

An Ordinance of the Haines Borough Assembly amending Haines Borough Code Sections 18.20.020, 18.30.010, 18.30.060, 18.40.030, 18.50.030, 18.60.010, and 18.90.030 to revise the types of permits and their uses, and the timeframes associated with acceptance and approval of permits.

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. Sections 4 through 10 of this ordinance are 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 18.20.020 Section 18.20.020 of the Haines Borough Code is hereby amended to read as follows:

NOTE: **BOLDED/UNDERLINED ITEMS ARE ADDED**
STRIKETHROUGH ITEMS ARE DELETED

18.20.020 Definitions – Regulatory.

...

"Developer" means the person who makes the application for a land use permit, a ~~special conditions~~ conditional use permit, a variance permit, a subdivision platting action permit, or rezoning, and successors in title or interest.

...

"Notice, public" (~~conditional use, special conditions~~ platting action permits, variances permits and rezonings). For conditional use, ~~special conditions~~ platting action permits, variances permits and rezonings, public notice shall consist of all of the following:

1. An agenda item on the posted agenda;
2. Publication of the time, date and place of the meeting, and the agenda item, in a newspaper of general circulation in the borough a minimum of five working days prior to the date of the meeting;
3. Written notification of all property owners within 200 feet from property which is the location of a proposed ~~special conditions~~ conditional use permit, variance permit, or certain platting action permits. Such notice shall state that a ~~special conditions~~ what type of permit has been applied for, give the date of the hearing thereon, the proposed use, and the fact that further information is available from the manager. Such notification shall be done at least seven days prior to the conduct of the hearing.

...

~~"Special conditions permit" means the permit for conditional and nonconforming uses and subdivisions.~~

Section 5. Amendment of Section 18.30.010 Section 18.30.010 of the Haines Borough Code is hereby amended to read as follows:

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18.30.010 Permits or forms required.

A. Location.

1. Townsite Service Area. The developer of any use within the townsite service area shall obtain the appropriate approval or permit prior to the establishment of the use or any site work except surveying, and the borough assessor shall receive a copy per HBC 3.72.070.

2. Area-Wide.

a. Conditional Uses. Developers must obtain a ~~special conditions~~ **conditional use** permit per Chapter 18.50 HBC.

b. Subdivisions. Developers must obtain a ~~special conditions~~ **platting action** permit per Chapter 18.100 HBC.

c. Construction Declaration. New construction outside of the townsite service area that exceeds \$5,000 in assessed value or 500 square feet, must be declared on a construction declaration form and filed with the borough assessor per HBC 3.72.070. Failure to file a construction declaration within 60 days of the start of construction shall result in penalties equal to the townsite service area after-the-fact penalties.

Section 6. Amendment of Section 18.30.060 Section 18.30.060 of the Haines Borough Code is hereby amended to read as follows:

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18.30.060 Appeals to the borough assembly.

An appeal made to the borough assembly of the commission's decision on any ~~land use permit or special conditions permit~~ shall be requested by filing with the borough clerk, within 10 business days of the date of the decision appealed, a written notice of appeal stating with particularity the grounds for the appeal. At the next regularly scheduled borough assembly meeting the borough assembly, by passage of a motion, may choose to rehear the commission's decision. Any aggrieved person, including the developer, may appear at that meeting and explain to the borough assembly why it should rehear the commission's decision.

Section 7. Amendment of Section 18.40.030 Section 18.40.030 of the Haines Borough Code is hereby amended to read as follows:

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18.40.030 Procedure – Staff decision.

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

...

~~8. Any information relating to requests for variance by the applicant shall be attached to the application.~~

98. 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 five **ten 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 five **ten 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 five **ten 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.

Section 8. Amendment of Section 18.50.030 Section 18.50.030 of the Haines Borough Code is hereby amended to read as follows:

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18.50.030 Application.

A. Pre-Application Conference. Prior to submission of an application, the developer shall meet with the manager for the purpose of discussing the site, the proposed development and the conditional use permit procedure. The manager shall discuss these matters with the developer with special attention to policies and approval criteria that may pose problems or constraints on the site or the proposed development activity and policies or approval criteria that may create opportunities for the developer.

B. Contents. The application shall contain all the information as required in HBC 18.40.030(A) (1) through (9) for land use permits.

C. Submission. The developer shall submit one copy of a completed and properly executed ~~special conditions~~ **conditional use** permit application with associated maps, architectural renderings, engineering drawings and diagrams, and the permit fee, to the manager.

Section 9. Amendment of Section 18.60.010 Section 18.60.010 of the Haines Borough Code is hereby amended to read as follows:

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18.60.010 General approval criteria.

A land use permit, or conditional use permit, or a special conditions **planning action** permit for a subdivision, may be granted if all the following general approval criteria and applicable specific approval criteria of HBC 18.60.020 are complied with. The burden of proof is on the developer to show that the proposed use meets these criteria and applicable specific criteria for approval. Notwithstanding any of the following criteria, no use will be approved that will materially endanger the public health or safety or substantially decrease the value of property in the neighboring area. The burial of uncremated human remains outside a cemetery is prohibited.

Section 10. Amendment of Section 18.90.030 Section 18.90.030 of the Haines Borough Code is hereby amended to read as follows:

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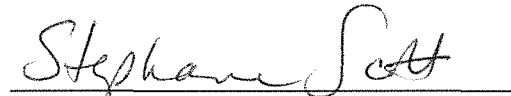
18.90.030 Permits.

A. All signs require a permit issued by the borough unless exempted by HBC 18.90.060. A permit application for a sign may be considered part of a land use permit application or may be considered separately. There shall be a fee for a sign permit application if considered separately.

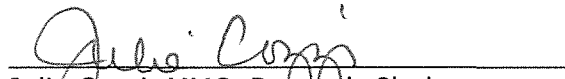
B. Sign permit applications shall include plans for all signs to be placed. The plans shall illustrate sign elevations, cross sections, dimensions, placement, materials and lighting, or any similar information.

C. A sign permit application will be reviewed and either approved or disapproved by the manager within ~~three~~ **ten** working days after receipt of a complete application.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS 12th DAY OF JUNE, 2012.


Stephanie Scott, Mayor

ATTEST:


Julie Cozzi, MMC, Borough Clerk

Date Introduced: 05/08/12
Date of First Public Hearing: 05/29/12
Date of Second Public Hearing: 06/12/12 - Adopted

