



Haines Borough Planning Commission Regular Meeting Agenda

COMMISSIONERS:

ROB GOLDBERG, CHAIR
DANIEL GONCE, VICE-CHAIR
ROBERT VENABLES
HEATHER LENDE
ANDY HEDDEN
DON TURNER III
LEE HEINMILLER

Thursday, June 12, 2014 - 6:30 p.m.

Assembly Chambers, 213 Haines Hwy.

1. CALL TO ORDER / PLEDGE TO THE FLAG
2. ROLL CALL
3. APPROVAL OF AGENDA
4. APPROVAL OF MINUTES: April 17, 2014 & May 8, 2014
5. PUBLIC COMMENTS [Items not scheduled for public hearing]
6. CHAIRMAN'S REPORT
7. STAFF REPORT
 - A. Planning & Zoning Report
8. PUBLIC HEARINGS:
 - A. Rezoning Petition – Chilkat Lake Road – Action Item: More than 51 percent of the land owners in the petition area have requested the Planning Commission recommend that the Assembly change the zoning from General Use to Commercial. **Possible Motion:** Recommend the Assembly approve the rezoning proposal.
9. UNFINISHED BUSINESS: None
10. NEW BUSINESS:
 - A. Historic District/Building Review: None
 - B. Haines Borough Code Amendments:
 1. Adding Setback Regulations to the General Use Zone – Discussion Item: The proposed ordinance 13-12-358 was postponed and the Assembly assigned Assembly Member Debra Schnabel to work with the Planning Commissioners to reconcile the proposed ordinance with the adopted ordinance 13-12-360.
 - C. Project Updates: None
 - D. Other New Business:
 1. Classification of Borough Lands for Sale – Primary School Subdivision, Portion of Lot 8 – Action Item: Haines Borough received an application for purchase of Borough-Owned real property from Haines Brewing Company, Inc. They have expressed interest in purchasing portion of lot 8, Primary School Subdivision. HBC 14.20.040 requires that the Borough lands may be classified for sale by the Assembly with the advice of the Planning Commission. **Possible Motion:** Recommend the Assembly classify portion of lot 8, Primary School Subdivision for sale.
 2. Downtown Revitalization Committee – Discussion Item: Discussion of how the properties on 3rd Avenue and Main Street can be improved.
 3. Library Extension Project – Discussion Item: Library addition site plans are ready for review and comment.
 4. Primary School Subdivision – Discussion Item: This item is up for discussion at the request of Debra Schnabel. She is interested in taking advantage of the mobilization necessary to construct Fifth Avenue along the Aspen property lot line and extend Fifth Avenue to the school parking lot.
11. COMMISSION COMMENTS
12. CORRESPONDENCES
13. SCHEDULE MEETING DATE
 - A. Regular Meeting – Thursday, July 10, 2014 6:30 p.m.
14. ADJOURNMENT



**Haines Borough
Planning Commission Meeting
April 17, 2014
MINUTES**

Draft

1. **CALL TO ORDER/PLEDGE TO THE FLAG** – Chairman **Goldberg** called the meeting to order at 6:30 p.m. in Assembly Chambers and led the pledge to the flag.
2. **ROLL CALL** – **Present:** Chairman Rob **Goldberg**, Commissioners Don **Turner III**, Lee **Heinmiller**, Danny **Gonce**, Heather **Lende** and Andy **Hedden**; **Excused Absence:** Robert **Venables**.
Staff Present: Stephanie **Scott**/Mayor, David **Sosa**/Borough Manager, Carlos **Jimenez**/Director of Public Facilities, and Kathryn **Friedle**/Admin Assistant.
Also Present: Tara **Bicknell**, Roger **Schnabel**, Jim **Stanford** and Joanne **Waterman**.
 Rob **Goldberg** welcomed new Borough Manager, David **Sosa**, on behalf of the Planning Commission.
3. **APPROVAL OF AGENDA**
Motion: **Goldberg** moved to postpone Agenda Item 10D5, Jones Point Green Space, until the May 8, 2014 Planning Commission Meeting, provided documents are submitted in the required time by Brad Ryan. **Heinmiller** seconded it. The motion carried unanimously.
Motion: **Goldberg** moved to move Agenda Item 10D4, Haines Memorial Winter Recreational Area, to immediately after Staff Report on the Agenda due to a conflict of time request made by presenter, Jim **Stanford**. **Hedden** seconded it. The motion carried unanimously.
Motion: **Turner** moved to approve the agenda. **Heinmiller** seconded it. The motion carried unanimously.
4. **APPROVAL OF MINUTES** – March 13, 2014 Regular Meeting Minutes will be submitted at the May 8, 2014 Planning Commission Meeting.
5. **PUBLIC COMMENTS** – None
6. **CHAIRMAN'S REPORT** - None
7. **STAFF REPORTS** - None
8. **PUBLIC HEARINGS**
 - A. **Tara Bicknell – Appeal to the Planning Commission – Action Item**
 Land use permit for Tara **Bicknell** to build a dry cabin on her property was approved unanimously by the Planning Commission due to **Goldberg's** telephone discussion with Jess Parker at ADEC regarding water use and disposal on **Bicknell's** property. **Goldberg** will e-mail Jess Parker at ADEC and ask her to send written verification of water use and disposal on dry cabin properties.
 Planning Commission agreed to add to Haines Borough code more detailed information on dry cabins.
 - B. **Yngve Olsson – Appeal to the Planning Commission – Action Item**

Roger **Schnabel** represented Yngve Olsson, who was unable to attend the meeting.

Motion: **Turner** moved to approve Yngve Olsson's appeal. The placement of concrete slabs on the property do not designate a landfill, with Roger **Schnabel**'s verbal promise to level, clear, and fill in Olsson's property in the near future. **Heinmiller** seconded it. The motion carried unanimously.

C. Roger Schnabel – Resource Extraction & Material Storage Conditional Use Permit – Action Item

Motion: **Hedden** moved to approve Roger **Schnabel**'s conditional use permit for a resource extraction operation for three years. **Turner** seconded it. The motion carried unanimously.

Lende discussed adding a condition for truck movement (i.e., time of day, days of week, etc.).

The issue of whether **Schnabel** is permitted to bring fill and recyclable construction materials to the site will be resolved with a search of the zoning history of the property.

D. Joanne Waterman – Port Chilkoot Fire Hall Height Variance – Action Item

Motion: **Gonce** moved to approve Joanne **Waterman**'s height variance to allow the construction of an additional 40' to the existing Port Chilkoot Fire Hall. **Turner** seconded it. The motion carried unanimously.

9. UNFINISHED BUSINESS - None

10. NEW BUSINESS

A. Historic District/Building Review – None

B. Haines Borough Code Amendments – None

C. Project Updates – None

D. Other New Business

1. Possible Rezoning of Sawmill Road Area – Discussion Item

Goldberg said he will work with the Borough Planning & Zoning Technician Tracy Cui to come up with a revised zoning map. A rezoning public hearing will be held at the next regular meeting.

2. Plan for Borough Land Sales – Discussion Item

Planning Commission unanimously agreed to postpone this item until fall 2014.

3. Picture Point Wayside Project – Discussion Item

Motion: **Hedden** moved to send to the Assembly approval of Phase 1 and not to go beyond the existing budget by listing items from most important to least important. **Heinmiller** seconded it. The motion carried 5-1 with **Gonce** opposed.

4. Jim Stanford – Haines Memorial Winter Recreational Area – Discussion Item

Motion: **Heinmiller** moved to recommend the Assembly write a letter of support for the grant application. Jim **Stanford** will be submitting in support of the Haines Memorial Winter Recreational Area at 25 mile Haines Highway. **Hedden** seconded it. The motion carried unanimously.

5. **Jones Point Green Space – Discussion Item** – Postponed until May meeting.

6. **Mt. Riley Recreational Area – Discussion Item**

Motion: **Lende** moved to recommend the Assembly support the creation of a ski/sledding hill on Mt. Riley Road to provide a safe area for Haines youth/families to recreate in the winter. **Heinmiller** seconded it. The motion carried unanimously.

11. **COMMISSION COMMENTS** - None

12. **CORRESPONDENCES** - None

13. **SET MEETING DATES** – The next regular Planning Commission meeting is scheduled for 6:30 p.m. on Thursday, May 8, 2014.

14. **ADJOURNMENT**– 10:05 p.m.



Haines Borough
Planning Commission Meeting
May 8, 2014
MINUTES

Draft

1. **CALL TO ORDER/PLEDGE TO THE FLAG** – Chairman **Goldberg** called the meeting to order at 6:30 p.m. in Assembly Chambers and led the pledge to the flag.
2. **ROLL CALL** – **Present:** Chairman Rob **Goldberg**, Commissioners Lee **Heinmiller**, Heather **Lende** (came in at 7:45 p.m.), Andy **Hedden**, and Robert **Venables**; **Absent:** Danny **Gonce**, and Don **Turner III**.

Staff Present: Stephanie **Scott**/Mayor, David **Sosa**/Borough Manager, and Tracy **Cui**/Planning & Zoning Technician III.

Also Present: Sean **Gaffney**, Bart **Henderson**, Margaret **Friedenauer** (KHNS), Debra **Schnabel** (liaison)

3. **APPROVAL OF AGENDA**

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

4. **APPROVAL OF MINUTES** – March 13, 2014 Regular Meeting Minutes

Motion: **Venables** moved to “approve the March 13, 2014 Regular Meeting Minutes.” **Hedden** seconded it. The motion carried unanimously.

5. **PUBLIC COMMENTS** – None

6. **CHAIRMAN’S REPORT**

Goldberg stated the Borough received a rezoning petition from the land owners along Chilkat Lake Road. The code requires the Planning Commission shall have 60 days from the date of the proposal to make its full report to the Assembly. During this time, the Planning Commission shall provide public notice and hold one public hearing on the proposed zoning change and declare its findings by a formal motion.

Motion: **Venables** moved to accept the Sundberg rezoning petition for land along Chilkat Lake Road and schedule it for a public hearing in June. **Hedden** seconded it. The motion carried unanimously.

7. **STAFF REPORTS**

- A. **Planning & Zoning Report**

Cui reported recent permitting and enforcement activities.

8. **PUBLIC HEARINGS** - None

9. **UNFINISHED BUSINESS**

- A. **Possible Rezoning of Sawmill Road Area**

Goldberg stated the Borough-owned ball field may be rezoned from heavy industrial to recreational. Also, there are two properties that have zoning lines in the middle of them. One is owned by Bart **Henderson**; and the other is owned by Sean **Gaffney**.

Goldberg suggested **Henderson's** property be rezoned to light industrial commercial, and **Gaffney's** property be rezoned to rural mixed use.

Henderson said the heavy industrial zone is not compatible with Sawmill Creek.

Schnabel said having properties zoned heavy industrial next to the cemetery needs to be considered due to a matter of sensibility.

No motion was made. The commissioners agreed to put this item on the next meeting's agenda.

10. NEW BUSINESS

A. Historic District/Building Review – None

B. Haines Borough Code Amendments

1. Dry Cabins

No motion was made. The commissioners agreed to table the proposal.

C. Project Updates – None

D. Other New Business

1. Parking Plan for Port Chilkoot

Schnabel said the businesses in the Port Chilkoot area are growing, and they are in high demand for parking spaces. She is seeking solutions from the commission to address this issue.

Goldberg said the commission recommended the Assembly amend the code by allowing on-street parking to count toward the parking requirement. However, the proposed ordinance was not adopted.

No motion was made. The commissioners suggested that placement of parking signage around the parade grounds may help remedy the problem.

11. COMMISSION COMMENTS

The 3rd Avenue reconstruction project was discussed.

Motion: Venables moved to request for the Borough Manager to investigate the possibility of adding sidewalks from the library to the corner of 3rd Avenue and the Haines Highway as part of the 3rd Avenue reconstruction project. **Lende** seconded it. The motion carried unanimously.

12. COMMUNICATION - None

13. SET MEETING DATES – The next regular Planning Commission meeting is scheduled for 6:30 p.m. on Thursday, June 12, 2014.

14. ADJOURNMENT– 8:55 p.m.

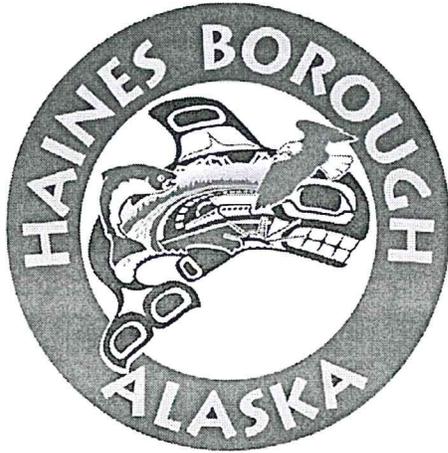
Staff Report for June 12, 2014

1. Permits Issued Since May, 2014

NUMBER	DATE	OWNER/AGENT	PIN	LOT	BLK	SUBDIVISION	DEVELOPMENT	ZONE
14-16	5/1/14	Jack Smith	C-HLR-03-03A0	3A-2B		Schmidt Sub.	Driveway_ROW	SR
14-17	5/1/14	Erik Stevens	C-SKY-0D-0400	4	D	Skyline Estates Sub.	Driveway_ROW	SR
14-18	5/5/14	Bruce Funk	C-TBS-00-2100	21A		Tanani Bay Sub.	Storage	RMU
14-19	5/7/14	Rebecca Brewer	C-STR-02-3630	3		Bear Haven Sub.	Shop	RMU
14-20	5/7/14	Don Turner Jr.	C-TBS-00-2100	21A		Tanani Bay Sub.	Driveway_ROW	RMU
14-21	5/7/14	Tara Bicknell	C-ANY-12-0300		12	Anyway Sub.	Dry Cabin	RR
14-22	5/8/14	Albert Sacks	C-TNS-08-0100	1&2	8	Townsite	Fence	C
14-23	5/8/14	Edith Von Stauffenberg	C-TNS-03-02W0	2	3	Townsite	Fence & Shed	C
14-24	5/8/14	Edith Von Stauffenberg	C-TNS-03-0300	3	3	Townsite	Jack Up Building	C
14-25	5/9/14	Erik Stevens	C-SKY-0D-0400	4	D	Skyline Estates Sub.	SFR	SR
14-26	5/9/14	Don Turner Jr.	C-SEC-35-1200	12		T30S, R59E, SEC35	Temporary Residence	RMU
14-27	5/9/14	Don Turner Jr.	C-SEC-35-1200	12		T30S, R59E, SEC35	SFR	RMU
14-28	5/9/14	Tresham Gregg	C-MIS-0C-0200	1A	C	Presbyterian Mission Sub.	Sign	C
14-29	5/12/14	Tara Bicknell	C-ANY-12-0300		12	Anyway Sub.	Driveway_ROW	RR
14-30	5/14/14	James Mark Carroll	C-PTC-0P-0500	5	P	Port Chilkoot Sub.	Storage	SR
14-31	5/14/14	James Mark Carroll	C-PTC-0P-0500	5	P	Port Chilkoot Sub.	Temporary Residence	SR
14-32	5/14/14	Terry Sharnbroich	C-ANY-04-0400	4	4	Anyway Sub.	Garage	RR
14-33	5/14/14	CIA				Chilkoot Estates Sub.	Public Trail	C
14-34	5/14/14	Joe Parnell	C-TNS-09-0300	3	9	Townsite	Fence	C
14-35	5/16/14	Stan Jones	C-HHY-01-0100			1.5 Mile Haines Highway	Temporary Residence	RMU
14-36	5/16/14	George Cowart	C-TNS-13-0300			Townsite	Deck	SR
14-18A	5/16/14	Bruce Funk	C-TBS-00-2100	21A		Tanani Bay Sub.	Dry Cabin	RMU
14-37	5/16/14	Matthew Boron	C-ANY-03-0210	1		Boron Sub.	Storage & Covered Deck	RR
14-38	5/21/14	Delta Western	C-MIS-0A-0100			Presbyterian Mission Sub.	Food & Beverage Vending	C
14-39	5/21/14	Delta Western	C-MIS-0A-0100			Presbyterian Mission Sub.	Sign	C
14-40	5/29/14	Yngve Olsson	C-PTC-07-0600	6 - 9, 10A	7	Port Chilkoot Sub.	Deposit Fill	C
14-41	5/29/14	Roger Schnabel	C-208-TL-0400	4		USS 208	Resource Extraction_CUP	MR

2. Enforcement Orders

- The Borough received several complaints that property owner Mr. Paul Nelson dumped broken glass as fill on his property in Skyline Estates Subdivision. After doing investigations and communicating with the state representatives, the Borough determined that the condition is in a violation of Haines Borough code, and it is also in a violation of State of Alaska Solid Waste Regulations. The Borough sent out an enforcement notice on May 1st, 2014. The State of Alaska Department of Environmental Conservation sent out a notice on May 16th, 2014. (Notices are attached)
- Business owner Mr. Harry Rietze started operating a food vending business (Big Al's Salmon Shack) without a valid land use permit. The Borough sent out a "Cease and Desist Order" on May 20th, 2014. Mr. Rietze submitted and completed the permit applications, and obtained his permits on May 21st, 2014. (Cease and desist order is attached)



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

May 1, 2014

Certified Mail

Paul Nelson
PO Box 858
Haines, AK 99827

Re: Solid Waste Disposal on Private Property
C-SKY-0B-1700; Lot 17, Block B, Skyline Estates Subdivision

Dear Mr. Nelson:

The Haines Borough has received several complaints that you were dumping broken glass as fill on the above-listed property, which is in a single residential zone within the townsite service area. In addition, the complaints indicate that there is a solid waste odor coming from your property. In response to address the concerns from public, the Borough staff investigated the site. Below are the findings:

- This condition is in a violation of Haines Borough code (HBC) 8.08 Littering:
 - According to HBC 8.08.020(E), "*It is unlawful for any person to deposit any litter on private property, whether owned by the person or not*";
 - HBC 8.08.010 defines "*litter*" means garbage, refuse, rubbish and all other waste material which, if thrown or deposited as prohibited in this chapter, tend to create a danger or nuisance to public health, safety, and welfare;
 - HBC 8.08.010 also defines "*rubbish*" includes waste paper, cardboard, wood, tin cans, glass, bottles, yard rakings, tree limbs, bedding, metals, trash, sweepings, and all similar substances.
- This issue would be considered a nuisance, as per HBC 8.12 Nuisances:
 - According to HBC 8.12.020(B), "*It shall be unlawful for any person to annoy, injure or endanger the safety, health, comfort, or repose of the public*".
- This condition is also in a violation of State of Alaska Solid Waste Regulations:
 - According to State of Alaska Solid Waste Regulation 18 AAC 60.007(c), "*a person may not place solid waste on the land until the person has submitted a proposal to the department and that proposal has been approved*";
 - You appear to be using broken glass as fill on the above-listed property without prior authorization from Alaska Department of Environmental Conservation (ADEC).

Based on the findings, you **must** cease dumping unpermitted material to the site and correct those violations **immediately** as one of the followings:

- Remove the unpermitted material specifically glass and other rubbish that had been dumped on the site; or
- You may appeal this notice to the assembly by filing with the clerk, an appeal in writing in accordance with the appeal procedure provided under HBC 8.12.130 within 15 days from the date of this notice, or
- If you wish to apply and qualify for ADEC's approval to use crushed glass as fill under 18.AAC 60.007(c) you must provide ADEC with a written detailed description of your plan and include construction drawing of your project; otherwise, you are required to remove them from the site. If you have questions regarding this matter, please feel free to contact ADEC Municipal Landfill Specialist Ms. Sandra Woods at (907) 465-5318.

These matters need your immediate attention. You are required to take the required responsive action within 10 days of receipt of the notice. If no response is received by May 12, 2014, the Borough may take such action as the official deems necessary to correct or abate the violation. According to HBC 8.08.030(C), the cost of such action taken by the Borough official, including process fees and incidental administrative costs, shall be charged to the responsible party and shall be due and payable within 30 days of the completion of the action, within interest accruing at a rate of 12 percent per year, until paid in full.

Thank you very much for your attention to this matter. Please contact the Borough if you have any questions.

Sincerely,



Tracy Cui
Haines Borough Planning & Zoning Technician III

Cc: David Sosa, Manager, Haines Borough
Julie Cozzi, Clerk, Haines Borough
Carlos Jimenez, Director of Public Facilities, Haines Borough
Douglas Buteyn, Northern Solid Waste Program Coordinator
Sandra Woods, Municipal Landfill Specialist



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

Department of Environmental
Conservation

DIVISION OF ENVIRONMENTAL HEALTH
Solid Waste Program

610 University Avenue
Fairbanks, Alaska 99709-3643
Main: 907.451.2108
fax: 907.451.2188

May 16, 2014

Certified Mail #7011 1570 0001 1561 8271
Return Receipt Requested

Paul Nelson
P.O. Box 858
Haines, AK 99827

Re: Broken Glass Used as Fill, Lot 17, Block B, Skyline Estates Subdivision, Haines, Alaska

Dear Mr. Nelson:

This letter is a follow-up to our several telephone conversations over the past few days regarding your use of broken glass on the above-referenced property. I enjoyed talking with you and recognize that you are genuinely interested in providing glass recycling to the residents of Haines. I understand from your explanation that your recycling plan includes using the glass as fill material. I also believe that you fully understand that to properly use glass as a fill material, you must first crush the glass to meet the industry standard for crushed glass. As we discussed, and as I believe you understand, glass crushed to industry standard is a material that looks like a fine gravel comprised of rounded glass fragments with no sharp edges.

As we also discussed, the glass you are using as fill on the referenced property has not been crushed to industry standard and is better described as "broken glass" because of the large angular shards and the sharp edges that pose a hazard to anyone handling the glass. Whereas glass crushed to industry standards is exempt from the State's solid waste regulations, broken glass is subject to those regulations and may not be used as fill without prior authorization from the Solid Waste Program. Since we have not authorized your current project, you are out of compliance with the State regulations and must take action to come into compliance.

The most obvious action you could take is to remove the broken glass from your property. But, as we discussed, the other option you have is to obtain the required authorization for your project from the Solid Waste Program. Based on your description, your project seems to meet the applicable regulatory criteria and, because your goal is to entirely enclose the broken glass within the concrete foundation of your house, the glass will not be accessible to anyone and will not be a risk to the public.

But the State is not the only entity with regulatory authority over your project. As we discussed, your use of broken glass also violates local ordinances and the Solid Waste Program is not willing to issue you an approval until and unless the Haines Borough approves your project. As you explained to me, the Haines Borough has indicated it will not approve your project and have given you the option of either removing the broken glass from your property or filing an appeal with the Borough Assembly. My understanding is that you will be filing the appeal and hoping to obtain a waiver from local ordinance for your project.

In the meantime, please understand that until and unless your appeal is granted, the Solid Waste Program cannot authorize the use of broken glass on your property because we will not authorize you to do something that violates local ordinance. If the Borough Assembly refuses your appeal, then your only option for compliance with both State regulation and local ordinance will be to remove the broken glass from your property. If your appeal is granted and the Haines Borough thereby agrees to your project, you must submit for Solid Waste Program review a proposal for using broken glass as fill in accordance with the requirements of 18 AAC 60.007(c).¹ We will review your proposal and, as long as the project meets the requirements stipulated in 18 AAC 60.007(d), we can issue you the required authorization.

In closing, and to repeat what I said in our telephone conversations, I very much encourage you to purchase a glass crusher so that you can crush your glass to industry standards. I know you don't want to do that until the Haines Borough formally adopts a solid waste management plan but, since you run a waste management business, you may be more in need of a solid waste management plan than is the Haines Borough. Properly crushed glass is exempt from the State's regulations and can generally be substituted where sand or gravel is normally used. Therefore, having a glass crusher would greatly increase your ability to achieve your goal for recycling glass by opening up new opportunities for its use in the Haines area.

Thank you for taking the time to speak with me by telephone and for your willingness to comply with State regulations and local ordinances. If you need or want any help in finding information about glass crushers, please let me know. Also let me know if you have any questions about this letter. You can reach me by telephone at 907-451-2135 or by email at doug.buteyn@alaska.gov.

Sincerely,



Douglas Buteyn
Northern/Southeastern Regional Program Manager
Solid Waste Program

cc: David Sousa, Manager, Haines Borough
Tracy Cui, Haines Borough Dept. of Planning & Zoning
Sandi Woods, ADEC Solid Waste Program, Juneau

¹ As we discussed on the telephone, you can submit your proposal at any time, but we will not review the proposal until and unless the Borough Assembly rules in your favor on your appeal.



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

May 20, 2014

VIA HAND DELIEVERY

Delta Western Inc.
Attn: Fred Gray
PO Box 1369
Haines, AK 99827

Re: **Cease and Desist Order**
Big Al's Salmon Shack
Delta Western Inc. property C-MIS-0A-0100

Dear Mr. Gray:

The Borough records show your tenant Mr. Harry Rietze has been operating a food vending business on the above-listed property without a valid permit since May 6th, 2012. On December 10th, 2013 the Planning & Zoning Technician sent Mr. Rietze an email informing him that he would need to obtain a valid permit before starting business in 2014. The Borough has determined that he has begun operating his business without the required land use permit. As owner of the property, you are hereby issued a cease and desist order.

Additionally, you are being assessed a \$250 after-the-fact fee, as required by Haines Borough code (HBC) 18.30.070. You must submit the \$250 after-the-fact fee to the Borough by June 19, 2014. After that date, interest of 1.5% per month (18% annually) will accrue. If the penalty and interest are not paid within one year, the sum will be added to your property tax, as per HBC18.30.070(B)(4).

In order to continue operating the business, you will be required to do the following:

- Provide the Borough with one copy of your state permit for operating a commercial kitchen;
- Provide the Borough with one copy of your state permit for a driveway;
- The Borough understands you have obtained a State Right-of-Way Encroachment Permit for constructing a fence and parking vehicles. However, it appears that cars are parking perpendicularly in the triangle of property east of the vending area, which is not consistent with your original site plan. Please submit your amended site plan if that is your wish, or if you are required to clearly mark parking stalls as depicted on your original site plan and inform your clients that are noncompliant;
- Pay the \$250 after-the-fact fee to the Borough.

You have the right to appeal this decision per HBC 18.30.050, "*An appeal made to the commission of a decision by the manager shall be requested by filing with the clerk, within 10 days of the date of the decision appealed, a written notice of appeal stating with particularity the grounds for the appeal*".

If you wish to appeal this decision to the Planning Commission you must do so in writing by 5:00 p.m. on May 30th. If you have any questions on the matter, please contact the Borough.

Respectfully,



David Sosa
Borough Manager

CC: Harry Rietze
PO Box 290
Haines, AK 99827

Petition Sponsor for Commercial Rezoning
Big Salmon Ventures

To: Haines Planning Commission

I would like to address briefly the reason for Big Salmon and fellow petitioners reasoning for filing a zoning change for the area west of the Chilkat Lake Road.

1. Commercial designation will identify the area to potential investors and business minded individuals that this is the intended use for future growth
2. The current land owners already have commercial and would like to protect their interest for future light and moderate commercial activities.
3. Commercial designation will protect the long term interest against large scale commercial with established CUP for certain activities.
4. The General Use Zone is certainly more wide open for use, but the petitioners can already see by the divisiveness of the heliport issue that this side of the road has more intention of being commercial and having impacts that are of the commercial level. They do not want to be recognized as a residential area.

7.9 Klehini River/Tsirku River/Covenant Life/Chilkat Lake/Porcupine/Border

Areas

Few remote areas in the Borough or Southeast Alaska have as much activity as occurs here. Land in this area is owned by private individuals, the state (including both Haines State Forest and Chilkat Bald Eagle Preserve land), recently acquired general state land managed by ADNR, University land and federal BLM land (Figure 7-9). Each unit of State land in this area has a detailed list of allowed, prohibited and conditionally allowed uses, and these rules and permitting must be followed. The Borough has a quarry and gravel pit here at about 34 mile.

This area has important spawning habitat for chinook, coho, sockeye and chum salmon, cutthroat trout and Dolly Varden in several tributaries and streams (Little Salmon River, 37 Mile Creek, etc.) as well as the Klehini and Tsirku Rivers and Chilkat Lake. The river corridor supports bald eagles even though much is outside the Bald Eagle Preserve. There are over 20,000 acres of commercial state forest land here, which is steadily harvested in regular, small sales. The State requires timber harvest to be done in a manner to protect fish habitat. Cutting should also be designed to minimize visual impact from the Haines Highway. Road access to and

through the area exists on logging roads and trails. This area is used for recreational and subsistence hunting, fishing and trapping, commercial heli-skiing, backcountry skiing and snow machining and more.

The Comp plan has very little to say about Commercial up the highway, except under 7.8

Like all Future Growth Map land designations, the boundaries of the commercial area are "soft" and site specific review is needed. Because there are few zoning rules in this area, the purpose of the two Commercial designations along Haines Highway are to select logical locations for commercial growth because of existing use, high visibility due to being at an intersection, room for parking etc., and to signal the Borough's interest in encouraging commercial uses to cluster together, rather than spread out strip style all along the highway. This will help maintain the scenic qualities and views off the Haines Highway. We are trying to group the commercial together also as the area across the Steel Bridge is large and has the room to take the growth of a small winter village as Big Salmon Proposes and perhaps a townsite over time.

Thank you for your time and I hope that you will accept this zoning change.

Scott Sundberg

Big Salmon Venture/ Petition Sponsor

City & Borough of Haines

PETITION

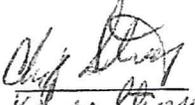
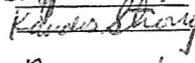
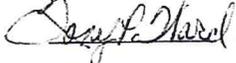
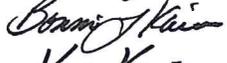
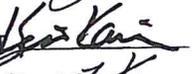
Request for Rezoning

Date: 2/14/2014

To: City and Borough of Haines Assembly and Planning Commission

We, the undersigned owners of property affected by the requested zoning change described in "Attachment #1" and Attachment "# A (1) - (a)", do hereby request a change of zoning from Rural Residential to Commercial under the provisions of the City and Borough of Haines Land Development Code.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

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<u>2-15-14</u>	Keith/Bonnie Kaiser	 	<u>PO Box 1406</u> <u>Haines AK</u> <u>99827</u>	3-clr-35-260
<u>2-15-14</u>	Keith/Bonnie Kaiser	 	<u>PO Box 1406</u> <u>Haines AK</u> <u>99827</u>	3-clr-35-280

City & Borough of Haines

PETITION

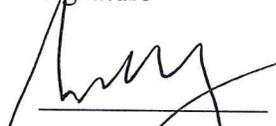
Request for Rezoning

Date: 4/14/2014

To: City and Borough of Haines Assembly and Planning Commission

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(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Date	Printed Name	Signature	Address	Tax Parcel #
<u>4/15/2014</u>	<u>SEABA LLC</u> <u>Scott Sundberg</u> <u>agent</u>		<u>P.O. Box 1426</u> <u>217 Main St</u> <u>Haines, AK 99827</u>	<u>3-clr-35-290</u>
<u>4/15/2014</u>	<u>Big Salmon Ventures</u> <u>Scott Sundberg</u> <u>Agent</u>		<u>P.O. Box 1368</u> <u>Haines, AK 99827</u>	<u>3-clr-35-200</u>
<u>4/30/14</u>	<u>Highland Estates, Inc.</u>		<u>Box 732</u> <u>Haines, Alaska</u> <u>99827</u>	<u>3-clr-0650</u> <u>32.83 acres</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

City & Borough of Haines

PETITION

Request for Rezoning – Attachment # 1

The Petitioners on this Petition for Rezoning request the City & Borough of Haines Planning Commission and City and Borough of Haines Assembly begin the appropriate Land Use Development procedures for rezoning the referenced properties shown below from their present zoning of Rural Residential to Commercial. A “Rezoning Map” is included as “Exhibit A (1) – (a)” for your use showing the parcels affected.

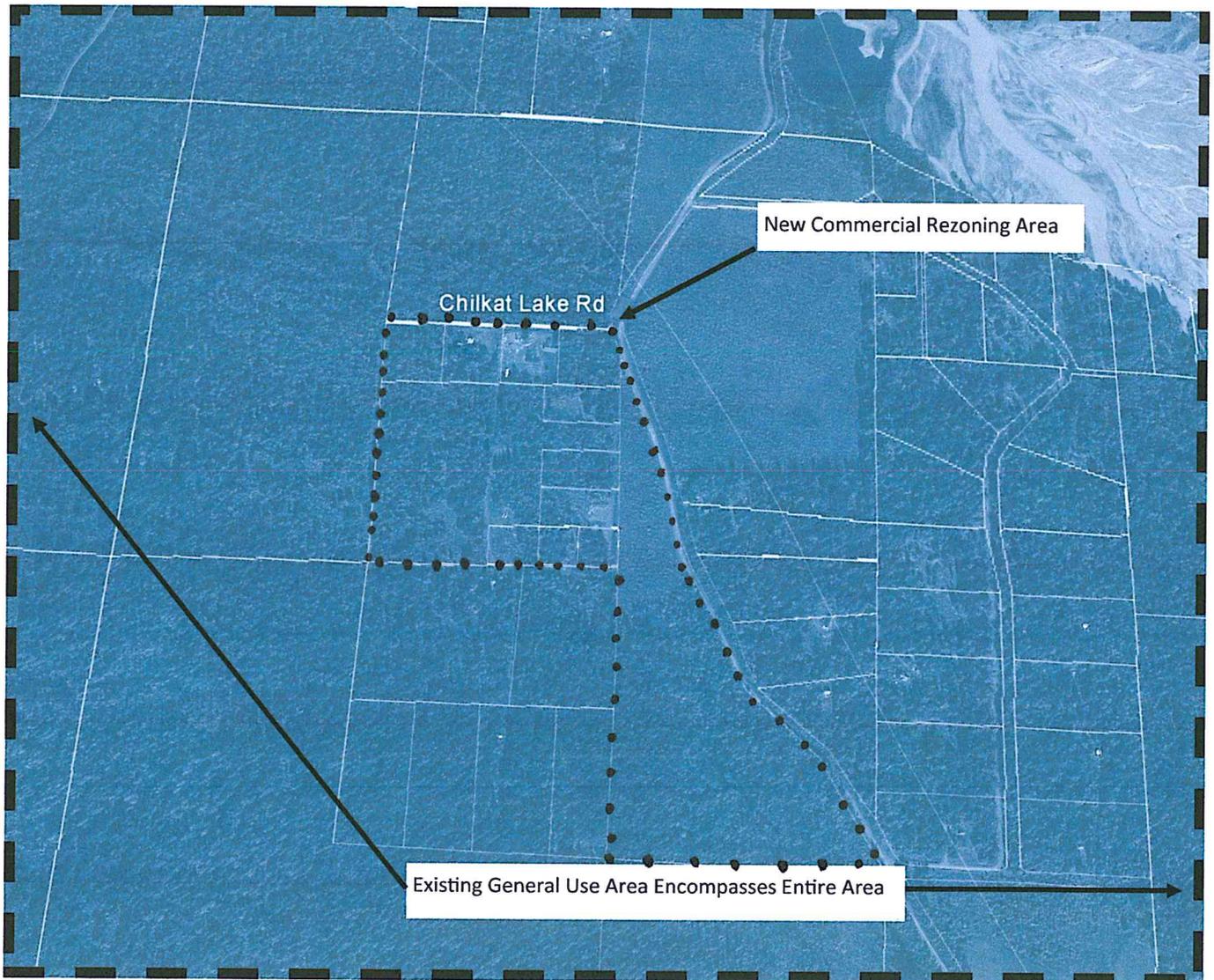
Tax Parcel #	Legal Owner	Current Zoning	Requested Rezoning
3-clr-35-0230	Tim Ward	General Use	Commercial
3-clr-35-020a	Chris Brooks	General Use	Commercial
3-clr-35-210	Chip & Kandus Strong	General Use	Commercial
3-clr-35-220	Tony Ward	General Use	Commercial
3-clr-35-260	Keith/Bonnie Kaiser	General Use	Commercial
3-clr-35-280	Keith/Bonnie Kaiser	General Use	Commercial
3-clr-35-290	SEABA	General Use	Commercial
3-clr-35-200	Big Salmon Ventures	General Use	Commercial
7.24_{acres} 3-clr-35-0650	Highland Estates Inc, General Use	General Use	Commercial
32.83 _{acres} 3-clr-35-0650	Highland Estates Inc, General Use	General Use	Commercial
3-clr-35-0240	Russ + Kittie Taylor	General Use	Commercial
3-clr-35-0270	Ray Howard Sr.	General Use	Commercial
3-clr-35-0250	Ben Williams	General Use	Commercial
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

City & Borough of Haines

PETITION

Request for Rezoning – Attachment # (1) – (a)

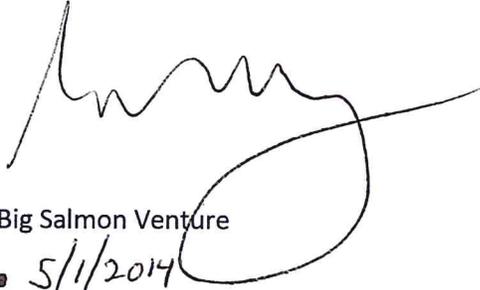
Rezoning Map



To whom it may concern:

Included in this packet of documents are the original signatures from property owners. Some of these signatures were faxed, scanned, and/or emailed back and forth to get these signatures. We have included the originals as well as the complete set for evidence.

Scott Sundberg

A handwritten signature in black ink, appearing to be 'Scott Sundberg', with a large, stylized flourish at the end.

Big Salmon Venture

• 5/1/2014

City & Borough of Haines

PETITION

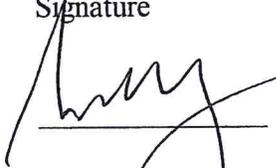
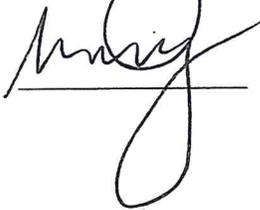
Request for Rezoning

Date: 4/11/2014

To: City and Borough of Haines Assembly and Planning Commission

We, the undersigned owners of property affected by the requested zoning change described in "Attachment #1 and Attachment "#A (1) - (a)", do hereby request a change of zoning from Rural Residential to Commercial under the provisions of the City and Borough of Haines Land Development Code.

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_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
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City & Borough of Haines

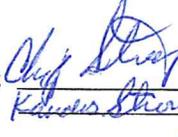
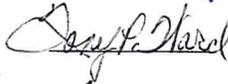
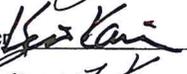
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City & Borough of Haines

PETITION

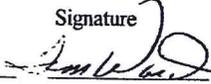
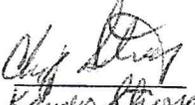
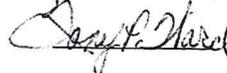
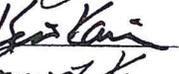
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City & Borough of Haines

PETITION

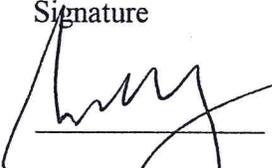
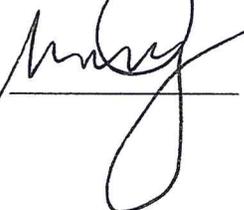
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_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
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City & Borough of Haines

PETITION

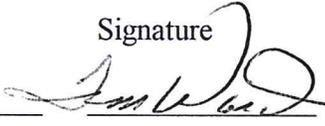
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_____	Keith/Bonnie Kaiser	_____	_____	3-clr-35-280



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

June 2, 2014

«First_Name» «Last_Name»
«ADDRESS»
«CITY», «STATE» «ZIP»

Re: Rezoning Petition
0.6 Mile Chilkat Lake Road

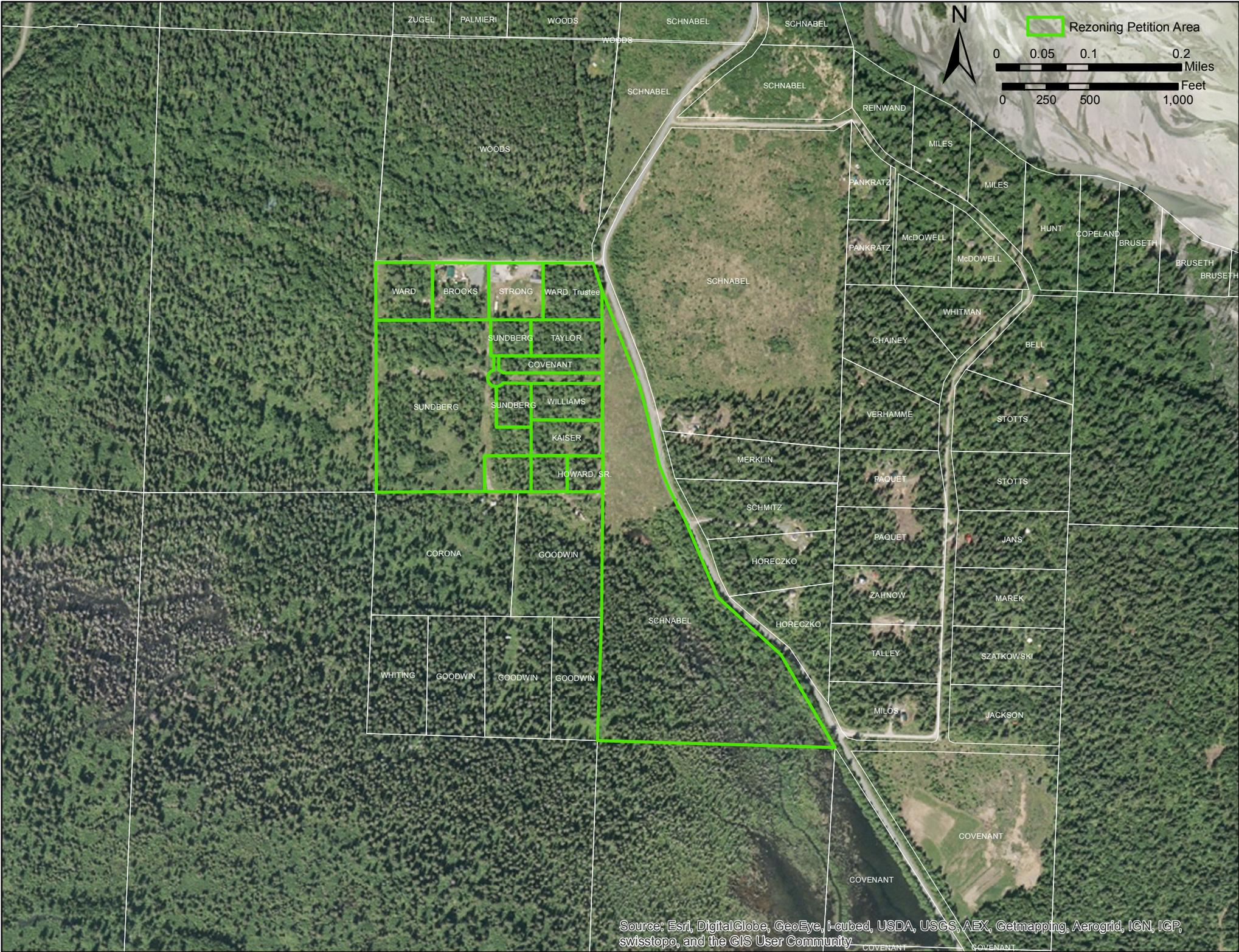
Dear Land Owner,

Haines Borough records show that you own property within 200 feet of the rezoning petition area (please see attached map). More than 51 percent of the land owners in the petition area have requested for the Planning Commission to recommend that the Assembly change the zoning from General Use to Commercial. Haines Borough Code 18.30.020(C) requires all property owners within an area of 200 feet from the location of a proposed rezoning shall be notified in writing of the application, the date of the hearing hereon, the proposed zone. 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 June 12, 2014. As an owner of property within 200 feet of the rezoning petition area 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,

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

LNAME	FNAME	ADDRESS	CITY	STATE	COUNTRY	ZIP
WOODS	NANCY	HC 60, BOX 2609	HAINES	AK	US	99827
SCHNABEL	ROGER	HC 60, BOX 4800	HAINES	AK	US	99827
BROOKS	CHRISTOPHER	BOX 558	HAINES	AK	US	99827
STRONG	CHARLES/KANDUS	HC 60 BOX 2617	HAINES	AK	US	99827
MERKLIN	ERIKA	HC 60, BOX 2618	HAINES	AK	US	99827
SCHMITZ	LINDA	P.O. BOX 1743	PRESCOTT	AZ	US	86302
CORONA	GABRIELA	P.O. BOX 390	HANA	HI	US	96713
GOODWIN	ROBERT	1616 S.GOLD ST.,STE#9, PMB156	CENTRALIA	WA	US	98531
HORECZKO	c/o George	20 PACKET ROAD	RANCHO PALOS VERDES	CA	US	90274
TALLEY	JENNIFER	BOX 1086	HAINES	AK	US	99827
MILOS	STAN/ADRIANNE	HC 60, BOX 2623	HAINES	AK	US	99827
WARD	TIMOTHY B.	BOX 208	HAINES	AK	US	99827
WARD, Trustee	TONY P.	BOX 667	HAINES	AK	US	99827
TAYLOR	RUSSELL	504 L STREET	HOQUIAM	WA	US	98550
KAISER	KEITH/BONNIE	BOX 1406	HAINES	AK	US	99827
WILLIAMS	BENJAMIN	13000 FOSTER ROAD	ANCHORAGE	AK	US	99516
HOWARD, SR.	RAYMOND S.	9226 LONG RUN DRIVE	JUNEAU	AK	US	99801
SUNDBERG	c/o	BOX 1368	HAINES	AK	US	99827



Source: Esri, DigitalGlobe, GeoEye, i-cubed, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, ICP, swisstopo, and the GIS User Community

HBC 18.70.060 Rezoning.

A. Initiation. A rezone may be initiated by a formal recommendation by the planning commission to the assembly, a notice of intent to introduce an ordinance for rezoning by the borough assembly, or a petition by 51 percent of the land owners in the petition area. The clerk shall forward a petition proposing a change to the planning commission.

B. Restrictions on Rezoning. Rezoning covering less than one acre may not be considered, unless the rezoning constitutes the expansion of an existing contiguous zone. Rezoning which are substantially the same as a proposed amendment that was rejected within the previous 12 months may not be considered. Any rezone causing a commercial, industrial, development, or business transition zone to be created abutting a residential zone, shall require new structures on the appropriate zone abutting the residential zone to be set back a minimum of 10 feet from the existing residential zone, and shall conform to any other setback requirements of such zone.

C. Procedure. A rezoning shall follow the procedures set forth in Chapter [18.50](#) HBC for conditional use permits, except that the planning commission shall have 60 days from the date of the proposal to make its full report to the assembly. During this time, the planning commission shall provide public notice and hold one public hearing on the proposed zoning change and declare its findings by a formal motion. The commission's decision shall constitute a recommendation to the borough assembly. As soon as possible after the commission recommendation, but allowing 10 days for any official protest, the borough assembly shall post public notice and hold a public hearing on the proposed rezoning. At such hearings, the recommendation of the commission shall be rebuttably presumed to be correct, which presumption may be overcome with a preponderance of the evidence. A rezoning shall be adopted by ordinance, and any conditions thereon shall be contained in the ordinance. Upon adoption of any rezoning, the manager shall cause the official zoning map to be changed to reflect the operation of the ordinance.

D. Protest. A petition to protest a change of zone area or classification must be filed with the borough clerk within 10 working days of the commission's decision to make a recommendation to the assembly on a rezoning. The clerk shall forward a petition protesting the assembly's decision on the zoning change back to the assembly for reconsideration. A petition protesting the assembly's decision on a zoning change must be signed by at least 25 percent of the landowners in the zone. The assembly may change the protested decision only upon the vote of a supermajority of the assembly. This decision will be final.

E. Assignment of Costs. All administrative costs, processing fees, commission fees, recording fees, mapping costs, survey costs and other associated expenditures shall be borne by the land owner(s) or developer(s) requesting the rezoning in prorated amounts as determined by the manager. (Ord. 05-12-134)

HBC 18.70.030(A)

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

HBC 18.70.030(D)

D. GU – General Use Planning/Zoning District.

1. Intent. Recognizing the borough regions with no previous land use regulation and the need to provide a reasonable transition toward land use regulation, the general use planning/zoning district is intended to allow as broad a range of land uses as possible. This district allows any use, but requires a conditional use permit for high impact uses.

2. Uses-by-Right.

- a. Existing uses;
- b. Animal husbandry or crop production;
- c. Residential uses, including duplex and multifamily dwellings, subdivisions, trailers, mobile homes and mobile home parks;
- d. Retail and wholesale commercial businesses;
- e. Vehicle, engine or boat repair shops;
- f. Hotels, motels, bed and breakfasts or other commercial accommodations;
- g. Office buildings, including medical and dental offices;
- h. Recreational vehicle parks;
- i. Parks and campgrounds;
- j. Utility facilities and structures;
- k. Light and heavy industrial uses;
- l. Resource extraction;
- m. Sawmills;
- n. Manufacturing, processing and storage facilities;
- o. Docks, marinas, piers, boat ramps and freight or bulk transshipment facilities;
- p. All other uses not specifically listed above, and any use or structure, which is customarily accessory and clearly subordinate to uses-by-right.

3. Prohibited Uses. There are no prohibited uses in this district.

4. Nonconforming Uses. There are no nonconforming uses in this district.

5. Conditional Uses. Landfills, commercial power plants, cemeteries, heliports, and hazardous materials storage facilities require a conditional use permit.

Applications for conditional use permits in the general use zoning district shall be submitted and processed in accordance with Chapter 18.50 HBC, and definitions under HBC 18.20.020 shall apply. (Ord. 13-10-354 § 4; Ord. 13-09-349 §§ 5, 6; Ord. 11-04-262 § 4; Ord. 11-02-257 § 4; Ord. 07-04-153; Ord. 05-05-106; Ord. 04-06-060)

HBC 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
Specific Zoning Districts ➔												
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	NA
Accessory Uses	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	CU
Animal Husbandry	UBR	UBR	NA	NA	NA	NA	CU	CU	UBR	UBR	UBR	CU
Animal Shelter	UBR	UBR	NA	NA	NA	NA	NA	NA	CU	UBR	UBR	NA
Auto Repair	UBR	UBR	NA	UBR	NA	NA	NA	NA	CU	CU	UBR	NA

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
	I/H	I/L/C	I/W	C	W	SSA	SR	MR	RR	RMU	MU	REC
USES ↓												
Auto Sales	NA	UBR	NA	UBR	NA	NA	NA	NA	NA	CU	UBR	NA
Auto Service Station	UBR	UBR	NA	CU	NA	NA	NA	NA	NA	CU	UBR	NA
Bed and Breakfast	NA	NA	NA	UBR	UBR	UBR	CU	CU	UBR	UBR	UBR	NA
Bulk Fuel Storage	UBR	UBR	UBR	CU	CU	NA	NA	NA	NA	CU	UBR	NA
Campground	NA	NA	NA	NA	CU	CU	NA	NA	NA	UBR	UBR	CU
Cemetery	NA	NA	NA	NA	NA	NA	NA	NA	CU	CU	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

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
Specific Zoning Districts ➔	I/H	I/L/C	I/W	C	W	SSA	SR	MR	RR	RMU	MU	REC
USES ↓												
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

GENERAL CLASSIFICATION ➔	INDUSTRIAL USES			COMMERCIAL/ Residential Uses			RESIDENTIAL USES ONLY	RESIDENTIAL/ Commercial Uses				RECREATIONAL USE
	Specific Zoning Districts ➔	Heavy Industrial	Light Industrial/ Commercial	Waterfront Industrial	Commercial	Waterfront	Significant Structures Area	Single Residential	Multiple Residential	Rural Residential	Rural Mixed Use	Multiple Use
USES ↓	I/H	I/L/C	I/W	C	W	SSA	SR	MR	RR	RMU	MU	REC
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

GENERAL CLASSIFICATION ➔	INDUSTRIAL USES			COMMERCIAL/ Residential Uses			RESIDENTIAL USES ONLY	RESIDENTIAL/ Commercial Uses				RECREATIONAL USE
	Specific Zoning Districts ➔	Heavy Industrial	Light Industrial/ Commercial	Waterfront Industrial	Commercial	Waterfront	Significant Structures Area	Single Residential	Multiple Residential	Rural Residential	Rural Mixed Use	Multiple Use
USES ↓	I/H	I/L/C	I/W	C	W	SSA	SR	MR	RR	RMU	MU	REC
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	NA	NA	UBR	UBR	UBR	CU	UBR	UBR	UBR	UBR	NA

GENERAL CLASSIFICATION ➔	INDUSTRIAL USES			COMMERCIAL/ Residential Uses			RESIDENTIAL USES ONLY	RESIDENTIAL/ Commercial Uses				RECREATIONAL USE
	Specific Zoning Districts ➔	Heavy Industrial	Light Industrial/ Commercial	Waterfront Industrial	Commercial	Waterfront	Significant Structures Area	Single Residential	Multiple Residential	Rural Residential	Rural Mixed Use	Multiple Use
USES ↓	I/H	I/L/C	I/W	C	W	SSA	SR	MR	RR	RMU	MU	REC
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. 13-09-349 § 7; Ord. 09-04-202 § 4; Ord. 07-04-153)

Xi Cui

To: Julie Cozzi
Subject: RE: June PC agenda item - setbacks in GU

From: Julie Cozzi
Sent: Tuesday, June 03, 2014 4:26 PM
To: Xi Cui
Cc: Krista Kielsmeier
Subject: RE: June PC agenda item - setbacks in GU

Hi, Tracy...

Actually, attached are two different ordinances that are involved with this. Following is a recap:

Ordinance 13-12-358 - Postponed on 1/28/14 and 2/11/14

An Ordinance of the Haines Borough amending Borough Code Section 18.80.030 to add setback regulations to the General Use zone and to correct a typographical error to make it consistent with the Section 18.20.020 definition of setback.

This ordinance is recommended by the planning commission. It was introduced on 12/10/13 and had a first hearing on 1/14/14. On 1/28/14 it had a second public hearing, and then a motion was made to adopt it. Following discussion, the ordinance was postponed to 2/11/14 when during debate, the following amendment motion was made:

Motion to Amend: "Replace the word "structures" with "permanent buildings" and remove the phrase "for all uses" on Page 3, Section C."

Prior to a vote on the amendment, the following motion to postpone and assign was passed:

Motion to Postpone: "Assign Assembly Member Schnabel to work with the planning commission to reconcile the proposed ordinance 13-12-358 and adopted ordinance 13-12-360, and postpone adoption of the ordinance until that work is completed."

When this ordinance returns to the assembly, debate will resume with the motion to adopt and the motion to amend already on the table.

AN ORDINANCE OF THE HAINES BOROUGH AMENDING BOROUGH CODE SECTION 18.80.030 TO ADD SETBACK REGULATIONS TO THE GENERAL USE ZONE AND TO CORRECT A TYPOGRAPHICAL ERROR TO MAKE IT CONSISTENT WITH THE SECTION 18.20.020 DEFINITION OF SETBACK.

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. This ordinance is of a general and permanent nature and if adopted with or without 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 will become effective immediately upon adoption.

Section 4. Amendment of Section 18.80.030. Section 18.80.030 of the Haines Borough Code is hereby amended to read as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE ADDITIONS TO THE CURRENT LANGUAGE
STRIKETHROUGH ITEMS ARE DELETED

18.20.020 Definitions – Regulatory

“Setback” means the perpendicular distance from the appropriate lot line to the nearest point on a building or structure, including, but not limited to, porches, steps, and roof edges.

18.80.030 Setbacks and height.

A. Setbacks are measured from the outermost portion of the building to the nearest lot line or building as appropriate. Incidental architectural features such as window sills, cornices and eaves may not project into any required setback. This ~~exemption~~ **regulation** also applies to cantilevered floors, decks or other similar building extensions. No building or structures may be located within a setback, except that fences may be constructed within the required setback by permit. The following items shall be exempt from setback requirements, provided the item is located to achieve its purpose without constituting a hazard to vehicles or pedestrians, is located such that it does not obscure sight angles at intersections or driveways, and is not in any location prohibited by state regulation:

1. Driveways and culverts that meet Chapter 12.08 HBC;
2. Parking areas that meet Chapter 10.44 HBC;
3. Satellite dishes;
4. Signs that meet Chapter 18.90 HBC; and
5. French drains, culverts, or similar infrastructure.

Where more than one setback standard is applicable, the most restrictive setback standard applies.

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

Setbacks and Height Restrictions by Zone								
Zoning District	Height Limit (in feet)	Industrial Setbacks (in feet) ***		Commercial Setbacks (in feet)		Residential Setbacks (in feet)		
		From Street Lot Lines	From Residential Lots	From Street or Alley Lot Lines	From Other Lot Lines	From Street Lot Lines	From Alley Lot Lines	From Other Lot Lines
I/H	30 *	0	50	0	0	N/A	N/A	N/A
I/L/C	30	0	50	0	0	20	10	10
I/W	30	0	50	0	0	20	10	10
C	30	0	50	0	0	20	10	10
W	30	0	50	0	0	20	10	10
SSA	30 **	N/A	N/A	10	5	20	10	10
SR	30	N/A	N/A	N/A	N/A	20	10	10
MR	30	N/A	N/A	0	0	20	10	10
RR	30	N/A	N/A	0	0	20	10	10
RMU	30	0	50	0	0	20	10	10
MU	30	0	50	0	0	20	10	10
REC	30	N/A	N/A	N/A	N/A	20	10	10

* May exceed 30 feet only by provisions of a conditional use permit granted by the planning commission.

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

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

Buildings constructed to zero lot line must be designed so that snow falling from the roof is not deposited on adjacent properties.

The distance between unattached buildings must be 15 feet unless approved as a conditional use by the planning commission. Building separation is intended for public safety; fire-related concerns must meet the approval of both the State Fire Marshal and local fire department, where applicable. The 15-foot separation between unattached buildings applies only when at least one of the buildings is for human occupancy.

Setbacks from anadromous fish streams: See HBC 18.60.010(P).

Between Second Avenue and the intersection of Union Street and Main Street, all structures must be set back 20 feet from lot lines adjacent to Union Street. Due to its historical nature, Block 16, Haines Townsite Subdivision shall have special setbacks. All structures built within Block 16 must be set back a minimum of 10 feet from any property lines not abutting Union Street.

If a publicly owned road easement exists inside of a property line, the setback shall be measured from the easement line and not the property line.

If a public utility easement exists inside of a property line, the setback shall be measured from the easement rather than the property line and shall be not less than 10 feet unless a variance is granted by the planning commission.

C. Structures shall be located no less than 20 feet from street lot lines, 10 feet from other lot lines for all uses in the General Use Zone.

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

Stephanie Scott, Mayor

ATTEST:

Julie Cozzi, MMC, Borough Clerk

Date Introduced:	12/10/13
Date of First Public Hearing:	01/14/14
Date of Second Public Hearing:	01/28/14 – Postponed to 2/11/14 meeting
Date of Revisit:	2/11/14 – Postponed for work with PC

**AN ORDINANCE OF THE HAINES BOROUGH AMENDING BOROUGH CODE
TITLE 18 SUB-SECTION 18.30.010(A)(2)(c) TO CHANGE THE FILING
PERIOD FOR CONSTRUCTION DECLARATION FORMS.**

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. This ordinance is of a general and permanent nature and if adopted with or without 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 will become effective immediately on May 1st, 2014.

Section 4. Amendment of Section 18.30.010. Sub-Section 18.30.010(A)(2)(c) of the Haines Borough Code is hereby amended to read as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE ADDITIONS TO THE CURRENT LANGUAGE
STRIKETHROUGH ITEMS ARE DELETED

18.30.010(A)(2) Construction Declaration.

...

c. Construction Declaration. New construction outside of the townsite service area that exceeds \$5,000 in assessed value or 500 square feet must be declared on a construction declaration form and filed with the borough assessor per HBC 3.72.070. Failure to file a construction declaration ~~within 60 days of the start of construction~~ **prior to commencement of construction** shall result in penalties equal to the townsite service area after-the-fact penalties.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS 28TH DAY OF JANUARY, 2014.

Stephanie Scott, Mayor

ATTEST:

Michelle L. Webb, Interim Borough Clerk

Date Introduced: 12/10/13
Date of First Public Hearing: 01/14/14
Date of Second Public Hearing: 01/28/14 - Adopted

Haines Brewing Company, Inc.

P.O. Box 911
Haines, Alaska 99827

907-766-3823
hainesbrew@gmail.com



May 7, 2014

David Sosa
Darsie Culbeck
Haines Borough
Box 1209
Haines, Alaska 99827

Dear David and Darsie,

After 14 years in business, the Haines Brewing Company is pursuing expanding our facility, which is currently located in Dalton City at the Fairgrounds. It has recently come to our attention that the Borough may consider selling property to private businesses such as ours.

We are interested in purchasing the northern 20,000 square feet of Lot #8, downtown Haines at 4th and Main, for a price of \$3.00 per square foot. Although this price is less than the recent land sale to the Aspen Hotel, we expect that we will be up and running within a year of purchase. Not only would the Borough be supporting one of Haines' few local manufacturing businesses and developing the downtown area, but also benefit from increased sales and property tax revenue.

Please contact us to discuss this idea further. We look forward to hearing from you.

Sincerely,

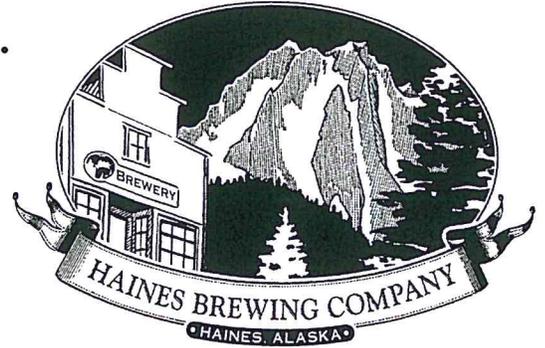
A handwritten signature in black ink, appearing to read 'Paul & Jeanne', written in a cursive style.

Paul Wheeler & Jeanne Kitayama
Haines Brewing Company, Inc.

Haines Brewing Company, Inc.

P.O. Box 911
Haines, Alaska 99827

907-766-3823
hainesbrew@gmail.com



May 28, 2014

Haines Borough Planning Commission
Box 1209
Haines, Alaska 99827

To the Haines Borough Planning Commission Members:

The Haines Brewing Company is pursuing relocating and expanding our facility, which is currently in Dalton City at the Fairgrounds. It has recently come to our attention that the Borough may consider selling property to private businesses such as ours. We are interested in purchasing the northern 20,000 square feet of Lot #8, at Fourth and Main Streets, downtown Haines.

We have been in business for over 14 years and have outgrown our present facility, both in capacity to produce more beer for wholesale and retail, and in our tasting/merchandise area for on-premise sales and tours. Our product has a popular reputation throughout the state of Alaska. In fact, the brewery has become a destination for visitors and influenced new residents' decisions to move here. During the summer seasons we sell all that we can produce in our current space.

By relocating to the downtown area we will be more accessible to both Haines visitors and locals. With the larger tasting room and seating we can accommodate more customers and increase tour sizes.

Requesting only a portion of Lot #8 still leaves the option of a public park on the corner of Third and Main Streets. We feel our brewery will be very compatible with the downtown atmosphere, and the potential of an adjacent public park. Recognizing and distinguishing the *art* of craft brewing from bars serving liquor, State laws limit our business hours, activities, and quantities of beer sales to individuals.

By selling this property to the Haines Brewing Company, the Borough would be supporting one of Haines' few local manufacturing businesses and developing the downtown area. In addition, this expansion of our business would mean employing at least one more person and provide increased sales and property tax revenue. Once the purchasing and permitting are secured, we expect that within a year we would be opening our doors for business.

Thank you for considering our proposal.

Sincerely,

A handwritten signature in black ink, appearing to read 'Paul Wheeler & Jeanne Kitayama'. The signature is fluid and cursive, with the names of both individuals clearly visible.

Paul Wheeler & Jeanne Kitayama
Haines Brewing Company, Inc.

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) Haines Brewing Company, Inc.
Please Print

Mailing Address PO Box 911, Haines, AK Day Phone: 766-3823

1. Legal Description of Property (attach map/drawing):
2. Existing Parcel Size: Sq. Feet: 20,040 Acres: _____
3. Existing Utilities: None: _____
 Water: On Site _____ Public
 Sewer: On Site _____ Public
4. Access: 4th and Main
5. Proposed Term of Usage: (leases may be issued for not less than five years nor more than 35 years) _____
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: commercial
8. Zoning designation for property: commercial
9. Current assessment by Borough Assessor: \$ 4.33/sq ft

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

Jeanne Kitayama
Signature of Applicant

5-29-14
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: Alsen Date: 5/29/14 Receipt #: 022991

CK# 3118

- 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 #: _____

MAIN STREET

120'

60'

10'

30'

10'

2700 SQ FT

30'

60'

30'

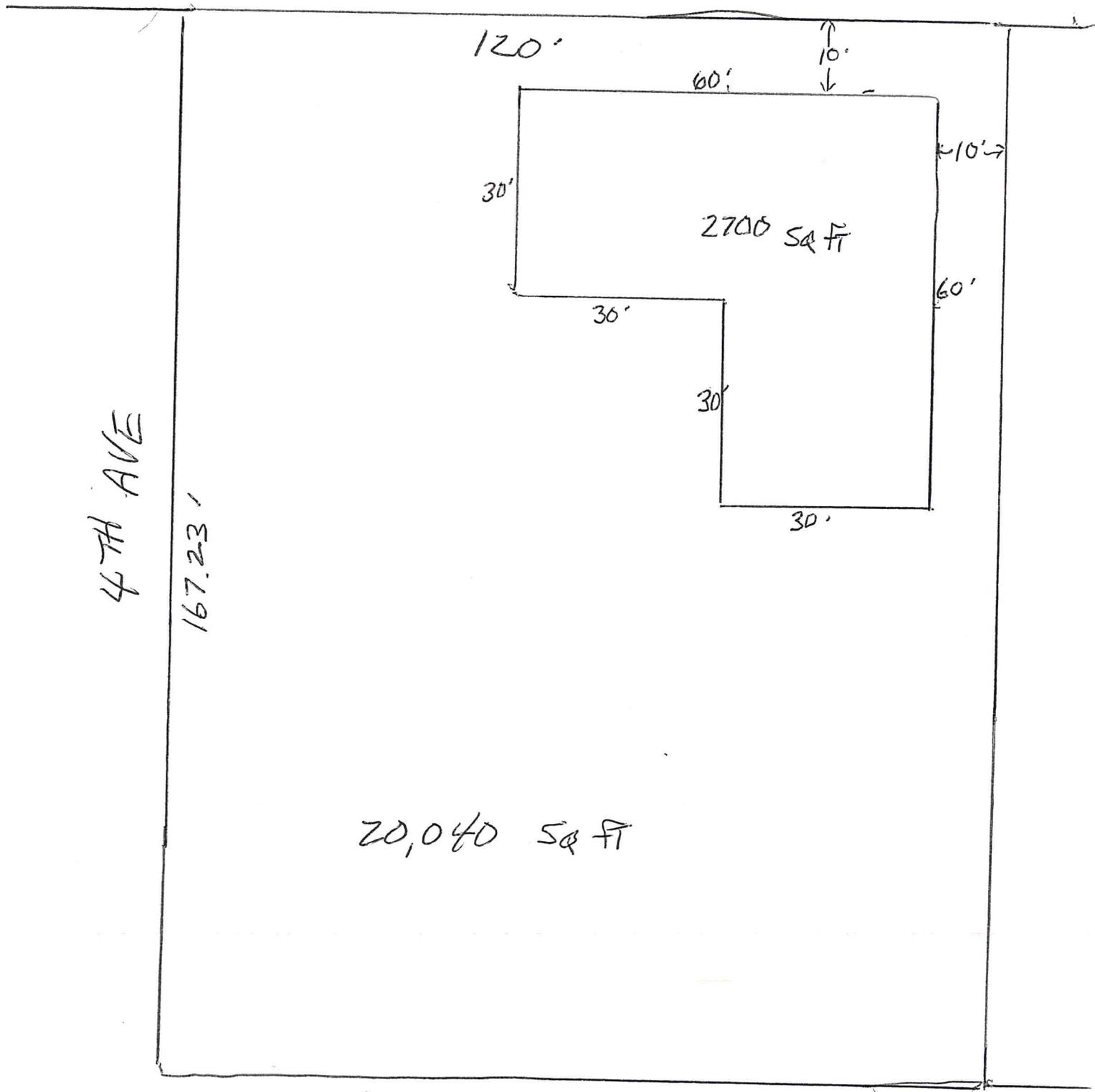
30'

4TH AVE

167.23'

20,040 SQ FT

ALLEY





MANAGER'S MEMORANDUM

DATE: June 6 2014
TO: Planning Commission
FROM: David B. Sosa, Borough Manager

Re: Classification of Borough Land for Sale – Portion of Lot 8, Primary School Subdivision

1. The Borough received an application for purchase of Borough-owned real property from Haines Brewing Company, Inc. Discussion with the business owners revealed that they intend to open a brewery on the above-listed property, which is currently zoned Commercial. The intended use is consistent with the zoning regulations for this area and with the definition of Commercial Use as set forth in HBC 18.20.020. Commercial use within the zone is considered Use by Right.

“Commercial use” means the nonresidential use involving the manufacturing, storing, wholesaling, or retailing of any material, goods or services and any accessory uses outside the purview of the definition of “cottage industry or “home occupation.” Commercial uses include: offices, hotels or motels, food service and other similar uses. For the purposes of this title, “commercial use” shall not mean a residential, light industrial or industrial use.

2. This parcel also resides within the designated boundaries of the Downtown Business District envisioned in the Haines Borough 2025 Comprehensive Plan. It is also within the Area of Interest established by the Downtown Revitalization Committee.
3. Establishment of a business at this location conforms with the following elements within the Haines Borough 2025 Comprehensive Plan:
 - a. *Goal 3 - Economic Development: Achieve a strong diversified local economy that provides employment and income for all citizens that desire to work while protecting the health of the environment and quality of life. Build on local assets and competitive advantages to create economic opportunity.*
 - i. *Objective 3E: Continue to implement the 2011 Downtown Revitalization Plan.*
 - ii. *Objective 3F: Strengthen entrepreneurial activity and businesses.*
 - iii. *Objective 3I: Maintain a business – friendly regulatory environment by providing stable local tax rates, reasonable permit fees, and timely permit reviews.*

b. Goal 5 - Guide infrastructure and land development to provide an adequate supply of land for commercial and industrial development, varied residential living, and diverse recreational activities.

4. The intended use of this parcel is also consistent with best practices for Rural Downtown Revitalization supported by the USDA and available at <http://www.nal.usda.gov/ric/ricpubs/downtown.html> and with best practices sponsored by the national Main Street Center available at <http://www.preservationnation.org/main-street/>
5. In light of the consistency with the Borough code, Comprehensive Plan, and best practices, the Administration recommends that the Planning Commission classify the designated portion of Lot 8, Primary School Subdivision for sale.
6. Questions with regard to this matter can be addressed to the Borough Manager at dsosa@haines.ak.us and at 907-766-2231 ext. 29.

Respectfully Submitted

David B. Sosa
Borough Manager



NOTES
 BASIS OF BEARINGS THIS SURVEY, HAINES BOROUGH MAP CENTERLINE MONUMENT AT 2ND STREET & MAIN STREET TO CENTERLINE MONUMENT AT 6TH STREET & MAIN STREET RECORD BEARING S80°55'00"E, RECORD DISTANCE 1,500' FOUND DISTANCE 1,499.97' NOTE CENTERLINE MONUMENTS IN MAIN ST ARE OFFSET 5.00' N9°05'00" FROM ACTUAL CENTERLINE.
 TIE TO NE COR LOT 8 FROM CL MONUMENT @ 2ND & MAIN: N85°31'18"W, 406.55'
 LOT 2 OF THIS PLAT COMPRISES PROPERTY DESCRIBED IN HAINES BOOK 15 P383
 SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD. LOTS MAY BE AFFECTED BY ENCUMBRANCES NOT DEPICTED HEREON.

STATEMENT OF
 WE HEREBY CERTIFY THAT THE SHOWN AND DESCRIBED HERE WITH OUR FREE CONSENT, AND OTHER OPEN SPACES

FRED SHIELDS
 MAYOR
 HAINES BOROUGH
 103 THIRD AVE S.
 HAINES, ALASKA 99827

NOTARY'S AC
 UNITED STATES OF AM
 STATE OF ALASKA

THIS IS TO CERTIFY TH
 BEFORE ME THE UNDER
 ALASKA, DULY COMMIS
 Fred

2008-21
 Haines RECORDS
 DATE Oct 13 2008
 TIME 12:37 P M
 Requested by Haines
 Address Borough

KNOWN TO ME TO BE
 THE ABOVE AND FOREG
 THE SIGNED AND SEAL
 USES AND PURPOSES
 WITNESS MY HAND AND
 FIRST ABOVE WRITTEN.

Notary Public for Alaska
 My Commission Expires
 1-29-2011

TYPICAL MONUMENTS SET



Scale in feet
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 COMPLY WITH THE PROVIS
 FOR RECORDING WITH THE

LEE HEINMILLER
 PLANNING COMMISSION CH

FRED SHIELDS
 MAYOR
 HAINES BOROUGH

A PLA
PRIMARY SCHOOL
 A REPLAT OF LOTS 1, THRU 10, BL
 HAINES INDEPENDENT SCHOOL
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 IN THE HAINES BO
 HAINES RECORDING DISTRI

CERTIFICATE OF REGISTERED LAND SURVEYOR

BY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, LICENSED AND
 OPERED IN THE STATE OF ALASKA, AND THAT THIS PLAT WAS PREPARED UNDER
 DIRECT SUPERVISION, THAT ALL DIMENSIONAL DETAILS AND RELATIVE BEARINGS
 CORRECT AS SHOWN AND THAT TO THE BEST OF MY KNOWLEDGE,
 EASEMENTS AND RIGHTS OF WAY APPEARING ON THE LAND ARE AS SHOWN

LEGEND

- SECONDARY MONUMENT SET THIS SURVEY
- CONCRETE NAIL WITH 1 1/2" SS WASHER SET IN CONC. GUTTER THIS SURVEY
- SECONDARY MONUMENT RECOVERED THIS SURVEY



METES & BOUNDS TRACT
 (SEE HAINES BOROUGH MAP
 CITY AREA)

TRACT A-2
 HAINES BOROUGH PROPERTY



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

June 2, 2014

«First_Name» «Last_Name»
«ADDRESS»
«CITY», «STATE» «ZIP»

Re: Classification of Borough Lands for Sale
Primary School Subdivision, Portion of Lot 8

Dear Land Owner,

Haines Borough records show that you own the property adjacent to the above-listed property. Recently the Borough received an application for purchase of Borough-Owned real property from Haines Brewing Company, Inc. They have expressed interest in purchasing the Haines Borough land which was formerly the old Primary School. Please see attached site plan and plat.

Per Haines Borough Code 14.20.040, “A. Borough lands may be classified for sale by the assembly with the advice of the planning commission. B. No land which the borough owns or has an interest in shall be sold until it has first been classified for sale and a use designated...D. **Public meetings shall be held by the planning commission to discuss any such classification and designation before making any recommendation to the assembly. All adjacent property owners of the parcel to be classified shall be notified, in writing, of the public meetings...**”

The Haines Borough Planning Commission will hold a public meeting on this matter at 6:30 p.m. at the Haines Borough Assembly Chambers on Thursday June 12th. As one of the adjacent property owners 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,

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

First Name	Last Name	ADDRESS	CITY	STATE	ZIP
SCOTT/CANDI	BRADFORD	PO BOX 606	HAINES	AK	99827
DAVE/CHARLOTTE	OLERUD LIV.TRUST	PO BOX 1069	HAINES	AK	99827
C/O LAYTON	BENNETT	11448 RANIER AVE. S.	SEATTLE	WA	98178
RHONA L.	NELSON	PO BOX 462	HAINES	AK	99827
CLIFFORD	THOMAS	PO BOX 23	HAINES	AK	99827
EDITH	VON STAUFFENBERG	PO BOX 687	HAINES	AK	99827
DOROTHY/JOHN	STECHEER	PO BOX 1153	HAINES	AK	99827
MICHAEL	WARD	PO BOX 1309	HAINES	AK	99827
JEFFREY	HAISLER	PO BOX 710	HAINES	AK	99827
DEBRA	SCHNABEL	PO BOX 129	HAINES	AK	99827
GROSS ALASKA, INC		222 FRONT ST, SUITE 600	JUNEAU	AK	99801

Haines Borough Planning Commission Meeting April 19, 2012 Minutes

8. PUBLIC HEARINGS

A. Classification of the Former Primary School Lots

Chairman **Goldberg** opened the public hearing at 7:10pm.

Schnabel asked the Commission to consider the double "Y" entrance at the north end of the community and how this property on Main Street might affect the traffic patterns. She added that she would like to see main entrance to community come down the highway and then turn into community on Second Avenue for safety, and aesthetic reasons. She also added that MRV and McDowell have noted that the entrance to Main Street from north is problematic.

Kurz suggested leaving the property for public use while deciding what its best use is.

Culbeck reiterated the Parks and Recreation Advisory Committee's letter in packet, also pointed out that there is contaminated soil on two of the lots which is expensive to remediate.

Olerud recommended that one block be retained and the other put back into private sector. He said that some of the property on the tax rolls would be a positive outcome.

Jackson said he was also on the Parks and Recreation Advisory Committee and suggested that it was premature to do anything at this point pointing out that there was no demand for Main Street property right now.

Studley encouraged including parking because it is such a big problem downtown.

Morphet pointed out that the question of what to do with these lots prompted the downtown plan and MRV showed these lots as being commercial use.

Schnabel asked about the wood heat feasibility study and would that require a large utility structure for storage of wood product or pellets.

Culbeck said that the study is looking at pellets and both centralized and decentralized storage, but nothing enormous as pellets are dense.

Kurz said that the CIA building will be heated with pellets and that there will be a pellet mill in town within the next year.

Culbeck pointed out that the school building is facing a shortage and suggested that the property should be retained for expansion.

Olerud said after looking at the plat, recommended not doing anything because the subdivision doesn't make sense.

O'Riley said that the architectural firm working on the Community Center RFO encouraged looking at costs to fix and maintain buildings and also that European towns are built with an open space in middle of town with public buildings surrounding. He encouraged consideration of what was wanted in the next 10-20 years, and in 50 years. He said there is a lot of potential to do something grand.

Kurz reiterated O'Riley's comments about municipal buildings being in core of town.

Goldberg closed the public hearing at 7:30pm.

Heinmiller pointed out that the wood heat feasibility study is a separate study from the pellet plant study which CIA is currently working on. He also said that there could potentially be a tribal agreement between Yukon and CIA.

Motion: Venables moved to “recommend for classification, Lots 6 & 7 for sale in the near-term, the development of Fourth Avenue and a portion of Lot 8 along with the alley to a sufficient standard to support parking for RV and short-term downtown parking, retention of lot 8 for at least 10 years during which time its use as a “town-square” as envisioned by the Downtown Revitalization Committee and the retention by the borough of lot 5 for public uses, including winter snow storage and/or biomass heat support infrastructure,” and the motion carried 4-3 with **Goldberg, Hedden** and **Heinmiller** opposed.

Main Street lots being sold and put on the tax roll, the Comprehensive Plan’s call for a downtown corridor, long range planning and orderly disposal of borough property, fact that the borough has received over 2,000 acres of land and sold virtually none, the need for RV and other downtown parking, the Downtown Revitalization Committee and Chamber of Commerce recommendations to develop a “Town Square” on Lot 8, the need for snow storage sites, the current inventory of parks, the potential need for additional school classrooms, support for biomass heating opportunities, selling for under value and requiring development within a specific amount of time for downtown revitalization, and traffic patterns were topics discussed.

Borough Manager's Report May 8, 2012

Disposition of Former Primary School Property

On Thursday, April 19, 2012 the Planning Commission held a second public hearing regarding the future of the lots that contained the former Primary School. By a vote of 4-3, the Planning Commission moved as follows:

"Recommend to the Assembly to classify Lots 5 & 6 for sale to the private sector in the near term; develop the 4th Avenue side of Lot 8 for public parking; retain lot 8 in Borough ownership for at least 10 years; use Lot 5 for snow storage or activities related to biomass heat."

I have great respect for the collective decision of the Planning Commission on all matters brought before them; however, on this matter I find myself on the other side of the majority opinion. The arguments both for and against the motion are articulated in the memorandum to the Assembly by Commission Chair Rob Goldberg, and I will not repeat them here. Rather, for me the decision to classify Lots 5 & 6 for sale to the private sector, develop the 4th Avenue side of Lot 8 for public parking; retain lot 8 in Borough ownership for at least 10 years; use Lot 5 for snow storage or activities related to biomass heat is premature.

We are engaged in a Borough Facility Master Plan, which among other things will be examining the best use for locating possible future Borough facilities. One of the potential sites for developing facilities and parks is this property. One of my favorite sayings I have learned here in Haines is: "Plan your work, and work your plan." It is my opinion that we have not yet planned our work. I would therefore respectfully submit that this recommended action can be postponed indefinitely, or at least until the Master Plan has been completed.

Haines Borough Borough Assembly Meeting #223 May 8, 2012 Minutes

B. Planning Commission - 3/22 *approved minutes & Recommendation reo Old School Lots*

Motion: **LAPP** moved to "direct the manager to begin the process of following the planning commission's recommendations for disposal and use of the former school properties," and it was seconded. It carried 4-3 in a tie vote with **WATERMAN**, **VICK**, and **HOFFMAN** opposed and the mayor breaking the tie in the affirmative.

During the discussion, **SCHNABEL** said she was surprised at the level of detail submitted by the commission. She believes their recommendation should be limited to which, if any, lots should be disposed of and/or retained for public use. **VICK** said he, too, was surprised the commission recommended uses for the property, such as snow storage. He agreed with the manager that the borough should get the comprehensive and master facility plans finalized before making these decisions. **WATERMAN** agreed. She's not averse to selling some property, but it needs to be looked at in more depth. **SMITH** would like to see property values and a map. **EARNEST** said the property is not assessed since it is public property but values are available on the properties across the street. **LAPP** said the borough has held off selling the property and it keeps being held off. He said the assembly just heard it again at this meeting---buy the Elks property and then sell this---and it just doesn't ever happen. **HOFFMAN** would like to see a history of the discussion that says the assembly agreed to sell the old school properties to pay for buying the property the new school is built on. It was explained that it does not exist in any official assembly record. There may have been statements made in committee meetings, etc. **SCHNABEL** said the Chilkat Valley News reported on it, so there was certainly public discussion at some point. There are a number of people in the community who remember this type of promise. She moved to amend the motion to acknowledge the planning commission's recommendations but ask staff to communicate the manager's and assembly's concerns to them with a request to hone it down to a simpler recommendation, but the motion failed with **Smith**, **Hoffman**, **Vick**, and **Schnabel** opposed. **HOFFMAN** asked if this needs to be acted on right now, and **SCOTT** said no.

Haines Borough Borough Assembly Meeting #224 May 29, 2012 Minutes

1. Reconsideration of 5/8/12 Motion

Motion: **SCHNABEL** moved to "reconsider the motion of 5/8/12 directing the manager to begin the process of implementing the planning commission's recommendations for disposal and use of the former school properties," and it was seconded. The motion carried unanimously, and it was returned to the table for debate.

Following discussion, the original motion failed unanimously.

During discussion, **SCHNABEL** said the assembly's direction to the planning commission was to classify the property and, in her opinion, the assembly's motion went beyond that intention. The public's comments tell her the issue would benefit from more public and assembly discourse.

HOFFMAN agreed. **VICK** expressed appreciation for the opportunity to reconsider this matter. It's important to keep the options open for now and it would be good to move forward with consensus in the future. **SMITH** said he too is glad for the opportunity to reconsider this.

Motion: **WATERMAN** moved to "place the planning commission's recommendation for classification of the primary school subdivision on the assembly's agenda for the June 26, 2012 meeting, with provision for a public hearing, along with discussion of acquisition of the Elks property, and it was seconded. The motion carried unanimously.

During discussion, **EARNEST** asked if the Elks property can be included in the discussion, and the assembly determined it should be a separate agenda item.

SCHNABEL said the original motion was for the planning commission to provide a recommendation to the assembly by 6/30/12, which they certainly did. However, due to the controversy, she wanted to also provide them with time to reconsider if they so desire. She would also like the school board to represent their thoughts on this matter.

Haines Borough Borough Assembly Meeting #226 June 26, 2012 Minutes

A. Classification/Disposition of the Former Primary School Property

Mayor **SCOTT** opened the public hearing at 6:41pm.

GARLAND is in favor of borough retaining the property and not designating for sale in the future because future needs are unknown at this time. He said many envision a campus downtown where public functions can be held. He pointed out a danger of selling would subject the property to a speculation buyer purchasing it and holding it undeveloped for a long time or building a large chain store putting local merchants out of business

KURZ echoed GARLAND's statements.

WENNER said the Planning Commission didn't want to sell immediately.

PALMIERI said as a Project Manager for Department of Environmental Conservation she has been working with the borough on petroleum contamination in the soil and is available for questions.

CULBECK also spoke in favor of retaining land suggesting that the community could have something there to be proud of in the near future.

STUART explained that Lands Department funds were used to purchase the current school property and that there were discussions that this property would be sold to reimburse the Lands budget.

HIRSCH added that the property is a great place for a center of town and that many commercial properties are currently unused putting another piece of property out there would be a short sighted decision.

Hearing no further comments, the mayor closed the public hearing at 6:52pm.

Motion: SCHNABEL moved to "postpone disposition/reclassification indefinitely," and it was seconded. The motion carried 5-1 with **LAPP** opposed.

During the discussion, **SCHNABEL** said as a follow up to the reconsideration motion she felt it was counterproductive to sell and pointed out that postponing indefinitely allowed for the possibility of bringing it back in the future. **VICK** agreed. He said he has heard ideas from the public and past assembly members and would like to see the best use of the property. **HOFFMAN** said the decision should be community driven as the property has been community property, and with input from more stakeholders, the vision for the property can be consolidated. **LAPP** reiterated that purchasing the Schafer property took something off the tax rolls and some property should be put back on the rolls so the tax payers aren't disenfranchised. He suggested property could be sold in Excursion Inlet or Highland Estates.

14.20.040 Classification of lands for sale.

A. Borough lands may be classified for sale by the assembly with the advice of the planning commission.

B. No land which the borough owns or has an interest in shall be sold until it has first been classified for sale and a use designated.

C. The assembly may require that there be no use of any land, or interest in land, other than permitted by its designation, unless the written approval of the assembly is obtained.

D. Public meetings shall be held by the planning commission to discuss any such classification and designation before making any recommendation to the assembly. All adjacent property owners of the parcel to be classified shall be notified, in writing, of the public meetings.

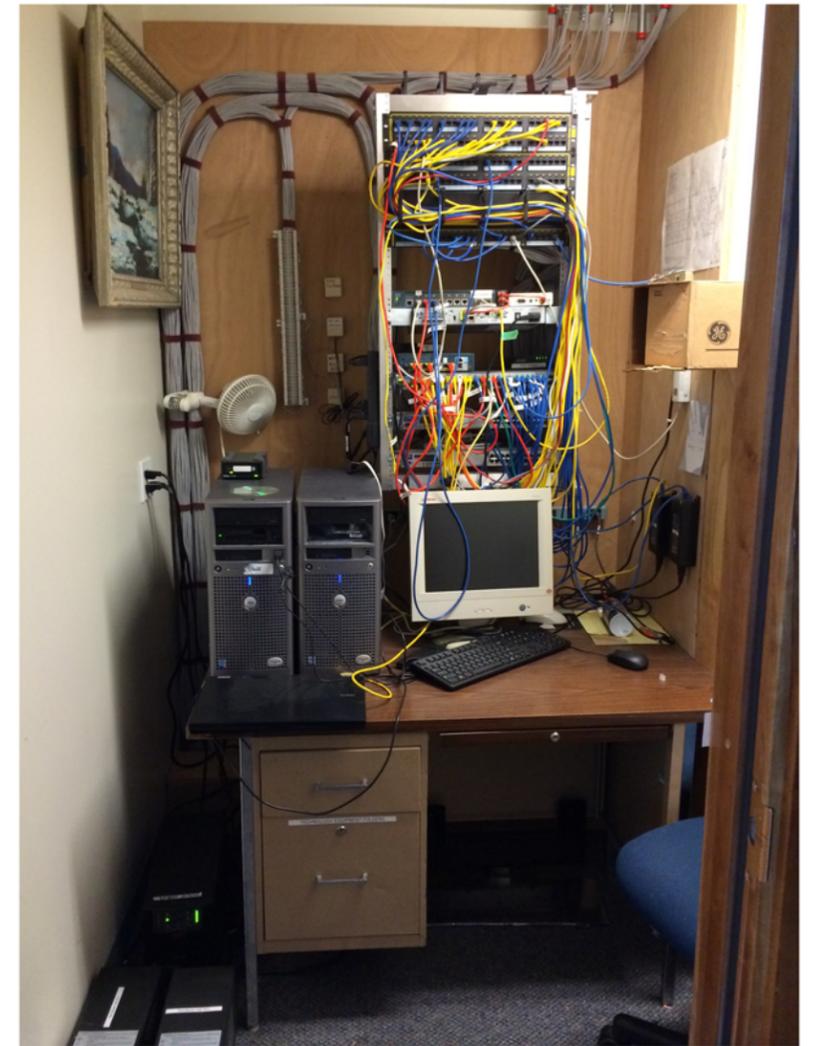
E. Designation of a use of any land shall not conflict with any existing valid zoning regulations and shall be in keeping with the borough comprehensive plan.

F. The borough does not warrant by its classification, designation or sale of land that the land is suited for the use authorized under said classification, designation or sale and no guaranty is given or implied that it shall be profitable to employ the land to said use.

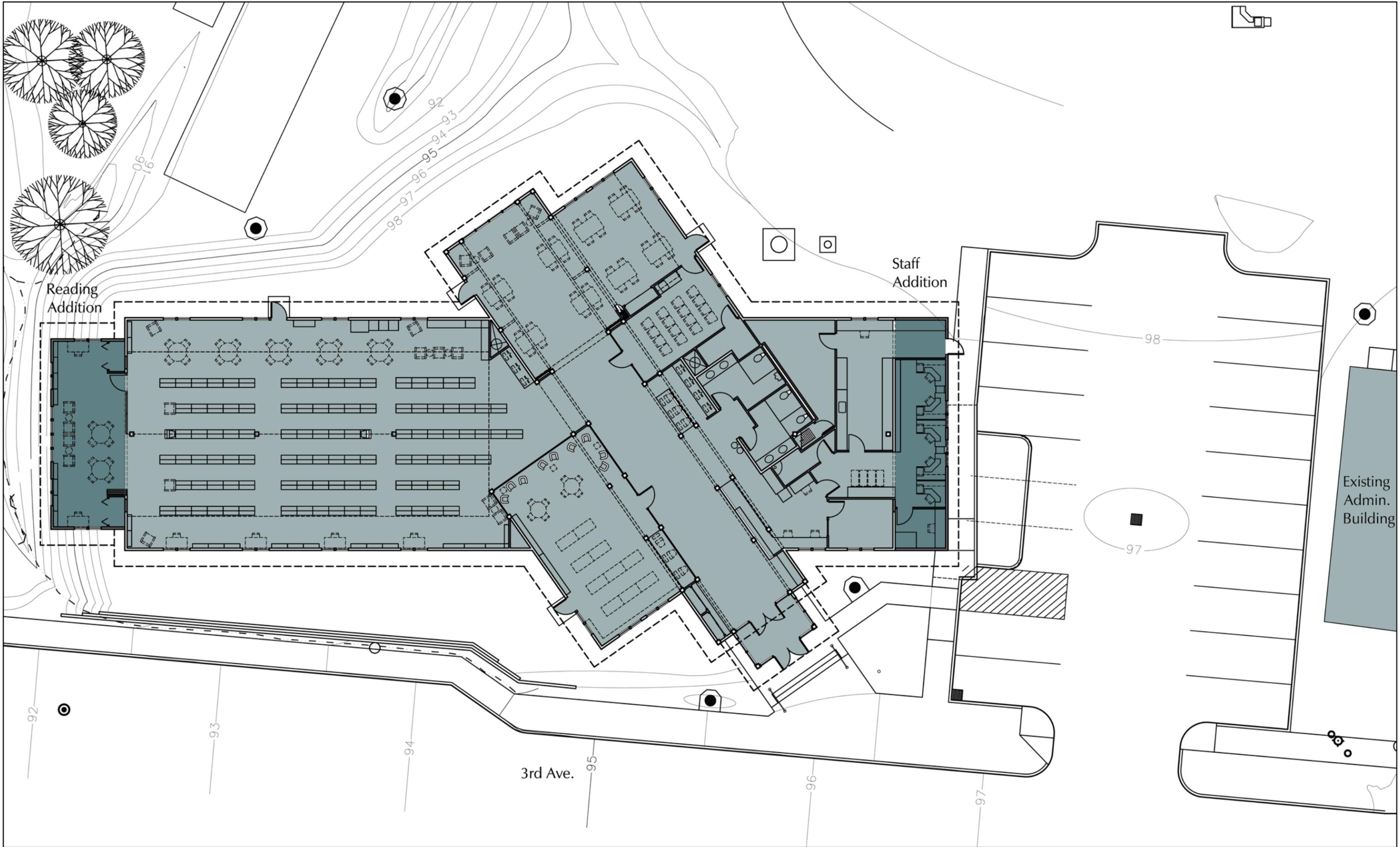


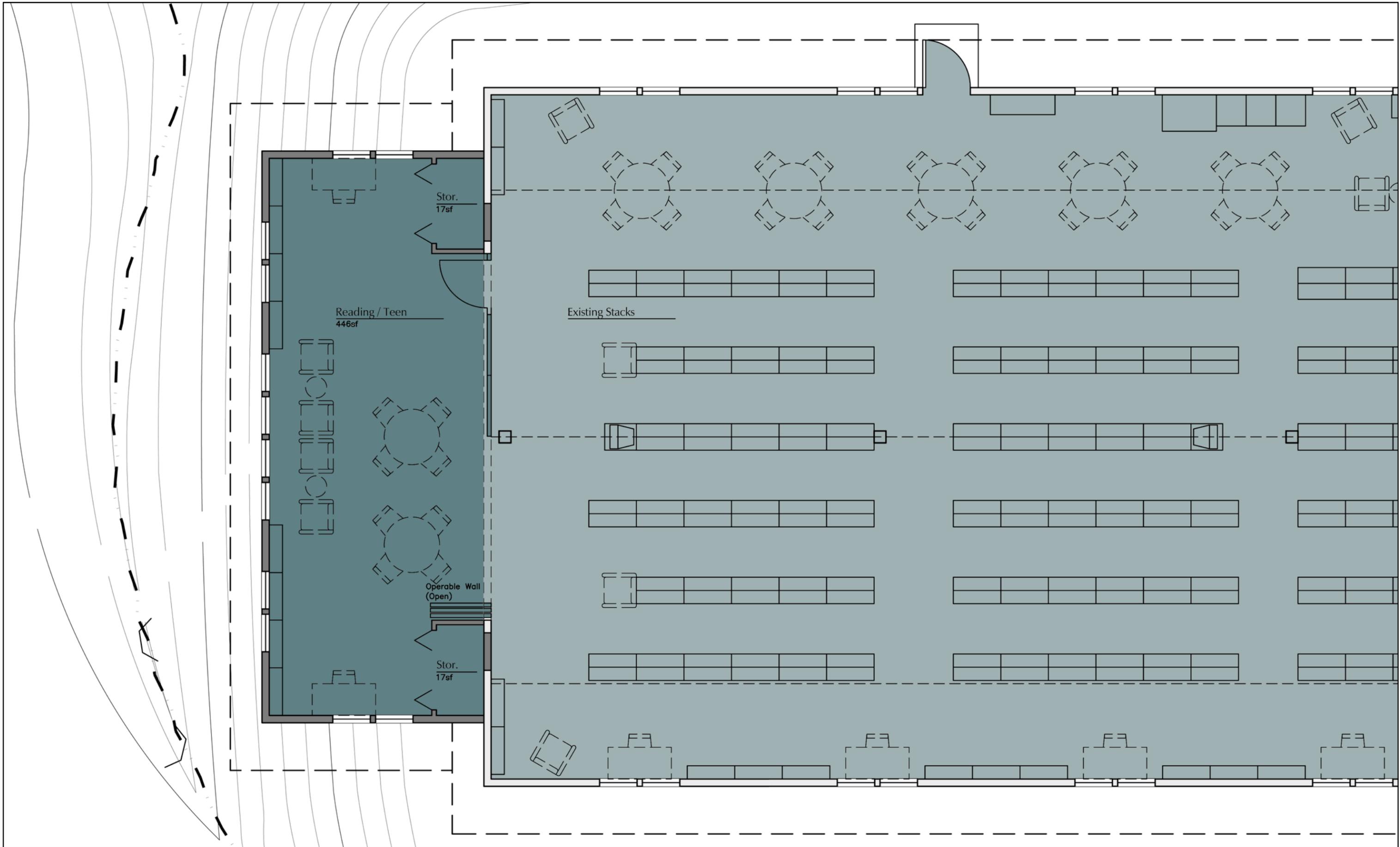


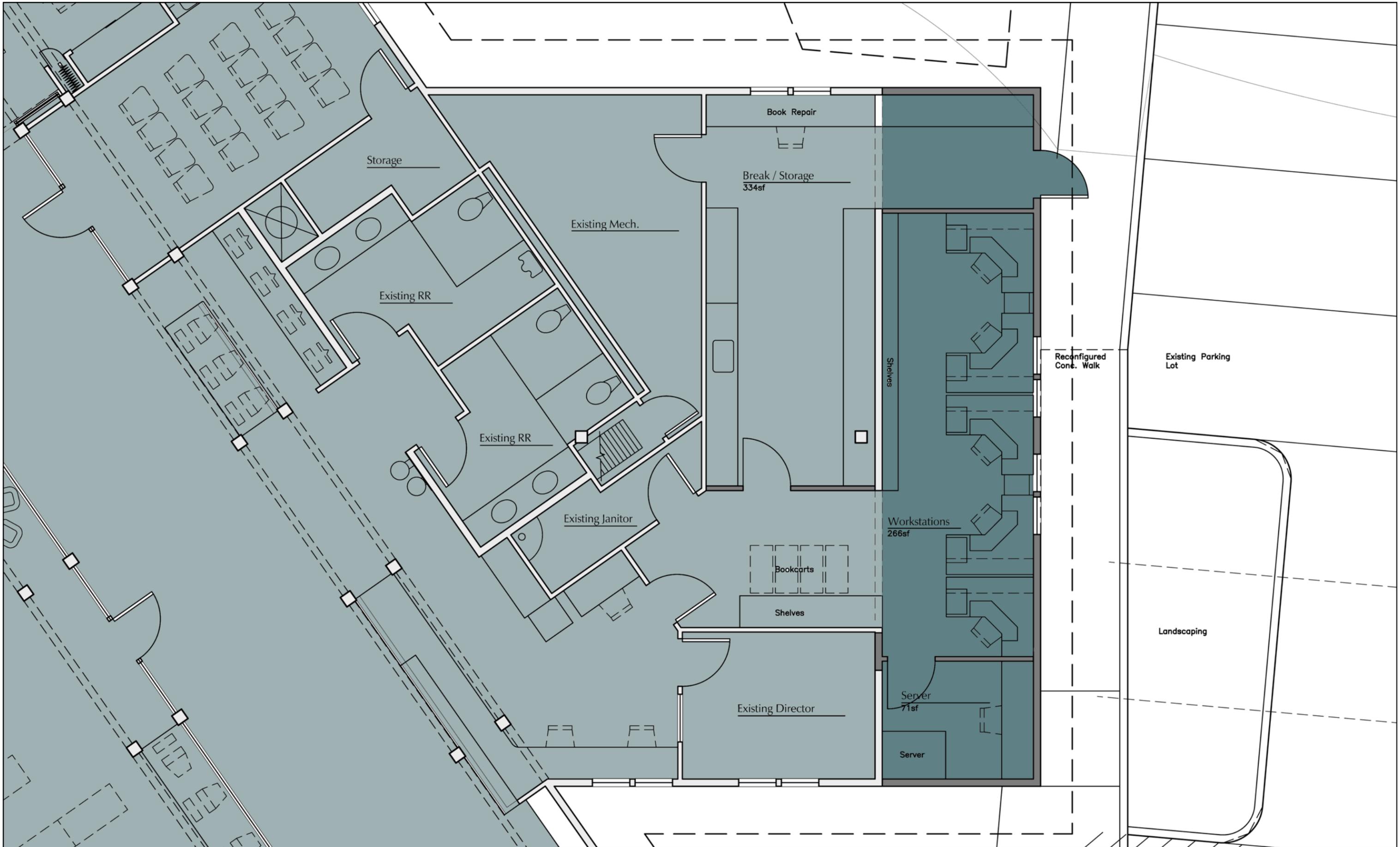
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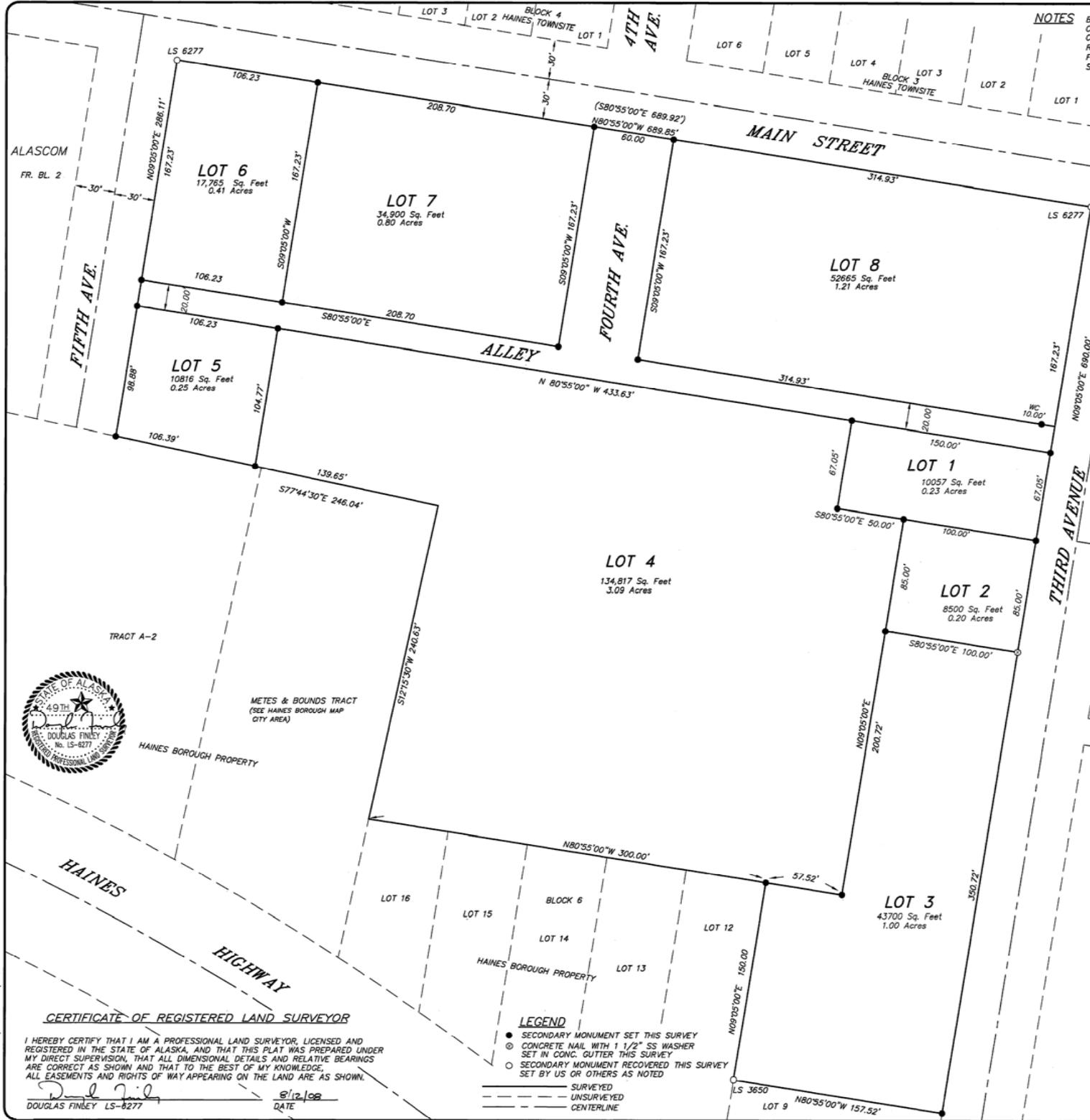


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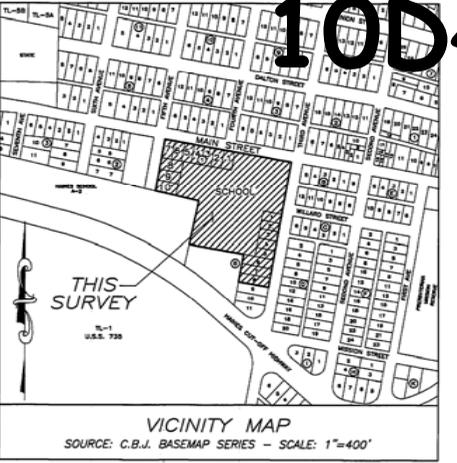
NOTES

BASIS OF BEARINGS THIS SURVEY, HAINES BOROUGH MAP CENTERLINE MONUMENT AT 2ND STREET & MAIN STREET TO CENTERLINE MONUMENT AT 6TH STREET & MAIN STREET RECORD BEARING S80°55'00"E, RECORD DISTANCE 1,500' FOUND DISTANCE 1,499.97' NOTE CENTERLINE MONUMENTS IN MAIN ST ARE OFFSET 5.00' N9°05'E FROM ACTUAL CENTERLINE.

TIE TO NE COR LOT 8 FROM CL MONUMENT @ 2ND & MAIN: N85°51'18"W, 406.59'

LOT 2 OF THIS PLAT COMPRISES PROPERTY DESCRIBED IN HAINES BOOK 15 P.383

SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD. LOTS MAY BE AFFECTED BY ENCUMBRANCES NOT DEPICTED HEREON.



STATEMENT OF OWNERSHIP:

WE HEREBY CERTIFY THAT THE HAINES BOROUGH IS THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ADOPT THIS PLAT OF SUBDIVISION WITH OUR FREE CONSENT, AND THAT WE DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED.

DATE: Sept. 26, 2008

FRED SHIELDS
MAYOR
HAINES BOROUGH
103 THIRD AVE S.
HAINES, ALASKA 99827

LEE HEINMILLER
CHAIR, PLANNING COMMISSION
HAINES BOROUGH
103 THIRD AVE S.
HAINES, ALASKA 99827

NOTARY'S ACKNOWLEDGMENTS:

UNITED STATES OF AMERICA)
STATE OF ALASKA) S.S.

THIS IS TO CERTIFY THAT ON THIS 29th DAY OF September, 2008 BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED

Fred Shields

2008-21
Haines REC DIST
DATE: Oct 15, 2008
TIME: 12:37 P.M.
Requested By: Haines
Address: Borough

KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE ABOVE AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT THEY SIGNED AND SEALED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN MENTIONED.

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

Notary Public for Alaska
Julie Cozzi
My Commission Expires 1-29-2011



TYPICAL MONUMENTS SET

2" ALUM. CAP ON 42" X 5/8" REBAR

DOUGLAS FINLEY
PSS
L 7 | L 6
RW
LS 6277

Scale in feet

CERTIFICATE BY THE HAINES BOROUGH

THE REPLAT OF LOTS 1 THRU 10, BLOCK 1, 1 THRU 8, BLOCK 6, AND HAINES INDEPENDENT SCHOOL METES AND BOUNDS TRACT, PRESBYTERIAN MISSION, PLAT NO. 42, AS DESCRIBED HEREON HAS BEEN FOUND TO COMPLY WITH THE PROVISION SET FORTH IN HC. 18.100 AND IS APPROVED FOR RECORDING WITH THE HAINES RECORDERS OFFICE DATED:

Lee Heinmiller 9/26/08
LEE HEINMILLER
PLANNING COMMISSION CHAIR
DATE

Fred Shields 9/25/08
FRED SHIELDS
MAYOR
HAINES BOROUGH
DATE



CERTIFICATE OF REGISTERED LAND SURVEYOR

I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, LICENSED AND REGISTERED IN THE STATE OF ALASKA, AND THAT THIS PLAT WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT ALL DIMENSIONAL DETAILS AND RELATIVE BEARINGS ARE CORRECT AS SHOWN AND THAT TO THE BEST OF MY KNOWLEDGE, ALL EASEMENTS AND RIGHTS OF WAY APPEARING ON THE LAND ARE AS SHOWN.

Douglas Finley 9/12/08
DOUGLAS FINLEY LS-6277 DATE

LEGEND

- SECONDARY MONUMENT SET THIS SURVEY
- CONCRETE NAIL WITH 1 1/2" SS WASHER SET IN CONC. GUTTER THIS SURVEY
- SECONDARY MONUMENT RECOVERED THIS SURVEY SET BY US OR OTHERS AS NOTED

--- SURVEYED
- - - UNSURVEYED
- - - CENTERLINE

A PLAT OF
PRIMARY SCHOOL SUBDIVISION
A REPLAT OF LOTS 1 THRU 10, BLOCK 1, 1 THRU 8 BLOCK 6, AND HAINES INDEPENDENT SCHOOL METES AND BOUNDS TRACT PRESBYTERIAN MISSION PLAT WITHIN U.S. SURVEY NO. 735 IN THE HAINES BOROUGH, ALASKA HAINES RECORDING DISTRICT - HAINES, ALASKA

DOUGLAS FINLEY LAND SURVEYING
820 6TH STREET - JUNEAU, ALASKA (907) 586-4253

DATE: 8/1/08 | DRAWN BY: GDM | PROJ. No.: HAINES-PRIM-SCHOOL | SCALE: 1"=40'

SHEET 1 OF 1

Xi Cui

To: David Sosa
Subject: RE: Aspen Hotel Property

From: David Sosa
Sent: Wednesday, May 28, 2014 1:00 PM
To: Glenda Gilbert
Cc: Stephanie Scott; George Swift; DG_Assembly; Jila Stuart; Xi Cui; Carlos Jimenez; Julie Cozzi
Subject: FW: Aspen Hotel Property

Ms Gilbert,

I just spoke with Mr. Swift and in the interest of moving this project forward I am going to recommend that the Borough absorb the costs related to the least expensive option listed here and taken from my e-mail of 22 May:

The Road needs to be improved to a minimum level of 4 inch D-1 lift with some sub base. Width of the main avenues will be 24 ft with lengths of 170 ft. There Is also potential for doing the alley along the back but this is not required.

Road Improvement only to ends of driveways on 4th and 5th Avenues: 60 feet per side for a total cost of appx. \$5,000

Advantages: Minimal cost, minimal time Disadvantages: does not take advantage of opportunity to prepare for more development

Per the Borough Attorney's e-mail of 20 May the following information was noted: *The short answer to the question is that the Borough is NOT legally required to construct Fourth Avenue and/or widen or improve the 20' platted alley between 5th and 3rd. The Borough is also not legally obligated to reimburse Aspen for any costs Aspen occurs upgrading 4th Avenue and/or the alley. **The Borough could voluntarily agree to pay for some or all of this work but that is an Assembly decision.***

The Borough Attorney Also noted: *HBC 12.08.170 contemplates construction of streets and alleys at the "owner's" expense but it is not clear if "owner" is intended to mean the owner of the street and alley itself or the owner of property accessed by the street or alley. This fuzziness is answered in my opinion by Chapter 3.90. HBC 12.08.170 also contemplates the possibility of Borough funding of some or all of the costs incurred by the private owner building the road. This is inconsistent with a mandatory obligation to build platted streets at 100% Borough cost. HBC 12.08.170 would provide the basis for a negotiated agreement with Aspen about sharing the costs of any upgrade to 4th Ave. or the platted alley.*

HBC Title 12.08.030 states: *The streets and alleys of the borough shall be constructed, graded and improved when existing rights-of-way permit it and in accordance with the provisions of this chapter as administered by the manager.*

The only prohibition noted to road construction in Title 12 is identified in 12.08.020: *No borough funds shall be expended for the construction of any sidewalk, curbing, paving, or improvement or repair of any driveway, alley, or other area on private property unless the assembly shall first have entered into a lease with the owner thereof or other satisfactory agreement permitting public use thereof.* As this road is public space and not private property this prohibition does not appear to apply

Per a conversation with the CFO there are sufficient funds available within the lands disposal/Sales funds that are appropriated and subject to the Manager's Spending authorization. My intent is to authorize up to \$6,000 of these funds be used to address road improvement as listed above.

Regards,

David B. Sosa
Borough Manager
Haines Borough, Alaska
www.hainesalaska.gov
dsosa@haines.ak.us
907-766-2231 ext. 29