

## **FNSB PLATTING BOARD**

# **MINUTES**

**February 22, 2006**

A 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 2:00 p.m. by Ron McIntosh, Chairman.

**PRESENT:** Oliver Backlund  
Margery Kniffen (arv for 3:00 pm mtg)  
Ronald McIntosh, Chairman  
Janet Matheson, Vice Chair  
Bill Mendenhall (arv 2:37)  
Lee O'Hare  
John Reeves

**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 February 1, 2006 Platting Board meeting (re-scheduled from January 26) were approved with corrections. The agenda for this meeting was also approved.

At this time the Board went into Executive Session to discuss facts and strategies concerning potential litigation. At 3:00 p.m., the agenda was resumed and the regular meeting begun.

### **COMMUNICATIONS TO THE BOARD**

**Hernandez** advised the Board that the Assembly will be addressing the proposed changes to Title 17 road standards at its February 23, 2006 meeting.

**Broker** introduced a new Assistant Borough Attorney, Jill Dolan, who will be handling all Platting Board and Planning Commission issues.

**Gutoski** remarked that the Taylor section line easement vacation will also be heard by the Assembly at its February 23 meeting. The Platting Board's approval has been appealed for a Planning Commission hearing. Mendone has also been appealed.

## UNFINISHED BUSINESS

1. **SD 046-06 / VA 007-06 Mendone Subdivision – (findings of fact)** – Finding of facts for the Platting Board's February 1, 2006 denial of 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).

**Gutoski** noted that because this was denied (at the February 1, 2006 meeting) over the objection of the applicant, the Board needed to adopt findings.

**McIntosh** opened the discussion for public comment.

**Ralph Mathews**, surveyor for the applicant, wondered why the findings on the web page differ from those shown at this meeting.

**Gutoski** explained those on the web page were for the staff's recommendation for approval and were therefore different from the proposed findings for denial.

**Mathews** objected that the proposed findings were open to some discussion. These findings appear to bring up the entire fight everyone went through at the original meeting. He didn't anticipate that this meeting was for that purpose. At the last meeting he submitted a proposal for a subdivision that met every requirement of Title 17 and all of the intent of Title 17. The roads are over-designed and no variance was requested. There was nothing that was contrary to any part of Title 17. It is interesting that the findings proposed by the staff are not even being discussed; rather the findings up for discussion come from one platting board member. Is that normal procedure?

**Matheson** noted that she had chaired the meeting at which Mendone was denied. As such, she was required to draft findings of fact for consideration by the staff and by the Board. The philosophy behind these findings are a concern with public safety and a concern voiced by the neighboring residents.

**McIntosh** closed the public hearing.

**Matheson** expressed that Title purposes #2 and #5 were the areas where public safety appeared to be a problem with this particular application. As the Title currently stands or as it is anticipated to be changed tomorrow, it does not have a remedy.

**Mendenhall** had left the meeting prior to consideration of Mendone, so although he had read the minutes, he had no comment.

**McIntosh** was out of state on business during the prior meeting.

A roll call vote was taken on the motion to approve the following findings of fact: 1) In the subdivision as proposed, "the preliminary layout, if approved and developed, would result in a hazard to persons or property," (and)..."evidence has been presented which indicates that damage to properties lying beyond the boundaries of the proposed subdivision may occur".

(Ref. Title 17.10.010.A) No evidence was presented by the applicant that these problems could be mitigated during construction of the subdivision. 2) The FNSB Comprehensive Road Plan, Policy 1, requires "Internal road networks in subdivisions shall be designed to discourage through traffic on roads providing direct access to residential lots." Until Yukeen Drive is constructed, all traffic to the applicant's proposed gravel source would travel through the adjacent subdivision. 3) The FNSB Comprehensive Road Plan, Policy 3, requires "To ensure emergency vehicle access and the safety of residents, secondary access to residential areas shall be provided." Until Yukeen Drive is constructed, no secondary access will be available to the subdivision.

The findings were adopted with Backlund and Kniffen voting in opposition and Matheson, O'Hare, and Reeves voting in favor.

