



11C7

| HC 60 Box 4800 Haines, AK 99827 | Phone : 907-766-2833 | Fax : 907-766-2832 |

April 17, 2024

Alekka Fullerton
Haines Borough Clerk
PO Box 1209
Haines, AK 99827

Re: Haines Borough Conditional Use Permit #23-87B Permit Appeal

Ms. Fullerton,

I write on behalf of Southeast Road Builders (“SERB”) to provide the Haines Borough Assembly additional information regarding the Planning Commission’s March 14, 2024 denial of Conditional Use Permit #23-87B (“Permit”).

As explained below, SERB’s application for the Permit satisfies each of the applicable criteria with regard to the proposed use of its Lutak Road Property (“Site”).¹ This is not simply SERB’s own conclusion – it was the conclusion reached by the Borough Planner and Manager, as well as the conclusion reached by the Planning Commission when it considered SERB’s prior application for Conditional Use Permit #23-87. In fact, up until the Planning Commission’s recent decision to deny the Permit, *every single review* of SERB’s proposed use reached the same conclusion – that it was an entirely appropriate use for this industrially-zoned property.

In reaching a contrary conclusion to the Manager (and its own prior findings), the Planning Commission: (1) failed to find any error in the Manager’s recommendation or its own prior conclusions; and (2) failed to even *consider* whether the Manager’s proposed conditions would satisfy the criteria reflected in HBC 18.60. Instead, the Commission denied the Permit based on concerns that lack evidence and fail to appreciate the Site’s existing zoning. Moreover, a review of the record and hearing on this Permit reflects a lack of clear, articulable standards which SERB could use in preparing future proposals.

A more detailed discussion of these issues with respect to each of the criteria considered by the Planning Commission follows.

Approval Criteria Considered by Planning Commission

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

Borough Manager: The Borough Manager found that: (1) Applicant has proposed a natural buffer of 25-feet between the roadway and adjacent parcels; (2) the Site is adequately buffered from the Lutak Planning District by approximately 41 acres of

¹ The site is located at parcel C-LTR-04-1000 at approximately MP 4 of the Lutak Road. A more particular description of the Site and maps of the property are included in the Permit application.



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industrial parcels; and (3) that the proposed operation schedule of 6am-6pm is appropriate and consistent with industrial use of this area and existing land uses by Alaska Marine Lines and the Alaska Marine Highway System.

Planning Commission: The Planning Commission did not engage with the Manager's findings in a meaningful sense. Instead, the Commission determined that SERB's proposed use of the site would "add noise" due to the alleged lack of a buffer, and that it would be a "potential danger because of the proximity of the ferry terminal and the road."

In so finding, the Planning Commission erroneously failed to consider:

- The Manager's finding that an adequate buffer zone did exist, as identified in the application.
- SERB's existing right to use the parcel for heavy industrial use, as a result of its waterfront industrial zoning.
- The adequacy of SERB's traffic control plan – which followed the instructions of DOT&PF (and which SERB had little, if any, ability to deviate from) – and the existing use of surrounding parcels, which include resource extraction and industrial operations.

2. *The development of the use is such that the value of the adjoining property will not be significantly impaired. The Planning Commission acknowledged that SERB met this requirement.*
3. *The size and scale of the use is such that existing public services and facilities are adequate to serve the proposed use. The Planning Commission acknowledged that SERB met this requirement.*
4. *The specific development scheme of the use is consistent and in harmony with the comprehensive plan and surrounding land uses.*

Borough Manager: The Borough Manager's review found that, in addition to supporting the comprehensive plan's economic development goals listed by SERB, the Permit would be consistent with the future growth and development plans, and that SERB's proposed use is consistent with land use activities prioritized for the Site as it has been zoned, including rock quarries, and the processing, shipping, and storing of goods.

Planning Commission: Half of the Planning Commissioners acknowledged that SERB met this requirement. Those that disagreed raised concerns that it may conflict with a hypothetical *future* comprehensive plan. This is a particularly egregious indicator of arbitrariness in the Commissioner's consideration because, at the Commission's following meeting (on April 11) the Commissioners correctly acknowledged that only the current comprehensive plan can be considered.



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

Borough Manager: The Borough Manager’s review found that SERB’s proposed use was consistent with the Site’s zoning and would provide adequate buffers for proposed industrial activities. The Manager further noted that the Alaska Department of Transportation & Public Facilities had reviewed truck traffic related to aggregate transloading at the site, and that – if needed – the State would require additional permitting if truck traffic exceeded 100 loads per hour. The Manager further noted that hazard areas, defined as steep slopes greater than 30 percent (HBC 18.60.10(T)), are present on-site and that design and engineering to mitigate the risk of loss of life or property should be required as a condition of the Permit.

Planning Commission: The Planning Commission determined that “trucks crossing the road” created a potential for traffic accidents and a potential hindrance of emergency response. The Planning Commission also decided that SERB hadn’t provided “enough evidence” to adequately address landslide hazard risk. These findings were in error, and the Assembly should reverse those findings and affirm the Manager’s more detailed analysis for the following reasons:

- The Planning Commission failed to consider whether the Manager’s proposed condition of an engineered plan for mitigating landslide risk – which would be required *before* any resource extraction could begin – adequately addressed landslide concerns. Had the Commission fairly considered this question, it would have found that it did, and that the interactive, ongoing process suggested by the Manager is the best way to ensure safe operations moving forward.
- The Planning Commission’s concern over “vehicular traffic” accidents failed to acknowledge that SERB already has a use by right for industrial operations, including industrial vehicular traffic.
- Although the Planning Commission failed to articulate any type of objective standard for landslide risk or traffic levels, its review of the Permit reflects a much more stringent test than what has been applied for similar CUP applicants or the Borough's *own resource development* project immediately adjacent to the Site.



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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.*

Borough Manager: The Borough Manager’s review found that the stream on-site is non-anadromous and found that SERB 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.

Planning Commission: Three members of the Planning Commission, without identifying any errors in the Manager’s recommendation, nevertheless voted that this requirement was not met because “engineering plans were not provided.” This is an inappropriate basis to reject the Borough recommendation for the following reasons:

- The Planning Commission has not required engineering plans for other applicants under this requirement, and (to the contrary) has an established precedent of allowing SWPPP plans to be submitted after initial Permit issuance.
- The Planning Commission did not consider or discuss the adequacy of state permitting requirements and regulations, including by ADEC and ADF&G’s, which the Manager correctly determined provide robust and sufficient safeguards against erosion related issues.

7. *The use will comply with all required conditions and specifications if located where proposed and developed.*

Borough Manager: The Borough Manager found that the 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.

Planning Commission: The Commissioners rejected the Manager’s conclusion, because: (1) of potential conflict with other user groups; and (2) because the use might conflict with a future comprehensive plan. The Planning Commission’s findings on this requirement should be reversed, because:

- The Planning Commission’s decision is contrary to the stated purpose of HBC 18.70.030(A)(3), which is to “**provide for and protect** productive, marine-related heavy industries, including wharfage, **natural resource export**, milling and major



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seafood processing.” Further to this, the the zoning for the Site (waterfront industrial) permits industrial and commercial activity as a use by right.

- As acknowledged by the Planning Commission on April 11, only the current comprehensive plan may be considered.
- The absence of hypothetical conflict with other users is not an element of this requirement, and the Commission failed to identify how resource extraction would conflict with other users in a way that is meaningfully different from SERB’s industrial uses by right.
- In its review, the Commission applied an inconsistent review standard to how other industrial users (including the Borough’s own project) have been treated in the area.

8. *Comments received from property owners impacted by the proposed development have been considered and give their due weight. **The Planning Commission acknowledged that SERB met this requirement.***

Conclusion

In sum, none of the Planning Commission’s stated reasons for denial of the Permit justify or warrant rejection of the Borough Manager’s own findings or warrant reversal of the Commission’s own prior findings.

Rather, for each requirement that the Planning Commission found SERB’s application inadequate, the record of the deliberations reflects a stunning lack of consideration for the findings or proposed conditions from the Manager. The Commission’s deliberations also reflect troubling inconsistency in how the Permit was reviewed relative to similar permits or projects.

In sum, the Commission’s decision reflects a small group of new commissioners substituting their own arbitrary judgment for that of the many professionals and Borough employees who have worked, up to now, on finding appropriate conditions for this Permit. SERB therefore asks that the Assembly vacate the Planning Commission’s denial and affirm in its place the reasoned and professional recommendation of the Borough Manager.

Sincerely,

TJ Mason, PMP
Area Manager/Assistant Secretary
Glacier Construction d/b/a Southeast Roadbuilders

Alekka Fullerton
Haines Borough Clerk
P.O. Box 1209
Haines, AK 99827
afullerton@haines.ak.us

March 26, 2024

Re: Notice of Appeal of the Haines Planning Commission decision to deny Conditional Use Permit #23-87B

Dear Ms. Fullerton,

Through this letter, permittee Glacier Construction Inc., d/b/a Southeast Road Builders (“SERB”) provides its Notice of Appeal under HBC 18.30.060, of the Haines Borough Planning Commission’s (“Commission”) decision to deny SERB’s application for Conditional Use Permit #23-87B (“Permit”). The Commission’s action to deny the permit was made arbitrarily and in violation of Borough Code, in a manner that directly contradicted prior findings of the Planning Commission and failed to give consideration to the Borough manager’s recommendation.

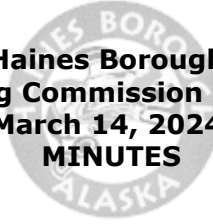
The points on which SERB appeals include the following:

1. SERB’s application and proposed use meets each of the requirements of Haines Borough Code, including each of the requirements in HBC 18.50.040.
2. SERB’s proposed use was previously determined by the Borough manager and Planning Commission to meet each of the requirements of Haines Borough Code, including each of the requirements in HBC 18.50.040.
3. The Borough Manager’s report for Permit #23-87B, dated March 8, 2024, recommended approval of the Permit because SERB’s proposed use met each of the requirements of Haines Borough Code, including each of the requirements in HBC 18.50.040.
4. HBC 18.50.040 indicates that the Commission may adopt the recommendation of the Manager “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.” Despite making no findings that the Manager’s recommendation was in error (or that its own prior approval was in error) the Commission rejected the Permit. This was an arbitrary and capricious action.
5. The Commission’s denial was based, in part, on an unreleased and not-current comprehensive plan, which is not public and which SERB had no opportunity to engage with.

6. At the hearing on the Permit, individual commissioners failed to disclose conflicts of interest and extensive, prejudicial contacts with the appellants that challenged SERB's prior permit.
7. At the Permit hearing, the Commission exhibited significant, undue bias against SERB and its representative relative to other permit applicants and reflected improper prejudgment of the Permit.

Sincerely,

TJ Mason
Southeast Road Builders


Haines Borough
Planning Commission Meeting
March 14, 2024
MINUTES

Approved
at 4/11/24 meeting

1. CALL TO ORDER/PLEDGE TO THE FLAG/LAND ACKNOWLEDGEMENT/ROLL CALL:

Chair **BROWN** called the meeting to order at 6:32 pm in the assembly chambers and on zoom, and led the pledge to the flag.

Commissioners Present: Patty **BROWN**, Rachel **SAITZYK**, Eben **SARGENT**, Erika **MERKLIN**, Dan **SCHULTZ**, Derek **POINSETTE**

Absent: Brian **O’RILEY**

Assembly Members: Craig **LOOMIS**/Liaison, Debra **SCHNABEL**, Tom **MORPHET**/Mayor

Staff Present: Annette **KREITZER**/Borough Manager, Alekka **FULLERTON**/Borough Clerk, Kiersten **LONG**/Deputy Clerk, Andrew **CONRAD**/Planner

Visitors Present: Don **TURNER** Jr, Thom **ELY**, Parker **SCHNABEL**, Roger **SCHNABEL**, Dakota **FRAMBOISE**/SERB, Dillon **SWINTON**, John **FLORESKE**, Matt **JILSON**, Jess **FORSTER**, Tim **MCDONOUGH**, Joanne **WATERMAN** and others present on zoom.

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

3 – Approve Minutes from 2-8-24 Regular Planning Commission Meeting

Motion: POINSETTE moved to “split items 12A into two items the new 12A will read: Rehearing of appeal of CUP 23-87 which was remanded to the planning commission by the assembly for final deliberation and add 12B First hearing of CUP 23-87B” and the motion carried unanimously.

Motion: SAITZYK moved to “approve the amended agenda” and the motion carried unanimously.

Motion: POINSETTE moved to “approve 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 2-8-24 Regular Planning Commission Meeting”

4. PUBLIC COMMENTS:

D. SCHNABEL – Doesn’t understand what happened with respect to amending the agenda.

5. COMMISSION COMMENTS:

A. POINSETTE – Regional Landslide Working Group Report; Public hearing items

SCHULTZ – Remanded CUP

SARGENT – Time line of the CUP process

6. CHAIR’S REPORT: Chair **BROWN** reported on

A. Bear/Human Conflict Mitigation Committee Status

B. Scheduling a Community Meeting on Developing an Advisory Group for Support to the Planning Commission around Developments in Landslide Susceptible Zones.

7. SUBCOMMITTEE REPORTS: None

8. **ASSEMBLY LIAISON REPORT:** Assembly member **LOOMIS** was present and willing to answer any questions.

9. **STAFF REPORT:**

- A. **Planner Report – Planner *CONRAD* gave a Verbal Report**
- B. **Prospects for Continuation of the Small Boat Harbor Expansion Project**
- C. **Process for Reporting Right-Of-Way Concerns**
- D. **Comprehensive Plan Update**

10. **PUBLIC HEARINGS:**

- A. **Conditional Use Permit #24-001 Extension of permit #19-03 Resource Extraction – Highland’s Estate Inc. & St. James Place C-208-TL-0400 & C-208-TL-03A0 – Rural Mixed Use Zone.**

On 3-14-19 conditional use permit #19-03 was approved by a pervious planning commission. The permit was valid for five (5) years. After expiration of permit, the applicant must reapply.

The public comment period was open at 7:14 pm and the following people spoke with respect to this item; **JILSON, ELY**, closed at 7:22 pm.

R. SCHNABEL who was representing the applicants spoke to this item

Motion: **POINSETTE** moved to “postpone this agenda item until the next planning commission meeting and direct the borough to notify all property owners identified in the application” and the motion carried unanimously.

Motion: **SCHULTZ** moved to “extend permit #19-03 until the next meeting of the planning commission” and the motion carried unanimously.

***Clerk’s Note: This agenda item was postponed to the April 11, 2024 Planning Commission Meeting.*

- B. **Land Use Permit #23-101 Change of use – Port Chilkoot Rentals – C-PTC-0C-0600 – Significant Structures Zone**

The Planning Commission is acting as the Historic District Committee per HBC 18.70.050(C).

The public comment period was opened at 8:05 pm and the following people spoke with respect to this item **WATERMAN** and closed at 8:07 pm.

Motion: **SAITZYK** moved to “approve the LUP #23-101 since the commission found that the development is not one of the surveyed structures and it doesn’t have a material effect upon the character of the district” and the motion carried unanimously.

11. **UNFINISHED BUSINESS:** None

12. **NEW BUSINESS:**

- A. **Rehearing of appeal of Conditional Use Permit #23-87** Rehearing of appeal of CUP 23-87 which was remanded to the planning commission by the assembly for final deliberation. ** Clerk’s Note: This item was renamed at the beginning of the meeting.*

Motion: **POINSETTE** moved to “vacate Conditional Use Permit #23-87 and accept in its place CUP #23-87B” and the motion carried unanimously.

The public comment period was opened at 8:23 pm and the following people spoke with respect to this item: **D. SCHNABEL, MCDONOUGH**, and closed at 8:26 pm.

B. First Hearing of Conditional Use Permit #23-87B

The public comment period was opened at 8:34 pm and the following people spoke with respect to this item: **MCDONOUGH**, and public comments were closed at 8:36 pm.

MASON, Area Manager of Southeast Roadbuilders, was present and answered questions the commission had with respect to this agenda item.

Commissioners discussed HBC 18.50.040(A) 1-8 Conditional Use Criteria for CUP #23-87B

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

After discussion, the majority of the commission agreed criteria #1 was not met since the project would add noise since there is no buffer. The majority of the commission decided it would be a potential danger because of the proximity of the ferry terminal and the road. Commissioners **SARGENT** and **SAITZYK** agreed that criteria #1 was met since it is consistent with the zoning and the other uses in that zone.

