



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

Staff Present: Xi “Tracy” **Cui**/Borough Planning & Zoning Technician III, Mark **Earnest**/Borough Manager, Jila **Stuart**/Borough Chief Fiscal Officer

Also Present: Albert **Sacks**, Pam **Long**, Jan **Van Dort** (Call-in), James **Studley**, Tim **Mullikin** (Call-in), Lenise **Henderson**, Ady & Stan **Milos**, Maria **Paquet**, Chip **Strong**, Ron **Jackson**, Nick **Trimble**, Chris **Brooks**, Diane **Lacourse**, Leanne **Converse**, Scott **Sundberg**, Karen **Garcia** (CVN), Bill **Kurz**, and others.

3. **APPROVAL OF AGENDA**

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

4. **APPROVAL OF MINUTES** – February 14, 2013 Regular Meeting

Motion: **Gonce** moved to “approve the February 14, 2013 Regular Meeting Minutes.” It was seconded by **Hedden**. The motion carried unanimously.

5. **PUBLIC COMMENTS** – None

6. **CHAIRMAN’S REPORT** - None

7. **STAFF REPORTS**

Cui reported recent permitting and enforcement activities.

8. **PUBLIC HEARINGS**

A. Albert Sacks – Vacation-Purchase of Borough-Owned Real Property

Goldberg opened up the public hearing at 6:35 p.m.

Long stated that she is working as an agent on behalf of **Sacks** who is seeking to obtain a vacation-purchase of a portion of the Borough right-of-way directly to the north of his property. His existing structure (Summer Inn) encroaches into the Borough right-of-way by approximately 0.73 feet along the length of his building (approximately 68.57 feet). The building maintains a current lease allowing the continued location of the northerly wall encroachment dated August 11, 1986, and the duration of this lease was established for 30 years. Mr. **Sacks** is seeking a permanent solution to this issue through the Vacation-Purchase of 0.73 feet of the northerly alley right-of-way along the entire 117.42 feet of the property’s northern lot line.

Goldberg closed the public hearing at 6:37 p.m.

Goldberg mentioned we had a similar situation before. **Comerford's** house encroaches into the Borough right-of-way, and the Borough approved an easement lease with **Comerford** for the encroachment area with another 30-year lease term. **Goldberg** repeatedly stated that **Sacks** requested to purchase a portion of the Borough right-of-way, but he was concerned that there is no guarantee that the house will remain forever, therefore it is better to continue a lease of the easement for another 30 years.

Motion: Miller moved "not to sell a portion of the Borough right-of-way to **Sacks**, but instead to negotiate a 30-year lease of an easement for the portion of his building that encroaches into the Borough right-of-way." It was seconded by **Gonce**. The motion passed unanimously.

B. Lynnvista Estates – Preliminary Plat Review

Goldberg opened up the public hearing at 6:51 p.m.

Converse questioned what the purpose of this preliminary plat is. She is concerned about the traffic issues. If the upper portion will be accessed by Barnett Dr.; and the lower portion will be accessed by Oceanview Dr., then no one will be required to build a loop through the whole subdivision.

Van Dort stated that this Lynnvista Estates Phase II plat is to subdivide lot 4 into 2 lots. Subdividing lot 4 makes it easier for the future developers to do further subdivision of the land.

Studley commented that the property will be re-subdivided in the near future, and it still has to go through the Planning Commission review process. He believes that the public safety issues, access issues and water/drainage issues will be considered at some point of time.

Heinmiller questioned **Earnest** if there is any drainage plan in the PND Engineering Report proposed in Jan **Van Dort's** Subdivision.

Earnest answered that the Borough may need drainage easement running across the subdivision. The PND proposed drainage plan is to increase the flow in the existing drainage by diverting large quantities of water through the relatively small ditches.

Van Dort said the culvert he will install eventually under the Barnett extension is 48 inches in diameter and will be large enough to handle the flow.

Goldberg closed the public hearing at 7:02 p.m.

Turner mentioned that the potential of developing the loop through the subdivision is his only concern. If only one of the lots is sold, then it will be difficult to develop the loop. But other than that, the whole idea of this plat meets the Borough code.

Motion: Turner moved to "approve the Lynnvista Estates preliminary plat." It was seconded by **Miller**. The motion passed unanimously.

C. Haines Borough – Excursion Inlet Municipal Selection Preliminary Plat

Goldberg opened up the public hearing at 7:04 p.m.

Earnest stated that the Borough is requesting the Planning Commission to approve this revised preliminary plat, in order to permit the long-delayed conveyance of this land selection from the State to the Borough to move ahead.

