



Haines Borough
Planning Commission Meeting
May 14, 2009
MINUTES

APPROVED

1. **CALL TO ORDER/PLEDGE TO THE FLAG** – Chairman **Heinmiller** called the meeting to order at 6:35 p.m. in the Assembly Chambers and led the pledge to the flag.
2. **ROLL CALL** – **Present:** Chairman Lee **Heinmiller**, Vice Chairman Rob **Goldberg**, Commissioners Andy **Hedden**, Robert **Venables**, Chris **Schelb** and Donnie **Turner**.
Absent: Commissioner Greg **Brask**
Staff Present: Steve **Ritzinger** – Planning and Zoning Technician via teleconference, Jamie **Heinz** – Deputy Clerk, John **Wurst** – Borough Assessor, Tom **Bolen** – Borough Manager
Visitors Present: Tom **Morphet** – CVN, Bill and Libby **Kurz**, Janet **Kurz**, Kate **Kanouse** – State of Alaska, Department of Fish & Game, Division of Habitat, Dean **Strid** – State of Alaska, Department of Administration, Enterprise Technology Services, Preston **Kroes** – State of Alaska, Department of Natural Resources, Andrew **Clark** – State of Alaska, Department of Administration, Enterprise Technology Services
3. **APPROVAL OF AGENDA**
Venables requested the addition of an agenda item to discuss scheduling future meetings, **Hedden** requested to remove the Alaska Mountain Guides' Setback Variance from the agenda as their lot is zoned Commercial which allows for a zero setback, **Wurst** requested the removal of the Roberts porch/greenhouse proposal from the agenda.
Motion by **Venables**: Approve the Agenda as amended. It was seconded by **Goldberg**. The motion carried unanimously.
4. **APPROVAL OF MINUTES** – April 9, 2009 Regular Meeting
Heinmiller requested a correction to change that Brask abstained from approving the minutes in the April 9th meeting.
Motion by **Goldberg**: Approve the April 9, 2009 Regular Meeting Minutes as amended. It was seconded by **Hedden**. The motion carried unanimously.
5. **PUBLIC COMMENTS** - None
6. **CHARIMAN'S REPORT** – Chairman **Heinmiller** thanked the commissioners for attending the downtown planning meeting. He also talked about his attending the safe routes to school meeting and felt several good things came out of the meeting.
7. **STAFF REPORTS**
 - A. **Planning & Zoning Report** – **Ritzinger** summarized his written report covering the following topics:
 - Recently issued permits
 - Permit violations
 - Code amendments sent to the assembly**Ritzinger** also pointed out that the maps displayed in the borough offices have all been brought up to date.

8. PUBLIC HEARINGS

A. Variance Requests

1. Rex Anadromous Fish Stream Variance

Chairman **Heinmiller** opened and closed the public hearing at 6:50 p.m., there were no comments.

Motion by **Venables**: Approve the Rex Anadromous fish stream variance request solely for the purpose of discussion. It was seconded by **Goldberg**. **Venables** asked if more information could be provided in future packets. **Ritzinger** informed the commission that the plan was to close off the opening of the pond entering into Sawmill creek to minimize sediment and also to rinse stockpiled gravel. **Kanouse** said that traps had been set in both ponds and there were no fish in the little pond but Coho, Stickleback and Dolly Varden in the large pond. She also said the property owner is considering turning it into a rearing pond.

Motion by **Venables**: Table the motion. It was seconded by **Schelb**. The motion carried unanimously.

2. Stout Tower Road Setback Variance

Chairman **Heinmiller** opened the public hearing at 7:00p.m., there were no comments

Goldberg pointed out that the variance location was on Theater Drive not Tower Road.

Motion by **Goldberg**: Approve the Stout Theater Drive Setback Variance. It was seconded by **Hedden**. **Goldberg** shared that the wheelchair access ramp was minimally constructed and that he didn't see any harm in approving the variance. **Heinmiller** said that it is a problematic location due to location of sidewalks. He also pointed out that in Significant Structures Area the structures were built in the setbacks before the code was created.

The motion carried unanimously.

3. Stout Parking Regulation Variance

Chairman **Heinmiller** opened and closed the public hearing at 7:05p.m., there were no public comments.

Heinmiller talked about what had previously transpired with the applicant's parking plan. **Turner** suggested that the addition of signage would solve the problem and a variance wouldn't be needed. **Hedden** cited HBC where other designated parking spaces may be used if normal hours of operation didn't overlap and since a nearby business didn't have a customer base, those spaces could be used. **Goldberg** pointed out that there are flaws and inconsistencies with the section of code dealing with parking requirements and feels adjacent public parking should be considered for businesses. **Heinmiller** brought up that common parking areas were discussed and ideas brought up to be discussed in the future at the downtown planning meeting.

