

**HAINES BOROUGH PLANNING COMMISSION  
REGULAR MEETING MINUTES  
November 10, 2005**

1. **CALL TO ORDER:** 6:00pm by vice-chair **HEINMILLER**.
2. **PLEDGE TO FLAG**
3. **ROLL CALL:**

Present: Harriet **BROUILLETTE**, Bob **CAMERON**, Rob **GOLDBERG**, Bruce **HALE**, Lee **HEINMILLER**

Absent: Jim **STANFORD**, Bill **STACY**

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

Visitors: Don **TURNER**, Jr., Bob and Cheryl **LOWDEN**, Mike **TAVOLIERO** (via telephone), Sue **FOLLETTI**

4. **APPROVAL OF AGENDA**

**M/S GOLDBERG/CAMERON** to approve the agenda.  
Motion carried unanimously.

5. **APPROVAL OF MINUTES** - August 11, 2005 regular meeting

**M/S GOLDBERG/CAMERON** to approve the above minutes.  
Motion carried unanimously.

6. **PRESIDING OFFICER REPORT:**

**HEINMILLER** said that **STANFORD** has resigned his chairman position - many activities, including sled dog races, are looming ahead. Commissioner **STACY** wrote his resignation to the Mayor, with appreciation for being able to serve on the Commission and also regrets at leaving. The Commission will miss their good participation. The Assembly will be making decisions on vacant seats in their upcoming meeting. The Commission can also vote on the chairman position, if so desired, in a future meeting.

7. **PUBLIC HEARINGS:**

**b) LOWDEN Right-of-Way Setback Variance**

Bob **LOWDEN** said that they are concerned for the safety of their tenant because of snowdrop and want to extend an overhanging gable approximately five feet into the setback. He said that sight triangle issues are not a concern, and inadequate past construction is a significant issue in this situation. Another setback variance was granted in the past for the same general reason. **GOLDBERG** said that in 1917 the Townsite was laid out

with fifty-foot lot widths, which were apparently adequate then, but current building practices are such that fifty-foot-wide lots don't give enough room anymore. In addition, setback regulations placed well after that time limit residential uses on these lots to less than a minimum. He noted that residential setback variance requests keep coming to the Commission on these lots. As suggested in the Commissioners' handbook, if similar problems keep emerging it may be best to enact a change to conclude the issue, and the current situation might warrant a setback change for residential uses in the Commercial zone. In addition to all this the right-of-way was apparently incorrectly indicated by a former surveyor on an as-built.

**M/S HALE/BROUILLETTE** to determine the **LOWDEN** duplex to be a commercial use and not subject to variance requirements.

**GOLDBERG** noted that this would make all duplexes commercial uses. Hansen brought up the setback chart, which references separate setbacks for industrial, commercial, and residential within varying zones. He noted that residential uses require more space, for reasons such as privacy and active children. **BROUILLETTE** suggested using the Townsite Area water service billing classification to determine whether the application is commercial or residential. **HEINMILLER** said that though the system is being corrected little by little there are too many inconsistencies in the municipal billing schedule to use that as a guide.

Motion withdrawn.

**M/S GOLDBERG/CAMERON** to grant the variance request as submitted.

Motion carried unanimously.

The following rationale led to the granting of this variance request:

- Precedent of past approval for the same reasons
- Maintain fire and life safety
- Surveyor error, as evidenced in prior land use permit
- Small lots created by the 1917 Haines Townsite plat

**GOLDBERG** requested that Residential Use Setbacks be placed on the next meeting agenda under "Title 18 Revisions."

**8. STAFF REPORT:**

**a) Land Use Permits:**

- i. William Rostad - garage - Tanani Bay Sub.
- ii. Lee Heinmiller - road pioneering - USS 2716

