Haines Borough
Planning Commission Meeting
AGENDA
October 12, 2023 Regular Meeting

October 23, 2023 - 6:30pm Location: In Assembly Chambers and on ZOOM

Zack Ferrin
Chair

Diana Lapham
Deputy Chair

Travis Eckhoff
Planning Comissioner

Scott Hansen
Planning Comissioner

Justin Mitman
Planning Comissioner

Don Turner Jr.
Planning Comissioner

Richard Clement
Planning Comissioner

Jerry Lapp
Assembly Liason

Annette Kreitzer
Borough Manager

Alekka Fullerton
Borough Clerk

Kiersten Long
Deputy Clerk

Andrew Conrad
Borough Planner

Zoom Meeting Information
Webinar ID: 814 8787 4351
Passcode: 182267

1. CALL TO ORDER/PLEDGE TO THE FLAG/ROLL CALL

2. APPROVAL OF AGENDA & CONSENT AGENDA
[The following Consent Agenda items are indicated by an asterisk (*****) and will be enacted by the motion to approve the agenda. There will be no separate discussion of these items unless a planning commission member or other person so requests, in which event the asterisk will be removed and that item will be considered by the planning commission on the regular agenda.]
Consent Agenda:
3 – Approve Minutes from 8-10-23 Regular Planning Commission

***3. APPROVAL OF MINUTES – 8-10-23 Regular Planning Commission Meeting**

4. PUBLIC COMMENTS – [For any topics not scheduled for public hearing. Individual comments are limited to 3 minutes] *Note: during this section of the agenda, the assembly will listen and take notes. No official action will be taken at this time. Please address the assembly at the podium provided, use the microphone, state your full name for the record and the topic of your comment.*

5. CHAIR REPORT

6. ASSEMBLY LIAISON REPORT

7. SUBCOMMITTEE REPORTS

8. COMMISSIONER COMMENTS

9. STAFF REPORT

10. PUBLIC HEARINGS –

A. Conditional Use Permit #23-88 Medium Commercial in a Heavy Industrial Zone – Andy Hedden – C-WES-0A-0200 – Heavy Industrial Zone.
Please refer to the Manager's Recommendation in the meeting packet.

B. Conditional Use Permit #23-87 Resource Extraction – Glacier Construction Inc. dba Southeast Road Builders. –
Site A: C-LTR-04-0090, C-LTR-04-0700, C-LTR-04-0010
Site B: C-LTR-04-1000, C-LTR-04-2940, C-LTR-04-0900, C-LTR-04-0800 – Waterfront Industrial Zone
Please refer to the Manager's Recommendation in the meeting packet.

C. Resolution 23-09-1064
A Resoluion of the Haines Borough Assembly Placing a Moratorium on New Heliports Located Within 10 Miles of an Exisiting Heliport in the Haines Borough.
This item was referred by the Assembly for public hearing and recommendations from the Planning Commission.

11. UNFINISHED BUSINESS –None

12. **NEW BUSINESS - None**

13. **PUBLIC COMMENTS**

14. **COMMISSION COMMENTS**

15. **CORRESPONDENCE**

16. **NEXT MEETING DATE – 11/9/23 at 6:30 in Chambers and on Zoom**

17. **ADJOURNMENT**

Haines Borough
Planning Commission Meeting
August 10, 2023
MINUTES

Draft

1. CALL TO ORDER/PLEDGE TO THE FLAG/ROLL CALL: Chair **Ferrin** called the meeting to order at 6:30 pm in the assembly chambers and on zoom, and led the pledge to the flag.

Present: Zack **Ferrin/**Chair, Diana **Lapham/**Vice Chair, Don **Turner Jr.,** Justin **Mitman**, Richard **Clement**, Travis **Eckhoff**, and Scott **Hansen**.

Staff Present: Annette **Kreitzer/**Borough Manager, Kiersten **Long/**Deputy Clerk, and Andrew **Conrad**/Planner.

Visitors Present: Gershon **Cohen**, Lee **Zion**, Kevin **Hannon**, Roger **Schnabel**, Marilyn **Taylor** and others.

2. APPROVAL OF AGENDA & CONSENT AGENDA: The following Items were on the published consent agenda indicated by an asterisk (*****)

3 – Approve Minutes from 7-13-23 Regular Planning Commission Meeting

Motion: Lapham moved to "remove item 12D3" and the motion carried unanimously.

***Clerk's note: 12D3 - applicants withdrew their application**

Motion: Lapham moved to "approve the amended agenda and the consent agenda" and the motion carried unanimously.

***3. APPROVAL OF MINUTES:**

Note: The Minutes were approved by approval of the consent agenda: **"Approve minutes from 7-13-23 Regular Planning Commission Meeting."**

4. PUBLIC COMMENTS:

Cohen – Haines Borough Code Title 18 has inconsistencies, after the fact permitting

5. CHAIRMANS REPORT: None
6. ASSEMBLY LIAISON REPORT: None
7. SUBCOMMITTEE REPORTS: Mitman reported on the Waterfront Aesthetic committee on Front Street --the islands of interest (landscaping) have been put in.
8. COMMISSION COMMENTS: None
9. STAFF REPORT:
10. PUBLIC HEARINGS:

A. Conditional Use Permit 23-59 Vacation Rental – Kevin Hannon – C-PTC-0S-1100 – Single Residential Zone.

Commissioners discussed HBC 18.50.040(A) 1-8 Conditional Use Criteria for CUP 23-59

1) **The use is so located on the site as to avoid undue noise and other nuisances and dangers;**
After discussion, the commission unanimously adopted the Manager's recommendation for criteria #1 since the house is in a residential area and the applicant's neighbors will monitor the house while the applicant is out of town.

2) **The development of the use is such that the value of the adjoining property will not be significantly impaired;**
After discussion, the commission unanimously adopted the Manager's recommendation for criteria #2 since there is no change to the existing structure and according to the applicant the occupancy will be limited.

Item 10A Hannon Conditional Use Permit 23-59 Vacation Rental (continued)

3) **The size and scale of the use is such that existing public services and facilities are adequate to serve the proposed use;**
After discussion, the commission unanimously adopted the Manager's recommendation for criteria #3 since water is located within 200 feet of the house, by Borough code, the applicant must connect to municipal water. This will not change the adequacy of the public services.

4) **The specific development scheme of the use is consistent and in harmony with the comprehensive plan and surrounding land uses;**
After discussion, the commission unanimously adopted the Manager's recommendation for criteria #4 since the property will be monitored by neighbors and a vacation rental is seasonal.

5) **The granting of the conditional use will not be harmful to the public safety, health or welfare;**
After discussion, the commission unanimously adopted the Manager's recommendation for criteria #5 since the rental will be monitored and used periodically. Public safety, health and welfare will be enhanced by occupation and the addition of public water.

6) **The use will not significantly cause erosion, ground or surface water contamination or significant adverse alteration of fish habitat on any parcel adjacent to state – identified anadromous streams;**
After discussion, the commission unanimously adopted the Manager's recommendation for criteria #6 since there will be no additional development and minimal outdoor water use. Connecting to municipal water service will strengthen this criteria.

7) **The use will comply with all required condition and specifications if located where proposed and developed, and operated according to the plan as submitted and approved.**
After discussion, the commission unanimously adopted the Manager's recommendation for criteria #7 since there is no change to the existing use and structures.

8) **Comments received from property owners impacted by the proposed development have been considered and given their due weight;**
After discussion, the commission unanimously adopted the Manager's recommendation for criteria #8 since there were no comments received from the public with respect to this Conditional Use Permit.

Motion: LAPHAM moved to "approve conditional use permit 23-59 Vacation rental with the manager's conditions" and the motion carried unanimously.

B. Conditional Use Permit 23-55 Multiple Single Family Residences
Highland's Estates Inc. – C-USS-A2-2716
Multiple Residential Zone

Commissioners discussed HBC 18.50.040(A) 1-8 Conditional Use Criteria for CUP 23-59

1) **The use is so located on the site as to avoid undue noise and other nuisances and dangers;**
After discussion, the commission unanimously adopted the Manager's recommendation for criteria #1 since this is consistent with the approved plat and with the adjoining uses. The property is currently isolated by a large buffer.

Item 10B Highland's Estates Inc. - Conditional Use Permit 23-55 Multiple Single Family Residences (continued)

2) **The development of the use is such that the value of the adjoining property will not be significantly impaired;**
After discussion, the commission unanimously agreed with the Manager's recommendation for criteria #2 since the development of the property will likely increase the value of neighboring properties.

3) **The size and scale of the use is such that existing public services and facilities are adequate to serve the proposed use;**
After discussion, the commission unanimously agreed with the Manager's recommendation for criteria #3 since the development has been previously approved by the planning commission and the applicant has agreed to follow borough standards. This development will not increase utility demands beyond capacity.

4) **The specific development scheme of the use is consistent and in harmony with the comprehensive plan and surrounding land uses;**
After discussion, the commission unanimously agreed with the Manager's recommendation for criteria #4 since this development will help ease the housing shortage in the community, which is consistent with the comprehensive plan.

5) **The granting of the conditional use will not be harmful to the public safety, health or welfare;**
After discussion, the commission unanimously agreed with the Manager's recommendation for criteria #5 since new housing will improve the public health and welfare.

6) **The use will not significantly cause erosion, ground or surface water contamination or significant adverse alteration of fish habitat on any parcel adjacent to state – identified anadromous streams;**
After discussion, the commission unanimously agreed with the Manager's recommendation for criteria #6 since there are no streams around the development site and there is no significant dirt work needed.

7) **The use will comply with all required conditions and specifications if located where proposed and developed, and operated according to the plan as submitted and approved.**
After discussion, the commission unanimously agreed with the Manager's recommendation for criteria #7 since the applicant is adhering to the plan submitted and has agreed to follow code.

8) **Comments received from property owners impacted by the proposed development have been considered and given their due weight;**
After discussion, the commission unanimously agreed with the Manager's recommendation for criteria #8 since there hasn't been any comments received from the public regarding this Conditional Use Permit, although **Taylor** asked a clarifying question.

Motion: **Lapham** moved to approve "conditional use permit 23-55 multiple single family residences with all the manager's conditions" and the motion carried unanimously

11. UNFINISHED BUSINESS: None

12. NEW BUSINESS:

A. Zone Review - None

B. Haines borough Code Amendments - None

C. Project Updates - None

D. Other New Business

1. Platting Permit 23-51 Lot Line Adjustment – Highland's Estates Inc. – C-HLR-00-0200 & C-COV-00-0100 – Waterfront Zone

Motion: **Lapham** moved to "approve platting permit 23-51 platting permit"

Primary amendment: **Lapham** moved to "add approve application with the manager's conditions"

And the motion, as amended, to "approve platting permit 23-51 with the manager's conditions" carried unanimously.

2. Variance Permit 22-37 Vertical Alignment – Highland's Estates Inc. – C-USS-A2-2716 – Multiple Residential Zone.

HBC 12.08.110(A) Unless granted by a variance by the planning commission, roads shall be constructed in a manner such that grades shall not exceed 10 percent and crossroads within 20 feet of a through-road intersection shall not exceed four percent grade.

Motion: **Eckhoff** moved to "suspend Robert's rules so the commission could have a more free flowing conversation with the applicant" and the motion carried unanimously.

Motion: **Turner** moved to "deny variance permit 22-37" and the motion FAILED 4-3 with **Turner, Clement, and Mitman** in support.

Motion: **Lapham** moved to "approved variance permit 22-38 with the grade of 12 percent and room for a landing on Martin Ave"

Primary Amendment: **Turner** moved to specify that "the landing size will be coherent with Borough code 12.08.110 with four percent grade within 20 feet of the intersection" and the amendment carried unanimously.

The main motion, as amended, to "accept variance permit 22-38 with the grade of 12 percent and specifying a landing size coherent with Borough Code Section 12.08.110 with four percent grade within 20 feet of the intersection on Martin Avenue" carried 6-1 with **Clement** opposed.

13. PUBLIC COMMENTS:

R. Schnabel – thanked the planning commission

14. ANNOUNCEMENTS / COMMISSION COMMENTS:

CLEMENT – variances shouldn't be used for a pro design

15. CORRESPONDENCE: None

16. SET MEETING DATE: 9/14/23 at 6:30 in the Assembly Chambers and on Zoom

17. ADJOURNMENT: 8:45 p.m.

_____
Zackery Ferrin, Chair

ATTEST:

_____
Kiersten Long, Deputy Borough Clerk

HANIES BOROUGH
ASSEMENT & PLANNING DEPARTMENT
PLANNING & ZONING STAFF REPORT

10/12/2023 PLANNING COMMISSION MEETING

STATUS	PERMIT #	TYPES			ZONE	OWNER/APPLICANT	PROPERTY TAX ID	PRIMARY LAND USE
PENDING	22-91	PAV			SR	Jacob Tideman Makayla Co	C-MEA-02-3700 -3800	
HOLD	22-93	LUP			MR	Haines Development	C-USS-A2-2716	
2023								
PENDING	23-11	PAS			W	Haines Borough	Harbor Park no tax ID	
PENDING	23-19	CUP			SR	David Ricke	C-MEA-02-3500	Accessory Apartment
APPROVED	23-24	PAS			SR	Jacqueline Funkhouser	C-HEM-23-0100	Single Unit Dwelling
APPROVED	23-31	CUP			RMU	Robert Hufford	C-DTA-02-13N0	Multi-Unit Dwelling
HOLD	23-34	SIGN			I/L/C	Jordan Badger	C-785-00-05A0	
PENDING	23-44	W/S			RMU	Paul Peters	C-STR-02-1230	Single Unit Dwelling
COMPLETE	23-50	SIGN			C	Haines Christian Center	n/a	Church
APPROVED	23-51	PAA			W	Stickler, Schnabel	C-HLR-00-0200_C-COV-00-0100	Vacant
HOLD	23-52	LUP			I/W	Lapeyri-Smith	C-LTR-05-1400	Industrial, Heavy
APPROVED	23-53	LUP			C	Delta Western / Peterson	C-MIS-0A-0100	Commercial, Light – Less than 500 sf
APPROVED	23-54	ROWD	SD		SR	Anderson	C-NUK-00-0900	Single Unit Dwelling
APPROVED	23-55	CUP			MR	Highlands Estates Inc.	C-USS-A2-2716	Multiple Single-Family Residences
APPROVED	23-56	SD			I/H	Thompson	2-MUL-00-0B20	Vacant
APPROVED	23-57	LUP			SR	Demicco, McDonald	C-MEA-01-0800	Single Unit Dwelling
APPROVED	23-58	ROWU			RMU	Swaner	C-TBS-00-3300	Single Unit Dwelling
APPROVED	23-59	CUP			SR	Hannon	C-PTC-0S-1100	Vacation Rental
APPROVED	23-60	LUP			C	Thorgesen	C-TNS-01-0900	Commercial, Light – Less than 500 sf
APPROVED	23-61	LUP			C	Olerud	C-TNS-04-0700	Accessory Uses
APPROVED	23-62	LUP			SR	Kreitzer	C-YNG-05-0900	Accessory Uses
APPROVED	23-63	ROWD			RR	Hirsh	C-CIA-AB-0100	Vacant
APPROVED	23-64	PAS			RR	Faverty	4-MBR-07-0300	Single Unit Dwelling
APPROVED	23-65	PAS			RR	Boyd	C-MCK-00-01A0	Vacant
APPROVED	23-66	TEMP_RE			W	Ordonez	C-PTC-0L-0900	Single Unit Dwelling
APPROVED	23-67	LUP			RMU	Olreud	C-HHY-02-0605	Single Unit Dwelling
APPROVED	23-68	VAR			MR	Highlands Estates Inc.	C-USS-A2-2716	Multiple Single-Family Residences
APPROVED	23-69	W/S			I/L/C	Peters	C-ALL-01-0800, C-ALL-01-1000	Single Unit Dwelling
APPROVED	23-70	LUP			SR	Swinton	C-SKY-0A-0600	Accessory Uses
APPROVED	23-71	LUP	EO		I/W	Southeast Roadbuilders	C-LTR-04-1000; C-LTR-04-0800; C-LTR-04-2940; C-LTR-04-0900	Industrial, Heavy
APPROVED	23-72	LUP			C	Campbell	C-MIS-0A-0510	Commercial, Light – Less than 500 sf
APPROVED	23-73	ROWU			C	Miller	C-MIS-0A-0510	Single Unit Dwelling

PERMIT CODE	PERMITS TYPES
PAV	Platting, Vacation
PAA	Platting, Adjustment
PAS	Platting, Short Plat
PUD	Platting, PUD
PAL	Platting, Long Plat
SD	Site Development
CD	Construction Declaration
LUP	Land Use
CUP	Conditional Use
ROWS	ROW, Street/Sidewalk Use/Ob
ROWU	ROW, Utility/Excavation
ROWD	ROW, Driveway
TEMP_RES	Temporary Residence
SIGN	Sign
W/S	Water/Sewer Service
VAR	Variance
EO	Enforcement Order

ZONE CODE	ZONE
I/H	Heavy Industrial
I/L/C	Light Industrial/Commercial
I/W	Waterfront Industrial
C	Commercial
W	Waterfront
SSA	Significant Structures Area
SR	Single Residential
MR	Multiple Residential
RR	Rural Residential
MBRR	Mud Bay Rural Residential
RMU	Rural Mixed Use
REC	Recreational
LPD	Lutak Planning Dist.
GU	General Use

PENDING	23-74	LUP			SR	Russel Ransom	C-MEA-01-0400	Single Unit Dwelling
COMPLETE	23-75				SR	Haines Real Estate	C-HGL-03-0400	Single Unit Dwelling
HOLD	23-76	SIGN			C	Lechtworth	C-TNS-03-02W0	Commercial, Light – Less than 500 sf
APPROVED	23-77	LUP			RR	Hirsh	C-CIA-AB-0100	Accessory Uses
APPROVED	23-78	W/S			SR	Cha	C-690-05-0300	Single Unit Dwelling
APPROVED	23-79	LUP			SR	Miller	C-690-08-0E20	Single Unit Dwelling
APPROVED	23-80	LUP			RMU	Pollan	C-STR-02-4500	Accessory Uses
HOLD	23-81	W/S			W	Forester	C-PTC-0L-03A0	Single Unit Dwelling
HOLD	23-82	LAND			RMU	Hyatt	C-SEC-11-0200	Vacant
APPROVED	23-83	W/S			W	Jensen	C-HAY-00-0300	Single Unit Dwelling
APPROVED	23-84	ROWD	LUP	W/S	SR	Jamison	C-SKY-0B-1100	Single Unit Dwelling
APPROVED	23-85	LUP			SR	Kistler, Guinn	C-PTC-0R-1000	Accessory Uses
PENDING	23-86	W/S			SR	Jacqueline Funkhouser	C-HEM-23-0100	Single Unit Dwelling
PENDING	23-87	CUP			I/W	Southeast Roadbuilders	Site A: C-LTR-04-0090/0700/0010, Site B: C-LTR-04-1000/2940/0900/0800	Resource Extraction/ Proc.
PENDING	23-88	CUP			I/H	Hedden	C-WES-0A-0200	Industrial, Light
PENDING	23-89	ROWD	LUP		MBRR	Mummey, Powell	4-CVS-00-00C0	Single Unit Dwelling
PENDING	23-90	PAS				Ordonez	C-PTC-0L-0900	Single Unit Dwelling
ACCEPTED	23-91	W/S			W	Highland's Estates Inc.	C-TNS-21-1600	Combination R/I/C
PENDING	23-92	LUP				Thomas	C-HGL-07-0200	Single Unit Dwelling
COMPLETE	23-93	EO				Johnson		Animal Husbandry
PENDING	23-94	LUP			I/W	Verizon Wireless	C-LTR-04-2700	Communication Equipment/ Commercial

10A

Haines Borough

Planning and Zoning
103 Third Ave. S., Haines, Alaska, 99827. Box 1209
(907) 766-6401 * Fax: (907) 766-2716

APPLICATION FOR CONDITIONAL USE PERMIT

Permit#: 23-88
Date: 8/30/23

Use this form for approval by the Planning Commission. **$150 non-refundable application fee**

I. Property Owner/Agent	Owner's Contractor(If Any)
Name: Andy Hedden	Name: Chilkat Custom Contractors
	Haines Borough Business License #:
Mailing Address: PO Box 1455 Haines AK 99827	Alaska Business License #:
	Contractor's License #:
Contact Phone: 907 314 0340	Mailing Address:
	Contact Phone:
Fax:	
	Fax:
E-mail: Andy@hainesrafting.com	E-mail:

II. Property Information

Size of Property: 1.31 acre

Property Tax #: C-WES-0A-0200

Street Address: LOT 2, SUB OF TRACT A, WESTERN SUB. PLAT 98-19

Legal Description: Lot (s) 2 Block_____ Subdivision Western

OR

Parcel/Tract_____ Section_____ Township_____ Range_____

[Attach additional page if necessary.]

Zoning: ☐Waterfront ☐Single Residential ☐Rural Residential ☐Significant Structures Area ☐Rural Mixed Use ☐Multiple Residential ☒Heavy Industrial ☐Waterfront Industrial ☐Commercial ☐Industrial Light Commercial ☐Recreational ☐Mud Bay Zoning District ☐Lutak Zoning District ☐General Use

III. Description of Work

Type of Application (Check all that apply)	**Project Description** (Check all that apply)	**Water Supply** Existing or Proposed	**Sewage Disposal** Existing or Proposed
☐Residential ☑Commercial 1500 ~~2600~~ sq. ft. _____seating capacity if eating/drinking establishment ☐Industrial ☐Church ☐Other _____	☐Single Family Dwelling ☐Change of Use ☐Multi-Family Dwelling Total # of Units 2 ☐Cabin ☐Addition ☑Accessory Structure ☐Other _____	☐None ☐Community well ☐Private well ☑Borough Water System ☐Other _____	☐None ☐Septic Tank ☐Holding Tank ☑Borough Sewer System ☐Pit Privy ☐Other _____

Per HBC 13.08.100 and 18.60.010, If a property on which a use is proposed is within 200 feet of an existing, adequate public water and/or sewer system, the developer shall be required to connect to the public systems. Failure to connect will result in a minor offense subject to penalties.
Valuation of Work: $75,000
Current use of adjacent properties: Clubhouse, Storage Shed, Warehouse
Attach the following documents to the permit application: ☑Site plan (see Attachment A) showing lot lines, bearings and distances, buildings, setbacks, streets, etc.

PREAPPLICATION *(Required)* Pre-application Conference Date: 8/30/23

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.

APPLICATION

Please provide a written narrative explaining how your project will meet the following requirements. You may use the space provided on this form or attach your answers. A variance may only be granted if the Planning Commission finds that these six standards are met.

1. The use is so located on the site as to avoid undue noise and other nuisances and dangers.

Describe what safeguards are being provided (i.e. setbacks or buffers) to meet the condition. Undue noise and lot line setbacks are not an applicable condition in the Heavy Industrial zone.

2. Explain how the development of the use is such that the value of the adjoining property will not be significantly impaired.

The development of the use is consistent with the uses of the adjoining properties.

3. Explain how the size and scale of the use is such that existing public services and facilities are adequate to serve the proposed use.

The size and scale of the use (restroom and utility sink) is such that standard city water and sewer hook ups will be adequate.

4. Describe how or why the specific development scheme of the use is consistent and in harmony with the comprehensive plan and surrounding land uses.

The surrounding land uses include a private clubhouse, a storage area, and a construction warehouse (all under 5000 sq ft). Building additional storage buildings is in harmony with the Haines Comprehensive Plan (Economic Development section) and with the surrounding uses.

5. Explain how the granting of the conditional use will not be harmful to the public safety, health or welfare.

Granting a conditional use permit to build storage buildings that are less than 5000 sq. ft. in size, on a heavy industrial zoned lot, will have no harmful effects on public safety and welfare.

6. Describe the safeguards that will be provided so that the use will not significantly cause erosion, ground or surface water contamination or significant adverse alteration of fish habitat on any parcel adjacent to state-identified anadromous streams.

There are no state-identified and adromous streams adjacent to the proposed buildings. The structures will be constructed on fill material over ground cloth so that no erosion will occur. Additionally, the buildings will be 30 feet from the road ditch so ground or surface water will be affected.

NOTICE

Per HBC 18.50.040, Comments received from property owners impacted by the proposed development will be considered and given their due weight. Additionally, the Planning Commission may impose one or more of the following conditions:

1. Development Schedule. The conditions may place a reasonable time limit on construction activity associated with the development, or any portion thereof, to minimize construction-related disruption to traffic and neighbors, to ensure that lots are not sold prior to substantial completion of required public improvements, or to implement other requirements.
2. Use. The conditions may restrict the use of the development to specific uses indicated in the approval.
3. Owner's Association. The conditions may require that if a developer, homeowner or merchant association is necessary or desirable to hold or maintain common property, that it be created prior to occupancy.
4. Dedications. The conditions may require conveyances of title, licenses, easements or other property interests to the public, to public utilities, or to the homeowners association. The conditions may require construction of public utilities or improvements to public standards and then dedication of public facilities to serve the development and the public.
5. Construction Guarantees. The conditions may require the posting of a bond or other surety or collateral (which may provide for partial releases) to ensure satisfactory completion of all improvements required by the commission.
6. Commitment Letter. The conditions may require a letter from a utility company or public agency legally committing it to serve the development if such service is required by the commission.
7. Covenants. The conditions may require the recording of covenants or other instruments satisfactory to the borough as necessary to ensure permit compliance by future owners or occupants.
8. Design. The conditions may require the adoption of design standards specific to the use and site.

IV. CERTIFICATION

I hereby certify that I am the owner or duly authorized owner's agent, that I have read this application and that all information is correct. I further certify that I have read, understand and will comply with all of the provisions and permit requirements outlined hereon. I also certify that the site plan submitted is a complete and accurate plan showing any and all existing and proposed structures on the subject property and that the use will comply with all required conditions and specifications, will be located where proposed and when developed, will be operated according to the plan as submitted. All contract work on this project will be done by a contractor holding valid licenses issued by the State of Alaska and the Haines Borough. **I am aware that if I begin construction prior to receiving permit approval, I will be assessed a $250.00 "After-the-Fact" fee.**

Owner or Agent

August 28, 2023
Date

PROVISIONS: The applicant is advised that issuance of this permit will not relieve responsibility of the owner or owner's agents to comply with the provisions of all laws and ordinances, including federal, state and local jurisdictions, which regulate construction and performance of construction, or with any private deed restrictions.

Office Use Only Below This Line

Non-Refundable Application Fee $_____ Payment Method: Receipt #: _____ Received By: _____ Date: _____	Information/Documentation Req'd Rec'd ☐ ☐State Fire Marshal ☐ ☐State DEC ☐ ☐Variance/Conditional Use Permit ☐ ☐Sign Permit

