



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, October 10, 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: September 12, 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. Fred Einspruch – 4-STR-02-42A0 – Action Item: Appeal of enforcement order requiring the payment of a \$250 after-the-fact fee for building an 18' by 36' carport without a land use permit. **Possible Motion:** Recommend the Assembly stay the \$250 after-the-fact fee being assessed to Fred Einspruch.
 - B. Henderson Family Prop., LLC – C-SMR-00-0200 – Action Item: Henderson Family Prop., LLC has requested for the Planning Commission to recommend that the Assembly change the zoning of the above-listed property from Heavy Industrial to Rural Mixed Use. **Possible Motion:** Recommend the Assembly approve Henderson Family Prop., LLC rezoning proposal.
9. UNFINISHED BUSINESS: None
10. NEW BUSINESS:
 - A. Historic District/Building Review: None
 - B. Haines Borough Code Amendments:
 1. Fees and Penalties in HBC 18.30.070 – Action Item: The Planning Commission determines to consider adjusting the fine structure. This proposed ordinance reduces the amount of the fines assessed for minor infractions of Title 18 and outlines a procedure for staff to warn people of a violation before fines are assessed. It also adds penalties for violators who do not pay their fines. **Possible Motion:** Recommend the Assembly adopt the proposed draft ordinance to amend HBC 18.30.070.
 2. Agriculture, Personal Use in HBC 18.20.020 & Fees and Penalties in HBC 18.30.070 – Action Item: This item is scheduled as a follow-up item of September 12, 2013 Agenda. The proposed ordinance would allow up to six small animals on lots smaller than one acre and twelve small animals on lots greater than one acre. Numbers greater than stated above would be considered "Animal Husbandry" and would need a conditional use permit in single and multiple residential zones. The fees for permits relating to animal husbandry are reduced to \$25. **Possible Motion:** Recommend the Assembly adopt the proposed draft ordinance to amend HBC 18.20.020 & 18.30.070.
 3. ATV Use on Chilkat River Inlet Beaches in the Townsite Service Area – Action Item: This item is scheduled as a follow-up item of September 12, 2013 Agenda. In response to residents' request, this proposed ordinance would prohibit the use of motorized vehicles in the Chilkat River Beaches Recreational Zone. **Possible Motion:** Recommend the Assembly adopt the proposed draft ordinance to amend HBC 18.70.030 and add HBC 12.50.010.
 4. On-Site Wastewater System Inspection in HBC 18.100.092(A)(2) – Action Item: This draft ordinance is to keep consistency with ordinance No. 13-08-342. **Possible Motion:** Recommend the Assembly adopt the proposed draft ordinance to amend HBC 18.100.092(A)(2).
 5. Adding Setback Regulations to the General Use Zone – Action Item: On September 24, 2013, the Assembly did not adopt ordinance 13-08-343 proposing setback regulations in the General Use Zone. The commission has received suggestions from the Mayor to reconsider this proposed draft ordinance. A new draft ordinance is ready for review. **Possible Motion:** Recommend the Assembly adopt the proposed draft ordinance to amend HBC 18.80.030.
 - C. Project Updates: None
 - D. Other New Business: None
11. COMMISSION COMMENTS
12. CORRESPONDENCE
13. SCHEDULE MEETING DATES
 - A. Regular Meeting – Thursday, November 14, 2013 6:30 p.m.
14. ADJOURNMENT



**Haines Borough
Planning Commission Meeting
September 12, 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**, Don **Turner III**, Danny **Gonce**, Lee **Heinmiller**, and Robert **Venables** (called in). **Absent:** Andy **Hedden**.

Staff Present: Xi “Tracy” **Cui**/Borough Planning & Zoning Technician III, Mark **Earnest**/Borough Manager, Carlos **Jimenez**/Director of Public Facilities

Also Present: John **Carlson**, Jessie **Badger**, Judy **Bryan**, Dave **Berry Jr.**, Mark **Allen**, Karen **Garcia**, Margaret **Friedenauer**, Bill **Kurz**, Janet **Kurz**, Joanne **Waterman**, Sara **Chapell**, Heather **Lende**, Wayne **Cowart**, Henry **Wong**, Fred **Einspruch**, Neil **Einsbruch**, Fran **Tuenge**, Jacobson **Tuenge**, Geoff **Nelson**, Greg **Podsiki**, Randa **Szymanski**, Thomas **Meacham** (called in), Tim **Mullikin** (called in), etc.

3. **APPROVAL OF AGENDA**

Motion: **Turner** moved to “approve the agenda”. **Gonce** seconded it. The motion carried unanimously.

4. **APPROVAL OF MINUTES** – August 8, 2013 Regular Meeting

Motion: **Miller** moved to “approve the August 8, 2013 Regular Meeting Minutes.” **Heinmiller** seconded it. The motion carried unanimously.

5. **PUBLIC COMMENTS**

Einspruch said there have been various enforcement activities that are going on in this community. There was not any enforcement in Planning & Zoning before, but now the Borough wants more enforcement in zoning code, which he is not opposed to. He thinks the Borough needs to consider what the impacts are going to be on this community. The Borough has the responsibility to meet the needs of people.

Einsbruch said he requested for public records on August 6 regarding his appeal to the Planning Commission, which has been denied. In the information that he requested, he found that the last time the Borough posted a public notice to educate people to file a construction declaration was in 2005. It has been more than six years that the Borough did not post any notice regarding this regulation. What the Borough is doing is selective enforcement.

6. **CHAIRMAN’S REPORT**

Goldberg said there was a little confusion about some ordinances that the Planning Commission sent to the Assembly, including the setback restriction in General Use zone and the clarification of the definition of a temporary dwelling. The Assembly set “setback regulations in General Use zone” ordinance for its second public hearing; but the Assembly did not schedule “temporary dwelling” ordinance for a second hearing. **Goldberg** attended

the Assembly meeting two days ago, and he tried to provide more detailed information to them, and he was able to get the Assembly to reconsider the “temporary dwelling” ordinance, which will be on the next Assembly agenda. In the future, **Goldberg** said he would write substantive explanations to the Assembly to avoid a chance of misunderstanding.

7. STAFF REPORTS

Cui reported recent permitting and enforcement activities.

8. PUBLIC HEARINGS

A. Penny Fossman – 633 Mud Bay Road

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

Badger said she can speak for **Fossman**, who was not present. **Fossman** incubated seven chicken eggs in her daughter’s 2nd grade classroom so the class could watch the eggs hatch. Six eggs hatched and they brought them home. The Borough sent a letter with a fine for having chickens. **Fossman** requested Planning Commission consider dismissing the after-the-fact fine of \$250.

Podsiki said he is not sure about the laws, but he thinks this is very silly to fine someone for having six chickens. He does not think the chickens will bother anyone. There should not be a permitting requirement for people raising chickens in town.

Lende said she is a chicken owner in the neighborhood. She also thinks it seems to be a little bit over killed. Actually, the Borough should encourage people to be self sufficient.

Einspruch thinks part of the problem is not about the chickens, it is about the concept of the townsite. The townsite is composed by different zones, so it will be very difficult to have one resolution that is going to work across the whole townsite.

Carlson said the chicken owners have to order at least 21 chickens at once to make a purchase, unless chicken owners need to split the orders with other people who would like to have chickens.

Nelson said he has numerous issues with it. One of the issues is that it looks to him that the Borough is telling the people how to feed themselves. The Borough is punishing people for trying to be self sufficient. Also, what does the \$250 fine represent? How does the number come up? The fine is even higher than registering a car. Another issue is who decides to enforce that? A lot of people in town have chickens. People don’t know if they need a permit to have chickens or not. People have the right to take care of themselves above everything.

Janet **Kurz** said a lot of people moved here because of freedom. She thinks the Borough needs to look up the code and take those people’s advice; otherwise, the Borough will lose a lot of people.

Friedenauer said she lives next to Penny **Fossman**. She did not know her neighbor has chickens. She did not know it violated the code for having more than three chickens. However, it is in the code, and it is put there for public process. She is glad to see it brought up to the Planning Commission’s attention, and the Planning Commission will recommend the Assembly consider amending the code. She does not see the Planning Commission as against chickens and chicken owners. This is just a public process.

More discussion ensued.

Goldberg closed the public hearing at 7:00 p.m.

Goldberg said the Borough has different zones. According to the code, the property owners are not required to obtain a permit to raise animals in General Use zone, Mud Bay Planning District, and Lutak Planning District. However, some lots in certain zones that are a lot smaller, rules are being put in to minimize the impacts among neighbors. For instance, the property owner is required to have a conditional use permit to have chickens. A conditional use permit is a permit that the Planning Commission can grant conditions on. If the neighbor's residence is very close by, the Planning Commission may not grant the permit; if the lot size is big enough, the Planning Commission may allow more chickens. The purpose of Planning and Zoning is to try to reduce the conflicts between neighbors. **Goldberg** agrees with the opinions from the audience tonight, he personally thinks people should not be fined \$250 for having chickens. He supports animal husbandry and personal agriculture. However, the Borough has to comply with what is currently in the code. It was discovered by the Borough staff, and the code requires property owner Penny **Fossman** shall obtain a conditional use permit for having chickens in single residential zone. Also, the code requires a fine when a violation is discovered. There are two items on tonight's agenda to address this issue. One is to discuss changing the fine structure in Title 18; the other one is to consider possibly increasing the limit on the number of chickens.

Turner said Penny **Fossman** did not intend to raise chickens on her property. She was merely fostering them after a school project and was actively trying to find homes for them.

Motion: Gonce moved to "recommend the Assembly stay the \$250 after-the-fact fee being assessed to Penny **Fossman** for having chickens on her property without a conditional use permit." **Miller** seconded it. The motion passed unanimously.

B. Jessie Badger – Lot 1, Block A, Cathedral View Subdivision

Goldberg opened the public hearing at 7:21 p.m.

Badger said she requested Planning Commission approval of a conditional use permit to allow her to keep five chicken hens and one rooster on her property.

Goldberg closed the public hearing at 7: 25 p.m.

Goldberg said raising roosters is not allowed on lots of less than three acres.

Miller said he does not think it will be a problem if the neighbors have no objection.

Turner said he thinks the chicken coop has to be electrified to deter bears.

Motion: Miller moved to "approve Jessie **Badger**'s conditional use proposal for having up to 12 chicken hens with an electric fence to deter bears, but no roosters." **Turner** seconded it. The motion passed unanimously.

C. Ral West – 6.2 Mile Mud Bay Road

Goldberg opened the public hearing at 7:39 p.m.

Szymanski said she can represent Ral **West**, who is requesting the Planning Commission approve a conditional use permit to allow the operation of a lodging rental business on her property.

Carlson said he was involved with every aspect of this cabin's evolution.

Einspruch said turning this cabin into a rental is not the only option to keep it from being vacant.

Carlson said this property is declared as a Family Trust. It is not able to be sold.

Goldberg closed the public hearing at 7:42 p.m.

Goldberg said the property is located at Paradise West on Mud Bay Road. It is a beautiful cabin. He thinks it is a good thing to grant this permit so the cabin can be shared with visitors.

Motion: **Miller** moved to “approve the West conditional use proposal.” **Gonce** seconded it. The motion passed unanimously.

D. Chilkoot Indian Association (CIA) – Lots 2-6, Block D, Presbyterian Mission Subdivision

Berry said the CIA was assessed a \$250 after-the-fact fee for building a temporary driveway and putting a 12” diameter culvert on the same site without a right-of-way permit in October of 2012. CIA paid the fine because he did tell their sub-contractor to place a culvert in the right-of-way without a permit because of water coming in from several culverts that someone had installed to empty out into their land. The CIA received the permit 16 days after from the Borough requiring removing the 12” diameter culvert and installing an 18” diameter culvert. If the CIA had waited for the permit the CIA would have lost their building pad. In September of this year, CIA installed an 18” diameter culvert for their office parking lot. Several days later the CIA received a letter from the Borough, stating that CIA is being assessed a \$250 after-the-fact fee again for putting an 18” diameter culvert without a right-of-way permit, and being required to remove the 18” diameter culvert and install a 24” diameter culvert. The Borough code requires the minimum size of driveway culverts is to be 18 inches. The Tribe will not pay the fine again because the CIA has all the necessary permits. So the CIA decided to appeal this enforcement order to the Planning Commission.

