



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, July 10, 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: June 12, 2014
5. PUBLIC COMMENTS [Items not scheduled for public hearing]
6. CHAIRMAN'S REPORT
7. STAFF REPORT
 - A. Planning & Zoning Report
8. PUBLIC HEARINGS:
 - A. **Kim Chetney – Lodging Rental Conditional Use Proposal – Action Item:** Chetney requested the Planning Commission approve a conditional use permit to allow the operation of a lodging rental business on her property. **Possible Motion:** Approve Chetney's conditional use proposal.
 - B. **Tiana Taylor – Guest House Conditional Use Proposal – Action Item:** Taylor requested the Planning Commission approve a conditional use permit to allow the construction of a guest house on her property. HBC 18.70.040 allows a secondary dwelling in single residential zone upon approval of a conditional use permit. **Possible Motion:** Approve Taylor's conditional use proposal.
9. UNFINISHED BUSINESS: None
10. NEW BUSINESS:
 - A. **Historic District/Building Review:** None
 - B. **Haines Borough Code Amendments:**
 1. **Setback Regulations in the General Use Zone & Construction Declaration Information Sheet – Action Item:** At the June 12, 2014's meeting, the commission recommended the Borough develop a construction declaration form that will come with an informational sheet that will explain the zoning regulations and setbacks for the applicant's location. Also, they recommended the Assembly adopt the amended ordinance by adding "utilities" to the list of exemptions to the setback requirements, and adding the General Use, the Mud Bay, and the Lutak Inlet Planning/Zoning Districts to the setback chart with their respective setbacks established in the Borough code. The construction declaration information sheet and the amended ordinance are ready for review. **Possible Motion:** Approve the new construction declaration form and recommend the Assembly adopt substitute ordinance 13-12-358.
 - C. **Project Updates:** None
 - D. **Other New Business:**
 1. **Primary School Subdivision, Portion of Lot 8 – Action Item –** Haines Borough received a written proposal from Haines Brewing Company to purchase Borough-Owned property. Per HBC 14.20.100(B), the proposal shall be reviewed by the planning commission and thereafter forwarded to the assembly for a determination of whether the proposal should be further considered and, if so, whether by direct negotiation with the original proposer or by competition after an invitation for further proposals. **Possible Motion:** Recommend the Assembly further consider the proposal.
11. COMMISSION COMMENTS
12. CORRESPONDENCES
13. SCHEDULE MEETING DATE
 - A. Regular Meeting – Thursday, August 14, 2014 6:30 p.m.
14. ADJOURNMENT

Staff Report for July 10, 2014

1. Permits Issued Since June, 2014

NUMBER	DATE	OWNER/AGENT	PIN	LOT	BLK	SUBDIVISION	DEVELOPMENT	ZONE
14-42	6/2/14	Debi Kennedy	C-PTC-0M-0300	4	M	Port Chilkoot Sub.	2-Car Garage	SR
14-43	6/11/14	APT	C-ANY-12-0300		12	Anyway Sub.	Utility ROW	RR
14-44	6/12/14	Fish and Game				USS 735	Storage	ILC
14-45	6/12/14	Kenneth & Shirlee Pilny	C-TNS-15-0800	8	15	Townsite	Temporary Residence	C
14-46	6/16/14	Lowell Ellis	C-PTC-0N-1100	11	N	Port Chilkoot Sub.	Carport	SR
14-47	6/19/14	Alan & Jeannette Heinrich	C-CAV-0A-0100	1	A	Cathedral View Sub.	Deck Addition	SR
14-48	6/23/14	Louie A. Meacock	C-MCK-00-0100	3		Meacock Sub.	Temporary Residence	RR

2. Enforcement Orders

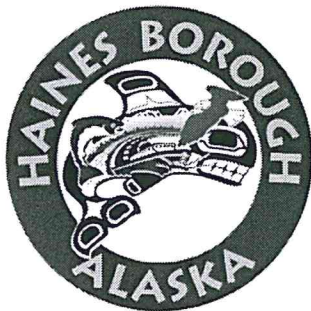
- The presence of excessive motor vehicles and boats on George Edwards' property on Small Tracts Road appears to meet the definition of junkyard in the Borough nuisance code. The Borough sent out an abatement order on June 2, 2014. (notice is attached)
- The presence of scrap metals on Lee Heinmiller's property on Major Road appears to meet the definition of junkyard in the Borough nuisance code. The Borough sent out an abatement order on June 10, 2014. (notice is attached)
- On June 26, 2014, the Borough Public Facilities Director Carlos Jimenez inspected Paul Nelson's property on Skyline Drive. Mr. Jimenez concluded the site had been properly cleaned up and met the instructions that the Assembly set forth on June 10, 2014. (notice is attached)
- The Borough received a complaint that Tonya Clark's property on Small Tracts Road is in violation of the Borough code. After inspecting the site, the Borough determines that the presence of excessive scrap lumbers & motor vehicles appears to be in a violation of the Borough code Title 8. Also, living in RV is in a violation of the Borough code Title 18. The Borough sent out an abatement order on June 27, 2014. (notice is attached)

3. Projects

- Site Control Training – I attended this training in Anchorage between June 17 and 20. This training provided an overview on how to acquire land for projects in rural Alaska communities. Topics include real property transfer documentation, land title, legal descriptions, recording, land records research, Native allotments, restricted title properties, and so on. This training was

very educational and useful for Borough Governments, like Haines Borough, that is highly involved with obtaining an interest in land for different construction projects. After this training, I learned about what is site control, why it is important to conduct site control, and what is the typical process for obtaining site control in a rural Alaska community.

- E911 Physical Addressing Project – The Borough contractor Gary Greenberg made his second trip to Haines between June 22 and 25. Currently we are focusing on assigning physical addresses within the Townsite service area, which contains 1,071 structures that need addresses. Approximate 900 addresses have been confirmed and added to the database, the reminding 200 addresses require additional work to be verified. Example of the issues includes, but not limited to, out of block range, even number on odd side, incorrect street name, illegal access, address information conflicts.
- The New Borough Online Mapping System – Currently the system is up and running. I am going to work on an implementation plan which includes developing an online instruction, advertising through the local media, posting public notices, and offering training to the Borough employees who will use the system on a daily basis.



HAINES BOROUGH
Planning & Zoning
P.O. Box 1209
Haines, AK 99827-1209
907-766-2231 Ext. 23
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xcui@haines.ak.us

June 2, 2014

George Edwards
PO Box 744
Haines, AK 99827

Re: C-STR-02-1230
T31S, R59E, SEC2, Lot 12-Part, Small Tracts Rd.

Dear Mr. Edwards:

It has come to the Borough's attention that the presence of excessive motor vehicles and boats on the above-listed property appears to meet the definition of junkyard in the Haines Borough nuisance code:

HBC 8.12.020 Certain conditions declared nuisances.

"It shall be unlawful for any person to cause or create the following declared nuisances within the townsite service area: ...allowing on the premises: lumber, refuse, junk, debris, or abandoned, discarded, and unused objects, such as automobiles, fixtures, furniture, appliances, and other objects which are not kept for immediate use and have been allowed on the premises for more than 30 days."

HBC 18.20.020 Definitions – Regulatory.

"Junkyard" means a lot or portion thereof which is used for the purpose of the outdoor storage, handling, dismantling, wrecking, keeping or sale of more than two unregistered, discarded, wrecked or abandoned: motor vehicles, airplanes, appliances or boats. It may also include building materials, machinery, equipment, or parts thereof, including scrap metals, wood, lumber, plastic, fiber or other tangible materials allowed to accumulate to the point of meeting the definition of nuisance in Chapter 8.12 HBC.

This situation requires immediate resolution by one of the following means:

- You may provide a copy of the registration document for each vehicle on your property that exceeds the allowed two unregistered; this would prove they are not discarded, wrecked or abandoned. If you choose this option, you must provide the copies no later than June 13, 2014; or

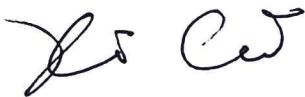
- The excessive vehicles and boats may be removed from the property so that it no longer meets the junkyard definition. If you choose this option, the removal must take place no later than July 3, 2014; or
- You may appeal this notice to the assembly by filing with the clerk an appeal in writing in accordance with the appeal procedure provided under HBC 8.12.130 within 15 days from the date of this notice. Therefore, an appeal would have to be received no later than June 18, 2014; or
- You may pursue a conditional use permit for a junkyard by applying and appearing before the Planning Commission. Your property is located within the *Rural Mixed Use* zone, and that zone allows a junkyard with a conditional use permit. If the Planning Commission decides not to permit you to have a junkyard on your property, you will be required to resolve the matter by removing the automobiles and boats such that the property no longer meets the junkyard or nuisance definitions. If you wish to apply for a conditional use permit, please do so no later than June 13, 2014 (for your convenience, I have enclosed a form in the event you choose this option).

This matter requires your immediate attention. Please notify me as soon as possible to let me know which of the above-listed options you have selected.

If I have received no response from you by June 13, the Borough may take such action as deemed necessary to correct or abate the violation. According to HBC 8.08.030(C), the cost of such action taken by the Borough, including process fees and incidental administrative costs, shall be charged to the responsible party and shall be due and payable within 30 days of the completion of the action, with interest accruing at a rate of 12 percent per year, until paid in full.

Thank you very much for your attention to this matter. Please contact me right away.

Sincerely,



Tracy Cui
Planning & Zoning Technician



HAINES BOROUGH
Planning & Zoning
P.O. Box 1209
Haines, AK 99827-1209
907-766-2231 Ext. 23
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June 10, 2014

Port Chilkoot Company
Attn: Lee Heinmiller
PO Box 271
Haines, AK 99827

Re: C-USS-A0-2716
Portion of USS 2716, Major Rd

Dear Mr. Heinmiller:

It has come to the Borough's attention that the presence of scrap metals on the above-listed property appears to meet the definition of junkyard in the Haines Borough nuisance code. Please see the attached photograph. The site is zoned Multiple residential (MR). Junk yard in MR is prohibited as per HBC 18.70.040.



HBC 8.12.020 Certain conditions declared nuisances.

"It shall be unlawful for any person to cause or create the following declared nuisances within the townsite service area: ...allowing on the premises: lumber, refuse, junk, debris, or abandoned, discarded, and unused objects, such as automobiles, fixtures, furniture, appliances, and other objects which are not kept for immediate use and have been allowed on the premises for more than 30 days."

HBC 18.20.020 Definitions – Regulatory.

"Junkyard" means a lot or portion thereof which is used for the purpose of the outdoor storage, handling, dismantling, wrecking, keeping or sale of more than two unregistered, discarded, wrecked or abandoned: motor vehicles, airplanes, appliances or boats. It may also include building materials, machinery, equipment, or parts thereof, including scrap metals, wood, lumber, plastic, fiber or other tangible materials allowed to accumulate to the point of meeting the definition of nuisance in Chapter 8.12 HBC.

This situation requires immediate resolution by one of the following means:

- The scrap metals may be removed from the property so that it no longer meets the junkyard definition. If you choose this option, the removal must take place no later than July 25, 2014; or
- You may appeal this notice to the assembly by filing with the clerk an appeal in writing in accordance with the appeal procedure provided under HBC 8.12.130 within 15 days from the date of this notice. Therefore, an appeal would have to be received no later than June 25, 2014.

This matter requires your immediate attention. Please notify me as soon as possible to let me know which of the above-listed options you have selected.

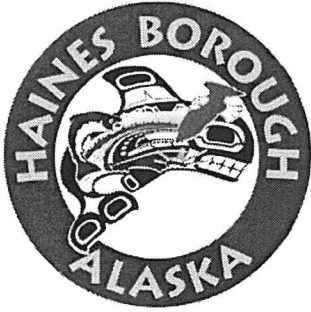
If I have received no response from you by June 20, the Borough may take such action as deemed necessary to correct or abate the violation. According to HBC 8.08.030(C), the cost of such action taken by the Borough, including process fees and incidental administrative costs, shall be charged to the responsible party and shall be due and payable within 30 days of the completion of the action, with interest accruing at a rate of 12 percent per year, until paid in full.

Thank you very much for your attention to this matter. Please contact me right away.

Sincerely,



Tracy Cui
Planning & Zoning Technician



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June 25, 2014

Paul Nelson
PO Box 858
Haines, AK 99827

via Hand Delivery

Re: Solid Waste Disposal on Private Property
C-SKY-0B-1700; Lot 17, Block B, Skyline Estates Subdivision

Dear Mr. Nelson:

During the Assembly meeting you were informed that litter and rubbish within the foundation must be capped and that litter and rubbish outside the foundation must be removed no later than 11:59.59 on 21 June 2014.

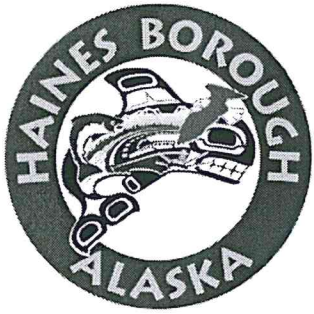
On Friday 20 June, Saturday 21 June, and on Sunday 22 June the Borough staff inspected your property to insure that progress was being made in meeting the instructions that the Assembly set forth on 10 June. While out doing investigation, we found you have made progress on cleaning the site but did not complete the task in the required time period. There was still broken glass and litter adjacent to the area where dirt/gravel had been laid down. Based on the inspections, the Borough determines that you are in violation of the instructions and should be assessed an additional fine of \$300.00/day, per Haines Borough Code 1.24.010. This fine shall be assessed on a daily basis until such time as the site passes inspection.

Since it has been four days after the deadline that set forth at the Assembly meeting, you are being assessed a \$1,200 penalty fee so far. This needs your immediate attention. The penalty will continue to accrue \$300/day until the site is completely cleaned.