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

After discussion, the commission agreed criteria #2 was met since the surrounding properties are within the waterfront industrial zone and other properties will not be affected.

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 agreed criteria #3 was met since this criteria isn't applicable to this permit because there aren't existing public services in that area.

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

After discussion, three commissioners agreed criteria #4 was not met since section 3.1 speaks to sustaining quality of life, and the development is in close proximity to the sport boat ramp and the ferry terminal. Three commissioners agreed that criteria #4 was met since another section of the comprehensive plan supports the use, and it is consistent with the surrounding land uses and it is supporting the local economy with jobs.

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

After discussion, the commission unanimously agreed criteria #5 was not met since the road is well used by locals and tourists. With the trucks crossing the road there is a potential for accidents, and a hindrance of emergency response. Members didn't believe the applicant provided enough evidence to adequately address landslide hazard risk.

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, three commissioners agreed criteria #6 was not met since engineering plans were not provided. A concern was raised that the run off could go into the water across the road and impact fish habitats. The other three planning commissioners agreed that criteria #6 was met since the applicant indicated there wouldn't be erosion and if there was the applicant would mitigate it. There are no State identified anadromous streams or fish habitats in the area.

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, most commissioners agreed criteria #7 was not met since the project can't operate without conflict with other user groups, the applicant wouldn't be able to operate at the rate proposed without impacting the welfare and safety of the public. One commissioner wanted to wait for the new comprehensive plan to be adopted and additional information from a landslide working group to provide more information. Commissioner **SARGENT** and **SAITZYK** agreed that this criteria was met since it would be possible to put conditions on the application to satisfy the requirements.

8) Comments received from property owners impacted by the proposed development have been considered and give their due weight;

After discussion, the commissioners unanimously agreed criteria #8 was met since they didn't receive any negative comments from the adjacent property owners. The few comments received from the public were considered.

Motion: **POINSETTE** moved to "deny conditional use permit 23-87B for not meeting all of 8 requirements of HBC 18.50.40" and the motion carried 5-1 with **BROWN** opposed.

13. PUBLIC COMMENTS:

TURNER – disappointed in the way CUP 23-87 was handled, the zoning is waterfront industrial.

ELY – Thank you for revisiting the issue of CUP 23-87.

Mayor MORPHET – Conditional use permit - the idea is it may or may not work, but it's always good to work with the permittee.

MENKE – Thank you for the hours being put in the conditional use permit and the value of Chilkoot and Lutak.

KERMOIAN – Thank you for following code.

14. ANNOUNCEMENTS / COMMISSION COMMENTS:

15. CORRESPONDENCE:

16. SET MEETING DATE:

Geotechnical Advisory Group meeting Tuesday, April 2, 2024

17. ADJOURNMENT: 10:47 pm

**Haines Borough
Planning Commission
April 11, 2024
EXCERPT OF MINUTES**

Commissioners Present: Patty **BROWN**, Brian **O'RILEY**, Eben **SARGENT**, Erika **MERKLIN**, Dan **SCHULTZ**, Derek **POINSETTE**

Absent: Rachel **SAITZYK**

Assembly Liaison: Craig **LOOMIS**

Staff Present:, Kiersten **LONG**/Deputy Clerk, Tony **WILSON**/It Tech

Visitors Present: Nishan **WERSHNGE**, Joe **PARNELL**, Peter **DOHRN**, Roger **SCHNABLE**, Mathew **JILLSON**, Don **TURNER**, and 17 others on zoom.

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

3 - Approve Minutes from 3-14-24 Regular Planning Commission Meeting

MOTION MERKLIN moved to "approve the 3-14-24 minutes" and the motion carried unanimously.

MOTION: SARGENT moved to "direct the staff to provide the commissioner response forms to be considered in their review of the Conditional Use Permit appeal" and the motion carried unanimously.

I certify that the above is a true and complete excerpt of agenda item 2 from the April 11, 2024 planning commission minutes.


Kiersten Long, Deputy Clerk
Haines Borough, Alaska



Anika Merklin



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: March 08, 2024

RE: Conditional Use Permit (CUP) – Resource Extraction | Waterfront Industrial Zone | CUP 23-87 | Site B: C-LTR-04-1000 | Glacier Construction Inc. dba Southeast Road Builders

On 10/23/2023, the Planning Commission (PC) conditionally approved CUP 23-87. Haines Borough Code (HBC) 18.30.060 allows for an appeal to the assembly of a PC decision, and four appeals were timely submitted to the clerk. One appeal was presented to the assembly at their 11/14/2023 meeting, and the assembly voted to rehear the PC's entire decision regarding CUP 23-87. The appeal hearing was scheduled for 11/28/2023, as required by HBC 18.30.060(A). The appellants requested a postponement at this meeting due to a missing assembly member since a supermajority is required for quasi-judicial motions. Pursuant to HBC 2.10.190(D) the Mayor postponed the rehearing absent objection.

On 12/12/2023 the assembly held the public hearing for this permit appeal and made the decision to:

Remand the permit to the PC with the requirement that Southeast Road Builders resubmit the permit application with different permits for Site A and Site B.

The Assembly adopted these findings on 1/9/2024. On 3/4/2024 a resubmittal was received by the borough for public hearing at the 3/14/2024 PC meeting.

This memo serves as my recommendation per HBC 18.50.030 (D)3 for approval of this CUP to the Commission with the updated conditions listed below.

BOROUGH RECCOMENDATION:

Approve Conditional Use Permit 23-87A, 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

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.

See attached staff review for CUP 23-87 for information regarding recommendations.

Conditional Use Permit (CUP) – Resource Extraction | Waterfront Industrial Zone | CUP 23-87 | Site B: C-LTR-04-1000 | Glacier Construction Inc. dba Southeast Road Builders

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:

NO - no bubble for noise or dust, truck traffic from one portion of site to the other is a nuisance and potential danger to bicycles, pedestrians and vehicle use.

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

COMMISSIONER RESPONSE:

Yes Agree

4 NO

6425

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

6 YES

COMMISSIONER RESPONSE:
yes

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

4 NO

COMMISSIONER RESPONSE:
No

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

6 NO

COMMISSIONER RESPONSE:
No.

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;

3/3

COMMISSIONER RESPONSE:

NO - think erosion will occur -
while it may not impact on anadromous
stream - ~~but it will cause~~
~~damage to~~

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;

4 NO

COMMISSIONER RESPONSE:

~~NO~~ ~~yes?~~ ~~marginally~~
noise, public safety

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

6 yes

COMMISSIONER RESPONSE:

yes

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

DEVELOPMENT SCHEDULE:

USE:

OWNER'S ASSOCIATION:

DEDICATIONS:

CONSTRUCTION GUARANTEES:

COMMITMENT LETTER:

COVENANTS:

DESIGN:

Prusette



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: March 08, 2024

RE: Conditional Use Permit (CUP) – Resource Extraction | Waterfront Industrial Zone | CUP 23-87A | Site B: C-LTR-04-1000 | Glacier Construction Inc. dba Southeast Road Builders

On 10/23/2023, the Planning Commission (PC) conditionally approved CUP 23-87. Haines Borough Code (HBC) 18.30.060 allows for an appeal to the assembly of a PC decision, and four appeals were timely submitted to the clerk. One appeal was presented to the assembly at their 11/14/2023 meeting, and the assembly voted to rehear the PC's entire decision regarding CUP 23-87. The appeal hearing was scheduled for 11/28/2023, as required by HBC 18.30.060(A). The appellants requested a postponement at this meeting due to a missing assembly member since a supermajority is required for quasi-judicial motions. Pursuant to HBC 2.10.190(D) the Mayor postponed the rehearing absent objection.

On 12/12/2023 the assembly held the public hearing for this permit appeal and made the decision to:

Remand the permit to the PC with the requirement that Southeast Road Builders resubmit the permit application with different permits for Site A and Site B.

The Assembly adopted these findings on 1/9/2024. On 3/4/2024 a resubmittal was received by the borough for public hearing at the 3/14/2024 PC meeting.

This memo serves as my recommendation per HBC 18.50.030 (D)3 for approval of this CUP to the Commission with the updated conditions listed below.

BOROUGH RECCOMENDATION:

Approve Conditional Use Permit 23-87A, 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

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.

See attached staff review for CUP 23-87 for information regarding recommendations.

Conditional Use Permit (CUP) – Resource Extraction | Waterfront Industrial Zone | CUP 23-87 | Site B: C-LTR-04-1000 | Glacier Construction Inc. dba Southeast Road Builders

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:

No. Proximity of ferry terminal and sport boat ramp increases danger to public from truck traffic. Lutak road is also a busy pedestrian, bicycle, and tourist route.

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

COMMISSIONER RESPONSE:

Yes.

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:

Yes.

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

COMMISSIONER RESPONSE:

No. Proximity to sport ramp and ferry terminal.

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

COMMISSIONER RESPONSE:

No. Poor location - on Lutak Lutek near recreational & fishery resources, many people.

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:

No. Lack of plans and engineering in the application.

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:

No. Proposed use is too far out of alignment with other uses. Too many conflicts generally with public safety and welfare.

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

COMMISSIONER RESPONSE:

Yes, including appellants.

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

DEVELOPMENT SCHEDULE:

USE:

OWNER'S ASSOCIATION:

DEDICATIONS:

CONSTRUCTION GUARANTEES:

COMMITMENT LETTER:

COVENANTS:

DESIGN:

Sargeant



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: March 08, 2024

RE: Conditional Use Permit (CUP) – Resource Extraction | Waterfront Industrial Zone | CUP 23-87A | Site B: C-LTR-04-1000 | Glacier Construction Inc. dba Southeast Road Builders

On 10/23/2023, the Planning Commission (PC) conditionally approved CUP 23-87. Haines Borough Code (HBC) 18.30.060 allows for an appeal to the assembly of a PC decision, and four appeals were timely submitted to the clerk. One appeal was presented to the assembly at their 11/14/2023 meeting, and the assembly voted to rehear the PC's entire decision regarding CUP 23-87. The appeal hearing was scheduled for 11/28/2023, as required by HBC 18.30.060(A). The appellants requested a postponement at this meeting due to a missing assembly member since a supermajority is required for quasi-judicial motions. Pursuant to HBC 2.10.190(D) the Mayor postponed the rehearing absent objection.

On 12/12/2023 the assembly held the public hearing for this permit appeal and made the decision to:

Remand the permit to the PC with the requirement that Southeast Road Builders resubmit the permit application with different permits for Site A and Site B.

The Assembly adopted these findings on 1/9/2024. On 3/4/2024 a resubmittal was received by the borough for public hearing at the 3/14/2024 PC meeting.

This memo serves as my recommendation per HBC 18.50.030 (D)3 for approval of this CUP to the Commission with the updated conditions listed below.

BOROUGH RECCOMENDATION:

Approve Conditional Use Permit 23-87A, 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

- 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.

See attached staff review for CUP 23 87 for information regarding recommendations.

Conditional Use Permit (CUP) – Resource Extraction | Waterfront Industrial Zone | CUP 23-87 | Site B: C-LTR-04-1000 | Glacier Construction Inc. dba Southeast Road Builders

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:

YES - LOCATED AS BEST CAN BE
NOISE/NUISANCE NOT UNDU

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

COMMISSIONER RESPONSE:

YES - NO VALUE IMPACT

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:

YES - UTILITIES ADEQUATE

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

COMMISSIONER RESPONSE:

YES - IMPACTS ARE MANAGEABLE
- HARMONY W/ COMP PLAN

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

COMMISSIONER RESPONSE:

NO - INADEQUATE LANDSCAPE EVALUATION

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:

YES - EROSION CAN BE MANAGED, NO
FISH IMPACT ~~IS~~ FORSEABLE

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:

YES - THERE IS A PATH TO DEVT

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

COMMISSIONER RESPONSE:

YES - COMMENTS WEIGHED - OPINION
BALANCED ON BOTH SIDES OF PERMIT
DISCUSSION

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

DEVELOPMENT SCHEDULE:

USE:

OWNER'S ASSOCIATION:

DEDICATIONS:

CONSTRUCTION GUARANTEES:

COMMITMENT LETTER:

COVENANTS:

DESIGN:

Dan Schultz



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: March 08, 2024

RE: Conditional Use Permit (CUP) – Resource Extraction | Waterfront Industrial Zone | CUP 23-87^B | Site B: C-LTR-04-1000 | Glacier Construction Inc. dba Southeast Road Builders

On 10/23/2023, the Planning Commission (PC) conditionally approved CUP 23-87. Haines Borough Code (HBC) 18.30.060 allows for an appeal to the assembly of a PC decision, and four appeals were timely submitted to the clerk. One appeal was presented to the assembly at their 11/14/2023 meeting, and the assembly voted to rehear the PC's entire decision regarding CUP 23-87. The appeal hearing was scheduled for 11/28/2023, as required by HBC 18.30.060(A). The appellants requested a postponement at this meeting due to a missing assembly member since a supermajority is required for quasi-judicial motions. Pursuant to HBC 2.10.190(D) the Mayor postponed the rehearing absent objection.

On 12/12/2023 the assembly held the public hearing for this permit appeal and made the decision to:

Remand the permit to the PC with the requirement that Southeast Road Builders resubmit the permit application with different permits for Site A and Site B.

The Assembly adopted these findings on 1/9/2024. On 3/4/2024 a resubmittal was received by the borough for public hearing at the 3/14/2024 PC meeting.

This memo serves as my recommendation per HBC 18.50.030 (D)3 for approval of this CUP to the Commission with the updated conditions listed below.

BOROUGH RECCOMENDATION:

Approve Conditional Use Permit 23-87A, 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

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.

See attached staff review for CUP 23-87 for information regarding recommendations.

Conditional Use Permit (CUP) – Resource Extraction | Waterfront Industrial Zone | CUP 23-87 | Site B: C-LTR-04-1000 | Glacier Construction Inc. dba Southeast Road Builders

DOT right away

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.

disagree
COMMISSIONER RESPONSE:

4-2 ↓
This project will greatly add to the noise coming from the site. This site is very close to water above any possible buffers to Lutah Inlet. All uses of Lutah Inlet will be subjected to the sounds of rock crushing, dump trucks dropping their loads, excavations.

(see back page.)

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

agree
~~there~~

COMMISSIONER RESPONSE:

The adjoining properties will not be affected

6-0 ↑

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:

Agree Existing utilities are sufficient

6-1

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

COMMISSIONER RESPONSE:

Disagree 3.1 current conditions Excellent quality of life
Goals: sustain the quality of life that Haines residence
rate as excellent based on: 1. outdoors/natural beauty.
2. small town atmosphere 5. Abundant hunting, fishing, and substance
opportunities.

4-2 ↓

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

COMMISSIONER RESPONSE:

Disagree Not compatible with public safety with truck crossing
vs. tourists and noise vs. users of Lutak Inlet.

6-0 ↓

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:

Disagree, we don't know because the studies have
not been performed and we don't have detailed
plans for this

3-3

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:

4-2↓ ~~Agree~~ ~~Disagree~~ I don't think you can operate this project without conflict with other uses

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

COMMISSIONER RESPONSE:

6-0↑ ~~Disagree~~ ~~Agree~~ Public comment has been received and they have valid concerns about noise erosion, and quality of life

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

DEVELOPMENT SCHEDULE:

USE:

OWNER'S ASSOCIATION:

DEDICATIONS:

CONSTRUCTION GUARANTEES:

COMMITMENT LETTER:

COVENANTS:

DESIGN:

The soundscape is a very important aspect to quality of life. We have seen from surveys from our current camp plan and our next that Haines residents cherish these quality of life.

This noise will affect

- substance fish users of Lutak
- Rafts of birds will be displaced
- Sealions during the Hachyon run will have one less place to raft in Lutak Inlet

Conditional Use Permit (CUP) - Resource Extraction | Waterfront Industrial Zone | CUP 23-87 | Site B: C-LTR-04-1000 | Glacier Construction Inc. dba Southeast Road Builders

- our main tourist route
- Taiyasanka bay - sounds echo there
- Residence of Lutak inlet - noise travels far on water

Brown

SEKRB
CUP #23-87B

Specific

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:

No

Noise from rock crusher will bounce across water and off cliffs. Possibly could use a concrete barrier. Use H₂O truck for dust

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

COMMISSIONER RESPONSE:

Yes

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:

Yes

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

COMMISSIONER RESPONSE:

No - wild, natural area is used heavily for open space recreation. New data shows people move here and stay here because of ability to use these spaces.

