

**HAINES BOROUGH PLANNING COMMISSION
REGULAR MEETING MINUTES
FEBRUARY 17, 2005**

1. **CALL TO ORDER:** 6:00pm by chair **STANFORD**.
2. **PLEDGE TO FLAG:**
3. **ROLL CALL:**

Present: Jim **STANFORD**, Lee **HEINMILLER**, Lynda **WALKER**, Bob **CAMERON**, Harriet **BROUILLETTE**

Absent: Rob **GOLDBERG**, Bill **STACY**

Staff Present: Scott **HANSEN** (Planning and Zoning Tech II)

Visitors: Bonnie **HEDRICK** (CVN), Gary and Henriette **ARENSON**, Duck and Karen **HESS**, Mike **RICKER**, Ray **STASKA**, Larry and Linda **GEISE**

4. APPROVAL OF AGENDA

M/S CAMERON/BROUILLETTE to amend the agenda by moving **12. Public Comment** to follow the Presiding Officer's Report.

Motion carried unanimously.

5. APPROVAL OF MINUTES - January 13, 2005

M/S BROUILLETTE/STANFORD to approve the above minutes, with a minor spelling amendment.

Motion carried unanimously.

6. PRESIDING OFFICER REPORT:

1. **STANFORD** said discussed Conditional Use permits and the reapplication process. Last meeting the Commission directed that a request for reapplication be required to apply for a public hearing just as would a new permit application. The decision could be appealed to the Assembly.
2. There is a Commerce Committee regarding the Helicopter SUD on Tuesday, January 11, at 5:00 pm in the Assembly Chambers. **STANFORD** encouraged all to attend that meeting.

12. PUBLIC COMMENT: NONE

7. PUBLIC HEARINGS:

a. Rezoning Request - Mike and Betty RICKER

HANSEN explained the land use permit submitted by the **RICKERS**. They are requesting a rezoning to allow the **RICKERS** to change an existing residence into a duplex and also allow commercial uses for the two properties. The request would "stretch" the zoning boundary around their properties. Currently the zoning lines following the roadway centerline. **STANFORD** opened the meeting to public comment.

ARENSON said that his house is twelve feet from the **RICKER's** residence. He said that ten years ago the **RICKERS** applied for a variance to allow them to construct into the setbacks for a residential structure. **ARENSONs** agreed with the residential use at that time but would've been opposed to commercial uses back then. He said they'd opposed the C zone zero lot line uses in 2001. They are opposed to changing zoning to commercial along their property line. He suggested that the right-of-way is a good separation to limit impacts of commercial uses on the single residential zoning. He said that fire hazards are greater with commercial uses. He said that there has been no commercial use in 10+ years. He said that **RICKERS** no longer live in the structure, so anything commercial could happen, and property values are affected by such situations. The negative impacts are too great on their property to agree with this change. **GEISES**, who live in the Commercial zone across the street from the **RICKERS**, spoke in favor of the expansion of the C zone. He said that the restaurant was okay at that time, and he has no problem with duplexes. He also noted that several other duplexes exist on the block within the SR zone. Parking is adequate, and 2nd Avenue is a natural for commercial uses because it is a main thoroughfare. Numerous businesses are emptying out, and they no longer supply sales taxes to the Borough. They saw no negative impacts to the rezoning request. Zoning dates were brought up, and it was noted that in the early 80s the zoning allowed commercial uses. It was changed to Single Residential in 2001. **RICKER** said that the café operated in the late 70s, and although hampered by litigation for more than a decade, the intent has been to operate a commercial establishment. He said that they had operated a home financial consulting business, which qualifies as a commercial use, and the commercial use should continue. **RICKER** stated that a duplex would have less impact than an art gallery. Although junk and boats currently exist they could be moved to allow for parking. He announced changes to begin using the garage for cold storage and wanted Commercial zoning for future plans, which would include fishing boat storage. He cited a straw poll taken locally and faxed to the Borough and said that most adjacent

property owners agree with his plans. **ARENSEN** said that property owners immediately affected object to the plans. **STANFORD** closed the public hearing.

CAMERON asked why zoning needs to be changed now, instead of in 2001. **RICKER** said that they opposed SR zoning in 2001 but it went through anyway because somebody wanted consistent zoning lines despite the fact that the restaurant had been a commercial entity in the past. **HEINMILLER** noted the adjacent property owners' concerns about their property. Although the road system is good for commercial uses the impacts of such uses outweigh even a duplex use.

M/S STANFORD/CAMERON to deny the rezoning request to stretch the Commercial zone around the **RICKERS'** properties.

STANFORD noted that designating the lots Commercial would allow any type of commercial development, which may be detrimental to other properties within the SR zone.

