

Haines Borough
Borough Assembly Meeting #486
AGENDA

April 23, 2024 - 6:30pm

Location: In Assembly Chambers and on ZOOM

Thomas Morphet
Mayor

Natalie Dawson
Assembly Member

Gabe Thomas
Assembly Member

Kevin Forster
Assembly Member

Debra Schnabel
Assembly Member

Ben Aultman-Moore
Assembly Member

Craig Loomis
Assembly Member

Annette Kreitzer
Borough Manager

Alekka Fullerton
Borough Clerk

Kiersten Long
Deputy Clerk

Haines Borough ZOOM information (You must download Zoom first)

Webinar ID: 899 6869 0776

Passcode: 048343

- 1. CALL TO ORDER/PLEDGE TO THE FLAG/ROLL CALL**
- 2. APPROVAL OF AGENDA & CONSENT AGENDA**

[The following Consent Agenda items are indicated by an asterisk () and will be enacted by the motion to approve the agenda. There will be no separate discussion of these items unless an assembly member or other person so requests, in which event the asterisk will be removed and that item will be considered by the assembly on the regular agenda.]*

Consent Agenda:

3 - Approve Minutes from 4/09/24 Regular Assembly Meeting

11B1 - Introduction and Scheduling of Public Hearings for Ordinance 24-04-675

11B2 - Introduction and Scheduling of Public Hearings for Ordinance 24-04-676

11B3 - Introduction and Scheduling of Public Hearings for Ordinance 24-04-677

11C1 - Confirmation of William Jensen as Director of Public Facilities

- *3. APPROVAL OF MINUTES** -Approve the 4/09/24 Regular Assembly minutes
- 4. PUBLIC COMMENTS** – [For any topics not scheduled for public hearing. Individual comments are limited to 3 minutes unless another yields 3 minutes to the speaker in advance] *Note: during this section of the agenda, the assembly will listen and take notes. No official action will be taken at this time.*
- 5. ASSEMBLY COMMENTS**
- 6. MAYOR’S REPORT AND COMMENTS** – *Attached.*
- 7. PUBLIC HEARINGS**
 - A. Ordinance 24-03-670**
An Ordinance of the Haines Borough Assembly Amending Haines Borough Code Section 18.40.030 Procedure – Staff decision.
Motion: Adopt Ordinance 24-03-670
 - B. Ordinance 24-04-669**
An Ordinance of the Haines Borough Assembly Amending Haines Borough Code Defining Ore and Requiring Bulk Ore and Ore Concentrate Shipments through the Haines Borough be Containerized.
This ordinance is already scheduled for another public hearing May 14, 2024.
 - C. Ordinance 24-04-671**
An Ordinance of the Haines Borough Assembly Amending Haines Borough Code Section 3.70.040(F) Local Exemptions and Exclusions- Hardship Exemption.
This ordinance is already scheduled for another public hearing May 14, 2024.

7. **PUBLIC HEARINGS** - *Continued*

D. **Ordinance 24-04-672**

An Ordinance of the Haines Borough Assembly Amending Haines Borough Code Section 7.08.050 Historic Dalton Trail Road Maintenance Service Area to Provide for Commercial Fees.

Motion: Vacate second public hearing date of May 14, 2024 and refer the Ordinance to the Commerce Committee for further review.

E. **Ordinance 24-04-673**

An Ordinance of the Haines Borough Assembly Amending Haines Borough Code Section 2.08.060 Meetings of the Assembly to Change Regular Assembly Meeting Time.

This ordinance is already scheduled for another public hearing May 14, 2024.

F. **Ordinance 24-04-674**

An Ordinance of the Haines Borough Assembly Amending Haines Borough Code Section 2.84.010 Personal Leave Accrual and Section 2.84.030 Accumulation Limit.

This ordinance should be amended to include the Personal Leave Accumulation Limit as reflected in the CBA as well. That change was recommended by the Personnel Committee but inadvertently left off the drafting of the Ordinance.

Motion: Amend Ordinance 24-04-674 to include Section 2.84.030 Personal Leave Accumulation Limit and confirm the second public hearing scheduled for May 14, 2024.

8. **STAFF/FACILITY REPORTS**

A. **Borough Manager Report** – *Supplemental Report*

i. Decision on White Paper for Lutak Dock

B. **CFO Report** – 2018-2023 Calendar Year Sales Tax Receipts by Business Activity

9. **COMMITTEE/COMMISSION/BOARD REPORTS & APPROVED MINUTES** –

A. **Assembly Standing Committee Referred Topics**

B. **Planning Commission** – *Approved 3/14/24 Minutes*

C. **Property Tax Assessment Ad Hoc Board** – *Approved 3/6/24 and 4/4/24 Minutes*

i. Updated BOE Procedures (received Thursday, April 18- *needs to be compared with recent code changes*)

D. **Chilkat Center Advisory Board** – *Approved 1/12/24 Minutes*

10. **UNFINISHED BUSINESS** – None

11. **NEW BUSINESS**

A. **Resolutions** (Individual comments are limited to 3 minutes unless another yields 3 minutes to the speaker in advance)

1. **Resolution 24-04-1108**

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to execute a contract to obtain a Supervisory Control & Data Acquisition Water and Sewer Department System (SCADA) from Correct Equipment for a Mission SCADA and to provide associated electrical installation services to support the project for an amount not to exceed \$63,096.40.

Motion: Adopt Resolution 24-04-1108.

11. NEW BUSINESS – Continued

B. Ordinances for Introduction

- *1. **Ordinance 24-04-675**
An Ordinance of the Haines Borough, Providing for the Addition or Amendment of Specific Line Items for the FY24 Budget.
This ordinance is being introduced by the Mayor.
Motion: Introduce Ordinance 24-04-675 and set a first public hearing for 5/14/24 and a second public hearing for 5/28/24.
- *2. **Ordinance 24-04-676**
An Ordinance of the Haines Borough Assembly Amending Haines Borough Code Section 18.30.040(C) Planning Commission to Change Regular Planning Commission Meeting Date.
This ordinance is being introduced by the Mayor.
Motion: Introduce Ordinance 24-04-676 and set a first public hearing for 5/14/24 and a second public hearing for 5/28/24.
- *3. **Ordinance 24-04-677**
An Ordinance of the Haines Borough, Alaska, Providing for the Establishment and Adoption of the Operating Budget, Capital Budget, and Capital Improvement Plan of the Haines Borough for the Period July 1, 2024 through June 30, 2025.
This ordinance is being introduced by the Mayor.
Motion: Introduce Ordinance 24-04-677 and set a first public hearing for 5/14/24 and a second public hearing for 5/28/24.

C. Other New Business

- *1. **Confirm Director of Public Facilities Hire**
Per HBC 2.74.035(A)(3), after the Borough Manager hires a Department Head, such appointment is subject to confirmation by the Assembly.
Motion: Confirm the Manager's hire of William (Brad) Jensen as the Director of Public Facilities.
2. **Request to Release Executive Session Audio from May 26, 2024.**
Assembly Member Kevin Forster has requested this item be placed on the agenda. HBC 2.10.040(E)(3) provides "No portion of the record of an executive session of the borough assembly shall be open for public inspection or subject to discovery in any administrative or judicial proceeding, except upon a super-majority consent of the assembly or by court order."
3. **Special Election for Advisory Vote regarding Lutak Dock**
The Mayor has requested this item be placed on the agenda.
Motion: Refer proposed special election ballot questions to the GAS Committee for further consideration.
4. **Board of Equalization Replacement Member (if desired)**
HBC 3.72.110 (changes adopted at the April 9 meeting, still being codified) provides that the Board of Equalization shall be between five and nine members, there are currently seven members appointed to the BOE.

11. NEW BUSINESS

C. Other New Business – Continued

5. **Request to DNR to Extend the Public Comment Deadline on Constantine’s 5-yr Plan.**

The Mayor has requested this item be placed on the agenda. Current deadline for comments is April 24, 2024 at 5:00 pm.

6. **Appeal of Planning Commission Decision – Southeast Road Builders, Conditional Use Permit for Resource Extraction Permit #23-87.**

On 10/23/23, the Haines Borough planning commission approved a conditional use permit (#23-87) for Glacier Construction Inc. dba Southeast Road Builders for a Resource Extraction Permit located at Site A: C-LTR-04-0090/0700/0010, Site B: C-LTR-04-1000/2940/0900/0800 | Waterfront Industrial Zone. On 3/14/24 the Planning Commission vacated the permit. HBC 18.30.060 allows for an appeal to the assembly of a PC decision, and Glacier Construction Inc. dba Southeast Road Builders (SERB) timely filed an appeal. The assembly voted to rehear the PC’s decision regarding the vacation of CUP #23-87 at its last meeting. The appeal hearing is scheduled for this meeting, as required by HBC 18.30.060(A).

*HBC 18.30.060(B) (1) provides that, findings of fact adopted expressly or by necessary implication shall be considered as true if, based upon a review of the whole record, they are supported by substantial evidence. Substantial evidence means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. If the record as a whole affords a substantial basis of fact from which the fact in issue may be reasonably inferred, the fact is supported by substantial evidence. **The burden of proof shall be on the appellant to demonstrate the facts and resolution of the issues on appeal by substantial evidence.** The evidence shall be limited to a review of the record, although further argument may be allowed.*

*The evidence considered shall be limited to a review of the record, and **the burden of proof shall be solely on the appellant challenging the commission’s decision.** “The Record” in these appeals is determined to be: all documentary or oral statements and any material objects that were provided to the PC in this matter. The evidence is limited to that same record, although further argument may be allowed. Argument is defined as “reasons given for or against a matter under discussion that is intended to convince or persuade the listener.” The Appellate record consists of written arguments submitted by the appellants. Oral arguments are acceptable during these hearings. As typical for appeal hearings, the appeal will begin with a presentation by the appellant then proceed with any public testimony. Assembly deliberations will follow public testimony.*

Assembly Action Needed: *The assembly hearing an appeal from a PC conditional use decision is acting in a quasi-judicial capacity. Therefore, a supermajority is required, per Charter 5.06(D) for action. Pursuant to HBC 18.30.060(B)(3), the assembly may confirm the commission’s decision, reverse the commission’s decision, change (or add) conditions which the commission placed on approval. The assembly must make its decision at this meeting keeping in mind that “in all decisions the burden of proof shall be on the party challenging the decision of the planning commission.”*

The assembly may deliberate in open session or in executive session. Written findings that formalize the reasons for the decision will be drafted for assembly approval at the next meeting.

11. NEW BUSINESS

C. Other New Business – Continued

7. Appeal of Planning Commission Decision - Southeast Road Builders, Conditional Use Permit for Resource Extraction Permit #23-87B.

On 3/14/24, after vacation of the permit described above, the Haines Borough planning commission considered and denied conditional use permit (#23-87B) for Glacier Construction Inc. dba Southeast Road Builders for a Resource Extraction Permit located at Site B: C-LTR-04-1000/Waterfront Industrial Zone. Glacier Construction Inc. dba Southeast Road Builders (SERB) timely filed an appeal. Please see above for the considerations of HBC 18.30.060(B).

12. CORRESPONDENCE

A. Constantine Letter to the Haines Borough Assembly

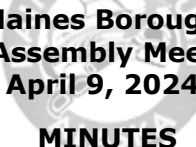
13. SET MEETING DATES

A. Schedule a Committee of the Whole meeting to review Borough Attorney applications.

14. PUBLIC COMMENT

15. ANNOUNCEMENTS/ASSEMBLY COMMENTS/DIRECTION TO OFFICERS

16. ADJOURNMENT


Haines Borough
Borough Assembly Meeting #486
April 9, 2024
MINUTES

Draft

3

1. **CALL TO ORDER/PLEDGE TO THE FLAG/ROLL CALL:** Mayor **MORPHET** called the meeting to order at 6:00 pm in the Assembly Chambers and led the pledge to the flag.

Present: Mayor Thomas **MORPHET**, Assembly Members Gabe **THOMAS**, Debra **SCHNABEL**, Kevin **FORSTER**, Craig **LOOMIS**, Ben **AULTMAN-MOORE** and Natalie **DAWSON**.

Staff Present: Annette **KREITZER**/Manager, Alekka **FULLERTON**/Clerk, Kiersten **LONG**/Deputy Clerk, Dave **LONG**/Public Facilities Technician

Visitors Present: Rob **GOLDBERG**, Diana **LAPHAM**, Blythe **CARTER**, Kim **ROSADO**, Ellen **LARSON**, Brenda **JOSEPHSON**, Roy **JOSEPHSON**, Paul **ROGERS**, Patty **BROWN**, Darsie **CULBECK**, Eben **SARGENT**, Glenda **GILBERT**, Katie Emma **BEGLEY**, Joe **PARNELL**, Don **TURNER JR**, Liz **LANDES**, and others on zoom.

2. **APPROVAL OF AGENDA & CONSENT AGENDA**

Motion: **FORSTER** moved to “approve the agenda and consent agenda”

SCHNABEL asked to remove the 3/26/24 minutes from the consent agenda

DAWSON asked to move “Direction to Officers” from item 15 to after item 8A

And the motion, as amended, carried unanimously.

3. **APPROVAL OF MINUTES:** - Approve the following Minutes:

- A. 3/26/24 Regular Assembly Meeting Minutes

Motion: **SCHNBEL** moved to “Approve the minutes of the March 26, 2024 meeting,” and the motion carried unanimously.

4. **PUBLIC COMMENTS:**

GOLDBERG: Spoke about civility and lack of Borough Planner

B. JOSEPHSON: (including time yielded from Kim Rosado) Not in support of “letter in support of HB 347”

LAPHAM: Complaints against an Assembly Member

LARSON: In Support of Natalie Dawson

CARTER: Not in support of proposed letter in support of HB 347

R. JOSEPHSON: Not in support of proposed letter in support of HB 347

ROGERS: Not in support of proposed letter in support of HB 347

TURNER JR: Supporting the First Amendment

LANDES: Comments in Support of Ore Containerization Ordinance

BEGLEY: Encouraged to THINK with different acronyms and questioned CFO report

CULBECK: Wants a personnel meeting

PLACHTA: Studying Lutak Dock documents

LAPP: Reconsider Ordinance 666

5. **ASSEMBLY COMMENTS:**

DAWSON: Wanted to address comments about her employment; she works for Alaska Venture Fund; the Alaska Venture Fund’s mission is to provide philanthropic opportunities for different projects; no one asked her directly what she does for work.

AULTMAN-MOORE: Similarly commented that he has not been a board member of LCC since October of 2022.

THOMAS: Disclosure of work with CIA.

6. MAYOR'S REPORT and COMMENTS:

The Mayor has submitted a written report and commented on Borough Clerk Alekka Fullerton's resignation.

7. PUBLIC HEARINGS

A. Ordinance 24-02-668

An Ordinance of the Haines Borough Assembly Amending Haines Borough Code Section 3.72.105 Exchange of Information

The Mayor opened the public hearing at 7:39 pm and the following members of the public chose to speak with respect to this issue: **ROGERS, ROSADO, B. JOSEPHSON, CARTER.** Hearing no further comments, the public hearing was closed at 7:58 pm.

Motion: **FORSTER** moved to "Adopt Ordinance 24-02-668"

Primary Amendment: **FORSTER** moved to replace the introduced Ordinance with the revised version posted to the website,

Secondary Amendment: **FORSTER** moved to replace the word "will" in Section F with the word "may" and the motion carried unanimously.

Secondary Amendment: **SCHNABEL** moved to replace C with the following language:

The appellant must provide their information to be received by the Haines Borough office 10 business days before the appeal hearing date scheduled by first-class mail, email or by personal delivery.

And the motion carried unanimously.

Secondary Amendment: **AULTMAN-MOORE** moved to "replace the word "related to" with "used to determine" and to eliminate the word "all" in E," and the motion carried unanimously.

The primary amendment, as amended, carried unanimously.

The Ordinance was adopted, as amended, unanimously by roll call vote.

Motion: **SCHNABEL** moved "By December 1, 2024, the Exchange of Information Ordinance be reviewed for evaluation of its effectiveness of the appeal process," and the motion carried unanimously.

B. Ordinance 24-03-670

An Ordinance of the Haines Borough Assembly Amending Haines Borough Code Section 18.40.030 Procedure – Staff decision.

The Mayor opened and closed the public hearing at 7:59 pm since no member of the public chose to speak with respect to this ordinance.

Motion: **SCHNABEL** moved to "Amend the date from 10 business days to 15 business days and the motion **FAILED** 5-1 with **SCHNABEL** in favor of the amendment.

8. STAFF/FACILITY REPORTS

- A. **Borough Manager Report** – *Supplemental Report*
- B. **Finance Director Report** – Property tax History Compared to Inflation

* *Clerk's note: Direction to the Officers was moved to be heard at this point in the meeting.*

Motion: **LOOMIS** moved to "Advertise the Manager position May 15 through September 30," and the motion **FAILED** with **DAWSON** and **LOOMIS** in favor.

Motion: **SCHNABEL** moved to "Schedule an Executive Session with the Manager in June to assess where we stand," and the motion carried 4-3 with the Mayor breaking the tie in the affirmative and with **SCHNABEL, FORSTER and THOMAS** also in support.

9. COMMITTEE/COMMISSION/BOARD REPORTS & APPROVED MINUTES –

- A. **Assembly Standing Committee Referred Topics**
- B. **Ports and Harbors Advisory Committee** – *February 22, 2024 Minutes*
- C. **Parks & Recreation Advisory Committee** –*February 22, 2024 Minutes*

10. UNFINISHED BUSINESS – None

11. NEW BUSINESS

- A. **Resolutions** (Individual comments are limited to 3 minutes unless another yields 3 minutes to the speaker in advance)

1. **Resolution 24-04-1107**

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to execute a construction contract with Glacier Construction, Inc. dba Southeast Road Builders for the Dalton Street Repairs project for an amount not to exceed \$753,822.00.

Motion: **AULTMAN-MOORE** moved to "Adopt Resolution 24-04-1107," and the motion carried unanimously in a roll call vote.

B. **Ordinances for Introduction**

1. **Ordinance 24-04-669**

An Ordinance of the Haines Borough Assembly Amending Haines Borough Code Defining Ore and Requiring Bulk Ore and Ore Concentrate Shipments through the Haines Borough be Containerized.

Public Comment: CARTER, HOLLE

Motion: **AULTMAN-MOORE** moved to "Introduce Ordinance 24-04-669 and set a first public hearing for 4/23/24 and a second public hearing for 5/14/24," and the motion carried unanimously.

11. NEW BUSINESS

B. Ordinances for Introduction – *Continued*

2. **Ordinance 24-04-671**
An Ordinance of the Haines Borough Assembly Amending Haines Borough Code Section 3.70.040(F) Local Exemptions and Exclusions-Hardship Exemption.

Motion: FORSTER moved to “Introduce Ordinance 24-04-671 and set a first public hearing for 4/23/24 and a second public hearing for 5/14/24,” and the motion carried unanimously.

3. **Ordinance 24-04-672**
An Ordinance of the Haines Borough Assembly Amending Haines Borough Code Section 7.08.050 Historic Dalton Trail Road Maintenance Service Area to Provide for Commercial Fees.

Motion: SCHNABEL moved to “Introduce Ordinance 24-04-672 and set a first public hearing for 4/23/24 and a second public hearing for 5/14/24,” and the motion carried unanimously.

4. **Ordinance 24-04-673**
An Ordinance of the Haines Borough Assembly Amending Haines Borough Code Section 2.08.060 Meetings of the Assembly to Change Regular Assembly Meeting Time.

Motion: SCHNABEL moved to “Introduce Ordinance 24-04-673 and set a first public hearing for 4/23/24 and a second public hearing for 5/14/24,” and the motion carried 5-1 with THOMAS in opposition.

5. **Ordinance 24-04-674**
An Ordinance of the Haines Borough Assembly Amending Haines Borough Code Section 2.84.010 Personal Leave Accrual.

Motion: AULTMAN-MOORE moved to “Introduce Ordinance 24-04-674 and set a first public hearing for 4/23/24 and a second public hearing for 5/14/24,” and the motion carried 5-1 with SCHNABEL in opposition.

C. Other New Business

1. **Request for Reconsideration: Ordinance 24-02-666**
An Ordinance of the Haines Borough Assembly Repealing and Replacing Haines Borough Code Section 3.72.110 Board of Equalization; Adding Section 3.72.115 Hearing Panels of the Board of Equalization; and Amending 3.72.100 Appeals.

Motion: SCHNABEL moved to “Reconsider Ordinance 24-02-666,” and the motion carried unanimously.

11. NEW BUSINESS

C. Other New Business

1. Request for Reconsideration: Ordinance 24-02-666 –Continued

Motion: **FORSTER** moved to “Amend Section 3.72.115(B) A hearing panel shall be composed of not less than five members. For each hearing panel, the presiding officer shall designate at least ~~three~~ **four** members as panelists and one member as an alternate,” and the motion carried unanimously.

Motion: **SCHNABEL** moved to “Amend Section 3.72.110(A). Board of Equalization Established. There shall be a board of equalization consisting of no fewer than five nor more than nine members **configured in panels of four** that shall hear appeals from determinations of the assessor,” and the motion carried unanimously.

Motion: **FORSTER** moved to “Adopt Ordinance 24-02-666 as amended,” and the motion carried 5-1 with **SCHNABEL** in opposition.

2. Amendment of Previously Adopted Legislation: Resolution 24-03-1105 **A Resolution of the Haines Borough Assembly Authorizing a Change Order and Reconciliation for the Professional Design and Engineering Contract with proHNS LLC for the December 2020 Natural Disaster Borough Road Repairs Projects for an amount not to exceed \$85,951.43**

Motion: **THOMAS** moved to “Amend the previously adopted Resolution 24-03-1105 to include an extension of time until December 31, 2025 for completion of the work,” and the motion carried unanimously.

3. Appeal of Vacation of Planning Commission Decision – Southeast Road Builders, Conditional Use Permit for Resource Extraction Permit #23-87.

Motion: **SCHNABEL** moved to “Rehear the Planning Commission’s vacation of Resource Extraction permit #23-87,” and the motion carried 5-1 with **DAWSON** in opposition.

4. Appeal of Planning Commission Decision – Denial of Southeast Road Builders, Conditional Use Permit for Resource Extraction Permit #23-87B.

Motion: **SCHNABEL** moved to “Rehear the Planning Commission denial of Resource Extraction permit #23-87B,” and the motion carried 5-1 with **DAWSON** in opposition.

5. PRAC Request for Action: Adoption of RERC

Motion: **FORSTER** moved to “Adopt the Haines Community Action Plan from the Recreation Economy for Rural Communities,” and the motion carried unanimously.

6. Letter of Support for House Bill 347

- Concerns with the assessment process instead of “skyrocketing assessments”
- Reword what we want in the positive.
- Absent objection, the Mayor will send a more positive letter from the Haines Borough supporting HB 347 and SB 242.

12. CORRESPONDENCE

13. SET MEETING DATES

A. Lutak Dock Worksession – May 8

B. Townhall Meeting re Haines Community Safety & Training Center- May 22

14. PUBLIC COMMENT

PARNELL- Derelict buildings in Fort Seward

TURNER JR- Personnel problems

15. ANNOUNCEMENTS/ASSEMBLY COMMENTS/DIRECTION TO OFFICERS

16. ADJOURNMENT 10:00 pm

ATTEST:

Thomas C. Morphet, Mayor

Aleka Fullerton, MMC, Borough Clerk

Mayor's Report by Mayor Tom Morphet

The law firm of Chandler, Falconer, Munson and Cacciola, currently representing the Haines Borough, has notified the borough that it will end its current contract with the borough July 31. Three other firms have submitted proposals to represent the borough. The assembly should schedule a committee of the whole meeting to consider those proposals and select new representation.

Resident Jerry Lapp has resigned as a member of the Board of Equalization, reducing to 7 the number of BOE members. Code stipulates the BOE as between 5 and 9 members. If the assembly wants to take action to replace Lapp on the BOE, there are two applicants who were not appointed: Jennifer Canfield and John Nettleton. John is the husband of Barb Nettleton, who already has been appointed to the BOE.

Final comments on the Haines Borough's Comprehensive Plan are due 5 p.m. Friday, April 26.

The Ad Hoc Advisory Committee on property tax assessments on Wednesday April 17 finalized its recommendations on Board of Equalization procedures, to be adopted by the assembly as policy. Most of the procedures, as recommended, already have been adopted into code by the assembly during the past three months. The staff requested time to check the policy against code to ensure language uniformity. The finalized policy titled "BOE procedures" will be submitted to the assembly for approval on May 14.

The mayor and deputy mayor traveled to Klukwan on April 17 to discuss with SEARHC board chair Kimberley Strong the potential for a Critical Access Hospital in Haines. Such a facility would include 3-5 holding beds and 14 beds for long-term care, including end-of-life care. This facility would replace the existing SEARHC medical clinic which is too small for current needs and regularly floods in the basement. The hospital would add to existing service, CATSCAN

capabilities and expand diagnostic equipment and procedures (such as colonoscopies) as well as add 24-7 emergency room care and a cafeteria and outdoor exercise area for patients. SEARHC has requested borough help identifying or providing a location for the facility, which would require an estimated 6-7 acres close to town.

The mayor wrote a recent letter to Port Chilkoot Co. that the borough faces increasing pressure to address large, unoccupied buildings in Fort Seward and urged the firm to take action before further deterioration occurs.

Assemblyman Kevin Forster has requested to make public the recording of the March 26 executive session regarding the lawsuit against the borough by Chilkat Valley Rural Residents Borough attorney Charles Cacciola is reviewing the transcript of that session to see if such action is advisable. The lawsuit is consolidated with another lawsuit against the borough by plaintiff George Campbell.

The annual Community Cleanup, sponsored by the Haines Chamber of Commerce and Haines Borough, occurs Friday, April 26 through Sunday, April 28. Bright yellow pick-up bags are available at the Chamber office in the Gateway Building on Main Street and at the Haines Borough office. Citizens are encouraged to help pick up the town. A drop-off station for filled bags will be located at the swimming pool parking lot starting Friday, April 25. Refreshments and prizes also will be offered at the drop-off station during the weekend.

The mayor hosted First Friday at City Hall on Friday, April 5. Eight guests enjoyed snacks and a trivia quiz about previous Haines city and borough mayors. Future "First Friday" events may be moved to "Last Fridays," as it's difficult to compete with First Friday's other all-star events.



7A

Agenda Bill No.: 24-1372

Assembly Meeting Date: 4/23/24

Business Item Description:	Attachments:
Subject: Amending Borough Code for Land Use Permits	1. Ordinance 24-03-670
Originator: Manager	
Originating Department: Administration	
Date Submitted: 3/19/24	

Full Title/Motion:
Motion: Adopt Ordinance 24-03-670

Administrative Recommendation:

Fiscal Impact:			
Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
\$	\$ 0	\$ 0	

Comprehensive Plan Consistency Review:	
Comp Plan Goals/Objectives:	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Summary Statement:
This Ordinance is recommended by the Manager. Due to staff shortages, a 10 day presumption of land use permit completeness is not realistic. The Manager has asked for extensions of land use permit deadlines.

Referral:	
Referred to:	Referral Date:
Recommendation:	Meeting Date:

Assembly Action:	
Meeting Date(s): 03/26/24	Public Hearing Date(s): 04/9/24, 04/23/24
	Postponed to Date:

**An Ordinance of the Haines Borough Assembly Amending Haines
Borough Code Section 18.40.030 Procedure – Staff decision.**

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. This ordinance is of a general and permanent nature and the adopted amendment shall become a part of the Haines Borough Code.

Section 2. Severability. If any provision of this ordinance or any application thereof to any person or circumstance is held to be invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. Effective Date. This ordinance is effective upon adoption.

Section 4. Amendment of Section 18.40.030. Section 18.40.030 shall be amended as follows:

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

18.40.030 Procedure – Staff decision.

...

B. Staff Procedure.

1. The manager will determine if the application is complete ~~and correct~~ and if the application meets the submission requirements. If the requirements are not met, the manager shall return the application to the applicant for modification or correction. ~~If the manager fails to act on acceptance of the application within 10 business days the application shall be considered complete and accepted for review.~~

2. If the application for a land use permit is complete and accepted, the manager shall determine, within ~~10 business~~ **30** days, whether the use meets the requirements of this title, the general approval criteria in HBC 18.60.010 and any special conditions for the applicable zone. The manager may place reasonable conditions on the approval to ensure that the use will comply with this title.

3. If the use does not implement all the requirements of this title, the manager shall deny the permit and note which requirements are not implemented and why. The manager shall issue a decision within ~~10 business~~ **30** days of acceptance of the application.

4. The manager shall ~~mail~~ **send** a copy of the application and the decision to the developer and shall keep a permanent record thereof. The commission shall review all permit decisions at the next regularly scheduled meeting.

Adopted by a duly constituted quorum of the Haines Borough Assembly this 23rd day of April, 2024.

ATTEST:

Thomas C. Morphet, Mayor

Aleka Fullerton, MMC, Borough Clerk

18.40.030 Procedure – Staff decision.

A. *Submission.* The developer shall submit one copy of a completed and properly executed permit application, appropriate for the type of proposed development, to the manager. The following information shall be required:

1. Site description, including a complete legal description, street address, dimensions of property and any improvements existing or proposed, zoning and current use of adjacent properties.
2. Proposed development, including existing uses of the property, proposed uses, a time frame for development, and any information regarding phased development.
3. Elevation drawing and site plan, drawn to scale, and including any streets, alleys, pedestrian improvements, driveways, existing buildings and other structures, proposed improvements, shorelines, slopes, other evidence of natural hazards, parking areas, utility connections, landscaping, signs (location, size and wording), and other pertinent data the manager may deem relevant to the permitting process. If documentation of property boundaries is inadequate to ascertain with certainty their location relative to proposed buildings, the manager may require a property survey or partial survey by a registered land surveyor prior to approval. In addition, an as-built drawing completed by a registered land surveyor may be required upon completion of construction. In addition to the print version, an electronic drawing compatible with borough software shall be submitted.
4. The owner of the property shall sign the permit application, providing the owner's mailing address, e-mail address, date submitted and contact phone number.
5. If a developer, engineer, surveyor or any other agent for the owner will be involved with the project, the names of the parties shall be provided with mailing addresses, e-mail addresses and phone numbers.
6. Fees shall be paid at the time of submission of the application and prior to any staff or commission review.
7. The applicant's statement regarding compliance with all general and special conditions shall be contained in the final submission of this application.
8. The application shall be completed in a legible manner. Any applications containing illegible information shall be rejected by the manager and returned to the applicant for clarification.

B. *Staff Procedure.*

1. The manager will determine if the application is complete and correct and if the application meets the submission requirements. If the requirements are not met, the manager shall return the application to the applicant for modification or correction. If the manager fails to act on acceptance of the application within 10 business days, the application shall be considered complete and accepted for review.

2. If the application for a land use permit is complete and accepted, the manager shall determine, within 10 business days, whether the use meets the requirements of this title, the general approval criteria in HBC [18.60.010](#) and any special conditions for the applicable zone. The manager may place reasonable conditions on the approval to ensure that the use will comply with this title.
3. If the use does not implement all the requirements of this title, the manager shall deny the permit and note which requirements are not implemented and why. The manager shall issue a decision within 10 business days of acceptance of the application.
4. The manager shall mail a copy of the application and the decision to the developer and shall keep a permanent record thereof. The commission shall review all permit decisions at the next regularly scheduled meeting. (Ord. 12-05-291 § 7; Ord. 11-03-259 § 6)

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.

[Borough Website: www.hainesalaska.gov](http://www.hainesalaska.gov)

[Hosted by Code Publishing Company, A General Code Company.](#)



7B

**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 24-1371
Assembly Meeting Date: 04/23/24

Business Item Description:	Attachments:
Subject: Amending Borough Code requiring bulk ore shipments to be containerized	1. Ordinance 24-04-669
Originator: Assembly members Aultman-Moore and Thomas	
Originating Department: Assembly	
Date Submitted: 3/19/24	

Full Title/Motion:
No motion necessary since this ordinance is already scheduled for its second public hearing May 14th

Administrative Recommendation:

Fiscal Impact:			
Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
\$	\$ 0	\$ 0	

Comprehensive Plan Consistency Review:
Comp Plan Goals/Objectives: Consistent: Yes No

Summary Statement:
This ordinance has been a work in progress. Assembly Thomas and Assembly member Aultman-Moore have been addressing the shipment of Ore from different sides. This Ordinance was amended by Assembly Member Aultman-Moore since it was withdrawn from the last meeting.
Staff has added the definition of Ore pursuant to the GAS Committee's request and recommendation.

Referral:
Referred to: Referral Date:
Recommendation: Meeting Date:

Assembly Action:
Meeting Date(s): 03/26/24 Public Hearing Date(s): 04/9/24, 04/23/24
Postponed to Date:

An Ordinance of the Haines Borough Assembly Amending Haines Borough Code Defining Ore and Requiring Bulk Ore and Ore Concentrate Shipments through the Haines Borough be Containerized.

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. This ordinance is of a general and permanent nature and the adopted amendment shall become a part of the Haines Borough Code.

Section 2. Severability. If any provision of this ordinance or any application thereof to any person or circumstance is held to be invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. Effective Date. This ordinance is effective upon adoption.

WHEREAS, the Haines Borough ("Borough") is dedicated to maintaining clean watersheds for commercial, subsistence, and recreational fishing; and

WHEREAS, the Borough is committed to environmental standards that protect the borough and its residents; and

WHEREAS, metallic fugitive dust from unsealed ore shipment poses risk to sensitive river and ocean habitat essential for anadromous fish health; and

WHEREAS, containerized bulk ore-handling systems are recognized as a more environmentally responsible practice for shipping bulk ore and ore concentrate in a windy environment like that of the Haines Borough,

NOW THEREFORE, The Haines Borough Assembly requires that all bulk ore and ore concentrate imported or exported through the Haines Borough must be transported in sealed containers whether by shipping vessel or roadway.

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

Section 4. Amendment of Section 8.12.020. Section 8.12.020 shall be amended as follows:

8.12.020 Certain conditions declared nuisances.

It shall be unlawful for any person to cause or create the following declared nuisances within the townsite service area:

...

N. Transport bulk ore and ore concentrate shipments outside of a sealed container.

Section 5. Amendment of Section 10.09.070. Section 10.09.070 shall be added as follows:

10.09.070 Requiring Bulk Ore and Ore Concentrate be Transported in Sealed Containers.

All bulk ore and ore concentrate transported in the Haines Borough must be contained within a sealed container.

Section 6. Amendment of Section 16.04.010. Section 16.04.010 shall be amended as follows:

16.04.010 Definitions.

...

"Ore" means a naturally occurring mineral containing a valuable constituent (such as metal) for which it is mined and worked.

...

Section 7. Amendment to Section 16.28.010 Prohibited Acts. Section 16.28.010(W) shall be added as follows:

16.28.010 Prohibited acts.

It shall be unlawful for any person using the borough port and harbor facilities to commit any of the following prohibited acts:

...

W. To transfer uncontainerized bulk ore and ore concentrate between vehicles or vessels outside of an enclosed facility within the Haines Borough townsite.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS ___ DAY OF _____, 2024.

ATTEST:

Thomas C. Morphet, Mayor

Aleka Fullerton, MMC, Borough Clerk

Date Introduced: 04/09/24
Date of First Public Hearing: 04/23/24
Date of Second Public Hearing: 05/14/24



7C

Agenda Bill No.: 24-1375
Assembly Meeting Date: 04/23/24

Business Item Description:	Attachments:
Subject: Amending the Hardship Exemption Requirements	1. Ordinance 24-04-671 2. HBC 3.70.040(F)
Originator:	
Originating Department: Administration	
Date Submitted: 4/4/24	

Full Title/Motion:
 No motion necessary since this ordinance is already scheduled for a second public hearing May 14

Administrative Recommendation:

Fiscal Impact:			
Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
\$	\$ 0	\$ 0	Unknown

Comprehensive Plan Consistency Review:
 Comp Plan Goals/Objectives: Consistent: Yes No

Summary Statement:
 HBC 3.70.040(F) provides for a Hardship Exemption for Seniors and Disabled Veterans who qualify for the "regular" Senior Exemption/Disabled Veterans exemption. This is one of the allowable exemption under State Law. When HBC 3.70.040(F) was adopted, the Haines Borough added a condition that the individual's net worth had to be under \$250,000 to qualify. This was a Haines Borough condition not a State of Alaska condition. Certainly the Haines Borough, as a home rule borough, had the power to impose its own conditions and similarly, has the power to strike it. By striking the additional condition, staff hopes that seniors who need additional assistance with property tax can obtain it (the Hardship exemption is on top of the "regular" \$150,000 exemption). This will provide relief for those seniors and disabled veterans who need it most. The remaining conditions are state imposed. The Ordinance has been reviewed by the Borough Attorney and he agrees that this is within the power of the Assembly to do.

Referral:
 Referred to: Referral Date:
 Recommendation: Meeting Date:

Assembly Action:
 Meeting Date(s): 04/09/24 Public Hearing Date(s): 04/23/24 05/14/24
 Postponed to Date:

An Ordinance of the Haines Borough Assembly Amending Haines Borough Code Section 3.70.040(F) Local Exemptions and Exclusions- Hardship Exemption.

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. This ordinance is of a general and permanent nature and the adopted amendment shall become a part of the Haines Borough Code.

Section 2. Severability. If any provision of this ordinance or any application thereof to any person or circumstance is held to be invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. Effective Date. This ordinance is effective upon adoption.

Section 4. Amendment of Section 3.70.040(F). Section 3.70.040(F) shall be amended as follows:

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

3.70.040 Local exemptions and exclusions.

...

F. *Hardship Exemption*. That portion of the property tax levied on the residence of a qualified senior citizen or disabled veteran who applies for the exemption described in HBC 3.70.030(A)(6) and meets the standards set forth in 3 AAC 135.040(b) and (c), which exceeds two percent of their gross household income.

1. In order to qualify for this exemption, the applicant must:
 - a. Have gross family income, from all sources in the prior year, which does not exceed 135 percent of the poverty guideline as established by the United States Department of Health and Human Services for a similar sized household in the state of Alaska for the year requested;
 - b. Be eligible for a permanent fund dividend under AS 43.23.005 for the same year or for the immediately preceding year;
 - c. Not own more than one parcel of real property in Alaska on the date of application, excluding an adjacent parcel that is necessary for the use of the primary residence; and
 - d. ~~Have net worth as of the date of application of less than \$250,000 including the first \$150,000 of the market value of the principal residence of the applicant.~~

...

Haines Borough
Ordinance No. 24-04-671
Page 2 of 2

Adopted by a duly constituted quorum of the Haines Borough Assembly this ____ day of April, 2024.

ATTEST:

Thomas C. Morphet, Mayor

Alekka Fullerton, MMC, Borough Clerk

Date Introduced: 04/09/24
Date of First Public Hearing: 04/23/24
Date of Second Public Hearing: 05/14/24

3.70.040 Local exemptions and exclusions.

...

F. *Hardship Exemption.* That portion of the property tax levied on the residence of a qualified senior citizen or disabled veteran who applies for the exemption described in HBC [3.70.030\(A\)\(6\)](#) and meets the standards set forth in [3 AAC 135.040\(b\)](#) and [\(c\)](#), which exceeds two percent of their gross household income.

1. In order to qualify for this exemption, the applicant must:
 - a. Have gross family income, from all sources in the prior year, which does not exceed 135 percent of the poverty guideline as established by the United States Department of Health and Human Services for a similar sized household in the state of Alaska for the year requested;
 - b. Be eligible for a permanent fund dividend under AS [43.23.005](#) for the same year or for the immediately preceding year;
 - c. Not own more than one parcel of real property in Alaska on the date of application, excluding an adjacent parcel that is necessary for the use of the primary residence; and
 - d. Have net worth as of the date of application of less than \$250,000 including the first \$150,000 of the market value of the principal residence of the applicant.
2. This exemption will be apportioned in the same manner and formula as applied to the standard senior citizen/disabled veteran exemption previously granted.
3. An exemption may not be granted under this subsection except upon written application for the exemption on a form provided by the borough assessor. The applicant must also submit an affidavit, supplied by the borough, attesting that the applicant meets the subscribed criteria. The assessor shall require proof, in the form the assessor considers necessary, of the right to and amount of an exemption claimed under this subsection, and shall require a disabled veteran claiming an exemption to provide evidence of disability rating. The assessor may require additional proof under this section at any time. If the applicant fails to respond to a request for additional proof, such failure may be considered by the assessor in determining whether to grant the exemption.
4. The claimant must file the application no later than March 31st of the assessment year for which the exemption is sought. The claimant must file a separate application for each assessment year in which the exemption is sought.
5. If an application is filed by the deadline, and approved by the assessor, the assessor shall allow an exemption in accordance with the provisions of this section. If the claimant has already

paid taxes for that year prior to approval of a timely application, the exempted tax amount shall be refunded to the claimant.

