



Haines Borough
Planning Commission Meeting
October 10, 2013
MINUTES

Approved

1. **CALL TO ORDER/PLEDGE TO THE FLAG** – Chairman **Goldberg** called the meeting to order at 6:30 p.m. in Assembly Chambers and led the pledge to the flag.
2. **ROLL CALL** – **Present:** Chairman Rob **Goldberg**, Commissioners Don **Turner III**, Andy **Hedden**, Lee **Heinmiller**, and Robert **Venables**. **Absent:** Rob **Miller**, Danny **Gonce**.

Staff Present: Xi “Tracy” **Cui**/Borough Planning & Zoning Technician III, Stephanie **Scott**/Borough Mayor

Also Present: Mark **Allen**, Karen **Garcia**, Margaret **Friedenauer**, Sara **Chapell**, Bill **Kurz**, Janet **Kurz**, Heather **Lende**, Chip **Lende**, Fran **Tuenge**, Gina **St. Clair**, Daniel **Humphrey**, Eli **Fierer**, James **Alborough**, etc.

3. **APPROVAL OF AGENDA**

Motion: **Venables** moved to “approve the agenda”. **Hedden** seconded it. The motion carried unanimously.

4. **APPROVAL OF MINUTES** – September 12, 2013 Regular Meeting

Motion: **Turner** moved to “approve the September 12, 2013 Regular Meeting Minutes.” **Heinmiller** seconded it. The motion carried unanimously.

5. **PUBLIC COMMENTS**

St. Clair said she bought seven acres of land in the Haines Borough twenty years ago. Today, because of a high tax burden, she would like to subdivide her seven acres into two 3.5-acre parcels, and sell the upper parcel of undeveloped land. When the Borough received the short plat from John Bean, her subdivision was denied because the Borough code requires her to provide utilities because they are available within 200 feet of one of her property lines. There are four reasons she is asking for an exemption. She understands that the Borough wants to improve neighborhoods. However, in this case, asking one landowner to bear the burden of installing water and sewer for a neighborhood, at a price that could be well over \$100,000, is simply not feasible.

Goldberg said this topic will be on the next meeting’s agenda. The Planning Commission will consider her proposal at the next regular meeting.

6. **CHAIRMAN’S REPORT**

Goldberg said he attended an Assembly meeting two weeks ago. Two ordinances that the Planning Commission sent to the Assembly were turned back. One is about “definition of temporary dwellings”, which is being misunderstood by the Mayor and the Assembly; and the other one is about “adding setback restriction in the general use zone”, which is on tonight’s agenda. The Planning Commission received suggestions from the Mayor to reconsider this proposed draft ordinance.

7. **STAFF REPORTS**

Cui reported recent permitting and enforcement activities.

8. PUBLIC HEARINGS

A. Fred Einspruch – 4-STR-02-42A0

Goldberg opened & closed the public hearing at 6:40 p.m.

Goldberg said **Einspruch** requested a postponement on his appeal because he is not able to attend this meeting. However, according to the Borough attorney, the Borough code does not allow the Borough Clerk or the Planning Commission to grant or deny request for postponement.

The Planning Commissioners asked several questions to **Cui** and were told that **Einspruch** did not have a valid land use permit before starting his carport project.

Motion: Venables moved to “recommend the Assembly stay the \$250 after-the-fact fee being assessed to Fred Einspruch for constructing a carport without a land use permit.” **Heinmiller** seconded it. The motion failed 0-5 with **Goldberg, Heinmiller, Turner, Venables,** and **Hedden** opposed.

B. Henderson Family Prop., LLC – C-SMR-00-0200

Goldberg opened & closed the public hearing at 6:49 p.m.

Hedden recused himself because the applicant is his employer.

Turner said his point of view is to suggest the developer change lot 1 from rural mixed use zone to heavy industrial zone, instead of changing lot 2 from heavy industrial zone to rural mixed use zone. Also, this proposal is not consistent with the Comprehensive Plan.

Goldberg said one of the factors that needs to be considered is that Sawmill Creek runs through both lot 1 and lot 2. Efforts have been made in cleaning the creek.

Hedden said the existing use of the land (a warehouse for Chilkat Guides operations) is more consistent with the land use regulations of rural mixed use zone.

The Planning Commissioners agreed to postpone this rezone petition. They need more information from **Henderson**, and also want to see a zoning map that covers a bigger area.

Motion: Venables moved to “postpone Henderson’s rezone petition to the next regular Planning Commission meeting.” The motion passed unanimously.

9. UNFINISHED BUSINESS - None

10. NEW BUSINESS

A. Historic District/Building Review - None

B. Haines Borough Code Amendments – Title 18 Revisions

1. Fees and Penalties in HBC 18.30.070

Goldberg said this proposed ordinance restructures the fee schedule for fines assessed for violations of Title 18 and establishes a procedure for warnings to be issued for some violations. Currently the code requires that an after-the-fact fee of \$250 be assessed without warning for all violations of Title 18. This has led to citizens being fined for minor violations. Failure to obtain a building permit or a construction declaration will remain a \$250 fine without warning. These violations cost the Borough revenue, as building projects may go without being assessed for years. For other violations of Title 18, Borough staff will issue a letter of warning,

and the property owner will have ten business days to correct the violation. If the violation is uncorrected, a fine of \$100 will be assessed.

