

**HAINES BOROUGH PLANNING COMMISSION  
REGULAR MEETING MINUTES  
June 19, 2007**

1. **CALL TO ORDER:** 6:30pm by chairman **HEINMILLER**.
2. **PLEDGE TO FLAG**
3. **ROLL CALL:**

Members present: Harriet **BROUILLETTE**, Rob **GOLDBERG**, Lee **HEINMILLER**,  
Jack **SMITH**, Don **TURNER III**

Absent: Kathleen **MENKE**, Dawne **THOMSEN**, Deborah **VOGT** (Borough  
Assembly liaison)

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

Visitors: Alison **JACOBSON**, Ponda **DENNIS**, Stephen  
**SMITH**, Tim **MCDONOUGH**, Tom **MCGUIRE**, Don **TURNER**, Jr., Dave **BERRY**  
(Chilkoot Indian Association), Ryan **COOK** (Chilkoot Indian  
Association), Gary and Juanita **LIDHOLM**, Chris **SCHEL**B (Chilkoot  
Indian Association), Ken **KLINGER**, Joe **JACOBS**, Tom **MORPHET**, Joanne  
**WATERMAN**, Phyllis **SAGE**

4. **APPROVAL OF AGENDA**

**M/S GOLDBERG/BROUILLETTE** to approve the agenda as submitted.

Motion carried unanimously.

5. **APPROVAL OF MINUTES:**

A. **May 10, 2007 Regular Meeting Minutes**

**M/S GOLDBERG/SMITH** to approve the minutes as submitted.

Motion carried unanimously.

B. **May 15, 2007 Joint Meeting Minutes with Tourism Advisory  
Board**

**M/S TURNER/SMITH** to approve the minutes as submitted.

Motion carried unanimously.

6. **PUBLIC COMMENT:**

A. **Former Lutak Land Use Service Area Rezoning Proposal**

**MCDONOUGH** and **MCGUIRE** suggested rezoning the upper Chilkoot  
River corridor to restrict the potential for land subdivision.

**M/S GOLDBERG/BROUILLETTE** to place the issue on the July meeting  
agenda for discussion under New Business.

Motion carried unanimously.

Chris **SCHEL** spoke in response to a native concern regarding the **JACOBSON** Conditional Use Permit review. He asked if the Borough had anticipated all necessary Army Corps of Engineers (ACOE) permitting requirements and had a letter of concurrence. **HANSEN** said that the development falls outside known areas of regulation by the ACOE for fill placement. A tighter regulation for the Borough is the National Flood Insurance Program regulations, which limit development within the 100-year flood elevation, which is the 25-foot elevation from MLLW. **JACOBSON**s propose fill only above the 100-year flood event line.

**SCHEL** asked if the Alaska State Historic Preservation Office (SHPO) had been contacted regarding the archaeological significance of is area, documented in the Alaska Heritage Resource Survey. This Survey documents historic structures and also land used long ago. **HANSEN** said that SHPO hasn't been contacted regarding this development. Other regulations exist for state and federal agencies, and though the Borough doesn't enforce such regulations an attempt is made to bring those issues to light through the permitting process.

**SCHEL** asked if the overall Boat Harbor plan was considered in the **JACOBSON** permit. **HANSEN** said the issue has been discussed, but development is up to the private landowner regardless of other future projects that may jeopardize their current development.

Joe **JACOBS** said that he wasn't interested in having snow fall from **JACOBSON**'s development onto his property.

**7. CHAIRMAN'S REPORT:**

**A. Tent structure on PC Dock**

**HEINMILLER** said that the PC has been asked to comment on a tent-type structure on Borough land next to the PC dock. It would be used to support tourism staff in rainy conditions. **HEINMILLER** noted that **THOMSEN** had shared her viewshed objections to the structure if it stayed up for more than 12 hours, at which point she recommended that it be dismantled.

**M/S BROUILLETTE/TURNER** to allow the Tourism Advisory Board use of a temporary tent structure next to the Port Chilkoot dock until the proposed restroom facility is constructed.

Motion carried unanimously.

