

HAINES BOROUGH PLANNING COMMISSION
REGULAR MEETING MINUTES
November 13, 2008
Approved

1. **CALL TO ORDER:** at 6:38 p.m. 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**, and Andy **Hedden**
Planning Commission Members Absent: Dawne **Thomsen**, Harriett
Brouillette, Greg **Brask**,
Haines Borough Staff Present: Planning and Zoning Technician
Steve **Ritzinger**,
Visitors Present: Glenda Gilbert, Kelly Jessup, Ken Waldo, Al
Judson, Don Turner Jr.
4. **APPROVAL OF AGENDA:**
M/S: Goldberg/Turner to approve the agenda. Motion passed unanimously
4 to 0.
5. **APPROVAL OF MINUTES:** October 9, 2008 Regular
M/S Goldberg/Hedden to approve the minutes with the following
correction on Item 9A: The sentence "It is a non compliant structure
built a few feet from the Oslund Drive *setback*" shall be changed to
Oslund Drive *lot line*. **The motion passed unanimously 4 to 0.**
6. **PUBLIC COMMENTS** [Items not scheduled for public hearing]
Albert Judson distributed a packet and addressed the Planning
Commission with three points. The state of Alaska voted not to move
the capitol. Haines, Skagway and Juneau voted against the Juneau to
Skagway road. The Alaska Marine Highway system is not adequately
funded, and ferry service is inadequate. Mat-Su borough is getting a
new ferry and expects to turn a profit in its first year. (The \$44
million ferry is being built with federal funds as a research vessel
for Federal Office of Naval Research.)
7. **CHAIRMAN'S REPORT:** Chairman **Heinmiller** made two points: There
will be areas of the code addressed in future meetings. A list
of capitol projects is required by code to be presented to the
Planning Commission to be prioritized.
8. **PUBLIC HEARINGS:** (After 7:15 p.m.)
 - A. Variance Request: (C-TNS-15-1100 4th 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 4th Avenue lot line on his property.
P&Z Tech **Ritzinger** presented the variance request to the
Planning Commission. Due to a 20 foot setback requirement on
two sides of the corner lot, the options for a carport without
a variance are limited. A managers recommendation is included
in the packet. **Jessup** mentioned that the managers
recommendation of other locations on the property are not
acceptable because the areas are low and collect water.

Heinmiller closed the public comments on the hearing. **Goldberg** pointed out to Mr. Jessup that the code allows for a variance to be granted if there are no alternatives such that there would be no reasonable use of the lot, and questioned if there are physical limitations on the lot. **Jessup** reiterated that when it rains the large open portion of the lot becomes a drainage channel. **Hedden** mentioned that he inspected the site and did not find that a carport would compromise the sight triangle for safe driving near the intersection. **Jessup** added that he only intends to build a carport, and that the structure would not have any sides that would limit visibility. **Goldberg** added that the carport would not take up more space than the vehicles.

M/S Goldberg/Hedden to approve the setback variance request on the grounds that there is no other reasonable place on the lot for the carport, and that the design would not block the view. Further discussion ensued. **Turner** stated that if the Planning Commission continues to grant variances that do not easily meet the code requirements that the code needs to be changed. Another location could be used if another driveway, culvert, and fill were added to the lot. **Hedden** questioned the intent of the code. The proposed location of the carport is the logical place on the property for a carport. **Ritzinger** recited HBC 18.80.050 which states: "*The intent of setback regulation is to allow for a certain amount of privacy and outdoor living space around a structure, promote fire safety, prevent snow depositing on adjacent properties, allow room for snow removal, promote safe conditions for off-street parking and vehicular access to public rights-of-way, and provide an adequate sight triangle for the safe approach of vehicles to intersections.*" **Hedden** reasoned that if the design meets that criteria, then it is meeting the intent of the code. **Heinmiller** suggested that multiple driveways are on the lot would not be a good alternative because as a car approaches the intersection it could be difficult to see which driveway a car would be entering the road from. The question was called for.

Motion passed unanimously 4 to 0.

B. Final Plat Review: Tanani Bay Subdivision III: *Don Turner Jr. is presenting the preliminary and the final plat of the above listed plat for Planning Commission approval.*

This hearing was postponed because Don Turner III would not be able to vote due to a conflict of interest thus eliminating the quorum.

