



Haines Borough Planning Commission Regular Meeting Agenda

COMMISSIONERS:

ROB GOLDBERG, CHAIR
DANIEL GONCE, VICE-CHAIR
ROBERT VENABLES
ROBERT MILLER
ANDY HEDDEN
DON TURNER III
LEE HEINMILLER

Thursday, February 14, 2013 - 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: January 17, 2013
5. PUBLIC COMMENTS [Items not scheduled for public hearing]
6. CHAIRMAN'S REPORT
7. STAFF REPORT
 - A. Planning & Zoning Report
8. PUBLIC HEARINGS:
 - A. Chilkoot Indian Association – Chilkoot Estates Subdivision, Block 1, Lot 1 and Block 2, Lots 1, 9, 10: Appeal of enforcement order requiring the payment of \$1,000 after-the-fact fees for developing four buildings without approved permits.
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. Haines Borough – Review of an official proposal by the State of Alaska to purchase Lutak Dock Tract B: ADOT&PF has submitted a written proposal, which shall be reviewed by the Planning Commission and thereafter forwarded to the assembly for a determination. **Possible motion:** Recommend for the Assembly to further consider the proposal from the state to purchase Lutak Dock Tract B.
11. COMMISSION COMMENTS:
12. CORRESPONDENCE: None
13. SCHEDULE MEETING DATES
 - A. Regular Meeting – Thursday, March 14, 2013 6:30 p.m.
14. ADJOURNMENT



**Haines Borough
Planning Commission Meeting
January 17, 2013
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 Rob **Miller**, Lee **Heinmiller**, Don **Turner III**, Danny **Gonce**, Andy **Hedden**, Robert **Venables** (Call-in).

Staff Present: Xi “Tracy” **Cui**/Borough Planning & Zoning Technician III, Borough Manager Mark **Earnest**,

Also Present: Becky **Hunt**, Scott **Sundberg**, Josh & Victoria **Moore**, Paul **Nelson**, Karen **Garcia** (CYN), Bill **Kurz**.

3. **APPROVAL OF AGENDA**

Motion: **Turner** moved to “approve the agenda as amended,” It was amended to remove “10 D2 - Haines Hockey Proposal”. It was seconded by **Hedden**. The motion carried unanimously.

4. **APPROVAL OF MINUTES** – December 6th, 2012 Special Meeting & December 13th, 2012 Regular Meeting

Motion: **Miller** moved to “approve the November 8th, 2012 Regular Meeting Minutes.” It was seconded by **Heinmiller**. The motion carried unanimously.

5. **PUBLIC COMMENTS** – None

6. **CHAIRMAN’S REPORT**

Goldberg mentioned he had a meeting with Mr. Jan **Van Dort**, who is proposing to submit a new preliminary plat on Lynnvista Estates Subdivision. He said that the Borough Manager Mark **Earnest**, the Director of Public Facilities Carlos **Jimenez**, and the Borough Clerk Julie **Cozzi** also attended the meeting. **Van Dort** is very concerned about the slump issue on his property, and his new proposal is to reduce the number of lots. There will be no extension of Oceanview Drive and the access to all lots will be from Barnett Drive. **Van Dort** questioned why Haines Borough Code (HBC) requires a cul-de-sac that shall not be longer than 500 feet from the center of the intersection to the radius point of the cul-de-sac. In addition, **Van Dort** stated that the public water will be constructed along the new Barnett Drive extension, but the public sewer will be used where gravity permits (otherwise, on-site disposal will be employed). **Goldberg** stated that HBC requires the developer to connect to the public systems if the property on which a use is proposed is within 200 feet of an existing, adequate public water and sewer system.

7. **STAFF REPORTS**

Cui reported recent permitting and enforcement activities.

Earnest mentioned the Borough had received a draft report from PND engineers. The report identifies the options for remediation and surface/groundwater controls in the Lutak Road/Oceanview Slump area. The surveys have been done, and are very accurate. PND is working on the final reports which will get finished by next month.

Earnest continually stated that PND also made recommendations regarding tree cutting in the “slump” area.

8. **PUBLIC HEARINGS**

A. **Bigfoot Auto Service Inc. – 15’ Building Separation Conditional Use Proposal**

Goldberg opened up the public hearing at 6:47 p.m.

Nelson mentioned that he wants to put a canopy over the existing gas pump island. The construction of the canopy will be built within HBC requirement of a 15 feet separation from his Parts Store. Plans for the canopy have been reviewed and approved by both the state fire marshal and the local fire department.

Goldberg closed the public hearing at 6:48 p.m.

Motion: Gonce moved to “approve Bigfoot Auto Service conditional use proposal”. The motion carried unanimously.

Gonce mentioned that he is in favor of approving the building separation conditional use proposal based on the comments from Fireman/Training Officer Al Badgley, as the Planning Commission has done with other similar proposals.

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. **Federal Legislative Priorities:**

Earnest briefly introduced the federal legislative priority List, which is created based on the status report from the Borough’s lobbyist on federal issues in Washington, D.C. The Assembly is seeking the commission’s recommendations and comments. There are only few changes from the last year’s resolution. **Earnest** mentioned that he would recommend for the Assembly to add “Liquified Natural Gas (LNG) reports” as Item No.7. **Earnest** continually stated that he would like to add another item as No. 8, which will be the federal recognitions of historic sites reports.

Gonce moved to “Recommend the Assembly to adopt this resolution.” It was seconded by **Hedden**. The motion carried unanimously.

2. **Possible Rezoning of the Eagle Vista Area:**

Goldberg mentioned that rezoning is a very contentious issue and tonight the Commission is not going to take any actions. **Goldberg** stated that he just wanted to provide the information and answered the questions/comments from the audiences. The letter was amended to correct “seventy surveys” with “sixty surveys” in the “Survey Results” section. The survey result shows that the owners of lots in Eagle Vista subdivision, many of which already build houses on them, would prefer residential zoning, while the owners of large, undeveloped lots would prefer to remain in General Use zoning. **Goldberg** said this letter would be sent out to those residents. The Planning Commission looks forward to working with

the public to discuss about the various options on the March 14th Planning Commission regular meeting.

Venables suggested that rezoning both sides of Chilkat Lake Road as Rural Mixed Use.

More discussion ensued.

11. **COMMISSION COMMENTS** - None
12. **COMMUNICATION** - None
13. **SET MEETING DATES** – The next Regular Planning Commission meeting is scheduled for 6:30 p.m. on Thursday, February 14th, 2013.
14. **ADJOURNMENT**– 7:35 p.m.

Staff Report for February 14, 2013

1. Permits Issued Since January, 2013

13-01	1/2/13	Roger Beasley	C-SEC-26-0403	Nukdik Point View Subdivision	Lot Line Adjustment - Accreted Lands	Water Front	Plat Action
13-02	1/18/13	Paul Nelson	C-735-01-0100		CUP - build canopy over the gas pump island	ILC	Conditional Use

2. **Enforcement Orders:** One enforcement order was issued since the January for unpermitted Land Use Violation in Henry Subdivision. There is heavy construction equipments and a yurt placed on Mr. Ira Henry's property, which is in the Townsite Service area. Haines Borough code 18.30.010 requires: *"The developer of any use within the townsite service area shall obtain the appropriate approval or permit prior to the establishment of the use or any site work except surveying, and the borough assessor shall receive a copy per HBC 3.72.070."* The enforcement letter has been sent out.



Chilkoot Indian Association



A Federally Recognized Sovereign Indian Tribe

January 17, 2013

Julie Cozzi
Haines Borough Clerk
P.O. Box 1209
Haines, AK 99827

Dear Julie,

This letter is an administrative appeal of a decision e-mailed by Xi (Tracy) Cui dated January 10, 2013.

In Tracy's letter \$1,000.00 in penalties is assessed to the Chilkoot Indian Association. The fines address: 1) "after the fact (ATF)" fees for developing four buildings without an approved permit, and 2) to open an opportunity for the Tribe to have the Borough consider reviewing the four permits again. This pertains to four completed residential land use permit applications received by the Borough on September 28, 2010. No additional information is requested.

The applications were completed, which included ATF fees, in order to be brought before the Planning Commission - they just aren't approved. We went beyond the effort needed to have these permits approved. We believe that fines are inappropriate, and we would request that the Planning Commission approve the four applications as uses-by-right in the subdivision.