Turner said it looks to him that the only right-of-way permit that the CIA obtained is for the temporary driveway in 2012. Once a right-of-way permit application is submitted, the Public Works have to take a look at it and may require the developers to install certain size culverts. This is one of the reasons that the Borough requires a driveway right-of-way permit. No one can construct a driveway located in a right-of-way without having obtained a permit from the Borough. All such work needs to be done in accordance with specifications and standards approved by the Public Works.

Cui said work within the right-of-way is required to commence within 60 days of the permit approved date. If work does not commence within this time period, the permit will expire and it will be necessary to re-apply for a new permit, including all applicable fees. Right-of-way permits are valid for six months. If work is not complete within six months of the permit approval date the developer will be required to apply for a new permit. The CIA obtained a right-of-way permit for installing a 12” diameter culvert in 2012, but that permit had expired after six months, and the CIA had not applied for a new one.

Berry said it would be very helpful for developers to receive a list of all necessary permits from the Borough prior to commencement of construction. The Borough shall not assume the developers know everything about permitting.

Motion: **Gonce** moved to “recommend the Assembly stay the \$250 after-the-fact fee being assessed to CIA for installing an 18” diameter culvert in the Borough Right-of-Way

without a Right-of-Way permit.” **Miller** seconded it. The motion failed 1-5 with **Goldberg, Gonce, Heinmiller, Turner, Miller** opposed.

9. **UNFINISHED BUSINESS** - None

10. **NEW BUSINESS**

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

B. **Haines Borough Code Amendments – Title 18 Revisions**

1. **Clarify “Setbacks and Height Restrictions” in HBC 18.80.030 and “Setback” in HBC 18.20.020**

Goldberg said **Cui** found a conflict in the code about setback regulations that needs to be addressed. Per HBC 18.20.020, setback means the perpendicular distance from the appropriate lot line to the nearest point on a building or structure, including, but not limited to, porches, steps, and roof edges. However, per HBC 18.80.030, cantilevered floors, decks or other similar building extensions are exempt from setback regulations.

Motion: **Turner** moved to “recommend the Assembly adopt the proposed draft ordinance amending HBC 18.80.030(A).” **Heinmiller** seconded it. The motion passed unanimously.

2. **Fees and Penalties in HBC 18.30.070**

Goldberg said the Planning Commission determined to consider adjusting the fine structure. The Planning Commission will take a look at the draft changes at this meeting, and a draft ordinance will be reviewed at the next meeting. The proposed changes are to separate the fees and penalties into A and B. The after-the-fact fees remain the same, but all other violations of Title 18 drop from \$300 to \$100. Also, the procedure for notifying violators is described. There are two types of violations – those that cost the Borough money (i.e. failure to file a construction declaration that does not get on the tax rolls or beginning work without a permit) and those that do not cost the Borough money (i.e. having more than three chickens or failure to file an application for temporary use of an RV as a residence). **Goldberg** thinks that in light of the recent fines and subsequent appeals for minor offenses, a letter of warning is warranted. The letter shall state the nature of the violation and inform the violator that they will have ten business days to conform to the code. If the violation is not corrected within ten business days a penalty of \$100 shall be assessed. If a penalty is not paid within 30 days, interest of 1.5% per month (18% annually) will accrue. If the penalty is not paid within one year, the sum will be added to the violator’s property tax.

The commission agreed to let the Borough staff draft the ordinance, and put this on the next meeting’s agenda.

No motion was made.

3. **Possibly Increasing the Limit on the Number of Hens under “Agriculture, personal use” in HBC 18.20.020**

Chapell said currently the code requires a property owner to obtain a conditional use permit for having more than three chickens in single and multiple residential zones. She suggests increasing the limit on the number of chicken hens under

“Agriculture, person use” to allow people having a few more chickens. The families that have young children consume two or three dozen eggs every week.

Einspruch said it really does not matter how many chickens are allowed unless the chickens are not annoying the neighbors. The number is not critical.

Nelson asked if the Borough has smoke house regulations. How many fish shall I put in my smoke house? Shall I install an electric fence around my smoke house? This is relevant. How about ducks? He thinks the Borough needs to figure out what the purpose is of requiring people to have a “chicken” permit. What are the potential impacts of raising chickens? Why do people pay the Borough for feeding themselves? He asked for the Planning Commission to consider those.

Heinmiller said he remembered people complained about their neighbors having two dozen chickens next to their houses in the past. This “chicken” regulation was put in the code for solving the problems among neighbors. A conditional use permit for raising chickens is not because the Borough wants to tell the people what to do; it is because the people want to tell their neighbors what not to do.

Turner suggests reducing the permitting fee from \$150 to \$25, because it seems to be a burden to the people who want to have chickens. However, he does not think there are problems with the current code. Requiring a conditional use permit for having more than three chickens in single and multiple residential zones is necessary. The public hearing process should be there.

Chapell said she is in favor of the idea of reducing the “animal husbandry” permitting fee.

Heinmiller suggests allowing up to 12 chickens as a use-by-right and allowing over 12 chickens if approved as a conditional use by the Planning Commission.

Venables thinks it could be a problem to raise 12 chickens on small lots.

Gonce said the number needs to be conservative, he suggests allowing up to six chickens as a use-by-right.

Goldberg said he supports and encourages people having personal agriculture. He thinks it is very important for the people here to be self sufficient. He is in favor of allowing up to six chickens as a use-by-right. And he also wants to reduce the permitting fee, because a \$150 fee makes the eggs very expensive.

No motion was made. The Planning Commission will review the draft ordinance at the next regular meeting.

4. ATV Use on Chilkat River Inlet Beaches in the Townsite Service Area

Goldberg said the area is currently zoned Recreation. The residents around the area have been under the impression that motorized use is disallowed in this beach area; however, neither the Haines Police Officers nor the Alaska State Troopers could identify the regulation that would allow them to publicize the area as off limits to private ATV users. There is confusion regarding what is and what is not allowed on this beach area or portion of the beach area.

Lende said the 2001 City of Haines plan had the beach area zoned non-motorized. Also, the Chilkat Beaches have a special management designation, as HT-14, and are managed by Alaska Department of Natural Resources (ADNR).

They are non-motorized, no overnight camping and have limited tours which ADNR does the permitting for.

More discussion ensued, and no motion was made.

Goldberg said he will get together with the Borough staff to come up with a solution. This topic will be on the next meeting's agenda.

C. Project Updates – None

D. Other New Business

1. Granting Utility Easements to Ocean Beauty – Excursion Inlet

Meacham, Mullikin called in at 9:48 p.m.

Earnest said this issue has been ongoing for decades and is now being resolved. On tonight's agenda for review and recommendation to Haines Borough Assembly are a proposed Record of Survey and a proposed Easement Grant (Utility Line Easements). Ocean Beauty's utility improvements have been in place for many years. Under this approach, Ocean Beauty's lease from the Borough would not be treated as a "new" easement lease for new utilities to be constructed in the future. It would not be assessing a "fair market value" easement fee or lease rental charge for the easement grant.

Motion: **Turner** moved to "recommend the Assembly grant utility easements to Ocean Beauty at Excursion Inlet." **Heinmiller** seconded it. The motion passed unanimously.

2. Classification of Borough Lands for Sale – Human Resources Building

Earnest stated the Human Resources Building needs major renovation and is energy inefficient. The CIA has expressed interest in purchasing the Human Resources Building. The Borough has not received a detailed proposal, but CIA intends to seek funding from the Federal Government to restore this historic building. It will be a great opportunity to have the building upgraded and restored.

Gonce asked if the CIA will pay the property tax on this property.

Earnest answered that will be a part of future discussion. It depends on the method of disposal. Borough land may be disposed of by negotiated sale or competitive bid, etc.

More discussion ensued.

Motion: **Turner** moved to "recommend for the Assembly to classify Human Resources Building for sale." **Heinmiller** seconded it. The motion passed unanimously.

11. COMMISSION COMMENTS

12. COMMUNICATION - None

13. SET MEETING DATES – The next regular Planning Commission meeting is scheduled for 6:30 p.m. on Thursday, October 10, 2013.

14. ADJOURNMENT– 10:15 p.m.

Staff Report for October 10, 2013

1. Permits Issued Since September, 2013

DATE	OWNER/AGENT	PIN	LOT	BLK	SUBDIVISION	DEVELOPMENT	ZONE
9/3/13	Stuart Dewitt	C-HGL-02-0600	6	2	Highland Estates Sub.	Widening Driveway	SR
9/3/13	CIA		7	2	Chilkoot Estates Sub.	New Water & Sewer Service	MR
9/9/13	Nishan Weerasinghe	C-PTC-0N-0400	4	N	Port Chilkoot Sub.	Containers & Fence	SR
9/9/13	Pamela Randles	C-ANY-04-0120	1	4	Anway Sub.	Temporary Shelter	RR
9/11/13	Mark Mitcheltree	C-USS-03-1400	14		USS 3	Containers & Storage	SR
9/11/13	Phil Reeves & Elizabeth Wolfe	C-RIV-00-0A20	A2		Riverview Sub.	Site Prep.	RR
9/13/13	Jessie Badger	C-CAV-0B-0100	1	B	Cathedral View Sub.	Animal Husbandry	SR
9/13/13	Ral West	4-MBR-06-0300			6.2 Mile Mud Bay Rd	Vacation Rental Lodge	RR
9/18/13	Andrea Nelson	C-HEM-23-0300	3A	2	420 New Hart St	Art Studio	SR
9/18/13	Carlos Jimenez	C-690-08-0C00	C	8	440 Young Rd	Fence	SR
9/19/13	EDD & Jack/Toni Smith	C-HLR-03-03A0	3A-2		Highland Resource Sub.	Short Plat	SR
9/25/13	Ralph Swinton	C-SKY-0C-1400	14	C	Skyline Sub.	Shop Addition	SR
9/25/13	Fred Nelson	B-MRK-00-05A0 & B-MRK-00-05B0	5A & 5B		Marks Sub.	Short Plat	GU
9/26/13	Grantley Moore	C-MEA-01-12A0	12A		Meadowland Sub.	Temporary Container Storage	SR

2. Enforcement Orders:

- Property owner Roger Schnabel placed concrete blocks, asphalt and buried discarded culverts in the gravel pit at the top of 4th Ave. The gravel pit is located in Multiple Residential Zone of Townsite Service Area. Schnabel obtained a conditional use permit to operate a resource extraction on April 28, 2011, and the permit is valid for three years. In reviewing of the stipulations of the permit, the Borough is neither: (1) allowing the developer to haul/dump concrete blocks and asphalt to the site; nor (2) allowing the developer to bury discarded culverts as fill. Also, the placement of concrete blocks, asphalt and discarded culverts meets the definition of landfill. The use of the site, which is located within the multiple residential zone as a landfill is prohibited, as per HBC 18.70.040. An enforcement letter was sent out on September 25. Schnabel is required to clear the unpermitted material from the site by October 24, 2013. If no response is received within 30 days, the Planning Commission may suspend or revoke his conditional use permit whenever the approval granted is in violation of any ordinance or regulation or any provision of Borough code, as per HBC 18.30.090(B).



HAINES BOROUGH, ALASKA
P.O. BOX 1209

HAINES, AK 99827
(907) 766-2231 FAX (907) 766-2716

Narrative

Applicant: Fred Einspruch

Location: 4-STR-02-42A0; 1019 Small Tract Road

- On August 8, 2013, property owner Mr. Einspruch submitted a land use permit application with the required \$50 application fee to the Borough. (see attachment #1)
- In reviewing the application, Haines Borough staff determined that the application is incomplete and does not meet the submission requirements. (see attachment #2)
- On August 20, 2013, Mr. Einspruch completed and re-submitted his application to the Borough. (see attachment #3)
- While out doing site visit on August 26, 2013, the Borough staff discovered the construction has started. (see attachment #4)
- Due to the fact that unpermitted site work has taken place prior to approval of the required land use permit, Mr. Einspruch is being assessed a \$250 after-the-fact fee, as required by HBC 18.30.070. An enforcement letter was sent out by the Borough Planning & Zoning Technician on August 27, 2013. (see attachment #5)
- On September 6, 2013, Mr. Einspruch filed an appeal of enforcement order of August 27, 2013. (see attachment #6)

Respectfully Submitted:

A handwritten signature in black ink, appearing to read "Xi Cui".

