

**HAINES BOROUGH PLANNING COMMISSION  
REGULAR MEETING MINUTES  
January 11, 2007**

**Approved**

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

Members present: Harriet **BROUILLETTE**, Lee **HEINMILLER**, Kathleen **MENKE**, Jack **SMITH**, Dawne **THOMSEN**, Donny **TURNER III**, Rob **GOLDBERG**

Absent: **NONE**

Staff Present: John **WURST** (Borough Assessor/Land Manager),  
Scott **HANSEN** (Planning and Zoning Tech II)

Visitors: Dave **AMMON**

4. **APPROVAL OF AGENDA**

**M/S BROUILLETTE/TURNER** to approve the agenda as submitted:

Motion carried unanimously.

5. **APPROVAL OF MINUTES:**

**A. December 14, 2006 Regular Meeting Minutes**

**M/S TURNER/MENKE** to approve the minutes as submitted.

Motion carried unanimously.

6. **PUBLIC COMMENT:**

**AMMON** expressed concerns about the 3<sup>rd</sup> Avenue project and the planning process to date. He presented suggestions recently brought before the Assembly, and the Assembly seems to be willing to consider the project, which could prove to either save money or add more product for the money spent. He proposed an asphalt rumble-strip design allowing for more sidewalk but without the more-expensive concrete costs. Plowing would be more predictable, pedestrians could walk on the uphill side along the whole project, and grades could improved for the short, steep hill. He suggested a possible funding source for the atypical design. **AMMON** also suggested that the Commission comment on Capital Improvement Projects like this one before they go out to bid. He said he'd spent about a full week's time gathering information and working on designs, but he's been stonewalled by the Administration and Assembly - inadequate

prior public discussion and only minimal and fragmented time with the administration. He talked with the Mayor about his thoughts late in August but hadn't been able to connect back with the Borough. He said it's difficult to get any serious time to discuss the matter with the Manager - a project like this should be planned by the community. **TURNER** agreed, saying that the Commission is ideal for such reviews - it's counterproductive to wait until the project is decided to bring it to the Borough's planning entity. **TURNER** said that the borough is currently asking the state to manage the project, but local developers should still be able to participate in the project if portions could just be split out, such as dirt work. If more bids are received the competitive process will keep development costs down.

**HEINMILLER** said that he'd check with the Manager after the meeting to see if **AMMON**'s considerations have been taken into account. **BROUILLETTE** is interested in hearing the Manager's rationale for not having an official public hearing to present the project plan. **TURNER** agreed, saying that when projects like the 3<sup>rd</sup> Avenue road repairs are planned out and then passed before the Commission for a "rubber stamp" the public really has no input even though it appears that they do. If any changes are proposed after the bid is out the Commission gets blamed for causing more problems than good. This is counterproductive. **HEINMILLER** agreed, saying that with the current administration the Commission isn't getting CIP lists to review, and there have not been major changes. If projects aren't completed year to year they continue on the list. CIP lists are not complicated to bring before the Commission for review. **MENKE** read from the most recent Manager's report to the Assembly. The manager said that the Borough lobbyist is pushing for project funding from the state for public capital projects the Commission has never reviewed. She read from 18.30.040(H) "The manager shall submit the capital improvements program to the commission in a reasonable period in advance of the fiscal year." **HEINMILLER** agreed, noting that if CIP lists are required to come to the Commission, but the Commission doesn't get them the volunteer Commission has to chase after the Manager to receive that which is required by code.

**AMMON** said he doesn't want to slow down the project, but he estimated that his proposed changes involve cost savings that add value to the project without a great delay. Without adequate planning this project will go the same way as the school project - it won't fit the budget, it won't have been planned adequately, and the public will bear the added cost for an inadequate process. **BROUILLETTE** noted that the Planning

Commission has a duty to require cooperation by the administration to be a part of the borough's project planning process.

**7. CHAIRMAN'S REPORT:**

**HEINMILLER** said that at the last Assembly meeting the Manager's report revealed the list of projects given to the Borough lobbyist. The lobbyist is going to the state for funding for these projects, but the Commission is not reviewing these projects for review like the code requires. Perhaps there are two lists - one going to the public and one going to the lobbyist. He recommended that the Commission receive the real list - the one being used to request funding from the state.