#### FINDINGS ADOPTED

#### APPLICATIONS

##### Application for Extension of Time

1. **SD 033-03 Calder Creek Subdivision (ext)** – A request by Stutzmann Engineering Assoc. for a two-year extension of the Platting Board's March 26, 2003 preliminary approval for Donald Swarner and the SS&M Company to subdivide a 32-acre parcel (TL 1443) into five lots ranging in size from 4.624 to 6.29 acres, within the NW¼ NE¼, Sec 14, T1N R1W, FM AK (located on Skyline Dr). One-year extension given March 2, 2005.

**Gutoski** gave the staff report. Staff recommended approval of a two-year extension.

A roll call vote was taken on the motion to approve a two-year extension of the preliminary approval. Approval was unanimous.

#### TWO-YEAR EXTENSION APPROVED

2. **SD 041-04 / RP 058-04 Telemark Acres Subd (ext)** - A request by Stutzmann Engineering Assoc for a two-year extension of the Platting Board's February 25, 2004 preliminary approval for Egil Fjellheim, Mountain Homes, LLC, to resubdivide Lot 2-B, Osborn Homestead 1<sup>st</sup> Add, a 40-acre parcel, into 8 lots ranging in size from 4.7 to 5.0 acres within the NE¼, Sec 21, T1N R2W, FM AK (located on Trilby Ave).

**Gutoski** gave the staff report. Staff recommended approval of a two-year extension.

A roll call vote was taken on the motion to approve a two-year extension of the preliminary approval. Approval was unanimous.

#### TWO-YEAR EXTENSION APPROVED

3. **SD 045-99 Hansen Subd (ext)** – A request by Eric Hansen for a two-year extension of the Platting Board's May 26, 1999 approval for Erik and Sonya Hansen to subdivide an 18-acre parcel into eight lots ranging from 1.8 to 3.18 acres with the NE¼ NE¼, Sec 18, T1S R2E, FM AK (located on Porter Ave). Phasing modification approved April 24, 2002.

**Gutoski** gave the staff report. Staff recommended approval of a two-year extension.

**Erik Hansen**, applicant, explained that this is just a “mom-and-pop” subdivision. An offer was made to them last summer to purchase the entire area, so they decided not to construct any more roads than as the buyer could do it themselves. At the very end, the deal fell through so now he is trying to go forward with his original plan. He has a contractor lined up to do the roads.

A roll call vote was taken on the motion to approve a two-year extension of the preliminary approval. Approval was unanimous.

#### TWO-YEAR EXTENSION APPROVED

**Gutoski** wished to clarify that this extension is for the entire two-phase subdivision. Surrounding development could materially affect this, and the new road standards for Title 17 will probably be in effect soon. He does not wish old road standards carried forward more than two years.

**McIntosh** asked if the applicant understand that. An affirmative nod from the applicant confirmed that he does.

#### Preliminary Applications

- 4. 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 ¼ NW ¼ , 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). Postponed from the February 1, 2006 Platting Board meeting.

**Quakenbush** gave the staff report; staff recommended preliminary approval of Phases II, III, and IV, with nine conditions: Prior to final plat approval of Phase II, the east/west leg of Scougal Road be re-named through the Naming of the Road application process. Army Corps of Engineers wetland permit be obtained prior to commencement of road construction and a copy be submitted with the final plat of Phase II. In those areas where road construction will be within wetlands or frost susceptible soils, additional clean fill material on top of geotextile fabric be used per the FNSB Engineer. That portion of Scougal Road to be constructed adjacent to the gravel pit have an adequate recoverable slope area (per ADOT specifications) from the edge of the traffic way to the edge of the pond or a guard rail be installed if there is insufficient recoverable slope area, and verification be submitted that all road improvements are contained within the public right-of-way. Low areas intended to be maintained for drainage be clearly delineated and drainage protection notes be shown on all applicable final plat phases. A corner rounding be dedicated at the intersection of Bakkenwood and Scougal in the northwest corner of Lot 1. Prior to approval of Phase V an engineer's report be submitted verifying that each lot has a minimum of 20,000 contiguous square feet of suitable soils for conventional onsite wastewater disposal systems. Phase V final plat be submitted no later than February 22, 2013. GVEA review and comment on the final plat of each phase.

Staff further recommended adoption of the following finding: As conditioned, this subdivision meets the applicable requirements and purposes of Title 17.

**Mendenhall** asked what would happen if during the phased development, the applicant finds that the soil in phase IV or V will not be suitable for subdivision. Is the subdivision still approved?