Upon completion the four land use permit applications were directed by staff to the Planning Commission for Conditional Use permit review. There was debate about the CU being necessary for our development. Staff determined that a CU permit was necessary because it provided a mechanism to fit into the strictures of code. However, the CU permit requirement introduced irreconcilable complexities, among which were inaccurate setback distances, water/sewer utility connections, and the already-answered question of the overall appropriateness of the buildings in the first place (residential uses in a subdivision zoned residential). Our funders also needed buildings built on individual subdivision lots. We had asked that the permits be considered using plat lines - the monuments were there. We thought a CU permit for a SFR in an individual residential subdivision lot was a silly idea. However, the permits were reviewed as a CU by the Planning Commission, and at the meeting I concluded that, even though the application was complete, there was not enough land use code for them to make a decision to fit the letter of the law. None was made.

That year, the Tribe was enjoying an influx of construction funding, while our land use permit administrative review deadlines had passed. We didn't get answers from the Borough Administration. Could we develop or not, and on what terms? We got no decision. I believe all parties agreed to the value and quality of the subdivision and housing projects, but the Process was hindering the development. In the final walk-through with Federal Highways the Chilkoot Estates subdivision was declared by Borough staff to be the highest-quality subdivision

A Federally Recognized Sovereign Indian Tribe

PO Box 490 Haines AK 99827 Phone 907-766-2323 Fax 907-766- 2365

constructed in the history of Haines. Our proposed development plan did not fail us; the Process has failed us. We were just given no avenue for reasonable development by the administration's handling of the Process. Three requests with a proposed solution were made to the Manager (see attached), but with no decision. However, since the administrative deadlines (HC18.40.030) had passed, and we'd received no answers to our questions either for or against the development, our internal risk assessment indicated that it was best to finish the buildings while we had funding as per our applications. Delays by the administration Process had leveraged us into an impossible situation because even though we played by the rules, they didn't. They left us hanging. We finished the buildings, which are now occupied.

Then we realized that we need to possess copies of approved municipal permits to close out our housing file and receive final funding drawdowns. I approached the Borough asking for approved permits - it'd been a year since we'd been entitled to an answer. The municipal response was no solution and additional fines alongside.

Other factors to consider:

1. Six permits, including these four, happened under these same circumstances (prior to having the Chilkoot Estates subdivision plat recorded). The others were approved using subdivision lot lines, while these were delayed, with no explanation. The other developments were completed without event.
2. The Tribe has cheerfully initiated land use permit applications for this development without enforcement problems. To date, our developments have included a rezoning, preliminary and final plat reviews, trail variance, storage shed, four single family residences, two fourplexes, and we also were involved with proposing changes to subdivision code to reduce developer costs during the long plat review process (20% review submittal). We have spent much time on Borough permits.
3. Staff changed during this process, including the PZ Tech and the Manager.

In conclusion, we believe that Borough staff took the permits as far as they could, but basically gave up trying to figure out the complexities, so that the Manager, who could've used his judgment on this matter, made no decision, and we have taken the loss. Now we have additional penalties to cover the ones we've already paid.

I think the reason a decision was hesitated was that that the code does not have a niche for building structures on the same property while a concurrent preliminary plat is under review.

I request that the Planning Commission approve our residential permit paperwork as received on September 28, 2010, as uses-by-right in the Chilkoot Estates subdivision, and have the approvals delivered within seven business days. I would also request that the Planning Commission reverse the decision to impose fines for these permits. We would further request that the Planning Commission encourage administration staff to respond to land use permit applications with equitability, timeliness and professionalism. Thank you for your consideration.

Sincerely,

Scott Hansen
Tribal Transportation Coordinator

Scott Hansen

From: Scott Hansen
Sent: Monday, January 17, 2011 3:00 PM
To: 'Mark Earnest'
Cc: 'Steve Ritzinger'
Subject: FW: Chilkoot Estates development permitting

Mark –

It's been awhile, and permit issues don't ever seem to go away. My request still stands to be allowed to develop Chilkoot property using preliminary plat lines rather than viewing it as one big property. Details are at the bottom. Thanks for your help.

scott

Scott Hansen
Tribal Transportation Coordinator
Chilkoot Indian Association
P.O. Box 490
Haines, AK 99827
(907) 766-2323
(907) 314-0014 cell
(907) 766-2365 fax

From: Scott Hansen
Sent: Monday, November 29, 2010 1:48 PM
To: 'Mark Earnest'
Cc: Steve Ritzinger
Subject: FW: Chilkoot Estates development permitting

Mark –

I am following up on the request below, which pertains to a certain permitting question. After hearing from the Planning Commission, what is needed to properly permit these buildings? I appreciate your answer, since questions are being asked as to the current status of our permit application and building projects. Thanks for your help.

scott

Scott Hansen
Tribal Transportation Coordinator
Chilkoot Indian Association
P.O. Box 490
Haines, AK 99827
(907) 766-2323
(907) 314-0014 cell
(907) 766-2365 fax

From: Scott Hansen
Sent: Tuesday, October 12, 2010 11:59 AM
To: 'Mark Earnest'
Cc: 'Steve Ritzinger'; 'dave berry'; Lee Heinmiller (lee@alaskaindianarts.com)
Subject: Chilkoot Estates development permitting

Mark –

I appreciate our discussion yesterday regarding permitting issues on our subdivision. I appreciate Steve's pro-active approach to processing our permits, though from time to time he's pushed into a corner trying to keep all issues objective. I believe this is one issue where the Manager's ability to interpret code should come into play.

I am requesting, until our preliminary plat is approved, that our land use permit consider preliminary plat lines for setbacks and lot distinctions instead of the boundaries of our single, 54-acre, unsubdivided parcel. Currently the expectation is to consider the parcel as a single lot, despite its being approved for subdivision and utility development. We are allowed to construct utilities in our subdivision, but we're not being allowed to building houses in our subdivision. To develop multiple buildings on a single parcel is a Conditional Use. We are not planning multiple buildings on a single, larger lot. We are planning them in our approved subdivision.

The Borough is comfortable with us risking developing roads to Borough standards before the plat is approved. We think it reasonable to risk developing good houses using the same rationale.

Furthermore, to declare that all our fourplexes and SFRs are planned to be on one 54-acre parcel is inconsistent with our housing plans, which identify each parcel as having value within individual lot boundaries of a subdivision. Our fourplexes are designed and funded on individual lots with separate obligations weighing on those parcels. The development plan, identifying them as being on subdivided lots, is acceptable to our housing funders. We don't want to contradict that and risk a cloud on our funding agreements.

I propose that our SFRs and other buildings be allowed to be developed using preliminary plat lines, with the stipulation that 1) they connect to the public utility currently being installed and 2) occupancy occurs only after the preliminary plat is approved. This will allow setback considerations to be consistent, utility connections to be approved with the rest of the utility system, and water and sewer utilities won't be flowing either way until the Borough is ready to handle it.

The subdivision approval process has been rather complicated, but we've been working through it together, and we look forward to the continued project for the good of the community. Thanks for the consideration.

scott

Scott Hansen
Tribal Transportation Coordinator
Chilkoot Indian Association
P.O. Box 490
Haines, AK 99827
(907) 766-2323
(907) 314-0014 cell
(907) 766-2365 fax



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

Date: January 10, 2013

To: Chilkoot Indian Association
Attn: Dave Berry
PO Box 490
Haines, AK 99827

Re: Unpermitted Residential Construction; Chilkoot Estates Subdivision Block 1, Lot 1;
Block 2, Lots 1, 9, 10; in Violation of Haines Borough Code Title 18 Land
Use/Development

Dear Mr. Berry:

Haines Borough has received requests from CIA for the Chilkoot Estates Subdivision Land Use permits for Block 1, Lot 1 and Block 2, Lots 1, 9, 10. Based on the requests, the Borough staff searched the old files back to 2010. Below are the findings what happened step-by-step from start to finish, (or from start to today):

Step 1: What did CIA do first?

- Chilkoot Estates Subdivision was not a recognized subdivision until August 21, 2012. (See attachment #1) That means, before August 21, 2012 the Chilkoot Estates Subdivision was still considered a single, 54-acre, un-subdivided parcel with only preliminary plat approval for the subdividing of the single 54-acre lot.
- CIA submitted three Land Use applications for SFR building permits (Block 2, Lot 1, 9, 10) on September 28, 2010. (See attachment #2, 3, 4), and submitted one Land Use application for fourplex building permits (Block 1, Lot 1) on March 25, 2010. (See attachment #5)

Step 2: What responses did CIA receive from the Haines Borough Planning & Zoning Department?