Zoning	Bldg. Height	Lot Coverage %	Const. Type	Occupancy	# Stories

If Application is Complete: ☐Yes ☐No

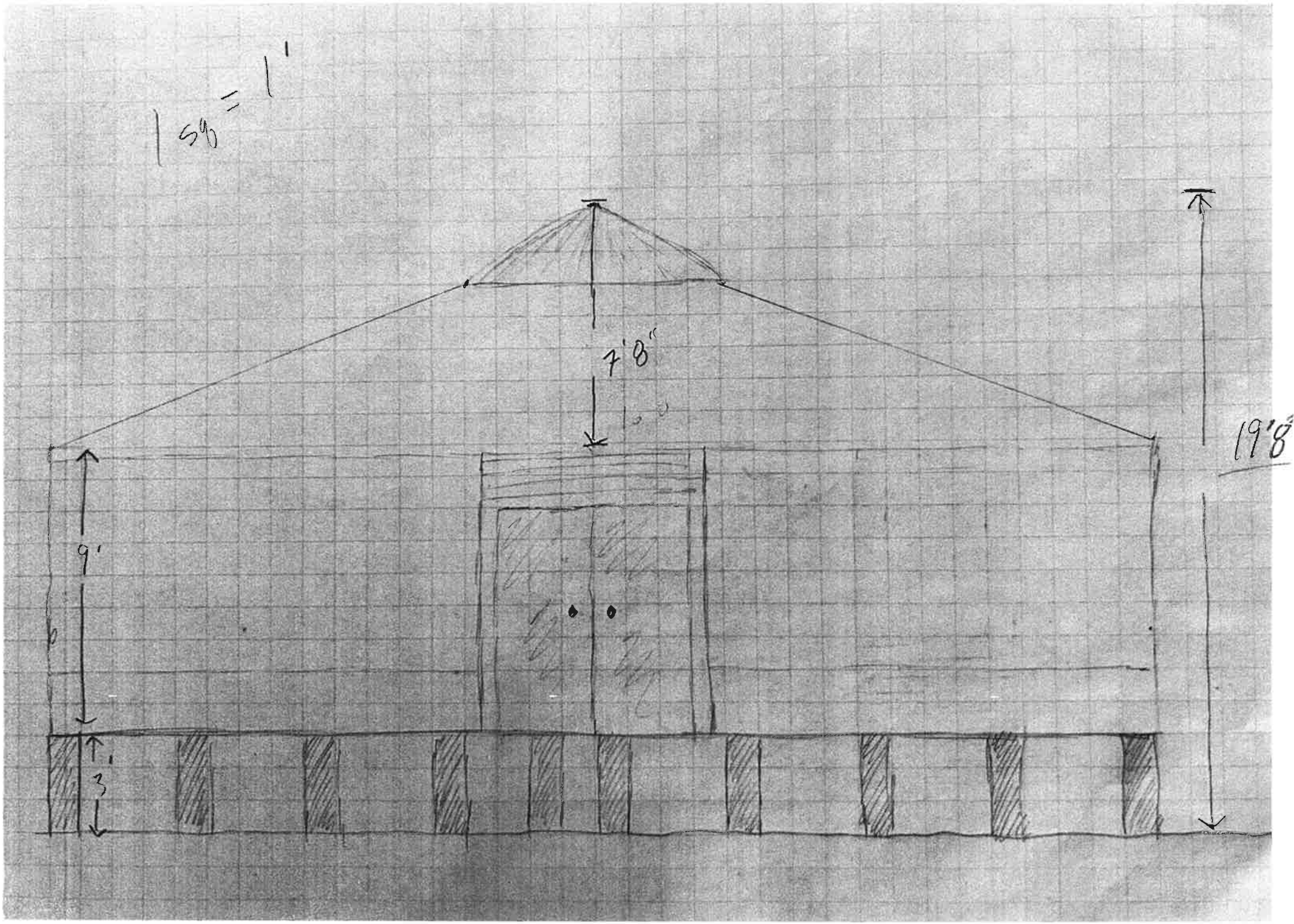
Notified Via: _____ Notified By: _____

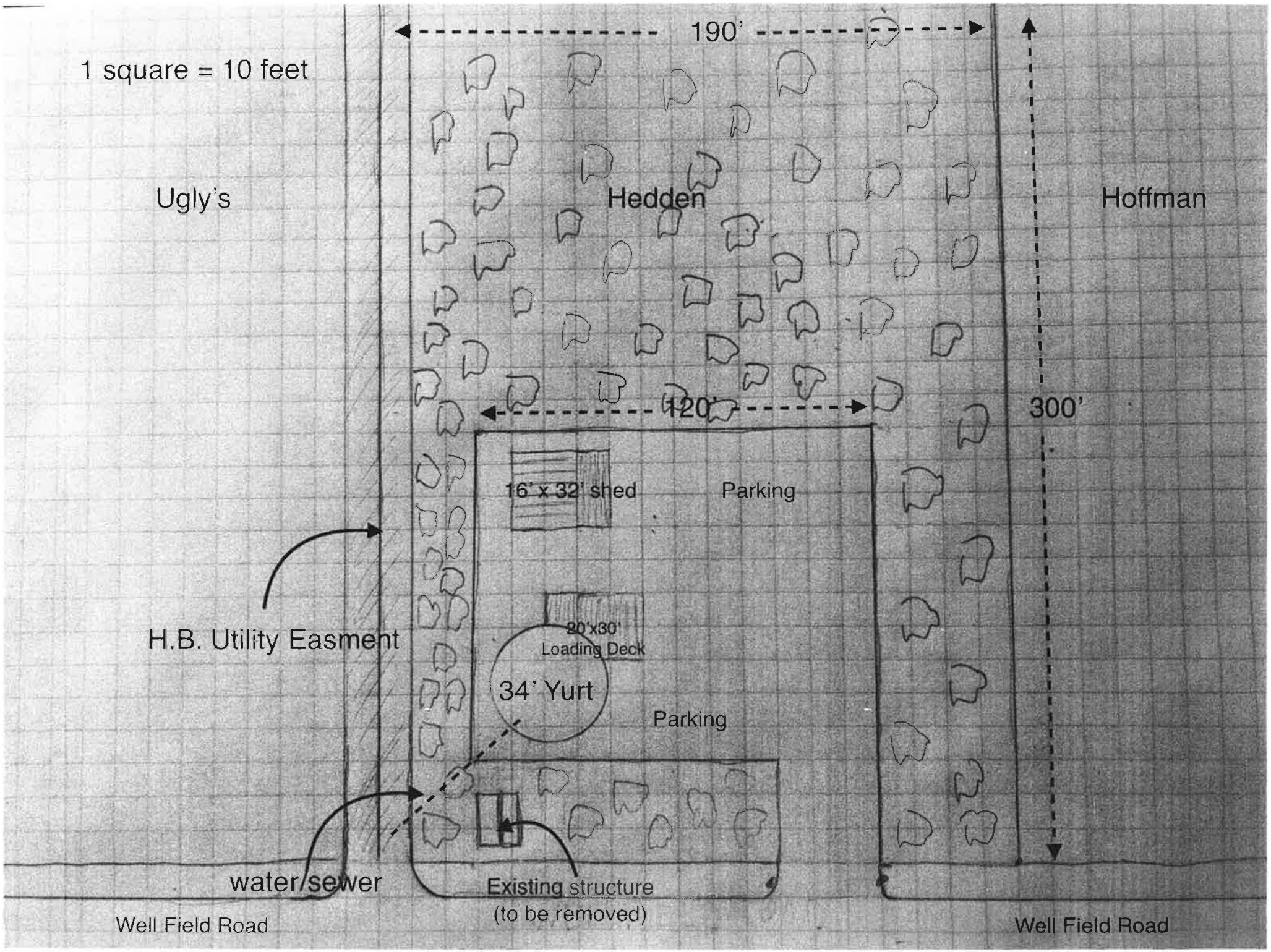
Date: _____

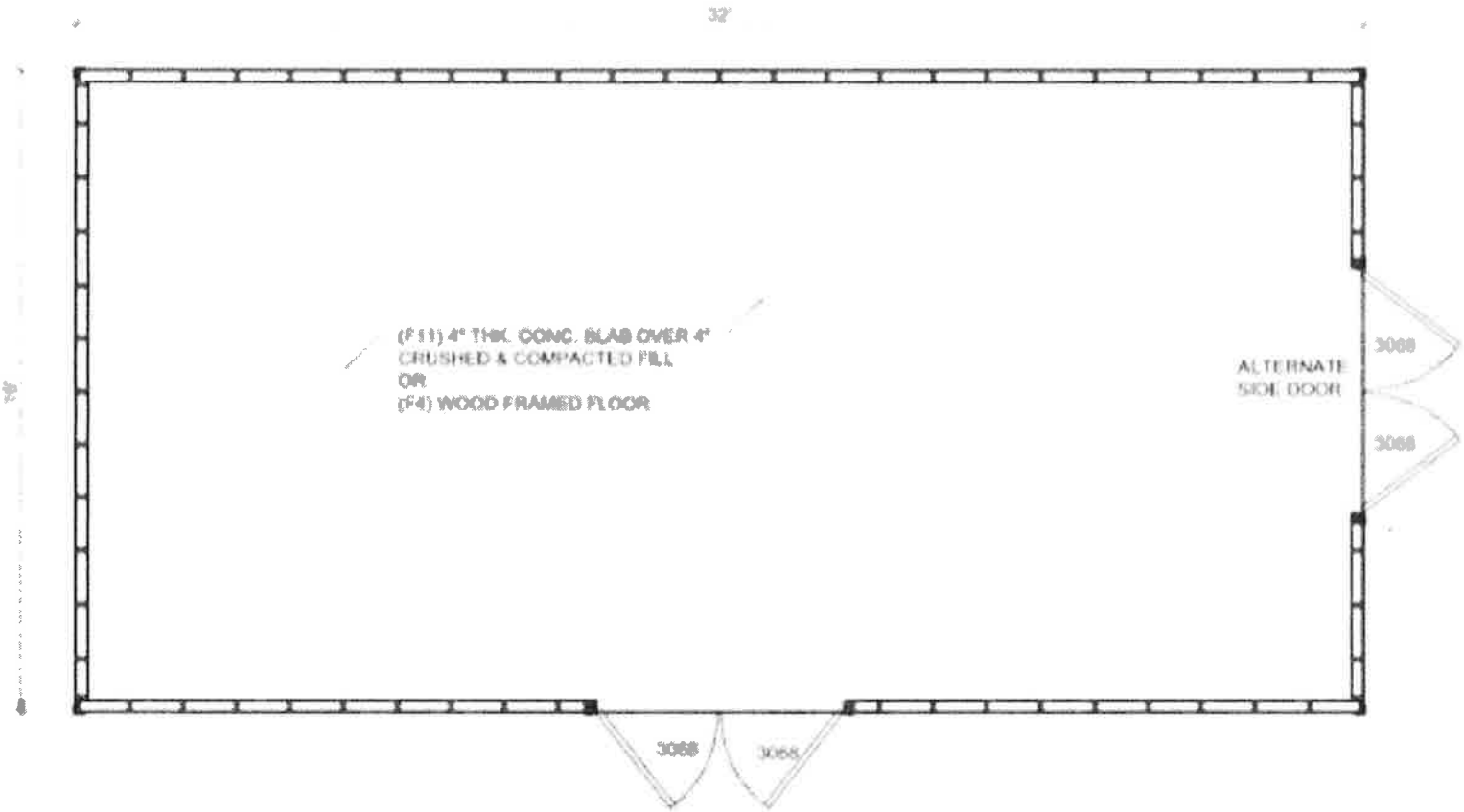
If yes,	If no,
Approved By: _____ Planning Commission Chairman	Denied By: _____ Planning Commission Chairman
Permit ID #: _____	Date: _____
Permit Effective Date: _____	Reason: _____

Approval Special Requirements: This application meets all applicable Borough policies and a permit is issued, conditional on the **substantial completion of construction within two** years and the following special requirements:

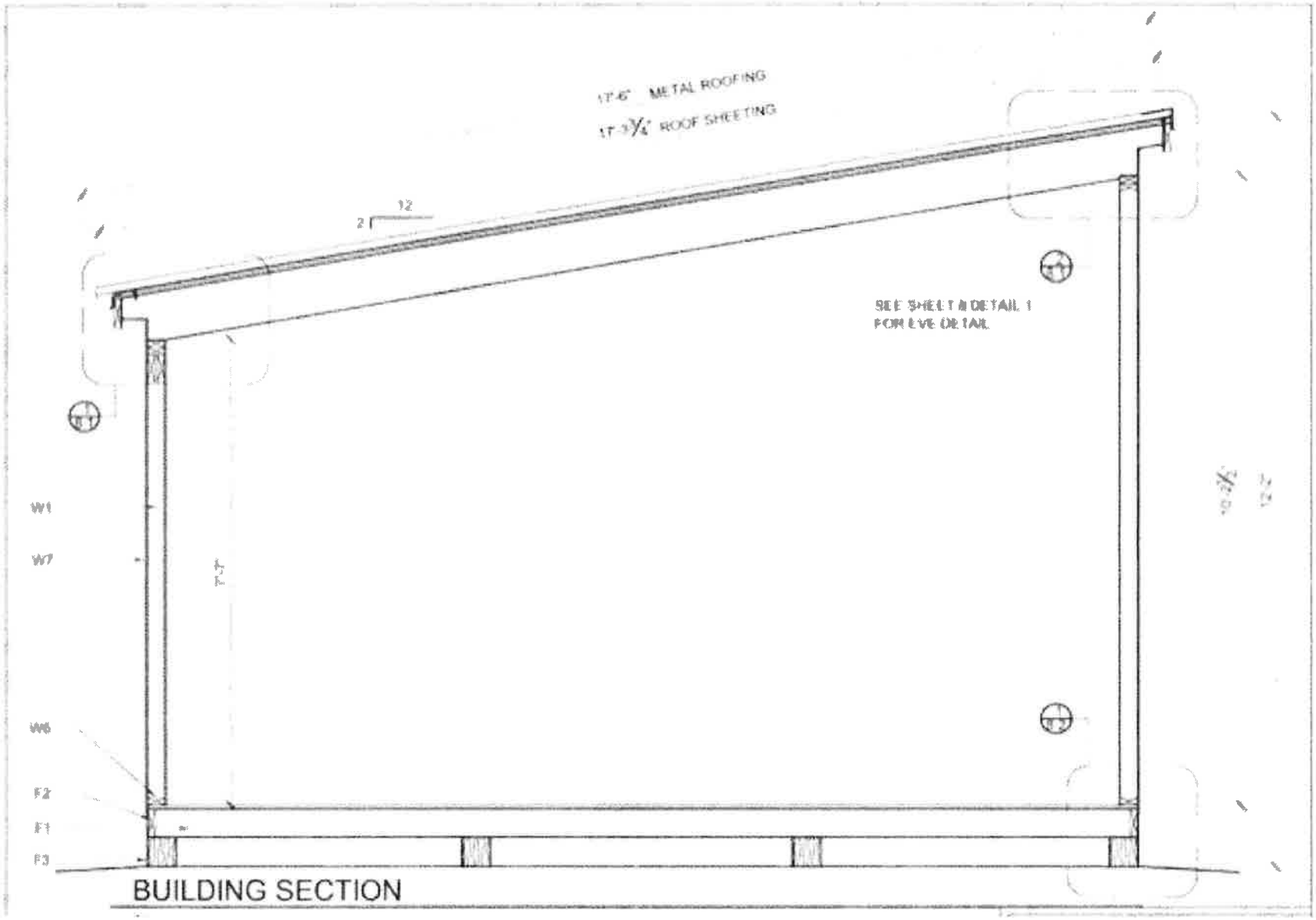
Notice of Right to Appeal: All decisions of the Borough Officials are appealable per HBC 18.30.050


1 sq = 1'
7'8"
19'8"
9'
3'


1 square = 10 feet
190'
Ugly's
Hedden
Hoffman
120'
300'
16' x 32' shed
Parking
H.B. Utility Easment
20'x30'
Loading Deck
34' Yurt
Parking
water/sewer
Existing structure
(to be removed)
Well Field Road
Well Field Road



16X32 LEAN TO SHED FLOOR PLAN



BUILDING SECTION

LEGEND

(1) PRIMARY MONUMENT RECOVERED THIS SURVEY AS NOTED

• SECONDARY MONUMENT SET THIS SURVEY BY J.W. BEAN

TYPICAL SECONDARY MON
1" YELLOW PLASTIC CAP
5/8" REBAR, 36" LONG

NOTES:

1. ALL PLAT BEARINGS SHOWN ARE TRUE BEARINGS AS ORIENTED TO THE BASIS OF BEARINGS.
2. ALL DISTANCES SHOWN ARE REDUCED TO HORIZONTAL
3. RECORDED BEARINGS AND DISTANCES ARE SHOWN ENCLOSED IN PARENTHESIS. MEASURED OR CALCULATED BEARINGS AND/OR DISTANCES ARE SHOWN WITHOUT PARENTHESIS.

CERTIFICATION OF BOROUGH ASSESSOR

I HEREBY CERTIFY THAT THE APPLICANT(S) IS (ARE) NOT DELINQUENT ON PROPERTY TAXES FOR THE PROPERTY SPECIFIED ON THE SUBDIVISION PLAT SHOWN HEREON.

Dated 8-18, 1998.

Haines Borough Assessor

CERTIFICATION OF OWNERSHIP:

I (WE) HEREBY CERTIFY THAT I AM (WE ARE) THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY ADOPT THIS PLAT OF SUBDIVISION WITH MY (OUR) FREE CONSENT, AND DEDICATE ALL EASEMENTS, ROADS, TRAILS, PARKS AND OTHER OPEN SPACES TO PUBLIC AND PRIVATE USE AS NOTED:

Date August 17, 19 98

Witness Owner

Witness Owner

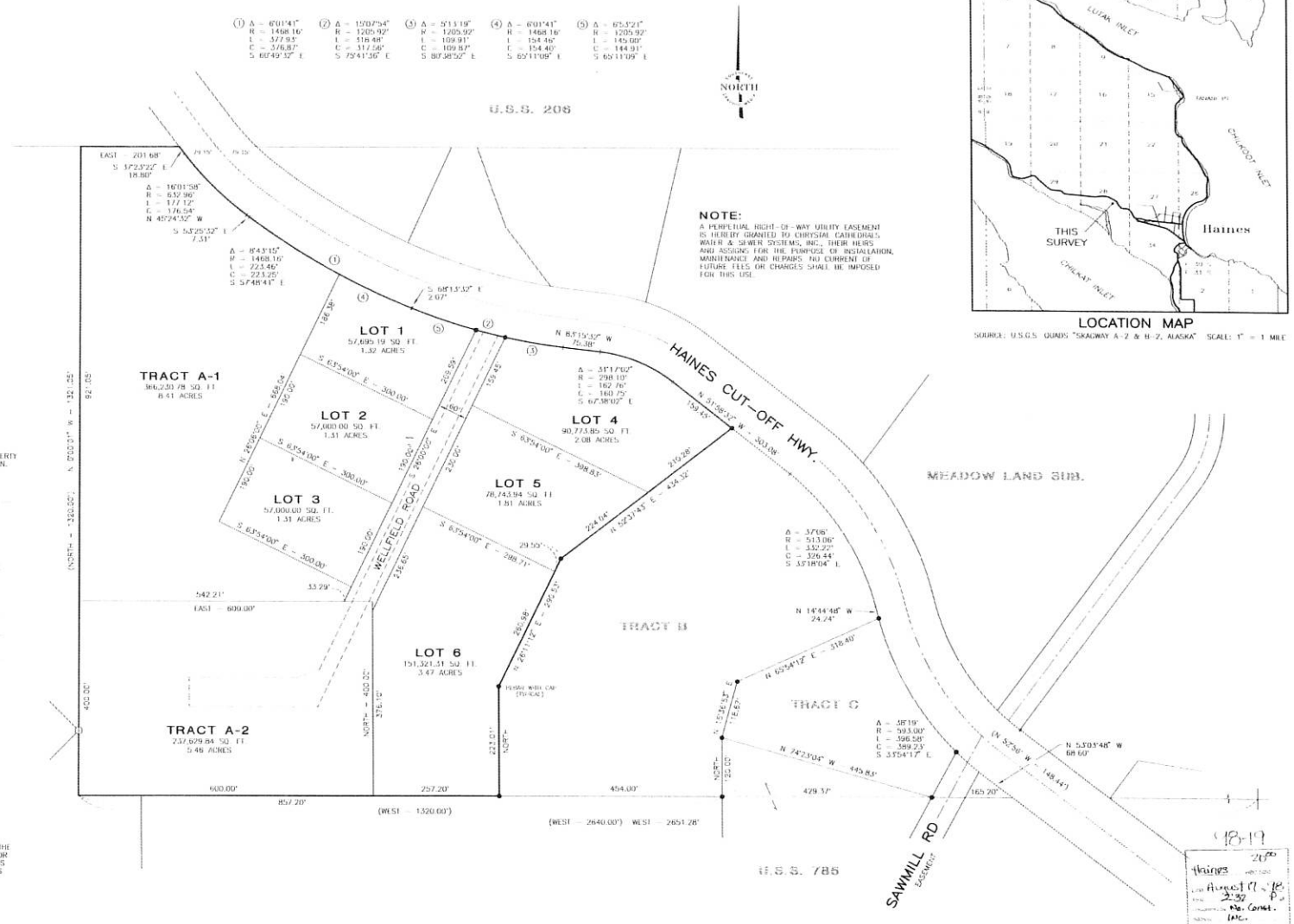
Signature and seal of Notary
MY COMMISSION EXPIRES: 1-2000

CERTIFICATION OF REGISTERED LAND SURVEYOR

I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, LICENSED IN THE STATE OF ALASKA, AND THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT ALL DIMENSIONAL AND RELATIVE BEARINGS ARE CORRECT AND THE MONUMENTS ARE SET IN PLACE AND NOTED UPON THIS PLAT AS PRESENTED.

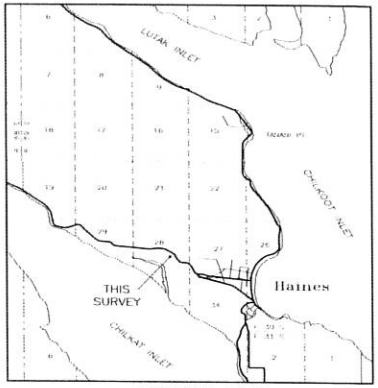
Date 8-18-98

J.W. BEAN 3650 S



NOTE:

A PERPETUAL RIGHT-OF-WAY UTILITY EASEMENT IS HEREBY GRANTED TO CHRYSTAL CATHEDRALS, WATER & SEWER SYSTEMS, INC., THEIR HEIRS AND ASSIGNS FOR THE PURPOSE OF INSTALLATION, MAINTENANCE AND REPAIRS. NO CURRENT OR FUTURE FEES OR CHARGES SHALL BE IMPOSED FOR THIS USE.



LOCATION MAP

SOURCE: U.S.G.S. QUADS "SKAGWAY A-2 & B-2, ALASKA" SCALE: 1" = 1 MILE

(18-19)

20th
Haines
August 17, 98
2:30 P.
Mc Const. Inc.

