

**HAINES BOROUGH PLANNING COMMISSION
REGULAR MEETING MINUTES
December 14, 2006**

1. **CALL TO ORDER:** 6:35pm by chairman **HEINMILLER**.
2. **PLEDGE TO FLAG**
3. **ROLL CALL:**

Members present: Harriet **BROUILLETTE**, Lee **HEINMILLER**, Kathleen **MENKE**, Jack **SMITH**, Dawne **THOMSEN**, Donny **TURNER III**, Deborah **VOGT**

Absent: Rob **GOLDBERG**

Staff Present: John **WURST** (Borough Assessor/Land Manager),
Scott **HANSEN** (Planning and Zoning Tech II)

Visitors: Dave **AMMON**, Walter **CLAYTON**, Ryan **COOK**, Fred **SHIELDS**
(Borough Mayor), Carol **NELSON**,

4. **APPROVAL OF AGENDA**

M/S THOMSEN/SMITH to approve the amended agenda as follows:

- o 12C - **WALTON** Section Line Easement Vacation Request

Motion carried unanimously.

5. **APPROVAL OF MINUTES:**

A. November 9, 2006 Regular Meeting Minutes

M/S BROUILLETTE/MENKE to approve the minutes as submitted.

Motion carried, **THOMSEN** abstaining.

6. **PUBLIC COMMENT: NONE**
7. **WELCOME TO NEW MEMBERS AND ELECTION OF CHAIR/VICE CHAIR:**

New members were welcomed onto the Commission:

- o Dawne **THOMSEN**, former chair of the Commission, was sworn in by mayor **SHIELDS** to seat A, which expires in 2009.
- o Don **TURNER III** was sworn in by mayor **SHIELDS** to seat F, which expires in 2008.
- o Lee **HEINMILLER** was sworn in by mayor **SHIELDS** to seat D, which expires in 2009.

M/S BROUILLETTE/SMITH to elect Lee **HEINMILLER** and Rob **GOLDBERG** to Planning Commission Chairman and Vice-Chairman, respectively.

Motion carried unanimously.

8. PUBLIC HEARINGS:
A. NELSON Right-of-Way Vacation

M/S BROUILLETTE/THOMSEN to suspend the rules to allow time for Ardis **NELSON** to call in for the Public Hearing.

Motion carried unanimously.

Rules were suspended in hopes of a teleconference involving the **NELSON** Trust representative.

HANSEN explained the history of the Louie **NELSON** homestead acquisition, Louie **NELSON** Subdivision in 1996, and the Board of Equalization decision in 2006.

HEINMILLER opened the public hearing at 7:05 pm.

CLAYTON expressed concern over an easement his property has held for years. He asked if that easement might be vacated by this action. **HEINMILLER** explained that rights-of-way, such as those dedicated by the 1996 subdivision, have no authority over easements created at an earlier time unless all the affected property owners agree to it. Since **CLAYTONs** haven't participated in vacating the easement along their property it will remain unchanged by the proposed right-of-way vacation process on the **NELSON** Trust property. **THOMSEN** noted that a title company could establish documentation of **CLAYTON's** easement. **HANSEN** said that a Certificate to Plat, performed by a surveyor, would also achieve the same result.

HEINMILLER closed the public hearing at 7:34 pm.

M/S MENKE/THOMSEN to approve the request to vacate the right-of-way as necessary in the Louie **NELSON** Subdivision, plat #96-31.

HEINMILLER noted that after viewing the plat overlaid on satellite imagery it was apparent that the existing plat has significant planning problems.

Motion carried unanimously.

9. STAFF REPORT:

- A. Land Use Permits (attached to end of minutes)**
- B. Enforcement: NONE**
- C. Road Standards Report**

HANSEN said that the administration will soon be sending a draft set of road construction standards to for possible recommendation for adoption into ordinance.

HANSEN also noted that the Haines Coastal Management Plan, having gone through an amendment process over the last several years required by Federal and State governments, has been approved by those entities and is ready for approval by the Haines Borough via ordinance. That document, with proposed ordinance language, is expected to be on the next agenda.

