



Haines Borough
Planning Commission Meeting
September 8, 2011
MINUTES

APPROVED

1. **CALL TO ORDER/PLEDGE TO THE FLAG** – Chairman **Heinmiller** called the meeting to order at 6:32 p.m. in Assembly Chambers and led the pledge to the flag.
2. **ROLL CALL – Present:** Chairman Lee **Heinmiller**, Commissioners Roger **Maynard**, Donnie **Turner**, Robert **Venables**, Rob **Goldberg**, and Andy **Hedden**. Seat G is vacant.
3. **Staff Present:** Steve **Ritzinger** – Planning and Zoning Technician
Visitors Present: Mayor Jan **Hill**, Bill **Kurz**, Art **Jess**, Leanne **Converse**, Danny **Gonce**, Beverly **Wilson**, Sara **Poisson**, Alberto **Montaudon**, Richard **Boyce**, Allen **Miller**, and others.
4. **APPROVAL OF AGENDA**
Motion: **Goldberg** moved to “approve the agenda,” and the motion carried unanimously.
5. **APPROVAL OF MINUTES** – August 11, 2011 Regular Meeting
Motion: **Turner** moved to “approve the August 11, 2011 Regular Meeting Minutes with minor revisions,” and the motion carried unanimously.
6. **PUBLIC COMMENTS:**
Mayor Jan **Hill** expressed gratitude for time and effort of commissioners devoted to the Comprehensive Plan update.
7. **CHARIMAN’S REPORT** – **Heinmiller** inquired about changing the date of the September Comprehensive Plan meeting date.
8. **STAFF REPORTS**
 - A. **Planning & Zoning Report** – **Ritzinger** summarized his written report that included the following items:
 - Recently issued permits
 - Enforcement orders and after-the-fact fees
 - The Assembly approved a motion to reconsider ordinance 11-06-270 allowing off-premises to be displayed as a conditional use on August 9th. It was decided to postpone a decision on the matter on September 27th. It was decided by the Planning Commission on August 9th that **Heinmiller** would send a memo to the Borough Assembly on behalf of the Planning Commission.

Venables inquired whether a contractor was involved with construction related to the after-the-fact fee.

Ritzinger confirmed that a contractor was involved.

8. **PUBLIC HEARINGS**

- A. **Beverly Wilson – Carport Setback Variance Request – Action Item** – Beverly Wilson is requesting for the Planning Commission to approve a variance request to allow a carport to be constructed 20 feet into the 20 foot setback.

Heinmiller opened the public hearing at 6:40 p.m.

Beverly **Wilson** spoke on behalf of the proposed carport and variance request.

Heinmiller closed the public hearing at 6:43 p.m.

Proposed distances were discussed.

Turner suggested that there is adequate space for a carport between Mathias Avenue and the house and that he did not see compelling evidence to grant a variance for the proposal.

Venables suggested a variance that would expire with the sale of the property requiring the carport to be dismantled at the time of the sale as an option.

Goldberg mentioned that variances have been approved in circumstances where the lot is under 10,000 square feet that would allow development several feet into the setback. Concern was expressed about the proposed carport being constructed up to the lot line.

Motion: Venables moved to “approve the Wilson variance request to allow a carport to be constructed 20 feet into the 20 foot setback.” Further discussion ensued.

Venables inquired whether any more minimalistic designs have been considered. **Wilson** handed out a plan that would extend 16 feet into the 20 foot setback.

The motion was defeated 0 to 6.

B. Port Chilkoot Company – Resource Extraction Conditional Use Reapproval – Action Item – Port Chilkoot Company is requesting for the Planning Commission to reapprove a resource extraction conditional use permit.

Heinmiller recused himself and Vice Chairman **Goldberg** chaired the public hearing.

Goldberg opened the public hearing at 7:04 p.m.

Heinmiller addressed the commission with the historical use of the property and future plans

It was pointed out that plans have not changed since the previous approval and that no complaints on the operation had been filed.

Motion: Venables moved to “reapprove the Port Chilkoot Company resource extraction conditional use permit for three years with the following stipulations:

- Hours of operation shall be 7:00 a.m. to 7:00 p.m.
- The operation is required to meet the final site condition per HBC 18.20.020,

and the motion carried unanimously.

9. UNFINISHED BUSINESS - None

10. NEW BUSINESS

A. Historic District/Building Review – Teresa Povey historic building reroofing, porch enclosure and fence.

Heinmiller provided historic context relevant to the project.

