



Haines Borough Planning Commission Regular Meeting Agenda

COMMISSIONERS:

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

Thursday, May 14, 2015 - 6:30 p.m.

Assembly Chambers, 213 Haines Hwy.

1. CALL TO ORDER / PLEDGE TO THE FLAG
2. ROLL CALL
3. APPROVAL OF AGENDA
4. APPROVAL OF MINUTES: April 16, 2015
5. PUBLIC COMMENTS [Items not scheduled for public hearing]
6. CHAIRMAN'S REPORT
7. STAFF REPORT
 - A. Planning & Zoning Report
8. PUBLIC HEARINGS:
 - A. Debi Knight Kennedy – Appeal to the Planning Commission – Action Item: Appeal of a notice requiring the removal of an off-premises sign, per HBC 18.90.070(E). **Possible Motion:** The Planning Commission confirms the Borough's decision.
9. UNFINISHED BUSINESS: None
10. NEW BUSINESS:
 - A. Historic District/Building Review: None
 - B. Haines Borough Code Amendments:
 1. Off-Premises Sign Ordinance in HBC 18.90 – Action Item: The commission discussed this topic and recommended the Assembly consider adopting the ordinance in 2011. The Assembly did not adopt the ordinance. The staff has been enforcing the existing code. Commissioner Venables requested the commission review/revise and resend this ordinance to the Assembly. **Motion:** Recommend the Assembly adopt the proposed ordinance.
 2. Temporary Residence Ordinance in HBC 18.60.020(H) – Action Item: The Assembly Government Affairs & Services Committee recommended referral of this ordinance back to the commission. The GAS committee provided a discussion report.
 - C. Project Updates: None
 - D. Other New Business:
 1. Jones Point Property – Discussion Item – This discussion item was requested on 4/16 meeting.
11. COMMISSION COMMENTS
12. CORRESPONDENCE
13. SCHEDULE MEETING DATE
 - A. Regular Meeting – Thursday, June 11, 2015 6:30 p.m.
14. ADJOURNMENT



**Haines Borough
Planning Commission Meeting
April 16, 2015
MINUTES**

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**, Robert **Venables**, Heather **Lende**, Brenda **Josephson**, and **Don Turner III**. **Absent:** Rob **Miller**
Staff Present: David **Sosa**/Manager, Jan **Hill**/Mayor, Tracy **Cui**/Planning and Zoning Technician III, Shawn **Bell**/Interim Harbormaster, and Carlos **Jimenez**/Public Facilities Director.
Also Present: Mike **Case** (Assembly liaison), Diane **LaCourse**, Ron **Jackson**, Gina **St. Clair**, Sean **Gaffney** and Ryan **Cook**.
3. **APPROVAL OF AGENDA**
Venables suggested two items to be added:
 - 1) Communication between the commission and the Borough; and
 - 2) Jones Point Industrial Area.

Motion: **Turner** moved to “approve the agenda as amended.” **Lende** seconded it. The motion carried unanimously.
4. **APPROVAL OF MINUTES** – March 12, 2015 Regular Meeting Minutes
Venables stated that #8 should read “Public Hearings”. For Item A, regarding height variance, he suggested that the PC approve up to 34’. He asked the staff to verify his comments from March 12th and amend the motion to insert his statement that led to 32’.
Lende asked comments be added to minutes; i.e., discussion with Roger Schnabel on safety of slide area in resource extraction.
Motion: **Heinmiller** moved to “approve the March 12, 2015 minutes as amended.” **Lende** seconded it. The motion carried unanimously.
5. **PUBLIC COMMENTS**
St. Clair first asked if public comment is permitted after a discussion item. She then read comments on the boat harbor and parking lot expansion, stressing increasing costs, reasons for not moving Lookout Park and budget cuts being made elsewhere that hurt the community.
6. **CHAIRMAN’S REPORT** – None
7. **STAFF REPORTS**
 - A. **Planning & Zoning Staff Report**
Cui reported monthly permits and updates on projects.

Venables asked to add off-premises signs discussion to next month's agenda due to possible appeals submitted, and discussion of the ordinance submitted by Debra Schnabel in the past.

8. **PUBLIC HEARINGS**

A. **Haines Borough – Vacation of One Portion of Mathias Ave. Right-of-Way (ROW)**

Goldberg opened the public hearing at 6:54 p.m.

Jimenez stated that the existing sewer does not get correct rates and there is a problem with sewer line under Smith home. This problem last year cost the Borough \$20,000 to clean up. An easement is needed to solve the problem and the PC is asked to pass a vacation ROW.

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

Motion: Turner moved to “recommend the Assembly vacate one portion of the Mathias Ave. ROW.” **Venables** seconded it. The motion carried unanimously.

9. **UNFINISHED BUSINESS** – None

10. **NEW BUSINESS**

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

B. **Haines Borough Code Amendments**

1. **Lot Line Adjustment in HBC 18.100.025**

Goldberg referred to the problem with non-conforming lots due to downtown area platted in 1917 and zoning regulations in 1970 creating conflict. Change would allow undersized lots to be platted and allow people to move lot lines around for undersized lots.

Motion: Venables moved to “add exception to Part C of code and amend to add that all lot line adjustments for non-conforming lots shall be reviewed by the Planning Commission.” **Turner** seconded it. The motion carried unanimously.

2. **Communications between the Commission and Borough**

Venables addressed need to communicate more with other committees, the Assembly, the Borough and the public. There is a problem with PC not knowing if an item was worked on by the Assembly. The PC does not always get feedback.

Cui informed the commissioners that the Borough Lands Department meets twice a month, at which time she updates them on PC items. **Cui** will add comments from Lands Dept. meetings to her staff reports.

Goldberg stated that action forms are being used and agrees that the PC should meet three times on large projects. **Goldberg** also agreed that committee members should be invited to PC meetings.

C. **Project Updates** – None

D. **Other New Business**

1. **South Portage Cove Harbor Expansion Project**

LaCourse was dismayed that her written comments were not copied to the PC as requested when she sent them to the Assembly, including a proposal diagram. As

public comment, she added that she does not see citizens' comments passed onto the Assembly or the PC. She does not want Lookout Park changed or moved and is concerned about the economics of the project. She agrees that harbor expansion is needed, but does not see how it would bring in much-needed revenue. She feels the process is flawed and incomplete.

Gaffney stated that, as a member of the Tourism Advisory Board, he asked the Board to draft a letter of support for the project, and stated that an increase in harbor capacity is vital.

Venables stated a need to keep up with project updates. The breakwater is a good investment for now, and revenue will be generated with fees from slips and parking. He also sees the need to get committees together to work on solutions.

Hill stated that the Assembly has referred to other committee members for comments, and agrees that the PC should invite all committees related to a project to give feedback to the PC.

Goldberg stated that the PC has read through comments from all sources and sees several possibilities to make Lookout Park more user-friendly to all people. He also reminded the PC that the \$19 million in state money will expire in 2017 if not used, and that there are currently 90 people on the waiting list to get harbor slips. More slips and parking areas are needed, as well as areas to work on boats.

Lende stated concern over increasing costs if the project is not complete, and wants more ideas on how to use the \$20 million that we have now and asks how much can be done with that amount. She also wants to know if a formal public hearing is planned on the 95 per cent proposal for the project and asked that it be added to the May PC agenda.

Turner stressed the strong support of fishermen for the harbor expansion project, and asked why the raw fish tax--that has traditionally gone into the Borough general fund--cannot now be used to support the project.

Case wanted to let the public and PC members know that comments from the public and committees are being heard and getting to the right people. Parks & Recreation committee members are working to plan the move of Lookout Park based on people's comments and suggestions.

Josephson stated budget concerns, but supports the project and is concerned with the 50-year life of sea wall maintenance costs. She also sees the rubble mound as a problem, as well as a need for more parking.

Heinmiller is concerned about the loss of the fishermen's ramp funding, and wanted to know when the funding will become available again. A new ramp is needed, as the old ramp will need to be replaced in the near future.

2. Jones Point Zoning

Venables wanted to know what the Takshanuk Watershed Council plans to do with the 50 acres they purchased. Venables also stated the concern for loss of industrial land in that area.

11. COMMISSION COMMENTS

Josephson reminded the PC that the closing of the forestry office in Haines brings up the problem of road maintenance. While the Forestry Dept. will not be pulling culverts, they will not be maintaining the roads. The Borough needs to be aware of road maintenance problems, such as wash outs, and the need for serviced roads for local

loggers and other users. She stated that there are different standards for forestry roads than Borough roads.

Sosa stated that the Assembly is aware of the problem and that a letter will be going to the Governor as the next step.

Lende stated concern over boarded-up buildings on Main Street and wanted ideas on how to get owners more proactive to make Main Street more attractive. She also was concerned about lack of trash pickup and saw the need for more enforcement, including removal of junk cars.

12. **CORRESPONDENCE** - None

13. **SET MEETING DATES**

A. Regular Meeting—Thursday, May 14, 2015.

14. **ADJOURNMENT**– 8:22 p.m.

Staff Report for May 14, 2015

1. Permits Issued Since April, 2015

PERMIT	DATE	OWNER/AGENT	TAX ID	LOT	BLK	SUBDIVISION	DEVELOPMENT	ZONE
15-13	4/1/15	Highland Estates, Inc.	C-USS-A2-2716	A-3-1 & 2		Martin Cordes	Site Prep.	MR
15-14	4/9/15	James Stickler	C-HHY-01-0410	1		Zimbrich Sub.	New Water Service	SR
15-15	4/13/15	Roger Schnabel	C-208-TL-0400& C-208-TL-03A0& C-207-TL-2310			USS 207 & USS 208	Temporary Access	RMU
15-16	4/14/15	Paul Swanstrom	C-MIS-0F-1400	14	F	Mission Sub.	Fence	C
15-17	4/14/15	James Gojdics	C-BTR-00-0500	5		Bear Trails Sub.	ROW_repair driveway	RMU
15-18	4/14/15	Alaska Mountain Guides	C-SMR-00-0100	1		Sawmill Flats Sub.	Campground	RMU
15-19	4/17/15	Wheeler/Kitayama, LLC	C-PSS-00-08B0	8B		Primary School Sub.	ROW_repair driveway	C
15-20	4/17/15	Rebecca Brewer	C-STR-02-3630	3		Bear Haven Sub.	Storage Shed	RMU
14-86(A)	4/23/15	Wheeler/Kitayama, LLC	C-PSS-00-08B0	8B		Primary School Sub.	Combination Commerical/Residential	C
15-21	4/24/15	Kevin Forster	C-NUK-00-0500	5		Nukdik Point View Sub.	ROW_repair driveway	SR
15-22	4/24/15	Rodney Hinson	C-PTC-0N-0200	8	N	Port Chilkoot Sub.	Shop	SR
15-23	4/24/15	Rodney Hinson	C-PTC-0N-0200	8	N	Port Chilkoot Sub.	ROW_driveway	SR

2. Enforcement Orders - None

3. Projects

- Addressing Project – Remaining of 94 addresses within the Townsite Service Area.
- Hazard Mitigation Plan – P&Z provided assistance on updating graphics in the plan.
- National Flood Insurance Program Community Assistance Visit – An upcoming Community Assistance Visit to the Haines Borough by State staff Taunnie Boothby and Federal staff Karen Wood-McGuinness, to review how the Borough is implementing Borough Flood Plain Regulations (HBC 18.120). They will conduct the visit on May 25 and 26.



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

April 16, 2015

Re: Sign, off-premises

Dear Land/Business Owner:

The Borough, in its ongoing efforts to provide a safe and well-maintained environment, addresses the posting and display of off-premises signs in the sign ordinance. In the past few years, the Borough noted community interest to modify the current off-premises sign regulations. Borough staff drafted the ordinance, and several public hearings were held to discuss the current prohibition on off-premises signs; however, the ordinance effort has languished. In light of this, the manager has asked me to proceed with enforcing the provisions of the current off-premises sign regulations. I am requesting you remove your off-premises sign(s), **as soon as possible**.

The following code is provided as an introduction to the existing off-premises sign regulations:

- Haines Borough Code (HBC) 18.20.020 defines "sign, off-premises" as any sign that displays a message related to commercial or noncommercial activity not offered or conducted on the property where the sign is located.
- Per HBC 18.90.070(E), off-premises signs are **prohibited** in the Borough in areas where signs are regulated (the townsite planning/zoning district); except as allowed by HBC 18.90.090(A)(8). Note: off-premises signs include fixed and portable signs.
- Per HBC 18.90.090(A)(8), temporary off-premises signs advertising community events sponsored by a public, civic or nonprofit organization are allowed; provided, that such signage is in place for no longer than 10 days (it is subject to commercial, waterfront, waterfront industrial, heavy industrial, light industrial/commercial, rural mixed use and multiple use zones).

Please contact the Borough if you have any questions. Thank you very much for your cooperation.

Respectfully,

A handwritten signature in black ink that reads "Tracy Cui".

Tracy Cui
Planning & Zoning Technician III

From: [Julie Cozzi](#)
To: [Xi Cui](#)
Subject: FW: off-premises sign appeal
Date: Friday, April 24, 2015 2:53:29 PM

Hi, Tracy...

Please proceed with taking this appeal to the planning commission. Thank you so much.

Julie

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

From: Julie Cozzi
Sent: Friday, April 24, 2015 2:53 PM
To: 'Debi Knight Kennedy'
Subject: RE: off-premises sign appeal

Hi, Debi...

This is an acknowledgement that I have received a timely-appeal from you and have determined it to be an appropriate appeal. Therefore, I will officially forward this to the planning commission for inclusion on their next meeting agenda. That meeting is currently scheduled for May 14. Tracy will be in touch with you.

While your appeal is pending, the enforcement is stayed (on hold). What that means is you will be able to proceed with your off-premises sign(s) until the appeal is settled.

Please don't hesitate to let me know if I can answer any of your questions regarding the appeal procedure. Best wishes and take care.

Julie

Julie Cozzi, MMC
Borough Clerk
Haines Borough
P.O. Box 1209
Haines, AK 99827
907-766-2231, ext.31
907-766-2716 (fax)
www.hainesalaska.gov
"The most wasted day of all is that in which we have not laughed."

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

From: Debi Knight Kennedy [<mailto:dkk@debiknightkenedy.com>]
Sent: Thursday, April 23, 2015 8:28 PM
To: Julie Cozzi
Cc: Xi Cui
Subject: off-premises sign appeal

Dear Julie Cozzi,

I am writing to plead my case as to my off-premises sign for my Forget-Me-Not Gallery located at 209 Tower Road.

I am distressed by the timing of your injunction. In one month, cruise ship passengers dis-embark. The conversation about signs could have been productively pursued this past winter; I don't know why it wasn't, but the failure to have that conversation will have negative repercussions across the business community. This is no time to stir the pot!

For the past four years I have placed a sign during my business hours, 11:00 am to 5:00 pm, across the street, with permission, on Lee Heinmiller's property at the corner of Alaska Indian Arts. It is not on the sidewalk. It does not impede pedestrian or vehicle traffic. It is attractive and garners many smiles and positive comments from tourists who find their way to my gallery because of it. It is in place three days a week, six hours a day, four months of the year.

And it is absolutely critical to the operation of my business.

Without that sign customers cannot find my gallery and I would be effectively out of business. A business that provides a full half of my income. It is a challenging thing, to make one's living as a working artist. A challenge that I find worth the effort for the gratification it brings me personally and the gifts, I believe, it brings to our community.

I am asking that the Planning Commission take all of these things into consideration and grant me permission to keep my sign.

Thank you,

Debi Knight Kennedy

www.debiknightkennedy.com

From: [Heather Lende](#)
To: [Rob Goldberg](#); [Robert Venables](#); [Xi Cui](#); [David Sosa](#)
Cc: [debra schnabel](#); [Leslie Ross](#)
Subject: PC meeting
Date: Tuesday, May 05, 2015 1:27:24 PM

Hi all, I'm on a book tour and will be speaking during our meeting Thursday, please excuse me. I do have a comment though on Deb Knight Kennedy's appeal-- in light if the boroughs efforts on behalf if economic development I would ask the signs be allowed-- the first rule of government should be do no harm - and enforcing this now would harm seasonal businesses that depend on signs. As to laws being laws , until the borough enforces other laws -- like 4 wheelers on the beach or junk car and litter laws -- it seems wrong to take the high road on something as small, and attractive I might add -- as art gallery and good vendor signs . In the meantime I would ask you to consider Debra Schnabel's ordinance . It is comprehensive, but covers all bases -- thanks --and excuse textos I'm on the phone -

Heather

*Sent from my iPhone

HBC 18.30.050 Appeals to the commission.

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

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

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

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

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

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

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



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 14-472

Assembly Meeting Date: 5/27/14

Business Item Description:	Attachments:
Subject: Allow Off-Premises Signs on Private Property	1. Ordinance 14-05-383 2. Memo from the Mayor 3. Memo from the Planning & Zoning Technician 4. 2011 Recommendation from the Planning Commission
Originator: Borough Clerk	
Originating Department: Administration	
Date Submitted: 5/19/2014	

Full Title/Motion:
Motion: Advance Ordinance 14-05-383 to a second public hearing on 6/10/14.

Administrative Recommendation:

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
\$ none	\$	\$	

Comprehensive Plan Consistency Review:

Comp Plan Goals/Objectives: Page 95	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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Summary Statement:

The comprehensive plan talks about supporting and strengthening the many existing businesses in Haines that are engaged in retail trade. It also stresses the importance of maintaining quality of life which includes the environment and appearance of the town. This ordinance allows off-premises signs on private property with documented permission from the property owner and also restricts the signs to a certain size. This ordinance attempts to strike a balance between allowing businesses "off the beaten path" to promote and regulating the signage. Large billboard signs would still be prohibited. Also, since an off-premises sign would have to count as part of a business's permitted signage total, it should restrict their use. The planning commission recommended handling this by conditional use, but a former G.A.S. committee struggled with that as well as how to handle state signage regulations. This ordinance addresses the state requirements and also proposes to handle off-premises signs simply as part of the borough's existing sign permit process.

Referral:

Referred to:	Referral Date:
Recommendation:	Meeting Date:

Assembly Action:

Meeting Date(s): 5/27/14	Public Hearing Date(s):
	Postponed to Date:

An Ordinance of the Haines Borough amending Haines Borough Code Title 18, Chapter 18.90 to allow the placement of off-premises signs on private property.

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

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

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

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

Section 4. Amendment of Chapter 18.90. Haines Borough Code Chapter 18.90 is amended, as follows:

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

18.90.010 Purpose.

The purpose of these sign regulations is to encourage the effective use of signs as a means of communication in the borough; to maintain and enhance the aesthetic environment; to ensure the business community quality signs to adequately identify and market their businesses; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on adjacent public and private property; and to enable the fair and consistent enforcement of these sign regulations.

18.90.020 Applicability – Effect.

All signs erected, constructed, altered or replaced in the townsite planning/zoning district must comply with the requirements of this chapter **and with AS 19.25.075-19.25.180 as it may apply**. There shall be no variances from the requirements of this chapter.

18.90.030 Permits.

A. All signs require a permit issued by the borough unless exempted by HBC 18.90.060. A permit application for a sign may be considered part of a land use permit application or may be considered separately. There shall be a fee for a sign permit application if considered separately.

B. Sign permit applications shall include plans for all signs to be placed. The plans shall illustrate sign elevations, cross sections, dimensions, placement, materials and lighting, or any similar information.

