



**Haines Borough
Planning Commission
Regular Meeting Agenda**

COMMISSIONERS:

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

Thursday, November 10, 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: September 8, 2016; October 13, 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. **Parks Code Definitions – Public Hearing** – This item is up for discussion at the request of the Planning Commission. The amendment to code would add a “Parks” section in Title 12: Streets, Sidewalks, and Public Places. The section includes definitions, Borough Parks, and regulations. **Possible Motion:** Recommend the Assembly adopt the draft ordinance.
 - B. **Planning Commission Seat B Appointment and E Reappointment – Action Item/Public Comments** – A request by Mayor Jan Hill for reappointment of Sear B (vacated by Lende) and Seat E (Goldberg). Per HBC 2.60.055(A), written recommendations must be provided to Clerk no later than **November 14, 2016**. Election of Officers will take place during the December 8 PC Meeting.
[Short Recess]
Possible Motion: Recommend that the Mayor and Assembly appoint [Name] for seat B and [Name] for seat E of the Planning Commission.
9. **UNFINISHED BUSINESS:**
 - A. **Approval of Findings of Fact – Discussion Item** – During the October 13th Planning Commission meeting, the Commission heard three appeals and voted on two, with one appeal withdrawn. Per HBC 18.30.050(2), the Commission’s decisions of appeals must be supported by written findings.
Possible Motion: Approve the written findings of fact for the October 13, 2016 Nelson Appeal.
Possible Motion: Approve the written findings of fact for the October 13, 2016 Waterhouse Appeal.
 - B. **Review of Public Projects Ordinance – Discussion Item** – This item is up for discussion at the request of the Haines Borough Assembly.
Possible Motion: Recommend the Assembly adopt the draft ordinance.
10. **NEW BUSINESS:**
 - A. **Historic District/Building Review: None**
 - B. **Haines Borough Code Amendments**
 - C. **Project Updates:**
 1. Haines Coastal Management Workshop Report: (Commissioner Heinmiller).
 2. Haines Comprehensive Plan Report: (Holly Smith)
 - D. **Other New Business**
 1. **Possible Code Amendment – Changes to Planning Commission (HBC 18.30.40) – Discussion Item** – During the Oct. 10, 2016, members discussed the need to codify the agenda preparation schedule. **Possible Motion:** Recommend the Assembly adopt the draft ordinance.
11. **COMMISSION COMMENTS**
12. **CORRESPONDENCE**
13. **SCHEDULE MEETING DATE**
 - A. **Regular Meeting – Thursday, December 8, 2016 at 6:30 p.m.**
 - B. **Coastal Management Workshop**
14. **ADJOURNMENT**

**Haines Borough
Planning Commission Meeting
September 8, 2016
MINUTES**

Draft

1. **CALL TO ORDER/PLEDGE TO THE FLAG** – Chairman **Goldberg** called the meeting to order at 6:30 p.m. in Assembly Chambers and led the pledge to the flag.

2. **ROLL CALL** – **Present:** Chairman Rob **Goldberg**, and Commissioners Lee **Heinmiller**, Brenda **Josephson**, Larry **Geise** (via telephone), Don **Turner III**, Heather **Lende**.
Absent: Rob **Miller**.

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

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

3. **APPROVAL OF AGENDA**

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

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

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

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

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

6. **CHAIRMAN'S REPORT**

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

7. **STAFF REPORTS**

A. Planning & Zoning Staff Report

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

8. **NEW BUSINESS**

A. Other New Business

- I. **Land Use Permit: Portage Cove Harbor Expansion – Discussion Item** - A land use permit had been approved by the borough; although not required under code, this topic was up for public comment. Topics of discussion included future funding for floats and slips, moving Lookout Park, the Sportfish ramp, the steel wave barrier, and future uses of the newly created uplands area:

1. **Future Funding** - Concerns were expressed that the existing funds would only pay to build the wave barrier and fill the uplands area, and that future maintenance cost could be high. Manager Seward said that grant funds were being used to build the first phase, and that additional funding would be sought from the federal government to complete the project. He said it is not uncommon for projects to proceed with partial funding in place. Concerns were raised that the harbor would operate at a deficit, but it was pointed out that none of the services the borough provides pays for itself with user fees. It was suggested that the Borough change the Charter wording about enterprise funds, and that a cost-benefit analysis of the project be done.
2. **Lookout Park** - There was general agreement that moving Lookout Park to a place at the southeast corner of the new uplands area is a good idea. Brad Ryan said that funding was available to do this.
3. **Sportfish Ramp** - The Alaska Dept. of Fish and Game is willing to put up \$3 to 5 million for the sportfish ramp. There are parking requirements that come along with this grant, and these requirements are dictating the size of the uplands parking area.
4. **Wave Barrier** - There was discussion about the harbor substrate being too soft to allow the extension of the existing rubble mound breakwater. The steel wave barrier is the only affordable option. A question was asked about the possibility of 1% for the arts funding. Decorative steel designs could be added to the top of the wave barrier to make it more attractive.
5. **Uplands Area** - There was much discussion about future uses of this area, and how much should be used for parking, green space or parks. It was decided that a workshop will be held soon with the Planning Commission, the Parks and Rec committee and the Harbor Aesthetics committee. Date to be announced.

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

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

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

9. Commissioners Comments

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

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

11. SET MEETING DATES

A. Regular Meeting — **Thursday, October 13, 2016 at 6:30 p.m.**

12. ADJOURNMENT– 10:18 p.m.

**Haines Borough
Planning Commission Meeting
October 13, 2016
MINUTES**

Draft

1. **CALL TO ORDER/PLEDGE TO THE FLAG** – Chairman **Goldberg** called the meeting to order at 6:30 p.m. in Assembly Chambers and led the pledge to the flag.
2. **ROLL CALL** – **Present:** Chairman Rob **Goldberg**, and Commissioners Lee **Heinmiller**, Brenda **Josephson**, Don **Turner** III, Heather **Lende**, Rob **Miller** (via telephone), Larry **Geise** (via telephone).

Staff Present: Jan **Hill**, Mayor, **Bill Seward**, Borough Manager; Brad **Ryan**, Facilities Manager; Patrick Munson, Borough Attorney; Holly **Smith**, Borough Planner.

Also Present: Diana **Lapham**, Assembly Member; Paul **Nelson**; Debra **Schnabel**, Sue **Waterhouse** (via telephone), Joe **Parnell**, Carol **Tuynman**; Don **Turner Jr.**; Mike **Denker**; Greg **Seymour**; Tom **Morphet**, Linda **Moyer**; Liz **Heywood**; Evelynna **Vignola**; Leonard **Dubber**.

3. **APPROVAL OF AGENDA**

Motion **Turner** moved to approve the agenda and **Lende** seconded. The motion carried unanimously.

4. **APPROVAL OF MINUTES** – A mistake was found on the meeting minutes and it was decided to approve them at the next regularly scheduled meeting.
5. **PUBLIC COMMENTS** - Carol **Tuynman** commented on lack of historic building review. **Parnell** commented that the Portage Cove Harbor Expansion project should warrant a conditional use permit. **Turner Jr.** commented that the harbor is a public facility. **Vignola** commented about a survey she took.

6. **STAFF REPORTS**

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

Smith reported the number of permits issued and ongoing projects. Included in the projects is an Action Summary survey sent to Borough Staff and Committee members as part of the Phase I Comprehensive Plan Review. A copy of the survey was included in the Agenda packet and planning commissioners were asked to fill them out and return to her by October 19. The Planner will update the Commission on other developments of the Comp Plan Review when the contract with Sheinberg Associates is finalized.

7. PUBLIC HEARINGS

A. Requests to hear appeals regarding the issuance of a Land Use Permit for the Portage Cove Harbor Expansion Project:

1. **Paul A. L. Nelson** - Appealing the decision of the Borough Manager to grant the Land Use Permit of "Portage Cove Harbor Expansion" without a Conditional Use Permit.

Motion: **Lende** made a motion to hear Mr. Nelson's appeal and **Josephson** seconded. The motion carried 6-1, with **Miller** opposed.

Motion: **Turner III** moved to uphold the Manager's Decision with the stipulation that it is for Phase I of the Harbor Expansion, and **Geise** seconded.

Primary Amendment Motion: **Josephson** moved to amend so it says "Breakwater, Dredge, and Fill; and **Turner III** seconded. The amendment motion carried unanimously.

The main motion, as amended, passed 6-1 with **Lende** opposed.

2. **Debra Schnabel** - Appealing the Manager's issuance of a land use permit for the harbor expansion project, citing violations of HBC 18.30.010, HBC 18.60.010, and HB 18.70.

Motion: **Josephson** made a motion to hear Ms. Schnabel's appeal and **Lende** seconded. The motion carried 6-1, with **Geise** opposed.

After presentation and discussion: Ms. Schnabel withdrew her appeal after discussion.

3. **Sue Waterhouse** - Appealing the issuance of the land use permit for the harbor expansion project, citing incompliance with applicable borough code.

Motion: **Lende** made a motion to hear Ms. Waterhouse's appeal and **Josephson** seconded. The motion carried unanimously.