**B. Haines Coastal Management Plan (HCMP) Boundaries**

**HANSEN** said that the Assembly is interested in a cost/benefit description for expanding boundaries and wanted input from the Commission. **HANSEN** said that, based on recent research, the Borough

will receive no larger funding amount and currently comments on areawide coastal management issues. However, no enforceable policies exist outside the current area, so comments do not have authority outside the Townsite Area to protect valuable areas. However, an Alaska Coastal Management Program (ACMP) grant option is available to perform a scoping report. **HANSEN** said that an abstract has been submitted to ACMP for funding for this scoping report. Through this grant the Borough would hire a contractor to research existing data for all regions within the Borough outside the Townsite Area. From this data a scoping document would be produced planning a more complete study of resources within the rest of the Borough for consideration as the Borough considers expanding the HCMP boundaries. Enforceable policies would be proposed for areas outside the current boundaries, and another grant application could be made for grant funds to alter the current HCMP to reflect areawide boundaries.

The commission expressed overall interest in the grant option for a HCMP boundary expansion. **HEINMILLER** noted that the Juneau Access Environmental Impact Statement could be part of the data to gather for the scoping report.

## 8. PUBLIC HEARINGS:

### A. Long Plat - Tanani Bay III Subdivision

**HANSEN** introduced the proposed project to the Commission. **Don TURNER, Jr.** proposes to add eight more lots to the existing Tanani Bay subdivision. The development requires about 700 more feet of roadway which would be developed by **TURNER**. Road grades are all less than 10%. All lots have reasonable physical and legal access. Electric, phone, and wastewater utilities are proposed for the right-of-way. The subdivision would tie into the existing outfall below the tide and require participation in that system.

7:08pm PUBLIC HEARING OPEN

**HEINMILLER** said that he and Borough staff had reviewed the site and said that good ground stability and slopes exist for each lot. **TURNER** said that neighbor Margaret **MOCK** is willing to work toward a later loop to the south and back to Lutak Road, so the plat shows a terminated roadway without a cul-de-sac in anticipation of that understanding. **HEINMILLER** noted that the code requires culs-de-sac for the ends of all roads. **BROUILLETTE** asked about the wastewater system. **TURNER** said that he personally monitors the outfall effluent and submits regular reports to the state as part of a permitting agreement - the outfall emits "graywater" quality effluent. **BROUILLETTE** stated that red ribbon seaweed is collected in the tidal area around the outfall. **LIDHOLM** asked about utilities and asked if they might be underground for the sake of the fine view. **TURNER** said that they're planned overhead, which can be 20% of the cost of underground installations. **TURNER** said he'd be removing the pipeline where it crosses Mink Creek at the end of Mink Drive. He said he

wasn't interested in Single Residential Zoning for the area. He also said there would be no negative drainage effects to area landowners.

7:27pm PUBLIC HEARING CLOSED

**M/S BROUILLETTE/GOLDBERG** to approve the Tanani Bay III subdivision preliminary plat with a cul-de-sac added to the end of Mink Drive, with a simplified vacation process to allow the loop to be easily surveyed in.

Motion carried, **TURNER** abstaining.

Recess 7:32-7:36

**B. Setback Variance- Thomas Williams, Sr./Chilkoot Indian Association**

**HANSEN** explained the proposed permit as a combination lot line vacation and single family residence requiring a setback variance.

7:40pm PUBLIC HEARING OPEN

Dave **BERRY** explained in depth the complexities of funding and permitting and said that several years of federal Bureau of Indian Affairs (BIA) funding is approved, and the project has specific square footage limitations. The existing structure is 115 years old and cannot legally be removed, so a new structure must be squeezed into the existing parcel, which has required a lot line vacation. After much time spent maneuvering the house on the property the best situation still involves a 20" encroachment into the setback. **DENNIS** spoke in favor of the setback variance.

**M/S SMITH/TURNER** to approve the setback variance request as submitted.

**GOLDBERG** read through the six specific criteria for variances, all of which must be complied with before approval. He noted that this is the 7<sup>th</sup> or 8<sup>th</sup> variance request for small properties. Platting began 100 years ago, and setbacks were designed in the 70s. The Borough needs to resolve inconsistencies within the code.

