

Haines Borough
Planning Commission Meeting
August 10, 2023
MINUTES

9A

Approved

1. CALL TO ORDER/PLEDGE TO THE FLAG/ROLL CALL: Chair **Ferrin** called the meeting to order at 6:30 pm in the assembly chambers and on zoom, and led the pledge to the flag.

Present: Zack **Ferrin**/Chair, Diana **Lapham**/Vice Chair, Don **Turner Jr.**, Justin **Mitman**, Richard **Clement**, Travis **Eckhoff**, and Scott **Hansen**.

Staff Present: Annette **Kreitzer**/Borough Manager, Kiersten **Long**/Deputy Clerk, and Andrew **Conrad**/Planner.

Visitors Present: Gershon **Cohen**, Lee **Zion**, Kevin **Hannon**, Roger **Schnabel**, Marilyn **Taylor** and others.

2. APPROVAL OF AGENDA & CONSENT AGENDA: The following Items were on the published consent agenda indicated by an asterisk (*)

3 – Approve Minutes from 7-13-23 Regular Planning Commission Meeting

Motion: Lapham moved to “remove item 12D3” and the motion carried unanimously.

***Clerk’s note: 12D3 - applicants withdrew their application**

Motion: Lapham moved to “approve the amended agenda and the consent agenda” and the motion carried unanimously.

***3. APPROVAL OF MINUTES:**

Note: The Minutes were approved by approval of the consent agenda: “Approve minutes from 7-13-23 Regular Planning Commission Meeting.”

4. PUBLIC COMMENTS:

Cohen – Haines Borough Code Title 18 has inconsistencies, after the fact permitting

5. CHAIRMANS REPORT: None

6. ASSEMBLY LIAISON REPORT: None

7. SUBCOMMITTEE REPORTS: Mitman reported on the Waterfront Aesthetic committee on Front Street --the islands of interest (landscaping) have been put in.

8. COMMISSION COMMENTS: None

9. STAFF REPORT:

10. PUBLIC HEARINGS:

**A. Conditional Use Permit 23-59 Vacation Rental – Kevin Hannon
– C-PTC-0S-1100 – Single Residential Zone.**

Commissioners discussed HBC 18.50.040(A) 1-8 Conditional Use Criteria for CUP 23-59

1) The use is so located on the site as to avoid undue noise and other nuisances and dangers;

After discussion, the commission unanimously adopted the Manager’s recommendation for criteria #1 since the house is in a residential area and the applicant’s neighbors will monitor the house while the applicant is out of town.

2) The development of the use is such that the value of the adjoining property will not be significantly impaired;

After discussion, the commission unanimously adopted the Manager’s recommendation for criteria #2 since there is no change to the existing structure and according to the applicant the occupancy will be limited.

Item 10A Hannon Conditional Use Permit 23-59 Vacation Rental (continued)

3) The size and scale of the use is such that existing public services and facilities are adequate to serve the proposed use;

After discussion, the commission unanimously adopted the Manager's recommendation for criteria #3 since water is located within 200 feet of the house, by Borough code, the applicant must connect to municipal water. This will not change the adequacy of the public services.

4) The specific development scheme of the use is consistent and in harmony with the comprehensive plan and surrounding land uses;

After discussion, the commission unanimously adopted the Manager's recommendation for criteria #4 since the property will be monitored by neighbors and a vacation rental is seasonal.

5) The granting of the conditional use will not be harmful to the public safety, health or welfare;

After discussion, the commission unanimously adopted the Manager's recommendation for criteria #5 since the rental will be monitored and used periodically. Public safety, health and welfare will be enhanced by occupation and the addition of public water.

6) The use will not significantly cause erosion, ground or surface water contamination or significant adverse alteration of fish habitat on any parcel adjacent to state – identified anadromous streams;

After discussion, the commission unanimously adopted the Manager's recommendation for criteria #6 since there will be no additional development and minimal outdoor water use. Connecting to municipal water service will strengthen this criteria.

7) The use will comply with all required condition and specifications if located where proposed and developed, and operated according to the plan as submitted and approved.

After discussion, the commission unanimously adopted the Manager's recommendation for criteria #7 since there is no change to the existing use and structures.

8) Comments received from property owners impacted by the proposed development have been considered and given their due weight;

After discussion, the commission unanimously adopted the Manager's recommendation for criteria #8 since there were no comments received from the public with respect to this Conditional Use Permit.

Motion: LAPHAM moved to "approve conditional use permit 23-59 Vacation rental with the manager's conditions" and the motion carried unanimously.