Mullikin stated that the preliminary plat was approved in March, 2011 and the final approval plat was approved in June, 2011. After the final approval by Haines Borough

Planning Commission and Alaska DNR Survey Division, the final plat was sent to Ocean Beauty for their signature. Ocean Beauty would not sign the plat, requesting that easements over their water lines be added to the ASLS plat. However, DNR Survey Section has been consistent in the past of not allowing the utility easement to be created by the ASLS plat. Since summer of 2011, Haines Borough, Ocean Beauty and DNR have debated the easement issue. The ASLS survey was put on hold pending the outcome of those easement negotiations. After conferring with the Attorney General's office, the DNR Survey Section issued a letter authorizing the Haines Borough as future landowner to proceed with final filing of the ASLS plat without Ocean Beauty's signature. **Mullikin** continually stated that the current plat has been modified as Ocean Beauty has been removed as a signatory from the Index Sheet, the ADL designations for Tracts M and N have been removed, and a portion of the easement along Neva Lake has been removed. However, according to Haines Borough Code 18.100.090, it requires the depiction on the plat of existing utilities. The Borough proposes to comply with the Borough code, by obtaining the Planning Commission's approval, but also obtaining a maximum delay of 180 days in the effective date of Commission approval, to permit the Borough to reach a possible mutual agreement with Ocean Beauty Seafoods regarding the location and extent of utility easements that need to be depicted on plat before its recording.

Goldberg closed the public hearing at 7:16 p.m.

Motion: Gonce moved to "approve the Excursion Inlet Municipal Selection Plat, to take effect not later than 180 days following tonight's meeting. If no mutual agreement is reached within the requested 180 days, the approval would be made effective on the 180th day, and the Borough would thereafter be authorized by that approval to record the plat with those utilities it believes should be depicted." It was seconded by **Heinmiller**. The motion passed unanimously.

9. **UNFINISHED BUSINESS** - None

10. **NEW BUSINESS**

A. **Historic District/Building Review**

1. **Henderson Family Properties – Historic Pryor Drug Building Front Remodel**

Henderson stated that she is requesting for the Planning Commission to approve front remodeling on the Pryor Drug building. Originally she tried to repair the concrete, but it kept falling off. She went to the Sheldon Museum, did research on this building to figure out what it looked like back to 1916. **Henderson** is seeking the Planning Commission's permission to restore the building by installing cedar siding, new moldings for windows, new trim board, a new door, and replacing the windows.

Motion: Heinmiller moved to "approve the Henderson front remodeling on the Pryor Drug building." It was seconded by **Miller**. The motion passed unanimously.

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

C. **Project Updates** – None

D. **Other New Business**

1. **Possible Rezoning of the Eagle Vista Area and the Carr's Cove Area**

Goldberg stated that tonight the Planning Commission is still not going to take any actions, he just wanted to provide information and answer the questions/comments from the audience.

Milos mentioned that the Master Declaration of Covenants, Conditions and Restrictions (CCRs) for Eagle Vista Subdivision was recorded in Haines Borough on August 28, 2000. The Borough in effect signed off and accepted these CCRs. The University of Alaska could not have sold property under those CCRs if the Borough did not agree to them. Based on property tax assessments, the Borough accepted and endorsed those CCRs by accepting the tax from those properties. If the CCRs are more restrictive than the Borough regulations, then what is the purpose of rezoning? The CCRs are binding on all parties for 25 years from the year 2000. The CCRs are legally in effect, whether or not the Planning Commission chooses to acknowledge them.

Paquet said that they bought property in Eagle Vista because it is in the General Use Zone and has CCRs. She does not think those CCRs are over-restrictive. CCRs are very well-drafted legal and binding documents, and also anticipate the potential for future zoning changes. She does not see any benefits to the residents of Eagle Vista in this zoning change.

More discussion ensued.

Turner said he thinks it is a done deal for now until someone comes with 51% of the property owners proposing rezoning to the Planning Commission. He does not see any reasons to change the zoning now.

Heinmiller said he appreciates people came to the meeting, and gave opinions.

No rezoning action was made.

2. Classification of Lands for Sale

Goldberg mentioned there are four properties that have been foreclosed on by the Borough. Title 14 requires that no land which the Borough owns or has an interest shall be sold until it has been classified for sale by the Planning Commission.

Motion: Venables moved to “classify for sale the four foreclosed properties that have returned to Borough ownership”. It was seconded by **Turner**. The motion passed unanimously.

3. ADOT & PF Sidewalk Project

Turner questioned if the state road maintenance crew will take the responsibility of maintaining this new sidewalk.

The Borough Manager **Earnest** will speak to ADOT&PF and pursue these issues.

No motion was made.

4. Downtown Revitalization Committee

Motion: Heinmiller moved to “recommend to the Assembly the creation of the Downtown Revitalization Committee (DRC) as an ad-hoc committee of the Borough. The DRC will have 7 members appointed by the Mayor with seats designated as follows: 1 Planning Commission, 1 Chamber of Commerce, 1

Chilkoot Indian Association, 3 Downtown Business Owners and 1 Downtown Resident.” It was seconded by **Turner**. The motion passed 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, April 18th, 2013.
14. **ADJOURNMENT**– 8:35 p.m.