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

COMMISSIONER RESPONSE:

No - truck traffic and slope failure risk is a threat.

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:

Erosion will be common. I believe there is an effort to mitigate. Yes.

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:

No

~~Yes~~ Conditions not established.

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

COMMISSIONER RESPONSE:

Yes

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

DEVELOPMENT SCHEDULE:

with loaded trucks ^{No road crossings} 6AM - 9AM
except
Or:

USE:

Barrier around rock crusher
Water truck and street sweeper

OWNER'S ASSOCIATION:

DEDICATIONS:

CONSTRUCTION GUARANTEES:

COMMITMENT LETTER:

COVENANTS:

DESIGN:



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: March 08, 2024

RE: Conditional Use Permit (CUP) – Resource Extraction | Rural Mixed Use Zone | CUP 24-001 | C-208-TL-0400, C-208-TL-03A0 | Highland’s Estates Inc. & St. James Place

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 1/25/2024.

This conditional use permit application is for Resource Extraction in the Rural Mixed Use Zone. This zone is defined as:

The intent of the rural mixed use zone is to allow for a broad mixture of uses including, as uses-by-right, single and multiple dwelling residential uses and, generally, commercial and light industrial uses by conditional use permit. Where public water or sewer utilities are unavailable, the size, slope, dimension and soil type of subdivision lots must be adequate to support on-site water and wastewater systems to properly serve the planned use of the property.

Resource Extraction is a Conditional Use in this zone.

This is an extension of CUP 19-003, and as required by HBC 18.30.010(C) is subject to the conditional use permit process.

BOROUGH RECCOMENDATION:

Conditionally approve CUP 24-001 with the conditions established on CUP 19-003 and:

1. Establish legal access, or provide copies of easements and driveway permits, for the truck routes through parcels:
 - a. C-207-TL-2310,
 - b. C-CDS-TL-010A,
 - c. C-CDS-TL-0100,
 - d. C-CDS-TL-0210,
 - e. C-CDS-TL-0200,
 - f. C-CDS-TL-0300,
2. Provide a copy of state permitting for stormwater pollution prevention measures identified in the operations plan.

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:

A 500-foot buffer exists between the use and the nearest occupancy.

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 feet were received.

This permit is consistent with existing land use and local zoning, no significant impairments are expected.

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 the proposed land use.

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

BOROUGH RESPONSE:

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

#4 – Industrial

#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.

See also Attachments B, C, D, E, & F in the application.

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 industrial activities.

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:

No previous drainage issues have been reported. Applicant will comply with State requirements for water quality and sediment control.

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.

GENERAL APPROVAL CRITERIA REVIEW, per HBC 18.60.010

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.

The application comports with the general approval criteria in HBC 18.60.010. Only the following criteria apply to this application:

Conditional Use Permit (CUP) – Resource Extraction | Rural Mixed Use Zone
| CUP 24-001 | C-208-TL-0400, C-208-TL-03A0 | Highland’s Estates Inc. & St.
James Place

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. 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:

See condition #1 above for compliance with access requirements.

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 proposed land use will occur on-site. Land use activities are not expected to overload Borough streets or result in unsafe situations if compliance with borough code and existing permit conditions are maintained.

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:

No increased street maintenance is anticipated. The operations plan includes methods for controlling sediment from transport onto public streets.

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:
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).

Conditional Use Permit (CUP) – Resource Extraction | Rural Mixed Use Zone
| CUP 24-001 | C-208-TL-0400, C-208-TL-03A0 | Highland's Estates Inc. & St.
James Place

BOROUGH RESPONSE:

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.

The operations plan includes activities to control dust and runoff.

O. Habitat.

BOROUGH RESPONSE:

Does not apply.

P. Anadromous Fish Stream Setbacks.

BOROUGH RESPONSE:

Does not apply.

Q. Open Space and Facilities.

BOROUGH RESPONSE:

Does not apply.

R. Historic Resources.

BOROUGH RESPONSE:

Does not apply.

S. National Flood Plain Regulations.

BOROUGH RESPONSE:

Does not apply.

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:

BOROUGH RESPONSE:

Does not apply.

U. Waterfront. The following requirements apply in all waterfront zones:

BOROUGH RESPONSE:

Does not apply.

Conditional Use Permit (CUP) – Resource Extraction | Rural Mixed Use Zone
| CUP 24-001 | C-208-TL-0400, C-208-TL-03A0 | Highland’s Estates Inc. & St.
James Place

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,**

b. Days and hours of operation;

BOROUGH RESPONSE:

Monday - Friday, 8am - 5pm

c. Traffic patterns;

BOROUGH RESPONSE:

Traffic patterns are clearly identified and appropriate for this land use.

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 will use on-site measures to limit and control dust and noise as stated in the operations plan.

f. Phasing of operations and reclamation steps;

BOROUGH RESPONSE:

Operations and reclamation plans are included in the application and are appropriate for this land use.

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.

Drainage, reclamation, vegetation and soil conditions are identified in the permit application and are appropriate for this land use.

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:

This land use has been ongoing since 2001. The borough is not aware of conflict with neighboring land use and all trucking associated with this land use will be performed by licensed commercial drivers.

125K YDS

TIMELINE

FINAL GRADE

2:1

GEOTECH REPORT

S-10 YRS

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;

Conditional Use Permit (CUP) – Resource Extraction | Rural Mixed Use Zone | CUP 24-001 | C-208-TL-0400, C-208-TL-03A0 | Highland’s Estates Inc. & St. James Place

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:

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

DEVELOPMENT SCHEDULE:

USE:

OWNER'S ASSOCIATION:

DEDICATIONS:

CONSTRUCTION GUARANTEES:

COMMITMENT LETTER:

COVENANTS:

DESIGN:

CODE REFERENCES

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.

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.



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#: _____

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 Roabuilders		Name:	
Mailing Address: HC 60 Box 4800 Haines, AK 99827		Haines Borough Business License #:	
Contact Phone: (907) 766-2833		Alaska Business License #:	
Fax: (907) 766-2832		Contractor's License #:	
E-mail: tjmason@colaska.com		Mailing Address:	
		Contact Phone:	
		Fax:	
		E-mail:	
II. Property Information			
Size of Property: Approx. 14 Acres			
Property Tax #: C-LTR-04-1000			
Street Address: Approx. MP 4 Lutak Road; See attached Site Maps			
Legal Description: Lot (s) _____ Block _____ Subdivision _____			
OR			
Parcel/Tract _____ Section _____ Township _____ Range _____			
[Attach additional page if necessary.] See attached Site Maps			
Zoning: <input type="checkbox"/> Waterfront <input type="checkbox"/> Single Residential <input type="checkbox"/> Rural Residential <input type="checkbox"/> Significant Structures Area			
<input type="checkbox"/> Rural Mixed Use <input type="checkbox"/> Multiple Residential <input type="checkbox"/> Heavy Industrial <input checked="" type="checkbox"/> Waterfront Industrial			
<input type="checkbox"/> Commercial <input type="checkbox"/> Industrial Light Commercial <input type="checkbox"/> Recreational <input type="checkbox"/> Mud Bay Zoning District			
<input type="checkbox"/> Lutak Zoning District <input type="checkbox"/> General Use			
III. Description of Work			
Type of Application (Check all that apply) <input type="checkbox"/> Residential <input type="checkbox"/> Commercial _____sq. ft. _____seating capacity if eating/drinking establishment <input checked="" type="checkbox"/> Industrial <input type="checkbox"/> Church <input type="checkbox"/> Other _____	Project Description (Check all that apply) <input type="checkbox"/> Single Family Dwelling <input type="checkbox"/> Change of Use <input type="checkbox"/> Multi-Family Dwelling Total # of Units _____ <input type="checkbox"/> Cabin <input type="checkbox"/> Addition <input type="checkbox"/> Accessory Structure <input checked="" type="checkbox"/> Other <u>Resource Extraction</u>	Water Supply Existing or Proposed <input checked="" type="checkbox"/> None <input type="checkbox"/> Community well <input type="checkbox"/> Private well <input type="checkbox"/> Borough Water System <input type="checkbox"/> Other _____	Sewage Disposal Existing or Proposed <input checked="" type="checkbox"/> None <input type="checkbox"/> Septic Tank <input type="checkbox"/> Holding Tank <input type="checkbox"/> Borough Sewer System <input type="checkbox"/> Pit Privy <input type="checkbox"/> 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.

Please see attached Plan of Operations, Section VI for attached answers

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

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.

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.

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

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.

ATTACHMENT A

SITE PLAN REQUIREMENTS

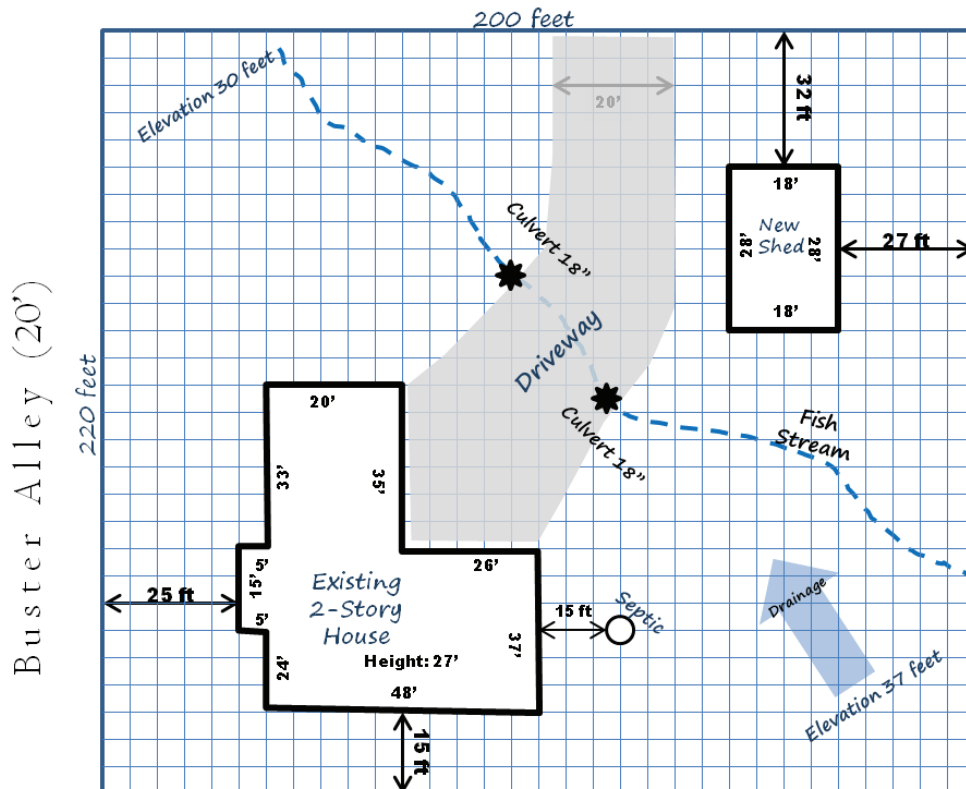
1. Drawing showing dimensions of all buildings, including elevations, of lot on which activity/use/construction is planned.
2. Existing streets, alleys, sidewalks, driveways, easements, including widths.
3. Existing buildings/structures on the property, their location, dimension and proximity to lot 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

Ripinsky Street (60')



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.



OPERATIONS PLAN

Lutak Road Property

Conditional Use Permit Application

Prepared for:

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

March 2024

I. SITE DESCRIPTION

The proposed project consists of a total of approximately 14 acres of land located 4 miles North of downtown Haines along Lutak Road. Site Maps can be found in Appendix A.

The proposed project site is located on parcel C-LTR-04-1000 which is situated on the uphill side of Lutak Road. The parcel is owned by Glacier Construction Inc dba Southeast Road Builders.

II. SITE FEATURES & ZONING

The proposed parcel is zoned Waterfront Industrial. The parcel is comprised of a cleared site with varying slopes. Adjacent parcels consist of a timber mill site owned by Chilkoot Lumber Company to the West and vacant State of Alaska land to the East that has recently been used as a resource extraction source as well, 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 are industrial use area. There is existing truck traffic to and from the AML yard and to Glacier Construction Inc dba Southeast Road Builders' adjoining parcel which is used as a marine industrial Facility for bulk material storage and aggregate transloading permitted under LUP 23-71 and acknowledged as a Use by Right per HBC 18.70.040.

III. EXISTING PERMITTING & USE

The existing site has been developed under LUP 23-33 issued on May 23rd, 2023. Existing permitted development consists of clearing, grubbing, and grading of the site. Excavation and resource extraction is the necessary next step to enhance the property for any potential developments that may take place on this site associated with Waterfront Industrial zoning of the parcel.

The existing site is permitted with an ADEC MSGP SWPPP Permit # AKR06AB42. A site-specific Storm Water Pollution Prevention Plan (SWPPP) has been developed by a professional SWPPP writer and will be submitted to ADEC for resource extraction activities on site.

IV. PROPOSED USE

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

Initial exploration of the site 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. Southeast Road Builders is proposing to extract material from this site for use on local State, Borough, and private projects.

V. METHODS

The proposed hours of operation for the site will be from 6:00 AM to 6:00 PM.

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.

All excavation and processing work will utilize heavy equipment such as loaders, excavators, dozers, haul trucks, crushes, screens, and/or wash plants. Additionally, reclamation work will utilize hydro seeders for stabilization. Support equipment like water trucks and sweepers will be onsite as needed.

VI. BOROUGH REVIEW (Per HBC 18.50.040A)

1. ***The use is so located on the site as to avoid undue noise and nuisances and dangers*** – Resource extraction and processing is consistent with activities expected in an industrial zone. The area already has permitted/use by right heavy equipment operations and truck traffic at both the Borough's Lutak Dock and Glacier Construction Inc dba Southeast Road Builders barge landing. Additionally, the adjacent state property has been historically used for resource extraction and Chilkoot Lumber's property was used as an industrial site. Southeast Road Builders has been working with both a Geotechnical and Civil engineer to mitigate hazards associated with work on slopes greater than 30 percent and will provide the final resource extraction and reclamation plan prior to any resource extraction work taking place. In accordance with our DOT driveway permit the number of access points will be limited, sight distance will be maintained, hourly traffic will be limited, bike and travel lanes will not be hindered, signage will be provided at driveways, and advanced warning signs will be placed notifying the public of the potential truck crossing.
2. ***The development of the use is such that the value of the adjoining property will not be impaired*** – The development is not expected to impair the value of adjoining waterfront industrial uses. Once resource extraction is complete the newly developed area is expected to enhance waterfront industrial uses by providing additional useable space for those uses. The proposed development is consistent with local zoning and adjoining property uses.
3. ***The size and scale of the use is such that existing public services and facilities are adequate to serve the proposed use.*** – Access to the site is via an AKDOT&PF owned and maintained road. There are AKDOT&PF regulatory restrictions in place for vehicle speed, weight, and frequency of access which Southeast Roadbuilders will abide by. Truck traffic is consistent with adjoining users and expected use of this zone. The proposed development does not include connection to any existing utilities.
4. ***The specific development scheme of the use is consistent and in harmony with the comprehensive plan and surrounding land uses*** – The proposed development is consistent with three of the top ten future land growth designations outlined in Section 7.2.1 of the comprehensive plan. This development is also consistent with Goals 3, 4, 5, and 10 outlined in the current comprehensive plan. Surrounding land uses include industrial activities that are in alignment with the proposed development. There is existing truck traffic to the Alaska Marine Lines dock, Ferry terminal, and aggregate transloading facility.
5. ***The granting of the conditional use will not be harmful to the public safety, health, or welfare*** – The proposed development is consistent with the local zoning and adjacent property uses. Southeast Road Builders is working with a licensed Geotechnical and Civil Engineer to develop an engineered plan to address hazard areas and ensure public safety as well as the safety of our own workforce. Southeast Road Builders expects that engineered slopes will be safer and more stable than existing slopes. Southeast Road Builders' approved driveway permit includes' traffic control restrictions such as limiting the number of access points, ensuring sight distance is maintained, limiting hourly traffic, not hindering bike and travel lanes, and signage at driveway entrances as well as advanced warning signs.