**B. Conditional Use Permit 23-55 Multiple Single Family Residences
Highland's Estates Inc. – C-USS-A2-2716
Multiple Residential Zone**

Commissioners discussed HBC 18.50.040(A) 1-8 Conditional Use Criteria for CUP 23-59

1) The use is so located on the site as to avoid undue noise and other nuisances and dangers;

After discussion, the commission unanimously adopted the Manager's recommendation for criteria #1 since this is consistent with the approved plat and with the adjoining uses. The property is currently isolated by a large buffer.

Item 10B Highland's Estates Inc. - Conditional Use Permit 23-55 Multiple Single Family Residences (continued)

- 2) The development of the use is such that the value of the adjoining property will not be significantly impaired;**
After discussion, the commission unanimously agreed with the Manager's recommendation for criteria #2 since the development of the property will likely increase the value of neighboring properties.
- 3) The size and scale of the use is such that existing public services and facilities are adequate to serve the proposed use;**
After discussion, the commission unanimously agreed with the Manager's recommendation for criteria #3 since the development has been previously approved by the planning commission and the applicant has agreed to follow borough standards. This development will not increase utility demands beyond capacity.
- 4) The specific development scheme of the use is consistent and in harmony with the comprehensive plan and surrounding land uses;**
After discussion, the commission unanimously agreed with the Manager's recommendation for criteria #4 since this development will help ease the housing shortage in the community, which is consistent with the comprehensive plan.
- 5) The granting of the conditional use will not be harmful to the public safety, health or welfare;**
After discussion, the commission unanimously agreed with the Manager's recommendation for criteria #5 since new housing will improve the public health and welfare.
- 6) The use will not significantly cause erosion, ground or surface water contamination or significant adverse alteration of fish habitat on any parcel adjacent to state – identified anadromous streams;**
After discussion, the commission unanimously agreed with the Manager's recommendation for criteria #6 since there are no streams around the development site and there is no significant dirt work needed.
- 7) The use will comply with all required conditions and specifications if located where proposed and developed, and operated according to the plan as submitted and approved.**
After discussion, the commission unanimously agreed with the Manager's recommendation for criteria #7 since the applicant is adhering to the plan submitted and has agreed to follow code.
- 8) Comments received from property owners impacted by the proposed development have been considered and given their due weight;**
After discussion, the commission unanimously agreed with the Manager's recommendation for criteria #8 since there hasn't been any comments received from the public regarding this Conditional Use Permit, although **Taylor** asked a clarifying question.

Motion: Lapham moved to approve "conditional use permit 23-55 multiple single family residences with all the manager's conditions" and the motion carried unanimously

11. UNFINISHED BUSINESS: None

12. NEW BUSINESS:

- A. Zone Review - None**
- B. Haines borough Code Amendments - None**
- C. Project Updates - None**
- D. Other New Business**

- 1. Platting Permit 23-51 Lot Line Adjustment – Highland’s Estates Inc. – C-HLR-00-0200 & C-COV-00-0100 – Waterfront Zone**

Motion: Lapham moved to “approve platting permit 23-51 platting permit”

Primary amendment: Lapham moved to “add approve application with the manager’s conditions”

And the motion, as amended, to “approve platting permit 23-51 with the manager’s conditions” carried unanimously.

- 2. Variance Permit 22-37 Vertical Alignment – Highland’s Estates Inc. – C-USS-A2-2716 – Multiple Residential Zone.**

HBC 12.08.110(A) Unless granted by a variance by the planning commission, roads shall be constructed in a manner such that grades shall not exceed 10 percent and crossroads within 20 feet of a through-road intersection shall not exceed four percent grade.

Motion: Eckhoff moved to “suspend Robert’s rules so the commission could have a more free flowing conversation with the applicant” and the motion carried unanimously.

Motion: Turner moved to “deny variance permit 22-37” and the motion FAILED 4-3 with **Turner, Clement, and Mitman** in support.

Motion: Lapham moved to “approved variance permit 22-38 with the grade of 12 percent and room for a landing on Martin Ave”

Primary Amendment: Turner moved to specify that “the landing size will be coherent with Borough code 12.08.110 with four percent grade within 20 feet of the intersection” and the amendment carried unanimously.

The main motion, as amended, to “accept variance permit 22-38 with the grade of 12 percent and specifying a landing size coherent with Borough Code Section 12.08.110 with four percent grade within 20 feet of the intersection on Martin Avenue” carried 6-1 with **Clement** opposed.

13. PUBLIC COMMENTS:

R. Schnabel – thanked the planning commission

14. ANNOUNCEMENTS / COMMISSION COMMENTS:

CLEMENT – variances shouldn’t be used for a poor design

15. CORRESPONDENCE: None

16. SET MEETING DATE: 9/14/23 at 6:30 in the Assembly Chambers and on Zoom

17. ADJOURNMENT: 8:45 p.m.