Sincerely,

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

Tracy Cui
Planning & Zoning Technician



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P.O. Box 1209
Haines, AK 99827-1209
907-766-2231 Ext. 23
907-766-2716 (fax)

June 27, 2014

Paul Nelson
PO Box 858
Haines, AK 99827

via Hand Delivery

Re: Solid Waste Disposal on Private Property
C-SKY-0B-1700; Lot 17, Block B, Skyline Estates Subdivision

Dear Mr. Nelson:

On June 26th the Haines Borough's Public Facilities Director, Carlos Jimenez, inspected your property on Skyline Drive. Mr. Jimenez concluded the areas he had previously expressed concerns about had been addressed and properly cleaned up. Mr. Jimenez did not inspect any areas underground, and no test holes were dug. The Borough at this point is satisfied with the clean-up and approves your capping the material at this time. As of June 27th, the Borough shall cease the fines for this particular abatement order.

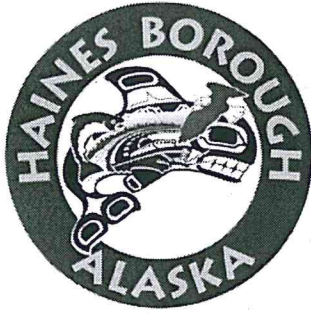
Also, please comply with the letter sent to you on June 25th, 2014 requiring a penalty fee for not cleaning the site completely in the required time period. Your remaining balance on this is \$1,200.

If you have any questions on this matter, please contact the Borough.

Sincerely,

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

Tracy Cui
Planning & Zoning Technician



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June 27, 2014

Tonya Clark
1204 E. Ermina Ave.
Spokane, WA 99207

Re: C-STR-02-42C0
T31S, R59E, SEC2, Lot 42-Part, Small Tracts Rd.

Dear Ms. Clark:

The Haines Borough has received a complaint that your property listed above is in violation of the Borough code. In response to these concerns, the Borough staff inspected your property on June 26th, 2014. Below are the findings:

- The presence of excessive scrap lumber/debris appears to be in a violation of Haines Borough code (HBC) 8.08 Littering:
 - According to HBC 8.08.020(E), *"It is unlawful for any person to deposit any litter on private property, whether owned by the person or not"*;
 - HBC 8.08.010 defines *"litter" means garbage, refuse, rubbish and all other waste material which, if thrown or deposited as prohibited in this chapter, tend to create a danger or nuisance to public health, safety, and welfare;*
 - HBC 8.08.010 also defines *"rubbish" includes waste paper, cardboard, wood, tin cans, glass, bottles, yard rakings, tree limbs, bedding, metals, trash, sweepings, and all similar substances.*

This situation requires immediate resolution by one of the following means:

- The scrap lumber/debris may be removed from the property so that it is no longer in a violation of HBC 8.08. If you choose this option, the removal must take place no later than July 11, 2014; or
- You may appeal this notice to the assembly by filing with the clerk an appeal in writing in accordance with the appeal procedure provided under HBC 8.12.130 within 15 days from the date of this notice. Therefore, an appeal would have to be received no later than July 11, 2014.

- The presence of four motor vehicles appears to meet the definition of junkyard in the Haines Borough nuisance code:
 - According to HBC 18.20.020, *“Junkyard” means a lot or portion thereof which is used for the purpose of the outdoor storage, handling, dismantling, wrecking, keeping or sale of more than two unregistered, discarded, wrecked or abandoned: motor vehicles, airplanes, appliances or boats. It may also include building materials, machinery, equipment, or parts thereof, including scrap metals, wood, lumber, plastic, fiber or other tangible materials allowed to accumulate to the point of meeting the definition of nuisance in Chapter 8.12 HBC.*

This situation requires immediate resolution by one of the following means:

- You may provide a copy of the registration document for each vehicle on your property that exceeds the allowed two unregistered; this would prove they are not discarded, wrecked or abandoned. If you choose this option, you must provide the copies no later than July 11, 2014; or
 - The excessive vehicles may be removed from the property so that it no longer meets the junkyard definition. If you choose this option, the removal must take place no later than July 27, 2014; or
 - You may appeal this notice to the assembly by filing with the clerk an appeal in writing in accordance with the appeal procedure provided under HBC 8.12.130 within 15 days from the date of this notice. Therefore, an appeal would have to be received no later than July 11, 2014; or
 - You may pursue a conditional use permit for a junkyard by applying and appearing before the Planning Commission. Your property is located within the *Rural Mixed Use* zone, and that zone allows a junkyard with a conditional use permit. If the Planning Commission decides not to permit you to have a junkyard on your property, you will be required to resolve the matter by removing the automobiles so that the property no longer meets the junkyard or nuisance definitions. If you wish to apply for a conditional use permit, please do so no later than July 11, 2014 (for your convenience, I have enclosed a form in the event you choose this option).
- Additionally, living in RV is in violation of the Haines Borough land use code:
 - According to HBC 18.60.020(H), *“Persons desiring to place a temporary residence, or a trailer or mobile home outside of a mobile home or RV park for a temporary or interim occupancy, shall apply for a temporary residence permit. Permits for seven days or less will be at no charge and will not require connection to or payment for public water and sewer. Temporary residences remaining over 30 days will require a temporary residence permit. Temporary residence permits may be granted for a period of one year. One six-month extension of the temporary residence/trailer permit may be granted by the planning commission as long as the developer is complying with all requirements”.*

This situation requires immediate resolution by one of the following means:

- You may pursue a temporary residence permit. If the Borough approves your proposal, you will be allowed to place the RV for a temporary occupancy. If you wish to apply for a temporary residence permit, please do so no later than July 11, 2014 (for your convenience, I have enclosed a form in the event you choose this option); or
- You may choose not to allow use of the RV as a temporary residence. If you choose this option, it must take place no later than July 11, 2014; or
- You may appeal this decision to the Planning Commission. To do so, a written appeal with particular grounds must be submitted to the Borough Clerk within 10 days of the date of the decision. The deadline is July 7, 2014.

This matter requires your immediate attention. Please notify me as soon as possible to let me know which of the above-listed options you have selected.

If I have received no response from you by July 7, 2014, the Borough may take such action as deemed necessary to correct or abate each violation. According to HBC 8.08.030(C), the cost of such action taken by the Borough, including process fees and incidental administrative costs, shall be charged to the responsible party and shall be due and payable within 30 days of the completion of the action, with interest accruing at a rate of 12 percent per year, until paid in full.

Thank you very much for your attention to this matter. Please contact me right away.

