



Haines Borough Planning Commission Regular Meeting Agenda

COMMISSIONERS:

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

Thursday, December 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: November 12, 2015
5. PUBLIC COMMENTS [Items not scheduled for public hearing]
6. CHAIRMAN'S REPORT
7. STAFF REPORT
 - A. Planning & Zoning Report - None
8. PUBLIC HEARINGS:
 - A. Turner Construction – Resource Extraction Conditional Use Permit Renewal: Turner Construction is requesting for the Planning Commission to approve the renewal of their conditional use permit to operate the gravel pit on Allen road.
Possible motion: Approve Turner Construction conditional use permit renewal.
9. UNFINISHED BUSINESS:
 - A. Michael Wilson – Heliport Conditional Use Proposal – Action Item – Property owner Wilson has requested the Planning Commission approve a conditional use permit to allow the installation of a helipad at 36 Mile Haines Highway. At the 11/12/15 PC meeting a public hearing occurred for this proposal and a motion was passed to postpone the decision until all adjacent property owners were identified and notified. On 11/17/15 a letter was sent to Mr. Kokotovich, requesting names and addresses of adjacent property owners that are heirs to the adjacent native allotment; an email was sent to Jamie Katzeek at the Chilkat Indian Village, requesting contact information for Mr. Kokotovich; a phone message was left for Mr. Kokotovich on 11/24/15; and an email from Jamie Katzeek was received on 11/24/15, requesting an extension due to Mr. Kokotovich being out of town on 12/10/15. Mike Case withdrew his request, as his relatives' property is not adjacent to Mr. Wilson's at 36 Mile.
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. Clarify "Building Height" – The description of how building height is calculated does not match its definition in Code.
 3. Plan Review for Borough Projects – Code says that the Planning Commission must review the plans for Borough projects, but it is unclear at what point in the plan design that review will take place.
 4. Election of Officers – Code requires that the Planning Commission elect officers every year.
 - C. Project Updates: None
 - D. Other New Business – None
11. COMMISSION COMMENTS
12. CORRESPONDENCE
13. SCHEDULE MEETING DATE
 - A. Regular Meeting – Thursday, January 7, 2016 6:30 p.m.
14. ADJOURNMENT



**Haines Borough
Planning Commission Meeting
November 12, 2015
MINUTES**

Draft

1. **CALL TO ORDER/PLEDGE TO THE FLAG** – Chairman **Goldberg** called the meeting to order at 6:34 p.m. in Assembly Chambers and led the pledge to the flag.
2. **ROLL CALL** – **Present:** Chairman Rob **Goldberg**, Commissioners Lee **Heinmiller**, Brenda **Josephson**, Heather **Lende**, Don **Turner III**, and Robert **Venables**. **Absent:** Rob **Miller**.

Staff Present: Jan **Hill**/Mayor and David **Sosa**/Manager.

Also Present: Diana **Lapham** and Margaret **Friedenauer** (Assembly members), Michael **Wilson** & Sean **Brownell** (called in), Scott **Sundberg**, Sean **Gaffney**, Thom **Ely**, Joe **Ordonez**, Nicholas **Kokotovich, Jr.**, Sean **Asquith**, Dana **Hallett**, John **Floreske**, Shawna **Kinnison**, Christopher **Brooks**, Josh **Grimm** and others.

3. **APPROVAL OF AGENDA**

Goldberg suggested moving Item 8C before Item 8A, Public Hearings. The other commissioners agreed.

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

4. **APPROVAL OF MINUTES** – October 15, 2015 Regular Meeting Minutes

Motion: **Heinmiller** moved to “approve the October 15, 2015 minutes.” **Turner** seconded it. The motion carried unanimously.

5. **PUBLIC COMMENTS**

6. **CHAIRMAN’S REPORT**

7. **STAFF REPORTS**

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

Xi **Cui** is on military leave until April 25, 2016. Kathryn **Friedle** will be assisting as Planning & Zoning technician until a temporary replacement has been hired.

8. **PUBLIC HEARINGS**

- C. **Noise Study – Action Item**

Goldberg opened the hearing at 6:45 p.m. and closed the hearing at 7:45 p.m.

Motion: **Venables** moved to “approve the Borough should regulate the use of commercial recreational helicopters in areas of the Haines Borough for the purpose of mitigating noise”. **Lende** seconded it. The motion failed unanimously. Commissioners questioned how such a noise ordinance would be enforced.

- A. **Michael Wilson – Heliport Conditional Use Proposal**

Goldberg opened the hearing at 7:48 p.m., and closed the hearing at 8:50 p.m.

During the discussion, it was stated that ownership of the land to the west and east of Wilson's property are Native allotments. Nick Kokotovich stated that his relatives had not been notified by the Borough. Mike Case stated that his relatives had not been notified.

Motion: **Lende** moved to "postpone the decision on Wilson's proposal until the adjacent property owners are identified and notified". **Heinmiller** seconded it. The motion carried unanimously.

B. Big Salmon Ventures LLC – Heliport Conditional use Proposal – Action Item

Goldberg opened the hearing at 8:51 p.m., and closed the hearing at 10:00 p.m.

Motion: **Venables** moved to "approve **Sundberg** heliport conditional use proposal with conditions put forth by Borough Manager". **Turner** seconded it. The motion failed 2-4. **Turner** and **Josephson** were in favor of the motion. **Venables, Heinmiller, Lende** and **Goldberg** were opposed.

Motion: **Venables** moved to "request Chairman **Goldberg** to contact the University of Alaska as a follow-up to their Nov. 11, 2015 letter". **Lende** seconded it. The motion carried 6-0.

Motion: **Venables** moved to "request Assembly to set aside funds and task staff to identify possible sites for a heliport at 25 mile and at 35 mile". **Lende** seconded it. The motion carried 6-0.

9. UNFINISHED BUSINESS - None

10. NEW BUSINESS

A. Historic District/Building Review: None

B. Haines Borough Code Amendments: None

C. Project Updates – None

D. Other New Business:

1. **Energy Efficiency as a CIP Consideration in the Borough's 6 Year Budget – Discussion Item**
2. **Planning Commission Seat D Re-appointment – Action Item**

Motion: **Turner** moved to "recommend for the Mayor to re-appoint Commission Lee **Heinmiller** to serve Seat D for a three-year term ending November 2018". **Goldberg** seconded it. The motion carried 6-0.

11. COMMISSION COMMENTS- None

12. CORRESPONDENCE - None

13. SET MEETING DATES

A. Regular Meeting—Thursday, December 10, 2015.

14. ADJOURNMENT– 10:30 p.m.



Haines Borough

Planning and Zoning

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

APPLICATION FOR CONDITIONAL USE PERMIT

Permit#: _____

Date: _____

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

I. Property Owner/Agent		Owner's Contractor(If Any)	
Name: DON TURNER JR.		Name: TURNER CONSTRUCTION	
Mailing Address: BOX 709 HAINES, AK 99827		Haines Borough Business License #: 200	
Contact Phone: Day Night 766-2687 766-2439		Alaska Business License #: 184201	
Fax: 766-3379		Contractor's License #: 22247	
E-mail: turnerconstruction@alaska.net		Mailing Address: BOX 709	
		Contact Phone: Day Night 766-2687 766-2439	
		Fax:	
		E-mail:	
II. Property Information			
Size of Property: 10.4 ACRES			
Property Tax #: C-SEC-27-0300			
Street Address: ALLEN ROAD			
Legal Description: Lot (s) _____ Block _____ Subdivision (SEE ATTACHED MAP)			
OR			
Parcel/Tract _____ Section _____ Township _____ Range _____			
[Attach additional page if necessary.]			
Zoning: <input type="checkbox"/> Waterfront <input type="checkbox"/> Single Residential <input type="checkbox"/> Rural Residential <input type="checkbox"/> Significant Structures Area <input type="checkbox"/> Rural Mixed Use <input type="checkbox"/> Multiple Residential <input type="checkbox"/> Heavy Industrial <input type="checkbox"/> Waterfront Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial Light Commercial <input type="checkbox"/> Recreational <input type="checkbox"/> Mud Bay Zoning District <input type="checkbox"/> Lutak Zoning District <input type="checkbox"/> General Use			
III. Description of Work			
Type of Application (Check all that apply) <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	Project Description (Check all that apply) <input type="checkbox"/> Single Family Dwelling <input type="checkbox"/> Change of Use <input type="checkbox"/> Multi-Family Dwelling Total # of Units _____ <input type="checkbox"/> Cabin <input type="checkbox"/> Addition <input type="checkbox"/> Accessory Structure <input type="checkbox"/> Other _____	Water Supply Existing or Proposed <input type="checkbox"/> None <input type="checkbox"/> Community well <input type="checkbox"/> Private well <input type="checkbox"/> Borough Water System <input type="checkbox"/> Other _____	Sewage Disposal Existing or Proposed <input type="checkbox"/> None <input type="checkbox"/> Septic Tank <input type="checkbox"/> Holding Tank <input type="checkbox"/> Borough Sewer System <input type="checkbox"/> Pit Privy <input type="checkbox"/> Other _____

RENEWAL OF CONDITIONAL USE PERMIT 12-64

Valuation of Work:

Current use of adjacent properties:

Attach the following documents to the permit application:

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

PREAPPLICATION (Required)

Pre-application Conference Date: _____

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

APPLICATION

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

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

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

SAME AS 12-64 (PERMIT #)

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

SAME AS 12-64

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

SAME AS 12-64

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

SAME AS 12-64

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

SAME AS 12-64

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

SAME AS 12-64

IV. FEE

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

NOTICE

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

1. Development Schedule. The conditions may place a reasonable time limit on construction activity associated with the development, or any portion thereof, to minimize construction-related disruption to traffic and neighbors, to ensure that lots are not sold prior to substantial completion of required public improvements, or to implement other requirements.
2. Use. The conditions may restrict the use of the development to specific uses indicated in the approval.
3. Owner's Association. The conditions may require that if a developer, homeowner or merchant association is necessary or desirable to hold or maintain common property, that it be created prior to occupancy.
4. Dedications. The conditions may require conveyances of title, licenses, easements or other property interests to the public, to public utilities, or to the homeowners association. The conditions may require construction of public utilities or improvements to public standards and then dedication of public facilities to serve the development and the public.
5. Construction Guarantees. The conditions may require the posting of a bond or other surety or collateral (which may provide for partial releases) to ensure satisfactory completion of all improvements required by the commission.
6. Commitment Letter. The conditions may require a letter from a utility company or public agency legally committing it to serve the development if such service is required by the commission.
7. Covenants. The conditions may require the recording of covenants or other instruments satisfactory to the borough as necessary to ensure permit compliance by future owners or occupants.
8. Design. The conditions may require the adoption of design standards specific to the use and site.

V. CERTIFICATION

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

Don Lewis Jr.
Owner or Agent

11-19-15
Date

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

Office Use Only Below This Line

<input checked="" type="checkbox"/> Applicant Notified Application is Complete and Accepted <u>11/23/15</u> <u>In Person</u> <u>DL</u> <small>(Date) (Notified via) (Initials)</small>					
Non-Refundable Permit Fee \$ <u>150.00</u> Receipt No. <u>023995</u> Received By: <u>Nathyn Freelle</u> Date: <u>11/23/15</u>			Information/Documentation Req'd Rec'd <input type="checkbox"/> <input type="checkbox"/> State Fire Marshal <input type="checkbox"/> <input type="checkbox"/> State DEC <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> Variance/Conditional Use Permit <input type="checkbox"/> <input type="checkbox"/> Sign Permit		
Zoning	Bldg. Height	Lot Coverage %	Const. Type	Occupancy	# Stories
This application meets all applicable Borough policies and a permit is issued, conditional on the substantial completion of construction within two years and the following special requirements:					
Planning Commission Chair:			Date:		

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

HAINES

TL-2702

C-27-0200

TURNER

TL-2703

± 10.4 Ac

C-SEC-27-0300

TURNER

This property

EAST 2640 (cont.)