Motion: Venables moved to “recommend the Assembly adopt the proposed draft ordinance amending HBC 18.30.070.” **Turner** seconded it. The motion passed unanimously.

2. Agriculture, Personal Use in HBC 18.20.020 & Fees and Penalties in HBC 18.30.070

Goldberg said the Borough code has two definitions that deal with the raising of animals: personal use agriculture and animal husbandry. Personal use agriculture is a use-by-right in all residential zones; animal husbandry requires a land use permit in all zones where it is allowed, and a conditional use permit in single residential and multiple residential zones. The code allows for three or fewer chickens or other small animals raised for food or eggs as personal use agriculture. This proposed ordinance increases the number of chickens or other small animals in personal use agriculture to six for lots less than one acre and twelve for lots over one acre, and also reduces the fee to \$25 for permits relating to animal husbandry. The Borough staff did a cost analysis, and is requesting the Planning Commission re-consider the decision of reducing permitting fees.

Venables said animal husbandry is a localized issue. A conditional use permit for animal husbandry required by the Borough code is for solving the problems and avoiding conflicts among neighbors. The Assembly needs to consider if it is necessary to spend \$65 on newspaper advertisements for a neighborhood issue.

Turner said the interest in raising chickens has increased in Juneau, and the number of chicken related bear complaints increased substantially this past summer. Installation of electric fences is recommended in high density residential areas in Juneau. He thinks that requiring a conditional use permit for having more than three chickens in single residential and multiple residential zones is necessary. The current code is fine.

Goldberg said the Planning Commission may consider reducing the permit fee for Animal Husbandry to \$25, while keeping the conditional use fee at \$150.

More discussion ensued.

Motion: Hedden moved to “recommend the Assembly adopt the proposed draft ordinance amending HBC 18.20.020 & 18.30.070.” **Venables** seconded it. The motion passed 4-1 with **Turner** opposed.

3. ATV Use on Chilkat River Inlet Beaches in the Townsite Service Area

Alborough said he supports the proposed ordinance to keep the Chilkat River beaches non-motorized. Keeping ATVs from accessing the beach makes sense from a safety perspective and a quality of life perspective.

Friedenauer said she has been a daily user of this area since she bought a property on Mud Bay Road. It would be an odd place for any motorized vehicles to access. The trails along the beach are foot or bike paths, not wide enough for motorized vehicles. If the Planning Commission establishes that this area be non-motorized, then she thinks the Planning Commission should find an area that would allow motorized recreation.

Heather **Lende** said she appreciates the Planning Commission for proposing to officially make the Chilkat Beaches non-motorized. The beaches are heavily used by families and kids, folks walking their dogs, joggers and walkers. ATVs are simply not compatible with these values and users.

More public comments ensued.

Allen said he wants to be able to launch small boats in the southern part of this area near Carr's Cove. He requested for the Planning Commission to consider his concerns.

Goldberg said the Borough owns the lot just to the south of the recreation zone where there is a beach access. There is also the boat launch at Leknikof Cove, a few miles further south.

Scott said the State of Alaska DNR's management plan for this area prohibits commercial motorized use of this area. Currently there are no specific regulations that prohibit non-commercial motorized use of this area.

Goldberg said this proposed ordinance adds a sentence in HBC 18.70.030 in the description of recreational zone. This sentence allows each area zoned recreational to be considered individually for non-motorized designation. It also makes it clear that motorized use is allowed in all areas zoned recreational unless specifically prohibited. The other part of this proposed ordinance adds a section to Title 12 describing the Chilkat River Beaches Recreational Zone and a sentence prohibiting the use of motorized vehicles.

Turner said even though the Planning Commission makes this area non-motorized, it is not going to change anything that happens on the beach. The state trooper told him that people can run ATVs on the area below the mean high tide when the tide goes out.

Motion: Venables moved to "recommend the Assembly adopt the proposed draft ordinance amending HBC 18.70.030 and add HBC 12.50.010." **Hedden** seconded it. The motion passed 4-1 with **Turner** opposed.

4. **On-Site Wastewater System Inspection in HBC 18.100.092(A)(2)**

Goldberg said the proposed ordinance will correct the inconsistency.

Motion: Heinmiller moved to "recommend the Assembly adopt the proposed draft ordinance amending HBC 18.100.092" **Hedden** seconded it. The motion passed unanimously.

5. **Adding Setback Regulations to the General Use Zone**

Goldberg said this proposed ordinance will establish setbacks of 20 feet from roads and 10 feet from other lot lines for all uses in the general use zone.

Motion: Venables moved to "recommend the Assembly adopt the proposed draft ordinance amending HBC 18.80.030." **Turner** seconded it. The motion passed unanimously.

C. Project Updates – None

D. Other New Business – None

11. **COMMISSION COMMENTS** – None

12. **COMMUNICATION** - None
13. **SET MEETING DATES** – The next regular Planning Commission meeting is scheduled for 6:30 p.m. on Thursday, November 14, 2013.
14. **ADJOURNMENT**– 8:49 p.m.