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OCT 27 2023



Haines Borough

Planning and Zoning

103 Third Ave. S., Haines, Alaska, 99827

Telephone: (907) 766-6401 * Fax: (907) 766-2716

HAINES BOROUGH CLERK'S OFFICE

LAND USE PERMIT APPLICATION

\$50 Non-Refundable Fee

Permit #

I. Owner/Authorized Representative		Owner's Contractor(If Any)	
Name:	PORT CHILKOOT RENTALS LLC	Name:	N/A -> SELF
Mailing Address:	PO BOX 508, HAINES, AK	Haines Borough Business License #:	
Contact Phone: Day	907-419-0399	Alaska Business License #:	
Contact Phone: Night		Contractor's License #:	
Fax:		Mailing Address:	
E-mail:	FORSTERKEVINAK@GMAIL.COM	Contact Phone: Day	
		Contact Phone: Night	
		Fax:	
		E-mail:	

II. Property Information

Property Tax ID #: C-PTC-0C-0600

Size of Property: 0.22

Site Street Address: (If Any) 16 FORT SEWARD DR.

Legal Description: Lot (s) 6 Block C Subdivision PORT CHILKOOT

OR Parcel/Tract _____ Section _____ Township _____ Range _____

[Attach additional sheets if necessary.]

Zoning: Waterfront Single Residential Rural Residential Significant Structures Area Rural Mixed Use Multiple Residential Heavy Industrial Waterfront Industrial Commercial Industrial Light Commercial Recreational Mud Bay Zoning District Lutak Zoning District General Use

III. Description of Work

Type of Application	Project Description	Water Supply	Sewage Disposal
(Check all that apply) <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial _____ sq. ft. _____ seating capacity if eating/drinking establishment <input type="checkbox"/> Industrial <input type="checkbox"/> Church <input type="checkbox"/> Other _____	(Check all that apply) <input type="checkbox"/> Single Family Dwelling <input checked="" type="checkbox"/> Change of Use <input type="checkbox"/> Multi-Family Dwelling Total # of Units _____ <input type="checkbox"/> Cabin <input type="checkbox"/> Addition <input type="checkbox"/> Accessory Structure <input type="checkbox"/> Other _____ SINGLE -> DUPLEX	Existing or Proposed <input type="checkbox"/> None <input type="checkbox"/> Community well <input type="checkbox"/> Private well <input checked="" type="checkbox"/> Public Water <input type="checkbox"/> Other _____	Existing or Proposed <input type="checkbox"/> None <input type="checkbox"/> Septic Tank <input type="checkbox"/> Holding Tank <input checked="" type="checkbox"/> Public Sewer <input type="checkbox"/> Pit Privy <input type="checkbox"/> Composting Toilet <input type="checkbox"/> Other _____

Estimate Cost of Work: < \$100K

Land Use Requested For: REMOVE FROM SINGLE FAMILY TO DUPLEX
 (Describe the project, and use additional sheets if necessary)

Required Attachments: Site plan (see Attachment A)
 \$50 Non-Refundable Fee (Checks must be made payable to the Haines Borough)

Per HBC 13.08.100 and 18.60.010, If a property on which a use is proposed is within 200 feet of an existing, adequate public water and/or sewer system, the developer shall be required to connect to the public systems. Failure to connect will result in a minor offense subject to penalties.

ALL WORK TO BE PERFORMED
WITHIN EXISTING STRUCTURES' FOOTPRINT.

ATTACHMENT A

SITE PLAN REQUIREMENTS

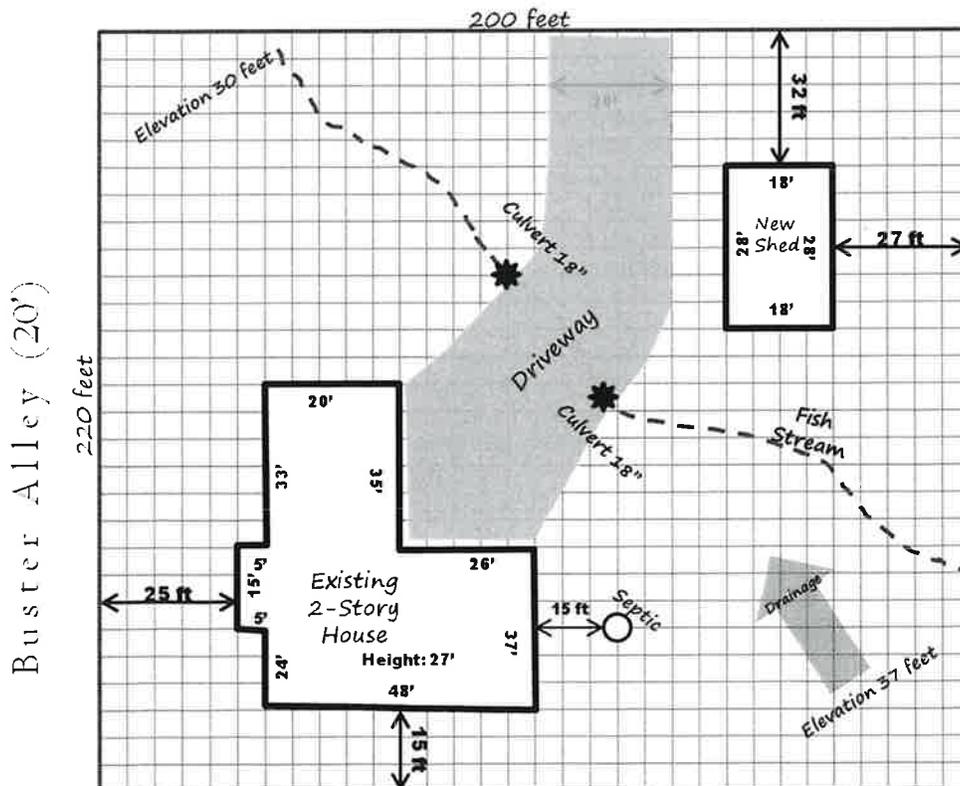
1. Drawing showing dimensions of all buildings, including elevations, of lot on which activity/use/construction is planned.
2. Existing streets, alleys, sidewalks, driveways, easements, including widths.
3. Existing buildings/structures on the property, their location, dimension and proximity to lot lines or other structures. (Measured from closest point on structure to other lot lines, structures, etc.)
4. Proposed construction—including location, dimensions, and proximity to lot lines or other structures. (Measured from closest point on structure to other lot lines, structures, etc.)
5. Existing and proposed non-building improvements, including surface water drainage plan, driveway placement, culvert(s), off street parking (location and dimensions), on-site water and/or wastewater handling systems.
6. Shore lines, steep slopes, or other evidence of natural hazards.
7. If zero lot line construction proposed, show plan for handling snowdrop onto adjoining properties.

It is strongly recommended that an as-built survey be performed prior to submittal of the application.

EXAMPLE SITE PLAN

John Doe Property Tax ID X-XXX-XX-XXXX

Ripinsky Street (60')



