

Haines Borough
Planning Commission Meeting
March 14, 2024
MINUTES

Draft

1. CALL TO ORDER/PLEDGE TO THE FLAG/LAND ACKNOWLEDGEMENT/ROLL CALL:

Chair **BROWN** called the meeting to order at 6:32 pm in the assembly chambers and on zoom, and led the pledge to the flag.

Commissioners Present: Patty **BROWN**, Rachel **SAITZYK**, Eben **SARGENT**, Erika **MERKLIN**, Dan **SCHULTZ**, Derek **POINSETTE**

Absent: Brian **O'RILEY**

Assembly Members: Craig **LOOMIS**/Liaison, Debra **SCHNABEL**, Tom **MORPHET**/Mayor

Staff Present: Annette **KREITZER**/Borough Manager, Alekka **FULLERTON**/Borough Clerk, Kiersten **LONG**/Deputy Clerk, Andrew **CONRAD**/Planner

Visitors Present: Don **TURNER** Jr, Thom **ELY**, Parker **SCHNABEL**, Roger **SCHNABEL**, Dakota **FRAMBOISE**/SERB, Dillon **SWINTON**, John **FLORESKE**, Matt **JILSON**, Jess **FORSTER**, Tim **MCDONOUGH**, Joanne **WATERMAN** and 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 2-8-24 Regular Planning Commission Meeting

Motion: POINSETTE moved to “split items 12A into two items the new 12A will read: Rehearing of appeal of CUP 23-87 which was remanded to the planning commission by the assembly for final deliberation and add 12B First hearing of CUP 23-87B” and the motion carried unanimously.

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

Motion: POINSETTE moved to “approve 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 2-8-24 Regular Planning Commission Meeting”

4. PUBLIC COMMENTS:

D. SCHNABEL – Doesn’t understand what happened with respect to amending the agenda.

5. COMMISSION COMMENTS:

A. POINSETTE – Regional Landslide Working Group Report; Public hearing items

SCHULTZ – Remanded CUP

SARGENT – Time line of the CUP process

6. CHAIR’S REPORT: Chair **BROWN** reported on

A. Bear/Human Conflict Mitigation Committee Status

B. Scheduling a Community Meeting on Developing an Advisory Group for Support to the Planning Commission around Developments in Landslide Susceptible Zones.

7. SUBCOMMITTEE REPORTS: None

8. **ASSEMBLY LIAISON REPORT:** Assembly member **LOOMIS** was present and willing to answer any questions.

9. **STAFF REPORT:**

- A. **Planner Report – Planner *CONRAD* gave a Verbal Report**
- B. **Prospects for Continuation of the Small Boat Harbor Expansion Project**
- C. **Process for Reporting Right-Of-Way Concerns**
- D. **Comprehensive Plan Update**

10. **PUBLIC HEARINGS:**

- A. **Conditional Use Permit #24-001 Extension of permit #19-03 Resource Extraction – Highland’s Estate Inc. & St. James Place C-208-TL-0400 & C-208-TL-03A0 – Rural Mixed Use Zone.**

On 3-14-19 conditional use permit #19-03 was approved by a pervious planning commission. The permit was valid for five (5) years. After expiration of permit, the applicant must reapply.

The public comment period was open at 7:14 pm and the following people spoke with respect to this item; **JILSON, ELY**, closed at 7:22 pm.

R. SCHNABEL who was representing the applicants spoke to this item

Motion: **POINSETTE** moved to “postpone this agenda item until the next planning commission meeting and direct the borough to notify all property owners identified in the application” and the motion carried unanimously.

Motion: **SCHULTZ** moved to “extend permit #19-03 until the next meeting of the planning commission” and the motion carried unanimously.

***Clerk’s Note: This agenda item was postponed to the April 11, 2024 Planning Commission Meeting.*

- B. **Land Use Permit #23-101 Change of use – Port Chilkoot Rentals – C-PTC-0C-0600 – Significant Structures Zone**

The Planning Commission is acting as the Historic District Committee per HBC 18.70.050(C).

The public comment period was opened at 8:05 pm and the following people spoke with respect to this item **WATERMAN** and closed at 8:07 pm.

Motion: **SAITZYK** moved to “approve the LUP #23-101 since the commission found that the development is not one of the surveyed structures and it doesn’t have a material effect upon the character of the district” and the motion carried unanimously.

