

**From:** [Ella Bredthauer](#)  
**To:** [Julie Cozzi](#)  
**Subject:** Formal Letter of Appeal re: Conditional Use Permit #17-06 Highland Estates, Inc. Resource Extraction near Skyline Subdivision (# C-SEC-26-0100)  
**Date:** Friday, February 17, 2017 5:11:14 AM  
**Attachments:** [Signed Formal Letter of Appeal re Conditional Use Permit #17 06 Highland Estates, Inc. Resource Extraction near Skyline Subdivision Final.pdf](#)  
[Addendum A Skyline Project Resident Notification Mailing List.pdf](#)  
[Addendum C1 Ryan MEMO Skyline Resource Extraction Project.pdf](#)  
[Addendum C2 FINAL MEMO COMMISSION APPROVAL Skyline Resource Extraction Permit.pdf](#)

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Dear Mrs. Cozzi,

Attached is my signed formal letter of appeal regarding the Conditional Use Permit #17-06– Highland Estates, Inc. Resource Extraction near Skyline Subdivision (# C-SEC-26-0100 approved by the Haines Borough Zoning Commission on Feb. 9, 2017.

My husband, Jeff Harrison, and I are the property owners of 191 Skyline Drive. As the back side of our property sits directly on Young Rd (the proposed truck route) and within sight distance of the proposed development, we are directly affected parties.

I would like it to be noted that we were not notified via mail of the resource extraction permit nor were we notified of the Zoning Commission meeting held 2/9/17. Please reference the attached Excel spreadsheet (Addendum A) detailing notified parties as provided by the Haines Borough Planner.

As we spend part of the winter months in New Mexico, we had no access to fliers posted around Haines nor the announcement printed in the Chilkat Valley News. The only reason I was made aware of the permit and approval was via a news story on the KHNS Facebook page.

This lack of notification is shocking to me and addressed in more detail in my attached formal appeal letter.

Please let me know if you need any other additional information. You can reach me via cell phone or email, both of which are listed in my email signature below.

Please send confirmation that you have received this email and processed my appeal.

Thank you for your assistance,  
Ella

Ella Bredthauer  
NSBSD RTI and PBIS Support, SPED iPad Support  
Phone: [\(907\) 314-0836](tel:9073140836)  
Email: [ellabredthauer@gmail.com](mailto:ellabredthauer@gmail.com)  
Skype Name: ellabredthauer

"Anyone who does anything to help a child is his life is a hero to me." --Fred Rogers

**To:** Julie Cozzi, Haines Borough Clerk

**From:** Ella Bredthauer and Jeff Harrison, property owners of 191 Skyline Dr. Haines AK 99827

**Re:** Decision made by the planning commission on February 9, 2017 on Conditional Use Permit – Highland Estates, Inc. - Resource Extraction near Skyline Subdivision (# C-SEC-26-0100).

Dear Haines Borough Clerk,

This letter serves as my formal appeal of the decision made by the planning commission on February 9, 2017 on Conditional Use Permit #17-06– Highland Estates, Inc. - Resource Extraction near Skyline Subdivision (# C-SEC-26-0100).

My reasons for this appeal are the following:

1. Per [HBC 18.50.040](#), *comments received from property owners impacted by the proposed development will be considered and given their due weight.* And per requirements of HBC [18.30.020](#) and as noted in the memorandum Re: Permit 17-06 submitted by Brad Ryan on 2/3/17 (**see Appeal Addendum Part C, page 4 #8**), all property owners within an area of 200 feet from the applicant's property and owners immediately adjacent to the proposed route were to be notified in writing of the application, the date of the hearing and the proposed use.

On January 30, 2017, Haines Borough sent out a letter of notification to 64 households. **Appeal Addendum Part A** of this appeal for Excel Spreadsheet notification mailing list. Neither I nor my husband Jeff Harrison was on this notification list even though our property at 191 Skyline Drive is also on the proposed truck route and within sight distance of the proposed development. The entrance for my driveway and the back side of my home front the top of Young Road.

I am also troubled that my neighbors on the Skyline loop were also not included on this notification list. The homes on Skyline Loop will be directly impacted by the constant noise of excavation and frequent vibration impact of blasting. Many of the property owners spend time out of Haines in the winter months; notification via fliers posted around Haines or announcements in the newspaper are not viable nor guaranteed forms of notification.

**Therefore, as a property owner directly impacted by this proposed development, I do not feel that I (nor my neighbors) were given proper and timely notification**

**about this resource extraction permit application.** I only heard about the resource extraction permit via a KHNS online news story after the permit had been approved. As a direct result, I was not able to comment before the zoning commission made its final decision; my concerns were not given due weight.

2. The conditional use permit #17-06 submitted by Highland Estates, Inc. on 1/20/2017 does not provide enough detail to fully comply with all the general approval criteria listed in [HBC 18.60.10](#) and the specific approval criteria listed in [HBC 18.60.20](#). Per [HBC 18.60.10](#), *the burden of proof is on the developer to show that the proposed use meets these criteria and applicable specific criteria for approval.* **Due to the lack of detail and depth in his original permit, Mr. Schnabel did not meet the burden of proof in his original application** particularly in regards to the general land use permit criteria of traffic, reviewing parties, public maintenance, drainage, peak use, and off-site impacts.

