



# Haines Borough Planning Commission Regular Meeting Agenda

## COMMISSIONERS:

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

Thursday, August 11, 2016 - 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: July 7, 2016
5. PUBLIC COMMENTS [Items not scheduled for public hearing]
6. CHAIRMAN'S REPORT
7. STAFF REPORT
- A. Planning & Zoning Report
8. PUBLIC HEARINGS:
  - A. Sue & Otto Braaten – Vacation Purchase/Lease/ROW Easement Petition – Action Item – Property owners are seeking a vacation-purchase of the ROW area of encroachment of the garage/apartment structure. **Possible Motion:** \_\_\_\_\_.
9. UNFINISHED BUSINESS: None
10. NEW BUSINESS:
  - A. Historic District/Building Review: None
  - B. Haines Borough Code Amendments
    1. Allowing Accessory Apartments in Light Industrial/Commercial Zone – Discussion Item – This item is up for discussion again at the request of Karen Hess.
    2. Removing Haines Coastal Zone Management Plan in Chapter 18.110 – Action Item – The Alaska Coastal Management Program was eliminated in 2011. The Borough code needs to be amended to keep the consistency. **Possible Motion:** Recommend the Assembly adopt the proposed ordinance for code change and combine CZMP into CP.
  - C. Project Updates: None
  - D. Other New Business
    1. Right-of-Way for Roads in Rainbow Acres III Subdivision – Action Item – The Borough has received complaints from property owners regarding vehicles, boats and structures within the ROW of the subdivision roads. **Possible Motion:** \_\_\_\_\_.
11. COMMISSION COMMENTS
12. CORRESPONDENCE
13. SCHEDULE MEETING DATE
  - A. Regular Meeting – Thursday, September 8, 2016 6:30 p.m.
14. ADJOURNMENT



**Haines Borough  
Planning Commission Meeting  
July 7, 2016  
MINUTES**

**Draft**

1. **CALL TO ORDER/PLEDGE TO THE FLAG** – Chairman **Goldberg** called the meeting to order at 6:32 p.m. in Assembly Chambers and led the pledge to the flag.
2. **ROLL CALL** – **Present:** Chairman Rob **Goldberg**, and Commissioners Lee **Heinmiller**, Brenda **Josephson**, Don **Turner III**, Heather **Lende** and Rob **Miller**. Larry **Geise** absent.  
**Staff Present:** Bill **Seward**, Manager; Jan **Hill**, Mayor; and Kathryn **Friedle**, Interim Planning and Zoning Technician.  
**Also Present:** Diana **Lapham**/Liaison, Paul **Nelson**, Carol **Tuynman**, Michael **Case**, Margaret **Friedenauer**, Jean & Gerard **Ballanco**, Ellen **Larson**, Sheldon **Scarrott**, Burl **Sheldon**, Karen **Garcia**, Lee **Roberts**, Terry **Pardee**, Tom **Morphet**, Carol **Tuynman**, Mark & Lori **Smith**, and others.
3. **APPROVAL OF AGENDA**  
**Motion:** **Heinmiller** moved to “approve the agenda.” **Miller** seconded it. The motion carried unanimously.
4. **APPROVAL OF MINUTES** – June 9, 2016 Regular Meeting Minutes.  
**Heinmiller** recommended one change to the June 9, 2016 PC minutes: under section D.2. **Request for a Platting Action to Reserve a Potential Conflict**, change first sentence to read “The commission discussed the potential for conflict among uses along First Avenue South.”  
**Motion:** **Turned** moved to “approve the June 9, 2016 minutes as amended,” and **Heinmiller** seconded it. The motion carried unanimously.
5. **PUBLIC COMMENTS**  
**Tuynman** emphasized artistic work going on at the Fort Seward Barracks area, with main focus on protecting open land for parks in Haines. **Morphet** would like to see the corner of Main Street & 3<sup>rd</sup> Ave. become a combination of commercial property and a park. **Nelson** stated that the Haines Borough has broken the law in violation of Coastal Mgmt. Code. **Roberts** would like to see the corner of Main Street & 3<sup>rd</sup> Ave. become a community agricultural area with an emphasis on senior and school participation. **Pardee** emphasized the need for more commercial property on Main Street, as was the original vision of the Haines Borough when the old school was torn down. Pardee also asked why the Planning Commission was not part of the original planning process for the boat harbor.
6. **CHAIRMAN’S REPORT**—None
7. **STAFF REPORTS**  
**A. Planning & Zoning Staff Report**  
A monthly list of permits issued was submitted in the PC packet. **Friedle** reported that two recent setback violations have been reported.

8. **PUBLIC HEARINGS**—None

9. **UNFINISHED BUSINESS**—None

10. **NEW BUSINESS**

A. **Historic District/Building Review**—None

B. **Haines Borough Code Amendments**

1. **Allowing Accessory Apartments in Light Industrial/Commerical Zone—Discussion Item—Goldberg** addressed the definition of Accessory Apartment as it relates to Light Industrial Zone. Commissioners discussed question of apartments built and then what happens if business closes, as it is not zoned for SFR.

**Motion: No action taken—no change in code.**

2. **Reviewing Haines Coastal Zone Management Plan in Chapter 18.110 – Action Item—Goldberg** explained that the State repealed all ordinances related to the Coastal Zone Mgt. Plan (CZMP) in 2011. Portions of Chapters 3 & 4 of the Plan we incorporated into the Haines Comprehensive Plan, but were null and void in 2012 when the Plan was deleted by the State. **Nelson** states that the borough has violated the law by not following the plan in HBC 18.110. Commissioners discussed updating Comprehensive Plan (CP) in the near future (to do every 8 years) and incorporating parts of the CZMP in the CP.

**Motion: No action taken—Goldberg will request attorney’s opinion on code change and combining CZMP into CP.**

C. **Project Updates**—None

D. **Other New Business**

1. **Classification of Borough lands for Sale—Lot 8A, Primary School Subdivision – Action Item—Lori Smith and Terry Pardee** stated interest in purchasing Lot 8A for commercial purchases. **Goldberg** defined process involved to classify lot for sale. **Lende & Heinmiller** discussed the need for a business plan to be submitted prior to sale consideration. **Scarrott, Larson, Sheldon** and **Ballanco** stated need to preserve land for future and either leave it as is or make it into an urban park. **Lapham** stated borough financial situation as need for more commercial businesses.

**Motion: Josephson** moved to table sale of Lot 8A. **Turner** seconded it. Motion failed 2-4.

**Motion: Josephson** moved to classify Lot 8A for sale. **Turner** seconded it. Motion failed 2-4.

11. **COMMISSION COMMENTS**—None

12. **CORRESPONDENCE**

- a. **Memo from the Clerk Re: Draft Ordinance to Add General Park Governance to Code—Discussion Item—Goldberg** updated Commissioners that a

committee has been formed to work on the language for park governance and that **Lende** and **Goldberg** are on that committee.

13. **SET MEETING DATES**

A. Regular Meeting — **Thursday, August 11, 2016 6:30 p.m.**

14. **ADJOURNMENT**– 8:35 p.m.



**HAINES BOROUGH**

**APPLICATION FOR USE OF / PURCHASE OF /  
EASEMENT THROUGH OR VACATION-PURCHASE OF  
**BOROUGH-OWNED REAL PROPERTY****

---

TYPE OF APPLICATION  
(check one)

PURCHASE     LEASE     LEASE ASSIGNMENT     EASEMENT  
 VACATION-PURCHASE     USE PERMIT

Legal Name of Applicant(s) Otto Don and Edith Sue Braaten  
Please Print

Mailing Address Po Box 198 Haines AK Day Phone: 766-2648

1. Legal Description of Property (attach map/drawing):
2. Existing Parcel Size: Sq. Feet: \_\_\_\_\_ Acres: .684-
3. Existing Utilities: None: \_\_\_\_\_  
 Water: On Site \_\_\_\_\_ Public connected  
 Sewer: On Site \_\_\_\_\_ Public connected
4. Access: FAA ROAD
5. Proposed Term of Usage: (leases may be issued for not less than five years nor more than 35 years) 35
6. **Include with this application the following:**
  - A. \$100 non-refundable filing fee
  - B. Plans, reports, a narrative, and other material sufficient to permit the Borough to evaluate the need for the land request including:
    - A. Purpose/reasons
    - B. Use, value and nature of proposed improvements to be constructed (including plans and maps).
    - C. Date construction to begin and projected completion date.
7. Comprehensive Plan designation for property: 7.4 Townsite
8. Zoning designation for property: R.M.U.
9. Current assessment by Borough Assessor: \$ 219,200.00

I HEREBY CERTIFY THAT ALL OF THE STATEMENTS MADE IN THIS APPLICATION AND ITS INCORPORATED ATTACHMENTS ARE TRUE AND CORRECT.

Otto D Braaten  
 Signature of Applicant  
Edith Sue Braaten

7-15-16  
 Date:

\*\*\*\*\*OFFICE USE ONLY THIS SIDE\*\*\*\*\*

A. Receipt of this application with all required attachments, together with the \$100 filing fee (non-refundable) is hereby acknowledged. (Note: an *additional* \$25 fee is required with easement applications.) \$100  \$125

Received by: T. Olson Date: 7.15.16 Receipt #: 025081

B. Planning Commission's Official Comment:

Meeting Date: \_\_\_\_\_ (attach comment)

Public Hearing Date (required for vacation-purchase requests): \_\_\_\_\_  
(attach newspaper ad and posting showing a minimum of seven days notice given)

C. Assembly Action to Approve Application: Approved  Not Approved

Meeting Date: \_\_\_\_\_ (attach minutes excerpt)

D. Land Manager's (or designee's) *estimate* of additional application costs (including survey, appraisal, advertising, etc.): \$ \_\_\_\_\_ (attach itemization)

E. Receipt of *estimated* costs from applicant (within 30 calendar days of mailing cost notice) in the amount of \$ \_\_\_\_\_ is hereby acknowledged:

Received by: \_\_\_\_\_ Date: \_\_\_\_\_ Receipt #: \_\_\_\_\_

F. Public Hearing on the proposed lease scheduled at least 30 days from receipt of estimated costs:

Time & Date of Hearing: \_\_\_\_\_ (attach posting and newspaper ad)

G. Assembly Action to Establish Terms of Lease or Borough Land Use:

Meeting Date (may be the same as F. public hearing): \_\_\_\_\_  
(attach resolution or ordinance)

H. Terms accepted by applicant: Date: \_\_\_\_\_

I. *Final* application costs: \$ \_\_\_\_\_ Amount billed or credited \$ \_\_\_\_\_

Received by: \_\_\_\_\_ Date: \_\_\_\_\_ Receipt #: \_\_\_\_\_

or Credit Issued: \_\_\_\_\_ Date: \_\_\_\_\_ Check #: \_\_\_\_\_

# HAINES BOROUGH REAL PROPERTY USE APPLICATION

## INFORMATION SHEET

This is an application form covering several different types of requests by a person, persons, firm or group regarding borough-owned real property. Not all questions will apply to your particular type of request. **Please complete the application form and return it to the Borough Clerk's office with the \$100 filing fee.**

The planning commission will review your application and make a recommendation to the assembly regarding approval. Within 30 days of the planning commission's review, the assembly will decide whether or not to approve your application for processing. If approved, the lands manager will prepare an estimate of the costs of processing the application including, but not limited to, the costs of appraisal, advertising, plat filing, deed preparation/recording and legal fees as required by law. If a survey is required, the applicant is required to obtain the services of a surveyor independently, who will then work with Borough staff to prepare the plat. A notice of the estimated costs will be sent to you. Deposit by you of these estimated costs must be made by you to the Haines Borough within thirty days of the notice mailing date or your application will be cancelled and the application fee forfeited. If actual application processing costs exceed the estimate, you will be required to reimburse the Borough for such costs before a sale, use, easement, or lease agreement is signed.

If the Borough Assembly approves your application and offers the land to you for the use applied for, you have thirty days after such offer to accept the Borough's terms in writing. Should you not accept these terms by the 30-day deadline, all actual costs of processing the application up to that point will be forfeited and any remaining balance, if any, will be refunded to you.

Once this occurs, except in the instance of a right-of-way vacation, any interested party may claim the right to the property under the conditions of the original application by paying the application fee and actual costs of the application, which would then be refunded to you.

The appropriate Borough Code sections which apply to the type of use you have requested are attached to this application. Please read them carefully so that you may make an informed decision.

If you have any questions, please contact the Borough Manager or Borough Clerk at 907-766-2231.

Robert Venables  
Borough Manager



July 12, 2016

Sue and Otto Braaten  
675 FAA Road Narrative

Dear Lands /Planning Department  
Haines Borough

We are in the process of selling our home at 675 FAA Road aka Tax ID C- STR-02-16A0. We are requesting a solution to a long term problem that affects multiple parcels that exist within the Right of Way (ROW) of FAA Road.

To make clear the boundaries of adjacent properties and the ROW, we have completed a new Record of Survey identifying lot lines and adjacent ROW from FAA Road and also the East boundary of the lot. We are seeking a vacation-purchase of the ROW area of encroachment of the garage/apartment structure that has been allowed to exist since before the area was annexed into city limits. If not we ask that a 35 year old easement-lease be issued for the area of ROW encroachment.

We find discrepancies in the description of FAA Road physical location and size in width. It seems to have changed over time to reach further into our property than when we purchased it. The legal description from our deed of purchase and the deeds of the preceding owners spell out the legal description to be:

*Begin at the Southeast... to the Southwesterly line of the FAA Road; thence Southwesterly, on said road line, to the East line of said lot.* This new survey revealed that this described point should be the edge of the road but is in fact located in the center of the existing road surface. It is unclear if the road surface is where it should be, and may be encroaching onto our property. Our garage, with apartment is now shown to be encroaching into the FAA Road ROW by approximately 5.51' at the Northeast property corner. The garage is situated well behind the power poles/lines and well out of the current FAA Road bed physical location.

The described width of the ROW on FAA Road varies in a short distance. Port Chilkoot Subdivision 77-8 and Highland Resources Subdivision 92-4 and 2015-3 both show a 60' ROW width on FAA Road from Fort Seward past Battle To Myra Lane. Then recorded surveys past that point, such as Bear Trails Subdivision Plat 97-9 show the ROW to enlarge to 100' past Mount Riley Road and at our property. We request that the whole FAA Road ROW be adjusted to be 60' ROW width along the entire road for consistency. Correcting the ROW width would reduce the affected area of encroachments into the ROW for this stretch of road.

Over time this road has had different physical descriptions it appears. This lot was purchased in 1982. It was a part of the Haines Borough outside of city limits at that time. The garage concrete slab foundation was installed in 1987. The garage was not completed until 1996. At that time, we felt the garage was completely on our lot, the power company had recently installed power poles and lines along FAA Road, also well within the ROW and we felt we were meeting all requirements to build within our own lot, not in the road ROW. We find survey notes in the Bear Trails Subdivision directly across FAA Road from this property mentions that the State DOT surveys were completed in September 1994 to re-establish the

ROW of FAA Road according to original BLM metes and bounds description. At some point around this time, the city of Haines annexed this area.

When an adjacent property owner was working to extend water service along our east property line, a surveyor produced an old unrecorded BLM patent for Lot 16, Sec.2, T. 31 S. R 59 E. and described as 3.71 acres in size. Wendell Terwilliger Jr is listed on that document. It is believed that he made 4 lots total that exist today, 3 of them which have frontage on FAA Road. That patent 1211766 states that it is subject to a 50' ROW not exceeding 50' on the east boundary. We were completely unaware of this ROW, if it is actually a signed, recorded and official ROW, at the time of our purchase until this summer. Our deed nor title policy ever stated this existed. After researching back deeds of 4 previous owners since 1971, and as long ago as when it was one parcel, we found no language on deeds or recorded documents to verify this ROW existence.

Time is of the essence, as we are actively marketing our home to sell this summer,  
Thank you for your time on this matter and appreciate your expediency to resolve the problem,

Sue and Otto Braaten  
PO Box 198  
Haines, AK 99827  
907 766 2648

RO Search Menu | Name Search | Date Search | Document Number Search | Document Type Search | Book and Page Search | Historic Book Search | Plat Number Search | Survey Search | MTRS Search | Subdivision Search | Subdivision Name - No Plat Number | Doc.Input/UnverifiedStatus

## Recorder's Office - Document Display

**Selected Document:** 1971-000282-0

**In District:** 106 - HAINES

See Index Codes

Cannot view images?

Order Copy?

Document Year: 1971 Number: 000282 Suf: 0	District: <u>106 - HAINES</u>
Date Recorded: 09/03/1971 Time: 01:25PM Book: 11 Page: 181 Pages: 1	
Index: D - DEEDS	
Desc: WARRANTY DEED	
Grantor - PEGOTT DALE C	
Grantor - PEGOTT JANICE G	
Grantee - COMBS JAMES C	
Grantee - COMBS SHELBY J	
Location: Lot: 16	
Location: Section: 02 Township: 031S Range: 059E Meridian: C	

All information has been displayed

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UCC documents are shown as "active", "inactive" or "lapsed". UCC-1 filings will show "active" for five years along with any subsequent amendments. If it is not continued in the designated time within that five year period, the status changes from "active" to "lapsed" for one year. After that one year period as "lapsed", the status changes to "inactive".

(Please Note: A "Wildcard" reference means the filing does not tie to an "active" filing; and, a filing shown as "active" does not necessarily mean effective.)

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Department of Natural Resources  
550 W. 7th Ave, Suite 1260, Anchorage, AK 99501-3557  
Phone: 907-269-8400 || Fax: 907-269-8901 || TTY: 907-269-8411

RO Search Menu | Name Search | Date Search | Document Number Search | Document Type Search | Book and Page Search | Historic Book Search | Plat Number Search | Survey Search | MTRS Search | Subdivision Search | Subdivision Name - No Plat Number | Doc.Input/UnverifiedStatus

## Recorder's Office - Document Display

**Selected Document:** 1972-000171-0

**In District:** 106 - HAINES

[See Index Codes](#)

[Cannot view images?](#)

[Order Copy?](#)

Document Year: 1972 Number: 000171 Suf: 0	District: <u>106 - HAINES</u>
Date Recorded: <u>05/26/1972</u> Time: 01:05PM Book: 11 Page: 322 Pages: 1	
Index: D - DEEDS	
Desc: STAT WARRANTY DEED	
Grantor - COMBS JAMES C	
Grantor - COMBS SHELBY J	
Grantee - SCHNABEL ROBERT L	
Grantee - SCHNABEL ANGELIN C	
Location: Lot: 16	
Location: Section: 02 Township: 031S Range: 059E Meridian: C	
Additional Information: <u>S100'</u>	

All information has been displayed

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(Please Note: A "Wildcard" reference means the filing does not tie to an "active" filing; and, a filing shown as "active" does not necessarily mean effective.)

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Phone: 907-269-8400 || Fax: 907-269-8901 || TTY: 907-269-8411

WARRANTY DEED (ALASKA)

BOOK 1 PAGE 222 Haines Recording District

The Grantor S JAMES C. COMBS and SHELBY JEAN COMBS, husband and wife, (Place of residence) of Haines, Alaska for and in consideration of TEN DOLLARS and other valuable considerations them in hand paid, conveys and warrants to GREGORY R. DAVIS and MARY JANE DAVIS, husband and wife, of Haines, Alaska, as tenants by the entirety, with right of survivorship (grantee[s]) the following described real estate:

The SE corner of Lot 16, Section 2, T 31 S, R 59 E, CRM, Haines Recording District, Alaska as follows:

Commencing at the Southeast corner of said Lot 16; thence West 399.34 feet; thence N 0° 03' W 100.00 feet; thence East 216.45 feet; thence N 31° 40' E 95.30 feet, more or less to the Southwesterly ROW of the F.A.A. Road; thence Southeasterly on said ROW to the East boundary of Lot 16; thence S 0° 03' E 57.75 feet to the point of beginning, together with improvements thereon.

RECORDED - FILED 5.00 Haines REC. DIST. DATE 5-2 1974 TIME 11:00 A.M. Requested by Melissa Kubler Address 9th St. A. Box 736 Haines 99929

situated in the State of Alaska.

DATED this 2 day of May, 1974

Signed, Sealed and Delivered in the Presence of

James C. Combs (SEAL) JAMES C. COMBS Shelby Jean Combs (SEAL) SHELBY JEAN COMBS

UNITED STATES OF AMERICA, STATE OF ALASKA,

SS.

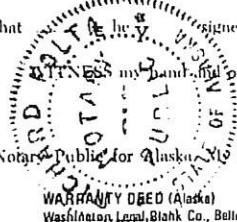
Individual Acknowledgment (Alaska)

THIS IS TO CERTIFY that on this 2 day of May, 1974, before the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn, personally appeared JAMES C. COMBS and SHELBY JEAN COMBS

to me known to be the person S described in and who executed the above and foregoing instrument, and acknowledged to me that

signed and sealed the same freely and voluntarily for the uses and purposes therein mentioned.

Notary Public for Alaska, My commission expires Dec. 4, 1976.



Handwritten signature of Notary Public

HAINES Serial No. 74-206

**WARRANTY DEED**  
(ALASKA)

The Grantor S. GREGORY R. DAVIS and MARY JANE DAVIS, husband and wife,  
(Place of residence) of Haines, Alaska

for and in consideration of TEN DOLLARS and other valuable considerations

To them in hand paid, conveys and warrants to  
ROYCE L. DEARDORFF and BETTY JANE DEARDORFF, husband and wife, as tenants  
by the entirety, with full rights of survivorship  
of Haines, Alaska (grantee[s])

the following described real estate:

The SE corner of Lot 16, Section 2, T 31S, R 59E, CRM,  
Haines Recording District, Alaska as follows:

Commencing at the Southeast corner of said Lot 16; thence  
West 399.34 feet; thence North 0° 03' West 100.00 feet; thence  
East 216.45 feet; thence North 31° 40' East 95.30 feet, more  
or less to the Southwesterly ROW of the F.A.A. Road; thence  
Southeasterly on said ROW to the East Boundary of Lot 16;  
thence South 0° 03' East 57.75 feet to the point of beginning,  
together with improvements thereon.

76-0108

500  
RECORDED FILED  
HAINES RECORDING  
DISTRICT

APR 23 4 13 PM '76

situated in the State of Alaska.

DATED, this 12th day of April REQUESTED BY TD  
ADDRESS 1976

Signed, Sealed and Delivered in the Presence of

Gregory R. Davis (SEAL)  
Mary Jane Davis (SEAL)

UNITED STATES OF AMERICA,  
First Judicial District SS.  
STATE OF ALASKA,

Individual Acknowledgment  
(Alaska)

THIS IS TO CERTIFY that on this 12th day of April, 1976, before  
the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn, personally appeared

Gregory R. Davis and Mary Jane Davis

to me known to be the person... described in and who executed the above and foregoing instrument, and acknowledged to me  
that the Y 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.

Paula A. Johnson

Notary Public for Alaska. My commission expires 9/14/76

Statutory Warranty Deed 9 PAGE 268

Haines Recording District

THE GRANTOR ROYCE L. DEARDORFF & BETTY JANE DEARDORFF  
husband and wife, tenants by the entirety  
residing at Pouch LI, Ketchikan, Alaska 99901

for and in consideration of Ten Dollars and other valuable considerations  
in hand paid, conveys and warrants to OTTO DON BRAATEN & EDITH SUE BRAATEN  
husband and wife, tenants by the entirety residing at:  
P.O. Box 189, Haines, Alaska 99827

the following described real estate:

A tract of land in Lot 16, Section 2, Township 31  
South, Range 59 East of the Copper River Meridian,  
Haines Recording District, First Judicial District,  
State of Alaska, described as:

BEGIN at the Southeast corner of said lot, run thence  
West 399.34 feet; thence N 0° W 100 feet; thence  
East 216.45 feet; thence N 31° 40' E 95.30 feet, more  
or less, to the Southwesterly line of the F.F.A. Road;  
thence Southwesterly, on said road line, to the East  
line of said lot; thence S 0° 3' E 57.75 feet to the  
point of beginning.

EXCEPTIONS:

- 1. Reservations in the U.S. Patent.

82-000659

8.00  
RECORDED FILED  
HAINE'S RECORDING  
DISTRICT

DEC 17 2 11 PM '82  
REQUESTED BY TIA

ADDRESS \_\_\_\_\_

situated in the State of Alaska.

DATED this 15TH day of DECEMBER, 1982

*Royce L. Deardorff* (seal)  
ROYCE L. DEARDORFF  
*Betty Jane Deardorff* (seal)  
BETTY JANE DEARDORFF

ACKNOWLEDGEMENT

STATE OF ALASKA }  
FIRST JUDICIAL DISTRICT } ss.

THIS CERTIFIES that on this 3rd day of DECEMBER 1982,  
before me, the undersigned, a Notary Public in and for the State of Alaska, personally appeared  
ROYCE L. DEARDORFF & BETTY JANE DEARDORFF  
to me known and known to me to be the person(s) named as grantor(s) in the foregoing deed and  
they (individually) acknowledged to me that they executed 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.

*Joan M. Martin*  
Notary Public for Alaska.  
My commission expires: 2/16/86







May 26, 2016

hainesborough\_parcelso7312015

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus  
DS, USDA, USGS, AEX, Geomatics, AeroGRID, IGN, IGP, swisstopo, and

Juneau 011244

# The United States of America

To all to whom these presents shall come, Greeting:

WHEREAS, a certificate of the Land Office at **Juneau**, Alaska, is now deposited in the Bureau of Land Management, whereby it appears that pursuant to the act of Congress of **June 1, 1938 (52 Stat. 609)**, as amended by the Act of July 14, 1945 (59 Stat. 467), and the acts supplemental thereto, the claim of **Wendell Junior Terwilliger** has been established and that the requirements of law pertaining to the claim have been met, for the following described land:

**Copper River Meridian, Alaska.**

**T. 31 S., R. 59 E.,**

**Sec. 2, Lot 16.**

The area described contains **3.71** acres, according to the official plat of the survey of the said land, on file in the Bureau of Land Management:

NOW KNOW YE, That the UNITED STATES OF AMERICA, in consideration of the premises, DOES HEREBY GRANT unto the said claimant and to the heirs of the said claimant the tract above described; TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to (1) any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and (2) the reservation of a right-of-way for ditches or canals constructed by the authority of the United States, in accordance with the act of August 30, 1890 (26 Stat., 391, 43 U. S. C. sec. 945). There is also reserved to the United States a right-of-way for the construction of railroads, telegraph and telephone lines, in accordance with section 1 of the act of March 12, 1914 (38 Stat., 305, 48 U. S. C. sec. 305).

Excepting and reserving, also, to the United States all oil, gas and other mineral deposits, in the land so patented, together with the right to prospect for, mine, and remove the same according to the provisions of said Act of June 1, 1938.

This patent is subject to a right-of-way not exceeding 50 feet in width, for roadway and public utilities purposes, to be located along the east boundary of said land.

IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat., 476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

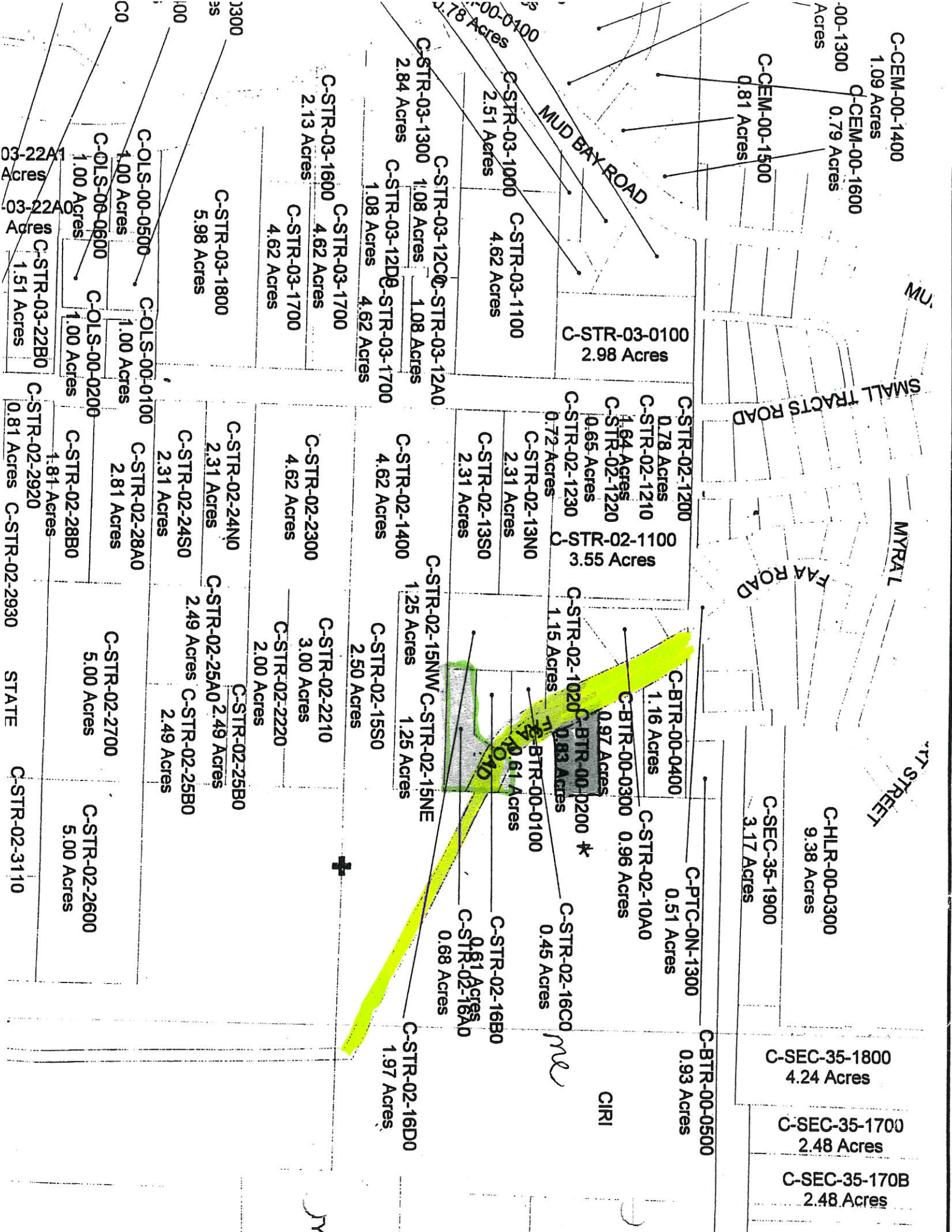
GIVEN under my hand, in the District of Columbia, the **TWENTY-SECOND** day of **NOVEMBER** in the year of our Lord one thousand nine hundred and **SIXTY** and of the Independence of the United States the one hundred and **EIGHTY-FIFTH**.

