



Haines Borough Planning Commission Regular Meeting Agenda

COMMISSIONERS:

ROB GOLDBERG, CHAIR
LEE HEINMILLER, VICE-CHAIR
ROBERT VENABLES
HEATHER LENDE
DON TURNER III
BRENDA JOSEPHSON
ROB MILLER

Thursday, July 9, 2015 - 6:30 p.m.

Assembly Chambers, 213 Haines Hwy.

1. CALL TO ORDER / PLEDGE TO THE FLAG
2. ROLL CALL
3. APPROVAL OF AGENDA
4. APPROVAL OF MINUTES: May 14, 2015 and June 11, 2015
5. PUBLIC COMMENTS [Items not scheduled for public hearing]
6. CHAIRMAN'S REPORT
7. STAFF REPORT
 - A. Planning & Zoning Report
8. PUBLIC HEARINGS:
 - A. Southeast Alaska State Fair – Recreational Climbing Tower Variance Proposal – Action Item – SE Alaska State Fair requested the commission approve a height variance to allow the construction of a 44-foot-tall recreational climbing tower to be built outside the Haines Borough code requirement of a 30' height restriction. **Possible Motion:** Approve SE Alaska State Fair height variance proposal.
9. UNFINISHED BUSINESS: None
10. NEW BUSINESS:
 - A. Historic District/Building Review:
 1. Sean Copeland – Exterior Stairs and Attic Office Space – 34 Blacksmith Street – Action Item – Property owner Copeland requested the commission approve construction of a 10' by 10' office space in attic and exterior stairs leaning to the proposed attic office space. **Possible Motion:** Approve the proposed exterior stairs and attic office space.
 - B. Haines Borough Code Amendments:
 1. Temporary Residence in HBC 18.60.020(H) – Action Item – Borough staff reviewed the draft substitute ordinance, and asked how this ordinance would apply to non-residential construction projects. On 06/18/2015, staff spoke with Chairman, and was recommended referral of this ordinance back to the commission. **Possible Motion:** Recommend the Assembly adopt the revised ordinance.
 2. On-Site Wastewater System – Discussion Item – The existing Borough code requires a developer must provide written Department of Environmental Conservation (DEC) approval of the on-site wastewater system design prior to permit approval. However, DEC states the Statute was amended years ago, and that installation of a conventional on-site wastewater system does not need a plan approval, per 18 AAC 72.035(d). The Borough code needs to be amended due to the inconsistency with the Department's published regulation.
 - C. Project Updates: None
 - D. Other New Business:
 1. Lowering Speed Limit on Mud Bay Road – Discussion Item – This item is up for discussion at the request of Ann Marie Fossman. Mud Bay Road is a state-maintained road. As a local government, the Borough does not have authority to reduce the speed limit. However, the management of speed through appropriate speed limit is an essential element of transportation planning. As the sole planning body of the Borough, the commission has the authority to weigh in to this petition at the request of local residents.
11. COMMISSION COMMENTS
12. CORRESPONDENCE
13. SCHEDULE MEETING DATE
 - A. Regular Meeting – Thursday, August 13, 2015 6:30 p.m.
14. ADJOURNMENT



**Haines Borough
Planning Commission Meeting
May 14, 2015
MINUTES**

Draft

1. **CALL TO ORDER/PLEDGE TO THE FLAG** – Vice-Chairman **Heinmiller** called the meeting to order at 6:30 p.m. in Assembly Chambers and led the pledge to the flag.

2. **ROLL CALL** – **Present:** Chairman Rob **Goldberg** (called in), Commissioners Lee **Heinmiller**, Robert **Venables**, Don **Turner III**, Brenda **Josephson** (called in), and Rob **Miller** (called in).
Absent: Heather **Lende**

Staff Present: Jan **Hill**/Mayor, and Kathryn **Friedle**/Administrative Assistant

Also Present: Mike **Case** (Assembly liaison), Diane **LaCourse**, Jim **Stickler**, Ron **Jackson**, Debi **Knight Kennedy**, Sean **Gaffney**, Tresham **Gregg**, Heather **Shade**, Darcie **Culbeck**, Meredith **Pochardt**, Stephanie **Scott**, Fred **Shields**, and others.

3. **APPROVAL OF AGENDA**

Venables suggested two amendments:

- 1) Add Povey significant structure porch addition to 10A; and
- 2) Move 10B1 Off-Premises Sign Ordinance to after 7 and before 8.

Motion: **Venables** moved to “approve the agenda as amended.” **Goldberg** seconded it. The motion carried unanimously.

4. **APPROVAL OF MINUTES** – April 16, 2015 Regular Meeting Minutes

Motion: **Venables** moved to “approve the April 16, 2015 regular meeting minutes with amendments to correct wording in motion of 10B1 and comments in 10D1.” **Turner** seconded it. The motion carried unanimously.

5. **PUBLIC COMMENTS**

Stickler expressed his concerns about getting his building permit approved. **Heinmiller** said the manager should be able to make the decision. The Planning Commission expressed support for policy or code change if needed.

Case asked for assurances that Knight Kennedy’s appeal would be heard after 10B1.

Gregg said that a joint meeting of the Planning Commission, Port and Harbor Advisory Committee, and Parks and Recreation Advisory Committee needs to be scheduled to discuss the harbor design, as stated in the Haines Comprehensive Plan.

6. **CHAIRMAN’S REPORT**

Goldberg said he had lunch with the Governor and tried to promote Haines’ issues and encouraged the Governor to visit Haines. He was in Juneau for the nomination of Lonnie Hotch for the First Lady Volunteer Award.

7. **STAFF REPORTS**

Planning & Zoning Staff Report

10B1. Off-Premises Sign Ordinance in HBC 18.90 – Action Item:

Public testimony from Haines’ business owners has shown that for those whose businesses are located off the main traffic routes, placing a sign directing people to their business is essential for their survival. Most of these signs are on private property and have the permission of the property owner. The signs on the public sidewalk on Portage Street are allowed in Code as long as they are placed three feet from the curb. Requiring a conditional use permit will allow the Planning Commission and the public to review an off premises sign for acceptability. The Commission was very concerned about the \$150 cost for permitting and asked staff to see if there might be a way to minimize the permitting procedure and costs.

Motion: Venables moved to “recommend that the Borough Assembly adopt the code revision embodied in previous ordinance #11-06-270.” **Josephson** seconded it. The motion carried unanimously.

8. PUBLIC HEARINGS

A. Debi Knight Kennedy – Appeal to the Planning Commission – Action Item:

Heinmiller opened the public hearing at 6:54 p.m.

Heinmiller closed the public hearing at 6:56 p.m.

Motion: Venables moved to “uphold the petitioner’s appeal as consistent with the recommendations to amend the Borough code.” **Turner** seconded it. The motion carried unanimously.

9. UNFINISHED BUSINESS – None

10. NEW BUSINESS

A. Historic District/Building Review – Povey Significant Structure Porch Addition – Action Item:

Motion: Venables moved to “approve the addition to the historic building with consultation with the PC Vice-Chair on the final design for the width of the steps to be contained within the footprint of the porch.” **Turner** seconded it. The motion carried unanimously.

B. Haines Borough Code Amendments

1. Off-Premises Sign Ordinance in HBC 18.90 – Action Item:

Action was taken above per amended agenda.

2. Temporary Residence Ordinance in HBC 18.60.020(H) – Action Item:

Motion: Venables moved to “recommend the Assembly adopt the draft ordinance with the following amendments: 1) change number of days from 15 to 30, 2) add ‘motor home and RVs’ to the initial sentence in HBC 18.60.020(H), and 3) delete reference of campground as temporary residence from HBC 18.20.020.” **Turner** seconded it. The motion carried 5-1 with **Venables** opposed.

C. Project Updates – None

D. Other New Business

1. Jones Point Property – Discussion Item:

Pochardt acknowledged that the area is zoned heavy industrial (and will be surrounded by industrial properties), but it will not be used as such due to the funding restrictions. The deed states that the area cannot be subdivided. Takshanuk Watershed Council plans to develop trails and maintain the area as a natural area that can be utilized by the public. She stated that snow machines would not be allowed on the property.

Culbeck stated that site cleaning up is the first step due to the contaminated soil, two old mill sites, and old buildings. Public non-motorized access will be provided.

More discussion ensued. While the Planning Commission was appreciative for the significant cleanup, it expressed concern with the substantial reduction in industrial acreage of 50 acres. This will need to be addressed in future planning.

11. **COMMISSION COMMENTS** - None
12. **CORRESPONDENCE** - None
13. **SET MEETING DATES**
 - A. Regular Meeting - Thursday, June 11, 2015.
14. **ADJOURNMENT** - 8:22 p.m.



