



Haines Borough
Planning Commission Meeting
June 10, 2010
MINUTES

Approved

1. **CALL TO ORDER/PLEDGE TO THE FLAG** –Chairman **Heinmiller** called the meeting to order at 6:30 p.m. in Assembly Chambers and led the pledge to the flag.
2. **ROLL CALL – Present:** Chairman Lee **Heinmiller**, Commissioners Pete **Lapham**, Rob **Goldberg**, Donnie **Turner** and Andy **Hedden**, Robert **Venables** and Roger **Maynard**.
Staff Present: Steve **Ritzinger** – Planning and Zoning Technician, Jamie **Heinz** – Deputy Clerk, and Brad **Maynard** – Director of Public Facilities.
Visitors Present: Bill **Kurz**, Nick **Trimble**, Scott **Hanson** – CIA, Joe **Poor**, Evangeline **Willard-Hoy**, Jeff **Burruss**, Suzan **Cresswell**, Dan **Harrington**, Debra **Schnabel**, Craig **Hagwood**, Darsie **Culbeck**, and others.
3. **APPROVAL OF AGENDA**
Heinmiller - Remove Public Hearing Item 8C – Heinz Variance Request
Motion: **Venables** moved to “approve the agenda as amended,” and the motion carried unanimously.
4. **APPROVAL OF MINUTES** – May 13, 2010 Regular Meeting
Motion: **Goldberg** moved to “approve the May 13, 2010 Regular Meeting Minutes,” and the motion carried unanimously.
5. **PUBLIC COMMENTS** – **Hanson** expressed concern about CIA’s being required to resubmit the preliminary plat for the Chilkoot Estates Subdivision because the 24 month period had passed. He explained that the development was still ongoing and said that it seems odd to have to go back to the planning commission to grant an extension. He asked what the simplest way was to get back on track with permitting. **Ritzinger** read the code and explained management’s interpretation. **Goldberg** asked how far away from a final plat they were at and expressed concern that no provision existed for the sole planning body to extend a preliminary plat. **Lapham** suggested a code change to provide for an extension.
6. **CHARIMAN’S REPORT** – Chairman **Heinmiller** gave the floor to **Goldberg** to explain the result of the Asper’s Appeal of a Planning Commission decision to the Assembly.
7. **STAFF REPORTS**
 - A. **Planning & Zoning Report** – **Ritzinger** summarized his written report that included the following items:
 - Recently issued permits
 - After the fact fines issues
 - James Asper Guest House Appeal
 - CIA Plat
 - Lynn Vista Subdivision
 - Bear Trails Lane LID
 - Emerson Field Acquisition
 - Request for a second meeting during summer months

Venables suggested the chair call a second meeting if another one is necessary. He also requested that staff develop a mechanism in code for renewing preliminary plats that are lapsed.

8. PUBLIC HEARINGS

A. Hickman Second Residential Structure Conditional Use Permit

Heinmiller opened the public hearing at 6:54 pm.

Hickman explained that he has 4.7 acres with a cabin on it and that he'd like to put a house on the property as well.

Heinmiller closed the public hearing at 6:56 pm.

Motion: Goldberg moved to "Approve the Hickman conditional use permit allowing a second residential structure on his property identified as C-STR-02-4800."

During discussion, information was given on neighboring lot sizes.

The motion carried unanimously.

B. Port Chilkoot Company Preliminary Long Plat

Heinmiller passed the gavel to Vice-Chairman **Goldberg** and stepped into the audience.

Goldberg opened the public hearing at 6:58 pm.

Heinmiller explained the zoning, water and sewer, and roads. He also pointed out that code doesn't elaborate what constitutes 25% complete for preliminary plats and suggested the Planning Commission address it. During discussion, questions regarding the length of a road with a cul-de-sac, density and lot size, and covenants were answered.

Ritzinger conveyed recommendations from the Public Works department, Water/Sewer department and the Director of Public Facilities which included a variance for 14% grade, that fire hydrants would be included, that utility easements be packed with surface structure fill and the same piping materials be used as CIA is using in their development.

