

A Resolution of the Haines Borough Assembly waiving the \$250.00 after-the-fact fee for the vacation rental located on parcel # 4-MBR-06-0500 belonging to Mark Sogge and Cecily Stern within the Mud Bay Planning/Zoning District.

WHEREAS, parcel # 4-MBR-06-0500 is located within in the rural residential zone of Mud Bay Planning/Zoning District and a conditional use permit is required to open a lodging rental business (HBC 18.70.030(B)(3)(e)(4)); and

WHEREAS, in June of 2013, borough staff discovered the property owners had started a lodging rental business without a permit and a \$250 after-the-fact fee was assessed; and

WHEREAS, the property owners Mark Sogge and Cecily Stern appealed the manager's enforcement decision to the planning commission; and

WHEREAS, on July 9, 2013, the planning commission heard the appeal and, based on the following findings, unanimously recommended the assembly waive the after-the-fact fee:

1. Property owner Mark Sogge said when he first decided to advertise the property as a vacation rental he picked up a conditional use application form at the borough office because he thought a permit would be required. However, he mentioned it to Planning Commissioner Rob Goldberg, Goldberg said he did not think the permit would be required since this was an unoccupied single family residence being offered for rent and the only house on the property; and
2. The home is a single family residence on a 3-acre lot. The plan was to rent the entire house to one family at a time. The use of the property would remain single family residential, which is a use-by-right in this zone. No other services such as meals and guiding would be provided. The planning commission agreed a conditional use permit should not be needed for this use and believes this situation points to a deficiency in HBC.20.020. The definition of lodge is inadequate: "*Lodge*" means a short-term rental accommodation with furnished quarters. The planning commission plans to define "vacation rental" and provide for its use in the code, and also to refine the current definition of "lodge"; and

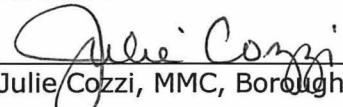
WHEREAS, HBC 18.30.070(D) says:

"[t]he planning commission may recommend to the assembly that charges and fees be stayed. The assembly may stay the fees under subsection (A) of this section if it is in the best interest of the municipality to do so and special circumstances warrant,"


NOW, THEREFORE, BE IT RESOLVED that the Haines Borough Assembly accepts the recommendation of the planning commission and waives the after-the-fact fee of \$250 for the vacation rental located on parcel # 4-MBR-06-0500 belonging to Mark Sogge and Cecily Stern within the Mud Bay Planning/Zoning District.

Adopted by a duly-constituted quorum of the Haines Borough Assembly on the 14th day of August, 2013.

ATTEST:


Julie Cozzi, MMC, Borough Clerk




Stephanie Scott, Mayor