STATE OF ALASKA 49TH J.W. BEAN No. 3650 S PROFESSIONAL SURVEYOR

LAYOUT DRAWN: 8-10-1998	DRAWN BY: SCT - SOUTHEAST DRAFTING MEDIA
DRAFTING: 8-14-1998	CHECKED BY: J.W.B.
CHECKED: 8-14-1998	DATE: JUNE 1995
REVISED: 7-14-1995	FIELD BOOK: NN
UPDATED: 7-8-1995	SCALE: 1" = 100'
	JOB No. 10501.2
	SHEET: HAINES

J.W. BEAN
PROFESSIONAL SURVEYOR
1629 ARTIC CIRCLE
JUNEAU, ALASKA
(907) 789-6091
SURVEYOR - PLANNER

A PLAT OF WESTERN SUBDIVISION No. 2 A SUBDIVISION OF TRACT A WITHIN U.S.S. 205

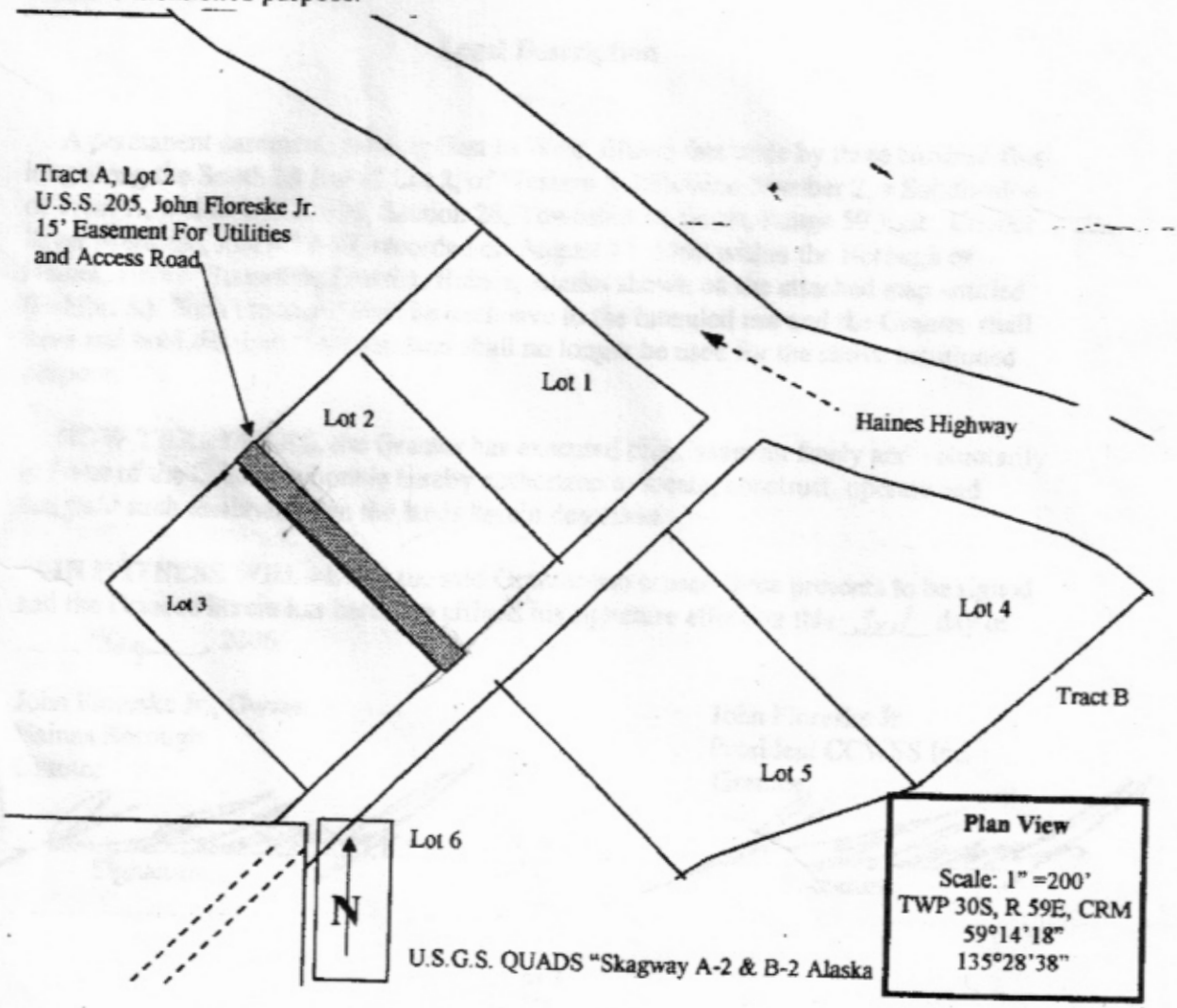
SECTION 28, T. 30 S., R. 59 E., C.R.M.
HAINES RECORDING DISTRICT, STATE OF ALASKA

SHEET 1 OF 1

EASEMENT MAP
Exhibit A

Legal Description

A permanent easement, running East to West, fifteen feet wide by three hundred feet long along the South lot line of Lot 2, of Western Subdivision Number 2, a Subdivision of Tract A, within U.S.S. 205, Section 28, Township 30 South, Range 59 East., Copper River Meridian, Plat # 98-19, recorded on 8/17/98 within the Borough of Haines, Haines Recording District, Haines, Alaska shown on the map below. Such easement shall be exclusive for construction and maintenance of an access road and underground utilities, and the Grantee shall have and hold the same until the land shall no longer be used for the above mentioned purpose.



Below is a checklist for submission requirements. You can update the missing information now, or any time prior to staff review. Feel free to reach out if you have any questions, my number is below.

SUBMISSION REQUIREMENTS - HBC 18.40.030

X = completed

SITE DESCRIPTION

X	Legible
X	Site description
X	Street address
X	Property Dimensions –PLAT 98-19 TO PERMIT FILE
X	Existing & proposed land uses
X	Zoning
X	Current use of adjacent properties
X	Proposed development
X	Time frame for development - less than 2 years
X	Information regarding phased development - Will reapply for larger structure at a later date when needed

SITE PLAN

X	Site plan, to scale
X	Elevation drawing, to scale – See attached
X	Streets, alleys, pedestrian improvements, driveways
X	Existing buildings and structures - See attached - there is an existing 12x16 structure that is to be removed
X	Proposed improvements
X	Shorelines, slopes, other Hazard Areas - HBC 18.60.010(T)
X	Parking areas
X	Utility connections - See attached
X	Landscaping - none
X	Signs (location, size and wording) - None

CERTIFICATIONS & CONTACT INFO.

X	Permit Fee
X	Applicant's statement regarding compliance with all general (HBC 18.60.010) and special (HBC 18.60.020)conditions
X	Property Owner's signature, mailing address, e-mail address phone number, and submittal date
X	Developers, engineers, surveyors or any other parties: names, mailing addresses, e-mail addresses and phone numbers.

HAINES BOROUGH, ALASKA
P.O. BOX 1209, HAINES, ALASKA 99827
Annette Kreitzer, Borough Manager
907.766.6404 akreitzer@haines.ak.us

MEMO

TO: Haines Borough Planning Commission

DATE: October 06, 2023

RE: Conditional Use Permit – Medium, Commercial| Heavy Industrial Zone |CUP 23-88| C-WES-0A-0200|Andy Hedden

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This memo serves as my recommendation per HBC 18.50.030 (D)3 for approval of this CUP to the Commission with the conditions listed below. A pre-application meeting was held on 8/30/2023.

This conditional use permit application is for medium commercial activity in the Heavy Industrial Zone.

The intent of this zone is:

> Provide for and protect productive heavy industry. Areas zoned as heavy industrial should be located so that adjacent nonindustrial areas are buffered from the external effects common to heavy industry including noise, dust, vibration, glare, pollution, heavy traffic and unsightly uses or activities. The area is served by, or intended to have, the necessary level of public utilities and an adequate transportation system as deemed appropriate for the planned use.

Commercial is defined as a:

> nonresidential use involving the storing, wholesaling, retailing or rental of any article, service or substance for cash, trade or any form of compensation, and supporting activities and buildings.

Medium Commercial is defined as a:

> Commercial use with between 501 square feet and 5,000 square feet of gross floor area.

A yurt is shown on the site plan, but is not being used as defined in code. A Yurt is defined as:

> A dwelling with a fabric covering over a frame of wood or other collapsible framework. This definition also includes teepees and tents.
>
> A dwelling is defined as:
>
> > A building used primarily for residential occupancy.

<u>BOROUGH RECCOMENDATION:</u>

Approve Conditional Use Permit 23-88, with the following conditions:

1) Submit State Fire Marshal's written approval that requirements of the Fire Marshal's office have been met before beginning construction; https://st-alaska-ak.smartgovcommunity.com/Public/Home

2) Buildings shall be placed on a permanent foundation. Dwellings are not permitted on-site.

3) Maintain 10-foot setback from public utility easement.

4) Maintain at least 15-feet between unattached buildings.

5) Building height cannot exceed 30 feet.

6) Provide for the control of runoff during and after construction. All roads and parking areas shall be designed to alleviate or avoid runoff into public streets or adjoining lots and to protect rivers, lakes and streams from pollution.

7) Provide for the control of runoff during and after construction. All roads and parking areas shall be designed to alleviate or avoid runoff into

public streets or adjoining lots and to protect rivers, lakes and streams from pollution. Developers may be required to provide for the conservation of natural features such as drainage basins and watersheds, and provide for land stability.

8) No significant negative impacts on the surrounding properties are allowed. Including excessive noise, fumes or odors, glare, smoke, light, vibration, dust, litter, or interference in any radio or television receivers off the premises, or cause significant line voltage fluctuation off the premises or be unsightly or become a nuisance as defined in HBC 8.12.020(I).

9) This permit does not relieve the owner or authorized representative to comply with the provisions of federal, state or local regulations applicable to the activity.

<u>BOROUGH REVIEW, per HBC 18.50.040(A)</u>

The following code sections must be met in order for a Conditional Use Permit to be approved by the Planning Commission:

1. The use is so located on the site as to avoid undue noise and other nuisances and dangers;

   BOROUGH RESPONSE:

   Noise, nuisances, and dangers associated with this commercial activity are consistent with local zoning.

2. The development of the use is such that the value of the adjoining property will not be significantly impaired;

   BOROUGH RESPONSE:

   Commercial activity is not expected to impact land values in this zone.

   No comments from neighboring properties were received.

3. The size and scale of the use is such that existing public services and facilities are adequate to serve the proposed use;

   BOROUGH RESPONSE:
   Existing utilities are sufficient for proposed activities.

   A commercial water and sewer service was recently installed.

4. The specific development scheme of the use is consistent and in harmony with the comprehensive plan and surrounding land uses;

   BOROUGH RESPONSE:

   Comprehensive Plan Section 5.8.5 identifies Tourism as a fast growing and important part of the Haines economy. Proposed commercial use will benefit the commercial tourism industry and continue to bring visitors and economic benefits to the tour, leisure, and food service business listed.

5. The granting of the conditional use will not be harmful to the public safety, health or welfare;

   BOROUGH RESPONSE:

   The only anticipated impacts to the public are the potential for water runoff from commercial activities.

   See response below.

6. The use will not significantly cause erosion, ground or surface water contamination or significant adverse alteration of fish habitat on any parcel adjacent to state-identified anadromous streams;

   BOROUGH RESPONSE:

   Applicant will be responsible for maintaining site drainage as a permit condition to avoid any off-site impacts.

7. The use will comply with all required conditions and specifications if located where proposed and developed, and operated according to the plan as submitted and approved;

   BOROUGH RESPONSE:
   Submitted site plans, together with applicable codes and relevant permit conditions are sufficient to ensure compliance with all local, state, and federal regulations, and the comprehensive plan.

8. Comments received from property owners impacted by the proposed development have been considered and given their due weight.

   BOROUGH RESPONSE:
   No public comment received to-date.

Conditional Use Permits may be granted if all the following general approval criteria and applicable specific approval criteria of HBC 18.60.020 are complied with.

GENERAL APPROVAL CRITERIA REVIEW, per HBC 18.60.010

A. Plans. The proposal is substantially consistent with the borough comprehensive plan and other applicable borough-adopted plans.

BOROUGH RESPONSE:

See #4 above.

B. Reviewing Parties. Due deference has been given to the comments and recommendations of reviewing parties.

BOROUGH RESPONSE:
Notifications were sent to all residents within 500' of the parcel. No comments have been received.

C. Fire Safety and Emergency Access. The proposal shall not pose a fire danger as determined by the State Fire Marshal or the borough fire chief. Adequate access for emergency and police vehicles must be provided.

BOROUGH RESPONSE:
Site plan indicates conformance with density and dimensional requirements for emergency access.

The applicant must submit State Fire Marshal approval before construction.

D. Access. All lots on which development is planned are required to have legal road access before an application for a development may be considered and physical road access must be completed to borough standards before any work on the development is started.

BOROUGH RESPONSE:
Applicant established legal driveway access with previously approved Right-of-Way Permit 23-40.

E. Traffic. The proposed use shall not overload the existing street system with traffic or result in unsafe streets or dangers to pedestrians.

BOROUGH RESPONSE:
Proposed activities are not expected to overload Borough streets or result in unsafe situations.

F. Public Maintenance. The proposed use shall not significantly increase the impact on the surrounding area from glaciation or drifting snow and shall not create significantly increased difficulty for snow removal or street maintenance.

BOROUGH RESPONSE:
Proposed activities are not expected to increase public maintenance.

G. Foundation. All buildings intended for residential or commercial use shall be placed on a permanent foundation. This section does not apply to accessory buildings such as tool sheds, wood sheds, etc., of 120 square feet or less in area, or temporary uses.

BOROUGH RESPONSE:
Included as permit condition

H. Parking. Parking, loading areas and snow storage sites for the proposed development shall be adequate, safe and properly designed. The developer may be required to install acceptable lighting at pedestrian or vehicular access points.

BOROUGH RESPONSE:
Available parking meets code requirement of:
1 per 500 sq. ft. GFA

I. Utilities. The proposed use shall be adequately served by public water, sewer, on-site water or sewer systems, electricity, and other utilities prior to being occupied.

All regulations of the State Department of Environmental Conservation pertaining to water extraction and wastewater disposal, as well as the requirements of HBC 13.04.080(G) pertaining to on-site wastewater disposal,

shall apply. If exempted from the requirement to connect to public utilities, a developer must provide plans drawn by an engineer licensed in the state of Alaska or a state certified septic system installer prior to permit approval. Upon installation and before closure, the wastewater disposal system must be inspected and approved by an engineer licensed in the state of Alaska or a state certified septic system installer.

When public sanitary sewer and/or water service becomes available, the developer will be required to connect to the public utility within six months.

> **BOROUGH RESPONSE:**
> **The site is adequately served by public utilities for proposed land use activities.**

J. Drainage. The applicant for a proposed use shall provide for the control of runoff during and after construction. All roads and parking areas shall be designed to alleviate or avoid runoff into public streets or adjoining lots and to protect rivers, lakes and streams from pollution. Developers may be required to provide for the conservation of natural features such as drainage basins and watersheds, and provide for land stability.

> **BOROUGH RESPONSE:**
> **Include as permit condition. There are no anticipated drainage issues.**

K. Walkways, Sidewalks and Bike Paths. Easements for pedestrian access or bicycle paths may be required where shown by the borough to be necessary to provide reasonable circulation or access to streams, lakes, tidewater, schools, playgrounds, transportation facilities or other public facilities.

> **BOROUGH RESPONSE:**
> **Does not apply.**

L. Construction Guarantees. The borough may require the posting of a bond or other surety approved by the assembly to ensure that all required and necessary improvements are constructed as approved. The surety may provide for partial releases upon acceptance of the improvement by the borough.

> **BOROUGH RESPONSE:**
> **Does not apply.**

M. Peak Use. The proposed use shall not result in significantly different peak use characteristics than surrounding uses or other uses allowed in the zone.

BOROUGH RESPONSE:
This permit is consistent with local zoning and adjacent land use activities. No impacts to peak use characteristics are expected.

N. Off-Site Impacts. The proposed use shall not have significant negative impacts on the surrounding properties, including excessive noise, fumes or odors, glare, smoke, light, vibration, dust, litter, or interference in any radio or television receivers off the premises, or cause significant line voltage fluctuation off the premises or be unsightly or become a nuisance as defined in HBC 8.12.020(I).

BOROUGH RESPONSE:
Include as permit condition. There are no anticipated off-site impacts with this use.

SPECIFIC APPROVAL CRITERIA REVIEW, per HBC 18.60.020

No specific approval criteria apply to this permit.

A. Resource Extraction.
B. Junkyard.
C. Animal Husbandry.
D. Home Occupation.
E. Bed and Breakfast (B&B).
F. Kennel.
G. Historic Buildings.
H. Temporary Residence.
I. Mobile Home Parks/Recreational Vehicle (RV) Parks.
J. Planned Unit Development.
K. Large Developments.
L. Underground Utilities.
M. Nonconforming Uses, Buildings, Lots.
N. Cemetery.
O. Commercial Marijuana Facilities.
P. Communications Equipment.

COMMISSIONER RESPONSE FORMS

Per HBC 18.50.040, the Commission may adopt the Manager's recommendation on each requirement unless it finds, by a preponderance of the evidence, that the Manager's recommendation was in error and states its reasoning for such finding with particularity. In addition, for good cause, the Commission may alter the conditions on approval or requirements for guarantees recommended by the Manager. If the Commission wishes to propose other conditions, examples can be found in HBC 18.50.040(B).

The Commission is encouraged to reconsider conditions after the public hearing once all public comments have been received.

If the commission finds that the development implements all relevant requirements of this title, it shall issue a conditional use permit and the conditions and requirements shall be part of the approved permit. If the development does not implement all relevant requirements, or the commission otherwise determines the development is not in compliance with this title, the commission shall deny the permit and note with particularity its reasons for the decision.

1. The use is so located on the site as to avoid undue noise and other nuisances and dangers.

COMMISSIONER RESPONSE:

_____

_____

_____

_____

2. The development of the use is such that the value of the adjoining property will not be significantly impaired.

COMMISSIONER RESPONSE:

_____

_____

_____

_____

3. The size and scale of the use is such that existing public services and facilities are adequate to serve the proposed use;

COMMISSIONER RESPONSE:

_____
_____
_____
_____

4. The specific development scheme of the use is consistent and in harmony with the comprehensive plan and surrounding land uses;

COMMISSIONER RESPONSE:

_____
_____
_____
_____

5. The granting of the conditional use will not be harmful to the public safety, health or welfare;

COMMISSIONER RESPONSE:

_____
_____
_____
_____

6. The use will not significantly cause erosion, ground or surface water contamination or significant adverse alteration of fish habitat on any parcel adjacent to state-identified anadromous streams;

COMMISSIONER RESPONSE:

_____
_____
_____
_____

7. The use will comply with all required conditions and specifications if located where proposed and developed, and operated according to the plan as submitted and approved;

COMMISSIONER RESPONSE:

_____
_____
_____
_____

8. Comments received from property owners impacted by the proposed development have been considered and given their due weight.