Motion by **Venables**: Table the Stout Parking Regulation Variance. It was seconded by **Goldberg**. The motion carried unanimously.

Goldberg brought up that the commission might want to take a closer look at the code as it pertains to parking requirements and consider revisions at its next meeting. **Bolen** suggested adding the aspect of on-street parking to the variance process as he feels it is problematic to change code to allow adjacent parking and pointed out parking problems on Main Street. **Heinmiller** agreed with Bolen that dealing with parking issues on a case by case basis might be a better way to go.

4. Alaska Mountain Guides Setback Variance

This item was removed from the agenda in the approval of the agenda.

B. Conditional Use Permits

1. State of Alaska Communication Tower Conditional Use Permit

Chairman **Heinmiller** opened the public hearing at 7:22 p.m.

Strid pointed out the location for the permit is not on Mt. Riley, but rather the next ridge over. **Turner** asked where the power source was coming from and how the power was going to be run. **Strid** answered that they are trying to get AP&T to supply the power from Mt. Riley Rd. but if they wouldn't, as much of the line as possible would be buried. He also said the power lines would be armored and be coated with a very tough plastic. **Venables** asked if the tower is intended solely for public use or private uses as well. **Strid** said their intention was public safety. **Kroes** said usage add-ons would go through state parks and there would be stipulations. **Strid** said other locations were being considered for tower placement and this is the optimal location. **Heinmiller** said improvement of communications in this area would be good. **Clark** pointed out that VHF communications would be available for Local, State and Federal uses.

Motion by **Venables**: Approve the State of Alaska Communication Tower Conditional Use Permit request. It was seconded by **Schelb**. The motion carried unanimously.

9. OLD BUSINESS - None

10. NEW BUSINESS

A. HCMP Consistency Review

1. Simpson Fill Placement

Venables asked if this was a routine request or if there were concerns. **Ritzinger** stated he found some potential red flags, pointing out that there was an anadromous fish stream on the property. He also said this was a time set aside for public comments and if there were any, a draft response would be prepared. **Heinmiller** asked where specifically the fill would be placed. **Kanouse** said a site visit would be conducted the following day to review the plans for fill placement and depending on the findings from that visit they intend on commenting to the ACMP and also that depending on the fill placement in relation to the ordinary high water a fish habitat permit from their office may be required. She also pointed out that the stream has shifted since the last data they have on file so they will be mapping the stream as well.

B. Haines Borough Code Amendments

1. Outhouses within the Townsite Service Area

Heinmiller said depending on the specifics, there could be a lot of difference between gray water and black water systems. **Turner** said he didn't think DEC would approve an outhouse. **Venables** asked what the problem was if DEC was willing to write a letter that an outhouse was acceptable. **Turner** said he was under the assumption that a septic system could not be put in that wasn't engineered, and that DEC wouldn't approve an outhouse or pit privy. **Boleen** said the intent of adding the language is to not rely on the state agency and to be very clear about the borough's position. **Ritzinger** discussed some concerns regarding a narrow property which includes a creek and the inability to comply with state regulations. **Turner** asked if a composting or incinerating toilet could be used when there is a stream in close proximity. **Ritzinger** pointed out that as with black water, the ashes or compost must also be discarded 100 feet from the stream. **Turner** said he would be in favor of adding the language to code because he was under the assumption that outhouses weren't allowed.

Motion by **Turner**: Add the staff proposed language to code. It was seconded by **Goldberg**. **Schelb** raised a concern about the added language saying "meet or exceed," suggesting that it would be left to staff to decide whether to meet or exceed the standards. **Ritzinger** said DEC requirements are setbacks so it would be setbacks that they are meeting or exceeding.

Motion to Amend by **Schelb**: Replace “meet or exceed” with “meet all” from the added language. It was seconded by **Turner**.

The amendment motion passed unanimously.

The main motion passed unanimously.

C. Historic Building Changes/Development

1. Stout proposal to paint trim and siding

Heinmiller gave a history of the reasoning for planning commission to approve painting in the Significant Structure Area.

Motion by **Venables**: Approve the Stout proposal to paint the siding and trim of the remodeled portion to match the existing at her Fort Seward residence. It was seconded by **Goldberg**. The motion carried unanimously.

2. Henry proposal to replace a window with a door

Motion by **Venables**: Approve the Henry proposal to replace a window with a door in the surveyed historic Chisel Building for discussion purposes. It was seconded by **Turner**. **Turner** asked if there was room between the sidewalk and building to add the proposed door and stairs. **Heinmiller** pointed out that three feet is required for the sweep of the door. **Venables** asked in the absence of the proposal that staff explain it. **Wurst** said that he recalled there were about 24 inches from the wall to the sidewalk. **Turner** talked about the need for a detailed plan to make a decision. **Heinmiller** didn't feel the proposed sketch would work.

