

**HAINES BOROUGH PLANNING COMMISSION
REGULAR MEETING MINUTES
June 22, 2006**

1. **CALL TO ORDER:** 6:30pm by chairman **HEINMILLER**.
2. **PLEDGE TO FLAG**
3. **ROLL CALL:**

Members present: Bob **CAMERON**, Lee **HEINMILLER**, Doug **OLERUD**, Jack **SMITH**

Absent: Harriet **BROUILLETTE**, Rob **GOLDBERG**, Kathleen **MENKE**

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

Visitors: Deborah **VOGT (Assembly liaison)**, Jane **SEBENS**

4. **APPROVAL OF AGENDA**

M/S OLERUD/CAMERON to approve the agenda, deleting item 7A. Kroschel Mosquito Lake property concept.

HEINMILLER said that Kroschel called to say that the section line easement he was interested in proposing to develop in exchange for vacated right-of-way turned out to be nearly impassable, and he needs to consider the issue again. If and when he is ready to propose a right-of-way vacation he'll bring the issue back to the PC.

Motion carried unanimously.

5. **APPROVAL OF MINUTES** - April 6, 2006, regular meeting

M/S OLERUD/SMITH to approve the above minutes.

Motion carried unanimously.

6. **PUBLIC COMMENT: NONE**
7. **PRESIDING OFFICER REPORT:**

HEINMILLER noted several issues observed since last meeting:

1. Capital Improvement Project List - perhaps the Commission could review the CIP list in the future.
2. River Road construction

River Road is getting attention from Public Works. Who will determine road width, ditching, and other standards largely unspecified in the code?

3. Borough Road Standards

HEINMILLER is working on proposing some basic road categories to make Borough road construction and subdivision processes more predictable and consistent for developers' sake.

4. Nelson Trust

The Nelson estate at 7 Mile Mud Bay Road is to be vacated as per the property assessment Board of Equalization meetings, from its existing 95 lots. This year the assessor valued it much higher as separate lots than as raw land, and Nelson isn't interested in paying higher taxes.

5. Juneau Road Access Project

This state project needs Planning Commission approval. **HANSEN** handed out the latest ACMP review, proposing that the project up to the Katzehin River concurs with existing ACMP regulations, including the Haines Coastal Management Plan enforceable policies. **HANSEN** noted that the proposed ACMP concurrence packet has the best information to date about the project, as we've mostly seen proposals. **VOGT** suggested a proposed letter format explaining that the project must be reviewed by Haines prior to being built in the Haines Borough and handed out a draft copy to the Commission. **HEINMILLER** noted that the project is designed in phases, and the phase within the Haines Borough hasn't been proposed, though it is expected within five years or so, depending on administration and future budget limitations. There may not be specific project routes or designs in the next few years.

M/S OLERUD/CAMERON to send the draft letter regarding the Juneau Access Project to the Assembly and recommend their sending it to the State.

Motion carried unanimously.

8. **PUBLIC HEARINGS: NONE**

9. **STAFF REPORT:**

A. **Land Use Permits (attached to end of minutes)**

B. Enforcement- HANSEN mentioned that several live-in trailer enforcements are being initiated. Code prohibits living in trailers as a residence longer than seven days unless within a mobile home/RV park or within the constraints of a permitted construction project.

HANSEN also said that the assessor has certified the 2006 tax roll, and staff has connected 2006 values to the GIS website. When users are on the site all values, tax calculations, and legal data are as current as the electronic Borough database information available in the office.

10. COMMUNICATION:

A. Assembly - Commercial Zone Setbacks

HEINMILLER noted that the Assembly, after considering an Action Request from the Commission, returned it for more consideration by the Commission. There is question over whether or not a land use permit approval could render an adjacent property less developable due to setback constraints. For instance, if the new setback language were put into place a residential building might be placed within five feet of a lot line (many lots are very small in the Commercial zone, particularly downtown). If this were to happen a commercial venture next door might seek to build to the lot line, which is allowed by code, but the resultant five-foot distance between the two buildings would be less than the 15-foot required separation distance from other structures, a fire safety provision of the code.

