

HAINES BOROUGH PLANNING COMMISSION

REGULAR MEETING MINUTES

August 14, 2008

Approved

1. **CALL TO ORDER:** at 6:30 by Chairman Lee Heinmiller
2. **PLEDGE TO THE FLAG**
3. **ROLL CALL:**

Planning Commission Members Present: Chairman Lee **Heinmiller**, Dawne **Thomsen**, Don **Turner III**, Greg **Brask**, Andy **Hedden**, Harriett **Brouillette**, Deborah **Vogt** (Borough Assembly Liaison)
Planning Commission Members Absent: Vice Chairman Rob **Goldberg**
Haines Borough Staff Present: Planning and Zoning Technician Steve **Ritzinger**
Visitors Present: Ray Staska, Terry Jacobson, Doug Olerud, Judy Hall, Jim Teschler, Michael Marcks, Lorainne Dudzik
4. **APPROVAL OF AGENDA**

M/S **Turner/Hedden** to approve the agenda. Motion passed 6 to 0.
5. **APPROVAL OF MINUTES:** July 10, 2008 Regular
M/S **Brouillette/Turner:** to approve the minutes without corrections.
Motion passed 6 to 0.
6. **PUBLIC COMMENTS** [Items not scheduled for public hearing]

Ray Staska addressed the Planning Commission regarding a complaint that he filed with the borough over the recent activity on the gravel pit adjacent to his property owned by John Floreske. Mr. Floreske removed all of the trees north of the Staska property line within the required 50 foot industrial setback, did not take any measures to control sediment runoff, did not consult with borough road maintenance staff prior to removing vegetation from the right-of-way, and did not contact any state agencies regarding protecting sawmill creek. Mr. Floreske also burned brush within 100 feet of the Staska residence which caused smoke to seep into the building, and ashes to be deposited on their property and possessions. The activity is a threat to the Staska's well system, and has caused a serious decline in their property value. Mr. Staska requested that the Floreske permit be revoked or suspended immediately, the 50 foot setback should be reclaimed immediately by planting fast growing trees such as Sitka Spruce, Lodge-pole Pine and Cottonwood, and no excavation should take place within the 50 foot setback of the property line.
7. **CHAIRMAN'S REPORT**

Planning Commission Chairman Lee **Heinmiller** updated the commission mentioning that Andy **Hedden** would represent the Planning Commission on the Energy and Sustainability Commission. The borough recently hired Stephanie Scott to be the Energy and Sustainability Coordinator. Also the Assembly talked about purchasing the property across from the Port Chilkoot Dock for \$235,000. The manager suggested that putting bathrooms on that property would not be the best use of borough funds. The latest proposal is for a scaled down

version of bathrooms in the location where portable restrooms currently exist, and to build a shelter for the people moving cart on the dock. Also Heinmiller mentioned that the Assembly voted the approve the rezoning of the Port Chilkoot Property north of Major Road after a somewhat convoluted process that included reconsidering a vote, rescinding votes, and public input from Rob Goldberg as well as Heinmiller.

8. PUBLIC HEARINGS:

A. \$250 Fee Appeal: *Doug Olerud is appealing the \$250 fee assessed to him for working prior to a permit being issued.*

Ritzinger presented the Olerud fee for the Planning Commission. On Monday, July 14th, Mr. Olerud came into the borough office inquiring whether a permit would be necessary to remove stumps on his property. Ritzinger said that if heavy equipment is involved a permit would be necessary. John Wurst contributed to the conversation asking if the scope of work that Mr. Olerud was planning was more than landscaping. Mr. Olerud said that it was more than landscaping and was consequently told that a permit would be required. Ritzinger said that he would get to the site as soon as possible. Upon Ritzinger's site inspection on Wednesday July 16th, he found the work to be completed. He presented photographs and relevant code excerpts for the manager for approval. The permit was approved and a \$250 fine was issued due to work beginning prior to a permit being issued. Mr. Olerud presented his case to the Planning Commission. He said that the code is not clear on some relevant points. No definition of clearing is in the code. The old A&P building was cleared without a land use permit. Lands Manager John Wurst is in the process of clearing downed brush from his lot without a permit. Haines Borough Code **18.20** defines **development** amongst other things as *site work in preparation... of... construction*. Mr. Olerud claimed that he removed the stumps from his lot not in anticipation of any construction, but to satisfy a neighbor's request to clean up his lot, and therefore should not have been required to apply for a permit.

M/S Turner/Brask to recommend to the assembly to waive the \$250 after-the-fact fee for developing his land prior to a permit being issued, and reimburse him his permit fee. **Motion passed 6 to 0.**

B. Variance Request: *Terry Jacobson has requested for the Planning Commission to approve a setback variance for a carport on his property.*

Ritzinger presented the Jacobson case to the Planning Commission. Mr. Jacobson had been denied a variance request to build a carport within the 25 foot setback on his property at the December 13, 2007 Planning Commission meeting partly due to the Letnikoof Estates covenants also requiring a 25 foot setback. Mr. Jacobson had not received approval from the Letnikof Estates Home Owners Association to build a carport within the 25 foot setback as required by the covenants. After removing 12 feet off of the structure on the Inlet Drive side, Mr. Jacobson was now returning to the Planning Commission with approval from the home owners association, and a recommendation from the borough manager, and recommendations from several neighbors to allow the

structure to exist in it's current location. **Turner** mentioned that the Planning Commission ruled that Mr. Jacobson had to remove the structure by August 1, 2008, and that Mr. Jacobson had not done so. He suggested that the borough needs to enforce such rulings. **Ritzinger** countered saying that his job responsibility is not to police the borough, but if a complaint is put in writing and filed, that he does inspect siotes and enforce the code.