**Haines Borough
Planning Commission Meeting
June 11, 2015
MINUTES**

Draft

1. **CALL TO ORDER/PLEDGE TO THE FLAG** – Chairman **Goldberg** called the meeting to order at 6:30 p.m. in Assembly Chambers and led the pledge to the flag.
2. **ROLL CALL** – **Present:** Chairman Rob **Goldberg**, Commissioners Lee **Heinmiller**, Robert **Venables**, Heather **Lende**, Brenda **Josephson**, Rob **Miller**, and Don **Turner III**
Staff Present: David **Sosa**/Manager, Jan **Hill**/Mayor, and Tracy **Cui**/Planning and Zoning Technician III
Also Present: Mike **Case** (Assembly liaison), Sally **Garton**, Mike **Dorris**, Mike **Wilson**, Bill **Rostad**, Carolyn **Weishahn**, Mike **Binkie**, Dorothea **Owens**, Carla **Richardson**, Jonathan **Richardson**, Carol **Tuynman**, Greg **Schlachter**, and others.
3. **APPROVAL OF AGENDA**
Motion: **Venables** moved to “approve the agenda.” **Turner** seconded it. The motion carried unanimously.
4. **APPROVAL OF MINUTES** – May 14, 2015 Regular Meeting Minutes
Goldberg said the minutes have some structural issues. He suggested postponing the approval of the minutes until the next regular meeting. The commissioners agreed.
5. **PUBLIC COMMENTS**
Weishahn wanted to comment on the Front Street Project. **Goldberg** said the topic is on tonight’s agenda, so she can comment on it later.
6. **CHAIRMAN’S REPORT**
Goldberg said he attended an advisory boards training session at Chilkat Center. A lot of information is covered in the Planning Commission Handbook and Robert’s Rules.
7. **STAFF REPORTS**
 - A. **Planning & Zoning Staff Report**
Cui reported monthly permits, enforcement orders, and updates on projects.
Josephson requested the copies of the enforcement orders. **Cui** said she will email them to the commissioners later.
Heinmiller asked about the Haines Borough floodplain maps. **Cui** said FEMA is planning to produce updated maps, which will show the relevant flood risks and incorporate the entire jurisdiction boundaries that are not currently identified correctly on the existing maps.
Miller asked about the addressing project. **Cui** said the remaining addresses are mainly located in trailer or mobile home parks. Numbers have been assigned to all the houses on Beach Road.

Lende asked when the office trailer behind the library will be removed. **Cui** said she will check the expiration date of the permit.

Lende asked the status of the temporary residence ordinance. **Cui** said the ordinance is currently under staff review. It will be introduced to the Assembly soon.

8. **PUBLIC COMMENTS**

A. **Jonathan Richardson – Dog Boarding Kennel Conditional Use Permit – Lot 33, Tanani Bay Subdivision**

Goldberg opened the public hearing at 6:40 p.m.

J. Richardson said he plans to construct a dog boarding kennel. He will provide overnight boarding, dog day camp, washing, grooming, and other dog-related services. This will be a family business. The proposed facility meets the setback regulations. The dogs will be supervised and kept in the fenced area. He expressed his disagreement over some of the comments from the neighborhood. He accepted the conditions listed in the staff's recommendation letter except the installation of padded walls and acoustical panels.

Wilson said he owns two pieces of properties directly across Richardson's property. He is adamantly against granting this permit for a number of reasons. This is a very quiet neighborhood. He believes a dog kennel will have barking dogs which disrupt the stillness of the area. He also mentioned that the police officers have had to respond several times because of the behavior of Richardson's dogs running loose as a pack. Richardson has not shown himself to be a responsible dog owner.

Many residents from the neighborhood were opposed to the granting of the permit. Some property owners reported encounters with Richardson's dogs along Lutak Road and on their own properties, and described aggressive behavior. Some property owners expressed their concerns about noise from dogs.

Goldberg closed the public hearing at 7:03 p.m.

Lende asked about Richardson's background in dog training.

Miller asked Richardson how to prevent the dogs from barking together in the night time. **Richardson** said he may use bark collars and he will train the dogs. **Miller** said most of the owners would not like to put bark collars on their dogs, and it is difficult to train a dog in the short term.

Lende asked why the recommendation letter is from Cui. The code indicates that the letter shall be provided by the manager. **Cui** said the code defines "manager" as the Borough Manager or designee.

Motion: **Miller** moved to "approve Richardson's dog boarding kennel conditional use proposal with the conditions set forth in the staff's recommendation letter." **Venables** seconded it. The motion failed unanimously.

Lende said that noise from barking dogs may discourage others from purchasing properties and moving into the neighborhood. She said the proposed use is inconsistent with the Comprehensive Plan.

Heinmiller said he also agrees that the value of the adjoining properties may be impaired.

Venables recommended the applicant come up with a stronger proposal.

Josephson said the community needs this type of business, but she does not think it is a suitable location. **Turner** agreed.

Goldberg said the Borough code requires that eight criteria be met before a conditional use permit is granted. Based on the discussion, the commission found that the criteria cannot be met.

9. **UNFINISHED BUSINESS** – None

10. **NEW BUSINESS**

A. **Historic District/Building Review** – None

B. **Haines Borough Code Amendments** – None

C. **Project Updates** – None

D. **Other New Business**

1. **Front Street Project POA-2015-197**

Schlachter spoke on behalf of the property owner, Roger Schnabel. He is applying for a Department of the Army permit to discharge dredged and fill material into the water for construction of a marine repair and boat storage facility, office and retail space, recreational vehicle park, and restaurant/bar. He stated that the fill material for the project may be sourced from dredging of the proposed South Portage Cove Harbor expansion or an alternate source.

Weishahn thanked the commission for scheduling this topic on the agenda. She said the Army Corps has determined that the proposed activity may adversely affect essential fish habitat in the project area. The proposed project may increase the potential for injury or mortality to salmon from elevation of suspended particulates within the water column and/or loss of habitat.

Several other citizens spoke. They hoped the commission will seriously consider the potential negative impacts of this project, and submit comments to the Army Corps.

Schlachter said the Borough Manager has already submitted comments on behalf of the Borough. **Sosa** confirmed.

Goldberg said the Borough code requires construction of a commercial-related activity involving more than 500 square feet in the waterfront zone must be approved as a conditional use permit by the commission.

Lende said she feels the Comprehensive Plan is being ignored. **Goldberg** explained to her that the commission has been making effort to follow the guidelines in the Comprehensive Plan.

Miller suggested the commission focus on whether the commission wants to submit its specific requests to the Army Corps. He also suggested the Borough send a written request to the Army Corps to make sure the Borough will receive copies of the public notices in a timely manner.

More discussion ensued.

Turner said he does not have comments to the Army Corps since the Borough has already provided its comments.

Heinmiller suggested the Borough Manager address the issue of not getting the public notices from the Army Corps.

11. **COMMISSION COMMENTS**

Lende asked why the actual parking lot plan at Picture Point is not matching the original plan. **Sosa** said he will touch base with staff to check the status of the project.

Josephson asked for verification if local residents allow to park vehicles at Port Chilkoot Dock. **Sosa** said the parking lot is open to the public except on cruise ship days.

12. **CORRESPONDENCE** - None

13. **SET MEETING DATES**

A. Regular Meeting—Thursday, July 9, 2015.

14. **ADJOURNMENT**– 8:36 p.m.

Staff Report for July 9, 2015

1. Permits Issued Since June, 2015

DATE	OWNER/AGENT	PARCEL ID	LOT	BLK	SUBDIVISION	DEVELOPMENT	ZONE
6/1/15	Nelle Jurgeliet-Greene	C-PTC-0J-0300	3	J	Port Chilkoot Sub.	Sign	SSA
6/5/15	Mark & Julie Cozzi	C-TNS-08-0700	7	8	Haines Townsite	Sign	C
6/8/15	William Rostad	C-TBS-00-0400	4		Tanani Bay Sub.	Covered Storage	W
6/8/15	Gregory Seymour	C-SEC-35-1620	16B		Mt. Riley Rd.	Site Preparation	SR
6/9/15	Thomas Spencer	C-OLS-00-0400	4		Olson Sub.	Deck Addition	RMU
6/9/15	Debi Knight Kennedy	C-PTC-0I-0400	4	I	Port Chilkoot Sub.	Off-Premise Sign	SSA
6/11/15	Sean Copeland	C-PTC-0F-0000		F	Port Chilkoot Sub.	Off-Premise Sign	SSA
6/11/15	Philip Busby	C-MEA-01-2000	20		Meadowland Sub.	New Water & Sewer Services	SR
6/19/15	James Stickler	C-HHY-01-0410	1		Zimbrich Sub.	SFR	RR

2. Citizen Complaints/Enforcement Orders

- The Borough received a citizen complaint stating that resource extraction activities were occurring on his neighbor's property within the Mud Bay Planning/Zoning District. Staff conducted a site visit on June 10, and observed two dump trucks were transporting numerous loads of material. Staff contacted the property owner's local representative, and was told that the plan was to improve the existing 12' gravel roadway on a private property, and the owner has no intention of operating a resource extraction business.
- The Borough received a citizen complaint stating that a cabin was built within the 25' minimum setbacks. Staff conducted a site visit on June 16, and suspected the cabin is very likely within the setbacks. The Borough requested the owner provide an as-built survey.
- The Borough received a citizen complaint stating her neighbor's residence and outhouse were built within the 25' minimum setbacks. Staff conducted a site visit on June 3, and suspected the structures were built within setbacks, which violated the Borough code. However, the property owner expressed his disagreement over location of the common property line. The Borough staff does not work on boundary disputes between adjoining private property owners. The owners were told that a dispute property boundary is a serious situation and proving where a property boundary is should be the job of a licensed surveyor or an attorney. Staff recommended the property owners come to a mutual agreement of hiring a licensed surveyor.
- It has come to the Borough's attention that a recent completed commercial development was built inconsistently with the original site plan approved in 2014. Staff conducted a site visit on June 22, and determined the actual building plan is not in accordance with the parking regulations. On June 24, the property owner and the Borough Manager met to discuss possible solutions.