- According to Haines Borough Code 18.70.040 Zoning use chart:

GENERAL CLASSIFICATION □	RESIDENTIAL/ Commercial Uses			
	Multiple Residential	Rural Residential	Rural Mixed Use	Multiple Use
Specific Zoning Districts □				
USES ↓	MR	RR	RMU	MU
Multiple Single-Family Residences	CU	CU	CU	CU
Multi-Unit Dwelling	UBR	NA	UBR	UBR
Guest House	CU	CU	CU	CU

Haines Borough Code allows multiple residential structures on one lot through a conditional use permit. The Planning & Zoning staff accepted the applications and followed the conditional use permit procedures. (HBC 18.50.030) The public notice letters were sent out on October 7, 2010. (See attachment #6)

Step 3: Did CIA attend the meeting, or did they amend their request to avoid an otherwise necessary conditional use approval? If CIA did not attend the meeting, is there any correspondence from them explaining why?

- Attachment #7 is the Planning Commission October 14, 2010 minutes. It shows the applicant did not want to go through with this conditional use permit because they feared it would jeopardize their funding source. CIA withdrew this conditional use proposal at the last minute, so the Borough was not able to process the applications.

Haines Borough staff has followed the code and all the documentation has been collected on the topic from start to present day written into a document showing the chronological timeline of events. Per HBC 18.30.010, "The developer of any use within the townsite service area shall obtain the appropriate approval or permit prior to the establishment of the use or any site work..." Four residential buildings in Chilkoot Estates Subdivision have not been appropriately approved or permitted prior to the establishment of the use or any site work. Due to this fact, the property owner is being assessed \$250 after-the-fact fee for each house, per HBC 18.30.070 and 18.30.010 A1. Upon receiving the required \$1000 fees for Block 1, Lot 1, and Block 2, Lots 1, 9, 10 within Chilkoot Estates Subdivision, the Borough will consider approval of the permits.

Thank you. If you have questions or require clarification on the matter, please contact me at (907)766-2231 ext. 23 or by email at xcui@haines.ak.us.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Xi Cui'.

Xi Cui "Tracy"
Planning and Zoning Technician III

Cc: Scott Hansen, Tribal Transportation Coordinator, Chilkoot Indian Association
Mark Earnest, Manager, Haines Borough
Stephanie Scott, Mayor, Haines Borough
Julie Cozzi, Clerk, Haines Borough
Dean Olsen, Assistant Assessor, Haines Borough

#2 Block 2 Lot 1

HAINES BOROUGH		Permit #
PLANNING AND ZONING/LAND USE PERMIT APPLICATION		
<input checked="" type="checkbox"/> SIGN \$25	<input checked="" type="checkbox"/> LAND USE AND DEVELOPMENT \$50	<input type="checkbox"/> CHANGE OF USE \$50
<input checked="" type="checkbox"/> VARIANCE/CONDITIONAL USE/PUD \$150	<input type="checkbox"/> LOT LINE VACATION/ADJUSTMENT PLAT \$50	
<input type="checkbox"/> SHORT PLAT \$75	<input type="checkbox"/> REZONING/LONG PLAT \$200	
Land Use Zone: (circle) GU LTK MB I/H I/L/C I/W C W SSA SR MR RR RMU REC		

Location of project: Lot 1 Block 2 Subdivision/Tract/Survey proposed Chilkot Reserves

Street Address _____ Property tax ID number _____

<input checked="" type="checkbox"/> Residential Development	RECEIVED	<input type="checkbox"/> Commercial Development
<input checked="" type="checkbox"/> Single Family		Type of Business _____
<input type="checkbox"/> Duplex	SEP 28 2010	If eating or drinking establishment, give maximum seating capacity _____
<input type="checkbox"/> Multi-Family (# of Units _____)		<input type="checkbox"/> Sign(s) How many? _____ (Attach Drawing)
	HAINES BOROUGH	<input type="checkbox"/> Fire Marshal Plan Approval (Required)

If Change of Use: Existing/Proposed Property Use _____

If Subdivision: New Subdivision Name (must be unique) _____

Estimated Project Value \$ _____
(To nearest \$1,000)

Development: (Explain) _____

PERMIT REQUIREMENTS:

- Connect to Public Water and Sewer if available [completed application required]
- Provide State approval of on-site water and/or septic system if public utilities not available - **permit will not be issued without this approval**
- Provide proof of legal and physical road access to property
- Provide plan for drainage, driveway(s), culvert size and placement
- Provide public access to recreational waters where required
- Provide adequate off-street parking as required
- Abide by existing height restrictions and setback requirements
- Abide by existing minimum lot size requirement
- In Highland Estates, underground utilities required where available
- If application for commercial use, written approval from State Fire Marshal's office required **before** Borough permit will be issued
- If permit is for a sign adjacent to a State Highway, set back a minimum of 60' from center line of the highway or applicant must notify local DOT
- If located in Historic District, permit processed by Planning Commission

I hereby request a variance from density, setback, parking or height limitations and have submitted a variance request form, attached hereto.

The information I have given in this application is true and accurate. I have been informed of the above-listed permit requirements and agree to abide by them, all Borough Codes, and all State and Federal regulations, including those regarding wetlands and tidelands. I AM AWARE THAT IF I BEGIN CONSTRUCTION PRIOR TO RECEIVING PERMIT APPROVAL I WILL BE ASSESSED A \$250.00 "AFTER-THE-FACT" FEE.

Scott Hansen
 Signature of Property Owner (Required)
 Scott Hansen
 Printed Name of Property Owner
Chilkot Indian Assn Box 420
 Mailing Address
9-28-10 766-2323
 Date Submitted Phone No.
 314-0014

Whitney Nulsen
 Businesses/Laborers hired (Required)

 Owner Name

 Mailing Address

 Phone No.

6

**HAINES BOROUGH
PLANNING AND ZONING/LAND USE PERMIT APPLICATION**

Page 2

SITE PLAN

Draw your site plan, to scale, on a separate sheet of paper. The site plan must include the following:

1. Drawing showing dimensions of lot on which activity/construction is planned.
2. Existing streets, alleys, sidewalks, driveways, easements, incl. widths.
3. Existing buildings/structures on the property, their location, dimensions, 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 commercial structure include all signs planned, with a drawing showing the proposed size, lettering and dimensions, its location on the property, as well as dimensions of building wall on which or adjacent to which each sign will be placed. Maximum of 4 signs per business allowed. (See example.)
8. If variance or conditional use application, provide the names and addresses of all property owners within 200 ft. of your property (see Assessor's office)
9. If zero lot line construction proposed, show plan for handling snowdrop onto adjoining properties.

It is strongly recommended that a survey of the property be performed prior to submittal of the land use permit application and site plan. Setback requirements vary by district -- check with Borough planning staff for setback requirements in your area. Ordinance enforcement as adopted by the Haines Borough Assembly is administered by the Haines Borough Planning Commission. Any violation of permit procedures or of the ordinances enforced by the Commission has both civil and criminal penalties provided by law.

