



Haines Borough Planning Commission Regular Meeting Agenda

COMMISSIONERS:

ROB GOLDBERG, CHAIR
DANIEL GONCE, VICE-CHAIR
ROBERT VENABLES
ROBERT MILLER
ANDY HEDDEN
DON TURNER III
LEE HEINMILLER

Thursday, January 9, 2014 - 6:30 p.m.

Assembly Chambers, 213 Haines Hwy.

1. CALL TO ORDER / PLEDGE TO THE FLAG
2. ROLL CALL
3. APPROVAL OF AGENDA
4. APPROVAL OF MINUTES: December 12, 2013
5. PUBLIC COMMENTS [Items not scheduled for public hearing]
6. CHAIRMAN'S REPORT
7. STAFF REPORT
 - A. Planning & Zoning Report
8. PUBLIC HEARINGS: None
9. UNFINISHED BUSINESS: None
10. NEW BUSINESS:
 - A. Historic District/Building Review: None
 - B. Haines Borough Code Amendments:
 1. Public Water & Sewer Services Connection in HBC 18.100.092(A)(2) – Discussion Item – At the last meeting, the commissioners requested more information from the Borough staff. This item is scheduled as a follow-up discussion item.
 2. Appeals to the commission in HBC 18.30.050 – Action Item – This item is scheduled as a follow-up item of December 12, 2013 Agenda. **Possible Motion:** Recommend the Assembly adopt the proposed draft ordinance to amend HBC 18.30.050(A).
 - C. Project Updates: None
 - D. Other New Business:
 1. Primary School Subdivision, Lots 6 & 7 – Action Item – Haines Borough received a written proposal from Aspen Management LLC to purchase Borough-Owned property. Per HBC 14.20.100(B), the proposal shall be reviewed by the planning commission and thereafter forwarded to the assembly for a determination of whether the proposal should be further considered and, if so, whether by direct negotiation with the original proposer or by competition after an invitation for further proposals. **Possible Motion:** Recommend the Assembly further consider the proposal.
11. COMMISSION COMMENTS
12. CORRESPONDENCE
13. SCHEDULE MEETING DATES
 - E. Regular Meeting – Thursday, February 13, 2014 6:30 p.m.
14. ADJOURNMENT



Haines Borough
Planning Commission Meeting
December 12, 2013
MINUTES

Draft

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** (called in), and Robert **Venables** (called in).

Staff Present: Stephanie **Scott**/Mayor, Jila **Stuart**/Chief Fiscal Officer, and Tracy **Cui**/Planning & Zoning Technician III.

Also Present: Bart **Henderson**, Sean **Gaffney**, Nick **Trimble**, and Debra **Schnabel** (Liaison)

3. **APPROVAL OF AGENDA**

Motion: **Turner** moved to “approve the agenda”. **Heinmiller** seconded it. The motion passed unanimously.

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

Motion: **Miller** moved to “approve the November 14, 2013 Regular Meeting Minutes.” **Hedden** seconded it. The motion passed unanimously.

5. **PUBLIC COMMENTS**

Scott said the requests for appointment and re-appointment to serve on the Planning Commission were forwarded to the Planning Commission for review. She suggested the commission provide more information and detailed reasons along with the recommendations.

6. **CHAIRMAN’S REPORT**

7. **STAFF REPORTS**

- A. Planning & Zoning Report**

Cui reported recent permitting and enforcement activities.

- B. Follow-Up Gina St. Clair Appeal**

Stuart said the Borough staff had been working on four different options of establishing a Local Improvement District (LID) in the Moose Lane and North Sawmill Road area. The Finance Department, Public Works Department and Land Department worked together and came up with a cost analysis on each option. **Stuart** briefly introduced those four options.

Schnabel said establishing an LID mainly depends on the terms that the Borough can offer.

Goldberg said currently there are only three or four property owners who may be interested in participating in an LID. Hopefully the terms can change people's minds and make people want to participate.

C. Borough Attorney Memo

Goldberg said the memo from the Borough attorney is in regards to appeal procedure. Currently the code does not allow the Planning Commission to grant a postponement.

Miller said one of the points in the memo is that the Planning Commission and the Assembly shall decline to hear an appeal if the written notice is stated without particularity for the grounds of the appeal.

