



Haines Borough Planning Commission Regular Meeting Agenda

COMMISSIONERS:

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

Thursday, November 14, 2013 - 6:30 p.m.

Assembly Chambers, 213 Haines Hwy.

1. CALL TO ORDER / PLEDGE TO THE FLAG
2. ROLL CALL
3. APPROVAL OF AGENDA
4. APPROVAL OF MINUTES: October 10, 2013
5. PUBLIC COMMENTS [Items not scheduled for public hearing]
6. CHAIRMAN'S REPORT
7. STAFF REPORT
 - A. Planning & Zoning Report
8. PUBLIC HEARINGS:
 - A. **Gina St. Clair – C-207-TL-0620 – Action Item:** Property owner St. Clair submitted a short plat application to subdivide her property into two lots. The Borough determined the proposed plat does not meet final plat criteria. The Haines Borough Code requires any lot resulting from a subdivision, which is within 200 feet of public water and sewer systems is required to have utility connections extended from the water and sewer mains to the property line. St. Clair submitted her written appeal to the Planning Commission, and requested an exemption from the requirements to connect to public utilities. **Possible Motion:** The Planning Commission confirms the Borough's decision.
9. UNFINISHED BUSINESS: None
10. NEW BUSINESS:
 - A. Historic District/Building Review: None
 - B. Haines Borough Code Amendments: None
 - C. Project Updates: None
 - D. Other New Business:
11. COMMISSION COMMENTS
12. CORRESPONDENCE
13. SCHEDULE MEETING DATES
 - A. Regular Meeting – Thursday, December 12, 2013 6:30 p.m.
14. ADJOURNMENT



**Haines Borough
Planning Commission Meeting
October 10, 2013
MINUTES**

Draft

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

Staff Present: Xi “Tracy” **Cui**/Borough Planning & Zoning Technician III, Stephanie **Scott**/Borough Mayor

Also Present: Mark **Allen**, Karen **Garcia**, Margaret **Friedenauer**, Sara **Chapell**, Bill **Kurz**, Janet **Kurz**, Heather **Lende**, Chip **Lende**, Fran **Tuenge**, Gina **St. Clair**, Daniel **Humphrey**, Eli **Fierer**, James **Alborough**, etc.

3. **APPROVAL OF AGENDA**

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

4. **APPROVAL OF MINUTES** – September 12, 2013 Regular Meeting

Motion: **Turner** moved to “approve the September 12, 2013 Regular Meeting Minutes.” **Heinmiller** seconded it. The motion carried unanimously.

5. **PUBLIC COMMENTS**

St. Clair said she bought seven acres of land in the Haines Borough twenty years ago. Today, because of a high tax burden, she would like to subdivide her seven acres into two 3.5-acre parcels, and sell the upper parcel of undeveloped land. When the Borough received the short plat from John Bean, her subdivision was denied because the Borough code requires her to provide utilities because they are available within 200 feet of one of her property lines. There are four reasons she is asking for an exemption. She understands that the Borough wants to improve neighborhoods. However, in this case, asking one landowner to bear the burden of installing water and sewer for a neighborhood, at a price that could be well over \$100,000, is simply not feasible.

Goldberg said this topic will be on the next meeting’s agenda. The Planning Commission will consider her proposal at the next regular meeting.

6. **CHAIRMAN’S REPORT**

Goldberg said he attended an Assembly meeting two weeks ago. Two ordinances that the Planning Commission sent to the Assembly were turned back. One is about “definition of temporary dwellings”, which is being misunderstood by the Mayor and the Assembly; and the other one is about “adding setback restriction in the general use zone”, which is on tonight’s agenda. The Planning Commission received suggestions from the Mayor to reconsider this proposed draft ordinance.

7. **STAFF REPORTS**

Cui reported recent permitting and enforcement activities.

8. PUBLIC HEARINGS

A. Fred Einspruch – 4-STR-02-42A0

Goldberg opened & closed the public hearing at 6:40 p.m.

Goldberg said **Einspruch** requested a postponement on his appeal because he is not able to attend this meeting. However, according to the Borough attorney, the Borough code does not allow the Borough Clerk or the Planning Commission to grant or deny request for postponement.

The Planning Commissioners asked several questions to **Cui** and were told that **Einspruch** did not have a valid land use permit before starting his carport project.

Motion: Venables moved to “recommend the Assembly stay the \$250 after-the-fact fee being assessed to Fred Einspruch for constructing a carport without a land use permit.” **Heinmiller** seconded it. The motion failed 0-5 with **Goldberg, Heinmiller, Turner, Venables,** and **Hedden** opposed.

