



Haines Borough Planning Commission Regular Meeting Agenda

COMMISSIONERS:

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

Thursday, April 17, 2014 - 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: (March 13, 2014 draft minutes will be ready for review at the next regular meeting.)
5. PUBLIC COMMENTS [Items not scheduled for public hearing]
6. CHAIRMAN'S REPORT
7. STAFF REPORT
- A. Planning & Zoning Report
8. PUBLIC HEARINGS:
 - A. Tara Bicknell – Appeal to the Planning Commission – Action Item: Property owner Bicknell submitted a land use permit application to construct a cabin on a vacant lot in a rural residential zone of townsite service area. The Borough determined the proposed use does not meet land use general criteria. Bicknell submitted her written appeal to the Planning Commission. **Possible Motion:** The Planning Commission confirms the Borough's decision.
 - B. Yngve Olsson – Appeal to the Planning Commission – Action Item: Property Owner Olsson filed an appeal to the Planning Commission as a result of a decision made by the Borough regarding the placement of concrete slabs on his property. **Possible Motion:** The Planning Commission confirms the Borough's decision.
 - C. Roger Schnabel – Resource Extraction & Material Storage Conditional Use Permit – Action Item: Property owner Schnabel requested the Planning Commission approve the renewal of his gravel extraction conditional use permit, and allow the storage of aggregate and related material of concrete and asphalt and inert material for berm and buffer development. **Possible Motion:** Approve Schnabel's conditional use permit renewal.
 - D. Joanne Waterman – Port Chilkoot Fire Hall Height Variance – Action Item: Property owner Waterman applied for a height variance to allow the construction of an additional 40' to the existing tower. **Possible Motion:** Approve Waterman's variance proposal.
9. UNFINISHED BUSINESS: None
10. NEW BUSINESS:
 - A. Historic District/Building Review: None
 - B. Haines Borough Code Amendments: None
 - C. Project Updates: None
 - D. Other New Business:
 1. Possible Rezoning of Sawmill Road Area – Discussion Item: This item is scheduled as a follow-up item of December 12, 2013 Agenda.
 2. Plan for Borough Land Sales – Discussion Item: This item is scheduled as a follow-up item of February 13, 2014 Agenda.
 3. Picture Point Wayside Project – Discussion Item: The project plan is ready for the Planning Commission to review.
 4. Haines Memorial Winter Recreational Area – Discussion Item: Jim Stanford proposed to establish a winter recreation area at 25 Mile. He is seeking support from the Planning Commission to recommend his proposal to the Assembly.
 5. Jones Point Green Space – Discussion Item: This item is up for discussion at the request of Brad Ryan, Executive Director of Southeast Alaska Watershed Coalition.
 6. Mt. Riley Recreational Area – Discussion Item: The Parks and Recreation Advisory Committee, the Haines Ski Club, and numerous families are supportive of creating a ski/sled hill on Mt. Riley Road to provide a safe area for Haines youth/families to recreate in the winter. They are seeking support from the Planning Commission to recommend the proposal to the Assembly.
11. COMMISSION COMMENTS
12. CORRESPONDENCES
13. SCHEDULE MEETING DATE
 - A. Regular Meeting – Thursday, May 8, 2014 6:30 p.m.
14. ADJOURNMENT

Staff Report for April 17, 2014

1. Permits Issued Since March, 2014

NUMBER	DATE	OWNER/AGENT	PROPERTY ID	LOT	BLK	SUBDIVISION	DEVELOPMENT	ZONE
14-01*	3/14/14	Scott Sundberg	3-CLR-35-0200	10		Sundberg Sub. II	Heliport	GU
14-02	3/18/14	John Harbrige	C-TBS-00-1900	19		Tanani Bay Sub.	SFR & Garage	RMU
14-03	3/18/14	Toni Dewitt	2nd Ave & Willard			Presbyterian Mission Sub.	Signs	C
14-04	3/20/14	Tiana Taylor	C-PTC-0N-0200	2	N	Port Chilkoot Sub.	Site Prep.	SR
14-05	3/27/14	Tiana Taylor	C-PTC-0N-0200	2	N	Port Chilkoot Sub.	New W & S Services	SR
14-06	3/27/14	Erik Stevens	C-SKY-0D-0400	4	D	Skyline Estates Sub.	New W & S Services	SR
14-07	3/27/14	Tiana Taylor	C-PTC-0N-0200	2	N	Port Chilkoot Sub.	Driveway	SR

*The Assembly adopted the Findings of Fact and Conclusion of Law on April 8th, 2014, and granted the conditional use permit with conditions. This permit shall expire March 31, 2015. (Please see attachment for more information.)

2. Enforcement Orders - None

IN THE MATTER OF

APPEAL FROM THE DECISION OF THE HAINES BOROUGH PLANNING
COMMISSION DENIAL OF A TEMPORARY CONDITIONAL USE PERMIT
APPLICATION FOR DEVELOPMENT OF A HELIPORT ON LOT 10 SUNDBERG
SUBDIVISION

Appellant: Big Salmon Ventures LLC
Appellant's Representative: Scott Sundberg

Appellee: Haines Borough Planning Commission
Appellee's Representative: Julie Cozzi, Interim City Manager

Having sat to hear an appeal pursuant to Section 18.30.060 of the Haines Borough Code and held a properly noticed public hearing on the above-referenced appeal on March 11, 2014, considered all of the evidence in the record as identified in this decision and all of the additional information provided at the appeal hearing and having voted to reverse the decision of the Planning Commission, and order the Commission to issue a Conditional Use Permit with conditions the Borough Assembly of the Haines Borough adopts the following:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

FINDINGS OF FACT

1. The property involved in this appeal is Lot 10 Sundberg Subdivision located at Mile 26 Chilkat Lake Road within the boundaries of the Haines Borough ("the Property").
2. The owner of the Property is Big Salmon Ventures, LLC.
3. The Property is located in a land use district designated on the Haines Borough Zoning Map as Amended as a General Use district.
4. The Property is about 20.79 acres.
5. There is no evidence in the record that the Property is adjacent to a state-identified anadromous stream.
6. On or about January 27, 2014, Big Salmon Ventures LLC submitted an application for a conditional use permit to allow development of a commercial heliport on the Property ("the Application").
7. On January 29, 2014 the Application was accepted as complete.

8. Material in the record shows in some conditions the decibel level associated with use of the portion of the Property proposed for use as a helipad to be measured at 62 decibels at one or more points at property approximately 1100 to 1600 feet from the helipad site.

9. On February 13, 2014 the Planning Commission held a public hearing on the Application. The Commission vote on a motion to approve a temporary one year permit with conditions that are stated in the permit application was 3 yes and 4 no so the CUP application with the proposed one year permit period was denied.

10. The Commission then passed by a vote of 6-1 a recommendation that the Assembly authorize the Borough Manager to issue a temporary conditional use permit that allowed for a limited pre-approved Borough monitored number of landings all of which were to be at least 1,100 feet from the centerline of Chilkat Lake Road between the hours of 8:30 and 4:30 to gauge impacts with continued noise measurement and monitoring.

11. The Planning Commission did not prepare any written findings of fact. The Assembly has reviewed the recording of the Commission deliberations at the meeting and has determined that the main factor leading to denial of the application was noise associated with the proposed use as referenced in objections to the proposed use received from members of the public.

12. A timely appeal from the decision of the Planning Commission was filed by Big Salmon Ventures on February 18, 2014.

CONCLUSIONS OF LAW

1. The following items, in addition to those presented by Appellant and Appellee at the appeal hearing are considered part of the record of this proceeding:

Minutes and recording of 02/13 Planning Commission Meeting
Pages 42-137 of the Assembly Packet for the March 11, 2014
Assembly meeting
3/8/2014 Basford e-mail
3/8/2014 Jans e-mail

2. As the party challenging the decision of the Commission, Big Salmon Ventures had the burden of proof in establishing the permit was wrongfully denied. HBC 18.30.060(B).

3. The General Use Zoning District, as defined in HBC 18.70.090(D), is intended to allow as broad a range of land uses as possible. Any use is allowed but a conditional use permit is required for landfills, commercial power plants, cemeteries, heliports and for a hazardous

materials storage facility. HBC 18.70.030(D)(5).

4. Any property within the General Use District proposed for use as a commercial heliport in support of commercial ski tours requires a conditional use permit. HBC 18.70.030(D)(5), HBC 5.20.080(F)(14)(d).

5. The conditional use permit process is intended to evaluate proposed uses and issues of community-wide importance and subject those proposed uses to a broader public process and higher standards than approvals by the manager. The conditional use process is intended to afford the commission and the community the flexibility necessary to make development approvals that are appropriate to specific sites, uses, or designs provided certain conditions are met. HBC 18.50.010.

6. Before a conditional use may be allowed the Planning Commission must find that all of the following criteria are met:

A. The use is located on the site so as to avoid undue noise and other nuisances and dangers.

B. The development of the use is such that the value of the adjoining property will not be significantly impaired.

C. The size and scale of the use is such that existing public services and facilities are adequate to serve the proposed use.

D. The specific development scheme of the use is consistent and in harmony with the comprehensive plan and surrounding land uses.

E. The granting of the conditional use will not be harmful to the public safety, health or welfare.

F. 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.

G. 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.

H. Comments received from property owners impacted by the proposed development have been considered and given their due weight.

HBC 18.50.040(A). Finding that even one of the general standards is not met requires the conditional use to be denied without consideration as to whether any of the other general standards are met.

7. The conditions to be included in the permit must be taken into consideration when determining whether the criteria for issuance of a conditional use permit have been met.

8. The denial of the CUP application with a one year time limitation but the adoption of a recommendation for issuance of a temporary conditional use permit implies that a time limitation of less than one year or the imposition of additional conditions may have been approved by the Commission. It also implies that the Planning Commission assumed the interim borough manager had the legal authority to issue conditional use permits.

9. The planning commission erred by giving undue consideration to the statements related to undue noise as opposed to the decibel information and by failing to consider fully the difference in noise impact between a one year permit and a permanent conditional use permit which contained the other conditions referenced in the Planning Commission recommendation. In particular, the Commission's apparent belief that the Borough Manager has authority to issue conditional use permits on a temporary basis is incorrect as a matter of law.

10. If the Planning Commission had incorporated its recommendations into a conditional use permit that permit would have met all eight of the standards of section 18.50.040(A). Therefore such a permit should have been granted by the Commission provided it was subject to additional conditions as set forth in these findings of fact and conclusions of law.

11. In particular, the Assembly finds that restricting the conditional use of the property as a heliport for a period expiring in one year and that is further subject to the conditions set forth in this decision results in location of a use on the property which does not generate "undue noise" as that phrase is used in HBC 18.50.040(A) and also provides "due weight" to the comments received from property owners impacted by the proposed use.

12. The Planning Commission is hereby directed to issue a Conditional Use Permit to Big Salmon Ventures, LLC for use of Lot 10, Sundberg Subdivision as a heliport with the following conditions:

a. Duration of Period of Use. This is a temporary conditional use permit which shall commence on the date of approval and shall expire March 31, 2015.

b. Operating Hours. 8:00 A.M. to 6:00 p.m.

c. Only one company, designated by Big Salmon Ventures, may use the heliport.

d. No use of Bell 212 helicopters.

e. The following conditions proposed by the applicant are also included in the permit:

1. Fuel storage to be done in accordance with ADEC standards with a fuel spill containment program in place before operations begin.

2. Specific identified GPS flight paths after take off and landing that will create the least amount of noise and impact to nearby residences and take place over state lands to be submitted to the Borough, tracked using GPS tracking and reported in the manner required by SEABA's commercial ski tour permit.

3. Allowance of emergency use for state and federal response, medical, firefighting.

4. Up to 1 voluntary shut down of operations per month for special nearby events that would be considered a nuisance or would disturb the quality of the planned event.

13. The conditional use with the above conditions meets the standard of section 18.50.040(A)(2) because there is no evidence in the record that use of the property for a heliport for a year subject to these conditions will significantly impair the value of the adjoining property.

14. The conditional use with the above conditions meets the standards of section 18.50.040(A)(3) because the size and scale of the proposed heliport is adequately served by existing borough services.

15. The conditional use requested meets the standards of section 18.50.040(A)(5) because granting the conditional use with the conditions specified above results in a seasonal use during a fairly short window for one year which is not harmful to the public safety, health or welfare.

16. The conditional use with the above conditions meets the standards of section 18.50.040(A)(4) because; 1) a specific development scheme which is consistent and in harmony with the comprehensive plan accompanied the application and; 2) the limited temporary use allowed provides an opportunity to more objectively assess longer term impacts and noise associated with use of the Property as a heliport which is consistent with the comprehensive plan suggestion that the Borough develop a management plan and criteria for siting of heliports and ; 3) because a variety of uses with noise impacts are already permitted in the general use district.

17. The conditional use with the above conditions meets the standards of section 18.50.040(A)(6) because a heliport on the Property will not cause erosion, ground or surface water contamination.

18. The conditional use with the above conditions meets the standards of section 18.50.040(A)(7) because the Assembly presumes the applicant will comply with all permit conditions. If this assumption proves incorrect the permit may be revoked as allowed by Borough code.

Wherefore, having set forth findings of fact and conclusions of law, the Borough

Assembly of the Haines Borough sitting as an appeal body under HBC 18.30.060 hereby REVERSES the decision of the Haines Borough Planning Commission denying the application for a conditional use to allow use of Lot 10, Sundberg Subdivision as a heliport and ORDERS the Planning Commission to issue a conditional use permit to Big Salmon Ventures LLC with the conditions contained above.

Duly adopted this 10th day of April, 2014.

A handwritten signature in cursive script, appearing to read "Stephanie Scott", written in black ink.

Hon. Stephanie Scott
Mayor, Haines Borough

Tara Bicknell
P.O.B. 868
Haines, AK 99827

Haines Borough
P.O.B. 1209
Haines, AK 99827

March 5, 2014

Dear Borough Clerk and Haines Planning Commission (Cc: Planning and Zoning Tech),

Per HBC 18.30.050, I respectfully submit this appeal to the Haines Borough Planning Commission of a decision to deny a building permit for a 16' x 18' cabin on Block 12, Anway Subdivision; C-ANY-12-0300.

First, I apologize that the application was not totally accurate as I unintentionally left off checking the "cabin" box under Project Description. The form requests to check all that apply, and I was in error not to mark the box. However, this detail was identified in the drawing I submitted, which read, "16' x 18' *cabin*." It is important that I clarify this, because a cabin is all that I am building. It is nothing more. I indicated I would plan to stay there for a short time this summer to the Planning and Zoning Tech during our site visit so I am not hiding my intentions.

The permit also indicates installation of a composting toilet, but not installing a water source. It is my understanding this complies with code. So you know, I am installing electricity at the earliest convenience and I do plan to eventually install a water source that will fulfill legal obligation to code, the environment and the residents of the Haines Borough. Intentionally violating the law is not at all my interest, and all of my plans have been according to Borough, state and environmental codes.

There was some misunderstanding between the Planning and Zoning Tech and I regarding drinking water. What we discussed is something she may not be familiar with, which is referred to in her letter as "using a creek as a water source," but means the Mud Bay Road water source. I provided this as an example of where drinking water can come from when it is not yet available at a cabin, but realize I may not have explained it well. I have no plans to drink from the surface water off my property as there is no creek but a lot of standing water that most people would not consider a source of drinking water. I think this is a minor communication error between the tech and myself.

In her letter, the tech focused on portions of the code (HBC) 18.60.010(I) she felt was the intent of the law specific to public safety and underlined them to show their importance. I don't disagree, but will argue that the words, "adequately served" are equally important to the code.

Why is it that we deny a building permit to a dry cabin when the application has a choice for "water supply: None"? Isn't it "adequate" if it's on the application and I choose to bathe somewhere other than the cabin, such as my rental or the Laundromat?

Code does address the "sewer system" requirement for, as one can imagine, the disposal of human waste. But if there is a place in Borough Code that disallows a composting toilet, I cannot find it. The State of Alaska does not regulate composting toilets since they only regulate waste/wastewater and in the definition of a composting toilet, there is no waste/wastewater produced and the byproduct from a composting toilet can be legally disposed of on one's own property or at the local sewer plant.

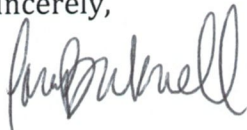
If we did not have the word "adequate" in this part of Borough code, then we would be stopping all building permits except for very expensive and impacting development. And if the state or the Borough does not check septic systems for functionality and working order, my composting toilet is by far safer and healthier for our neighborhood.

If we are requiring every potential landowner to install a water source before they can occupy a cabin, we will create more individuals who break the law. Building permits will not be applied for even more than they are now and we lose tax revenue because we have no idea who is building.

I have taken great care to make my plans according to law and my personal high environmental standards and respect for my neighborhood. My permit application states that I have an adequate water source (none) and that I am installing a composting toilet that is sanitary and not regulated by any governing body.

I appreciate your consideration of my application and its approval.

Sincerely,

A handwritten signature in black ink, appearing to read "Tara Bicknell". The signature is fluid and cursive, with the first name being more prominent.

Tara Bicknell



RECEIVED Haines Borough

JAN 31 2014

Clerk's office

Haines Borough

Planning and Zoning

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

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

APPLICATION FOR LAND USE PERMIT

Permit#: _____

Date: _____

I. Property Owner/Agent		Owner's Contractor(If Any)	
Name: <u>Tara Bicknell</u>		Name:	
Mailing Address: <u>POB 868 Haines AK 99827</u>		Haines Borough Business License #:	
Contact Phone: <u>303-8272</u> (Day) (Night)		Alaska Business License #:	
Fax:		Contractor's License #:	
E-mail: <u>tara.bicknell@gmail.com</u>		Mailing Address:	
		Contact Phone: Day Night	
		Fax:	
		E-mail:	
II. Property Information			
Size of Property: <u>2.6 acres</u>			
Property Tax #: <u>C-ANY-12-0300</u>			
Street Address: <u>anway sub blk 12</u>			
Legal Description: Lot (s) <u>Anway</u> Block <u>12</u> Subdivision <u>Anway</u>			
OR			
Parcel/Tract _____ Section _____ Township _____ Range _____			
[Attach additional page if necessary.]			
Zoning: <input type="checkbox"/> Waterfront <input type="checkbox"/> Single Residential <input checked="" type="checkbox"/> Rural Residential <input type="checkbox"/> Significant Structures Area			
<input type="checkbox"/> Rural Mixed Use <input type="checkbox"/> Multiple Residential <input type="checkbox"/> Heavy Industrial <input type="checkbox"/> Waterfront Industrial			
<input type="checkbox"/> Commercial <input type="checkbox"/> Industrial Light Commercial <input type="checkbox"/> Recreational <input type="checkbox"/> Mud Bay Zoning District			
<input type="checkbox"/> Lutak Zoning District <input type="checkbox"/> General Use			
III. Description of Work			
Type of Application (Check all that apply)	Project Description (Check all that apply)	Water Supply Existing or Proposed	Sewage Disposal Existing or Proposed
<input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial _____ sq. ft. _____ seating capacity if eating/drinking establishment <input type="checkbox"/> Industrial <input type="checkbox"/> Church <input type="checkbox"/> Other _____	<input checked="" type="checkbox"/> Single Family Dwelling <input type="checkbox"/> Change of Use <input type="checkbox"/> Multi-Family Dwelling Total # of Units _____ <input type="checkbox"/> Cabin <input type="checkbox"/> Addition <input type="checkbox"/> Accessory Structure <input type="checkbox"/> Other _____	<input checked="" type="checkbox"/> None <input type="checkbox"/> Community well <input type="checkbox"/> Private well <input type="checkbox"/> Public Water System <input type="checkbox"/> Other _____	<input type="checkbox"/> None <input type="checkbox"/> Septic Tank <input checked="" type="checkbox"/> Holding Tank <input type="checkbox"/> Public Sewer System <input type="checkbox"/> Pit Privy <input checked="" type="checkbox"/> Other <u>composting toilet</u>

Valuation of Work: <u>20,000</u>
Written Explanation: <u>16' x 18' cabin with 20' height max, ^{corrected} deck, side shed 10 x 12 x 10h. 40-75' away from property lines (see map)</u>
Attach the following documents to the permit application: <input checked="" 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.**

[Signature]
 Owner or Agent

1-30-14
 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 _____ <small>(Date) (Notified via) (Initials)</small>					
Non-Refundable Building Permit Fee <u>\$50.00</u>		Information/Documentation			
Receipt No. <u>021898</u>		Req'd	Rec'd		
Received By: <u>[Signature]</u>		<input type="checkbox"/>	<input type="checkbox"/> State Fire Marshal		
Date: <u>1/31/14</u>		<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

Haines Borough Real Property Assessment Report 2013 Tax Year

Property Information

Borough property number:	C-ANY-12-0300
Ownership:	MENAKER, RAYMOND Terry Menaker Lambert, P.O.A.
Address:	c/o V.Hansen,HAL,Inc. @ BOX 916 HAINES, AK 99827
Detail:	ANWAY SUB BLK 12 - PORTION 2.60 ACRES
Street address:	
Assessed land(\$):	58300
Assessed improvement(\$):	0
Assessed total(\$):	58300
Tax rate:	10.17 mills
Taxes exempt (\$):	0
Taxes due this year(\$):	592.91
Pmts this year(\$):	296.46
*Balance (\$):	296.45



*Prior tax year delinquencies not shown.
Taxes due September 3, 2013.
Penalty and interest accrue daily on outstanding balances.
Please call the Borough office for final balances at 766-2711 X22

Parcels

Borough Property ID C-ANY-12-0300

Quads

NAME SKAGWAY A-2

Sections

Township Range Section 30S 59E 27

"Notice: We make no representation that this is neither a plat nor a survey. It is furnished merely as a convenience to aid you in locating the land indicated hereon with reference to streets and other land. No liability is assumed by reason of any reliance hereon."

CITY

C-SEC-28-0700

MENAKER, RAYMOND/VIVIAN

C-SEC-27-0100
43.50 Acres

2331

C-ANY-10-0000
5.20 Acres

C-ANY-11-0200
4.58 Acres

C-ANY-11-0100
0.63 Acres

C-ANY-12-0200
1.25 Acres

C-ANY-12-0100
1.25 Acres

C-ANY-12-0300
2.60 Acres

C-ANY-09-N1/2
2.50 Acres

C-ANY-08-0100
1.50 Acres

C-ANY-08-0300
1.25 Acres

C-ANY-07-N1/2
2.50 Acres

C-ANY-09-S1/2
2.50 Acres

C-ANY-08-0200
1.00 Acres

C-ANY-08-03A0
1.25 Acres

C-ANY-07-S1/2
1.50 Acres

C-ANY-07-0200
1.00 Acres

ANWAY ROAD

Site

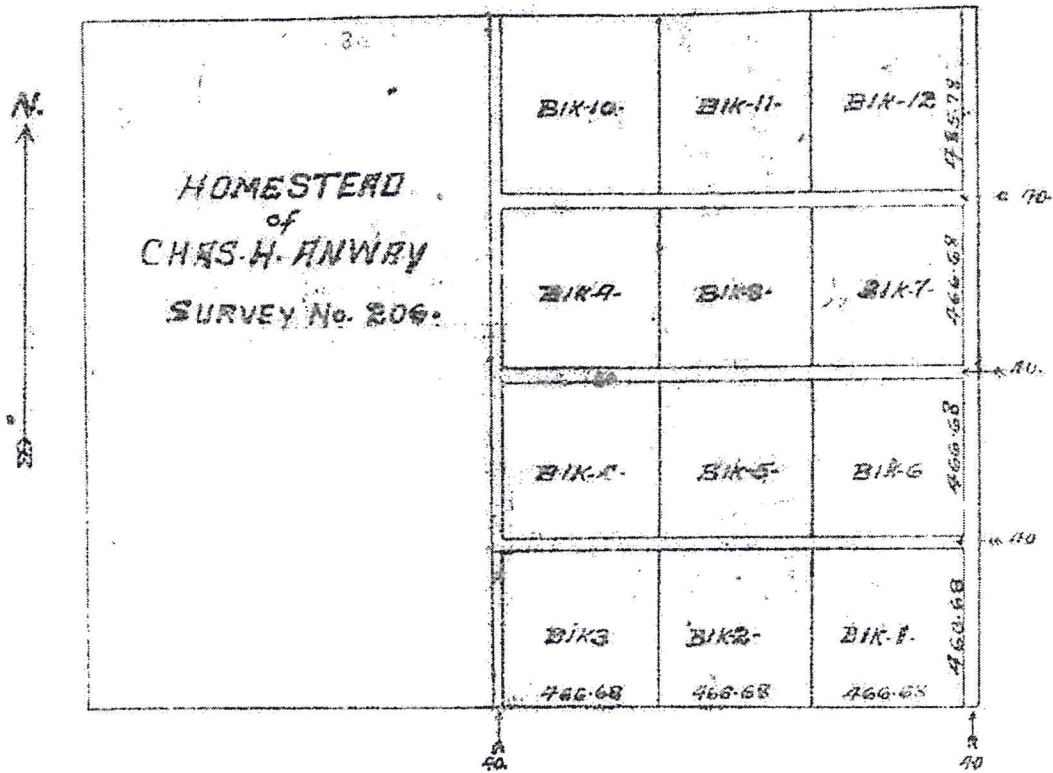
485

"Notice: We make no representation that this is neither a plat nor a survey. It is furnished merely as a convenience to aid you in locating the land indicated hereon with reference to streets and other land. No liability is assumed by reason of any reliance hereon."

Musell
BOOK 2 PAGE 110
Haines Recording District

PLAT OF ANWAY FIVE ACRE GARDEN TRACTS. CHILKAT VALLEY ALASKA

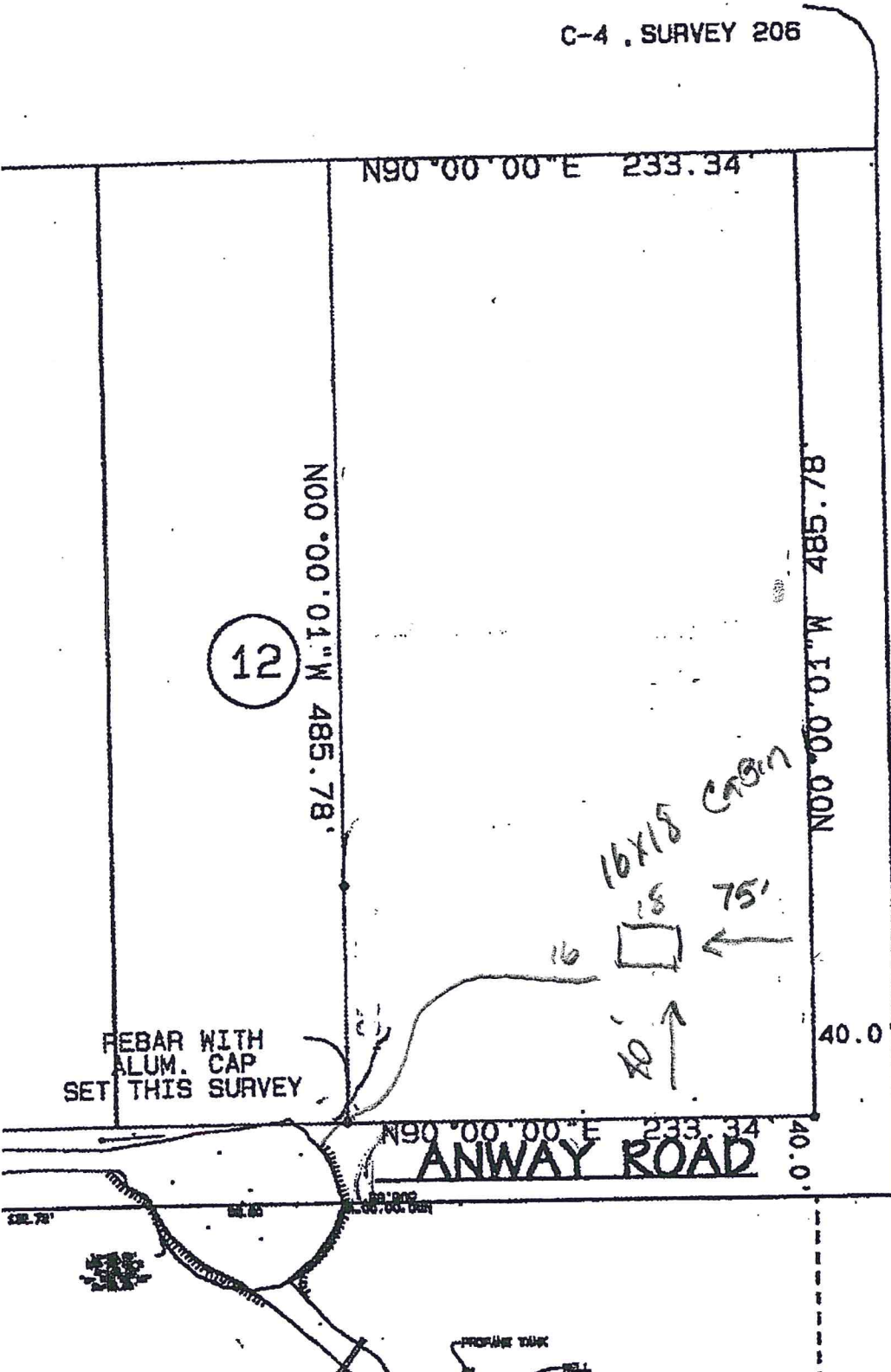
Scale 1 inch to 400 ft.