Motion: **Goldberg** moved to uphold the Manager's Decision as recommended. The motion passed 5-2 with **Lende** and **Josephson** opposed.

8. Unfinished Business

- A. **Capital Improvement Projects – Discussion Item** – This item was up for discussion at the request of Bill Seward, Borough Manager.

Discussion: After extensive discussion, including proposals to reduce the \$100,000 limitation, changes to the proposed Ordinance 16-01-429 were unanimously recommended to the Assembly for adoption.

Motion: **Turner** moved to recommend the Assembly adopt the code change as amended; **Heinmiller** seconded the motion; the motion passed **unanimously**.

9. New Business

- A. **Haines Borough Code Amendments**

1. **Parks Code Definitions – Discussion item** – This item was up for discussion at the request of the Parks and Recreation Committee. This item was continued until the November 10, 2016 meeting to accommodate a public hearing on the matter.
2. **Comprehensive Plan Review** – Review of Ordinance 16-10-446 at the request of William Seward, Borough Manager.

Motion: **Lende** moved to recommend to the Assembly to adopt the Amended draft ordinance 16-10-446 to require the Planning Commission to review the comprehensive plan every “~~six~~” years instead of two; **Turner** seconded the motion; it passed unanimously 6-0 (at this point **Geise** left the meeting).

B. Other New Business

1. **Discussion: Increase Height Limits from 30 feet to 35 feet** was requested by **Josephson** to address the difference between the Haines height restriction of 30 feet and other Southeast Alaskan communities’ height restrictions of 35 feet.

Motion: **Lende** moved that Staff research this issue and provide a recommendation at the December meeting; seconded by **Josephson**; passed unanimously 5-0 (at this point Miller has left the meeting).

2. **Report from the Waterfront Aesthetics Subcommittee.** Ex-officio Diana **Lapham**, who chairs the Subcommittee, spoke about the community workshop held on October 12th. Facilities manager Brad Ryan gave a presentation about the Coastal Trails and Waterfront Design RFP and Planner Holly Smith led the group in a brainstorm/voting workshop.
3. **Planning Commission Resolution in Support of the Planning Commission’s Role in the Public Planning Process:**

Motion: **Lende** moved to adopt the Planning Commission resolution supporting the public planning process; and it was seconded by **Turner**. The motion passed unanimously 5-0.

10. Commission Comments

Suggestion was made to codify due dates for packets like the assembly has in HBC 2.10.030. Chairman **Goldberg** indicated that he would be absent during the November 10th PC Meeting and **Heinmiller** acknowledged he would run the meeting. **Josephson** indicated that she would absent during the November 3rd workshop.

11. Correspondence

- A. Letter from the **Haines Chamber of Commerce** in support of the Harbor Expansion Project by whatever regulatory measures the Commission deems appropriate.
- B. Letter from property owner Linda **Moyer** requesting Planning Commission opinion on the zone in which her property is located. Currently, **Moyer**’s property is in a Rural Residential Zone, which has a minimum lot size restriction of 10,000 s.f. Most properties in her neighborhood are smaller than the minimum requirement because of nonconformance. She would like to subdivide and build a second home her lot. **Goldberg** suggested he work with the planner to investigate a possible change to zoning code.

12. SET MEETING DATES

- A. Regular Meeting — **November 10, 2016.**
- B. Workshop – Coastal Management Plan Workshop, November 3rd at 6:30 in Assembly Chambers.

13. ADJOURNMENT– 11:27 p.m.

Holly Smith, Planner

Staff Report for October 13, 2016

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1. Permits Issued Since October 13, 2016

PERMIT	DATE	OWNER/AGENT	TAX ID	LOT	BLK	SUBDIVISION	DEVELOPMENT	ZONE
16-61b	10/17/2016	Haines Borough (Harbor Expansion)				Portage Cove	Phase I Expansion	WF
16-71	10/31/2016	Terry Pardee	C-690-01-0100	1	1	Mathias	Accessory Structure Deck	SR
16-72	11/3/2016	Margo & Lee Clayton	C-YNG-05-0900 / 1100	9-12	5	Young	Lot Line Adjustment	SR
16-73	11/3/2016	Mike Carter	C-HAN-00-04C0	X4c		Hannon	Accessory Use	C

2. Planner's Projects November 2016

PROJECT	SCOPE / TIMELINE	DESCRIPTION
Heliski Map Draft I	Complete	Proposed Changes from Aug 23
Heliski Map Draft 2	November 7	Proposed Changes from Committee Meetings and Work Session up to November 2
Learning HBC	5 months	Familiarizing myself with Title 18 and other parts of HBC – ongoing
Coastal Management Revisions Review	Complete	Memo sent Nov 1 / Workshop Complete Nov 3
Comp Plan Phase I	Complete	First round of comments received from Staff and Committee Members, Consolidation of Comments Complete
Comp Plan Phase II	Nov 7-18	The consolidated draft will be available for public comment on our website, Facebook, & library Nov 7-Nov 18
ROW of FAA Road / Braaten Property	?	Email requesting update sent to Joanne Schmidt (DOT ROW) Nov 2
GIS Needs Assessment	Ongoing	Imagery, parcel viewer, linking plats, updating/fixing parcels, addressing, updating shapefiles (Gary Greenberg)
Property Descriptions	Ongoing	For borough lands, utilities, borough wireless project
Tiny House / ADU Code	1 month	Presentation / Draft amendments to zoning code to allow accessory dwelling units with section on tiny house building code (affordable housing)
HEDC Support / Borough Coordination	Ongoing	Drafting letter of support / timeline of Haines Economic Development incorporation for Assembly review, including EDA grant research for Haines Econ Dev Plan
Broadband RFP	Due December 12	Create a draft RFP designed to ensure the borough receive faster, more affordable broadband from an internet service provider
Permitting / Nuisance:		
Highland Estates	1 Week	Campbell Subdivision: Short Plat for nonconforming lot dimension for commercial runway
Highland Estates	None	Skyline Subdivision: The Borough was informed 10/21 that Highland Estates plans to remove gravel and other material from its property #C-SEC-26-0100 under LUP #15-82 and transfer it to its 4 th Ave. gravel pit then sell it under CUP #
Highland Estates	1 Week	Frontstreet LUP for dredge and fill of lots 1 & 2; Waterfront; MOU with Ward
Highland Estates	1 Week	Lot line vacation of waterfront properties (parcel consolidation)
Dave Button	?	Several complaints about “junkyard” on Helms Loop – no way to notify
Shawn McNamera	?	Several Complaints about possible compound of yurt vacation rentals construction in Letnikof Estates neighborhood

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

Draft

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

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

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

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

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

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

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

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

Chapters

12.04 Street Grades

12.08 Road and Sidewalk Construction, Maintenance, and Repair

12.10 Driveways

12.12 Building Numbering System

12.16 Street and Sidewalk Use Restrictions

12.20 Street Lights

12.30 Parks

12.40 Picture Point Park

12.50 Chilkat River Beaches Recreational Zone.030.010 Definitions

12.030.020 Borough Parks

Chapter 12.30 Parks

Sections:

12.30.010 Definitions

12.30.020 Borough Parks

12.30.030 Regulations

Section 12.30.010 Definitions

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

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

Section 12.30.020 Borough Parks

The following properties are designated as Haines Borough Parks:

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

Section 12.30.030 Regulations

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

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

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

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

ATTEST:

Janice Hill, Mayor

Julie Cozzi, MMC, Borough Clerk

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

**Haines Borough
Planning Commission Agenda Bill**

**Agenda Bill No.: 8-B
PC Meeting Date: 11/10/2016**

Business Item Description:	Attachments:
Subject: Appointment of Seat B (Vacated by Commissioner Lende) Reappointment of Seat E (Held by Chairman Goldberg)	<ul style="list-style-type: none"> • Record of Decision Form • Template Score Sheet • Application: Diana Lapham • Application: Jeremy Stephens • Application: Jerry Lapp • Application: John Norton • Application: Leonard Dubber • Application: Rob Goldberg
Originator: Mayor Jan Hill	
Originating Department: Borough Administration	
Date Submitted: 11/4/2016	

Summary Statement:

HBC 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.

HBC 2.60.055: Filling Vacancies

In the event of a vacancy on a committee, board or commission, either at the end of the board member's regular term or if the seat is vacated for some other reason, the borough clerk shall advertise for replacement board member(s) by posting in three public places a request for letters of interest to be submitted to the clerk's office. Such advertisement shall be placed for a minimum of two weeks, after which time the clerk shall transmit the applications to the appropriate board for inclusion on the agenda at the next public meeting of the board. The following procedure for appointment shall then be followed:

- A. If the board is able to seat a quorum, opportunity for public comment regarding the applications for new board member(s) shall be provided. The board shall review all applications and prepare written recommendations for appointment(s) to the mayor. The written recommendation(s) shall include the reasoning behind the final decision(s). The mayor shall, after reviewing the application(s), and considering the board's recommendation(s), appoint all committee, board and commission member(s) subject to confirmation of the assembly.
- B. If the board is unable to seat a quorum, the mayor shall, after reviewing all applications, make appointment(s) of new board member(s), subject to the confirmation of the assembly. The mayor shall include the reasoning behind the final decision(s). The mayor's appointment(s) shall be included on the agenda for the next regularly scheduled public meeting of the assembly. Opportunity for public comment shall be provided.

Administrative Recommendation:

Attached is a scoring sheet for Seats B and E. The Commissioners can fill out the sheet and give to the Planner after the Public Hearing portion of the meeting. Then, the Commission can take a short recess to allow the Planner to tally the score sheets. The score tally will be announced after recess and, at that time, the Commission can choose to make a motion to recommend that the Mayor and Assembly appoint [Name] for seat B and [Name] for seat E of the Planning Commission.

After a motion, the Commission will complete the Record of Decision form to support the motion. This should be given to the Planner immediately after the meeting.

Score Sheet Template for Planning Commissioner Appointments

November 10, 2016 Planning Commission Meeting

Commissioner Name: _____

Please rank the following applicants between your first and last choice (1-6) to fill seats B and E, where 1 is your first choice and 6 is your last choice.

APPLICANT	RANK (1-6)	SCORE (Planner Only)
Leonard Dubber		
Rob Goldberg		
Diana Lapham		
Jerry Lapp		
John Norton		
Jeremy Stephens		

Scoring Weight: 1 = 60 points; 2 = 50 points; 3 = 40 points; 4 = 30 points;
5 = 20 points; 6 = 10 points

Please note any specific reasons for your top three choices:

Choice #1: _____

Choice #2: _____

Choice #3: _____

Please return score sheet to the Planner.



Haines Borough
XXXX BOARD
RECORD OF DECISION

[Note: Use this form to inform the Assembly of something outside of the normal minutes that is important to highlight; NO Assembly action needed]

DATE:

TO: Borough Assembly

FROM: xxxx Board

BOARD DECISION:

[put motions and voting results here]

RATIONALE:

[outline the board's reasons here...attach more information, if necessary]

SUBMITTED BY _____ (signature)
[Usually the Board Chair]

Haines Borough Application for Board Appointment

☒ **Appointment** (I am not currently on the board)

☐ **Reappointment** (I am currently a member of the board)

Check the board, commission, or committee for which you are applying ☒:

<input checked="" type="checkbox"/>	Planning Commission		Port and Harbor Advisory Committee
<input type="checkbox"/>	Tourism Advisory Board		Code Review Commission
<input type="checkbox"/>	Chilkat Center Advisory Board		Fire Service Area Board #3 (Klehini)
<input type="checkbox"/>	Parks and Recreation Advisory Committee		Letnikof Estates Road Maintenance Service Area Board
<input type="checkbox"/>	Museum Board of Trustees		Riverview Drive Road Maintenance Service Area Board
<input type="checkbox"/>	Library Advisory Board		Historic Dalton Trail Road Maintenance Service Area Board
<input type="checkbox"/>	Public Safety Commission		Four Winds Road Maintenance Service Area Board
<input type="checkbox"/>	Temporary (Ad-hoc) Board/Committee _____		

Name: LEONARD DUBBER

Residence Address: 390 SPRUCE GROVE RD #5

Mailing Address: Box 349

Business Phone: _____ Home Phone: 907-766-3108

Fax: _____ Email: ~~leonard.dubber~~@aptalaska.net

I declare that I am willing to serve as a member of the designated board, commission, or committee. Please enter my name for consideration of appointment by the mayor, subject to confirmation by the assembly. I am a registered voter of the State of Alaska and have resided within the Haines Borough for at least thirty (30) days preceding this date or the date of appointment.*

Leonard Dubber
Signature of Applicant

10-24-16
Date

PLEASE BRIEFLY DESCRIBE YOUR QUALIFICATIONS (You may attach a resume):

Letter attached

* HBC 2.60.020 - A member of a committee, board or commission shall be a resident of the borough as defined below...a person qualifying as a borough resident shall: A) continue to maintain the person's principal place of residence within the corporate boundaries of the borough and have done so for at least 30 days immediately preceding the date of the person's appointment by the mayor; and B) physically occupy said residence for at least 30 days immediately preceding the date of the person's appointment by the mayor.

Dear Mayor Hill,

I would like to put my name in for the vacancy on the Planning Commission. I served on the Planning Commission when the unification vote passed and to make it easier on Mayor Case I told him I would be willing to step down because I expected that there would be new people from the unification that would want on the Planning Commission so I wanted to give him an easy choice of who to replace.

I think I would give a voice to the members of the public who want less regulation, which is where I come down on most issues. As a property owner I like as much freedom as possible and so I would represent that group who feel the same way. Planning means we are looking into the future and that is difficult at best so I think the best way to deal with that is to be both open minded and flexible.

I moved to Alaska in the second grade. I walked to school talking to Gov. Egan as he walked to his office, as a 7th grader walking to school, I was in the same class as Dennis Egan. I graduated from Homer High School 1965, when Homer was about the size Haines is now. I have also lived in Kodiak and Ketchikan. 95% of my work history I have been self employed, about 2/3 as a commercial fisherman.

I have observed in other towns where I have lived the haves got what ever they wanted but others not so much, I will do my best represent the others and try to have all treated equal.

Thank you for considering me,
Leonard Dubber

Haines Borough Application for Board Appointment

☐ Appointment (I am not currently on the board)

☒ Reappointment (I am currently a member of the board)

Check the board, commission, or committee for which you are applying F U L L

<input checked="" type="checkbox"/>	Planning Commission		Port and Harbor Advisory Committee
	Tourism Advisory Board		Code Review Commission
	Chilkat Center Advisory Board		Fire Service Area Board #3 (Klehini)
	Parks and Recreation Advisory Committee		Letnikof Estates Road Maintenance Service Area Board
	Museum Board of Trustees		Riverview Drive Road Maintenance Service Area Board
	Library Advisory Board		Historic Dalton Trail Road Maintenance Service Area Board
	Public Safety Commission		Four Winds Road Maintenance Service Area Board
	Temporary (Ad-hoc) Board/Committee _____		

Name: ROB GOLDBERG

Residence Address: 6.5 MILE MUD BAY RD.

Mailing Address: BOX 1154

Business Phone: 766-2707 Home Phone: 766-2707

Fax: _____ Email: artstudioalaska @ yahoo.com

I declare that I am willing to serve as a member of the designated board, commission, or committee. Please enter my name for consideration of appointment by the mayor, subject to confirmation by the assembly. I am a registered voter of the State of Alaska and have resided within the Haines Borough for at least thirty (30) days preceding this date or the date of appointment.*


Signature of Applicant

11/2/16
Date

PLEASE BRIEFLY DESCRIBE YOUR QUALIFICATIONS (You may attach a resume):

14 YEARS ON THE HAINEB BOROUGH PLANNING COMMISSION

* HBC 2.60.020 - A member of a committee, board or commission shall be a resident of the borough as defined below...a person qualifying as a borough resident shall: A) continue to maintain the person's principal place of residence within the corporate boundaries of the borough and have done so for at least 30 days immediately preceding the date of the person's appointment by the mayor; and B) physically occupy said residence for at least 30 days immediately preceding the date of the person's appointment by the mayor.

From: [Rob Goldberg](#)
To: [Alekk Fullerton](#); [Jan Hill](#)
Cc: [Julie Cozzi](#)
Subject: Re: Planning Commission Term
Date: Tuesday, October 11, 2016 1:17:52 PM

Hi Jan and Alekka,

I would like to continue in my role on the Planning Commission. The harbor expansion is an important project for the community, and I think I can help by continuing to facilitate public meetings and by providing design input. I have been on the commission since consolidation in 2002. That experience and institutional knowledge is helpful when making decisions.

Thank you for considering my request to stay on the commission.

Sincerely,
Rob

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

From: Alekka Fullerton <afullerton@haines.ak.us>
To: Rob Goldberg <artstudioalaska@yahoo.com>
Sent: Tuesday, October 4, 2016 2:40 PM
Subject: Planning Commission Term

Mr. Goldberg-

I notice that your term on the planning commission is about to end. If you are interested in continuing on the commission, please let me know.

It would be nice for the Mayor to know why you would like to continue on the commission if you are willing to share your reasons. The only requirement, however, is that your request to be reappointed be in writing.

Please let us know by the end of the month if you would like to continue so that the Mayor can make her appointments timely.

If you have any questions, please do not hesitate to contact me.

Alekka Fullerton

Deputy Clerk
Haines Borough
P.O. Box 1209
Haines, Ak 99827
(907)766-2231 ext. 36
fax (907)766-2716

Haines Borough Application for Board Appointment

OCT - 5 2016

CLERK'S OFFICE

☒ **Appointment** (I am not currently on the board)

☐ **Reappointment** (I am currently a member of the board)

Check the board, commission, or committee for which you are applying ☒:

<input checked="" type="checkbox"/>	Planning Commission	<input checked="" type="checkbox"/>	Port and Harbor Advisory Committee
<input checked="" type="checkbox"/>	Tourism Advisory Board	<input checked="" type="checkbox"/>	Code Review Commission
	Chilkat Center Advisory Board		Fire Service Area Board #3 (Klehini)
	Parks and Recreation Advisory Committee		Letnikof Estates Road Maintenance Service Area Board
	Museum Board of Trustees		Riverview Drive Road Maintenance Service Area Board
	Library Advisory Board		Historic Dalton Trail Road Maintenance Service Area Board
<input checked="" type="checkbox"/>	Public Safety Commission		Four Winds Road Maintenance Service Area Board
<input checked="" type="checkbox"/>	Temporary (Ad-hoc) Board/Committee <u>Solid waste Committee</u>		

Name: Dana Lapham

Residence Address: PO Box 503

Mailing Address: 383 Allen Road

Business Phone: _____ Home Phone: 766-2503 / 314-0402-cell

Fax: _____ Email: lapham@sept.alaska.net

I declare that I am willing to serve as a member of the designated board, commission, or committee. Please enter my name for consideration of appointment by the mayor, subject to confirmation by the assembly. I am a registered voter of the State of Alaska and have resided within the Haines Borough for at least thirty (30) days preceding this date or the date of appointment.*

Dana Lapham
Signature of Applicant

10-5-2016
Date

PLEASE BRIEFLY DESCRIBE YOUR QUALIFICATIONS (You may attach a resume):

3 year Assembly member - liaison to Planning & Zoning
I am current on issues facing the commission
as well as I have the time to devote to this
commission.

* HBC 2.60.020 - A member of a committee, board or commission shall be a resident of the borough as defined below...a person qualifying as a borough resident shall: A) continue to maintain the person's principal place of residence within the corporate boundaries of the borough and have done so for at least 30 days immediately preceding the date of the person's appointment by the mayor; and B) physically occupy said residence for at least 30 days immediately preceding the date of the person's appointment by the mayor.

Haines Borough Application for Board Appointment

☒ **Appointment** (I am not currently on the board)

☐ **Reappointment** (I am currently a member of the board)

Check the board, commission, or committee for which you are applying ☒:

<input checked="" type="checkbox"/>	Planning Commission		Port and Harbor Advisory Committee
	Tourism Advisory Board		Code Review Commission
	Chilkat Center Advisory Board		Fire Service Area Board #3 (Klehini)
	Parks and Recreation Advisory Committee		Letnikof Estates Road Maintenance Service Area Board
	Museum Board of Trustees		Riverview Drive Road Maintenance Service Area Board
	Library Advisory Board		Historic Dalton Trail Road Maintenance Service Area Board
	Public Safety Commission		Four Winds Road Maintenance Service Area Board
	Temporary (Ad-hoc) Board/Committee _____		

Name: Jerry LAPP
 Residence Address: 136 Chestnut Drive
 Mailing Address: PO Box 1702 Haines, AK 99827
 Business Phone: _____ Home Phone: 907 766-3951
 Fax: _____ Email: jlapp49@icloud.com

I declare that I am willing to serve as a member of the designated board, commission, or committee. Please enter my name for consideration of appointment by the mayor, subject to confirmation by the assembly. I am a registered voter of the State of Alaska and have resided within the Haines Borough for at least thirty (30) days preceding this date or the date of appointment.*

Jerry Lapp
 Signature of Applicant

8/29/2016
 Date

PLEASE BRIEFLY DESCRIBE YOUR QUALIFICATIONS (You may attach a resume):

I HAVE SERVED IN LOCAL GOVERNMENT FOR 20 YEARS.

* HBC 2.60.020 - A member of a committee, board or commission shall be a resident of the borough as defined below...a person qualifying as a borough resident shall: A) continue to maintain the person's principal place of residence within the corporate boundaries of the borough and have done so for at least 30 days immediately preceding the date of the person's appointment by the mayor; and B) physically occupy said residence for at least 30 days immediately preceding the date of the person's appointment by the mayor.

Haines Borough

Application for Board Appointment

OCT 10 2016

CLERK'S OFFICE

☒ **Appointment** (I am not currently on the board)☐ **Reappointment** (I am currently a member of the board)Check the board, commission, or committee for which you are applying ☒:

<input checked="" type="checkbox"/> Planning Commission	Port and Harbor Advisory Committee
Tourism Advisory Board	Code Review Commission
Chilkat Center Advisory Board	Fire Service Area Board #3 (Klehini)
Parks and Recreation Advisory Committee	Letnikof Estates Road Maintenance Service Area Board
Museum Board of Trustees	Riverview Drive Road Maintenance Service Area Board
Library Advisory Board	Historic Dalton Trail Road Maintenance Service Area Board
Public Safety Commission	Four Winds Road Maintenance Service Area Board
Temporary (Ad-hoc) Board/Committee _____	

Name: JOHN NORTON
Residence Address: 6 mile MIA Bay Rd.
Mailing Address: P.O. Box 421 HAINES, AK 99827
Business Phone: 766-3986 Home Phone: 766-3986
Fax: _____ Email: JOHN@APTALASSA

I declare that I am willing to serve as a member of the designated board, commission, or committee. Please enter my name for consideration of appointment by the mayor, subject to confirmation by the assembly. I am a registered voter of the State of Alaska and have resided within the Haines Borough for at least thirty (30) days preceding this date or the date of appointment.*

John Norton
Signature of Applicant

Oct 10, 2016
Date

PLEASE BRIEFLY DESCRIBE YOUR QUALIFICATIONS (You may attach a resume):

I HAVE A LONG HISTORY OF HAINES RESIDENCY AND PARTICIPATION
IN OUR COMMUNITIES COMMERCE AS A COMMERCIAL FISHERMAN
AND CRAFTSMAN/ARTIST. I HAVE SERVED OUR COMMUNITY
AS A EMT, FIREFIGHTER, AND SEARCH + RESCUE COORDINATOR.

* HBC 2.60.020 - A member of a committee, board or commission shall be a resident of the borough as defined below...a person qualifying as a borough resident shall: A) continue to maintain the person's principal place of residence within the corporate boundaries of the borough and have done so for at least 30 days immediately preceding the date of the person's appointment by the mayor; and B) physically occupy said residence for at least 30 days immediately preceding the date of the person's appointment by the mayor.

Form Rev.7-16

I ALSO SERVED ON THE BOROUGH "SUSTAINABILITY" TASK FORCE.
THANK YOU FOR YOUR CONSIDERATION. John Norton over

8B Page 12 of 14
I HAVE A BACHELORS DEGREE IN BIOLOGY FROM CORNELL UNIVERSITY
AS WELL AS A MASTER'S DEGREE IN MARINE BIOLOGY FROM SAN
FRANCISCO STATE UNIVERSITY. I HAVE SPENT 19 YEARS AS
AN EDUCATOR, BOTH IN RURAL ALASKAN COMMUNITIES AS WELL
AS IN OUR CAPITAL CITY. I AM QUITE FAMILIAR WITH THE
RESPONSIBILITIES OF PUBLIC SERVICE. I HAVE PARTICIPATED
IN A NUMBER OF TRAININGS IN STRATEGIC PLANNING AS WELL AS
SERVING ON PLANNING BOARDS / COMMISSIONS WITHIN THE
EDUCATION COMMUNITY.

Haines Borough Application for Board Appointment

OCT 14 2016

CLERK'S

☒ **Appointment** (I am not currently on the board)

☐ **Reappointment** (I am currently a member of the board)

Check the board, commission, or committee for which you are applying ☒:

X	Planning Commission	Port and Harbor Advisory Committee
	Tourism Advisory Board	Code Review Commission
	Chilkat Center Advisory Board	Fire Service Area Board #3 (Klehini)
	Parks and Recreation Advisory Committee	Letnikof Estates Road Maintenance Service Area Board
	Museum Board of Trustees	Riverview Drive Road Maintenance Service Area Board
	Library Advisory Board	Historic Dalton Trail Road Maintenance Service Area Board
	Public Safety Commission	Four Winds Road Maintenance Service Area Board
	Temporary (Ad-hoc) Board/Committee _____	

Name: Jeremy Stephens

Residence Address: 1055 Small Tract Road

Mailing Address: P.O. Box 1041, Haines, Alaska 99827

Business Phone: (907) 314-3689 Home Phone: (907) 314-3689

Fax: _____ Email: solutions@proHNS.com

I declare that I am willing to serve as a member of the designated board, commission, or committee. Please enter my name for consideration of appointment by the mayor, subject to confirmation by the assembly. I am a registered voter of the State of Alaska and have resided within the Haines Borough for at least thirty (30) days preceding this date or the date of appointment.*

JS
Signature of Applicant

10.13.16
Date

PLEASE BRIEFLY DESCRIBE YOUR QUALIFICATIONS (You may attach a resume):

Please see attached.

* HBC 2.60.020 - A member of a committee, board or commission shall be a resident of the borough as defined below...a person qualifying as a borough resident shall: A) continue to maintain the person's principal place of residence within the corporate boundaries of the borough and have done so for at least 30 days immediately preceding the date of the person's appointment by the mayor; and B) physically occupy said residence for at least 30 days immediately preceding the date of the person's appointment by the mayor.

October 13, 2016

Haines Borough
Attn: Mayor Jan Hill
P.O. Box 1209
Haines, AK 99827

RE: Application for Appointment to the Haines Borough Planning Commission

Dear Madam Mayor

Please accept this as my letter of interest to join the Haines Borough Planning Commission. The purpose, powers, and duties of the Planning Commission align very well with my ongoing career as a civil engineer, which provides me the opportunity to deal with public and private entities on a daily basis to address the planning, design, and construction of projects of all sizes.

I have worked as a professional in planning, design, and construction with the United States Navy, State of Alaska Department of Transportation, and currently as an owner of proHNS LLC, an engineering firm that I established in Haines in 2015. My work has provided me experience with the Haines Borough Code, the Haines Borough Comprehensive Plan, as well as many other codes and specifications on the local, state, and federal level. It is my hope to use this experience to help the Planning Commission and the public that requires the commission's service.

My one concern is that proHNS often works as a consultant to the Haines Borough, which may occasionally require my refusal if I am selected to represent the Planning Commission. I am worried that this may be often, but am consoled by the fact that there are current members on the Planning Commission that are in a similar situation, yet there does not appear to be many conflicts. If awarded, my honesty and integrity will assure that all parties involved are aware of the slightest chance of a conflict of interest between my ownership in proHNS and my seat on the Planning Commission.

I understand that simply stating that I am a civil engineer with direct experience does not grant me special consideration for a seat on the Planning Commission. So I ask that you please contact Brad Ryan and Margaret Friedenbauer as professional references, whose information you no doubt already have but is provided below. Personal and additional professional references can be provided if you find them needed.

Brad Ryan	(907) 314-0648
Margaret Friedenbauer	(907) 303-3768

I truly appreciate your consideration in appointing me to the Haines Borough Planning Commission. Haines is an amazing community which I am sure has provided you with several qualified applicants, potentially making your decision more difficult. Good luck and please let me know if you would like to further discuss my application and this letter.

Respectfully




Jeremy Stephens, PE
(907) 314-3689
solutions@proHNS.com

BOYD, CHANDLER & FALCONER, LLP

Attorneys At Law
Suite 302
911 West Eighth Avenue
Anchorage, Alaska 99501
Telephone: (907) 272-8401
Facsimile: (907) 274-3698
bcf@bcfaklaw.com

MEMORANDUM

TO: Rob Goldberg
Holly Smith

FROM: Patrick W. Munson 

RE: Procedure for Adopting
Written Findings Regarding LUP 16-61

DATE: November 2, 2016

This memorandum provides procedural guidance regarding the Planning Commission's adoption of written findings supporting its decision in the appeals of Land Use Permit 16-61. HBCO 18.30.050(B)(2) provides the only guidance on this process, which is minimal: "The commission may confirm the manager's decision, reverse the manager's decision, or change the conditions which the manager placed on approval. The commission shall support its action with written findings." Absent more specific procedures, it is appropriate to rely on customary administrative law procedures, experience, and common sense to determine how the Commission should formally adopt its conclusions.

Pursuant to the ordinance above, the Planning Commission decided to uphold the manager's decision to issue a permit, but modified the permit to reflect what the Commission believed was a more appropriate description of the scope of work covered by the permit ("Phase I"). Although that was a formal and effective "action" by the Commission, the Planning Commission is now required to adopt written findings supporting the action. The written findings will constitute the final agency "decision" at the Planning Commission level. That written decision may then be appealed to the Assembly pursuant to HBCO 18.30.060.

Borough Code does not provide a procedure by which the Commission adopts written findings. However, it is appropriate for the Chairman of the Planning Commission to present proposed findings to the Commission at the next regularly scheduled meeting for consideration. It would not be efficient to attempt to draft findings as a group. We therefore recommend the Chairman either draft the proposed findings or allow the Planning or other Borough Staff to draft the proposed findings for the Commission to consider. The Commission will decide whether to adopt whatever is presented.

Procedure for Adopting Written Findings Regarding LUP 16-61 Memorandum
November 3, 2016
Page 2 of 2

When the Chairman is satisfied that the proposed Findings generally and accurately reflect the reasoning and outcome expressed by the Commission on October 13, he should present the document as an Unfinished Business item at the next Planning Commission meeting. It is not necessary (or, in our opinion, appropriate) to hold a traditional “public hearing” on the findings because adopting the findings is part of the Commission’s quasi-judicial role, and must be based on the October 13 decision and the written record. That kind of quasi-judicial decision is not supposed to be influenced by public opinion, material outside the record, or points of view on the harbor expansion generally. Nor is the adoption of written findings an opportunity to change the outcome of the appeal.

The Commission need not adopt the written findings exactly as presented by the Chairman. Commissioners may use the public discussion time to identify specific items or issues to amend, state differently, add, or delete.

The resulting written findings must be adopted by a majority vote of the Commission, or at least 4 votes in this case. Commissioners who were not in the majority on each of the two appeals are counted as standing “No” votes.¹ The Chair may decide whether to allow those in the minority to participate in the deliberation, but is not obligated to do so since their official votes will be against adopting the findings regardless of the final language. Whenever at least 4 members have agreed to the proposed language, the Findings can be adopted by motion.

¹ The third appeal was withdrawn by the appellant. Therefore, no findings are required for that appeal.

BOROUGH MANAGER'S WRITTEN APPROVAL AND FINDINGS
AMENDED BOROUGH LAND USE PERMIT 16-61b

Pursuant to Haines Borough Code Section 18.30, the Borough Manager makes the following findings regarding Amended Land Use Permit 16-61b, which has been reviewed as amended by the Planning Commission, effective October 13, 2016:

1. The proposed use can occur consistent with the comprehensive plan. The proposed project is intended to help address several concerns noted in the comprehensive plan, which among other things, states:

- "[W]ave protection and expansion at Portage Cove Small Boat Harbor is needed to protect existing infrastructure and, depending on the options included, provided added benefit to the commercial fishing fleet, visitors and residents." Comp. Plan, p. 22.

- "Expansion of the Portage Cove Small Boat Harbor has been desired for many years to enhance safety and navigability and better support commercial, sport and subsistence fishing and tourism activity such as water-based charters and tours." Comp. Plan, p. 22.

The proposed project is intended to address such large scale concerns by increasing safety, capacity, and usability of the harbor. Accordingly, I find that the project as proposed, and as depicted in Amended LUP 16-61b, can occur consistently with the Comprehensive Plan.

2. The proposed use can occur harmoniously with other activities allowed in the Waterfront Zone and will not disrupt the character of the neighborhood.

HBCO 18.70.030(A) states: "The intent of the waterfront zone is to permit residential, and waterfront-related light industrial and commercial activity compatible with the existing character of the adjacent properties." Specific activities and structures that may be authorized in the Waterfront Zone include single and multi-family dwellings, home businesses, RV Parks and vacation rentals, and marine industrial and commercial activities. The existing harbor facilitates occurs harmoniously with these types of activities and in fact supports many of the water-based activities that the Waterfront Zone is designed to accommodate and facilitate. The proposed Project will not substantially alter the existing use, but instead will increase safety and capacity. Phase 1 of the small boat harbor expansion is therefore expected to be harmonious with other activities allowed in the Waterfront Zone and is not expected to disrupt the character of the neighborhood.


BOROUGH MANAGER

11/4/2016
DATE

HAINES BOROUGH PLANNING COMMISSION

IN RE APPEAL OF HAINES BOROUGH)
 LAND USE PERMIT 16-61 BY)
 MR. PAUL NELSON)
 _____)

DECISION ON APPEAL

The Borough Manager's decision to issue Land Use Permit 16-61 is UPHELD subject to the requirement that the Permit be amended to specify that it applies to Phase 1 only. Phase 1 is defined as breakwater, dredge, fill and other work depicted in the schematic drawing attached as EXHIBIT A hereto, which shall be attached to and become a part of Permit 16-61.

FINDINGS AND CONCLUSIONS

The primary issue argued on appeal was whether the Borough was required to obtain a Borough conditional use permit rather than a land use permit in order to carry out the work covered by Permit 16-61.

To summarize the positions on appeal, the Appellant Mr. Nelson argued that a conditional use permit (CUP) was required because the use described by the permit is either a medium or large commercial use, an industrial use, a marine commercial use, or a marine industrial use. The Appellee, Mr. Ryan (Borough facilities manager and, on behalf of the Borough, the permit applicant), argued that no conditional use permit was required because the use described by the permit is a "public facility." The Borough Manager concluded that the use described in the Permit was a public facility and therefore did not require a conditional use permit to operate in the Waterfront Zone. Mr. Nelson's appeal asks the Planning Commission to reverse that decision and find that a conditional use permit was required.

The question is governed by Haines Borough Code Title 18. Chapter 18.70 identifies zoning districts within the borough Townsite. The zoning use chart in HBCO 18.70.040 defines what uses are permitted within each zone and what permits are required for such uses. If the zoning use chart indicates that the use described in the permit requires a conditional use permit in order to occur in the Waterfront Zone, then the Manager should have required Mr. Ryan to obtain a CUP and the decision to issue the Land Use Permit (LUP) should be reversed. If the use does not require a CUP, then the decision to issue the LUP should be upheld. There is no dispute that if the project described in the Permit is a public facility, then no CUP is required by HBCO 18.70.040.

Mr. Ryan, on behalf of the Borough, explained that the Permit is only intended to describe "Phase 1" of the proposed Harbor Expansion. Phase 1 is depicted in the schematic drawing attached as Exhibit A. It includes dredging and filling portions of the harbor, installation of additional wave barrier, armor rock, and fill in the uplands to construct a new parking area and to protect dredged area slopes, regrading the existing parking area, replacing

various piles and floats, and minor sewer modifications.

The Commission finds that the work and use described as Phase 1 of the Harbor Expansion Project is a public facility. HBCO 18.20.020 defines “public facility” as “a use, lot or building, owned, leased or used by a federal, state, or local government agency, school board or utility company, including fire stations, public education facilities, libraries, clinics, and accessory uses.” The list of public facilities included in the definition is not exclusive.

The harbor is a city-owned facility. All construction work permitted by the Permit will occur within and/or is intended to improve the public harbor. The resulting facility will likewise be a public facility and/or accessory use and is intended for public use. Phase 1 includes items such as a breakwater that is intended to protect the harbor and all of its users from waves and weather, dredging portions of the harbor to facilitate better passage and utilization of space, and placing fill on the uplands to modify/create Borough-owned uplands. Such improvements will occur on public property and are intended to benefit all harbor users and the public. The Commission therefore finds that the harbor and Phase 1 of the proposed expansion are public facilities under Borough Code. As a public facility, it is a use by right for which a land use permit is required in the Waterfront Zone. No CUP is required.

The Commission does not agree with Mr. Nelson’s points on appeal. Phase 1 of the Harbor Expansion Project is not a commercial or industrial use as defined in Haines Borough Code. *See* HBCO 18.20.020. The harbor (and Phase 1 of its expansion) is not a commercial or money-making venture, but a piece of public infrastructure. As such, it is more appropriately considered a public facility than any other type of use identified in HBCO 18.70.040.¹

However, the Commission finds that the Permit needs to be amended to more accurately reflect the scope of work it authorizes. The existing Permit documents may be misinterpreted as authorizing the Borough to proceed with the entire scope of work permitted by various federal permits. In order to clarify the scope of work permitted by LUP 16-61, the Commission **ORDERS** that LUP 16-61 be amended to reflect the scope of work described by Mr. Ryan at the October 13 meeting, which the Commission understands is the breakwater, dredge, fill and other work depicted in the schematic drawing attached as Exhibit A. The Manager’s decision is upheld in all other respects.

ADOPTED by a duly constituted majority of the Planning Commission this ____ day of _____, 2016.

Rob Goldberg
Chairman

¹ Mr. Nelson also vaguely argued that the permit violated the Haines Coastal Management Plan. *See, e.g.*, Nelson appeal, Sept. 7, 2016, citing violations of Sections 5 and 7 of the Haines Coastal Management Plan. As explained in another Planning Commission decision issued today, Permit 16-61 did not require a consistency review under the HCMP because, among other reasons, Federal and State permits were issued for the project.

[illegible]

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

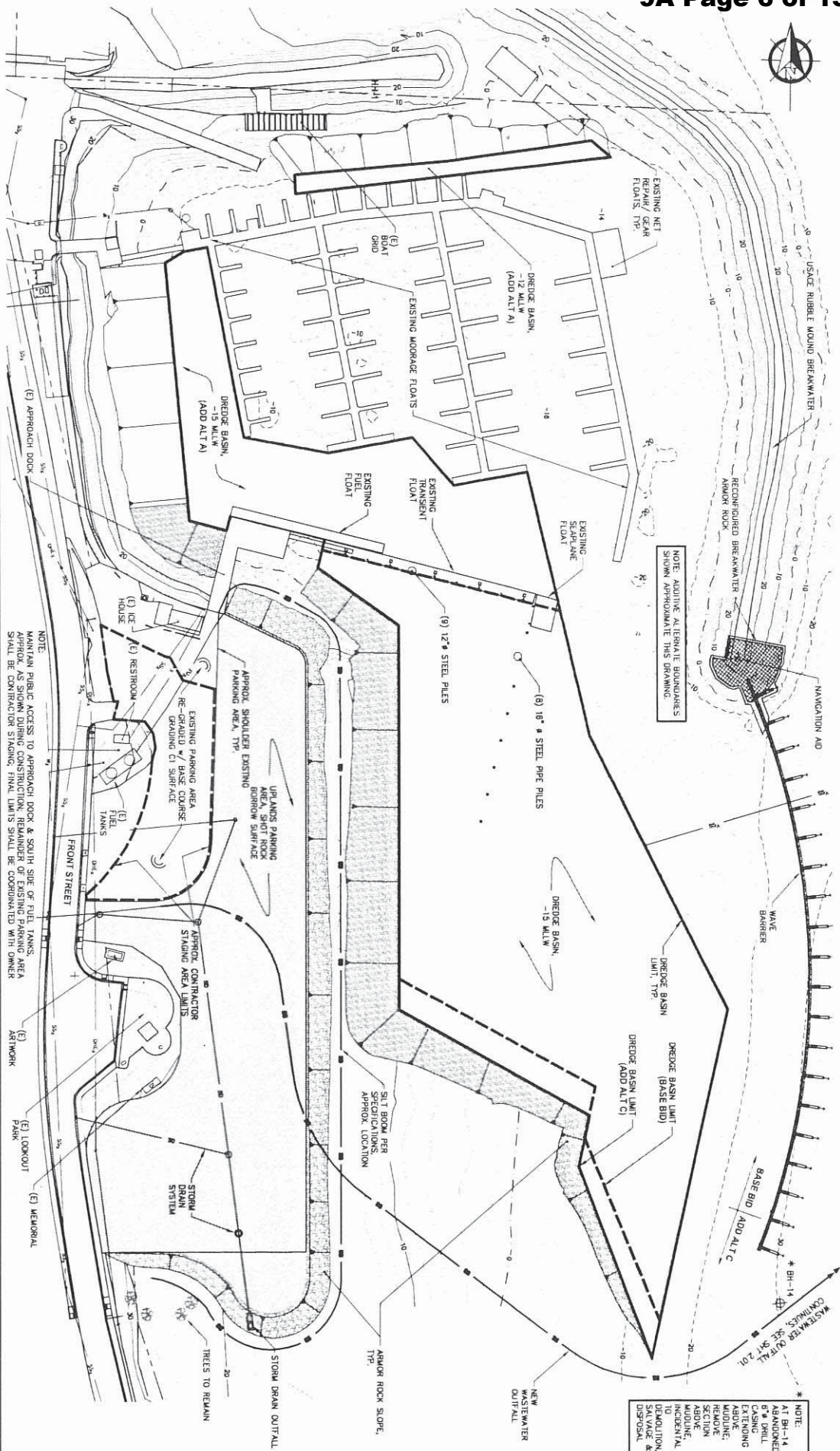
P | N | D
 LEADERS, IN
$$[T_{\text{eff}}] = \frac{1}{2} \left(\frac{1}{T_1} + \frac{1}{T_2} \right) \quad (1)$$


SUBJECT INDEX

HAINES BOROUGH
PORTAGE COVE
HARBOR EXPANSION

1.05

Of 32



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

Sup. 4

HAINES BOROUGH PLANNING COMMISSION

IN RE APPEAL OF HAINES BOROUGH)
LAND USE PERMIT 16-61 BY)
MS. SUE WATERHOUSE)
_____)

DECISION ON APPEAL

The Borough Manager’s decision to issue Land Use Permit 16-61 is UPHELD subject to the requirement that it be amended to specify that the Permit applies to Phase 1 only. Phase 1 is defined as breakwater, dredge, fill and other work depicted in the schematic drawing attached as EXHIBIT A hereto, which shall be attached to and become part of Permit 16-61.

FINDINGS AND CONCLUSIONS

Ms. Waterhouse did not specify her points on appeal in her written appeal, but the Planning Commission elected to hear the appeal nonetheless. The primary issue argued on appeal was whether the Borough was required to undertake a Coastal Zone Management Act consistency review prior to receiving Land Use Permit 16-61.

To summarize the positions on appeal, the Appellant Ms. Waterhouse argued that the Borough was required to obtain a determination that the proposed project is consistent with the State Coastal Zone Management Act and/or the Haines Coastal Management Plan (HCMP). The Appellee, Mr. Ryan (Borough facilities manager and, on behalf of the Borough, the permit applicant), argued that no consistency review was required because the Alaska Coastal Zone Management Act has expired and federal permits were obtained that make it unnecessary to obtain a local consistency determination. The Borough Manager concluded that no consistency determination was required because the HCMP only requires a local consistency review if a proposed action requires only a municipal permit and no state or federal permit. Ms. Waterhouse’s appeal asks the Planning Commission to reverse that decision and find that a consistency determination was required.

Mr. Ryan, on behalf of the Borough, explained that the Permit is only intended to describe “Phase 1” of the proposed Harbor Expansion. Phase 1 is depicted in the schematic drawing attached as Exhibit A. It includes dredging and filling portions of the harbor, installation of additional wave barrier, armor rock, and fill in the uplands to construct a new parking area and to protect dredged area slopes, regrading the existing parking area, replacing several floats and piles, and minor sewer modifications.

//
//

This appeal requires interpretation of Borough Code, State law, and the Haines Coastal Management Plan. The Alaska Coastal Management Act is expired. AS 44.66.020 and .030. All of the state statutes and regulations establishing the procedures and standards applicable to state coastal zone consistency determinations have been repealed. Neither State nor federal law require developers to apply for CZMA consistency determinations in Alaska. The Borough was therefore not required to obtain a federal or state consistency determination.

But Borough code has not been amended to reflect this change. HBCO 18.110.020 still states that land use permits are subject to the Haines Coastal Management Plan. The Plan, in turn, contains requirements for when a project requires a *local* consistency determination. As relevant here, the Plan reads as follows:

Sometimes, a proposed action will only require a municipal permit and no state or federal permit. In such cases, the municipal government is responsible for reaching the consistency determination.

Uses subject to local consistency review: All uses 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 if they are among the following local subject uses: All land and water uses requiring a permit or approval in accordance with Haines Borough Code Title 18. (HCMP, pp. 7-9 – 10).

This requirement means that a local consistency determination is only required if a proposed project does “not require federal or state authorization.” Federal “authorization” includes a federal permit. The Borough has obtained multiple federal permits under the Clean Water Act and the Rivers and Harbors Act, which are contained in the record. Therefore, no local consistency review is required because this is a project that required—and has received—federal authorization in the form of several permits.¹ The Manager’s decision to issue LUP 16-61 without a local consistency determination was not error and is UPHeld.

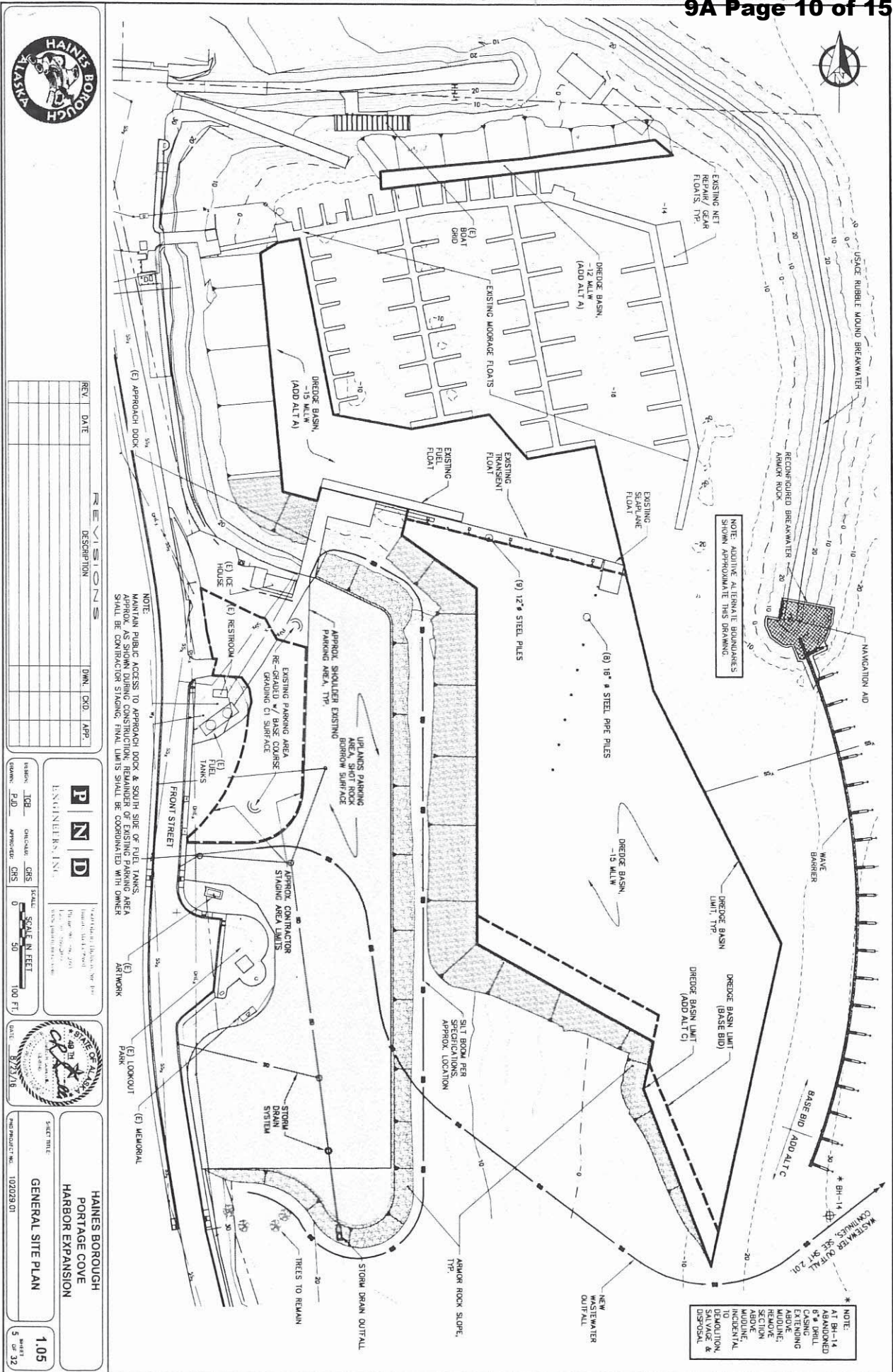
However, the Commission finds that the Permit needs to be amended to more accurately reflect the scope of work it authorizes. The existing Permit documents may be misinterpreted as authorizing the Borough to proceed with the entire scope of work permitted by various federal permits. In order to clarify the scope of work permitted by LUP 16-61, the Commission **ORDERS** that LUP 16-61 be amended to reflect the scope of work described by Mr. Ryan at the October 13 meeting, which the Commission understands is the breakwater, dredge, fill and other work depicted in the schematic drawing attached as Exhibit A. The Manager’s decision is

¹ The conclusion that a permit may not require a consistency review and approval is reinforced by the language of HBCO 18.110.030, which begins “*If* the development is required to have a consistency review and approval,....”

upheld in all other respects.

ADOPTED by a duly constituted majority of the Planning Commission this ____th day of 2016.

Rob Goldberg
Chairman



NOTE: ADDITIONAL ALTERNATE BASINS SHOWN APPROXIMATE THIS DRAWING

NOTE: AT BH-14, 5' x 10' DRIFT, CASING, EXTENDING, ABOVE, REMOVE, SECTION, ABOVE, MODULE, TO DEMOLITION, SALVAGE & DISPOSAL

Sup. 4



Haines Borough

Planning and Zoning

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

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

APPLICATION FOR LAND USE PERMIT

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

Land Use Requested For: (Describe the project, and use additional sheets if necessary)
Portage Cove Harbor Expansion - Phase I: Breakwater, Dredge, and Fill
Required Attachments:
<input type="checkbox"/> Completed Application Form
<input type="checkbox"/> Site plan (see Attachment A) showing lot lines, building dimensions, setbacks, streets, etc.
<input type="checkbox"/> \$50 Non-Refundable Fee (Checks must be made payable to the Haines Borough)

IV. CERTIFICATION

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

[Signature]
Signature (Representatives must provide written proof of authorization)

12 Aug 2016
Date

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

Office Use Only Below This Line

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

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

Amended Permit # 16-61b, Approved as amended, Effective October 13, 2016

ATTACHMENT A

SITE PLAN REQUIREMENTS

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

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

Please See Attached Design Sheet - Phase 1 ✓
We will provide 404 + 408 USACE Permits

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

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

9A Page 14 of 15

CHECK NO. No. 322663

8/19/2016
DATE

322663
AMOUNT

Fifty and 00/100 Dollars

50.00

PAY
TO THE
ORDER
OF

HAINES BOROUGH
P. O. BOX 1209
HAINES AK 99827

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

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

HAINES BOROUGH

No. 322663

VENDOR: 2125 HAINES BOROUGH

8/19/2016

Check No: 322663

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

TOTAL AMOUNT 50.00

CASH RECEIPT

Date 8/19/16 024687

Received From Haines Borough

Address P.O. Box 1209, Haines

For Fifty and 00/100 Dollars \$ 50.00

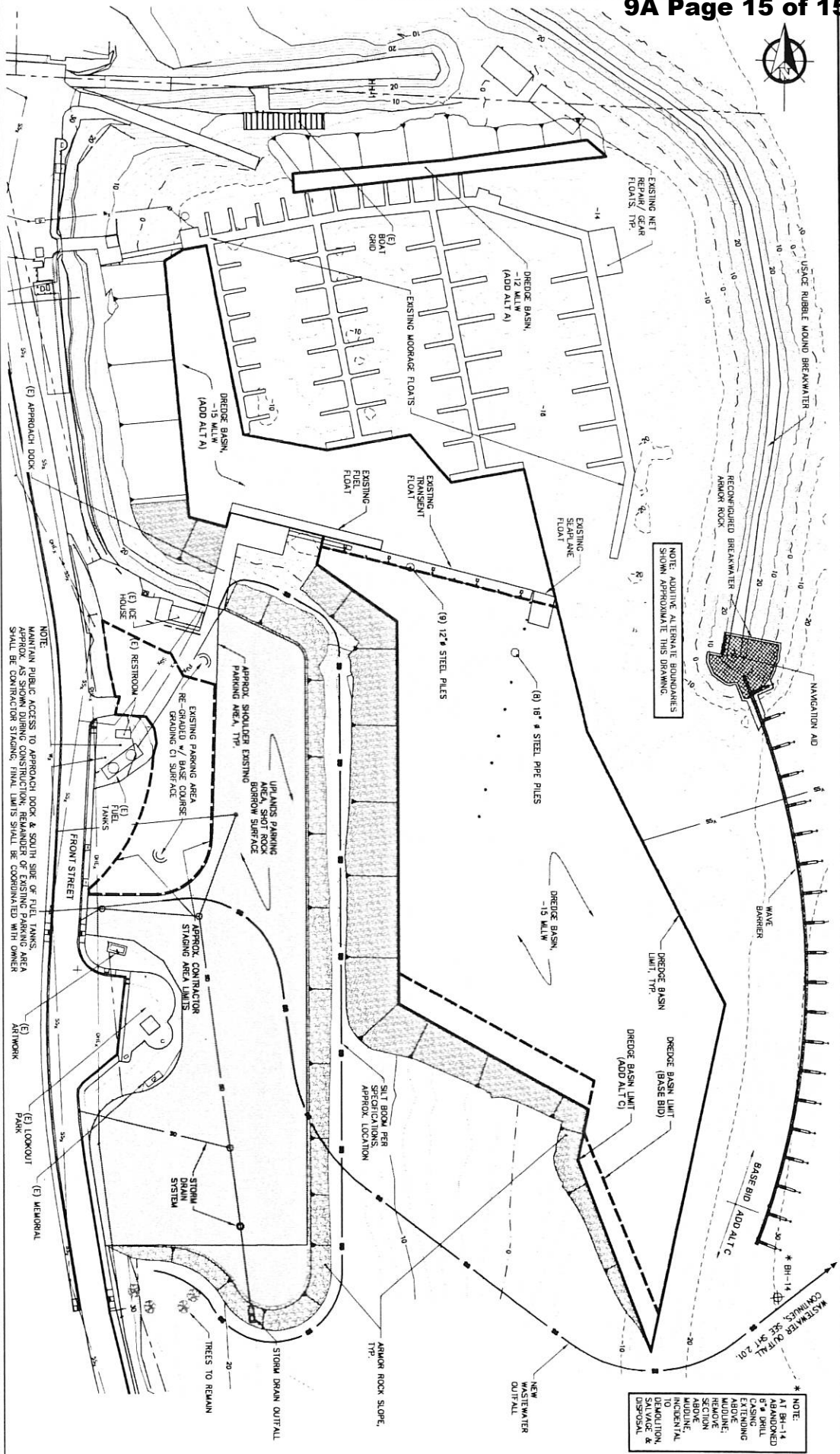
For Land Use Permit - Harbor Expansion

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

By Valley F. Fuelle

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

CHB 1173



1. **Ordinance 16-01-429**

An Ordinance of the Haines Borough amending Haines Borough Code Section 18.30.040 to adjust code to match the actual planning commission meeting start time and to revise the review process for capital improvements and borough projects.

Note: a version of the ordinance was introduced on 1/26/16. Public hearings were held on 2/9 and 3/8. Following the second hearing, the ordinance was substituted with a draft proposed by the administration. It was subsequently referred back to the planning commission for review. On 10/13, the planning commission voted to recommend a revision, and a new substitute ordinance was submitted for assembly consideration prior to adoption.

Motion: **CASE** moved to “adopt the substitute Ordinance 16-01-429 proposed by the Planning Commission.”

Primary Amendment: **MORPHET** moved to “change \$100K to \$25K and replace ‘facilities’ with ‘structure’s.’”

MORPHET said \$100K is too high a bar to let projects just slide through without Planning Commission review. **CASE** agreed \$100K seems too high. **LAPHAM** was asked to explain from the standpoint of PC liaison. She said one question considered was at what point do you stymie the borough when the PC meets only once a month? You don’t get a lot for \$100K these days. **FRIEDENAUER** said the PC had no problem with the value so she wants to go with their recommendation. **SEWARD** said \$100K today does not get you a lot. Staff members are pretty responsible. **MORPHET** said this is for new projects. **LENDE** explained her take on the PC’s position and believes the commission would be open to the threshold being lowered. **JACKSON** said the dollar value of some things may be small yet have a big impact because of the location, etc.

Motion to Postpone: **FRIEDENAUER** moved to “postpone this to the November 29 pending more information from the Planning Commission,” and the motion to postpone carried 4-2 with **LENDE** and **MORPHET** opposed.

LENDE urged the assembly not to postpone this but to proceed to act on it. The assembly could amend to be less than \$100K. **SEWARD** is willing to propose \$50K to see how it works.

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

Draft

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

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

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

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

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

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

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

18.30.040 Planning commission.

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

Plans for the construction of the new Borough facilities **with a value over \$100,000** shall come to the commission for review and a public hearing at the conceptual state of design. At that time, the commission shall decide whether additional public hearings and design review are required at the 35%, 65%, and 95% stages of design.

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

ATTEST:

Janice Hill, Mayor

Julie Cozzi, MMC, Borough Clerk

Date Introduced: ____/____/____
Date of First Public Hearing: ____/____/____
Date of Second Public Hearing: ____/____/____

Scope of Work - Action Plan Update & Setting Strategic Priorities with Assembly

Task	Description	Who	Date Start	Date End	Status
ACTION PLAN UPDATE					
1 Send Action Summary Markup to Staff and Committee Members	Sections of the Action Summary are assigned to staff and committee members for their individual comments. Three people per section are assigned; Planning Commission is assigned the full summary.	Borough Planner	Oct 6	Oct 13	Done
2 Comment Consolidation of Action Summary Markup	All comments received will be reviewed and consolidated into a single track-changes draft and a changes-accepted consolidated draft.	Borough Planner	Oct 26	Nov 4	On-going
3 Public Comment Period	The consolidated draft will be available for public comment. It will be posted on the borough website and notice of availability sent via the website, Facebook, at the Library and Borough Admin Office.	Borough Planner	Nov 7	Nov 18	
4 Summary Memo: 2017-2021 Action Plan Update	Summary prepared to highlight the key changes and recommendations in the 2017-2021 Action Plan Update as well as any places where Planning Commission guidance is needed. This accompanies the Draft 2017-2021 Action Plan Update. (If desired track-changes version available for review.)	Borough Planner (asst from Sheinberg Assoc as needed)	Nov 21	Nov 28?	
5 Planning Commission Workshop	Presentation to /discussion with Planning Commission (PC) on the 2017-2021 Action Plan revision process, comments received, and recommended changes. Desired meeting outcome is PC review, guidance, and comments to be used to prepare a final Action Plan update – for PC adoption at regular meeting and/or forward to Assembly (if to be formal Comp Plan amendment).	Borough Planner	Week of Nov 28 or Dec 5?		
6 Adopt updated Action Plan	Revise Action Plan per input and bring forward for public hearing and adoption by either PC and/or Assembly	Borough Planner (asst from Sheinberg Assoc as needed)			
7 Forward Action Plan to Assembly to assist with Strategic Planning Retreat	Regardless of whether Action Plan has been finalized or adopted, forward cleanest version to Assembly to assist them with setting Strategic Priorities	A week prior to retreat (step 2 below)			
ASSEMBLY STRATEGIC PRIORITIES					
1 Preparation	Assembly reviews updated Action Plan, Borough Budget as context for Retreat	Assembly, Sheinberg Associates, Borough Manager	A week prior to retreat		
2 4-Hour Facilitated Retreat	Set Assembly’s 1-2 year, and longer term Priorities.		4 hour block between Dec 9-18 (please set date); recommend no later than 1 pm start so all are fresh; a weekend day is fine		
3 Final Report	Review draft and final report.		Within a week after retreat		

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

Draft

An Ordinance of the Haines Borough amending Haines Borough Code Title 18 Subsection 18.30.040(C) to clarify the publishing of planning commission agendas and packets.

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

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

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

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

Section 4. Amendment of Subsection 18.30.040(C). Subsection 18.30.040(C) 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.

C. The commission shall meet on the second Thursday of each month at ~~7:00~~ **6:30** 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 **in packet form** for each meeting **and provided to the commissioners five calendar days in advance of the 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 **publicly** posted ~~at these locations at least 72 hours prior to the time of the meeting~~ **in the same locations and manner as those for the assembly meetings**.

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

ATTEST:

Janice Hill, Mayor

Julie Cozzi, MMC, Borough Clerk