**MENKE** asked about the overflowing lift station right next to the senior center - in heavy flows it actually pumps out waste into the street. **TURNER** noted that because the pump works well it pressurizes the downhill exit piping, which is inadequate for the flow, so it backs up around the pump and floods the street. The lift station works well, but the output piping is inadequate - perhaps a longer outlet line would assist proper flow. **MENKE** said that an engineering report in the recent past publicly revealed and discussed this situation. She suggested that projects like this should be coming before the Commission, and the Commission can decide whether or not to recommend to the Assembly a prioritization of the projects.

**8. PUBLIC HEARINGS: NONE**

**9. STAFF REPORT:**

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

**HEINMILLER** noted that last month's **RAKER** development in the fort was proceeding well. Chilkoote Indian Association staff have been working closely to fulfill the requirements and recommendations placed on the last meeting in their development of the historic Officer building owned by **RAKER** on Fort Seward drive.

**B. Enforcement: NONE**

**C. Road Standards Report**

**HANSEN** said that the budget process is fast approaching and within a month should be coming out for review. The administration has asked local contractors to review a set of proposed road standards to replace the current standards in subdivision code. The Manager hopes to ask the Commission to review these standards soon.

The Manager also noted that he's been discussing the harbor project with DOT and should have downtown ferry options to present to the Commission at a future meeting. **HEINMILLER** suggested that with approximately \$11 million of the project funding dedicated to planning that the Borough Planning Commission should rightly be involved in the overall project feasibility and planning.

10. **COMMUNICATION: NONE**

11. **OLD BUSINESS:**

**A. Cemetery Regulations**

**HANSEN** introduced the proposed code language placing private property burials in the nuisance code, with minor changes to land use code. Currently Title 8, titled "Health and Safety" can be applied areawide, but currently nuisances are only applied to the Townsite Area. The proposal is to have one nuisance, burials, avoided outside the Townsite Area by crafting regulations for proper burials.

**MENKE** noted that the nuisance declaration is connected to a service area. **GOLDBERG** noted that health and safety issues can be justifiably handled on an areawide basis, and all agreed. **HANSEN** noted that police protection is by service area, and local police presence is a valuable tool for law enforcement. **HEINMILLER** noted that nuisance code language is very subjective, so enforcement is a problem, and enforcing burial regulations could pose some significant hurdles to the enforcement process. **MENKE** agreed, noting the futility of passing laws without the mechanism to enforce the laws. **THOMSEN** asked how a municipality would regulate 1) the creation of a cemetery in the General Use, Mud Bay, and Lutak zoning districts since it's a use-by-right, which don't require permits, and 2) placement on deeds of burial plots. She noted that it would be reasonable to have setbacks govern the placement of burial plots on private property. **HEINMILLER** said that "established cemeteries" exist in many places around the Borough, but they are not necessarily good places for new burials. He recommended differentiating between historic burial areas, currently active areas, and areas where new cemeteries might be desirable. **MENKE** recommended that burial language be applied boroughwide.

**THOMSEN** said that the future for the Haines is to have established, public cemeteries rather than private individuals buried on private property. At some point burials on private property will end. She said that the proposed language is all

mucked up, and private burials should be prohibited - all burials should be in an established public cemetery.

**M/S THOMSEN/BROUILLETTE** that the Commission craft land use cemetery standards language and that it be unlawful within the Haines Borough to bury a person except within an established cemetery.

**GOLDBERG** noted that currently cemeteries are a use-by-right outside the Townsite Area, though the Lutak area may prohibit it because they're not specifically allowed in the text of code. There need to be standards for cemeteries. **TURNER** agreed that the matter is a land use issue.

Motion passed unanimously.

**HANSEN** noted that the Commission will ultimately be crafting this language, perhaps next meeting. **WURST** complimented the Commission at concluding that burials are a land use issue.

RECESS 7:46pm

RECONVENED 7:56pm

## 12. NEW BUSINESS:

### A. Haines Coastal Management Plan Amendment Approval Recommendation to Assembly

**HANSEN** explained that in 2004 state and federal laws changed for managing the Alaska Coastal Management Program (ACMP), so to continue in the process the Borough decided to amend the Haines Coastal Management Plan (HCMP) to conform to the new regulations. Participation in the ACMP benefits the Borough by way of funding from the state (\$13,000.00 in 2006), networking opportunities with other municipalities, and increased local control over coastal planning and development. The Borough entered into a contractual agreement with Sheinberg Associates to rework the HCMP. They cooperated with the Commission, held public meetings and a public hearing and presented a draft document to the Commission in June 2006. The Commission approved that document, and the state and federal agencies went to work on it, with staff making changes as required by those entities. With those changes the document was approved by the federal government on December 7, 2006. The HCMP dated September 5, 2006, is before the Commission for review and approval. The next step is for the HCMP to be approved by ordinance by the Assembly, which includes a public hearing process. This needs to be complete within 90 days of approval by the federal government, or by Wednesday, March 7, 2007.