6. If an otherwise qualified claimant is unable to comply with the March 31st application filing deadline, the claimant may submit an application to the assessor's office for review by the assembly. If the claimant has submitted a valid application, the assembly may, by resolution, waive the claimant's failure to file the application by the March 31st deadline, and authorize the assessor to accept the application as if timely filed. For purposes of this subsection, an inability to comply must be caused by a serious medical condition of the applicant or member of the applicant's family, or an extraordinary event beyond the claimant's control. No late applications can be submitted after July 31st of the qualifying year. This section does not create any private rights whatsoever, nor does it in any manner require the assembly to introduce or adopt any such resolution.

7. Upon receipt of the completed application, any additional proof required, and affidavit, the borough assessor shall evaluate the request and grant or deny the hardship exemption within 15 borough business days. If denied, the borough assessor shall specify the reasons for the denial.

8. A person may appeal the apportionment of a hardship exemption granted under this chapter or a denial of an application to the board of equalization in accordance with HBC [3.72.100](#) through [3.72.120](#). (Ord. 23-09-657 § 5; Ord. 22-06-620 § 5; Ord. 22-05-619 § 4; Ord. 22-01-603 § 4; Ord. 19-04-532 § 4; Ord. 15-02-401 § 3; Ord. 14-02-370 § 4; Ord. 12-10-308 § 6; Ord. 12-09-304 § 4; Ord. 10-12-251 § 4; Ord. 10-09-238 § 4; Ord. 10-08-236 § 4; Ord. 10-02-223 § 4; Ord. 09-08-213 § 4; Ord. 09-05-207 § 4; Ord. 07-10-171; Ord. 05-11-131; Ord. 05-09-122; Ord. 04-09-083)



7D

Agenda Bill No.: 24-1374
Assembly Meeting Date: 04/23/24

Business Item Description:	Attachments:
Subject: HDTRMSA Commercial Fees	1. Ordinance 24-04-672 2. HDTRMSA Board Request for Action
Originator:	
Originating Department: Administration	
Date Submitted: 4/4/24	

Full Title/Motion:
 No motion necessary since this ordinance is already scheduled for a second public hearing May 14th.

Administrative Recommendation:

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
\$	\$ 0	\$ 0	

Comprehensive Plan Consistency Review:
 Comp Plan Goals/Objectives: _____
 Consistent: Yes No

Summary Statement:

The Historic Dalton Trail road maintenance service area board has long been charged with establishing a commercial fee schedule. Over the years, there have been several attempts at doing so, none of which were adopted.

This proposal received unanimous support from the HDTRMSA board. The Assembly, at its last meeting, directed staff to bring an ordinance to codify the commercial fees.

The recommendation is to refer this ordinance to the Commerce Committee for review.

Referral:

Referred to: _____ Referral Date: _____
 Recommendation: _____ Meeting Date: _____

Assembly Action:

Meeting Date(s): 04/09/24 Public Hearing Date(s): 04/23/24, 05/14/24
 Postponed to Date: _____

**An Ordinance of the Haines Borough Assembly Amending Haines
Borough Code Section 7.08.050 Historic Dalton Trail Road
Maintenance Service Area to Provide for Commercial Fees.**

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. This ordinance is of a general and permanent nature and the adopted amendment shall become a part of the Haines Borough Code.

Section 2. Severability. If any provision of this ordinance or any application thereof to any person or circumstance is held to be invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. Effective Date. This ordinance is effective upon adoption.

Section 4. Amendment of Section 7.08.050(F). Section 3.70.040(F) shall be amended as follows:

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

7.08.050 Historic Dalton Trail road maintenance service area.

...

D. *Commercial Use*. The **following** ~~service area board shall develop a fee schedule for commercial users~~ **has been adopted by the service area board**. These funds shall be used for capital improvements and repairs. **The following user fees shall be annual fees and shall be supported by an affidavit from the commercial user describing the basis for the fees and a description of location of the use:**

- **Commercial Tourism:** A fee of \$1 per client shall be collected from all commercial tourism companies for each client that enters the Historic Dalton Trail road maintenance service area (RMSA). This fee is due upon renewal of the annual tour permit based upon the previous year's clients. For 2024, the fee is due by July 31, 2024.
- **Mineral Exploration and Placer Mining:** A fee of \$100 per full time seasonal company staff working in the RMSA. Estimated payment due by July 31st.
- **Forestry-based businesses:** A fee of \$5 per 1000 Board Foot. Estimated Payment due by July 31st.
- **Mineral Extraction:** \$1 per yard for hauling aggregate in any from within the RMSA e.g. soil, sand gravel, rock, etc. Estimated Payment due by July 31st.
- **TV Shows/ filming:** A fee of \$100 per full time seasonal company staff working in the RMSA. Estimated Payment due by July 31st.

Payments in Lieu of Commercial Fees

Commercial businesses may perform needed maintenance on borough-owned roads within the

Haines Borough
Ordinance No. 24-04-671
Page 2 of 2

service area with the consent of the Borough Manager in writing. A statement of value shall be provided to the borough after the maintenance work is completed.

...

Adopted by a duly constituted quorum of the Haines Borough Assembly this ____ day of May, 2024.

ATTEST:

Thomas C. Morphet, Mayor

Alekka Fullerton, MMC, Borough Clerk

Date Introduced: 04/09/24
Date of First Public Hearing: 04/23/24
Date of Second Public Hearing: 05/14/24

**Historic Dalton Trail Road Maintenance Service Area Commercial Use fees
Unanimously adopted by the HDTRMSA Board on March 13, 2024.**

Authority

Haines Borough Code: 7.08.050 D. Commercial Use. The service area board shall develop a fee schedule for commercial users. These funds shall be used for capital improvements and repairs.

Rationale

Funds are needed each year to brush, grade, ditch, cold patch and provide general maintenance. Commercial businesses often use trucks, buses, trailers, and vans over multiple trips causing additional wear on roads. The intent of these fees is to have commercial users pay their fair share with an easily administered system.

2024 Maintenance Plan

An estimated \$14,000 will be needed to ditch and scrape Chilkat Lake Road and an estimated \$10,000 will be needed for two gradings of the Porcupine Road.

Recommendation for yearly commercial user fees, based on the honor system. Each company will detail where their use is taking place so funds can be allocated correctly.

- **Commercial Tourism:** A fee of \$1 per head shall be collected from all commercial tourism companies for each client that enters the Historic Dalton Trail RMSA. This fee is due upon renewal of the annual tour permit for the previous year's clients. For 2024, a voluntary amount is requested by July 15th, 2024.
- **Mineral Exploration and Placer Mining:** A fee of \$100 per full time seasonal company staff working in the RMSA. Estimated payment due by July 15th, 2024.
- **Forestry-based businesses:** A fee of \$5 per 1000 Board Foot. Estimated Payment due by July 15th, 2024.
- **Mineral Extraction:** \$1 per yard for hauling aggregate in any from within the RMSA e.g. soil, sand gravel, rock, etc. Estimated Payment due by July 15th, 2024.
- **TV Shows/ filming:** A fee of \$100 per full time seasonal company staff working in the RMSA. Estimated Payment due by July 15th, 2024.

Payments in Lieu of Commercial Fees

Commercial businesses may perform needed maintenance on borough-owned roads within the service area with the consent of the Borough Manager in writing. A statement of value shall be provided to the borough after the maintenance work is completed.

Note If this fee schedule is not adopted by the Assembly in time for the 2024 summer season, the clerk's office will send a letter to all commercial users of the RMSA asking for a voluntary donation until the fee schedule is finalized.



7E

Agenda Bill No.: 24-1373

Assembly Meeting Date: 04/23/24

Business Item Description:	Attachments:
Subject: Changing Assembly Meeting Time	1. Ordinance 24-04-673
Originator: Mayor	
Originating Department: Administration	
Date Submitted: 4/4/24	

Full Title/Motion:
No motion necessary since this ordinance is already scheduled for a second public hearing May 14th.

Administrative Recommendation:

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
\$	\$ 0	\$ 0	

Comprehensive Plan Consistency Review:
Comp Plan Goals/Objectives: Consistent: Yes No

Summary Statement:
This Ordinance changes code to advance the assembly meetings from 6:30 pm until 6:00 pm.

Referral:
Referred to: Referral Date:
Recommendation: Meeting Date:

Assembly Action:
Meeting Date(s): 04/09/24 Public Hearing Date(s): 04/23/24, 05/14/24
Postponed to Date:

**An Ordinance of the Haines Borough Assembly Amending Haines
Borough Code Section 2.08.060 Meetings of the Assembly to Change
Regular Assembly Meeting Time.**

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. This ordinance is of a general and permanent nature and the adopted amendment shall become a part of the Haines Borough Code.

Section 2. Severability. If any provision of this ordinance or any application thereof to any person or circumstance is held to be invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. Effective Date. This ordinance is effective upon adoption.

Section 4. Amendment of Section 2.08.060(A). Section 2.08.060(A) shall be amended as follows:

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

2.08.060 Meetings of the assembly.

A. Regular Meetings. Meetings of the assembly and all committees, boards and commissions thereof shall be public except as provided for in AS 44.62.310. All regular meetings of the assembly shall be held on the second and fourth Tuesday of every month at **6:00** ~~6:30~~ p.m. in the assembly chambers unless public notice is given for a period of at least 24 hours in advance that the meeting will be held at a different hour or at a different place. The assembly may after proper posting reschedule or cancel a meeting. The clerk shall post, at least three days prior to the meeting, in three public places within the corporate boundaries, notice of the meeting including the time and place thereof. The public shall be provided a reasonable opportunity to be heard.

...

Adopted by a duly constituted quorum of the Haines Borough Assembly this ____ day of May, 2024.

ATTEST:

Thomas C. Morphet, Mayor

Aleka Fullerton, MMC, Borough Clerk

Date Introduced: 04/09/24
Date of First Public Hearing: 04/23/24
Date of Second Public Hearing: 05/14/24



7F

Agenda Bill No.: 24-1376

Assembly Meeting Date: 04/23/24

Business Item Description:	Attachments:
Subject: Personal Leave Accrual	1. Ordinance 24-04-674
Originator:	
Originating Department: Administration	
Date Submitted: 4/4/24	

Full Title/Motion:
Motion: Amend Ordinance 24-04-674 to include Section 2.84.030 Personal Leave Accumulation Limit and confirm the second public hearing scheduled for May 14, 2024.

Administrative Recommendation:

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
\$	\$ 0	\$ 0	

Comprehensive Plan Consistency Review:
Comp Plan Goals/Objectives: Consistent: Yes No

Summary Statement:
This ordinance makes the personal leave accrual and accumulation limit consistent between HBC and the existing CBA. This ordinance is recommended by the Personnel committee.

Referral:
Referred to: Referral Date:
Recommendation: Meeting Date:

Assembly Action:
Meeting Date(s): 04/09/24 Public Hearing Date(s): 04/23/24, 05/11/24
Postponed to Date:

**An Ordinance of the Haines Borough Assembly Amending Haines
Borough Code Section 2.84.010 Personal Leave Accrual and Section
2.84.030 Accumulation limit.**

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. This ordinance is of a general and permanent nature and the adopted amendment shall become a part of the Haines Borough Code.

Section 2. Severability. If any provision of this ordinance or any application thereof to any person or circumstance is held to be invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. Effective Date. This ordinance is effective upon adoption.

Section 4. Amendment of Section 2.84.010. Section 2.84.010 shall be amended as follows:

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

2.84.010 Personal leave accrual.

A. Regular, nonseasonal employees shall accrue personal leave on a proportionate basis according to the hours they are scheduled to work based on the **Collective Bargaining Agreement By and Between the Haines Borough and Public Employees Local 71 currently in place**. ~~following rate for a 40-hour work week:~~

~~0—3 years 160 hours per year~~

~~4—6 years 200 hours per year~~

~~7—9 years 240 hours per year~~

~~10 or more years 256 hours per year~~

...

Section 5. Amendment of Section 2.84.030. Section 2.84.030 shall be amended as follows:

2.84.030 Accumulation limit.

Personal leave accrued but not used shall accumulate to a maximum of 480 hours **as provided in the Collective Bargaining Agreement By and Between the Haines Borough and Public Employees Local 71 currently in place.**

Adopted by a duly constituted quorum of the Haines Borough Assembly this ____ day of May, 2024.

ATTEST:

Thomas C. Morphet, Mayor

Alekka Fullerton, MMC, Borough Clerk

Date Introduced: 04/09/24
Date of First Public Hearing: 04/23/24
Date of Second Public Hearing: 05/14/24



HAINES BOROUGH

2018-2023 Calendar Year Sales Tax Receipts by Business Activity

Based on Tax Return Period

	2018	2019	% Change	2020	% Change	2021	% Change	2022	% Change	2023	% Change
Retail	924,138	968,813	5%	901,483	-7%	998,414	11%	1,151,335	15%	1,106,436	-4%
Tourism	622,876	636,751	2%	106,711	-83%	228,071	114%	623,818	174%	689,885	11%
Petroleum & Auto	470,988	439,927	-7%	345,458	-21%	499,399	45%	663,940	33%	561,468	-15%
Services	457,676	458,691	0%	405,242	-12%	458,608	13%	502,235	10%	484,869	-3%
Eating & Drinking	353,851	352,047	-1%	199,432	-43%	278,654	40%	345,760	24%	351,303	2%
Construction	312,291	302,059	-3%	348,385	15%	412,632	18%	449,269	9%	443,350	-1%
Lodging & Leases	236,535	170,642	-28%	74,675	-56%	147,084	97%	200,249	36%	198,643	-1%
Online & Remote	6,957	79,495	1043%	178,363	124%	305,588	71%	405,530	33%	473,909	17%
Total	\$ 3,385,312	\$ 3,408,424	1%	\$ 2,559,747	-25%	\$ 3,328,450	30%	\$ 4,342,137	30%	\$ 4,309,864	-1%

Retail - groceries, liquor, clothing, gifts, sporting goods & other retail not included below

Tourism - tours, charters, car rental, and transportation

Petroleum & Auto - auto mechanics, auto parts, and fuel sales

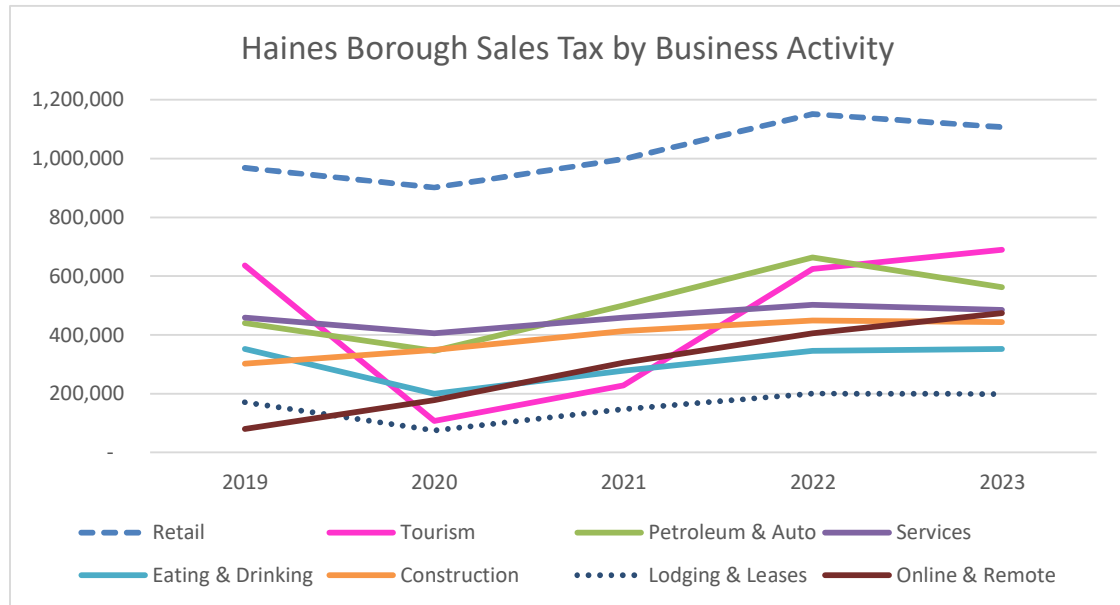
Services - utilities, professional services, personal services, etc.

Eating & Drinking Places - restaurants and bars

Construction - hardware stores, general contractors, carpenters, plumbers, handymen, etc.

Lodging & Leases - hotels, motels, B&Bs, VRBOs, houses and commercial leases

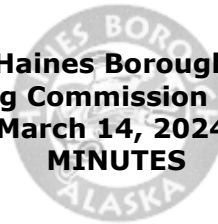
Online & Remote - online sales and other vendors remitting tax via the ARSSTC



Referred Standing Committee Topics

Committee	Tues	Date	Topic
Personnel	4th	04/23/24	TBD
Budget COW #1	Thurs	04/25/24	Areawide General Fund (Fund 01)
Budget COW #2	Thurs	05/02/24	Townsite Service Area (Fund 02)
Govt. Affairs & Services	1st	05/07/24	Budget Meeting – Water & Sewer, Vehicle Impound & Land Development
Finance	2nd	05/14/24	Capital Improvement Projects
Commerce	3rd	05/21/24	Budget Meeting – Boat Harbor, PC Dock, Lutak Dock, Tourism, Econ Dev, CPV, Permanent Fund & Debt Service
Budget COW #3	Thurs	05/23/24	Additional Budget COW if needed
Personnel	4th	05/28/24	Moving Reimbursement Policy Training Reimbursement Policy
Govt. Affairs & Services	1st	06/04/24	Anti-Bullying Policy Elected Officials IT Policy/Public Records Request

Haines Borough
Planning Commission Meeting
March 14, 2024
MINUTES



9B
Approved

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, Dylan **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

Members: Glenda **Gilbert**, Dan **Humphrey**, Paul **Rogers**, Stacey **Prior**

Absent: Scott **Hansen**, Kevin **Forster**

Others present: Manager Annette **Kreitzer**, Deputy Clerk Kiersten **Long**, Tourism Director Rebecca **Hylton**, Kim **Rosado**, Blythe **Carter**, Jenifer **Canfield**, Lori **Smith**, Katey Emma **Begly**, Debra **Schnabel**

On zoom: Donna Lambert, Brenda Josephson, and others

1. Roll Call
2. Approval of the Agenda

Motion: **Gilbert** moved to “approve the agenda”

Amendment: **Prior** moved to “add committee comment after item 4 public comment” and the motion carried unanimously

And the motion, as amended, carried unanimously

- *3. Minutes of 1-17-24

Absent objection, the corrected minutes of the 1-17-24 meeting was adopted.

4. Public Comment –

Begly – 2023 Property Tax Assessment; Senior exemption

Rosado – We need to protect lower income

Carter – 49 responses on the survey that has been put out. Closing date is around March 21st

- 4b. Board Comments

Prior – Links to the BOE audio on the Borough website are missing.

5. Old Business

- a. Review Ordinances Currently before Assembly

1. Ordinance 24-02-666

Schnabel, Josephson, Carter, Smith spoke towards this ordinance

2. Substitute Ordinance 24-02-666

3. Ordinance 24-02-667

4. Ordinance 24-02-668

- b. Status of proposed BOE rules – not yet introduced by assembly

6. New Business

- a. White Board Priority – Determine what is complete

- b. Determine next White Board Priorities to tackle

- c. Calendar for Property Tax Assessments
- d. Advertising for BOE members

7. Public Comment:

Mayor Morphet – Thank you for your diligence

Carter – Calendar dates, feels like the dates were influence on what happened last year. Why are we field inspecting as the worst time of the year, also the darkest time of year this should be addressed; building codes worried about adopting building codes and having inspector in town we have a poor population as far as how much money is being made, if there are code requirements there wouldn't a lot of people building here because it is expensive, Kelly blue book is for a car you can't apply the same thing to houses, if there was a cookie cutter housing issue but it's not like that here.

Rosado – Bill 29.45.050 Exempting farm structures and farming land, mass appraisal system on houses the same.

Josephson – Senate Bill 161 farm building exemption, building codes in Haines you would take away our housing affordability's; if you have building codes you are going to need and inspector, which will cost a lot; we need continuity with the BOE we need 3 year terms, simple majority to overturn, the appellant needs to come over the burden of proof, another great meeting thank you to the board, advertising for BOE members.

8. Committee Member Comments:

Gilbert – senior exemption form

Adjourned

Members: Glenda **Gilbert**, Paul **Rogers**, Stacey **Prior**, Kevin **Forster**

Absent: Scott **Hansen**, Dan **Humphrey**

Others present: Kiersten **Long**/Deputy Clerk, Jila **Stuart**/CFO, Martins **Onskulis**/Contract Assessor, Mayor **Morphet**, Kim **Rosado**, Blythe **Carter**, Jenifer **Canfield**, Joyce **Stockbridge**, Katey Emma **Begly**, Brenda **Josephson**, Roy **Josephson**, Lori **Smith**

On zoom: Donna Lambert, and others

1. Roll Call
2. Approval of the Agenda

*Absent Objection **Rogers** removed item 3 and moved to hear 5C before 5B

Motion: **Forster** moved to “approve the agenda” and the motion carried unanimously

*3. Minutes of 3-6-24

4. Public Comment –

B. Josephson – House Bill 347 has been moved for a hearing in the rules committee on Monday at 6:00 pm; letter from the attorney

Rosado – Disagrees with the letter from the attorney; 5A Exchange of Information

Mayor **Morphet** – Spoke with the lawyer regarding a super majority

5. Old Business

a. Exchange of Information: 11B3

Board Discussion

3.72.105 (a) – Change the word from working days to business days

3.72.105 (b) – Shall be notified by email unless one isn’t given on appeal form then you’ll be notified by first class mail.

3.72.105 (c) – Change it from 5 working days to 10 working days.

Motion: **Rogers** moved to “Phrase 3.72.105 (a) as follows: Information to be presented to the board by the assessor’s office shall be made available to the appellant at least 10 business days prior to the BOE hearing date scheduled for the appeal. For the purpose of this section information consists of documents, photos, and other recorded or printed material” and the motion carried unanimously.

Motion: **Rogers** moved to “Have 3.72.105 (B) read as follows: The appellant shall be provided a link to the information on the borough website by email, unless one is not provided on the appeal form in which case they will be notified by first class mail” and the motion carried unanimously.

Motion: Rogers moved to “Change 3.72.105 (C) to read: The appellant must provide their information by first class mail, email or personally delivering it to the Haines Borough office 10 business days before the appeal hearing date scheduled” and the motion carried unanimously

Motion: Rogers moved to “add item 3.72.105 (D) to read: nothing in this section shall preclude the assessor and the appellant from conferring to resolve an alleged error in an assessment prior to the BOE hearing the appeal” and the motion carried unanimously

Motion: Rogers moved to “add line 3.72.105 (E) Borough shall provide public access on the parcel viewer to all property card data related to property tax assessments” and the motion carried unanimously.

Motion: Rogers moved to “add 3.72.105 (F) The documents that were not previously copied and exchanged with the other party will be admitted over objection of the other party, at the discretion of the BOE, only if there is a good faith reason for its failure not to be included” and the motion carried unanimously.

***Clerk's note: The below items on the agenda were not addressed due to time constraints*

- b. BOE Membership & Duties: 11B1
 - C. Super Majority Requirements for BOE
 - d. Final BOE Rules by Resolution
-
- 6. New Business
 - 7. Public Comment:
 - 8. Committee Member Comments:

Adjourned: 8:30 pm

**Chilkat Center Advisory Board
January 12, 2024**

9D
Approved

A meeting of the Chilkat Center Advisory Board was held Friday, January 12, 2024 in the Chilkat Center Conference Room. President Lorrie Dudzik called the meeting to order at 4:05 p.m.

PRESENT: Annette Smith, Angie Papas and via Zoom, Tresham Gregg, Lorrie Dudzik.
Absent: Roger Gentry, JoJo Goerner. Also present, KHNS Manager Kyle Clayton and KHNS Program Director Marley Horner and via Zoom, Assembly Liason Ben Aultmanmoore.

APPROVAL OF THE AGENDA: The agenda was approved as presented.

MINUTES: The minutes of September 20, 2023 were approved as presented.

FINANCIAL REPORT: The Treasurer presented a print out of income and expenses for the first 6 months of FY 23-24, but it was noted not all items have been posted yet.

Manager's Report: Kyle introduced himself as the new Manager of KHNS. He said he and Angie Pappas will share the duties of managing the Center. Angie handles the scheduling, invoicing, reports. Issues related to the building should go to Kyle.

OLD BUSINESS: Attic Insulation Project. A representative from the Borough Facilities Dept. was unable to attend because 4:00 p.m. was past their workday. However, Marley reported what he knew of the project. The Borough contracted with Henry Construction to remove the batt insulation from two sections of the attic – above KHNS offices, the light booth and above the stage – and spray above the ceiling 15,000 cu.ft. of spray foam. The foam is rigid, so we are now able to walk on the attic floor. KHNS employees feel the area is much warmer as a result.

The section over the lighting patch panel where leakage occurred was difficult to access, but they cut through the dividing wall and believe they reached the area that may be the area of water intrusion. The theory is the water was not the result of a roof leak, but of condensation.

Much of the wiring running through the attic was encased in the foam insulation, but it is believed most of it is wiring that is inactive. However, the wiring for the ClearCom System is encased forever in the rigid foam. A 2 inch PVC pipe was installed from the Tech Booth for future wiring.

Disposition of the CCA Board. Annette reported the Borough Assembly did not pass the ordinance eliminating the CCAB, so we are still in business. However, we need two new members. We were already one short, and we have a resignation from JoJo Goerner who has moved from Haines. MOTION: On motion of Annette, seconded by Angie, the Board accepted JoJo's resignation.

Kyle Clayton expressed he would like to serve on the CCAB. MOTION: On motion of Tresham, seconded by Angie, it was agreed to recommend Kyle to the Borough.

NEW BUSINESS: Auditorium Seats Repair. Many seats in the auditorium are in need of repair. The Lynn Canal Players has been spearheading an effort to repair as many as possible. Dena Selby and Roger Gentry made an exhaustive inventory of each seat and what needs to be done. Annette presented their report and the report has been given to Ed Bryant. The most critical seats were repaired by an individual doing community service. Ed Bryant also repaired some of the others. There are still a large number that need servicing including upholstery repair. There are no spare seats. The LCCP is searching for similar upholstery fabric. Annette mentioned the chairs in both the Lobby and the Basement are in need of cleaning and also repair.

Infra Red Listening System. Several audience members have reported the Infra Red Listening System does not seem to work. Marley said it works through the speaker system. He said there are a couple of speakers hanging over the stage but the speakers do not work.

Other Areas Needing Attention. Annette presented a list of areas that have been needing attention for some time. In addition to the chairs in the auditorium and the lobby, it is primarily drywall patching and painting. Lorrie suggested bringing this list to Ed Bryant's attention.

Bitchin' Kitchen Project. Lorrie reported the FCCA's Kitchen upgrade project has been languishing since the Borough did not come through with the \$90,000 that had been earmarked for this project. However, the FCCA is planning to pursue at least some improvements to the kitchen starting with a dishwasher.

There being no further business to come before the Board, the meeting was adjourned at 5:10 p.m.

Respectfully submitted,

Annette Smith,
Secretary/Treasurer



11A1

Agenda Bill No.: 24-1378

Assembly Meeting Date: 04/23/24

Business Item Description:	Attachments:
Subject: Contract to obtain a SCADA	1. Resolution 24-04-1108
Originator: Contracts and Grants Administrator	
Originating Department: Water/Sewer	
Date Submitted: 4/18/24	

Full Title/Motion:
Motion: Adopt Resolution 24-04-1108

Administrative Recommendation:

Fiscal Impact:			
Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
\$ 63,096.40	\$ 100,000.00	\$ 0	

Comprehensive Plan Consistency Review:	
Comp Plan Goals/Objectives:	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Summary Statement:
In the FY23 budget the Borough budgeted \$100,000 for "Water System SCADA" of American Rescue Plan Act of 2021 Local Government Lot Revenue Relief funds. These funds must be expended by the end of this calendar year.

Referral:
Referred to: _____ Referral Date: _____
Recommendation: _____ Meeting Date: _____

Assembly Action:
Meeting Date(s): 04/23/24
Public Hearing Date(s): _____ Postponed to Date: _____

HAINES BOROUGH, ALASKA
RESOLUTION No. 24-04-1108

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to execute a contract to obtain a Supervisory Control & Data Acquisition Water and Sewer Department System (SCADA) from Correct Equipment for a Mission SCADA and to provide associated electrical installation services to support the project for an amount not to exceed \$63,096.40.

WHEREAS, Traditional SCADA for water/wastewater requires users to build their own proprietary system. This is a prepackaged turnkey SCADA and is optimized and managed entirely by Mission. Mission remote terminal units (RTUs) are designed for the specific purpose of water/wastewater monitoring; and

WHEREAS, Remote monitoring capabilities for both water and wastewater facilities allows for the ability to quickly identify issues reducing staff costs and increasing efficiency. Mission simplifies compliance reporting with their customized reports, graphs, and data. All data access is available through any web-based Human Machine Interface (HMI) and is optimized for computers, smartphones, and tablets; and

WHEREAS, The provided quote includes SCADA setup/installation, Mission Communication Equipment, and system operator training for the Lily Lake Water Treatment Plant, FAA Tank, Piedad Water Treatment Plant, Young Road DW Boost Station/Tank, and Barnett DW Boost Station/Tank; and

WHEREAS, Further, the provided quote includes SCADA setup/installation, Mission Communication Equipment, and system operator training for the Beach Road Wastewater Lift Station, 1 Miles Wastewater Lift Station, Skyline Wastewater Lift Station, Wastewater Treatment Plant Lift Station; and

WHEREAS, The estimate for electrical installation work for each location will provided by Jacob Hakala of Hakala Electric for \$12,802; and

WHEREAS, Haines Borough Code Section 3.60.170 provides for exceptions to competitive sealed bidding and submission of quotations for contracts for specialized consultants and Correct Equipment is a specialized consultant; and

WHEREAS, Sufficient funds are available for this project since, in the FY23 budget, the Haines Borough budgeted \$100,000 for “Water System SCADA” of American Rescue Plan Act of 2021 (ARPA) Local Government Lost Revenue Relief funds. These funds must be expended by the end of this calendar year,

NOW, THEREFORE, BE IT RESOLVED that the Haines Borough Assembly authorizes the Borough Manager to execute a contract with Correct Equipment and Hakala Electric for the Supervisory Control & Data Acquisition Water and Sewer Department project for an amount not to exceed \$63,096.40.

Adopted by a duly-constituted quorum of the Haines Borough Assembly on this 23rd day of April, 2024.

Attest:

Thomas C. Morphet, Mayor

Aleka Fullerton, MMC, Borough Clerk



Correct Equipment
Address: 14576 NE 95th Street
Redmond, WA 98052
Redmond, WA: (425) 869-1233
Canby, OR: (503) 582-0555
Toll Free: (877) 371-4555
WWW.CORRECTEQUIPMENT.COM

February 19, 2024

Dennis Durr
Haines AK

RE: Mission Communication

1 New Account/Website Setup SW550 Price \$250

Water Distribution

Lily Lake WTP Turb x 4 , Flow, Chlorine

1 Mission M853 RTU Price \$2,700

RTU – Wireless Real–Time Alarm System with Streaming Data – FlatPak Enclosure
Mounts inside MCC cabinet, includes all parts for standard installation

- Touch Screen
- Battery Back-up
- Eight Digital Inputs (Expandable to 16 with Adams Digital Expansion Module)
- Two 4-20 mA inputs (Expandable to 9 with Adams Analog Expansion Module)
- Antenna

1 1-year Service Plan MyDro 850 Price \$563.40

1 Expansion Module — Analog Input 7–channel analog input module Price \$710

1 Service Package — Expansion/Option Board — 1 year Price \$75

FAA Tank Chlorine/Tank Level/PH/

1 Mission M851 RTU Price \$2,700

RTU – Wireless Real–Time Alarm System with Streaming Data – NEMA 1 Enclosure
Indoor wall mounting enclosure, not weatherproof, includes all parts for standard installation

- Touch Screen
- •Battery Back-up
- •Eight Digital Inputs (Expandable to 16 with Adams Digital Expansion Module)
- •Two 4-20 mA inputs (Expandable to 9 with Adams Analog Expansion Module)
- •Antenna

1 1-year Service Plan MyDro 850 Price \$563.40

1 Expansion Module — Analog Input 7–channel analog input module Price \$710

1 Service Package — Expansion/Option Board — 1 year Price \$75

1 Tank and Well Control Package Price \$1,250



Correct Equipment
Address: 14576 NE 95th Street
Redmond, WA 98052
Redmond, WA: (425) 869-1233
Canby, OR: (503) 582-0555
Toll Free: (877) 371-4555
WWW.CORRECTEQUIPMENT.COM

Piedad WTP Chlorine/Flow/Turb/UV Alarm x4

- 1 Mission M853 RTU Price \$2,700
RTU – Wireless Real–Time Alarm System with Streaming Data – FlatPak Enclosure
Mounts inside MCC cabinet, includes all parts for standard installation
- Touch Screen
 - Battery Back-up
 - Eight Digital Inputs (Expandable to 16 with Adams Digital Expansion Module)
 - Two 4-20 mA inputs (Expandable to 9 with Adams Analog Expansion Module)
 - Antenna
- 1 1-year Service Plan MyDro 850 Price \$563.40
1 Expansion Module — Analog Input 7–channel analog input module
1 Service Package — Expansion/Option Board — 1 year

Young Rd DW Boost Station/Tank Hi/Low Tank, Level/Flow meter monitoring

- 1 Mission M851 RTU Price \$2,700
RTU – Wireless Real–Time Alarm System with Streaming Data – NEMA 1 Enclosure
Indoor wall mounting enclosure, not weatherproof, includes all parts for standard installation
- Touch Screen
 - Battery Back-up
 - Eight Digital Inputs (Expandable to 16 with Adams Digital Expansion Module)
 - Two 4-20 mA inputs (Expandable to 9 with Adams Analog Expansion Module)
 - Antenna
- 1 1-year Service Plan MyDro 850 Price \$563.40
1 Expansion Module — Analog Input 7–channel analog input module Price \$710
1 Service Package — Expansion/Option Board — 1 year Price \$75
1 Tank and Well Control Package Price \$1,250

Barnett DW Boost Station/Tank Hi/Low Tank Level/Flow meter monitoring

- 1 Mission M853 RTU Price \$2,700
RTU – Wireless Real–Time Alarm System with Streaming Data – FlatPak Enclosure
Mounts inside MCC cabinet, includes all parts for standard installation
- Touch Screen
 - Battery Back-up
 - Eight Digital Inputs (Expandable to 16 with Adams Digital Expansion Module)
 - Two 4-20 mA inputs (Expandable to 9 with Adams Analog Expansion Module)
 - Antenna
- 1 1-year Service Plan MyDro 850 Price \$563.40
1 Expansion Module — Analog Input 7–channel analog input module Price \$710
1 Service Package — Expansion/Option Board — 1 year Price \$75



Correct Equipment
Address: 14576 NE 95th Street
Redmond, WA 98052
Redmond, WA: (425) 869-1233
Canby, OR: (503) 582-0555
Toll Free: (877) 371-4555
WWW.CORRECTEQUIPMENT.COM

Sewer Collections

Beach Rd WWLS Hi/Low Level

- 1 Mission M152 RTU Price \$2,050
RTU – MyDro Wireless Real–Time Alarm System – NEMA 4X Enclosure
Outdoor enclosure, includes all parts for standard installation
- Touch Screen
 - Battery Back-up
 - Eight Digital Inputs (Expandable to 16 with Adams Digital Expansion Module)
 - Two 4-20 mA inputs (Expandable to 9 with Adams Analog Expansion Module)
 - Antenna
- 1 Service Package — MyDro 150 Series — 1 year Price \$347.40

1 Miles WWLS Hi/Low Level

- 1 Mission M152 RTU Price \$2,050
RTU – MyDro Wireless Real–Time Alarm System – NEMA 4X Enclosure
Outdoor enclosure, includes all parts for standard installation
- Touch Screen
 - Battery Back-up
 - Eight Digital Inputs (Expandable to 16 with Adams Digital Expansion Module)
 - Two 4-20 mA inputs (Expandable to 9 with Adams Analog Expansion Module)
 - Antenna
- 1 Service Package — MyDro 150 Series — 1 year Price \$347.40

Skyline WWLS Hi/Low Level

- 1 Mission M152 RTU Price \$2,050
RTU – MyDro Wireless Real–Time Alarm System – NEMA 4X Enclosure
Outdoor enclosure, includes all parts for standard installation
- Touch Screen
 - Battery Back-up
 - Eight Digital Inputs (Expandable to 16 with Adams Digital Expansion Module)
 - Two 4-20 mA inputs (Expandable to 9 with Adams Analog Expansion Module)
 - Antenna
- 1 Service Package — MyDro 150 Series — 1 year Price \$347.40



Correct Equipment
Address: 14576 NE 95th Street
Redmond, WA 98052
Redmond, WA: (425) 869-1233
Canby, OR: (503) 582-0555
Toll Free: (877) 371-4555
WWW.CORRECTEQUIPMENT.COM

Wastewater Treatment Plant Lift station Hi/Low Level/Flow

1 Mission M851 RTU

Price \$2,700

RTU – Wireless Real–Time Alarm System with Streaming Data – NEMA 1 Enclosure

Indoor wall mounting enclosure, not weatherproof, includes all parts for standard installation

- Touch Screen
- •Battery Back-up
- •Eight Digital Inputs (Expandable to 16 with Adams Digital Expansion Module)
- •Two 4-20 mA inputs (Expandable to 9 with Adams Analog Expansion Module)
- •Antenna

1 1-year Service Plan MyDro 850

Price \$563.40

EQUIPMENT TOTAL: \$35,794.40

FREIGHT ESTIMATE: \$500

Budget Price for Installation Assistance, Start-up and Training: \$14,000

Correct Equipment Technician to assist Electrical Contractor with installation and then provide Start-up and Training.

Estimated install time is 4-5 days

Price is for one trip from our technician.

TOTAL BUDGET PRICE: \$50,294.40

Terms & Conditions of Sale:

-F.O.B.: Factory

-Payment Terms: Net 30 Days – Our terms of payment are 100% payable 30 days after shipment. Since this is an agreement between Buyer and Seller, and Seller has no relationship with the third party owner, this agreement must be independent of any third party action or inaction. Payment will be due as indicated above without a dependency on the buyer being paid by the owner, with no further restriction or impediments, and regardless of any payment arrangement that may exist between contractor and owner.

-This price is in effect for 60 days.

-Submittals, if required, will be provided 2 weeks after receipt of all technical data at Correct Equipment.

-Delivery will be made in approximately 2-4 weeks after receipt of order and/or approvals and resolution of all necessary technical data at Correct Equipment

-Quotation prices do not include any sales taxes or any other taxes that may apply.

-This quotation is limited to the products and/or services as listed and excludes any item or service not specifically listed.

Dean Brown

deanb@correctequipment.com

Correct Equipment

425-466-6888

From: Jacob Hakala <hakala.electric@outlook.com>

Sent: Wednesday, April 3, 2024 7:27 PM

To: Dennis Durr <ddurr@haines.ak.us>

Subject: Re: Haines Mission Quote

CAUTION: This email originated from outside of the Haines Borough. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good Evening Dennis,

Thanks for reaching out. Going over the cut sheets for the units, it appears that each location requires 120V AC for the control cabinet. Each location will need different types of raceway and conductors (both inside and outside locations, classified vs non classified locations). The material needs for each site will be different, and varied by where power is available.

What I can provide is a labor quote for \$9208 for install at all 9 sites.

Perhaps it is appropriate to include a \$400 material allowance for each site?

In that case, \$12,802.

Please note this is a rough estimate, not a formal bid.

Let me know if you have any questions or want to discuss,

Jake

Jacob Hakala

Hakala Electric

907-378-7706

hakala.electric@outlook.com

PO Box 4 Haines, AK 99827

22 Lakeview Cir Haines, AK 99827

License # 208812



11B1

Agenda Bill No.: 24-1381

Assembly Meeting Date: 04/23/24

Business Item Description:	Attachments:
Subject: FY24 Budget Amendment #5	1. Ordinance 24-04-675
Originator: Borough Manager	
Originating Department: Administration	
Date Submitted: 4/9/24	

Full Title/Motion:
Motion: Introduce Ordinance 24-04-675 and schedule it for two public hearings 5/14/24 and 5/28/24.

Administrative Recommendation:
This resolution is recommended by the Borough Manager.

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
\$ As attached	\$	\$ As attached	N/A

Comprehensive Plan Consistency Review:
Comp Plan Goals/Objectives: _____
Consistent: Yes No

Summary Statement:
Proposed FY 24 Budget Amendment #5 attached.
KVVFD has requested that their CIP appropriation be transferred from a water tank to SCBAs (breathing tanks).

Referral:
Referred to: _____ Referral Date: _____
Recommendation: _____ Meeting Date: _____

Assembly Action:
Meeting Date(s): 4/23/24
Public Hearing Date(s): 5/14/24 and 5/28/24
Postponed to Date: _____

AN ORDINANCE OF THE HAINES BOROUGH, PROVIDING FOR THE ADDITION OR AMENDMENT OF SPECIFIC LINE ITEMS TO THE FY24 BUDGET.

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. This ordinance is a non-code ordinance.

Section 2. Effective Date. This ordinance shall become effective immediately upon adoption.

Section 3. Appropriation. This appropriation is hereby authorized as part of the budget for the fiscal year July 1, 2023 through June 30, 2024.

Section 4. Purpose. To provide for the addition or amendment of specific line items to the FY24 budget as follows:

(1) To recognize a 2022 State & Local Cybersecurity grant from the US Department of Homeland Security and the State of Alaska totaling \$9,469.65 and to appropriate these funds for training to manage and reduce systemic cyber risk.				
		Current Budget	Proposed Budget	Fund Balance Increase / (Decrease)*
31-01-00-4341	State Revenue	\$0	\$946.97	\$946.97
31-01-00-4589	Federal Revenue	\$0	\$8,522.68	\$8,522.68
31-01-00-7392	Project Expenditures	\$0	\$9,469.65	(\$9,469.65)
			Total	\$0

(2) To appropriate \$200 of areawide general funds to the Mayor’s discretionary fund for advertising for an orange bag trash disposal assistance program.				
		Current Budget	Proposed Budget	Fund Balance Increase / (Decrease)*
01-01-11-7332	Discretionary Fund	\$1,000	\$1,200	(\$200)

(3) To change a capital improvement project appropriation (originally made with ordinance #24-07-649) from “install a water tank at the Klehini Valley Volunteer Fire Department (KVVFD) fire hall” to “purchase new self-contained breathing apparatus for KVVFD” per a written request from KVVFD dated March 19, 2024.				
		Current Budget	Proposed Budget	Fund Balance Increase / (Decrease)*
50-01-00-7392	Project Expenditure – Water Tank	\$50,000	\$0	\$50,000
50-01-00-7392	Project Expenditure – SCBA units	\$0	\$50,000	(\$50,000)
			Total	\$0

Haines Borough
Ordinance No. 24-04-675
Page 2 of 2

(4) To appropriate \$73,000 of federal LATCF ARPA funds for purchase and delivery of a sweeper vacuum truck from the City and Borough of Juneau. If this appropriation passes as well as the recommendations in the FY25 Manager’s budget all \$1,242,600 of the Borough’s LATCF award will have been appropriated.				
		Current Budget	Proposed Budget	Fund Balance Increase / (Decrease)*
31-01-00-4589	Federal Revenue – Vac Truck	\$0	\$73,000	\$73,000
31-01-00-7392	Project Expenditures – Vac Truck	\$0	\$73,000	(\$73,000)
			Total	\$0

* A positive amount in this column is favorable. A negative amount is unfavorable.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS
____ DAY OF _____, 2024.

ATTEST:

Thomas C. Morphet, Mayor

Alekk Fullerton, MMC, Borough Clerk

Date Introduced: 04/23/2024
Date of First Public Hearing: 05/14/2024
Date of Second Public Hearing: 05/28/2024

Klehini Valley Volunteer Fire Department
Proposal To Amend 2024 CIP Distribution

March 19,2024

Annette,

It has come to our attention that there was an amendment to the Borough's 2024 budget that included \$50,000.00 for Klehini Valley Volunteer Fire Department. We had our Board of Directors meeting and the Director's along with our membership would like to amend the distribution of those funds to purchase new Self-Contained Breathing Apparatus (SCBAs) instead of an underground cistern. I am including a quote I received for the SCBAs. We determined that purchasing a new Tanker with our Revenue Share Funds will meet our water needs, whereas the cistern would only allow 1 refill of all our trucks. Our SCBAs are getting older and as you can see from the quote, they are quite expensive. Switching out our old SCBA's will also benefit the townsite as well. We have a mutual aid agreement with HVFD. They respond to our fires, and we have in the past been called when they were short-handed to help in town. Our SCBA's are not the same. While helping HVFD on a fire at nine mile, some of our tanks were taken to town to refill. The person refilling did not know the tanks held different amounts of air. Our tanks exploded. They hold less air than HVFD's tanks. Our tanks are aging out, they do not last forever. Our department would like to request that you amend the dispersal of the cistern funds to allow us to purchase new, town compatible SCBA's.

Thank you,



Holly Thomas

KVVFD



Ph: 206-622-2875
 TF: 800-426-6633
 Fax: 253-236-2997
nwsales@lncurtis.com
 UEI#: DDL5ADSWN7U7



Northwest Division
 6507 South 208th Street
 Kent, WA 98032
www.LNCurtis.com
 Quotation No. 294495

Quotation

CUSTOMER:	SHIP TO:	QUOTATION NO.	ISSUED DATE	EXPIRATION DATE
Klehini Valley Volunteer Fire Department Hc60 Box 2890 Haines AK 99827	Klehini Valley Volunteer Fire Department Hc60 Box 2890 Haines AK 99827	294495	03/18/2024	04/18/2024
		SALESPERSON	CUSTOMER SERVICE REP	
		Robert Briggs rbriggs@lncurtis.com 907-483-0117	Michael Duncan mduncan@lncurtis.com 206-596-7904	

REQUISITION NO.	REQUESTING PARTY	CUSTOMER NO.	TERMS	OFFER CLASS
	Holly Thomas	C30964	Net 30	FR

F.O.B.	SHIP VIA	DELIVERY REQ. BY
DEST	Standard Shipping	

NOTES & DISCLAIMERS

Thank you for this opportunity to quote. We are pleased to offer requested items below. If you have any questions, need additional information, or would like to place an order, please contact your Customer Service Rep as noted above.

Safety Warning Notice: Products offered, sold, or invoiced herewith may have an applicable Safety Data Sheet (SDS) as prepared by the manufacturer of the product. The SDS is provided with the product. In addition, manufacturer's safety and/or warning notices, instructions and information relating to the proper use and care of the product is provided with the product. All applicable SDS, safety and/or warning notices, instructions and other information provided with the product should be thoroughly read, reviewed, and understood prior to handling, distributing, using, reselling, or servicing any and all products provided by Curtis. Materials utilized to clean, repair, maintain and/or service your owned equipment, as well as Curtis owned equipment, may contain per-and polyfluoroalkyl substances (PFAS) to meet national standards or original equipment manufacturer specifications. For other important product notices and warnings, or to request an SDS, product specifications, manufacturer's safety notices, instructions and/or warning notices, please contact Curtis or visit <https://www.lncurtis.com/product-notices-warnings>

Transportation is included in below pricing.

Ph: 206-622-2875
 TF: 800-426-6633
 Fax: 253-236-2997
nwsales@lncurtis.com
 UEI#: DDLSADSWN7U7

CURTIS

TOOLS FOR HEROES

Northwest Division
 6507 South 208th Street
 Kent, WA 98032
www.LNCurtis.com
 Quotation No. 294495

LN	QTY	UNIT	PART NUMBER	DESCRIPTION	PL	UNIT PRICE	TOTAL PRICE
1	4	EA	G1 4500 SCBA MSA CUSTOM	4500PSIg G1 Fire Service SCBA, As Below; WARNING: This product contains PFAS to reduce the risk of parts sticking or becoming inoperable. ATO: A-G1FS442MB2C0LAR SYSTEM_PRESSURE 4 4500 PSIG CYLINDER_CONNECTION 4 CGA Quick Connect Remote Con HARNESS 2 Standard wth Chest Strap CRADLE_TYPE M Metal Band LUMBAR_TYPE B Basic REGULATOR_TYPE 2 Solid Cover Left Shd. REGULATOR_HOSE_TYPE C Continuous EMERGENCY_BREATHING_SUPPORT 0 None SPEAKER_MODULE L Left Chest PASS A PASS Right Shoulder BATTERY_TYPE R Rechargeable		\$6,530.00	\$26,120.00
2	8	EA	10156425-SP MSA	45Min 4500# G1 SCBA Cylinder, With Air, For Remote Connection		\$1,229.50	\$9,836.00
3	4	EA	10156459 MSA	Medium G1 Facepiece With Medium Nosecup, Includes: * 4-Point Adjustable Cloth Head Harness * Fixed Push-To-Connect Regulator Connection * Ato Number: A-G1Fp-Fm1M401 WARNING: This product contains PFAS to reduce the risk of parts sticking or becoming inoperable.		\$389.05	\$1,556.20
4	4	EA	10149700-SP MSA	4500/5500 Quick Connect Coupling		\$509.75	\$2,039.00

Ph: 206-622-2875
 TF: 800-426-6633
 Fax: 253-236-2997
nwsales@lncurtis.com
 UEI#: DDLSADSWN7U7

CURTIS

TOOLS FOR HEROES

Northwest Division
 6507 South 208th Street
 Kent, WA 98032
www.LNCurtis.com
 Quotation No. 294495

LN	QTY	UNIT	PART NUMBER	DESCRIPTION	PL	UNIT PRICE	TOTAL PRICE
5	1	EA	96-347-1SS BLUE SPARTAN	CGA 347 Male X MSA Female to Connect to MSA Adapter		\$63.45	\$63.45
6	4	EA	10148741-SP MSA	Battery Pack, G1, Rechargeable		\$444.00	\$1,776.00
7	1	EA	10158385 MSA	G1 SCBA Charging Station Kit		\$861.00	\$861.00

Small Business
 CAGE Code: 5E720
 SIC Code: 5099
 Federal Tax ID: 94-1214350
 UEI #DDLSADSWN7U7

This pricing remains firm until 04/18/2024. Contact us for updated pricing after this date.

Due to market volatility and supply shortages, we recommend contacting your local L.N. Curtis and sons office prior to placing your order to confirm pricing and availability. This excludes our GSA Contract and other Fixed Price Contracts which are governed by contract-specific prices, terms, and conditions.

Subtotal	\$42,251.65
Estimated Tax Total	\$0.00
Transportation	\$0.00
Total	\$42,251.65

[View Terms of Sale and Return Policy](#)



11B2

**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 24-1379
Assembly Meeting Date: 04/23/24

Business Item Description:	Attachments:
Subject: Planning Commission Regular Meeting Date Change	1. Ordinance 24-04-676
Originator: Clerk's Office	
Originating Department: Planning Commission	
Date Submitted: 4/18/24	

Full Title/Motion:
 Motion: Introduce Ordinance 24-04-676 and schedule it for its first public hearing May14th and its second public hearing May 28th.

Administrative Recommendation:

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
\$	\$	\$ 0	

Comprehensive Plan Consistency Review:
 Comp Plan Goals/Objectives: _____
 Consistent: Yes No

Summary Statement:
 Since the planning commission and the assembly meet on the second week of the month there is a constant overlap in publishing the packets for both meetings. Staff shortages has made it difficult to publish the assembly packet and the planning commission packet in the same week. By moving the planning commission meeting to the third Thursday of the month staff will be able to provide more support to the planning commission and the assembly in preparation for the meetings. Additionally with this change planning commission minutes will get to the assembly faster.

Referral:
 Referred to: _____ Referral Date: _____
 Recommendation: _____ Meeting Date: _____

Assembly Action:
 Meeting Date(s): 04/23/24 Public Hearing Date(s): 05/14/24, 05/28/24
 Postponed to Date: _____

**An Ordinance of the Haines Borough Assembly Amending Haines
Borough Code Section 18.30.040(C) Planning Commission to Change
Regular Planning Commission Meeting Date.**

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. This ordinance is of a general and permanent nature and the adopted amendment shall become a part of the Haines Borough Code.

Section 2. Severability. If any provision of this ordinance or any application thereof to any person or circumstance is held to be invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. Effective Date. This ordinance is effective upon adoption.

Section 4. Amendment of Section 18.30.040(C). Section 18.30.040(C) shall be amended as follows:

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

18.30.040 Planning Commission.

...

C. The commission shall meet on the ~~second~~ **third** Thursday of each month at 6:30 p.m., or at another regularly scheduled time as determined by a majority vote of the commission, or upon call of the chair. An agenda shall be prepared in packet form for each meeting and provided to the commissioners and the public five calendar days in advance of the meeting. The agenda shall state the name of the Haines planning commission, the time, date and place of the meeting and a list of all agenda items. The agenda shall give a brief description of each item to be addressed, proposed development or other activity and state the action requested of the planning commission. The agenda shall be publicly posted in the same locations and manner as those for the assembly meetings.

...

Adopted by a duly constituted quorum of the Haines Borough Assembly this ____ day of May, 2024.

ATTEST:

Thomas C. Morphet, Mayor

Alekka Fullerton, MMC, Borough Clerk

Date Introduced: 04/23/24
Date of First Public Hearing: 05/14/24
Date of Second Public Hearing: 05/28/24



11B3

Agenda Bill No.: 24-1380

Assembly Meeting Date: 04/23/24

Business Item Description:	Attachments:
Subject: FY25 Haines Borough Operating Budget	1. Ordinance 24-04-677
Originator: Borough Manager	
Originating Department: Administration	
Date Submitted: 4/1/24	

Full Title/Motion:
Motion: Introduce Ordinance 24-04-677 and schedule it for its first public hearing on 05/14/24, a second public hearing on 5/28/24.

Administrative Recommendation:

Fiscal Impact:			
Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
\$ See proposed budget	\$ See proposed budg	\$ See proposed budget	undetermined

Comprehensive Plan Consistency Review:	
Comp Plan Goals/Objectives: Pages 44-55 and Objective 2B	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Summary Statement:
The borough manager submitted a proposed budget on 4/1/24. Per the Charter 9.01(D), the budget must be adopted by 6/15. Attached is the proposed Ordinance.

The existing FY25 manager's proposed budget is available on the borough website:
<https://www.hainesalaska.gov/finance/haines-borough-fy25-managers-budget>

Referral:	
Referred to:	Referral Date:
Recommendation:	Meeting Date:

Assembly Action:	
Meeting Date(s): 4/23/24	Public Hearing Date(s): 5/14/24, 5/28/24
	Postponed to Date:

An Ordinance of the Haines Borough, Alaska, Providing for the Establishment and Adoption of the Operating Budget, Capital Budget, and Capital Improvement Plan of the Haines Borough for the Period July 1, 2024 through June 30, 2025.

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. This ordinance is a non-code ordinance.

Section 2. General Provisions. The following FY25 budget document, listing estimated resources and expenditures is hereby adopted and established as the budget for the period of July 1, 2024 through June 30, 2025 and made a matter of record for that purpose. Except in the case of appropriations for capital improvements, all unexpended balances not otherwise encumbered or disposed of in this ordinance as of June 30, 2025, shall lapse to those appropriate funds.

Section 3. Authorization and Appropriation. The expenditures set forth herein are authorized and appropriations as provided for are hereby made.

01 AREAWIDE GENERAL FUND

REVENUES

Property Tax	\$	2,260,000
Sales & Excise Tax		1,163,000
State Revenue		561,473
Federal Revenue		631,300
Interest Earnings		200,000
User Fees		44,000
License, Permits, & Fees		103,000
Penalty & Interest		67,000
Rents		81,000
TOTAL AREAWIDE REVENUES	\$	5,110,773

EXPENDITURES

Administration	\$	827,776
Borough Assembly		92,078
Elections		9,750
Finance		546,366
Assessment/Land Management		365,615
Information Technology		239,802
Local Emergency Planning		12,300
Dispatch		605,965
Public Facilities		493,246
Solid & Hazardous Waste		75,023

Haines Borough
Ordinance No. 24-04-677
Page 2 of 8

Chilkat Center for the Arts	115,400
Road Maintenance Service Areas	56,000
Haines Borough School District	2,027,000
Library	509,087
Museum	210,830
Parks	96,628
Swimming Pool	322,296
Transfers	(260,933)
Allocated Expense	(1,236,050)
TOTAL EXPENDITURES & TRANSFERS	\$ 5,108,179
 CONTRIBUTION TO (FROM) FUND BALANCE	 \$ 2,594

02 TOWNSITE SERVICE AREA

REVENUES	
Property Tax Revenue	\$ 630,000
Sales Tax	1,124,000
State Revenue	452,813
Miscellaneous Revenues	24,500
	\$ 2,231,313
 EXPENDITURES	
Police	\$ 900,200
Public Works	881,397
Animal Control	29,654
Transfers	(135,067)
Allocated Expense	654,131
TOTAL EXPENDITURES & TRANSFERS	\$ 2,330,315
 CONTRIBUTION TO (FROM) FUND BALANCE	 \$ (99,002)

17 LAND DEVELOPMENT & SALES

REVENUES	\$ 5,000
 EXPENDITURES	
Direct Expenditures	40,200
Transfer to Permanent Fund	-
Allocated Expense	8,189
TOTAL EXPENDITURES	\$ 48,389

CONTRIBUTION TO (FROM) FUND BALANCE \$ (43,389)

20 MEDICAL SERVICE AREA

REVENUES \$ 395,000

EXPENDITURES

Ambulance \$ 448,786

Transfers -

Allocated Expense (29,472)

TOTAL EXPENDITURES & TRANSFERS \$ 419,314

CONTRIBUTION TO (FROM) FUND BALANCE \$ (24,314)

23 ECONOMIC DEVELOPMENT & TOURISM PROMOTION

REVENUES \$ 829,000

EXPENDITURES

Tourism \$ 563,788

Economic Development 208,050

Transfers -

Allocated Expense 74,155

TOTAL EXPENDITURES & TRANSFERS 845,993

CONTRIBUTION TO (FROM) FUND BALANCE \$ (16,993)

25 FIRE SERVICE AREAS

REVENUES

Fire District #1 \$ 334,800

Fire District #2 32,500

TOTAL REVENUES 367,300

EXPENDITURES

Fire District #1 Direct Expense \$ 86,272

Fire District #2 Direct Expense 26,900

Transfers -

Allocated Expense 289,383

TOTAL EXPENDITURES & TRANSFERS 402,555

CONTRIBUTION TO (FROM) FUND BALANCE	\$ (35,255)
-------------------------------------	-------------

31 GRANT REVENUE – American Rescue Plan

REVENUES	\$ 183,000
----------	------------

EXPENDITURES	
--------------	--

Transfers	\$ 183,000
-----------	------------

TOTAL EXPENDITURES & TRANSFERS	183,000
--------------------------------	---------

CONTRIBUTION TO (FROM) FUND BALANCE	\$ -
-------------------------------------	------

34 COMMERCIAL PASSENGER VESSEL TAX

REVENUES	\$ 375,000
----------	------------

EXPENDITURES	
--------------	--

Direct Expenditures	75,000
---------------------	--------

Transfers	350,000
-----------	---------

TOTAL EXPENDITURES & TRANSFERS	425,000
--------------------------------	---------

CONTRIBUTION TO (FROM) FUND BALANCE	\$ (50,000)
-------------------------------------	-------------

35 VEHICLE IMPOUNDMENT FUND

REVENUES	\$ 78,500
----------	-----------

EXPENDITURES	
--------------	--

Direct Expenditures	356,610
---------------------	---------

CONTRIBUTION TO (FROM) FUND BALANCE	\$ (278,110)
-------------------------------------	--------------

42 CAPITAL PROJECT GRANTS

REVENUES	
----------	--

State Revenue	586,414
---------------	---------

Federal Revenue	5,277,725
-----------------	-----------

	\$ 5,864,139
--	--------------

EXPENDITURES	
Project Expenditures	5,864,139
	<hr/>
CONTRIBUTION TO (FROM) FUND BALANCE	\$ -
	<hr/> <hr/>
50 CAPITAL IMPROVEMENT PROJECTS	
REVENUES	\$ 1,243,000
	<hr/>
EXPENDITURES	
Direct Expenditures	941,500
Operating Transfers	236,000
Allocated Expense	65,062
	<hr/>
TOTAL EXPENDITURES & TRANSFERS	1,242,562
	<hr/>
CONTRIBUTION TO (FROM) FUND BALANCE	\$ 438
	<hr/> <hr/>
61 EQUIPMENT SINKING FUND	
TRANSFERS	\$ (38,000)
	<hr/>
CONTRIBUTION TO (FROM) FUND BALANCE	38,000
	<hr/> <hr/>
75 LIBRARY BOND FUND	
REVENUES	\$ 14,148
	<hr/>
EXPENDITURES	14,148
	<hr/>
CONTRIBUTION TO (FROM) FUND BALANCE	\$ -
	<hr/> <hr/>
76 SCHOOL G.O. BOND FUND	
REVENUES	\$ 1,280,675
	<hr/>
EXPENDITURES	1,280,675
	<hr/>
CONTRIBUTION TO (FROM) FUND BALANCE	\$ -

90 WATER REVENUE FUND

REVENUES	
Operating Revenues	\$ 519,000
Capital Project Revenues	1,300,000
	<hr/>
	\$ 1,819,000

EXPENDITURES	
Direct Expenditures	728,845
Allocated Expense	(136,698)
Depreciation Expense	336,000
Capital Expenditures	1,428,000
Transfers	(128,000)
	<hr/>
TOTAL EXPENDITURES	\$ 2,228,147

CONTRIBUTION TO (FROM) FUND BALANCE	<hr/> <hr/> (409,147)
-------------------------------------	-----------------------

91 SEWER REVENUE FUND (WASTEWATER TREATMENT)

REVENUES	
Operating Revenues	\$ 615,500

EXPENDITURES	
Direct Operating Expenditures	410,336
Allocated Expense	222,712
Depreciation Expense	368,595
Capital Expenditures	67,000
Transfers	(67,000)
	<hr/>
TOTAL EXPENDITURES	1,001,643

CONTRIBUTION TO (FROM) FUND BALANCE	<hr/> <hr/> \$ (386,143)
-------------------------------------	--------------------------

92 BOAT HARBOR FUND

REVENUES	
Operating Revenues	<hr/> \$ 491,000

EXPENDITURES	
Direct Operating Expenditures	680,414
Allocated Expense	(160,803)
Depreciation Expense	840,000
Capital Expenditures	110,000

Transfers	(110,000)
TOTAL EXPENDITURES	<u>1,359,611</u>
CONTRIBUTION TO (FROM) FUND BALANCE	<u>\$ (868,611)</u>

93 LUTAK DOCK FUND

REVENUES	
Operating Revenues	\$ 417,000
Capital Project Revenues	23,211,284
	<u>\$ 23,628,284</u>
EXPENDITURES	
Direct Expenditures	71,600
Capital Expenditures	25,952,000
Allocated Expense	113,220
Depreciation Expense	86,900
TOTAL EXPENDITURES	<u>26,223,720</u>
CONTRIBUTION TO (FROM) FUND BALANCE	<u>\$ (2,595,436)</u>

94 PORT CHILKOOT DOCK FUND

REVENUES	<u>\$ 280,500</u>
EXPENDITURES	
Direct Expenditures	80,400
Capital Expenditures	598,000
Allocated Expense	136,169
Depreciation Expense	335,000
Transfers	(350,000)
TOTAL EXPENDITURES	<u>799,569</u>
CONTRIBUTION TO (FROM) FUND BALANCE	<u>\$ (519,069)</u>

97 PERMANENT FUND

REVENUES	<u>\$ 576,000</u>
EXPENDITURES	
Direct Expenditures	25,500

Haines Borough
Ordinance No. 24-04-677
Page 8 of 8

Transfers	320,000
TOTAL EXPENDITURES & TRANSFERS	345,500
CONTRIBUTION TO (FROM) FUND BALANCE	\$ 230,500

Section 4. Rates of Levy. The following are rates of levy on taxable property within the Haines Borough for the Calendar Year beginning January 1, 2024, based upon the proposed Year FY25 beginning July 1, 2024.

	<u>Borough Areawide</u>	<u>Fire Service Area</u>	<u>Road / Other Service Area</u>	<u>Debt Service Mills**</u>	<u>FY25 Total Levy</u>
Townsite	4.79	0.94	2.28	0.87	8.88
Fire District #1 (outside Townsite)	4.79	0.94	-	0.87	6.60
Fire District #3	4.79	0.59	-	0.87	6.25
Dalton Trail RMSA	4.79	0.59	0.27	0.87	6.52
Dalton Trail RMSA (no fire service)	4.79	-	0.27	0.87	5.93
Dalton Trail & Eagle Vista RMSA	4.79	0.59	3.77	0.87	10.02
Dalton Trail & Chilkat Lake RMSA	4.79	-	0.52	0.87	6.18
Riverview RMSA	4.79	0.59	-	0.87	6.25
Letnikof RMSA	4.79	0.94	2.62	0.87	9.22
Borough	4.79	-	-	0.87	5.66

Section 5. Effective Date. This ordinance becomes effective July 1, 2024.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS **th DAY** OF JUNE, 2024.

ATTEST:

Thomas C. Morphet, Mayor

Alekk Fullerton, Borough Clerk

Date Introduced: 04/25/23
Date of First Public Hearing: 05/09/23
Date of Second Public Hearing: 05/25/23
Date of Third Public Hearing: 06/13/23

11C1



EMPLOYMENT APPLICATION
HAINES BOROUGH, ALASKA
P.O. BOX 1209, HAINES, AK 99827

We consider applicants for all positions without regard to race, color, religion, creed, gender, national origin, age, disability, marital or veteran status, or any other legally protected status. Please do not send photographs of applicant with application. Once submitted to the Borough, applications become public record and are subject to public review. Conditions of employment are stated at the end of this application. Please read it carefully before signing.

(PLEASE PRINT OR TYPE)

IF REQUESTED INFORMATION IS INCLUDED ON AN ATTACHED RESUMÉ, YOU MAY INDICATE "SEE RESUMÉ"

Form with fields: Position Applied For (Director of Public Facilities), Date of Application (2/15/2024), Last Name (Jensen), First Name (William), Middle Name (Bradley), Mailing Address (55 Haines Highway), City (Haines), State (Alaska), Zip Code (99827), Telephone Number, Other Telephone, E-mail.

If you are under 18 years of age, can you provide required proof of your eligibility to work? [X] Yes [] No

Best time to contact you at home is: Any : ___ am/pm

Are you currently employed? [X] Yes [] No

May we contact you at work? [X] Yes [] No If so, Phone # _ Best time: Any /pm am

May we contact your present employer? [X] Yes [] No

Have you ever been employed by the Haines Borough before? [] Yes [X] No
If yes, give dates ___ to ___

Are you legally eligible for employment in the United States? [X] Yes [] No
Proof of identity and eligibility will be required upon employment

Can you travel if the job requires it? [X] Yes [] No

Date you can be available to start work Neg / ___ / ___

Check all times you are available to work:

- [X] Full Time [] Part Time [] Shift Work [] Temporary [] Flexible Schedule
[] Mornings [] Afternoons [] Evenings [] Weekends

In the last ten years, have you been convicted of a felony or a misdemeanor that resulted in imprisonment? [] Yes [X] No
Conviction will not necessarily disqualify an applicant from employment. The Borough will consider such factors as the amount of time that has elapsed since the conviction and the seriousness and nature of the crime.

If yes, explain _____

Have you ever been discharged from employment or asked to resign? [] Yes [X] No

If yes, explain: _____

THE HAINES BOROUGH IS AN EQUAL OPPORTUNITY EMPLOYER

EDUCATION

School	Name and Address of School	Course of Study	Years Completed	Diploma/ Degree Received
High School	Lexington Community High School		4	Yes
Undergraduate College	Illinois State University	Education, but also 70+ credit hours of additional education mainly focused on technology	4	BS in Education/ Magna Cum
Graduate/ Professional				
Other (Specify)				

WORK EXPERIENCE

Start with your most recent job, and include any job-related military service assignments and volunteer activities. You may exclude organizations that could indicate race, color, religion, gender, national origin, disabilities or other protected status.

Employer Dot Foods Inc.	Dates Employed		Work Performed I currently manage several multi-million dollar commercial construction projects. I am involved with design development, requests for proposals, contract negotiation, project awards, budgeting and all day to day management of the projects and contractors. I have held this position with Dot Foods for 4 years. Prior to that I supervised their building and grounds department overseeing 2 million square feet of facilities plus the grounds and 12-15 full time maintenance technicians. I managed and scheduled all maintenance and repairs including all building related issues, pavement repairs, snow removal, landscaping, building systems including hvac, electrical and building automation. I also helped to develop and manage the budget including salaries and equipment as well as negotiated with and hired sub contractors for work outside of the department scope.
Address 1 Dot Way, Mt. Sterling, Il. 62353	From	To	
Telephone Number(s) 217-773-4411	12/11/2011	Present	
Job Title Facilities Project Manager	Hourly Rate/Salary Starting Final		
Supervisor Bill Mummy			
May We Contact Supervisor? <input checked="" type="radio"/> Yes <input type="radio"/> No		Reason for Leaving Moving to Haines	

Employer	Dates Employed		Work Performed
Address	From	To	
Telephone Number(s)			
Job Title	Hourly Rate/Salary Starting Final		
Supervisor			
May We Contact Supervisor? <input type="radio"/> Yes <input type="radio"/> No		Reason for Leaving	

Employer	Dates Employed		Work Performed
Address	From	To	
Telephone Number(s)			
Job Title	Hourly Rate/Salary Starting Final		
Supervisor			
May We Contact Supervisor? <input type="radio"/> Yes <input type="radio"/> No		Reason for Leaving	

Employer	Dates Employed		Work Performed
Address	From	To	
Telephone Number(s)			
Job Title	Hourly Rate/Salary Starting Final		
Supervisor			
May We Contact Supervisor? <input type="radio"/> Yes <input type="radio"/> No		Reason for Leaving	

Comments: Include explanation of any gaps in employment.

Folks, I appreciate your patience with my incomplete application. I just saw this posting last evening and am currently traveling to projects. I would be glad to furnish a complete resume, work history and references when I return from travel but wanted to get something in before the deadline. I have recently purchased a home in Haines through Pam Long at Haines Real Estate. She is the only person in Haines that would know us at this point if a local reference is needed (she knows me by Brad, my middle name). My wife, son and I are boarding the ferry in Bellingham, Wa. 2/28 and will arrive in Haines 3/1. I was actually not looking for a job right away but this job description matches my experience so well that I would like to discuss it with someone. Please feel free to reach out to me at 309-826-9536 or by email @ williamjnsn2@gmail.com.

Describe any specialized training, apprenticeship, skills and extra-curricular activities.

I believe that I have extensive experience related to all aspects of your job description with the exception of working on ports and harbors and have never held a government based position. I am a former carpenter, mason/cement finisher, UAW journeyman electrician and automation technician with many years working on large mechanical systems in an automobile assembly facility as well as robotics and related equipment. I have managed large groups of employees in maintenance roles and currently manage roughly 200 million dollars in commercial construction projects. We are moving to Haines because we love the beauty and outdoor opportunities, but also have a cabin on the Tanana river that I built starting in 2005, so have spent many years in the Alaska environment and am very excited to finally be moving there full time.

List professional, trade, business or civic activities you consider relevant to your ability to perform the job.

Other Qualifications: Summarize special job-related skills and qualifications acquired from employment or other experience.

Specialized Skills – Circle all that apply to you

PC <input checked="" type="checkbox"/> MAC <input checked="" type="checkbox"/> Databases <input type="checkbox"/> Spreadsheets <input checked="" type="checkbox"/> Word Processing <input checked="" type="checkbox"/> Desktop Publishing <input type="checkbox"/> Website Content Mgmt <input type="checkbox"/> Accounting <input checked="" type="checkbox"/> Other (please specify) _____	<u>SOFTWARE</u> MS Word <input checked="" type="checkbox"/> MS Excel <input checked="" type="checkbox"/> MS Publisher <input type="checkbox"/> MS Access <input type="checkbox"/> Filemaker Pro <input type="checkbox"/> Adobe Acrobat Pro <input checked="" type="checkbox"/> ArcGIS <input type="checkbox"/> Other (please specify) _____	<u>MACHINERY/EQUIPMENT</u> (please specify) _____ _____ _____ _____ _____ _____ _____
---	--	---

State any additional information you feel may be helpful to us in considering your application, especially determining if you meet the required minimum qualifications. (Attach additional sheet, if necessary.)

Note: DO NOT ANSWER THIS QUESTION UNLESS YOU HAVE BEEN INFORMED ABOUT THE REQUIREMENTS AND ESSENTIAL FUNCTIONS OF THE JOB FOR WHICH YOU ARE APPLYING.

Are you capable of performing, with or without a reasonable accommodation, the essential functions of the job for which you have applied? A summary of the essential functions involved in the job or occupation has been given.

YES NO

Personal/Professional References	Do not include family members or past supervisors listed above		
Name	Phone No.	Address	Occupation
1.			
2.			
3.			

NOTIFICATION AND AGREEMENT
Please Read Carefully Before Signing

I CERTIFY THAT ALL MY RESPONSES ARE TRUE, ACCURATE AND COMPLETE. I UNDERSTAND THAT THE FALSIFICATION, MISREPRESENTATION OR OMISSION OF ANY FACT ON THIS APPLICATION (OR ANY OTHER STATEMENT OR DOCUMENT) WILL BE CAUSE FOR DENIAL OF EMPLOYMENT OR IMMEDIATE TERMINATION OF EMPLOYMENT, REGARDLESS OF WHEN OR HOW DISCOVERED.

Questions regarding this statement should be directed to any employment interviewer before signing. Receipt of the application does not imply that the applicant will be employed.

By my signature below, I consent to the Borough's conferring with any and all of my former employers concerning my performance and reviewing publicly available documents and databases relevant to my application. I understand that the Borough will treat all such information as it would any personnel record, and I release the Borough and its management from all liability related to any action to which I have consented herein.

If hired, I agree to abide by all of the Borough's rules and regulations. I understand that the Borough shall have the maximum discretion permitted by law to administer, interpret, modify, discontinue, enhance or otherwise change all policies, procedures, benefits and other terms or conditions of employment.

I hereby affirm that the information given in this Application is true and correct to the best of my knowledge. I have not knowingly withheld any fact or circumstance that would, if disclosed, affect my application unfavorably.

I authorize the investigation of all statements and information contained in this application. I release from all liability anyone supplying such information and I also release the employer from all liability that might result from making an investigation.

I understand that any misrepresentation, deception, or false statement made in this Employment Application may result in my not being considered for employment, and if not discovered by the Borough until after my becoming employed, is grounds for, and may result in, my immediate termination.

I acknowledge that I have read and understand the above statements and hereby grant permission to confirm the information I have supplied on this application.

APPLICANT SIGNATURE William Jensen  **DATE** 2/15/2024

OPTIONAL INFORMATION

...age, race, religion, color, sex, sexual orientation, national origin, marital status, expunged juvenile records, or pregnancy, and to afford equal opportunities to disabled veterans, veterans of the Vietnam era, and individuals with a disability, and any other characteristic protected by federal, state or local law.

The following information is being gathered for compliance with civil rights laws. **You may choose not to complete this section.** If you choose to, your answers will be used *ONLY* for record-keeping and employee data reporting purposes if you are hired. This voluntary information will not be used in the hiring process.

Gender: <input checked="" type="radio"/> Male	Race: <input type="radio"/> Alaskan Native or American Indian
<input type="radio"/> Female	<input type="radio"/> Asian
Age: <input type="radio"/> Under 40 years old	<input type="radio"/> Black or African American
<input checked="" type="radio"/> Age 40 or older	<input type="radio"/> Hispanic or Latino
	<input type="radio"/> Native Hawaiian or other Pacific Islander
	<input checked="" type="radio"/> White, not of Hispanic origin

William (Brad) Jensen

Education

Bachelor of Science - Education (December 2010)
Illinois State University, Graduated Magna Cum Laude

Professional Experience

Facilities Project Manager (January 2020 - present)
Dot Foods, Inc., Mt. Sterling, Illinois

Responsible for the management of capital construction projects from schematic design through project closeout. Involved in all aspects of the project from concept development, collaboration with all design disciplines including architecture, civil, structural, plumbing, mechanical and specialties such as fire protection, refrigeration systems, security, finishes and furnishings. Contribute to all design reviews, develop requests for proposals, negotiate contracts, develop and manage project budgets, review project submittals, facilitate permitting, development of tax incentive opportunities, contract negotiations, awarding of projects, direct hire agreements with specific scopes outside of the general contract, vetting of safety programs and qualifications including insurance verifications. Oversight of all project contractors and aspects including maintaining schedules, responding to requests for information, review of all pay applications and lien waivers, maintain meeting schedule with all parties, management of change orders, punch list and closeout of projects including final release of retainage. Projects experience ranges from fully automated warehousing systems (ASRS), warehouse complexes including offices, truck garages, health clinics, gate stations, parking and roadways. Participated and helped develop company specifications in all building disciplines for four years. Contributed to corporate contract language, legal and safety policies. Participation in interviewing department candidates as well as external contractors. Management of projects ranging from \$10k to \$80 million in value.

Building and Grounds Maintenance Supervisor (December 2015-January 2020)
Dot Foods Inc., Mt. Sterling, Illinois

Manage day to day building and grounds maintenance issues as well as 12 full-time and 2-3 part time employees. Managed employee and contractor activities and projects, assisted with hiring and budgeting. Responsible for contractor safety as well as employee safety. Direct hire of sub-contractors including budgeting, bidding process, awarding and management of projects including all building systems and pavement projects.

Building Maintenance Technician/ Lead Maintenance Technician (December 2011-May 2015)
Dot Foods Inc., Mt. Sterling, Illinois

Maintenance of facilities systems including electrical, mechanical, fire protection, HVAC systems and plumbing. Supervision of all maintenance employees, scheduling, hiring of employees, administration of contractor safety programs and assist with department budgeting.

Industrial Maintenance Technician (August 2011-December 2011)
Pella Windows Inc., Macomb, Illinois

Repair and maintenance of industrial automated equipment including electrical systems, hydraulic and pneumatic equipment as well as facility electrical and HVAC systems

Self Employed Remodeling Contractor/ Full Time Student (October 2008-August 2011)

Automation Electrician (May 2002-October 2008)
Mitsubishi Motor Manufacturing, Normal, Illinois

Installation, programming, troubleshooting and repair of automated industrial equipment including robotics and associated equipment.

Possible Ballot Questions for Special Election:

- 1) Which alternative do you support for reconstruction of the Lutak Dock?
 - a) The current design (encapsulation), which retains the dock's current size with a steel retaining wall, accommodating both fuel and freight barges as well as larger, freight ships.
 - b) A smaller design utilizing a rubble slope instead of a steel retaining wall that accommodates freight and fuel barges but not larger ships.

Do you support adopting a change to the Haines Borough charter prohibiting transshipment of ore across the borough's Lutak Dock?

Do you support a change to the Haines Borough charter requiring an affirmative vote of residents to proceed with borough projects costing more than \$15 million?



11C6

| 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: Appeal of Borough Planning Commission's Revocation of Conditional Use Permit #23-87 Without a Hearing

Ms. Fullerton,

I write on behalf of Southeast Road Builders ("SERB") to provide the Borough Assembly additional information regarding the Planning Commission's March 14, 2024 decision to vacate Conditional Use Permit #23-87 ("Permit") without a hearing or deliberation.¹

As you are aware, the Permit was issued by the Haines Borough on **November 2, 2023**, and was subsequently appealed to the Assembly.

Under Borough's appeal procedures, the burden was solely on the appellants to provide evidence that the Planning Commission's underlying decision should be modified or reversed.² Under the Borough's Charter and Code, the only way for SERB's Permit to be reversed or modified on appeal was for a super-majority of the Assembly to find that the evidence contained in the record supported such a decision.

As aptly summarized by the Borough Clerk's November 22 memorandum to the Assembly: **"The intent of the Charter is to make it more difficult for the assembly to change a previous decision on appeal."**

In addition to the strong burden of proof placed on appellants, the Borough Code imposes strict timelines on the Assembly's consideration of appeals. Specifically, any appeal of an issued permit must be submitted to the Borough clerk within 10 days, and the Assembly must decide whether to hear the appeal at the next regularly scheduled meeting thereafter.³ If the Assembly *does* choose to rehear the issuance of a permit, it must again do so at its next regularly scheduled meeting.⁴

Now, more than five months after it was issued, the Permit is back in front of the Assembly – with no

¹ In appealing the Commission's decision, SERB acknowledges that the Assembly's January 9th remand was, in effect, already a revocation of the Permit, and that the Planning Commissioners, in vacating the Permit without a hearing, were acting in accordance with what they understood the instructions of the Assembly to be. Notwithstanding, to the extent that the Assembly intended the remand to be anything other than a revocation of the Permit, the Commission's March 14 decision was clearly improper for the reasons stated herein.

