

An Ordinance of the Haines Borough amending Haines Borough Code Title 18 to require land use permits for filling and grading of a property.

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 Sub-Section 18.20.020 Sub-Section 18.20.020 of the Haines Borough Code is hereby amended as follows:

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

18.20.020 Definitions – Regulatory.

...

"~~Filling and grading~~ **Site development**" means any **clearing, grubbing, grading, and filling** earthwork activity which exceeds ~~50~~**100** cubic yards **or 5,000 board feet**, except utility improvements, which are subject to permit.

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

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

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 **site development or** 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.

...

- d. **Land Use Permit. New development outside of the townsite service area that meets the definition of "site development" in HBC 18.20 must obtain a land use permit prior to construction per Chapter 18.40 HBC except the General Use Zone.**

Section 6. Amendment of Sub-Section 18.70.030 Sub-Section 18.70.030 of the Haines Borough Code is hereby amended as follows:

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

18.70.030 Zoning districts – Zones.

...

B. Mud Bay Planning/Zoning District.

...

3. Rural Residential Zone (MBRR).

...

c. Uses-by-Right.

...

(3) Site Development as authorized by HBC 18.30.010.

...

C. Lutak Inlet Planning/Zoning District.

...

4. Rural Residential Zone.

...

c. Uses-by-Right. Permitted uses are those uses which are allowed outright within a particular zone. In the residential zone those uses are:

...

(6) Site Development as authorized by HBC 18.30.010.

Section 7. Amendment of Sub-Section 18.40.010 Sub-Section 18.40.010 of the Haines Borough Code is hereby amended as follows:

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

18.40.010 General.

As provided in HBC 18.30.010, all uses require an approval pursuant to this title prior to commencement of construction **or site development**. Chapter 18.70 HBC includes a use chart describing the type of permit needed before initiating a use of land within the townsite service area. All uses indicated as requiring a land use permit on the chart are required to comply with the process in this chapter. Any change of use within an existing structure in any zone shall be reviewed by the manager. A land use permit may be required.

Section 8. Amendment of Sub-Section 18.70.040 Sub-Section 18.70.040 of the Haines Borough Code is hereby amended as follows:

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

18.70.040 Zoning use chart.

The following chart summarizes the uses allowed and the standards of review for each use, townsite planning/zoning district and the zones therein. In the commercial and industrial zones,

Haines Borough
 Ordinance No. 19-03-527
 Page 3 of 3

more than one building housing a permissible principal use may be developed on a single lot; provided, that each building and use shall comply with all applicable requirements of this title. Additional requirements may be applicable to developments within some zones. See the definitions in Chapter 18.20 HBC for descriptions of each use.

UBR = Use-By-Right CU = Conditional Use NA = Not Allowed GFA = Gross Floor Area											
<div style="display: flex; justify-content: space-around; align-items: center;"> = Permit Required = Permit Not Required </div>											
USES	I/H	I/L/C	I/W	C	W	SSA	SR	MR	RR	RMU	REC
Site development	UBR	UBR	UBR	UBR	UBR	UBR	UBR	UBR	UBR	UBR	UBR

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS 11th DAY OF JUNE, 2019.

ATTEST:


 Alekka Fullerton, Borough Clerk




 Janice Hill, Mayor

Date Introduced: 03/26/19
 Date of First Public Hearing: 05/28/19
 Date of Second Public Hearing: 06/11/19