United States of America,
 District of Alaska,
 ss: I hereby certify that the
 within instrument was
 filed for record and recorded
 on this 19 day of July,
 1921 at Haines in Part of
 Alaska, per M. in Vol. 4 record
 of MacCallumson
 at page 181
John A. Howard
 Public Surveyor

REC'D - FILED
 HAINES DIST.
 DATE 7/24 TO 63
 TIME 1:40 P.M.
 BY Harry Mearns
 HAINES
 Serial No. 621
62-120

C-4, SURVEY 206





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

February 24, 2014

Tara Bicknell
PO Box 868
Haines, AK 99827

Via Email: tara.bicknell@gmail.com

Re: Land Use Permit Application – a 16' by 18' cabin
Block 12, Anway Subdivision; C-ANY-12-0300

Dear Ms. Bicknell:

Thanks for submitting your land use application to build a 16' by 18' cabin on the above-listed vacant lot. In reviewing of your permit application, the Borough staff has determined that your proposal does not meet general approval criteria as follows:

General approval criteria applicable to all land use permit applications are contained in Chapter 18.60. Haines Borough Code (HBC) 18.60.010(I) states, "The proposed use shall be adequately served by public water, sewer, on-site water or sewer system, electricity, and other utilities prior to being occupied... 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... 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."

You are qualified for an exemption from the public utility connection requirement since your property is beyond the public water and sewer services. However, installations of on-site water or sewer system, electricity, and other utilities are still required, as per HBC 18.60.010(I), which are enacted for protection of the public health, safety, welfare and environment within the Townsite Service Area. As we discussed, it was apparent you did not intend to install a private well and a septic system. Instead, you proposed to use a creek as a water source and install a composting toilet, which do not comply with the Borough code.

Per HBC 18.30.050, you have the right to appeal this decision to the Planning Commission. To do so, a written appeal stating with particularity the grounds for the appeal must be submitted to the Borough Clerk within ten calendar days of the date of this letter. The Planning Commission may consider the alternatives and make a recommendation to staff or the Borough Assembly. Also, if you have any questions or if I can be of further assistance on this matter, please do not hesitate to contact the Borough.

Sincerely,

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

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

CC: Jim Studlev

From: [Parks, Jessica L \(DEC\)](#)
To: [Xi Cui](#)
Cc: [Kimble, Rob E \(DEC\)](#)
Subject: RE: Questions about "Composting Toilet"
Date: Wednesday, April 02, 2014 5:23:36 PM

Hi Tracy,

Thank you for your patience. We discussed your questions internally here at DEC, and the consensus is that the statements in the 2009 email correspondence between Joran and Tom Bolen do not currently apply. The regulations in 18 AAC 72 are applied statewide, so remote areas are treated the same as cities.

As always, please feel free to contact me if you have any other questions.

Thank you,

Jess Parks
Environmental Program Specialist
ADEC Division of Water - Onsite disposal
Juneau, AK
(907) 465-5306

From: Xi Cui [<mailto:xcui@haines.ak.us>]
Sent: Wednesday, March 19, 2014 10:29 AM
To: Parks, Jessica L (DEC)
Subject: RE: Questions about "Composting Toilet"

Jess.

I appreciate your time on this matter. At the last Thursday's Planning Commission meeting, I presented a draft ordinance which provides a definition and while prohibiting outhouses/pit privies/trench latrines within the Haines Townsite Service Area, requires outhouses or pit privies comply with ADEC requirements elsewhere. Couple of questions were raised during the discussion. Your answers to the questions below will be very helpful.

Thanks again.

Tracy

From: Parks, Jessica L (DEC) [<mailto:jessica.parks@alaska.gov>]
Sent: Wednesday, March 19, 2014 10:15 AM
To: Xi Cui
Cc: Kimble, Rob E (DEC)
Subject: RE: Questions about "Composting Toilet"

Hi Tracy,

I don't have an answer to your most recent question yet. We are discussing the matter internally here at DEC. I will let you know when we have an answer for you.

Thank you,

Jess Parks

Environmental Program Specialist

ADEC Division of Water - Onsite disposal

Juneau, AK

(907) 465-5306

From: Xi Cui [<mailto:xcui@haines.ak.us>]

Sent: Thursday, March 13, 2014 2:32 PM

To: Parks, Jessica L (DEC)

Subject: RE: Questions about "Composting Toilet"

Jess.

I really appreciate your prompt response. I have a few questions: what if a homeowner builds a house in the remote area of Alaska, where a septic system is not able to be installed due to the physical difficulties (no equipment access, etc.)? And the homeowner collects rainwater as water source...Are there any special regulations for the wastewater treatment in remote area?

Also, I found an email correspondence between the former borough manager Tom Bolen with Joran Freeman in 2009. Could you please confirm if the statement in the email is still applied?

Thanks again. Look forward to hearing from you soon.

Tracy

From: Parks, Jessica L (DEC) [<mailto:jessica.parks@alaska.gov>]

Sent: Wednesday, February 19, 2014 3:21 PM

To: Xi Cui

Subject: RE: Questions about "Composting Toilet"

Hi Tracy,

In response to your questions:

- Since the property is beyond the Borough public water and sewer service, does DEC allow the owner to install a composting toilet instead of an installation of DEC-approved septic system?
- If DEC is okay with the installation of a composting toilet, what are the design requirements?

- If DEC does not require a plan review for a composting toilet since there would be no onsite wastewater discharge involved, then graywater treatment may be required. What are the requirements for a graywater treatment system?

DEC does not regulate composting toilets; a homeowner could definitely choose to install one. Plan review would not be required. Plan review WOULD still be required for graywater discharge. The requirements for graywater treatment are identical to the requirements for blackwater treatments. It is my understanding that homeowners typically choose to install a system that treats both blackwater and graywater since the graywater system has to be approved by DEC and meet minimum discharge requirements anyway. I believe that homeowners often find it to be more cost effective than a composting toilet and a separate graywater treatment system.

I hope this answers your questions. Please feel free to email back or call if you have any other questions.

Thank you,

Jess Parks
Environmental Program Specialist
ADEC Division of Water - Onsite disposal
Juneau, AK
(907) 465-5306

From: Xi Cui [<mailto:xcui@haines.ak.us>]
Sent: Tuesday, February 18, 2014 4:08 PM
To: Parks, Jessica L (DEC)
Subject: Questions about "Composting Toilet"

Sorry, see attachment.

From: Xi Cui
Sent: Tuesday, February 18, 2014 4:06 PM
To: 'Parks, Jessica L (DEC)'
Subject: Questions about "Composting Toilet"

Dear Jessica:

Haines Borough received a land use application to build a 16' by 18' cabin on a vacant lot in a rural residential zone of Haines Townsite Service Area where municipal water and sewer are **not** available (see attached property report). The property owner proposed to use a creek as a water source and install a composting toilet, instead of installing a private well and a septic system. The Haines Borough Code 18.60.010(l) reads: "...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...”

In reviewing of the application, I have the following questions that I hope you can provide me with guidances:

- Since the property is beyond the Borough public water and sewer service, does DEC allow the owner to install a composting toilet instead of an installation of DEC-approved septic system?
- If DEC is okay with the installation of a composting toilet, what are the design requirements?
- If DEC does not require a plan review for a composting toilet since there would be no onsite wastewater discharge involved, then graywater treatment may be required. What are the requirements for a graywater treatment system?

It is my understanding that the Borough should require a letter from DEC for this land use permit approval in order to be compliant with **providing state approval**. Apparently the Borough code does not appear to address “composting toilet/graywater treatment” situations. I really appreciate your help.

Best regards,

Xi Cui "Tracy"

Planning and Zoning Technician III
Haines Borough
P.O. Box 1209
Haines, Alaska 99827
(907) 766-2231 Ext. 23
Fax: (907) 766-2716

HBC 18.60.010 General approval criteria.

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.

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

HBC 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)

Yngve Olsson
P.O. Box 473
Haines, Alaska 99827
(907) 766-3333

March 5, 2014

Haines Borough
Attention: Borough Clerk
Rob Goldberg, Commission Chair, Planning and Zoning Commissioners
P.O. Box 1209
Haines, Alaska 99827

Re: Letter dated February 27, 2014
C-PTC-07-0600
Unpermitted Landfill
NOTICE OF APPEAL

Dear Mr. Goldberg and Commission Members:

I am making this appeal to the Commission as a result of a decision made by the Haines Planning and Zoning Technician regarding land use on property C-PTC-07-0600, Lots 6-9 & 10A, Block 7 , Port Chilkoot Subdivision.

I have received a letter dated February 27, 2014 that states the placement of concrete blocks on the above listed property appears to meet the Haines Borough definition of landfill (see attached).

"Per Haines Borough code (HBC) 10.20.020, "Landfill" means a discrete area of land or an excavation that receives household and/or business solid waste for disposal, in compliance with required state and/or federal authorization. Such landfill may be publicly or privately owned."

Reasons and Grounds for Appeal:

The concrete that has been placed on site is not a regulated material and the placement of the material does not create a landfill on the property. The State of Alaska Code 18 AAC 60.005 identifies, material not requiring a Landfill. 18 AAC 60.005 (c) (3), specifically exempts concrete (see attached).

A decision has been made by the Planning and Zoning Technician that the simple act of placing the concrete on the property meets the Haines Code definition of a landfill, and therefore we are operating a landfill. However, no applicable Chapter or Code is referenced (HBC 18.20.020 is incorrectly applied in this case), nor is there any factual finding made to support the conclusion. Under the definitions clause, (Haines Chapter 18.20) we are not a "Solid waste transfer facility", we are not a "Landfill", and concrete is not considered "Litter". ADEC defines solid waste; it appears the Haines Borough does not define solid waste. However, a land use decision has been made without the facts or code to support the decision.

Re: Letter dated February 27, 2014
C-PTC-07-0600
Unpermitted Landfill
NOTICE OF APPEAL

Reasons and Grounds for Appeal: (continued)

On October 9, 2007 a land use permit application was approved for the construction of a new access and land fill on the parcel (see attached). The new access onto 3rd Avenue was constructed to the specification of the Alaska DOT project manager. The access was substantially completed within two years of the issuance of the land use permit.

I respectfully request appeal of the February 27, 2014 decision based on the above stated facts.

Sincerely,



Yngve Olsson
Landowner
On Behalf of Hilma White



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

February 27, 2014

Certified Mail

Hilma White
PO Box 130
Haines, AK 99827

Re: Unpermitted Landfill
C-PTC-07-0600; Lots 6-9 & 10A, Block 7, Port Chilkoot Subdivision

Dear Ms. White:

It has come to the attention of the Borough that the placement of concrete blocks on the above-listed property appears to meet the Haines Borough definition of landfill.

Per Haines Borough code (HBC) 18.20.020, "*Landfill*" means a discreet area of land or an excavation that receives household and/or business solid waste for disposal, in compliance with required state and/or federal authorization. Such landfill may be publicly or privately owned.

The use of the above-listed property, which is located within the commercial zone as a landfill is allowable only as **a conditional use**. You are in violation of HBC 18.70.040 in operating a landfill without a conditional use permit. This situation requires immediate action by one of the following means:

1. Discontinue hauling **any** material to the site and remove the concrete blocks from the site by October 31, 2014, or
2. You may pursue a conditional use permit approval of a landfill from the Haines Borough Planning Commission. If so, please complete and submit the enclosed conditional use permit application with the required \$150 application fee to the Borough office. The Planning Commission will review your permit application and approve the conditional use permit if the proposed use is compliant with Haines Borough code, or
3. 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 days of the date of this letter.

Please contact the Borough to address this matter within ten (10) business days. If the violation is not addressed by one of the above-listed options by March 13, 2014, a penalty of \$100.00 shall be assessed. 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.

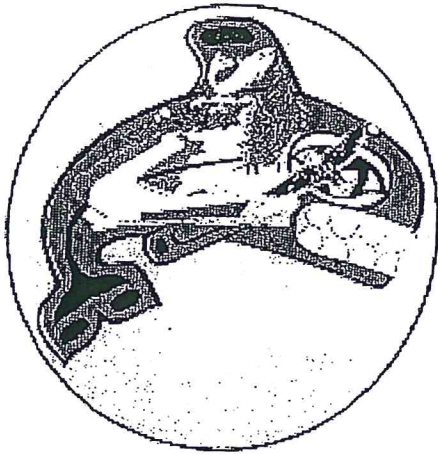
If you have any questions on the matter, please contact the Borough. Thank you for your attention to this matter.

Sincerely,



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

CC: Yngve Olsson
PO Box 605
Haines, AK 99827



HAINES BOROUGH, ALASKA
P.O. BOX 1209
HAINES, AK 99827
(907) 766-2231 X23 * FAX (907) 766-2716

October 9, 2007

Hilma White
P.O. Box 473
Haines, AK 99827

Re: Land Use Permit #07-62
C-PTC-07-0600
BLK 7 LTs 6 - 9 & 10A Port Chilkoot Sub

Dear Ms. White:

Your land use permit application for the construction of a new access and land fill on the above parcel is approved as per the submitted site plan with one stipulation. The new access onto 3rd street is to be constructed to the specifications of the Alaskan DOT 3rd street project manager.

Land use permits are valid for two years. If development is not substantially complete after two years from the permit approval date you will need to apply for another permit. Feel free to contact me with any questions.

Sincerely,

A handwritten signature in cursive script that reads "John Wurst".

John Wurst
Lands Manager/Assessor
HAINES BOROUGH
Email: jwurst@haines.ak.us

cc: Southeast Road Builders Inc.

Access must be
Approved by ADOF
Project mgr
EMG/11

Haines Borough Real Property Assessment Report 2007 Tax Year

Property Information

Borough property number:	C-PTC-07-0600
Ownership:	WHITE, HILMA
Address:	BOX 473 HAINES, AK 99827
Detail:	PORT CHILKOOT SUB. BLK 7, LOTS 6-9 & 10A 157,687 SQ.FT.(3.62 ACRES)
Street address:	
Assessed land(\$):	228505
Assessed improvement(\$):	173470
Assessed total(\$):	401975
Tax rate:	12.26 mills
Taxes exempt (\$):	0
Taxes due this year (\$):	4928.21
Pmts this year(\$):	2464.11
*Balance (\$):	2464.1



New Access

*Prior tax year delinquencies not shown.
Taxes due September 4, 2007.
Penalty and interest accrue daily on outstanding balances.
Please call the Borough office for final balances at 766-2711 X22

Parcels

Borough Property ID
C-PTC-07-0600

Quads

NAME
SKAGWAY A-2

Sections

Township Range Section
30S 59E 34

Project: Place fill on Property.

Scope: 3700 cu. ft.

Access: from 3rd Ave As Shown,
18'x30' Corrugated Metal Pile

/// = Area of fill Material to be embanked.

Michele Fehlings

From: Robert Venables [rvenables@haines.ak.us]
Sent: Wednesday, September 26, 2007 4:36 PM
To: 'Roger Schnabel'
Cc: michele@seroad.com
Subject: RE: [Image File] ROGER,, #203

Hi Roger,

The borough has no objection to the traffic control plans you submitted. We have informed DOT of this and asked them to facilitate these efforts as they are, managing the project. We also had no objection to your accessing Hilma White's property from 3rd avenue and relayed that also to DOT. They will work directly with you on these issues. Because they are authorized for the construction work, no other permits are required at this time. We are glad to see SRI do this job and look forward to working with you in the future.

Robert

-----Original Message-----

From: Roger Schnabel [mailto:roger@seroad.com]
Sent: Monday, September 24, 2007 3:44 PM
To: 'Robert Venables'
Subject: FW: [Image File] ROGER,, #203

9/24/07

Robert;

Recently we sent you a proposed Traffic Control Plan for union/3rd street construction. I attempted to figure out what businesses may be negatively impacted and I came up with AML. I sent them a proposal as well and attached is there approval.

We look forward to your response.

rjs

look to see that (no material or work
creates a drainage issue as a result of
this work)

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

SITE PLAN

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

1. Drawing showing dimensions of lot on which activity/construction is planned.
2. Existing streets, alleys, sidewalks, driveways, easements, incl. widths.
3. Existing buildings/structures on the property, their location, dimensions, and proximity to lot lines or other structures. (Measured from closest point on structure to other lot lines, structures, etc.)
4. Proposed construction--including location, dimensions, and proximity to lot lines or other structures. (Measured from closest point on structure to other lot lines, structures, etc.)
5. Existing and proposed non-building improvements, including surface water drainage plan, driveway placement, culvert(s), off-street parking (location and dimensions), on-site water and/or wastewater handling systems.
6. Shore lines, steep slopes, or other evidence of natural hazards.
7. If commercial structure include all signs planned, with a drawing showing the proposed size, lettering and dimensions, its location on the property, as well as dimensions of building wall on which or adjacent to which each sign will be placed. Maximum of 4 signs per business allowed. (See example.)
8. If variance or conditional use application, provide the names and addresses of all property owners within 200 ft. of your property (see Assessor's office)
9. If zero lot line construction proposed, show plan for handling snowdrop onto adjoining properties.

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

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

DECISION

This application meets all applicable Borough policies and a permit is issued, conditional on the substantial completion of construction within two years and the following special requirements: _____

BOROUGH MANAGER OR PLANNING COMMISSION CHAIR

DATE

NON-REFUNDABLE PROCESSING FEES

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

Fees paid \$ 50.00

Receipt No. 3509

S.A. Nelson
Fees Received By

10-8-07
Date Received

RECEIVED

OCT - 8 2007

Title 18 . Environmental Conservation
Chapter 60 . Administrative Enforcement
Section 5. Purpose and applicability

18 AAC 60.005. Purpose and applicability

(a) The purpose of this chapter is to promote cost-effective, environmentally-sound solid waste management and to ensure that landfills are designed, built, and operated to minimize health and safety threats, pollution, and nuisances. Each type of solid waste that is disposed in a landfill must be placed only in a landfill that meets the standards for that type of waste.

(b) Except as described in (c) of this section, this chapter applies to any person who accumulates, stores, transports, treats, or disposes of solid waste. The general requirements of 18 AAC 60.005 - 18 AAC 60.265 and 18 AAC 60.800 - 18 AAC 60.860 supplement the specific requirements for

(1) municipal solid waste landfills (MSWLF) as covered by 18 AAC 60.300 - 18 AAC 60.398;


(2) monofills as covered by 18 AAC 60.400 - 18 AAC 60.495; and

(3) land application of biosolids as covered by 18 AAC 60.500 - 18 AAC 60.510.

(c) The following wastes and materials, if disposed of or used as described in this subsection, are exempt from the requirements of this chapter unless mixed with nonexempt waste, there is a public health, safety, or welfare threat or environmental problem associated with management of the waste or material, or the waste or material is being managed in a manner that causes or contributes to a nuisance:

(1) landclearing waste, including excavated dirt, rock, soil, butt ends, stumps, and other similar waste;

(2) tree limbs and other foliage or woody debris, sometimes referred to as "slash," in a timber harvest area;

 (3) bricks, mortar, and Portland cement type concrete, including reinforcing steel that cannot be easily removed;

(4) crumb rubber used in asphalt paving;

(5) crushed glass;

(6) domestic wastewater, nondomestic wastewater, and other wastes that are subject to a permit under AS 46.03, 18 AAC 72, or 33 U.S.C. 1342 (Federal Water Pollution Control Act, sec. 402), as amended through August 21, 1998;

(7) septage or septic tank pumpings that contain less than five percent solids by weight regulated under 18 AAC 72;

(8) waste rock from a mining operation;

(9) tailings from placer mining that have not been amalgamated or chemically treated; other mine tailings are regulated under 18 AAC 60.455;

(10) mining waste regulated by the Federal Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1201 - 30 U.S.C. 1328, as amended through August 21, 1998, and by the Alaska Surface Coal Mining Control and Reclamation Act (AS 27.21), as amended through August 21, 1998;

(11) wood waste generated in amounts less than 10 cubic yards yearly, or in larger amounts if the conditions listed in this paragraph are met; wood waste that does not meet these conditions is regulated under 18 AAC 60.005 - 18 AAC 60.265, 18 AAC 60.480, and 18 AAC 60.800 - 18 AAC 60.990; the conditions that must be met are, as follows:

(A) the wood waste is used to construct roads, building pads, or parking areas;

(B) the use of wood will not diminish the life span or capabilities of the project when compared with other materials typically used in such projects;

(C) the project complies with the water quality standards in 18 AAC 70; and

(D) the wood waste in the project is no more than 10 feet thick at any location;

(12) source, special nuclear, or byproduct material is defined in 42 U.S.C. 2014 (Atomic Energy Act), as amended through August 21, 1998;

(13) crushed asphalt pavement used

(A) in a building pad or parking area as road base or pavement;

(B) as a material to construct a containment berm for a tank farm; or

(14) any treated waste allowed by the department to be managed as exempt waste under 18 AAC 60.005(e);

(15) soil containing a hazardous substance that does not meet the definition of "polluted soil" in 18 AAC 60.990;

(16) other solid wastes and materials placed on the land which meet the conditions established in 18 AAC 60.007.

(d) A treatment works designed to treat less than five tons of waste daily or 10 tons in a single batch is exempt from the requirements of this chapter unless it causes or contributes to a threat to public health, safety, or welfare, or the environment or unless the works is operated in a manner that causes or contributes to a nuisance.

(e) If a person treats a waste and demonstrates to the department's satisfaction that the potential for a release of hazardous constituents is eliminated by the treatment and the treated waste will not present a threat to the public health, safety, or welfare or to the environment, the department will allow the treated waste to be managed as an inert waste under 18 AAC 60.460 or an exempt waste under (c) of this section. The operator of the treatment works must

(1) secure the approval of the department before handling the waste as inert or exempt under this subsection; and

(2) keep records demonstrating that all waste managed under this subsection was treated in the manner on which the approval was based.

History: Eff. 1/28/96, Register 137; am 10/29/98, Register 148; am 7/11/99, Register 151; am 9/7/2002, Register 163

Authority: AS 44.46.020

AS 46.03.010

AS 46.03.020

AS 46.03.100

AS 46.03.110

AS 46.03.810

AS 46.06.080

HBC 18.20.020 Definitions – Regulatory.

“Landfill” means a discreet area of land or an excavation that receives household and/or business solid waste for disposal, in compliance with required state and/or federal authorization. Such landfills may be publicly or privately owned.

“Solid waste transfer facility” means a site where solid waste is collected for transfer to a permanent disposal facility.

HBC 18.70.040 Zoning use chart.

The following chart summarizes the uses allowed and the standards of review for each use, townsite planning/zoning district and the zones therein. In the commercial and industrial zones, more than one building housing a permissible principal use may be developed on a single lot; provided, that each building and use shall comply with all applicable requirements of this title. Additional requirements may be applicable to developments within some zones. See the definitions in Chapter [18.20](#) HBC for descriptions of each use.

ZONING USE CHART

TOWNSITE PLANNING/ZONING DISTRICT

UBR = Use-By-Right CU = Conditional Use NA = Not Allowed

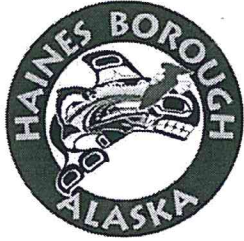
 = Permit Required

 = Permit Not Required

GENERAL CLASSIFICATION ➔	INDUSTRIAL USES			COMMERCIAL/ Residential Uses			RESIDENTIAL USES ONLY	RESIDENTIAL/ Commercial Uses			RECREATIONAL USE	
	Heavy Industrial	Light Industrial/ Commercial	Waterfront Industrial	Commercial	Waterfront	Significant Structures Area	Single Residential	Multiple Residential	Rural Residential	Rural Mixed Use	Multiple Use	Recreational
USES ⬇	I/H	I/L/C	I/W	C	W	SSA	SR	MR	RR	RMU	MU	REC
Landfill	UBR	UBR	NA	CU	NA	NA	NA	NA	NA	CU	UBR	NA
Solid Waste Transfer Facil.	UBR	UBR	NA	CU	NA	NA	NA	NA	NA	CU	UBR	NA

HBC 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.
- 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.
 - 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)



Haines Borough

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

APPLICATION FOR CONDITIONAL USE PERMIT

Permit#: _____

Date: _____

Use this form for use approval by the Planning Commission for conditional uses.

I. Property Owner/Agent		Owner's Contractor(If Any)	
Name: Roger J. Schnabel		Name: Southeast Road Builders, Inc.	
Mailing Address: HC 60 Box 4800, Haines, AK 99827		Haines Borough Business License #: 140.1	
Contact Phone: Day Night (907) 766-2833/(907) 766-2578		Alaska Business License #: 228340	
Fax: (907) 766-2832		Contractor's License #: 23987	
E-mail: roger@seroad.com		Mailing Address: HC 60 Box 4800, Haines, AK 99827	
		Contact Phone: Day Night (907) 766-2833	
		Fax: (907) 766-2832	
		E-mail: roger@seroad.com	
II. Property Information			
Size of Property: 21.05 Acres			
Property Tax #: C-208-TL-0400			
Street Address: North of Oslund Drive			
Legal Description: Lot (s) <u>4</u> Block _____ Subdivision <u>USS 208</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 type="checkbox"/> Residential	<input type="checkbox"/> Single Family Dwelling	<input checked="" type="checkbox"/> None	<input checked="" type="checkbox"/> None
<input checked="" 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"/> Borough Water System	<input type="checkbox"/> Borough 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 Aggregate Source & Material Storage		

Valuation of Work: Not Applicable
Current use of adjacent properties: Vacant land surrounds this site. One land owner, Debra Schnabel is nearby with a residence.
Attach the following documents to the permit application: <input checked="" type="checkbox"/> Site plan (see Attachment A) showing lot lines, bearings and distances, buildings, setbacks, streets, etc.

PREAPPLICATION (Required)

Pre-application Conference Date: _____

Prior to submission of an application, the developer shall meet with the manager for the purpose of discussing the site, the proposed development and the conditional use permit procedure. The manager shall discuss these matters with the developer with special attention to policies and approval criteria that may pose problems or constraints on the site or the proposed development activity and policies or approval criteria that may create opportunities for the developer.

APPLICATION

Please provide a written narrative explaining how your project will meet the following requirements. You may use the space provided on this form or attach your answers. A variance may only be granted if the Planning Commission finds that these six standards are met.

1. The use is so located on the site as to avoid undue noise and other nuisances and dangers.

Describe what safeguards are being provided (i.e. setbacks or buffers) to meet the condition. See attached.
--

2. Explain how the development of the use is such that the value of the adjoining property will not be significantly impaired.

See attached.

3. Explain how the size and scale of the use is such that existing public services and facilities are adequate to serve the proposed use.

See attached.

4. Describe how or why the specific development scheme of the use is consistent and in harmony with the comprehensive plan and surrounding land uses.

See attached.

5. Explain how the granting of the conditional use will not be harmful to the public safety, health or welfare.

See attached.

6. Describe the safeguards that will be provided so that 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.

See attached.

IV. FEE

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

NOTICE

Per HBC 18.50.040, Comments received from property owners impacted by the proposed development will be considered and given their due weight. Additionally, the Planning Commission may impose one or more of the following conditions:

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.

V. CERTIFICATION

I hereby certify that I am the owner or duly authorized owner's agent, that I have read this application and that all information is correct. I further certify that I have read, understand and will comply with all of the provisions and permit requirements outlined hereon. I also certify that the site plan submitted is a complete and accurate plan showing any and all existing and proposed structures on the subject property and that the use will comply with all required conditions and specifications, will be located where proposed and when developed, will be operated according to the plan as submitted. 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.**

[Signature]
 Owner or Agent

3/21/14
 Date

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

Office Use Only Below This Line

<input checked="" type="checkbox"/> Applicant Notified Application is Complete and Accepted <u>03-26-2014</u> <u>XC</u> <small>(Date) (Notified via) (Initials)</small>					
Non-Refundable Permit Fee \$ _____ Receipt No. _____ Received By: _____ Date: _____			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: 					
Planning Commission Chair:			Date:		

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.

Highland's Estates, Inc.
c/o Roger Schnabel
Renewal Conditional Use Permit #11-21
Location: C-208-TL-0400
Application for Conditional Use Permit
Resource Extraction and Material Storage

Background: Gravel extraction has occurred in this area for several decades. A conditional use permit resource extraction was first approved on October 22, 2001. The current permit requires renewal prior to April 28, 2014. This application requests renewal of our current plan, plus the addition of allowing storage of aggregate and related recycled materials of concrete and asphalt and inert material for berm and buffer development.

Please note that The Comprehensive Plan supports responsible handling of inert materials. Section 9.4 Solid Waste states, "Solid waste services in Haines are in flux as this plan goes to print and signs are mounting that the current system is not sustainable." The Comprehensive Plan specifically states a goal, objective, and strategy supportive of storage and reuse of recycled materials as follows:

Attachment "B"

Goal 10. Support responsible development of renewable and non-renewable resources within Haines Borough.

