



HAINES BOROUGH, ALASKA

P.O. BOX 1209

HAINES, AK 99827

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

Rezoning Analysis

APPLICANT: Henderson Family Prop., LLC

PROPERTY LOCATION: C-SMR-00-0200

ACREAGE: 4.72 acres

REQUESTED ACTION: The applicant has requested to rezone the property from Heavy Industrial (I/H) to Rural Mixed Use (RMU).

DEVELOPMENT POTENTIAL: The intent of the heavy industrial zone is to provide for and protect productive heavy industry. Areas zoned as heavy industrial should be located so that adjacent nonindustrial areas are buffered from the external effects common to heavy industry including noise, dust, vibration, glare, pollution, heavy traffic and unsightly uses or activities. 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 dwelling residential uses and, generally, commercial and light industrial uses by conditional use permit.

BACKGROUND: The applicant purchased the property from Laphams. The property was described on one side by the high tide meander line and therefore was eligible for accreting the land that had risen out of the sea over time due to glacial rebounding in the area. In 2000 the applicant successfully completed the accretion process and the ownership of the accretion land was transferred to the applicant. In that process the accretion lot was labeled as lot 1, the original lot was labeled as lot 2. Those two lots are presently used for Chilkat Guides operations. There is one building on each lot, the larger building is on the original lot and the smaller building is on the accretion lot. However, the original lot is zoned I/H and the accretion lot is zoned RMU. The applicant is willing to vacate the lot line between the two lots. However with the different zoning, the applicant is not allowed to do that. The applicant is pursuing a rezoning in an effort to obtain an appropriate property zoning that will allow for the lot line to be vacated, and sell the property in the future.

REVIEW CRITERIA: In reviewing and making recommendations on proposed zoning map amendments, review bodies shall consider the following factors:

1. Consistency of the proposed zoning with the *Haines Borough 2025 Comprehensive Land Use and Future Growth Plan* and the stated Purpose and Intent of this Land Designation Code;

*The Haines Borough Comprehensive Plan currently classifies the area as Industrial/Light Industrial. The section of Haines Borough 2025 Comprehensive Plan pertaining to the Industrial/Light Industrial land use classification states ... "The industrial/Light Industrial Land Designation is to encourage land uses and activities that are industrial in nature such as seafood processing, saw mills, other manufacturing, product processing, repairing, assembling, shipping and storing goods. Sewage treatment facilities, landfills, airports, rock quarries, and light and power facilities are examples of this type of use. Performance standards or buffers from neighboring uses may be applied to address noise, odors, waste and other impacts." (Haines Borough 2025 Comprehensive Plan, Page 154). **Please refer to attached map for reference to the Haines Borough 2025 Comprehensive Plan Future Growth Map.***

2. Existing land uses within the general vicinity of the subject property:

North: The three properties immediately to the north are a 5.53 acres lot owned by the Borough for operation of Crystal Cathedral Water & Sewer system, a 3.47 acres vacant lot owned by Victoria Cox, and an 8.00 acres vacant lot owned by Michael Ward;

South: The property to the south across Sawmill Road is a large acreage vacant tract which is currently owned by the Borough;

East: The property to the east is currently a ball field owned by the Borough;

West: The property to the west is the accretion lot owned by the applicant.

3. The zoning classification of property within the general vicinity of the subject property **(Please refer to the attached zoning map):**

North: The properties immediately to the north are currently zoned Heavy Industrial (I/H) and Industrial Light Commercial (I/L/C);

South: The property to the south across Sawmill Road is currently zoned Rural Mixed Use (RMU);

East: The property to the east is currently zoned Heavy Industrial (I/H);

West: The property to the west is currently zoned Rural Mixed Use (RMU).

4. The suitability of the subject property for the uses permitted under the existing and proposed zoning classification:

The present use of the subject property is compatible with either I/H or RMU zoning, as per HBC 18.70.040. If rezoned to RMU, the subject property would be subject to the allowance of Personal Agriculture, Hotel/Motel, Mobile Home Park/RV Park, Residences, etc. RMU is meant to serve as a broad mixture and more flexible of uses.

5. The extent to which zoning will detrimentally affect properties within the general vicinity of the subject property:

Even though the subject property is inconsistent with the Haines Borough 2025 Comprehensive Plan, the Assembly has the authority to approve a rezoning petition that is inconsistent with the Plan. However, inconsistency imposes a higher burden on the applicant to show that the change is reasonable and in the public interest. The applicant

claims the reasons that it is most appropriate to change the I/H zone rather than the RMU zone as follows:

- 1) Sawmill Creek winds extensively through both the original lot and the accretion lot. The creek occupies an exceptionally large percentage of the total land in the original lot. There has been a lot of effort expended by the community to protect the integrity of sawmill creek. The original lot is not to be best zoned heavy industrial.
- 2) The original lot is a very oddly shaped lot that consists of two triangular pieces that are connected by a very narrow (approximately 25 feet) piece of land that virtually excludes most any sort of heavy industrial use in the northern triangle.
- 3) The accreted land zoned RMU is the much larger piece of land at 21.3 acres compared to the original lot which is only approximately 7 acres.
- 4) The original lot abuts the Borough Ball Diamonds and the cemetery, neither of which benefit from adjacent lots being zoned I/H.
- 5) Because the accretion land is adjacent to the golf course development, and the fact that it is also largely sawmill creek and wetlands, the applicant would not be interested in switching that land to I/H, at this time.
- 6) If the Borough determines for some reason that they do not want to change the zoning of the original lot to match the much larger accretion lot, the applicant would be forced to subdivide both parcels separately and the future owners would have to deal with two different zones within their single operating area.

Recommended Action:

Because of unique circumstance, staff recommends the Planning Commission recommend approval of the requested rezoning to the Assembly.

Protest Petition/Citizen Input:

As of October 9, 2013 staff has not received a protest petition or any inquiries regarding the petition.

Sincerely submitted,



Tracy Cui
Planning & Zoning Technician III