

**HAINES BOROUGH PLANNING COMMISSION**  
**REGULAR MEETING MINUTES**  
**October 9, 2008**  
**Approved**

1. **CALL TO ORDER:** at 6:33 by Chairman Lee Heinmiller.
2. **PLEDGE TO THE FLAG**
3. **ROLL CALL:**

Planning Commission Members Present: Chairman Lee **Heinmiller**, Vice Chairman Rob **Goldberg**, Don **Turner III**, Greg **Brask**, Andy **Hedden**, Deborah **Vogt** (Borough Assembly Liaison)

Planning Commission Members Absent: Dawne **Thomsen**, Harriett **Brouillette**

Haines Borough Staff Present: Planning and Zoning Technician Steve **Ritzinger**,

Visitors Present: Elijah Donat (Chilkat Environmental), William Prisciandaro (CE), Glen Grey (G. Grey and Associates), Jacklynn Ruggirello (CE), Tom Morphet (Chilkat Valley News), Dan Harrington, Darsie Culbeck (Alaska Mountain Guides), Sean Gaffney (AMG), Scott Hansen and family
4. **APPROVAL OF AGENDA**

Chairman Lee Heinmiller mentioned that Kelly Jessup, the owner of the property seeking the variance approval on item 9B would not be present at the meeting and that he requested for the Planning Commission to hear the item at a future meeting.

**M/S Turner/Goldberg** to approve the agenda as posted with the postponement of item 9B. **Motion carried unanimously 5 to 0.**
5. **APPROVAL OF MINUTES:**
  - A. September 11, 2008 Regular
  - B. September 29, 2008 Joint Special Meeting with the Assembly

**M/S Turner/Brask** to approve the minutes of the 9/11/08 and 9/29/08 meetings as presented. **Motion carried unanimously 5 to 0.**
6. **PUBLIC COMMENTS:** There were no public comments at this time.
7. **COASTAL ZONE ITEM:** Alaska Coastal Management Program Enhancement Grant: *Chilkat Environmental wishes to address the Planning Commission on the Enhancement Grant.*

Chilkat Environmental distributed a Scoping Report and Resource Inventory that they prepared as required by the grant. They also included an analysis that looks into competing uses of land with the resource inventory. The grant is for a study of the pros and cons of expanding the Haines Coastal Management Plan to include the entire Haines Borough. Elijah **Donat** first addressed the Planning Commission. The city of Haines has been in the Alaska Coastal Management Plan since prior to the consolidation of the City of Haines and the Haines Borough. After consolidation, the HCMP continued to cover the Haines town site, but not the greater borough. All other coastal zones in the state share the same boundaries as the associated boroughs. Glen **Grey** presented a brief history of the ACMP. The program started in 1977 with the intent of allowing state and local influence on land use in coastal areas. Localized areas are designated, and specific policies are created for the designated area. In 2003 under the Murkowski administration the local control was restricted in favor of more state control. Haines revised the HCMP in 2007 to reflect those changes. Enlarging the HCMP to cover the entire borough would primarily affect areas closest to the coast by requiring projects to meet locally created enforceable policies, thus assuring a local voice in coastal projects. When a project is poorly designed, the ACMP is most effective by allowing local influence to factor into the changing of a project. **Donat** continued. He did not anticipate that the expansion of the boundary would increase the ACMP related workload for the borough. Applying Haines Borough Code Title 18 to the entire borough would place a much greater burden on the workload of the borough in comparison. The benefits would be more local influence over state and federal projects inside the borough, better opportunities to manage the impact of projects to borough land and residents, and possibly more grant opportunities for species and habitat related issues. The ACMP has a grant that would pay for expanding and editing the Haines Coastal Management Plan. **Grey** encouraged public and Planning Commission input on significant areas for habitat, minerals, topography, etc. to be addressed. **Donat** outlined the timetable and process for the grant. The documents will be presented to the Assembly on October 28<sup>th</sup>, after which a comment period will open. The documents will be revised and published in early December.
8. **CHAIRMAN'S REPORT**
9. **PUBLIC HEARINGS:** (After 7:15 p.m.)

