

**HAINES BOROUGH PLANNING COMMISSION
REGULAR MEETING MINUTES
August 11, 2005**

12. **CALL TO ORDER:** 6:00pm by chair **STANFORD**.
13. **PLEDGE TO FLAG:**
14. **ROLL CALL:**

Present: Jim **STANFORD**, Bob **CAMERON**, Lee **HEINMILLER**, Bill **STACY**,
Harriet **BROUILLETTE**, Rob **GOLDBERG**

Absent: Bruce **HALE**

Staff Present: Scott **HANSEN** (Planning and Zoning Tech II)

Visitors: Ryan **COOK** (Chilkoot Indian Association - CIA), Scott
HAMILTON, Frank **HOLMES**, Shane **ROBBERTS**

15. APPROVAL OF AGENDA

M/S STACY/GOLDBERG to approve the agenda, amended to add "**TURNER**
Gravel Pit" and "**WACKERMAN** Revisited" under Old Business.
Motion carried unanimously.

16. APPROVAL OF MINUTES - July 14, 2005 regular meeting

M/S HEINMILLER/GOLDBERG to approve the above minutes, with typo
corrected.
Motion carried unanimously.

17. PRESIDING OFFICER REPORT:

STANFORD noted that he'd been inundated with phone calls from
residents along Allen Road regarding **TURNER**'s gravel pit
operation, but that topic will be later in the agenda.

18. PUBLIC HEARINGS:

STANFORD invited the public to speak. **HOLMES** voiced concern
over the commercial yacht "Absinthe" that had anchored up in
Lutak Inlet and operated a helicopter. It flew to various
points over the horizon and once landed on Lutak Road with
passengers - apparently the water was too rough for the skiff to
launch from the vessel, so they flew passengers from the vessel
to the road. **HOLMES** said that helicopter operations are not
allowed in Lutak code. He said that it is a commercial tour,
but it's not been permitted. He said that he'd written a letter
to the Assembly. **HAMILTON** said that he'd moved away from Juneau
because helicopter operations were unreasonable, and he had to

get away. He doesn't want the same thing to happen in Lutak Inlet. Apparently the Manager and Mayor approved the operation when they'd been called by the operator, and the Mayor has said he'd inform them in writing that next time they'll need a permit. He said that the helicopter pilot is responsible for knowing the local regulations and communicating it to the Master of the vessel. He recommended that the Borough know Borough code on the matter and communicate with the Southeast Pilots' Association so that pilots can know the regulations for commercial operations in our area. If this doesn't happen a person could rent a barge and operate unregulated helicopter tours off the barge. **GOLDBERG** noted that the yacht tour is basically a high-end B&B with a helicopter at its disposal. **HAMILTON** noted the public safety issues of landing a helicopter along Lutak Road. With curves and minimal roadway width the situation is dangerous. **STANFORD** mentioned that this issue is highly political, and the upcoming elections could offer an answer. **STACY** suggested asking the Assembly to investigate the possibility of a citation for violating land use code. **STANFORD** said that the Commission is an independent governmental body and communicate with anyone - the Commission could communicate with the trooper, as this area is outside the jurisdiction of the Haines police.

M/S STACY/CAMERON to direct the Alaska State Trooper to investigate a violation of HC 18.70.030(C) by conducting an unlicensed commercial tour operation by the marine vessel "Absinthe" within the last 30 days.

GOLDBERG noted that the trooper wouldn't want to enforce local code. Tours operate all through Lutak, but since the operations are conducted off private property the Lutak code hasn't had authority to prohibit those uses.

M/S STACY/CAMERON to amend the motion by sending it instead to the Borough Manager and Assembly/Mayor.
Amendment motion carried unanimously.

Original motion carried unanimously.

19. STAFF REPORT:

- a) Land Use Permits: NONE**
- b) Enforcement:**
- c) Plats in Process:**

- i. Viking Cove Subdivision - short plat - just north of Chilkat State Park on Mud Bay Rd.
- ii. Schnabel Trailer Court - 4th Avenue

- iii. Duncan's Camp Resubdivision - Excursion Inlet - lot line adjustment
- iv. Mary's Landing - Lutak Road - lot line vacation

d) Alaska Cadastral Project Programming RFP Progress

HANSEN explained that programming and software purchases are occurring. He mentioned a compatibility issue of Microsoft browsers vs. other browsers, and that the project needs to be accessible by both. The issue is currently being discussed.

20. COMMUNICATION:

a. Studley (Zack short plat)

21. OLD BUSINESS

a) Industrial setbacks

GOLDBERG noted several past issues regarding setback code where opinion varied greatly as to which setback to apply in a given situation. Sometimes Commercial uses are in a residential zone and have no setback. Sometimes Residential uses in a Commercial zone are required to have residential setbacks. He suggested that the double standard existing for competing uses within zones be eliminated and there be a single setback per zone. **HANSEN** noted that 18.80.030 narrative and chart, which indicate a plan for various uses within different zones, and setbacks are use-specific. Safety and economics dictate the setback. **SAFETY** - A single family residence uses the area immediately adjacent to a structure much differently than a commercial use, and life safety precautions are prominent. **ECONOMICS** - community planning anticipates and avoids competing interests and the resultant problem issues arising. If zoning is planned and implemented a business can count on being served by zoning and invest capital in an area without pressure from incompatible uses. Conditional Use permit re-reviews, such as Mr. **WACKERMAN's**, are not necessary when the area is zoned for the use. **GOLDBERG** noted that it would've been good for the Assembly to hear this rationale - perhaps the double setbacks are justified.