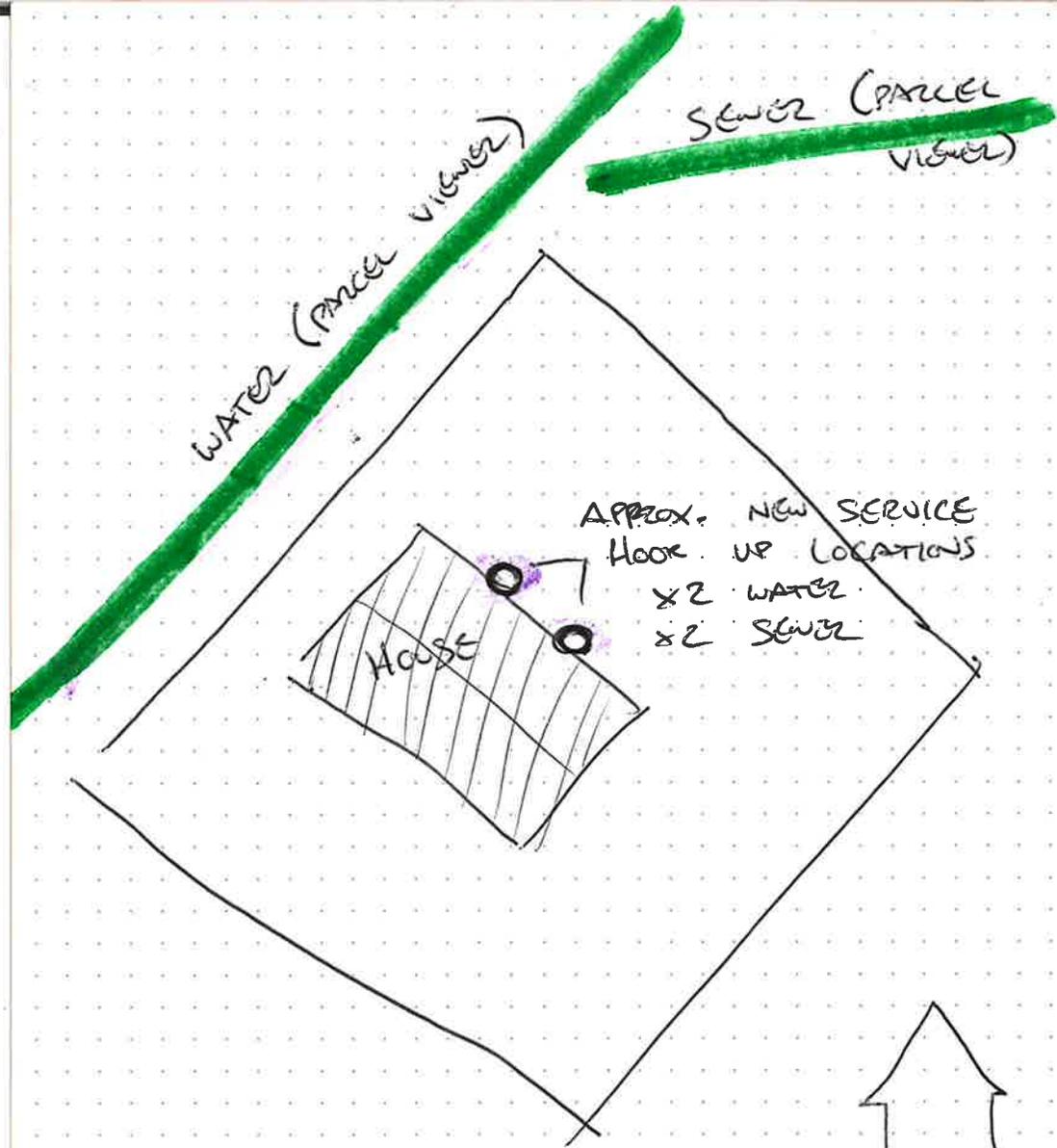
APPROVAL CRITERIA

See HBC 18.60.010 for more information.

- A. **Plans.** The proposal is substantially consistent with the borough comprehensive plan and other applicable borough-adopted plans.
- B. **Reviewing Parties.** Due deference has been given to the comments and recommendations of reviewing parties.
- C. **Fire Safety and Emergency Access.** As determined by the State Fire Marshal or the borough fire chief.
- D. **Access.** All lots on which development is planned are required to have legal road access completed to borough standards.
- E. **Traffic.** The proposed use shall not overload the existing street system with traffic or result in unsafe streets or dangers to pedestrians.
- F. **Public Maintenance.** The proposed use shall not significantly increase the impact on the surrounding area from glaciation or drifting snow and shall not create significantly increased difficulty for snow removal or street maintenance.
- G. **Foundation.** All buildings intended for residential or commercial use shall be placed on a permanent foundation.
- H. **Parking.** See parking requirements in HBC 18.80.040.
- I. **Utilities.** If property on which a use is proposed is within 200 feet of an existing, adequate public water and/or sewer system, the developer shall be required to connect to the public systems. All regulations of the State Department of Environmental Conservation pertaining to water extraction and wastewater disposal, as well as the requirements of HBC 13.04.080(G) pertaining to on-site wastewater disposal, shall apply.
- J. **Drainage.** The applicant for a proposed use shall provide for the control of runoff during and after construction. All roads and parking areas shall be designed to alleviate or avoid runoff into public streets or adjoining lots and to protect rivers, lakes and streams from pollution. Developers may be required to provide for the conservation of natural features such as drainage basins and watersheds, and provide for land stability.
- K. **Walkways, Sidewalks and Bike Paths.** Easements for pedestrian access or bicycle paths may be required where shown by the borough to be necessary to provide reasonable circulation or access to streams, lakes, tidewater, schools, playgrounds, transportation facilities or other public facilities.
- L. **Construction Guarantees.** The borough may require the posting of a bond or other surety approved by the assembly to ensure that all required and necessary improvements are constructed as approved. The surety may provide for partial releases upon acceptance of the improvement by the borough.
- M. **Peak Use.** The peak use characteristics are the same as surrounding uses or other uses allowed in the zone.
- N. **Off-Site Impacts.** The proposed use shall not have significant negative impacts on the surrounding properties, including excessive noise, fumes or odors, glare, smoke, light, vibration, dust, litter, or interference in any radio or television receivers off the premises, or cause significant line voltage fluctuation off the premises or be unsightly or become a nuisance as defined in HBC 8.12.020(I). Buffering may be required to alleviate impacts between residential and nonresidential uses. The owner of the property upon which the buffering is constructed is responsible for the maintenance of the buffering in a condition that will meet the intent of this criteria.
- O. **Habitat.** A reclamation or landscaping plan may be required as a condition of approval of any use within 100 feet of a state-identified anadromous stream. The purpose of the reclamation or landscaping plan includes the control of dust, soil erosion, water runoff and siltation which otherwise would be generated on the lot and affect the surrounding area.
- P. **Anadromous Fish Stream Setbacks.** All development along state-identified anadromous fish streams will be consistent with the Haines coastal zone management program. Unless approved by variance, no development shall occur within 25 feet of the banks of anadromous fish streams, designated as such by the Alaska Department of Fish and Game. Variances from this requirement may be granted by the commission based upon the unique conditions of individual properties, the proposed development, and the recommendations of a qualified fisheries biologist.
- Q. **Open Space and Facilities.** The developer may be required to dedicate land for open space, drainage, utilities, access, parks or playgrounds. Any dedication required by the commission must be based on a written finding that the area is necessary for public use or safety and the dedication is in compliance with adopted municipal plans and policies.
- R. **Historic Resources.** The proposed use shall not adversely impact identified historic resources prior to the assessment of that resource by the borough or state. Uses located within the significant structures area must comply with the specific approval standards of this chapter. See also HBC 18.60.020 (G) and HBC 18.70.050, Historic Building Districts.
- S. **National Flood Plain Regulations.** All permits shall be reviewed for compliance with HBC 18.120, Flood Plain Regulations.
- T. **Hazard Areas.** Development which is not designed and engineered to mitigate the risk of loss of life or property is prohibited in the following hazard areas: (1) The one percent floodway of all rivers and streams; (2) Avalanche outfall areas; (3) Within 500 feet of a major fault; (4) Slopes greater than 30 percent; (5) Within 300 feet of a wildfire chute; (6) Rock and mudslide areas.
- U. **Waterfront.** The following requirements apply in all waterfront zones:
 - (1) For residential use, setbacks shall be the same as those required in the residential zone. All other uses shall be required to set back 10 feet from lot lines adjacent to every street and alley and five feet from all other lot lines; (2) Public access to the waters of Portage Cove is required to be included in all permits for development on land adjacent to Portage Cove.

SPECIAL APPROVAL CRITERIA MAY APPLY

See HBC 18.60.020 for more information.



16 FT SEWARD DR.

LOT 6 BLOCK C PORT CHARLOTTE SUB.



2. The use of the dwelling unit or detached appurtenance for the home occupation is clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 30 percent of the combined floor area of the dwelling and appurtenance is used in the conduct of the home occupation;
3. There is no significant change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation other than one sign, not exceeding four square feet in area, nonanimated and nonilluminated and mounted flat against the wall of the principal building;
4. No noise or odors not normally expected from a dwelling unit will be allowed as a result of the operation of the home occupation;
5. Traffic or a need for parking is not generated by such home occupation in significantly greater volumes than would normally be expected in a similar residential neighborhood;
6. Outdoor storage of materials or equipment will not be allowed unless adequately screened.

E. *Bed and Breakfast (B&B)*. A bed and breakfast may be allowed as an accessory to a residential use; provided, that the use of the dwelling unit for the B&B is clearly incidental and subordinate to the use of the dwelling as a residence by its owners or a manager living on-site. One sign, not exceeding four square feet in area, illuminated by indirect lighting and on the same lot as the B&B use is allowed.

F. *Kennel*. A kennel may be allowed if a site plan is approved and the kennel building, dog runs or other outside canine housing area is separated from any residential zoned lot line by a minimum of 50 feet.

G. *Historic Buildings*. All development occurring within the significant structures area, or changes to any of the surveyed historic buildings, shall comply with specific requirements. When the commission determines that the development is one of the surveyed historic structures or the development has a material effect upon the general character of the district and any of the individual structures therein, the following shall apply:

1. Every reasonable effort shall be made to provide a compatible use for property that requires minimal alterations of the building, structure, or site and its environment, or to use a property for its originally intended purpose.
2. The developer shall be encouraged to retain the distinguishing original qualities or character of a building, structure, or site and its environment. The removal or alteration of any historic material or distinctive architectural features should be avoided whenever possible.
3. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
4. Distinctive stylistic features or examples of skilled craftsmanship that characterize a building, structure or site, shall be treated with sensitivity.
5. Deteriorated architectural features shall be repaired rather than replaced whenever possible. In the event replacement is necessary, the new materials should match the material being replaced in composition,

design, color, texture and other visual qualities wherever possible. Repair or replacement of missing architectural features should be based on accurate duplications rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

6. Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to any rehabilitation project.

7. Contemporary design and use of contemporary materials for alterations and additions to existing buildings and properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, and character of the property, neighborhood or environment.