- A. Variance Request:** *(C-YNG-04-0500 Young Subdivision) Darsie Culbeck is requesting for the Planning Commission to approve a variance allowing him to build a car port 6 feet into the 10 foot setback from an adjacent lot, and 6.5 feet into the 20 foot setback from Oslund Drive.*

P&Z Tech Ritzinger presented a brief summary of the variance request. The Culbeck residence predates setback zoning regulations. It is a noncompliant structure built a few feet from the Oslund Drive lot line. The Culbecks are proposing to build a carport that would encroach 6.5 feet into the 20 foot setback from Oslund Drive, but not as far as the residence. Upon visiting the site, it appeared that the Culbecks park between the house and Oslund Drive. Granting the variance for the setbacks for the carport would create an opportunity for the Culbecks to park off street, and would be helpful for the borough in snow removal. **Culbeck** mentioned that he has been in contact with the Smalley's, the adjacent property owners about purchasing a portion of the adjacent lot. At this point the Smalley's are unable to sell part of the property because it is legally tied to his mortgage. Mr. Culbeck mentioned that he would be willing to agree to a stipulation in the variance that would require for the carport to be removed from the setback if anything would happen to the house. **Goldberg** asked if it would be possible to move the carport back 6.5 more feet from the road to make it compliant with the street lotline setback requirement, to which Mr. Culbeck answered yes. Goldberg asked if it would be acceptable to make the carport 13 feet wide, so that it would only encroach 5 feet into the setback allowing development on the adjacent lot to come up to the setback line and still maintain the code required 15 foot separation between buildings for fire safety, to which Culbeck answered yes. Goldberg also mentioned that upon inspection of the site he found that because of the extent of the slope, and the value in the landscaping, that placing the carport on the opposite side of the house would place undue hardship on the property owner. **M/S Goldberg/Hedden** to approve the variance with the condition that either the size of the carport is to be reduced by a foot so that the development on the Smalley lot may come up to the 10 foot setback, or if Mr. Culbeck is unable to acquire a portion of the Smalley property, then the carport would be dismantled.

Further discussion ensued. **Turner** mentioned that the slope on each side of the house appears to be about the same. The carport could be built on the opposite side of the house without a variance. **Hedden** pointed out that while he was house sitting at the subject residence he was awoken by Haines Borough public works staff to move vehicles off of the road. If the setback variance is not granted and the Culbecks decide not to build the carport, that the problem of parked vehicles in the street in front of their house would remain. Haines Borough manager Tom **Bolen** mentioned that it is his job to uphold the code. It is the Planning Commissions job to interpret the code in relation to the situation. **Goldberg** stated after more consideration that he did not see an issue with the carport encroaching 6.5 feet into the Oslund Drive setback since the house is further into the setback. **Brask** agreed.

**M/S Goldberg/Hedden** to amend the motion to grant the 6.5 foot setback into the Oslund Drive setback. **Amendment to motion passed unanimously 5 to 0.**

**M/S Goldberg/Hedden** to amend the motion to approve a variance for a 13 foot wide carport, and remove the condition for removing the carport. **Amendment to motion passes unanimously 5 to 0.**

The Planning Commission voted on the amended original motion to grant a 5 foot setback variance from the adjacent property line, allowing the carport to be built as proposed, except that it is to be 13 feet wide to not encroach more than 5 feet into the 10 foot adjacent property line setback. **Motion passed unanimously.**

- B. Variance Request:** *(C-TNS-15-1100 4<sup>th</sup> Ave and Union Street) Kelly Jessup is requesting for the Planning Commission to approve a variance allowing him to build a carport 11 feet into the 20 foot setback from the 4<sup>th</sup> Avenue lot line on his property.*

This hearing was postponed upon request by Kelly Jessup, who was unable to attend the hearing at this time.

- C. Short Plat Review:** *(C-CAV-0D-0100 & C-HHY-02-0610 Cathedral View Subdivision and adjacent property to the west) Scott Hansen is requesting for the Planning Commission to approve a short plat to initiate a lot line adjustment.*

P&Z Tech Ritzinger presented the short plat review for the Planning Commission. Short plats are ordinarily approved within the borough office by the mayor and the PC Chairman. This plat is unusual in that it is initiating a lotline adjustment that would cause one property to include two different zoning districts. It appears to pull a parcel out of the Cathedral View Subdivision. It is questionable whether the Covenants Conditions & Restrictions would apply to all, part, or none of the newly adjusted lot. Haines Borough manager Tom **Bolen** pointed out that the Loomis land acquired by Scott Hansen has not been recorded by the state at this point. There is a permit (for animal husbandry and crop production) on the Loomis portion of the property. By using one legal description for both properties, confusion would be created over what use is permitted on what portion of the property. **Turner** agreed pointing out that if there is

only one legal description for the property and uses are permitted on only part of the lot, that it would create confusion. Lands Manager John **Wurst** mentioned that Mr. Hansen originally had a permit for animal husbandry, crop production and to submit a short plat for the Loomis Property. Only recently did Mr. Hansen amend his permit to also include lot 1 block D of Cathedral View Subdivision. He also pointed out that if the legal description of lot 1 block D is no longer used, that the CC&R's would not be retained. **Vogt** questioned whether Cathedral View Subdivision would need to be replatted to reflect the removal of lot 1 block D. **Hansen** agreed to include a plat note that specifies that the CC&R's still apply to the former Lot 1 Block D property. **Brask** mentioned that no solution has been proposed that he feels comfortable with, and that the borough should get more information. The Planning Commission agreed not to make a decision on the matter until more information is provided.