Goldberg closed the public hearing at 7:10 pm.

Motion: Venables moved to "Approve the Port Chilkoot Company preliminary long plat for the Veteran's Dream Subdivision with stipulations presented by staff."

Heinmiller reassured the commission that the stipulations would not be a problem.

The motion carried unanimously.

It was noted that the Planning Commission is satisfied that this is the 25% preliminary plat.

Heinmiller resumed his seat as Chair.

C. Heinz Variance Request – Removed at approval of the agenda.

D. Brown Variance Request

Heinmiller opened the public hearing at 7:23 pm.

Burruss said he doesn't have a problem with the new construction, but explained that the current well is faulty and would like to see that addressed prior to new construction.

Creswell explained that the well is an artesian well and that it is not capped correctly, she expressed concern that the current owner had told her that she couldn't afford to fix it or get a technician in to look at it and it is causing flooding under neighboring houses.

A French drain and stipulating conditions on the variance were discussed.

Hagwood explained that building the structures as proposed, would make the back of the property inaccessible. He also said that snow shed would fall on to his property and he wouldn't be in favor of that. **Waterman** recommended asking for an as-built survey or

some other proof of where property lines were when proposed structures were so close to the property line.

Heinmiller closed the public hearing at 7:30pm.

The grade of the slope, the possibility of developing the slope, and the rationale for placement of the shed so close to the property line were topics discussed. Staff was asked if the owner had convinced him of the need for the shed placement. Staff hadn't made a determination.

Other location options for the proposed structures were discussed.

Motion: Venables moved to "postpone to the last item of business," and the motion carried unanimously.

9. **OLD BUSINESS** – None

10. **NEW BUSINESS**

A. **HCMP Consistency Review** - None

B. **Haines Borough Code Amendments**

1. **Road Construction Standards**

Heinmiller explained the difficulty the code, as currently written, caused for developers phasing their developments and provided some instances. The possibility of using a conditional use permit to place conditions on the developer was discussed. It was recommended that using the word "may" instead of "shall" in the performance bond criteria be considered, and that temporary could be defined as the duration of the approved preliminary plat. It was also recommended that staff research a way to define the measuring points of a road that will end with a cul-de-sac and include it in the ordinance.

At 7:46pm, **Heinmiller** called a break. **Heinmiller** called the meeting back to order at 7:52pm.

C. **Historic District/Building Review**

1. **Roberts Renovation Proposal**

Kurz explained that the work was needed because of the damage that the silt and ice were doing to the foundation. He explained that he wasn't sure if mud room was an original part of the structure because it was built with plywood and T-111.

Motion: Goldberg moved to "Approve the Helen Roberts request to rebuild the mud room of the historic McRae House as proposed," and the motion carried unanimously.

2. **Fort Seward Lodge Deck Replacement**

Trimble explained the rotten deck boards and pilings as well as the potential for him to lose insurance if the deck wasn't replaced. He also explained that the bottle-neck that the old deck created at the entrance of the building was a fire hazard. He answered questions regarding the changes he made to the layout to decrease angles and rectify draining issues.

Motion: Venables moved to "Approve the Nick Trimble request to repair and expand the deck of the Fort Seward Lodge."

Trimble asked if he could re-paint the lodge the same color white with red trim. **Heinmiller** said yes.

The motion carried unanimously.

3. Willard-Hoy Structure Demolition

Heinmiller gave an explanation of the Commission's ability to make design recommendations on historic homes as opposed to putting design standards on the significant structures area.

Willard-Hoy gave a history of the structure and a status of the condition. She also spoke about the footprint of the existing structure pointing out that it currently sits six feet into the right-of-way.

There was discussion about the different options presented for re-construction. The Planning Commission would be amenable to hearing a variance request to move the structure closer to within the boundaries of the property.

It was recommended that it would be nice if elements from the old structure were incorporated into the new structure, but it isn't required.

It was pointed out that the structure was a public safety issue and a civil liability.

