



# Haines Borough Planning Commission Regular Meeting Agenda

## COMMISSIONERS:

ROB GOLDBERG, CHAIR  
DANIEL GONCE, VICE-CHAIR  
ROBERT VENABLES  
HEATHER LENDE  
ANDY HEDDEN  
DON TURNER III  
LEE HEINMILLER

Thursday, May 8, 2014 - 6:30 p.m.

Assembly Chambers, 213 Haines Hwy.

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1. CALL TO ORDER / PLEDGE TO THE FLAG
2. ROLL CALL
3. APPROVAL OF AGENDA
4. APPROVAL OF MINUTES: March 13, 2014 (April 17, 2014 draft minutes will be ready for review at the next regular meeting.)
5. PUBLIC COMMENTS [Items not scheduled for public hearing]
6. CHAIRMAN'S REPORT
7. STAFF REPORT
  - A. Planning & Zoning Report
8. PUBLIC HEARINGS: None
9. UNFINISHED BUSINESS:
  - A. Possible Rezoning of Sawmill Road Area – Discussion Item: This item is scheduled as a follow-up item of April 17, 2014 Agenda.
10. NEW BUSINESS:
  - A. Historic District/Building Review: None
  - B. Haines Borough Code Amendments:
    1. Dry Cabins – Action Item: Currently the code does not address cabins without running water. A draft ordinance of amending HBC 18.20.020 to add a definition of dry cabin and amending HBC 18.70.040 & 18.70.030(B) & 18.70.030(C) to add dry cabin to the zoning chart, Mud Bay Planning/Zoning District and Lutak Inlet Planning/Zoning District. **Possible Motion:** Recommend the Assembly adopt the proposed draft ordinance.
  - C. Project Updates: None
  - D. Other New Business:
    1. Parking Plan for Port Chilkoot – Discussion Item: This item is up for discussion at the request of Debra Schnabel, the Assembly Liaison.
11. COMMISSION COMMENTS
12. CORRESPONDENCES
13. SCHEDULE MEETING DATE
  - A. Regular Meeting – Thursday, June 12, 2014 6:30 p.m.
14. ADJOURNMENT



Haines Borough  
Planning Commission Meeting  
March 13, 2014  
MINUTES

Draft

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**, Lee **Heinmiller**, Danny **Gonce**, Heather **Lende** and Andy **Hedden**, Robert **Venables** (called in).  
**Staff Present:** Stephanie **Scott**/Mayor, Julie **Cozzi**/Interim Borough Manager, Carlos **Jimenez**/Director of Public Facilities, and Tracy **Cui**/Planning & Zoning Technician III.  
**Also Present:** Brad **Ryan**, Roger **Schnabel**.
3. **APPROVAL OF AGENDA**  
**Motion:** **Turner** moved to “approve the agenda”. **Heinmiller** seconded it. The motion carried unanimously.
4. **APPROVAL OF MINUTES** – February 13, 2014 Regular Meeting Minutes  
**Motion:** **Gonce** moved to “approve the February 13, 2014 Regular Meeting Minutes.” **Hedden** seconded it. The motion carried unanimously.
5. **PUBLIC COMMENTS** – None
6. **CHAIRMAN’S REPORT** - None
7. **STAFF REPORTS**
  - A. **Planning & Zoning Report**  
**Cui** reported recent permitting and enforcement activities.
8. **PUBLIC HEARINGS**
  - A. **Roger Schnabel – C-208-TL-0400**  
**Motion:** **Venables** moved to “uphold the manager’s decision that a landfill is in operation and in violation of Borough code”. **Heinmiller** seconded it.  
  
More discussion ensued. The Planning Commission decided that storage of used concrete and asphalt is not a landfill.  
  
The motion failed 0-7 with all planning commissioners opposed.  
  
**Motion:** **Turner** moved to “confirm the manager’s decision that the material brought to the site was a violation of the permit, and that the material must be removed by October 31, 2014”. **Hedden** seconded it.  
  
The motion carried unanimously.
9. **UNFINISHED BUSINESS** - None
10. **NEW BUSINESS**
  - A. **Historic District/Building Review** – None

## **B. Haines Borough Code Amendments**

### **1. Black Water Disposal within the Haines Borough**

The commissioners agreed that the draft ordinance needs to be revised, and the staff needs to work with ADEC to collect more information on this topic.

### **2. Adding Setback Regulations to the General Use Zone**

Mayor **Scott** said the Assembly was concerned the enforcement of a setback regulation in the general use zone may become a problem because the Borough does not have land use permit applications in the general use zone. Chairman **Goldberg** presented two alternative options to address the concern. Mayor **Scott** suggested this topic be scheduled on the joint meeting's agenda.

## **C. Project Updates – None**

## **D. Other New Business**

### **1. Possible Identifying of a Motorized Park within Townsite Service Area**

**Motion:** **Venables** moved that “Industrial areas in the Townsite Service Area, such as Jones Point and Lutak Inlet, can be considered for a motorized park; if the Assembly wishes to pursue this it should be sent to the Parks and Recreation Committee”. **Turner** seconded it.

The motion carried unanimously.

### **2. Haines Wetland Program Plan**

Southeast Alaska Watershed Coalition representative **Ryan** conducted a presentation to the Planning Commission about Haines wetland program plans. He said this program is seeking a partnership with the Borough.

The commissioners are in favor of participating in the program. Mayor **Scott** suggested **Ryan** present it again at the joint meeting.

### **3. Joint Meeting of the Planning Commission and the Assembly**

Mayor **Scott** discussed agenda topics with the commissioners. The joint meeting was scheduled for 6:30 p.m. on March 20<sup>th</sup>, 2014.

## **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, April 17, 2014.**

## **14. ADJOURNMENT– 10:22 p.m.**

## Staff Report for May 8, 2014

### 1. Permits Issued Since April, 2014

| NUMBER | DATE    | OWNER/AGENT       | PROPERTY ID   | LOT   | BLK | SUBDIVISION            | DEVELOPMENT                      | ZONE |
|--------|---------|-------------------|---|-------|-----|------------------------|----------------------------------|------|
| 14-08  | 4/10/14 | AP&T              |   |       |     | Mt. Riley Rd.          | ROW_Underground Cables           | SR   |
| 14-09  | 4/29/14 | Charles Hazen     | C-PTC-01-0300 &<br>C-PTC-01-0400 &<br>C-PTC-01-0500 | 3,4,5 | 1   | Port Chilkoot Sub.     | Lot Line Adjustment              | SR   |
| 14-10  | 4/29/14 | Lee Taylor        | C-WIL-00-26A0                                       | 26A   |     | Wilkins Sub.           | Shop                             | SR   |
| 14-11  | 4/29/14 | Roger Beasley     | C-HTZ-00-0100                                       | 1,2   | N   | Hertz Sub.             | Lot Line Vacation                | ILC  |
| 14-12  | 4/29/14 | Ginette St. Clair | C-207-TL-0620                                       |       |     | USS 207                | Short Plat                       | RR   |
| 14-13  | 4/30/14 | CIA               |   |       |     | Chilkoot Estates Sub.  | ROW_Trailhead                    | C    |
| 14-14  | 4/30/14 | Phil Emerson      | C-HGL-01-0800                                       | 8     | 1   | Highlands Estates Sub. | ROW_Driveway                     | SR   |
| 14-15  | 4/30/14 | Joanne Waterman   | C-PTC-0B-0200                                       | 2     | B   | Port Chilkoot Sub.     | Variance_Firehall Reconstruction | SSA  |

### 2. Enforcement Orders - None

### **HBC 18.70.060 Rezoning.**

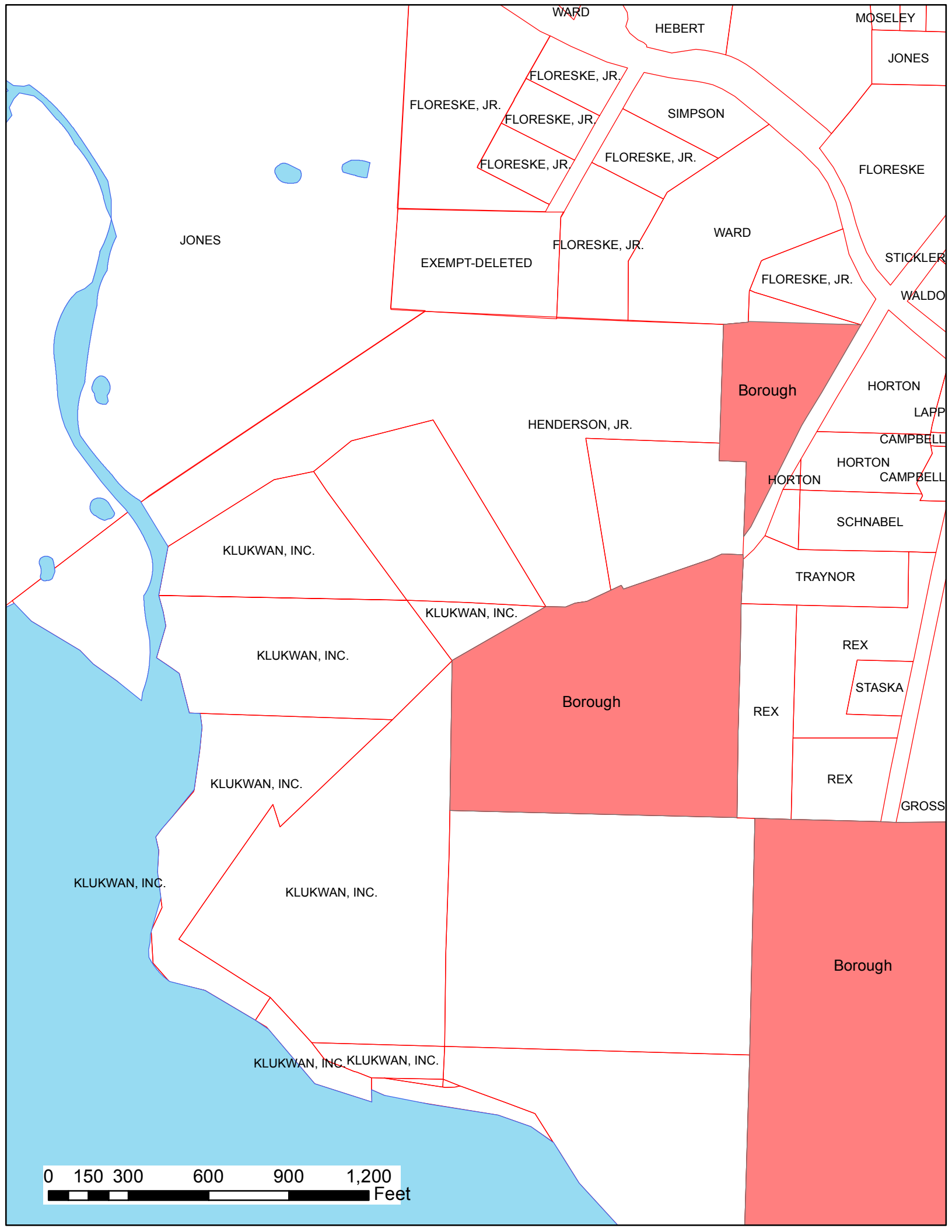
A. Initiation. A rezone may be initiated by a formal recommendation by the planning commission to the assembly, a notice of intent to introduce an ordinance for rezoning by the borough assembly, or a petition by 51 percent of the land owners in the petition area. The clerk shall forward a petition proposing a change to the planning commission.

B. Restrictions on Rezoning. Rezoning covering less than one acre may not be considered, unless the rezoning constitutes the expansion of an existing contiguous zone. Rezoning which are substantially the same as a proposed amendment that was rejected within the previous 12 months may not be considered. Any rezone causing a commercial, industrial, development, or business transition zone to be created abutting a residential zone, shall require new structures on the appropriate zone abutting the residential zone to be set back a minimum of 10 feet from the existing residential zone, and shall conform to any other setback requirements of such zone.

C. Procedure. A rezoning shall follow the procedures set forth in Chapter [18.50](#) HBC for conditional use permits, except that the planning commission shall have 60 days from the date of the proposal to make its full report to the assembly. During this time, the planning commission shall provide public notice and hold one public hearing on the proposed zoning change and declare its findings by a formal motion. The commission's decision shall constitute a recommendation to the borough assembly. As soon as possible after the commission recommendation, but allowing 10 days for any official protest, the borough assembly shall post public notice and hold a public hearing on the proposed rezoning. At such hearings, the recommendation of the commission shall be rebuttably presumed to be correct, which presumption may be overcome with a preponderance of the evidence. A rezoning shall be adopted by ordinance, and any conditions thereon shall be contained in the ordinance. Upon adoption of any rezoning, the manager shall cause the official zoning map to be changed to reflect the operation of the ordinance.

D. Protest. A petition to protest a change of zone area or classification must be filed with the borough clerk within 10 working days of the commission's decision to make a recommendation to the assembly on a rezoning. The clerk shall forward a petition protesting the assembly's decision on the zoning change back to the assembly for reconsideration. A petition protesting the assembly's decision on a zoning change must be signed by at least 25 percent of the landowners in the zone. The assembly may change the protested decision only upon the vote of a supermajority of the assembly. This decision will be final.

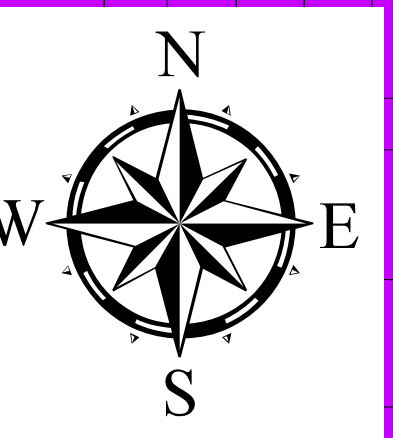
E. Assignment of Costs. All administrative costs, processing fees, commission fees, recording fees, mapping costs, survey costs and other associated expenditures shall be borne by the land owner(s) or developer(s) requesting the rezoning in prorated amounts as determined by the manager. (Ord. 05-12-134)





0 150 300 600 900 1,200 Feet




# Official Zoning Map of Haines Borough, Alaska Sawmill Road Area



## ZONING CLASSIFICATION

-  hainesborough\_parcel
-  Townsite Zoning District Boundary

## Zoning Type

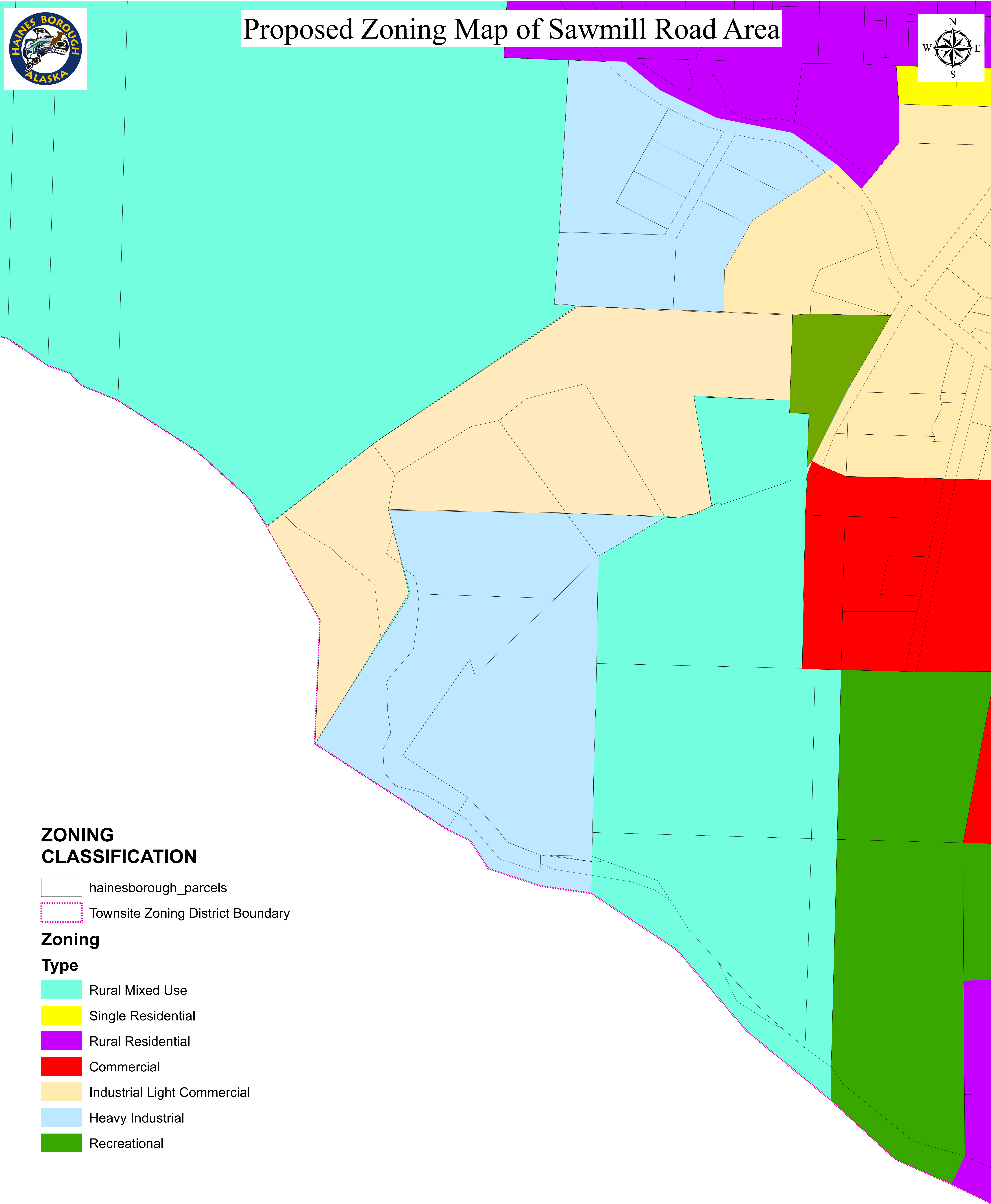
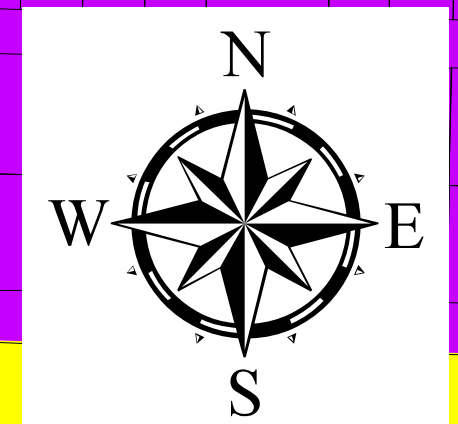
-  Rural Mixed Use
-  Single Residential
-  Rural Residential
-  Commercial
-  Industrial Light Commercial
-  Heavy Industrial
-  Recreational



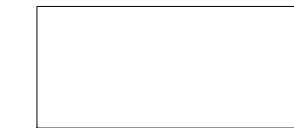





# Proposed Zoning Map of Sawmill Road Area



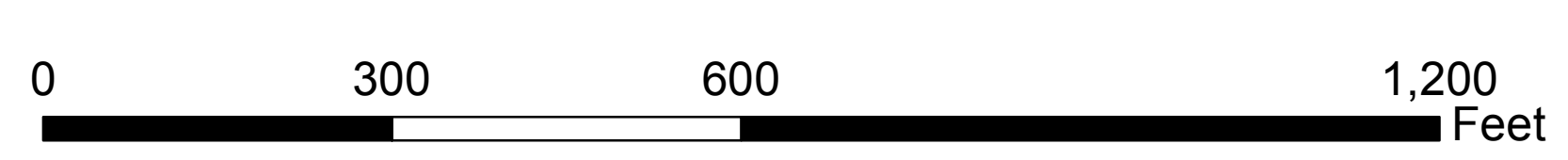
## ZONING CLASSIFICATION

-  hainesborough\_parcel
-  Townsite Zoning District Boundary

### Zoning

#### Type

-  Rural Mixed Use
-  Single Residential
-  Rural Residential
-  Commercial
-  Industrial Light Commercial
-  Heavy Industrial
-  Recreational





**Xi Cui**

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**To:** Rob Goldberg  
**Subject:** RE: dry cabins

Mr. Goldberg,

My apologies for not getting back to you sooner.

If a cabin is truly dry, which is to say it has no mechanically driven (or delivered) water supply attached to it, and water is hauled in by hand like you mentioned, our Section does not regulate that activity. The owner would need to be responsible for disposing of the minimal amount of water they generate in a safe and sanitary manner.

