



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, November 13, 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: October 9, 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. Marnie Hartman – Appeal to Planning Commission – Action Item: Appeal of an enforcement order requiring the payment of \$250 after-the-fact fee for placing a commercial sign without a sign permit. **Possible Motion:** Confirm the manager's decision.
 - B. Scott Sundberg – Lodging Conditional Use Permit Renewal – Action Item: Sundberg has requested the Planning Commission approve the renewal of his conditional use permit to use his Letnikof Estates residence for lodging. **Possible Motion:** Approve Sundberg's conditional use proposal.
9. UNFINISHED BUSINESS: None
10. NEW BUSINESS:
 - A. Historic District/Building Review: None
 - B. Haines Borough Code Amendments:
 1. Temporary Residence in HBC 18.60.020(H) – Discussion Item: Borough staff reviewed the draft ordinance, and pointed out there are some circumstances that should be reconsidered prior to going to the Assembly. A memo is provided for commission's reconsideration.
 2. Signage Ordinance in HBC 18.90 – Discussion Item: This ordinance had its fourth public hearing on 10/14. The Assembly postponed until such time as the Planning Commission, Commerce Committee, and staff were ready to move a new signage code forward.
 - C. Project Updates: None
 - D. Other New Business:
 1. Classification of Borough Lands for Sale – Action Item: At the 9/11 meeting, the commissioners discussed various Borough properties as possible future land sales. These properties included land across Mud Bay Road from the Carr's Cove subdivision, Carr's Cove and lower Small Tracts Road area, at the end of FAA road, north of the Skyline subdivision, at the end of Lutak Road and at Excursion Inlet. The next step is to assign two commissioners to investigate these properties with Borough land department staff to determine their suitability for development. **Possible Motion:** Assign _____ and _____ as representatives to conduct the site visit.
 2. Consideration of Installing Fences around the Playground by Senior Center – Discussion Item: This discussion item was requested on 10/9 meeting. (Note: Staff has researched the records. The playground is currently within the Front Street right-of-way.)
 3. Clarification of Permanent Foundation Definition – Discussion Item: A potential buyer is willing to purchase John Orr's property on West Fair Drive. One question was brought up to clarify if the existing storage was built on a permanent foundation. This potential buyer is seeking the commission's advice in order to remodel the storage into a permanent residence.
11. COMMISSION COMMENTS
12. CORRESPONDENCE
13. SCHEDULE MEETING DATE
 - A. Regular Meeting – Thursday, December 11, 2014 6:30 p.m.
14. ADJOURNMENT



**Haines Borough
Planning Commission Meeting
October 9, 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**, Andy **Hedden**, Robert **Venables**, Danny **Gonce**, and Don **Turner III**. **Absent:** Heather **Lende**
Staff Present: Tracy **Cui**/Planning & Zoning Technician III.
Also Present: William **Pence** (called in), Jennifer **Kemp** (called in), Greg **Seymour**, Dave **Long**, Thom **Ely**, and Debra **Schnabel** (liaison).
3. **APPROVAL OF AGENDA**
Motion: **Turner** moved to “approve the agenda”. **Venables** seconded it. The motion carried unanimously.
4. **APPROVAL OF MINUTES** – September 11, 2014 Regular Meeting Minutes
Motion: **Venables** moved to “approve the September 11, 2014 regular meeting minutes”. **Hedden** seconded it. The motion carried unanimously.
5. **PUBLIC COMMENTS**
Ely expressed concerns about the Heliport Conditional Use Permit that was granted to John Floreske at the last planning commission meeting. He asked the commission to reconsider its action.
Goldberg said the code does not allow the commission to re-consider a vote.
6. **CHAIRMAN’S REPORT** - None
7. **STAFF REPORTS**
A. Planning & Zoning Staff Report
Cui reported monthly land use permitting and enforcement orders.
8. **PUBLIC HEARINGS**
A. Haines Animal Rescue Kennel (HARK) – 33’ Section-Line Easement Vacation (SLEV)
Pence introduced the proposal to the commission on behalf of the property owner, HARK.
The commission reviewed the preliminary plat. The Borough did not receive any objection on this request.
Motion: **Venables** moved to “support the vacation of the 33’ section line easement within Tract 2, Subdivision Plat of Lot 40, Sec.2, T.31S., R59E., C.R.M.”. **Gonce** seconded it. The motion carried unanimously.
B. Haines Real Estate – Plat Amendment

Long said he found technical drafting errors in the easement descriptions included on Plat 2009-11. Lot 16D was not given written utility easement, and Lot 16C was not given proper utility easement language within the original plat.

Motion: Gonce moved to “approve the plat amendment per the resubdivision of Lot 16, Sec.35, T.30S., R.59E., C.R.M.”. **Hedden** 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. **Vacation Rental in HBC 18.70.040**

Motion: Venables moved to “recommend the Assembly adopt the proposed draft ordinance to amend Haines Borough Code 18.70.040 by allowing vacation rental with a conditional use permit in the light industrial/commercial zone”. **Turner** seconded it. The motion carried unanimously.

2. **Signage Ordinance in HBC 18.90**

The commissioners discussed the draft and asked the Assembly to convey their concerns regarding the signage ordinance to staff, and staff to work with the commission to solve those concerns.

C. **Project Updates** – None

D. **Other New Business**

1. **Chilkoot Indian Association Wetland Plan Steering Committee**

Heinmiller volunteered to be the formal representative to the steering committee. The commission supported it and appreciated his offer.

11. **COMMISSION COMMENTS**

Schnabel suggested the commission consider installing fences around the playground at Tlingit Park in order to mitigate the impacts of the construction staging area across the street. The commission agreed to schedule this topic on the next agenda.

12. **CORRESPONDENCE**

A. **Request for Reconsideration of the Heliport Decision** – T. Ely

Ely expressed his concerns earlier at the meeting.

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

14. **ADJOURNMENT**– 7:32 p.m.

Staff Report for November 14, 2014

1. Permits Issued Since October, 2014

PERMIT	DATE	OWNER/AGENT	TAX ID	LOT	SUBDIVISION	DEVELOPMENT	ZONE
14-84	10/1/14	AP&T		8B	Primary School Sub.	Utility_ROW	C
14-85	10/2/14	Grantley Moore	C-MEA-01-12A0	12A	Meadowland Sub.	New W & S Service	SR
14-86	10/7/14	Wheeler/Kitayama, LLC	C-PSS-00-08B0	8B	Primary School Sub.	Site Prep.	C
14-87	10/10/14	H.A.R.K.	C-STR-02-40B0	40	Sec.2, T31S, R59E, CRM	SLEV	RMU
14-88	10/10/14	Winfred & Dawn Hasty	C-SEC-35-1640	16D	Sec.35, T30S, R59E, CRM	Amendment to Plat 2009-11	SR
14-89	10/14/14	CIA	C-STR-11-0320	3A	Aukerman Sub.	Storage	RMU
14-90	10/28/14	Fred Gray	C-USS-03-1100	11	USS 3A Sub.	Carport	SR

2. Enforcement Orders

- An enforcement order was issued on 10/28 to a property owner who started construction prior to obtaining a valid land use permit.

3. Projects

- Replat Primary School Subdivision – Survey work will be achieved not later than February 28, 2015.
- E911 Physical Addressing – Police Department offered to provide assistance with conducting site visits and verifying physical addresses within the Townsite Service Area. 863 out of 1087 have been confirmed.



Dear Haines Borough,

I am writing this letter as an appeal to a \$250.00 penalty placed on my business, Body IQ LLC. The penalty is for hanging a sign without a completed permit. I understand now that I have broken borough code but I did not know I was in the wrong when I hung the sign.

I went forth with hanging the sign due to a requirement from Medicare. In order for me to complete my contract to provide Physical Therapy services for Medicare patients, I was required to send them a photo of my place of business with signage. Prior to hanging, I had a discussion with Tracy at the borough offices. I went through the code of what was permitted for the Fort region with her. We verified the sign I was planning to hang was within the regulations. I paid the fee and filled out the application, admittedly hastily, because of a poor assumption on my part that our discussion would be recalled. I apologize for my naiveté. Then I hung the sign.

After which, I was contacted with the information that my permit application was incomplete. One item missing was a note of permission from the landlords. On Thurs 9/25/14 I received a text message from my landlord stating she was out of town but talked with Tracy and was told it was fine to address the matter when she returned. On Sat 9/27/14 I picked up a registered letter from the post office stating I was being charged a \$250.00 after -the -fact -fee.

I feel this penalty is inappropriate. Never during the multiple conversations I had with employees of the borough was I informed that I was not permitted to hang the sign prior to the issuing of the permit. Not once did Tracy call me or make any attempt to contact me regarding this matter. I am not asking for special treatment, nor am I denying that I was on the wrong.

However, it should be the position of the borough employees to help educate and communicate to support the businesses of Haines to comply with code. It should not be their goal to penalize. I feel offended and punished not buoyed.

Thank you for taking the time to consider this appeal. Please contact me with any questions. 907-766-2600

Sincerely,

Dr. Marnie Hartman, PT
Body IQ LLC



Haines Borough – Alaska

103 Third Avenue S. – P.O. Box 1209

Haines, AK 99827

907-766-2231

907-766-2716 Fax

September 23, 2014

Marnie Hartman
P.O. Box 1567
Haines, AK 99827

CERTIFIED MAIL

Re: Unpermitted Commercial Sign
C-PTC-0B-0200; #19 Seward Drive

Dear Ms. Hartman,

It has been reported that a commercial sign has been located on the above listed property without a sign permit. Your sign permit application of 9/4/14 is incomplete. In order to complete your application, you shall submit a drawing of the sign showing dimensions and height, a site plan showing the sign, and affidavit approval from property owner. Your \$25 check for the sign permit is being held until the required permit attachments are submitted.

Per Haines Borough Code (HBC) 18.90.030(A); all signs require a permit issued by the borough unless exempted by HBC 18.90.060. Due to the fact that the unpermitted sign has been located, you are being assessed a \$250 after-the-fact fee. Per HBC 18.30.070(B)(4), *“If a penalty is not paid within thirty (30) days, interest of 1.5% per month (18% annually) will accrue. If the penalty is not paid within one year, the sum will be added to the violator’s property tax.”* You must submit the \$250 after-the-fact fee to the Borough by October 23, 2014. After that date, interest of 1.5% per month (18% annually) will accrue.

You have the right to appeal this decision to the Planning Commission, per HBC 18.30.050. If you choose to appeal, you are required to *“file 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.”*

This matter requires your immediate attention. If you have any questions, please contact the Borough.

Sincerely,

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

Kathryn Friedle
Administrative Assistant
Haines Borough Planning and Zoning
kfriedle@haines.ak.us
(907)766-2231 Ext 22

CC: Joanne Waterman



Haines Borough

Planning and Zoning

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

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

SIGN PERMIT APPLICATION

I. Owner/Authorized Representative		Owner's Contractor(If Any)		
Name: <i>Marnie Hartman</i>		Name:		
Mailing Address: <i>PO Box 1507</i>		Haines Borough Business License #:		
Contact Phone: Day Night <i>907 766 2600</i>		Alaska Business License #:		
Fax: <i>907 766 2602</i>		Contractor's License #:		
E-mail: <i>marnie@body19pt.com</i>		Mailing Address:		
II. Sign Location		Contact Phone: Day Night <i>314-0804</i>		
Property Tax ID #: <i>C-PTC-OB-0200</i>		Fax:		
Site Street Address: (If Any) <i>#19 Seaward Dr</i>		E-mail:		
Legal Description: Lot (s) <u>2</u> Block <u>B</u> Subdivision <u>Port Chilkoot</u>				
OR				
Parcel/Tract _____ Section _____ Township _____ Range _____				
[Attach additional sheets if necessary.]				
Zoning: <input type="checkbox"/> Waterfront <input type="checkbox"/> Single Residential <input type="checkbox"/> Rural Residential <input type="checkbox"/> Significant Structures Area				
<input type="checkbox"/> Rural Mixed Use <input type="checkbox"/> Multiple Residential <input type="checkbox"/> Heavy Industrial <input type="checkbox"/> Waterfront Industrial				
<input type="checkbox"/> Commercial <input type="checkbox"/> Industrial Light Commercial <input type="checkbox"/> Recreational <input type="checkbox"/> Mud Bay Zoning District				
<input type="checkbox"/> Lutak Zoning District <input type="checkbox"/> General Use <i>Fort</i>				
III. Proposed Sign Information				
New Sign #	Description	Length x Width	Square Feet	Total Height (Top of sign to ground)
1	<i>Business Title / ID</i>	<i>3 x 3</i>	<i>9</i>	<i>6</i>
2				
3				
4				
Existing Sign Information:				
Existing Sign #	Description	Length x Width	Square Feet	Total Height (Top of sign to ground)
A				
B				
C				
D				

Xi Cui

To: Xi Cui
Subject: RE: November 13, 2014 Planning Commission Meeting_Agenda & Staff Report

From: Xi Cui
Sent: Thursday, November 06, 2014 12:16 PM
To: Rob Goldberg; Julie Cozzi; David Sosa
Subject: Re: November 13, 2014 Planning Commission Meeting_Agenda & Staff Report

I absolutely understand Chairman's point of view on this matter. Issuing enforcement orders create bad feelings among people all the time, this is why we thoroughly review of the matter prior to issuing a fine. In September of 2013, the Planning Commission adjusted the fine structure. The changes were to separate the fees and penalties into A and B. The after-the-fact fees remain the same (\$250), but all other violations of Title 18 drop from \$250 to \$100. There are two types of violations:

- A. those that cost the Borough money (i.e. failure to file a construction declaration that does not get on the tax rolls or beginning work without a permit) – a \$250 fine without warning; and
- B. those that do not cost the Borough money (i.e. having more than three chickens or failure to file an application for temporary use of an RV as a residence) – a warning letter first, if the violation is not corrected within 10 days, a \$100 fine will be assessed.

From my point of view, failing to obtain a sign permit may cost the Borough money. Issuing commercial sign permits has been a good "monitor" to keep track of commercial activities in town. If someone applies for a commercial sign permit, then staff can check if the person has a valid business license and all applicable registrations with the Borough. If commercial development (such as rentals, home businesses) proceeds absent a sign permit, then there are possibilities that the Borough is not collecting sales tax. That is probably the part given that there is so much commercial activity in the Borough, but much is done under our radar. I think that keeping tracks of commercial sign permits can increase the acuity of our radar.

This is my interpretation of the police, the commission may not agree with it. But this is a good opportunity to discuss and clarify this kind of situation. Thank you very much☺

Tracy

From: Rob Goldberg [<mailto:artstudioalaska@yahoo.com>]
Sent: Wednesday, November 05, 2014 8:19 AM
To: Xi Cui; Julie Cozzi
Cc: David Sosa
Subject: [SPAM] Re: November 13, 2014 Planning Commission Meeting_Agenda & Staff Report

Hi Dave, Julie and Tracy,

Re: the agenda item for the fine given to Marnie Hartmann over her failure to get a sign permit. The code was changed last year to avoid exactly this situation. A \$250 fine is now levied only for failure to get a building permit. It is to prevent people from building structures that do not get into the tax base. For all other violations of Title 18, people are sent a warning letter, and if the violation is not corrected they are levied a fine of \$100. Fining someone \$250 for a sign violation is inappropriate, especially when there seemed to have been some confusion over who should sign the permit - the business owner or the property owner. This kind of situation creates bad feelings among the people whom the government is here to serve.

Thanks.

-Rob

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

HBC 18.30.070 Fees and penalties.

A. The fees for various permits are as follows:

Animal husbandry, not including conditional use permits for these uses	\$25.00
Sign permit	\$25.00
Land use permit	\$50.00
Lot line vacation/adjustment	\$50.00
Short plat	\$75.00
Special conditions permit	\$150.00
Conditional use/variance permit	\$150.00
Rezoning/subdivision permit	\$200.00

B. Penalties.

1. After-the-fact fee in addition to the normal associated permit fee for beginning work without a permit or construction declaration	\$250.00 or 3% of the project value to a maximum of \$2,500
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2. Penalty for violation of any section of this title (except beginning work without a permit – see after-the-fact fee above)	\$100.00
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3. The procedure for assessing penalties shall be as follows: After-the-fact fees for beginning work without a permit or construction declaration shall be assessed upon discovery of the violation. In all other violations of this title, borough staff shall notify the violator by certified letter. The letter shall state the nature of the violation and inform the violator that they will have 10 business days to conform to the code. If the violation is not corrected within 10 business days, a penalty of \$100.00 shall be assessed.

4. If a penalty is not paid within 30 days, interest of one and one-half percent per month (18 percent annually) will accrue. If the penalty is not paid within one year, the sum will be added to the violator's property tax.

