

**HAINES BOROUGH PLANNING COMMISSION
REGULAR MEETING MINUTES
February 9, 2005**

Approved

1. **CALL TO ORDER:** 6:30pm by chairman **HEINMILLER**.
2. **PLEDGE TO FLAG**
3. **ROLL CALL:**

Members present: Bob **CAMERON**, Rob **GOLDBERG**, Lee **HEINMILLER**,
Kathleen **MENKE**, Jack **SMITH**

Absent: Harriet **BROUILLETTE**

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

Visitors: Donny **TURNER** III, Bob **JENSEN**, Don **MULLIKIN**, George
CAMPBELL (via teleconference), Paul **NELSON**, Warren **MORRISON**,
Dave **AMMON**

4. **APPROVAL OF AGENDA**

M/S CAMERON/MENKE to approve the amended agenda with the
following alterations:

- 11c. Discuss Agenda Format
- 11d. Juneau Access Environmental Impact
Statement Comment

Motion carried unanimously.

5. **APPROVAL OF MINUTES** - January 12, 2005 regular meeting

M/S GOLDBERG/MENKE to approve the above minutes with minor
amendments.

Motion carried unanimously.

6. **PRESIDING OFFICER REPORT:**

HEINMILLER said that the Commission will receive copies of
Action Requests/Clarification of Issue reports after submission
to the Assembly. The Commission will use that format for future
communication with the Assembly.

HEINMILLER said that Mike **TAVOLIERO** (Tablemaker Independent
Living Facility Scoping Report) is asking for an official
concept approval from the Commission so he can recommend the
project concept for the purpose of furthering the project as a
whole. This can occur with an Action Request to the Assembly to

consider the project concept as approved by the Commission as per **TAVOLIERO**'s Scoping Report submitted late last year.

HEINMILLER said that **MULLIKIN** Surveying has proposed subdivision code changes to streamline the process and allow developers to be ensured that code development requirements are as objective as possible. If the development process is predictable then developers will be more willing to invest in subdividing the area.

7. PUBLIC HEARINGS:

a. Long Plat - Goat Ridge II Subdivision

HANSEN opened the topic using a large map showing the subdivision overlaid on satellite imagery of the area. Discussion ranged over topography, drainage of, and grades. **HANSEN** noted that three written comments had been received, with comments regarding wastewater handling systems, road construction, and lot sizes.

HEINMILLER opened the public hearing at 7:52pm. **JENSEN** stated that he is expecting to build roads to Borough standards. **HEINMILLER** noted that the Alaska Department of Environmental Conservation require all private developers to construct engineered wastewater systems approved by that department. Discussion ranged over the lack of administrative oversight in the General Use (GU) zoning district, and specifically in the 18-mile neighborhood area. It was noted that no formal permit process exists to regulate uses-by-right, though there is a Construction Declaration form required by the code for most development in the GU zone. **AMMON** said that the future will come, and health issues are important enough to consider land use permitting to ensure that residents build according to the law. **HEINMILLER** noted that if people complain lawbreakers can be identified if wastewater systems fail. **CAMPBELL** said that he routinely works on construction projects in Juneau where wastewater systems have to be corrected due to failure. He said that health concerns are worth a regulatory burden that will motivate people to spend the money to construct according to DEC regulations. He said that if lots are large enough that a failed system will bother only the owner of the property and thus motivate them to fix their own systems, but if lots are smaller they require a tighter development expectation. **MENKE** suggested that a permit system wouldn't be overly complicated, and it would ensure good development in the future. A discussion ensued over the expectations of regulations after governmental consolidation in 2002. **HEINMILLER** noted that at

some point in the future, as density increases, regulations will become a necessity. **CAMPBELL** said that as a property owner with long-term interest in the parcels he is in favor of a zoning change for this area of the General Use zone, including a larger lot size. He requested that the Commission consider a rezoning of the area. The public hearing closed at 7:30.

CAMERON said that wastewater system installation concerns are important, and he is interested in the zoning discussion. If a classification such as Rural Residential is the destiny for this area the Commission should go this way. **SMITH** said that an engineered wastewater system won't actually affect smaller lot sizes because they're designed to be built on small lots without allowing negative impacts on surrounding property - the 1.5 acre lot sizes are acceptable. **MENKE** said that the plan looks good overall. **HEINMILLER** noted that state road standards mentioned in the code actually refer to engineered standards relative to existing conditions, and only an engineer can design a road to minimum standards. However, the area is very good for road building, considering the sub-grade material and general grades. He suggested preparing road profiles with at least grades, depth of material, widths, and utility installations. The Manager oversees road development within the Borough rights-of-way. **JENSEN** said he would have road profiles. **GOLDBERG** said that the development looks good, though there are few specifics with which to operate to make a decision. He noted that 10,000 square feet is the current minimum for this area and recommended that lot sizes be greater than 1.5 acres. He noted that in the third-class borough the 18-mile area had considered a Rural Residential land use service area as did Lutak and Mud Bay, but things didn't come together. **GOLDBERG** noted that during and after consolidation there was opposition to land use regulatory expansion. He suggested that if residents want such benefits as minimum lot sizes and wastewater system installation oversight they propose a rezone of the area. If boundary lines are drawn for a given area and 51% of landowners agree on the change the Commission would be happy to participate, and the majority would be making the decision. He recommended that the 18 mile area would be a good candidate for Rural Residential zoning. **HANSEN** noted that in a rezoning one vote goes to each landowner within the region, regardless of the number of lots owned, and multiple owners of a single lot only have one collective vote.