Xi Cui "Tracy"
Haines Borough Planning & Zoning Technician III
(907)766-2231 ext. 23
xcui@haines.ak.us



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

Permit#: _____

Date: _____

I. Property Owner/Agent		Owner's Contractor(If Any)	
Name: <u>MED EINSBRUCH</u>		Name: _____	
Mailing Address: <u>Post office Box 56</u>		Haines Borough Business License #: _____	
Contact Phone: Day _____ Night <u>907-314-0627</u>		Alaska Business License #: _____	
Fax: _____		Contractor's License #: _____	
E-mail: _____		Mailing Address: _____	
		Contact Phone: Day _____ Night _____	
		Fax: _____	
		E-mail: _____	
II. Property Information			
Size of Property: <u>2.52 Acres</u>			
Property Tax #: <u>C-STR-02-42A0-R</u>			
Street Address: _____			
Legal Description: Lot (s) <u>42</u> Block <u>T315</u> Subdivision <u>Bengie</u>			
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 checked="" 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)	Project Description (Check all that apply)	Water Supply Existing or Proposed	Sewage Disposal Existing or Proposed
<input checked="" type="checkbox"/> Residential	<input type="checkbox"/> Single Family Dwelling	<input type="checkbox"/> None	<input type="checkbox"/> None
<input type="checkbox"/> Commercial	<input type="checkbox"/> Change of Use	<input type="checkbox"/> Community well	<input type="checkbox"/> Septic Tank
_____ sq. ft.	<input type="checkbox"/> Multi-Family Dwelling	<input type="checkbox"/> Private well	<input type="checkbox"/> Holding Tank
_____ seating	Total # of Units _____	<input type="checkbox"/> Public Water System	<input type="checkbox"/> Public Sewer System
capacity if eating/drinking establishment	<input type="checkbox"/> Cabin	<input type="checkbox"/> Other _____	<input type="checkbox"/> Pit Privy
<input type="checkbox"/> Industrial	<input type="checkbox"/> Addition		<input type="checkbox"/> Other _____
<input type="checkbox"/> Church	<input type="checkbox"/> Accessory Structure		
<input type="checkbox"/> Other _____	<input checked="" type="checkbox"/> Other <u>Car Port</u>		

Valuation of Work: <i>work is Highly Valued</i>
Written Explanation: <i>18' x 36' carport and other</i>
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.

IV. FEE

A non-refundable fee of \$50 must accompany this application. Checks must be made payable to the HAINES BOROUGH.

IV. 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.**

Owner or Agent

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 type="checkbox"/> Applicant Notified Application is Complete and Accepted					
		(Date)	(Notified via)	(Initials)	
Non-Refundable Building Permit Fee <i>\$50.00</i> Receipt No. <i>02201</i> Received By: <i>T. Olsen</i> Date: <i>8/9/13</i>			Information/Documentation Req'd Rec'd <input type="checkbox"/> <input type="checkbox"/> State Fire Marshal <input type="checkbox"/> <input type="checkbox"/> State DEC <input type="checkbox"/> <input type="checkbox"/> Variance/Conditional Use Permit <input type="checkbox"/> <input type="checkbox"/> Sign Permit		
Zoning	Bldg. Height	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:					
Borough Manager			Date		

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

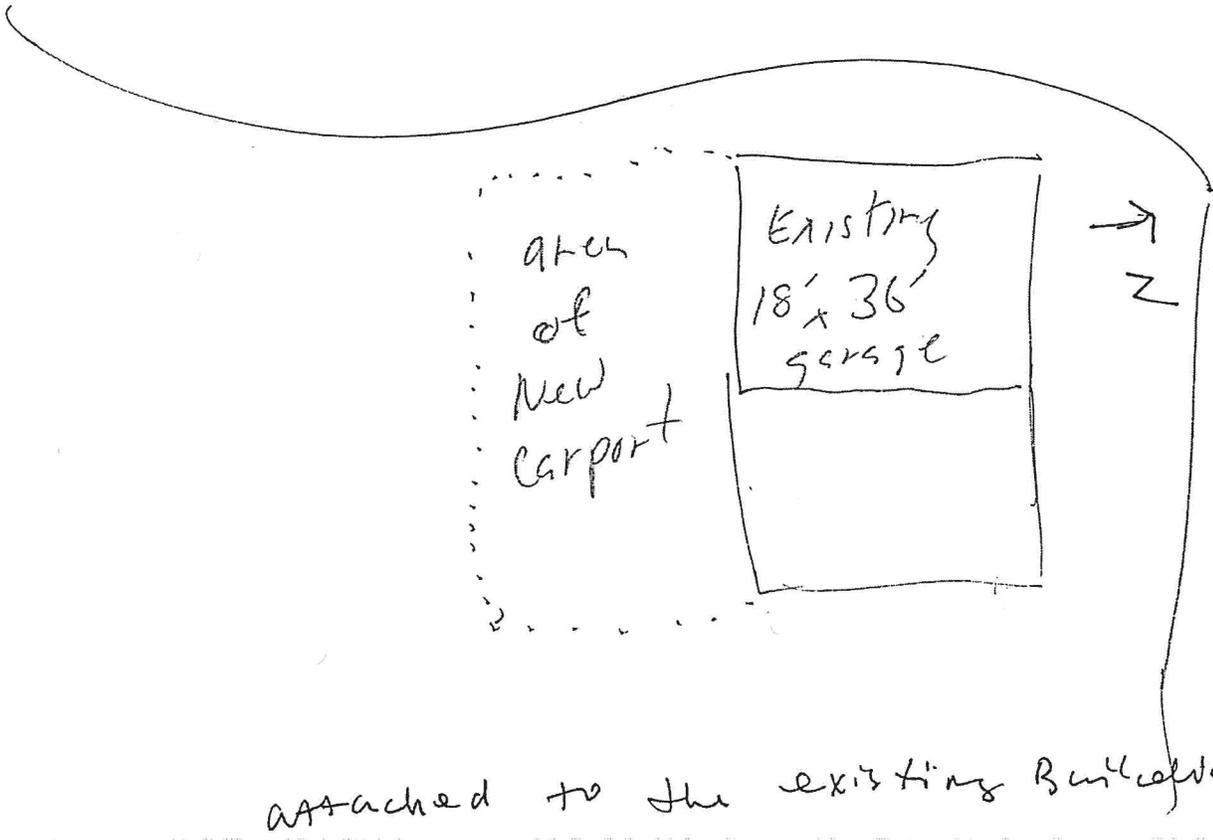
INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

ATTACHMENT A

SITE PLAN REQUIREMENTS

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

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





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

August 9, 2013

Fred Einspruch
PO Box 56
Haines, AK 99827

Re: Incomplete Land Use Permit Application
C-STR-02-42A0, 1019 Small Tract Road

Dear Mr. Einspruch,

Thanks for submitting your land use permit application to construct an 18' by 36' carport on the above-listed property. In reviewing your application Haines Borough staff has determined that the application is incomplete and does not meet the submission requirements as follows:

Per HBC 18.40.030(A), (3). Elevation drawing and site plan, drawn to scale, and including any streets, alleys, pedestrian improvements, driveways, existing buildings and other structures, proposed improvements, shorelines, slopes, other evidence of natural hazards, parking areas, utility connections, landscaping, signs (location, size and wording), and other pertinent data the manager may deem relevant to the permitting process. If documentation of property boundaries is inadequate to ascertain with certainty their location relative to proposed buildings, the manager may require a property survey or partial survey by a registered land surveyor prior to approval. In addition, an as-built drawing completed by a registered land surveyor may be required upon completion of construction. In addition to the print version, an electronic drawing compatible with borough software shall be submitted. (4). The owner of the property shall sign the permit application, providing the owner's mailing address, e-mail address, date submitted and contact phone number. (5). If a developer, engineer, surveyor or any other agent for the owner will be involved with the project, the names of the parties shall be provided with mailing addresses, e-mail addresses and phone numbers.

Please submit an application that addresses all of the concerns of HBC 18.40.030(A) and the applicable general criteria of 18.60.010. Once the Borough has been provided with a complete application, staff will review the information to approve your land use permit. If you have any questions on the matter please contact the Borough.

Sincerely,

Xi Cui "Tracy"
Haines Borough Planning and Zoning Tech
xcui@haines.ak.us
(907) 766-2231 Ext 23



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

Permit#: _____

Date: _____

I. Property Owner/Agent		Owner's Contractor (If Any)	
Name: <u>FILED EINSBRUCH</u>		Name: _____	
Mailing Address: <u>Post office Box 56</u>		Haines Borough Business License #: _____	
Contact Phone: Day _____ Night <u>907-314-0627</u>		Alaska Business License #: _____	
Fax: _____		Contractor's License #: _____	
E-mail: _____		Mailing Address: _____	
		Contact Phone: Day _____ Night _____	
		Fax: _____	
		E-mail: _____	
II. Property Information			
Size of Property: <u>2.52 Acres</u>			
Property Tax #: <u>C-STR-02-42A0-R</u>			
Street Address: _____			
Legal Description: Lot (s) <u>42</u> Block <u>T315</u> Subdivision <u>R59E Benzie</u>			
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 checked="" 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)	Project Description (Check all that apply)	Water Supply Existing or Proposed	Sewage Disposal Existing or Proposed
<input checked="" type="checkbox"/> Residential	<input type="checkbox"/> Single Family Dwelling	<input checked="" type="checkbox"/> None	<input type="checkbox"/> None
<input type="checkbox"/> Commercial	<input type="checkbox"/> Change of Use	<input type="checkbox"/> Community well	<input type="checkbox"/> Septic Tank
_____ sq. ft.	<input type="checkbox"/> Multi-Family Dwelling	<input type="checkbox"/> Private well	<input type="checkbox"/> Holding Tank
_____ seating capacity if eating/drinking establishment	Total # of Units _____	<input type="checkbox"/> Public Water System	<input type="checkbox"/> Public Sewer System
<input type="checkbox"/> Industrial	<input type="checkbox"/> Cabin	<input type="checkbox"/> Other _____	<input type="checkbox"/> Pit Privy
<input type="checkbox"/> Church	<input type="checkbox"/> Addition		<input type="checkbox"/> Other _____
<input type="checkbox"/> Other _____	<input type="checkbox"/> Accessory Structure		
	<input checked="" type="checkbox"/> Other <u>Car Port</u>		

Valuation of Work: <i>work is Highly Valued (\$17,500)</i>
Written Explanation: <i>18' x 36' Carport at 100'</i>
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.

IV. FEE

A non-refundable fee of \$50 must accompany this application. Checks must be made payable to the HAINES BOROUGH.