With respect to the specific approval criteria listed in [HBC 18.60.20](#), code states that *the use must...include an acceptable operation and reclamation plan that addresses the following concerns (see **Appeal Addendum B** for list of concerns) and assures that the adverse impact of the operation is minimized and the site will be left in a safe, stable and environmentally and aesthetically acceptable condition.* The conditional use permit #17-06 does not fully address community concerns nor does it offer enough specific details of how adverse effects be minimized in the areas of days and hours of operation, traffic patterns, control of noise, demonstration that the final land form will have a viable land use compatible with land use trends in the surrounding area and methods to minimize potential conflict with existing uses that are significantly impacted by the development.

In addition, it is **my assertion that the Haines Borough Planning Commission did not consider with due diligence the general and specific criteria in [HBC 18.60.10](#) and [HBC 18.60.20](#)** before approving permit #17-06 at their Feb. 9, 2017 Planning Commission meeting. They disregarded the professional opinion of Interim Borough Manager Brad Ryan regarding alignment of the permit to borough code. On February 3, 2017, Ryan submitted a memorandum to the Planning Commission containing his recommendations on Conditional Use Permit #17-06. In this memo, he recommended 7 conditions to align the permit with the criteria listed in borough code. The Zoning commission severely reduced or deleted 5 of the 7 compliance recommendations and ignored Borough Manager Ryan's documented concerns about the development's potential to damage road infrastructure, disrupt the quality of life in surrounding neighborhoods, decrease property value and negatively impact the personal safety of residents.

Please see **Appeal Addendum Part C** of this appeal for copies of the Borough Manager Ryan's original memorandum and the Planning Commission's final draft.

**3. New information regarding the applicants intended use of the property and volume of resource to be extracted has come to light** after the Zoning Commission meeting on 2/9/17 but before the end of the 10-day public comment / appeal period. Concerned citizen Lenise Henderson-Fontenot requested an information gathering meeting with Roger Schnabel to clarify details associated with his development plan and the permit. This meeting took place on 2/14/17 and was attended by Lenise Henderson-Fontenot, Roger Schnabel and Interim Borough Manager Brad Ryan.

During this meeting, Mrs. Henderson-Fontenot asked Mr. Schnabel to elaborate on potential truck traffic associated with the 7500 cubic yards of aggregate extraction allowed by the approved permit. In response, Mr. Schnabel stated that this may equate to one 10-yard truck every 9-10 minutes depending on how fast he can move the material.

During the meeting Mr. Schnabel also informed Mrs. Henderson-Fontenot of his plans to haul an additional 25,000-30,000 yards of material (2,500-3,000 additional truck runs) out of the site. He stated it was within his rights to do this without a permit because he was not selling the aggregate right away, but planning to hold it in his 4<sup>th</sup> Ave facility. This additional resource extraction would amount to 3 times the volume allowed in the original permit and an additional 2,750 truck runs up and down Young Road.

In my opinion, **this new information revealing Mr. Schnabel's intention to dramatically increased volume of extraction demands appeal of the permit the following grounds:**

- A) In his original permit application, Mr. Schnabel, representing Highland Estates, Inc., did not fully disclose his true intent with respect to how much aggregate he plans on removing from the Skyline site. He has now publically stated that his intention is to extract 3 times the volume requested in his original permit. This increase has profound implications with regards to the general and specific criteria listed in [HBC 18.60.10](#) and [HBC 18.60.20](#).
- B) This volume of aggregate removal appears to be excessive for his stated purpose on his permit of "Other—Site Clearing" and "Moving excess material related to the clearing, grubbing and blasting to get a better lay of the land." There appears to be a conflict between purpose stated on permit and the development intent stated in the 2/14/17 information meeting. Due to this discrepancy, concrete details and further clarification on his plan for extraction are needed to ensure that all code is being followed and that specifically (per [HBC 18.60.10](#)) *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.*
- C) A volume of +3,250 cubic yards (750 cubic yards as stated in original permit application and additional 2500-3000 cubic yards disclosed in citizen information meeting) constitutes a different intended use; the amount of aggregate to be moved in this case raises other provisions in code. Whether or not for immediate sale, in my opinion, this level of development falls under the definition of "Industrial, Heavy," which is noted in [HBC 18.20](#)



(see below). Under the provisions stated in [HBC 18.70.40](#), this type of use requires a different permit for “Industrial, Heavy” use.

*[HBC 18.20](#) “**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.*

On the grounds stated above, I implore the Haines Borough to approve my appeal. More time is needed to gather information on the scope and scale of the development as well as to clarify how it will more specifically address the land use criteria detailed in criteria listed in [HBC 18.60.10](#) and [HBC 18.60.20](#).

We cannot undo development once it happens, therefore we must ensure that proper time and diligence is given to this permitting process. The potential impact of this permit is life-altering in terms of safety and quality of life for many residents of the Haines Borough.

Please contact me with any questions or clarification regarding this appeal. I can be reached via phone or email.

