

Adopted

HAINES BOROUGH, ALASKA
ORDINANCE No. 19-01-515

An Ordinance of the Haines Borough amending Haines Borough Code Title 18 to amend the definition for "resource extraction"; to amend regulations for the use in 18.60.020; and to designate allowed uses in 18.70.30 for Mud Bay zones.

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 Section 18.20.020 of the Haines Borough Code is hereby amended to revise the definition of "resource extraction", and to add new definitions for "minor resource extraction" and "major resource extraction" to read as follows:

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

18.20.020: Definitions – Regulatory.

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"Plat" means the map prepared for the purpose of recording subdivisions of land or other changes to the dimensions of properties as provided herein **a two-dimensional representation of a tract or parcel of land proposed for subdivision, resubdivision, dedication, or vacation, which portrays all necessary data for locating and retracing property lines and all easements and dedications of record, created, or to be abandoned in the course of subdivision. The plat contains information required by this title under preliminary and final plat specifications and is intended for recordation in the local recording district.**

...

"Resource extraction" means a **heavy industrial** use involving clearing or grading of land or the removal, for commercial purposes, of native vegetation, topsoil, fill, sand, gravel, rock, **the removal of rock, gravel, sand, clay, topsoil, peat, timber,** petroleum, natural gas, coal, metal ore, or any other mineral, and other operations having similar characteristics. **Resource extraction does not include: (1) the removal of material from within the legal boundaries of the property of origin which are incidental to the construction, alteration or repair of a building (or the grading and landscaping incidental**

thereto); or (2) within the subdivision of origin of a platted public or private access road and utilities or public facility providing essential services.

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Section 5. Amendment of Subsection 18.60.020(A). Subsection 18.60.020(A) of the Haines Borough Code is hereby amended to read as follows:

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STRIKETHROUGH ITEMS ARE DELETED

18.60.020: Specific Approval Criteria.

The following uses are subject to the preceding general criteria and these additional specific approval criteria:

A. Resource Extraction.

1. **Permitting.** ~~A permit for the commercial extraction of a natural resource~~ **extraction** may be issued with such reasonable conditions as necessary **to limit or minimize the adverse impact of the permitted extraction.** The **permitted** use must meet all other pertinent requirements of this title and ~~include an acceptable operation and reclamation plan that addresses the following concerns and assures that the adverse impact of the operation is minimized and the site will be left in a safe, stable and environmentally and aesthetically acceptable condition:~~

- ~~a.~~ ~~Methods and process of reclamation including stockpiling of topsoil for reuse;~~
- ~~b.~~ ~~Initial site conditions including existing land use, vegetation, soils, geology and hydrology;~~
 - a. Limits of operational areas;
 - b. Days and hours of operation;
 - c. Traffic patterns;
 - d. Fencing and screening;
 - e. Control of dust and noise;
 - f. Phasing of operations and reclamation steps;
 - g. Final condition of site including:
 - (1) Relation to adjoining land forms and drainage features,
 - (2) Relation of reclaimed site to planned or established uses of the surrounding area,
 - (3) Demonstration that the final land form will have a viable land use compatible with land use trends in the surrounding area;

(4)Relation of reclaimed site to initial site conditions including land use, vegetation, soils, geology and hydrology.

- h. Methods to minimize potential conflict with **other** existing uses **within the neighborhoods adjacent to the development and traffic corridors used by the development** that are ~~significantly impacted by the development.~~

Section 6. Amendment of Subsection 18.70.030(B). Subsection 18.70.030(B) of the Haines Borough Code is hereby amended to read as follows:

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

18.70.030: Zoning Districs - Zones.

The borough is hereby divided into the following zoning districts and zones. These districts and zones are depicted on the official borough zoning map.

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- B. Mud Bay Planning/Zoning District.

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3. Rural Residential Zone (MBRR).

- a. Purpose. This zone is intended to provide for the establishment of a rural residential area allowing for single-family dwellings and cottage industries.
- b. Applicability. This zone shall encompass all lands within the Mud Bay planning/zoning district with the exception of the cannery zone.
- c. c. Uses-by-Right.
- (1) One single-family dwelling shall be allowed on a lot no less than three acres in area, or on any smaller lot which existed prior to the implementation of any land use ordinances.
 - (2) Any development which existed prior to the implementation of any land use ordinances.
- d. Accessory Uses. Accessory uses in the rural residential zone are:
- (1) Accessory buildings;
 - (2) Cottage industries;
 - (3) Guest house;
 - (4) Marijuana testing facilities.

- e. Conditional Uses. Conditional uses in the rural residential zone are:
- (1) Public parks, public recreation sites, and nonprofit camps;
 - (2) Schools;
 - (3) Fire stations;
 - (4) Lodges;
 - (5) Commercial or public radio and television transmitters and towers;
 - (6) Public utility facilities;
 - (7) Commercial Enterprise. "Commercial enterprise" means any commercial, manufacturing, sale or service that occurs on a person's private property. A commercial enterprise shall be conducted only by a member or members of a family residing in a residence on the property **secondary to the property's primary use as a residence** and **shall have no more than with up to six additional employees** at any one time. Terms of a conditional use permit for commercial enterprise shall eliminate or mitigate adverse effects to air quality, noise, traffic, parking, waste and sewage, signs, lighting and burdens on any community utilities and resources that may result from such commercial enterprise;
 - (8) Cemetery;
 - (9) Vacation rentals;
 - (10) Marijuana cultivation (indoor/outdoor, small, large, limited, unlimited) and marijuana manufacturing (small), provided the establishments conform to the requirements of a "commercial enterprise."
- f. Lot Standards. The minimum lot size in the rural residential zone for newly developed lots shall be three acres;
- g. Setback Standards.
- (1) Structures shall be located no less than 25 feet from the nearest lot line, and right-of-way line, with Chilkat State Park Road being exempt from the right-of-way setbacks.
 - (2) Structures shall be located no less than 25 feet, measured from the top of the nearest stream bank, from any stream or watercourse used to provide domestic water, and from all anadromous fish streams.
- h. Prohibited Uses.
- (1) Heliports.
 - (2) Resource extraction.**
4. Cannery Zone (CA).
- a. Purpose. This zone is intended to create a commercial area for the

- provision of support functions for the Haines fishing fleet.
- b. Applicability. This zoning shall apply to the area as described: Lot 2, SEC 24, T31S, R59E, CRM, lot 3, SEC 19, T31S, R59E, CRM; ATS 192, Tracts A and B; TL-1902, SEC 19, T31S, R59E, CRM.
 - c. Permitted Uses. Permitted uses in the cannery zone (commercial) are:
 - (1) Moorage;
 - (2) Boat and gear storage and maintenance;
 - (3) Retail sale of petroleum products and miscellaneous fishing supplies;
 - (4) All residential uses which must be consistent with the provisions permitted within the rural residential zone;
 - (5) Any use existing prior to the implementation of any land use ordinances.
 - d. Accessory Uses. Accessory uses and buildings shall be consistent with the rural residential zone standards previously stated in this code.
 - e. Conditional Uses. There are no conditional uses in the cannery zone.
 - f. Prohibited Uses.
 - (1) Heliports.
 - (2) Resource extraction.**

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS 28th DAY OF MAY, 2019.

ATTEST:


Alekka Fullerton, Borough Clerk




Janice Hill, Mayor

Date Introduced: 04/23/19
Date of First Public Hearing: 05/14/19
Date of Second Public Hearing: 05/28/19