² HBC 18.30.060(B).

³ HBC 18.30.060.

⁴ HBC 18.30.060(A).



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

findings of error in the Borough or Planning Commission's original decisions ever having been made, much less by the requisite supermajority. As a result, this ad-hoc appeal process has run contrary to both the spirit and letter of the Borough's Charter and Code, which were carefully drafted to *avoid* such endless appeals and to permits being casually overturned without compelling evidence that they were issued in error.

Regarding the Planning Commission's March 14 decision to vacate the Permit, the total lack of any hearing or substantive deliberation on that decision violates SERB's basic due process rights and the requirements that a decision to overturn an issued permit be supported by a supermajority vote finding that substantial evidence demonstrates an error in the permit's issuance.

To the extent that the Assembly may seek to cure these procedural defects through a second remand to the Planning Commission, it cannot. Not only is such remand proscribed by Borough code,⁵ but the individual Commissioners have each expressed clear opinions about the desirability of SERB's planned use under the Permit. As a result, there is simply no credible way that SERB could be guaranteed an unbiased review of the Permit and appeal.

Instead, the Borough Code is clear: in the absence of a supermajority vote by the Assembly to overturn a Permit's issuance, which must be based on substantial evidence in the record, the Permit stands. That is the proper result here, and SERB asks that the Assembly act promptly to end this saga and reinstate SERB's Permit under its original terms – which include detailed requirements for engineered plans to ensure slope stability and appropriate site reclamation, as well as ongoing oversight from the Alaska Department of Environmental Conservation, the Alaska Department of Fish & Game, and the Alaska Department of Transportation and Public Facilities.

Sincerely,


TJ Mason

TJ Mason, PMP
Area Manager/Assistant Secretary
Glacier Construction dba Southeast Roadbuilders

⁵ Under HBC 18.30.060, the Assembly's options on appeal are limited to: (1) confirming the commission's decision; (2) reversing the commission's decision; or (3) changing the conditions which the commission placed on approval.



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

April 16, 2024

Glacier Construction Inc., dba Southeast Road Builders
TJMASON@COLASKA.COM

Re: Conditional Use Permit #23-87, Resource Extraction | March 14, 2024 Planning Commission Meeting, Remand from Appeal| Site A: C-LTR-04-0090/0700/0010, Site B: C-LTR-04-1000/2940/0900/0800 | Waterfront Industrial Zone

On 10/23/2023, the Planning Commission (PC) conditionally approved this permit for resource extraction at the locations listed above. After appeal at the Assembly level, the Assembly remanded this permit to the Planning Commission to be reheard as two different permits.

As you know, on March 14, 2024, at the hearing you attended, the Planning Commission VACATED Conditional Use Permit #23-87 and accepted in its place CUP #23-87B.

Further, at the same meeting, the Planning Commission (PC) denied CUP #23-87B for resource extraction at Site B: C-LTR-04-1000| Waterfront Industrial Zone.

Haines Borough Code (HBC) 18.30.060 allows for an appeal to the assembly of a PC decision, and Southeast Road Builders appeal was timely submitted to the clerk. The appeal was presented to the assembly at their April 9, 2024 meeting, and the assembly voted to rehear the PC's entire decision regarding CUP #23-87B. The appeal hearing is scheduled for April 23, 2024, as required by HBC 18.30.060(A).

The approved minutes are attached.

Alekka Fullerton
Acting Borough Manager

Ec: Annette Kreitzer, Haines Borough Manager akreitzer@haines.ak.us
Tom Morphet, Haines Borough Mayor, tmorphet@haines.ak.us
Kiersten Long, Haines Borough Deputy Clerk klong@haines.ak.us
Maller, Brian bmaller@colaska.com
Dudley, Tim TDudley@COLASKA.com

Attachments:

1. March 14, 2024 Planning Commission Meeting Minutes

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

March 22, 2024

Re: Notice of Appeal of Haines Planning Commission decision vacating Conditional Use Permit #23-87

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”) action on March 15, 2024, to vacate Conditional Use Permit #23-87 (“Permit”). The Commission’s action to vacate the permit was made without substantive deliberation, or any finding of error in its original decision to issue the Permit.

As you are aware, the Permit was approved by the Haines Borough Planning Commission on October 23, 2023, and issued by the Haines Borough on November 2, 2023. Following issuance, the Permit was appealed to the Borough Assembly, where it was nominally “remanded” (and effectively revoked) without meaningful deliberation as to the Planning Commission’s findings, and without written findings by the Assembly as required by HBC 18.30.060.

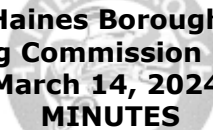
As a result, and by virtue of the Assembly’s remand/revocation, the five-year Permit has been cancelled after several months – without due process of law, and without any error being identified in the Commission’s well-reasoned decision to adopt the Planner’s recommendation and issue the Permit.

Following the Assembly’s initial remand/revocation (the effect of which was confirmed by the Commission’s March 15th decision), SERB filed a timely notice of appeal to the Superior Court. SERB files this Notice of Appeal with the Assembly to preserve its rights, and to provide the Assembly an opportunity to moot that litigation by reversing the Commission’s March 15th decision and reinstating the Permit.

Sincerely,

 Digitally signed
by TJ Mason
Date:
2024.03.22
19:52:22-08'00'

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
March 14, 2024 Regular Meeting 6:30 pm
AGENDA
Location: Assembly Chambers and on ZOOM

Zoom Meeting Information

Webinar ID: 863 1255 4356

Passcode: 067927

Brian O'Riley
Planning Commissioner

Dan Schultz
Planning Commissioner

Derek Poinsette
Planning Commissioner

Eben Sargent
Planning Commissioner

Erika Merklin
Planning Commissioner

Rachel Saitzyk
Planning Commissioner

Patty Brown
Planning Commissioner

Craig Loomis
Assembly Liaison

Annette Kreitzer
Borough Manager

Alekka Fullerton
Borough Clerk

Kiersten Long
Deputy Clerk

Andrew Conrad
Borough Planner

- 1. CALL TO ORDER/ PLEDGE TO THE FLAG/ LAND ACKNOWLEDGEMENT/ROLL CALL**
- 2. APPROVAL OF AGENDA & CONSENT AGENDA**
[The following Consent Agenda items are indicated by an asterisk () and will be enacted by the motion to approve the agenda. There will be no separate discussion of these items unless a planning commission member or other person so requests, in which event the asterisk will be removed and that item will be considered by the planning commission on the regular agenda.]*
Consent Agenda:
3 – Approve Minutes from 2-8-24 Regular Planning Commission
- *3. APPROVAL OF MINUTES – 2-8-24 Regular Planning Commission Meeting**
- 4. PUBLIC COMMENTS** – [For any topics not scheduled for public hearing. Individual comments are limited to 3 minutes unless another yields 3 minutes to the speaker in advance] *Note: during this section of the agenda, the commission will listen and take notes. No official action will be taken at this time. Please address the planning commission at the podium provided, use the microphone, and state your full name for the record and the topic of your comment.*
- 5. COMMISSIONER COMMENTS –**
A POINSETTE – Regional Landslide Working Group Report
- 6. CHAIR REPORT –**
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**
- 9. STAFF REPORT**
A. Planner Report – Supplemental Document
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 Estates 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 previous planning commission. The permit was valid for five (5) years. After expiration of a permit, the applicant must reapply. Public comments shall be taken prior to the applicant's presentation.

10. PUBLIC HEARINGS – Continued

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) and must apply the specific approval criteria contained in 18.60.020(G). The commission must determine if the development is: a) one of the surveyed historic structures, or b) the development has a material effect upon the general character of the district and any of the individual structures. If either of these conditions are met, the commission will apply the 9 specific approval criteria in 18.60.020(G) Public comments shall be taken prior to the applicant’s presentation.

11. UNFINISHED BUSINESS - None

12. NEW BUSINESS

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

On 12/12/23, the Assembly remanded CUP #23-87 to the Planning Commission with the requirement that Southeast Road Builders resubmit conditional use permit 23-87 as two applications.

Direction to the Planning Commission from the Assembly: *With the remand to the Planning Commission, as the subject matter experts with respect to approval criteria for conditional use permits, the Planning Commission is empowered to resolve the matter in any way it could resolve the original permit applications. Both the appellants and the permittee may provide additional information and need not be limited by the existing information. The Planning Commission may approve the permit, deny the permit, or grant the permit with modifications, including granting the permit for one site and denying it as to the other. If the Planning Commission’s decision is an outright denial of all permit rights, it constitutes vacation of the existing permit. If the commission grants any permit rights, that is best accomplished as a modification of the existing permit. Site A should be referred to as Conditional Use Permit 23-87A and Site B should be referred to as Conditional Use Permit 23-87B.*

Site A (#23-87A): Statement from Southeast Road Builders:

Southeast Road Builders (SERB) still intends to submit a separate application for CUP #23-87A they have a geotechnical engineer scheduled to visit the site mid-March. In addition to the consultation with a geotechnical engineer they have been in discussions with AMHS to coordinate with their concerns as it relates to the project. They are requesting to delay their rehearing with the Planning Commission.

Site B (#23-87B): *SERB has resubmitted their application for site B, which is in front of the planning commission. As discussed above, the Planning Commission must evaluate the Conditional Use Permit using the General and Specific approval criteria.*

- *HBC 18.60.010 General Approval criteria.*
- *HBC 18.60.020(A) Resource Extraction.*
- *HBC 18.50.040(A) Requirements to be met*

If the commission finds that the development implements all the relevant requirements of this section, it shall issue a conditional use permit and the conditions and 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 this decision. HBC 18.50.040(B) The commission may alter the manager’s proposed permit conditions, impose its own, or both. Public comments shall be taken prior to the applicant’s presentation.

- 13. PUBLIC COMMENTS**
- 14. COMMISSION COMMENTS**
- 15. CORRESPONDENCE**
- 16. SCHEDULE MEETING DATE**
- 17. ADJOURNMENT**

From: [Alekk Fullerton](#)
To: [Alekk Fullerton](#)
Subject: FW: Remand on Appeal
Date: Wednesday, March 13, 2024 2:18:57 PM

Sent: Wednesday, November 15, 2023 3:56 PM
To: Alekk Fullerton <afullerton@haines.ak.us>
Cc: Annette Kreitzer <akreitzer@haines.ak.us>; Tom Morphet <tmorphet@haines.ak.us>
Subject: RE: Remand on Appeal

EXTERNAL EMAIL: Do not open links or attachments unless you recognize the sender and know the content is safe.

Good afternoon,

I concur that the assembly can remand to the planning commission with direction for the commission to consider facts or criteria that the assembly concludes the commission did not sufficiently consider.

The basis for the assembly to remand is not so easily stated and is not based on a particular provision of the code or charter. Remand is a basic principle of administrative law. The concept is that agency or body (here, the planning commission) that makes the initial decision is best situated to correct any shortcomings in the decision. It is more familiar with the record and generally has subject matter expertise that the reviewing authority (often a court but includes an intermediary body that hears appeals such as the assembly) lacks. Another way of looking at the question is that jurisdiction over the initial decision maker is a component of the reviewing authority's jurisdiction to hear the appeal.

Charles

From: Alekk Fullerton
Sent: Wednesday, November 15, 2023 2:56 PM
To: Charles Cacciola
Cc: Annette Kreitzer; Tom Morphet
Subject: Remand on Appeal

Hi Charles-

I have permission from the Manger to send this email.

In the past, Brooks has advised that the assembly may **remand** a CUP to the Planning Commission to re-evaluate the CUP based on a particular criteria. Our code, however, has the following language:

18.30.060 Appeals to the borough assembly.

...

3. The borough assembly may confirm the commission's decision, reverse the commission's decision, or change the conditions which the commission placed on approval. The borough assembly shall support its action with written findings.

What is the basis for a remand? The assembly voted to rehear a CUP for resource extraction last night.

Thank you!

Alekka Fullerton

Borough Clerk
Haines Borough
P.O. Box 1209
Haines, AK 99827
(907)766-6402
fax (907)766-2716

Public Records Law Disclosure: This e-mail may be considered public record and be subject to public disclosure.

Confidentiality Notice: This e-mail may contain confidential or privileged information. It is intended only for the use of the recipient named above. If you believe you have received this message in error, please notify me immediately by reply email, delete the message from your computer, and destroy any paper copies.

Public Records Law Disclosure: This e-mail may be considered a public record and be subject to public disclosure. Confidentiality Notice: This e-mail may contain confidential or privileged information. It is intended only for the use of the recipient named above. If you believe you have received this message in error, please notify me immediately by reply email, delete the message from your computer, and destroy any paper copies.



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

Glacier Construction Inc., dba Southeast Road Builders
rschnabel@colaska.com

November 2nd, 2023

Re: Conditional Use Permit #23-87, Resource Extraction | October 23rd, 2023 Planning Commission Meeting | Site A: C-LTR-04-0090/0700/0010, Site B: C-LTR-04-1000/2940/0900/0800 | Waterfront Industrial Zone

Thank you for submitting a conditional use permit to perform resource extraction activity at the above listed location. Your application has been approved by the Planning Commission per plans submitted and the conditions listed below under the definition "Resource Extraction" which is a Conditional Use in the Waterfront Industrial Zone per Haines Borough Code (HBC) 18.70.040.

If you wish to appeal the Planning Commission's decision on this application, you must file an appeal in writing with the Borough Clerk within ten business days of the date of this letter.

EXPIRATION: November 2nd, 2028

This permit is valid for five years.

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, developed and sealed by a professional engineer, 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.
8. Coordinate with the Alaska Marine Highway System for blasting within 2 hours of ferry arrivals and departures.
9. Provide a copy of all plans and Storm Water Pollution Prevention Plans to the Borough before implementation of the project.

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: dlaframboise@colaska.com
TJMASON@COLASKA.COM

Attachments:

1. Permit Application, Site Plan



Haines Borough

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

APPLICATION FOR CONDITIONAL USE PERMIT

Permit#: 23-87

Date: _____

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

I. Property Owner/Agent		Owner's Contractor(If Any)	
Name: Glacier Construction Inc. dba Southeast Road Builders		Name:	
Mailing Address: HC 60 Box 4800, Haines Hwy Haines, AK 99827		Haines Borough Business License #:	
Contact Phone: (907) 766-2833		Alaska Business License #:	
Fax: (907) 766-2832 rschnabel@colaska.com		Contractor's License #:	
E-mail: dlaframboise@colaska.com		Mailing Address:	
		Contact Phone:	
		Fax:	
		E-mail:	
II. Property Information			
Size of Property: Approx. 27 Acres total; Site A = 5.2 Acres, Site B = 21 Acres			
Property Tax #: SITE A: C-LTR-04-0090, C-LTR-04-0700, and C-LTR-04-0010 SITE B: C-LTR-04-1000, C-LTR-04-2940, C-LTR-04-0900, and C-LTR-04-0800			
Street Address: See attached Site Maps; Approx. MP 4 Lutak Road			
Legal Description: Lot (s) _____ Block _____ Subdivision _____			
OR Parcel/Tract _____ Section _____ Township _____ Range _____			
[Attach additional page if necessary.] See attached Site Maps			
Zoning: <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.

Referenced Sections:

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

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

Referenced Sections:

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

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

Referenced Sections:

Section V. Site Conditions, Paragraph B, C

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

Referenced Sections:

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

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

Referenced Sections:

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

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

Referenced Sections:

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

NOTICE

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

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

11/7/23

To: Haines Borough Assembly and Mayor Morphet
From: Gershon Cohen
Re: Request for Hearing to Appeal CUP 23-87

Dear Haines Borough Assembly Members and Mayor Morphet,

Please grant this request for a hearing to review the Planning Commission's decision of October 23rd on CUP 23-87. Technical and procedural shortcomings should have precluded the CUP 23-87 application from being reviewed, let alone approved for the following reasons (this list is not exhaustive):

1. The review of blasting/excavating a 30% slope "hazard area" (HBC 18.60.010 (T)) without a site-specific engineering design didn't adequately address public safety and welfare concerns (HBC 18.60.010), and
2. The impacts on peak use, traffic patterns and other off-site uses of the area by commuters, tour operators and cyclists were inadequately considered (HBC 18.60.010 (E), (M), (N)), and
3. A CUP should not be granted if it will create nuisance conditions (HBC 18.12.020 (B), (C)), and
4. Waterfront/Industrial zones should not allow resource extraction when the activity could compromise marine-related uses (HBC 18.70.030(A)(3)).

Based on the inadequate review and potential violation of these Code provisions and/or insufficient support from the applicant, a hearing on this permit is clearly justified. Furthermore, prompted by the specifics of this particular application/review, two fundamental questions for the Assembly and the Planning Commission also need to be addressed:

1. How elected officials should approach land use decisions in the Borough when there is a potential conflict between private gain and the common good, and
2. At what point in the review process should the Borough have a full description of a developers' intent, so permit decisions are based on a clear understanding of the downstream impacts from the activity?

The fact that we have planning and zoning rules and we can and do impose conditions on developments in the Borough demonstrates the right to make a profit does not automatically trump the needs and concerns of the greater community. Where the balance point might be in any specific case is up to you. The applicant of CUP 23-87 wants to make a profit through resource extraction and claims there could be an additional benefit by reducing the risk from future landslides, which is not only unproven by their submission, the opposite may in fact be true. They assert having a gravel-producing operation near the dock will reduce truck traffic through town from their Chilkat River facility, but we have no reason to assume they won't operate both facilities if it is in their best interest, since both will be permitted. These benefits to the applicant need to be weighed in terms of the common good, and our Code provides the standards to do so.

Last spring the applicant requested the minimal Site Development Permit to remove vegetation and grade the parcel. They didn't mention future use, and the Borough didn't ask. Aside from their unpermitted activities and the Borough's acceptance of a ridiculous value assessment that limited the amount of fines for violating Code, are we supposed to believe the developer didn't already plan on the property becoming a gravel pit?

Defining activities as minimally as possible at each step so that each individual step is hard to oppose is a strategy used to generate momentum towards an internal goal. This strategy is known as "permit creep," and Congress passed a law to address this problem over fifty years ago when federal permits are required. The National Environmental Policy Act (NEPA) requires the cumulative social, economic, and environmental

impacts of related activities of a project to be considered up front. The Borough should incorporate the NEPA principle into its permit review processes so elected officials and the broader community go into permitting decisions with eyes wide open.

The permitting of development activities can have significant consequences; it is your responsibility to adequately weigh these consequences in terms of the best interests of the community as a whole.

Thank you for considering this request.

Gershon Cohen
Box 956
Haines, Alaska 99827

Appeal of Conditional Use Permit #23-87 Resource Extraction - Glacier Construction Inc. dba Southeast Road Builders - Site A: C-LTR-04-0090, et al; Site B: C-LTR-04-1000, et al - Waterfront Industrial Zone

18.60.010 - D. Access - Primary and fundamental grounds for appeal to deny: “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.”

In **V A.** CUP 23-87 acknowledges that Site A has no road access and per applicant: “Legal access to these parcels is being development in coordination with the Alaska Department of Transportation (AKDOT&PF). Coordination with the AKDOT&PF will be ongoing throughout the duration of development to ensure compliance with all permits and guidelines....”

18.60.010 - T. Hazard Area - Secondary and fundamental grounds for appeal to deny: “Development which is not designed and engineered to mitigate the risk of loss of life or property is prohibited in the following hazard areas: 2. Avalanche outfall area; 4. Slopes greater than 30%; 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.’)” Note: Map(s) for conditions 2. And 6. Are not referenced, yet should be required.

CUP 23-87 should not be granted or further considered until August 2024 or later when the Manager, Planner, and Planning Commission are able to consult the University of Alaska LiDAR Report subsequent to the December 2020 slide incident.

The borough has a responsibility to the public and by above referenced code to know if the report addresses possible slide conditions on the proposed section of uplands for CUP23-87 or any other proposed development along Lutak Road, and to consider decisions based on the LiDAR Report. There is no reference to the pending report or a statement that the LiDAR Report would not be relevant to CUP 23-87.

The added burden on borough staff and elected officials as well as significant public push back resulting from insufficient public relations and public information are highlighted by this now contested CUP.

The Borough states that there were **no comments received on CUP 23-87 prior to the October 6, 2023** Managers report - Although the people who drive Lutak Road to go to or from home; hike, bicycle or participate in tours to Chilkoot State Park are not residents within the prescribed 500 feet for notice, this heavy industrial resource extraction permit will impact far more people and businesses than the highly contested permit and drawn out hearings involving Southeast Road Builders blasting and transporting for resource extraction that impacted residents along Young Road several years back.

Respectfully submitted,

Carol Tuyenman

From: [Kathleen Menke](#)
To: [Alekkka Fullerton](#)
Subject: CUP Appeal Lutak
Date: Friday, November 10, 2023 1:27:28 PM

EXTERNAL EMAIL: Do not open links or attachments unless you recognize the sender and know the content is safe.

To: Alekkka Fullerton

Please copy Planner, new elected Planning Chair, Patty Brown, and all Assembly members

RE: Upcoming appeal to Assembly regarding recent CUP Lutak..

Appeal of Planning Commission Decision

On 10/23/23, the planning commission approved a conditional use permit (#23-87) for Glacier Construction Inc, dba Southeast Road Builders for resource extraction in the Waterfront Industrial Zone located at C-LTR-04-0090/0700/0010 (Site A) and C-LTR-04-1000/2940/0900/0800 (Site B). A timely appeal requests were received from Ann Myren/Tim McDonogh, Gershon Cohen and Carol Tuynman. The burden of proof is on the appellant to make the case that a rehearing by the assembly is warranted.

As these comments are within the ten days of the Nov. 2 letter issued by the Planner, I would like my name added to the appeal process.

I submitted extensive written comments to the Planning Commission regarding this CUP in a timely manner prior to recent P&Z meeting at which this CUP was granted. There is no indication in the recorded minutes of the meeting that these comments were considered or discussed.

It is wrong to say this project will only impact property owners within 500 feet of the proposed activity.

This CUP, recently granted for five years by the previous Planning Commission, will impact the entire Haines community, particularly anyone who lives here, visits here, and values the Lutak Waterfront and the health of the Chilkoot/Lutak connected river and marine system. And anyone who may be affected by ongoing future truck traffic hauling fill, timber, or ore through the community, including residents along the haul route, residents who use this corridor for recreational and business activities, including walking, wildlife watching, jogging, pushing babies in strollers, bicycling, and commercial bike tours and nature tours.

In addition to my own comments that were entirely disregarded by the previous commission, planner, and manager. I fully support the appeal comments presented by Tim McDonough and Ann Myren, Gershon Cohen, and Carol Tuynman. And the verbal comments submitted to Commission by Gershon Cohen, Tom Morphet, Patty Brown, and Rachel Saltzik.

My own comments at this time.. most of which were also submitted to Planner and Planning Commission at the time their faulty decision was made are as follows:

The rezoning last winter of this property to “Waterfront Industrial Zone” was sold to the public as a bookkeeping clean-up measure to Borough Code without fully informing the public of the intent of Southeast Roadbuilders to perform resource extraction on a sensitive hillside, to export fill from the Lutak dock area, and to haul this fill through town and out Lutak with huge, fast-moving, noisy, and dangerous trucks loaded with fill.

Southeast Roadbuilders nevertheless proceeded to engage in all these activities before the local community, the public, had any idea of the actual intention behind this move.

I am among the many community residents and tourists who regularly use the Lutak corridor from town to Chilkoot and spend time nearly daily on Tanani Beach.

This entire project by Southeast Roadbuilders has implications far beyond the 500 foot zone noticed by and impacted by this project.

Last summer, I was heading to Tanani Beach to walk my dogs. Just driving there proved dangerous with the number of huge fill-laden trucks racing by on that day. The walk on the beach itself did not provide its usual pleasant peaceful outing on one of the few waterfront shorelines we, as members of the public, have access to. The huge fill-laden, heavy, noisy and dangerous trucks racing by in both directions ruined one our community’s most important recreational assets. They were noisy, dangerous, and deeply disturbing. For the short term, SE Roadbuilders say this project will reduce such truck traffic. And yet no long-term implications were addressed for once the fill is extracted and other materials.. fill, timber, ore might be hauled to the cleared site.

Tanani beach is regularly used by residents, tourists, elders, families, dog-walkers, and folks fishing, picnicking, wildlife watching, and as an opportunity to soak up some beauty and serenity.

Hopefully health and wellness will be our guiding light for the future planning of our community. And responsiveness to public input.

While this conditional use permit specifically addresses the resource extraction, which in itself has already created dangerously eroding conditions on the hillside adjacent to Lutak Road, and should be rejected outright for that reason alone, this project was begun without proper permitting which also is a reason to deny permitting going forward. This conditional use permit application IN ITS EXPRESS PURPOSE... “This area will be used to stage equipment, process, and stockpile materials...for State and Borough projects...the site is currently being used to stockpile material for use at the Greens Creek mine and future use could allow for the extraction and use of this materail for the Greens Creek mine and local State and Borough projects.” We are talking 27 acres of active resource extraction in the Lutak corridor which has far reaching impacts to the entire community.

Clearly the resource extraction, export of the resource from Lutak dock area, and the regular use of the fill haul trucks aspects all need to be considered as a piece of one whole operation.. and not dealt with piecemeal. More time is needed to weigh long-term safety considerations from the combined activities of resource extraction and export in this location. It would be better to defer decisions regarding such a CUP until more input from the community is gathered, more data regarding slope safety issues are addressed, and a long term plan for Lutak dock and the Lutak waterfront in general via the Haines Comprehensive Plan and upcoming Lutak dock plans.

The Manager's recommendations regarding the CUP ignored the far reaching consequences of approval of this CUP to the broader business, residential, and tourist community.

Specifically:

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

The community has already experienced nuisances and dangers with this project in the form of erosion and heavy equipment traffic.

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

All property values in the community will be significantly devalued as healthy living spaces with the continuation and expansion of this project.

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

The size and scale of the proposed use is expansive in scope and will have far ranging implications on the entire community, including but not limited to, public safety and utility services.

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

This use is absolutely incompatible with current uses of the Lutak corridor, including public safety for residents and tourists, and activities such as bike tours, nature tours, whale watching, healthy marine habitat, jogging, healthy family outings, and more.

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

The massive expansion of resource extraction and export in the Lutak dock vicinity will absolutely negatively impact public safety, health, and welfare. It already has. And granting this CUP will make it worse.

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;

Absolutely there already have been and will be impacts to erosion, ground and surface water contamination, potential ocean contamination, sedimentation, and toxification, as well as alteration to healthy fish habitat within the entire Chilkoot/Lutak corridor.

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;

The use has already violated local code by starting without proper permitting and should not be rewarded by granting of a further CUP at this time.

8. Comments received from property owners impacted by the proposed development

have been considered and given their due weight.

Public trust needs to be shored up. All residents and property owners who live here will be impacted by this project. Due weight must be given to these impacts and this CUP should be denied.

Now is not the time to rubber stamp this CUP. Note the code references to Waterfront Industrial Zone cited here. The implications are broad.

Not only was this area rezoned as Waterfront Industrial, more to the point, the boundary was moved in order to take it out of the Lutak zone and put it into the townsite zone, which resulted in different standards applying to all of Southeast Roadbuilders permit applications.

The implications are broad.

I request that this CUP be reheard in full by the Borough Assembly.

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; 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

21

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

Kathleen Menke

November 1, 2023

To: Haines Borough Assembly

From: Ann Myren and Tim McDonough

Re: Appeal to Planning Commission Decision on Conditional Use Permit (CUP) 23-87

Dear Haines Borough Assembly Members,

We are filing an appeal to reconsider CUP 23-87 passed by the Planning Commission (PC) on 10/23/23. We have been residents of the Lutak area since 1984 and regularly use the Lutak Road to go to and from Haines.

We are filing within the 10-day requirement stipulated under HBC 18.30.060. The CUP application and its review by staff and the PC were deficient in numerous aspects, including violations of the General Use Criteria [HBC 18.60.010] as well as criteria specific to the approval of Conditional Use Permits [HBC 18.50.040]. These deficiencies should have resulted in a rejection of the application by Borough staff prior to its referral to the PC, and a denial by the PC after it was brought to them for review.

Specific deficiencies:

1. HBC 18.60.010 General Use Criteria states in part:

...a conditional use permit...may be granted if all of 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...no use will be approved that will materially endanger the public health or safety or decrease the value of property in the neighboring area...

Sites A and B in the CUP are immediately adjacent to areas designated as a “Natural Hazard” in the 2007 Haines Coastal Zone Management Plan [Pg. 5-9], with the same slope contours.

“The areas mapped on Figure 5 in the Haines coastal district are designated as Natural Hazard areas (in accordance with 11 AAC 112.210(a) and 11 AAC 114.250(b))...Lutak Highway Hazardous Slopes Area. This is the area of cliffs and very steep slopes greater than 30% along the east side of Mt. Ripinski, and immediately upland of the Lutak Highway from the coastal management program boundary to extend north of the AMHS terminal. This area shall be managed to prevent erosion and subsequent avalanching by protecting the natural trees and vegetation on the steep slopes...”

The CUP application acknowledges that the site contains steep slopes with a grade of greater than 30%, which is defined as a Hazard Area according to HBC 18.60.010 (T) (see below). Removing the trees and other vegetation from CUP Site A, blasting with explosives, and excavating significant quantities of the exposed rock wall has the potential to trigger landslides and avalanches that could reach Lutak Road and endanger the health and safety of the community. The applicant’s argument that blasting and excavation might make the area safer from landslides and avalanches was unsupported by any technical analyses from credible sources specific to this area. Citing anecdotes from other areas in S.E Alaska that may have very different geologic conditions should have been insufficient “proof” to the PC. One PC member raised the issue of potential instability for the hillside above the planned excavation site but was dismissed by the rest of the body, even after the applicant responded

that the area in question above their planned excavation was beyond their control. The PC ignored a suggestion from a member of the public who advocated for a delay in the decision while the State completes a new publication on slope stability for the Lutak area.

The highway is used on a regular basis by locals driving to and from town, visitors arriving and departing on the ferry, and many pedestrians and bicyclists (both locals and tour excursions.) Many municipalities, ski resorts, etc., routinely use explosives to *purposefully* trigger avalanches; allowing the use of explosives on a hillside adjacent to a high-traffic area known to have landslide potential presents an unnecessary risk to the general public.

The following subsections of the Borough's General Use Criteria are also relevant:

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

The zoom link to the PC meeting was non-functional, denying members of the public the opportunity to participate and have their concerns addressed.

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

The applicant did not provide accurate estimates of truck traffic, however, it was noted that they currently fill 3-4 barges /year with aggregate for export and that level of activity could increase if they secure more contracts. Trucks would be crossing the road (as opposed to driving down the road,) and could present a much higher danger to other users of the highway, especially given the proximity to the ferry terminal and the use of Lutak Road by residents, visitors, and tour operators. While the PC added a condition that would prohibit blasting two hours before the ferry arrives and two hours after a ferry departs, no condition was established regarding the truck traffic that would be crossing the road as a result of the blasting.

- c. *Criteria 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.*

Blasting/excavation activities would significantly change the peak use characteristics for other uses such as commuting traffic and the operation of bike and bus tours.

- d. *Criteria 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 become a nuisance as defined in HBC 8.12.020...*

The blasting and excavation will create significant levels of noise, dust, fumes, odors, vibration, etc., and nuisance is defined in Code as: (B) to annoy, injure or endanger the safety, health, comfort, or repose of the public; and (C) to interfere with, obstruct, or render dangerous any street, highway, sidewalk, right-of-way, navigable lake, or stream.

- e. *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: ...4. Slopes greater than 30 percent...6. Rock and mudslide areas...*

Sites in the CUP qualify as "hazard areas" because the slope is greater than 30% and there have been numerous landslides and rockslides in past years (See Chilkat Valley News article 3/10/2016.) Between October

27th and October 29th of this year there were 39 reported earthquakes centered less than 40 miles from Haines with two measuring over 5.0 on the Richter scale - seismic events and blasting activities coupled to major rain or snow events in a steep slope area could lead to significantly increased risks to the public.

2. Approval criteria specific to the issuance of a CUP [HBC 18.50.040] were insufficiently supported. The sites listed in the CUP are within the Townsite Service Area and zoned Waterfront Industrial, which allows for natural resource *export* but not resource *extraction* as a use by right, unlike Heavy Industrial. Therefore a CUP is required and the following criteria must be met:

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

The use cannot be located on this site such that undue noise, nuisances (described above) and other dangers are avoided.

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

See discussion under General Use Criteria above re: endangering public health and safety.

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

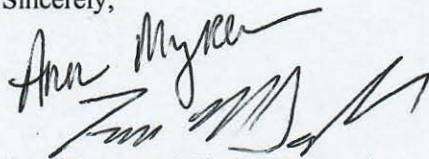
See response under General Use *Criteria B* above.

Final remarks:

Borough Code requires the applicant to demonstrate by a preponderance of the evidence that their application for a CUP should be granted. The absence of a professional evaluation of the dangers to public safety and welfare from the proposed blasting and excavation in a landslide-prone area, coupled to the prohibition against creating a nuisance to the general public should raise a red flag for the Borough. With or without a catastrophic event, the increased traffic, noise, dust, and danger will compromise other uses of the road and any injury, death, or financial impact that might result from this Borough-approved development could lead to significant legal and financial liability.

We respectfully request the Borough Assembly schedule a hearing on the PC decision at its next meeting.

Sincerely,



Ann Myren and Tim McDonough
Box 951
Haines AK 99827

From: [Steve Virg-In](#)
To: [Alekka Fullerton](#)
Subject: Conditional Use Permit 23-87
Date: Friday, November 3, 2023 11:38:28 AM

EXTERNAL EMAIL: Do not open links or attachments unless you recognize the sender and know the content is safe.

To whom it may concern.

Sarah and I want to express our total support for the current conditional use permit issued for the Lutak Road gravel project.

As homeowners at the end of Lutak Road since 1988, We are thankful that development and use of idle land is underway for the benefit of businesses and the community of Haines.

We believe that any opposition to this permit is detrimental to the overall welfare of the community and oppose any changes or restrictions.

Respectfully,

*Steve and Sarah Virg-In
#777 10 Mile Lutak Road*

From: [Mandy Reigle](#)
To: [Alekka Fullerton](#)
Subject: CUP 23-87
Date: Friday, November 3, 2023 11:52:15 AM

EXTERNAL EMAIL: Do not open links or attachments unless you recognize the sender and know the content is safe.

Hi,

I'd like to see this issue revisited.

I don't think it is safe to disrupt this section of Lutak Rd.

The people of Lutak are submitting an appeal of this permit. I support this appeal. Please do not allow further destabilization of this area.

Thanks,

Mandy Reigle

--

Mandy Reigle

REALTOR serving Haines and Skagway, Alaska

907-465-7555

Coldwell Banker Race Realty

From: [Greg Folta](#)
To: [Alekka Fullerton](#)
Subject: Lutak conditional use permit
Date: Saturday, November 4, 2023 3:08:36 PM

EXTERNAL EMAIL: Do not open links or attachments unless you recognize the sender and know the content is safe.

Dear Ms. Fullerton,

I support revisiting the permitting of the recent dirt removal and clearing along Lutak Road would like to see the Assembly have a hearing about the Lutak CUP.

As a homeowner for 53 years at Lutak, it is concerning for me that this project continues without further discussion.

Thank you for considering our request.

Richard Folta

Julie Folta

Greg Folta

From: [Richard Buck](#)
To: [Alekka Fullerton](#)
Subject: Letter
Date: Monday, November 6, 2023 1:18:16 PM

EXTERNAL EMAIL: Do not open links or attachments unless you recognize the sender and know the content is safe.

Anne Myron wrote a letter concerning the planning commission granting permission for SE Roadbuilders to excavate an area close to the ferry terminal on Lutak Road. I agree with her concerns and wish that the commission would agree to revisit the decision. Richard Buck



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

November 20, 2023

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

Re: Haines Borough Conditional Use Permit #23-87 for Resource Extraction Appeal Hearing

Ms. Fullerton,

We are writing to provide the Assembly with information for the upcoming hearing on Conditional Use Permit #23-87 ("Permit"). Since the Permit was issued by the Planning Commission we have spoken with several residents, read letters of concern, and listened to public comments during both the Planning Commission and Assembly hearings. While we appreciate stakeholder involvement, none of the appellants have presented facts or evidence that warrants rescission of the Permit. *See* HBC 18.30.050(B)(1) ("The burden of proof shall be on the appellant to demonstrate the facts and resolution of the issues on appeal by substantial evidence.")

The Planning Commission made detailed findings addressing the concerns raised by appellants, including that:

- The use is located on the site so as to avoid noise and other nuisances or dangers;
- Southeast Roadbuilders' development scheme is consistent and in harmony with both the Comprehensive Plan and surrounding land uses;
- The permitted use will not be harmful to public safety, health, or welfare;
- Southeast Roadbuilders' use will not cause significant erosion, ground or surface water contamination, or significant adverse alteration of fish habitat on any parcel adjacent to state-identified anadromous streams.

Based on these findings, and the appropriate conditions already placed on the Permit, the Commission's decision – which included the input of Commissioners with extensive planning and engineering experience – should be affirmed.¹ Notwithstanding, Southeast Roadbuilders offers the following letter to address the major topics brought up by appellants.

¹ Per HBC 18.30.060(B)(2)-(3), the "burden of proof shall be on the party challenging the decision of the planning commission" and the Assembly "may confirm the commission's decision, reverse the commission's decision, or change the conditions which the commission placed on appeal." This code provision does not provide for remanding the Permit back to the Planning Commission.



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

Slopes and Hazard Areas

Safety is a paramount concern for Southeast Roadbuilders, and our company has a long record of safe and professional operation in performing this type of work. In fact, Southeast Roadbuilders 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.

Specifically, at the recommendation of Commissioner Eckhoff, the Permit requires that a site reclamation plan, developed and stamped by a professional engineer, be submitted for Planning Commission review by Southeast Roadbuilders. This plan will address final conditions of the site, including final backwall conditions and slope stabilization. The Permit also requires that design and engineering for resource extraction in hazard areas be provided to the Borough.

To comply with the Permit, Southeast Roadbuilders has engaged a licensed engineer with experience in reclamation plans to perform work satisfying both requirements. We have also sent out samples to a qualified laboratory to determine the appropriate finish backwall slopes. We recognize stability of the slopes during excavation in hazard areas and final backwalls must be evaluated by individuals qualified within the State of Alaska to do so by experience and licensing.

Attached to this letter are several examples of projects where engineered excavation was used to provide slope stabilization, which is a common practice for stabilized slopes, not only in Haines but throughout the state.

An additional point of concern for certain residents appears to be the overall stability of the area outside of Southeast Roadbuilder's property limits. While we are sensitive to the concern and understand why the community is, it is outside of the permitting scope and the borough code section 18.60.010(T) for us, as an individual entity, to provide an evaluation or correction of those conditions. We are complying with this section of code by designing and engineering our development on our site to mitigate the risk of loss of life or property. Pre-existing conditions on state property are beyond our control. We have researched available hazard maps as part of the permitting process; in the Haines Coastal Management Plan referenced in the Haines Borough Multi-Hazard Mitigation Plan there is a Haines Coastal Management Plan Natural Hazards map that our proposed developments approximately circled in red appear to be outside of.



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



Traffic and Access

The Permit requires Southeast Roadbuilders to “coordinate access, traffic plans, and roadway maintenance during resource extraction” with DOT&PF’s Southcoast Region Right-of-Way office. This is an appropriate requirement as Southeast Roadbuilder’s operation will be using a state-owned road; operated and maintained by DOT&PF.

Pursuant to the Permit conditions, Southeast Roadbuilders has already been in contact with DOT&PF’s right of way division, and it has submitted applications for the northern driveway access. We have likewise been in discussions with the Department about access to the southern driveway, which will take additional coordination and design with Department representatives.

Again, Southeast Roadbuilders expects that the net impact of this project will be to improve road safety and *reduce* industrial traffic through the Haines townsite because use of these sites will significantly reduce truck traffic from our current material source at mile 4.5 on the Haines Highway when exporting material.

Other regulatory requirements are already in place for vehicle speed, vehicle weights, and frequency of access through AKDOT&PF, which Southeast Roadbuilders will abide by.

The Planning Commission considered traffic issues in detail when it granted the permit, adding a condition to the Permit that Southeast Roadbuilders coordinate with the Alaska Marine Highway System to ensure that no blasting occurred within a two-hour window before ferry arrivals and after ferry departures to avoid conflicts with ferry traffic.

We also recognize that there are other users of this State-owned corridor that have access rights to the road, such as cyclists and pedestrians. However, as a waterfront industrial zone, our truck traffic is consistent with expected use in this zone, and we would hope other users would recognize our rights to use the area as well.

Hindrance to Waterfront Industrial Uses in the Zone

All Commissioners on the Planning Committee found resource extraction to be consistent with surrounding land uses, and that the development would not impair the value of adjoining property.



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

As a waterfront industrial landholder and one of the few private industrial land users in this specific area we see resource extraction as a beneficial use to our waterfront industrial property. We also have provided a letter from Alaska Marine Lines, another private industrial land user in this zone stating that our operation will not be a hinderance to their operations.

This development would be necessary to enhance the property for many potential waterfront industrial uses that require low angle, highway elevation access, such as marine industrial facilities, marine commercial facilities, heavy equipment storage, major and commercial uses. As such we see resource extraction necessary for any potential future developments that may take place on the site. Under the definition of resource extraction, we would already be able to remove material from within the legal boundaries of the property that was incidental to construction for any of those use by right activities that could be permitted on these parcels.

Nuisance Conditions

The Permit prohibits “excessive noise, fumes or odors, glare, smoke, light, vibration, dust, litter . . . or [any activities which] become a nuisance as defined in HBC 8.12.020(l).” Accordingly, no modification is needed to the Permit to protect against nuisance conditions.

Additionally, Southeast Roadbuilders would ask the Assembly to recognize that the current zoning of these parcels is waterfront industrial. While waterfront industrial is not defined in Borough code 18.20.020; heavy industrial means a use that has potential for significant negative impact on adjoining uses including offensive noise, dust, vibration; activities that involve large amounts of exterior storage; and uses that create hazards such as heavy truck traffic.

These uses specifically include truck or ship terminals and docks, and bulk material or machinery storage. Resource extraction is further defined as a heavy industrial use in 18.20.020. As a result, Southeast Roadbuilder’s expected use is entirely consistent with the expected activities for the zone. With the definition of waterfront industrial we do not expect to create nuisance conditions beyond those which should already be expected in the zone, and there are large buffers between our operations and any other non-industrial uses.



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

GENERAL CLASSIFICATION →	INDUSTRIAL USES			COMMERCIAL/ Residential Uses			RESIDENTIAL USES ONLY	RESIDENTIAL/ Commercial Uses			RECREATIONAL USE
	Heavy Industrial	Light Industrial/ Commercial	Waterfront Industrial	Commercial	Waterfront	Significant Structures Area	Single Residential	Multiple Residential	Rural Residential	Rural Mixed Use	Recreational
Specific Zoning Districts → USES ↓	I/H	I/L/C	I/W	C	W	SSA	SR	MR	RR	RMU	REC
Hotel/Motel	NA	CU	NA	UBR	CU	UBR	NA	NA	NA	CU	NA
Industrial, Heavy	UBR	CU	UBR	CU	NA	NA	NA	NA	NA	CU	NA
Industrial, Light	CU	UBR	CU	CU	CU	NA	NA	NA	NA	CU	NA
Institutional Home	NA	NA	NA	UBR	NA	NA	NA	CU	NA	CU	NA
Junkyard	UBR	UBR	CU	CU	NA	NA	NA	NA	NA	CU	NA
Kennel	UBR	CU	NA	CU	NA	NA	NA	NA	CU	CU	NA
Landfill	UBR	UBR	NA	CU	NA	NA	NA	NA	NA	CU	NA

Environmental Regulatory Compliance

Jurisdiction for environmental regulatory compliance for this type of operation and the concerns brought up at the previous Assembly meeting would fall under the Alaska Department of Environmental Conservation’s (ADEC) purview. The Permit currently requires Southeast Roadbuilders to provide a copy of all plans and Storm Water Pollution Prevention Plans (SWPPP) to the Borough before implementation of the project, and we believe SWPPP concerns are therefore adequately addressed between this requirement and other ADEC requirements in place. ADEC has the expertise authority for multi-sector permit review, approval, and inspection and we intend to abide by their requirements.

We currently have a professional SWPPP writer preparing documents for future use on the site that will be provided to both ADEC and the Borough. Southeast Roadbuilders has experience managing material extraction sites throughout Southeast Alaska, in fact some images of best practices in DEC’s User Manual of BMPs for Gravel/Rock Extraction & Water Quality PDF are from sites that our sister company SECON manages. Other environmental regulatory requirements will be managed with the authority having jurisdiction.

Finally, in approving the conditional use permit, the Planning Commission noted on multiple occasions that Southeast Roadbuilder is working with both ADEC and the Alaska Department of Fish & Game to ensure compliance water quality and fish habitat regulations.

Alaska Marine Highway’s Water System

18.60.010 only requires connection to public water systems within 200 feet of the property; Southeast Roadbuilders does not intend to connect to Alaska Marine Highway’s water system. In addition, we note



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

that this issue was not raised by appellants (or anyone else) in front of the Planning Commission, and therefore we do not believe there is a basis for the Assembly to review this on appeal under 18.30.060.

Conclusion

We have shown that approval criteria 1 – 8 have been sufficiently addressed between the original permit application and this document consistent with previous approval standards. This project also supports Haines Borough’s Comprehensive Plan goals, such as: goal 3 – achieve a strong, diversified local economy² that provides employment and income for all citizens that desire to work...; goal 5 – provide an adequate supply of land for commercial and industrial development; and goal 10 – support responsible development (extracting resources from sites that have future use potential).

Given the above and given the existing Permit conditions (which already address many of the issues raised by appellants), we encourage the Assembly to maintain the Permit as-is.

Sincerely,

TJ Mason, PMP
Area Manager/Assistant Secretary
Glacier Construction dba Southeast Roadbuilders

² In addition to the general economic benefits to the community that this project will offer, redundancy of gravel and rock sources is important if access ever was cut off beyond Mile 4 of the Haines Highway and materials were needed to perform emergency repairs to protect the health and safety of life or property.



100 Mt. Roberts Street
Juneau, AK 99801
Main: (907) 586-3790
jnuoffice@lynden.com

To Whom It May Concern,
11/17/23

Alaska Marines Lines would like to offer its support for the Lutak Pit development project conducted by Southeast Roadbuilders. We do not anticipate the project to negatively impact our operations and see this as a benefit to the community by supplying a source of rock.

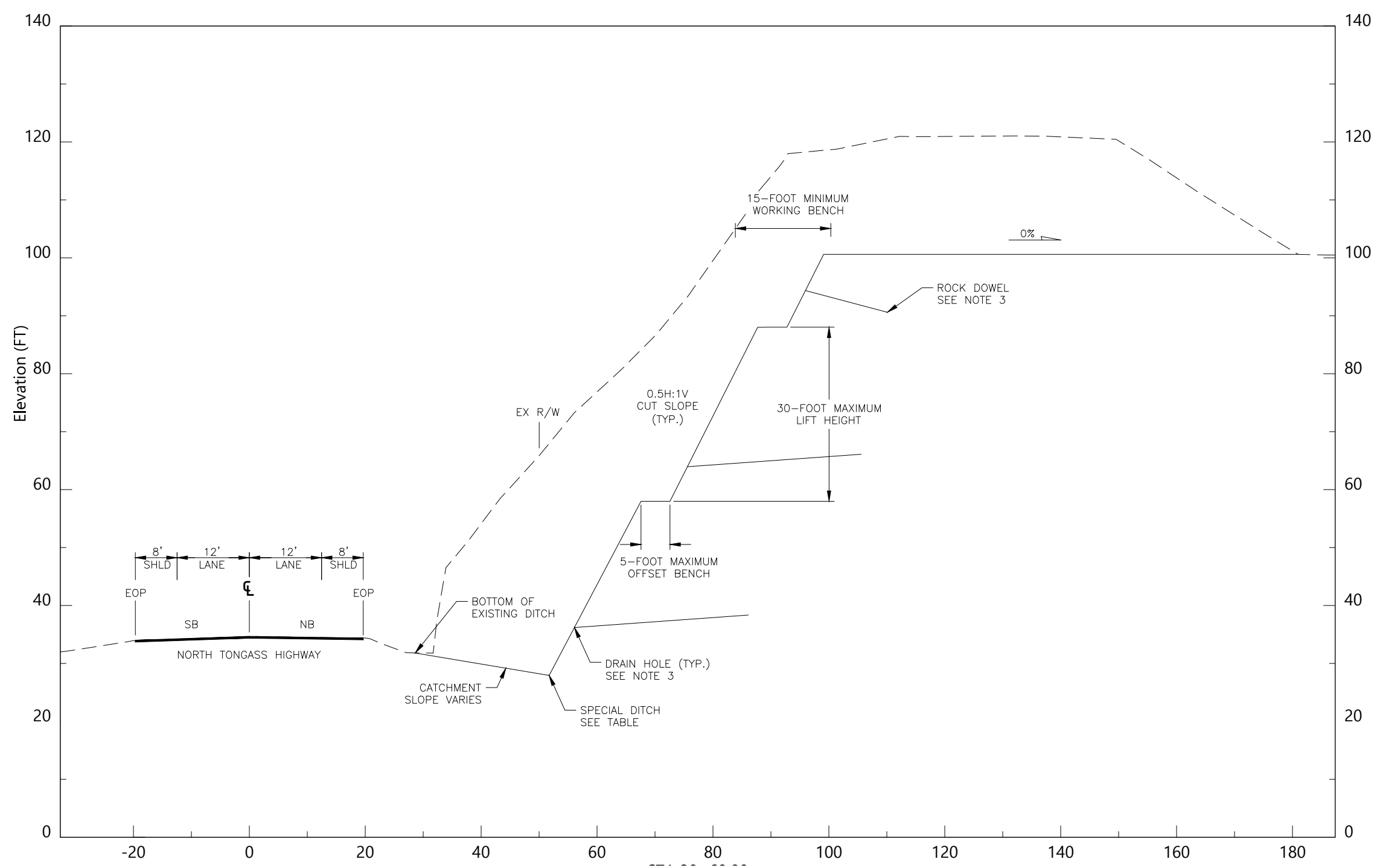
Sincerely,

A handwritten signature in black ink that reads 'Adam S. Anderson'.

Adam S. Anderson
Southeast Regional Manager
100 Mt. Robert St.
Juneau, AK 99801
adama@lynden.com
907-419-5600

NO.	DATE	REVISION	STATE	PROJECT DESIGNATION	YEAR	SHEET NO.	TOTAL SHEETS
			ALASKA	0920(032)/SFHWY00432	2023	B2	B4

FILE: H:\Jobs\17-004_Southcoast_Region\Mid-Slope_Stabilization (Landslide Tech)\CAD\Drawings\68657-KTN-B01-B04.dwg
 DATE: 10/16/2023 14:30 LAYOUT: B2
 DESIGNED: BAG CHECKED: SWD DRAFTED: WP



NOTES:

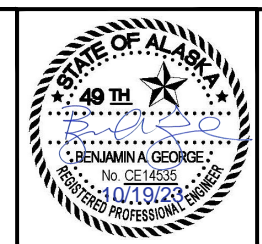
1. PROVIDE 15-FOOT WORKING BENCHES AND MAXIMUM 5-FOOT OFFSET BENCHES WITH A 0.5H:1V CUT SLOPE, WITH 30-FOOT MAXIMUM LIFT HEIGHTS.
2. INSTALL ROCK DOWELS AT LOCATIONS IDENTIFIED IN THE FIELD BY THE ENGINEER.
3. DRILL DRAIN HOLES ON A 30-FOOT SPACING ON THE LOWER AND MIDDLE BENCHES AT LOCATIONS IDENTIFIED IN THE FIELD BY THE ENGINEER.

SPECIAL DITCH POINT TABLE

STATION	OFFSET (FT)	ELEVATION (FT)
17+50		
17+60	37.781	23.03
17+80	61.340	18.04
18+00	60.000	18.77
18+20	58.390	19.44
18+40	57.450	20.10
18+60	56.380	21.50
18+80	56.920	22.02
19+00	54.960	22.94
19+20	52.360	24.02
19+40	54.620	24.39
19+60	54.330	25.19
19+80	74.400	26.00
20+00	54.520	26.84
20+20	57.100	27.32
20+40	61.490	27.56
20+60	64.360	27.94
20+80	85.610	28.65
21+00	67.660	29.24
21+20	71.370	29.52
21+40	52.740	52.5
21+60	31.750	36.05 (ME)

1 NORTH TONGASS TYPICAL SECTION
B2 SCALE: NOT TO SCALE
 STA 17+50 TO STA 22+10

PLANS DEVELOPED BY:
 LANDSLIDE TECHNOLOGY
 10250 SW GREENBURG RD,
 SUITE 111
 PORTLAND, OR 97223
 (503)452-1200
 AECL238440



STATE OF ALASKA DEPARTMENT OF TRANSPORTATION
 AND PUBLIC FACILITIES

 KTN WOLFE POINT SLOPE
 STABILITY IMPROVEMENTS

 SLOPE STABILIZATION
 TYPICAL SECTION

FIRM DOWL
 FILE C:\civil\3D Projects\2016\24\61850-02\Civil\SA-CT-DT-B-61850.dwg
 ADDRESS 9085 GLACIER HIGHWAY, JUNEAU, AK 99801
 DATE 12/30/2019 LAYOUT B3
 PHONE (907) 780-3533
 DESIGNED HOBBS
 CHECKED NOBLE
 DRAFTED KEMP
 CERTIFICATE OF AUTH # : AECL848
 KEMP

NO.	DATE	REVISION	STATE	PROJECT DESIGNATION	YEAR	SHEET NO.	TOTAL SHEETS
			ALASKA	0956036/SFHwy00171	2020	B3	B5

FROM STA	TO STA	OFFSET	SLOPE	REMARK
621+00	623+00	LT	2.0:1	RIPRAP
641+00	642+00	LT	2.0:1	RIPRAP
666+50	674+00	LT	2.0:1	RIPRAP
688+00	704+00	LT	2.0:1	RIPRAP
706+50	707+00	RT	1.3:1	MINIMIZE CUT SLOPE LIMITS
735+50	738+00	LT	2.0:1	RIPRAP
752+00	753+50	LT	2.0:1	RIPRAP
759+40	762+17.81	LT	2.0:1	RIPRAP
765+50	769+50	LT	2.0:1	RIPRAP
788+00	792+00	LT	2.0:1	RIPRAP
816+00	820+00	LT	2.0:1	RIPRAP
862+50	864+50	RT	1.3:1	MINIMIZE CUT SLOPE LIMITS
872+75	874+50	LT	2.0:1	RIPRAP
954+80	955+00	LT	4.0:1	20 FT TRANSITIONS, MAINTENANCE ACCESS
983+06	983+20	LT/RT	4.0:1	20 FT TRANSITIONS, MAINTENANCE ACCESS
1008+39.75	1008+50.50	LT	1.3:1	MINIMIZE FILL SLOPE LIMITS
1042+75	1043+50	RT	1.3:1	MINIMIZE CUT SLOPE LIMITS
1083+82.00	1104+17.10	LT	6.0:1	32.9 FT TRANSITIONS, MAINTENANCE ACCESS
1094+50	N/A	RT	1.4:1	MINIMIZE CUT SLOPE LIMITS
1096+00	N/A	RT	1.4:1	MINIMIZE CUT SLOPE LIMITS

NIC

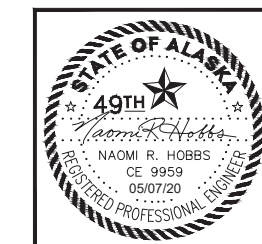
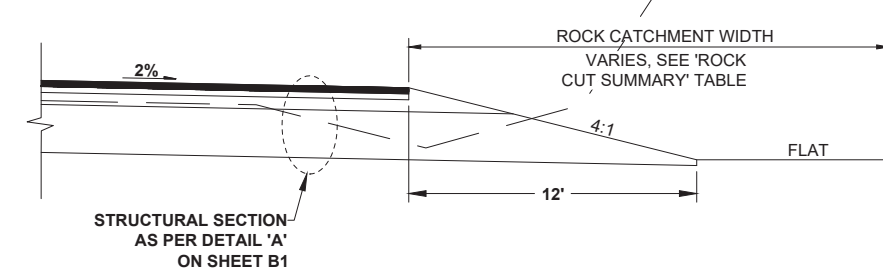
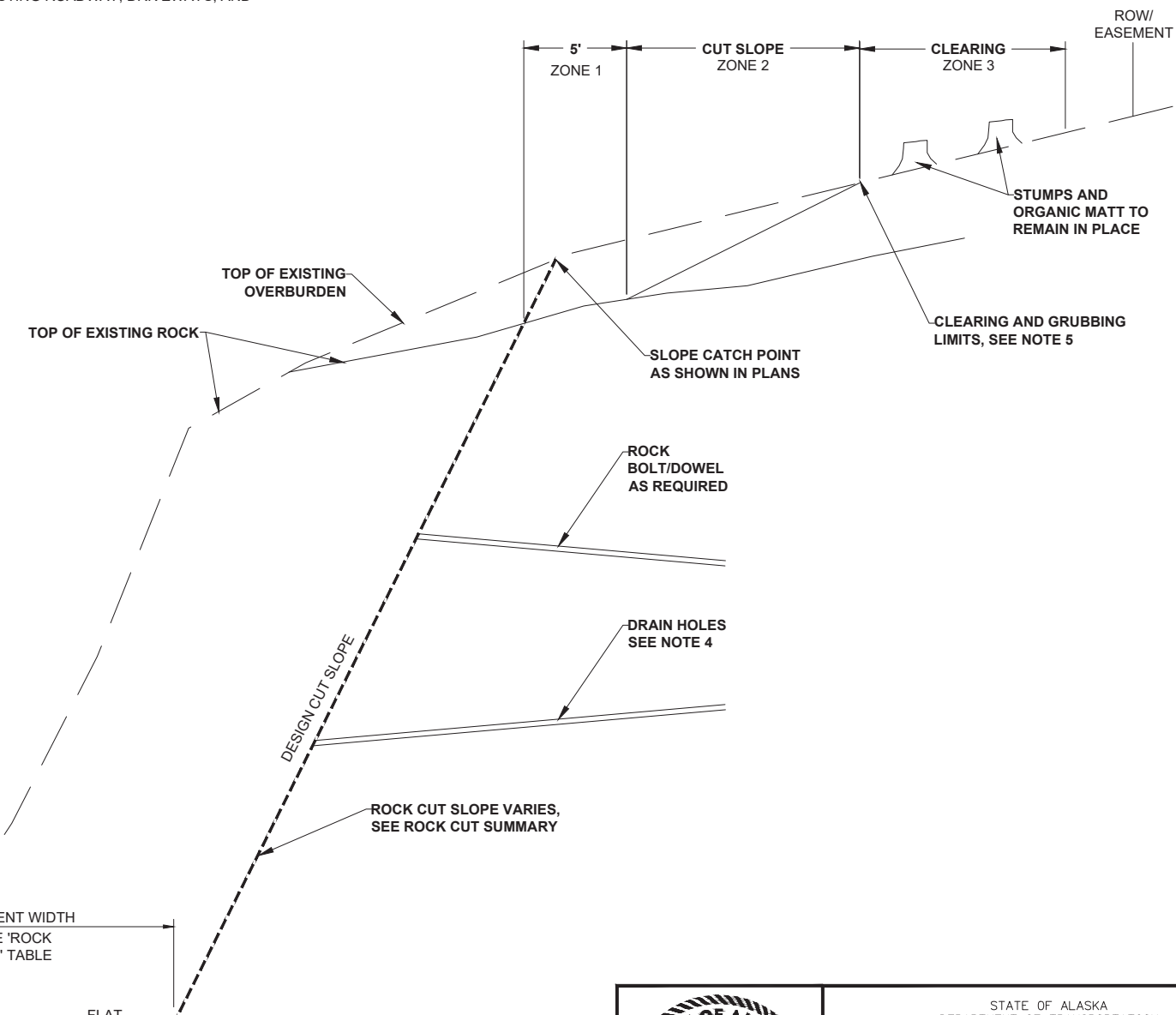
NOTES:

- UNCLASSIFIED EXCAVATION MEASURED FOR PAYMENT WILL BE LIMITED TO MATERIAL WITHIN THE PLANNED DESIGN CUT. EXCAVATED MATERIAL OUTSIDE THE PLANNED DESIGN CUT WILL BE CONSIDERED A MATERIAL SOURCE.
- THE EXTENT OF THE NEAT LINE PAY LIMIT FOR UNCLASSIFIED EXCAVATION SHALL BE ALONG A STRAIGHT LINE BEGINNING AT THE OUTER LIMIT OF THE ROCK CATCHMENT WIDTH AND PROJECTED TO THE CREST OF THE EXISTING ROCK AT THE DESIGN CUT SLOPE WHICH INCLUDES ALLOWANCE FOR OFFSET BENCHES AS DESCRIBED IN NOTE 3.
- MAXIMUM ALLOWABLE CONTROLLED BLAST FACE HEIGHT IS 30 FEET PER LIFT. LIMIT WIDTH OF OFFSET BENCHES TO 2 FEET FOR ROCK CUT SLOPES.
- DRILL 3 INCH MIN DIAMETER HOLES AT 5 TO 10 DEGREES ABOVE HORIZONTAL TO A DEPTH OF 20 FEET. DRILL 5 TO 10 FEET ABOVE THE TOE OF DITCH AND ALL INTERMEDIATE BENCHES. SPACE 20 FEET BETWEEN HOLES AND ADJUST LOCATIONS TO INTERCEPT VISIBLE WATER SEEP AND MOIST SPOTS. THERE SHALL BE ONE ROW OF DRAIN HOLES PER 30 FOOT LIFT.
- CLEARING AND GRUBBING LIMITS QUANTITY IS BASED ON THE AREA BETWEEN THE SLOPE CATCH POINTS (INCLUDING CUT SLOPE ZONE 2 IN ROCK CUT AREAS), EXCLUDING AREAS OF EXISTING ROADWAY, DRIVEWAYS, AND PULLOUT AREAS.

ZONE	DESCRIPTION
1	REMOVE ALL OVERBURDEN SOILS 5 HORIZONTAL FEET FROM CREST OF ROCK CUT TO PREVENT VEGETATION GROWTH.
2	IF A 2H:1V SLOPE IS NOT CONSTRUCTIBLE WITHIN THE ROW, EASEMENT, OR PERMITTED LIMITS CUT OVERBURDEN AT 1.5H:1V. IF 1.5H:1V IS NOT CONSTRUCTIBLE WITHIN THE ROW, EASEMENT, OR PERMITTED LIMITS CUT OVERBURDEN AT A 1H:1V. STABILIZE SOIL WITH DITCH LINING PER SECTION 610.
3	CLEAR ALL TREES 10 HORIZONTAL FEET FROM THE SLOPE CATCH POINT OF ZONE 2 OR TO THE ROW OR EASEMENT LINE, WHICHEVER IS CLOSER. LEAVE STUMPS AND ORGANIC MAT IN PLACE

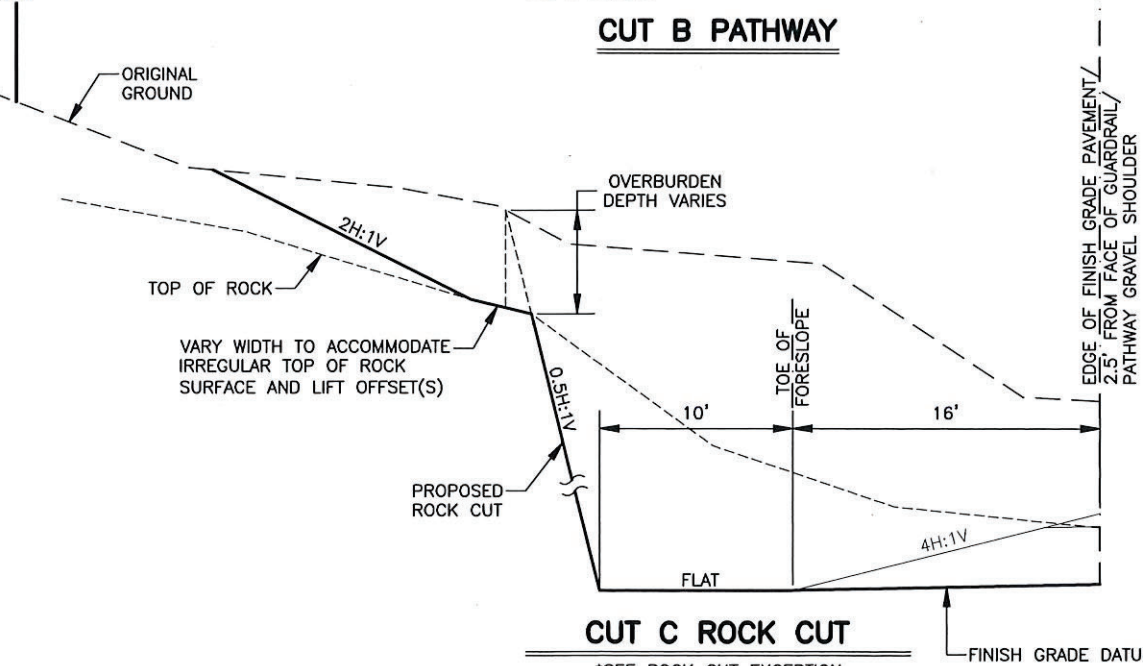
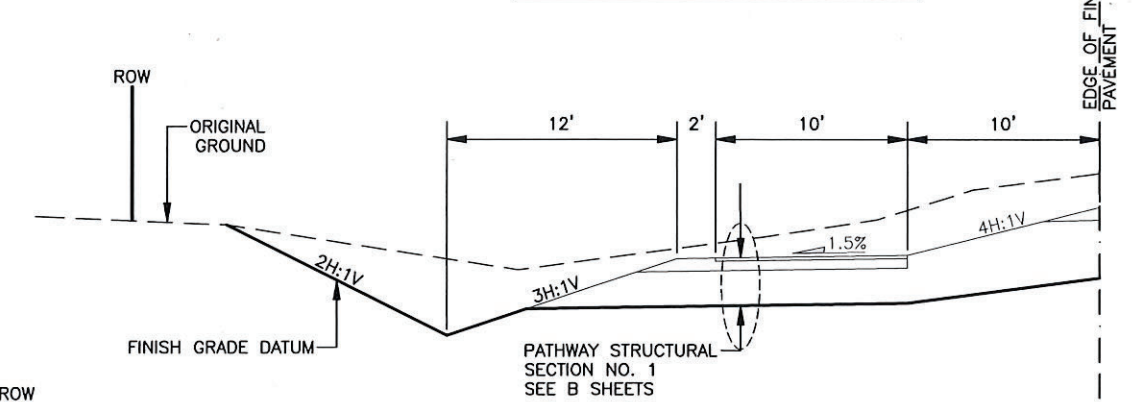
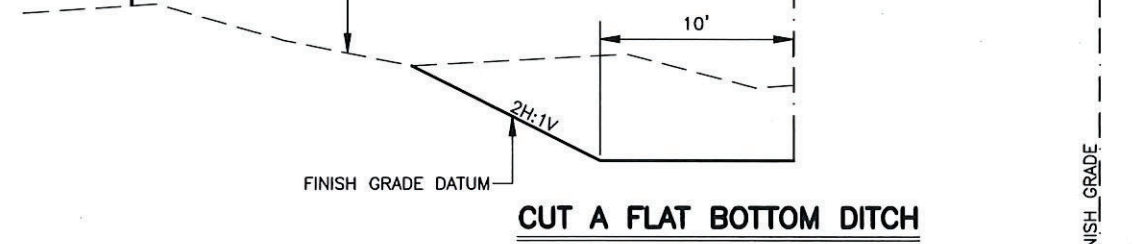
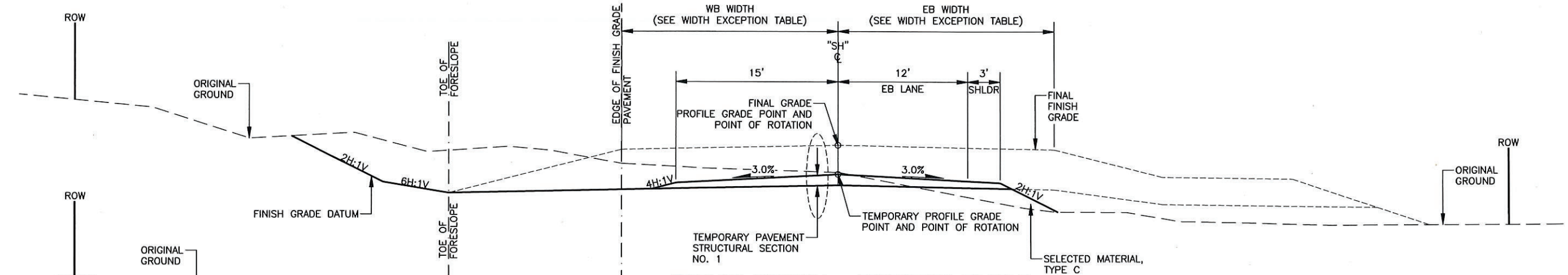
ROCK CUT	OFFSET	FROM STA	TO STA	CATCHMENT WIDTH	DESIGN CUT SLOPE	REMARKS
1	RT	674+00	680+60	25	0.25:1	
2	RT	684+00	686+00	20	0.25:1	
3	RT	688+00	694+50	40	0.50:1	
4	A	741+97.50	753+20	20	0.50:1	40-FOOT TRANSITION
	B	753+60	757+20	35	0.25:1	
	C	757+60	759+00	35	0.18:1	
5	A	779+40	780+40	30	0.25:1	20-FOOT TRANSITION
	B	780+60	782+60	20	0.25:1	
6	A	784+20	785+00	20	0.25:1	40-FOOT TRANSITION
	B	785+40	788+00	30	0.25:1	
7	RT	790+60	791+80	30	0.18:1	
8	RT	811+80	816+60	20	0.25:1	
9	RT	822+00	832+20	20	0.25:1	

- NOTES:
- ALLOWABLE OFFSET BENCHES (SEE NOTE 3 THIS SHEET) ARE REFLECTED IN PLANS (CUT LIMITS) AND IN SUPPLEMENTAL CROSS SECTIONS.
 - ADDITIONAL MATERIAL SOURCES LOCATED AT STATIONS 674+00 TO 710+00 (282,000 CY) AND 776+00 TO 797+00 (200,000 CY) IN SITU.
 - ADDITIONAL MATERIAL FOR EMBANKMENT CONSTRUCTION MAY BE OBTAINED FROM DEBRIS FLOW SITES AT STATIONS 948+00 TO 978+00 (91,100 CY) AND 1178+00 TO 1191+00 (67,300 CY). REFER TO SECTION 203 FOR REQUIREMENTS.



STATE OF ALASKA
 DEPARTMENT OF TRANSPORTATION
 AND PUBLIC FACILITIES
**HAINES HIGHWAY RECONSTRUCTION
 MILEPOST 12.2 TO 20**
TYPICAL SECTIONS

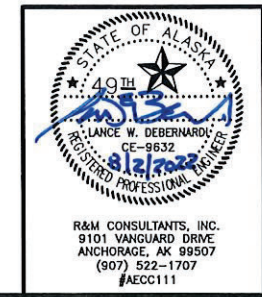
DESIGNED BY: []
 CHECKED BY: []
 DRAFTED BY: []
 SCALE: 1" = 5'
 DATE: 8/1/2022 4:32 PM
 TIME: []
 DRAWING LOCATION: C:\DOWL_PWA\00392097\14000_BT01_TYP-EWP-DWG



TEMPORARY PAVEMENT STRUCTURAL SECTION NO. 1
 FINAL GRADE PROFILE GRADE POINT AND POINT OF ROTATION
 TEMPORARY PROFILE GRADE POINT AND POINT OF ROTATION
 SELECTED MATERIAL, TYPE C

WB WIDTH	STATION FROM	STATION TO	REMARKS	EB WIDTH	STATION FROM	STATION TO	REMARKS
20'	"SH" 1259+50.00	"SH" 1372+48.25		32'	"SH" 1259+50.00	"SH" 1408+29.12	
32'	"SH" 1380+29.13	"SH" 1420+78.54		20'	"SH" 1417+01.48	"SH" 1420+78.60	
40'	"SH" 1425+98.66	"SH" 1433+39.15		28'	"SH" 1425+98.75	"SH" 1433+39.06	
32'	"SH" 1438+59.15	"SH" 1537+74.00		20'	"SH" 1438+59.06	"SH" 1659+00.00	
20'	"SH" 1545+54.00	"SH" 1574+36.00		20'	"SH" 2006+45.69	"SH" 2015+54.00	
32'	"SH" 1582+16.00	"SH" 1659+00.00		32'	"SH" 2017+34.00	"SH" 2021+44.00	
32'	"SH" 2006+45.69	"SH" 2010+54.00		20'	"SH" 2022+30.00	"SH" 2026+23.76	
48'	"SH" 2020+94.00	"SH" 2028+00.00		32'	"SH" 2027+02.80	"SH" 2028+00.00	

NOTE:
 WIDTH EXCEPTION TABLE PROVIDES FULL BUILD ROAD WIDTH TO ESTABLISH EXCAVATION LIMITS AND SLOPE CATCH POINTS FOR GRUBBING EXTENTS.



STATE OF ALASKA
 DEPARTMENT OF TRANSPORTATION
 AND PUBLIC FACILITIES
**STERLING HIGHWAY MP 45-60;
 SUNRISE TO SKILAK RD
 STAGES 3 & 4 EWP**
 TYPICAL SECTION

DESIGNED BY: LKLVOS/ADRK
 CHECKED BY: KEK/SAP/ARRH
 DRAFTED BY: CHL/ZDK/VJS
 XREFS: XR-53610-Border-Det01
 SCALE: 1" = 5'
 LAYOUT: B3
 DATE TIME: 11/9/2021 7:43 AM
 DRAWING LOCATION: w:\Projects\seward hwy mp 17-22.5 rehabilitation - 53610\Civ3D\16\Plans\53610_B01_Typicals.dwg

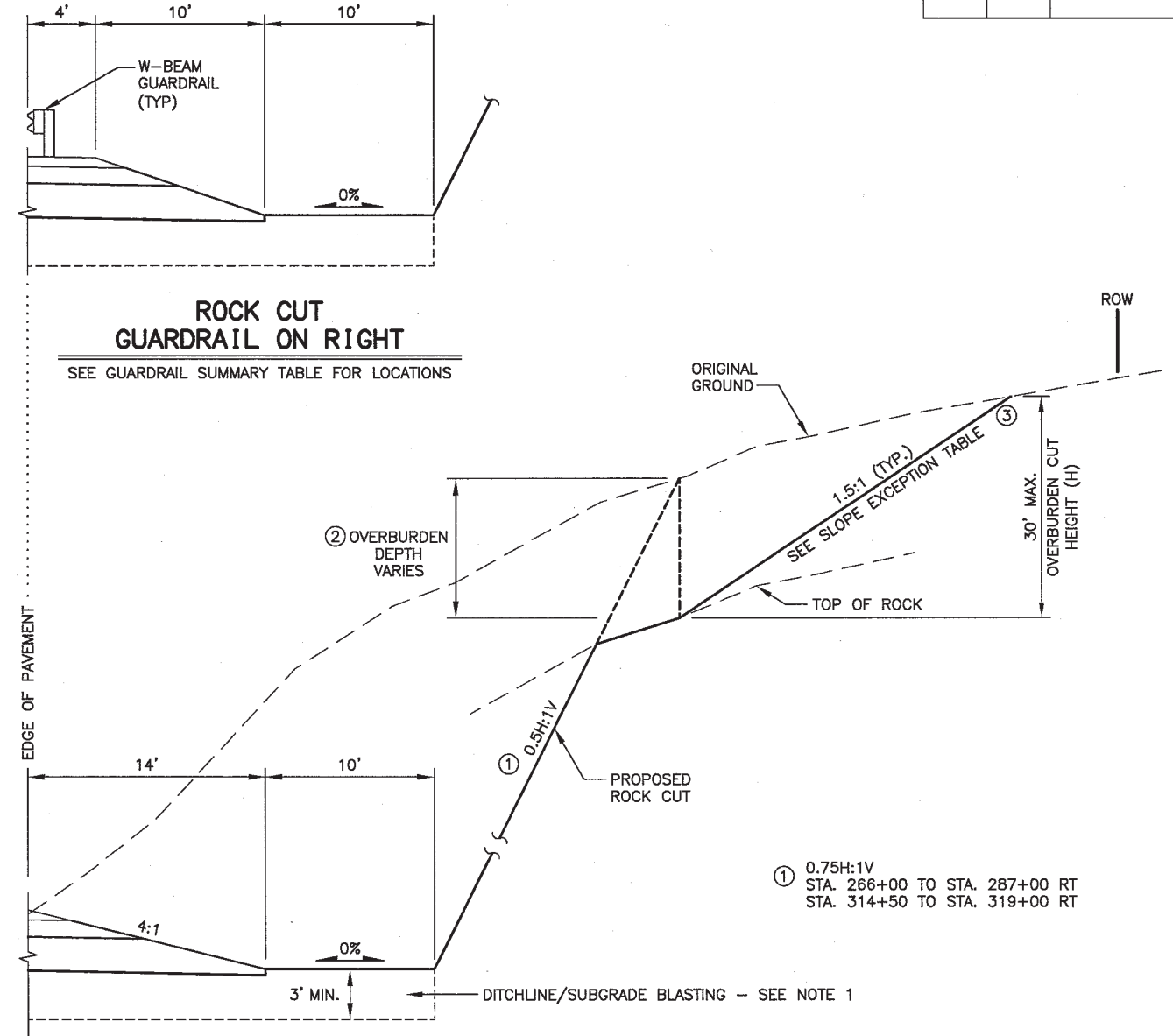
REVISIONS		
NO.	DATE	DESCRIPTION

STATE	PROJECT DESIGNATION	YEAR	SHEET NO.	TOTAL SHEETS
ALASKA	0311032/Z536100000	2021	B3	B5

③

OVERBURDEN SLOPE CRITERIA TABLE		
OVERBURDEN CUT HEIGHT (H)	SLOPE	COMMENTS
<30'	1.5:1	SEE NOTE 3
IF H >30' AT 1.5:1	1:1	SEE NOTE 4
IF H >30' AT 1:1	0.75:1	SEE NOTE 4

OVERBURDEN SLOPE EXCEPTION TABLE	
STATION TO STATION	COMMENTS
162+00 TO 162+65	SEE NOTE 4
166+00 TO 178+50	SEE NOTE 4
180+00 TO 181+75	SEE NOTE 6
182+70 TO 187+75	SEE NOTE 4
191+50 TO 194+00	SEE NOTE 6
194+50 TO 195+25	SEE NOTE 6
196+75 TO 202+50	SEE NOTE 6
247+00 TO 250+50	SEE NOTE 6
251+75 TO 254+75	SEE NOTE 4
259+00 TO 259+50	SEE NOTE 4
262+25 TO 265+50	SEE NOTE 6
266+50 TO 267+75	SEE NOTE 6
271+25 TO 274+50	SEE NOTE 6
274+85 TO 278+00	SEE NOTE 4
284+65 TO 287+00	SEE NOTE 4
315+50 TO 317+65	SEE NOTE 6
319+25 TO 320+85	SEE NOTE 6
321+40 TO 325+25	SEE NOTE 4
326+00 TO 327+35	SEE NOTE 6
327+75 TO 333+20	SEE NOTE 4
334+50 TO 335+25	SEE NOTE 6
338+00 TO 340+00	SEE NOTE 6
345+50 TO 352+85	SEE NOTE 6
359+75 TO 362+75	SEE NOTE 4
363+50 TO 366+00	SEE NOTE 6
369+75 TO 371+25	SEE NOTE 4
376+00 TO 377+75	SEE NOTE 6
380+25 TO 381+25	SEE NOTE 4
383+00 TO 383+75	SEE NOTE 4
386+50 TO 393+75	SEE NOTE 6



ROCK CUT GUARDRAIL ON RIGHT
SEE GUARDRAIL SUMMARY TABLE FOR LOCATIONS

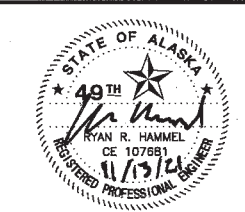
② **ROCK CUT**
SEE ROCK CUT LOCATIONS AND OVERBURDEN DEPTH TABLE. SEE NOTE 2.