Heinmiller said the code should be amended to allow the Planning Commission to grant a postponement under certain circumstances.

Goldberg said the code does not require the appellant to present in person. The appellant can prepare a written notice and submit it to the clerk within 10 days of the date of the decision appealed.

Gonce said he does not think it is necessary to amend the code. The appellant also can call in, instead of presenting in person. **Gonce** suggested that the code can be amended by adding one sentence stating the Planning Commission will decline to hear an appeal in which the particular grounds for the appeal have not been stated.

8. PUBLIC HEARINGS – None

9. UNFINISHED BUSINESS - None

10. NEW BUSINESS

A. Historic District/Building Review

1. Nicholas Trimble – Deck & Walkway Expansion

Trimble said he is going to remodel the residential part of the Fort Seward Lodge, and the process needs to build a 10' by 10' deck and a 27' by 13' walkway.

Motion: **Heinmiller** moved "to approve the Fort Seward Lodge walkway expansion project". **Hedden** seconded it. The motion passed unanimously.

2. Chilkoote Enterprise Inc. – Installation of Handrail & Ramp

Heinmiller recused himself because he is the property owner.

Heinmiller said REACH Inc. requested the Planning Commission approve installation of an access ramp with handrails to the front entrance of the building for wheelchair use. The plan is to add a handrail to help people better access the building while the weather is windy or the ground is slippery. The proposal will not change the look of the building.

Motion: **Turner** moved "to approve the proposed ramp with handrails plan". **Miller** seconded it. The motion passed unanimously.

B. Haines Borough Code Amendments

1. Public Water & Sewer Service Connection in HBC 18.100.092(A)(2)

Cui said she brought it up to the Planning Commission because currently the code requires property owners to connect to the public utility within six months when it becomes available. However, it is difficult to enforce that since property

owners do not want to connect to public utilities if their own private wells and septic systems work fine.

Miller said it will cost at least \$20,000 on a septic system and \$40/foot on a private well. If a property owner developed a piece of land and spent \$30,000 - \$40,000 on installing a septic system and a well, and all of a sudden the public utility goes through, the owner will be required to connect to the public system. **Miller** said he understands the intent of the code, but it does not sound fair enough.

Schnabel said there are economic reasons why water and sewer are public works. Public utility service works only if the public participates. She suggested the Planning Commission invest time on thinking of a good credit system, which can encourage people to spend money on the public system and inform people they will get reimbursement in the future.

Turner asked how many houses currently have private wells or septic systems without having public utilities hooked up. **Turner** said most people do not maintain their septic systems, and people would love to hook up to the public sewer system if it becomes available.

Cui said she needs more information from the Water & Sewer Operator on this question.

The Planning Commissioners agreed to give staff more time to figure out how many properties apply to this situation.

2. Appeals to the commission in HBC 18.30.050

Goldberg said this topic has been discussed under Item 7C.

C. Project Updates – None

D. Other New Business

1. Possible Rezoning of Sawmill Road Area

Goldberg said the Planning Commission would like to talk about rezoning issues in the Sawmill Road area. For example, currently the Borough ball field is in a heavy industrial zone, which needs to be rezoned as a recreational zone. Also, the lot line adjustment for the Chilkat Guides and Alaska Mountain Guides properties resulted in two lots within split zoning.

Gaffney said he agrees with the concerns on the ball field. Alaska Mountain Guides would like to develop educational facilities and staff housing on its property, which are allowable uses in the rural mixed use zone, instead of in the heavy industrial zone. Also, there are concerns about the Sawmill Creek. It may not be appropriate to make an anadromous fish stream run through a heavy industrial zone. He believes the best zoning which will benefit his property is rural mixed use zone.

Henderson said Chilkat Guides owns most of the accreted land. It is hard to say at this point what the best use of that piece of property is. He thinks the rural mixed use zone keeps the best possibility of developing the land. Also, 90 percent of the property is tangle to the creek, so he does not see reasons why this property should be zoned heavy industrial.

Gaffney said zoning his property for rural mixed uses will be a good buffer to the ball field, and also a good protection to the creek.

Goldberg said the rural mixed use zone is like a general use light zone; it allows a broad mixture and more flexible uses.

Turner said according to the future growth map in the Haines Borough 2025 Comprehensive Plan, this whole area is zoned for industrial uses. Also, the Borough has limited heavy industrial areas in the townsite service area. He thinks it is better to rezone this area into a light industrial zone, which allows a bit more flexibility on uses.

Miller said he does not see the advantages of changing **Gaffney's** property into light industrial zone. It is better to be in rural mixed use zone.

More discussion ensued.

Goldberg said the Planning Commission will discuss this topic at April's regular meeting.

2. Planning Commission Seat B Appointment and Seat E Re-appointment

Motion: **Miller** moved "to recommend for the mayor to re-appoint Commissioner Rob **Goldberg** to serve Seat E for a three-year term ending November 2016".

Heinmiller seconded it. The motion passed unanimously.

Motion: **Miller** moved "to recommend for the mayor to appoint Heather **Lende** to serve Seat B for a three-year term ending November 2016". **Hedden** seconded it. The motion passed unanimously.

3. Planning Commission Chair and Vice-Chair Appointments

Motion: **Miller** moved "to appoint Rob **Goldberg** as Planning Commission Chair and Danny **Gonce** as Planning Commission Vice-Chair". **Heinmiller** seconded it. The motion passed unanimously.

4. 2014 Regular Planning Commission Meeting Agenda Preparation Calendar

Motion: **Turner** moved "to approve 2014 Regular Planning Commission Meeting Agenda Calendar". **Hedden** seconded it. 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, January 9, 2014.

14. **ADJOURNMENT**– 8:45 p.m.

Staff Report for January 9, 2014

1. Permits Issued Since December, 2013

NUMBER	DATE	OWNER/AGENT	PROPERTY ID	LOT	BLK	SUBDIVISION	DEVELOPMENT	ZONE
13-100	12/5/13	Emily Zimbrich	C-HHY-01-0400	2 & 3		Zimbrich Sub.	Lot Line Vacation	RR
13-101	12/13/13	Nicholas Trimble	C-PTC-0C-0200	2	C	Port Chilkoot Sub.	Deck & Walkway Expansion	SSA
13-102	12/13/13	Lee Heinmiller	C-PTC-0I-0100	1	I	Port Chilkoot Sub.	Ramp with Handrails	SSA
12-70	12/26/13	AT & T	C-HLR-03-03A0	3A	2	Highland Resource Sub.	Upgarde Existing AT&T Communication Facility	SR

2. Enforcement Orders

- Property owner William Chetney started a vacation rental business on his property. He is in violation of HBC 18.70.030 in operating a vacation rental business in the rural residential zone of Mud Bay Planning/Zoning District without a conditional use permit. A warning letter has been sent out on December 12, 2013.

18.100.092 Requirements prior to final plat approval.

A. Utilities.

1. Water and Sewer. The subdivider, at the subdivider's own expense and prior to final plat approval, in accordance with the approved preliminary plat, shall construct, per borough specifications, all water and sewer utilities to service each lot individually within the subdivision to be created. The subdivider may elect to provide performance and payment bonding as allowed in HBC [18.100.125](#) in order to have authorization to proceed to a final plat procedure.

2. When, in the opinion of borough staff, no public sanitary sewer and/or water service is available within 200 feet of any exterior property line of a new subdivision in which all lots are one acre or larger in area, the developer may request an exemption from the requirements to connect to public utilities. All regulations of the State Department of Environmental Conservation pertaining to water extraction and wastewater disposal, as well as the requirements of HBC [13.04.080](#)(G) pertaining to on-site wastewater disposal, shall apply. If exempted from the requirement to connect to public utilities, a plat note must be placed on the plat stating that public water and/or sewer are not available to the subdivision and that all future property owners in the subdivision must provide written Department of Environmental Conservation (DEC) approval of their on-site wastewater system design prior to a land use permit being issued. Upon installation and before closure, the wastewater disposal system must be inspected and approved by a DEC-approved inspector. The wastewater disposal system must also be inspected by a DEC-approved inspector, at the property owner's expense, every two years, in the spring of the year, with a written approval of the system submitted to the borough by June 1st of the year.