**Quakenbush** explained that in order to divide the final phase, the applicant has to prove that the soils will support conventional on-site wastewater disposal systems. If it isn't, they can either leave it as a large tract or come back with a modification request for an alternative wastewater disposal system.

**Robert Fox**, adjoining owner to the south, objected that this plat does not provide access to adjoining properties as he believes it should. It is apparent that the property to the east platted Moonlight through to the boundary. It has been traditional in the Borough for many years that when property is subdivided, access points to adjoining properties are provided for traffic flow. He pointed out a subdivision he had just recorded on which he was required to provide access to a property that already has a half-mile frontage on Farmers Loop Rd. Still it was required, and he did not kick about it. However, what is good for one is good for another. The ¼-mile long access being provided for him on the far side of Bakkenwood is a dis-service to the future development of the area. One of the cul-de-sac roads should be dedicated, though not built, to the property on the south. This has been required of virtually every developer for years. To just suddenly say that is not going to be required this time or that the access on the west side is sufficient means that he will probably have to go in there and mine gravel to pay for building the additional access that would be required by this deficient design. The standard should be applied equally.

**Mendenhall** asked how these tax lots came into existence.

**Fox** thought probably the Borough had not properly exercised its subdividing authority regarding access. In the distant past, it was possible to waiver parcels without adequate access. Whatever the reason, there is no access to TL 3009 other than the proposed extension of Scougal Rd down the west side of Bakkenwood Estates. Funneling all the traffic from a developed Tax Lot 3009 along that one road will not result in a good traffic flow for either neighborhood. He has spoken with the applicant about a different design, but they are in disagreement. He, himself, was required to provide two points of access for a parcel that didn't need it. It even had a section line easement, and yet he was still required to provide it. This new development flies in the face of reason. A reasonable person would vote to have better access. It is obvious from neighboring developments that a road network was intended – for fire departments, health and safety issues, etc. They were designed not to bottle in the traffic. He can't build a ¼ mile of road for access to his property and make it viable.

**O'Hare** asked why a better connection to the south was not considered.

**Quakenbush** replied that the developer submitted a plan providing access to the adjoining property. There is a great deal of property to be served. The applicant offered to provide this western access though his subdivision has no need for it. One of the goals of the Comprehensive Road Plan is to discourage through traffic on residential streets. It is more appropriate to have all the traffic from the southern adjoiner channeled along the perimeter rather than dispersed through Bakkenwood Estates. The tax lot to the south could potentially be divided into 30 or 40 lots.

**Fox** showed the Board a plat of the property east of his subdivision on Farmers Loop Rd. That property has one half mile of frontage on Farmers Loop Rd and a 66' section line easement, and yet the Borough required him to provide two additional dedications that will

never be built because they aren't needed. Just east of Bakkenwood Estates, the Borough required dedication to the boundary, and he can show 100 other subdivisions where this same thing was required. Now all of a sudden, the Borough is changing the rules in mid-stream.

**Kniffen** pointed out that this plat creates eight double-frontage lots along the section line easement. Double frontage lots are also discouraged along with through traffic. Why was one rule singled out rather than the other?

**Quakenbush** said it was because she was looking at the potential impact of future development on the residential lots. The applicant offered to provide access to an adjoiner that didn't have access. There is nothing in the ordinance that requires a developer to provide constructed access, only right-of-way. Also, what he proposed was more in keeping with the policies of Comprehensive Road Plan. Every corner lot is a double-frontage lot; that is very difficult to avoid.

**Fox** noted that by this plat he will have only a 30' access. The best use of this lot would be for a single residence, but if he has to build ¼ mile of road, he will have to find some way to recover expenses, which would most likely be putting in a gravel pit.