Objective 10A: Work with project developers and regulators to achieve responsible development, which is defined as complying with environmental regulations, ensuring fishery resource and riparian zone protection, providing protection of salmon habitat and Bald Eagle Preserve resources, maintaining scenic viewsheds, and buffering operations when needed to protect adjacent users and activities.

1. Location of sand, gravel and rock extraction sites shall be permitted in the following order of priority:
 - a. Existing, approved upland sand and gravel pits
 - b. Reuse of sand and gravel from abandoned development areas, unless reuse would cause more environmental damage than non-use from the area:
 - c. New upland sites approved for the purpose; and
 - d. Streams that do not provide fish habitat.

Approval of the renewal of the conditional use permit to include aggregate and recycled material storage and buffer development is a positive step towards meeting the highest priority goals of the Comprehensive Plan.

Following is the required written narrative explaining how the project will meet the permit requirements. A site plan is also attached (Attachment "A").

1. The use is so located on the site as to avoid undue noise and other nuisances and dangers. Describe what safeguards are being provided (i.e. setbacks or buffers) to meet the condition.

This is an established aggregate source and the source has been in activity prior to the first conditional use permitting that was approved in 2001. This source exists as portions of an established talus pile on the mountainside towards the north of Haines (extension of 4th Avenue towards the west). Extraction will continue to move towards the west with the northerly cut not exceeding 40 feet. Once the western border is reached the second and final lift will take place, not exceeding an additional 20 foot depth. Benches will develop as needed. We estimate total reserves to be around 20,000 cubic yards. Based upon present demand this source should remain active for 20 years.

No cut banks will extend beyond 40 ft unless a 15-ft bench is established per MSHA standards. Experience in this area indicates a cut bank remains stable at 1/2:1. It is our intent to excavate to these slope standards unless conditions suggest otherwise, which includes encountering bedrock. No drilling and blasting is anticipated. As indicated, this development will create a pad, and with the development of a berm a protection zone will be established. All extraction/mining will occur per MSHA guidelines.

Traffic patterns are established for this source. There are three potential outlets depending upon the customers. Fourth Avenue is an outlet to/from the south. Heading east to Second Avenue is another outlet and the third route is towards the west, intersecting with Allen Road at "The Saw Shop." Dust is controlled with water and this will be applied as needed, similar to past activity. Southeast Roadbuilders will be the operator for the source and has equipment readily available. There are other sources operating in the area.

Days and hours of operation will be between 8:00 AM and 5:00 PM, Monday to Friday. No fencing and/or screening are anticipated. The property is private. No public access exists. The area is shielded with timber and brush.

2. Explain how the development of the use is such that the value of the adjoining property will not be significantly impaired.

The trend towards land use in the area appears residential in nature. The development will neither add to nor subtract from this trend. This site is not appropriate for a housing development. Once extraction is complete a 6 acre "pad" with a protective berm will exist. Whether this pad is used in the future for a baseball park, soccer field, parade grounds, etc. is

something we cannot predict. However, we feel confident the area will provide for a greater opportunity in the future than exists today, other than that of the gravel source. Once extraction is complete, per the plans, the pad will be finished to a 1% slope and if active water exists, it will be channeled and controlled. At this point in time there are no other uses for this property. This property is a privately owned 21 acre parcel. The aggregate extraction and storage area consists of 6 acres on the northern most portions and vegetation has been maintained.

Permittee is also an adjacent property owner. The adjoining property has potential for residential development. The aggregate source activity that is occurring on this property does not detract from the residential development on the adjacent properties. The pad development will also provide the benefit of acting as a catch in the event of a slide. Vegetation has been maintained to protect the view shed of neighboring properties.

3. Explain how the size and scale of the use is such that existing public services and facilities are adequate to serve the proposed use.

No public services are required for this source to continue to operate. We request the term of this source to be allowed until the reserves are depleted. Upcoming projects in the Haines area, requiring this type of material will dictate the term and demand. Based upon past volume requirements the source should be active for 20 years. As mentioned we feel reserves could total close to 20,000 cubic yards. This is an established source for SRI needs and it has been useful to serve the needs of Haines Borough throughout the years. This area has been an active source for the past 50 years.

As previously mentioned, traffic patterns are established for this source. There are three potential outlets depending upon the customers. Fourth Avenue is an outlet to/from the south. Heading east to Second Avenue is another outlet and the third route is towards the west, intersecting with Allen Road at "The Saw Shop." Dust is easily controlled with water and this will be applied as needed. Southeast Roadbuilders will be the operator for the source and has equipment readily available. There are other sources operating in the area.

4. Describe how or why the specific development scheme of the use is consistent and in harmony with the comprehensive plan and surrounding land uses.

(Attachment "C") The Haines Comprehensive Plan makes reference to Mineral Resources and Mining in section 5.8.11 and states, "Rock, gravel and sand materials are an important resource for Haines Borough and local businesses. Gravel deposits from the area have been documented as the best in the region for hardness, thereby increasing their value for road building. Haines location on the highway system and with easy ocean barge access is another asset for its high

grade rock. Its location on or near major river floodplains tends to provide a renewable and continuous source of materials. Other sources are also available including talus slopes, glacial moraines, and beach deposits.”

Section 5.9 of The Haines Comprehensive Plan lists Implementation Plan goals to include:

Goal 3: Achieve a strong, diversified local economy that provides employment and income for all citizens that desire to work while protecting the health of the environment and quality of life. Build on local assets and competitive advantages to create economic opportunity.

Objective 3F: Strengthen entrepreneurial activity and businesses. Provide entrepreneurs with the resource that will enable them to develop and expand their businesses.

Objective 3I: Maintain a business-friendly regulatory environment by providing stable local tax rates, reasonable permit fees, and timely permit reviews.

Section 7.3.5 Resource-Based Development Opportunity make a large point to state:

GOAL - Support responsible development of renewable and non-renewable resources within Haines Borough. (Attachment “D”)

Section 7.4.1 Townsite – Land Ownership, Use and Management acknowledges the historical use of the gravel operations within the townsite area stating as follows: “There are several current and former sand and gravel pits toward the Chilkat Inlet whose resources result from glacial and river outwash plains. These areas are mostly supporting light industrial and commercial uses today.” (Attachment “E”)

Section 7.4.7 Light Industrial Close to Town also references the benefits that Haines receives from these as states the following: “Haines is fortunate to have flat accessible land near the Haines Highway, town, utilities and the port yet in tucked away locations just off the main corridors. Operating and transshipment costs for businesses are reduced by being located so close to town. These areas are used for small sawmills, auto shops, gravel extraction, heavy equipment storage, and similar light industrial uses. Haines’ related land use changes to ensure it has enough land allocated to these important uses, to provide buffers for neighboring residential development, to protect Sawmill Creek tributaries in this area, and to prevent “junk yards” from taking over. (Attachment “F”)

As mentioned in the opening paragraphs it is important to note that The Comprehensive Plan supports responsible handling of inert materials. Section 9.4 Solid Waste states, “Solid waste services in Haines are in flux as this plan goes to print and signs are mounting that the current system is not sustainable.” The Comprehensive Plan specifically states a goal, objective, and strategy supportive of storage and reuse of recycled materials as follows:

Attachment "B"

Goal 10. Support responsible development of renewable and non-renewable resources within Haines Borough.

Objective 10A: Work with project developers and regulators to achieve responsible development, which is defined as complying with environmental regulations, ensuring fishery resource and riparian zone protection, providing protection of salmon habitat and Bald Eagle Preserve resources, maintaining scenic viewsheds, and buffering operations when needed to protect adjacent users and activities.

- 1 Location of sand, gravel and rock extraction sites shall be permitted in the following order of priority:
 - a Existing, approved upland sand and gravel pits
 - b Reuse of sand and gravel from abandoned development areas, unless reuse would cause more environmental damage than non-use from the area:
 - c New upland sits approved for the purpose; and
 - d Streams that do not provide fish habitat.

5. **Explain how the granting of the conditional use will not be harmful to the public safety, health or welfare.**

No cut banks will extend beyond 40 feet unless a 15 foot bench is established per MSHA standards. Experience in this area indicates a cut bank remains stable at ½:1. It is our intent to excavate to these slope standards unless conditions suggest otherwise, which includes encountering bedrock. No drilling and blasting is anticipated. As indicated, this development will create a pad with berm, which will act as a catch in the event of a slide. All extraction/mining will occur consistent with industry established guidelines.

6. **Describe the safeguards that will be provided so that the use will not significantly cause erosion, ground or surface water contamination or significant adverse alteration of fish habitat on any parcel adjacent to the state identified anadromous streams.**

The area has been developed for extraction. There are no active streams, creeks or apparent run-off issues. The gravel appears porous and run-off from the mountain (towards the south) moves as ground water. We have not experienced water penetrating out of the cut banks, therefore do not see water quality as a concern at this point. If groundwater becomes exposed, settling basins and check dams will be developed accordingly to allow for settlement and flood control. Water will be directed into established drainages towards the west. A berm on the sought portion (parallel and adjacent to existing pipeline corridor), will begin to be developed which will provide a "catch" protecting the land towards the south.

Highland's Estates, Inc.
c/o Roger Schnabel
Zoning Correction
Location: C-208-TL-0400
Zone: Rural Mixed Use
Application for Conditional Use Permit
Resource Extraction and Material Storage

Recent correspondence with Borough administration has stated that this property is zoned Multiple Residential Zone. It is our understanding that this area is zoned Rural Mixed Use. Please see the attached correspondence (Attachment "G") dated October 11, 2001 from Vince Hansen, City Administrator. This letter references "In the recent rezoning, the area was zoned Rural Mixed Use, which allows resource extraction as a conditional use." The zoning of Rural Mixed Use was confirmed again in the May 12, 2005 letter from Robert Venables, Borough Manager (Attachment "H"). A third confirmation of the Rural Mixed Use zoning for this parcel is provided in the May 12, 2005 Public Notice regarding the Conditional Use Permit (Attachment "I").

Haines Borough Code 18.70.060 C states that "the planning commission shall provide public notice and hold one public hearing on the proposed zoning change and declare its finding by a formal motion". It is further stated that "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." (Attachment "J")

We have not received any notification that rezoning was being considered or enacted for this property. On February 21, 2014 (Attachment "K") we requested the Acting Borough Manager to provide a copy of the notice that was sent from the Borough to inform the landowner of the proposed zone change. To date we have received no reply to this request. It is our belief that the current zoning map has incorrectly included this property as Multiple Residential and that the correct zoning is Rural Mixed Use.

Per Borough Code 18.70.030 Zoning districts – Zones

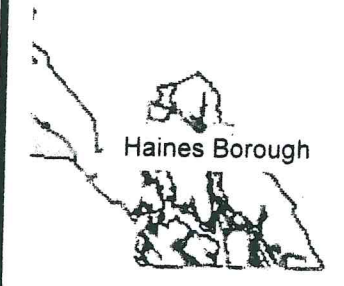
RMU – Rural Mixed Use Zone. The intent of the rural mixed use zone is to allow for a broad mixture of uses including, as uses-by-right, single and multiple dwelling residential uses and, generally, commercial and light industrial uses by conditional use permit. Where public water or sewer utilities are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

MR – Multiple Residential Zone. The intent of the multiple residential zone is to provide and protect areas for higher density residential development. Other compatible uses that are commonly associated with higher density residential areas, such as small-scale commercial uses designed to serve the neighborhood, may be allowed. The area is served by, or intended to have, the necessary level of public utilities and an adequate transportation system as deemed appropriate for the planned use.

Highland's Estates, Inc.
c/o Roger Schnabel
Zoning Correction
Location: C-208-TL-0400
Zone: Rural Mixed Use
Application for Conditional Use Permit
Resource Extraction and Material Storage

Due to the location and topography this site is not appropriate for a housing development. Rural Mixed Use zoning is the most appropriate zone for this property. Multiple Residential Zone is a zoning that allows high density housing including, condominiums, townhouses, convalescent/nursing homes, duplexes, multi-unit dwellings and zero lot line housing. This type of development is not appropriate for this property. We request the borough record to reflect the zoning for this property to be Rural Mixed Use.

HA.HC.0003



Haines Borough

University of Alaska -
HA.HC.0003



Legend

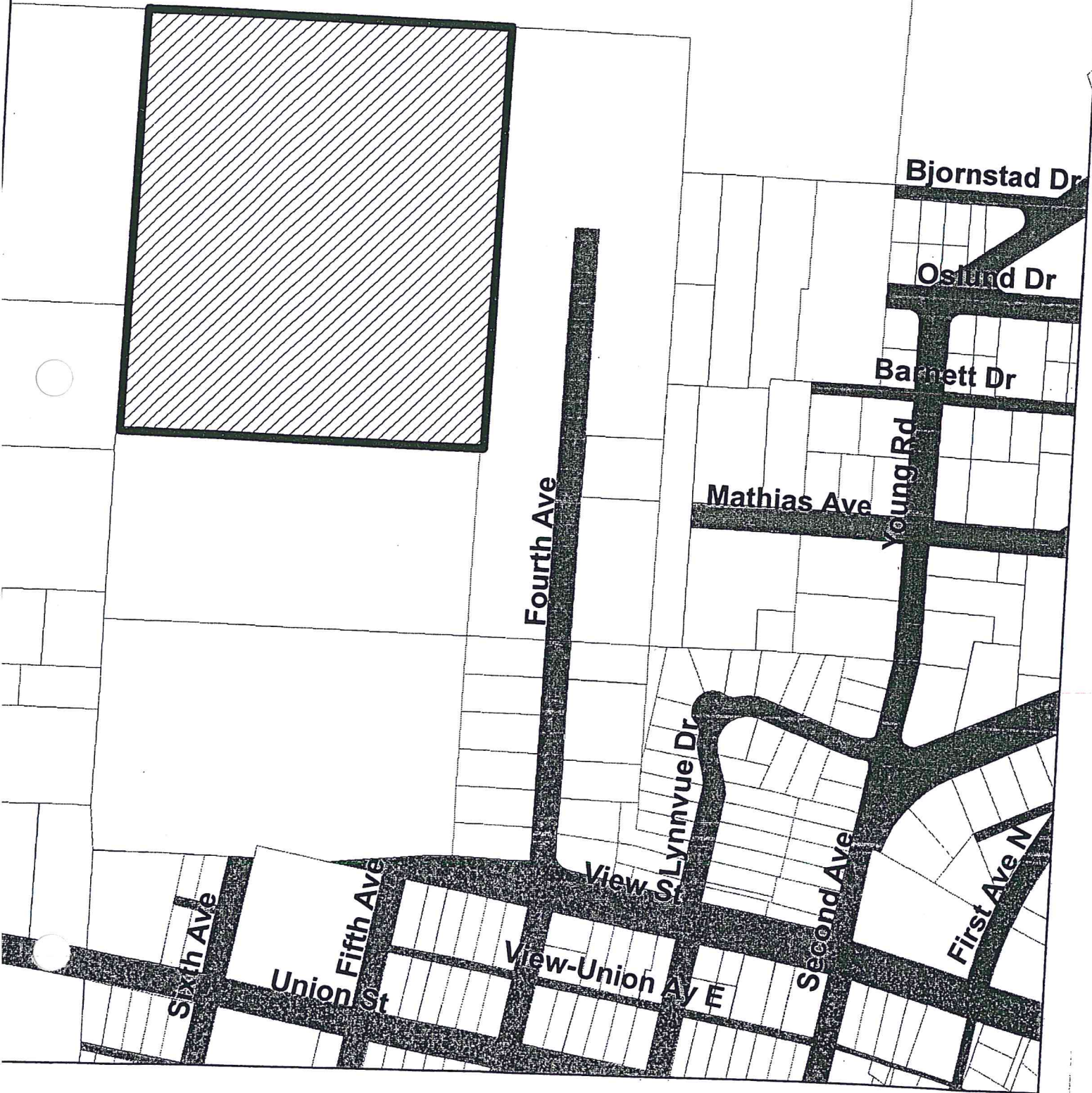
Parcel 

Scale 1:2,500
1 in = 208 ft

ATTACHMENT A

**Roger Schnabel
Resource Extraction
Conditional Use Reapproval
Public Hearing**

**6:30 p.m. April 14, 2011
Haines Borough Assembly Chambers**



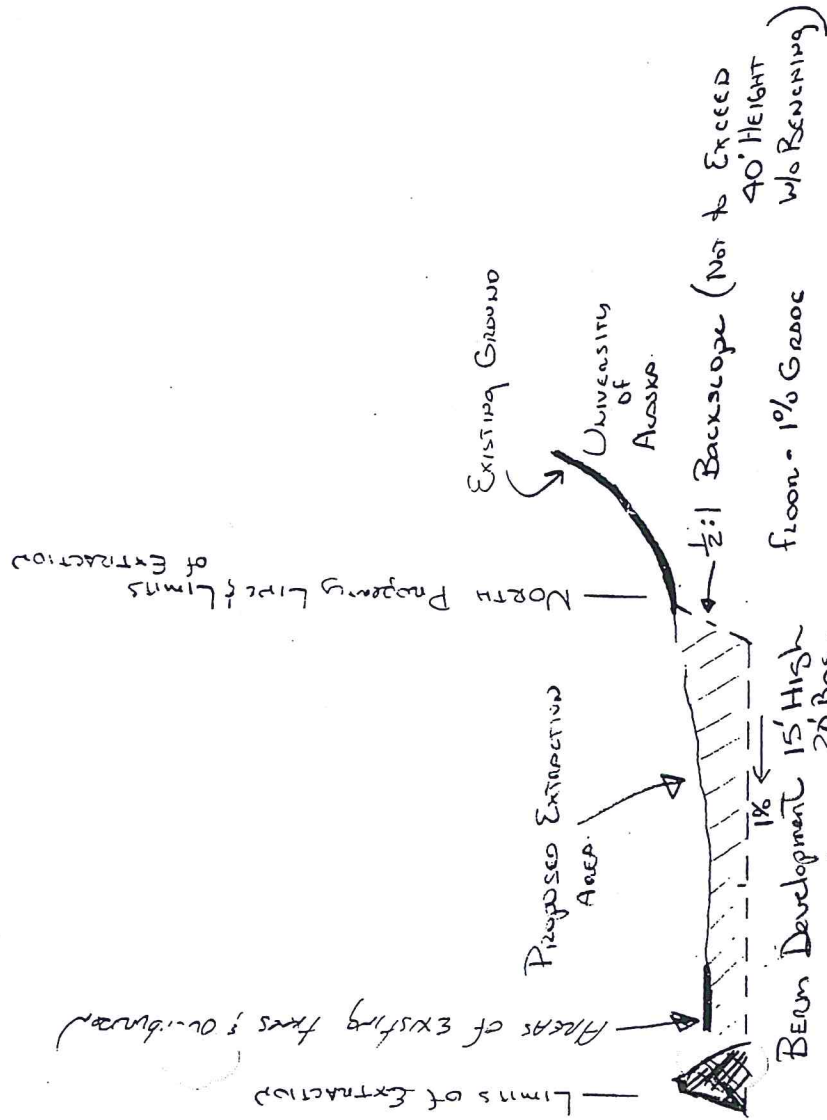
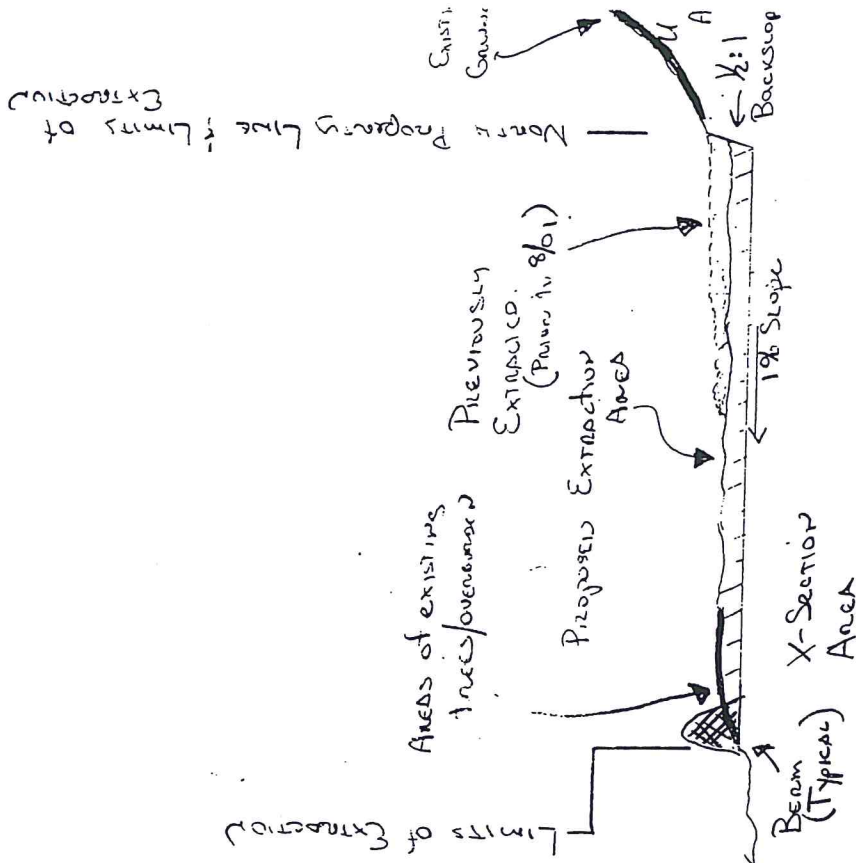
KE: USS-208 Partial TL4

Resource Extraction - Commercial Use Permit

Owner: Highlands Estates

Operator: Southeast Resource Services Inc.

ATTACHMENT A



EXISTING LAND USE: GRAVEL SOURCE.

VEGETATION: Non. (NEW ZONING REQUIRES CONTINUOUS UPLAND PER. (OVERGROWN PREVIOUSLY REMOVED))

SOILS: Gravel - Loose Rock - 24" minus

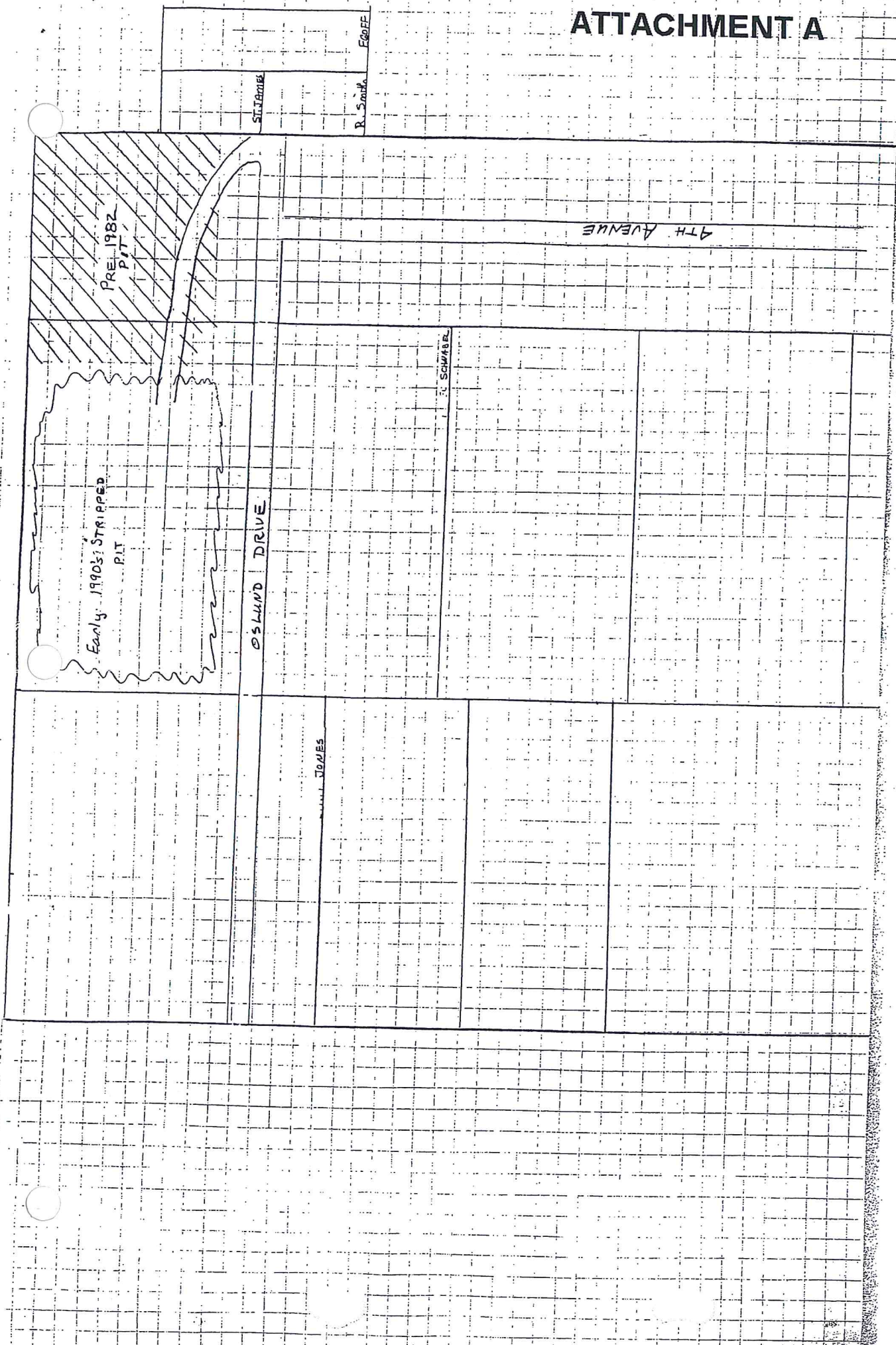
HYDROLOGY: No Creeks / Streams or Active Water

Existing Wetlands Drains

Existing Wetlands Drain

SCALE: 1" = 100 ft. (Horizontal & Vertical)

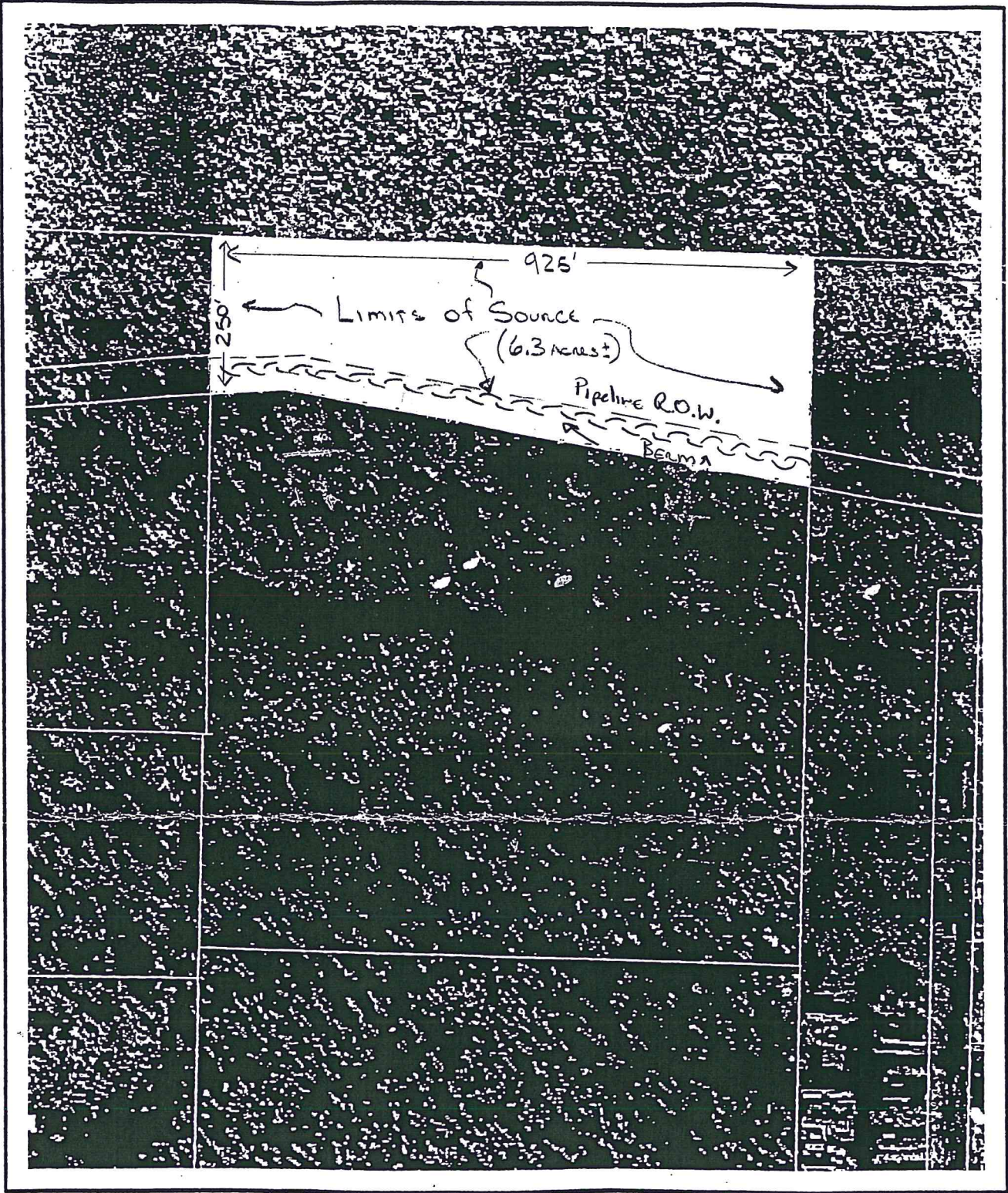
ATTACHMENT A



Schnabel Resource Extraction

NORTHERLY FIELD AND USS-208 - PARTIAL TL4
PROPOSED RESOURCE EXTRACTION

ATTACHMENT A



300 0 300 600 900 Feet



ATTACHMENT B

Strategies	Timeframe			Responsibility
	1-2	3-5	6-10+	
side, and off of the Parade Grounds.				
3. Reestablish Dalton Trail and promote all season multi-use. Add interpretative signage and establish remote campsites. <i>Cross reference with Econ Dev 30 (5)</i>	X	X	X	CVHS, PRAC, State, Commercial Tour providers
Goal 10. Support responsible development of renewable and non-renewable resources within Haines Borough.				
Objective 10A: Work with project developers and regulators to achieve responsible development, which is defined as complying with environmental regulations, ensuring fishery resource and riparian zone protection, providing protection of salmon habitat and Bald Eagle Preserve resources, maintaining scenic viewsheds, and buffering operations when needed to protect adjacent users and activities. Also see related objectives at Econ Dev 3(C, M, N) and 6(A) with implementing actions.				
1. Location of sand, gravel and rock extraction sites shall be permitted in the following order of priority: a. Existing, approved upland sand and gravel pits; b. Reuse of sand and gravel from abandoned development areas, unless reuse would cause more environmental damage than non-use from the area; c. New upland sites approved for the purpose; and d. Streams that do not provide fish habitat.	X	X	X	ADOT&PF, ADNR, Borough
2. Where appropriate, couple sand and gravel extraction with salmon habitat improvement.	X	X	X	Private businesses, TWC, Borough
3. Consolidate access to mineral exploration sites and mines with other access routes where feasible.	X	X	X	Borough, producers
Goal 11. Promote compact development and infill where water and sewer infrastructure exists in order to maximize return on public infrastructure investments, promote energy efficiency, and reduce carbon emissions.				
Objective 11A: Base decisions about utility extension on Borough costs, whether policy changes could instead result in infill, if willing Local Improvement District payers are present, and on landowner interests.				
1. Over time, extend roads as shown on Figure 6-3 and Table 6-5, and, extend utilities to one or more areas shown on Figure 7-4 to facilitate residential development.	X	X	X	Borough, select property owners
2. Evaluate possible roles for Borough to facilitate orderly utility extension on private land, such as conducting engineering studies to accurately determine location, design, and LID costs; assisting to prepare or review Master Development Plans for large parcels; or other.	X	X	X	Borough
Goal 12. Use Borough-owned land, a limited resource, to accomplish public goals.				
Objective 12A: Develop a Master Campus Plan on the 15-acre Borough-owned parcel that has the				

ATTACHMENT C

5.8.11 Mineral Resources and Mining

There is a wealth of minerals in Haines Borough, including industrial minerals such as sand, gravel, rock and marble, and commodities that include gold, zinc, lead, copper, silver, barite, iron ore, titanium and possibly platinum group minerals. Major, known mineralized areas in the Borough are reviewed now.