IV. 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.**

Borough Code regarding licensing and permit conditions still applies. - Copy 8/20/13

All information furnished is true to the best of my knowledge
8/17/2013
 Owner or Agent *[Signature]* 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 <i>08/20/2013</i> In Office <i>XC</i>					
Non-Refundable Building Permit Fee \$ <i>50.00</i>		Information/Documentation			
Receipt No. <i>02201</i>		Req'd Rec'd			
Received By: <i>Tolson</i>		<input type="checkbox"/> State Fire Marshal			
Date: <i>8/9/13</i>		<input type="checkbox"/> State DEC			
		<input type="checkbox"/> Variance/Conditional Use Permit			
		<input type="checkbox"/> Sign Permit			
Zoning	Bldg. Height	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:					
Borough Manager <i>Alvin Cuzzi for Mark Earnest</i>			Date <i>8/20/13</i>		

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

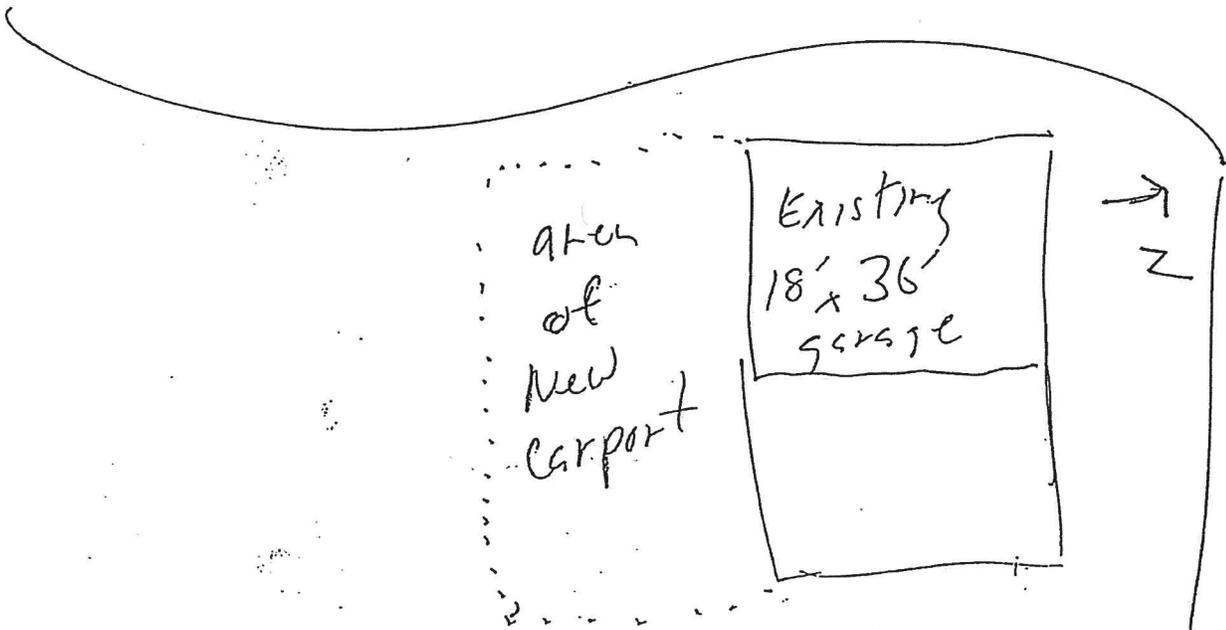
INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

ATTACHMENT A

SITE PLAN REQUIREMENTS

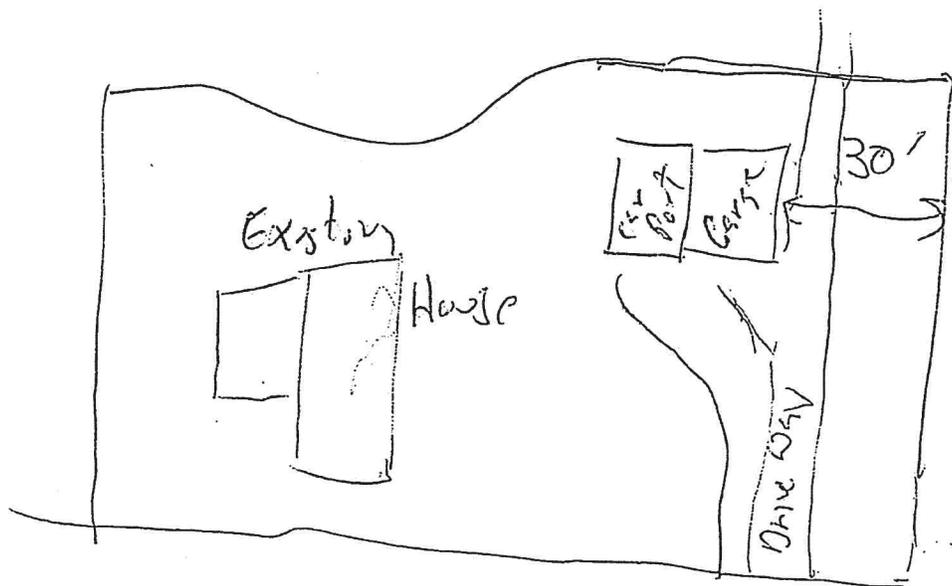
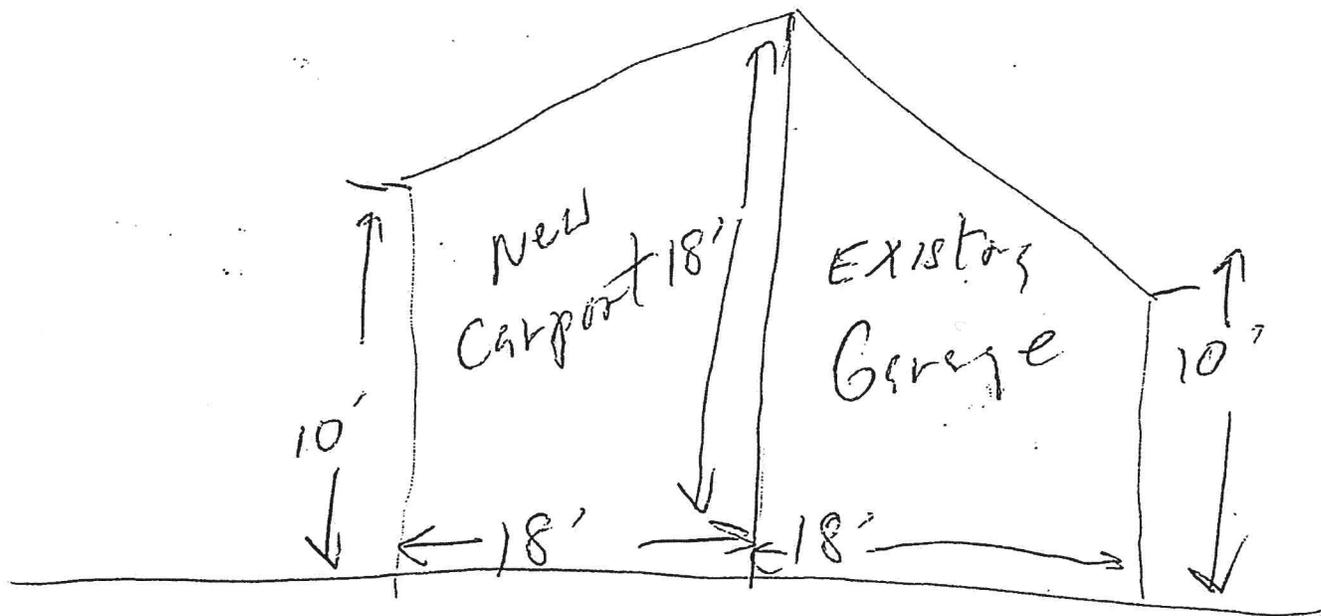
1. Drawing showing dimensions, including elevations, of lot on which activity/construction is planned.
2. Existing streets, alleys, sidewalks, driveways, easements, including widths.
3. Existing buildings/structures on the property, their location, dimension and proximity to lot lines or other structures.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

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



Attached to the existing Building.

Electrical Plan



Small Tracts Road

Attachment # 4



Attachment # 5



HAINES BOROUGH, ALASKA

P.O. BOX 1209

HAINES, AK 99827

(907) 766-2231 FAX (907) 766-2716

August 27, 2013

Fred Einspruch
PO Box 56
Haines, AK 99827

Re: Unpermitted Land Use Violation
C-STR-02-42A0, 1019 Small Tract Road

Dear Mr. Einspruch:

Thank you for submitting a land use application to construct a carport on the above-listed property on August 20, 2013. While out doing site visit, the Borough staff discovered the construction has started. Due to the fact that unpermitted site work has taken place prior to approval of the required land use permit, you are being assessed a \$250 after-the-fact fee, as required by Haines Borough code 18.30.070. Upon receiving the required \$250 fee, the Borough will approve your land use permit.

Per HBC 18.30.050, you have the right to appeal this decision to the Planning Commission. To do so, a written appeal must be submitted to the Borough Clerk within ten calendar days of the date of this letter. If you have any questions on the matter, please contact the Borough.

Sincerely,

Xi Cui "Tracy"
Haines Borough Planning & Zoning Technician III
xcui@haines.ak.us
(907) 766-2231 Ext. 23

Attachment # 6

Fred Einspruch
Post Office Box 56
Haines, AK 99827

Julie Cozzi
Borough Clerk, Haines Borough
Post Office Box 56
Haines, Alaska 99827

RECEIVED Haines Borough

SEP 06 2013

Clerk's Office

September 6th 2013

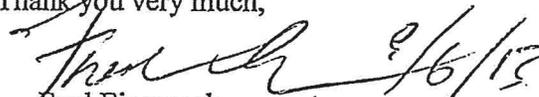
Subject: Appeal of After the fact fine

Dear Clerk Cozzi,

This letter is notice of my appeal to the planning commission the imposition of an after the fact violation land use permit violation.

Please schedule my appeal at the next planning commission meeting.

Thank you very much,


Fred Einspruch

HBC 18.40.030 Procedure – Staff decision.

A. Submission. The developer shall submit one copy of a completed and properly executed permit application, appropriate for the type of proposed development, to the manager. The following information shall be required:

1. Site description, including a complete legal description, street address, dimensions of property and any improvements existing or proposed, zoning and current use of adjacent properties.
2. Proposed development, including existing uses of the property, proposed uses, a time frame for development, and any information regarding phased development.
3. Elevation drawing and site plan, drawn to scale, and including any streets, alleys, pedestrian improvements, driveways, existing buildings and other structures, proposed improvements, shorelines, slopes, other evidence of natural hazards, parking areas, utility connections, landscaping, signs (location, size and wording), and other pertinent data the manager may deem relevant to the permitting process. If documentation of property boundaries is inadequate to ascertain with certainty their location relative to proposed buildings, the manager may require a property survey or partial survey by a registered land surveyor prior to approval. In addition, an as-built drawing completed by a registered land surveyor may be required upon completion of construction. In addition to the print version, an electronic drawing compatible with borough software shall be submitted.
4. The owner of the property shall sign the permit application, providing the owner's mailing address, e-mail address, date submitted and contact phone number.
5. If a developer, engineer, surveyor or any other agent for the owner will be involved with the project, the names of the parties shall be provided with mailing addresses, e-mail addresses and phone numbers.
6. Fees shall be paid at the time of submission of the application and prior to any staff or commission review.
7. The applicant's statement regarding compliance with all general and special conditions shall be contained in the final submission of this application.
8. The application shall be completed in a legible manner. Any applications containing illegible information shall be rejected by the manager and returned to the applicant for clarification.

B. Staff Procedure.

1. The manager will determine if the application is complete and correct and if the application meets the submission requirements. If the requirements are not met, the manager shall return the application to the applicant for modification or correction. If the manager fails to act on acceptance of the application within 10 business days, the application shall be considered complete and accepted for review.
2. If the application for a land use permit is complete and accepted, the manager shall determine, within 10 business days, whether the use meets the requirements of this title, the general approval criteria in HBC 18.60.010 and any special conditions for the applicable zone. The manager may place reasonable conditions on the approval to ensure that the use will comply with this title.
3. If the use does not implement all the requirements of this title, the manager shall deny the permit and note which requirements are not implemented and why. The manager shall issue a decision within 10 business days of acceptance of the application.
4. The manager shall mail a copy of the application and the decision to the developer and shall keep a permanent record thereof. The commission shall review all permit decisions at the next regularly scheduled meeting. (Ord. 12-05-291 § 7; Ord. 11-03-259 § 6)

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.

