

**HAINES BOROUGH PLANNING COMMISSION
REGULAR MEETING MINUTES
January 12, 2005**

Approved

1. **CALL TO ORDER:** 6:35pm by chairman **HEINMILLER**.
2. **PLEDGE TO FLAG**
3. **ROLL CALL:**

Members 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: Donny **TURNER**, Mike **TAVOLIERO** (via teleconference)

4. APPROVAL OF AGENDA

Alterations: 13b. Change title to "Portage Cove Zoning and Land Use"

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

Motion carried unanimously.

5. APPROVAL OF MINUTES - December 8, 2005 regular meeting.

M/S CAMERON/SMITH to approve the above minutes with minor alterations.

Motion carried unanimously.

6. PRESIDING OFFICER REPORT:

HEINMILLER reported on the recent Assembly meeting. The Zack rezoning request appeal was pulled at the last minute from the agenda by the applicant, so it wasn't discussed at the meeting. The Porcupine Point subdivision decision appeal wasn't heard by the Assembly - they determined that the issues raised could be worked out between the applicant and the Commission. **HEINMILLER** also noted that approximately \$22 million is expected from state and federal sources toward the Boat Harbor project. The ice house project location could be changed by Americans with Disabilities Act (ADA) requirements for the boat ramp, and the Commission may be reviewing the final project. He noted that as chairman he'll make contact regarding the boat ramp ADA issue. He noted that the Assembly included Commission comments in its comments on the State Transportation Improvements Plan.

He also related that certain portions of new commercial tour permits may be coming to the Commission as they pertain to regulated land uses. He discussed appeals of Commission decisions and how the 10-day deadline may not need to contain the appellant's rationale. Since the Commission rationale for its decision isn't official until the minutes are approved there may be a better policy for this issue. He said also that the Commission will determine rationale for all motions within the context of the meeting so that there is reasoning established for all decisions, particularly as they have impacts prior to the approval of that meeting's minutes. **MENKE** suggested that Commissioners should be given "notice of decision" forms so that all know what written decisions were communicated. She recommended that Commissioners get notification of all appeals when they come in.

HEINMILLER stated that communication policies with the Assembly are being overhauled using a staff memo process. The Assembly has already asked for "Action Request" forms for all items on which the Commission wants them to take action. Additionally, a "Record of Decision" form will communicate other Commission decisions without being a request for the Assembly to take action. These two documents would go to both the manager and Commissioners.

7. PUBLIC HEARINGS:

- a. **Industrial / Light Commercial Rezoning** - postponed until next meeting to enable local newspaper advertisement

8. STAFF REPORT:

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

HANSEN explained that the GIS website contract has been adjusted to add a latitude/longitude option and fix a query problem due to faulty tax data. The site should be up around the first of February.

9. COMMUNICATION:

HEINMILLER read a letter from Tom Quinlan addressing the Zack rezoning request of last meeting. Quinlan requested that the zoning request to change from Single Residential to Waterfront be denied.

HEINMILLER also read Jim **STUDLEY**'s e-mail requesting that the Commission approve the Porcupine Point plat without having to submit additional meander line information.

10. OLD BUSINESS:

a. Tablemaker Independent Living Development Scoping Report Comments

HEINMILLER said that the Tablemaker Planned Unit Development project was introduced at a former meeting. The Commission has stated their favor of the concept and will be rehearing the issue again when more data comes forward. He said that **TAVOLIERO** has contacted DOT for possible inclusion, but their road project funding in this area is unknown right now. **TAVOLIERO** said that the retirement community conforms to the comprehensive plan and general zoning categories, and it needs official Planning Commission approval before going to the Assembly. **GOLDBERG** stated his concerns about an overland road construction project from the Skyline Estates area. An engineering report will be needed before serious talks can begin over a new road. **TAVOLIERO** said that as the concept matures issues like this will be discussed through the public process. He said that he's applied for water rights on Johnson Creek for a potential water source and/or hydroelectric facility, and engineering will follow as the potential remains. **BROUILLETTE** mentioned that the municipal sewer is marginal, at best, and to add to it with another subdivision may be detrimental. **GOLDBERG** noted the impacts of recent flooding on Lutak Road, and **TAVOLIERO** said these issues need to be looked at through the design process. What he is asking the Commission is to send a message of support of his concept to the Assembly for the next steps to begin. The Tanani Bay subdivision sewer outfall was brought up as a viable option if the Borough would take it over - it won't be allowed to be added if maintained by a private entity, as it is now. **HEINMILLER** suggested that the Commission would support that idea if development continues to be residential in this area. **MENKE** noted that the project, along with others, could be placed on the borough's CIP list if the Assembly were to supply the Commission the list for review. She suggested that the Commission be provided with a CIP list.