Goldberg questioned why the project came before the commission near completion.

It was pointed out that the applicant had come before the commission with a project previously and that a professional contractor is involved with the project.

Heinmiller pointed out that the enclosed porch on the Portage Street side of the historic structure owned by Fred Shields, which the applicant proposes to match is not consistent with historic architecture.

Turner pointed out that the applicant needs to provide better documentation for the commission to approve the porch.

Goldberg inquired whether an enforcement order was issued, which was confirmed by **Ritzinger**.

Heinmiller concurred that more documentation is necessary for the porch, but did not object to approving the reroofing.

Motion: **Turner** moved to “approve the Povey reroofing of the historic building and postpone a decision on the porch enclosure and fence until more detailed plans are provided,” and the motion carried unanimously

B. Haines Borough Code Amendments – Political Sign Display in Setbacks

Motion: **Maynard** moved to “approve the draft ordinance to allow political signs to be displayed in setbacks.”

Goldberg expressed objection to political signs mentioning that they are unsightly and often not removed after election season.

Venables concurred that the commercialization of elections is not desirable but that suggested that display of political signs on taxable properties is allowable.

Venables stated that the term “sign” in the definition of “structure” is not incompatible with the ordinance.

Motion: **Venables** moved to “amend the motion to leave sign within the definition of “structure.”

Ritzinger pointed out that the ordinance with the amended motion will conflict with 18.80.030 Density and Dimensional Requirements, which states that no structure shall be allowed in setbacks.

It was decided to have staff work on the language in the draft ordinance and bring it back to the commission.

Motion: **Venables** moved to “table the draft ordinance” and the motion carried unanimously.

D. Project Updates – None

E. Other New Business -

1. Sara Poisson Appeal: Water hookup requirement

Montaudon addressed the commission on the appeal on behalf of himself and his wife: He had been told that the subject property, purchased from Jim and Barbara Puckett, had a grandfathered right to use spring water on site, which turned out to be not be the case. Haines Borough Code requires water to be supplied to lots at the time property is subdivided, which did not happen. A \$7000 estimate was obtained for a water service line to be provided from the main on the opposite side of the Haines Highway. Their wish is to drill a well and install a DEC approved septic system.

Venables mentioned the possibility of sharing the cost of sharing the cost of water installation with the Borough.

A discussion ensued on the affect of wells on the aquifer and the Borough desire to extend water and sewer infrastructure.

Turner mentioned that the city at the time of the subdividing of the property should have required the developer to supply water for the lot and that he did not object to the allowance of well installation in this circumstance.

A discussion ensued whether the manager acted on the decision.

Motion: **Turner** moved to “overturn the manager’s decision requiring Sara Poisson to hook up to public water system,” and the motion passed 5 to 1 with **Venables** opposed.

2. Art Jess Appeal: Fill encroachment removal and fence installation requirement

Jess addressed the commission. A trespasser used the subject property without his permission and caused the damage for which he is being required to remove fill and install a fence. He was not in town when the activities took place.

Converse spoke on behalf of Jess. The subject property was purchased for storing equipment. She had spoken with police about vehicles being abandoned on the property but did not receive help.

Miller suggested that the Borough needs to address junk vehicles.

Turner stated that he does not concur with the requirement for Jess to remove the fill but that the visual buffering is required by code and specifically mentioned in the permit.

Goldberg agreed with the visual buffering requirement. He added that the fence is a practical solution for cars being abandoned on the property.

Jess stated that the West Fair Drive road is not properly in place, water and sewer end at the fire hydrant and that the cul-de-sac is not built, and that if those items are completed that he would be happy to build a fence.

Venables questioned why the fence couldn't be installed without the cul-de-sac constructed.

Turner mentioned that he had observed the property corners.

Hedden stated that the placement of fill is a civil matter and that the court adequately addressed that matter, and that he did not feel compelled to hear the manager's decision.

Motion: **Venables** moved to "reverse the manager's decision," and the motion passed 5 to 1 with Hedden opposed.

11. COMMISSION COMMENTS

12. COMMUNICATION – None

13. SET MEETING DATES – The next Comprehensive Plan Work Session is scheduled for 6:30 p.m. on Thursday, September 22nd. The next Regular Planning Commission meeting is scheduled for 6:30 p.m. on Thursday, October 13th.

14. ADJOURNMENT – 8:45 p.m.