



**Haines Borough  
Planning Commission Meeting  
September 8, 2016  
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**, and Commissioners Lee **Heinmiller**, Brenda **Josephson**, Larry **Geise** (via telephone), Don **Turner III**, Heather **Lende**.  
**Absent:** Rob **Miller**.

**Staff Present:** Jan **Hill**, Mayor, **Bill Seward**, Borough Manager; Brad **Ryan**, Facilities Manager; Shawn Bell, Harbor Master; Holly **Smith**, Borough Planner; and Kathryn **Friedle**, Interim Planning and Zoning Technician.

**Also Present:** Paul **Nelson**; Carol **Tuynman**; Joe **Parnell**; Mike **Case**; Emily **Files**; John **Stang**; Bill **McCord**; Mike **Denker**; Steve **Cunningham**; Evelynna **Vignola**; Steve **Cunningham**; Greg **Seymour**, Tresham **Gregg**; Tom **Morphet**; Jean **Pullanco**; Jerry **Ballaneo**; Ellen **Larson**; Leonard **Dubber**; Margaret **Friedenhauer**; Fred **Einsbrook**;

3. **APPROVAL OF AGENDA**

**Motion Turner** moved to amend agenda to move harbor discussion to beginning of agenda items and **Heinmiller** seconded. The motion carried unanimously.

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

4. **APPROVAL OF MINUTES** – August 11, 2016 Regular Meeting Minutes.

**Motion: Heinmiller** moved to “approve the August 11, 2016 minutes,” and **Turner** seconded it. The motion carried unanimously.

5. **PUBLIC COMMENTS** - Carol **Tuynman** commented on the role of the planning commission in general. Pleased that **Ryan** is Facilities Director, but need the PC to have public meetings on the CIP process, enforcement, and public education, which will reduce conflict. Tom **Morphet** suggests creating code that mandates public comment or public vote when CIP project cost is at a certain dollar amount. Fred **Einsbrook** commented on the general procedure of CIP projects, that they should be aesthetically pleasing. Steve **Cunningham** thanked the planning commission for serving and thanked the audience for coming.

6. **CHAIRMAN’S REPORT**

**Goldberg** thanked Kathy **Freidle** for helping to staff the planning commission during the last six months and congratulated her on her retirement from the borough.

7. **STAFF REPORTS**

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

Holly **Smith** reported the number of permits issued and ongoing projects.

8. **NEW BUSINESS**

- A. **Other New Business**

1. **Land Use Permit: Portage Cove Harbor Expansion – Discussion Item - A** land use permit had been approved by the borough; although not required under code, this topic was up for public comment.

Topics of discussion included future funding for floats and slips, moving Lookout Park, the Sportfish ramp, the steel wave barrier, and future uses of the newly created uplands area.

**Future Funding** - Concerns were expressed that the existing funds would only pay to build the wave barrier and fill the uplands area, and that future maintenance cost could be high. Manager Seward said that grant funds were being used to build the first phase, and that additional funding would be sought from the federal government to complete the project. He said it is not uncommon for projects to proceed with partial funding in place. Concerns were raised that the harbor would operate at a deficit, but it was pointed out that none of the services the borough provides pays for itself with user fees. It was suggested that the Borough change the Charter wording about enterprise funds, and that a cost-benefit analysis of the project be done.

**Lookout Park** - There was general agreement that moving Lookout Park to a place at the southeast corner of the new uplands area is a good idea. Brad Ryan said that funding was available to do this.

**Sportfish Ramp** - The Alaska Dept. of Fish and Game is willing to put up \$3 to 5 million for the sportfish ramp. There are parking requirements that come along with this grant, and these requirements are dictating the size of the uplands parking area.

**Wave Barrier** - There was discussion about the harbor substrate being too soft to allow the extension of the existing rubble mound breakwater. The steel wave barrier is the only affordable option. A question was asked about the possibility of 1% for the arts funding. Decorative steel designs could be added to the top of the wave barrier to make it more attractive.

**Uplands Area** - There was much discussion about future uses of this area, and how much should be used for parking, green space or parks. It was decided that a workshop will be held soon with the Planning Commission, the Parks and Rec committee and the Harbor Aesthetics committee. Date to be announced.

**Motion:** **Josephson** moved to "Recommend to the Assembly or Manager that the bid opening be delayed 30 days." **Lende** seconded. The motion passed 5-1 with **Turner** voting no. Thereafter, Manager **Seward** immediately extended the bid opening.

2. **Temporary Use in the Commercial Zone — Discussion Item** – This issue is being addressed by a committee formed by Mayor **Hill**. They will suggest revised Code language to the planning commission.
3. **Classification of Borough Lands for Sale – Discussion Item** – Foreclosure on property in Chilkat Acres (lots 35-37) has been finalized and deeded to the Haines Borough.

**Motion:** **Heinmiller** moved to to "Classify Chilkat Acres Lots 35, 36 and 37 for sale as one lot, vacating the lot lines to create one larger parcel." The motion passed 6-0.

**Good** had no further information to add to his request for a CUP to build a guest house.

**Lende** questioned possible gravesites on the hillside of **Good's** property. **Good** reported he had not seen any gravesites, but appreciated being aware of them.

**Goldberg** closed the public hearing at 6:55 p.m.

**Motion: Turner** moved to “grant the conditional use permit for the construction of a guest house on Clay Good’s property,” and **Geise** seconded. The motion carried unanimously.

**9. Commissioners Comments**

**Lende** expressed disappointment that the harbor expansion was not similar to the 3A concept published in the Comprehensive Plan, which is what the community agreed upon. **Lende** also commented that there has not been enough public and planning commission input in the process. **Josephson** agreed.

**Goldberg** notified the commission of his possible absence during the next regular meetings and workshops. **Heinmiller** affirmed that he would be available to step in if needed.

**11. SET MEETING DATES**

A. Regular Meeting — **Thursday, June 9, 2016 6:30 p.m.**

**12. ADJOURNMENT**– 10:33 p.m.

## Staff Report for October 13, 2016

### 1. Permits Issued Since August 2, 2016

PERMIT	DATE	OWNER/AGENT	TAX ID	LOT	BLK	SUBDIVISION	DEVELOPMENT	ZONE
16-65	9/13/16	Kelly Jessup	C-WES-0A-0300	3		Water / Sewer	ILC	16-65
16-66	9/15/16	Andrew Shaw	1-HHY-07-1200	USS 2896		Short Plat	GU	16-66
16-67	9/16/16	Eric Forster	C-PTC-0L-0500	5	L	Deck extention and shed	SSA	16-67
16-68	9/20/16	Haines Borough Preschool Addition	C-MIS-0K-0100	1-4	K	Preschool addition to Senior Center	C	16-68
16-69	9/21/16	Randy Katzenmeyer	C-ALL-01-0200	2	1	Driveway Extension	SR	16-69
16-70	9/29/16	Patricia Brown	C-207-TL-1920	US 207		New Water	SR	16-70

### 2. Planner's Projects August-October 2016

PROJECT	SCOPE / TIMELINE	DESCRIPTION
Phase I: 911 Addressing	Complete	250 addresses still need to be created, but system is ready to be launched
Map for Sheldon Cultural Center	Complete	Townsite map for children's interactive exhibit
Learning HBC	6 Months	Familiarizing myself with Title 18 and other parts of HBC – ongoing
Coastal Management Revisions Review	1 Month	Research Matsu, Skagway, and Dillingham Integration
ROW of FAA Road / Braaten Property	?	BLM confirms they do not own ROW and thinks it is owned by Bowough, but waiting to hear from State
Comp Plan Review: Action Summary	2 Months	Phase I Markup of Action Summary Underway – Results from phase I on Oct 18 – then Sheinberg Associates for Phase II, which involves Assembly and Public Review.
Heli-Ski Map Revisions	1 Week	Requested from Manager 2 weeks ago; working through GIS data
GIS Needs Assessment	2 Weeks	Imagery, parcel viewer, linking plats, updating/fixing parcels, addressing, updating shapefiles
Property Descriptions	Ongoing	For borough lands, utilities, borough wireless project
Broadband RFP	1 month	Create a draft RFP designed to ensure the borough receive faster, more affordable broadband from an internet service provider
Community Development Block Grant	1 month	An opportunity to apply for a development project grant in a lower income area(s). Application due December

Greetings \_\_\_\_\_,

As you likely know, the Assembly wishes to update the Haines 2025 Comprehensive Plan Action Summary.

They need your help to do this.

Attached please find an excerpt from the Action Summary with the parts most relevant to your department. (Substitute committee for department as relevant)

Between now and \_\_\_\_\_, please mark this up as follows:

1. For the Goals(s)

Is the goal still relevant? Note any changes you recommend.

2. For the Objectives and Actions

Please mark each with a "D", "NA", or "K" for:

D = Done

NA = No longer applicable or relevant

K = Keep

3. After you have marked up the Objectives and Actions, please list any objectives or actions that you recommend including.

4. Finally, to assist with strategic planning, what are your department's deferred maintenance or important CIP needs? For each, please state a cost estimate and the timeframe that this will be needed within (1-2 years, 2-5 years, or 6-10 years). If you already have a prepared list like this, feel free to submit/use it instead of creating something new.

On behalf of the Assembly, thank you for your help with the Borough's Strategic Planning process.

If you have any questions, please email or call me!

Holly

# 1. Quality of Life

Strategies	Timeframe 1-2 3-5 6-10+			Responsibility	RATING		
<p><b>Goal 1.</b> Sustain the Quality of Life that Haines residents rate as Excellent, based on the:</p> <ol style="list-style-type: none"> <li>1. Outdoors and natural beauty;</li> <li>2. Small town atmosphere and community;</li> <li>3. Presence of family and friends;</li> <li>4. Safety and low crime; and</li> </ol> <p>Abundant hunting and fishing opportunities.</p>							
<p>Goal still relevant? Recommendations:</p>							
<p><b>Objective 1A:</b> Recognize that Quality of Life is a factor that keeps residents living in Haines and draws businesses and residents to the area.</p>					D	NA	K
<p>1. Evaluate the potential effect of projects and actions on Quality of Life.</p>	X	X	X	Borough	D	NA	K
<p>Include other objectives a/or actions?</p>							

## 2. Haines Borough Government

Strategies	Timeframe			Responsibility	RATING		
	1-2	3-5	6-10+				
<b>Goal 2. Ensure that communication among the Borough, citizens and various land managers is clear. Work to foster productive and mutually beneficial relationships.</b>							
<b>Goal still relevant?</b>							
<b>Recommendations:</b>							
<b>Objective 2A:</b> Continue to conduct local government operations in an open and transparent manner. Enhance engagement by periodically conducting less formal outreach events at different venues than the Assembly Chambers. Provide up-to-date easily accessible information to the public.					D	NA	K
1. Continue to provide public notice in a timely manner.	X	X	X	Borough	D	NA	K
2. Continue to keep Borough website up-to-date with Assembly, Planning Commission and other committee meeting notices, agendas, and minutes.	X	X	X	Borough	D	NA	K
3. After election of the new Assembly each year, schedule a half to one-day retreat to discuss priorities.	X	X	X	Borough	D	NA	K
4. E Assess outreach to ensure it is responsive to the changing needs of citizens and to the continuous evolution of the technology available to meet those needs. (i.e., Twitter, Facebook, regular posting of meetings and packets somewhere out Haines Highway, in Excursion Inlet, etc.)	X	X	X	Borough	D	NA	K
5. Determine whether Neighborhood Associations would be an effective way to provide direct and continuing citizen participation in local government; if so facilitate creation.	X			Borough	D	NA	K
6. Occasionally host less formal outreach and engagement efforts to encourage a diversity of public contact, such as Open Houses or Town Meetings, “Coffee with the Mayor” or “Coffee with the Manager” or a table to “Visit with the Assembly,” at other public events.	X	X	X	Borough	D	NA	K
7. Keep Borough website up-to-date with latest documents, information, statistics and data to allow easy access for local grant writing and funding opportunities.	X	X	X	Borough, Chamber	D	NA	K
<b>Objective 2B:</b> Systematically evaluate competing funding demands when setting community priorities. Then, systematically implement priorities.					D	NA	K
1. Establish criteria to help guide decisions on which capital projects to pursue and fund.	X			Assembly, Manager	D	NA	K
2. Systematically address deferred maintenance at Borough facilities. Identify which facilities should be repaired and which have outlived their useful life. For those that should be repaired, identify priorities for repair now, what can wait 2-5, or 10 years.	X	X	X	Facilities, Manager	D	NA	K
<b>Objective 2C:</b> Advance the interests of the community and residents by maintaining a working relationship with tribal governments, state and federal agency representatives, and public landowners within the Borough.					D	NA	K
1. Meet bi-annually with Chilkoot Indian Association (CIA) and Chilkat Indian Village (CIV) to discuss plans, project development needs, and priorities..	X	X	X	Borough, CIA, CiV	D	NA	K
2. Seek opportunities for Borough, CIA, and CIV to team since municipal and tribal governments have access to different funding.	X	X	X	Borough, CIA, CiV	D	NA	K

Strategies	Timeframe			Responsibility	RATING		
	1-2	3-5	6-10+		D	NA	K
<p><b>3.</b> Reach out regularly and maintain communication with local and regional federal and state agency representatives that have regulatory oversight over Haines resources or can provide funding for Haines projects.</p>	X	X	X	Borough	D	NA	K
<p><b>Objective 2D:</b> Review current and future land use plans and projects proposed by state and federal landowners/managers within the Haines Borough to identify opportunities or areas of concern, or inconsistency with the Haines Comprehensive and other adopted Borough Plans. <i>Cross reference with Land Use 5H. Refer to 5H (1-4) for implementing actions.</i></p>					D	NA	K
<p><b>Objective 2E:</b> Promote a strong, positive Haines image within and outside of Haines among specific target publics that are vital to the community's economic well-being. <i>Refer to 3D(1-2) for related implementing actions.</i></p>					D	NA	K
<p><b>Include other objectives a/or actions?</b></p>							



### 3. Economic Development

Strategies	Timeframe			Responsibility	RATING		
	1-2	3-5	6-10+				
<p><b>Goal 3. Achieve a strong, diversified local economy that provides employment and income for all citizens that desire to work while protecting the health of the environment and quality of life. Build on local assets and competitive advantages to create economic opportunity.</b></p>							
<p><b>Goal still relevant?</b></p>							
<p><b>Recommendations:</b></p>							
<p><b>Objective 3A:</b> Attract and retain Location-Neutral workers, income earners, and business owners to Haines (i.e. Kensington or Greens Creek workers, internet based jobs and businesses, artists and writers, retirees).</p>					D	NA	K
<p>1. Conduct a survey to learn which community assets attract Haines’s Location-Neutral workers, income earners and business owners to Haines and what causes them to leave.</p>	X			Borough, Chamber	D	NA	K
<p>2. Based on survey results, take action to fill identified gaps and develop a marketing plan that highlights assets that bring these individuals to Haines. (For example, actions might include business incubator that provides office space, business machines, possible staff, etc.).</p>	X	X		Borough, Chamber	D	NA	K
<p><b>Objective 3B:</b> A Maintain and enhance subsistence resources and opportunities for all citizens.</p>					D	NA	K
<p>1. Represent Haines as a rural community before state and federal subsistence boards and commissions to ensure continued subsistence access and use by all community residents.</p>	X	X	X	CIA, Klukwan Borough	D	NA	K
<p>2. Identify areas that are heavily used for subsistence and recreational fishing, crabbing, and shrimping and pursue designation by the State Board of Fisheries as non-commercial areas (e.g. the Chilkat Inlet northwest of Glacier Point).</p>		X		Borough, Haines Local Advisory Committee	D	NA	K
<p><b>Objective 3C:</b> Add value to local commercial fisheries and to commercial fishing/seafood processing activity. Refer to Transportation 4B (1-4) for objective and actions specific to Portage Cove Small Boat Harbor expansion.</p>					D	NA	K
<p>1. Support local organizations and businesses working to increase value-added processing.</p>	X	X		Chamber, JEDC, SEC	D	NA	K
<p>2. Identify and prioritize infrastructure needed to increase spending of commercial fleet on vessel and gear storage, repair, and maintenance in Haines.</p>	X			Borough, P&HAC, Haines fishing fleet	D	NA	K
<p>3. Encourage development of a Marine Industrial Park with lease lots or rental space; good sites would be the Chilkat Cruises area, tankfarm site now decommissioned at the Old Haines Highway/Beach Street intersection, or near Lutak Dock or Chilkoot Lumber dock.</p>		X		Borough, P&HAC, Chamber, fleet	D	NA	K
<p>4. Increase use of Borough’s icehouse by fleet.</p>	X			P&HAC, Borough, fleet	D	NA	K
<p>5. Determine if a cold storage where processors and individuals could lease product space would encourage local value-added sales and processing. If so, conduct cost/benefit analysis and determine appropriate size.</p>	X	X		P&HAC, fleet	D	NA	K
<p>6. Support youth voc-ed training and internships that reduce barriers for young people to enter commercial fishing, such as business and accounting skills, small engine repair, and welding.</p>	X	X		Haines Schools, Ocean Beauty, fleet	D	NA	K

Strategies	Timeframe			Responsibility	RATING		
	1-2	3-5	6-10+				
<p><b>7.</b> Work with agency and other professional limnologists and fisheries biologists to restore Chilkoot and Chilkat Lake sockeye runs to historic levels of productivity. cross reference with Land Use 6 A (7)</p>	X	X		Borough, ADF&G, CIA, CIV, fleet, TWC	D	NA	K
<p><b>8.</b> Work with the ADNR to designate key salmon producing drainages in the Haines State Forest for extended rotation length to promote fish production.</p>		X		Borough, ADNR, ADF&G	D	NA	K
<p><b>9. M</b> Maintain or enhance fish habitat within special management zones 300 feet on either side of anadromous fish streams and 500 feet from anadromous fish bearing lakes (state forest rules). cross reference with Land Use 6 A (8)</p>	X	X	X	Borough, ADNR, ADF&G	D	NA	K
<p><b>Objective 3D:</b> Capitalize on Haines’ existing reputation and ‘brand’ as a recreation destination and “Adventure Capital of Alaska” by expanding related businesses, jobs and commerce.</p>					D	NA	K
<p><b>1.</b> Continue to support a diversity of Haines Borough marketing efforts that promote and celebrate these qualities, including re-initiation of the “Move to Haines” campaign and targeted marketing to cruise ships, about Haines festivals, and winter recreation.</p>	X	X	X	Borough, HCVB, Chamber	D	NA	K
<p><b>2.</b> Continue efforts to increase cruise ships visits per week, such as building relationships with key cruise line representatives in Alaska and elsewhere; outreach to shore representatives; and hosting occasional community events for crew such as appreciation barbeques, guided hikes, soccer games and other events to allow crew members to get a sense of the Haines community.</p>	X	X		Borough, HCVB, Chamber	D	NA	K
<p><b>3.</b> Develop a winter recreation marketing and outreach program.</p>		X		Chamber, HCVB, Chamber	D	NA	K
<p><b>4.</b> Provide certainty for both businesses and residents by preparing a heli-ski management plan that addresses safety, neighborhood quality, heliports, routes and areas of use, monitoring, quality experience etc. Don’t re-invent the wheel; build on existing permits and decisions.</p>		X		Borough	D	NA	K
<p><b>5.</b> Support continued fast shuttle ferry service between Haines and Skagway.</p>	X	X	X	Borough, local businesses	D	NA	K
<p><b>6.</b> Develop a continuous multi-use path along Lutak/Portage Cove from AMHS ferry terminal to Nukdik Pt. to Portage Cove State Recreation Site to Battery Point. Path should link Picture Point’s new picnic and viewing area with parking and interpretative signage, the small boat harbor, Lookout Park, Tlingit Park and Playground, a developed (but natural) beach access and path between Lookout Park and Port Chilkoot Dock, Port Chilkoot Dock restroom facilities, and Portage Cove Campground and Recreation site. Restore public access to Portage Cove on Borough land near Lighthouse Restaurant. Cross reference with Land Use 8A (1)</p>	X	X	X	Borough, ADOT&PF	D	NA	K
<p><b>7. M</b> In addition to Adventure Capital of Alaska, develop a secondary marketing theme that captures Haines’ sense of community, which visitors notice and highly prize (2011 Cruise Ship Survey). Highlight Haines’ unique small-town character in advertising and public relations activities.</p>	X			Chamber, HCVB, Borough	D	NA	K

Strategies	Timeframe			Responsibility	RATING		
	1-2	3-5	6-10+		D	NA	K
<b>Objective 3E:</b> Continue to implement the 2011 Downtown Haines Revitalization Plan.					D	NA	K
1. Define the Downtown Business District (DBD).	X			Borough, DRVC, Chamber, business owners	D	NA	K
2. Determine best way to empower Downtown Revitalization Committee (DRVC). Give it specific tasks and implement its findings.	X				D	NA	K
3. Promote infill of empty lots and buildings in DBD. Identify reasons why businesses locate elsewhere, and identify a suite of acceptable incentives to encourage businesses to locate in DBD into vacant buildings or empty parcels (e.g. temporary reduction in property taxes, utility rates, or other business fees linked to location in DBD, investments in building construction, upgrades, etc.).	X	X	X		D	NA	K
4. Build on spontaneous efforts and develop programs to encourage temporary window displays and uses for empty buildings in DBD.	X	X	X		D	NA	K
5. Build on spontaneous efforts and support creation of murals throughout DBD by supplying paint.	X	X	X		D	NA	K
6. Create a Building & Facade Improvement grant program for DBD.	X	X			D	NA	K
7. Integrate the new wayfaring signage with a new walking map and maps on promotional websites.	X			HCVB, DRVC, business owners	D	NA	K
8. Increase visibility of routes and ease of access to DBD; relocate and improve highway and directional signs to point people and vehicles to – rather than bypass - Main Street (for example, the sign at 2nd and Union now specifically directs highway traffic to bypass downtown). <small>Cross reference with Transportation 4F(8)</small>	X	X		Borough, HCVB, DRVC, Chamber, business owners, ADOT&PF	D	NA	K
9. Strengthen walking and visual links to Sheldon Museum from Front Street. Create visual landmark at intersection of Front Street and Main Street (e.g., totem pole, flags, sculpture, other)	X	X		Borough, HAC, Sheldon Museum, Lighthouse Restaurant	D	NA	K
10. Widen Main Street sidewalks and provide pedestrian amenities that encourage lingering, window-shopping that become shopping, and promotes vitality. Partnership with ADOT&PF required (or street acquisition).			X	Borough, ADOT&PF, DRVC. Chamber, business owners	D	NA	K
11. Provide business education, research, and training for business owners to promote success.	X			DRVC, Chamber	D	NA	K
12. Support Buy Local, Eat-Local, Tax-Free days, planned events, and similar promotions that bring residents and visitors to downtown to make local purchases.	X	X	X	Borough, DRVC, Chamber, business owners	D	NA	K
13. Establish metrics defining economic conditions in DBD and identify indicators to use to evaluate and measure result of incentives program and changing conditions. (see Haines Downtown Revitalization Plan)	X	X	X		D	NA	K
<b>Objective 3F:</b> Strengthen entrepreneurial activity and businesses. Provide entrepreneurs with the resources that will enable them to develop and expand their businesses					D	NA	K

Strategies	Timeframe			Responsibility	RATING		
	1-2	3-5	6-10+				
1. Identify and work to address infrastructure and services that meets entrepreneur’s needs. For example, it has been suggested that there is a need for a functioning (winterized, bathrooms, running water) downtown Office Building with offices for rent, possibly with shared business services available. Formally investigate demand and if it exists, identify options to satisfy, including public investment or incentives, private-public partnerships, etc. <i>see similar objective at 2E</i>	X			DRVC, Borough, business owners, Chamber	D	NA	K
2. Enact a low-interest small-loan program for businesses in Haines (establish goals, terms, loan criteria, other).	X	X		Borough, CIA	D	NA	K
3. Periodically provide entrepreneurship education classes to sow the seeds of economic diversification.		X		Chamber, JEDC	D	NA	K
4. Provide regular customer service training for front-line employees at start of every summer.	X	X	X	Business owners, Chamber, HCVB	D	NA	K
5. Update Haines economic indicators every two years to maintain current on understanding of economy, business diversity and interdependencies, leading industries, employment, wages, personal income, and local revenue to track changes and measure result of efforts.	X	X		Borough, Chamber	D	NA	K
<b>Objective 3G:</b> Haines Borough residents need access to reliable, fast, and affordable internet as this increasingly is a necessity for business, education, and services. <i>Cross reference with Utilities Objective 15 J</i>					D	NA	K
1. M Pursue grant and other opportunities to provide internet access to rural areas; make current Open Skies (starband) program for rural Alaska known to citizens.	X	X	X	Borough, Chamber	D	NA	K
2. M Work with cell service and internet providers, regulators, Southeast Conference, and others to inventory infrastructure, coverage, gaps and rates in Borough. Collaborate on ideas to fill gaps and address needs.	X	X		Borough, SEC, cell/internet providers, USDA-RD, DCCED, RCA	D	NA	K
<b>Objective 3H:</b> AObjective 3H: Haines Borough should work with local electric utilities to achieve a rate of 15 cents per kWh or lower. Support actions to reduce power, heating, and fuel costs. <i>Cross reference with Utilities Objective 15 L. Also review Utilities Objectives 15 K, L and M and implementing actions for full review of Power</i>					D	NA	K
1. Identify any actions that could lower rates. Focus on opportunities to benefit commercial and industrial users. <i>Cross reference with Utilities 15 L( 1)</i>	X	X		Borough, AP&T, RCA	D	NA	K
<b>Objective 3I:</b> Maintain a business-friendly regulatory environment by providing stable local tax rates, reasonable permit fees, and timely permit reviews.					D	NA	K
1. Study the costs and benefits for requiring a Borough business license in addition to a state license. If costs exceed benefits, eliminate.	X			Borough	D	NA	K
2. Examine the effectiveness of the Borough Tour Permit system.	X			Borough	D	NA	K
3. Provide for internet based sales tax reporting/return program.	X			Borough	D	NA	K
<b>Objective 3J:</b> A Capitalize on Haines’s position as a transportation hub to increase transfer and shipment of cargo, supplies, fuel, and other commodities with the Yukon, northern British Columbia, and Interior Alaska. <i>Cross reference with Transportation 4(A)</i>					D	NA	K

Strategies	Timeframe			Responsibility	RATING		
	1-2	3-5	6-10+				
1. Ensure that Haines Highway and its bridges are capable and certified to handle load/weights necessary to transport ore, LNG and similar loads to and from Yukon, northern British Columbia, and interior Alaska. a) Identify current load certification of Haines Highway and Bridges. b) Identify industrial load roads must bear. c) Upgrade and recertify as needed, including allocating funding to accomplish.	X	X	X	Borough, ADOT&PF, commodity producers, State Legislators	D	NA	K
2. Actively market Haines port and highway facilities and capacities.	X	X	X	Borough, Chamber	D	NA	K
3. Prepare Port Development Plan (Identify transshipment opportunities for which Haines is competitive, estimate revenue and jobs to community, risks, and identify infrastructure, marketing and other investments needed to capture increased market share by Haines Borough and private partners).	X			Borough, Port Steering Committee, Chamber	D	NA	K
4. Based on Port Development Plan’s recommendations, identify decision-making sequence, strategic investments and funders, and timeline. Take systematic action.	X	X		Borough, Port Steering Committee, Chamber	D	NA	K
5. Investigate options, pros and cons, to meet Yukon Liquid Natural Gas (LNG) transshipment demand.	X	X		Borough	D	NA	K
6. Identify measures to avoid or minimize impacts from industrial truck traffic along Highway to Lutak Dock (e.g., noise, operation of engine brakes, routes, hours of operation, etc.).	X			Borough	D	NA	K
7. Work with the Haines School District to strengthen its construction and building trades program, and with Alaska Workforce Development to heighten awareness of training programs for the construction and building trades.	X	X	X	Borough, Haines Schools, construction businesses	D	NA	K
8. Continue to request that federal tank farm uplands, waterfront, and dock be conveyed to the Haines Borough by BLM following the tank farm site cleanup. If the Borough is not able to acquire this land, work with CIA or other new landowner to secure public access and to encourage cooperation to enhance public use and access.	X	X	X	Borough, CIA, BLM	D	NA	K
<b>Objective 3K:</b> A Increase number of family households with children under 18 over next decade by at least 10% (28 more households) <i>Cross reference with Community Services Objective 17 F and refer to 17 E for implementing actions 1-6</i>					D	NA	K
<b>Objective 3L:</b> A Sustain, promote, and selectively expand services and amenities for retirees and seniors. <i>Cross reference with Community Services Objective 17 D and implementing actions 1-9</i>					D	NA	K
<b>Objective 3M:</b> Objective 3M: Continue sustained yield timber harvest from Haines State Forest, increase value-added wood and forest product use, support use of local wood for biomass heating.					D	NA	K
1. Increase recognition of Haines wood-related businesses and activity. Advocate recognition of, and then participate in, regional economic efforts to foster Forest Products Economic Cluster in northern southeast Alaska.	X	X	X	Sawmill owner, value-added wood business owner, CIA, ADNR, JEDC, SEC	D	NA	K
2. Support continued small negotiated sales and small timber sales.	X	X	X	Borough, ADNR	D	NA	K

Strategies	Timeframe			Responsibility	RATING		
	1-2	3-5	6-10+		D	NA	K
3. Encourage value-added wood product businesses, such as but not limited to firewood, sawmills, biomass, finished wood products, pellet production, etc.	X	X	X	Borough, Chamber, ADNR, CIA	D	NA	K
4. Designate state’s “Operable Forest” on Future Growth Maps <sup>4</sup> as Resource Development or Multiple-Resource Use Emphasis.	X			Borough	D	NA	K
<b>Objective 3N:</b> Develop economically viable mineral deposits in a manner that complies with environmental regulations, protects fishery resources of the Chilkat and Chilkoot River systems, and promotes local hire. Conditions may be placed on permits to promote compatibility with adjacent land uses. <i>For land use actions related to mineral development see Goal 10, Objective 10 A, actions 1-3.</i>					D	NA	K
1. Support assessment of infrastructure needs and options, including non-diesel based power sources that could facilitate mineral development in the Borough.		X		Borough	D	NA	K
2. Designate major mineral deposits on Future Growth Maps as Resource Development Designation.	X			Borough	D	NA	K
<b>Objective 3O:</b> Increase the economic contribution from Haines’s historical, cultural and arts related organizations, assets, and services.					D	NA	K
1. Complete deferred maintenance and upgrades at the Chilkat Center for the Performing Arts. <i>Cross reference with Community Services 17 A (2)</i>	X	X	X	Borough	D	NA	K
2. Increase marketing efforts Chilkat Center for the Performing Arts to get higher use and revenue from local and traveling performers and for conferences. Assign marketing the Center as an identified duty of the HCVB (or other entity). Set goals for use and track progress. <i>Cross reference with Community Services 17 B (1)</i>	X	X	X	Borough, HCVB	D	NA	K
3. Develop classes and programs for the visual arts for locals and visitors. <i>Cross reference with Education 18 A (2)</i>	X	X	X	Haines Arts Council, Haines Schools	D	NA	K
4. Install handicap access to the Sheldon Museum and Cultural Center, repair foundation to prevent basement flooding, replace windows to improve energy efficiency and maintain a controlled building climate. <i>Cross with Community Services 17 A (1)</i>	X	X		Borough, Sheldon Museum	D	NA	K
5. Reestablish Dalton Trail and promote all season multi-use. Add interpretative signage and establish remote campsites. <i>Cross reference with Land Use 9 A (3)</i>	X	X		CVHS, ADNR, HCVB, PRAC, Commercial tour providers	D	NA	K
6. Add space at Sheldon Museum and Cultural Center for collection storage, archival material, exhibits, staff work area, and a classroom. <i>Cross reference with Community Svs 17 B (6)</i>	X	X		Borough, Haines Schools	D	NA	K
7. Support committees working to acquire historically or culturally significant properties such as the Anway Cabin and Eldred Rock Lighthouse. Identify additional funding increments needed (possible funding sources: Borough, grants, sales, etc.) as part of acquisitions to maintain, operate and market new assets. <i>Cross reference with Community Svs 17 B (7)</i>	X	X	X	Borough, Sheldon Museum, CVHS	D	NA	K
8. Have bi-annual joint meeting for key board and staff of Sheldon Museum, Library, HCVB, DRVC, the Haines Arts Council, tour providers, CIA, and others to identify ways to collaborate on events, local and tourist visitation, and revenue generation. <i>Cross reference with Community Svs 17 B (3)</i>	X	X	X	Parties named	D	NA	K

Strategies	Timeframe			Responsibility	RATING		
	1-2	3-5	6-10+				
<p>9. Define economic contribution (employment, wages, revenue with multipliers) to Haines from arts and cultural businesses, organizations, and events. <i>Cross reference with Community Svs 17 B (8)</i></p>	X	X		Borough, Arts Council	D	NA	K
<p><b>Include other objectives a/or actions?</b></p>							

## 4. Transportation

Strategies	Timeframe			Responsibility	RATING					
	1-2	3-5	6-10+							
<p><b>Goal 4. Provide a safe, convenient, reliable, and connected transportation network to move goods and people to, from, and within Haines Borough. Aggressively maintain road, port, and harbor facilities to maximize public investment, enhance public safety and access, and provide economic opportunity.</b></p>										
<p><b>Goal still relevant?</b></p>										
<p><b>Recommendations?</b></p>										
<p><b>Objective 4A:</b> Objective 4A: Capitalize on Haines’ position as a transportation hub to increase transfer and shipment of cargo, supplies, fuel, ore and other commodities with the Yukon, northern BC, and Interior Alaska. <i>Cross reference with Econ Dev 3J and its implementing actions (1-8) which provide detail.</i></p>					D	NA	K			
<p><b>1.</b> Actively market Haines port and road network and facilities.</p>				X	X	X	Borough	D	NA	K
<p><b>Objective 4B:</b> Improve harbor and marine facilities for resident use and to support commercial fishing activity. Also refer to Econ Dev Objective 3C &amp; actions (1-9) about adding value to local commercial fisheries.</p>					D	NA	K			
<p><b>1.</b> Identify and prioritize infrastructure and maintenance needed to support commercial fishing and seafood processing activity.</p>				X			Borough, P&HAC, Haines fishers, seafood processors	D	NA	K
<p><b>2.</b> Conduct work session/public review to advance Portage Cove Small Boat Harbor expansion (see pg 122) to final concept design (harbor, parking, park).</p>				X			Planning Commission/ P&HAC, PRAC	D	NA	K
<p><b>3.</b> Conduct geotechnical drilling needed for accurate cost estimates and design of small boat harbor south wave barrier/ breakwater.</p>				X			Borough	D	NA	K
<p><b>4.</b> Work with US COE, ADOT&amp;PF and others to acquire full funding; construct in phases if full funding not all available at onset. (\$19.5 million in CIP funding acquired in 2012 with \$15 million of this contingent of state approval of bond package in fall 2012.)</p>				X	X	X	Borough, P&HAC, State, COE	D	NA	K
<p><b>Objective 4C:</b> Support Alaska Marine Highway System ferry service to and from Haines.</p>					D	NA	K			
<p><b>1.</b> Advocate for daily AMHS day boat service between Upper Lynn Canal communities and Juneau.</p>				X			Borough, elected officials	D	NA	K
<p><b>2.</b> Advocate for the proposed Alaska Class ferry to serve the Upper Lynn Canal.</p>				X			Borough, elected officials	D	NA	K
<p><b>3.</b> Advocate for AMHS ferry to homeport or overnight in Haines.</p>				X	X		Borough, elected officials	D	NA	K
<p><b>Objective 4D:</b> Accomplish geotechnical investigations and surficial/ ground water flow improvements/redirection to address Lutak Slope ground movement.</p>					D	NA	K			
<p><b>1.</b> Conduct a comprehensive assessment of surface and ground water flows and flow paths. Identify risk, options to improve stability of lower hillside (Oceanview Rd/Lutak slope and Road) and costs. Implement chosen solutions.</p>				X	X		Borough, ADOT&PF, USGS, DMVA, land owners	D	NA	K
<p><b>Objective 4E:</b> Pro-actively address possibility of railroad between Port Lutak area, the Yukon Territory and Interior Alaska.</p>					D	NA	K			
<p><b>1.</b> Identify land and resource concerns, at a planning level, along the three routes that being discussed as options to identify issues important to the Borough that a future engineering or environmental study would need to address.</p>				X	X		Borough	D	NA	K



Strategies	Timeframe			Responsibility	RATING		
	1-2	3-5	6-10+		D	NA	K
2. Identify the route likely to be preferred (at a planning level) by Haines Borough and rationale.		X		Borough	D	NA	K
3. Survey route from Lutak to Zimovia Point (just past 9 mile) where a possible bridge would be built, to assess costs and feasibility so that Borough is positioned to assist State, Yukon Government, or other potential funders. This could be partially combined with action 4D (1).		X	X	Borough, Yukon Govt, producers / private sector, ADOT&PF	D	NA	K
4. Conduct preliminary engineering study to estimate construction costs and exit point for 3-mile tunnel from Lutak Dock to airport area for alternative truck or railroad route to Lutak Dock.		X		Borough, Yukon Govt, producers/private sector, ADOT&PF	D	NA	K
<b>Objective 4F:</b> Accomplish the Borough’s Transportation Improvement Program, including the 36 road and non-motorized improvements projects listed on Table 6-5 and partially mapped on Figure 6-3. Build a connected, non-motorized transportation network (sidewalks, wide road shoulders, separated paths) to encourage healthy lifestyles and safe walking, biking, and skiing to and from work and school.					D	NA	K
1. Annually update and approve the Haines Borough Consolidated Transportation Plan to enable continued receipt of public transportation services and funding, such as Senior Citizen transportation services.	X	X	X	Borough, CIA	D	NA	K
2. Aggressively pursue funding to systematically complete the Borough’s Transportation Improvement Program <sup>5</sup> including the 36 road and non-motorized improvements projects listed on Table 6-5 and partly mapped on Figure 6-3.	X	X	X	Borough	D	NA	K
3. Pave or chip seal roads in Haines Borough. Focus on Phase III-VI Local Roads Program within the townsite and areas designated for Rural Settlement on Comprehensive Plan Future Growth Maps.	X	X	X	Borough, State, CIA	D	NA	K
4. Prepare Local Roads Program VII-X.	X	X		Borough	D	NA	K
5. Maintain and expand public transportation services. Explore opportunities for coordination of services, shared resources and pay-per-ride options among van and bus owners in Haines. Assess public demand for year round transit service and routes and run feasibility analysis.	X			CIA, REACH, Inc., Senior Center, Borough, CIV, State HESS, ADN, DPH & others w vans, Schools, SE Senior Services, Catholic Services	D	NA	K
6. Publicize and advertise existing transit services available for seniors, other residents, and visitors. Place information on Borough website, on hainesak.com under “transportation”, on haines.ak.us, on flyers around town etc. <i>Also refer to Cm Svs 17 D(4) and (8)</i>	X			CIA, REACH, Inc., Senior Center, Borough	D	NA	K
7. More obvious and higher quality signage needed for four season transit service as well as printed routes and schedules to significantly improve this service.	X			Borough, Transit contractor	D	NA	K

Strategies	Timeframe			Responsibility	RATING		
	1-2	3-5	6-10+		D	NA	K
8. Increase visibility of routes and ease of access to DBD; relocate and improve highway and directional signs to point people and vehicles to – rather than bypass - Main Street (for example, the sign at 2nd and Union now specifically directs highway traffic to bypass downtown). <i>Cross reference with Econ Dev 3E (8)</i>	X	X		Borough, ADOT&PF	D	NA	K
9. Systematically implement the Haines Highway Scenic Corridor Partnership Plan. Cross reference with Parks and Rec 14E (11) which lists more details.	X	X	X	ADOT&PF, Borough	D	NA	K
<b>Include other objectives a/or actions?</b>							

## 5. Land Use & Future Growth

Strategies	Timeframe			Responsibility	RATING		
	1-2	3-5	6-10+				
<b>Goal 5. A Guide infrastructure and land development to provide an adequate supply of land for commercial and industrial development, varied residential living, and diverse recreational opportunities.</b>							
<b>Goal still relevant?</b>							
<b>Recommendations?</b>							
<b>Objective 5A:</b> A Periodically assess the amount of undeveloped land available that is zoned for residential, commercial, and industrial purposes to ensure an adequate supply is available.					D	NA	K
<b>1.</b> Designate areas for future residential, commercial and industrial land use and update zoning as needed.	X	X	X	Planning Commission	D	NA	K
<b>2.</b> If land is in short supply, avoid scarcity by rezoning land, selling Borough land, or working with public or private landowners to make land available for sale.	X	X	X	Planning Commission	D	NA	K
<b>3.</b> Facilitate orderly development by working with large landowners to prepare Master Development Plans that delineate buildable areas, areas with environmental constraints that impact development feasibility and cost, and identify access and utility routes. Focus on areas identified for future utility expansion on Figure 7-4.	X	X	X	Borough, AMHT, UA, private landowners with parcels greater than 20 acres, Planning Commission	D	NA	K
<b>Objective 5B:</b> Assign highest priority land use/development in areas designated “Waterfront Development6” on the Future Growth Maps for water-dependent uses and activities, followed by water-related uses and activities.					D	NA	K
<b>Objective 5C:</b> Site commercial and light industrial development in logical locations to promote economic opportunity, satisfy current and future needs, and concentrate these more intensive uses.					D	NA	K
<b>1.</b> Prevent future commercial sprawl and provide for local needs by identifying and designating logical areas to locate and concentrate commercial use and business development on the Future Growth maps for out Haines Highway and in Mud Bay. Update zoning as needed.	X	X	X	Planning Commission	D	NA	K
<b>Objective 5D:</b> Continue to implement the 2011 Downtown Haines Revitalization Plan <i>Cross reference with Economic Development Objective 3E, implementing actions are at 3(E) 1-13</i>					D	NA	K
<b>Objective 5E:</b> Non-recreation projects and activities in areas designated on Future Growth Maps for “Park, Recreation or Open Space” will be located, designed, constructed and operated to avoid or minimize adverse impact to recreational uses. <i>See Park, Recreation, and Open Space chapter for related Goals, Objectives, and Actions.</i>					D	NA	K
<b>Objective 5F:</b> Support local agriculture, gardening, and food production.					D	NA	K
<b>1.</b> Support community gardens and greenhouses throughout the Borough. Make parcels of Borough land available for this use on a temporary basis for no fee.	X	X	X	Neighborhood Groups, SEARHC, Community Garden Group, Borough	D	NA	K
<b>2.</b> Encourage public events and business sales of locally produced food of all types.	X	X	X	Chamber, SEARHC, Garden Club	D	NA	K
<b>3.</b> Ensure the zoning code promotes and allows food production.	X	X	X	Borough	D	NA	K
<b>4.</b> Encourage agricultural use and leases in Haines State Forest.	X	X	X	ADNR	D	NA	K

Strategies	Timeframe			Responsibility	RATING		
	1-2	3-5	6-10+				
<b>Objective 5G:</b> A Protect homeowner’s investments by minimizing adjacent incompatible land development.					D	NA	K
<b>1.</b> R To promote efficient land use, good neighbors, and protect homeowner investments and lifestyles, require buffers between residential and non-residential land uses, between differing types/densities of residential development, or when home occupations or light approved commercial uses are adjacent. Depending on the situation common measures could be landscaping, retained or additional vegetation, setbacks, fences, sound barriers, restriction on hours of operation of noise- generating equipment or activity, control of traffic speeds, and requiring off-street parking. etc.	X	X	X	Borough	D	NA	K
<b>2.</b> R Organize meetings in General Use zoning areas where land use conflicts are occurring or likely to determine interest in more specific zoning.	X	X	X	Borough, land owners	D	NA	K
<b>Objective 5H:</b> A Review current and future land use plans and projects proposed by state and federal landowners/managers within the Haines Borough to identify any areas of concern or inconsistency with the Haines Comprehensive and other adopted Borough Plans. <i>Cross reference with Haines Borough Govt 2 D</i>					D	NA	K
<b>1.</b> Initiate consultation if inconsistent areas identified between state/federal and Borough plans.	X	X	X	Borough	D	NA	K
<b>2.</b> Initiate communication, and respond to inquiries, with AMHT and UA on their land development proposals	X	X	X	Borough	D	NA	K
<b>3.</b> Ensure state (ADNR, ADOT&PF, ADF&G, UA, AMHT etc.) plans, projects and operations along the Haines Highway are compatible with the Corridor Plan and objectives for this Scenic Byway.	X	X	X	Borough, State	D	NA	K
<b>4.</b> Provide input during the 5 year timber sale schedule review.	X	X	X	Borough	D	NA	K
<b>Objective 5I:</b> Update and unify Haines Borough codes and permitting. Development and permitting procedures must account for Borough’s regulatory obligations.					D	NA	K
<b>1.</b> Update and unify building permit requirements for properties in Borough on road system.	X			Borough	D	NA	K
<b>2.</b> Update and unify Borough Zoning Code. <i>(This does not mean eliminating zones, rather, renaming and consolidating for uniformity and consistency.)</i>	X	X		Borough	D	NA	K
<b>Include other objectives a/or actions?</b>							
<b>Goal 6. Maintain and enhance salmon spawning, rearing, and overwintering habitat.</b>							
<b>Goal still relevant?</b>							
<b>Recommendations:</b>							
<b>Objective 6A:</b> A Development along anadromous fish streams uses setbacks and best management practices to maintain natural water flow and water quality; reduce erosion; and maintain natural vegetation, fish passage and habitat.					D	NA	K
<b>1.</b> Enforce HBC 18.60.020 that requires a 25 foot no development zone next to ADF&G catalogued anadromous streams, unless a variance is granted.	X	X	X	Borough	D	NA	K

Strategies	Timeframe			Responsibility	RATING		
	1-2	3-5	6-10+				
2. Clarify in code that a 25 foot no development setback adjacent to catalogued anadromous streams applies borough-wide to all structures, regardless of whether a building or development permit is needed.	X			Borough	D	NA	K
3. Consolidate entry points to, and crossings of, anadromous fish streams (ATVs, rafts, boats) in order to minimize erosion and riparian habitat degradation. Accomplish this by working with individuals and businesses that regularly cross anadromous streams to identify logical stream crossing areas, then designate/advertise, develop parking if possible, and harden as appropriate.	X	X	X	PRAC, TWC, ADF&G, Tour Operators	D	NA	K
4. Actively Support Takshanuk Watershed Council culvert upgrade and replacement program.	X	X	X	TWC, Borough, ADOT&PF	D	NA	K
5. Identify one or more area(s) to direct future mitigation dollars and efforts to assist with future permitting and benefit the environment by focusing these efforts in a meaningful way.	X	X	X	Borough, TWC, ADF&G, COE, CIA , private landowners	D	NA	K
6. Stabilize and restore Chilkoot River trail. <i>Cross reference with Parks and Rec 14 E (10)</i>	X	X			D	NA	K
7. Work with agency and other professional limnologists and fisheries biologists to restore Chilkoot and Chilkat Lake sockeye runs to historic levels of productivity. <i>Cross reference with Econ Dev 3 C (7)</i>	X	X		Borough, ADF&G, CIA, CIV, Haines fishing fleet, TWC	D	NA	K
8. Maintain or enhance fish habitat within special management zones 300 feet on either side of anadromous fish streams and 500 feet from anadromous fish bearing lakes (state forest rules). <i>Cross reference with Econ Dev 3 C (10)</i>	X	X	X		D	NA	K
<b>Objective 6B:</b> Enhance Sawmill Creek, adjacent wetlands, and One Mile Creek’s value for fish and wildlife habitat.					D	NA	K
1. Enforce 25 foot no development setback and work with private landowners to protect and improve Sawmill Creek and One Mile Creek’s fish habitat and wetland integrity. Identify areas on undeveloped and developed parcels that merit protection and couple with creation of neighborhood creekside amenity/path. Seek grants or establish incentives to accomplish.	X	X		Borough, CIA, TWC, ADF&G, USFWS, landowners	D	NA	K
2. Facilitate Increased use of the Sawmill Creek corridor and McClellan Flats for recreation, outdoor education, and other low-intensity public uses. Prohibit use of off-road motorized vehicles here or designate paths for this use. Allow snow-machine use if sufficient snow cover to protect the vegetation from damage and if landowner’s consent. In cooperation with private landowners, install signs and natural-looking blockades to stop off-road vehicle use. Educate the public about the reason for the motorized use closure.	X	X	X	Borough, CIA, TWC, ADF&G, USFWS, landowners	D	NA	K
<b>Include other objectives a/or actions?</b>							

Strategies	Timeframe			Responsibility	RATING		
	1-2	3-5	6-10+				
<b>Goal 7. Protect public drinking water quality.</b>							
<b>Goal still relevant?</b>							
<b>Recommendations:</b>							
1. Designate watershed and wellhead protection areas on Future Growth Maps. Conduct site specific examination to define better as needed.	X	X		Borough, ADEC	D	NA	K
2. Restrict activities in drinking water protection areas that could cause contamination. Be very cautious around Lily Lake, the primary community drinking water source.	X	X	X	Borough	D	NA	K
<b>Include other objectives a/or actions?</b>							
<b>Goal 8. Provide public access to coastal areas, rivers, and lakes.</b>							
<b>Goal still relevant?</b>							
<b>Recommendations:</b>							
<b>Objective 8A:</b> A Formalize access, manage areas, and provide infrastructure to improve public access and use of the Portage Cove waterfront, Lutak beaches and Tanani Pt, Chilkat River/ Carrs Cove beaches, Chilkoot River corridor, Chilkat Lake, Klehini River, and other coastal areas, rivers, and lakes important to Haines residents and visitors.					D	NA	K
1. Develop a continuous multi-use path along Lutak/Portage Cove from AMHS ferry terminal to Nukdik Pt. to Portage Cove State Recreation Site to Battery Point. Path should link Picture Point's new picnic and viewing area with parking and interpretative signage, the small boat harbor, Lookout Park, Tlingit Park and Playground, a developed - but natural - beach access and path between Lookout Park and Port Chilkoot Dock, Port Chilkoot Dock restroom facilities, and Portage Cove Campground and Recreation site. Restore public access to Portage Cove on Borough land near Lighthouse Bar. <i>Cross reference with Econ Dev 3D (6)</i>	X	X		Borough, PRAC, P&HAC, State	D	NA	K
2. Enhance public access to river at 25 Mile. Provide formal river access at Wells Bridge at 25 Mile along with restrooms, trails, a fishing area (summer), and in the winter set 14-mile cross country ski loop between here and Klukwan, and set snow machine trails.	X	X		ADOT&PF, Borough, Ski Club, PRAC, ADF&G	D	NA	K
3. Designate Tanani Pt. access and adjacent beach along the Lutak Road north of the town on Future Growth Map as Park, Recreation or Open Space (excluding Waterfront Development area), rezone as needed, and take actions necessary to maintain safe public use.	X	X		Borough	D	NA	K
4. Designate natural trail along beach along Chilkat River between Carr's Cove and Jones Point and provide continued public use and coastal access (see Figures 7-4, 7-8, 8-1 and 8-2). Acquire ROW and easements and rezone as needed. Link to trails that connect to Sawmill Rd and Southeast Fairgrounds as depicted on Figure 8-1 to develop a connected non-motorized circle. Specifics: A) <i>Carr's Cove Beach Access/ Chilkat Beaches-Jones Pt. natural trail: Provide access to beach, bags to scoop dog poop, trashcans &amp; pick-up, improve parking, and formalize beach trail from Carrs Cove to Jones Pt. Work with private landowners. B) Construct trail connecting beach to Southeast Fairgrounds, CIA Mitigation area, and Haines Hwy. Work with private landowners. C) Construct boardwalk/ education trail (potential mitigation project) from Jones Pt. to and along Sawmill Creek to Crystal Cathedral wellhead road. Work with private landowners. D) Build One Mile Creek trail, viewing area, beach access.</i>	X	X		Borough, PRAC	D	NA	K

Strategies	Timeframe			Responsibility	RATING		
	1-2	3-5	6-10+				
5. Maintain public access to Chilkat Lake and future trails as depicted on Figure 8-3. Determine if road and trails used to access Chilkat Lake, including crossing points, and parking areas are platted and designated for permanent public access. If not, remedy.	X	X		ADNR, Borough	D	NA	K
6. Coordinate Haines Highway pullout development (per Highway Scenic Corridor Plan and Figure 8-3) with ADOT&PF as future road improvements occur. All pullouts should be multi-use/purpose and provide parking for people who want to look at scenery, take photos of eagles, or launch for a recreational activity. There should be breaks in guard rails at pullouts to facilitate recreational access to river. Use expertise of Chilkat Guides and ADF&G to identify places in river for more “hardened” jet boat launch. If possible, identify and harden some jet boat launches (removable in winter) to consolidate this activity and associated riparian habitat wear and tear. Possible locations are at 10 Mile, 14 Mile, 19 Mile and 21 Mile Haines Highway.	X	X		ADOT&PF, commercial tour providers, Borough, PRAC, ADF&G	D	NA	K
<b>Include other objectives a/or actions?</b>							
<b>Goal 9. Protect and ensure development respects historic and cultural resources and values.</b>							
<b>Goal still relevant?</b>							
<b>Recommendations:</b>							
<b>Objective 9A:</b> Recognize that the following areas have important historic and cultural resources and values: 1) Fort William H. Seward (an Historic District and a National Historic Landmark) 2) Deishu Village site 3) Tlingit Park and historic cemetery 4) T'anani Village Site and Nukdik/Tanani Beach site 5) Anway Homesite historic structure and property 6) Yandeist'akye' historic Native settlement 7) Chilkat River and Chilkoot River and Lake historic sites such as cache and house pits, hooligan pits, garden areas and graves 8) Dalton Cache and Dalton Trail 9) Eldred Rock Lighthouse					D	NA	K
1. Protect historic and cultural sites and provide interpretation to deepen understanding and appreciation for residents and visitors.	X	X	X	Sheldon Museum, CIA, CIV, others, CVHS	D	NA	K
2. Improve deteriorating building facades at Fort Seward, provide ongoing maintenance to historical and cultural signage around site, use landscaping to shield parking areas, and develop parking behind buildings rather than in front or side, and off of the Parade Grounds.		X		PCP, business owners, Borough	D	NA	K
3. Reestablish Dalton Trail and promote all season multi-use. Add interpretative signage and establish remote campsites. <i>Cross reference with Econ Dev 30 (5)</i>	X	X	X	CVHS, PRAC, State, Commercial Tour providers	D	NA	K
<b>Include other objectives a/or actions?</b>							

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



Strategies	Timeframe			Responsibility	RATING		
	1-2	3-5	6-10+				
<p>1. Master Plan should: designate places where, over time, other Borough and community facilities will be located. Consolidate facilities and share space where possible. Identify locations for paths that will eventually be lighted and landscaped to connect facilities and provide a way for walkers and cyclists to access the school, Borough Offices and get across town. Identify the location for a “destination” open space and gathering area in a town square like setting on a portion of the campus that can host summer Farmer’s Markets, spillover events from the Southeast State Fair, Downtown celebrations etc. This would be a natural location for public and school employees to have a picnic lunch on nice days year-round. A well–positioned mixed-use building with some ground floor retail space that attracts people and commerce on weekdays, weekends and evenings will add to the adjacent Downtown Business District.</p>	X	X		Borough	D	NA	K
<p><b>Objective 12B:</b> Prepare a Haines Borough land management plan to systematically address Borough land acquisition and disposal.</p>					D	NA	K
<p>1. Elements of plan to include: Identify goals and purposes of owning, using and disposing of Borough land. Identify (map) Borough land. Identify Borough land needed for future municipal needs. Identify suitable purposes (Future Growth designations) for land not needed for municipal purposes. Identify general considerations/costs and benefits of Borough land disposal and timing (local markets etc.)</p>	X	X		Borough	D	NA	K
<p><b>Include other objectives a/or actions?</b></p>							
<p><b>Goal 13. Communicate and work with public landowners within Haines Borough to ensure their land development and use is compatible with adopted Borough Plans.</b></p>							
<p><b>Goal still relevant?</b></p>							
<p><b>Recommendations?</b></p>							
<p><b>Objective 13A:</b> Review current and future land use plans and projects proposed by state and federal landowners/ managers within the Haines Borough to identify any areas of concern or inconsistency with the Haines Comprehensive and other adopted Borough Plans. <i>Cross reference with Land Use 5H. Refer to 5H (1-4) for implementing actions.</i></p>					D	NA	K
<p><b>Include other objectives a/or actions?</b></p>							

## 6. Parks, Recreation, and Open Space

Strategies	Timeframe			Responsibility	RATING		
	1-2	3-5	6-10+				
<b>Goal 14. Provide a diversity of parks, recreation facilities, trails, and open spaces to foster the health and wellness of Haines residents. Focus on recreation facilities that capitalize on the unique setting and natural beauty of Haines, create economic development opportunities, and benefit residents and visitors.</b>							
<b>Goal still relevant?</b>							
<b>Recommendations:</b>							
<b>Objective 14A:</b> Provide regular maintenance for Borough-owned recreation facilities. Expand opportunities in a coordinated and efficient way.					D	NA	K
1. Use Parks and Recreation Advisory Committee to help guide Borough decisions on priority improvements to local recreation facilities and facilitate communication between Borough staff, community members, and the Assembly on recreation issues.	X	X	X	Borough, PRAC	D	NA	K
2. Support community groups and volunteers in their efforts to develop new recreation opportunities.		X		Borough, PRAC	D	NA	K
3. Fund a halftime (or greater) Borough Parks and Recreation position to coordinate and manage recreation programs, oversee and work with volunteers on trail and facility maintenance, obtain easements for trails and beach access areas, apply for grants to fund recreation improvements, manage community recreation programming, etc.	X	X		Borough	D	NA	K
4. Designate as “Parks Recreation or Open Space” on Future Growth Maps and zone accordingly parcels of Borough land that have previously been identified for parks (for example, Carrs Cove, Skyline Subd, other).	X	X		Borough	D	NA	K
5. Establish a Parks and Recreation Foundation to assist with fundraising for desired projects.	X	X		PRAC, Volunteers	D	NA	K
<b>Objective 14B:</b> Keep the swimming pool in good repair.					D	NA	K
1. Keep the swimming pool in good repair; immediate needs are outlined on Table 4.3. Provide a range of programs that cater to different user groups.	X			Borough	D	NA	K
2. Begin planning for pool replacement.	X	X		Borough	D	NA	K
<b>Objective 14C:</b> Create public place for indoor fitness equipment and recreation.					D	NA	K
1. Immediately find public space for indoor fitness equipment to fill this recreation gap especially important to young families and seniors. (i.e., pool solarium, next to lifeguard station at pool, in school, senior center, Chilkat Center basement). Cross reference with Community Svs 17E (4)	X			Borough, Haines Wellness / Fitness, PRAC	D	NA	K
2. Determine if Community Recreation Center can be financially supported and if so, build. Cross reference with Community Svs 17E (5)	X	X		Borough	D	NA	K
<b>Objective 14D:</b> Maintain existing trails. Be pro-active to prevent trail use conflicts and ensure continued satisfactory experiences for all trail users.					D	NA	K
1. Complete an inventory and condition assessment of trails, start with those most heavily used. Also evaluate signage leading visitors to trailheads and quality of hiking brochures.	X			Borough, PRAC	D	NA	K

Strategies	Timeframe			Responsibility	RATING		
	1-2	3-5	6-10+				
2. Create system and management for area trail maintenance. Consider options such as Trail Mix or SeaTrails-like organization (or Haines chapter), PRAC, Borough Parks and Recreation staff (see action 41A (3) or other7. At a minimum, fund trail-building training for a resident who can then organize work parties and serve as a local expert.	X	X		Borough	D	NA	K
3. Negotiate agreement with commercial tour operators that use public trails to help maintain and improve those trails on a regular basis (now ad hoc).	X	X		Borough, PRAC, Tour operators, ADNR	D	NA	K
4. Prepare plan or agreement regarding types or level of commercial use for area trails so that the expectations for all users, including commercial, can be satisfied. In addition, address motorized versus non-motorized use and expectations. These discussions and agreements prevent future conflicts.	X	X		PRAC, tour operators	D	NA	K
<b>Objective 14E:</b> Prioritize recreation investments that maintain current facilities and assets, expand opportunities that will be accessible and used by many numbers of residents and visitors, and that fill gaps in recreation opportunities. Implement projects and actions that have been endorsed in community-adopted plans, such as this Comprehensive Plan, the Haines Public Use and Access Plan, and Haines Highway Scenic Corridor Partnership Plan.					D	NA	K
1. Use neighborhood input to identify needs and develop Skyline Park and Overlook Park in Skyline Subdivision.	X	X		PRAC, Borough skyline residents	D	NA	K
2. Determine feasibility of developing simple ski and sledding hill with rope tow, oriented to families and teens. Non-winter months can be mountain bike or multi-use trails. If feasible, construct.	X	X		PRAC, Borough, volunteers	D	NA	K
3. Use neighborhood input to identify needs and improve playground facilities at Emerson Field.	X	X		PRAC, Borough, area residents	D	NA	K
4. Determine level of support for skate park at Oslund Park and either improve to increase use or develop alternative.	X	X		PRAC, Borough	D	NA	K
5. Designate Fort Seward Parade Grounds as “Park, Recreation or Open Space” on Future Growth Map. Work with landowner to develop agreement for long-term open space and public use.	X	X		Borough, Port Chilkoot Company	D	NA	K
6. Maintain and repair Mt. Ripinsky Trail system.	X	X	X	PRAC, Borough, ADNR, users	D	NA	K
7. Complete Picture Point Park by installing a landscaped parking area, picnic tables, viewing area, and signage.	X			Borough	D	NA	K
8. Add ADA access to beach and a natural beachfront trail from Lookout Park to Port Chilkoot Dock.	X	X		Borough	D	NA	K
9. Maintain, improve, and build-out the Chilkat Peninsula hiking system.	X	X	X	ADNR, commercial operators	D	NA	K
10. Stabilize and restore Chilkoot River trail. Cross reference with Land Use 6A(6)	X	X		TWC, PRAC, State, Borough	D	NA	K

Strategies	Timeframe			Responsibility	RATING		
	1-2	3-5	6-10+				
<p><b>11.</b> Systematically implement the Haines Highway Scenic Corridor Partnership Plan. (Also see Comp Plan Figure 8-3.)</p> <p>(A) Develop a marketing plan for Corridor: Secure funding and promote programs that enhance private sector investment.</p> <p>B) Expand the trail system and other recreational opportunities off the Haines Highway at Dalton, Jarvis and Surgeon Creeks.</p> <p>C) Provide formalized Klehini River access for Winter Recreation at Wells Bridge.</p> <p>D) Enhance Gateways/Interpretation at Picture Point, Council Grounds.</p> <p>E) Provide formal access to Chilkat River. <i>Cross reference with Transportation 4F (9)</i></p>	X	X	X	ADOT&PF, Borough	D	NA	K
<p><b>12.</b> Construct trail and hut-to-hut system in the Takshanuk Mountains or along the Dalton Trail.</p>		X	X	State, Borough	D	NA	K
<p><b>Objective 14F:</b> Formalize access, manage areas, and provide infrastructure to improve public access and use of the Portage Cove waterfront, Lutak beaches and Tanani Pt, Chilkat River/ Carrs Cove beaches, Chilkoot River corridor, Chilkat Lake, Klehini River, and other coastal areas, rivers and lakes important to Haines residents and visitors. <i>Cross reference with Land Use Objective 8A; refer to 8A and implementing actions (1-6) regarding priority public access trails and areas.</i></p>					D	NA	K
<p><b>Include other objectives a/or actions?</b></p>							

## 7. Utilities

Strategies	Timeframe			Responsibility	RATING		
	1-2	3-5	6-10+				
<b>Goal 15. Provide, or support provision of, adequate and cost effective utilities to enable residential living, economic opportunity, public safety, and add to the quality of life.</b>							
<b>Goal still relevant?</b>							
<b>Recommendations:</b>							
<b>Objective 15A:</b> Aggressively maintain the Haines Water Treatment Facility and water distribution infrastructure to prolong its capacity to operate in a manner that complies with federal and state regulations.					D	NA	K
1. Update the water sewer master plan; determine the useful plant life for both the Water Treatment Facility and equipment.	X	X		Borough	D	NA	K
2. Plan and budget for routine and unexpected equipment needs. Have spare parts on hand for critical components.	X	X	X	Borough	D	NA	K
3. Maintain an adequately funded equipment reserve account for both planned and unexpected equipment needs.	X	X	X	Borough	D	NA	K
4. Base utility rates on an equitable and true assessment of the costs to operate, maintain, and contribute to an equipment replacement fund. Periodically perform rate study of utility fees and adjust fees as needed based on results.	X	X	X	Borough	D	NA	K
5. Install backflow devices on Borough infrastructure as risk warrants. For private customers, seek grants or incentives.	X	X		Borough	D	NA	K
<b>Objective 15B:</b> Monitor and protect the community’s drinking water sources and quality.					D	NA	K
1. Designate public drinking water source protection areas on Future Growth maps. Enact policy and amend zoning code to protect public drinking water from contamination.	X	X		Borough	D	NA	K
2. Provide public education on protecting drinking water source quality by preparing a pamphlet to periodically distribute with utility billings, school outreach, news articles etc.	X		X	Borough	D	NA	K
3. Connect Crystal Cathedral system to main Borough water system.	X			Borough	D	NA	K
4. Develop a wellhead protection program for Crystal Cathedral. Amend zoning code to require setbacks from drinking water wellheads in Crystal Cathedral area; work with ADEC to determine correct distance. Relocate potential contamination sources as opportunities arise.	X	X		Borough	D	NA	K
5. Provide education on uses of chemicals and fertilizers, as well as site drainage to landowners within Crystal Cathedral wellhead area. Seek cooperative environmental best management practices from adjacent land owners.	X	X		Borough	D	NA	K
6. Encourage voluntary close out of unused or abandoned wells in Crystal Cathedral area.	X	X		Borough	D	NA	K

Strategies	Timeframe			Responsibility	RATING		
	1-2	3-5	6-10+				
7. Replace hand-dug lines from 1950's to Piedad water intake to reduce contamination threat. Replace asbestos/cement (AC) piping in Piedad Road. Upgrade Piedad water chlorination system to add a flow-paced chlorinator. Replace Piedad Spring Water Transmission Line and provide new tank at Piedad to store water from the springs during low flow periods (i.e. late at night) for use during higher demand periods during the day and enhance firefighting capacity.	X	X		Borough	D	NA	K
8. Require setbacks from drinking water source intake at Piedad to protect from contamination; work with ADEC to determine correct distance.	X	X		Borough	D	NA	K
9. Work with State (land manager) to determine if additional watershed protections are needed at Lily Lake. If so, enact policy and amend zoning code to provide setbacks and allowed/disallowed activities.	X	X		ADNR, Borough	D	NA	K
10. Monitor water levels in Lily Lake during the summer to ensure no critical water shortages occur.	X	X	X	Borough	D	NA	K
11. Establish a periodic water quality testing program at Mud Bay roadside drinking water spring (Figure 7-8). Ensure future upland land use prevents contamination. Install signage at seep cautioning public on safety of water.	X			Borough, Mud Bay Residents	D	NA	K
12. Develop a wellhead protection program for Covenant Life Center drinking water.	X	X		Borough, water system operator	D	NA	K
13. Identify locations of onsite septic systems in Borough and distribute information on proper maintenance. Start with more densely developed areas.	X	X	X	Borough	D	NA	K
<b>Objective 15C: Protect against fuel tank spills.</b>					D	NA	K
1. Provide education on proper construction, maintenance and spill containment for fuel storage tanks. Distribute pamphlets to public and provide assistance in identifying grants. Focus on properties closest to anadromous streams first.	X	X		Borough, Delta Western	D	NA	K
2. Ensure all aboveground Borough fuel storage tanks have spill containment.	X	X		Borough	D	NA	K
3. Update Borough codes as needed to require spill containment on new or remodel construction in, at a minimum, avalanche and mass wasting prone areas and anadromous streams.	X	X		Borough	D	NA	K
<b>Objective 15D: Aggressively maintain the Haines Wastewater Treatment Plant to prolong its capacity to operate in a manner that complies with federal and state regulations.</b>					D	NA	K
1. Update the water sewer master plan; determine the useful Wastewater Treatment Plant life for both the facility and equipment.	X	X		Borough	D	NA	K
2. Plan and budget for routine and unexpected equipment needs. Have spare parts on hand for critical components.	X	X	X	Borough	D	NA	K
3. Maintain an adequately funded equipment reserve account for both planned and unexpected equipment needs.	X	X	X	Borough	D	NA	K

Strategies	Timeframe			Responsibility	RATING		
	1-2	3-5	6-10+				
4. Base utility rates on an equitable and true assessment of the costs to operate, maintain, and contribute to an equipment replacement fund. Periodically perform rate study of utility fees and adjust fees as needed based on results.	X	X	X	Borough	D	NA	K
5. Install additional manholes into Crystal Cathedral system.	X	X	X	Borough	D	NA	K
6. Complete Highland Estates sewer system installation	X	X		Borough	D	NA	K
<b>Objective 15E:</b> All private septic systems must comply with ADEC mandated separations and setbacks from wells and drinking water sources and property lines to prevent contamination and public safety threats. Maintain septic systems.					D	NA	K
<b>Objective 15F:</b> Continue to reduce infiltration into sewer system by segregating from storm water system.					D	NA	K
1. Provide regular maintenance of the oil water separator at Port Chilkoot Dock.	X	X	X	Borough	D	NA	K
2. Maintain the storm water collection and disposal system so that it does not pollute marine waters, soils, or groundwater. Install oil water separators where needed to protect water quality where drainage is to a drinking water wellhead or anadromous fish bearing stream.	X	X	X	Borough	D	NA	K
<b>Objective 15G:</b> Provide, or ensure provision of, solid and hazardous waste disposal in a manner that does not adversely impact air, land, and water quality. Promote a Reduce-Reuse-Recycle approach and efforts.					D	NA	K
1. Actively engage in oversight of solid waste management to ensure these services remain available to Borough residents at a reasonable cost.	X	X	X	Borough	D	NA	K
2. Maintain communication with solid waste collection and disposal contractors and ADEC to ensure that Borough is routinely copied on required annual reports to ADEC (due in February) and on ADEC’s landfill inspection reports. Periodically monitor compliance of landfill operations, including leachate, with permit requirements to ensure that public health, safety, and welfare are maintained.	X	X	X	Borough, ADEC, solid waste companies	D	NA	K
3. Encourage continued recycling effort. Provide education on composting systems. Collaborate with other northern Southeast Alaska communities and Canadian neighbors on recycling to achieve economy of scale and efficiencies.	X	X	X	Borough, HFR	D	NA	K
<b>Objective 15H:</b> Reduce Haines Police and State Trooper time dealing with bear issues by reducing bear-garbage encounters.					D	NA	K
1. Implement a bear trash ordinance and education program on proper management of garbage to reduce ‘problem bears’ and bear-human incidents and interactions. Include warnings and fines for improperly stored garbage. Initiate a public education program. Team with ADF&G, ADNR, Takshanuk Watershed Council, solid waste collection companies and others to fund and develop garbage bear outreach and education program.	X			Borough, TWC, HFR, solid waste companies, ADF&G, ADNR, school	D	NA	K
2. Increase number of bear proof waste containers throughout Borough, target problem areas first.	X	X		Borough, solid waste companies	D	NA	K
3. Install bear proof garbage containers at all municipal, public, and commercial buildings	X	X		Borough, State, solid waste	D	NA	K

Strategies	Timeframe			Responsibility	RATING		
	1-2	3-5	6-10+				
<b>Objective 15I:</b> Implement a junk car removal program. Register to receive MVRT by adopting an MVRT ordinance to initiate and submit to State DMV.					D	NA	K
<b>1.</b> Fund with annual Motor Vehicle Registration Tax (MVRT). Register to receive MVRT by adopting an MVRT ordinance to initiate and submit to State DMV.	X			Borough	D	NA	K
<b>2.</b> Establish a taskforce and 2-month timeframe to investigate options, pros and cons, costs, and present recommendation to administration and Assembly (if needed). <i>A) Work with scrap metal buyers, solid waste businesses, shippers, and neighboring municipalities to identify options for disposal. B) Identify options and costs to periodically tow and secure junk vehicles in designated lot. C) ID parcel for use as a storage lot until a scrap barge can remove vehicles; if parcel not borough-owned, lease, rent or acquire land.</i>	X			Borough, HFR, Acme, Chamber, solid waste companies	D	NA	K
<b>Objective 15J:</b> Haines Borough residents need access to reliable, fast and affordable internet as this increasingly is a necessity for business, education and services. <i>Cross reference with Economic Development Objective 3G; for implementing actions refer to actions 3 G (1-3)</i>					D	NA	K
<b>Objective 15K:</b> Encourage energy efficient building construction, remodeling, and operating practices. Haines Borough and School District should lead the way in energy efficient building use, construction, and remodel.					D	NA	K
<b>1.</b> Establish an energy and emissions reduction program. <i>A) Use existing or conduct new energy and emissions audits. B) Establish municipal and community energy and emission use baseline. C) Set and adopt reduction targets. D) Identify options and measures to help achieve targets.</i>	X	X		Borough, office and building owners	D	NA	K
<b>2.</b> Require designers/contractors for new or renovated Borough and School facilities to include life cycle cost analysis of heat and power options in building design. Set energy efficiency standards for new Borough and School buildings (using ASHRAE and other codes) so that these requirements are incorporated early into building design.	X	X		Borough, Haines School District	D	NA	K
<b>3.</b> Take action to conserve energy, such as replacement of Borough office and street lights with LED or lower energy consumption lights, use of fuel efficient municipal vehicles, upgrade to energy efficient windows, etc.	X	X	X	Borough	D	NA	K
<b>4.</b> Develop incentives for residents and businesses to invest in energy conservation and energy efficient technologies. <i>(For example: A) Offer one-time discount on power bill for purchase and installation of pre-determined list of energy savings devices. B) Exempt local sales for purchase of pre-identified list of energy saving and renewable energy technology. C) Provide property tax credit for a time period to residences or businesses that convert from fossil fuel based energy or power to local renewable energy. D) Exempt the value added by the addition of renewable energy technology from property tax for a time period.</i>	X	X		AP&T, IPEC, Borough	D	NA	K
<b>5.</b> Develop brochure to educate Borough employees, residences and businesses on the importance of saving energy and on common techniques.	X			Chamber, Borough, Haines School, AP&T, IPEC, Delta Western, CIA	D	NA	K



Strategies	Timeframe			Responsibility	RATING		
	1-2	3-5	6-10+		D	NA	K
<b>Objective 15L:</b> Haines Borough should work with local electric utilities to achieve a rate of 15 cents per KwH or lower. Support actions to reduce power, heating, and fuel costs. <i>Cross reference with Econ Dev 3H</i>					D	NA	K
1. Identify any actions that could lower rates. Focus on opportunities to benefit commercial and industrial users. <i>Cross reference with Econ Dev 3 H (1)</i>	X	X		Borough, AP&T, RCA	D	NA	K
2. Explore the concept of net-metering, a consumer-based renewable energy incentive.	X	X		AP&T, IPEC, RCA, Borough	D	NA	K
3. Separate heating from power needs; while both are expensive this will increase the opportunity to install a less expensive source for one or the other.	X	X	X	Home and building owners	D	NA	K
4. Facilitate or sponsor a workshop and information on realistic, non-petroleum based options to provide (or reduce costs) for home or small district heating (e.g. ground or air source heat exchange, bio-mass options, etc.) and power (solar, wind, small hydro, tidal/current systems).	X	X		Borough, CIA	D	NA	K
5. Support feasibility studies and development of small-scale renewable power or heating projects in Haines that power or heat individual buildings, or a series of connected buildings or an area through district heat; such as local wind, biomass, smaller hydro, ground or air source heat pumps, and other. Update land use code as needed to ensure small scale renewable power or heating projects are allowed and compatible with	X	X		Borough, Southeast Conference, State Legislators, AP&T, IPEC	D	NA	K
<b>Objective 15M:</b> Develop renewable energy sources sufficient to meet current and future year- round residential, institutional, commercial, and industrial needs in the Haines Borough. This includes enough local power from renewable sources to, where reasonably economic and practical, first provide year-round power to meet demand from 460 more residents over next 20 years and second, to tie freighters, barges and cruise ships to shore power while in port.					D	NA	K
1. Issue letters of support, lobby funders, and provide technical assistance as appropriate for development of renewable and clean energy projects in Haines Borough. A goal is to lower rates, especially for industrial and commercial users.	X			Borough, all	D	NA	K
2. Support feasibility studies and other technical assessments that will lead to development of additional larger renewable or clean power sources in the Borough, particularly projects that will reduce or stabilize power costs for consumers.	X	X		Borough, Southeast Conference, State Legislators, AP&T, IPEC	D	NA	K
3. If it will benefit Haines consumers and rate payers, support extension of Southeast Alaska electrical intertie grid from Upper Lynn Canal (Haines and Skagway) to the Canadian and Juneau electrical grid.			X	Borough, Southeast Conference, State Legislators, AP&T, IPEC	D	NA	K
4. Support and protect energy production at existing hydro facilities including Lutak Hydro (AP&T), 10-Mile Hydro (IPEC), or planned facility at North Creek in Excursion Inlet.	X	X		Borough, AP&T, IPEC	D	NA	K
5. Where possible combine recreational access and use with existing and future hydroelectric facilities.		X		AP&T, IPEC, Borough	D	NA	K

Strategies	Timeframe			Responsibility	RATING		
	1-2	3-5	6-10+				
6. Maintain renewable energy options by preventing land uses, activities or development that could inhibit hydroelectric power generation from sites identified for possible energy production, including Connelly and Walker Lakes.	X	X	X	Borough, ADNR	D	NA	K
<b>Include other objectives a/or actions?</b>							

## 8. Public Safety

Strategies	Timeframe			Responsibility	RATING		
	1-2	3-5	6-10+				
<b>Goal 16. Continue to keep crimes rates low and provide effective police, fire, and emergency medical services.</b>							
<b>Goal still relevant?</b>							
<b>Recommendations:</b>							
<b>Objective 16A:</b> Emphasize outreach and community policing programs to reduce crime, enhance safety, target local problems (e.g. alcohol and drug issues), and enhance community-police relationship.					D	NA	K
1. Reinstate the police reserve program.	X			Borough	D	NA	K
2. Target youth alcohol abuse in Haines. Form a task force with Haines Police, Lynn Canal Counseling Services, SEARHC, School District, interested community members, State HSS, and others to identify and prioritize programs to implement in community. One program to investigate is youth courts, which exist in Juneau, Sitka, Ketchikan and Wrangell. Establish baseline data so there is a metric against which to track progress.	X			Borough, named parties	D	NA	K
3. Determine if gaps in Haines’s domestic violence services network exist. (For example, is safe housing beyond the 5-	X	X		Borough, named parties	D	NA	K
4. Reduce domestic violence in Haines by partnering with SEARHC, Governor’s Office, AWARE Shelter, Council on Domestic Violence, and others to provide outreach, education, support, and legal advocacy.	X			Borough, named parties	D	NA	K
5. Support Haines Alcohol Task Force in carrying out its Action Plan. Expand program to cover cigarettes and marijuana.	X	X		Borough			
6. Work with the State District Attorney Office to determine if any process changes can increase domestic violence convictions.	X	X		Borough	D	NA	K
<b>Objective 16B:</b> Protect Borough public safety employees and volunteers responding to incidents within all parts of the Borough, in Klukwan (where responders occasionally volunteer), and across the Canadian border.					D	NA	K
1. Ensure mutual aid agreements are in place and current.	X	X	X	Borough	D	NA	K
2. Collaborate with Alaska Troopers, federal TSA, US-Canadian border station personnel, and mining and heli-skiing businesses to provide first responder and first aid training and equipment for emergency response in the northwest Haines Highway parts of the Borough.	X	X	X	Borough	D	NA	K
<b>Objective 16C:</b> Acquire and install an enhanced 911 system.					D	NA	K
1. Pursue grant opportunities and review E911 surcharge to pay for enhanced 911 response system. Complete house numbering system to facilitate faster emergency response.	X			Borough	D	NA	K
2. Obtain new radios for emergency response personnel. Federal FCC requirements that take effect January 1, 2013	X			Borough	D	NA	K
<b>Objective 16D:</b> Accomplish deferred maintenance on Public Safety Building and/or construct new Public Safety facility.					D	NA	K

Strategies	Timeframe			Responsibility	RATING		
	1-2	3-5	6-10+				
1. Determine which building repairs/upgrades investments will be made in current Public Safety Building versus a new facility. Set time table for building upgrade or replacement and commit to schedule for deferred maintenance and improvements.	X	X		Borough	D	NA	K
2. Accomplish Public Safety Building deferred maintenance: replace heating system, replace water pipes; repair walls and add new insulation (walls are too thin, approx. 4"), exterior security doors needed, new windows needed, replace toilet/plumbing fixtures for jail cells, new paint and new carpeting, lighting fixture replacement with T-8, restrooms need new fixtures.	X	X		Borough	D	NA	K
3. Install specific Police and Fire Department improvements: steel entry doors throughout for the safety and security of dispatchers, replace ramp access, man doors and roll up doors, ergonomic furnishings for 911 staff, assess best location for morgue and relocate if needed, add a sally port (a secure area where patrol cars can bring prisoners in and out of the police station), increase office space for police, increase equipment storage for police and fire (equipment now stored in old Lutak area building).	X	X		Borough	D	NA	K
4. If Public Safety Building will continue its use as Assembly Chambers, install ADA compliant bathroom on 1st floor and refurbish entry.	X			Borough	D	NA	K
5. Accomplish Klehini Valley Fire Hall improvements: Upgrade heating system, replace roll-up doors, and install a new roof.	X	X		Borough	D	NA	K
<b>Objective 16E: Plan and budget for routine and unexpected equipment needs.</b>					D	NA	K
1. Maintain an adequately funded equipment reserve account for both planned and unexpected equipment needs.	X	X	X	Borough	D	NA	K
2. Haines Fire and Police Department equipment needs are pumper truck (3-5 years), pumper truck (10-20 years), tender or tanker (10-15 years), decontamination/hazmat room (now), security system (now), and police car (2-3 years). The Klehini Fire Hall needs a 2500 gallon capacity tender/pumper truck.	X	X	X	Borough	D	NA	K
<b>Objective 16F: Periodically review public safety related portions of the Haines Borough code and update as needed.</b>					D	NA	K
1. Update Disorderly Conduct section of code to add a local charging option for incidents that do not rise to the level of a state criminal offense.	X	X		Borough	D	NA	K
2. Update Parking section of code to enforce Borough parking regulations.	X	X		Borough	D	NA	K
3. Update Municipal Fines collection section of code to provide a means of adjudicating borough offenses without having to go through the Alaska state courts.	X			Borough	D	NA	K
4. Update Dog ordinances and section of code to make enforcement a simpler process and eliminate misdemeanor offenses.	X			Borough	D	NA	K

Strategies	Timeframe			Responsibility	RATING		
	1-2	3-5	6-10+		D	NA	K
<b>Objective 16G:</b> Improve fire response time and lower fire insurance rates.					D	NA	K
1. Identify land for future emergency response substations in the Mud Bay and Lutak vicinity. Acquire control of land (lease, purchase) if needed.	X	X		Borough	D	NA	K
2. Conduct pumper tests every year in order to lower ISO ratings and reduce fire insurance rates for residents and businesses within and close to fire hydrant-ed areas.	X	X		Borough	D	NA	K
3. Implement results of 2012 ISO rating.	X	X		Borough	D	NA	K
<b>Include other objectives a/or actions?</b>							

## 9. Community Services

Strategies	Timeframe			Responsibility	RATING		
	1-2	3-5	6-10+				
<p><b>Goal 17. Provide or support community services that enable residential living, economic opportunity, and add to quality of life. Give special attention to services that support families and seniors.</b></p>							
<p><b>Goal still relevant?</b>  <b>Recommendations:</b></p>							
<p><b>Objective 17A:</b> Accomplish deferred maintenance.</p>					D	NA	K
<p><b>1.</b> Install handicap access to the Sheldon Museum and Cultural Center, repair foundation to prevent basement flooding, replace windows to improve energy efficiency and maintain a controlled building climate. <i>Cross reference with Econ Dev 30( 4)</i></p>	X	X		Borough, Sheldon Museum	D	NA	K
<p><b>2.</b> P Complete deferred maintenance and upgrades at the Chilkat Center for the Performing Arts. <i>Cross reference with Econ Dev 30 (1) and see related actions there</i></p>	X	X		Borough	D	NA	K
<p><b>3.</b> M Provide ADA access at all Haines Borough facilities.</p>	X	X	X	Borough	D	NA	K
<p><b>4.</b> If Borough continues to own Senior Center, install a new boiler, heating registers, insulated windows and weatherize the building to reduce operating costs, and make it more affordable to heat/run.</p>	X			Borough	D	NA	K
<p><b>Objective 17B:</b> Improve facilities over time by adding programming and space that adds value to offerings, makes a better working environment, and increases number of users and revenue.</p>					D	NA	K
<p><b>1.</b> Increase marketing efforts Chilkat Center for the Performing Arts to get higher use and revenue from local and traveling performers and for conferences. Assign marketing the Center as an identified duty of the HCVB (or other entity). Set goals for use and track progress. <i>Cross reference with Econ Dev 30(2)</i></p>	X			Borough, HCVB	D	NA	K
<p><b>2.</b> Investigate use of Chilkat Center for arts classes.</p>	X			Arts Council	D	NA	K
<p><b>3.</b> Have joint bi-annual meeting for key board and staff of Sheldon Museum, Library, HCVB, DRVC, the Haines Arts Council, tour providers, CIA, and others to identify ways to collaborate on events, local and tourist visitation, and revenue generation. <i>Cross reference with Econ Dev 30 (8)</i></p>	X	X	X	Parties named	D	NA	K
<p><b>4.</b> Increase Haines Library work and storage space.</p>			X	Borough	D	NA	K
<p><b>5.</b> Provide continuity and stability for library by identifying core library programming/staff and striving to provide this as part of annual Borough operating budget rather than relying on unpredictable 'soft' grant funds.</p>	X			Borough	D	NA	K
<p><b>6.</b> Add space at Sheldon Museum and Cultural Center for collection storage, archival material, exhibits, staff work area, and a classroom. Cross reference with Econ Dev 30 (6)</p>		X		Borough	D	NA	K

Strategies	Timeframe			Responsibility	RATING		
	1-2	3-5	6-10+				
7. Support committees working to acquire historically or culturally significant properties such as Anway Cabin and Eldred Rock Lighthouse. Identify additional funding increments needed (possible funding sources: Borough, grant, sales, etc.) as part of acquisitions to maintain, operate and market new assets. Cross reference with Econ Dev 30(7)	X	X		Borough, Sheldon Museum, CVHS	D	NA	K
8. Define economic contribution (employment, wages, revenue with multipliers) to Haines from arts and cultural businesses, organizations, and events. Cross reference with Econ Dev 30(9)	X	X		Borough, Arts Council	D	NA	K
<b>Objective 17C:</b> Support maintenance and expansion of Haines’s high level of health care services.					D	NA	K
1. Work with Cornerstone, SEARHC, REACH, and others to fill critical gap in lack of in-home nursing services.	X	X		Named parties, Borough	D	NA	K
2. Develop plan to bring skilled nursing beds to Haines.	X	X		Borough, SEARHC, State	D	NA	K
3. Work with Haines medical providers to bring an itinerant pediatrician to Haines; and develop a long-term plan to bring a permanent pediatrician to the community.	X	X	X	Borough, SEARHC, private providers	D	NA	K
4. Develop a long-term plan to bring childbirth and related services to Haines.	X	X	X	Borough, SEARHC	D	NA	K
5. Examine health care models in other Southeast communities and develop a plan to incorporate the successes of those communities into the Haines model, where appropriate.	X			Borough, SEARHC, State	D	NA	K
<b>Objective 17D:</b> Sustain, promote and selectively expand services and amenities for retirees and seniors. Cross reference with Economic Development objective 3 L.					D	NA	K
1. Support creation of an indoor exercise area and regular fitness classes for seniors. Combine with other community indoor fitness needs (as long as seniors are safe and welcomed).	X	X		Borough, Sr Center, PRAC, senior service providers	D	NA	K
2. Provide a part time Community Senior Development Coordinator position at Borough (similar to part time Community Youth Coordinator) to oversee activity and program development.	X	X	X	Borough	D	NA	K
3. Support adult education classes, seminars, and activity. <i>Cross reference with Education 18 A (1)</i>	X	X	X	Arts Council, Chamber, Sheldon Museum, Library, State, Borough, Haines Schools	D	NA	K
4. Continue to team with Southeast Senior Services to advertise and market services currently available (i.e. transportation, lunches) and expand awareness of these services.	X	X		Borough, SE Senior Service	D	NA	K
5. Support HAL/SLSL “campus” including development of proposed Veteran’s Home.	X	X		Borough, Assembly	D	NA	K
6. Identify most important downtown sidewalks/routes to prioritize for snow removal to promote both senior mobility and walking to and from school, and commit to clearing them first and frequently. If needed, purchase additional sidewalk clearing equipment to accomplish.	X	X		ADOT&PF, Borough	D	NA	K

Strategies	Timeframe			Responsibility	RATING		
	1-2	3-5	6-10+		D	NA	K
7. Coordinate swimming pool updates and renovations with seniors to increase swimming pool accessibility for seniors.	X	X		Borough, PRAC, Sr Services	D	NA	K
8. Expand senior transportation services/options.	X			CIA, REACH, Inc., Sr Center, Boro, CIV, State HESS, ADNR, DPH & others w vans, Schools, SE Sr Services, Catholic Services	D	NA	K
9. Encourage collaboration and communications among agencies to support the Senior Lunch program.	X			Borough, CIA, CIV, state agencies, SE Senior Services, Catholic Services, others	D	NA	K
10. Develop web and paper brochure outlining the benefits of retirement and senior living in Haines and identify available services. Use in "Move to Haines" campaign/marketing.	X			Borough	D	NA	K
11. Conduct study: What has attracted seniors and retirees to Haines? Use results of study to fill gaps and market more effectively.	X	X	X	Borough	D	NA	K
<b>Objective 17E:</b> Increase number of family households with children under 18 over the next decade by at least 10% (28 more households) <i>Cross reference with Economic Development Objective 3 K. Also refer to Community Svs 17C (3-4) and Education 18B (1-5)</i>					D	NA	K
1. Identify gaps in services available to new parents and young children, prioritize, identify possible funders, develop plan to fill needs. Cross reference with Econ Dev 3 K (1)	X	X		The many org. in HNS that provide some services, Borough staff support	D	NA	K
2. Develop a web and paper brochure listing Haines services and activities for new parents, children and families. Publicize and use for Move to Haines campaign/marketing. Cross reference with Econ Dev 3 K(2)	X	X			D	NA	K
3. Complete connected non-motorized network of sidewalks and/or bicycle paths in town so families and young children can travel safely between home and downtown facilities. Also see objective 4F	X			Borough, ADOT&PF	D	NA	K
4. Immediately find public space for indoor fitness equipment to fill recreation gap especially important to young families and seniors. (i.e., pool solarium, next to life guard station at pool, senior center, Chilkat Center basement). Cross reference with Parks and Rec 14C(1)	X			Borough, PRAC, Haines Wellness/Fitness Group	D	NA	K
5. Determine if Community Recreation Center can be supported and if so, build. See task suggestions in Parks and Recreation chapter. Cross reference with Parks and Rec 14C (2)	X			Borough	D	NA	K



Strategies	Timeframe			Responsibility	RATING		
	1-2	3-5	6-10+				
<p>6. Increase the number outdoor recreation opportunities for youth (See Park and Recreation chapter) such as: a simple ski and sledding hill, improved playground facilities , improved skatepark, maintain and repair Mt Ripinsky Trail, keep the swimming pool in good repair and begin planning for pool replacement, and support community groups and volunteers in their efforts to develop new recreation opportunities.</p>	X	X	X	Borough, PRAC, State, commercial tour providers	D	NA	K
<p>7. Continue to support Haines’ early learning opportunities. Cross reference with Community Svs 18A (3)</p>	X	X	X	Borough, State, Elected Officials	D	NA	K
<p><b>Include other objectives a/or actions?</b></p>							

## 10. Education

Strategies	Timeframe			Responsibility	RATING		
	1-2	3-5	6-10+				
<b>Goal 18. Create and sustain an educated community with the skills and knowledge to take advantage of opportunity and thrive in the 21st century.</b>							
<b>Goal still relevant?</b>							
<b>Recommendations:</b>							
<b>Objective 18A:</b> Enhance and expand educational opportunities.					D	NA	K
<b>1.</b> Support adult education classes, seminars, and activity. Cross reference with Community Services 17D (3)	X	X	X	Borough, Library, Arts Council, Chamber, Sheldon Museum, State, Haines School	D	NA	K
<b>2.</b> Develop classes and programs for the visual arts for locals and visitors. Cross reference with Econ Dev 3 O(3)	X			Haines Arts Council, Haines Schools	D	NA	K
<b>3.</b> Continue to support Haines' early learning opportunities. Cross reference Community Svs 17E (7)	X	X	X	Borough, State, Elected Officials	D	NA	K
<b>Objective 18B:</b> Foster and maintain Haines School District excellence.					D	NA	K
<b>1.</b> I Continue to implement Haines Borough School District Strategic Plan.	X	X	X	Haines Schools	D	NA	K
<b>2.</b> I Create and sustain a supportive school environment.	X	X	X	Haines Schools	D	NA	K
<b>3.</b> H Maintain the high performance measures of Haines public schools by continuing to provide resources and support.	X	X	X	Haines Schools	D	NA	K
<b>4.</b> I Continue to provide outreach/support for lower income youth.	X	X	X	Borough, Haines Schools	D	NA	K
<b>5.</b> P Accomplish Economic Development Objectives and Actions to increase the number of jobs with wages that can support families.	X	X	X	All	D	NA	K
<b>Include other objectives a/or actions?</b>							



**18.30.050 Appeals to the commission.**

An appeal made to the commission of a decision by the manager shall be requested by filing with the clerk, within 10 days of the date of the decision appealed, a written notice of appeal stating with particularity the grounds for the appeal.

**A.** The commission shall decide at its next regularly scheduled meeting whether to rehear the manager's decision. The commission shall decline to hear appeals in which the particular grounds for the appeal have not been stated. Any aggrieved person, including the developer, may appear at that meeting and explain to the commission why or why not it should rehear the manager's decision. If the commission chooses to rehear the decision, it may choose to rehear the entire decision, or any portion thereof.

**B.** If the commission decides to rehear a decision, or any portion thereof, it shall then immediately do so at that meeting and make its decision.

**1.** Findings of fact adopted expressly or by necessary implication shall be considered as true if, based upon a review of the whole record, they are supported by substantial evidence. Substantial evidence means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. If the record as a whole affords a substantial basis of fact from which the fact in issue may be reasonably inferred, the fact is supported by substantial evidence. The burden of proof shall be on the appellant to demonstrate the facts and resolution of the issues on appeal by substantial evidence. The evidence shall be limited to a review of the record, although further argument may be allowed.

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

**C.** A decision by the manager shall not be stayed pending appeal, but action by the appellee in reliance on the decision shall be at the risk that the decision may be reversed on appeal.

**D.** The commission's decision may be appealed to the borough assembly pursuant to HBC [18.30.060](#). (Ord. 14-02-369 § 4; Ord. 04-05-078; Ord. 05-02-091)

Paul A. L. Nelson  
Box 858  
Haines, Alaska 99827  
907-303-0130

September 7, 2016

Haines Borough Planning Commission  
Box 1209  
Haines, Alaska 99827

RE: Appeal of Managers decision on Land Use Permit of Portage Cove  
Harbor Expansion.

To: Haines Borough Planning Commission,

As per HBC 18.30.050 A, B and C, I hereby Appeal the decision of the Manager to grant the Land Use Permit of "Portage Cove Harbor Expansion" without a Conditional Use Permit. This Appeal is based on the violation of HBC 18.50.010, 020, 030 and 040, CONDITIONAL USE by the Manager. The Managers approval of a Land Use Permit without a Conditional Use Permit is a violation of HBC 18.50.010 thru 040. The Managers email to Ms. Waterhouse, from 9/6/2016 (forwarded by email) regarding the Land Use Permit and the Consistency Review clearly shows the Managers violation of HBC 18.50.010 thru 040.

The Manager has violated the requirements of the Haines Coastal Management Plan, specifically section 5, Enforceable Policies and section 7, et al.

Furthermore, the Manager has violated HBC 18.030.040 PUBLIC NOTICE PROVISIONS by failing to provide for a Public hearing and failing to provide notice as required by HBC.

Additional proof of the violation of HBC will be provided at the Planning and Zoning Commission meeting on September 8, 2016.

Sincerely,

Paul A. L. Nelson

From: Debra Schnabel [mailto:debra.schnabel@gmail.com]  
Sent: Thursday, September 08, 2016 10:58 AM  
To: Julie Cozzi <jcozzi@haines.ak.us>  
Subject: Fwd: Land Use Permit: Harbor Expansion Project

To the Clerk:

As provided for in HBC 18.30.50, I am appealing the Manager's issuance of a land use permit "harbor expansion," citing violation of HBC 18.30.010 Permits G. Compliance. .."Any permit or approval issued under this title shall require compliance with the state fire code and any other federal, state or local regulations applicable to the activity."

Issuance of the permit is out of compliance with HBC 18.60.010 General Approval Criteria A. Plans, which requires plans to be substantially consistent with the borough comprehensive plan and other applicable borough-adopted plans.

Issuance of the permit is out of compliance with HBC 18.70 Zoning Districts, which requires a conditional use permit for commercial activity exceeding 500 sq. ft.

Citing additional violations is problematic because code assumes that the Borough is not the developer. In HBC 18.30.080 Compliance, and HBC 18.30.090, Violations, the Manager is directed to take specific action to resolve conflicts when violations are identified. I understand that the manager has the perspective of interpretation regarding violations.

Following is correspondence that was sent directly to Planning Commission members (I inadvertently omitted Mr. Larry Geise) on August 31. My complaint does not cite Borough Code but speaks conventionally to the issues. According to my calendar, this appeal is being delivered on September 8, the tenth day following issuance of the permit, August 31, 2016.

Debra Schnabel  
PO Box 129  
Haines, AK 99827

(907) 766-2827  
(907) 314-0788

The practice of peace and reconciliation is one of the most vital and artistic of human actions. - Thich Nhat Hanh

Evidentiary packet to accompany citizen Debra Schnabel's appeal of the Manager's approval of a "Harbor Expansion" land use permit.

CLERK'S OFFICE

**Submission Segment A. Land Use Permit: Harbor Expansion Project**

1. Letter of Appeal dated September 8, 2016, acceptance of appeal dated September 8 and appended correspondence with Planning Commissioners dated August 31.
2. HBC 18.30.010 Permits G. Compliance requiring plans to be substantially consistent with "local regulations applicable to the activity."
  - a. HBC 18.40.030 Procedure, A. Submission requiring information re: "proposed development, including existing uses of the property, proposed uses, a time frame for development and any information regarding phased development."
  - b. HBC 18.60.010 General Approval Criteria requiring plans to be "consistent with the borough comprehensive plan and other application borough-adopted plans."
  - c. HBC 18.70 Zoning Districts indicating that any commercial use > 500 sq. ft. requires a conditional use permit
  - d. HBC 18.110 Haines Borough Coastal Zone Management Plan requiring the Manager to review proposed development for consistency with the adopted policies of the Haines Coast Zone Management Plan
    - i. Excerpts from the Haines Coastal Management Plan describing the relationship between the Planning Commission and the Haines Borough Coastal Coordinator and the processes of planning for major projects
  - e. HBC 18.50.010 Conditional Use, Purpose, and 18.50.020 Approval Required describing why Conditional Uses are necessary and under what conditions.
3. Haines Borough Comprehensive Plan Future Growth Map indicating the area in question is (was) planned for Open Space
4. Haines Borough 2025 Comprehensive Plan Table 6-4. Haines Harbor and Dock Infrastructure indicating the identified needs of the Portage Cove small boat harbor
  - a. Pages 121-123 indicating support for a specific harbor facility (included) and representing the Army Corps of Engineers concerns for environmental and economic review of north harbor expansion

**Submission Segment B. Issues relating to ACOE Review**

1. Correspondence with Randal Vigil, ACOE, April 13-14, 2016 relating to POA-2005-1976 (408 Permit application] and the ACOE regulatory role, and why the ACOE did not perform due diligence re: "reasonableness of the project, its financial soundness and the community's interests and benefits."

**Submission Segment C. Evidence of Discussions relating to administrative intervention in project and resolution of appeal**

1. Correspondence to Bill Seward dated July 8, 2016 relating to consideration of alternative harbor designs in the context of his decision to halt the harbor expansion project in favor of other Borough needs.
2. Email correspondence with Public Facilities Director Brad Ryan [Land Use Permit] discussing replacing "harbor expansion" with more detailed description of land use in land use permit application. Dated August 30-31, 2016.
3. Email correspondence [Discussion Item, Harbor Expansion Project] with PC members describing need to identify harbor use and that "no planning document developed in a public process has identified Portage Cove for a Parking lot or a boat yard." Dated September 5, 2016
4. Correspondence with Manager William Seward dated September 12, 2016 requesting a series of meetings intended to alleviate community tension re: the harbor expansion project. September 12-14
  - a. Thread of email correspondence [Meeting with Ms. Debra Schnabel] arranging for meeting.
  - b. My notes of meeting with William Seward, Jan Hill, Diana Lapham, Brad Ryan and Holly Smith, September 16, 2016 identifying need for Consistency review, asking for dredging in existing harbor, fall-back position if bids come in over budget and need for long-range financial planning.
5. Correspondence with Borough Clerk and PC Chair requesting direction in preparing for appeal dated September 28, 2016

**Submission Segment D. Inconsistency in advertising and reporting Planning Commission business**

1. Memo indicating that the 4/12/16 Assembly Meeting Agenda misrepresented the business of the Planning Commission conducted 9/10/15.
2. Agenda of the 09/10/15 Planning Commission meeting indicating Harbor Expansion Project as a discussion item
3. Minutes of the 9/10/15 Planning Commission meeting naming the discussion item as a Public Hearing and indicating that the Planning Commission did not in fact determine "the project design meets the goals of the Comprehensive Plan and is consistent with the current planning and zoning requirements" as reported on the Assembly 4/12 16 agenda





Seq. Packet (A)  
Debra Schnabel <debra.schnabel@gmail.com>  
PC PACKET 10-13-2016  
# 8A2

### Land Use Permit: Harbor Expansion Project

4 messages

Debra Schnabel <debra.schnabel@gmail.com>

Wed, Aug 31, 2016 at 9:50 PM

To: Rob Goldberg <artstudioalaska@yahoo.com>, Heather Lende <hlende@aptalaska.net>, Rob and Ardy <robandardy@gmail.com>, Holly Smith <hsmith@haines.ak.us>, Brenda Jones <brenda@seroad.com>, lheinmiller@haines.ak.us, "turnerconstruction@aptalaska.net" <turnerconstruction@aptalaska.net>  
Cc: Brad Ryan <bryan@haines.ak.us>, Bill Seward <william.e.seward@hotmail.com>

[Redacted text]

A.I.

To members of the Planning Commission:

The Borough has signed its own land use permit for the Harbor Expansion Project without engaging the Planning Commission. I have asked Brad Ryan to state more clearly what land use is intended in the uplands that will be developed by the project because the public has a right to know what activity is being permitted.

Mr. Ryan stated that "harbor expansion project" is a use by right in the waterfront. He informed me that the Borough chooses to not define the activity more specifically now and expects to identify the activity to occur on the uplands after the uplands is created.

Reason allows me to assume that the activity as anticipated by the Ports & Harbor Advisory Committee will be commercial or light industrial in nature.

My review of the zoning chart in HBC 18.70 indicates that light commercial activity exceeding 500 sq. ft. in a waterfront zone requires a conditional use permit. Please confirm for yourself that I am reading the code correctly, and if it seems reasonable to you that the activity will in fact be commercial or light industrial in nature, exercise your responsibility to consider a conditional use permit, not a use-by-right. By considering a conditional use permit, the Planning Commission will be in a position to advocate for the broader public interest in regulating the activity that occurs on the uplands in the future.

Thank you for your service

Debra Schnabel

(907) 766-2827  
(907) 314-0788

*The practice of peace and reconciliation is one of the most vital and artistic of human actions. - Thich Nhat Hanh*

Debra Schnabel <debra.schnabel@gmail.com>

Thu, Sep 8, 2016 at 10:58 AM

To: Julie Cozzi <jcozzi@haines.ak.us>

A.I.

To the Clerk:

As provided for in HBC 18.30.50, I am appealing the Manager's issuance of a land use permit "harbor expansion," citing violation of HBC 18.30.010 Permits G. Compliance. ..."Any permit or approval issued under this title shall require compliance with the state fire code and any other federal, state or local regulations applicable to the activity."

Issuance of the permit is out of compliance with HBC 18.60.010 General Approval Criteria A. Plans, which requires plans to be substantially consistent with the borough comprehensive plan and other applicable borough-adopted plans.

Issuance of the permit is out of compliance with HBC 18.70 Zoning Districts, which requires a conditional use permit for commercial activity exceeding 500 sq. ft.

Citing additional violations is problematic because code assumes that the Borough is not the developer. In HBC 18.30.080 Compliance, and HBC 18.30.090, Violations, the Manager is directed to take specific action to resolve conflicts when

violations are identified. I understand that the manager has the perspective of interpretation regarding violations. # **8A2**

Following is correspondence that was sent directly to Planning Commission members (I inadvertently omitted Mr. Larry Geise) on August 31. My complaint does not cite Borough Code but speaks conventionally to the issues. According to my calendar, this appeal is being delivered on September 8, the tenth day following issuance of the permit, August 31, 2016.

Debra Schnabel  
PO Box 129  
Haines, AK 99827



(907) 766-2827  
(907) 314-0788

*The practice of peace and reconciliation is one of the most vital and artistic of human actions. - Thich Nhat Hanh*  
[Quoted text hidden]

---

**Julie Cozzi** <jcozzi@haines.ak.us>

Thu, Sep 8, 2016 at 12:18 PM

To: Debra Schnabel <debra.schnabel@gmail.com>

Cc: William Seward <wseward@haines.ak.us>, Brad Ryan <bryan@haines.ak.us>, Holly Smith <hsmith@haines.ak.us>, Jan Hill <jhill@haines.ak.us>

Hi, Debra...