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*** – Southeast Road Builders is actively working with the Alaska Department of Environmental Conservation and a professional SWPPP writer to create a site-specific plan to control erosion and sedimentation from stormwater and maintain vegetative buffers adjacent to streams and drainage facilities. The Department of Fish & Game has surveyed the existing streams onsite and identified them as non-anadromous. Southeast Road Builders coordination with ADEC & ADF&G will be ongoing throughout the duration of the project.
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*** – Southeast Road Builders has complied with required conditions of the Conditional Use Permit approval issued on November 2nd, 2023. We are currently working with a licensed Engineer to provide design and engineering services for work in hazard areas prior to working within those areas as well as submitting a reclamation plan to the Borough for review. Southeast Road Builders has provided a copy of State approval for legal access. The submitted application, plan of operations, and permit conditions are sufficient to ensure compliance with all Borough, State, and Federal regulations.
8. ***Comments received from property owners impacted by the proposed development have been considered and given their due weight*** – No comments were received from residents within 500' of the parcel. Southeast Road Builders has received and reviewed comments from the Borough Manager, the Assembly and Planning Commissions, and public comments.

VII. 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*** – The proposed development is consistent with three out of ten of the future land growth designations as outlined in Section 7.2.1 of the comprehensive plan. In this section, the comprehensive plan encourages development of rock quarries under industrial use, development of waterfront industrial facilities, and resource development for quarries. The proposed development is also in alignment with the following goals that the Borough has outlined in the current Comprehensive Plan:

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 borrow sources for improvements projects near this area. Development of this site would provide the opportunity to build on local resources and reduce the need to depend on outside sources for material. Allowing for resource extraction at this site would reduce costs and be of benefit for local State, Borough, and private projects. The proposed development would also provide additional employment opportunities for local residents and workers.

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.

Goal 5. Guide infrastructure and land development to provide an adequate supply of land for commercial and industrial development, varied 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.

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. Southeast Road Builders has coordinated with the Alaska Department of Environmental Conservation and the Alaska Department of Fish & Game to ensure compliance with water quality standards and habitat regulations. Development of this non-renewable resource would create economic opportunity to extract resources in an area that would otherwise rely on outside sources.

- B. ***Reviewing Parties. Due deference has been given to the comments and recommendations of reviewing parties.*** – Notification was initially sent to all residents within 500' of the parcel. No comments were received. Southeast Road Builders has since received the Borough Manager's recommendations, comments from the Planning Commission and Assembly, and both written and verbal public comments. Concerns have been addressed in various sections of this permit and various agencies of expertise, the AKDOT&PF, ADF&G, and ADEC will have been involved in coordinating requirements for this permit prior to resource extraction.
- 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.*** – Use of this site will not impact fire safety and emergency access. Adequate access for fire and emergency vehicles will be maintained at all times.
- D. ***Access. All lots on which the 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.*** – Access to the site will be via Lutak Road, a state-owned road that is operated and maintained by the Alaska Department of Transportation (AKDOT&PF). Legal access to this parcel has been coordinated with the AKDOT&PF's Southcoast Region Right-of-Way office and has been permitted under driveway permits #33038 issued on February 7, 2024. The permit can be found in Appendix B. The number of access points is limited to ensure safety of the travelling public, including motorists, pedestrians, and cyclists and ensure adequate sight distance for trucks to navigate the roadway. Advanced warning signage will be in place to warn pedestrians and motorists of truck crossings. Public access to the site will be limited to ensure public safety.

- E. **Traffic. The proposed use shall not overload the existing street system with traffic or result in unsafe streets or dangers to pedestrians.** – Use of this site is expected to reduce truck traffic from Southeast Road Builders current material source at 4.5-mile Haines Highway to the proposed site. This will reduce industrial truck traffic during the duration of resource extraction and improve road safety through the Haines townsite. Truck traffic is consistent with the expected use of this zone. The safety of the public and impact on the existing two-lane paved roadway has not been significantly affected by the truck traffic from adjacent operations, such as Alaska Marine Lines. Regulatory restrictions, such as vehicle speed, vehicle weights, and frequency of access that are required by the AKDOT&PF will be followed. Traffic control signage and requirements will follow the requirements described in the AKDOT&PF driveway permits referenced in Appendix B.
- 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.** – Maintenance of the adjacent roadway is owned and operated by the AKDOT&PF. Southeast Road Builders will abide by the requirements for public maintenance outlined in the Right-Of-Way permits in Appendix B. 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.
- 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 woodsheds etc., of 120 square feet or less in area, or temporary uses.** – No foundations are expected to be developed as part of this activity.
- 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.** – All parking, loading areas, turning, and maneuverability space will be located on private property.
- 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, Conditional Use Permit – Medium, Commercial| Heavy Industrial Zone |CUP 23-88| C-WES-0A-0200|Andy Hedden 8 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. – 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. Southeast Road Builders does not intend to connect to the Alaska Marine Highway's water system, this system is outside of the 200' requirement for utility connection and we have no need to connect to a public water source.

- 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. – Stormwater control is regulated by a current Alaska Department of Environmental Conservation (ADEC) Multi-Sector General Permit. A separate MSGP will be filed for resource extraction work. 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 Storm Water Pollution Prevention Plan (SWPPP) will be maintained throughout the duration of the project and will be provided to the borough prior to resource extraction as requested. There are no state-identified anadromous streams located on the site.

- 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.** – Not applicable. There will be no designated access for 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.** – Not applicable.
- 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.** – As a waterfront industrial zone, the proposed use is consistent with local zoning and adjacent land use activities. Truck traffic will be consistent with adjacent trucking operations. Coordination with Alaska Marine Highway System will occur to ensure that there are no road closures or impacts within a two-hour window before ferry arrivals and after ferry departures to avoid conflicts with nearby peak-uses.
- 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).** – The proposed development is in alignment with adjacent property use and zoning. The nearest residential dwelling is approximately one mile from the site. There are large buffers between our operations and any other non-industrial uses. There are no anticipated negative impacts on surrounding properties. As required in this permit, Southeast Road Builders is responsible for ensuring mitigation of excessive noise, fumes or odors, glare, smoke, light, vibration, etc.
- 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. The commission may adopt borough landscaping standards that establish the type of vegetation and acceptable methods to be used for compliance. The owner of the property shall be responsible for maintenance of the landscaping for a minimum of one year to allow the establishment of the planted materials and stability of other physical improvements such as earthen berms. The borough shall not impose requirements inconsistent with the permit requirements of any other governmental entity permitting the development, but may impose more stringent requirements and may work with the developer to reach a satisfactory compromise with any other governmental entity. If a suitable plan is already in existence, it may fulfill the requirements of this section. The plan shall contain elements as may be required by the landscaping standards adopted by the commission and may in any event include any or all of the following:**
- 1. A grading and site plan, indicating the areas excavated or filled, the proposed finished grades and contours, drainage directions and any control structures to be installed;**

- 2. The methods to be employed for reclamation of the site during and after the activity along with a time table for completion;**
- 3. A description of all roads, parking areas and buildings and a site map showing the locations of all improvements which will be built;**
- 4. A description of any known permit requirements of any other governmental entity and a copy of any permit stipulations under consideration or in existence for the development;**
- 5. All maps shall be submitted at an accurate scale and extend a suitable distance beyond the site area.**

A reclamation plan is being developed by a licensed Geotechnical and Civil Engineer to address final conditions of the site, including final backwall conditions and slope stabilization. Soil samples have been taken and sent to a qualified laboratory to determine appropriate backwall slopes. Throughout the duration of construction, the site will be reclaimed as necessary to maintain the existing waterfront view shed. Stability of these slopes during and after excavation will be evaluated by individuals qualified and licensed in the State of Alaska to do so. General site maps have been provided in Appendix A, detailed drawings from a licensed Engineer for reclamation will be provided prior to resource extraction.

- P. Anadromous Fish Stream Setbacks. 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.**

The Alaska Department of Fish & Game has surveyed the existing streams and identified them as non-anadromous streams. Southeast Road Builders will maintain a buffer space with no development adjacent to all streams to mitigate stormwater runoff and create a vegetative buffer in accordance with our SWPPP.

- 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. The commission's finding shall conclude that a direct connection exists between the development and the need for the provision of the dedication. Land may be accepted by the borough only under the following conditions:**

- 1. The location, shape, size, and character of the area must be suitable for the planned use.**
- 2. Development in landslide and avalanche areas designated on the borough hazardous areas map must minimize the risk to life and property.**
- 3. The area must be suitably improved for its intended use, but common open space containing natural features worthy of preservation or landslide and avalanche hazard must be left unimproved.**
- 4. If the use provides for buildings, landscaping or other improvements in the dedicated area, the developer must provide a bond or other adequate assurance that such improvements will be completed. The borough shall release the bond or other assurance**

when the buildings, structures, or improvements have been completed to the satisfaction of the commission.

5. All land must be conveyed to a public agency or private association that will agree to maintain in perpetuity the area and any buildings, structures, or improvements which have been placed on it. When no maintenance of the area is required, it may be conveyed to all new owners in undivided joint ownership. When the land is not dedicated to a public agency and maintenance of the common space is required, a private association for maintenance of the area must be established. Covenants establishing the association must be approved as to form by the borough attorney, and by the commission as to whether the covenants provide for maintenance of the area in a manner that assures its continuing use for its intended purpose. Conveyance of an area to a private association must be consistent with AS 34.07, the Horizontal Property Regime Act.

Not applicable.

- 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.**

Due to its historical nature, Block 16, Haines Townsite Subdivision shall have special setback requirements. All structures built within Block 16 must set back a minimum of 10 feet from property lines not abutting Union Street.

According to the Department of Natural Resources National Register of Historic Places, there are no historical properties in this area. This site is located outside of any historic building districts as outlined in Borough code.

- S. National Flood Plain Regulations. All applications for land use or conditional use permits shall be reviewed for compliance with the National Flood Insurance Program prior to approval. If the development is governed by the regulations, all requirements shall be satisfied prior to approval or placed as a condition upon approval of the appropriate permit. The manager, upon receiving an application for a land use or conditional use permit, shall review the proposal for compliance with the National Flood Insurance Program in accordance with Chapter 18.120 HBC, Flood Plain Regulations.**

The manager shall, upon the application itself, indicate compliance, noncompliance or conditions upon approval as appropriate. Variances to the flood plain regulations shall be allowed as provided for in the flood plain regulations.

No structures or buildings will be constructed within the 100-year flood plain. Borough code defines the one percent floodway of streams and rivers as a "hazard area" which is addressed in the following section.

- 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.

(For information regarding the location of the hazard areas, see the most recent version of the borough map entitled "Flood Plain and Flood Hazards Map.")

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 proposed development is within areas that contain steep slopes greater than 30 percent. An engineering plan addressing steep slopes is being developed by a licensed Civil and Geotechnical Engineer with experience in design and engineering for resource extraction and reclamation plans.

Safety is a paramount concern for Southeast Road Builders, and our company has a long record of safe and professional operation in performing this type of work. In fact, Southeast Road Builders expects that, upon completion of its operations, the slopes on which it has performed work will be safer and more stable than they are currently.

U. Waterfront. The following requirements apply in all waterfront zones:

1. Dredge and Fill Activities. Any person, persons or firm planning a development in wetlands is required to apply for and obtain a dredge and fill permit from the United States Army Corps of Engineers prior to commencement of development.

2. 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.

3. Public access to the waters of Portage Cove is required to be included in all permits for development on land adjacent to Portage Cove. (Ord. 18-04-494 § 6; Ord. 15-10-423 § 4; Ord. 13-08-342 § 4; Ord. 12-05-291 § 9; Ord. 07-04-153; Ord. 06-07-148; Ord. 04-08-075)

There will be applicable setbacks from adjacent property and lot lines. Southeast Road Builders has coordinated with the AKDOT&PF Right-of-Way Section to abide by setbacks from adjacent roadways.

APPENDIX A

SITE MAPS

PARCEL NO. C-LTR-04-1000

SITE PLAN



(C-LTR-04-0900)

C-LTR-04-0800
Parcel 1
Lot 3, Sec 10

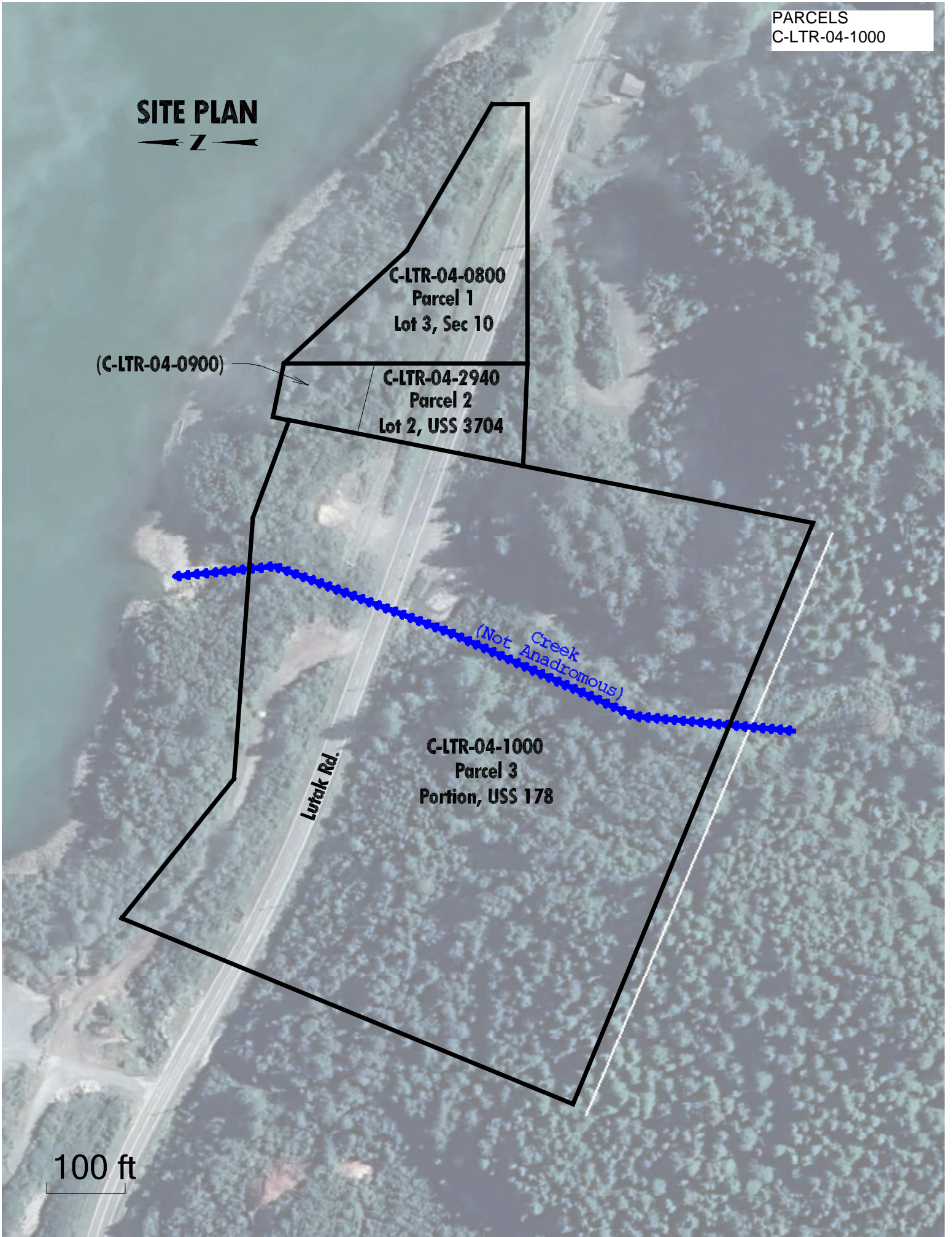
C-LTR-04-2940
Parcel 2
Lot 2, USS 3704

C-LTR-04-1000
Parcel 3
Portion, USS 178

Lufak Rd.

