

**HAINES BOROUGH PLANNING COMMISSION
REGULAR MEETING MINUTES
June 16, 2005**

- 12. **CALL TO ORDER:** 6:00pm by chair **STANFORD**.
- 13. **PLEDGE TO FLAG:**
- 14. **ROLL CALL:**

Present: Jim **STANFORD**, Bob **CAMERON**, Harriet **BROUILLETTE**, Rob **GOLDBERG**, Bruce **HALE**

Absent: Lee **HEINMILLER**, Bill **STACY**

Staff Present: **SCOTT HANSEN** (Planning and Zoning Tech II)

Visitors: Greg **PALMIERI**, Jeff **BUTCHER**

15. APPROVAL OF AGENDA

M/S GOLDBERG/CAMERON to approve the agenda, amended to add Industrial Setbacks under Title 18 Revisions.

Motion carried unanimously.

16. APPROVAL OF MINUTES - May 12, 2005 regular meeting

M/S HALE/CAMERON to approve the above minutes.

Motion carried unanimously.

17. PRESIDING OFFICER REPORT: NONE

18. PUBLIC HEARINGS:

- a. Right-of-Way Vacation Request - Greg PALMIERI**

Having reviewed the issue last meeting the Commission opened the public hearing. No comments were received. Two favorable written comments had been received from Nicki Hopper and Neil Tierney. Public comment was closed.

M/S GOLDBERG/BROUILLETTE to recommend to the Assembly to support **PALMIERI**'s request for a ROW vacation in exchange for his developing Anway Road and cul-de-sac development and easement on his own property.

Motion carried unanimously.

19. STAFF REPORT:

- a) Land Use Permits:**

- i) Justin Koehneke - driveway/parking- SR
 - ii) Doug Olerud - drainage - C
 - iii) Presbyterian church - temp trailer/storage - C
 - iv) James Warner - decks - SR
 - v) Brenna Palmer - carport addition - SR
 - vi) Janet Dunbar/Harrington - storage bldg - RMU
 - vii) Chilkoot Indian Association - private shop - C
- b) Enforcement:** NONE
- c) Plats:** Bieleski - Piedad Rd.
- d) Alaska Cadastral Project Programming RFP Progress**

HANSEN explained that the existing contract to place tax information and satellite imagery online has been signed, and staff will be meeting to iron out specific scope of work and deliverables.

20. COMMUNICATION: NONE

21. OLD BUSINESS

a. Proposed Zoning Protest Language

M/S STANFORD/GOLDBERG to forward the proposed language to the Assembly and move the process toward the October ballot as soon as possible.

Motion carried unanimously.

M/S HALE/CAMERON to add the following "Severability Clause" language to the charter: **"Should any provision of this charter be held to be in violation of state law, the State Constitution or the United States Constitution, such holding shall not affect the validity of any other provision."**

Motion carried unanimously.

12. NEW BUSINESS:

1. Easement Request Across Borough Property - Stan JONES

HANSEN explained that **JONES** is interested in developing a water tank on his property, but the property is landlocked. Since it is next to Borough property, through which the access could come conveniently, he is asking for permission for a permanent easement to construct and maintain a road and buried utilities. **STANFORD** asked if the road would become public. **CAMERON** said that it could be locked up.

M/S STANFORD/GOLDBERG to communicate by letter to **JONES** and get the following information prior to approval:

12. Road location drawn within the easement area and plans for handling public access
13. to whom would the easement go, and how long would the easement last?

Motion carried unanimously.

m. Significant Structures Area Permit Review - Jeff BUTCHER

BUTCHER said that he hopes to install a kiln into a proposed addition on an existing shed. The structure is in the yard area east of the historic buildings. The kiln would be gas-powered, and he would take measures for fire safety. Roofing would be composite shingle common to the existing building.

M/S STANFORD/GOLDBERG to approve the permit as submitted.

Motion carried unanimously.

n. Battery Point Trailhead Improvements - State Parks

STANFORD said that he'd been through the design with Parks staff. The trail is a category 3 trail, and the improvements would bring it up to a category 1 trail, just short of having handicap access. It's about 1.4 miles with 11 bridges. The project would need a significant volunteer force because the area is so rooted and rugged. **GOLDBERG** suggested modifying parking for more vehicles. **HALE** pointed out traffic impacts on residents.

M/S STANFORD/GOLDBERG to support the Battery Point trailhead improvements with the following comments:

12. parking should be expanded by excavating more on the existing rounded-out portion
13. Impacts to residents due to increased traffic be addressed

Motion carried unanimously.

12. PUBLIC COMMENT: NONE

13. TITLE 18 REVISIONS:

a. Residential Setbacks in the Commercial Zone

STANFORD said that an applicant on Dalton street had submitted a request to place a commercial building containing a carport onto a residence to avoid a 20 foot setback restriction. **HANSEN** said that the State Fire Marshal wouldn't review the

project, stating that "Our office does not have jurisdiction over residential properties smaller than a four-plex." **GOLDBERG** remembered a former applicant wanting a residential addition in the Commercial zone to be zero lot line because it was in the C zone. **HANSEN** explained the setback chart where uses and zones are compared. Sometimes uses and zones conflict, mostly due to safety and use-related concerns. For instance, residential setbacks afford room for children to run around a structure, a common occurrence in residential uses. **HANSEN** pointed out 18.80.030, which indicates that if two setbacks conflict the most restrictive of the two must be followed.

M/S STANFORD/HALE to amend 18.80.030 by adding the following underline/bold/italic language:

18.80.030 Setbacks and height. Setbacks are measured from the outer-most portion of the building to the nearest lot line or building as appropriate. Incidental architectural features such as window sills, cornices and eaves may not project into any required setback. This exemption also applies to cantilevered floors, decks or other similar building extensions. No building or structures may be located within a setback except that fences may be constructed within the required setback by permit. Where more than one setback standard is applicable, the most restrictive setback standard applies. **Any building containing a single family residence in a commercial zone shall conform to residential setbacks only.** Height is measured from the average grade of the lot to the highest point on the structure, measured at the center of each of the four exterior walls.

Motion carried unanimously.

M/S HALE/STANFORD to not object to the Studley permit approval.

BROUILLETTE said she wasn't comfortable with the whole issue. **HANSEN** noted that in all land use permits applicants are informed that conflicting setbacks require the most restrictive to apply.

Motion carried, **BROUILLETTE** abstaining.

b. Industrial Setbacks

HALE said that residential uses next to light commercial uses in the I/L/C cause a required 50 foot setback, and that is a severe limit on business development in that zone, which prohibits

residential development. The only residences in the zone are nonconforming uses, so they're limited, but it sure limits the use of the light industrial lots. He suggested that the I/L/C not crimp light industrial uses. **GOLDBERG** suggested that "residential lots" written in the code may mean the non-I/L/C zoned lots around the perimeter. **HALE** said it should be clearer. **STANFORD** suggested working over some options and adding it to Title 18 changes next meeting.

14. NEXT MEETING DATES:

- a. **Regular Meeting** - Thursday, July 14, 2005, 6:00pm in the Assembly Chambers.

15. ADJOURNMENT

The meeting adjourned at 7:50 pm.

Respectfully submitted:

SCOTT HANSEN, Haines Borough Planning and Zoning Tech II