- iii. Gregg Richmond - business sign
- iv. Ron Martin - roofing, siding
- v. Anna Jurgeleit - commercial horse boarding
- vi. Ronald Palmer - pole building
- vii. Gregg Richmond - commercial rental
- viii. Southeast Alaska State Fair - clearing for future development
- ix. Lucy Harrell/Mark Touhy - addition, sign
- x. Lynda Walker - SFR
- xi. Southeast Alaska Regional Health Consortium - drainage imp.
- xii. Michelle LaBrosse - short plat - Mud Bay
- xiii. George Meacock - short plat - Piedad Road
- xiv. Jill Maas - SFR - Hemlock Estates Sub.
- xv. Margaret Sebens - residential shop - Highland Estates
- xvi. Steve Fossman - SFR - Cemetery Hill Sub.
- xvii. Klukwan, Inc. - gate - Sawmill Road
- xviii. John Floreske, Jr. - short plat - Meadowland Sub.
- xix. Chilkat Cruises and Tours - roof over existing structures
- xx. Roger Ingledue - residential shop - Small Tracts Rd.
- xxi. Tom Jackson - short plat - Chilkat Trails Road

**b) Enforcement: NONE**

**c) Alaska Cadastral Project Update**

**HANSEN** explained that a GeoNorth programmer installed and programmed Borough hardware this week. The bulk of installation should be completed the following week, and final changes will be made via internet after that. The project is due to be completed before the first of the year.

**9. COMMUNICATION:**

**a. Comments From Sally MCGUIRE Regarding Existing B&B On Lutak Rd**

**HEINMILLER** noted that the Commission made a decision regarding a prior conditional use permit submitted by David **GRAVES**, including public concerns, in a public hearing, though not to the complete satisfaction of all the public. In that decision compromises were made, including limitations to the developer and detail decisions against the desire of some citizens. **CAMERON** noted that some residents still indicate a lack of trust in the developer's testimony, suggesting that a loophole in prior code was used to develop an inappropriate use. In public meetings all public testimony is taken as presented - prior knowledge was hearsay, and the Commission cannot presume guilt

without evidence. Additionally, a prior code language loophole regarding the permissible number of residences per parcel was closed in that same meeting, so it appears that the public hearing process and potential problems were adequately addressed by the Commission.

10. **OLD BUSINESS: NONE**

11. **NEW BUSINESS:**

**a. Lot Line Adjustment Process - Sue FOLLETTI**

**FOLLETTI** said that she owns a large, unsurveyed piece of property in the Mud Bay area, and a simple lot line adjustment will cost a significant amount because a survey will be required to perform the task. Hansen explained the existing two code sections addressing lot line adjustments, which are conflicting. **HEINMILLER** noted that the end result of a lot line adjustment is simple, but the Borough still needs to confirm that changes are made correctly. **GOLDBERG** noted that the Commission often has to deal with conflicting code language. He recommended that the issue be investigated and placed on next meeting's agenda.

**b. "TableMaker - An Alaskan Retirement Community"  
Preliminary Proposal**

Speaking via telephone, **TAVOLIERO** indicated his development plans for his recently-purchased 134 acres, situated just north of Skyline Estates, and he wants it to be a team effort between his corporation, the Borough, and all who will buy into the entity. He said that his investigation of the Comprehensive Plan shows that this project conforms to the assessment and expectations for the area - the growing "baby boomer" population will demand such independent living areas within ten years. He said that the document is really a preliminary proposal, and the purpose for having it discussed by the Commission is to refine it so that it becomes a vital part of the community. He said he'd talked with Lucy **HARRELL**, who is planning an assisted living facility in town, and his proposal would not compete with an assisted living facility - his is an independent living subdivision with full facilities and complete development. Because it is planned as a corporation the Borough would collect taxes on the entire value over time. **GOLDBERG** asked why a retirement facility vs. a residential subdivision? **TAVOLIERO** said that the specific market is being targeted with its specific design features. The process has worked in other areas - make life simpler by planning the design features for the target market, such as single level structures, no stairs, wider hallways, levered door and sink handles, internet, etc. **GOLDBERG** asked what the Tablemaker plan needs from the