Creek
(Not Anadromous)

100 ft





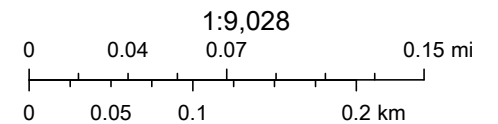
ArcGIS Web Map

PARCELS
C-LTR-04-1000

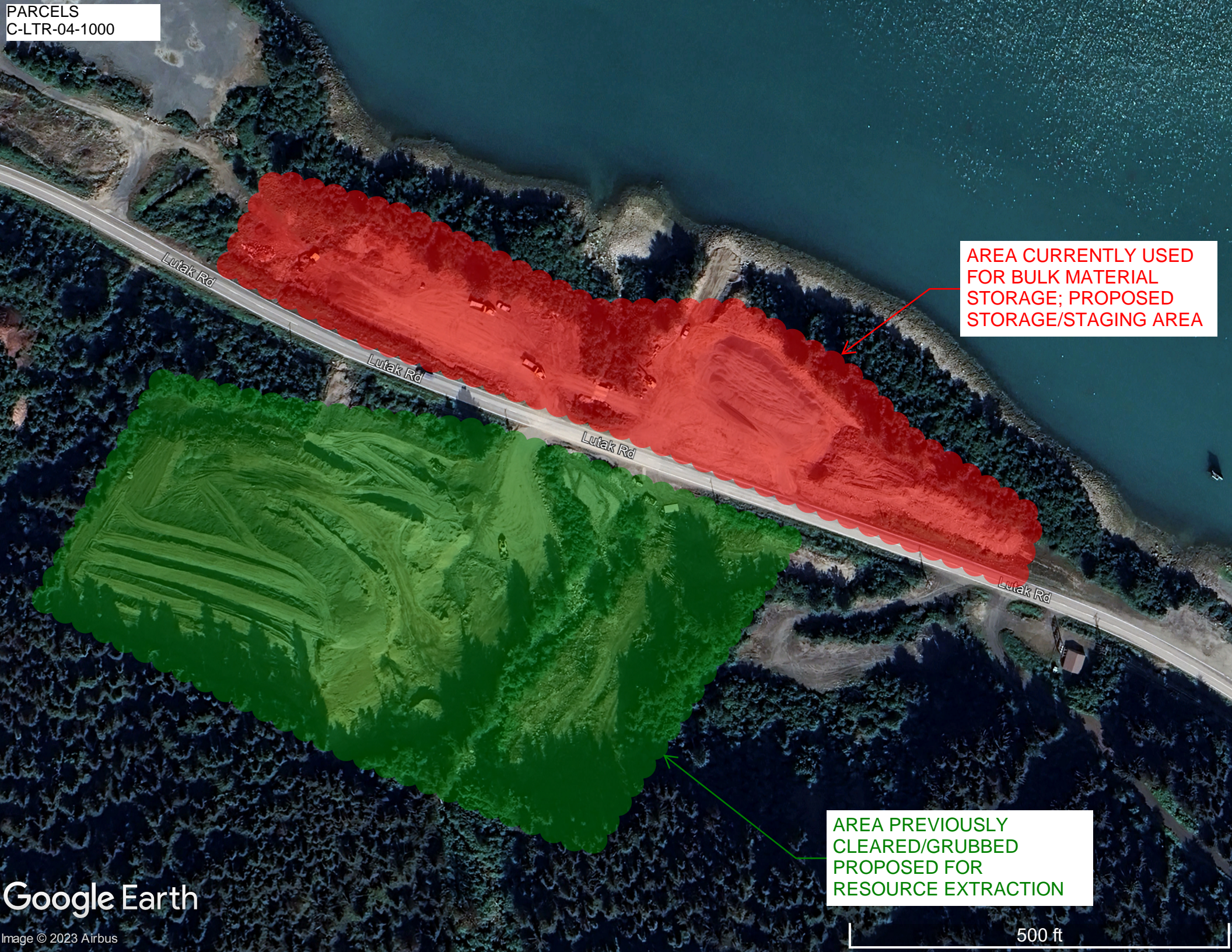


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Maxar



AREA CURRENTLY USED FOR BULK MATERIAL STORAGE; PROPOSED STORAGE/STAGING AREA

AREA PREVIOUSLY CLEARED/GRUBBED PROPOSED FOR RESOURCE EXTRACTION

APPENDIX B

AKDOT&PF DRIVEWAY AND
APPROACH ROAD PERMIT
PERMIT NO. 33038

State of Alaska

Department of Transportation and Public Facilities

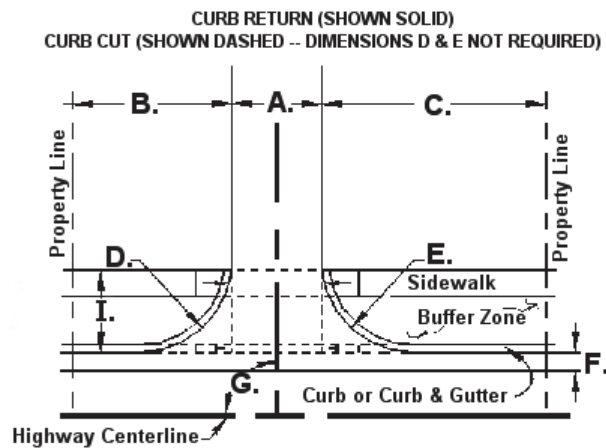
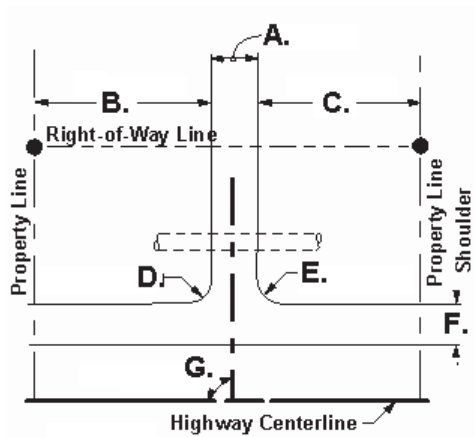
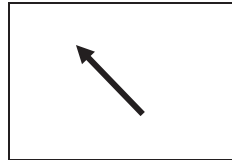
Driveway and Approach Road Permit

This Construction Approval allows the permittee to construct and maintain a driveway or approach road within a State-owned highway Right of Way. This is not a Permit until it has been inspected and signed off by the Department.

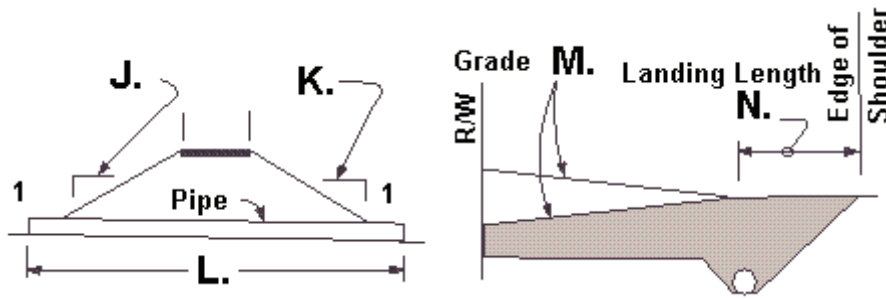
<input type="checkbox"/> Residential/Private	<input checked="" type="checkbox"/> Commercial	<input type="checkbox"/> Government Agency
Permittee:	Glacier Construction Inc.	
Mailing Address:	HC 60 Box 4800 Haines, AK 99827	
Contact Name:	Roger Schnabel Thomas Mason	
E-mail Address:	dlaframboise@colaska.com	
Phone:	(907) 766-2833	Fax: _____
Driveway or Approach Road location (highway, subdivision, legal description milepost, etc.) Approx. Milepost 4.6 of Lutak Road on uplands side of Lutak Road		
Proposed or Existing:	Anticipated Completion Date: End of 2024	
EXISTING	construction season.	
Number of lots served:	Max. number of vehicles in any 1 hour:	
1	20	
Zoning Designation:	Proposed Land Use:	
Waterfront Industrial	Industrial Pit	

Driveway Specifications

Direction of North in relation to the drawing.



A.	Driveway width	34	feet
B.	Left edge clearance	40	feet
C.	Right edge clearance	40	feet
D.	Left return radius	40	feet
E.	Right return radius	40	feet
F.	Shoulder width	8	feet
G.	Approach angle	90	degrees
H.	Curb type	None	
I.	Curb to sidewalk distance		feet



J.	Left driveway foreslope	6	:1
K.	Right driveway foreslope	6	:1
L.	Culvert length	60	Feet
M.	Landing grade	2	Percent
N.	Landing length	30	Feet
O.	Culvert size	24	inches
P.	Culvert type	Plastic	
Q.	Ditch depth	5	feet
R.	Shoulder type	Gravel	
S.	Highway Surface type	Paved	
T.	Driveway Landing surface	Paved	

Permittee upon signing this permit acknowledges and agrees to the following provisions:

This permit applies only to the State right of way.

This permit grants permission for a driveway allowing access to and from your property onto a State maintained highway. It does not permit the following within the right of way or within that portion of a driveway that is within the right of way: (1) Parking of vehicles "for sale"; (2) Obstructions of any kind (i.e. logs, cables, fencing, etc.); (3) Advertising signs or banners/flags; (4) Parking vehicles with signs/advertising on the side.

A driveway or approach road constructed under permit within a highway right-of-way is the property of the State, but all cost and liability arising from the construction, operation, or maintenance of a driveway or approach road is at the sole expense of those lands served. The Department is not obligated to change its maintenance practices to accommodate a driveway or approach road constructed under a permit, or to incur any additional expense removing snow berms or other obstructions from a driveway or approach road within a right of way resulting from the Department's activities, or activities under a permit issued under 17 AAC 15.

Permittee is responsible for adjusting or relocating the driveway or approach road without cost or liability to the Department if the use or safety of the highway requires that the driveway or approach road be adjusted or relocated.

This permit is not a property right but a temporary authorization, revocable by the State upon violation of any permit terms or conditions, or for other reasons. All reasonable attorney's fees and costs associated with legal or enforcement actions related to the terms and conditions of this permit will be borne by the Permittee.

Any survey monument or monument accessory that is disturbed or destroyed during construction or maintenance of the driveway will be restored or replaced by a Land Surveyor licensed in the State of Alaska.

The Permittee will be responsible for all necessary Federal, State, and Municipal permits and licenses required by law, pay all taxes and special assessments lawfully imposed upon the permitted area, and pay other fees and charges assessed under applicable law.

Placement of fill material in waters of the U.S., including wetlands and streams, requires prior authorization from the U.S. Army Corps of Engineers. It is the responsibility of the owner to contact the Corps before filling activities take place.

The Permittee shall construct and maintain a driveway in such a manner that the highway, and all of the highway's appurtenances or facilities, including drainage facilities, pipes, culverts, ditches, traffic control devices, street lights, pathways, and sidewalks are not impaired or endangered in any way by the construction or maintenance. (17 AAC 10.020(b) If you damage any improvements within the State owned right of way, you will be responsible for returning them to their previous condition. The Department will inspect and approve the restored improvements. (17 AAC 10.065)

Permittee shall indemnify, defend and hold harmless the State, and its officers, employees, and contractors, from any and all claims or actions resulting from injury, death, loss, or damage sustained by any person or personal property resulting directly or indirectly from Permittee's use of or activities in the permitted area.

Landings from all paved roads must be paved and maintained from edge of the road to the length of the landing as stipulated in this permit.

If a culvert is required by this driveway permit, culvert ends must be installed at the time of installation and maintained continuously by the owner.

No person shall place, leave or deposit upon any street, avenue, alley, sidewalk or other public right of way any snow or ice which has been removed from a private driveway, private parking area, or the adjacent property. Permittee is responsible for his snow removal contractor's actions concerning placement of snow from Permittee's property.

If driveway construction or maintenance interferes with the public's safety and/or use of facilities within State owned right of way, you will be directed to stop work until adjustments are made.

While doing construction or maintenance activities do not park equipment or stockpile material on the shoulder during non-working hours.

Permittee is responsible for sight distance clearing of brush and obstructions adjacent to their property.

Driveway landings as stipulated in the permit must be paved and maintained from pavement edge on all paved roads.

Please contact the Department for information about acceptable driveway markers (i.e., size, materials, distance, etc.) for placement within the right of way.

The State will not change its maintenance practices to accommodate your driveway or incur additional expense to clear snow berms or other obstacles resulting from the Department's activities.

Permittee upon signing this permit acknowledges and agrees to the following conditions:

Metal track equipment is not allowed on the paved road surface. Any damage and cost to repair the roadway or state infrastructure will be the responsibility of the Permittee.

All equipment and materials must be kept on private premises and outside State right of way during non-working hours.

Any erosion, adverse settlement as deemed by the Department, water damage caused in construction or in operation of this driveway to the State Right of Way will be the responsibility of the Permittee to repair. The Permittee will bear all costs.

Permittee must clear any and all track-out or debris from the roadway as a result of use of this driveway immediately. Remediation should be performed by a street sweeper, wet broom, or manually sweeping up debris. Dispose of debris in accordance with all federal, state, and municipal requirements. Washing or spraying track out off the roadway is prohibited. If Department personnel is required to repair or clean up the driveway as a result of the Permittee's activities, the Permittee will be charged the cost.

Ensure sight distance is maintained in compliance with the Alaska Highway Preconstruction Manual (AHPCM).

Permittee is not to exceed maximum hourly traffic in operation of this drive as outlined in the AHPCM.

Parking is not authorized within the right of way.

Permittee shall not hinder the bike lane, or lanes of travel unless operating under an approved traffic control plan.

Permittee shall locate any and all utilities within the construction area for this access to ensure they will not be impaired by the permittees construction activities. If utilities may be impaired, it is the permittee's responsibility to attain all necessary permissions from local municipality's and state agencies (including DOT&PF Utilities and Permitting).

Permittee shall remove all encroachments from right of way and shall not place or construct any encroachments within State right of way henceforth.

Permittee shall either trench/ditch or build a defined berm along the property lot line in order to create a defined barrier between State right of way and the private property served by the subject accesses.

No additional driveways shall be permitted for the subject parcel(s). **This permit is specific to driveways A and B in the attached plan set.**

A 30" R1-1 STOP sign will be placed at both intersections with Lutak Road subject to this permit.

Attachments included as part of this permit are:

REQUIRED for ALL DRIVEWAYS:

- Plat including notes of the placement of the driveway.
- Site plan.
- Proof of ownership.

I, Thomas Mason, acknowledge that I am acting on behalf of the above named organization with the full authority to do so. I further acknowledge and accept that **Glacier Construction dba Southeast Road Builders** shall comply with all the provisions and conditions that the Department of Transportation and Public Facilities has included as a condition of issuing this permit.



Digitally signed by TJ Mason
Date: 2024.02.07
09:16:18-09'00'

2/7/2024

Permittee Signature

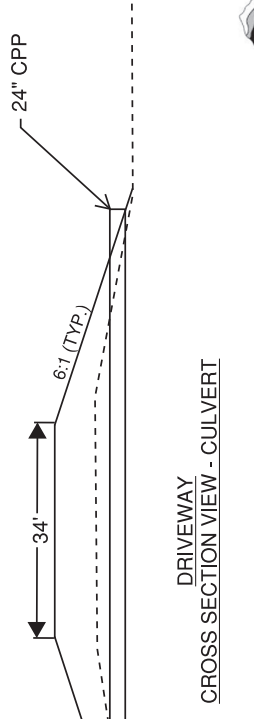
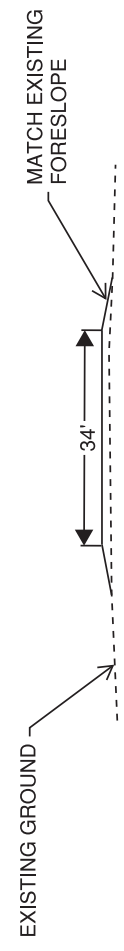
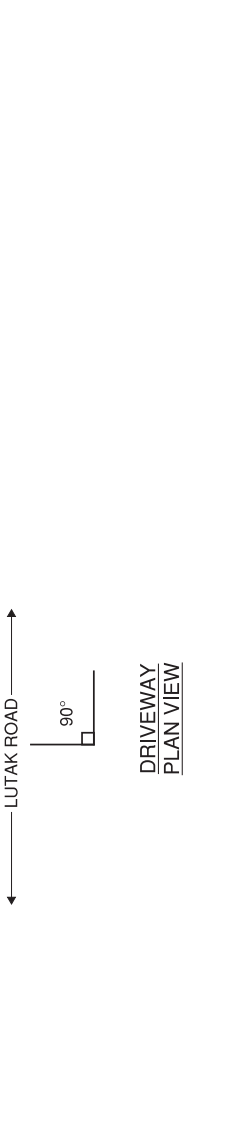
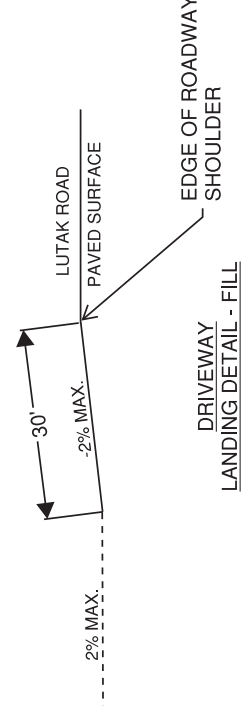
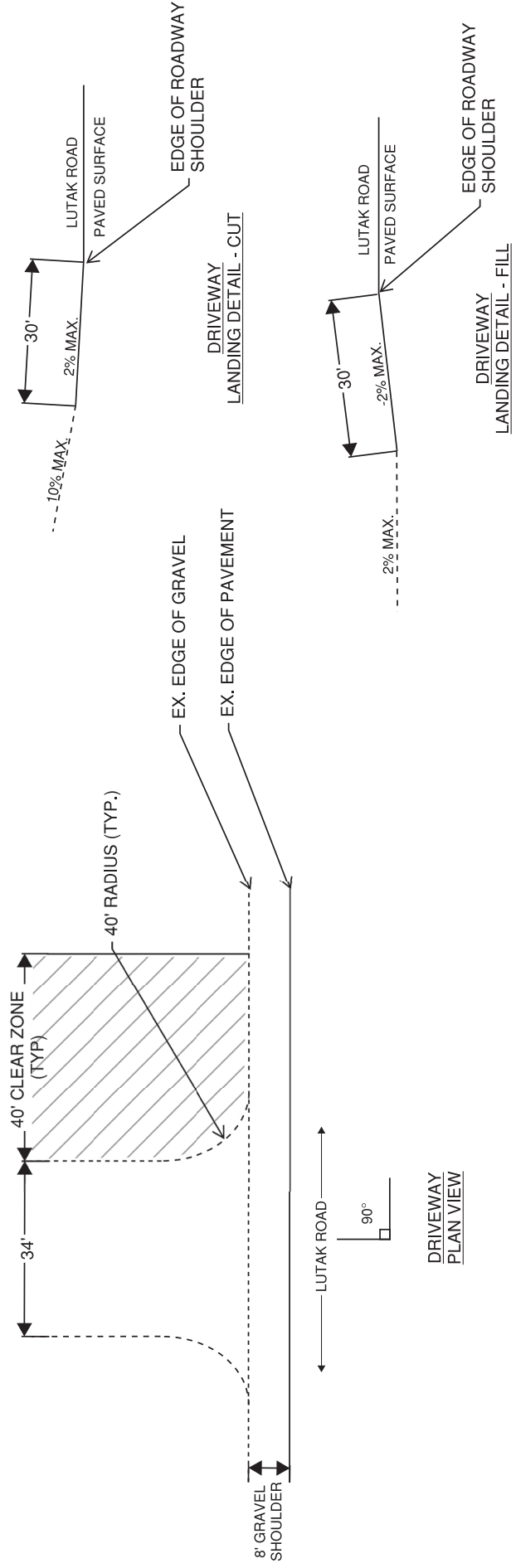
Date



DOT&PF Signature

02/07/2024

Date





APPROX. 500 FT.
ADVANCED
WARNING SIGNS

LUTAK RD

TRUCK
CROSSING

W8-6
30" X 30"

W8-6
30" X 30"

TRUCK
CROSSING



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: March 08, 2024

RE: Conditional Use Permit (CUP) – Resource Extraction | Waterfront Industrial Zone | CUP 23-87A | Site B: C-LTR-04-1000 | Glacier Construction Inc. dba Southeast Road Builders

On 10/23/2023, the Planning Commission (PC) conditionally approved CUP 23-87. Haines Borough Code (HBC) 18.30.060 allows for an appeal to the assembly of a PC decision, and four appeals were timely submitted to the clerk. One appeal was presented to the assembly at their 11/14/2023 meeting, and the assembly voted to rehear the PC's entire decision regarding CUP 23-87. The appeal hearing was scheduled for 11/28/2023, as required by HBC 18.30.060(A). The appellants requested a postponement at this meeting due to a missing assembly member since a supermajority is required for quasi-judicial motions. Pursuant to HBC 2.10.190(D) the Mayor postponed the rehearing absent objection.

On 12/12/2023 the assembly held the public hearing for this permit appeal and made the decision to:

Remand the permit to the PC with the requirement that Southeast Road Builders resubmit the permit application with different permits for Site A and Site B.

The Assembly adopted these findings on 1/9/2024. On 3/4/2024 a resubmittal was received by the borough for public hearing at the 3/14/2024 PC meeting.

This memo serves as my recommendation per HBC 18.50.030 (D)3 for approval of this CUP to the Commission with the updated conditions listed below.

BOROUGH RECCOMENDATION:

Approve Conditional Use Permit 23-87A, 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

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.

See attached staff review for CUP 23-87 for information regarding recommendations.

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:

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

DEVELOPMENT SCHEDULE:

USE:

OWNER'S ASSOCIATION:

DEDICATIONS:

CONSTRUCTION GUARANTEES:

COMMITMENT LETTER:

COVENANTS:

DESIGN:



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

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.

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 trans-shipment 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.

HAINES BOROUGH

HAINES, ALASKA

PUBLIC NOTICE PLANNING COMMISSION PUBLIC HEARINGS

Public Hearing will be held at Assembly Chambers (315 Haines Hwy)
and by ZOOM on

Thursday, March 14, 2024 at 6:30PM

- **Conditional Use Permit – #24-001 Extension of permit #19-03 - C-208-TL-0400, C-208-TL-03A0**
Resource Extraction in a Rural Mixed Use Zone.
Applicants – Highland’s Estates Inc. & St. James Place

New Business

- Rehearing on Appeal of Planning Commission Decision –
Glacier Construction Inc., dba. Southeast Road Builders -
Conditional Use Permit #23-87 for Resource Extraction

**Public Comments may be sent in writing to: Haines Borough, Planning
Commission, Box 1209, Haines, AK 99827 or to
planner@haines.ak.us or by attending the meeting.**



Haines Borough

Planning and Zoning

103 Third Ave. S., Haines, Alaska, 99827

Telephone: (907) 766-6401 * Fax: (907) 766-2716

LAND USE PERMIT APPLICATION

\$50 Non-Refundable Fee		Permit #	
I. Owner/Authorized Representative			
Owner's Contractor (If Any)			
Name: Glacier Construction Inc. dba Southeast Road Builders	Name:		
Mailing Address: HC 60 Box 4800, Haines Hwy Haines, AK 99827	Haines Borough Business License #:		
Contact Phone: Day Night (907) 766-2833	Alaska Business License #:		
Fax: (907) 766-2832	Contractor's License #:		
E-mail: dlaframboise@colaska.com	Mailing Address:		
	Contact Phone: Day Night		
	Fax:		
	E-mail:		
II. Property Information			
Property Tax ID #: C-LTR-04-100; C-LTR-04-0800; C-LTR-04-2940 (C-LTR-04-0900)			
Size of Property: 21 ACRES (APPROXIMATELY)			
Site Street Address: (If Any)			
Legal Description: Lot (s) _____ Block _____ Subdivision _____			
OR			
Parcel/Tract _____ Section _____ Township _____ Range _____			
[Attach additional sheets if necessary.]			
Zoning: <input type="checkbox"/> Waterfront <input type="checkbox"/> Single Residential <input type="checkbox"/> Rural Residential <input type="checkbox"/> Significant Structures Area <input type="checkbox"/> Rural Mixed Use <input type="checkbox"/> Multiple Residential <input type="checkbox"/> Heavy Industrial <input checked="" type="checkbox"/> Waterfront Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial Light Commercial <input type="checkbox"/> Recreational <input type="checkbox"/> Mud Bay Zoning District <input type="checkbox"/> Lutak Zoning District <input type="checkbox"/> General Use			
III. Description of Work			
<u>Type of Application</u> (Check all that apply) <input type="checkbox"/> Residential <input type="checkbox"/> Commercial _____sq. ft. _____seating capacity if eating/drinking establishment <input checked="" type="checkbox"/> Industrial <input type="checkbox"/> Church <input type="checkbox"/> Other _____	<u>Project Description</u> (Check all that apply) <input type="checkbox"/> Single Family Dwelling <input type="checkbox"/> Change of Use <input type="checkbox"/> Multi-Family Dwelling Total # of Units _____ <input type="checkbox"/> Cabin <input type="checkbox"/> Addition <input type="checkbox"/> Accessory Structure <input checked="" type="checkbox"/> Other <u>Bulk Material Storage</u>	<u>Water Supply</u> Existing or Proposed <input checked="" type="checkbox"/> None <input type="checkbox"/> Community well <input type="checkbox"/> Private well <input type="checkbox"/> Public Water <input type="checkbox"/> Other _____	<u>Sewage Disposal</u> Existing or Proposed <input checked="" type="checkbox"/> None <input type="checkbox"/> Septic Tank <input type="checkbox"/> Holding Tank <input type="checkbox"/> Public Sewer <input type="checkbox"/> Pit Privy <input type="checkbox"/> Composting Toilet <input type="checkbox"/> Other _____
Estimate Cost of Work: _____		Land Use Requested For: _____	
		(Describe the project, and use additional sheets if necessary)	
Required Attachments: <input type="checkbox"/> <u>Site plan</u> (see Attachment A)			
<input type="checkbox"/> <u>\$50 Non-Refundable Fee</u> (Checks must be made payable to the Haines Borough)			
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.			

ATTACHMENT A

SITE PLAN REQUIREMENTS

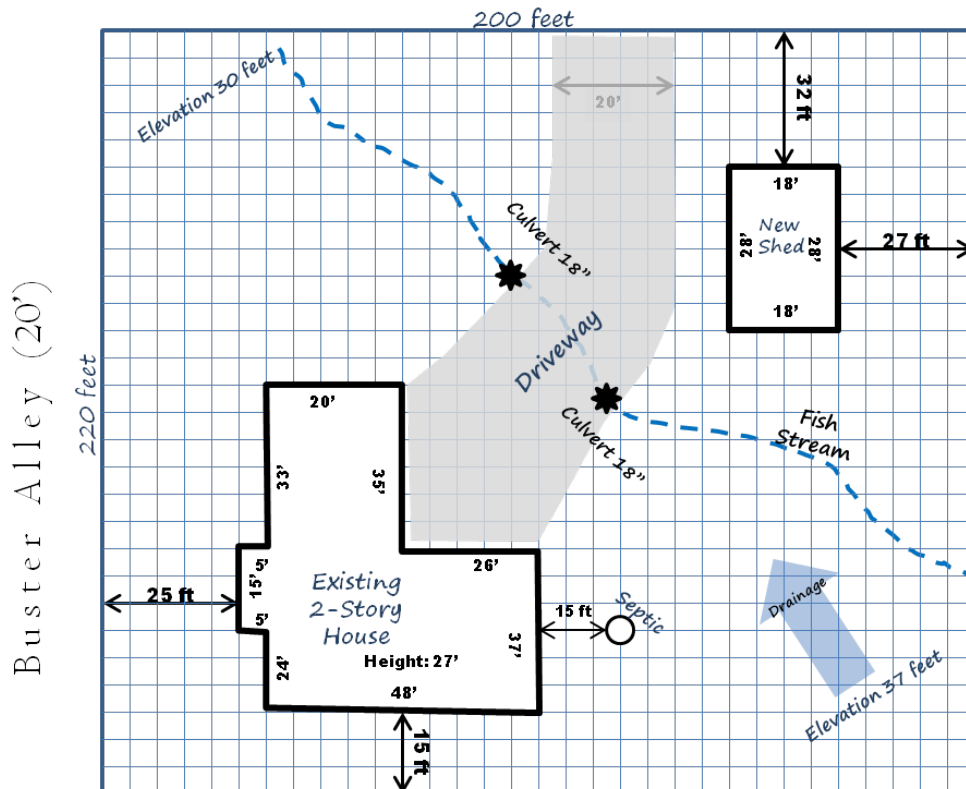
1. Drawing showing dimensions of all buildings, including elevations, of lot on which activity/use/construction is planned.
2. Existing streets, alleys, sidewalks, driveways, easements, including widths.
3. Existing buildings/structures on the property, their location, dimension and proximity to lot 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

Ripinsky Street (60')



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.



HAINES BOROUGH, ALASKA
P.O. BOX 1209
HAINES, AK 99827
(907) 766-6400 FAX (907) 766-2716

Glacier Construction, dba
Southeast Road Builders
dlaframboise@colaska.com

August 14, 2023

Re: Land Use Permit #23-71, Marine Industrial Facility, Marine Commercial Facility, and Commercial, Heavy | C-LTR-04-1000; C-LTR-04-0800; C-LTR-04-2940 (C-LTR-04-0900)| Lutak Road | Waterfront Industrial Zone

Ms. Framboise,

Thank you for submitting a land use permit for bulk material storage and aggregate transloading at the above listed location. Your application has been approved per plans submitted and the conditions listed below under the definitions of "Marine Industrial Facility, Marine Commercial Facility, and Commercial, Heavy" which are Use-By-Right in the Waterfront Industrial Zone per Haines Borough Code (HBC) 18.70.040.

EXPIRATION: August 14th, 2025

This permit is valid for two years. If construction is not substantially complete by July 2025, you will be required to apply for a new permit.

CONDITIONS:

1. Pay the \$600.00 After-the-Fact Penalty at the Borough Administration office in Haines or online [HERE](#).
2. Activity is not permitted in the stream's one percent floodway.
3. Coordinate right-of-way access, traffic, and public maintenance requirements for Lutak Road with the State of Alaska Department of Transportation & Public Facilities Southcoast Region Right of Way office, Michael Schuler, michael.schuler@alaska.gov.
4. Avoid 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).
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. Provide for the conservation of natural features such as drainage basins and watersheds, and provide for land stability.
6. Any person, persons or firm planning a development in wetlands is required to apply for and obtain a dredge and fill permit from the United States Army Corps of Engineers prior to commencement
7. This permit does not relieve the owner or authorized representative to comply with the provisions of federal and state laws, which regulate construction and performance of construction.

Land Use Permit #23-71, Marine Industrial Facility, Marine Commercial Facility, and Commercial, Heavy | C-LTR-04-1000; C-LTR-04-0800; C-LTR-04-2940 (C-LTR-04-0900)| Lutak Road | Waterfront Industrial Zone

Per the requirements of Haines Borough Code 18.30.010 (I), this permit is consistent with the comprehensive plan, its uses are harmonious with other activities allowed in the zone, and the development will not disrupt the character of the neighborhood.

Please do not hesitate to contact our office with any questions, comments, or concerns,



Andrew Conrad, Planner
Planning & Zoning, Assessment & Planning Department
(office) 907-766-6412 | planner@haines.ak.us

Ec:

Brian Maller, Glacier Construction Assistant General Manager, bmaller@colaska.com
Roger Schnabel, Glacier Construction Area Manager, rschnabel@colaska.com
Alekk Fullerton, Clerk, afullerton@haines.ak.us
Kiersten Long, Deputy Clerk, klong@haines.ak.us
Annette Kreitzer, Manager, akreitzer@haines.ak.us

Attachments:

1. Permit Application
2. Correspondence, Penalty

Haines Borough Code References

18.60.010 General Approval Criteria.

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.

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.

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.

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.

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.

U. Waterfront. The following requirements apply in all waterfront zones:

1. Dredge and Fill Activities. Any person, persons or firm planning a development in wetlands is required to apply for and obtain a dredge and fill permit from the United States Army Corps of Engineers prior to commencement of development.