===== OFFICE USE ONLY BELOW THIS LINE =====

DECISION

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: _____

BOROUGH MANAGER OR PLANNING COMMISSION CHAIR

DATE

NON-REFUNDABLE PROCESSING FEES

- \$25 - Sign \$50 - Land Use \$50 - Change of Use
 \$150 - Development/Conditional Variance
 \$50 - Lot Line Vacation/Adjustment Plat \$75 Short Plat
 \$200 - Rezoning/Long Plat
 \$250 - Fee for beginning work prior to permit being issued

Fees paid \$ 150.00

Receipt No. 11394

C. Keller
Fees Received By

8/13/10
Date Received

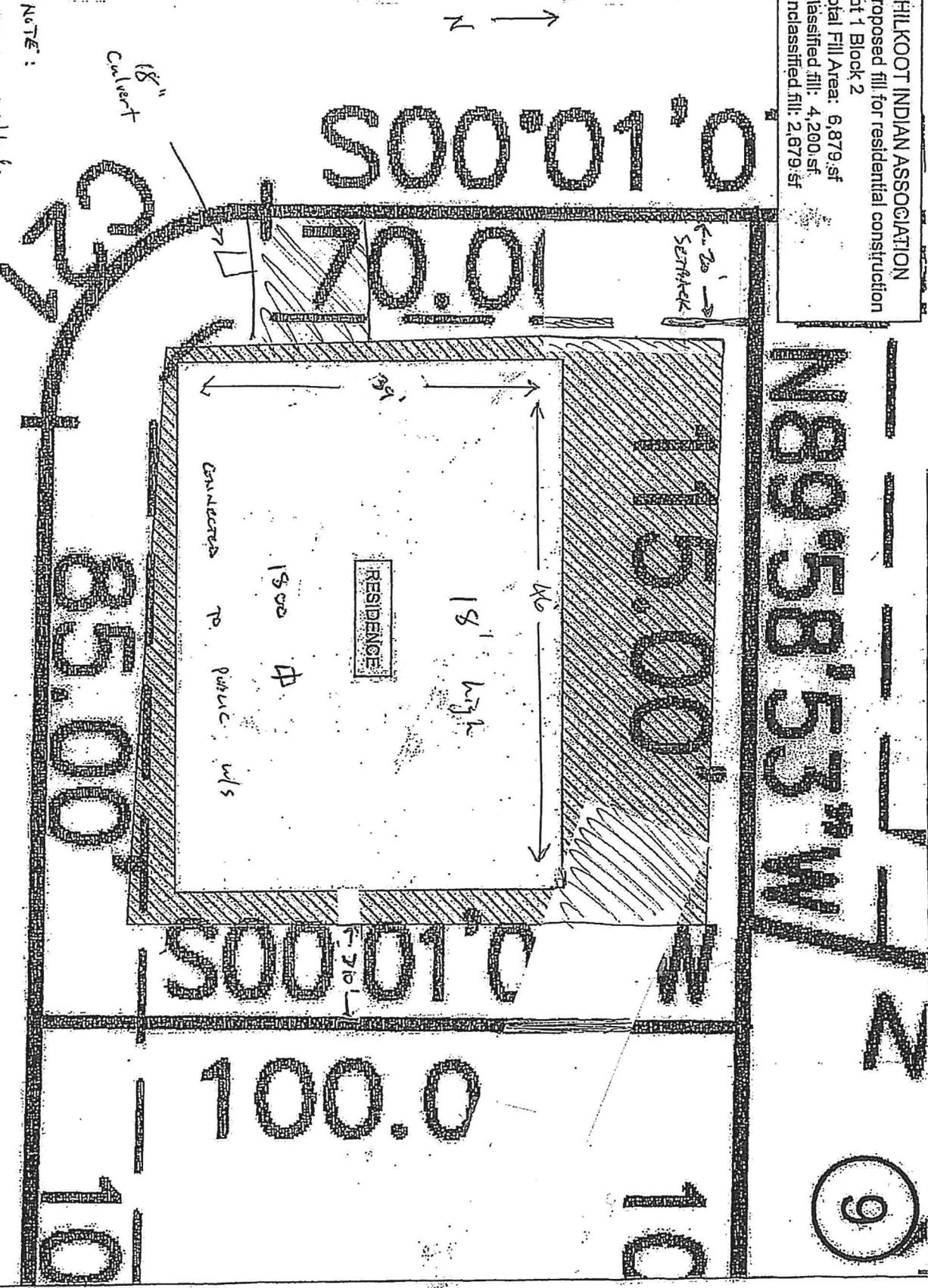
Revised 8/18/06

#150 submitted as part of the preliminary plat fee for approval #10-95 shall apply towards this Conditional use proposal. per HBC 18.30.070 B and C.

CHILKOOT INDIAN ASSOCIATION
 Proposed fill for residential construction
 Lot 1 Block 2
 Total Fill Area: 6,879 sf
 Classified fill: 4,200 sf
 Unclassified fill: 2,679 sf

NOTE:
 18" wetlands
 40' permit strip
 for fill

POA-2007-1136-M 9 JAN 2009 CHILKOOT RIVER
 CHILKOOT INDIAN ASSOCIATION
 RESIDENTIAL SUBDIVISION PAGE 17 OF 34



#3 Block 2 Lot 9

HAINES BOROUGH		Permit #
PLANNING AND ZONING/LAND USE PERMIT APPLICATION		
<input type="checkbox"/> SIGN \$25	<input checked="" type="checkbox"/> LAND USE AND DEVELOPMENT \$50	<input type="checkbox"/> CHANGE OF USE \$50
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<input type="checkbox"/> SHORT PLAT \$75		<input type="checkbox"/> REZONING/LONG PLAT \$200
Land Use Zone: (circle) GU LTK MB I/H I/L/C I/W C W SSA SR <u>MR</u> RR RMU REC.		

Location of project: Lot 9 Block 2 Subdivision/Tract/Survey proposed Chikhot Rectos

Street Address _____ Property tax ID number _____

<input type="checkbox"/> Residential Development	RECEIVED	<input type="checkbox"/> Commercial Development
<input checked="" type="checkbox"/> Single Family		Type of Business _____
<input type="checkbox"/> Duplex		If eating or drinking establishment, give maximum seating capacity _____
<input type="checkbox"/> Multi-Family (# of Units _____)	SEP 28 2010	<input type="checkbox"/> Sign(s) How many? _____ (Attach Drawing)
		<input type="checkbox"/> Fire Marshal Plan Approval (Required)

HAINES BOROUGH

If Change of Use: Existing/Proposed Property Use _____

If Subdivision: New Subdivision Name (must be unique) _____

Estimated Project Value \$ _____
(To nearest \$1,000)

Development: (Explain) _____

PERMIT REQUIREMENTS:

- Connect to Public Water and Sewer if available [completed application required]
- Provide State approval of on-site water and/or septic system if public utilities not available - **permit will not be issued without this approval**
- Provide proof of legal and physical road access to property
- Provide plan for drainage, driveway(s), culvert size and placement
- Provide public access to recreational waters where required
- Provide adequate off-street parking as required
- Abide by existing height restrictions and setback requirements
- Abide by existing minimum lot size requirement
- In Highland Estates, underground utilities required where available
- If application for commercial use, written approval from State Fire Marshal's office required **before** Borough permit will be issued
- If permit is for a sign adjacent to a State Highway, set back a minimum of 60' from center line of the highway or applicant must notify local DOT
- If located in Historic District, permit processed by Planning Commission

I hereby request a variance from density, setback, parking or height limitations and have submitted a variance request form, attached hereto.

The information I have given in this application is true and accurate. I have been informed of the above-listed permit requirements and agree to abide by them, all Borough Codes, and all State and Federal regulations, including those regarding wetlands and tidelands. I AM AWARE THAT IF I BEGIN CONSTRUCTION PRIOR TO RECEIVING PERMIT APPROVAL I WILL BE ASSESSED A \$250.00 "AFTER-THE-FACT" FEE.

Scott Hansen
Signature of Property Owner (Required)

Whiteaker Nulsen
Businesses/Laborers hired (Required)