Thank you for your time and consideration of this matter,



Ella Bredthauer

Ella Bredthauer and Jeff Harrison  
Homeowners: 191 Skyline Dr. Haines, AK 99827  
[ellabredthauer@gmail.com](mailto:ellabredthauer@gmail.com)  
907-314-0836

**Appeal Addendum Part A:**

Please see attached PDF  
Skyline Project Resident Notification Mailing List

**Appeal Addendum Part B:**

**According to Haines Borough Code [18.60.10](#),**

*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.*

**Under the criteria referenced in [HBC 18.60.10](#), conditional use permits must consider and comply with the following for approval:**

*Plans; Reviewing Parties; Fire Safety and Emergency Access; Access; Traffic; Public Maintenance; Foundation; Utilities; Drainage; Walkways; Construction Guarantees; Peak Use; Off Site Impacts; Habitat; Open Space and Facilities; Historic Resources; National Flood Plain Regulations; and Hazard Areas.*

**In addition, [HBC 18.60.20](#) states:**

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

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

- 1. Methods and process of reclamation including stockpiling of topsoil for reuse;*
- 2. Initial site conditions including existing land use, vegetation, soils, geology and hydrology;*
- 3. Limits of operational areas;*
- 4. Days and hours of operation;*
- 5. Traffic patterns;*
- 6. Fencing and screening;*
- 7. Control of dust and noise;*
- 8. Phasing of operations and reclamation steps;*
- 9. Final condition 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;*
- 10. Methods to minimize potential conflict with existing uses that are significantly impacted by the development.*