Haines Borough

Planning and Zoning

103 Third Ave. S., Haines, Alaska, 99827

Telephone: (907) 766-6401 * Fax: (907) 766-2716

LAND USE PERMIT APPLICATION

\$50 Non-Refundable Fee

Permit # 23-71

I. Owner/Authorized Representative		Owner's Contractor (If Any)	
Name: Glacier Construction Inc. dba Southeast Road Builders		Name:	
Mailing Address: HC 60 Box 4800, Haines Hwy Haines, AK 99827		Haines Borough Business License #:	
Contact Phone: Day Night (907) 766-2833		Alaska Business License #:	
Fax: (907) 766-2832		Contractor's License #:	
E-mail: dlaframboise@colaska.com		Mailing Address:	
		Contact Phone: Day Night	
		Fax:	
		E-mail:	
II. Property Information			
Property Tax ID #: C-LTR-04-100; C-LTR-04-0800; C-LTR-04-2940 (C-LTR-04-0900)			
Size of Property: 21 ACRES (APPROXIMATELY)			
Site Street Address: (If Any)			
Legal Description: Lot (s) _____ Block _____ Subdivision _____			
OR			
Parcel/Tract _____ Section _____ Township _____ Range _____			
[Attach additional sheets if necessary.]			
Zoning: <input type="checkbox"/> Waterfront <input type="checkbox"/> Single Residential <input type="checkbox"/> Rural Residential <input type="checkbox"/> Significant Structures Area <input type="checkbox"/> Rural Mixed Use <input type="checkbox"/> Multiple Residential <input type="checkbox"/> Heavy Industrial <input checked="" type="checkbox"/> Waterfront Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial Light Commercial <input type="checkbox"/> Recreational <input type="checkbox"/> Mud Bay Zoning District <input type="checkbox"/> Lutak Zoning District <input type="checkbox"/> General Use			
III. Description of Work			
Type of Application (Check all that apply) <input type="checkbox"/> Residential <input type="checkbox"/> Commercial _____ sq. ft. _____ seating capacity if eating/drinking establishment <input checked="" type="checkbox"/> Industrial <input type="checkbox"/> Church <input type="checkbox"/> Other _____	Project Description (Check all that apply) <input type="checkbox"/> Single Family Dwelling <input type="checkbox"/> Change of Use <input type="checkbox"/> Multi-Family Dwelling Total # of Units _____ <input type="checkbox"/> Cabin <input type="checkbox"/> Addition <input type="checkbox"/> Accessory Structure <input checked="" type="checkbox"/> Other <u>Bulk Material Storage</u>	Water Supply Existing or Proposed <input checked="" type="checkbox"/> None <input type="checkbox"/> Community well <input type="checkbox"/> Private well <input type="checkbox"/> Public Water <input type="checkbox"/> Other _____	Sewage Disposal Existing or Proposed <input checked="" type="checkbox"/> None <input type="checkbox"/> Septic Tank <input type="checkbox"/> Holding Tank <input type="checkbox"/> Public Sewer <input type="checkbox"/> Pit Privy <input type="checkbox"/> Composting Toilet <input type="checkbox"/> Other _____
Estimate Cost of Work:		Land Use Requested For:	
\$20,000 - See 8/10/23 letter		(Describe the project, and use additional sheets if necessary)	
Required Attachments: <input type="checkbox"/> Site plan (see Attachment A) <input type="checkbox"/> \$50 Non-Refundable Fee (Checks must be made payable to the Haines Borough)			
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.			

ATTACHMENT A

SITE PLAN REQUIREMENTS

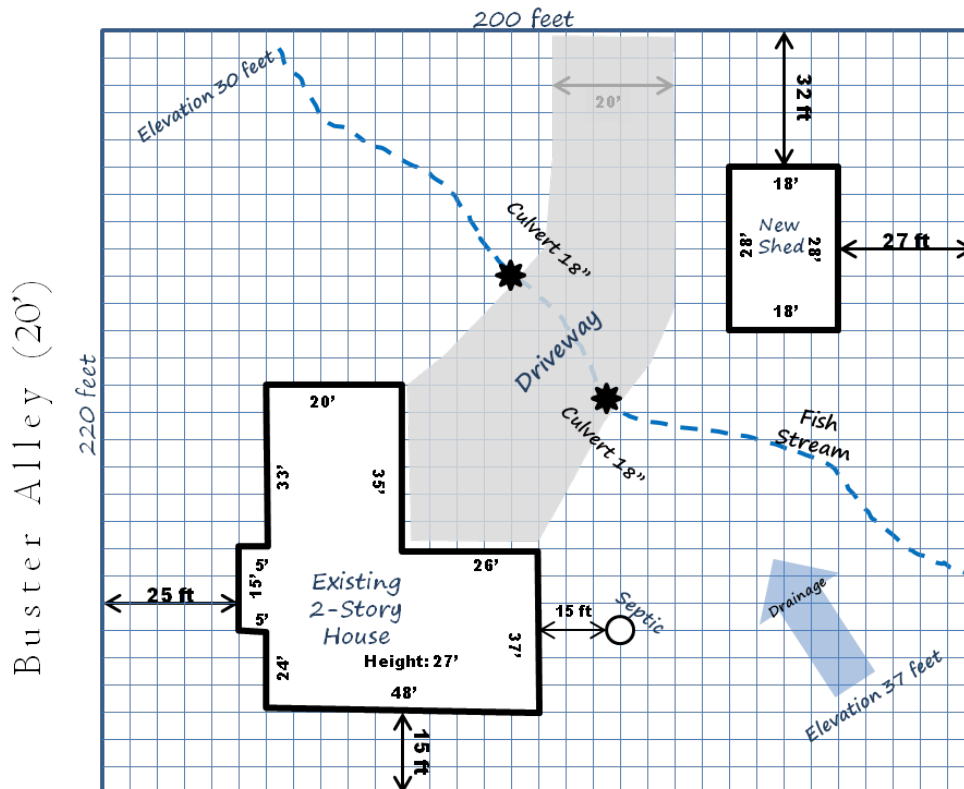
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It is strongly recommended that an as-built survey be performed prior to submittal of the application.

EXAMPLE SITE PLAN

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

Ripinsky Street (60')



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.
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SPECIAL APPROVAL CRITERIA MAY APPLY

See HBC [18.60.020](#) for more information.

SITE PLAN



(C-LTR-04-0900)

C-LTR-04-0800
Parcel 1
Lot 3, Sec 10

C-LTR-04-2940
Parcel 2
Lot 2, USS 3704

STOCKPILE/STAGING AREAS

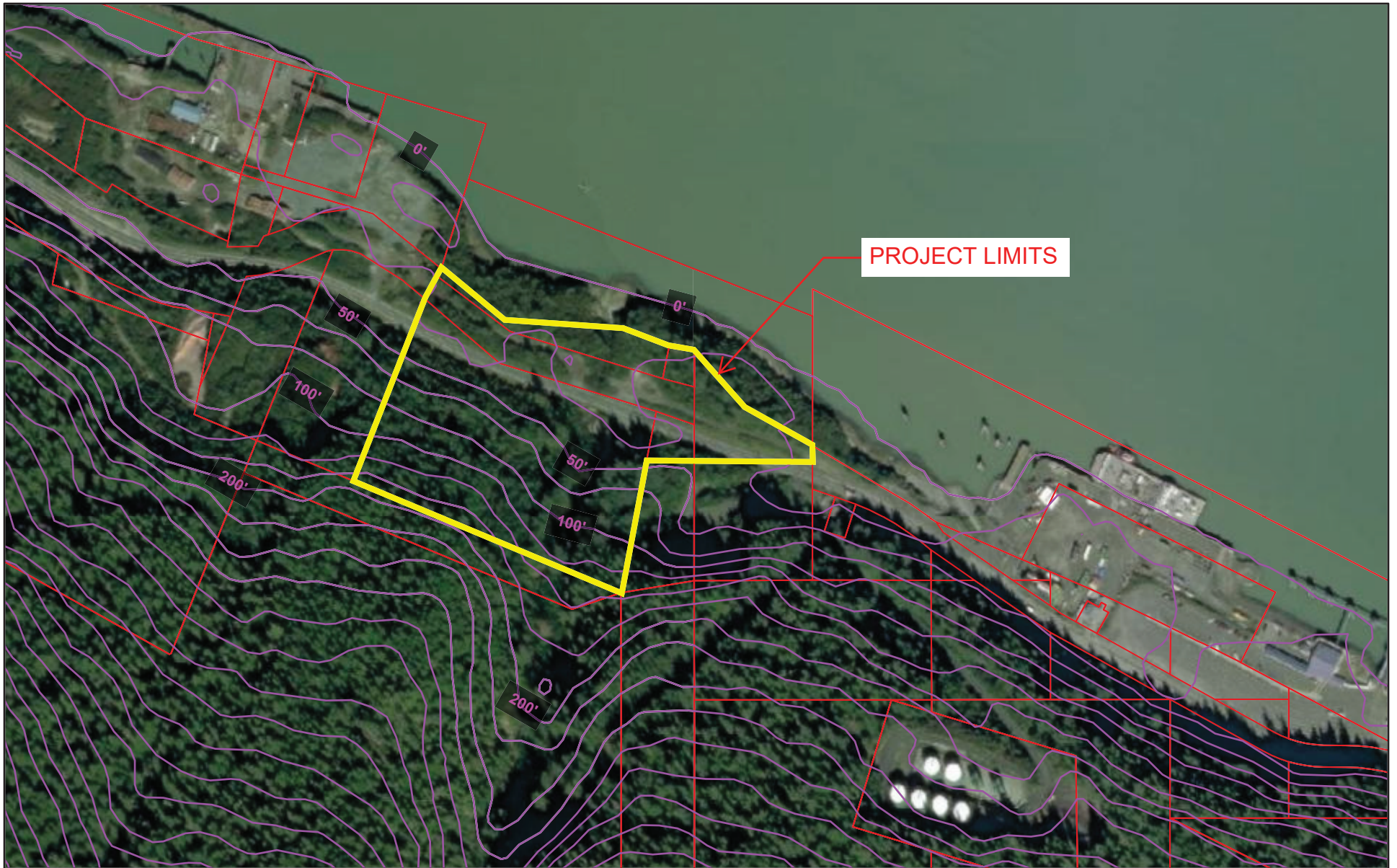


C-LTR-04-1000
Parcel 3
Portion, USS 278



Lufak Rd.

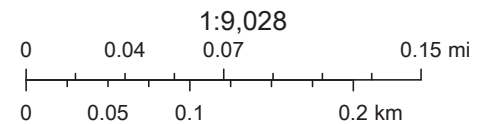
100 ft

ArcGIS Web Map



8/2/2023, 7:16:17 AM

-  Contours - contour25ts
-  Parcels



Maxar



OPERATIONS PLAN

Lutak Road Property

Land Use Permit Application

Prepared for:

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

July 2023

TABLE OF CONTENTS

1. Project Scope
2. Construction Schedule
3. Construction Phasing Plan
4. Financial Responsibility

1. Project Scope

The contractor proposes to use the parcels identified as C-LTR-04-100; C-LTR-04-0800; C-LTR-04-2940 (C-LTR-04-0900) to stockpile material from a rock source outside of the project limits at the MP 4.5 Haines Highway pit. The contractor plans on trucking material onsite, stockpiling and storage of material onsite, and hauling materials offsite to load on a barge. The contractor has established an area on the waterside of Lutak Rd to stockpile material as shown in the attached site plan. Approximately 20,000 C.Y. of material will be stockpiled onsite. Once material is stockpiled, as phasing allows, barges will be loaded with material and hauled offsite. Once the stockpiled material is hauled offsite, equipment will be demobilized from the site.

The existing site is being developed into a staging and stockpile yard for aggregate material. The adjacent properties to the North, East, and West are vacant land parcels owned by the State of Alaska. The adjacent property to the West is an old timber mill site and is owned by Chilkoot Lumber. All adjacent lots are zoned waterfront industrial use.

Parking Areas: Parking will conform to Section 18.80.040 of the Haines Borough Code. A staging pad will be developed that will be large enough for trucks and equipment to safely turnaround without encroaching onto the existing roadway. The staging pad will be constructed of gravel surface course material, will allow ample storage for trucks and equipment to stage and maintain a clear zone between equipment and the travelled roadway.

Utilities: There are no public water and/or sewer system onsite. There is no plan to connect to any existing utilities.

Landscaping: The existing parcels are divided by Lutak Road. On the upland side of Lutak Road, the site has been cleared, grubbed, and is in the process of being developed for a material extraction source. On the lowland side, the site has been brushed and material has been brought in to level the area to create a staging pad.

Signage: Any existing highway signage will be protected in place. No additional signage will be installed.

2. Construction Schedule

The anticipated date for mobilization to site is August 1, 2023, or as soon as all applicable permits are approved. Once permits are approved, a staging pad will be constructed to stockpile material on. Work is anticipated to take approximately 4 weeks. The anticipated completion date for this work is September 15, 2023. Once work is completed, the area will be stabilized, waste material will be hauled offsite, and a staging pad will remain for future use.

3. Phasing Plan

For the purpose of this phasing plan, the work required will be completed in the following manner:

Phase 1: Mobilization and SWPPP

This phase will consist of mobilizing equipment to the project site and installation of any necessary BMP's. The contractor plans on mobilizing side dumps, belly dumps and a loader to the Lutak Road site. A staging pad will be constructed on the waterside of Lutak Rd to stockpile material.

Phase 2: Material Trucking

This phase will consist of trucking of material from the crusher at the 4.5 Mile Haines Highway pit to the project, stockpiling of material onsite with a loader, and hauling materials offsite. Waste material will be backhauled offsite to create a staging pad on the waterside of Lutak Rd.

Phase 3: Final Stabilization/Demobilization

This phase will include final stabilization and demobilization. The area will be stabilized as needed.

4. Financial Responsibility

Evidence of Past Projects:

Haines Borough : Small Tracts/Mud Bay/3rd Avenue AC Pipe Replacement

Contract Amount: \$ 1,419,709.50

Project Number: n/a

Type of Project: Replacement of existing asbestos cement (AC) water pipe with new high density polyethylene (HDPE) water pipe, poly water services, valves, hydrant assemblies, and other water system improvements on Small Tracts Road, Mud Bay Road, and 3rd Avenue.

Date of Completion: 10/03/2020

ADOT - HNS: Haines Hwy. & Old Haines Hwy Resurface, Allen Rd. to MP 3.5 & Haines Hwy. to Mud Bay Rd. & HNS Airport Access

Contract Amount: \$6,485,246.64

Project Number: SFHWY00057/0003(200) & Z675090000/0003191

Type of Project: This project is a preventative maintenance project that resurfaces the roadway and associated driveways, replace or slip line existing culverts, subbase and drainage repairs, install ADA compliant curb ramps, replace select sidewalks and install new striping and traffic signs.

Date of Completion: 09/04/2020

Equipment Resources:

The contractor owns and plans on having the following equipment available for use on this project:

Belly Dumps/Side Dumps

Make/Model: Peterbilt 300 20 C.Y.

Quantity: 5

Market Value: \$500,000.00

Crusher Unit (4.5 Mile)

Make/Model: Varies, 150 TPH

Quantity: 3

Market Value: \$800,000.00

Loader

Make/Model: Cat 980, 7 CY

Quantity: 2

Market Value: \$400,000.00



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

August 7, 2023

John Fuglestad, President
Glacier Construction, Inc. dba
Southeast Roadbuilders
8585 Old Dairy Rd., Suite 208
Juneau, AK 99801

by certified mail

And delivered via email to: Roger Schnabel, Assistant Secretary and
dlaframboise@colaska.com

RE: Enforcement Order
Site Development Permit 23-33
Land Use Permit Application 23-71

Mr. Fuglestad:

Southeast Roadbuilders is to cease and desist operations not related to site development on the parcels described in this letter. Permits allowing for bulk material storage and resource extraction have not been issued. Southeast Roadbuilders is in violation and subject to fines for continuing to stockpile and extract material without a permit.

On 5/19/2023 Roger Schnabel on behalf of Southeast Roadbuilders applied for site development permit 23-33 on parcels C-LTR-04-0090, C-LTR-04-0010, C-LTR-04-0800, C-LTR-04-2940 AND C-LTR-04-1000. Site Development Permit 22-33 was issued on 5/23/2023. On 8/2/2023 Glacier Construction Inc., dba Southeast Roadbuilders completed a Land Use Permit application (23-71) for bulk material storage on parcels C-LTR-04-1000, C-LTR-04-0800, C-LTR-04-2940 and C-LTR-04-0900.

On 7/25/2023 the borough was notified of a potential violation with your ongoing site development. On 7/26/2023 our Planner notified the contractor in writing, reminding them of current permit conditions and steps for future land

use. I witnessed the stockpiling of material on Wednesday, August 2 while conducting a tour of the Lutak Dock. I verified with our Planner that Glacier Construction, Inc. has completed a Land Use Permit application, but it is still being reviewed by our staff and other agencies. Additionally, we have received numerous reports of material being removed from site without necessary resource extraction permits.

As our office continues an investigation into this matter, here is an overview of penalties associated. Each act, and every day a violation exists, may constitute a separate violation.

