

**HAINES BOROUGH PLANNING COMMISSION
REGULAR MEETING MINUTES
May 10, 2007**

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

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

Absent: Donny **TURNER III**

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

Visitors: Nancy **BERLAND**, Greg **BRASK**, Debra **SCHNABEL**, Glen and Alison **JACOBSON**, Tony **MALONE**, Ponda **DENNIS**, Jeni **PETERS**, Stephen **SMITH**, Ron and Jean **SMITH**

4. **APPROVAL OF AGENDA**

M/S GOLDBERG/THOMSEN to approve the agenda as submitted.

Motion carried unanimously.

5. **APPROVAL OF MINUTES:**

A. March 15, 2007 Regular Meeting Minutes

M/S GOLDBERG/MENKE to approve the minutes as submitted.

Motion carried unanimously.

6. **PUBLIC COMMENT:**

BERLAND asked the Commission to begin the process of enlarging the Haines Coastal Management Plan boundaries to encompass the entire Borough. She said that the Juneau Road Environmental Impact Statement is a wealth of natural resource data and can be used when documenting new areas.

7. **CHAIRMAN'S REPORT:**

- o **Tourism Advisory Board (TAB) Meeting**

HEINMILLER said that the TAB will be meeting soon to discuss the latest Port Chilkoot Restrooms/Pavilion project options in depth, and the Commission is slated to attend that meeting in a joint event next Wednesday at 9:30am.

o **Waterfront Public Use and Access Study**

HEINMILLER said that the Commission is being asked by the Assembly to make use of the Sheinberg Associates planning document generated for the City of Haines Waterfront Public Use and Access study. This document will be very helpful when considering Waterfront Planning.

8. PUBLIC HEARINGS:

A. Long Plat - St. James Place Subdivision

HANSEN introduced the memo to the Commission. The development is requesting a dedication of right-of-way and lot splits involving several owners. He mentioned that potential exists for two right-of-way interconnections - one to Oslund Drive, which is mentioned specifically in the Comprehensive Plan, and also to Mathias Street. He said that Dave Ward, the owner of a portion of USS 784, has expressed interest in dedicating right-of-way through his property to allow the interconnect to Mathias Street, if **SCHNABELS** were willing to do the same. **HANSEN** noted the code requirement for a sewer main would to be extended approximately 250 feet to the newly-created proposed Lot 7.

7:09pm PUBLIC HEARING OPEN

Jean SMITH, a signer on the plat, stated that she is not in favor of extending Oslund Drive. **Ron SMITH** stated their support for the cul-de-sac option. He said that the Mathias Street option wouldn't affect them and would be a good idea.

SCHNABEL said that she would entertain a right-of-way through to Mathias Street, a reasonable option, but expects compensation for the expense of moving four trailers within the corridor that would become right-of-way. **HEINMILLER** illustrated the value of having more access up to Skyline and Highland Estates. This is a significant community health and safety planning issue. **SMITH** added that improved access is significant in terms of snow removal also. Dead ends get complicated the more snow that comes. He recommended working with private landowners to obtain right-of-way through Oslund Drive and Mathias Street to 4th Avenue. **HEINMILLER** noted that even though

the roads wouldn't be main thoroughfares they'd be valuable because they would eventually be needed. **HANSEN** said that one owner in particular on the potential Oslund Drive has expressed unwillingness to have right-of-way through their property, but Mathias Street has less hindrance. **SMITH** said that Oslund Drive, also endorsed by the Comprehensive Plan, is preferred from an access standpoint. **HANSEN** explained the process involved to change a lot line relative to the proposed plat.

HANSEN said that if the plat were approved the proposed "Oslund Drive" might be called "Oslund Drive West" instead, to avoid confusion. He also noted several spruce trees in the toe of the road prism and recommended that they be removed prior to acceptance of the road.

7:40pm PUBLIC HEARING CLOSED

M/S GOLDBERG/SMITH to approve the St. James Place Subdivision preliminary plat as per the memo submitted by the administration.

GOLDBERG said that the developer can erase the lot line between lots 6 and 7 and resubmit the plat if it's not desirable to extend the sewer main from the corner to lot 7.

