

**HAINES BOROUGH PLANNING COMMISSION
REGULAR MEETING MINUTES
April 10, 2008**

1. **CALL TO ORDER:** 6:32 p.m. by Chairman Lee Heinmiller
2. **PLEDGE TO THE FLAG**
3. **ROLL CALL:**

Planning Commission Members Present: Chairman Lee **Heinmiller**, Vice Chairman Rob **Goldberg**, Harriett **Brouillette**, Don **Turner III**, Dawne **Thomsen**, Greg **Brask**, Jack **Smith**, Deborah **Vogt** (Borough Assembly Liaison)

Visitors Present: Toni DeWitt, Stacie Turner, Scott Hanson (Chilkoot Indian Association), Felecia Hansen, Joanie Wagner, Gail Gilbert, Ray Staska, Liz Heywood, Aldeana Stout, Renee Hoffman, Bill Stacy

Staff Present: John Wurst, Debra Schnabel
4. **APPROVAL OF AGENDA**

M/S Goldberg/Thomsen: Motion carried unanimously.
5. **APPROVAL OF MINUTES:** March 13, 2008 Regular

M/S: Thomsen/Goldberg: To approve the minutes with the following changes:

 1. Removal of descriptive terms "complained" and "neutrally" from, item 8A.
 2. The sentence "It was revealed that the Fire Marshall approved a maximum capacity of 50 people in the building" shall be removed from item 8B.

Motion carried unanimously.

6. **PUBLIC COMMENTS** [Items not scheduled for public hearing]

Debra Schnabel informed the Planning Commission about an Alaska Department of Transportation program called "Safe Routes to Schools." It is a program designed to improve walk and bike paths within two miles of a school. There is grant application due for the program on April 21. There will be a meeting on April 14th at noon at the Assembly Hall to identify a task force for the project.

Aldeana Stout requested to be moved up on the scheduled agenda due to a fair board meeting being held on the same night. **Turner** suggested moving the reconsideration up as well so that the public present for that item would not have to wait for the other hearings to close.

M/S Turner/Goldberg: to move items 11B and 11A to follow item number 7: Chairman's Report.

Motion carried unanimously.
7. **CHAIRMAN'S REPORT:** **Heinmiller** notified the Planning Commission that AP&T is seeking support from the Assembly and Planning Commission concerning a hydro-electric project up the Chilkoot Valley, and that more information will be forthcoming.

He also pointed out that at the 4-08-08 Assembly meeting there was a discussion about Tempsco helicopters flying in Haines Borough and landing on Meade and Ferebee Glaciers without a business license and tour permit or paying sales taxes. Lastly he pointed out that at the Assembly meeting on April 8, 2008 there was a motion by Assemblyman Olerud to table the rezoning request while the borough looks into the legalities involving a conflict of interest with **Heinmiller** voting during the introduction of the zoning change request.

11. Old Business:

B. Conditional Use Permit: *This is to follow-up on the hearing that took place on March 13, 2008. Deana Stout is requesting for the Planning Commission to approve a conditional use permit to operate a coffee shop and café in her garage.*

Heinmiller asked Planning and Zoning Technician **Ritzinger** to update the Planning Commission with the latest information on the Garden Café conditional use permit. **Ritzinger** informed the commission that the proposed location of the Garden Café changed to the garage of the house. A parking solution has been worked out that is compliant with the Haines Borough code. **Brask** pointed out that the actual dimension of the parking area for cars #5 and #6 on the diagram is 9 feet 1 inch wide and questioned if they would actually be able to fit, and that he appreciates it when people come in with accurate dimensions. **Hoffman** pointed out that the snow banks impeded her from getting more accurate measurements at the time the diagram was submitted to the borough. **Turner** suggested parking cars next to the former Lost Coast Surf shop building if they don't fit as shown in the diagram.

M/S Brouillette/Turner to approve the conditional use permit under the condition that if there is not sufficient space to park cars #5 and #6 as shown in the diagram, then a parking area for two cars would be created by the former Lost Coast Surf Shop building. Further discussion ensued. **Thomsen** suggested accessing a parking area for the 5th and 6th cars from Theatre Road to stay clear of tourists if they wouldn't fit as shown in the diagram. It was questioned whether the slope of the hill would allow for that. **Bill Stacy** raised his concern over backing into Tower Road. **Heinmiller** pointed out that there is a good line of sight with an intersection next to the property, and that customers could choose to park across the street at the Chilkat Center for the Arts. **Turner** called for the question. The motion carried unanimously.