B. Henderson Family Prop., LLC – C-SMR-00-0200

Goldberg opened & closed the public hearing at 6:49 p.m.

Hedden recused himself because the applicant is his employer.

Turner said his point of view is to suggest the developer change lot 1 from rural mixed use zone to heavy industrial zone, instead of changing lot 2 from heavy industrial zone to rural mixed use zone. Also, this proposal is not consistent with the Comprehensive Plan.

Goldberg said one of the factors that needs to be considered is that Sawmill Creek runs through both lot 1 and lot 2. Efforts have been made in cleaning the creek.

Hedden said the existing use of the land (a warehouse for Chilkat Guides operations) is more consistent with the land use regulations of rural mixed use zone.

The Planning Commissioners agreed to postpone this rezone petition. They need more information from **Henderson**, and also want to see a zoning map that covers a bigger area.

Motion: Venables moved to “postpone Henderson’s rezone petition to the next regular Planning Commission meeting.” The motion passed unanimously.

9. UNFINISHED BUSINESS - None

10. NEW BUSINESS

A. Historic District/Building Review - None

B. Haines Borough Code Amendments – Title 18 Revisions

1. Fees and Penalties in HBC 18.30.070

Goldberg said this proposed ordinance restructures the fee schedule for fines assessed for violations of Title 18 and establishes a procedure for warnings to be issued for some violations. Currently the code requires that an after-the-fact fee of \$250 be assessed without warning for all violations of Title 18. This has led to citizens being fined for minor violations. Failure to obtain a building permit or a construction declaration will remain a \$250 fine without warning. These violations cost the Borough revenue, as building projects may go without being assessed for years. For other violations of Title 18, Borough staff will issue a letter of warning,

and the property owner will have ten business days to correct the violation. If the violation is uncorrected, a fine of \$100 will be assessed.

Motion: Venables moved to “recommend the Assembly adopt the proposed draft ordinance amending HBC 18.30.070.” **Turner** seconded it. The motion passed unanimously.

2. **Agriculture, Personal Use in HBC 18.20.020 & Fees and Penalties in HBC 18.30.070**

Goldberg said the Borough code has two definitions that deal with the raising of animals: personal use agriculture and animal husbandry. Personal use agriculture is a use-by-right in all residential zones; animal husbandry requires a land use permit in all zones where it is allowed, and a conditional use permit in single residential and multiple residential zones. The code allows for three or fewer chickens or other small animals raised for food or eggs as personal use agriculture. This proposed ordinance increases the number of chickens or other small animals in personal use agriculture to six for lots less than one acre and twelve for lots over one acre, and also reduces the fee to \$25 for permits relating to animal husbandry. The Borough staff did a cost analysis, and is requesting the Planning Commission re-consider the decision of reducing permitting fees.

Venables said animal husbandry is a localized issue. A conditional use permit for animal husbandry required by the Borough code is for solving the problems and avoiding conflicts among neighbors. The Assembly needs to consider if it is necessary to spend \$65 on newspaper advertisements for a neighborhood issue.

Turner said the interest in raising chickens has increased in Juneau, and the number of chicken related bear complaints increased substantially this past summer. Installation of electric fences is recommended in high density residential areas in Juneau. He thinks that requiring a conditional use permit for having more than three chickens in single residential and multiple residential zones is necessary. The current code is fine.

Goldberg said the Planning Commission may consider reducing the permit fee for Animal Husbandry to \$25, while keeping the conditional use fee at \$150.

More discussion ensued.

Motion: Hedden moved to “recommend the Assembly adopt the proposed draft ordinance amending HBC 18.20.020 & 18.30.070.” **Venables** seconded it. The motion passed 4-1 with **Turner** opposed.

3. **ATV Use on Chilkat River Inlet Beaches in the Townsite Service Area**

Alborough said he supports the proposed ordinance to keep the Chilkat River beaches non-motorized. Keeping ATVs from accessing the beach makes sense from a safety perspective and a quality of life perspective.

Friedenauer said she has been a daily user of this area since she bought a property on Mud Bay Road. It would be an odd place for any motorized vehicles to access. The trails along the beach are foot or bike paths, not wide enough for motorized vehicles. If the Planning Commission establishes that this area be non-motorized, then she thinks the Planning Commission should find an area that would allow motorized recreation.

Heather **Lende** said she appreciates the Planning Commission for proposing to officially make the Chilkat Beaches non-motorized. The beaches are heavily used by families and kids, folks walking their dogs, joggers and walkers. ATVs are simply not compatible with these values and users.

More public comments ensued.

Allen said he wants to be able to launch small boats in the southern part of this area near Carr's Cove. He requested for the Planning Commission to consider his concerns.

Goldberg said the Borough owns the lot just to the south of the recreation zone where there is a beach access. There is also the boat launch at Leknikof Cove, a few miles further south.

Scott said the State of Alaska DNR's management plan for this area prohibits commercial motorized use of this area. Currently there are no specific regulations that prohibit non-commercial motorized use of this area.

Goldberg said this proposed ordinance adds a sentence in HBC 18.70.030 in the description of recreational zone. This sentence allows each area zoned recreational to be considered individually for non-motorized designation. It also makes it clear that motorized use is allowed in all areas zoned recreational unless specifically prohibited. The other part of this proposed ordinance adds a section to Title 12 describing the Chilkat River Beaches Recreational Zone and a sentence prohibiting the use of motorized vehicles.

Turner said even though the Planning Commission makes this area non-motorized, it is not going to change anything that happens on the beach. The state trooper told him that people can run ATVs on the area below the mean high tide when the tide goes out.

Motion: Venables moved to "recommend the Assembly adopt the proposed draft ordinance amending HBC 18.70.030 and add HBC 12.50.010." **Hedden** seconded it. The motion passed 4-1 with **Turner** opposed.

4. **On-Site Wastewater System Inspection in HBC 18.100.092(A)(2)**

Goldberg said the proposed ordinance will correct the inconsistency.

Motion: Heinmiller moved to "recommend the Assembly adopt the proposed draft ordinance amending HBC 18.100.092" **Hedden** seconded it. The motion passed unanimously.

5. **Adding Setback Regulations to the General Use Zone**

Goldberg said this proposed ordinance will establish setbacks of 20 feet from roads and 10 feet from other lot lines for all uses in the general use zone.

Motion: Venables moved to "recommend the Assembly adopt the proposed draft ordinance amending HBC 18.80.030." **Turner** seconded it. The motion passed unanimously.

C. Project Updates – None

D. Other New Business – None

11. **COMMISSION COMMENTS** – None

12. **COMMUNICATION** - None

13. **SET MEETING DATES** – The next regular Planning Commission meeting is scheduled for 6:30 p.m. on Thursday, November 14, 2013.

14. **ADJOURNMENT**– 8:49 p.m.

Staff Report for November 14, 2013

1. Permits Issued Since October, 2013

NUMBER	DATE	OWNER/AGENT	PIN	LOT	BLK	SUBDIVISION	DEVELOPMENT	ZONE
13-88	10/2/13	AP&T + ED&D				Oslund Rd	ROW_Underground Power Lines & TV Cables	SR
13-89	10/17/13	Alan & Jeannette Heinrich	C-SKY-0A-0100	1	A	Skyline Sub.	SFR	SR
13-90	10/17/13	Grantley Moore	C-MEA-01-12A0	12A		Meadowland Sub.	Accessory Apt.	SR
13-91	10/21/13	Alan & Jeannette Heinrich	C-SKY-0A-0100	1	A	Skyline Sub.	ROW_Driveway	SR
13-92	10/21/13	Lee Clayton	C-YNG-05-0500	5	5	Young Sub.	ROW_Driveway	SR
13-93	10/24/13	Roger Beasley		1 & 2 & 3		Picture Point Sub.	New Water Service	WF

2. Enforcement Orders - none

To: Borough Clerk
From: Gina St. Clair
Date: October 15, 2013
Re: Requesting exemption from (HBC) 18.100.092

RECEIVED Haines Borough
OCT 16 2013
Clerk's Office

Dear Borough Clerk,

I am formally requesting an exemption from Haines Borough Code 18.100.092, which requires me to provide water and sewer utilities to a piece of property I would like to sell. Because of the size, shape, and location of my land, this code does not fit my particular situation and would force an unreasonable expense beyond my means; an exemption should be made.

I own seven acres at the end of North Sawmill Road in a slowly developing neighborhood with rudimentary roads. I wish to subdivide this land into two 3 ½ acre parcels. I will keep the lower half where my house and garden are, near Sunshine Road, and sell the upper half between Moose Lane and Anway Road as an undeveloped lot.