17

1-207-TL-2500

D. OLERUD

TL-25

± 1.27 Ac

OLERUD

C-207-TL-1010

DEWITT

± 1.8 Ac

TL-10

C-207-TL-1100

HEYWOOD

TL-11

± 119,200

± 2.75 Ac

C-207-TL
BLACKI

± 97

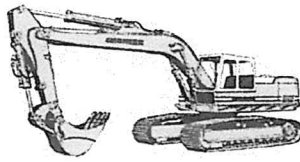
± 2

TL-13

TL-14

EXISTING
STATE
MEXIAKER ROAD

*P. O. Box 709
Haines, Alaska 99827*



*Tel: (907) 766-2687
Fax: (907) 766-3379*

*Turner Construction of
Haines, Inc.*

To: Haines Borough Planning Commission

November 19, 2015

Re: Conditional Use Permit

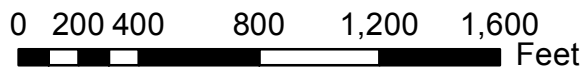
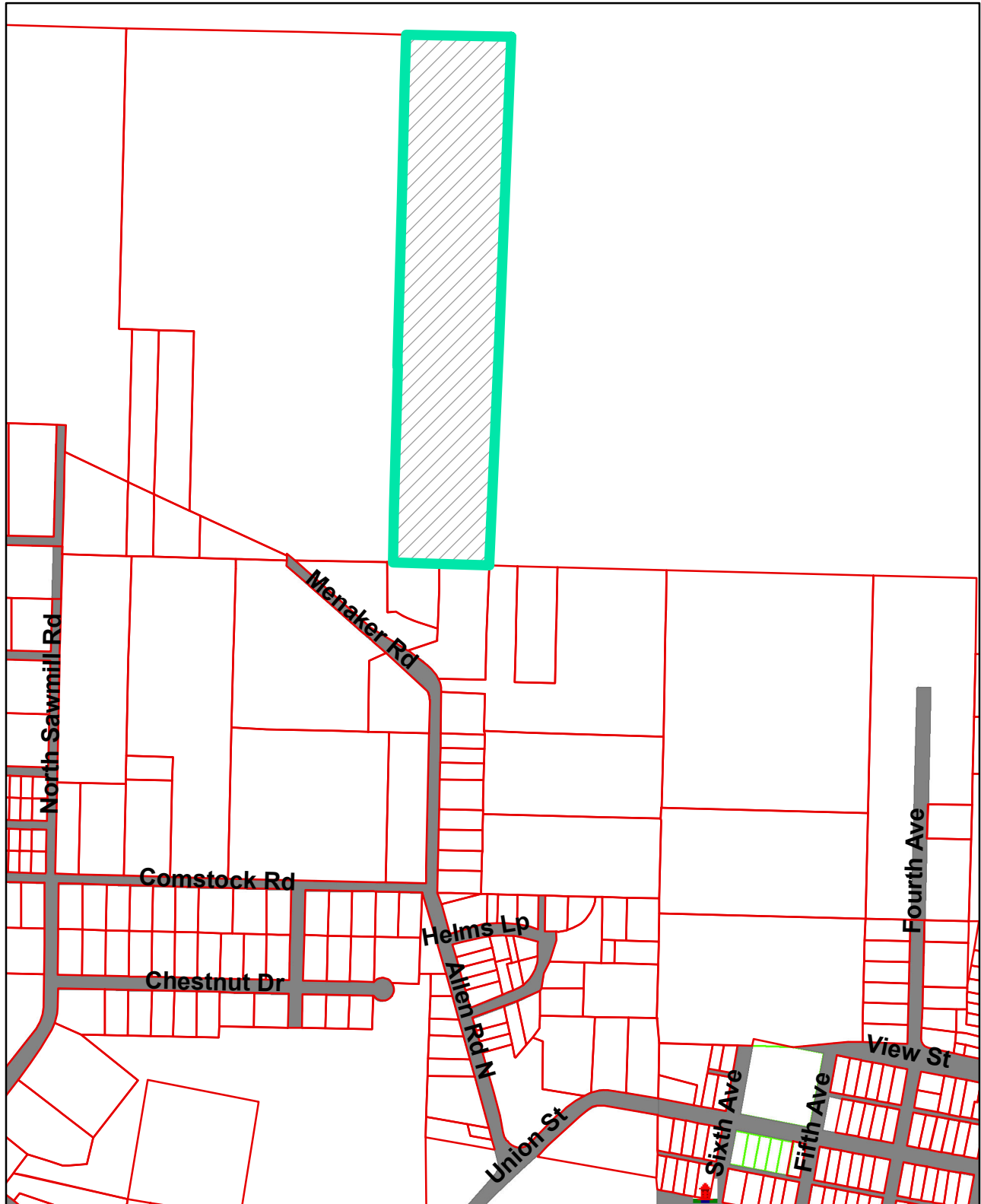
Turner Construction is asking to renew our conditional use permit for our gravel pit on Allen Rd. At this time we would like to ask you to grant us this permit on a permanent basis. We have filed for and been granted a conditional use permit for this gravel pit 6 times since 2001. We have had zero violations and have respected the neighborhood and the rules set forth on the permit. We feel that it would be appropriate to grant this as a permanent permit since we have followed all the rules and will continue to do so.

Thank you,

Stacie Turner

Turner Construction

**Haines Borough Planning Commission Conditional Use Public Hearing:
Request for the Planning Commission to approve the renewal of
Turner Construction conditional use permit to operate the gravel pit
6:30 PM December 13, 2012
Haines Borough Assembly Chambers**



Created by: Tracy Cui
Date: 12/03/2012



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

December 3, 2015

To: Haines Borough Planning Commission
From: Borough Manager

Re: Conditional Use Permit Renewal 12-64
C-SEC-27-0300

The Borough Manager recommends that the renewal for the Mr. Turner's Conditional Use Permit for the noted parcel be approved. The Administration notes that since the last renewal there have been no complaints and that Mr. Turner has operated in accordance with the provisions of the permit. Accordingly, the Manager recommends that the permit be renewed under the following conditions:

1. 3 year approval;
2. Jake brakes are to be used only in an emergency;
3. The hours of operation shall be Monday through Friday 9:00 a.m. until 5:00 p.m.;
4. State standards of reclamation shall be met;
5. No crushing, blasting or refueling shall take place;
6. Turner Construction will not hold the Haines Borough liable for any activity associated with the gravel pit operation.

Sincerely,

D.B. Sosa

David B. Sosa
Haines Borough Manager



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

November 23, 2015

DAVE/CHARLOTTE OLERUD
BOX 1069
HAINES, AK 99827

Re: Turner Construction Resource Extraction Conditional Use Permit Renewal
C-SEC-27-0300

Dear Land Owner,

Haines Borough records show that you own property in the vicinity of the above listed property, which is owned and used by Turner Construction as a gravel pit. (Please see enclosed map.) The conditional use permit is due for renewal, and is on the agenda of the next Planning Commission meeting. The meeting will be held at the Haines Borough Assembly Chambers on December 10, 2015 at 6:30 p.m. As an owner of property in proximity to this development you are being notified that you are invited to attend and comment at the meeting. If you have any questions on the matter please contact the borough.

Sincerely,







A handwritten signature in cursive script that reads "Kathryn Friedle".

Kathryn Friedle
Administrative Assistant
Lands Department
kfriedle@haines.ak.us
(907) 766-2231 Ext. 22

Enclosure

We have no problems with Turners operating the gravel pit. Lets encourage as much work as possible for this community!

Charlotte Olerud

<u>First name</u>	<u>Last Name</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Postal Code</u>	
ALAN/JEANNETTE	HEINRICH	BOX 406	HAINES	AK	99827	
BRUCE	GILBERT	BOX 388	HAINES	AK	99827	
CHARLES/TONI	DEWITT	BOX 128	HAINES	AK	99827	
DAVE/CHARLOTTE	OLERUD	BOX 1069	HAINES	AK	99827	
DON/HELEN	TURNER	BOX 709	HAINES	AK	99827	
TARA	BICKNELL	BOX 868	HAINES	AK	99827	 W
PETER/DIANA	LAPHAM	BOX 503	HAINES	AK	99827	
AMERICAN BALD EAGLE FOUNDATION		BOX 49	HAINES	AK	99827	NEW
DWIGHT/LESLIE	DOWNER	BOX 1045	HAINES	AK	99827	
ADRIANE R.	FRANKS	BOX 1314	HAINES	AK	99827	
ALBERT/GEORGIA	SAMPSON	BOX 536	HAINES	AK	99827	
DONALD/ANITA	HIGHSMITH	BOX 1497	HAINES	AK	998	
THOMAS/ANN	QUINLAN	BOX 130	HAINES	AK	99827	
DAVID/PATRICIA	PETERS	BOX 152	HAINES	AK	99827	
ALGNAK HOLDINGS		P.O. BOX 3757	SEATTLE	WA	98124-3757	
ARLENE	BROOKS	BOX 1084	HAINES	AK	99827	
LORRAINE	KASKO	HC 60 BOX 2214	HAINES	AK	99827	
DOROTHY	MEYERS ESTATE	BOX 867	HAINES	AK	99827	
SEAN P.	BRYANT	BOX 1398	HAINES	AK	99827	
BARBARA E.	BARBER	BOX 1062	HAINES	AK	99827	
ORREN	BARBER	2023 MCNEIL ST	PORT TOWNSEND	WA	98368	
LESLIE/JANICE	KATZEEK	BOX 104	HAINES	AK	99827	
ERIC M/JULIE A	FERRIN	BOX 1471	HAINES	AK	99827	
JOAN	WAGNER	BOX 1421	HAINES	AK	99827	NEW
JEFF T.	BURRUSS	BOX 1177	HAINES	AK	99827	
PATRICIA	BROWN	BOX 984	HAINES	AK	99827	
CRAIG	HAGWOOD	BOX 43	HAINES	AK	99827	
STANLEY	JONES	BOX 1249	HAINES	AK	99827	
TOM/ELIZABETH	HEYWOOD	BOX 901	HAINES	AK	99827	
JANSY/VINCENT	HANSEN	BOX 1667	HAINES	AK	99827	
ALBERT D.	MORGAN	BOX 1374	HAINES	AK	99827	
PHILIP J.	BUSBY	BOX 1293	HAINES	AK	99827	
GERALD/KATHI	LAPP	BOX 1702	HAINES	AK	99827	
VICTORIA	COX	BOX 518	HAINES	AK	99827	
PHILLIP C.	LENDE	BOX 936	HAINES	AK	99827	
JAMES/SHIRLEY	HAMP	BOX 1298	HAINES	AK	99827	
ROBERT/TAMMY	PIPER	BOX 598	HAINES	AK	99827	
RICHARD/BETTY	CLARK	BOX 445	HAINES	AK	99827	
UA LAND MANAGEMENT		1815 Bragaw Street Suite 101	Anchorage	AK	99508-3438	
BETH	MACCREADY	BOX 157	HAINES	AK	99827	NEW
KYLE	FOSSMAN	BOX 532	HAINES	AK	99827	NEW
DAVID & ANDREW	BERRY	BOX 88	HAINES	AK	99827	