**Jeremy Stark**, RCH Surveys, referred to the plat of Evergreen Estates which Mr. Fox showed the Board. The purpose of the northerly dedication was to avoid the cul-de-sac requirement. That is a 2700' cul-de-sac; they were forced to dedicate to the boundary because of the length of the road. The primary difference is that Mr. Fox's property, Evergreen Estates, was swamp land and marginal soils giving access to what could well be some of the highest priced property on the market. Bakkenwood Estates was designed this way to preserved residential traffic flow and to provide access corridors to the adjacent properties. The adjacent Scougal access on the north was already there, designed to connect to Moon Shadow Subdivision on the east. The adjoiner to the west agreed to reserve a 30' public access easement along his east boundary, which will provide Mr. Fox with 60' of access, as required by the Title. The property gets worse the farther south it goes. There is nothing to prevent Mr. Fox's property from being developed as rental cabins or mobile homes with a lot of people driving 50 mph through Bakkenwood Estates residential subdivision. It is more appropriate to funnel that traffic to the west side of the subdivision. If this is to be used as a single residence or farm, he would think it best to apply for a driveway easement. This dedication along the west is shaping up to be a corridor to provide access to both the properties to the south and west.

**Edward Daml**, applicant, has been in real estate for 22 years and is sworn to highest and best use of property. He has a long history of building nice homes with 5-star energy rating. That is his goal for this subdivision. He has granted access down the west side and secured an easement from the western adjoiner to give Mr. Fox access to his parcel. It would not be the highest and best use of his subdivision to have an adjoining subdivision running traffic through it. The western neighbor is ready to sign anything necessary to dedicate the access. There is a gravel pit encroaching onto that easement, but the road will be back-filled so there is safe access. It only makes sense to run this access down the boundary to give access to other parcels as well.

**McIntosh** asked if he would restrict access from the adjoining lots onto the western dedication.

**Quakenbush** noted that Title 17 allows the Board to restrict access onto a major collector or arterial, but this is a minor collector. The Board could add a condition to deal with the double-frontage concern.

**Kniffen** advised the Board that Mr. Fox brokers her properties. She would have mentioned it earlier had she realized he was going to figure so largely in the discussion.

**Broker** said the outcome of this subdivision would have no financial bearing on Kniffen's properties, so there was no conflict of interest.

**Reeves** wanted a condition to cover the additional 30' easement to the west so Mr. Fox would have adequate legal access. He didn't understand the difference between the traffic requirement for this subdivision and the situation with Twin Lakes where the Assembly would not let the Platting Board correct a traffic pattern that had emerged from the connection to Chena Marina.

**Matheson** asked if it is appropriate or legal for the Board to require an easement from the adjoiner.

**Quakenbush** said that because the Board is trying to not require the applicant to dedicate through the middle of the subdivision to provide the stub road, she thinks it is appropriate to make it a condition.

**Broker** agreed. Though the Board cannot require the neighbor to do it, they can require that the applicant either secure the dedication or give it some place else.

**O'Hare** agreed with Reeves. She was perplexed as to why she so often has heard at the Board meeting that there must be two ways into a subdivision for Emergency Services concerns and so often cul-de-sacs are denied, yet this subdivision has three cul-de-sacs with only one way in/out. Why do the rules keep changing?

**Quakenbush** explained that another corridor is proposed when this development is completed. In the future this will provide a second way out of the subdivision. Staff tries to provide access to unsubdivided adjoiners. Quite often when a subdivision is proposed, a developer is unwilling to give an entire dedication along a boundary; they have only interior roads. So staff tells them to dedicate to the boundary to provide access. Very seldom does a developer come in with the offer of a complete dedication along the exterior for access to the adjoiner. Staff tries to provide access to adjoiners where it makes sense and in accordance with policies and the Title. Clearly, if there is a way to get access to the adjoiner and meet the goals and priorities of the Comprehensive Road Plan, which is to discourage traffic through adjoining subdivision, that is the best way. That is not always what is offered. In this case it was, and she believes it is the most appropriate.

The Board added a tenth condition: Prior to final plat approval of Phase 2, a copy of the public access easement for the 30' of TL 3001 be submitted.

**Damli** responded to McIntosh's request for his input. He gave more than the average developer gives. He has provided access to the south, and now the Board is going to require one more step from him, although it will be an easy one, and he will comply. He thinks the Board has stepped outside the Title and has acted in response to someone else's behavior.

**Kniffen** regarded his offer as being made because it was more favorable to his subdivision than some other options might have been.

**Reeves** noted that he appreciated Daml's having offered the access. He should know it is much preferable to the alternative of having the other traffic go through his neighborhood.

**Matheson** agrees with the design and will vote for approval, but she does not think it a good precedent to the requiring dedication from outside the subdivision.