C. An applicant having been processed under a permit listed above, who subsequently encounters the requirement of another permit type, shall be charged the permit fee which is the highest, including any permit fees paid with the original application (i.e., an applicant who pays \$50.00 for a land use permit who then is required to apply for a variance shall be charged only \$150.00 for the entire process).

D. Multiple buildings or improvements and/or multiple variance requests as part of a single application for the same site will be considered as one permit respectively and not subject to successive permit fees.

E. The planning commission may recommend to the assembly that charges and fees be stayed. The assembly may stay the fees under subsection (A) of this section if it is in the best interest of the municipality to do so and special circumstances warrant. The action must be made in writing and made part of the borough assembly's public record. (Ord. 13-12-361 § 5; Ord. 13-10-353 § 4; Ord. 06-06-146)

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

November 5, 2014

To: Haines Borough Planning Commission
Re: Sundberg Conditional Use Permit Renewal
Lot 10, Letnikof Estates; 4-LET-00-1000; Mud Bay Rural Residential

Property owner Kimberly and Scott Sundberg requested for the Planning Commission to approve the renewal of the conditional use permit to use their Letnikof Estates residence for lodging. Haines Borough Code (HBC) 18.70.030(B)(3)(e)(4) allows lodges in Mud Bay Rural Residential zone with a conditional use permit. I have reviewed the application, and it has been determined the proposal meets the conditional use criterion of HBC 18.50 and the general approval criterion of HBC 18.60.010. As of today, the Borough has not received any written citizen complaints. Additionally, the Borough received a letter from the secretary of the Letnikof Homeowner's Association stating that the permit should include the continuance of the conditions that there be no signs indicating a business on the property, or parking on the street in association with any rental.

Therefore, I recommend the Planning Commission approve this conditional use permit renewal with the conditions mentioned above.

Thank you very much for considering this recommendation.

Sincerely,

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

Tracy Cui
Planning & Zoning Technician



Haines Borough

Planning and Zoning

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

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

APPLICATION FOR CONDITIONAL USE PERMIT

Permit#: _____

Date: _____

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

I. Property Owner/Agent		Owner's Contractor(If Any)	
Name: <u>Scott and Kira Sundberg</u>		Name: _____	
Mailing Address: <u>P.O. Box 1368</u>		Haines Borough Business License #: _____	
Contact Phone: Day _____ Night <u>766-3418</u>		Alaska Business License #: _____	
Fax: _____		Contractor's License #: _____	
E-mail: <u>Sunny@seaba-hel.com</u>		Mailing Address: _____	
E-mail: _____		Contact Phone: Day _____ Night _____	
E-mail: _____		Fax: _____	
E-mail: _____		E-mail: _____	
II. Property Information			
Size of Property: <u>7.2 acres</u>			
Property Tax #: <u>4-let-10-1000</u>			
Street Address: <u>#10 Inlet Dr.</u>			
Legal Description: Lot (s) <u>10</u> Block <u>-</u> Subdivision <u>Letn. Hoff</u>			
OR			
Parcel/Tract _____ Section _____ Township _____ Range _____			
[Attach additional page if necessary.]			
Zoning: <input type="checkbox"/> Waterfront <input type="checkbox"/> Single Residential <input type="checkbox"/> Rural Residential <input type="checkbox"/> Significant Structures Area			
<input type="checkbox"/> Rural Mixed Use <input type="checkbox"/> Multiple Residential <input type="checkbox"/> Heavy Industrial <input type="checkbox"/> Waterfront Industrial			
<input type="checkbox"/> Commercial <input type="checkbox"/> Industrial Light Commercial <input type="checkbox"/> Recreational <input checked="" type="checkbox"/> Mud Bay Zoning District			
<input type="checkbox"/> Lutak Zoning District <input type="checkbox"/> General Use			
III. Description of Work			
Type of Application (Check all that apply)	Project Description (Check all that apply)	Water Supply Existing or Proposed	Sewage Disposal Existing or Proposed
<input checked="" type="checkbox"/> Residential	<input checked="" type="checkbox"/> Single Family Dwelling	<input type="checkbox"/> None	<input type="checkbox"/> None
<input checked="" type="checkbox"/> Commercial	<input checked="" type="checkbox"/> Change of Use	<input type="checkbox"/> Community well	<input checked="" type="checkbox"/> Septic Tank
_____ sq. ft.	<input type="checkbox"/> Multi-Family Dwelling	<input type="checkbox"/> Private well	<input type="checkbox"/> Holding Tank
_____ seating	Total # of Units _____	<input type="checkbox"/> Borough Water System	<input type="checkbox"/> Borough Sewer System
capacity if eating/drinking establishment	<input type="checkbox"/> Cabin	<input type="checkbox"/> Other	<input type="checkbox"/> Pit Privy
<input type="checkbox"/> Industrial	<input type="checkbox"/> Addition	<u>Cistern 580 gal</u>	<input type="checkbox"/> Other
<input type="checkbox"/> Church	<input type="checkbox"/> Accessory Structure		
<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____		

Valuation of Work: <i>Na</i>
Current use of adjacent properties: <i>Residential</i>
Attach the following documents to the permit application: <input checked="" type="checkbox"/> Site plan (see Attachment A) showing lot lines, bearings and distances, buildings, setbacks, streets, etc.

PREAPPLICATION (Required)

Pre-application Conference Date: _____

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

APPLICATION

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

- The use is so located on the site as to avoid undue noise and other nuisances and dangers. Describe what safeguards are being provided (i.e. setbacks or buffers) to meet the condition.

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

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

||

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

//

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

//

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

//

IV. FEE

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

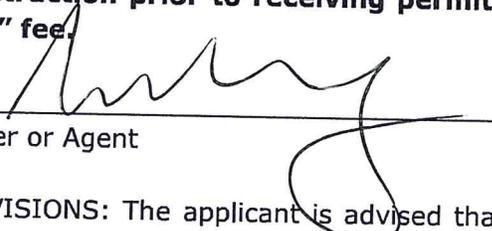
NOTICE

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

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

V. CERTIFICATION

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



 Owner or Agent

10/28/2014

 Date

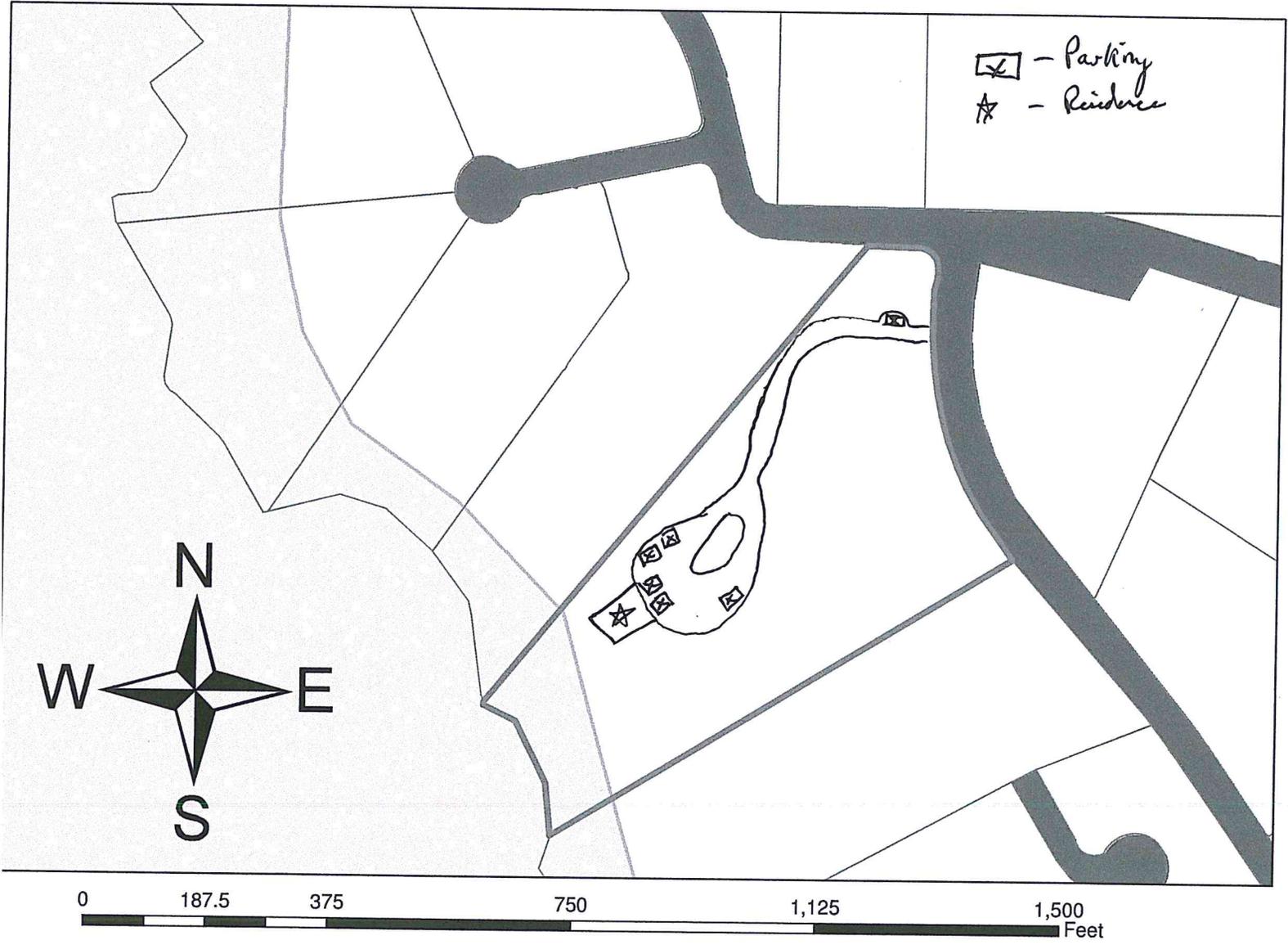
PROVISIONS: The applicant is advised that issuance of this permit will not relieve responsibility of the owner or owner's agents to comply with the provisions of all laws and ordinances, including federal, state and local jurisdictions, which regulate construction and performance of construction, or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

Office Use Only Below This Line

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

#10 Lot in Kad Estates
Sundberg Residence



To: Haines Borough Planning Commission

Dear Commission members;

My wife and I have spent 16 years in this community building a home, a business, and many meaningful relationships. We applied in the fall of 2011 for a conditional use permit to rent out our home as a lodge. We did this on the heels of having to move to Juneau for work, and wanted flexibility in gaining income from this scenario to pay for our mortgage here in Haines and rent in Juneau..

We are here to ask for a renewal of this permit. To this date I do not believe there have been any complaints about this use, there has been very minimal use as we moved back in spring of 2012.

I am here to ask for the non-term conditional use, as the only reason we had a 3 year term was because of a neighbor's concerns. Since the issuance of this permit, our neighbor has not even visited the property, or commenced building a structure on it as was proposed when the term was suggested.

We live in our home and for the most part do not rent it out much as a lodge, but we would like to keep this option.

Please endorse our request for a renewal of this CUP/Variance.

Below I will try to answer the rest of the proposed requirements in the code:

1. The use is so located on the site as to avoid undue noise and other nuisances and dangers; We feel that no excessive noise, nuisances, or dangers will be created as the lodging is limited to existing structure, a 4 bedroom home.
2. The development of the use is such that the value of the adjoining property will not be significantly impaired; As stated previously, without new construction of a facility and this use being seasonal or non-permanent no change is expected.
3. The size and scale of the use is such that existing public services and facilities are adequate to serve the proposed use; We have a septic and water approved for our home in accordance with the number of bedrooms, and proper evacuation signage will be in place.
4. The specific development scheme of the use is consistent and in harmony with the comprehensive plan and surrounding land uses; this is acceptable to the Letnikof Home Owner's Association
5. The granting of the conditional use will not be harmful to the public safety, health or welfare; I do not believe this will cause any more impact, create disease or poor living conditions, or threaten resident's public safety.
6. The use will not significantly cause erosion, ground or surface water contamination or significant adverse alteration of fish habitat on any parcel adjacent to state-identified

anadromous streams; There will not be any alterations or changes of existing ground water.

7. The use will comply with all required conditions and specifications if located where proposed and developed, and operated according to the plan as submitted and approved; We intend to follow the Letnikof board conditions of no off premises parking and no signage for the business.

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

We appreciate the Planning Commission hearing our request and we hope that they will find this use acceptable and grant us the permit.

Scott and Kimberly Sundberg

Letnikof Homeowner's Association
Box 811
Haines, Alaska 99827

October 10, 2014

Haines Borough
Planning Commission
PO Box 1209
Haines, Alaska 99827

Attn: Rob Goldberg
Re: *Condition Use Permit; Scott Sundberg*

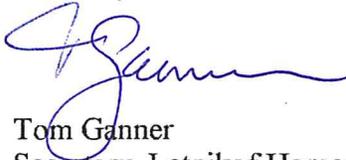
Dear Rob,

On behalf of the Board of Directors of the Letnikof Homeowner's Association I would like to endorse Scott Sun berg's request for renewal of the Conditional Use Permit for the purpose of renting his Letnikof property.

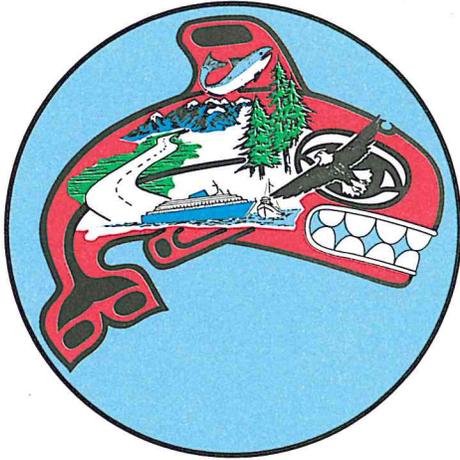
The re-issuance of the permit should include the continuance of the conditions that there be no signs indicating a business on the property, or parking on the street in association with any rental.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Tom Ganner', written over a printed name and title.

Tom Ganner
Secretary, Letnikof Homeowner's Association



HAINES BOROUGH, ALASKA
P.O. BOX 1209 • HAINES, ALASKA 99827
Administration 907.766.2231 • (fax) 907.766.2716

Tourism 907.766.2234 • (fax) 907.766.3155
Police Dept. 907.766.2121 • (fax) 907.766.2128
Fire Dept. 907.766.2155 • (fax) 907.766.3373

December 28, 2011

Scott Sundberg
P.O. Box 1368
Haines, AK 99827

Re: Conditional Use Permit #11-57
4-LET-00-0100

Dear Mr. Sundberg,

As you know, on December 8 the planning commission approved your application for a conditional use permit to use your Letnikof Estates residential home for lodging. The commission approved the permit with the following conditions:

1. The permit is for a period of three years, expiring 12/31/2014,
2. There shall be no signs indicating a business on the property, and
3. There shall be no parking on the street in association with any rental.

Should you decide to apply for permit renewal in the future, I recommend you begin the process six months prior to expiration. Please contact me if you have questions.

Sincerely,

A handwritten signature in blue ink that reads "Julie Cozzi". The signature is written in a cursive, flowing style.

Julie Cozzi, MMC
Borough Clerk



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

November 3, 2014

«OWNER»
«ADDRESS»
«CITY», «STATE» «ZIPCODE»

Re: Scott & Kimberly Sundberg Property – Lodging Conditional Use Public Hearing
4-LET-00-1000 – Lot 10, Letnikof Estates Subdivision

Dear Land Owner,

Haines Borough records show that you own property within 200 feet of the above-listed property. The property owners are requesting for the Planning Commission to approve the renewal of their lodging conditional use permit. The Haines Borough Planning Commission will hold a public hearing on the item at the next regular Planning Commission meeting. As an owner of property within 200 feet of the above-listed property you are being notified that you are invited to attend and comment at the meeting. The meeting will be held at 6:30 p.m. on Thursday November 13, 2014 at the Haines Borough Assembly Chambers. If you have any questions on the matter please contact the Borough.

Sincerely,

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

 Sundberg Property



0 100 200 400 600 800 Feet

OWNER	ADDRESS	CITY	STATE	COUNTRY	ZIPCODE
JUNE HAAS	c/o K.Dunning-9125 WINSOR AVE.	SAVAGE	MN	US	55378
RONALD EDWARD MELLINGER	2809 BAYVIEW DR.	MANHATTAN BEACH	CA	US	90266
SCOTT SUNDBERG	BOX 1368	HAINES	AK	US	99827
SHAWN MCNAMARA	BOX 1633	HAINES	AK	US	99827
ROBERT MOUNKES	BOX 1537	HAINES	AK	US	99827
JOHN WEEMES	P.O. BOX 197	UNALAKLEET	AK	US	99684
CANNERY COVE, LLC	BOX 930	HAINES	AK	US	99827
MARK EDWARDS	BOX 682	HAINES	AK	US	99827

HBC 18.20.020 Definitions.

