

January, 2013

Chilkat Lake Road Rezoning Information

Introducing zoning regulations into an area that has not had them can be stressful for property owners. Some people are eager to have the protection and stability that zoning provides, while others do not want any limitations put on what they and their neighbors can do on their properties. The planning commission is providing this information so that we can all make an informed decision.

History

In 2012, property owners in the Eagle Vista subdivision along Chilkat Lake Road put forward a petition to rezone the area from General Use to Rural Residential. The petition was in response to a proposed commercial heliport on the west side of Chilkat Lake Road. The borough did not accept the residents' petition and the planning commission and borough assembly did not issue a conditional use permit for the heliport.

In the fall of 2012, the planning commission mailed out a survey to all property owners along Chilkat Lake Road and to some across the Klehini River adjacent to the Haines Highway. The survey asked property owners whether they wanted their property's zoning to remain in General Use or to change to Rural Residential or Rural Mixed Use.

The purpose of the survey was not only to gauge popular support for or against rezoning, but to be able to plot the responses on a map to see where support for both sides of the question was strongest.

Survey Results

Seventy surveys were mailed out, and 43 were returned. Initially it was reported that 22 property owners wanted to remain in the General Use zone, 19 wanted to change to Rural Residential or Rural Mixed Use, and 2 needed more information. However, in attempting to match up the names on the returned surveys with the borough's property map, it was discovered that the residents of one large property had returned ten copies requesting to remain in General Use. Since the survey was not intended to be a popular vote of residents, nine of those responses were invalidated. Also, the two property owners who originally said that they needed more information have since said that they prefer that their properties remain in the General Use Zone. Of the 34 valid surveys returned, 15 property owners would like to remain in General Use and 19 would like to change to Rural Residential or Rural Mixed Use.

Mapping the responses gave us valuable information. Within the Eagle Vista subdivision, only two property owners (totaling three lots) prefer to stay in General Use. Twelve property owners prefer a change of zoning. Sixteen property owners did not respond to the survey. Outside Eagle Vista a majority of property owners prefer to stay in General Use. It makes sense that the owners of lots in a subdivision, many of which

already have homes built on them, would prefer residential zoning while owners of large, undeveloped lots would prefer to remain in General Use.

Request for Survey Results

A property owner made a request to see the returned surveys. The borough provided copies of the surveys with the names blacked out. The survey requested that property owners include their names so that their votes could be mapped, but it also promised that peoples' votes would be kept confidential. The borough has honored that promise.

Unreturned Surveys

About half of the property owners who were sent a survey did not return it. The opinion of these people are also valued by the planning commission, and if rezoning goes forward they will have ample opportunity to comment.

Overview of Zoning Classifications

General Use - This zone has no prohibited uses. A conditional use permit is required for landfills, commercial power plants, cemeteries, hazardous waste storage facilities and commercial heliports.

Rural Residential - The Haines Borough has three rural residential zones: Mud Bay, Lutak and in the Townsite, which all have slightly different standards. Mud Bay and Lutak have a three acre minimum lot size, while the Townsite's RR zone has a one acre minimum. Rural residential zones allow single family dwellings and cottage industry, also known as home occupation, as well as accessory uses, such as a guest house. A limited number of other uses are allowed by conditional use permit.

Rural Mixed Use – The intent of the Rural Mixed Use zone is to allow for a broad mixture of uses including, as uses-by-right, single and multiple residential uses and, generally, commercial and light industrial uses by conditional use permit.

University Land Covenants and Borough Code

As a University of Alaska subdivision, lots in Eagle Vista were sold with certain covenants, conditions and restrictions (CCRs). Opinions have been expressed that these covenants are enough to maintain the original goals of the subdivision. However, if a violation were to occur, who would enforce the CCRs? It is likely that property owners would have to hire a lawyer and take the matter to court.

Zoning regulations are part of the Borough Code, and have the full backing of the law.

Options

There are several ways the planning commission can proceed at this point. We recognize that zoning has impacts on peoples' lives and on their plans for their property. We also recognize that in a democracy, the majority should be able to get what they want. It is our intent to go slowly and with as much public input as possible. The goal is to give as many property owners as possible what they want using sensible planning and logical boundaries.

Option 1 – The Original Petition

The original petition proposed to create a Rural Residential zone on both sides of Chilkat Lake Road and included properties across the Klehini River adjacent to the Haines Highway. This is the area that was sent surveys. This area includes Eagle Vista, where most of the residences are, and the proposed heliport site across the road.

Mapping the survey responses clearly showed majority support for rezoning within Eagle Vista and majority support for remaining General Use on the west side of the road. This option will likely gain the support of about half the property owners and be opposed by the other half.

Option 2 – Rezone Eagle Vista

This option would rezone Eagle Vista and let properties on the west side of the road remain in General Use. This option was mentioned at the planning commission's December meeting and some opposition to the idea was voiced in the newspaper. This option most closely follows the survey results, but appears to leave Eagle Vista property owners vulnerable to the proposed heliport across the road. However, it does offer more protection than doing nothing. An industrial use with far-reaching impacts has less chance of being granted a conditional use when it is adjacent to a residential zone. Also, large blocks of state land to the east of Eagle Vista could be included in the residential zone, guiding future development.

Option 3 – Maintain General Use

This option would keep things as they are. The area will develop without zoning regulations.

There is a lot to consider regarding this issue, and we look forward to working with the public to find a solution.

Sincerely,

Rob Goldberg
Chair, Haines Borough Planning Commission