When I began the selling process, the borough assessor, Dean Olsen, told me that because I was only creating two lots, I did not need to provide the utilities. However, because city water and sewer utilities are at the bottom of Lot 1, near my house, the current borough staff has the opinion that they cannot grant an exemption. But extending utilities to Lot 2 involves much more than simply adding pipes from somewhere near Lot 1:

1. The sewer and water that service my lower lot may not be available to extend to the upper lot. Borough staff has identified a completely different point of origin for technical reasons, over 1200 feet away from my property.
2. The cost of putting in the utilities from even the closest point, if technically possible, would be prohibitive. Contractor estimates are over \$100,000 for developing a corridor through the woods from Sunshine Road to Moose lane, along the North Sawmill Road right of way. This exceeds the price of the land I am selling.

I have a buyer who is satisfied with the land as it is and has already talked with an engineer to prepare for meeting DEC requirements for any future wastewater treatment. No other nearby landowners have had to provide utilities before they sold, leaving utilities far from Lot 2.

The City of Haines annexed my land back in 1998, and the borough has not made any improvements to infrastructure in this neighborhood since annexation. Requiring me, a landowner, to provide water and sewer to three acres of forested land where there is not even a house site, is unreasonable and beyond my means. I cordially ask you for an exemption from the borough code so I can proceed with the sale of my land.

Sincerely,



Gina St. Clair

314-0801

gmstclair@gmstclair

Gina's Cell
 907-314-0801
 call when Plat
 arrives.



RECEIVED

MAY 29 2013

HAINES BOROUGH

Haines Borough
 Planning and Zoning
 103 Third Ave. S., Haines, Alaska, 99827
 Telephone: (907) 766-2231 * Fax: (907) 766-2716

PLATTING ACTION APPLICATION Permit#: _____
 Date: 5/30/13

I. Type of Platting Approval Requested
 Lot Line Vacation \$50
 Lot Line Adjustment \$50
 Short Plat \$75
 Planned Unit Dev't \$150
 Long Plat \$200

II. Property Owner		Firm Preparing Plat	
Name:	<u>Ginette M. St. Clair</u>	Name:	<u>John Bean</u>
Mailing Address:	<u>Box 875</u>	Mailing Address:	
Contact Phone: Day Night	<u>(cell) 907-314-0801 / 766-3275</u>	Contact Phone: Day Night	
Fax:	<u>907-766-3275</u>	Fax:	
E-mail:	<u>gmstclair@gmail.com</u>	E-mail:	

III. Property Information
 Property Tax #: C-207-TL-0620

Legal Description: Lot (s) _____ Block _____ Subdivision _____
 OR
 Parcel/Tract _____ Section _____ Township _____ Range _____

[Attach additional page if necessary.]

Number of Existing Parcels: <u>1</u>	Total Land Area: <u>7.22 acre</u>	Number of Resulting Lots/Parcels: <u>2</u>
Existing Structures? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Water Utilities: Public <input checked="" type="checkbox"/> On Site <input type="checkbox"/>	Sewer Utilities: Public <input checked="" type="checkbox"/> On Site <input type="checkbox"/>

Zoning: Waterfront
 Single Residential
 Rural Residential
 Significant Structures Area
 Rural Mixed Use
 Multiple Residential
 Heavy Industrial
 Waterfront Industrial
 Commercial
 Industrial Light Commercial
 Recreational
 Mud Bay Zoning District
 Lutak Zoning District
 General Use

Unique Characteristics of Land or Structure(s):

Attach the following documents to the permit application:
 Plat (prepared by a professional land surveyor licensed to practice in the state of Alaska)
 As-built Survey (may be required if there are existing structures on the lot)

Important Note:
 -The standards and procedures for all Platting Actions are in the Haines Borough Code Section 18.100

IV. FEE

The appropriate non-refundable fee as shown above must accompany this application. Checks must be made payable to the HAINES BOROUGH.

IV. 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 plats and/or surveys submitted are complete and accurate, showing any and all existing and proposed structures on the subject property. 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 M. Clau
 Owner or Agent

May 30, 2013
 Date

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

Office Use Only Below This Line

<input type="checkbox"/> Applicant Notified Application is Complete and Accepted			(Date)	(Notified via)	(Initials)
Non-Refundable Permit Fee \$ <u>75.00</u> Receipt No. <u>021238</u> Received By: <u>Tolan</u> Date: <u>5/30/13</u>	Information/Documentation Req'd Rec'd <input type="checkbox"/> <input type="checkbox"/> Plat <input type="checkbox"/> <input type="checkbox"/> As-built Survey <input type="checkbox"/> <input type="checkbox"/> Variance/Conditional Use Permit <input type="checkbox"/> <input type="checkbox"/> Sign Permit				
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:					
Approval Signature:			Date		

Notice of Right to Appeal: All decisions of the Borough Manager are appealable per HBC 18.30.050