HEINMILLER noted that the situation exists even without the proposed code change - if a residence builds within ten feet of a line and then a commercial enterprise wants to build to the line they're still constrained by the 15-foot fire safety rule. He said he's talked with the borough fireman, who indicated that, for fire fighting purposes, there is little practical difference between five and fifteen feet when a building is on fire and firefighters want to either protect the adjacent structure or move in between to maneuver equipment. Either situation is too close, so the five-foot setback wouldn't be a material change. VOGT recounted a recent fire in Juneau where a church building burned, but because of building code laws an adjacent residential structure built very close did not catch fire, whereas a wall on the other side of the building, built earlier and not to the same design standards, did not protect the adjacent structure, and it caught fire and was lost.

OLERUD suggested stipulating to developers that a closer distance could require extra building requirements due to the

allowed closer proximity to other structures. **HEINMILLER** suggested placing this on the permit form. **HANSEN** said that Borough forms undergo changes from time to time, and the Manager could be open to the change.

M/S OLERUD/SMITH to direct staff to communicate with the Manager regarding changing the permit form to inform developers about possible increased building design requirements due to small setbacks in code.

Motion carried unanimously.

B. Assembly - Special Conditions Permit

HEINMILLER said that the Special Conditions Permit is a definition within the code identifying certain permits as requiring special conditions for passage. By the code's definition conditional uses, nonconforming uses, and subdivisions are Special Conditions Permits. In past meetings the Commission has wanted to clean up language to include the expectation that subdivision reviews take into account 18.60.020 (Specific Approval Criteria). A concern was noted in later meetings by the Assembly that this would basically turn into zoning regulations via the subdivision review process, which is not the intent of either subdivision or land use code.

HEINMILLER noted that only marginal zoning regulation exists in the General Use zone. The home rule borough possesses areawide planning and platting authority, and at such a time as the need arises there will be zoning regulations for the sake of the future. However, at this time there is little regulation deemed necessary in outlying areas.

VOGT asked how 18.60.020 really applies to subdivision permit reviews. **VOGT** said she was unfamiliar with the attached explanation sheet provided by **HEINMILLER**.

M/S CAMERON/OLERUD to resubmit the attached explanation sheet, dated 5/9/06, to the Assembly as part of the code language change action request submittal.

Motion carried unanimously.

11. **OLD BUSINESS: NONE**
12. **NEW BUSINESS:**

A. SEBENS Easement Request

SEBENS said that this easement request identifies the sole physical access to their structure on a steeply sloped hillside property. **HEINMILLER** noted that the parcel within which she's proposing an easement is the same parcel the Commission recommended an easement for Stan Jones' proposed water tank.

M/S OLERUD/SMITH to recommend that the Assembly approve the easement request by Mark and Jane **SEBENS** through Borough owned property.

Motion carried unanimously.

B. CAMERON Lot Line Vacation

HEINMILLER explained that this is a standard lot line vacation, and the request is to perform the vacation without a plat. Currently two lots exist, and the developer wants to combine them. The second lot has the water supply, and taxes are lower on the single lot. The surveyor, Dick Folta, is no longer in the surveying profession but is still practicing law, and he is proposing a non-plat solution. The issue is practically simple: no new points, no land being subdivided - it is a reversion to a former plat, but that plat doesn't have the exact text required to be submitted currently and conform to borough platting regulations. If it only takes a simple act to vacate the line, why should a surveyor needed to craft a drawing? He noted that if Folta's written description were sent into the state they'd approve the document, but the borough's platting requirements wouldn't be met. **HANSEN** suggested that exceptions from the platting requirements being noted by Folta should not refer to the final plat document but to other aspects of the platting regulations such as minimum lot size, short vs. long plat, or other constraints - this is a code interpretation issue and is a good one for the Commission to consider. **HANSEN** suggested that a surveyor-drawn plat is the rational expectation of the code for every change of property lines, for the sake of correct property identification both on paper and in the field. He suggested that a plat conforming to code is the most correct, readable, workable document to identify a land parcel.

