



Haines Borough
Planning Commission Meeting
July 9, 2009
MINUTES

APPROVED

1. **CALL TO ORDER/PLEDGE TO THE FLAG** –Chairman **Heinmiller** called the meeting to order at 6:32 p.m. in the Assembly Chambers and led the pledge to the flag.

ROLL CALL – Present: Chairman Lee **Heinmiller**, Commissioners Robert **Venables**, Greg **Brask** and Donnie **Turner**. **Absent:** Vice Chairman Rob **Goldberg**, Commissioners Chris **Schelb**, Andy **Hedden**

Motion by **Venables**: Excuse the absence of Commissioners Goldberg, Schelb & Hedden. It was seconded by **Turner**. The motion carried unanimously.

Staff Present: Steve **Ritzinger** – Planning and Zoning Technician, Jamie **Heinz** – Deputy Clerk,

Visitors Present: Scott **Hansen** – CIA, Lowell **Ellis**, Bill and Libby **Kurz**, and others.

2. **APPROVAL OF AGENDA**

Venables requested the removal of Port Chilkoot Company's Conditional Use Permit and addition of three discussion items; PC Restrooms, Nukdik Point Property and Future Planning as Other New Business items.

Motion by **Venables**: Approve the Agenda as amended. It was seconded by **Turner**. The motion carried unanimously.

3. **APPROVAL OF MINUTES** – June 11, 2009 Regular Meeting

Motion by **Turner**: Approve the June 11, 2009 Regular Meeting Minutes. It was seconded by **Brask**. The motion carried unanimously.

4. **PUBLIC COMMENTS** – None

5. **CHARIMAN'S REPORT** – None

6. **STAFF REPORTS**

A. Planning & Zoning Report – Ritzinger summarized his written report that provided an update on recent permits and activities. He also discussed a letter from CIA regarding development in the Townsite Historic District seeking Planning Commission comments. **Venables** pointed out that the code is clear that a consultation needs to take place, but it is the developer that needs to consult with the tribal entity and the borough should not insert itself, that it should be enforcing the code and notifying the applicant that they need to consult with the tribal entity. **Turner** suggested that CIA is out of bounds requiring everyone developing property within the Historic Townsite hire an archeologist. **Heinmiller** pointed out that in a landmark situation a state archeologist is available for free. **Ritzinger** also brought up a permit application by a property owner submitting plans to build a single family residence on a 35' wide lot seeking Planning Commission comments. The Planning Commission had not comments other than to follow what code allows for. **Ritzinger** distributed the plat of a subdivision where a home was built many years ago within a platted easement for the continuation of Small Tracts Road to introduce discussion on lack of language in code regarding vacating easements. **Turner** pointed out that the planned road wasn't intended to go anywhere and that it was platted when Small Tracts was to dead end at the old cannery. **Venables** suggested the manager seek legal advice for process of action and also suggested the Planning Commission take a bigger look at possibilities. **Heinmiller** requested this be a

future agenda item once the manager has legal opinion. **Venables** asked why the borough didn't comment regarding the HCMP on their own project. **Ritzinger** said the manager didn't feel comfortable making a comment on their own project because of conflict of interest. **Venables** pointed out that in the future, the Planning Commission could make a comment so that positive feedback is given for borough's project.

7. PUBLIC HEARINGS

A. Variance Requests

1. Ellis Adjacent Property Setback Variance

Chairman **Heinmiller** opened the public hearing at 6:56 p.m.

Ellis explained his need for the wood shed in its proposed location and that he would agree to the conditions set forth by the manager.

Motion by **Venables**: Approve the Ellis adjacent setback variance request with the stipulations set forth by the manager. It was seconded by **Brask**. The motion carried unanimously.

B. Conditional Use Permits

1. Port Chilkoot Company Resource Extraction Conditional Use Permit

This item was removed at the approval of the agenda.

8. OLD BUSINESS – None

9. NEW BUSINESS

A. HCMP Consistency Review – None

B. Haines Borough Code Amendments

1. Black Water Disposal Within the Haines Borough

Motion by **Venables**: Recommend the Assembly adopt the manager's proposed additions to ordinance 09-05-208 for the purposes of discussion. It was seconded by **Turner**.

Motion to amend by **Venables**: Recommend the Assembly adopt alternate ordinance 09-05-208 which includes changes he submitted. It was seconded by **Turner**.

Due to his absence, **Hedden** provided written comments on this topic and they have become a part of the permanent record.

Venables said he understands the intent of the manager's recommendations but suggests the removal of "periodically emptied by a licensed provider of this service." due to possible interpretation of the word periodically. He also suggested to replace the word "will" with the word "may" under the heading expiration of exemption where the ordinance outlines requirements for a citizen to connect with the public utility, suggesting that this would allow each developer to bring their situation forward on a case by case basis as there is currently no room for negotiation. His last point was in the restriction of outhouses, pit privies and trench latrines outside the townsite pointing out that title 18 predominantly governs the townsite and suggested it was difficult to enforce to restrictions placed on the general use zone. **Turner** brought up that that the initial recommendation was to restrict outhouses in the townsite only. **Venables** expressed concern with the language as the manager proposed pointing out that the borough would be collecting permit fees on something they weren't going to enforce. **Heinmiller** suggested outhouses outside the townsite would have to be grandfathered in, discussed the difference between a cesspool and septic system and discussed access problems for the outhouses to be emptied if this ordinance is going to require them to do so. **Turner** brought up that DEC regulates outhouses in remote sites and that is what they are in the business of doing. He suggested potential problems in replacing "will" with "may", pointing out that the septic

systems in the area would be contaminating the ground and also suggested that there is plenty of lead time with these types of projects for residents to plan accordingly. **Brask** asked if the word “will” was left in, would there be an option for a homeowner to seek a variance. **Venables** said he didn’t see that it was an option. **Turner** said the word “may” would give the option. **Heinmiller** said the requirement in that statement would be by the borough, not the property owner.

Amendment motion carried unanimously.

Main motion carried unanimously.

C. Historic Building Changes/Development

1. Roberts Proposal To Replace the Deck and Add a Porch/Greenhouse

Motion by **Venables**: Approve the Roberts proposal to replace the deck and add a porch/greenhouse to this surveyed historic building for discussion purposes. It was seconded by **Brask**.

Venables asked who would be doing the renovations. **Kurz** said he would be doing the work himself. **Heinmiller** pointed out that the addition isn’t massive and it will be protecting the structure so it isn’t a bad idea.

The motion carried unanimously.

D. Other New Business

1. Chilkoot Indian Association Native American Lands Environmental Mitigation Program Project – Portage Cove Inter-Tidal Investigation

Motion by **Brask**: Support the CIA’s NALEMP-Portage Cove Inter-Tidal Investigation Projects. It was seconded by **Venables**.

Hanson explained the plans of the project, that CIA was seeking Planning Commission support of the projects and that they wanted to give the public a chance to voice concerns at every phase. He said that no comments had been made up to this point and that this was the first public meeting that the projects have been discussed at. He went on to say that CIA is aware of the possibility of concerns coming out once the work was visible. **Turner** asked where the pilings and exposed cable were. **Hanson** described the locations for the projects. **Heinmiller** gave Port Chilkoot Company’s favorable point of view on removing the piles.

The motion carried unanimously.

2. PC Restroom – Discussion item

Venables said as he understands the manager has direction on the project and asked that it be a regular topic on the agenda so the Planning Commission has the ability to review facilities as provided for in code and action can be taken as necessary. **Heinmiller** agreed.

3. Nukdik Point Property – Discussion item

Venables said the commission may choose to make a recommendation to the borough regarding purchase or considering eminent domain on this property. **Turner** suggested he didn’t like the idea of eminent domain nor did he want to spend his tax money on purchasing more property. **Venables** suggested the borough could sell other properties to recoup the expense of the property and suggested the waterfront merited special attention. **Brask** agreed that he would like to open up discussion.

Motion by **Venables**: to recommend to borough assembly to have staff open up dialog to pursue options for acquiring the Nukdik point property.

Venables withdrew his motion and asked that the Nukdik point property be put on the next agenda with maps, pricing and staff input.

4. Future Planning – Discussion item

Venables brought up the development of road stipulations outside of the townsite, and if there were no objection from the Commission, he would like to work with staff to review projects. There was no objection. **Turner** brought up concerns of half streets on short plats and the need to be diligent with making sure the half streets are completed.

10. **COMMISSION COMMENTS – Venables** asked to see the downtown planning on the agenda next month to find out where the borough is on the plan.
11. **COMMUNICATION – None**
12. **SET MEETING DATES –** The next Regular Planning Commission meeting is scheduled for 6:30 p.m. on Thursday, August 13th.
13. **ADJOURNMENT – 7:55 p.m.**