Motion carried unanimously.

HANSEN said that the developer's next steps will be to construct the right-of-way, including utilities, to borough standards, and when that work is complete the preliminary plat will be signed by the Borough. If lot lines are changed the long plat process would begin again.

M/S HEINMILLER/THOMSEN to recommend to the Borough Assembly to explore the possibility of acquiring a portion of Dave Ward's USS 784 and a portion of Debra Schnabel's proposed lot 1 on the St. James Place Subdivision preliminary plat to connect Mathias Street to Fourth Avenue.

Motion carried unanimously.

Recess 7:40-7:45pm

**B. Conditional Use Permit - Alaska Fjordlines, Inc.
Building**

HANSEN explained that **JACOBSONS** are requesting a Combination Residential/Industrial/Commercial building whose primary use is

commercial but contains a residential component. They want to use the shop area for the inevitable mechanical repairs needed for their marine transportation business, rather than paying someone else to do the repairs. They also want to live in the structure or allow employees to live in the structure.

8:06pm PUBLIC HEARING OPEN

Steve **SMITH** said that the **JACOBSON**'s development is a poor long-range plan because the waterfront has such beauty and personal appeal to individuals passing by. The waterfront should be dedicated to public access and recreation. It would be visual pollution and would obstruct the view of current residents.

PETERS suggested that the property would make an excellent walkway. A two-story building would invite other like structures. Also, it would be a bad investment if a boat harbor comes in. **DENNIS** said that she would miss the beautiful view, and her children recreate on the shoreline and water. She expressed a desire to keep the view the same.

MENKE read from the Haines Borough Comprehensive Plan, which sets as a priority to change the existing Waterfront Zone into a different use more conducive to recreation and public uses. She recommended that the Commission initiate a thoughtful Waterfront Plan and then make a determination on the **JACOBSON**'s application. The development doesn't fit public and recreational access priorities. **GOLDBERG** said that he understands the desire for an unchanged viewshed. However, development like this occurs over time because private landowners have the right to develop within zoning guidelines. In the Waterfront zone a residence is a use-by-right. He read off the zoning chart that home occupations and churches are allowed in the Waterfront zone. He said that building structures for many uses is allowed in the Waterfront zone. He said that the Planning Commission doesn't have the legal right to prohibit a land use when the code doesn't prohibit the use. If the Borough owned the property it would be possible to make this kind of determination, but private properties are given rights if they operate within zoning laws. Alison **JACOBSON** noted that the beach is accessible. Ticket sales for the public are in an office down the street, but they want to reside in the structure and perform the many minor repairs needed for the business in this building. The structure is built well to code, with an architect's design and approval by the Alaska State Fire Marshal. **BROUILLETTE** said that future development will come into question because of the right-of-way width. **VOGT** said that since the Assembly requested that the Commission reconsider Waterfront Planning in this area that the Commission do that

prior to acting on this permit. **THOMSEN** observed that competing issues will always exist in neighborhoods, and this is a thoughtful approach by design. It conforms to the minimums required by code, and the Borough needs to recognize that. Planning laws can change, but they need to be obeyed.

HEINMILLER noted that an "old cannery building" style has never been in this area and recommended lowering the roof pitch, changing a metal siding to a more conventional wood siding. Wood siding would diminish sun reflectivity at certain sun angles, which affects the way town looks from the water. Historically there were small wood structures on small lots in this area. He said that the road width is an issue and observed that Haines has problematic transportation corridors. Those need to be taken into account when planning for the waterfront. He agreed that Waterfront Planning needs to occur soon. **MENKE** said that though the use is not prohibited it's not "rubberstamped" either. **BROUILLETTE** said that making a determination without prior Waterfront Planning would be shooting the Borough in the foot. **SMITH** noted that the use is legal right now. Property rights exist within zoning laws. **GOLDBERG** noted that the practical reality is that the Borough doesn't have the money to purchase these lots for recreation and public access. He recommended adjusting the details of the site since the use is legal. He suggested changing the roof design to redirect the inevitable snowdrop. He also recommended non-metal siding to reduce reflectivity from the sun. Also, a lower roof pitch would lower the viewshed impact. **THOMSEN** suggested directing snow to the water side rather than to the sides. She recommended that the Commission follow established zoning laws for independent properties rather than rule strictly from the Comprehensive Plan. **DENNIS** asked if the Commission would please follow the Comprehensive Plan and change the zoning from Waterfront to something more related to recreational/public access.