[SEAL]

For the Director, Bureau of Land Management.

By .....  
Chief, Patents Section.

Patent Number **1211766**



C-CEM-00-1400  
1.09 Acres

C-CEM-00-1600  
0.79 Acres

C-CEM-00-1500  
0.81 Acres

MU

SMALL TRACTS ROAD

MYRA L

FAA ROAD

177 STREET

C-HLR-00-0300  
9.38 Acres

C-SEC-35-1900  
3.17 Acres

C-SEC-35-1800  
4.24 Acres

C-SEC-35-1700  
2.48 Acres

C-SEC-35-170B  
2.48 Acres

C-PTC-0N-1300  
0.51 Acres

C-BTR-00-0500  
0.93 Acres

CIRI

*me*

C-STR-02-16C0  
0.45 Acres

C-STR-02-16B0  
0.61 Acres

C-STR-02-16A0  
0.68 Acres

C-STR-02-16D0  
1.97 Acres

C-BTR-00-0400  
1.16 Acres

C-STR-02-10A0  
0.96 Acres

C-BTR-00-0300  
0.97 Acres

C-STR-02-1020  
1.15 Acres

C-BTR-00-0100  
0.61 Acres

C-STR-02-15NW  
1.25 Acres

C-STR-02-15S0  
2.50 Acres

C-STR-02-2210  
3.00 Acres

C-STR-02-2220  
2.00 Acres

C-STR-02-25B0  
2.49 Acres

C-STR-02-25A0  
2.49 Acres

C-STR-02-2700  
5.00 Acres

C-STR-02-2600  
5.00 Acres

C-STR-02-1200  
0.78 Acres

C-STR-02-1210  
1.64 Acres

C-STR-02-1220  
0.65 Acres

C-STR-02-1230  
0.72 Acres

C-STR-02-13N0  
2.31 Acres

C-STR-02-13S0  
2.31 Acres

C-STR-02-1400  
4.62 Acres

C-STR-02-1400  
4.62 Acres

C-STR-02-2300  
4.62 Acres

C-STR-02-24N0  
2.31 Acres

C-STR-02-24S0  
2.31 Acres

C-STR-02-28A0  
2.81 Acres

C-STR-02-28B0  
1.81 Acres

C-STR-02-2920  
0.81 Acres

C-STR-02-2930  
0.81 Acres

STATE

C-STR-03-1700  
4.62 Acres

C-STR-03-1700  
4.62 Acres

C-STR-03-1800  
5.98 Acres

C-STR-03-12C0  
1.08 Acres

C-STR-03-12A0  
1.08 Acres

C-STR-03-1100  
4.62 Acres

C-STR-03-1000  
2.51 Acres

C-STR-03-1300  
2.84 Acres

C-STR-03-12D0  
1.08 Acres

C-STR-03-1700  
4.62 Acres

C-STR-03-1600  
2.13 Acres

C-STR-03-1700  
4.62 Acres

C-STR-03-1700  
4.62 Acres

C-STR-03-1800  
5.98 Acres

C-STR-03-1800  
5.98 Acres

C-STR-03-22B0  
1.51 Acres

C-STR-03-22A0  
1.51 Acres

C-STR-03-22B0  
1.51 Acres

C-STR-03-22A0  
1.51 Acres

C-STR-03-22A0  
1.51 Acres

C-STR-03-22B0  
1.51 Acres

C-STR-03-22B0  
1.51 Acres

C-STR-03-22B0  
1.51 Acres

C-STR-03-22B0  
1.51 Acres

C-STR-03-22B0  
1.51 Acres

C-STR-03-22B0  
1.51 Acres

C-STR-03-22B0  
1.51 Acres

LOT 10

TRACT 2

222.54' N89.44.43"W  
1232.75' S89.42.45"E 1  
3' ALUMINUM CO  
BY ASSISTANT

3' ALUMINUM CO  
BY ASSISTANT

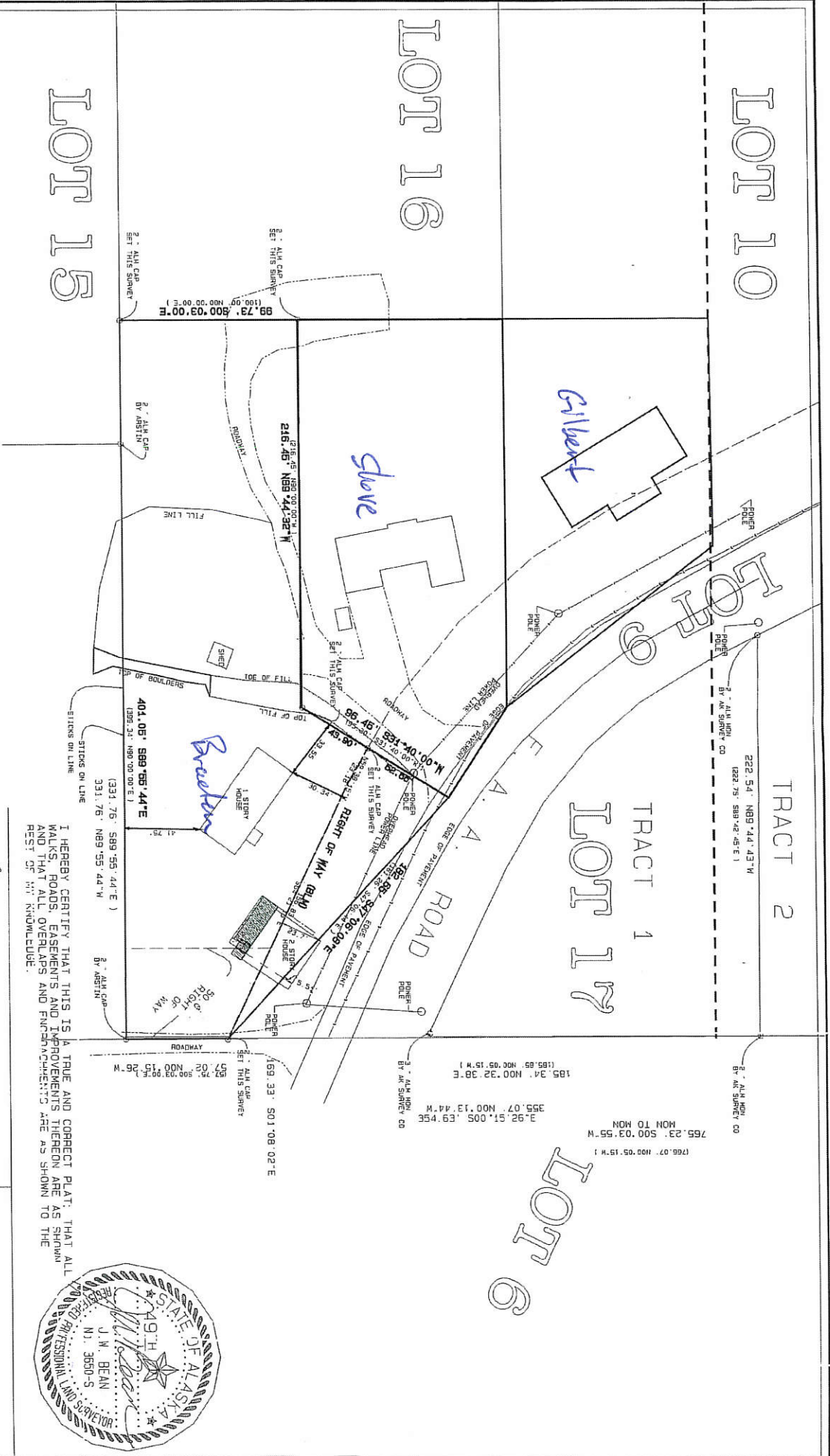
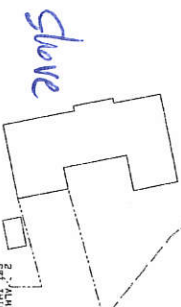
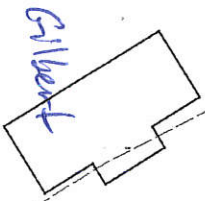
TRACT 1

LOT 17

LOT 6

LOT 16

LOT 15



I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT PLAT, THAT ALL WALKS, ROADS, EASEMENTS AND IMPROVEMENTS THEREON ARE AS SHOWN AND THAT ALL OVERLAPS AND FURCATIONS ARE AS SHOWN TO THE BEST OF MY KNOWLEDGE.



**J.W. BEAN**  
PROFESSIONAL SURVEYOR  
H-2-31-59 F.B.  
JOB NO. HNS 7-27-08  
SCALE AS-SHOWN  
DATE 6/30/16

RECORD OF SURVEY  
FRACTION OF SECTION 2 GRM HRD  
LOT 16, SECTION 2 GRM HRD  
T 31 S., R 59 E.,

THIS PLAT IS FILED IN THE OFFICE OF THE STATE SURVEYOR AT ANCHORAGE, ALASKA.



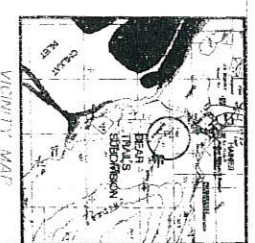


SECTION 27 CORRECTION  
 I HEREBY CERTIFY THAT I AM THE MASTER OF SAID BOAT, AND THAT I HAVE BEEN ADVISED BY THE CAPTAIN OF SAID BOAT THAT THE SAID BOAT IS NOT UNDERWAY AT THE TIME OF THIS SURVEY.  
 DATE: 5-17-1947

GENERAL OF HAWAII BOATMAN ASSOCIATION  
 I HEREBY CERTIFY THAT I AM THE MASTER OF SAID BOAT, AND THAT I HAVE BEEN ADVISED BY THE CAPTAIN OF SAID BOAT THAT THE SAID BOAT IS NOT UNDERWAY AT THE TIME OF THIS SURVEY.  
 DATE: 5-17-1947

NOTARY PUBLIC  
 I HEREBY CERTIFY THAT I AM THE MASTER OF SAID BOAT, AND THAT I HAVE BEEN ADVISED BY THE CAPTAIN OF SAID BOAT THAT THE SAID BOAT IS NOT UNDERWAY AT THE TIME OF THIS SURVEY.  
 DATE: 5-17-1947

- 1. THE SURVEY IS MADE IN THE CITY OF HONOLULU, HAWAII.
- 2. THE SURVEY IS MADE IN THE CITY OF HONOLULU, HAWAII.
- 3. THE SURVEY IS MADE IN THE CITY OF HONOLULU, HAWAII.
- 4. THE SURVEY IS MADE IN THE CITY OF HONOLULU, HAWAII.
- 5. THE SURVEY IS MADE IN THE CITY OF HONOLULU, HAWAII.
- 6. THE SURVEY IS MADE IN THE CITY OF HONOLULU, HAWAII.
- 7. THE SURVEY IS MADE IN THE CITY OF HONOLULU, HAWAII.
- 8. THE SURVEY IS MADE IN THE CITY OF HONOLULU, HAWAII.
- 9. THE SURVEY IS MADE IN THE CITY OF HONOLULU, HAWAII.

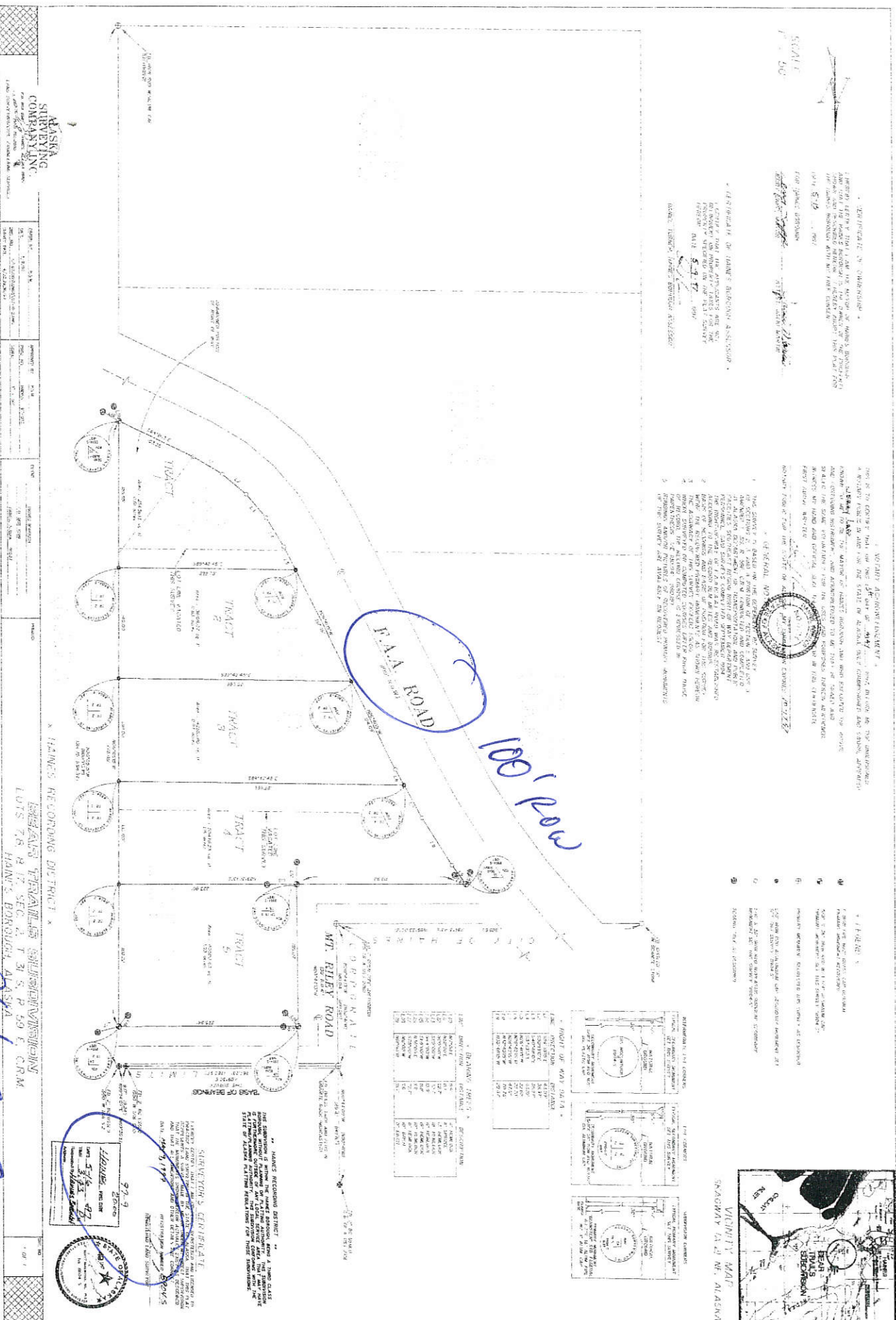


REMARKS ON THE CORNER

NO.	DESCRIPTION	BEARING	DISTANCE
1	...	...	...
2	...	...	...
3	...	...	...
4	...	...	...
5	...	...	...
6	...	...	...
7	...	...	...
8	...	...	...
9	...	...	...
10	...	...	...

