

Haines Borough  
Planning Commission Meeting  
December 14, 2023  
MINUTES

9A  
Approved

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

**Commissioners Present:** Patty **BROWN**, Brian **O'RILEY**, Rachel **SAITZYK**, Derek **POINSETTE**, Eben **SARGENT**, Erika **MERKLIN**, Dan **SCHULTZ**.

**Staff Present:** Annette **KREITZER**/Borough Manager, Alekka **FULLERTON**/Borough Clerk, Kiersten **LONG**/Deputy Clerk and Andrew **CONRAD**/Planner, Ed **COFFLAND**/Public Facilities Director

Assembly Liaison Craig **LOOMIS** was also present.

**Visitors Present:** Melissa **ARONSON**, Kate **SAUNDERS**, Thom **ELY**, Don **TURNER** Jr., Riley **HALL**, Bruce **SMITH**, TJ **MASON**, Mathew **JENSEN**, Azure **JENSEN**, Patty **KERMOIAN**, Garret **GLADSJO**/proHNS, and 26 others present on zoom.

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

3 – Approve Minutes from 11-9-23 Regular Planning Commission Meeting

12A – 2024 Planning Commission Prep Schedule

**Motion:** **POINSETTE** moved to “approve the 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 11-9-23 Regular Planning Commission Meeting*

**4. PUBLIC COMMENTS:**

**TURNER** – HFR proposal of new recycling center

**ELY** – Supports the heliport moratorium and Haines Friends of Recycling’s new recycling proposal

**SMITH** – HFR Proposal

**Hall** – Supports the heliport moratorium

**TUYNMAN** – Public Testimony

**BENASSI** – Highway project

**KERMOIAN** – Supports Friends of Recycling, Moratorium on Heliports, Planning Commission adopting Assembly’s Public Hearing policy.

**5. CHAIR’S REPORT:** Chair **BROWN** reported on acknowledging the public comments she has received since the last planning commission meeting. Has talked with Travis Eckhoff about the geo committee. Public comment about the Nuisance buildings are being dealt with. Right-Of-Way has been brought up by a couple members of the public.

**A. Land Acknowledgement**

**Motion:** **POINSETTE** moved to “approve the land acknowledgement” and the motion carried unanimously.

**6. ASSEMBLY LIAISON REPORT:** Assembly member **LOOMIS** answered some questions asked by the Planning Commission

**7. SUBCOMMITTEE REPORTS: None**

**8. COMMISSION COMMENTS:**

- A. Eben Sargent Highway Project**
- B. Derek Poinsette – Comprehensive Plan**
- C. Erika Merklin- Agricultural zone**

**9. STAFF REPORT:**

- A. Planner Report**
- B. Comprehensive Plan Update**

**10. PUBLIC HEARINGS:**

- A. Variance Permit #23-103 Accessory Apartment atop a detached garage within the set back – Mathew & Azure Jensen – C-HAY-00-0300 – Waterfront Zone.**

Public hearing was opened at 7:45pm and the following people chose to speak with respect to this issue:

**TURNER-** Supporting denial

**TUYNMAN –** Supporting denial

Hearing nothing further, the public hearing was closed at 7:50.

Matthew Jensen presented with respect to his variance request.

Variance:

Commissioners discussed HBC 18.8.080(C) 1-5 Variance Standards for Variance Permit 23-103

- 1) Except for significant structures areas, the conditions upon which the variance application is based do not apply generally to properties in the zone or vicinity other than the property for which the variance is sought;**

After discussion the commission agreed criteria #1 was met since the shape of the property is unique compared to the other properties in that area.

- 2) Such conditions arise out of natural features inherent in the property such as shape or topographical conditional of the property or because of unusual physical surroundings, or such conditions arise out of surrounding development or conditions; and;**

After discussion the commission agreed criteria #2 was met since the site conditions are due to natural trapezoidal shape of the property.

- 3) Because of such conditions the strict application to the property of the requirements of this chapter will result in an undue, substantial hardship to the owner of the property such that no reasonable sue of the property could be made; and;**

After discussion the commission agreed criteria #3 was not met since a use could be made of the property by changing the current design.

- 4) The special conditions that require the variance are not cause by the person seeking the variance, a predecessor in interest, or the agent of either; and;**

After discussion the commission agreed criteria #4 was not met since the homeowner's design has caused the need for the variance.

- 5) The variance is not sought solely to relieve financial hardship or inconvenience; and;**

After discussion the commission agreed criteria #5 was not met since the need for the variance is due to the homeowner's decision on design and development plan.

- 6) The variance will not permit a land use in a zone in which that use is prohibited.**

After discussion the commission agreed criteria #6 was met since the plan is a use-by-right in the zone.

**Motion: SARGENT** moved to "Deny Variance permit #23-103" and the motion carried unanimously.

**B. 5<sup>th</sup> – 6<sup>th</sup> Ave Drainage Designs**

**Motion: POINSETTE** moved to "pursue corrective action #1 and wait to see if that works," and the motion carried unanimously.

**C. Waste Oil Shed Designs**

**Motion: O'RILEY** moved to "approve the waste oil shed design" and the motion carried unanimously.

**Motion: SARGENT** moved to "solely review this project next at the 65% design level," and the motion carried unanimously.

**11. UNFINISHED BUSINESS:** None

**12. NEW BUSINESS:**

**\*A. 2024 Planning Commission Prep Schedule**

**B. Haines Friends of Recycling – New Recycling Center**

Presentation by Melissa **ARONSON** and Kate **SAUNDERS**

**Motion: SARGENT** moved to "defer the approval and request HFR to provide a list of other suitable sites and rationale for the rejection of other sites," and the motion carried unanimously.

**D. Heliport Moratorium – Proposed Resolution 23-09-1064**

Staff will provide additional data with respect to each existing heliport.

**E. Public Testimony Policy**

**Motion: POINSETTE** moved to "adopt the Assembly's Rule

**Primary Amendment: SARGENT** moved to add "except that the Chair can suspend comment limits being mindful of equal opportunities," and the motion carried unanimously.

And the motion, as amended, carried unanimously.

**13. PUBLIC COMMENTS:**

**TURNER:** Try to look forward in planning

**14. ANNOUNCEMENTS / COMMISSION COMMENTS:**

**15. CORRESPONDENCE**

**16. SET MEETING DATE:**

**A. Planning Commission Workshop RE: Slope Stability Analysis**

**17. ADJOURNMENT: 10:46 pm**

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Patty Brown, Chair

ATTEST:

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Alekka Fullerton, MMC, Borough Clerk