This is to acknowledge receipt of your appeal. The permit in question was actually issued/signed on August 29, and today is the tenth day following that. Therefore it is a timely submission. This appeal will be forwarded to the planning commission for consideration on October 13.

Please let me know if you have procedural questions.

Julie

Julie Cozzi, MMC

Borough Clerk

Haines Borough

P.O. Box 1209

Haines, AK 99827

907-766-2231, ext.31

907-766-2716 (fax)

www.hainesalaska.gov

"The most wasted day of all is that in which we have not laughed."

## Chapter 18.30 ADMINISTRATIVE PROVISIONS

### Sections:

- [18.30.010](#) Permits or forms required.
- [18.30.020](#) Public notice.
- [18.30.030](#) Borough manager.
- [18.30.040](#) Planning commission.
- [18.30.050](#) Appeals to the commission.
- [18.30.060](#) Appeals to the borough assembly.
- [18.30.070](#) Fees and penalties.
- [18.30.080](#) Compliance.
- [18.30.090](#) Violations, penalties and remedies.
- [18.30.100](#) Emergency actions.
- [18.30.110](#) Interpretation.

A.2.

### **18.30.010 Permits or forms required.** ...

#### A. Location.

1. Townsite Service Area. The developer of any use within the townsite service area shall obtain the appropriate approval or permit prior to the establishment of the use or any site work except surveying, and the borough assessor shall receive a copy per HBC [3.72.070](#).

#### 2. Area-Wide.

- a. Conditional Uses. Developers must obtain a conditional use permit per Chapter [18.50](#) HBC.
- b. Subdivisions. Developers must obtain a platting action permit per Chapter [18.100](#) HBC.
- c. Construction Declaration. New construction outside of the townsite service area that exceeds \$5,000 in assessed value or 500 square feet must be declared on a construction declaration form and filed with the borough assessor per HBC [3.72.070](#). Failure to file a construction declaration prior to commencement of construction shall result in penalties equal to the townsite service area after-the-fact penalties.

B. Duration. Permit approvals are valid only during developer's compliance with this title and the terms and conditions of approval. The manager or commission, as appropriate, may place limits on the duration of a permit or establish a longer or shorter duration. Unless otherwise stated in the permit, it expires automatically 24 months after issuance if the developer has not substantially completed construction of the permitted activity or improvement.

C. Extensions. Requests for extensions of an approval period after the initial 24-month period shall require a new application and fees and shall be subject to the appropriate approval process.

D. Revocation of Permits. Permit conditions may provide that the permit shall be automatically revoked upon the occurrence of a certain event or events, or at a date certain, but in no event shall a permit expire less than 90 days after it was issued. In such case it shall be the sole responsibility of the owner to apply for a new permit. Any condition mandating the revocation of a permit shall state the grounds therefor with particularity and shall state with particularity the requirements to be reviewed upon re-issuance. Thereafter, re-issuance shall be determined solely on the issue of the development's compliance with the specified requirement.

E. Approved Uses. Approved uses, unless ordered to cease by the manager, shall be allowed to continue during the appeal of the issuance of an approval.

F. Conditions. The assembly, commission, or manager may place conditions upon issuance of any approval which are necessary or desirable to ensure that a rule, policy, standard or intent will be implemented in a manner consistent with this title, the comprehensive plan and any rule, policy or standard implementing them.

G. Compliance. Any permit or approval issued under this title shall require compliance with the state fire code and any other federal, state or local regulations applicable to the activity. The manager, on any land use permits, and the commission, on any special conditions permits, shall, prior to approval, require the State Fire Marshal's written approval that the requirements of the Fire Marshal's office have been met on any commercial or industrial structures contained in the application.

## Chapter 18.40 LAND USE PERMIT

### Sections:

- 18.40.010 General.
- 18.40.020 Burden of proof.
- 18.40.030 Procedure – Staff decision.
- 18.40.040 Temporary uses and buildings.

### **18.40.010 General.** SHARE ...

As provided in HBC 18.30.010, all uses require an approval pursuant to this title prior to commencement of construction. Chapter 18.70 HBC includes a use chart describing the type of permit needed before initiating a use of land within the townsite service area. All uses indicated as requiring a land use permit on the chart are required to comply with the process in this chapter. Any change of use within an existing structure in any zone shall be reviewed by the manager. A land use permit may be required.

### **18.40.020 Burden of proof.** SHARE ...

In all applications for a land use permit, the burden shall be on the applicant to prove by a preponderance of the evidence that the development implements all policies of this title.

*A. 2. b.*

### **18.40.030 Procedure – Staff decision.** SHARE ...

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

1. Site description, including a complete legal description, street address, dimensions of property and any improvements existing or proposed, zoning and current use of adjacent properties.
2. Proposed development, including existing uses of the property, proposed uses, a time frame for development, and any information regarding phased development.
3. Elevation drawing and site plan, drawn to scale, and including any streets, alleys, pedestrian improvements, driveways, existing buildings and other structures, proposed improvements, shorelines, slopes, other evidence of natural hazards, parking areas, utility connections, landscaping, signs (location, size and wording), and other pertinent data the manager may deem relevant to the permitting process. If documentation of property boundaries is inadequate to ascertain with certainty their location

A.2.b.

relative to proposed buildings, the manager may require a property survey or partial survey by a registered land surveyor prior to approval. In addition, an as-built drawing completed by a registered land surveyor may be required upon completion of construction. In addition to the print version, an electronic drawing compatible with borough software shall be submitted.

4. The owner of the property shall sign the permit application, providing the owner's mailing address, e-mail address, date submitted and contact phone number.

5. If a developer, engineer, surveyor or any other agent for the owner will be involved with the project, the names of the parties shall be provided with mailing addresses, e-mail addresses and phone numbers.

6. Fees shall be paid at the time of submission of the application and prior to any staff or commission review.

7. The applicant's statement regarding compliance with all general and special conditions shall be contained in the final submission of this application.

8. The application shall be completed in a legible manner. Any applications containing illegible information shall be rejected by the manager and returned to the applicant for clarification.

**B. Staff Procedure.**

1. The manager will determine if the application is complete and correct and if the application meets the submission requirements. If the requirements are not met, the manager shall return the application to the applicant for modification or correction. If the manager fails to act on acceptance of the application within 10 business days, the application shall be considered complete and accepted for review.

2. If the application for a land use permit is complete and accepted, the manager shall determine, within 10 business days, whether the use meets the requirements of this title, the general approval criteria in HBC 18.60.010 and any special conditions for the applicable zone. The manager may place reasonable conditions on the approval to ensure that the use will comply with this title.

3. If the use does not implement all the requirements of this title, the manager shall deny the permit and note which requirements are not implemented and why. The manager shall issue a decision within 10 business days of acceptance of the application.

## Chapter 18.70 ZONING DISTRICTS

Sections:

- [18.70.010](#) Zoning map.
- [18.70.020](#) Annexation.
- [18.70.030](#) Zoning districts – Zones.
- [18.70.040](#) Zoning use chart.
- [18.70.050](#) Historic buildings – Districts.
- [18.70.060](#) Rezonings.



### **18.70.010 Zoning map.**

"The Official Zoning Map of the Haines Borough, Alaska," was adopted by the borough assembly on April 21, 2004, and revised by ordinance pursuant to HBC [18.70.060](#) on June 28, 2005, April 18, 2006, April 22, 2008, July 22, 2008, and August 12, 2008. A copy of the most current official map shall be retained in the office of the manager for public inspection.

### **18.70.030 Zoning districts – Zones.**

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

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

1. I/H – Heavy Industrial Zone. The intent of the heavy industrial zone is to provide for and protect productive heavy industry. Areas zoned as heavy industrial should be located so that adjacent nonindustrial areas are buffered from the external effects common to heavy industry including noise, dust, vibration, glare, pollution, heavy traffic and unsightly uses or activities. The area is served by, or intended to have, the necessary level of public utilities and an adequate transportation system as deemed appropriate for the planned use.
2. I/L/C – Light Industrial/Commercial Zone. The intent of the light industrial/commercial zone is to provide for and protect the light industrial and commercial needs of the community. Light industrial land uses are distinct from heavy industrial uses in that they do not create the external effects typical of heavy industry. Enclosed manufacturing, wholesaling and warehousing are typical light industrial uses. Areas

*A.L.C.*

designated into the light industrial/commercial zone should be served by, or have access to, public utilities and roadways capable of handling the increased uses caused by business growth within the zone.

3. I/W – Waterfront Industrial Zone. The intent of the waterfront industrial zone is to provide for and protect productive, marine-related heavy industries, including wharfage, natural resource export, milling and major seafood processing. Areas zoned as waterfront industrial should be located so that adjacent nonindustrial areas are buffered from the external effects common to heavy industry including noise, dust, vibration, glare, pollution, heavy traffic and unsightly uses or activities. The area is served by, or intended to have, the necessary level of public utilities and an adequate transportation system as deemed appropriate for the planned use.

4. C – Commercial Zone. The intent of the commercial zone is to protect and enhance areas of existing commercial development and to provide areas for the continued growth of commercial enterprise. The uses in this zone are oriented toward serving the commercial needs of the residents of the borough, the surrounding area and visitors. The area is served by, or is planned to have, the necessary level of utilities and an adequate transportation system as deemed appropriate for the planned use.

5. W – Waterfront Zone. The intent of the waterfront zone is to permit residential, and waterfront-related light industrial and commercial activity compatible with the existing character of the adjacent properties.



ABC 18.70

A.Z.C.

Haines Borough Code

Help Bookmark Text Size: A A Hide TOC Print Doc

- Amended: marks sections affected by **amended** **repealed**
- Print/Save Selections**  
 HES (Clear All)
- HAINES BOROUGH CHARTER
  - Title 1 GENERAL PROVISIONS
  - Title 2 ADMINISTRATION AND PERSONNEL
  - Title 3 REVENUE AND FINANCE
  - Title 4 (Reserved)
  - Title 5 BUSINESS LICENSES, PERMITS, AND REGULATED ACTIVITIES
  - Title 6 ANIMALS
  - Title 7 SERVICE AREAS
  - Title 8 HEALTH AND SAFETY
  - Title 9 PUBLIC PEACE, MORALS, AND WELFARE
  - Title 10 VEHICLES AND TRAFFIC
  - Title 11 ELECTIONS
  - Title 12 STREETS, SIDEWALKS, AND PUBLIC PLACES
  - Title 13 UTILITIES
  - Title 14 ACQUISITION AND DISPOSAL OF BOROUGH PROPERTY
  - Title 15 SAFETY AND EMERGENCY RESPONSE
  - Title 16 HARBORS
  - Title 17 (Reserved)
  - Title 18 LAND USE/DEVELOPMENT
    - Chapter 18.10 INTRODUCTION, PURPOSE AND SCOPE
    - Chapter 18.20 DEFINITIONS AND PROVISIONS
    - Chapter 18.40 LAND USE PERMIT
    - Chapter 18.50 CONVENTIONAL USE
    - Chapter 18.60 APPROVAL CRITERIA
    - Chapter 18.70 ZONING DISTRICTS
    - Chapter 18.80 DENSITY AND REGIONAL REQUIREMENTS
    - Chapter 18.90 SIGNS
    - Chapter 18.100 SUBDIVISION REGULATIONS
    - Chapter 18.110 COASTAL ZONE MANAGEMENT
    - Chapter 18.120 FLOODPLAIN REGULATIONS
  - DISPOSITION OF ORDINANCES TABLE

GENERAL CLASSIFICATION →	INDUSTRIAL USES			COMMERCIAL/ Residential Uses			RESIDENTIAL USES ONLY	RESIDENTIAL/ Commercial Uses			RECREATIONAL USE	
	Heavy Industrial	Light Industrial/ Commercial	Waterfront Industrial	Commercial	Waterfront	Significant Structures Area	Single Residential	Multiple Residential	Rural Residential	Rural Mixed Use	Multiple Use	Recreational
USES ↓	IHI	ILIC	IHW	C	W	SSA	SR	MR	RR	RMU	MU	REC
Combination R/I/C	CU	UER	CU	UER	CU	UER	NA	NA	NA	UER	UER	NA
Commercial Light - Less than 500 sf	CU	UER	CU	UER	UER	UER	NA	CU	UER	UER	UER	NA
Commercial Medium - 500 - 5,000 sf	CU	UER	CU	UER	CU	CU	NA	NA	CU	CU	UER	NA
Commercial Major - More than 5,000 sf	UER	UER	UER	UER	CU	CU	NA	NA	NA	NA	UER	NA
Communication Equipment/ Commercial	UER	UER	UER	UER	CU	CU	NA	NA	NA	CU	UER	CU
Communication Equipment/ Personal	NA	NA	NA	UER	CU	CU	CU	CU	CU	CU	UER	NA
Condominium/ Townhouse	NA	NA	NA	CU	CU	UER	NA	UER	NA	UER	UER	NA
Convalescent/ Nursing Home	NA	NA	NA	UER	CU	CU	NA	UER	NA	UER	UER	NA
Convenience Store	UER	UER	NA	UER	CU	NA	NA	CU	NA	CU	UER	NA
Correctional Facility	NA	CU	NA	CU	NA	NA	NA	NA	NA	NA	UER	NA

## HAINES BOROUGH COASTAL ZONE MANAGEMENT PLAN

### 18.110.010 AUTHORITY. SHARE ...

The coastal zone management plan of the borough, adopted by the borough assembly on June 16, 1980, revised on September 7, 1993, March 22, 2000, and September 5, 2006, shall apply to all permits issued under this title. (Ord. 07-05-158)

### 18.110.020 APPLICATION. SHARE ...

The borough manager, upon application by a developer for any land use or development permit, shall review the proposed development for consistency with the adopted policies of the Haines coastal zone management plan.

### 18.110.030 PROCEDURE. SHARE ...

If the development is required to have a consistency review and approval, the manager shall advise the applicant of the procedures to be followed and assist as is reasonably necessary. The manager shall review the pertinent data provided by the applicant as required under the coastal zone management plan and make recommendations on consistency to the borough planning commission. **The planning commission, upon receipt of an application containing a requirement for consistency review, shall conduct any public hearings and processes required in the coastal zone management plan in order to provide a recommendation to the manager for a final determination.** Upon receipt by the manager of a favorable consistency decision, the commission may then proceed to issue any appropriate permits applied for.

Excerpts from the Implementation Section of Haines Coastal Management Plan:

## 7.2 Borough CMP Participants' Duties and Responsibilities

### **Haines Borough Planning Commission:**

The Borough Assembly has delegated local implementation of the HCMP to the Planning Commission and the Planner. The Planning Commission implements the Borough CMP when issuing consistency comments. The Planning Commission normally delegates authority to make consistency comments to the Borough Coastal Coordinator.

### **Haines Borough Coastal Coordinator:**

The Haines Borough **Coastal Coordinator is staff to the Haines Borough Planning Commission**, among other duties. The Coastal Coordinator has day-to-day responsibilities within the Haines Borough for the administration of the HCMP. He or she must:

- Help applicants fill out the coastal project questionnaire including an evaluation of the district's enforceable policies along with the boundary determination and educate them about the ACMP and the HCMP throughout the process.
- Ensure that the parties involved in the consistency review process have received information in a timely manner.
- Determine if information received is complete and sufficient for a consistency review.
- Decide which projects are routine and which projects have great significance to the coastal zone and should be reviewed and discussed with the Planning Commission (routine approvals will be processed by the Coastal Coordinator)
- Evaluate uses and activities that require local, state, or federal permits or authorizations for consistency.
- Evaluate proposed projects against the enforceable policies of the Coastal Program.
- Accurately assess the effect of applicable policies of the HCMP on the application.
- Manage project information to ensure that it reaches all affected persons and organizations.
- Draft effective, concise and comprehensive consistency determinations and recommendations and produce evidence in support of the conclusions reached.
- Develop draft consistency comments and alternative measures for consideration by the Planning Commission, when necessary.
- Integrate feedback from the local contacts and other interested parties into the Haines Borough's consistency recommendation.
- Coordinate consistency review activities with adjoining coastal districts where issues or activities of mutual concern are under consideration.
- Prepare and submit the consistency recommendation in a timely manner.
- Prepare quarterly and annual reports to the state, as required by the Haines Borough's ACMP grant agreement.
- **Facilitates and receives public input, and acts as an information resource concerning the HCMP. The Coastal Coordinator represents the Haines Borough at meetings, conferences, and in ongoing interactions with applicants, the general public and state and federal agency staff regarding the HCMP.**

## 7.7 Planning For Major Projects

*A.2.d.***Introduction:**

Certain types of activities can significantly impact coastal resources and create major changes within the Haines Borough coastal zone. The Haines Borough is interested in participating in agency planning for large-scale development projects and land management decisions. A consistency determination for a major project often takes place after the planning process is completed, which may mean that substantive decisions concerning the use have already been made. Conflicts that could have been avoided by mutual agreement early on become costly in terms of time and effort spent on resolving differences later on.

To avoid this, major project planning establishes the following objectives:

- Haines Borough CMP policies should be considered as early as possible in planning for proposed major uses.
- Problems and potential consistency conflicts should be addressed and resolved prior to the application stage.
- Prior resolution of differences should speed the issuance of subsequent permits or approvals.

There are three procedures that are strongly encouraged for major activities of area-wide concern: (1) pre-application meetings, (2) permit application meetings, and (3) local partnership in planning activities. Participation in these procedures has the following objectives:

- Apply coastal management policies early in project or plan development.
- Address problems and potential consistency evaluation conflicts prior to the permit or approval stage.
- Speed up subsequent permits or approvals through early resolution of issues.
- Ensure the compatibility of future planning projects with the approved Haines Borough CMP.

Chapter 18.50  
CONDITIONAL USE

Sections:

- 18.50.010 Purpose.
- 18.50.020 Approval required.
- 18.50.030 Application.
- 18.50.040 Decision.

A.2.e

**18.50.010 Purpose.**  SHARE    ...

Conditional uses are intended to address uses and issues of community-wide importance and are therefore subject to a broader public process and higher standards than approvals by the manager. The conditional use process is intended to afford the commission and the community the flexibility necessary to make development approvals that are appropriate to specific sites, uses, designs and situations. The commission may attach conditions of approval to ensure compliance with adopted borough plans and both the general and specific approval criteria of this title.

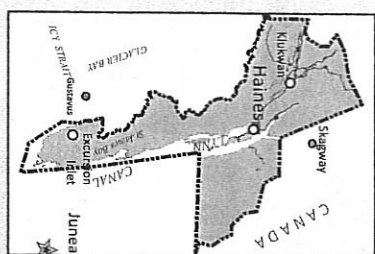
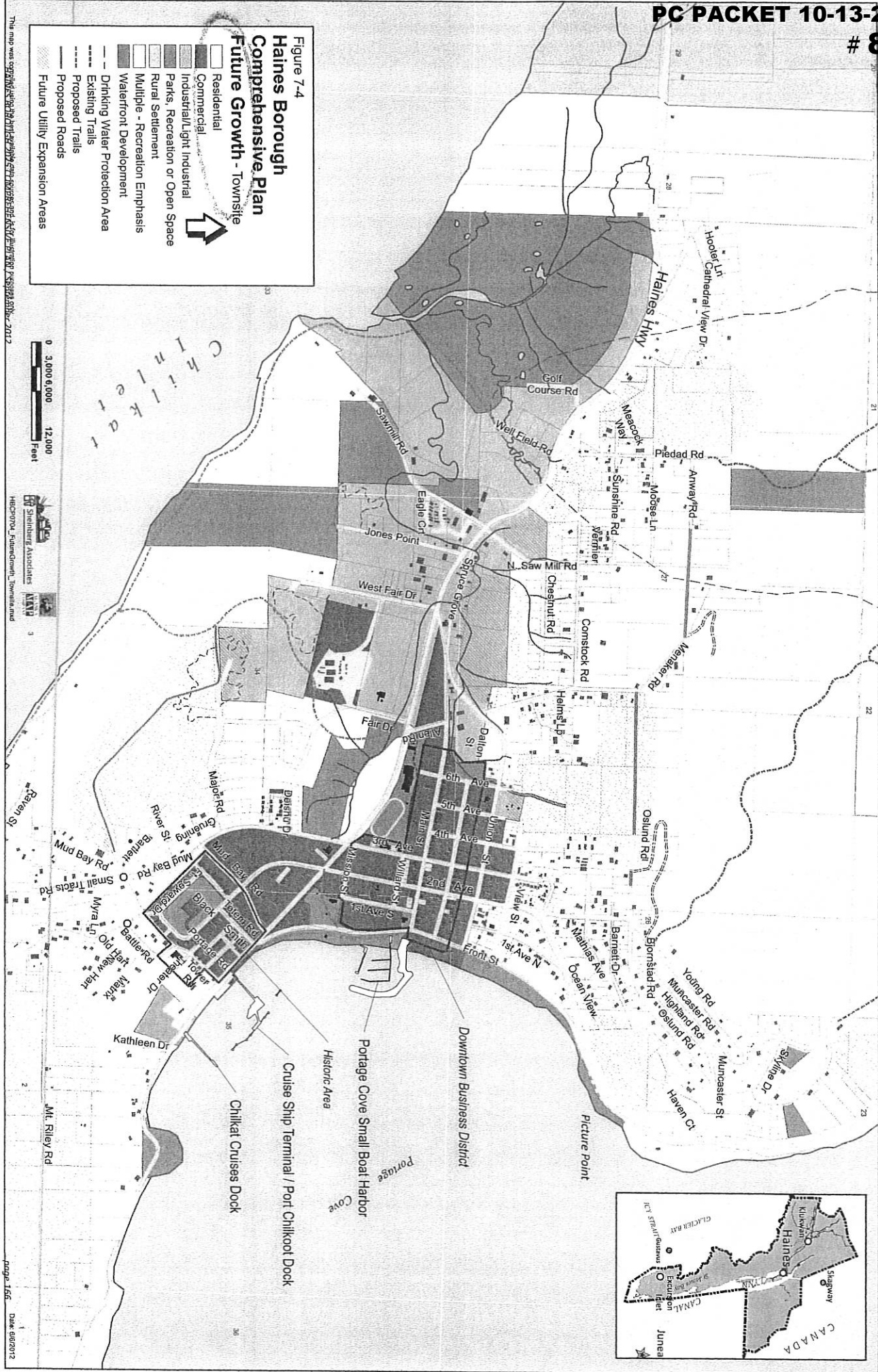
**18.50.020 Approval required.**  SHARE    ...

All conditional uses must receive approval by the commission prior to commencement. In all applications for approval, the burden of proof shall be on the developer to prove, by a preponderance of the evidence, that the criteria set forth in this title are met. The uses eligible for approval by the commission as a conditional use are listed in HBC 12.08.110(D)(2), 18.70.030(B)(3)(e), (B)(4)(e), (C)(3)(e), (C)(4)(e), and (D)(5), the use chart in HBC 18.70.040, and HBC 18.80.030(B), building separation. (Ord. 11-03-259 § 5)

A.3.

**Figure 7-4  
Haines Borough  
Comprehensive Plan  
Future Growth - Townsite**

- Residential
- Commercial
- Industrial/Light Industrial
- Parks, Recreation or Open Space
- Rural Settlement
- Multiple - Recreation Emphasis
- Waterfront Development
- Drinking Water Protection Area
- Existing Trails
- Proposed Roads
- Future Utility Expansion Areas



This map was prepared by the Haines Borough Planning Department. The map data is derived from the Haines Borough GIS Database. The map was prepared on 10/13/2016. Page 165. Date: 10/13/2016.

A.4

TABLE 6-4. Haines Harbor and Dock Infrastructure

FACILITY	PURPOSE/USES	FACILITY DETAILS	NEEDS
<p><b>BOROUGH FACILITIES</b></p> <p><b>Portage Cove small boat harbor, launch ramp, seaplane float</b></p>	<ul style="list-style-type: none"> <li>Mooring commercial and recreational boats</li> <li>Landing for excursion vessels</li> <li>Launching commercial and recreational boats</li> <li>Fueling small vessels</li> <li>Handling supplies and equipment</li> <li>Landing for seaplanes</li> </ul>	<ul style="list-style-type: none"> <li>Small Boat Harbor has 4 floats with slips for approx. 114 vessels; water and electricity available.</li> <li>Harbormaster's office, restrooms.</li> <li>Tidal grid</li> <li>One 200 x 16-ft launch ramp west of grid with timber float public seaplane float.</li> <li>Borough now (2011) running vessel fueling with 3 hose stations on wharf served by 3 steel storage tanks located at rear, total capacity 250 barrels.</li> </ul>	<ul style="list-style-type: none"> <li>Wave barrier to protect from southerly wind and waves</li> <li>Add slips for &gt;40 ft boats</li> <li>Drive down ramp and work float on S to support commercial use</li> <li>Haul out, dry work area and storage for fishing fleet (here or other)</li> <li>Sewer, showers/laundry, disposal system for marine water</li> <li>Year-round restrooms</li> <li>Better icehouse access for commercial use</li> </ul>
<p><b>Letnikof Cove small boat harbor and launch ramp</b></p>	<ul style="list-style-type: none"> <li>Mooring and launch for commercial and recreational boats</li> </ul>	<ul style="list-style-type: none"> <li>500 x 6 ft U-shaped float available April/May-October.</li> <li>Launch ramp is located at north side.</li> <li>Unpaved parking area at rear, parking for vehicles and trailers.</li> </ul>	<ul style="list-style-type: none"> <li>Entire float system (floats, anchor chains, connectors etc.) deteriorated and needs replaced, install anodes</li> <li>Install precast double vault toilet building</li> </ul>
<p><b>Lutak Dock</b></p>	<ul style="list-style-type: none"> <li>Receipt and shipment of containerized and roll-on/roll-off general cargo</li> <li>Receipt and shipment of seafood</li> <li>Receipt of petroleum products</li> <li>Shipping gravel and logs</li> <li>Iceing vessels</li> <li>Launch of commercial and recreational boats</li> </ul>	<ul style="list-style-type: none"> <li>1000 ft dock (75% borough, 25% state), approx. 5 acres of unpaved, open storage area are located at rear; leased use for fuel (Delta Western) and barged cargo transfer (AML). Also use by others at times.</li> <li>Delta Western has three 6- and two 4-inch pipelines extend from wharf to 13 steel storage tanks located at rear, total capacity 65,000 barrels.</li> </ul>	<ul style="list-style-type: none"> <li>Short term: replace exterior concrete cap; sandblast/recoat transfer bridge and floatation pontoon; install sacrificial anodes; provide vertical support beneath open spans</li> <li>Rehab approx. 700 ft of dock face &amp; extend dock face add'l 700 ft</li> <li>Provide maximum useable area between dock face and Lutak Road &amp; maximize leaseable land for storage.</li> <li>Provide method to offload heavy lift loads (up to 1 million pounds)</li> <li>Dredge to allowing standard container vessels to unload at dock face.</li> <li>Provide port security and amenities.</li> </ul>

The seaplane float at Portage Cove is exposed to waves and thus not well-used. Protecting the seaplane float by including it within the harbor's future wave barrier will increase its utility and use.

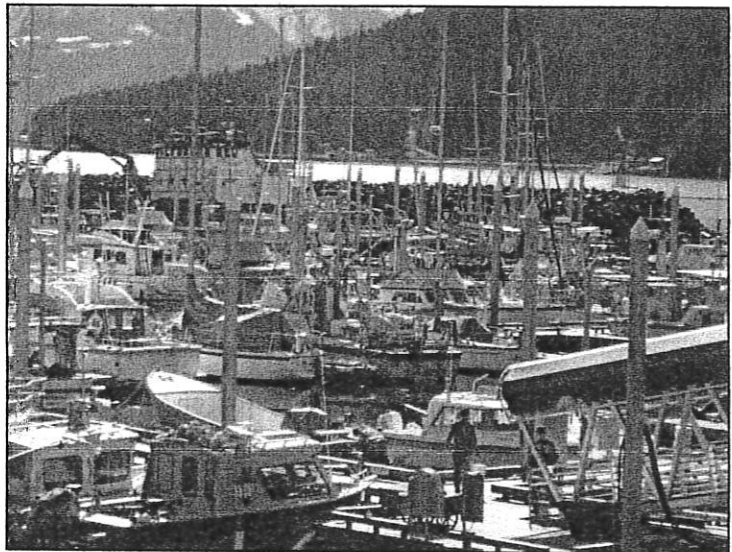
### 6.3 Harbor and Dock Facilities

Haines Borough operates two harbor facilities (Portage Cove, Letnikof Cove) has a float moored at Swanson Harbor in Couverden, two docks (Lutak Dock, Port Chilkoot Dock), and three boat launch ramps (at Lutak Dock, Portage Cove and Letnikof Cove) (see Table 6-4). All facilities are managed by the Borough's harbormaster, two assistants and other public works department staff. Revenues and expenditures at the Portage Cove Small Boat Harbor, Chilkoot Dock and Lutak Dock are tracked by three separate enterprise funds (the latter new in 2010). A Small Boat Harbor Advisory Committee helps set direction for harbors, and in late 2011 a Port Steering Committee was appointed to advise on port development.

Thanks in part to Alaska Legislative and executive branch capital projects support (see Section 4.5), the Borough will move forward starting in 2012 with several major marine facility repair and improvement projects.

#### 6.3.1 Harbors

The Portage Cove Small Boat Harbor was originally constructed in 1958, expanded in 1976, and refurbished in 2010. The facility transferred from State to Haines Borough ownership in May 1997. In 2010, the Borough, with local, state and federal funding, accomplished a \$6.6 million improvement that replaced all floats and realigned them to improve navigation; added an ADA compliant covered gangway; added overhead pole lighting to slips; on the tidal grid installed electricity, fender piles, and an access stairway and walkway; extended drinking water to the transient floats; added removable finger floats to facilitate transient moorage; and replaced the seaplane float.



*Portage Cove Small Boat Harbor*

Today, the rubble mound breakwaters and dredged entrance channel support four floating docks with 114 slips for boats from under 24 to over 40 ft in length. There is also a tidal grid, launch ramp, icehouse, fuel dispensary and seaplane float. Transient vessels moor to several of the floats and the outer side of the breakwater floats during favorable weather.



The Borough's seasonal (April-May through October) Letnikof Cove dock is a 500 ft steel deck grating float and launch ramp and is well used to support commercial and subsistence fishing, recreation and tourism. This facility was constructed in 1980 and turned over from the State to the Borough in May 1997. In addition to the float and launch ramp there is parking for vehicles and boat trailers. Vessels that obtain a Borough-permit can tie-up to the U-shaped float, and many more use the boat launch on a day-to-day basis. In 2011, there were approximately 40 permits for seasonal use of Letnikof Harbor, which is strategically located near the Chilkat River mouth and near Haines Packing Company's seafood processing facility.

#### Concerns and Opportunities

Float maintenance or replacement at Letnikof Cove is needed immediately for the system to continue functioning, and wave protection and expansion at Portage Cove Small Boat Harbor is needed to protect existing infrastructure and, depending on the options included, provided added benefit to the commercial fishing fleet, visitors and residents.

Challenges to the Letnikof Cove Harbor are the sizeable waves generated by northerly winds originating in the Chilkat River valley and winter ice buildup, especially along the perpendicular 70 ft float. Failures of varying degrees to the Borough's float system here will increase in frequency given the wear and tear and deterioration observed (PND, 2010). At a minimum, anchor chains and float connections hardware must be replaced and sacrificial anodes installed. Given deterioration, the entire facility must eventually be replaced.

Expansion of the Portage Cove Small Boat Harbor has been desired for many years to enhance safety and navigability and better support commercial, sport and subsistence fishing and tourism activity such as water-based charters and tours. There are about 60 (verifiable) persons on the waiting list for a slip, primarily for vessels over 40 ft in length.

In the early 2000's four alternatives for expansion of the boat harbor to the north were developed in partnership with the US Army Corps of Engineers (COE). Project costs for the preferred alternative however escalated over time due to rising transportation, fuel and material costs, and the discovery of more soft clay than anticipated; the most recent estimate (June 2008) was \$30 million. At an 80/20 cost share with the COE the Borough's portion would be \$6 million; however, that is only for the breakwater and dredged navigation channel – an additional \$12 million from the Borough would also be needed for project components the COE does not fund. The interplay between design, cost and funding availability caused Haines Borough to reassess its position.

The 2011 Community Opinion Survey queried level of support or opposition for boat harbor improvements to the south and found 75% support (Table 6-1). During the 2012 Alaska Legislative Session \$19.5 million in capital improvement funding for Portage Cove small boat harbor improvements was designated (this included \$15 million in a state bond package subject to voter approval in fall 2012).

Support has coalesced around an option (now called "3A," see graphic next page) that includes (all phases) a breakwater to protect the harbor from southerly winds and waves, a drive-down work float, additional moorage for 12, 40-foot vessels and 32, 32-foot vessels, about 400 lineal feet of more transient tie-up area, and a relocated seaplane float within the protected area, as well as more vehicle and trailer parking. It would relocate the Fisherman's Memorial and Lookout Park. A work session and public review of the plan and park relocation options, co-hosted by the planning commission, parks and recreation committee, and boat harbor advisory committee should occur soon to advance plans and investment in a timely manner.

The COE is concerned that the extensive environmental and economic review process that previously approved the larger project to the north may need updating or redone to support expansion to the south. This issue is being resolved as this plan goes to print, beginning with a geotechnical drilling program in 2012 to better define the harbor area subsurface and type of breakwater.

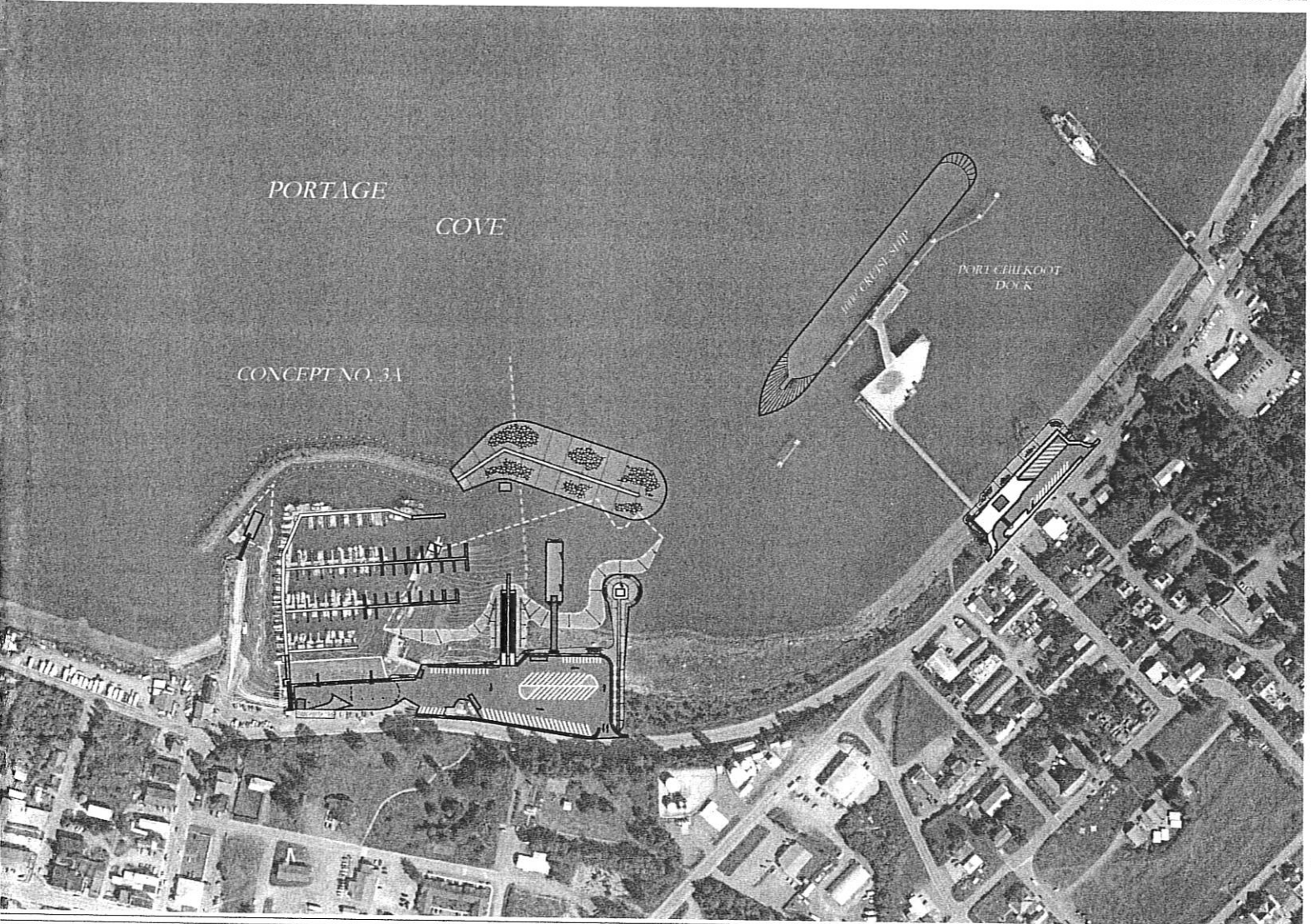
Section 5.8.4 on commercial fishing and seafood processing in the Economic Development chapter details ways that improved facilities for commercial fishing and nearby uplands for support will enable Haines to capture more maritime commerce. Objective 3C and implementing actions in the Chapter 5 - Economic Development at objective 4B detail ways to add value to local commercial fisheries.

### **6.3.2 Harbor and Dock Facilities, Marine Travel and Commerce**

The Borough's Lutak Dock is located five miles north of downtown Haines. The 1,051 ft. dock face and six-acre staging area is 75% owned by the Haines Borough and 25% owned by the State of Alaska (AMHS ferry terminal). It was constructed in the 1950's by the U.S. Army and it has a 36-foot above MLLW depth at the face. Improvements have modified the fender system, constructed a barge loading facility, and developed the upland lots to service the dock. These improvements coupled with its location protected from the wind (compared to Skagway) make this Borough-owned dock a top deep water port facility in Southeast Alaska.

The facilities at the Lutak Dock are currently capable of handling containerized cargo (break and bulk), manual loading and unloading operations, petroleum products transshipment and passenger operations. This dock is used commercially year-round and is operated by the Haines Borough on a fee basis. Current leases include Alaska Marine Lines for weekly barge service and general container loading, staging and storage as well as Delta Western for fuel transfer and storage. The Lutak Dock generated \$238,757 in FY 11 from fuel and cargo tariffs and wharfage (Table 6-3).

A-4.



REVISIONS					
REV.	DATE	DESCRIPTION	DWN.	CKD.	APP.

**P N D**  
ENGINEERS, INC.

9360 Glacier Highway Ste 100  
Juneau, Alaska 99801  
Phone: 907-586-2093  
Fax: 907-586-2099  
www.pnd-inc.com



**HAINES SOUTH PORT HARBOR**

DESIGN: PND CHECKED: CRS SCALE: SCALE IN FEET  
DRAWN: PJD APPROVED: CRS 0 150 300 FT.

PROJECT TITLE: **AERIAL VISION CONCEPT**  
DATE: 3-6-12  
PND PROJECT NO. 102029.01

**PC PACKET 10-13-2016****# 8A2**

Debra Schnabel &lt;debra.schnabel@gmail.com&gt;

**POA-2005-1976**

3 messages

**Debra Schnabel** <debra.schnabel@gmail.com>

Wed, Apr 13, 2016 at 9:12 AM

To: "Vigil, Randal P POA" &lt;Randal.P.Vigil@usace.army.mil&gt;

I am in receipt of correspondence from Colonel Michael S. Brooks wherein he explains why the referenced project application does not warrant a public hearing. He advised me to contact you if I had any questions.

I do.

When the Army Corps of Engineers was involved in this project as the design engineers, an extensive cost benefit analysis was required, and the ACOE was deliberate and thorough in its analysis of all aspects of the project which, at the time, was an extension of the Haines small boat harbor to the north of its present location.

The project today as designed has few similarities to the conceptual design that the ACOE was advancing. Furthermore, ten years have passed, and the financial and political climate is dramatically different. The project has no financial plan for completion.

QUESTION: Why does the ACOE not require that the Haines Borough meet the same standards of due diligence today than it required of itself a decade ago?

My request for a public hearing was my attempt to get the ACOE to appreciate that this project does not have broad public support in its current design..engineering & financial.. The Borough Assembly last night approved the 95% design by 4-2 vote. For a capital project of this impact, a stronger base of support should be required.

I understand that a public hearing may not be warranted from the perspective of meeting criteria...what the ACOE does not appreciate is the procedural history of this project...it defies your own standards.

Thank You for your consideration of my comments and my question; I request that you deliver them to Colonel Brooks.

Debra Schnabel

(907) 766-2827

(907) 314-0788

*The practice of peace and reconciliation is one of the most vital and artistic of human actions. - Thich Nhat Hanh*

**Vigil, Randal P POA** <Randal.P.Vigil@usace.army.mil>

Wed, Apr 13, 2016 at 4:42 PM

To: Debra Schnabel &lt;debra.schnabel@gmail.com&gt;

Hello Ms. Schnabel,

Yes, it is true that when the Corps of Engineers was involved with the Haines Harbor as a potential civil works project, the project had to undergo extensive planning, which included a cost benefit analysis in order to determine if the project would "pencil out". That is to say every Corps project must reach a certain level of benefit in order to justify the cost of spending Corps program funds for construction. However, today the harbor expansion project is not a Corps project, and funds under our civil works programs are not being expended for the furtherance of planning or construction of the project.

With regard to the current proposal, our involvement is limited to a regulatory role under our Rivers and Harbors Act and Clean Water Act permitting authority for the proposed work to expand the harbor (e.g., filling, dredging, and structures in waters of the U.S.). The Corps' part in the permitting process is to evaluate the impacts that the proposed work would have on the aquatic environment and navigation in order to render a decision as to the issuance or denial of a permit. The Corps is not involved in the funding, design, or construction of the project. Therefore, to do as you've asked, require the Haines Borough to conduct "an extensive cost benefit analysis" for the project would be to reach beyond our regulatory authority given our current connection to the project.

I will forward your comments and question, including my response, for Colonel Brooks awareness. **PO PACKET 10-13-2016**

**# 8A2**

Very Respectfully,

Randal Vigil  
Project Manager  
Regulatory Division  
U.S. Army Corps of Engineers

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

From: Debra Schnabel [mailto:debra.schnabel@gmail.com]  
Sent: Wednesday, April 13, 2016 9:13 AM  
To: Vigil, Randal P POA <Randal.P.Vigil@usace.army.mil>  
Subject: [EXTERNAL] POA-2005-1976

I am in receipt of correspondence from Colonel Michael S. Brooks wherein he explains why the referenced project application does not warrant a public hearing. He advised me to contact you if I had any questions.

I do.

When the Army Corps of Engineers was involved in this project as the design engineers, an extensive cost benefit analysis was required, and the ACOE was deliberate and thorough in its analysis of all aspects of the project which, at the time, was an extension of the Haines small boat harbor to the north of its present location.

The project today as designed has few similarities to the conceptual design that the ACOE was advancing. Furthermore, ten years have passed, and the financial and political climate is dramatically different. The project has no financial plan for completion.

QUESTION: Why does the ACOE not require that the Haines Borough meet the same standards of due diligence today than it required of itself a decade ago?

My request for a public hearing was my attempt to get the ACOE to appreciate that this project does not have broad public support in its current design..engineering & financial.. The Borough Assembly last night approved the 95% design by 4-2 vote. For a capital project of this impact, a stronger base of support should be required.

I understand that a public hearing may not be warranted from the perspective of meeting criteria...what the ACOE does not appreciate is the procedural history of this project...it defies your own standards.

Thank You for your consideration of my comments and my question; I request that you deliver them to Colonel Brooks.

Debra Schnabel

(907) 766-2827 <tel:%28907%29%20766-2827>

(907) 314-0788 <tel:%28907%29%20314-0788>

[Quoted text hidden]

---

**Debra Schnabel** <debra.schnabel@gmail.com>  
To: "Vigil, Randal P POA" <Randal.P.Vigil@usace.army.mil>

Thu, Apr 14, 2016 at 9:03 AM

Thank, You, Mr. Randall.

I will not bother you again, however, I want to point out that the information that the Corps provides on its webpages re: how the ACOE approaches a review and invites comment states that the Corps' interest includes the reasonableness of the project, its financial soundness and the community's interests and benefits. Surely it does occur to you and the Colonel that POA-2005-1976 is more harbor than we need and can afford. That is obvious by the design, which lacks any amenities that define a working harbor. I realize that the ACOE does not offer advice, but it would be a fabulous gesture of good will if you so advised our Assembly.

Sincerely,

Debra

Debra



July 8, 2016

To: Bill Seward, Manager

Fr: Debra Schnabel

Attached is a document I prepared sometime in 2015 to illustrate the benefits of examining the harbor design with cost, aesthetics and timing as considerations before wants.

This document was presented to the Ports & Harbor Advisory Committee and to the Borough Assembly. It was ignored. Being ignored is not the same as having it reviewed, considered and rejected.

You have demonstrated your willingness to examine the path we are on. Many of the citizens maintain that the design we are pursuing is too costly, too imposing and too insecure financially to be undertaken.

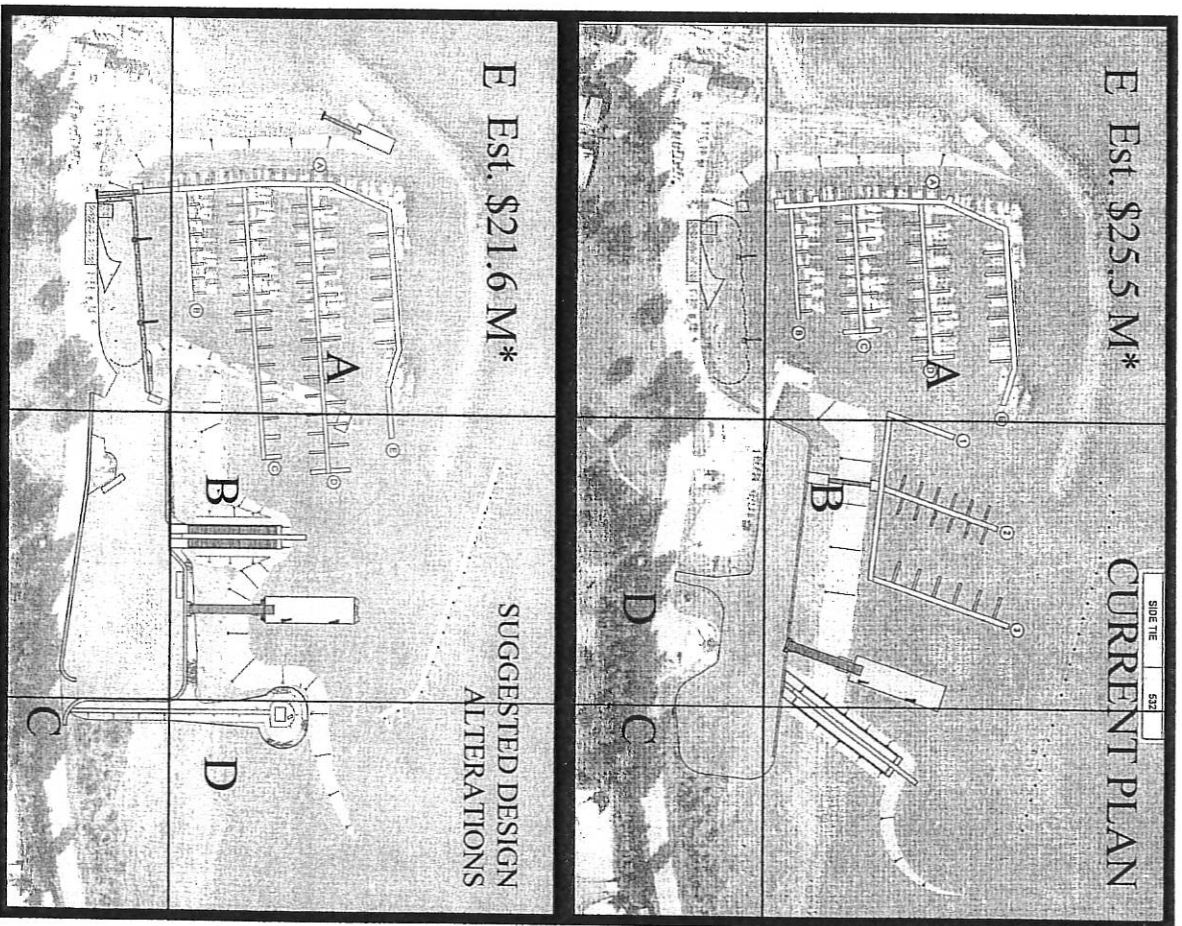
I am not alone in the belief that it is better to eat \$500,000+ in engineering costs and get us on a reasonable path than to continue to defend a poor design because we've spent so much on engineering. At this point in time, the only argument being made for going ahead with the harbor is that we have spent so much on the engineering. Project Manager Brad Ryan has stated that we will not see additional floats in the harbor until at least 2023....many of the fishermen will have retired their careers by then.

I ask you to consider addressing the Assembly with the possibility of getting Haines a functioning, affordable harbor sooner by reducing the harbor footprint. A design similar to the bottom illustration would cost less, provide the needed functions and be more aesthetically acceptable to the community in a shorter period of time.

Your consideration and statement would be appreciated by many.

Suggested design changes to reduce cost and enhance aesthetics of proposed harbor expansion

- A. **Float System(s).** The current plan proposes two separate float systems, each accessible from a unique gangway. If modified to install only **one float system**, we eliminate the cost of the second gangway and gain time in expanding the harbor capacity by adding floats to the existing system as soon as funds allow. The number of slips created is approximately equal.
- B. **Seaward Extension.** The current plan extends the toe of the newly created uplands seaward approximately 100 ft. beyond the toe of the current parking lot. More fill is deposited on the beach, requiring more dredging mitigation costs.
- C. **Southern Extension.** The current plan creates an uplands extending approximately 670 ft. south of the existing transient float dock. (Note: all distances are rough estimates)  
An uplands design that captures the space currently utilized by LookOut Park would result in an uplands extending 560 ft. south, reducing the footprint and decreasing mitigation costs and lending to the overall aesthetic.
- D. **Marine Park.** The current plan surrounds LookOut Park with uplands dedicated to harbor use. There may be conflicts between those uses. The design degrades the aesthetics and purpose of LookOut Park. A new LookOut park location on the edge of the uplands looking seaward not only preserves the aesthetics of a waterfront park, but also reduces conflict with commercial upland uses.
- E. **Costs.** The estimated cost of the current plan was \$25.5 M as of 2/2014: wave barrier, entrance and basin dredging: \$19 M, and \$6.5 M for float system and parking lot refurbish and landscaping. By eliminating the seaward expansion and the second float system the project could see savings of approximately \$4 M.  
\* Cost estimates as of Feb. 2014.



**PC PACKET 10-13-2016**Debra Schnabel <debra.schnabel@gmail.com> # **8A2****Land Use Permit**

6 messages

**Debra Schnabel** <debra.schnabel@gmail.com>

Tue, Aug 30, 2016 at 12:52 PM

To: hsmith@haines.ak.us, Brad Ryan &lt;bryan@haines.ak.us&gt;

Cc: Rob Goldberg &lt;artstudioalaska@yahoo.com&gt;, Rob and Ardy &lt;robandardy@gmail.com&gt;, Heather Lende &lt;hlende@aptalaska.net&gt;, Brenda Jones &lt;brenda@seroad.com&gt;, lheinmiller@haines.ak.us,

"turnerconstruction@aptalaska.net" &lt;turnerconstruction@aptalaska.net&gt;, Bill Seward &lt;william.e.seward@hotmail.com&gt;

Bcc: Sue Waterhouse &lt;sue@cliffhangerbnb.com&gt;, Paul Nelson &lt;paul.bigfoot@gmail.com&gt;, Fred Shields

&lt;wildiris@aptalaska.net&gt;, Carol Tuynman &lt;ctuynman@gmail.com&gt;

Dear Brad:

Using "Harbor expansion" as the stated use in the land use application continues to frustrate the public's understanding and participation in the harbor expansion project. I am suggesting that you consider amending the land use application to describe the intended use of the waterfront.

Knowledge of the project and reference to HBC would suggest that the more accurate description for the land use is "parking lot" and could be expanded to include "waterfront park and access to future facilities including a launch ramp and various floats." At the Town Hall meeting August 25 you stated that the area would be a "harbor park." You also seemed to accept that the community still has not weighed in on the Ports & Harbor Advisory Committee's recommendation that this area be a dedicated boat yard or a commercial storage area.

The Planning Commission is accountable to the public in issues of land use in the waterfront zone; it needs to know the intended use. What is it? It is fair to the community that there be an open discussion on the proposed use prior to permitting it.

September 8, 2016 is (was?)\* the first officially scheduled public hearing on the harbor design. I understand the issue before the Planning Commission is whether the proposed use of the uplands (or, the waterfront) specified in the engineer's drawings and RFP is permitted by code.

\* I was informed this morning that KHNS aired a statement that the Sept. 8 Planning Commission "hearing" will not allow public input. We know that a hearing is a legal procedure wherein people have the opportunity to be heard.

Of course it is the prerogative of the Planning Commission to set its own parameters within limits of code in deliberating on this issue, and considering that it is the first public "hearing," it may choose to consider the full social, economic, financial and environmental impact of the harbor expansion project. It would be the first official body to do so.

Your consideration of my input here is appreciated.

Thank You.

Debra

(907) 766-2827

(907) 314-0788

*The practice of peace and reconciliation is one of the most vital and artistic of human actions. - Thich Nhat Hanh*

**Brad Ryan** <bryan@haines.ak.us>

Wed, Aug 31, 2016 at 11:06 AM

To: Debra Schnabel &lt;debra.schnabel@gmail.com&gt;, Holly Smith &lt;hsmith@haines.ak.us&gt;

Cc: Rob Goldberg &lt;artstudioalaska@yahoo.com&gt;, Rob Miller &lt;robandardy@gmail.com&gt;, Heather Lende

&lt;hlende@aptalaska.net&gt;, Brenda Jones &lt;brenda@seroad.com&gt;, "lheinmiller@haines.ak.us" &lt;lheinmiller@haines.ak.us&gt;,

Don Turner &lt;turnerconstruction@aptalaska.net&gt;, Bill Seward &lt;william.e.seward@hotmail.com&gt;

Debra



As I interpret the code the land use permit is a Use By Right that the manager signs off on. I wanted it to go to the planning commission because of the attention the project receives. I called it Harbor Expansion because that is what it has been referred to and continues to be referred to and is the primary purpose of the project. As for the uplands work. I did state that George Figdore had told me I should call the parking lot "Harbor Park" for better messaging. I feel if I called the land use permit "waterfront park and access to future facilities including a launch ramp and various floats." as you suggest that would be misleading as we do not have designs for what the final version is going to look like and the final scope of the project. I think it would be more appropriate to bring each of the aspects to the Planning Commission as they come up for a separate permit instead of one blanket permit without the need for future input. My preference is to be as transparent as possible and bring each aspect of the harbor and associated work to the public and planning commission as they progress. There are two possible next steps as I see them that I would bring to the planning commission and public. One would be the conceptual designs for the Portage Cove Trail and Lookout Park. The second would be the conceptual designs of the sport ramp and uplands development associated with it. The progression of these two projects will depend on funding. I am making a concerted effort to make the Harbor project an open discussion with the community so that everyone that wants has an opportunity to be heard. In the end I know that I cannot make everyone happy but at the very least they should feel like their opinions have been listened to.

0.2

Thank You

**PC PACKET 10-13-2016**  
**# 8A2**

Brad A. Ryan

(907) 314-0648

bryan@haines.ak.us

Director of Public Facilities

**From:** Debra Schnabel [mailto:debra.schnabel@gmail.com]  
**Sent:** Tuesday, August 30, 2016 12:53 PM  
**To:** Holly Smith; Brad Ryan  
**Cc:** Rob Goldberg; Rob Miller; Heather Lende; Brenda Jones; lheinmiller@haines.ak.us; Don Turner; Bill Seward  
**Subject:** Land Use Permit

[Quoted text hidden]

**Debra Schnabel** <debra.schnabel@gmail.com>

Wed, Aug 31, 2016 at 1:59 PM

To: Brad Ryan <bryan@haines.ak.us>

Cc: Holly Smith <hsmith@haines.ak.us>, Rob Goldberg <artstudioalaska@yahoo.com>, Rob Miller <robandardy@gmail.com>, Heather Lende <hlende@aptalaska.net>, Brenda Jones <brenda@seroad.com>, "lheinmiller@haines.ak.us" <lheinmiller@haines.ak.us>, Don Turner <turnerconstruction@aptalaska.net>, Bill Seward <william.e.seward@hotmail.com>

Bcc: Sue Waterhouse <sue@cliffhangerbnb.com>, Paul Nelson <paul.bigfoot@gmail.com>, Carol Tuynman <ctuynman@gmail.com>, Roger Schnabel <roger@seroad.com>

Thanks for your response, Brad. I don't like it, but I appreciate it.

I also disagree. I do not believe an uplands development that is undefined is a use by right on the waterfront.

For many, the issue is the **SIZE** of the "parking lot" or uplands development. It is being driven entirely by Fish & Game. Consider for a moment that we use our own money to construct a boat launch ramp. We then decide for ourselves how much of the uplands we want to develop. Don Turner would not compromise (**Read Gregg Bigsby's comments at [www.hainesharborinfo.com](http://www.hainesharborinfo.com)**) but members of the Planning Commission would if given the opportunity.

This harbor design is what it is because of "free" money. But I contend that money from Fish & Game is not free. The cost of the \$3 million from Fish & Game is the size of the upland development. We are embarking on a project that will forever alter our landscape, and to not ask "what for?" is irresponsible.

Though I can appreciate how you are thinking, I believe that because the use of the uplands development is NOT defined we will prolong the question that many people want answered now, and from the perspective of planning, should be answered now. How are we allocating resources? It is the Planning Commission's responsibility to do this.

I cannot pretend that anything that comes after phase 1 is anything but an attempt to decorate or put perfume on a project that is over-imagined in its purpose, over-built for the financial forecast and under-planned for the community as a whole. Though I appreciate your sentiment in wanting to demonstrate community participation, in this community giving "everyone an opportunity to be heard" is laughable. Since the 35% design was published by CVN (recall that Norman Hughes was chastized for taking the plan to the Planning Commission without Don Turner Jr.'s approval), this community has been actively telling the administration that it is not happy with the design. The community has not been heard. EVER. What has been heard is the Ports & Harbor Advisory Committee talking to the Assembly. That's the only active communication channel to the leadership.

I appreciate your attempts to be reasonable. I really do. However, let's not talk about transparency...this administration is running as fast as it can away from public participation.

Finally, I see you as a man of integrity doing the best you can to make a botched situation work and stay in the game. I know where the power lies, and I'm sorry to see it wielded.

Thanks.

Debra

(907) 766-2827  
(907) 314-0788

**PC PACKET 10-13-2016**  
**# 8A2**

*The practice of peace and reconciliation is one of the most vital and artistic of human actions. - Thich Nhat Hanh*

[Quoted text hidden]

---

**Debra Schnabel** <debra.schnabel@gmail.com>

Wed, Aug 31, 2016 at 10:07 PM

[Quoted text hidden]

---

**Jean Meaux** <jeanmeaux@gmail.com>

Thu, Sep 1, 2016 at 7:48 AM

To: Debra Schnabel <debra.schnabel@gmail.com>

~~Thank you. You have certainly outlined the issues and stated with courage and integrity. You're a fine champion. Blessings, Jean~~

Sent from my iPhone  
[Quoted text hidden]

---

**Jean Meaux** <jeanmeaux@gmail.com>

Mon, Sep 12, 2016 at 3:20 PM

To: Debra Schnabel <debra.schnabel@gmail.com>

~~Good morning. I'd mentioned this correspondence. Early on, I would like to see it. Anybody with access to it? By the way, I had a brief response from Ben, saying he wished he'd been at the town hall meeting.~~

[Quoted text hidden]



Debra Schnabel &lt;debra.schnabel@gmail.com&gt;

## Discussion Item, Harbor Expansion Project

5 messages

Debra Schnabel &lt;debra.schnabel@gmail.com&gt;

Mon, Sep 5, 2016 at 11:44 AM

To: Rob Goldberg <artstudioalaska@yahoo.com>, Rob and Ardy <robandardy@gmail.com>, Heather Lende <hlende@aptalaska.net>, "turnerconstruction@aptalaska.net" <turnerconstruction@aptalaska.net>, lheinmiller@haines.ak.us, Brenda Josephson <brenda@aptalaska.net>  
 Cc: Brad Ryan <bryan@haines.ak.us>, Holly Smith <hsmith@haines.ak.us>, Bill Seward <william.e.seward@hotmail.com>, Dianna Lapham <dlapham@haines.ak.us>

~~Paul Bigfoot <bigfoot@gmail.com>, Jim Mahoney <jmahoney@aptalaska.net>, Tom Morphet <tommorphet@hotmail.com>~~

Many of us believe that the Ports & Harbor Advisory Committee has identified (unofficially) that the use of the uplands we are creating with the current design could be a boat yard - a place where boat owners can pull up their boats and work on them in the off-season. An earlier attempt by the administration to produce a cost:benefit analysis for the harbor expansion project indicated revenue to the Boat Harbor based on 100% lease of the property to boat-owners on a year-round basis. Many fishermen believe that this too is a "done deal" - we are creating a boat haul-out yard. We pass this information off because there is no official decision on the plan.

I believe that we should be clear NOW about the future use of this property, whether we intend it as a revenue source to support the costs of maintaining the harbor when built. This is a planning commission decision, just as the size of the parking lot should be a planning commission decision (not a mere discussion that ends up accepting the administration's unilateral decision on public land use). When there are competing uses for land, the Planning Commission settles the issue...and since 2015 when the 35% design became public, there has been no doubt about competing uses for the land. No planning document developed in a public process has identified Portage Cove for a parking lot, or a boat yard, ever. Are we really building this entire uplands to accommodate 50 pickup trucks with attached sport boat trailers to park there during the summer?

I could support a well-positioned boat yard in Portage Cove...but not a four acre boat yard, even with the concession of a "harbor park." And even so, any commercial use of the harbor uplands (waterfront) in excess of 500 sq. ft. requires a conditional use permit.

My issue is this: the size of the parking lot has been determined totally by the potential funding source, not through a community planning process. I think it is unlikely that AK Fish and Game will **not** come through with \$3 million for a sport boat launch ramp (a harbor feature that was not identified in the comprehensive plan as a priority or even needed). But let's pretend that it does not. Well, then we've overdeveloped for our purpose. So then let's pretend that we agree to use our own money to build a sport boat launch ramp. If we made the decision **now** to use our own money to construct a sport boat launch ramp (its the least expensive component of the harbor design, and we can afford it), then we could decide for ourselves how much of Portage Cove we want to develop as a parking lot or boat storage area or a boat yard or a harbor park or some other purpose. From my and many people's perspective, we are being seduced by "free" money into building something that this community does not want. We have given up our independence at most, and trivialized the purpose of **collective community planning** - years of studies, surveys, meetings, and plans.

I see Public Facilities Director Brad Ryan trying to make up for our oversight by being willing to listen to public input after-the-fact and provide for it in the future with the walking path and harbor park project...but as with most things, we will find that after spending the resources we have on generating those plans, we will not have the funds to realize them...we have too many pressing needs, like dredging the existing harbor...we have made no provisions for that if the phase 1 bid does not come in under available funding. Would we prioritize a walking path over dredging the existing harbor? Needs are hierarchical.

This harbor project is more than we need and more than we can afford and is an example of a tragic breakdown in leadership. I have hope that you - the Planning Commission - can see through the politics of this issue to bring power back to the commission and ask that plans be drawn up for a harbor expansion that meets our needs within our financial reality. At the least, bring clarity to the project that is before you and exercise your authority to enforce borough code.

Thanks for considering my perspective. It was developed through the experience of building without a solid financial plan.

C.4

September 12, 2016

To: Bill Seward, Haines Borough Manager

Bill, I am writing to ask you to consider facilitating productive dialogue in the matter of the harbor expansion project. It is difficult to find the precise words to describe what has "gone wrong," but I think that we all sense that something has.

From my perspective, delaying discussion of whether the appeal will be heard delays address of the issues that have been brought forward in a public process before the Planning Commission. The Planning Commission appears to have heard those issues, as demonstrated by its intent to conduct a workshop to address land use of the uplands. This intrigues me because the Planning Commission usually reacts to a proposal, rather than generate one. I think its role at this point in time is to determine consistency for a plan put forward.

If the appeal is denied or found to be insubstantial, we risk delay with further appeals (to the Assembly) and aggravated community strife. If the appeal is substantiated, then adjustments to the project and/or the process are needed, and more time will be taken away from the project. I would like to advance resolution through dialogue now, and I ask you to consider facilitating that dialogue. I recognize that some issues will never be resolved to the satisfaction of some, but if discussion about those issues is undertaken sincerely and respectfully, the community can move forward.

I would appreciate your response to this proposal: a series of three meetings scheduled in sequence between now and October 3. The goals of the meetings could be:

To align the harbor expansion project with community goals for

- retaining a more natural waterfront,
- providing a more serviceable and functioning harbor
- reducing the project construction costs
- knowing the costs of operating and maintaining the completed harbor as an Enterprise Fund

The agendas of the meetings could be:

Meeting #1: What design issues are not revocable or recommendable (i. e., where can we compromise?)

- a. Revisit the science behind the decision of rubble mound vs. steel barrier
- b. Identify cost of maintaining steel wave barrier over ten years and project moorage rate increases necessary to maintain that aspect of harbor operations.
  - i. Redesign issues (shorter, tighter arc to harbor entrance)
- c. Sport Boat Launch Ramp:
  - i. Advantages/disadvantages of constructing with existing Borough funds
  - ii. Cost of new vs. cost of improving existing launch ramps @ existing harbor and Lutak (in other words, is a sport boat launch ramp necessary, needed?)
- d. Improvements to existing harbor: dredging

Meeting #2: Agreement on specific changes in process, approach and design

- e. Based on information and discussion, negotiate changes to procedure, design, project
- f. Creation of consistency review (by staff?)
- g. Land use: identify the intended uses of the uplands and make recommendations to PC.

Meeting #3: Community Long Range Financial Planning: set up the parameters for community discussion about how we will achieve the harbor expansion project, the Lutak Dock rehabilitation, school debt retirement, Sewer Treatment Plant renovations, Public Safety Building Replacement in the next ten years.

These meetings would be in public and engaging these selected principals:

- Borough Manager Bill Seward
- Public Facilities Director Brad Ryan
- Planning Commission Chair Rob Goldberg, Planning Commissioners Brenda Josephson and Heather Lende
- Mayor Jan Hill and Assembly members Margaret Friedenbauer and Diana Lapham
- Lead Engineer, PND
- Appellants Debra Schnabel, Paul Nelson and Sue Waterhouse
- Arts Confluence Director Carol Tuynman

Public comment could/would be welcome IF new information or new argument or perspective that has not been vetted. I imagine that whatever is negotiated among the parties be presented to the Planning Commission for consideration at its October 13 meeting. The Planning Commission would recommend to the Assembly.

Seeing the advantages of conducting these discussions now requires sensitivity to the public's varied concerns about this project. If the only thing that comes of the discussion is greater respect for those who disagree with us, then we will have accomplished something.

Bill, I welcome your comment on this proposition and hope that you see the value in opening public discussion on how to alleviate the tension surrounding this issue sooner rather than later.

Sincerely,

Debra Schnabel



## Meeting with Ms. Debra Schnabel.

2 messages

**William Seward** <wseward@haines.ak.us>

Wed, Sep 14, 2016 at 3:05 PM

To: Brad Ryan <bryan@haines.ak.us>, Jan Hill <jhill@haines.ak.us>, Shawn Bell <sbell@haines.ak.us>, Debra Schnabel <debra.schnabel@gmail.com>, Diana Lapham <dlapham@haines.ak.us>, Lee Heinmiller <lee@alaskaindianarts.com>, Rob Goldberg <artstudioalaska@yahoo.com>

When: Monday, September 19, 2016 2:00 PM-3:00 PM (UTC-09:00) Alaska.  
Where: Conference Room

Note: The GMT offset above does not reflect daylight saving time adjustments.

\*~\*~\*~\*~\*~\*~\*~\*~\*~\*

### Agenda:

- Discuss "...a proposal for a series of meetings intended to alleviate some of the community tension about the harbor expansion project."

----- Forwarded message -----

From: Debra Schnabel <debra.schnabel@gmail.com>  
To: William Seward <wseward@haines.ak.us>  
Cc: Brad Ryan <bryan@haines.ak.us>, Jan Hill <janhill@aptalaska.net>  
Date: Mon, 12 Sep 2016 23:40:21 +0000  
Subject: A proposal  
Dear Bill,

Attached is a proposal for a series of meetings intended to alleviate some of the community tension about the harbor expansion project. I would appreciate your response....in fact, I would like to talk directly with you (and the Mayor and/or Planning Commission Chair) about my proposal.

Of course the PC can find the appeals non-substantial and we will move forward as we were prior to the appeal, but considering that the Planning Commission has determined for itself to dialogue about land use on the uplands, that seems unlikely. It is in the interest of planning for a positive and progressive meeting on October 13 that I am submitting to you.

Of course you can find my request arrogant; who am I to think that I can represent those who oppose this project for reasons good or bad? I realize that you may think that the only issue is the use of the uplands, but I think that the financial insecurity of the project is weighing far more heavily on people's minds.

I request that you consider the attached correspondence and invite me in to talk with you, as I really would like to know how you are thinking.

In the interest of resolution,

Sincerely,

Debra Schnabel

(907) 766-2827  
(907) 314-0788

*The practice of peace and reconciliation is one of the most vital and artistic of human actions. - Thich Nhat Hanh*

**PC PACKET 10-13-2016**

**# 8A2**

**2 attachments**

 **Resolution.docx**  
25K

 **noname.eml**  
41K

*C.4*

**Debra Schnabel** <debra.schnabel@gmail.com>

Thu, Sep 15, 2016 at 9:09 AM

To: William Seward <wseward@haines.ak.us>

Cc: Brad Ryan <bryan@haines.ak.us>, Jan Hill <jhill@haines.ak.us>, Shawn Bell <sbell@haines.ak.us>, Diana Lapham <dlapham@haines.ak.us>, Lee Heinmiller <lee@alaskaindianarts.com>, Rob Goldberg <artstudioalaska@yahoo.com>

Dear Bill:

I appreciate very much your consideration of my request for a meeting. You have suggested Monday, September 19 at 2 pm. If I had not purchased nonrefundable tickets to SE Conference, I would cancel my plans and meet with you and the selected people. I am scheduled to leave Haines at 11 am on Monday, September 19. If is at all possible to reschedule for 9 am on Monday, I would be pleased to meet then, or earlier.

It is my understanding that both Rob Goldberg and Mayor Hill will also be absent from the community on September 19.

I am satisfied that meeting with the remaining people, especially considering that Deputy Mayor Lapham will be present, as she is also liaison to the Planning Commission, will be productive.

The alternative would be tomorrow, Friday afternoon. I would prefer to meet prior to the scheduled September 29 community meeting because I think that some issues that might otherwise rise at that meeting can be put to rest.

Thank you, sincerely,

Debra Schnabel

Debra

(907) 766-2827

(907) 314-0788

*The practice of peace and reconciliation is one of the most vital and artistic of human actions. - Thich Nhat Hanh*

[Quoted text hidden]

[Quoted text hidden]

----- Forwarded message -----

From: Debra Schnabel <debra.schnabel@gmail.com>

To: William Seward <wseward@haines.ak.us>

Cc: Brad Ryan <bryan@haines.ak.us>, Jan Hill <janhill@aptalaska.net>

Date: Mon, 12 Sep 2016 23:40:21 +0000

Subject: A proposal

Dear Bill,

Attached is a proposal for a series of meetings intended to alleviate some of the community tension about the harbor expansion project. I would appreciate your response....in fact, I would like to talk directly with you (and the Mayor and/or Planning Commission Chair) about my proposal.

Of course the PC can find the appeals non-substantial and we will move forward as we were prior to the appeal, but considering that the Planning Commission has determined for itself to dialogue about land use on the uplands, that seems unlikely. It is in the interest of planning for a positive and progressive meeting on October 13 that I am submitting to you.

Of course you can find my request arrogant; who am I to think that I can represent those who oppose this project for reasons good or bad? I realize that you may think that the only issue is the use of the uplands, but I think that the financial insecurity of the project is weighing far more heavily on people's minds.

I request that you consider the attached correspondence and invite me in to talk with you, as I really would like to know how you are thinking.

In the interest of resolution,

Sincerely,

Debra Schnabel

(907) 766-2827  
(907) 314-0788

**PC PACKET 10-13-2016**  
**# 8A2**



*The practice of peace and reconciliation is one of the most vital and artistic of human actions. - Thich Nhat Hanh*





C.4

**Proposed meeting clarification.**

3 messages

**William Seward** <wseward@haines.ak.us>

Thu, Sep 15, 2016 at 9:50 AM

To: Brad Ryan <bryan@haines.ak.us>, Jan Hill <jhill@haines.ak.us>, Shawn Bell <sbell@haines.ak.us>, Debra Schnabel <debra.schnabel@gmail.com>, Diana Lapham <dlapham@haines.ak.us>, Lee Heinmiller <lee@alaskaindianarts.com>, Rob Goldberg <artstudioalaska@yahoo.com>

My apologies for clogging up you in-box. You probably received multiple invitations for a meeting with Ms. Schnabel. I'm trying to accommodate several stakeholders. The latest proposed time is Tomorrow, Friday, Sept 16, 2016 @ 2pm.

v/r,

Bill

**Bill Seward**  
 Haines Borough  
 Borough Manager  
 (907) 766-2231 x29 Work  
 (907) 796-9502 Mobile  
 (907) 766-2196 Home  
 wseward@haines.ak.us

**Bill Seward.vcf**  
2K

**Debra Schnabel** <debra.schnabel@gmail.com>

Thu, Sep 15, 2016 at 12:36 PM

To: William Seward <wseward@haines.ak.us>

Cc: Brad Ryan <bryan@haines.ak.us>, Jan Hill <jhill@haines.ak.us>, Shawn Bell <sbell@haines.ak.us>, Diana Lapham <dlapham@haines.ak.us>, Lee Heinmiller <lee@alaskaindianarts.com>, Rob Goldberg <artstudioalaska@yahoo.com>

I look forward to meeting with you on Friday, September 16 at 2 pm.  
Thank you.

Debra

(907) 766-2827  
(907) 314-0788

*The practice of peace and reconciliation is one of the most vital and artistic of human actions. - Thich Nhat Hanh*  
[Quoted text hidden]

**Lee Heinmiller** <lee@alaskaindianarts.com>

Thu, Sep 15, 2016 at 1:59 PM

To: Debra Schnabel <debra.schnabel@gmail.com>

9/29/2016

Gmail - Proposed meeting clarification.

Cc: William Seward <wseward@haines.ak.us>, Brad Ryan <bryan@haines.ak.us>, Jan Hill <jhill@haines.ak.us>, Shawn Bell <sbell@haines.ak.us>, Diana Lapham <dlapham@haines.ak.us>, Rob Goldberg <artstudioalaska@yahoo.com>

I can make the meeting tomorrow at 2:00 PM, .... Lee

**PC PACKET 10-13-2016**

**# 8A2**

Sent from my iPhone

On Sep 15, 2016, at 12:36 PM, Debra Schnabel <debra.schnabel@gmail.com> wrote:



I look forward to meeting with you on Friday, September 16 at 2 pm.  
Thank you.

Debra

(907) 766-2827

(907) 314-0788

*The practice of peace and reconciliation is one of the most vital and artistic of human actions. - Thich Nhat Hanh*

On Thu, Sep 15, 2016 at 9:50 AM, William Seward <wseward@haines.ak.us> wrote:

My apologies for clogging up you in-box. You probably received multiple invitations for a meeting with Ms. Schnabel. I'm trying to accommodate several stakeholders. The latest proposed time is Tomorrow, Friday, Sept 16, 2016 @ 2pm.

v/r,

Bill

<image001.jpg>

# Consistency Review

(C.F.)

- ▷ why are people upset?
- ▷ prison - Feb. 2015 - every attempt to open up prison
  - 35%
  - 65%
- ▷ what is important to people?
- financial  
Restrictions - Ept. 29 mtg.

~~what do I want~~ 

1. Consistency Review -
  - basis for waiver of land use permit.
  - basis for future planning.
  - basis for relief of challenges.
2. ~~\$~~ ~~\$~~ goes to bid & bid too high
  1. close are of steel wave barriers
  2. ~~decrease~~ <sup>reduce</sup> the parking lot.
  3. bring in \$ local funding
3. Budgeting - local funds allocated NOW
  - capital funds.
  - to tack on to bid contract.
4. Long Range Financial planning - commitment to it. - "only independently wealthy people opposed" - TAXPAYERS ARE CHASED!!





C.5

Debra Schnabel &lt;debra.schnabel@gmail.com&gt;

## Appeal of Manager's Decision

5 messages

Debra Schnabel &lt;debra.schnabel@gmail.com&gt;

Wed, Sep 28, 2016 at 10:50 AM

To: Rob Goldberg &lt;artstudioalaska@yahoo.com&gt;, Julie Cozzi &lt;jcozzi@haines.ak.us&gt;

Hello Rob and Julie.

I want an understanding of what "the record" and "substantial evidence" is or may be in the matter of my appeal scheduled to be heard by the Planning Commission on October 13. My intention is to be prepared, but not over-prepare.

I understand the first step is to "explain to the commission why or why not it should rehear the manager's decision." I interpret that to mean that I have the opportunity to stand before the commission and state what I think, which is what I wrote in my letter of September 8, which the Clerk has already stated has "specificity." I assume that the Commission will have a copy of my letter prior to or at the appeal hearing. Can I assume that the code cited (HBC 18.60.010 and 18.70) will be provided to the commissioners prior to the hearing or at the hearing? (I'm wondering whether I have to read it into the record.....) Please confirm.

Then, IF the PC agrees that my appeal has merit, the Commission "will review the whole record." I assume that "the whole record" includes HB Code.

Does "the record" include the Comprehensive Plan referenced in my citation HBC18.60.010?

Please confirm that "the record" includes my appeal letter of September 8 and the referenced, appended correspondence of August 29.

Because code states that findings of fact shall be considered true if "based upon a review of the whole record, they are supported by substantial evidence" I am thinking that it is my responsibility to provide that evidence.

My question now is this: If the borough recognizes that "the whole record" includes public documents including minutes of public meetings, may I reference those public documents, or do I bring them forward as my body of evidence? If a body of evidence is to be brought forward, can I provide that body of evidence so that it is included in the packet, and if so, then by what date does the Clerk need to have that evidence in hand?

Finally, this intriguing development: The Borough has scheduled a planning meeting relating to this very issue on October 12, one day before the hearing of my appeal. It is possible that meeting may produce issues or ideas that impact the issue of my appeal. Will the fact of that meeting be allowed in the discussion...which, I suppose is asking the question of whether that public meeting is part of "the whole record?"

Thanks for your response....for convenience, I have pasted below that portion of HB Code that I think pertains to the process of the appeal...

18.30.050. Any aggrieved person, including the developer, may appear at that meeting and explain to the commission why or why not it should rehear the manager's decision. If the commission chooses to rehear the decision, it may choose to rehear the entire decision, or any portion thereof.

B. If the commission decides to rehear a decision, or any portion thereof, it shall then immediately do so at that meeting and make its decision.

1. Findings of fact adopted expressly or by necessary implication shall be considered as true if, based upon a review of the whole record, they are supported by substantial evidence. Substantial evidence means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. If the record as a whole affords a substantial basis of fact from which the fact in issue may be reasonably inferred, the fact

is supported by substantial evidence. The burden of proof shall be on the appellant to demonstrate the facts and resolution of the issues on appeal by substantial evidence. The evidence shall be limited to a review of the record, although further argument may be allowed.

Debra Schnabel

(907) 766-2827

(907) 314-0788

0.5

**PC PACKET 10-13-2016**

**# 8A2**

*The practice of peace and reconciliation is one of the most vital and artistic of human actions. - Thich Nhat Hanh*

**Julie Cozzi** <jcozzi@haines.ak.us>

Thu, Sep 29, 2016 at 12:59 PM

To: Debra Schnabel <debra.schnabel@gmail.com>

Cc: Rob Goldberg <artstudioalaska@yahoo.com>, William Seward <wseward@haines.ak.us>, Holly Smith <hsmith@haines.ak.us>

Hi, Debra...

Regarding the record on appeal, it is limited to those documents actually submitted to the manager before he made the permit decision....those documents he used to make the decision. Your appeal is not an opportunity to present new evidence. The basic premise of the appeal is that the appellant asserts that the manager made a mistake either in fact finding or in application of the law to the facts. As a result, only that evidence that was made available to the manager for his decision is relevant – the manager could not have made a mistake based on evidence that was not provided to him. That's the record.

"The evidence shall be limited to a review of the record, although further argument may be allowed." So, you cannot bring new evidence or argue based on evidence that is not part of the record.

Regarding your statement: "I assume that 'the whole record' includes HB Code." The Code is not part of the record because it is not evidence. The HBC is law. You can argue based on any Haines Borough ordinance, state law, federal law, etc., but only by applying that law to evidence in the record. And you do not need to read any of the code into the record. If you want to print out sections of the code and give those printouts to the commissioners so that they have it in front of them, that's fine.

Please let me know if you have further questions.

Julie

Julie Cozzi, MMC

Borough Clerk

Haines Borough

P.O. Box 1209

**PC PACKET 10-13-2016**  
**# 8A2**

Haines, AK 99827

907-766-2231, ext.31

907-766-2716 (fax)

www.hainesalaska.gov

"The most wasted day of all is that in which we have not laughed."

0.5

**From:** Debra Schnabel [mailto:debra.schnabel@gmail.com]

**Sent:** Wednesday, September 28, 2016 10:50 AM

**To:** Rob Goldberg <artstudioalaska@yahoo.com>; Julie Cozzi <jcozzi@haines.ak.us>

**Subject:** Appeal of Manager's Decision

[Quoted text hidden]

---

**Debra Schnabel** <debra.schnabel@gmail.com>

Thu, Sep 29, 2016 at 2:32 PM

To: Julie Cozzi <jcozzi@haines.ak.us>

Cc: Rob Goldberg <artstudioalaska@yahoo.com>, William Seward <wseward@haines.ak.us>, Holly Smith <hsmith@haines.ak.us>

So, the evidence would be the permit application, right?

It might also be any correspondence that the Manager referenced, or any conversations that he might have had with the staff or with the Chair of the Planning Commission, or any consultants, right?

Because the application was not (to my knowledge) advertised, and the decision was processed in-house, the public was not aware of what "evidence" the manager had at his disposal. May I request knowing what exactly is in "the record?"

Now I'm curious about what the Planning Commission will be told is "the record?" What will the Planning Commission receive in its packet?

I have sitting on my desk at this moment a submission of what I think is "the record:" code, public documents, correspondence, etc.....so that I could be prepared. For example: I think that the Army Corps of Engineer's 408 Permit is evidence...and I have correspondence relating to that. It seems to me that the Comprehensive Plan is evidence...but in considering your input, it seems that an appellant behaves like an attorney, and argues that the law and the Comprehensive Plan, etc. was improperly applied.

I was thinking that today is the deadline for submission of "evidence" material for the appeal if it is to be included. Code doesn't indicate when the record stops and starts, so I find it interesting that "the record" is limited only to what the Manager knew when he signed the document....

Heady stuff....

Debra

(907) 766-2827

(907) 314-0788

*The practice of peace and reconciliation is one of the most vital and artistic of human actions. - Thich Nhat Hanh*

[Quoted text hidden]

Thu, Sep 29, 2016 at 3:01 PM

**Julie Cozzi** <jcozzi@haines.ak.us>

To: Debra Schnabel &lt;debra.schnabel@gmail.com&gt;

Cc: Rob Goldberg &lt;artstudioalaska@yahoo.com&gt;, William Seward &lt;wseward@haines.ak.us&gt;, Holly Smith &lt;hsmith@haines.ak.us&gt;, Patrick Munson &lt;PMunson@bcfaklaw.com&gt;

Hi, Debra...

The "record on appeal" will be provided to the planning commissioners as part of the published meeting packet. Each appeal will be a separate agenda item.

To clarify, tomorrow is the deadline for new PC meeting topics that require a public hearing. Appeals obviously do, but we already received your appeal so you have met that "topic" deadline. The next deadline is the "packet document" deadline, which for the October 13 meeting is 8:00am, Tuesday, October 3. That is your deadline for submitting any documents supporting your appeal provided they do not constitute new evidence that the manager did not use or have.

I do not know the exact contents of the record, at this point. I will need to get with the borough manager and the planner to establish that.

I agree it can be "heady" stuff, but please try not to over think it. You are appealing because you believe the manager made a mistake. Through your arguments, you will be attempting to convince the planning commission that they should review the record themselves (rehear the appeal) whether in part or in its entirety. The planning commission will only be able to look at the same things the manager did.

Julie

**From:** Debra Schnabel [mailto:debra.schnabel@gmail.com]**Sent:** Thursday, September 29, 2016 2:33 PM**To:** Julie Cozzi <jcozzi@haines.ak.us>**Cc:** Rob Goldberg <artstudioalaska@yahoo.com>; William Seward <wseward@haines.ak.us>; Holly Smith <hsmith@haines.ak.us>**Subject:** Re: Appeal of Manager's Decision

[Quoted text hidden]

**Debra Schnabel** <debra.schnabel@gmail.com>

Thu, Sep 29, 2016 at 4:29 PM

To: Julie Cozzi &lt;jcozzi@haines.ak.us&gt;

Cc: Rob Goldberg &lt;artstudioalaska@yahoo.com&gt;, William Seward &lt;wseward@haines.ak.us&gt;, Holly Smith &lt;hsmith@haines.ak.us&gt;, Patrick Munson &lt;PMunson@bcfaklaw.com&gt;

What makes all of this so interesting is that we appear to be restricting "relevant evidence" to "documents."

18.30.050 B. states that (IF the appeal is allowed) "Substantial evidence means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion."

In my words, "relevant evidence" is the body of knowledge that a person accumulates in their professional experience. How would I know if it was "new evidence" or not? For example: I may believe that relevant information was spoken at an Assembly meeting or a Planning Commission meeting. And maybe that piece of information was in the official



minutes, or maybe not...but the information certainly could be within the Manager's body of knowledge and could be recalled when he is sitting at his desk thinking about whether to sign a land use permit application; he may or may not have a document in front of him, but the information would certainly be part of the record and therefore "relevant evidence."

Because Mr. Munson graciously suggests that it is OK for me to argue about submission of documents, I am placing before you the argument that any public record is "the record" and that includes minutes (recordings and written) of any public meeting and any public correspondence and any news articles or report distributed by the media. It is also official plans, reports, etc.

It is inconceivable to me that everything that someone includes in their decision-making is written on a document sitting in front of them at the moment a decision is made. We all have a body of knowledge that we reference on a daily basis, and it develops out of exposure to information and arguments and character and logical processes.

At the very least I think that we can agree that public information, whether or not documented in a physical "document" was accessible to the Manager and is therefore part of the record.

I ask you to consider my argument that public information is relevant evidence, and I will qualify that further by agreeing that it must be cited.

Thank You.

**PC PACKET 10-13-2016**  
**# 8A2**

Debra

(907) 766-2827  
(907) 314-0788



*The practice of peace and reconciliation is one of the most vital and artistic of human actions. - Thich Nhat Hanh*

[Quoted text hidden]

Haines Borough  
Borough Assembly Meeting #312  
AGENDA

PC PACKET 10-13-2016  
#8A2

April 12, 2016 - 6:30 p.m.

Location: Assembly Chambers, Public Safety Bldg.

**Jan Hill,**  
Mayor

**Margaret Friedenauer,**  
Assembly Member

**Diana Lapham,**  
Assembly Member

**Mike Case**  
Assembly Member

**Tresham Gregg,**  
Assembly Member

**George Campbell,**  
Assembly Member

**Ron Jackson,**  
Assembly Member

**Brad Ryan**  
Interim Manager

**Julie Cozzi, MMC**  
Borough Clerk

**Krista Kielsmeier**  
Deputy Clerk

**1. CALL TO ORDER/PLEDGE TO THE FLAG**

**2. ROLL CALL**

**3. APPROVAL OF AGENDA & CONSENT AGENDA**

*[The following Consent Agenda items are indicated by an asterisk (\*) and will be enacted by the motion to approve the agenda. There will be no separate discussion of these items unless an assembly member or other person so requests, in which event the asterisk will be removed and that item will be considered by the assembly on the regular agenda.]*

Consent Agenda:

- 4 – Approve Assembly Meeting Minutes
- 8B – Accept Lobbyist Report
- 8C – Accept Chilkat Center Report
- 8D – Accept Fire Department Report
- 9A – Accept MO Committee Minutes
- 11A1 – Adopt Resolution 16-04-665
- 11A2 – Adopt Resolution 16-04-666
- 11A3 – Adopt Resolution 16-04-667
- 11A4 – Adopt Resolution 16-04-668

**\* 4. APPROVAL OF MINUTES – 3/29/16 Regular**

**5. PUBLIC COMMENTS - Sign-up is NOT required**

*[This is for any topics not scheduled for public hearing.]*

**6. MAYOR'S COMMENTS/REPORT**

**7. PUBLIC HEARINGS**

**A. Ordinance 16-03-431 – First Hearing**

**An Ordinance of the Haines Borough amending Haines Borough Code Section 18.20.020 and Sub-Section 18.80.030(B) to clarify the method of calculating building height.**

*This is recommended by the planning commission and was introduced on 3/29/16. The assembly already scheduled the second hearing for 4/26/16. No motion is needed now unless the second hearing date needs to change or some other action is desired.*

**B. Ordinance 16-03-432 – First Hearing**

**An Ordinance of the Haines Borough, providing for the addition or amendment of specific line items to the FY16 budget.**

*This is recommended by the interim manager and was introduced on 3/29/16. The assembly already scheduled the second hearing for 4/26/16. No motion is needed now unless the second hearing date needs to change or some other action is desired.*

**8. STAFF/FACILITY REPORTS**

**A. Interim Borough Manager – 4/12/16 Report**

**\*B. State Lobbyist – Report of March 21-31, 2016**

**\*C. Chilkat Center – Facility Report of March 2016**

**\*D. Fire Department – Report of March 2016**

**9. COMMITTEE/COMMISSION/BOARD REPORTS & APPROVED MINUTES**

**\*A. Minor Offenses Committee – Minutes of 3/14/16 and 3/21/16**

**B. Assembly Board Liaison Reports**

**C. Assembly Standing Committee Reports**

**10. UNFINISHED BUSINESS - None**

**11. NEW BUSINESS****A. Resolutions****\*1. Resolution 16-04-665**

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to dispose of a 2007 Ford Five Hundred sedan; electric, six-passenger golf cart; and two 50-kilowatt generators by public sealed bid auction to the highest bidder as specified in Haines Borough Code 14.24.010 (Disposal of personal property).

*This resolution is recommended by the interim manager. **Motion:** Adopt Resolution 16-04-665.*

**\*2. Resolution 16-04-666**

A Resolution of the Haines Borough Assembly approving in response to an application from the Chilkat Valley Historical Society, as recommended by the borough assessor, a community purpose property tax exemption for the Amway property located at approximately 1-mile Haines Highway.

*This resolution is recommended by the assessor. **Motion:** Adopt Resolution 16-04-666.*

**\*3. Resolution 16-04-667**

A Resolution of the Haines Borough Assembly approving in response to an application from Takshanuk Watershed Council, as recommended by the borough assessor, a community purpose property tax exemption for the Sawmill Creek property at the corner of 6<sup>th</sup> and Dalton.

*This resolution is recommended by the assessor. **Motion:** Adopt Resolution 16-04-667.*

**\*4. Resolution 16-04-668**

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to execute a purchase order with Red Truck Sales, Inc. to purchase a tanker truck for the Klehini Valley Volunteer Fire Department for an amount not-to-exceed \$95,000.

*This resolution is recommended by the interim manager. **Motion:** Adopt Resolution 16-04-668.*

**B. Ordinances for Introduction - None****C. Other New Business****1. Board Appointments**

*Appointment applications have been received for seats on the Library Advisory Board. The mayor plans to make the appointments and seeks assembly confirmation. **Motion:** Confirm the mayor's appointment of Meghan Elliott and Jenty Fowler to the Library Advisory Board for terms ending 11/30/16.*

**2. Harbor 95% Design**

*The Interim Borough Manager, Harbormaster, and Port & Harbor Advisory Committee request assembly approval of the 95% Portage Cove Harbor Design. On 9/10/15, the Planning Commission conducted a public hearing and reviewed the 95% design. The commission determined the project design meets the goals of the Comprehensive Plan and is consistent with the current planning & zoning requirements. More information is available as part of the agenda bill in the meeting packet. **Motion:** Approve the 95% Portage Cove Harbor Design.*

**3. Tax Incentive Phase-in Proposal Draft**

*Since 2014, the Commerce Committee has been working on a possible tax incentive program. Committee chair, Assembly Member Campbell, requested this agenda item. His suggested motion is "for three public hearings, allowing two for tweaks, final attorney review, third and final public hearing for passage." Per HBC 3.70.020, an ordinance will be required (to amend HBC 3.70.040). The manager recommends the assembly instead refer this to the Finance Committee for further review and development of the necessary ordinance.*

**12. CORRESPONDENCE/REQUESTS****A. Letter from Pacific Salmon Treaty Coalition****B. Letter from Parks & Recreation Advisory Committee – Recommendation to Create a Downtown Recreation Area****13. SET MEETING DATES****14. PUBLIC COMMENTS****15. ANNOUNCEMENTS/ASSEMBLY COMMENTS****16. ADJOURNMENT**

COMMISSIONERS:

ROB GOLDBERG, CHAIR  
 LEE HEINMILLER, VICE-CHAIR  
 ROBERT VENABLES  
 HEATHER LENDE  
 DON TURNER III  
 BRENDA JOSEPHSON  
 ROB MILLER



## Haines Borough Planning Commission Regular Meeting Agenda

Thursday, September 10, 2015 - 6:30 p.m.

Assembly Chambers, 213 Haines Hwy.

1. CALL TO ORDER / PLEDGE TO THE FLAG
2. ROLL CALL
3. APPROVAL OF AGENDA
4. APPROVAL OF MINUTES: August 13, 2015
5. PUBLIC COMMENTS [Items not scheduled for public hearing]
6. CHAIRMAN'S REPORT
7. STAFF REPORT
  - A. Planning & Zoning Report
8. PUBLIC HEARINGS:
  - A. Hill Top Subdivision Preliminary Long Plat Approval – C-USS-A2-2716 – Action Item – Property owner Roger Schnabel submitted a preliminary plat prepared by a registered land surveyor to the commission at 20 percent to 35 percent completion in order that general agreement may be reached on layout and arrangement of streets and lots and other public utilities before a final plat is prepared. He proposed to subdivide the above-listed property into 72 lots. The commission will process the preliminary plat pursuant to the standards set forth for special conditions permits and the standards set forth in HBC 18.100. **Possible Motion:** Approve Hill Top Subdivision Preliminary Long Plat.
9. UNFINISHED BUSINESS: None
10. NEW BUSINESS:
  - A. Historic District/Building Review: None
  - B. Haines Borough Code Amendments:
    1. Clarify "Temporary Commercial Structure" – Discussion Item – Commercial trailers are becoming more prevalent in town. The use of temporary commercial trailers is not currently addressed in the Borough code. Staff is seeking advice from the commission.
    2. Nonconforming Lot for A Public Utility Project – Discussion Item – The Assembly authorized via resolution Purchase of Property from Louie Meacock to facilitate the Piedad Springs Project. However, the purchase will result in creating a nonconforming lot, which is less than one acre. An ordinance allowing a nonconforming lot size for a public utility is drafted by staff for introduction to the Assembly.
  - C. Project Updates: None
  - D. Other New Business:
    1. South Portage Cove Harbor Expansion Project – Discussion Item – PND has prepared the 95 percent design review submittal for the South Portage Cove Harbor Expansion project. The commission is invited to review and comment.
    2. John Sickman – Appeal to the Planning Commission – Action Item – Property owner Sickman submitted a land use permit application to construct a single family residence (SFR) on a vacant lot of Skyline Estates Subdivision. The Borough determined the proposed SFR will exceed the 30' height limit. Sickman disagrees with the manager's interpretation of the Borough code relating to building height. He submitted his written appeal to the Planning Commission. **Possible Motion:** The Planning Commission confirms the Borough's decision.
11. COMMISSION COMMENTS
12. CORRESPONDENCE
13. SCHEDULE MEETING DATE
  - A. Regular Meeting – Thursday, October 8, 2015 6:30 p.m.
14. ADJOURNMENT



**Haines Borough  
Planning Commission Meeting  
September 10, 2015  
MINUTES**

Approved

D.3.

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**, **Brenda Josephson**, **Rob Miller**, **Don Turner III**, and **Robert Venables** (called in).

**Staff Present:** **Jan Hill**/Mayor, **David Sosa**/Manager, **Shawn Bell**/Harbormaster, and **Tracy Cui**/Planning and Zoning Technician III.

**Also Present:** **Mike Case** (Assembly liaison), **Diana Lapham** (Assembly member), **Dick Somerville** (PND, called in), **Bill Kurz**, **Debra Schnabel**, **John Sickman**, **Ardy Miller**, **Dave Nanney**, **Adam McMahan**, **Emily McMahan**, **Evelyna Vignola**, **David Smith**, **Jeremy Stephens**, **Tresham Gregg**, **Joe Parnell**, **Sean Gaffney**, and others.

3. **APPROVAL OF AGENDA**

**Goldberg** suggested moving 10D1 to be the first public hearing item. The other commissioners agreed.

**Motion:** **Lende** moved to “approve the agenda as amended.” **Josephson** seconded it. The motion carried unanimously.

4. **APPROVAL OF MINUTES** – August 13, 2015 Regular Meeting Minutes

**Motion:** **Miller** moved to “approve the August 13, 2015 minutes.” **Heinmiller** seconded it. The motion carried unanimously.

5. **PUBLIC COMMENTS**

**Schnabel** spoke in favor of the “shops on wheels” commercial development on behalf of the commerce committee.

6. **CHAIRMAN’S REPORT**

**Goldberg** reported updates on the picture point project.

7. **STAFF REPORTS**

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

**Cui** reported monthly permits and updates on projects.

8. **PUBLIC HEARINGS**

- A. **South Portage Cove Harbor Expansion Project**

**Goldberg** opened the hearing at 6:40 p.m., and closed the hearing at 8:10 p.m. **Kurz**, **Schnabel**, **Nanney**, **Gregg**, **Parnell**, and others commented. The commission determined that the project design meets the goals of the Comprehensive Plan and is consistent with the current planning and zoning

*- the agenda does not schedule this topic as a public hearing.*

requirements. There was uncertainty about this at the meeting, and how the regulation might affect the design of the harbor. The commissioners think it is wise to protect the Borough's investment before corrosion begins. A suggestion was made that funds from the Raw Fish Tax be directed toward purchasing and installing the anodes. **Miller** said that Mr. Harvey Smith could provide the Borough a second opinion of the design at no charge. It is possible that he could suggest changes that could make the project better or save money.

**Motion:** **Goldberg** moved to "recommend the Assembly (1) seek a review of PND's design from Harvey Smith, the State Coastal Engineer; (2) determine the Coast Guard regulations for boating in proximity to cruise ships; (3) install sacrificial anodes on the wave barrier upon installation; (4) move Lookout Park to a spot designated on the plan by PND Engineers. The motion carried 5-1 with **Lende** opposed. (**Venables** left during the hearing.)

#### **B. Hill Top Subdivision Preliminary Long Plat Approval**

**Josephson** recused herself.

The commission reviewed the design of the subdivision plans. The design drawings were done in 1997. Borough code has changed since that time, especially in the standards for roads and sewer systems. Many of the aspects of the subdivision's design were found to be out of compliance with the current code. There is also a cloudy title on part of the property. The commission decided to return the plat to the applicant for corrections, and encouraged the applicant to clear the title to the entire property. A committee consisting of Commissioners **Turner** and **Lende** was formed to work with the applicant to make the necessary changes before the preliminary plat is re-submitted.

#### **9. UNFINISHED BUSINESS – None**

#### **10. NEW BUSINESS**

##### **A. Historic District/Building Review: None**

##### **B. Haines Borough Code Amendments**

###### **1. Clarify "Temporary Commercial Structure"**

The commission postponed this topic to its next regular meeting.

###### **2. Nonconforming Lot for A Public Utility Project**

**Cui** said that the Borough plans an upgrade to the Piedad Springs water source. In order to proceed with the project, the Borough needs to purchase a small portion of property. However, the purchase will result in the creation of a nonconforming lot, which is less than one acre. Staff drafted an ordinance which will allow a nonconforming lot be created as a result of the Borough acquiring a portion of a lot to be used exclusively for public utility purposes. There is no requirement for Title 18 amendments to originate with the Planning Commission. The motion was made.

##### **C. Project Updates – None**

##### **D. Other New Business**

###### **1. John Sickman – Appeal to the Planning Commission**

Mr. Sickman was denied a building permit for a residence in the Skyline Subdivision because Borough staff and the Manager determined that the design exceeded the 30' height restriction. HBC 18.80.030(B) states: "Height

From: <suzywaterhouse@hotmail.com>  
Date: September 8, 2016 at 6:46:27 PM MDT  
To: <jcozzi@haines.ak.us>  
Subject: Appeal of manager's decision  
Ms Cozzi,

Please be informed that I would like to formally appeal the manager's decision regarding the inappropriate issuance of a land use permit for the Small Boat Harbor Expansion Project. My appeal is based upon the fact that such land use permit has not been rendered in compliance with the applicable borough code.