**MENKE** expressed consternation over the short timeline and lack of oversight of administration staff for the project. **HANSEN** noted that cooperation in the program requires conforming the HCMP to state and federal requirements. The Commission has cooperated toward that goal. **MENKE** recommended that the Commission take another month to review the HCMP. **TURNER** noted that another month's review wouldn't leave time for the Assembly's public hearing process for the ordinance. **MENKE** said that she needs a complete set of color copies and a record of all changes made to the document since submitted by the Commission. **HANSEN** said he would produce color copies of all the maps, but changes were made by federal and state agencies. Those changes are mandatory to remain in the program. **MENKE** noted that the Important Habitats section was removed from the plan. **HANSEN** said that state-and-federally-documented Important Habitat areas encompassed the Borough's descriptions and superceded the data in the plan. If the borough wants to generate scientific data to support a special area, such as the Sawmill Creek Watershed (currently documented and part of the Plan) it can be added and supercede less restrictive data currently held by state and federal agencies. As noted by consultant Sheinberg Associates there is a common concern among coastal districts that the timeline is very short, and the regulations are tighter than before. The end result is that there is less local control over the Coastal Management Program statewide.

**TURNER** said the Commission needs to make a motion soon. **GOLDBERG** recommended passing the HCMP but expressing concern over the whole fast-track process. **MENKE** agreed with **GOLDBERG**. **THOMSEN** said that at this point the Borough can't really oppose changes made by state and federal laws. She recommended approving the document. **HEINMILLER** agreed, saying that more data can be added to improve the plan. **GOLDBERG** said he believes that the changes made by staff were not arbitrary.

**M/S TURNER/SMITH** to recommend that the Assembly pass the proposed language by ordinance, voicing concerns that an expedited process, as required by state regulations, does not allow the Planning Commission the opportunity to suggest changes to the final document after state and federal agencies make changes to conform to newly imposed regulations. (*underline denotes added text*)

**18.110.010 Authority.**

*The coastal zone management plan of the borough, adopted by the borough assembly on June 16, 1980, revised on*

*September 7, 1993, March 22, 2000, and September 5, 2006,*  
*shall apply to all permits issued under this title.*

Motion carried unanimously.

**13. TITLE 18 REVISIONS:**

**A. Title 18 Revision Recommendations**

**HANSEN** identified issues gathered over the last several years. He recommended that the Commission consider the list and prioritize topics for future consideration.

It was generally agreed to prioritize and address one or two items per meeting. After some discussion **HEINMILLER** suggested "Road Construction Standards" for next meeting and "Surveyed plats required for lot line adjustments, vacations, and amendments" for the next meeting. All agreed.

**14. COMMISSION COMMENTS:**

**TURNER** said that since this year has been a heavy snow year an interesting issue is affecting the Borough: not enough property for snow storage. This year the Borough will pay thousands of dollars in transportation costs for dump trucks to move snow from densely populated areas lacking room for snow storage throughout the winter. He recommended that in a relatively short time the Borough would recover the cost of buying property from private hands and store snow on Borough land instead of trucking it away to Borough land every year. **MENKE** added that the lots could be publicly used during non-snow months.

**15. NEXT MEETING DATE:**

**A. Regular Meeting** - Thursday, February 8, 2007, 6:30pm in the Assembly Chambers.

**16. ADJOURNMENT**

**M/S SMITH/GOLDBERG** to adjourn.

Motion carried unanimously at 8:51 pm.

Respectfully submitted:

---

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

LAND USE PERMITS - through 12-19-06			Parcel Number	Subdivision	Development
06-71	12/14/06	Cheri Rakers	C-STR-03-12A0	6 Fort Seward Dr	decking and ramp
06-72	12/19/06	Cynthia Adams/Bart Henderson	C-NUK-00-1000		short plat and SFR