### **Appeal Addendum C**

Please see attached PDFs

FINAL MEMO COMMISSION APPROVAL Skyline Resource Extraction Permit

Ryan MEMO Skyline Resource Extraction Permit

| TAXIDNO       | PRIMARYOWNER                             | ADDRESS1                               | ADDRESS2                         | IMPACT   |
|---------------|--|--|----------------------------------|----------|
| C-SKY-0A-0200 | ALAN HEINRICH                            | P.O. BOX 406                           | HAINES AK 99827-0406             | Neighbor |
| C-TNS-08-0100 | ALBERT SACKS                             | BOX 1198                               | HAINES AK 99827                  | Route    |
| C-SKY-0A-0700 | ANDREW T. NEASON                         | P.O. BOX 1724                          | HAINES AK 99827                  | Neighbor |
| C-TNS-02-1200 | AP & T                                   | P.O. BOX 3222                          | PORT TOWNSEND WA 98368           | Route    |
| C-690-02-0400 | BEVERLY RUTH WILSON                      | BOX 1472                               | HAINES AK 99827                  | Route    |
| C-SKY-0A-0300 | BILL PRICE                               | 8238 POPLAR AVENUE                     | JUNEAU AK 99801                  | Neighbor |
| C-690-02-0300 | BRIAN ELLIOTT                            | BOX 391                                | HAINES AK 99827                  | Route    |
| C-TNS-14-0800 | c/o GREGG RICHMOND                       | P.O. BOX 609                           | HAINES AK 99827                  | Route    |
| C-TNS-07-0700 | CAPTAIN'S CHOICE INC                     | P.O. BOX 392                           | HAINES AK 99827                  | Route    |
| C-690-08-0C00 | CARLOS JIMENEZ                           | BOX 962                                | HAINES AK 99827                  | Route    |
| C-ERM-00-0200 | CHRISTOPHER THORGESEN                    | P.O. BOX 887                           | HAINES AK 99827                  | Route    |
| C-SKY-0A-0400 | CRAIG RICHARD PIERCE                     | 3381 E. CHEVY CHASE DR.                | GLENDATE CA 91206                | Neighbor |
| C-HGL-07-0300 | D. HARRINGTON                            | BOX 1055                               | HAINES AK 99827                  | Neighbor |
| C-LTR-00-0100 | DELTA WESTERN                            | 1177 FAIRVIEW AVE. N                   | SEATTLE WA 98109-4418            | Neighbor |
| C-SKY-0A-0800 | DON SUTTON                               | 523 KETCHIKAN AVE                      | FAIRBANKS AK 99701               | Neighbor |
| C-HGL-01-0100 | DORIS K. BELL                            | BOX 1189                               | HAINES AK 99827                  | Neighbor |
| C-ERM-00-0300 | DOUG P. PEEL                             | 800 6TH ST.                            | JUNEAU AK 99801                  | Route    |
| C-TNS-13-0500 | EDWARD DAVIS                             | P.O. BOX 258                           | HAINES AK 99827                  | Route    |
| C-SKY-0A-0500 | EDWARD M. BEITNER                        | BOX 1321                               | HAINES AK 99827                  | Neighbor |
| C-SKY-0A-0900 | ELI FIERER                               | BOX 1461                               | HAINES AK 99827                  | Neighbor |
| C-HGL-01-0500 | ELIZABETH LYONS                          | P.O. BOX 880314                        | PUKALANI HI 96788                | Neighbor |
| C-690-11-0100 | ERIC KOCHER                              | BOX 602                                | HAINES AK 99827                  | Route    |
| C-LYN-0C-0100 | ERICK ST. CLAIR                          | P.O. BOX 1712                          | HAINES AK 99827                  | Route    |
| C-SKY-0D-0400 | ERIK CHARLES BALDWIN STEVENS             | BOX 665                                | HAINES AK 99827                  | Neighbor |
| C-HGL-06-0200 | ERNA ZALITIS                             | 1018 FORDHAM DRIVE                     | DAVIS CA 95616                   | Neighbor |
| C-690-08-0B00 | ERWIN N. HERTZ                           | 34261 CRICKET LANE NE                  | ALBANY OR 97322                  | Route    |
| C-TNS-07-2600 | EVANGELINE C. WILLARD-HOY                | BOX 327                                | HAINES AK 99827                  | Route    |
| C-TNS-07-2500 | GREGG RICHMOND                           | P.O. BOX 632                           | HAINES AK 99827                  | Route    |
| C-TNS-08-0500 | Haines Assited Living                    | C/O Vince Hansen                       | Haines AK 99827                  | Route    |
| C-SKY-0A-0600 | HERBERT E. NELSON                        | P.O. BOX 26                            | TULETA TX 78162-0026             | Neighbor |
| C-SKY-0D-0300 | JAMES LEO BYAM                           | SPITZWEG 9, 8404 WINTERTHUR            | 8404 WINTERTHUR - -              | Neighbor |
| C-SKY-0B-0100 | JAMES SHOOK                              | BOX 1286                               | HAINES AK 99827                  | Neighbor |
| C-HGL-01-0200 | JANICE HOTZE                             | BOX 91                                 | HAINES AK 99827                  | Neighbor |
| C-HGL-01-1000 | JUDITH RICE                              | BOX 828                                | HAINES AK 99827                  | Neighbor |
| C-YNG-02-0100 | KARL WARD                                | BOX 14                                 | HAINES AK 99827                  | Neighbor |
| C-TNS-13-1000 | L. BENNETT 2ND FAMILY LIMITED PARTNERSHI | 11448 RANIER AVE. SOUTH #230           | SEATTLE WA 98178                 | Route    |
| C-TGN-00-0200 | LAWRENCE WILLARD                         | BOX 194                                | HAINES AK 99827                  | Route    |
| C-690-08-0A00 | LEMMIE L. SPRADLIN                       | P.O. BOX 386                           | HAINES AK 99827                  | Route    |
| C-HGL-06-0300 | LENISE ANN HENDERSON                     | P.O. BOX 12                            | HAINES AK 99827                  | Neighbor |
| C-TNS-08-0700 | MARK COZZI                               | BOX 701                                | HAINES AK 99827                  | Route    |
| C-LYN-0C-0300 | MICHELE M. WING                          | P.O. BOX 438                           | HAINES AK 99827                  | Route    |
| C-SKY-0D-0100 | MICKIE L. DUTTON                         | 2184 BRENTWOOD DRIVE                   | IDAHO FALLS ID 83402-2922        | Neighbor |
| C-YNG-01-0100 | OMAR CORDES                              | HERENGRACHT 105-107, AMSTERDAM 1015 BE | N. HOLLAND THE NETHERLANDS -     | Neighbor |
| C-LYN-0C-0600 | PATRICIA BLANK                           | P.O. BOX 112                           | HAINES AK 99827                  | Route    |
| C-LYN-0C-0400 | PEGGY ORMASEN                            | BOX 450                                | HAINES AK 99827                  | Route    |
| C-HGL-01-0800 | PHIL EMERSON                             | P.O. BOX 30146                         | WHITEHORSE YUKON, Y1A 5M2 CANADA | Neighbor |
| C-HGL-01-0700 | RAYMOND WILLARD                          | P.O. BOX 870302                        | WASILLA AK 99687                 | Neighbor |
| C-HGL-01-0400 | ROBERT DRUCKER                           | 927 W. STEPHENSON ST                   | FREEMONT IL 61032                | Neighbor |
| C-690-09-N1/2 | ROGER L. BERGSTRAND                      | P.O. BOX 1315                          | HAINES AK 99827                  | Route    |
| C-HGL-07-0200 | ROGER VLASAK                             | 2750 MISTLETOE RD.                     | DALLAS OR 97338                  | Neighbor |
| C-TNS-14-0100 | ROY LAWRENCE                             | BOX 650                                | HAINES AK 99827                  | Route    |
| C-HGL-06-0100 | ROYAL BARTLETT HENDERSON JR.             | BOX 12                                 | HAINES AK 99827                  | Neighbor |
| C-SKY-0B-0200 | SCOTT A. BADER                           | P.O. BOX 1138                          | HAINES AK 99827-1138             | Neighbor |
| C-SKY-0D-0200 | SHARON E. COE                            | P.O. BOX 729                           | HAINES AK 99827                  | Neighbor |
| C-YNG-03-0200 | SHORI A. LONG                            | P.O. BOX 291                           | HAINES AK 99827                  | Route    |
| C-690-03-0300 | STEPHEN SAMUEL McPHETRES                 | BOX 1192                               | HAINES AK 99827                  | Route    |
| C-YNG-04-0100 | STEVEN MICHAEL DALY                      | BOX 55                                 | HAINES AK 99827                  | Route    |
| C-690-03-0200 | TIMOTHY WARD                             | BOX 208                                | HAINES AK 99827                  | Route    |
| C-TGN-00-0100 | TRACEY A. HARMON                         | P.O. BOX 1388                          | HAINES AK 99827                  | Route    |
| C-YNG-01-0500 | TROY FOTTA                               | P.O. BOX 753                           | HAINES AK 99827                  | Neighbor |
| C-HGL-01-1100 | VAL J. POOR                              | BOX 594                                | HAINES AK 99827                  | Neighbor |
| C-HGL-01-0900 | WILLIAM BROSTE                           | BOX 144                                | HAINES AK 99827                  | Neighbor |
| C-CDS-TL-0200 | WILLIAM EGOLF                            | P.O. BOX 491                           | HAINES AK 99827                  | Neighbor |
| C-HGL-07-0100 | YNGVE OLSSON                             | BOX 605                                | HAINES AK 99827                  | Neighbor |



# HAINES BOROUGH, ALASKA

P.O. BOX 1209

HAINES, AK 99827

(907) 766-2231 \* FAX (907) 766-2716

3 February 2017

To: Planning Commission  
From: Brad Ryan, Interim Manager  
Re: **Conditional Use Permit (#17-06); Tax ID # C-SEC-26-0100; Roger J. Schnabel**

## SUMMARY

This memorandum serves as my recommendation under Haines Borough Code (HBC) 18.50.040 (A) for the above referenced permit (see attached application). Staff has evaluated the application against the criteria listed in borough code. With the exception of seven (7) items, it is my opinion that the development adheres to the pertinent criteria. In addition to the specifications already outlined by the applicant in the application and development plan, my recommendation is that a permit be issued if it meets the conditions as follows:

1. *Permitted Volume.* The permit is granted for extraction of not more than 7,500 cubic yards of aggregate material.
2. *Routes.* The development plan submitted by the applicant did not include final destinations of commercial sale. Currently, the final destination of one route is on Second Avenue. The applicant must submit a map which clearly delineates the proposed routes for transport before a permit is issued. Any modifications to the route must be submitted to staff in a timely manner and must receive approval from the Planning Commission prior to deviation.
3. *Roads.* Due to the likelihood of off-site impacts to Young Road from heavy load transport, the developer or owner is required to (1) repair roads as needed to their current condition as of the date the permit was issued; and (2) post a bond guaranteeing satisfactory completion of the required road repairs. To alleviate developer concerns over financial responsibility of normal wear and tear of roadways, the borough will submit a predevelopment inspection document with photos of current road conditions along the route(s).
4. *Drainage and vegetation.* Removal of vegetation and topsoil will change the runoff patterns of the hillside and increase probability of erosion or other mass wasting (creep, slump, flow, fall, or landslides) during large rainfall events. Runoff is a portion of precipitation that is not intercepted by vegetation, absorbed by land surface, or evaporated, and thus flows overland into a depression, stream, lake, or ocean (also takes place in the upper layers of soil). The developer has agreed to install controls to maintain water quality and flood control as needed. The developer will also use Best Management Practices (BMPs) outlined in their Operations Plan. In addition, the developer must submit a drainage plan with respect to storm water being discharged into the adjoining single family residential neighborhood. The drainage plan will include specific details about mitigation efforts before, during, and after the life cycle of the permit. The plan must be approved by borough staff before a permit is issued.
5. *Mitigation.* The applicant shall control dust, noise, and vibrations to the maximum feasible extent.
6. *Development schedule.* Blasting will occur between the hours of 10:00 am and 3:00 pm, Monday-Friday. Hauling will occur between the hours of 8:00 am and 5:00 pm, Monday-Saturday. Operations will not occur during (1) Federal, State, and Borough holidays; (2) Special Event days as determined by the tourism office; and (3) Cruise Ship days.
7. Unless otherwise provided by the Planning Commission, this permit will expire on March 1<sup>st</sup>, 2020.

Per HBC 18.50.040 (B), the Planning Commission may alter these proposed conditions or impose its own. This recommendation was written prior to public comment reception, so the Commission is encouraged to reconsider the conditions after the public hearing. Conditions may include, but are not limited to:

- Construction guarantees.
- Viewshed protection.
- Development schedules.
- Use restrictions.
- Public dedications.
- Other mitigation requirements that would reduce noise, dust, traffic volume, or risk of property damage.

## BACKGROUND

As described in the application, the owner currently holds a land use permit for site preparation at this location, which includes clearing, grubbing, and blasting to provide access for survey work and future development, and expires in October 2017. The applicant has had two land use permits for the use since 2013. The proposed conditional use permit would extend the allowances of their land use permit and include a provision for the removal of excess aggregate for commercial sale, personal use, or storage. This type of use is defined as a *resource extraction* when applied to code (HBC 18.20) and can be most easily characterized as a temporary *industrial, heavy* activity:

*“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.*

*“Resource extraction” means a use involving clearing or grading of land or the removal, for commercial purposes, of native vegetation, topsoil, fill, sand, gravel, rock, petroleum, natural gas, coal, metal ore, or any other mineral, and other operations having similar characteristics.*

Considering the scale of development, it is debatable whether the applicant is already granted permission to remove excess material from his site under the provisions of his current land use permit. The code does not specify this type of activity under the definition for *development*. However, it is generally common for other properties to remove excess material after clearing without Borough approval. The requirement for a conditional use permit is triggered when the landowner uses the excess material for commercial sale.

The location of the site is zoned as *rural mixed use* where resource extraction is allowed under the provisions of a conditional use permit (HBC 18.70.030 and 18.70.040, respectively). The developer estimates 7,500 cubic yards of aggregate will be removed in a phased approach, which will occur over a three-year period. The proposed operational hours for hauling are 8:00 am to 5:00 pm, Monday-Saturday. During an October 2016 conference meeting, the owner clarified that there are only two areas of interest for clearing on his 65 acre parcel, though the size of the area is unknown. The applicant has noted that “clearing is required in order to get a better lay of the land which will allow an opportunity for planning for subdivision and development”.

There are two routes proposed for hauling, depending on the source of excess material – both begin at the top of Young Road. One destination would presumably end at Front Street, though the applicant has specified it would end on Second Avenue. The second destination would be the owner’s 4<sup>th</sup> Avenue permitted gravel pit. With the exception of Young Road and 4<sup>th</sup> Avenue, the roads are designated by the Borough and State as a truck route.

Deliberation for this recommendation stems from the rights of a landowner to develop his/her land while maintaining public health, safety, and quality of life for the public. Due to the scope of proposed development, economic viability and welfare should be considered for all landowners in the vicinity.

## REVIEW

Under HBC 18.50.040, there are eight criteria to be considered in deciding whether to grant a conditional use permit. Before a conditional use permit is approved, the commission must find that each of the following is met. I have provided my thoughts on each one.

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

*The 65acre site, zoned Rural Mixed Use, is directly adjacent to and uphill from a residential neighborhood, zoned as Single Family Residential. The proposed areas of interest for extraction are*

located on the west side of the property, at least 1,000 feet from the nearest neighbor. Extensions to the existing logging roads will be created for access to the areas of interest. Potentials exist for noise, nuisances, or other dangers with drainage issues from removal of topsoil and vegetation and the truck volume on neighborhood roads (9 trucks per hour during peak hauling times). Safety measures should be implemented to reduce safety concerns to the surrounding neighborhoods.

The applicant has noted that the direct transport of aggregate material from the site to another commercial site will reduce nuisances and dangers from traffic. Moving the material to his gravel pit on 4<sup>th</sup> Avenue then moving it again for commercial sale or personal use would increase traffic volume. The application also states that dust will be controlled with water and will be applied as needed. Vegetation will be maintained around operations and used as buffers to reduce sight and noise impact.

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

It is unclear whether the values of the adjoining properties will be impaired by the use. In the short term, construction from the use will cause some disruption to the neighborhood. Proposed mitigation efforts by the developer will likely reduce disruption, but changes to drainage patterns and road surfaces will need to be monitored throughout development. In the long-term, the value of the properties will depend on the type of use following survey work. The applicant has suggested that development may result in a plan for subdivision into residential housing sites, which would likely increase the fair market value of adjoining properties.

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

No public services exist at the site location, but water/sewer infrastructure and Borough roads exist along the proposed routes.

Although the location of the proposed use is limited to an area absent of borough infrastructure, the transport of material (9 truck loads per hour during peak hauling times) are considered “off site impacts” to borough roads, specifically for Young Road, which is not a designed truck route. The Borough recommends that the applicant be responsible for any damage to road infrastructure beyond normal wear and tear.

There is a low probability that water/sewer infrastructure will be impacted by the proposed truck loads and traffic volume.

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

In general, the proposed development is consistent with the comprehensive plan, but may temporarily disrupt the surrounding land uses of the residential neighborhood during peak hauling times. Various goals, actions, and objectives can be applied to the use, both in support and opposition of the proposal.

| <b>Support Goals</b>  | <b>Opposition Goals</b>   |
|---|---|
| Goal 10. Support responsible development of renewable and non-renewable resources within Haines Borough, including reuse of sand and gravel, unless reuse would cause more environmental damage than non-use from the area. | Goal 1. Sustain the quality of life that Haines residents rate as excellent, based on the outdoors and natural beauty, small town atmosphere. Recognize that quality of life keeps residents living in Haines and draws business and residents to the area. |
| Goal 3k. Increase number of family households with children under 18 over the next decade by 10%.   | Goal 3. D. Expand tourism and outdoor recreation economy.   |
| 5b. Site commercial and light industrial development in logical locations to promote economic opportunity, satisfy current and future needs – prevent sprawl.   | Goal 4. Provide safe, reliable transportation networks, aggressively maintain roads.  |
| 10a.1. Location of sand, gravel and rock extraction sites shall be permitted in the following order of  | Goal 4D. Accomplish geotechnical investigations and surficial ground water flow improvements to address   |

*priority: (1) Existing; (2) Reused from abandoned development areas (unless reuse would cause more environmental damage than non-use from that area, (3) new upland sites already approved; (4) streams that do not provide fish habitat.*

*Lutak Slope ground movement.*

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

*There are public safety concerns associated with the activities within the requested conditional use permit. There will be increased heavy truck traffic that could potentially increase noise and dust. If the activities are properly controlled and the CUP has an expiration date to ensure that the activity does not become a chronic resource extraction site that would reduce the impacts to 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;**

*The location is not part of the Sawmill Creek Watershed or the Mt. Ripinsky Hazardous Slopes Management Area as identified in the Haines Coastal Management Plan. The area does not contain anadromous fish streams and the runoff or groundwater is not a source of drinking water. However, erosion and ground or surface water contamination are a concern and potential runoff should be controlled. Sediment control measures should remain in place until vegetation or other sediment control measures are in place to prevent longer term runoff. A drainage plan was not submitted with the application, but the applicant has agreed to use Best Management Practices (BMPs) as provided in the operations plan.*

**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 applicant has identified the location of the blasting, but not the final destination from Second Avenue. Staff has no reason to believe that the applicant will not comply with conditions; The use is limited in scope and time frame the CUP should clearly outline the time and conditions of the permit.*

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

*No public comments were received prior to this review. Per requirements of HBC 18.30.020, all property owners within an area of 200 feet from the applicant's property and owners immediately adjacent to the proposed route were notified in writing of the application, the date of the hearing, and the use on January 30<sup>th</sup> (see attachment 2). If we receive additional comments prior to the February 9<sup>th</sup> planning commission meeting, we will include them in your packet.*

Sincerely,

Brad A. Ryan  
Haines Borough Interim Manager

Attachments:

1. Highland Estates Conditional Use Permit Application (#17-06).
  - Application Form
  - Attachment A: Preliminary Clearing Plan
  - Attachment B: Development Plan
2. January 30<sup>th</sup> letter to 63 Residents within 200 ft. of site and immediate frontage of the routes.