BROUILLETTE said that the **RICKER's** business plans for the last decade would be nullified by this decision. According to **RICKER** the history and intent of the building is commercial. **CAMERON** noted that the property use has not been primarily commercial for over ten years. **HEINMILLER** voiced concern over creating future zoning and property value problems. He said that zonings are tough calls, but it must be consistent.

Motion carried with **BROUILLETTE** opposed.

8. STAFF REPORT:

a. Land Use Permits - HANSEN said that since the last Commission meeting Ned **ROZBICKI** altered a land use permit to install a commercially-used covered area on the beach side of the road.

b. Enforcement: NONE

c. Plats

- i. Seright Subdivision III**
- ii. HESS Corner**

STANFORD said that this plat was requesting less-than-minimum lot sizes, which are prohibited by code, and he, as Planning Chair, is required to sign all plats prior to recording. The plat is also being proposed in order to make a sale. A variance application would not be allowed in this instance. **HANSEN**

described the history of the proposed plat. In short, Dan **DRODDY** had requested an "exemption" in 1994 from platting regulations and was told by the city Administrator that he wouldn't need a city plat review, and **DRODDY** had a drawing made up but never recorded it. Currently the title companies are balking at the drawing submitted to them by **DRODDY** because it isn't a recorded plat, so they won't accept it as evidence of a legal property exchange. Hence the request for a new plat.

HEINMILLER noted that an "exception" didn't do much for **DRODDY** in that it wasn't reviewed or accepted by the platting authority (city), so it would never have been recorded by the state. **STANFORD** noted some mistakes - the former city Administrator should've addressed minimum lot sizes - the same problem existing now, only today's lot sizes must be larger. **HANSEN** read a memo from Borough Manager Robert **VENABLES** requesting that the Borough allow a replat based on the 7500 square foot minimum lot size and thereby close the platting problem that has been hanging open since 1994.

HESS noted that recently they'd decided to purchase both properties, so the necessity of the plat is diminished. They requested that the Commission consider allowing the 7500 minimum lot sizes so they could adjust the line so a building on the first property wouldn't be encroaching on the second lot. She mentioned that they anticipate replatting when the highway project eliminates the "Y" at their intersection. **STANFORD** mentioned that they may be able to grant an easement from one property to another, and thereby cover the encroachment issue.

d. Alaska Cadastral Project Programming RFP

HANSEN explained that the administration is on the verge of taking the final step in completing a Haines Borough website allowing the public to access land information on the internet. The website would use a GIS platform for accessing much data currently requiring staff time to bring to the public. Hopefully the project would allow for faster access by many government and private users. It is appropriate for the Commission to review such proposals, as they affect Borough planning and policies.

e. University Land Grant Potentials

HEINMILLER noted that many fast things are happening with this issue, which is at the legislature level, and many communities are expressing surprise. He said that even the University may not be as interested in this land acquisition as first thought.

M/S STANFORD/HEINMILLER to recommend to the Assembly that the Borough request an opportunity to provide input and review the State of Alaska proposal to dispose of lands to the University within the Haines Borough, as the Borough has interest in further municipal entitlements.

Motion carried unanimously.

9. COMMUNICATION: NONE

10. OLD BUSINESS

a. Haines Coastal Management Plan Review (HCMP)

STANFORD noted that the Commission reviewed proposed Enforceable Policies in the Committee of the Whole prior to this meeting. Commissioners will continue to review Issues, Goals, and Objectives prior to its March 7 public debut.

b. Comprehensive Plan Comments and Review

M/S STANFORD/CAMERON to complete final comment reviews on Thursday, April 14.

Motion carried unanimously.

11. NEW BUSINESS:

a. "HESS Corner" Plat Discussion (see above)

12. PUBLIC COMMENT: (see above)

13. TITLE 18 REVISIONS:

a. Appeal Language

M/S HEINMILLER/WALKER to recommend that the Assembly adopt language requiring a ten-day limit for appealing Manager, Planning Commission, or Assembly decisions.

Motion carried unanimously.

14. NEXT MEETING DATE

a. HCMP Draft Public Hearing Meeting and Regular Meeting - Thursday, March 17, 2005, 6:00pm in the Assembly Chambers.

STANFORD told staff to make sure the Clerk, Manager, and Mayor are aware of the HCMP public debut. He emphasized that the March 17 HCMP Amendment Public Hearing needs to be one of two things:

- b. A joint Commission/Assembly meeting, or
- c. The meeting should be attended by affected governmental bodies.

The timeline imposed by the state on the HCMP Amendment is too fast to involve any surprises between Commission and Assembly.

15. ADJOURNMENT

M/S HEINMILLER/STANFORD to adjourn.

Motion carried unanimously.

The meeting adjourned at 8:35 pm.

Respectfully submitted:

Scott **HANSEN**, Haines Borough Planning and Zoning Tech II