

**HAINES BOROUGH PLANNING COMMISSION
REGULAR MEETING MINUTES
SEPTEMBER 9, 2004**

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

Present: Harriet **BROUILLETTE**, Rob **GOLDBERG**, Lee **HEINMILLER**,
Scott **ROSSMAN**, Bill **STACY**, Herb **VANCLEVE**

Absent: Jim **STANFORD**

Staff Present: Mayor Mike **CASE**, Administrative Assistant Scott
HANSEN

Visitors: Thom **ELY**, Patricia **BLANK**, Nancy **BERLAND**, Carolyn
WEISHAHN

15. APPROVAL OF AGENDA

GOLDBERG suggested that the consent agenda process be lifted and the staff report be expanded for each meeting. All agreed.

M/S STACY/GOLDBERG to approve the agenda.

Motion carried unanimously.

16. APPROVAL OF MINUTES - August 26, 2004

M/S GOLDBERG/STACY to approve the August 26, 2004 minutes.

HEINMILLER noted that his land use permit within the SSA to enlarge a boiler room was being performed in a non-historical structure, though it was to be constructed to look like the historical fort structures.

Motion carried unanimously as amended.

17. PRESIDING OFFICER REPORT: NONE

18. PUBLIC HEARINGS: NONE

19. STAFF REPORT:

HANSEN said that the list shown on the agenda was incorrect, and with the Commission's approval would add this month's

development report to next month's. Commissioners voiced their assent.

20. COMMUNICATION: NONE

21. OLD BUSINESS

a. Heliskiing Special Use Designation (SUD) Regulations

CASE said that at last meeting he'd report back on DNR commissioner Tom **IRWIN**'s comments on whether or not the state would support limitations on winter heliskiing operations. He indicated that they'd gotten as far as trading answering machines and said that he'd continue the attempt to contact **IRWIN**, as personal discussion often brings better communication in these situations than written statements.

GOLDBERG noted that the SUD has two different types of regulation: tour permitting and land use permitting. He suggested making a zoning overlay for the regions and then add appropriate language to zoning code or Title 5 Tour Permit code as necessary. **HANSEN** said that heliskiing uses can qualify as land uses, with impacts such as noise, fuel storage, and other impacts affecting others' private properties. **CASE** agreed, noting that much hinges on whether the state agrees to participate with the Borough's regulations. They would still issue a permit for the use, but the SUD regulations wouldn't be part of the requirements. **BERLAND** suggested the state's unimplemented permit process be used to provide the specific details to enforce the SUD regulations. **GOLDBERG** suggested that the PC not change any language because a tremendous amount of energy and public participation went into the formation of the SUD. **CASE** agreed, noting that the Borough would need to properly apply the SUD language into the proper sections of Borough code. **HEINMILLER** suggested adopting the SUD by reference, much like the separate SSA design regulations must be used and are mentioned by name in land use code. Alaska Fire Marshal and DEC regulations are also mentioned by reference. **HANSEN** noted that a reference could be added to HC 18.60.020 "Specific Criteria" to accomplish this task.

ELY brought up the topic of enforcement and suggested that the Borough require that GPS landing point reports to determine where the helicopters put down, thereby ensuring that they stayed within the appropriate boundaries. **CASE** noted that the most efficient enforcement process would be the business license stage of permitting. **BROUILLETTE** said that all tour operations

should be treated the same way. **HEINMILLER** began a discussion about the scope of "land use" by heliskiing - he said that the SUD only references the touchdown point where the skiers hop out of the helicopter. **CASE** reminded the Commission that the Assembly had not kept alive the former Commission recommendation establishing a "Commercial Recreation" zone with a Conditional Use permit process for all heliports. Since that proposed ordinance died heliskiing regulations do not exist in the Borough, and the public voted for a managed heliskiing industry. **GOLDBERG** noted that it might be possible to go back to the drawing board and estimate which areas the Assembly might approve - perhaps a Devil's Elbow site. **CASE** said that option had been discussed by the Assembly. **ROSSMAN** suggested multiple areas to spread out impacts to a single area. **ELY** suggested that the helicopter regulation be year-round. **HEINMILLER** restated that the SUD shouldn't be changed because so much public input brought it to this point. **ELY** suggested that heliskiing operations be required to submit a tour permit. **HEINMILLER** suggested requiring a tour permit for heliskiing and cross-referencing the tour permit in the land use regulations. **ROSSMAN** agreed. **VANCLEVE** said that the assembly needs specifics, and perhaps the SUD might be in the Comprehensive Plan. **ELY** suggested that regulations should be in place by January 1, 2005, to be useful for the upcoming winter season.