VOGT said she could understand an easement not requiring a plat but saw no other need to set aside platting requirements.

HEINMILLER said that the issue could be postponed until the next meeting so that the code language could be investigated in this light.

13. TITLE 18 REVISIONS: NONE

14. COMMISSION COMMENTS: NONE

15. NEXT MEETING DATE:

A. **Regular Meeting** - Thursday, July 20, 2006, 6:30pm in the
Assembly Chambers.

16. ADJOURNMENT

M/S OLERUD/SMITH to adjourn.

Motion carried unanimously at 8:09 pm.

Respectfully submitted:

SCOTT HANSEN, Haines Borough Planning and Zoning Tech II

LAND USE PERMITS - through June 2, 2006			Parcel Number					
	3/28/06	Mountain Market	C-MIS-06-0900					comm addition
06-11	3/28/06	Arleta Davis	C-MEA-01-1700	17		Meadowland #1		SFR add and storage 4K
	3/31/06	Basil Borkert	C-CIA-04-0700	7	4	Chilkoot Inlet Sub		SFR added to site work 150K
	4/3/06	Bern Savikko	C-CIA-01-0600			Chilkoot Inlet Sub		SFR added to site work 150K
06-12	4/3/06	Barbara Bryant	C-LYN-0A-0900	9	A	Lynnvue		land clearing IAOD
06-13	3/28/06	Kenneth Klinger	C-TBS-00-1100	11		Tanani Bay		SFR Addition 27K
06-14	4/6/06	Darsie Culbeck	C-YNG-04-0500	5,6	4	Young Sub		SFR addition 20K
06-15	4/11/06	Charles Carl	C-ANY-11-0100			Anway Five Acre Garden Tracts		garage 20K
06-16	4/12/06	Clint Acquistapace	C-HEM-23-0100	1	2	Hemlock Estates		SFR 200K
06-17	4/12/06	Donny and Ellie Braaten	C-SKY-0B-0200	2	B	Skyline Estates		SFR 150K
06-18	4/14/06	Linda Moonan/Chuck Hazen	C-PTC-01-0300	3	1	Port Chilkoot		SFR addition 20K
06-19	4/6/06	Bill and Cristeen Zack, Anlauf trust	C-STM-03-TL90	4		Lillegraven plat 98-5		short plat
06-20	4/19/06	Linda Walker-Ken Klinger	C-TBS-00-1700	11,17		Tanani Bay		short plat
	4/25/06	Dan Northrop	C-HAG-00-0400	4		Tanani Bay		SFR 125K
06-21	4/25/06	Margo Clayton	C-YNG-05-0300	3,4	5	Young		SFR 150K
06-22	4/27/06	Chilkat Valley Farms	C-MIS-04-0100	1	4	Mission		temp greenhouse
06-23	4/27/06	Phil Busby	C-CIA-03-06C0	6C	3	Chilkoot Inlet		bungalow 10K
06-24	4/27/06	Rodger Tuenge	C-USS-03-0200	2		USS 3		Accessory bldg
06-25	5/3/06	Charles Paddock		12	B	#5 Deishu		HC ramp
06-26	5/4/06	Dan Harrington	C-YNG-04-1100	11	4	Young		SFR 150K
06-27	5/15/06	Jim Puckett	C-GNG-00-02A0	2A		G and G subdivision		boat shed 25K
06-28	5/19/06	Gale Hay	C-DAS-0B-0400	4	B	Daschu		fence
06-29	5/30/06	Suzan Cresswell	C-207-TL-2010					mud room
06-30	5/31/06	George McCament	C-SKY-0D-0900	9	D	Skyline Estates		SFR site prep 250K
06-31	5/31/06	Doug OLERUD	C-TNS-04-0100	3	4	Haines Townsite		comm addition
06-32	5/31/06	Haines Borough	HIGH SCHOOL					