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

Haines Borough Real Property Assessment Report 2012 Tax Year

Property Information

Borough property number:	C-207-TL-0620
Ownership:	ST. CLAIR, GINETTE M.
Address:	BOX 875 HAINES, AK 99827
Detail:	USS 207, TL 6- PORTION COMSTOCK RD 7.22 ACRES
Street address:	North Sawmill Road
Assessed land(\$):	85440
Assessed improvement (\$):	158500
Assessed total(\$):	243940
Tax rate:	10.79 mills
Taxes exempt (\$):	0
Taxes due this year(\$):	2632.11
Pmts this year(\$):	2632.11
*Balance (\$):	0



*Prior tax year delinquencies not shown.
Taxes due September 4, 2012.
Penalty and interest accrue daily on outstanding balances.
Please call the Borough office for final balances at 766-2711 X22

Parcels

Borough Property ID C-207-TL-0620

Quads

NAME SKAGWAY A-2

Sections

Township Range Section 30S 59E 27

LEGEND

- ⊕ PRIMARY MONUMENT RECOVERED THIS SURVEY
 - ⊗ PRIMARY MONUMENT ROCK WITH "X" RECOVERED THIS SURVEY
 - SECONDARY MONUMENT SET THIS SURVEY BY J.W. BEAN
 - SECONDARY MONUMENT RECOVERED THIS SURVEY
 - SURVEYED
 - - - UNSURVEYED
 - CENTERLINE
 - SURVEY TIE
- R = AS PER BOOK, 25, PAGE 216, 95-147



TYPICAL SECONDARY MON.
2" ALLUM. CAP
5/8" REBAR, 36" LONG

STATEMENT OF OWNERSHIP:

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

Date _____, 2013

Owner _____ Owner _____
 ERICK G. ST. CLAIR GINETTE M., ST. CLAIR
 PO BOX 875 PO BOX 875
 HAINES, ALASKA 99827 HAINES, ALASKA 99827

NOTARY'S ACKNOWLEDGEMENTS:

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

THIS IS TO CERTIFY THAT ON THIS _____ DAY OF _____, 2013 BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED;

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 _____
 My Commission Expires _____

CERTIFICATE OF REGISTERED LAND SURVEYOR

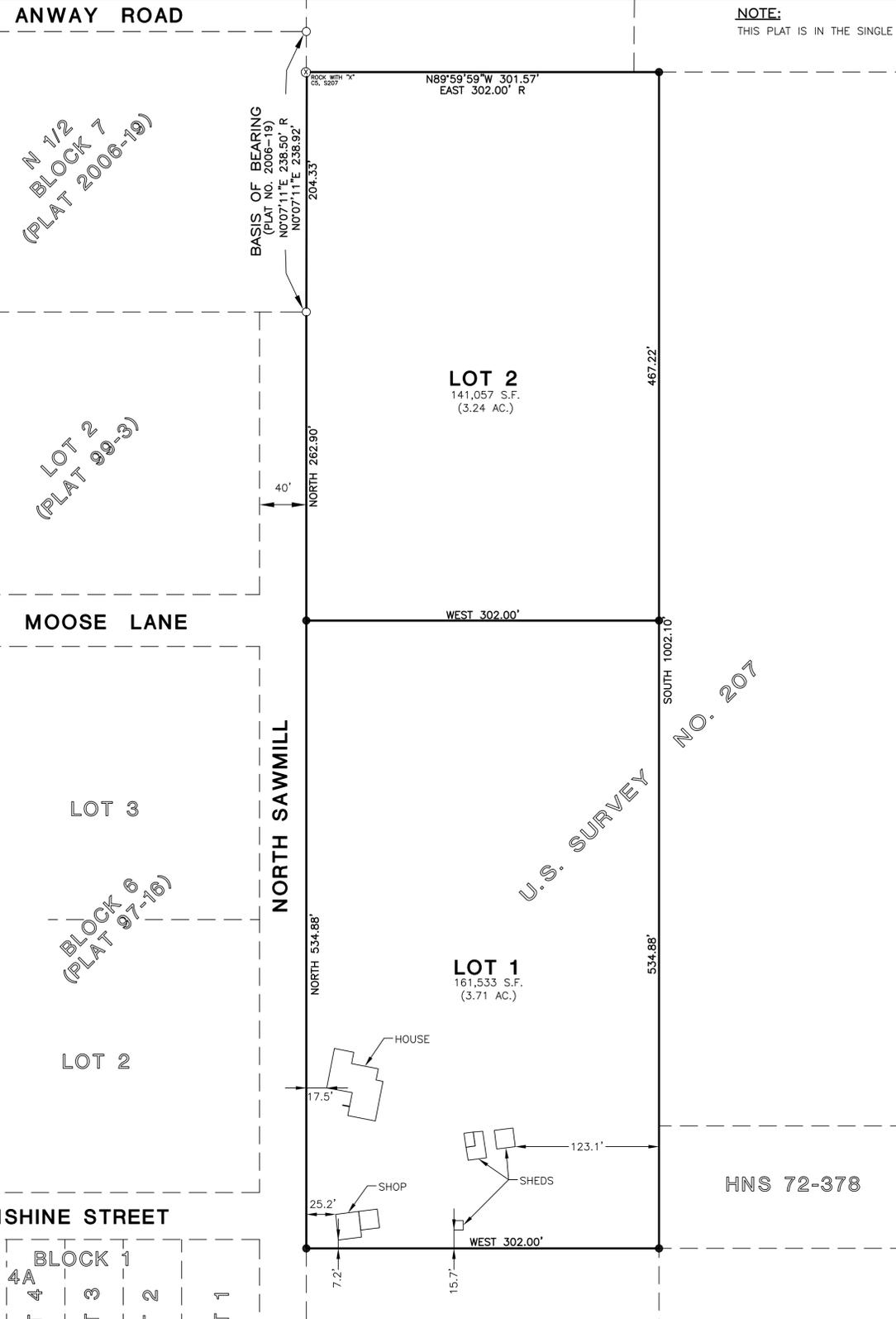
I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, LICENSED AND REGISTERED IN THE STATE OF ALASKA, AND THAT THIS PLAT WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT ALL DIMENSIONAL DETAILS AND RELATIVE BEARINGS ARE CORRECT AS SHOWN AND THAT ALL EASEMENTS AND RIGHT OF WAYS APPEARING ON THE LAND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