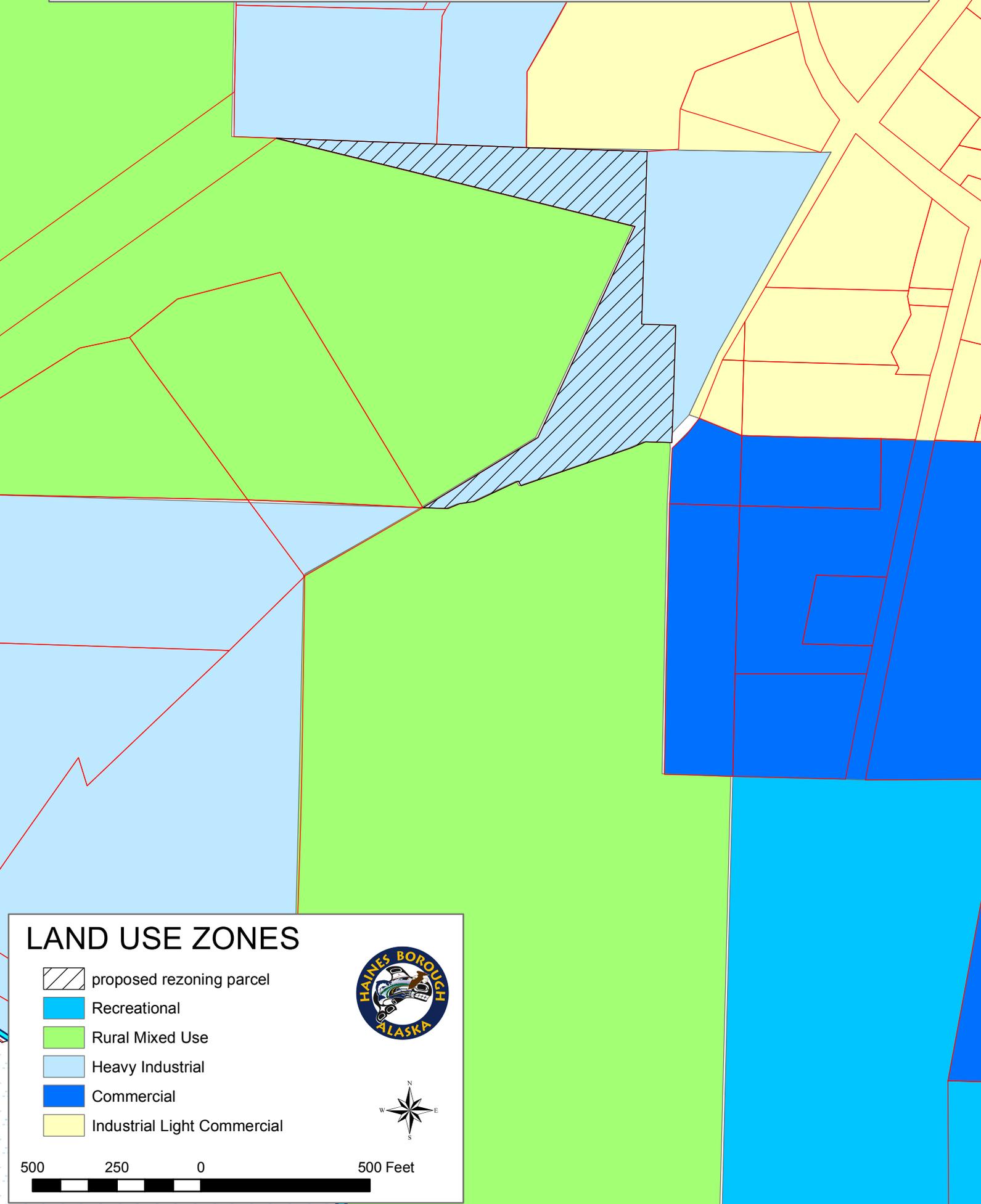
2. In all decisions the burden of proof shall be on the party challenging the decision of the manager. The commission may confirm the manager's decision, reverse the manager's decision, or change the conditions which the manager placed on approval. The commission shall support its action with written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

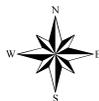
Rezoning Proposal from Heavey Industrial to Rural Mixed Use

8B



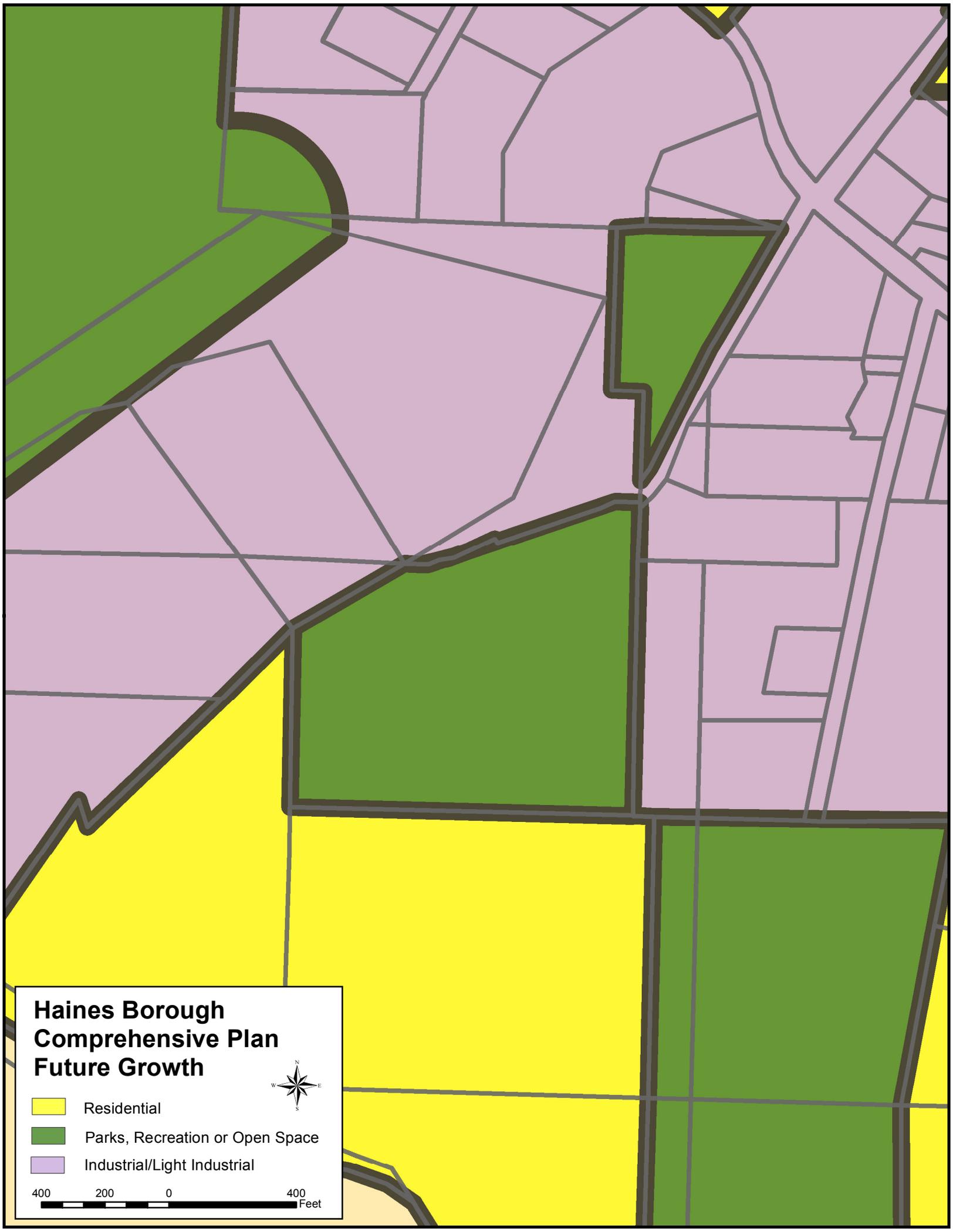
LAND USE ZONES

-  proposed rezoning parcel
-  Recreational
-  Rural Mixed Use
-  Heavy Industrial
-  Commercial
-  Industrial Light Commercial



500 250 0 500 Feet





Haines Borough Comprehensive Plan Future Growth



-  Residential
-  Parks, Recreation or Open Space
-  Industrial/Light Industrial

400 200 0 400 Feet

HAINES BOROUGH
PLANNING AND ZONING/LAND USE PERMIT APPLICATION

Permit #

- SIGN \$25 LAND USE AND DEVELOPMENT \$50 CHANGE OF USE \$50
- VARIANCE/CONDITIONAL USE/PUD \$150 LOT LINE VACATION/ADJUSTMENT PLAT \$50
- SHORT PLAT \$75 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 _____ Subdivision/Tract/Survey SAW MILL ROAD

Street Address Chilkat Guides Office Property tax ID number C-5MR-00-0200

- Residential Development Commercial Development
- Single Family Type of Business _____
- Duplex If eating or drinking establishment, give maximum seating capacity _____
- Multi-Family Sign(s) How many? _____ (Attach Drawing)
- (# of Units _____) Fire Marshal Plan Approval (Required)

If Change of Use: Existing/Proposed Property Use Rezone to Rural Mixed Use

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

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

Development: (Explain) Rezone to RMU

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.


 Signature of Property Owner (Required)
Royal Bartlett Henderson Jr.
 Printed Name of Property Owner
PO Box 170 Haines
 Mailing Address
9/18/2013 907 723 8350
 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:

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

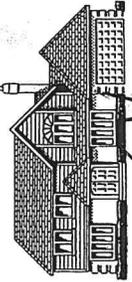
- \$25 - Sign \$50 - Land Use \$50 - Change of Use
 \$150 - Development/Conditional/Variance
 \$50 - Lot Line Vacation/Adjustment Plat \$75 Short Plat
 \$200 - Rezoning/Long Plat
 \$250 - Fee for beginning work prior to permit being issued

M. Webb / [Signature]
Fees Received By

Receipt No. 022106

9.18.13
Date Received

HENDERSON FAMILY PROPERTIES LLC
PH. 907-766-3390
P.O. BOX 12
HAINES, AK 99827



89-6/1252

DATE

9/15/13

\$200.00

DOLLARS

Haines Borough
two hundred

Security Features
Including
Watermark
Dates on Back

1 First National Bank
ALASKA MEMBER FDIC
www.firstnationalbank.com

H J G t

FOR

Subdividing

⑆001187⑆ ⑆125200060⑆ 3025 214 21⑆

COUNTRY

CASH RECEIPT

Date *9/18/13* 022106

Received From *Henderson Family Properties*

Address _____ Dollars \$ *200.00*

For *Subdividing*

ACCOUNT	HOW PAID	
	CASH	CHECK
AMT. OF ACCOUNT		
AMT. PAID	<i>200.00</i>	
BALANCE DUE		

By *[Signature]*

Check # 1187

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

CRB 1173

*Hi Tracy,
Lenise dropped this off
for you.*

[Signature]

Hi Tracy and Planning commission members,

Henderson Family Properties is applying to rezone Lot 1 on Sawmill Road, the Lot is presently used as the headquarters for Chilkat Guides operations.

The history of the lot: We purchased the lot from Laphams before consolidation. The lot is described on one side by the high tide meander line and therefore was eligible for accreting the land that had risen out of the sea over time due to glacial rebounding in the area.

In 2000 we successfully completed the aeration process and the accreted lands were transfer to us. In that process the accreted lands were plated as a separate lot from the original lot.

The reason we are asking to rezone Lot 1 (the original lot) is because we would like to retire at some point and we would need to sell the infrastructure built on the lots. However, a potential buyer most likely would not need or want all the acreage involved in the two lots, so we would probably need to hold onto the bulk of the acreage for some sort of future development.

We have two building on the properties, however the larger building is on the original lot and the smaller on the accretion lot. It makes most sense to sell the buildings and the land around them as one lot, and hold the remaining land as one lot.

However the original lot is zoned heavy industrial and the accretion is zoned Rural Mixed Use. Our goal is to be able to vacate the lot line between the two lots, and then divide off the land being used presently in the Chilkat Guides operations. However with the different zoning, it may not be possible.

It would be our preference and we believe in the best interest of the community, to rezone the original lot from Heavy Industrial to Rural Mixed Use, so that we can vacate the lot line and proceed with the subdivision process.

The reasons we believe it is most appropriate to change the HI zone rather than the RMU zone, are as follows:

- 1) Sawmill Creek winds extensively through both the original lot and the accretion lot. The creek occupies an exceptionally large percentage of the total land in the original lot.
- 2) There has been a lot of effort expended by the community to protect the integrity of the creek environment. We have attempted to structure our development of the land to honor this goal so far. But it begs the question why this particular piece was ever envisioned to be best zoned Heavy Industrial.