10. COMMUNICATION:

A letter was submitted December 7 by Gates **HADDOCK**, an adjacent landowner to Steve **KROSCHER**. **HADDOCK** expressed concern about the potential development of the section line easement running through the edge of his property. **KROSCHER**'s recently-approved right-of-way vacation may result in the section line being developed, and it runs very close to his existing structure. **HADDOCK** does not want a road constructed through the easement area and requests that the Commission recommend that the right-of-way through **KROSCHER**'s subdivision be retained by the Borough.

TURNER noted that the best developable area was within the right-of-way going through the subdivision. Even though there is legal access along the section line it goes directly up a steep, rocky slope area unsuitable for a well-planned roadway. The **HEINMILLER** noted that **KROSCHER**'s approval was granted last month, and the letter was not received in a timely fashion.

11. OLD BUSINESS:

A. Burial Regulations

HANSEN explained that the code classifies burials outside cemeteries a nuisance, but there is neither nuisance code outside the townsite area nor any other code keeping human bodies from being buried on private property. The issue has been a real concern since a recent private burial in the Mud Bay area. **SMITH** expressed concern over such burials from a heavy equipment operator's perspective. **THOMSEN** said that this is a slippery issue since there are varied opinions, beliefs, and spiritual approaches to death. She recommended that a committee

be formed to discuss the issue. **HEINMILLER** recommended that the new members have time to consider the issue and consider code language, to be discussed at the next meeting.

B. Buck Lot Line Adjustment

HANSEN explained the issue to new members. At last meeting the Commission decided to rehear the proposed plat if it was handled appropriately by the Lutak Land Use Service Area in 1993.

HANSEN verified that the LLUSA subdivision regulations were brought in after Buck's plat, so it conformed to regulations at that time. The problem was that the surveyor did not correctly address Buck's desire to move a lot line away from a residence. Since the problem still remains and wasn't solved by the old plat, even though everyone concerned seemed to think the issue was solved, the line still needs to be moved.

M/S MENKE/SMITH to approve the lot line vacation request as proposed by Richard Buck.

HEINMILLER noted that this action clears up an outstanding problem on the Buck property incorrectly addressed because of prior survey errors. This is not approval for further lot line adjustments resulting in lot sizes less than the minimum allowed by code.

Motion carried unanimously.

C. Sidewalk Planning

MENKE indicated that there is a Capital Improvement Project on third Avenue going to bid, and it never came before the Commission. She noted potential flaws and wanted to have the public weigh in on the project. Third Avenue is a rather steep hill, and sidewalks may not be the answer to the public's needs. She suggested that a gravel sidewalk may be preferable to concrete. **BROUILLETTE** agreed, noting that when she rides her horse in that area she prefers to be on the uphill side and in the dirt, not a sidewalk. Resident **AMMON** suggested either concrete or gravel sidewalk alignment on the west (uphill) side of the roadway. **HEINMILLER** agreed, saying that the issue is one of correct traffic flow. The street as it continues up the roadway is worth such considerations since it is a nightmare to maneuver, particularly in the dark and in slippery weather. It's a hill, a curve, and visibility is severely limited. **VOGT** mentioned that it is expected to be contract-managed by the state along with the Union Street project. **TURNER** said that the best alignment for pedestrian traffic is on the uphill side, as

cars slide downhill when braking on ice. There have regularly been cars in the ditch in winter.

AMMON recommended that Commissioners simply observe how the schoolchildren walk when traveling to and from school.

M/S MENKE/BROUILLETTE to recommend to the Assembly that the Third Avenue road project sidewalk plan be addressed by a public hearing prior to implementation.

Motion carried, **SMITH** opposed.

