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To: Haines Borough Assembly
RE: General Use Setback Proposal

September 3, 2013

Dear Assembly,

I disagree with the proposal brought forward by the planning commission adding setbacks to General Use areas. Though very well intended, there are issues that will become troublesome for future planning commissions, and burdensome for current borough property owners.

I personally own multiple pieces of General Use designated land, which include uses as varied as agriculture, heliport and shooting range. I foresee these proposed changes will directly affect me and my land values in a negative way.

The first issue I see is that the proposal utilizes the format adopted for the townsite, which includes *Residential, Commercial* and *Industrial* as terms to define use. Looking at title 18 these have very specific definitions to guide use decisions. The conflict is that currently *General Use* is just that. It is use the owners deem desirable on their personal property. There is no current segregation, nor outline on zone maps that specify one owner's commercial use from another's residential.

Results from this situation will manifest into having an individual wish to build a shop on their land near an existing access, and the neighbor saying: "I have a lot I am calling residential, so they can not build their heavy equipment shop that close to the property line". The reply will be: "My shop is only for Commercial purposes, so I do not need any setback." The argument will become essentially moot.

Next, folks with shops will bring in their backhoe, or rent their shop to the neighbor so the neighbor can fix the snow plow in the middle of the winter, and the borough will be called to enforce a "*commercial*" use zone building that is now being used for "*industrial*" use because it has a backhoe inside, not just an automobile; (Heavy equipment use seems to elevate use into "*industrial*" within Borough Code). Code allows either use in *General* Use areas, so only the setback is would be in question.

Prior challenges to setbacks and requests for variances have been easily obtained; why is it important to add to the current issues of enforcement?

An enterprising property owner could easily circumvent all the proposed setback restrictions by simply saying that their construction equipment is for agriculture purposes, including all heavy equipment stored/maintained.

Lot size can easily limit use of lots if the setback becomes required. An acre lot if square is only 208 feet across. Many folks subdivide with the road frontage shorter than the sides. Imagine a person that owns a one acre lot with 120' road frontage wanting to build a building for their equipment. Now imagine as they get ready, the two adjacent owners come and say "we are residential, he can not do that." There has been no legal method of the neighboring lots to become restricted in use, so in a year they could then say: "Gee, I want to build a shop".

Public Safety concerns are a reason cited for needing these setbacks. I must submit that this is not a reasonable justification for the Haines General Use areas. With the allowance of commercial buildings being built with zero setback, and homeowners would be allowed to build with only a 10' setback, (how many fires in homes vs. commercial buildings?), fire safety and public safety access is virtually non-existent. This scenario can be observed in many places within our borough.

Without having specific areas designated for specific use, and that platted on a map, setbacks by type of use are problematic and will be impossible to enforce. The present plan to enact setbacks in General Use zoned areas should not be further discussed. If setback and zoning is desired, the property owners in the areas should gather together and request their section be zoned in a specific manor.

Thank you,

George Campbell

Sent via email