.

Matheson asked if there are any questions for staff from the Board? There were none. She asked to move forward and hear from the applicant. The applicant was present and wanted to come forward.

Ralph Matthews, applicant, said that he was here before and had a plan that was within all of these lots and nobody liked it. Now we have a plan in front of you that meets every specification of Title 17, and the intent of Title 17.

Kniffen asked if Ralph has spoken to his clients. What are the intentions in dealing with their neighbors. They must be aware that the neighborhood is not happy with this design. Have they come forth with any options of how they might be able to do this with the least negative impact to the neighborhood as possible?

Ralph Matthews responded that we are here on the basis of a postponement, we are looking at all of the options. If you are sticking primarily to the roads, that is really the only issue here is it not?

Kniffen replied that it is not. She thinks the biggest complaint is potential damage to their roads and the amount of traffic on the roads. Is there some way that your client can get the project done with the least amount of negative impact to the neighbors by working within their own property?

Ralph Matthews said that was the original intent. Then he was told he had to cut off the road, block it off, and don't extend this thing, and don't look at the road plan. If you set this kind of precedent then you are going to have to live with it.

Matheson asked if there is a possibility that the Slough crossing is going to get worked out with the Corps by the time Phase 1 is done so that the client has an option of building Yukeen?

Ralph Matthews said yes, it is a given that they all want to keep it circulating but it is an economic given. There is no doubt about it. There is a million dollar difference between using their own gravel verses getting it somewhere else.

Reeves asked if his clients are the Feds?

Ralph Matthews said his clients are the Interior Regional Housing Authority. They build homes under Fed HUD housing.

Reeves said that your client can afford to do the best thing for this subdivision. The Federal Government is backing this. Somebody should have met with the neighbors on this because their roads are going to get destroyed in this deal. I don't mind setting the precedence here.

Ralph Matthews said there is no question that with the entire construction on Pleasure Drive and Feliz Road would cause the roads to have to be upgraded to meet minor collector standards.

Reeves asked if there was any discussion with his client about an alternate design that would not impact their roads?

Ralph Matthews said that they did not see any way around utilizing the existing roads. The geography just isn't there.

O'Hare commented that we have to look at everybody, and she looks at this as a huge expense to the people on Pleasureland Subdivision because they are the ones who have to subdivide the expense because the developers don't want to build an expensive road through. Whatever the road costs is what the road costs. You said it was very expensive to build the road through Tract C, D and E.

Ralph Matthews replied that what he was saying that the expense that was being saved taking gravel out of Tract A, is far less expensive by about a million dollars. What he was saying is that whole process takes place within this ground. Anytime you are buying gravel from anywhere else, you pay more for it whether it is federal money or not.

O'Hare asked Ralph that by the comments made, he did intend to use Pleasure Drive to take the gravel out to build this subdivision?

Ralph Matthews replied that it was an option, not precluded. It was not in the design or presented last month. It is all on the basis of doing the construction within this piece of ground. The only time last month that we were talking about using Pleasure Drive is when there was no choice but to come in to get started. You have to use Pleasure Drive to get the gravel from the gravel pit. You are not going to start building the road from Persinger, it's a mile long to get out there.

Matheson If you started on Phase 1 then you would be trucking up and down Pleasure Drive working on Phase 1.

Ralph Matthews said that is correct, but the point of building the rest of the subdivision and those roads was all internal. Yukeen Drive is the access, Janet brings up the question whether or not we can utilize crossing the slough in order to do Phase 1 internally. He does not have an answer because it is still being worked out by the Corps of Engineers.

Matheson said this is one of the unfortunate timing events where if that had already been worked out, you could proceed with Yukeen Road and build things as you want to build them.

Ralph Matthews said that we can still do it being limited as far as crossing the slough.

Reeves asked if the soils are similar from one end to the other? Is the gravel about the same quality and depth from the river to the road? Is there some reason that it makes sense to have a gravel pit next to the river if there is the same gravel down by the slough?

Ralph Matthews said yes. The gravel is thawed.

Reeves asked if they have drilled this ground.

Ralph Matthews replied yes, 24 holes.

Reeves said if you have to haul the gravel from the pit to the other end, that also costs money.

Ralph Matthews explained you can only compare the pit right near Persinger Road or the pit near Tract A, because everything is frozen in between. It is upland ground between the slough and Persinger Road and is partially frozen. Good ground for development.

Reeves said that he thought the frozen ground would be the best place to get the gravel, and referred to it as worthless real estate.

Ralph Matthews replied that we don't see it as worthless real estate. It is frozen by the river except for the area where he wants to put the gravel pit. He does not think he is looking at hauling it through the subdivision in order to do the slough crossing, but it is not precluded in this presentation.

Jim Chase, neighboring property owner, said that he wrote a letter to the Board last week that may not have been received. He said that there is an evaluation by Mackey, Borough Engineer, that said that Pleasure Drive and Feliz Road will not support repeated heavy equipment. He is concerned that hauling gravel down the roads will damage them and they can not afford to repair them.

Bryan Coffman, neighboring property owner, there are five problems he addressed. Yukeen Drive may never be built from Persinger all the way to the river lots on Phase 3, it is addressed in the planning staff analysis as well as in the recommendations. It is not required to be built. It is forced single point access to Phase 3, the river lots and the connections desired by the Fire Chief will not occur. This will greatly impact the safety, health, quality of life, and property value of the Pleasureland property owners. Approval as written, will force a service area merger. This is an unfunded mandate on the Pleasureland tax payers because Mendone is tax exempt. A road service area funding does not exist unless the developer writes it into any approved application before it is approved, making it legal. Flooding will cause a new channel when we have a major flood event, it will effect residents down stream. Solutions recommended are that the board approve Phase 1 and 2 only. Do not allow connection to Pleasureland until Yukeen Drive and all four Phases are complete. In summary, legal does not equal fairness.

