



Haines Borough Planning Commission Regular Meeting Agenda

COMMISSIONERS:

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

Thursday, December 18, 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: November 13, 2014
5. PUBLIC COMMENTS [Items not scheduled for public hearing]
6. CHAIRMAN'S REPORT
7. STAFF REPORT
 - A. Planning & Zoning Report
8. PUBLIC HEARINGS: None
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) – Action Item: P&Z Tech Cui revised the ordinance which is ready for the commission's approval. **Possible Motion:** Recommend the Assembly adopt the proposed ordinance.
 - C. Project Updates: None
 - D. Other New Business:
 1. Classification of Borough Lands for Sale – Action Item: One property has been foreclosed on by the Borough. HBC 14.20.040 requires that the Borough lands may be classified for sale by the Assembly with the advice of the Planning Commission. **Possible Motion:** Recommend the Assembly classify the property for sale.
 2. History of Vacation of Rights-of-Way within Tlingit Park – Discussion Item: This discussion item is scheduled as a follow-up item of 11/13 agenda. (Note: Staff has researched the records. Plat 2006-16 shows that a portion of Front Street was vacated and a portion of Front Street and Mission Street was dedicated as a utility corridor.)
 3. Consideration of Vacating One Portion of Mathias Ave. Right-of-Way – Discussion Item: Borough code relating to utilities addresses property being "adequately served" within 200 feet of property. Staff explored a solution to the sewer service issue on Norm Smith's property, and provided the commission with an analysis for consideration.
 4. Planning Commission Seat F Re-appointment – Action Item – A request for re-appointment to serve on the Planning Commission submitted by Don Turner III is forwarded to the Planning Commission. **Possible motion:** Recommend for the mayor to re-appoint Commissioner Don Turner III to serve Seat F for a three-year term ending November 2017.
 5. Planning Commission Chair and Vice-Chair Appointments – Action Item – The Planning Commission is required to appoint a Chair and Vice-Chair per HBC 18.30.040(A). **Possible motion:** Appoint _____ as Planning Commission Chair and _____ as Planning Commission Vice-Chair.
 6. 2015 Regular Planning Commission Meeting Agenda Preparation Calendar – Action Item – 2015 Regular Planning Commission Meeting Agenda Preparation Calendar will be reviewed by the commission. **Possible motion:** Approve 2015 Regular Planning Commission Meeting Agenda Calendar.
11. COMMISSION COMMENTS
12. CORRESPONDENCE
 - A. Zoning Clarification of Property C-208-TL-0400: Property owner Roger Schnabel asked for correction of the official zoning map to properly reflect the actual zoning of his property. Staff researched the records, and provided a memo.
13. SCHEDULE MEETING DATE
 - A. Regular Meeting – Thursday, January 8, 2015 6:30 p.m.
14. ADJOURNMENT



**Haines Borough
Planning Commission Meeting
November 13, 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** (called in), Heather **Lende**, and Don **Turner III**. **Absent:** Danny **Gonce**.

Staff Present: Jan **Hill**/Mayor, David **Sosa**/Manager, and Tracy **Cui**/Planning and Zoning Technician III.

3. **APPROVAL OF AGENDA**

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

4. **APPROVAL OF MINUTES** – October 9, 2014 Regular Meeting Minutes

Motion: **Heinmiller** moved to “approve the October 9, 2014 regular meeting minutes.” **Hedden** seconded it. The motion carried unanimously.

5. **PUBLIC COMMENTS** - None

6. **CHAIRMAN’S REPORT** - None

7. **STAFF REPORTS**

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

Cui reported monthly land use permitting, enforcement orders, and updates on projects.

8. **PUBLIC HEARINGS**

- A. **Marnie Hartman – Appeal to Planning Commission**

Goldberg opened and closed the hearing at 6:37 p.m.

Goldberg said 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. He said fining someone \$250 for a sign violation is inappropriate.

Cui said issuing commercial sign permits has been a “monitor” to keep track of commercial activities in town. If someone applies for a commercial sign permit, staff can check if the applicant has a valid business license and all applicable business registrations. If the commercial development proceeds absent a sign permit, then the business owner may avoid payment of sales tax.

Motion: **Venables** moved to “confirm the manager’s decision requiring a \$250 after-the-fact fee issued to Marnie Hartman.” **Lende** seconded it. The motion failed unanimously.

The manager's decision was overturned. The penalty fee was waived.

B. Scott Sundberg – Lodging Conditional Use Permit Renewal

Goldberg opened and closed the hearing at 6:54 p.m.

Motion: **Turner** moved to “approve Sundberg’s conditional use proposal with the conditions that are stated in the letter from the Letnikof Homeowner’s Association.” **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. Temporary Residence in HBC 18.60.020(H)

Cui said the draft ordinance needs to be revised. She pointed out three circumstances that should be considered. The commissioners discussed and agreed the first two listed circumstances need to be addressed. **Cui** said she will revise the draft ordinance and bring it back at the next regular meeting.

2. Signage Ordinance in HBC 18.90

The draft ordinance was discussed. However, the commissioners did not make specific recommendations. Manager **Sosa** said he would like to check the previous Assembly meeting minutes. He recalled the Assembly has provided some guidance associated with this ordinance.

C. Project Updates – None

D. Other New Business

1. Classification of Borough Lands for Sale

Lende and **Turner** volunteered to be the representatives to conduct the site visit with staff.

2. Consideration of Installing Fences around the Playground by Senior Center

Cui said she researched the records. The playground and senior center’s parking lot are currently within the Borough right-of-ways.

The commission directed staff to conduct more research to verify this situation. If the right-of-ways are not vacated yet, the commission believes proper actions need to be taken to address this situation.

3. Clarification of Permanent Foundation Definition

The commission discussed and determined the foundation shown in the pictures meets the Borough code. The building is a permanent structure. If the potential buyer would like to live in the building, the water and sewer connections will be required.

11. COMMISSION COMMENTS

Heinmiller briefly reported on the Wetland Program Plan Steering Committee. This committee involves DFG, CIA, EPA, DEC, DNR, Haines Borough, etc. The goals are to assess wetland values and classify the wetlands with priority.

Lende asked if there are any stipulations in the Borough code to regulate the houses that have been burned down. **Cui** said she will look into it.

Hedden said this is his last meeting. It has been a pleasure to serve on the Planning Commission.

12. **CORRESPONDENCE** – None

13. **SET MEETING DATES** – The next regular Planning Commission meeting is scheduled for 6:30 p.m. on Thursday, December 18, 2014.

14. **ADJOURNMENT**– 8:10 p.m.

Staff Report for December 18, 2014

1. Permits Issued Since November, 2014

PERMIT ID	DATE	OWNER/AGENT	PROPERTY ID	LOT	BLK	SUBDIVISION	DEVELOPMENT	ZONE
14-91	11/3/14	Bettylou Wilde	C-PTC-0M-1400	14	M	Port Chilkoot Sub.	Temporary Residence	SR
14-92	11/10/14	Sean Gaffney	C-PTC-09-0100	1A	9	Port Chilkoot Sub.	Short Plat	C
14-93	11/12/14	Susan McCartney	C-PTC-0P-0700	7 & 8	P	Port Chilkoot Sub.	Lot Line Vacation	SR
14-94	11/13/14	Mary Jean Sebens	C-MIS-06-09A0	9A	6	Presbyterian Mission Sub.	Freight Room Addition	C
14-95	11/14/14	Scott Sundberg	4-LET-00-1000	10		Letnikof Estates	Lodging	MBRR
14-96	11/13/14	Tom & Marilyn Huitger	1-HMS-00-0100	1-A		Homestead Sub.	Short Plat	GU
14-97	11/21/14	CIA		2A	D	Presbyterian Mission Sub.	Walkway Ramp	C
14-98	11/25/14	Jorge Jason Goryn	C-HHY-02-0640	2		Henry Sub.	Yurt	RMU
14-99	11/25/14	Marnie Hartman	C-PTC-0B-0200	2	B	Port Chilkoot Sub.	Sign	SSA
14-100	11/25/14	Mark & Julie Cozzi	C-TNS-08-0700	7	8	Townsite	Sign	C

2. Enforcement Orders

- An enforcement order was issued on 11/26 to a property owner who conducted unpermitted activities that were not set forth in the existing conditional use permit.

3. 2014 Alaska – American Planning Association (APA) Conference

(Please see the attached conference report)



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

December 2, 2014

To: David Sosa, Borough Manager
Julie Cozzi, Borough Clerk

From: Tracy Cui, Planning & Zoning Technician III

Re: 2014 Alaska – American Planning Association (APA) Conference

I attended the AK-APA conference in Anchorage on November 16, 17 and 18. I feel grateful to be given the opportunity to make AK-APA a part of my professional experience. It provided educational and networking opportunities for our planners, and also created opportunities to discuss planning issues from across the state. The chapter focuses on three initiatives: Housing, Resiliency, and Community Planning Assistance Team (CPAT). A committee has been formed to support each of these initiatives. I was intrigued by this group of planners, and proposed to join the CPAT committee. Yesterday I was notified by the committee chair that I am a member of this committee. I believe this is a great opportunity to learn and explore my knowledge in planning.