RIGHT OF WAY DATA

NO.	DESCRIPTION	BEARING	DISTANCE
1	...	...	...
2	...	...	...
3	...	...	...
4	...	...	...
5	...	...	...
6	...	...	...
7	...	...	...
8	...	...	...
9	...	...	...
10	...	...	...

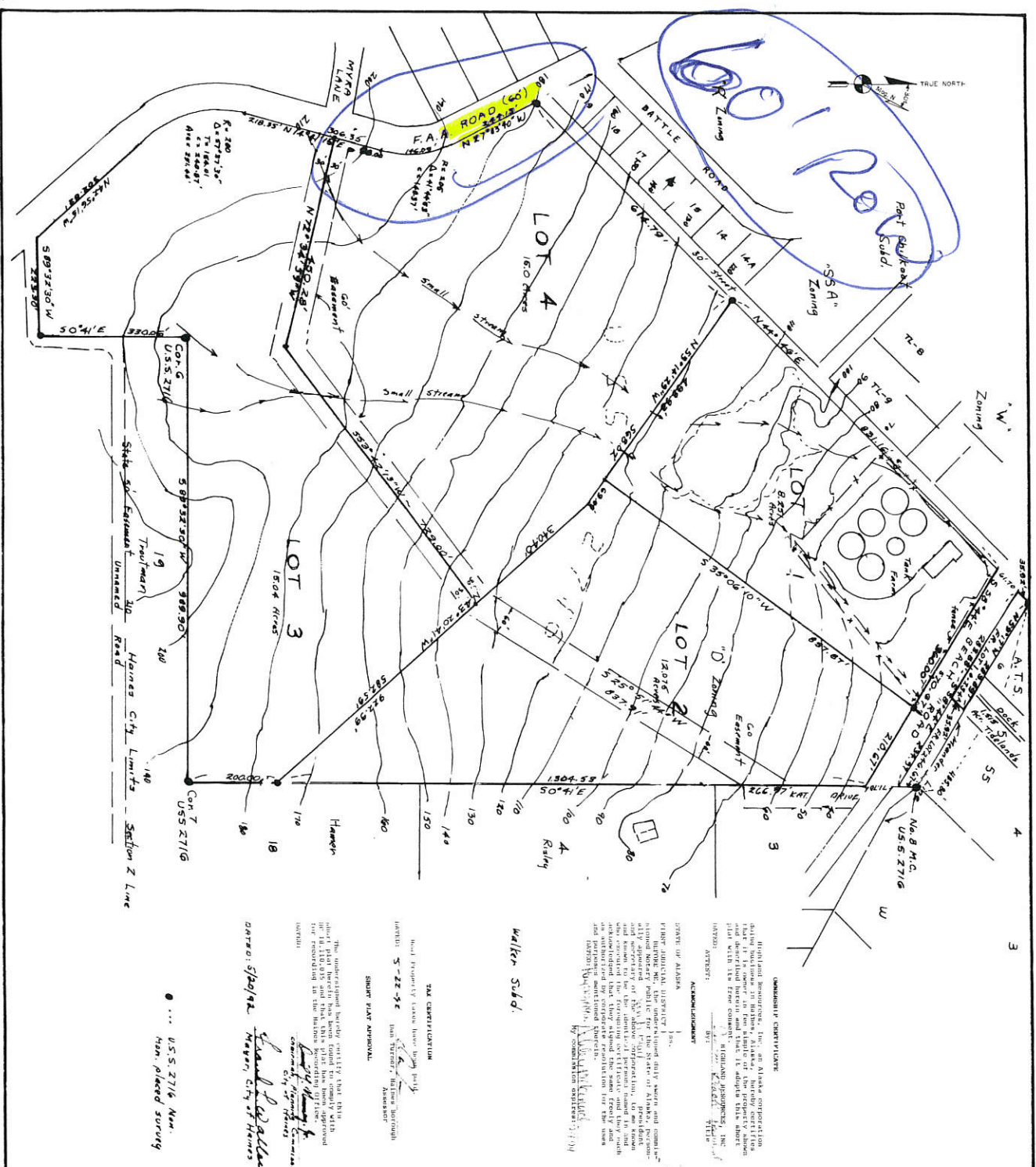


HAWAII RECORDING DISTRICT X  
 LOTS 7 & 8, SEC. 2, T. 3, S. 19, E. 20, M.

PLAT 97-9

97-9  
 5-18-47  
 HAWAII RECORDING DISTRICT X







**SURVEYORS 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 TRUE AND CORRECT COPY OF THE ORIGINAL RECORDS OF THE SURVEY. THE MONUMENTS SHOWN THEREON ACTUALLY EXIST AS DESCRIBED, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT.

**CERTIFICATE OF OWNERSHIP**

I (WE) HEREBY CERTIFY THAT I AM (WE ARE) THE 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 STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED:

DATED Sept 21 1977

WITNESSES

WITNESS

*[Signature]*  
OWNER  
*[Signature]*  
OWNER

SUBSCRIBED AND SWORN TO BEFORE ME THIS 21 DAY OF September 1977, at FAA CITY OF ALASKA, NOTARY FOR ALASKA.

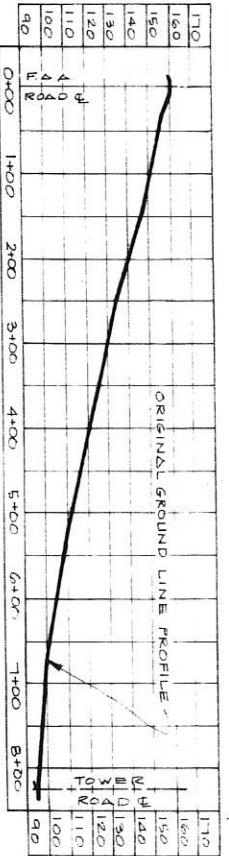
*[Signature]*

**CERTIFICATE OF APPROVAL BY THE HAINEES PLATTING BOARD**

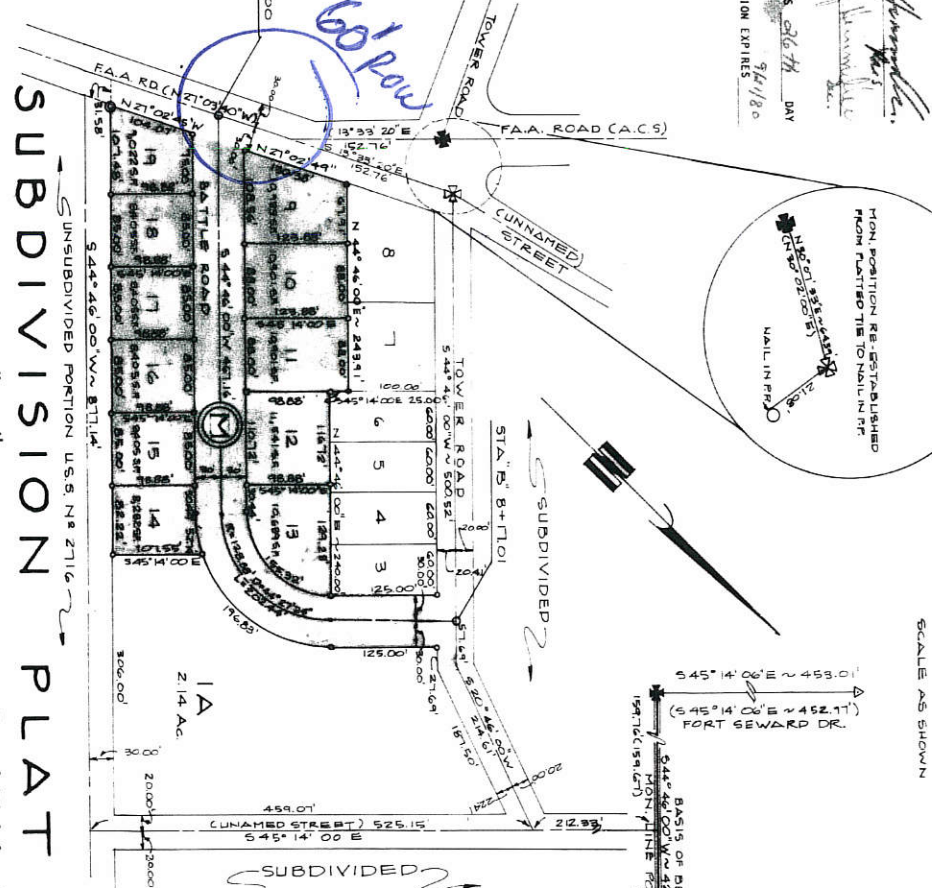
WE HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE HAINEES DISTRICT PLATTING BOARD, AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF RECORDER, HAINEES, ALASKA, ON THIS 21 DAY OF September 1977.

*[Signature]*  
CHAIRMAN  
*[Signature]*  
MEMBER PLATTING BOARD  
CITY OF HAINEES, ALASKA

RECORDED-FILED  
HAINEES DISTRICT  
DATE: 9/27 1977  
TIME: 11:14 A.M.  
BY: HENRIKSEN



ORIGINAL GROUND LINE PROFILE  
(BABBLE ROAD)  
SCALE AS SHOWN



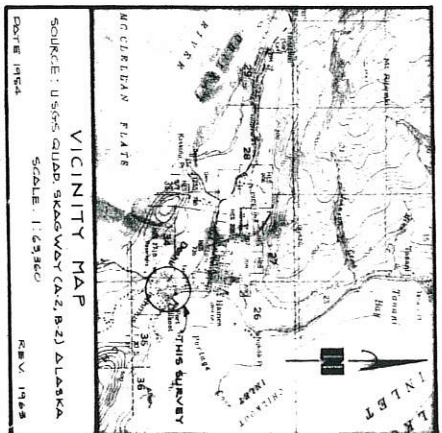
UNSUBDIVIDED PORTION U.S. N 216  
**SUBDIVISION PLAT**  
LOT "1" BLOCK "M" U.S. SURVEY N 216  
PORT CHILKOOT SUBDIVISION  
HAINEES ALASKA

**GENERAL NOTES**

1. LOT 2, BLOCK "M" AS SHOWN ON THE ORIGINAL PLAT OF PORT CHILKOOT SUBDIVISION IS VACATED AND INCORPORATED INTO THE ROADWAY RIGHT-OF-WAY OF BABBLE ROAD.
2. WHERE BEARINGS AND DISTANCE VARY FROM RECORD IN PARENTS BEARING AND DISTANCE ARE SHOWN IN PARENTS WITHIN PARENTS THUSLY (N 21°09'40"W); (N 27°02'45"W).
3. VERTICAL DATUM UTILIZED THIS SURVEY WAS THE TOP OF THE TIDE GAUGE AT THE FIRE HYDRANT LOCATED AT THE INTERSECTION OF TOWER ROAD AND THE ACS (FAA) ROAD. THE BENCH MARK IS INDICATED AS BEING TEM "A" WITH AN ELEVATION OF 10.58. THE USE OF TEM "A" WITH AN ELEVATION OF 10.58 IS THE STATE HIGHWAY DEPT. AND RELATIVE TO MEAN LOW WATER.
4. ALL FIELD MEASUREMENTS AND/OR COMPUTED BEARINGS HAVE BEEN ROUNDED TO THE NEAREST 5" OF ARC.
5. THE RE-ESTABLISHED MONUMENT POSITION FOR THE INTERSECTION OF TOWER ROAD BY W. MUNCASTER STREET WAS FROM HER HILLER. THE ORIGINAL PORT CHILKOOT SUBDIVISION PLAT AND MONUMENTATION WAS PREPARED BY W. MUNCASTER, JULY 1959 AND APPROVED BY THE HAINEES PLATTING BOARD JANUARY 9, 1960.

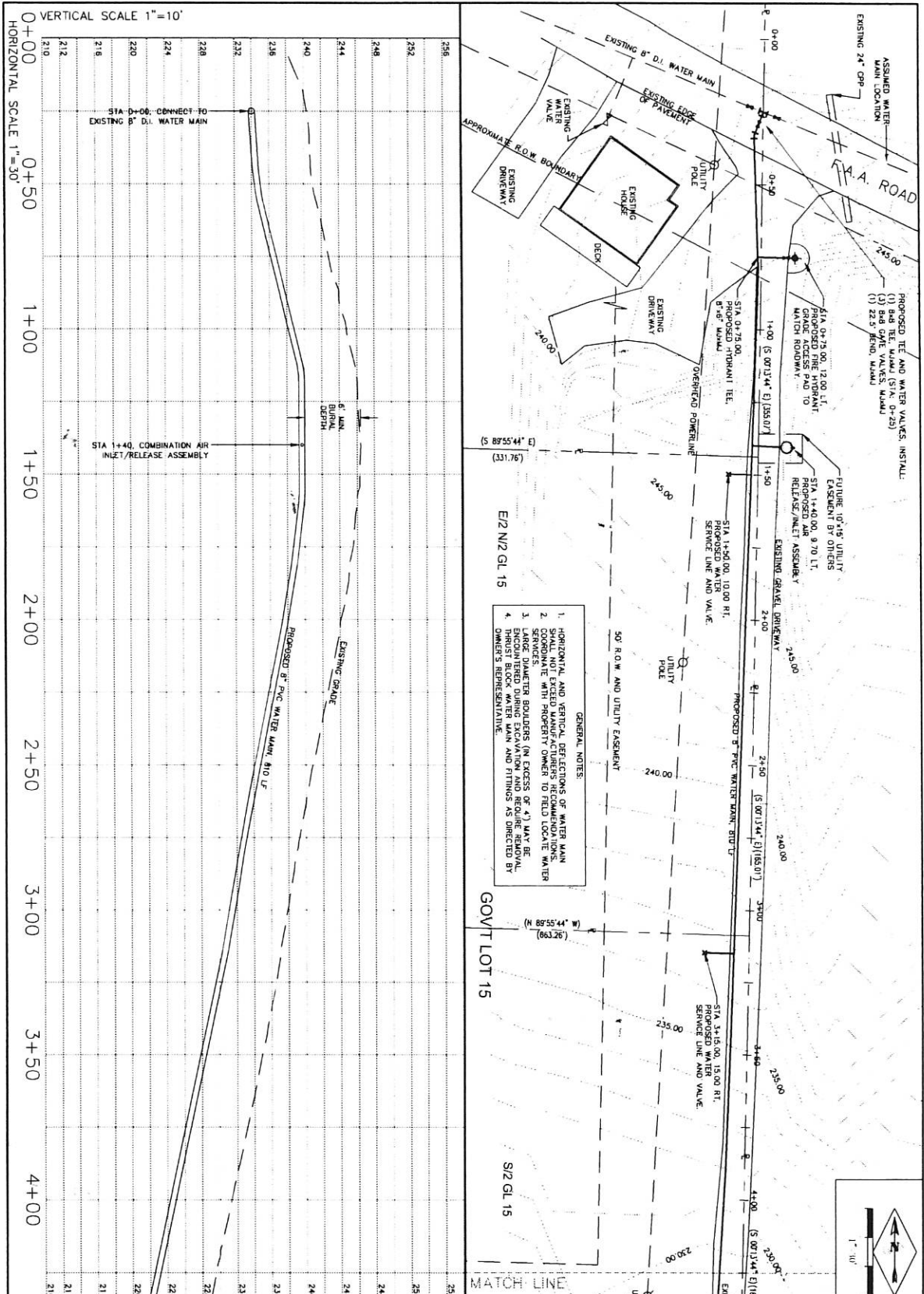
**SYMBOLS**

- Rock with lead plug & tack by others
- MON POSITION RE-ESTABLISHED FROM PLAT/OTIE
- Hub & tack by others
- IPDA IRON PIPE BY OTHERS
- SET REBAR
- SET REBAR WITH ALUM SURVEYOR
- NO CORNER SET



PSM  
NEM CONSULTANTS, INC.