M/S MENKE/CAMERON to approve the subdivision plat design with the following stipulations:

1. road construction design to be written
2. building permits be required with DEC approval

GOLDBERG said that land use permits cannot be required by a note on a plat. **HEINMILLER** agreed, saying that the process would require ordinances using the public process. **GOLDBERG** also noted that road maintenance is by service area and not the responsibility of the developer. **MENKE** said that land use permits are needed for the public interest of neighboring landowners with regard to setbacks and wastewater handling systems. **CAMERON** noted that the Commission can't require more than the law allows.

Motion failed, **CAMERON, GOLDBERG, HEINMILLER, SMITH** opposed.

M/S GOLDBERG/CAMERON to approve the plat design with the expectation that the developer will state road design in writing.

Motion carried unanimously.

Break called from 8:14 to 8:22.

b. Rezoning - Portion of I/L/C Zone to Commercial

HANSEN explained that landowner concerns over lost residential property values spurred the Commission to initiate a rezone of the area. He used a large map showing the proposed new boundaries of the Commercial zone currently zoned Industrial/Light Commercial.

8:23 Public hearing opened. **NELSON** asked if the Industrial/Light Commercial zoning could be reversed for his properties. **HEINMILLER** said that the process is very reasonable for lots like **NELSON's** which are adjacent to the zoning line. **NELSON** said the rezone would be acceptable. **TURNER** said he supports the rezoning. 8:34 Public hearing closed.

M/S GOLDBERG/CAMERON to recommend to the Assembly that the designated area be changed on the zoning map from Industrial/Light Commercial zoning to Commercial zoning.

Motion carried unanimously.

8. STAFF REPORT:

a. Land Use Permits

- i.** Michael Binkie - C-HAG-00-0300 - Tanani Bay - fill above HTL
- ii.** John Floreske - C-205-IN-FD10 - Meadowland sub - short plat

b. Enforcement - NONE

c. <http://www.gis.haines.ak.us/>

- 9. COMMUNICATION: NONE
- 10. OLD BUSINESS: NONE
- 11. NEW BUSINESS:

a. Future of the Waterfront

HEINMILLER said that the harbor project will inevitably go through a public process, as well as any amendments to the placement of the boat ramp as it develops. **MENKE** said she wants to discuss the waterfront in a non-economically-motivated atmosphere. **HEINMILLER** said that the suggestion is a Comprehensive Plan and Coastal Management Plan discussion, and when those are updated the public will be part of the public process, and they are reviewed in at least several year intervals. **MENKE** said that Portage Cove is the first place most tourists arrive in Haines, there are wetlands, and the community values these areas recreationally. **HEINMILLER** noted that as the harbor project matures the Commission needs to be ready to present the issues.

b. Front Street Vacation Plat

HANSEN used a proposed plat map being reviewed in the office to show the culmination of years of expectation of a Tlingit Park playground area right-of-way vacation. The sweeping curve and existing property lines will be vacated. The existing rights-of-way on the north side of the plat will not be vacated as much as rededicated as utility corridors, as they contain sewer mains headed down toward the outfall. **HEINMILLER** noted that access issues will become paramount with the advent of the harbor project.

c. Agenda Format

MENKE complimented the Clerk's presentation of issues and agenda format and requested that the Commission receive a like agenda format for future meetings. **HANSEN** said the Manager may support the style change.

**d. Juneau Access Environmental Impact Statement (EIS)
Comment**

GOLDBERG said that the EIS is out on CD, and the written copy is substantially reduced from last year, but there are only 30 days to comment on the proposal. He requested that the Commission

come up with comments to forward to the Assembly. He offered to draft a document and bring it to the Manager.

M/S MENKE/CAMERON to support **GOLDBERG's** comments on the Juneau Road access issue and commission him to submit comments in a timely fashion to the Borough and State.

GOLDBERG said that the Assembly supports the ferry option. Also, among other things, about 45% of ferry riders are "walk-ons", and the road option seems to require riders to buy a bus ticket between Berner's Bay and Auke Bay. Also, cost estimates for the overall project are very low. Avalanches from October through May could be a serious problem. He mentioned a financing idea of investing the proposed money for a road into a permanent fund so the fund could finance the ferry system more predictably and profitably than a road construction and maintenance plan.

Motion carried unanimously.

- 12. **PUBLIC COMMENT: NONE**
- 13. **TITLE 18 REVISIONS: NONE**
- 14. **Commission Comments**

HEINMILLER noted that his communication with surveyors revealed two answers for the recent request to analyze the Borough code requirement for a new survey for a vacated or adjusted lot line. If a vacation is desired the landowner could just re-record a former plat, and the work would've already been done. Lot line adjustments are best done with a surveyor and plat, as points still need to be set/verified onsite, and a plat is more easily drafted and is more reliable than a metes-and-bounds property description.

15. NEXT MEETING DATE:

- a. **Workshop and Regular Meeting** - Thursday, March 9, 2006, 6:30pm in the Assembly Chambers.

16. ADJOURNMENT

The meeting adjourned at 9:30 pm.
Respectfully submitted: