

**HAINES BOROUGH PLANNING COMMISSION
REGULAR MEETING MINUTES
APRIL 8, 2004**

1. **CALL TO ORDER:** 6:08pm
2. **PLEDGE TO FLAG:** Led by Dawne **THOMSEN**
3. **ROLL CALL:**

Present: Dawne **THOMSEN**, Rob **GOLDBERG**, Lee **HEINMILLER**, Bill **STACY**, Herb **VANCLEVE**, Harriet **BROUILLETTE**

Absent: Jim **STANFORD**

Staff Present: Scott **HANSEN** (Administrative Assistant)

Visitors: Lucy **HARRELL** (Borough Assembly representative), Lee **INGLEDUE**, Walter **BURKHARDT**, Carolyn **WEISHAHN**

4. APPROVAL OF AGENDA

M/S VANCLEVE/STACY to add item 10a. National Flood Insurance Program.

Motion carried unanimously.

5. APPROVAL OF MINUTES

a. January 22, 2004

M/S VANCLEVE/GOLDBERG to approve the minutes as amended.

THOMSEN said that on the third page, following the words "developable sites" should be the words "to avoid spot zoning."

Motion passed unanimously.

b. March 11, 2004

M/S VANCLEVE/GOLDBERG to approve the minutes as read.

Motion passed unanimously.

c. March 18, 2004

M/S VANCLEVE/HEINMILLER to approve the minutes as read.

Motion passed unanimously.

d. April 1, 2004

M/S VANCLEVE/STACY to approve the minutes as read.

Motion passed unanimously.

6. PRESIDING OFFICER REPORT:

THOMSEN said that the Comp Plan was accepted by the Assembly and then sent into a committee for possible correction. The Assembly will not return the document to the Commission. **HARRELL** expressed concern over a labored process - if the Comp Plan is not passed such that ordinances can be passed prior to the consolidation deadline there is a direct effect on local economic development projects which are particularly needed at this time. She said that the Assembly was informed of the Commission's motions last meeting: that the Commission expects to review the Plan and account for deferred changes in one years' time. **GOLDBERG** said that the Commission should be the sole planning body for the Borough, and the Assembly shouldn't be changing that which was formed through the Commission's public process. **THOMSEN** suggested that if the Assembly wants to complete the process they should take the "deferred" file and complete the job. **STACY** expressed confusion about how the Assembly doesn't accept the Commission's work, and the Commission would do well to get direction as to the proper process. **VANCLEVE** stated that it wouldn't be faithful to the public process if the Assembly made substantive changes to the Commission's work.

M/S HEINMILLER/STACY that the Commission provide the Assembly with charter wording regarding how the Commission is the "sole planning body" and request that the Assembly get a legal opinion regarding the Comp Plan process.

VANCLEVE questioned the need for the Commission if the Assembly continually changes recommendations sent by the Commission. **HANSEN** noted that the Assembly, as an elected body, has authority to make changes to the document produced by the public process but must bear the responsibility for those choices at election time. **HEINMILLER** noted that recalls are a serious issue for elected officials. **VANCLEVE** noted that the Assembly should be happy with the Commission's plan for Comp Plan review. **THOMSEN** agreed, saying that the deferred list will be reviewed in one year anyway, as decided by motion last week.

Motion passed unanimously.

THOMSEN continued her report, noting that the Assembly decided that the "sunset clause" in the GU ordinance really did "set", and there is now no mandatory conditional use permit required for heliports in the General Use district as of 2/29/04.

THOMSEN reminded Commissioners of their responsibility to make zoning recommendations to the Assembly within 18 months of Commission appointments, although with the Comp Plan on hold the zoning recommendations wouldn't be implemented until the Comp Plan was passed anyway.

7. PUBLIC HEARINGS:

- a) Conditional Use Permit Request - Animal Husbandry - Tony and Lee **INGLEDUE**

THOMSEN introduced the issue, referencing **HANSEN's** memo of recommendation. The memo stated that the permit application and animal maintenance plan are in accordance with existing code and do not appear to present a nuisance situation to the surrounding area. **THOMSEN** invited **INGLEDUE** to offer comment. She indicated that they intend to purchase adjoining property and extend the fence and improve conditions for the horse. **BURKHARDT** testified that he agreed with the placement of a horse on the property - moose are more of a problem than horses. **THOMSEN** related testimony from adjacent property owner Tom Jackson, who also supported the **INGLEDUE** permit request. **THOMSEN** closed public comment.

HANSEN related that in prior animal husbandry permits it had been determined through practical experience that a single, well-managed manure pile can compost itself and present a virtually odor-free situation for neighbors. He encouraged the **INGLEDUES** to pursue the single-pile concept of manure management.