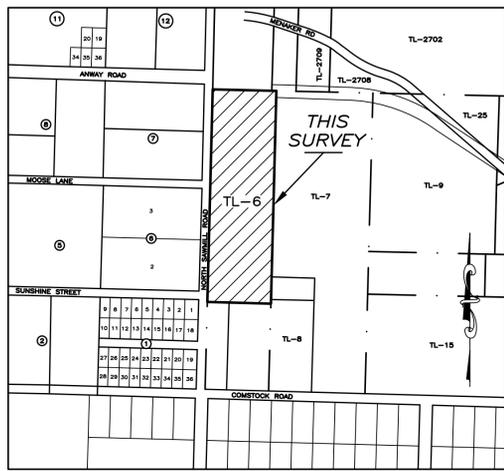
REVISIONS:	GRID

DRAWN BY: GDM Graphics
CHECKED BY: J.W.B.
DRAWING DATE: 9-26-2013
FIELD BOOK:
SCALE: 1"=60'
JOB No.: HNS-ST CLAIR LOTS1&2

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



NOTE:
 THIS PLAT IS IN THE SINGLE RESIDENTIAL LAND USE ZONE



VICINITY MAP
 SOURCE: HAINES 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 _____, 2013.

Haines Borough Assessor _____

CERTIFICATE BY THE HAINES BOROUGH

A WARRANTY DEED OF BOOK, 25, PAGE 216, 95-147, AS DESCRIBED HEREON HAS BEEN FOUND TO COMPLY WITH THE PROVISION SET FORTH IN HC. 18.100 AND IS APPROVED FOR RECORDING WITH THE HAINES RECORDERS OFFICE DATED:

_____, 2013.

ROB GOLDBERG
 PLANNING COMMISSION CHAIR
 DATE _____

STEPHANIE SCOTT
 MAYOR
 HAINES BOROUGH
 DATE _____

- 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. LOTS WITHIN THIS SUBDIVISION ARE SERVED BY THE HAINES BOROUGH MUNICIPAL WATER AND SEWER SYSTEMS.



