



Haines Borough
Planning Commission Meeting
February 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 Rob **Miller** (call-in), Lee **Heinmiller**, Don **Turner III**, Danny **Gonce**, Andy **Hedden**, and Robert **Venables**.

Staff Present: Xi “Tracy” **Cui**/Borough Planning & Zoning Technician III, Carlos **Jimenez**/Borough Director of Public Facilities

Also Present: Scott **Hansen**, Karen **Garcia** (CVN), Bill **Kurz**.

3. **APPROVAL OF AGENDA**

Motion: **Turner** moved to “approve the agenda” It was seconded by **Gonce**. The motion carried unanimously.

4. **APPROVAL OF MINUTES** – January 17, 2013 Regular Meeting

Motion: **Heinmiller** moved to “approve the January 17, 2013 Regular Meeting Minutes.” It was seconded by **Gonce**. The motion carried unanimously.

5. **PUBLIC COMMENTS** – None

6. **CHAIRMAN’S REPORT**

Goldberg mentioned Jan **Van Dort** is going to submit the Phase II plat of Lynnvista Estates, which will be on the agenda of the next regular Planning Commission meeting.

7. **STAFF REPORTS**

Cui reported recent permitting and enforcement activities.

8. **PUBLIC HEARINGS**

A. Chilkoot Indian Association (CIA) – Chilkoot Estates Subdivision, Block 1, Lot 1 and Block 2, Lots 1, 9, 10

Goldberg stated that this public hearing is about an appeal of enforcement order requiring the payment of \$1,000 after-the-fact fees for developing four buildings without approved permits in Chilkoot Estates Subdivision.

Goldberg opened up the public hearing at 6:40 p.m.

Hansen mentioned that the \$1,000 fines are not appropriate, and the CIA requests that the Planning Commission approve the four land use applications in the Chilkoot Estates Subdivision.

Goldberg closed the public hearing at 6:41 p.m.

Goldberg stated that the Chilkoot Estates Subdivision was not a recognized subdivision until 2012. That means, before 2012 the Chilkoot Estates Subdivision was considered a 54-acre un-subdivided parcel with only preliminary plat approval for the subdividing of the

single 54-acre lots. Technically it is not allowed to build houses before the final plat gets approved and recorded. In addition, the Borough code allows multiple residential structures on one single lot through a conditional use permit. The public notice letters for the permit applications were sent out, but the CIA withdrew this conditional use proposal at the last minute because they feared it would jeopardize their funding resource. And after CIA withdrew the application, they never came back to the Borough, so they ended up building all the houses on one 54-acre piece of land.

Turner mentioned that a 100 percent complete preliminary plat must be submitted to the Planning Commission for review and approval before any construction begins. Upon approval of the preliminary plat, the applicant will be allowed to work on physical improvements to the property such as land clearing, construction of roads, installation of water/sewer system and identification of rights-of-way and easements. Prior to the final plat approval, the developer shall construct all required roads to meet or exceed the road standards, and install all water and sewer utilities to service each lot individually. **Turner** continually stated that there are multiple options that CIA could have pursued to obtain the final plat approval prior to the full installation of improvements, such as posting a performance bond. The CIA may file with the Borough a cash bond to provide performance and payment bonding equal to 120 percent of the estimated cost of the improvements to assure the actual construction of such improvements. This is to encourage development by allowing the developer to proceed with final plat approval in order to allow the sale of lots prior to construction of all required improvements.

Hansen stated that the requirements of a conditional use permit introduce irreconcilable complexities, and a conditional use permit for building houses in a 54-acre individual residential subdivision lot was a silly idea. Even though the application was complete, the CIA decided to withdraw the proposal because there was not enough land use code for them to make a decision to fit the letter of the law.

Turner stated that the CIA applied for a conditional use permit; that is the one they applied for. They withdrew it, so they have no permits, and then they built all those houses without a building permit. The CIA has multiple options to get their final plat approved prior to construction of all required improvements. **Turner** questioned why CIA didn't go for any of those.

Hansen claimed three requests with a proposed solution made to the Borough Manager to address the issue went unanswered, and delays by the administration process had leveraged CIA into an impossible situation. **Hansen** said he didn't think the CIA was trying to skirt any rules or rub anyone's nose in anything. He thinks a gap in the Borough code is what is causing this problem.

Venables said he had a hard time supporting a \$1,000 fine, but felt lesser amounts could be justified.

More discussion ensued.

Motion: **Turner** moved to "deny the Chilkoot Indian Association's appeal of \$1,000 in fines for unpermitted residential construction in the Chilkoot Estates Subdivision", and the motion passed 5 to 2 with **Venables** and **Heinmiller** opposed.

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

1. Haines Borough – Review of an official proposal by the State of Alaska to purchase Lutak Dock Tract B

No recommendations had been made.

Miller moved to “postpone this item until the Planning Commission receives more information from the Borough.” It was seconded by **Gonce**. The motion carried unanimously.

11. **COMMISSION COMMENTS** - None

12. **COMMUNICATION** - None

13. **SET MEETING DATES** – The next Regular Planning Commission meeting is scheduled for 6:30 p.m. on Thursday, March 14th, 2013.

14. **ADJOURNMENT**– 7:29 p.m.