Printed Name of Property Owner
CHILLOT INDIAN ASSN BOX 490

Owner Name _____

Mailing Address
9-28-10 766-2323

Mailing Address _____

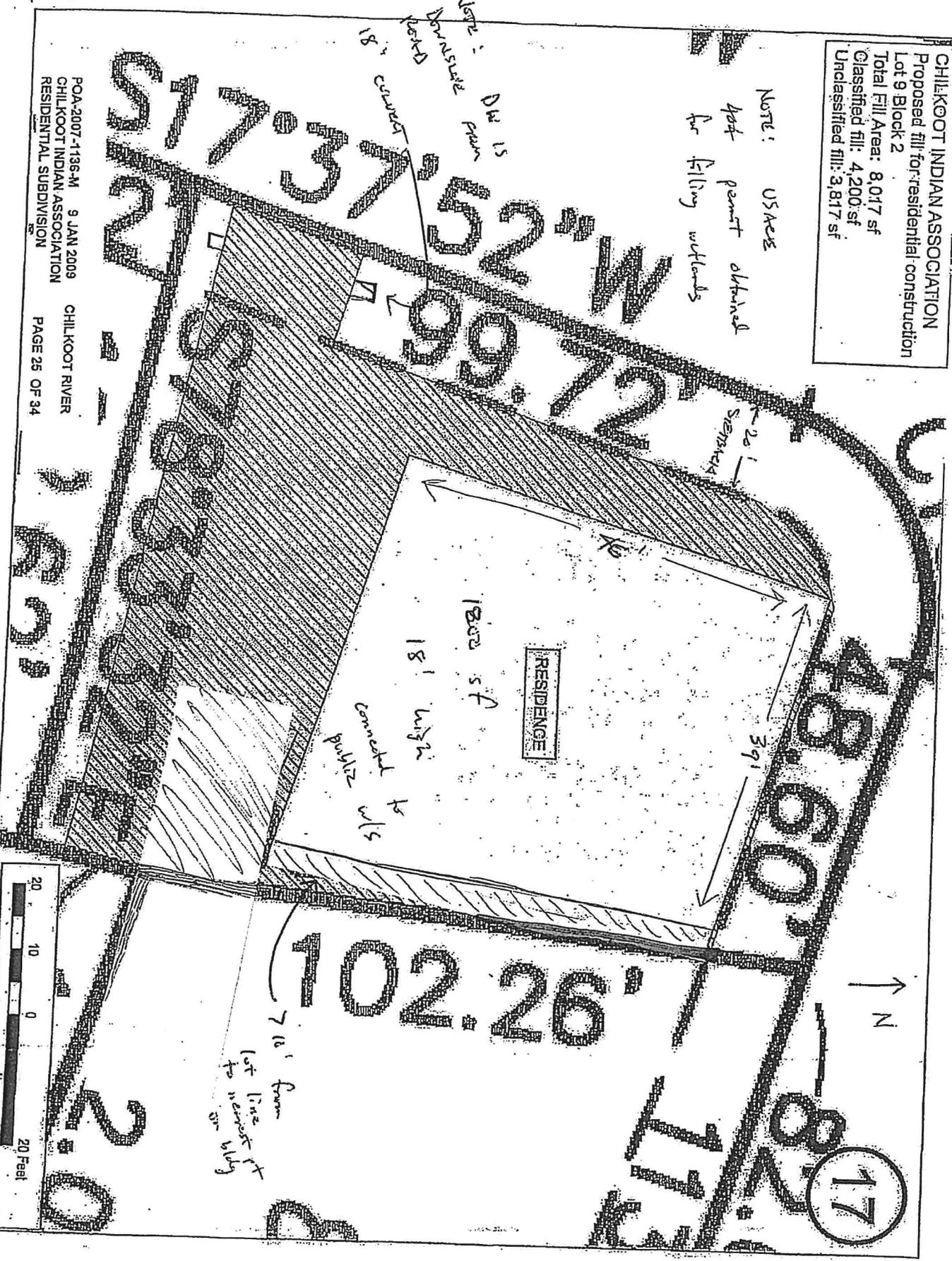
Date Submitted _____ Phone No. 314-0014

Phone No. _____

CHILKOOT INDIAN ASSOCIATION
 Proposed fill for residential construction
 Lot 9 Block 2
 Total Fill Area: 8,017 sf
 Classified fill: 4,200 sf
 Unclassified fill: 3,817 sf

NOTE: USACE
 wet permit obtained
 for filling wetlands

Note: 18' concrete
 drainage
 from
 Ditch



Connected to
 public
 w/s

20'
 Streambed

7' 11" from
 lot line to
 nearest
 stream



#4 Block 2 Lot 10

HAINES BOROUGH		Permit #
PLANNING AND ZONING/LAND USE PERMIT APPLICATION		
<input type="checkbox"/> SIGN \$25	<input type="checkbox"/> LAND USE AND DEVELOPMENT \$50	<input type="checkbox"/> CHANGE OF USE \$50
<input checked="" type="checkbox"/> VARIANCE/CONDITIONAL USE/PUD \$150	<input type="checkbox"/> LOT LINE VACATION/ADJUSTMENT PLAT \$50	
<input type="checkbox"/> SHORT PLAT \$75		<input type="checkbox"/> REZONING/LONG PLAT \$200
Land Use Zone: (circle) GU LTK MB I/H I/L/C I/W C W SSA SR <u>MR</u> RR RMU REC		

Location of project: Lot 10 Block 2 Subdivision/Tract/Survey proposed Chikot Rects
 Street Address _____ Property tax ID number _____

<input type="checkbox"/> Residential Development	RECEIVED	<input type="checkbox"/> Commercial Development
<input checked="" type="checkbox"/> Single Family		Type of Business _____
<input type="checkbox"/> Duplex		If eating or drinking establishment, give maximum seating capacity _____
<input type="checkbox"/> Multi-Family (# of Units _____)	SEP 28 2010	<input type="checkbox"/> Sign(s) How many? _____ (Attach Drawing)
		<input type="checkbox"/> Fire Marshal Plan Approval (Required)

If Change of Use: Existing/Proposed Property Use _____

If Subdivision: New Subdivision Name (must be unique) _____

Estimated Project Value \$ _____
(To nearest \$1,000)

Development: (Explain) _____

PERMIT REQUIREMENTS:

- Connect to Public Water and Sewer if available [completed application required]
- Provide State approval of on-site water and/or septic system if public utilities not available - **permit will not be issued without this approval**
- Provide proof of legal and physical road access to property
- Provide plan for drainage, driveway(s), culvert size and placement
- Provide public access to recreational waters where required
- Provide adequate off-street parking as required
- Abide by existing height restrictions and setback requirements
- Abide by existing minimum lot size requirement
- In Highland Estates, underground utilities required where available
- If application for commercial use, written approval from State Fire Marshal's office required **before** Borough permit will be issued
- If permit is for a sign adjacent to a State Highway, set back a minimum of 60' from center line of the highway or applicant must notify local DOT
- If located in Historic District, permit processed by Planning Commission

I hereby request a variance from density, setback, parking or height limitations and have submitted a variance request form, attached hereto.

The information I have given in this application is true and accurate. I have been informed of the above-listed permit requirements and agree to abide by them, all Borough Codes, and all State and Federal regulations, including those regarding wetlands and tidelands. I AM AWARE THAT IF I BEGIN CONSTRUCTION PRIOR TO RECEIVING PERMIT APPROVAL I WILL BE ASSESSED A \$250.00 "AFTER-THE-FACT" FEE.

Scott Hansen
Signature of Property Owner (Required)

CHIKOT INDIVIDUAL ASSN BOX 410
Printed Name of Property Owner

9-28-10 76-2323
Date Submitted Phone No.

Whitlock Nursery
Businesses/Laborers hired (Required)

Owner Name _____

Mailing Address _____

Phone No. _____

HAINES BOROUGH
PLANNING AND ZONING/LAND USE PERMIT APPLICATION

Page 2

SITE PLAN

Draw your site plan, to scale, on a separate sheet of paper. The site plan must include the following:

1. Drawing showing dimensions of lot on which activity/construction is planned.
2. Existing streets, alleys, sidewalks, driveways, easements, incl. widths.
3. Existing buildings/structures on the property, their location, dimensions, 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 commercial structure include all signs planned, with a drawing showing the proposed size, lettering and dimensions, its location on the property, as well as dimensions of building wall on which or adjacent to which each sign will be placed. Maximum of 4 signs per business allowed. (See example.)
8. If variance or conditional use application, provide the names and addresses of all property owners within 200 ft. of your property (see Assessor's office)
9. If zero lot line construction proposed, show plan for handling snowdrop onto adjoining properties.

It is strongly recommended that a survey of the property be performed prior to submittal of the land use permit application and site plan. Setback requirements vary by district -- check with Borough planning staff for setback requirements in your area. Ordinance enforcement as adopted by the Haines Borough Assembly is administered by the Haines Borough Planning Commission. Any violation of permit procedures or of the ordinances enforced by the Commission has both civil and criminal penalties provided by law.