- 3) The original lot is a very oddly shaped lot that consists of two triangular pieces that are connected by a very narrow (approximately 25 feet) piece of land that virtually excludes most any sort of heavy industrial use in the northern triangle. In any future development of this portion of our community that "orphaned triangle of land is best incorporated into the development of the accreted land.
- 4) The accreted land zoned RMU is the much larger piece of land at 21.3 acres compared to the original lot which is only approximately 7 acres.
- 5) The original lot abuts the borough Ball Diamonds and the cemetery, neither of which benefit from our lot being zoned HI.
- 6) Because the accretion land is adjacent to the golf course development, and the fact that it is also largely sawmill creek and wetlands, we would not be interested in switching that land to HI, at this time.
- 7) The present use of the lot is compatible with either HI or RMU zoning, but we believe that it is more compatible with RMU.
- 8) If the borough determines for some reason that they do not want to change the zoning of the original lot to match the much larger accretion lot, we would be forced to subdivide both parcels separately and the future owners would have to deal with two different zones within their single operating area. It would not change the ultimate use of the area so much as it would simply complicate the process of intelligently developing this large chunk of land in our community.

We hope that this helps to explain the situation, and we ask for your help in this matter. I am available to answer any questions you may have so don't hesitate to call anytime.

Sincerely,
Bart Henderson
Henderson Family Properties
907 723 8350



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

September 27, 2013

«First_Name» «Last_Name»
«ADDRESS»
«CITY», «STATE» «ZIP»

Re: Rezoning Proposal
C-SMR-00-0200

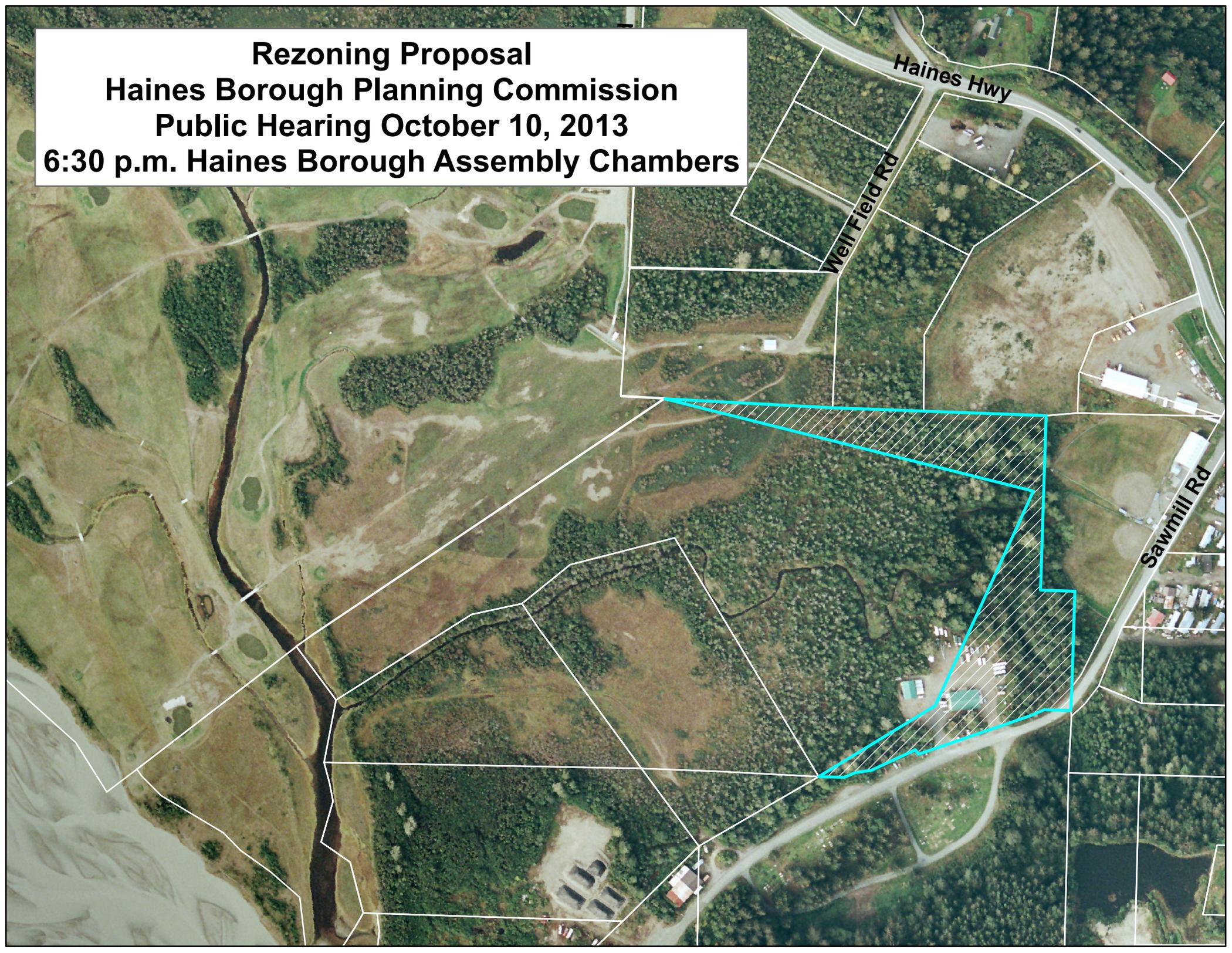
Dear Land Owner,

Haines Borough records show that you own property within 200 feet of the above listed property. Henderson Family Prop., LLC has requested for the Planning Commission to recommend that the Assembly change the zoning of the above-listed property from Heavy Industrial to Rural Mix Use. Haines Borough Code 18.30.020(C) requires all property owners within an area of 200 feet from the location of a proposed rezoning shall be notified in writing of the application, the date of the hearing hereon, the proposed zone. The Haines Borough Planning Commission will hold a public hearing on the matter at the next regular Planning Commission meeting. The meeting will be held at 6:30 p.m. at the Haines Borough Assembly Chambers on Thursday October 10, 2013. As an owner of property within 200 feet 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,

Xi Cui "Tracy"
Haines Borough Planning and Zoning Technician
Phone: (907)766-2231 Ext 23
Fax: (907) 766-2716
xcui@haines.ak.us

Rezoning Proposal
Haines Borough Planning Commission
Public Hearing October 10, 2013
6:30 p.m. Haines Borough Assembly Chambers



First Name	Last Name	ADDRESS	CITY	STATE	ZIP
	KLUKWAN, INC.	PMB 160, 2440 E. TUDOR RD	ANCHORAGE	AK	99507
c/o MICHAEL	WARD	BOX 1309	HAINES	AK	99827
c/o R.B.& L.A.	HENDERSON	BOX 12	HAINES	AK	99827
JOHN	FLORESKE, JR.	BOX 489	HAINES	AK	99827
SHANE/JANIS	HORTON	BOX 250	HAINES	AK	99827
SUSAN E.	REX	BOX 1186	HAINES	AK	99827
TERANCE	TRAYNOR	BOX 21513	JUNEAU	AK	99802
VICTORIA E.	COX	BOX 518	HAINES	AK	99827

HBC 18.70.060 Rezoning.

A. Initiation. A rezone may be initiated by a formal recommendation by the planning commission to the assembly, a notice of intent to introduce an ordinance for rezoning by the borough assembly, or a petition by 51 percent of the land owners in the petition area. The clerk shall forward a petition proposing a change to the planning commission.

B. Restrictions on Rezoning. Rezoning covering less than one acre may not be considered, unless the rezoning constitutes the expansion of an existing contiguous zone. Rezoning which are substantially the same as a proposed amendment that was rejected within the previous 12 months may not be considered. Any rezone causing a commercial, industrial, development, or business transition zone to be created abutting a residential zone, shall require new structures on the appropriate zone abutting the residential zone to be set back a minimum of 10 feet from the existing residential zone, and shall conform to any other setback requirements of such zone.

C. Procedure. A rezoning shall follow the procedures set forth in Chapter [18.50](#) HBC for conditional use permits, except that the planning commission shall have 60 days from the date of the proposal to make its full report to the assembly. During this time, the planning commission shall provide public notice and hold one public hearing on the proposed zoning change and declare its findings by a formal motion. The commission's decision shall constitute a recommendation to the borough assembly. As soon as possible after the commission recommendation, but allowing 10 days for any official protest, the borough assembly shall post public notice and hold a public hearing on the proposed rezoning. At such hearings, the recommendation of the commission shall be rebuttably presumed to be correct, which presumption may be overcome with a preponderance of the evidence. A rezoning shall be adopted by ordinance, and any conditions thereon shall be contained in the ordinance. Upon adoption of any rezoning, the manager shall cause the official zoning map to be changed to reflect the operation of the ordinance.

D. Protest. A petition to protest a change of zone area or classification must be filed with the borough clerk within 10 working days of the commission's decision to make a recommendation to the assembly on a rezoning. The clerk shall forward a petition protesting the assembly's decision on the zoning change back to the assembly for reconsideration. A petition protesting the assembly's decision on a zoning change must be signed by at least 25 percent of the landowners in the zone. The assembly may change the protested decision only upon the vote of a supermajority of the assembly. This decision will be final.

E. Assignment of Costs. All administrative costs, processing fees, commission fees, recording fees, mapping costs, survey costs and other associated expenditures shall be borne by the land owner(s) or developer(s) requesting the rezoning in prorated amounts as determined by the manager. (Ord. 05-12-134)

HBC 18.50.040 Decision

The commission shall hold a public hearing on the conditional use permit application. The commission may adopt the manager's recommendation on each requirement unless it finds, by a preponderance of the evidence, that the manager's recommendation was in error and states its reasoning for such finding with particularity. In addition, for good cause, the commission may alter the conditions on approval or requirements for guarantees recommended by the manager.

A. Before a conditional use permit is approved, the commission must find that each of the following requirements is met:

1. The use is so located on the site as to avoid undue noise and other nuisances and dangers;
2. The development of the use is such that the value of the adjoining property will not be significantly impaired;
3. The size and scale of the use is such that existing public services and facilities are adequate to serve the proposed use;
4. The specific development scheme of the use is consistent and in harmony with the comprehensive plan and surrounding land uses;
5. The granting of the conditional use will not be harmful to the public safety, health or welfare;
6. The use will not significantly cause erosion, ground or surface water contamination or significant adverse alteration of fish habitat on any parcel adjacent to state-identified anadromous streams;
7. The use will comply with all required conditions and specifications if located where proposed and developed, and operated according to the plan as submitted and approved;
8. Comments received from property owners impacted by the proposed development have been considered and given their due weight.

If the commission finds that the development implements all relevant requirements of this title, it shall issue a conditional use permit and the conditions and requirements shall be part of the approved permit. If the development does not implement all relevant requirements, or the commission otherwise determines the development is not in compliance with this title, the commission shall deny the permit and note with particularity its reasons for the decision.

B. The commission may alter the manager's proposed permit conditions, impose its own, or both.

Conditions may include one or more of the following:

1. Development Schedule. The conditions may place a reasonable time limit on construction activity associated with the development, or any portion thereof, to minimize construction-related disruption to traffic and neighbors, to ensure that lots are not sold prior to substantial completion of required public improvements, or to implement other requirements.
2. Use. The conditions may restrict the use of the development to specific uses indicated in the approval.
3. Owner's Association. The conditions may require that if a developer, homeowner or merchant association is necessary or desirable to hold or maintain common property, that it be created prior to occupancy.
4. Dedications. The conditions may require conveyances of title, licenses, easements or other property interests to the public, to public utilities, or to the homeowners association. The conditions may require construction of public utilities or improvements to public standards and then dedication of public facilities to serve the development and the public.
5. Construction Guarantees. The conditions may require the posting of a bond or other surety or collateral (which may provide for partial releases) to ensure satisfactory completion of all improvements required by the commission.
6. Commitment Letter. The conditions may require a letter from a utility company or public agency legally committing it to serve the development if such service is required by the commission.
7. Covenants. The conditions may require the recording of covenants or other instruments satisfactory to the borough as necessary to ensure permit compliance by future owners or occupants.
8. Design. The conditions may require the adoption of design standards specific to the use and site.