M/S GOLDBERG/BROUILLETTE that the Commission recommend that the Assembly adopt the SUD language for heliskiing tours and that the SUD language be incorporated into 18.60.020(N) "Heliskiing Operations".

It was established that Borough zoning regulations involve state land, and Title 29 municipal authority should hold sway. **HEINMILLER** suggested that zoning regulations might bring the Borough revenue if timber sales required a fee. **BLANK** noted that in the state's letter explaining their reasons for dropping the SUD language they suggested that the Borough's zoning regulations could be used for heliskiing operations.

GOLDBERG amended the motion, with assent by **BROUILLETTE**, to state that the Commission recommends to the Assembly that the state's heliskiing Special Use Designation (SUD), as referenced in ADL 106939, should be adopted into the Title 5 tour permit process.

Amendment passed unanimously.

Motion carried unanimously.

12. NEW BUSINESS: NONE

12. PUBLIC COMMENT:

BLANK expressed her appreciation for the Commission's loose public comment policy, as opposed to a more regimented public comment process imposed in other meetings.

13. TITLE 18 REVISIONS

1. Rezoning Appeal Process Proposed Language

GOLDBERG expressed interest in what the lawyers had recommended regarding the "severability clause" that may help the Borough sidestep illegal portions of the charter. Unfortunately, the Mayor had left the meeting. **GOLDBERG** said that other municipalities have an array of different approaches to zoning protests. Some don't address the issue at all. Some Assemblies rehear the zoning if protested and make a final decision. Some Assemblies are required to pass the rezoning by supermajority if protested. The Haines Borough has options.

M/S GOLDBERG/ROSSMAN to recommend to the Assembly that the Assembly make the following changes to the charter:

1. As recommended by the Borough attorney, delete sections 8.06 and 8.07 and amend 8.05.
2. provide a process for protest with the final decision resting on the Assembly.

Motion carried unanimously.

m. "Mobile Home" definition

GOLDBERG noted that the "look" has seemed to be the issue up in Skyline Estates, and the major difference between existing regulations is the width of a proposed structure. **VANCLEVE** said that the issue should be handled by a zoning change request. **GOLDBERG** noted that in this case a modular home looked like mobile homes. **VANCLEVE** said that the code won't effectively regulate the "look" of a manufactured home. **HEINMILLER** agreed, noting the wide variety of structures allowed in Skyline Estates, such as a retro-fitted train caboose or a tarpaper shack. There are no specific regulations requiring a certain quality of home in Skyline Estates, so it would be inconsistent to demand specific manufactured home regulations if limitations are not consistent in other areas, such as color or siding or

number of cars in a garage. **VANCLEVE** added that property values don't hinge on the difference between a single wide mobile home and a single wide modular home. The basic issue is that they seek a certain look, and the existing regulations didn't afford that. **HEINMILLER** said that aesthetics should be regulated by covenant referenced by deed. A neighborhood would best enforce such things. **BROUILLETTE** noted that, as requested, the language submitted by staff would prevent this specific situation from happening again in the Skyline area and in the rest of the Single Residential zone.

M/S BROUILLETTE/GOLDBERG to adopt the following land use code language:

"Mobile home" means a detached dwelling designed for human habitation and having complete living facilities; constructed and fabricated into a complete unit at a factory and capable of being transported, on wheels, to the location of use, using its own trailer hitch and its own non-removable steel chassis, identified by model and serial number by its manufacturer, and designed primarily for placement on an impermanent foundation. A mobile home shall continue to be classified as such regardless of its actual placement on concrete or other permanent foundation or removal of wheels, or addition of base skirts, or any combination of the foregoing. A travel trailer or recreational vehicle is not a mobile home.

"Modular home" means a building constructed as a prefabricated or assembled unit constructed at a place other than the building site, which is meant to be moved to a site, removed from its transporting frame, and placed on a permanent foundation.

HEINMILLER said that further restrictions can come from the rezoning process.

Motion carried unanimously.

14. NEXT MEETING DATE

- a. Regular meeting - Thursday, October 14, 2004, 6:00 pm in the Assembly Chambers

15. ADJOURNMENT

M/S STACY/ROSSMAN to adjourn.

Motion carried.

The meeting adjourned at 7:58 pm.

Respectfully submitted:

Scott **HANSEN**, Haines Borough Administrative Assistant