===== OFFICE USE ONLY BELOW THIS LINE =====

DECISION

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: _____

BOROUGH MANAGER OR PLANNING COMMISSION CHAIR

DATE

NON-REFUNDABLE PROCESSING FEES

- \$25 - Sign \$50 - Land Use \$50 - Change of Use
- \$150 - Development/Conditional/Variance
- \$50 - Lot Line Vacation/Adjustment Plat \$75 Short Plat
- \$200 - Rezoning/Long Plat
- \$250 - Fee for beginning work prior to permit being issued

Fees paid \$ 150

Receipt No. 11394

Fees Received By

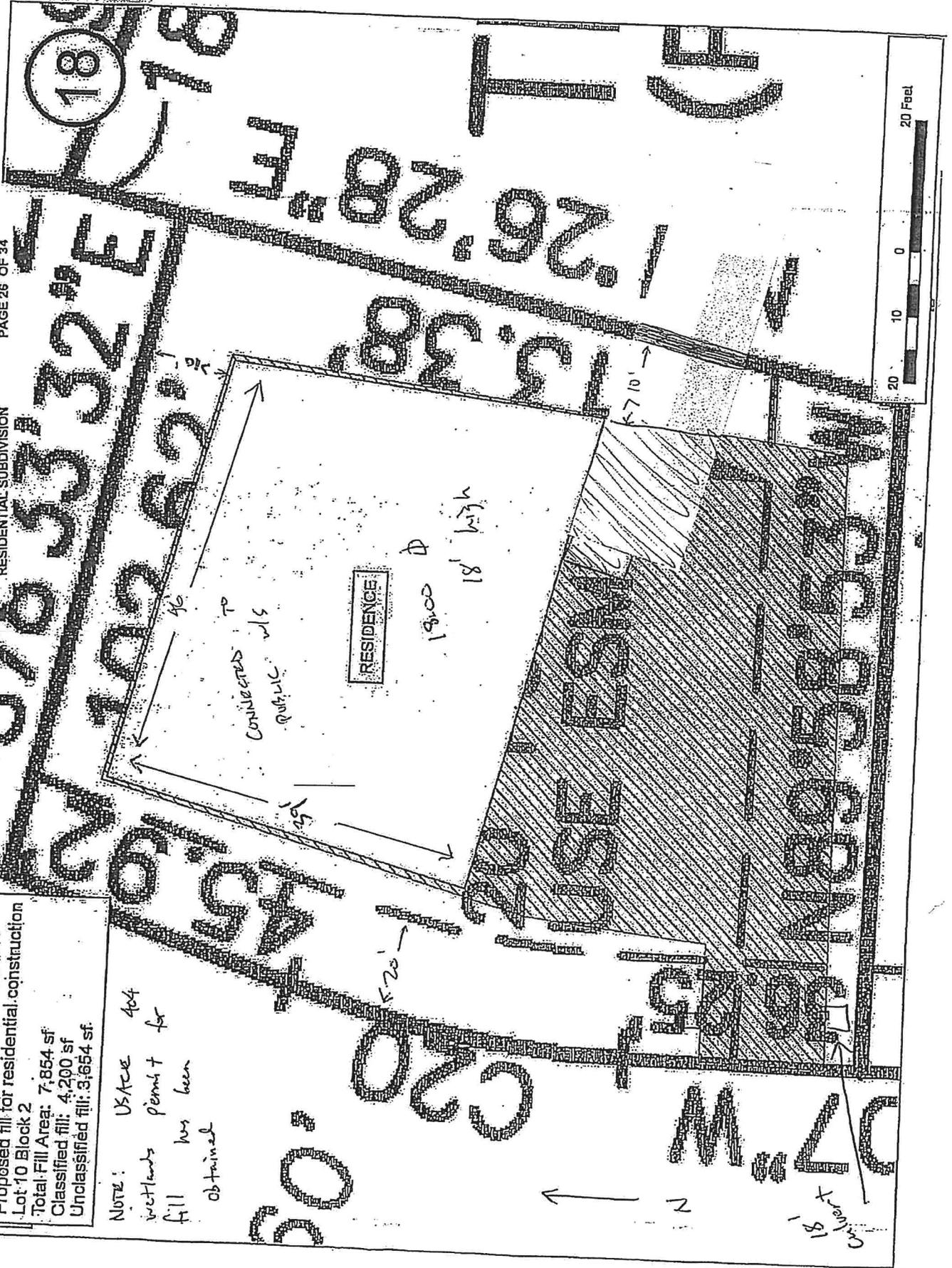
Date Received

Revised 8/18/06

*\$150 submitted as part of the preliminary plat
fee for approval # 10-95 which was approved on
July 9th 2010 shall apply towards this conditional
use proposal.*

CHILKOOT INDIAN ASSOCIATION
Proposed fill for residential construction
Lot 10 Block 2
Total Fill Area: 7,854 sf
Classified fill: 4,200 sf
Unclassified fill: 3,654 sf

NOTE: USACE 404 wetlands permit for fill has been obtained



#5 Block 1 Lot 1

HAINES BOROUGH		Permit #
PLANNING AND ZONING/LAND USE PERMIT APPLICATION		
<input type="checkbox"/> SIGN \$25	<input checked="" type="checkbox"/> LAND USE AND DEVELOPMENT \$50	<input type="checkbox"/> CHANGE OF USE \$50
<input type="checkbox"/> VARIANCE/CONDITIONAL USE/PUD \$150	<input type="checkbox"/> LOT LINE VACATION/ADJUSTMENT PLAT \$50	
<input type="checkbox"/> SHORT PLAT \$75		<input type="checkbox"/> REZONING/LONG PLAT \$200
Land Use Zone: (circle) GU LTK MB I/H I/L/C I/W C W SSA SR MR RR RMU REC		

Location of project: Lot _____ Block _____ Subdivision/Tract/Survey _____

Street Address NEXT TO FAIRGROUNDS Property tax ID number _____

RECEIVED

MAR 25 2010

- | | |
|---|--|
| <input type="checkbox"/> Residential Development | <input type="checkbox"/> Commercial Development |
| <input type="checkbox"/> Single Family | Type of Business _____ |
| <input type="checkbox"/> Duplex | If eating or drinking establishment, give maximum seating capacity _____ |
| <input checked="" type="checkbox"/> Multi-Family (# of Units <u>4</u>) | <input type="checkbox"/> Sign(s) How many? _____ (Attach Drawing) |
| | <input type="checkbox"/> Fire Marshal Plan Approval (Required) |

HAINES BOROUGH

If Change of Use: Existing/Proposed Property Use _____

If Subdivision: New Subdivision Name (must be unique) _____

Estimated Project Value \$ 385,000.00
(To nearest \$1,000)

Development: (Explain) Fourplex construction

PERMIT REQUIREMENTS:

- > Connect to Public Water and Sewer if available [completed application required]
- > Provide State approval of on-site water and/or septic system if public utilities not available - permit will not be issued without this approval
- > Provide proof of legal and physical road access to property
- > Provide plan for drainage, driveway(s), culvert size and placement
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- > Provide adequate off-street parking as required
- > Abide by existing height restrictions and setback requirements
- > Abide by existing minimum lot size requirement
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- > If application for commercial use, written approval from State Fire Marshal's office required before Borough permit will be issued
- > If permit is for a sign adjacent to a State Highway, set back a minimum of 60' from center line of the highway or applicant must notify local DOT
- > If located in Historic District, permit processed by Planning Commission

I hereby request a variance from density, setback, parking or height limitations and have submitted a variance request form, attached hereto.

The information I have given in this application is true and accurate. I have been informed of the above-listed permit requirements and agree to abide by them, all Borough Codes, and all State and Federal regulations, including those regarding wetlands and tidelands. I AM AWARE THAT IF I BEGIN CONSTRUCTION PRIOR TO RECEIVING PERMIT APPROVAL I WILL BE ASSESSED A \$250.00 "AFTER-THE-FACT" FEE.

Chilkoot Indian Association
 Signature of Property Owner (Required) _____
 Scott Hansen
 Printed Name of Property Owner _____
 PO Box 490
 Mailing Address _____
3-25-10 766-2323
 Date Submitted Phone No.

Businesses/Laborers hired (Required) _____
 Owner Name _____
 Mailing Address _____
 Phone No. _____

HAINES BOROUGH
PLANNING AND ZONING/LAND USE PERMIT APPLICATION
Page 2

SITE PLAN

Draw your site plan, to scale, on a separate sheet of paper. The site plan must include the following:

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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.
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7. If commercial structure include all signs planned, with a drawing showing the proposed size, lettering and dimensions, its location on the property, as well as dimensions of building wall on which or adjacent to which each sign will be placed. Maximum of 4 signs per business allowed. (See example.)
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It is strongly recommended that a survey of the property be performed prior to submittal of the land use permit application and site plan. Setback requirements vary by district -- check with Borough planning staff for setback requirements in your area. Ordinance enforcement as adopted by the Haines Borough Assembly is administered by the Haines Borough Planning Commission. Any violation of permit procedures or of the ordinances enforced by the Commission has both civil and criminal penalties provided by law.