Thank you,

Sincerely,

Sue Waterhouse

Sent from my iPhone



Haines Borough **C**

**C**

Planning and Zoning

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

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

**APPLICATION FOR LAND USE PERMIT**

<b>I. Owner/Authorized Representative</b>		<b>Owner's Contractor(If Any)</b>	
Name: <i>Haines Borough</i>		Name:	
Mailing Address: <i>PO Box 1209</i>		Haines Borough Business License #:	
Contact Phone: Day Night <i>907-314-0648</i>		Alaska Business License #:	
Fax:		Contractor's License #:	
E-mail: <i>bryan@haines.ak.us</i>		Mailing Address:	
		Contact Phone: Day Night	
		Fax:	
		E-mail:	
<b>II. Property Information</b>			
Property Tax ID #:			
Size of Property: <i>Portage Cove Harbor Expansion</i>			
Site Street Address: (If Any)			
Legal Description: Lot (s) _____ Block _____ Subdivision _____			
<b>OR</b>			
Parcel/Tract _____ Section _____ Township _____ Range _____			
[Attach additional sheets if necessary.] <i>See Attached Map and Drawings</i>			
Zoning: <input checked="" type="checkbox"/> Waterfront <input type="checkbox"/> Single Residential <input type="checkbox"/> Rural Residential <input type="checkbox"/> Significant Structures Area			
<input type="checkbox"/> Rural Mixed Use <input type="checkbox"/> Multiple Residential <input type="checkbox"/> Heavy Industrial <input type="checkbox"/> Waterfront Industrial			
<input type="checkbox"/> Commercial <input type="checkbox"/> Industrial Light Commercial <input type="checkbox"/> Recreational <input type="checkbox"/> Mud Bay Zoning District			
<input type="checkbox"/> Lutak Zoning District <input type="checkbox"/> General Use			
<b>III. Description of Work</b>			
<b>Type of Application</b> (Check all that apply) <input type="checkbox"/> Residential <input type="checkbox"/> Commercial  _____ sq. ft.  _____ seating capacity if eating/drinking establishment <input type="checkbox"/> Industrial <input type="checkbox"/> Church <input checked="" type="checkbox"/> Other <i>Harbor</i>	<b>Project Description</b> (Check all that apply) <input type="checkbox"/> Single Family Dwelling <input type="checkbox"/> Change of Use <input type="checkbox"/> Multi-Family Dwelling Total # of Units _____ <input type="checkbox"/> Cabin <input type="checkbox"/> Addition <input type="checkbox"/> Accessory Structure <input checked="" type="checkbox"/> Other <i>Harbor Expansion</i>	<b>Water Supply</b> Existing or Proposed <input type="checkbox"/> None <input type="checkbox"/> Community well <input type="checkbox"/> Private well <input checked="" type="checkbox"/> Public Water System <input type="checkbox"/> Other _____	<b>Sewage Disposal</b> Existing or Proposed <input type="checkbox"/> None <input type="checkbox"/> Septic Tank <input type="checkbox"/> Holding Tank <input checked="" type="checkbox"/> Public Sewer System <input type="checkbox"/> Pit Privy <input type="checkbox"/> Composting Toilet <input type="checkbox"/> Other _____
Estimate Cost of Work:			



Land Use Requested For: (Describe the project, and use additional sheets if necessary)

*Postage Cove Harbor Expansion*

Required Attachments:

- Completed Application Form
- Site plan (see Attachment A) showing lot lines, building dimensions, setbacks, streets, etc.
- \$50 Non-Refundable Fee (Checks must be made payable to the Haines Borough)

**IV. CERTIFICATION**

I hereby certify that I am the owner or authorized representative of the property described above and that I petition for a land use permit in conformance with all of the provisions in the Haines Borough Code. I also certify that the site plan submitted is a complete and accurate plan showing any and all existing and proposed structures on the subject property. I understand that payment of the application fee is nonrefundable and is to cover the costs associated with processing this application, and that it does not assure approval of the proposed use. I also understand that all contract work on this project will be done by a contractor holding valid licenses issued by the State of Alaska and the Haines Borough. **I am aware that if I begin work prior to receiving permit approval, I may be assessed a penalty fee, as per HBC 18.30.070.**

*[Signature]*

*12 Aug 2016*  
Date

Signature (Representatives must provide written proof of authorization)

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

**Office Use Only Below This Line**

Non-Refundable Application Fee \$ <u>50.00</u> Payment Method: <u>Finance Charge to Harbor Project</u> Receipt #: _____ Received By: <u>J.F.</u> Date: <u>8/12/16</u>	If Application is Complete: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Notified Via: <u>In Person</u> Notified By: <u>J.F.</u> Date: <u>8/12/16</u> <u>Contractor to be assigned in October 2016</u>
If application is approved: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, Approved By: <u>[Signature]</u> Borough Manager/P&Z Tech/Designee Permit ID #: <u>16-61</u> Permit Effective Date: <u>8/29/16</u>	If no, Denied By: _____ Borough Manager/P&Z Tech/Designee Date: _____ Reason: _____

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

**INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED**

## ATTACHMENT A

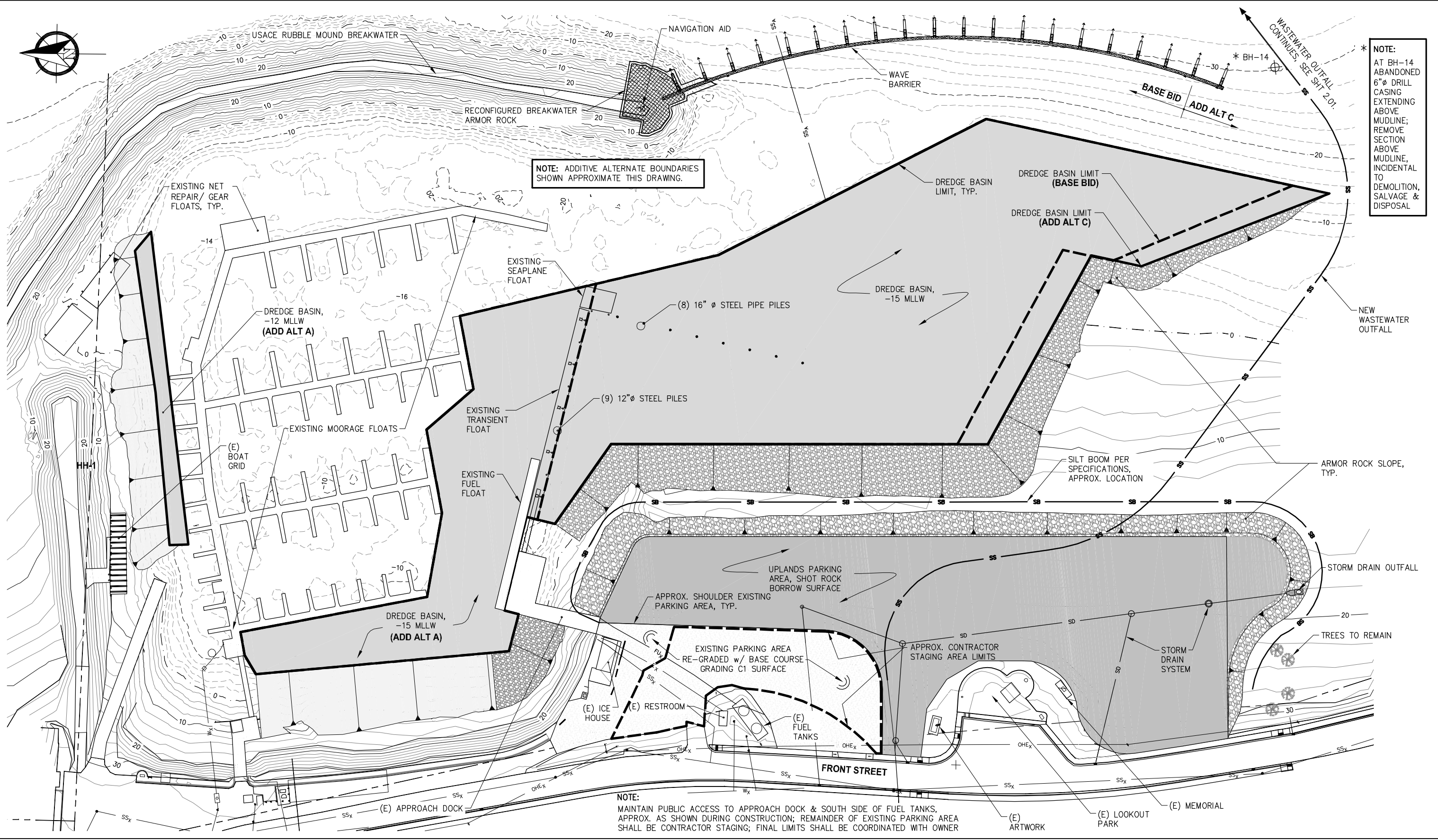
### **SITE PLAN REQUIREMENTS**

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

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

*Please See Attached Design Sheets*

*We will provide 404 + 408 USACE Permits*



**NOTE:**  
 AT BH-14  
 ABANDONED  
 6" Ø DRILL  
 CASING  
 EXTENDING  
 ABOVE  
 MUDLINE; REMOVE  
 SECTION  
 ABOVE  
 MUDLINE, INCIDENTAL  
 TO DEMOLITION,  
 SALVAGE &  
 DISPOSAL

**NOTE:** ADDITIVE ALTERNATE BOUNDARIES  
 SHOWN APPROXIMATE THIS DRAWING.

**NOTE:**  
 MAINTAIN PUBLIC ACCESS TO APPROACH DOCK & SOUTH SIDE OF FUEL TANKS,  
 APPROX. AS SHOWN DURING CONSTRUCTION; REMAINDER OF EXISTING PARKING AREA  
 SHALL BE CONTRACTOR STAGING; FINAL LIMITS SHALL BE COORDINATED WITH OWNER

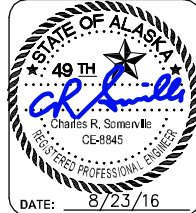


REVISIONS					
REV.	DATE	DESCRIPTION	DWN.	CKD.	APP.

**PND ENGINEERS, INC.**  
 9360 Glacier Highway, Ste. 100  
 Juneau, Alaska 99801  
 Phone: 907-586-2093  
 Fax: 907-586-2099  
 www.pndengineers.com

DESIGN: TCB CHECKED: CRS  
 DRAWN: PJD APPROVED: CRS

SCALE: SCALE IN FEET  
 0 50 100 FT.



**HAINES BOROUGH PORTAGE COVE HARBOR EXPANSION**

SHEET TITLE: **GENERAL SITE PLAN**

PND PROJECT NO.: 102029.01

DATE: 8/23/16

SCALE: 1.05

SHEET 5 OF 32

**HAINES BOROUGH**  
P.O. BOX 1209 907-766-2231  
HAINES, ALASKA 99827

FIRST NATIONAL BANK ALASKA  
HAINES BRANCH  
HAINES, ALASKA  
89-6-1252-12

CHECK NO. **No. 322663**

8/19/2016  
DATE

322663  
AMOUNT

\*\*\*Fifty and 00/100 Dollars\*\*\*

\*\*50.00\*\*

**PAY**  
TO THE  
ORDER  
OF  
HAINES BOROUGH  
P. O. BOX 1209  
HAINES AK 99827

*Diana S. Graham* MP  
*Julie Cozzi* MP  
AUTHORIZED SIGNATURE(S)

⑈ 3 2 2 6 6 3 ⑈ ⑆ 1 2 5 2 0 0 0 6 0 ⑆ 3 0 0 2 5 2 3 3 ⑈

HAINES BOROUGH

No. 322663

VENDOR: 2125 HAINES BOROUGH

8/19/2016 Check No: 322663

INVOICE #	INV DATE	DESCRIPTION	INV AMOUNT
081516	8/15/2016	HARBOR EXPN - LAND USE PERMIT	50.00

TOTAL AMOUNT 50.00

**CASH RECEIPT** Date 8/19/16 024687

Received From Haines Borough

Address P.O. Box 1209, Haines

Fifty and 00/100 Dollars \$ 50.00

For H.B. land use permit - Harbor Expansion

ACCOUNT		HOW PAID	
AMT. OF ACCOUNT		CASH	
AMT. PAID		CHECK	X
BALANCE DUE		MONEY ORDER <input type="checkbox"/>	
		CREDIT CARD <input type="checkbox"/>	

By Kathryn Fuelle

CRB1173

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



Alaska District  
U.S. Army Corps of Engineers

Date 29 April 2016 Identification No. ER-16-03  
Please refer to the identification number when replying.

## Operation and Maintenance Branch

# Public Notice

---

### Haines Harbor Section 408 Permit Request

The Alaska District, U.S. Army Corps of Engineers (USACE) has received a request for a Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408) permit, hereafter referred to as a Section 408 permit, from PND Engineers Inc., on behalf of the Haines Borough, to modify an existing Corps project to provide harbor and wave protection facilities to increase capacity while providing safe vessel navigation, moorage, and launching among other navigation improvements.

Section 408 authorizes the Secretary of the Army, on the recommendation of the Chief of Engineers of the U.S. Army Corps of Engineers, to grant permission for the alteration or occupation or use of a USACE civil works project if the Secretary determines that the activity will not be injurious to the public interest and will not impair the usefulness of the project. This Section 408 request is being considered in conjunction with Section 404 and Section 10 applications through the USACE's Regulatory Division.

The proposed work would construct a new pile supported wave barrier wall that would tie into the southern end of the USACE 905-foot-long detached rubble mound breakwater and other items incidental to the development of an expanded harbor.

A complete description of the proposed work may be found on the USACE Alaska District's Regulatory website at the link below:

<http://www.poa.usace.army.mil/Missions/Regulatory/PublicNotices/tabid/3350/Article/620454/poa-2005-1976-portage-cove.aspx>

This public notice will expire 15 days after the date of this notice. If you have any questions about the proposed action, please contact me at (907) 753-5685 or at Julie.L.Anderson@usace.army.mil

Julie L. Anderson  
Chief, Operation and Maintenance Branch



**DEPARTMENT OF THE ARMY**  
ALASKA DISTRICT, U.S. ARMY CORPS OF ENGINEERS  
REGULATORY DIVISION  
P.O. BOX 22270  
JUNEAU, AK 99802-2270

June 15, 2016

Regulatory Division  
POA-2005-1976

Mr. Brad A. Ryan  
Haines Borough  
PO Box 1209  
Haines, AK 99827

Dear Mr. Ryan:

Enclosed are two copies of Department of the Army permit POA-2005-1976, Portage Cove, which would authorize dredging, the discharge of fill and dredged material, and the installation of structures in waters of the United States to expand the Portage Cove Harbor.

The project site is located within Section 26, T. 30 S., R. 59 E., Copper River Meridian; USGS Quad Map Skagway A-2; Latitude 59.233° N., Longitude 135.440° W.; Portage Cove Harbor in Haines, Alaska.

The Alaska Department of Environmental Conservation has issued a Certificate of Reasonable Assurance pursuant to Section 401 of the Clean Water Act for your project and found it to be in accordance with the Alaska Water Quality Standards. This certification is attached to the Department of the Army permit and will become a part of this permit when it is finalized.

Additionally, we have enclosed a Notification of Administrative Appeal Options and Process and Request for Appeal form regarding this Department of the Army Permit (see section labeled "Initial Proffered Permit").

If you accept the conditions of the enclosed permit, please sign and date both copies and return them to us. The permit will not be valid until we have returned a finalized copy to you. This is not an authorization to commence construction. No work is to be performed in Portage Cove until you have received a validated copy of the permit.

Nothing in this letter shall be construed as excusing you from compliance with other Federal, State, or local statutes, ordinances, or regulations which may affect this work.

Please contact me via email at [Randal.P.Vigil@usace.army.mil](mailto:Randal.P.Vigil@usace.army.mil), by mail at the address above, by phone at (907) 790-4491, if you have questions.

Sincerely,

Randal P. Vigil  
Project Manager

Enclosures

CF:

[dsomerville@pndengineers.com](mailto:dsomerville@pndengineers.com)  
[baustin@pndengineers.com](mailto:baustin@pndengineers.com)

# DEPARTMENT OF THE ARMY PERMIT

Permittee: Haines Borough

Permit No.: POA-2005-1976 (Portage Cove)

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

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

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

## Project Description:

1. Dredge 110,000 cubic yards (cy) of marine sediment from 7 acres below the Mean High Water mark (MHW), (approximate elevation +15.8 feet above the 0.0 foot contour), to provide sufficient water depth vessels at all tidal ranges. The disposal of 84,500 cy of the dredged material is proposed through the discharge over 50 acres of the seafloor at a location approximately 2.8 miles northeast of the proposed dredging site at Latitude 59.238333° N., Longitude 135.400639° W. in Chilkoot Inlet.
2. Discharge 23,380 cubic yards of armor rock and 25,500 cy of dredged material into 3.73 acres below the plane of the High Tide Line (HTL), (approximate elevation +21.2 feet above the 0.0 foot contour), to construct a parking area, boat launch ramp, and protect the dredged area slopes.
3. Remove from 0.073 acres below the MHW 900 cubic yards of existing armor rock from the rubble mound breakwater and replace with 900 cubic yards of larger armor rock to increase wave protection.
4. Remove from below MHW and dispose one 11 feet wide by 136 feet long transient float including six 12-inch diameter steel piles and all miscellaneous mounting hardware and appurtenances.
5. Remove from below MHW and relocate one 36 feet wide by 42 feet long seaplane float including two 16-inch diameter steel piles and all miscellaneous mounting hardware and appurtenances.
6. Replace from below MHW three 12-inch diameter steel piles from transient float designated to remain.
7. Replace from below MHW 2,534 linear feet of 16-inch diameter High Density Polyethylene (HDPE) sewer outfall pipe; replace 70 linear feet of 16-inch diameter ductile iron pipe sewer outfall diffuser.
8. Relocate from below MHW one 28 feet wide by 50 long, pile-supported, (four 24- inch diameter steel) work float.
9. Install below MHW one 10 feet wide by 300 feet long, pile-supported, (fourteen 16-inch diameter steel), headwalk float.
10. Install below MHW one 10 feet wide by 275 feet, pile-supported, (ten 16-inch diameter steel), long mainwalk float.
11. Install below MHW one 10 feet wide by 194 feet long, pile-supported, (eight 16- inch diameter steel), mainwalk float.
12. Install below MHW one 10 feet wide by 120 feet long, pile-supported, (eight 16- inch diameter steel), transient float.



13. Install below MHW six 5 feet wide by 42 feet long, pile-supported, (six 16-inch diameter steel), finger floats.
14. Install below MHW ten 4 feet wide by 32 feet long finger floats.
15. Install below MHW one 44 feet wide by 300 feet long, pile-supported, (ten 12-inch diameter steel), boarding float.
16. Install below MHW one 50 feet wide by 180 feet long drive down float with one 17 feet wide by 145 feet long transfer bridge supported with a total of twenty 24-inch diameter and 16-inch diameter steel piles.
17. Install below MHW one 20 feet wide by 40 feet long, pile-supported (twelve 16-inch diameter steel), approach dock with one 7 feet wide by 80 feet long covered aluminum gangway and one 20 feet wide by 20 feet long gangway landing float.
18. Install below MHW 633 linear feet of wave barrier with navigational lighting; supported with a total of one hundred fifty nine 30-inch diameter steel vertical bearing piles and 24-inch diameter steel barrier piles with sheet pile wings
19. Install below MHW 2,650 linear feet of HDPE sewer outfall pipe with diffuser. Work would include installation of 900 linear feet of corrugated polyethylene drainage pipe, three concrete storm drain manholes, one storm drain oil water separator, and one concrete storm drain outfall with check valve and debris protection grate.

All work will be performed in accordance with the attached plan, sheets 1 - 20, dated June 2016.

**Project Location:**

Section 35, T. 30 S., R. 59 E., Copper River Meridian; USGS Quad Map Skagway A-2; Latitude 59.233733° N., Longitude 135.440287° W.; Portage Cove Harbor, in Haines, Alaska.

**Permit Conditions:**

**General Conditions:**

1. The time limit for completing the work authorized ends on **June 30, 2021**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

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

**Special Conditions:**

1. Your use of the permitted activity must not interfere with the public's right to free navigation on all navigable waters of the United States.

2. You must install and maintain, at your expense, any safety lights and signals prescribed by the United States Coast Guard (USCG), through regulations or otherwise, on your authorized facilities. The USCG may be reached at the following address and telephone number: Commander (dpw), 17th Coast Guard District, P.O. Box 25517, Juneau, Alaska 99802; or by telephone at (907) 463-2272.

3. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

4. The permittee shall comply with the National Marine Fisheries Service Marine Mammal and/or Construction Conditions dated March 15, 2016, and provided as an attachment to this permit.

The permittee shall comply with the Federal Endangered Species Act, you must implement all of the mitigating measures identified in the enclosed National Marine Fisheries Service letter of concurrence (Number NMFS #AKR-2016-9528, dated March 15, 2016), including those ascribed to the Corps therein. If you are unable to implement any of these measures, you must immediately notify the Corps and the National Marine Fisheries Service so we may consult as appropriate, prior to initiating the work, in accordance with Federal law.

5 The Permittee shall use only clean fill material for this project. The fill material shall be free from items such as trash, debris, automotive parts, asphalt, construction materials, concrete blocks with exposed reinforcement bars, and soils contaminated with any toxic substance, in toxic amounts in accordance with Section 307 of the Clean Water Act.

To prevent sedimentation into adjacent Waters of the U.S. outside of the authorized footprint the Permittee shall install silt curtain barriers with weighted skirts that extend around all in-water work areas to include work that is adjacent to surface waters. The turbidity barriers shall remain in place, monitored for effectiveness and maintained until the authorized work has been completed and all suspended and erodible materials have been stabilized. Turbidity barriers shall be removed upon stabilization of the work area.

The Permittee shall install erosion control measures along the perimeter of all work areas to prevent the displacement of fill material outside the authorized work area as detailed on Drawing 4 of 20. The erosion control measures shall remain in place and be maintained until all authorized work is completed and the work areas are stabilized. Immediately after completion of the final grading of the land surface, all slopes, land surfaces, and filled areas shall be stabilized using sod, degradable mats, barriers, or a combination of similar stabilizing materials to prevent erosion.

**Further Information:**

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

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

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

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

2. Limits of this authorization.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

\_\_\_\_\_  
Brad A. Ryan  
Haines Borough (Interim) Manager

\_\_\_\_\_  
(DATE)

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

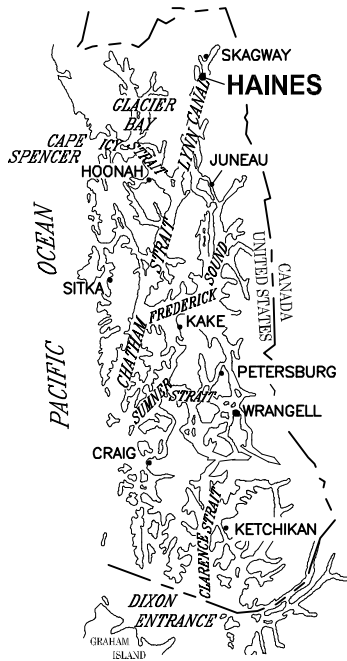
\_\_\_\_\_  
FOR: DISTRICT COMMANDER  
Colonel Michael S. Brooks  
Randal P. Vigil  
South Branch, Regulatory Division

\_\_\_\_\_  
(DATE)

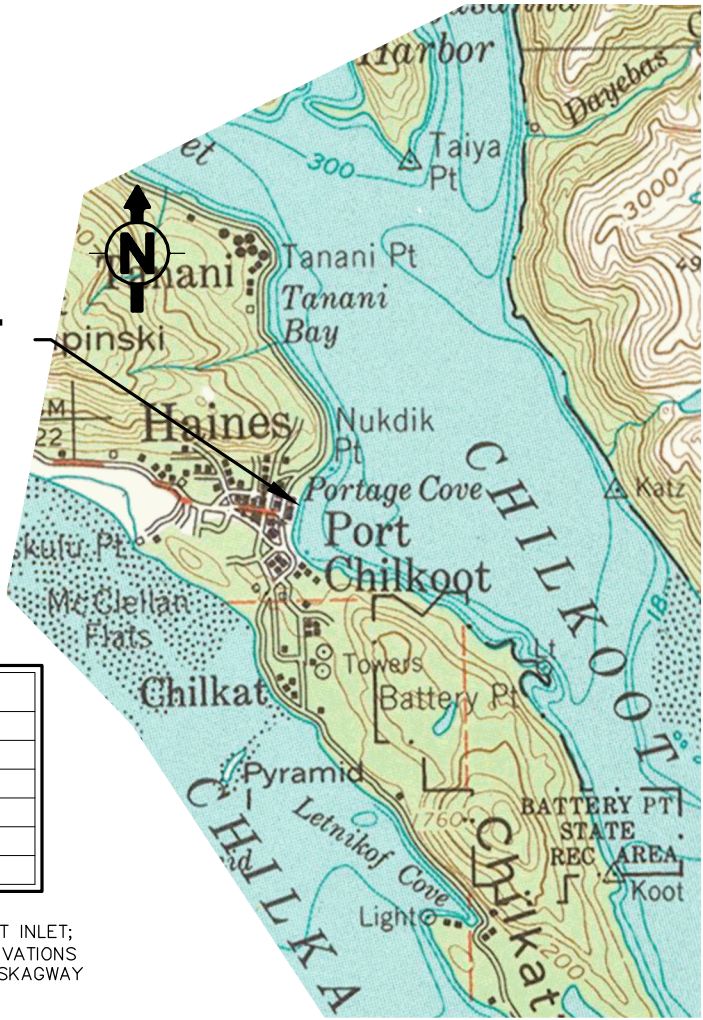
When the structures or work authorized by this permit are still in existence at the time the property is transferred the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated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

\_\_\_\_\_  
(TRANSFEREE)

\_\_\_\_\_  
(DATE)



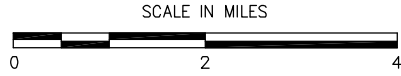
**THIS PROJECT**



TIDAL DATA	
MAX. OBS	26.5'
MHHW	16.5'
MHW	15.5'
MLW	+1.6'
MLLW	0.0'
MIN. OBS	-6.5'

FROM:  
STATION 9452421 CHILKAT INLET;  
MAXIMUM/MINIMUM OBSERVATIONS  
FROM STATION 9452400 SKAGWAY

MAP FROM:  
USGS ALASKA TOPOGRAPHIC SERIES  
SKAGWAY, ALASKA-CANADA, 1982.



**PURPOSE:**  
CONSTRUCT HARBOR AND WAVE PROTECTION FACILITIES TO INCREASE CAPACITY WHILE PROVIDING SAFE VESSEL NAVIGATION, MOORAGE, LAUNCHING, LOADING, STAGING & PARKING IMPROVEMENTS

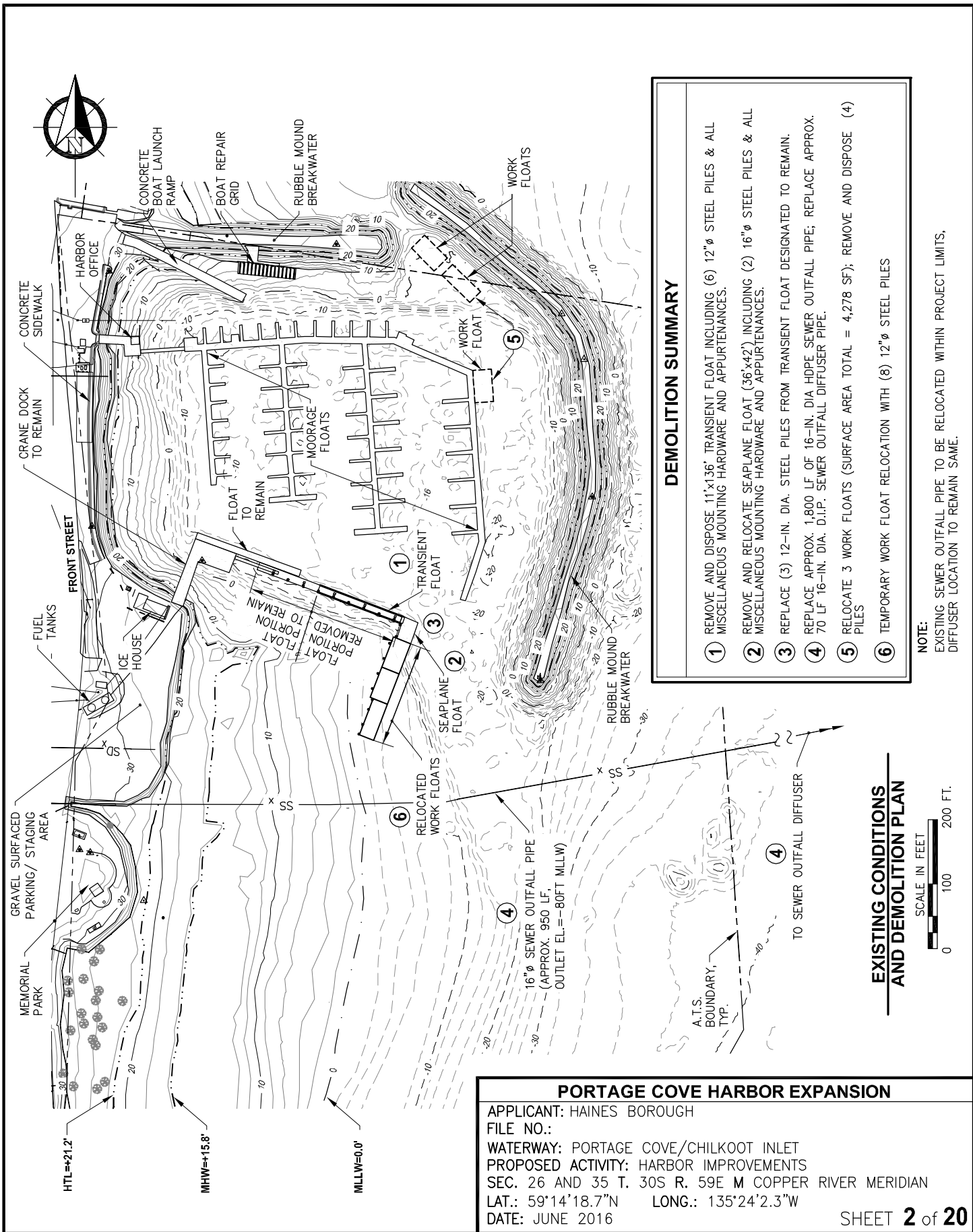
**DATUM:**  
MLLW = 0.0' HTL = 21.2'

**VICINITY MAP**

**PORTAGE COVE HARBOR EXPANSION**

APPLICANT: HAINES BOROUGH  
FILE NO.:  
WATERWAY: PORTAGE COVE/CHILKOOT INLET  
PROPOSED ACTIVITY: HARBOR IMPROVEMENTS  
SEC. 26 AND 35 T. 30S R. 59E M COPPER RIVER MERIDIAN  
LAT.: 59°14'18.7"N LONG.: 135°24'2.3"W  
DATE: JUNE 2016

PND PROJECT NO. 102029.09

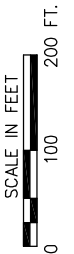


**DEMOLITION SUMMARY**

- ① REMOVE AND DISPOSE 11'x136' TRANSIENT FLOAT INCLUDING (6) 12"Ø STEEL PILES & ALL MISCELLANEOUS MOUNTING HARDWARE AND APPURTENANCES.
- ② REMOVE AND RELOCATE SEAPLANE FLOAT (36'x42') INCLUDING (2) 16"Ø STEEL PILES & ALL MISCELLANEOUS MOUNTING HARDWARE AND APPURTENANCES.
- ③ REPLACE (3) 12-IN. DIA. STEEL PILES FROM TRANSIENT FLOAT DESIGNATED TO REMAIN.
- ④ REPLACE APPROX. 1,800 LF OF 16-IN. DIA HDPE SEWER OUTFALL PIPE; REPLACE APPROX. 70 LF 16-IN. DIA. D.I.P. SEWER OUTFALL DIFFUSER PIPE.
- ⑤ RELOCATE 3 WORK FLOATS (SURFACE AREA TOTAL = 4,278 SF); REMOVE AND DISPOSE (4) PILES
- ⑥ TEMPORARY WORK FLOAT RELOCATION WITH (8) 12"Ø STEEL PILES

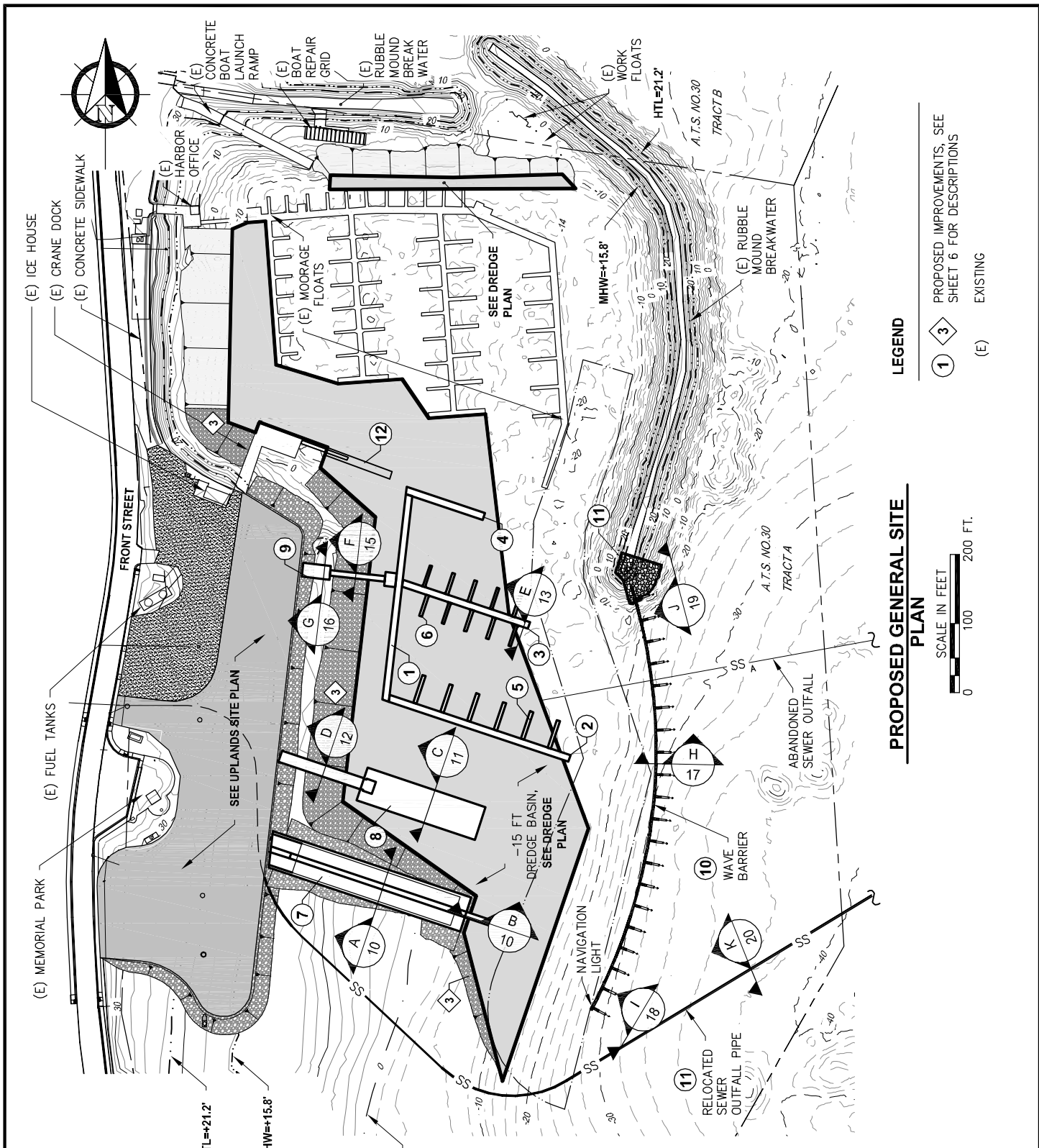
**NOTE:**  
 EXISTING SEWER OUTFALL PIPE TO BE RELOCATED WITHIN PROJECT LIMITS,  
 DIFFUSER LOCATION TO REMAIN SAME.

**EXISTING CONDITIONS  
 AND DEMOLITION PLAN**



**PORTAGE COVE HARBOR EXPANSION**

APPLICANT: HAINES BOROUGH  
 FILE NO.:  
 WATERWAY: PORTAGE COVE/CHILKOOT INLET  
 PROPOSED ACTIVITY: HARBOR IMPROVEMENTS  
 SEC. 26 AND 35 T. 30S R. 59E M COPPER RIVER MERIDIAN  
 LAT.: 59°14'18.7"N LONG.: 135°24'2.3"W  
 DATE: JUNE 2016



**LEGEND**

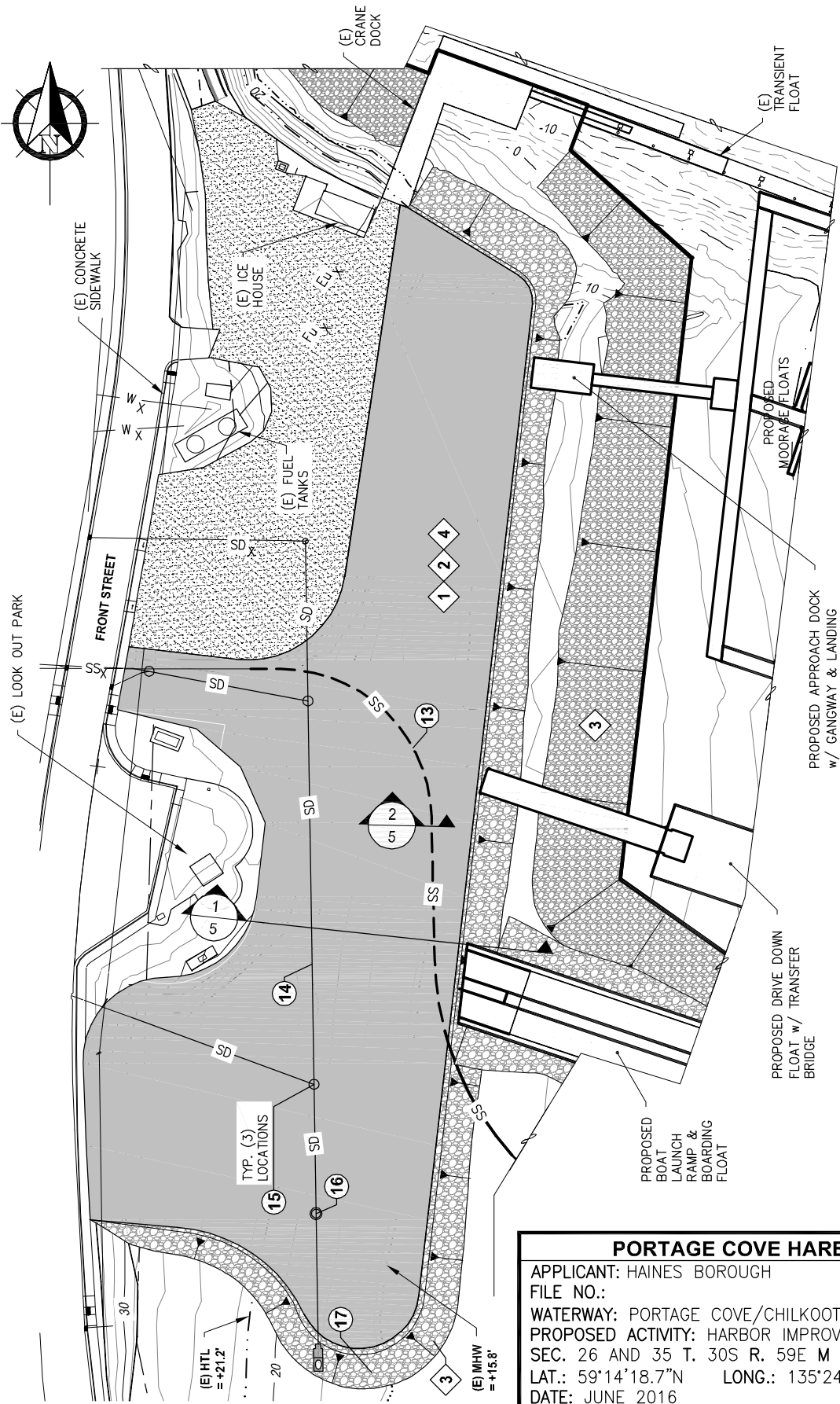
- ① PROPOSED IMPROVEMENTS, SEE SHEET 6 FOR DESCRIPTIONS
- ③ EXISTING

**PROPOSED GENERAL SITE PLAN**



**PORTAGE COVE HARBOR EXPANSION**

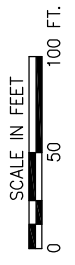
APPLICANT: HAINES BOROUGH  
 FILE NO.:  
 WATERWAY: PORTAGE COVE/CHILKOOT INLET  
 PROPOSED ACTIVITY: HARBOR IMPROVEMENTS  
 SEC. 26 AND 35 T. 30S R. 59E M COPPER RIVER MERIDIAN  
 LAT.: 59°14'18.7"N LONG.: 135°24'2.3"W  
 DATE: JUNE 2016



**LEGEND**

12 PROPOSED IMPROVEMENTS, SEE SHEET 6 FOR DESCRIPTIONS  
1 EXISTING  
 (E) EXISTING

**UPLANDS PARKING AND STAGING AREA SITE PLAN**



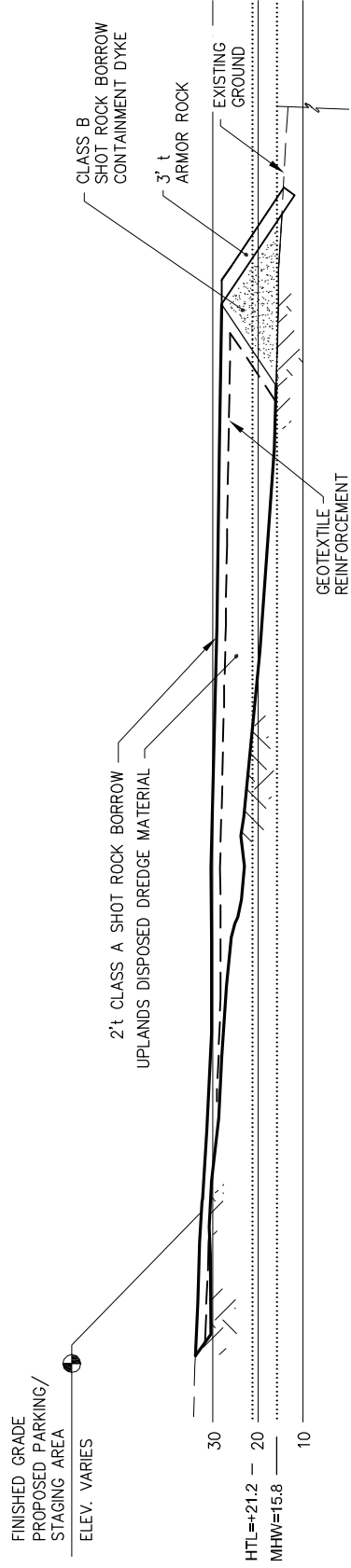
**AREA OF FILL**

ABOVE HTL	= 1.86 AC
BELOW HTL	= 3.73 AC
<b>TOTAL</b>	<b>= 5.59 AC</b>

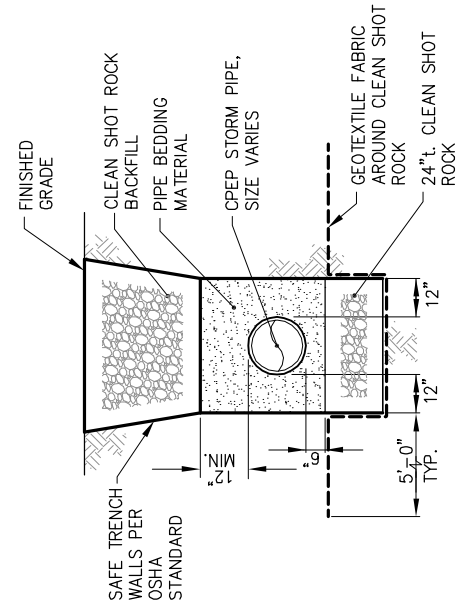
**PORTAGE COVE HARBOR EXPANSION**

APPLICANT: HAINES BOROUGH  
 FILE NO.:  
 WATERWAY: PORTAGE COVE/CHILKOOT INLET  
 PROPOSED ACTIVITY: HARBOR IMPROVEMENTS  
 SEC. 26 AND 35 T. 30S R. 59E M COPPER RIVER MERIDIAN  
 LAT.: 59°14'18.7"N LONG.: 135°24'2.3"W  
 DATE: JUNE 2016





**1** **TYPICAL UPLAND SECTION**  
4 NOT TO SCALE



**2** **TYPICAL UPLAND PIPE SECTION**  
4 NOT TO SCALE

<b>PORTAGE COVE HARBOR EXPANSION</b>	
APPLICANT: HAINES BOROUGH	
FILE NO.:	
WATERWAY: PORTAGE COVE/CHILKOOT INLET	
PROPOSED ACTIVITY: HARBOR IMPROVEMENTS	
SEC. 26 AND 35 T. 30S R. 59E M COPPER RIVER MERIDIAN	
LAT.: 59°14'18.7"N	LONG.: 135°24'2.3"W
DATE: JUNE 2016	
SHEET <b>5</b> of <b>20</b>	

### SUMMARY OF PROPOSED STRUCTURAL IMPROVEMENTS

SYMBOL	ITEM	PILE SIZE DIA.	QUANTITY
①	HEADWALK FLOAT – 10' x 300'	16"Ø	14
②	MAINWALK FLOAT – 10' x 275'	16"Ø	10
③	MAINWALK FLOAT – 10' x 194'	16"Ø	8
④	TRANSIENT FLOAT – 10' x 120'	16"Ø	8
⑤	(6) FINGER FLOATS – 5' X 42'	16"Ø	6
⑥	(10) FINGER FLOATS – 4' X 32'	N/A	
⑦	BOAT LAUNCH RAMP & BOARDING FLOAT – 44' x 300'	12"Ø	10
⑧	DRIVE DOWN FLOAT (DDF) – 50' x 180' WITH TRANSFER BRIDGE (TB) – 17' x 145'	DDF – 24"Ø / TB – 16"Ø	20
⑨	20' x 40' APPROACH DOCK WITH 7' x 80' COVERED ALUMINUM GANGWAY AND 20' x 20' GANGWAY LANDING FLOAT	16"Ø	12
⑩	WAVE BARRIER WITH NAVIGATION LIGHT – APPROX. 633 LF	30"Ø VERTICAL BEARING PILES; 30"Ø BATTER BEARING PILES; 24"Ø BARRIER PILES WITH SHEET PILE WINGS	159
⑪	EXISTING RUBBLE MOUND MODIFICATIONS	REMOVE AND REPLACE ARMOR ROCK AND NAVIGATION AID ON EXISTING RUBBLE MOUND BREAKWATER	900 CY (3,190 SF)
⑫	REPLACE EXISTING TRANSIENT FLOAT PILES	16"Ø	4

**NOTE:**

TOTAL AREA OF OVER WATER COVERAGE: APPROX. 38,790 SF  
 TOTAL PILES: APPROX. 280

### SUMMARY OF PROPOSED UTILITY IMPROVEMENTS

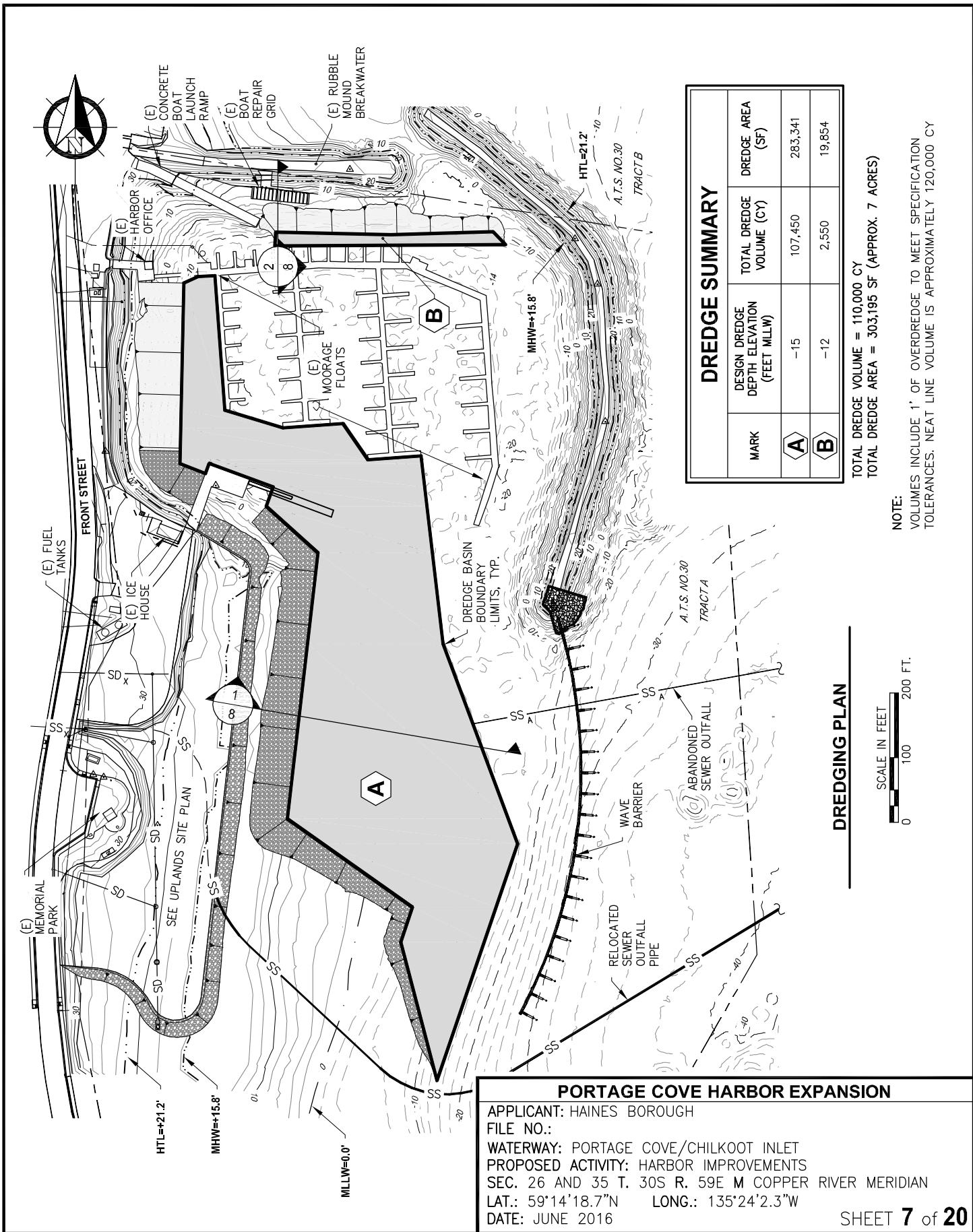
SYMBOL	STRUCTURE
⑬	16" DIA. HDPE SEWER OUTFALL PIPE WITH DIFFUSER – APPROX. 2,650 LF
⑭	900 LF CPEP STORM DRAIN PIPE
⑮	(3) CONCRETE STORM DRAIN MANHOLES
⑯	(1) STORM DRAIN OIL WATER SEPARATOR
⑰	(1) CONCRETE STORM DRAIN OUTFALL STRUCTURE WITH CHECK VALVE & DEBRIS PROTECTION GRATE

### MATERIAL SCHEDULE

SYMBOL	DESCRIPTION	QUANTITY SEAWARD OF HTL
①	DREDGED MATERIAL – UPLAND DISPOSAL	25,500 CY
②	DREDGE MATERIAL – OFFSHORE DISPOSAL	84,500 CY
③	ARMOR ROCK	7,120 CY
④	CLEAN SHOT ROCK FILL	16,260 CY

### PORTAGE COVE HARBOR EXPANSION

APPLICANT: HAINES BOROUGH  
 FILE NO.:  
 WATERWAY: PORTAGE COVE/CHILKOOT INLET  
 PROPOSED ACTIVITY: HARBOR IMPROVEMENTS  
 SEC. 26 AND 35 T. 30S R. 59E M COPPER RIVER MERIDIAN  
 LAT.: 59°14'18.7"N LONG.: 135°24'2.3"W  
 DATE: JUNE 2016



DREDGE SUMMARY			
MARK	DESIGN DREDGE DEPTH ELEVATION (FEET MLLW)	TOTAL DREDGE VOLUME (CY)	DREDGE AREA (SF)
<b>A</b>	-15	107,450	283,341
<b>B</b>	-12	2,550	19,854

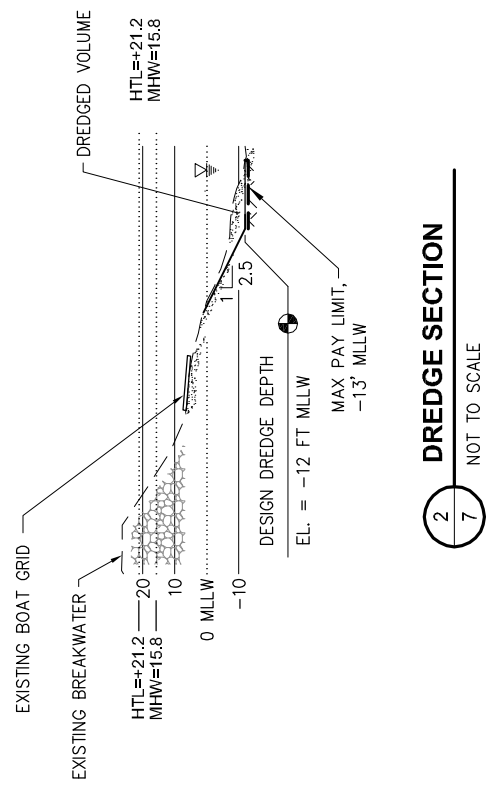
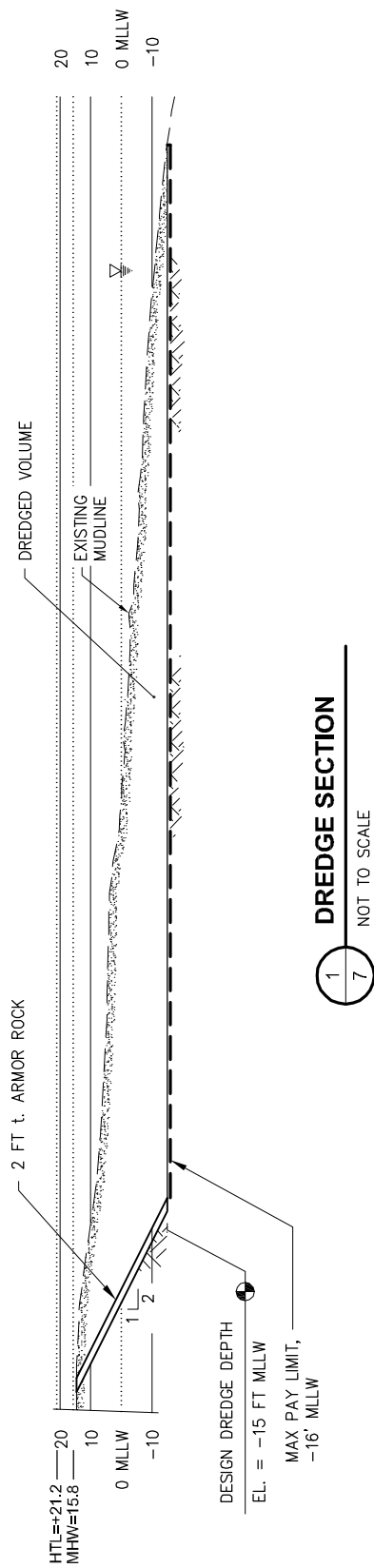
TOTAL DREDGE VOLUME = 110,000 CY  
 TOTAL DREDGE AREA = 303,195 SF (APPROX. 7 ACRES)

NOTE:  
 VOLUMES INCLUDE 1' OF OVERDREDGE TO MEET SPECIFICATION TOLERANCES. NEAT LINE VOLUME IS APPROXIMATELY 120,000 CY

DREDGING PLAN



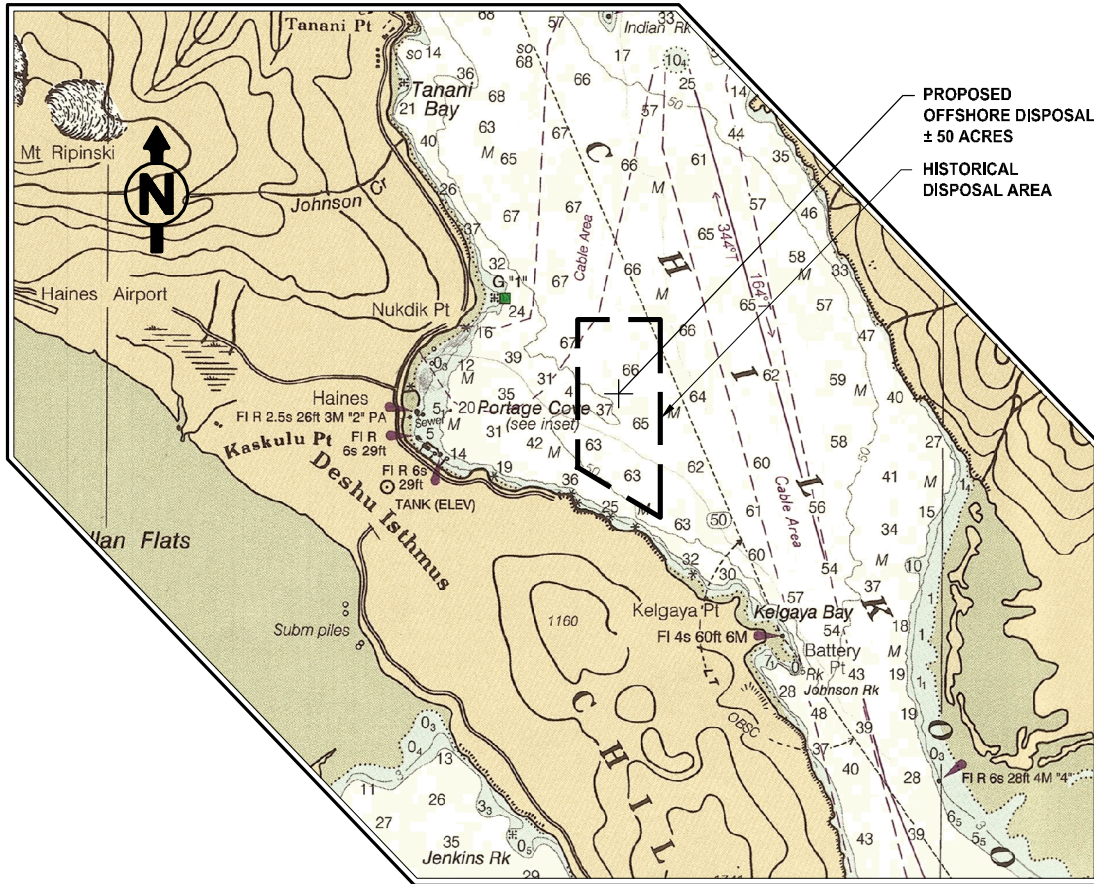
**PORTAGE COVE HARBOR EXPANSION**  
 APPLICANT: HAINES BOROUGH  
 FILE NO.:  
 WATERWAY: PORTAGE COVE/CHILKOOT INLET  
 PROPOSED ACTIVITY: HARBOR IMPROVEMENTS  
 SEC. 26 AND 35 T. 30S R. 59E M COPPER RIVER MERIDIAN  
 LAT.: 59°14'18.7"N LONG.: 135°24'2.3"W  
 DATE: JUNE 2016



**PORTAGE COVE HARBOR EXPANSION**

APPLICANT: HAINES BOROUGH  
 FILE NO.:  
 WATERWAY: PORTAGE COVE/CHILKOOT INLET  
 PROPOSED ACTIVITY: HARBOR IMPROVEMENTS  
 SEC. 26 AND 35 T. 30S R. 59E M COPPER RIVER MERIDIAN  
 LAT.: 59°14'18.7"N      LONG.: 135°24'2.3"W  
 DATE: JUNE 2016

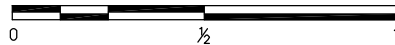
SHEET **8** of **20**



BATHYMETRY FROM: NOAA 17317  
LYNN CANAL – SHERMAN POINT  
TO SKAGWAY

### OFFSHORE DISPOSAL SITE

SCALE IN MILES



#### OFFSHORE DISPOSAL SITE CENTER:

LAT: N 59°14'18"

LONG: W 135°24'2.3"

NOTE:  
CENTER LOCATION APPROXIMATE

#### PORTAGE COVE HARBOR EXPANSION

APPLICANT: HAINES BOROUGH

FILE NO.:

WATERWAY: PORTAGE COVE/CHILKOOT INLET

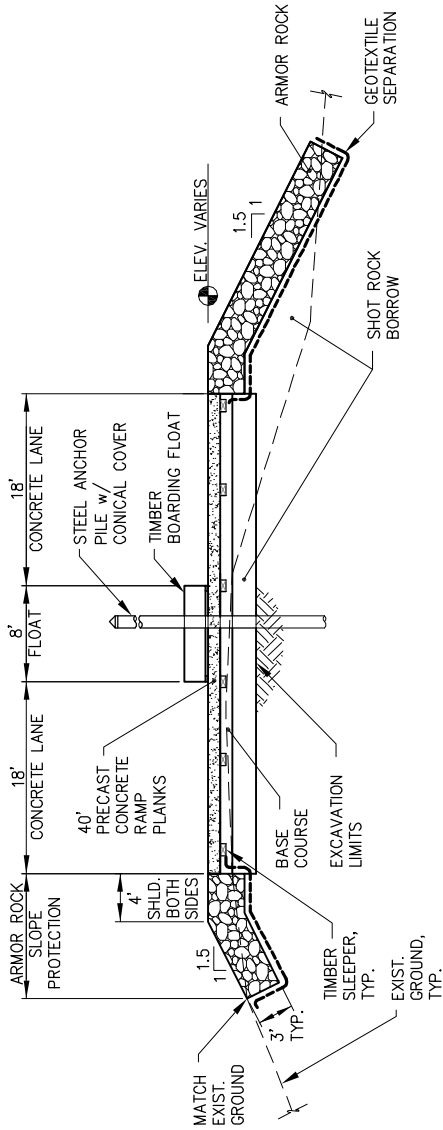
PROPOSED ACTIVITY: HARBOR IMPROVEMENTS

SEC. 26 AND 35 T. 30S R. 59E M COPPER RIVER MERIDIAN

LAT.: 59°14'18.7"N LONG.: 135°24'2.3"W

DATE: JUNE 2016

SHEET **9** of **20**



HTL=+21.2'

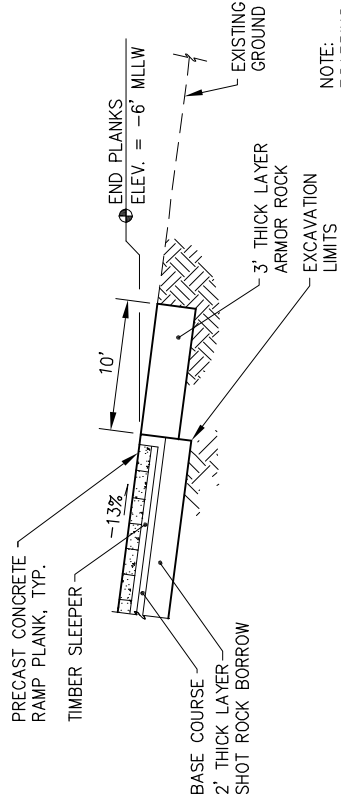
MHW=15.28'

MLLW=0.0'

### TYPICAL BOAT LAUNCH RAMP AND BOARDING FLOAT SECTION

NOT TO SCALE

A  
3



NOTE:  
BOARDING FLOAT  
NOT SHOWN THIS  
VIEW FOR CLARITY.