Motion by **Turner**: Table the motion until more information is provided. It was seconded by **Schelb**.

The motion carried unanimously.

3. Roberts proposal to replace the deck and add a porch/greenhouse

This item was removed at the approval of the agenda

C. Other New Business

1. Lynnvista Subdivision

Turner commented that the provided drawing doesn't meet code for dead ends as there are no cul-de-sacs. **Goldberg** brought up previous discussions regarding the necessity of a second road off of the hillside to Lutak Road. **Van Dort** said the previous owners of the property had a preliminary drawing done with subdivision ideas and he had been looking at that as well as other options. He is interested in selling off at least the first four lots and would appreciate the PC's point of view on lot size as well as the property market in Haines. **Heinmiller** pointed out that others with ½ acre lots on steep slopes find they are small when dealing with snow removal. **Turner** said lot size is up to the developer but something else to think about would be that more roads or cul-de-sacs would be required if the properties were smaller. **Van Dort** said because of the uncertainty he wanted to build only enough road to access the lots. **Venables** pointed out that because of public safety building the cul-de-sacs would increase the value of the lots. **Van Dort** said he didn't like the idea of joining the roads in the preliminary drawings as it would ruin a lot of land. **Venables** said he would predict the lots would sell quickly as they are view lots. **Heinmiller** said going bigger is advantageous as the lots in that area are smaller. **Van Dort** said he was mindful that smaller lots cause more clear-cutting and he wants to leave as much vegetation as possible. He also said that as the lot size gets bigger the price gets bigger and didn't know where to price point it. **Turner** pointed out that the surveyor would give a lot of insight as to the lay of the land and that would help with lot size by determining buildable sites. **Heinmiller** asked that more information be brought to a future meeting and the commission could look at the layout and offer more ideas for road

placement or cul-de-sac placement. **Van Dort** said the slope is 10% so felt building would be quite easy he also said he considered more constrictive covenants for building and asked how that might be received. **Heinmiller** pointed out a few subdivisions that have covenants and the types of covenants.

1B. Future Planning

This item was added at the approval of the agenda. **Venables** suggested that it might be advantageous to add a second meeting per month to have more time for discussion. Some topics to discuss would include administrative issues, PC Dock construction, waterfront development, downtown planning and the general use zone. **Heinmiller** agreed that brainstorming time would be great for the issues specifically the harbor project and DOT projects. **Turner** agreed and would like some time to look at road planning more closely, but summer isn't the best time for him.

2. FY10 Capital Improvement Project Review

Heinmiller asked what projects from the list were planned for this fiscal year. **Bolen** talked about where the projects were at on the timeline and how they are to be funded. He also talked about several maintenance items that are currently on the list and said that the assembly seems supportive of moving maintenance into the public facilities budget and creating a deferred maintenance program. **Turner** asked about the hydraulic boat lift and where it was being moved to. **Bolen** said the south side of the harbor is being considered for the new location of the boat lift. **Goldberg** asked if the sewer plant was due to be replaced as quite a few repairs have had to be made as of late. **Bolen** said an engineering study would be conducted by the end of June and a decision would be made after that. **Venables** asked if there were an opportunity to bump up projects outside townsite area. **Bolen** pointed out that federal funding may be available for road maintenance. **Venables** pointed out that the road maintenance service areas are maintenance areas not capital improvement areas. **Bolen** said if he got the assembly's approval, he'd like to fund maintenance out the road and may inventory and assess in the beginning. He also talked about how valuable the water/sewer master plan is and that he'd like to create a roads master plan and a facilities master plan and he'd be willing to make a recommendation that money would be set aside to create the master plans. **Venables** asked the chair if there were no objection, could the Planning Commission go on record as supporting the creation of a Road Assessment and Inventory as part of the FY10 CIP budget as proposed by the manager. There was no objection.

11. **COMMISSION COMMENTS** – **Bolen** described an account of a recent citizen complaint regarding roads outside the townsite service area. He pointed out that there is no language in code regarding outlying roads and suggested that the planning commission take a look and see if language could be added. **Heinmiller** agreed and pointed out that there might be a liability issue if someone is plowing a borough road.

Heinmiller suggested that steps might be taken in the future so that the boundaries for the Significant Structures Area might match the boundaries of the landmark for continuity.

12. **COMMUNICATION**
13. **SET MEETING DATES** – The next Regular Planning Commission meeting is scheduled for 6:30 p.m. on Thursday, June 11.
14. **ADJOURNMENT** – 9:10 p.m.