

**HAINES BOROUGH PLANNING COMMISSION  
REGULAR MEETING MINUTES  
APRIL 12, 2005**

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

Present: Jim **STANFORD**, Lee **HEINMILLER**, Bill **STACY**, Harriet **BROUILLETTE**, Rob **GOLDBERG**, Bruce **HALE**

Absent: Bob **CAMERON**

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

Visitors: Sally **MCGUIRE**, Anthony and Lori **CRUPI**, Tim **MCDONOUGH**, Gordon **WHITERMORE**, Ira **HENRY**, Mike **CASE** (Borough Mayor)

**15. APPROVAL OF AGENDA**

**M/S STACY/GOLDBERG** to amend the agenda by moving the Ricker discussion to 10b. and adding the Tlingit Park Recreation Project, ACMP, and Charter language items. The Public Comment period was also moved up.

Motion carried unanimously.

**16. APPROVAL OF MINUTES - March 17, 2005 regular meeting**

**M/S GOLDBERG/STACY** to approve the above minutes, with minor corrections.

Motion carried unanimously.

**17. PRESIDING OFFICER REPORT:**

**STANFORD** welcomed **HALE** to the Commission. **CASE** said he would swear in **HALE** at a later date.

**STANFORD** said that the Assembly had

**12. PUBLIC COMMENT:**

**WHITERMORE** complained that the Assembly hadn't handled the helicopter issue correctly, and it was the Mayor's fault. He expressed frustration that the Planning Commission wasn't leading the Borough in this planning issue. **GOLDBERG** patiently explained that the Commission recommended that the Assembly to adopt the SUD but have Title 5 permitting take the lead on

regulating tour operators, and land use permitting could take on appropriate portions of that use. Then the Assembly made their decision from that point forward.

**18. PUBLIC HEARINGS:**

**a. Conditional Use Permit Request - Bed & Breakfast - GRAVES**

**Graves** teleconferenced in, and the discussion began. He said that he established a single family residence, and now he intends it to be a bed and breakfast. **HANSEN** agreed that the process had taken that direction. He wants to operate 5-6 months of the year as a business.

**STANFORD** opened the public hearing at 6:26pm. **MCDONOUGH** asked why graves has applied now and not at the beginning. Graves said that he had changed his mind. **MCDONOUGH** noted a building missing from the site plan, and **HANSEN** said it was an oversight and will be added. **CRUPI** said that the building is not in compliance because it's not a guest house - this should be enforced with a monetary fine. Also, B&Bs need to be owner-occupied. He also recommended bear-proof garbage containment. **MCGUIRE** noted that she was an old Lutak Land Use Service Area member and made the code language as plain as possible. The code should reflect that "one single family dwelling" is the intent of the code. She suggested contacting all surrounding property owners and having them approve the development. **STANFORD** closed the public hearing at 6:38pm.

**GOLDBERG** related to the difficult situation that code writers have when trying to craft seamless ordinances - somehow a crack gets found, and the intent of the code is avoided by developers. **HANSEN** explained how the Lutak code language doesn't have "B&B" but "lodging house" instead and there had been some confusion over the language. **HALE** recommended a limit to client volume. **HEINMILLER** noted that the original structure shouldn't be allowed to handle overflow clients. **STANFORD** noted Puckett's response and wondered what the residents could live with. **MCGUIRE** suggested that the lot is too small to accommodate two buildings.

**M/S STANFORD/HEINMILLER** to renew the permit with the following stipulations:

1. Three guest rooms only in the facility.
2. A fulltime manager must reside in the building to oversee operations when guests are using the facility.
3. Bear-proof garbage management.
4. No further additions to the first house while the Bed and Breakfast is in operation on this property.

**CASE** wondered if limiting the B&B to summer only would have negative effects, particularly when the economy is low.

Motion carried unanimously.

**M/S GOLDBERG/STANFORD** to recommend the following code language to the Assembly:

***C. Lutak Inlet Planning/Zoning District.***

***3. Rural residential zone.***

***a. Purpose. This zone is intended to provide for the establishment of a rural residential area allowing for one single-family dwellings per lot- and cottage industries.***

***b. Applicability. This zone applies to all lands within Lutak Inlet Land Use Planning and Zoning District excluding those within the riparian 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 dwellings per lot;***
- (2) Guest houses;***
- (3) Cottage industry;***

Motion carried unanimously.

**19. STAFF REPORT:**

**Land Use Permits:**

- i) Larry Wilkins - garage and shop - SR
- ii) Sarah Posey - studio - SR
- iii) Donny Braaten - animal husbandry - RMU
- iv) Fred Folletti - temp commercial trailer - C
- v) Don Turner - boat ramp - W

**a. Enforcement: NONE**

**b. Plats: NONE**

**c. Alaska Cadastral Project Programming RFP Progress**

**HANSEN** explained that Requests for Proposals were received, and the Assembly awarded contract approval to GeoNorth LLC to program the website by Dec 31, 2005. **HANSEN** will be working to get the contract out within the next couple weeks.