===== OFFICE USE ONLY BELOW THIS LINE =====

DECISION

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: _____

BOROUGH MANAGER OR PLANNING COMMISSION CHAIR

DATE

NON-REFUNDABLE PROCESSING FEES

- \$25 - Sign \$50 - Land Use \$50 - Change of Use
 \$150 - Development/Conditional/Variance
 \$50 - Lot Line Vacation/Adjustment Plat \$75 Short Plat
 \$200 - Rezoning/Long Plat
 \$250 - Fee for beginning work prior to permit being issued

Fees paid \$ 300.00

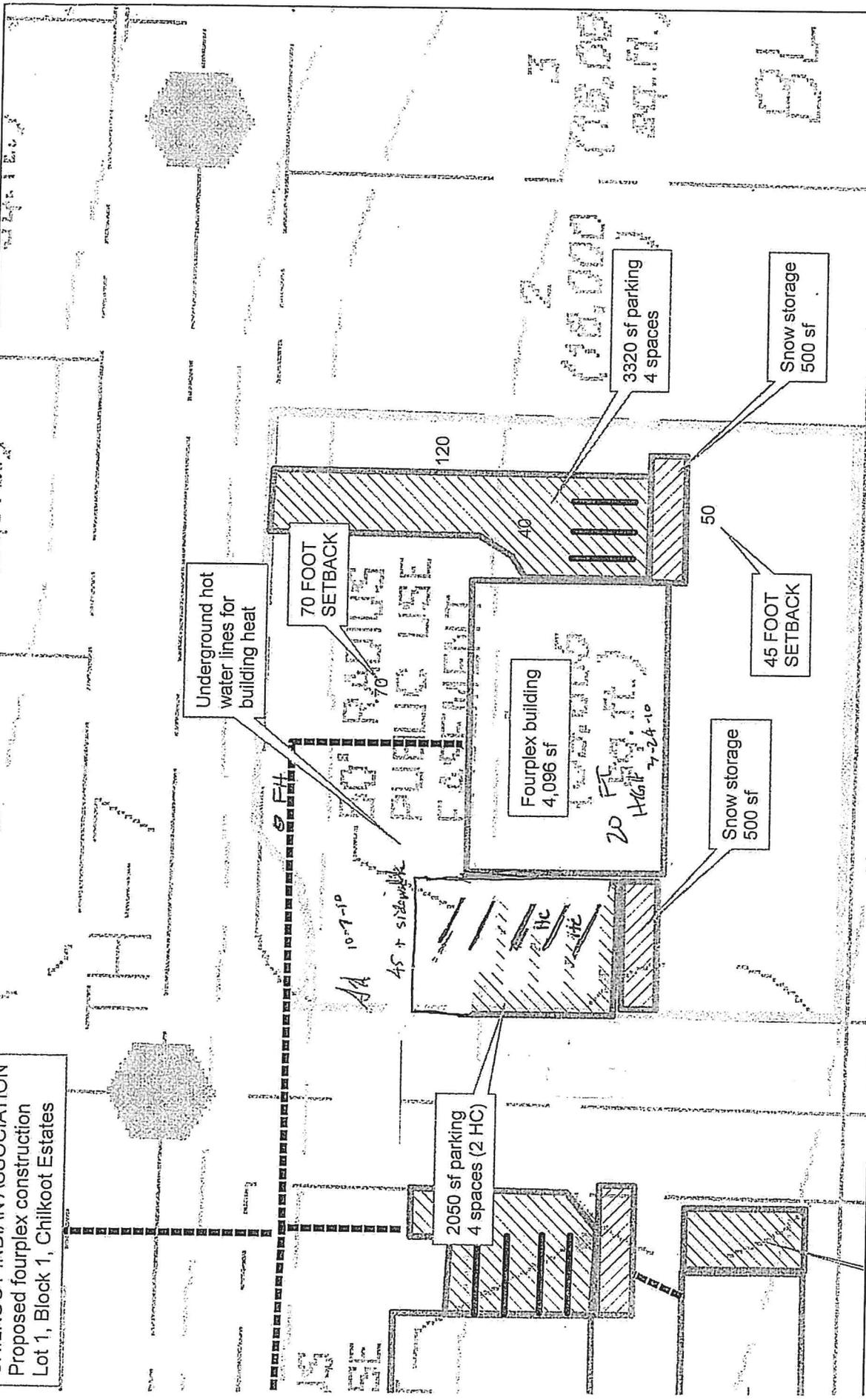
Receipt No. 11579

Alay
Fees Received By

3/25/10
Date Received

\$150 submitted as part of the preliminary plat fee for approval #10-95, which was approved on July 9, 2010 shall apply towards this conditional use

CHILKOOT INDIAN ASSOCIATION
 Proposed fourplex construction
 Lot 1, Block 1, Chilkoot Estates



DWG A15



Notes:

1. 18" culverts used for driveways as required by grade and approved by Borough Manager
2. Heating line ROW crossings as approved by Borough Manager

Block 1, Lot 1. (Apr. 8, 2010)



6



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

October 7, 2010

«First_Name» «Last_Name»
«Address»
«City» «State» «Postal_Code»

Re: Haines Borough Planning Commission Public Hearing: Chilkoot Indian Association
Proposed Chilkoot Estates Subdivision

Dear Land Owner,

Haines Borough records show that you own property within 200 feet of the above listed property. The property owner has applied for a conditional use permit to build three single family residences on the proposed Chilkoot Estates Subdivision property. The proposed Chilkoot Estates Subdivision is in the preliminary plat approval phase and is a single lot until the final plat is approved and recorded. Conditional use permit approval is required to construct multiple single family residences on a single property. The public hearing will be held at 6:30 p.m. at the Haines Borough Assembly Chambers on Thursday October 14th. As an owner of property in the vicinity of the above listed property 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,

Steve Ritzinger
Haines Borough Planning and Zoning Technician
Phone: (907)766-2231 Ext 23
Fax: (907) 766-2716
sritzinger@haines.ak.us

<u>First Name</u>	<u>Last Name</u>	<u>Address</u>	<u>City</u>
Berzanske-L&K	DELETED-EXEMPT	Tlingit-Haida IP.O. BOX 32237 STATE EXEMPT	JUNEAU
BRIAN	CLAY	c/o Alaska Re BOX 318	HAINES
c/o Charles R.	PADDOCK, SR.L.E.	J.Grant/J.Pad BOX 42 (Senior Exempt)	HAINES
c/o LAURA	FAWCETT	Record Owne BOX 807	HAINES
GALE	THOMPSON	BOX 465	HAINES
GALE	HAY	Senior Citizer BOX 1010	HAINES
GEORGIANA	HOTCH	Senior Exempt BOX 857	HAINES
C/O LEE	HEINMILLER	PORT CHILK BOX 271	HAINES
South East Alaka State Fair		Box 385	Haines
c/o MARY JEAN	SEBENS	MOUNTAIN A BOX 1509	HAINES
Haines Borough	School District	Box 1289	Haines

#7

**Haines Borough
Planning Commission Meeting
October 14, 2010
MINUTES**

Approved

1. CALL TO ORDER/PLEDGE TO THE FLAG –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 **Lee Heinmiller**, Commissioners **Rob Goldberg**, **Donnie Turner**, **Andy Hedden**, **Robert Venables** and **Pete Lapham**. Absent: **Roger Maynard**
Staff Present: **Steve Ritzinger** – Planning and Zoning Technician
Visitors Present: **Sage & Holly Thomas**, and others.

8. PUBLIC HEARINGS – None

A. Conditional Use Permit – Chilkoot Indian Association – Action Item

Heinmiller opened and closed the public hearing at 6:46pm; there were no comments
Heinmiller explained that the code requires multiple structures on one lot may be allowed through a conditional use permit, but there wasn't a provision in code that addresses a developer with an approved preliminary plat. It was pointed out that the planning commission may want to address this for the future (**Ritzinger** explained that after submitting the applications, the applicant did not want to go through with this conditional use permit because they feared it would jeopardize their funding source.)

Motion: Venables moved to "postpone the topic to the next meeting," and the motion carried unanimously.

