

**A Resolution of the Haines Borough Assembly waiving the \$250.00 after-the-fact fee assessed for keeping chickens in a single residential zone without a conditional use permit on parcel # C-CEM-00-1500 belonging to Penny Fossman.**

**WHEREAS**, parcel # C-CEM-00-1500 is located within a single residential zone and animal husbandry requires a conditional use permit (HBC 18.70.040); and

**WHEREAS**, HBC 18.20.020 defines "animal husbandry" as *the keeping of any animal except traditional household pets or those allowed under "agriculture, personal use," [and]...no form of horse, cow, goat, fowl or pig shall be considered a traditional household pet*; and

**WHEREAS**, in July of 2013, borough staff discovered the property owner had six chickens without a conditional use permit and a \$250 after-the-fact fee was assessed, as required by HBC 18.30.070; and

**WHEREAS**, the property owner Penny Fossman appealed the manager's enforcement decision to the planning commission; and

**WHEREAS**, on September 12, 2013, the planning commission heard the appeal and, based on the following findings, unanimously recommends the assembly waive the after-the-fact fee:

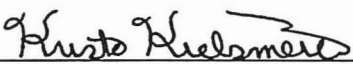
1. The Planning Commission determined Ms. Fossman did not intend to raise chickens on her property but was merely fostering them after a school project and actively trying to find homes for them; and
2. Ms. Fossman no longer has chickens on her property, therefore she is not required to obtain a conditional use permit; 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,"*

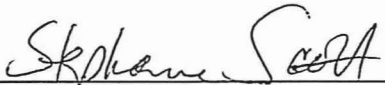
**NOW, THEREFORE, BE IT RESOLVED** that the Haines Borough Assembly accepts the recommendation of the planning commission and waives the after-the-fact fee of \$250 assessed for keeping chickens in a single residential zone without a conditional use permit on parcel # C-CEM-00-1500 belonging to Penny Fossman.

Adopted by a duly-constituted quorum of the Haines Borough Assembly on this 12<sup>th</sup> day of November, 2013.

ATTEST:

  
Michelle Webb, Interim Borough Clerk



  
Stephanie Scott, Mayor