COMMISSIONER RESPONSE:

_____
_____
_____
_____

In accordance with HBC 18.30.010(F) The commission may place conditions upon issuance of any approval which are necessary or desirable to ensure that a rule, policy, standard or intent will be implemented in a manner consistent with this Title 18, the comprehensive plan and any rule, policy or standard implementing them.

Altered or additional Conditions, see HBC 18.50.040(B) below for definitions:

DEVELOPMENT SCHEDULE:

_____
_____
_____
_____

USE:

_____
_____
_____
_____

OWNER'S ASSOCIATION:

DEDICATIONS:

CONSTRUCTION GUARANTEES:

COMMITMENT LETTER:

COVENANTS:

DESIGN:

CODE REFERENCES

18.20.020 Definitions – Regulatory.

G. Foundation, permanent. means footings and foundations that shall be constructed of masonry, concrete; or treated wood as defined in the Uniform Building Code. Footings of concrete and masonry shall be of solid material. Foundations supporting wood shall extend at least six inches above the adjacent finished grade. Bearing walls shall be supported on masonry or concrete foundations or piles or other approved foundation systems of a sufficient size to support all loads. It is incumbent on the developer to assure that the foundation is properly designed and constructed. The Haines Borough accepts no responsibility for the stability or future salability of any building due to an improperly designed or constructed foundation.

HBC 18.30.010 Permits or forms required.

F. Conditions. The assembly, commission, or manager may place conditions upon issuance of any approval which are necessary or desirable to ensure that a rule, policy, standard or intent will be implemented in a manner consistent with this title, the comprehensive plan and any rule, policy or standard implementing them.

G. Compliance. Any permit or approval issued under this title shall require compliance with the state fire code and any other federal, state or local regulations applicable to the activity. The manager, on any land use permits, and the commission, on any special conditions permits, shall, prior to approval, require the State Fire Marshal's written approval that the requirements of the Fire Marshal's office have been met on any commercial or industrial structures contained in the application.

HBC 18.50.040 Decision.

B. The commission may alter the manager's proposed permit conditions, impose its own, or both. Conditions may include one or more of the following:

1. Development Schedule. The conditions may place a reasonable time limit on construction activity associated with the development, or any portion thereof, to minimize construction-related disruption to traffic and neighbors, to ensure that lots are not sold prior to substantial completion of required public improvements, or to implement other requirements.

2. Use. The conditions may restrict the use of the development to specific uses indicated in the approval.

3. Owner's Association. The conditions may require that if a developer, homeowner or merchant association is necessary or desirable to hold or maintain common property, that it be created prior to occupancy.

4. Dedications. The conditions may require conveyances of title, licenses, easements or other property interests to the public, to public utilities, or to the homeowners association. The conditions may require construction of public utilities or improvements to public standards and then dedication of public facilities to serve the development and the public.

5. Construction Guarantees. The conditions may require the posting of a bond or other surety or collateral (which may provide for partial releases) to ensure satisfactory completion of all improvements required by the commission.

6. Commitment Letter. The conditions may require a letter from a utility company or public agency legally committing it to serve the development if such service is required by the commission.

7. Covenants. The conditions may require the recording of covenants or other instruments satisfactory to the borough as necessary to ensure permit compliance by future owners or occupants.

8. Design. The conditions may require the adoption of design standards specific to the use and site.

18.80.030 Setbacks and height.

B. Building height is measured from the grade plane to the highest point on the building, but not including chimneys, radio antennas, water towers, church spires, structures or enclosures constructed primarily for mechanical equipment and similar building mechanical features.

D. The distance between unattached buildings must be 15 feet unless approved as a conditional use by the planning commission. Building separation is intended for public safety; fire-related concerns must meet the approval of both the State Fire Marshal and local fire department, where applicable. The 15-foot separation between unattached buildings applies only when at least one of the buildings is for human occupancy.

I. If a public utility easement exists inside of a property line, the setback shall be measured from the easement rather than the property line and shall be not less than 10 feet unless a variance is granted by the planning commission.

10B

Haines Borough

Planning and Zoning
103 Third Ave. S., Haines, Alaska, 99827. Box 1209
(907) 766-6401 * Fax: (907) 766-2716

APPLICATION FOR CONDITIONAL USE PERMIT

Permit#: 23-87
Date: _____

Use this form for approval by the Planning Commission. **$150 non-refundable application fee**

I. Property Owner/Agent	Owner's Contractor(If Any)
Name: Glacier Construction Inc. dba Southeast Road Builders	Name:
	Haines Borough Business License #:
Mailing Address: HC 60 Box 4800, Haines Hwy Haines, AK 99827	Alaska Business License #:
	Contractor's License #:
Contact Phone: (907) 766-2833	Mailing Address:
	Contact Phone:
Fax: (907) 766-2832 rschnabel@colaska.com	Fax:
E-mail: dlaframboise@colaska.com	E-mail:

II. Property Information

Size of Property: Approx. 27 Acres total; Site A = 5.2 Acres, Site B = 21 Acres

Property Tax #: SITE A: C-LTR-04-0090, C-LTR-04-0700, and C-LTR-04-0010
SITE B: C-LTR-04-1000, C-LTR-04-2940, C-LTR-04-0900, and C-LTR-04-0800

Street Address: See attached Site Maps; Approx. MP 4 Lutak Road

Legal Description: Lot (s)_____ Block_____ Subdivision_____

OR

Parcel/Tract_____ Section_____ Township_____ Range_____

[Attach additional page if necessary.] See attached Site Maps

Zoning: ☐Waterfront ☐Single Residential ☐Rural Residential ☐Significant Structures Area
☐Rural Mixed Use ☐Multiple Residential ☐Heavy Industrial ☑Waterfront Industrial
☐Commercial ☐Industrial Light Commercial ☐Recreational ☐Mud Bay Zoning District
☐Lutak Zoning District ☐General Use

III. Description of Work

Type of Application (Check all that apply)	Project Description (Check all that apply)	Water Supply Existing or Proposed	Sewage Disposal Existing or Proposed
☐Residential ☐Commercial _____sq. ft. _____seating capacity if eating/drinking establishment ☑Industrial ☐Church ☐Other _____	☐Single Family Dwelling ☐Change of Use ☐Multi-Family Dwelling Total # of Units _____ ☐Cabin ☐Addition ☐Accessory Structure ☑Other Resource Extraction	☑None ☐Community well ☐Private well ☐Borough Water System ☐Other _____	☑None ☐Septic Tank ☐Holding Tank ☐Borough Sewer System ☐Pit Privy ☐Other _____

Per HBC 13.08.100 and 18.60.010, If a property on which a use is proposed is within 200 feet of an existing, adequate public water and/or sewer system, the developer shall be required to connect to the public systems. Failure to connect will result in a minor offense subject to penalties.
Valuation of Work: $100,000
Current use of adjacent properties: See attached for more information; Zoned Waterfront Industrial Use, Vacant State Land, Inactive Timber Mill Site, Ferry Terminal, AML Dock, Fuel Terminal
Attach the following documents to the permit application: ☐Site plan (see Attachment A) showing lot lines, bearings and distances, buildings, setbacks, streets, etc.

PREAPPLICATION *(Required)* Pre-application Conference Date: 8/10/2023

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.

APPLICATION

Please provide a written narrative explaining how your project will meet the following requirements. You may use the space provided on this form or attach your answers. A variance may only be granted if the Planning Commission finds that these six standards are met.

1. The use is so located on the site as to avoid undue noise and other nuisances and dangers.

   Describe what safeguards are being provided (i.e. setbacks or buffers) to meet the condition.

   Referenced Sections:

   Section V. Site Conditions, Paragraph D, G
   Section VI. Methods

2. Explain how the development of the use is such that the value of the adjoining property will not be significantly impaired.

   Referenced Sections:

   Section II. Site Features & Zoning
   Section V. Site Conditions, Paragraphs G

3. Explain how the size and scale of the use is such that existing public services and facilities are adequate to serve the proposed use.

   Referenced Sections:

   Section V. Site Conditions, Paragraph B, C

4. Describe how or why the specific development scheme of the use is consistent and in harmony with the comprehensive plan and surrounding land uses.

Referenced Sections:

Section II. Site Features & Zoning
Section VIII. Comprehensive Plan

5. Explain how the granting of the conditional use will not be harmful to the public safety, health or welfare.

Referenced Sections:

Section V. Site Conditions, Paragraph A, B, F

6. Describe the safeguards that will be provided so that the use will not significantly cause erosion, ground or surface water contamination or significant adverse alteration of fish habitat on any parcel adjacent to state-identified anadromous streams.

Referenced Sections:

Section V. Site Conditions, Paragraph E, F
Section VII. Reclamation Plan

NOTICE

Per HBC 18.50.040, Comments received from property owners impacted by the proposed development will be considered and given their due weight. Additionally, the Planning Commission may impose one or more of the following conditions:

1. Development Schedule. The conditions may place a reasonable time limit on construction activity associated with the development, or any portion thereof, to minimize construction-related disruption to traffic and neighbors, to ensure that lots are not sold prior to substantial completion of required public improvements, or to implement other requirements.
2. Use. The conditions may restrict the use of the development to specific uses indicated in the approval.
3. Owner's Association. The conditions may require that if a developer, homeowner or merchant association is necessary or desirable to hold or maintain common property, that it be created prior to occupancy.
4. Dedications. The conditions may require conveyances of title, licenses, easements or other property interests to the public, to public utilities, or to the homeowners association. The conditions may require construction of public utilities or improvements to public standards and then dedication of public facilities to serve the development and the public.
5. Construction Guarantees. The conditions may require the posting of a bond or other surety or collateral (which may provide for partial releases) to ensure satisfactory completion of all improvements required by the commission.
6. Commitment Letter. The conditions may require a letter from a utility company or public agency legally committing it to serve the development if such service is required by the commission.
7. Covenants. The conditions may require the recording of covenants or other instruments satisfactory to the borough as necessary to ensure permit compliance by future owners or occupants.
8. Design. The conditions may require the adoption of design standards specific to the use and site.

IV. CERTIFICATION

I hereby certify that I am the owner or duly authorized owner's agent, that I have read this application and that all information is correct. I further certify that I have read, understand and will comply with all of the provisions and permit requirements outlined hereon. I also certify that the site plan submitted is a complete and accurate plan showing any and all existing and proposed structures on the subject property and that the use will comply with all required conditions and specifications, will be located where proposed and when developed, will be operated according to the plan as submitted. All contract work on this project will be done by a contractor holding valid licenses issued by the State of Alaska and the Haines Borough. **I am aware that if I begin construction prior to receiving permit approval, I will be assessed a $250.00 "After-the-Fact" fee.**

Roger Schnabel, Area Manager — 8/24/2023

Owner or Agent — Date

PROVISIONS: The applicant is advised that issuance of this permit will not relieve responsibility of the owner or owner's agents to comply with the provisions of all laws and ordinances, including federal, state and local jurisdictions, which regulate construction and performance of construction, or with any private deed restrictions.

Office Use Only Below This Line

Non-Refundable Application Fee $ 150.00 Payment Method: Credit Card Receipt #: 053247 Received By: TOlsen Date: 8.23.2023	Information/Documentation Req'd Rec'd ☐ ☐State Fire Marshal ☐ ☐State DEC ☐ ☐Variance/Conditional Use Permit ☐ ☐Sign Permit

Zoning	Bldg. Height	Lot Coverage %	Const. Type	Occupancy	# Stories

If Application is Complete: ☐Yes ☐No

Notified Via: _____ Notified By: _____

Date: _____

If yes,	If no,
Approved By: _____ Planning Commission Chairman	Denied By: _____ Planning Commission Chairman
Permit ID #: _____	Date: _____
Permit Effective Date: _____	Reason: _____

Approval Special Requirements: This application meets all applicable Borough policies and a permit is issued, conditional on the **substantial completion of construction within two** years and the following special requirements:

Notice of Right to Appeal: All decisions of the Borough Officials are appealable per HBC 18.30.050

ATTACHMENT A

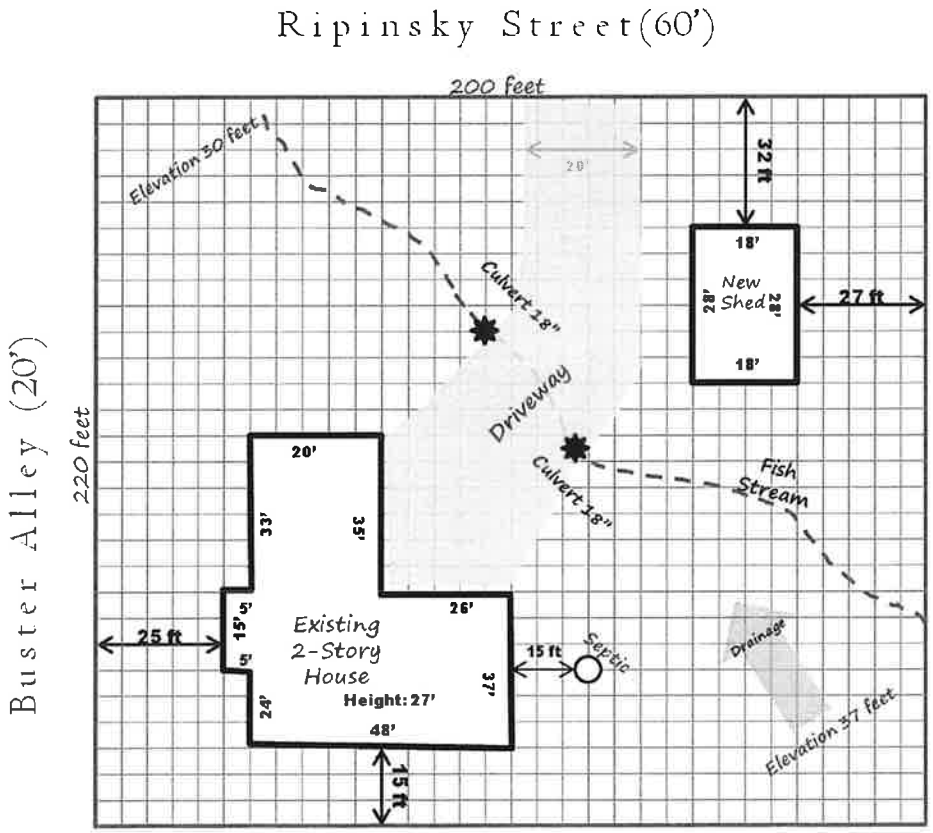
SITE PLAN REQUIREMENTS

1. Drawing showing dimensions of all buildings, including elevations, of lot on which activity/use/construction is planned.
2. Existing streets, alleys, sidewalks, driveways, easements, including widths.
3. Existing buildings/structures on the property, their location, dimension and proximity to lot lines or other structures. (Measured from closest point on structure to other lot lines, structures, etc.)
4. Proposed construction—including location, dimensions, and proximity to lot lines or other structures. (Measured from closest point on structure to other lot lines, structures, etc.)
5. Existing and proposed non-building improvements, including surface water drainage plan, driveway placement, culvert(s), off street parking (location and dimensions), on-site water and/or wastewater handling systems.
6. Shore lines, steep slopes, or other evidence of natural hazards.
7. If zero lot line construction proposed, show plan for handling snowdrop onto adjoining properties.

It is strongly recommended that an as-built survey be performed prior to submittal of the application.

EXAMPLE SITE PLAN

John Doe Property Tax ID X-XXX-XX-XXXX



APPROVAL CRITERIA

See HBC 18.60.010 for more information.

