



7B

Agenda Bill No.: 24-1372

Assembly Meeting Date: 4/09/24

Business Item Description:	Attachments:
Subject: Amending Borough Code for Land Use Permits	1. Ordinance 24-03-670
Originator: Manager	
Originating Department: Administration	
Date Submitted: 3/19/24	

Full Title/Motion:

No motion necessary since this item is scheduled for it's second public hearing 4-23-24

Administrative Recommendation:

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
\$	\$ 0	\$ 0	

Comprehensive Plan Consistency Review:

Comp Plan Goals/Objectives:

Consistent: Yes No

Summary Statement:

This Ordinance is recommended by the Manager. Due to staff shortages, a 10 day presumption of land use permit completeness is not realistic. The Manager has asked for extensions of land use permit deadlines.

Referral:

Referred to: _____ Referral Date: _____

Recommendation: _____ Meeting Date: _____

Assembly Action:

Meeting Date(s): 03/26/24 Public Hearing Date(s): 04/9/24, 04/23/24

Postponed to Date: _____

**An Ordinance of the Haines Borough Assembly Amending Haines
Borough Code Section 18.40.030 Procedure – Staff decision.**

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. This ordinance is of a general and permanent nature and the adopted amendment shall become a part of the Haines Borough Code.

Section 2. Severability. If any provision of this ordinance or any application thereof to any person or circumstance is held to be invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. Effective Date. This ordinance is effective upon adoption.

Section 4. Amendment of Section 18.40.030. Section 18.40.030 shall be amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
~~STRIKETHROUGH~~ ITEMS ARE DELETED

18.40.030 Procedure – Staff decision.

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B. Staff Procedure.

1. The manager will determine if the application is complete ~~and correct~~ and if the application meets the submission requirements. If the requirements are not met, the manager shall return the application to the applicant for modification or correction. ~~If the manager fails to act on acceptance of the application within 10 business days the application shall be considered complete and accepted for review.~~

2. If the application for a land use permit is complete and accepted, the manager shall determine, within ~~10 business~~ **30** days, whether the use meets the requirements of this title, the general approval criteria in HBC 18.60.010 and any special conditions for the applicable zone. The manager may place reasonable conditions on the approval to ensure that the use will comply with this title.

3. If the use does not implement all the requirements of this title, the manager shall deny the permit and note which requirements are not implemented and why. The manager shall issue a decision within ~~10 business~~ **30** days of acceptance of the application.

4. The manager shall ~~mail~~ **send** a copy of the application and the decision to the developer and shall keep a permanent record thereof. The commission shall review all permit decisions at the next regularly scheduled meeting.

Adopted by a duly constituted quorum of the Haines Borough Assembly this 23rd day of April, 2024.

ATTEST:

Thomas C. Morphet, Mayor

Aleka Fullerton, MMC, Borough Clerk

18.40.030 Procedure – Staff decision.

A. *Submission.* The developer shall submit one copy of a completed and properly executed permit application, appropriate for the type of proposed development, to the manager. The following information shall be required:

1. Site description, including a complete legal description, street address, dimensions of property and any improvements existing or proposed, zoning and current use of adjacent properties.
2. Proposed development, including existing uses of the property, proposed uses, a time frame for development, and any information regarding phased development.
3. Elevation drawing and site plan, drawn to scale, and including any streets, alleys, pedestrian improvements, driveways, existing buildings and other structures, proposed improvements, shorelines, slopes, other evidence of natural hazards, parking areas, utility connections, landscaping, signs (location, size and wording), and other pertinent data the manager may deem relevant to the permitting process. If documentation of property boundaries is inadequate to ascertain with certainty their location relative to proposed buildings, the manager may require a property survey or partial survey by a registered land surveyor prior to approval. In addition, an as-built drawing completed by a registered land surveyor may be required upon completion of construction. In addition to the print version, an electronic drawing compatible with borough software shall be submitted.
4. The owner of the property shall sign the permit application, providing the owner's mailing address, e-mail address, date submitted and contact phone number.
5. If a developer, engineer, surveyor or any other agent for the owner will be involved with the project, the names of the parties shall be provided with mailing addresses, e-mail addresses and phone numbers.
6. Fees shall be paid at the time of submission of the application and prior to any staff or commission review.
7. The applicant's statement regarding compliance with all general and special conditions shall be contained in the final submission of this application.
8. The application shall be completed in a legible manner. Any applications containing illegible information shall be rejected by the manager and returned to the applicant for clarification.

B. *Staff Procedure.*

1. The manager will determine if the application is complete and correct and if the application meets the submission requirements. If the requirements are not met, the manager shall return the application to the applicant for modification or correction. If the manager fails to act on acceptance of the application within 10 business days, the application shall be considered complete and accepted for review.

2. If the application for a land use permit is complete and accepted, the manager shall determine, within 10 business days, whether the use meets the requirements of this title, the general approval criteria in HBC [18.60.010](#) and any special conditions for the applicable zone. The manager may place reasonable conditions on the approval to ensure that the use will comply with this title.
3. If the use does not implement all the requirements of this title, the manager shall deny the permit and note which requirements are not implemented and why. The manager shall issue a decision within 10 business days of acceptance of the application.
4. The manager shall mail a copy of the application and the decision to the developer and shall keep a permanent record thereof. The commission shall review all permit decisions at the next regularly scheduled meeting. (Ord. 12-05-291 § 7; Ord. 11-03-259 § 6)

The Haines Borough Code is current through Ordinance 23-10-662, and legislation passed through November 28, 2023.

Disclaimer: The borough clerk's office has the official version of the Haines Borough Code. Users should contact the borough clerk's office for ordinances passed subsequent to the ordinance cited above.

[Borough Website: www.hainesalaska.gov](http://www.hainesalaska.gov)

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