If, however, the cabin were to convert to a water system that distributed water inside, an approved wastewater disposal system would need to be installed.

You are correct that there are many true dry cabins in Alaska, and our section does not typically regulate these structures, unless something unusual occurs at the site that could become a public health risk.

I hope this answers the question. If you have further questions, please don't hesitate to e-mail me or call at 269-7692.

Thank you!

**Gene McCabe**

Engineering Support & Plan Review  
907-269-7692

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**From:** Rob Goldberg [<mailto:artstudioalaska@yahoo.com>]  
**Sent:** Friday, April 18, 2014 2:56 PM  
**To:** Parks, Jessica L (DEC)  
**Subject:** dry cabins

Hi Jess,

I am the planning commission chairman in Haines. We spoke on the phone yesterday about DEC's policy toward "dry" cabins. I left a message on Gene McCabe's phone but he hasn't returned my call.

We had an applicant for a building permit come to the planning commission's meeting last night. She wants to build a cabin on a 2.6 acre lot in a Rural Residential zone where municipal water and sewer services are unavailable. Her intention is to have a composting toilet, shower in town at the swimming pool, and carry in spring water in 5 gallon containers for drinking and cooking. Her only wastewater will be an occasional bucket of dishwasher. As we know, there are thousands of such "dry" cabins in Alaska.

The planning commission was unanimously in support of her application, but we need to hear from DEC before proceeding. Yesterday on the phone you told me that DEC is not concerned about someone dumping a bucket of dishwasher a day. If you would be willing to express that to me in an email, we can allow the applicant to go forward with her project.

Thank you.

Sincerely,  
Rob

**HAINES BOROUGH, ALASKA** **Draft**  
ORDINANCE No. xx-xx-xxx

**AN ORDINANCE OF THE HAINES BOROUGH AMENDING BOROUGH CODE SECTION 18.20.020 TO DEFINE “DRY CABIN”; AMENDING BOROUGH CODE SECTION 18.70.030(B)(3)(c), 18.70.030(C)(3)(c), AND 18.70.040 TO ADD DRY CABINS TO THE TOWNSITE ZONING CHART, THE MUD BAY PLANNING/ZONING DISTRICT AND LUTAK INLET PLANNING/ZONING DISTRICT; AND AMENDING BOROUGH CODE SECTION 18.60.010(I) TO EXEMPT DRY CABINS FROM THE REQUIREMENT FOR DEPARTMENT OF ENVIRONMENTAL CONSERVATION (DEC) WASTEWATER SYSTEM APPROVAL.**

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. This ordinance is of a general and permanent nature and the adopted amendment shall become a part of the Haines Borough Code.

Section 2. Severability. If any provision of this ordinance or any application thereof to any person or circumstance is held to be invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. Effective Date. This ordinance shall become effective immediately upon adoption.

Section 4. Amendment of Section 18.20.020. Section 18.20.020 of the Haines Borough Code is hereby amended to read as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED

18.20.020 Definitions – Regulatory.

**“Dry cabin” means a residence that has no mechanically driven (or delivered) water supply attached to it, and water is hauled in by hand.**

Section 5. Amendment of Section 18.70.030(B)(3)(c). Section 18.70.030(B)(3)(c) of the Haines Borough Code is hereby amended to read as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED

18.70.030 Zoning district – Zones.

The borough is hereby divided into the following zoning districts and zones. These districts and zones are depicted on the official borough zoning map.

...  
B. Mud Bay Planning/Zoning District.

...  
3. Rural Residential Zone (MBRR).

...  
c. Uses-by-Right.

(1) One single-family dwelling shall be allowed on a lot no less than three acres in area, or on any smaller lot which existed prior to the implementation of any land use ordinances.

(2) Any development which existed prior to the implementation of any land use ordinances.

**(3) Dry cabins.**

...

Section 6. Amendment of Section 18.70.030(C)(3)(c). Section 18.70.030(C)(3)(c) of the Haines Borough Code is hereby amended to read as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED  
~~STRIKETHROUGH~~ ITEMS ARE DELETED

18.70.030 Zoning district – Zones.

The borough is hereby divided into the following zoning districts and zones. These districts and zones are depicted on the official borough zoning map.

...