Sincerely,



Tracy Cui
Planning & Zoning Technician



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 Haines, AK 99827-1209
 907-766-2231 Ext. 23
 907-766-2716 (fax)

July 3, 2014

To: Haines Borough Planning Commission

Re: Kim Chetney Lodging Conditional Use Proposal
 7 Mile Mud Bay Road; 4-MBR-07-0600; Mud Bay Rural Residential Zone

Property owner Kim Chetney requested the Planning Commission approve a Conditional Use Permit to allow the operation of a lodging rental business on her property. HBC 18.70.030(B)(3)(e)(4) allows "lodges" in Rural Residential zone of the Mud Bay Planning/Zoning District with a conditional use permit. I have reviewed the proposal, and it is incomplete. The following information is required by HBC 18.40.030(A), and it has not been submitted, as of today, for my review:

- 3. *Elevation drawing and site plan, drawn to scale, and including any streets, alleys, pedestrian improvements, driveways, existing buildings and other structures, proposed improvements, shorelines, slopes, other evidence of natural hazards, parking areas, utility connections, landscaping, signs (location, size and wording), and other pertinent data the manager may deem relevant to the permitting process. If documentation of property boundaries is inadequate to ascertain with certainty their location relative to proposed buildings, the manager may require a property survey or partial survey by a registered land surveyor prior to approval. In addition, an as-built drawing completed by a registered land surveyor may be required upon completion of construction. In addition to the print version, an electronic drawing compatible with borough software shall be submitted.*

Additionally, conditional use permits are required to meet the HBC 18.60.010 General Approval Criteria. Per HBC 18.60.010, "*1. 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*". Since the proposed property has an existing private well and septic system, the property owner must provide the Borough with written proof to verify the on-site systems are functioning well and have the capacity to serve 12-20 guests with four apartments/cabins (stated in an email dated on June 25, 2014).

Therefore, I recommend the Planning Commission not approve this incomplete proposal until the above-listed concerns are addressed. Thank you very much for considering this recommendation.

Sincerely,

Tracy Cui
 Planning & Zoning Technician

JUNE 24 2013
JULY 10 2013



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) <u>RON MALONE</u>	
Name: <u>WILLIAM AND KIM CHETNEY</u>		Name: <u>DARK HORSE CONSTRUCTION</u>	
Mailing Address: <u>PO BOX 596</u>		Haines Borough Business License #: _____	
Contact Phone: Day _____ Night _____		Alaska Business License #: <u>ON FILE</u>	
Fax: _____		Contractor's License #: _____	
E-mail: _____		Mailing Address: _____	
II. Property Information		Contact Phone: Day _____ Night _____	
Size of Property: <u>11.6 ACRES</u>		Fax: _____	
Property Tax #: <u>#4-MBR-07-0600</u>		E-mail: <u>dhcw@aptalaska.com</u>	
Street Address: <u>7 MILE MVD BAY ROAD</u>			
Legal Description: Lot (s) <u>5B+</u> Block _____ Subdivision _____			
OR Parcel/Tract _____ Section _____ Township _____ Range _____			
[Attach additional page if necessary.]			
Zoning: <input type="checkbox"/> Waterfront <input type="checkbox"/> Single Residential <input type="checkbox"/> Rural Residential <input type="checkbox"/> Significant Structures Area			
<input type="checkbox"/> Rural Mixed Use <input type="checkbox"/> Multiple Residential <input type="checkbox"/> Heavy Industrial <input type="checkbox"/> Waterfront Industrial			
<input type="checkbox"/> Commercial <input type="checkbox"/> Industrial Light Commercial <input type="checkbox"/> Recreational <input checked="" type="checkbox"/> Mud Bay Zoning District			
<input type="checkbox"/> Lutak Zoning District <input type="checkbox"/> General Use			
III. Description of Work			
Type of Application (Check all that apply)	Project Description (Check all that apply)	Water Supply Existing or Proposed	Sewage Disposal Existing or Proposed
<input checked="" type="checkbox"/> Residential	<input type="checkbox"/> Single Family Dwelling	<input type="checkbox"/> None	<input type="checkbox"/> None
<input type="checkbox"/> Commercial	<input type="checkbox"/> Change of Use	<input type="checkbox"/> Community well	<input checked="" type="checkbox"/> Septic Tank
_____ sq. ft.	<input checked="" type="checkbox"/> Multi-Family Dwelling	<input checked="" 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 type="checkbox"/> Other _____		

Valuation of Work:
Current use of adjacent properties: <i>RESIDENTIAL</i>
Attach the following documents to the permit application: <input type="checkbox"/> Site plan (see Attachment A) showing lot lines, bearings and distances, buildings, setbacks, streets, etc.

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.

NO CHANGE FROM WHAT EXISTS. NON ISSUE.

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

NON ISSUE FROM PREEXISTING CONDITIONS

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.

NON ISSUE. SIZE + SCALE SAME AS USUAL.

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.

IT WILL CONTINUE TO BE A LIVING QUARTERS BUT FOR VACATION RENTAL/ CORPORATE RETREATS IN ADDITION TO OUR PRIVATE RESIDENCE.

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

VACATION RENTAL/ CORPORATE RETREAT FOR VISITORS. WILL NOT IMPACT PUBLIC SAFETY, HEALTH OR WELFARE.

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.

NON ISSUE. PLEASE CONTACT OUR CONTRACTOR FOR ANY INFO YOU MAY NEED.

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.**


 Owner or Agent

6/19/14
 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 _____ <div style="display: flex; justify-content: space-between; font-size: small;"> (Date) (Notified via) (Initials) </div>					
Non-Refundable Permit Fee \$ <u>150.00</u> Receipt No. <u>22318</u> Received By: <u>J. Badger</u> Date: <u>6-20-14</u>			Information/Documentation Req'd Rec'd <input type="checkbox"/> <input type="checkbox"/> State Fire Marshal <input type="checkbox"/> <input type="checkbox"/> State DEC <input 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



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

June 30, 2014

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

Re: Conditional Use Permit – Lodging Rental Business
7 Mile Mud Bay Road

Dear Land Owner,

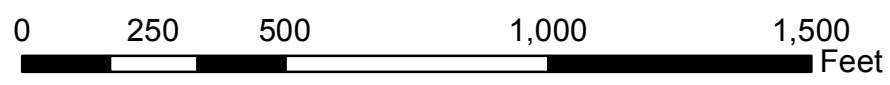
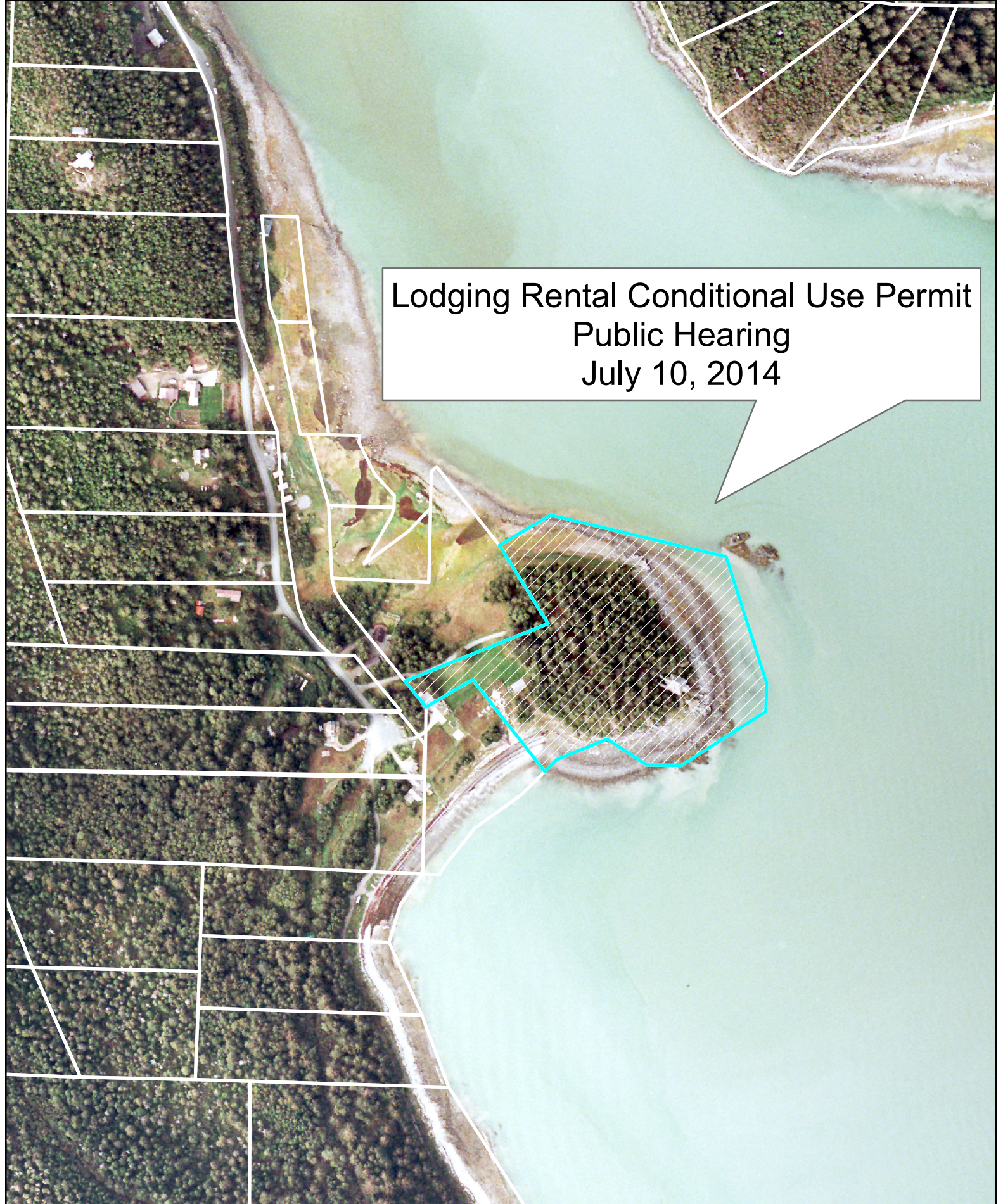
Haines Borough records show that you own property within 200 feet of the above-listed property. Mrs. Kim Chetney has requested for the Planning Commission to approve a Conditional Use Permit allowing the operation of a lodging rental business on her property. Haines Borough Code 18.70.030(B)(3)(e) allows lodges upon approval of a conditional use permit. The Haines Borough Planning Commission will hold a public hearing on the matter at the next regular Planning Commission meeting. The meeting will be held at 6:30 p.m. at the Haines Borough Assembly Chambers on Thursday July 10, 2014. As an owner of property within 200 feet of the above-listed property you are being notified that you are invited to attend and comment at the meeting. If you have any questions on the matter please contact the Borough.

Sincerely,

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

First Name	Last Name	Address	City	State	Zip
IAN A.	SEWARD	BOX 1644	HAINES	AK	99827
JANICE	HILL	BOX 541	HAINES	AK	99827
MARK/JOAN	SIZEMORE TRUST	BOX 475	HAINES	AK	99827
SANDRA A.	BARCLAY	BOX 26	HAINES	AK	99827
WILLIAM/KIM	CHETNEY	35705 BEACH ROAD	CAPISTRANO BEACH	CA	92624

Lodging Rental Conditional Use Permit
Public Hearing
July 10, 2014



Xi Cui

To: Kim Chetney; Kathy Friedle
Cc: 'Ron Malone'; 'Bill Chetney'
Subject: RE: Viking Cove Conditional Use

From: Kim Chetney [<mailto:kimchetney@me.com>]
Sent: Wednesday, June 25, 2014 10:55 AM
To: Kathy Friedle
Cc: 'Ron Malone'; 'Bill Chetney'; Xi Cui
Subject: Viking Cove Conditional Use

Hi Kathy,

Nice to see you yesterday. Confirming that the rental spaces will accommodate approximately 12-20 people with 4 apartments/cabins on the property. We will be offering accommodations to visitors who would like to visit Haines and enjoy the businesses that will offer them some adventure, sport and culture here.

Tony, our contractor, will be providing the specs on the house.

Let me know if there is anything else you need.

Thank you!

Kim

Ron Malone: The Haines Borough received a Conditional Use Permit from William & Kim Chetney on 6-20-14. More information is needed for this permit process. Please provide the following:

- Is this permit for a vacation rental or a bed & breakfast?
- How many rooms will be used for this purpose?
- A site plan is needed to show where the house (that is used for a rental) is located on the property, as well as where parking will be located, with required set back dimensions from the road and other property lines.
- Verification from DEC as to utility capacities (i.e., sewer and water to accommodate more usage)
- Verification of Business License to operate (can be obtained after permit is approved)

In order to start the conditional use process, we would appreciate this information as soon as possible. Thank you.

Kathryn Friedle
Lands Department
Haines Borough
907-766-2231, ext. 22

HBC 18.20.020 Definitions.

“Bed and breakfast (B&B)” means an owner-occupied residential dwelling with up to three guest rooms, and includes residential uses offering overnight accommodations to registered transient guests.

“Lodge” means a rental accommodation with furnished quarters that provides, or is associated with, services such as meals and/or guiding, and accommodates one or more guests at a time.

“Hotel” means a commercial use in a building containing more than three guest rooms intended, used, designed to be used, rented out or occupied for sleeping purposes on a temporary basis.

“Vacation rental” means a privately owned residential dwelling, such as, but not limited to, a single-family residence, apartment, or room that is rented for periods of 30 consecutive days or less limited to a single guest or family at a time.

HBC 18.70.030(B)(3) Mud Bay Planning/Zoning District – Rural Residential Zone (MBRR).

e. Conditional Uses. Conditional uses in the rural residential zone are:

- (1) Public parks, public recreation sites, and nonprofit camps;
- (2) Schools;
- (3) Fire stations;
- (4) Lodges;
- (5) Commercial or public radio and television transmitters and towers;
- (6) Public utility facilities;
- (7) Commercial Enterprise. “Commercial enterprise” means any commercial, manufacturing, sale or service that occurs on a person’s private property. A commercial enterprise shall be conducted only by a member or members of a family residing in a residence on the property and with up to six additional employees at any one time. Terms of a conditional use permit for commercial enterprise shall eliminate or mitigate adverse effects to air quality, noise, traffic, parking, waste and sewage, signs, lighting and burdens on any community utilities and resources that may result from such commercial enterprise;
- (8) Cemetery;
- (9) Vacation rentals.

HBC 18.50.040 Conditional Use – 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;

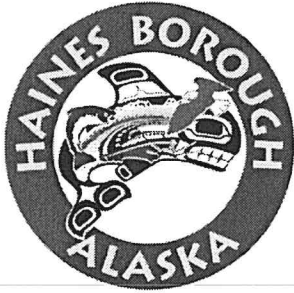
4. The specific development scheme of the use is consistent and in harmony with the comprehensive plan and surrounding land uses;
5. The granting of the conditional use will not be harmful to the public safety, health or welfare;
6. The use will not significantly cause erosion, ground or surface water 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 & Zoning
P.O. Box 1209
Haines, AK 99827-1209
907-766-2231 Ext. 23
907-766-2716 (fax)

July 2, 2014

To: Haines Borough Planning Commission

Re: Tiana Taylor Guest House Conditional Use Proposal
Lot 2, Block N, Port Chilkoot Subdivision; C-PTC-0N-0200; Single Residential Zone

Property owner Tiana Taylor applied for a conditional use permit to build a 12' by 12' guest house/cabin on her property. HBC 18.70.040 allows a secondary dwelling (less than 800 square feet) in single residential zone with a conditional use permit. The proposed guest house is built for the owner's mom and son when they have to stay in town, and is also used as storage. I have reviewed the application, and it appears the proposed use will not impose any negative impacts on adjacent property owners. It has also been determined the proposal meets the conditional use criterion of Haines Borough Code 18.50.

Conditional use permits are also required to meet the HBC 18.60.010 General Approval Criteria. Per HBC 18.60.010, *"1. Utility. 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... 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"*. Thus, the proposed cabin shall be connected to the public water & sewer systems since the systems are available within 200 feet.

I recommend the Planning Commission approve this conditional use proposal with the condition of requiring code-compliant water & sewer connections to the cabin.

Thank you very much for considering this recommendation.

Sincerely,

A handwritten signature in black ink that reads "Tracy Cui".

Tracy Cui
Planning & Zoning Technician



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: <u>TIANA TAYLOR</u>		Name:	
Mailing Address: <u>PO BOX 1278 HAINES</u>		Haines Borough Business License #:	
Contact Phone: Day Night <u>907-303-7053</u>		Alaska Business License #:	
Fax:		Contractor's License #:	
E-mail: <u>tianataylor@gmail.com</u>		Mailing Address:	
		Contact Phone: Day Night	
		Fax:	
		E-mail:	
II. Property Information			
Size of Property: <u>1/2 acre</u>			
Property Tax #:			
Street Address: <u>435 PAA</u>			
Legal Description: Lot (s) <u>2</u> Block <u>N</u> Subdivision <u>PORTCHUKOOT</u>			
OR			
Parcel/Tract _____ Section _____ Township _____ Range _____			
[Attach additional page if necessary.]			
Zoning: <input type="checkbox"/> Waterfront <input checked="" type="checkbox"/> Single Residential <input type="checkbox"/> Rural Residential <input type="checkbox"/> Significant Structures Area			
<input type="checkbox"/> Rural Mixed Use <input type="checkbox"/> Multiple Residential <input type="checkbox"/> Heavy Industrial <input type="checkbox"/> Waterfront Industrial			
<input type="checkbox"/> Commercial <input type="checkbox"/> Industrial Light Commercial <input type="checkbox"/> Recreational <input type="checkbox"/> Mud Bay Zoning District			
<input type="checkbox"/> Lutak Zoning District <input type="checkbox"/> General Use			
III. Description of Work			
Type of Application (Check all that apply)	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 type="checkbox"/> Single Family Dwelling <input type="checkbox"/> Change of Use <input type="checkbox"/> Multi-Family Dwelling Total # of Units _____ <input checked="" type="checkbox"/> Cabin <input type="checkbox"/> Addition <input checked="" type="checkbox"/> Accessory Structure <input type="checkbox"/> Other _____	<input type="checkbox"/> None <input type="checkbox"/> Community well <input type="checkbox"/> Private well <input checked="" type="checkbox"/> Borough Water System <input type="checkbox"/> Other _____	<input type="checkbox"/> None <input type="checkbox"/> Septic Tank <input type="checkbox"/> Holding Tank <input checked="" type="checkbox"/> Borough Sewer System <input type="checkbox"/> Pit Privy <input type="checkbox"/> Other _____

Valuation of Work:
Current use of adjacent properties: <i>Residential</i>
Attach the following documents to the permit application: <input type="checkbox"/> Site plan (see Attachment A) showing lot lines, bearings and distances, buildings, setbacks, streets, etc.

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.

*. 10' setback from neighbors property.
5' green space with 5' high fences*

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

*there should be no effect on adjoining property.
Cabin will be built to be aesthetically pleasing*

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.

*The cabin is a 12x12 structure with simple needs
ie: toilet, shower, sink, microwave, dorm size fridge
It is not meant for long term occupancy,*

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.

It will be built to match the main house and will fit into the property use

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

NO ONE SHOULD BE AFFECTED BY THIS BUILDING

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.

USING PUBLIC SERVICES FOR ALL WATER/SANITARY

IV. FEE

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

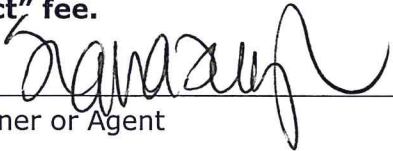
NOTICE

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.
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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.
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8. Design. The conditions may require the adoption of design standards specific to the use and site.

V. CERTIFICATION

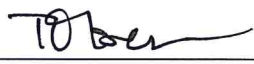
I hereby certify that I am the owner or duly authorized owner's agent, that I have read this application and that all information is correct. I further certify that I have read, understand and will comply with all of the provisions and permit requirements outlined hereon. I also certify that the site 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.**


 Owner or Agent

6/24/14
 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>06/24/2014</u> <u>In Person</u> <u>XC</u> <small>(Date) (Notified via) (Initials)</small>					
Non-Refundable Permit Fee \$ <u>150.00</u> Receipt No. <u>023061</u> Received By: <u></u> Date: <u>6/24/14</u>			Information/Documentation Req'd Rec'd <input type="checkbox"/> <input type="checkbox"/> State Fire Marshal <input type="checkbox"/> <input type="checkbox"/> State DEC <input 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



0 * 273 - rowdykittens.com



HAINES BOROUGH, ALASKA

P.O. BOX 1209

HAINES, AK 99827

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

June 30, 2014

«First_Name» «Last_Name»

«Address»

«City», «State» «Zip»

Re: Conditional Use Permit - Construction of a Guest House
C-PTC-0N-0200

Dear Land Owner,

Haines Borough records show that you own property within 200 feet of the above-listed property. Ms. Tiana Taylor has requested for the Planning Commission to approve a Conditional Use Permit allowing the construction of a 12' by 12' cabin to be built on her property. Haines Borough Code 18.70.040 allows a guest house in single residential zone upon approval of a conditional use permit. The Haines Borough Planning Commission will hold a public hearing on the matter at the next regular Planning Commission meeting. The meeting will be held at 6:30 p.m. at the Haines Borough Assembly Chambers on Thursday July 10, 2014. As an owner of property within 200 feet of the above-listed property you are being notified that you are invited to attend and comment at the meeting. If you have any questions on the matter please contact the Borough.