A. Motion to Reconsider: *Planning Commissioner Dawne Thomsen has requested to reconsider the motion to renew the Turner Construction Company conditional use permit to operate a grave pit on property C-SEC-27-0333, which was denied.*

M/S Thomsen/Goldberg to reconsider the motion to approve the conditional use permit for Turner Construction to operate a gravel pit on the above mentioned property. (which was denied on 3-13-08) Discussion ensued. **Brask** questioned whether he should take part in a vote on a hearing that started before he was on the Planning Commission. If in the ensuing discussion he learned enough about the issue, then he would take part in the vote. **Turner** declared

that he has a conflict of interest. **Smith** questioned whether he has a conflict of interest due to working in the same trade. **Vogt** said that borough code requires that the Chairman make the determination whether or not a commissioner has a conflict of interest; but that in this situation she did not believe that there was any conflict of interest. **Heinmiller** stated that he didn't believe that Smith has a conflict of interest and called for objections to be voiced. No objections were raised. **The motion to reconsider** the motion to renew the conditional use permit for Turner Construction to operate a gravel pit (which was denied 3-13-08) **carried unanimously 5 to 0** with **Turner** abstaining due to a conflict of interest, and **Brask** abstaining due to not being a member of the Planning Commission when the hearing began. **Heinmieller** called the public hearing to order at 8:27 p.m. and opened up public comments. Joanie **Wagner** stated that Allen Road is 20 feet wide, and that the Turner trucks are 7½ feet wide, making 15 feet when they pass each other, plus three feet between them leaving little room for pedestrians or bicycles, or children that live in the area. **Heinmiller** responded saying that the Borough Manager sent a memo to the Planning Commission stating that Allen Road is a state road and that if there are safety concerns regarding the road, that the Planning Commission should voice those by formal action to the Assembly, at which point they will voice the concerns to the state to see if they can address them. Toni **DeWitt** mentioned that there is no accountability for the Turners; that there is more surface water running across their property now than there used to be, and that the engineering study of the pit was done by a biased brother in law. She also mentioned that the driveway does not meet Allen Road at a 90 degree angle, and that there is no stop sign there, which is a dangerous situation. Stacy **Turner** pointed out that the trucks have a large mirror on the side, which enables the drivers to more effectively see upcoming traffic than looking out the window. Donny **Turner** pointed out that none of the police reports were substantiated. He went on to say that the three neighbors directly below the pit moved in while the pit was operational. The conditions of operating 9:00 to 5:00 Monday through Friday, no crushing, and no refueling were designed to mitigate the impact to the residents below. Liz **Heywood** mentioned that when she bought her home that there was only activity on the upper pit, and no activity directly behind her house. At 7:48 p.m. **Heinmiller** closed the public comments. **Thomsen** said that safety concerns need to be addressed by widening the road and adding a gutter, curb and sidewalk to one side. **Smith** pointed out that the problem of roads less than 24 feet wide is a problem borough wide. He questioned whether the borough is going to petition the state to widen all of the state roads in the borough.

M/S Brouillette/Goldberg: to pass the conditional use permit for Turner Construction to operate the gravel pit until November of '09 with the following stipulations: 1. Jake brakes are to be used only in an emergency. 2. The hours of operation shall remain 9:00-5:00

Monday through Friday. 3. State standards for reclamation must be met. 4. No crushing, blasting or refueling shall take place. The motion carried unanimously 6 to 0 with **Turner** abstaining.

M/S Goldberg/Thomsen: in the interest of public safety the Planning Commission recommends to the Assembly to look into the state widening Allen Road to provide better passage for trucks and pedestrians. The motion carried unanimously 6 to 0 with **Turner** abstaining.

M/S Goldberg/Thomsen: The Planning Commission recommends to the Assembly for the borough to look into alternate sources of gravel that may be obtained from the state. The motion passed 6 to 0 with **Turner** abstaining.

8. PUBLIC HEARINGS:

A. Long Plat Review: *Chilkoot Indian Association has submitted a long plat for Chilkoot Estates Subdivision and a master plan for review.*

Heinmiller declared that he has a conflict of interest. Vice Chairman **Goldberg** sat as the Chairman of this hearing. **Scott Hansen** presented the subdivision plans for the Planning commission. He mentioned that the tribe wants to see good planning. He requested for the Planning Commission begin the review of the subdivision as a subdivision in multiple residential zoning. **Vogt** mentioned that the Planning Commission could review the subdivision and have the approval take effect upon assembly approval of the zoning change from commercial to multiple residential. **Hansen** presented the points outlined in the project description. **Turner** said that Chilkoot Loop needs to meet East Fair Drive at a 90 degree angle for safety and snow removal purposes. **Smith** said that there needs to be a snow area for plowing so that the road does not end up ½ of a lane wide. **Goldberg** said that there is a need for a truck route from Major Road to either East or West Fair Drive to keep commercial traffic out of the subdivision. He also suggested putting an easement between lots 7 and 8 for a walk and bike path. There was discussion about putting the path on the outside of Deishu Drive. **Turner** suggested putting a road easement where lot 5 on the south side of Chilkoot Loop is proposed to connect with Major Road. **Hansen** responded suggesting a utility and sewer easement. Hansen agreed to bring the recommendations back to the tribe to discuss.