Haines Borough

Planning and Zoning

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

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

APPLICATION FOR CONDITIONAL USE PERMIT

Permit#: _____

Date: _____

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

I. Property Owner/Agent		Owner's Contractor(If Any)	
Name: Michael Wilson		Name:	
Mailing Address: 8484 Duran Ct. Juneau AK 99801		Haines Borough Business License #:	
Contact Phone: Day Night 907-209-0845		Alaska Business License #:	
Fax: 907-789-5528		Contractor's License #:	
E-mail: mwilson@coastalhelicopters.com		Mailing Address:	
		Contact Phone: Day Night	
		Fax:	
		E-mail:	
II. Property Information			
Size of Property: 10.4 Acres			
Property Tax #: 3-HHY-36-3426			
Street Address: 35 Mile Old Haines Highway			
Legal Description: Lot (s) _____ Block _____ Subdivision _____			
OR			
Parcel/Tract _____ Section _____ Township _____ Range _____			
[Attach additional page if necessary.]			
Zoning: <input type="checkbox"/> Waterfront <input type="checkbox"/> Single Residential <input type="checkbox"/> Rural Residential <input type="checkbox"/> Significant Structures Area <input type="checkbox"/> Rural Mixed Use <input type="checkbox"/> Multiple Residential <input type="checkbox"/> Heavy Industrial <input type="checkbox"/> Waterfront Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial Light Commercial <input type="checkbox"/> Recreational <input type="checkbox"/> Mud Bay Zoning District <input type="checkbox"/> Lutak Zoning District <input checked="" type="checkbox"/> General Use			
III. Description of Work			
Type of Application (Check all that apply) <input type="checkbox"/> Residential <input type="checkbox"/> Commercial _____ sq. ft. _____ seating capacity if eating/drinking establishment <input type="checkbox"/> Industrial <input type="checkbox"/> Church <input type="checkbox"/> Other _____	Project Description (Check all that apply) <input type="checkbox"/> Single Family Dwelling <input type="checkbox"/> Change of Use <input type="checkbox"/> Multi-Family Dwelling Total # of Units _____ <input type="checkbox"/> Cabin <input type="checkbox"/> Addition <input type="checkbox"/> Accessory Structure <input checked="" type="checkbox"/> Other Helipad _____	Water Supply Existing or Proposed <input type="checkbox"/> None <input type="checkbox"/> Community well <input checked="" type="checkbox"/> Private well <input type="checkbox"/> Borough Water System <input type="checkbox"/> Other _____	Sewage Disposal Existing or Proposed <input type="checkbox"/> None <input checked="" type="checkbox"/> Septic Tank <input type="checkbox"/> Holding Tank <input type="checkbox"/> Borough Sewer System <input type="checkbox"/> Pit Privy <input type="checkbox"/> Other _____

Valuation of Work:
Current use of adjacent properties: There are no residences on adjacent properties or any activity occurring on adjacent properties
Attach the following documents to the permit application: <input type="checkbox"/> Site plan (see Attachment A) showing lot lines, bearings and distances, buildings, setbacks, streets, etc.

PREAPPLICATION (Required)

Pre-application Conference Date: _____

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

APPLICATION

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

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

Describe what safeguards are being provided (i.e. setbacks or buffers) to meet the condition.
The helipad is situated on an upper terrace in the middle of the cleared 10 acre lot as far away from the property line as possible. The property itself is well away and above the Haines highway to avoid vehicular traffic. The nearest resident is well over a mile away.

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

The adjoining properties are undeveloped at this time with no activity occurring. The proposed site is the only developed land on the abandoned old Haines highway. Activity and development in this area will help increase property values and tax revenues for the City of Haines.

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

There is currently a residence on the property with accommodation facilities including a well, septic system, restrooms, and kitchen facilities. When the conditional use permit is issued it will facilitate the construction of a lodge on an existing 40'x60' foundation with another existing well and septic system. There are plans for additional accommodation facilities with restrooms and food service.

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

This conditional use permit will allow the Alaska Heli-Skiing operation to move from the road side operation among residences at 33 mile to a more private, remote and safer operational area away from existing residences and vehicular traffic.

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

The use of this area for helicopter operations will ensure public safety by being away from roadways and other occupied property.

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

The land is already developed, we want to simply land a helicopter there. The FAA has reviewed the site and has granted a private heliport deignation (AA35). To safeguard surface water we will have containment for all fueling systems and will provide restroom and trash collection services to handle all humsn waste.

IV. FEE

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


NOTICE

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

1. Development Schedule. The conditions may place a reasonable time limit on construction activity associated with the development, or any portion thereof, to minimize construction-related disruption to traffic and neighbors, to ensure that lots are not sold prior to substantial completion of required public improvements, or to implement other requirements.
2. Use. The conditions may restrict the use of the development to specific uses indicated in the approval.
3. Owner's Association. The conditions may require that if a developer, homeowner or merchant association is necessary or desirable to hold or maintain common property, that it be created prior to occupancy.
4. Dedications. The conditions may require conveyances of title, licenses, easements or other property interests to the public, to public utilities, or to the homeowners association. The conditions may require construction of public utilities or improvements to public standards and then dedication of public facilities to serve the development and the public.
5. Construction Guarantees. The conditions may require the posting of a bond or other surety or collateral (which may provide for partial releases) to ensure satisfactory completion of all improvements required by the commission.
6. Commitment Letter. The conditions may require a letter from a utility company or public agency legally committing it to serve the development if such service is required by the commission.
7. Covenants. The conditions may require the recording of covenants or other instruments satisfactory to the borough as necessary to ensure permit compliance by future owners or occupants.
8. Design. The conditions may require the adoption of design standards specific to the use and site.

V. CERTIFICATION

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



 Owner or Agent

9/24/2015

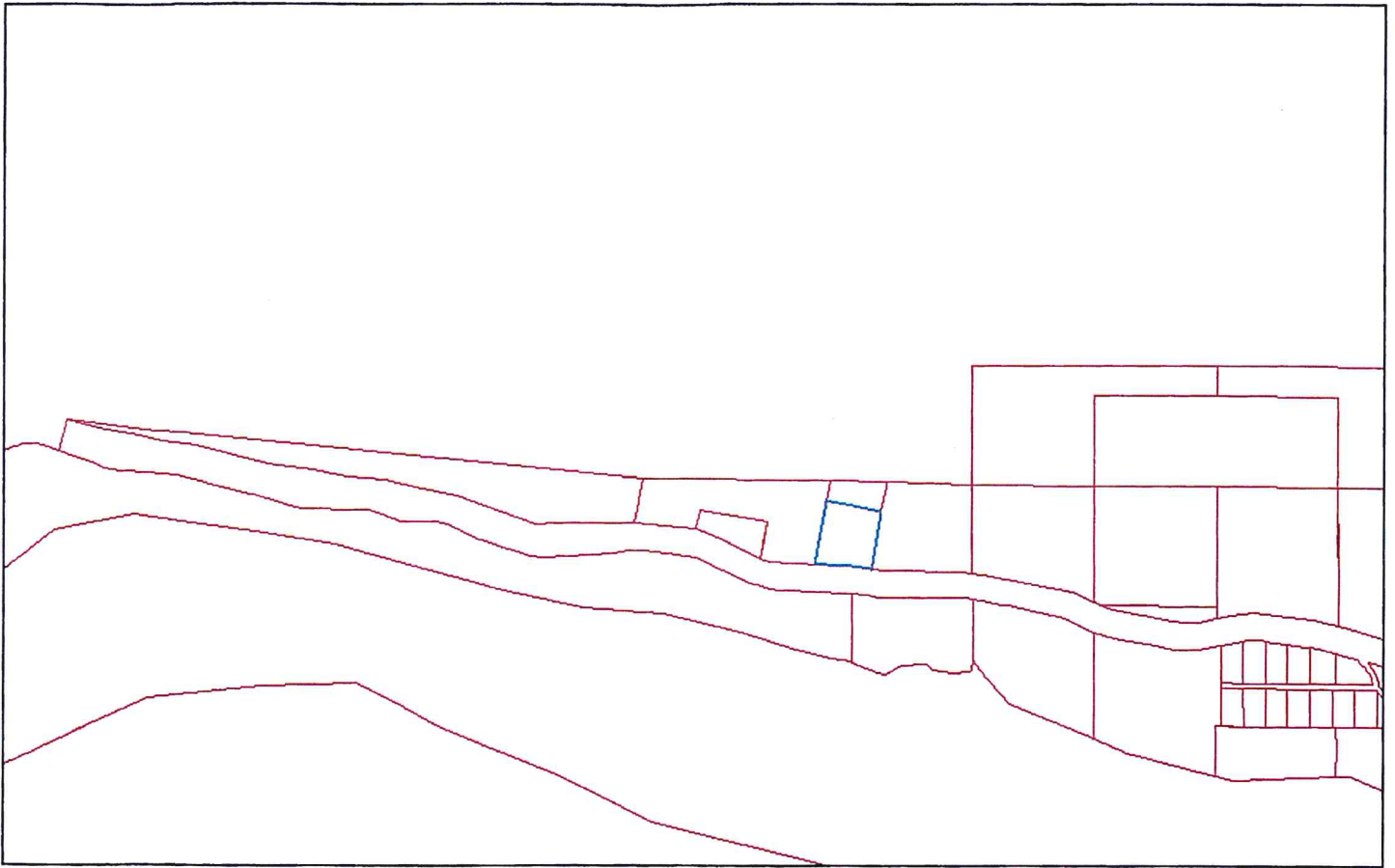
 Date

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

Office Use Only Below This Line

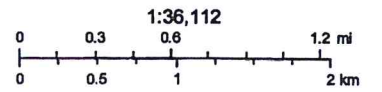
<input type="checkbox"/> Applicant Notified Application is Complete and Accepted <div style="display: flex; justify-content: space-between; font-size: small;"> (Date) (Notified via) (Initials) </div>					
Non-Refundable Permit Fee \$ <u>150.00</u> Receipt No. _____ Received By: <u>Nathan Frieelle</u> Date: <u>9/24/15</u>			Information/Documentation Req'd Rec'd <input type="checkbox"/> <input type="checkbox"/> State Fire Marshal <input type="checkbox"/> <input type="checkbox"/> State DEC <input type="checkbox"/> <input type="checkbox"/> Variance/Conditional Use Permit <input type="checkbox"/> <input type="checkbox"/> Sign Permit		
Zoning	Bldg. Height	Lot Coverage %	Const. Type	Occupancy	# Stories
This application meets all applicable Borough policies and a permit is issued, conditional on the substantial completion of construction within two years and the following special requirements:					
Planning Commission Chair:			Date:		