C. A sign permit application will be reviewed and either approved or disapproved by the manager **or designee** within three working days after receipt of a complete application.

18.90.040 Number of signs.

A. The number of allowable signs per business shall be limited to four and shall include all wall-mounted, projecting, portable, ~~or~~ freestanding, **or off-premises** signs. Each business shall be limited to one freestanding sign.

B. Each separate business in a building containing more than one business shall be allowed up to four signs, provided the total sign area per building wall does not exceed the maximum sign area allowed for that building wall.

C. Projecting Signs. The number of projecting signs per business shall be limited to two, each having no more than two sign faces.

18.90.050 Required setback, placement, construction and lighting standards.

A. All signs shall be located so as to achieve their purpose without constituting a hazard to vehicles or pedestrians.

B. Projecting Signs. No part of a projecting sign shall extend within three feet of a street curb or traveled way. If hung under a canopy, marquee or awning, a projecting sign shall have no less than seven feet of clearance between the bottom of the sign and the sidewalk. Projecting signs shall not extend above the building roof peak or eave.

C. Freestanding and Portable Signs. Freestanding and portable signs shall not be located so that they obscure traffic or sight angles at intersections or driveways, or in any location prohibited by state regulation. Freestanding signs shall not be located within the required building setback.

D. Off premises signs are allowable on private property with a notarized letter of consent from the property owner.

∅ E. All permanent signs shall be constructed of rigid, permanent and weather-resistant materials.

18.90.060 Signs exempt from regulation under this chapter.

The following signs shall be exempt from regulation under this chapter, provided these signs, if placed on private property, conform to the setback and placement standards set forth in HBC 18.90.050-~~-. **These signs are still subject to AS 19.25.075-19.25.180 as it may apply.**~~

A. Signs required by law, or temporary signs serving as public notice of a public event;

B. Works of art, including murals, that do not contain a commercial message;

C. Holiday lights or decorations;

D. Traffic control, parking, directional or informational signs or devices, provided they contain no commercial message;

E. Real estate signs up to six square feet advertising the sale, lease or rental of property upon which they are placed;

F. Temporary display window signs on the interior surface of windows;

G. Permanent signs in existence before June 19, 1996. Such signs shall not be replaced, moved, enlarged, altered, or reconstructed except in compliance with this chapter;

H. Political signs up to 24 square feet in area displayed on private property. Such signs may be erected no more than 60 days prior to the election date and must be removed no later than seven days following the election date;

I. Small informational signs related to the operation of a business, such as "Open/Closed" or credit card signs;

J. Construction signs not exceeding 32 square feet erected during construction, alteration or repair of a structure;

K. Signs of less than two square feet giving information about a residential building or its occupants;

L. Signs on vehicles used for commercial purposes containing information related to the vehicle's commercial use. Vehicle signs shall be attached to the surface of the vehicle and shall not project from the vehicle surface more than the sign thickness. Vehicle signs include painted or magnetic signs;

M. Temporary signs used to advertise casual and isolated sales not made in the regular course of business. Such signs shall be located on private property and utilized only while the items for sale are available on that site. No more than one sign shall be allowed on the site for this purpose. The sign shall be portable, no larger than 16 square feet in area, shall not include the name of any business, but may show the name of a product for sale. The sign shall be removed from the site at the end of the business day. No temporary sign exempted under this subsection shall be allowed for more than two consecutive days at any one site.

18.90.070 Prohibited signs.

The following signs are prohibited in the borough in areas where signs are regulated:

A. Beacons;

B. Pennants, except for temporary uses of no more than 10 days;

C. Signs which extend more than four feet above the roof of a building measured from the elevation of the roof where the sign is attached. The top of the sign shall not exceed the 30-foot building height restriction;

D. Flashing or blinking signs;

~~E. Off-premises signs, except as allowed by HBC 18.90.070(A)(7);~~

~~F.~~ E. Portable signs on public property such as streets, sidewalks, alleys and other public property, including sandwich signs, with the following exception:

1. Until such time as the borough assembly shall determine that traffic patterns have changed rendering this exception no longer advisable, Portage Street, in the significant structures area, shall be exempt from this prohibition; provided, that the portable sign is placed no closer than three feet from the curb, is adjacent to the property on which the business advertised on the sign is located and meets all other requirements of this chapter;

~~G.~~ F. Inflatable signs and tethered balloons;

~~H.~~ G. Temporary signs made of paper or such other temporary material. Manufactured signs made of Tyvek, plastic or similar materials are allowed if they are attached securely to a building, they are maintained in good condition and their area is counted in the total sign area allowed for that building wall;

~~I.~~ H. Signs advertising activities or products no longer offered on the premises. Such signs shall be removed within 90 days of the cessation of that business activity on that property;

~~J.~~ I. Signs designed to be transported, towed or moved on wheels (see off-premises signs, subsection (E) of this section);

~~K.~~ J. Signs extending from a vehicle by more than the thickness of the sign;

~~L.~~ K. Placement or distribution of handbills, flyers or bumper stickers on public property, except on public bulletin boards.

L. Billboards, defined as any signboards, signs, displays, notices or forms of outdoor advertising that do not strictly comply with the provisions of this chapter.

18.90.090 Sign standards – Commercial, waterfront, waterfront industrial, heavy industrial, light industrial/ commercial, rural mixed use and multiple use zones.

A. Allowed Signs.

1. Freestanding signs, provided the total height of the sign, including supports, is the lesser of 16 feet or the height of the commercial building.

2. Projecting signs.

3. Wall-mounted signs.

4. Portable signs.

5. Neon signs mounted in windows.

6. Internally lit signs.

7. Banners announcing public, civic or nonprofit events, provided the banner also receives approval of the State Alaska Department of Transportation if placed across a state highway or within a state right of way, is placed no more than 15 days prior to the event and is removed within two days of the completion of the event. Banners placed across a street shall maintain a clearance of 18 feet between the bottom of the banner and the street.

8. Temporary off-premises signs on public property advertising community events sponsored by a public, civic or nonprofit organization; provided approval is first obtained from the Alaska Department of Transportation if the sign is to be placed within a state right of way and, that such signage is in place for no longer than 10 days.

9. An off-premises sign on private property shall not exceed 16 square feet in area per sign face, no more than two sign faces per sign structure, and a maximum height of four feet.

B. Dimensional Standards. Total sign area per building wall shall not exceed 10 percent of the total square foot area of that building wall or 32 square feet, whichever is greater.

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

ATTEST:

Stephanie Scott, Mayor

Julie Cozzi, MMC, Borough Clerk

Date Introduced: 05/27/14
Date of First Public Hearing: ___/___/___
Date of Second Public Hearing: ___/___/___

Memorandum

Haines Borough
Office of the Mayor
103 Third Avenue S.
Haines, Alaska 99827
sscott@haines.ak.us
Voice (907) 766-2231 ext. 30

DRAFT

May 21, 2014

To: Haines Borough Assembly

Cc: Dave Sosa, Manager
Julie Cozzi, Clerk
Rob Goldberg, Chair, Planning Commission

From: Stephanie Scott, Mayor, Haines Borough

Subject: Off-premises signs

Three years ago the community began to wonder how to provide for signage for businesses tucked into side streets or at least, “off the main drag.” The preferred solution of the typical business in this situation – exemplified by the Chilkat Bakery or Dejon Delights – is to display “off premises” signs either as free-standing sandwich boards or signs affixed to another building or post.

The problem is that Haines Borough Code does not allow “off premises” signs (18.90.070 (E)) unless they are temporary (18.90.090 (A) (8)). Code provides a standard for free-standing signs (18.90.090 (A) (1)) which presumably applies to sandwich signs. In other words, free-standing signs are allowed, if they conform to a standard and if they are on the business’s premises.

One solution to this situation was proposed by the planning commission – to allow an off-premises sign with a conditional use permit – and the Assembly at the time asked the Government Affairs and Services Committee to weigh in. The committee did meet but as they delved into Alaska signage law (since there are so many state rights of way in town) the matter took on a frustrating complexity. The borough clerk proposed a substitute draft for the committee’s consideration. Unfortunately, the ordinance effort has languished.

As you know, our conditional use permit process requires a \$150 fee, consideration and recommendation from the manager according to 8 criteria, a public hearing before the Planning Commission, and a decision by the Planning Commission. Upon

reflection, utilization of the conditional use permit process for this purpose seems laborious for the impact that the off-premises sign could have for the community.

Please consider introducing the proposed ordinance that would modify code to allow a business owner to apply for a sign permit (\$25 fee) for an off-premises sign on private property under 18.90.030. The additional qualification in order to be eligible for an off-premises sign permit would be a notarized letter of consent from the owner of the premises on which the sign is to be placed, and compliance with size restrictions.



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

May 23, 2014

To: Haines Borough Assembly
From: Tracy Cui
Planning & Zoning Technician
Re: ORD_14-05-383 Title 18 Off-Premises Signs

Julie Cozzi asked I provide you with advice regarding the above-listed draft ordinance. I have reviewed and revised the proposed ordinance with minor changes.

The ordinance is to regulate the erection and placement of certain off-premise signs in Haines. The purpose of the ordinance is to protect and promote the economic development of the tourist industry and provide for the protection of the quality of life for residents and visitors.

The Planning Commission discussed this topic and recommended the Assembly further consider adopting the ordinance in 2011. As a planner, I am aware of the needs for local businesses to adequately identify their products and services. I am also aware of the importance of providing reasonable regulations while safeguarding the interest of local businesses.

I am willing to move forward with it if this is also the intent of the Assembly. Thank you for considering this. Please let me know if you have any questions.

Haines Borough
**BOROUGH ASSEMBLY
ACTION REQUEST**

DATE: June 22, 2011

To: Borough Assembly

FROM: Haines Borough Planning Commission

PLANNING COMMISSION ACTION: M/S: Hedden/Maynard: To recommend that the Borough Assembly adopt ordinance 11-06-270 to amend Haines Borough Code 18.90.050 & 18.90.070 to allow the display of off premises signage as a conditional use. The motion passed unanimously 5 to 0.

