



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, September 11, 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: August 14, 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. Don Simkin – Bed & Breakfast (B&B) Conditional Use Proposal – Action Item: Ms. Aukerman is in the process of selling her property on Mud Bay Road. One of the conditions of the sale is that the offer is contingent on the buyer obtaining a conditional use permit to use the property as a B&B. The potential buyer, Mr. Don Simkin, has requested the Planning Commission approve a conditional use permit allowing the operation of a B&B on the property. Possible Motion: Approve Simkin's conditional use proposal.
 - B. John Floreske – Heliport Conditional Use Proposal – Action Item: Property owner Floreske has requested the Planning Commission approval a conditional use permit to allow the installation of three helipads at 10 Mile Haines Highway. Possible Motion: Approve Floreske's conditional use proposal.
9. UNFINISHED BUSINESS:
 - A. Replat of Primary School Subdivision – Discussion Item: This is a follow-up item of August 14, 2014's meeting.
 - B. Temporary Residence in HBC 18.60.020(H) – Action Item: This is a follow-up item of August 14, 2014's meeting. A draft ordinance is ready for review. Possible Motion: Recommend the Assembly adopt the draft ordinance.
10. NEW BUSINESS:
 - A. Historic District/Building Review: None
 - B. Haines Borough Code Amendments: None
 - C. Project Updates: None
 - D. Other New Business:
 1. Vacation Rentals – Discussion Item: This item is up for discussion at the request of Karen Hess. Recently Hess is changing the use of the existing structure from commercial to residential on her property, which is within the light industrial/commercial zone. She would like to use the structure as vacation rentals. However, per HBC 18.70.040, vacation rentals are prohibited in this area. Hess has requested the Planning Commission consider a code amendment allowing the operation of vacation rentals on her property.
 2. Classification of Borough Lands for Sale – Discussion Item: The Borough Assembly requested the Planning Commission identify some of the Borough lands that may be considered to classify for sale.
11. COMMISSION COMMENTS
12. CORRESPONDENCES
13. SCHEDULE MEETING DATE
 - A. Regular Meeting – Thursday, October 9, 2014 6:30 p.m.
14. ADJOURNMENT



**Haines Borough
Planning Commission Meeting
August 14, 2014
MINUTES**

Draft

1. **CALL TO ORDER/PLEDGE TO THE FLAG** – Chairman **Goldberg** called the meeting to order at 6:30 p.m. in Assembly Chambers and led the pledge to the flag.
2. **ROLL CALL** – **Present:** Chairman Rob **Goldberg**, Commissioners Lee **Heinmiller**, Heather **Lende**, Andy **Hedden**, Robert **Venables**, Danny **Gonce**, and Don **Turner III**.

Staff Present: Tracy **Cui**/Planning & Zoning Technician III.
Also Present: Kim **Chetney**, Ron **Malone**, Kip & Patty **Kermoian**, Sandra **Barclay**, Carol **Tuynman**, Tim **Wolf**, and Debra **Schnabel** (liaison).
3. **APPROVAL OF AGENDA**

Motion: **Turner** moved to “approve the agenda”. **Heinmiller** seconded it. The motion carried unanimously.
4. **APPROVAL OF MINUTES** – July 10, 2014 Regular Meeting Minutes

Motion: **Heinmiller** moved to “approve the July 10, 2014 regular meeting minutes”. **Gonce** seconded it. The motion carried unanimously.
5. **PUBLIC COMMENTS**

Tuynman said later this fall, representatives from the Alaska Land Trust will come to Haines and talk to residents who are interested in learning about conservation easements.
6. **CHAIRMAN'S REPORT**

Goldberg thanked **Tuynman** for writing the grant request for installing signage at Fort Seward and Main Street.
7. **STAFF REPORTS**
 - A. **Planning & Zoning Report**

Cui reported monthly land use permitting and the status of on-going projects.
 - B. **Downtown Revitalization Committee (DRC) Report**

The commission reviewed the report and endorsed the recommendations that were made by the DRC. The commission appreciated its efforts to this community.

Motion: **Lende** moved to “support the motions in the Downtown Revitalization Committee (DRC) report and send those recommendations to the Assembly”. **Hedden** seconded it. The motion carried unanimously.
8. **PUBLIC HEARINGS**
 - A. **Kim Chetney – Lodging Rental Conditional Use Proposal**

Goldberg opened the hearing at 6:52 p.m.

Several neighbors attended the meeting and voiced concerns about noise and density.

Goldberg closed the hearing at 7:19 p.m.

The application was originally put forward as a lodge, but **Chetney** explained she is not intending to provide food for her guests, and the commissioners decided that her proposal better fit the definition of a vacation rental. Haines Borough Code (HBC) 18.20.020 defines “vacation rental” as a privately owned residential dwelling, such as, but not limited to, a single-family residence, apartment, or room, which is rented for periods of 30 consecutive days or less, limited to a single guest or family at a time.

The commission decided to place conditions on the permit to address the neighbors’ concerns.

Motion: Venables moved to “approve Chetney’s conditional use proposal with the conditions of (1) no more accommodations be built, (2) maximum of 20 guests, (3) no off-road vehicles or jet skis be provided to guests, and (4) this permit will end with the sale of the property”. **Turner** seconded it. The motion carried unanimously.

9. UNFINISHED BUSINESS – None

10. NEW BUSINESS

A. Historic District/Building Review – None

B. Haines Borough Code Amendments

1. Temporary Residence in HBC 18.60.020(H)

The current code requires property owners to apply for a temporary residence permit if desiring to place a trailer, mobile home or RV on their properties even for one day. **Cui** drafted an ordinance with the purpose of clarifying the terms of temporary permits.

During the discussion, the commissioners realized there are other problems in this section of code, such as a requirement on utility connections, and clarification on the time limit of temporary residence permits. Also, the commissioners discussed the intent of a temporary residence permit. They believed it mainly applies to the property owners who live in an RV/trailer while building their permanent residences, but it seems to also apply to the seasonal workers/summer residents who live in an RV/trailer for a few months. Questions were brought up if temporary permits shall be only permitted for construction purposes.

More discussion ensued.

Cui said she will revise the draft ordinance based on the commissioners’ comments, and bring it back at the next regular meeting.

C. Project Updates – None

D. Other New Business

1. Replat of Primary School Subdivision

Cui was directed by the manager to organize a working group to advise the commission on changes to the Primary School Subdivision. The group includes commissioners, the library director, school superintendent, several Borough staff, etc. Eight recommendations were made by this group.

The commission reviewed these recommendations and asked for staff to provide detailed explanations.

The commission agreed to re-schedule this topic for the next regular meeting as an unfinished item.

11. **COMMISSION COMMENTS**

Lende mentioned the commission needs to take a look at the Port Chilkoot parking issues. The commission decided to schedule this topic for this winter.

12. **CORRESPONDENCES** - None

13. **SET MEETING DATES** – The next regular Planning Commission meeting is scheduled for 6:30 p.m. on Thursday, September 11, 2014.

14. **ADJOURNMENT**– 9:41 p.m.

Staff Report for September 11, 2014

1. Permits Issued Since August, 2014

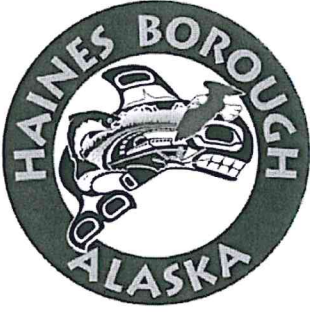
PERMIT	DATE	OWNER/AGENT	PROPERTY ID	LOT	BLK	SUBDIVISION	DEVELOPMENT	ZONE
14-63	8/6/14	CIA				Chilkoot Estates Sub.	Storage Addition	MR
14-64 (Pending)	8/11/14	James Alborough	C-KLO-11-0200	2A		Klokke Sub.	SFR	SR
14-65	8/14/14	Haines Residences LLC		6 & 7		Primary School Sub.	Hotel	C
14-66	8/15/14	William & Kim Chetney	4-MBR-07-0600	5		Windy Point Sub.	Vacation Rentals	RR
14-67	8/21/14	Sue Folletti	C-MIS-0C-0200	2 & 3 & 4	C	Mission Sub.	Change of Use	C
14-68	8/27/14	James Alborough	C-KLO-11-0200 & C-KLO-11-0300	2A & 3B		Klokke Sub.	Lot Line Adjustment	SR
14-69	8/27/14	James Stickler	C-HHY-01-0410	1		Zimbrich Sub.	Site Prep for SFR	RR
14-70	8/29/14	Patty A. Campbell	C-HLR-03-03A0	3A-2B		Schmidt Sub.	Temporary Fence	SR
14-71	8/29/14	John Schumacher	C-STR-02-54A0	54A		Aukerman Sub.	Storage	RMU

2. Enforcement Orders

- The Borough received a complaint about a firing range on Gary Keller's property off Beach Road. After conducting a site inspection, the Borough issued a Cease and Desist order citing public safety and in accordance with HBC 8.12.020(B). (see attached Cease & Desist order dated August 14, 2014)
- The Borough received a written complaint from several Tanani Bay property owners about the dumping/gravel pit operation occurring on Glenda Gilbert's property off Lutak Road. The Borough staff conducted a site visit, and had discussions with Gilbert via email and telephone. (see attached response letter dated August 22, 2014)
- Property owner Darcee Messano started a Bed & Breakfast (B&B) on her property off Beach Road without a land use permit. (see attached warning letter dated August 28, 2014)

3. Projects

- Section Line Easement Vacation – The applicant (H.A.R.K) decided to postpone the public hearing to the October's meeting.
- State Driveway/Approach Permit – Currently I am working with Public Facilities Director Carlos Jimenez on obtaining a state driveway permit for the development on lot 4, Picture Point Subdivision.
- LiDAR data – a “window of opportunity” is available to the Borough for purchasing a LiDAR data set that will enhance the GIS currently in place. (see attached teleconference report dated August 27, 2014)



HAINES BOROUGH
P.O. Box 1209
Haines, AK 99827-1209
907-766-2231 Ext. 29
907-766-2716 (fax)

August 14, 2014

Gary Keller
PO Box 1564
Haines, AK 99827

VIA CERTIFIED MAIL

Re: **Cease and Desist Order**
Firing Range
C-CIA-03-06B0; Lot 6B, Block 3, Chilkoot Inlet Subdivision

Dear Mr. Keller:

On 13 August 2014 at 10:00 AM I conducted a site inspection in response to a complaint from Robert and Ardys Miller relating to the discharge of firearms on your property. Accompanying me on this visit was the Police Chief William Musser. I had in my possession a 1:25,000 scale topographic map denoting your property and surrounding properties prepared using the Borough's ArcGIS system. In addition I had relevant sections of Department of the Army Pamphlet 385-63 (Range Safety) with specific information on ballistic considerations for various caliber ammunition, and template Surface Danger Zones (SDZ's) scaled to a 1:25,000 scale map for the following ammunition: 12 Gauge Slug, 9mm Ball Ammunition, 5.56mm (.223) Ball Ammunition, .45 Cal Ball Ammunition.

I have previous experience having been certified multiple times as a Range Safety Officer, Range Office in Charge, and Training and Doctrine Command (TRADOC) Level 2 Range Safety Officer. I have also served as a Battalion Fire Support Coordination Officer, a Battalion Operations & Training Officer, a Division Training Officer, and as an Infantry Battalion Commander while assigned as an officer in the United States Marine Corps between 1992 and 2014. During this period I oversaw live fire training at multiple facilities throughout the United States and overseas and was responsible for ensuring appropriate range design and adherence to appropriate safety standards. The use of SDZ's is common practice throughout the military and for civilian design of safe ranges. In accordance with DAM Pam 385-63 the Bat Wing Surface Danger Zone is employed to *"provide for greater ricochet containment of all ricochets. They should be considered when designing ranges that involve fire and movement, or where ricochet hazards outside the range complex boundary may endanger nonparticipating personnel, or the general public"*. (DA-PAM 385-63 Appendix B-1)

Your property is located at 649 South Beach Road, within the Haines townsite service area. Haines Borough Code (HBC) 9.24.010 addresses the discharge of a firearm of pistol within the townsite service area. This section of code states: *"A. It is unlawful for any person to fire or discharge, within the limits of the townsite service area, any pistol, gun, rifle, air rifle, or other firearm, other than a police officer in the lawful performance of the officer's duty. B. Notwithstanding subsection (A) of this section, it is not unlawful to discharge a firearm at a rifle range, target shooting range, trap shooting*

range, or other area that is posted for such purpose; providing, that the chief of police has approved the area as being safe for such purpose; and providing, that such shooting is adequately supervised and safely conducted". According to our conversation, your family has maintained a firing range on your property for 28 years and this use precedes the incorporation of that area into the townsite service area. You showed both myself and Chief Musser a letter issued by Mr. Vince Hansen, a former City of Haines Administrator, authorizing use of a firing range on the property as a non-conforming use based on pre-existing use prior to incorporation. You also noted that at the time you received the non-conforming use permit there were only two properties on that portion of Beach Road. A visual inspection of the adjacent properties identified there are other dwellings within 200 meters to the left and right of your firing point. After placing the SDZ's on the map and orienting the template based on direction of fire I made a determination that the adjacent properties were included in the area of concern for all of the caliber ammunition noted in the first paragraph and Chief Musser concurred with this opinion.

Additionally, "firing range" is prohibited in the townsite service area, as per HBC 18.70.040. HBC 18.60.020(M) addresses non-conforming uses, buildings and 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. This section of code states: *"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"*. Considering the increased residential use of the area that had developed in the period since you were originally issued the non-conforming use permit, I determined that the firing range is not consistent with the uses allowed in this zone and the Borough Planning & Zoning Technician Tracy Cui concurred with this opinion.

Based on the findings above, you are hereby issued a Cease and Desist order citing public safety and in accordance with HBC 8.12.020 (Certain conditions declared nuisances) *"B - To annoy, injure or endanger the safety, health, comfort, or repose of the public"*. Your intended use for the property was not in accordance with the Borough Code, posed a danger to residents and visitors, was not permitted. You were further notified that continuing to use the property to fire weapons was a violation for which you could be cited and fined.

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 August 29th, 2014.

This matter requires your immediate attention. If you continue to fire weapons on your property you will be cited for violation of the Borough code. Thank you very much for your attention to this matter. Please contact the Borough if you have any questions.

Respectfully,

A handwritten signature in black ink, appearing to read 'D. Sosa', with a long horizontal flourish extending to the right.

David Sosa
Borough Manager

CC: Bill Musser, Police Chief
Tracy Cui, Planning & Zoning Technician



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

August 22, 2014

FIRST NAME LAST NAME
ADDRESS,
CITY, STATE ZIP

Re: Gravel Pit Operation/Dumping Activity
C-TB4-00-06B0 & C-TB4-00-07B0; Lots 6 & 7, Tanani Bay Subdivision

Dear property owner:

This is in response to a letter mailed to the Borough manager dated July 7, 2014 (please see attachment). In order to address your concerns, the Borough staff investigated the above-listed property on August 1, 2014, and had discussions with the property owner Ms. Glenda Gilbert via email and telephone. Below are the findings:

- The property is zoned waterfront. Per Haines Borough Code (HBC) 18.70.040, resource extraction is prohibited in waterfront zone, and
- The property is vacant, and has two established private driveways off Lutak Road, and
- Ms. Gilbert obtained a land use permit in 2010 allowing site prep on her property. Land use permits are valid for two years; the owner is aware that any further improvements which exceed 50 cubic yards are subject to a new permit, and
- During the site visit, there was no dumping activity occurring on the property, and
- No obvious additions/changes to the property by comparing the Google Earth Imagery dated 9/2011 to the present, and
- Per an email from Ms. Gilbert dated August 6, 2014, *"As we previously spoke, we have not added or taken any other gravel since it was put there. I don't own a dump truck. My backhoe has been used for snow removal has not left my FAA lot since January due to mechanical issues. The only gravel that was spread was a small amount for my mother's birthday party on May 16th to level the area off for a picnic spot. It was my understanding that I would have to have a permit if there was a certain amount of cubic yards moved which we didn't exceed that amount. If there is dumping or removing then it is not with my permission"*.
- Ms. Gilbert has notified the Borough that she will remove the scrap lumber as soon as possible.

The Borough suspects that someone may have used Ms. Gilbert's property without her permission. Please contact the Borough if you see the dumping activity occur again. The Borough staff will

conduct a site visit and take proper actions in a timely manner. Thank you for bringing this matter to our attention. Please contact me if you have any other concerns or questions.

Sincerely,

Tracy Cui
Planning & Zoning Technician

CC: David Sosa, Borough Manager
Julie Cozzi, Borough Clerk

July 7, 2014

Mr David Sosa
Manager, Haines Borough
POB 1209
Haines, AK 99827


Dear Mr Sosa:

We the residents of Tanani Bay Subdivision are distressed about the dumping/gravel pit operation occurring on lots 6 and 7 in our subdivision. Those lots are zoned residential, but it appears they are being used for commercial purposes.

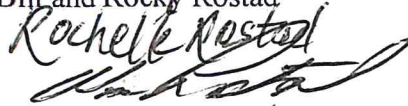
Used construction lumber, debris, and dirty fill are in piles on the property as well as a wrecked truck. This dump is ruining the pristine views we enjoyed before this operation began and is detrimental to our property values. It is also an eyesore for all the tourists going to the ferry terminal or Chilkoot Lake.

This appears to be a dumping activity rather than leveling a lot for a future home. Please take action.


Karen Combest


Victor Wratten and Sandy Wratten

Bill and Rocky Rostad


Rochelle Rostad

Kenny Klinger


Kenny Klinger


Dee Owens


Roger Beasley


Karen Pospisil


Bob and Mary Musseman



HAINES BOROUGH
Planning & Zoning
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xcui@haines.ak.us

August 28, 2014

Darcee Messano
PO Box 1466
Haines, AK 99827

Re: Unpermitted Land Use Violation
577 Beach Road, South; C-CIA-03-0300; Lot 3, Block 3, Chilkoot Inlet Sub.