After 4 ½ hours the Planning Commission discussed scheduling another meeting to finish the remaining items on the agenda. **M/S Goldberg/Turner** to hold another Planning Commission meeting on April 17th at 6:30 to finish the remaining items on the agenda. Motion carried unanimously.

16. **ADJOURNMENT:** the meeting adjourned at 11:00 p.m.

1. **CALL TO ORDER:** 6:37 p.m. April 17, 2008 by Chairman Lee
Heinmiller
2. **PLEDGE TO THE FLAG**
3. **ROLL CALL:** Planning Commission Members Present: Chairman Lee

Heinmiller, Vice Chairman **Rob Goldberg**, **Don Turner III**, **Dawne Thomsen**, **Greg Brask**, **Deborah Vogt** (Borough Assembly liaison)
Planning Commission Members Absent: **Harriett Brouillette**, **Jack Smith**

Visitors Present: **Scott Hansen**, **David Berry**

8. PUBLIC HEARINGS:

B. Variance Hearing: *Chilkoot Indian Association has requested for the Planning Commission to pass a variance for a walking path in Chilkoot Estates Subdivision that encroaches within the 25 foot setback of a state registered anadromous creek.*

The hearing opened at 6:40 p.m. with **Scott Hansen** presenting the plan for the trail. The intent is to not compromise the creek in any way; nothing would block it or be introduced into the water.

Goldberg mentioned that a trail obviously can't cross a creek without coming within 25 feet of it, and that it would be nice to have a trail to the subdivision.

M/S Goldberg/Turner to approve the variance to place a trail within the 25 foot setback of the creek.

The motion carried unanimously 5 to 0.

Chilkoot Indian Association notified the Planning Commission that the recommended changes to the **Chilkoot Estates Subdivision** have been addressed and requested to review them with the Planning Commission. **Heinmiller** agreed to do so under Old Business.

C. Long Plat Review: *Haines Borough has submitted a Preliminary Plat of the property occupied by the old Primary and Elementary Schools for the Planning Commission to review.*

The intent of this hearing is to introduce the proposed **Old Primary School Plat** to the Planning Commission. **Vogt** questioned whether there is adequate parking near the old elementary school if the building would be used to consolidate borough offices. **Thomsen** said that a parking area needs to be planned for the required amount of spaces based on the square footage of the building. **Heinmiller** mentioned that a long range plan is necessary to plan for adequate parking. **Goldberg** mentioned that if the old elementary school would be used to consolidate borough buildings, then perhaps removing the former primary a school and replacing it with a parking lot would perhaps be the best use of that space. If that would be the case he expressed concern over pedestrians crossing the 4th Avenue extension. No other concerns or objections were raised.

9. STAFF REPORT: The following additional information was presented for the Planning Commission. The permits were presented with an update that the pending permits for **Gilman**, **Olson**, and **DOT** have been approved. The RFP for the \$40,000 **Boundary Expansion Scoping Report** will be published the following week. The **Lutak Inlet NSRAA Chinook Net Pen Project** comment period reopened for the **Alaska Coastal Management Plan**. The comment period is scheduled to close on **April 22**. The proposed consistency determination will be issued by **May 6**, and the final consistency determination will be released on **May 12**. The previous meeting a conditional use permit was approved for the **Garden Café** to operate on **Aldeana Stout's** property in the **Fort Seward Historical District**. The structure that it would operate in,

although not historical itself, the entire building is within the significant structures area. As such the Planning Commission is asked to consider whether or not to review any changes made to the structure. The owner wishes to change the windows and garage door. As the Historic District Committee the Planning Commission reviewed the diagrams presented.

M/S Turner/Goldberg to approve the window and door design.

The motion carried unanimously 5 to 0.

10. COMMUNICATION: Chairman **Heinmiller** presented a letter from Lenise Henderson-Fontenot addressing her concerns about construction of the water tower on Young Road. She didn't want any work to begin before 7:00 a.m. She didn't want construction on weekends or after 7:00 p.m. and raised concerns over children in the neighborhood playing in the area. He also mentioned that the ACMP has \$150,000 in grant money available proposals submitted by April 30, 2008. Heinmiller mentioned that Jacklynn Ruggirello expressed interest in creating proposals. **Ritzinger** mentioned that she contacted the borough with the idea of removing some of the remaining metal near the pylons in Portage Cove at low tide.