M/S Broouillette/Thomsen to approve Terry Jacobsons variance request to allow a carport to exist 14 feet into the 25 foot setback. **Motion passed 6 to 0.**

9. STAFF REPORT

Ritzinger presented the staff report. Added to the material in the packet were comments on the Staska complaint about the Floreske gravel pit. In discussions with Borough Manager **Bob Ward**, Mr. Ward mentioned that the requirement for industrial activity to take place 50 feet away from residential lots is reasonable, even if contrary to grandfathered rights. To have periodic Planning Commission review of the gravel pit is reasonable. Discontinuing industrial activity outside of the 50 foot code required setback until the item is reviewed by the Planning Commission is also reasonable.

10. COMMUNICATION

11. OLD BUSINESS:

12. NEW BUSINESS:

A. Snow Storage Lot and ROW width Adjustment on 4th Ave and View Street

Turner pointed out that the borough is loosing places for snow storage as more lots are lots are getting developed. One such lot that the borough recently lost is on Lynnview. If there is not adequate snow storage then the city has to haul the snow away in dump trucks and store it elsewhere, which is very expensive. In the long run the borough would save money by owning strategically located snow storage lots. Turner proposed that the Planning Commission should recommend to the assembly to purchase the lot on the corner of 4th Avenue and View Street. **Heinmiller** mentioned that the borough owns property that could potentially be traded so that it wouldn't have to pay for snow storage lots. The discussion ended with the commission agreeing that a conversation with the new manager would be the appropriate first step.

13. COMPREHENSIVE PLAN REVIEW

14. TITLE 18 REVISION:

A. Building Height Definition

Two conflicting definitions of building height were included in the packet with a request for the Planning Commission to recommend one method of determining the height for permitting purposes. After a brief discussion the Planning Commission recommended the height definition criteria described in **HBC 18.20.020**.

B. Right-of-Way versus Easement Setbacks

Commissioner **Turner** addressed the Planning Commission on setback language in the code. There are many properties in borough that have public easements on them. The way the **HBC 18.80.030** reads, with a required 20 foot setback from a street lot line, if the lot line is on the opposite side of the street, the 20 foot

setback would end in the middle of the right-of-way. Therefore, development is permissible immediately next to the road. The intent of setbacks from street lot lines as specified in **HBC 18.80.050** *"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."* This intention contradicts the setback requirements from a street lot line. Turner pointed out that Mt. Riley Road and Lutak Road along Tanini Bay are easements on privately owned land, and therefore can be developed immediately adjacent to the surface of the road. **Heinmiller** pointed out that there could be liability issues if an accident happens on a public road that is located on private property. **Brask** pointed out that there is a situation on Barnett Street where there is an easement that continues to 4th Avenue that would be beneficial to develop for an alternate access route for Highland and Skyline Estates residents, but residents have built too close to the easement and are opposed to its development. The commission concluded that further discussion and refinement of the language in the code is necessary.

C. General Use Zoning District: Minimum Lot Size & Setbacks

Heinmiller spoke to the commission mentioning that the borough after consolidation did not want to come into the General use area up the highway with too much force and regulation, and required a construction declaration permit only. He suggested that a 10 foot setback from adjacent lots, and 20 foot setback from the street lot line and minimum lot size requirement would be reasonable. **Vogt** pointed out that the \$250 sales tax exemption form should require a construction declaration or land use permit.

15. COMMISSION COMMENTS

Commissioner Greg **Brask** mentioned that several citizens voiced their concern over parking near the Garden Café, which was issued a Conditional Use permit to operate a café in the Fort Seward area at the Deana Stout residence. The Planning Commission approved the conditional use permit on April 10th, 2008. Brask continued saying that people have been complaining that Theatre Street is too narrow to accommodate the quantity of cars parking there over the summer, and that there have been some suggestions to make Theatre Road a one way. **Heinmiller** mentioned that on September 11, the Garden Café would be on the Planning Commission agenda. A letter would be sent to the owners pointing out that their conditional use permit required two off street parking spaces on the former Lost Coast Surf Shop building side of the property if parking requirements were not adequately addressed on the Tower Road side of the property. The owner implied that the operation was going to cease, and that the former building site could potentially be used to accommodate some parking. The owners need to specify where the required 6 parking spaces will be, and need to address the future plans for the former lost coast surf shop building, and any required parking.

Heinmiller also mentioned that the new siding on the café does not match the siding on the rest of the house and was not sure whether it is complete or not. He also said Theatre Road is an important access to the Chilkat Center. With the amount of activity in the area it would make sense to develop the 30 foot right-of-way that would connect the Chilkat Center parking lot with Beach Road. The Chilkat center needs alternative emergency access.

16. NEXT MEETING DATE:

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

17. ADJOURNMENT

Respectfully submitted 9/12/08:

Steve Ritzinger
Haines Borough Planning and Zoning Tech