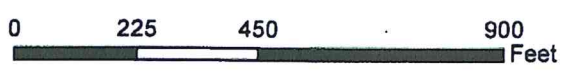
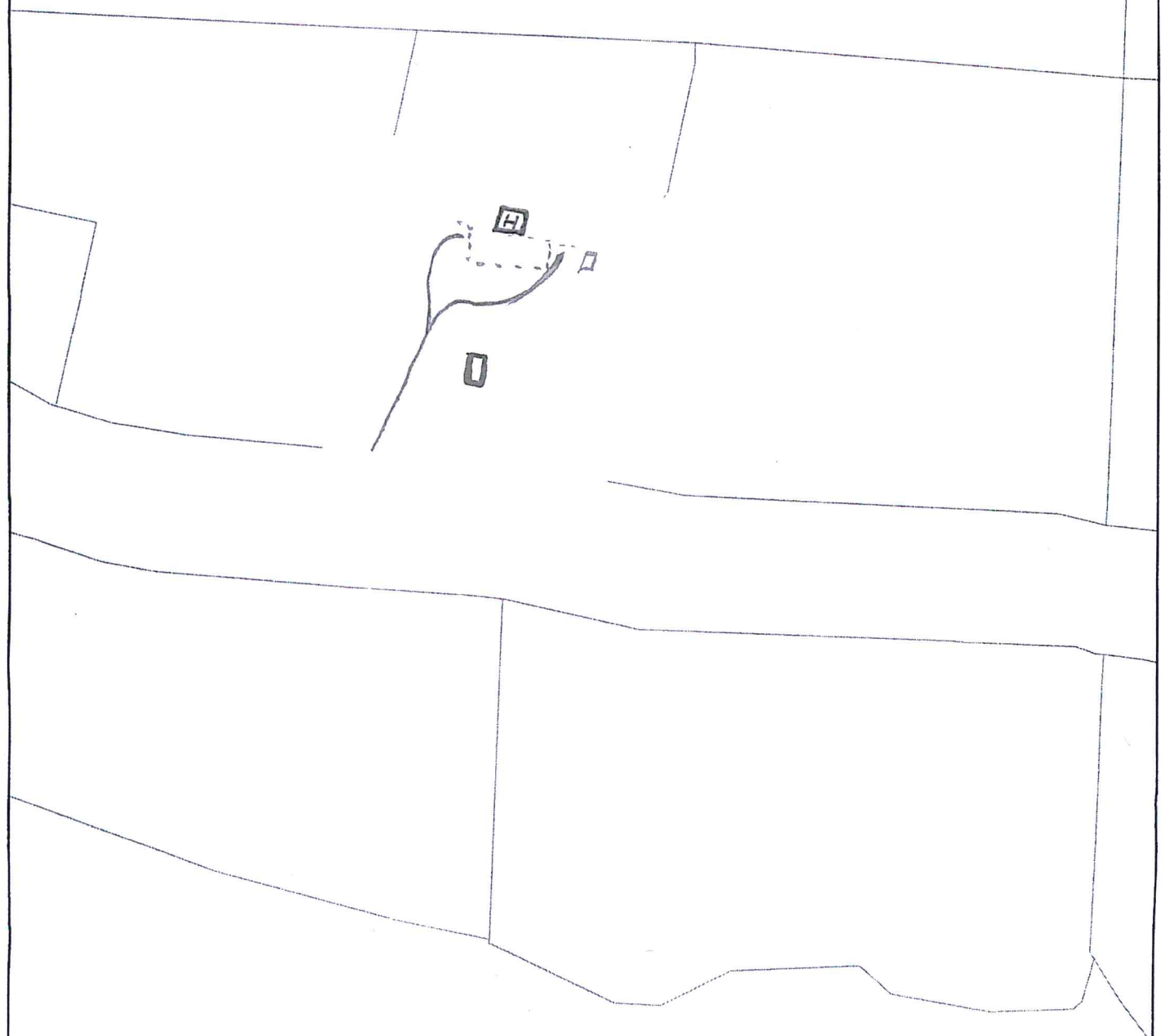
INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED



August 19, 2015

hainesborough_parcel07312015





Haines Borough Parcel Viewer



Find
TAXIDNO,

hainesborough_parcel07312015: 3-HHY-36-3426

HOWNTYPE	PRI
OWNTYPE	PRIVATE
TAXIDNO	3-HHY-36-3426
PRIMARYOWNER	VICKI L. GAROADNER
SECONDARYOWNER	MIKE H. WILSON
ADDRESS	HC 60, BOX 2613
CITY	HAINES
STATE	AK
ZIPCODE	99827
COUNTRY	US
LEGALDESC1	USS 3426
LEGALDESC2	HAINES HWY, 36 MILE
LEGALDESC3	10.4 ACRES
Zone	GU
LAND	98,000
EXEMPTLAND	0
TAXABLELAND	98000
IMPROVEMENT	75400
EXEMPTIMPROV	0
TAXABLEIMPROV	75400
ASSESSEDVALUE	173400
TAXABLEVALUE	173400
MILLRATE	8.15
TOTALTAX	1,413.21

[Zoom to](#)

Haines

Kathy Friedle

From: Rob Goldberg [artstudioalaska@yahoo.com]
Sent: Tuesday, November 24, 2015 8:17 PM
To: jkatzeek@chilkat-nsn.gov
Cc: Kathy Friedle
Subject: Re: Emailing: Book 5 Pg 182 BIA to Choate deed .pdf

Hi Jamie,

The Planning Commission would encourage the heirs of Mary Choate to comment on the proposed conditional use permit application. They may submit comments in writing, by email or in person at the meeting December 10th. Postponing the meeting is really not an option at this point, as we have already postponed it two times while the Borough staff has tried to notify the owners of the property.

We heard Nick's comments at our November meeting, but he may comment again in writing or by email to Kathy Friedle at the Borough office.

Thanks.

Rob Goldberg
Chairman, Haines Borough Planning Commission

Rob Goldberg and Donna Catotti
Catotti and Goldberg Art Studio
PO Box 1154 Haines, AK 99827 USA
907-766-2707
artstudioalaska.com

From: Kathy Friedle <kfriedle@haines.ak.us>
To: Rob Goldberg <artstudioalaska@yahoo.com>
Sent: Tuesday, November 24, 2015 1:20 PM
Subject: FW: Emailing: Book 5 Pg 182 BIA to Choate deed .pdf

Please reply to Jamie Katzeek's email below. Thanks.

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

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

From: Jamie Katzeek [mailto:jkatzeek@chilkat-nsn.gov]
Sent: Tuesday, November 24, 2015 12:57 PM
To: Kathy Friedle
Subject: RE: Emailing: Book 5 Pg 182 BIA to Choate deed .pdf

Hi Kathy -

I understand that Nick will have to be out of town December 10th and I wanted to ask if there is any sort of process for requesting an extension on the decision date? The probate for the Mary Choate Native Allotment is still pending, so the potential heirs do not technically own the property and are unsure if they are in position to speak on behalf of this property.

I appreciate your help.

Thank you,

-Jamie

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

From: Kathy Friedle [mailto:kfriedle@haines.ak.us]
Sent: Tuesday, November 24, 2015 12:15 PM
To: Jamie Katzeek
Subject: RE: Emailing: Book 5 Pg 182 BIA to Choate deed .pdf

Thanks Jamie.

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

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

From: Jamie Katzeek [mailto:jkatzeek@chilkat-nsn.gov]
Sent: Tuesday, November 24, 2015 12:04 PM
To: Kathy Friedle
Subject: RE: Emailing: Book 5 Pg 182 BIA to Choate deed .pdf

Hi Kathy -
Nick's cell number is 314-0733.
Thank you,

-Jamie

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

From: Kathy Friedle [mailto:kfriedle@haines.ak.us]
Sent: Tuesday, November 24, 2015 12:02 PM
To: Jamie Katzeek
Subject: RE: Emailing: Book 5 Pg 182 BIA to Choate deed .pdf

Jamie: Do you have a phone number or email for Nicholas Kokotovich, Jr.?

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

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

From: Jamie Katzeek [mailto:jkatzeek@chilkat-nsn.gov]
Sent: Monday, November 16, 2015 1:33 PM
To: Kathy Friedle
Subject: RE: Emailing: Book 5 Pg 182 BIA to Choate deed .pdf

Hi Kathy -

Thank you for the information. The most recent information I had on the landowners is what I sent to Tracy below. As far as I know, Barrington Smith lives in Juneau, and Crawford Smith lives in Pennsylvania. Nick may have some different information though.
Thank you for your help,

-Jamie

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

From: Kathy Friedle [mailto:kfriedle@haines.ak.us]
Sent: Monday, November 16, 2015 12:48 PM
To: Jamie Katzeek
Subject: RE: Emailing: Book 5 Pg 182 BIA to Choate deed .pdf

Jamie: Tracy is out of the office on military leave until April 25, 2016. Please email me any questions or requests.



Haines Borough – Alaska

103 Third Avenue S. – P.O. Box 1209

Haines, AK 99827

907-766-2231 ext. 22

907-766-2716 Fax

November 17, 2015

Nicholas Kokotovich, Jr.
P.O. Box 78
Haines, AK 99827

Re: Relatives Names for Native Allotment at 35 Mile

Dear Mr. Kokotovich:

I am following up on the November 12, 2015, Planning Commission Meeting on the proposed conditional use permit by Michael Wilson for a heliport at 36 mile. The next step for the December 10, 2015, Planning Commission Meeting is to send letters out to the remaining relatives that are probable heirs of Mary Coate. I understand letters were sent out to Barrington Smith and Crawford Smith, Jr. Please provide me with the remaining names and addresses of the heirs of Mary Coate's Native Allotment, as I would like to get those letters out as soon as possible. Thank you.

Sincerely,

Kathryn Friedle
Administrative Assistant
Haines Borough Lands Department



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

November 6, 2015

From: David Sosa, Borough Manager
To: Haines Borough Planning Commission

Re: Michael Wilson Heliport Conditional Use Proposal
35 Mile Haines Highway; 3-HHY-36-3426; General Use Zone

Property owner Michael Wilson requested the Planning Commission approve a Conditional Use Permit to allow the installation of one helipad on his property. HBC 18.70.030(D) (5) allows "heliports" in the general use zone with a conditional use permit. The application has been determined to be complete because it contains all of the information required by HBC 18.40.030(A) (1)-(8).

Under HBC 18.50.040, there are eight criteria to be considered in deciding whether to grant a conditional use permit. Before a conditional use permit is approved, the commission must find that each of the following is met. I have provided my thoughts on each one.

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

The property is one 10.4 acre lot. There are three vacant lots directly adjacent to Wilson's property. The ones immediately to the east are state land; the one immediately to the west is a native allotment, and the one immediately to the north is also Wilson's property. On 11/02, surrounding property owners within 200 feet were notified. Staff has not received any comments from these property owners. The proposed helipad is situated on an upper terrace in the middle of the lot as far away from the property line as possible. The nearest residence is located approximate 0.75 mile away.

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

This is subjective both in general terms and in specific terms. Historical studies as well as real estate appraisal guidelines indicate that property values are not affected due to the proximity of a heliport. The value is based on sales in the area.

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

There is currently a residence on the property with an accommodation facility including a well, septic system, restrooms, and kitchen facilities. The applicant plans to build a lodge on an

existing 40' by 60' foundation if this heliport CUP is issued. Per an email correspondence with property owner Wilson dated 10/07, "...we would investigate the existing well, septic and foundation are adequate before we start building".

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

The Haines Borough Comprehensive Plan currently classifies the proposed property as Rural Settlement. The section of Haines Borough 2025 Comprehensive Plan pertaining to the Rural Settlement land use classification states... "The Rural Settlement Land Designation is large-lot residential living outside of downtown where the lack of public water and sewer requires large lots so that wastewater discharge does not harm neighboring properties or the environment. In these areas a more rural lifestyle is valued and protected (through zoning) from incompatible and disruptive activities." (Haines Borough 2025 Comprehensive Plan, Page 153). Per an email correspondence with property owner Wilson dated 10/30, "...If the CUP is allowed we will eventually move all operations away from 33 mile. Before we can do that we have to build the infrastructure to support the operations. Before we invest the time and money to build the infrastructure we need to know if we can operate the helicopter there. We do plan to use the helicopter landing area in some capacity spring 2016 but very little. We will eventually plan to use the area year round".

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

Landings and takeoffs of helicopters will generate noise and some degree of vibration. However, there are no residential properties in the near vicinity. A conditional use permit may be revocable if the proposed use is detrimental to the public health, safety or welfare.

6. The use will not significantly cause erosion, ground or surface water contamination or significant adverse alteration of fish habitat on any parcel adjacent to state-identified anadromous streams.

According to the 2015 GIS data provided by Alaska Department of Fish and Game, Wilson's property is not within or nearby any state-identified anadromous streams. Property owner Wilson indicated that FAA has reviewed the site and has granted a private heliport designation (AA35). "To safeguard surface water we will have containment for all fueling systems and will provide restroom and trash collection services to handle all human waste".

7. The use will comply with all required conditions and specifications if located where proposed and developed, and operated according to the plan as submitted and approved.

Property owner Wilson intends to use the heliport for commercial purposes, and the proposed helipads comply with the setback requirements, per HBC 18.80.030(B). Conditional use permits may be granted with restrictions on operating period, operating hours, etc. This permit could be immediately suspended or revoked should any of the conditions not be adhered to. The applicant must agree and adhere to the conditions of this permit prior to its approval. Also, the Planning Commission may oversee and decide how any issues or concerns of local residents will be resolved.