Haines Borough

Planning and Zoning

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

Telephone: (907) 766-2231 * Fax: (907) 766-2716

APPLICATION FOR VARIANCE

Permit#: _____

Date: _____

Use this form for policy variances for: Building Density, Setbacks, Building Height & Parking Regulations

I. Property Owner/Agent		Owner's Contractor(If Any)	
Name: <i>Jessica Edwards</i> <i>Southeast Alaska State Fair</i>		Name:	
Mailing Address: <i>PO Box 385 Haines</i>		Haines Borough Business License #:	
Contact Phone: Day Night <i>(907) 766-2476</i>		Alaska Business License #:	
Fax: <i>766-2478</i>		Contractor's License #:	
E-mail: <i>director@seakfair.org</i>		Mailing Address:	
		Contact Phone: Day Night	
		Fax:	
		E-mail:	
II. Property Information			
Size of Property: <i>42 Acres</i>			
Property Tax #:			
Street Address: <i>296 Fair Drive</i>			
Legal Description: Lot (s) <input checked="" type="checkbox"/> Block _____ Subdivision _____			
OR			
Parcel/Tract _____ Section _____ Township _____ Range _____			
[Attach additional page if necessary.]			
Zoning: <input type="checkbox"/> Waterfront <input type="checkbox"/> Single Residential <input type="checkbox"/> Rural Residential <input type="checkbox"/> Significant Structures Area			
<input type="checkbox"/> Rural Mixed Use <input type="checkbox"/> Multiple Residential <input type="checkbox"/> Heavy Industrial <input type="checkbox"/> Waterfront Industrial			
<input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Industrial Light Commercial <input type="checkbox"/> Recreational <input type="checkbox"/> Mud Bay Zoning District			
<input type="checkbox"/> Lutak Zoning District <input type="checkbox"/> General Use			
III. Description of Work			
Type of Application	Project Description	Water Supply	Sewage Disposal
(Check all that apply) <input type="checkbox"/> Residential <input checked="" type="checkbox"/> Commercial _____sq. ft. <input type="checkbox"/> _____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 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 checked="" type="checkbox"/> Other <i>climbing tower</i>	Existing or Proposed <input checked="" type="checkbox"/> None <input type="checkbox"/> Community well <input type="checkbox"/> Private well <input type="checkbox"/> Borough Water System <input type="checkbox"/> Other _____	Existing or Proposed <input checked="" type="checkbox"/> None <input type="checkbox"/> Septic Tank <input type="checkbox"/> Holding Tank <input type="checkbox"/> Borough Sewer System <input type="checkbox"/> Pit Privy <input type="checkbox"/> Other _____

Valuation of Work:
IV. Variance
Applicant seeks a variance from the following general requirement(s): Code Section #: <u>18.80.030(B) Height</u>
Describe the problem and the minimum variation from code necessary to resolve the problem: <u>We hope to build a recreational climbing tower. Total Height of the structure, including roof, would be: 44 feet (30 foot tower + 14 foot roof structure)</u>
Attach the following documents to the permit application: <input type="checkbox"/> Site plan (see Attachment A) showing lot lines, bearings and distances, buildings, setbacks, streets, etc.

PREAPPLICATION (Recommended)

Pre-application Conference Date: _____

At Least two (2) days before the pre-application conference, submit the following materials to the Planning and Zoning Department:

1. A copy of a plat or other legal description of the property.
2. A sketch of the property showing the features the applicant believes are relevant to the variance request.

APPLICATION

In addition to a site plan (see Attachment A), the applicant must describe how their requested variance complies with each of the following six standards listed in Section 18.80.050 of the Land Use/Development Code. You may use the space provided on this form or attach your answers. A variance may only be granted if the Planning Commission finds that these six standards are met.

1. Except in the Significant Structures Areas, the conditions upon which the variance application is based do not apply generally to properties in the zone or vicinity other than the property for which the variance is sought.

Describe how the problem is unique to your property. <u>There is no problem specific to the property. We seek a variance to build an all-ages climbing structure, which is sufficiently challenging to youths and adults, alike. This structure will exceed the height of the 28 ft tall wall at the school; increased challenge.</u>
--

2. Explain how the conditions described above arise out of natural features inherent in the property such as shape or topographical conditions of the property or because of unusual physical surroundings, or such conditions arise out of surrounding development or conditions.

<u>The Fair's property, which is somewhat isolated from other development, is uniquely suited for a tall structure as it will affect no viewsheds. Property buffer to the East is at least 100 feet. The The property is uniquely suited to recreational use.</u>
--

3. Describe why (because of the conditions you have described) the strict application to the property of the requirements of this chapter will result in an undue, substantial hardship to the owner of the property such that no reasonable use of the property could be made.

Youth and adults have an opportunity to climb a 22 ft wall at fnes school. This challenging wall will allow for inexperienced climbers to summit a 15 foot section, a more experienced climbers to summit a 30 foot wall.

4. Describe how or why the special conditions that require the variance are not caused by the person seeking the variance, a predecessor in interest, or the agent of either.

The full scope of the plan includes a zip line in the second stage of construction, with a landing platform at the top of the climbing structure. The height of the climbing structure is important for the slope of the zip line to ensure a safe operating speed.

5. Describe any reasons not based on costs or inconvenience you have for requesting this variance.

Attractions of ride
safety of zipline operation
Education potential for community

6. The variance can only be granted if the variance will not permit a land use in a zone in which that use is prohibited.

Explain what your property will be used for.
Recreation, community use

IV. FEE

A non-refundable fee of \$150 must accompany this application. Checks must be made payable to the HAINES BOROUGH.

NOTICE

If a property qualifies for a variance under the Haines Borough Land Use/Development Code Section 18.80.050(D), the variance granted must meet the following conditions:

1. The deviation from the requirement of this chapter that is permitted by variance may be no more than is necessary to permit a reasonable use of the lot;
2. The variance will not permit a land use that is prohibited by this chapter;
3. The variance is in keeping with the spirit and intent of this chapter and the requirements from which relief is sought;
4. The variance will not be detrimental to the public health, safety or welfare; and
5. The variance will not significantly adversely affect other property (i.e., snow will not be deposited on adjacent properties from areas such as roofs).

Notice of Right to Appeal: All decisions of the Borough Manager are appealable per HBC 18.30.050

V. CERTIFICATION

I hereby certify that I am the owner or duly authorized owner's agent, that I have read this application and that all information is correct. I further certify that I have read, understand and will comply with all of the provisions and permit requirements outlined hereon. I also certify that the site plan submitted is a complete and accurate plan showing any and all existing and proposed structures on the subject property. All contract work on this project will be done by a contractor holding valid licenses issued by the State of Alaska and the Haines Borough. **I am aware that if I begin construction prior to receiving permit approval, I will be assessed a \$250.00 "After-the-Fact" fee.**

Eric A. Shuard
Owner or Agent

6/29/15
Date

PROVISIONS: The applicant is advised that issuance of this permit will not relieve responsibility of the owner or owner's agents to comply with the provisions of all laws and ordinances, including federal, state and local jurisdictions, which regulate construction and performance of construction, or with any private deed restrictions.

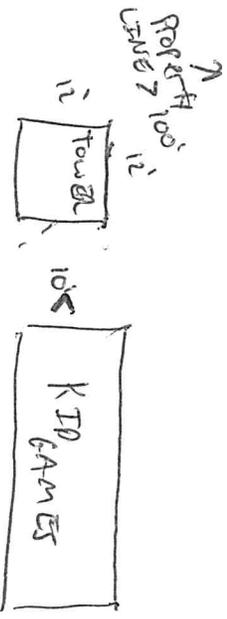
Office Use Only Below This Line

<input checked="" type="checkbox"/> Applicant Notified Application is Complete and Accepted <u>6/30/15</u> <u>In Person</u> <u>W.F.</u> <small>(Date) (Notified via) (Initials)</small>					
Non-Refundable Building Permit Fee \$ <u>150.00</u> Receipt No. _____ Received By: <u>Walter Friedle</u> Date: <u>6/30/15</u>			Information/Documentation Req'd Rec'd <input type="checkbox"/> <input type="checkbox"/> State Fire Marshal <input type="checkbox"/> <input type="checkbox"/> State DEC <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> Variance/Conditional Use Permit <input type="checkbox"/> <input type="checkbox"/> Sign Permit		
Zoning	Bldg. Height <u>44'</u>	Lot Coverage %	Const. Type	Occupancy	# Stories
This application meets all applicable Borough policies and a permit is issued, conditional on the substantial completion of construction within two years and the following special requirements: 					
Planning Commission Chair:			Date		

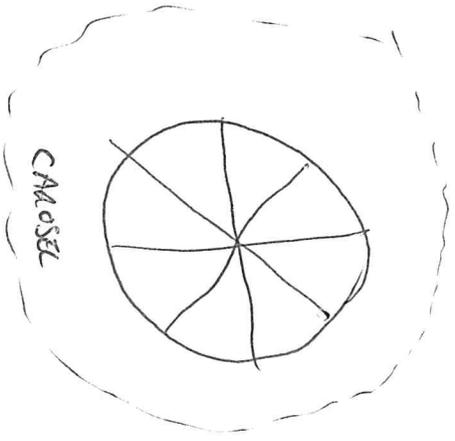
INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