RATIONALE: The allowance of off premises signage would be helpful in promoting local businesses that are not on main throughways to travelers.

PLANNING COMMISSION REQUEST: To adopt ordinance xx-xxx-xx to amend HBC 18.90.050 & 18.90.070 to allow the display of off-premises signage as a conditional use.

SUBMITTED BY

 (signature) 6/22/2011

Lee Heinmiller
Planning Commission Chairman

HAINES BOROUGH, ALASKA
ORDINANCE No. 11-06-270

An Ordinance of the Haines Borough amending Haines Borough Code Title 18, Section 18.90.050 and 18.90.070 to allow the placement of off-premises signs as a conditional use.

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

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

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

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

Section 4. Amendment of Sections 18.90.050 and 18.90.070. Haines Borough Code 18.90.050 and 18.90.070 are amended, as follows:

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

18.90.050 Required setback, placement, construction and lighting standards.

A. All signs shall be located so as to achieve their purpose without constituting a hazard to vehicles or pedestrians.

B. Projecting Signs. No part of a projecting sign shall extend within three feet of a street curb or traveled way. If hung under a canopy, marquee or awning, a projecting sign shall have no less than seven feet of clearance between the bottom of the sign and the sidewalk. Projecting signs shall not extend above the building roof peak or eave.

C. Freestanding and Portable Signs. Freestanding and portable signs shall not be located so that they obscure traffic or sight angles at intersections or driveways, or in any location prohibited by state regulation. Freestanding signs shall not be located within the required building setback.

D. Off premises signs are allowable as a conditional use, except as allowed by HBC 18.90.090(A)(7).

~~E.~~ E. All permanent signs shall be constructed of rigid, permanent and weather-resistant materials.

18.90.070 Prohibited signs.

The following signs are prohibited in the borough in areas where signs are regulated:

A. Beacons;

B. Pennants, except for temporary uses of no more than 10 days;

C. Signs which extend more than four feet above the roof of a building measured from the elevation of the roof where the sign is attached. The top of the sign shall not exceed the 30-foot building height restriction;

D. Flashing or blinking signs;

~~E. Off-premises signs, except as allowed by HBC 18.90.090(A)(7);~~

Haines Borough
Ordinance No. 11-06-270
Page 2 of 2

~~F.E.~~ Portable signs on public property such as streets, sidewalks, alleys and other public property, including sandwich signs, with the following exception:

1. Until such time as the borough assembly shall determine that traffic patterns have changed rendering this exception no longer advisable, Portage Street, in the significant structures area, shall be exempt from this prohibition; provided, that the portable sign is placed no closer than three feet from the curb, is adjacent to the property on which the business advertised on the sign is located and meets all other requirements of this chapter;

~~G.F.~~ Inflatable signs and tethered balloons;

~~H.G.~~ Temporary signs made of paper or such other temporary material. Manufactured signs made of Tyvek, plastic or similar materials are allowed if they are attached securely to a building, they are maintained in good condition and their area is counted in the total sign area allowed for that building wall;

~~I.H.~~ Signs advertising activities or products no longer offered on the premises. Such signs shall be removed within 90 days of the cessation of that business activity on that property;

~~J.I.~~ Signs designed to be transported, towed or moved on wheels (see off-premises signs, subsection (E) of this section);

~~K.J.~~ Signs extending from a vehicle by more than the thickness of the sign;

~~L.K.~~ Placement or distribution of handbills, flyers or bumper stickers on public property, except on public bulletin boards.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS ____ DAY OF _____, 2011.

ATTEST:

Janice Hill, Mayor

Julie Cozzi, MMC, Borough Clerk

Date Introduced:	06/28/11
Date of First Public Hearing:	07/12/11
Date of Second Public Hearing:	07/26/11 – Adoption FAILED
Reconsidered on 8/9/11 and Postponed to 9/27/11 at which time it was advanced to another public hearing	
Date of Third Public Hearing:	10/11/11
Date of Fourth Public Hearing:	10/25/11 – Referred to Government Affairs & Services Committee

An Ordinance of the Haines Borough amending Haines Borough Code Title 18, Section 18.90.050 and 18.90.070 to allow the placement of off-premises signs as a conditional use.

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

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

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

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

Section 4. Amendment of Sections 18.90.050 and 18.90.070. Haines Borough Code 18.90.050 and 18.90.070 are amended, as follows:

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

18.90.010 Purpose.

The purpose of these sign regulations is to encourage the effective use of signs as a means of communication in the borough; to maintain and enhance the aesthetic environment; to ensure the business community quality signs to adequately identify and market their businesses; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on adjacent public and private property; and to enable the fair and consistent enforcement of these sign regulations.

18.90.020 Applicability – Effect.

All signs erected, constructed, altered or replaced in the townsite planning/zoning district must comply with the requirements of this chapter **and with State of Alaska regulations**. There shall be no variances from the requirements of this chapter.

18.90.030 Permits.

A. All signs require a permit issued by the borough unless exempted by HBC 18.90.060. A permit application for a sign may be considered part of a land use permit application or may be considered separately. There shall be a fee for a sign permit application if considered separately.

B. Sign permit applications shall include plans for all signs to be placed. The plans shall illustrate sign elevations, cross sections, dimensions, placement, materials and lighting, or any similar information.

C. A sign permit application will be reviewed and either approved or disapproved by the manager within three working days after receipt of a complete application.

18.90.040 Number of signs.

A. The number of allowable signs per business shall be limited to four and shall include all wall-mounted, projecting, portable or freestanding signs. Each business shall be limited to one freestanding sign.

B. Each separate business in a building containing more than one business shall be allowed up to four signs, provided the total sign area per building wall does not exceed the maximum sign area allowed for that building wall.

C. Projecting Signs. The number of projecting signs per business shall be limited to two, each having no more than two sign faces.

18.90.050 Required setback, placement, construction and lighting standards.

A. All signs shall be located so as to achieve their purpose without constituting a hazard to vehicles or pedestrians.

B. Projecting Signs. No part of a projecting sign shall extend within three feet of a street curb or traveled way. If hung under a canopy, marquee or awning, a projecting sign shall have no less than seven feet of clearance between the bottom of the sign and the sidewalk. Projecting signs shall not extend above the building roof peak or eave.

C. Freestanding and Portable Signs. Freestanding and portable signs shall not be located so that they obscure traffic or sight angles at intersections or driveways, or in any location prohibited by state regulation. Freestanding signs shall not be located within the required building setback.

D. All permanent signs shall be constructed of rigid, permanent and weather-resistant materials.

18.90.060 Signs exempt from regulation under this chapter.

The following signs shall be exempt from regulation under this chapter, provided these signs, if placed on private property, conform to the setback and placement standards set forth in HBC 18.90.050: **These signs are still subject to any state regulations that may apply.**

A. Signs required by law, or temporary signs serving as public notice of a public event;

B. Works of art, including murals, that do not contain a commercial message;

C. Holiday lights or decorations;

D. Traffic control, parking, directional or informational signs or devices, provided they contain no commercial message;

E. Real estate signs up to six square feet advertising the sale, lease or rental of property upon which they are placed;

F. Temporary display window signs on the interior surface of windows;

G. Permanent signs in existence before June 19, 1996. Such signs shall not be replaced, moved, enlarged, altered, or reconstructed except in compliance with this chapter;

H. Political signs up to 24 square feet in area displayed on private property. Such signs may be erected no more than 60 days prior to the election date and must be removed no later than seven days following the election date;

I. Small informational signs related to the operation of a business, such as "Open/Closed" or credit card signs;

J. Construction signs not exceeding 32 square feet erected during construction, alteration or repair of a structure;

K. Signs of less than two square feet giving information about a residential building or its occupants;

L. Signs on vehicles used for commercial purposes containing information related to the vehicle's commercial use. Vehicle signs shall be attached to the surface of the vehicle and shall not project from the vehicle surface more than the sign thickness. Vehicle signs include painted or magnetic signs;

M. Temporary signs used to advertise casual and isolated sales not made in the regular course of business. Such signs shall be located on private property and utilized only while the items for sale are available on that site. No more than one sign shall be allowed on the site for this purpose. The sign shall be portable, no larger than 16 square feet in area, shall not include the name of any business, but may show the name of a product for sale. The sign shall be removed from the site at the end of the business day. No temporary sign exempted under this subsection shall be allowed for more than two consecutive days at any one site.

18.90.070 Prohibited signs.

The following signs are prohibited in the borough in areas where signs are regulated:

- A. Beacons;
- B. Pennants, except for temporary uses of no more than 10 days;
- C. Signs which extend more than four feet above the roof of a building measured from the elevation of the roof where the sign is attached. The top of the sign shall not exceed the 30-foot building height restriction;
- D. Flashing or blinking signs;
- E. Off-premises signs **unless permitted by the planning commission as a conditional use**, except as allowed by HBC [18.90.090\(A\)\(7-8\)](#);
- F. Portable signs on public property such as streets, sidewalks, alleys and other public property, including sandwich signs, with the following exception:
 - 1. Until such time as the borough assembly shall determine that traffic patterns have changed rendering this exception no longer advisable, Portage Street, in the significant structures area, shall be exempt from this prohibition; provided, that the portable sign is placed no closer than three feet from the curb, is adjacent to the property on which the business advertised on the sign is located and meets all other requirements of this chapter;
- G. Inflatable signs and tethered balloons;
- H. Temporary signs made of paper or such other temporary material. Manufactured signs made of Tyvek, plastic or similar materials are allowed if they are attached securely to a building, they are maintained in good condition and their area is counted in the total sign area allowed for that building wall;
- I. Signs advertising activities or products no longer offered on the premises. Such signs shall be removed within 90 days of the cessation of that business activity on that property;
- J. Signs designed to be transported, towed or moved on wheels (see off-premises signs, subsection (E) of this section);
- K. Signs extending from a vehicle by more than the thickness of the sign;
- L. Placement or distribution of handbills, flyers or bumper stickers on public property, except on public bulletin boards.

18.90.090 Sign standards – Commercial, waterfront, waterfront industrial, heavy industrial, light industrial/ commercial, rural mixed use and multiple use zones.

- A. Allowed Signs.

Haines Borough
Ordinance No. 11-06-270
Page 4 of 4

1. Freestanding signs, provided the total height of the sign, including supports, is the lesser of 16 feet or the height of the commercial building.
2. Projecting signs.
3. Wall-mounted signs.
4. Portable signs.
5. Neon signs mounted in windows.
6. Internally lit signs.
7. Banners announcing public, civic or nonprofit events, provided the banner also receives approval of the State Department of Transportation if placed across a state highway **or within a state right of way**, is placed no more than 15 days prior to the event and is removed within two days of the completion of the event. Banners placed across a street shall maintain a clearance of 18 feet between the bottom of the banner and the street.
8. Temporary off-premises signs advertising community events sponsored by a public, civic or nonprofit organization; provided **approval is first obtained from the State Department of Transportation if the sign is to be placed within a state right of way and**, that such signage is in place for no longer than 10 days.

B. Dimensional Standards. Total sign area per building wall shall not exceed 10 percent of the total square foot area of that building wall or 32 square feet, whichever is greater.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS ____ DAY OF _____, 2011.

ATTEST:

Janice Hill, Mayor

Julie Cozzi, MMC, Borough Clerk

Date Introduced: 06/28/11
Date of First Public Hearing: 07/12/11
Date of Second Public Hearing: 07/26/11 – Adoption FAILED
Reconsidered on 8/9/11 and Postponed to 9/27/11 at which time it was advanced to another public hearing
Date of Third Public Hearing: 10/11/11

An Ordinance of the Haines Borough amending Haines Borough Code Title 18 Subsection 18.60.020(H) to clarify the criteria for temporary residence permits.

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

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

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

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

Section 4. Amendment of Subsection 18.60.020(H). Subsection 18.60.020(H) of the Haines Borough Code is hereby amended as follows:

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

HBC 18.60.020 Specific approval criteria.

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

...

H. Temporary Residence. Persons desiring to place a temporary residence, or a trailer or mobile home outside of a mobile home or RV park **in the townsite service area** for a temporary or interim occupancy **over 15 days**, shall apply for a temporary residence permit. ~~Permits for seven days or less will be at no charge and will not require connection to or payment for public water and sewer. Temporary residences remaining over 30 days will require a land use permit and where applicable, the standard monthly water and sewer charges will be levied, except by prior arrangement with the borough.~~ **The intent of a temporary residence permit is to allow a temporary structure for residential use. This means one trailer, RV or mobile home may be occupied during construction of a permanent residence. A temporary residence permit may be granted if all the following requirements are met:**

1. A valid land use permit for the permanent residence must be in effect during the entire time that the temporary dwelling is located on the site;

2. A trailer, RV or mobile home used as a temporary dwelling during the construction of a permanent residence must be located on the same lot or parcel;

3. The temporary dwelling must be transported to a sanitary dump station as needed to empty gray water and toilet waste tanks, be connected to public water and sewer if applicable, or be serviced by an approved DEC on-site wastewater system;

4. The temporary dwelling must meet the same setbacks applicable to permanent structures;

5. Temporary residence permits may be granted for a period of one year. One six-month extension of the temporary residence/trailer permit may be granted by the planning commission as long as the developer is complying with all requirements-; ~~Any temporary residence, trailer, recreational vehicle or mobile home being occupied by a person must be connected to public water and sewer and may be required to connect to the local electrical~~

~~service. Garbage disposal facilities are required. A minimum of one off-street parking space will be required for a temporary residence.~~

6. The area surrounding the temporary residence/trailer shall be kept in a clean and sanitary condition.

Exception: a temporary residence may be occupied on private property located outside of a mobile home or RV park while remodeling or repairing the interior of an existing permanent residence. Any applicable requirements under this subsection shall apply.

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

ATTEST:

Janice Hill, Mayor

Julie Cozzi, MMC, Borough Clerk

Date Introduced: 01/27/15
Date of First Public Hearing: 02/10/15
Date of Second Public Hearing: 02/24/15 – Referred to GAS Committee following hearing
Date of Referral Back to Planning Com 04/28/15

Haines Borough Assembly Committee Meeting
Committee: Government Affairs & Services

April 22, 2015

Assembly Chambers

5:30 p.m.

Meeting Chaired by Assembly Member Berry
Report by Assembly Member Lapham

Attendance

Committee Members: Assembly Members Berry, Campbell, Jackson, and Lapham; and ex officio member Mayor Jan Hill

Staff: None

Others: Mike Denker and Stephanie Scott

Issue: **Ordinance 15-04-405** (Removing 2nd Public Comment Period from Assembly Agendas)

Discussion/Action:

Motion by Campbell/Jackson to table the ordinance indefinitely.

Motion carried.

Issue: **Ordinance 15-01-398** (Temporary Residence Permits)

Discussion/Action:

Motion by Berry/Campbell to send back to the Planning Commission with a request for clarification on definitions for Temporary Residential (over 15 days), and the construction definitions, and that they should be separated into two subsections in the ordinance..

Motion carried.



AFTER RECORDING, RETURN TO:

Takshanuk Watershed Council
PO Box 1029
Haines, Alaska 99827

AETIA 50192

WARRANTY DEED
A.S. 34.15.030

The Grantor, **KLUKWAN, INC.**, whose address is PMB 160 2440 East Tudor Road, Anchorage, AK 99507, for and in consideration of TEN DOLLARS (\$10.00) and other good and valuable consideration in hand paid, the receipt of which is hereby acknowledged, conveys and warrants to **TAKSHANUK WATERSHED COUNCIL**, Grantee, whose mailing address is PO Box 1029, Haines, Alaska 99827, the following-described real estate:

Parcel 1:

Alaska State Land Survey No. 95-15, according to Plat No. 96-17, Records of the Haines Recording District, First Judicial District, State of Alaska.

Parcel 2:

Lot 1, Alaska Tidelands Survey No. 27A, according to Plat No. 96-18, Records of the Haines Recording District, First Judicial District, State of Alaska.

Parcel 3:

U.S. Survey No. 949, Records of the Haines Recording District, First Judicial District, State of Alaska. Excepting therefrom any portion lying within Sawmill Road Right-of-Way

SUBJECT TO reservations, exceptions, easements, covenants, conditions and restrictions of record, if any.

WARRANTY DEED
A4350\3753\Warranty Deed

Page 1 of 4

THIS PROPERTY was acquired, in part, with funds paid to The Conservation Fund, who funded the purchase by Grantee, from Department of the Army permittees for losses of aquatic resources through the Alaska In-lieu Fee Compensatory Mitigation Program Instrument between the Alaska District, U.S. Army Corps of Engineers and The Conservation Fund.

THE PURPOSE of acquiring this Property with in-lieu fees is to permanently protect and, where appropriate, restore, establish, and/or enhance wetland ecosystems, including their functions and services, their vegetative upland buffers, all aquatic species, including fish and wildlife resources, their habitats, and the public benefits aquatic ecosystems provide. There shall be no vegetation removal, excavation, dredging, fill placement, ditching, drainage alterations, water withdrawals, land-leveling, construction of permanent structures, surface mining, or other activities which would eliminate or degrade the Property's aquatic resources. The Property shall not be disposed of in any manner or used for purposes inconsistent with the stated purpose for which it was acquired.

GRANTEE shall give 60-day advance notice to the district engineer for any activities that could result in an incompatible use of the property as defined in the above purpose section. Such notification must be sent to U.S. Army Corps of Engineers, Attention: Regulatory Division, P.O. Box 6898, JBER, Alaska, 99506-0898.

GRANTEE shall correct adverse impacts to the property's aquatic resources by rehabilitation efforts to the satisfaction of the Alaska District Corps of Engineers for any loss in functions resulting from incompatible uses identified above in the purpose section. In addition, title to the property conveyed by this deed cannot be transferred, sold, exchanged, or otherwise disposed of without the prior approval of the District Engineer, Alaska District, U.S. Army Corps of Engineers.



DATED this 27th day of March, 2015.

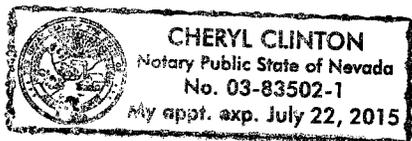
GRANTOR: **KLUKWAN, INC.**

By: *Rosemarie Hotch*
Rosemarie Hotch, President

STATE OF Nevada)
COUNTY OF Clark) ss.

THIS IS TO CERTIFY that on this 27 day of March, 2015, before me, the undersigned Notary Public in and for the State of Nevada, duly commissioned and sworn, personally appeared **Rosemarie Hotch**, to me known and known to me to be the **President** of **KLUKWAN, Inc.**, and known to me to be the person who signed the foregoing instrument, on behalf of said corporation, and she acknowledged to me that she signed and sealed the same as a free act and deed of the said corporation for the uses and purposes therein expressed pursuant to its bylaws or a resolution of its Board of Directors.

WITNESS my hand and official seal on the day and year in this certificate first above written.



Cheryl Clinton
Notary Public in and for Nevada
My Commission Expires July 22, 2015



DATED this 27th day of March, 2015.

The Buyer acknowledges the terms and provisions of this deed as shown above.

TAKSHANUK WATERSHED COUNCIL

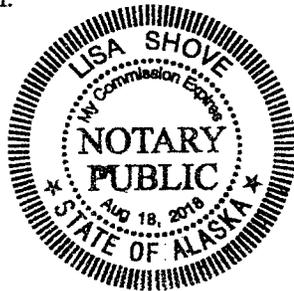
By: *Sally Andersen*
Sally Andersen, President

By: *Meredith Pochardt*
Meredith Pochardt, Executive Director

STATE OF ALASKA)
)
FIRST JUDICIAL DISTRICT) ss.

THIS IS TO CERTIFY that on this 27th day of March, 2015, before me, the undersigned Notary Public in and for the State of Alaska, duly commissioned and sworn, personally appeared **Sally Andersen**, to me known and known to me to be the **President** of **TAKSHANUK WATERSHED COUNCIL**, and **Meredith Pochardt**, to me known and known to me to be the **Executive Director** of **TAKSHANUK WATERSHED COUNCIL** and known to me to be the person who signed the foregoing instrument, on behalf of said corporation, and she acknowledged to me that she signed and sealed the same as a free act and deed of the said corporation for the uses and purposes therein expressed pursuant to its bylaws or a resolution of its Board of Directors.

WITNESS my hand and official seal on the day and year in this certificate first above written.



Lisa Shove
Notary Public in and for Alaska
My Commission Expires: Aug. 18, 2018



SYMBOLS

- PRIMARY MONUMENT ESTABLISHED/RE-ESTABLISHED THIS SURVEY
GEODETIC CONTROL MONUMENT RECOVERED
PRIMARY MONUMENT RECOVERED THIS SURVEY
SCRIBED ROCK (ORIGINAL PRIMARY MONUMENT) as described
REFERENCE MONUMENT (SECONDARY MONUMENT) ESTABLISHED THIS SURVEY
BEARING OBJECT as described
BEARING TREE as described
INDICATES BOUNDARY LINE
INDICATES 1995 MEANDER LINE AT 15.3' ELEVATION
INDICATES LOT LINES/OTHER BOUNDARIES

GENERAL NOTES

- 1. THE BASIS OF BEARING FOR THIS SURVEY WAS THE CALCULATED LINE BETWEEN RECOVERED MONUMENTS (C-3 AND WC/MC-4 U.S.S. 977) BEING ORIGINAL SCRIBED STONES, HAVING AN ACCEPTED BEARING OF N0°04'30"E
2. THIS SURVEY WAS ACCOMPLISHED IN ACCORDANCE WITH QUIET TITLE ACTION 100-94-539 CIVIL AND OSI 95-15
3. ALL BEARINGS SHOWN ARE TRUE BEARINGS AS ORIENTED TO THE BASIS OF BEARING AND DISTANCES SHOWN ARE REDUCED TO HORIZONTAL FIELD DISTANCES
4. THE ACCURACY OF THIS SURVEY IS GREATER THAN 1:5000
5. WHERE SURVEYED, ADJUSTED, AND/OR COMPUTED COURSES DIFFER FROM THOSE OF RECORD, THE RECORD VALUE IS EXPRESSED IN PARENTHESES, IN "EAST" FOLLOWS
6. RECORD COURSES ARE BASED ON THE PLATS OF THE FOLLOWING SURVEYS: A.T.S. 780, A.T.S. 27, AND U.S.S. 949
7. THE 1995 MEANDER LINE WAS DETERMINED BY CONVENTIONAL METHODS BASED ON ACTUAL TIDAL OBSERVATIONS AND THE TIDAL DATUM AS REFERENCED HEREON
8. AN ACCESS EASEMENT 50 FEET IN WIDTH EXISTS ALONG ALL NAVIGABLE AND PUBLIC WATER BODIES PURSUANT TO A.S. 38.05127 AND AAC 33.330. EASEMENTS ALONG SUCH WATER BODIES SHALL FOLLOW THE LINE OF MEAN OR ORDINARY HIGH WATER THEREON
9. THE BASIS OF GEODETIC POSITION FOR MC-1 WAS ESTABLISHED UTILIZING REDUCED TRAVERSE DATA BETWEEN U.S.C.G.S. STA. "MILL" AND N.G.S. STA. "HNSA" ESTABLISHED IN 1993

APPROVAL CERTIFICATE

This plat has been reviewed and found to be in compliance with applicable provisions of law, and the Settlement Agreement, No. 100-94-539 Civil and ASLS 95-15, and is hereby approved.

Dated 7-23-1996

Director, Division of Land

NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN BEFORE ME THIS 23 DAY OF July 1996

FOR RICHARD A. LEFEBVRE

NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES 12-10-96

A.D.E.C. APPROVAL CERTIFICATION

The Alaska Department of Environmental Conservation has reviewed the plat of ASLS 95-15 and is found to be in compliance with applicable statutes and is hereby approved.

Alaska Dept. of Environmental Conservation approving Official

APPLICANT CERTIFICATE

WE, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM WE ARE THE APPLICANT(S) AS SHOWN HEREON. WE HEREBY APPROVE THIS SURVEY PLAT.

ADL NO. 10026

APPLICANT'S NAME OR AUTHORIZED OFFICIAL AND TITLE

NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN BEFORE ME THIS 24 DAY OF June 1996

FOR Oen Argotevize

NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES 7/14/98

SURVEYOR'S CERTIFICATE

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

DATE: 6-23-96
REGISTRATION NUMBER: 59045
REGISTERED LAND SURVEYOR

BASIS OF BEARING

ATS 27, ACCEPTED 3-22-1965
500°04'30"W 979.46' [979.99']

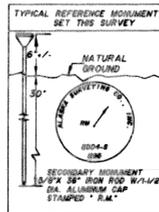
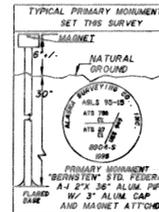
BLM PLAT, USS 977 [SOUTH 983.40']

ACCESSORIES TO MONUMENTS

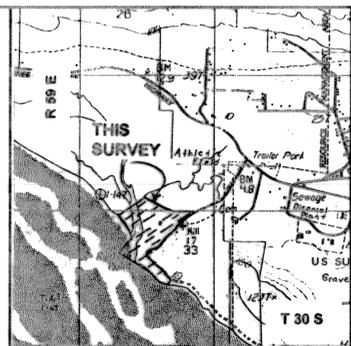
Table with columns: DIR, DIST, DESCRIPTION. Lists various monuments and their bearings/distances.

TIDAL DATUM

Pyramid Harbor, Chilkat Inlet, Lynn Canal
Lot. 59°10.6' N. Long. 135°29.0' W.
Highest Tide (est.) 21.5'
Mean Higher High Water 16.30'
Mean High Water 15.30'
Half Tide Level 8.35'
Mean Low Water 1.40'
Mean Lower Low Water 0.00'
Lowest Tide (est.) -5.5'



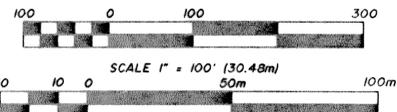
APPROXIMATE MEAN DECLINATION, 1954 SKAGWAY QUADRANGLE ALASKA



VICINITY MAP
SOURCE: U.S.G.S. "SKAGWAY (A-2) N.E. 1994
SCALE 1:25,000

MC-1 ASLS 95-15
ASP ZONE I (NAD83) COORDINATES
N 825393.2896 E 715020.3200
ASP ZONE I (NAD27) COORDINATES
N 825532.69 E 715030.57
NAD27 GEODETIC COORDINATES
LAT. 59°14'07.21" NORTH
LONG. 135°29'49.12" WEST

96-17
HAINES REC. DIST
DATE: 8/02/96
TIME: 1:36 P.M.
Prepared by AS/DNR



1 METER = 3.280833 U.S. SURVEY FEET
1 U.S. ACRE = 0.4047 HECTARE.

Survey record form containing: DATE OF SURVEY (7/17/95), NAME OF SURVEYOR (ALASKA SURVEYING CO., INC.), STATE OF ALASKA Department of Natural Resources, Division of Land, ALASKA LAND SURVEY NO. 95-15, and other administrative details.

GENERAL NOTES

1. THE BASIS OF BEARING FOR THIS SURVEY WAS THE CALCULATED LINE BETWEEN RECOVERED MONUMENTS (C-3 AND WC/MC-4 U.S.S. 977) BEING ORIGINAL SCRIBED STONES, HAVING AN ACCEPTED BEARING OF $N0^{\circ}04'30''E$
2. THIS SURVEY WAS ACCOMPLISHED IN ACCORDANCE WITH QUIET TITLE ACTION IJU-94-539 CIVIL AND GSI 95-15.
3. ALL BEARINGS SHOWN ARE TRUE BEARINGS AS ORIENTED TO THE BASIS OF BEARING AND DISTANCES SHOWN ARE REDUCED TO HORIZONTAL FIELD DISTANCES.
4. THE ACCURACY OF THIS SURVEY IS GREATER THAN 1:5000.
5. WHERE SURVEYED, ADJUSTED, AND/OR COMPUTED COURSES DIFFER FROM THOSE OF RECORD, THE RECORD VALUE IS EXPRESSED IN PARENTHESES. (E "EAST" TOLD)
6. RECORD COURSES ARE BASED ON THE PLATS OF THE FOLLOWING SURVEYS: A.T.S. 780, A.T.S. 27, AND U.S.S. 949.
7. THE 1995 MEANDER LINE WAS DETERMINED BY CONVENTIONAL METHODS BASED ON ACTUAL TIDAL OBSERVATIONS AND THE TIDAL DATUM AS REFERENCED HEREON.
8. AN ACCESS EASEMENT 50 FEET IN WIDTH EXISTS ALONG ALL NAVIGABLE AND PUBLIC WATER BODIES PURSUANT TO A.S. 38.05.127 AND II AAC 53.330. EASEMENTS ALONG SUCH WATER BODIES SHALL FOLLOW THE LINE OF MEAN OR ORDINARY HIGH WATER.

SYMBOLS

- ① PRIMARY MONUMENT ESTABLISHED/RE-ESTABLISHED THIS SURVEY
- ② PRIMARY MONUMENT RECOVERED THIS SURVEY
- ③ SCRIBED ROCK (ORIGINAL PRIMARY MONUMENT) as described
- ④ REFERENCE MONUMENT (SECONDARY MONUMENT) ESTABLISHED THIS SURVEY
- ⑤ BEARING OBJECT as described
- ⑥ BEARING TREE as described
- INDICATES BOUNDARY LINE
- - - INDICATES 1995 MEANDER LINE AT 15.3' ELEVATION
- - - INDICATES LOT LINES/OTHER BOUNDARIES

A.D.E.C. APPROVAL CERTIFICATION

The Alaska Department of Environmental Conservation has reviewed the plat of ATS 27 and ATS 780 and is found to be in compliance with applicable statutes and is hereby approved.

Alaska Dept. of Environmental Conservation approving Official

CERTIFICATE OF OWNERSHIP

I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE DIRECTOR, DIVISION OF LAND, AND THAT THE STATE OF ALASKA IS OWNER OF A.T.S. 780A, AS SHOWN HEREON. I HEREBY APPROVE THIS SURVEY AND PLAT FOR THE STATE OF ALASKA.

Director, Division of Land

NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN BEFORE ME THIS 23 DAY OF JULY 1996 FOR RICHARD A. LEFEBURE

Notary Public for Alaska

CERTIFICATE OF OWNERSHIP

I, THE UNDERSIGNED, HEREBY CERTIFY THAT KLUKWAN INCORPORATED IS THE OWNER OF A.T.S. 27A, AS SHOWN HEREON. I HEREBY APPROVE THIS SURVEY AND PLAT FOR THE STATE OF ALASKA.

Authorized Official and Title

NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN BEFORE ME THIS 23 DAY OF JULY 1996 FOR Dan Appelsinger

Notary Public for Alaska

SURVEYOR'S CERTIFICATE

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

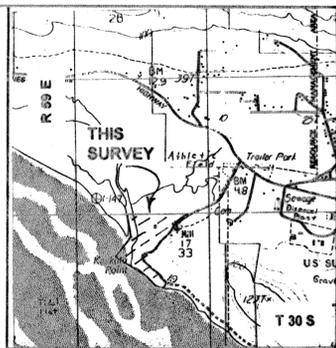
Registration Number 8904-S

Registered Land Surveyor

TIDAL DATUM
Pyramid Harbor, Chilkat Inlet, Lynn Canal
Lat. $59^{\circ}10'6''N$ Long. $135^{\circ}29'0''W$

Highest Tide (estimated) 21.5
Mean Higher High Water 16.30
Mean High Water 15.30
Half Tide Level 8.35
Mean Low Water 1.40
Mean Lower Low Water 0.00
Lowest Tide (estimated) -5.5

APPROXIMATE MEAN DECLINATION, 1954
SKAGWAY QUADRANGLE ALASKA



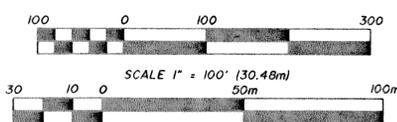
VICINITY MAP
SOURCE: U.S.G.S. "SKAGWAY (A-2) N.E."
SCALE 1:25,000

ACCESSORIES TO MONUMENTS

LINE	DIRECTION	DIST.	DESCRIPTION
L21	N89°56'55"E	18.25'	SECONDARY MON.
L22	N30°30'37"W	19.15'	SECONDARY MON.
L23	S01°17'36"W	15.63'	SECONDARY MON.
L24	S44°14'43"E	16.42'	"I" IN HEADSTONE
L25	S22°48'40"E	45.52'	"A" IN HEADSTONE
L26	S60°19'50"E	75.50'	SECONDARY MON.
L27	N50°06'56"E	83.53'	CNTR. POWR. POLE
L28	N45°04'08"W	18.20'	SECONDARY MON.
L29	N49°01'05"E	17.03'	SECONDARY MON.
L30	N44°59'58"E	44.00'	SECONDARY MON.
L31	N55°53'41"E	17.03'	SECONDARY MON.
L32	N44°59'58"E	44.00'	SECONDARY MON.
L33	S34°24'31"W	95.05'	SECONDARY MON.
L34	S56°07'22"E	16.80'	SECONDARY MON.
L35	S3°53'54"W	18.42'	SECONDARY MON.
L36	S3°33'59"W	28.83'	SECONDARY MON.
L37	N09°43'24"W	34.62'	SECONDARY MON.
L38	N42°18'17"W	25.03'	SECONDARY MON.
L39	S47°37'01"W	26.98'	SECONDARY MON.
L40	N09°45'33"E	20.04'	SECONDARY MON.
L41	S00°48'35"W	17.54'	SECONDARY MON.
L42	N07°53'26"E	33.65'	28" SPRUCE
L43	S02°22'27"E	43.48'	19" SPRUCE
L44	N39°00'48"W	47.03'	23" SPRUCE
L45	S72°14'33"E	37.21'	9" BIRCH
L46	N07°18'55"W	38.68'	14" SPRUCE
L47	N43°57'20"W	27.77'	19" SPRUCE
L48	S50°08'00"W	13.99'	SECONDARY MON.
L49	N04°19'39"W	24.77'	SECONDARY MON.
L50	N85°28'40"E	13.97'	SECONDARY MON.

1995 MEANDERS COMMENCING FROM WC/MC 4, A.T.S. 27

LINE	DIRECTION	DISTANCE
L4	N61°2'00"W	225.89'
L5	N78°29'57"W	134.38'
L6	N41°56'35"W	93.40'
L7	N03°32'25"W	121.43'
L8	N23°31'7"E	93.44'
L9	N09°15'19"W	120.76'
L10	N01°24'38"E	91.22'
L11	N2°52'09"W	50.26'
L12	N59°36'39"E	29.60'
L13	N08°48'42"E	238.50'
L14	N08°01'48"W	62.02'
L15	N08°01'48"W	100.71'
L16	N55°37'01"W	183.19'
L17	N05°55'14"W	125.04'
L18	N2°47'31"W	115.33'

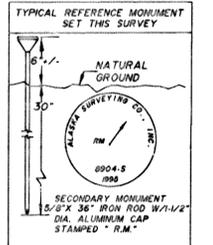
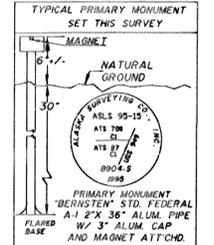
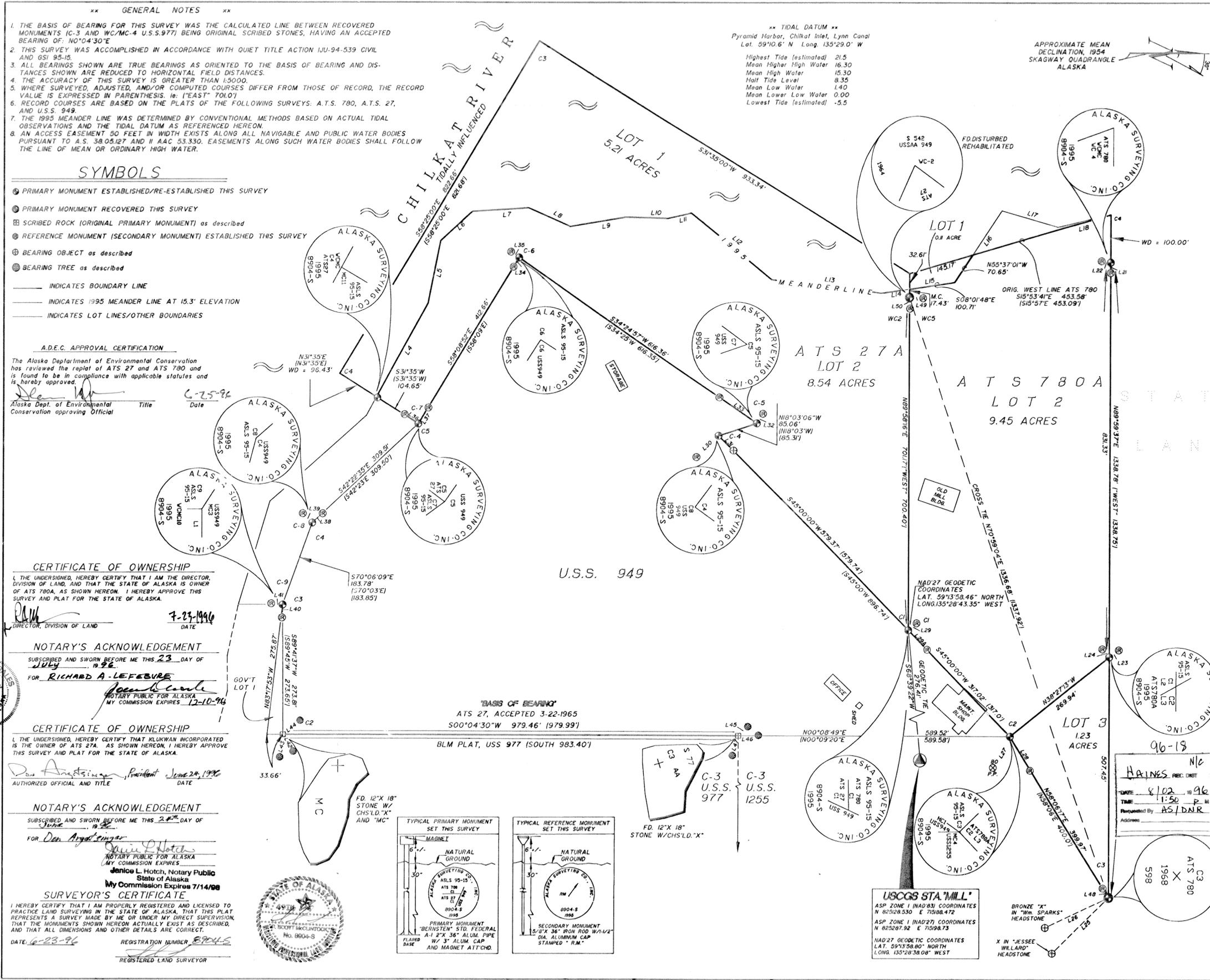