Dear Ms. Messano:

It has come to the attention of Haines Borough that the above-listed property in the rural residential zone of the Haines Townsite Service Area has started a Bed & Breakfast (B&B) business. The Haines Borough Code (HBC) requires a land use permit to open a B&B business in the townsite rural residential zone. You are in violation of HBC 18.70.040 in operating your business without a land use permit. You are required to complete and submit the enclosed land use permit application with the required \$50 application fee to the Borough office by September 12, 2014. The Borough staff will review the permit application and approve the land use permit if the proposed business is compliant with the Borough code.

Per HBC 18.30.070(B), if the violation is not corrected within ten business days (September 12, 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 very much for your attention.

Sincerely,

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

Tracy Cui
Planning & Zoning Technician

LiDAR Teleconference August 27, 2014

Attending: Tracy Cui, Dean Olsen, Charles Barnwell

I. Origination of LiDAR Discussion

- A. Contract assessor, Marty McGee, referred Charles E. Barnwell, Alaska Regional Geomatics Manager, for Merrick & Company to Haines Borough Manager, David Sosa.
- B. Charles is working with a firm who is flying the pipeline (TAPS) corridor in September to map it with LiDAR.
- C. Charles recognized the “*window of opportunity*” for the Haines Borough to potentially use this firm upon the firm’s aircraft returning down the Alcan to Washington after the TAPS project is completed in late September. (Charles has worked with this firm on several Alaska DOT projects with great success [data was used to provide engineering mapping for DOT].)
- D. As former GIS manager for the Municipality of Anchorage Charles was able to acquire LiDAR for the urban part of Anchorage in 2002, which he states, “*has served Anchorage well for many uses & for many years now, and it was a good investment.*”

II. What is LiDAR?

- A. LiDAR, which stands for Light Detection and Ranging, is a remote sensing method that uses light in the form of a pulsed laser to measure ranges (variable distances) to the Earth. These light pulses—combined with other data recorded by the airborne system— generate precise, three-dimensional information about the shape of the Earth and its surface characteristics.
- B. A LiDAR instrument principally consists of a laser, a scanner, and a specialized GPS receiver. Airplanes and helicopters are the most commonly used platforms for acquiring LIDAR data over broad areas.
- C. LiDAR is a valuable dataset to serve as a base for many uses, for example:, watershed mapping, wetland mapping, roads engineering, etc. The good news these days is that LiDAR is less expensive to acquire, the instruments (sensors) are better, and the processing is better so that you get a good product usable in GIS pretty easily. The typical LiDAR data used in GIS is a digital elevation model (DEM) and other related data such as intensity imagery. With the DEM you can make topo contours, as well as a hillshade and other bases that are great for making your GIS data better overall.

III. Uses & Benefits

- A. LiDAR data has a higher sample density. The higher sample density improves results for certain applications, such as base mapping, floodplain mapping, transportation & utility corridor mapping, etc.
- B. All these applications can take advantage of combining LiDAR and GIS to conduct analysis and manage LiDAR data.
- C. LiDAR data can be collected quickly with very high accuracy. Mr. Charlie Barnwell said it will only take one or two days to collect the data within the Haines Townsite if the weather condition is good.
- D. LiDAR is the long term dataset useful for at least 10 years.
- E. LiDAR data will provide benefits to various Borough departments, such Assessment, P&Z, Water/Sewer, Public Facilities, Police/Fire/EMS department, etc. For example:
 - Public Facilities: it is particularly useful for identify water features as well as changes from land development and road construction; it is also helpful to check encroachments in the Borough Right-of-Way that may not be visible from roadways.

LiDAR Teleconference August 27, 2014

Attending: Tracy Cui, Dean Olsen, Charles Barnwell

- P&Z Department: it is helpful to identify features called out in survey descriptions to assist the land department in digitizing a representation of a survey boundary for general reference through our GIS system; it is also helpful for identifying buildings that have been constructed, and buildings that may have been evaluated on the wrong parcel.
- Assessment: it is helpful to review new and modified buildings for tax assessment, location of property, and planning assessment cycles.
- Water/Sewer: having the ability to display 2-foot interval contours is a big help for determining water flow for drainage.
- Police/Fire/EMS: P&Z can use the LiDAR data to locate structures and drop address points to aid Dispatch. It is helpful for dispatchers to guide emergency responders; also, LiDAR data can be used as part of the 911 emergency dispatch system.
- F. LiDAR can be used on a regular basis to support the applications for grant funding for the Borough.

IV. Cost

- A. An initial “mobilization” cost is charged for getting the aircraft & equipment to the mapping location in addition to expenses for time spent on site.
- B. A “Surveyor Control” fee is involved, but that cost is unknown to date.
 - 1. What is “Surveyor Control”? : For surveys performed, utilizing Global Positioning Systems (GPS), there is not a directly measured closed network, and therefore relative accuracy cannot be represented in the same manner. In the late 1990’s came the commercial prevalence of Aerial LiDAR applications – which similar to GPS technology did not conform to the traditional method of defining surveying accuracy. There was a need to develop a method to represent accuracy of point data and digital mapping products. The National Standard for Spatial Data Accuracy (NSSDA) was implemented by the Federal Geographic Data Committee (FGDC) to define absolute accuracies – not as a ratio, class or order, but as a unit of measure.
 - 2. A per acre cost is associated with the contour selected, (i.e. 2 ft. contour vs. 4 ft. contour). The 2 ft. contour is more expensive, but it is often the standard required if data is later used to acquire grants. It is estimated that the per-acre cost for 2 ft. contour is from \$3 to \$4.00/acre.
 - 3. Size of area for LIDA mapping
 - a. LiDAR mapping of the entire Haines Borough which totals almost 1.5 million acres would be a multi-million dollar project. Therefore, selecting the area to map must focus on maximum use potential of area covered, and reducing the size of the mapping area to make the project affordable for our municipality.
 - b. The Haines Borough Townsite has the highest density of real property as well as roads & other related infrastructure. The Haines Townsite is approximately 8,600 acres.

LiDAR Teleconference August 27, 2014

Attending: Tracy Cui, Dean Olsen, Charles Barnwell

C. Estimated cost of identified LiDAR mapping area: 8,600 acres x \$3-\$4.00/acre = \$26,000-\$35,000, (minimum).

V. Conclusion

A. This report was generated in response to notification that a “window of opportunity” is available to the Haines Borough for purchasing a LiDAR data set that will enhance the GIS currently in place. The time frame is approximately three weeks from the date of this report, or late September. As mentioned at the beginning of the report, this is the approximate date the firm Charles Barnwell is working with for the TAPS project up north will be returning to Washington. It is anticipated that the Haines Borough could benefit from a reduced mobilization fee as a result of taking advantage of the “window of opportunity.”

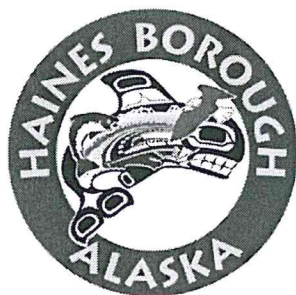
B. Acquisition of the LiDAR mapping will benefit many departments within the Haines Borough not only from enhanced GIS that will have increased quality & accuracy, but also from the products generated from the GIS for location orientation, mapping, planning, and even application for potential revenue from grants.

C. The estimated cost of the project is going to be in the neighborhood of \$40,000 and could be upward of \$50,000. While this is a very crude estimate it is close enough to determine whether further steps should be taken to pursue a contract with the company that will be traveling by the Haines Borough in late September.

D. Further direction on the topic is requested once it is determined the project can be funded.

Dean Olsen
Tracy Cui

Assessor
Planning & Zoning Technician



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

September 5, 2014

To: Haines Borough Planning Commission

Re: Don Simkin Bed & Breakfast (B&B) Conditional Use Proposal
1146 Mud Bay Road; C-STR-11-0410
Single Residential Zone within Townsite Service Area

Property owner Ms. Wanda Aukerman is in the process of selling her property on her property. One of the conditions of the sale is that the offer is contingent on the buyer obtaining a conditional use permit to use the property as a B&B. The potential buyer, Mr. Don Simkin, has requested the Planning Commission approve a conditional use permit allowing the operation of a B&B on the above-listed property. Haines Borough Code (HBC) 18.70.040 allows "B&B" in single residential zone of the Townsite Service Area with a conditional use permit. 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 HBC 18.50 Conditional Use Criteria and HBC 18.60.010 General Approval Criteria. As of today, the Borough has not received any written citizen complaints and comments.

I recommend the Planning Commission approve Simkin's B&B conditional use proposal. Thank you for considering this recommendation.

Sincerely,

A handwritten signature in blue ink, appearing to read "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>CJB Properties, LLC</u>		Name:	
<u>Don Sinkin & Vincent Sinkin</u>		Haines Borough Business License #:	
Mailing Address:		Alaska Business License #:	
<u>P.O. Box 706, Haines 99827</u>		Contractor's License #:	
Contact Phone: Day Night		Mailing Address:	
<u>845 665 2815</u>		Contact Phone: Day Night	
Fax:		Fax:	
<u>Vin/Sinkin@Me.Com</u>		E-mail:	
E-mail: <u>dsinkin@hve.vr.com</u>		E-mail:	
II. Property Information			
Size of Property: <u>.97 A</u>			
Property Tax #:			
Street Address:			
<u>1146 Mud Bay Rd</u>			
Legal Description: Lot (s) _____ Block _____ Subdivision _____			
<u>OR Lot 4B Aukerman Subdivision II, Section II</u>			
Parcel/Tract _____ Section _____ Township <u>31 South</u> Range <u>59 East</u>			
[Attach additional page if necessary.] <u>Copper River Meridian</u>			
Zoning: Waterfront <u>Single Residential</u> <u>current</u> Rural Residential Significant Structures Area			
Rural Mixed Use Multiple Residential <u>(D5)</u> 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)	Project Description (Check all that apply)	Water Supply Existing or Proposed	Sewage Disposal Existing or Proposed
<input checked="" type="checkbox"/> Residential	<input checked="" type="checkbox"/> Single Family Dwelling	<input type="checkbox"/> None	<input type="checkbox"/> None
<input checked="" type="checkbox"/> Commercial	<input checked="" type="checkbox"/> Change of Use <u>conditional</u>	<input type="checkbox"/> Community well	<input type="checkbox"/> Septic Tank
<u>1927</u> sq. ft.	<input type="checkbox"/> Multi-Family Dwelling	<input type="checkbox"/> Private well	<input type="checkbox"/> Holding Tank
<u>8</u> seating capacity if eating/drinking establishment	Total # of Units _____	<input type="checkbox"/> Borough Water System	<input type="checkbox"/> Borough Sewer System
Industrial	Cabin Addition	<input type="checkbox"/> Other _____	<input type="checkbox"/> Pit Privy
Church	Accessory Structure		<input type="checkbox"/> Other _____
Other _____	Other <u>8+B maximum</u>		
	<u>ledge for 8 guests</u>		

Valuation of Work:

\$10,000

Current use of adjacent properties:

single + multiple family dwellings

Attach the following documents to the permit application:

Site plan (see Attachment A) showing lot lines, bearings and distances, buildings, setbacks, streets, etc.

PREAPPLICATION (Required)

Pre-application Conference Date: *8/26/2014*

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.

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

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.

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.

5. Explain how the granting of the conditional use will not be harmful to the 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.

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.

1. The current structure at 1146 Mud Bay Road will not be expanded upon in capacity. It is currently a single family dwelling with four bedrooms and three bathrooms that comfortably sleeps eight people. There is no plan to change this capacity, thus noise abatement issues and other nuisances and dangers will be avoided. Guests will not have personal motor vehicles thereby there by actually reducing the existing noise levels. We intend to serve meals to only our guests and not to the general public. Any alcoholic beverages served will be provided as compliments to a meal and not available for purchase by the guests separately, thus maintaining strict controls on service and consumption. This would reduce any potential nuisance and danger concerns.

2. The development of this use for this property will not impact the value of the adjacent property – a multi-family (3 unit) dwelling with a shared access and egress. That property is currently under contract by the same buyers, CJB Properties, LLC, and will remain the principal residence of the property manager and host at the proposed lodge, a member of CJB. Should the proposed business developed by granting this conditional use permit be deemed unsuccessful, the permit can be forfeited and the use re-established as a single-family dwelling. Again, guests will not arrive in their personal vehicles so that no additional traffic will impact the adjacent property.

3. Because the size and scale of the proposed project is no greater and, on many days – smaller than the existing use with respect to capacity, traffic and consumption of public services (such as garbage, road use), the proposed project will not increase the reliance on public services and facilities.

4. The proposed development and usage scheme is consistent and in harmony with the current comprehensive plan and surrounding land use because it is consistent with the residential character of the neighborhood, consistent with the capacity of the existing dwelling, encourages the appreciation of the environment by inviting outside guests to experience Haines and the Chilkat Inlet and will not increase the carbon footprint in any way whatsoever. The proposed development could only have a positive impact on the economy of the area by attracting guests to avail themselves of the current businesses and attractions. We intend to offer charter fishing service to attract and enhance the experience of our guests , using a boat recently purchased and moored at the harbor.

5. The granting of a conditional use permit will not be harmful to the public safety, health and welfare because it does not encourage additional motor vehicle usage, it does not increase the carbon footprint in the community, there will be no toxic emissions or waste generated, there will be no additional impact on the water table

or leach fields, it will maintain strict control of the usage of alcoholic beverages by guests, and will not be accessible to the general public.

6. According to the information available to date (the well and septic maps) and because there will be no additional construction (other than adding a door to make one bathroom private), the infrastructure of the building in its current use as a single-family dwelling will not be stressed by the transient occupancy capacity upon which this conditional use permit is being requested. There will be limited alteration (a sign, landscape upgrades and addition of lawn furniture) to the visual and contextual landscape.

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

Date

8/26/14

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					
		(Date)	(Notified via)	(Initials)	
Non-Refundable Permit Fee \$ <u>150.00</u> Receipt No. <u>022453</u> Received By: <u>T. Olsen</u> Date: <u>8.26.14</u>			Information/Documentation Req'd Rec'd State Fire Marshal State DEC 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:		

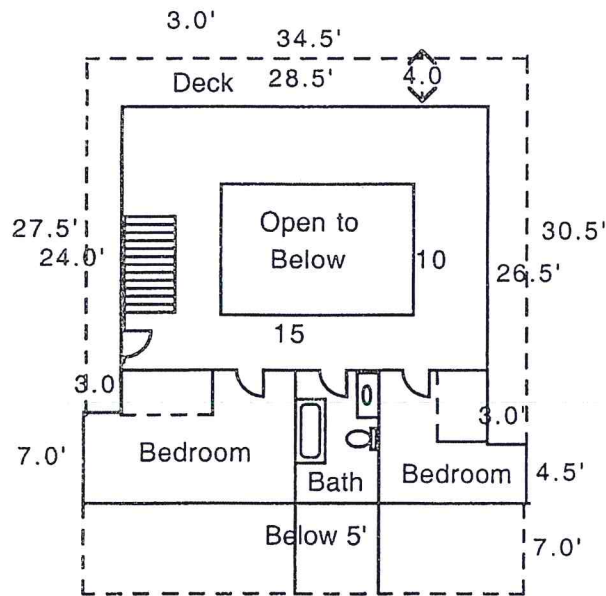
INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

ATTACHMENT A

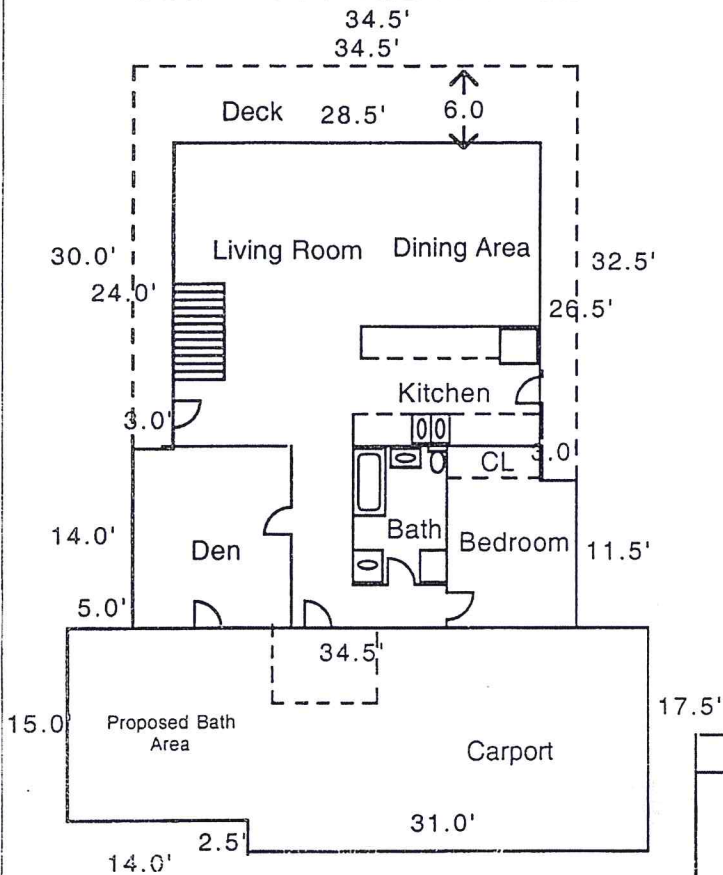
SITE PLAN REQUIREMENTS

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.



Top Floor



Lower Floor

Detached Garage & Shop 916.5

Shop area under house

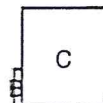
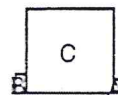
Loft : 148.5

Attic: 241.5

Deck: 853.5

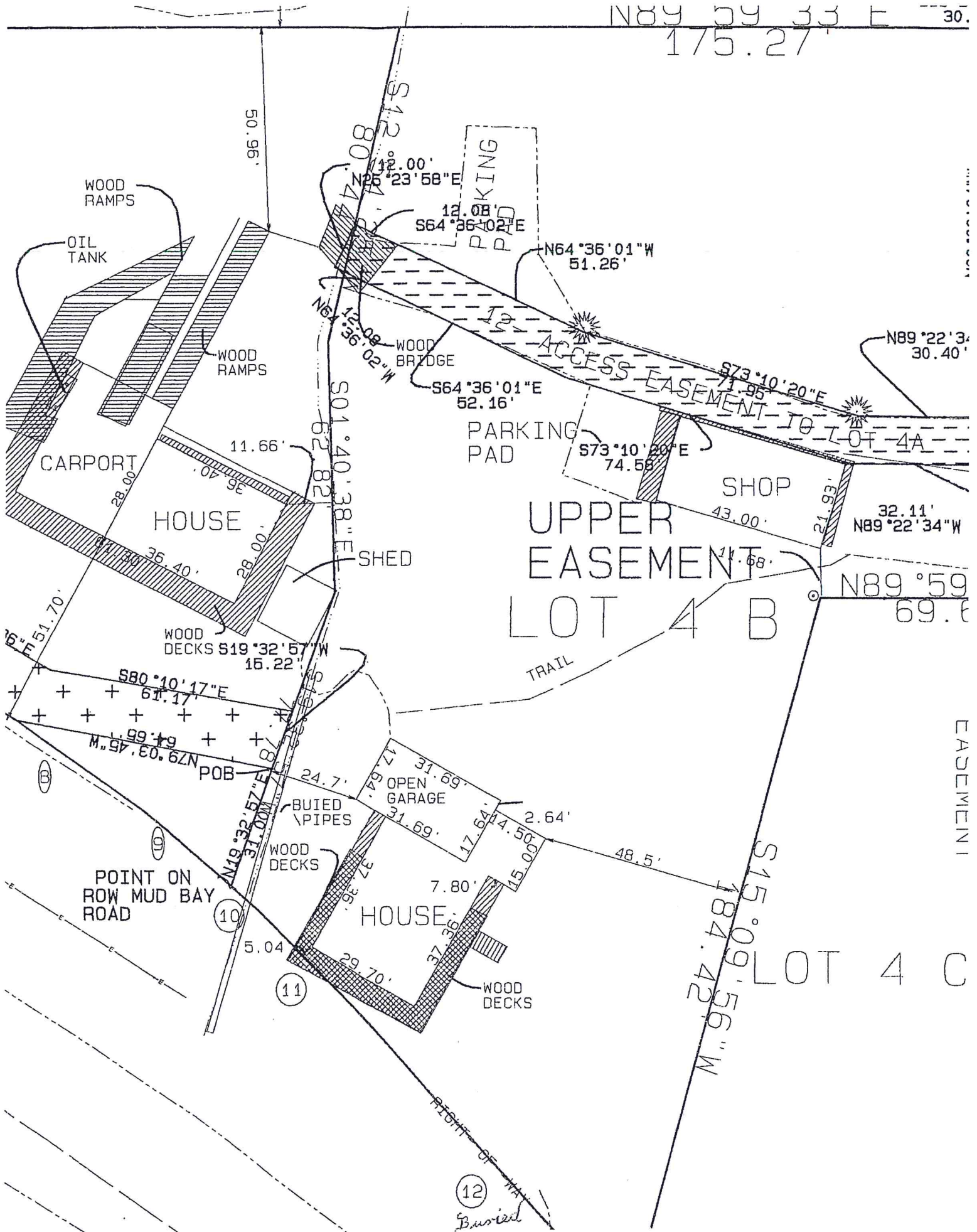
Carport: 752.5

Sketch Calculations



Location	Dimensions	Area
A	3.0' x 7.5'	22.5
B	4.0' x 28.5'	114.0
C	6.0' x 2.0'	12.0
Loft Area		148.5
A	3.0' x 4.5'	13.5
B	7.0' x 3.0'	21.0
C	28.5' x 31.0'	883.5
Top Floor		918.0
Open to Below 10 x 15		-150.0
Top Floor Living Area		768.0
A	3.0' x 11.5'	34.5
B	14.0' x 3.0'	42.0
C	28.5' x 38.0'	1083.0
Lower Floor Living Area		1159.5
Gross Living Area		1927.5

N89°29'33"E 175.27' 30'



CHANNEL DRILLING CO. FINAL WELL REPORT



Property Owner Dick Aukerman Date 10/28/97 Code T66
 Location 2.5 mile Mud Bay Rd HNS Well No. 2
 Legal Descript Lot 4 , Aukerman Sub, Sec 11 Contract No. 97 14
 Address P.O. Box 604, Haines, Ak 99827 Drill Rig No. 2
 Driller Frank Ramsey RAR Date Started 10/1/97 Date Finished 10/5/97

WELL LOG

CASING LOG

Well Diameter 6 inches Casing Stick Up 2 Casing I.D. 6 inches
 Total Depth 252 feet Casing Shoe Yes No X Casing O.D. 6.5/8 inches
 Depth Cased 18 feet Casing Welded Yes X No Casing Wt. 17.02 Lbs
 Static Level 40.5 TOC feet Surface Seal Yes X No Perforated Yes No X
 From 18 To 6 From To

SCREEN LOG

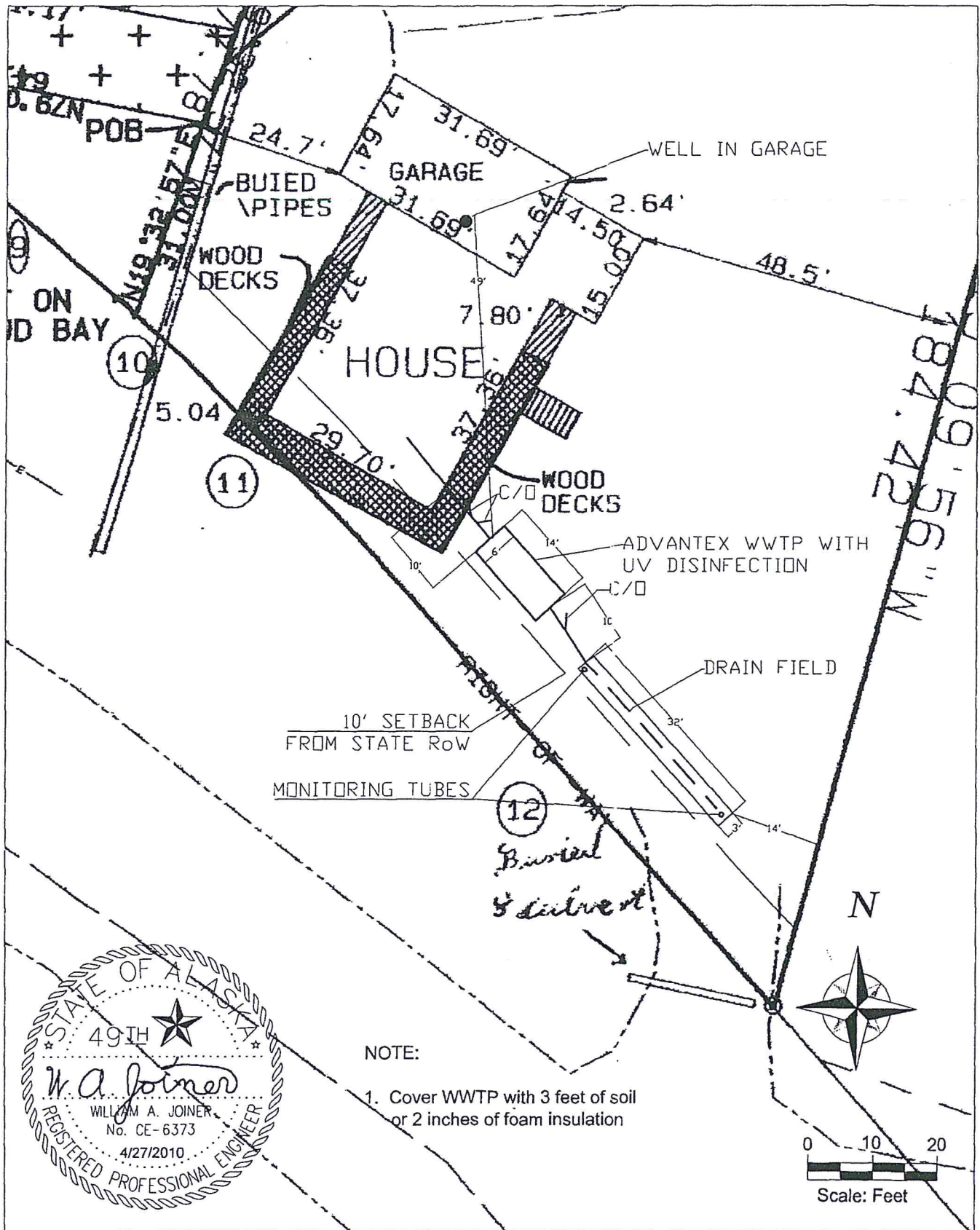
TEST PUMPING LOG

Make NA Dia. inch Date 10/5/97 Hours Pumped 1.5 GPM 4
 Metal Slot Sz Pump Make IR T-4 Type air
 Length ft Exposed ft Size Drop Pipe 4.5 inches Draw Down 250 feet
 Fittings Total Fill Time Water Cleared 1 Hours
 Depth Set Flow Test 1.5 Hours G.P.H. 240
 Type Surge Hours Water To Be Used For House hold
 Remarks: Drilled 12 ft in to bed rock set 6 in and cemented

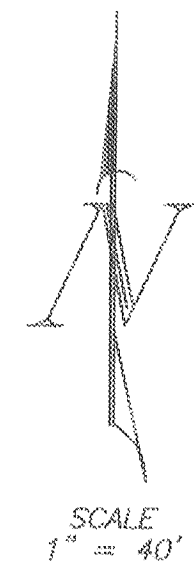
FORMATION LOG

From 0 To 1.5 Fill
 From 1.5 To 6 Broken Rocks - (bed rock)
 From 6 To 252 Bed rock
 From To
 From To
 From To
 From To

LEGAL NO. CD 31-59-11
 SITE ID
 Staging A-2



Project No: 10-005	JOINER ENGINEERING <small>Civil & Environmental Engineering</small>	AUKERMAN ADVANTEX WWTreatment PLAT LOT 4B AUKERMAN SUBDIVISION HAINES, ALASKA	Drawn by: WAJ Checked by: WAJ	SHEET 1 OF 2 DATE: 4/27/2010
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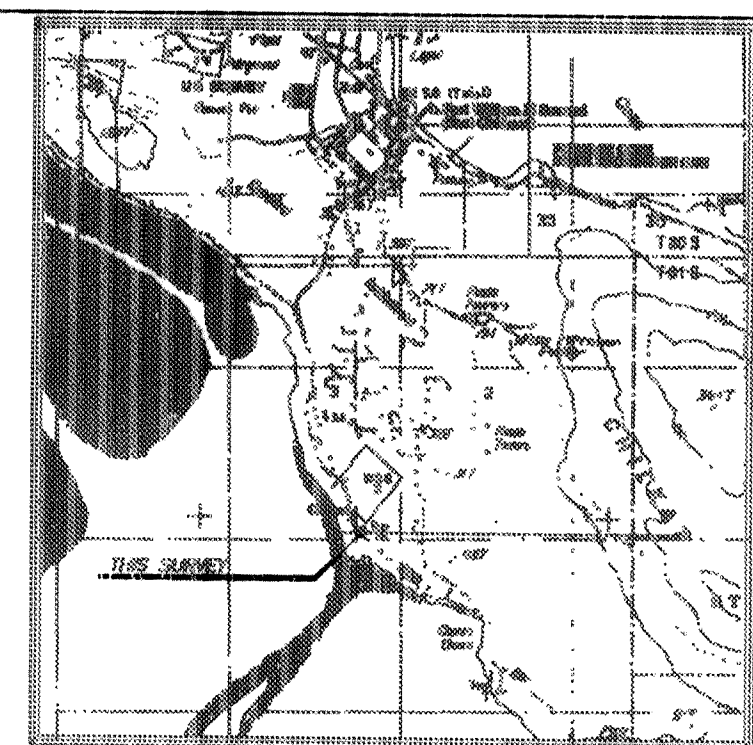


xx CERTIFICATE OF OWNERSHIP xx
I HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE
PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY
ADOPT THIS PLAT WITH OUR FREE CONSENT.
DATE 5-25, 2000
Richard L. Aukerman
RICHARD L. AUKERMAN
Iris W. Aukerman
IRIS W. AUKERMAN

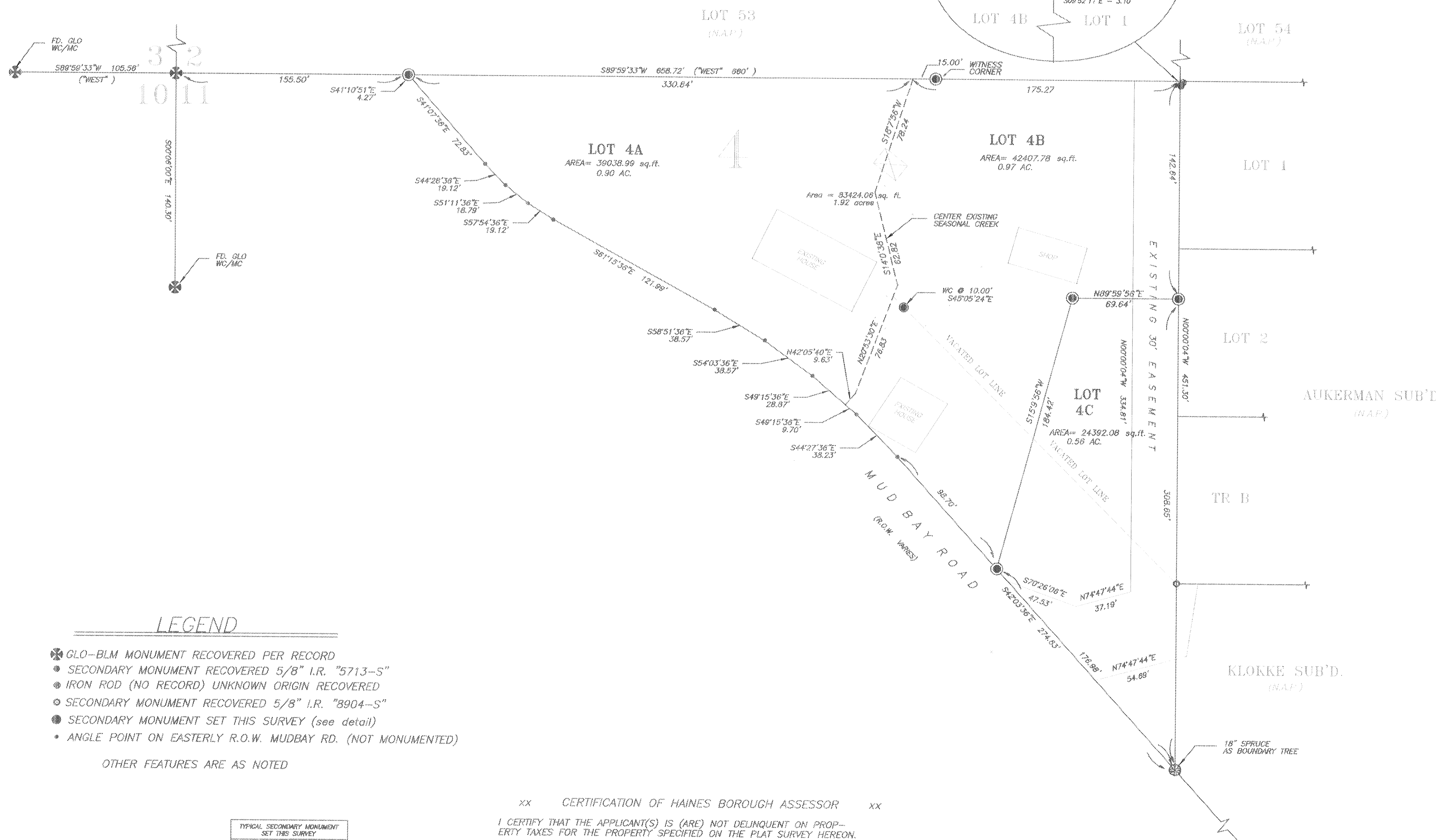
* NOTARY ACKNOWLEDGEMENT *
THIS IS TO CERTIFY THAT ON THIS 25 DAY OF May, 2000, BEFORE ME THE UNDERSIGNED,
A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, APPEARED
Richard L. & Iris W. Aukerman
KNOWN TO ME TO BE THE PERSON(S) DESCRIBED IN AND WHO EXECUTED THE ABOVE
AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE/SHE(S) SIGNED AND
SEALED THE SAME VOLUNTARILY FOR THE USES AND PURPOSES THEREIN MENTIONED.
WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE
FIRST ABOVE WRITTEN.
Jacqueline Lawson
NOTARY PUBLIC FOR THE STATE OF ALASKA. MY COMMISSION EXPIRES 11/08/03

Notary Public
JACQUELINE LAWSON
State of Alaska
My Commission Expires Nov 8, 2003

* PLAT APPROVAL *
THE UNDERSIGNED HEREBY CERTIFY THAT THIS SUBDIVISION PLAT
HEREIN HAS BEEN FOUND TO COMPLY WITH HC 18.110.050 AND
THAT THIS PLAT HAS BEEN APPROVED FOR RECORDING IN THE
HAINES RECORDING OFFICE.
DATED: 5/25/2000
Vince Hansen
VINCE HANSEN, CITY ADMINISTRATOR
ATTEST: Susan Johnston
SUSAN JOHNSTON, CITY CLERK



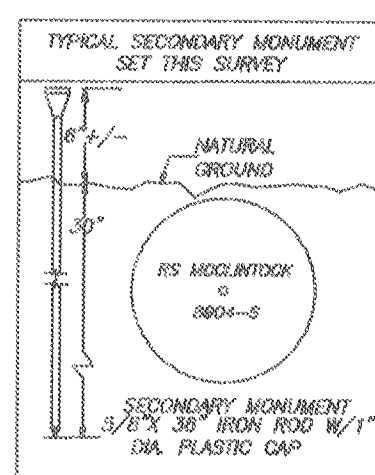
VICINITY MAP
(NOT TO SCALE)



LEGEND

- GLO-BLM MONUMENT RECOVERED PER RECORD
- SECONDARY MONUMENT RECOVERED 5/8" I.R. "5713-S"
- IRON ROD (NO RECORD) UNKNOWN ORIGIN RECOVERED
- SECONDARY MONUMENT RECOVERED 5/8" I.R. "8904-S"
- SECONDARY MONUMENT SET THIS SURVEY (see detail)
- ANGLE POINT ON EASTERLY R.O.W. MUD BAY RD. (NOT MONUMENTED)

OTHER FEATURES ARE AS NOTED



xx CERTIFICATION OF HAINES BOROUGH ASSESSOR xx
I CERTIFY THAT THE APPLICANT(S) IS (ARE) NOT DELINQUENT ON PROP-
ERTY TAXES FOR THE PROPERTY SPECIFIED ON THE PLAT SURVEY HEREON.
DATE May 25, 2000

John Boman for Dan Turner
FOR DANIEL TURNER, HAINES BOROUGH ASSESSOR

GENERAL NOTES

- THIS SURVEY IS BASED ON THE DEPENDENT RE-SURVEY OF SECTIONS 2, 3, AND A PORTION OF SECTION 11 AND USS 3 AMENDED T. 31S. R. 59E. C.R.M. CONDUCTED AND COMPLETED BY ALASKA DEPARTMENT OF TRANSPORTATION, AND PUBLIC FACILITIES SOUTHEAST REGION RIGHT-OF-WAY DEPARTMENT PERSONNEL, SAID SURVEYS COMPLETED SEPTEMBER 1994. THE RIGHT-OF-WAY OF MUD BAY ROAD WAS RE-ESTABLISHED ACCORDING TO THE RECORD A.D.O.T./P.F. SOUTHEAST REGION RIGHT-OF-WAY PLAT.
- SPOT FIELD CHECKS WERE CONDUCTED THIS SURVEY TO VERIFY A.D.O.T./P.F. INFORMATION AND WAS FOUND TO BE ACCURATE.
- THE ACCURACY OF THIS SURVEY EXCEEDS 1:5000.
- WHERE SURVEYED OR COMPUTED COURSES DIFFER FROM THOSE OF RECORD, THE RECORD COURSE IS EXPRESSED IN PARENTHESIS 1/E (NORTH 66°).
- MONUMENTS ESTABLISHED THIS SURVEY CONSIST OF A 5/8" X 36" IRON ROD WITH 1-1/2" PLASTIC SURVICAP STAMPED "R.S. MCCLINTOCK 8904-S".
- RUBBINGS AND/OR PICTURES OF RECOVERED PRIMARY MONUMENTS OF THIS SURVEY ARE AVAILABLE ON REQUEST.

SPECIAL NOTES

- THIS SUBDIVISION IS WITHIN THE CITY OF HAINES AND HAS BEEN ZONED AS "MULTIPLE USE". THIS DESIGNATION IS SUBJECT TO CHANGE.
- THIS SUBDIVISION IS NOT SERVED BY CITY OF HAINES PUBLIC SERVICES (I.E.) PUBLIC WATER OR SEWER

SUPPORTING DOCUMENTS: THIS SUBDIVISION IS FURTHER BASED ON THE FOLLOWING RECORD PLATS ON FILE WITH THE HAINES RECORDER'S OFFICE, JUNEAU, ALASKA
"AUKERMAN SUB'D"
"KLOKKE SUB'D"
"ZACHMISCH SUB'D"

WASTEWATER DISPOSAL

SOIL CONDITIONS, WATER TABLE LEVELS, AND SOIL SLOPES IN THIS SUBDIVISION MAY BE UNSUITABLE FOR CONVENTIONAL ON-SITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS SERVING SINGLE-FAMILY OR DUPLEX RESIDENCES AND MEETING THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION. ANY TYPE OF WASTEWATER TREATMENT AND DISPOSAL SYSTEM MUST FOLLOW ALASKA WASTEWATER DISPOSAL REGULATIONS (18 AAC 72). INDIVIDUAL LOT OWNERS ARE RESPONSIBLE FOR OBTAINING REQUIRED HEALTH AUTHORITY CERTIFICATE APPROVAL.

2000-15
HAINES REC DIST
DATE 06-06 2000
TIME 7:14 AM
Requested By R.L. Aukerman
Address _____

SURVEYOR'S CERTIFICATION

I hereby certify that I am a Professional Land Surveyor, licensed and registered in the State of Alaska, and that this plat was prepared under my direct supervision, that all dimensional details and relative bearings are correct as shown, and that all easements and right of ways appearing on the land are as shown; and the monuments as shown hereon actually exist.

DATED: MAY 24, 2000
R. Scott McClintock
R. Scott McClintock P.L.S.
Registration No. 8904-S



ALASKA
SURVEYING
COMPANY, INC.

P.O. BOX 808 HAINES, ALASKA 99827
(907) 706-2000
LAND SURVEYING/CIVIL ENGINEERING SERVICES

DRAWN BY: S.G.
DATE: 5/24/00
PROJ. NO.: HAINES 99-072
REVISIONS:
SURVEY DATE: 5/16/00

APPROVED BY: R.S.M.
PROJ. NO.: HAINES 99-072
REVISIONS:
SCALE: 1" = 40'

CLIENT: RICHARD L. AND IRIS W. AUKERMAN
P.O. BOX 604
HAINES, ALASKA 99827

PROJECT: *AUKERMAN II SUBDIVISION*
A RESUBDIVISION OF BLM LOT 4
NORTHWEST 1/4 OF SECTION 11, T. 31 S., R. 59 E. C.R.M.
within the CITY of HAINES, ALASKA

* HAINES RECORDING DISTRICT *

1 OF 1



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

August 28, 2014

«First_Name» «Last_Name»
«Address»
«City», «State» «Zip»

Re: Conditional Use Permit – Bed & Breakfast Business
1146 Mile Mud Bay Road; C-STR-11-0410
Lot 4B, Aukerman Subdivision II

Dear Land Owner,

Mr. Richard Aukerman is in the process of selling the above-listed property. Haines Borough records show that you own property within 200 feet of the above-listed property. The potential buyer, Mr. Don Simkin, has requested for the Planning Commission to approve a Conditional Use Permit allowing the operation of a bed & breakfast business on the property. One of the conditions of the sale is that the offer is contingent on the buyer obtaining a Conditional Land Use Permit from the Haines Borough to use the property as a bed & breakfast. Haines Borough Code 18.70.040 allows bed & breakfasts 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, September 11, 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,

Kathryn Friedle
Administrative Assistant
Planning and Zoning
Phone: (907)766-2231 Ext 22
Fax: (907) 766-2716
kfriedle@haines.ak.us

First Name	Last Name	COMPANY	ADDRESS	CITY
ANDUS E.	HALE		BOX 1483	HAINES
CHRISTOPHER	PINTOZZI		BOX 1618	HAINES
DANIEL	COLEMAN	c/o AlaskaRealtyTax (3rentals)	149 FRONT ST.	LITITZ
LESLIE/LEILANI	GLENN		44760 CARVER DRIVE	KENAI
MARK	ALLEN	NICOLE CINOCCO	BOX 1373	HAINES
NORM/PATRICIA	BLANK		BOX 112	HAINES
RACHEL	YOUNKERMEN		1327 LAKEVIEW AVE.	KLAMATH
RICHARD/WANDA	AUKERMAN	RICHARD D. AUKERMAN	6325 402ND AVE. SE	SNOQUALMIE

Bed & Breakfast Conditional Use Permit
Public Hearing
Sep 11, 2014



0 50 100 200 300 400 Feet

HBC 18.20.020 Definition

“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.

HBC 18.60.020 Special criteria

E. Bed and Breakfast (B&B). A bed and breakfast may be allowed as an accessory to a residential use; provided, that the use of the dwelling unit for the B&B is clearly incidental and subordinate to the use of the dwelling as a residence by its owners or a manager living on-site. One sign, not exceeding four square feet in area, illuminated by indirect lighting and on the same lot as the B&B use is allowed.

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.

John Floreske Jr.
P.O. Box 489
Haines, Alaska 99827
Tele #: (907) 766-2899; Fax #: (907) 766-2699

August 28, 2014
Haines Borough, Planning and Zoning Dept.
C/O Xi Chi (Tracy)
P.O. Box 1209
103 Third Ave. S.
Haines, Alaska 99827

Re: Conditional Use Application
10 Mile Helipads

Dear Tracy,

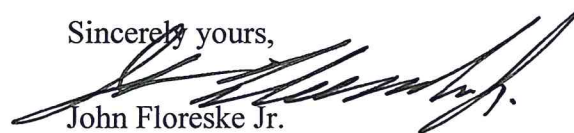
Attached please find the original application for a Conditional Use Permit for the construction and operation of the Heliport at 10 Mile Haines Highway. You will also find the approved Army Corp Permit, dated March 21st, 2014. If you would kindly accept the site plan attachments that are contained within our Corp permit, as our required site plan drawings for the Conditional Use Permit, it would be appreciated.

In addition we have included some support letters we have received. There is also submitted, letters to the Haines Borough regarding historical usage and use by right dated January 28th, 2004 and September 2004. These letters should provide additional support for meeting your "standards" review criteria.

Thank you for the opportunity to have met and reviewed the project during the "Pre-application Conference" as it was helpful to our understanding of the process. As always your staff's input was professional and courteous.

Finally, you will find enclosed the \$150 application fee for processing. You may reach me by contacting the information at the letterhead above. Alternatively, please feel free to contact my agent, Darrell Maple, Lynn Canal Professional Services, 660. South Oregon Street, Jacksonville, Oregon 97530; (541) 261-3764 (cell).

Sincerely yours,



John Floreske Jr.

Attachments: Conditional Use Permit
\$150 Application Fee Check
Army Corp Permit Dated 3/21/14
Support Letters
2004 Letters to Borough on Use by Right



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: John Floreske, Jr.		Name: Northern Construction, Inc.	
Mailing Address: PO Box 489 Haines, AK 99827		Haines Borough Business License #: 36	
Contact Phone: Day Night 907-766-2899 same		Alaska Business License #: 40046	
Fax: 907-766-2699		Contractor's License #: 4118	
E-mail: northern@aptalaska.net		Mailing Address: PO Box 489 Haines, AK 99827	
		Contact Phone: Day Night 907-766-2899	
		Fax: 907-766-2699	
		E-mail: northern@aptalaska.net	
II. Property Information			
Size of Property: Approximately 11 acres			
Property Tax #: 1HHY-10-0510			
Street Address: 10 Mile Haines, Hwy. Haines, AK 99827			
Legal Description: Lot (s) _____ Block _____ Subdivision _____			
OR			
Parcel/Tract <u>5</u> Section <u>8</u> Township <u>30S</u> Range <u>58E</u> CRM			
[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 type="checkbox"/> Mud Bay Zoning District			
<input type="checkbox"/> Lutak Zoning District <input checked="" type="checkbox"/> General Use			
III. Description of Work			
Type of Application (Check all that apply) <input type="checkbox"/> Residential <input type="checkbox"/> Commercial ____sq. ft. ____seating capacity if eating/drinking establishment <input type="checkbox"/> Industrial <input type="checkbox"/> Church <input checked="" type="checkbox"/> Other <u>Heliports</u>	Project Description (Check all that apply) <input type="checkbox"/> Single Family Dwelling <input type="checkbox"/> Change of Use <input type="checkbox"/> Multi-Family Dwelling Total # of Units _____ <input type="checkbox"/> Cabin <input type="checkbox"/> Addition <input type="checkbox"/> Accessory Structure <input checked="" type="checkbox"/> Other <u>3 Heliports</u>	Water Supply Existing or Proposed <input type="checkbox"/> None <input type="checkbox"/> Community well <input type="checkbox"/> Private well <input type="checkbox"/> Borough Water System <input checked="" type="checkbox"/> Other <u>Not Applicable</u>	Sewage Disposal Existing or Proposed <input type="checkbox"/> None <input type="checkbox"/> Septic Tank <input type="checkbox"/> Holding Tank <input type="checkbox"/> Borough Sewer System <input type="checkbox"/> Pit Privy <input checked="" type="checkbox"/> Other <u>Not Applicable</u>

Valuation of Work:
Current use of adjacent properties: Small Hydro and Vacant Land
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: August 28, 2014

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.

- 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.

Please see the attached Army Corp Permit dated 3/21/14.
This project has been designed to meet FAA recommended VFR Flight Rules & Design Standards.
- Explain how the development of the use is such that the value of the adjoining property will not be significantly impaired.

Please see the attached Army Corp Permit dated 3/21/14.
Please also see the letters of support from adjoining property owners. The use is within the "general use" zone allowable types. Such inclusion infers that actual use will not significantly affect value either a positive or negative manner.
- Explain how the size and scale of the use is such that existing public services and facilities are adequate to serve the proposed use.

There are no public services, and none requires. The project will use the existing approach off Haines Highway.

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.

As a "general use" zone, this use is by code an authorized conditional use and therefore consistent with the comprehensive plan. The only developed adjacent use is 10 Mile Hydro. Please see the attached prior use/ uses by right correspondence to the Haines Borough Planner.

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

The project is designed to meet FAA guidelines for VFR operations.

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.

Please see the attached Army Corp Permit, dated March 21, 2014. Please note the special conditions and required mitigation and compensation.

IV. FEE

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

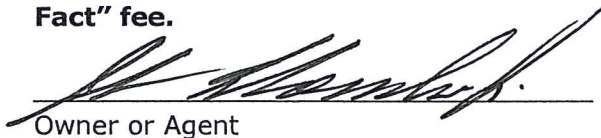
NOTICE

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

August 27, 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

<input checked="" type="checkbox"/> Applicant Notified Application is Complete and Accepted <u>08/28/2014</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>022480</u> Received By: <u>TOlsen</u> Date: <u>8.28.14</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

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.



DEPARTMENT OF THE ARMY
ALASKA DISTRICT, U.S. ARMY CORPS OF ENGINEERS
JUNEAU REGULATORY FIELD OFFICE
POST OFFICE BOX 22270
JUNEAU, ALASKA 99802-2270

MAR 21 2014

Regulatory Division
POA-2013-565

Mr. John Floreske Jr.
Post Office Box 489
Haines, Alaska 99827-0489

Dear Mr. Floreske:

Enclosed is the signed Department of the Army permit, file number POA-2013-565, Chilkat River, which authorizes the discharge of fill material into waters of the United States to construct 3 helipads with approach-ways.

The project site is located within Section 8, T. 30 S., R. 58 E., Copper River Meridian; USGS Quad Map Skagway B-2; Latitude 59.282° N., Longitude 135.678° W.; Milepost 10 Haines Highway; near Haines, Alaska.

Also enclosed is a Notice of Authorization which should be posted in a prominent location near the authorized work.

If changes to the plans or location of the work are necessary for any reason, plans must be submitted to us immediately. Federal law requires approval of any changes before construction begins.

Nothing in this letter excuses you from compliance with other Federal, State, or local statutes, ordinances, or regulations.

Please contact me via email at Randal.P.Vigil@usace.army.mil, by mail at the address above, or by phone at (907) 790-4490, if you have questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Randal P. Vigil", is written over a large, stylized circular flourish.

Randal P. Vigil
Project Manager

Enclosures

CF:

sdkmaple@mind.net

DEPARTMENT OF THE ARMY PERMIT

Permittee: John Floreske Jr.

Permit No.: POA-2013-565 (Chilkat River)

Issuing Office: U.S. Army Engineer District, Alaska

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: Discharge 1,437 cubic yards of fill material into 0.34 acres of palustrine emergent wetlands to construct 3 helipads, each 59 feet long by 59 feet wide, with 3 approach-ways, each 39 feet long by 59 feet wide.

All work will be performed in accordance with the attached plan, (sheets 1-5), dated September 1, 2013.

Project Location: Section 8, T. 30 S., R. 58 E., Copper River Meridian; USGS Quad Map Skagway B-2; Latitude 59.282° N., Longitude 135.678° W.; Lot 5A1, Milepost 10 Haines Highway; near Haines, Alaska.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on March 31, 2019.

If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.

2. You must maintain the activity authorized by this permit in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

1. The permittee shall implement compensatory mitigation in accordance with 33 CFR Part 332, for unavoidable impacts to waters of the United States. The mitigation shall be performed in accordance with one of the two alternatives listed below. The permittee shall notify the Corps of Engineers of his selection, in writing, at the point of signing this Department of the Army permit.

- a. Prior to beginning work, the permittee shall purchase 0.85 acres of in-lieu fee palustrine emergent wetland credits from the Southeast Alaska Land Trust (SEAL Trust) as indicated in the attached 'Receipt of Payment Form' attached for the loss of 0.34 acres of palustrine emergent wetlands. You must email this form signed by both you and the SEAL Trust to Randal.P.Vigil@usace.army.mil upon completion of payment.
- b. Prior to beginning work, the permittee shall preserve of 0.85 acres of wetlands within the 32.99 acres described as Lot 5A1 within section 8, T. 30 S., R. 58 E., Copper River Meridian, in Haines, Alaska. The permittee shall execute and cause to be recorded in the State of Alaska Recorder Office a restrictive covenant and new survey for the purpose of maintaining a conservation area in its natural state in perpetuity (see form attached). A copy of the draft restrictive covenant and new survey shall be submitted to the Corps of Engineers for approval prior to recording. The permittee shall provide a copy of the recorded restrictive covenant and the new survey showing the conservation area to the Corps of Engineers within 60 days prior to the sale, conveyance, or subdivision of any property containing the conservation area. This restrictive covenant is to run with the land, and shall be binding on the Owner, and all parties claiming under it. The permittee shall enforce the terms of the restrictive covenant and shall take no action inconsistent with the terms thereof. This restrictive covenant cannot be modified or amended.

2. All fill material for the authorized work shall be clean, free from toxic pollutants in toxic amounts. Material used for construction or discharge shall not consist of unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.).

3. Excess fill material shall not be disposed within wetlands or other waters of the United States.

4. Effective erosion control measures shall be installed and maintained before, during, and after construction to prevent erosion and the introduction of sediments and/or contaminants into adjacent waters of the United States, including wetlands. These structures shall remain in place until all fills (including side slopes) or other disturbed areas subject to potential erosion have been permanently stabilized.

5. The permittee shall ensure that all synthetic erosion control features (e.g., silt fencing, netting, mats), which are intended for temporary use during construction, are completely removed and properly disposed of after their initial purpose has been served. Only natural fiber materials, which will degrade after time, may be used as permanent measures, or if used temporarily, may be abandoned in place.

6. The permittee shall stabilize and revegetate all disturbed areas immediately upon completion of the final grading. All planting and seeding shall be performed between May 15 and July 15 of the year in which the work is performed. All seed mixes used shall consist only of species native to Southeast Alaska or a sterile annual species such as Annual Ryegrass (*Lolium multiflorum*). The use of non-native or invasive plant species for seeding is prohibited.

7. Project boundaries shall be clearly identified in the field (e.g., staking, flagging, silt fencing, etc.) prior to site clearing and construction to ensure avoidance of impacts to waters of the United States, including wetlands, beyond the authorized project footprint.

8. This permit does not authorize any impacts to waters of the United States, temporary or otherwise, other than that described in the work description and on the attached drawings. If it is determined necessary by the permittee or any contractor that additional impacts to waters may be necessary to

accomplish the activity, either within the project site, or for any activities related to the construction of the residential complex, then the permittee shall apply to the Corps of Engineers for any necessary authorization.

9. You must take the actions required to record this permit with the Registrar of Deeds or other appropriate official charged with the responsibility for maintaining records of title to or interest in real property.

Special Information: N/A

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

() Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

() Section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, State, or local authorization required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

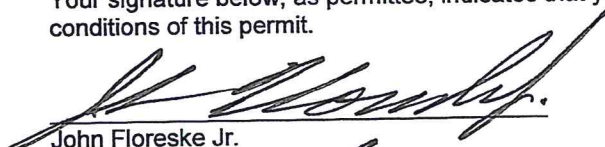
b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

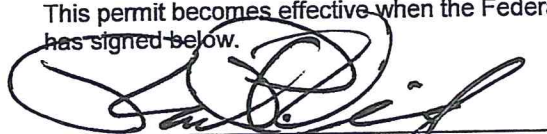
6. Extensions. General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.


John Floreske Jr.
President
Southern Energy Inc.

3/19/14
(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

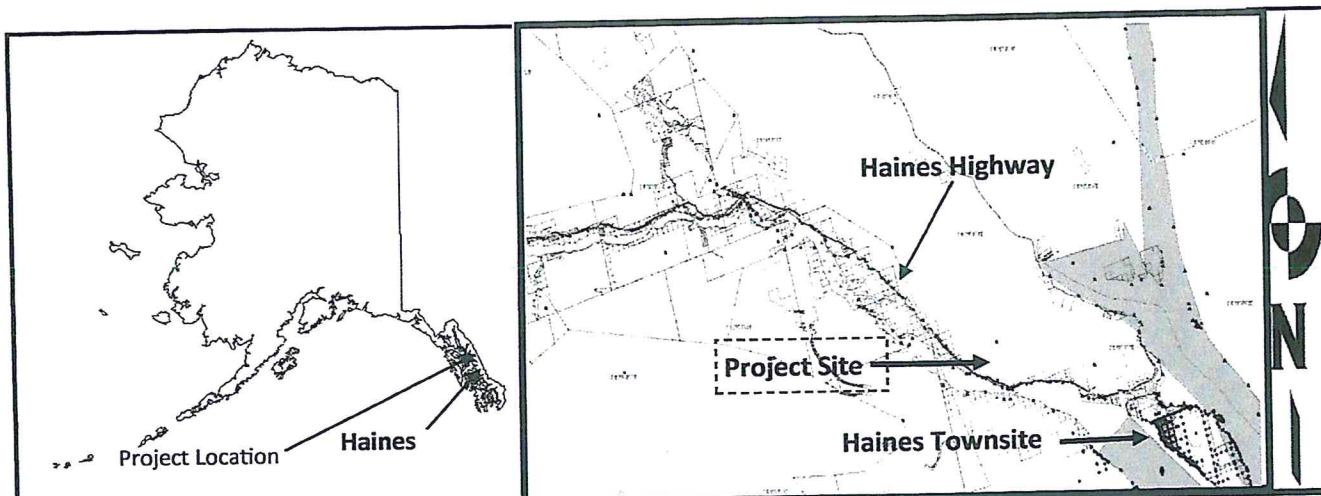

FOR (DISTRICT COMMANDER)
Colonel Christopher D. Lestochi
Randal P. Vigil
South Branch, Regulatory Division

3/21/2014
(DATE)

When the structures or work authorized by this permit are still in existence at the time the property is transferred the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions have the transferee sign and date below.

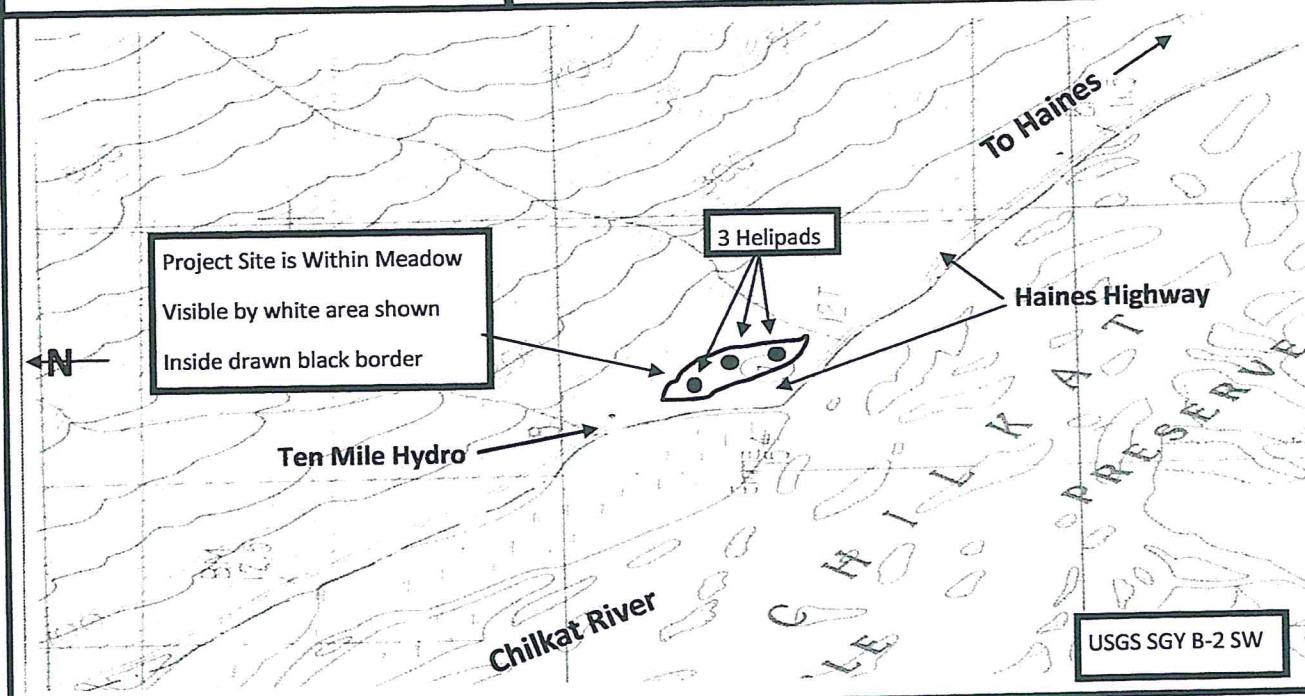
(TRANSFeree)

(DATE)



State of Alaska Location Map

Vicinity Map



PROJECT LOCATION MAP /PLAN VIEW

Proposed Activity: Ten Mile Helipads (3)

PERMIT DRAWINGS FOR

U.S. ARMY CORP OF ENGINEERS

Applicant: John Floreske Jr.
P.O. Box 489, Haines, AK 99827
(907) 766-2899

Date: September 1st, 2013

Scale: 1" = 1000'

Range: 58E; CRM; TWP: 30S; Sec. 8; Lot 5

Lat: N 59°28'35"; **Long.:** W 135°67'98"

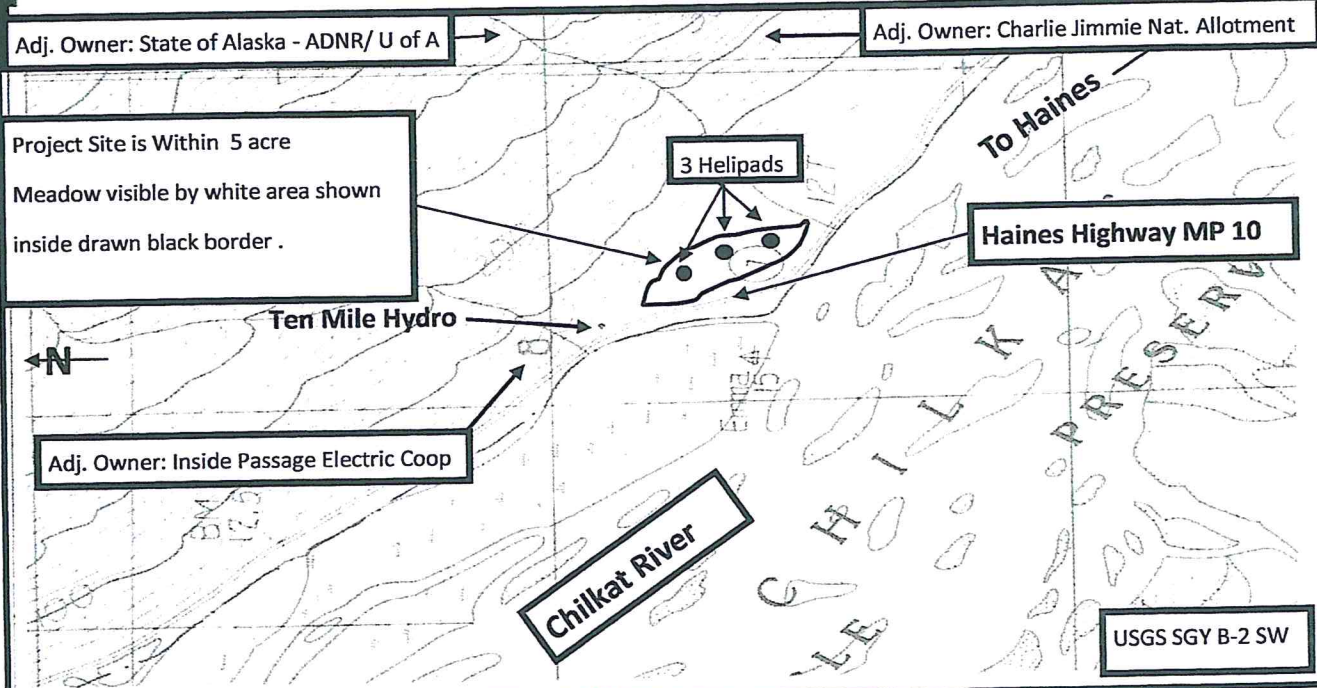
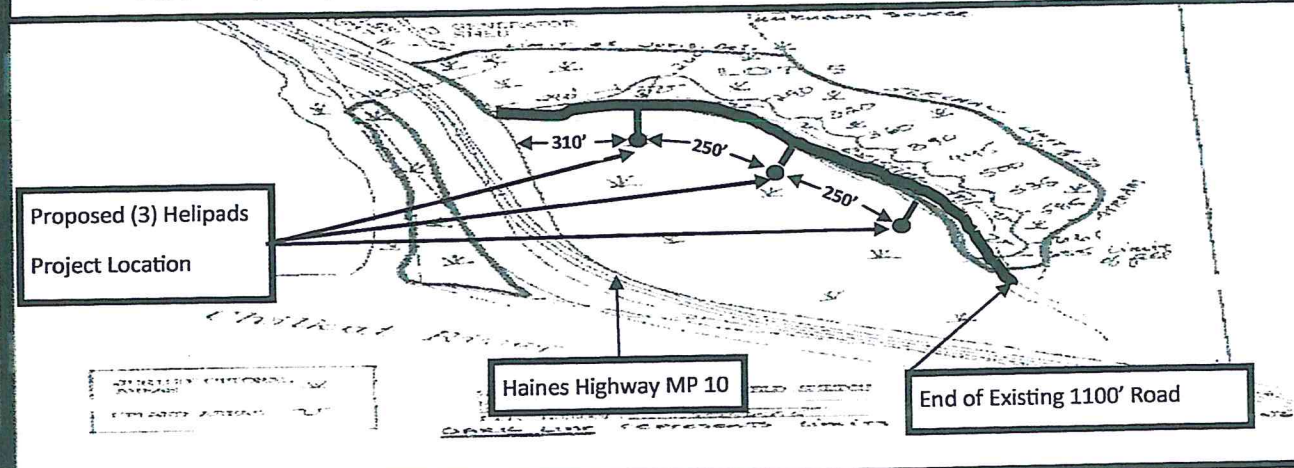
Project Land Ownership: All on applicants land

Waterway: Unnamed meadow/wetlands

Sheet: 1 of 5

COE Wetlands Determination on Project Site/Meadow Area

June 10th, 1996/ File Number 950625/Related Permit: COE # 4-960822 June 13, 1997



PLAN VIEW/ADJACENT OWNERS

Proposed Activity: Ten Mile Helipads (3)

PERMIT DRAWINGS FOR

U.S. ARMY CORP OF ENGINEERS

Applicant: John Floreske Jr.

P.O. Box 489, Haines, AK 99827

(907) 766-2899

Date: September 1st, 2013

Scale: 1" = 1000'

Range: 58E; CRM; TWP: 30S; Sec. 8; Lot 5

Lat: N 59°28'35"; Long.: W 135°67'98"

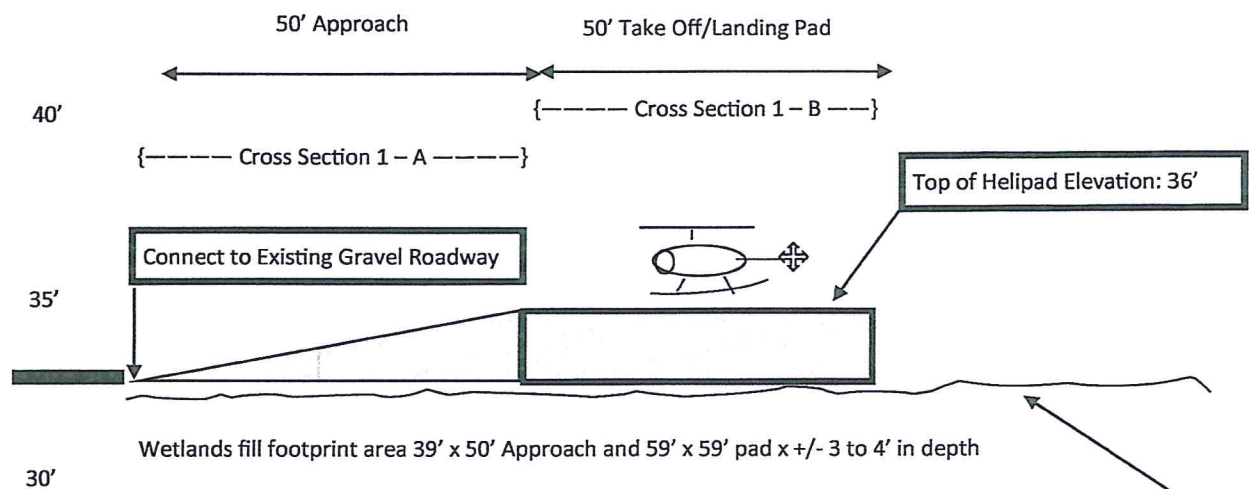
Project Land Ownership: All on applicants land

Waterway: Unnamed meadow/wetlands

Sheet: 2 of 5

Detailed Proposed Helipad Construction and Fill Information. The applicant proposes to construct three Helipads. Each helipad will connect to the existing gravel perimeter roadway on the East side of the Meadow thru a 50' long x 25' top approachway. The approachway will then be integrated with the 50' x 50', (top surface), fill for the take off and landing pads. A 1 to 1 1/2 side slope will be used on the entire perimeter of both the approach fill and the takeoff and landing pads. All fill to be to a depth of approximately 3 to 4' in the wetlands/meadow area. (Meadow has undulating features/grass clumps). The first two feet of fill is with 6" to 8" pit run, topped with 1' of 1 1/2" to 2" minus gravel, and compacted. The top of the takeoff and landing site will be surfaced with 4" of top soil and turf in the TLOF zone. Total Footprint is .34 acres. Total Fill is 1437 cyds of which 958 cyds is pit run material, (6 to 8" minus), and 479 cyds is 1 and 1/2" minus gravel, (with a 4" topsoil/turf cap in TLOF area).

Helipad Design Criteria. Designed for Engstrom F28F Helicopter. TLOF is RD, (18.25'), x 2 = 36 1/2' (min). FATO is OL, (28.5') x 1.5 = 42.75' (min). Safety Zone is RD, (18.25) x 1/3 = 6.08'. Thus the TLOF of 36' 1/2' is surrounded by the FATO of 42.75' which is itself surrounded by an additional 6.08' of Safety Zone. Thus the overall pad width of 50' accommodates these zones which total 48.83'. Distances between FATO's with multiple helipads are min. of 200'. Airspace separation N/A.



Special Notes:

1. All Elevations in USGL Tidal MSL/OHWM is: 27.6'
2. Approach is 50' long x 25' wide at top/pad is 50' square on top.
3. The bottom 2' of the 3' Fill is 6 to 8" Pit Run with 1: 1 1/2 Side Slopes
4. Top 1' of Fill is 1 1/2" minus gravel/pad is topped with 4" of topsoil/turf

FILL SECTION 1 . Helipads & Fill: Cross Section View

Proposed Activity: Ten Mile Helipads (3)

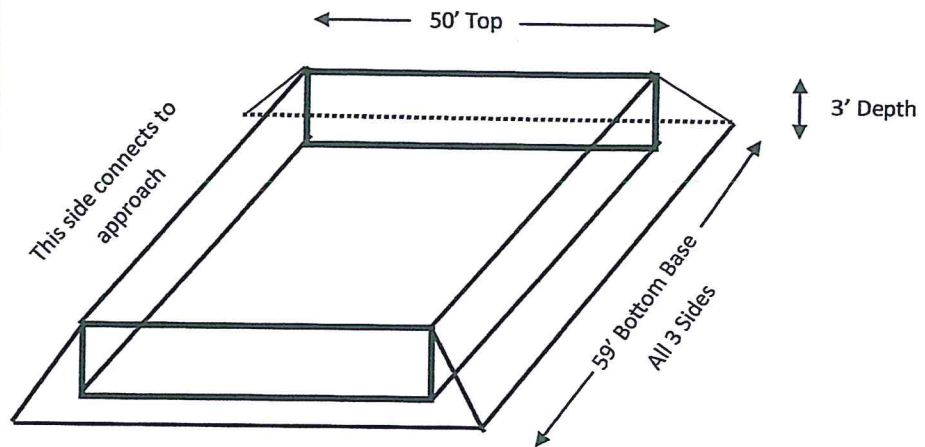
PERMIT DRAWINGS FOR

U.S. ARMY CORP OF ENGINEERS

Applicant:	John Floreske Jr. , Applicant P.O. Box 489, Haines, AK 99827 (907) 766-2899	Range: 58E; CRM; TWP: 30S; Sec. 8; Lot 5 Lat: N 59°28'35"; Long.: W 135°67'98" Project Land Ownership: All on Applicants Land
Date:	September 1st, 2013	Waterway: Unnamed meadow/wetlands
Scale:	1" = 25' Horizontal; 1" = 5' Vertical	Sheet: 3 of 5

Special Notes

Base Pad Top is: 50' x 50'
Depth is: +/- 3 to 4'
Side Slopes are: 1 to 1 1/2
Bottom Fill Section is 59' wide
Top of Helipad Elevation: 36'
Bottom of Pad Elevation is: 33'

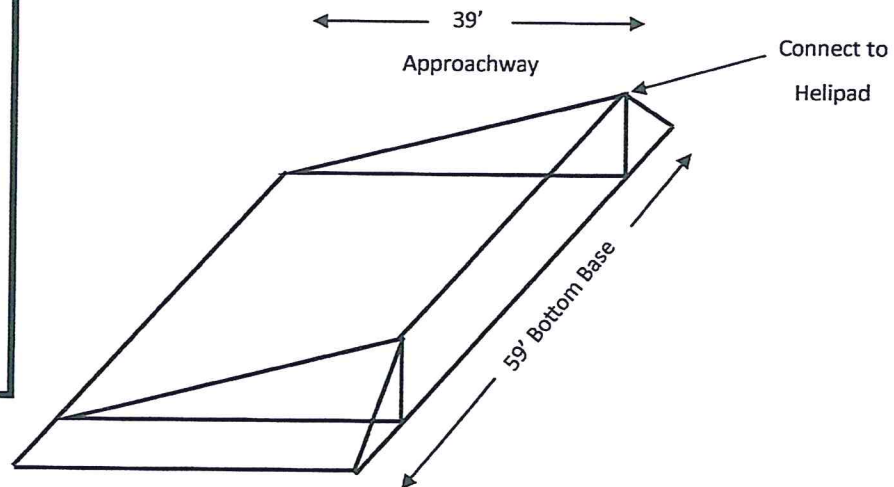


Cross Section 1 - A

Typical (3) 50' Take Off/Landing Pads

Special Notes

Approach is: 39' x 50''
Depth is: +/- 3 to 4'
Side Slopes are: 1 to 1 1/2
Bottom Fill Section is 59' wide
Top of Helipad Elevation: 36'
Bottom of Pad Elevation is: 33'



Cross Section 1 - B

Typical (3) Approachway

FILL SECTION 1 . Helipads & Fill: Cross Sectional Views 1A & 1B

Proposed Activity: Ten Mile Helipads (3 each)

**PERMIT DRAWINGS FOR
U.S. ARMY CORP OF ENGINEERS**

Applicant: John Floreske Jr. , Applicant
P.O. Box 489, Haines, AK 99827
(907) 766-2899

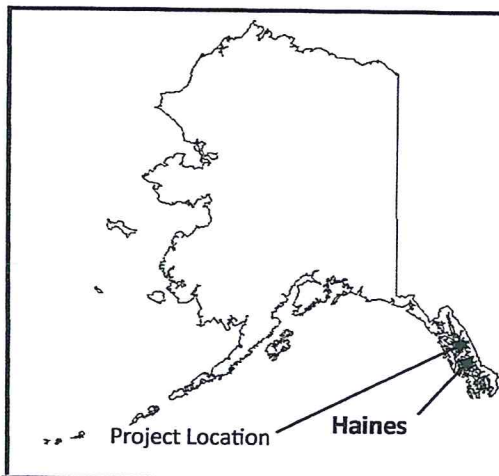
Range: 58E; CRM; TWP: 30S; Sec. 8; Lot 5
Lat: N 59°28'35"; Long.: W 135°67'98"
Project Land Ownership: All on Applicants Land

Date: September 1st, 2013

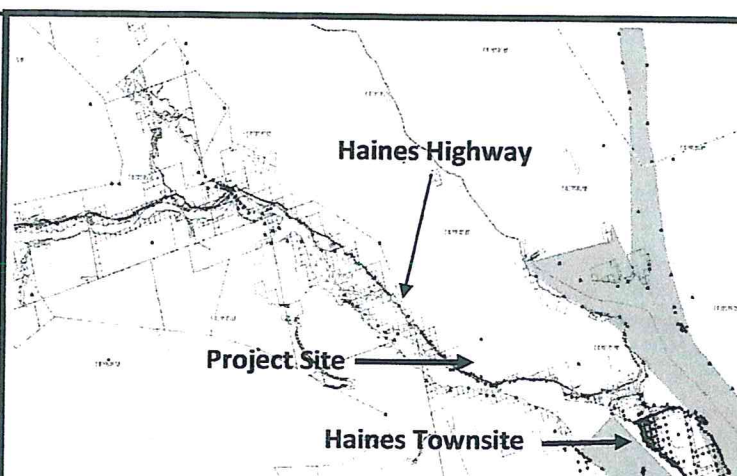
Waterway: Unnamed meadow/wetlands

Scale: 1" = 25' Horizontal; 1" = 5' Vertical

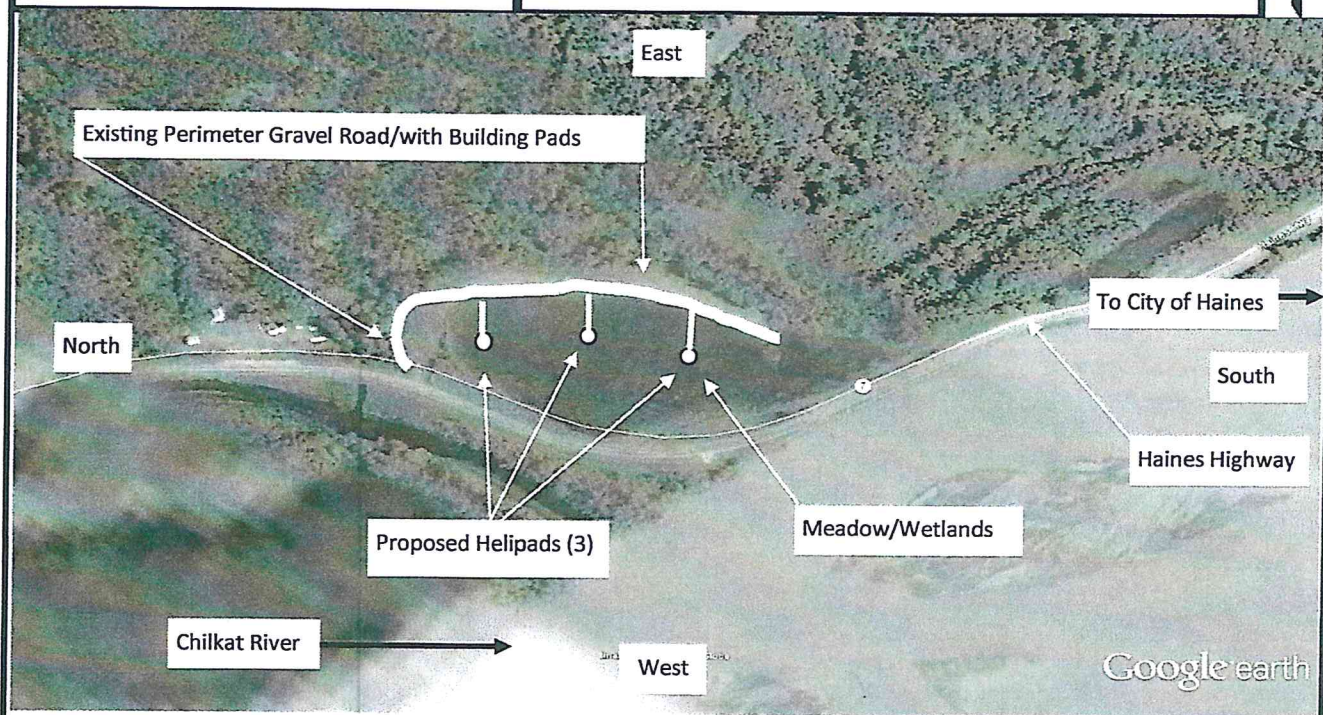
Sheet: 4 of 5



State of Alaska Location Map



Vicinity Map



PROJECT LOCATION MAP /Google Earth Plan View

Proposed Activity: Ten Mile Helipads (3)

PERMIT DRAWINGS FOR

U.S. ARMY CORP OF ENGINEERS

Applicant: John Floreske Jr.
 P.O. Box 489, Haines, AK 99827
 (907) 766-2899

Date: September 1st, 2013

Scale: 1" = 500'

Range: 58E; CRM; TWP: 30S; Sec. 8; Lot 5

Lat: N 59°28'35"; Long.: W 135°67'98"

Project Land Ownership: All on applicants land

Waterway: Unnamed meadow/wetlands

Sheet: 5 of 5

JOHN FLORESKE JR.

P.O. Box 489

Haines, Alaska 99827

Tele #: (907) 766-2899; Fax #: (907) 766-2699

January 28, 2004

Scott Hansen

Haines Borough Planner

P.O. Box 1209

Haines, Alaska 99827

Re: 10 Mile Property Use

Dear Scott,

This letter is to place in the official record our previous conversations regarding the use of my property known as "10 Mile" Haines Highway, Haines, Alaska. My understanding as of this date is that the Haines Borough is undergoing a review of their planning and zoning codes, and in particular helicopter service areas, which may affect my uses both now and in the future. It is important that the Borough know the historical uses and the present uses of my property. You have informed me that prior uses can be continued as a use by right in the future.

In regards to the continued use of the land for which my company, Southern Energy Inc. occupies, for operation and maintenance of the hydroelectric and diesel generation facility serving the entire upper valley with wholesale electricity, it is important to protect the existing use for light industrial use. This also means that the historical use of helicopters to both land and fly over this area must be protected. Documentation of the use of such helicopters is available now and in the future if required.

Secondly, the remaining portions of the original parcel of approximately 30+ acres is a mixed use of commercial, (site of the 10 Mile Steakhouse), a former recreational vehicle park and residential use. We continue to want protections provided for this mixed use of commercial, light industrial, recreational and residential classifications.

Unless otherwise notified we will assume there will be no affect to these aforementioned uses by right upon this property from the currently proposed planning and zoning documents being revised before the Commission and the Assembly.

We appreciate your time that you have taken to inform us of the process and allowing us an opportunity for input.

Sincerely yours,



Darrell Maple, for

John Floreske Jr.

President/Property Owner

Southern Energy Inc./10 Mile

cc: Southern Energy Inc. ✓

John Floreske Jr.
P.O. Box 489
Haines, Alaska 99827
Telephone #: (907) 766-2899; Fax #: (907) 766-2699

September 22, 2004
Scott Hansen
Planning Director
P.O. Box 1209
Haines, Alaska 99827

Re: 10 Mile Use By Right

Dear Mr. Hansen,

I would like to follow up our prior communications with your office dated January 28, 2004 regarding the historical use of helicopters on the approximately 39 acres contained within Lots 5 and 8, Section 8, Township 30, Range 58 East, of the Copper River Meridian, Haines Recording District, known generally as "10 Mile", in Haines, Alaska.

Enclosed is a copy of photographs showing helicopter usage on these lands from the period of 1996 to the present during which reconnaissance, survey, construction and operations tasks have been performed.

Prior to our present usages, this property was provided helicopter service for both hydro and other commercial and recreational client use to the former "Ten Mile Restaurant and Lounge" during the 1970's and early 1980's, and back to the early 1960's to the establishment then known as the "White Swan Restaurant and Lounge".

Our review of the current Borough Code, recently confirmed in conversations with your office, affirms such historical use establishes a "Use by Right" in our current and future use of this property. If this determination by us is at odds at all with your interpretation or application of the Borough Code to this property please formally notify us as it would have severe operational and economic impact to the owners of these properties.

Sincerely yours,



Darrell Maple for
John Floreske Jr.
President/Property Owner
Southern Energy Inc./10 Mile



September 1st, 2014
Haines Borough
Planning and Zoning
C/O Xi Chi (Traci)
P.O. Box 1209
103 Third Ave. S.
Haines, Alaska 99827

9-3-14

Letter of Support
10 Mile Heliport Conditional Use Permit Application

Dear Planning & Zoning,

Please accept this letter as support for the recent application by John Floreske Jr. to construct and operate a Heliport at 10 Mile Haines Highway. The applicant's proposed use of the property is consistent with the "General Use Zone" and with the standards of a Conditional Use Permit and should be granted.

As an adjacent property owner/and or interested party we appreciate you having given us the opportunity under the process to provide input.

Sincerely yours,

Sandra Vaisvil

Earl Rolf

Sandra VAISVIL EARL ROLF

9 mile
Homestead Subdivision

September 1st, 2014
Haines Borough
Planning and Zoning
C/O Xi Chi (Traci)
P.O. Box 1209
103 Third Ave. S.
Haines, Alaska 99827

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As an adjacent property owner/and or interested party we appreciate you having given us the opportunity under the process to provide input.

Sincerely yours,

Paul J. Cony
Full time Resident
Lot 4, 9 mile
Haines, AK.

September 1st, 2014
Haines Borough
Planning and Zoning
C/O Xi Chi (Traci)
P.O. Box 1209
103 Third Ave. S.
Haines, Alaska 99827

Letter of Support
10 Mile Heliport Conditional Use Permit Application

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Sincerely yours,

Chal Berby
Lot 6 Homestead Subdivision
9 mile Haines Hwy

September 1st, 2014
Haines Borough
Planning and Zoning
C/O Xi Chi (Traci)
P.O. Box 1209
103 Third Ave. S.
Haines, Alaska 99827

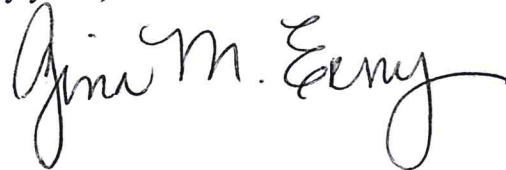
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As an adjacent property owner/and or interested party we appreciate you having given us the opportunity under the process to provide input.

Sincerely yours,

A handwritten signature in black ink, reading "Jim M. Emy". The signature is written in a cursive, flowing style with a large, prominent "J" and "M".

From: [Darrell Maple](#)
To: [Xi Cui](#)
Subject: RE: 10 Mile Permitting
Date: Tuesday, August 20, 2013 5:02:27 PM

Hi Xi Cui. Thanks for taking the time to review all the old records. That pretty much matches my understanding from having lived there since being a young dinosaur! For your information, the "heliport" at the airport is the only one that has been thru the FAA registration process from my discussions with them this week and reviewing the online website for registration. Meaning the other two, even if they are permitted by the Borough are not on the FAA registration. We will be certain to comply with "all" Federal, State and Local regulation but also want to be certain that Haines Borough regulations and enforcement is applied in an even manner across similar uses.

It also concerns us that "no conditional use application" has made it thru the Planning Commission process. There are many conditional uses issued in other surrounding communities in S.E. for such uses that meet your goals. Hopefully this was just inadequacy on the applications. **In addition, you may also find that 10 Mile was also in existence prior to Title 18, and for longer than 18 mile and 33 mile for helicopter landings.**

I'm really not sure the difference that Heliport Use and Helipad Use has in your email definition below. Am I missing something? Or do you define them the same? It may not matter in the end anyway but thought it best to see if there was supposed to be a difference.

As I indicated, we will be moving thru the Corp of Engineers process first. If we don't get that permit none of the others matter. We are working with the FAA already to ensure we comply with their regulations for permitting, construction and notifications just as we are communicating with the Haines Borough. We know of know of no other specific State or Federal Regulations, including any by the State Fire Marshall that would apply to the project. Perhaps you were just doing the normal, "subject to" in your email or do you have specific concerns with those State agencies that we should be aware of? There are not going to be any buildings on the pads or storage of fuels etc. Just a gravel/turf spot for a private PPR helicopter to land on private property. We will work with you on any Conditional Use Permit that "may" yet be required at the appropriate time in the process. Do look for the Corp Notice when it comes out as they usually give it to you to post. I will also copy you with the application directly and continue to keep you informed.

Once again, you have been very courteous and prompt in your responses and it is appreciated! Thanks.
Darrell

From: Xi Cui [mailto:xcui@haines.ak.us]
Sent: Tuesday, August 20, 2013 11:09 AM
To: Darrell Maple
Cc: Mark Earnest; Julie Cozzi; Stephanie Scott
Subject: RE: 10 Mile Permitting

Darrell.

I have looked through the permitting records back to 2003, the Borough has not had heliport approved permit filed that made it through the conditional use process. The three designated heliports (airport, 18 miles and 33 miles) are in existence prior to the effective date of Title 18, which requires a conditional use

permit to allow heliports in general use zone.

I think we have different opinions on heliports and helipads. Here are my understanding of their uses:

Heliport Use: Use of a heliport for routine and regular landings and takeoffs of one or more helicopters whether for private, non-commercial purposes or not.

Helipad Use: Use of a helipad for landings and takeoffs of helicopters whether for private, non-commercial purposes or not.

The reason that the Borough code requires conditional use permits for operating heliports/helipads in general use zone is because heliports and helipads have unique land use impacts and must be consistent with public interest and safety. Such facilities must meet applicable safety standards of the Federal Aviation Administration (FAA), state safety standards, and fire suppression and safety standards of the Fire marshal. In the meanwhile, the local government will be highly involved and influenced by the concerns voiced by the citizens are safety, noise, pollution, property value and quality of life. The Planning Commission shall determine that all of the requirements have been satisfied, and further, that the benefits of and need for the proposed heliport/helipads are greater than any possible depreciating effects and damages to the neighboring properties.

The heliport/helipads development process is an endeavor requiring knowledge and understanding of the process and the ability to address the numerous issues presented. A combination of sound technical planning work and effective public involvement is essential for the success of a heliport application. As an planning & zoning tech of the local government, I would be glad to assist you through this process. If you have further concerns or questions, please let me know.

Have a wonderful day.

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

From: Darrell Maple [<mailto:sdkmaple@mind.net>]

Sent: Sunday, August 18, 2013 3:35 PM

To: Xi Cui

Cc: Stephanie Scott

Subject: RE: 10 Mile Permitting

Hi Xi Cui. I will be applying for the Army Corp Permit to construct several small **"helipads"** in the near future at 10 Mile. Upon receipt of any approved Corp permit, if we find that we are subject to the Conditional Use Process of the Haines Borough, we will certainly follow the Statutes. The Corp always subjects their permits to other Federal, State and Local permitting. We realize that if we are covered by the Borough CU process that it would need to be complied with/approved by the Borough prior to any private use of the pads. Please note that it is still not clear to us that your regulations cover private use helipads. **They are not heliports** and are not available for use to the public. This difference of opinion at this stage as to whether we are covered by your CU process is one we will continue to explore with you in due respect to your analysis and recommendations. Kind of expect the permit process to take a good six months to a year so we have time. Thanks! Darrell

From: Xi Cui [<mailto:xcui@haines.ak.us>]
Sent: Friday, August 16, 2013 4:35 PM
To: Darrell Maple
Cc: Julie Cozzi; Mark Earnest; Rob Goldberg
Subject: RE: 10 Mile Permitting

Darrell.

According to HBC 18.70.030(D)(5), Landfills, commercial power plants, cemeteries, heliports, and hazardous materials storage facilities require a conditional use permit. And HBC 18.20.020 defines "heliport" means a use or designated site for the routine commercial or private general operations, landing, takeoff, parking, storage, fueling, and/or maintenance of helicopters.

I am sorry that the form online does not allow you to type into it. I am absolutely fine if you fill it by hand.

More information regarding conditional use permit is at:

<http://www.codepublishing.com/AK/HainesBorough/html/hainesborough18/HainesBorough1850.html#18.50>

Thanks.

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

From: Darrell Maple [<mailto:sdmaple@mind.net>]
Sent: Friday, August 16, 2013 1:12 PM
To: Xi Cui
Subject: RE: 10 Mile Permitting

Hi Xi Cui. Have you had any other Heliports permitted that you can send me a copy of so I know a bit better what is acceptable to the Borough for submission? Especially any attachments like the plan sheets? Thanks.
Darrell

From: Xi Cui [<mailto:xcui@haines.ak.us>]
Sent: Friday, August 16, 2013 11:51 AM
To: Darrell Maple
Cc: Mark Earnest; Julie Cozzi; Rob Goldberg
Subject: RE: 10 Mile Permitting

Darrell.

HBC 18.20.020 defines "heliport" means a use or designated site for the routine commercial or private general operations, landing, takeoff, parking, storage, fueling, and/or maintenance of helicopters.

Also, per HBC 5.18.080(F)(14), Commercial ski tour operators transporting participants in a commercial ski tour or a special ski competition event or commercial ski production by helicopter shall use one of the following heliports:

- a. Haines Airport;
- b. The Stewart landing strip at 18 Mile Haines Highway;
- c. The heliport adjacent to the 33 Mile Roadhouse;

d. Any heliport authorized by the Haines Borough planning commission as a conditional use.

Haines Highway 10-mile is in General Use Zone. HBC 18.70.030(D)(5) requires a conditional use permit to have heliports in general use zone. I have attached a conditional use permit application form. Please let me know if you have any questions. I will be happy to assist you through this process.

Thanks. Have a wonderful weekend.

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

From: Darrell Maple [<mailto:sdkmaple@mind.net>]

Sent: Friday, August 16, 2013 4:32 AM

To: Xi Cui

Subject: 10 Mile Permitting

Good morning Xi Chi. This is Darrell Maple. We communicated in the past on Walker Lake Hydro which is currently on hold waiting for FERC to make a decision on permitting. (Borough Mayor in the loop). I have another project that John Floreske Jr. has tasked me to do the permitting on. It is the installation of several small helipads at the 10 mile Meadows area to service the residential lot pads that were created there some time ago. I am starting the Corp of Engineers process today for the required fill permits as they will all extend inward to the Meadow from the perimeter road into the wetlands. Fairly certain that these pads will come under the Nationwide permits, but that is a COE call in the end. I don't know of any Borough permits that are required for fills of this nature but wanted to check? You will receive a copy of the COE permit including all plans etc. during their review and public notice process. If you could let me know if my initial understanding is correct on the Borough permitting it would be appreciated. Darrell (541) 261-3764



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

August 29, 2014

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

Re: Heliport Conditional Use Permit Public Hearing
10 Mile Haines Highway; 1-HHY-10-0510

Dear Land Owner,

Haines Borough records show that you own property within 200 feet of the above-listed property. The property owner, John Floreske, has requested for the Planning Commission to approve a conditional use permit to allow the installation of three helipads at 10 Mile Haines Highway.

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, September 11, 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,

Kathryn Friedle
Administrative Assistant
Haines Borough Planning and Zoning
Phone: (907)766-2231 Ext 22
Fax: (907) 766-2716
kfriedle@haines.ak.us

Enclosure

List of Property Owners Notified

University Land

University of Alaska
Facilities and Land Management
1815 Bragaw Street, Suite 101
Anchorage, Alaska 99508

Native Allotment Land

Central Council Tlingit & Haida
Indian Tribes of Alaska
Native Lands & Resources—Realty
Attention: Desiree Duncan
9097 Glacier Hwy.
Juneau, AK 99801

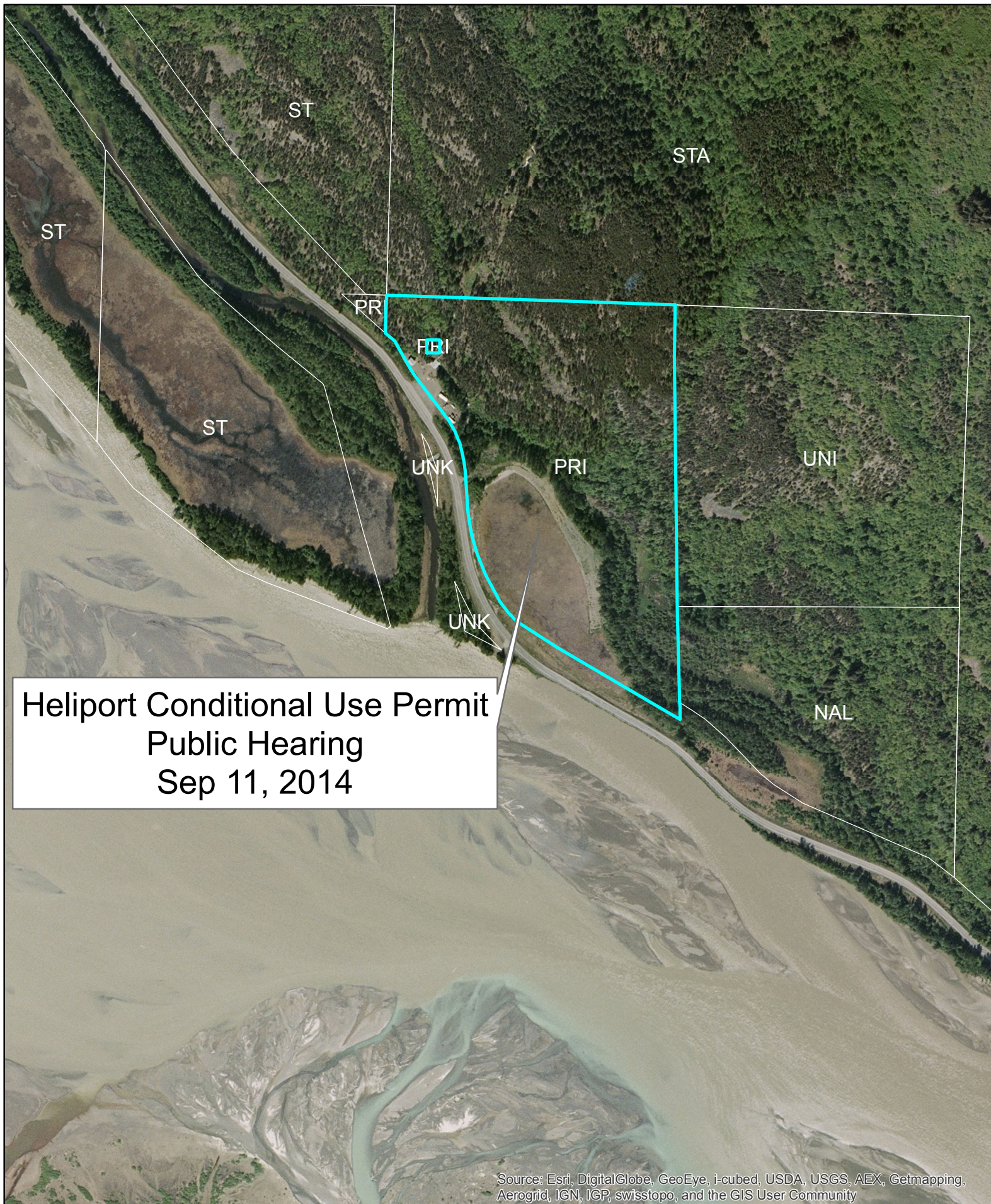
State of Alaska Land

State of Alaska
Dept of Natural Resources
Mining Land & Water
Realty Services Section
550 W 7th Avenue Suite 1050A
Anchorage Alaska 99501

As well as to:
State of Alaska
Dept of Natural Resources
Mining Land & Water
South East Regional Office
PO Box 111020
Juneau Alaska 99811-1020

Owner Address

John Floreske, Jr.
P.O. Box 489
Haines, AK 99827



0 250 500 1,000 1,500 2,000 Feet

Chapter 18.50 CONDITIOANL USE

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.

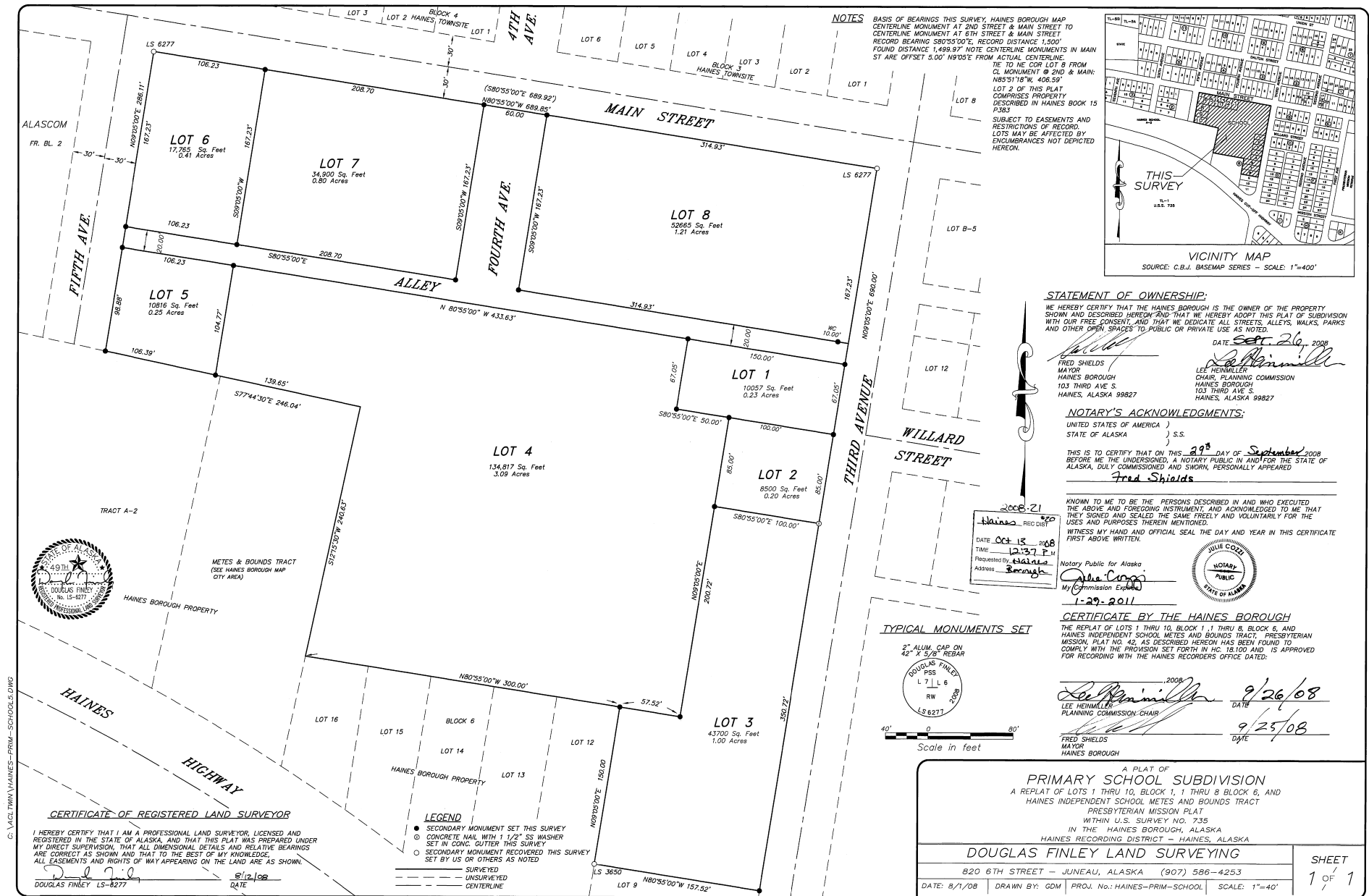
A. Before a conditional use permit is approved, the commission must find that each of the following requirements is met:

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.





NOTES
BASIS OF BEARINGS THIS SURVEY HAINES BOROUGH CENTERLINE MONUMENT AT 2ND STREET & MAIN STREET RECORD BEARING S80°33'00"E RECORD DISTANCE 1.439.97' NOTE CENTERLINE MONUMENT ARE OFFSET 5.00' N9°05'E FROM ACTUAL CENTERLINE TO NE COR L. Q. MONUMENT 80' N85°51'18"W 408' LOT 2 OF THIS PLAT COMPREHENS PROPORTION DESCRIBED IN MAP 383 SUBJECT TO EASE RESTRICTIONS OF LOTS MAY BE APPLICABLE HEREON.



CERTIFICATE OF REGISTERED LAND SURVEYOR

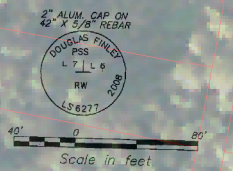
I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, LICENSED AND REGISTERED IN THE STATE OF ALASKA, AND THAT THIS PLAT WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT ALL DIMENSIONAL DETAILS AND RELATIVE BEARINGS ARE CORRECT AS SHOWN AND THAT TO THE BEST OF MY KNOWLEDGE, ALL EASEMENTS AND RIGHTS OF WAY APPEARING ON THE LAND ARE AS SHOWN.

Douglas Finley
DOUGLAS FINLEY LS-6277
DATE 8/12/08

LEGEND

- SECONDARY MONUMENT SET THIS SURVEY
- CONCRETE NAIL WITH 1 1/2" SS WASH & SET IN CONC. GUTTER THIS SURVEY
- SECONDARY MONUMENT RECOVERED THIS SURVEY SET BY US OR OTHERS AS NOTED
- SURVEYED
- - - - - UNSURVEYED
- — — — — CENTERLINE

TYPICAL MONUMENTS SET

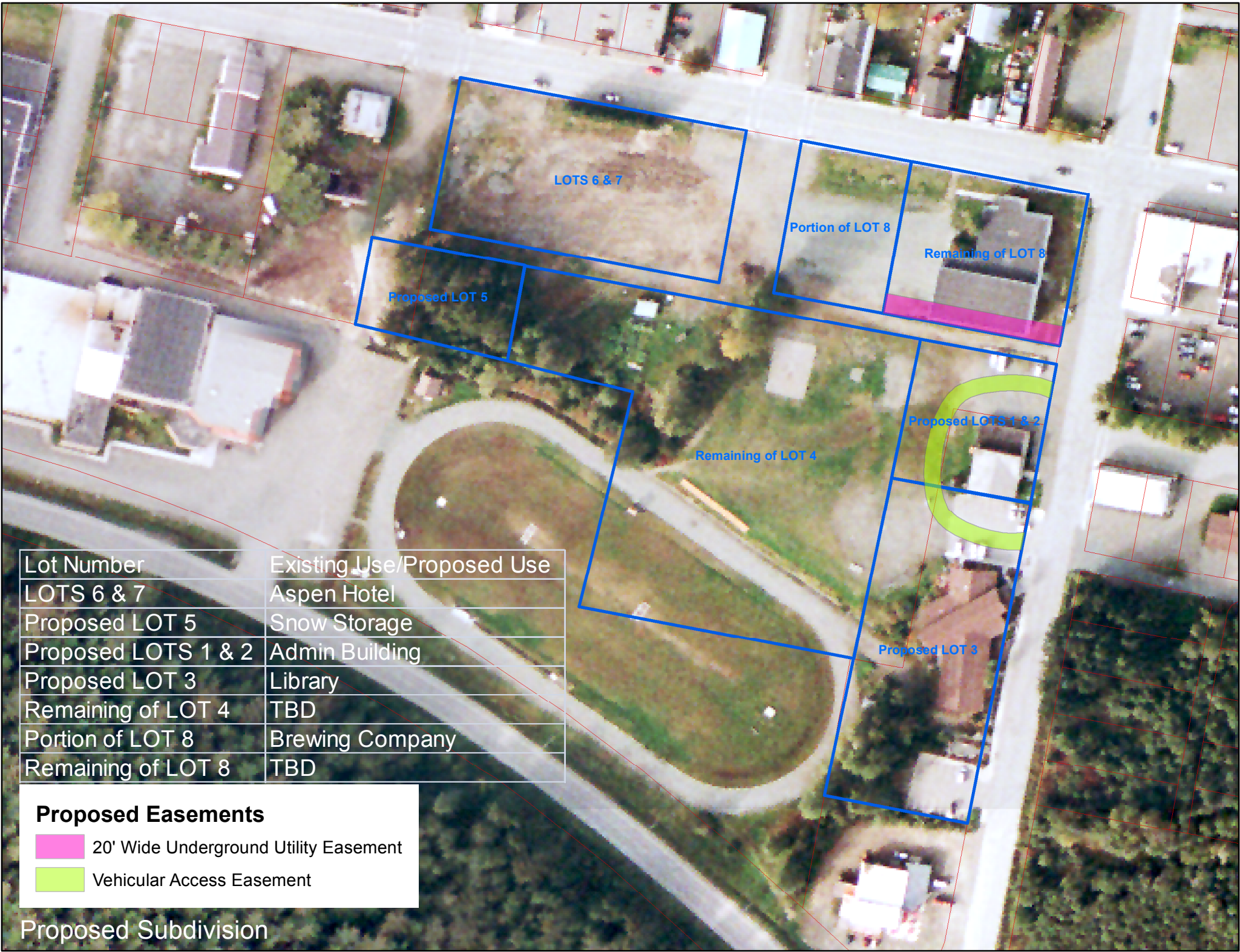


PRIM
A RELAT OF
HAINES IN

DOUGLAS FINLEY

820 6TH STREET - W
DATE: 8/1/08 DRAWN BY: GDM

Existing Subdivision



Lot Number	Existing Use/Proposed Use
LOTS 6 & 7	Aspen Hotel
Proposed LOT 5	Snow Storage
Proposed LOTS 1 & 2	Admin Building
Proposed LOT 3	Library
Remaining of LOT 4	TBD
Portion of LOT 8	Brewing Company
Remaining of LOT 8	TBD

Proposed Easements

- 20' Wide Underground Utility Easement
- Vehicular Access Easement

Proposed Subdivision

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

Draft

AN ORDINANCE OF THE HAINES BOROUGH AMENDING HAINES BOROUGH CODE TITLE 18 SECTION 18.60.020(H) TO CLARIFY THE TERMS OF TEMPORARY RESIDENCES

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

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

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

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

Section 4. Purpose. This ordinance amends Title 18 Section 18.60.020(H) to clarify the terms of temporary residences.

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

HBC 18.60.020 Specific approval criteria.

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

...

H. Temporary Residence. Persons desiring to place a temporary residence, or a trailer or mobile home outside of a mobile home or RV park for a temporary or interim occupancy **over 15 days**, shall apply for a temporary residence permit. ~~Permits for seven days or less will be at no charge and will not require connection to or payment for public water and sewer. Temporary residences remaining over 30 days will require a land use permit and where applicable, the standard monthly water and sewer charges will be levied, except by prior arrangement with the borough.~~ **The intent of a temporary residence permit is to allow temporary structure for residential use means one trailer, RV or mobile home to be occupied during construction of a permanent residence. A temporary residence permit may be granted if all the following requirements are complied with:**

1. A trailer, RV or mobile home must be located as a temporary dwelling during the construction of a permanent residence on the same lot or parcel;

2. A valid land use permit for the permanent residence must be in effect during the entire time that the temporary dwelling is located on the site;

3. The temporary dwelling is connected to the sewage disposal system that will serve the permanent residence;

4. The temporary dwelling must meet the same setbacks applicable to permanent structures;

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

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

7. The Temporary dwelling must be removed at the end of the construction period.

Exception: a temporary residence permit may be granted for vacation purposes on private property located outside of a mobile home or RV park with the following conditions:

- 1. Temporary residence permits may be granted for a period not to exceed 180 days in any 12-month period;**
- 2. The temporary dwelling must be transported to a sanitary dump station as needed to empty gray water and toilet waste tanks, be connected to public water and sewer if applicable, or be serviced by an approved DEC on-site wastewater system;**
- 3. The temporary dwelling must meet the same setbacks applicable to permanent structures;**
- 4. The area surrounding the temporary residence/trailer shall be kept in a clean and sanitary condition.**

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.

“Combination, residential/industrial/commercial (R/I/C)” means a structure with a primary purpose that is commercial or industrial (light or heavy) and incorporates into its design one or more dwelling units. In the light or heavy industrial zones, no more than a single dwelling unit may be incorporated into the building plan as accommodations for the property owner or security personnel.

“Duplex” means a building containing two dwelling units.

“Dwelling” means a building used primarily for residential occupancy.

“Dwelling, multiple or multi-unit” means a structure built for residential occupancy and designed and constructed with two or more distinctly separate and independent dwelling units.

Examples include: duplexes, tri-plexes and four-plexes.

“Dwelling unit” means a residential use consisting of a building or portion thereof providing independent living, sleeping, cooking, bathroom and accessory uses.

“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.

“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.

“Lodging house” means a building in which lodgings are let to include an inn, bed and breakfast, or hotel.

“Motel” means a commercial use providing transient accommodations with at least 25 percent of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

“Residential” means a use and accessory uses involving the occupation of a building for living, cooking and sleeping, and may include a single-unit dwelling, duplex, or multi-unit dwelling.

“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.

ZONING USE CHART TOWNSITE PLANNING/ZONING DISTRICT

UBR = Use-By-Right CU = Conditional Use NA = Not Allowed GFA = Gross Floor Area

= Permit Required

= Permit Not Required

Under General Classification, uses in UPPER CASE are primary and uses in lower case are secondary.







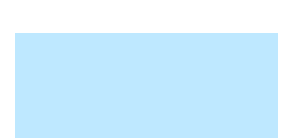

GENERAL CLASSIFICATION ➔	INDUSTRIAL USES			COMMERCIAL/ Residential Uses			RESIDENTIAL USES ONLY	RESIDENTIAL/ Commercial Uses				RECREATIONAL USE
Specific Zoning Districts ➔ USES ↓	Heavy Industrial	Light Industrial/ Commercial	Waterfront Industrial	Commercial	Waterfront	Significant Structures Area	Single Residential	Multiple Residential	Rural Residential	Rural Mixed Use	Multiple Use	Recreational
	I/H	I/L/C	I/W	C	W	SSA	SR	MR	RR	RMU	MU	REC
Bed and Breakfast	NA	NA	NA	UBR	UBR	UBR	CU	CU	UBR	UBR	UBR	NA
Combination R/I/C	CU	UBR	CU	UBR	CU	UBR	NA	NA	NA	UBR	UBR	NA
Condominium/ Townhouse	NA	NA	NA	CU	CU	UBR	NA	UBR	NA	UBR	UBR	NA
Duplex	NA	NA	NA	CU	CU	UBR	NA	UBR	CU	UBR	UBR	NA
Hotel/Motel	NA	CU	NA	UBR	CU	UBR	NA	NA	NA	CU	UBR	NA
Multi-Unit Dwelling	NA	NA	NA	CU	CU	UBR	NA	UBR	NA	UBR	UBR	NA
Single Unit Dwelling	NA	NA	NA	UBR	UBR	UBR	UBR	UBR	UBR	UBR	UBR	NA
Vacation Rental	NA	NA	NA	UBR	UBR	UBR	CU	UBR	UBR	UBR	UBR	NA



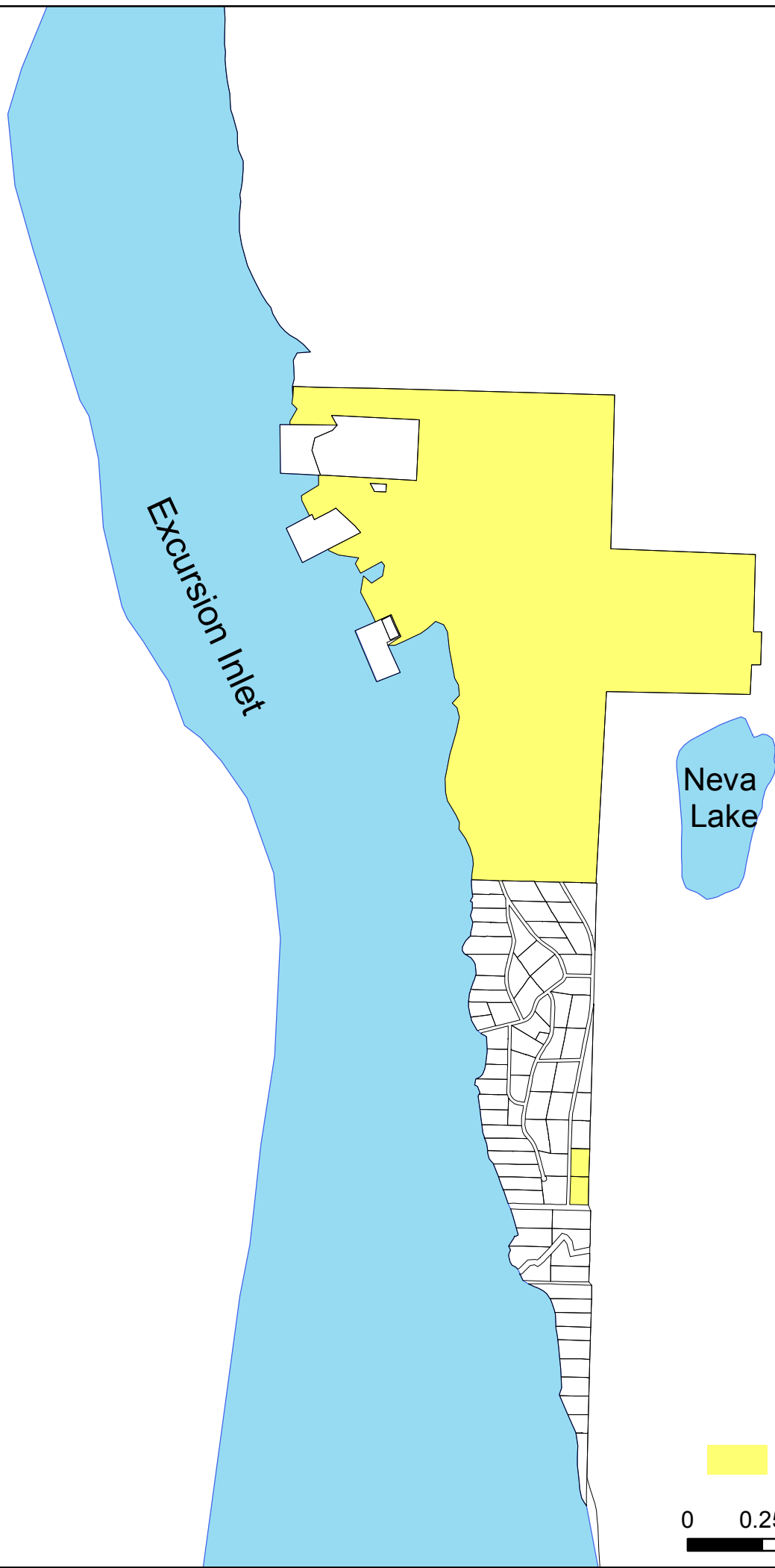
ZONING CLASSIFICATION

 Karen Hess Property

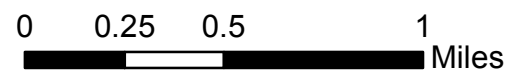
Zoning Type

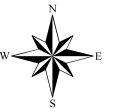
-  Rural Mixed Use
-  Single Residential
-  Rural Residential
-  Commercial
-  Multiple Residential
-  Industrial Light Commercial
-  Heavy Industrial
-  Recreational

0 250 500 1,000 1,500 2,000 Feet

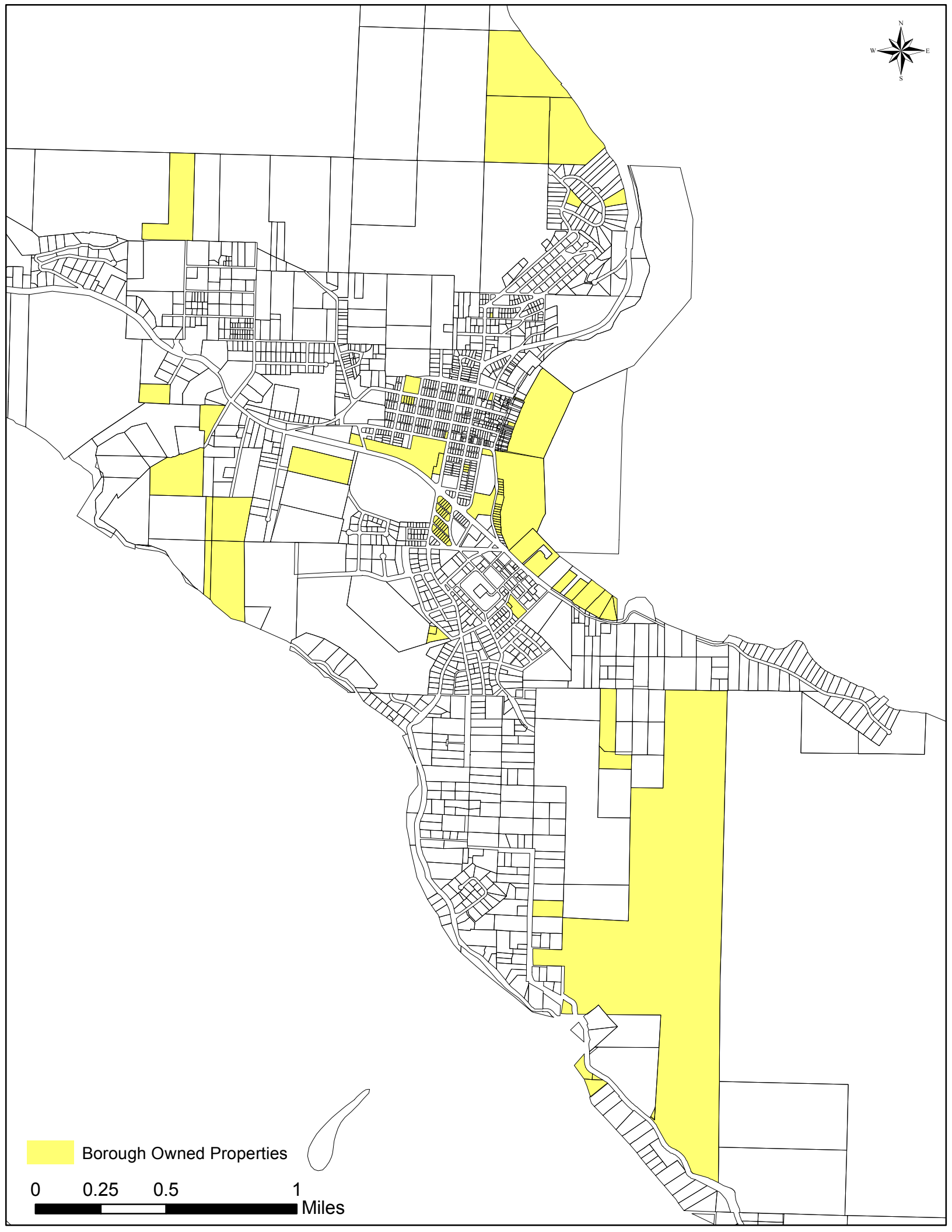
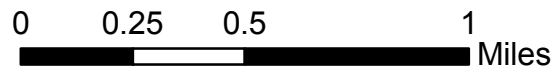


 Borough Owned Properties






 Borough Owned Properties





 Borough Owned Properties

0 0.25 0.5 1
 Miles