11. **UNFINISHED BUSINESS:** None

12. **NEW BUSINESS:**

- A. **Rehearing of appeal of Conditional Use Permit #23-87** Rehearing of appeal of CUP 23-87 which was remanded to the planning commission by the assembly for final deliberation. ** Clerk’s Note: This item was renamed at the beginning of the meeting.*

Motion: **POINSETTE** moved to “vacate Conditional Use Permit #23-87 and accept in its place CUP #23-87B” and the motion carried unanimously.

The public comment period was opened at 8:23 pm and the following people spoke with respect to this item: **D. SCHNABEL, MCDONOUGH**, and closed at 8:26 pm.

B. First Hearing of Conditional Use Permit #23-87B

The public comment period was opened at 8:34 pm and the following people spoke with respect to this item: **MCDONOUGH**, and public comments were closed at 8:36 pm.

MASON, Area Manager of Southeast Roadbuilders, was present and answered questions the commission had with respect to this agenda item.

Commissioners discussed HBC 18.50.040(A) 1-8 Conditional Use Criteria for CUP #23-87B

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

After discussion, the majority of the commission agreed criteria #1 was not met since the project would add noise since there is no buffer. The majority of the commission decided it would be a potential danger because of the proximity of the ferry terminal and the road. Commissioners **SARGENT** and **SAITZYK** agreed that criteria #1 was met since it is consistent with the zoning and the other uses in that zone.

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

After discussion, the commission agreed criteria #2 was met since the surrounding properties are within the waterfront industrial zone and other properties will not be affected.

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 agreed criteria #3 was met since this criteria isn't applicable to this permit because there aren't existing public services in that area.

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

After discussion, three commissioners agreed criteria #4 was not met since section 3.1 speaks to sustaining quality of life, and the development is in close proximity to the sport boat ramp and the ferry terminal. Three commissioners agreed that criteria #4 was met since another section of the comprehensive plan supports the use, and it is consistent with the surrounding land uses and it is supporting the local economy with jobs.

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

After discussion, the commission unanimously agreed criteria #5 was not met since the road is well used by locals and tourists. With the trucks crossing the road there is a potential for accidents, and a hindrance of emergency response. Members didn't believe the applicant provided enough evidence to adequately address landslide hazard risk.

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, three commissioners agreed criteria #6 was not met since engineering plans were not provided. A concern was raised that the run off could go into the water across the road and impact fish habitats. The other three planning commissioners agreed that criteria #6 was met since the applicant indicated there wouldn't be erosion and if there was the applicant would mitigate it. There are no State identified anadromous streams or fish habitats in the area.

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, most commissioners agreed criteria #7 was not met since the project can't operate without conflict with other user groups, the applicant wouldn't be able to operate at the rate proposed without impacting the welfare and safety of the public. One commissioner wanted to wait for the new comprehensive plan to be adopted and additional information from a landslide working group to provide more information. Commissioner **SARGENT** and **SAITZYK** agreed that this criteria was met since it would be possible to put conditions on the application to satisfy the requirements.

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

After discussion, the commissioners unanimously agreed criteria #8 was met since they didn't receive any negative comments from the adjacent property owners. The few comments received from the public were considered.

Motion: **POINSETTE** moved to "deny conditional use permit 23-87B for not meeting all of 8 requirements of HBC 18.50.40" and the motion carried 5-1 with **BROWN** opposed.

13. PUBLIC COMMENTS:

TURNER – disappointed in the way CUP 23-87 was handled, the zoning is waterfront industrial.

ELY – Thank you for revisiting the issue of CUP 23-87.

Mayor MORPHET – Conditional use permit - the idea is it may or may not work, but it's always good to work with the permittee.

MENKE – Thank you for the hours being put in the conditional use permit and the value of Chilkoot and Lutak.

KERMOIAN – Thank you for following code.

14. ANNOUNCEMENTS / COMMISSION COMMENTS:

15. CORRESPONDENCE:

16. SET MEETING DATE:

Geotechnical Advisory Group meeting Tuesday, April 2, 2024

17. ADJOURNMENT: 10:47 pm

ATTEST:

Patty Brown, Planning Commission Chair

Kiersten Long, Deputy Borough Clerk