Sincerely,

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

First Name	Last Name	Address	City	State	Zip
ALBERT/LORI	GIDDINGS	BOX 758	HAINES	AK	99827
ANNE M.	HANSSSEN	BOX 1173	HAINES	AK	99827
ARTHUR P.	THURN	2323 G STREET	BELLINGHAM	WA	98225-3640
CATHERINE S.	STONE	BOX 1398	HAINES	AK	99827
CHARLES	DEWITT	BOX 128	HAINES	AK	99827
CURTIS/SHARON	GOODMAN	11207 206TH AVE NE	REDMOND	WA	98053-5116
H. DRAKE	OLSON, JR.	BOX 411	HAINES	AK	99827
HENRY/EDITH	JACQUOT	HC 60, BOX 2552	HAINES	AK	99827
LORI Y.	GIDDINGS	BOX 758	HAINES	AK	99827
LUCY	TATE	BOX 551	HAINES	AK	99827
NANCY S.	JOHNSON	BOX 214	HAINES	AK	99827
NISHAN/SUSAN	WEERASINGHE	BOX 817	HAINES	AK	99827
RONALD/DEIRDRE	GINTER	18639 BIRCHWOOD LOOP	CHUGIAK	AK	99567
THOMASINE M.	SCOVILL	BOX 303	HAINES	AK	99827



Guest House Conditional Use Permit
Public Hearing
July 10, 2014



0 50 100 200 300 400 Feet



Xi Cui

To: Tiana Taylor
Subject: RE: Land Use Permit for Site Prep

From: Tiana Taylor [<mailto:tianaetaylor@gmail.com>]
Sent: Tuesday, June 24, 2014 11:20 AM
To: Xi Cui
Subject: Re: Land Use Permit for Site Prep

Tracy,
Good morning.

In regards to my driveway permit and building permit. Looks like we are ready to move forward. The driveway has been started and the lot is cleared. I'm ready to put the pad down for the house. I know I need to send you an updated plan. What is required? Do you need to see the house plans? I will bring in a diagram of where the house will be situated on the property and how the driveway will run. Is this enough? What else do I need to make sure I am following code?

Southeast Road, Loren Tonggard, will be putting in the water and sewer lines as well as the building pad and finishing the driveway. He will coordinate with Ralph.

I would also like to do a conditional use permit to build a 12x12 art studio/guest cabin for non-commercial use. This will be used for my mom when she has to stay in town or my son when he is in from fishing. I will use it for storage of my crafting habit:) I will submit the proper application and diagram for that as well. Is there a fee for that? I am

I will be in town this afternoon and will stop by. I am currently living at 26 mile until the house is built. Thank you in advance for your help in this project!

Tiana.

HBC 18.20.020 Definitions.

“Guest house” means a secondary dwelling not larger than 800 square feet of gross building area used primarily for guests, family, or transient occupancy.

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 13.04.040 Classes of water service.

A. Residential service shall consist of all services for domestic purposes supplied to a multi-dwelling building (apartments, duplexes, etc.), to an individual dwelling, whether it be a house, a cabin, a single apartment attached to or within a commercial building, or a mobile home, within or outside of a mobile home park. For billing purposes, each individual dwelling unit shall be considered as one unit and the residential flat rate shall apply.

13.04.090 Number of service connections on premises.

The owner of a single parcel of property may apply for and receive as many services as the owner and the owner’s tenants may require, provided the application or applications meet the requirements of this chapter.

13.04.110 Joint service connections.

A. Joint service connections shall not be allowed.

B. Service extensions from an existing service to other occupancies or ownership other than that for which the existing service was intended shall not be permitted, nor shall separate residences or businesses be permitted to receive service through one meter.

HBC 18.50.040 Conditional Use – 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, ALASKA
ORDINANCE No. 13-12-358

AN ORDINANCE OF THE HAINES BOROUGH AMENDING BOROUGH CODE SECTION 18.80.030 TO ADD "PUBLIC UTILITIES" TO THE LIST OF EXEMPTIONS TO THE SETBACK REQUIREMENTS, TO ADD THE GENERAL USE, THE MUD BAY, AND THE LUTAK INLET PLANNING/ZONING DISTRICTS TO THE SETBACK CHART WITH THEIR RESPECTIVE SETBACKS ESTABLISHED IN CODE, AND TO CORRECT A TYPOGRAPHICAL ERROR TO MAKE IT CONSISTENT WITH THE SECTION 18.20.020 DEFINITION OF SETBACK.

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. This ordinance is of a general and permanent nature and if adopted with or without amendment shall become a part of the Haines Borough Code.

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

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

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

NOTE: **Bolded/UNDERLINED** ITEMS ARE ADDITIONS TO THE CURRENT LANGUAGE
~~STRIKETHROUGH~~ ITEMS ARE DELETED
GRAY HIGHLIGHTED ITEMS ARE ADDITIONAL AMENDMENTS TO THE ORDINANCE
NO.13-12-358

18.20.020 Definitions – Regulatory

"Setback" means the perpendicular distance from the appropriate lot line to the nearest point on a building or structure, including, but not limited to, porches, steps, and roof edges.

18.80.030 Setbacks and height.

A. Setbacks are measured from the outermost portion of the building to the nearest lot line or building as appropriate. Incidental architectural features such as window sills, cornices and eaves may not project into any required setback. This ~~exemption~~ **regulation** also applies to cantilevered floors, decks or other similar building extensions. No building or structures may be located within a setback, except that fences may be constructed within the required setback by permit. The following items shall be exempt from setback requirements, provided the item is located to achieve its purpose without constituting a hazard to vehicles or pedestrians, is located such that it does not obscure sight angles at intersections or driveways, and is not in any location prohibited by state regulation:

1. Driveways and culverts that meet Chapter 12.08 HBC;
2. Parking areas that meet Chapter 10.44 HBC;
3. Satellite dishes;
4. Signs that meet Chapter 18.90 HBC; ~~and~~
5. French drains, culverts, or similar infrastructure. ~~;~~ **and**

6. Public utilities.

Where more than one setback standard is applicable, the most restrictive setback standard applies.

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

Setbacks and Height Restrictions by Zone								
Zoning District	Height Limit (in feet)	Industrial Setbacks (in feet) ***		Commercial Setbacks (in feet)		Residential Setbacks (in feet)		
		From Street Lot Lines	From Residential Lots	From Street or Alley Lot Lines	From Other Lot Lines	From Street Lot Lines	From Alley Lot Lines	From Other Lot Lines
I/H	30 *	0	50	0	0	N/A	N/A	N/A
I/L/C	30	0	50	0	0	20	10	10
I/W	30	0	50	0	0	20	10	10
C	30	0	50	0	0	20	10	10
W	30	0	50	0	0	20	10	10
SSA	30 **	N/A	N/A	10	5	20	10	10
SR	30	N/A	N/A	N/A	N/A	20	10	10
MR	30	N/A	N/A	0	0	20	10	10
RR	30	N/A	N/A	0	0	20	10	10
RMU	30	0	50	0	0	20	10	10
MU	30	0	50	0	0	20	10	10
REC	30	N/A	N/A	N/A	N/A	20	10	10
GU	N/A	20	10	20	10	20	10	10
MBRR***	N/A	N/A	N/A	N/A	N/A	25	25	25
LUTAK RR****	35	N/A	N/A	N/A	N/A	10	10	10

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

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

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

**** **The Chilkat State Park Road right-of-way is exempt from the setback requirements.**

***** Exception: Properties located along the Lutak Spur road (from the Chilkoot River bridge to the end of the road) where there will be no minimum setback along the road front right-of-way. Setbacks will apply for all other property lines along the Lutak Spur road.**

Buildings constructed to zero lot line must be designed so that snow falling from the roof is not deposited on adjacent properties.

The distance between unattached buildings must be 15 feet unless approved as a conditional use by the planning commission. Building separation is intended for public safety; fire-related concerns must meet the approval of both the State Fire Marshal and local fire department, where applicable. The 15-foot separation between unattached buildings applies only when at least one of the buildings is for human occupancy.

Setbacks from anadromous fish streams: See HBC 18.60.010(P).

Between Second Avenue and the intersection of Union Street and Main Street, all structures must be set back 20 feet from lot lines adjacent to Union Street. Due to its historical nature, Block 16, Haines Townsite Subdivision shall have special setbacks. All structures built within Block 16 must be set back a minimum of 10 feet from any property lines not abutting Union Street.

If a publicly owned road easement exists inside of a property line, the setback shall be measured from the easement line and not the property line.

If a public utility easement exists inside of a property line, the setback shall be measured from the easement rather than the property line and shall be not less than 10 feet unless a variance is granted by the planning commission.



Haines Borough

Planning and Zoning

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

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

Construction Declaration Form

NOTICE

- Per HBC 18.30.010(A)(2)(c), Construction Declaration. New construction outside of the townsite service area that exceeds \$5,000 in assessed value or 500 square feet must be declared on a construction declaration form and filed with the borough assessor per HBC 3.72.070. Failure to file a construction declaration prior to commencement of construction shall result in penalties equal to the townsite service area after-the-fact penalties.
- Setback regulations vary in different planning/zoning districts. For more information, please see the attached information sheet. The Borough staff may do a site inspection to determine that the building site is not within the setbacks. It is important that the applicant follows the regulations for the area of the Borough in which the proposed building project is located. Please be aware that if the project does not meet the setback requirements, the applicant may be assessed a penalty fee, as per HBC 18.30.070.

I. Owner/Authorized Representative		Owner's Contractor(If Any)	
Name:	Name:		
Mailing Address:	Haines Borough Business License #:		
Contact Phone: Day Night	Alaska Business License #:		
Fax:	Contractor's License #:		
E-mail:	Mailing Address:		
	Contact Phone: Day Night		
	Fax:		
	E-mail:		
II. Property Information			
Property Tax ID #:			
Size of Property:			
Legal Description: Lot (s)_____ Block_____ Subdivision_____			
OR			
Parcel/Tract_____ Section_____ Township_____ Range_____			
[Attach additional sheets if necessary.]			
Zoning: <input type="checkbox"/> Mud Bay Planning/Zoning District <input type="checkbox"/> Lutak Inlet Planning/Zoning District <input type="checkbox"/> General Use			
III. Description of Work			
Type of Project (Check all that apply) <input type="checkbox"/> Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Church <input type="checkbox"/> Other _____	Project Description (Check all that apply) <input type="checkbox"/> Single Family Dwelling <input type="checkbox"/> Multi-Family Dwelling <input type="checkbox"/> Cabin <input type="checkbox"/> Addition <input type="checkbox"/> Accessory Structure <input type="checkbox"/> Other _____		
Estimate Cost of Work:	Estimate Date of Construction:		
Dimensions of Structure(s):			

IV. CERTIFICATION

I hereby certify that I am the owner or authorized representative of the property described above and that I file a construction declaration form in conformance with all of the provisions in the Haines Borough Code. I understand that all contract work on this project will be done by a contractor holding valid licenses issued by the State of Alaska and the Haines Borough.

Signature (Representatives must provide written proof of authorization) _____
Date

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

Office Use Only Below This Line

Received By: _____	Date: _____
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INCOMPLETE CONSTRUCTION DECLARATIONS WILL NOT BE ACCEPTED

Construction Declaration Information Sheet

❖ Mud Bay Rural Residential Zone

Zoning Regulations - One single family dwelling per lot is a use by right. Accessory uses include accessory buildings, cottage industries and a guest house. Uses allowed with a conditional use permit include public parks, public recreation sites, nonprofit camps, schools, fire stations, lodges, commercial or public radio and television transmitters and towers, public utility facilities, commercial enterprise, cemetery, vacation rentals. Heliports are prohibited.

Setbacks - Structures shall be located no less than 25 feet from the nearest lot line, and right-of-way line, with Chilkat State Park Road being exempt from the right-of-way setbacks; structures shall be located no less than 25 feet, measured from the top of the nearest stream bank, from any stream or watercourse used to provide domestic water, and from all anadromous fish streams.

❖ Lutak Inlet Rural Residential Zone

Zoning Regulations - Uses by right are one single family dwelling per lot, guest houses, cottage industry and domestic log milling. Accessory uses include wood sheds, greenhouses, smokehouses, tool sheds, steam baths, saunas, workshops, garages and structures for housing animals and fowl. Uses allowed with a conditional use permit include churches, schools, lodging houses, public parks, recreation sites, public utility facilities, fire stations, community halls, governmental buildings, rentals, sales, professional services, fish hatchery, commercial agriculture, commercial logging, campgrounds, cemetery and vacation rentals. All other uses are prohibited.

Setbacks - Structures shall be located no closer than 10 feet from all property lines except for properties located along the Lutak Spur road (from the Chilkoot River bridge to the end of the road) where there will be no minimum setback along the road front right-of-way. Setbacks will apply for all other property lines along the Lutak Spur road. Also, the building height standard is 35 feet maximum height from the plane of the mean building grade.

❖ General Use Planning/Zoning District

Zoning regulations - There are no prohibited uses in this district. Uses allowed with a conditional use permit include landfills, commercial power plants, cemeteries, heliports and hazardous materials storage facilities.

Setbacks - Structures shall be located no less than 20 feet from street lot lines, 10 feet from other lot lines for all uses in this district.