BARN

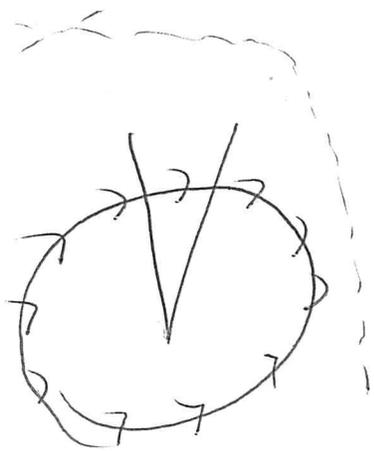
PARSONS
PARSON



future
TIP
LINE
PATH



FEARS
wheel



IT

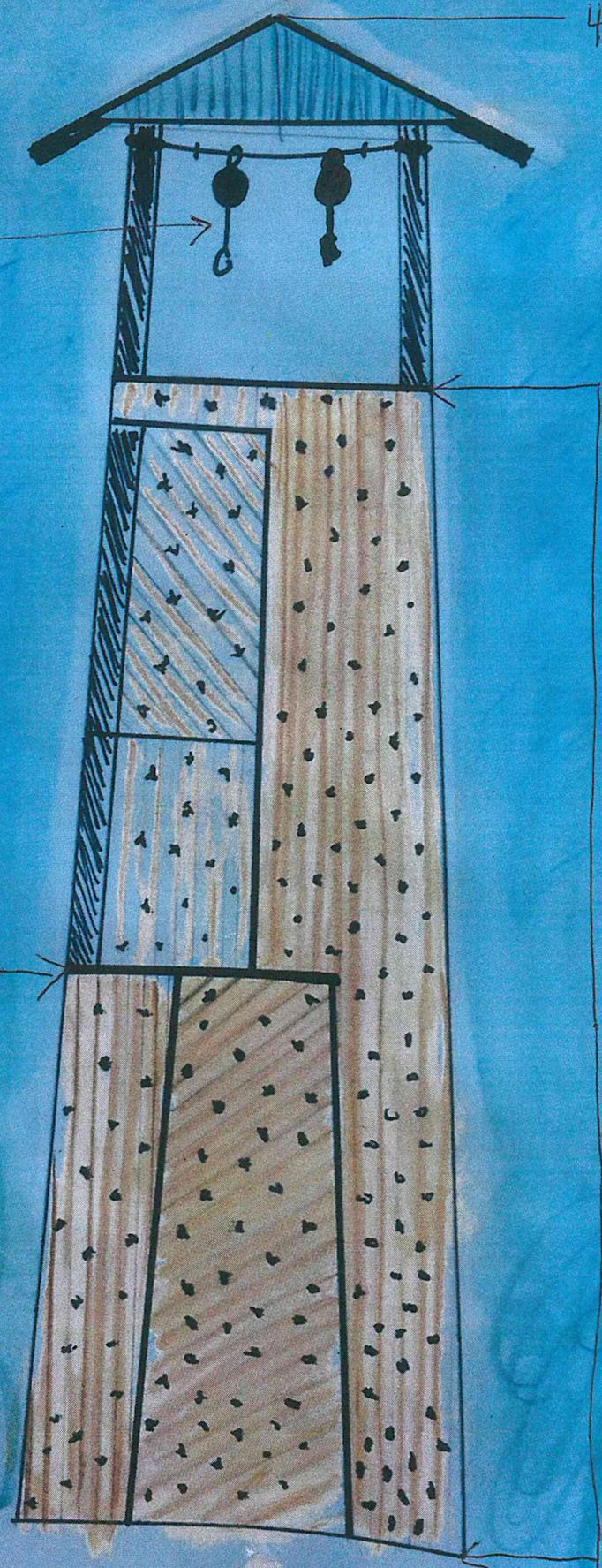
FUTURE CLIMBING
WALL
SOUTHEAST AK STATE FAIR

44 ft

2 belay devices

Platform 2
30ft+

Platform 1
15 feet





HAINES BOROUGH, ALASKA
P.O. BOX 1209
HAINES, AK 99827
(907) 766-2231 FAX (907) 766-2716

June 30, 2015

PRIMARY OWNER
ADDRESS
CITY, STATE ZIP CODE

Re: SE Alaska State Fair –Application for Variance
Building of a 44 Feet Climbing Tower

Dear Land Owner,

Haines Borough records show that you own property in the vicinity of the above-listed property. Property owner, SE Alaska State Fair, has requested the Planning Commission to approve an application for variance for building of a 44' Climbing Tower to be located near the Kid Games area. The public hearing is scheduled on the agenda of the next Planning Commission meeting. The meeting will be held at the Haines Borough Assembly Chambers on July 9, 2015 at 6:30 p.m. As an owner of property in proximity to this development you are being notified that you are invited to attend and comment at the meeting. If you have any questions on the matter please contact the borough.

Sincerely,

Kathryn Friedle
Administrative Assistant
Lands Department
kfriedle@haines.ak.us
(907) 766-2231 Ext. 22

PRIMARYOWNER	ADDRESS	CITY	STATE	ZIPCODE
JOHN ORR	P.O. BOX 1572	HAINES	AK	99827
REBECCA MALONE	P.O. BOX 1144	HAINES	AK	99827
JAMES & SHANNON GREEN	P.O. BOX 309	HAINES	AK	99827
CHRISTOPHER, JAMES &				
LESLEE DOWNER	P.O. BOX 133	HAINES	AK	99827
MICHAEL CARTER &				
LORI WEBSTER	P.O. BOX 1517	HAINES	AK	99827
CHILKOOT INDIAN ASSOC.	P.O. BOX 490	HAINES	AK	99827

HBC 18.80.050 Variance.

A variance is the relaxation of the density, setback, height or parking standards of this chapter beyond those provided for by this chapter. A variance is designed to allow the adjustment of regulations of this chapter in special cases where unusual physical features of a particular parcel involved would make a strict application of the zoning regulations unreasonable. Under no circumstances shall a variance be granted to permit a use of land or structure which is not otherwise permitted in the zone involved. The intent of the policies for which variances may be granted follows:

Density: The intent of density regulation is to prevent over-building on a lot that could cause property devaluation, to protect the aesthetic value of the property and provide for fire safety.

Setbacks: The intent of setback regulation is to allow for a certain amount of privacy and outdoor living space around a structure, promote fire safety, prevent snow depositing on adjacent properties, allow room for snow removal, promote safe conditions for off-street parking and vehicular access to public rights-of-way, and provide an adequate sight triangle for the safe approach of vehicles to intersections.

Height: The intent of height regulation is to promote fire safety, protect views and maintain “small town” aesthetic values.

Parking: The intent of the parking regulation is to allow for adequate, convenient and safe parking by all users of developments. Variances will only be authorized if a developer can show quantifiably that the regulation requires more parking than is necessary for the development, i.e., developer can show, based upon how space in the development is used, that the development’s potential capacity requires less parking than that identified by the general parking chart guideline.

Prior to submission of a variance application, the property owner or duly authorized agent or representative is encouraged to attend a pre-application conference with the manager. The purpose of the pre-application conference is to permit the applicant to explain the situation that gives rise to the need for a variance and for the manager to explain the standards that must be met before a variance may be granted and to indicate the types of information that will be necessary to justify the variance. The variance pre-application conference may be combined with a permit pre-application conference.

A. Application. An application for a variance must be submitted to the manager. The application must be accompanied by all supporting material and the permit fee. The application shall state the variance request, contain an elevation drawing and a plot plan indicating the date, north arrow, the scale used for the plot plan, exterior property boundaries and approximate dimensions, location of significant, unique or unusual physical features of the property and the approximate dimensions; location of all existing and proposed buildings on the property and their approximate distance from lot lines; access for ingress and egress; all easements on the property; construction details; approximate dimensions of parking areas and spaces; if applicable, a narrative describing the reasons for the requested variance, and other information as necessary to illustrate the need for the variance. The manager may require that the plans be produced by a registered professional engineer or land surveyor. The manager shall certify the application when it is complete and immediately forward the certified application to the planning commission.

B. Public Hearing/Notice. All variances require a public hearing by the commission. The notice, comment period and hearing procedure shall be the same as those for conditional uses in Chapter [18.50 HBC](#).

C. Variance Standards. A variance may be granted only if:

1. Except for significant structures areas, the conditions upon which the variance application is based do not apply generally to properties in the zone or vicinity other than the property for which the variance is sought; and

2. Such conditions arise out of natural features inherent in the property such as shape or topographical conditions of the property or because of unusual physical surroundings, or such conditions arise out of surrounding development or conditions; and

3. Because of such conditions the strict application to the property of the requirements of this chapter will result in an undue, substantial hardship to the owner of the property such that no reasonable use of the property could be made; and

4. The special conditions that require the variance are not caused by the person seeking the variance, a predecessor in interest, or the agent of either; and

5. The variance is not sought solely to relieve financial hardship or inconvenience; and

6. The variance will not permit a land use in a zone in which that use is prohibited.

D. Conditions on Approval. If a property qualifies for a variance under this section, the variance granted must meet the following conditions:

1. The deviation from the requirement of this chapter that is permitted by variance may be no more than is necessary to permit a reasonable use of the lot;

2. The variance will not permit a land use that is prohibited by this chapter;

3. The variance is in keeping with the spirit and intent of this chapter and the requirements from which relief is sought;

4. The variance will not be detrimental to the public health, safety or welfare; and

5. The variance will not significantly adversely affect other property (i.e., snow will not be deposited on adjacent properties from areas such as roofs).

