

**HAINES BOROUGH PLANNING COMMISSION
REGULAR MEETING MINUTES
December 8, 2005**

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

HEINMILLER welcomed new commissioners **MENKE** and **SMITH**. He mentioned that Erika **MERKLIN** had been interested in Commission membership but had been unable to reconcile scheduling. She is unable to participate on the Commission, so the Mayor is working on a replacement.

Present: Harriet **BROUILLETTE**, Bob **CAMERON**, Rob **GOLDBERG**, Lee **HEINMILLER**, Kathleen **MENKE**, Jack **SMITH**

Absent: none

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

Visitors: Don **TURNER**, III., Jim **STUDLEY**, Richard **BUCK**, Keith **STIGEN**, Josh and Victoria **MOORE**, Myrna **KORNELIS**, Ray **STASKA**, Steve **SMITH**, Fred **SHIELDS** (Haines Borough Mayor)

4. APPROVAL OF AGENDA

a. Approval of Agenda

Alterations:

- 4b. add Chairman election
- 10a. Table Tablemaker Development Proposal for one month
- 11b. add State Transportation Improvement Plans
- 13c. add Residential Uses in the Industrial/Light Commercial zone
- 14a. add Commission Comments

M/S GOLDBERG/BROUILLETTE to approve the amended agenda.

Motion carried unanimously.

b. Chairman Election

M/S GOLDBERG/BROUILLETTE to elect Lee **HEINMILLER** as Planning Commission chairman.

Motion carried unanimously.

M/S CAMERON/BROUILLETTE to elect Rob **GOLDBERG** as Planning Commission vice-chairman.

Motion carried unanimously.

5. APPROVAL OF MINUTES - November 10, 2005 regular meeting

M/S CAMERON/BROUILLETTE to approve the above minutes.

Motion carried unanimously.

6. PRESIDING OFFICER REPORT:

HEINMILLER said that several issues on tonight's agenda keep recurring before the Commission, and often this situation can be solved by a code correction. These will emerge as the agenda items unfold.

7. PUBLIC HEARINGS:

a. Porcupine Point - long plat subdivision

HEINMILLER opened the public hearing and invited **HANSEN** to introduce the issue. **HANSEN** said that the plat was already reviewed for compliance to code requirements, but two specific issues need to be addressed by the Commission: right-of-way dedication and the number of lots. **HEINMILLER** invited **STUDLEY** to comment on the right-of-way. He said that a 60-foot ROW is proposed, which conforms to code, and the corridor is platted along the existing roadway. **HEINMILLER** noted that there seems to be no difficulty with the ROW as proposed. **MENKE** asked about handling anadromous fish stream issues and wastewater handling impacts, and if lot arrangement near the flood plain could avoid future problems. **GOLDBERG** asked about flood proximity data - the map doesn't show flood plain data, and there's no map for the area, so the data should be required by code. **MENKE** suggested delaying the plat to allow for more information, such as future subdivision plans, a topographical study, and wetlands information. **STUDLEY** said that they are developing according to required code. **MENKE** asked if there were future subdivision plans for the larger lots. **STUDLEY** said there are no plans at this time. **GOLDBERG** read how 18.100.050(C)(9) requires a meander line along the river, and it doesn't appear here because the river channel can clearly be seen in the photo overlay. The current view shows straight lines, but they do not appear to be

real - one straight line identified as a meander line is over 1000 feet long. **HEINMILLER** agreed that the correct meander line and flood data are important issues to the Borough. **STUDLEY** said that the code needs to be followed, and he'd follow the Commission's direction. He said that base flood elevation data is not established by a surveyor, but the federal government pays for the data, and they haven't funded maps yet.

M/S GOLDBERG/SMITH that prior to approval the plat must be amended with additional information showing river channel data closest to the property.

HEINMILLER noted that topographical data would give the information needed, such as 25-foot lines. **MENKE** suggested that the applicant be required to submit topographical lines and other information that the applicant feels fulfills the proper planning obligation. **HEINMILLER** noted potential increased uses of this road, with Porcupine tourism in the wings, historical talk of a Chilkat Lake bridge/road, and the increase of residential lot sales in the area. In the long run it's best to have data for this area prior to development.

Motion carried unanimously.

b. Zack - Rezoning

HANSEN explained the background and maps generated for the agenda item. Zacks are requesting a rezone of a single parcel larger than two acres from Single Residential to Waterfront Zoning. The proposed change would be contiguous and designed to take advantage of upcoming harbor development. **STUDLEY** said that there is nothing specific planned for the zoning area, but the zoning chart lists permitted uses within the zone, and those uses are desirable for the parcel. There will be guaranteed traffic increases with a new harbor, and it's legitimate to anticipate those factors. He suggested that the property could include office space, or other commercial-type uses. **HEINMILLER** noted that the proposed harbor's northernmost causeway terminates into Zack's property. However, the project has been changed before, and it could change again. **MENKE**, citing code and planning studies, suggested that the Planning Commission discuss public access and recreational zoning issues along the Portage Cove waterfront. Steve **SMITH** agreed that the public enjoys the waterfront area for recreational purposes. **HEINMILLER** noted that the width of the current right-of-way limits access to the harbor, and this issue would be significant

in the upcoming project discussions. **MOORE**, an adjacent property owner and commercial fisherman, said that the proposed zoning is only speculative, and that few breakwaters have significant development, so this area shouldn't increase in commercial uses, compared to the harbor core area, due to the breakwater. He said that the harbor office would be built closest to the ramp. He said the zoning lines shouldn't change. **STIGEN** didn't see a point in rezoning to Waterfront. He suggested that if there was crowding and such space was at a premium the change could be warranted, but residential impacts would be too high. **HEINMILLER** noted that the project is still in the planning stages, and the development shouldn't be guessed too soon. **GOLDBERG** agreed, saying that the proposed rezoning is speculative. Also, the harbor project doesn't guarantee total development - some could be parks, parking, or walkways. There might even be room on the beach side with an enlarged harbor. He also noted that there are too many negative comments from adjacent property owners to see clear through to the rezone.

M/S GOLDBERG/BROUILLETTE to deny the rezoning request at this time.

SMITH said that if the harbor project did carry through it could be rezoned at that date. **HEINMILLER** noted that the Commission has reviewed portions of the harbor project, and it will certainly have more contact since it is a public facility design. **MENKE** agreed that the timing isn't right, and there should be more open/recreational areas as part of the design between the road and the water.

Motion carried unanimously.

MENKE suggested that a discussion analyzing the zoning of the Portage Cove area be held. She recommended that area between the road and the water from waterfront to recreation, as outlined in the Comprehensive Plan and the Coastal Management Plan, be considered for rezoning in a future meeting. It was decided to place this item on the January meeting agenda.

8. STAFF REPORT:

- a) Land Use Permits: NONE
- b) Enforcement: NONE
- c) Alaska Cadastral Project Update

HANSEN explained that the GIS website is now installed on the Borough web server and running, and the usual tweaks are

happening at this time as the end-of-the-year contract deadline approaches. When the application is ready it will be publicly announced.

9. COMMUNICATION: NONE

10. OLD BUSINESS:

- a. Tablemaker Independent Living Development Scoping Report Comments** - tabled until the January meeting

11. NEW BUSINESS:

a. Municipal Selections

HANSEN described the State program of municipal entitlements to municipalities, and the Haines Borough has 29 acres left to select. Existing selectable properties have been narrowed down to four desirable parcels. **HANSEN** showed a GIS map overlaying available State land, satellite imagery, and current Borough-owned parcels.

M/S CAMERON/SMITH to prioritize the parcels in accordance with the packet map: 1,3,2 (south half)

Motion carried unanimously.

b. State Transportation Improvement Plan

GOLDBERG explained that the state has reprioritized their transportation improvement projects, and Haines road projects have dropped out, with the Juneau Road Project, Ketchikan Gravina Island bridge and others taking the lion's share of funding. He suggested that the Commission forward a statement to the Assembly regarding the state's decision. **HEINMILLER** said that road projects are needed and very valuable to the Borough. Aside from usual maintenance needs the Haines highway needs to be ready to service a pipeline construction project.

M/S GOLDBERG/MENKE to recommend to the Assembly that the Haines Highway project remain at the top of the list and support the Auke Bay ferry terminal option in Juneau.

GOLDBERG noted that in the Juneau Road Project data 45% of all Haines-Juneau traffic was walk-on, so a Berner's Bay terminal would be counterproductive to the ferry's success also. The state said that a bus line would emerge to service the need.

Motion carried unanimously.

GOLDBERG said he would communicate this to the Manager.

12. PUBLIC COMMENT: NONE

13. TITLE 18 REVISIONS:

a. Residential Use Setbacks - tabled until next meeting

b. Lot Line Vacations and Adjustments - Do They Require a Surveyor and Plat?

HEINMILLER explained that a developer has requested relief from the expense of hiring a surveyor to move a lot line, especially if the parcel is large and has been platted before. As this issue has emerged several times perhaps a code change is warranted. He suggested that different surveyors don't certify each others' work. **HANSEN** agreed, saying that after he talked with a Juneau surveyor the overall impression was that the plat is worth the effort, since the same work has to be done to be able to certify that the data is correct. The surveyor still has to visit the corners anyway and make calculations based on data obtained. Printing out the mylar is the least complicated part. The surveyor had recommended that plats be required in all cases.

M/S GOLDBERG/SMITH to recommend that the Chairman research the issue and contact surveyors.

Motion carried unanimously.

c. Residential Use in the Industrial/Light Commercial Zone

GOLDBERG said that several residents have expressed concern that residential uses in the Industrial/Light Commercial (I/L/C) zone are being zoned out of existence. They cannot make any residential additions, and if damaged beyond 65% they cannot be rebuilt. Basically their homes are declining in value until the point where they must be torn down. He recommended that the Commission consider changing a selected group of parcels, containing six residential properties, from I/L/C to Commercial zoning to solve the problem.

M/S GOLDBERG/MENKE to begin the public process to change a selected portion of the Industrial/Light Commercial land use zone to Commercial zoning.

Motion carried unanimously.

14. NEXT MEETING DATE:

a. Commission Comments

MENKE requested that Commission members be provided in their packets or boxes a list of all public hearing mailout names and a copy of the data they receive. **GOLDBERG** advised new commissioners to bring Title 18 land use code, the Comprehensive Plan, and the Borough Charter to meetings, for often they're consulted for decision-making purposes within the meeting. He also spoke on ex parte communication limitations of Commissioners. He said that the Commission function would work better as members listen hard to what people say and try to stand in their shoes when being required to judge an issue. Sometimes you have to say "no," but always look for creative solutions.

b. Regular Meeting - Thursday, January 12, 2006, 6:30pm in the Assembly Chambers.

15. ADJOURNMENT

The meeting adjourned at 9:42 pm.
Respectfully submitted:

SCOTT HANSEN, Haines Borough Planning and Zoning Tech II