**Haines Borough**  
 Planning and Zoning  
 103 Third Ave. S., Haines, Alaska, 99827  
 Telephone: (907) 766-2231 \* Fax: (907) 766-2716

**APPLICATION FOR CONDITIONAL USE PERMIT**

**Permit#:** 17-06

**Date:** 1/19/17

Use this form for use approval by the Planning Commission for conditional uses.

|  |   |   |  |
|--|---|---|--|
| <b>I. Property Owner/Agent</b>   |   | <b>Owner's Contractor(If Any)</b>                 |  |
| Name: Roger J. Schnabel  |   | Name: Southeast Road Builders, Inc.               |  |
| Mailing Address: HC 60 Box 4800, Haines, AK 99827  |   | Haines Borough Business License #: 140.1          |  |
| Contact Phone: Day Night (907) 766-2833/(907) 766-2578   |   | Alaska Business License #: 228340                 |  |
| Fax: (907) 766-2832  |   | Contractor's License #: 23987                     |  |
| E-mail: roger@seroad.com   |   | Mailing Address: HC 60 Box 4800, Haines, AK 99827 |  |
|  |   | Contact Phone: Day Night (907) 766-2833           |  |
|  |   | Fax: (907) 766-2832                               |  |
|  |   | E-mail: roger@seroad.com                          |  |
| <b>II. Property Information</b>  |   |   |  |
| Size of Property: 65.24 Acres  |   |   |  |
| Property Tax #: C-SEC-26-0100  |   |   |  |
| Street Address: North of Oslund Drive  |   |   |  |
| Legal Description: Lot (s) _____ Block _____ Subdivision _____   |   |   |  |
| <b>OR</b>  |   |   |  |
| Parcel/Tract <u>TL2601</u> Section <u>26</u> Township <u>30S</u> Range <u>59E</u>  |   |   |  |
| [Attach additional page if necessary.]   |   |   |  |
| Zoning: <input type="checkbox"/> Waterfront <input type="checkbox"/> Single Residential <input type="checkbox"/> Rural Residential <input type="checkbox"/> Significant Structures Area    |   |   |  |
| <input checked="" type="checkbox"/> Rural Mixed Use <input type="checkbox"/> Multiple Residential <input type="checkbox"/> Heavy Industrial <input 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  |   |   |  |
| <b>III. Description of Work</b>  |   |   |  |
| <b>Type of Application</b><br>(Check all that apply)   | <b>Project Description</b><br>(Check all that apply)              | <b>Water Supply</b><br>Existing or Proposed       | <b>Sewage Disposal</b><br>Existing or Proposed |
| <input checked="" type="checkbox"/> Residential  | <input type="checkbox"/> Single Family Dwelling                   | <input checked="" type="checkbox"/> None          | <input checked="" type="checkbox"/> None       |
| <input checked="" type="checkbox"/> Commercial   | <input type="checkbox"/> Change of Use                            | <input type="checkbox"/> Community well           | <input type="checkbox"/> Septic Tank           |
| _____sq. ft.   | <input type="checkbox"/> Multi-Family Dwelling                    | <input type="checkbox"/> Private well             | <input type="checkbox"/> Holding Tank          |
| _____seating   | Total # of Units _____  | <input type="checkbox"/> Borough Water System     | <input type="checkbox"/> Borough Sewer System  |
| capacity if eating/drinking establishment  | <input type="checkbox"/> Cabin                                    | <input type="checkbox"/> Other _____              | <input type="checkbox"/> Pit Privy             |
| <input type="checkbox"/> Industrial  | <input type="checkbox"/> Addition                                 |   | <input type="checkbox"/> Other _____           |
| <input type="checkbox"/> Church  | <input type="checkbox"/> Accessory Structure                      |   |  |
| <input type="checkbox"/> Other _____   | <input checked="" type="checkbox"/> Other<br><u>Site Clearing</u> |   |  |
|  | Aggregate Material  |   |  |

|   |
|---|
| Valuation of Work:<br>Not Applicable  |
| Current use of adjacent properties:<br>Vacant land is located to the west and north of the 65 acre site that is currently being developed. A single residential neighborhood is located to the east of the development. |
| Attach the following documents to the permit application:<br><input checked="" type="checkbox"/> Site plan (see Attachment A) showing lot lines, bearings and distances, buildings, setbacks, streets, etc.             |

PREAPPLICATION (Required) Pre-application Conference Date: 10/21/2016

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.  
The site is currently permitted for clearing, grubbing, and blasting to provide access for planning, survey work and engineering. As access work progresses excess aggregate will be created that will have to be cleared from the site. As currently permitted the material will be moved to a nearby Material Storage site located near 4th Avenue on C-208-TL-0400 for use as a recycled material and then moved again when sold commercially. Granting a source permit under this CUP will allow the excess material to be moved directly from the development for use on a commercial site allowing a reduction in noise, nuisances, and dangers caused by multiple handling of the same material. See attached Operation and Development Plan.
2. Explain how the development of the use is such that the value of the adjoining property will not be significantly impaired.  
The trend towards land use in the area is residential in nature. The site is currently being cleared to allow an opportunity to visualize and develop a plan for subdivision into residential housing sites. The activity that is occurring on this property does not detract from residential development on the adjacent properties. It is the intention of the developer to protect and enhance neighborhood desirability. Vegetation will be maintained to protect the view shed of neighboring properties.
3. Explain how the size and scale of the use is such that existing public services and facilities are adequate to serve the proposed use.  
No public services are required for this activity.

