



Haines Borough Planning Commission Regular Meeting Agenda

COMMISSIONERS:

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

Thursday, June 11, 2015 - 6:30 p.m.

Assembly Chambers, 213 Haines Hwy.

1. CALL TO ORDER / PLEDGE TO THE FLAG
2. ROLL CALL
3. APPROVAL OF AGENDA
4. APPROVAL OF MINUTES: May 14, 2015
5. PUBLIC COMMENTS [Items not scheduled for public hearing]
6. CHAIRMAN'S REPORT
7. STAFF REPORT
 - A. Planning & Zoning Report
8. PUBLIC HEARINGS:
 - A. Jonathan Richardson – Dog Boarding Kennel Conditional Use Permit – Lot 33, Tanani Bay Subdivision –
Action Item: Richardson requested the commission approve a conditional use permit to allow the construction of a dog boarding kennel on his property. HBC 18.70.040 allows a kennel in the rural mixed use zone upon approval of a condition use permit. **Possible Motion:** Approve Richardson's dog boarding kennel conditional use proposal.
9. UNFINISHED BUSINESS: None
10. NEW BUSINESS:
 - A. Historic District/Building Review: None
 - B. Haines Borough Code Amendments: None
 - C. Project Updates: None
 - D. Other New Business:
 1. Front Street Project POA-2015-197 – Discussion Item – Lynn Canal Conservation is requesting the commission review and comment to the Army Corps on the proposed Portage Cove Project.
11. COMMISSION COMMENTS
12. CORRESPONDENCE
13. SCHEDULE MEETING DATE
 - A. Regular Meeting – Thursday, July 9, 2015 6:30 p.m.
14. ADJOURNMENT



**Haines Borough
Planning Commission Meeting
May 14, 2015
MINUTES**

Draft

1. **CALL TO ORDER/PLEDGE TO THE FLAG** – Vice-Chairman **Heinmiller** 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** (called in), Commissioners Lee **Heinmiller**, Robert **Venables**, Don **Turner III**, Brenda **Josephson** (called in), and Rob **Miller** (called in).
Absent: Heather **Lende**.

Staff Present: Jan **Hill**/Mayor and Kathryn **Friedle**/Administrative Assistant.

Also Present: Mike **Case** (Assembly liaison), Diane **LaCourse**, Jim **Stickler**, Ron **Jackson**, Debi **Knight Kennedy**, Sean **Gaffney**, Tresham **Gregg**, Heather **Shade**, Darcie **Culbeck**, Meredith **Pochardt**, Stephanie **Scott**, Fred **Shields**, and others.

3. **APPROVAL OF AGENDA**

Venables suggested two amendments:

- 1) Add Povey significant structure porch addition to 10A; and
- 2) Move 10B1 Off-Premises Sign Ordinance to after 7A and before 8.

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

4. **APPROVAL OF MINUTES** – April 16, 2015 Regular Meeting Minutes

Motion: **Venables** moved to “approve the April 16, 2015 regular meeting minutes with amendments to correct wording in motion of 10B1 and comments in 10D1.” **Turner** seconded it. The motion carried unanimously.

5. **PUBLIC COMMENTS**

Stickler expressed his concerns about getting his building permit approved. **Heinmiller** said the manager should be able to make the decision.

Case asked for assurances that Knight Kennedy’s appeal would be heard after 10B1.

Gregg said that a joint meeting of the Planning Commission, Port and Harbor Advisory Committee, and Parks and Recreation Advisory Committee needs to be scheduled to discuss the harbor design, as stated in the Haines Comprehensive Plan.

6. **CHAIRMAN’S REPORT**

Goldberg said he had lunch with the Governor and tried to promote Haines’ issues and encouraged the Governor to visit Haines. He was in Juneau for the nomination of Lonnie Hotch for the First Lady Volunteer Award.

7. **STAFF REPORTS**

A. **Planning & Zoning Staff Report**

8. **PUBLIC HEARINGS**

A. **Debi Knight Kennedy – Appeal to the Planning Commission – Action Item**

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

Heinmiller closed the public hearing at 6:56 p.m.

Motion: Venables moved to “uphold the petitioner’s appeal as consistent with the recommendations to amend the Borough code.” **Turner** seconded it. The motion carried unanimously.

9. **UNFINISHED BUSINESS** – None

10. **NEW BUSINESS**

A. **Historic District/Building Review – Povey Significant Structure Porch Addition**

Motion: Venables moved to “approve the addition to the historic building with consultation with the PC Vice-Chair on the final design for the width of the steps to be contained within the footprint of the porch.” **Turner** seconded it. The motion carried unanimously.

B. **Haines Borough Code Amendments**

1. **Off-Premises Sign Ordinance in HBC 18.90 – Action Item**

Motion: Venables moved to “send the original proposal back to the Assembly as submitted for approval and direct the manager to influence staff’s opinion in enforcement until the decision has been made by the Assembly.” **Josephson** seconded it. The motion carried unanimously.

2. **Temporary Residence Ordinance in HBC 18.60.020(H) – Action Item**

Motion: Venables moved to “recommend the Assembly adopt the draft ordinance with the following amendments: 1) change number of days from 15 to 30, 2) add ‘motor home and RVs’ to the initial sentence in HBC 18.60.020(H), and 3) delete reference of campground as temporary residence from HBC 18.20.020.” **Turner** seconded it. The motion carried unanimously.

C. **Project Updates** – None

D. **Other New Business**

1. **Jones Point Property – Discussion Item**

Pochardt stated that the area is zoned heavy industrial, but it will not be used as such due to the funding restrictions. The deed states that the area cannot be subdivided. Takshanuk Watershed Council plans to develop trails and maintain the area as a natural area that can be utilized by the public.

Culbeck stated that site cleaning up is the first step due to the contaminated soil, two old mill sites, and old buildings. Public non-motorized access will be provided.

More discussion ensued.

11. **COMMISSION COMMENTS** - None

12. **CORRESPONDENCE** - None

13. **SET MEETING DATES**

A. Regular Meeting—Thursday, June 11, 2015.

14. **ADJOURNMENT**– 8:22 p.m.

Staff Report for June 11, 2015

1. Permits Issued Since May, 2015

DATE	OWNER/AGENT	PARCEL ID	LOT	BLK	SUBDIVISION	DEVELOPMENT	ZONE
5/1/15	Kevin Forster	C-NUK-00-0500	5		Nukdik Point Sub.	New Water Service	SR
5/4/15	Haines Borough	Borough Property at Ferry Terminal			ATS 1194	Temporary Residence	WI
5/5/15	Coleman Stanford	C-ANY-07-0200	2 S1/2	7	Anway Sub.	ROW_New Driveway	RR
5/6/15	Eric Forster	C-PTC-0N-0300	3	N	Port Chilkoot Sub.	Porch	SR
5/6/15	Sue Folletti	C-MIS-0C-0200	2, 3 & 4	C	Mission Sub.	B&B	C
5/7/15	Stan Jones	C-HHY-01-0100			1.5 Mile Haines Highway	Temporary Residence	RMU
5/7/15	SE AK Fair				296 Fair Drive	Vendor Food Booth	ILC
5/11/15	John Nowak	C-SKY-0B-1800	18	B	Skyline Estates Sub.	Fence	SR
5/11/15	Miki Atkins	C-TNS-05-0600	6 & 7	5	Haines Townsite	Sign	C
5/12/15	Port Chilkoot Distillery	C-PTC-0D-03A0	3A	D	Port Chilkoot Sub.	Sign	SSA
5/13/15	Jonathan Richardson	C-TBS-00-2300	23		Tanani Bay Sub.	Fence	RMU
5/15/15	Teresa Povey	C-PTC-0J-01NE	1 & 2 NE 1/2	J	Port Chilkoot Sub.	Porch	SSA
5/22/15	Haines Borough	C-SEC-26-0404	4		Picture Point Sub.	Public Restroom	WF
5/27/15	Diana Lapham	C-207-TL-1400			USS 207	New Water Service	RR

2. Enforcement Orders

- The Borough received a citizen complaint stating that his neighbor built a garage within the 10' minimum setbacks. Staff conducted a site visit on May 13, and measured that the garage was built approximately 7' to the lot line. The Borough requested the owner provide an as-built survey.
- While out doing site visits, staff found several bags of trash and other litter piled up outside at two trailers located in a designated trailer park. Trash accumulation, as identified, is a code violation per HBC 8.08.020. The trailer park owner was notified via a certified mail on May 6. The accumulate trash has been removed.

3. Projects

- Addressing Project – Remaining of 50 addresses within the Townsite Service Area.
- National Flood Insurance Program Community Assistance Visit – State staff Taunie Boothby and Federal staff Karen Wood-McGuinness conducted the visit on May 25 and 26. They reviewed the current Borough Flood Plain Regulations (HBC 18.120), and provided us with recommendations to enhance our compliance with the National Flood Insurance Program.



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

June 5, 2015

To: Haines Borough Planning Commission

Re: Jonathan Richardson Dog Boarding Kennel Conditional Use Proposal
Lot 33, Tanani Bay Subdivision; C-TBS-00-3300; Rural Mixed Zone (RMU)

Property owner Jonathan Richardson requested the Planning Commission approve a Conditional Use Permit to allow the construction and operation of a dog boarding kennel on his property. HBC 18.70.040 allows a kennel in RMU upon approval of a conditional use permit. The application has been determined to be complete because it contains all of the information required by HBC 18.40.030(A) (1)-(8).

Under HBC 18.50.040, there are eight criteria to be considered in deciding whether to grant a conditional use permit. Before a conditional use permit is approved, the commission must find that each of the following is met. I have provided my thoughts on each one.

1. This use is so located on the site as to avoid undue noise and other nuisances and dangers.

The property is one 1.06 acre lot. There are three private-owned lots directly adjacent to Richardson's property. The one immediately to the north is owned by Richardson as residential use; the one immediately to the east is vacant and owned by Joe White; and the one immediately to the south is vacant and owned by Don Turner Jr. On June 1, 2015, surrounding property owners within 200 feet were notified. Some residents expressed concerns about noise from dogs. It is true dogs can produce undue noise that would affect residential properties. I believe the proposed kennel needs to be designed to specifically mitigate any noise generation associated with barking dogs. Therefore, I recommend the installation of padded walls and acoustical panels to ensure noise compatibility with properties in the surrounding area.

2. The development of the use is such that the value of the adjoining property will not be significantly impaired.

This is subjective both in general terms and in specific terms. Historical studies as well as real estate appraisal guidelines indicate that property values are based on sales in the area, not directly affected due to the proximity of a dog boarding kennel.

3. The size and scale of the use is such that existing public services and facilities are adequate to serve the proposed use.

This subdivision is not served by municipal water and sewer, but the applicant indicated that an on-site wastewater system will be installed to adequately serve the proposed use. The proposed development shall incorporate measures to eliminate any nuisances caused by odor or pet waste. All pet waste shall be picked up as it occurs to ensure there will be no impacts with regards to odor.

4. The specific development scheme of the use is consistent and in harmony with the comprehensive plan and surrounding land uses.

The Haines Borough Comprehensive Plan currently classifies the proposed property as residential. The section of Haines Borough 2025 Comprehensive Plan pertaining to the residential land use classification states... “The Residential Land Designation is to encourage development of a health, safe and pleasant environment for residential living protected from incompatible and disruptive uses...small pockets of neighborhood commercial development are encouraged in locations that are easily accessible to many residents and where traffic will not create conflict. In areas away from the core townsite small commercial businesses may occur. However, these areas will primarily be residential in nature. ” (Haines Borough 2025 Comprehensive Plan, Page 153). The proposed use is located in an area that may allow commercial activities, so it seems to be in harmony with the comprehensive plan.

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

One incident was mentioned in the public comments indicated that “On September 8th, one of the dogs actually bit one of the neighbors when walking on Lutak Road. This is absolutely unacceptable”. Additionally, one former Borough police officer stated “I believe the department has received approximately 9 calls to his residence concerning his dogs being at large...” By considering these, I recommend a two-year permit be considered to provide a trial period. The dogs shall be supervised and at least one person shall be on the premises at all times of the day. The dog runs shall be completely enclosed within the fenced area.

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.

The 2015 GIS data provided by Alaska Department of Fish and Game indicates Mink Creek is a stated-identified anadromous stream. Plat 2008-24 indicates that Mink Creek runs along the southern side of the subject property. HBC 18.60.010 (P) requires no development shall occur within 25’ of the banks of anadromous fish streams. The site plan shows the proposed site is approximately 50’ to the creek. As such, the proposed kennel complies with this criterion.

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.

The proposed site is located 20’ from Mink Way right-of-way, and more than 50’ from any other property lines. HBC 18.60.020 requires that a kennel may be allowed if the kennel building, dog runs is separated from any residential zoned lot line by a minimum of 50’. The buffering will alleviate off-site impacts between residential and non-residential uses. The requirement is met.

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

As of today, the Borough has received two written citizen comments that are against this conditional use proposal. The public input has been considered. Staff recommendation is as follows:

Recommend the Planning Commission approve Richardson's dog boarding kennel conditional use proposal with the following conditions:

- A period of two years; and
- Installation of padded walls and acoustical panels to eliminate noise that would be generated from dogs; and
- Provide a DEC approved sewer system design to adequately serve the proposed use; and
- All pet waste shall be picked up as it occurs to ensure there will be no impacts with regards to odor; and
- Dogs shall be supervised by at least one person on the premises at all times of the day when dogs are registered for boarding; and
- The dog runs shall be completely enclosed within the fenced area.

This permit could be immediately suspended or revoked should any of the conditions not be adhered to. The applicant must agree and adhere to the conditions of this permit prior to its approval. Also, the Planning Commission may oversee and decide how any issues or concerns of local residents will be resolved. Thank you very much for considering this recommendation.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tracy Cui', written in a cursive style.

Tracy Cui
Planning and Zoning Technician III



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>JONATHAN RICHARDSON</u>		Name: _____	
Mailing Address: <u>P.O. Box 1323 99827</u>		Haines Borough Business License #: _____	
Contact Phone: Day _____ Night _____		Alaska Business License #: _____	
Fax: _____		Contractor's License #: _____	
E-mail: <u>JERICH118@GMAIL.COM</u>		Mailing Address: _____	
		Contact Phone: Day _____ Night _____	
		Fax: _____	
		E-mail: _____	
II. Property Information			
Size of Property: <u>1.06 ACRE</u>			
Property Tax #: <u>TBS-00-3300</u>			
Street Address: _____			
Legal Description: Lot (s) <u>33</u> Block _____ Subdivision <u>TANANI BAY SUB</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 checked="" type="checkbox"/> Rural Mixed Use <input type="checkbox"/> Multiple Residential <input type="checkbox"/> Heavy Industrial <input type="checkbox"/> Waterfront Industrial			
<input type="checkbox"/> Commercial <input type="checkbox"/> Industrial Light Commercial <input type="checkbox"/> Recreational <input type="checkbox"/> Mud Bay Zoning District			
<input type="checkbox"/> Lutak Zoning District <input type="checkbox"/> General Use			
III. Description of Work			
Type of Application (Check all that apply)	Project Description (Check all that apply)	Water Supply Existing or Proposed	Sewage Disposal Existing or Proposed
<input type="checkbox"/> Residential	<input type="checkbox"/> Single Family Dwelling	<input type="checkbox"/> None	<input type="checkbox"/> None
<input checked="" type="checkbox"/> Commercial	<input type="checkbox"/> Change of Use	<input type="checkbox"/> Community well	<input checked="" type="checkbox"/> Septic Tank
<u>2100</u> sq. ft.	<input type="checkbox"/> Multi-Family Dwelling	<input checked="" type="checkbox"/> Private well	<input type="checkbox"/> Holding Tank
_____ seating capacity if eating/drinking establishment	Total # of Units _____	<input type="checkbox"/> Borough Water System	<input type="checkbox"/> Borough Sewer System
<input type="checkbox"/> Industrial	<input type="checkbox"/> Cabin	<input type="checkbox"/> Other _____	<input type="checkbox"/> Pit Privy
<input type="checkbox"/> Church	<input type="checkbox"/> Addition		<input type="checkbox"/> Other _____
<input type="checkbox"/> Other _____	<input type="checkbox"/> Accessory Structure		
	<input checked="" type="checkbox"/> Other <u>KENNEL</u>		

Valuation of Work: \$ 200,000
Current use of adjacent properties: LOTS 30, 32, 34 VACANT LOT 23 RESIDENTIAL (MY HOUSE) LOT 9 STORAGE
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.

1. 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.

50' SET BACK FROM PROPERTY LINES OF BUILDING AND FENCE AS PER CODE.

VISUAL BARRIER BETWEEN DOG AREA AND MINK WAY.

HIGH LEVEL OF SUPERVISION OF DOGS, AND BARK COLLARS WHEN NECESSARY.

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

FROM THE STREET THE KENNEL WILL LOOK LIKE A HOUSE WITH A FENCED YARD AND MANICURED GROUNDS. I LIVE NEXT DOOR AND I WON'T TOLLERATE ~~ODOR~~ ODOR OR NOISE. LOT 34, IF DEVELOPED, WOULD HAVE A VIEW OF THE OUTDOOR DOG AREA, BUT THE CREEK BED CREATES ABOUT 100' OF BUFFER.

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

I EXPECT AS MANY AS 20 VEHICLES A DAY WOULD COME AND GO ~~THROUGH~~, AND THAT WOULD ABOUT DOUBLE THE AMOUNT OF TRAFFIC ON DOLPHIN STREET.

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.

RURAL MIXED USE IS SPECIFICALLY WHERE ZONING ALLOWS A KENNEL. THE AREA ALREADY INCLUDES A BUSINESS, LYNN VIEW LODGE, AND ANOTHER PROPERTY THEY RECENTLY PURCHASED TO BE USED AS A RENTAL. ABOUT HALF OF THE LOTS ARE VACANT.

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

ALL THIS IS, IS PEOPLES PETS BEING CARED FOR IN A BUILDING AND FENCED YARD.

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.

MINK CREEK IS NOT A FISH STREAM. I HAVE TERRACED THE EMBANKMENT DOWN TO THE STREAM TO STABILIZE THE LOT AND LIMIT EROSION

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.**

Justin Ruhuda
Owner or Agent

May 27 2015
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 checked="" type="checkbox"/> Applicant Notified Application is Complete and Accepted <u>05/27/2015</u> <u>In Person</u> <u>XC</u> <small>(Date) (Notified via) (Initials)</small>					
Non-Refundable Permit Fee \$ <u>150.00</u> Receipt No. <u>025313</u> Received By: <u>TOlsen</u> Date: <u>5.27.15</u>			Information/Documentation Req'd Rec'd <input type="checkbox"/> <input type="checkbox"/> State Fire Marshal <input type="checkbox"/> <input type="checkbox"/> State DEC <input type="checkbox"/> <input type="checkbox"/> Variance/Conditional Use Permit <input type="checkbox"/> <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

ATTACHMENT A

SITE PLAN REQUIREMENTS

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

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

LOT 32

LOT 30

BURIED SERVICE

AP+T

MINK WAY

MARINE OUTFLOW

60'

20' STREET SETBACK

245'

PARKING

SEPTIC

KENNEL BUILDING

EXISTING WELL

185' MINK CREEK

TERRACED DOWN TO CREEK LEVEL

92'

LOT 23

310'

50' KENNEL SETBACK FROM RESIDENTIAL PROPERTY LINES, TO BE FENCED

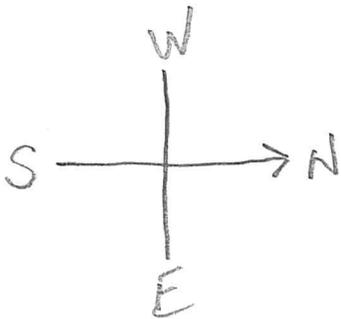
LOT 34

94'

62'

LOT 9

LOT 10



1" = 50'

LEGEND

- ⊕ PRIMARY MONUMENT RECOVERED THIS SURVEY
- SECONDARY MONUMENT SET THIS SURVEY BY J.W. BEAN
- SECONDARY MONUMENT RECOVERED THIS SURVEY



TYPICAL SECONDARY MON.
1-1/4" YELLOW PLASTIC CAP
5/8" REBAR, 36" LONG

STATEMENT OF OWNERSHIP:

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

Date 12/19, 2008

Owner Don Turner
DON TURNER
PO BOX 85
HAINES, ALASKA 99827

NOTARY'S ACKNOWLEDGEMENTS:

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

THIS IS TO CERTIFY THAT ON THIS 19th DAY OF December, 2008 BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED:

Don Turner

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

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

Notary Public for Alaska

Julie Cozzi
My Commission Expires 1-29-2011



CERTIFICATE BY THE HAINEES BOROUGH

THE PLAT OF TANANI BAY, PLAT NO. 2000-5, 97-1 & 94-25, AS DESCRIBED HEREON HAS BEEN FOUND TO COMPLY WITH THE PROVISION SET FORTH IN HC. 18.100 AND IS APPROVED FOR RECORDING WITH THE HAINEES RECORDERS OFFICE DATED:

Dec. 19, 2008

Lee Heinmiller 12-19-2008
LEE HEINMILLER
PLANNING COMMISSION CHAIR

Jamie Hill 12-19-2008
JAMIE HILL
MAYOR
HAINEES BOROUGH

CERTIFICATE OF REGISTERED LAND SURVEYOR

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

Date 12-20-08



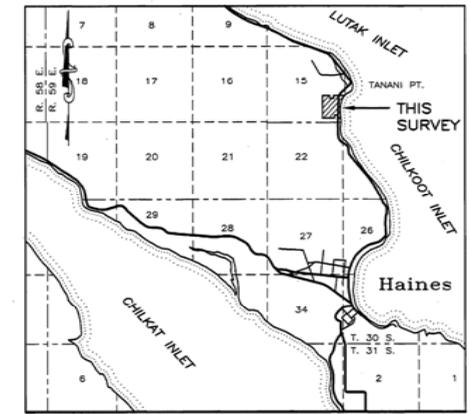
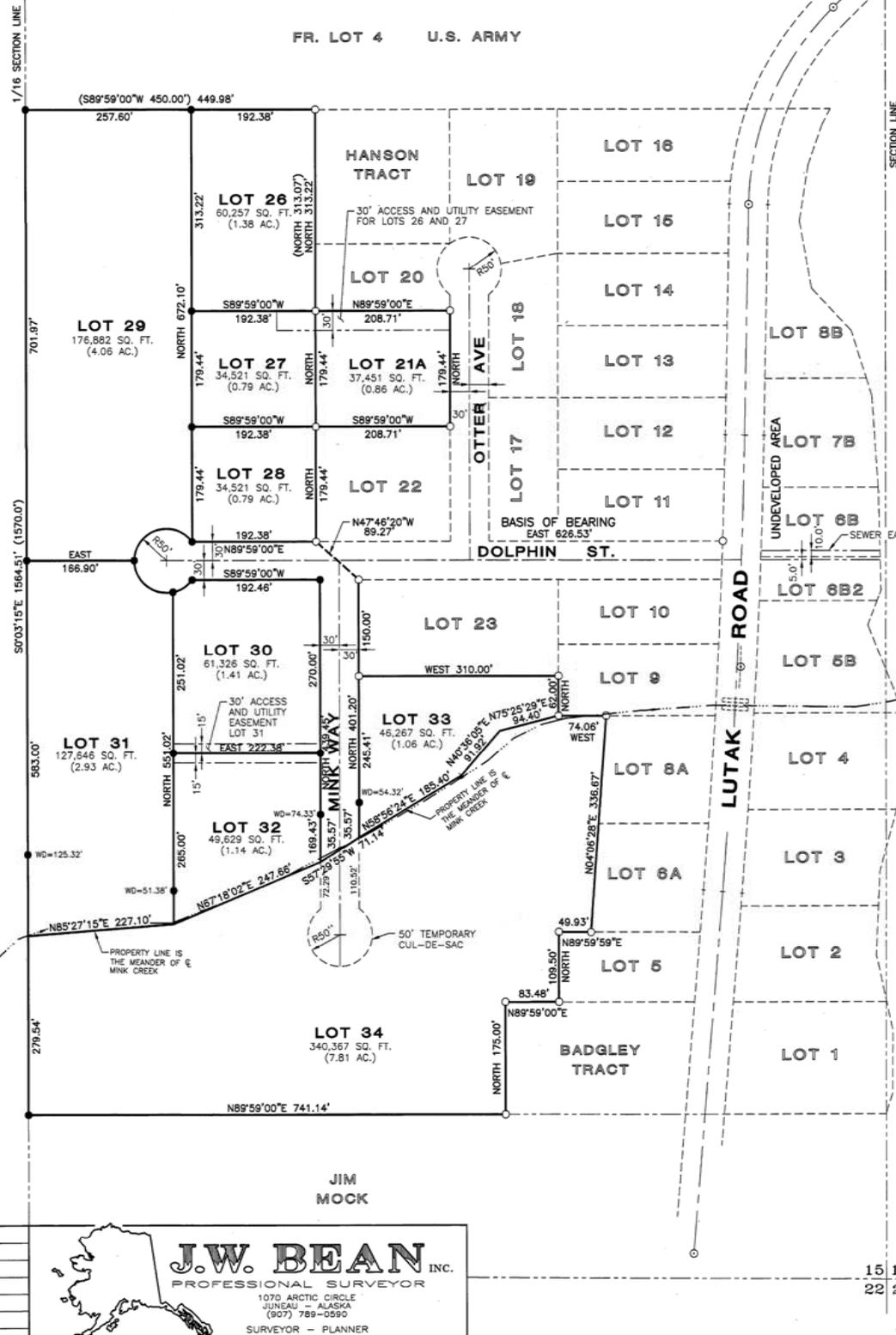
DRAWN BY: GDM Graphics
CHECKED BY: J.W.B.
DRAWING DATE: 10-06-2008
FIELD BOOK:
SCALE: 1"=100'
JOB No.: HNS-TURNER-LOTS26-34



J.W. BEAN INC.
PROFESSIONAL SURVEYOR
1070 ARCTIC CIRCLE
JUNEAU - ALASKA
(907) 789-0590
SURVEYOR - PLANNER

FR. LOT 4 U.S. ARMY

MENTAL HEALTH



VICINITY MAP
SOURCE: HAINEES BASEMAP SERIES - SCALE: 1" = 400'

CERTIFICATION 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 Dec. 19, 2008.

Haines Borough Assessor John Wurst
JOHN WURST

TAX CERTIFICATE

THIS SUBDIVISION LIES WITHIN TAXING AUTHORITY AT TIME OF FILING.

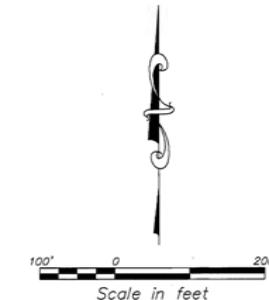
DATE: _____

HAINEES BOROUGH

NOTES:

1. ALL PLAT BEARINGS SHOWN ARE TRUE BEARINGS AS ORIENTED TO THE BASIS OF BEARINGS.
2. ALL DISTANCES SHOWN ARE REDUCED TO HORIZONTAL.
3. RECORDED BEARINGS AND DISTANCES ARE SHOWN ENCLOSED IN PARENTHESIS. MEASURED OR CALCULATED BEARINGS AND/OR DISTANCES ARE SHOWN WITHOUT PARENTHESIS.
4. EACH PROPERTY OWNER IS RESPONSIBLE FOR THEIR OWN WATER SOURCE.
5. ALL LOTS ARE REQUIRED TO INSTALL DEC APPROVED AERATOR WASTEWATER SYSTEM. EACH WASTEWATER SYSTEM WILL THEN BE REQUIRED TO CONNECT TO THE CENTRAL COLLECTION SYSTEM OF THE SUBDIVISION.
6. THIS PLAT IS IN THE SINGLE-RESIDENTIAL LAND USE ZONE

RURAL MIXED USE
DT



2008-24
Haines REC DIST
DATE Dec 22 2008
TIME 12:44 P.
Requested By Haines
Address Borough

15 14
22 23

A PLAT OF
TANANI BAY SUBDIVISION III
WITHIN
LOTS 4 AND 5,
SECTION 15, T.30S., R.59E., C.R.M.
WITHIN HAINEES BOROUGH, ALASKA
HAINEES RECORDING DISTRICT - HAINEES, ALASKA

I HAVE IN MIND BUILDING A DOG BOARDING KENNEL. I WILL OFFER OVERNIGHT BOARDING, DOG DAY CAMP, AND ANY OTHER SERVICE I CAN, SUCH AS WASHING AND GROOMING AND RETAIL SALE OF SPECIALTY ITEMS.

THIS WILL BE A FAMILY ~~BUS~~ BUSINESS RUN BY ME, MY WIFE, AND A FRIEND WHO LIVES WITH US.

THE BUILDING WILL CONSIST OF A HOUSE-LIKE PART WITH GARAGE, BATHROOM, KITCHEN, AND ROOMS FOR OFFICE, GROOMING, ETC. ATTACHED WILL BE A 25' x 30' ROOM WITH A RAISED CEILING AND 5 STALLS ALONG ONE WALL, THIS WILL BE THE "DOG ROOM" FOR INDOOR ACTIVITIES. THE STALLS WILL EACH HAVE A DOG DOOR TO A SMALL OUTDOOR POTTY AREA, AND WILL BE USED ONLY WHEN NECESSARY, SUCH AS AT MEAL TIME OR FOR PROBLEM DOGS. ~~AND~~

MOST OF THE TIME I EXPECT THE DOGS TO BE SUPERVISED IN THE DOG ROOM AND IN THE FENCED YARD, KEEPING THEM OCCUPIED WITH TRAINING AND GAMES.



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

June 1, 2015

FIRST LAST NAME
ADDRESS
CITY STATE ZIP

Re: Jonathan Richardson Property, C-TBS-00-3300
Lot 33, Tanani Bay Subdivision – Kennel Conditional Use Proposal

Dear Land Owner,

Haines Borough records show that you own property in the vicinity of the above-listed property. Property owner, Jonathan Richardson, has requested the Planning Commission approve a conditional use permit for constructing and operating an animal kennel on his property. The public hearing is scheduled on the agenda of the next Planning Commission meeting. The meeting will be held at the Haines Borough Assembly Chambers on June 11, 2015 at 6:30 p.m. As an owner of property in proximity to this development 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,

Kathryn Friedle
Administrative Assistant
Lands Department
kfriedle@haines.ak.us
(907) 766-2231 Ext. 22

Enclosure

PRIMARYOWNER	ADDRESS	CITY	STATE	ZIPCODE
MICHAEL R. WILSON	P.O. BOX 793	HAINES	AK	99827
GRANT IRWIN, SR. & JR.	P.O. BOX 61336	OKLAHOMA CITY	OK	73146
JOE D. WHITE	9620 BURNING BUSH DR.	ANCHORAGE	AK	99509
DOROTHEA OWENS	P.O. BOX 1416	HAINES	AK	99827
JONATHAN RICHARDSON	P.O. BOX 1323	HAINES	AK	99827
DONALD & HELEN TURNER, JR.	P.O. BOX 85	HAINES	AK	99827

From: mwilsonak@gmail.com
To: [Xi Cui](#); [Dean Olsen](#)
Cc: mwilsonak@gmail.com
Subject: To: Board Members of the Planning and Zoning Commission
Date: Wednesday, September 17, 2014 8:38:24 AM

To: Board Members of the Planning and Zoning Commission
From: Michael Wilson
Subject: Proposed dog boarding kennel for Tanani Bay Subdivision.
Date: September 10, 2014

My name is Michael Wilson and I own property in Tanani Bay Subdivision, Lot 30 and Lot 32. The proposed site for the kennel is directly across from my lot 32. The owner of the proposed kennel is Jonathan Robertson and that lot is 33. Mink Creek runs adjacent to Lot 32 and Lot 33. I am against the dog boarding kennel for a number of reasons. I would hope that the planning and zoning commission reject the conditional use permit requested by Jonathan Robertson. I hope that the planning and zoning board consider my concerns in your deliberations.

I would first like to address the noise disruption of the kennel itself. As you might be aware often dog boarding kennels can be quite noisy due to confined dogs often barking in unison. It can get very noisy. My own plan for lot 30 and lot 32 is to build small cabins for overnight guests. This would have a negative impact on my business, which would result in loss of revenue and reduce tax owed to Haines Borough. How would this impact property values in the surrounding neighborhood? My neighbor and I bought in this subdivision for its view of Lynn Canal. It is a very quiet neighbor. My neighbors and I have discussed this proposed dog kennel and we do not want this kennel in our neighborhood.

Please do not allow this to happen.

In making your decision I believe you should also consider the owners as well. What is their background in boarding dogs? Successes? Failures? How will they keep the dogs safe? What about bears? How will they keep a clean environment for the dogs. Where will they put the dog waste? As part of the background for this permit, please get verified documentation from Mr. Robertson about his background in boarding dogs.

How well does Jonathan Robertson supervise his own dogs?
It is this point I would like to share information with you. I believe it is crucial to your decision.

My neighbors and I have observed how Jonathan Robertson has dealt with his own 4 dogs. Mr Robertson often lets his own four dogs run unsupervised through out the area, barking loudly, sometimes threatening other people, other dogs and chasing cars. The dogs have torn up gardens and have left feces through out the neighborhood and have done the same on the beach. On September 8th, one of the dogs actually bit one of the neighbors when walking on Lutak Road. This is absolutely unacceptable. In the week prior the 4 dogs came on to my property barking and were aggressive toward me, charging in to bite and growling. I yelled at Jonathan Robertson to call off his dog. He did call the dogs off. Unfortunately I did not report the incident, except that Jonathan Robertson did not have the dogs leashed and needed me to tell him to call off his dog. The only other witness to this is Mr. Robertson himself. As I read the Haines Borough Code 6.08.020 Control of Dogs Jonathan Robertson has violated A.B.C. and D and does so routinely.

AT least three other neighbors and I have spoken with Jonathan Robertson directly. I have spoken with the Haines Police Department concerning this issue twice in the last 2 weeks. As of 12 September, 2014 there have been 6 formal complaints received at the Haines Police Department concerning Jonathan Robertson and his unsupervised dogs?

If Jonathan Robertson will not control and demonstrate responsibility for his own dogs, how can he possibly take care of and be responsible for other dogs placed in his care. This is negligence and irresponsible.

Again I am opposed to allowing the dog boarding kennel allowed to operate in the Tanani Bay Subdivision and urge you to decline the permit to do so.

Thank you for you time and consideration to this very important matter.

Michael Wilson
907-617-9524

Sent from my iPad

From: [Adam W. Patterson](#)
To: [Xi Cui](#)
Subject: Dog Boarding Kennel
Date: Friday, June 05, 2015 12:16:35 PM

Dear Planning Commission members,

I am writing to you at the request of the Tanani Bay residents in regard to the dog boarding kennel proposed by Mr. Robertson.

When I was an officer for the Borough of Haines I had a few contacts with Mr. Robertson concerning his dogs being at large in the area. He apologized a few different times and told me it would never happen again but the department continued to get calls of the same nature concerning Mr. Robertson's dogs. Chief Musser had told me I should probably write a citation but I decided there was such little penalty to the owner (\$25 I think) that I thought giving him a stern warning, along with reporting it to HARK, would have a much better affect. Mr. Robertson continually claimed he was a responsible dog owner but at the same time exhibiting irresponsible ownership qualities.

Nothing in Mr. Robertson's attitude has shown he has learned from his mistakes and would be a responsible dog kennel owner. If he was unable to maintain 2-3 dogs, nothing suggests he would be able to maintain many dogs. I believe the department has received approximately 9 calls to his residence concerning his dogs being at large which is not a pattern reflective of someone changing their behavior nor of someone who considers how their actions affect the other residents in the neighborhood.

I think the needs of the residents far outweigh the need for Mr. Robertson to run a kennel. He has proven to be irresponsible, unprofessional and uncaring of the needs of the residents of Tanani Bay.

Sincerely,
Adam Patterson

Adam Patterson
Tippecanoe County Prosecutor's Office
(765) 423-9364
apatterson@tippecanoe.in.gov

HBC 18.20.020 Definition.

“Kennel” means any use or lot on which more than four dogs, over four months of age, are kept.

HBC 18.60.020 Specific approval criteria.

F. Kennel. A kennel may be allowed if a site plan is approved and the kennel building, dog runs or other outside canine housing area is separated from any residential zoned lot line by a minimum of 50 feet.

HBC 18.50.040 Condition 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.



Lynn Canal Conservation, Inc.

PO Box 964 Haines, Alaska 99827
Phone: 907-766-2295 Fax: 907-766-2295
lynncanalconservation@gmail.com

10D1

Haines Borough Planning Commission

June 1, 2015

Request for review and comment on the Front Street, LLC's proposal

Dear Planning Commission,

Lynn Canal Conservation (LCC) is requesting that the Haines Borough Planning Commission review and comment to the Army Corps on the proposed Portage Cove Project. The Haines Borough confirmed that they did not receive public notice of the project and therefore were unable to comment in a timely manner. Although the comment period has closed, it is the Corps Alaska District policy to accept submitted comments for consideration after the comment period closes.

The Front Street Project would not only impact the immediate neighborhood, it would affect the entire community, as is it located in the waterfront district in the center of Haines. Other potential impacts include impacts to essential fish habitat, marine birds and wildlife, and the waterfront viewshed.

In order to evaluate compatibility with the Haines Borough Comprehensive Plan 2025, current plans for expansion of the boat harbor and community goals for future waterfront development, the Planning Commission should thoroughly review a project of this size.

LCC requests that the Planning Commission review the POA-2015-197 Portage Cove application at your June 11th meeting and submit comments to the Corps.

Attachments include LCC's comment letter to the Corps and the Corps response letter to LCC.

Sincerely,

Eric Holle, President
Lynn Canal Conservation



Lynn Canal Conservation, Inc.

PO Box 964 Haines, Alaska 99827

Phone: 907-766-2295 Fax: 907-766-2295
lynncanalconservation@gmail.com

US Army Corps of Engineers, Alaska District
Juneau Field Office

May 14, 2015

Comments regarding application POA-2015-197, Portage Cove, Haines, Alaska

Dear Randal Vigil,

Founded in 1972, Lynn Canal Conservation (LCC) works to protect wild watersheds, quality of life, and fosters environmental awareness in Haines and the Northern Lynn Canal.

LCC appreciates the opportunity to comment on Front Street, LLC's proposal to place approximately 25,030 cubic yards of gravelly sand with silt and 2,600 cubic yards of riprap/armor rock into approximately 1.16 acres in Portage Cove for commercial development.

Due to the potential impacts to essential fish habitat, marine birds and wildlife, the waterfront viewshed, and other proposed in-water work in Portage Cove to expand the Haines Borough Small Boat Harbor, LCC requests that the Army Corp extend the comment period until June 19 to allow this proposal to be reviewed by the Haines Borough Planning Commission at its June meeting. The area for the proposed project is located in an already congested waterfront area in the midst of residential and commercial zoning and is directly adjacent to the Haines Small Boat Harbor. A project of this size should be reviewed by the Planning Commission for compatibility with the Haines Borough Comprehensive Plan 2025 and community goals for future waterfront development.

An extension of the deadline for public comments would also allow more community members to become familiar with the project and submit comments to the Corps for review. To this end, LCC also requests that the Corp hold a public hearing in Haines prior to issuing a decision on this application. The Front Street Project would not only impact the immediate neighborhood, it would affect the entire community as is it located in the waterfront district in the center of Haines.

LCC requests that a decision on this permit application be postponed until a public hearing can be held in Haines and the proposed development can be thoroughly reviewed by the community and the Borough Planning Commission.

Sincerely,

Eric Holle, President, Lynn Canal Conservation



DEPARTMENT OF THE ARMY
ALASKA DISTRICT, U.S. ARMY CORPS OF ENGINEERS
REGULATORY DIVISION
P.O. BOX 22270
JUNEAU, AK 99802-2270

MAY 29 2015

Regulatory Division
POA-2015-197

Mr. Eric Holle
Lynn Canal Conservation
Post Office Box 964
Haines, Alaska 99827-0964
lynncanalconservation@gmail.com

Dear Mr. Holle:

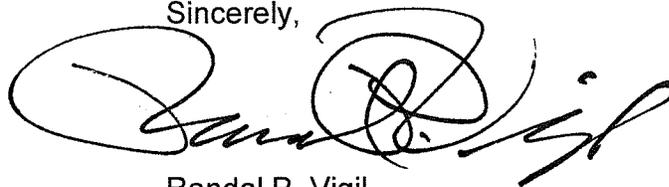
This concerns the application by Mr. Greg Schlachter for a Department of the Army (DA) permit to discharge dredged and/or fill material into waters of the United States for the construction of a marine repair and boat storage facility, office and retail space, recreational vehicle park, and restaurant/bar in Haines, Alaska, file number POA-2015-197, Portage Cove.

Your May 14, 2015, letter requesting a public hearing of the permit application has been placed in the official file and will be given serious consideration. As stated in our regulations (33 CFR 327), a public hearing is to be held "for the purpose of acquiring information or evidence..." that is otherwise not available to aid in the evaluation of a DA permit application. No decision has been made to hold a public hearing at this time. However, you will be informed of our determination after evaluation of the merits of your request.

In your letter you requested an extension of the Public Notice comment period until June 19, 2015, in order for the Haines Borough Planning Commission to review the proposed project for compatibility with the Borough comprehensive plan and to allow for further public comment. Final action on the DA permit will normally not be delayed pending action by another Federal, state or local agency. The primary responsibility for determining zoning and land use matters rests with state, local and tribal governments. The district engineer will normally accept decisions by such governments on those matters unless there are significant issues of overriding national importance. Additionally, it is the Alaska District policy to accept comments for consideration, for a reasonable time, after the comment period closes. Therefore, the Corps has determined that extending the comment period is not warranted.

Please contact me via email at Randal.P.Vigil@usace.army.mil, by mail at the address above, by phone at (907) 790-4490, if you have questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Randal P. Vigil". The signature is stylized with large, overlapping loops and a long, sweeping tail that extends to the right.

Randal P. Vigil
Project Manager



US Army Corps
of Engineers
Alaska District

Juneau Field Office
Regulatory Division (1145)
CEPOA-RD
PO Box 22270
Juneau, Alaska 99802-2270

Public Notice of Application for Permit

PUBLIC NOTICE DATE:	April 15, 2015
EXPIRATION DATE:	May 14, 2015
REFERENCE NUMBER:	POA-2015-197
WATERWAY:	Portage Cove

Interested parties are hereby notified that a Department of the Army permit application has been received for work in waters of the United States as described below and shown on the enclosed project drawings.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Randal Vigil at (907) 790-4491 or by email at Randal.P.Vigil@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Greg Schlachter, Front Street LLC, PO Box 1129, Haines, AK 99827.

LOCATION: The project site is located within Section 35, T. 30 S., R. 59 E., Copper River Meridian; USGS Quad Map Skagway A-2; Latitude 59.236° N., Longitude 135.440° W.; Haines Townsite, Block 21; 4 Front Street, in Haines, Alaska.

PURPOSE: The applicant's stated purpose is to provide safe and efficient movement of marine vessels from the Haines Harbor for storage, maintenance, and repair, including commercial and retail space.

PROPOSED WORK: The applicant requests authorization for the following work:

Discharge approximately 25,030 cubic yards of gravelly sand with silt and 2,600 cubic yards of riprap/armor rock (dredged and/or fill material) into approximately 1.16 acres of waters of the United States below the plane of the high tide line (approximate elevation +21.2 feet above the 0.0 foot contour) and mean high water mark (approximate elevation +15.8 feet above the 0.0 foot contour) to construct a marine repair and boat storage facility, office and retail space, recreational vehicle park, and restaurant/bar.

All work would be performed in accordance with the enclosed plan (sheets 1-6), dated March 2015.

ADDITIONAL INFORMATION: The fill material for the proposed work described in this public notice may be sourced from dredging of the proposed South Portage Cove Harbor expansion or an alternate source. The alternate source for fill and rip-rap would be the existing 4.6 Mile, Haines Highway quarry.

PND Engineers, Inc. on behalf of the Haines Borough submitted to the U.S. Army Corps of Engineers, Alaska District (Corps) a sediment characterization and analysis report dated January 2015, for a proposal to expand the existing Haines Borough, South Portage Cove Harbor. The proposed project would involve dredging approximately 6.28 acres in navigable waters of the United States encompassing the harbor area, including proposed open water discharge of approximately 120,648 cubic yards of dredged material. This sediment characterization study was performed under a sediment sampling plan approved on June 18, 2015, by the Corps. Based on the results of the report, none of the samples exceeded the screening levels for the chemicals of concern in the approved sampling and analysis plan. The Corps has determined that material dredged from the South Portage Cove Harbor appears to be suitable for in-water disposal, provided all other regulatory requirements to offset impacts to the aquatic environment are satisfied.

In order to proceed with the proposed work the applicant is required to obtain a Haines Borough Land Use Permit.

APPLICANT PROPOSED MITIGATION: The applicant proposes the following mitigation measures to avoid, minimize, and compensate for impacts to waters of the United States from activities involving discharges of dredged or fill material.

a. Avoidance: “Front Street LLC is not able to entirely avoid impacts to waters of the United States.”

b. Minimization: “The following measures will be incorporated into the proposed project:

- Removal of the existing marine repair facility along with engineered enhancements to site will improve rainwater drainage along with the addition of contaminant containment systems.
- Erosion of the core fill (dredged material), will be mitigated by constructing a berm which will be placed around the perimeter of the core fill. The berm will be constructed using class I riprap as the inner lens with class III riprap as the outer lens (a total of 4 ft thick). This rock will contain the material from escaping the fill area. Depending upon the material encountered, if additional protection is necessary with use of a riprap liner, it will be provided/installed. A riprap liner will be available and on-site during construction.
- Armor rock, used in the rubble mound, has been known to improve marine habitat and will be the preferred alternative over concrete blocks or sheet pile construction.

- Work in waters of the US will be conducted in accordance with the terms and conditions of the Corps of Engineers permit.
- Placement of armor rock and fill will occur during lower tidal cycles to avoid or minimize in-water work. Armor rock used for the authorized work will be clean, free from pollution in toxic amounts. Armor rock will be free of fine sediments to the extent practicable, to reduce suspended material from entering the water column during tidal cycles.
- A Hazardous Materials Control plan (HCMP) for handling, storage, cleanup, and disposal of petroleum products and hazardous materials needed for the project. Front Street will provide and maintain a hazardous waste clean-up kit on-site at all times.
- Front Street will be required to prepare and submit a Stormwater Pollution Prevention Plan (SWPPP) prior to any construction activities in accordance with standard DOT&PF design and construction requirements. The SWPPP will incorporate Best Management Practices (BMPs) to prevent erosion and control sediment release to water.”

c. Compensatory Mitigation: “The 1.16 acres that will be filled for this project have an unvegetated sand and cobble bottom. The riprap used in the armor rock provides a medium for marine vegetation to grow, and interstitial spaces for migrating salmonids, thus creating 0.36 acres of high value marine habitat.

Front Street LLC proposes the following compensation for the loss of 1.16 acres of low-moderate value intertidal habitat:

- Provide Alaska Chilkat Bald Eagle Preserve with 3.25 acres of the Porcupine Point Pond (26 Mile, Haines Highway), the entirety of the portion privately owned, for restoration as wetlands. If they are unwilling to take the property, land owner will place a deed restriction specifying the sole use for preservation & restoration of the property.
- Provide Alaska Chilkat Bald Eagle Preserve with adjacent privately-owned, delineated high value wetland, which we estimate to be 1-1.5 acres and will conduct an official Army Corps approved wetland delineation as soon as conditions allows in the Spring.
- Use riprap for the rubble mound as opposed to concrete block construction or sheet pile construction.

In discussions with Takshanuk Watershed Council and Southeast Alaska Watershed Coalition, the Porcupine Pond has been deemed a high quality restoration project, as well a priority for both councils. Although the Haines region does not have a watershed assessment, this restoration project is considered a watershed priority.

Intertidal areas in need of restoration are challenging to find in the Haines area, this is why we’ve proposed upland wetlands for our compensatory mitigation.”

WATER QUALITY CERTIFICATION: A permit for the described work will not be issued until a certification or waiver of certification, as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRs) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There are no listed or eligible properties in the vicinity of the worksite. Consultation of the AHRs constitutes the extent of cultural resource investigations by the District Commander at this time, and he is otherwise unaware of the presence of such resources. This application is being coordinated with the State Historic Preservation Office (SHPO). Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

ENDANGERED SPECIES: The project area is within the known or historic range of the Humpback whale (*Megaptera novaeangliae*) and Western Distinct Population Segment of Steller sea lions (*Eumetopias jubatus*).

We have determined the described activity would have no effect on the Humpback whale or Western Distinct Population Segment of Steller sea lions, and would have no effect on any designated or proposed critical habitat, under the Endangered Species Act of 1973 (87 Stat. 844). Therefore, no consultation with the U.S. Fish and Wildlife Service or the National Marine Fisheries Service is required. However, any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH).

The project area is within the known range of chinook (*Oncorhynchus tshawytscha*), chum (*Oncorhynchus keta*), coho (*Oncorhynchus kisutch*), pink (*Oncorhynchus gorbuscha*), and sockeye (*Oncorhynchus nerka*) salmon.

We have determined the described activity may adversely affect EFH in the project area for the following species chum (*Oncorhynchus keta*), coho (*Oncorhynchus kisutch*), pink (*Oncorhynchus gorbuscha*), and sockeye (*Oncorhynchus nerka*) salmon. The proposed project location is nearshore shallow water habitat primarily used by adult and juvenile salmon migration, as these waters provide refuge from predators and opportunity to rest. The proposed project would involve filling activities, which may increase the potential for injury or mortality to salmon from elevation of suspended particulates within the water column and/or loss of habitat. This Public Notice initiates EFH consultation with the NMFS. Any comments or recommendations they may have concerning EFH will be considered in our final assessment of the described work.

TRIBAL CONSULTATION: The Alaska District fully supports tribal self-governance and government-to-government relations between Federally recognized Tribes and the Federal government. Tribes with protected rights or resources that could be significantly affected by a proposed Federal action (e.g., a permit decision) have the right to consult with the Alaska District on a government-to-government basis.

Views of each Tribe regarding protected rights and resources will be accorded due consideration in this process. This Public Notice serves as notification to the Tribes within the area potentially affected by the proposed work and invites their participation in the Federal decision-making process regarding the protected Tribal right or resource. Consultation may be initiated by the affected Tribe upon written request to the District Commander during the public comment period.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The outcome of the general balancing process would determine whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur. The decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Commander determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

AUTHORITY: This permit will be issued or denied under the following authorities:

(X) Perform work in or affecting navigable waters of the United States – Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

(X) Discharge dredged or fill material into waters of the United States – Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

District Commander
U.S. Army, Corps of Engineers

Enclosures

STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION
DIVISION OF WATER
401 Certification Program
Non-Point Source Water Pollution Control Program

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
WQM/401 CERTIFICATION
410 WILLOUGHBY AVENUE
JUNEAU, ALASKA 99801-1795
PHONE: (907) 465-5321/FAX: (907) 465-5274

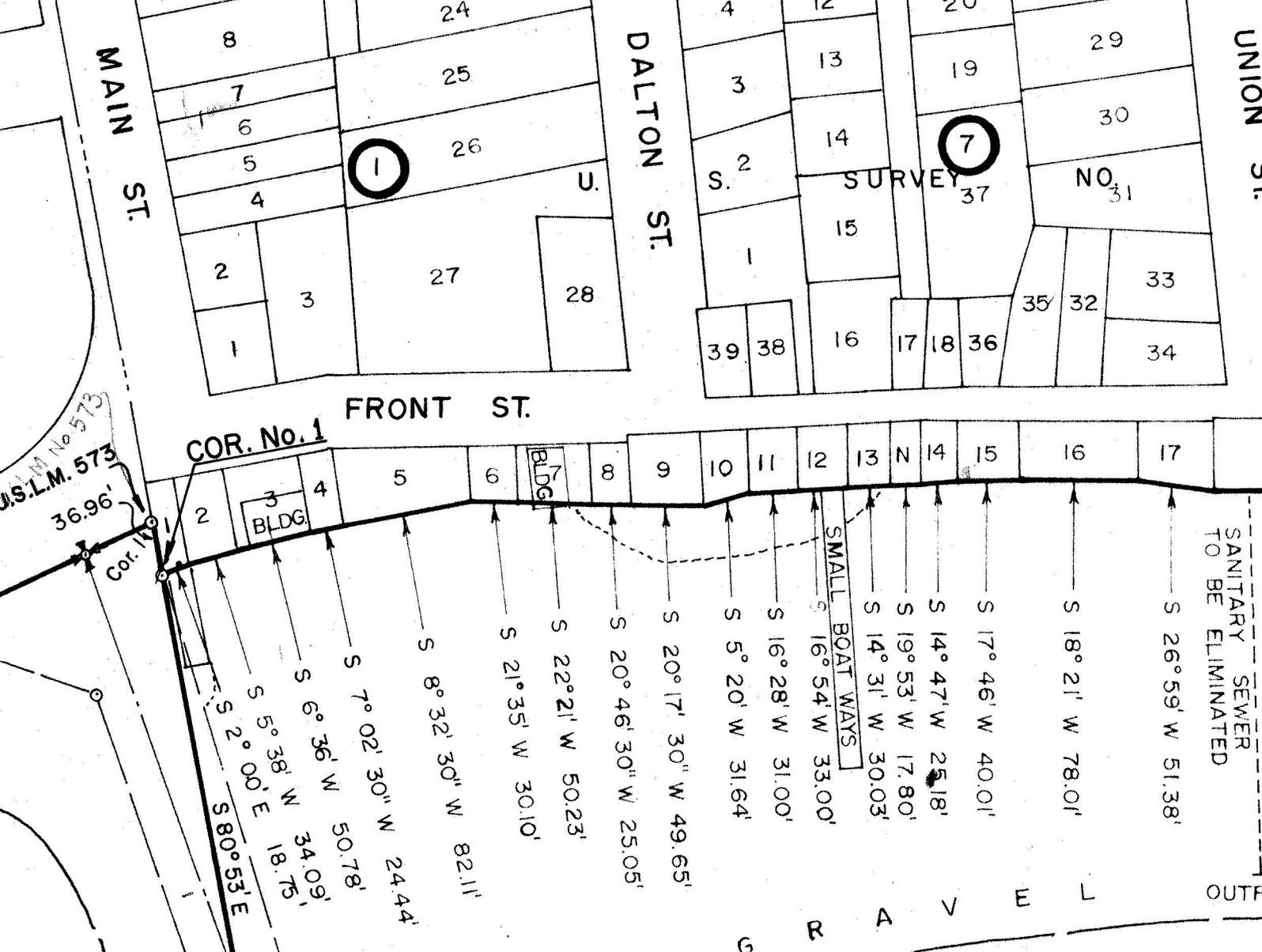
NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. **POA-2015-197, Portage Cove**, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify there is reasonable assurance the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project, with respect to Water Quality Certification, may submit written comments to the address above by the expiration date of the Corps of Engineer's Public Notice.



MAIN ST.

DALTON ST.

UNION ST.

COR. No. 1

FRONT ST.

SURVEY

NO. 31

SANITARY SEWER
TO BE ELIMINATED

SMALL BOAT WAYS

U.S.L.M. No. 573
U.S.L.M. 573

36.96'

Cor. 1

1 2 3 4 5 6 7 8 9 10 11 12 13 N 14 15 16 17

S 80° 53' E

S 5° 38' N 18.75'

S 6° 36' W 34.09'

S 7° 02' 30" W 50.78'

S 8° 32' 30" W 24.44'

S 21° 35' W 82.11'

S 22° 21' W 30.10'

S 20° 46' 30" W 50.23'

S 20° 17' 30" W 25.05'

S 5° 20' W 49.65'

S 16° 28' W 31.64'

S 16° 54' W 31.00'

S 14° 31' W 33.00'

S 19° 53' W 17.80'

S 14° 47' W 30.03'

S 17° 46' W 25.18'

S 18° 21' W 40.01'

S 26° 59' W 78.01'

S 26° 59' W 51.38'

OUTF

R A V E L



0 250 500 1,000 Feet

From: [David Sosa](#)
To: [Dean Olsen](#); [Xi Cui](#)
Subject: FW: Front Street Development
Date: Friday, May 01, 2015 12:59:00 PM
Attachments: [Lot 2 Block 1 Tidelands.pdf](#)
[Lot 15b Block 21.pdf](#)
[Schnabel Letter - ROW Block 21.pdf](#)
[Lot 1 Block 21 Tidelands.pdf](#)

FYI

From: Greg Schlachter/Expedition Broker [mailto:greg@expeditionbroker.com]
Sent: Friday, May 01, 2015 12:46 PM
To: Julie Cozzi
Cc: David Sosa; Roger Schnabel
Subject: Front Street Development

Hi Julie,

We are working on a development on Front Street and have applied for a Corp permit for fill work. We've run into some title issues with the contiguous properties on Front Street and would like the Borough's verification on three lots:

- The Right of Way between lots 13 & 14 of Block 21 was exchanged for Lot 15b of Block 21 in 1989. We have a deed showing transfer of Lot 15b from John Schnabel to the Borough (attached). We have a statement from John (attached) saying that the Borough never prepared a deed for the Right of Way transfer to him. Beyond John's written statement, the exchange of these two parcels, being of nearly exactly the same square footage and within two lots of each other, only makes sense. We'd appreciate the Borough providing verification of this.
- Lot 2, Block 1, Tidelands: We have a deed stating transfer from Roger Schnabel to Ramona Martin from 1995 (attached). Currently the Borough has ownership of this land under Mike Ward. Our title company has provided us with a report stating ownership by Ramona Martin. Please provide verification as well as potential tax implications regarding ownership.
- Lot 1, Block 21, Beginning at 180' from the Southwest Corner of Lot One continuing to Pierhead Line of No. 2 (Tidelands Survey No. 30 Tract B): This is a long sliver of property extending from Lot 1, Block 21 that currently shows Borough ownership in Borough records. We have a deed stating transfer from John Schnabel to Roger Schnabel in 1992 (attached). Please provide verification of ownership.

These three parcels are integral to our planned development so I appreciate your efforts in helping us clarify ownership.

Please feel free to email or call with questions at any time.

Best regards,

Greg Schlachter

Expedition Broker | Haines, Alaska

Toll Free: 877.406.1320

[Web](#) | [Twitter](#) | [Facebook](#) | [Instagram](#) | [Blog](#)

Alaska's Adventure Travel Agency

THE GRANTOR John J. Schnabel

residing at Haines, Alaska

for and in consideration of Ten Dollars and other considerations

conveys and quitclaims to Roger J. Schnabel

P. O. Box 732

Haines, Alaska 99827

all interest which I (we) have, if any, in the following described real estate:

All of the beach and tidelands and all Land beneath the tidal waters seaward of Lot 1, Block 21 Townsite of Haines, Alaska. Beginning at a point One Hundred Eighty Ft. from the South West corner of Lot 1 then continuing to Pierhead Line or Coporate Boundry corner No.2 as shown on Alaska Tedelands Survey NO. 30 Tract B.

92-177

RECORDED - FILED 15 ⁰⁰
Haines REC. OFF
DATE APR 8 1992
TIME 11:54 A.M.
Requested By Northern
Timber Corp.

situated in the State of Alaska.

DATED this 23rd day of March 1992

John J. Schnabel (seal)

(seal)

ACKNOWLEDGEMENT

STATE OF ALASKA

FIRST JUDICIAL DISTRICT

ss.

THIS CERTIFIES that on this 26th day of March 19 92, before me, the undersigned, a Notary Public in and for the State of Alaska, personally appeared John J. Schnabel, P. O. Box 149, Haines, Alaska to me known and known to me to be the person(s) named as grantor(s) in the foregoing deed and he (individually) acknowledged to me that he executed the same freely and voluntarily for the uses and purposes therein mentioned.

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



Notary Public for Alaska. My commission expires: 12/5/92

Return to: John J. Schnabel Box 149

Statutory Quitclaim Deed

THE GRANTOR ROGER J. SCHNABEL AND NANCY L. SCHNABEL
 P.O. Box 732
 residing at 4.5 Mile Haines Hwy., Haines, Alaska 99827
 for and in consideration of \$10.00 (Ten Dollars)
 conveys and quitclaims to JACK M. MARTIN AND RAMONA D. MARTIN
 P.O. Box 429, Haines, Alaska 99827

all interest which I (we) have, if any, in the following described real estate:

Lot 2, Block 21, Townsite of Haines, SAVE AND EXCEPTING that portion of said lot which lies within 11.25 feet of the southerly boundary thereof; SUBJECT to the reservations and restrictions contained in the patent for said land, situated in the Haines Recording District, First Judicial District, State of Alaska.

All of that portion of Lot 2, Block 1, Tidelands Addition to the City of Haines, Alaska, a subdivision of Alaska Tidelands Survey No. 30, as appears by Sheet No. 1 of Plat No. 76-7 filed in the office of the Recorder of Haines Recording District of Alaska, which is within 50.00 feet of the westerly (upland) boundary of said lot.

SUBJECT, HOWEVER, to the reservations, restrictions and easements of record, if any.

Return To Grantees

95-60
15.0000

Haines	REC. DIST
DATE 02-21-	1995
TIME 10:30	A M
Requested By TIA	
Address	

situated in the State of Alaska.

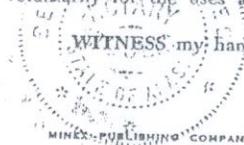
DATED this 13th day of February, 1995

Roger J. Schnabel (seal)
Nancy L. Schnabel (seal)

ACKNOWLEDGEMENT

STATE OF ALASKA }
 First Judicial District } ss.

THIS CERTIFIES that on this 13th day of February 19 95, before me, the undersigned, a Notary Public in and for the State of Alaska, personally appeared Roger J. Schnabel and Nancy L. Schnabel to me known and known to me to be the person(s) named as grantor(s) in the foregoing deed and they (individually) acknowledged to me that they executed the same freely and voluntarily for the uses and purposes therein mentioned.



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

Denise M. Jones
 Notary Public for Alaska.
 My commission expires: 12/5/96

RETURN TO:
BIRCH, HORTON, BITTNER, CHEROT
& ANDERSON LAW OFFICES
One Sealaska Plaza, Suite 301
Juneau, Alaska 99801

BOOK 17 PAGE 835

ATTN: _____

QUITCLAIM DEED

The Grantors, John and Erma Schnabel, Husband and Wife, of P.O. Box 149, Haines, Alaska 99827, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration convey and quitclaim to the Grantee, the City of Haines, P. O. Box 1049, Haines, Alaska 99827, any interest that the Grantors may have in the following described real estate, situated in the Haines Recording District, State of Alaska:

Lot 15B, Block 21, according to the plat filed April 1, 1988, under File No. 88-4, Haines Recording District, First Judicial District, State of Alaska.

SUBJECT to the reservations, restrictions and easements contained in patent or otherwise of record, and to encroachments ascertainable by physical inspection of the property.

TOGETHER WITH, ALL AND SINGULAR, the tenements, hereditament and appurtenances thereunto belonging or in anywise appertaining.

DATED this 18th day of January, 1989.

GRANTORS:

By: John Schnabel
John Schnabel

By: Erma Schnabel
Erma Schnabel

STATE OF ALASKA)
)ss:
FIRST JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this 18th day of January, 1989, before me, the undersigned Notary Public in and for the State of Alaska, duly commissioned, qualified and sworn as such Notary Public, this day personally appeared John and Erma Schnabel, to me known to be the persons described in and who executed the foregoing QUITCLAIM DEED; and who

QUITCLAIM DEED

Page 1

JOHN J. SCHNABEL
P.O. BOX 149 HAINES, AK 99827
(907) 766-2228 or Fax (907) 766-2821

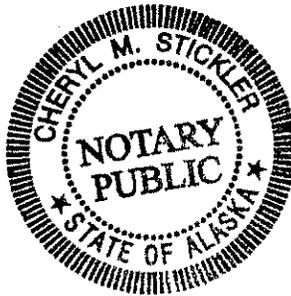
April 3, 2015

Dear Roger,

When I sold you the Canal Marine and Oceanside Park property there was an unfinished Transaction with the City for the purchase of Lot 15 B. I had paid Ten Thousand and was told that when a Surveyor came to Haines a Plat would be prepared and a Deed made out to me. Somewhere this promise got lost. The City had owned a lot in the middle of the Park that interfered with traffic and I offered to give the equal footage of lot 15, on the North end of the Park, as an exchanged and it was agreed. Neither lot was suitable for access to the beach and the City offered lot 15B to me and I accepted. I am told you are in the process of obtaining a Permit to improve the Park and being as we no longer have city Government rather than go into a costly and lengthy debate with the Borough the simplest way to clear this up is to petition the Court for Clear Title so you can proceed more comfortable with your Permit Application,

Good Luck, Your Dad

John J. Schnabel



State of Alaska
1st Judicial District

Subscribed and sworn before me
this 3rd day of April, 2015.

Cheryl M. Stickler
Notary Public

4/13/15

My commission expires