D. KROSCHER Lot Line Vacation

HEINMILLER said that, having approved the request to vacate the right-of-way within his properties, the Commission is sending an Action Request to the Assembly to approve the process and grant the right-of-way to **KROSCHER**. **HEINMILLER** said that item four of the list needs to be discussed by the Commission prior to sending, as it pertains to further land use planning in the Mosquito Lake Road area. The Commission has authority as the sole planning body, but since there has been contention regarding regulations in the area the Commission needs to clarify the issue as a body. The Comprehensive Plan has only a description of uses existing in 2002 for the area, and the Future Growth Map is inconsistent with **KROSCHER**'s use. There is no code either supporting or prohibiting any uses. Since the **KROSCHER** Right-of-Way Vacation Request involves "un-planning" a residential subdivision the Commission is watching planning happen, but it's being guided by private entities rather than the community. Either way, the Commission needs to come to a consensus as to future planning in the General Use zone.

MENKE said the Commission needs feedback from the public and not a top-down approach to planning. **WURST** said that the Borough has a fiduciary responsibility to plan since the state has given that legal responsibility to the Borough and no other entity.

HEINMILLER said that the Commission is the public body able to begin the planning process. Any recommendations put forth are done in the public forum, and the public needs to weigh in.

NELSON said that time is needed to craft a public policy.

HEINMILLER agreed, saying that the Commission is the appropriate body to lead that process.

M/S TURNER/MENKE to approve the recommendation without the comment regarding planning in the Mosquito Lake area.

Motion carried unanimously.

HEINMILLER said that the concept is good to be handled in a Comprehensive Plan revision, which is slated for 2007, two years since the last review.

12. NEW BUSINESS:

A. HISTORIC DISTRICT COMMITTEE: RAKERS Fort Residence Repair

HANSEN explained that the Chilkoot Indian Association is working with **RAKERS** to upgrade a Fort Seward historic structure, and the code requires that the Commission act as the Historic District Committee to review the proposed development. **HEINMILLER** is standing as a representative landowner within the Fort. The proposed development is a heavier deck structure to accommodate totem carving and also a ramp for access to the deck.

M/S MENKE/BROUILLETTE to approve the **RAKERS** permit.

HEINMILLER said that in the past Alaska Indian Arts carved totems on this porch. Extra structure and better decking is warranted for that activity. He recommended that several items be part of the permit:

1. Re-establish historic skirting along the deck and building
2. Add fill to allow a shorter and more gradual ramp slope.
3. Sight lines and belly trim bands should be painted.
4. Columns should be constructed to allow posts to breathe. This adds significant longevity to the structure.
5. Joist hangers can be seen from the old barracks building.

HEINMILLER offered to work with CIA staff. **COOK** agreed to work toward these changes.

Motion carried unanimously.

B. Street Name - Approximately 650 Small Tracts Rd

M/S MENKE/TURNER to name the new Townsite Area District street within plat #98-22 to "Alder Court".

Motion carried unanimously.

C. WALTON Section Line Easement Vacation Request

The Commission discussed access issues, general existing and planned traffic routes, the Comprehensive Plan description of the area, and code.

M/S TURNER/BROUILLETTE to recommend to the state that the Commission has no objection to the **WALTON** Section Line Easement Vacation proposal.

Motion carried unanimously.

13. TITLE 18 REVISIONS:

A. Subcommittee on Reviewing Title 18

HEINMILLER suggested that all members consider the past issues and recommend changes to Title 18 to add to the existing list of issues suitable for change. The list will be reviewed and prioritized next meeting.

14. COMMISSION COMMENTS:

15. NEXT MEETING DATE:

A. Regular Meeting - Thursday, January 11, 2007, 6:30pm in the Assembly Chambers.

16. ADJOURNMENT

M/S SMITH/TURNER to adjourn.

Motion carried unanimously at 8:50 pm.

Respectfully submitted:

SCOTT HANSEN, Haines Borough Planning and Zoning Tech II

LAND USE PERMITS - through 11/2/06			Parcel Number	Subdivision	Development
06-65	10/6/06	Jim Szymanski	C-NUK-00-0600	Nukdik	accretion plat
06-66	10/6/06	Dave Ward	3-CLR-35-0200	Chilkat Lake Road	short plat