DATE OF SURVEY: 7/17/95
RECORDING: 7/27/95
NAME OF SURVEYOR: ALASKA SURVEYING CO., INC.
P.O. BOX 898
HAINEs, ALASKA 99827

STATE OF ALASKA
Department of Natural Resources, Division of Land
Technical Data Management
3501 C Street, Suite 180
Anchorage, Alaska 99503-3947

REPLAT OF A.T.S. 27 & A.T.S. 780
SEGREGATING SUBMERGED LANDS FROM ACCRETIONS WITHIN PROTRACTED SECTION 33 T. 30 S., R. 09 E., CRM, ALASKA
HAINEs RECORDING DISTRICT

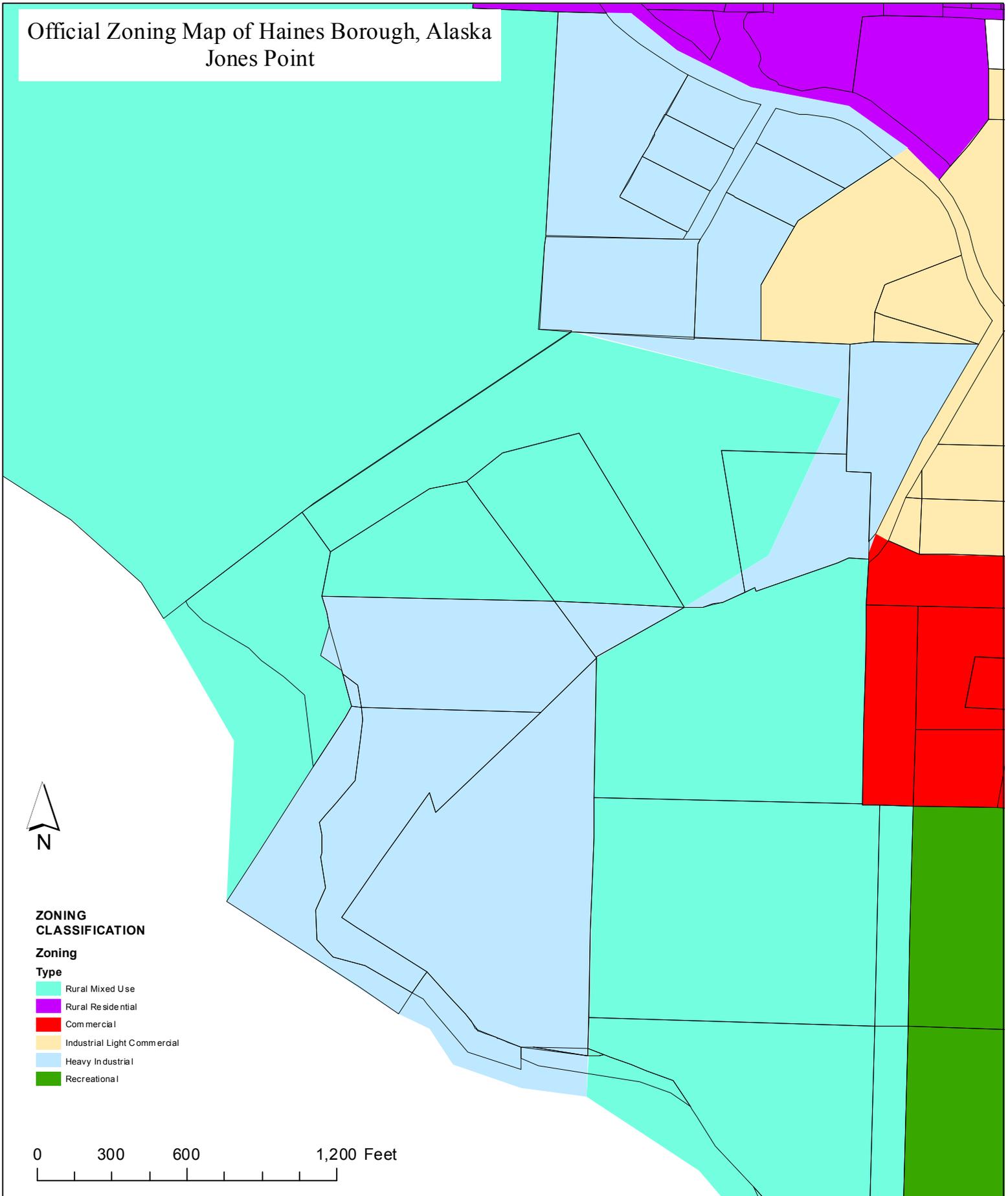
DRWN. BY: R.S.M.
DATE: 6-23-96
SCALE: 1" = 100'
APPROVAL: Haines
DATE: 7-23-96
CHECKED: R.S.M.
FILE NO. ATS 27A & 780A



USCGS STA. "MILL"
ASP ZONE I (NAD83) COORDINATES
N 82528.530 E 71588.472
ASP ZONE I (NAD27) COORDINATES
N 82528.792 E 71598.73
NAD27 GEODETIC COORDINATES
LAT. 59°13'38.80\"/>

ATS-27 & 780A

Official Zoning Map of Haines Borough, Alaska Jones Point



ZONING CLASSIFICATION

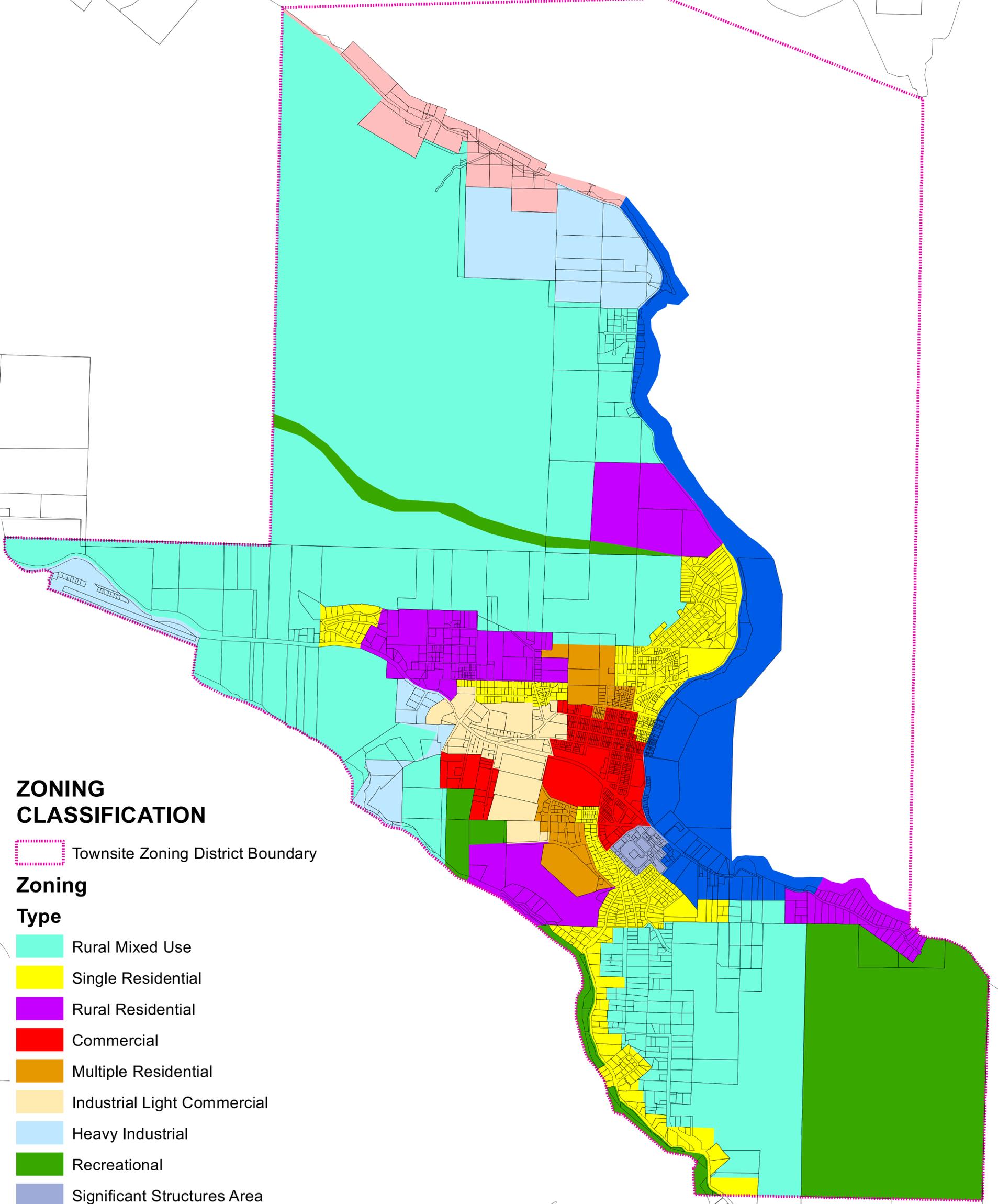
Zoning

- | Type | |
|------------------------------------------------------------------------------------|-----------------------------|
|  | Rural Mixed Use |
|  | Rural Residential |
|  | Commercial |
|  | Industrial Light Commercial |
|  | Heavy Industrial |
|  | Recreational |

0 300 600 1,200 Feet



Official Zoning Map of Haines Borough, Alaska Townsite Zoning District



ZONING CLASSIFICATION

 Townsite Zoning District Boundary

Zoning Type

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



LAST UPDATED 03-02-2015 BY XC