b. Pavilion Restroom Project

HEINMILLER said that the Tourism Advisory Board has resubmitted plans for restrooms next to the Port Chilkoot dock entrance, with the Significant Structures Area zone recommendations in the design. In the past property ownership

was unknown in the immediate area just in front of the PC dock, but it was recently re-discovered, so it will be necessary for the Tourism board to determine where within that area the structure will be placed. Additionally, DOT will need to weigh in on the project as it moves forward because there is some sort of state right-of-way near that location. **SMITH** noted the value of seasonal restrooms in that area. **MENKE** noted that public access is discussed in the Coastal Management Plan and asked if there will be public access to the PC dock. **HEINMILLER** said that even with liability and Homeland Security issues it might be good to have it publicly discussed again. The Commission agreed that the building design concept is satisfactory, and the next step in the project is to choose a site within the Borough-owned parcel.

c. Residential Use Setbacks

GOLDBERG explained that in 1917 the Haines Townsite was platted, and many of the lots were drawn in as fifty feet wide or less. In addition to that, in the past many lots were allowed to be subdivided into even smaller sizes. Since that time many setback variance requests have been brought before the city and also the borough Commissions. On a small lot every foot of workable space can sometimes make a big difference. It is commonly recommended to planners that when one issue keeps appearing before a Commission there may be good reason to change the code to more efficiently handle the issue. In the Commercial zone the "commercial use" setbacks are zero, and the "residential use" setbacks are twenty feet from the right-of-way and ten feet from adjacent property lines. These setback rules severely limit residential uses, which are a use-by-right in the Commercial zone. The Commission attempted an overall setback rule in the recent past, but it didn't seem to fit and didn't survive the public process.

M/S GOLDBERG/BROUILLETTE to change the "residential use" setbacks in the Commercial zone from twenty feet to ten feet (right of way) and from ten feet to five feet (adjacent lines).

MENKE said if setbacks are too small that encroachment issues could become a problem. **GOLDBERG** suggested a requirement to fulfill Alaska Fire Marshal design requirements if built too close to other structures. **HANSEN** noted the complexity of this situation, and all agreed that the code needs to be as simple as possible. **MENKE** suggested eight feet. **HANSEN** noted that if a residential use is adjacent to a commercial use that the two buildings would conceivably be five feet apart, and that should be considered.

Rationale considered when passing the motion:

- i) Small lots exist in the Haines core area
- ii) Effective building area (ex. corner lots with fifty-foot width only allow an effective building width of twenty feet)
- iii) Significant number of Commercial zone setback variances, and the \$150.00 cost each, brought before the Commission in the last several years.
- iv) (opposed) A closer setback will be made into law, and this code language move would take it out of the public hearing process
- v) (opposed) Fire and life safety issues may exist

Motion passed, **MENKE** opposed.

**d. Residential Uses in the Industrial/Light Commercial Zone
- public process**

Tabled until next meeting and the public hearing.

- 11. **NEW BUSINESS: NONE**
- 12. **PUBLIC COMMENT: NONE**
- 13. **TITLE 18 REVISIONS:**

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

HEINMILLER noted that he's not yet established satisfactory contact with the surveyor queried for comments. **SMITH** said that in order to certify that corners exist the surveyor still has to visit the property anyway, set corners, make calculations, and produce some sort of document. **GOLDBERG** noted a code problem: it seems to say both that adjustments don't require a plat, and then later that they do require a plat, and that apparent contradiction is the problem. **HEINMILLER** noted that if a surveyor has recently generated a plat in the area he's already got the information to vacate lines without complication.

BREAK FROM 9:00 TO 9:05

b. Portage Cove Rezoning and Land Use

MENKE noted how land use code requires that Coastal Management Plan regulations be enforced. The Plan describes the

value of a continuous pedestrian corridor along the Portage Cove waterfront, and that the Borough should pursue easements/acquisitions to reach that goal. The Plan also identified public access, historic uses, and native issues. She stressed that the Commission not lose sight of the publicly-identified issues in the Plan. She recommended that the Commission propose ordinances which capitalize on the opportunity to rezone the north portion of Portage Cove to Recreational. **GOLDBERG** noted that a rezoning might require the borough to purchase parcels, as recent municipal takings are in the news and carry with them a storm of legal activity. **SMITH** advised that great care should be taken when suggesting a rezoning, as much investment has been made under current zoning constraints. **HEINMILLER** said that easements can achieve trails and sometimes can be managed via an exchange with property owners. Either way, the public process is involved. **SMITH** noted that public comment will happen with the Boat Harbor project. **MENKE** recommended, and **HEINMILLER** agreed, that "Future of the Waterfront" be an agenda item on the next meeting.

14. Commission Comments

HEINMILLER recommended that staff generate a property ownership map for upcoming Commission meetings when the Boat Harbor Project will be reviewed. **GOLDBERG** said that in the Porcupine Point plat the expected meander line data was very reasonable. That was the significant issue blocking the development, and little stood in the way of approval. He said that the Commission did not propose an unreasonable amount of expense or effort on the developer's part. **MENKE** noted the importance of understanding the subdivision plat review process.

15. NEXT MEETING DATE:

- a. **Regular Meeting** - Thursday, February 9, 2006, 6:30pm in the Assembly Chambers.

16. ADJOURNMENT

The meeting adjourned at 9:35 pm.
Respectfully submitted: