



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, October 9, 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: September 11, 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. Haines Animal Rescue Kennel (HARK) – 33' Section-Line Easement Vacation (SLEV) – Action Item: HARK has requested the Planning Commission approve a SLEV within Tract 2 per the subdivision plat of Lot 40, Sec.2, T.31S., R.59E., C.R.M. In order to ensure that the public interest is addressed at the local level, Alaska Department of Natural Resources (ADNR) requests the applicant apply for the vacation with the Borough platting authority. The local comments and concerns will have a great impact on ADNR's decision to approve or deny this proposal. The commission is not required to take action.
 - B. Haines Real Estate – Plat Amendment – Action Item: The Haines Real Estate has requested the Planning Commission approve a plat amendment petition on behalf of their client, Winfred and Dawn Hasty, owners of Lot 16D within Plat No. 2009-11 on file with the Haines Recorder's Office. **Possible Motion:** Approve Haines Real Estate's plat amendment petition.
9. UNFINISHED BUSINESS: None
10. NEW BUSINESS:
 - A. Historic District/Building Review: None
 - B. Haines Borough Code Amendments:
 1. Vacation Rental in HBC 18.70.040 – Action Item: This is a follow-up item of September 11, 2014's meeting. A draft ordinance is ready for review. **Possible Motion:** Recommend the Assembly adopt the draft ordinance.
 2. Signage Ordinance in HBC 18.90 – Discussion Item: This ordinance was introduced at the May 27, 2014's Assembly meeting and had public hearings on June 10 and June 24. Following the second hearing, it was referred to the Commerce Committee for more work. The committee returned with a substantially different substitute ordinance. Planning & Zoning Technician Cui has reviewed the new draft and has identified several issues. The Commerce Committee will discuss this item on Thursday, 10/09 at 5:00 p.m.
 - C. Project Updates: None
 - D. Other New Business:
 1. Chilkoot Indian Association Wetland Plan Steering Committee – Action Item: At the March 13, 2014's meeting, the commissioners voiced they were in favor of participating in the Tribal Wetland Plan. The committee is asking the commission to assign a formal representative. **Possible Motion:** Assign _____ as representative to the steering committee.
11. COMMISSION COMMENTS
12. CORRESPONDENCES
 - A. Request for Reconsideration of the Heliport Decision – T. Ely
13. SCHEDULE MEETING DATE
 - A. Regular Meeting – Thursday, November 13, 2014 6:30 p.m.
14. ADJOURNMENT



**Haines Borough
Planning Commission Meeting
September 11, 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** (called in), Danny **Gonce**, and Don **Turner III**.

Staff Present: Stephanie **Scott**/Mayor, Tracy **Cui**/Planning & Zoning Technician III.

Also Present: Don **Hess**, Karen **Hess**, Sean **Gaffney**, Margaret **Friedenauer** (KHNS), Karen **Garcia** (CVN), Eric **Kocher**, Ron **Jackson**, Glenda **Gilbert**, John **Floreske**, Vincent **Simkin**, Scott **Sundberg**, and Debra **Schnabel** (liaison), etc.

The commissioners and audience honored the victims of 9/11 with a moment of silence.

3. **APPROVAL OF AGENDA**

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

4. **APPROVAL OF MINUTES** – August 14, 2014 Regular Meeting Minutes

Motion: **Turner** moved to “approve the August 14, 2014 regular meeting minutes”. **Heinmiller** seconded it. The motion carried unanimously.

5. **PUBLIC COMMENTS** - None

6. **CHAIRMAN’S REPORT**

Goldberg summarized his report.

7. **STAFF REPORTS**

- A. **Planning & Zoning Staff Report**

Cui reported monthly land use permitting, enforcement orders, and the status of on-going projects.

8. **PUBLIC HEARINGS**

- A. **Don Simkin – Bed & Breakfast (B&B) Conditional Use Proposal**

Goldberg opened the hearing at 6:50 p.m.

V. Simkin introduced the proposal on behalf of his father Don Simkin to the commission and audience.

Goldberg closed the hearing at 6:51 p.m.

Motion: **Heinmiller** moved to “approve Simkin’s conditional use proposal”. **Hedden** seconded it. The motion carried unanimously.

- B. **John Floreske – Heliport Conditional Use Proposal**

Goldberg opened the hearing at 7:00 p.m.

The representative of a property owner at 9.9 Mile opposed this proposal. The owners were concerned that the heliport would make their property not able to be sold.

Goldberg closed the hearing at 7:05 p.m.

Lende asked the types of flight operation at the heliport. **Floreske** said the heliport is privately owned, and it will be for commercial use.

Hedden was in favor of the conditions set forth in the manager's recommendation letter except for the one-year period limitation. He felt more comfortable with three or five years.

Turner said nobody will invest money for development and the permit may be taken away after one year. He didn't agree with the operation hours either. The hours are not practical for commercial use, especially in the summer. He spoke in favor of Floreske's proposal.

Venables spoke in favor of the proposal. He said the proposed site is a proper location.

Motion: Venables moved to "approve Floreske's heliport conditional use proposal with the following three conditions: 1) Allowance of emergency use for state and federal response, medical, firefighting; and 2) Conform to the terms and conditions set forth in the Department of the Army permit; and 3) Helicopters do not fly over residences between 9 Mile and 7.5 Mile Haines Highway except for emergency use". **Turner** seconded it.

Floreske said he cannot provide the volume of traffic that will go in and out of the site, and he did not plan to construct fuel storages on site at this point.

More discussion ensued.

Primary Amendment: Venables moved to "accept the findings in manager's recommendation letter and approve Floreske's heliport conditional use proposal with the following three conditions: 1) Allowance of emergency use for state and federal response, medical, firefighting; and 2) Conform to the terms and conditions set forth in the Department of the Army permit; and 3) Helicopters do not fly over residences between 9 Mile and 7.5 Mile Haines Highway except for emergency use". **Turner** seconded it. The motion carried 5-2 with **Lende** and **Heinmiller** opposed.

9. UNFINISHED BUSINESS

A. Replat of Primary School Subdivision

After reviewing the memo provided by **Cui**, the commission made the following recommendations:

- 1) Keep the 5th Avenue Right-of-Way, but place a barrier so that cars cannot drive from Main Street into the school parking lot; and
- 2) Shift western property line of Lot 2 approximately 50 feet to the west and eliminate the lot line between Lots 1 and 2; and
- 3) Shift western property line of Lot 3 approximately 50 feet to the west and make Lot 3 rectangular. A Memorandum of Understanding should be written to allow a portion of the running track to remain on Lot 3; and
- 4) Connect Admin Building parking lot with the Library parking lot and make it one way; and

- 5) The commission supports the idea of a safe walking route through this property, but recommends that it be postponed until after the property is re-platted; and
- 6) Reserve a 20-foot wide easement for utilities along the southern boundary of Lot 8A; and
- 7) Plat a new line from the northeast corner of Tract A-2 paralleling the north side of the running track and ending at a point on the western boundary of Lot 3. This will create a new Lot 4. Eliminate all lines south and west of this new line such that the southwest portion of Lot 4 and Lots 12, 13, 14, 15 and 16 become part of Tract A-2. This would make the running track part of the school property.

B. Temporary Residence in HBC 18.60.020(H)

Cui revised this ordinance based on the comments from the commission. She split off the temporary residence for construction use from the people who own a piece of property and park their RVs on it during the summer. **Goldberg** spoke in favor of it.

Lende was against allowing temporary residence permits to be granted for vacation purposes on private property. She said she didn't see any reason to allow this in the townsite service area. She said people who desire to live in RVs can choose to stay in RV parks.

Venables said he does not think it is a problem to allow temporary dwellings to be placed on private properties. He was in favor of the draft ordinance as written by **Cui**.

Motion: Gonce moved to "change '180 days in any 12-month period' to '45 days in any 18-month period'". **Heinmiller** seconded it. The motion failed 3-4 with **Venables, Hedden, Lende,** and **Heinmiller** opposed.

Lende said it will be an economic problem if the Borough allows temporary dwellings to be placed on vacant private properties, which will cause low occupancy of designated commercial RV parks.

Hedden spoke in favor of **Lende's** idea. He said this is a planning issue. In order to protect the integrity of neighborhoods, he believes it is the right thing to disallow that.

Motion: Hedden move to "recommend the Assembly adopt the draft ordinance as proposed by staff with the following changes: 1) Replace 3 in the first section with 2 from the second section; and 2) Strike 7; and 3) Delete the second section". **Lende** seconded it. The motion carried 5-2 with **Venables** and **Turner** opposed.

During the discussion, the commission wanted to make it clear that this applies only within the Townsite Service Area.

Motion: Gonce moved to "request for staff to check the Borough code to clarify HBC 18.60.020(H) applies only within the Townsite Service Area". **Heinmiller** seconded it. The motion carried unanimously.

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

Hess said there are existing structures that are already for residential use, and there are rentals that are already going on in the light industrial/commercial (LIC) zone. She requested for the commission to consider allowing vacation rentals in this zone. Operation of vacation rentals is a type of business; it should be allowed in LIC zone.

Goldberg said before the consolidation of the City of Haines and Haines Borough, the city planning commission did a broad-brush rezoning of this whole area. They put a lot of residences in the industrial zone, which currently does not allow any residential development.

The commission agreed to change the zoning use chart to allow vacation rentals as a conditional use in LIC zone. **Cui** will draft the ordinance and bring it to the commission for review at the next regular meeting.

2. Classification of Borough Lands for Sale

The commission discussed various Borough properties as possible future land sales. These properties included land across Mud Bay Road from the Carr's Cove subdivision, Carr's Cove and lower Small Tracts Road area, at the end of FAA road, north of the Skyline subdivision, at the end of Lutak Road and at Excursion Inlet. The next step is to investigate these properties on foot with Borough land department staff to determine their suitability for development.

11. **COMMISSION COMMENTS** – None
12. **CORRESPONDENCES** - None
13. **SET MEETING DATES** – The next regular Planning Commission meeting is scheduled for 6:30 p.m. on Thursday, October 9, 2014.
14. **ADJOURNMENT**– 10:20 p.m.

Staff Report for October 9, 2014

1. Permits Issued Since September, 2014

Permit	Date	Owner/Agent	Property ID	Lot	Block	Subdivision	Development	Zone
14-72	9/8/14	Jeanne Kitayama		8B		Primary School Sub.	New W & S Service	C
14-73	9/8/14	Sean Prior	C-MEA-02-2800	28		Meadowland Sub.	New W & S Service	SR
14-74	9/8/14	Jon Hirsh	1-HHY-07-0430 & 1-HHY-07-0410	Portion Lot 4		USS 3394	Lot Line Adjustment	GU
14-75	9/12/14	Don Simkin	C-STR-11-0410	4B		Aukerman Sub.	B & B	SR
14-76	9/12/14	John Floreske	1-HHY-10-0510	5A1		Mile 10, Haines HWY	Heliport	GU
14-60(A)	9/15/14	James Stickler	C-HHY-01-0410	1		Zimbrich Sub.	Garage	RR
14-77	9/15/14	Eric Forster	C-PTC-0N-0300	3	N	Port Chilkoot Sub.	Reshape Driveway_ROW	SR
14-78	9/16/14	Helen Lousie Smith	C-690-07-0000		7	USS 690	Home Occupation, Storage Bldg, Land Clearing	SR
14-79	9/17/14	Jeanne Kitayama		8		Primary School Sub.	Short Plat	C
14-80	9/19/14	Alberto Montaudon	C-GNG-00-02B0	2B		G. and G. Sub.	Site Prep.	RR
14-81	9/23/14	Daniel Harrington	C-OCV-00-0900	9		Ocean View Sub.	Shop & Wood Shed	SR
14-82	9/24/14	Pamela Randles	C-ANY-04-0120	1	4	Anway Sub.	House Addition	RR
14-83	9/24/14	Mary Cochran	C-NOR-00-0540	5A1		Northrop Sub. III	Temporary Residence	RMU

2. Enforcement Orders

P&Z received two citizen complaints, and issued two enforcement orders.

Nicole Swensgard
Director-H.A.R.K.
P.O. Box 1533
Haines, AK 99827
September 16, 2014

Haines Borough Planning Commission
P.O. Box 1209
Haines, AK 99827

Dear Planning Commission members:

The Haines Animal Rescue Kennel is requesting the vacation of the 33' section line easement within Tract 2, Subdivision of Lot 40 (Plat 93-6), Section 2, T 31 S, R 59 E, Copper River Meridian. The attached plat shows the 33' section line easement to be vacated in the hatched area.

Haines Animal Rescue Kennel (HARK) is in the process of planning for a Veterinary Clinic. The community of Haines, AK does not have a full time vet on location and has identified the need for such a facility. In this planning process HARK will need the section line easement to be vacated for the potential location of the veterinary clinic on site.

Sincerely,
Nicole Swensgard
Executive Director

CRB 117-3

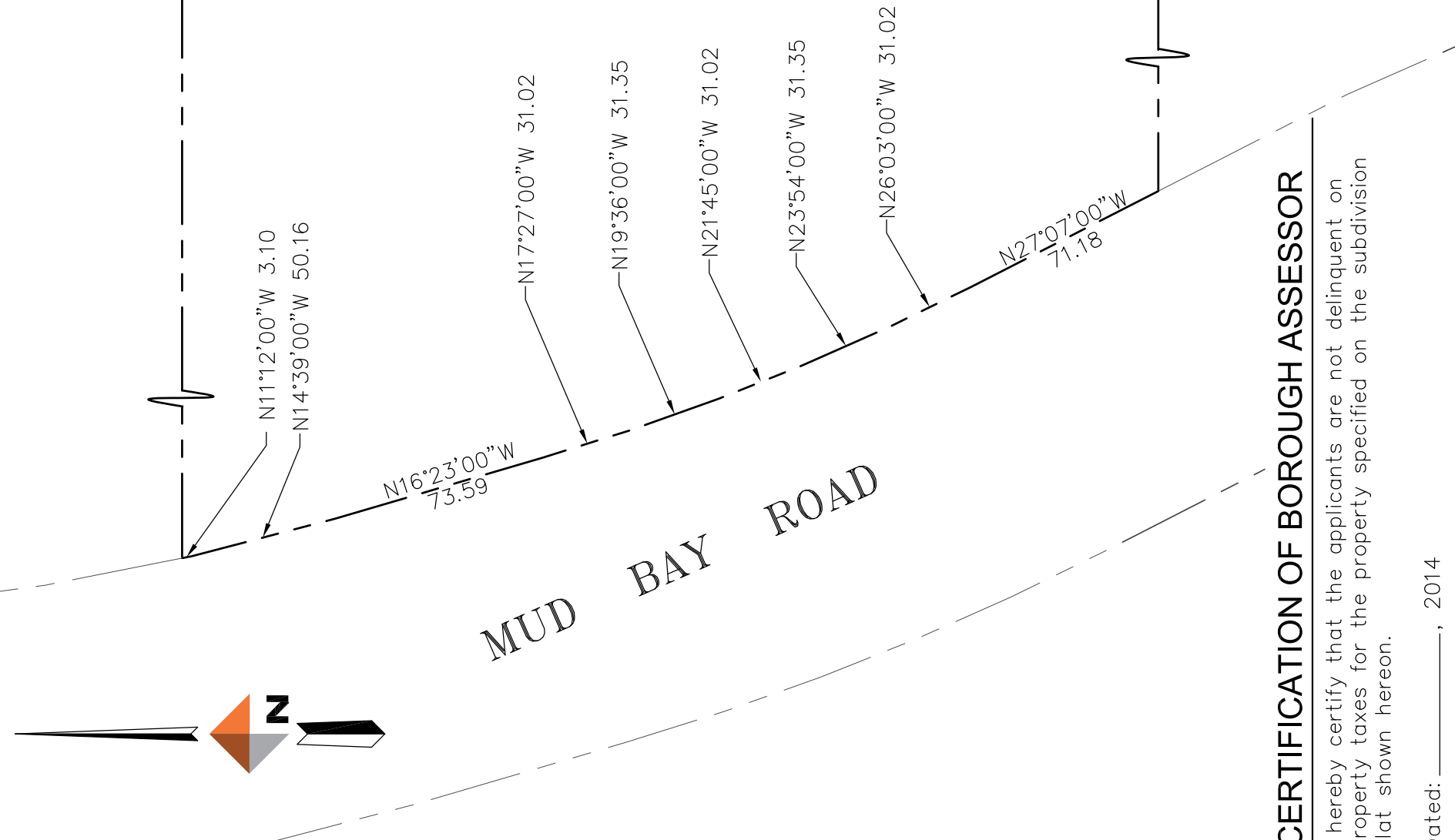
HAINES BOROUGH
P.O. BOX 1209
HAINES, ALASKA 99827
Phone (907) 766-2231 * Fax (907) 766-2716

CASH RECEIPT		Date <u>9.18.14</u>	<u>022631</u>
Received From <u>HARK</u>			
Address _____			
For <u>Section Line Easement Vacation Request</u>		Dollars \$ <u>100⁰⁰</u>	
ACCOUNT		HOW PAID	
AMT. OF ACCOUNT		CASH <u>#3435</u>	
AMT. PAID		CHECK <u>100⁰⁰</u>	
BALANCE DUE		MONEY ORDER <input type="checkbox"/>	
		CREDIT CARD <input type="checkbox"/>	
		By <u>J. Badger</u>	

GENERAL NOTES

1. THE ERROR OF CLOSURE OF THIS SURVEY DOES NOT EXCEED 1:5000.
2. ALL DISTANCES ARE MEASURED IN U.S. SURVEY FEET.
3. WHERE DIFFERENT FROM MEASURED OR CALCULATED, RECORDED DIMENSIONS ARE SHOWN IN PARENTHESES.
4. RECORD INFORMATION DERIVED FROM PLAT OF TOWNSHIP 31 SOUTH, RANGE 59 EAST, OF THE COPPER RIVER MERIDIAN, ALASKA AND FIELD NOTES.
5. DIAGONALLY HATCHED AREA INDICATES PORTIONS OF THE SECTION-LINE EASEMENTS BEING VACATED WITHIN SECTION 2, T.31S, R.59E, AND THAT PORTION OF THE 50' PATENT RESERVATION FOR ROADWAY & UTILITY PURPOSES.

FR LOT 26



CERTIFICATION OF BOROUGH ASSESSOR

I hereby certify that the applicants are not delinquent on property taxes for the property specified on the subdivision plat shown hereon.

Dated: _____, 2014
Haines Borough Assessor _____

SECTION-LINE EASEMENT VACATION CERTIFICATE APPROVAL RECOMMENDATION

STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

The vacation statement, as shown hereon, has been reviewed by the southeastern regional office and is hereby recommended for approval by the Commissioner.

Recommended by: _____ Date: _____
Regional Chief Rights-of-Way Agent

STATE OF ALASKA DIVISION OF MINING, LAND AND WATER

The vacation statement, as shown hereon, has been reviewed by the Division of Mining, Land & Water and is hereby recommended for approval by the Commissioner.

Recommended by: _____ Date: _____
Director Division of Mining, Land and Water

The state of Alaska, acting by and through the Commissioner of the Department of Natural Resources and the Commissioner of the Department of Transportation and Public Facilities, does hereby state and declare that the State of Alaska vacates and releases all rights and title to any and all portions of Section-Line easements for Public Highways reserved to it under A.S. 19.10.010. (Specified area delineated by diagonal hatching on this plat)

Date: _____ Approved: _____
Commissioner
Department of Transportation and
Public Facilities

Date: _____ Approved: _____
Commissioner
Department of Natural Resources

CERTIFICATE BY THE HAINES BOROUGH

This vacation is across Tract 2, Plat No. xx, as described hereon has been found to comply with the provision set forth in HC. 18.100 and is approved for recording with the Haines Records office dated: _____, 2014

Planning Commission Chair
Date _____

Mayor,
Haines Borough
Date _____

CERTIFICATE OF OWNERSHIP:

We, the undersigned, hereby certify that we are the owners of Lot 27 as shown on this plat. We approve this Section-Line Easement Vacation Plat.

Date: _____ Owner: _____
Owner: _____

NOTARY'S ACKNOWLEDGEMENT

State of Alaska }
First Judicial District } ss.

This is to certify that on this _____ day of _____, 2014, before me the undersigned, a notary public in and for the State of Alaska, duly commissioned and sworn, personally appeared XXXXX, to me known to be the person representing TRACT 2, described in and who executed the above and foregoing instrument, and acknowledged to me that he signed and sealed the same freely and voluntarily for the uses and purposes of the said corporation therein mentioned, being fully authorized to do so. Witness my hand and official seal the day and year in this certificate first above written.

Notary Public for Alaska
My Commission Expires: _____

CERTIFICATE OF OWNERSHIP:

We, the undersigned, hereby certify that we are the owners of Tract 2 as shown on this plat. We approve this Section-Line Easement Vacation Plat.

Date: _____ Owner: _____
Owner: _____

NOTARY'S ACKNOWLEDGEMENT

State of Alaska }
First Judicial District } ss.

This is to certify that on this _____ day of _____, 2014, before me the undersigned, a notary public in and for the State of Alaska, duly commissioned and sworn, personally appeared XXXXX, to me known to be the person representing TRACT 2, described in and who executed the above and foregoing instrument, and acknowledged to me that he signed and sealed the same freely and voluntarily for the uses and purposes of the said corporation therein mentioned, being fully authorized to do so. Witness my hand and official seal the day and year in this certificate first above written.

Notary Public for Alaska
My Commission Expires: _____

OWNERSHIP CERTIFICATE

I hereby certify that I am the owner of the property shown and described hereon and that I hereby adopt this plat of subdivision with my free consent, and dedicate all streets, alleys, walks, parks, easements and other open spaces to public or private use as noted:

By: _____ Date: _____

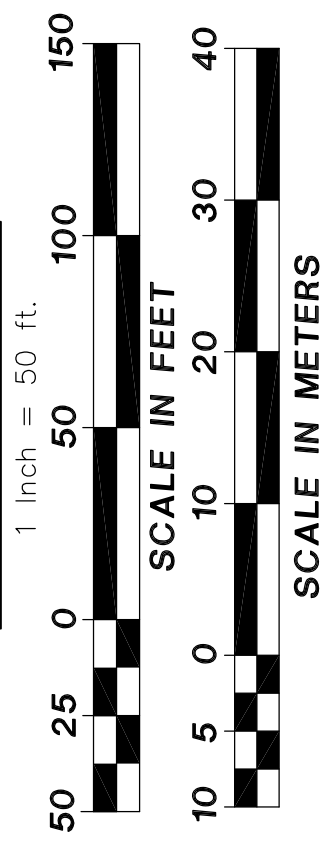
Notary Public for Alaska
My Commission Expires: _____

NOTARY ACKNOWLEDGMENT

State of Alaska }
First Judicial District } ss.

This is to certify that on this _____ day of _____, 2014, before me the undersigned, a notary public in and for the State of Alaska, duly commissioned and sworn, personally appeared xxx, to me known to be the person described in and who executed the above and foregoing instrument, and acknowledged to me that he signed and sealed the same freely and voluntarily for the uses and purposes of the said corporation therein mentioned, being fully authorized to do so. Witness my hand and official seal the day and year in this certificate first above written.

GRAPHIC SCALE



1 METER = 3.280833 U.S. SURVEY FEET, 1 U.S. ACRE = 0.4047 HECTARE

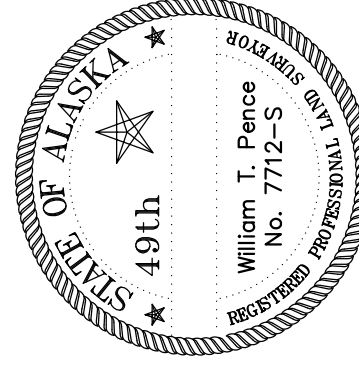
DATE OF SURVEY	SURVEYOR	OWNERS
Beginning 05/2013	DOWL HKM	
Ending XXXX	5368 COMMERCIAL BLVD.	
	JUNEAU, ALASKA	99801

STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND AND WATER
ANCHORAGE, ALASKA

SECTION-LINE EASEMENT VACATION
AND SUBDIVISION OF TRACT 2, SUBDIVISION OF LOT 40
(PLAT 93-6) & LOT 27, SECTION 3, T.31S., R.59E., C.R.M.

LOCATED WITHIN
SECTION 2, T.31S, R.59E, C.R.M, ALASKA
HAINES RECORDING DISTRICT

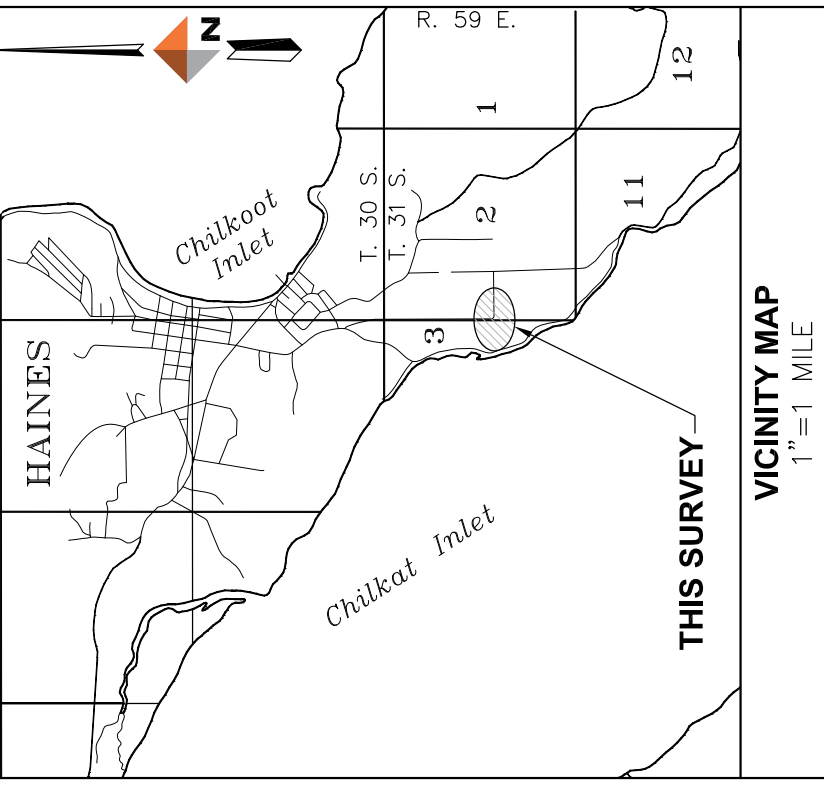
DRAWN BY: W.T.P.	APPROVAL RECOMMENDED
DATE: SEPT. 1, 2013	STATEWIDE PLATING SUPERVISOR _____ DATE _____
SCALE 1"= 50'	CHECKED: _____ FILE NO. XXXXX W.T.P.



SURVEYOR'S CERTIFICATE

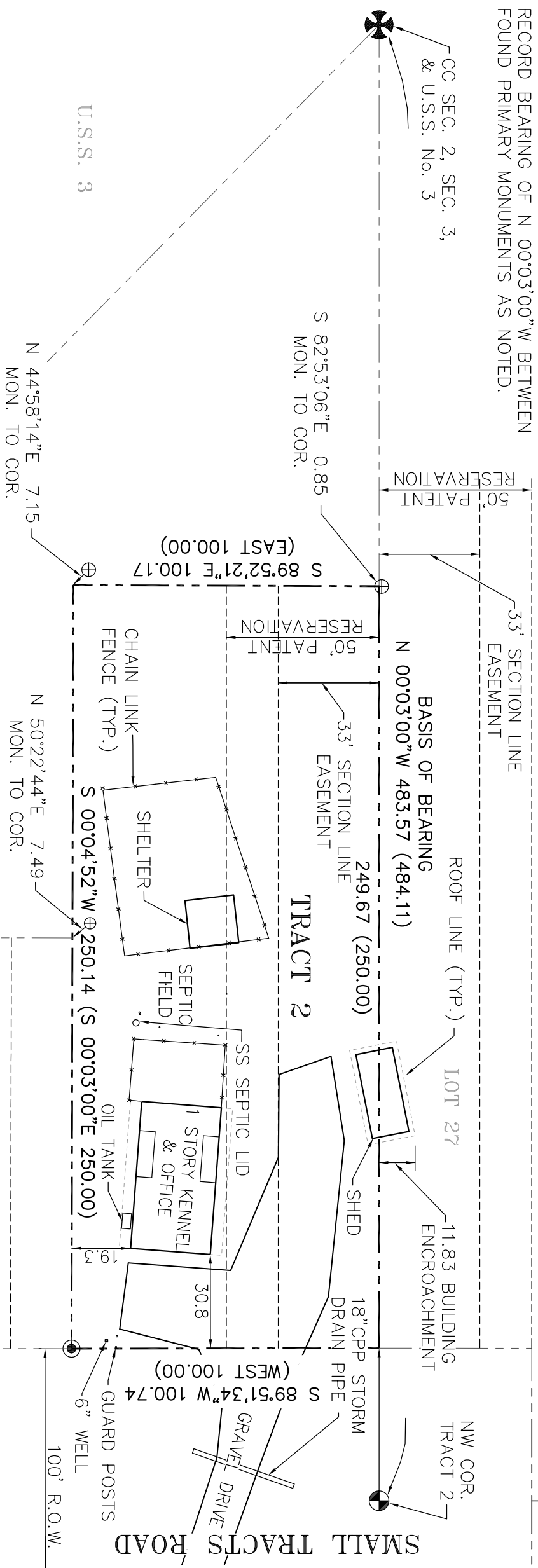
I hereby certify that I am properly registered and licensed to practice land surveying in the State of Alaska, that this plat represents a survey made by me or under my direct supervision, that the monuments shown hereon actually exist as described, and that all dimensions and other details are correct.

Date: _____
Registration Number 7712S
Registered Land Surveyor



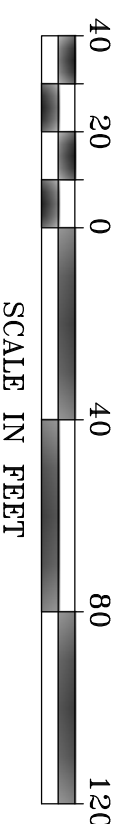
BASIS OF BEARING

THE BASIS OF BEARING FOR THIS PLAT IS THE RECORD BEARING OF N 00°03'00"W BETWEEN FOUND PRIMARY MONUMENTS AS NOTED.



LEGEND

- ⊕ G.L.O. BRASS CAP MONUMENT FOUND THIS SURVEY.
- ⊙ 3" ALUMINUM PRIMARY MONUMENT (3193S) FOUND THIS SURVEY.
- ⊙ 1/2" REBAR W/YELLOW SURVCAP (3193S) MONUMENT FOUND THIS SURVEY.
- ⊕ 5/8" REBAR W/YELLOW SURVCAP (3650S) MONUMENT FOUND THIS SURVEY.



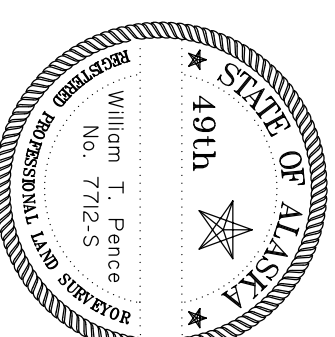
REVIEW ONLY

CERTIFICATE OF REGISTERED LAND SURVEYOR

I HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA AND THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION OF THE FOLLOWING DESCRIBED PROPERTY:

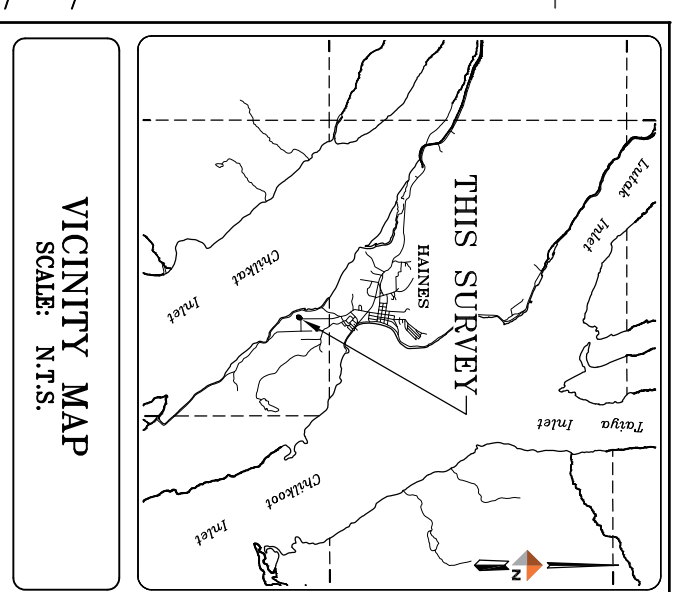
TRACT 2, LOT 40, T.31S., R.59E., C.R.M.
AND THAT ALL WALKS, ROADS, IMPROVEMENTS, ENCROACHMENTS AND OVERLAPS ARE SHOWN CORRECTLY TO THE BEST OF MY KNOWLEDGE.

DATED: JUNE, 2013



NOTES

1. ALL DISTANCES ARE MEASURED IN U.S. SURVEY FEET.
2. RECORD INFORMATION DERIVED FROM SUBDIVISION PLAT OF LOT 40, SECTION 2, T.31S. - R.59E. C.R.M. (SMALL TRACTS) WITHIN THE BOROUGH OF HAINES ALASKA, HAINES PLAT No. 93-6.
3. WHERE DIFFERENT FROM MEASURED OR CALCULATED, RECORDED DIMENSIONS ARE SHOWN IN PARENTHESES.
4. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
5. ON SITE WATER AND SEWER TREATMENT.



LOT 40, SECTION 2, T.31S, R.59E., C.R.M.

(SMALL TRACTS)
BOROUGH OF HAINES, ALASKA

DOWL HKM

CIVIL ENGINEERING- LAND SURVEYING- CONSTRUCTION MANAGEMENT
5368 COMMERCIAL BOULEVARD
JUNEAU ALASKA 99801 907-780-3533

SCALE: 1" = 40'	DATE: JUN. 2013	PROJECT NO: J70594	FILE NO:	SHEET NO: 1 OF 1
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Xi Cui

To: Horton, George C (DNR)
Subject: RE: EV-3-208 - FW: Tract 2, Section Line Easement Vacation

From: Horton, George C (DNR) [mailto:george.horton@alaska.gov]
Sent: Tuesday, July 22, 2014 3:17 PM
To: Xi Cui
Subject: RE: EV-3-208 - FW: Tract 2, Section Line Easement Vacation

Ms. Cui,
Thank you for replying back so quickly.
Our timeline is as long as it takes for the Borough to make a decision.
Regards,

George

George Horton, PLS, CFedS
Land Surveyor I
(907) 269-8610
george.horton@alaska.gov
<http://dnr.alaska.gov/mlw/survey/index.htm>

"Do not go where the path may lead; go instead where there is no path and leave a trail." (Ralph Waldo Emerson)

From: Xi Cui [mailto:xcui@haines.ak.us]
Sent: Tuesday, July 22, 2014 3:14 PM
To: Horton, George C (DNR)
Subject: RE: EV-3-208 - FW: Tract 2, Section Line Easement Vacation

Mr. Horton:

I appreciate you double checking with me on this matter. After reading your message, I would like to bring this to the Borough attorney for a final answer. I absolutely agree with you on "boroughs do have a shared responsibility with the State regarding vacations of section-line easements (public access easements) within their jurisdiction".

Could you please let me know what your timeline is? I will get back to you ASAP. Thanks again.

Sincerely,

Tracy Cui

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

From: Horton, George C (DNR) [<mailto:george.horton@alaska.gov>]
Sent: Tuesday, July 22, 2014 3:03 PM
To: Xi Cui
Cc: Brown, Stanley C (DNR); Poydack, Joseph L (DNR); bpence@dowlhkm.com; jkemp@dowlhkm.com
Subject: EV-3-208 - FW: Tract 2, Section Line Easement Vacation

Ms. Xi Cui,

My name is George Horton. I am one of the surveyor's within the DNR, DML&W, Survey Section, Easement Vacation Unit. I am currently reviewing a draft Preliminary Decision regarding a proposed section-line easement vacation (SLEV) within the Haines Borough. More specifically, this SLEV lies within Tract 2 per the Subdivision Plat of Lot 40, Section 2, Township 31 South, Range 59 East, Copper River Meridian (Plat 93-6 Haines Recording District).

I read your reply to Jennifer Kemp (below in red) and I want to be absolutely certain that the Haines Borough has made a decision not to run this proposed public easement vacation through the borough vacation process. Whether a local platting authority does or does not process petitions to vacate SLE's or R.S. 2477 rights-of-way through their vacation process greatly affects the procedures in which we at DNR have to follow in order for us to either approve or deny a petition to vacate. If I understand what you said correctly, the borough does not think it has any authority over the vacation of section-line easements; and that SLEV authority rests solely with the State. Contrary to that, boroughs do have a shared responsibility with the State regarding vacations of section-line easements (public access easements) within their jurisdiction; and their comments and concerns have a great impact on DNR's decision to approve or deny proposed SLEV's.

Generally speaking, with petitions to vacate State managed easements within organized boroughs; in order to ensure that the public interest is addressed at the local level, DNR requests that the applicant apply for the vacation with the local borough or municipal platting authority. The borough considers local concerns and transportation infrastructures. The state considers these issues statewide.

11 AAC 51.065(c) has an allowance for a municipal platting authority do decline to consider a petition (please see below).

11 AAC 51.065. Vacation of easements

(c) If a municipal platting authority declines to consider the petition in accordance with the procedures set out in AS [29.40.120](#) - [29.40.150](#), on the grounds that the public easement is unplatted or is an R.S. 2477 right-of-way, the department will give notice of the petition in a newspaper of general circulation in the vicinity of the public easement and provide a comment period of at least 30 days. The petitioner shall reimburse the department for the costs of notice.

With the above said, to be clear of the procedure we at DNR need to follow to process this proposed vacation my question is:

[Does the Haines Borough decline to consider the petition in accordance with the procedures set out in AS 29.40.120 - 29.40.150 on the grounds that the public easement is unplatted or is an R.S. 2477 right-of-way?](#)

If the borough declines to consider the petition, as noted above, DNR will handle the procedures set out in AS 29.40.120 - 29.40.150. However, please bear in mind that as the local platting authority the final Section-Line Easement Vacation Plat (the final Mylar) will require Haines Borough approval prior to filing and recording in the District Recorder's Office.

If you have any questions please do not hesitate to contact me at the phone number below or by replying to this email.

Best regards,

George

George Horton, PLS, CFedS
Land Surveyor I
(907) 269-8610

CERTIFICATION of OWNERSHIP

I (WE) HEREBY CERTIFY THAT I (WE) ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I (WE) HEREBY ADOPT THIS SUBDIVISION PLAT WITH OUR FREE CONSENT.

DATE: June 29, 1993

OWNER: FRANK PUTNAM LOLA B. PUTNAM
Frank Putnam *Lola B. Putnam*

ADDRESS: P.O. BOX 426 TRACTS 1/4
HAINES, ALASKA 99827

WITNESS: Niles K. Brill

OWNER: RUSS WALTON DARLENE WALTON
Russ Walton *Darlene Walton*

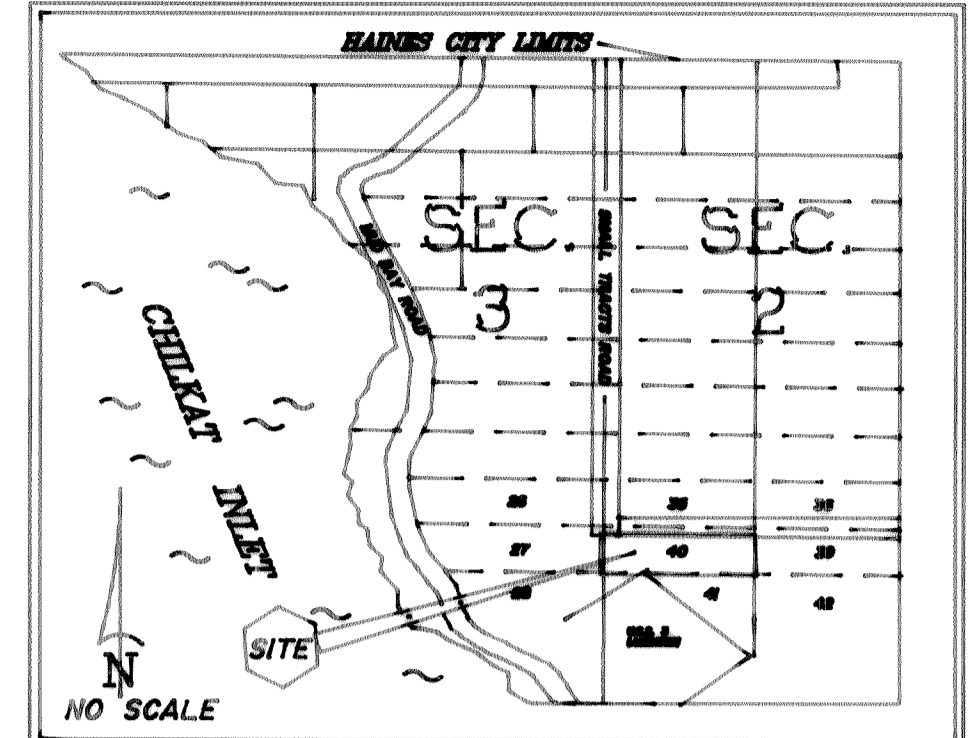
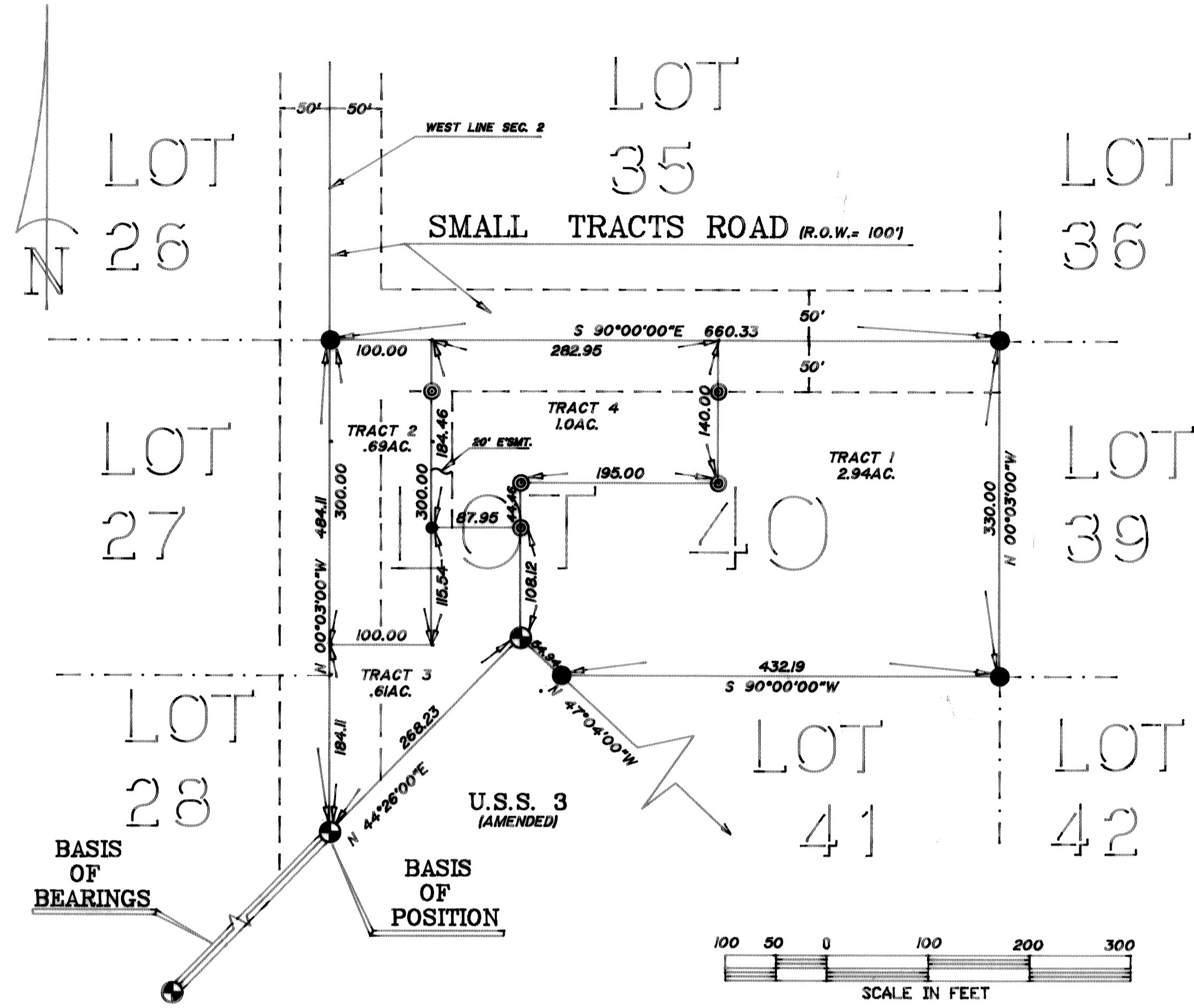
ADDRESS: P.O. BOX 755 TRACT 3
HAINES, ALASKA 99827

WITNESS: Niles K. Brill

OWNER: C.E. BUD PARDUÉ
C. E. Bud Pardue

ADDRESS: P.O. BOX 257 TRACT 2
HAINES, ALASKA 99827

WITNESS: Niles K. Brill



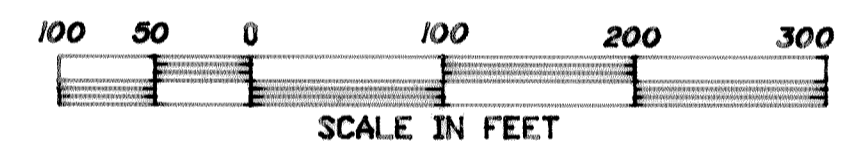
VICINITY MAP

GENERAL NOTES

1. THE BASIS OF BEARINGS FOR THIS SURVEY IS THE OBSERVED LINE BETWEEN THE RECOVERED ORIGINAL GLO/BLM MONUMENTS AT THE CLOSING CORNERS ON THE NORTHWESTLY LINE OF U.S.S. 3 (AMENDED) HAVING AN ACCEPTED BEARING OF N 44°26' E.
2. THE BASIS OF POSITION FOR THIS SURVEY WAS THE NORTHERLYMOST CLOSING CORNER AT THE POINT OF INTERSECTION OF THE NORTHWEST LINE OF U.S.S. 3 (AMENDED) AND THE WEST LINE OF SECTION 2. I.e. STD. GLO/BLM BRASS CAP MONUMENT.
3. Not within a planning authority.

LEGAL DESCRIPTION

LOT 40, TOWNSHIP 31 SOUTH, RANGE 59 EAST OF THE COPPER RIVER MERIDIAN, HAINES RECORDING DISTRICT, FIRST JUDICIAL DISTRICT, STATE OF ALASKA.



NOTARY'S ACKNOWLEDGEMENT

UNITED STATES OF AMERICA,) ss
 STATE OF ALASKA)
 THIS IS TO CERTIFY that on this 29 day of June, 1993, before me the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn personally appeared:
Frank Putnam Lola Putnam
Ross Walton, Darlene Walton
C.E. Bud Pardue
 known to be the persons described in and who executed the above and foregoing instrument, and acknowledged to me that they signed and sealed the same freely and voluntarily for the purposes therein mentioned.

WITNESS my hand and official seal:

Richard C. Folta
 Notary Public for the State of Alaska

6/28/96
 My Commission Expires:

NOTARY PUBLIC
 RICHARD C. FOLTA
 STATE OF ALASKA

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 represents a survey made under my direct supervision. All dimensional details and relative bearings are correct as shown, and that the monuments shown hereon actually exist as described, and other details are correct.

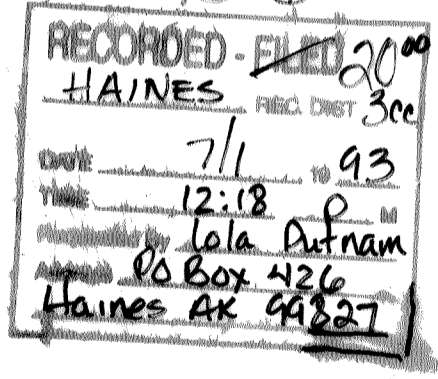
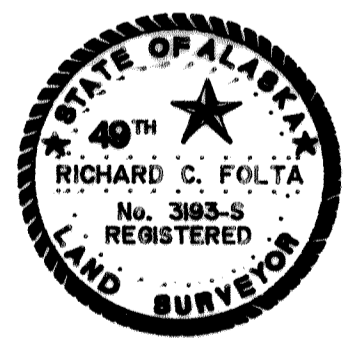
DATED: June 29, 1993
Richard C. Folta

Richard C. Folta L.S. P.E.
 Registration No. 3193-S

CERTIFICATE OF TAX ASSESSOR

The undersigned, Assessor for the Haines Borough, hereby certifies that taxes have been paid on the subject property described hereon.

DATED: 7-01-93
Dan Turner
 Haines Borough Assessor/Lands Officer



LEGEND

- - ORIGINAL GLO/BLM PRIMARY MONUMENT (RECOVERED)
- - SET 2"X30" ALUM. MONUMENT W/3" CAP (AKSURVCO 3193-S)
- - SET 5/8"X30" I.R. W/SURVICAP (3193-S)
- - SET LEAD PLUG W/BRASS TACK IN BOULDER

WASTEWATER DISPOSAL

CONDITIONS MAY NOT BE SUITABLE FOR CONVENTIONAL METHODS OF WASTEWATER TREATMENT AND DISPOSAL. NO SEWAGE TREATMENT OR DISPOSAL SYSTEM SHALL BE PERMITTED ON ANY TRACT UNLESS SUCH SYSTEM IS LOCATED, CONSTRUCTED, AND EQUIPPED IN ACCORDANCE WITH THE REGULATIONS AND STANDARDS OF THE STATE OF ALASKA, DEPARTMENT OF ENVIRONMENTAL CONSERVATION, WHICH GOVERN THESE SYSTEMS.

Adjacent septic systems are working satisfactory RCF

CERTIFICATION OF APPROVAL BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION

SUBJECT TO THE NOTED RESTRICTIONS, THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION APPROVES THIS SUBDIVISION FOR PLATTING. THIS APPROVAL IS BASED ON CRITERIA FOR SINGLE FAMILY RESIDENTIAL DEVELOPMENT. NOTE RESTRICTIONS CONCERNING ON-SITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS.

NAME AND TITLE OF ALASKA DEPT. OF ENVIRONMENTAL CONSERVATION APPROVING OFFICIAL: *Sev*

DATE: 7-1-93

COMPLETED 6/30/93

SUBDIVISION PLAT
 OF
LOT 40, SECTION 2, T.31S.-R.59E. C.R.M.
 (SMALL TRACTS) WITHIN THE BOROUGH OF HAINES, ALASKA

CLIENT:
FRANK & LOLA PUTNAM
 P.O. BOX 426
 HAINES, ALASKA 99827

SHT 1 of 1
 SCALE: 1" = 100'
 DWN: S.Mc./ACAD
 CHECKED: RCF



AKSURVCO #981221



HAINES BOROUGH, ALASKA

P.O. BOX 1209

HAINES, AK 99827

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

September 29, 2014

First Name Last Name
Address,
City, State Zip Code

Re: 33' Section-Line Easement (SLEV) Vacation Petition
Tract 2 per Subdivision Plat of Lot 40, Sec. 2, T.31S., R.59E., C.R.M.

Dear Land Owner,

Haines Borough records show that you own property within 200 feet of the above-listed property. In order to plan for the construction of a Veterinary Clinic, Haines Animal Rescue Kennel (H.A.R.K.) has requested the Planning Commission approve a SLEV within Tract 2, per the subdivision plat of Lot 40, Sec. 2, T.31S., R.59E., C.R.M.

The Haines Borough Planning Commission will hold a public hearing on the matter at the next regular Planning Commission meeting. The meeting will be held at 6:30 p.m. at the Haines Borough Assembly Chambers on Thursday, October 9, 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
kfriedle@haines.ak.us

First Name	Last Name	Address	City	State	Zip
HAINES ANIMAL RESCUE KENNEL		BOX 1533	HAINES	AK	99827
JOYCE	STOCKBRIDGE	BOX 1093	HAINES	AK	99827
DEAN	RISLEY	BOX 1012	HAINES	AK	99827
LYLE	HUFF	BOX 347	HAINES	AK	99827
DON	HOLGATE	BOX 301	HAINES	AK	99827
MARK	MITCHELTREE	BOX 1036	HAINES	AK	99827
DARLENE	WALTON	BOX 755	HAINES	AK	99827
RICHARD	COOK	BOX 671	HAINES	AK	99827
CARL	TAYLOR	BOX 1317	HAINES	AK	99827
DAN	ELDREDGE	4700 LONE BEAR LANE SW	PORT ORCHARD	WA	98367

September 16, 2014

To: Haines Borough Planning Department/Haines Borough Planning Commission
Haines Borough Government

Re: Request for Plat Amendment – Plat 2009-11 Recorded with State of AK DNR

Dear Commissioners,

I am requesting platting authority approval to amend this Plat 2009-11 on behalf of my client, Winfred and Dawn Hasty, Owners of Lot 16D within 2009-11, property Tax ID # C-SEC-35-1640.

After marketing the property for sale, I have found there to be technical drafting errors in the easement descriptions included on the plat. We are not asking for any replatting or vacation/creation of easement, we are asking to correct the language descriptions of the two easements included on the plat. This requested plat amendment will not in any way adverse affect any existing rights of adjacent property owners. No new easements would be created or vacated.

The plat includes four total lots, only one lot has frontage on Mt Riley Road, Lot 16A, and needed no easements. The other three lots all need access and utility easement rights. My clients' lot, 16D, was not given written utility easement language within the plat. And Lot 16C was not given proper utility easement language. We have been working with the original surveyor, John Bean, to remedy this situation, he has already presented to the Haines Borough Planning and Zoning Department a request to withdraw the original plat for correction. Xi Cui is requiring review by you, the planning commission, to approve this plat amendment request so it can be forwarded to the State of Alaska for correction.

I would be more than happy to present information at the next planning commission meeting or before to help this problem be resolved in a timely manner. Thank you in advance for your time and effort.

Sincerely,



Dave Long
Owner/Licensee
Haines Real Estate
907 303 7030 mobile

hainesrealestate@gmail.com - email

Haines Real Estate

• P.O. Box 946 • Haines, Alaska 99827
Bus: (907) 766-3510 • Fax: (907) 766-3599
Website: www.hainesrealestate.com



Haines Borough Real Property Assessment Report 2013 Tax Year

Property Information

Borough property number:	C-SEC-35-1640
Ownership:	HASTY, JR., WINFRED N. DAWN D. HASTY
Address:	165 FRYE ROAD PINEHURST, NC 28374
Detail:	LOT 16D, replat of Lot 16, SEC 35, T30S,R59E, Plat2009-11 1.48 ACRES Mt. Riley Rd.
Street address:	
Assessed land(\$):	47400
Assessed improvement(\$):	0
Assessed total(\$):	47400
Tax rate:	10.17 mills
Taxes exempt (\$):	0
Taxes due this year (\$):	482.06
Pmts this year(\$):	482.06
*Balance (\$):	0



*Prior tax year delinquencies not shown.

Taxes due September 3, 2013.

Penalty and interest accrue daily on outstanding balances.

Please call the Borough office for final balances at 766-2711 X22

Parcels

Borough Property ID C-SEC-35-1640

Quads

NAME SKAGWAY A-2

Sections

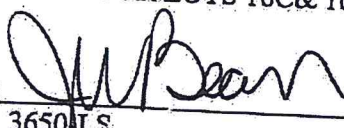
Township Range Section 30S 59E 35

STATE RECORDER'S OFFICE
550 WEST 7TH AVENUE, SUITE 1210
ANCHORAGE, AK 99501-3564

I would like to withdraw from the recording office the original recorded/filed polyester film of Plat No. 2009-11, HAINES Recording District, for the purpose of making a correction. Prior to making this correction and re-recording/filing the original plat, I will submit a duplicate positive polyester film (DPM) of the above plat which will substitute for the original plat in your files. I understand you are allowing this for the sole purpose of correcting a surveyor's minor technical error on this original plat and that I must refile it along with a surveyor's affidavit which will explain what has been corrected, and contain the following statement:
The above revision constitutes the sole change made to the plat aside from its Notation in the revision block on the plat. The above revision does not alter Lot areas and does not affect, or influence any change of ownership, drainage features, right-of-ways, or any other item which would adversely affect this Or adjacent properties. I am therefore submitting this plat for refilling as Corrected.

The corrections to be made are:

COPY OF PLAT IS MARKED WITH SMALL CIRCLES WHERE CHANGES TO BE MADE.
THE 30' ACCESS & UTILITY EASEMENT FOR LOTS 16A, 16B & (16C) CHANGES TO
16D ONLY UTILITY EASEMENT .
30' ACCESS EASEMENT FOR LOTS 16C& 16D (ADDED) & UTILITY EASEMENT FOR
LOT 16C

Surveyor Signature:  Date: 8-15-2014
Registration No. 3650 LS

Firm Name: JW BEAN PROFESSIONAL SURVEYOR'S, INC.
Phone: 907-789-0590

Address: 1070 ARTIC CIRCLE
JUNEAU, ALASKA, 99801

Platting Authority Approval:

Platting Authority Approval

Agency: HAINES BOROUGH

Agency ; Division of Mining, Land &
Water.

State Recorder Approval:

Date: _____

Date/Time Original Released: _____

Date/Time DPF Returned: _____
(DPF must be returned within 24 hours)

Date/Time Original Re-Recorded: _____, Plat No. _____

PROPERTY SHOWN AND PLAT OF SUBDIVISION WITH ITS ALLEYS, WALKS, PARKS, ETC. AS NOTED.

Subdivided by 2009 F. AND FOR THE STATE OF ALASKA APPEARING:



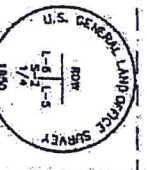
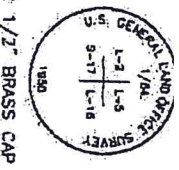
CHAINED IN AND WHO EXECUTED THE SURVEY AND WHO RECEIVED THE MONIES AND VOLUNTARILY FOR THE YEAR IN THIS CERTIFICATE

J.W. Bran
1-29-2009
JWB
C.R.M., AS DESCRIBED IN DIVISION SET FORTH IN THE PLANES.

DATE 9-8-09

DATE 9-8-09

SURVEYOR
I SURVEYOR, LICENSED AND HIS PLAT WAS PREPARED UNDER THE RULES AND REGULATIONS AND RIGHT OF WAYS



LOT 6
2 1/2" BRASS CAP

LOT 5

LOT 4

LOT 17

PARCEL B
LOT 17

LOT 16D
64,553 SQ. FT.
(1.48 AC.)

LOT 16

LOT 16B
43,292 SQ. FT.
(0.99 AC.)

LOT 16C
43,290 SQ. FT.
(0.99 AC.)

LOT 16A
65,213 SQ. FT.
(1.50 AC.)

TWO STORY WOOD FRAME DWELLING
STATE OF ALASKA
WOOD FRAME DWELLING
OPEN CARPORT

PARCEL A
LOT 15

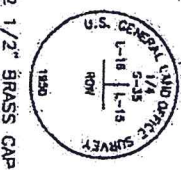
PARCEL B
LOT 15

PARCEL C

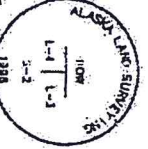
30' ACCESS EASEMENT FOR LOTS 16C & 16D WITH UTILITY EASEMENT FOR LOT 16A

30' ACCESS & UTILITY EASEMENT FOR LOTS 16A, 16B & 16C

MT RILEY ROAD
BASIS OF BEARING



2 1/2" BRASS CAP



3" ALUM. MON.

119°30'00"E 23.10'

189°30'00"E 327.89'

189°30'00"E 327.89'

189°30'00"E 441.17'

189°30'00"E 327.89'

189°30'00"E 327.89'

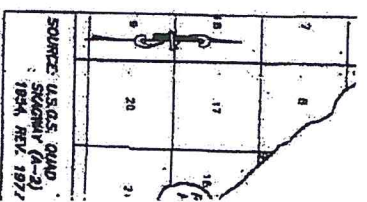
189°30'00"E 327.89'

NOTES:

1. ALL PLAT BEARINGS SHOWN ARE TRUE BEARINGS AS ORIENTED TO THE BASIS OF BEARINGS.
2. ALL DISTANCES SHOWN ARE REDUCED TO HORIZONTAL.
3. RECORDED BEARINGS AND DISTANCES ARE SHOWN ENCLOSED IN PARENTHESES, MEASURED OR CALCULATED BEARINGS AND/OR DISTANCES ARE SHOWN WITHOUT.

2009-11
JWB
11-20-09
11-27-09

DATE 11-20-09
TITLE 11-27-09
ADDRESS
JWB



SOURCE: U.S.G.S. QUA
SECTION (4-2)
1894, REV. 1977

J.W. BRAN INC.

DRAWN BY: DON DREWSE
CHECKED BY: J.M.B.
DRAWING DATE: 8-18-2008

LOT 1
A 1



September 29, 2014

First Name Last Name
Address,
City, State Zip Code

Re: Petition to Amend Easements within Plat 2009-11
Resubdivision of Lot 16, Sec. 35, T.30S., R.59E., C.R.M.

Dear Land Owner,

Haines Borough records show that you own property within the above-listed subdivision. The Haines Real Estate has requested the Planning Commission approve a plat amendment petition on behalf of their client, Winfred and Dawn Hasty, owners of Lot 16D with Plat No. 2009-11.

The meeting will be held at 6:30 p.m. at the Haines Borough Assembly Chambers on Thursday, October 9, 2014. As an owner of property within the above-listed subdivision, 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
kfriedle@haines.ak.us

First Name	Last Name	Address	City	State	Zip Code
Rigel	Falvey	PO Box 46	Haines	AK	99827
Winfred & Dawn	Hasty	165 Frye Road	Pinehurst	NC	28374
Gregory	Seymour	PO Box 782	Haines	AK	99827
Alison	Dyvig	PO Box 1677	Haines	AK	99827

11 AAC 53.260. Amended plat

If a technical error is detected on an officially filed plat, and if the commissioner determines that the error's correction will not adversely affect any valid existing right, the following correction procedure may be used in place of the replat procedure of 11 AAC 53.730:

- (1) immediately above the title block on the original filed plat, the statement "Amended Plat" must be placed in bold letters;
- (2) repealed 7/5/2001;
- (3) the following separate certification must be prepared and presented with the original amended plat to the appropriate district recorder's office for filing:

CERTIFICATION

Name of plat, subdivision:

The above-referenced subdivision plat as filed in the recording office under plat file number has been revised as follows:

_____ (revision)

The above revision constitutes the sole change made to the plat aside from the notation above the title block on the plat. The above revision does not affect any valid existing rights. I am therefore submitting this plat for refiling as corrected.

Date Registration Number

(surveyor's seal)

(signature in black ink)
Registered Land Surveyor

- (4) a true and certified blueline copy of the filed amended plat and a copy of the recorded certification must be submitted to the department within 14 days after filing and recording. The copy of the certification must be made by a mechanical reproduction process that produces a permanent copy.

AS 29.40.120 - 150

Sec. 29.40.120 . Alteration or replat petition.

A recorded plat may not be altered or replatted except by the platting authority on petition of the state, the borough, a public utility, or the owners of a majority of the land affected by the alteration or replat. A platted street may not be vacated, except on petition of the state, the borough, a public utility, or owners of a majority of the land fronting the part of the street sought to be vacated. The petition shall be filed with the platting authority and shall be accompanied by a copy of the existing plat showing the proposed alteration or replat.

Sec. 29.40.130 . Notice of hearing.

The platting authority shall fix a time for a hearing on an alteration or replat petition that may not be more than 60 days after the petition is filed. Notice shall be published by the platting authority stating when and by whom the petition was filed, its purpose, and the time and place of the hearing. The notice must generally describe the alteration or replat sought. The platting authority shall also mail a copy of the notice to each affected property owner who did not sign the petition.

Sec. 29.40.140 . Hearing and determination.

(a) The platting authority shall consider the alteration or replat petition at a hearing and make its decision on the merits of the proposal.

(b) Vacation of a city street may not be made without the consent of the council. Vacation of a street in the borough area outside all cities may not be made without the consent of the assembly. The governing body shall have 30 days from the decision of the platting authority in which to veto a vacation of a street. If no veto is received by the platting authority within the 30-day period, consent is considered to have been given to the vacation.

Sec. 29.40.150 . Recording.

If the alteration or replat is approved, the revised plat shall be acknowledged, filed, and recorded in accordance with AS 40.15.010 - 40.15.020.

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

**AN ORDINANCE OF THE HAINES BOROUGH AMENDING BOROUGH
CODE SECTION 18.70.040 TO ALLOW VACATION RENTAL AS A
CONDITIONAL USE IN LIGHT INDUSTRIAL/COMMERCIAL ZONE.**

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

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

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

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

Section 4. Purpose. This ordinance amends Section 18.70.040 to allow vacation rental as a conditional use in light industrial/commercial zone.

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

18.70.040 Zoning use chart

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 →	Heavy Industrial	Light Industrial/ Commercial	Waterfront Industrial	Commercial	Waterfront	Significant Structures Area	Single Residential	Multiple Residential	Rural Residential	Rural Mixed Use	Multiple Use
USES ↓	I/H	I/L/C	I/W	C	W	SSA	SR	MR	RR	RMU	MU	REC
Vacation Rental	NA	NA <u>CU</u>	NA	UBR	UBR	UBR	CU	UBR	UBR	UBR	UBR	NA

Current Definitions & Zoning Use Chart

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 ➔	Heavy Industrial	Light Industrial/ Commercial	Waterfront Industrial	Commercial	Waterfront	Significant Structures Area	Single Residential	Multiple Residential	Rural Residential	Rural Mixed Use	Multiple Use
USES ⬇	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



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

October 2, 2014

To: Haines Borough Planning Commission
From: Tracy Cui
 Planning & Zoning Technician III
Re: ORD_14-05-383 Title 18 Chapter 18.90

Julie Cozzi asked that I provide you with advice regarding the above-listed draft ordinance. This proposed ordinance is to provide clarification of purpose, sign standards by district, off premise signage, portable and sandwich signage. I have completed a review of the ordinance, and would like to provide some of my thoughts, as following:

- The proposed ordinance requires the placement of signs within **the Mud Bay & Lutak Planning/Zoning Districts** is subject to permit.

I think it is not a good idea to require a sign permit to place signs in these two districts because the Borough does not have land use permit applications outside of the townsite service area. The enforcement of sign regulations in these districts may become difficult and place extra burden on staff. Additionally, the required \$25 for a sign permit application will barely cover the administrative cost of the Title 18 permitting process in these two districts (i.e. long distance drive for site inspection).

I understand the idea is to offer equitable means for business identification in the Townsite, the Mud Bay, and Lutak Planning/Zoning Districts. I am also aware of the importance of enforcing sign regulations. If the Assembly is willing to regulate the signs within Mud Bay and Lutak Planning/Zoning Districts, I suggest the Assembly consider adjusting the sign permitting fee.

- The proposed ordinance states **only** the property owner has the authority to file the application for a sign permit.

The Borough typically allows the authorized representative of the property to file a land use permit/conditional use permit/variance as long as the representative provides written proof of authorization. A lessee or an agent of real property with written authorization from the owner

should allow applying for a sign permit.

- The proposed ordinance allows a **variance** to be granted under certain circumstances.

The current variance standards are not applicable to a sign permit variance.

Per HBC 18.80.050, “A variance is the relaxation of the density, setback, height or parking standards of this chapter beyond those provided for by this chapter. A variance is designed to allow the adjustment of regulations of this chapter in special cases where unusual physical features of a particular parcel involved would make a strict application of the zoning regulations unreasonable. Under no circumstances shall a variance be granted to permit a use of land or structure which is not otherwise permitted in the zone involved....

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

- 1. Except for significant structures areas, the conditions upon which the variance application is based do not apply generally to properties in the zone or vicinity other than the property for which the variance is sought; and*
- 2. Such conditions arise out of natural features inherent in the property such as shape or topographical conditions of the property or because of unusual physical surroundings, or such conditions arise out of surrounding development or conditions; and*
- 3. Because of such conditions the strict application to the property of the requirements of this chapter will result in an undue, substantial hardship to the owner of the property such that no reasonable use of the property could be made; and*
- 4. The special conditions that require the variance are not caused by the person seeking the variance, a predecessor in interest, or the agent of either; and*
- 5. The variance is not sought solely to relieve financial hardship or inconvenience; and*
- 6. The variance will not permit a land use in a zone in which that use is prohibited”.*

If the Assembly decides to allow sign permit variances to be allowed under certain circumstances, I believe the rules of practice and procedures for the Planning Commission need to be established and added in the Borough code.

- The proposed ordinance states **temporary** display window signs on the interior surface of a window are exempt from regulations.

HBC 18.20.020 states “temporary use” means a building or structure that is capable of being immediately moved, or a use which is for a limited time up to 18 months. I am pondering if “temporary display window signs” shall comply with this term. If not, “temporary display window signs” needs to be defined.

Thank you very much. Please let me know if you have any questions.

An Ordinance of the Haines Borough amending Haines Borough Code Title 18, Chapter 18.90 to provide clarification of purpose, sign standards by district, off premise signage, portable and sandwich signage.

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

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

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

Section 3. Effective Date. This ordinance is effective upon adoption.

Section 4. Purpose. This ordinance amends Title 18, Chapter 18.90 to clarify the borough's signage code. Chapter 18.90 of the Haines Borough Code in existence prior to adoption of this ordinance is hereby repealed in its entirety and reenacted as a new Chapter 18.90 to read, as follows:

18.90.010 Purpose

The purpose of this ordinance is to encourage the effective use of signs as a means of communication for information and commerce in the borough, to direct traffic effectively and safely, to offer equitable means for business identification while protecting the safety, welfare and aesthetics of the community by regulating the design, construction and placement of signs to prevent confusion and traffic hazards.

18.90.020 Applicability – Effect.

A. This ordinance is enforceable in the Townsite Planning/Zoning District, the Mud Bay Planning/Zoning District and the Lutak Planning/Zoning District.

B. This ordinance shall provide guidance for the effective use of signs outside of a planning/zoning district.

C. All signs areawide must comply with AS 19.25.075 – 19.25.180 as it may apply.

18.90.030 Administration

A. Permits. A permit is required prior to the placement of any sign except those specifically exempted under HBC 18.90.040.

1. An application for a sign permit shall be made on a form supplied by the borough. Such application may be considered part of a land use permit application or may be considered separately; if considered separately, the application shall be accompanied by a fee as established by the Assembly.

2. The owner of the property, structure, lot or premise proposed for the placement of a sign must file the application for a permit.

3. The permit application shall include a document identifying sign dimension, materials, placement, design, elevation, cross section, plot plan showing the proposed location of the sign on a lot or building, and method of illumination, if any.

4. A sign permit application will be reviewed and either approved, disapproved or advanced to the Planning Commission when a variance from the provisions of this code is requested by the manager or designee within five working days after receipt of a completed application. An application is complete when the manager or designee determines that all information pertinent to the design, construction, and placement of the proposed sign is available in the application packet.

B. Variances Allowed. Relief from any provisions of this ordinance may be provided only with written approval of the manager upon favorable recommendation by the Planning Commission made by motion at a public meeting.

C. Enforcement. The placement of any sign without a sign permit, except those specifically exempted under HBC 18.90.040, shall result in a warning letter, and if unresponsive, a \$100 fine.

18.90.040 Exemptions

The following signs are exempt from regulations under this chapter provided such signs are on the business premise and conform to standards set forth in this chapter and AS 19.25.075 – 19.25.180 as it may apply:

A. Installed Free-standing, Projecting, Façade, Window and Awning signs (reference HBC 18.90.060) in existence before September 9, 2014. Such signs shall not be replaced, moved, enlarged, altered or reconstructed except in compliance with this chapter;

B. Legal notices, directional, traffic and parking signs, temporary paper signs serving notice of a public event or a hazard and informational signs erected by a government agent or directed by a government agent.

C. Real estate signs up to six square feet placed on the subject property or premises advertising sale, lease or rental

D. Political signs up to 24 square feet displayed on private property. A political sign advertising a candidate or persuading a position on a vote may be erected no more than 60 days prior to the election date for that candidate or issue and must be removed no later than seven days following the election date.

E. Small informational signs not exceeding one square foot and bearing only property numbers, directional arrows, post office box numbers, names of occupants of premises, information such as Open/Closed, awards, commendations or credit card signs displayed on the premises or property.

F. Temporary display window signs on the interior surface of a window.

G. A Directory or sign of six (6) square feet or less affixed to a building and giving information about the occupants of a residential or office building.

H. Signs on vehicles used for commercial purposes containing information related to the vehicle's commercial use, attached mechanically, magnetically or painted on the surface of the vehicle.

I. Construction Signs. During construction, repair or alteration of a structure or infrastructure, temporary signs that denote the architect, engineer, financier or grantor, contractor or builder, or which denote the name of the structure and or its use of occupants may be erected on the construction site. Total square footage of sign or signs per site shall not exceed 32 square feet.

J. Work of Art, such as murals that neither directly nor indirectly contain commercial messages and illustrations on boards used to cover doors and windows during a business closure.

K. Temporary sign used to advertise casual and isolated sales not made in the regular course of business placed on private property while items are for sale. In this instance, only one sign shall be allowed, no larger than 16 square feet. Sign may identify product for sale and shall not identify the business name. Sign is not allowed for more than two consecutive days.

18.90.050 General Provisions

A. All permitted signs shall be located, installed or placed so as to achieve their purpose without constituting a hazard to vehicle operations, pedestrians or aircraft.

B. It is the intent of this section that commercial signs shall not be located, installed, placed or maintained on streets, alleys or sidewalks. Variance from this intent shall be allowed only with written approval of the manager upon favorable recommendation by the Planning Commission at a public meeting.

C. Lighting. If illuminated, no lighted sign shall cause beyond the property line on which it is located, installed or placed or adversely affect the safe vision of motor vehicle operations or pedestrians. Blinking, flashing, rotating, pulsing illuminating devices which have a changing light intensity are not allowed except blinking neon signs placed in the window of a commercial or establishment during business hours, providing the neon sign does not exceed 20 percent of the window area. Signs with internal lighting are allowed only by district.

D. Materials. 1. All elements of signs intended for permanent placement shall be constructed of rigid, weather-proof materials. 2. Signs intended for temporary placement shall be constructed of weather-resistant, tear-resistant materials; lettering shall be water-proof and signs reasonably affixed or supported.

E. Placement. No sign shall extend more than four (4) feet above a structure; the top of any sign shall not be installed to exceed thirty (30) feet height restriction.

F. Substantial Condition. Signs shall be maintained in good repair. Any sign not in substantial, sturdy condition will be subject to removal as a public nuisance as provided by HBC 8.12.

18.90.060 Sign Definitions, Placement, Dimensions

A. Off-Premise Signs.

1. Definition. Off-premises signs are signs that are located, affixed, installed, placed, erected or maintained on a structure, lot, facility or premise (a) not owned by the person or business entity or interest served by the sign; (b) not the physical location of the business entity or interest served by the sign; and (c) Off-premise signs may be free-standing, portable, affixed or painted directly on a structure.

2. Placement. Off-Premises signs a) are allowed on municipal streets, alley or sidewalks only with written approval of the manager upon favorable recommendation by the Planning Commission at a public meeting and the Alaska Department of Transportation where applicable; b) require written consent of the property owner filed with the application; c) may not be in the required property set-back; d) may not exceed one per person, business entity or interest served; and e) if portable, may not be displayed outside of posted business hours or applicable time frame.

3. Dimension. Off-Premise Signs shall not exceed a) sixteen (16) square feet in area per sign face; b) two sign faces per sign structure; and c) maximum height of four (4) feet.

B. Free-standing signs.

1. Definition. Free-Standing signs are a) signs supported by one or more posts or legs permanently installed in the ground or concrete; and b) sandwich signs.

2. Placement. a) shall not be located, installed or placed within twenty-five (25) ft. of a street or alley intersection line except when less than six and one-half (6.5) square feet per surface and maximum height is less than forty-two (42) inches, and with the approval of the Alaska Department of Transportation where applicable; b) if off-premises, require written approval of the manager upon favorable recommendation by the Planning Commission at a public meeting, as provided for in HBC 18.90.030(B).

3. Dimension. a) If off-premise: as provided for in HBC 18.90.060(A)(3); or b) if on premises of business, entity or interest: not to exceed thirty-two (32) square feet.

C. Projecting and Marquee Signs.

1. Definition. Signs that are mounted perpendicular to a structure's facade, usually attached to the structure on a mounted post and supported with guy wires, but may also be hung under a marquee or canopy.

2. Placement. a) Projecting signs with the building end attached to the facade shall have sufficient size and number of guy wires to secure the street end of the sign to safely suspend the sign and prevent swinging. Marquee signs do not need to be attached at one end or be supported with guy wires; b) shall have clearance of seven (7) feet above grade; c) shall not extend within three feet of a street, curb or traveled way; d) shall not extend above the structure's roof peak or eave; and e) are limited to one per business frontage facing public property.

3. Dimension. a) A marquee sign size is the actual dimension of the sign mounted to provide seven (7) feet clearance above grade and not extending beyond the limits of the marquee; b) The dimensions of a projecting sign attached to a building are relative and shall

conform to the following, with the horizontal length measurement beginning at the facade of the building:

Length	Height
8 ft.	16 inches
7 ft.	22 inches
6 ft.	28 inches
5 ft.	34 inches
4 ft.	36 inches
3 ft.	42 inches
2 ft.	48 inches

D. Façade Signs.

1. Definition. Signs painted directly onto a face (facade) of a structure or an independent sign affixed directly and parallel to the facade of a structure.
2. Placement. Signs placed on the side of a structure.
3. Dimension. There are no limitations on the dimensions of a facade sign on a front facade. Facade signs on facades other than the front facade shall not exceed ten (10) percent of the total square feet of the facade, or thirty-two (32) square feet, whichever is greater.

E. Sandwich Signs.

1. Definition. Signs with two opposing faces attached at the top and with a limited connector to allow the sign to open into an "A" shape.
2. Placement. See "Free-standing signs, Placement."
3. Dimensions. Maximum sign height four (4) feet and a maximum sign width is two (2) feet Minimum sign height is two (2) feet six (6) inches with a width of one (1) feet three (3) inches [2.5 ft. X 1.25 feet]

F. Window Signs.

1. Definition. Signs created when lettering and or an image(s) is painted or applied directly onto a window.
2. Placement. See definition.
3. Dimensions. Shall not exceed twenty (20) percent of window area.

G. Awning Signs.

1. Definition. Signs created by printing, painting or applying words or letters to an awning or awning fringe.
2. Placement.
3. Dimensions.

H. Banners.

1. Definition. Signs created by printing, painting or applying words, letters and or images to cloth.

2. Placement.

3. Banners require a minimum clearance of eighteen (18) ft. above streets and alleys and seven (7) ft. above sidewalks, provided the banner also receives approval of the Alaska Department of Transportation, where applicable.

18.90.080 Signs by District

A. Townsite Planning/Zoning District

1. Commercial, Waterfront, Waterfront Industrial, Heavy Industrial, Light Industrial, Multiple Use zones:

a) Allowed Signs

1. All signs not prohibited by this chapter are allowed up to a total signage area to not exceed one hundred sixty (160) sq. ft. per business, entity or interest premise.

2. Internally lit signs are allowed.

b) Prohibited Signs/materials/processes

1. Beacons.

2. Inflatable signs and tethered balloon.

3. Signs advertising activities or products no longer offered on the premises, including sales and events for a civic, public or nonprofit purpose.

4. Signs towed on wheels or wheeled trailers behind vehicles.

5. Placement of any type of handbill, flyer, brochure or sticker on public property or a vehicle parked on public property.

2. Rural residential, Rural Mixed Use and Residential

a) Allowed Signs

1. One sign, not to exceed eight (8) sq. ft., to identify a home occupation, cottage industry, vacation home rental or Bed & Breakfast business.

b) Prohibited Signs

1. Off-premise signs.

2. All signs and processes prohibited by this chapter.

3. Significant Structure Area Zone

a) Allowed Signs.

1. Freestanding signs, including sandwich signs, provided the total height of the sign, including supports, is less than eight feet.

2. Projecting signs, provided they do not extend over public property.

3. Wall-mounted signs, provided total sign area per building wall shall not exceed five percent of the total square foot area of that building wall, or 16 square feet, whichever is greater.

4. Banners.

b) Prohibited Signs: Neon, flashing, back-lit or internally lit signs, whether they are on the outside of the building or placed in a window.

c) In addition to the other placement standards of this chapter, signs in the SSA shall not be mounted on building roofs, extend above building eaves, or cover architectural features such as windows, doors or building trim.

B. Mud Bay Planning /Zoning District. Reference HBC 18.70.030(B)(3)(e)(7).

1. Allowed Signs

a) one sign, not to exceed eight (8) sq. ft., to identify a home occupation, cottage industry, vacation home rental or Bed & Breakfast business

2. Prohibited Signs

a) Off-premise signs.

b) all signs and processes prohibited by this chapter.

C. Lutak Inlet Planning/Zoning District. Reference HBC 18.70.030(C)(3)(j).

1. Sign Standards.

a) Signs permanently affixed to structures shall not exceed 32 square feet.

b) Permanent signs not affixed to a structure shall not exceed 16 square feet.

c) Only non-electrified signs will be permitted.

d) Temporary signs shall be removed within 10 days after the date of sale or the event or condition advertised. Temporary signs shall not exceed 16 square feet per side.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS ____ DAY OF _____, 2014.

Stephanie Scott, Mayor

ATTEST:

Julie Cozzi, MMC, Borough Clerk

Date Introduced:	05/27/14
Date of First Public Hearing:	06/10/14
Date of Second Public Hearing:	06/24/14 – Referred to Commerce Committee
Date Introduction of Substitute Ordinance:	09/09/14
Date of Third Public Hearing:	09/23/14 – Referred again to Commerce Committee
Date of Fourth Public Hearing:	10/14/14

Chapter 18.90 SIGNS

Sections:

- [18.90.010](#) Purpose.
- [18.90.020](#) Applicability – Effect.
- [18.90.030](#) Permits.
- [18.90.040](#) Number of signs.
- [18.90.050](#) Required setback, placement, construction and lighting standards.
- [18.90.060](#) Signs exempt from regulation under this chapter.
- [18.90.070](#) Prohibited signs.
- [18.90.080](#) Sign standards – Significant structures area zone.
- [18.90.090](#) Sign standards – Commercial, waterfront, waterfront industrial, heavy industrial, light industrial/ commercial, rural mixed use and multiple use zones.
- [18.90.100](#) Sign standards – Single residential, rural residential and multiple residential zoning districts.
- [18.90.110](#) Sign area computations.

18.90.010 Purpose.

The purpose of these sign regulations is to encourage the effective use of signs as a means of communication in the borough; to maintain and enhance the aesthetic environment; to ensure the business community quality signs to adequately identify and market their businesses; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on adjacent public and private property; and to enable the fair and consistent enforcement of these sign regulations.

18.90.020 Applicability – Effect.

All signs erected, constructed, altered or replaced in the townsite planning/zoning district must comply with the requirements of this chapter. There shall be no variances from the requirements of this chapter.

18.90.030 Permits.

A. All signs require a permit issued by the borough unless exempted by HBC [18.90.060](#). A permit application for a sign may be considered part of a land use permit application or may be considered separately. There shall be a fee for a sign permit application if considered separately.

B. Sign permit applications shall include plans for all signs to be placed. The plans shall illustrate sign elevations, cross sections, dimensions, placement, materials and lighting, or any similar information.

C. A sign permit application will be reviewed and either approved or disapproved by the manager within

10 working days after receipt of a complete application. (Ord. 12-05-291 § 10)

18.90.040 Number of signs.

- A. The number of allowable signs per business shall be limited to four and shall include all wall-mounted, projecting, portable or freestanding signs. Each business shall be limited to one freestanding sign.
- B. Each separate business in a building containing more than one business shall be allowed up to four signs, provided the total sign area per building wall does not exceed the maximum sign area allowed for that building wall.
- C. Projecting Signs. The number of projecting signs per business shall be limited to two, each having no more than two sign faces.

18.90.050 Required setback, placement, construction and lighting standards.

- A. All signs shall be located so as to achieve their purpose without constituting a hazard to vehicles or pedestrians.
- B. Projecting Signs. No part of a projecting sign shall extend within three feet of a street curb or traveled way. If hung under a canopy, marquee or awning, a projecting sign shall have no less than seven feet of clearance between the bottom of the sign and the sidewalk. Projecting signs shall not extend above the building roof peak or eave.
- C. Freestanding and Portable Signs. Freestanding and portable signs shall not be located so that they obscure traffic or sight angles at intersections or driveways, or in any location prohibited by state regulation.
- D. All permanent signs shall be constructed of rigid, permanent and weather-resistant materials. (Ord. 12-09-303 § 5)

18.90.060 Signs exempt from regulation under this chapter.

The following signs shall be exempt from regulation under this chapter, provided these signs, if placed on private property, conform to the setback and placement standards set forth in HBC [18.90.050](#):

- A. Signs required by law, or temporary signs serving as public notice of a public event;
- B. Works of art, including murals, that do not contain a commercial message;
- C. Holiday lights or decorations;
- D. Traffic control, parking, directional or informational signs or devices, provided they contain no

commercial message;

E. Real estate signs up to six square feet advertising the sale, lease or rental of property upon which they are placed;

F. Temporary display window signs on the interior surface of windows;

G. Permanent signs in existence before June 19, 1996. Such signs shall not be replaced, moved, enlarged, altered, or reconstructed except in compliance with this chapter;

H. Political signs up to 24 square feet in area displayed on private property. Such signs may be erected no more than 60 days prior to the election date and must be removed no later than seven days following the election date;

I. Small informational signs up to six square feet related to the operation of a business, such as "Open/Closed" or credit card signs;

J. Construction signs not exceeding 32 square feet erected during construction, alteration or repair of a structure;

K. Signs of less than two square feet giving information about a residential building or its occupants;

L. Signs on vehicles used for commercial purposes containing information related to the vehicle's commercial use. Vehicle signs shall be attached to the surface of the vehicle and shall not project from the vehicle surface more than the sign thickness. Vehicle signs include painted or magnetic signs;

M. Temporary signs used to advertise casual and isolated sales not made in the regular course of business. Such signs shall be located on private property and utilized only while the items for sale are available on that site. No more than one sign shall be allowed on the site for this purpose. The sign shall be portable, no larger than 16 square feet in area, shall not include the name of any business, but may show the name of a product for sale. The sign shall be removed from the site at the end of the business day. No temporary sign exempted under this subsection shall be allowed for more than two consecutive days at any one site. (Ord. 13-08-341 § 4)

18.90.070 Prohibited signs.

The following signs are prohibited in the borough in areas where signs are regulated:

A. Beacons;

B. Pennants, except for temporary uses of no more than 10 days;

C. Signs which extend more than four feet above the roof of a building measured from the elevation of

the roof where the sign is attached. The top of the sign shall not exceed the 30-foot building height restriction;

D. Flashing or blinking signs;

E. Off-premises signs, except as allowed by HBC [18.90.090\(A\)\(7\)](#);

F. Portable signs on public property such as streets, sidewalks, alleys and other public property, including sandwich signs, with the following exception:

1. Until such time as the borough assembly shall determine that traffic patterns have changed rendering this exception no longer advisable, Portage Street, in the significant structures area, shall be exempt from this prohibition; provided, that the portable sign is placed no closer than three feet from the curb, is adjacent to the property on which the business advertised on the sign is located and meets all other requirements of this chapter;

G. Inflatable signs and tethered balloons;

H. Temporary signs made of paper or such other temporary material. Manufactured signs made of Tyvek, plastic or similar materials are allowed if they are attached securely to a building, they are maintained in good condition and their area is counted in the total sign area allowed for that building wall;

I. Signs advertising activities or products no longer offered on the premises. Such signs shall be removed within 90 days of the cessation of that business activity on that property;

J. Signs designed to be transported, towed or moved on wheels (see off-premises signs, subsection (E) of this section);

K. Signs extending from a vehicle by more than the thickness of the sign;

L. Placement or distribution of handbills, flyers or bumper stickers on public property, except on public bulletin boards.

18.90.080 Sign standards – Significant structures area zone.

A. Allowed Signs.

1. Freestanding signs, provided the total height of the sign, including supports, is less than eight feet.
2. Projecting signs, provided they do not extend over public property.
3. Wall-mounted signs.

4. Portable signs.

5. Banners, as allowed by HBC [18.90.090\(A\)\(7\)](#).

B. Dimensional Standards. Total sign area per building wall shall not exceed five percent of the total square foot area of that building wall, or 16 square feet, whichever is greater.

C. Prohibited Signs. Neon, flashing, back-lit or internally lit signs, whether they are on the outside of the building or placed in a window.

D. Placement of Signs. In addition to the other placement standards of this chapter, signs in the SSA shall not be mounted on building roofs, extend above building eaves, or cover architectural features such as windows, doors or building trim.

18.90.090 Sign standards – Commercial, waterfront, waterfront industrial, heavy industrial, light industrial/ commercial, rural mixed use and multiple use zones.

A. Allowed Signs.

1. Freestanding signs, provided the total height of the sign, including supports, is the lesser of 16 feet or the height of the commercial building.

2. Projecting signs.

3. Wall-mounted signs.

4. Portable signs.

5. Neon signs mounted in windows.

6. Internally lit signs.

7. Banners announcing public, civic or nonprofit events, provided the banner also receives approval of the State Department of Transportation if placed across a state highway, is placed no more than 15 days prior to the event and is removed within two days of the completion of the event. Banners placed across a street shall maintain a clearance of 18 feet between the bottom of the banner and the street.

8. Temporary off-premises signs advertising community events sponsored by a public, civic or nonprofit organization; provided, that such signage is in place for no longer than 10 days.

B. Dimensional Standards. Total sign area per building wall shall not exceed 10 percent of the total square foot area of that building wall or 32 square feet, whichever is greater.

18.90.100 Sign standards – Single residential, rural residential and multiple residential zoning districts.

A. Allowed Signs.

1. Signs related to a conditional use; provided, that such signs do not exceed 16 square feet.
2. Signs four square feet or less.

B. Prohibited Signs. Lighted and projecting signs are prohibited.**18.90.110 Sign area computations.**

The following principles shall control the computation of sign area.

A. Individual Signs. The area of a sign face, which is also the sign area of a wall sign or other sign with only one face, shall be that area of the smallest square, circle, rectangle, triangle or combination thereof that encompasses the extreme limits of the writing, representation, emblem or other display, together with any material or color forming an integral part of the background or structure against which it is placed, but not including any supporting framework, bracing, fence or wall when such fence or wall is incidental to support of the sign.

B. Multi-Faced Signs. The sign area for a sign with more than one face shall be that area visible from one direction. When a sign has two identical faces placed back to back on the same sign structure, the sign area shall be the area of one of the faces.

C. Sign Area Computation/Placement. The total square foot area of all signs calculated for a building wall shall include all signs attached to or placed perpendicular from that side of the building, including wall-mounted, portable, projecting or freestanding signs. Freestanding signs not within the area perpendicular from a building wall shall be included in the square foot area calculation for the wall with the largest area on the same frontage as the freestanding sign.

From: [Jessica Kayser](#)
To: [Stephanie Scott](#); [Xi Cui](#); [Darsie Culbeck](#); [Debra Schnabel](#); [Andy Hedden](#)
Cc: [David Sosa](#); [Meredith Pochardt](#)
Subject: CIA Wetland Plan Steering Committee
Date: Friday, September 19, 2014 12:41:24 PM

Hello,

This email in regards to the steering committee that is being formalized to support the Chilkoot Indian Association's (CIA) Wetland Planning process.

During the past meetings held for this process it was voiced by the Haines Borough and Haines Planning Commission that the Borough was interested in the Tribal Wetland Plan and would like to be a part of the steering committee and planning process.

At this time I am coordinating with the organizations at these meetings and asking them to **assign a formal representative to the steering committee.**

We would like to have a steering committee meeting on **October 7th**. At this meeting we will go into the details on the specific roles and responsibility of this group.

During 2015 this steering committee will meet in-person, at least, three times and will be responsible for providing timely comments, considerations and guidance to project staff throughout the planning process. The main actions of the steering committee will be:

1. Review the wetland and stream inventory and functional assessments conducted in the Haines Townsite and Chilkoot Watershed and provide analysis and conclusions
2. Provide guidance in the development of the Local Water Mapper- an online educational tool/map of the aquatic resources and their functions
3. Provide guidance on the core elements of the Tribal Wetland Plan
4. Offer local knowledge and expertise

Please contact me if you have additional questions and/or comments.

We met with the CIA council last night and they are very interested in the outcome of this project and the participation of the Haines Borough. Thank you very much for considering this request and allocating borough resources to this process.

Enjoy the day,
Jess

Jessica Kayser Forster
Aquatic Resource Mitigation
607-592-3561

Xi Cui

To: Xi Cui
Subject: RE: 10 Mile Heliport Conditional Use Permit

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

From: Thom Ely [<mailto:akthome@yahoo.com>]
Sent: Thursday, September 25, 2014 12:16 AM
To: Julie Cozzi
Cc: Stephanie Scott; David Sosa; Debra Schnabel
Subject: 10 Mile Heliport Conditional Use Permit

Dear Haines Planning Commission,

I ask that you reconsider your decision to grant a conditional use permit to John Floreske for a heliport on his property at 10 Mile. I do not believe that the conditions for granting the permit have been met.

There are safety and nuisance issues that need to be addressed by the property owner. The permit applicant appears to be withholding pertinent information that would affect the public and adjacent property owners in the decision to grant the permit.

Has the Federal Highway Commission, FAA and the AKDOT been consulted on the proximity of the landing pads adjacent to the Haines Highway? The only approaches to land would be directly over the roadway at an altitude of 50 - 100'. This is an extremely windy location. It would be quite a spectacular explosion if a helicopter encountered a sheer wind on approach and collided with a fuel truck passing on the highway.

How many helicopters per day, week, month, seasons does the applicant propose to land at the site and for what purpose, tourism, mining, forestry? This is not proprietary business information. It is information that would be required to grant a conditional use permit in the Haines Borough.

Adjacent property owners and the public will be affected by a heliport at this location. It is backed up against cliffs and a mountain side. The noise will be extremely loud from helicopters taking off and landing with the noise reverberating off the cliffs. If I owned an adjacent property I would ask the permit applicant or the Borough for monetary compensation for a substantial decrease in my property value from nuisance and noise pollution.

The Comprehensive Plan does not support the proliferation of heliports in the Haines Borough. There is a perfectly adequate heliport at the Haines Airport where all commercial aircraft should take off and land. Spreading heliports around the Borough on private property is a contested issue, not in the best interest of residents and a bad idea.

The citizens of Haines have had two votes on the use of helicopters in the Haines Borough. The first one imposes a ban on regularly scheduled helicopter tours and the second one allows for managed heli skiing. Based on the history, controversy and sensitivity of this issue I would think that the Planning Commission would take more time and ask for more information before granting a permit.

If the applicant refuses to provide the required information then the permit is incomplete and can't be issued. By issuing a permit at this time the Borough is exposing itself to another potential costly legal defense. Please reconsider your decision.

Sincerely,