Motion: Goldberg moved to "Approve the Willard-Hoy request to demolish the Bob Ferry House," and the motion carried unanimously.

4. Stout Fence

Schnabel looked at the fence and said it doesn't fit architecturally. She said the fence at the Wild Iris, next door, is picket which is true to the era, more-so than this.

Design criteria for fences, the era of the pointed top boards as opposed to the flat top boards were discussed. **Heinmiller** spoke to the continuity for style of fences in the fort. Kaspirsin elements for elaboration of design were also discussed. It was pointed out that this property was in middle of the hill and should have more of a utilitarian look to it. Color was also discussed and it was suggested that it should look more like the fence next door to some degree.

Waterman suggested a consistency description be created for fences in the significant structure area. She also suggested that if an existing fence deteriorates and needs to be rebuilt, it should be brought up to that design.

Motion: Goldberg moved to "Approve the Stout request to construct a fence on her property with the conditions that the pickets are pointed with 45 degree slants from centerline and the paint is white, matching the architecture of the fort," and the motion carried unanimously

D. Project Updates – None

E. Other New Business

1. Campbell Appeal of a Decision by the Manager

Motion: Goldberg moved to "rehear the manager's decision regarding Campbell's appeal," the motion passed with **Turner** opposed.

B. Maynard explained conversations with George Campbell. He also explained that a 12" culvert was placed where the borough requires 16" culvert and a driveway had been built. **Venables** said that placement of any size culvert is defined in code as a structure and requires a permit.

Motion: Goldberg moved to "uphold the manager's decision," the motion passed unanimously.

2. Parking Formula

Heinz pointed out a potential conflict in the code if adding a statement that legal on street parking could be counted in the parking formula. It was requested that staff figure out a way to include legal street parking in the formula. It was suggested that

discretion could be given to manager that a portion of the overall requirement could be legal on-street parking. The detail of the code was discussed as well as the desire for a more succinct, simple code or guideline.

Waterman cautioned leaving the parking requirements too open ended or left to a manager's decision because that causes confusion and inconsistency.

3. **Culbeck As-Built**

Culbeck explained the history of his requests and asked for remedies. **Venables** suggested, remove structure, buying a portion of the right-of-way, buying land across the road, or do nothing.

Venables left the meeting at 8:51.

Culbeck explained that the property owner across the road from him is not interested in selling.

Repercussions of doing nothing were discussed. It was suggested that as-built surveys should be done for all. **Waterman** suggested recommending to the manager to allow the overhang but not allow the expansion happen and condition the removal if ever constructing again. **Goldberg** suggested recommending that the borough sell the 2 or 3 feet to make it legal.

B. Maynard pointed out that porches, oil tanks and wood sheds were consistently showing up on the right-of-ways and explained the problems it is causing for Public Works when plowing because property that encroaches and could be damaged is a liability.

Lapham echoed **Maynard** regarding plowing problems and said he is not in favor of selling because he doesn't want the notch there forever. He also liked other ideas presented, but doesn't think selling is a feasible option. **Turner** suggested language such as in the industrial zone for housing. If it's damaged beyond repair or burned down, it can't put back. It was recommended that additional encroachment not be allowed; the roof overhang was okay, but not repositioning the walls to the end of the roof.

Motion: **Lapham** moved to "recommend approving the building permit on the conditions that the right-of-way is not sold, additional building not be allowed in the right-of-way, and a hold harmless clause be in place for anything in the right-of-way," and the motion carried unanimously.

Continuation of item 8D. Brown Variance Request – postponed to this point in the meeting.

Motion: **Goldberg** moved to "deny the Brown variance request to allow shed and garage in setback," and the motion carried unanimously.

11. COMMISSION COMMENTS – **Goldberg** said manager appointed a sign committee who met and identified 22 locations for signs. Designs for the signs were also discussed. **Lapham** suggested checking with state regulations on criteria.

12. COMMUNICATION – None

13. SET MEETING DATES – The next Regular Planning Commission meeting is scheduled for 6:30 p.m. on Thursday, July 8th.

14. ADJOURNMENT – 9:27p.m.