11. OLD BUSINESS

C. Borough Street Improvements: *At the 3-13-08 Planning Commission meeting, the manager submitted street improvement data for review and asks for a recommendation for prioritizing improvements.*

Goldberg mentioned that it would be good to include a road from Highland Estates to Lutak Road on the list. **Turner** said that it would be good to continue the repaving of 3rd Street further north. He also said that the sidewalks on 4th, 5th and 6th streets were not necessary due to minimal traffic. David Berry mentioned that the borough said that it was going to pave 1st Avenue N. 20 years ago, and questioned if it was planned.

D. Six Year CIP as per HBC 9.01: *The manager is submitting the new 6-year CIP for review and comments. The Borough Assembly will be discussing this at a committee of the whole meeting scheduled for May 13.*

Heinmiller contemplated whether the \$980,000 to upgrade the waterline from Lilly Lake would be better used to find and develop a better water source. **Vogt** mentioned that improving the water supply has been talked about by the Assembly. **Heinmiller** reiterated Goldberg's point that it would be good to survey and plan a road connecting Highland Estates to Lutak Road.

8A. Long Plat Review: *Chilkoot Indian Association has submitted a long plat for Chilkoot Estates Subdivision and a master plan for review.*

Scott **Hansen** addressed the Planning Commission on the recommended changes. The CIA agreed to add an easement to create an intersection of Chilkoot Loop and East Fair Drive at a 90 degree angle. They agreed to dedicate the area north of the Chilkoot Loop and Chilkoot Drive intersection and another area north of the northeast corner of Chilkoot Loop to snow storage. They said that there are issues with creating another access road and utility easement connecting with Major Road in place of lot 4 on Block 1. David **Berry** mentioned that they had trouble getting funding for the

project due to two planned access roads. The CIA is not in favor of a third access road because of lost potential revenue due to the loss of a building lot. **Turner** mentioned that he wants to see the project have a second road connecting to Major Road so that there would be square blocks. **Hansen** next mentioned that the trail easement on lot 7 connecting to Deishu Drive was approved.

M/S Turner/Brask to approve the Chilkoot Estates plat with the following stipulations:

1. An easement will be granted to connect Chilkoot Loop at a 90 degree angle with Fair Drive.
2. A 10 foot easement for a trail between lots 7 and 8 of block 1 shall be granted.
3. There shall be a snow storage area north of the Chilkoot loop and Chilkoot street intersection, and north of the northeast corner of Chilkoot Loop.
4. A Right of way and utility easement shall be granted between Lots 4 and 5 of block 1.

Goldberg said that he would not force the CIA to give up a lot for a right of way. **Thomsen** agreed. **Heinmiller** declared that he has a conflict of interest and would abstain from voting.

The motion failed 2 to 2 with **Turner** and **Brask** in favor of the motion and **Goldberg** and **Thomsen** against it.

M/S Goldberg/Thomsen to approve the plat with all of the conditions except #4.

Motion failed 2 to 2 with **Goldberg** and **Thomsen** in favor and **Turner** and **Brask** against it. **Goldberg** asked **Hansen** if they would loose the possibility of selling lots 4 or 5 if a utility easement was granted. Hansen said that they would not.

M/S Goldberg/Thomsen to amend the conditions for approving the plat. The 4th condition shall be to include a 20 foot utility easement with water and sewer mains stubs between lots 4 and 5 of block 1. The motion carried unanimously 4 to 0. The question was called for on Goldberg's motion with the new condition. The motion carried unanimously.

12. NEW BUSINESS: There were no comments at this time.

13. COMPREHENSIVE PLAN REVIEW: There were no comments made at this time.

14. COMMISSION COMMENTS: **Brask** mentioned that he will be unable to attend the next regular Planning Commission on May 8th.

Goldberg mentioned that people have been contacting him over concerns about trees being cut at the spring on Mud Bay Road. He requested adding protecting drinking water sources such as the Mud Bay spring to the next Planning Commission meeting.

15. NEXT MEETING DATE

A. Regular meeting - Thursday May 8, 2008, 6:30 p.m.

B. Comprehensive Plan Review - Thursday May 22, 2008, 6:30 p.m.

16. ADJOURNMENT: The Meeting Adjourned at 9:20 p.m.

Respectfully submitted:

Steve Ritzinger
Haines Borough Planning and Zoning Technician