SHEET 1 OF 1

**A PLAT OF
 ST. CLAIR SUBDIVISION
 A TRACT OF LAND
 WITHIN U.S. SURVEY NO. 207
 WITHIN HAINES BOROUGH, ALASKA
 HAINES RECORDING DISTRICT - HAINES, ALASKA**

E:\GDM\BEAN\HAINES\HNS-ST CLAIR\HNS-ST CLAIR-LOTS1&2.DWG 9/26/2013 9:29:08 AM AST



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

October 8, 2013

Ginette M. St. Clair
PO Box 875
Haines, AK 99827

Re: Short Plat Application – Water & Sewer Mains Extension
C-207-TL-0620

Dear Ms. St. Clair:

Thanks for submitting your short plat application to divide the above-listed property into two lots on May 29th, 2013. In reviewing the proposed plat received via e-mail from John Bean on October 1, 2013, the Borough staff has determined that your proposed plat does not meet short plat criteria as follows:

Haines Borough Code (HBC) 18.100.030B requires: "Any lot resulting from a subdivision...which is situated within 200 feet of public water and sewer systems is required to have utility connections extended from the water and sewer mains to the property line." HBC 13.04.080D and 13.08.095D required that water and sewer mains: "shall be extended (past the corner of each lot to be serviced) at applicants cost to allow the service line to be perpendicular to the water (or sewer) main."

The Borough records shows the above-listed property is within 200 feet of an existing, adequate public water and sewer system, so you shall construct all water and sewer utilities to service each lot individually within the subdivision to be created, as per HBC 18.100.092(A).

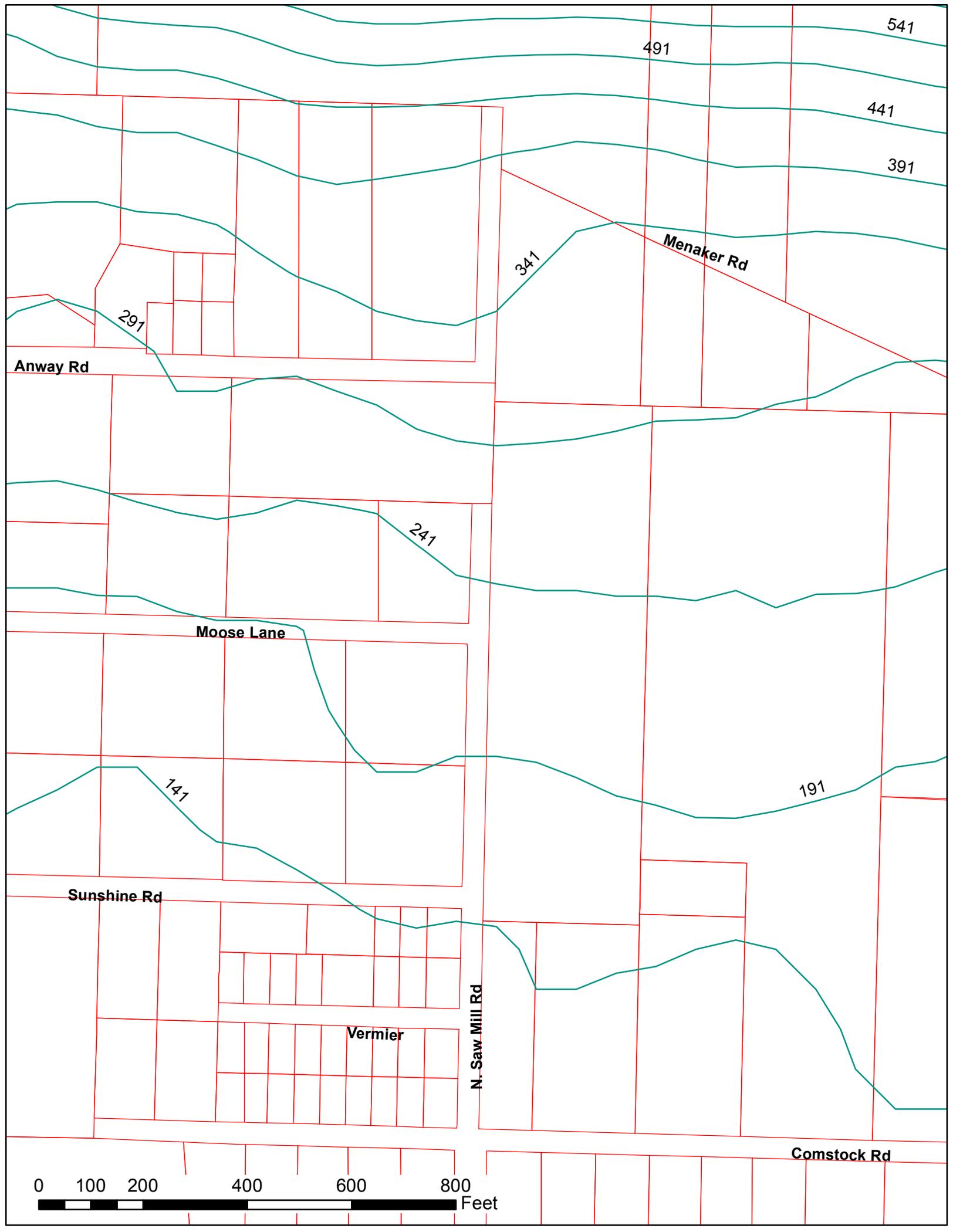
As discussed in our October 2, 2013 meeting, the Haines Borough staff is under the understanding that you will submit your appeal to the Planning Commission to request an exemption from the requirements to connect to public utilities. To do so, a written appeal must be submitted to the Borough Clerk within ten calendar days of the date of this letter, as per HBC 18.30.050. The Planning Commission may consider the alternatives and make a recommendation to staff or the Borough Assembly. Also, if you have any questions or if I can be of further assistance on this matter, please do not hesitate to contact the Borough.