A roll call vote was taken on the motion to approve Phases II, III, and IV with ten conditions. Prior to final plat approval of Phase II, the east/west leg of Scougal Road be re-named through the Naming of the Road application process. Army Corps of Engineers wetland permit be obtained prior to commencement of road construction and a copy be submitted with the final plat of Phase II. In those areas where road construction will be within wetlands or frost susceptible soils, additional clean fill material on top of geotextile fabric be used per the FNSB Engineer. That portion of Scougal Road to be constructed adjacent to the gravel pit have an adequate recoverable slope area (per ADOT specifications) from the edge of the traffic way to the edge of the pond or a guard rail be installed if there is insufficient recoverable slope area, and verification be submitted that all road improvements are contained within the public right-of-way. Low areas intended to be maintained for drainage be clearly delineated and drainage protection notes be shown on all applicable final plat phases. A corner rounding be dedicated at the intersection of Bakkenwood and Scougal in the northwest corner of Lot 1. Prior to approval of Phase V an engineer's report be submitted verifying that each lot has a minimum of 20,000 contiguous square feet of suitable soils for conventional onsite wastewater disposal systems. Phase V final plat be submitted no later than February 22, 2013. GVEA review and comment on the final plat of each phase. Prior to final plat approval of Phase 2, a copy of the public access easement for the 30' of TL 3001 be submitted. Approval was unanimous.

#### SUBDIVISION APPROVED

- 5. SD 050-06 Heritage Estates** – A request by Darrell Russell dba Denali Builders, Inc on behalf of themselves, Gavora, Inc and Aspen, Inc to subdivide a 3.5-acre parcel (TL 1200) and a 5.0-acre parcel (TL 1220) into 38 lots ranging in size from 7,000 sq ft to 12,000 sq ft within the NW¼ SW¼, Sec 12, T1S R2W, FM AK (located on Chena Pump Rd, Palo Verde Ave, Vassar Cir, and Clarkson Dr).

**Gutoski** reported that the applicant had requested postponement. The design will change somewhat as a result of review by the College Service Area regarding the drainage reservations and the right-of-way width.

**Jim Ringstad**, 3 Tier Alaska Surveys, noted that it has been an on-going process to come up with a design that will satisfy all the concerns from FNBS Public Works and FNSB Rural Services. Most of their issues have been addressed. The meeting with College Service Area resolved that group's concerns, which primarily focused on snow storage within the boundaries of the subdivision. On the plat he had presented to them, he had provided drainage easements and storage easements on top of existing easements on the easterly boundary of Block A. The northeast easement straddles the two lots in the northeast corner to tie into an existing drainage easement that was platted with University West SE Bench. The other snow storage and drainage easements exist at the approximate location of the

current drainage swale that drains toward the green strip. What he agreed to with the service area is to provide an additional 5' on the lot side of both sides of the right-of-way for winter snow storage. On the outside of Heritage Loop is a 15' easement for underground power and telecommunication equipment – of which 5' is on the right-of-way and 10' is on the lot. Stan Koshak of GVEA said they have no objection to 5' of snow storage easement on top of their 10' GVEA easement on the lots. In fact, that is what happens now in all of University West. The road surface will be constructed of a 2" asphalt paving 24' wide with 2' concrete curb and gutter. The all-over width will be 28'. That leaves 6' from back of curb to the actual 20' right-of-way line. The Road Service Area also was satisfied with the easement for snow storage within the right-of-way. They recommended approval with those conditions. The actual design is not going to change significantly. There are a few things that will be worked out.

#### POSTPONED

6. **SD 049-06 / RP 063-06 / VA 009-06 Alpencrest Additions** – A request by Martin Gutoski and Phil Rulon to re-subdivide Tract C, ASCS plat #84-132 into 13 lots ranging in size from approximately 3.2 acres to 4.0 acres to be developed as 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> Additions of Alpencrest Subd and to vacate 30' of the 50' section line easement adjacent to the south and east boundaries within the SE¼, Sec 35, T2N R3W (located on Old Murphy Dome Rd and Spinach Creek Rd).

**Quakenbush** gave the staff report; staff recommended approval of two variances: 17.60.060.F to allow a common driveway access onto Murphy Dome Road for Lots 14 and 15 and 17.60.060.F to allow one direct access onto Spinach Creek Road for Lot 13.