PROJECTING  
DATE: 7-15-77  
DRAWING NO: 77-8  
CHECKED BY: H.A.N.I.  
SCALE: 1" = 100'



- GENERAL NOTES:
1. HORIZONTAL AND VERTICAL DEFLECTIONS OF WATER MAIN SHALL NOT EXCEED MANUFACTURER'S RECOMMENDATIONS.
  2. SMALL MANHOLE WITH PROPERTY OWNER TO FIELD LOCATE WATER SERVICE LINE AND VALVE.
  3. LARGE DIAMETER BOULDERS (IN EXCESS OF 4") MAY BE ENCOUNTERED DURING EXCAVATION AND REMOVE BEFORE THE START OF EXCAVATION AND FITTINGS AS DIRECTED BY OWNER'S REPRESENTATIVE.
  4. EXCAVATED DURING EXCAVATION AND FITTINGS AS DIRECTED BY OWNER'S REPRESENTATIVE.

**proHNS LLC**  
 ENGINEERING, TECHNICAL, AND ADMINISTRATIVE SERVICES  
 1055 SMALL TRACT ROAD  
 BOX 1041  
 HAINES, ALASKA 99827  
 solutions@prohns.com  
 www.prohns.com  
 CERTIFICATE OF AUTHORIZATION #100662



HAINES BOROUGH		
F.A.A. ROAD WATER MAIN EXTENSION		
PLAN AND PROFILE SHEET C1		SHEET 4 OF 7
DRAWN BY: A.J.G.	DATE: 7/29/2016	REVIEWED BY: G.K.G.
REV DATES: 1ST:	2ND:	3RD:



## Haines Borough – Alaska

103 Third Avenue S. – P.O. Box 1209

Haines, AK 99827

907-766-2231 ext. 22

907-766-2716 Fax

### Memo

**To:** Planning Commissioners

**From:** Bill Seward, Borough Manager *BS*  
Brad Ryan, Facilities Director *BR*

**Date:** August 3, 2016

**Re:** Sue & Otto ROW Easement Petition

Property owners, Sue & Otto Braaten, submitted an Application For Use Of/Purchase Of/Easement Through Or Vacation-Purchase Of Borough-Owned Real Property on July 15, 2016. Their property, account C-STR-02-16A0, on 675 FAA Road, contains a garage/apartment structure on the east boundary of the property that is encroaching the right-of-way on FAA Road. They are seeking a vacation-purchase of the ROW area of the encroachment.

It is the Borough's recommendation for the Braatens to purchase the section of the right-of-way that contains their structure that is encroaching in the borough right-of-way. The purchase agreement will require the following stipulations:

- The Braatens will provide an As-Built Survey for the parcel purchased.
- The recorded deed for the purchased right-of-way parcel will include survey and utility easements for future sewer and water.
- A deed restriction will be placed on the property, restricting the construction of any structures within 5 feet or over the utility easement.
- Purchase of right-of-way parcel will be at fair market value as stated per Haines Borough Assessor.



**Haines Borough Lands Department**  
**P.O. Box 1209**  
**Haines, Alaska 99827**  
**Phone (907) 766-2231 (ext. 33)**  
**Fax (907) 766-2716**

## Memorandum

Re: Land Value Market Study for FAA Right of Way easement petition. *(Prepared by Dean Olsen Assessor Haines Borough, Haines, Alaska)*

On August 2, 2016 Kathy Friedle requested current Fair Market Value for land on FAA Road. A market study was completed using sales information from 2014 to the most recent sales information collected from the Haines Borough Equalization Study mailed to all grantors and grantees identified by owner of record changes submitted to the Department of Natural Resources, Haines Recording District in Juneau, Alaska.

The following considerations were evaluated in this study:

- Is location, view, and access a significant influence on sale price?
- Is there a significant difference between the average per square foot value related to size, and location?

The market analysis did not reveal a definite relationship between sales price and the above listed characteristics of the land *except for size*. It was obvious that the larger the parcel of land...the smaller the per unit price. As a result, greater influence was given to sales information derived from parcels less than one half acre in size. This is an important observation as the subject property for which the market study is to be done is approximately just over one tenth of an acre.

Based on the most recent available sales information it is my opinion that per square foot fair market value for vacant land on FAA Road is \$1.50 per square foot.

Dean Olsen  
Assessor  
Haines Borough  
Certified Level II Appraiser  
Certificate No. 243  
Expires: 12/31/2016

PIN	DATE RECORDED	Sale Price	LEGAL DESCRIPTION	ACREAGE	Sq. Ft.	\$/Sq.Ft Market
C-MEA-02-2800	07/24/14	\$30,000	LOT 28, MEADOW LAND SUB., PLAT 98-21	0.46	20,038	\$1.50
C-MEA-02-3300	08/08/14	\$30,000	LOT 33, MEADOWLAND SUB. NO. 3	0.46	20,038	\$1.50
C-HGL-04-0400	08/14/15	\$29,000	LOT 4, BLK 4, HIGHLAND ESTATES SUB.	0.48	20,909	\$1.39
C-MEA-02-3000	02/03/15	\$32,000	LOT 30, MEADOWLAND SUB. #2, PLAT 98-20	0.48	20,909	\$1.53
C-PTC-0N-0200	03/12/14	\$36,500	LOT 2, BLOCK N, PORT CHILKOOT SUB.	0.58	25,265	\$1.44
C-HAN-00-0700	01/27/15	\$22,000	LOT 7 HANNON SUBDIVISION, PLAT 97-13	0.73	31,799	\$0.69
C-HAN-00-0500	01/13/14	\$23,000	LOT 5 HANNON SUBDIVISION	0.89	38,768	\$0.59
C-TBS-00-3300	07/24/14	\$45,000	LOT 33, TANANI BAY SUB., PLAT 2008-24	1.06	46,174	\$0.97
C-STR-02-15NE	04/21/15	\$42,500	T31S, R59E, SEC 2, LOT 15-PART OFF FAA RD	1.25	54,450	\$0.78
C-SEC-35-1640	02/03/15	\$60,000	LOT 16D, REPLAT OF LOT 16, SEC 35, T30S	1.48	64,469	\$0.93
C-SEC-35-1520	03/09/16	\$35,000	PARCEL C SUB OF LOT 15 SEC 35 T30S R59E	1.48	64,469	\$0.54
C-SKY-0B-0700	04/04/16	\$84,000	LOT 7 BLK B, SKYLINE ESTATES, PLAT 97-23	1.60	69,696	\$1.21
C-CAV-0C-0700	01/12/16	\$69,000	LOT 7 BLK C CATHEDRAL VIEW SUB.	2.42	105,415	\$0.65
C-STR-02-15S0	07/11/14	\$37,500	T31S, R59E, SEC. 2, LOT 15-S 1/2	2.50	108,900	\$0.34
C-STR-02-2210	07/11/14	\$37,500	T31S, R59E, SEC. 2, LOT 22-PART	3.00	130,680	\$0.29



## HAINES BOROUGH, ALASKA

P.O. BOX 1209

HAINES, AK 99827

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

July 19, 2016

First, Last Name (See Mailing List)

Mailing Address

City, State, Zip

Re: Vacation-Purchase/Revision of Right-Of-Way  
T31S, R59E, SEC 2, Lot 16-Part FAA Road, C.R.M.

Dear Land Owner,

Haines Borough records show that you own property within 200 feet of the above-listed property. In order to discuss the vacation-purchase of the Right-of-Way (ROW) area of encroachment on Lot 16, the property owners have requested the Planning Commission to consider an adjustment of the ROW on FAA Road from 100' to 60' along the entire road for consistency. If adjustment of ROW is not possible, then a request has been made by the property owners that a 35-year-old easement-lease be issued for the area of ROW encroachment.

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, August 11, 2016. As an owner of property within 200 feet of the above-listed property you are being notified that you are invited to attend and comment at the meeting. If you have any questions on the matter please contact the Borough.

Sincerely,

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

cc: Sue & Otto Braaten

July 31, 2016

Planning Commission Board;

First, allow me to apologize for not attending the previous meeting when we were on the agenda regarding the Duck In Car Wash and apartments that we would like to build. I honestly live by my calendar in my phone to make sure I attend my meetings and such. However, I did forget to put that into my calendar, so best laid plans, etc.

Now for the proposal. Our previous proposal was simply to permanently shut down the Duck In Car Wash and build two residential apartments above the current bays and on top of the building that presently has office space that is rented, as well as the beauty salon that is in the back of that building. Our complex is owned by Lucky Dog Properties, LLC which is owned by Don "Duck" & Karen Hess. There is one apartment that is located upstairs, at the back side of our River Adventures office which is at the corner of Union and the Allen Rd. cutoff. This is the apartment that we were previously before the Planning Commission, requesting a Conditional Use Permit for a Vacation Rental. The apartment is currently being used for our employee who also serves as the night watchman for the car wash.

We would like to propose building two apartments above the existing structure, that is the car wash. We would like to enclose the two car wash bays and utilize those for garages for the apartments. I understand that your previous meeting, that we failed to attend, you discussed that you would like to see some sort of businesses below the rentals, in order to fit within the guidelines of the Light Industrial Commercial Zone. I would suggest that we currently do have businesses surrounding this area. We have two businesses on the left side of the complex (facing it from Main St.) one in front, currently rented to "Arctic Wild" Michael Wald & Sally Andersen and the back, facing Union is a beauty salon, rented to Lori Sele, "Lori's Hair Salon". The other side of the complex is currently being utilized as River Adventures office space. I would like to ask for a conditional use for the apartments that we propose to build. The reason is simple, there is a shortage of housing in Haines and the location is very close to town. I understand the concern for wanting to make sure that the renters won't complain about being in a commercial zone but there are no business surrounding us that are noisy. I will also put it in the lease agreement that they understand that they are in a Light Industrial Commercial Zone and have no objection to it. I believe the responsibility lies upon us to vet carefully.

I would like to give some examples of apartments that are close by, that are in the same zone as we are. AML/Lynden Transport is on Allen Rd. Directly across the street is a duplex that has been there for years, prior to the zoning regulations, that are now in place. I don't believe there are ever any complaints about trucks that are coming and going during the early hours or late hours, when the trucks are going to meet the ferry. This happens several days a week, as well as one day a week when the trucks meet the barge, usually early in the a.m.

There are apartments above the old ED&D building on the Haines Highway, just across the street from Turner Construction's shop. These apartments are upstairs and there was a business downstairs for some time, called "Talia's Treasures". The consignment store is now located in the Haisler Hardware building and the downstairs of the old ED&D building is vacant, no business is there at all, just apartments.

These are just a couple of examples but if I were to drive around in this zone, I am sure I can find other examples. I feel that pointing out these two examples is ample proof.

We will be at the meeting to answer any questions.

Thank you for your time.

Karen M. Hess  
Don "Duck" Hess

**From:** [Karen Hess](#)  
**To:** [Xi Cui](#)  
**Subject:** planning & zoning commission meeting  
**Date:** Monday, June 20, 2016 4:37:23 PM

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Tracy,

I would like to be scheduled for the next Planning Commission meeting for the following topic.

Don & Karen Hess

Plan on building 2 year round apartments above the car wash bays. We will be shutting the car wash down permanently, if these are allowed, and transforming the two bays into apartments above and garages below.

We currently have one efficiency apartment above my office in the back, upstairs, that is being rented to a watchman for the car wash and office buildings. It is not being used for a vacation rental.

The vacation rental was allowed by the commission 2 years ago, on a conditional use permit and that is what we are hoping for with these two rentals as well.

Currently long term apartments are not allowed in the Light Industrial Zone, however there are already long term rentals. One is a duplex across from AML on Allen Rd. There is also a rental in the building next to the Car Wash, currently SEABA. There are apartments upstairs at the Eagles Nest Motel. Those are a few but I am sure if I went looking, I could find more.

The trend is that there is a housing problem in Haines and to find something to rent, is nearly impossible.

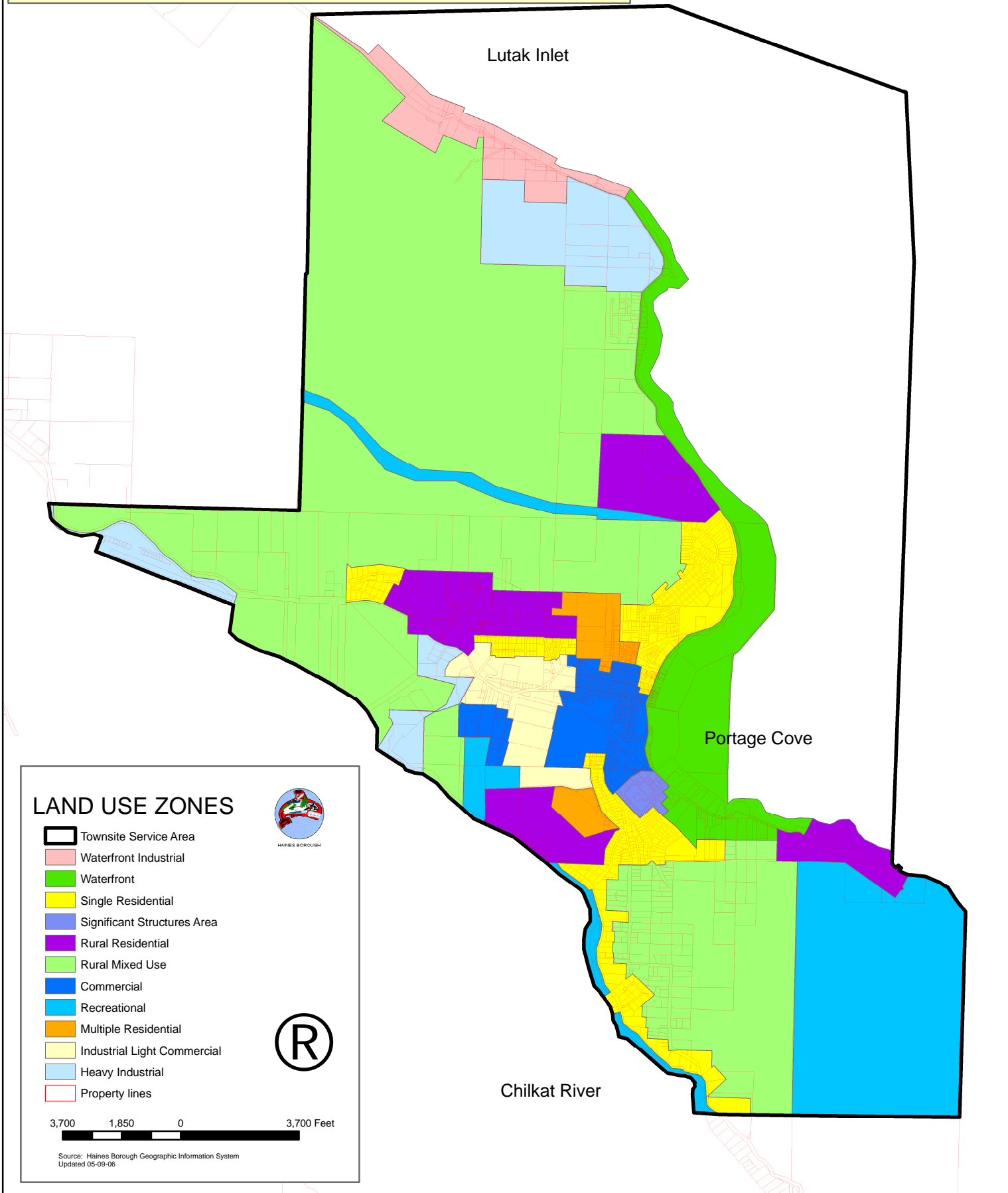
I would like for the Commission to consider changing the Light Industrial to allow rentals. Rental property does collect and remit sales tax revenue, so putting those into the LI category makes sense.

Thank you for your consideration.

Karen Hess



# The Official Zoning Map of the Haines Borough, Alaska Townsite Zoning District



## LAND USE ZONES

-  Townsite Service Area
-  Waterfront Industrial
-  Waterfront
-  Single Residential
-  Significant Structures Area
-  Rural Residential
-  Rural Mixed Use
-  Commercial
-  Recreational
-  Multiple Residential
-  Industrial Light Commercial
-  Heavy Industrial
-  Property lines



3,700 1,850 0 3,700 Feet

Source: Haines Borough Geographic Information System  
Updated 05-09-06

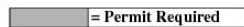
**18.70.040 Zoning use chart.**

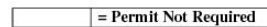
The following chart summarizes the uses allowed and the standards of review for each use, townsite planning/zoning district and the zones therein. In the commercial and industrial zones, more than one building housing a permissible principal use may be developed on a single lot; provided, that each building and use shall comply with all applicable requirements of this title. Additional requirements may be applicable to developments within some zones. See the definitions in Chapter 18.20 HBC for descriptions of each use.

**ZONING USE CHART**

**TOWNSITE PLANNING/ZONING DISTRICT**

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

 = Permit Required

 = Permit Not Required

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

GENERAL CLASSIFICATION →	INDUSTRIAL USES			COMMERCIAL/ Residential Uses			RESIDENTIAL USES ONLY	RESIDENTIAL/ Commercial Uses				RECREATIONAL USE	
	Heavy Industrial	Light Industrial/ Commercial	Waterfront Industrial	Commercial	Waterfront	Significant Structures Area	Single Residential	Multiple Residential	Rural Residential	Rural Mixed Use	Multiple Use	Recreational	
USES ↓	I/H	I/L/C	I/W	C	W	SSA	SR	MR	RR	RMU	MU	REC	
Accessory Apartment	NA	NA	NA	UBR	UBR	UBR	UBR	UBR	UBR	UBR	UBR	UBR	NA
Accessory Uses	UBR	UBR	UBR	UBR	UBR	UBR	UBR	UBR	UBR	UBR	UBR	UBR	UBR
Agriculture, Personal Use	NA	NA	NA	UBR	UBR	UBR	UBR	UBR	UBR	UBR	UBR	UBR	CU
Animal Husbandry	UBR	UBR	NA	NA	NA	NA	CU	CU	UBR	UBR	UBR	UBR	CU
Animal Shelter	UBR	UBR	NA	NA	NA	NA	NA	NA	CU	UBR	UBR	UBR	NA
Auto Repair	UBR	UBR	NA	UBR	NA	NA	NA	NA	CU	CU	UBR	UBR	NA
Auto Sales	NA	UBR	NA	UBR	NA	NA	NA	NA	NA	CU	UBR	UBR	NA
Auto Service Station	UBR	UBR	NA	CU	NA	NA	NA	NA	NA	CU	UBR	UBR	NA
Bed and Breakfast	NA	NA	NA	UBR	UBR	UBR	CU	CU	UBR	UBR	UBR	UBR	NA
Bulk Fuel Storage	UBR	UBR	UBR	CU	CU	NA	NA	NA	NA	CU	UBR	UBR	NA
Campground	NA	NA	NA	NA	CU	CU	NA	NA	NA	UBR	UBR	UBR	CU
Cemetery	NA	NA	NA	NA	NA	NA	NA	NA	CU	CU	NA	NA	NA

Child Care Facility	NA	CU	NA	UBR	CU	CU	CU	UBR	CU	UBR	UBR	NA
Church	NA	CU	NA	UBR	UBR	UBR	CU	CU	CU	UBR	UBR	NA
Club, Private	NA	UBR	NA	UBR	CU	UBR	NA	NA	NA	UBR	UBR	NA
Combination R/I/C	CU	UBR	CU	UBR	CU	UBR	NA	NA	NA	UBR	UBR	NA
Commercial, Light – Less than 500 sf	CU	UBR	CU	UBR	UBR	UBR	NA	CU	UBR	UBR	UBR	NA
Commercial, Medium – 500 – 5,000 sf	CU	UBR	CU	UBR	CU	CU	NA	NA	CU	CU	UBR	NA
Commercial, Major – More than 5,000 sf	UBR	UBR	UBR	UBR	CU	CU	NA	NA	NA	NA	UBR	NA
Communication Equipment/ Commercial	UBR	UBR	UBR	UBR	CU	CU	NA	NA	NA	CU	UBR	CU
Communication Equipment/Personal	NA	NA	NA	UBR	CU	CU	CU	CU	CU	CU	UBR	NA
Condominium/ Townhouse	NA	NA	NA	CU	CU	UBR	NA	UBR	NA	UBR	UBR	NA
Convalescent/ Nursing Home	NA	NA	NA	UBR	CU	CU	NA	UBR	NA	UBR	UBR	NA
Convenience Store	UBR	UBR	NA	UBR	CU	NA	NA	CU	NA	CU	UBR	NA
Correctional Facility	NA	CU	NA	CU	NA	NA	NA	NA	NA	NA	UBR	NA
Crop Production	NA	NA	NA	UBR	UBR	UBR	UBR	UBR	UBR	UBR	UBR	NA
Duplex	NA	NA	NA	CU	CU	UBR	NA	UBR	CU	UBR	UBR	NA
Educational Facility	NA	CU	NA	UBR	CU	CU	CU	CU	CU	UBR	UBR	CU
Fence on Lot Line/ Within Setback	UBR	UBR	UBR	UBR	UBR	UBR	UBR	UBR	UBR	UBR	UBR	UBR
Fence not within Setback	UBR	UBR	UBR	UBR	UBR	UBR	UBR	UBR	UBR	UBR	UBR	UBR
Firing Range	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Group Home	NA	CU	NA	UBR	CU	CU	NA	UBR	CU	UBR	UBR	NA
Guest House	NA	NA	NA	CU	CU	NA	CU	CU	CU	CU	CU	NA
Heavy Equipment Repair	UBR	UBR	UBR	UBR	NA	NA	NA	NA	NA	CU	UBR	NA
Heavy Equipment Storage	UBR	UBR	UBR	UBR	NA	NA	NA	NA	CU	UBR	UBR	NA
Home Occupation	UBR	UBR	UBR	UBR	UBR	UBR	UBR	UBR	UBR	UBR	UBR	NA
Hotel/Motel	NA	CU	NA	UBR	CU	UBR	NA	NA	NA	CU	UBR	NA
Industrial, Heavy	UBR	CU	UBR	CU	NA	NA	NA	NA	NA	CU	UBR	NA
Industrial, Light	CU	UBR	CU	CU	CU	NA	NA	NA	NA	CU	UBR	NA
Institutional Home	NA	NA	NA	UBR	NA	NA	NA	CU	NA	CU	UBR	NA
Junk Yard	UBR	UBR	NA	CU	NA	NA	NA	NA	NA	CU	UBR	NA
Kennel	UBR	CU	NA	CU	NA	NA	NA	NA	CU	CU	UBR	NA

Landfill	UBR	UBR	NA	CU	NA	NA	NA	NA	NA	CU	UBR	NA
Marine Commercial Facility	NA	NA	UBR	NA	CU	CU	NA	NA	NA	NA	UBR	NA
Marine Industrial Facility	NA	NA	UBR	NA	CU	NA	NA	NA	NA	NA	UBR	NA
Mobile Home Park	NA	CU	NA	NA		NA	NA	NA	NA	CU	UBR	NA
Multiple Single-Family Residences	NA	NA	NA	CU	CU	NA	NA	CU	CU	CU	CU	NA
Multi-Unit Dwelling	NA	NA	NA	CU	CU	UBR	NA	UBR	NA	UBR	UBR	NA
Planned Unit Development	NA	NA	NA			CU	NA		CU	NA	UBR	NA
Play Field/Park	NA	CU	NA		CU	UBR	UBR	UBR	UBR	UBR	UBR	CU
Public Facility	CU	CU	UBR	UBR	UBR	UBR	CU	CU	CU	CU	UBR	CU
Recycling Facility	UBR	UBR	NA	CU	NA	NA	NA	NA	NA	CU	UBR	NA
Resource Extraction/ Proc.	UBR	CU	CU	CU	NA	NA	NA	NA	CU	CU	UBR	NA
RV Park	NA	CU	NA	CU	CU	NA	NA	NA	CU	UBR	UBR	NA
Single Unit Dwelling	NA	NA	NA	UBR	UBR	UBR	UBR	UBR	UBR	UBR	UBR	NA
Solid Waste Transfer Facil.	UBR	UBR	NA	CU	NA	NA	NA	NA	NA	CU	UBR	NA
Subdivision, Residential	NA	NA	NA	CU	UBR	UBR	UBR	UBR	UBR	UBR	UBR	NA
Temporary Structure	UBR	UBR	UBR	UBR	CU	CU	UBR	UBR	UBR	UBR	UBR	CU
Temporary Use	UBR	UBR	UBR	UBR	CU	CU	UBR	UBR	UBR	UBR	UBR	CU
Theme Park	NA	CU	NA	CU	CU	NA	NA	NA	NA	CU	UBR	CU
Trailer*/Mobile Home Outside Mobile Home Park	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	UBR	NA
Utility Facility	UBR	UBR	UBR	CU	CU	NA		NA	CU	CU	UBR	CU
Vacation Rental	NA	CU	NA	UBR	UBR	UBR	CU	UBR	UBR	UBR	UBR	NA
Zero Lot Line Commercial	UBR	UBR	NA	UBR	CU	NA	NA	NA	NA	CU	UBR	NA
Zero Lot Line Residential	NA	NA	NA	NA	NA	UBR	NA	UBR	NA	UBR	UBR	NA
Zoo	NA	UBR	NA	CU	CU	CU	NA	NA	CU	CU	UBR	CU

\* Exception: Recreational trailers parked but not used for habitation or storage.

(Ord. 14-12-393 § 4; Ord. 13-09-349 § 7; Ord. 09-04-202 § 4; Ord. 07-04-153)

### **18.20.020 Definitions – Regulatory.**

“Accessory apartment” means a one bedroom or efficiency unit containing separate living, sleeping, cooking, bathroom and/or laundry facilities, not exceeding 600 square feet in area, contained within or added to a properly permitted single-family dwelling. The accessory apartment must be atop, beneath or connected by a common wall to the principal dwelling unit or within or atop a detached garage. One additional off-street parking space must be provided on the lot where such accessory apartment is permitted. The building, except as may be necessary to accommodate residents with disabilities, may have no more than one main entrance facing a street. An example of an accessory apartment is a “mother-in-law” apartment.

“Duplex” means a building containing two dwelling units.

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

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

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

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

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

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

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

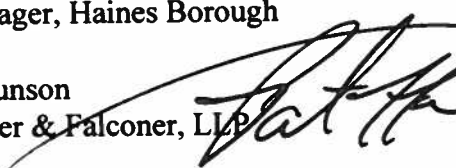
“Single-family dwelling” means a structure situated on a permanent foundation which is intended for habitation by a single family. This definition does not include a mobile home.

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

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**MEMORANDUM**

**TO:** Bill Seward  
Borough Manager, Haines Borough

**FROM:** Patrick W. Munson  
Boyd, Chandler & Falconer, LLP 

**RE:** Legal status of Haines Coastal Management Plan

**DATE:** July 20, 2016

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You asked our office to provide a legal opinion as to whether the Haines Coastal Management Plan (the "Plan") and associated Borough ordinances are enforceable now that the state coastal zone management statutes have been repealed. The short answer is that the Haines Coastal Management Plan is technically still applicable to applications for Title 18 land use permits within the Haines Borough. However, because the Borough Plan refers to and relies upon so many state statutes and procedures that are no longer used, the Plan is not useful and should not be enforced as written. We recommend the ordinances incorporating that Plan into Borough code (HBCO Ch. 18.110) be amended to suspend or terminate the Haines Coastal Management Plan until the Borough decides whether to incorporate similar development policies into Code in another form, such as an updated Plan that reflects the lack of state coastal zone management laws or more conventional land use permit ordinances.

**BACKGROUND**

The National Coastal Zone Management Program is a voluntary federal-state partnership created by the Coastal Zone Management Act (CZMA; 1970) that attempts to facilitate environmentally sound development along our nation's coasts. The Alaska State Legislature passed the Alaska Coastal Management Act in 1977. The hallmark of the state program was the requirement that certain coastal development proposals receive a "consistency determination" certifying that the proposal satisfied the program guidelines. CZMA § 307. This process typically involved local, state, and federal reviewers and decision-makers.

Under the law, coastal communities are authorized to prepare local coastal management plans to identify local priorities and policies for coastal development. These plans inform the decisions of both local and state decision makers tasked with making consistency determinations.

The current Haines Borough and former City of Haines have participated in the Alaska Coastal Management Program (ACMP) since 1980. The most recent Haines Coastal Management Plan (HCMP) was amended in 2008. It states the broad policies, priorities, goals, and “enforceable policies” applicable in the Haines Borough coastal zone (as defined in the HCMP). A person seeking to carry out a project within the Haines coastal zone was usually required to obtain both a state consistency determination and local approval through the Borough’s Title 18 land use permitting process (often referred to as a “local consistency determination”). HCMP, p. 7-4; HBCO Ch. 18.110.

By operation of Alaska State law, the ACMP expired on July 1, 2011. AS 44.66.020 and .030. Therefore, there is no longer a CZMA program or requirement in Alaska. People are not required to apply for CZMA consistency determinations, nor will federal or state agencies provide same. All of the state statutes and regulations establishing the procedures and standards for receiving such determinations have been repealed.

**ISSUE:** In light of the expiration/repeal of the state Coastal Zone Management Act, what is the legal status of the Haines Coastal Management Plan and the Borough ordinances purporting to apply it within the Borough?

## **ANALYSIS**

The CZMA is no longer “the law of the land” in Alaska. Developers are not required to submit CZMA applications to the state or obtain consistency determinations in order to carry out projects that would formerly have been subject to the CZMA. Neither the state nor federal government reviews such developments under the CZMA, and all statutes and regulations governing such developments under the law have been repealed. Neither the state nor federal government enforce the Act in Alaska.

However, Borough Code has not been amended to reflect this change. HBCO 18.110.010 states “The coastal zone management plan of the borough, adopted by the borough assembly on ... September 5, 2006, shall apply to all permits issued under this title.” The next section states: “The borough manager, upon application by a developer for any land use or development permit, shall review the proposed development for consistency with the adopted policies of the Haines coastal zone management plan.” HBCO 18.110.020. “If the development is required to have a consistency review and approval, the manager shall advise the applicant of the procedures to be followed and assist as is reasonably necessary..... The planning commission, upon receipt of an application containing a requirement for consistency review, shall conduct any public hearings and processes required in the coastal zone management plan in order to provide a recommendation to the manager for a final determination. Upon receipt by the manager of a

favorable consistency decision, the commission may then proceed to issue any appropriate permits applied for.” HBCO 18.110.030.

These sections are still valid law in Haines notwithstanding the repeal of the underlying CZMA at the state level. The repeal of the state coastal zone laws and regulations does not automatically void the borough ordinances. Rather, the ordinances exist independently and must be read as such. Regardless of the state level laws and requirements (or lack thereof), HBCO 18.110.010 states that the *Haines Coastal Management Plan* “shall apply to all” Title 18 permits. Even though the Plan is not enforceable/enforced by the state or federal government, the code provision applying the HCMP to Borough land use permits does not depend on any state statute to be effective. The Plan is essentially incorporated by reference into Code, and is therefore the equivalent of an enforceable ordinance despite the fact that the statute giving the Plan any “teeth” at the state or federal level has been repealed. The Plan still applies to Title 18 permits.

The text of the Plan supports this conclusion as well, stating “All land and water uses requiring a permit or approval in accordance with Haines Borough Code Title 18.... that are proposed in the Haines Borough coastal zone *that do not require federal or state authorization or that is not a federal activity* will require a determination of consistency from the Haines Borough.... ” (emphasis added). The repeal of the CZMA obviously means that no proposals currently “require federal or state authorization” under that Act. This effectively means that the Borough should evaluate “all land and water uses....that are proposed in the Haines Borough coastal zone” and which require a Title 18 permit for consistency with *the Borough coastal plan*. In short, all proposals that would be subject to the CZMA are technically still subject to the requirements of the Borough’s plan.

That said, enforcing these ordinances and the Borough Plan as written would create significant practical problems. The Borough Plan rests on the assumption that the state and federal coastal zone management laws, regulations, and procedures are still enforced and in use. Since this is no longer true, much—or perhaps “most”—of the Plan is flawed in the sense that it refers to and relies upon procedures and standards that either do not exist or are not used in Alaska. That does not mean the whole Borough Plan is *per se* void or unenforceable, but it does mean that significant portions of the Plan are nonsensical because they refer to laws that no longer exist.<sup>1</sup> This makes the Plan extremely confusing, difficult to use, and problematic to enforce because it would be almost impossible for an applicant to determine what processes and

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<sup>1</sup> This should be apparent from reviewing the Plan, but we can provide more detailed examples if desired.



standards apply to his or her application.<sup>2</sup> We therefore do not recommend the Borough begin enforcing Chapter 18.110 or the Haines Coastal Management Plan at this time.

## **RECOMMENDATION**

Although the Plan is technically enforceable in some respects, it is extremely impractical to implement and enforce it for the reasons noted above. We therefore recommend the Assembly consider amending Chapter 18.110 to suspend or terminate the Haines Coastal Management Plan for the time being at least. If the Borough wishes to have a coastal zone management plan of some kind, we recommend the Assembly either draft a new plan to reflect the repeal of the underlying state laws, or draft more traditional ordinances governing coastal development to include in Title 18's land use permitting standards. These ordinances could include many of the "enforceable policies" set forth in the existing Plan (see Chapter 5). More conceptual elements of the existing Plan could be included in the next update to the Comprehensive Plan.

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<sup>2</sup> For example, the process by which the Borough would make a consistency determination is unclear. Much of the Borough Plan relies upon an assumption that a state consistency determination will generally be required, and essentially relies upon that process to facilitate Borough involvement and review. (*See, e.g.*, HCMP p. 7-4) Since that process no longer occurs, the Borough would need to develop a more detailed process to carry out its own review if it intends to enforce the coastal zone Plan and associated ordinances.



# Memo from the Clerk

Date: July 1, 2016  
To: Planning Commission  
Cc: Borough Manager  
From: Julie Cozzi, MMC, Borough Clerk  
Re: Draft Ordinance to Remove HCMP References from Code

On June 30, Manager Seward and I had the pleasure of meeting with Chairman Goldberg to discuss the Coastal Management Plan (CMP). We discussed the following points and concluded the meeting in agreement that the code references pertaining to the Haines CMP should be removed, as soon as possible. It was also agreed that since most of the code sections are in Title 18, it is important to bring this to you, the Planning Commission, for an official recommendation prior to submitting it to the assembly.

- The Alaska Coastal Management Program (ACMP) was a program that was in place for approximately four decades. This program involved approving coastal district management plans (including the Haines District), evaluating the effectiveness of the plans, and providing financial assistance to assist the coastal districts in their work. The regulations included statewide standards for the ACMP and district plans.
- The entire program was eliminated in 2011 through a delayed repealer when legislation necessary to continue the program failed to pass both bodies of the legislature during regular session as well as two subsequent special sessions. During the 2012 regular session, the legislature failed to adopt legislation to reestablish the ACMP (HB 325). Then, a citizens' ballot initiative on the August 2012 primary ballot was also defeated:

Statewide Voting Results

YES – 46678 – 37.91%  
NO – 76440 – 62.09%

Haines Voting Results

YES – 295  
NO – 313

- In 2012, the Haines Borough adopted a revised Comprehensive Plan with the assistance of Barbara Sheinberg who was also involved with the last Haines CMP Plan (2007). It is the opinion of Mr. Goldberg, Mr. Seward, and I that important components of that plan were incorporated into the Comprehensive Plan.

Following certification of the 2012 primary election, the Haines Borough should have followed up with removal of all code references to the defunct program. That did not happen likely due to management and staff turnover. This is one example of the types of obsolete code we believe the new Code Review Commission can help us discover.

We can take the opportunity to address this particular code now, and I have prepared a draft ordinance for planning commission review. This ordinance includes all affected code sections except HBC 18.30.040. That section is excluded since it is currently up for amendment through Ordinance 16-01-429. At the assembly level, we can recommend the following changes to that particular ordinance prior to adoption:

HBC 18.30.040 Planning commission.

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

J. The commission shall report to the borough assembly on all preliminary and final plats the commission has processed as the platting authority (see Chapter [18.100](#) HBC).

~~K. The commission shall, at least once every two years, review, prepare and adopt recommendations to the borough assembly and the State Coastal Policy Council respectively for amendments to the coastal zone management plan.~~

~~The commission is responsible for implementing and enforcing the provisions of the coastal zone management program prior to the issuance of any permit approval under this title. (See Chapter [18.110](#) HBC for specific regulations.)~~

Therefore, between the two ordinances, all HCMP references would be removed from the Haines Borough Code.

We ask for your support of the attached ordinance. Thank you.

**An Ordinance of the Haines Borough repealing all references to the Coastal Zone Management Plan from the Borough Code since that state program was eliminated in 2011 and components of that plan were incorporated into the 2012 Haines Comprehensive Plan.**

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

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

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

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

**Section 4.** Repeal of Chapter 18.110. Chapter 18.110 of the Haines Borough Code is hereby repealed in its entirety, as follows:

NOTE: STRIKETHROUGH ITEMS ARE DELETED

**~~Chapter 18.110~~**  
**~~COASTAL ZONE MANAGEMENT~~**

**~~18.110.010 Authority:~~**

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

**~~18.110.020 Application:~~**

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

**~~18.110.030 Procedure:~~**

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

**~~18.110.040 CZM plan review:~~**

~~The planning commission shall review the coastal zone management plan every five years and make recommendation to the assembly if it feels changes or amendments are necessary.~~

**Section 5.** Amendment of Section 18.60.010. Section 18.60.010, specifically Subsections P and U, of the Haines Borough Code is hereby amended to read, as follows:

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

**18.60.010 General approval criteria.**

...  
P. Anadromous Fish Stream Setbacks. ~~All development along state-identified anadromous fish streams will be consistent with the Haines coastal zone management program.~~ Unless approved by variance, no development **along state identified anadromous fish streams** shall occur within 25 feet of the banks ~~of anadromous fish streams~~, designated as such by the Alaska Department of Fish and Game. Variances from this requirement may be granted by the commission based upon the unique conditions of individual properties, the proposed development, and the recommendations of a qualified fisheries biologist.

...  
U. Waterfront. The following requirements apply in all waterfront zones:  
1. Dredge and Fill Activities. ~~Any person, p~~**Persons or firms** planning a development in wetlands ~~designated in the coastal zone management plan~~ are required to apply for and obtain a dredge and fill permit from the United States Army Corps of Engineers prior to commencement of development.

~~2. Compliance with coastal zone management program shall be strictly enforced within the waterfront zones.~~

...  
**Section 6.** Amendment of Subsection 18.60.020(1)(2)(b). Subsection 18.60.020(1)(2)(b) of the Haines Borough Code is hereby amended to read, as follows:

NOTE: ~~STRIKETHROUGH~~ ITEMS ARE DELETED

**18.60.020 Specific approval criteria.**

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

- ...  
I. Mobile Home Parks/Recreational Vehicle (RV) Parks.  
2. Mobile Home/RV Park Specific Criteria.  
b. Recreational Vehicle (RV) Park/Specific Criteria. Recreational vehicle (RV) parks are prohibited in any area, regardless of the zoning classification, where they are found to be inconsistent with ~~the Haines coastal zone management plan, the comprehensive plan,~~ or where prohibited by federal, state or local law.

**Section 7.** Amendment of Section 18.100.070. Subsection 18.100.070 of the Haines Borough Code is hereby amended to read, as follows:

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

**18.100.070 General requirements and design standards.**

The proposed subdivision shall conform to:

- A. The provisions of AS [40.15](#), and AS [29.40](#), as amended from time to time and all other relevant laws and regulations.
- B. All applicable ordinances of the borough.
- C. The **borough's** comprehensive plan ~~and the coastal management plan of the borough.~~

**Section 8.** Amendment of Section 18.100.120. Subsection 18.100.120 of the Haines Borough Code is hereby amended to read, as follows:

NOTE: ~~STRIKETHROUGH~~ ITEMS ARE DELETED

**18.100.120 Agency approval letters required.**

Prior to the approval and recording of the final plat, any required agency approvals must be submitted in written form to the commission. This is in reference, for example, to ~~coastal zone management~~, Army Corps of Engineers, Department of Environmental Conservation, Department of Natural Resources and Department of Transportation. All other state and federal permitting requirements apply and shall be submitted as approved by the appropriate agency to the commission.

**Section 9.** Amendment of Section 12.08.060. Subsection 12.08.060 of the Haines Borough Code is hereby amended to read, as follows:

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

**HBC 12.08 Road and Sidewalk Construction, Maintenance, and Repair**

**12.08.060 Other requirements not eliminated.**

This chapter only establishes design and construction standards and does not eliminate any other requirements that may be established by federal or state statutes, borough ordinances or other regulations adopted pursuant to these laws. Permits may be required in instances involving construction in flood hazard zones, wetlands and fish habitat. Grading, excavation and fill permits, storm water/water separation waivers and ~~coastal management~~ **comprehensive plan** consistency reviews may be required. The land owner is responsible for knowing the necessity of a permit and acquiring it.