Sincerely,

A handwritten signature in black ink, appearing to read "Xi Cui". The signature is fluid and cursive, with a large initial "X" and a stylized "Cui".

Xi Cui "Tracy"
Haines Borough Planning and Zoning Tech
xcui@haines.ak.us
(907) 766-2231 Ext 23





541

491

441

391

341

Menaker Rd

291

Anway Rd

241

Moose Lane

141

191

Sunshine Rd

Vermier

N. Saw Mill Rd

Comstock Rd

0 100 200 400 600 800 Feet

18.100.030 Short plat criteria.

A subdivision, lot line adjustment, or lot consolidation which falls within the following criteria shall follow the short plat procedures:

- A. Subdivisions of a single lot into not more than four lots, which has not been part of a short plat within the previous five years.
- B. The requirements of HBC [18.100.070](#) through [18.100.095](#) shall apply.
- C. Lot line adjustments and lot consolidations meet all of the criteria of HBC [18.100.020](#).
- D. If the plat meets the criteria of subsections (A) through (C) of this section and contains a dedication or vacation of a street right-of-way or other area, the short plat procedure may apply upon approval by the manager with an additional requirement of planning commission approval of the plat. (Ord. 10-11-247 § 4; Ord. 09-03-201 § 4)

18.100.092 Requirements prior to final plat approval.**A. Utilities.**

1. Water and Sewer. The subdivider, at the subdivider's own expense and prior to final plat approval, in accordance with the approved preliminary plat, shall construct, per borough specifications, all water and sewer utilities to service each lot individually within the subdivision to be created. The subdivider may elect to provide performance and payment bonding as allowed in HBC [18.100.125](#) in order to have authorization to proceed to a final plat procedure.

2. When, in the opinion of borough staff, no public sanitary sewer and/or water service is available within 200 feet of any exterior property line of a new subdivision in which all lots are one acre or larger in area, the developer may request an exemption from the requirements to connect to public utilities. All regulations of the State Department of Environmental Conservation pertaining to water extraction and wastewater disposal, as well as the requirements of HBC [13.04.080](#)(G) pertaining to on-site wastewater disposal, shall apply. If exempted from the requirement to connect to public utilities, a plat note must be placed on the plat stating that public water and/or sewer are not available to the subdivision and that all future property owners in the subdivision must provide written Department of Environmental Conservation (DEC) approval of their on-site wastewater system design prior to a land use permit being issued. Upon installation and before closure, the wastewater disposal system must be inspected and approved by a DEC-approved inspector. The wastewater disposal system must also be inspected by a DEC-approved inspector, at the property owner's expense, every two years, in the spring of the year, with a written approval of the system submitted to the borough by June 1st of the year.

When public sanitary sewer and/or water service becomes available, property owners will be required to connect to the public utility within six months.

B. Streets. The subdivider shall, prior to final plat approval, at the subdivider's own expense and in accordance with the approved preliminary plat and borough specifications, along all dedicated streets, including existing half-streets, construct all required roads to meet or exceed the road standards in HBC [12.08.030](#) through [12.08.190](#).

C. Monuments. All exterior corners and street intersections of the subdivision shall be marked by permanent monuments set in the ground. All individual lots shall have their perimeter corners staked. If the plat corner or a lot corner is identical with a plat corner or lot corner of a U.S. Survey, a U.S. Mineral Survey, or an Alaska Tidelands Survey, the primary monument of such survey shall be shown on the plat, or reestablished and shown if not found. (Ord. 09-01-197)

18.30.050 Appeals to the commission.

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

A. The commission shall decide at its next regularly scheduled meeting whether to rehear the manager's decision. Any aggrieved person, including the developer, may appear at that meeting and explain to the commission why or why not it should rehear the manager's decision. If the commission chooses to rehear the decision, it may choose to rehear the entire decision, or any portion thereof.

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

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

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

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

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