Draft

HAINES BOROUGH, ALASKA

ORDINANCE No. xx-xx-xxx

AN ORDINANCE OF THE HAINES BOROUGH AMENDING HAINES BOROUGH CODE TITLE 18 SECTION 18.30.070 FEES AND PENALTIES TO CONSIDER CERTAIN PORTIONS OF PENALTY FEE STRUCTURE CHANGES.

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 18.30.070 to consider certain portions of penalty fee structure changes.

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

HBC 18.30.070 Fees and penalties.

A. The fees for various permits are as follows:

Sign Permit	\$25.00
Land Use Permit	<u>\$50.00</u>
Lot Line Vacation/Adjustment	<u>\$50.00</u>
Short Plat	<u>\$75.00</u>
Special Conditions Permit	<u>\$150.00</u>
Conditional Use/Variance Permit	<u>\$150.00</u>
Rezoning/Subdivision Permit	<u>\$200.00</u>
After the fact fee in addition to the normal associated permit fee for beginning work without a permit	250.00 or 3% of the project value, to a maximum of 1,000.00

Penalty for violation of any section of this chapter (except beginning work without a permit—see after-the-fact fee above) 300.00

B. Penalties.

1. After-the-fact fee in addition to the normal associated permit fee for beginning work without a permit or construction declaration \$250.00 or 3% of the project value, to a maximum of \$1,000

2. Penalty for violation of any section of Title 18 (except beginning work without a permit - see after-the-fact fee above) \$100.00

3. The procedure for assessing penalties shall be as follows: After-the-fact fees for beginning work without a permit or construction declaration shall be assessed upon discovery of the violation. In all other violations of Title 18, Borough staff shall notify the violator by certified letter. The letter shall state the nature of the violation and inform the violator that they will have ten (10) business days to conform to the code. If the violation is not corrected within ten business days a penalty of \$100.00 shall be assessed.

4. If a penalty is not paid within thirty (30) days, interest of 1.5% per month (18% annually) will accrue. If the penalty is not paid within one year, the sum will be added to the violator's property tax.

BC. An applicant having been processed under a permit listed above, who subsequently encounters the requirement of another permit type, shall be charged the permit fee which is the highest, including any permit fees paid with the original application (i.e., an applicant who pays \$50.00 for a land use permit who then is required to apply for a variance shall be charged only \$150.00 for the entire process.)

CD. Multiple buildings or improvements and/or multiple variance requests as part of a single application for the same site will be considered as one permit respectively and not subject to successive permit fees.

DE. The planning commission may recommend to the assembly that charges and fees be stayed. The assembly may stay the fees under subsection (A) of this section if it is in the best interest of the municipality to do so and special circumstances warrant. The action must be made in writing and made part of the borough assembly's public record. (Ord. 06-06-146)

HAINES BOROUGH, ALASKA **Draft**
ORDINANCE No. xx-xx-xxx

AN ORDINANCE OF THE HAINES BOROUGH AMENDING HAINES BOROUGH CODE TITLE 18 SECTION 18.20.020 TO DEFINE “AGRICULTURE, PERSONAL USE” AND SECTION 18.30.070 TO REDUCE THE FEES FOR PERMITS REALTING TO ANIMAL HUSBANDRY.

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 would allow up to six small animals on lots smaller than one acre and twelve on lots greater than one acre. Numbers greater than stated above would be considered “Animal Husbandry” and would need a conditional use permit in single and multiple residential zones. The fees for permits relating to animal husbandry are reduced to \$25.

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

18.20.020 Definitions – Regulatory.

“Agriculture, personal use” means a use involving the growing of vegetation or raising of animals for beautification, consumption or barter, including: ornamentals, vegetables or the keeping of any combination of up to ~~three~~ **six small animals (as described in HBC 18.60.020 C.2.) on lots of less than one acre and twelve on lots greater than one acre** grown for use as food, but which do not produce objectionable odors, noise or nonpoint source pollution. Personal use agriculture does not include the keeping of animals capable of growing to 75 pounds or more. **Greater numbers of small animals than specified herein will be considered animal husbandry and shall be regulated by HBC 18.060.020(C).**

18.30.070 Fees and penalties.

A. The fees for various permits are as follows:

<u>Agriculture, personal use and animal husbandry, including conditional use permits for these uses</u>	<u>\$25.00</u>
Sign Permit	\$25.00
Land Use Permit	50.00
Lot Line Vacation/Adjustment	50.00
Short Plat	75.00
Special Conditions Permit	150.00
Conditional Use/Variance Permit	150.00
Rezoning/Subdivision Permit	200.00

HAINES BOROUGH, ALASKA
ORDINANCE No. xx-xx-xxx

Draft

AN ORDINANCE OF THE HAINES BOROUGH AMENDING HAINES BOROUGH CODE TITLE 18 SECTION 18.70.030 TO DEFINE RECREATIONAL ZONE AND ADDING HAINES BOROUGH CODE TITLE 12 SECTION 12.50 TO PROHIBIT MOTORIZED USE IN THE CHILKAT RIVER BEACHES RECREATIONAL ZONE.

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 would prohibit the use of motorized vehicles in the Chilkat River Beaches Recreational Zone.

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

HBC 18.70.030 Zoning district - Zones

The borough is hereby divided into the following zoning districts and zones. These districts and zones are depicted on the official borough zoning map.

A. Townsite Planning/Zoning District. The townsite planning/zoning district is defined as that area known as the townsite service area.

1. I/H – Heavy Industrial Zone. The intent of the heavy industrial zone is to provide for and protect productive heavy industry.

...

12. 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.**

Title 12
STREETS, SIDEWALKS, AND PUBLIC PLACES

Chapters:

12.04 Street Grades

12.08 Road and Sidewalk Construction, Maintenance, and Repair

12.10 Driveways

12.12 Building Numbering System

12.16 Street and Sidewalk Use Restrictions

12.20 Street Lights

12.40 Picture Point Park

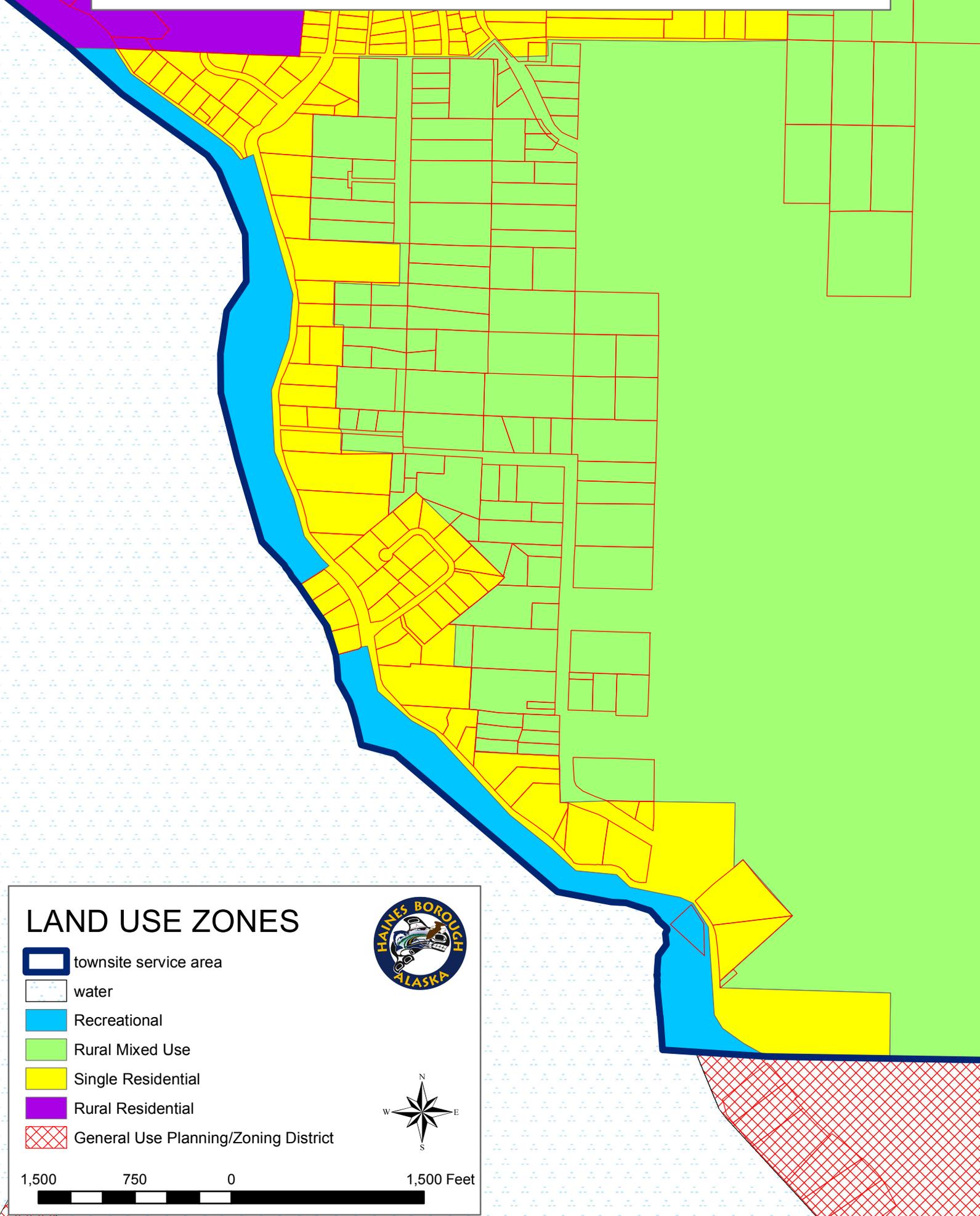
12.50 Chilkat River Beaches Recreational Zone

Chapter 12.50
CHILKAT RIVER BEACHES RECREATIONAL ZONE

12.50.010 Prohibited uses.

Operation of a motorized vehicle in the Chilkat River Beaches Recreational Zone is prohibited.

CHILKAT RIVER BEACHES RECREATIONAL ZONE



LAND USE ZONES

-  townsite service area
-  water
-  Recreational
-  Rural Mixed Use
-  Single Residential
-  Rural Residential
-  General Use Planning/Zoning District



1,500 750 0 1,500 Feet



HAINES BOROUGH, ALASKA**Draft**

ORDINANCE No. xx-xx-xxx

AN ORDINANCE OF THE HAINES BOROUGH AMENDING HAINES BOROUGH CODE TITLE 18 SECTION 18.100.092(A)(2) TO CONSISTENT WITH TITLE 18 SECTION 18.60.010(I).

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 18.100.092(A)(2) to keep consistency with ordinance No. 13-08-342.

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

HBC 18.100.092 Requirements prior to final plat approval.**A. Utilities.**

1. Water and Sewer. The subdivider, at the subdivider's own expense and prior to final plat approval, in accordance with the approved preliminary plat, shall construct, per borough specifications, all water and sewer utilities to service each lot individually within the subdivision to be created. The subdivider may elect to provide performance and payment bonding as allowed in HBC 18.100.125 in order to have authorization to proceed to a final plat procedure.

2. When, in the opinion of borough staff, no public sanitary sewer and/or water service is available within 200 feet of any exterior property line of a new subdivision in which all lots are one acre or larger in area, the developer may request an exemption from the requirements to connect to public utilities. All regulations of the State Department of Environmental Conservation pertaining to water extraction and wastewater disposal, as well as the requirements of HBC 13.04.080(G) pertaining to on-site wastewater disposal, shall apply. If exempted from the requirement to connect to public utilities, a plat note must be placed on the plat stating that public water and/or sewer are not available to the subdivision and that all future property owners in the subdivision must provide written Department of Environmental Conservation (DEC) approval of their on-site wastewater system design prior to a land use permit being issued. Upon installation and before closure, the wastewater disposal system must be inspected and approved by a DEC-approved inspector. ~~The wastewater disposal system must also be inspected by a DEC approved inspector, at the property owner's expense, every two years, in the spring of the year, with a written approval of the system submitted to the borough by June 1st of the year.~~

When public sanitary sewer and/or water service becomes available, property owners will be required to connect to the public utility within six months.