The motion carried unanimously.

8:51pm PUBLIC HEARING CLOSED

**9. STAFF REPORT:**

- **Enforcement - HANSEN** reported that a sidewalk on 65 Union Street had been repaired satisfactorily.
- **Land Use Permits - HANSEN** recounted the following permits:

	DATE	OWNER	Parcel Number	Subdivision	Development
07-14	5/9/07	Fairgrounds			ballfield
07-15	5/9/07	Leah Davenport	C-STR-02-1210	Small Tracts Road	driveway, fence
07-16	5/18/07	Ervin Atkins	C-TNS-11-0100	5th and Dalton	site prep
07-17	5/22/07	Ed Hays	C-STR-03-26C0	24 McPhetres Rd	COU - SFR to duplex
07-18	5/23/07	Jennifer Ford	C-HGL-04-0500	874 Highland Dr	SFR
07-19	5/24/07	Jim Jurgeleit	C-TNS-18-0200	624 Union St	SFR addition
07-20	5/24/07	Doug Gibbs	3-MLR-00-0700	Mosquito Lake Road	splat
07-21	6/1/07	Ed Nelson	C-SKY-0A-0600	1033 Young Road	garage
07-22	6/1/07	Phyllis Sage	C-TNS-03-0500	350 Main Street	COU - residential to retail
07-23	6/4/07	Jon Hirsh	C-HGL-04-0300	Highland Estates	SFR
07-27	6/7/07	Lee Clayton	C-YNG-05-0300	Young Sub	SFR

**10. COMMUNICATION:**

**A. Assembly Action Request - Public Use and Access Plan**

**HEINMILLER** said that the plan discusses many areas in the Townsite Area, including waterfront planning. He noted that bathrooms should be located by the dock, and the Public Use and Access Plan suggests stairs to connect the bathrooms to the beach for safety reasons. **GOLDBERG** said that the Boat Harbor project isn't discussed in the Plan, and with the inevitable changes a copy of the final Boat Harbor design would be most helpful. Whenever final changes are made they'll greatly affect waterfront uses in Port Chilkoot. Handling private land ownership will be a significant issue in the project. **HEINMILLER** said that large amounts of clay offshore were known to the Corps of Engineers designers when the existing boat Harbor was put into place and shouldn't have been such a surprise to the point that the whole project is on hold. He said that no adequate road access exists for the current design, and the final design is still pending.

**HEINMILLER** suggested that Commissioners whittle down the issues raised by the Waterfront Public Use and Access Plan to a few major ones. He recommended three topics for the next meeting: Boat Harbor and Public Access Improvements. **GOLDBERG** said that rezoning the waterfront area could happen, but the final Boat Harbor project design is a big unknown. **HEINMILLER** noted that there is a Transportation Task Force working for the Assembly. **GOLDBERG** noted the Public Use and Access Plan's concept of a boardwalk going from the PC dock to

Nukdik Point, but unknowns surrounding the Boat Harbor Project make it impossible to plan until a design is known. **HEINMILLER** said that Commission ideas will be discussed at the next meeting.

**B. Assembly Action Request - Oslund Drive Extension**

**TURNER** said that three options exist relative to this issue: 1) negotiate with landowners, 2) condemn the properties, or 3) leave the issue alone. **HEINMILLER** noted that at last meeting Debra Schnabel and Dave Ward were willing to consider an extension of Mathias Road. **TURNER** said that long-term road planning is important. **SMITH** noted that the borough is not obligated to continue service to Egolf's because that property has never granted legal access to the Borough for Oslund Drive.

**M/S GOLDBERG/TURNER** to recommend that the Borough 1) approach affected landowners about extending Mathias Street, and 2) approach affected landowners about extending Oslund Drive.

The motion carried unanimously.

**C. Assembly Action Request - Planning Fee Schedules**

**HEINMILLER** said that the Commission didn't approve all the permit fee rate increases, and the Assembly has sent back platting and the "After-the-fact Fee" for reconsideration. The issue was tabled until July when the Commission can take a closer look at the fee schedule table submitted at the February meeting.