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

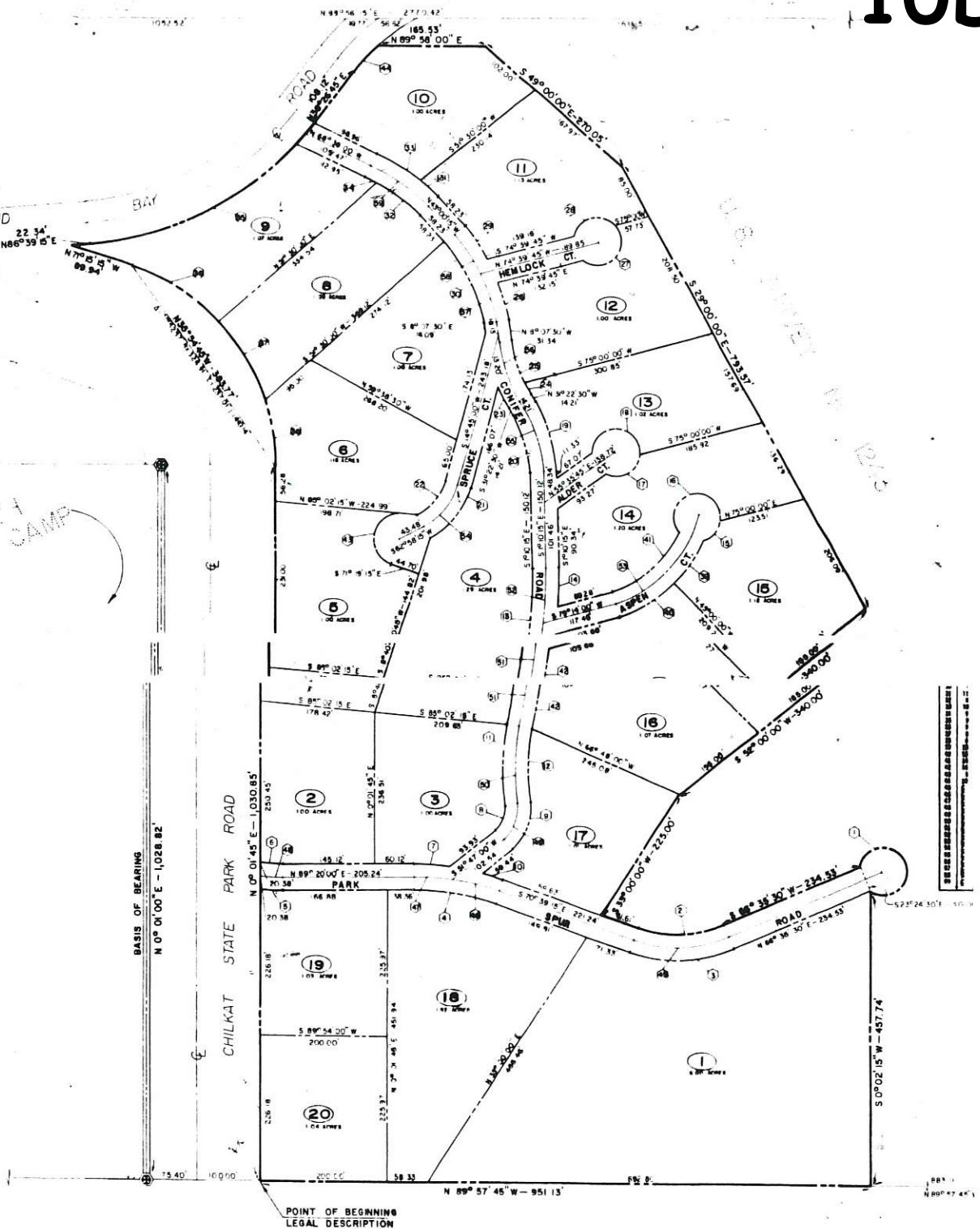
ATTEST:

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

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

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

RAINBOW CHURCH CAMP



A PLAT OF  
**RAINBOW ACRES SUBDIVISION NO. II**

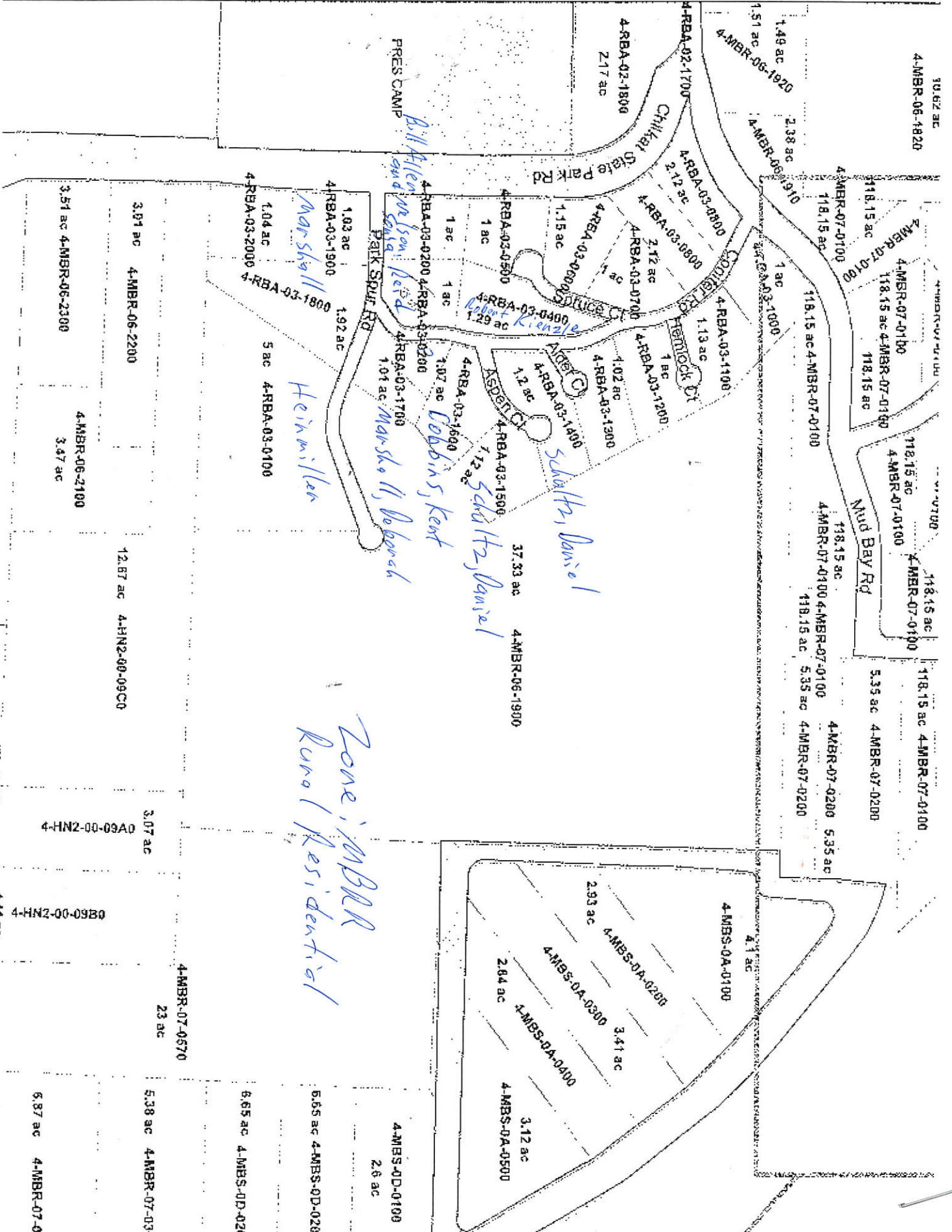
A FRACTION OF U.S. SURVEY NO. 1243

HAINES

ALASKA

SCALE: 1" = 100' (30.48 METERS)

Plat  
81-5



10.62 ac  
4-MBR-06-1820

2.38 ac  
4-MBR-06-1920  
118.15 ac  
4-MBR-07-0100  
118.15 ac  
4-MBR-07-0100  
118.15 ac  
4-MBR-07-0100

118.15 ac  
4-MBR-07-0100  
118.15 ac  
4-MBR-07-0100

118.15 ac  
4-MBR-07-0100  
5.35 ac  
4-MBR-07-0200

118.15 ac  
4-MBR-07-0100  
118.15 ac  
4-MBR-07-0100  
5.35 ac  
4-MBR-07-0200

4-MBS-0A-0100  
4.1 ac

4-MBS-0A-0200  
2.93 ac  
4-MBS-0A-0300  
2.44 ac  
4-MBS-0A-0400  
3.12 ac

4-MBS-0A-0500  
2.6 ac

4-MBS-0D-0100  
2.6 ac

4-MBS-0D-0200  
5.65 ac

4-MBS-0D-0200  
5.65 ac

4-MBR-07-0300  
5.38 ac

4-MBR-07-0400  
6.87 ac

*Zone I MBR Rural Residential*

*Schantz, Daniel*

*Cobbins, Kent*

*Robert Kienzle*

*Bill Allen*

*Marskell*

*Heinwiler*

*Marskell*

3.91 ac 4-MBR-06-2200

12.87 ac 4-HN2-00-09C0

4-MBR-06-2100  
3.47 ac

4-HN2-00-09A0  
3.07 ac

4-HN2-00-09B0  
4.44 ac

4-MBR-07-0570  
23 ac

4-RBA-02-1800  
2.17 ac

4-RBA-03-1900  
1.03 ac

4-RBA-03-2000  
1.04 ac

4-RBA-03-1800  
1.92 ac

4-RBA-03-0100  
5 ac

4-RBA-03-0200  
1.01 ac

4-RBA-03-1700  
1.87 ac

4-RBA-03-0400  
1.29 ac

4-RBA-03-0500  
1 ac

4-RBA-03-0600  
1.15 ac

4-RBA-03-0700  
1 ac

4-RBA-03-0800  
2.12 ac

4-RBA-03-0900  
2.12 ac

4-RBA-03-1000  
1.13 ac

4-RBA-03-1100  
1 ac

4-RBA-03-1200  
1 ac

4-RBA-03-1300  
1.02 ac

4-RBA-03-1400  
1.2 ac

4-RBA-03-1500  
1.72 ac

4-RBA-03-1600  
1.87 ac

4-RBA-03-1500  
37.33 ac

4-MBR-06-1900  
4.1 ac

4-MBR-07-0100  
5.35 ac

Mud Bay Rd

Chiklai State Park Rd

Coolidge Rd

Heinwiler Ct

Aspen Ct

Maple Ct

Park Spur Rd

Pres Camp





## Haines Borough – Alaska

103 Third Avenue S. – P.O. Box 1209  
Haines, AK 99827  
907-766-2231 ext. 22  
907-766-2716 Fax

July 27, 2016

Property Owners residing in Rainbow Acres III Subdivision  
Haines Borough

RE: Right-of-Way for Roads in Rainbow Acres III Subdivision

Homeowners in Rainbow Acres subdivision have the responsibility to comply with local ordinances. The key to keeping our community beautiful and safe is the commitment, cooperation, and teamwork between property owners, their neighbors, and the Borough. The Borough Planner is responsible for monitoring our lands for compliance with local ordinances.

It is our hope that through education and awareness, homeowners will do their part to be good neighbors by voluntarily complying with local ordinances. We encourage you to talk to your neighbors and work with the Borough Planner.

The Haines Borough has received complaints from residents of Rainbow Acres. After reviewing these complaints, we have determined that according to the recorded State of Alaska Department of Natural Resources Plat #79-9, it is clear the roads making up the right-of-way for your subdivision are 30 feet wide (15 feet of centerline). Therefore, we ask that you remove any vehicles or structures that are currently within the 30-foot right-of-way. This includes any vehicles, boats, or structures that are within the right-of-way of the Park Spur Road.

For your convenience, we have enclosed an 'Application for Variance' should you wish to request a qualifying variance under the Haines Borough Land Use/Development Code Section 18.80.050 (D).

The Borough staff is committed to working with you. We hope you find this letter helpful as we all work together to keep Rainbow Acres a beautiful, safe and friendly place to live and raise a family.

If you have any questions or ideas on how we can better assist, please contact me by email at [kfriedle@haines.ak.us](mailto:kfriedle@haines.ak.us) or by phone at (907) 766-2231 x22.

Sincerely,

A handwritten signature in blue ink that reads "Kathryn Friedle".

Kathryn Friedle  
Administrative Assistant  
Haines Planning & Zoning  
[kfriedle@haines.ak.us](mailto:kfriedle@haines.ak.us)

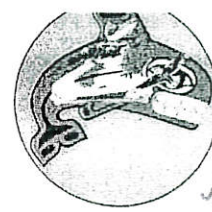
Cc: Planning Commission

Enclosure



# CITIZEN COMPLAINT FORM

P.O. Box 1209 ♦ 103 Third Avenue S.  
Haines, Alaska 99827  
Ph: 907-766-2231 ♦ Fax: 907-766-2716  
www.hainesborough.us



RECEIVED  
JUN 29 2015  
HAINES BOROUGH

Today's Date: 6/29/15

**Your Contact Information** - We may need to contact you to further discuss the issue, so you are strongly advised to tell us how to get a hold of you. NOTE: If you choose to submit your complaint anonymously, please be advised that we will not be able to contact you for more information or to let you know the issue has been resolved.

Name: (first, middle initial, last)  
Kent Russell Dobbins

Mailing Address: (address, city, state, zip code)  
PO Box 874

Physical Address: (address, city, state, zip code)  
Rainbow Acres III Lot #14

Home Phone: (include area code)  
907-766-2138

Work Phone: (include area code)  
360-348-2617

Email:  
kentcheetah@gmail.com

**Complaint/Concern:** Please describe the complaint in detail, including who, what, when, where and why. Please ensure that your narrative is clear enough to give a reader, with no prior knowledge of the situation, a complete understanding of the problem. (Attach additional pages or use the backside of this form, if necessary.)

I have a complaint on Rainbow Acres III Lot #2  
TAX ID # 4-Rba-03-0200  
There is a Cabin a Shop built within the  
Road easement and 25ft set back.

**How do you suggest the borough resolve this complaint?**

Have the owners Move buildings to code, 25ft  
Set back.

**For Borough Use Only**

Complaint Number: \_\_\_\_\_ Date Received by Borough Clerk: 6/29/15  
Forwarded for Response to/date: Tracy 6/29/15 Copy to Manager/date: \_\_\_\_\_  
Results of Investigation: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Action Taken** - suggest the borough resolve this complaint?

♦ Complaint Contacted regarding Results of Investigation:  
Contacted by \_\_\_\_\_ Date \_\_\_\_\_

♦ Action:

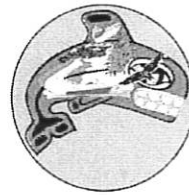
Form Received by: Kathryn Friedle  
Date Stamp:

RECEIVED  
JUN 29 2015  
HAINES BOROUGH

Date-stamped copy given to complainant  
Did not want

**HAINES BOROUGH  
CITIZEN COMPLAINT FORM**

P.O. Box 1209 ♦ 103 Third Avenue S.  
Haines, Alaska 99827  
Ph: 907-766-2231 ♦ Fax: 907-766-2716  
www.hainesborough.us



**Today's Date:** 6/9/15

**Your Contact Information** - We may need to contact you to further discuss the issue, so you are strongly advised to tell us how to get a hold of you. NOTE: If you choose to submit your complaint anonymously, please be advised that we will not be able to contact you for more information or to let you know the issue has been resolved.

<b>Name:</b> (first, middle initial, last) Kent R Dobbins		
<b>Mailing Address:</b> (address, city, state, zip code) PO Box 874 Haines AK 99827		<b>Physical Address:</b> (address, city, state, zip code) Rainbow Acres III Lot #16
<b>Home Phone:</b> (include area code) 7662138	<b>Work Phone:</b> (include area code)	<b>Email:</b>

**Complaint/Concern:** Please describe the complaint in detail, including who, what, when, where and why. Please ensure that your narrative is clear enough to give a reader, with no prior knowledge of the situation, a complete understanding of the problem. (Attach additional pages or use the backside of this form, if necessary.)

This is a formal complaint against Deborah Marshall on her cabin located on the road easement as well as the 25ft set back. LOT 17

**How do you suggest the borough resolve this complaint?**

the setback .25' move the building to

**For Borough Use Only**

Complaint Number:	Date Received by Borough Clerk:
Forwarded for Response to/date:	Copy to Manager/date:
Results of Investigation:	

**Action Taken**

♦ Complainant Contacted regarding Results of Investigation: Contacted by _____ Date _____	Form Received by: _____ Date Stamp: _____
♦ Action:	<input type="checkbox"/> Date-stamped copy given to complainant