Staff also recommended approval of the vacation of the west 30' of the 50' section line easement along the east boundary of the subdivision and the north 30' of the 50' section line easement along the south boundary of the subdivision

Staff recommended preliminary approval of the of Alpencrest Subdivision, 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> Additions with eleven conditions: The final plats for the Alpencrest Additions be submitted as follows: 1<sup>st</sup> Addition – Lots 3 and 13 with dedication and construction of an access key to access Lot 3, final plat due no later than February 22, 2008; 2<sup>nd</sup> Addition – Lots 14 and 15 and construction of the common driveway, proposed for 2010; 3<sup>rd</sup> Addition – Lots 4-12 and dedication and construction of Chapman Court to local road standards, final plat due no later than February 22, 2012. Rezone to Rural Estate 2 be approved by the Assembly prior to final plat approval of Alpencrest Subdivision, 1<sup>st</sup> Addition. Easement for snow storage be reserved adjacent to the 100' cul-de-sac or the cul-de-sac area be enlarged on the final plat of Alpencrest, 3<sup>rd</sup> Addition. A profile of the flag stems be submitted and the common driveway within the flag stems be constructed to a pioneer road width prior to final plat approval of Alpencrest, 2<sup>nd</sup> Addition. Copies of the FNSB driveway permits for the common driveway and the intersection of Chapman Court be submitted with the applicable final plats. Note be placed on the final plat of Alpencrest, 2<sup>nd</sup> and 3<sup>rd</sup> Additions stating that only Lots 14 and 15 shall be allowed to use the common driveway. Note be placed on the final plat of the 2<sup>nd</sup> Addition limiting access from Lot 14 onto Old Murphy Dome to the common driveway only. Note be placed on the final plat limiting access from Lot 13 onto Spinach Creek Road to one driveway only. Chapman Court be given a non-conflicting name on the final plat of the 1st Addition. Easements and notes requested by GVEA be provided on the final plat and GVEA and ACS review and comment on final plat utility easement provisions. Drainage easements be reserved on the final plats to encompass the existing drainage swales.

Findings of fact: In addition to the findings listed for the variances and vacation, staff recommended adoption of the following finding: With the variances and conditions, this subdivision meets the applicable requirements of Title 17.

**Kniffen** asked if it is routine to ask that the common driveway be constructed.

**Quakenbush** replied that when a variance is requested onto a major collector, it is.

**Randy Johnson**, Engineer and Deputy Director, FNSB Public Works, said his main interest is the landing and making sure there is enough sight distance for people to safely get onto the major collector. A couple of hundred feet outside the right-of-way are enough.

**Backlund** asked about the statement that the reason for vacating 30' of each of the section line easements is to accommodate a public utility easement to be located within the vacated portion.

**Quakenbush** explained that instead of putting a utility easement outside the section line easement, if the vacation is granted, the utility easement can be placed in the vacated area.

**Mendenhall** wanted to be sure the Board was not approving any corner cutting that would lay them open to criticism, since the applicant and surveyor is a staff member. Nothing of that sort was apparent to him.

**Quakenbush** replied that she was very diligent in making all the findings for both the variances and the vacations, and she was confident the application met all the ordinance guidelines.

**Matheson** is really glad the Chapman Dome is going to find a new home. She hopes the applicant will improve the operation of it so it won't squeak so much.

**Martin Gutoski**, applicant and co-owner, reiterated his statement made to the Planning Commission that this culminates a more than decade long search for a place to put the observatory. A small non-profit group, the Astronomical Unit, was donated the Chapman Dome as well as a smaller one from the Poker Flats Rocket Range. He found this land at a Borough land auction, which he and a fellow astro-geek purchased. They intend to develop the land to support the observatory. The plan is to slowly subdivide the eastern portion and retain Lots 13, 14, and 15 for the observatory. They will probably put the observatory on Lot 13, since it is the highest point. They may develop an astro-dude ranch. The hope is to have aurora tour groups up there. Currently the buses are coming to Lot 1 to use his cabin as a warm-up spot for auroral tour groups coming from the *Astronomy Magazine*, the Planetary Society, and the Astronomical Society of the Pacific. It is a very popular place, but it isn't the best place for the observatory, which needs to be farther west where the buses can have easier access, which also will not involve the cabin on Lot 1 and also will not violate the Rural Estates zoning they have requested for the other lots. They want to keep the observatory somewhat isolated. Sale of the other lots will support the observatory. The Chapman Dome was rendered useless in the 1970s when Fairbanks developed enough that the glow eliminated its use as an observatory. They hope that at least for a decade this location will be useful for an observatory. This is to be a long-term phased development.

