

An Ordinance of the Haines Borough Amending Haines Borough Code to eliminate all references to the Coastal Zone Management Plan.

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 shall become effective immediately upon adoption.

Section 4. Amendment of Chapter 12.08.060. Chapter 12.08.060 of the Haines Borough Code of Ordinances is amended to read as follows:

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

12.08.060 Other requirements not eliminated.

This chapter only establishes design and construction standards and does not eliminate any other requirements that may be established by federal or state statutes, borough ordinances or other regulations adopted pursuant to these laws. Permits may be required in instances involving construction in flood hazard zones, wetlands and fish habitat. Grading, excavation and fill permits, **and** storm water/water separation waivers ~~and coastal management consistency reviews~~ may be required. The land owner is responsible for knowing the necessity of a permit and acquiring it.

Section 5. Amendment of Chapter 18.30.040. Chapter 18.30.040 of the Haines Borough Code of Ordinances is amended to read as follows:

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18.30.040 Planning commission.

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I. The commission shall review and report to the borough assembly regarding the location, design, construction, demolition or disposition of any public building, facility, collector or arterial street, park, green belt, playground or borough projects. The report and recommendation of the commission shall be based upon the comprehensive plan, ~~coastal zone management plan~~ and the capital improvements program. Routine maintenance shall be exempt from this requirement. Plans for the construction of new borough facilities with a value over \$25,000 shall come to the commission for review and a public hearing at the conceptual stage of design. At that time, the commission shall decide whether additional public hearings and design review are required at the 35 percent, 65 percent, and 95 percent stages of design.

J. The commission shall report to the borough assembly on all preliminary and final plats the commission has processed as the platting authority (see Chapter 18.100 HBC).

~~K. The commission shall, at least once every two years, review, prepare and adopt recommendations to the borough assembly and the State Coastal Policy Council respectively for amendments to the coastal zone management plan.~~

~~The commission is responsible for implementing and enforcing the provisions of the coastal zone management program prior to the issuance of any permit approval under this title. (See Chapter 18.110 HBC for specific regulations.)~~

~~L~~**K**. A comprehensive plan is a compilation of policy statements and maps for guiding the physical, social and economic development, both private and public of the borough, and may include, but is not limited to, the following: statements of policies, goals, standards, a land use plan, a lands classification plan and requirements for disposal of borough lands, a community facilities plan, a transportation plan, ~~coastal development and management plan~~ and recommendations for plan implementations. The assembly shall be guided in the adoption of the comprehensive plan by the recommendations of the planning commission. The assembly may modify the plan, provided it first obtains the recommendations of the planning commission. The planning commission shall undertake the overall review of the plan at least once every six years and shall present recommendations based on the review to the assembly.

Section 6. Amendment of Chapter 18.60.010. Chapter 18.60.010 of the Haines Borough Code of Ordinances is amended to read as follows:

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18.60.010 General approval criteria.

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18.60.010(P). Anadromous Fish Stream Setbacks. ~~All development along state-identified anadromous fish streams will be consistent with the Haines coastal zone management program.~~ Unless approved by variance, no development shall occur within 25 feet of the banks of anadromous fish streams, designated as such by the Alaska Department of Fish and Game. Variances from this requirement may be granted by the commission based upon the unique conditions of individual properties, the proposed development, and the recommendations of a qualified fisheries biologist.

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(U). Waterfront. The following requirements apply in all waterfront zones:

1. Dredge and Fill Activities. Any person, persons or firm planning a development in wetlands ~~designated in the coastal zone management plan~~ are required to apply for and obtain a dredge and fill permit from the United States Army Corps of Engineers prior to commencement of development.

~~2. Compliance with coastal zone management program shall be strictly enforced within the waterfront zones.~~ 3. For residential use, setbacks shall be the same as those required in the residential zone. All other uses shall be required to set back 10 feet from lot lines adjacent to every street and alley and five feet from all other lot lines.

~~4.3~~ Public access to the waters of Portage Cove is required to be included in all permits for development on land adjacent to Portage Cove.

Section 7. Amendment of Chapter 18.60.010. Chapter 18.60.010 of the Haines Borough Code of Ordinances is amended to read as follows:

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18.60.020 Specific approval criteria.

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(I)(2)b. Recreational Vehicle (RV) Park/Specific Criteria. Recreational vehicle (RV) parks are prohibited in any area, regardless of the zoning classification, where they are found to be inconsistent with the ~~Haines coastal zone management plan~~, the comprehensive plan, or where prohibited by federal, state or local law.

Section 8. Amendment of Chapter 18.100.070. Chapter 18.100.070 of the Haines Borough Code of Ordinances is amended to read as follows:

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18.100.070 General requirements and design standards.

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C. The comprehensive plan ~~and the coastal management plan~~ of the borough.

Section 9. Amendment of Chapter 18.100.120. Chapter 18.100.120 of the Haines Borough Code of Ordinances is amended to read as follows:

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18.100.120 Agency approval letters required.

Prior to the approval and recording of the final plat, any required agency approvals must be submitted in written form to the commission. This is in reference, for example, to ~~coastal zone management~~, Army Corps of Engineers, Department of Environmental Conservation, Department of Natural Resources and Department of Transportation. All other state and federal permitting requirements apply and shall be submitted as approved by the appropriate agency to the commission.

Section 10. Repeal of Chapter 18.110. Chapter 18.110 of the Haines Borough Code of Ordinances is hereby repealed in its entirety.

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18.110 <Reserved>

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS
29TH DAY OF MAY, 2018.

ATTEST:


Alekka Fullerton, Borough Clerk




Jan Hill, Mayor

Date of Introduction: 4/24/18
Date of First Hearing: 5/8/18
Date of Second Hearing: 5/29/18