E. Issuance or Denial. The commission shall, after notice and hearing, from the evidence presented to it, make written findings of fact which support the standards set forth above (in the case where a variance is granted) or which show that the evidence does not support the standards set forth above (in the case where the variance is not granted). Such written findings shall be permanently retained within the minutes of the meeting at which the findings were drafted. (Ord. 11-03-259 § 7)

JUN 16 2015
Clerk's Office



Haines Borough
Planning and Zoning
103 Third Ave. S., Haines, Alaska, 99827
Telephone: (907) 766-2231 * Fax: (907) 766-2716

APPLICATION FOR LAND USE PERMIT

I. Owner/Authorized Representative		Owner's Contractor(If Any)	
Name: <u>SEAN COPELANID</u>		Name:	
Mailing Address: <u>PO B 1248 HAINES</u>		Haines Borough Business License #:	
Contact Phone: Day _____ Night <u>303-0043</u>		Alaska Business License #:	
Fax:		Contractor's License #:	
E-mail: <u>SEAN @ PORTCHILKOOTDISTILLERY.COM</u>		Mailing Address:	
		Contact Phone: Day _____ Night _____	
		Fax:	
		E-mail:	
II. Property Information			
Property Tax ID #: <u>C-PTC-00-03A0</u>			
Size of Property:			
Site Street Address: (If Any) <u>34 BLACK SMITH STREET</u>			
Legal Description: Lot (s) <u>3A</u> Block <u>D</u> Subdivision <u>PORT CHILKOOT</u>			
OR Parcel/Tract _____ Section _____ Township _____ Range _____			
[Attach additional sheets if necessary.]			
Zoning: <input type="checkbox"/> Waterfront <input type="checkbox"/> Single Residential <input type="checkbox"/> Rural Residential <input type="checkbox"/> Significant Structures Area <input type="checkbox"/> Rural Mixed Use <input type="checkbox"/> Multiple Residential <input type="checkbox"/> Heavy Industrial <input type="checkbox"/> Waterfront Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial Light Commercial <input type="checkbox"/> Recreational <input type="checkbox"/> Mud Bay Zoning District <input type="checkbox"/> Lutak Zoning District <input type="checkbox"/> General Use			
III. Description of Work			
Type of Application (Check all that apply) <input type="checkbox"/> Residential <input checked="" type="checkbox"/> Commercial <u>100</u> sq. ft. _____ seating capacity if eating/drinking establishment <input type="checkbox"/> Industrial <input type="checkbox"/> Church <input type="checkbox"/> Other _____	Project Description (Check all that apply) <input type="checkbox"/> Single Family Dwelling <input 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 <u>EXT STAIRS</u> <u>FINISH ATTIC SPACE</u> <u>INTO 10'X10' OFFICE</u>	Water Supply Existing or Proposed <input type="checkbox"/> None <input type="checkbox"/> Community well <input type="checkbox"/> Private well <input checked="" type="checkbox"/> Public Water System <input type="checkbox"/> Other _____	Sewage Disposal Existing or Proposed <input type="checkbox"/> None <input type="checkbox"/> Septic Tank <input type="checkbox"/> Holding Tank <input checked="" type="checkbox"/> Public Sewer System <input type="checkbox"/> Pit Privy <input type="checkbox"/> Composting Toilet <input type="checkbox"/> Other _____
Estimate Cost of Work: <u>\$2,000</u>			

Land Use Requested For: (Describe the project, and use additional sheets if necessary)

BUILD EXTERIOR STAIRS LEADING TO ATTIC SPACE, BUILD 10'x10'

Required Attachments: OFFICE SPACE IN ATTIC

Completed Application Form

Site plan (see Attachment A) showing lot lines, building dimensions, setbacks, streets, etc.

\$50 Non-Refundable Fee (Checks must be made payable to the Haines Borough)

IV. CERTIFICATION

I hereby certify that I am the owner or authorized representative of the property described above and that I petition for a land use permit in conformance with all of the provisions in the Haines Borough Code. I also certify that the site plan submitted is a complete and accurate plan showing any and all existing and proposed structures on the subject property. I understand that payment of the application fee is nonrefundable and is to cover the costs associated with processing this application, and that it does not assure approval of the proposed use. I also understand that all contract work on this project will be done by a contractor holding valid licenses issued by the State of Alaska and the Haines Borough. **I am aware that if I begin work prior to receiving permit approval, I may be assessed a penalty fee, as per HBC 18.30.070.**

[Signature]
 Signature (Representatives must provide written proof of authorization)

6/16/15
 Date

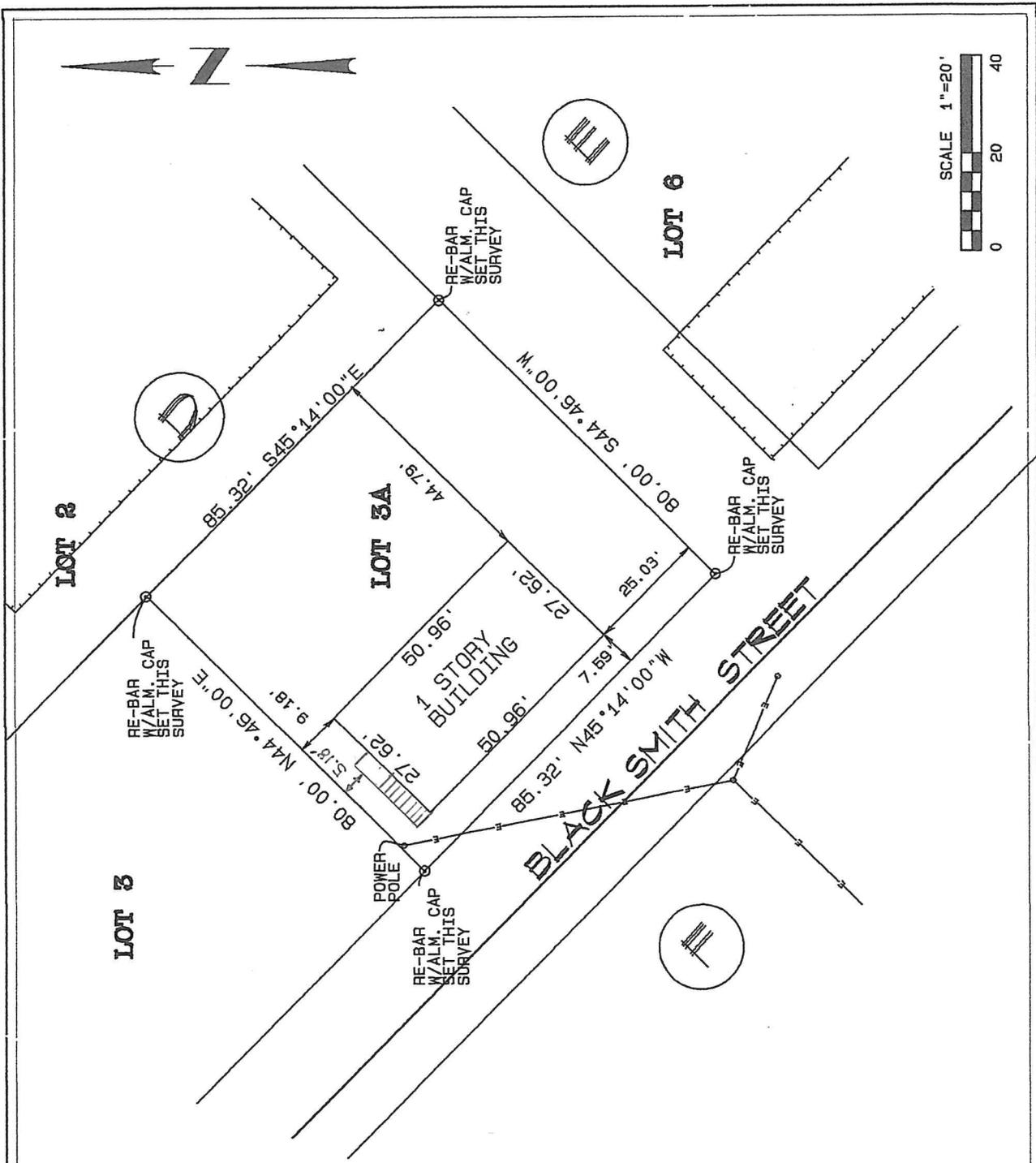
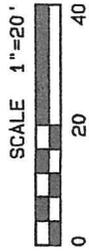
PROVISIONS: The applicant is advised that issuance of this permit will not relieve responsibility of the owner or authorized representative to comply with the provisions of all laws and ordinances, including federal, state and local jurisdictions, which regulate construction and performance of construction, or with any private deed restrictions.

Office Use Only Below This Line

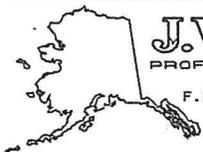
Non-Refundable Application Fee	<u>\$ 50.00</u>	If Application is Complete:	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Payment Method:	<u>check</u>	Notified Via:	_____	
Receipt #:	<u>023903</u>	Notified By:	_____	
Received By:	<u>V.F.</u>	Date:	_____	
Date:	<u>6/16/15</u>			
If application is approved: <input type="checkbox"/> Yes <input type="checkbox"/> No				
If yes,		If no,		
Approved By:	_____	Denied By:	_____	
	Borough Manager/P&Z Tech/Designee		Borough Manager/P&Z Tech/Designee	
Permit ID #:	_____	Date:	_____	
Permit Effective Date:	_____	Reason:	_____	

Notice of Right to Appeal: All decisions of the Borough Officials are appealable per HBC 18.30.050

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED



I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT PLAT; THAT ALL WALKS, ROADS, EASEMENTS AND IMPROVEMENTS THEREON ARE AS SHOWN AND THAT ALL OVERLAPS AND ENCROACHMENTS ARE AS SHOWN TO THE BEST OF MY KNOWLEDGE.