A. **Plans.** The proposal is substantially consistent with the borough comprehensive plan and other applicable borough-adopted plans.
B. **Reviewing Parties.** Due deference has been given to the comments and recommendations of reviewing parties.
C. **Fire Safety and Emergency Access.** As determined by the State Fire Marshal or the borough fire chief.
D. **Access.** All lots on which development is planned are required to have legal road access completed to borough standards.
E. **Traffic.** The proposed use shall not overload the existing street system with traffic or result in unsafe streets or dangers to pedestrians.
F. **Public Maintenance.** The proposed use shall not significantly increase the impact on the surrounding area from glaciation or drifting snow and shall not create significantly increased difficulty for snow removal or street maintenance.
G. **Foundation.** All buildings intended for residential or commercial use shall be placed on a permanent foundation.
H. **Parking.** See parking requirements in HBC 18.80.040.
I. **Utilities.** If property on which a use is proposed is within 200 feet of an existing, adequate public water and/or sewer system, the developer shall be required to connect to the public systems. All regulations of the State Department of Environmental Conservation pertaining to water extraction and wastewater disposal, as well as the requirements of HBC 13.04.080(G) pertaining to on-site wastewater disposal, shall apply.
J. **Drainage.** The applicant for a proposed use shall provide for the control of runoff during and after construction. All roads and parking areas shall be designed to alleviate or avoid runoff into public streets or adjoining lots and to protect rivers, lakes and streams from pollution. Developers may be required to provide for the conservation of natural features such as drainage basins and watersheds, and provide for land stability.
K. **Walkways, Sidewalks and Bike Paths.** Easements for pedestrian access or bicycle paths may be required where shown by the borough to be necessary to provide reasonable circulation or access to streams, lakes, tidewater, schools, playgrounds, transportation facilities or other public facilities.
L. **Construction Guarantees.** The borough may require the posting of a bond or other surety approved by the assembly to ensure that all required and necessary improvements are constructed as approved. The surety may provide for partial releases upon acceptance of the improvement by the borough.
M. **Peak Use.** The peak use characteristics are the same as surrounding uses or other uses allowed in the zone.
N. **Off-Site Impacts.** The proposed use shall not have significant negative impacts on the surrounding properties, including excessive noise, fumes or odors, glare, smoke, light, vibration, dust, litter, or interference in any radio or television receivers off the premises, or cause significant line voltage fluctuation off the premises or be unsightly or become a nuisance as defined in HBC 8.12.020(I). Buffering may be required to alleviate impacts between residential and nonresidential uses. The owner of the property upon which the buffering is constructed is responsible for the maintenance of the buffering in a condition that will meet the intent of this criteria.
O. **Habitat.** A reclamation or landscaping plan may be required as a condition of approval of any use within 100 feet of a state-identified anadromous stream. The purpose of the reclamation or landscaping plan includes the control of dust, soil erosion, water runoff and siltation which otherwise would be generated on the lot and affect the surrounding area.
P. **Anadromous Fish Stream Setbacks**. All development along state-identified anadromous fish streams will be consistent with the Haines coastal zone management program. Unless approved by variance, no development shall occur within 25 feet of the banks of anadromous fish streams, designated as such by the Alaska Department of Fish and Game. Variances from this requirement may be granted by the commission based upon the unique conditions of individual properties, the proposed development, and the recommendations of a qualified fisheries biologist.
Q. **Open Space and Facilities.** The developer may be required to dedicate land for open space, drainage, utilities, access, parks or playgrounds. Any dedication required by the commission must be based on a written finding that the area is necessary for public use or safety and the dedication is in compliance with adopted municipal plans and policies.
R. **Historic Resources.** The proposed use shall not adversely impact identified historic resources prior to the assessment of that resource by the borough or state. Uses located within the significant structures area must comply with the specific approval standards of this chapter. See also HBC 18.60.020 (G) and HBC 18.70.050, Historic Building Districts.
S. **National Flood Plain Regulations.** All permits shall be reviewed for compliance with HBC 18.120, Flood Plain Regulations.
T. **Hazard Areas.** Development which is not designed and engineered to mitigate the risk of loss of life or property is prohibited in the following hazard areas: (1) The one percent floodway of all rivers and streams; (2) Avalanche outfall areas; (3) Within 500 feet of a major fault; (4) Slopes greater than 30 percent; (5) Within 300 feet of a wildfire chute; (6) Rock and mudslide areas.
U. **Waterfront.** The following requirements apply in all waterfront zones:
(1) For residential use, setbacks shall be the same as those required in the residential zone. All other uses shall be required to set back 10 feet from lot lines adjacent to every street and alley and five feet from all other lot lines; (2) Public access to the waters of Portage Cove is required to be included in all permits for development on land adjacent to Portage Cove.

SPECIAL APPROVAL CRITERIA MAY APPLY

See HBC 18.60.020 for more information.

SOUTHEAST ROADBUILDERS
HAINES, ALASKA
A COLAS COMPANY

OPERATIONS PLAN

Lutak Road Property

Conditional Use Permit Application

Prepared for:

Haines Borough
103 Third Ave. S
PO Box 1209
Haines, AK

August 2023

I. SITE DESCRIPTION

The proposed project consists of a total of approximately 27 acres of land located 4 miles North of downtown Haines along Lutak Road. Site Maps can be found in Appendix A.

Site A, totaling 5.2 acres, is entirely located on the uplands side of Lutak road and consists of parcels C-LTR-04-0090, C-LTR-04-0700, and C-LTR-04-0010. Site B, totaling 21 acres, is located on the uplands and lowlands side, divided by Lutak Road and consists of parcels C-LTR-04-1000, C-LTR-04-2940, C-LTR-04-0900, and C-LTR-04-0800. The proposed parcels are in ownership of Glacier Construction dba. Southeast Road Builders.

II. SITE FEATURES & ZONING

The proposed parcels are zoned Waterfront Industrial Use. Site A is comprised of undeveloped parcels made up of dense Spruce Forest. Adjacent parcels are vacant lots owned by the State of Alaska, zoned Waterfront Industrial, and Heavy Industrial Use. Site B is comprised of a developed pit site and provides existing access to the Lutak Inlet via boat ramp. Adjacent parcels consist of a timber mill site owned by Chilkoot Lumber Company to the West and vacant State of Alaska land, all zoned Waterfront Industrial Use.

The proposed development is in alignment with the use of adjoining properties. The site is located near the Alaska Marine Lines dock, timber mill site, and ferry terminal which is a heavy industrial use area. There is existing truck traffic to and from the AML yard and to the stockpile site located on Site B.

III. EXISTING PERMITTING & USE

The existing sites are currently being developed under Site Development Permits #23-33 and #23-42, issued on May 23rd, 2023, and Land Use Permit #23-71, issued on August 14, 2023. Existing permitted development consists of clearing, grubbing, and grading of the sites. Permitted activity on Site B also consists of bulk material storage and aggregate transloading.

The existing sites are permitted with a ADEC MSGP SWPPP Permit # AKR06AB42.

Initial site development, including clearing, grubbing, and grading of the site began on Site B in June 2023 and is nearly complete. Clearing, grubbing, and grading of Site A is anticipated to begin in Fall 2023. Southeast Roadbuilders began using Site B for bulk material storage and aggregate transloading in August 2023. The proposed resource extraction is anticipated to begin in Fall 2023, or as soon as all applicable permits are approved. These sites are potential future sources of materials for local improvement projects beginning in Spring of 2024, therefore timing of development is critical.

IV. PROPOSED USE

Southeast Road Builders is proposing to use the referenced parcels as a material source and is pursuing a conditional use permit with the Haines Borough to perform resource extraction.

Initial exploration of Site B reveals that the soil primarily consists of course grained gravel and sand. Proposed use includes mobilization of a wash plant and crusher unit to process material onsite, reducing truck traffic from the site to the existing processing facilities at 4.5 Mile Haines Highway. A staging area on the North side of Lutak Road has been developed to stockpile and process materials. This area will be used to stage equipment, process, and stockpile materials. The area to the South of Lutak Road has been cleared, grubbed, and scaled to provide access. Southeast Road Builders is proposing to extract material from this site for use on local State and Borough projects.

Initial site investigation of Site A reveals bedrock to be present below the surface proposing a potential source for rock excavation. Southeast Road Builders is proposing to use this site as a rock source for local improvement projects to provide fill and riprap materials. Rock excavation activities may include drilling, blasting, and crushing operations onsite.

V. SITE CONDITIONS

A. ACCESS. The parcels that make up Site B are currently accessible via existing access points from previous landowners. Site A has no current access from Lutak Road. Legal access to these parcels is being development in coordination with the Alaska Department of Transportation (AKDOT&PF). Coordination with the AKDOT&PF will be ongoing throughout the duration of development to ensure compliance with all permits and guidelines. The number of access points will be limited to ensure safety of the travelling public and ensure adequate sight distance for trucks to navigate the roadway. Access will be limited to the public to ensure public safety. Adequate access for fire and emergency vehicles will be maintained at all times.

B. TRAFFIC. Use of these sites will limit truck traffic from Southeast Road Builders current material source at 4.5-mile Haines Highway to the proposed site. This will significantly limit truck traffic through the Haines townsite. The safety of the public and impact on the existing two-lane paved roadway has not been significant effected by the truck traffic from adjacent operations or material stockpiling operations that have previously taken place. Trucking operations are not anticipated to significantly differ from existing use.

C. MAINTENANCE. Southeast Road Builders proposes to use street sweepers and water trucks to control and limit dust or debris that may impact public health and safety. The site will have seasonal use limiting any impact for snow removal or winter conditions.

D. LIGHTING & UTILITIES. No permanent lighting is proposed for this development. There are no existing public sanitary sewer or water services onsite. Water will be provided by water truck from a source approved by the ADEC.

E. DRAINAGE. Stormwater control is in compliance with the current ADEC MSGP Permit. The site will be graded to control runoff and prevent sediment from leaving the site. The proposed use includes the installation of culverts to provide adequate drainage through the site and maintain existing drainage ditches. A SWPPP will be maintained throughout the duration of the project. There are no state-identified anadromous streams located on the site.

F. HAZARD AREAS. Proposed work within the one percent floodway includes the installation of culvert pipes to improve the drainage onsite and mitigate the risk of impact on streams and drainage facilities. This will allow for the control of runoff and prevent washouts from any severe weather. Southeast Road Builders is working in cooperation with the

Department of Fish and Game to ensure the protection of fish habitat throughout the duration of development. The DF&G has surveyed the existing streams onsite and has identified them as non-anadromous streams.

The proposed development is within areas that contain steep slopes greater than 30 percent. Once the site development is complete, the area will be stabilized in accordance with the ADEC SWPPP. To mitigate the risk of slope failures, rock benches will be created, and overburden will be sloped back at a 2:1 slope and stabilized with vegetation or rock.

G. NOISE. A natural buffer of 25' will be maintained between the proposed development and the adjacent roadway and properties. The proposed development is in alignment with adjacent property use. The nearest residential dwelling is approximately a mile from the site. Any blasting operations will be completed during the regular hours of operation. Adequate notice of drilling and blasting operations will be given to the public, FAA, and nearby landowners.

VI. METHODS

The proposed hours of operation for the site will be from 6:00 AM to 6:00 PM. Materials transloading activities may differ outside of normal hours of operation but will not impact residents as all work will be done onsite.

No hazardous material or fuel will be stored onsite. Southeast Road Builders has a service oiler that will mobilize to the site to fuel and grease equipment as needed.

No explosives will be stored onsite, except when they are immediately necessary for blasting operations.

VII. RECLAMATION PLAN

Throughout the duration of construction, the site will be reclaimed as necessary. Exposed rock faces will be benched with standard 30'-40' lifts. Floors will be graded to promote adequate drainage. Final slopes will be seeded, or rock lined for final stabilization as needed.

A final reclamation plan will be developed as the project progresses.

VIII. COMPREHENSIVE PLAN

The proposed development is in alignment with the following goals that the Borough has outlined in the current Comprehensive Plan:

A. Goal 3. Achieve a strong, diversified local economy that provides employment and income for all citizens that desire to work while protecting the health of the environment and quality of life. Build on local assets and competitive advantages to create economic opportunity.

There is currently no active rock source to provide riprap material for local improvement projects. Development of this site would provide the opportunity to build on local resources and reduce the need to depend on outside sources for material. The site is currently being used to stockpile material for use at the Greens Creek mine and future use could allow for the extraction and use of this material for the Greens Creek mine and local State and Borough projects. The proposed development would also provide additional employment opportunities for local residents and workers.

B. Goal 4. Provide a safe, convenient, reliable, and connected transportation network to move goods and people to, from, and within Haines Borough. Aggressively maintain road, port, and harbor facilities to maximize public investment, enhance public safety and access, and provide economic opportunity.

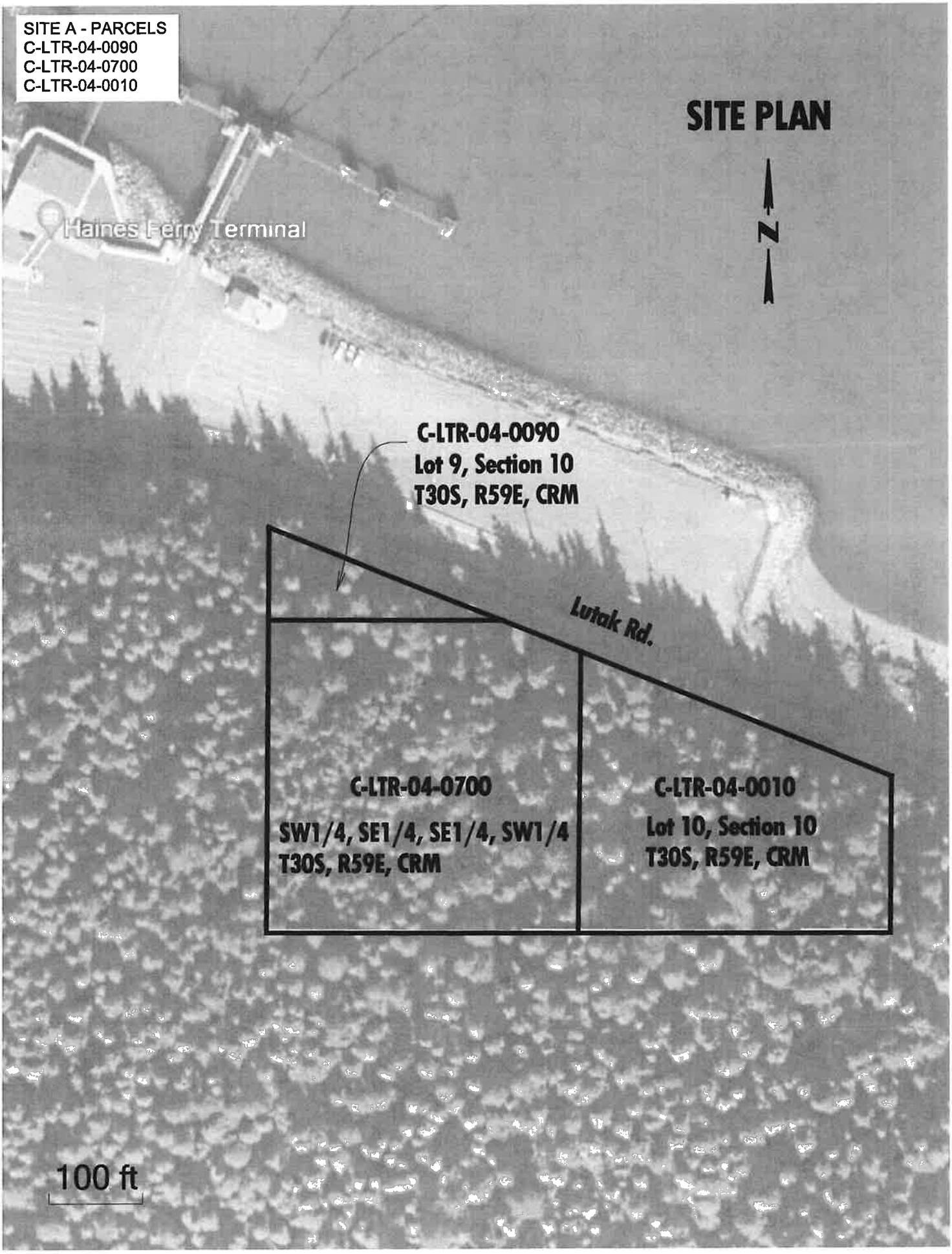
The proposed use would allow for increased transfer of goods and resources in and out of Haines. The location of the site is optimal for stockpiling of material for transshipment and is located in the vicinity of future proposed local development projects that would benefit from its use by reducing costs and limiting truck traffic through the townsite.

C. Goal 5. Guide infrastructure and land development to provide an adequate supply of land for commercial and industrial development, varies residential living, and diverse recreational opportunities.

The development of this site could facilitate future use for transportation of goods and resources in and out of Haines as well as provide a resource for material for improvement to local projects such as the Lutak Dock Replacement project and roadway improvements along Lutak Road. There are no nearby sources of material adequate to provide for the resources that these projects require.

D. Goal 10. Support responsible development of renewable and non-renewable resources within Haines Borough.

The proposed development is in compliance with environmental regulations and contains no anadromous streams onsite, mitigating the impact to fishery habitat. Development of this non-renewable resource would create economic opportunity to extract resources in an area that would otherwise rely on outside sources.


SITE A - PARCELS
C-LTR-04-0090
C-LTR-04-0700
C-LTR-04-0010
SITE PLAN
N
Haines Ferry Terminal
C-LTR-04-0090
Lot 9, Section 10
T30S, R59E, CRM
Lutak Rd.
C-LTR-04-0700
SW1/4, SE1/4, SE1/4, SW1/4
T30S, R59E, CRM
C-LTR-04-0010
Lot 10, Section 10
T30S, R59E, CRM
100 ft

ArcGIS Web Map

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Parcels

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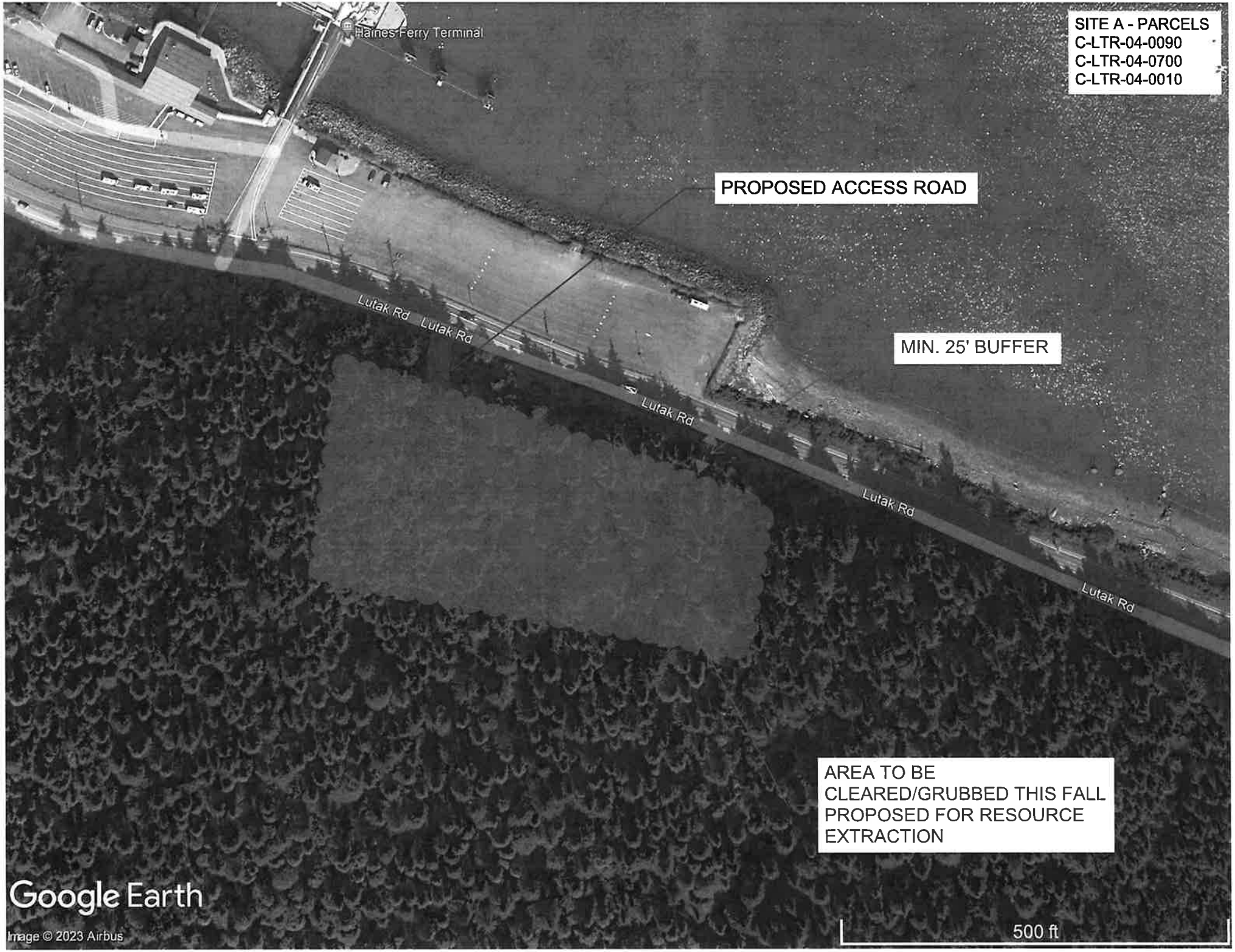
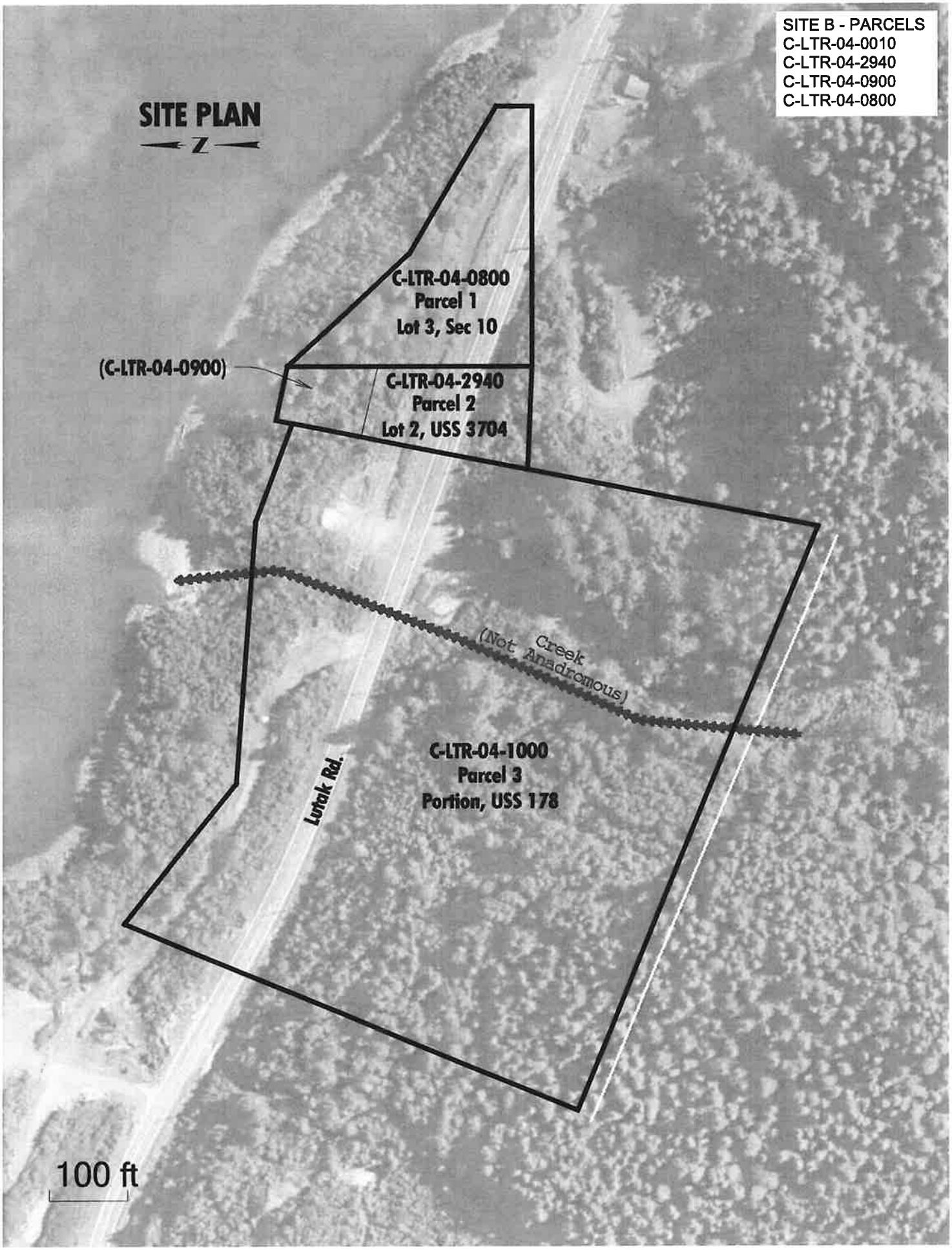
0 0.03 0.06 0.12 km

Maxar

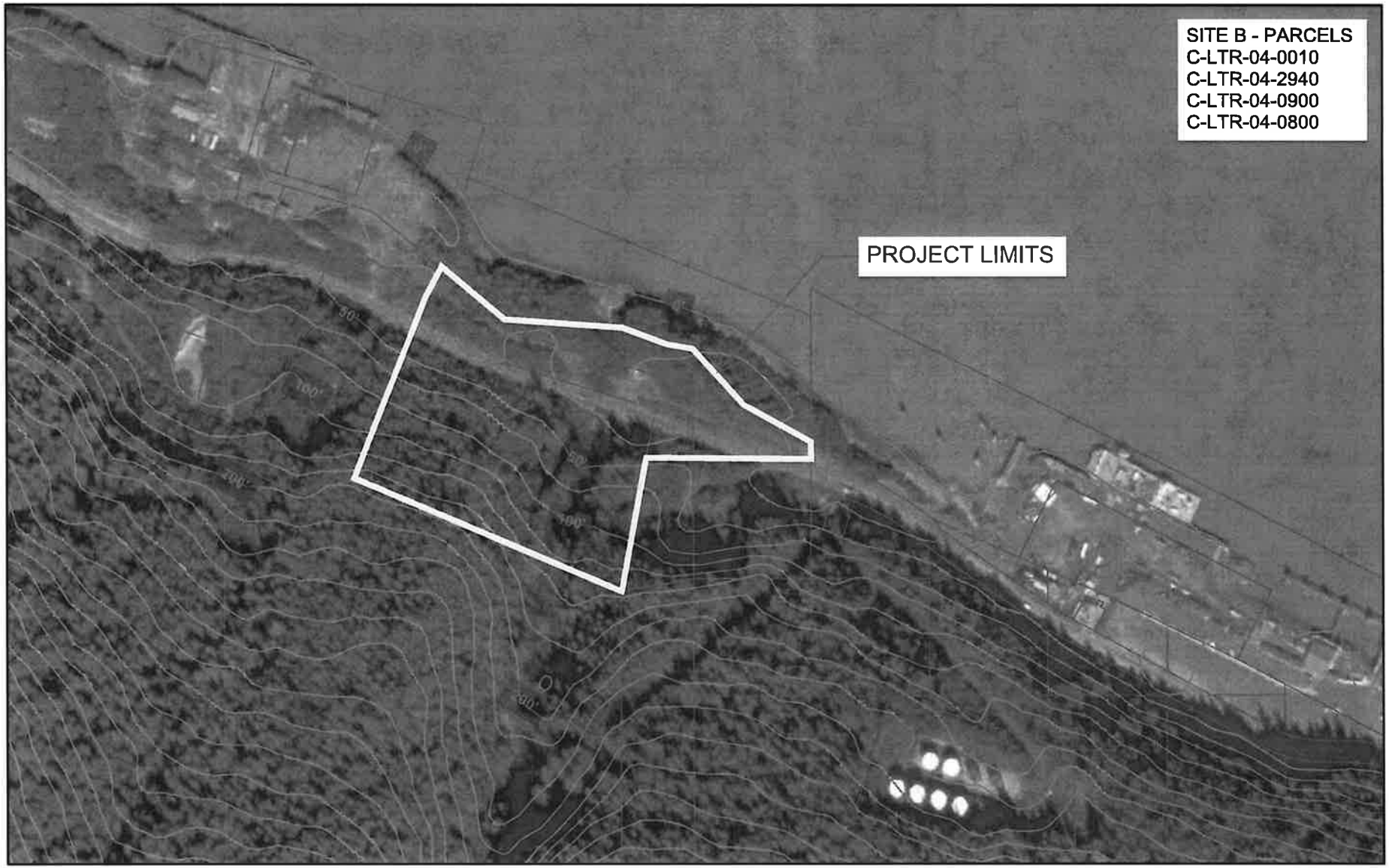
Web AppBuilder for ArcGIS

Maxar | USDA Forest Service - Alaska Region and Propoenent (Unrecognized Southeast Alaska Native Communities) | Alaska Map Company, LLC


SITE A - PARCELS
C-LTR-04-0090
C-LTR-04-0700
C-LTR-04-0010
Haines Ferry Terminal
PROPOSED ACCESS ROAD
MIN. 25' BUFFER
Lutak Rd
Lutak Rd
Lutak Rd
Lutak Rd
Lutak Rd
AREA TO BE
CLEARED/GRUBBED THIS FALL
PROPOSED FOR RESOURCE
EXTRACTION
Google Earth
Image © 2023 Airbus
500 ft


SITE B - PARCELS
C-LTR-04-0010
C-LTR-04-2940
C-LTR-04-0900
C-LTR-04-0800
SITE PLAN
N
C-LTR-04-0800
Parcel 1
Lot 3, Sec 10
(C-LTR-04-0900)
C-LTR-04-2940
Parcel 2
Lot 2, USS 3704
Creek
(Not Anadromous)
C-LTR-04-1000
Parcel 3
Portion, USS 178
Lutak Rd.
100 ft

ArcGIS Web Map



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Web AppBuilder for ArcGIS

Maxar | USDA Forest Service - Alaska Region and Propoenent (Unrecognized Southeast Alaska Native Communities) | Alaska Map Company, LLC

SITE B - PARCELS
C-LTR-04-0010
C-LTR-04-2940
C-LTR-04-0900
C-LTR-04-0800
PROPOSED CULVERT INSTALLATION
PROPOSED CULVERT INSTALLATION
EXISTING ACCESS POINTS TO BE MAINTAINED
AREA CURRENTLY USED FOR BULK MATERIAL STORAGE; PROPOSED STORAGE/STAGING AREA
Lutak Rd
Lutak Rd
Lutak Rd
Lutak Rd
AREA PREVIOUSLY CLEARED/GRUBBED PROPOSED FOR RESOURCE EXTRACTION
Google Earth
Image © 2023 Airbus
500 ft

HAINES BOROUGH, ALASKA
P.O. BOX 1209, HAINES, ALASKA 99827
Annette Kreitzer, Borough Manager
907.766.6404 akreitzer@haines.ak.us

MEMO

TO: Haines Borough Planning Commission

DATE: October 06, 2023

RE: Conditional Use Permit – Resource Extraction| Waterfront Industrial Zone |CUP 23-87| Site A: C-LTR-04-0090/0700/0010, Site B: C-LTR-04-1000/2940/0900/0800|Glacier Construction Inc. dba Southeast Road Builders

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This memo serves as my recommendation per HBC 18.50.030 (D)3 for approval of this CUP to the Commission with the conditions listed below. A pre-application meeting was held on 8/10/2023.

This conditional use permit application is for resource extraction in the Waterfront Industrial Zone.

The intent of this zone is:

> Provide for and protect productive, marine-related heavy industries, including wharfage, natural resource export, milling and major seafood processing. Areas zoned as waterfront industrial should be located so that adjacent nonindustrial areas are buffered from the external effects common to heavy industry including noise, dust, vibration, glare, pollution, heavy traffic and unsightly uses or activities. The area is served by, or intended to have, the necessary level of public utilities and an adequate transportation system as deemed appropriate for the planned use.

Resource Extraction is defined as a:

> Heavy industrial use involving 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.

BOROUGH RECCOMENDATION:
Approve Conditional Use Permit 23-87, with the following conditions:

1) Provide design and engineering for resource extraction in Hazard Areas. Provide a copy of plans to the Borough prior to working:

    a. Within the stream's one percent floodway,
    b. On slopes greater than 30 percent.

2) Submit a reclamation plan for Planning Commission review that addresses the final conditions of site, including:
    a. Relation to adjoining land forms and drainage features,
    b. Relation of reclaimed site to planned or established uses of the surrounding area,
    c. Demonstration that the final land form will have a viable land use compatible with land use trends in the surrounding area,
    d. Relation of reclaimed site to initial site conditions including land use, vegetation, soils, geology and hydrology;
    e. Work to maintain the existing waterfront view shed.

3) Contact the United States Fish & Wildlife Service approval for all work within 660-feet of an eagles nest; or to perform blasting operations within ½ mile of an eagles nest. Email: ak_fisheries@fws.gov

4) Provide a copy of State approval for legal access to Site A before beginning any work at this location. Coordinate access, traffic plans, and roadway maintenance during resource extraction with the State of Alaska's Department of Transportation & Public Facilities Southcoast Region Right-of-Way office. Contact Michael Schuler, email: michael.schuler@alaska.gov.

5) Provide for the control of runoff during and after construction. All roads and parking areas shall be designed to alleviate or avoid runoff into public streets or adjoining lots and to protect rivers, lakes and streams from pollution. Developers may be required to provide for the conservation of natural features such as drainage basins and watersheds, and provide for land stability.

6) No significant negative impacts on the surrounding properties are allowed. Including excessive noise, fumes or odors, glare, smoke, light, vibration, dust, litter, or interference in any radio or television receivers off the premises, or cause significant line voltage fluctuation off the premises or be unsightly or become a nuisance as defined in HBC 8.12.020(I).

7) This permit does not relieve the owner or authorized representative to comply with the provisions of federal, state or local regulations applicable to the activity.

BOROUGH REVIEW, per HBC 18.50.040(A)

The following code sections must be met in order for a Conditional Use Permit to be approved by the Planning Commission:

1. The use is so located on the site as to avoid undue noise and other nuisances and dangers;

   BOROUGH RESPONSE:
   3,500 Feet from nearest documented Eagle Nest. Applicant to notify USFWS if eagle nest is located as required (https://www.fws.gov/story/do-i-need-eagle-take-permit)

   Applicant has proposed a natural buffer of 25-feet between the roadway and adjacent parcels.

   Site A is buffered from the Waterfront Zone by approximately 54 acres of industrial parcels.

   Site B is buffered from the Lutak Planning District by approximately 41 acres of industrial parcels.

   Proposed schedule of 6am-6pm is appropriate and consistent with industrial use of this area. Existing land uses by Alaska Marine Lines and the Alaska Marine Highway System regularly have traffic operating outside these hours.

2. The development of the use is such that the value of the adjoining property will not be significantly impaired;

   BOROUGH RESPONSE:

   No comments from property owners within 500-ft were received.

   This permit is consistent with local zoning and adjoining properties are not expected to be significantly impaired.

3. The size and scale of the use is such that existing public services and facilities are adequate to serve the proposed use;

BOROUGH RESPONSE:
Existing utilities are sufficient for proposed activities.

4. The specific development scheme of the use is consistent and in harmony with the comprehensive plan and surrounding land uses;

BOROUGH RESPONSE:

In addition to supporting the comprehensive plan's economic development goals listed by the applicant, this permit is consistent with the future growth and development plans referenced below.