Xi Cui

To: Scott Hansen
Subject: RE: Chilkoot Estates development permitting

From: Scott Hansen [<mailto:shansen@chilkoot-nsn.gov>]
Sent: Wednesday, January 16, 2013 11:47 AM
To: Xi Cui
Cc: Stephanie Scott; Mark Earnest; Rob Goldberg (artstudioalaska@yahoo.com); Dave Berry
Subject: RE: Chilkoot Estates development permitting

Tracy –

Thanks for the meeting today. I am hoping that as we work through all the data we can come upon an equitable solution to the unknowns that seems to surround a few of our permits in that area. I look forward to hearing how our discussion affects the enforcement letter you sent the Tribe. I need to know whether or not I have more time to avoid pursuing an appeal. I am out of the office all week next week, so I need an answer from you soon. Thanks for the consideration.

scott

Scott Hansen
Tribal Transportation Coordinator
Chilkoot Indian Association
P.O. Box 490
Haines, AK 99827
(907) 766-2323
(907) 314-0014 cell
(907) 766-2365 fax

From: Stephanie Scott [<mailto:sscott@aptalaska.net>]
Sent: Tuesday, January 15, 2013 8:30 PM
To: Scott Hansen
Subject: Re: Chilkoot Estates development permitting

Thanks Scott. I can see that your patience is wearing thin. Could you consider just showing up at the Borough office with your documentation?

S

Stephanie Scott

Mayor, Haines Borough
907-766-2231 ext.30

On Jan 15, 2013, at 5:33 PM, Scott Hansen <shansen@chilkoot-nsn.gov> wrote:

Tracy –

I disagree with your letter referenced below. I have approved land use permits and paid ATF fines you didn't include in your decision. Your letter constitutes enforcement action, and I take it seriously – I know – I used to issue these letters. Please contact me so we can discuss this issue. I think there's a more reasonable solution than multiple fines affecting the same property when we have been compliant.

As per the code, I have a ten-day window to appeal your enforcement decision, and it has been four calendar days already. I think we might iron this out if I could show you more information than you had when making your decision. However, you haven't contacted me - I'll be forced to appeal this to the clerk if you don't contact me. Wouldn't it be better to communicate and work this out before it all goes before the Planning Commission?

I am able to lay it all before the Planning Commission, but things could be so much simpler if you'd contact me and see the whole picture. Please contact me soon – I'm running out of time to work things out according to Borough code, and the non-communication evidenced by the Borough throughout this e-mail is getting frustrating.

scott

Scott Hansen
Tribal Transportation Coordinator
Chilkoot Indian Association
P.O. Box 490
Haines, AK 99827
(907) 766-2323
(907) 314-0014 cell
(907) 766-2365 fax

From: Scott Hansen
Sent: Friday, January 11, 2013 12:21 PM
To: 'Xi Cui'
Subject: FW: Chilkoot Estates development permitting

Tracy –

Are you familiar with the communication between CIA and the Borough (below)?

In addition to this, we have already paid permit fees, penalties already for some of the development, and, on top of that, the Borough approved the subdivision permit (the land beneath these buildings) without reference to any outstanding permit applications still on file. There is so much missing information it might be a good idea to pull back your enforcement notification until all the facts are in line.

Are you willing to pull back the letter, or do we need to press through an appeal to the Planning Commission to get the additional information? With so much missing information I think it might be professionally embarrassing to you, and it'd take up a lot of time and energy for both of us.

Please let me know soon – I have a tight appeal window, and the Borough's response to our development has been sketchy to this point. E-mail is necessary for expediency's sake, if you don't mind. Thanks.

scott

Scott Hansen
Tribal Transportation Coordinator
Chilkoot Indian Association
P. O. Box 490
Haines, AK 99827
(907) 766-2323
(907) 314-0014 cell
(907) 766-2365 fax

RECEIPT

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

11579
 DATE 3/25/10

RECEIVED FROM GIA \$ 350.00
 DOLLARS

COPY

FOR 2 Land Use permits, 1/1/10 to the fact fee

AMOUNT OF ACCOUNT		<input type="checkbox"/> CASH
THIS PAYMENT		<input checked="" type="checkbox"/> CHECK
BALANCE DUE		<input type="checkbox"/> M.O.

BY Chayl
 # 12041

THANK YOU

RECEIPT

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

13669
 DATE 10-15-10

RECEIVED FROM Chilkoot Indian Assoc. \$ 250.00
 DOLLARS

COPY

FOR Fee for beg. work prior to permit being issued 12889

AMOUNT OF ACCOUNT		<input type="checkbox"/> CASH
THIS PAYMENT		<input checked="" type="checkbox"/> CHECK
BALANCE DUE		<input type="checkbox"/> M.O.

BY S.A.N.

THANK YOU

ATF for unpermitted site prep for 3 SFR's

18.30.050 Appeals to the commission.

An appeal made to the commission of a decision by the manager shall be requested by filing with the clerk, within 10 days of the date of the decision appealed, a written notice of appeal stating with particularity the grounds for the appeal.

A. The commission shall decide at its next regularly scheduled meeting whether to rehear the manager's decision. Any aggrieved person, including the developer, may appear at that meeting and explain to the commission why or why not it should rehear the manager's decision. If the commission chooses to rehear the decision, it may choose to rehear the entire decision, or any portion thereof.

B. If the commission decides to rehear a decision, or any portion thereof, it shall then immediately do so at that meeting and make its decision.

1. Findings of fact adopted expressly or by necessary implication shall be considered as true if, based upon a review of the whole record, they are supported by substantial evidence. Substantial evidence means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. If the record as a whole affords a substantial basis of fact from which the fact in issue may be reasonably inferred, the fact is supported by substantial evidence. The burden of proof shall be on the appellant to demonstrate the facts and resolution of the issues on appeal by substantial evidence. The evidence shall be limited to a review of the record, although further argument may be allowed.

2. In all decisions the burden of proof shall be on the party challenging the decision of the manager. The commission may confirm the manager's decision, reverse the manager's decision, or change the conditions which the manager placed on approval. The commission shall support its action with written findings.

C. A decision by the manager shall not be stayed pending appeal, but action by the appellee in reliance on the decision shall be at the risk that the decision may be reversed on appeal.

D. The commission's decision may be appealed to the borough assembly pursuant to HBC 18.30.060. (Ord. 04-05-078; Ord. 05-02-091)



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

Department of Transportation
and Public Facilities

SOUTHEAST REGION
DESIGN & ENGINEERING SERVICES
Preconstruction

6860 Glacier Highway
PO Box 112506
Juneau, Alaska 99811-2506
Main: 907.465.4444
Toll free: 877.305.6630
Fax: 907.465.4414

February 8, 2013

Via E-mail

Mr. Mark Earnest
Borough Manager
Haines Borough
P.O. BOX 1209
Haines, Alaska 99827

Re: Haines Ferry Terminal Improvements
Project No. 68433
FHWA No. FB-NH-095-5(14)
Tract B, ATS 1464

Dear Mark,

This is in response to your request yesterday for a letter specifically requesting a quitclaim deed from the borough to this department for Tract B of Alaska Tideland Survey No. 1464. Recall, from the very beginning, we were seeking to clarify the State's ownership of Tract B. I certainly acknowledge that the history of Tracts B and C is confusing. However, it is clear that what is now known as Tract B of Alaska Tidelands Survey 1464 was included in the original quitclaim deed from the City of Haines to the State of Alaska recorded on January 4, 1977 at Book 4 Page 297, Haines Recording District. And this has never changed. There is of course, the Joint Use Agreement between the City of Haines and State of Alaska dated August 19, 1992 by which, although clumsy in its wording, recognized that the City had rights to Tract C and the State had jurisdiction over Tract B. Later, there apparently was an informal agreement between the borough and this department regarding the use of Tract B, but the fact that the State of Alaska owns Tract B has never changed. So, just as the transaction in the offing would result in the purchase of Tract C, we would like, at the same time to clarify and re-establish the State's ownership of Tract B. This could be effected by a quitclaim deed. However, since I am advised

that the borough has some materials stored on Tract B, I would also ask for some date certain when these materials would be removed.

I thank you for your consideration.

Yours truly,

A handwritten signature in black ink, appearing to read "Ray C. Preston". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Ray C. Preston
Right of Way Agent