M/S HEINMILLER/STACY to approve the animal husbandry conditional use permit.

Motion carried, **VANCLEVE** abstaining.

8. STAFF REPORTS:

- a) Land Use Permits
 - i) Turner Construction - clearing prior to subdividing - Tanani Bay

- ii) Marilyn Parks - clearing prior to residential building
- Portage Cove
- iii) Don Turner - residential shop
- b) Enforcement - none

9. COMMUNICATION: NONE

10. OLD BUSINESS

- a. - National Flood Insurance Program (NFIP)

THOMSEN noted that there is an April 17 deadline to submit ordinances to be able to comply with the flood insurance program.

M/S HEINMILLER/GOLDBERG to recommend that the Assembly follow up with the National Flood Insurance Program.

Motion carried unanimously.

It was determined that three months would be a reasonable time in which there would be the ability to propose land use ordinances, and the NFIP could be reinstated. **HARRELL** noted that there is only one flood insurance anymore: NFIP.

11. NEW BUSINESS

- a. Zoning Recommendations

HANSEN said that the Commission needs to formulate a unified approach to zoning in the General Use (GU) area. This would involve an understanding of the purpose and efficacy of the conditional use permit process and its necessary code language. **VANCLEVE** said that the GU works fine - the Commission shouldn't get too detailed with zoning recommendations. Possibly a few areas have been identified. Residents should originate zoning recommendations, and there would be opposition to draconian zoning decisions. **HARRELL** brought up significant commercial future development expected along the highway transportation corridor, and noted present helicopter debate. She mentioned certain commercial recreation areas now in use. She mentioned that in remote areas where residents dominate uses that the residents should determine zoning decisions. She said that Haines needs some commercial zones in the GU area because development comes, and the issue is how to properly direct that development. **THOMSEN** noted that Excursion Inlet has significant development that should be protected with zoning. **HEINMILLER**

noted that the Commission's philosophical principles on areawide zoning should guide the whole public process. **THOMSEN** said that zoning protects existing uses and allows for proper future development. If the conditional use permit process is used it must have very specific criteria on which to make decisions, or it is only public sentiment, an arbitrary measure and highly subject to losing in the litigation process. The Borough must work within the best constraints of the law.

GOLDBERG expressed his frustration that the Assembly would allow commercial heliports to operate without a conditional use permit when 60-70 individuals testified that they didn't want it, and there is no discernable economic benefit to the Borough from the development. He said that property taxes contribute so much more to the Borough economy than the financially invisible heliskiing business, and property owners should be supported in greatest measure. **THOMSEN** noted that the Commission had recommended zones allowing for heliports, and the language is poised for adoption whenever the Assembly is ready. **HARRELL** agreed, saying that once a zone exists with a "use-by-right" for heliports then the conditional use permit process can be instituted. **VANCLEVE** echoed Assembly member comments that a conditional use permit is the same as a prohibition on the use because business owners would be damaged by an abusive, drawn-out public process. **THOMSEN** noted that loans have been denied because there was only a conditional use permit process - the investors couldn't be assured of a financial return on their investment. **HARRELL** agreed, noting that the existing uses cannot be legislated away, anyway - the uses will continue. Areas WITH uses-by-right would direct development. **GOLDBERG** noted that a "threshold" for impact would be a good measure for a conditional use permit process. If impacts could be measured they could be mitigated. **STACY** agreed. **HANSEN** commented that establishing "impact thresholds" and using the conditional use process would be almost the same activity as zoning, except it would be more time-consuming, costly, and thwart development. **GOLDBERG** noted that there are two approaches to permitting: 1) to regulate uses and 2) to assess new development for assessment purposes. **HANSEN** said that mechanisms are ready, and the Borough is poised to implement either of the two options as soon as the Assembly decides which permit process is best to implement zoning in the General Use area.

12. PUBLIC COMMENT

WEISHAHN expressed disappointment at the Assembly's having taken heliports out of the conditional use category. She stated that

the commission's heliport recommendation was not adopted because it wasn't legal. She said that the Borough needs a forward-thinking solution, not back to the way it was in the third class borough.

13. MEMBER COMMENT

14. NEXT MEETING DATE

- a. Committee of the Whole - Zoning Recommendations -
Thursday, April 22, 6:00 pm, in the Assembly Chambers
- b. Regular meeting - Thursday, May 13, 2004, 6:00 pm, in the
Assembly Chambers

15. ADJOURNMENT

M/S STACY/GOLDBERG to adjourn.

Motion carried.

The meeting adjourned at 8:45 pm.

Respectfully submitted:

SCOTT HANSEN, Haines Borough Administrative Assistant