NOTES:

- WIDTH OF DITCHLINE/SUBGRADE BLASTING IS MEASURED FROM THE OUTSIDE EDGE OF FLAT BOTTOM DITCH, TOWARDS THE CENTERLINE.
- ROCK CUT LOCATIONS AND OVERBURDEN DEPTHS ARE ESTIMATED AND SHALL BE FIELD VERIFIED VIA EXPLORATION PER THE SPECIFICATIONS.
- ON 1.5:1 SLOPES, INSTALL HIGH PERFORMANCE TURF REINFORCEMENT MAT (HPTRM).
- ON 1:1 AND 0.75:1 SLOPES, INSTALL HPTRM AND WIRE MESH.
- SEE STABILIZATION, OVERBURDEN WIRE MESH - PINNED SUMMARY TABLE FOR LOCATIONS.
- NO OVERBURDEN SLOPE PROTECTION REQUIRED IN AREAS WITH 2:1 SLOPES.
- AS APPROVED BY THE ENGINEER, IF ROCK IS ENCOUNTERED DURING CONSTRUCTION, ROCK SHALL BE EXCAVATED TO FINISHED GRADE AND NO SLOPE STABILIZATION SHALL BE REQUIRED.

②

ROCK CUT LOCATIONS AND OVERBURDEN DEPTH		
STATION TO STATION	OFFSET	DEPTH (FT)
160+00 TO 180+00	RT	3 TO 5
180+00 TO 182+50	RT	3
182+50 TO 183+50	RT	5
183+50 TO 185+00	RT	8
185+00 TO 191+00	RT	8
191+00 TO 196+50	RT	6
196+50 TO 199+00	RT	3
199+00 TO 202+00	RT	7
202+00 TO 206+00	RT	3
220+00 TO 225+00	RT	-
245+00 TO 247+00	RT	-
247+00 TO 263+00	RT	5
263+00 TO 266+00	RT	10
266+00 TO 270+00	RT	5
270+00 TO 278+50	RT	12
279+00 TO 284+00	RT	6
284+00 TO 287+00	RT	4
314+00 TO 317+00	RT	> 5
317+00 TO 319+00	RT	2
319+00 TO 323+00	RT	3
323+00 TO 324+75	RT	12
324+75 TO 328+00	RT	11
328+00 TO 336+50	RT	6
336+50 TO 353+00	RT	5
353+00 TO 360+25	RT	9
360+25 TO 366+00	RT	6
366+00 TO 368+50	RT	9
368+50 TO 371+00	RT	5
374+00 TO 378+00	RT	4
378+00 TO 382+00	RT	9
382+00 TO 393+50	RT	5



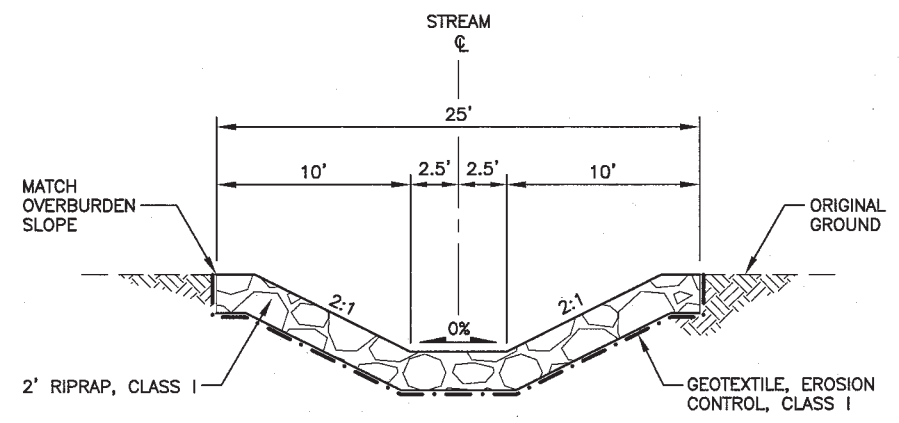
STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES
**SEWARD HIGHWAY
MP 17-22.5 REHABILITATION**

STATE OF ALASKA DOT&PF
4111 AVIATION AVENUE
ANCHORAGE, AK 99502
(907) 269-0590

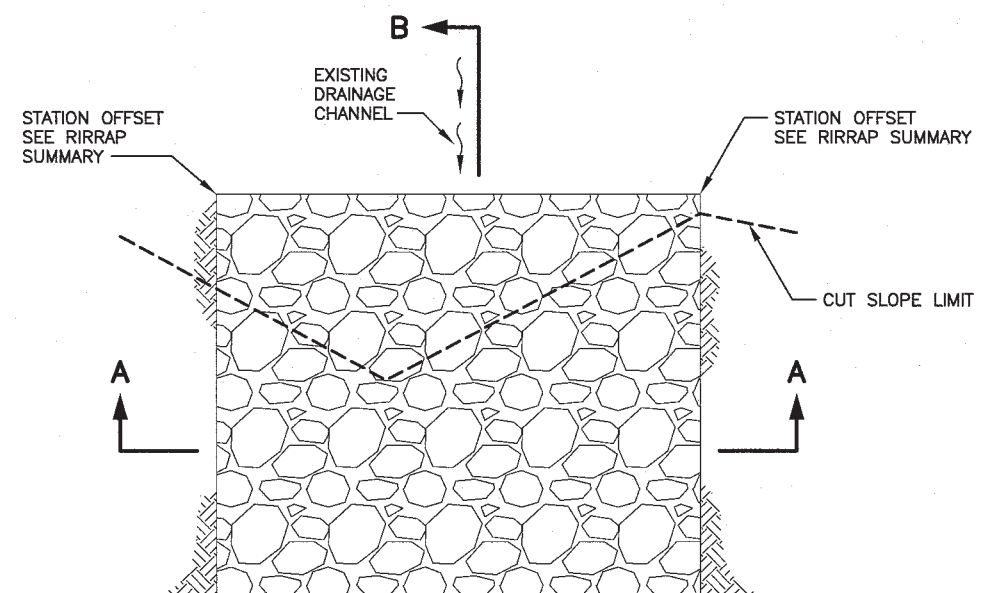
TYPICAL SECTIONS

REVISIONS		
NO.	DATE	DESCRIPTION

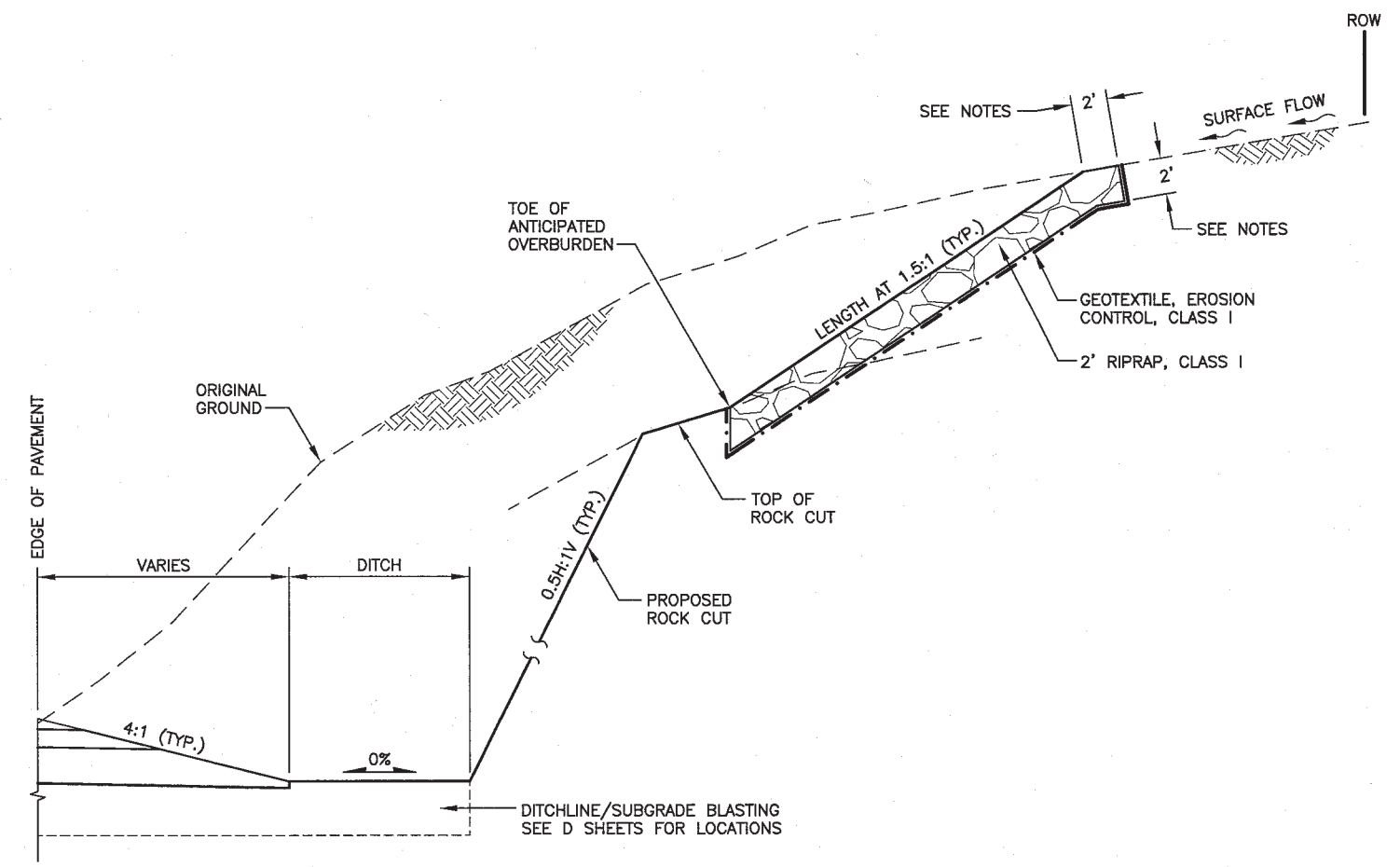
STATE	PROJECT DESIGNATION	YEAR	SHEET NO.	TOTAL SHEETS
ALASKA	0311032/Z536100000	2021	E8	E45



SECTION A-A



PLAN
ROCK GROTTO DETAIL
SEE RIRRAP SUMMARY



SECTION B-B

NOTES:

1. LOCATIONS TO BE FIELD ADJUSTED TO MATCH NEW STREAM LOCATIONS AS APPROVED BY THE ENGINEER. KEY IN RIPRAP AT THE TOE OF GROTTO.
2. WHERE BEDROCK IS ENCOUNTERED, NO RIPRAP IS NECESSARY. STABILIZE SLOPE AS DIRECTED BY THE ENGINEER.
3. SLOPES MAY VARY. SEE TYPICAL SECTIONS AND EXCEPTION TABLES.
4. WHERE OVERBURDEN SLOPES ARE 1:1 OR GREATER, INSTALL WIRE MESH PER PLAN, SPECIFICATION, AND MANUFACTURER'S RECOMMENDATIONS.
5. ADJUST WIDTH AT NEW STREAM LOCATIONS AS APPROVED BY THE ENGINEER.
6. EXTEND RIPRAP AND EROSION CONTROL GEOTEXTILE ON SATURATED SLOPES ADJACENT TO ROCK GROTTOS AS DIRECTED BY THE ENGINEER.

DESIGNED BY: KCS/ZDK
 CHECKED BY: KSK/SJR/ARRH
 DRAFTED BY: ZDK/VJS
 XREFS: XR-53610-6order-Det.c11
 SCALE: 1" = 5'
 LAYOUT: EB
 DATE TIME: 11/9/2021 8:08 AM
 DRAWING LOCATION: w:\Projects\seward hwy mp 17-22.5 rehabilitation - 53610\Civ3D\16\Plansee\53610_E08_Rock Grotto Details.dwg

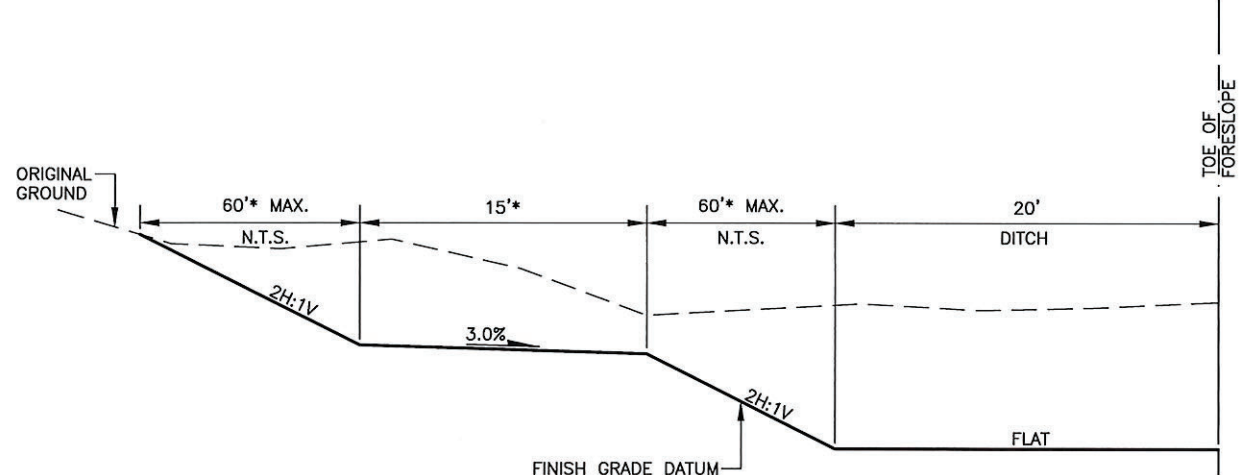


STATE OF ALASKA
 DEPARTMENT OF TRANSPORTATION
 AND PUBLIC FACILITIES
SEWARD HIGHWAY
MP 17-22.5 REHABILITATION
ROCK GROTTO DETAILS

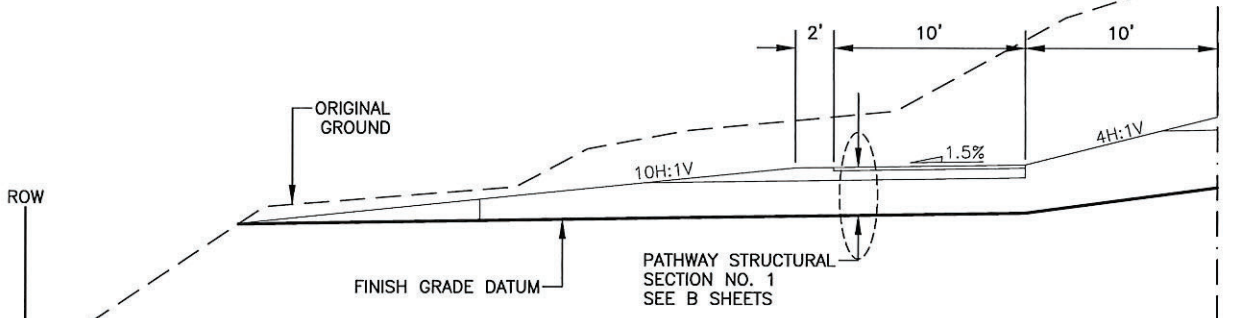
STATE OF ALASKA DOT&P
 4111 AVIATION AVENUE
 ANCHORAGE, AK 99502
 (907) 269-0590

NO.	DATE	REVISION	STATE	PROJECT DESIGNATION	YEAR	SHEET NO.	TOTAL SHEETS
			ALASKA	0A33032/CFHWY00895	2022	EWP	
						BT3	BT9

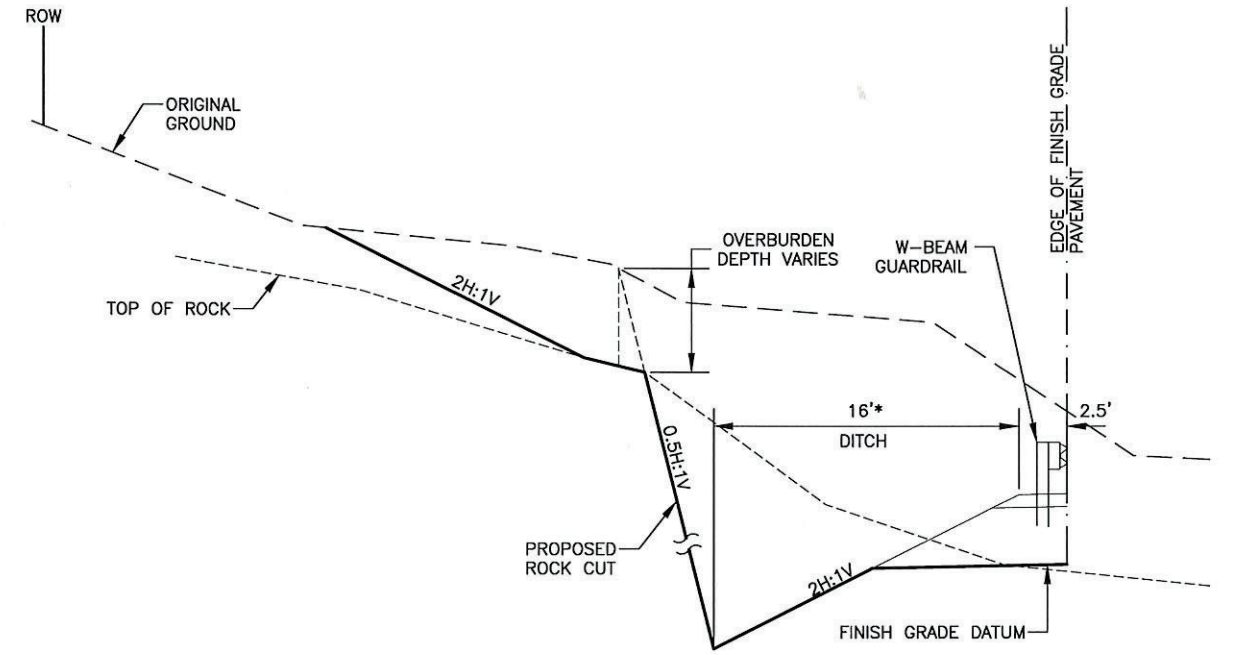
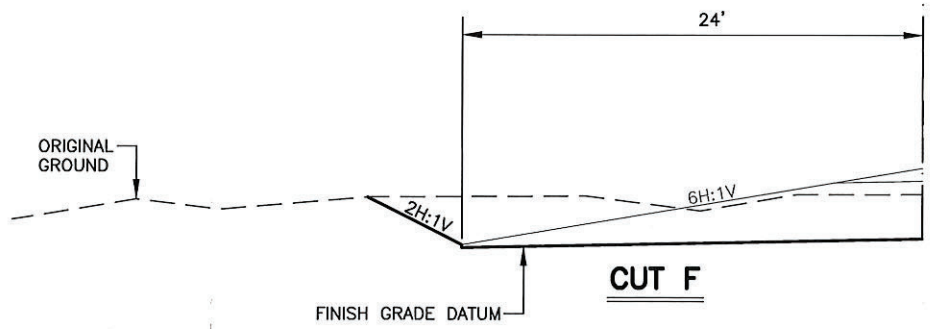
DESIGNED BY: _____
 CHECKED BY: _____
 DRAFTED BY: _____
 SCALE: 1" = 5'
 TIME: 1:36 PM
 DATE: 6/17/2022
 DRAWING LOCATION: C:\DOWL_PW\0392097\14000_BT01_TYP-EWP.DWG



CUT D
*BENCH REPEATS WITH 2:1 CUT

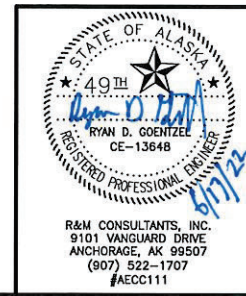


CUT E - SLOPE FLATTENING



CUT G

*WIDTH VARIES. SEE SHEET F38 FOR DITCH ELEVATIONS AND OFFSETS



STATE OF ALASKA
 DEPARTMENT OF TRANSPORTATION
 AND PUBLIC FACILITIES
**STERLING HIGHWAY MP 45-60;
 SUNRISE TO SKILAK RD
 STAGES 3 & 4 EWP**
 TYPICAL SECTION

ATTACHMENT A

SITE PLAN REQUIREMENTS

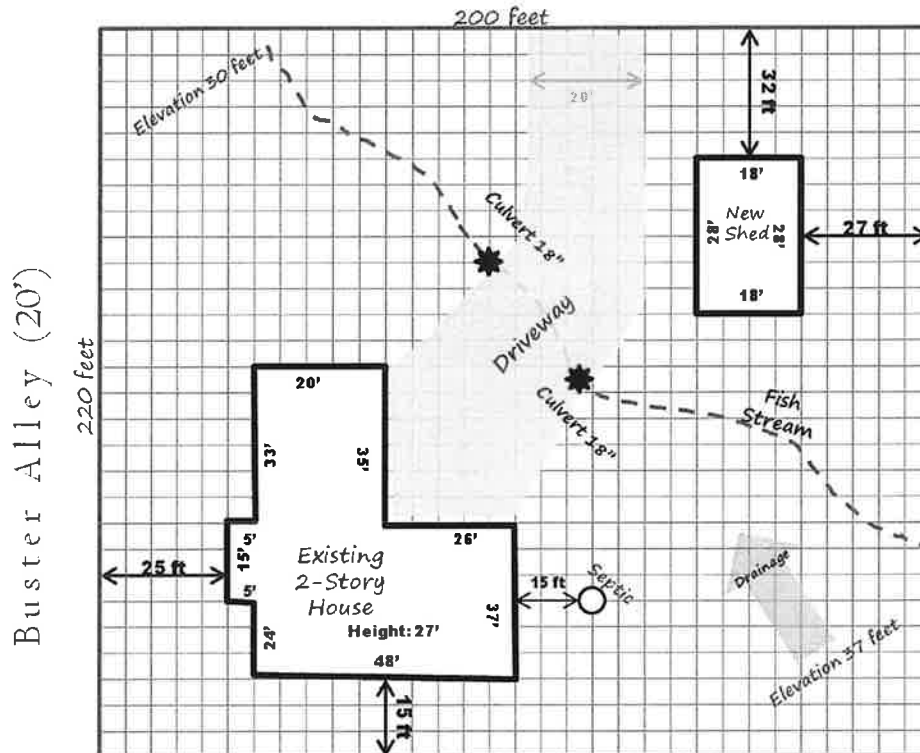
1. Drawing showing dimensions of all buildings, including elevations, of lot on which activity/use/construction is planned.
2. Existing streets, alleys, sidewalks, driveways, easements, including widths.
3. Existing buildings/structures on the property, their location, dimension and proximity to lot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

August 2023

I. SITE DESCRIPTION

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

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

II. SITE FEATURES & ZONING

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

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

III. EXISTING PERMITTING & USE

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

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

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

IV. PROPOSED USE

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

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

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

V. SITE CONDITIONS

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

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

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

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

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

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

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

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

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

VI. METHODS

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

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

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

VII. RECLAMATION PLAN

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

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

VIII. COMPREHENSIVE PLAN

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

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

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

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

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

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

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

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

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

SITE A - PARCELS
C-LTR-04-0090
C-LTR-04-0700
C-LTR-04-0010

SITE PLAN

Haines Ferry Terminal



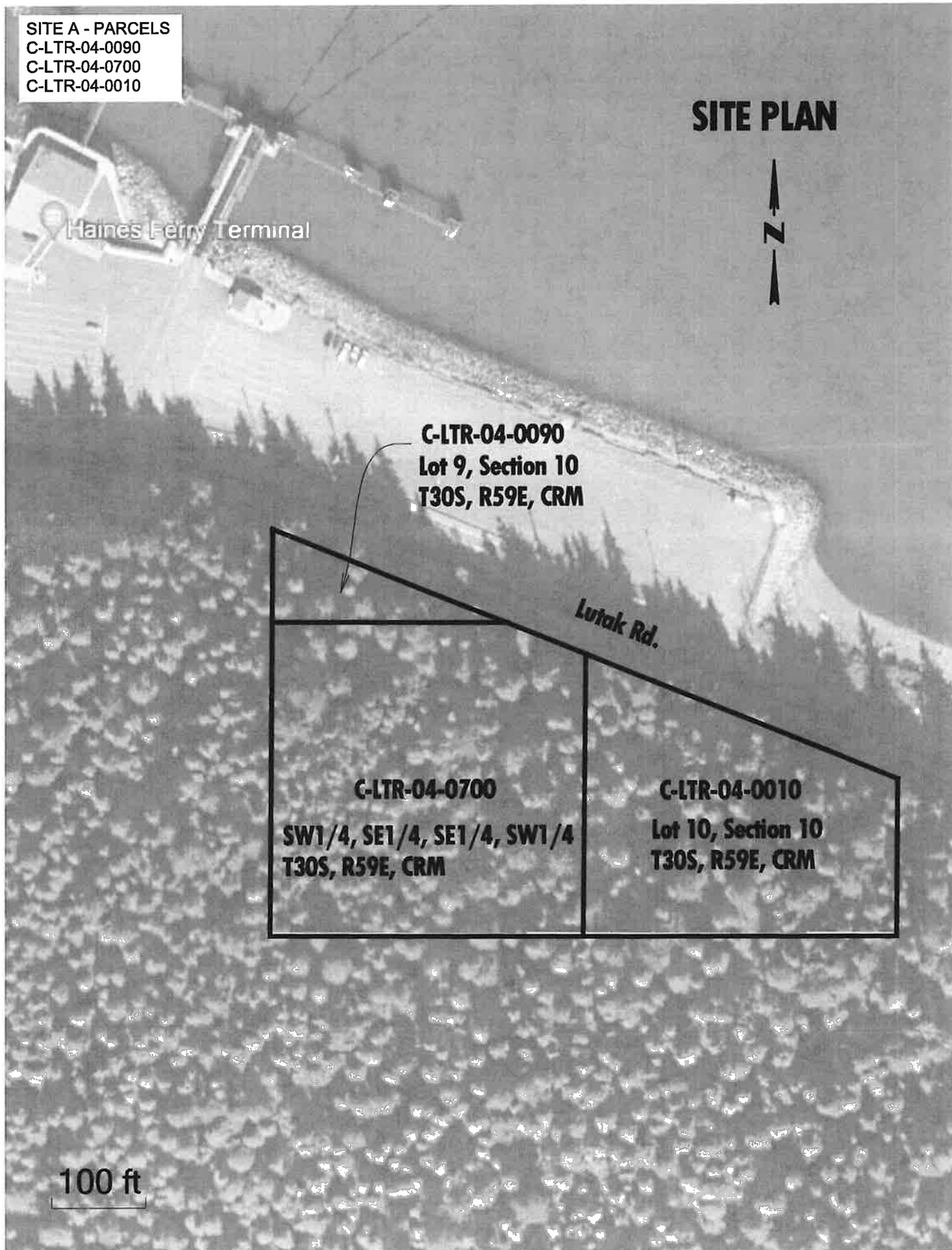
C-LTR-04-0090
Lot 9, Section 10
T30S, R59E, CRM

Lutak Rd.

C-LTR-04-0700
SW1/4, SE1/4, SE1/4, SW1/4
T30S, R59E, CRM

C-LTR-04-0010
Lot 10, Section 10
T30S, R59E, CRM

100 ft



ArcGIS Web Map



SITE A - PARCELS
C-LTR-04-0090
C-LTR-04-0700
C-LTR-04-0010

PROJECT LIMITS

8/22/2023, 8:22:18 AM

- Contours - contour25ts
- Parcels

1:4,514
0 0.02 0.04 0.07 mi
0 0.03 0.06 0.12 km
Maxar

SITE A - PARCELS
C-LTR-04-0090
C-LTR-04-0700
C-LTR-04-0010

PROPOSED ACCESS ROAD

MIN. 25' BUFFER

AREA TO BE
CLEARED/GRUBBED THIS FALL
PROPOSED FOR RESOURCE
EXTRACTION

500 ft

Haines Ferry Terminal

Lutak Rd Lutak Rd

Lutak Rd

Lutak Rd

Lutak Rd

SITE B - PARCELS
C-LTR-04-0010
C-LTR-04-2940
C-LTR-04-0900
C-LTR-04-0800

SITE PLAN



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

(C-LTR-04-0900)

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

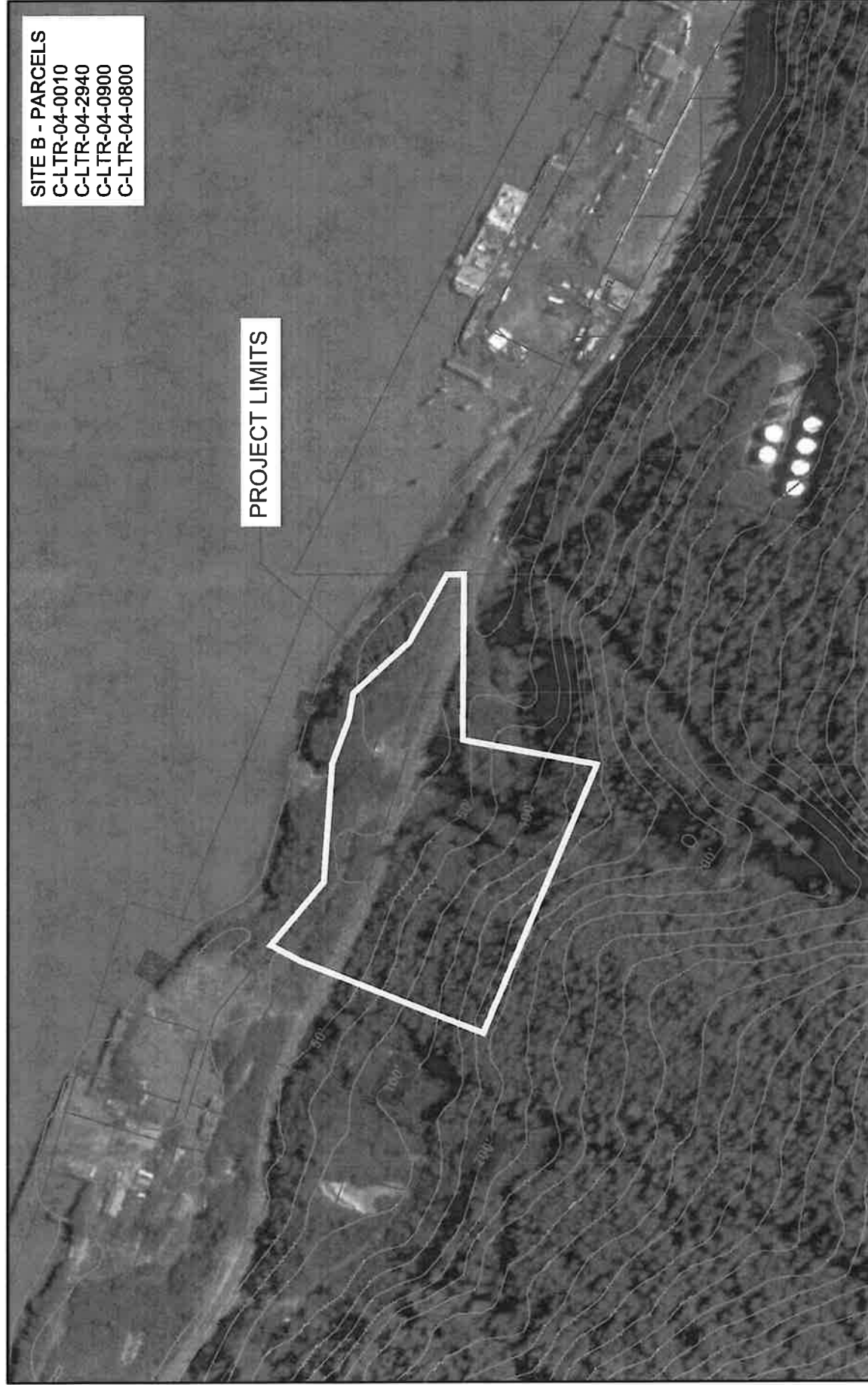
C-LTR-04-1000
Parcel 3
Portion, USS 178

Lutvik Rd.

*Creek
(Not Anadromous)*

100 ft

ArcGIS Web Map



SITE B - PARCELS
C-LTR-04-0010
C-LTR-04-2940
C-LTR-04-0900
C-LTR-04-0800

PROPOSED
CULVERT
INSTALLATION

PROPOSED
CULVERT
INSTALLATION

EXISTING ACCESS
POINTS TO BE
MAINTAINED

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

AREA PREVIOUSLY
CLEARED/GRUBBED
PROPOSED FOR
RESOURCE EXTRACTION

Haines Borough
Planning Commission Meeting
October 23, 2023
MINUTES

Approved

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

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

Staff Present: Annette **Kreitzer**/Borough Manager, Kiersten **Long**/Deputy Clerk, Alekka **Fullerton**/Clerk, Douglas **Olerud**/Mayor, and Andrew **Conrad**/Planner.

Visitors Present: TJ **Mason** with Southeast Road Builders, Gerson **Cohen**, Riley **Hall**, Patty **Brown**, Andy **Hedden**, Rachel **Saitzyk**, Derek **Poinsette**, Tom **Morphet**, and others.

2. **APPROVAL OF AGENDA & CONSENT AGENDA:** The following Items were on the published consent agenda indicated by an asterisk (*)
3 – Approve Minutes from 8-10-23 Regular Planning Commission Meeting

Motion: **LAPHAM** moved to “approve the agenda and the consent agenda” and the motion carried unanimously.

***3. APPROVAL OF MINUTES:**

Note: The Minutes were approved by approval of the consent agenda: “Approve minutes from 8-10-23 Regular Planning Commission Meeting.”

4. **PUBLIC COMMENTS:**

Brown – Thank you to the outgoing commissioners

5. **CHAIRMAN'S REPORT:** None

6. **ASSEMBLY LIAISON REPORT:** None

7. **SUBCOMMITTEE REPORTS:** None

8. **COMMISSION COMMENTS:**

Turner – Response to a written public comment received

9. **STAFF REPORT:** Conrad

10. **PUBLIC HEARINGS:**

- A. **Conditional Use Permit 23-88 Medium Commercial in a Heavy Industrial Zone – Andy Hedden – C-WES-0A-0200 – Heavy Industrial Zone.**

Ferrin and Mitman disclosed they were members of the Ugly’s but have no financial interest.

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

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

After discussion, the commission unanimously adopted the Manager’s recommendation for criteria #1 since the proposed use is consistent with the zoning and the adjoining property uses.

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

After discussion, the commission unanimously adopted the Manager’s recommendation for criteria #2 since there is no change in use of the area since it is zoned heavy industrial.

**10A Conditional Use Permit 23-88 Medium Commercial in a Heavy Industrial Zone –
Andy Hedden – C-WES-0A-0200 – Heavy Industrial Zone (continued)**

Discussion of HBC 18.50.040(A) 1-8 Conditional Use Criteria for CUP 23-88- *Continued*

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

After discussion, the commission unanimously adopted the Manager's recommendation for criteria #3 since the proposed use will not significantly increase public services.

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

After discussion, the commission unanimously adopted the Manager's recommendation for criteria #4 since the use is consistent with the zoning and the applicant is a tour operator which is consistent with comp plan section 5.8.5 Tourism.

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

After discussion, the commission unanimously adopted the Manager's recommendation for criteria #5 since the use will not harm 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;

After discussion, the commission unanimously adopted the Manager's recommendation for criteria #6 since there will be no additional erosion, applicant stated they are not using chemicals.

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

After discussion, the commission unanimously adopted the Manager's recommendation for criteria #7.

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

After discussion, the commission unanimously adopted the Manager's recommendation for criteria #8 since there were no comments received from the public.

Motion: LAPHAM moved to "approve conditional use permit 23-88 Medium Commercial activity in a Heavy Industrial Zone with the borough's recommendations attached" and the motion carried unanimously.

**B. Conditional Use Permit 23-87 Resource Extraction – Glacier Construction Inc.
dba Southeast Road Builders –**

Site A: C-LTR-04-00900, C-LTR-04-0700, C-LTR-04-0010

Site B: C-LTR-04-1000, C-LTR-04-2940, C-LTR-04-0900, C-LTR-04-0800

Presentation by TJ Mason from Southeast Road Builders.

Public Comments:

Cohen – believes that the permit must be denied since there are several sites that have different functions; could have significant impact on public safety and welfare.

**B. Conditional Use Permit 23-87 Resource Extraction – Glacier Construction Inc.
dba Southeast Road Builders –**

Site A: C-LTR-04-00900, C-LTR-04-0700, C-LTR-04-0010

Site B: C-LTR-04-1000, C-LTR-04-2940, C-LTR-04-0900, C-LTR-04-0800 – Continued

Public Comments- *Continued*

Saitzyk – Concerned about failed area from 2020 storm event – we need more data about the area; wondering about mitigation regarding reclamation. Manager’s report was thoughtful and thorough.

Brown – Industrial use in an industrial zone. Concerned about stability of slope, local need for rock, restrictions on public use during blasting- two sites so should be two permits.

Morphet – giant boulder came off that slope about 7 years ago.

Planner – no restriction on permits being limited to one parcel.

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

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

After discussion, the commission adopted the Manager’s recommendation for criteria #1 since this is a heavy industrial area so the use is consistent, development of the site may improve the rock fall hazards that occur right now. By blasting down to bed rock and the cuts move back away from the road the safer it will be. Truck traffic from 4.5 mile to the site is a use by right.

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

After discussion, the commission unanimously agreed with the Manager’s recommendation for criteria #2 since the adjoining properties have similar uses it will not impair the value.

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

After discussion, the commission unanimously agreed with the Manager’s recommendation for criteria #3 since there are no borough utilities.

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

After discussion, the commission unanimously agreed with the Manager’s recommendation for criteria #4 since the use is harmonious with the surrounding land uses and is consistent with the comprehensive plan section 7.2.1 and 7.3.5.

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

After discussion, the commission agreed with the Manager’s recommendation for criteria #5 since the blasting concerns are covered by OCHS and ATF. Traffic will be about the same since the source is so close to the shipping area, and blasting the mountain should improve public safety and welfare.

**B. Conditional Use Permit 23-87 Resource Extraction – Glacier Construction Inc.
dba Southeast Road Builders –**

Site A: C-LTR-04-00900, C-LTR-04-0700, C-LTR-04-0010

Site B: C-LTR-04-1000, C-LTR-04-2940, C-LTR-04-0900, C-LTR-04-0800 – Continued

Discussion of HBC 18.50.040(A) 1-8 Conditional Use Criteria for CUP 23-59- Continued

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

After discussion, the commission unanimously agreed with the Manager’s recommendation for criteria #6 since the applicant provides erosion protection with the state and federal permits. Site A has no problem with runoff, and the more site B gets pushed back the safer it will be.

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

After discussion, the commission unanimously agreed with the Manager’s recommendation for criteria #7 since the development is achievable with the existing plan.

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

After discussion, the commission unanimously agreed with the Manager’s recommendation for criteria #8 all public comments have been considered and answers have been provided by the

Planner corrected a clerical error in the manager’s recommendation re general approval criteria D paragraph 3 in the recommendation should indicate site A not site B.

Motion: LAPHAM moved to “approve conditional use permit #23-87 Resource Extraction with the following conditions:

- a) The applicant needs to coordinate (align) with the Alaska Marine Highway System for blasting within 2 hours of ferry arrival/departure;
- b) The applicant shall provide a copy of all plans and SWPPP (Storm Water Pollution Prevention Plan) to the Borough before implementation of the project;
- c) Adopt Borough recommendations 1-7

Primary Amendment: Turner moved to “amend the permit time to 5 years” and the motion carried unanimously.

Primary Amendment: Eckhoff moved to “Amend recommendation #2 – to submit a reclamation plan developed and sealed by a professional engineer,” and the motion carried 6-1 with **Mitman** opposed.

and the motion, as amended, carried 6-1 with **Mitman** opposed.

10C. Resolution 23-09-1064

A Resolution of the Haines Borough Assembly placing a Moratorium on New Heliports Located within 10 miles of an Existing Heliport in the Haines Borough.

Public Comment: **Hall** spoke regarding this agenda item. Maybe criteria should not be distance from each other but distance from homes.

Motion: **Lapham** moved to "Support Resolution 23-09-1064 and the conversation which followed" and the motion carried 6-1 with **Clement** opposed

11. UNFINISHED BUSINESS: None

12. NEW BUSINESS: None

13. PUBLIC COMMENTS:

Poinsette, Saitzyk, Olerud all thanked the planning commission for their service.