**11. OLD BUSINESS:**

**A. Conditional Use Permit - Alaska Fjordlines, Inc. Structure**

8:53 PUBLIC HEARING OPEN

**JACOBSON** said that they have submitted a plan to alter the primary use of the structure from commercial to residential and ask for a setback variance. They'd still be supporting the business, which is part of their home business. The land use hasn't really changed, but the direction has - the residential and commercial uses are basically equal, and it could go either way. Food catering, minor maintenance, residence, storage, laundry, office space - it's all blended in a home business. She said that they own the property and pay taxes on it, so they are entitled to building on it, especially if the code doesn't prohibit the use.

**DENNIS** said that the setback laws need to be followed for this development for the sake of the adjacent property. **HEINMILLER** noted **JACOBS'** request to avoid snowdrop onto his property. He also noted that the 15 ft. building separation issue exists regardless of this decision - the issue needs to be resolved. **WATERMAN** asked if state requirements were met by the proposal. **HANSEN** said that state requirements are met, and a little more, by the existing code

expectations. **SMITH** said that some lots in the borough are unbuildable.

**JACOBSON** noted that they have been flexible. The neighbors clearly aren't interested **JACOBSON's** setback variance request. They aren't interested in squeezing the building size down to regular size. She said it sounded like the real issue here is that neighbors don't want anyone to build on their own private property. She said that they pay property taxes and should be able to build. There are other developments in the area - RV park, boat mechanics, restaurant, and even some dilapidated buildings.

9:19 PUBLIC HEARING CLOSED

**TURNER** said that a developer should be able to build on their property. **HANSEN** read the six variance criteria. **GOLDBERG** noted that many narrow properties make for a difficult situation. Snow is a real problem, and snow dams only stop a certain amount with the volume that comes to the area. Also, the 15 ft. building separation complicates things. **BROUILLETTE** said that all six criteria aren't satisfied.

**BROUILLETTE** said that Native Allottees need to be contacted for the public hearing. **HANSEN** said that all landowners in the Borough land ownership database were contacted. **BROUILLETTE** said that Tlingit & Haida and the Chilkoot Indian Association are resources to find ownership of Native Allotment lands.

**M/S GOLDBERG/BROUILLETTE** to deny the variance request for the following reasons: 1) the lot size is not unique to area properties within the same zone, 2) snow will drop onto adjacent properties with a 4 ft. setback, 3) a 4 ft. setback will further limit adjacent owners' future development because of the 15 ft. building separation distance.

Motion carried unanimously.

**GOLDBERG** noted the apparent inconsistencies in the code, particularly regarding setbacks. **HEINMILLER** agreed.

**B. Road Standards**

**HEINMILLER** said that overly wordy areas need to be identified for the July meeting.

**C. Property Acquisition - Karns Property near Portage Cove**

**HEINMILLER** noted that a road right-of-way exists adjacent to the Karns property and, if vacated, would increase the value of the lot.

**M/S TURNER/SMITH** to recommend to the Assembly to pursue the purchase of the **JACOBSON** lot for public beach access rather than the Karns property.

**GOLDBERG** noted that the Waterfront Public Use and Access Plan supports this choice.

Motion carried unanimously.

**M/S TURNER/BROUILLETTE** that the Haines Borough not purchase the Karns property.

**BROUILLETTE** suggested that the money is better spent on waterfront properties. **SMITH** agreed. **HEINMILLER** noted that utilizes are not completely available at this lot. **GOLDBERG** said that the lot is too far from the PC dock to be practical. It also would add to pedestrian traffic across Beach Road.

Motion carried unanimously.

12. **NEW BUSINESS:**

13. **TITLE 18 REVISIONS:**

14. **COMMISSION COMMENTS:**

15. **NEXT MEETING DATE:**

Regular Meeting - Thursday, July 12, 2007

16. **ADJOURNMENT**

The meeting was adjourned at 10:03pm.

Respectfully submitted:

---

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