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

As of today, the Borough has not received any written citizen comments. As stated above, no surrounding property owners within 200 feet have responded.

Therefore, I recommend the Planning Commission approve Wilson's conditional use proposal with conditions of (1) conform to the statement set forth in the permit application; and (2) fuel storage will be done in accordance with DEC standards with a fuel spill containment project in place before operation begin. Thank you very much for considering this recommendation.



Mike Wilson <mwilson@coastalhelicopters.com>

35 Mile Haines highway

Mike.Edelmann@faa.gov <Mike.Edelmann@faa.gov>
To: mwilson@coastalhelicopters.com

Tue, Jul 15, 2014 at 10:15 AM

Hi again Mike:

Do not know how it happened, but I got an almost immediate response.

The LOC ID of your landing area is **AA35**. Not sure why you were not notified by the aeronautical publishing group when that was issued. Again, that is a different FAA office, so I only have a fleeting glimpse of how they conduct their day to day business. They may not be issuing notification letters to the airport owners/operators anymore.

You can locate information on the landing area here: <http://www.gcr1.com/5010web/>

Enter AA35 in the Loc ID search box, and it will provide you with the information recognized by the FAA. If it is published on the AirportIQ5010 website, the FAA has acknowledged your landing area, and it is official. Also, if you see any information that needs to be changed or updated, you can do so via this site: http://www.faa.gov/air_traffic/flight_info/aeronav/digital_products/dafd/

Your landing area will not necessarily appear on the Sectional charts, or in the AK Supplement, unless you either specifically request it, or the FAA determines that including it benefits the aviation community as a whole. Typically, private landing areas do not show up in the Alaska Supplement, but they can be shown on the Sectional chart if it is believed that the VFR pilots will benefit from using it as a landmark.

Hope that helps

Mike E.

907-271-5026

From: Mike Wilson [mailto:mwilson@coastalhelicopters.com]
Sent: Tuesday, July 15, 2014 6:45 AM
To: Edelmann, Mike (FAA)
Subject: 35 Mile Haines highway

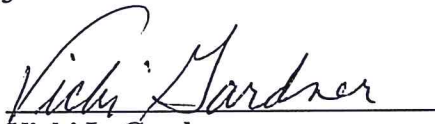
QUITCLAIM DEED

The Grantor, **VICKI L. GARDNER, an unmarried woman**, of P.O. Box 1583, Haines, Alaska 99827, for and in consideration of one dollar (\$1.00) and other valuable consideration, in hand paid, convey and quitclaim to the Grantee, **MICHAEL H. WILSON**, of 8484 Duran Court, Juneau, AK, 99801, any and all interest in the following described real estate, located in the Haines Recording District, First Judicial District, State of Alaska:

Lot 2, Choate Subdivision according to plat 94-20, Haines Recording District, First Judicial District, State of Alaska.

Lot 3, Choate Subdivision according to plat 94-20, Haines Recording District, First Judicial District, State of Alaska, as amended by instrument recorded July 8, 1994 in Book 25 at Page 3.

Dated this 19 day of August, 2015


Vicki L. Gardner

v6
21
STATE OF ALASKA *Hawaii*)
) ss.
v6
FIRST JUDICIAL DISTRICT)
Second cr County of Maui

THIS IS TO CERTIFY that on this 18 day of August, 2015, before me, the undersigned, a notary public in and for the State of Alaska, duly commissioned and sworn, personally appeared **Vicki L. Gardner**, to me known and known to me to be the persons named in and who executed the within and foregoing instrument, and they acknowledged to me that they signed the same freely and voluntarily for the uses and purposes therein mentioned.

CERTIFICATE OF OWNERSHIP

I (WE) HEREBY CERTIFY THAT I AM (WE ARE) OWNER (S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I (WE) HEREBY ADOPT THIS PLAT OF SUBDIVISION WITH MY (OUR) FREE CONSENT, AND DEDICATE ALL EASEMENTS, ROADS, TRAILS, PARKS AND OTHER OPEN SPACES TO PUBLIC AND PRIVATE USE AS NOTED:

DATE **JAN. 15th** 19 **92**

WITNESS _____ OWNER **Mary Choate**
 WITNESS _____ OWNER **Mary Choate**
 Lot 1 and 2

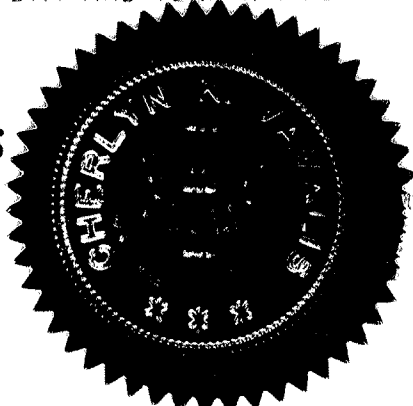
NOTARY'S ACKNOWLEDGEMENT

UNITED STATES OF AMERICA)
 STATE OF ALASKA) ss.

THIS IS TO CERTIFY THAT ON THIS **15th** DAY OF **JAN.** 19 **92** BEFORE THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, APPEARED **Mary Choate** TO ME KNOWN AND KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT **S** HE SIGNED AND SEALED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN MENTIONED.

WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

Cherlyn K. Zavalis
 NOTARY PUBLIC FOR ALASKA
 MY COMMISSION EXPIRES: **Nov. 22, 1995**



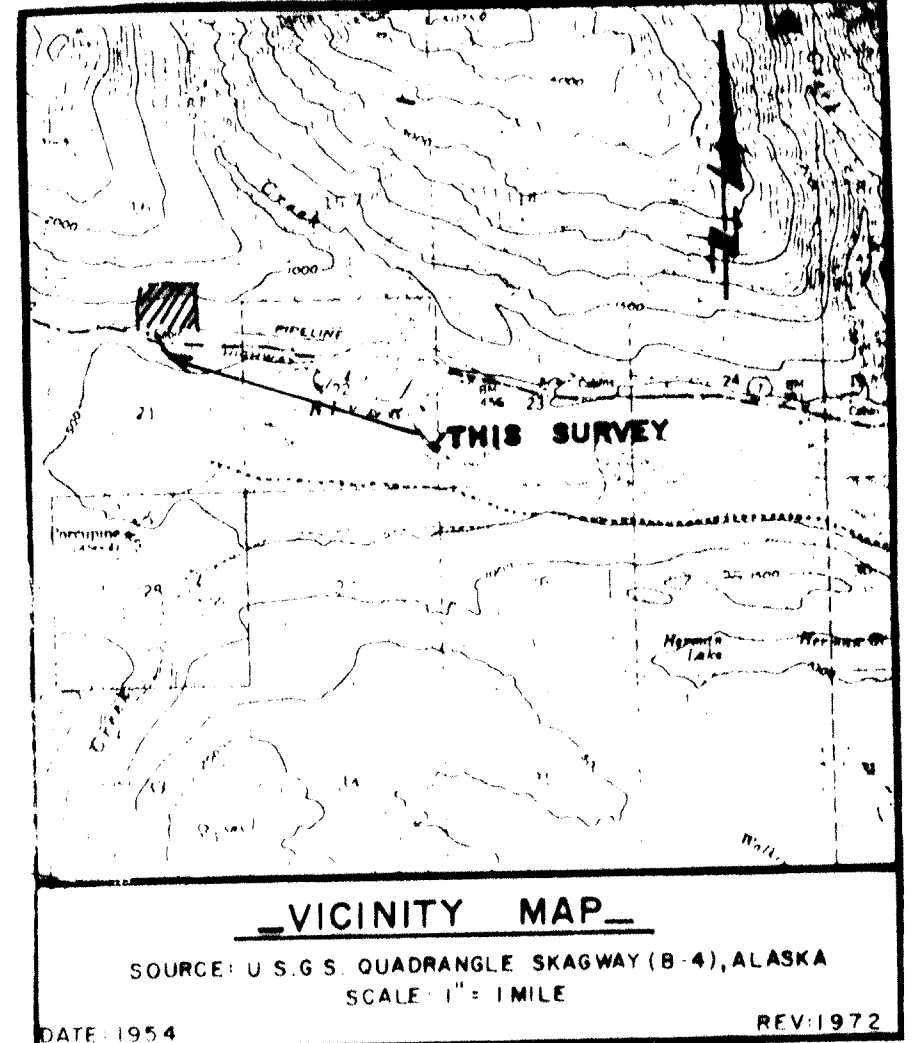
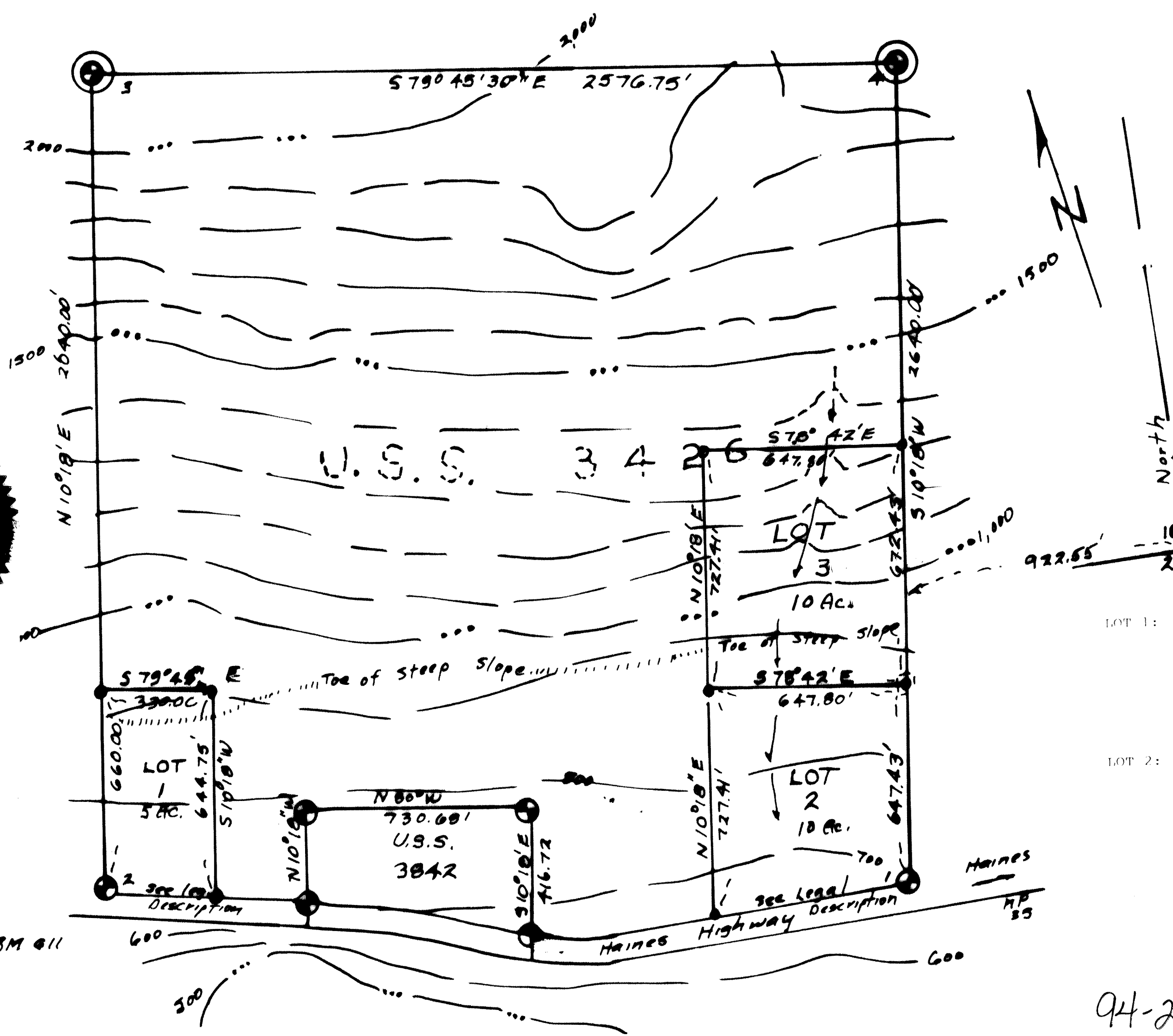
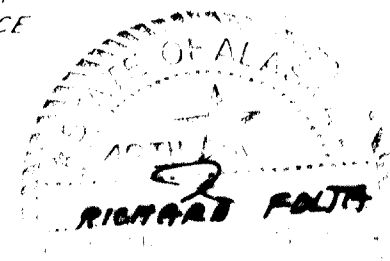
NOTES

1. Basis of bearing of survey is U.S.S. 3842 West boundary monuments and Lot 1 monuments from earlier survey. Distances are horizontal distances
2. Lots 1 and 2 are five or more acres in size, so Department of Environmental Conservation approval for onsite wastewater disposal is not required.
3. No platting approval is required as no platting authority presently exists for surveys at site.
4. See Department of Transportation and Public Facilities ROW maps for Haines Highway, for Lots 1 and 2 highway frontage, from about Mile 35 on.
5. Above noted toe of steep slope, ground rises 40-50%
6. NOT WITHIN A TAXING AUTHORITY.

Cherlyn K. Zavalis

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA, AND THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, AND THE MONUMENTS SHOWN THEREON ACTUALLY EXIST AS DESCRIBED, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT.



LOTS 1 AND 2 LEGAL DESCRIPTION ALONG HAINES HIGHWAY

LOT 1: Commencing at Corner 2, the SW corner of U.S. Survey No. 3426 and Lot 1, a point of intersect on the northerly ROW of the Haines Highway; thence S 89 degrees E 12.87 feet; thence S 85 degrees 36 minutes E 77.09 feet; thence S 82 degrees 11 minutes E 77.09 feet and thence S 80 degrees 29 minutes E 163.68 feet along the said ROW to the SE corner of said Lot 1.

LOT 2: Commencing at Corner 1, the SE corner of U.S. Survey No. 3426 and Lot 2, a point of intersect on the northerly ROW of the Haines Highway; N 80 degrees W 120.52 feet; thence N 81 degrees 29 minutes W 82.24 feet; thence N 84 degrees 28 minutes W 82.24 feet; thence 87 degrees 27 minutes W 82.24 feet; thence 89 degrees 34 minutes W 82.24 feet and thence 88 degrees 5 minutes 205.39 feet along said ROW to the SW corner of said Lot 2.

- LEGEND**
- Recovered GLO or BLM monuments
 - Monuments not recovered
 - Monuments placed this survey

94-20

HAINES 2000
 REC. DIST

DATE: **5/24 19 94**
 TIME: **12:55 P M**
 Requested By: **JPH/ACC**
 Address: _____

CHOATE SUBDIVISION
FIRST ADDITION
 A **2** LOT SUBDIVISION FROM
 U.S. SURVEY 3426
 SECTION 16, T 28 S, R 54 E, CRM
 HAINES RECORDING DISTRICT, AK
 Sections 16 & 21
 Scale 1" = 300' October 1991

Client: Central Council,
 Tlingit and Haida
 320 W. Willoughby Ave.
 Suite 300
 Juneau, Alaska
 for Mary Choate

R. Folta, L.S., Haines, Alaska



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

November 2, 2015

Re: Heliport Conditional Use Permit Public Hearing
36 Mile Haines Highway; 3-HHY-36-3426; General Use Zone

Dear Land Owner,

Haines Borough records show that you own property within 200 feet of the above-listed property. The property owner, Michael Wilson, has requested for the Planning Commission to approve a conditional use permit to allow the installation of a helipad at 36 Mile Haines Highway.

The Haines Borough Planning Commission will hold a public hearing on the matter at the next regular Planning Commission meeting. The meeting will be held at 6:30 p.m. at the Haines Borough Assembly Chambers on Thursday, November 12, 2015. As an owner of property within 200 feet of the above-listed property you are being notified that you are invited to attend and comment at the meeting. If you have any questions on the matter please contact the Borough.

Sincerely,

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

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

Enclosure

List of Property Owners Notified

State of Alaska Land

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

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

Native Allotment

Bureau of Indian Affairs
Attention: Cyril Andrews, Jr.
3601 C Street, suite 1100
Anchorage, AK 99503

Crawford Smith, Jr
PO Box 906
Brodheads ville PA 18322

Barrington Smith
895 West 12th St apt 105
Juneau, AK 99801

Nicholas Kokotovich, Jr.
PO Box 78
Haines, AK 99827

Xi Cui

To: Jamie Katzeek
Subject: RE: Emailing: Book 5 Pg 182 BIA to Choate deed .pdf

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

From: Jamie Katzeek [<mailto:jkatzeek@chilkat-nsn.gov>]
Sent: Monday, November 02, 2015 10:08 AM
To: Xi Cui
Subject: RE: Emailing: Book 5 Pg 182 BIA to Choate deed .pdf

Good Morning Tracy -

Here is the address you should send to for BIA:
Bureau of Indian Affairs
Attention: Cyril Andrews, Jr.
3601 C Street, suite 1100
Anchorage, AK 99503

Thank you,

-Jamie

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

From: Xi Cui [<mailto:xcui@haines.ak.us>]
Sent: Friday, October 30, 2015 1:38 PM
To: Jamie Katzeek
Subject: RE: Emailing: Book 5 Pg 182 BIA to Choate deed .pdf

Jamie,

Thank you again for identifying the ownership info. Since it is a native allotment ("restricted" land issued by BIA), I guess it will be appropriate to send a courtesy copy of the notification letter to BIA regarding the proposed heliport. Could you please provide a proper mailing address?

Tracy

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

From: Jamie Katzeek [<mailto:jkatzeek@chilkat-nsn.gov>]
Sent: Friday, October 30, 2015 1:19 PM
To: Xi Cui
Subject: RE: Emailing: Book 5 Pg 182 BIA to Choate deed .pdf

Hi Tracy -

The probate decision has not yet been decided by the courts, but the probable heirs of Mary Choate are:

Crawford Smith, Jr
PO Box 906
Brodheadsville PA 18322

Barrington Smith
895 West 12th St apt 105
Juneau, AK 99801

Nicholas Kokotovich, Jr.
PO Box 78
Haines, AK 99827

Thank you,

-Jamie

Chapter 18.50 CONDITIOANL USE

HBC 18.50.040 Decision.

The commission shall hold a public hearing on the conditional use permit application. The commission may adopt the manager's recommendation on each requirement unless it finds, by a preponderance of the evidence, that the manager's recommendation was in error and states its reasoning for such finding with particularity. In addition, for good cause, the commission may alter the conditions on approval or requirements for guarantees recommended by the manager.

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

1. The use is so located on the site as to avoid undue noise and other nuisances and dangers;
2. The development of the use is such that the value of the adjoining property will not be significantly impaired;
3. The size and scale of the use is such that existing public services and facilities are adequate to serve the proposed use;
4. The specific development scheme of the use is consistent and in harmony with the comprehensive plan and surrounding land uses;
5. The granting of the conditional use will not be harmful to the public safety, health or welfare;
6. The use will not significantly cause erosion, ground or surface water contamination or significant adverse alteration of fish habitat on any parcel adjacent to state-identified anadromous streams;
7. The use will comply with all required conditions and specifications if located where proposed and developed, and operated according to the plan as submitted and approved;
8. Comments received from property owners impacted by the proposed development have been considered and given their due weight.

If the commission finds that the development implements all relevant requirements of this title, it shall issue a conditional use permit and the conditions and requirements shall be part of the approved permit. If the development does not implement all relevant requirements, or the commission otherwise determines the development is not in compliance with this title, the commission shall deny the permit and note with particularity its reasons for the decision.

B. The commission may alter the manager's proposed permit conditions, impose its own, or both. Conditions may include one or more of the following:

1. **Development Schedule.** The conditions may place a reasonable time limit on construction activity associated with the development, or any portion thereof, to minimize construction-related disruption to traffic and neighbors, to ensure that lots are not sold prior to substantial completion of required public improvements, or to implement other requirements.
2. **Use.** The conditions may restrict the use of the development to specific uses indicated in the approval.
3. **Owner's Association.** The conditions may require that if a developer, homeowner or merchant association is necessary or desirable to hold or maintain common property, that it be created prior to occupancy.
4. **Dedications.** The conditions may require conveyances of title, licenses, easements or other property interests to the public, to public utilities, or to the homeowners association. The conditions may require construction of public utilities or improvements to public standards and then dedication of public facilities to serve the development and the public.
5. **Construction Guarantees.** The conditions may require the posting of a bond or other surety or collateral (which may provide for partial releases) to ensure satisfactory completion of all improvements required by the commission.
6. **Commitment Letter.** The conditions may require a letter from a utility company or public agency legally committing it to serve the development if such service is required by the commission.
7. **Covenants.** The conditions may require the recording of covenants or other instruments satisfactory to the borough as necessary to ensure permit compliance by future owners or occupants.
8. **Design.** The conditions may require the adoption of design standards specific to the use and site.

Kathy Friedle

From: Rob Goldberg [artstudioalaska@yahoo.com]
Sent: Monday, November 30, 2015 9:07 PM
To: Kathy Friedle
Cc: Julie Cozzi
Subject: Temporary Commercial Structures

Hi Kathy,

Here is some information from other towns' Codes on Temporary Commercial Structures. Please include this information in the packet for the December meeting.

Thanks.

Rob

SKAGWAY

5.20.030 Mobile food units and mobile retail units.

- A. Pushcart Food Service Units and Pushcart Retail Service Units Prohibited. Pushcart food service units and pushcart retail service units are prohibited within the borough, except when authorized under Section 5.20.010(C)(2).
- B. Mobile Units Prohibited Within Off-Premises Canvassing Areas. Mobile food units and mobile retail units are prohibited within the areas described in Section 5.20.010(C)(1), except when authorized under Section 5.20.010(C)(2).
- C. Mobile Food Units and Mobile Retail Units Prohibited on Municipal Property. Mobile food units and mobile retail units are prohibited on municipally owned property, except when authorized under Section 5.20.010(C)(2). Where a vendor is located on private property, the mobile food unit or mobile retail unit shall be set back from any public sidewalk so as not to interfere with pedestrian traffic.
- D. Adjacent Structures. Structures shall not be attached or affixed to a mobile food unit or mobile retail unit. Mobile food units and mobile retail units shall be set back by five (5) feet from any adjacent buildings and any adjacent mobile food unit or mobile retail unit.
- E. Utilities/Services. Garbage service is required. The site that the unit is operating upon must be maintained in accordance with Title 8 (Health and Safety), Title 9 (Public Peace, Safety and Welfare), and Title 13 (Public Utilities).
- F. Restrooms Required. Whenever seating is provided, the number and location of restrooms required for a mobile food unit or mobile retail unit shall match the requirements for restaurant- or mercantile-type occupancies in accordance with the adopted building codes (see Chapter 15.02 for adopted building codes).
- G. Licenses and Permits Required. Any and all licenses and permits required by federal, state and local laws must be obtained and displayed prior to and during operation. This includes a municipality of Skagway business license and all permits required by the state of Alaska's Department of Environmental Conservation Division of Environmental Health for food safety and sanitation.
- H. Qualification. A mobile food unit or mobile retail unit shall be considered as such only if the unit is capable of moving easily on a daily basis and is mounted on a chassis and wheels and is registered with the state of Alaska's Division of Motor Vehicles. Structures placed on a foundation, temporary or permanent, are required to apply for a development permit and comply with the applicable building codes per Chapter 15.02 as well as all applicable federal and state permits. All permits that are required to be posted on the premises and visible to the public shall be posted on the unit, adjacent to the sales counter and/or cash register.
- I. Appearance. It is unlawful and a public nuisance to park, store, or leave standing in public view, upon any public or private property, any mobile food unit or mobile retail unit that is wrecked, dismantled, unregistered, inoperative or otherwise unsightly. Any mobile food unit or mobile retail unit shall be deemed unsightly when body parts rust or become corroded, paint becomes faded, chipped, or peeled, or the unit exterior becomes otherwise dilapidated.
-

JUNEAU

- **62.10.050 - Street vending; permit required.**

(a)

No person may engage in the business of vending goods or services on any street except as authorized by valid street vending permit.