#### 10. STAFF REPORT

P&Z Tech presented the staff report as included in the packet with the following additions: On item number 5, staff just received word that John Floreske had packed up and moved his equipment from the disputed area between Sawmill Creek and the Staska residence on the 9<sup>th</sup> of October, 2008. He apparently just sold the entire property to Susan Rex.

#### 11. COMMUNICATION

#### 12. OLD BUSINESS:

#### 13. NEW BUSINESS:

##### A. Purchase Proposal for the Old Primary School Building:

*Alaska Mountain Guides has submitted a proposal to purchase the old primary school building. Borough Manager Tom Bolen has requested for the Planning commission to review the proposal and make a recommendation to the Assembly.*

Don **Turner Jr.** requested to address the Planning Commission. Turner was on the Design Committee for the new school building. The committee decided to purchase the Schaffer property with the understanding that the old primary school building and property would go on the market. The Assembly agreed that the lots on Main Street would be sold to the public for businesses. The money received for those properties would reimburse the borough for purchasing the Schaffer property. The properties would go on the tax roll and take place of the Schaffer property, which is nontaxable borough property. Not putting the properties back on the market would be a disservice to the public and the public process. Sean **Gaffney** addressed the Planning Commission. Alaska Mountain Guides adjusted their bid for the old primary school building to \$208,000. It has been challenging for them to consider all of the engineering reports and fuel contamination to come up with bid. If AMG gets the opportunity to purchase the building and associated property they expressed the hope to address the remediation over a couple of years due to the large expense, and the desire to put resources into the appearance of the building to make it a centerpiece of town. He argued that the value that the borough placed on the building is high considering the state of the building, which he claimed is in phenomenal disrepair. **Goldberg** pointed out that any financial aspects on the school are considered by the Assembly, not the Planning Commission. The job of the PC is to consider land use planning. **Heinmiller** asked borough manager Tom Bolen if he had any insight on future use of the building. **Bolen** said that his considerations are primarily financial, and because of that he purposefully has not addressed them with the PC, although would by request. He is hoping that the PC will make a decision independent of staff or the assembly. **Turner III** briefly touched on the finances. If the borough sold the property to a business instead of retaining the property, demolishing the building and cleaning up the oil spill, the borough would be far better off financially. He believes that the area is best suited for businesses. AMG is well suited for the location, and their ownership of the property would best benefit the borough by getting the property back on the tax roll. **Goldberg** talked about the goal of creating a campus feel for the property and school area, and the compatibility of AMG's plan with the campus vision. In the short term the borough would benefit more financially if the borough would sell the property and not demolish and retain the structure. He expressed concern that the borough does not own much land downtown, and at some point the borough would come to miss owning the property. If the property is sold by the borough, in the future anything permissible in commercial zoning could happen on the property. For the long term the best outcome is for the borough to hold onto the property. **Brask** said that part of the planning process should take into consideration the energy feasibility and sustainability findings, and the consolidation of borough services into one building. Main Street is not the best location for a borough building, and he is in favor of the sale of the property to AMG. He agrees with Turner Jr. that the borough should sell the property as agreed upon when the Schaffer property was purchased. **Hedden** pointed out that the issue comes down to whether the downtown area should be a business center or a civic center, and that he believes that it is best served as a business center. The AMG proposal is consistent with the vision of the PC.

**M/S Turner/Hedden** to approve the sale of the old primary school building and property to Alaska Mountain Guides. **Vogt** mentioned her concern over the minimal land that the borough owns downtown. She suggested an inclusion of a first right of refusal to allow the borough to repurchase the property if AMG ever puts the property on the market in the sale contract.

**M/S Brask/Hedden** to amend the motion by including a first right of refusal in the sale contract if the property comes up for resale.

**Motion carries 4 to 1** with Brask, Hedden, Heinmiller and Turner voting in favor of the motion and Goldberg voting against it.

**The original motion carried 4 to 1** with Turner, Hedden, Heinmiller and Brask in favor of the motion and Goldberg against it.

**14. COMPREHENSIVE PLAN REVIEW:** Heinmiller mentioned that the Comp Plan review would restart in November after the newly elected officials are in office.

**15. TITLE 18 REVISION:** There were no proposed revisions at this time.

**16. COMMISSION COMMENTS:** There were no comments at this time.

**17. NEXT MEETING DATE:** Regular meeting - Thursday, November 13, 2008, 6:30 pm

**18. ADJOURNMENT**

Respectfully submitted 11/17/08

Steve Ritzinger  
Haines borough Planning and Zoning Tech