No action was taken on the proposed code language change to further specify heavy and light industrial setbacks.

b) Haines Coastal Management Plan Amendment Draft

BROUILLETTE noted that the draft looks good. **CAMERON** identified page 4-3 item 14. Mariculture - needs to properly reference the rest of the narrative. Apparently something was added or omitted, and it needs correction. Page 1 - Acknowledgements should correct the name "Chilkoot Indian Association". Page 4-12 - this item should be moved to number 1, and correct the phrase "early white and native cultures" arrangement and placement in the list.

12. NEW BUSINESS:

1. Significant Structures Area (SSA) permit - Martin House Renovation

HANSEN introduced the permit being brought before the Commission for standard SSA review. **COOK** said that the Chilkoot Indian Association is ready to purchase compatible white horizontal siding and roofing materials. They also have funding to purchase vinyl windows in the same shape and style as original.

M/S STANFORD/BROUILLETTE to support CIA's renovation and encourage adherence to Significant Structures Area regulations. Roofing to be "Malarkey Silverwood" or equivalent, and siding is to be white horizontal siding as discussed. Motion carried unanimously.

m. Vagabond Campers

The Borough Police Chief is looking for direction from the public bodies about complaints he's received of campers parking along roadways in Haines. If along a state right-of-way there is no regulation of camping, and it amounts to free camping without ensuring that potential wastewater, trash, and other potential issues are handled. **STACY** was curious which specific problems exist. He remembered past trailer park owners objecting to free camping in the area because it diminishes their business. However, perhaps there should be a potential for free camping unless major problems emerge - he noted his reluctance to add regulations. **HEINMILLER** agreed, noting that the state ferry schedule adds to volume at certain times. He suggested more of a "policy" approach by the police rather than an ordinance for somebody to enforce - have people "move along". Sometimes ordinances are counterproductive. After reviewing HC 18.60.020(H) it appeared that that section is logically intended for private properties, as there are no opportunities for utility connections or off-street parking provisions within the ROW. However, HC 18.10.030 "Geographic Scope" pertains to "...all property..." and the ROW is property.

M/S GOLDBERG/STACY to recommend to the Assembly that two questions need to be answered:

- To what degree are vagabond campers a problem in Haines?
- Does Title 18 have authority to regulate campers in the ROW?

Motion carried unanimously.

n. WACKERMAN Revisited

HANSEN explained that **WACKERMANS** had been notified that the Commission required a full public hearing to gather public comment on the review of their permit for compliance. Not having been stipulated by a prior Commission the public process is being followed using the regular posting requirement for public meetings. Tonight's review will focus less on gathering public information and more on reviewing compliance. **HANSEN** said that no complaints have been submitted over the last three years, and according to Borough records permit stipulations have been followed in the business operation the last three years.

M/S STANFORD/STACY to continue to approve Ed **WACKERMAN's** Conditional Use Permit review based on compliance and documented comments over the last three years.
Motion carried unanimously.

o. TURNER Gravel Pit

STANFORD recounted numerous calls he'd received from residents along Allen road. Two types of calls were made: those dealing with noise and those dealing with dangerous traffic conditions. One early caller held the phone out so **STANFORD** could hear the "jake brakes," and they said that the trucks had been operating outside the Conditional Use (CU) Permit allowable hours of operation. **STANFORD** talked with **TURNER**, who said that he has not been working out of the pit regulated by CU permit. Only the east 1/3 of the pit is regulated due to boundary changes in the past, so **TURNER** expressed that he's within his legal right to operate the west side without needing to consider his existing CU permit for the east portion. **GOLDBERG** suggested that no compression brakes be allowed on the roadway. **STANFORD** said that **TURNER** is ready to sue to keep the pit operating. **HEINMILLER** suggested a change of zoning. **STACY** suggested a legal opinion.

M/S CAMERON/STACY to recommend to the Assembly that the **TURNER** Rock Pit controversy be part of the next Borough Assembly meeting agenda.

STANFORD said they should get a copy of the permit, responses, and the letter a former Manager had written to **TURNER** regarding consolidation. **GOLDBERG** said that the Assembly will look to the Manager to handle the issue. **STANFORD** noted that not all residents are complaining.

M/S CAMERON/STANFORD to amend the motion to recommend that the Assembly seek legal counsel concerning the Conditional Use permit.
Motion carried unanimously.

GOLDBERG said that the Assembly won't agree. **STACY** said a legal opinion is necessary.

M/S HEINMILLER/STANFORD to reconsider the first motion.
Motion carried unanimously.

Question not called, motion failed.

BROUILLETTE noted that HC 18.60.010(M),(N) deals with peak use and off-site impacts. These apply to any existing use, nonconforming or permitted, within the Borough, and the Planning Commission has jurisdiction over these issues. No use should ruin private property use.

M/S STANFORD/HEINMILLER to provide the rationale based on HC 18.60.010(M),(N) to the Assembly as rationale for handling public concerns.
Motion carried unanimously.

- 12. **PUBLIC COMMENT: NONE**
- 13. **TITLE 18 REVISIONS: NONE**
- 14. **NEXT MEETING DATE:**

a. **Regular Meeting** - Thursday, September 8, 2005, 6:00pm in the Assembly Chambers.

15. **ADJOURNMENT**

The meeting adjourned at 8:45 pm.
Respectfully submitted: