

HAINES BOROUGH PLANNING COMMISSION
REGULAR MEETING MINUTES
December 18, 2008
Approved

1. **CALL TO ORDER:** at 6:33 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**, Don **Turner III**, Dawne **Thomsen**, Harriet **Brouillette**, and Greg **Brask**, Assembly Liaison Pete **Lapham**
Planning Commission Members Absent: Andy **Hedden**
Haines Borough Staff Present: Haines Borough Planning and Zoning Technician Steve **Ritzinger**, Haines Borough Manager Tom **Bolen**
Visitors Present: Don Turner Jr., Judy Heinmiller, Randy Miner, Ron Malone, Glenda Gilbert, Bill Diggins, Ray Staska
4. **APPROVAL OF AGENDA**
M/S Turner/Goldberg: to approve the agenda. Motion passed unanimously 6 to 0.
5. **APPROVAL OF MINUTES:** November 13, 2008 Regular
M/S Goldberg/Turner: to approve the minutes as presented. Motion passed unanimously 6 to 0.
6. **PUBLIC COMMENTS:** There were no public comments at this time.
7. **CHAIRMAN'S REPORT**
8. **PUBLIC HEARINGS:**
 - A. Final Plat Review: Tanani Bay Subdivision III: *Don Turner Jr. is presenting the preliminary and the final plat of the above listed plat for Planning Commission approval.*
P&Z Tech **Ritzinger** presented the plat review for the Planning Commission. The PC approved the preliminary plat on June 17 2007. Borough code requires the final plat to be submitted within 6 months of the preliminary plat approval. The code requires water and sewer and streets to be constructed prior to final plat approval. Given the short building season in Alaska the 6 month period to submit a final plat seems unreasonable. The Planning Commission was asked to reapprove the preliminary plat prior to approving the final plat. Don **Turner III** declared his conflict of interest in the hearing. Don **Turner Jr.** addressed the Planning Commission. He agreed that the 6 month period is too short to complete the required tasks prior to the final plat approval. He mentioned that his intention is to extend Mink Way across the adjacent property to the south owned by Jim Mock to another parcel that he owns to create a loop and not two dead ends. **Goldberg** questioned the plat note stating that the subdivision is Single Residential. It was determined that the property is zoned Rural Mixed Use.

M/S Brouillette/Thomsen: to approve the preliminary plat of Tanani Bay III Subdivision. The motion passed unanimously 5 to 0 with **Turner** abstaining from the vote. **Brask** questioned the P&Z Tech Ritzinger whether the Haines Borough code 18.100.105 requirements were met including current taxes. **Heinmiller** stated that those items are checked in the office prior to Lands Manager & Assessor John Wurst signs the plat.

M/S Goldberg/Thomsen: to approve the final Plat of Tanani Bay Subdivision. The motion passed unanimously 5 to 0 with **Turner** abstaining from the vote.

B. Variance Request & Historic District Review Committee: *(C-PTC-01-0600)*

Judy Heinmiller is requesting for the Planning Commission to approve a setback variance allowing her to reconstruct a woodshed within the 20 foot setback from the Tower Road lot line. She is also requesting for the Historic District Committee to approve the design of the woodshed.

Ritzinger introduced the proposed project to the Commission.

The proposed shed is a replacement of a previously existing manufactured shed that was 4 feet into the Tower Road setback in order to meet the 15 foot separation between buildings. Included in the packet is a manager's recommendation not to approve the set back variance because the lot presumably is large enough to allow for a HBC compliant shed to exist elsewhere. Heinmiller declared his conflict of interest and **Goldberg** chaired the hearing. Lee **Heinmiller** mentioned that the Tower Road right-of-way is 42.5 feet wide near FAA road and narrows to 30 feet on Beach Road. **Turner** questioned why the item is on the agenda for the Planning Commission to review. **Ritzinger** responded that no permit for the structure has been produced. **Thomsen** development should comply with Title 18. **Brouillette** said that she did not any other suitable location for the shed, especially since a pad already exists.

M/S Turner/Brouillette to approve the Tower Road setback variance to allow a wood shed to be reconstructed in the location of a previously existing shed. The motion passed unanimously 5 to 0 with Lee Heinmiller abstaining from the vote. The Planning Commission sat as the Historic District Committee to approve the design of the structure. Judy Heinmiller said that the planned design is to side the shed with white steel siding to match the color of the existing building.

M/S Brouillette/Turner to approve the proposed design of the woodshed. The motion passed unanimously 5 to 0 with Heinmiller abstaining.

C. Variance Request: *(C-LYN-0A-1600)* Edward and Shirley Stewart are requesting the Planning Commission to approve a variance allowing them to build an addition onto their residence that would encroach 6 feet into the 10 foot setback.

Ritzinger introduced the proposed addition to the Commission.

In meeting with Haines Borough manager Tom Bolen to discuss the project it was determined that the subject house is non compliant with the required setbacks from adjacent properties and the required separation between buildings. The proposed addition would continue the along the noncompliant south side of the building. In the meeting there was concern raised about compromised fire safety due to the close proximity of the buildings, and that the borough could and individual Planning commission members could take if the variance is approved. If the addition would be moved 6 feet over, then it would be compliant. Because of that, the managers recommendation is for the Commission to not approve the variance. Haines Borough Manager Tom **Bolen** addressed

the Commission. He clarified that if a fire jumped from the proposed addition to an adjacent structure, and the Commission was found to act with negligence, that individual members could be found liable.

Goldberg pointed out that the Stewarts could build a compliant shop by moving it over six feet, or build it detached at a distance of at least 15 feet.

M/S Turner/Goldberg to deny the setback variance for the proposed addition. The motion passed unanimously 6 to 0.

9. STAFF REPORT: The staff report was presented as presented in the packet. Haines Borough Manager Tom **Bolen** commented on the requested code changes on item #4 made by Don Mullikin. He made the comparison that it is like letting the fox guard the hen house.

Goldberg mentioned that Mullikin is a reputable surveyor and that the requested changes are worth looking into.

10. COMMUNICATION

11. OLD BUSINESS: **Brask** mentioned that in the borough could bargain with Greg Palmieri to acquire a lot on 4th Avenue and View Street for snow storage. Assembly Liaison Pete **Lapham** mentioned that he is usually not in favor of the borough acquiring additional land, but that it would be a much cheaper alternative to hauling snow. **Turner** emphasized the need to act adding that the borough has been storing snow on private property without the permission of land owners.

Heinmiller mentioned that part of the Haines Assisted Living property would be a good lot to consider as well.

12. NEW BUSINESS:

- A. Standards for Borough Road Maintenance:** *Haines Borough Manager Tom Bolen has requested for the Planning Commission to make a recommendation to the Borough Assembly a criteria for which the borough should maintain and plow roads.*

The Commission discussed this item and Raven Road in particular responding to a letter to the borough from Mike Armour that is included in the packet. **Turner** mentioned that Raven Road is part of Cemetery Hill Subdivision, which was a borough subdivision. Borough Manager **Bolen** sought comments from the Commission on criteria to maintain roads. He questioned whether considerations such as width or through streets should determine the maintenance of roads.

Turner stated that if the road in question is in the town site, that the borough should plow it.

13. COMPREHENSIVE PLAN REVIEW

14. TITLE 18 REVISION:

- A. Lot Line Adjustment & Lot Line Vacation - Definitions** *(18.20 & 18.100)*

The Commission considered the definitions provided in the packet, made some suggestions and requested for the definitions to be rewritten and included on the next PC agenda.

- B. Requirements Prior to Final Plat Approval** - *(18.100.092)*

The Commission considered the suggested change in the code.

M/S Turner/Goldberg to recommend to the assembly to change Haines Borough Code 18.100.092 to the suggested language in the packet with the addition of the word "**existing**" before "*half streets.*"

The motion passed unanimously 6 to 0.

- C. Final Plat Submission Deadline of 6 Months** - *(18.100.065)*

The Commission considered the timeline to meet the requirements of HBC 18.100.092.

M/S Turner/Thomsen to recommend to the Assembly to change the timeline in HBC 18.100.065 from six to 24 months. The motion carried unanimously 6 to 0.

D. Variance Criteria for Nonconforming Town Site lots - (18.80.050)

The Commission considered the language in HBC 18.80.050.

Goldberg reflected on the issue saying that lot sizes from the early 1900's does not meet 1970's zoning regulations. Borough Manager **Bolen** mentioned that the code could define a non-buildable lot. The problem is not unique to Haines. He mentioned that some communities commonly have lots as small as 8000 square feet. He mentioned that a possibility would be a sunrise clause that eliminates improvements on nonconforming lots.

15. COMMISSION COMMENTS: **Brask** mentioned that the heliport on Chilkat Lake Road property could be dealt with in the future by the Planning Commission. Borough Manager **Bolen** added that a petition is circulating in that neighborhood to rezone the area to Rural Residential.

16. NEXT MEETING DATE:

A. Regular meeting - Thursday, January 8, 2009, 6:30 p.m.

B. Comprehensive Plan Review - Thursday, January 22, 2009, 6:30 p.m.

17. ADJOURNMENT

Respectfully Submitted:

Steve Ritzinger 1-9-09