Section 7.2.1 Haines Borough's Ten Future Growth Land Designations:

#4 – Industrial
#5 - Waterfront Development
#10 Resource Development

Proposed use is consistent with land use activities prioritized in this section, including rock quarries, and the processing, shipping, and storing of goods.

Section 7.3.5 Resource-Based Development Opportunity:

This section includes an objective to comply with environmental regulations, ensuring fisheries resource and riparian zone protection, providing protection of salmon habitat and Bald Eagle Preserve resources, maintaining scenic view sheds, and buffering operations from adjacent land uses and activities.

- **This land use provides buffers from adjacent zones.**

-continued-

- **The applicant is actively working with Alaska Department of Environmental Conservation and Alaska Department of Fish & Game for compliance with water quality and fish habitat regulations.**
- **Design Conditions, HBC 18.50.040(B): The borough recommends prioritizing maintenance of the scenic view shed of Haines waterfront in the reclamation plan.**

5. The granting of the conditional use will not be harmful to the public safety, health or welfare;

BOROUGH RESPONSE:
Land use activities are consistent with this zone and provide adequate buffers for proposed industrial activities.

The State Department of Transportation & Public Facilities has reviewed truck traffic related to aggregate transloading at this site. If needed, the State will require additional permitting if truck traffic exceeds 100 loads per hour.

Hazard Areas, defined as steep slopes greater than 30 percent (HBC 18.60.10(T)), are present on-site. Design and engineering to mitigate the risk of loss of life or property is required.

6. The use will not significantly cause erosion, ground or surface water contamination or significant adverse alteration of fish habitat on any parcel adjacent to state-identified anadromous streams;

BOROUGH RESPONSE:
The steam on-site in non-anadromous. The applicant is actively working with Alaska Department of Environmental Conservation and Alaska Department of Fish & Game for compliance with water quality and fish habitat regulations.

State permitting and design and engineering requirements for steep slopes will provide safeguards against erosion related issues.

7. The use will comply with all required conditions and specifications if located where proposed and developed, and operated according to the plan as submitted and approved;

   BOROUGH RESPONSE:
   Submitted site plans and operations plan, together with applicable codes and relevant permit conditions are sufficient to ensure compliance with all local, state, and federal regulations, and the comprehensive plan.

8. Comments received from property owners impacted by the proposed development have been considered and given their due weight.

   BOROUGH RESPONSE:
   No public comment received to-date.

Conditional Use Permits may be granted if all the following general approval criteria and applicable specific approval criteria of HBC 18.60.020 are complied with.

GENERAL APPROVAL CRITERIA REVIEW, per HBC 18.60.010

A. Plans. The proposal is substantially consistent with the borough comprehensive plan and other applicable borough-adopted plans.

BOROUGH RESPONSE:

See #4 above.

B. Reviewing Parties. Due deference has been given to the comments and recommendations of reviewing parties.

BOROUGH RESPONSE:
Notifications were sent to all residents within 500' of the parcel. No comments have been received.

This application was provided to the State's Department of Transportation & Public Facilities Right of Way office to ensure legal access from Lutak Road is acquired.

The closest documented eagle nest is 3,500ft from this site.

USFWS contact has been provided if an eagle nest is encountered during clearing or blasting work.

C. Fire Safety and Emergency Access. The proposal shall not pose a fire danger as determined by the State Fire Marshal or the borough fire chief. Adequate access for emergency and police vehicles must be provided.

BOROUGH RESPONSE:
Site plan indicates conformance with density and dimensional requirements for emergency access. No industrial or commercial buildings are proposed.

D. Access. All lots on which development is planned are required to have legal road access before an application for a development may be considered and physical road access must be completed to borough standards before any work on the development is started.

BOROUGH RESPONSE:
This application was provided to the State's Department of Transportation & Public Facilities Right of Way office to ensure legal access from Lutak Road.

ROW permitting with the State was initiated for Site B under Permit 23-71.

Due to roadway characteristics and proximity to the ferry terminal, access to Site B will not be permitted until State approval is provided to the Borough.

E. Traffic. The proposed use shall not overload the existing street system with traffic or result in unsafe streets or dangers to pedestrians.

BOROUGH RESPONSE:
The majority of proposed work will occur on-site. Proposed activities are not expected to overload Borough streets or result in unsafe situations. The applicant has proposed the use of a street sweeper and water truck to limit affects.

This application was provided to the State's Department of Transportation & Public Facilities Right of Way office to address traffic on Lutak Road.

F. Public Maintenance. The proposed use shall not significantly increase the impact on the surrounding area from glaciation or drifting snow and shall not create significantly increased difficulty for snow removal or street maintenance.

BOROUGH RESPONSE:
This application was provided to the State's Department of Transportation & Public Facilities Right of Way office to address public maintenance on Lutak Road. Winter work is not proposed.

G. Foundation. All buildings intended for residential or commercial use shall be placed on a permanent foundation. This section does not apply to accessory buildings such as tool sheds, wood sheds, etc., of 120 square feet or less in area, or temporary uses.

BOROUGH RESPONSE:
Does not apply.

H. Parking. Parking, loading areas and snow storage sites for the proposed development shall be adequate, safe and properly designed. The developer may be required to install acceptable lighting at pedestrian or vehicular access points.

BOROUGH RESPONSE:
No parking, loading, or snow storage issues are expected.

I. Utilities. The proposed use shall be adequately served by public water, sewer, on-site water or sewer systems, electricity, and other utilities prior to being occupied.

All regulations of the State Department of Environmental Conservation pertaining to water extraction and wastewater disposal, as well as the requirements of HBC 13.04.080(G) pertaining to on-site wastewater disposal, shall apply. If exempted from the requirement to connect to public utilities, a developer must provide plans drawn by an engineer licensed in the state of Alaska or a state certified septic system installer prior to permit approval. Upon installation and before closure, the wastewater disposal system must be inspected and approved by an engineer licensed in the state of Alaska or a state certified septic system installer.
When public sanitary sewer and/or water service becomes available, the developer will be required to connect to the public utility within six months.

BOROUGH RESPONSE: The site is adequately served by public utilities for proposed land use activities.

J. Drainage. The applicant for a proposed use shall provide for the control of runoff during and after construction. All roads and parking areas shall be designed to alleviate or avoid runoff into public streets or adjoining lots and to protect rivers, lakes and streams from pollution. Developers may be required to provide for the conservation of natural features such as drainage basins and watersheds, and provide for land stability.

BOROUGH RESPONSE:
Include as permit condition. There are no anticipated drainage issues.

K. Walkways, Sidewalks and Bike Paths. Easements for pedestrian access or bicycle paths may be required where shown by the borough to be necessary to provide reasonable circulation or access to streams, lakes, tidewater, schools, playgrounds, transportation facilities or other public facilities.

BOROUGH RESPONSE:
Does not apply.

L. Construction Guarantees. The borough may require the posting of a bond or other surety approved by the assembly to ensure that all required and necessary improvements are constructed as approved. The surety may provide for partial releases upon acceptance of the improvement by the borough.

BOROUGH RESPONSE:
Does not apply.

M. Peak Use. The proposed use shall not result in significantly different peak use characteristics than surrounding uses or other uses allowed in the zone.

BOROUGH RESPONSE:
This permit is consistent with local zoning and adjacent land use activities. No impacts to peak use characteristics are expected.

N. Off-Site Impacts. The proposed use shall not have significant negative impacts on the surrounding properties, including excessive noise, fumes or odors, glare, smoke, light, vibration, dust, litter, or interference in any radio or television receivers off the premises, or cause significant line voltage fluctuation off the premises or be unsightly or become a nuisance as defined in HBC 8.12.020(I).

BOROUGH RESPONSE:
Include as permit condition. Resource extraction is consistent with local zoning, and no comments have been received from neighboring parcels. There are no anticipated off-site impacts with this use.

SPECIFIC APPROVAL CRITERIA REVIEW, per HBC 18.60.020

The **BOLD** specific approval criteria apply to this permit and are addressed below:

A. Resource Extraction.
B. Junkyard.
C. Animal Husbandry.
D. Home Occupation.
E. Bed and Breakfast (B&B).
F. Kennel.
G. Historic Buildings.
H. Temporary Residence.
I. Mobile Home Parks/Recreational Vehicle (RV) Parks.
J. Planned Unit Development.
K. Large Developments.
L. Underground Utilities.
M. Nonconforming Uses, Buildings, Lots.
N. Cemetery.
O. Commercial Marijuana Facilities.
P. Communications Equipment.

A. Resource Extraction

1. Permitting. A permit for 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 address the following concerns:

a. Limits of operational areas;

BOROUGH RESPONSE:

- **25-foot buffers against property lines,**
- **Site is buffered from adjacent zones by other industrial parcels,**
- **Design and engineering required for Hazard Areas.**

b. Days and hours of operation;

BOROUGH RESPONSE:
Seasonally, 6am – 6pm

c. Traffic patterns;

BOROUGH RESPONSE:
Access, traffic, and public maintenance along Lutak Road will be coordinated with the State.

d. Fencing and screening;

BOROUGH RESPONSE:
No fencing proposed.

e. Control of dust and noise;

BOROUGH RESPONSE:
Proposed activities are consistent with the noise and dust expected during industrial activities. The applicant has proposed the use of a street sweeper and water truck to limit impacts.

f. Phasing of operations and reclamation steps;

BOROUGH RESPONSE:
Reclamation is phased throughout construction and will be engineered in Hazard Area.

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;

BOROUGH RESPONSE:
Reclaimed land is likely to have future industrial use consistent with local zoning.

To ensure compliance with these specific approval criteria, and in an effort to meet goals of the Comprehensive Plan regarding maintenance of existing view sheds, a detailed reclamation plan will be submitted and reviewed by the Planning Commission.

h. Methods to minimize potential conflict with other existing uses within the neighborhoods adjacent to the development and traffic corridors used by the development.

BOROUGH RESPONSE:
Applicant is required to coordinate access and traffic safety plans along Lutak Road with the State.

Proposed use is consistent with existing trucking along this corridor.

COMMISSIONER RESPONSE FORMS

Per HBC 18.50.040, the Commission may adopt the Manager's recommendation on each requirement unless it finds, by a preponderance of the evidence, that the Manager's recommendation was in error and states its reasoning for such finding with particularity. In addition, for good cause, the Commission may alter the conditions on approval or requirements for guarantees recommended by the Manager. If the Commission wishes to propose other conditions, examples can be found in HBC 18.50.040(B).

The Commission is encouraged to reconsider conditions after the public hearing once all public comments have been received.

If the commission finds that the development implements all relevant requirements of this title, it shall issue a conditional use permit and the conditions and requirements shall be part of the approved permit. If the development does not implement all relevant requirements, or the commission otherwise determines the development is not in compliance with this title, the commission shall deny the permit and note with particularity its reasons for the decision.

1. The use is so located on the site as to avoid undue noise and other nuisances and dangers.

COMMISSIONER RESPONSE:

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2. The development of the use is such that the value of the adjoining property will not be significantly impaired.

COMMISSIONER RESPONSE:

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3. The size and scale of the use is such that existing public services and facilities are adequate to serve the proposed use;

COMMISSIONER RESPONSE:

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4. The specific development scheme of the use is consistent and in harmony with the comprehensive plan and surrounding land uses;

COMMISSIONER RESPONSE:

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5. The granting of the conditional use will not be harmful to the public safety, health or welfare;

COMMISSIONER RESPONSE:

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6. The use will not significantly cause erosion, ground or surface water contamination or significant adverse alteration of fish habitat on any parcel adjacent to state-identified anadromous streams;

COMMISSIONER RESPONSE:

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7. The use will comply with all required conditions and specifications if located where proposed and developed, and operated according to the plan as submitted and approved;

COMMISSIONER RESPONSE:

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8. Comments received from property owners impacted by the proposed development have been considered and given their due weight.

COMMISSIONER RESPONSE:

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In accordance with HBC 18.30.010(F) The commission may place conditions upon issuance of any approval which are necessary or desirable to ensure that a rule, policy, standard or intent will be implemented in a manner consistent with Title 18, the comprehensive plan and any rule, policy or standard implementing them.

Altered or additional Conditions, see HBC 18.50.040(B) below for definitions:

DEVELOPMENT SCHEDULE:

_____
_____
_____
_____

USE:

OWNER'S ASSOCIATION:

DEDICATIONS:

CONSTRUCTION GUARANTEES:

COMMITMENT LETTER:

COVENANTS:

DESIGN:

CODE REFERENCES

HBC 18.70.030(A)(3)

> I/W – Waterfront Industrial Zone. The intent of the waterfront industrial zone is to provide for and protect productive, marine-related heavy industries, including wharfage, natural resource export, milling and major seafood processing. Areas zoned as waterfront industrial should be located so that adjacent nonindustrial areas are buffered from the external effects common to heavy industry including noise, dust, vibration, glare, pollution, heavy traffic and unsightly uses or activities. The area is served by, or intended to have, the necessary level of public utilities and an adequate transportation system as deemed appropriate for the planned use.

18.20.020 Definitions – Regulatory.

> "Resource extraction" means a heavy industrial use involving 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.

> "Industrial, heavy" means a use that has potential for significant negative impact on adjoining uses. This category includes uses that incorporate buildings that are large, tall, or unsightly; uses that generate offensive odors, noise, dust, smoke, fumes, vibration or glare; uses that involve large amounts of exterior storage; and uses that, because of their scale or characteristics, create nuisances or hazards such as heavy truck or other vehicle traffic, or other intense activity. These uses include airports, landing strips, and heliports; truck or ship terminals and docks; concrete batching plants; asphalt or concrete mixing plants; resource extraction;

bulk material or machinery storage; petroleum refineries and transshipment facilities; grain elevators; meat packing plants or fish processing facilities; mills; resource recycling facilities; commercial flammable or hazardous material storage; sanitary landfills and solid waste storage/transshipment facilities; large scale sewage treatment facilities and manufacturing plants.

HBC 18.30.010(F) Conditions.

The assembly, commission, or manager may place conditions upon issuance of any approval which are necessary or desirable to ensure that a rule, policy, standard or intent will be implemented in a manner consistent with this title, the comprehensive plan and any rule, policy or standard implementing them.

HBC 18.50.040 Decision.

B. The commission may alter the manager's proposed permit conditions, impose its own, or both. Conditions may include one or more of the following:

1. Development Schedule. The conditions may place a reasonable time limit on construction activity associated with the development, or any portion thereof, to minimize construction-related disruption to traffic and neighbors, to ensure that lots are not sold prior to substantial completion of required public improvements, or to implement other requirements.

2. Use. The conditions may restrict the use of the development to specific uses indicated in the approval.

3. Owner's Association. The conditions may require that if a developer, homeowner or merchant association is necessary or desirable to hold or maintain common property, that it be created prior to occupancy.

4. Dedications. The conditions may require conveyances of title, licenses, easements or other property interests to the public, to public utilities, or to the homeowners association. The conditions may require construction of public utilities or improvements to public standards and then dedication of public facilities to serve the development and the public.

5. Construction Guarantees. The conditions may require the posting of a bond or other surety or collateral (which may provide for partial releases) to ensure satisfactory completion of all improvements required by the commission.

6. Commitment Letter. The conditions may require a letter from a utility company or public agency legally committing it to serve the development if such service is required by the commission.

7. Covenants. The conditions may require the recording of covenants or other instruments satisfactory to the borough as necessary to ensure permit compliance by future owners or occupants.

8. Design. The conditions may require the adoption of design standards specific to the use and site.

12D1

HAINES BOROUGH, ALASKA
RESOLUTION No. 23-09-1064 Draft

A Resolution of the Haines Borough Assembly Placing a Moratorium on New Heliports Located Within 10 Miles of an Existing Heliport in the Haines Borough.

WHEREAS, currently the following heliports are licensed in the Haines Borough:

Haines Airport – 3 mile Haines Highway
10 Mile – John Floreske – CUP #14-76 issued September 12, 2014
18 Mile – Grandfathered Use before 2011
26 Mile – George Campbell- One year permit – CUP #23-22 issued July 26, 2023
33 Mile – Grandfathered Use before 2011
35/36 Mile – Sean Brownell – CUP #19-39 continuation of CUP #16-44
Big Nugget Heliport – Constantine Mining LLC - CUP #19-105A
Glacier Creek Heliport – Constantine Mining LLC - CUP #19-105B; and

WHEREAS, there are sufficient heliports existing between the Haines townsite and the Canadian Border along the Haines Highway; and

WHEREAS, the Haines Highway area is currently zoned as a General Use zone which requires a Conditional Use Permit for heliports; and

WHEREAS, there are currently 8 heliports within a 40 mile highway corridor; and

WHEREAS, the Borough has seen a recent increase in Conditional Use Permit applications for heliports along the Haines Highway corridor; and

WHEREAS, nothing in this moratorium affects helicopter operations associated with federal or state agencies, law enforcement efforts or emergency response; and

WHEREAS, without action, the borough can expect to see continued applications for new heliports,

NOW THEREFORE BE IT RESOLVED that the Haines Borough Assembly is placing a moratorium on new heliports located within 10 miles of an existing heliport in the Haines Borough.

Adopted by a duly-constituted quorum of the Haines Borough Assembly on this 24th day of October, 2023.

_____
Douglas Olerud, Mayor

Attest:

_____
Alekka Fullerton, MMC, Borough Clerk