### LAUNCH RAMP EXCAVATION SECTION

NOT TO SCALE

B  
3

### PORTAGE COVE HARBOR EXPANSION

APPLICANT: HAINES BOROUGH

FILE NO.:

WATERWAY: PORTAGE COVE/CHILKOOT INLET

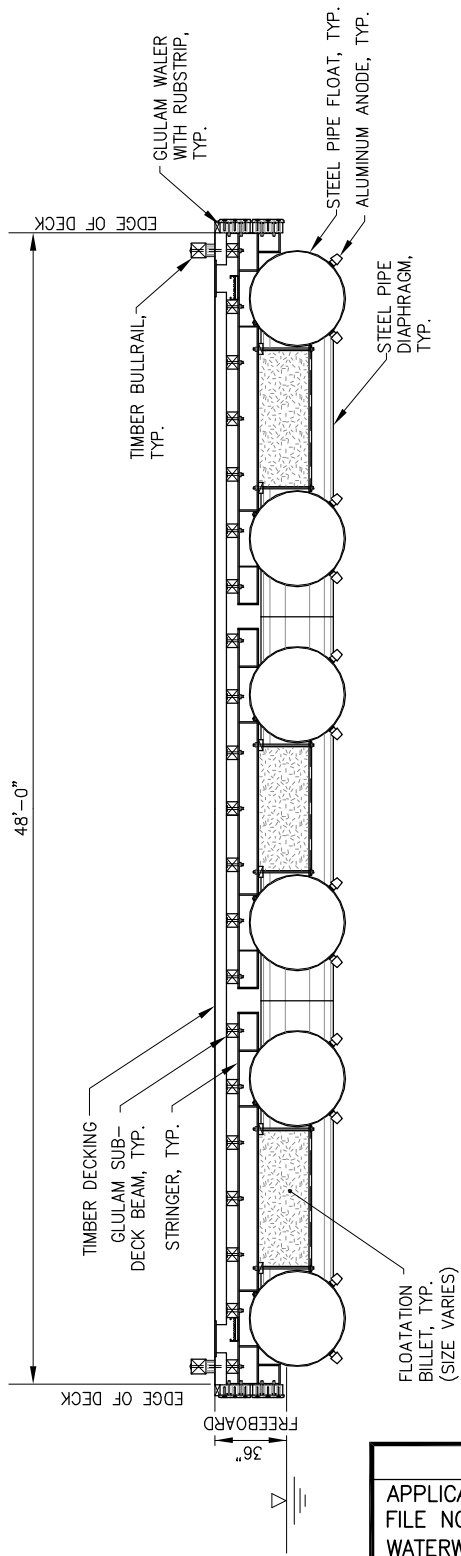
PROPOSED ACTIVITY: HARBOR IMPROVEMENTS

SEC. 26 AND 35 T. 30S R. 59E M COPPER RIVER MERIDIAN

LAT.: 59°14'18.7"N LONG.: 135°24'2.3"W

DATE: JUNE 2016

SHEET 10 of 20



**TYPICAL DRIVE DOWN FLOAT SECTION**

NOT TO SCALE



**PORTAGE COVE HARBOR EXPANSION**

APPLICANT: HAINES BOROUGH

FILE NO.:

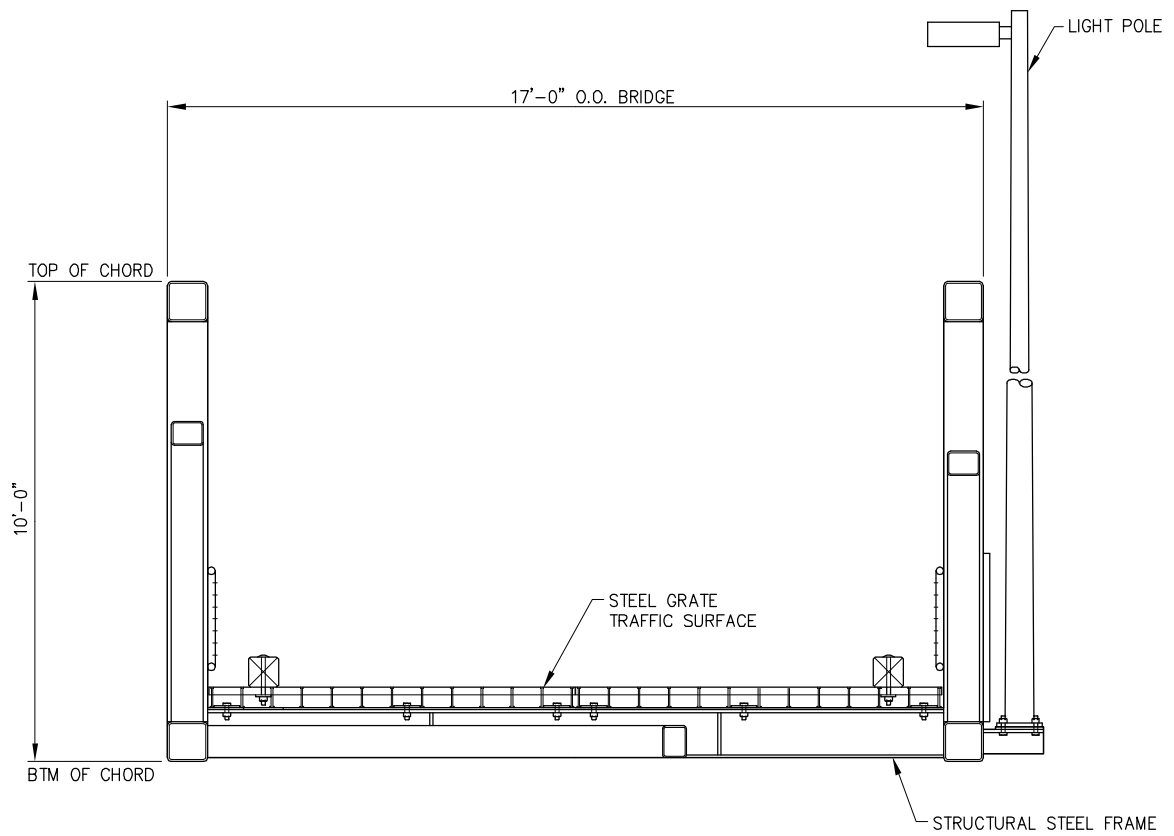
WATERWAY: PORTAGE COVE/CHILKOOT INLET

PROPOSED ACTIVITY: HARBOR IMPROVEMENTS

SEC. 26 AND 35 T. 30S R. 59E M COPPER RIVER MERIDIAN

LAT.: 59°14'18.7"N LONG.: 135°24'2.3"W

DATE: JUNE 2016



D  
3

**TYPICAL TRANSFER BRIDGE SECTION**

NOT TO SCALE

**PORTAGE COVE HARBOR EXPANSION**

APPLICANT: HAINES BOROUGH

FILE NO.:

WATERWAY: PORTAGE COVE/CHILKOOT INLET

PROPOSED ACTIVITY: HARBOR IMPROVEMENTS

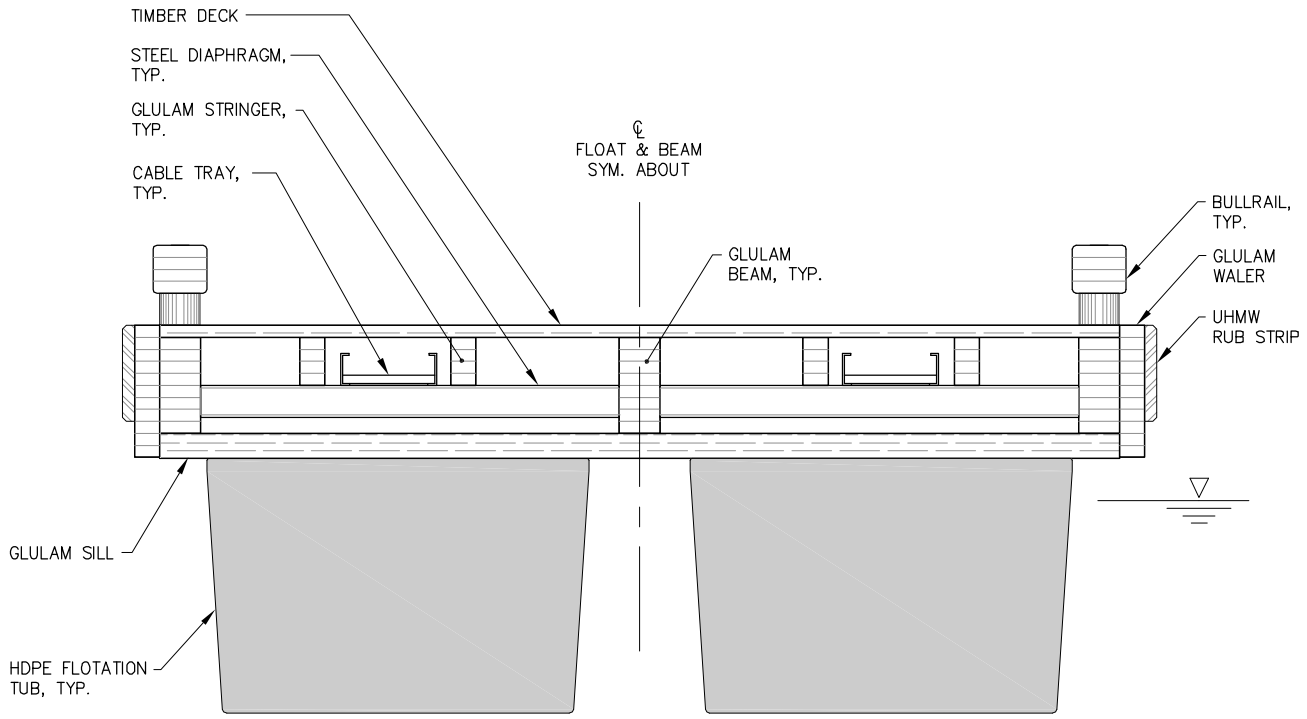
SEC. 26 AND 35 T. 30S R. 59E M COPPER RIVER MERIDIAN

LAT.: 59°14'18.7"N LONG.: 135°24'2.3"W

DATE: JUNE 2016

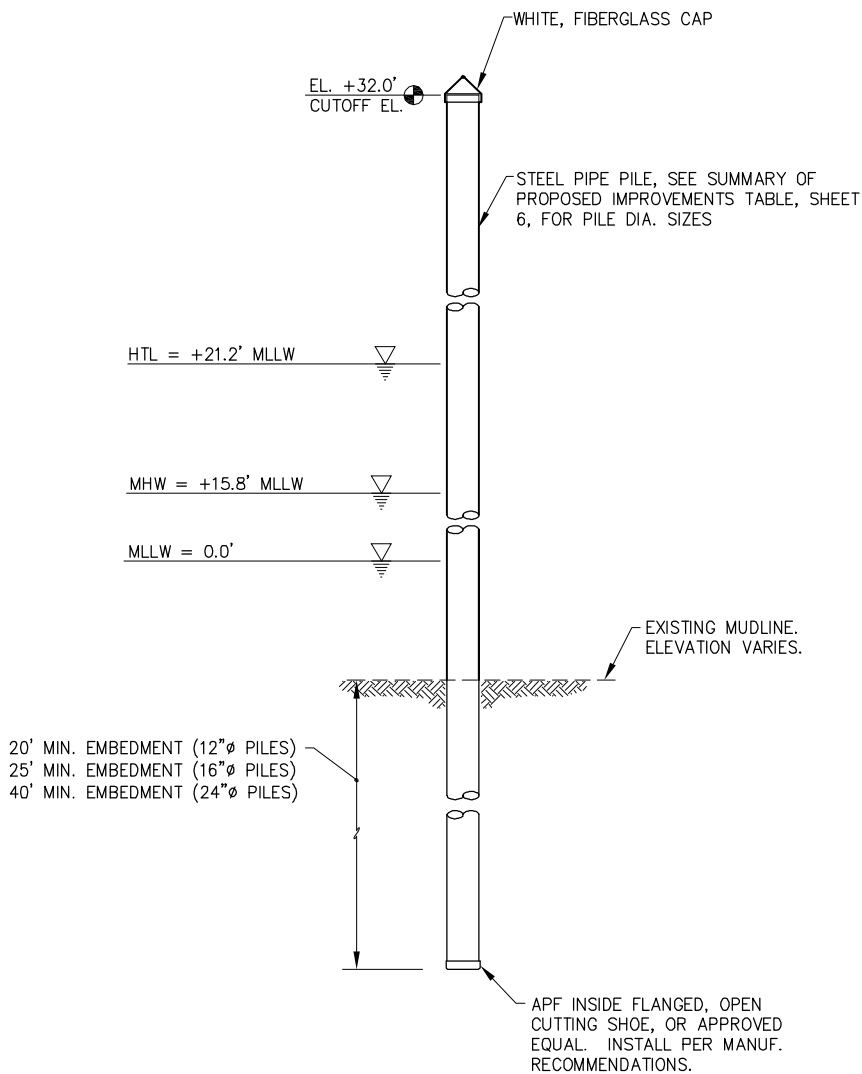
SHEET **12** of **20**





**E**  
**3**
**MOORAGE FLOAT TYPICAL SECTION**  
 (SIZE VARIES)

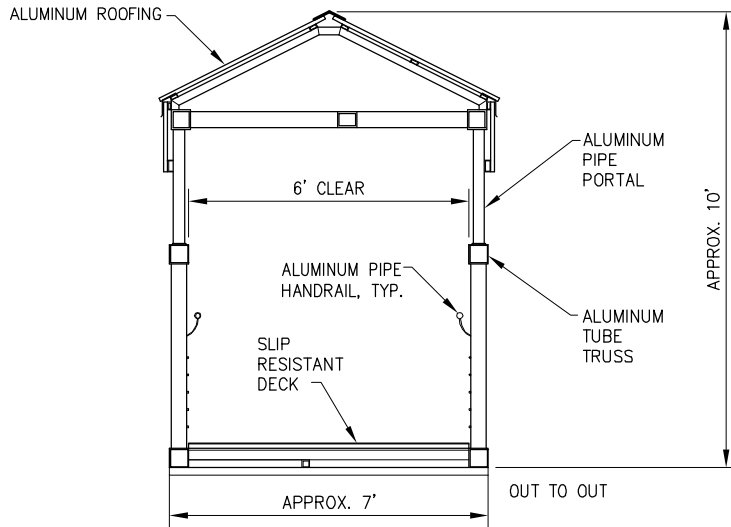
<b>PORTAGE COVE HARBOR EXPANSION</b>	
APPLICANT: HAINES BOROUGH	
FILE NO.:	
WATERWAY: PORTAGE COVE/CHILKOOT INLET	
PROPOSED ACTIVITY: HARBOR IMPROVEMENTS	
SEC. 26 AND 35 T. 30S R. 59E M COPPER RIVER MERIDIAN	
LAT.: 59°14'18.7"N	LONG.: 135°24'2.3"W
DATE: JUNE 2016	
SHEET <b>13</b> of <b>20</b>	



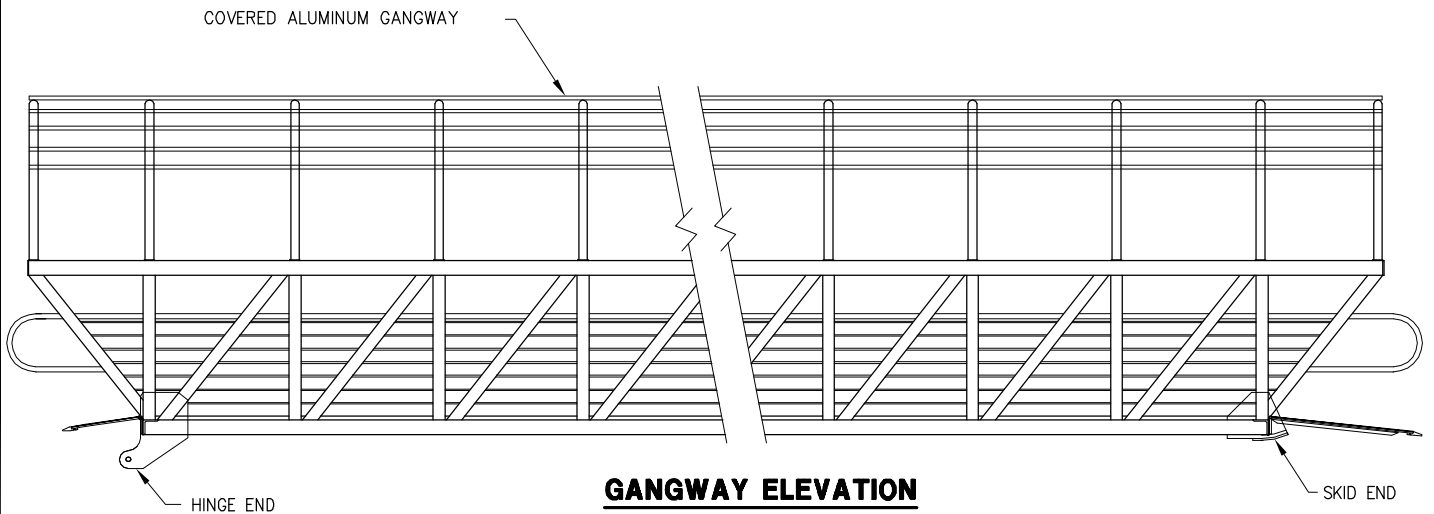
**TYPICAL MOORING PILE DETAIL**

NOT TO SCALE

<b>PORTAGE COVE HARBOR EXPANSION</b>
APPLICANT: HAINES BOROUGH FILE NO.: WATERWAY: PORTAGE COVE/CHILKOOT INLET PROPOSED ACTIVITY: HARBOR IMPROVEMENTS SEC. 26 AND 35 T. 30S R. 59E M COPPER RIVER MERIDIAN LAT.: 59°14'18.7"N      LONG.: 135°24'2.3"W DATE: JUNE 2016
SHEET <b>14</b> of <b>20</b>



**F**  
**3** **GANGWAY TYPICAL SECTION**



**PORTAGE COVE HARBOR EXPANSION**

APPLICANT: HAINES BOROUGH

FILE NO.:

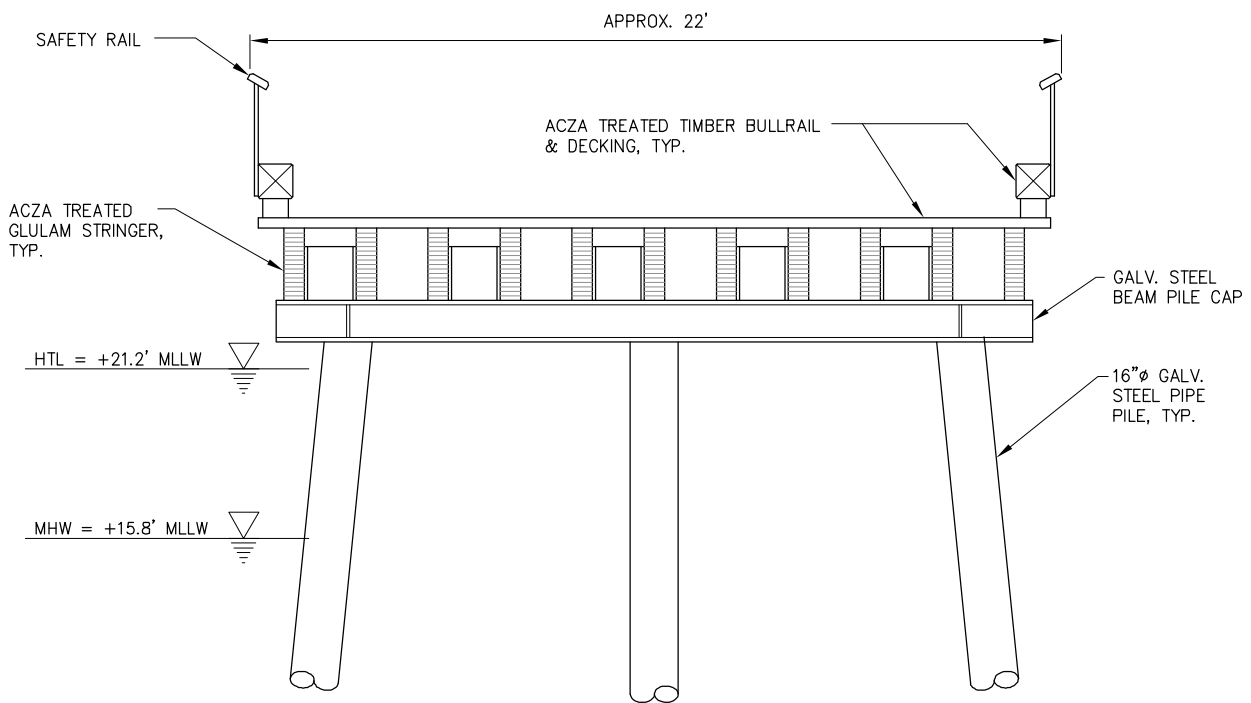
WATERWAY: PORTAGE COVE/CHILKOOT INLET

PROPOSED ACTIVITY: HARBOR IMPROVEMENTS

SEC. 26 AND 35 T. 30S R. 59E M COPPER RIVER MERIDIAN

LAT.: 59°14'18.7"N LONG.: 135°24'2.3"W

DATE: JUNE 2016

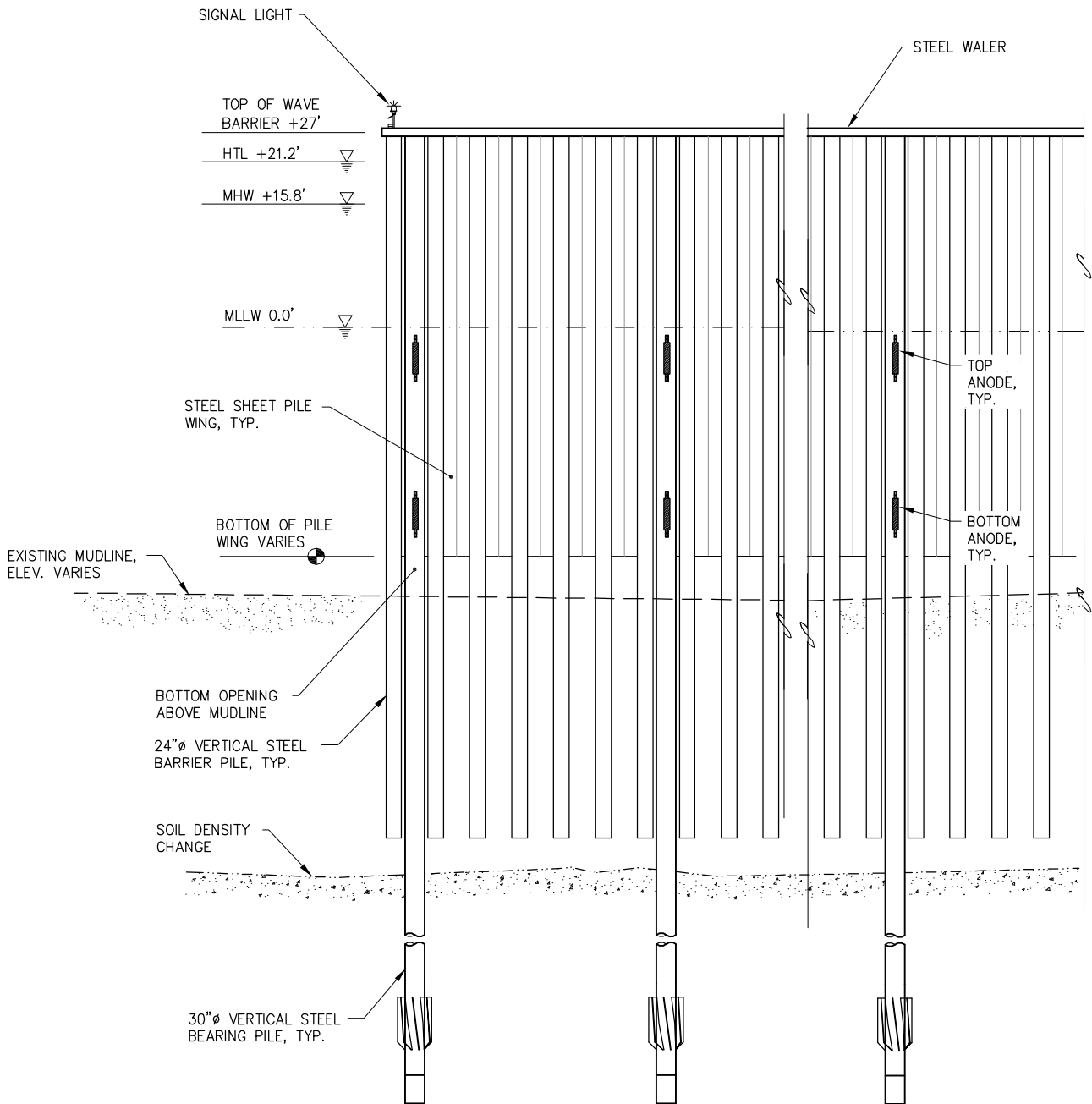


G  
3

**APPROACH DOCK - SECTION**

**PORTAGE COVE HARBOR EXPANSION**

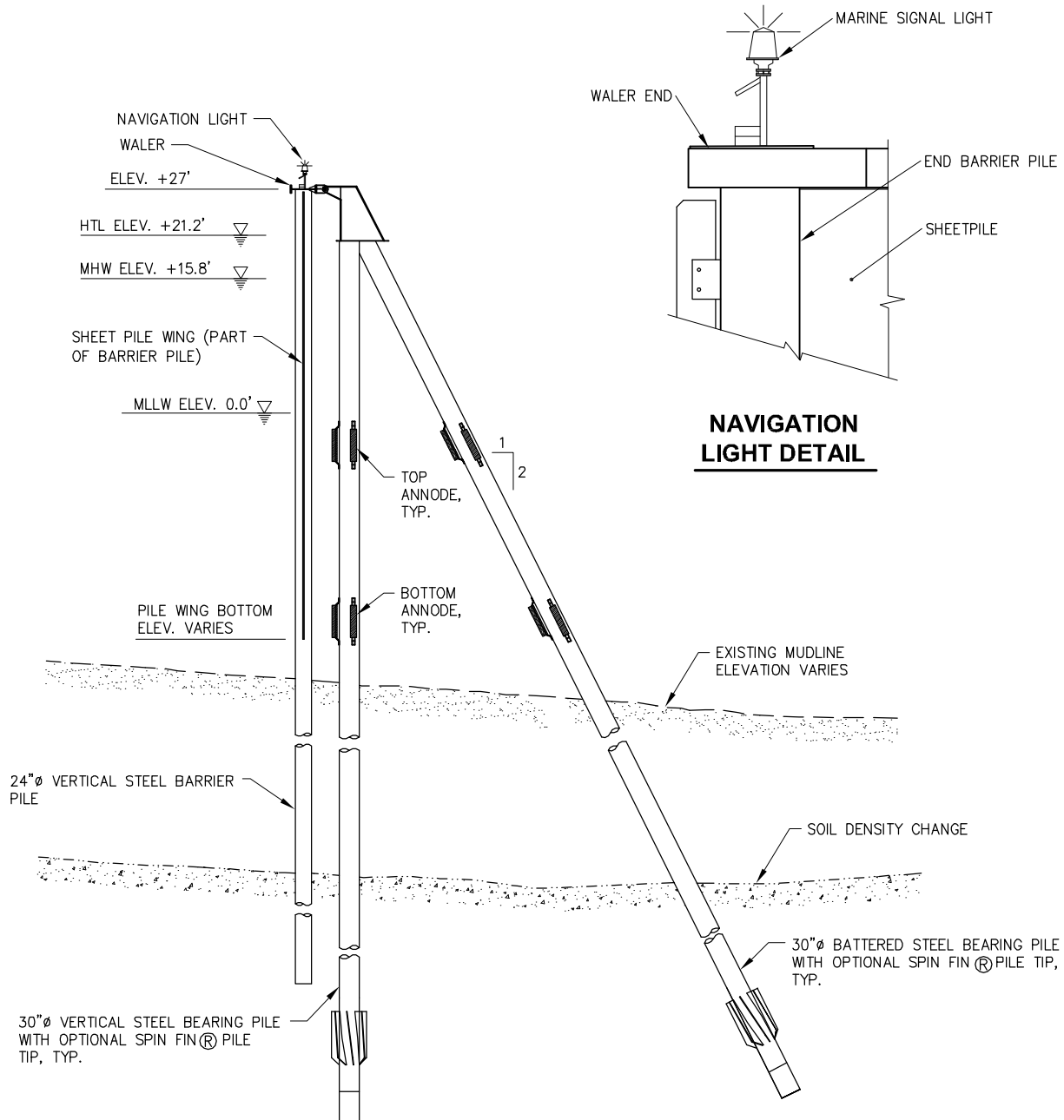
APPLICANT: HAINES BOROUGH  
 FILE NO.:  
 WATERWAY: PORTAGE COVE/CHILKOOT INLET  
 PROPOSED ACTIVITY: HARBOR IMPROVEMENTS  
 SEC. 26 AND 35 T. 30S R. 59E M COPPER RIVER MERIDIAN  
 LAT.: 59°14'18.7"N LONG.: 135°24'2.3"W  
 DATE: JUNE 2016



NOTE:  
 30"Ø BATTERED STEEL BEARING  
 PILES NOT SHOWN FOR CLARITY

**1**  
**3** **WAVE BARRIER ELEVATION**  
 NOT TO SCALE

<b>PORTAGE COVE HARBOR EXPANSION</b>	
APPLICANT: HAINES BOROUGH	
FILE NO.:	
WATERWAY: PORTAGE COVE/CHILKOOT INLET	
PROPOSED ACTIVITY: HARBOR IMPROVEMENTS	
SEC. 26 AND 35 T. 30S R. 59E M COPPER RIVER MERIDIAN	
LAT.: 59°14'18.7"N	LONG.: 135°24'2.3"W
DATE: JUNE 2016	
SHEET <b>18</b> of <b>20</b>	



H  
3

**TYPICAL WAVE BARRIER SECTION**

NOT TO SCALE

**PORTAGE COVE HARBOR EXPANSION**

APPLICANT: HAINES BOROUGH  
 FILE NO.:  
 WATERWAY: PORTAGE COVE/CHILKOOT INLET  
 PROPOSED ACTIVITY: HARBOR IMPROVEMENTS  
 SEC. 26 AND 35 T. 30S R. 59E M COPPER RIVER MERIDIAN  
 LAT.: 59°14'18.7"N LONG.: 135°24'2.3"W  
 DATE: JUNE 2016

TOP OF WAVE BARRIER +27'

HTL +21.2'

MHW +15.8'

STEEL SHEET PILE WING, TYP.

MLLW 0.0'

EXISTING MUDLINE

BOTTOM OF SHEET PILE ELEV. VARIES

BOTTOM OF WAVE BARRIER ABOVE MUDLINE

EXISTING RUBBLE MOUND BREAKWATER

NEW ARMOR ROCK, 600 CY

NEW UNDERLAYER ROCK, 300 CY

EXISTING BREAKWATER CORE MATERIAL, THICKNESS UNKNOWN

EXIST. ARMOR ROCK

NEW ARMOR ROCK

REMOVE AND RESTORE EXISTING ARMOR ROCK

EXISTING ARMOR ROCK

NOTE:  
REMOVE & REPLACE BREAKWATER ARMOR ROCK AS REQUIRED TO INSTALL PILES.

24"Ø VERTICAL STEEL BARRIER PILE, TYP.

SOIL DENSITY CHANGE

30"Ø VERTICAL STEEL BEARING PILE, TYP.

NOTE:

30"Ø BATTERED STEEL BEARING PILES NOT SHOWN FOR CLARITY

J  
3

### WAVE BARRIER END ELEVATION

NOT TO SCALE

### PORTAGE COVE HARBOR EXPANSION

APPLICANT: HAINES BOROUGH

FILE NO.:

WATERWAY: PORTAGE COVE/CHILKOOT INLET

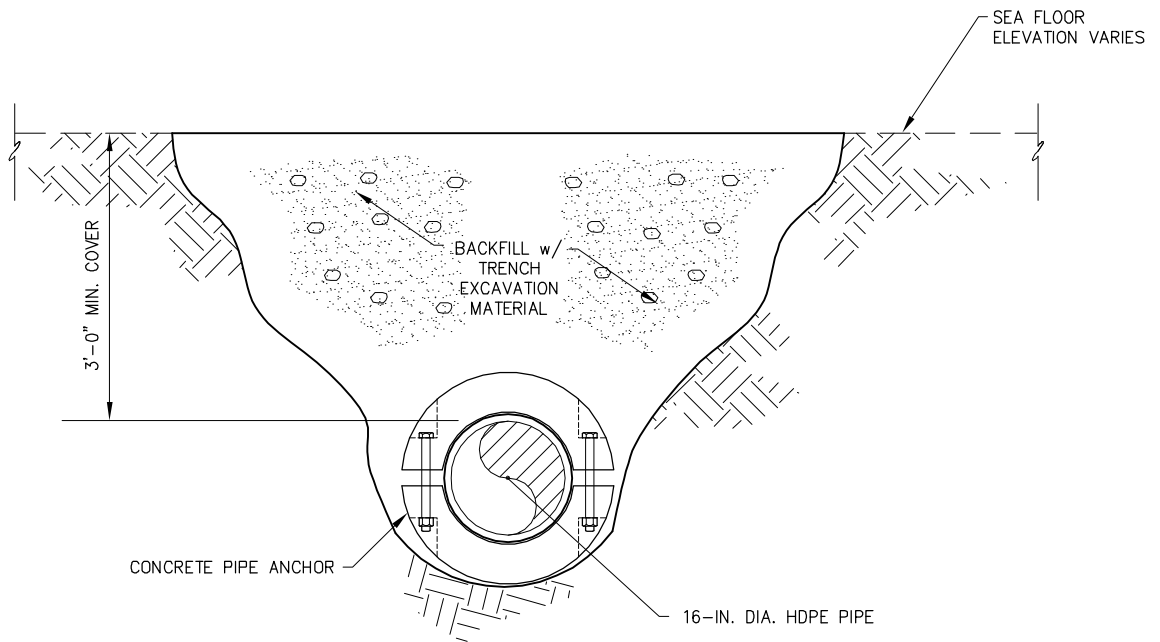
PROPOSED ACTIVITY: HARBOR IMPROVEMENTS

SEC. 26 AND 35 T. 30S R. 59E M COPPER RIVER MERIDIAN

LAT.: 59°14'18.7"N LONG.: 135°24'2.3"W

DATE: JUNE 2016

SHEET 19 of 20



**TYPICAL SEWER OUTFALL LINE SECTION**  
 K  
 3 NOT TO SCALE

**PORTAGE COVE HARBOR EXPANSION**

APPLICANT: HAINES BOROUGH

FILE NO.:

WATERWAY: PORTAGE COVE/CHILKOOT INLET

PROPOSED ACTIVITY: HARBOR IMPROVEMENTS

SEC. 26 AND 35 T. 30S R. 59E M COPPER RIVER MERIDIAN

LAT.: 59°14'18.7"N LONG.: 135°24'2.3"W

DATE: JUNE 2016





THE STATE  
of **ALASKA**  
GOVERNOR BILL WALKER

Department of Environmental  
Conservation

DIVISION OF WATER  
Wastewater Discharge Authorization Program

555 Cordova Street  
Anchorage, Alaska 99501-2617  
Main: 907.269.6285  
Fax: 907.334.2415  
[www.dec.alaska.gov/water/wwdp](http://www.dec.alaska.gov/water/wwdp)

October 30, 2015

Haines Borough  
Attention: David Sosa, Borough Mayor  
P.O. Box 1209  
Haines, AK 99827

Re: Portage Cove  
Reference No. POA-2005-1976

Dear Mayor Sosa:


In accordance with Section 401 of the Federal Clean Water Act of 1977 and provisions of the Alaska Water Quality Standards, the Department of Environmental Conservation (DEC) is issuing the enclosed Certificate of Reasonable Assurance for placement of dredged and/or fill material in waters of the U.S., including wetlands and streams, associated with the upgrade and maintenance of the Haines Harbor in Portage Cove, Haines, Alaska.

DEC regulations provide that any person who disagrees with this decision may request an informal review by the Division Director in accordance with 18 AAC 15.185 or an adjudicatory hearing in accordance with 18 AAC 15.195 – 18 AAC 15.340. An informal review request must be delivered to the Director, Division of Water, 555 Cordova Street, Anchorage, AK 99501, within 15 days of the permit decision. Visit <http://www.dec.state.ak.us/commish/ReviewGuidance.htm> for information on Administrative Appeals of Department decisions.

An adjudicatory hearing request must be delivered to the Commissioner of the Department of Environmental Conservation, 410 Willoughby Avenue, Suite 303, PO Box 111800, Juneau, AK 99811-1800, within 30 days of the permit decision. If a hearing is not requested within 30 days, the right to appeal is waived.

By copy of this letter we are advising the U.S. Army Corps of Engineers of our actions and enclosing a copy of the certification for their use.

Sincerely,

  
James Rypkema  
Program Manager, Storm Water and Wetlands

Enclosure: 401 Certificate of Reasonable Assurance

cc: (with encl.)  
Randy Vigil, USACE, Juneau  
Dick Somerville, P.E. PND Engineers, Inc.

Jackie Timothy, ADF&G  
USFWS Field Office Juneau  
Mark Jen, EPA Operations, Anchorage

**STATE OF ALASKA**  
**DEPARTMENT OF ENVIRONMENTAL CONSERVATION**  
**CERTIFICATE OF REASONABLE ASSURANCE**

In accordance with Section 401 of the Federal Clean Water Act (CWA) and the Alaska Water Quality Standards (18 AAC 70), a Certificate of Reasonable Assurance, is issued to Haines Borough, attention Mayor Sosa, at P.O. Box 1209, Haines, AK 99827, for placement of dredged and/or fill material in waters of the U.S. including wetlands and streams in association with the upgrade of the Haines Harbor in Portage Cove, Haines, Alaska. The applicant's purpose is to construct harbor and wave protection facilities to increase capacity while providing safe vessel navigation, moorage, launching, loading, staging and parking improvements, and to provide clearance for proposed boat launch, drive down float, and additional vessel moorage.

The work will entail the following efforts:

- Dredge approximately 129,450 cubic yards (cy) of marine sediment from 7.93 acres below the Mean High Water mark (MHW), approximate elevation of +15.8 feet above the 0.0 foot contour, to provide sufficient water depth vessels at all tidal ranges. The disposal of 104,450 cy of the dredged material will be discharged over 50 acres of the seafloor at a location approximately 1.5 miles northeast of the dredging site at Latitude 59.238333° N., Longitude - 135.400639° W. in Chilkoot Inlet.
- Discharge approximately 23,380 cy of armor rock and 19,320 cy of dredged material into 3.73 acres below the plane of the High Tide Line (HTL), with an approximate elevation of +21.2 feet above the 0.0 foot contour, to construct a parking area, boat launch ramp, and to protect the dredge area slopes.
- Remove from below the MHW and dispose of one 11 feet wide by 136 feet long transient float including six 12-inch diameter steel piles and all miscellaneous mounting hardware and appurtenances.
- Remove from below MHW and relocate one 36feet wide by 42 feet long seaplane float including two 16-inch diameter steel piles and all miscellaneous mounting hardware and appurtenances.
- Replace from below MHW 1,800 linear feet of 16-inch diameter High Density Polyethylene (HDPE) sewer outfall pipe; replace 70 linear feet of 16-inch diameter ductile iron pipe sewer outfall diffuser.
- Relocate from below MHW one 28 feet wide by 50 feet long, pile-supported, (four 24-inch diameter steel) work float.
- Install below MHW one 10 feet wide by 320 feet long, pile-supported, (sixteen 16-inch diameter steel) headwalk float.
- Install below MHW one 10 feet wide by 230 feet long, pile-supported, (ten 16-inch diameter steel), long mainwalk float.
- Install below MHW one 10 feet wide by 275 feet long, pile-supported, (ten 16-inch diameter steel), long mainwalk float.

- Install below MHW one 10 feet wide by 124 feet long, pile-supported, (ten 16-inch diameter steel), transient float.
- Install below MHW six 5 feet wide by 42 feet long, pile-supported, (six 16-inch diameter steel), finger floats.
- Install below MHW twelve 4 feet wide by 32 feet long finger floats.
- Install below MHW one 44 feet wide by 300 feet long, pile-supported, (ten 12-inch diameter steel), boarding float.
- Install below MHW one 50 feet wide by 180 feet long, pile-supported, (twelve 24-inch diameter steel), drive down float with one 17 feet wide by 145 feet long, pile-supported, (eight 16-inch diameter steel), transfer bridge.
- Install below MHW one 20 feet wide by 40 feet long, pile-supported, (twelve 16-inch diameter steel), approach dock with one 7 feet wide by 80 feet long covered aluminum gangway and one 20 feet wide by 20 feet long gangway landing float.
- Install below MWH 700 linear feet of wave barrier with navigational lighting; supported with forty-eight 30-inch diameter steel bearing piles and one hundred thirty-one 24-inch diameter steel barrier piles with sheet pile wings.
- Install below MHW 2,650 linear feet of HDPE sewer outfall pipe with diffuser. Work will include installation of 900 linear feet of corrugated polyethylene drainage pipe, three concrete storm drain manholes, one storm drain oil water separator, and one concrete storm drain outfall with check valve and debris protection grate.

#### Additional information

The borough submitted a sediment characterization and analysis report dated December 2014 to the U.S. Corps of Engineers and DEC for the project. According to the report, no historical or present contamination exists at the proposed dredge site. A portion of the dredged material will be used as fill material for the proposed parking area. Any excess material not incorporated into the project will be disposed of through unconfined open water disposal in Chilkoot Inlet.

A state issued water quality certification is required under Section 401 because the proposed activity will be authorized by a U.S. Army Corps of Engineers permit (POA-2005-1976) and a discharge of pollutants to waters of the U.S. located in the State of Alaska may result from the proposed activity. Public notice of the application for this certification was given as required by 18 AAC 15.180 in the Corps Public Notice POA-2005-1976 posted from September 25, 2015 to October 24, 2015.

The proposed activity is located within Section 35, T. 30 S., R. 59 E., Copper River Meridian; Latitude 59.233861° N., Longitude -135.440193° W.; in Haines, Alaska.

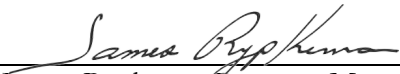
The Department of Environmental Conservation (DEC) reviewed the application and certifies that there is reasonable assurance that the proposed activity, as well as any discharge which may result, will comply with applicable provisions of Section 401 of the CWA and the Alaska Water Quality Standards, 18 AAC 70, provided that the following additional measures are adhered to.

1. Reasonable precautions and controls must be used to prevent incidental and accidental discharge of petroleum products or other hazardous substances. Fuel storage and handling activities for equipment must be sited and conducted so there is no petroleum contamination of the ground, subsurface, or surface waterbodies.
2. During construction, spill response equipment and supplies such as sorbent pads shall be available and used immediately to contain and cleanup oil, fuel, hydraulic fluid, antifreeze, or other pollutant spills. Any spill amount must be reported in accordance with Discharge Notification and Reporting Requirements (AS 46.03.755 and 18 AAC 75 Article 3). The applicant must contact by telephone the DEC Area Response Team for Southeast Alaska (907) 465-5340 during work hours or 1-800-478-9300 after hours. Also, the applicant must contact by telephone the National Response Center at 1-800-424-8802.
3. Runoff discharged to surface water (including wetlands) from a construction site disturbing one or more acres must be covered under Alaska's General Permit for Storm Water Discharges from Large and Small Construction Activities in Alaska (AKR100000). This permit requires a Storm Water Pollution Prevention Plan (SWPPP). For projects that disturb more than five acres, this SWPPP must also be submitted to DEC (William Ashton, 907-269-6283) prior to construction.
4. Construction equipment shall not be operated below the ordinary high water mark if equipment is leaking fuel, oil, hydraulic fluid, or any other hazardous material. Equipment shall be inspected and recorded in a log on a daily basis for leaks. If leaks are found, the equipment shall not be used and pulled from service until the leak is repaired.
5. All work areas, material access routes, and surrounding wetlands involved in the construction project shall be clearly delineated and marked in such a way that equipment operators do not operate outside of the marked areas.
6. Natural drainage patterns shall be maintained, to the extent practicable, without introducing ponding or drying.
7. Excavated or fill material, including overburden, shall be placed so that it is stable, meaning after placement the material does not show signs of excessive erosion. Indicators of excess erosion include: gulying, head cutting, caving, block slippage, material sloughing, etc. The material must be contained with siltation best management practices (BMPs) to preclude reentry into any waters of the U.S., which includes wetlands.
8. Include the following BMPs to handle stormwater and total stormwater volume discharges as they apply to the site:
  - a. Divert stormwater from off-site around the site so that it does not flow onto the project site and cause erosion of exposed soils;
  - b. Slow down or contain stormwater that may collect and concentrate within a site and cause erosion of exposed soils;
  - c. Place velocity dissipation devices (e.g., check dams, sediment traps, or riprap) along the length of any conveyance channel to provide a non-erosive flow velocity. Also place velocity dissipation devices where discharges from the conveyance channel or structure join a water course to prevent erosion and to protect the channel embankment, outlet, adjacent stream bank slopes, and downstream waters.

9. The permittee must stabilize any dredged material (temporarily or permanently) stored on upland property to prevent erosion and subsequent sedimentation into jurisdictional waters of the United States. The material must be contained with siltation control measures to preclude reentry into any waters of the U.S., including wetlands.
10. If during dredging a petroleum sheen appears on the water, a sorbent boom shall be installed to enclose the dredge area and the applicant shall contact the DEC Area Response Team for Southeast Alaska (907) 465-5340 during work hours or 1-800-478-9300 after hours. Sediment and water column testing may be required at that time.
11. Fill material (including dredge material) must be clean sand, gravel or rock, free from petroleum products and toxic contaminants in toxic amounts.
12. All dredging shall be conducted so as to minimize the amount of dredge material and suspended sediments that enter Portage Cove. Appropriate Best Management Practices (BMPs) will be employed to minimize sediment loss and turbidity generation during dredging. BMPs may include, but are not limited to, the following:
  - Eliminating multiple bites while the bucket is on the seafloor
  - No stockpiling of dredged material on the seafloor
  - No seafloor leveling
  - Slowing the velocity (i.e., increasing the cycle time) of the ascending loaded clamshell bucket through the water column
  - Pausing the dredge bucket near the bottom while descending and near the water line while ascending
  - Placing filter material over the barge scuppers to clear return water
  - If dewatering runoff is discharged from the barge, silts must be removed prior to direct or indirect discharge to Portage Cove.
13. Any disturbed ground and exposed soil not covered with fill must be stabilized and re-vegetated with endemic species, grasses, or other suitable vegetation in an appropriate manner to minimize erosion and sedimentation, so that a durable vegetative cover is established in a timely manner.

This certification expires five (5) years after the date the certification is signed. If your project is not completed by then and work under U.S Army Corps of Engineers Permit will continue, you must submit an application for renewal of this certification no later than 30 days before the expiration date (18 AAC 15.100).