9:08pm PUBLIC HEARING CLOSED

M/S MENKE/BROUILLETTE to deny the permit on the grounds that it is inconsistent with the Haines Coastal Management Plan and the Comprehensive Plan.

GOLDBERG disagreed, saying that the code allows these uses - it's not prohibited - the Commission needs to move within these constraints. **HANSEN** requested a point of order, noting that the Commission has a directive from 18.50.040 to make a decision using a process laid out in the code.

BROUILLETTE said that Waterfront Planning is so inadequate in this area that she is uncomfortable allowing the use in this area.

MENKE requested a roll call vote.

The motion failed, with **BROUILLETTE** and **MENKE** in favor.

M/S HEINMILLER/BROUILLETTE to continue the Conditional Use Permit discussion after having a Waterfront Planning discussion at the next regular meeting.

HEINMILLER noted problems with the road width and parking. **JACOBSON** said that they are proposing a 26' setback from the property line, which is two feet into the constructed roadway. This is greater than the required residential setback.

Motion carried, with **THOMSEN** opposed.

HEINMILLER noted that the issue would be on the June 14 agenda.

07-06	4/5/07	Alaska Power and Telephone			Commercial Utility
07-07	4/9/07	Ed Beitner	C-SKY-0A-0500	Skyline	SFR
07-08	4/9/07	Josh Bentz	C-SKY-0C-0200	Skyline	SFR
07-09	4/9/07	Robert Clary	C-CEM-00-1400	Cemetery Hill	SFR
07-10	4/3/07	Ed Lapeyri	B-GLP-00-0400	Glacier Point	accretion plat

9. STAFF REPORT:

- **Land Use Permits - HANSEN** recounted the following permits:
- **Alaska Coastal Management Plan Reviews** - the following projects were reviewed:
 - i. 6th and Union Culverts and Utility Lines - agree
 - ii. Mud Bay and Lutak Roads - permanent storm damage repairs - agree
 - iii. Whitepoint Systems, Inc. tidelands sampling - agree
- **Public Works Maintenance Building**

M/S BROUILLETTE/GOLDBERG to approve the proposed conceptual placement of a maintenance shop facility on the Reserve property north of the existing Public Works shop.

Motion carried unanimously.

10. **COMMUNICATION: BERLAND** request that the Haines Coastal Management Plan be extended boroughwide and utilize the Juneau Access Road Project Environmental Impact Statement Resource data. (see public comment at beginning of minutes)
11. **OLD BUSINESS:**

A. Road Construction Standards

HEINMILLER submitted to the Commission the work of the subcommittee, which refined the Road Standards. He suggested the Commission adopt the results of the committee and move toward making those part of the Road Standards code.

M/S MENKE/GOLDBERG to approve the road standards recommendations as submitted by the subcommittee.

Motion carried unanimously.

At this point the conceptual standards from the subcommittee can be melded with the original submittal and brought back to the Commission for final review.

B. Haines Coastal Management Plan (HCMP) Amendment Review

M/S MENKE/GOLDBERG to recommend to the Assembly that the Haines Coastal Management Plan Amendment be adopted by ordinance, along with the recommendation that the Assembly support HCMP boundaries being extended boroughwide.

GOLDBERG noted that the Juneau Road EIS project data is an excellent resource for the Borough.

Motion carried unanimously.

12. NEW BUSINESS:

13. TITLE 18 REVISIONS:

14. COMMISSION COMMENTS:

GOLDBERG expressed his discomfort at the **JACOBSON** decision.

15. NEXT MEETING DATE:

A. Regular Meeting - due to scheduling conflicts and the late hour **HEINMILLER** said he'd be contacting members regarding the next meeting.

16. ADJOURNMENT

The meeting was adjourned at 10:35pm.

Respectfully submitted:

SCOTT HANSEN, Haines Borough Planning and Zoning Tech II