Wendell Zesiger, northern property owner, shares neighbors concerns. He thinks there is a haul road already in place. He is afraid that they will be filling wetland, impacting the river and pushing the water to his side of the river. He can see a negative impact on the design. He recommends they build a road down the west property line.

Scott Dicks, neighboring property owner, shares neighbors concerns. He pointed out an old road assessment of the subdivision is inaccurate to say the roads are intact and met Borough standards from 34 years ago. On Pleasure Drive, between Feliz Drive and the end of the road has been washed out twice by the same slough they are trying to avoid crossing because it is expensive to cross. Twice the road was washed out and not repaired properly. Bringing any kind of heavy equipment over it just will not work. If a private individual could not afford to develop the property then they would not. The government should not be able to do it with our funds.

Art Thorness, Pleasureland Road Commissioner, said he can not see how the board can consent to this. Driving dump trucks up and down their roads without any guarantees. He suggests building a separate road just like anybody else.

Delmar Lashinski, neighboring property owner, said he can't see how they can be expected to pay for tax exempt homes by the river if that is what happens. You will be amazed what water can do to the roads.

Janet Curl, neighboring property owner, added that the pollution from the dust will have a negative impact on her health.

Mary Lashinski, neighboring property owner, said that if they wanted to build a subdivision they would have to build a road, not use someone else's. She does not agree with it.

Kniffen stated that these roads are public roads, whether it is a government agency, or private developer, anyone can use your roads to access the adjoining property legally. Who they are is not the issue.

Mary Lashinski, replied that they have been putting the money into the service area over the years and discourages seeing someone who has not put the money into it ruin the roads for them.

Matheson closed public hearing.

Matheson asked if there are any questions for the Board from staff?

Gutoski said there was a question made as to why the Rural Services Engineer's comments were not included, so he read into the record the comments concerning the use of Pleasureland Service Area roads: "The planned development of this subdivision indicates the construction of phase I is intended to use the existing roads in the Pleasureland Service Area. These roads, Feliz and Pleasure Drive, will not support repeated heavy equipment loading such as is required to construct new roads. These roads are old and weak and often exhibit distress during spring breakup. The Service area commission has spoken with me and will not tolerate this type of construction activity. The construction and use of Central Road (proposed Yukeen Dr), commencing at Persinger Road for the development of all subdivision phases is imperative."

O'Hare asked what was in the comments about the slough crossing?

Gutoski asked if he should read the comment, and then he did.

Matheson asked if there were any questions from staff to the Board?

Todd Boyce commented that the construction traffic is a very big issue. On the original design, Yukeen Drive was built as a reasonable road comparable to Feliz. He wondered if the applicant would be willing to build the road earlier in the process so that the majority of the construction could occur on that. It would substantially decrease the impact on Pleasure Drive.

O'Hare mentioned that we can't stop the developer from using Pleasure Drive as it sits today, he has access to his property.

Matheson said that we can add a condition saying that he has to restore the roads to the original condition.

Gutoski said this was discussed in previous meetings to try to look at a compromise situations. There were discussions on whether IRHA was willing to post a bond for damages on Pleasure Drive resulting from the construction activities. Their attorney suggested against it.

Kniffen remembered discussion about liability for damages through the road service areas, she didn't know the results, but recalls some discussion that the road service areas had some ability for restoration of damage they could prove.

Broker replied that road service areas can sue and have sued for damages to the road, but it has to be by illegal use. Sometimes the Federal Government exercises the right of immunity, but this is not the Feds. This is Alaska State Agency that receives funding in part from the federal government.

Reeves noted that it looked like 1/3 of the gravel will be going through Pleasure Drive. He said it is a health issue for him.

Gutoski said that under special standards the board in seeking special standards or requiring additional improvements shall seek recommendations for solutions by professional persons active in the appropriate field in considering specific improvements. The board shall solicit cost estimates from the Borough Engineers.

Broker replied that under Title 17, damages specifically defined in the code as only including certain things and that's impairment of property as a result of changing the location of natural service water drainage patterns, impairments of natural water sources as a result of permanent disturbance of those waters by means of development of disposal and waste, impairment of property as a result of disposal of waste, and impairment of property as a result of the disturbance of unstable soils.

Matheson brought up that it does not cover road damage.

A motion was made by Reeves to postpone for preliminary approval of the subdivision request. The motion was denied with 3 opposed and 2 in favor.

A roll call vote was taken on the motion for preliminary approval of the subdivision request with the ten conditions. Provide drainage protection notes or easements within the subdivision, as determined necessary by FNSB Public Works. Provide a copy of the Storm Water Pollution Prevention Plan and EPA notification of permit coverage. Provide a copy of the approved ADOT&PF Driveway Permit for the new road intersections with Persinger Dr. GVEA and ACS review and comment on final plat utility easement provisions. Approved US Army Corps of Engineers wetlands permit be provided for construction, and gravel extraction within designated areas. A note be placed on the final plat stating that no direct lot access shall be allowed onto Persinger Drive. Pleasure Drive connection with Pleasureland be built to minor collector standards as part of Phase 3 improvements. Flood Zone A notes, TBM, and BFE be established for final plat within designated areas. Loop road in phase three be provided with a non-duplicate name separate from Yukeen Drive and Pleasure Drive. Each phase be given two years to complete. The motion was denied with three opposed, and two in favor.

SUBDIVISION DENIED

A roll call vote was taken on the motion to approve the two vacations. The motion was denied with three opposed, and two in favor.

VACATIONS DENIED

EXCUSE ABSENT MEMBERS

Ron McIntosh

COMMENTS

Citizens

Planning Staff

Board Members

ADJOURNMENT

/r