**20. COMMUNICATION: NONE**

**21. OLD BUSINESS**

**a. Ice House**

**HANSEN** said that bids are going out, and the ice house placement needs to be discussed and reviewed for planning issues. The exact design is not known, but the general location is, and issues such as parking, traffic flow, facilities, and consistency with the HCMP need to be analyzed by the Commission.

**M/S STANFORD/GOLDBERG** to gather plan and elevation drawings for the icehouse immediately from Robert Venables.

Motion carried unanimously.

**b. Ricker Discussion**

**STANFORD** said that the Assembly upheld the Commission's denial of Ricker's zoning request. They did, however, request that the Commission consider a way to allow a duplex in this area. **GOLDBERG** noted that a simple conclusion would be to make a duplex a "CU" in the SR zone. **HANSEN** suggested that an accompanying zoning definition would be necessary because one of the few things the SR zone protects is the "single" nature of housing. **STACY** said that a CU for duplexes is a pretty sweeping ordinance change for all areas with the SR zoning. He suggested using the Multiple Residential (MR) zoning in this area. **STANFORD** noted that the Rickers were offered the ability to have a duplex, but they denied it, saying they wanted "Commercial" zoning. **HALE** noted that the Rickers, upon leaving the Assembly meeting, asked if they could continue "business as usual", and got a general positive answer, which could mean anything and be unenforceable. **CASE** said he would send a letter to the Rickers informing them of the laws governing "business as usual" within their existing land use zone.

**M/S HALE/STANFORD** to recommend to the Assembly that the SR zoning be changed to MR zone from View and 4<sup>th</sup> along Lynnvue street and then back down Young Road/2<sup>nd</sup> Avenue.

**HANSEN** noted that this is the entire block involving Lynnvue Subdivision.

Motion carried unanimously.

**12. NEW BUSINESS:**

**1. Fort Bathroom Facility Roof Replacement**

**HANSEN** explained that Public Works needs to repair the roof on the fort bathroom facility next to the remaining barracks building, and they suggested a blue metal roof like two other fort residences. **HEINMILLER** noted that those buildings are nonconforming, and new roofs like that are not allowed.

**M/S STANFORD/STACY** that the Borough reinstall a composition type roof compatible with existing re-roofed fort structures.

Motion carried unanimously.

**m. Zoning Protest Language**

The Commission brought **HALE** up to date on the zoning protest problem with the charter. Since so much time is left to deal with the issue it was laid aside until another meeting.

**n. Tlingit Park Recreation Project Survey**

**HANSEN** explained that enough resident concern was noted by the administration that a request was made to place it on the agenda in case there was a desire for discussion. **HEINMILLER** said that an improved ROW will improve traffic patterns in town. **HANSEN** said that the surveyor is in town now and will stake the curve in the road for all to see.

**M/S STANFORD/STACY** that the current Tlingit Park Recreation Project survey in process by Mullin Surveying has passed public approval by the Planning Commission.

Motion carried unanimously.

**o. Haines Coastal Management Plan (HCMP) State Comments**

**HANSEN** said that state entities have commented on the HCMP, and two items have risen to the surface:

1. Portage Cove AMSA - does Haines want to revamp that portion of the HCMP, or is it handled adequately with Title 29 municipal zoning authority? General consensus noted that zoning regulations can manage this aspect of the AMSA.

2. Streambank setbacks - HCMP requires 50 feet, and zoning code requires 25 feet minimum setback, and we can't have both. **STANFORD** said that 25 feet would be the most consistent.

**12. PUBLIC COMMENT: NONE**

**13. TITLE 18 REVISIONS: NONE**

**14. NEXT MEETING DATES:**

- a. **Regular Meeting** - Thursday, May 12, 2005, 6:00pm in the Assembly Chambers.

**15. ADJOURNMENT**

**HALE** commented that **WHITERMORE's** language and quality were inappropriate for the meeting. **HANSEN** agreed, saying that thereof his children had been present at the last Assembly meeting, and they don't need to be assaulted by someone else's lack of self control in a public meeting under the authority of the Borough. **STACY** noted that the chair has authority to limit such comments. **STANFORD** noted that **WHITERMORE** was venting, but he'll begin controversial issues with a statement that reaffirms that all must discipline themselves to be heard in a public meeting.

**STANFORD** noted that a communication issue had brought the Commission and Assembly into a deep discussion lately about communication coming from the Commission: is it independent of the Assembly, or is the Commission an autonomous body? **STANFORD** said that since the body is defined by Title 29 it cannot be censored by the Assembly and is a good check and balance for the Borough. **HANSEN** noted that the voice from Haines needs to be singular - credibility is at stake.

**M/S STACY/HEINMILLER** to adjourn.

Motion carried unanimously.

The meeting adjourned at 9:00 pm.

Respectfully submitted:

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