Date: October 30, 2015

  
\_\_\_\_\_  
James Rypkema, Program Manager  
Storm Water and Wetlands



**UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration**

*National Marine Fisheries Service  
P.O. Box 21668  
Juneau, Alaska 99802-1668*

March 15, 2016

Col. Michael Brooks  
US Army Corps of Engineers, Alaska District  
Regulatory Division  
PO Box 6898  
JBER, Alaska 99506-0898

Re: Haines Portage Cove, POA-2005-1976, NMFS #AKR-2016-9528

Dear Colonel Brooks:

The National Marine Fisheries Service (NMFS) has completed informal consultation under section 7(a)(2) of the Endangered Species Act (ESA) regarding the proposed Portage Cove dock located in Chilkoot Inlet near Haines, Alaska (see Figure 1). The US Army Corps of Engineers (Corps) proposes to permit the Haines Borough to make improvements to the facilities in Portage Cove.

NMFS received your September 25, 2015 request for written concurrence that the proposed action may affect, but is not likely to adversely affect, the endangered humpback whale (*Megaptera novaengliae*) or the endangered western Distinct Population Segment (DPS) of the Steller sea lion (*Eumetopias jubatus*). Based on our analysis of the information you provided to us and additional literature cited below, NMFS concurs with your determination. A complete administrative record of this consultation is on file in this office.

### **Consultation History**

NMFS received your request for consultation on September 28, 2015. NMFS requested more information about the project via email in October 2015 and February 2016. In March 2016, the Haines Borough via PND Engineers, Inc. provided NMFS with additional information regarding the project schedule and proposed mitigation measures.

### **Description of the Proposed Action and Action Area**

The Haines Borough is proposing to construct harbor and wave protection facilities to increase capacity while providing safe vessel navigation, moorage, launching, loading, staging, and parking improvements, and provide clearance for proposed boat launch, drive down float, and additional vessel moorage. The harbor currently serves commercial fishing vessels, recreational vessels, ferries, cruise ships, and tugs.

Aspects of the project that may affect listed species include:

- Driving steel piles of varying diameter with a hydraulically operated vibratory hammer during the summer and fall months into silt sands over clay and gravelly sands, as



follows:

- forty-eight 30-inch piles,
- one hundred forty-seven 24-inch piles,
- seventy-two 16-inch piles,
- ten 12-inch piles
- Clamshell and conventional hydraulic excavator dredging approximately 129,450 cubic yards of marine sediment
- Disposal of 104,450 cubic yards of the dredged material by discharge over 50 acres of the seafloor at a location approximately 1.5 miles northeast of the proposed dredging site at Latitude 59.238333° N., Longitude 135.400639° W. in Chilkoot Inlet

The action area is defined in the ESA regulations (50 CFR 402.02) as the area within which all direct and indirect effects of the project will occur. The action area is distinct from and larger than the project footprint because some elements of the project may affect listed species some distance from the project footprint. The action area, therefore, extends out to a point where no measurable effects from the project are expected to occur.

Since 1997 NMFS has used generic sound exposure thresholds to determine whether an activity produces underwater sounds that might result in impacts to marine mammals (70 FR 1871). NMFS is currently developing comprehensive guidance on sound levels likely to cause injury and behavioral disruption to marine mammals. However, until such guidance is available, NMFS uses the following conservative thresholds of underwater sound pressure levels<sup>1</sup>, expressed in root mean square<sup>2</sup> (rms), from broadband sounds that cause behavioral disturbance, and referred to as Level B harassment under section 3(18)(A)(ii) of the Marine Mammal Protection Act (MMPA):

- impulsive sound: 160 dB re 1  $\mu\text{Pa}_{\text{rms}}$
- continuous sound: 120 dB re 1  $\mu\text{Pa}_{\text{rms}}$

NMFS uses the following conservative thresholds for underwater sound pressure levels from broadband sounds that cause injury, referred to as Level A harassment under section 3(18)(A)(i) of the MMPA:

- 180 dB re 1  $\mu\text{Pa}_{\text{rms}}$  for whales
- 190 dB re 1  $\mu\text{Pa}_{\text{rms}}$  for pinnipeds (seals and sea lions)

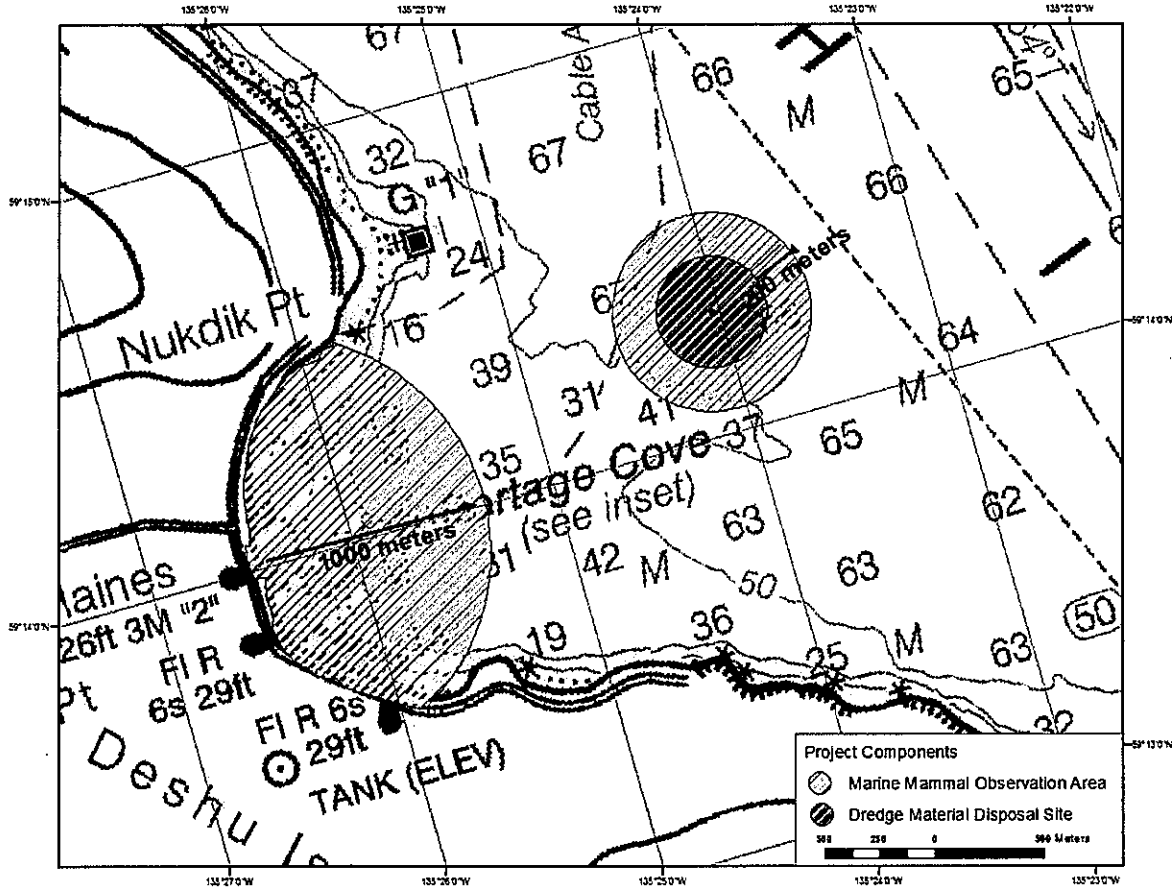
NMFS defines the action area for this project as the area within which project-related noise levels are  $\geq 120$  dB re 1  $\mu\text{Pa}_{\text{rms}}$  (i.e., the point where no measurable effect from the project would occur). However, if the Haines Borough or the Corps, in coordination with NMFS, chooses to perform Sound Source Verification to determine the actual area that would be ensounded to at

---

<sup>1</sup> Sound pressure is the sound force per unit micropascals ( $\mu\text{Pa}$ ), where 1 pascal (Pa) is the pressure resulting from a force of one newton exerted over an area of one square meter. Sound pressure level is expressed as the ratio of a measured sound pressure and a reference level. The commonly used reference pressure level in acoustics is 1  $\mu\text{Pa}$ , and the units for underwater sound pressure levels are decibels (dB) re 1  $\mu\text{Pa}$ .

<sup>2</sup> Root mean square (rms) is the square root of the arithmetic average of the squared instantaneous pressure values.

least 120 dB re  $1\mu\text{Pa}_{\text{rms}}$ , the size of the action area (and thus the area within which effects to listed species are expected) may be altered to reflect those site-specific measurements.



**Figure 1. Project location and proposed marine mammal observation areas associated with this project.**



### **Mitigation Measures**

The Corps informed NMFS via email dated March 4, 2016, that the project will incorporate the following mitigation measures to avoid impacts to Steller sea lions and humpback whales.

- The steel piles will be driven with a vibratory hammer. Impact hammers (with pile cushions between impact hammer and piling) shall only be used if piles encounter soils too dense to penetrate with vibratory equipment.
- Ramp up or soft-start procedures will be applied to all pile driving activities to provide a chance for Steller sea lions and humpback whales to leave the area prior to pile driving at full capacity. For impact pile driving, contractors will be required to provide an initial set of three strikes from the hammer, followed by a 30 second waiting period, then two subsequent three-strike sets.
- A marine mammal observer will be present before and during all pile driving activity.
- The marine mammal observer will be able to identify Steller sea lions and humpback whales accurately and will observe the entire area within 1000 meters of the project site (i.e., the observation zone, as shown in Figure 1) from a platform or boat using binoculars as needed.
- For 15 minutes before any pile driving activities take place, the observer will scan the zone for the presence of any Steller sea lions and/or humpback whales.
- If any Steller sea lions or humpback whales are present within the zone, pile driving activities will not begin until the animal(s) has left the zone.
- During all pile driving activity, the observer will scan the zone for any Steller sea lions and humpback whales. If any enter the zone during pile driving activity, pile driving will cease immediately, and will not begin again until the animal(s) has left the zone.
- A 200 meter monitoring area will be established for all other in-water work activities, including dredging and disposal, centered on the work area. A marine mammal monitor would record observations of Steller sea lions and humpback whales within these areas and implement a shut-down of in-water work if a listed marine mammal approaches the observation zone.
- The marine mammal observer will have no other primary duties than watching for and reporting on events related to ESA-listed marine mammals.
- The Corps will require the applicant to provide NMFS with a report of all Steller sea lion or humpback whale sightings (or confirmation on absence of sightings), estimated distance from project operations, and any shutdown during pile driving or pile removal activities due to Steller sea lions or humpback whales approaching or occurring within the exclusion zone. The applicant will provide the Corps and NMFS with this report within 60 days of project completion.

### **Listed Species and Critical Habitat**

Endangered humpback whales and endangered western DPS Steller sea lions may occur in the action area (Table 1). Critical habitat has not been designated for the humpback whale, and the nearest Steller sea lion critical habitat is the Gran Point haulout (over 10 miles southeast of the action area).

Table 1. Listing status and critical habitat designation for marine mammal species considered in this determination.

Species	Scientific Name	Status	Listing	Critical Habitat
Humpback Whale	<i>Megaptera novaeangliae</i>	Endangered	December, 2, 1970 35 FR 18319	Not designated
Western DPS Steller Sea Lion	<i>Eumetopias jubatus</i>	Endangered	May 5, 1997 62 FR 24345	August 27, 1993 58 FR 45269

### Western DPS Steller Sea Lions

The Steller sea lion was listed as a threatened species under the ESA on November 26, 1990 (55 FR 49204). In 1997, NMFS reclassified Steller sea lions as two DPSs based on genetic studies and other information (62 FR 24345); at that time the eastern DPS was listed as threatened and the western DPS was listed as endangered. On November 4, 2013, the eastern DPS was removed from the endangered species list (78 FR 66139). Information on Steller sea lion biology and habitat (including critical habitat) is available at:

<http://alaskafisheries.noaa.gov/protectedresources/stellers/default.htm>

The ability to detect sound and communicate underwater is important for a variety of Steller sea lion life functions, including reproduction and predator avoidance. NMFS categorizes Steller sea lions in the otariid pinniped functional hearing group, which likely can hear frequencies between 0.1 and 40 kHz in water (NOAA 2013).

We assume Steller sea lions may occasionally be present in Portage Cove for the following reasons:

- Steller sea lions are highly mobile and have large ranges. Nearby observations are documented in the Platform of Opportunity database (Lewis, 2011).
- Potential prey sources in the form of spawning salmon are located, seasonally, near the project area. Several nearby rivers and creeks are documented in the Anadromous Waters Catalog maintained by the Alaska State Department of Fish and Game (ADF&G 2014).

### Steller Sea Lion Critical Habitat

NMFS designated critical habitat for Steller sea lions on August 27, 1993 (58 FR 45269). In Alaska, designated critical habitat includes: 1) a 37-km (23-mi) seaward buffer around all major haulouts and rookeries west of 144° W longitude; 2) 0.9-km (0.6-mi) terrestrial, air, and aquatic zones around major haulouts and rookeries east of 144° W longitude, and 3) three special aquatic foraging areas: the Shelikof Strait, Bogoslof, and Seguam Pass areas. The project area is over 10 miles away from the nearest critical habitat location, Gran Point.

## **Humpback Whales**

The humpback whale was listed as endangered under the Endangered Species Conservation Act (ESCA) on December 2, 1970 (35 FR 18319). Congress replaced the ESCA with the ESA in 1973, and humpback whales continued to be listed as endangered. NMFS recently conducted a global status review and proposed changing the status of humpback whales under the ESA. Under this proposal, the Western North Pacific DPS (which includes whales found in the Aleutian Islands and Bering Sea) would be listed at threatened and the Hawaii DPS (which includes whales found in southeast Alaska) and Mexico DPS (which includes whales found in the northern and western Gulf of Alaska, Aleutian Islands, and Bering Sea) would not be listed (80 FR 22304; April 21, 2015). Information on humpback whale biology and habitat is available at:

<http://www.fisheries.noaa.gov/pr/species/mammals/whales/humpback-whale.html>

[http://www.nmfs.noaa.gov/pr/sars/2013/ak2013\\_humpback-wnp.pdf](http://www.nmfs.noaa.gov/pr/sars/2013/ak2013_humpback-wnp.pdf)

Humpback whales produce a variety of vocalizations ranging from 0.02 to 10 kHz (Winn et al. 1970, Tyack and Whitehead 1983, Payne and Payne 1985, Silber 1986, Thompson et al. 1986, Richardson et al. 1995, Au 2000, Frazer and Mercado III 2000, Erbe 2002, Au et al. 2006a, Vu et al. 2012). NMFS categorizes humpback whales in the low-frequency cetacean functional hearing group, which likely can hear frequencies between 0.007 and 30 kHz (NOAA 2013).

Humpback whale observations near the project area are documented in the POP database (Lewis 2011). Given the documented presence of humpback whales in the area, we assume humpback whales may be present during the proposed project activities.

## **Effects of the Action**

For purposes of the ESA, “effects of the action” means the direct and indirect effects of an action on the listed species or critical habitat, together with the effects of other activities that are interrelated or interdependent with that action (50 CFR 402.02). The applicable standard to find that a proposed action is “not likely to adversely affect” listed species or critical habitat is that all of the effects of the action are expected to be insignificant, discountable, or completely beneficial. Insignificant effects relate to the size of the impact and are those that one would not be able to meaningfully measure, detect, or evaluate, and should never reach the scale where take occurs. Discountable effects are those that are extremely unlikely to occur. Beneficial effects are contemporaneous positive effects without any adverse effects to the species.

The potential effects of the proposed action on listed species and critical habitat include acoustic disturbance (noise) and habitat alteration.

## **Acoustic Disturbance**

Possible impacts to marine mammals exposed to loud underwater or in-air noise include mortality (directly from the noise, or indirectly from a reaction to the noise), injury, and disturbance ranging from severe (e.g., abandonment of vital habitat) to mild (e.g., startle response). Noise is the primary concern for both species covered in this consultation. Dredging and pile driving and extraction introduce noise into the underwater environment that has the

potential to negatively impact marine mammals (Thompson et al. 2013). See the “Action Area” section above for a description of NMFS sound exposure thresholds.

The potential impact pile driving is expected to be the loudest sound source from the proposed action. Impact pile driving methods can generate peak pulsed sound pressure levels of 237 decibels (re 1  $\mu$ Pa) (Hildebrand 2009). The 160 decibel isopleth for the pile driving associated with the Port MacKenzie project was measured to be approximately 1500 meters from the source (Blackwell 2005). However, that project used 36-inch pilings, whereas this proposed project uses smaller, 30-inch, 24-inch, 16-inch, and 12-inch pilings, therefore the sound source levels and resulting 160 decibel isopleth should be smaller. Impact pile driving equipment for this project will use pile cushions to further reduce the sound levels.

Vibratory pile driving generates lower peak pressure levels than impact pile driving, but the total energy imparted to the pile is comparable because the vibratory hammer operates continuously, and requires more time to install the pile (ICF 2009). Vibratory hammer methods used at the Port MacKenzie project under similar conditions as the proposed action generated peak pulses of 179 decibels (re 1  $\mu$ Pa) (Blackwell 2005). The 120 decibel isopleth at the Port MacKenzie project was measured to be approximately 1400 meters (Blackwell 2005). However, as stated above, the Port MacKenzie project used larger, 36-inch pilings, so the sound source level and resulting 120 decibel isopleth are larger than expected for this project, which proposes to use 30-inch, 24-inch, 16-inch, and 12-inch pilings.

Clamshell dredging activities cause a continuous noise source that have the potential to impact marine mammals (Todd et al. 2015). Clamshell dredging in Cook Inlet measured 124 decibels (re 1  $\mu$ Pa) at the 150 meter isopleth (Dickerson et al. 2001). The peak sound levels were associated with the dredger striking the hard ocean floor (Dickerson et al. 2001). The proposed dredging in Portage Cover is similar to the Cook Inlet dredging project and will likely generate similar sound levels.

The significance of potential impacts of noise to marine mammals is dependent on a number of factors including the magnitude of sound pressure levels, species receiving the sound, exposure type (e.g., continuous vs. pulse), duration, site characteristics, species’ auditory characteristics, and individual marine mammal characteristics (e.g., habituation, season, motivation) (Dazey et al. 2012, Ellison et al. 2012).

In addition to the mitigation measures included as part of this action, NMFS expects that two factors will minimize the potential impacts of the pile driving and drilling noise associated with this project:

- The silty sediment marine seafloor where the work is proposed. Sound dissipates more rapidly over soft seafloors.
- This harbor is often in use by large vessels and Steller sea lions and humpback whales may recognize this as a noisy area. Tug boat with barges in Southeast Alaska have been recorded to exceed sound pressure levels of 180 decibels (re 1  $\mu$ Pa) (Kipple and Gabriele 2004). This type of activity can mask the sounds of pile driving, extraction, and dredging.

Marine mammals transiting this area are routinely exposed to sounds louder than 120 decibels, and continue to use this area; therefore, there does not appear to be evidence that they are harassed by these sounds, or they have become habituated to the noise.

The noise created by this proposed project is expected to be within the auditory range of humpback whales and Steller sea lions. Humpback whales are not common in Chilkoot Inlet, although they have been observed there. Steller sea lions are expected to occur in Chilkoot Inlet in greater numbers when salmon begin to enter streams in the inlet to spawn. Since pile driving is anticipated to occur in summer and fall months, greater Steller sea lion presence could overlap with pile driving. However, if a humpback whale or Steller sea lion approaches the action area while pile driving is underway, the 1000-meter marine mammal observation shut-down area is large enough to prevent injury (decibel levels outside of the 1000-meter shut-down area are expected to be below the NMFS harm exposure threshold for impulsive noise sources). We do not have precise measurements for the sound source levels of vibratory pile driving of 30-inch pilings under similar conditions, but our extrapolations based on the best available information indicate that the 1000-meter shut-down area is likely large enough to prevent exposure of humpback whales and Steller sea lions to non-injurious (Level B) continuous levels of noise (above 120 decibels). Likewise, if a humpback whale or Steller sea lion approaches the action area while dredging is underway, the 200-meter observation and shutdown area should prevent injury. In addition, sound levels from existing Portage Cove activities have likely resulted in habituation to noise among whales and sea lions occurring in the area. Thus, we do not expect any measureable negative responses from humpback whales or Steller sea lions that might occur in the action area.

Noise generated from vibratory or impact hammers can reduce the fitness and survival of fish in areas used by foraging Steller sea lions; however, given the small area of the project site and the fact that any physical changes to this habitat would not be likely to reduce the localized availability of fish (Fay and Popper 2012), it is unlikely that listed species would be affected.

Based on the discussion above, NMFS considers effects from noise associated with the proposed action to be insignificant.

### **Habitat Alteration**

We do not expect detectable effects of the proposed dredging and deposition of dredged materials on humpback whales, Steller sea lions, or their habitat. Humpback whales and Steller sea lions do not commonly use the shallow waters where dredging will occur, and indirect effects to prey or due to sediment in the water at the dredge site are expected to be undetectable to humpback whales and Steller sea lions. A marine mammal observer will be present on the tug/barge during the dredge materials disposal operation and will shut down disposal activities if humpback whales or Steller sea lions are observed approaching a 200 meter radius from the vessels. The sediments are expected to be deposited over a 50 acre area of the seafloor. This will likely avoid any detectable impacts to humpback whales, Steller sea lions, or their prey. The effects of habitat alteration are therefore discountable.

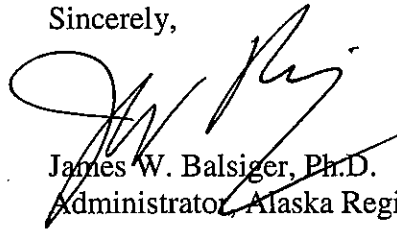
**Conclusion**

Based on this analysis, NMFS concurs with your determination that the proposed action may affect, but is not likely to adversely affect, humpback whales or western DPS Steller sea lions.

Reinitiation of consultation is required where discretionary federal involvement or control over the action has been retained or is authorized by law and if (1) take of listed species occurs, (2) new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not previously considered, (3) the action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in this concurrence letter, or (4) a new species is listed or critical habitat designated that may be affected by the identified action (50 CFR 402.16).

Please direct any questions regarding this letter to Kristin Mabry at [Kristin.Mabry@noaa.gov](mailto:Kristin.Mabry@noaa.gov) or (907) 586-7490.

Sincerely,



James W. Balsiger, Ph.D.  
Administrator, Alaska Region

Cc: [Sheila.M.Newman@usace.army.mil](mailto:Sheila.M.Newman@usace.army.mil)  
[randal.p.vigil@usace.army.mil](mailto:randal.p.vigil@usace.army.mil)

## References

- ADF&G. 2014. Fish resource monitor, version 2.3.3.9775. Research and Tech Services, Division of Sport Fish, Alaska Department of Fish and Game. Available online at <http://extra.sf.adfg.state.ak.us/FishResourceMonitor/?mode=awc>.
- Au, W. W. L. 2000. Hearing in whales and dolphins: An overview. Pages 1-42 in W. W. L. Au, A. N. Popper, and R. R. Fay, editors. *Hearing by Whales and Dolphins*. Springer-Verlag, New York.
- Au, W. W. L., A. A. Pack, M. O. Lammers, L. M. Herman, M. H. Deakos, and K. Andrews. 2006a. Acoustic properties of humpback whale songs. *Journal of the Acoustical Society of America* 120:1103-1110.
- Au, W. W. L., A. A. Pack, M. O. Lammers, L. M. Herman, M. H. Deakos, and K. Andrews. 2006b. Acoustic properties of humpback whale songs. *Journal of the Acoustical Society of America* 120:1103-1110.
- Carder, D. A. and S. H. Ridgway. 1990. Auditory brainstem response in a neonatal sperm whale, *Physeter* spp. *Journal of the Acoustical Society of America* 88:S4.
- Ciminello, C., R. Deavenport, T. Fetherston, K. Fulkerson, P. Hulton, D. Jarvis, B. Neales, J. Thibodeaux, J. Benda-Joubert, and A. Farak. 2012. Determination of Acoustic Effects on Marine Mammals and Sea Turtles for the Atlantic Fleet Training and Testing Environmental Impact Statement/Overseas Environmental Impact Statement. NUWC-NPT Technical Report 12,071. Newport, Rhode Island: Naval Undersea Warfare Center Division.
- Cranford, T. W. and P. Krysl. 2015. Fin whale sound reception mechanisms: skull vibration enables low-frequency hearing. *PLoS ONE* 10:e0116222.
- Edds, P. L. 1988. Characteristics of finback *Balaenoptera physalus* vocalizations in the St. Lawrence Estuary. *Bioacoustics* 1:131-149.
- Erbe, C. 2002. Hearing abilities of baleen whales. Atlantic report CR 2002-065. Contract Number: W7707-01-0828. Defence R&D Canada.
- Fay, R. R. and A. N. Popper. 2012. Fish hearing: New perspectives from two senior bioacousticians. *Brain, Behavior and Evolution* 79:215-217.
- Frazer, L. N. and E. Mercado III. 2000. A sonar model for humpback whale song. *IEEE Journal of Oceanic Engineering* 25:160-182.
- Goold, J. C. and S. E. Jones. 1995. Time and frequency domain characteristics of sperm whale clicks. *Journal of the Acoustical Society of America* 98:1279-1291.
- Kastelein, R. A., R. van Schie, W. C. Verboom, and D. de Haan. 2005. Underwater hearing sensitivity of a male and a female Steller sea lion (*Eumetopias jubatus*). *Journal of the Acoustical Society of America* 118:1820-1829.
- Kennedy, A. S., A. N. Zerbini, B. K. Rone, and P. J. Clapham. 2014. Individual variation in movements of satellite-tracked humpback whales *Megaptera novaeangliae* in the eastern Aleutian Islands and Bering Sea. *Endangered Species Research* 23:187-195.
- Ketten, D. R. 1997. Structure and function in whale ears. *Bioacoustics: the International Journal of Animal Sound and Its Recording* 8:103-135.
- Lewis, W. 2011. Platforms of Opportunity Program: An overview of its utilization. NMML-NOAA.

- Møhl, B., M. Wahlberg, P. T. Madsen, A. Heerfordt, and A. Lund. 2003. The monopulsed nature of sperm whale clicks. *Journal of the Acoustical Society of America* 114:1143-1154.
- Nishiwaki, M. 1966. Distribution and migration of the larger cetaceans in the North Pacific as shown by Japanese whaling results. Pages 171-191 *Whales, Dolphins and Porpoises*. University of California Press, Berkeley.
- NOAA. 2013. National Oceanic and Atmospheric Administration DRAFT Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammals: Acoustic Threshold Levels for Onset of Permanent and Temporary Threshold Shifts. National Marine Fisheries Service, Silver Spring, Maryland. December 23, 2013.
- Parks, S.E., D.R. Ketten, J.T. O'Malley, and J. Arruda. 2007. Anatomical predictions of hearing in the North Atlantic right whale. *Anatom. Record* 290(6):734-44.
- Payne, K. and R. Payne. 1985. Large scale changes over 19 years in songs of humpback whales in Bermuda. *Zeitschrift fur Tierpsychologie* 68:89-114.
- Reeves, R. R., S. Leatherwood, S. A. Karl, and E. R. Yohe. 1985. Whaling results at Akutan (1912-39) and Port Hobron (1926-37), Alaska. Report of the International Whaling Commission 35:441-457.
- Richardson, W. J., C. R. Greene Jr., C. I. Malme, and D. H. Thomson. 1995. *Marine mammals and noise*. Academic Press, Inc., San Diego, California.
- Silber, G. K. 1986. The relationship of social vocalizations to surface behavior and aggression in the Hawaiian humpback whales (*Megaptera novaeangliae*). *Canadian Journal of Zoology* 64:2075-2080.
- Southall, B. L., A. E. Bowles, W. T. Ellison, J. J. Finneran, R. L. Gentry, C. R. Greene, Jr., D. Kastak, D. R. Ketten, J. H. Miller, P. E. Nachtigall, W. J. Richardson, J. A. Thomas, and P. L. Tyack. 2007. Marine mammal noise exposure criteria: initial scientific recommendations. *Aquatic Mammals* 33:411-521.
- Stewart, B. S., S. A. Karl, P. K. Yochem, S. Leatherwood, and J. L. Laake. 1987. Aerial surveys for cetaceans in the former Akutan, Alaska, whaling grounds. *Arctic* 40:33-42.
- Thompson, P. O., W. C. Cummings, and S. J. Ha. 1986. Sounds, source levels, and associated behavior of humpback whales, Southeast Alaska. *Journal of the Acoustical Society of America* 80:735-740.
- Thompson, P. O., L. T. Findley, and O. Vidal. 1992. 20-Hz pulses and other vocalizations of fin whales, *Balaenoptera physalus*, in the Gulf of California, Mexico. *Journal of the Acoustical Society of America* 92:3051-3057.
- Tyack, P. and H. Whitehead. 1983. Male competition in large groups of wintering humpback whales. *Behaviour* 83:132-154.
- Vu, E. T., D. Risch, C. W. Clark, S. Gaylord, L. T. Hatch, M. A. Thompson, D. N. Wiley, and S. M. Van Parijs. 2012. Humpback whale song occurs extensively on feeding grounds in the western North Atlantic Ocean. *Aquatic Biology* 14:175-183.
- Watkins, W. A. 1981. Activities and underwater sounds of fin whales. *Scientific Reports of the Whales Research Institute* 33:83-117.
- Watkins, W. A. 1986. Whale reactions to human activities in Cape Cod waters. *Marine Mammal Science* 2:251-262.



- Watkins, W. A., P. Tyack, K. E. Moore, and J. E. Bird. 1987. The 20-Hz signals of finback whales (*Balaenoptera physalus*). *Journal of the Acoustical Society of America* **82**:1901-1912.
- Weilgart, L. S. and H. Whitehead. 1993. Coda communication by sperm whales (*Physeter macrocephalus*) off the Galápagos Islands. *Canadian Journal of Zoology* **71**:744-752.
- Weir, C. R., A. Frantzis, P. Alexiadou, and J. C. Goold. 2007. The burst-pulse nature of 'squeal' sounds emitted by sperm whales (*Physeter macrocephalus*). *Journal of the Marine Biological Association of the United Kingdom* **87**:39-46.
- Winn, H. E., P. J. Perkins, and T. C. Poulter. 1970. Sounds of the humpback whale. Pages 39-52 *Seventh Annual Conference on Biological Sonar and Diving Mammals*, Stanford Research Institute, Menlo Park, California.
- Zerbini, A. N., J. M. Waite, J. L. Laake, and P. R. Wade. 2006. Abundance, trends and distribution of baleen whales off Western Alaska and the central Aleutian Islands. *Deep Sea Research Part I: Oceanographic Research Papers* **53**:1772-1790.

## NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Haines Borough		File Number: POA-2005-1976	Date: 6/15/2016
Attached is:		See Section below	
<b>X</b>	<b>INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)</b>	<b>A</b>	
	PROFFERED PERMIT (Standard Permit or Letter of permission)	<b>B</b>	
	PERMIT DENIAL	<b>C</b>	
	APPROVED JURISDICTIONAL DETERMINATION	<b>D</b>	
	PRELIMINARY JURISDICTIONAL DETERMINATION	<b>E</b>	

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at

[http://www.usace.army.mil/CECW/Pages/reg\\_materials.aspx](http://www.usace.army.mil/CECW/Pages/reg_materials.aspx) or Corps regulations at 33 CFR Part 331.

**A: INITIAL PROFFERED PERMIT:** You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

**B: PROFFERED PERMIT:** You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**C: PERMIT DENIAL:** You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**D: APPROVED JURISDICTIONAL DETERMINATION:** You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**E: PRELIMINARY JURISDICTIONAL DETERMINATION:** You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

**SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT**

**REASONS FOR APPEAL OR OBJECTIONS:** (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

**ADDITIONAL INFORMATION:** The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

**POINT OF CONTACT FOR QUESTIONS OR INFORMATION:**

If you have questions regarding this decision and/or the appeal process you may contact:

**Randal Vigil**  
Alaska District Corps of Engineers  
Juneau Regulatory Field Office (CEPOA-RD-SE)  
Post Office Box 22270  
Juneau, Alaska 99802-2270  
(907) 790-4491

If you only have questions regarding the appeal process you may also contact:

Regulatory Program Manager  
U.S. Army Corps of Engineers, Pacific Ocean Division  
CEPOD-PDC, Bldg 525  
Fort Shafter, HI 96858-5440

**RIGHT OF ENTRY:** Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

\_\_\_\_\_  
Signature of appellant or agent.

Date:

Telephone number:

HAINES BOROUGH, ALASKA  
ORDINANCE No. 16-01-429

Draft

**An Ordinance of the Haines Borough amending Haines Borough Code Title 18 Subsection 18.30.040(I) to change how and when the Planning Commission reviews borough projects.**

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 is effective upon adoption.

Section 4. Amendment of Subsection 18.30.040(I). Subsection 18.30.040(I) of the Haines Borough Code is hereby amended as follows:

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

**18.30.040 Planning commission.**

I. The commission shall review and report to the borough assembly regarding the location, design, construction, demolition or disposition of any public building, facility, collector or arterial street, park, green belt, playground or other public facility **with a value over \$100,000**. The report and recommendation of the commission shall be based upon the comprehensive plan, coastal zone management plan and the capital improvements program.

**Plans for the construction of the new Borough facilities shall come to the commission for review and a public hearing at the conceptual state of design. At that time, the commission shall decide whether additional public hearings and design review are required at the 35%, 65%, and 95% stages of design.**

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2016.

ATTEST:

\_\_\_\_\_  
Janice Hill, Mayor

\_\_\_\_\_  
Julie Cozzi, MMC, Borough Clerk

Date Introduced:                    \_/\_/\_/  
Date of First Public Hearing:     \_/\_/\_/  
Date of Second Public Hearing:   \_/\_/\_/

HAINES BOROUGH, ALASKA  
ORDINANCE No. 16-xx-xxx

Draft

**An Ordinance of the Haines Borough amending Haines Borough Code Title 12 to create a section on Borough Parks.**

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 is effective upon adoption.

Section 4. Amendment of Title 12. Title 12: Streets, Sidewalks, and Public Places of the Haines Borough Code is hereby amended as follows:

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

**Title 12: Parks, Streets, Sidewalks, and Public Places**

Chapters

12.04 Street Grades

12.08 Road and Sidewalk Construction, Maintenance, and Repair

12.10 Driveways

12.12 Building Numbering System

12.16 Street and Sidewalk Use Restrictions

12.20 Street Lights

**12.30 Parks**

12.40 Picture Point Park

12.50 Chilkat River Beaches Recreational Zone.030.010 Definitions

12.030.020 Borough Parks

**Chapter 12.30 Parks**

**Sections:**

**12.30.010 Definitions**

**12.30.020 Borough Parks**

**12.30.030 Regulations**

**Section 12.30.010 Definitions**

**"Park" is a park, reservation, playground, beach, recreation area, scenic area, or any other area of the borough, owned or controlled by the borough, and devoted to active or passive recreation.**

**"Camping" is the presence of any person sleeping in any motor vehicle or camper unit between the hours of midnight and 6am, or sleeping on the ground, with or without any shelter, sleeping pad, etc. between the hours of midnight and 6am on any land owned or controlled by the borough.**

**Section 12.30.020 Borough Parks**

**The following properties are designated as Haines Borough Parks:**

**Tlingit Park, Tlingit Park Playground, Picture Point Park, Lookout Park, Oslund Park (ballfields and skate park), Emerson Field, George Mark Park, Library Totem Park, Tanani Point Park, Chilkat River Beaches Recreation Area, Carr's Cove Park, Skyline Park, Portage Cove Park.**

**Section 12.30.030 Regulations**

**A. Camping is prohibited except during special events approved by the Borough Manager.**

**B. Camp fires may only be made in fire rings provided by the borough.**

**C. Cutting trees, either live or dead, is prohibited.**

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2016.

ATTEST:

\_\_\_\_\_  
Janice Hill, Mayor

\_\_\_\_\_  
Julie Cozzi, MMC, Borough Clerk

Date Introduced:                    \_/\_/\_/  
Date of First Public Hearing:    \_/\_/\_/  
Date of Second Public Hearing:   \_/\_/\_/

**An Ordinance of the Haines Borough amending Haines Borough Code Title 18  
Subsection 18.30.040(L) to adjust the comprehensive plan review frequency.**

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 is effective upon adoption.

Section 4. Amendment of Subsection 18.30.040(L). Subsection 18.30.040(L) of the Haines Borough Code is hereby amended as follows:

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

**18.30.040 Planning commission.**

L. A comprehensive plan is a compilation of policy statements and maps for guiding the physical, social and economic development, both private and public of the borough, and may include, but is not limited to, the following: statements of policies, goals, standards, a land use plan, a lands classification plan and requirements for disposal of borough lands, a community facilities plan, a transportation plan, coastal development and management plan, and recommendations for plan implementations. The assembly shall be guided in the adoption of the comprehensive plan by the recommendations of the planning commission. The assembly may modify the plan, provided it first obtains the recommendations of the planning commission. The planning commission shall undertake the overall review of the plan at least once every ~~two~~ five years and shall present recommendations based on the review to the assembly.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS \_\_\_\_  
DAY OF \_\_\_\_\_, 2016.

ATTEST:

\_\_\_\_\_  
Janice Hill, Mayor

\_\_\_\_\_  
Julie Cozzi, MMC, Borough Clerk

Date Introduced:                    \_/\_/\_  
Date of First Public Hearing:    \_/\_/\_  
Date of Second Public Hearing:  \_/\_/\_

**Chapter 18.80**  
**DENSITY AND DIMENSIONAL REQUIREMENTS**

**Proposed Revision**

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



Setbacks and Height Restrictions by Zone								
Zoning District	Height Limit (in feet)	Industrial Setbacks (in feet) ***		Commercial Setbacks (in feet)		Residential Setbacks (in feet)		
		From Street Lot Lines	From Residential Lots	From Street or Alley Lot Lines	From Other Lot Lines	From Street Lot Lines	From Alley Lot Lines	From Other Lot Lines
MBRR****	N/A	N/A	N/A	N/A	N/A	25	25	25
LUTAK RR*****	35 *	N/A	N/A	N/A	N/A	10	10	10

\* May exceed 35 feet limitation only by provisions of a conditional use permit granted by the planning commission.

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

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

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

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

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

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

Setbacks from anadromous fish streams: See HBC [18.60.010\(P\)](#).

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

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

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

(Ord. 16-03-431 § 5; Ord. 13-12-358 § 4; Ord. 13-05-328 § 4; Ord. 12-09-303 § 4; Ord. 11-03-259 § 4; Ord. 10-09-239 § 4; Ord. 09-04-203 § 4)

## Chapter 18.80 DENSITY AND DIMENSIONAL REQUIREMENTS

### **18.80.010 Introduction.**

---

The following are the requirements governing density of development, building height, setback requirements for buildings from lot lines, and parking. In calculating the number of dwelling units allowed on a lot or the number of parking, loading or storage spaces required, the manager shall round fractional units above two up to the next whole number if that fraction equals or exceeds 0.5. (Example: four units are required if the density calculating yields 3.50 units. If the density calculation yielded 3.48 units, only three units would be required).

### **18.80.020 Building density.**

---

Maximum lot coverage is 70 percent unless a variance is granted by the planning commission. Where a multiple residential building provides complete accommodation for two to four dwelling units, the density shall be limited to eight dwellings per acre. At the discretion of the commission, higher density may be allowed, up to a maximum allowable density of 18 dwelling units per acre.

### **18.80.030 Setbacks and height.**

---

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

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

6. Public utilities; and

7. Fences outside of the townsite service area.

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

B. Building height is measured from the grade plane to the highest point on the building, but not including chimneys, radio antennas, water towers, church spires, structures or enclosures constructed primarily for mechanical equipment and similar building mechanical features.

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

Setbacks and Height Restrictions by Zone								
Zoning District	Height Limit (in feet)	Industrial Setbacks (in feet) ***		Commercial Setbacks (in feet)		Residential Setbacks (in feet)		
		From Street Lot Lines	From Residential Lots	From Street or Alley Lot Lines	From Other Lot Lines	From Street Lot Lines	From Alley Lot Lines	From Other Lot Lines
REC	30	N/A	N/A	N/A	N/A	20	10	10
GU	N/A	20	10	20	10	20	10	10
MBRR****	N/A	N/A	N/A	N/A	N/A	25	25	25
LUTAK RR*****	35	N/A	N/A	N/A	N/A	10	10	10

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

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

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

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

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

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

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

separation between unattached buildings applies only when at least one of the buildings is for human occupancy.

Setbacks from anadromous fish streams: See HBC [18.60.010\(P\)](#).

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

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

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

(Ord. 16-03-431 § 5; Ord. 13-12-358 § 4; Ord. 13-05-328 § 4; Ord. 12-09-303 § 4; Ord. 11-03-259 § 4; Ord. 10-09-239 § 4; Ord. 09-04-203 § 4)

## City and Borough of Sitka

### Chapter 22.20

### SUPPLEMENTAL DISTRICT REGULATIONS AND DEVELOPMENT STANDARDS

**Table 22.20-1**  
**Development Standards<sup>(2)</sup>**

ZONES	MINIMUM <u>LOT</u> REQUIREMENTS		MINIMUM <u>SETBACKS</u>			MAXIMUM HEIGHTS <sup>(19)</sup>		MAXIMUM BUILDING COVERAGE	MAXIMUM <u>DENSITY</u>
	Width	Area <sup>(1, 18)</sup>	Front <sup>(3)</sup>	Rear	Side	Principal <u>Structures</u>	Accessory <u>Structures</u>		
P	<sup>(4)</sup>	<sup>(4)</sup>	20 ft.	15 ft.	10 ft.	40 ft.	16 ft.	35%	
SF <sup>(16)</sup>	80 ft.	8,000 s.f.	20 ft. <sup>(8)</sup>	10 ft. <sup>(9)</sup>	8 ft.	35 ft. <sup>(10)</sup>	16 ft.	35%	
SFLD	80 ft.	15,000 s.f.	20 ft. <sup>(8)</sup>	20 ft. <sup>(9)</sup>	15 ft.	35 ft. <sup>(10)</sup>	16 ft.	35%	
R-1 <sup>(6, 16)</sup>	80 ft.	8,000 s.f.	20 ft. <sup>(8)</sup>	10 ft. <sup>(9)</sup>	8 ft.	35 ft. <sup>(10)</sup>	16 ft.	35%	
R-1 MH <sup>(6, 16)</sup>	80 ft.	8,000 s.f.	20 ft. <sup>(8)</sup>	10 ft. <sup>(9)</sup>	8 ft.	35 ft. <sup>(10)</sup>	16 ft.	35%	
R-1 LD/ LDMH	80 ft.	15,000 s.f. <sup>(5)</sup>	20 ft. <sup>(8)</sup>	20 ft. <sup>(9)</sup>	15 ft.	35 ft. <sup>(10)</sup>	16 ft.	35%	
R-2 <sup>(6, 16)</sup>	80 ft.	8,000 s.f. for the first two units and 1,000 s.f. for each additional unit	20 ft. <sup>(8)</sup>	10 ft. <sup>(9)</sup>	8 ft.	40 ft.	16 ft.	50%	Maximum <u>density</u> = 24 DU/A
R-2 MHP <sup>(6)</sup>	80 ft.	Same as R- 2	20 ft. <sup>(8)</sup>	10 ft. <sup>(9)</sup>	8 ft.	40 ft.	16 ft.	50%	Same as R- 2

Chapter 22.20  
SUPPLEMENTAL DISTRICT REGULATIONS AND DEVELOPMENT STANDARDS

**Table 22.20-1**  
**Development Standards<sup>(2)</sup>**

ZONES	MINIMUM <u>LOT</u> REQUIREMENTS		MINIMUM <u>SETBACKS</u>			MAXIMUM HEIGHTS <sup>(19)</sup>		MAXIMUM BUILDING COVERAGE	MAXIMUM <u>DENSITY</u>
	Width	Area <sup>(1, 18)</sup>	Front <sup>(3)</sup>	Rear	Side	Principal <u>Structures</u>	Accessory <u>Structures</u>		
CBD <sup>(17)</sup>	None	None <sup>(7)</sup>	<sup>(11)</sup>	<sup>(11)</sup>	<sup>(11)</sup>	50 ft.	16 ft.	None	
C-1 <sup>(6)</sup>	60 ft.	6,000 s.f. <sup>(7)</sup>	20 ft. <sup>(8)</sup>	10 ft.	5 ft.	40 ft.	16 ft.	None, except for <u>setback</u> areas	
C-2 <sup>(6)</sup>	60 ft.	6,000 s.f. <sup>(7)</sup>	20 ft. <sup>(8)</sup>	10 ft.	5 ft.	40 ft.	16 ft.	Same as C-1	
WD <sup>(6)</sup>	60 ft.	6,000 s.f. <sup>(7)</sup>	20 ft. <sup>(8, 12)</sup>	5 ft. <sup>(12)</sup>	10 ft. <sup>(12)</sup>	40 ft.	16 ft.	Same as C-1	
GP	50 ft.	5,000 s.f.	10 ft.	5 ft. <sup>(12)</sup>	10 ft. <sup>(12)</sup>	50 ft.	50 ft.	Same as C-1	
I	100 ft.	15,000 s.f.	20 ft. <sup>(8)</sup>	10 ft.	5 ft.	40 ft.	16 ft.	50% <sup>(13)</sup>	
LI	None	1 acre <sup>(14)</sup>	None <sup>(15)</sup>	None <sup>(15)</sup>	None <sup>(15)</sup>	35 ft.	35 ft.	25%	
GI	None	1 acre	None <sup>(15)</sup>	None <sup>(15)</sup>	None <sup>(15)</sup>	35 ft.	35 ft.	None	
R	<sup>(16)</sup>	<sup>(16)</sup>	20 ft.	10 ft.	5 ft.	35 ft.	20 ft.	50%	
OS	None	1 acre	None <sup>(15)</sup>	None <sup>(15)</sup>	None <sup>(15)</sup>	35 ft.	35 ft.	None <sup>(15)</sup>	

(Ord. 13-14A § 4 (part), 2013; Ord. 11-04S § 4(B) (part), 2011; Ord. 06-06 § 4(C), 2006; Ord. 03-1746 § 4 (part), 2003; Ord. 02-1683 § 4 (part), 2002.)



1. Minimum [lot area](#) net of access [easements](#).
2. All developed [lots](#) and parcels shall have access to a public [street](#) and circulation within the development to ensure adequate vehicular circulation for parking, freight, and emergency vehicles. Where [lots](#) or parcels do not front on and have direct access to [streets](#), a minimum twenty-foot improved driveway with a minimum of a twelve-foot wide developed driveable surface on a legal [easement](#) shall provide access between the subject development and the [street](#).
3. Front [setbacks](#) apply to all [lot lines](#) adjacent a public [street](#). [Corner lots](#) have two front [setbacks](#).
4. As determined by the specific use and its parking and loading requirements.
5. Duplex shall have a minimum of twelve thousand square feet of [lot area](#) per unit.
6. Zero [lot line lots](#) shall be a minimum of seven thousand five hundred feet in area.

Additional Note: The minimum square footages for each unit of a zero [lot](#) line shall be as follows:

R-1 and R-1 MH 4,000 sq. ft.

R-1 LD and R-1 LDMH 7,500 sq. ft.

R-2 and R-2 MHP 4,000 sq. ft.

C-1, C-2 and WD 3,000 sq. ft.

Zero [lot lines](#) may be allowed on existing [lots](#) of record in the R-1 and R-1 MH zones with square footages less than above if the planning commission finds that there is adequate [density](#) and parking.

7. Minimum [lot area](#) per [dwelling unit](#) shall be six thousand square feet for one and [two-family dwellings](#) with an additional one thousand square feet for each additional [dwelling unit](#).
8. [Front yard](#) setback shall be ten feet when [lots](#) abutting [street](#) rights-of-way are equal to or greater than eighty feet.
9. [Residential](#) docks are exempt from [rear yard](#) setback.
10. Except as exempted by Section [22.20.050](#).

11. Subject to [site plan](#) approval.
12. No [setbacks](#) are required from property lines of adjacent filled, intertidal, or submerged [tidelands](#).
13. Additional [building](#) coverage may be permitted subject to [site plan](#) approval.
14. Unless the subject use occupies the entire island.
15. Where island [lots](#) share common property lines, the minimum [setback](#) shall be fifteen feet.
16. The minimum site [setback](#) on [lots](#) in zones SF, R-1, R-1 MH, and R-2 shall be five feet for [lots](#) that are sixty feet wide or narrower; in all other cases in those zones, the minimum side [setback](#) shall be eight feet.
17. A five-foot [setback](#) shall be along any property line abutting a public [street](#), alley, or deed access [easement](#). The purpose of this [setback](#) shall be to assure that sidewalks, curb and gutter, power pole locations, or other public necessities can be accommodated.
18. [Lot](#) size [variances](#) may be allowed for subdivisions that include sidewalks or pathways.
19. [Accessory dwelling units](#) in [residential](#) zones shall be limited to a maximum height of twenty-five feet or the height of the existing principal [dwelling unit](#) on the property whichever is less.

(Ord. 13-14A § 4 (part), 2013; Ord. 06-06 § 4(C), 2006; Ord. 03-1746 § 4 (part), 2003; Ord. 02-1683 § 4 (part), 2002.)

### **22.20.038 Residential demolition guarantee.**

Two [residential](#) structures may be allowed on one [lot](#) in an R-1 and R-2 or related zone upon the execution of a binding financial guarantee that insures and provides a vehicle for the demolition and removal of the older residence at the owner's expense. [Residential](#) demolition guarantees may be permitted in single-family SF and related zone if approved through the [conditional use](#) process. (Ord. 13-34 § 4, 2013; Ord. 06-06 § 4(D), 2006; Ord. 03-1746 § 4 (part), 2003.)

**Table 22.20-2**

**Access and Road Development Requirements for [Minor Subdivisions](#)**

Minimum <u>Lot</u> Size	Single- Family/ Duplex/ Zero <u>Lot</u> Line	<u>Bed and</u> <u>Breakfast</u> 5 <u>Guest</u> <u>Rooms</u> or Less	Triplex and Above	<u>Bed and</u> <u>Breakfast</u> Over 5 <u>Guest</u> <u>Rooms</u>	<u>Lodge</u>	Retail	<u>Office with 3</u> or More Nonfamily Employees
R-1 and related zones	8,000 s.f.	8,000 s.f.	N/A	N/A	N/A	N/A	N/A
R-2 and related zones	8,000 s.f.	8,000 s.f.	9,000 s.f. + 1,000 addition	N/A	N/A	N/A	Conditional use
Low <u>density</u> zones	15,000 s.f.	N/A	N/A	N/A	N/A	N/A	N/A
Commercial zones	6,000 s.f.	6,000 s.f.	6,000 s.f. + 1,000 addition	6,000 s.f.	6,000 s.f.	6,000 s.f.	6,000 s.f.

**Minimum Road Development Requirements for Primary Roads in Easements**

Basic minimum:

Width—20 ft.

Room for drainage

No maximum grade

**Options for Road Development for Multifamily and Commercial Structures in All Zones (developers can choose which standard to use)**

1. Width—20 ft. or more

Room for drainage

Developed lanes—one 10 ft. wide driving lane

Maximum grade—15%

2. Lane/grade trade-off option:

Up to 18% grade with 1-1/2 driving lanes (15 ft. driveable surface with additional room for drainage easement)

3. Development to public right-of-way standard

(Ord. 02-1683 § 4 (part), 2002.)

## 22.20.040 Yards and setbacks.

---

The following regulations supplement, define and restrict the meaning of the intent of yard and [setback](#) provisions set forth in this chapter:

A. Projections into Required Yards. Where yards are required as [setbacks](#), they shall be open and unobstructed by any [structure](#) or portion of a [structure](#) from thirty inches above the general ground level of the graded [lot](#) upward; provided, however, that fences, boundary walls, poles, posts and other customary yard accessories, ornaments and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction visibility. Obstructions shall include cantilevered stairs and exits, as well as eaves and roofed entrances. Ramps are considered allowable [structures](#) in required yards if they:

1. Are designed to provide access to a road, sidewalk, or driveway for disabled persons.
2. Have a slope or grade that can be traversed by disabled persons in wheelchairs.
3. Have a railing consistent with American/Disabilities Act (ADA) standards.
4. Do not include an arctic entry or other extension of the [building](#) that encroaches into the yard in a manner that violates the other provisions of this title.

B. Adjoining Lease [Tidelands](#). Yard [setback](#) requirements of leased [tidelands](#) shall be measured from the limits of the leased area. If, at the end of the lease term, the leaseholder should not renew the lease, then any nonconforming [structures](#) shall be removed unless the [tidelands](#) are brought under the control of the municipality or a new lessee, at which time conformance to normal yard and [setback](#) requirements shall be required.

C. [Residential](#) Lots in Common Ownership. An owner of contiguous or adjacent [lots](#) may combine those [lots](#) if approved by the planning director into one parcel, thereby measuring [lot](#) coverage and [setbacks](#) from the outside boundaries of the new combined [lot](#). The impact of the use or number of [residential](#) units shall not exceed those previously allowed on a single parcel. In cases where these impacts may be greater than originally intended, the planning director may refer the matter to the board of adjustment for further review under the provisions of Section [22.24.020](#). Should the property owner revoke the merger either by a declaration of merger or by conveyance of one or more of the affected [lots](#), [setback](#) and [coverage](#) requirements will again be measured from and by the original boundaries.