C. Lutak Inlet Planning/Zoning District.

...

3. Rural Residential Zone.

...

c. Uses-by-Right. Permitted uses are those uses which are allowed outright within a particular zone. In the residential zone those uses are:

(1) One single-family dwelling per lot;

(2) Guest houses;

(3) Cottage industry;

(4) Domestic log milling (milling for personal use);

**(5) Dry cabins.**

...

Section 7. Amendment of Section 18.70.040. Section 18.70.040 of the Haines Borough Code is hereby amended to add a new line for dry cabin to read as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED

18.70.040 Zoning use chart.

The following chart summarizes the uses allowed and the standards of review for each use, townsite planning/zoning district and the zones therein. In the commercial and industrial zones, more than one building housing a permissible principal use may be developed on a single lot; provided, that each building and use shall comply with all applicable requirements of this title. Additional requirements may be applicable to developments within some zones. See the definitions in Chapter 18.20 HBC for descriptions of each use.

...

## ZONING USE CHART

### TOWNSITE PLANNING/ZONING DISTRICT

UBR = Use-By-Right    CU = Conditional Use

NA = Not Allowed    GFA = Gross Floor Area

  = Permit Required

  = Permit Not Required

Under General Classification, uses in UPPER CASE are primary and uses in lower case are secondary.

| GENERAL CLASSIFICATION →    | INDUSTRIAL USES  |                              |                       | COMMERCIAL/ Residential Uses |            |                             | RESIDENTIAL USES ONLY | RESIDENTIAL/ Commercial Uses |                   |                 |              | RECREATIONAL USE |           |
|-----------------------------|------------------|------------------------------|-----------------------|------------------------------|------------|-----------------------------|-----------------------|------------------------------|-------------------|-----------------|--------------|------------------|-----------|
| Specific Zoning Districts → | Heavy Industrial | Light Industrial/ Commercial | Waterfront Industrial | Commercial                   | Waterfront | Significant Structures Area | Single Residential    | Multiple Residential         | Rural Residential | Rural Mixed Use | Multiple Use | Recreational     |           |
| USES ↓                      | I/H              | I/L/C                        | I/W                   | C                            | W          | SSA                         | SR                    | MR                           | RR                | RMU             | MU           | REC              |           |
| <u>Dry Cabin</u>            | <u>NA</u>        | <u>NA</u>                    | <u>NA</u>             | <u>NA</u>                    | <u>NA</u>  | <u>NA</u>                   | <u>NA</u>             | <u>NA</u>                    | <u>NA</u>         | <u>UBR</u>      | <u>UBR</u>   | <u>UBR</u>       | <u>NA</u> |

Section 8. Amendment of Section 18.60.010(I). Section 18.60.010(I) of the Haines Borough Code is hereby amended to read as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED

18.60.010 General approval criteria.

...

I. Utilities. The proposed use shall be adequately served by public water, sewer, on-site water or sewer systems, electricity, and other utilities prior to being occupied. The borough may require a letter of commitment from a utility company or public agency legally committing it to serve the development if such service is required. If property on which a use is proposed is within 200 feet of an existing, adequate public water and/or sewer system, the developer shall be required to connect to the public systems. The borough may require any or all parts of such installation to be oversized, however the additional cost beyond the size needed for the development will be borne by the borough.

When, in the opinion of borough staff, no public sanitary sewer and/or water service is available within 200 feet of the property, the developer may request an exemption from the requirements to connect to these public utilities. All regulations of the State Department of Environmental Conservation pertaining to water extraction and wastewater disposal, as well as the requirements of HBC 13.04.080(G) pertaining to on-site wastewater disposal, shall apply. If exempted from the requirement to connect to public utilities, a developer must provide written Department of Environmental Conservation (DEC) approval of the on-site wastewater system design prior to permit approval. Upon installation and before closure, the wastewater disposal system must be inspected and approved by a DEC-approved inspector.

**"Dry cabins" are exempt from the requirement for DEC wastewater system approval. They may be permitted in zones that allow them, provided that no public sanitary sewer and/or water service is available within 200 feet of the property. Residents shall dispose of the minimal amount of wastewater generated in a safe and sanitary manner.**

When public sanitary sewer and/or water service becomes available, the developer will be required to connect to the public utility within six months.