The conference was provided with sessions and keynote speakers. One of the sessions I attended was about "Tourism Management in Rural Alaska". The Ketchikan Gateway Borough Department of Planning and Community Development responded to the safety needs of residents and tourists by developing a tourism management program that included the innovative use of economic development powers and a public participatory approach to planning. Since the tourist trade is a big part of the business of Haines, I can see some great ideas that Borough can try out. It may provide for the safety of tourists and local residents, while also promoting economic development activity.

As a planner specialized in GIS, I was impressed by a session that set examples to explain the issues with the GIS parcel layer and how to reduce its misalignment. The Borough has the same issue! The Borough's parcel layer does not line up with our aerial photography layer in certain areas. The session presented by the Fairbanks North Star Borough provided us a solution which will ensure the GIS layers are usable for both planners and the public.

Being familiar with the American Institute of Certified Planners (AICP) Code of Ethics is one of the requirements to become a certified planner. As a candidate, I was provided a good opportunity to know more about the Code of Ethics and participate in a discussion of ethics relating to the procurement process.

Thank you again for giving me the opportunity to attend the conference.

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

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

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

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

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

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

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



Lands Department

Memo

Date: 12/12/2014
To: Planning Commission
Cc: Xi Cui, Planning & Zoning Tech III
From: Dean Olsen, Assessor
Re: Foreclosed Property account # 3-MLR-00-0110 (Formerly owned by John Stefanski)

The subject property has a legal description of, *A PORTION--NE 1/4, NW 1/4, SEC. 26, T28S, R55E, CRM, 5.94 Acres*. Located at approximately 26 mile Haines Highway, this parcel has limited building sites for construction of a residential building. Approximately two thirds of the land is very wet which restricts usability; however, the land that appears to be suitable for construction of a residence is very close to the Haines Highway which provides good access directly to a potential building site.

Currently, the subject property has an assessed value of \$44,500. The market value of vacant land in this area has been on the decline since the last noticeable increase in 2008. An updated assessed value of vacant land in this neighborhood that will be used for the 2015 tax roll is not available at this time. Haines Borough Staff recommends classifying this property for sale.

Below is a "Google Earth" street view of the subject property. Let me know if I can be of further assistance.

Dean Olsen
Assessor,
Haines Borough Land Department



Subject property located at approximately 26 mile Haines Highway.

Charles Cacciola, AK. Bar. No. 1306045
AK Bar No. 1205019
BOYD, CHANDLER & FALCONER, LLP
911 W. 8th Avenue, Suite 302
Anchorage, AK 99501
(907) 272-8401

Attorneys for Haines Borough

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
FIRST JUDICIAL DISTRICT AT JUNEAU

In the Matter of 2008 through)
2010 Delinquent Real Property)
Taxes Owed to the Borough of) Case No. 1JU-13-00527 CI
Haines, Alaska)

CLERK'S DEED

Upon this Court's Judgment and Decree of Foreclosure of Real Property Tax
Liens entered in Case No. 1JU-13-00527 CI,

IT IS HEREBY ORDERED that all rights, title, and interest of the former owner
of the below-listed property is hereby conveyed, to the Borough of Haines, Alaska, P.O.
Box 1209, Haines, Alaska 99827:

Portion NE ¼, NW ¼, Section 26, Township 28 South, Range 55 East,
Copper River Meridian

as specified by Book 32, Page 965-966, Haines Recording District, First Judicial District,
Alaska.

Dated this 4 day of November, 2014.

By: Sharon Heideveldt
Clerk of Court

CLERK'S DEED
ITMO 2008-2010 Delinquent Real Property Taxes, 1JU-13-00527 CI
Page 1 of 1

Certification of Distribution
Boyd, Chandler Via _____
& Falconer Via mail
Via _____
Via _____



Page 2 of 3
2014-000430-0

BOYD, CHANDLER & FALCONER, LLP
ATTORNEYS AT LAW
911 WEST EIGHTH AVENUE, SUITE 302
ANCHORAGE, ALASKA 99501
TELEPHONE: (907) 272-8401
FACSIMILE: (907) 274-3698

LODGED 10/1/14 BY ST INITIALS
DATE



HAINES RECORDING DISTRICT

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

FIRST JUDICIAL DISTRICT AT JUNEAU

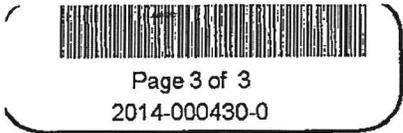
In the Matter of 2008 through)	
2010 Delinquent Real Property)	
Taxes Owed to the Borough of)	Case No. 1JU-13-00527 CI
Haines, Alaska)	
_____)	

THIS COVER SHEET HAS BEEN ADDED TO THE DOCUMENT TO PROVIDE SPACE FOR THE RECORDING DATA. THIS COVER SHEET APPEARS AS THE FIRST PAGE OF THE DOCUMENT IN THE OFFICIAL PUBLIC RECORD.

DO NOT DETACH

After Recording Return To:

BOYD, CHANDLER & FALCONER, LLP
911 W. 8th Avenue, Suite 302
Anchorage, Alaska 99501



I certify that this is a full, true and correct copy of an original document on file in the Alaska Trial Courts at Juneau.

Witness my hand and the seal of this court:
11/10/14 Eric W. Gromo
Date Magistrate/Clerk



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

December 8, 2014

«PRIMARYOWNER»
«ADDRESS»
«CITY», «STATE» «ZIPCODE»

Re: Property Tax Foreclosed Property
3-MLR-00-0110

Dear Land Owner,

Haines Borough records show that you own the property adjacent to the above-listed property. This property has been foreclosed on by Haines Borough.

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

The Haines Borough Planning Commission will hold a public meeting on this matter at 6:30 p.m. at the Haines Borough Assembly Chambers on Thursday December 18th. As one of the adjacent property owners of the above-listed property, you are being notified that you are invited to attend and comment at the meeting. If you have any questions on the matter please contact the Borough.

Sincerely,

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



Classification of Borough Lands for Sale
Property ID: 3-MLR-00-0110

Source: Esri, DigitalGlobe, GeoEye, Earthstar, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



TAXIDNO	PRIMARYOWNER	ADDRESS	CITY	STATE	ZIPCODE
3-MLR-00-1800	c/o MIKE SCHMITZ	8800 GLACIER HWY., #226	JUNEAU	AK	99801
3-NKA-26-0100	DAVID R. PAHL	BOX 702	HAINES	AK	99827
3-STB-00-0200	SHERRIE BREWINGTON	HC 60, BOX 2748	HAINES	AK	99827
3-STB-00-0100	c/o GERALDINE MARQUARDT	HC 60, BOX 2895	HAINES	AK	99827

14.20.040 Classification of lands for sale.

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

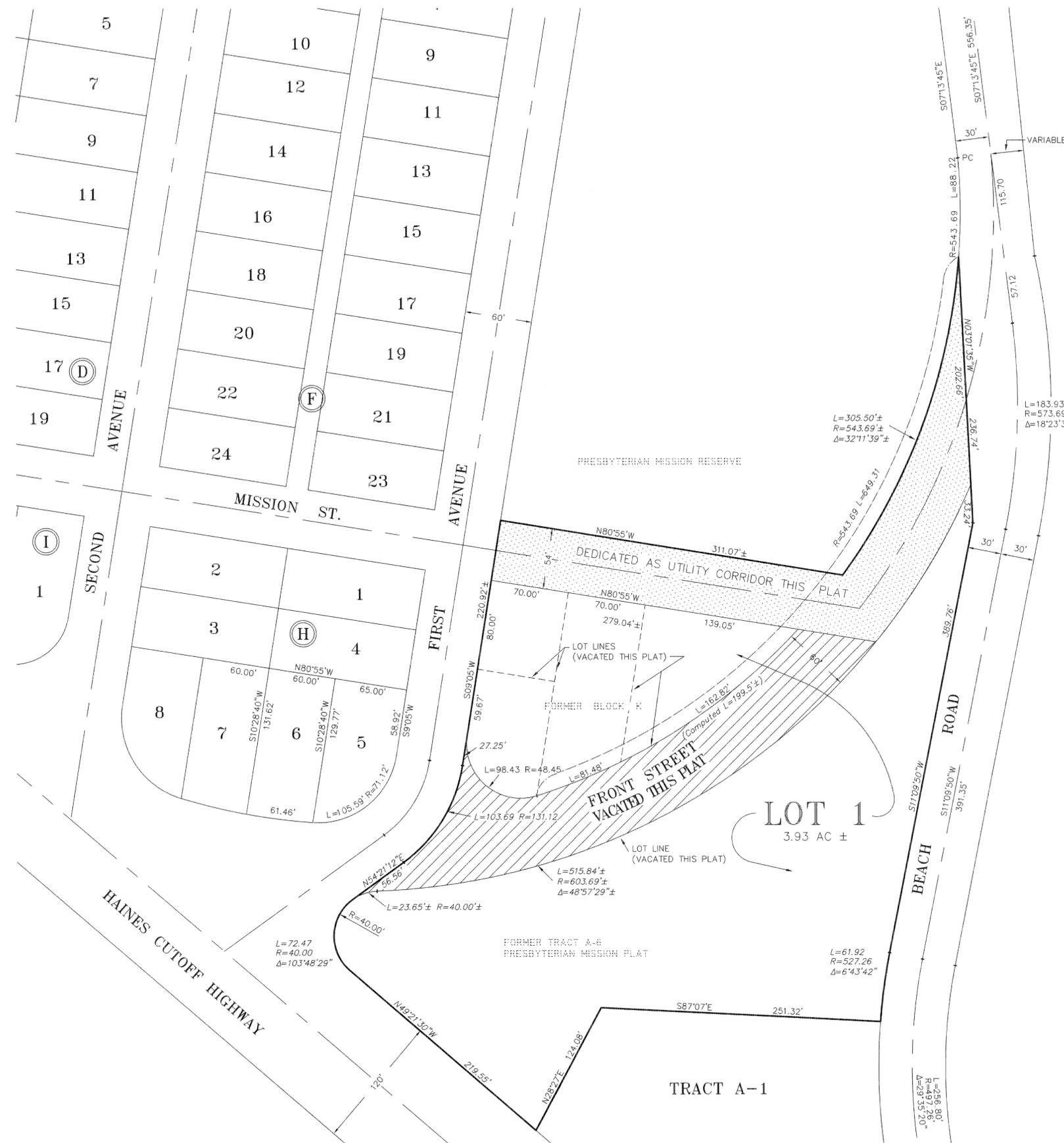
B. No land which the borough owns or has an interest in shall be sold until it has first been classified for sale and a use designated.

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

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

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

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



Vicinity Map Scale: 1" = 400'
City of Haines Base Map

Notes:
1. The intent of this plat is to vacate the interior lot lines of Block K and a portion of Front Street while leaving a full right-of-way on adjoining streets. It also dedicates a portion of Front Street and Mission Street as a utility corridor. A subsequent field survey may alter these lines as necessary to match recovered monuments.
2. Data is based upon a best fit from record data, not recovered monuments. An extensive field survey was not completed, and no monuments were set. A complete retracement survey may result in different dimensions on the vacated area. It is the intent of this plat to vacate all existing right-of-way in the hatched area.
3. This property is in the Commercial zone.

CERTIFICATE OF BOROUGH ASSESSOR
I hereby certify that the applicants are not delinquent on property taxes for the property specified on the subdivision plat shown hereon.
Dated: 10-03-06
John L. Wundt
Haines Borough Assessor

CERTIFICATE OF APPROVAL BY HAINES BOROUGH
Tlingit Park Vacation Plat Survey as described herein has been found to comply with the provision set forth in HC Title 18 and is approved for recording.
Lee Heimiller 10/4/06
Lee Heimiller Date
Planning Commission Chair
Fred Shields 10/3/06
Fred Shields Date
Mayor, Haines Borough, Alaska

SURVEYORS CERTIFICATE
I certify that I am properly registered and licensed to practice Land Surveying in the State of Alaska, that this plat represents a survey made by me or under my direct supervision, that the monuments shown hereon exist as described, and that all dimensions and other details are correct.

8/10/06 Donald E. Mullikin
Date Registered Land Surveyor No. 4469



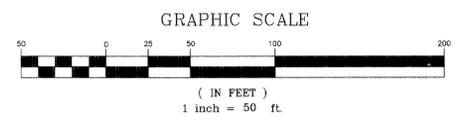
CERTIFICATE OF OWNERSHIP AND DEDICATION
I hereby certify that Haines Borough, Alaska is the owner of the real property shown and described hereon and that it hereby adopts this plan of subdivision with its free consent, and dedicates all streets, alleys, walks, parks and other open spaces to public or private use as noted.

By: *Fred Shields* Date: 10/3/06
FRED SHIELDS
MAYOR, HAINES BOROUGH, ALASKA

This is to certify that on this 3rd day of October, 2006, before me the undersigned, a notary public in and for the State of Alaska, duly commissioned and sworn, personally appeared: Fred Shields, known to me to be the person described in and who executed the above and foregoing instrument, and acknowledged to me that he signed and sealed the same freely and voluntarily for the uses and purposes therein mentioned.

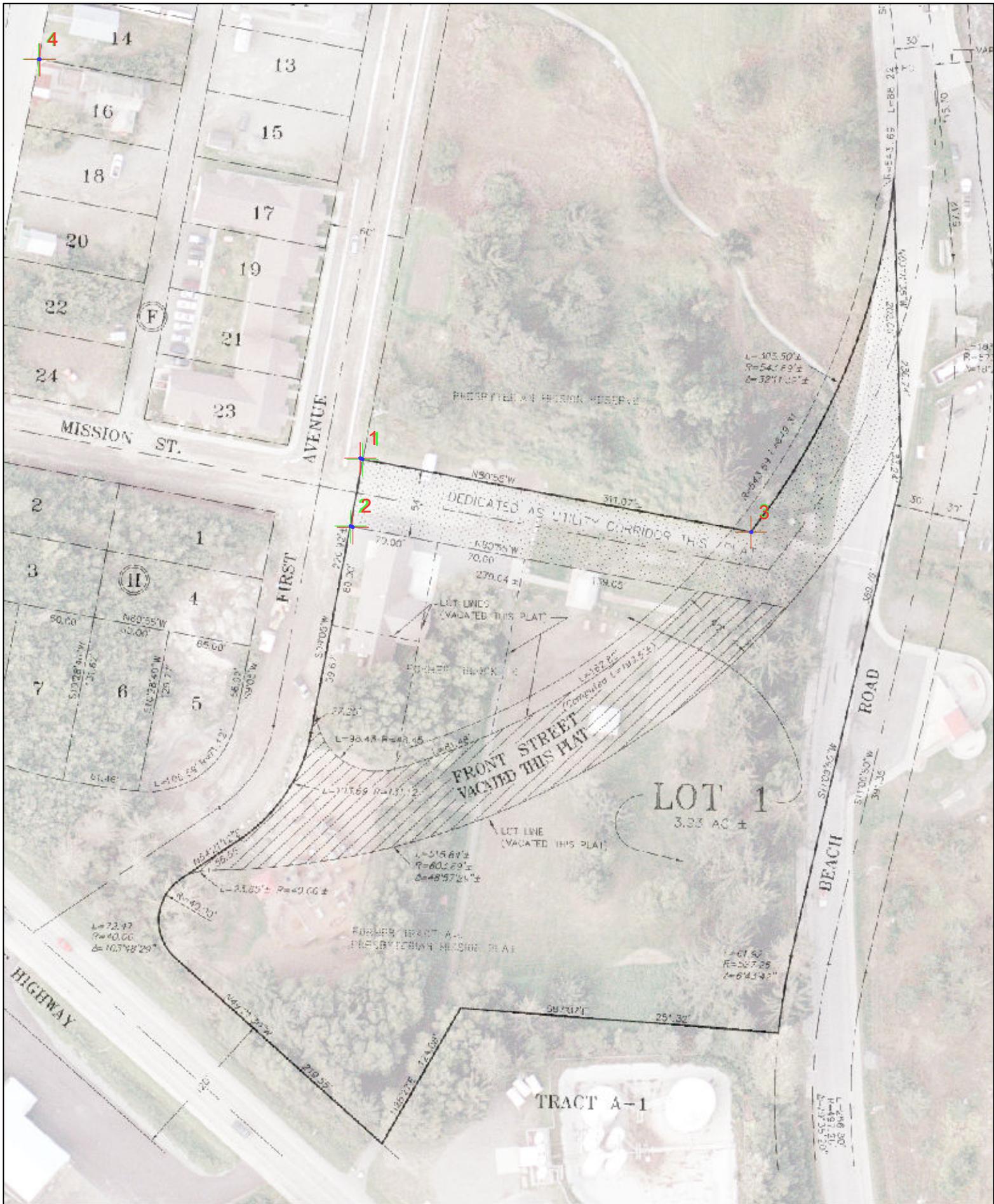
Julie Caspi
Notary Public in and for the State of Alaska
My Commission Expires: 1-29-2008

2006-16
Haines REC DIST
DATE 10/6/2006
TIME 1:07 P.M.
Requested By Haines Borough
Address



TLINGIT PARK VACATION PLAT
Vacating a portion of Front Street and a portion of the lot lines of Block K, and Tract A-6, Presbyterian Mission Plat in U.S. Survey No. 735 2nd Addition, and dedicating a portion of Front and Mission Streets as a utility corridor, all located in Sec. 34, T.30S., R.59E., C.R.M., Haines Recording District, Alaska within the City of Haines, Alaska Creating Lot 1

SURVEYOR	CLIENT
MULLIKIN SURVEYS P.O. Box 790 Homer, AK 99603	HAINES BOROUGH P.O. Box 1209 Haines, AK 99827
Drawn By: TAL, GDS, TLM	Scale: 1" = 50'
Checked By: DEM/MF/JM	Field Book No: NA
Date: 5-6-06	File: Front Street Vacation.dwg
File No.:	





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

December 3, 2014

To: Planning Commission
Cc: David Sosa, Borough Manager
Carlos Jimenez, Borough Public Facilities Director
From: Tracy Cui, Planning & Zoning Technician III
Re: Determine that One Portion of Mathias Ave. surpluses to its needs as a Right-of-Way and Recommend that the Assembly Vacate Said Right-of-Way

Staff Recommendation:

A portion of the Mathias Ave. ROW be vacated and transferred to adjoining landowner Marvin Smith in exchange for equal amount of Smith property to be made into a utility easement.

Background and Overview:

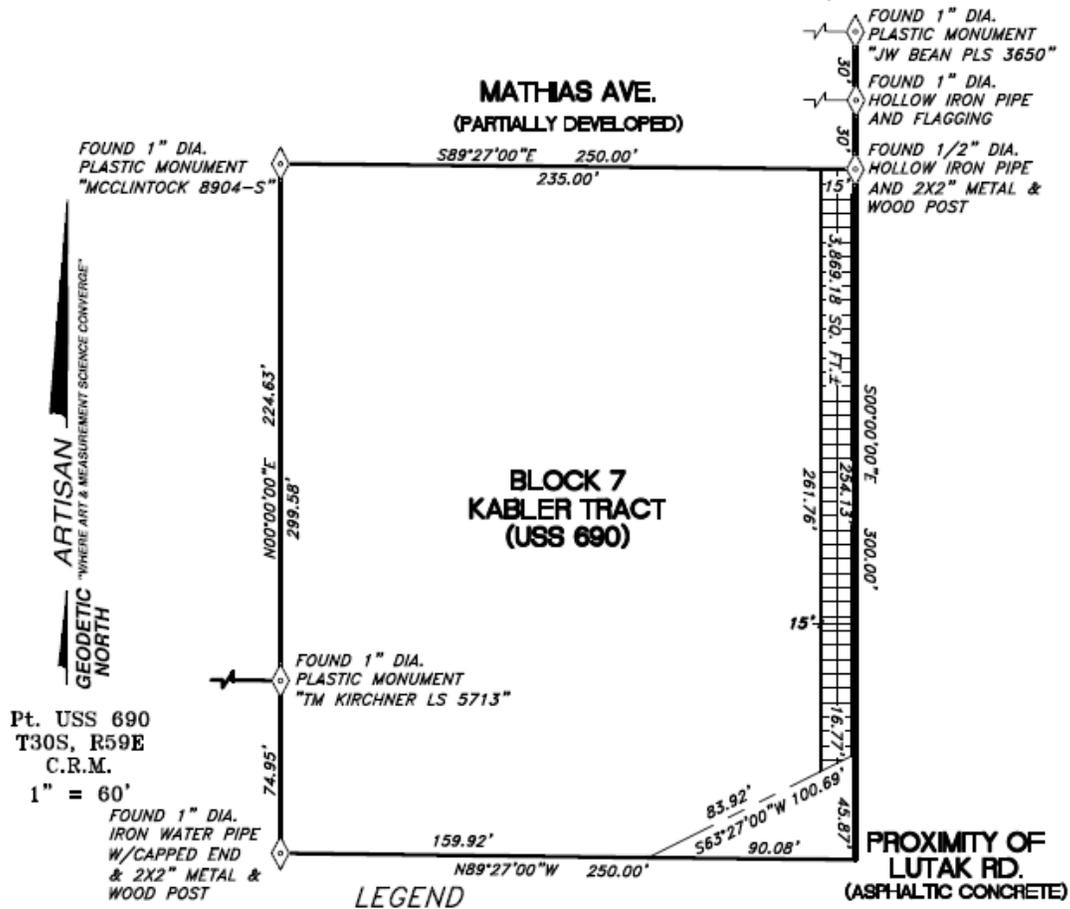
Haines Borough Code (HBC) 18.60.010(I) requires "If property on which a use is proposed is within 200 feet of an existing, adequate public water and/or sewer system, the developer shall be required to connect to the public systems". In 2010, property owner Norm Smith submitted water & sewer services application to the Borough since the property is within 200 feet of the public systems. In reviewing the application, staff determined that there is not an adequate sewer main that is serviceable for his property. In addition, the sewer main on Mathias is not able to be buried to correct depth due to the elevation of the Young Road sewer main that it feeds into. There have been multiple cases in which the Mathias main has backed up into residential property and caused damage for which the Borough has been financially responsible to fix. In this case, while service is within 200 feet it is not feasible to hook up these services without significant expense to Norm Smith and additional stress to an already compromised sewer main.

Staff have been working with Norm Smith and adjacent property owners on trying to find a solution to the sewer service issue on his property. In general, the Borough has re-explored all of the options that have been considered over the last several years and have come up with the following feasible solution:

Acquiring 15' utility easement across Marvin Smith property: The sewer main that runs east from Young Rd. along Mathias Ave. was blocked with Debris. The Borough's Public Works Department worked with the Sewer Department to locate the blockage and fix the problem. When the blocked

area of line was located it was determined that it runs on private property underneath a house. The Borough has decided to relocate the sewer main so that it runs the other direction on Mathias Ave., then down a utility easement to the sewer main on Lutak Rd. During the course of construction the utilities will be accessible to Norm Smith property in a much more economical manner than is presently possible. The survey was conducted in July. Please see the diagram below.

BLOCK RETRACEMENT AND 15-FOOT EASEMENT DIAGRAM
BLOCK 7, KABLER TRACT, USS 690 PATENTED SURVEY
RECONSTRUCTION OF LOCALLY ACCEPTED AND BEST-AVAILABLE
EVIDENCE INCLUDING MUNCASER'S HAINES ALASKA PLAT
FIELD CONDITIONS AS OF WEEK OF JULY 20, 2014

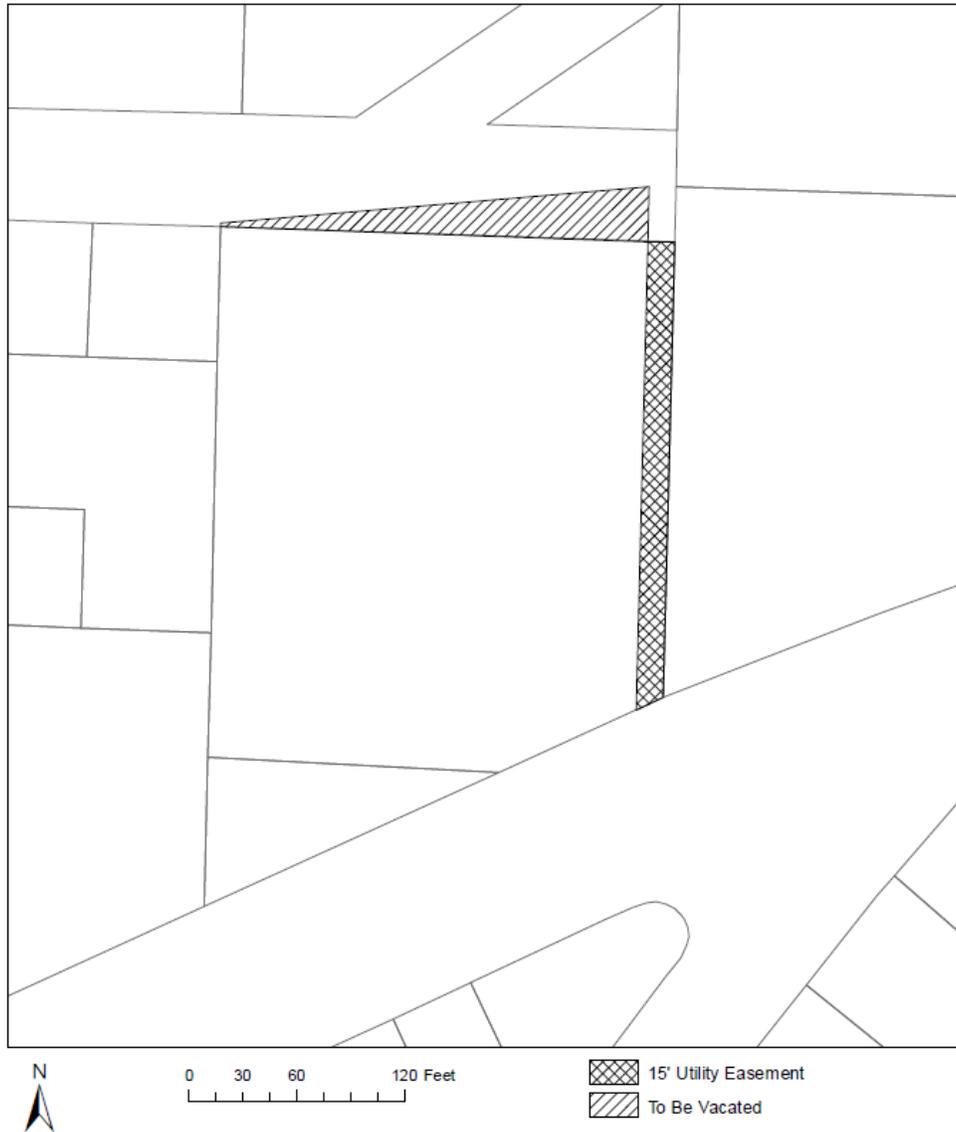


Property owner Marvin Smith has agreed to grant the Borough this 15' wide utility easement by gaining the ownership of the same square footage of ROW on Mathias (approximately 3,884 sq.ft) as compensation. The next step in the planning/development process for proposed utility easement is to seek a determination from the Planning Commission that the vacation is consistent with the Borough code and to recommend that the Assembly formally vacate the ROW. Please see the map below.

To arrive at this determination, staff spoke with property owners, conducted site visits, reviewed all applicable local and state laws, and performed general research on similar instances. Through this research, the Borough discovered:

- The ROW is currently undeveloped, and is unlikely to be developed in the future;
- The ROW was reserved for street/roadway purposes;

- The ROW has not been used for through traffic for well since Mathias Ave. was originally platted;
- No public money has been expended on this portion of ROW since Mathias Ave. was originally platted;
- If the subject area is vacated, all the adjacent properties will still have legal access.



Alaska Statutes Sec.29.40.120 set forth a procedure whereby the Borough can vacate right-of-way on a petition. The petition shall be filed with the platting authority. Therefore, it must conduct a public hearing before the Planning Commission and accept evidence on whether or not the ROW is unnecessary for present or prospective public use. If it finds that the ROW is not necessary for public use, then the Assembly may formally vacate the ROW.

Discussion:

The subject area is currently zoned Single Residential. The intent of the single residential zone is to provide for and protect areas for low density, individual home sites and quiet residential uses. All new development in this zone should be planned to maintain and enhance the single-unit residential

character of the existing neighborhood. New development areas included in this zone should be designed and developed to provide residential areas on low volume streets sheltered from other existing or proposed uses. The area is served by, or intended to have, the necessary level of public utilities and an adequate transportation system as deemed appropriate for the planned use.

Also, the Haines Borough 2025 Comprehensive Plan encourages this area to be designated for residential development on the Future Growth Maps. It states... “Actions to encourage infill, and identify logical utility and road extension areas are a responsibility of this Comprehensive Plan to allow for orderly future growth.” (Haines Borough 2025 Comprehensive Plan, Page 168 & 169).

Obviously, the proposed use is consistent with the Comprehensive Plan and policies. The easement across Marvin Smith property will help to support reasoned utility extension and enhance the residential vibrancy through vacating said ROW.

Next Steps

- Once the Planning Commission determines that the ROW is not necessary for public use, the Borough will hire a surveyor licensed by the State of Alaska to develop an accurate paper plat showing the property in question.
- The Borough shall notify, in writing, all persons who own property within 200 feet of the proposed vacation, giving information on the location of the vacation and scheduling of a public hearing on the vacation at the next appropriate planning commission meeting. Please see the list of property owners below.
- The Planning Commission shall hold a public hearing on the requested vacation. This hearing will be advertised in the local newspaper at least seven days before the hearing takes place. The Planning Commission shall make its recommendation to the Assembly regarding the request.
- If the Assembly grants the vacation request, the Borough will have the vacated land surveyed and replatted by a registered land surveyor in a format suitable for filing with the State Recorder’s Office.
- An Assembly resolution will be adopted to authorize the disposal of any vacated rights-of-way. The resolution shall contain a statement that the Assembly found the property surplus to its needs as a right-of-way.

PRIMARYOWNER	SECONDARYOWNER	COMPANY	TAXIDNO	ADDRESS	LOTSIZE	CITY	STATE	COUNTRY	ZIPCODE
MARJORIE WARD	N. TAYLOR	Part Sen.Cit.Exempt/ N.TAYLOR	C-690-05-0100	BOX 208	0.49	HAINES	AK	US	99827
ROBERT E. E. PLUCKER	MARGARET M. PLUCKER	MARGARET PLUCKER	C-690-04-0B00	BOX 1394	0.524	HAINES	AK	US	99827
ELZA A. THOMPSON	<Null>	<Null>	C-690-04-0D00	P.O. BOX 773545	0.653	OCALA	FL	US	34477
TIMOTHY B. WARD	<Null>	<Null>	C-690-03-0200	PO BOX 208	0.2841	HAINES	AK	US	99827
KAREN TAUG	OLE TAUG III	c/o Alaska Realty Tax Service	C-690-03-0100	P.O. BOX 34555	0.5677	JUNEAU	AK	US	99803
NORMAN L. SMITH JR.	SUZANNE VUILLET-SMITH	SUZANNE VUILLET SMITH	C-690-05-0200	BOX 5	0.85	HAINES	AK	US	99827
ROBERT E. E. PLUCKER	MARGARET M. PLUCKER	MARGARET PLUCKER	C-690-04-0B00	BOX 1394	0.524	HAINES	AK	US	99827
LEMMIE L. SPRADLIN	<Null>	Senior Citizen Exempt	C-690-08-0A00	P.O. BOX 386	0.3013	HAINES	AK	US	99827
ERWIN N. HERTZ	<Null>	<Null>	C-690-08-0E20	BOX 110	0.1291	HAINES	AK	US	99827
MARVIN SMITH	<Null>	Portion Senior Citizen Exempt	C-690-07-0000	BOX 38	1.8313	HAINES	AK	US	99827
CAROL WALDO	WILLARD WALDO	Portion Senior Citizen Exempt	C-690-06-0000	BOX 274	1.289	HAINES	AK	US	99827
ERWIN N. HERTZ	<Null>	Senior Citizen Exempt	C-690-08-0B00	BOX 110	0.5997	HAINES	AK	US	99827
CARLOS JIMENEZ	SIERRA JIMENEZ	<Null>	C-690-08-0C00	BOX 962	0.482	HAINES	AK	US	99827

PS: If the request was to not move forward, the use could remain as is.

Thank you very much for considering this.

Xi Cui

To: Stacie Turner
Subject: RE: Fw: Planning Commission

Dear Mayor Hill,
I would like to be re appointed to the Planning Commission for another term please.
Thank You, Donnie Turner III

2015 Regular Planning Commission Meeting Agenda Preparation Calendar

PC Meeting 6:30pm	Public Hearing (PH) Items to PZ Tech 5:00pm	PH notice to CVN & Notification Letters out 5:00pm	Other Agenda Topics & Items to PZ Tech 8:00am	PC Chair Approval - Agenda & Packet Documents FINAL 10:00am	Agenda Packet Published & Distributed 5:00pm
	<i>[Thursday - 2 weeks before PC Meeting]</i>	<i>[Monday - 11 days prior to PC Mtg]</i>	<i>[Tuesday - 10 days prior to PC Mtg]</i>	<i>[Thursday prior to PC Mtg.]</i>	<i>[Friday prior to PC Mtg.]</i>
Jan 8	Tues. Dec 23 ¹	Dec 29	Dec 30	Wed. Dec 31 ²	Jan 2
Feb 12	Jan 29	Feb 2	Feb 3	Feb 5	Feb 6
Mar 12	Feb 26	Mar 2	Mar 3	Mar 5	Mar 6
Apr 9	Mar 26	Mar 30	Mar 31	Apr 2	Apr 3
May 14	Apr 30	May 4	May 5	May 7	May 8
Jun 11	May 28	Jun 1	Jun 2	Jun 4	Jun 5
Jul 9	Jun 25	Jun 29	Jun 30	Wed. Jul 1 ³	Thurs. Jul 2 ³
Aug 13	Jul 30	Aug 3	Aug 4	Aug 6	Aug 7
Sep 10	Aug 27	Aug 31	Sep 1	Sep 3	Sep 4
Oct 8	Sep 24	Sep 28	Sep 29	Oct 1	Oct 2
Nov 12	Oct 29	Nov 2	Nov 3	Nov 5	Nov 6
Dec 10	Wed. Nov 25 ⁴	Nov 30	Dec 1	Dec 3	Dec 4

¹ Day adjusted due to the Christmas Day holiday

² Day adjusted due to the New Year's Day holiday

³ Day adjusted due to the July 4th holiday

⁴ Day adjusted due to the Thanksgiving Day holiday



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

December 12, 2014

To: Planning Commission
Cc: David Sosa, Borough Manager
Julie Cozzi, Borough Clerk
From: Tracy Cui, Planning and Zoning Technician III

Re: Zoning Clarification of Property C-208-TL-0400

In reviewing the records, staff found the official zoning map of the City of Haines that was adopted by the former City Council in April 2001. (See attachment 1) Staff also summarized a list of the adopted zoning changes since 2001. (See attachment 2)

Property C-208-TL-0400 is not listed in attachment 2. The official zoning map shows its upper level is zoned Rural Mixed Use; while its lower level is zoned Multiple Residential.

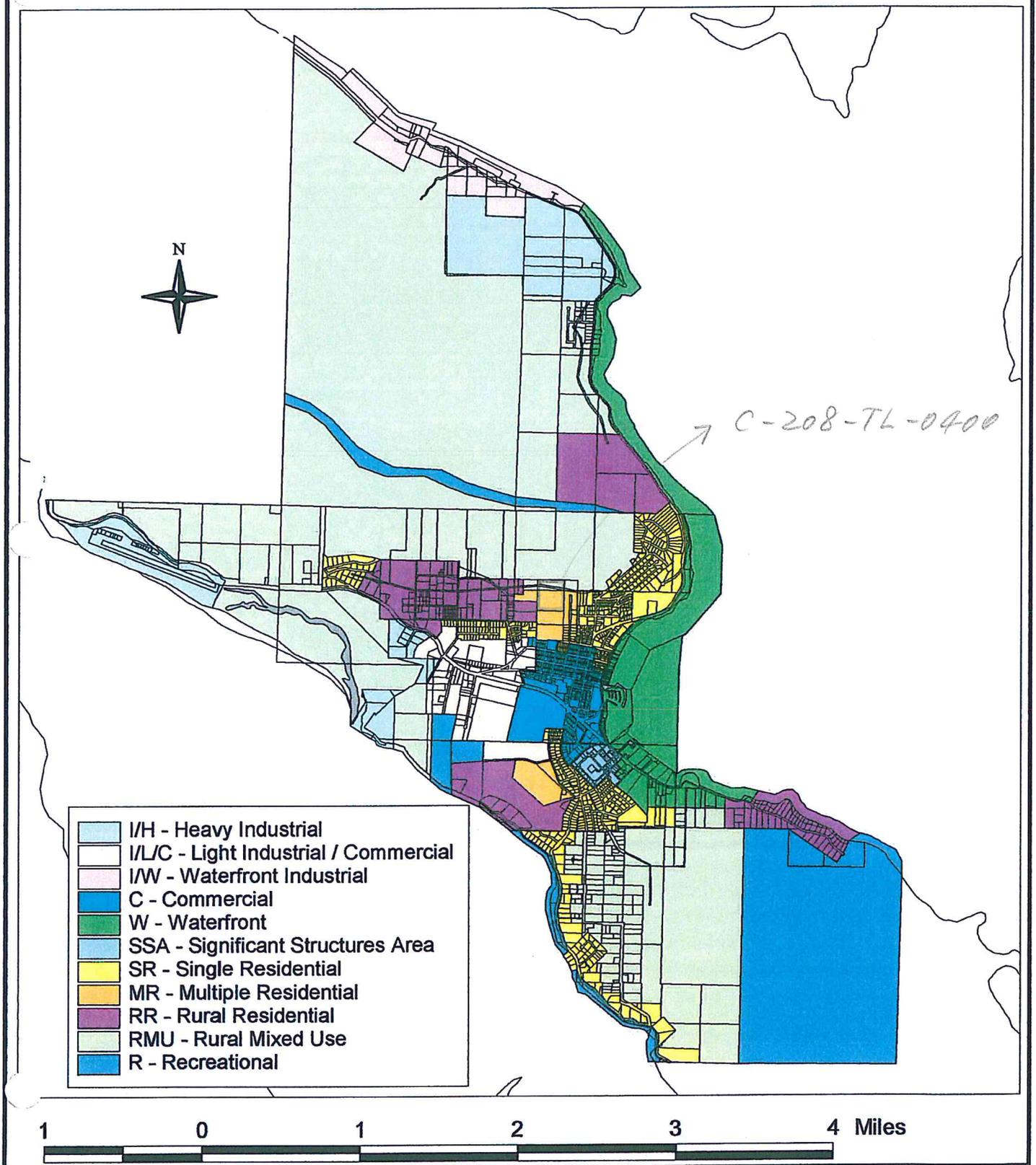
Also, two adjoining properties – C-207-TL-2310 (owned by Stan Jones) & C-208-TL-03A0 (owned by Debra Schnabel) also have two zoning designations.

Two options for the commission to consider:

- Keep these three parcels with split zoning, or
- Rezone these three parcels.

I am willing to schedule this topic at the next regular meeting if this is the intent of the commission. Thank you very much.

The Official Zoning Map of the City of Haines, Alaska - April, 2001



12/12/14

Official Zoning Map History since 2001

Compiled by Julie Cozzi, Borough Clerk

4/21/04, Ordinance 04-03-048

Official Haines Borough Zoning Map adopted by the Borough Assembly. This was the same map that existed at the time of the 2002 consolidation (former City of Haines map). That particular map was adopted by the Haines City Council on 4/25/01. There is no evidence the map was amended prior to consolidation or afterwards until 2005.

6/28/05, Ordinance 05-05-107

Official Zoning Map amended by changing from single-residential to multiple-residential the zone from View Street and Fourth Avenue along Lynnvue Street and down Young Road/Second Avenue.

4/18/06, Ordinance 06-03-139

Official Zoning Map amended to change the zoning of the following parcels, located along West Fair Drive within the Townsite Service Area, currently zoned Industrial/Light Commercial, to Commercial:

- Lots 1-3, Turner Hill Subdivision
- Lots 4A-C, 5-7, Hannon Subdivision
- Lot A, A Sub. of Tract 11, Referees Sub. Plat 2000-3
- Lot B, A Sub. Of A Portion of Tract 11, Referees Sub.
- USS 735, TL 1-8, Fair Drive
- USS 785, Jones Point Road
- USS 785, Sawmill Road, Portion of TL 11B
- USS 785, Portion of TL 11A & 11B

4/22/08, Ordinance 08-02-178

Official Zoning Map amended to change the zoning of the following parcel to Multiple Residential: Portion of Lot TL 2-1, Fair Drive (East of the Fairgrounds) - owned by the Chilkoot Indian Association - currently zoned Commercial.

8/12/08, Ordinance 08-06-185

Official Zoning Map amended to change the zoning of the following parcel to Multiple Residential: Portion of US 2716 (North of Major Road) - owned by Port Chilkoot Company - currently zoned Light Commercial.

Xi Cui

Subject: 4th-Gravel Source

From: Brenda@seroad.com [<mailto:Brenda@seroad.com>]

Sent: Tuesday, October 21, 2014 3:35 PM

To: Xi Cui

Cc: David Sosa; Rob Goldberg; Roger

Subject: FW: 4th-Gravel Source

Rural Mixed Use – Tax Property C-208-TL-0400 21.05 Acres

Ms. Cui:

During the summer of 2001 Haines City Administrator, Vince Hansen informed Roger Schnabel that Tax Lot 4, US 208, C-208-TL-0400 was recently rezoned to Rural Mixed Use. The rezoning of this lot allowed resource extraction as a conditional use. A Conditional Use Permit was applied for on the basis of the rezoning and the permit was approved (Attachment A).

In 2005 an application was submitted for renewal of the Conditional Use Permit. In a Memorandum dated May 12, 2005 to Borough Manager, Robert Venerables the Planning and Zoning Tech, Scott Hansen acknowledged again that the property is zoned Rural Mixed Use (Attachment B). An official "Public Notice" was published by the Haines Borough advising the public of the Borough Planning Commission Public Hearing on the renewal of the Conditional Use Permit for the renewal of the Conditional Use Permit. The official public notice once again acknowledged the zoning for the property as Rural Mixed Used (Attachment C).

In 2008 an application was again submitted for renewal of the Conditional Use Permit. The conditional use permit was granted again and the letter from Steve Ritzinger, Haines Borough Planning and Zoning Tech did not reference a change of zoning (Attachment D). The conditional use permit was once again approved in 2011 without reference to a change in zoning for the property (Attachment E).

Since notification of the zoning change in 2001, we have not received any notification that rezoning was being considered or enacted for this property. A letter dated February 13, 2014 (mailed via certified mail on February 19, 2014) from Acting Borough Manager, Julie Cozzi made an incorrect accusation of the lot being used for an "Unpermitted Landfill C-208-TL-0400 – Multiple Residential Zone" (Attachment F). In response to this accusation Roger Schnabel sent a request to Julie Cozzi via e-mail on February 21, 2014 (Attachment G) and requested her to provide a copy of the notice that was sent from the borough to inform the landowner of a proposed zone change. To date no reply to this request has been received.

It is our belief that no reply was sent to the request for a copy of the notification of a proposed zoning change because no notification or ordinance changing the zoning exists. The current zoning of this lot remains Rural Mixed Use. This is collaborated by Planning and Zoning Chairman, Rob Goldberg in his April 23, 2014 e-mail (Attachment H) to David Sosa, Roger Schnabel and cc to: Xi Cui, Dean Olsen, and Carlos Jimenez where he states:

"Re-zonings are rare. There have been very few since 2002, when I joined the planning commission. Roger's gravel pit has not been re-zoned since 2002. I am confident, based on the documents presented, that the property is zoned RMU. I suspect that someone in 2001 forgot to change the color on the zoning map."

Per the Haines Borough Code it is not possible for a rezoning change to occur "under the radar". The process for changing zoning requires several steps and notification before a change can occur as is required per HBC 18.70.060 (Attachment I). Rezoning requires several steps including, but not limited to the following:

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

Please correct the record to reflect the correct zoning for this property as Rural Mixed Use.

Thank you for your assistance in this matter.

Sincerely,

Brenda Josephson
Southeast Roadbuilders, Inc.
HC60 Box 4800
Haines, AK 99827
Tel: (907) 766-2833
Fax: (907) 766-2832

ATTACHMENT A

MEMORANDUM

CITY OF HAINES

To: Planning Commission

From: *V.H.* Vince Hansen, City Administrator

Date: October 11, 2001

Subject: Conditional Use Permit, Tax Lot 4, US 208 - Roger Schnabel

This memorandum serves as my recommendation under HCC 18.50.030.D.3 for the above referenced permit.

Background: As described in the application information, gravel extraction has occurred on the adjacent lot to the east (tax lot 3) since prior to 1982. Although it appears material has also been removed from tax lot 4 at various times since then, it was not under permit, as the area was zoned residential. The developer was advised in April 1999, and again in March of this year that industrial activity, including resource extraction, was prohibited on tax lot 4 because it was within the residential zone and only resource extraction from tax lot 3 had been acknowledged as a non-conforming use. In the recent rezoning, the area was zoned Rural Mixed Use, which allows resource extraction as a conditional use. The developer is now applying on that basis.

The Haines Coastal Management Plan (HCMP) includes several standards for the development of borrow pits and development in identified hazard areas. In addition to the criteria in HCC 18.50.040 and HCC 18.60.020.A, staff and the Commission must consider these policies in its review of the conditional use permit.

GENERAL CONDITIONS

Attached is a copy of HCMP Section H, Mining and Mineral Processing Policies. The development has been evaluated against these policies by staff. Comments relative to these policies are included in my recommendation/conditions later in this memo.

HAZARDOUS AREA CONDITIONS

The proposed pit is located within an area of steep slopes identified by the HCMP as the Mt. Ripinsky Hazardous Slopes Management Area (see attached map).

In reference to the attached copy of section B, Geophysical Hazard Area Policies, specifically subsection B-4(a), management in the Mt. Ripinsky hazard area "shall be to protect lives and property, to control erosion, and to maintain or enhance the water quality of streams and springs." The section also obligates the developer to provide the information necessary to ensure the development minimizes property damage and protects against loss of life.

ATTACHMENT B

Memorandum

Haines Borough

May 12, 2005

To: Robert Venables, Borough Manager

From: Scott Hansen, Planning and Zoning Tech II

Re: Conditional Use Permit Recommendation
Resource Extraction – top of 4th Avenue

This memorandum serves as my recommendation under HCC 18.50.030.D.3 for the above referenced permit.

Roger Schnabel, of Highland Estates, Inc. and Southeast Roadbuilders, is requesting a Conditional Use Permit to operate an existing rock pit facility at the location above. His three-year Conditional Use permit issued by the former City expired in October 2004.

Background: Gravel extraction has occurred on the adjacent lot to the east (tax lot 3) since prior to 1982. Although it appears material has also been removed from tax lot 4 at various times since then, it was not under permit, as the area was zoned residential. The developer was advised in April 1999, and again in March of this year that industrial activity, including resource extraction, was prohibited on tax lot 4 because it was within the residential zone and only resource extraction from tax lot 3 had been acknowledged as a non-conforming use. In the recent rezoning, the area was zoned Rural Mixed Use, which allows resource extraction as a conditional use. In operation prior to the current zoning, the pit has seen some activity since being approved in 2001. The Borough has received no complaints in regard to permit terms or general operations. Schnabel is asking that, based on previous compliance, the terms of his 2001 approval be extended, except that he is requesting a ten-year permit life before being re-evaluated by the Planning Commission.

The Haines Coastal Management Plan (HCMP) includes several standards for the development of borrow pits and development in identified hazard areas. In addition to the criteria in HB 18.50.040 and HB 18.60.020.A, staff and the Commission must consider these policies in its review of the conditional use permit.

GENERAL CONDITIONS

Attached is a copy of HCMP Section H, Mining and Mineral Processing Policies (Attachment A). The development has been evaluated against these policies by staff. Comments relative to these policies are included in my recommendation/conditions later in this memo.

ATTACHMENT C
HAINES BOROUGH
HAINES, ALASKA 99827

PUBLIC NOTICE

BOROUGH PLANNING COMMISSION
PUBLIC HEARING/CONDITIONAL USE PERMIT

DATE: THURSDAY, MAY 12, 2005, 6:00 PM

MEETING LOCATION: BOROUGH ASSEMBLY CHAMBERS

PURPOSE: CONDITIONAL USE PERMIT REQUEST FOR
NONCONFORMING USE - RESOURCE EXTRACTION

ZONE: RURAL MIXED USE

APPLICANT: HIGHLAND ESTATES, INC.

DEVELOPMENT LOCATION: USS 208 PORTION AT THE TOP OF 4TH
AVENUE

COMMENTS MAY BE SENT IN WRITING TO: HAINES BOROUGH
PLANNING COMMISSION, BOX 1209, HAINES, ALASKA 99827 OR
YOU MAY ATTEND THE MEETING.

SCOTT HANSEN/PLANNING AND ZONING TECH II/HAINES BOROUGH

Posted 05-09-05



ATTACHMENT D

HAINES BOROUGH, ALASKA

P.O. BOX 1209

HAINES, AK 99827

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

June 16, 2008

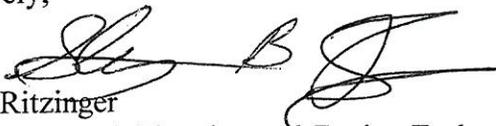
Roger Schnabel
HC 60 box 4800
Haines, AK 99827

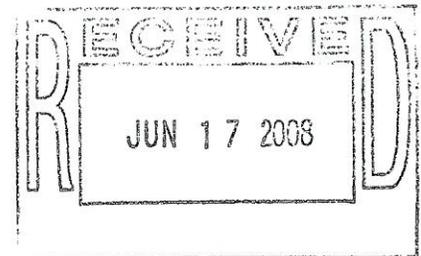
Re: Conditional Use Permit Renewal # 08-42
Location: C-208-TL-0400

Dear Mr. Schnabel,

Your conditional use permit to operate an aggregate source on the above listed property in the previously used area, and to the west of that area has been approved. This conditional use permit is valid for three years after the permit issued date. At that time you will be required to apply for another conditional use permit renewal. If you have any questions on the matter, please contact the borough.

Sincerely,


Steve Ritzinger
Haines Borough Planning and Zoning Tech
sritzinger@haines.ak.us
(907) 766-2231 Ext 23



Roger Gregg



ATTACHMENT E

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

April 28, 2011

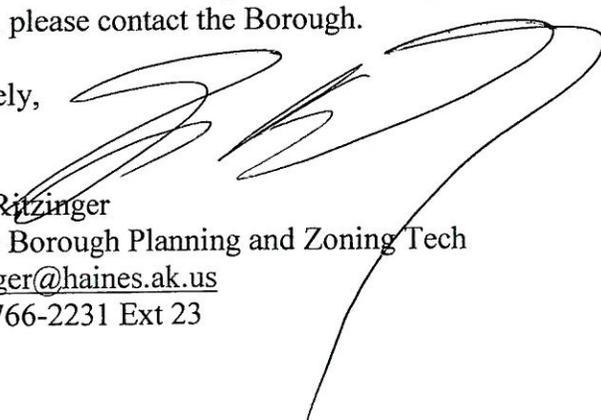
Roger Schnabel
HC 60 box 4800
Haines, AK 99827

Re: Conditional Use Permit Renewal #11-21
Location: C-208-TL-0400

Dear Mr. Schnabel,

Thank you for your participation in the April 14th Planning Commission meeting. Your conditional use permit to continue a resource extraction operation for aggregate on the above listed property in the previously used area and to the west of that area has been approved per plans submitted. This conditional use permit is valid for three years. You will be required to apply to renew this conditional use permit if you wish to continue to the resource extraction operation after April 28, 2014. If you have any questions on the matter, please contact the Borough.

Sincerely,


Steve Ritzinger
Haines Borough Planning and Zoning Tech
sritzinger@haines.ak.us
(907) 766-2231 Ext 23

RECEIVED

APR 29 2011



ATTACHMENT F

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

February 13, 2014

via Certified Mail and Email

Roger Schnabel
HC 60, Box 4800
Haines AK 99827
roger@seroad.com

Re: Solid Waste Disposal on Private Property; Unpermitted Landfill
C-208-TL-0400 – Multiple Residential Zone

Dear Mr. Schnabel:

At your request I have reviewed the letter you wrote to the borough's previous manager dated October 22, 2013. Thank you for forwarding it to me. Additionally, I have had discussions with the Director of Public Facilities and the Planning & Zoning Technician.

I understand your contention that you have been allowed to do this in the past. Failure by previous staff members to enforce the code is not a valid reason for current staff to continue to do so. We have determined your deposits of material on the property to be in violation of your gravel pit conditional use permit and also a violation of borough code governing the zone this property is in. Per HBC 18.30.090(B), the planning commission may suspend or revoke your conditional use permit whenever the approval granted is in violation of any ordinance or regulation or any provision of borough code.

You also contend the Alaska Department of Environmental Conservation (ADEC) has no objection to concrete and asphalt being placed on this site, however it is not permitted by borough code in this particular zone and staff does not have the latitude to grant a variance or exemption based on opinions or past practice. State regulations only preempt borough code when they are more restrictive and as stated above borough code prohibits this. ADEC has informed us they have no objection to a temporary storage on the site. They have not defined temporary and, even so, it would not constitute an exemption from borough code regulations.

Please comply with the letter sent to you on January 24, 2014 requiring removal of the existing concrete and asphalt from the site by October 31, 2014. Additionally, you are prohibited from depositing any additional materials on the property. This is the manager's final decision. You have the right to appeal this decision to the planning commission and, to do so, a written appeal must be submitted to the borough clerk within ten days of the date of this letter.

Sincerely,

Julie Cozzi
Interim Borough Manager

Cc: Carlos Jimenez
Xi Cui

RECEIVED

FEB 21 2014

CERTIFIED MAIL™

HAINES BOROUGH
P. O. Box 1209
Haines, Alaska 99827
ADDRESS SERVICE REQUESTED



7012 0470 0000 6963 3408



U.S. POSTAGE
PAID
HAINES, AK
99827
FEB 19, 14
AMOUNT

\$6.49
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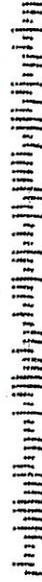


Roger Schnabel
HC 60, Box 4800
Haines AK 99827

FEB 19 2014

0123

9982739500 HC60



ATTACHMENT G

From: Roger
Sent: Friday, February 21, 2014 3:29 PM
To: 'Julie Cozzi'
Subject: RE: Letter-Unpermitted facility

The 4th Avenue source we presently operate under, is through a conditional permit. The gravel source use was acknowledged and accepted in the past, and obviously is not presently due to a zoning change. At some point in the past it was changed to its present status, Multiple Residential. I am after the notice to me from the Borough informing me of the proposed zone change some time in the years past. This site has been utilized as a source for gravel in the 50's and 60's 70's etc...and was changed at some point. I am attempting to source that out and want the letter sent to me notifying me of the proposed change.

I am sure it is somewhere in the Borough's files.

TY
Roger

From: Julie Cozzi [<mailto:jcozzi@haines.ak.us>]
Sent: Friday, February 21, 2014 3:12 PM
To: Roger
Subject: RE: Letter-Unpermitted facility

Hi, Roger...

Is the attached letter the one you are referring to?

Julie

From: Roger [<mailto:Roger@seroad.com>]
Sent: Friday, February 21, 2014 1:32 PM
To: Julie Cozzi
Subject: Letter-Unpermitted facility

Julie:

Received your letter dated Feb. 13th.

Would you please forward me the copy of the notice sent, proposing the change in zoning for C-208-TL-0400?

I am certain I have misplaced it somewhere.

TY

ATTACHMENT H

From: Rob Goldberg [mailto:artstudioalaska@yahoo.com]
Sent: Wednesday, April 23, 2014 10:17 AM
To: David Sosa; Roger
Cc: Xi Cui; Dean Olsen; Carlos Jimenez
Subject: Re: 4th-Gravel Source

Hi Dave,

I would like to clarify the zoning relating to Roger Schnabel's gravel pit. The documents presented to the planning commission at our meeting last week indicate that the property in question was re-zoned to Rural Mixed Use (RMU) from Multiple Residential (MR) in 2001. There is a letter from then city manager Vince Hansen dated 10/11/2001 as well as a 5/12/2005 memo from Scott Hansen, borough planner, to borough manager Robert Venables also confirming the RMU zoning.

Re-zonings are rare. There have been very few since 2002, when I joined the planning commission. Roger's gravel pit has not been re-zoned since 2002. I am confident, based on the documents presented, that the property is zoned RMU. I suspect that someone in 2001 forgot to change the color on the zoning map. If possible, the documents showing which properties were re-zoned in 2001 by the City of Haines planning commission should be found.

Sincerely,
Rob

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

From: David Sosa <dsosa@haines.ak.us>
To: "Roger@seroad.com" <Roger@seroad.com>
Cc: Rob Goldberg <artstudioalaska@yahoo.com>; Xi Cui <xcui@haines.ak.us>; Dean Olsen <dolsen@haines.ak.us>; Carlos Jimenez <cjimenez@haines.ak.us>
Sent: Wednesday, April 23, 2014 8:48 AM
Subject: FW: 4th-Gravel Source

Roger,

My apologies for the delayed response. Your e-mail went to my junk folder. I have made sure to tag your address as "not junk" so as to avoid this in the future. I have typed up a draft CUP (attached) based off of the one that was granted in 2014. I have included additional language related to traffic safety per the Planning Commission's decision. As you are aware, our one planner is out so I will need to follow up with her to officially process the document. That said, I am content that with the Planning Commission action and the Draft ready for the Planner's staff work that you have what you need to proceed with extraction from the site. The issue of Zoning is still unclear. I have researched

Borough documents related to the matter including the official zoning maps from 2006 (attached) and 2013 (attached) both of which zone the area as mixed residential. As of this time the area is zoned Mixed Residential and deposit of materials is not allowed. In line with the discussion at the Planning Commission meeting a more thorough review will be conducted by the Borough Planner to assess the zoning status. Next actions are as follows:

- Conduct a detailed review of Planning Commission decisions related to zoning since 2002
- Review Assembly decisions related to zoning since 2002
- Make determination on zoning status

My focus is on providing a fully researched and accurate understanding of this matter. This will take time but will ensure that all parties are clear as to the status.

Sincerely,

Dave Sosa

David B. Sosa
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From: Roger [<mailto:Roger@seroad.com>]
Sent: Tuesday, April 22, 2014 2:56 PM
To: David Sosa
Subject: FW: 4th-Gravel Source

4/22/2014 - Tuesday.

Hello David:
Roger Schnabel here...

This note is a follow-up regarding my property on 4th, and the aftermath of the Planning Commission Meeting last week.

I haven't heard anything formally yet, however it is my understanding the Conditional Use Permit for the Gravel Extraction was approved..

The item lingering is the need to provide for a protective barrier considering the gravel source area is unusable for a residential site, and providing for a protection zone for the land to the South, is the best use from my prospective. It is my understanding, under the Rural Mixed Use designation, that there may be no issue, a use by right may fit and no further permits are necessary.

I would appreciate putting this behind us, and if you agree with our findings this may be an easy remedy.

Thanks David.

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ATTACHMENT I

18.70.060 Rezoning.

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

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

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

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