D. Zero [lot](#) line single-family detached [residential](#) developments are permitted as [planned unit developments](#) under Title [21](#) of this code subject to [site plan](#) review. In this type of development, the [dwelling unit](#) is permitted to be located at one of the side property lines of the [lot](#). The other side of the [dwelling](#) is required to be separated from the adjacent [lot](#) by a [side yard](#) equal to or greater in width than the combined [side yard](#) requirements of the zone. Provisions for front and [rear yard](#) setbacks as required by the zone shall be observed, further:

1. An [easement](#) shall be provided on the abutting [lot](#) adjacent to each zero [lot](#) building that is wide enough to ensure a ten-foot separation between the walls of [structures](#) on adjoining [lots](#), except as provided by common wall construction;
2. The [easement](#) shall be free of permanent [structures](#) and other obstructions that would prevent normal repair and maintenance of the structure's exterior;
3. [Buildings](#) utilizing reduced [setbacks](#) shall not have doors that open directly onto the private yards of abutting property. Windows in such [buildings](#) shall not be oriented toward such private yard areas unless they consist of materials such as glass block, textured glass, or other translucent materials, and shall not be capable of being opened, except for clerestory windows or skylights;
4. The final plat and [site plan](#) shall show the approximate location of [buildings](#) proposed to be placed in a standard [setback](#) area.

(Ord. 02-1683 § 4 (part), 2002.)

#### **22.20.045 As-built requirements.**

---

As-built surveys may be required through the [building](#) permit approval process, consistent with municipal policies, to verify the requirements of this code. (Ord. 02-1683 § 4 (part), 2002.)

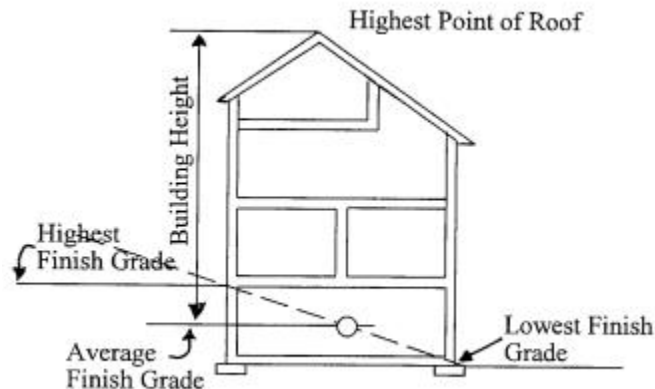
#### **22.20.050 Building height.**

---

A. [Building height](#) shall be measured from the average finished grade to the highest point of the roof. The average grade shall be determined by first drawing the smallest square or rectangle which encloses the [building](#) profile and then averaging the grade elevations taken at the midpoint of each side of the square or rectangle; provided, that the measured elevations do not include berms. Figure 22.20.050 below illustrates this method. The administrator or his designee shall have the authority to determine the maximum allowable height

of a [structure](#) for [buildings](#) with unusual designs with the owner retaining the right of appeal to the planning commission and the assembly in accordance with Chapter [22.30](#), Article VI.

**Figure 22.20.050**  
**Building Height Measurement**



B. Exempted [Structures](#). Roof [structures](#) for the housing of fire- or smokestacks, tanks, ventilating fans required to operate and maintain the [building](#) and other necessary mechanical equipment may be erected above the permitted height provided nothing increases or provides additional floor space.

(Ord. 02-1683 § 4 (part), 2002.)

#### 22.20.055 Communications antennas and towers.

Communications [antennas](#) and towers are permitted [accessory uses](#) within the R-1, R-1 MH, R-1 LDMH, R-2 and R-2 MHP zoning districts as long as the tower or [antenna](#) does not exceed the allowable height of [structures](#) allowed within the specific district. If ground-mounted, guy wires shall not exceed the property on which the antenna/tower is located. In all cases, towers and [antennas](#) shall be structurally sound and properly constructed. Any request for a tower or [antenna](#) exceeding the height limits of the zoning district shall require a [variance](#). (Ord. 02-1683 § 4 (part), 2002.)

#### 22.20.060 Permitted home occupations.

Occupations conducted within a [dwelling unit](#) shall be permitted [accessory uses](#) in the districts specified under Chapter [22.16](#); provided, that:

A. The use of the [dwelling unit](#) for purposes of a [home occupation](#) is clearly incidental to its primary purposes as a residence. The occupation shall be conducted solely by the resident of the unit. Examples of [home](#)

[occupations](#) include cosmetic or other catalog sales, custom work for sale at a proper retail location, dressmaking, massage therapists, beauty salons, music teacher, jewelry manufacturing, pottery and art products. Beauty salons are limited to only one chair.

B. No [home occupation](#) is to generate traffic in greater volume than would be customarily found in a [dwelling](#) or create noise, glare, vibration, fumes, odors or electrical disturbance detectable off the [lot](#) in which it is conducted.

C. There shall be no modifications to the exterior of the [building](#) or premises or other major visible evidence of the conduct of a [home occupation](#) other than the one [sign](#) no larger than two square feet in area as permitted in Section [22.20.090](#).

D. It shall not utilize over twenty percent of the [floor area](#) of principal [structures](#) located along the road system. Up to fifty percent of the [floor area](#) of principal [structures](#) may be utilized for properties in the GI and LI zones with allowances for that percentage to be exceeded on an occasional basis as long as adjacent properties are not adversely impacted.

(Ord. 12-31A § 4(H), 2012; Ord. 02-1683 § 4 (part), 2002.)

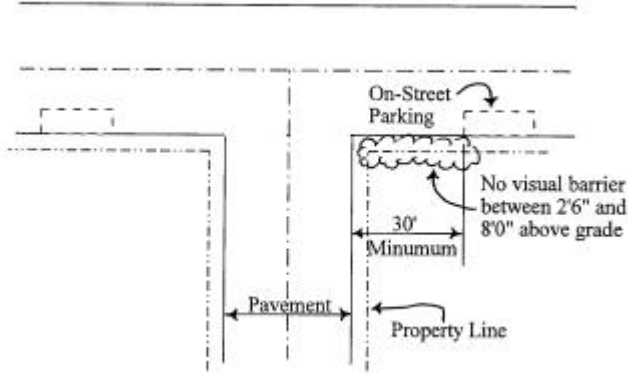
#### **22.20.070 Fences, walls and hedges.**

Property line fences and walls not exceeding eight feet in height may occupy any portion of a yard in [residential](#) districts except as provided in Section [22.20.080](#); and also provided, that such fence, wall or hedge projecting forward of the [front yard](#) setback line shall not obstruct visibility of the residence from the [street](#). Fences in the public, [commercial](#), and [industrial](#) districts may be no greater than twenty feet in height. Maximum [fence height](#) in the C-2 general [commercial](#) and [mobile home](#) district is eight feet. (Ord. 05-03 § 4(B), 2005; Ord. 04-60 § 4(N), 2004.)

#### **22.20.080 Visibility at intersections.**

On [corner lots](#), no fence, wall or hedge or other planting or [structure](#) that will impede visibility between a height of two feet six inches and eight feet above the centerline grades of the intersecting [streets](#) shall be erected, planted, placed or maintained. On-street parking within thirty feet of any intersection is prohibited. If the relationship of the surface of a [corner lot](#) to the [street](#) is such that visibility is already impaired, nothing shall be done to increase the impediment to visibility within the thirty feet mentioned above.

Figure 22.20.080



**Intersection Visibility**

(Ord. 02-1683 § 4 (part), 2002.)



## City of Cordova

- **18.16.020 - Building height limit.**

The maximum **building height** in the C district shall be two and one-half stories but shall not exceed thirty-five feet; provided, that agricultural buildings may be erected to a **height** not to exceed fifty feet.

(Prior code § 15.203(B)).

- **18.32.040 - Building height limit.**

There shall be no **building height** limit in the I district.

(Prior code § 15.206(D)).

- **18.36.040 - Building height limit.**

There is no **building height** limit in the IR district.

(Prior code § 15.207(D)).

- **18.16.020 - Building height limit.**

The maximum **building height** in the C district shall be two and one-half stories but shall not exceed thirty-five feet; provided, that agricultural buildings may be erected to a **height** not to exceed fifty feet.

(Prior code § 15.203(B)).

- **18.28.020 - Building height limit.**

The maximum **building height** in the B district shall be three stories or fifty feet; provided, however, that a building or structure thereafter erected, added to or otherwise constructed may be increased in **height**, provided the gross cubical content of such building or structure does not exceed the sum total of the area of the lot upon which it is to be erected multiplied by fifty.

(Prior code § 15.205(C))

- **18.24.020 - Building height limit.**

The maximum **building height** in the R medium density district shall be three and one-half stories but shall not exceed forty-five feet.

(Prior code § 15.204.2(B)).

- **18.34.080 - Maximum height of buildings and structures.**

The following are the maximum **heights** of **buildings** and structures in the WHD.

A.

Principal *buildings* and structures: Seventy-five (75) feet.

B.

Accessory *buildings* and structures: Fifty (50) feet.

C.

The planning and zoning commission may grant conditional use permits for taller *buildings* subject to requirements of the uniform *building* code and the policies in the Cordova coastal management plan regarding the maintenance of visual access to coastal waters.

(Ord. 866 (part), 2000; Ord. 831 (part), 1999).



TABLE 49.25.400

TABLE OF DIMENSIONAL STANDARDS

Zoning Regulations	RR	D-1	D-3	D-5	D-10	D-15	D-18	MU	MU2	LC	GC	WC	WI	I
Minimum Lot Size <sup>1</sup>	Permissible Uses	36,000	12,000	7,000	6,000	5,000	5,000	5,000	5,000	2,000	2,000	2,000	2,000	2,000
		54,000	18,000	10,500	5,000	3,500	2,500		7,500					
	Duplex Common Wall Dwelling			7,000	5,000				2,500					
	Single- family detached, two dwellings per lot	72,000	24,000											
Minimum lot width		150'	100'	70'	50'	50'	50'	50'	50'	20'	20'	20'	20'	20'
Minimum lot depth		150'	100'	60'	40'	30'	20'	20'	20'					
Maximum lot coverage		150'	100'	85'	85'	80'	80'	80'	80'	80'	60'	60'	60'	60'
	Permissible uses	10%	35%	50%	50%	50%	50%	80%	80%	None	None	None	None	None
		20%	35%	50%	50%	50%	50%	80%	80%	None	None	None	None	None
	Conditional uses	45'	35'	35'	35'	35'	35'	None	35 <sup>4</sup>	35'	45'	35 <sup>4</sup>	45'	None
		45'	25'	25'	25'	25'	25'	None	35'	25'	45'	35 <sup>4</sup>	45'	None
Maximum height permissible uses	Accessory	25'	25'	20'	20'	20'	20'	5'	5 <sup>5,8</sup>	25'	10'	10'	10'	10'
Minimum front yard setback <sup>3</sup>		17'	17'	13'	13'	13'	13'	5'	5'	17'	10'	10'	10'	10'
Minimum street side yard setback		25'	25'	20'	20'	20'	20'	0'	5'	10'	10'	10'	10'	10'
Minimum rear yard setback <sup>3</sup>		15'	10'	5'	5'	5'	5'	0'	5'	10'	10'	10'	10'	10'
Minimum side yard setback <sup>3</sup>		15'	10'	5'	5'	5'	5'	0'	5'	10'	10'	10'	10'	10'
Common wall dwelling				10 <sup>6</sup>	5'	5'	5'		5'					

**Section 3. Amendment of Section.** CBJ 49.25.430, Yard setbacks, is amended to read:

**49.25.430 Yard setbacks.**

No portion of any of the items listed in subsection (1) of this section may be located on any lot closer to any lot line or to the street right-of-way line or centerline than is authorized in the table of dimensional standards in table 49.25.400, except as otherwise noted in this section. An alley or walkway is not subject to front setbacks unless it is the primary access to the lot.

- (1) Buildings, as building is defined in 49.80.120, and the following items:
  - (A) Motor vehicle fuel dispensing pumps and associated overhead canopies or roofs;
  - (B) Carports;
  - (C) Radio and television antennas, masts and towers (including telecommunications towers), any of which are 25 feet or greater in height or 25 square feet or greater in area at the base or foundation; and dishes greater than five feet in diameter; and
  - (D) Above ground fuel and water storage tanks with a volume greater than 660 gallons.
- (2) Street right-of-way line determined. The street right-of-way line shall be determined by reference to a recorded map, monuments, right-of-way easements, right-of-way maps, or other means. The setback shall be measured from such right-of-way line.
- (3) Multiple Frontage lots. Buildings on lots bordered by two or more rights-of-way must meet the front yard setback from one lot line adjoining the rights-of-way. Setbacks from the remaining lot lines adjoining rights-of-way will be considered street side yards.

On undeveloped corner lots or corner lots on which existing buildings conform to required setbacks, the owner may establish the rear yard opposite either right-of-way frontage. The remaining yard(s) not fronting on a street right-of-way will be considered a side yard(s).

On lots with existing buildings that have nonconforming setbacks, setbacks for yards shall be established based on the yard that most closely meets the respective setback requirement.

Lots bordered by three or more rights-of-way shall not be required to provide a rear yard setback.

A front yard for a lot not bordered by a right-of-way shall be established on the lot line where access is provided to the lot.

///

- (4) Projections into required yards.
- (A) Architectural features. Architectural features and roof eaves may project into a required yard four inches for each foot of yard setback required but no closer than two feet to the side and rear lot lines.
  - (B) Enclosures. Bay windows, garden windows, chimney and ventilation shafts, and other similar enclosed structures that do not increase the building's floor area may project four feet into any required yard provided that the maximum length of projection along the building does not exceed 15 lineal feet for any one yard. In no instance shall the projecting structure be closer than three feet to a lot line.
  - (C) Structures unheated. The following unheated structures are allowed in required yard setbacks, as provided below, and provided that roof eaves associated with these structures may be no closer than two feet to any side or rear lot line.
    - (i) Unenclosed balconies, connecting deck stairways, walkways, ramps and landings with or without roofs, may extend to the front lot line or street side lot lines provided the structure does not exceed five feet in internal width exclusive of support structure and is no closer than three feet to a side or rear lot line;
    - (ii) Arctic entries not exceeding 65 square feet gross floor area, and no closer than five feet to any property line;
    - (iii) Enclosures for outdoor fuel tanks, detached storage sheds, greenhouses, playhouses, refuse containers, woodsheds, and similar accessory buildings, if less than four feet high in a front or street side yard and ten feet high in a side yard, and 12 feet high in a rear yard. The total encroachment into a yard, regardless of the number of encroaching buildings, shall be no more than 40 square feet in a front yard, 65 feet in a side yard, and 120 square feet in a rear yard. Where a structure is located in more than one setback, the more restrictive standards shall prevail. In no instance shall the enclosure be closer than three feet to a lot line;
    - (iv) Temporary boat or recreational vehicle shelters consisting of a plastic, canvas or similar cover material applied to a frame for winter storage provided that the cover and associated framework are removed during the period of April 15 through September 30 and provided that the shelter is no closer than three feet to a lot line;
    - (v) Other enclosures, devices, structures or accessories deemed by the director to be similar to a building or to those other items listed in this subsection.

///

- (D) Uncovered porch, terrace, or patio. An uncovered porch, terrace, or patio extending no more than 30 inches above the finished grade may be no closer than three feet to a side lot line and no closer than ten feet to a front, street side or rear lot line.
- (E) Unenclosed porches or decks. Unenclosed first story porches or decks, with or without roof, and with or without non-sight obscuring safety rails less than 44 inches in height, may project no more than six feet into any yard setback, provided, however, such projection is no closer than five feet to a lot line. Eaves may project a maximum of three feet from these structures.
- (F) Sloping lots. If the natural gradient of a sloping lot, from front to rear, exceeds 25 percent, the front yard setback shall not be less than the established yard of a dwelling, not including accessory structures, such as garages and storage buildings, which occupies an adjoining lot. In no instance shall the setback be less than five feet.
- (G) Shoreline properties. In any zoning district, yard setbacks are not required from tidewater lot lines.
- (H) Carports and garages. A minimum setback of five feet from any property line shall apply to carports and garages in any residential zoning district if:
  - (i) The topography of the lot makes construction a hardship;
  - (ii) The carport or garage has a maximum height of 17 feet measured from the finished garage floor level, instead of from the datum established in 49.25.420(b), and a maximum gross floor area of 600 square feet;
  - (iii) Sight distance is approved by the director; and
  - (iv) Enclosed space directly under the garage shall be subject to the above setback exception, and no additional stories are allowed on top of the garage.
- (I) Parking decks. A parking deck, no part of which exceeds one foot above the level of the adjoining roadway, and which does not include other uses, is exempt from the setback requirements of this chapter; provided a non-sight-obscuring safety rail not more than 42 inches in height is allowed.
- (J) Substandard lots. If the lot width, lot depth, or both are less than required, the corresponding side or rear setbacks may be reduced to the same percentage that the lot width, depth, or both, bear to the zoning district requirements, except that in no case shall the side and rear yard setbacks be less than half those required by this chapter, or five feet, whichever is greater.

- (K) Existing substandard setbacks. A new building may have a front yard setback equal to the average front yard setback of the three closest adjacent buildings. The average calculation shall be made using one building per lot. If any of the three buildings used in the averaging calculation is located a greater distance from the required setback, then the required front yard setback shall be used to calculate the average.

An existing building located on the subject lot may be used as one of the three buildings to calculate the setback determination.

For purposes of this section, the buildings used in averaging must be either conforming or legally nonconforming enclosed buildings or carports and have a wall or column height of at least seven feet measured from the finished grade. Porches, bay windows and temporary buildings allowed to project into setbacks cannot be used for averaging. In no instance shall the required setback be less than half that required by this chapter or ten feet, whichever is greater.

If there are fewer than three buildings within five hundred feet of the subject property, then the required setback shall be the average of front yard setbacks of such fewer buildings, using a maximum of one building per lot.

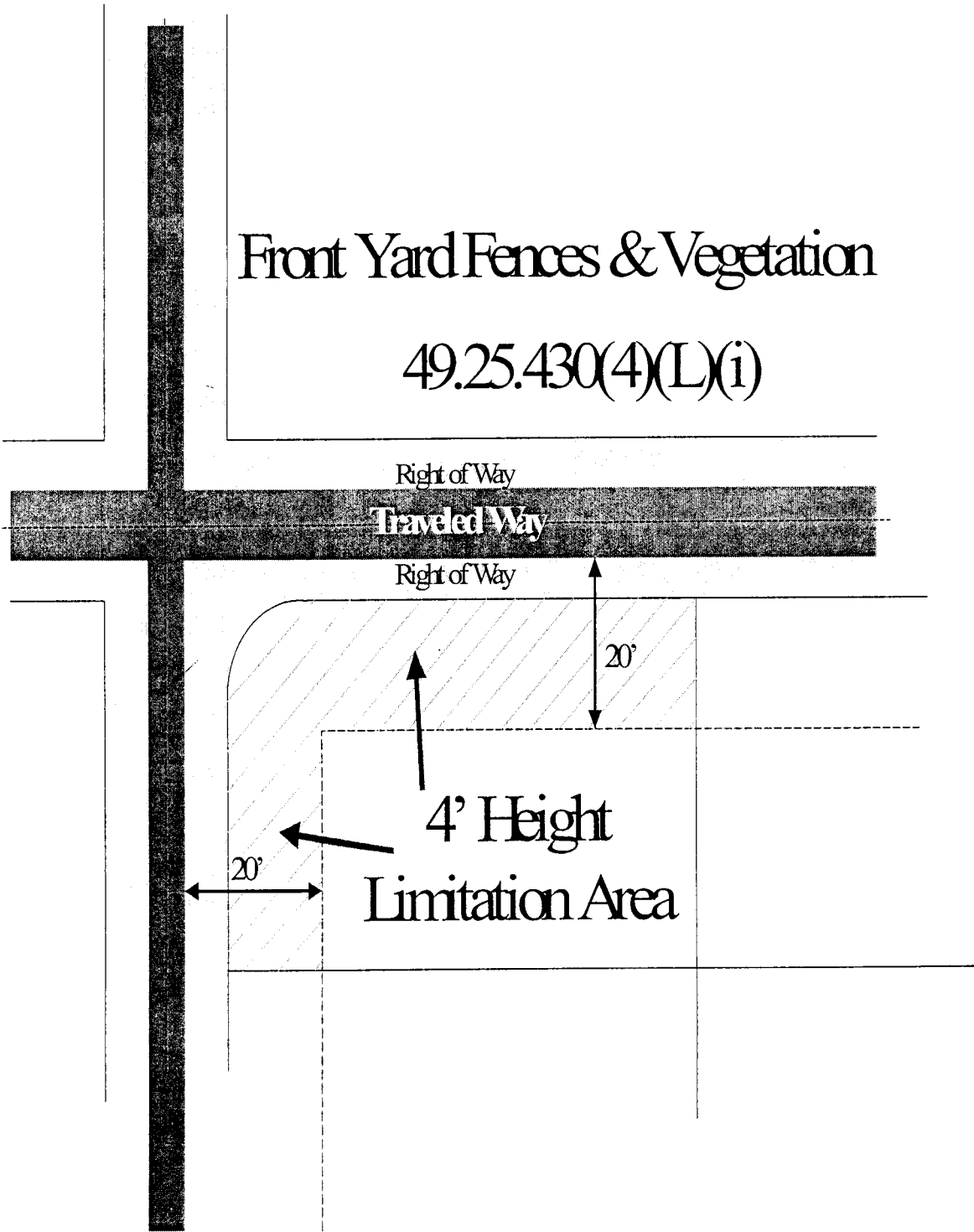
- (L) Fences and vegetation. For this section a "traveled way" is defined as the edge of the roadway shoulder or the curb closest to property.
  - (i) The maximum height of a sight obscuring fence or vegetation shall not exceed four feet within 20 feet of the edge of the traveled way. Trees are allowed within 20 feet of the edge of the traveled way provided they do not obscure view from a height of four feet to a height of eight feet above the ground;

///  
 //  
 //  
 //  
 //  
 //  
 //  
 //  
 //

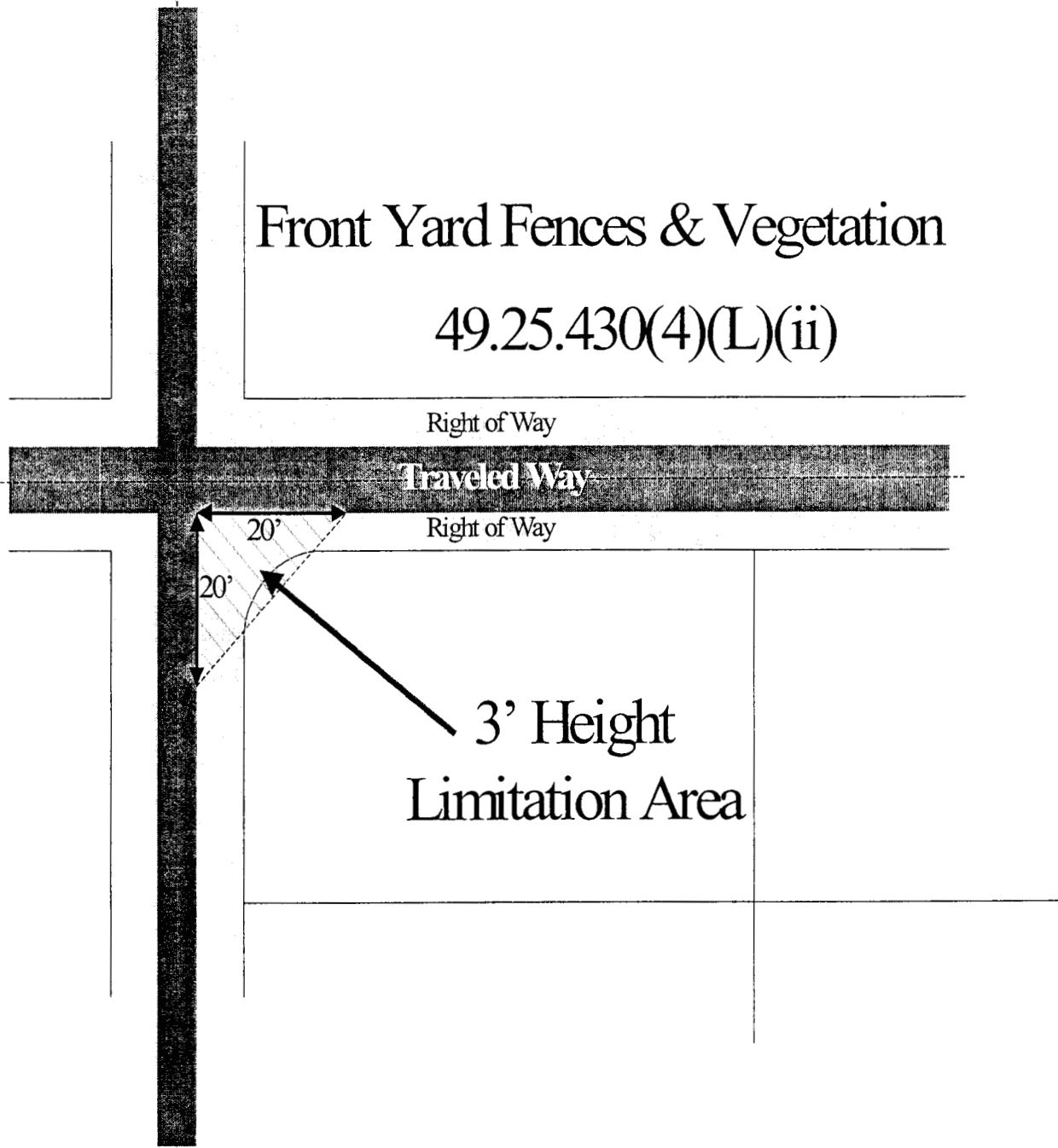


# Front Yard Fences & Vegetation

## 49.25.430(4)(L)(i)







# Front Yard Fences & Vegetation

## 49.25.430(4)(L)(ii)

Right of Way

Traveled Way

Right of Way

20'

20'

3' Height  
Limitation Area

- (M) Additional stories. The commission, through the conditional use permit process, may allow the addition of a second or third story atop or below an existing enclosed structure which projects into a required yard setback if the structure is either lawfully nonconforming or if a variance was previously granted for the structure. The commission may deny such request if it finds that the structure, with the addition, would result in excessive blockage of views, excessive restriction of light and air, or other deleterious impacts.
- (N) Parcels adjoining publicly owned land. The commission, through the conditional use permit process, may allow structural projections into required side or rear yard setbacks if the affected yard adjoins publicly owned land which has been placed in a park, open space, or similarly restrictive land management classification; provided such projections are minimized and are necessary to prevent substantial hardship to the applicant. The commission may deny such requests if it finds that the structure, with the addition, would result in excessive blockage of views, excessive restriction of light and air, or other deleterious impacts.
- (5) Replacement and reconstruction of certain nonconforming buildings. The replacement and reconstruction of certain nonconforming buildings in residential districts in Downtown Juneau and Downtown Douglas as designated on the geographic area map shall be governed by subsection 49.30.500(b)

**Section 4. Amendment of Section.** CBJ 49.80.120 Definitions, is amended by the addition of the following definitions to be incorporated in alphabetical order:

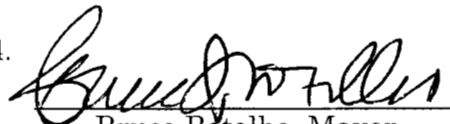
**49.80.120 Definitions.**

Lot line, street side, means the property line separating the lot from a street right-of-way, other than an alley or the front lot line.


Yard, street side, means a yard extending the full width of the lot between any building and the street side lot line, and measured perpendicular from the property line to the building at the closest point to the street side lot line.

**Section 5. Effective Date.** This ordinance shall be effective 30 days after its adoption.

Adopted this 27<sup>th</sup> day of September, 2004.

  
Bruce Botelho, Mayor

Attest:

  
Laurie J. Sica, Clerk

**A Resolution of the Haines Borough Planning Commission in support of the public planning process established by the Charter of Haines Borough and Haines Borough Municipal Codes.**

**WHEREAS**, the people of Haines Borough, exercising the powers of home rule granted by the Constitution of the State of Alaska established the Haines Borough Charter;

**WHEREAS**, the Haines Borough Charter 8.01 (A) authorizes The Haines Borough Planning Commission as the sole planning body of the borough, guided by the comprehensive plan;

**WHEREAS**, a planning effort should involve a broad segment of the population to assure that all community groups are heard;

**WHEREAS**, achieving consensus is a vital aspect of community planning and it is only when differing viewpoints and values are brought together that true planning takes place;

**WHEREAS**, consensus in this context means the formulation of goals to which a majority (or more) of the community will agree;

**WHEREAS**, the Haines Borough Charter 8.03 authorizes the Planning Commission to formulate and develop planning proposals for submission to the assembly whenever requested to do so by the assembly or upon its own motion;

**WHEREAS**, the Haines Borough Charter 8.03 authorizes the Planning Commission to gather information and inform the public at hearings on planning matters, promote public interest and understanding of the comprehensive plan;

**WHEREAS**, the Haines Borough Charter 8.03 authorizes the Planning Commission to plan for borough capital improvements and land sales;

**WHEREAS**, Haines Borough Code 18.10.020 states the Planning Commission Purpose is to ensure that growth and development of the borough is in accord with the values of its residents;

**WHEREAS**, Haines Borough Code 18.10.020 states the Planning Commission Purpose is to identify and secure, for present and future residents, the beneficial impacts of growth;

**WHEREAS**, Haines Borough Code 18.10.020 states the Planning Commission Purpose is to identify and avoid the negative impacts of growth;

**WHEREAS**, Haines Borough Code 18.10.020 states the Planning Commission Purpose is to ensure that growth is a type, design and location that conforms to community standards, and is served by a proper range of public services and facilities;

**WHEREAS**, Haines Borough Code 18.10.020 states the Planning Commission Purpose is to achieve the goals and implement the policies of the Haines Borough comprehensive plan;

**NOW, THEREFORE, BE IT RESOLVED** that it is the intent of the Haines Borough Planning Commission to fully support the public planning process that has been established by the Haines Borough Charter and Haines Borough Code and will act within its authority to formulate and develop planning proposals for submission to the assembly, whenever requested to do so by the assembly, or upon its own motion, and will gather information and inform the public at hearings on planning matters, and will promote public interest and understanding of the comprehensive plan, and will plan for borough capital improvements and land sales.

Adopted by a duly-constituted quorum of the Haines Borough Planning Commission on this the 13<sup>th</sup> day of October, 2016.

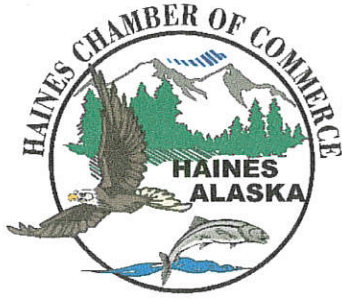
---

Robert Goldberg, Planning Commission Chairman

Attest:

---

Julie Cozzi, MMC, Borough Clerk



# Haines Chamber of Commerce

*"Working Together to Build Business & Community"*

219 Main Street, Suite 14

PO Box 1449 · Haines, AK 99827

907-766-2202 · 907-766-2271 (Fax)

chamber@haineschamber.org · www.haineschamber.org

September 16, 2016

Mayor Jan Hill  
Haines Borough Assembly  
PO Box 1209  
Haines, AK 99827

Re: Harbor Expansion Project

Dear Mayor Hill:

Haines needs an expanded and safer harbor. The Chamber Board takes the position that your leadership will see us complete this project through processes that bring the community together. We see Brad Ryan's positive efforts at consensus-building already.

Further, the Chamber Board encourages the Planning Commission to approve of the use-by-right permit or issue a conditional use permit on October 13, within the time scheduled for the bid opening and contract for this important economic development project.

The Chamber Board was reluctant to give support to the harbor expansion project in early 2015 when the 35% and 65% drawings became public and the engineer's estimates ranged upward of \$30 million. At that time the Board struggled with how to give support for constructing needed infrastructure when we could not see the community's ability to pay for it. Since then, and especially now that we are at a critical juncture, we are confident in the project moving forward to completion. We offer Chamber support in planning for this harbor expansion and the upcoming waterfront enhancement project.

Sincerely,

A handwritten signature in blue ink that reads "Kyle Gray".

Kyle Gray  
President

✓ Copy: Rob Goldberg, Chair, Planning Commission

# creekside CABIN

from the desk of

LINDA  
MOYER



HC 60, Box 6120

Haines, AK 99827

907 766 3318

creeksidecabin494@gmail.com  
everystorylies.com

Sept 28, 2016

TO: Haines Planning Commission  
cc: Holly Smith, Haines Borough Planner I

from: Linda Moyer

RE: Zoning and denial of inquiry for property subdivision of Block 5 of the Anway Five Acre Garden Tracts on Sunshine Street

On August 29, 2016 I submitted an inquiry regarding the possibility of subdividing my 1.25 acre property which I purchased in September 2000 when it was zoned multi-use. After an initial review of Borough code by Holly Smith, I was informed that the zoning on Sunshine Street is Rural Residential and that no lot can be less than ONE acre.

[Per Haines Borough Code 18.70.030(A)(9): Rural Residential Zone. The intent of the rural residential zone is to provide areas for low-density, single-residential, and agricultural uses along with limited, compatible, low-impact commercial uses. The zone has a minimum lot-size of one acre. This zone is intended for areas where development trends, limited transportation and utility systems and physical features indicate the appropriateness of a low intensity use.]

**I would like to point out that of the 19 lots on Sunshine Street (see attached) only five properties meet that criteria, one of which is mine.** In addition, five of the lots are populated by mobile homes, and one is home to a yurt which can be disassembled and quickly moved. Regarding "utility systems," Sunshine Street has had both water and sewer availability since I purchased my property in 2000.

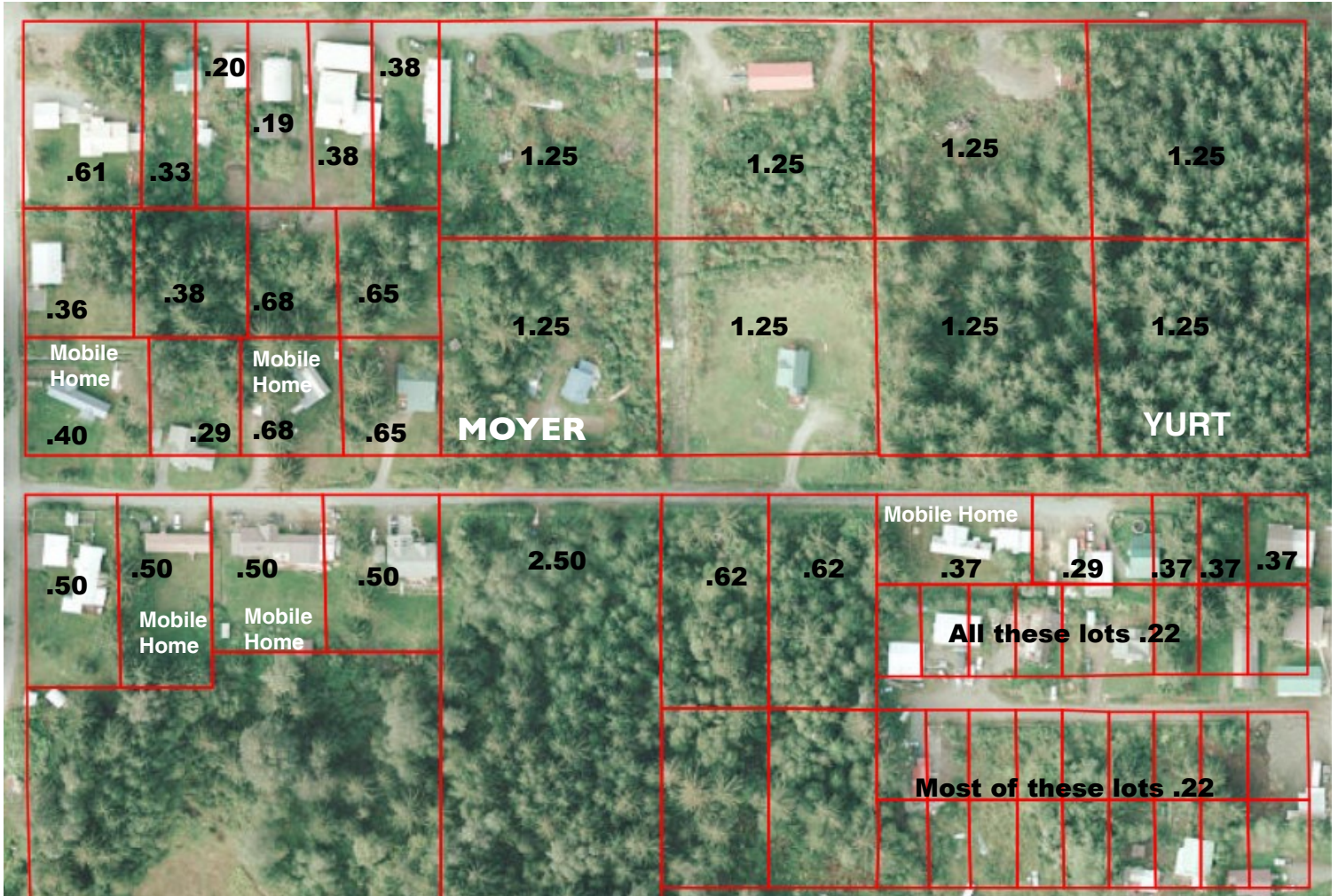
I don't know how the zoning designation of Rural Residential was decided but it appears as if no one reviewed the current lot subdivisions, visited the street to see what kinds of homes exist on the lots, nor inquired whether water and sewer is available. In my estimation, the zoning designation does not reflect the existing conditions.

Holly informed me that the Commission denied me the opportunity to apply for a variance as well as to place a tiny home on my property. However, given the existing conditions of the neighborhood and the fact that nearly 75% of the properties do not meet the current zoning criteria, I believe that ***I should be allowed to subdivide and build a "guest house."***

**Attachments**

- Zoning graphic
- Original inquiry
- Holly's subdivision graphic





**from the desk of**

LINDA  
MOYER



HC 60, Box 6120  
Haines, AK 99827  
907 766 3318  
creeksidecabin494@gmail.com  
everystorylies.com

# creekside CABIN

August 29, 2016

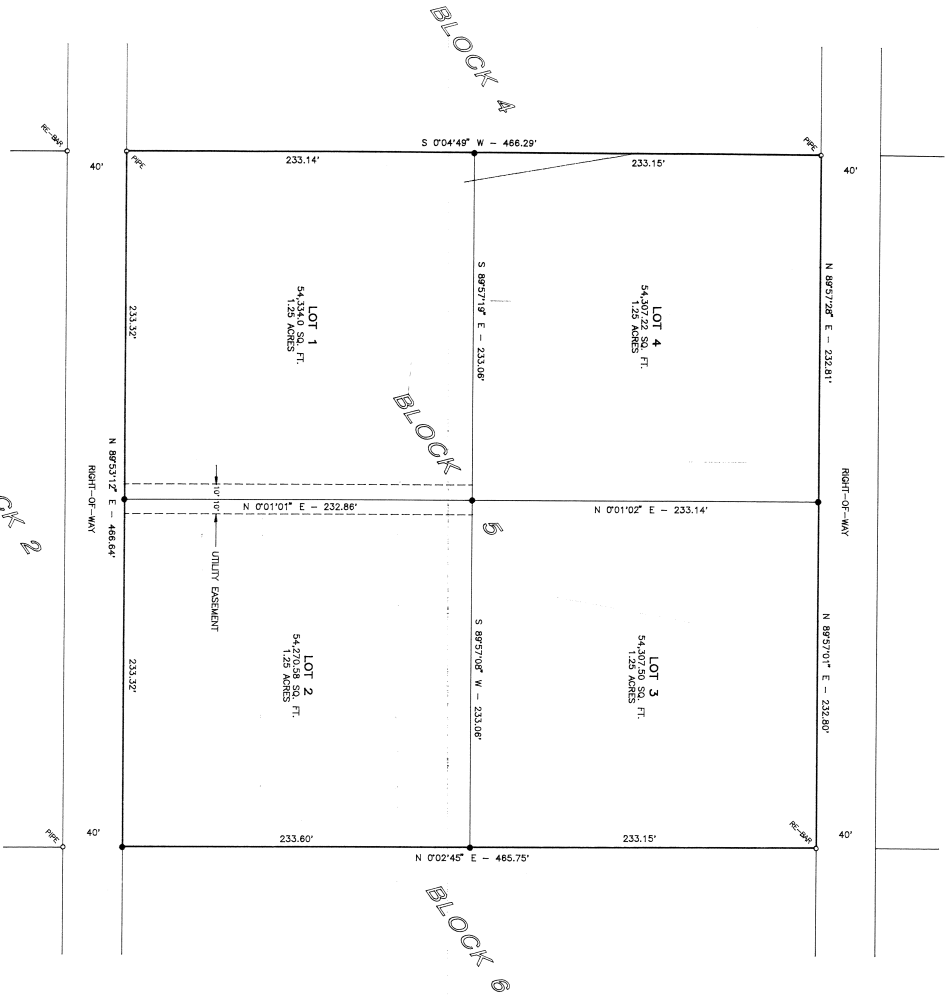
**TO:** Haines Borough Planner

**from:** Linda Moyer

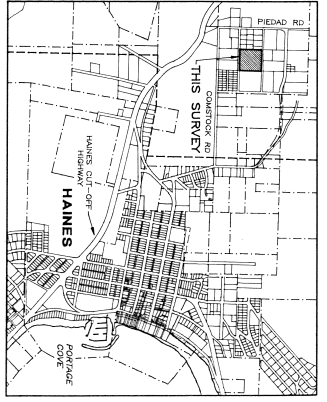
**RE:** Inquiry regarding potential sub-division of property

Attached is the original re-subdivision of Block 5 of the Anway Five Acre Garden Tracts and an architectural drawing of my cabin on the property. I own Lot 1 and would like to sub-divide my property along the line of the drainage that cuts through the property. I believe that a 10,000 sq. foot or .22 acre lot (minimum size lot allowed in the neighborhood) can be created. My purpose is to sell my home and then build a small home on the smaller lot.

My property is zoned multi-use and allows for a single-family home and a guest cottage of less than 700 sq. feet. The existing house is only 685 sq. feet. I would like to know if this is possible before hiring a surveyor.



- LEGEND**
- ⊛ G.L.O. 2-1/2" BRASS MONUMENT RECOVERED THIS SURVEY
  - ⊙ G.L.O. 2-1/2" BRASS MONUMENT RECOVERED THIS SURVEY
  - PRIMARY MONUMENT RECOVERED THIS SURVEY
  - SECONDARY MONUMENT SET THIS SURVEY BY J.W. BEAN
  - SECONDARY MONUMENT RECOVERED THIS SURVEY AS NOTED



**WASTEWATER DISPOSAL**

SOIL CONDITIONS IN THIS SUBDIVISION HAVE BEEN FOUND UNSUITABLE FOR CONVENTIONAL ON-SITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS. PLANS FOR WASTEWATER DISPOSAL IN THIS SUBDIVISION ARE AVAILABLE FROM THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION, ANY OTHER TYPE OF ON-SITE WASTEWATER DISPOSAL SYSTEMS, OR FROM THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION. THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION, THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

**CERTIFICATION OF BOROUGH ASSESSOR**  
 I HEREBY CERTIFY THAT THE APPLICANT(S) IS (ARE) NOT DELINQUENT ON PROPERTY TAXES FOR THE PROPERTY SPECIFIED ON THE SUBDIVISION PLAN SHOWN HEREON.  
 Dated: 8-27 1995

**CERTIFICATION OF OWNERSHIP:**  
 I HEREBY CERTIFY THAT I AM (WE ARE) THE OWNER(S) OF THE PROPERTY SHOWN ON THE SUBDIVISION PLAN AND THAT I (WE) HAVE RECEIVED THE NECESSARY CONSENTS FROM ALL INTERESTED PARTIES TO THE SUBDIVISION WITH MY (OUR) FREE CONSENT, AND DEDICATE ALL EASEMENTS, RIGHTS, TRAILS, PASSES AND OTHER OPEN SPACES TO PUBLIC AND PRIVATE USE AS INTENDED.

**NOTARY'S ACKNOWLEDGEMENTS:**  
 I, the undersigned, a Notary Public for the State of Alaska, do hereby certify that the foregoing is a true and correct copy of the original instrument filed with me on this day of August, 1995.

**CERTIFICATION OF REGISTERED LAND SURVEYOR**  
 I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, LICENSED IN THE STATE OF ALASKA, AND THAT I HAVE PERSONALLY SUPERVISED THE SURVEY AND AM CORRECT AND THE MONUMENTS ARE SET IN PLACE AND NOTED UPON THIS SURVEY PLAN.  
 J.W. BEAN 3882-S  
 Date 8-17-95

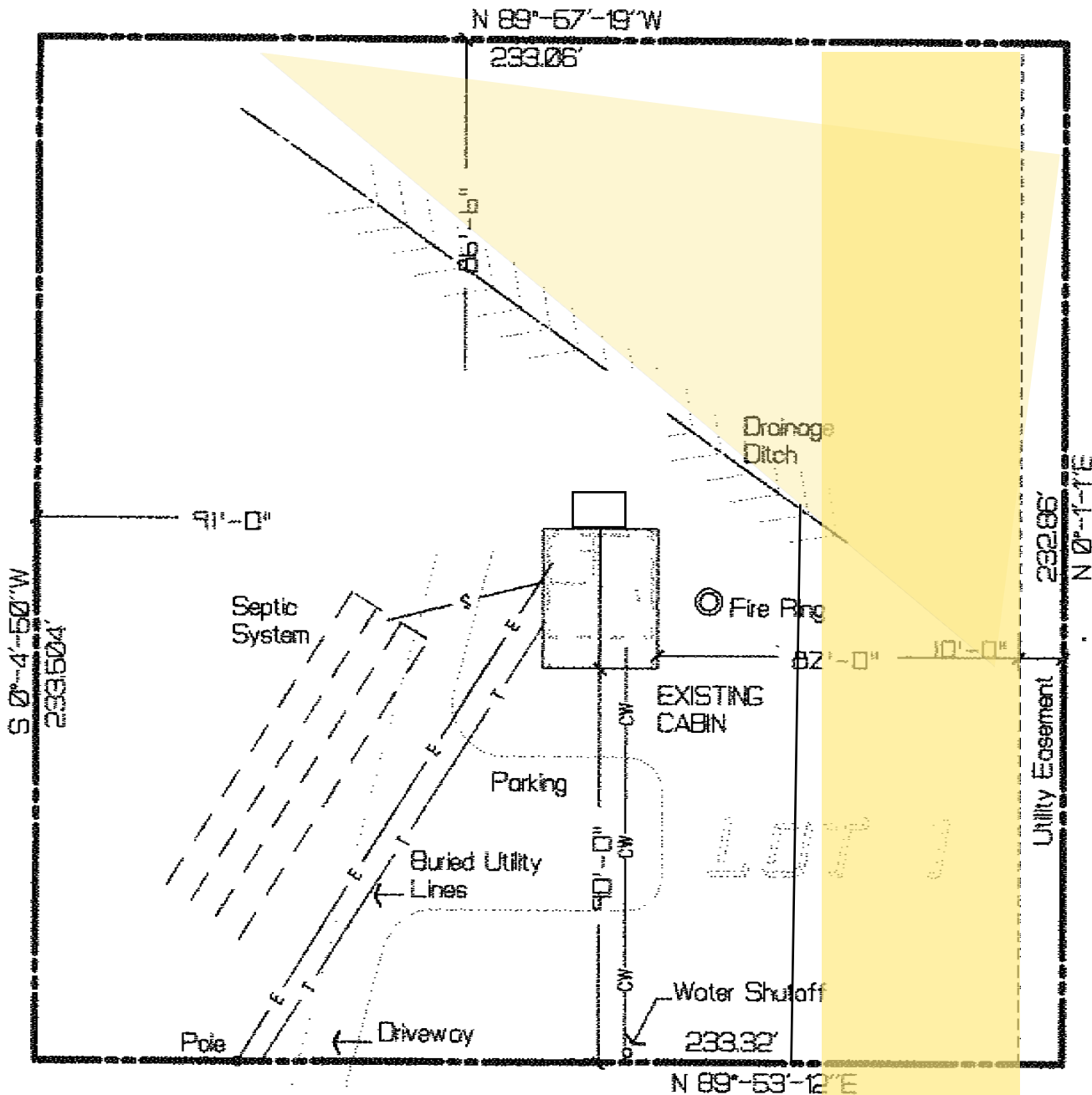
	CHECKED BY: J.W.B. DATE: 7-28-1995 FIELD BOOK: SCALE: 1" = 50' JOB NO: 11868 DIB:
--	--

**J.W. BEAN**  
 PROFESSIONAL SURVEYOR  
 1070 ANCHORAGE DRIVE  
 ANCHORAGE, ALASKA 99507  
 SURVEYOR - PLANNER

**LOT 1 THRU 4  
 OF A RE-SUBDIVISION OF BLOCK 5  
 WITHIN FIVE ACRE GARDEN TRACTS  
 MAINES RECORDING DISTRICT**

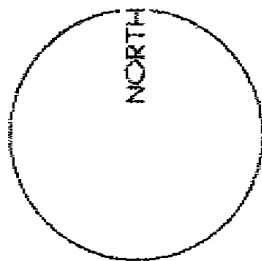
95-14  
 30  
 Haines  
 9/10  
 95  
 Haines  
 9/10  
 95





**SUNSHINE ST.**

40' R.O.W.

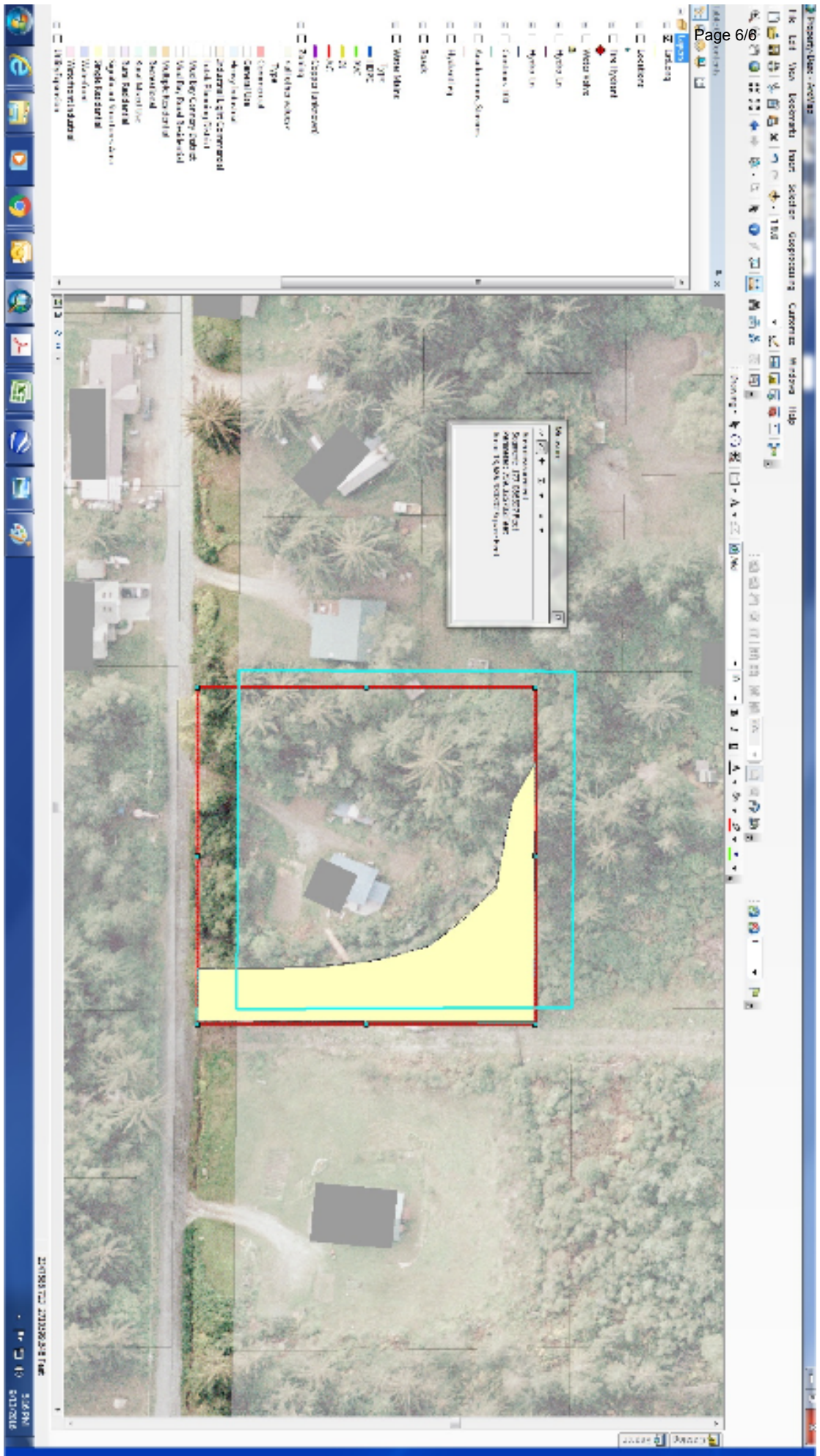


### SITE PLAN



Legal Description:  
Lot 1, Block 5, Anway Subdivision (Plot 95-14)

Note:  
Location of existing cabin on lot provided by owner.



Holly Smith prepared this suggested subdivision for me using the Borough's program.