C. Variance Request: *(C-MEA-00-0A2A) Carol Waldo is requesting for the Planning Commission to approve a variance allowing a culvert and driveway to be installed across a tributary of Sawmill Creek. The Tributary is state registered Creek #115-32-10300-2002-3011.*

P&Z Tech **Ritzinger** presented the variance request to the Planning Commission. The Waldo lot is surrounded on three sides by state registered anadromous waterways, and the property has only been accessible through the Stickler Construction property. It is not reasonable to assume an adjacent property owner will continue to

grant access through their property to the Waldo property. Without the culvert and driveway to access the Waldo property, no reasonable use of the property could be made. A manager's recommendation to the Planning Commission to approve the variance is included in the packet. A brief discussion ensued.

M/S Turner/Goldberg to approve the variance to allow a culvert and driveway to be installed across a state registered anadromous creek as per the plans submitted. **The motion passed unanimously 4 to 0.**

D. Variance Request & Historic District Review Committee: (C-PTC-01-0600)

Judy Heinmiller is requesting for the Planning Commission to approve a setback variance allowing her to reconstruct a woodshed with in the 20 foot setback from the Tower Road lot line. She is also requesting for the Historic District Committee to approve the design of the woodshed.

This hearing was postponed because Lee Heinmiller would not be able to vote due to a conflict of interest thus eliminating the quorum.

10. STAFF REPORT: P&Z Tech **Ritzinger** presented the staff report to the Planning Commission. There were no questions or comments on the permits presented. Ritzinger also added that he took an ArcGIS class in Juneau and learned methods of manipulating parcel boundaries on GIS maps. With some help getting into the system the skills taught at the class should be sufficient to begin catching up on the year and a half of plats that have been recorded by the state, but have not been recorded in the property on line page of the borough website.

11. COMMUNICATION: Andy **Hedden** gave the Planning Commission a briefing on the Energy and Sustainability Commission. There has been some research on wind energy on Stan Jones golf course property, Pat Philpot's property, and the tank farm. Wind mills have been known to cause problems to migrating birds, which is not very compatible with a bald eagle preserve near by. **Goldberg** mentioned that he has been using wind power for 24 years and said that if hydro is a better option.

12. OLD BUSINESS:

13. NEW BUSINESS:

14. COMPREHENSIVE PLAN REVIEW

15. TITLE 18 REVISION:

A. Lot Line Adjustment (18.20 & 18.100)

P&Z Tech **Ritzinger** addressed the Planning Commission. The code should contain a definition and procedure for the terms *lot line adjustment* and *lot line vacation*. Much of the confusion could have been avoided with the Hansen plat if the code adequately addressed those topics.

M/S Goldberg/Turner to recommend to the Assembly to include in Haines Borough Code Title 18, Chapter 100 the statement "*Lot Line Adjustments and Lot Line Vacations shall be considered the equivalent of a short plat. The same rules and fees shall apply to both.*" **The motion passed unanimously 4 to 0.**

B. Industrial Activity Setback (18.80.030)

P&Z Tech **Ritzinger** addressed the Planning Commission. John Floreske's gravel pit operation on Jones Point Road extracted gravel up to a residential property line. The code only addresses setbacks

for structures. It is worth discussing including setbacks for high impact activities to protect property owners. **Goldberg** said that he has previously seen the code get amended to address unique situations, and later cause more problems. **Turner** agreed and added that the Staska's cleared trees up to their property line and eliminated their buffer from the gravel pit operation. No motion was made.

16. COMMISSION COMMENTS: The Planning Commission continued to discuss the code. **Turner** said that the code needs some flexibility in the variance standard language. **Goldberg** replied that the standards are national and may not be able to be changed. **Heinmiller** mentioned that it could be helpful to sort variances into categories such as lots under the minimum size or nonstandard ratio of lot lines and have a criteria and procedure in each category.

17. NEXT MEETING DATE:

A. Regular meeting - Thursday, December 11, 2008, 6:30 pm

18. ADJOURNMENT: at 8:00 p.m.

Respectfully submitted 12/19/08

Steve Ritzinger
Haines Borough Planning and Zoning Technician