8. Wherever possible, additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure should not be impaired.

9. The commission shall have the authority to place design standards and requirements upon the developer prior to the issuance of the permit in order to enforce the historic preservation and rehabilitation standards herein. A design review committee may be appointed by the planning commission which shall consist of the following representatives: the planning commission chair, a planning commission member appointed by the commission, one member of the borough assembly as appointed by the assembly, and one at-large member who is a property owner in the SSA, appointed by the commission chair, specific to each application. The commission shall refer to the document "[Fort William H. Seward, Haines, Alaska, Design Guidelines and Standards](#)" prepared by Ron Kasprisin of the Alaskan Northern Studies Program, Department of Urban Design and Planning, University of Washington, Seattle, 1998, when setting out the design standards to be followed for buildings in the significant structures area. (See also HBC [18.70.050](#).)

H. *Temporary Residence.* Persons desiring to place a temporary residence, or a trailer or mobile home or RV outside of a mobile home or RV park in the townsite service area for a temporary or interim occupancy over 30 days, shall apply for a temporary residence permit. The intent of a temporary residence permit is to allow a temporary structure for residential use. This means one trailer, RV or mobile home may be occupied during construction of a permanent structure. A temporary residence permit may be granted if all of the following requirements are met:

1. A valid permit for the permanent structure must be in effect during the entire time that the temporary dwelling is located on the site;
2. A trailer, RV or mobile home used as a temporary dwelling during the construction of a permanent structure must be located on the same lot or parcel;
3. The temporary dwelling must be transported to a sanitary dump station as needed to empty gray water and toilet waste tanks, be connected to public water and sewer if applicable, or be serviced by an approved DEC on-site wastewater system;
4. The temporary dwelling must meet the same setbacks applicable to permanent structures;

Haines Borough Planning & Zoning
Permit #23-101
Land Use Permit – Change of Use / Multi-Unit Dwelling
Zone: Significant Structures Area
Lot TaxID#: C-PTC-0C-0600

Dear Planning Commission Members,

First off, thank you for volunteering your time to facilitate forward thinking zoning and land use in the Chilkat Valley. We recognize the value of your efforts. We are sorry we can not be there in person, we planned a spring break trip with our kid not knowing that we would need to come before the planning commission. We thank you for reading this letter and for reaching out with any additional questions and/or consideration.

Port Chilkoot Rentals LLC, purchased the property at 16 Ft Seward Drive in April of 2023. The structure was built in 1970 for/by Wes and Betty Ewing. It was rented by a local family for the summer of 23'. Now, it is our intention to create more attainable family housing in Deishú/Haines by converting the (~2000' ft²) structure into 2 separate split-level, 3-bedroom apartments (~1000 ft²/ea).

Our land-use application and water/sewer application was received by HB in Oct of 23'.

On Mar 4th, 2024, we received an email from the planner letting us know that *“before we can issue approval on development in the significant structures area, the Planning Commission must determine if the development is:*

1. *Is one of the surveyed historic structures.*

Per definition of significant structure in borough code- the house is not a significant structure. This home was built in 1970, long after the “significant structures” of the fort were constructed from 1898-1945.

-or-

2. *Has a material effect upon the general character of the district and any of the individual structures therein.”*

In borough code “material effect” is up for interpretation by the Planning Commission and staff. We believe fully there will not be a material effect upon the general character of the district and any of the structures therein. We base this assumption on the facts that, currently, the house is wrapped in baby blue siding with white trim. Our preference is to re-side the structure in a manner more conducive to the *Fort William H. Seward Design Guidelines*. We plan to use white clapboard style siding with colored trim, like the new distillery (see photos below). Additionally, there will be no significant changes to roofline or to the pitch of the roof. Within the “post exchange district” there are utility buildings- they have the lowest attention to detail. The main architectural details for these buildings are- *“very plain eve consisting of a single piece fascia at gable ends.”* It is our intention in our renovation plan to adhere to these architectural details, even though the building, when we bought it, did not. The building footprint will remain the same.

There are two photos below. The one photo on the left shows the building we purchased, associated with this permit. The building on the right is the new distillery. It is our preference, even though it is not required under code, because this is not a historic structure, to re-side the building we purchased to match the aesthetic outlined in the *Fort William H. Seward Design Guidelines*.



16 Fort Seward Drive



New Distillery Building

Just for fun. This was shared with us recently. In 1976 a bus' parking brake failed, and it drove through the wall of the building being discussed under this permit.



Sincerely,
Jessica Kayser Forster
Port Chilkoot Rentals LLC

Please see the links attached below under web links for the historic structures history