Commission. **TAVOLIERO** said that existing Borough documents indicate that the development will be in demand, and he wants the Borough to be one of partners with Tablemaker, other developing landowners in the area, and the expected independent residential development buyers. He noted that the project would be financed by a special revenue bond supported by a special tax assessment on the development. **HEINMILLER** asked about water and potential hydro source. **TAVOLIERO** said that there is a real potential for that, and he's hoping the Borough will perform a hydrological study on Johnson Creek to find out the potential for this. Johnson Creek is not identified by Fish & Game as an anadromous creek, so the project wouldn't have that hurdle. **HALE** asked why residents assured a senior citizen's exemption would participate in the development. **TAVOLIERO** said that the project would be a "Real Estate Investment Trust," and owners would not own real estate but shares of the corporation, which owns the property and is taxable. **GOLDBERG** asked why a retiree would want to own shares in a business instead of owning real property. **TAVOLIERO** said that two benefits come from corporation ownership: 1) shares can increase in value based on the prosperity of the investment, and 2) shareholders get a dividend relative to the prosperity of the corporation. **GOLDBERG** noted that it's a good concept for Haines to have a retirement community, though he noted that Johnson Creek access would definitely be a hurdle to overcome. **TAVOLIERO** said that the project is a scoping report needing community scrutiny to be viable. **HEINMILLER** noted the blasting required to install water and sewer utilities up Skyline Estates and noted it as a potential added cost. **TURNER** mentioned that the Tanani Bay subdivision sewer outfall could handle more customers, but because the Borough isn't embracing management of the outfall **TURNER**'s new subdivisions may not tie into it - costs of private testings are too high to warrant continuing the system, despite its viability and excellence. They'd been expecting the municipality to manage the system once it was dedicated, but that's not happening. He noted that water could probably be taken down the pipeline corridor, but sewer lines should be along Lutak Road, and the upcoming state project would be the best time. **HEINMILLER** thanked **TAVOLIERO** for his proposal and promised future Commission interaction in the next steps in the Tablemaker independent living development.

### c. School Construction Project Update

**HANSEN** presented a 35% construction phase memo from the Borough's contractor along with a georeferenced plat map overlaid on Haines imagery, and it showed the new perimeter of the school, as well as landscaping, traffic flow, and parking.

The observation was made that since the project is continuing there will be more updates on the specifics at a later time.

**12. PUBLIC COMMENT:**

**TURNER** said that he'd been discussing the Stokely's potential rezoning issue in the Industrial/Light Commercial (ILC) zone where both he and Stokelys live. Approximately eight residential properties are not allowed to add onto their residence (even a deck), and if they're damaged more than 65% they cannot be rebuilt. They're basically being zoned out of their residential uses, which are life-limited. He suggested that a specific code language exemption be made for currently residentially-used properties, and the rest of the zone would continue operating within zoning regulations. Although dedicated industrial areas are necessary and valuable why devalue the residential properties so severely? There aren't enough industrial property sales to justify limiting the residential uses of the properties. **HEINMILLER** suggested deed covenants. **GOLDBERG** noted that he would like to see maps showing the residentially-used properties in the ILC zone.

**TURNER** said that in a former meeting the Commission had placed their rock pit on the agenda and then taken action on the item. He said that in his understanding that tactic is avoiding the public process because the **TURNERS** couldn't have known that the issue would be on the agenda, so they couldn't comment. Even though there were no official complaints made to the Borough and no violations confirmed the issue was re-examined without the **TURNER**'s input, and motions were made at the same time, and that is bad policy for a public entity. **HEINMILLER** noted that action taken involved only suggestions to the Assembly to gain more information on the subject. No policy or permit-affecting decisions were made.

**13. TITLE 18 REVISIONS:**

**a. Rezoning Protest Language**

**M/S GOLDBERG/BROUILLETTE** to recommend that the Assembly adopt the proposed rezoning language as an ordinance.

Motion carried unanimously.

**14. NEXT MEETING DATE:**

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

**15. ADJOURNMENT**

**M/S GOLDBERG/CAMERON** to adjourn.

Motion carried unanimously.

The meeting adjourned at 8:04 pm.  
Respectfully submitted:

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**SCOTT HANSEN**, Haines Borough Planning and Zoning Tech II