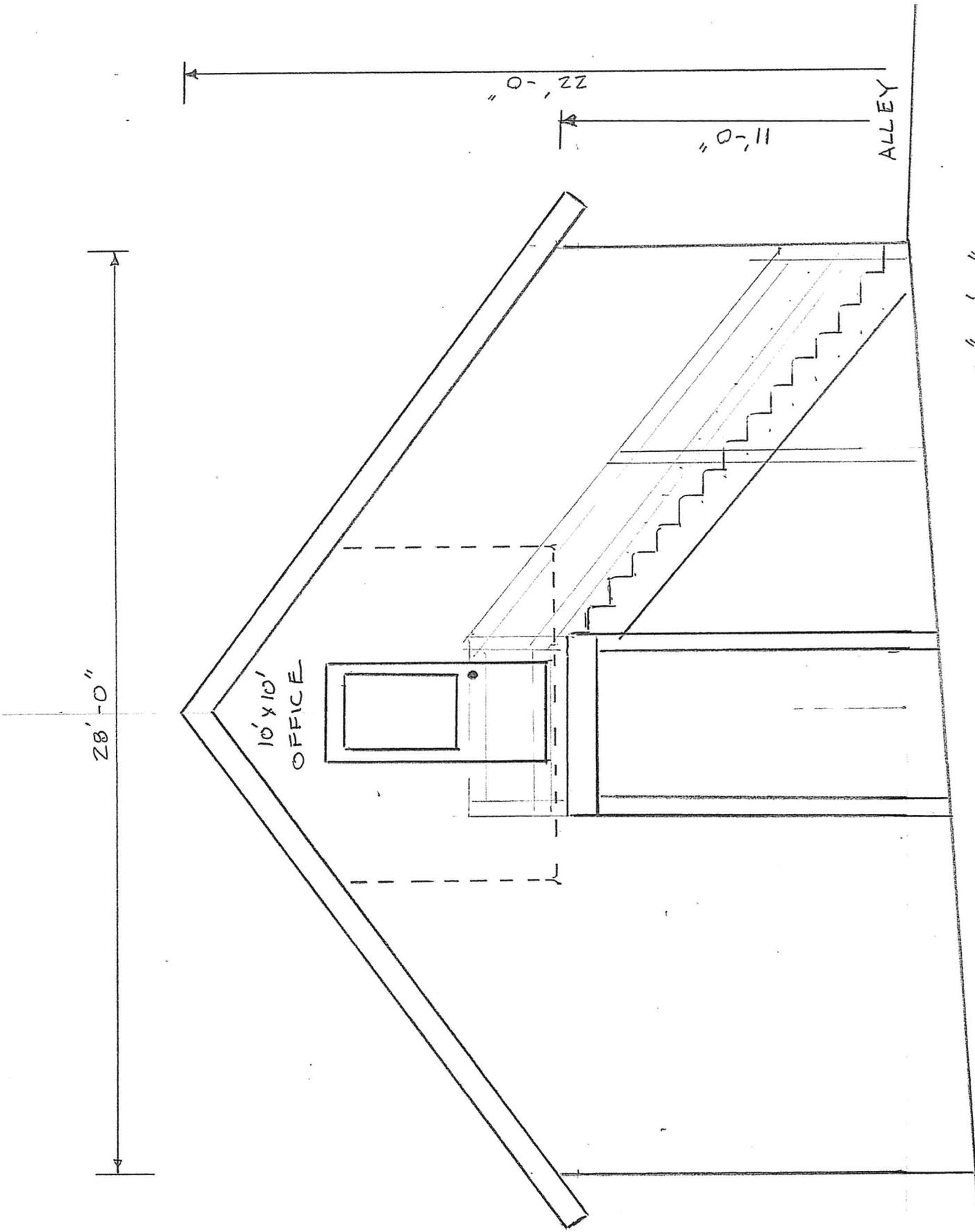


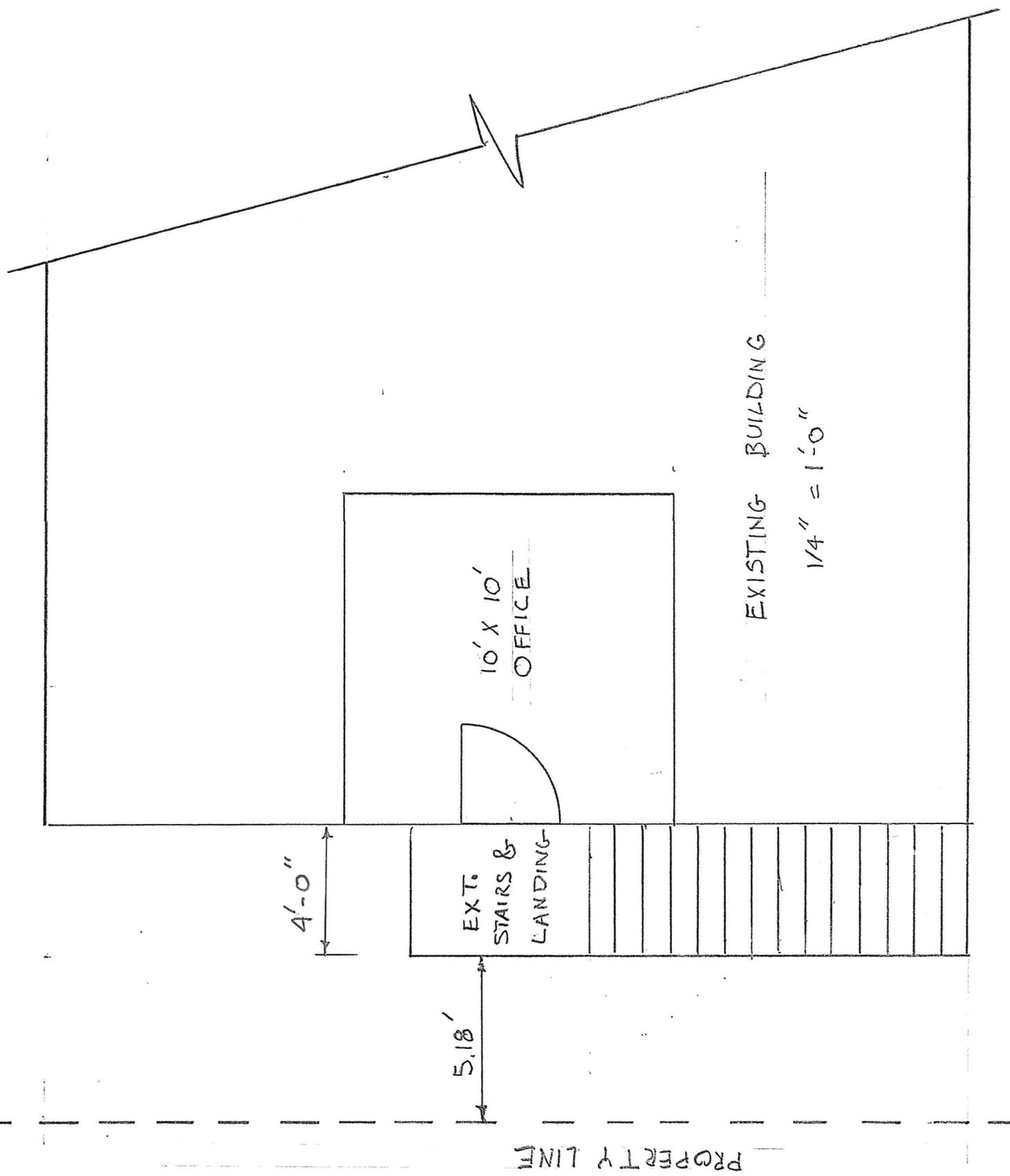
J.W. BEAN
PROFESSIONAL SURVEYOR

F. B. H-PORT JOB No. HNS 7-30-12
SCALE AS-SHOWN
DATE 9-12-2012

AS-BUILT SURVEY AND
LOT STAKING OF
LOT 3 A, BLOCK D
PORT CEILKOOT SUBDIVISION
U.S. SURVEY 2716







10' X 10'
OFFICE

EXT.
STAIRS &
LANDING

EXISTING BUILDING

1/4" = 1'-0"

4'-0"

5.18'

PROPERTY LINE

18.70.050 Historic buildings – Districts.

1. Fort William H. Seward Local Historic District.

a. Description of Appearance. The principal structures are: the barracks, officers' homes, quartermasters, hospital, fire hall, warehouses and the Port Chilkoot Dock. The structures are situated around the parade grounds set against a backdrop of majestic mountain peaks of the Chilkat Range, overlooking the scenic beauty of the waters of Portage Cove, a portion of the upper Lynn Canal.

b. Statement of Significance. Fort William H. Seward was established in 1898 and garrisoned in 1904; the principal buildings of Fort William H. Seward are the best surviving structures of the 11 military posts erected in Alaska to police the gold rushes of 1897 to 1904. The United States was involved in the boundary dispute with Canada and Fort William H. Seward was the only army post in Alaska between World Wars I and II. In 1945 the fort was closed and declared surplus. On April 4, 1947, a group of veterans arranged under the Port Chilkoot Company, through the War Assets Act, to purchase the fort. In the ensuing three years, it was determined that the quitclaim deed provided by the U.S. government was exercised three days after the expiration of the War Assets Act. An act of Congress was then required to formalize the transaction with Port Chilkoot Company. The act was passed in 1952. Fort William H. Seward was listed as part of the National Historic Site Register in 1972 and thereafter became a national historic landmark in 1978.

c. Geographical Area Defined. The boundaries of the Fort William H. Seward local historic district shall be defined as the exact boundaries certified by the United States National Park Service under authority of the Historic Sites Act adopted by Congress in 1935 and designated as a national landmark in 1978.