14. ANNOUNCEMENTS / COMMISSION COMMENTS:

Goodbye comments: **Mitman, Lapham, Turner, Clement, Hansen, Eckhoff, Ferrin**

15. CORRESPONDENCE: None

16. SET MEETING DATE: 11/9/23 at 6:30 in the Assembly Chambers and on Zoom

17. ADJOURNMENT: 8:43 p.m.

ATTEST:

Alekka Fullerton, MMC, Borough Clerk



Haines Borough

10B

Planning and Zoning

103 Third Ave. S., Haines, Alaska, 99827. Box 1209

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

APPLICATION FOR CONDITIONAL USE PERMIT

Permit#: 23-87

Date: _____

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

I. Property Owner/Agent		Owner's Contractor(If Any)	
Name: Glacier Construction Inc. dba Southeast Road Builders		Name:	
Mailing Address: HC 60 Box 4800, Haines Hwy Haines, AK 99827		Haines Borough Business License #:	
Contact Phone: (907) 766-2833		Alaska Business License #:	
Fax: (907) 766-2832 rschnabel@colaska.com		Contractor's License #:	
E-mail: dlaframboise@colaska.com		Mailing Address:	
		Contact Phone:	
		Fax:	
		E-mail:	
II. Property Information			
Size of Property: Approx. 27 Acres total; Site A = 5.2 Acres, Site B = 21 Acres			
Property Tax #: SITE A: C-LTR-04-0090, C-LTR-04-0700, and C-LTR-04-0010 SITE B: C-LTR-04-1000, C-LTR-04-2940, C-LTR-04-0900, and C-LTR-04-0800			
Street Address: See attached Site Maps; Approx. MP 4 Lutak Road			
Legal Description: Lot (s) _____ Block _____ Subdivision _____			
OR Parcel/Tract _____ Section _____ Township _____ Range _____			
[Attach additional page if necessary.] See attached Site Maps			
Zoning: <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.

Referenced Sections:

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

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

Referenced Sections:

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

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

Referenced Sections:

Section V. Site Conditions, Paragraph B, C

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

Referenced Sections:

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

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

Referenced Sections:

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

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

Referenced Sections:

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

NOTICE

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

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

ATTACHMENT A

SITE PLAN REQUIREMENTS

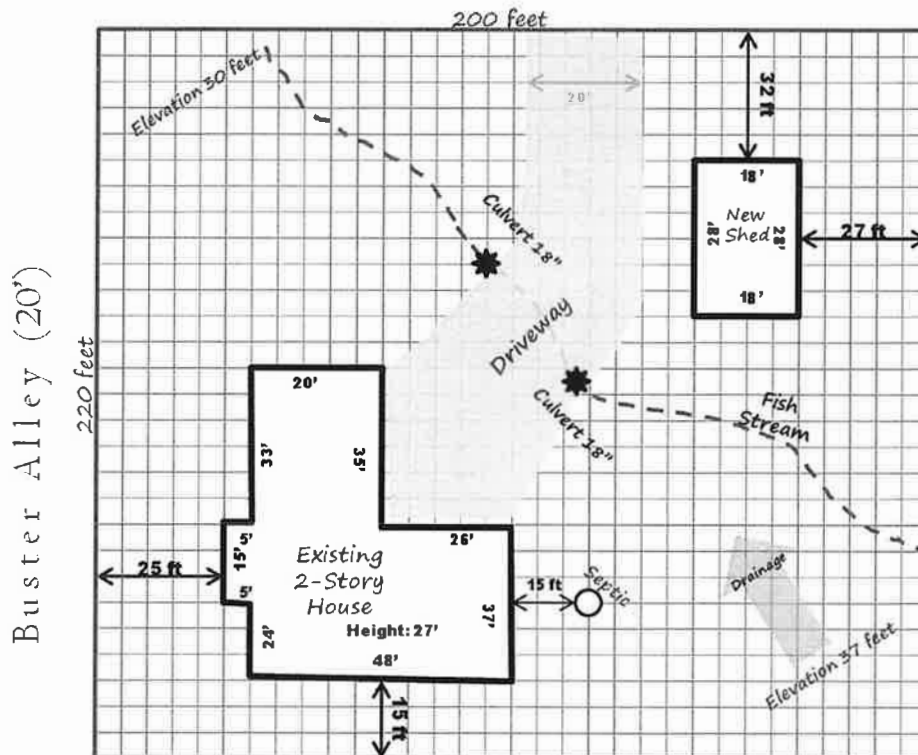
1. Drawing showing dimensions of all buildings, including elevations, of lot on which activity/use/construction is planned.
2. Existing streets, alleys, sidewalks, driveways, easements, including widths.
3. Existing buildings/structures on the property, their location, dimension and proximity to lot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

August 2023

I. SITE DESCRIPTION

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

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

II. SITE FEATURES & ZONING

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

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

III. EXISTING PERMITTING & USE

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

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

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

IV. PROPOSED USE

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

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

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

V. SITE CONDITIONS

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

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

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

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

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

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

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

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

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

VI. METHODS

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

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

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

VII. RECLAMATION PLAN

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

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

VIII. COMPREHENSIVE PLAN

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

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

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

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

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

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

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

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

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

SITE A - PARCELS
C-LTR-04-0090
C-LTR-04-0700
C-LTR-04-0010

SITE PLAN

Haines Ferry Terminal



C-LTR-04-0090
Lot 9, Section 10
T30S, R59E, CRM

Lutak Rd.

C-LTR-04-0700
SW1/4, SE1/4, SE1/4, SW1/4
T30S, R59E, CRM

C-LTR-04-0010
Lot 10, Section 10
T30S, R59E, CRM

100 ft

ArcGIS Web Map



SITE A - PARCELS
C-LTR-04-0090
C-LTR-04-0700
C-LTR-04-0010

PROJECT LIMITS

8/22/2023, 8:22:18 AM

- Contours - contour25ts
- Parcels

1:4,514
0 0.02 0.04 0.07 mi
0 0.03 0.06 0.12 km
Maxar

SITE A - PARCELS
C-LTR-04-0090
C-LTR-04-0700
C-LTR-04-0010

PROPOSED ACCESS ROAD

MIN. 25' BUFFER

AREA TO BE
CLEARED/GRUBBED THIS FALL
PROPOSED FOR RESOURCE
EXTRACTION

500 ft

Haines Ferry Terminal

Lutak Rd Lutak Rd

Lutak Rd

Lutak Rd

Lutak Rd

SITE B - PARCELS
C-LTR-04-0010
C-LTR-04-2940
C-LTR-04-0900
C-LTR-04-0800

SITE PLAN



(C-LTR-04-0900)

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

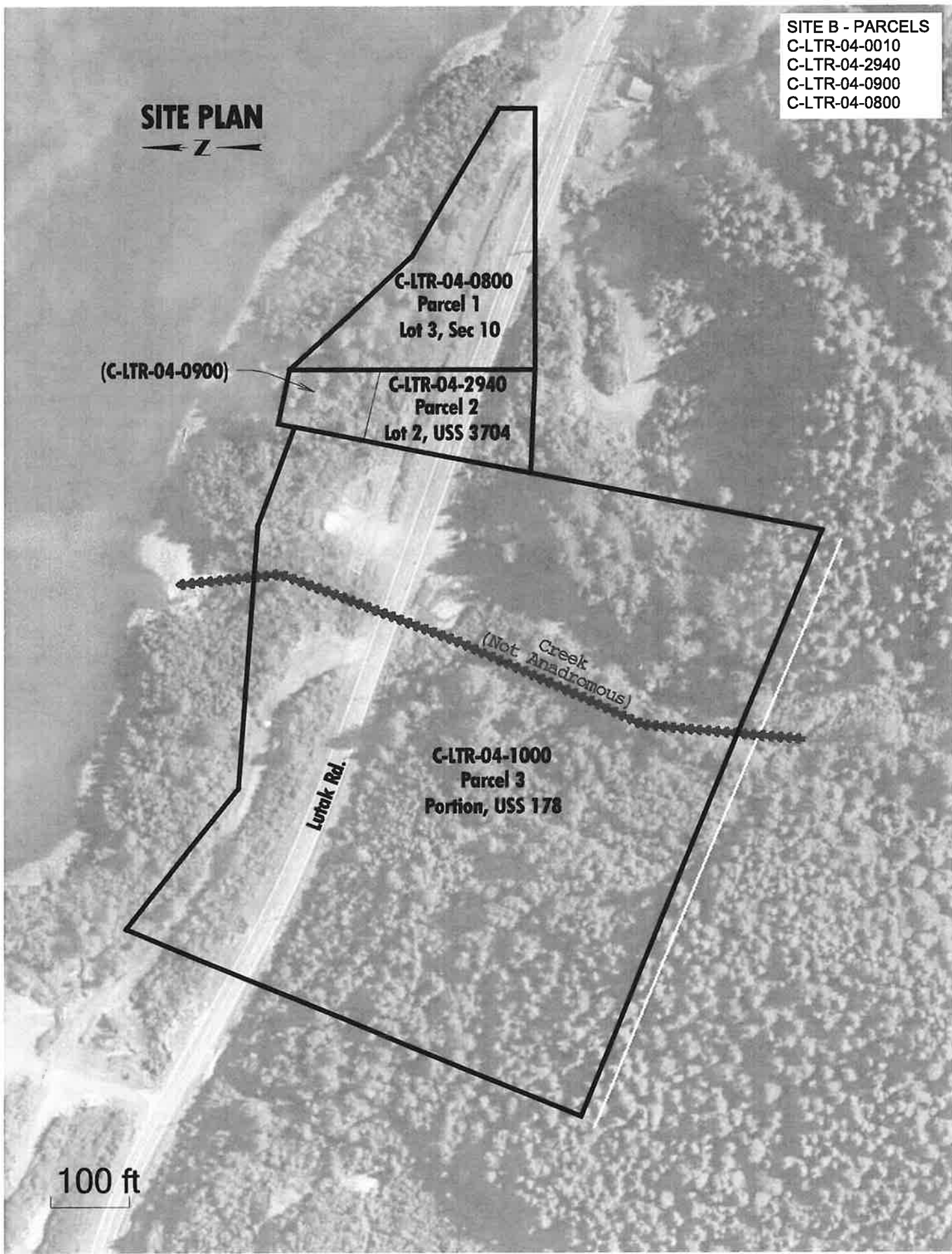
C-LTR-04-2940
Parcel 2
Lot 2, USS 3704

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

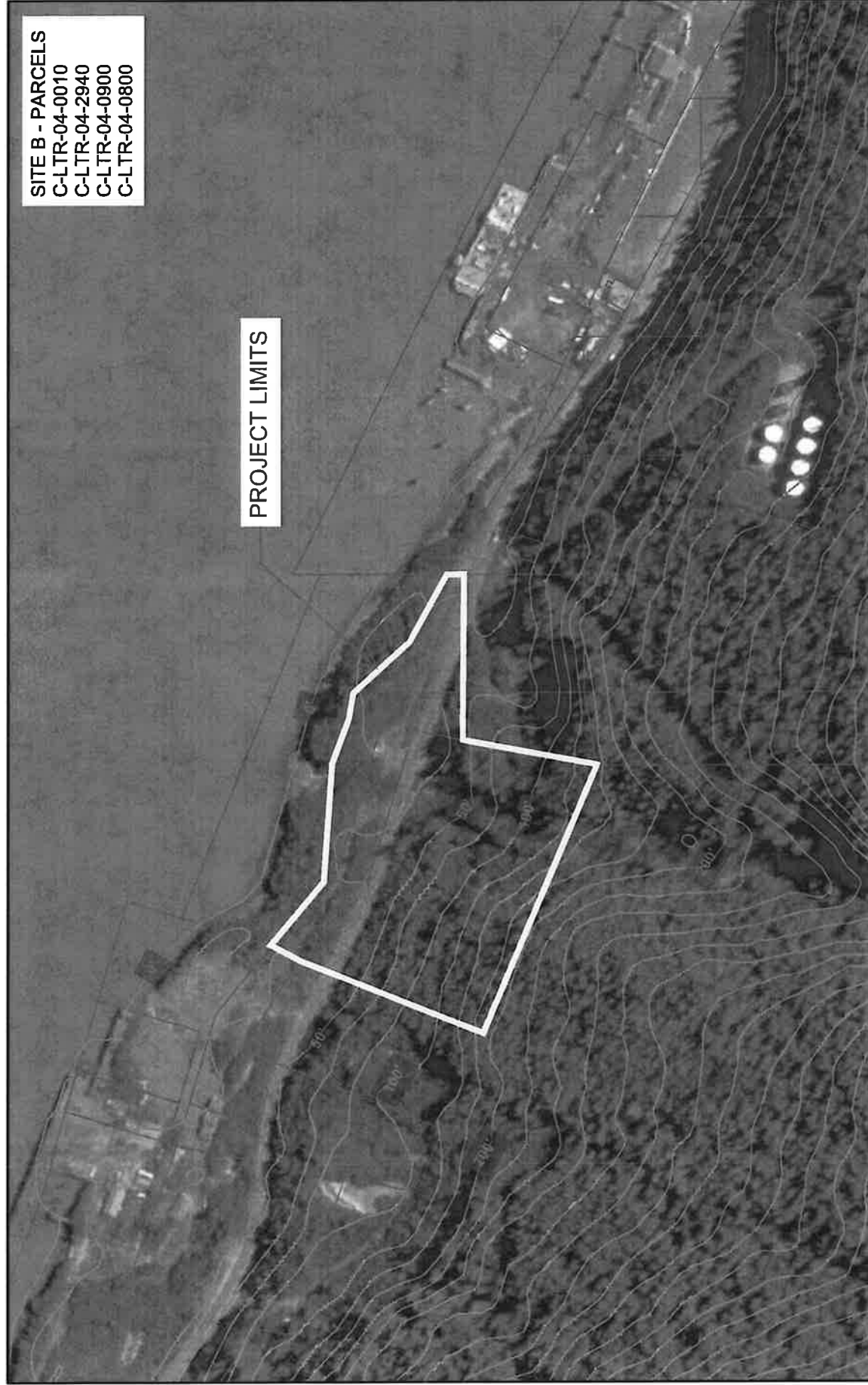
Lutvik Rd.

Creek
(Not Anadromous)

100 ft



ArcGIS Web Map



SITE B - PARCELS
C-LTR-04-0010
C-LTR-04-2940
C-LTR-04-0900
C-LTR-04-0800

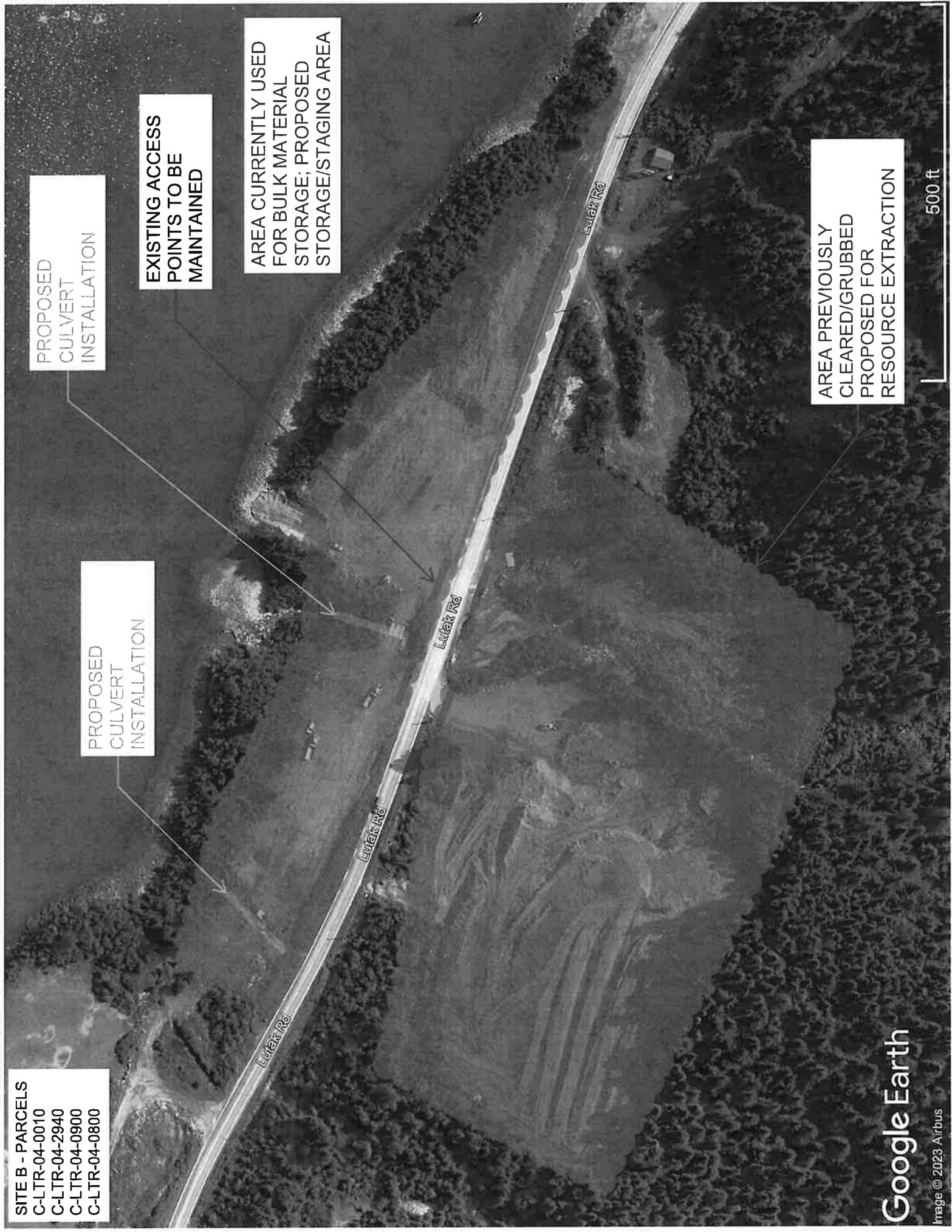
PROPOSED
CULVERT
INSTALLATION

PROPOSED
CULVERT
INSTALLATION

EXISTING ACCESS
POINTS TO BE
MAINTAINED

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

AREA PREVIOUSLY
CLEARED/GRUBBED
PROPOSED FOR
RESOURCE EXTRACTION





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.

COMMISSIONER RESPONSE FORMS

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

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

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

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

COMMISSIONER RESPONSE:

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

COMMISSIONER RESPONSE:

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

COMMISSIONER RESPONSE:

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

COMMISSIONER RESPONSE:

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

COMMISSIONER RESPONSE:

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

COMMISSIONER RESPONSE:

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

COMMISSIONER RESPONSE:

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

COMMISSIONER RESPONSE:

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

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

DEVELOPMENT SCHEDULE:

USE:

OWNER’S ASSOCIATION:

DEDICATIONS:

CONSTRUCTION GUARANTEES:

COMMITMENT LETTER:

COVENANTS:

DESIGN:

CODE REFERENCES

HBC 18.70.030(A)(3)

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

18.20.020 Definitions – Regulatory.

“Resource extraction” means a heavy industrial use involving the removal of rock, gravel, sand, clay, topsoil, peat, timber, petroleum, natural gas, coal, metal ore, or any other mineral, and other operations having similar characteristics. Resource extraction does not include: (1) the removal of material from within the legal boundaries of the property of origin which are incidental to the construction, alteration or repair of a building (or the grading and landscaping incidental thereto); or (2) within the subdivision of origin of a platted public or private access road and utilities or public facility providing essential services.

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

bulk material or machinery storage; petroleum refineries and 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.



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.



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

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.



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

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.



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

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



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

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.

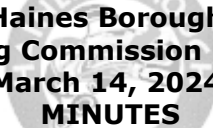
The points on which SERB appeals include the following:

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:

Syngent



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 UNDE

- 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~~ FORSEEABLE

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, excavators on

(see back page.)

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

agree
~~disagree~~

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

5-10 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:

Four horizontal lines for writing a response.

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

COMMISSIONER RESPONSE:

Four horizontal lines for writing a 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

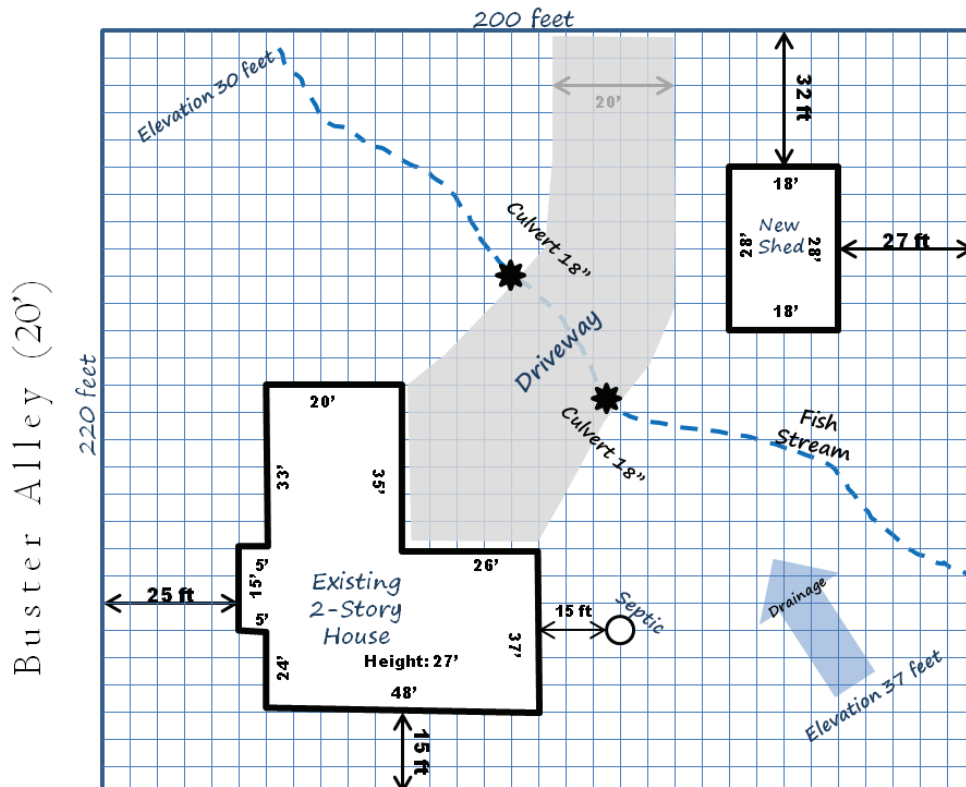
1. Drawing showing dimensions of all buildings, including elevations, of lot on which activity/use/construction is planned.
2. Existing streets, alleys, sidewalks, driveways, easements, including widths.
3. Existing buildings/structures on the property, their location, dimension and proximity to lot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

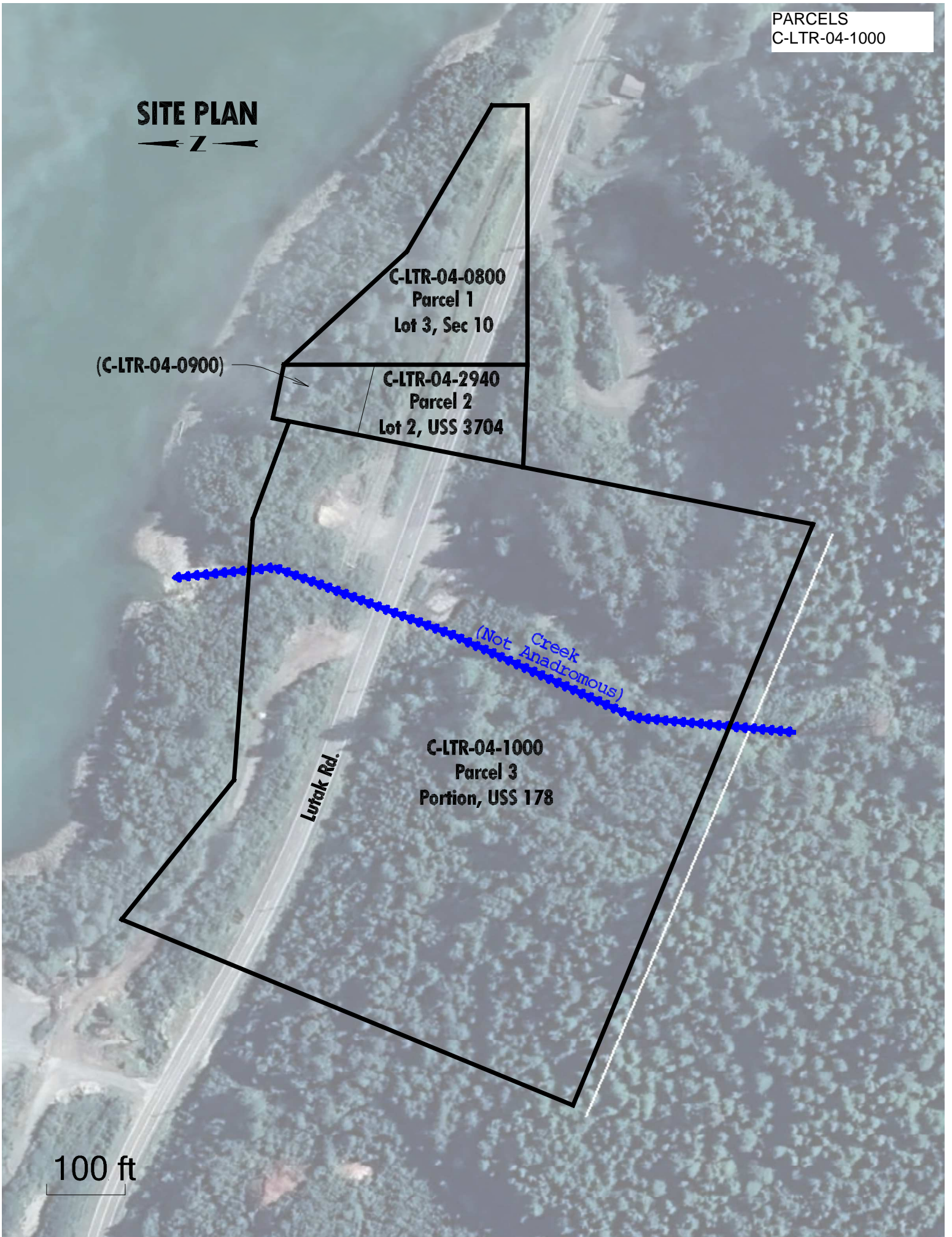
C-LTR-04-2940
Parcel 2
Lot 2, USS 3704

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

Lufak Rd.

Creek
(Not Anadromous)

100 ft





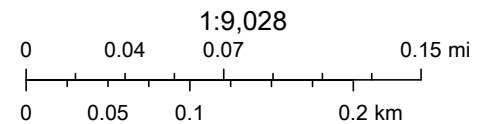
ArcGIS Web Map

PARCELS
C-LTR-04-1000

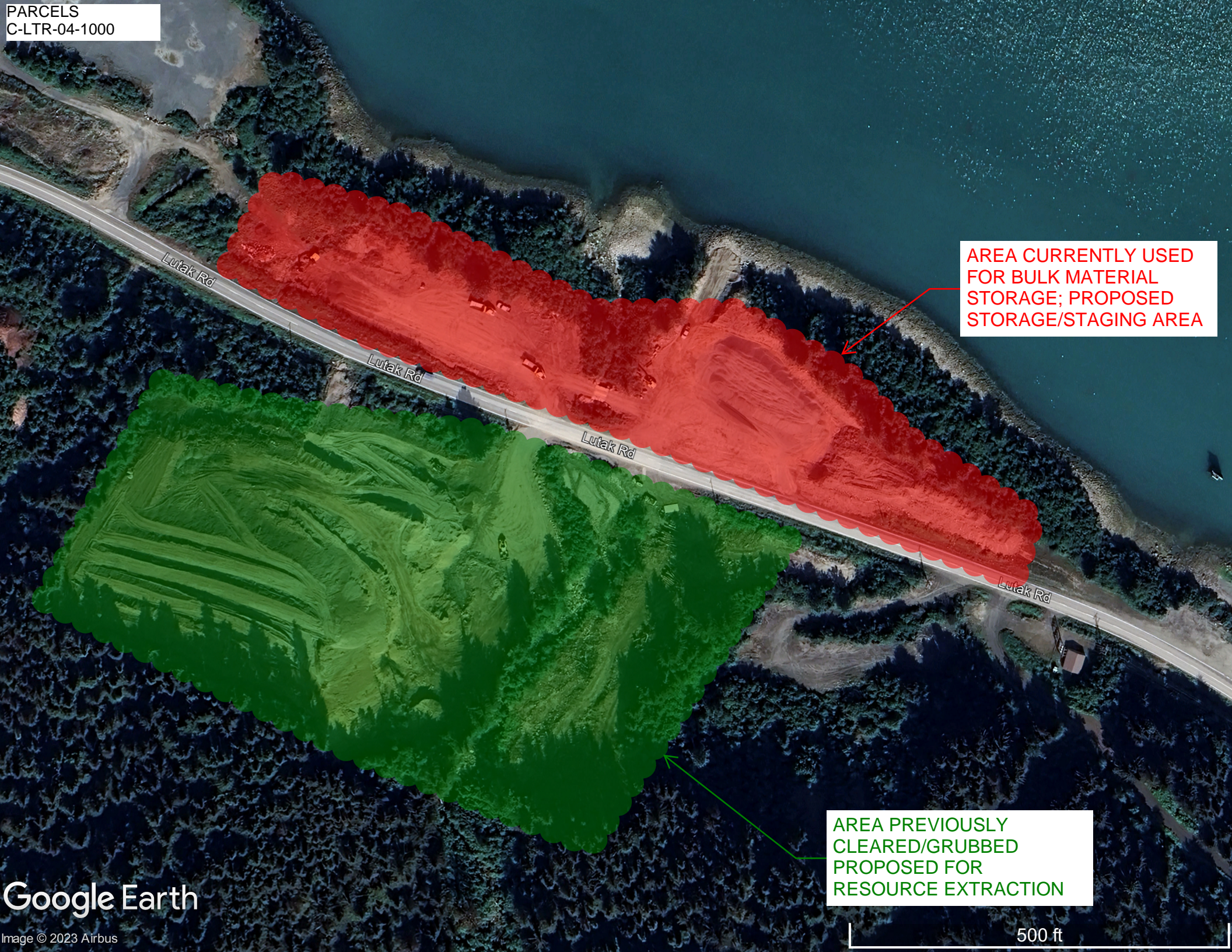


8/2/2023, 7:16:17 AM

-  Contours - contour25ts
-  Parcels



Maxar



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

AREA PREVIOUSLY CLEARED/GRUBBED PROPOSED FOR RESOURCE EXTRACTION

500 ft

APPENDIX B

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

State of Alaska

Department of Transportation and Public Facilities

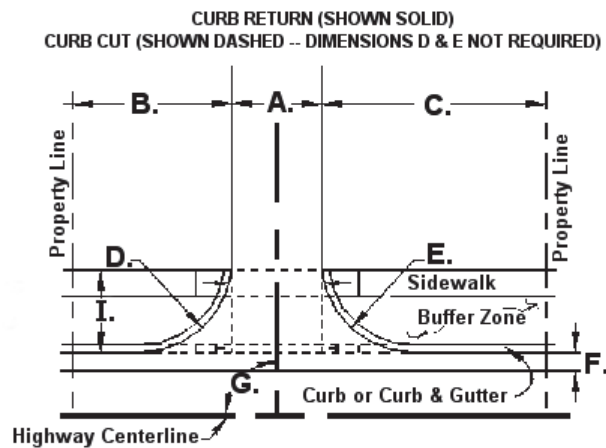
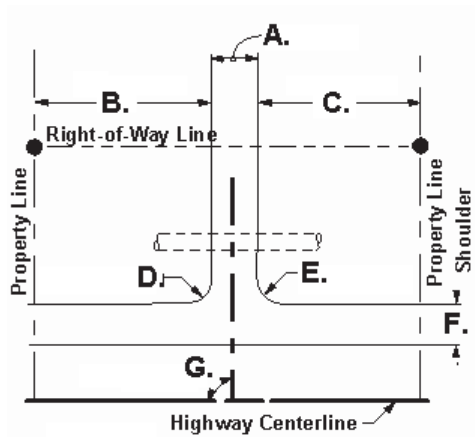
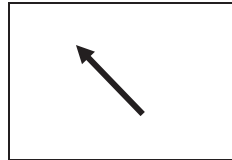
Driveway and Approach Road Permit

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.

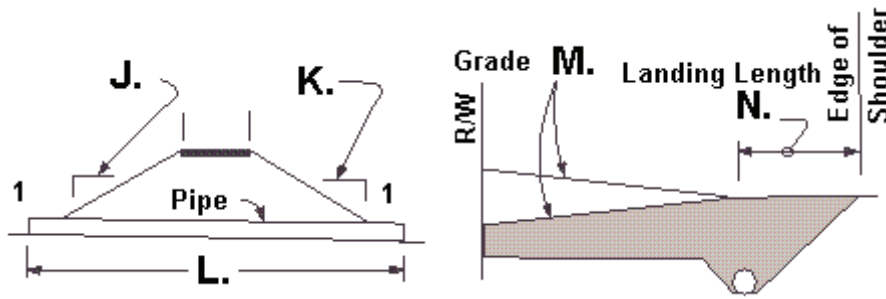
<input type="checkbox"/> Residential/Private <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Government Agency	
Permittee: Glacier Construction Inc.	
Mailing Address: HC 60 Box 4800 Haines, AK 99827	
Contact Name: Roger Schnabel Thomas Mason	
E-mail Address: dlaframboise@colaska.com	
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: EXISTING	Anticipated Completion Date: End of 2024 construction season.
Number of lots served: 1	Max. number of vehicles in any 1 hour: 20
Zoning Designation: Waterfront Industrial	Proposed Land Use: 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.

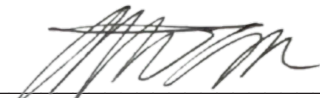


Digitally signed by TJ Mason
Date: 2024.02.07
09:16:18-09'00'

2/7/2024

Permittee Signature

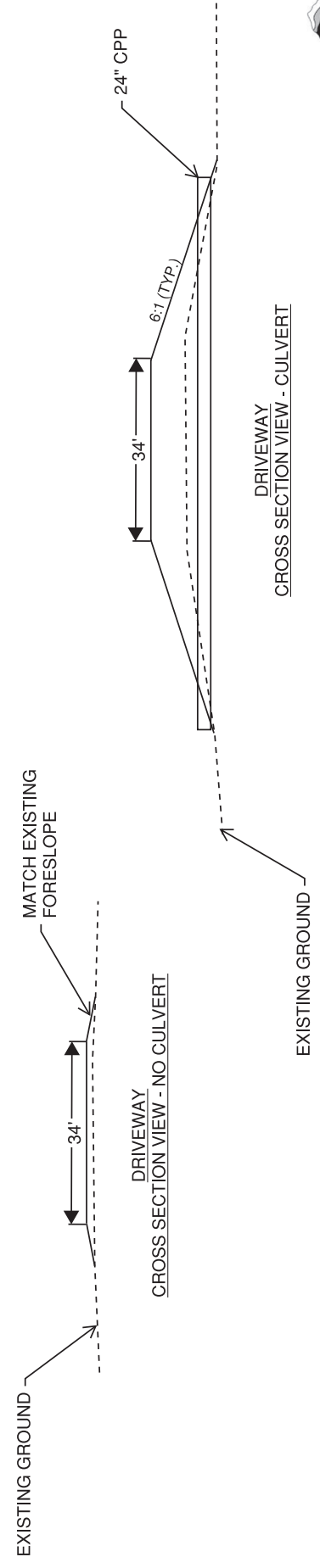
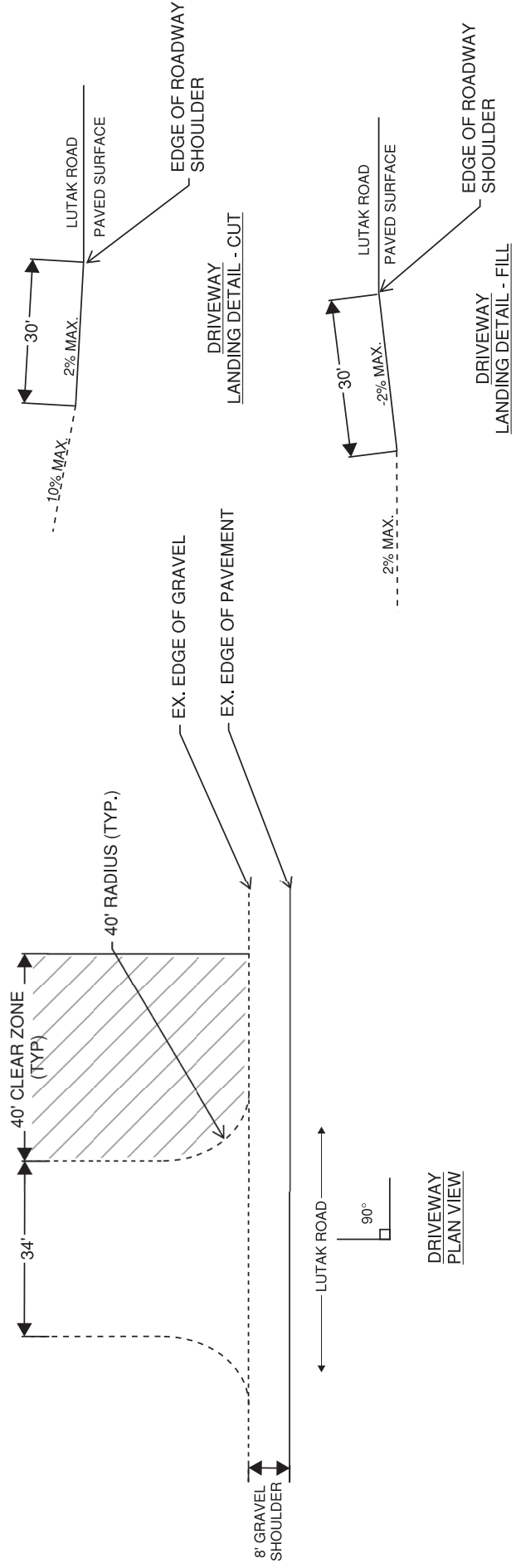
Date



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 Name: Glacier Construction Inc. dba Southeast Road Builders		Owner's Contractor (If Any) 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

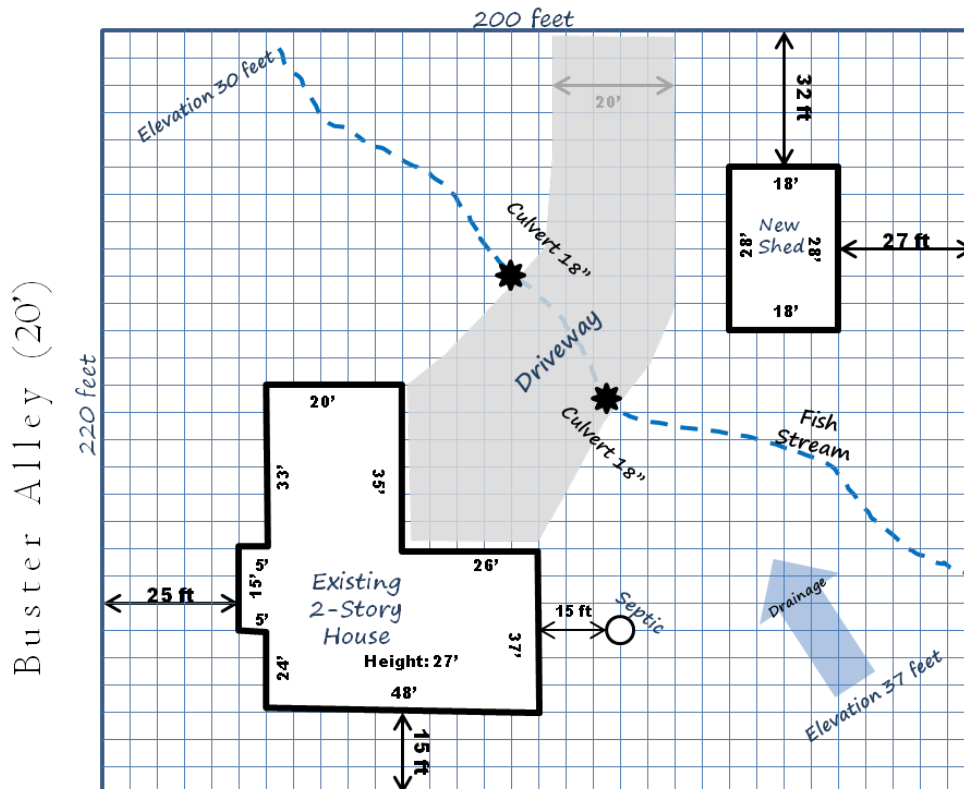
1. Drawing showing [dimensions of all buildings](#), including elevations, of lot on which activity/use/construction is planned.
2. Existing streets, alleys, sidewalks, driveways, easements, including widths.
3. Existing buildings/structures on the property, their location, dimension and proximity to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