Site Development Permit 23-33

Resource Extraction without permit \$100 per load

Land Use Permit Application 23-71

After the fact fee, Bulk Material Storage 3% of Project Value,
T.B.D.
(or \$250 whichever is
greater)

ACTION ITEMS:

1. Provide daily reports, surveyed quantities, or load counts for any material removed from site for Permit 23-33
2. Provide Project Value for Permit Application 23-71

You may appeal this finding of a violation of Title 18 within two days of receipt of this notice. I have included some of the relevant Code citations below for your convenience.

I look forward to working with you to resolve this issue.

Ec: Roger Schnabel, Southeast Roadbuilders, Glacier Construction Inc.
roger@seroad.com

Dakota Laframboise, Permit Manager, aframboise@colaska.com

Attachments:

1. Site Development Permit 23-33
2. Land Use Permit Application 23-71
3. Violation Complaint & Responses, 7/25/2023



HC 60 Box 4800
Haines, AK 99827
(907) 766-2833
Fax (907) 766-2832

August 8, 2023

Annette Kreitzer
Haines Borough Manager
PO Box 1209
Haines, Alaska 99827

Re: Response to Enforcement Order dated 8/7/2023

Dear Mrs. Kreitzer,

Upon receipt of the Enforcement Order dated August 7th, 2023, Southeast Road Builders has ceased operations pertaining to the work on the parcels identified as C-LTR-04-1000, C-LTR-04-0800, C-LTR-04-2940, and C-LTR-04-0900.

On May 23rd, 2023, Southeast Road Builders was issued a Site Development Permit for the subject parcels listed above. The Borough defines “**Site Development**” as “any clearing, grubbing, grading, and filling activity which exceeds 100 cubic yards or 5,000 board feet, except utility improvements, which are subject to permit”. (HBC 18.20.020)

It was the intent of Southeast Road Builders to perform activities under this permit to develop the site for a material storage site. Activities that are incidental to this site development include clearing, grubbing, grading, and excavation of unsuitable material. Southeast Road Builders operated under the intent that these activities, including the grading and removal of unsuitable material for purposes of site development, are permitted activities as they are incidental to the work permitted for Site Development Permit 23-33.

Please accept this letter as Southeast Road Builders appeal to the finding of a violation of Title 18, “Resource Extraction without permit”. Southeast Road Builders is believed to be operating in compliance with Site Development Permit 23-33.

Thank you.

Brian Maller
Asst. General Manager

Cc: Andrew Conrad, Borough Planner, aconrad@haines.ak.us
Roger Schnabel, Area Manager, rschnabel@colaska.com
Dakota LaFramboise, Project Engineer, dlaframboise@colaska.com



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

August 9, 2023

John Fuglestad, President
Glacier Construction, Inc. dba
Southeast Roadbuilders
8585 Old Dairy Rd., Suite 208
Juneau, AK 99801
by certified mail

through: Mr. Brian Maller, Asst. General Manager SERB
RE: Enforcement Order
Site Development Permit 23-33
Land Use Permit Application 23-71

Mr. Maller:

We received your letter on 8/8/2023 and appreciate your prompt response to cease unpermitted activities. Your Land Use Application 23-71 indicates the following use-by-right activities on these parcels:

1. Marine Industrial Facility,
 2. Marine Commercial Facility, and
 3. Commercial, heavy.
- Definitions are referenced below.

To finalize your permit we are verifying that the general approval criteria for Access, Traffic, and Public Maintenance are met, see code below for criteria definitions. Since Lutak Road is owned by the State, we are working with the Department of Transportation and Public Facilities to finalize your permit.

Photos taken on-site 8/7/2023 indicate that these activities have been on-going for some time. This includes truck scales, stockpiled processed aggregate, and an off-shore barge loaded with aggregate. We understand from your application and verbal correspondence that this aggregate is not from resource extraction on-site, but from an off-site pit. As requested in the Enforcement Order, Action Item #2, we need the Project Value indicated on

Page 1 of your application to determine after-the-fact fees associated with Permit 23-71.

We received your appeal notification for Title 18 violation associated with Site Development Permit 23-33 and provide the following violation clarification:

The 8/7/2023 Enforcement Order includes penalties for resource extraction during site development. Site development only includes clearing, grubbing, grading, and filling work. Resource extraction is defined as the removal of rock, gravel, sand, clay, topsoil, peat, timber, or any other mineral, and other operations having similar characteristics, and requires a Conditional Use Permit with approval from the Planning Commission.

Unfortunately your site development permit application didn't indicate any proposed excavation activities, so our staff was not able to have this conversation during the site development permitting process. For future reference I've included the submission requirements for all permits below. By providing this information we can avoid any confusion and permitting issues moving forward.

I've updated Action Item #1 in response to your alleged removal of unsuitable material so we can begin to account for all resource extraction performed during your permitted site development activities.

ACTION ITEMS:

1. Provide daily reports, surveyed quantities, or load counts for any material removed from site for Permit 23-33, or
 - a. Provide the location of unsuitable material stockpiles so our staff can account for the volume of material removed without a permit.
2. Provide Project Value for Permit Application 23-71

I have included some of the relevant Code citations below for your convenience.

I look forward to resolving these issues and avoiding similar permitting violations in the future.

Ec: Andrew Conrad, Borough Planner, aconrad@haines.ak.us
Roger Schnabel, Area Manager, rschnabel@colaska.com
Dakota LaFramboise, Project Engineer, dlaframboise@colaska.com



HC 60 Box 4800
Haines, AK 99827
(907) 766-2833
Fax (907) 766-2832

August 10, 2023

Annette Kreitzer
Haines Borough Manager
PO Box 1209
Haines, Alaska 99827

Re: Response #2 to Enforcement Order dated 8/9/2023

Mrs. Kreitzer,

Prior to the issuance of the Enforcement Order, Southeast Road Builders was operating under the intent that the activities occurring on the subject parcels was in compliance with Site Development Permit 23-33. Southeast Road Builders received official notice of a violation upon receipt of the cease-and-desist order received by email on August 7th, 2023. Upon receipt, Southeast Road Builders was diligent in the cease of operations involving work being done on the subject parcels.

Upon notification of a violation on August 7th, 2023, Southeast Road Builders removed a total of 6 loads of material from the site between the time the discovery of violation was made and the time the operation was ceased.

The project value of the associated permit is \$20,000.00.

Thank you.

Brian Maller
Asst. General Manager

Cc: Andrew Conrad, Borough Planner, aconrad@haines.ak.us
Roger Schnabel, Area Manager, rschnabel@colaska.com
Dakota LaFramboise, Project Engineer, dlaframboise@colaska.com

MUNICIPAL CODE

[Municipal Code](#) → [Title 18, Land Use/Development](#) →

Chapter 18.50 CONDITIONAL USE



Sections:

- [18.50.010 Purpose.](#)
- [18.50.020 Approval required.](#)
- [18.50.030 Application.](#)
- [18.50.040 Decision.](#)

18.50.010 Purpose.



Conditional uses are intended to address uses and issues of community-wide importance and are therefore subject to a broader public process and higher standards than approvals by the manager. The conditional use process is intended to afford the commission and the community the flexibility necessary to make development approvals that are appropriate to specific sites, uses, designs and situations. The commission may attach conditions of approval to ensure compliance with adopted borough plans and both the general and specific approval criteria of this title.

18.50.020 Approval required.



All conditional uses must receive approval by the commission prior to commencement. In all applications for approval, the burden of proof shall be on the developer to prove, by a preponderance of the evidence, that the criteria set forth in this title are met. The uses eligible for approval by the commission as a conditional use are listed in HBC [12.08.110\(D\)\(2\)](#), [18.70.030\(B\)\(3\)\(e\)](#), [\(B\)\(4\)\(e\)](#), [\(C\)\(3\)\(e\)](#), [\(C\)\(4\)\(e\)](#), and [\(D\)\(5\)](#), the use chart in HBC [18.70.040](#), and HBC [18.80.030\(B\)](#), building separation. (Ord. 11-03-259 § 5)

18.50.030 Application.



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

B. *Contents.* The application shall contain all the information as required in HBC [18.40.030\(A\)\(1\)](#) through [\(8\)](#) for land use permits.

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

D. *Manager's Review Procedure.*

1. The manager shall determine whether the application is complete and accurately reflects the developer's intentions. The manager shall advise the applicant whether or not the application is acceptable, or if it is not, what corrective action may be taken.
2. After accepting the application, the manager shall schedule a hearing before the commission and shall give notice to the developer and the public in accordance with the public notice provisions of HBC 18.30.020.
3. The manager shall forward the application to the commission together with a report setting forth the manager's recommendation for action, with or without proposed conditions, and the reasons therefor.
4. Copies of the application or the relevant portions thereof shall be transmitted to designated referral agencies. Such referral agencies shall be indicated on a list maintained by the manager and may vary depending on the location of the site and the type of use proposed. Referral agencies shall be notified of the date of the public hearing and asked to submit any comments prior to the public hearing. (Ord. 12-05-291 § 8)

18.50.040 Decision.



The commission shall hold a public hearing on the conditional use permit application. 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.

A. Before a conditional use permit is approved, the commission must find that each of the following requirements is met:

1. The use is so located on the site as to avoid undue noise and other nuisances and dangers;
2. The development of the use is such that the value of the adjoining property will not 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;
4. The specific development scheme of the use is consistent and in harmony with the comprehensive plan and surrounding land uses;
5. The granting of the conditional use will not be harmful to the public safety, health or 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;
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;

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

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.

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.

The Haines Borough Code is current through Ordinance 23-10-662, and legislation passed through November 28, 2023.

Disclaimer: The borough clerk's office has the official version of the Haines Borough Code. Users should contact the borough clerk's office for ordinances passed subsequent to the ordinance cited above.

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MUNICIPAL CODE

[Municipal Code](#) → [Title 18, Land Use/Development](#) →

Chapter 18.60 APPROVAL CRITERIA



Sections:

18.60.010 [General approval criteria.](#)

18.60.020 [Specific approval criteria.](#)

18.60.010 [General approval criteria.](#)



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

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.* 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.

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.

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](#) [permanent foundation](#). This section does not apply to accessory [bu](#) sheds, wood sheds, etc., of 120 square feet or less in area, or [temp](#)

H. *Parking.* Parking, loading areas and snow storage sites for the [shall](#) be adequate, safe and properly designed. The [developer](#) may acceptable lighting at pedestrian or vehicular access points.

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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. The borough may require a letter of commitment from a utility company or public agency legally committing it to serve the development if such service is required. 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. The borough may require any or all parts of such installation to be oversized, however the additional cost beyond the size needed for the development will be borne by the borough.

When, in the opinion of borough staff, no public sanitary sewer and/or water service is available within 200 feet of the property, the developer may request an exemption from the requirements to connect to these public utilities. 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.

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 proposed use shall not result in significantly different peak use characteristics than 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 reclamation or landscaping plan includes the control of dust, soil erosion and siltation which otherwise would be generated on the lot and affect the commission may adopt borough landscaping standards that establish and acceptable methods to be used for compliance. The owner of the lot is responsible for maintenance of the landscaping for a minimum of one year after establishment of the planted materials and stability of other physical

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earthen berms. The borough shall not impose requirements inconsistent with the permit requirements of any other governmental entity permitting the development, but may impose more stringent requirements and may work with the developer to reach a satisfactory compromise with any other governmental entity. If a suitable plan is already in existence, it may fulfill the requirements of this section. The plan shall contain elements as may be required by the landscaping standards adopted by the commission and may in any event include any or all of the following:

1. A grading and site plan, indicating the areas excavated or filled, the proposed finished grades and contours, drainage directions and any control structures to be installed;
2. The methods to be employed for reclamation of the site during and after the activity along with a time table for completion;
3. A description of all roads, parking areas and buildings and a site map showing the locations of all improvements which will be built;
4. A description of any known permit requirements of any other governmental entity and a copy of any permit stipulations under consideration or in existence for the development;
5. All maps shall be submitted at an accurate scale and extend a suitable distance beyond the site area.

P. *Anadromous Fish Stream Setbacks.* 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. The commission's finding shall conclude that a direct connection exists between the development and the need for the provision of the dedication. Land may be accepted by the borough only under the following conditions:

1. The location, shape, size, and character of the area must be suitable for the planned use.
2. Development in landslide and avalanche areas designated on the borough hazardous areas map must minimize the risk to life and property.
3. The area must be suitably improved for its intended use, but common open space containing natural features worthy of preservation or landslide and avalanche hazard must be left unimproved.
4. If the use provides for buildings, landscaping or other improvements in the dedicated area, the developer must provide a bond or other adequate assurance that such improvements will be completed. The borough shall release the bond or other assurance when the buildings, structures, or improvements have been completed to the satisfaction of the commission.
5. All land must be conveyed to a public agency or private as to maintain in perpetuity the area and any buildings, structures have been placed on it. When no maintenance of the area is required, the area must be conveyed to all new owners in undivided joint ownership. When conveyed to a public agency and maintenance of the common space is required, an association for maintenance of the area must be established. C

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the association must be approved as to form by the borough attorney, and by the commission as to whether the covenants provide for maintenance of the area in a manner that assures its continuing use for its intended purpose. Conveyance of an area to a private association must be consistent with AS 34.07, the Horizontal Property Regime Act.

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.

Due to its historical nature, Block 16, Haines Townsite Subdivision shall have special setback requirements. All structures built within Block 16 must set back a minimum of 10 feet from property lines not abutting Union Street.

S. *National Flood Plain Regulations*. All applications for land use or conditional use permits shall be reviewed for compliance with the National Flood Insurance Program prior to approval. If the development is governed by the regulations, all requirements shall be satisfied prior to approval or placed as a condition upon approval of the appropriate permit. The manager, upon receiving an application for a land use or conditional use permit, shall review the proposal for compliance with the National Flood Insurance Program in accordance with Chapter 18.120 HBC, Flood Plain Regulations.

The manager shall, upon the application itself, indicate compliance, noncompliance or conditions upon approval as appropriate. Variances to the flood plain regulations shall be allowed as provided for in the 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.

(For information regarding the location of the hazard areas, see the most recent version of the borough map entitled "Flood Plain and Flood Hazards Map.")

U. *Waterfront*. The following requirements apply in all waterfront zones:

1. *Dredge and Fill Activities*. Any person, persons or firm planning a development in wetlands is required to apply for and obtain a dredge and fill permit from the United States Army Corps of Engineers prior to commencement of development.
2. 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.
3. Public access to the waters of Portage Cove is required to for development on land adjacent to Portage Cove. (Ord. 18-04- Ord. 13-08-342 § 4; Ord. 12-05-291 § 9; Ord. 07-04-153; Ord. 06-07-

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

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;
- b. Days and hours of operation;
- c. Traffic patterns;
- d. Fencing and screening;
- e. Control of dust and noise;
- f. Phasing of operations and reclamation steps;
- g. Final condition of site including:
 - (1) Relation to adjoining land forms and drainage features,
 - (2) Relation of reclaimed site to planned or established uses of the surrounding area,
 - (3) Demonstration that the final land form will have a viable land use compatible with land use trends in the surrounding area,
 - (4) Relation of reclaimed site to initial site conditions including land use, vegetation, soils, geology and hydrology;
- h. Methods to minimize potential conflict with other existing uses within the neighborhoods adjacent to the development and traffic corridors used by the development.

B. *Junkyard.* No junkyard shall be established or operated unless it is completely obscured from view of any traveled or public right-of-way or adjacent properties with a noncompatible use (i.e., residential, commercial). The manager or commission may require a continuous solid fence to prevent the unsightly display of the yard. The fencing provided shall be continuous and of sufficient height and density to provide visual screening required by this chapter on a year-round basis. Precautions shall be taken to prevent ground or water contamination from runoff containing, including but not limited to, fuels and hazardous chemicals. Applications for junkyards in the waterfront industrial zone must include a plan for addressing air pollution, oil, spill prevention, hazardous waste, water discharge, storm water runoff, underground storage tanks, aesthetic concerns, and state and federal permits.

C. *Animal Husbandry.* Animal husbandry may be allowed as an accessory use to agriculture or for personal recreational use (i.e., horses kept solely for riding). A permit must be obtained and the application for such permit must be submitted along with a plan for the maintenance of any animal or animals, such as the mitigation of noise, odors, runoff from the lot onto adjacent properties or into streams of waste products and the proper disposal off-site of such waste products. If at any time it is the finding of the manager is either not being followed or is not sufficient to protect the neighbor nuisance situation, the permit may be revoked or an amended plan
Roosters, geese, mules, burros and other animals that typically make loud sounds shall not be allowed on lots of less than three acres. The board have the authority to determine what sounds are loud and annoying

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