AN ORDINANCE OF THE HAINES BOROUGH AMENDING BOROUGH CODE SECTION 18.60.010(I) REMOVE THE REQUIREMENT FOR A WASTEWATER DISPOSAL SYSTEM TO BE INSPECTED EVERY TWO YEARS BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. This ordinance is of a general and permanent nature and if adopted with or without 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 is effective upon adoption.

Section 4. Amendment of Section 18.60.010(I). Section 18.60.010(I) of the Haines Borough Code is hereby amended to read as follows:

NOTE: ~~STRIKETHROUGH~~ ITEMS ARE DELETIONS

18.60.010 General approval criteria.

A land use permit, or conditional use permit, or a platting action permit for a subdivision, may be granted if all the following general approval criteria and applicable specific approval criteria of HBC [18.60.020](#) are complied with. The burden of proof is on the developer to show that the proposed use meets these criteria and applicable specific criteria for approval. Notwithstanding any of the following criteria, no use will be approved that will materially endanger the public health or safety or substantially decrease the value of property in the neighboring area. The burial of uncremated human remains outside a cemetery is prohibited.

...

I. Utilities. The proposed use shall be adequately served by public water, sewer, on-site water or sewer systems, electricity, and other utilities prior to being occupied. The borough may require a letter of commitment from a utility company or public agency legally committing it to serve the development if such service is required. If property on which a use is proposed is within 200 feet of an existing, adequate public water and/or sewer system, the developer shall be required to connect to the public systems. The borough may require any or all parts of such installation to be oversized, however the additional cost beyond the size needed for the development will be borne by the borough.

When, in the opinion of borough staff, 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. All regulations of the State Department of Environmental Conservation pertaining to water extraction and wastewater disposal, as well as the requirements of HBC 13.04.080(G) pertaining to on-site wastewater disposal, shall apply. 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. ~~The wastewater disposal system must also be inspected by a DEC-approved inspector, at the property owner's expense, every two years, in the spring of the year, with a written approval of the system submitted to the borough by June 1st of the year.~~

Haines Borough
Ordinance No. 13-08-342
Page 2 of 2

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS
24th DAY OF SEPTEMBER, 2013.

ATTEST:

Stephanie Scott, Mayor

Julie Cozzi, MMC, Borough Clerk

Date Introduced:	08/13/13
Date of First Public Hearing:	08/27/13
Date of Second Public Hearing:	09/10/13
Date of Third Public Hearing	09/24/13 - Adopted

Memorandum

Haines Borough
 Office of the Mayor
 103 Third Avenue S.
 Haines, Alaska 99827
 sscott@haines.ak.us
 Voice (907) 766-2231 ext. 30

September 29, 2013

To: Rob Goldberg, Chair, Haines Borough Planning Commission;
 Danny Gonce, Andy Hedden, Lee Heinmiller, Rob Miller, Don Turner
 III, Robert Venables, Planning Commisioners.

Cc: Julie Cozzi, Borough Clerk; Mark Earnest, Borough Manager;
 Dave Berry, Jerry Lapp, Debra Schnabel, Norm Smith, Joanne
 Waterman, Steve Vick, Members, Haines Borough Assembly

From: Stephanie Scott, Mayor, Haines Borough

Subject: Setbacks in the General Use Zone

As you know, on Tuesday, September 24, the Assembly did not adopt ordinance 13-08-343 proposing set backs in the General Use zone. But the objection turned not so much on the concept of set backs per se, but concern over tying specific set backs to specific uses, as detailed in the proposed amendment to 18.80.030 (B). The amendment added the General Use zone (GU) to the list of zoning districts and then stipulates set back restrictions for industrial, commercial, and residential development.

The problem, as the Assembly sees it, is that there are no stipulated uses in the General Use Zone,¹ so set backs cannot be tied to the categories of development listed in 18.80.030 (B). (i.e. industrial, commercial, residential). Development in the General Use zone is unrestricted except for a limited list of high impact uses, which require a conditional use permit. Set backs can be legitimately stipulated in a conditional use permit.

A solution occurred to us, if in fact set backs will add to improved public safety, and if set backs are a solution to conflicts between neighbors: apply a set back standard uniformly

¹ 18.70.030 Zoning districts – Zones.

D. GU – General Use Planning/Zoning District.

1. Intent. Recognizing the borough regions with no previous land use regulation and the need to provide a reasonable transition toward land use regulation, the general use planning/zoning district is intended to allow as broad a range of land uses as possible. This district allows any use, but requires a conditional use permit for high impact uses.

3. Prohibited Uses. There are no prohibited uses in this district.

4. Nonconforming Uses. There are no nonconforming uses in this district.

5. Conditional Uses. Landfills, commercial power plants, cemeteries, heliports, and hazardous materials storage facilities require a conditional use permit.

throughout the General Use Zone. This could be achieved by adding the following to Borough Code:

18.80.030 (C) Setbacks in the General Use Zone. All improvements, except those controlled by a conditional use permit requirement, in the General Use Zone shall be set back (x) feet from street lot lines, (x) feet from ally lot lines, and (x) feet from other lot lines.

If we are misreading the code (always a possibility!), and if there is a mechanism in the code in the General Use Zone, that provides for developers to state the nature of their development (industrial, commercial, residential) outside of the list that requires a conditional use permit, and be required to adhere to it, please help us understand how that works.

I do note that setbacks were anticipated in the Comprehensive Plan **Goal 5** under Land Use and Future Growth: **Guide infrastructure and industrial development, varied residential living, and diverse recreational opportunities.**

Objective 5G: Protect homeowner’s investments by minimizing adjacent incompatible land development.

The associated strategy is:

3. To promote efficient land use, good neighbors and protect homeowner investments and lifestyles, require buffers between residential and non-residential land uses, between differing types/densities of residential development, or when home occupations or light approved commercial uses are adjacent. Depending on the situation common measures could be landscaping, retained or additional vegetation, setbacks, fences, sound barriers, restriction on hours of operation of noise generating equipment or activity, control of traffic speeds, and requiring off-street parking. etc.

So, we do appreciate the Planning Commission’s concern about development in the General Use Zone. Setback requirements may be a strategy to introduce landowners in the General Use Zone to the benefit of zoning regulations. On the other hand, setback requirements are more commonly part of a set of regulations that accompany “uses” stipulated in variously designed zones. Since presently the General Use Zone is a zone where uses are not stipulated, probably the only regulation that can be applied is one that is uniform throughout the zone.

I believe we are all eager to continue the conversation. Once we figure out how to legitimately apply setbacks in the General Use Zone, I suspect the conversation will focus more fully on the pros and cons of setbacks per se.

AN ORDINANCE OF THE HAINES BOROUGH AMENDING BOROUGH CODE SECTION 18.80.030(B) TO ADD SETBACK REGULATIONS TO THE GENERAL USE ZONE.

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. This ordinance is of a general and permanent nature and if adopted with or without 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 will become effective January 1st, 2014.

Section 4. Amendment of Section 18.80.030(B). Section 18.80.030(B) of the Haines Borough Code is hereby amended to read as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE ADDITIONS TO THE CURRENT LANGUAGE

18.80.030 Setbacks and height.

B. Height is measured from the average grade of the footprint of the structure to the highest point on the structure, measured at the center of each of the four exterior walls.

Setbacks and Height Restrictions by Zone								
Zoning District	Height Limit (in feet)	Industrial Setbacks (in feet) ***		Commercial Setbacks (in feet)		Residential Setbacks (in feet)		
		From Street Lot Lines	From Residential Lots	From Street or Alley Lot Lines	From Other Lot Lines	From Street Lot Lines	From Alley Lot Lines	From Other Lot Lines
I/H	30 *	0	50	0	0	N/A	N/A	N/A
I/L/C	30	0	50	0	0	20	10	10
I/W	30	0	50	0	0	20	10	10
C	30	0	50	0	0	20	10	10
W	30	0	50	0	0	20	10	10
SSA	30 **	N/A	N/A	10	5	20	10	10
SR	30	N/A	N/A	N/A	N/A	20	10	10
MR	30	N/A	N/A	0	0	20	10	10
RR	30	N/A	N/A	0	0	20	10	10
RMU	30	0	50	0	0	20	10	10
MU	30	0	50	0	0	20	10	10

Haines Borough
Ordinance No. 13-08-343
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Setbacks and Height Restrictions by Zone								
Zoning District	Height Limit (in feet)	Industrial Setbacks (in feet) ***		Commercial Setbacks (in feet)		Residential Setbacks (in feet)		
		From Street Lot Lines	From Residential Lots	From Street or Alley Lot Lines	From Other Lot Lines	From Street Lot Lines	From Alley Lot Lines	From Other Lot Lines
REC	30	N/A	N/A	N/A	N/A	20	10	10
<u>GU</u>	<u>N/A</u>	<u>0</u>	<u>50</u>	<u>0</u>	<u>0</u>	<u>20</u>	<u>10</u>	<u>10</u>

* May exceed 30 feet only by provisions of a conditional use permit granted by the planning commission.

** May be up to 40 feet under the provisions of a conditional use permit granted by the planning commission, but only if for a replica building replacing a building of that height that has been destroyed, and if all special provisions of the historic district and all other provisions of this title are met.

*** As long as all requirements of the state fire code or other applicable regulations are met.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS ____ DAY OF _____, 2013.

ATTEST:

Stephanie Scott, Mayor

Julie Cozzi, MMC, Borough Clerk

Date Introduced: 08/13/13
Date of First Public Hearing: 08/27/13
Date of Second Public Hearing: 09/10/13
Date of Third Public Hearing: 09/24/13

HAINES BOROUGH, ALASKA Draft
 ORDINANCE No. xx-xx-xxx

AN ORDINANCE OF THE HAINES BOROUGH AMENDING HAINES BOROUGH CODE TITLE 18 SECTION 18.80.030(B) TO EXPAND “SETBACK REGULATIONS IN TOWNSITE SERVICE AREA” BOROUGH WIDE.

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 on January 1, 2014 upon adoption.

Section 4. Purpose. This ordinance amends Title 18 Section 18.80.030(B) to expand “setback regulations in townsite service area” Borough wide by adding setbacks and height restrictions for general use zone.

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

18.80.030 Setbacks and height.

B. Height is measured from the average grade of the footprint of the structure to the highest point on the structure, measured at the center of each of the four exterior walls.

Setbacks and Height Restrictions by Zone								
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		From Street Lot Lines	From Residential Lots	From Street or Alley Lot Lines	From Other Lot Lines	From Street Lot Lines	From Alley Lot Lines	From Other Lot Lines
I/H	30 *	0	50	0	0	N/A	N/A	N/A
I/L/C	30	0	50	0	0	20	10	10
I/W	30	0	50	0	0	20	10	10
C	30	0	50	0	0	20	10	10
W	30	0	50	0	0	20	10	10
SSA	30 **	N/A	N/A	10	5	20	10	10

Setbacks and Height Restrictions by Zone								
Zoning District	Height Limit (in feet)	Industrial Setbacks (in feet) ***		Commercial Setbacks (in feet)		Residential Setbacks (in feet)		
		From Street Lot Lines	From Residential Lots	From Street or Alley Lot Lines	From Other Lot Lines	From Street Lot Lines	From Alley Lot Lines	From Other Lot Lines
SR	30	N/A	N/A	N/A	N/A	20	10	10
MR	30	N/A	N/A	0	0	20	10	10
RR	30	N/A	N/A	0	0	20	10	10
RMU	30	0	50	0	0	20	10	10
MU	30	0	50	0	0	20	10	10
REC	30	N/A	N/A	N/A	N/A	20	10	10
<u>GU</u>	<u>N/A</u>	<u>20</u>	<u>10</u>	<u>20</u>	<u>10</u>	<u>20</u>	<u>10</u>	<u>10</u>

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