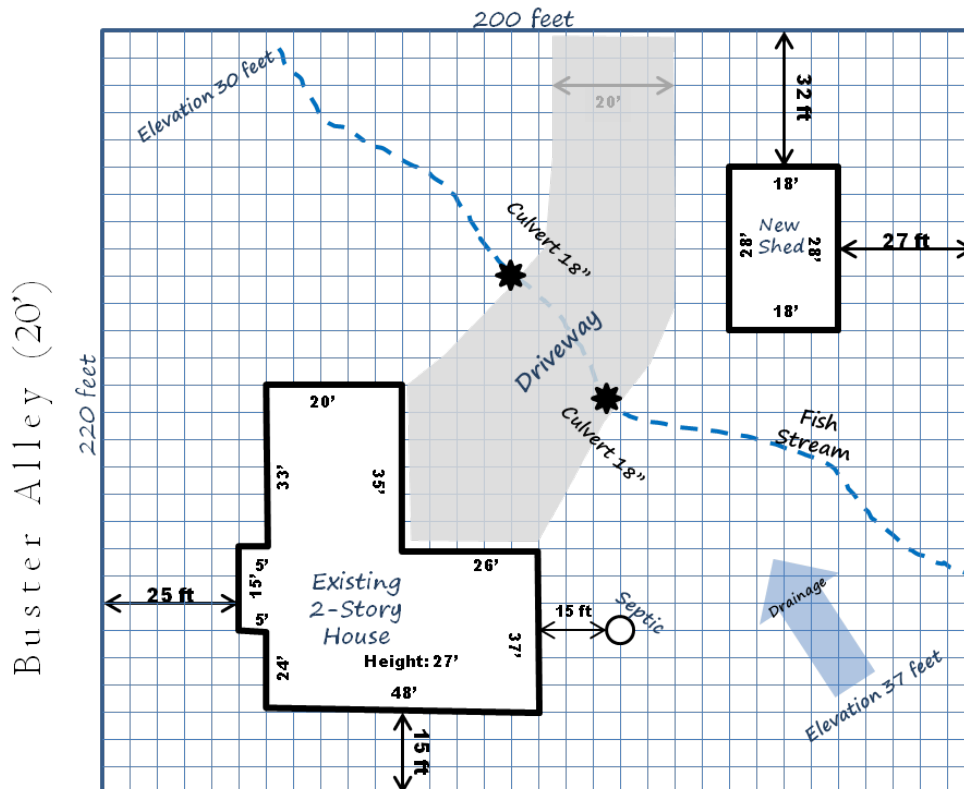
1. Drawing showing dimensions of all buildings, including elevations, of lot on which activity/use/construction is planned.
2. Existing streets, alleys, sidewalks, driveways, easements, including widths.
3. Existing buildings/structures on the property, their location, dimension and proximity to lot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

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

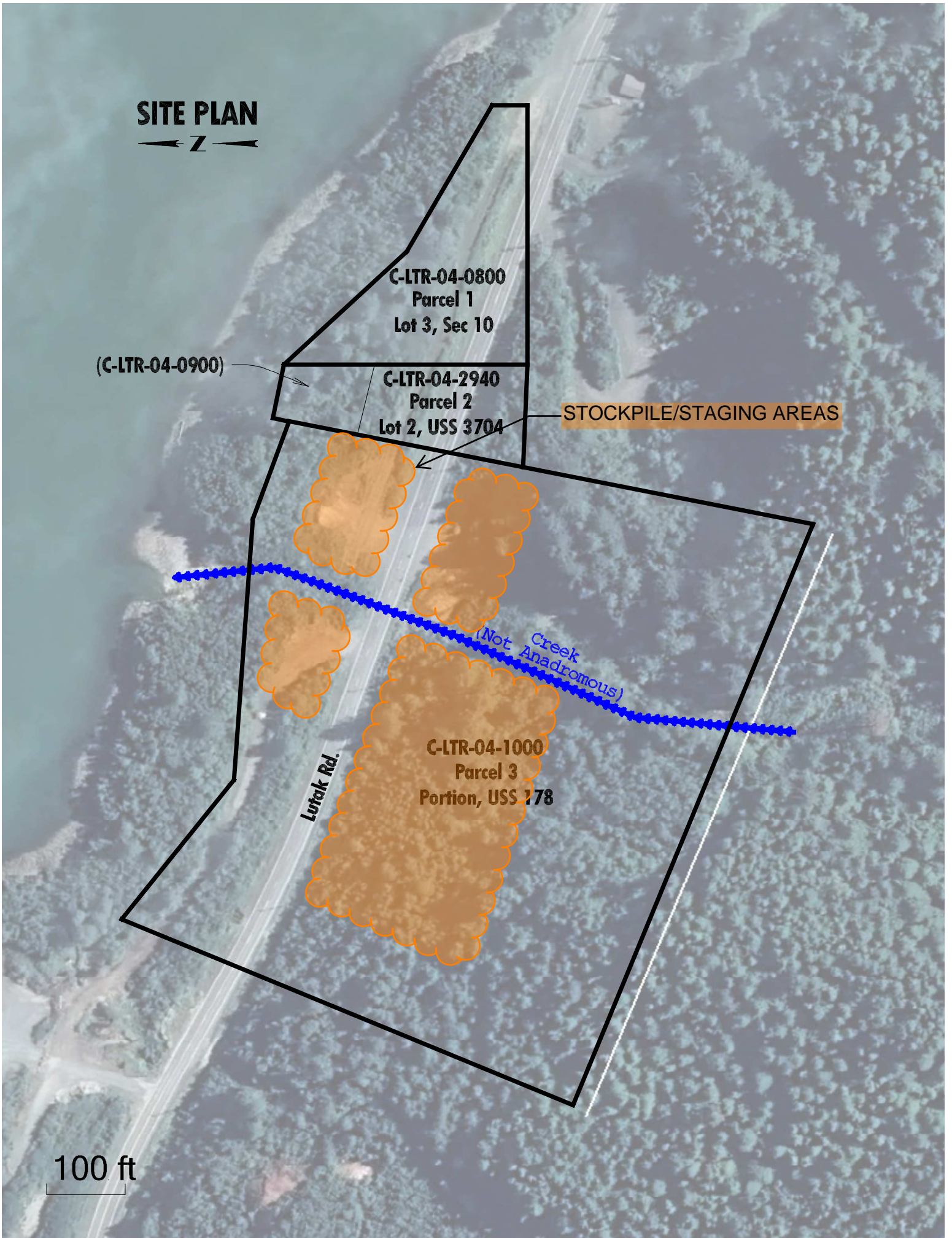
STOCKPILE/STAGING AREAS



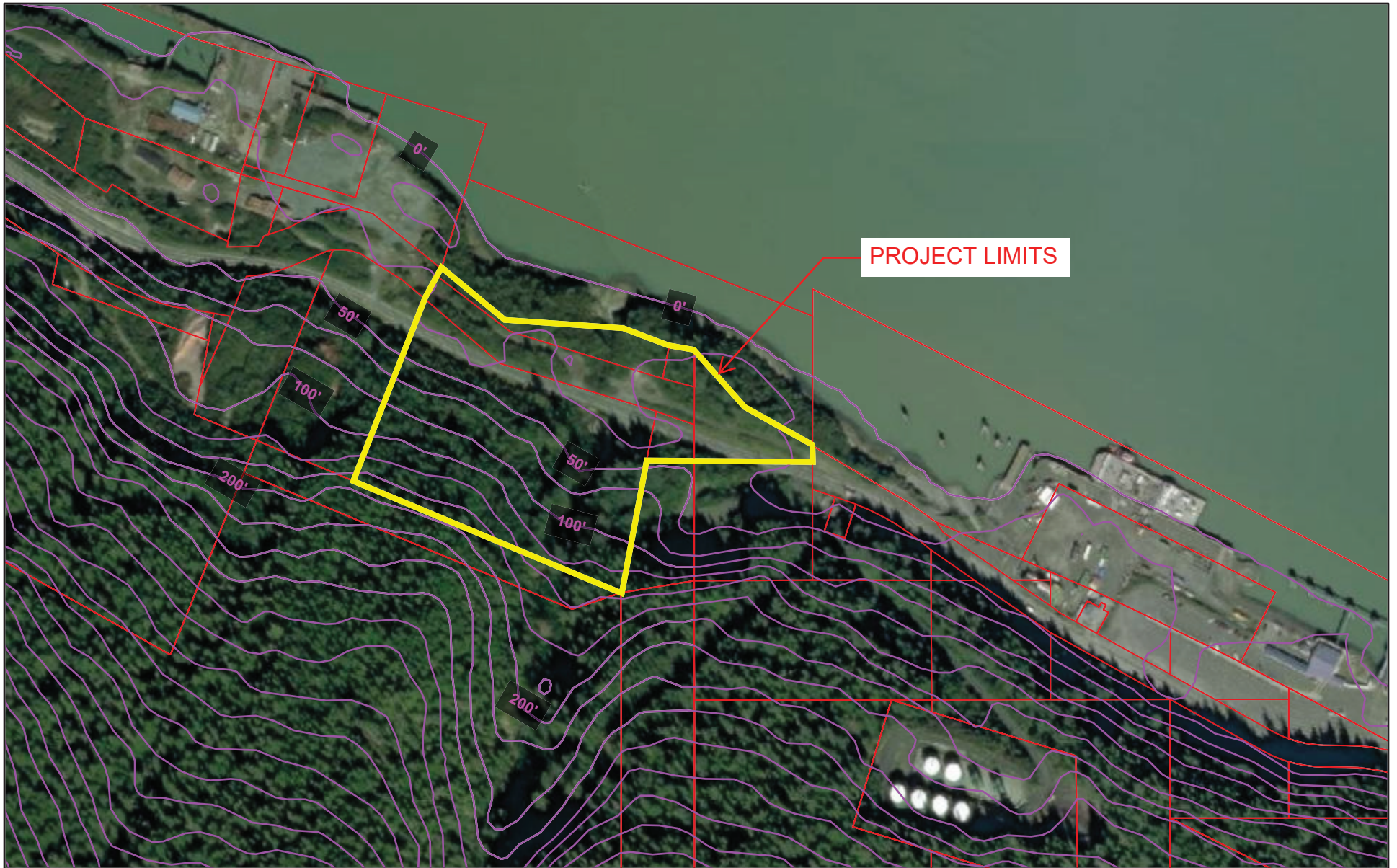
C-LTR-04-1000
Parcel 3
Portion, USS 278

Lufak Rd.

100 ft

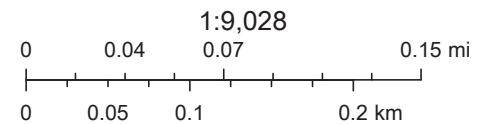


ArcGIS Web Map



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.

Borough Website: www.hainesalaska.gov

Hosted by Code Publishing Company, A General Code Company.

[Privacy Policy](#) | [Terms of Use](#) | [Cookie Preferences](#)

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.

Cookies

This website uses cookies to function properly, to let you customize it, and to help us understand how it is used.

[More choices](#)

[OK](#)

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

Cookies

This website uses cookies to function properly, to let you customize it, and to help us understand how it is used.

[More choices](#)

[OK](#)

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

Cookies

This website uses cookies to function properly, to let you customize it, and to help us understand how it is used.

[More choices](#)

[OK](#)

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-

Cookies

This website uses cookies to function properly, to let you customize it, and to help us understand how it is used.

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

Cookies

This website uses cookies to function properly, to let you customize it, and to help us understand how it is used.

More choices

OK

Annette Kreitzer
Manager, Haines Borough

April 5, 2024

RE: Assembly Request

Manager Kreitzer,

Thank you for your email and I appreciate you reaching out. I was made aware that a request was included in the Public Comments of the Package for the March 26th Borough Assembly Meeting.

The timing happens to be fortuitous, on March 25, 2024, there was an announcement on the approval of a US\$12.8 million budget to continue exploration on the Palmer Project. I've included the press release in this letter which summarizes this year's diamond drilling and field activities. As noted in the press release:

"The 2024 drilling campaign is being completed under an approved Plan of Operations from the Bureau of Land Management. In support of future programs American Pacific's subsidiary, Constantine, the project operator, is pursuing authorization from the Alaska Department of Natural Resources for an updated Plan of Operations outlining the additional work programs needed for pre-feasibility level data gathering over the next five years."

Independent from the diamond drilling program, the company has recently submitted a Plan of Operations to the Department of Natural Resources (DNR) that outlines the fieldwork programs on State lands for the next 5 years. DNR's process does include a public comment period which we expect to commence within the coming weeks. Mid-April the Company will be hosting several direct, group, and public presentations on the field programs outlined in the Plan of Operations. We encourage everyone to attend.

Our team has been hard at work building the exploration and evaluation programs for the next 5 years, and we look forward to sharing those plans and timelines with the community. Should the Assembly wish to discuss the 5-Year exploration program further, please do not hesitate to reach out.

Kind regards,



Peter Mercer
President



NEWS RELEASE

American Pacific Announces Approval of US\$12.8 Million 2024 Budget for its High-Grade Palmer VMS Project in Southeast Alaska

Vancouver, British Columbia / March 25, 2024 – American Pacific Mining Corp (CSE: USGD / OTCQX: USGDF / FWB: 1QC) (“American Pacific” or the “Company”) is pleased to announce the 2024 budget and resource expansion-focused work program at the Palmer Project (“Palmer” or the “Project”), an advanced-stage, high-grade volcanogenic massive sulphide-sulphate (“VMS”) project located in Southeast Alaska. Constantine North Inc., (“Constantine”) a subsidiary of American Pacific, is the operator for the Project, which is under a joint venture (“JV”) partnership with DOWA METALS & MINING ALASKA LTD. (“Dowa”).

The 2023 program delivered the best four copper intercepts drilled to date at Palmer (see press release dated January 10, 2024), highlighting the opportunity to define copper-rich zones within the known mineral resource envelope. New interpretations developed following the 2023 campaign have the opportunity to further impact the grade and tonnage profile by targeting areas with similar signatures and structural settings.

The US\$12.8 million 2024 program has been designed to continue expanding the known extent of the high-grade copper mineralization within South Wall Zones 1 and 2. The 2024 program will also include a series of step-out drill holes to test the nearby North Wall Target. The North Wall Target represents a potential fault offset extension of the South Wall mineralization that has not yet been adequately tested.

2024 Palmer work program highlights:

- Mineral resource expansion drilling focused on the South Wall, designed to follow up on successes from the 2023 drill program by testing structural controls and extensions to the high-grade copper and zinc mineralized trends.
- North Wall exploration drilling targeting the interpreted fault offset extension of the high-grade South Wall Zone. Previous geological mapping and sampling has identified copper, zinc, and barite mineralization with 500 metres of untested strike length (see Figure 2).
- Advancing regional exploration targets with a property-wide data analysis of historical work, focused on modeling mineralization controls on new and previously identified prospects.
- Environmental and permitting activities, including ongoing environmental baseline studies and compliance work.
- Engineering studies, including a mineral resource estimate update, critical trade-off studies, and ongoing data collection in preparation for future feasibility studies.

Warwick Smith, CEO of American Pacific stated:

“During the 2023 resource definition program, our team discovered thick copper mineralization within the known mineral resource envelope. In 2024, we will look to leverage and build upon last year’s high-grade results while aiming at expansion through step-out and extensional drilling along the high-grade trends in addition to discovery-focused drilling at the adjacent North Wall Target. The North Wall alteration zone represents an outstanding and untested, near-surface target with very limited historical drilling. We look forward to another productive year with our joint venture partner with plans to update the mineral resource estimate by year-end.”

2024 Diamond Drilling Strategy

In 2024, the operations teams will focus on expansion drilling to identify lateral and downdip extensions of the South Wall of the Palmer Deposit (Figures 3,4), targeted structural investigation drilling in South Wall Zone 1 designed to follow up on the high-grade intersections of the 2023 drill program (Figure 1), and exploration step-out drilling to test the North Wall alteration zone (Figure 2).

Preliminary interpretation of the copper-rich core mineralization within South Wall Zone 1 indicates potential for several secondary cross-cutting structures. Understanding and targeting structural controls on mineralization zoning in 2024 will help refine and inform the local and regional diamond drilling strategy.

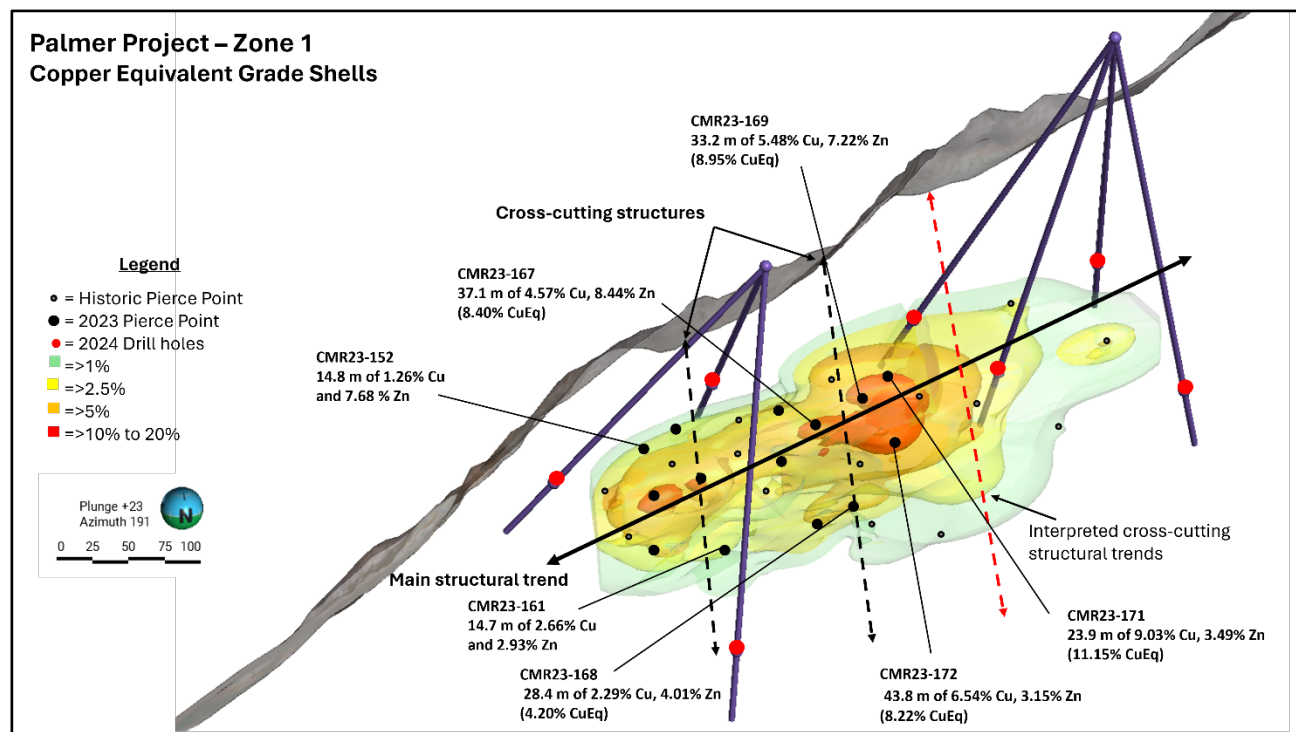


Figure 1. South Wall - Zone 1 Copper Equivalent Grade Shells with Structural Interpretation

North Wall – Targeting High-Grade Zone 1 Extension

The North Wall Target is less than 200 metres from the edge of South Wall Zone 1. This zone is newly interpreted as the fault offset and the eastern extension of Zone 1 mineralization (see Figure 2). The alteration zone at the North Wall Target has strong geological and geochemical similarities to South Wall, but has seen limited drill testing along the 500-metre mapped strike length. Historical surface mapping has identified in-situ copper-zinc-barite mineralization leading the way to the potential of a South Wall Zone eastern extension.

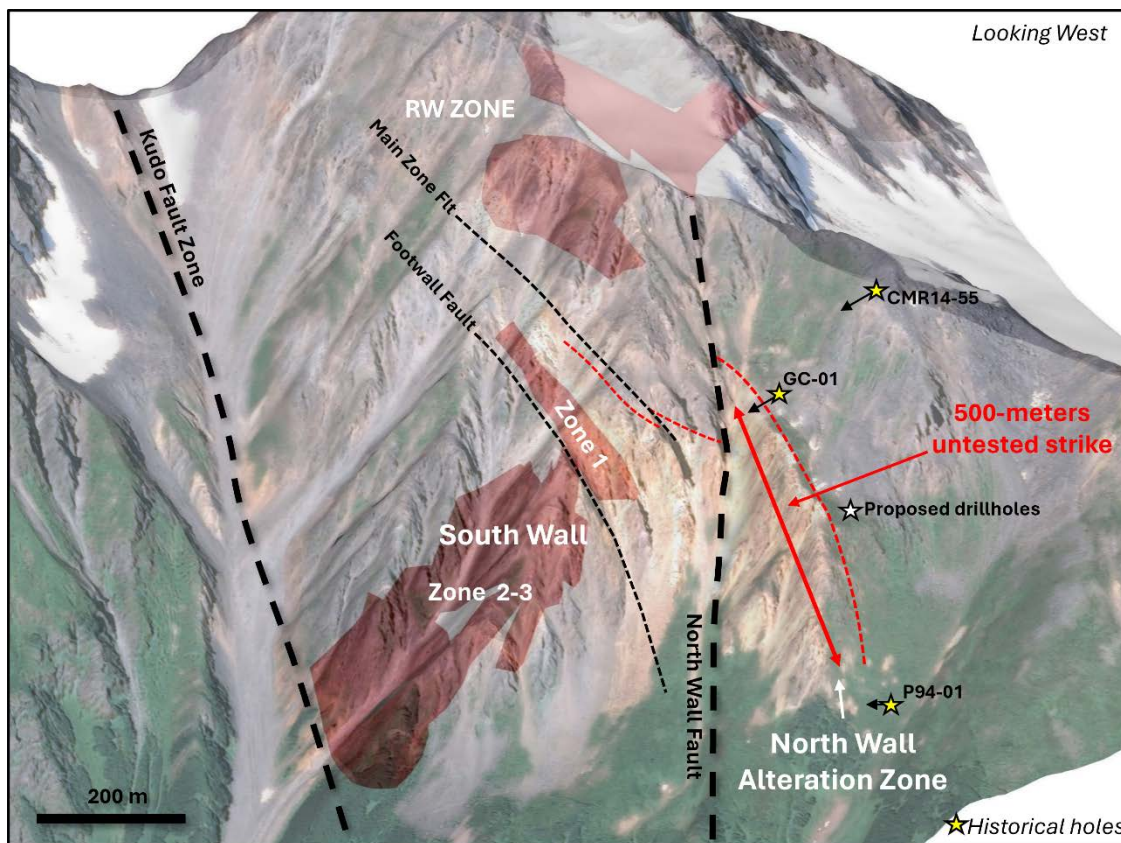


Figure 2. North Wall Alteration Zone in proximity to South Wall Zone 1



The 2024 drilling campaign is being completed under an approved Plan of Operations from the Bureau of Land Management. In support of future programs American Pacific's subsidiary, Constantine, the project operator, is pursuing authorization from the Alaska Department of Natural Resources for an updated Plan of Operations outlining the additional work programs needed for pre-feasibility level data gathering over the next five years.

American Pacific will be contributing approximately \$750,000 USD in kind by contributing its management fee towards the 2024 program. The Company's joint venture partner, Dowa Metals & Mining Co., Ltd., has committed to fund the balance of the 2024 program.

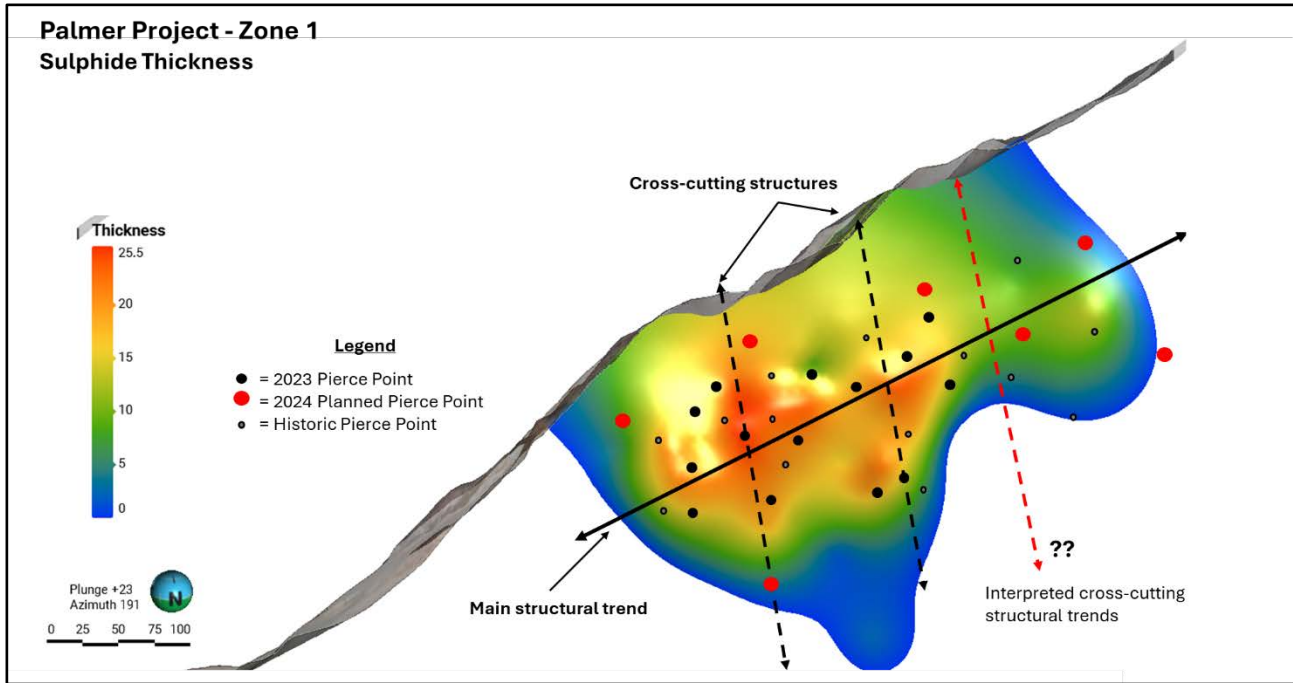


Figure 3. South Wall – Zone 1 Mineralized Thickness with Structural Interpretation with Planned 2024 Pierce Points. Designed to Define and Expand the Zone 1 Mineral Resource.

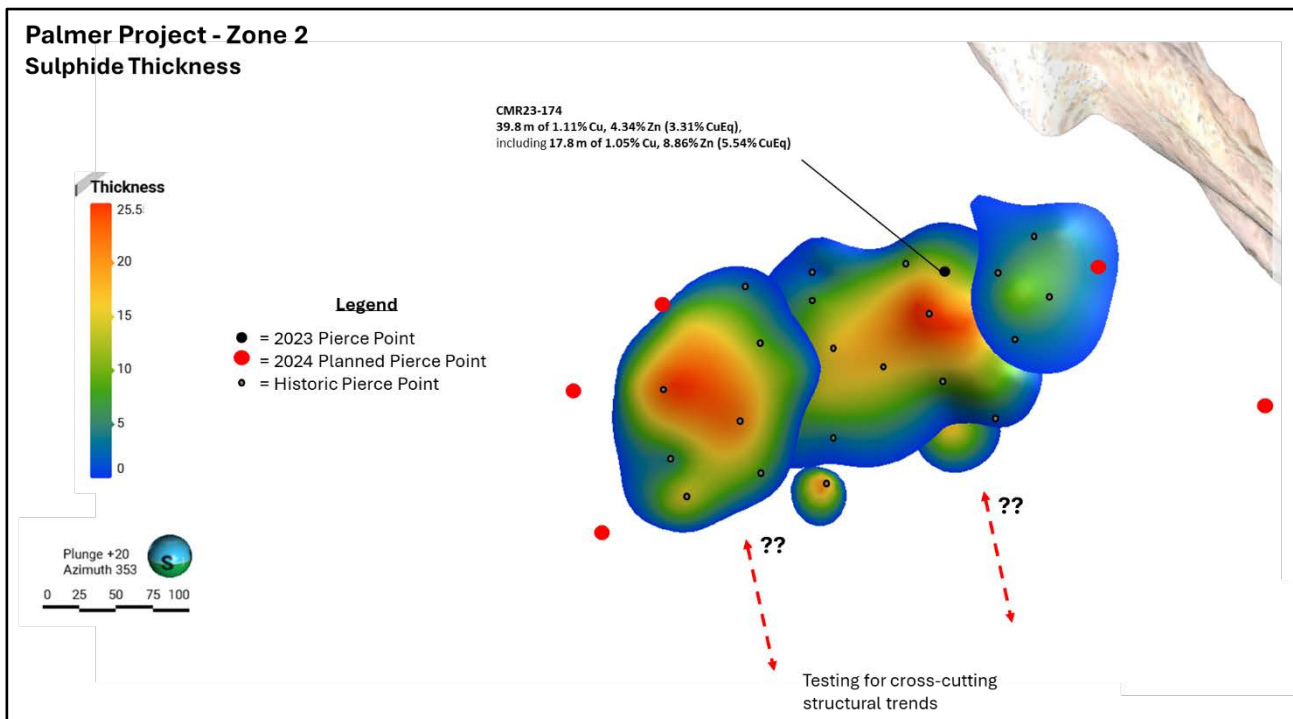




Figure 4. South Wall – Zone 2 Mineralized Thickness and Planned 2024 Pierce Points. Designed to Define and Expand the Zone 2 Mineral Resource.

¹Amended NI 43-101 Technical Report Palmer Project Alaska, USA, JDS Energy and Mining Inc. 2019

Qualified Person Statement

The technical information in this news release has been reviewed and approved by Michael Vande Guchte, P.Geo., VP Exploration for the Palmer Project and a qualified person as defined by National Instrument 43-101, *Standards of Disclosure for Mineral Projects*.

About the Palmer Project

The Palmer Project is an advanced-stage high-grade volcanogenic massive sulphide-sulphate project located within the Porcupine Mining District of the Haines Borough, Alaska. The Project is operated in a joint venture partnership between American Pacific, through its wholly-owned subsidiary, Constantine North Inc. as the manager (operator), with 31.53% ownership and Dowa Metals & Mining Co., Ltd (Dowa), with 68.47% ownership.

As of December 31, 2023, over US\$100 million had been invested in exploration and development work and environmental programs to responsibly advance the Project. The Palmer Project hosts a National Instrument 43-101 mineral resource of 4.68 million tonnes of 10.2% zinc equivalent (3.9% copper equivalent) in the indicated category and 9.59 million tonnes of 8.9% zinc equivalent (3.4% copper equivalent) in the inferred category. Please refer to the Company's Preliminary Economic Assessment ("PEA"), which was completed in June 2019 (filed July 18, 2019, amended March 7, 2022; filed on www.sedar.com).

The amended PEA is preliminary in nature and includes inferred mineral resources that are considered too speculative geologically to have economic considerations applied to them that would enable them to be categorized as mineral reserves. There is no certainty that amended PEA results will be realized. Mineral resources that are not mineral reserves do not have demonstrated economic viability.

About American Pacific Mining Corp.

American Pacific Mining Corp. is a precious and base metals explorer and developer focused on opportunities in the Western United States. The Company has two flagship assets: the Palmer Project, a Volcanic Massive Sulphide-Sulphate (VMS) project in Alaska, under joint-venture partnership with Dowa Metals & Mining, owner of Japan's largest zinc smelter; and the Madison Project, a past-producing copper-gold project in Montana. For the Madison transaction, American Pacific was selected as a finalist in both 2021 and 2022 for 'Deal of the Year' at the S&P Global Platts Global Metals Awards, an annual program that recognizes exemplary accomplishments in 16 performance categories. Also, in American Pacific's asset portfolio are high-grade, precious metals projects located in key mining



districts in Nevada, USA, including the Ziggurat Gold project, partnered with Centerra Gold and the Tuscarora Gold-Silver project. The Company's mission is to grow by the drill bit and by acquisition.

On Behalf of the Board of American Pacific Mining Corp.

"Warwick Smith"

CEO & Director

Corporate Office: Suite 910 – 510 Burrard Street Vancouver, BC, V6C 3A8 Canada

Investor Relations Contact:

Kristina Pillon, High Tide Consulting Corp.,
604.908.1695 / kristina@americanpacific.ca

Media Relations Contact:

Adam Bello, Primoris Group Inc.
416.489.0092 / media@primorisgroup.com

Forward-looking Information

This news release includes certain statements that may be deemed to be "forward-looking information" within the meaning of Canadian securities legislation. All statements in this news release, other than statements of historical facts are forward looking statements, including statements that address our expectations with respect to future work programs at Madison. Forward-looking statements are often, but not always, identified by the use of words such as "seek", "anticipate", "plan", "continue", "estimate", "expect", "may", "will", "project", "predict", "potential", "targeting", "intend", "could", "might", "should", "believe" and similar expressions. These statements involve known and unknown risks, uncertainties and other factors that may cause actual results or events to differ materially from those anticipated in such forward-looking statements. Although American Pacific believes the expectations expressed in such forward-looking statements are based on reasonable assumptions, such statements are not guarantees of future performance and actual results or developments may differ materially from those in the forward-looking statements. Factors that could cause actual results to differ materially from those in forward-looking statements include, but are not limited to, timing of receipt of required permits, changes in applicable laws, changes in commodities prices, changes in mineral production performance, exploitation and exploration successes, as applicable, continued availability of capital and financing, and general economic, market or business conditions, political risk, currency risk and capital cost inflation. In addition, forward-looking statements are subject to various risks, including that data is incomplete and considerable additional work will be required to complete further evaluation, including but not limited to drilling, engineering and socio-economic studies and investment. The reader is referred to American Pacific's filings with the Canadian securities regulators for disclosure regarding these and other risk factors. There is no certainty that any forward-looking statement will come to pass, and investors should not place undue reliance upon forward-looking statements.



The CSE has neither approved nor disapproved the contents of this news release. Neither the CSE nor its Regulation Services Provider (as that term is defined in the policies of the CSE) accepts responsibility for the adequacy or accuracy of this release.



CONSTANTINE

PALMER PROJECT

FIVE-YEAR PLAN OF OPERATIONS SUBMITTED TO THE STATE OF ALASKA



The Plan Proposes

- Expanded baseline data collection over a larger area;
- Subsurface data collection;
- Access roads and laydown area;
- Surface mineral sampling.

Collecting information on existing environmental conditions of the area will continue to inform Constantine's understanding of the natural environment and guide future activities.

Public comment is available and we welcome your feedback on protecting all Chilkat Valley resources and quality of life.

The Palmer Project is an advanced mineral exploration project operated by Alaska's Constantine Mining LLC (Constantine) near Southeast Alaska.

Our team, many of whom live in the region, are currently exploring the potential of Palmer's copper, zinc, silver, gold, and barite volcanogenic massive sulfide (VMS) deposits while evaluating the social, environmental and economic potential of the project. We are conducting detailed environmental studies and engineering programs guided by state and federal permits and authorizations continuing with Palmer's multi-year plan.

Five-Year Activity Plan

Authorization of the Plan is coordinated by The Alaska Department of Natural Resources (DNR) Division of Mining Land and Water (DMLW) in support of an Application for Permits to Mine in Alaska (APMA). The APMA is one of a portfolio of State and Federal authorizations to guide the next phase of responsible exploration at Palmer.

Does this plan mean a mine is going to be built?

No. The Five-Year Plan proposes activities on the State lands of the property continuing Constantine's exploration and evaluation phase of the Palmer Project.

Why is this needed?

Constantine currently operates under multiple authorizations from state and federal agencies. This Five-Year Plan specifically requests data gathering activities on state land.

What is being done to protect the waters and environment of the Chilkat Valley?

As the Palmer Project is NOT a mining operation, Constantine is not treating or discharging any processed mine water.

The proposed activities in the Plan are designed for minimal disturbance with best management practices in place. Data from these studies will be critical to inform future decisions on the environmental sustainability of the project.

What safety measures will be used?

During the proposed activities, public notifications will announce specific activities and locations when necessary. This may include temporarily limiting access to certain areas while activities are underway. Upon completion, installations such as groundwater wells will be identifiable and marked with snow poles.

Environmental Studies and Monitoring

Constantine's actions are designed for minimal impact while natural baseline conditions are assessed before future work is planned. Existing environmental programs are proposed for continued enhancement and expanded onto State land to further understand:

Climate

- Installation of an additional meteorological station (Up to two total).

Water Quality, Conditions and Movement

- Installation of up to 20 groundwater monitoring wells;
- Surface water flow and quality monitoring;
- Wetlands delineation.

Fish, Wildlife and People

- Fish surveys;
- Wildlife observations and surveys;
- Cultural resource surveys.



Geotechnical Understanding

Specific data is needed to understand conditions below the surface. The Five-Year Plan proposes the following activities, up to the amounts described below:

Test Pits:

40 excavator-bucket-size overburden holes to assess near surface ground conditions; the pits will be filled and reclaimed immediately following the work.

Seismic Surveys:

5.5 miles of line clearing to allow access for specialized equipment to send sound waves into the ground which produce images of the shallow rock and structures.

Geotechnical Drilling:

33 drill pads will be developed and reclaimed to support this work.

Other Activities

Up to 6.55 miles of access roads and a 1-acre laydown area of are proposed to support the activities in the Five-Year Plan.

Project Facts

- Haines resident Merrill Palmer discovered surface mineralization in 1969.
- The Palmer Property includes Zinc, Copper and Barite recognized as critical minerals by the United States Geological Survey (USGS) and the Department of Energy (DOE).
- Over \$100 million has been invested in mineral exploration, geotechnical, and environmental studies at Palmer.
- Property area totals 62,590 acres (97.8 square miles) consisting of mineral leases with Alaska Mental Health Trust Authority, Federal mining claims, and State mining claims.
- The Property is host to two NI 43-101 mineral deposits with a consolidated mineral resource of 4.68 million tonnes of 10.21% zinc equivalent (3.92% CuEq) in the indicated category and 9.59 million tonnes of 8.87% zinc equivalent (3.40% CuEq) in the inferred category.

Preliminary Economic Assessment ("PEA"), which was completed in June 2019 (filed July 18, 2019, amended March 7, 2022; filed on www.sedar.com)



Constantine is funded through a Joint Venture (JV) partnership between Dowa Metals and Mining Alaska Ltd (Dowa) and Constantine North Inc, a subsidiary of American Pacific Mining (APM).

Contact Us

Our team believes in open and transparent communication and we always welcome opportunities to share information.

If you have any questions or would like more information, please -

- 📍 Contact our Haines office - 120 N 2nd Ave., Haines Alaska 99827
- 🌐 Visit - www.americanpacificmining.com
- ☎ Call us at - 907-766-2057
- ✉ Email - info@constantinemetals.com
- 📘 Facebook - Constantine's Palmer Project

From: [Alekka Fullerton](#)
To: [Alekka Fullerton](#)
Subject: Borough Attorney Representation
Date: Thursday, April 18, 2024 10:23:46 AM

From: Charles Cacciola <CCacciola@bcfaklaw.com>
Sent: Thursday, April 18, 2024 10:11 AM
To: Tom Morphet <tmorphet@haines.ak.us>; Alekka Fullerton <afullerton@haines.ak.us>
Subject: RE: CVRC lawsuit, etc,

CAUTION: This email originated from outside of the Haines Borough. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Tom:

Our firm has served as the Haines Borough Attorney for over a decade. We're proud of the work we've done on behalf of the borough and its residents and are pleased to have had the opportunity to be of service. When the RFP was issued, we considered our present goals and the borough's and decided not to submit a proposal.

The borough has presumably received proposals from several firms with strong municipal practices. It's a good time for the borough to appoint a new borough attorney. The RFP requires proposals to remain open for 100 days. Based on that timeline, we do not intend to accept new assignments after July 31, 2024. When the assembly is prepared to select a new firm, we'll provide a memo identifying all ongoing matters. The borough can determine which matters should be handed off to the new attorneys and what work it prefers that we continue with. Please keep us informed of the borough's progress in selecting a new borough attorney so that we can ensure a seamless transition.

Regards,
Charles