



**Haines Borough  
Planning Commission Meeting  
November 14, 2013  
MINUTES**

**Approved**

1. **CALL TO ORDER/PLEDGE TO THE FLAG** – Chairman **Goldberg** called the meeting to order at 6:30 p.m. in Assembly Chambers and led the pledge to the flag.

2. **ROLL CALL** – **Present:** Chairman Rob **Goldberg**, Commissioners Don **Turner III**, Andy **Hedden**, Lee **Heinmiller**, Rob **Miller**, Danny **Gonce**, and Robert **Venables** (called in).

**Staff Present:** Julie **Cozzi**/Interim Borough Manager, Stephanie **Scott**/Borough Mayor, Jila **Stuart**/Chief Fiscal Officer, Carlos **Jimenez**/Director of Public Facilities, and Xi “Tracy” **Cui**/Borough Planning & Zoning Technician III.

**Also Present:** Gina **St. Clair**, Daniel **Humphrey**, Nick **Trimble**, and Debra **Schnabel** (Liaison)

3. **APPROVAL OF AGENDA**

**Motion:** **Gonce** moved to “approve the agenda”. **Miller** seconded it. The motion carried unanimously.

4. **APPROVAL OF MINUTES** – October 10, 2013 Regular Meeting

**Motion:** **Turner** moved to “approve the October 10, 2013 Regular Meeting Minutes.” **Hedden** seconded it. The motion carried unanimously.

5. **PUBLIC COMMENTS**

**Trimble** said he submitted a land use permit application several days ago, and requested Planning Commission approval of his deck and walkway expansion project at Fort Seward Lodge.

**Goldberg** said this topic will be on the next meeting’s agenda because **Trimble** has passed the submission deadline for this meeting. The Planning Commission will consider his proposal at the next regular meeting.

6. **CHAIRMAN’S REPORT**

**Goldberg** said the rezoning petition from Bart **Henderson** has been withdrawn.

**Henderson**’s intent was to adjust a lot line and sell one of the proposed lots to Alaska Mountain Guides. However, there are two zones in the proposed area. The lot line adjustment will result in both proposed lots within split zoning. This was why **Henderson** initially submitted his rezoning petition to the Borough. After doing research on this issue, **Cui** discovered that there is no prohibition by law on a lot line adjustment resulting in lots within multiple zoning districts. Thus, **Henderson** has withdrawn his rezoning petition and went through his lot line adjustment application.

**Goldberg** said at some point, the Planning Commission should take up the rezoning issues in Sawmill Road area. He will put it on the next meeting’s agenda.

**Goldberg** announced Debra **Schnabel** is the new Planning Commission liaison.

7. **STAFF REPORTS**

**Cui** reported recent permitting and enforcement activities.

## 8. **PUBLIC HEARINGS**

### **A. Gina St. Clair – Appeal from Denial of Plat Application – C-207-TL-0620**

**Goldberg** opened the public hearing at 6:42 p.m.

**St. Clair** said she was told by Borough staff that she did not need to provide the utilities because she was only creating two lots. However, her application was denied by the Borough, because the Borough code requires any lot resulting from a subdivision that is within 200 feet of public water and sewer systems is required to have utility connections extended from the water and sewer mains to the property line. She believes the code needs to be amended. Also, the cost for extending the mains will exceed 200% of the property value, which makes her unable to sell her property.

**Humphrey** said the site is not suitable to install water and sewer lines because of the drainage issue.

**St. Clair** asked why this code did not apply to other people who created a subdivision in this neighborhood. One five-acre piece of land on the other side of North Sawmill Road was subdivided into 4 lots. The developer was not required to have public utilities connected.

**Goldberg** said **Cui** has looked into that. That subdivision was created in 1997, prior to the consolidation of city and borough. Third-Class Borough might have different regulations at that time.

**Stuart** pointed out that according to the Borough attorney's memo, the cost of extending utilities is not an appropriate factor to consider. Also, there are other different ways to subdivide the land, which make the investment more affordable. For example, the developer can divide the property into smaller lots; or ask the neighbors for participating in a Local Improvement District (LID) to bring down the total cost.

**St. Clair** said dividing into two lots is the optimal way to develop the land. There is only one buildable spot on the upper lot.

**Goldberg** closed the public hearing at 6:53 p.m.

**Motion:** **Hedden** moved to "hear this appeal." **Miller** seconded it. The motion passed unanimously.

**Goldberg** said he had a meeting with Borough staff. They looked at maps, and talked about two different routes for bringing utilities into these two lots. Moose Lane seems to be the most logical way to go because it is an existing road, and the service lines can pick up more customers. The other route is to extend the existing service lines from the bottom of **St. Clair's** property up north. However, this portion of North Sawmill Road is undeveloped and very steep (approximate slope is 16%).

**Venables** asked about the outcome from discussions with property owners in the vicinity of **St. Clair's** property who may be interested in participating in an LID.

**Jimenez** said he spoke to two owners, who were interested; **Cui** said she spoke to one owner, who was not interested because of the high cost.

**St. Clair** said her potential buyer was interested.

**Turner** said the Borough attorney clearly stated that the Planning Commission does not have legal authority to grant exemptions from the requirement to extend utilities to

subdivisions where utility service is “available” within 200 feet of an existing property line of the parcel being subdivided.

**Motion:** **Miller** moved to “confirm the Borough’s decision.” **Turner** seconded it. The motion passed unanimously.

**Miller** said he personally felt sympathy for the developer. He thinks the Planning Commission can consider amending the code.

**Humphrey** said this section of code is very poorly written and structured.

**Goldberg** asked what the Borough can contribute on an LID.

**Stuart** said it may not be appropriate to use public funds to pay for all or most of the cost of extending utility mains, but the Assembly may decide the public interest is served by offsetting part of the cost of utility extensions. For example, Title 3 states “borough funds from the sale of borough lands may be invested through the creation of local improvement districts to fund projects that will improve the lives of borough residents.” Also, the Borough levies 1.5% sales tax to be used for Capital Improvement Projects within the Borough. If a local improvement district is established, the Borough can finance the cost of improvements, including utility extension, over years with terms set by the Borough Assembly.

**Goldberg** said according to the future growth map in the Comprehensive Plan, **St. Clair**’s property is not in one of those eight potential utility extension areas. **Goldberg** asked the Borough staff what will be the estimated cost for extending utility mains.

**Jimenez** answered it will be about \$80/foot, not including cutting trees and clearing the land.

**St. Clair** said it will be good if the Borough can develop the road and extend the utility mains at the same time.

**Goldberg** said it may cost more and makes it unaffordable. It will be nice to see the estimated cost for both options.

**Scott** said the Borough needs to come up with reliable documents and estimation.

**Goldberg** said he will put the topic “possible development of a LID” on the next Planning Commission meeting agenda.

More discussion ensued.

9. **UNFINISHED BUSINESS** - None

10. **NEW BUSINESS**

A. **Historic District/Building Review** - None

B. **Haines Borough Code Amendments** – None

C. **Project Updates** – None

D. **Other New Business** – None

11. **COMMISSION COMMENTS**

**Miller** said his term as a Planning Commission member is ending, and he is not going to re-apply to retain the seat because he is not going to be in town much of the time during the coming year. He wanted to tell everyone how much he enjoyed serving on the Planning Commission, and he intends to re-apply after having his surgery done.

12. **COMMUNICATION** - None
13. **SET MEETING DATES** – The next regular Planning Commission meeting is scheduled for 6:30 p.m. on Thursday, December 12, 2013.
14. **ADJOURNMENT**– 8:27 p.m.