18.60.020 Specific approval criteria.

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](#).)



HAINES BOROUGH
Planning & Zoning
P.O. Box 1209
Haines, AK 99827-1209
907-766-2231 Ext. 23
907-766-2716 (fax)

July 2, 2015

To: Borough Assembly
From: Tracy Cui, Planning and Zoning Technician III
Re: Temporary Residence Ordinance

Borough staff has reviewed that substitute ordinance No.15-01-398. One concern was brought up into my attention: How does this ordinance would apply to non-residential related construction projects that contractors may want to place a temporary dwelling on construction site?

The proposed ordinance allows a temporary dwelling be occupied during construction of a permanent residence. I had a brief discussion with the Interim Public Facilities Director, Brian Lemcke. His concern with the ordinance is that it doesn't address onsite construction trailers that may be used to house workers on a short term basis. This becomes a problem in the off season when trailer courts are closed and rentals are not always available or when leases are required that would out last the need for the housing.

After the discussion, staff believe that a temporary residence permit should also be considered for the purpose of providing temporary housing to individuals engaged in commercial projects. One solution to address this is to replace "permanent residence" by "permanent structure" in the ordinance.

In the case of a commercial construction project, the ordinance provides safety to the construction workers who will be living in them. They have assurances that they will not be housed in unhealthy conditions for the duration of the project. This ordinance also ensures that, after the project, the land used for the temporary dwelling is restored to its previous use.

Thank you for considering the recommendation.

Haines Borough
BOROUGH ASSEMBLY
ACTION REQUEST

DATE: May 14, 2015

TO: Haines Borough Assembly

FROM: Haines Borough Planning Commission

Re: Temporary Residence in HBC 18.60.020(H) and Definition of
Campground in HBC 18.20.020

PLANNING COMMISSION ACTION:

M/S Venables moved to “recommend the Assembly adopt the draft substitute ordinance 15-01-398 with the following amendments: (1) change number of days from 15 to 30, (2) add ‘motor home and RVs’ to the initial sentence in HBC 18.60.020(H), and (3) delete reference of campground as temporary residence from HBC 18.20.020.” The motion carried unanimously.

RATIONALE:

The Assembly Government Affairs & Services Committee recommended referral of the original ordinance back to the commission. The GAS committee provided a report and committee member Diana Lapham attended the meeting. The commission amended the original ordinance based on the comments from the GAS committee.

During the discussion, business owner Sean Gaffney asked why the ordinance does not consider campgrounds. The existing code defines “campground” as a private or publicly owned use which includes two or more campsites that are located, established or maintained for rent or public use for temporary occupancy of not more than three months and in compliance with HBC 18.60.020(H) by any tent, camper, travel trailer, recreational vehicle, cabin or similar building for recreation, vacation, educational or rehabilitation purposes. Gaffney discussed the definition needs clarification.

The commission discussed and considered Gaffney’s comments. Venables suggested crossing out the wording “temporary residence” from the definition of campground.

PLANNING COMMISSION REQUEST:

- ❖ for the Borough Assembly to amend HBC 18.60.020(H) to read:

H. Temporary Residence. Persons desiring to place a temporary residence, or a trailer or mobile home or motor 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. Permits for seven days or less will be at no charge and will not require connection to or payment for public water and sewer. Temporary residences remaining over 30 days will require a land use permit and where applicable, the standard monthly water and sewer charges will be levied, except by prior arrangement with the borough. 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 residence. A temporary residence permit may be granted if all the following requirements are met:

1. A valid land use permit for the permanent residence 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 residence 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;

5. Temporary residence permits may be granted for a period of one year. One six-month extension of the temporary residence/trailer permit may be granted by the planning commission as long as the developer is complying with all requirements.; Any temporary residence, trailer, recreational vehicle or mobile home being occupied by a person must be connected to public water and sewer and may be required to connect to the local electrical service. Garbage disposal facilities are required. A minimum of one off-street parking space will be required for a temporary residence.

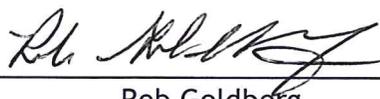
6. The area surrounding the temporary residence/trailer shall be kept in a clean and sanitary condition.

Exception: a temporary residence may be occupied on private property located outside of a mobile home or RV park while remodeling or repairing the interior of an existing permanent residence. Any applicable requirements under this subsection shall apply.

❖ for the Borough Assembly to amend HBC 18.20.020 to read:

“Campground” means a private or publicly owned use which includes two or more campsites that are located, established or maintained for rent or public use for temporary occupancy of not more than three months ~~and in compliance with HBC 18.60.020(H)~~ by any tent, camper, travel trailer, recreational vehicle, cabin or similar building for recreation, vacation, educational or rehabilitation purposes.

SUBMITTED BY _____ (signature)



Rob Goldberg
Planning Commission Chairman

HAINES BOROUGH, ALASKA
SUBSTITUTE ORDINANCE No. 15-01-398

Draft

AN ORDINANCE OF THE HAINES BOROUGH AMENDING HAINES BOROUGH CODE TITLE 18 SECTION 18.60.020(H) TO CLARIFY THE TERMS OF TEMPORARY RESIDENCES AND AMENDING HAINES BOROUGH CODE TITLE 18 SECTION 18.20.020 TO DELETE REFERENCE OF CAMPGROUND AS TEMPORARY RESIDENCE

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. This ordinance is of a general and permanent nature and the adopted amendment shall become a part of the Haines Borough Code.

Section 2. Severability. If any provision of this ordinance or any application thereof to any person or circumstance is held to be invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. Effective Date. This ordinance shall become effective immediately upon adoption.

Section 4. Purpose. This ordinance amends Title 18 Section 18.60.020(H) to clarify the terms of temporary residences and Title 18 Section 18.20.020 to delete reference of campground as temporary residence.

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
~~STRIKETHROUGH~~ ITEMS ARE DELETED

HBC 18.60.020 Specific approval criteria.

The following uses are subject to the preceding general criteria and these additional specific approval criteria:

...

H. Temporary Residence. Persons desiring to place a temporary residence, or a trailer or mobile home **or motor 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. ~~Permits for seven days or less will be at no charge and will not require connection to or payment for public water and sewer. Temporary residences remaining over 30 days will require a land use permit and where applicable, the standard monthly water and sewer charges will be levied, except by prior arrangement with the borough.~~ **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 residence. A temporary residence permit may be granted if all the following requirements are met:**

1. A valid land use permit for the permanent residence 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 residence 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;

5. Temporary residence permits may be granted for a period of one year. One six-month extension of the temporary residence/trailer permit may be granted by the planning commission as long as the developer is complying with all requirements. Any temporary residence, trailer, recreational vehicle or mobile home being occupied by a person must be connected to public water and sewer and may be required to connect to the local electrical service. Garbage disposal facilities are required. A minimum of one off street parking space will be required for a temporary residence.

6. The area surrounding the temporary residence/trailer shall be kept in a clean and sanitary condition.

Exception: a temporary residence may be occupied on private property located outside of a mobile home or RV park while remodeling or repairing the interior of an existing permanent residence. Any applicable requirements under this subsection shall apply.

HBC 18.20.020 Definitions – Regulatory

“Campground” means a private or publicly owned use which includes two or more campsites that are located, established or maintained for rent or public use for temporary occupancy of not more than three months and in compliance with HBC 18.60.020(H) by any tent, camper, travel trailer, recreational vehicle, cabin or similar building for recreation, vacation, educational or rehabilitation purposes.

Xi Cui

To: Rob Goldberg
Subject: RE: Documentation of Conventional Onsite Wastewater System Installations

From: Rob Goldberg [mailto:artstudioalaska@yahoo.com]
Sent: Friday, June 19, 2015 1:33 PM
To: David Sosa
Cc: Xi Cui; Brian Lemcke
Subject: Re: Documentation of Conventional Onsite Wastewater System Installations

Hi Dave,

Thanks for following up on this. The Planning Commission does not want to make local contractors wait for approval from a state agency. That can take many months, and they would all soon be out of business. I would suggest that the code requirement be changed to allow approval with the submission of a wastewater treatment design from a licensed engineer or certified installer.

Thanks.

Rob

Rob Goldberg and Donna Catotti
Catotti and Goldberg Art Studio
PO Box 1154 Haines, AK 99827 USA
907-766-2707
artstudioalaska.com

From: David Sosa <dsosa@haines.ak.us>
To: Rob Goldberg <artstudioalaska@yahoo.com>
Cc: Xi Cui <xcui@haines.ak.us>; Brian Lemcke <blemcke@haines.ak.us>
Sent: Friday, June 19, 2015 10:44 AM
Subject: FW: Documentation of Conventional Onsite Wastewater System Installations

Rob,

We have been in a good conversation with DEC on a permit requested by Mr. Stickler.

