

AK Statute 35.30 Public Improvements - Consistency with Local Government Plans and Ordinances

Chapter 30. Consistency With Local Government Plans and Ordinances

AS 35.30.010. Review and Approval By Local Planning Authorities.

(a) Except as provided in (b) of this section, before commencing construction of a public project,

(1) if the project is located in a municipality, the department shall submit the plans for the project to the planning commission of the municipality for review and approval;

(2) if the project is located within two miles of a village, the department shall submit the plans to the village council for review and comment;

(3) if the project is located within one-half mile of the boundary of an area represented by a community council established by municipal charter or ordinance, the department shall submit the plans to the community council for review and comment.

(b) Prior approval by a municipal planning commission may not be required before the commencement of construction of a highway or local service road if

(1) the department and the municipality have entered into agreement for the planning of the project under AS 19.20.060 or 19.20.070 and the plans for the project are completed in accordance with the terms of that agreement;

(2) the municipality has adopted a municipal master highway plan under AS 19.20.080 and the highway or local service road is consistent with the plan adopted; or

(3) the department has entered into agreement with the municipality for the planning of transportation corridors under AS 19.20.015 and the plans for the project are completed in accordance with the provisions of that agreement.

(c) If final disapproval by resolution of the governing body of the affected municipality or village is not received within 90 days from the date the project was submitted to the municipality or village, the department may proceed with the project.

AS 35.30.020. Compliance With Municipal Ordinances.

A department shall comply with local planning and zoning ordinances and other regulations in the same manner and to the same extent as other landowners.

Haines Code Relevant to DOT Project and AK Statutes

Charter Section 8.01 Planning Commission

(A) Purpose. The Haines Borough Planning Commission shall be the sole planning body of the borough, guided by the **comprehensive plan**.

Charter Section 8.04 Comprehensive Plan

There shall be a comprehensive plan adopted and implemented by the assembly, which shall be presented to the assembly by the planning commission for adoption by ordinance. **The plan shall serve as a guide for all planning commission recommendations and all assembly legislative action concerning land use and development issues.**

18.30.040 Planning commission.

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** 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.

Comprehensive Plan Relevant to DOT Project and AK Statutes

Comprehensive Plan Chapter 6.4.1

The Alaska Department of Transportation and Public Facilities (ADOT&PF) maintains approximately 70 miles of roads within Haines Borough.

Since 2002, the state has been working to improve all of Haines Highway to a 55 mph road with wider shoulders and to implement a long term solution to the debris flow problems near Mileposts 19 and 23. This, as well as ensuring that the road can support industrial loads is important to Haines success at carrying an increased share of freight to and from the Yukon and Interior Alaska. Haines Highway work includes design, conduct of environmental reviews, acquiring permits and ROW, and eventually construction. The highway from the Bluffs at milepost (MP) 25.3 to the Canadian Border at MP 40 was improved and there are now six foot shoulders with painted fog lines on both sides of the road. A DOT&PF has scheduled replacement of the Chilkat River (Steel) Bridge for FY 12-13. The current goal is to obtain approval of an Environmental Assessment authorizing this work in fall 2012. In 2011, the State spent over \$100,000 to clean debris after a rock slide at MP 19. In the last few years the State also improved Lutak Highway from Mile 3.5 to the AMHS ferry terminal including installation of a well-used paved six-foot shoulder on the waterside.

The 40-mile Haines Highway, 7-mile Lutak Road and Alaska Marine Highway System are all designated Scenic Byways. The Haines Highway and Lutak Road are designated for the scenic, fish and wildlife viewing, historic and cultural values and opportunities they offer. As a Scenic page 131. Byway, grants are available for improvements that promote the route and are consistent with the Haines Highway Corridor Plan, such as overlooks, pedestrian facilities, interpretation programs and safety upgrades. Applications are due annually in December. Haines has received four National Scenic Byway grants including two in 2011, one for \$496,000 to acquire Picture Point and another for \$40,000 to plan visitor services along the Haines Highway.

Map # 33 Haines Highway, MP 3.5-21 Owner: State

- Any plans for port development with potential commerce to the Yukon will require roads to be upgraded in order to haul heavy loads.
- Widen road to 36 ft, improve the roadside environment, improve drainage, straighten curves to a 55 mph design speed, address mudslide area at MP 19.
- Project should include at least one six-ft shoulder for non- motorized use and safety. Current safety and traffic concerns limit marketability. Kluane Bike Relay draws 1,200+ bicyclists each summer. In May 2011, designated U.S. Bicycle Route 208.
- If it will be several years before construction, short-term less expensive improvement to enhance safety for motorists and non-motorized users is to relocate guardrails farther from the road (many are < 2 ft now) and install safety caps on all sections.

Comprehensive Plan Goals Objectives and Strategies

Objective 4F: Accomplish the Borough's Transportation Improvement Program, including the 36 road and non-motorized improvements projects listed on Table 6-5 and partially mapped on Figure 6-3. Build a connected, non-motorized transportation network (sidewalks, wide road shoulders, separated paths) to encourage healthy lifestyles and safe walking, biking, and skiing to and from work and school.

9. Systematically implement the **Haines Highway Scenic Corridor Partnership Plan**.

Cross reference with Parks and **Rec 14E (11)** which lists more details

Objective 14E: Prioritize recreation investments that maintain current facilities and assets, expand opportunities that will be accessible and used by many residents and visitors, and that fill gaps in recreation opportunities. Implement projects and actions that have been endorsed in community-adopted plans, such as this Comprehensive Plan, the Haines Public Use and Access Plan, and Haines Highway Scenic Corridor Partnership Plan

11. Systematically implement the **Haines Highway Scenic Corridor Partnership Plan**.

(Also see Comp Plan Figure 8-3.)A) Develop a marketing plan for Corridor: Secure funding and promote programs that enhance private sector investment. B) Expand the trail system and other recreational opportunities off the Haines Highway at Dalton, Jarvis and Surgeon Creeks. C) Provide formalized Klehini River access for Winter Recreation at Wells Bridge. D) Enhance Gateways/Interpretation at Picture Point, Council Grounds. E) Provide formal access to Chilkat River. Cross reference with Transportation 4F (9)

Haines Highway Scenic Corridor Partnership Plan Relevant to DOT Project

Page 78 - GOAL 5:

Work to expand the trail system and other recreational opportunities along the corridor.

2. Action: Work carefully with ADOT&PF to find trail and/or separated path opportunities during the highway improvement project in the lower portion of the Valley and to the ferry terminal. Include a minimum paved shoulder width of six feet on both sides of the highway for all improvement areas.

5. Action: Make parking and trailhead improvements at Mt. Ripinsky and other recreation routes accessed from the highway.

6. Action: Establish facilities such as campgrounds, rest stops, and scenic areas for cyclists and hikers who use the trail systems in the Valley.

7. Action: Work with State Parks and other agencies to improve river access points, organize parking, develop recreation facilities at popular locations, and close unsafe river access points and pullouts along the highway.

8. Action: Work with local outfitters and guides to define other recreation investment opportunities that avoid significant negative impact on the environment but will provide more recreation opportunities for visitors and for residents.