(b)

Applications to vend on a street during the calendar year will be accepted by the manager or the manager's designee beginning October 1. Permits and the conditions thereof shall be issued on a first-come, first-served basis except that priority shall be given to those applications received between October 1 and January 1 from applicants who operated for at least three months during the previous year under a permit specifying the same location as the one applied for. If such location is not available, such applicant shall have priority in the selection of locations not themselves subject to a priority claim by a vendor who operated thereon under a previous permit. Applications shall be accompanied by a nonrefundable filing fee of \$50.00. Upon issuance of a permit, the permittee shall pay a permit fee of \$200.00 per month for each month or fractional month of the permit period applied for; except, if such period is three months or more, the applicant shall pay the first and final month's permit fee with the application, and fees for each intervening month on the first business day thereof. The fees may be adjusted by the manager from time to time to reflect increases in the cost of municipal services and increases in the cost of processing street vendor permits and monitoring street vendors. The application shall include a description of any vending cart or vending vehicle used in the business the type of goods to be sold, the hours of operation, the requested location, and such other information as the manager or the manager's designee may request.

(c)

Each vendor must obtain at least \$1,000,000.00 of public liability insurance naming the City and Borough as an additional insured. Prior to beginning operation, a permittee must provide the City and Borough with a broker's certificate of insurance including provisions for notification to the City and Borough if the policy is modified, canceled or terminated.

(d)

A vehicle from which vending takes place is subject to parking and traffic regulations applicable to all other vehicles.

(e)

Vending carts and vending vehicles may not be located in any on-street vehicle parking space in the PD 2 zoning parking district. Carts and vehicles may be placed in on-street vehicle parking spaces within the PD 1 zoning parking district or outside the PD 2 zoning parking district, unless the manager determines that the size, location and operation of the cart or vehicle will create a safety hazard.

(f)

All persons vending from a cart or vehicle on a street shall ensure that persons waiting to make purchases at the cart or vehicle queue up in single file on the side away from the traveled part of the street and in such a fashion as to create the least obstruction to pedestrian traffic.

(g)

A cart or vehicle which is authorized under this section to be placed on the street shall be of such a size and nature or so equipped that it may be moved quickly and easily by one person. The permittee or the permittee's designee shall personally attend the cart while it is on a street.

(h)

The permit issued under this section shall be prominently displayed on the cart whenever the cart is on a

street and shall be prominently displayed on any vehicle during the times the vehicle is being used for vending.

(i)

The manager may adopt standards for the construction and appearance of carts, the issuance and renewal of permits, and may impose time, place, method of operation and such other restrictions on a permit as may be necessary to ensure the safe and convenient use of the public streets and sidewalks. Prior to issuance, the applicant shall submit to the manager a certification by the finance department that the applicant has met the requirements of the sales tax code. A permittee may not vend on a street unless there is displayed on the cart or vehicle a current state business license, a current state food handling permit, if appropriate, and a current open flame permit, if appropriate, and the operation meets applicable state and local health and sanitation requirements.

(j)

No permit may be issued except for a street vending location designated under subsection (o) of this section.

(k)

Permits shall be issued only for the sale of:

(1)

Food;

(2)

Goods handcrafted primarily from materials indigenous to Southeast Alaska and vended directly by the permittee;

(3)

Works of visual art depicting Southeast Alaskan scenes or history;

(4)

Goods characteristic of the Russian-American period before October 18, 1867, the early territorial period before 1930; and

(5)

Goods handcrafted and characteristic of the heritage or culture of the Alaskan Natives of Southeast Alaska and sold directly by the artist.

(l)

Vending carts may not exceed 20 square feet in plan area as measured squaring off all projections such as handles, wheels and shelves. An umbrella or awning may be added, but its open diameter or length may not exceed eight feet and no part of the projecting area may be less than seven vertical feet from the sidewalk or street. The manager may permit deviations from the requirements of this subsection consistent with the safe and convenient use of the public streets and sidewalks.

(m)

A permittee may not engage in hawking.

(n)

Vending permits may not be assigned or transferred.

(o)

Prior to October 1 each year, the manager shall evaluate possible vending locations and shall designate those available during the following calendar year. Upon the request of an applicant, the manager may consider additional locations after October 1. No location may abut a sidewalk that is less than five feet in width as measured from the curblineline to the adjacent property line.

(p)

Vending permits may be denied or revoked by the manager's designee for violation of this section, upon a determination that the operation of the permittee is causing a hazard or a significant disruption of pedestrian or vehicular traffic, that the area affected by the permit is required for a public purpose, or for other cause as defined by regulations adopted by the manager. The permittee shall be given an opportunity to be heard by the manager's designee before any revocation. A person whose application is denied shall be given an opportunity to be heard by the manager's designee for reconsideration. The

decision of the manager's designee may be appealed to the manager.

(Serial No. 83-76, § 2, 1983; Serial No. 83-90, § 2, 1984; Serial No. 91-08, §§ 2, 3, 1991; Serial No. 2014-22(b), § 3, 5-19-2014, eff. 6-19-2014)

- **62.10.060 - Vending on sidewalks from private property.**

No person may sell or offer to sell goods or services from private property abutting a public sidewalk in a manner which causes or is likely to cause customers to stand on the public sidewalk while ordering, making the purchase, or waiting to be served unless there is at least five feet of unobstructed sidewalk space between the cart, structure or building from which the sale takes place and the face of the curb or edge of the sidewalk if there is no curb. All persons vending in such a manner shall insure that persons waiting to make purchases queue up in single file in such a fashion as to create the least obstruction to pedestrian traffic.

(Serial No. 82-10, § 2, 1982)

- **62.10.070 - Sidewalk vending; permit required.**

(a)

No person may engage in the business of vending goods or services on any sidewalk except as authorized by a valid sidewalk vending permit.

(b)

Applications to vend on a sidewalk during the calendar year will be accepted by the manager or the manager's designee beginning October 1. Permits and the conditions thereof shall be issued on a first-come, first-served basis except that priority shall be given to those applications received between October 1 and January 1 from applicants who operated for at least three months during the previous year under a permit specifying the same location as the one applied for. If such location is not available, such applicant shall have priority in the selection of locations not themselves subject to a priority claim by a vendor who operated thereon under a previous permit. Applications shall be accompanied by a non-refundable filing fee of \$50.00. Upon issuance of a permit, the permittee shall pay a permit fee of \$150.00 per month for each month or fractional month of the permit period applied for; except, if such period is three months or more, the applicant shall pay the first and the final month's permit fee with the application, and fees for each intervening month on the first business day thereof. The fees may be adjusted by the manager from time to time to reflect increases in the cost of municipal services and increases in the cost of processing sidewalk vendor permits and monitoring sidewalk vendors. The application shall include a description of any vending cart used in the business, the type of goods to be sold, the hours of operation, the requested location, and such other information as the manager or the manager's designee may request.

(c)

Each vendor must obtain at least \$1,000,000.00 of public liability insurance naming the City and Borough as an additional insured. Prior to beginning operation, a permittee must provide the City and Borough with a broker's certificate of insurance including provision for notification to the City and Borough if the policy is modified, canceled or terminated.

(d)

Vending carts may not exceed 20 square feet in plan area as measured squaring off all projections such as handles, wheels and shelves. An umbrella or awning may be added, but its open diameter or length may not exceed eight feet and no part of the projecting area may be less than seven vertical feet from the sidewalk or street. The manager may permit deviations from the requirements of this subsection consistent with the safe and convenient use of public sidewalks by pedestrians.

(e)

No cart may be located on a sidewalk in such a manner as to leave less than five feet of unobstructed sidewalk space between the cart and the face of the curb or edge of the sidewalk if there is no curb; nor

in such a manner as to block the view by pedestrians of advertising on a building or of goods displayed in the window of a business unless the owner of the cart has obtained the permission of the affected business. All persons vending from a cart shall ensure that persons waiting to make purchases at the cart queue up in single file in such a fashion as to create the least obstruction to pedestrian traffic.

(f)

A cart which is authorized under this section to be placed on a sidewalk shall be of such a size and nature or so equipped that it may be moved quickly and easily by one person. The permittee or designee shall personally attend the cart while it is on a sidewalk.

(g)

A permit issued under this section shall be prominently displayed on the cart whenever the cart is on a sidewalk.

(h)

The manager may adopt standards for the construction and appearance of carts, the issuance and renewal of permits, and may impose the time, place, method of operation, and such other restrictions on the permit as may be necessary to ensure the safe and convenient use of public sidewalks by pedestrians. Prior to issuance, the applicant shall submit to the manager a certification by the finance department that the applicant has met the requirements of the sales tax code. A permittee may not vend on a sidewalk unless the permittee has displayed on the cart or vehicle a current state business license, a current state food handling permit, if appropriate, and a current open flame permit, if appropriate, and the operation meets applicable state and local health and sanitation requirements.

(i)

No permit shall be issued except for sidewalk vending locations designated under subsection (m) of this section.

(j)

Permits shall be issued only for the sale of:

(1)

Food;

(2)

Goods handcrafted primarily from materials indigenous to Southeast Alaska and vended directly by the permittee;

(3)

Works of visual art depicting Southeast Alaskan scenes or history;

(4)

Goods characteristic of the Russian-American period before October 18, 1867, the early territorial period before 1930; and

(5)

Goods handcrafted and characteristic of the heritage or culture of the Alaskan Natives of Southeast Alaska and sold directly by the artist.

(k)

A permittee may not engage in hawking.

(l)

Vending permits may not be assigned or transferred.

(m)

Prior to October 1 each year, the manager shall evaluate possible vending locations and shall designate those available during the following calendar year. Upon the request of an applicant, the manager may consider additional locations after October 1.

(n)

Vending permits may be revoked by the manager's designee for violation of this section, upon a determination that the operation of the permittee is causing a hazard or a significant disruption of pedestrian or vehicular traffic, that the area affected by the permit is required for a public purpose, or for other cause. The permittee shall be given an opportunity to be heard by the manager's designee before

any revocation. The decision of the manager's designee may be appealed to the manager.
(Serial No. 83-76, § 3, 1983; Serial No. 83-90, § 3, 1984; Serial No. 91-08, §§ 4, 5, 1991; Serial No. 2014-22(b), § 3, 5-19-2014, eff. 6-19-2014)

KETCHIKAN

18.50.060 Concessionaire's stands.

(a) General Development Standards.