Long story short: Code requires that no construction start without DEC approval of the septic system. DEC states the Statute was changed years ago and that they do not provide approval for cases like this but they know the system designed by Mr. Joiner is likely good for the intended use.

I have directed Tracy to issue a permit to Mr. Stickler based off of the conversation with DEC. We will do a bit more research and have a code revision prepared for the next PC meeting. I have a teleconference with DEC on the 23rd to discuss this and other issues.

Cheers,

Dave

From: McCabe, Gene C (DEC) [<mailto:gene.mccabe@alaska.gov>]
Sent: Friday, June 19, 2015 9:56 AM
To: Xi Cui
Cc: Bill Joiner; jgstickler@gmail.com; David Sosa; Brian Lemcke
Subject: RE: Documentation of Conventional Onsite Wastewater System Installations

Hi Tracy, thanks for your e-mail.

I did a little digging, and since at least 1997, the Department has codified a provision to install conventional onsite systems by professional engineers, certified installers, and certified homeowners in specific conditions without prior Department approval for single family homes. I acknowledge that a majority of sites in Southeast Alaska may not be suitable for these types of conventional systems, and if they are not, then an engineering plan review is required. This may have contributed to the undocumented rule of thumb that all southeast systems require plan review prior to construction and that conventional systems are not authorized. I am, however, just speculating as to how this premise has become so entrenched in Southeast Alaska without a printed regulatory basis.

So, I can confirm that there exists a subset of possible system installations in Southeast Alaska that the Department would not, and does not, review or approve prior to construction which is completely consistent with our regulations since at least 1997. In our current regulation (last amended April 8, 2012), there is no geographical restriction on where this program is applicable, hence it is applicable statewide as long as all of the site specific conditions are met. I have searched for any official Department policy on restricting access to the 18 AAC 72.035(d) installation process, and can find none. I have to conclude from this that it is inappropriate for my program to restrict any qualified person from participating in a regulatory process if they meet the requirements of 18 AAC 72.035(d). I also have to conclude that if an installation is qualified under 18 AAC 72.035(d) without plan review, that the system should be installed in that manner and would not be subject to plan review to accomplish ancillary functions such as real estate transaction support, etc.

The Department does not make a determination if a project meets the prescriptive requirements of 18 AAC 72.035(d) prior to construction. This determination is conducted by the regulated professional community (engineer, installer or trained homeowner). Since it appears you have a member who is specifically authorized by the Department to make that determination, and they appear to be following published regulation, my only recommendation would be to accept their determination and provide a variance to the Borough code. I agree, the Borough code does seem to be inconsistent with the Department's published regulation. Of course, the Borough could stipulate its own, more stringent, requirements above the Department, but it would bear the responsibility of executing those requirements itself.

We have a telecon to discuss these very issues with David Sosa at 1pm on June 23. I am actually very encouraged to be having this level of discussion with local government. I strongly encourage all Borough and City governments to take the same care in responsibly managing onsite systems as Haines is demonstrating. Once you peel back the onion, most local governments determine that managing onsites in the building permit process is necessary and is more efficiently handled at the local level than at the State level. At our telecon next week, we can expand the discussion to include future options for Haines and potential paths forward. I recommend holding off on initiating code reform until that meeting takes place so we can outline the multiple, and extensive, options available to Haines.

Thanks again for your interest, and I look forward to working together with Haines to develop a rational and meaningful management strategy for onsite systems! If you have any questions, please don't hesitate to contact me at 269-7692.

Gene

Gene McCabe

Section Manager
Department of Environmental Conservation
Division of Water
Wastewater Engineering Support & Plan Review Section
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(907) 269-7692

From: Xi Cui [<mailto:xcui@haines.ak.us>]
Sent: Thursday, June 18, 2015 4:43 PM
To: McCabe, Gene C (DEC)
Cc: Bill Joiner; jgstickler@gmail.com; David Sosa; Brian Lemcke
Subject: FW: Documentation of Conventional Onsite Wastewater System Installations

Dear Mr. McCabe:

My name is Tracy Cui, the Planning and Zoning Tech at the Haines Borough. Recently the Borough received a building permit application from property owner Mr. James Stickler for the construction of a single family residence. The proposed site is beyond the Borough public sewer system. Per Haines Borough Code 18.60.010(I), "no public sanitary sewer and/or water service is available within 200 feet of the property, the developer may request an exemption from the requirements to connect to these public utilities... If exempted from the requirement to connect to public utilities, a developer must provide written Department of Environmental Conservation (DEC) approval of the on-site wastewater system design prior to permit approval. Upon installation and before closure, the wastewater disposal system must be inspected and approved by a DEC-approved inspector".

I spoke with the engineer Mr. Bill Joiner, and he forwarded the following email correspondences regarding this matter. It appears that installation of a conventional system does not need a plan approval, per 18 AAC 72.035(d). However, a "DOCUMENTATION OF CONSTRUCTION" must be completed and submitted to DEC within 90 days of completing the construction of the septic system. Currently Mr. Stickler's building project is put on hold due to lack of "DEC approval of the on-site wastewater system design". In order to resolve this, it will be very helpful to obtain a letter/statement from DEC stating the proposed system meets the requirements set forth in 18 AAC 72.035(d), which allows the system to be installed without prior plan approval by DEC.

Additionally, this would require a code amendment. Apparently the existing Borough code is inconsistent with DEC regulations. Could you please provide us with the regulatory requirements for onsite wastewater systems, so we can refine our code to keep the consistency with state regulations.

Sincerely,

Ann Marie Fossman
River Road Lot 1
P.O. Box 532
Haines, Alaska 99827
June 19, 2015

Borough Administration Building
103 Third Avenue S
P.O. Box 1209
Haines, AK 99827

Attention: Planning and Zoning Department

Dear Planning Commission Members:

I am writing to request the speed limit on Mud Bay Road beginning and ending at the north and south intersections of Small Tracts Road be reduced to 20mph. I am also requesting the same portion of Mud Bay Road be designated a no trucking zone.

7.2.1 Haines Borough's Ten Future Growth Land Designations

The Haines Comprehensive Plan Future Growth Land Designations are:

1. Residential
2. Rural Settlement
3. Commercial
4. Industrial/Light Industrial
5. Waterfront Development
6. Park, Recreation or Open Space
7. Remote or Special Areas/Critical Habitat
8. Multiple – Recreation Emphasis
9. Multiple – Resource Use Emphasis
10. Resource Development

The boundaries or “lines” between Land Designations on the Future Growth Maps are “soft” at this scale and level of planning. Desired types of land use and growth, and preferences for how differing land values are balanced and weighted, are clear and can be captured in a distinct Land Designation. But, the location of the exact boundary between neighboring Land Designations is not precise. More site specific review of projects and zoning will be needed as questions arise. The intent is not to preclude a proposed project that is close to the boundary between two Land Designations, rather, the Planning Commission and Assembly will “step back” and consider the “big picture” intent for the area, for the Land Designation, and then the details of the project, lease or zoning request.

Residential

The Residential Land Designation is to encourage development of a healthy, safe and pleasant environment for residential living protected from incompatible and disruptive uses.

A variety of residential living is encouraged to meet all needs including single-family dwellings, duplexes, townhouses, condominiums, apartments and mobile home parks. Parks, churches and home occupations are expected in these areas. Higher density residential is desired near schools, commercial areas, and community destinations. Home businesses are expected as are bed and breakfast operations. Small pockets of neighborhood commercial development are encouraged in locations that are easily accessible to many residents and where traffic will not create conflict. In areas away from the core townsite small commercial businesses may occur. However, these areas will primarily be residential in nature. Zoning will dictate the appropriate level of mixed use development.

SR – Single Residential Zone. The intent of the single residential zone is to provide for and protect areas for low density, individual home sites and quiet residential uses. All new development in this zone should be planned to maintain and enhance the single-unit residential character of the existing neighborhood. New development areas included in this zone should be designed and developed to provide residential areas on low volume streets sheltered from other existing or proposed uses. The area is served by, or intended to have, the necessary level of public utilities and an adequate transportation system as deemed appropriate for the planned use.

REC – Recreational Zone. The intent of the recreational zone is to serve the outdoor recreational needs of the community and to provide protection for sensitive habitat areas. Included in this zone are publicly owned lands planned for recreational use. The recreational zoning designation may be applied to conservation easements and privately owned open space as requested by the owner. Lands zoned as recreational may include areas specified for buffers and greenbelts designed for walking, hiking and biking on maintained trails, or stream-bank riparian habitat. Motorized use may be prohibited by ordinance in specific areas. Haines Borough also recognizes the rights of private land owners to use their land without undue restriction.

RMU – Rural Mixed Use Zone. The intent of the rural mixed use zone is to allow for a broad mixture of uses including, as uses-by-right, single and multiple dwelling residential uses and, generally, commercial and light industrial uses by conditional use permit. Where public water or sewer utilities are unavailable, the size, slope, dimension and soil type of subdivision lots must be adequate to support on-site water and wastewater systems to properly serve the planned use of the property.

The majority of Small Tracts Road is zoned Rural Mixed Use. The portion of Mud Bay Road is zoned Single Residential. The Chilkat River frontage portion of Mud Bay Road is zoned Recreational with the dividing line from the center of Mud Bay Road.

Thank you for considering this request.

Sincerely,


Ann Marie Fossman

cc: Xi Cui "Tracy", Kathy Friedle, Dave Sosa, Julie Cozzi