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

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

HBC 18.70.030(B)(3) Mud Bay Planning/Zoning District – Rural Residential Zone (MBRR).

e. Conditional Uses. Conditional uses in the rural residential zone are:

- (1) Public parks, public recreation sites, and nonprofit camps;
- (2) Schools;
- (3) Fire stations;
- (4) Lodges;
- (5) Commercial or public radio and television transmitters and towers;
- (6) Public utility facilities;
- (7) Commercial Enterprise. “Commercial enterprise” means any commercial, manufacturing, sale or service that occurs on a person’s private property. A commercial enterprise shall be conducted only by a member or members of a family residing in a residence on the property and with up to six additional employees at any one time. Terms of a conditional use permit for commercial enterprise shall eliminate or mitigate adverse effects to air quality, noise, traffic, parking, waste and sewage, signs, lighting and burdens on any community utilities and resources that may result from such commercial enterprise;
- (8) Cemetery;
- (9) Vacation rentals.

HBC 18.50.040 Conditional Use – Decision

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

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

1. The use is so located on the site as to avoid undue noise and other nuisances and dangers;
2. The development of the use is such that the value of the adjoining property will not be significantly impaired;
3. The size and scale of the use is such that existing public services and facilities are adequate to serve the proposed use;
4. The specific development scheme of the use is consistent and in harmony with the comprehensive plan and surrounding land uses;
5. The granting of the conditional use will not be harmful to the public safety, health or welfare;

6. The use will not significantly cause erosion, ground or surface water contamination or significant adverse alteration of fish habitat on any parcel adjacent to state-identified anadromous streams;
7. The use will comply with all required conditions and specifications if located where proposed and developed, and operated according to the plan as submitted and approved;
8. Comments received from property owners impacted by the proposed development have been considered and given their due weight.

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

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

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



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

November 6, 2014

To: Haines Borough Planning Commission
From: Tracy Cui
Planning & Zoning Technician III
Re: Temporary Residence Ordinance

At the 9/11 meeting, the commission recommended the Assembly to adopt the attached ordinance. The draft ordinance is to **ONLY** allow temporary residence permits to be granted to the property owners who live in an RV/trailer while building their permanent residences. After reviewing the ordinance, staff pointed out there are circumstances that should be reconsidered. I am listing those possible circumstances, as following:

- Live in an RV/trailer while refurbishing the interior of an existing permanent residence. The proposed ordinance requires "2. 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". However, the Borough does not require a land use permit for refurbishing the interior of an existing structure.
- Live in an RV/trailer while repairing the damages on an existing permanent residence from natural disasters, such as fires, floods, and earthquakes, etc. If the damages are strictly to the interior of building, the Borough will not require a land use permit.
- Live in an RV/trailer until lease is up on the existing permanent residence. Property owner needs to live in a temporary dwelling (more than 15 days) until the tenants move out from the permanent residence.

Thank you very much for considering these special circumstances. Please let me know if you have any questions.

Haines Borough
**BOROUGH ASSEMBLY
ACTION REQUEST**

DATE: September 11, 2014

TO: Haines Borough Assembly

FROM: Haines Borough Planning Commission

Re: Temporary Residence in HBC 18.60.020(H)

PLANNING COMMISSION ACTION:

M/S HEDDEN moved to “recommend the Assembly adopt the proposed draft ordinance to amend Haines Borough Code 18.60.020(H)”. The motion carried 5-2 with **Venables** and **Turner** opposed.

RATIONALE:

The current code requires property owners to apply for a temporary residence permit if desiring to place a trailer, mobile home or RV on their properties even for one day. This is not currently enforced and if attempted at this point, could create an untenable situation for the Borough. Staff drafted an ordinance with the purpose of clarifying the terms of temporary residence permits, and presented it to the commission at the August 14, 2014 meeting.

During the discussion, the commissioners realized there are other problems in this section of code, such as a requirement on utility connections, and clarification on the time limit of temporary residence permits. Also, the commissioners discussed the intent of a temporary residence permit. They believe it mainly applies to the property owners who live in an RV/trailer while building their permanent residences, but it seems to also apply to the seasonal workers/summer residents who live in an RV/trailer for a few months. Questions were brought up if temporary residence permits shall be only permitted for construction purposes. Staff revised the ordinance based on the comments from the commission, and presented it to the commission at the September 11, 2014 meeting.

During the discussion, several commissioners spoke out against allowing temporary residence permits to be granted for vacation purposes on private property within the townsite service area. People who desire to live in RVs can choose to stay in RV parks. **Lende** stated it will be an economic problem if the Borough allows temporary dwellings to be placed on vacant private properties, which will cause low occupancy of designated RV parks. **Hedden** spoke in favor of **Lende's** idea. He said this is a planning issue. In

order to protect the integrity of neighborhoods, he believes it is the right thing to disallow that.

PLANNING COMMISSION REQUEST: for the Borough Assembly to amend HBC 18.60.020(H) to read:

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 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;

2. 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;

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.

SUBMITTED BY



(signature)

Rob Goldberg
Planning Commission Chairman

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

Draft

**AN ORDINANCE OF THE HAINES BOROUGH AMENDING HAINES BOROUGH CODE
TITLE 18 SECTION 18.60.020(H) TO CLARIFY THE TERMS OF TEMPORARY RESIDENCES**

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

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

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

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

Section 4. Purpose. This ordinance amends Title 18 Section 18.60.020(H) to clarify the terms of temporary residences.

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 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;

2. 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;

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.

An Ordinance of the Haines Borough amending Haines Borough Code Title 18, Chapter 18.90 to provide clarification of purpose, sign standards by district, off premise signage, portable and sandwich signage.

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. This ordinance is of a general and permanent nature and 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. Purpose. This ordinance amends Title 18, Chapter 18.90 to clarify the borough's signage code. Chapter 18.90 of the Haines Borough Code in existence prior to adoption of this ordinance is hereby repealed in its entirety and reenacted as a new Chapter 18.90 to read, as follows:

18.90.010 Purpose

The purpose of this ordinance is to encourage the effective use of signs as a means of communication for information and commerce in the borough, to direct traffic effectively and safely, to offer equitable means for business identification while protecting the safety, welfare and aesthetics of the community by regulating the design, construction and placement of signs to prevent confusion and traffic hazards.

18.90.020 Applicability – Effect.

A. This ordinance is enforceable in the Townsite Planning/Zoning District, the Mud Bay Planning/Zoning District and the Lutak Planning/Zoning District.

B. This ordinance shall provide guidance for the effective use of signs outside of a planning/zoning district.

C. All signs areawide must comply with AS 19.25.075 – 19.25.180 as it may apply.

18.90.030 Administration

A. Permits. A permit is required prior to the placement of any sign except those specifically exempted under HBC 18.90.040.

1. An application for a sign permit shall be made on a form supplied by the borough. Such application may be considered part of a land use permit application or may be considered separately; if considered separately, the application shall be accompanied by a fee as established by the Assembly.

2. The owner of the property, structure, lot or premise proposed for the placement of a sign must file the application for a permit.

3. The permit application shall include a document identifying sign dimension, materials, placement, design, elevation, cross section, plot plan showing the proposed location of the sign on a lot or building, and method of illumination, if any.

4. A sign permit application will be reviewed and either approved, disapproved or advanced to the Planning Commission when a variance from the provisions of this code is requested by the manager or designee within five working days after receipt of a completed application. An application is complete when the manager or designee determines that all information pertinent to the design, construction, and placement of the proposed sign is available in the application packet.

B. Variances Allowed. Relief from any provisions of this ordinance may be provided only with written approval of the manager upon favorable recommendation by the Planning Commission made by motion at a public meeting.

C. Enforcement. The placement of any sign without a sign permit, except those specifically exempted under HBC 18.90.040, shall result in a warning letter, and if unresponsive, a \$100 fine.

18.90.040 Exemptions

The following signs are exempt from regulations under this chapter provided such signs are on the business premise and conform to standards set forth in this chapter and AS 19.25.075 – 19.25.180 as it may apply:

A. Installed Free-standing, Projecting, Façade, Window and Awning signs (reference HBC 18.90.060) in existence before September 9, 2014. Such signs shall not be replaced, moved, enlarged, altered or reconstructed except in compliance with this chapter;

B. Legal notices, directional, traffic and parking signs, temporary paper signs serving notice of a public event or a hazard and informational signs erected by a government agent or directed by a government agent.

C. Real estate signs up to six square feet placed on the subject property or premises advertising sale, lease or rental

D. Political signs up to 24 square feet displayed on private property. A political sign advertising a candidate or persuading a position on a vote may be erected no more than 60 days prior to the election date for that candidate or issue and must be removed no later than seven days following the election date.

E. Small informational signs not exceeding one square foot and bearing only property numbers, directional arrows, post office box numbers, names of occupants of premises, information such as Open/Closed, awards, commendations or credit card signs displayed on the premises or property.

F. Temporary display window signs on the interior surface of a window.

G. A Directory or sign of six (6) square feet or less affixed to a building and giving information about the occupants of a residential or office building.

H. Signs on vehicles used for commercial purposes containing information related to the vehicle's commercial use, attached mechanically, magnetically or painted on the surface of the vehicle.

I. Construction Signs. During construction, repair or alteration of a structure or infrastructure, temporary signs that denote the architect, engineer, financier or grantor, contractor or builder, or which denote the name of the structure and or its use of occupants may be erected on the construction site. Total square footage of sign or signs per site shall not exceed 32 square feet.

J. Work of Art, such as murals that neither directly nor indirectly contain commercial messages and illustrations on boards used to cover doors and windows during a business closure.

K. Temporary sign used to advertise casual and isolated sales not made in the regular course of business placed on private property while items are for sale. In this instance, only one sign shall be allowed, no larger than 16 square feet. Sign may identify product for sale and shall not identify the business name. Sign is not allowed for more than two consecutive days.

18.90.050 General Provisions

A. All permitted signs shall be located, installed or placed so as to achieve their purpose without constituting a hazard to vehicle operations, pedestrians or aircraft.

B. It is the intent of this section that commercial signs shall not be located, installed, placed or maintained on streets, alleys or sidewalks. Variance from this intent shall be allowed only with written approval of the manager upon favorable recommendation by the Planning Commission at a public meeting.

C. Lighting. If illuminated, no lighted sign shall cause beyond the property line on which it is located, installed or placed or adversely affect the safe vision of motor vehicle operations or pedestrians. Blinking, flashing, rotating, pulsing illuminating devices which have a changing light intensity are not allowed except blinking neon signs placed in the window of a commercial or establishment during business hours, providing the neon sign does not exceed 20 percent of the window area. Signs with internal lighting are allowed only by district.

D. Materials. 1. All elements of signs intended for permanent placement shall be constructed of rigid, weather-proof materials. 2. Signs intended for temporary placement shall be constructed of weather-resistant, tear-resistant materials; lettering shall be water-proof and signs reasonably affixed or supported.

E. Placement. No sign shall extend more than four (4) feet above a structure; the top of any sign shall not be installed to exceed thirty (30) feet height restriction.

F. Substantial Condition. Signs shall be maintained in good repair. Any sign not in substantial, sturdy condition will be subject to removal as a public nuisance as provided by HBC 8.12.

18.90.060 Sign Definitions, Placement, Dimensions

A. Off-Premise Signs.

1. Definition. Off-premises signs are signs that are located, affixed, installed, placed, erected or maintained on a structure, lot, facility or premise (a) not owned by the person or business entity or interest served by the sign; (b) not the physical location of the business entity or interest served by the sign; and (c) Off-premise signs may be free-standing, portable, affixed or painted directly on a structure.

2. Placement. Off-Premises signs a) are allowed on municipal streets, alley or sidewalks only with written approval of the manager upon favorable recommendation by the Planning Commission at a public meeting and the Alaska Department of Transportation where applicable; b) require written consent of the property owner filed with the application; c) may not be in the required property set-back; d) may not exceed one per person, business entity or interest served; and e) if portable, may not be displayed outside of posted business hours or applicable time frame.

3. Dimension. Off-Premise Signs shall not exceed a) sixteen (16) square feet in area per sign face; b) two sign faces per sign structure; and c) maximum height of four (4) feet.

B. Free-standing signs.

1. Definition. Free-Standing signs are a) signs supported by one or more posts or legs permanently installed in the ground or concrete; and b) sandwich signs.

2. Placement. a) shall not be located, installed or placed within twenty-five (25) ft. of a street or alley intersection line except when less than six and one-half (6.5) square feet per surface and maximum height is less than forty-two (42) inches, and with the approval of the Alaska Department of Transportation where applicable; b) if off-premises, require written approval of the manager upon favorable recommendation by the Planning Commission at a public meeting, as provided for in HBC 18.90.030(B).

3. Dimension. a) If off-premise: as provided for in HBC 18.90.060(A)(3); or b) if on premises of business, entity or interest: not to exceed thirty-two (32) square feet.

C. Projecting and Marquee Signs.

1. Definition. Signs that are mounted perpendicular to a structure's facade, usually attached to the structure on a mounted post and supported with guy wires, but may also be hung under a marquee or canopy.

2. Placement. a) Projecting signs with the building end attached to the facade shall have sufficient size and number of guy wires to secure the street end of the sign to safely suspend the sign and prevent swinging. Marquee signs do not need to be attached at one end or be supported with guy wires; b) shall have clearance of seven (7) feet above grade; c) shall not extend within three feet of a street, curb or traveled way; d) shall not extend above the structure's roof peak or eave; and e) are limited to one per business frontage facing public property.

3. Dimension. a) A marquee sign size is the actual dimension of the sign mounted to provide seven (7) feet clearance above grade and not extending beyond the limits of the marquee; b) The dimensions of a projecting sign attached to a building are relative and shall

conform to the following, with the horizontal length measurement beginning at the facade of the building:

Length	Height
8 ft.	16 inches
7 ft.	22 inches
6 ft.	28 inches
5 ft.	34 inches
4 ft.	36 inches
3 ft.	42 inches
2 ft.	48 inches

D. Façade Signs.

1. Definition. Signs painted directly onto a face (facade) of a structure or an independent sign affixed directly and parallel to the facade of a structure.
2. Placement. Signs placed on the side of a structure.
3. Dimension. There are no limitations on the dimensions of a facade sign on a front facade. Facade signs on facades other than the front facade shall not exceed ten (10) percent of the total square feet of the facade, or thirty-two (32) square feet, whichever is greater.

E. Sandwich Signs.

1. Definition. Signs with two opposing faces attached at the top and with a limited connector to allow the sign to open into an "A" shape.
2. Placement. See "Free-standing signs, Placement."
3. Dimensions. Maximum sign height four (4) feet and a maximum sign width is two (2) feet Minimum sign height is two (2) feet six (6) inches with a width of one (1) feet three (3) inches [2.5 ft. X 1.25 feet]

F. Window Signs.

1. Definition. Signs created when lettering and or an image(s) is painted or applied directly onto a window.
2. Placement. See definition.
3. Dimensions. Shall not exceed twenty (20) percent of window area.

G. Awning Signs.

1. Definition. Signs created by printing, painting or applying words or letters to an awning or awning fringe.
2. Placement.
3. Dimensions.

H. Banners.

1. Definition. Signs created by printing, painting or applying words, letters and or images to cloth.

2. Placement.

3. Banners require a minimum clearance of eighteen (18) ft. above streets and alleys and seven (7) ft. above sidewalks, provided the banner also receives approval of the Alaska Department of Transportation, where applicable.

18.90.080 Signs by District

A. Townsite Planning/Zoning District

1. Commercial, Waterfront, Waterfront Industrial, Heavy Industrial, Light Industrial, Multiple Use zones:

a) Allowed Signs

1. All signs not prohibited by this chapter are allowed up to a total signage area to not exceed one hundred sixty (160) sq. ft. per business, entity or interest premise.

2. Internally lit signs are allowed.

b) Prohibited Signs/materials/processes

1. Beacons.

2. Inflatable signs and tethered balloon.

3. Signs advertising activities or products no longer offered on the premises, including sales and events for a civic, public or nonprofit purpose.

4. Signs towed on wheels or wheeled trailers behind vehicles.

5. Placement of any type of handbill, flyer, brochure or sticker on public property or a vehicle parked on public property.

2. Rural residential, Rural Mixed Use and Residential

a) Allowed Signs

1. One sign, not to exceed eight (8) sq. ft., to identify a home occupation, cottage industry, vacation home rental or Bed & Breakfast business.

b) Prohibited Signs

1. Off-premise signs.

2. All signs and processes prohibited by this chapter.

3. Significant Structure Area Zone

a) Allowed Signs.

1. Freestanding signs, including sandwich signs, provided the total height of the sign, including supports, is less than eight feet.

2. Projecting signs, provided they do not extend over public property.

3. Wall-mounted signs, provided total sign area per building wall shall not exceed five percent of the total square foot area of that building wall, or 16 square feet, whichever is greater.

4. Banners.

b) Prohibited Signs: Neon, flashing, back-lit or internally lit signs, whether they are on the outside of the building or placed in a window.

c) In addition to the other placement standards of this chapter, signs in the SSA shall not be mounted on building roofs, extend above building eaves, or cover architectural features such as windows, doors or building trim.

B. Mud Bay Planning /Zoning District. Reference HBC 18.70.030(B)(3)(e)(7).

1. Allowed Signs

a) one sign, not to exceed eight (8) sq. ft., to identify a home occupation, cottage industry, vacation home rental or Bed & Breakfast business

2. Prohibited Signs

a) Off-premise signs.

b) all signs and processes prohibited by this chapter.

C. Lutak Inlet Planning/Zoning District. Reference HBC 18.70.030(C)(3)(j).

1. Sign Standards.

a) Signs permanently affixed to structures shall not exceed 32 square feet.

b) Permanent signs not affixed to a structure shall not exceed 16 square feet.

c) Only non-electrified signs will be permitted.

d) Temporary signs shall be removed within 10 days after the date of sale or the event or condition advertised. Temporary signs shall not exceed 16 square feet per side.

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:	05/27/14
Date of First Public Hearing:	06/10/14
Date of Second Public Hearing:	06/24/14 – Referred to Commerce Committee
Date Introduction of Substitute Ordinance:	09/09/14
Date of Third Public Hearing:	09/23/14 – Referred again to Commerce Committee
Date of Fourth Public Hearing:	10/14/14

Chapter 18.90 SIGNS

Sections:

- [18.90.010](#) Purpose.
- [18.90.020](#) Applicability – Effect.
- [18.90.030](#) Permits.
- [18.90.040](#) Number of signs.
- [18.90.050](#) Required setback, placement, construction and lighting standards.
- [18.90.060](#) Signs exempt from regulation under this chapter.
- [18.90.070](#) Prohibited signs.
- [18.90.080](#) Sign standards – Significant structures area zone.
- [18.90.090](#) Sign standards – Commercial, waterfront, waterfront industrial, heavy industrial, light industrial/ commercial, rural mixed use and multiple use zones.
- [18.90.100](#) Sign standards – Single residential, rural residential and multiple residential zoning districts.
- [18.90.110](#) Sign area computations.

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. 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

10 working days after receipt of a complete application. (Ord. 12-05-291 § 10)

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.
- D. All permanent signs shall be constructed of rigid, permanent and weather-resistant materials. (Ord. 12-09-303 § 5)

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](#):

- 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 up to six square feet 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. (Ord. 13-08-341 § 4)

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\(A\)\(7\)](#);

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.

18.90.080 Sign standards – Significant structures area zone.

A. Allowed Signs.

1. Freestanding signs, provided the total height of the sign, including supports, is less than eight feet.
2. Projecting signs, provided they do not extend over public property.
3. Wall-mounted signs.

4. Portable signs.

5. Banners, as allowed by HBC [18.90.090\(A\)\(7\)](#).

B. Dimensional Standards. Total sign area per building wall shall not exceed five percent of the total square foot area of that building wall, or 16 square feet, whichever is greater.

C. Prohibited Signs. Neon, flashing, back-lit or internally lit signs, whether they are on the outside of the building or placed in a window.

D. Placement of Signs. In addition to the other placement standards of this chapter, signs in the SSA shall not be mounted on building roofs, extend above building eaves, or cover architectural features such as windows, doors or building trim.

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 Department of Transportation if placed across a state highway, 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, 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.

18.90.100 Sign standards – Single residential, rural residential and multiple residential zoning districts.

A. Allowed Signs.

1. Signs related to a conditional use; provided, that such signs do not exceed 16 square feet.
2. Signs four square feet or less.

B. Prohibited Signs. Lighted and projecting signs are prohibited.**18.90.110 Sign area computations.**

The following principles shall control the computation of sign area.

A. Individual Signs. The area of a sign face, which is also the sign area of a wall sign or other sign with only one face, shall be that area of the smallest square, circle, rectangle, triangle or combination thereof that encompasses the extreme limits of the writing, representation, emblem or other display, together with any material or color forming an integral part of the background or structure against which it is placed, but not including any supporting framework, bracing, fence or wall when such fence or wall is incidental to support of the sign.

B. Multi-Faced Signs. The sign area for a sign with more than one face shall be that area visible from one direction. When a sign has two identical faces placed back to back on the same sign structure, the sign area shall be the area of one of the faces.

C. Sign Area Computation/Placement. The total square foot area of all signs calculated for a building wall shall include all signs attached to or placed perpendicular from that side of the building, including wall-mounted, portable, projecting or freestanding signs. Freestanding signs not within the area perpendicular from a building wall shall be included in the square foot area calculation for the wall with the largest area on the same frontage as the freestanding sign.

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

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

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

~~L.~~ L. 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.

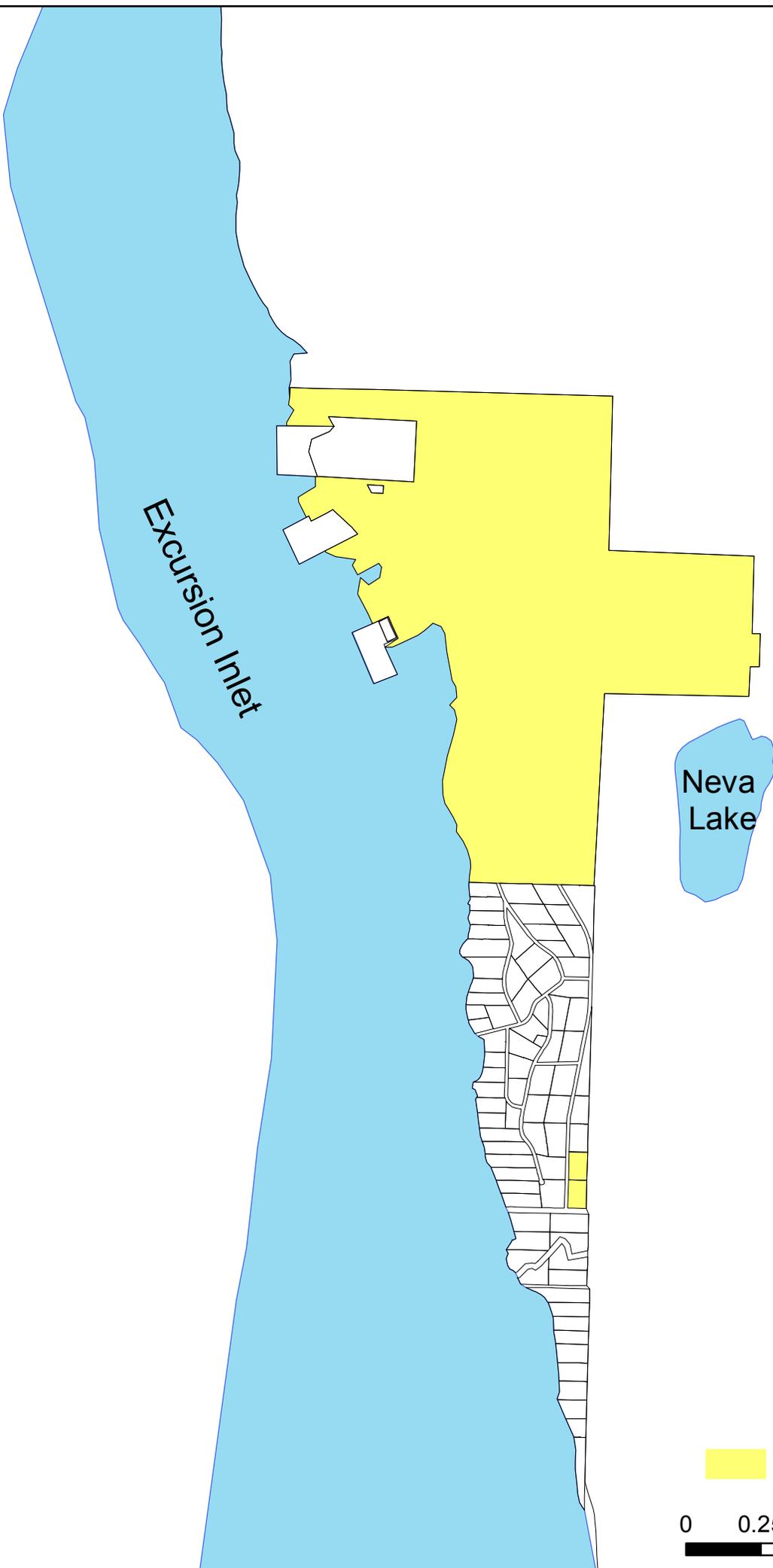
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N