- (1) Concessions and all selling areas must be located entirely and wholly on private property or on the city of Ketchikan docks.
- (2) Concessions must be an accessory use to an existing permitted principal use on the property.
- (3) All business and customers shall be contained within the specified selling area.
 - a. The property owners, through the concession operators, shall be responsible for policing their customers from impacting the pedestrian or vehicular traffic.
- (4) Concession areas shall be maintained and policed by the concession operators for garbage and other waste.
- (5) Concessions will display on site the issued permit during all operations in a manner that is visible or available upon request by a borough zoning official.
- (6) Concessions must satisfy an off-street parking requirement of one-half space per employee.
 - a. In the case that only one agent is located on a property, the off-street parking requirement is one space.
 - b. Properties already participating in a parking LID are exempt from the off-street parking requirement.
 - c. An off-street parking mitigation plan may be submitted in lieu of designated parking with the application for review and determination by the zoning administrator. The off-street parking mitigation plan includes but is not limited to the following:
 - 1. City parking permits;
 - 2. Valet parking – Satellite parking outside the downtown with shuttle service;
 - 3. Bus passes; or
 - 4. Demonstration that employees live within walking distance of the work site.
- (7) Concessions may not be motorized vehicles.
- (8) Flashing lights, strobe lights, lighted signs, or sequential lighting of any kind are not permitted.
- (9) Loudspeakers may not be used as outdoor advertising or outdoor entertainment.
- (b) Agent Development Standards.
 - (1) Selling Area. The selling area for agents will not exceed a total area of 80 square feet. The selling area will be identified on the site plan submitted with the application and part of the issued permit.
 - a. Agents shall not conduct business or advertising outside the selling area.
 - (2) Signs. Each agent permit is limited to four sign faces, each sign not to exceed 12 square feet. Such signs are subject to the provisions of the applicable zone chapter and the provisions of this chapter.
 - a. Signs must be located within the identified selling area.
- (c) Vendor Development Standards.
 - (1) Selling Area. The selling area for vendors will not exceed a total area of 80 square feet. The selling area will be identified on the site plan submitted with the application and part of the issued permit.
 - a. Vendor operators shall not conduct business or advertising outside the selling area.
 - (2) Signs. Each vendor permit is limited to four sign faces, each sign not to exceed 12 square feet. Such signs are subject to the provisions of the applicable zone chapter and the provisions of this chapter.

- a. Signs must be located within the identified selling area.
 - (d) Stand Development Standards.
 - (1) Selling Area. Stands shall not exceed a total of 80 square feet in area (excluding overhangs) and a six foot operating distance, except food stands that shall not exceed 120 square feet (excluding overhangs) and a six-foot operating area.
 - a. Stand operators may not conduct business or advertising outside the selling and operating area.
 - (2) Signs. Each stand permit is limited to only four sign faces, each sign not to exceed 12 square feet. Such signs are subject to the provisions of the applicable zone chapter and the provisions of this chapter.
 - (3) Materials. All stands should be reviewed to ensure the materials are consistent with structures in the immediate area.
 - (e) Concession conditional use permits shall be for renewable three-year terms with planning commission review and approval annually.
 - (f) A successful permit applicant shall pay the application fee in three equal installments. The first installment is due at the time the application is submitted, the second installment shall be due not less than 10 nor more than 12 months after approval, and the third installment shall be paid at least 22 but not more than 24 months after approval. The second and third installments shall be paid prior to each annual review by the planning commission. Unsuccessful applicants shall be liable for only the initial application fee and shall have the second and third installments waived.
 - (g) Concession permits are nontransferable. If the applicant, structure(s), sign(s), location, or businesses utilizing the permit change during the three-year time period, a new application will need to be submitted.
 - (h) In lieu of a zoning permit or sign permit, as stated in KGBC 18.55.020(a)(4) and 18.55.030, respectively, being issued to utilize the conditional use permit for a concessionaire's stand, a concessionaire's stand permit will be issued. The concessionaire's stand permit must be displayed at the stand at all times. [Ord. No. 1726, §1, 8-4-14.]
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Rob Goldberg and Donna Catotti
 Catotti and Goldberg Art Studio
 PO Box 1154 Haines, AK 99827 USA
 907-766-2707
 artstudioalaska.com

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

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 Sub-Section 18.80.030(B) Sub-Section 18.80.030(B) of the Haines Borough Code is hereby amended as follows:

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

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

dimension of a building, and is measured from a horizontal plane intersecting the mean building grade and measured at the center of each of the four exterior walls. It does not include radio antennas, church spires, structures or enclosures constructed primarily for mechanical equipment and similar building mechanical features.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS _____ DAY OF _____, 2015.

ATTEST:

Janice Hill, Mayor

Julie Cozzi, MMC, Borough Clerk

Date Introduced: xx/xx/15
Date of First Public Hearing: xx/xx/15
Date of Second Public Hearing: xx/xx/15

Kathy Friedle

From: Rob Goldberg [artstudioalaska@yahoo.com]
Sent: Monday, November 30, 2015 9:33 PM
To: Kathy Friedle
Cc: Julie Cozzi
Subject: Building Height

Hi Kathy,

Here is the proposed change to Code re: Building Height.

The definition from 18.20.020

"Building height" means the maximum vertical dimension of a building which is measured from a horizontal plane intersecting the mean building grade and measured at the center of each of the four exterior walls, but not including radio antennas, water towers, church spires, structures or enclosures constructed primarily for mechanical equipment and similar building mechanical features.

Here is what the Code currently says about calculating Building Height in 18.80.030:

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

This is not the same as the definition. I propose that we change 18.80.030 to read:

B. Height is the maximum vertical dimension of a building, and is measured from a horizontal plane intersecting the mean building grade and measured at the center of each of the four exterior walls. It does not include radio antennas, church spires, structures or enclosures constructed primarily for mechanical equipment and similar building mechanical features.

Julie, will you help Kathy put this in the form of an ordinance change?

Thanks.

Rob

Rob Goldberg and Donna Catotti
Catotti and Goldberg Art Studio
PO Box 1154 Haines, AK 99827 USA
907-766-2707
artstudioalaska.com

Kathy Friedle

From: David Sosa
Sent: Wednesday, December 02, 2015 12:39 PM
To: Kathy Friedle
Subject: RE: Review of Borough Projects

For both this and the item related to building height I recommend that staff research the language and procedures employed by other communities before the PC makes a recommendation.

From: Kathy Friedle
Sent: Tuesday, December 01, 2015 4:45 PM
To: David Sosa
Cc: Julie Cozzi; Rob Goldberg
Subject: RE: Review of Borough Projects

Dave: I would also appreciate your comments on this ordinance change for the Dec. 10th Planning Commission meeting. Thank you.

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

From: Kathy Friedle
Sent: Tuesday, December 01, 2015 10:51 AM
To: David Sosa
Cc: Julie Cozzi; Rob Goldberg
Subject: FW: Review of Borough Projects

Dave: Please review the attached ordinance change for review of borough projects. Thank you.

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

From: Julie Cozzi
Sent: Tuesday, December 01, 2015 10:04 AM
To: Kathy Friedle
Subject: Re: Review of Borough Projects

Hi Kathy...

This should be reviewed by the manager. Also, the title of the ordinance needs to reflect the proposed change.

See you later this afternoon.

An Ordinance of the Haines Borough amending Haines Borough Code Sub-Section 18.30.040(I) to change review of 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 Sub-Section 18.30.040(I) Sub-Section 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.

The borough planning commission (“planning commission”) consists of seven registered voters who have resided in the borough for 30 days or longer immediately prior to appointment. Planning commission members shall serve staggered terms of three years, and all appointments to the committee shall be made according to the provisions of HBC 2.60.055. Vacancies on the commission shall be determined by the mayor under the same regulations as HBC 2.10.240, guidelines for vacancies of the borough assembly, and shall be filled only for the unexpired portion of the term. Applications from persons interested in serving on the borough planning commission shall be solicited by public advertisement annually for the seats which are expiring and all applicants, as well as incumbent members, shall be given consideration for filling those seats.

A. The commission shall annually, after each general election of the borough, elect a chair who has the ability to vote on any question and is considered as part of a constituted quorum and such other officers as it deems necessary or desirable in the discharge of its powers and duties.

B. No action shall be taken by the commission except where a duly authorized quorum (four members) exists and where an affirmative vote of the quorum at a properly noticed public hearing is taken.

C. The commission shall meet on the second Thursday of each month at 7:00 p.m., or at another regularly scheduled time as determined by a majority vote of the commission, or upon call of the chair. An agenda shall be prepared for each meeting. The agenda shall state the name of the Haines planning commission, the time, date and place of the meeting and a list of all agenda items. The agenda shall give a brief description of each item to be addressed, proposed development or other activity and state the action requested of the planning commission. The commission shall establish, by resolution, at least three locations in the borough for posting of the agenda. The agenda shall be posted at these locations at least 72 hours prior to the time of the meeting.

D. The commission shall keep a permanent record of its meetings in the form of meeting minutes, and the manager shall provide secretarial and other assistance to the commission to assist in this duty. The minutes of the meetings shall be copied and placed in the packets of the borough assembly members for their next regularly scheduled meeting. Minutes and records shall be filed with borough clerk and retained as public records.

E. The commission shall conduct its activities within the requirements of Chapter [2.60](#) HBC, Committees, Boards and Commissions, unless specifically superseded by a section under this chapter.

F. The commission shall make such other rules and regulations governing the conduct of its business as it deems necessary or desirable.

G. The commission may prepare and make recommendations to the borough assembly for amendments to this title.

H. The commission may review annually the capital improvements program of the borough and submit its recommendations thereon to the borough assembly. The manager shall submit the capital improvements program to the commission in a reasonable period in advance of the fiscal year.

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. The report and recommendation of the commission shall be based upon the comprehensive plan, coastal zone management plan and the capital improvements program. **The manager shall submit the design plans for the construction of any Borough facility to the commission for review at 35% of completion and again at 95% completion. The commission shall hold public hearings as part of the their review of the design plans.**

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS _____ DAY OF _____, 2015.

ATTEST:

Janice Hill, Mayor

Julie Cozzi, MMC, Borough Clerk

Date Introduced: xx/xx/15
Date of First Public Hearing: xx/xx/15
Date of Second Public Hearing: xx/xx/15

Kathy Friedle

From: Rob Goldberg [artstudioalaska@yahoo.com]
Sent: Monday, November 30, 2015 10:02 PM
To: Kathy Friedle
Cc: Julie Cozzi
Subject: Review of Borough Projects

Hi Kathy,

Please include the following in the Planning Commission packet for the December meeting:

Borough Code specifies that the Planning Commission shall review the construction of any new public facilities.

18.30.040 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. The report and recommendation of the commission shall be based upon the comprehensive plan, coastal zone management plan and the capital improvements program.

This portion of the Code is not specific as to when during the design process the planning commission will review the plans. As we saw in the case of the harbor expansion, this led to a problem, as people felt they had been left out of the process. I would suggest the we add the following sentences to 18.30.040 I. :

"The manager shall submit the design plans for the construction of any Borough facility to the commission for review at 35% of completion and again at 95% of completion. The commission shall hold public hearings as part of their review of the design plans."

This should be put in the form of an ordinance change.

Thanks.

Rob

Rob Goldberg and Donna Catotti
Catotti and Goldberg Art Studio
PO Box 1154 Haines, AK 99827 USA
907-766-2707
artstudioalaska.com

Kathy Friedle

From: David Sosa
Sent: Wednesday, December 02, 2015 12:39 PM
To: Kathy Friedle
Subject: RE: Review of Borough Projects

For both this and the item related to building height I recommend that staff research the language and procedures employed by other communities before the PC makes a recommendation.

From: Kathy Friedle
Sent: Tuesday, December 01, 2015 4:45 PM
To: David Sosa
Cc: Julie Cozzi; Rob Goldberg
Subject: RE: Review of Borough Projects

Dave: I would also appreciate your comments on this ordinance change for the Dec. 10th Planning Commission meeting. Thank you.

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

From: Kathy Friedle
Sent: Tuesday, December 01, 2015 10:51 AM
To: David Sosa
Cc: Julie Cozzi; Rob Goldberg
Subject: FW: Review of Borough Projects

Dave: Please review the attached ordinance change for review of borough projects. Thank you.

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

From: Julie Cozzi
Sent: Tuesday, December 01, 2015 10:04 AM
To: Kathy Friedle
Subject: Re: Review of Borough Projects

Hi Kathy...

This should be reviewed by the manager. Also, the title of the ordinance needs to reflect the proposed change.

See you later this afternoon.