When public sanitary sewer and/or water service becomes available, property owners will be required to connect to the public utility within six months.

HAINES BOROUGH, ALASKA
ORDINANCE No. xx-xx-xxx

Draft

AN ORDINANCE OF THE HAINES BOROUGH AMENDING HAINES BOROUGH CODE TITLE 18 SECTION 18.30.050 APPEALS TO THE COMMISSION TO CONFORM TO THE REQUIREMENTS OF FILING AN APPEAL

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. This ordinance is of a general and permanent nature and the adopted amendment shall become a part of the Haines Borough Code.

Section 2. Severability. If any provision of this ordinance or any application thereof to any person or circumstance is held to be invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. Effective Date. This ordinance shall become effective immediately upon adoption.

Section 4. Purpose. This ordinance amends Title 18 Section 18.30.050 to conform to the requirements of filing an appeal.

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
~~STRIKETHROUGH~~ ITEMS ARE DELETED

HBC 18.30.050 Appeals to the commission.

An appeal made to the commission of a decision by the manager shall be requested by filing with the clerk, within 10 days of the date of the decision appealed, a written notice of appeal stating with particularity the grounds for the appeal.

A. The commission shall decide at its next regularly scheduled meeting whether to rehear the manager's decision. **The commission shall decline to hear appeals in which the particular grounds for the appeal have not been stated.** Any aggrieved person, including the developer, may appear at that meeting and explain to the commission why or why not it should rehear the manager's decision. If the commission chooses to rehear the decision, it may choose to rehear the entire decision, or any portion thereof.

B. If the commission decides to rehear a decision, or any portion thereof, it shall then immediately do so at that meeting and make its decision.

...

14.20.100 Sales and exchanges by negotiation or competitive proposal.

A. Upon direction of the assembly by motion, the land manager may commence negotiations for the sale, or exchange or other disposal of borough land.

B. Upon application, and approval by the land manager, a person may submit a written proposal to purchase, or otherwise acquire borough land for a specified purpose. The proposal shall be reviewed by the planning commission and thereafter forwarded to the assembly for a determination of whether the proposal should be further considered and, if so, whether by direct negotiation with the original proposer or by competition after an invitation for further proposals.

C. Upon satisfactory progress in the negotiation or competition undertaken pursuant to subsection (A) or (B) of this section, and after review by the planning commission and authorization by the assembly by ordinance, the land manager may conclude arrangements for the sale, or exchange or other disposal of borough land.

When a land exchange is proposed, the planning commission shall evaluate alternative sites, and shall make specific recommendations regarding exchanges prior to execution of the exchange. The final terms of the disposal pursuant to this section are subject to approval by the assembly unless the minimum essential terms and the authority of the land manager to execute the disposal are set forth in the ordinance enacted pursuant to this subsection.

D. All costs such as but not limited to surveying, platting, appraisal, escrow, and recording fees associated with the transfer of borough land by negotiated sale, or land exchange shall be paid by the proposer.

Aspen Hotel Proposal

Aspen Management LLC is proposing to build a 49 to 54 room hotel on lot 6 and 7 of the Primary School Subdivision. The hotel will be 2 stories, 31,000 square feet and include a 600 square foot meeting room. The hotel will include 48 parking stalls and meet all height and set back requirements.



HAINES BOROUGH, ALASKA

P.O. BOX 1209

HAINES, AK 99827

(907) 766-2231 FAX (907) 766-2716

Date: December 16, 2013

To: Assembly

Cc: Interim Borough Manager

From: Tracy Cui, Planning & Zoning Technician III

Re: Negotiated Sale of Borough Land - Primary School Subdivision, Lots 6 & 7

The subject property is currently zoned Commercial. The intent of the commercial zone is to protect and enhance areas of existing commercial development and to provide areas for the continued growth of commercial enterprise. The uses in this zone are oriented toward serving the commercial needs of the residents of the Borough, the surrounding area and visitors. The proposed use of the property as a hotel is consistent with the commercial zoning district, which allows operation of a hotel with two minimum parking spaces for every three guest rooms, as per Haines Borough Code 18.80.040(B). Also, this area is served by public utility system as deemed appropriate for the planned use.

If you need additional information on this matter, please let me know. Thank you.