Possible Borough Land Sale



 Borough Owned Properties





CITY OF HAINES, ALASKA

P.O. BOX 1049

HAINES, ALASKA 99827

(907) 766-2231 • TOURISM (907) 766-2234 • FAX (907) 766-3179

September 13, 2000

Haines Presbyterian Church
P.O. Box 264
Haines, AK 99827

Re: Women's Club Playground Project
Vacation of Rights-Of-Way Within Tlingit Park

Dear Sirs:

During the process of producing a rough "as built" drawing of Tlingit Park for the new Tlingit Park Playground being planned by the Haines Women's Club, I discovered that the rights-of-way (part of Mission Street and Front Street that were part of the Presbyterian Mission Plat Subdivision when the park lands were deeded to the City) were left in place - at least on paper - (see attached).

Even without a professional "as-built" it is clear that the bathrooms and the gazebo were built within the Front Street right-of-way, and of course, the parking lot for the Senior Center is actually part of the Mission Street right-of-way. One of the sites being proposed for the playground equipment is also within these rights-of-way.

With the approval of the City Council, I am proceeding with the process of vacating these rights-of-way into the park. My first step in this process is to ask the Church's cooperation in this matter.

State Statute says that ownership of half of any dedicated right-of-way that is vacated should go to the adjacent property owners. In this case, the adjacent property owner is the Presbyterian Church.

September 13, 2000
Haines Presbyterian Church
Re: Tlingit Park Playground
Page 2

The Church's generous donation of land made Tlingit Park possible in the beginning. Would the church now be willing to give up its right to the half of the right-of-way adjacent to its property for the playground and additional park area? The portion of the right-of-way in question is indicated in yellow on the attached drawing.

I am sure you will agree that this wonderful new playground and additional park area will be the highest and best use of this "street" area.

We're heading for Playground Design Day the first week of October and are very excited at the prospect of a wonderful community-involved project that will benefit everyone.

Your prompt written response would be appreciated so that I might proceed with the vacation process as soon as possible.

Thank you for your kind consideration of my request.

Sincerely,



Susan V. Johnston, CMC
City Clerk
CITY OF HAINES



RESERVE

± 5.42 A.

CHURCH

CLINIC

CHURCH SIDE

WANTED

CITY SIDE

TO BE VACATED

FRONT

TRACT #A-6

TRACT A-6

TRACT A-6 BELD TO CITY OR MAINS IS NOV. 1962. AS: TRINGIT PARK

TRACT #A-1 JUNEAU OIRIS

PETRO MARINE

BEACH ROAD

FIRST

MISSION ST.

AVE

AVE

COX

AVE

MADONNA MKT

CHURCH SIDE

CLINIC

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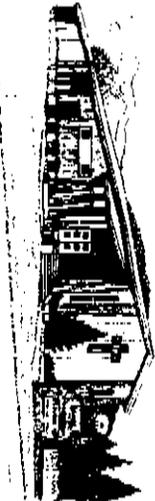
TRACT A-6

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TRACT #A-1 JUNEAU OIRIS

PETRO MARINE

BEACH ROAD



Haines Presbyterian Church

228 First Avenue South
P. O. Box 264
Haines, AK 99827
Telephone: (907) 766-2377

September 18, 2000

Susan V. Johnston, CMC
City Clerk
City of Haines
P. O. Box 1049
Haines, AK 99827

COPY

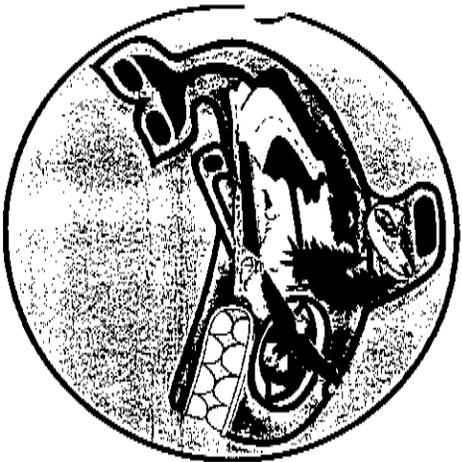
Re: Vacation of Rights-of-Way

Dear Susan,

I have forwarded copies of your letter dated September 13, 2000 to all the Session (Board) members of the Haines Presbyterian Church. Since they only meet once a month for regular meetings I am guessing that they will hold a special meeting to deal with your request for the vacation of Rights-of-Way. Session is currently developing a plan for future building and parking needs and have established a fund for that development. I imagine they will want to look seriously at this before they make a decision.

Respectfully,

Rev. Dr. Par A. Jeffrey
Moderator of Session
Haines Presbyterian Church



CITY OF HAINES, ALASKA

PO. BOX 1049

HAINES, ALASKA 99827

(907) 766-2231 • TOURISM (907) 766-2234 • FAX (907) 766-3179

September 20, 2000

Rev. Dr. Pat A. Jeffrey
Haines Presbyterian Church
P.O. Box 264
Haines, AK 99827

Re: Tlingit Park Vacation of ROW

Dear Reverend Jeffrey:

Thank you for your response to my letter regarding the vacation of the rights-of-way within the boundaries of Tlingit Park.

If it will help at all in your deliberations, I would like to say that if the Presbyterian Church decides not to give up its right to half these rights-of-way, I am sure the vacation will not take place at all.

Due to the fact that many City utilities, including a water main, sewer force main and the main sewer outfall line, lie within these rights-of-way, it would not be prudent for the City to give up ownership of these areas. If they were vacated into the park, however, the areas could be maintained free of structures to allow for future repairs and maintenance.

Again, thank you for your kind consideration of this request. I really appreciate you giving your time to this matter.

Sincerely,

Susan V. Johnston, CMC
City Clerk
CITY OF HAINES

December 6, 2000

*Haines City Council
P. O. Box 169
Haines, AK 99827*

Dear Council Members,

In response to the letters from Susan V. Johnson dated September 13 and 20.

In light of the fact that the Haines Presbyterian Church donated land for Tlinget Park in the first place and in essence both sides of the rights-of-way were Church property prior to the establishment of the rights-of-ways we respectfully do not wish to abandon our rights to the rights-of-way. We have been advised not to abandon our rights, by our lawyer, until we have completed a study and design for our future building and property needs.

On Behalf of the Session,

Pat A. Jeffrey

cc Mayor - Don Otis

(Session Members: Wilma Henderson, Bonnie Sharnbroich, Karl Johnson, Al Badgley, Sue Erickson and Keith Sigen.)

HBC 18.20.020 Definitions – Regulatory.

“*Foundation, permanent*” means footings and foundations that shall be constructed of masonry, concrete; or treated wood as defined in the Uniform Building Code. Footings of concrete and masonry shall be of solid material. Foundations supporting wood shall extend at least six inches above the adjacent finished grade. Bearing walls shall be supported on masonry or concrete foundations or piles or other approved foundation systems of a sufficient size to support all loads. It is incumbent on the developer to assure that the foundation is properly designed and constructed. The Haines Borough accepts no responsibility for the stability or future salability of any building due to an improperly designed or constructed foundation.

HBC 18.60.010 General approval Criteria.

A land use permit, or conditional use permit, or a platting action permit for a subdivision, may be granted if all the following general approval criteria and applicable specific approval criteria of HBC 18.60.020 are complied with. The burden of proof is on the developer to show that the proposed use meets these criteria and applicable specific criteria for approval. Notwithstanding any of the following criteria, no use will be approved that will materially endanger the public health or safety or substantially decrease the value of property in the neighboring area. The burial of uncremated human remains outside a cemetery is prohibited.

A. Plans. The proposal is substantially consistent with the borough comprehensive plan and other applicable borough-adopted plans.

...

G. *Foundation*. All buildings intended for residential or commercial use shall be placed on a permanent foundation. This section does not apply to accessory buildings such as tool sheds, wood sheds, etc., of 120 square feet or less in area, or temporary uses.

...