**Kniffen** asked if he wasn't defeating his purpose by having an adjoining subdivision.

**Gutoski** acknowledged that could be a problem, but he will have to have electricity to move the dome. Hopefully his covenants will prevent sodium vapor lights outside neighboring buildings. He hopes that people who buy up there will also be interested in auroral observation. He is presently putting on star parties at the schools and would like to have a place to take school groups as well as tour buses.

A roll call vote was taken on the motion to approve the variance from 17.60.060.F to allow a common driveway access onto Murphy Dome Road for Lots 14 and 15 with the following findings of fact: The only access alternative to Lots 14 and 15 would be from an extension of Chapman Court which would significantly increase construction costs resulting in a substantial hardship to the developer. Chapman Court is intended to provide access to the residentially zoned lots in the subdivision. Lots 14 and 15 will be developed as an observatory resulting in larger vehicular traffic, such as tour buses, which could result in potential conflicts with the residential use of the road. The proposed driveway onto Murphy Dome Road can be constructed to meet intersection requirements of Title 17; therefore, the variance will not jeopardize health and safety. Approval was unanimous.

#### VARIANCE APPROVED

A roll call vote was taken on the motion to approve the variance 17.60.060.F to allow one direct access onto Spinach Creek Road for Lot 13 with the following findings of fact: The only access alternative to Lot 13 would be from an extension of Chapman Court which would significantly increase construction costs resulting in a substantial hardship to the developer. Chapman Court is intended to provide access to the residentially zoned lots in the subdivision. Lots 13 will be developed as an observatory resulting in larger vehicular traffic, such as tour buses, which could result in potential conflicts with the residential use of the road. ADOT has evaluated the proposed location for the driveway and has issued a permit for its construction. Therefore, this direct lot access will not jeopardize health or safety. Approval was unanimous.

#### VARIANCE APPROVED

**Backlund** reminded the Board that once public access easements are vacated, they are almost impossible to recover in any way. He didn't want this vacation treated lightly. This is a pretty steep section line, so the full 100' width would be needed for construction. He was not in favor of the vacation.

**Kniffen** recalled having a 33' GVEA easement impressed outside a section line easement on a slope that was unbuildable. It made it relatively difficult for the buyer of the lot to have full use of the lot. She believed that putting the easement in the vacated portion of the original easement as is being requested in this case would be a much more effective use of the property.

**Mendenhall** asked for further explanation.

**Quakenbush** explained that the entire section line easement has not been profiled, but if it were constructed, the intersection angle would be too acute at Old Murphy Dome. The through road is not supposed to exceed 6% either side of an intersection, and Spinach Creek is steeper than that where it meets the section line easement along the south. Also, the landing is not supposed to exceed 4% for 100'. That would be difficult to achieve here, so

the likelihood of these two roads turning into major road corridors in the future is unlikely, especially since other provisions have been made which serve the area – Old Murphy Dome Rd and Spinach Creek Rd. The utility company has been working with the developers regarding placement of the 30' utility easements to serve this property. If they are placed adjacent to the section line easements, that would render up to 80' of the property unuseable. A more effective use of the property would be possible if 30' of the section line easement were vacated and the utility easement placed there. The utility easements will be in place at the time of final plat approval. The actual location is still under discussion with GVEA.

A roll call vote was taken on the motion to approve vacation of the west 30' of the 50' section line easement along the east boundary of the subdivision and the north 30' of the 50' section line easement along the south boundary of the subdivision as the applicant as demonstrated that the vacation meets the criteria of Title 17.40.030.E.1 as other access provisions have been made that are more beneficial to the public. The motion was approved with Backlund voting to oppose and Kniffen, Mendenhall, O'Hare, Reeves, Matheson, and McIntosh voting to approve.

#### VACATION APPROVED

A roll call vote was taken on the motion to approve the subdivision. Approval was unanimous.

#### SUBDIVISION APPROVED

#### **ADJOURNMENT**

/r