Porcupine District – Porcupine is the original Haines mining district. Residents still work the historic Porcupine placer deposit and the area was “put on the map” again in 2010 when Discovery Channel filmed “Gold Rush Alaska,” a reality TV mining show here that is very popular. Gold was discovered in 1898 in the Porcupine District south of the Klehini River and 30 miles northwest of Haines. By 1930, about \$1.25 million worth of placer gold had been taken from this area. At least 75 lode and six placer claims are currently active. Gold bearing gravel has also been found on the lower Kellsall River, Rosaunt Creek, and in the middle reaches of the Tsirku River. The Big Nugget Mine on Porcupine Creek improved access for recreational miners and others. Adjacent to the placer claims are some copper, lead, zinc, gold, and barite showings that have intermittently been staked but never extensively explored. On the Future Growth Map (Figure 7-10) this area is designated for Resource Development.

Glacier Creek— Exploration is ongoing at Constantine Minerals' Palmer claims around the Glacier Creek. Their work picked up from Rubicon exploration in the late 1990s and early 2000's in this lead, zinc and copper deposit. Constantine Mineral's exploration led to the discovery in 2007/08 of new massive sulphide mineralization at the South Wall and RW Zones in the Glacier Creek prospect area of the property. The deposit is within a contiguous block of 340 federal unpatented lode mining claims, which cover an area of approximately 6,765 acres and 63 state mineral claims that cover an area of approximately 9,200 acres.

In 2010, a crew of 20-30 geologists, helicopter pilots, laborers, and cooks including eight local residents assisted with exploration and spent \$2.5 million that year in the area. However, Constantine did not conduct exploration in the area in 2011 or 2012, but reportedly remains committed to the project. If developed, Constantine estimates the mine could create 200-400 jobs during development and 200-350 jobs during its operational lifetime. On the Future Growth Map (Figure 7-10) this area is designated for Resource Development.

Klukwan Iron Ore Deposit - Since the 1970's consideration had been given to the development of a major iron ore deposit near Klukwan. In the 2000's the project was considered unfeasible and the land was placed into an environmental trust and is reportedly no longer open for development. On the Future Growth Map this area is designated for Multiple Use with a Recreation Emphasis.

Rock, Gravel and Sand - Rock, gravel and sand materials are an important resource for Haines Borough and local businesses. Gravel deposits from the area have been documented as best in the region for hardness, thereby increasing their value for road building. Haines location on the Highway System and with easy ocean barge access is another asset for its high grade rock. Its

ATTACHMENT C

location on or near major river floodplains tends to provide a renewable and continuous source of materials. Other sources are also available including talus slopes, glacial moraines, and beach deposits.

A Haines ultramafic occurrence, listed by the U.S. Bureau of Mines, contains iron and titanium mineralization in the townsite area; prospects for use have never been sufficiently quantified.

Chilkat Peninsula Prospects -The Chilkat Peninsula and Chilkat Island area was studied as a cooperative effort between the State of Alaska, Division of Geological and Geophysical Surveys and the U.S. Bureau of Mines as part of the larger Juneau Mining District study. Six prospects of gold, copper, silver, zinc, barite, and cobalt were identified.

Coast Range and Chilkat Range - Both sides of Lynn Canal south of Haines have substantial mineral prospects quantified overtime by various mineral exploration companies. Mineralization includes gold, silver, copper, lead, zinc, cobalt and radioactive prospects.

5.9 Implementation Plan

Over the next 20 years the Haines Borough, its citizens, businesses, local organizations and others will systematically work to accomplish the Economic Development goals, objectives and actions listed.

Strategies	Timeframe			Responsibility
	1-2	3-5	6-10+	
Goal 3: Achieve a strong, diversified local economy that provides employment and income for all citizens that desire to work while protecting the health of the environment and quality of life. Build on local assets and competitive advantages to create economic opportunity.				
Objective 3A: Attract and retain Location-Neutral workers, income earners, and business owners to Haines (i.e. Kensington or Greens Creek workers, internet based jobs and businesses, artists and writers, retirees).				
1. Conduct a survey to learn which community assets attract Haines's Location-Neutral workers, income earners and business owners to Haines and what causes them to leave.	X			Borough, Chamber
2. Based on survey results, take action to fill identified gaps and develop a marketing plan that highlights assets that bring these individuals to Haines. (For example, actions might include business incubator that provides office space, business machines, possible staff, etc.).	X	X		Borough, Chamber
Objective 3B: Maintain and enhance subsistence resources and opportunities for all citizens.				

ATTACHMENT C

Strategies	Timeframe			Responsibility
	1-2	3-5	6-10+	
events, and similar promotions that bring residents and visitors to downtown to make local purchases.				Chamber, business owners
13. Establish metrics defining economic conditions in DBD and identify indicators to use to evaluate and measure result of incentives program and changing conditions. <i>(see Haines Downtown Revitalization Plan)</i>	X	X	X	
Objective 3F: Strengthen entrepreneurial activity and businesses. Provide entrepreneurs with the resources that will enable them to develop and expand their businesses				
1. Identify and work to address infrastructure and services that meets entrepreneur's needs. For example, it has been suggested that there is a need for a functioning (winterized, bathrooms, running water) downtown Office Building with offices for rent, possibly with shared business services available. Formally investigate demand and if it exists, identify options to satisfy, including public investment or incentives, private-public partnerships, etc. <i>see similar objective at 2E</i>	X			DRVC, Borough, business owners, Chamber
2. Enact a low-interest small-loan program for businesses in Haines (establish goals, terms, loan criteria, other).	X	X		Borough, CIA
3. Periodically provide entrepreneurship education classes to sow the seeds of economic diversification.		X		Chamber, JEDC
4. Provide regular customer service training for front-line employees at start of every summer.	X	X	X	Business owners, Chamber, HCVB
5. Update Haines economic indicators every two years to maintain current on understanding of economy, business diversity and interdependencies, leading industries, employment, wages, personal income, and local revenue to track changes and measure result of efforts.	X	X		Borough, Chamber
Objective 3G: Haines Borough residents need access to reliable, fast, and affordable internet as this increasingly is a necessity for business, education, and services. Cross reference with Utilities Objective 15 J				
1. Pursue grant and other opportunities to provide internet access to rural areas; make current Open Skies (starband) program for rural Alaska known to citizens.	X	X	X	Borough, Chamber
2. Work with cell service and internet providers, regulators, Southeast Conference, and others to inventory infrastructure, coverage, gaps and rates in Borough. Collaborate on ideas to fill gaps and address needs.	X	X		Borough, SEC, cell/internet providers, USDA- RD, DCCED, RCA
Objective 3H: Haines Borough should work with local electric utilities to achieve a rate of 15 cents per kWh or lower. Support actions to reduce power, heating, and fuel costs. Cross reference with Utilities Objective 15 L. Also review Utilities Objectives 15 K, L and M and implementing				

ATTACHMENT C

Strategies	Timeframe			Responsibility
	1-2	3-5	6-10+	
<i>actions for full review of Power</i>				
1. Identify any actions that could lower rates. Focus on opportunities to benefit commercial and industrial users. <i>Cross reference with Utilities 15 L(1)</i>	X	X		Borough, AP&T, RCA
Objective 3I: Maintain a business-friendly regulatory environment by providing stable local tax rates, reasonable permit fees, and timely permit reviews.				
1. Study the costs and benefits for requiring a Borough business license in addition to a state license. If costs exceed benefits, eliminate.	X			Borough
2. Examine the effectiveness of the Borough Tour Permit system.	X			Borough
3. Provide for internet based sales tax reporting/return program.	X			Borough
Objective 3J: Capitalize on Haines's position as a transportation hub to increase transfer and shipment of cargo, supplies, fuel, and other commodities with the Yukon, northern British Columbia, and Interior Alaska. <i>Cross reference with Transportation 4(A)</i>				
1. Ensure that Haines Highway and its bridges are capable and certified to handle load/weights necessary to transport ore, LNG and similar loads to and from Yukon, northern British Columbia, and interior Alaska. a) Identify current load certification of Haines Highway and Bridges. b) Identify industrial load roads must bear. c) Upgrade and recertify as needed, including allocating funding to accomplish.	X	X	X	Borough, ADOT&PF, commodity producers, State Legislators
2. Actively market Haines port and highway facilities and capacities.	X	X	X	Borough, Chamber
3. Prepare Port Development Plan (Identify transshipment opportunities for which Haines is competitive, estimate revenue and jobs to community, risks, and identify infrastructure, marketing and other investments needed to capture increased market share by Haines Borough and private partners).	X			Borough, Port Steering Committee, Chamber
4. Based on Port Development Plan's recommendations, identify decision-making sequence, strategic investments and funders, and timeline. Take systematic action.	X	X		Borough, Port Steering Committee, Chamber
5. Investigate options, pros and cons, to meet Yukon Liquid Natural Gas (LNG) transshipment demand.	X	X		Borough
6. Identify measures to avoid or minimize impacts from industrial truck traffic along Highway to Lutak Dock (e.g., noise, operation of engine brakes, routes, hours of operation, etc.).	X			Borough

ATTACHMENT D

6. Yandeist'akye' historic Native settlement
7. Chilkat River and Chilkoot River and Lake historic sites such as cache and house pits, hooligan pits, garden areas and graves
8. Dalton Cache and Dalton Trail
9. Eldred Rock Lighthouse

Objectives and actions in this chapter's implementation plan identify specific ways to protect these assets.

GOAL

Recognize historic and cultural resources and values and develop in a manner that protects these assets.

7.3.5 Resource-Based Development Opportunity

Harvest, extraction and adding value to the renewable and non-renewable resources in Haines Borough is a primary activity that brings money from outside the community into the local economy. Haines Borough is fortunate to have commercially viable salmon, timber and minerals all within its boundaries. Development of these resources must be done in a manner that protects the recreational and scenic values and places in the Borough upon which tourism, as well as quality of life, is based. The Borough's objective is to achieve responsible development, which is defined as complying with environmental regulations, ensuring fisheries resource and riparian zone protection, providing protection of salmon habitat and Bald Eagle Preserve resources, maintains scenic viewsheds, and buffers operations from adjacent land uses and activities.

Working on a project by project basis to balance among competing interests and needs is a major Borough regulatory responsibility, as seafood and tourism are two of the community's three primary economic drivers and must be protected, while timber and potentially minerals, offer future opportunity.

GOAL

Support responsible development of renewable and non-renewable resources within Haines Borough.

ATTACHMENT E

7.4 Townsite

7.4.1 Land Ownership, Use and Management

The urban center of Haines reflects its history and diversity. Some of the buildings near the town center, both commercial and residential, are nearly 100 years old and contribute much to the town's character. Other buildings, including most of the commercial core on Main Street between Second and Third Avenues, date from the 1950's and 1960's. The townsite is compact, with residential neighborhoods closely surrounding the commercial center. Just over 1,700 people or 68% of Borough residents live in this area. Land in town is primarily privately owned (Figure 7-3).

GOAL

Promote compact development and infill where water, sewer, and transportation infrastructure exists in order to maximize return on public infrastructure investments, promote energy efficiency, and reduce carbon emissions.

The Borough owns parcels where public facilities have been constructed (Figure 4-1) as well as some undeveloped. Land in chapter 4 shows all Borough-owned land and facilities).

The parts of town with water and sewer lines (Figure 9-1) are developed with relatively dense residential, commercial or mixed use buildings. From the early town core, residential neighborhoods have followed road and subdivision development to the north off Young Rd, Allen Rd, Piedad Rd, and to the south off Small Tracts and FAA Rds. The Small Tracts-FAA-Carrs Cove area was annexed into the former City of Haines in 1999. This is a moderate density residential area, and has the characteristic of a "suburb" with average lots ranging in size from 1 acre to 5 acres. This area lies within a fire service district, has emergency police protection and electric and phone service. The majority of area residents south of Mt Riley Road furnish their own water and septic systems and have stated a preference to limit commercial development and minimize impacts on air and water quality, noise level and heavy traffic.

There are several current and former sand and gravel pits toward the Chilkat Inlet whose resources result from glacial and river outwash plains. These areas are mostly supporting light industrial and commercial uses today.

Sawmill Creek is the significant anadromous stream meandering through town; the watershed divide parallels Young and 2nd Avenue. Surface and underground water to the east of this divide flow to Chilkoot Inlet/Portage Cove and water to the west flows to Sawmill Creek and Chilkat Inlet.

ATTACHMENT F

military post in Alaska between 1925 and 1940, and was closed at the end of World War II. Shortly after the fort was deactivated in 1945-1946, the land was sold to a private enterprise, the Port Chilkoot Company.

In addition to the stately fort buildings and interior parade grounds, the area now serves as an entertainment area with several private visitor-oriented establishments and commercial ventures run by Alaskan Indian Arts. Several commercial businesses and restaurants catering to visitors have opened between the cruise ship dock and the Fort Seward area, and, within the fort itself two buildings were constructed to depict a Chilkat tribal community house and gold rush era construction that are today used by visitors. Many buildings in the fort area host lodging establishments providing income to help with the considerable overhead of maintaining the structures in the Fort. A former cannery, originally located at Pyramid Harbor, was relocated to the Fort Seward area in 1926 and is now the Chilkat Center for the Performing Arts owned by Haines Borough. The center has a complete theatrical stage, excellent acoustics, a Steinway Grand Piano and seats 350 people. Unfortunately the building's age and lack of maintenance have accumulated and critical improvements are estimated at \$5 million (with building replacement cost at \$11 million).

7.4.7 Light Industrial Close to Town

Haines is fortunate to have flat accessible land near the Haines Highway, town, utilities and the port yet in tucked away locations just off the main corridors. Operating and transshipment costs for businesses are reduced by being located so close to town. These areas are used for small sawmills, auto shops, gravel extraction, heavy equipment storage, and similar light industrial uses. Haines' related land use challenges are to ensure it has enough land allocated to these important uses, to provide buffers for neighboring residential development, to protect Sawmill Creek tributaries in this area, and to prevent "junk yards" from taking over.

7.5 Lutak and Northeast Borough

Marine transshipment facilities in this area include the Borough's Lutak Dock, AMHS Ferry Dock, federal tankfarm (POL) Dock, and private Chilkoot Lumber dock. These facilities are shown on Figures 7-5 and 6 and detailed in Chapter 6 – Transportation.

Most land in this part of the Borough is state land within the Haines State Forest; other parcels are Borough-owned (by Lutak Dock and a parcel at the mouth of Chilkoot Lake), University or Mental Health Trust land, or private land including Native Allotments (see Figure 7-5).

Lutak Road begins in town and parallels the west side of Lutak Inlet to just past the outlet of Chilkoot Lake. This very scenic two-lane road has a wide shoulder on the waterside for walking and biking to the AMHS Ferry Terminal, which should be continued for the full length of the road. Lutak Road is the access route to Haines' industrial waterfront port and uplands where most barged products, including fuel, are transferred and stored. Ensuring use for waterfront industrial and commercial purposes at this deep water port area and associated uplands

ATTACHMENT G

MEMORANDUM

CITY OF HAINES

To: Planning Commission
From: *VH* Vince Hansen, City Administrator
Date: October 11, 2001
Subject: Conditional Use Permit, Tax Lot 4, US 208 - Roger Schnabel

This memorandum serves as my recommendation under HCC 18.50.030.D.3 for the above referenced permit.

Background: As described in the application information, gravel extraction has occurred on the adjacent lot to the east (tax lot 3) since prior to 1982. Although it appears material has also been removed from tax lot 4 at various times since then, it was not under permit, as the area was zoned residential. The developer was advised in April 1999, and again in March of this year that industrial activity, including resource extraction, was prohibited on tax lot 4 because it was within the residential zone and only resource extraction from tax lot 3 had been acknowledged as a non-conforming use. In the recent rezoning, the area was zoned Rural Mixed Use, which allows resource extraction as a conditional use. The developer is now applying on that basis.

The Haines Coastal Management Plan (HCMP) includes several standards for the development of borrow pits and development in identified hazard areas. In addition to the criteria in HCC 18.50.040 and HCC 18.60.020.A, staff and the Commission must consider these policies in its review of the conditional use permit.

GENERAL CONDITIONS

Attached is a copy of HCMP Section H, Mining and Mineral Processing Policies. The development has been evaluated against these policies by staff. Comments relative to these policies are included in my recommendation/conditions later in this memo.

HAZARDOUS AREA CONDITIONS

The proposed pit is located within an area of steep slopes identified by the HCMP as the Mt. Ripinsky Hazardous Slopes Management Area (see attached map).

In reference to the attached copy of section B, Geophysical Hazard Area Policies, specifically subsection B-4(a), management in the Mt. Ripinsky hazard area "shall be to protect lives and property, to control erosion, and to maintain or enhance the water quality of streams and springs." The section also obligates the developer to provide the information necessary to ensure the development minimizes property damage and protects against loss of life.

ATTACHMENT G

Schnabel Resource Extraction
October 11, 2001

Page Three

5. *Days and hours of operation.* The location of the gravel pit in the area of residentially zoned property requires restrictions on pit operations to mitigate negative impacts related to noise, dust and traffic. The permit should allow operations in the gravel pit between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.
6. *Water Quality.* If future operations cause conditions which create the potential for impacts to water quality, the applicant shall take measures to maintain water quality.
7. *Road maintenance and dust control.* Any proposed modifications made to City right of way areas at either end of the private roughed in road between Allen and 4th Street must first be reviewed and approved by the Public Works Superintendent. Work to significantly improve the road (culverts, etc.) may require an update to the existing road permit. The applicant shall control dust created by pit operations to the maximum feasible extent.
8. *Permit approval term and renewal.* As previously noted, the pit is adjacent to residential zoning - though not yet substantially developed. As with the other permit in the area, I recommend that the conditional use permit be granted for a term of three years. The commission may renew the permit at the expiration of the three years upon application by the property owner with a term and conditions as the commission shall determine. The commission shall consider the applicant's compliance with the permit conditions in deciding whether to renew the permit. The commission is under no obligation to renew the permit after its three-year term, but will consider applicant's compliance with permit terms, surrounding development issues, and any other appropriate issues in its review for renewal.

ATTACHMENT H

Memorandum

Haines Borough

May 12, 2005

To: Robert Venables, Borough Manager

From: Scott Hansen, Planning and Zoning Tech II

Re: Conditional Use Permit Recommendation
Resource Extraction – top of 4th Avenue

This memorandum serves as my recommendation under HCC 18.50.030.D.3 for the above referenced permit.

Roger Schnabel, of Highland Estates, Inc. and Southeast Roadbuilders, is requesting a Conditional Use Permit to operate an existing rock pit facility at the location above. His three-year Conditional Use permit issued by the former City expired in October 2004.

Background: Gravel extraction has occurred on the adjacent lot to the east (tax lot 3) since prior to 1982. Although it appears material has also been removed from tax lot 4 at various times since then, it was not under permit, as the area was zoned residential. The developer was advised in April 1999, and again in March of this year that industrial activity, including resource extraction, was prohibited on tax lot 4 because it was within the residential zone and only resource extraction from tax lot 3 had been acknowledged as a non-conforming use. In the recent rezoning, the area was zoned Rural Mixed Use, which allows resource extraction as a conditional use. In operation prior to the current zoning, the pit has seen some activity since being approved in 2001. The Borough has received no complaints in regard to permit terms or general operations. Schnabel is asking that, based on previous compliance, the terms of his 2001 approval be extended, except that he is requesting a ten-year permit life before being re-evaluated by the Planning Commission.

The Haines Coastal Management Plan (HCMP) includes several standards for the development of borrow pits and development in identified hazard areas. In addition to the criteria in HB 18.50.040 and HB 18.60.020.A, staff and the Commission must consider these policies in its review of the conditional use permit.

GENERAL CONDITIONS

Attached is a copy of HCMP Section H, Mining and Mineral Processing Policies (Attachment A). The development has been evaluated against these policies by staff. Comments relative to these policies are included in my recommendation/conditions later in this memo.

**ATTACHMENT I
HAINES BOROUGH
HAINES, ALASKA 99827**

PUBLIC NOTICE

**BOROUGH PLANNING COMMISSION
PUBLIC HEARING/CONDITIONAL USE PERMIT**

DATE: THURSDAY, MAY 12, 2005, 6:00 PM

MEETING LOCATION: BOROUGH ASSEMBLY CHAMBERS

PURPOSE: CONDITIONAL USE PERMIT REQUEST FOR
NONCONFORMING USE - RESOURCE EXTRACTION

ZONE: RURAL MIXED USE

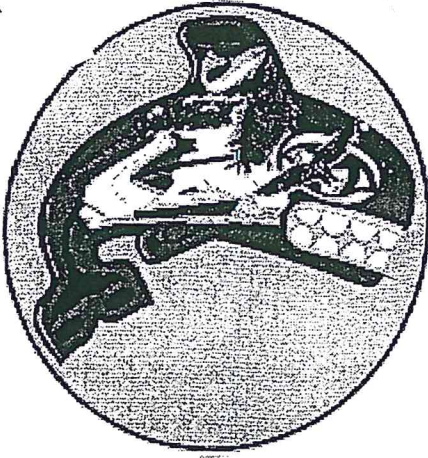
APPLICANT: HIGHLAND ESTATES, INC.

DEVELOPMENT LOCATION: USS 208 PORTION AT THE TOP OF 4TH
AVENUE

COMMENTS MAY BE SENT IN WRITING TO: HAINES BOROUGH
PLANNING COMMISSION, BOX 1209, HAINES, ALASKA 99827 OR
YOU MAY ATTEND THE MEETING.

SCOTT HANSEN/PLANNING AND ZONING TECH II/HAINES BOROUGH

Posted 05-09-05



ATTACHMENT I

MAY - 3 2005

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

April 29, 2005

Landowner
Haines, AK 99827

Re: Conditional Use Permit – Resource Extraction
North 4th Avenue

Dear Landowner:

Borough records show that you own property within 200 feet of property owned by Highland Estates, Inc. just above 4th Avenue. You also may own property adjacent to 4th Avenue, the transportation route for the material to Union Street. Southeast Roadbuilders is being contracted to transport rock commercially from this location within the Townsite Area and is requesting the Haines Borough Planning Commission to grant a Conditional Use permit for this operation. Please refer to attached information for details.

As a property owner in proximity to this development, you are specifically invited to comment on this conditional use permit request. Please refer to the enclosed public notice for particulars regarding time and place for the public hearing on this conditional use permit.

Sincerely,

A handwritten signature in cursive script that reads "Scott Hansen".

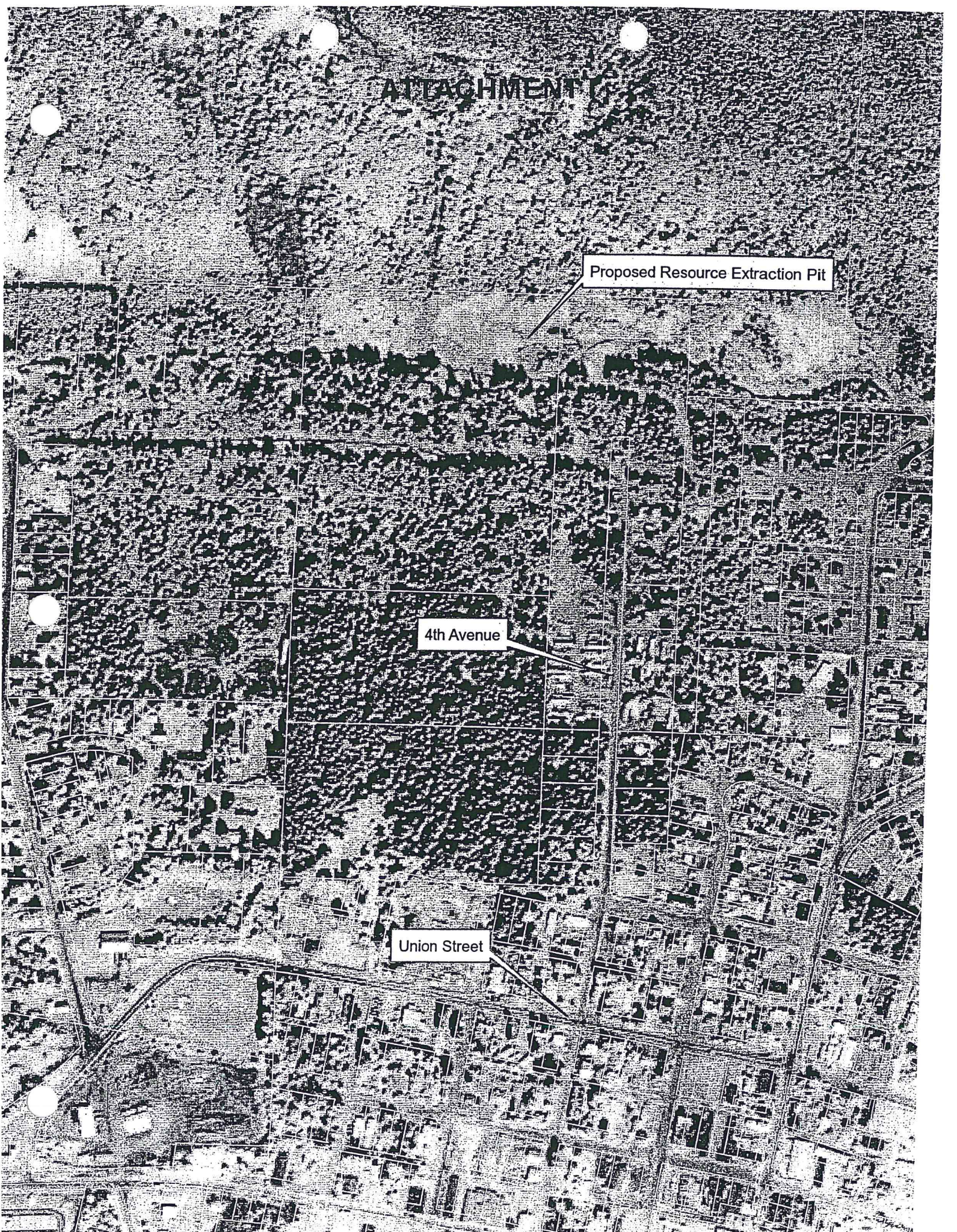
Scott Hansen
Planning and Zoning Tech II
HAINES BOROUGH

ATTACHMENT I

Proposed Resource Extraction Pit

4th Avenue

Union Street



ATTACHMENT J

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.

ATTACHMENT K

From: Roger
Sent: Friday, February 21, 2014 3:29 PM
To: 'Julie Cozzi'
Subject: RE: Letter-Unpermitted facility

The 4th Avenue source we presently operate under, is through a conditional permit. The gravel source use was acknowledged and accepted in the past, and obviously is not presently due to a zoning change. At some point in the past it was changed to its present status, Multiple Residential. I am after the notice to me from the Borough informing me of the proposed zone change some time in the years past. This site has been utilized as a source for gravel in the 50's and 60's 70's etc...and was changed at some point. I am attempting to source that out and want the letter sent to me notifying me of the proposed change.

I am sure it is somewhere in the Borough's files.

TY
Roger

From: Julie Cozzi [<mailto:jcozzi@haines.ak.us>]
Sent: Friday, February 21, 2014 3:12 PM
To: Roger
Subject: RE: Letter-Unpermitted facility

Hi, Roger...

Is the attached letter the one you are referring to?

Julie

From: Roger [<mailto:Roger@seroad.com>]
Sent: Friday, February 21, 2014 1:32 PM
To: Julie Cozzi
Subject: Letter-Unpermitted facility

Julie:

Received your letter dated Feb. 13th.

Would you please forward me the copy of the notice sent, proposing the change in zoning for C-208-TL-0400?

I am certain I have misplaced it somewhere.

TY



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

April 7, 2014

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

Re: Roger Schnabel – Resource Extraction & Material Storage Conditional Use Permit
C-208-TL-0400

Dear Land Owner,

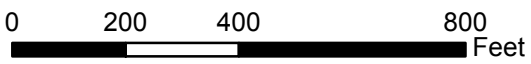
Haines Borough records show that you own property in the vicinity of the above-listed property. Property owner Mr. Roger Schnabel requested the Planning Commission approve the renewal of his gravel extraction conditional use permit, and allow the storage of aggregate and related material of concrete and asphalt and inert material for berm and buffer development. (Please see enclosed map.) The public hearing is scheduled on the agenda of the next Planning Commission meeting. The meeting will be held at the Haines Borough Assembly Chambers on April 17, 2014 at 6:30 p.m. As an owner of property in proximity to this development you are being notified that you are invited to attend and comment at the meeting. If you have any questions on the matter please contact the borough.

Sincerely,

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

First Name	Last Name	ADDRESS	CITY	STATE	ZIP
CAROL/WILLARD	WALDO	BOX 274	HAINES	AK	99827
DEBRA	SCHNABEL	BOX 129	HAINES	AK	99827
HELEN M.	ROBERTS	P.O. BOX 111044	ANCHORAGE	AK	99511
ROGER/NANCY	SCHNABEL	HC 60, BOX 4800	HAINES	AK	99827
STANLEY	JONES	BOX 1249	HAINES	AK	99827

Resource Extraction Conditional Use Permit Public Hearing April 17, 2014



HBC 18.20.020 Definitions – Regulatory.

“Resource extraction” means a use involving clearing or grading of land or the removal, for commercial purposes, of native vegetation, topsoil, fill, sand, gravel, rock, petroleum, natural gas, coal, metal ore, or any other mineral, and other operations having similar characteristics.

HBC 18.70.040 Zoning use chart.

The following chart summarizes the uses allowed and the standards of review for each use, townsite planning/zoning district and the zones therein. In the commercial and industrial zones, more than one building housing a permissible principal use may be developed on a single lot; provided, that each building and use shall comply with all applicable requirements of this title. Additional requirements may be applicable to developments within some zones. See the definitions in Chapter [18.20](#) HBC for descriptions of each use.

ZONING USE CHART

TOWNSITE PLANNING/ZONING DISTRICT

UBR = Use-By-Right CU = Conditional Use NA = Not Allowed

 = Permit Required

 = Permit Not Required

GENERAL CLASSIFICATION →	INDUSTRIAL USES			COMMERCIAL/ Residential Uses			RESIDENTIAL USES ONLY	RESIDENTIAL/ Commercial Uses			RECREATIONAL USE	
	Heavy Industrial	Light Industrial/ Commercial	Waterfront Industrial	Commercial	Waterfront	Significant Structures Area	Single Residential	Multiple Residential	Rural Residential	Rural Mixed Use	Multiple Use	Recreational
USES ↓	I/H	I/L/C	I/W	C	W	SSA	SR	MR	RR	RMU	MU	REC
Resource Extraction/Proc.	UBR	CU	CU	CU	NA	NA	NA	NA	CU	CU	UBR	NA

HBC 18.60.020 Specific approval criteria.

A. Resource Extraction. A permit for the commercial extraction of a natural resource may be issued with such reasonable conditions as necessary. The use must meet all other pertinent requirements of this title and include an acceptable operation and reclamation plan that addresses the following concerns and assures that the adverse impact of the operation is minimized and the site will be left in a safe, stable and environmentally and aesthetically acceptable condition:

1. Methods and process of reclamation including stockpiling of topsoil for reuse;
2. Initial site conditions including existing land use, vegetation, soils, geology and hydrology;
3. Limits of operational areas;
4. Days and hours of operation;
5. Traffic patterns;
6. Fencing and screening;
7. Control of dust and noise;
8. Phasing of operations and reclamation steps;
9. Final condition of site including:
 - a. Relation to adjoining land forms and drainage features,
 - b. Relation of reclaimed site to planned or established uses of the surrounding area,
 - c. Demonstration that the final land form will have a viable land use compatible with land use trends in the surrounding area;
10. Methods to minimize potential conflict with existing uses that are significantly impacted by the development.

M. Nonconforming Uses, Buildings, Lots. The purpose of this section is to control, reduce or eliminate conflicts from the presence of buildings and uses not conforming to zoning regulations. Nonconformities which are maintained in full compliance with the provisions of this section are not subject to fines or remedial actions.

1. Types of Nonconformities.

a. Nonconforming Uses. A nonconforming use is a use which is prohibited or conditional under this title, but which was lawful prior to the effective date of this title or any subsequent revisions.

b. Nonconforming Buildings. A nonconforming building is one which was lawful at the time of construction but which does not presently conform to the provisions and standards of the zone in which it is located.

c. Nonconforming Lots of Record. Nonconforming lots of record are those lots in existence on the effective date of this title or any subsequent revisions that do not meet applicable minimum lot size requirements.

2. Regulation of Nonconformities. Priority regulatory attention shall be given to nonconformities which are fire and safety hazards or which are clearly inconsistent with surrounding uses or buildings. The following are the regulations for the various types of nonconformities:

a. Uses. A nonconforming use may be changed to an allowed use or another nonconforming use with approval of the manager. The manager must find the new use is more consistent with the uses allowed in the zone, or is less of a fire or safety hazard. When a nonconforming use is discontinued or abandoned for two years or more at any time after the effective date of this title, it shall not thereafter be resumed unless it is a conditional use and a conditional use permit is granted. Developers are allowed two years from the date property is purchased to initiate development consistent with uses authorized under zoning at the time the property was acquired, even if the zoning for the property changes during that two-year period.

b. Buildings. The repair and maintenance of the nonconforming portion of a building is allowed; provided, that no additional building or new building is added within the yard and that the building complies with all other zone requirements. Any nonconforming residential building which has been partially damaged may be repaired within one year of such damage; provided, that such replacement does not extend or expand the previously existing nonconformity. If repairs can reasonably be made so as to remove the nonconformity, it shall be done. Other nonconforming buildings which are damaged or rehabilitated so that the cost of repairs or rehabilitation exceeds 65 percent of the current assessed value of the building shall not be repaired unless the building conforms with all requirements of the applicable zone.

c. Lots. Nonconforming lots of record in existence on the effective date of this title which do not meet applicable minimum lot size requirements for the zone in which they are located may be used for all uses permitted in the zone; provided, that all other provisions of this title are met.

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.



Haines Borough

Planning and Zoning

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

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

RECEIVED

APR 02 2014

Haines Borough

APPLICATION FOR VARIANCE

Permit#: _____

Date: _____

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

I. Property Owner/Agent		Owner's Contractor(If Any)	
Name: <u>JOANNE N. WATERMAN</u>		Name: _____	
Mailing Address: <u>P.O. BOX 853</u>		Haines Borough Business License #: _____	
Contact Phone: Day <u>766-2483</u> Night <u>766-2483</u>		Alaska Business License #: _____	
Fax: _____		Contractor's License #: _____	
E-mail: _____		Mailing Address: _____	
		Contact Phone: Day _____ Night _____	
		Fax: _____	
E-mail: _____		E-mail: _____	
II. Property Information			
Size of Property: <u>APPROX 110,000 SQ. FT.</u>			
Property Tax #: <u>C - PTC - 0B - 0200</u>			
Street Address: <u>19 FORT SEWARD DR.</u>			
Legal Description: Lot (s) <u>Z</u> Block <u>B</u> Subdivision <u>PORT CHELKOOT SUB.</u>			
OR			
Parcel/Tract _____ Section _____ Township _____ Range _____			
[Attach additional page if necessary.]			
Zoning: Waterfront Single Residential <u>Waterfront Industrial</u> <u>Significant Structures Area</u>			
Rural Mixed Use Multiple Residential Heavy Industrial Waterfront Industrial			
Commercial Industrial Light Commercial Recreational Mud Bay Zoning District			
Lutak Zoning District General Use			
III. Description of Work			
Type of Application (Check all that apply) Residential Commercial _____ sq. ft. _____ seating capacity if eating/drinking establishment Industrial Church Other _____	Project Description (Check all that apply) Single Family Dwelling Change of Use Multi-Family Dwelling Total # of Units _____ Cabin Addition Accessory Structure <input checked="" type="checkbox"/> Other <u>RESTORATION</u>	Water Supply Existing or Proposed None Community well Private well <input checked="" type="checkbox"/> Borough Water System Other _____	Sewage Disposal Existing or Proposed None Septic Tank Holding Tank <input checked="" type="checkbox"/> Borough Sewer System Pit Privy Other _____

Valuation of Work:
IV. Variance
Applicant seeks a variance from the following general requirement(s): Code Section #: <i>Height (See ATTACHMENTS)</i>
Describe the problem and the minimum variation from code necessary to resolve the problem:
Attach the following documents to the permit application: Site plan (see Attachment A) showing lot lines, bearings and distances, buildings, setbacks, streets, etc.

PREAPPLICATION (Recommended) Pre-application Conference Date: _____

- At Least two (2) days before the pre-application conference, submit the following materials to the Planning and Zoning Department:
1. A copy of a plat or other legal description of the property.
 2. A sketch of the property showing the features the applicant believes are relevant to the variance request.

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

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

Describe how the problem is unique to your property.

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

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

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

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

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

Explain what your property will be used for.

IV. FEE

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

NOTICE

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

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

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

V. CERTIFICATION

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

Joanne H. Watson
Owner or Agent

4-2-2014
Date

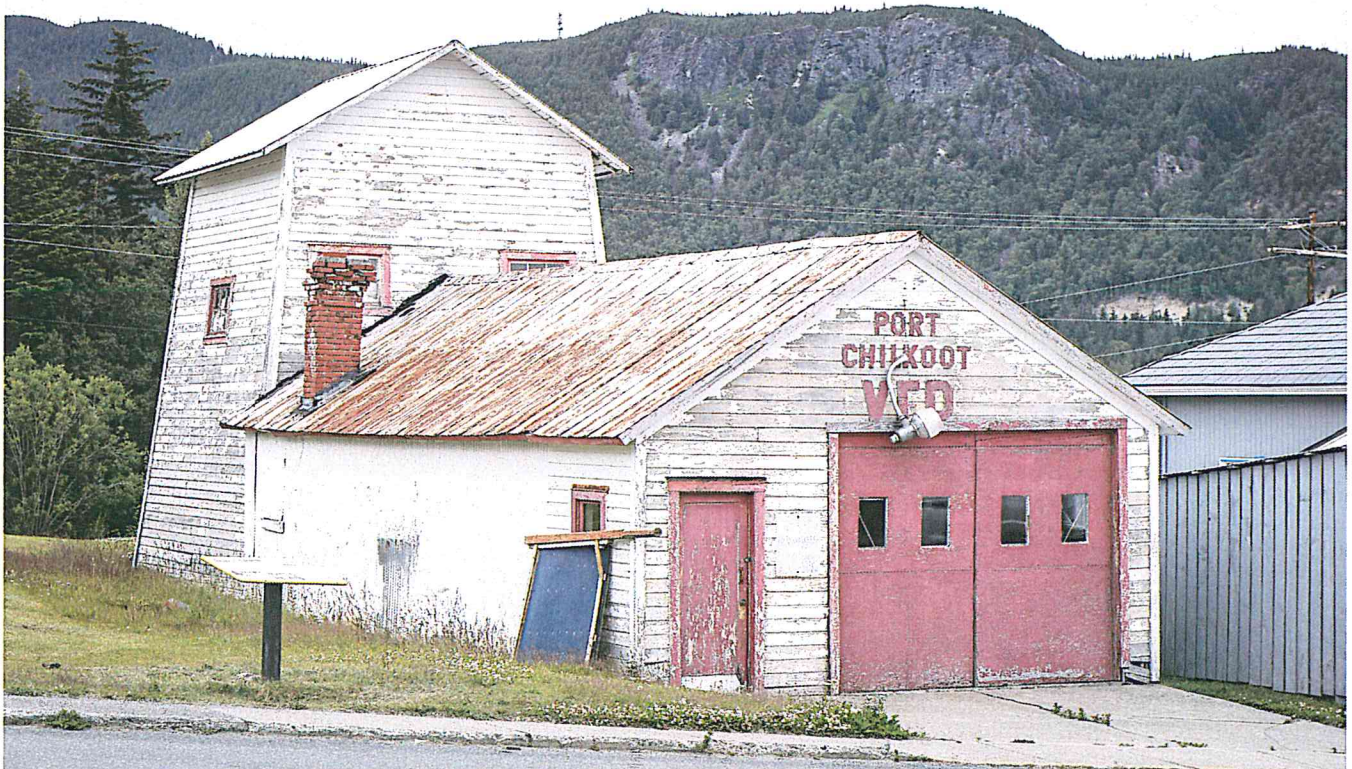
PROVISIONS: The applicant is advised that issuance of this permit will not relieve responsibility of the owner or owner's agents to comply with the provisions of all laws and ordinances, including federal, state and local jurisdictions, which regulate construction and performance of construction, or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

Office Use Only Below This Line

Applicant Notified Application is Complete and Accepted <u>04-09-2014</u> (Date) <u>XC</u> (Notified via) (Initials)					
Non-Refundable Building Permit Fee \$ <u>150.00</u>			Information/Documentation Req'd Rec'd		
Receipt No. <u>022076</u>			State Fire Marshal		
Received By: <u>Tolson</u>			State DEC		
Date: <u>4/2/14</u>			Variance/Conditional Use Permit		
			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:					
Planning Commission Chair:			Date		

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

Port Chilkoot Fire Hall Height Variance Request 2014



This is an application for variance

Joanne N. Waterman
PO Box 853 Haines, AK 99827
907-766-2483

Size of Property	16322 square feet
Property Tax #	C-PTC-0B-0200
Street Address	19 Seward Drive
Legal Description	Lot 2 Block B Subdivision Port Chilkoot
Zoning	Significant Structures Area

Type of Application	Commercial approx. 1100 sf
Project Description	Restoration
Water Supply	Borough
Sewer Disposal	Borough



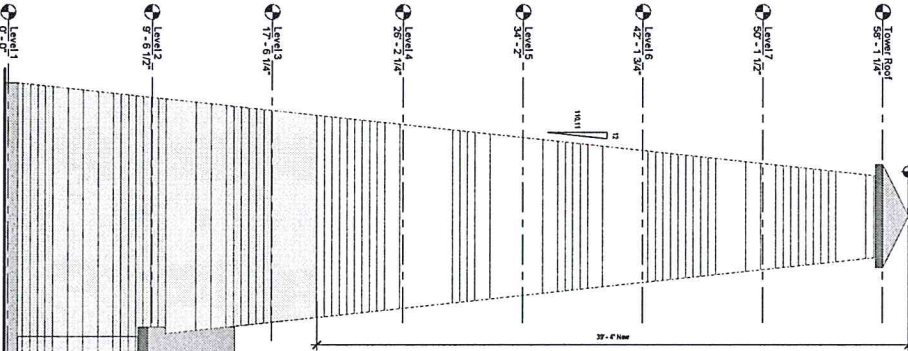
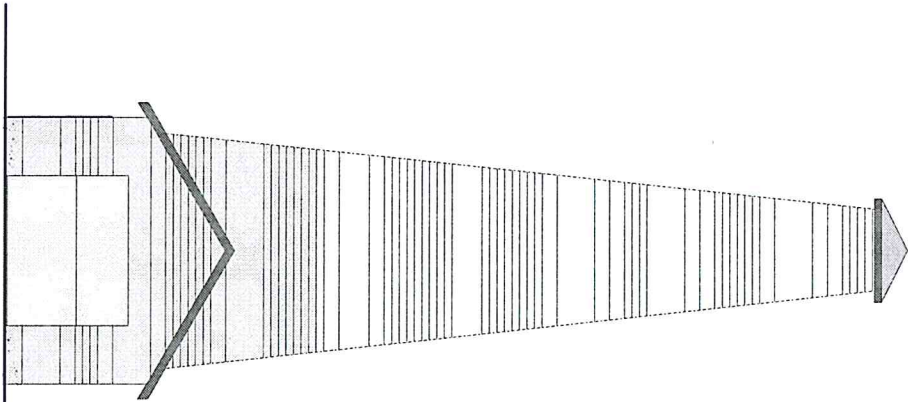
Reason for Variance **Height HBC 18-80-050**

The Borough encourages recognition of the distinguishing original qualities or character of buildings in the significant structures area.

The original height of the tower was a very distinguishing feature. This building at some point lost a portion of the tower height for reasons that I have not been able to establish. I do not believe the shortening of height has established a significance of it's own.

In restoring the Fire Hall to it original height we will once again be making this building a remarkable structure in the fort area.





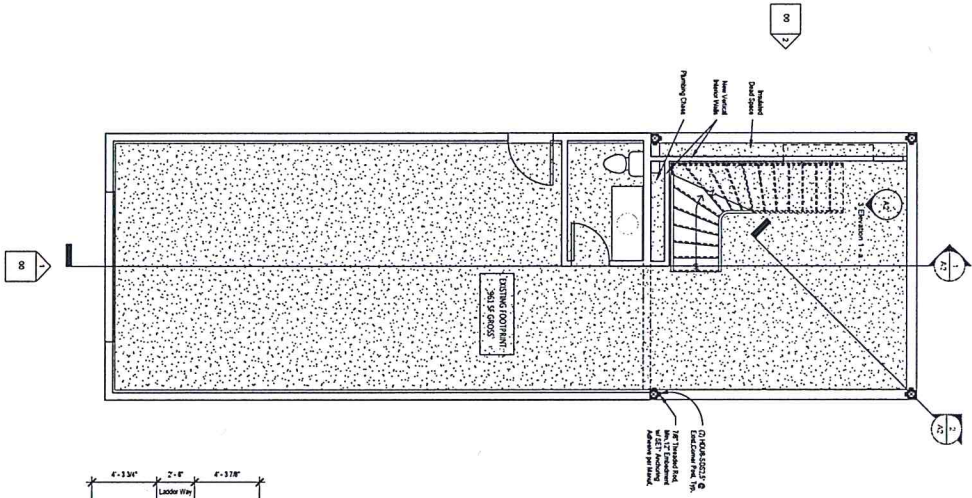
- SHEET LIST**
- 00 This sheet
 - A1 1/4" Floor Plans
 - A2 Building Sections
 - A3 Tower Framing Plans
 - A4 Wall Sections

Deadline Design
www.deadlinedesign.com

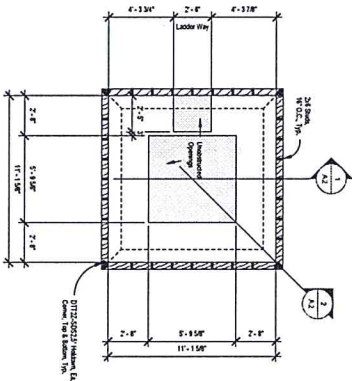
Port Chikooki Fire Hall Tower Restoration

March 2014

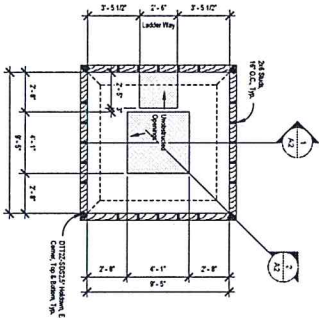
3 Level 1
1/4" = 1'-0"



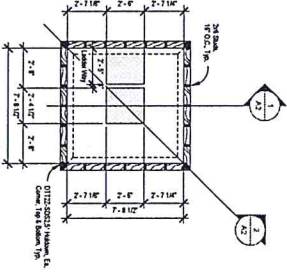
6 Level 4
1/4" = 1'-0"



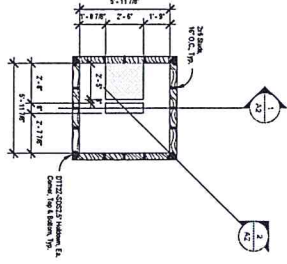
7 Level 5
1/4" = 1'-0"



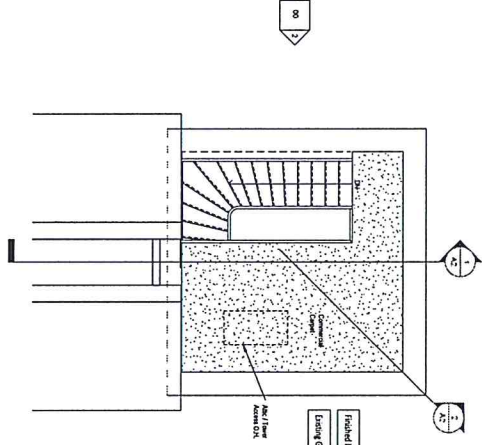
1 Level 6
1/4" = 1'-0"



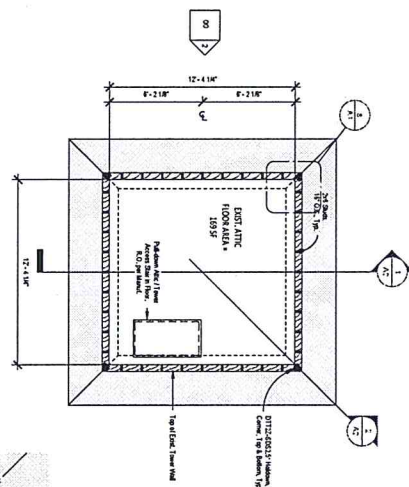
2 Level 7
1/4" = 1'-0"



4 Level 2
1/4" = 1'-0"

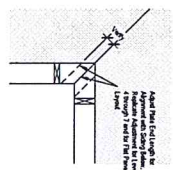


5 Level 3
1/4" = 1'-0"



*Suspend Strong-Flex Product
Up to 500 lbs.

8 Corner Framing Detail
3/4" = 1'-0"



NO SCALE ON I/P PAPER

1/4" Floor Plans	
SCALE	As Indicated
PROJECT NO.	0456
DRAWN	LWL
DATE	MARCH 2014

A1

Joanne Waterman & Phillis Sage
Port Chilkoot Fire Hall Tower Restoration
15 Foot Seward Drive, Haines, AK 99827



DESIGN
Joanne Waterman
15 Foot Seward Drive
Haines, AK 99827
907.586.2222
www.jwsdesign.com

DATE
March 2014
PROJECT NO.
0456
DRAWN
LWL
DATE
MARCH 2014
www.jwsdesign.com
www.portchilkootfirehall.com





THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

Department of Public Safety

DIVISION OF FIRE AND LIFE SAFETY
Life Safety Inspections Bureau - Juneau

2750 Sherwood Lane, Suite 2-1
Juneau, Alaska 99801-6545
Phone: 907.465.4351
Fax: 907.465.5521

March 27, 2014

Joanne Waterman and Phyllis Sage
Port Chilkoot Fire Hall/Museum
P. O. Box 853
Haines, AK 99827

SUBJECT: PORT CHILKOOT FIRE HALL/MUSEUM -
Renovation / Remodel
CITY: Haines
PLAN REVIEW: 2014June1015
OCCUPANCY: M
2009 INTERNATIONAL BUILDING AND FIRE CODE

Dear Joanne Waterman and Phyllis Sage:

Plans for the Renovation / Remodel have been reviewed by this office for conformity with the State Fire Safety Regulations and are hereby approved. Enclosed is a certificate of approval that must be posted on the premises until the project has been completed according to the approved plans and all regulations have been adhered to.

Approval of submitted plans is not approval of omissions or oversights by this office or noncompliance with any applicable regulations of the Municipal Government.

It must be understood that the inclusion of and compliance with State Fire Safety Regulations does not preclude the necessity of compliance with the requirements of local codes and ordinances.

If we can be of further assistance in this matter, please feel free to contact us at the address above.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Plumb".

Robert Plumb
Deputy Fire Marshal

Enclosure: Approval Certificate

cc: Haines Building and Fire Officials



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

April 7, 2014

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

Re: Joanne Waterman – Height Variance
Port Chilkoot Fire Hall

Dear Land Owner,

Haines Borough records show that you own property in the vicinity of the above-listed property. The property owner Joanne Waterman has applied for a height variance to allow the construction of an additional 40' to the existing tower. This is on the agenda of the next Planning Commission meeting. The meeting will be held at the Haines Borough Assembly Chambers on April 17, 2013 at 6:30 p.m. As an owner of property in proximity to this development you are being notified that you are invited to attend and comment at the meeting. If you have any questions on the matter please contact the Borough.

Sincerely,

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

First Name	Last Name	ADDRESS	CITY	STATE	ZIP
BETTY	EWING	BOX 336	HAINES	AK	99827
c/o S.Gaffney	Alaska Mt.Guides	BOX 1081	HAINES	AK	99827
DAVID/VICKI	MACKAY	5058 SOUTH 300 WEST	SALT LAKE CITY	UT	84107
JEFF/SHANNON	BUTCHER	BOX 1649	HAINES	AK	99827
MARIE	MATTHEWS	3200 SEAWIND DR.	ANCHORAGE	AK	99516-3493
PHYLLIS C.	SAGE	BOX 853	HAINES	AK	99827
RONALD/PHYLLIS	MARTIN	BOX 526	HAINES	AK	99827

HBC 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
SSA	30 * *	N/A	N/A	10	5	20	10	10

** 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.

HBC 18.80.050 Variance.

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

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

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

1. Except for significant structures areas, the conditions upon which the variance application is based do not apply generally to properties in the zone or vicinity other than the property for which the variance is sought; and
2. Such conditions arise out of natural features inherent in the property such as shape or topographical conditions of the property or because of unusual physical surroundings, or such conditions arise out of surrounding development or conditions; and
3. Because of such conditions the strict application to the property of the requirements of this chapter will result in an undue, substantial hardship to the owner of the property such that no reasonable use of the property could be made; and

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

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

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

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

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

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

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

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

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

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

HBC 18.70.050 Historic buildings – Districts.

This section establishes special policies for historic buildings within the borough based upon the Haines historic building survey, the existing designated Fort William H. Seward National Landmark and the guidance of the State Office of History and Archeology's rules and regulations. The Haines Borough seeks to accomplish the preservation and rehabilitation of buildings of historic significance within the community. The borough recognizes the quality of significance in its history as present in the sites, buildings, structures, location, design, setting, materials and workmanship governed herein. Owners of historic buildings are encouraged to participate in federal, state and local programs to preserve and enhance historic structures.

A. Introduction. These special policies are applied as additional requirements for the approval of development within designated areas or for designated buildings within the borough. The existing zoning classification (e.g., significant structures area, commercial) still applies, but all new development must comply with the following additional requirements. The application of these special policies requires approval of the planning commission.

B. Effect of Historic Building Special Policies. All development within the significant structures area or changes to any of the surveyed historic buildings shall comply with the special approval criteria of HBC 18.60.020(G). The borough shall process the permit application according to the appropriate process

under this title except that a separate and possibly concurrent review of the application shall be performed by the planning commission acting as the historic district committee.

C. Historic District Committee. The planning commission shall act as the historic district committee. The commission, acting as the historic district committee, shall conduct or perform the duties established under this section or as required by state or federal regulations. The commission, when acting as the historic district advisory committee, shall endeavor to include within its membership as ex officio members the following composition: one architect or historical architect and one historian or related disciplines.

D. Preexisting Historic Areas. The following are the currently established historic districts:

1. Fort William H. Seward Local Historic District.

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

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

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

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.

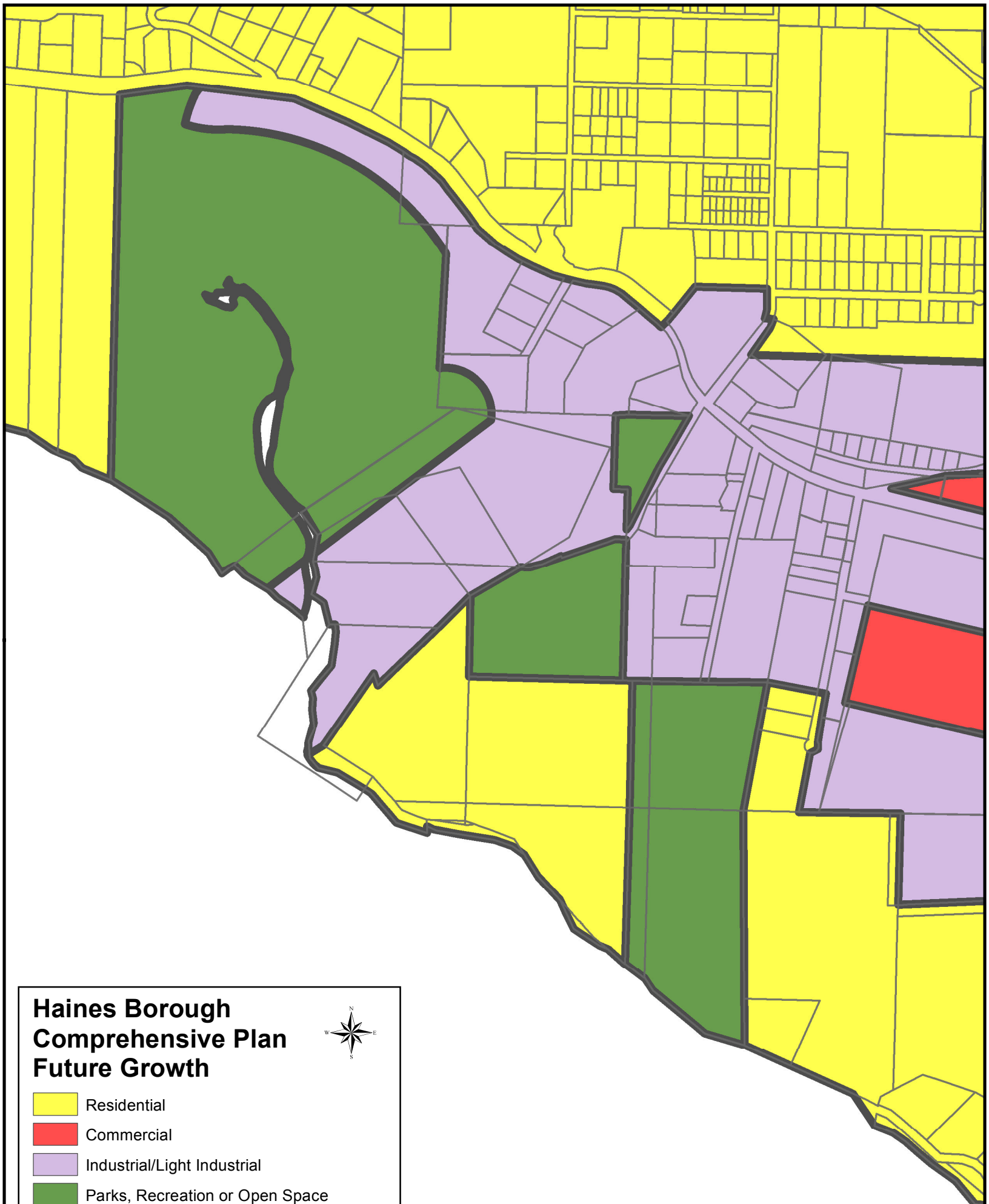
C. Procedure. A rezoning shall follow the procedures set forth in Chapter [18.50](#) HBC for conditional use permits, except that the planning commission shall have 60 days from the date of the proposal to make its full report to the assembly. During this time, the planning commission shall provide public 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)







0 150 300 600 900 1,200 Feet




Haines Borough Comprehensive Plan Future Growth



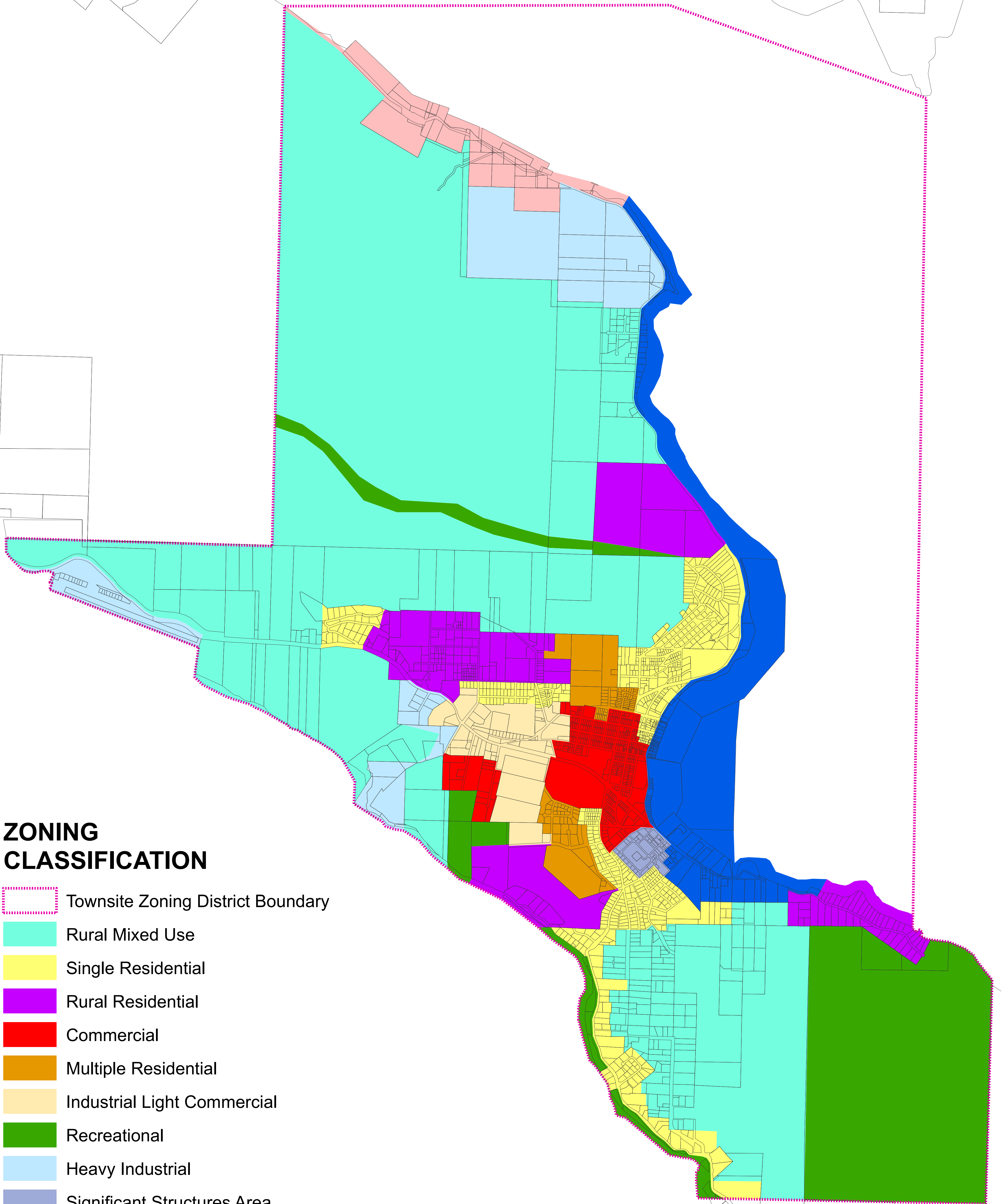
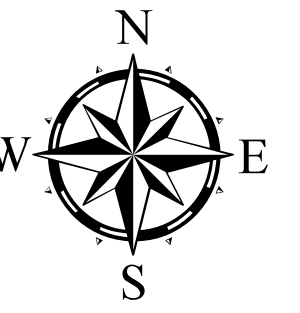
-  Residential
-  Commercial
-  Industrial/Light Industrial
-  Parks, Recreation or Open Space

900 450 0 900
Feet





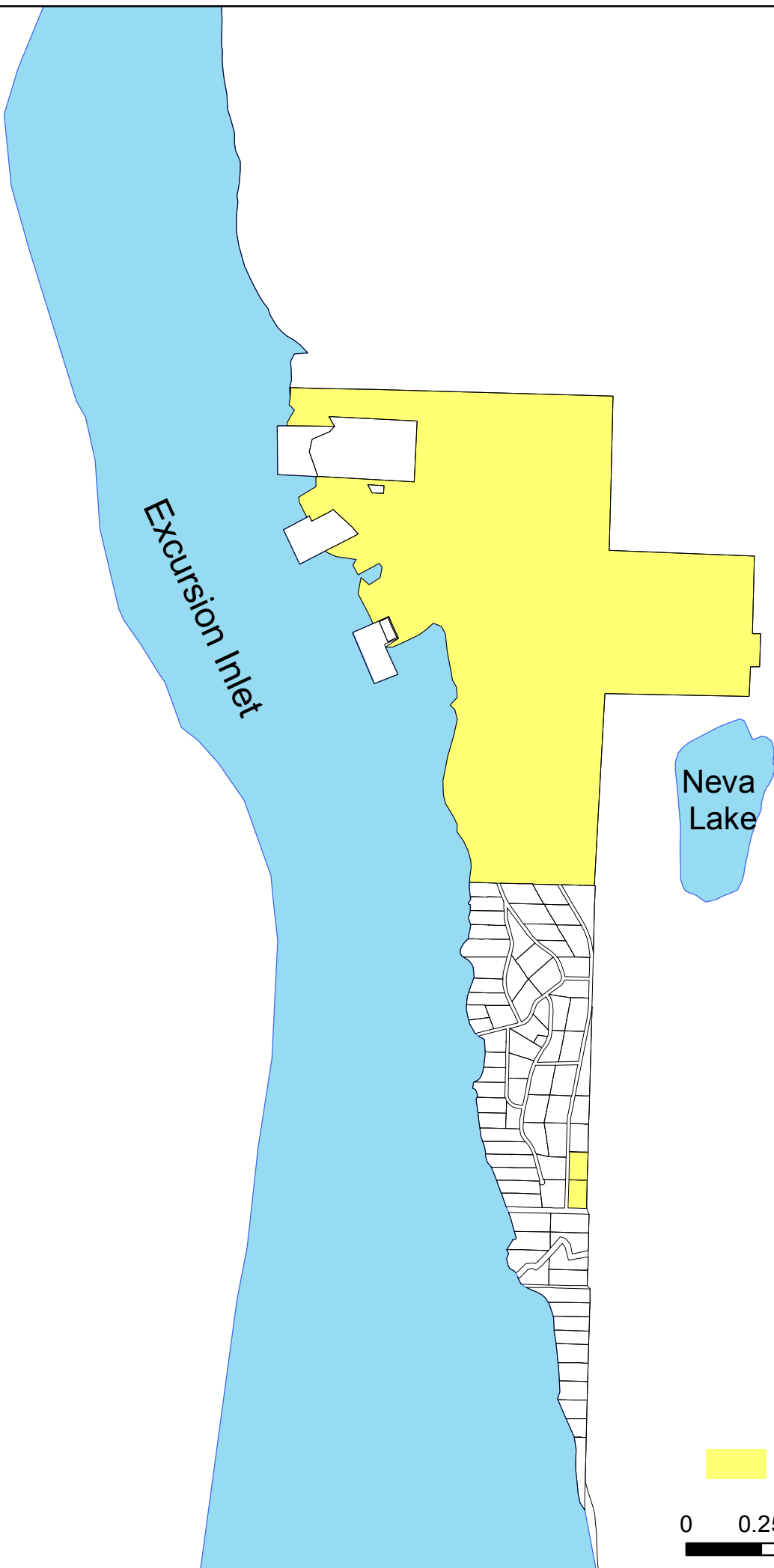
Official Zoning Map of Haines Borough, Alaska Townsite Zoning District



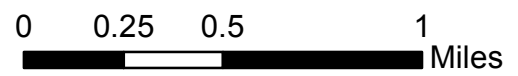
ZONING CLASSIFICATION

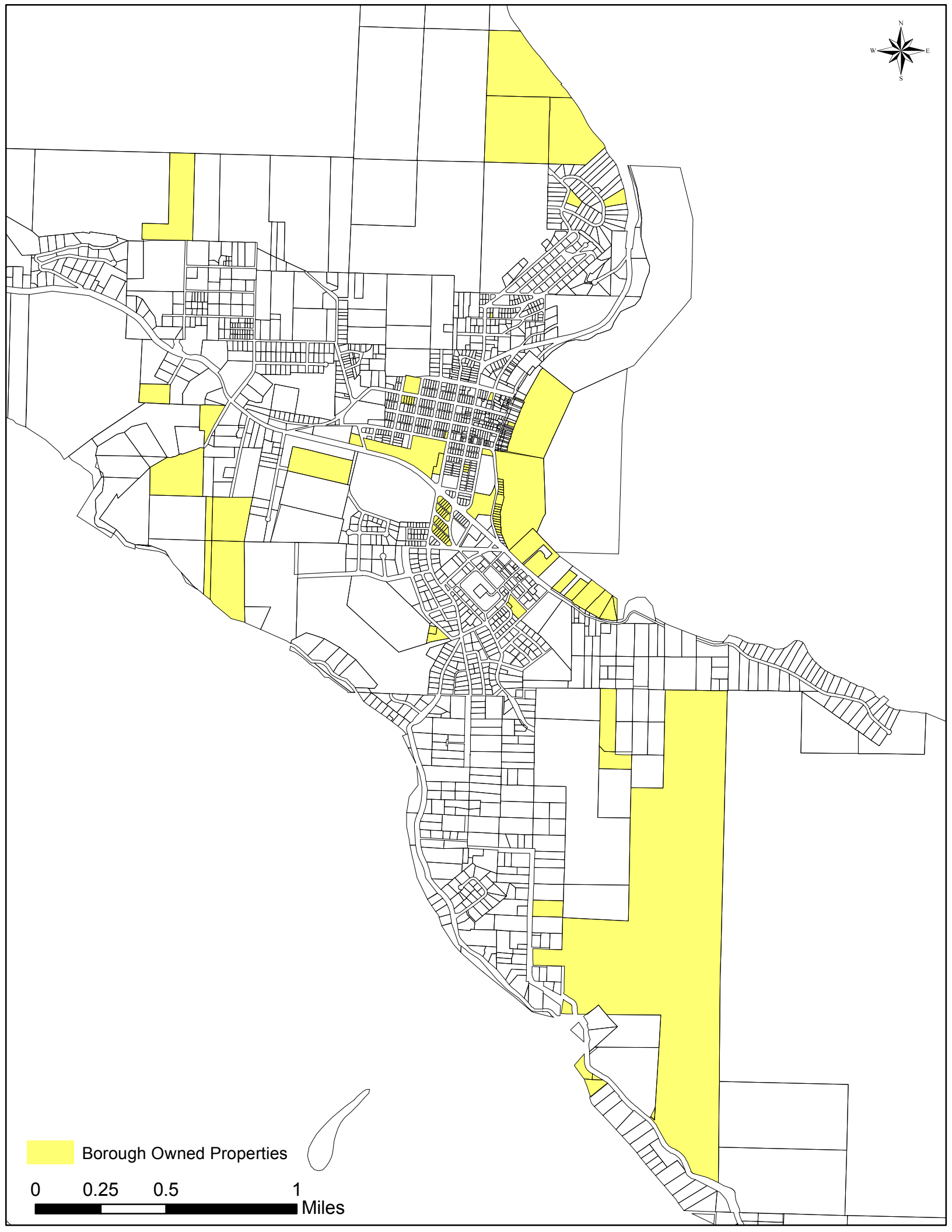
-  Townsite Zoning District Boundary
-  Rural Mixed Use
-  Single Residential
-  Rural Residential
-  Commercial
-  Multiple Residential
-  Industrial Light Commercial
-  Recreational
-  Heavy Industrial
-  Significant Structures Area
-  Waterfront
-  Waterfront Industrial



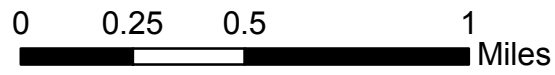


 Borough Owned Properties





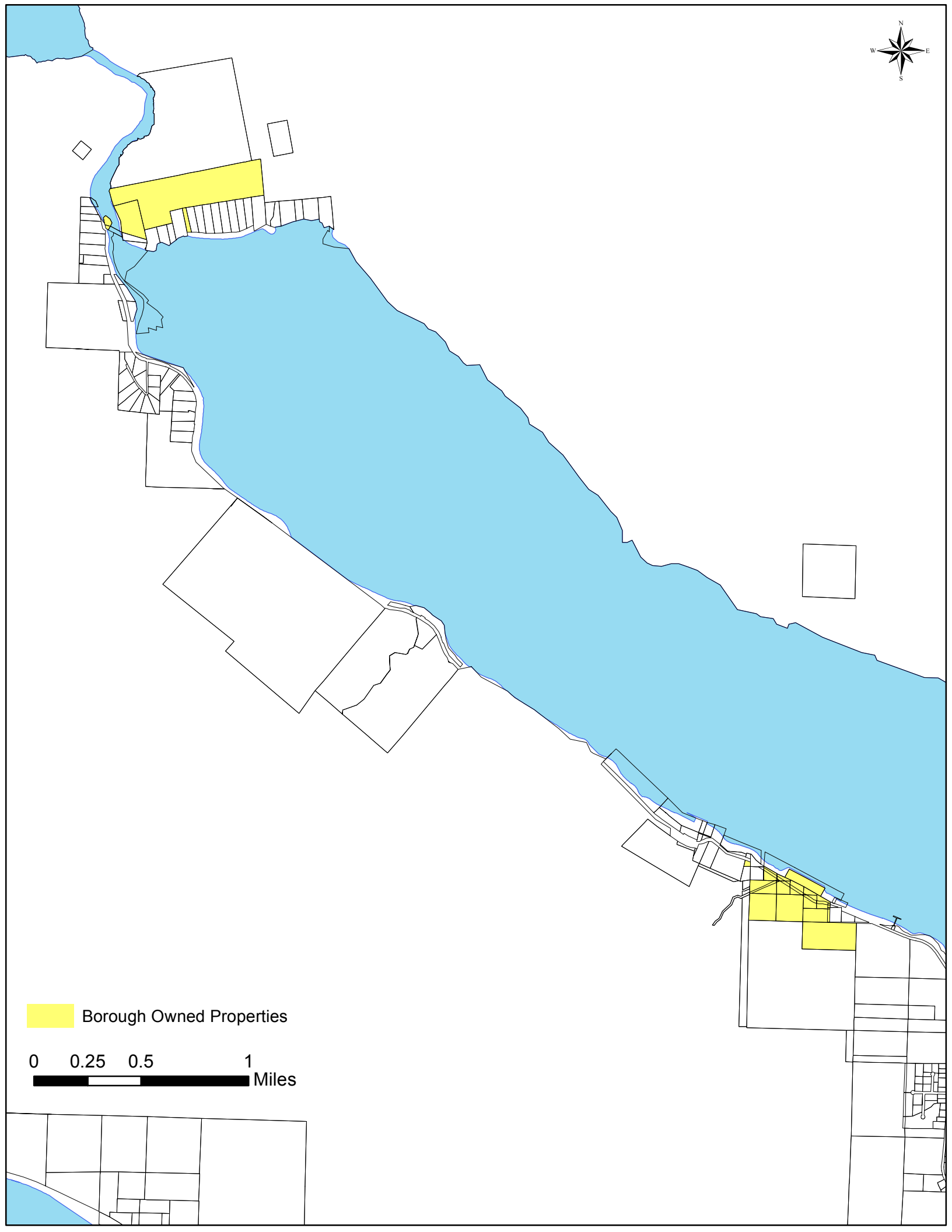

 Borough Owned Properties

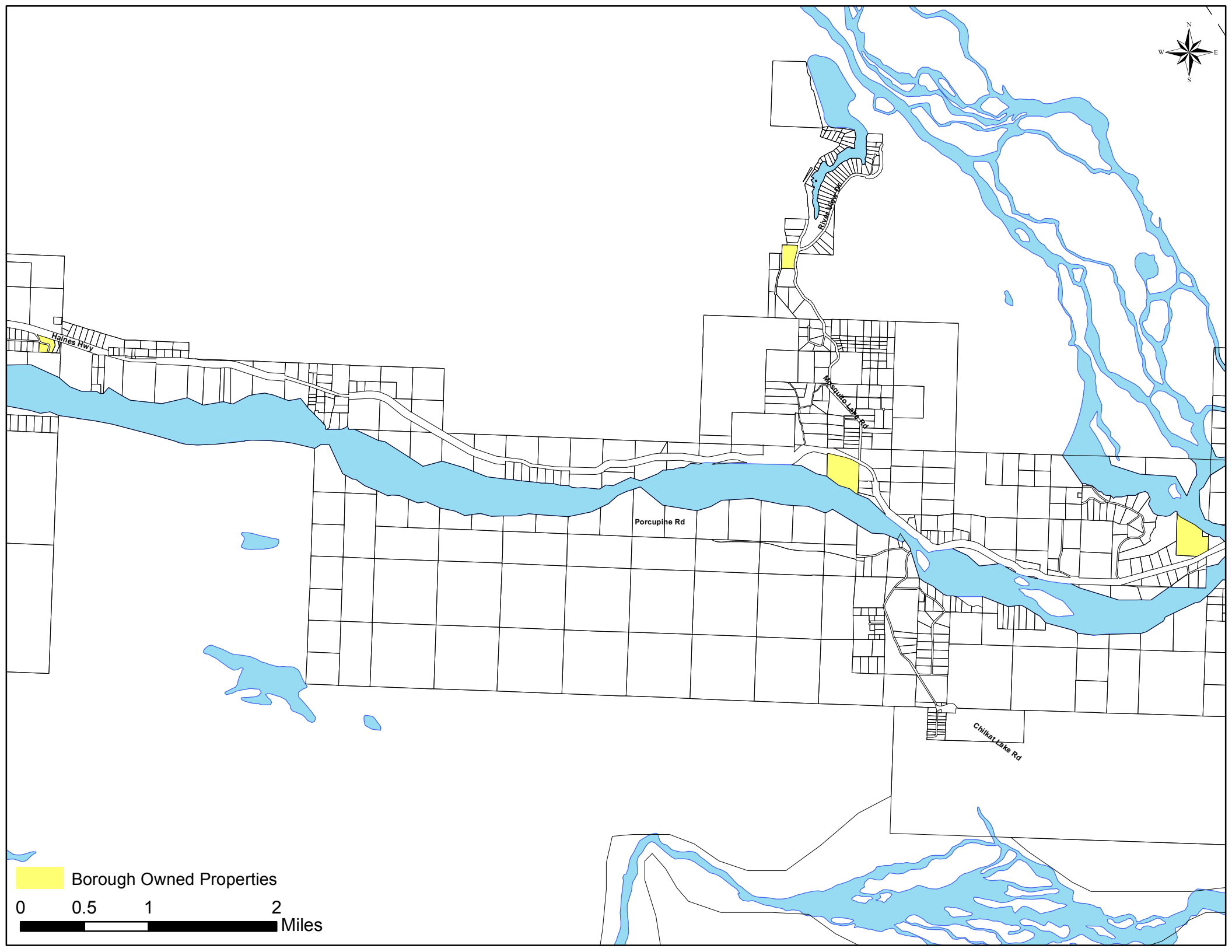
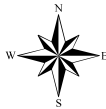




 Borough Owned Properties

0 0.25 0.5 1 Miles





 Borough Owned Properties



Borough Lands

PIN	HOWNTYPE	BM	Acres
3-MLR-00-1800	BOR	Border	35.403
C-WES-00-00A2	BOR	North	5.48001
B-EXS-0C-0500	BOR	No Basemap	3.75918
C-LTR-00-0100	BOR	North	25.559799
C-LTR-00-0200	BOR	North	39.921398
B-EXS-0C-0400	BOR	No Basemap	3.73903
3-BBC-00-1500	BOR	Border	4.82478
CEMETERY	BOR	Lutak	0.795185
CEMETERY	BOR	Lutak	0.218538
BOROUGH	BOR	North	0.13023
BOROUGH	BOR	North	0.130361
BOROUGH	BOR	North	0.118324
BOROUGH	BOR	North	0.122929
DOCK&FERRY TERM	DCK	Tanani	5.14359
C-LTR-04-2930	BOR	Tanani	1.99782
C-LTR-04-2900	BOR	Tanani	0.777538
C-LTR-04-2700	BOR	Tanani	2.14862
C-LTR-04-2800	BOR	Tanani	2.51279
C-LTR-04-2920	BOR	Tanani	4.96295
C-LTR-04-2500	BOR	Tanani	0.823735
C-LTR-04-2910	BOR	Tanani	10.0504
C-LTR-04-2600	BOR	Tanani	10.0907
C-LTR-04-2400	BOR	Tanani	2.4898
C-LTR-04-2100	BOR	Tanani	20.3472
C-TNS-11-1200	BOR	North	0.192752
C-TNS-11-1100	BOR	North	0.175143
C-TNS-11-1000	BOR	North	0.172332
C-TNS-11-0900	BOR	North	0.17027
BOROUGH	BOR	North	0.258319
BOROUGH	MUS	North	0.532214
BOROUGH	BOR	North	0.134873
BOROUGH	BOR	North	0.136402
BOROUGH	BOR	North	0.137201
BOROUGH	BOR	North	0.659132
BOROUGH	BOR	North	0.24597
BOROUGH	BOR	North	0.161097
BOROUGH	BOR	North	0.211445
BOROUGH	BOR	North	0.20679

PIN	HOWNTYPE	BM	Acres
BOROUGH	BOR	North	0.148124
BOROUGH	BOR	South	2.09394
BOROUGH	BOR	South	0.488711
BOROUGH	BOR	South	1.10448
BOROUGH	BOR	Carrs Cove	1.89017
BOROUGH	BOR	Carrs Cove	0.282548
BOROUGH	BOR	North	0.164813
BOROUGH	BOR	North	0.160809
BOROUGH	BOR	North	0.214237
BOROUGH	BOR	North	0.152522
BOROUGH	BOR	North	0.15822
BOROUGH	BOR	North	0.244541
BOROUGH	BOR	North	0.156618
BOROUGH	BOR	North	0.160774
BOROUGH	BOR	North	0.156511
BOROUGH	BOR	North	0.151157
BOROUGH	BOR	North	0.162533
BOROUGH	BOR	North	0.170203
BOROUGH	BOR	North	0.15985
BOROUGH	BOR	North	0.292669
BOROUGH	BOR	North	0.181809
BOROUGH	BOR	North	0.182408
BOROUGH	BOR	North	0.17567
BOROUGH	BOR	North	0.176733
BOROUGH	BOR	North	0.162977
BOROUGH	BOR	North	0.163507
BOROUGH	BOR	North	0.155848
BOROUGH	BOR	North	0.167905
BOROUGH	BOR	North	0.165509
BOROUGH	BOR	North	0.17035
BOROUGH	BOR	North	0.150166
BOROUGH	BOR	North	0.229661
BOROUGH	BOR	North	0.161809
BOROUGH	BOR	North	0.128757
BOROUGH	BOR	North	0.16484
BOROUGH	BOR	North	0.163356
BOROUGH	BOR	North	0.159107
BOROUGH	BOR	North	0.157309
BOROUGH	BOR	North	0.164265
BOROUGH	BOR	South	0.208994

PIN	HOWNTYPE	BM	Acres
BOROUGH	BOR	South	0.170517
BOROUGH	BOR	South	3.5723
BOROUGH	BOR		0.235519
BOROUGH	BOR		399.681
BOROUGH	BOR	North	4.69559
BOROUGH	BOR	Carrs Cove	2.13659
BOROUGH	BOR	South	4.71689
BOROUGH	BOR	South	4.97801
	BOR		9.43341
BOROUGH	BOR	South	3.24009
BOROUGH	BOR	South	4.47685
BOROUGH	BOR	South	2.07919
BOROUGH	BOR	South	2.20425
BOROUGH	BOR	South	1.94425
BOROUGH	BOR	South	1.52829
BOROUGH	BOR	South	0.539241
BOROUGH	BOR	South	10.5065
	BOR	North	34.0756
BOROUGH	SCH	North	14.2581
BOROUGH	BOR	North	14.3772
BOROUGH	SCH	North	1.15361
C-TNS-17-0000	BOR	North	2.38558
BOROUGH	BOR	North	0.238365
BOROUGH	BOR	North	31.191799
BOROUGH	BOR	North	0.174873
C-TNS-11-0800	BOR	North	0.167496
BOROUGH	LIB	North	1.19374
BOROUGH	BOR	North	0.134593
BOROUGH	BOR	North	0.134366
BOROUGH	BOR	South	23.005501
BOROUGH	BOR	North	2.74756
BOROUGH	BOR	North	14.912
BOROUGH	BOR	North	19.967899
BOROUGH	BOR	North	4.92023
C-YNG-04-1300	BOR	North	0.133788
BOR	BOR	North	2.27412
BOROUGH	PRK	North	1.40308
C-LTR-00-0300	BOR	North	35.631802
C-LTR-04-2200	BOR	Tanani	5.04522
C-LTR-04-2300	BOR	Tanani	2.00732
C-LTR-04-2940	BOR	Tanani	0.463347

PIN	HOWNTYPE	BM	Acres
BOROUGH	BOR	North	23.844101
3-HHY-24-1000	BOR	Border	37.5387
3-BBC-00-0100	BOR	Border	2.86413
3-MLA-01-1000	SCH	Border	12.8309
2-LTI-00-2000	BOR	Lutak	71.290199
2-LTI-00-1000	BOR	Lutak	10.8185
2-LTI-00-1100	BOR	Lutak	1.4187
B-EXI-12-0500	BOR	No Basemap	1.23558
BOROUGH	BOR	North	0.11733
	BOR	No Basemap	858.83099



Haines Borough Administration
Darsie Culbeck, Executive Assistant to the
Borough Manager
(907)766-2231 • Fax(907)766-2716
dculbeck@haines.ak.us

April 8, 2014

RE: Picture Point Planning

The administration seeks approval of the final plan for the development of the Picture Point Wayside. This plan was developed through a multi-month public process with the five-member Picture Point Design Advisory Committee working in conjunction with the architecture firms of Bettisworth North and Aeolian Design.

The plan has focused on numerous design considerations, including:

- Maintaining and emphasizing the exceptional viewshed
- Formalizing beach access
- Providing parking, including parking for recreational vehicles and buses
- Providing ADA accessible parking and facilities
- Locating potential seating and event areas
- Identifying potential locations for picnic sites with tables and fire rings.
- Identifying potential locations for at least one restroom and one pavilion, possibly two of each; Pavilion design should include shelter from strong winds from the south
- Identifying potential location and topics for several interpretive panels
- Maintaining a clear area in each parking area for snow dumping

The Picture Point Design Advisory Committee approves of the design and asks the Planning Commission and the Borough Assembly to adopt this plan and funding strategy.

Funding: The Haines Borough has an estimated \$390,000 in place for this project, although the estimated cost to complete is \$739,000.

We recommend a phased spending approach, with the first phase starting on Area 1 with surveying, grading, paving, a restroom, a bridge over the creek, a trail, bike racks and picnic tables. The rest of the project will be completed as funding is secured.

The final plan with diagrams and a narrative is included.

Picture Point Wayside Project

Haines, AK



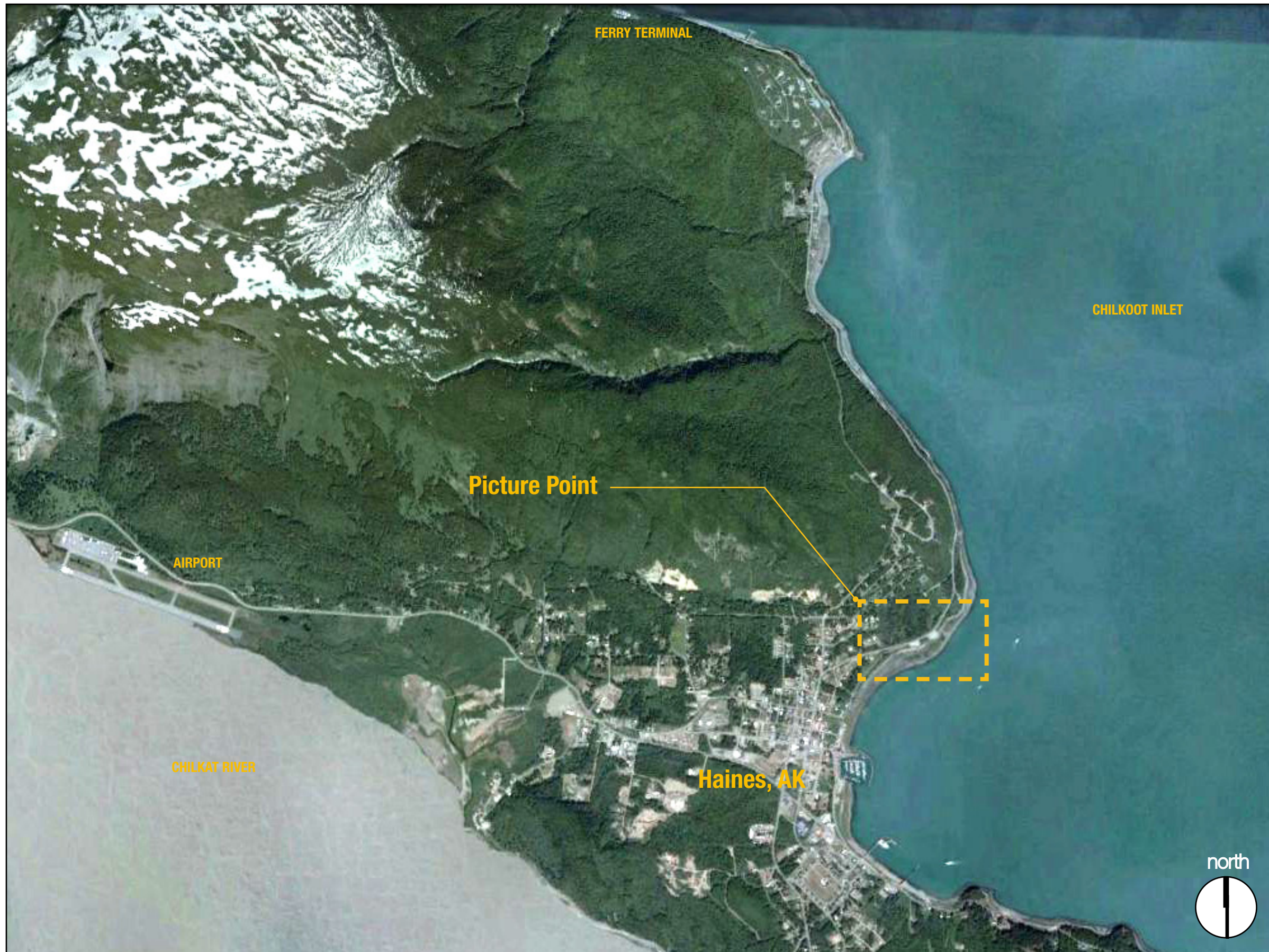
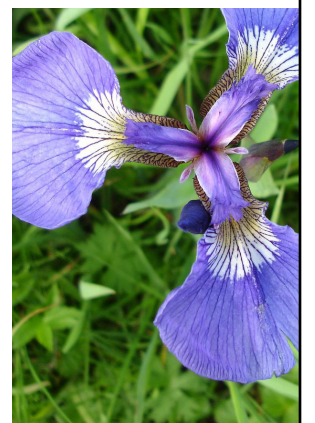


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Looking East

SITE ANALYSIS

LOCATION/ACCESS

Picture Point is situated at the Northern end of Portage Cove, approximately one mile north of the town of Haines, toward the ferry terminal. It is located at mile post 2.6 on Lutak Road, also known as the Haines Alaska - Valley of the Eagles Highway. It is a 4.55 acre lot located within the Haines Borough, Alaska, within Section 26, T30S, R59E, C.R.M. Picture Point was previously a residential lot, created by a replat of Lot 3, Nukdik Point view Subdivision, and accreted lands from A.T.S. 1308 into Lot 4. Sidewalk improvements have been completed from Portage cove to Main Street, however, a widened sidewalk from Main Street to Picture Point is needed. A wide road shoulder exists from the AMHS ferry terminal to Picture Point.

On the north side of the lot, parallel to Lutak Road, a driveway is under construction leading to a neighboring lot.

CLIMATE

Haines and its surroundings experience mild summers and mild winters, with heavy snowfall. The average summer temperatures range from 48 to 65 degrees Fahrenheit, with winter temperatures ranging from 19 to 40 degrees. Maximum summer temperatures reach into the 90s, and winter temperatures can reach a chilling -15 degrees. Average annual precipitation is 48 inches per year, and average snowfall is 10 feet per year (Western Regional Climate Center).

The growing season in Haines lasts approximately 140 days per summer. For comparison, most coastal valleys in the Central Valley, in California, have a freeze-free season of 225 to 300 days.

Prevailing winds over Lynn Canal are northerly throughout much of the year, except during the summer months when they are southeasterly, weaker, and more variable. The funneling effect of the mountains that surround Lynn Canal causes winds to be channeled in a northerly, or southerly, direction. Occasionally, during the winter, extremely strong down-slope winds occur. These winds may blow steadily at 40 to 60 miles per hour, with gusts occasionally over 80mph. Existing air quality is excellent.

The highest predicted tide is +22.3 feet, and the lowest predicted tide is -5 feet.

Glacial rebound occurs up to 0.9 inches per year.

HISTORIC VALUE

Picture Point has historically been used as a T'anani Village site and Nudkdik/T'anani site. A site of historic and prehistoric significance is located on the Tank Farm property (Alaska Heritage Resource Survey Number SKG-051). A road was constructed in the late 1950's directly through the village site to Chilkoot Lake, and gradually, over the years, the village site became park and road waysides. Native use of this area continues on a seasonal basis for subsistence food gathering and the Lukaaxadi have erected a cultural camp within the old village site. Additional village sites of the Luaaxadi include Tan'aani on Lutak Inlet.



Area 1



Area 2



Beach Access

HABITAT

The Picture Point area is used as a milling and migration area by all species of local anadromous fish. Feeding sea mammals frequent the area, and the rocks, pools, and deeper water provide habitat for bottom fish and shellfish. Lucrative rocky intertidal pools exist along the shore of much of Portage Cove. The entire waterfront seasonally hosts local species of migratory and resident fish, sea mammals, waterfowl and terrestrial birds. The in and out migration of all species of local anadromous fish, bottom fish, and shellfish populations are very important to the fishing industry. Out-migrating juvenile salmon hug the shallow, near-shore waters throughout the Cove to avoid larger, predatory fish in deeper waters. Milling salmon and Dolly Varden attract sport and subsistence harvesting, although other places are preferred. Herring spawning occurs at Tanani Point, Nukdik Point, and Flat Bay.

Large rafts of scoters and diving ducks are commonly seen, and great blue herons can be observed along the shoreline.

Rockweed is common inter-tidally, and bull kelp is common in the upper sub-tidal zone.

FLOODPLAIN VEGETATION

The black cotton wood forest/alder shrub land association is found near sea level on floodplains and glacial outwash plains. The cottonwood forest, dominated by black cottonwood (*Populus balsamifera*) is similar in shrub and ground species composition to the hemlock/spruce forest. The cottonwood forests dominate in areas where drainage is poor, inundation of water for brief periods is common, and the mineral soil is exposed. The alder shrub lands are commonly dominated by several species of alder (*Alnus* spp.) and willow (*Salix* spp.)

ENVIRONMENTAL ISSUES

In late January 2011, an arc-shaped ground slump above the state's Lutak Road and borough's Oceanview Drive fractured and moved toward Portage Cove Inlet fracturing the road and ground. Geotechnical engineers with the state and consultants to the borough were on the scene immediately studying and monitoring the slump. The Borough Assembly declared a state of emergency that lasted about two months. Better information about surficial and ground water flow in the area and redirection of both are likely necessary. Stabilization will be needed, and it may be that, in the long term, relocating a portion of Lutak Road will be required.

Pollution - Raw sewage from tourist RVs at both Tanani and Nudik Points contribute to isolated water pollution in the area. Portage Cove needs to be monitored, use policies need to be established, and on site waterfront access improvements need to be made where desirable. The natural greenbelts existing along major roads and highways should be maintained to the maximum extent feasible.

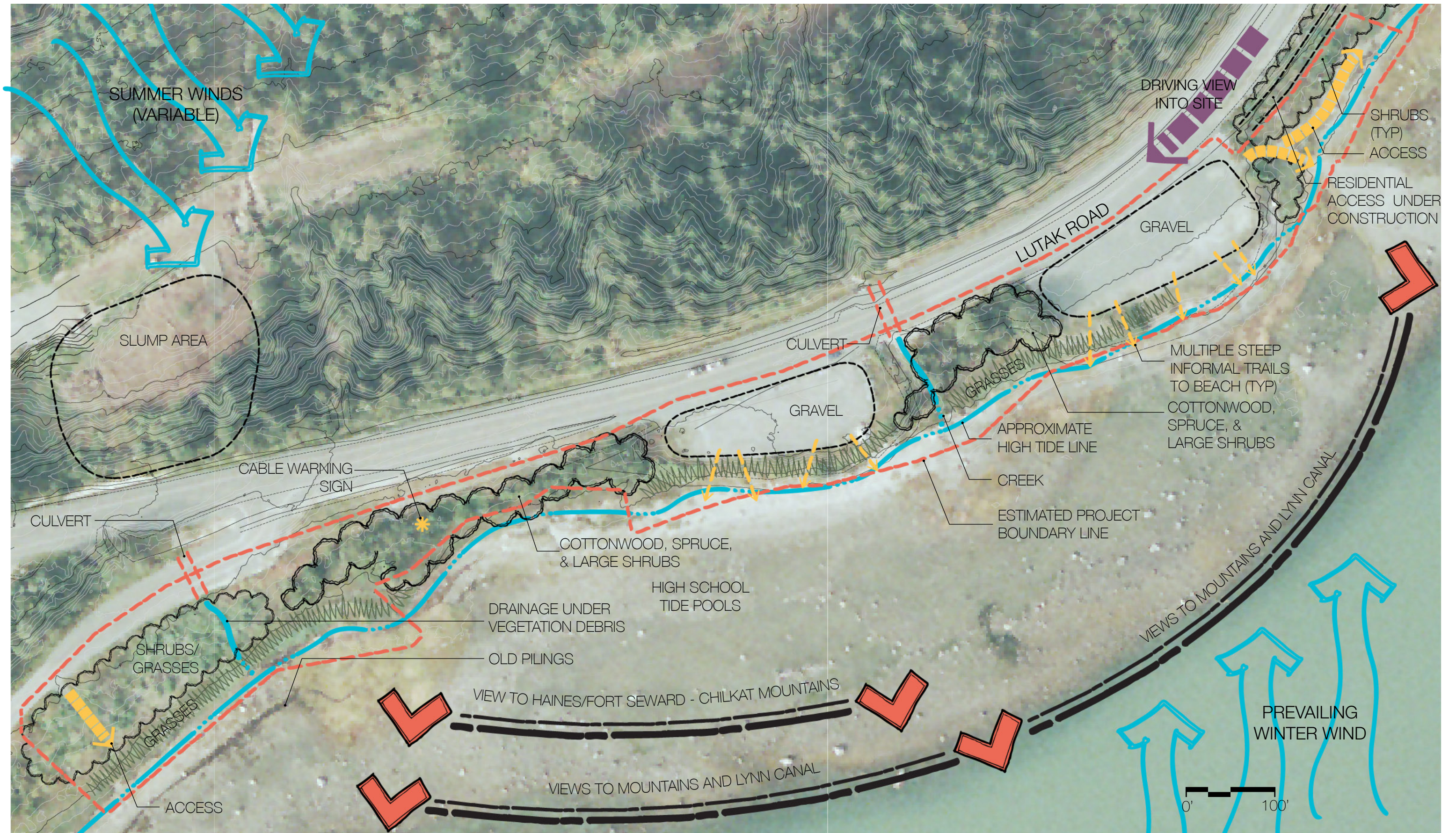
Protection - Projects and activities shall be located, designed, constructed, and operated to avoid, minimize, or mitigate significant adverse impacts to recreation values, including activities such as fishing, beach combing, hiking, birdwatching, boating and kayaking, picnicking, camping, access, playing outdoor sports, bicycling, skiing, learning about local culture, and hunting.

Sources:

Haines Borough Code

Haines Coastal Management Plan

Western Regional Climate Center



DESIGN NARRATIVE

GENERAL DESCRIPTION

The Picture Point Wayside site is a 4.5 acre lot located northeast of Haines, AK on Lutak Road. Lutak Road and Front Street border the site to the north, and the rocky beaches of Chilkoot Inlet form the southern boundary of the site. Currently, the site consists of two informal gravel parking areas, the beach along Chilkoot Inlet, a creek, and a few small, rough patches of vegetation. Current site use is also informal. Visitors take advantage of the view from the site for scenic photos. There are also multiple beach access trails from the parking areas, making it a good place to park and take a walk on the beach.

The Picture Point Wayside Park Master Plan identifies three distinct areas within the site.

- + Area 1 is on the northeast end of the lot. It includes an undeveloped gravel parking area. Multiple steep informal trails lead from the gravel parking area down to the beach. This area also includes the residential driveway approach that may impact access to Lutak Road on the north end of the site.
- + Area 2 also includes an undeveloped parking lot with steep, informal trails down to the beach. It is closest to the tide pools constructed by the local High School.
- + Area 3 bends away from Lutak Road to run along Front Street, and is characterized by shrubs, grasses, and historic pilings along the beach. The Lutak Road slump area is just to the north of Area 3.
- + All three areas are marked by excellent views of Haines, Chilkoot Inlet, and the surrounding area.

Based on the site analysis and the stakeholder meetings, there are various opportunities and constraints that were considered in the design for the Picture Point Wayside Project. These design considerations and guidelines included:

- + Maintaining and emphasizing the exceptional viewshed.
- + Formalizing beach access.
- + Providing parking, including parking for recreational vehicles and buses.
- + Providing ADA accessible parking and facilities.
- + Locating potential seating and event areas.
- + Identifying potential locations for picnic sites with tables and fire rings.
- + Identifying potential locations for at least one rest room and one pavilion, possibly two of each. Pavilion design should include shelter from strong winds from the south.
- + Identifying potential location and topics for several interpretive panels.
- + Maintaining a clear area in each parking area for snow dumping.

AREA 1

The proposed design for Area 1 places an emphasis on the views, providing every opportunity for the visitor to enjoy the scenery, uninterrupted by structures. The restroom and pavilion sites are located to the side of the main pedestrian areas to maintain uninterrupted viewsheds not only from the site itself, but from the road as well.

The viewing area in Area 1 is slightly recessed, providing a sense of separation from the parking lot. Benches made from driftwood, or other recycled materials are scattered throughout the viewing area.

Though two possible pavilion locations are identified on the plan, Area 1 is specifically designed to include a commemorative pavilion. The informational kiosk is an integral part of the pavilion, providing basic information about the area and the site, such as location data and some local history. Solid panels on the south side of pavilion provide shelter from the wind.

In addition, a map of the area is etched into the floor of the concrete viewing area. The map helps visitors orient themselves in the landscape, and adds an interesting design detail to the concrete paving. Terraced seating forms a path down from the viewing area to the beach, for those who want direct access, and a gently sloping path at the northeast end of the site provides an ADA accessible path down to the rocky shoreline. Areas 1 and 2 are connected by an ADA accessible trail that takes the visitor past two large picnic areas, and over the creek. A boardwalk bridges the creek, and an additional, alternate boardwalk trail, through the grassy area, and over the creek, is shown on the plan.

AREA 2

The proposed design for Area 2 focuses on users who might want to stay at the site for longer than the few minutes required to take a scenic photo. A pavilion, tucked to one side in order to maintain views, provides shelter on stormy days. A large ring of small boulders defines a multi-use space in the center of the bench seating area. The ring of boulders might be used as a human sundial on a sunny summer day, an informal stage for events, or as a space for a large bonfire on Solstice. Four picnic areas, each with their own fire pit, are located to the southwest of the parking area. The picnic sites are visible from the parking area, but strategically placed beds of native vegetation between the picnic sites provide a sense of privacy.

As in Area 1, terraced seating forms a path down to the beach from the ring of boulders, while a gently sloping path at the southwest end of the site is ADA accessible. At the southwest end of Area 2 is a site for several totem poles and a native plant garden made up of local edible and medicinal plants.

AREA 3

The proposed design for Area 3 makes few changes to the existing conditions. A trail winds through Area 3, connecting Areas 1 and 2 to the planned Haines Waterfront Trail at the southwest corner of the site, along Front Street. There is parking for approximately four cars in the small parking area off of Front Street, and a path leads people down to the beach and the historic pilings.

VEHICLE ACCESS AND PARKING

Vehicles access the site in three places. Area 1 is accessed from Lutak Road. An asphalt parking lot includes 16 parking stalls, two signed priority parking ADA parking stalls, and three bus/motorhome parking stalls. Area 2 is accessed from Lutak Road as well. A gravel parking lot includes nine parking stalls, two signed priority parking ADA parking stalls (paved), and enough space for one large bus or motorhome. Area 3 is accessed from Front Street and includes a gravel parking area with enough room for four vehicles.

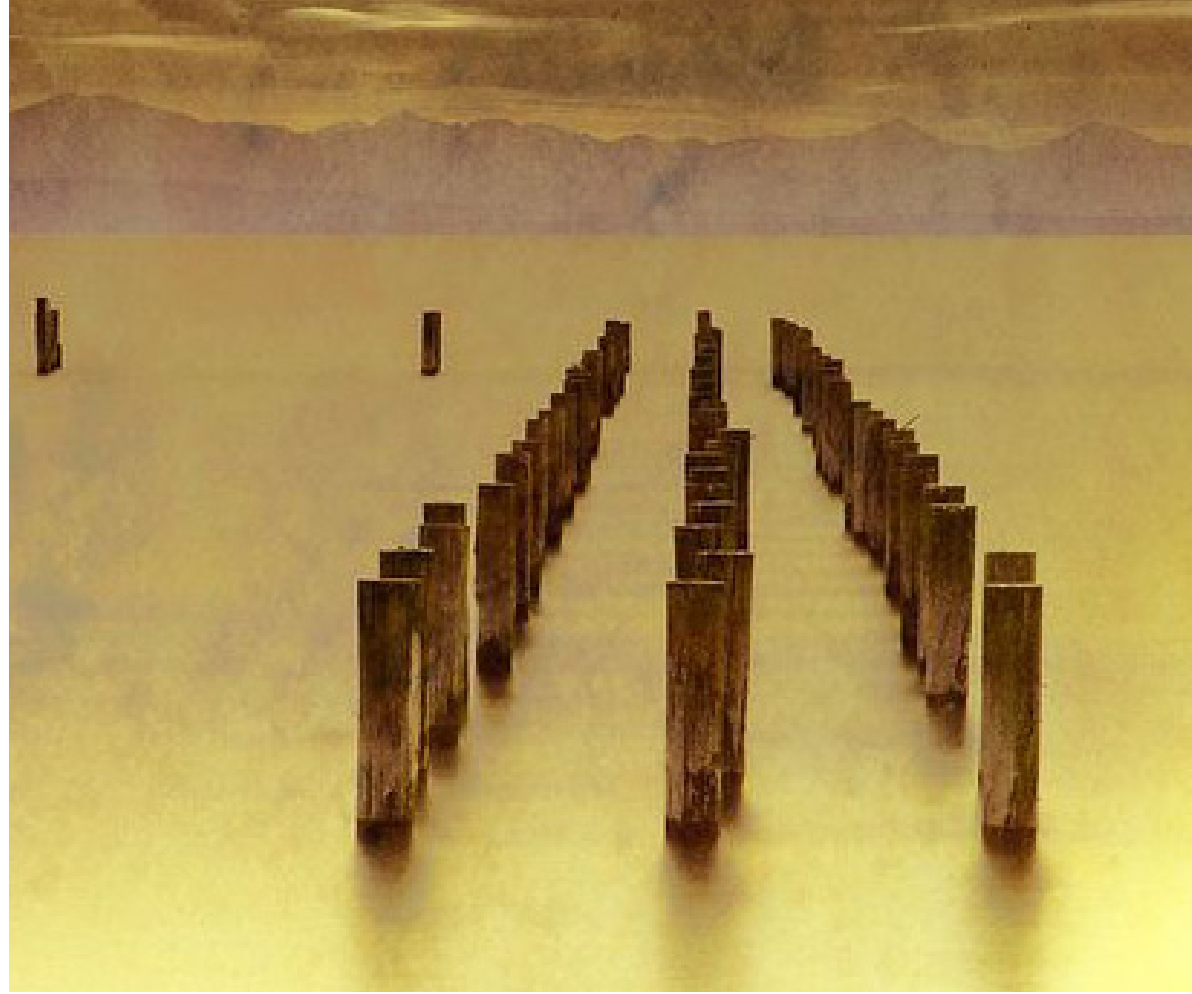
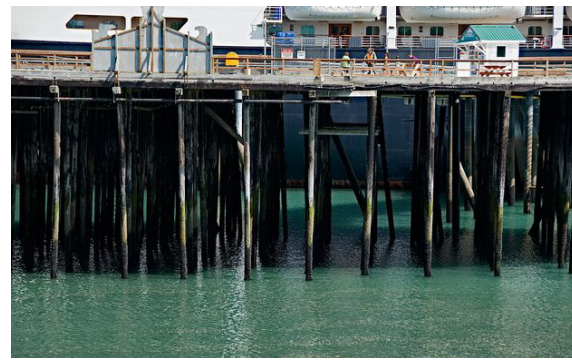
LANDSCAPING

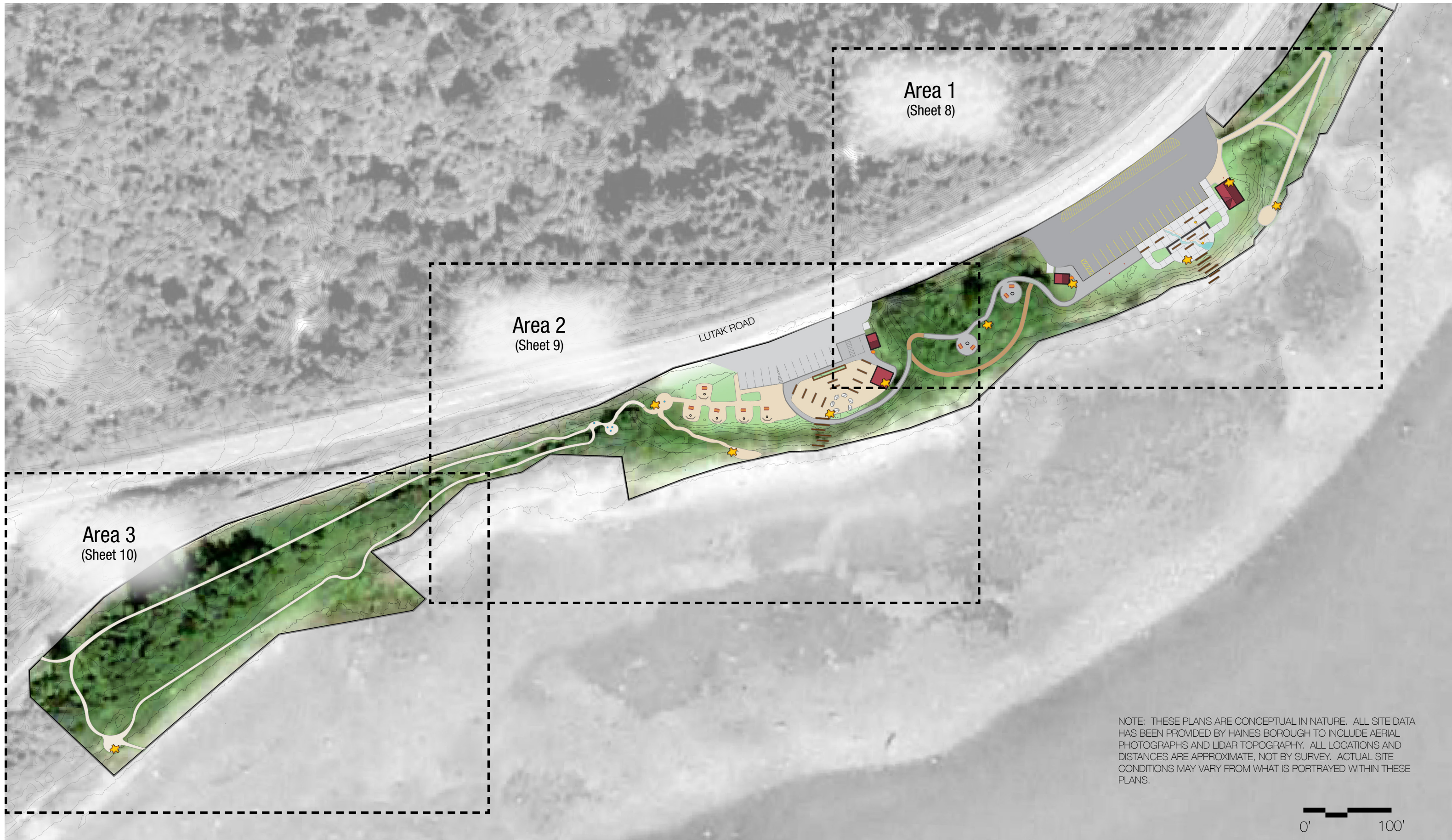
The proposed plan incorporates existing vegetation, retaining and augmenting the existing vegetation wherever possible. Trees, shrubs, and grasses native to the site are recommended for the revegetated areas. Existing conditions on the site include an oversized and denuded parking area in Area 2. In the proposed plan, the Area 2 parking lot is reduced, and approximately half of it is revegetated. Recommended plantings for the revegetated area include native edible plants and traditional Tlingit medicinal plants.

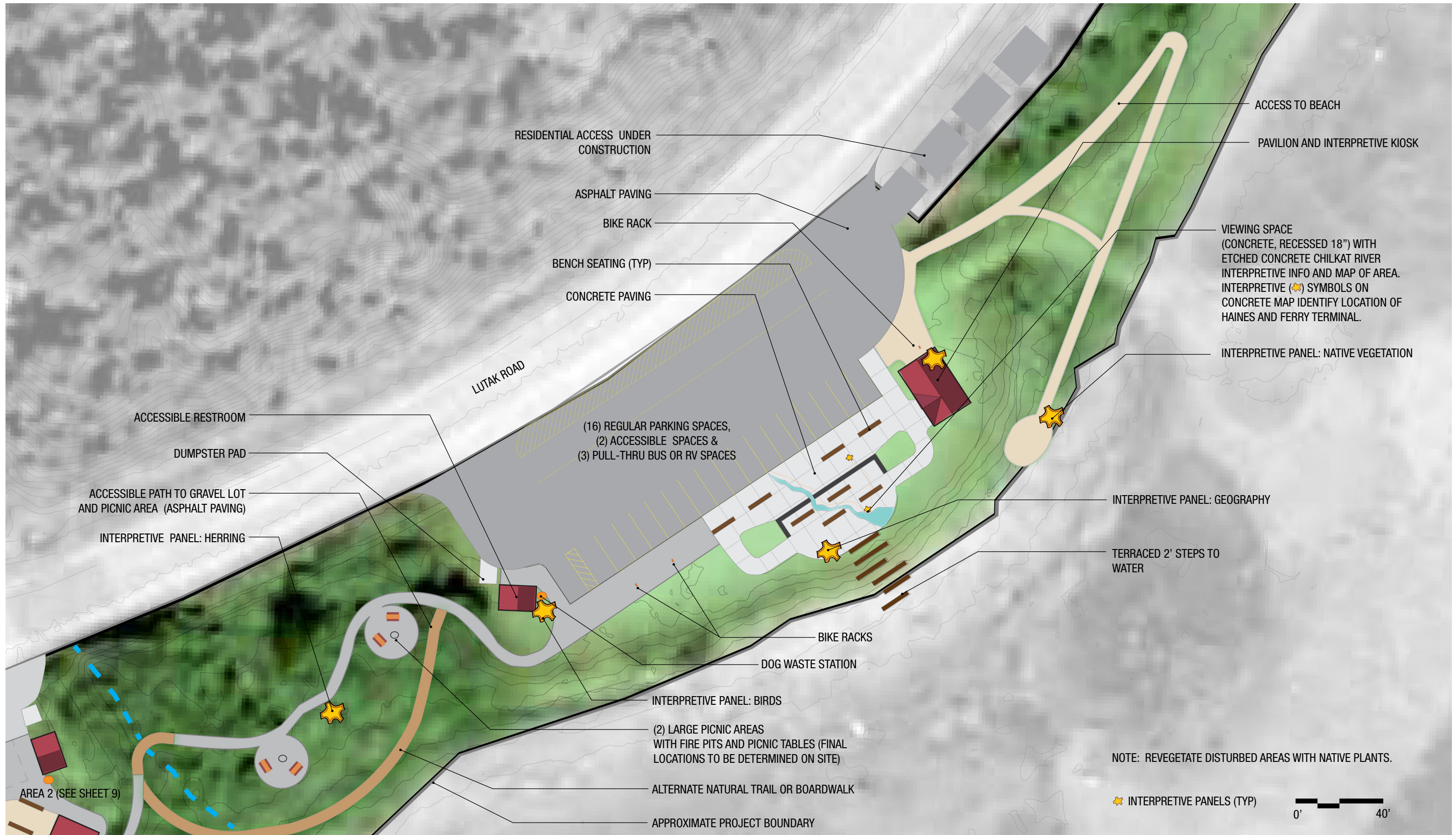
INTERPRETIVE SIGNS

In addition to the informational kiosk in the pavilion, interpretive signs are scattered throughout the site. Interpretive sign topics include:

- + Native Vegetation
- + Local Geography (including information about the slump)
- + Native Bird Identification
- + Herring Spawning and Migration of Anadromous Fish
- + Tidal Pools
- + Local Edible and Medicinal Vegetation (with focus on Tlingit traditions)
- + Totems, Tlingit History
- + Piers, Local Nautical and Import/Export History

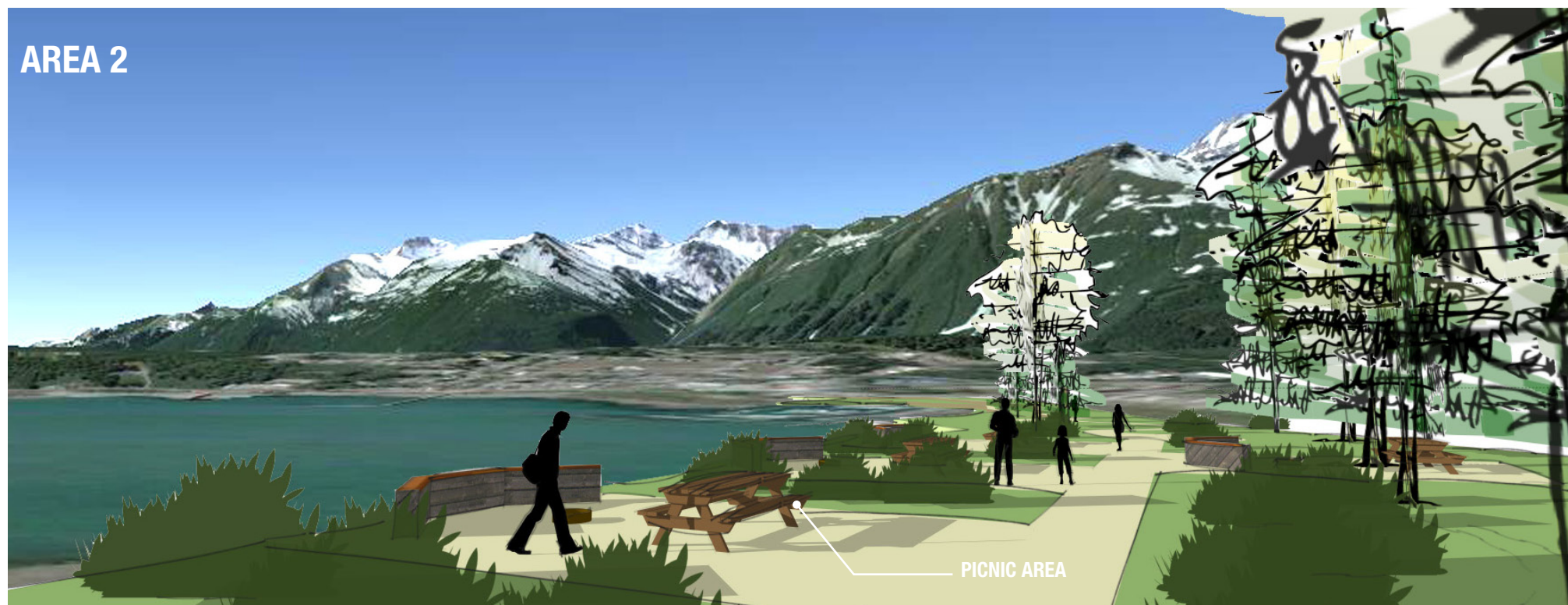
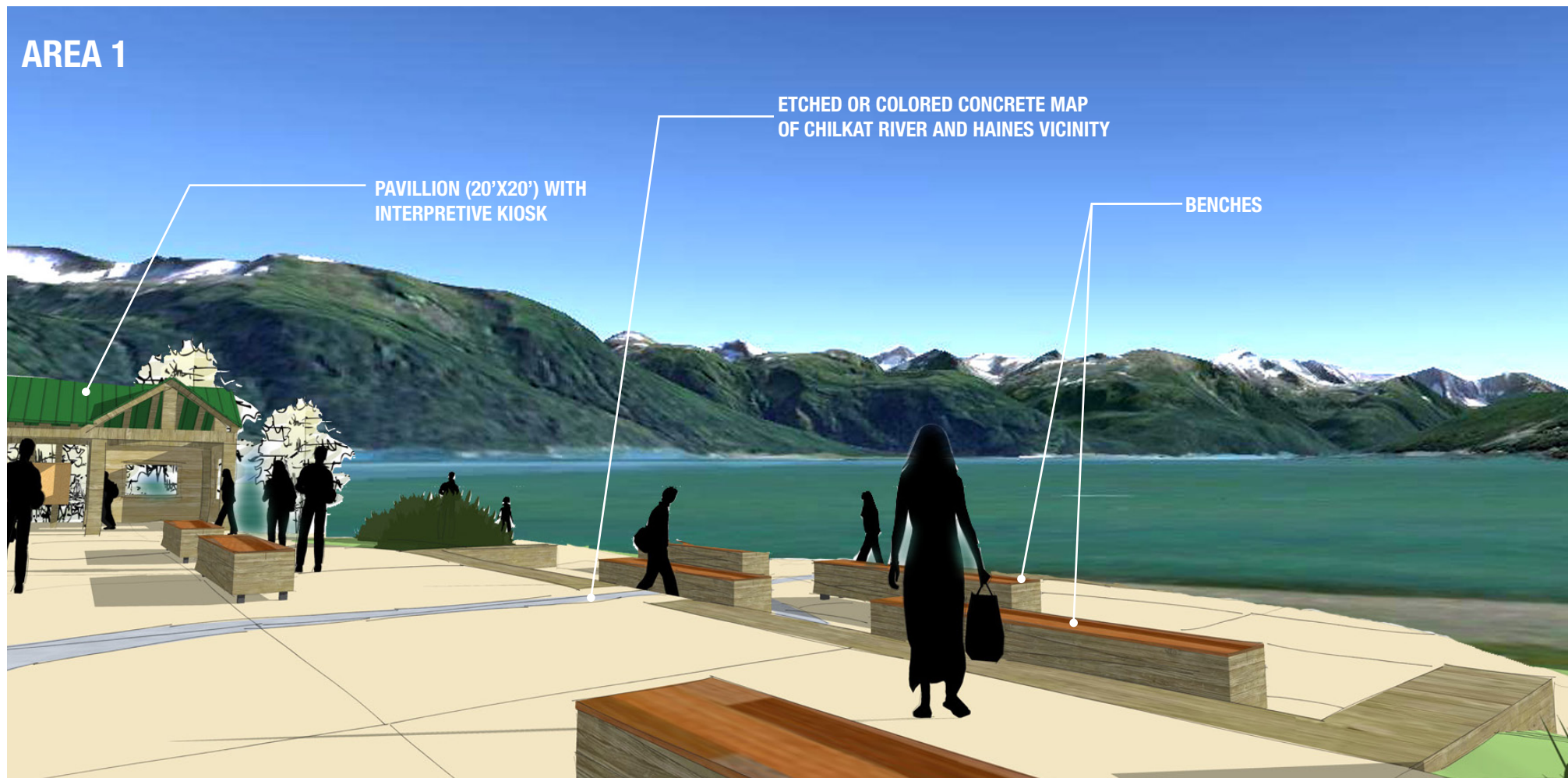












Picture Point Wayside-Area 1 Estimated Construction Cost

ITEM NO.	WORK DESCRIPTION	ESTIMATED QUANTITY	UNIT BID PRICE	TOTAL ESTIMATED PRICE
1	Construction Survey per Each	1	\$ 10,000.00	\$ 10,000.00
2	Grading Existing Surfaces per SY	2550	\$7.00	\$ 17,850.00
3	Pavilion per SF	600	\$275.00	\$ 165,000.00
4	Restroom per Each	1	\$70,000.00	\$ 70,000.00
5	Asphalt Parking Area, 3" depth per TON	320	\$140.00	\$ 44,800.00
6	Type II Base Course under Asphalt Parking per TON	1225	\$20.00	\$ 24,500.00
7	Leveling Course under Asphalt Parking per TON	405	\$30.00	\$ 12,150.00
8	Parking lot striping per LF	1000	\$0.60	\$ 600.00
9	Asphalt Walk, 2" depth per TON	45	\$140.00	\$ 6,300.00
10	Type II Base Course under Asphalt Walk per TON	260	\$20.00	\$ 5,200.00
11	Leveling Course under Asphalt Walk per TON	86	\$30.00	\$ 2,580.00
12	Leveling Course at gravel walk to beach per TON	40	\$30.00	\$ 1,200.00
13	Concrete w/ Base Course per SY	600	\$60.00	\$ 36,000.00
14	Decorative Concrete with Insets per SY	60	\$150.00	\$ 9,000.00
15	Curb & Gutter per LF	200	\$50.00	\$ 10,000.00
16	Boardwalk/ Bridge at Creek per SF	145	\$50.00	\$ 7,250.00
17	Bike Rack per Each	3	\$ 800.00	\$ 2,400.00
18	Interpretive Sign per Each	5	\$ 2,500.00	\$ 12,500.00
19	Picnic Table per Each	2	\$2,500.00	\$ 5,000.00
20	Bench: Donated per Each	7	\$1,000.00	\$ 7,000.00
20	Seat Wall at Plaza: Free material per Each	12	\$1,500.00	\$ 18,000.00
22	Terraced Access to Beach: Free material per Each	12	\$1,000.00	\$ 12,000.00
23	Planted Beds per SF	450	\$15.00	\$ 6,750.00
24	Topsoil, 4" depth per MSF	1	\$500.00	\$ 500.00
25	Seeding, No Mow Mix per MSF	1	\$400.00	\$ 400.00
Sub Total:				\$ 486,980.00
15% Contingency:				\$ 73,047.00
Total:				\$ 560,027.00

Picture Point Wayside-Area 2 Estimated Construction Cost

ITEM NO.	WORK DESCRIPTION	ESTIMATED QUANTITY	UNIT BID PRICE	TOTAL ESTIMATED PRICE
1	Construction Survey per Each	1	\$ 8,000.00	\$ 8,000.00
2	Grading Existing Surfaces per SY	2100	\$7.00	\$ 14,700.00
3	Asphalt Walk, 2" depth per TON	30	\$140.00	\$ 4,200.00
4	Type II Base Course under Asphalt Walk per TON	182	\$20.00	\$ 3,640.00
5	Leveling Course under Asphalt Walk per TON	60	\$30.00	\$ 1,800.00
6	Leveling Course at gravel walk to beach per TON	65	\$30.00	\$ 1,950.00
7	Bike Rack per Each	3	\$ 800.00	\$ 2,400.00
8	Interpretive Sign per Each	4	\$ 2,500.00	\$ 10,000.00
9	Picnic Table per Each	5	\$2,500.00	\$ 12,500.00
10	Fire Ring per Each	5	\$1,000.00	\$ 5,000.00
11	Bench: Donated per Each	10	\$1,000.00	\$ 10,000.00
12	Seat Wall: Free material per Each	20	\$1,500.00	\$ 30,000.00
13	Terraced Access to Beach: Free material per Each	12	\$1,000.00	\$ 12,000.00
14	Boulders per Each	6	\$300.00	\$ 1,800.00
15	Totem: Donated per Each	1	\$2,000.00	\$ 2,000.00
16	Planted Beds per SF	550	\$15.00	\$ 8,250.00
17	Topsoil, 4" depth per MSF	10	\$500.00	\$ 5,000.00
18	Seeding, No Mow Mix per MSF	10	\$400.00	\$ 4,000.00
Sub Total:				\$ 137,240.00
15% Contingency:				\$ 20,586.00
Total:				\$ 157,826.00

Note: These costs are based on a conceptual design. Some items such as totems, interpretive signage, benches, and the pavilion may range greatly in cost if performed by volunteer effort or donation. Additional estimating should be provided for this project after a site survey and construction documents are produced for the actual work to be performed.

Picture Point Wayside-Area 3 Estimated Construction Cost

ITEM NO.	WORK DESCRIPTION	ESTIMATED QUANTITY	UNIT BID PRICE	TOTAL ESTIMATED PRICE
1	Grading Existing Surfaces per SY	640	\$7.00	\$ 4,480.00
2	Leveling course at gravel trail and parking per TON	120	\$30.00	\$ 3,600.00
3	Interpretive Sign per Each	1	\$ 2,500.00	\$ 2,500.00
4	Totem: Donated per Each	4	\$2,000.00	\$ 8,000.00
5	Topsoil, 4" depth per MSF	0.50	\$500.00	\$ 250.00
6	Seeding, No Mow Mix per MSF	0.50	\$400.00	\$ 200.00
Sub Total:				\$ 19,030.00
15% Contingency:				\$ 2,854.50
Total:				\$ 21,884.50

SUMMARY

Picture Point Wayside-Estimated Cost Summary

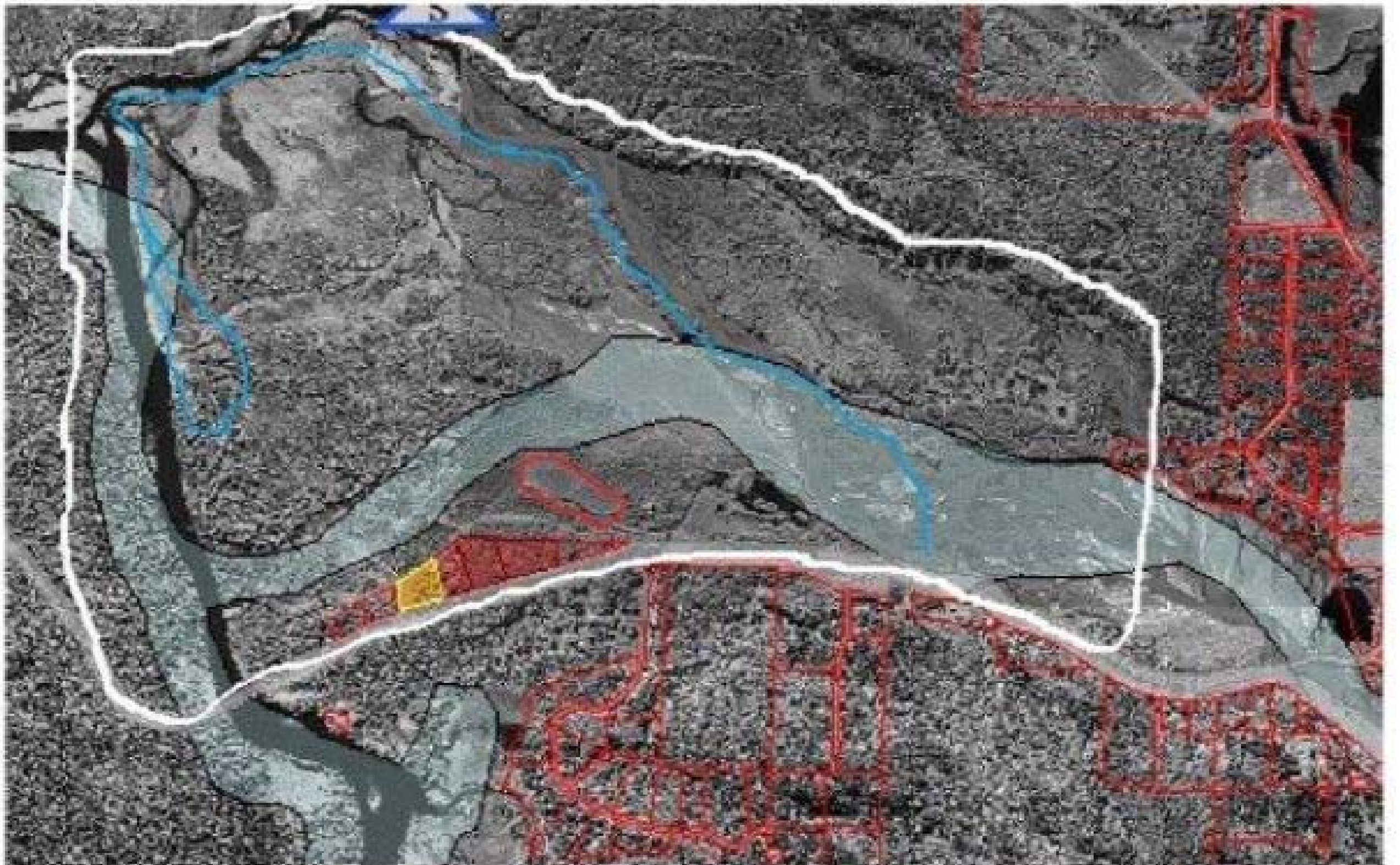
ITEM NO.	Area	TOTAL ESTIMATED PRICE
1	Area 1	\$ 486,980.00
2	Area 2	\$ 137,240.00
3	Area 3	\$ 19,030.00
Sub Total Areas 1-3		\$ 643,250.00
15% Contingency		\$ 96,487.50
Estimated Total Cost		\$ 739,737.50

Haines Memorial Winter Recreational Area

Narrative:

The proposed Haines Memorial Winter Recreational Area is located southwest of the Haines highway at the Wells bridge-Chilkat River Area. It is a triangle formed by the Haines Highway from the Wells Bridge to the Klehini Bridge on one side and on to the confluence of the Chilkat River and Klehini River Junction minus some private inholdings along the highway.

The purpose of the Recreation area is twofold: First, it is to provide a permanent recreational area for future generations for all types of winter recreational activities. It is recognized that these activities have occurred historically for years. Some examples are the Oval races that have occurred on the oval track highlighted on the map. Also, a ski trail has been set by volunteers for years along the Klehini and Chilkat rivers. It follows the rivers and has to be adjusted yearly because of the meandering nature of the river systems. Secondly, it recognizes those efforts by a group of people who have been extremely active in establishing winter recreational activities in the upper Lynn Canal. Four of these people are named on the proposal; Pete Lapham, who was responsible in part for the startup of the Alcan 200 snow machine race and, along with others, organized the oval races and family gatherings at 25 mile. Guy Hoffman, an avid skier, musher, and dog race marshal. Guy promoted winter recreational activities for everyone. Dennis Miles, a snow machiner-skier, who, for years, kept a ski trail opened and groomed for skiers in Haines at this site. Finally, Bobbie Figdor, a skier and outdoor recreational promoter who was known for her work with kids on outdoor recreational and educational opportunities. These people shared a common vision. They knew that by taking part in winter activities, people became stronger in mind, body and spirit. It is hoped that this vision can be materialized by making permanent the status of this area for future generations.





Haines Borough Administration
 Darsie Culbeck, Executive Assistant to the
 Borough Manager
 (907)766-2231 • Fax(907)766-2716
 dculbeck@haines.ak.us

April 10, 2014

Sledding Hill Project Memo

The Parks and Recreation Advisory Committee, the Haines Ski Club, and numerous families are supportive of creating a ski/sled hill on Mt. Riley Road to provide a safe area for Haines youth/families to recreate in the winter. They are asking the Haines Borough for use of land and financial support for this project.

History: Mt. Riley is a Borough road that has traditionally been used for sledding and skiing because it has not been plowed /sanded and offers a steep angle. On many snowy weekends this winter 20 to 30 people could be found enjoying this area. However, development at the top of this road in 2014 will cause this Mt. Riley road to be plowed /sanded next winter and unavailable for recreation.

The Plan: The project would require the use of an estimated 100-foot-wide by 1000-foot-wide strip of Haines Borough land paralleling Mt. Riley Road. The trees on this land would be cut, stumps removed and placed strategically, and parking/pick-up/drop-off areas would be created at the top and bottom.

Zoning: The land is zoned Rural Mixed Use and recreation would be a use-by-right.

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

Details: Scott Rossman has agreed to cut the trees on the property in exchange for the firewood, although an RFP will need to be completed. Donnie Turner, the nearest private property owner, supports this project and has offered to assist in stumping and developing the project and has offered to work for a reduced rate, although an RFP will be required.

Insurance Liability: The Haines Borough insurance company has been consulted and has no issue with a sledding area and only suggests that warning signs be posted stating that “sledding, skiing, snowboarding, etc. can be hazardous to your health, children should be supervised by an adult, and that any use of this area is at your own risk”.

Haines Borough 2025 Comprehensive Plan Consistency: A ski/sledding hill is specifically mentioned in Objective 14E, number 2. “Determine feasibility of developing simple ski and sledding hill with rope tow, oriented to families and teens. Non winter months can be mountain bike or multi-use trails. If feasible, construct. “

A ski/ sledding hill is also consistent with Goal 14. “Provide a diversity of parks, recreation facilities, trails, and opens spaces to foster the health and wellness of the Haines residents.”

The Land: The lower part of this land borders or is downstream of the Community Waste Solutions landfill and is very wet. Possible contamination and wetlands decrease the value of the land for residential development. The upper part is nice view property and would be valuable to residential development if utilities were brought to the area.

Economic Benefits: Having a designated area for skiing/sledding will be seen as a plus for families considering moving to Haines. The Haines Borough 2025 Comprehensive Plan recognizes the value of these Location-Neutral Families in Objective 3A, “attract and retain Location-Neutral workers, income earners, and business owners to Haines.” It is also possible that a ski/sledding hill in Haines will keep local dollars in Haines. Perhaps the Chamber could start a “Ski/Sled Local” campaign. Having a developed recreation site in the area may increase the value of nearby land as people often pay more to next to the golf course, ski area, local park, etc.

Long-Term Land Use: The granting of this request does not prohibit future development of this property.

Funding: The main cost of this project will be in the stumping/ site work. Donnie Turner estimates the retail cost at \$10,000 to \$12,000 and stated that he would bid half his normal rate to complete the project. There will also be costs associated with staff time and creating signage. This cost is estimated at \$1,000. Full financial details will be provided to the Assembly if the Planning Commission approves the concept.



0 250 500 1,000 Feet



Proposed Sledding Hill

From: Joe Johnston [joe@davies-barry.com]
Sent: Friday, April 04, 2014 11:25 AM
To: Darsie Culbeck
Subject: RE: Haines Borough Sledding area

Darsie

Add Children should be supervised by an adult.

I always liked the sign that reads "Unsupervised Children will be given a free puppy and a triple espresso"

Joe Johnston, CPCU
Davies-Barry Insurance
Phone 907-228-6352
Fax 907-225-1639
joe@davies-barry.com

From: Darsie Culbeck [mailto:dculbeck@haines.ak.us]
Sent: Friday, April 04, 2014 10:55 AM
To: joe@davies-barry.com
Subject: Haines Borough Sledding area

Hi Joe,

We spoke the other day about a sledding/ski hill in Haines and you seemed ok with the idea while suggesting that we should post signs stating that the" activity is hazardous and that people should participate at their own risk."

Before this concept gets taken to the Planning Commission and Assembly, I wanted to check in and see if there anything else we should do to mitigate our risk.

Thanks,
Darsie

Darsie Culbeck
Executive Assistant to the Manager
Haines Borough
P.O. Box 1209
Haines, Alaska
907-766-2231, ext.60
www.hainesalaska.gov

Xi Cui

To: Darsie Culbeck
Subject: RE: planning commission

From: bill holton <holton_bill@yahoo.com>
Date: April 9, 2014 11:33:40 AM AKDT
To: "darsie@live.com" <darsie@live.com>
Reply-To: bill holton <holton_bill@yahoo.com>

Dear Haines Borough,

9 April 2014

I support having the Riley Road properties set aside and managed for recreation. The opportunity is there with cooperation from neighbors and entities which will make it a success. The realization of such a recreation area will be beneficial to the community in many ways. Mental and physical health benefits are among the most obvious. Thank you for your consideration.

sincerely,
Bill Holton, president Haines Ski and Hike Club

Park and Recreation Committee Letter of support

The Proposed Sled Hill project on Riley Hill was presented to the PARC in a rough draft form, and we believe this is an exciting project. The concept is not a new one, as it was stated in the Haines Comprehensive plan. There are many families in Haines that support winter recreation in town. Also, the one land owner in the vicinity, has showed great support and interest to help make this happen. It seems the clearing of the trees and stumps will happen at a minimal or no cost to the Borough. In addition, the liability aspects will be given attention. Having a designated sledding area in town, which can be designed for safety, and will help prevent sledding on public roads. Also, our group recognized the possibilities of the development in other trails, ie: biking, hiking, or cross country skiing. The Proposed Riley Sledding Park gets a thumbs up! We advise the Haines Borough Assembly to support this.

Haines Borough Park and Recreation Advisory Board`