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

The Comprehensive Plan supports responsible handling of inert materials. The comprehensive Plan specifically states a goal, objective, and strategy supportive of reuse of recycled materials.  
See Attachment B:  
"Goal 10. Support responsible development of renewable and non-renewable resources within Haines Borough."  
  
"1.b. Reuse of sand and gravel from abandoned development areas, unless reuse would cause more environmental damage than non-use from the area."

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

All material removed from the site will be inert materials. The developer is an experienced, licensed, and insured professional in civil and heavy work. Experience in this area indicates a cut bank remains stable at 1/2:1 and all clearing, grubbing, and blasting will be performed in a manner that provides an opportunity for a desirable future residential development while minimizing impact to the current residents in the nearby neighborhood. All drivers hauling material off the site will be CDL certified and trucks will be in compliance with all safety devices in working condition. Granting this permit provides a safer mechanism/route for removal of material.

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.

Run-off from the mountain moves as ground water. We have not experienced water penetrating out of the cut banks, therefore do not see water quality as a concern at this point. Storm water prevention controls will be installed to maintain water quality and allow for settlement and flood control as needed.  
  
See the attached Operation and Development Plan for additional information.

#### IV. FEE

A non-refundable fee of \$150 must accompany this application. Checks must be made payable to the HAINES BOROUGH.

#### 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.

V. CERTIFICATION

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

*R. H. H. H.*  
Owner or Agent

01/20/2017  
Date 1/25/17

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

Office Use Only Below This Line

|  |              |   |             |           |           |
|--|--------------|---|-------------|-----------|-----------|
| <input checked="" type="checkbox"/> Applicant Notified Application is Complete and Accepted <u>1/25/17</u> <u>Person</u> <u>THS</u><br><small>(Date) (Notified via) (Initials)</small>                   |              |   |             |           |           |
| Non-Refundable Permit Fee \$ <u>150.00</u><br>Receipt No. <u>026032</u><br>Received By: <u>T. O. Jensen</u><br>Date: <u>1/25/17</u>  |              | Information/Documentation<br>Req'd Rec'd<br><input type="checkbox"/> <input type="checkbox"/> State Fire Marshal<br><input type="checkbox"/> <input type="checkbox"/> State DEC<br><input type="checkbox"/> <input type="checkbox"/> Variance/Conditional Use Permit<br><input type="checkbox"/> <input type="checkbox"/> Sign Permit |             |           |           |
| Zoning   | Bldg. Height | Lot Coverage %  | Const. Type | Occupancy | # Stories |
| This application meets all applicable Borough policies and a permit is issued, conditional on the <b>substantial completion of construction within two years</b> and the following special requirements: |              |   |             |           |           |
| Planning Commission Chair:   |              |   | Date:       |           |           |

**INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED**

**ATTACHMENT A**

**SITE PLAN REQUIREMENTS**

1. Drawing showing dimensions, including elevations, of lot on which activity/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.

# ATTACHMENT A PRELIMINARY CLEARING PLAN





**ATTACHMENT A  
AERIAL PHOTO**





**Highland's Estates, Inc.**  
**C-SEC-26-0100**  
**Skyline Subdivision**  
**Operation and Development Plan**

In the 1960's Chester Howard began access and development with a road towards the Northwest of Parcel TL2601 Section 26 as show on the Aerial Photo Attachment A. Chester abandoned his plan due to health reasons and lack of an overall plan for the parcel. Highland's Estates, Inc. is considering expanding on the work that Chester began by opening up the preliminary access road including additional areas in order to get a better lay of the land for subdivision and development.

Development of the land is currently occurring under Land Use Permit #15-82. Work authorized under this permit for clearing, grubbing, and blasting will result in excess material that will need to be removed from the property. Highland's Estates, Inc. also maintains a Conditional Use Permit #15-07 on parcel located near 4<sup>th</sup> Avenue on C-208-TL-040 which allows for storage of material as a recycled material. Without approval of the current CUP application the excess material will be moved to the permitted storage until it is used in other developments or commercial sold. At this time Highland's Estates, Inc. is applying for a Conditional Use Permit to allow material to be moved directly from the development for use on a commercial site. Granting this permit will allow for a reduction in impact to the nearby residents by reducing noise, nuisances, and dangers caused by multiple handling of the same material.

The Preliminary Clearing Plan Attachment A is attached. Clearing, grubbing, and blasting is necessary to open up the preliminary access road and additional area. The clearing is required in order to get a better lay of the land which will allow an opportunity for planning for subdivision and development.

The site is 65.24 acres and with the exception of the preliminary access road the site is undeveloped and heavily forested with areas of high elevations. The property is zoned Rural Mixed Use. Ditching is in place for hydrology control. There are no active run-off issues. The gravel appears porous and run-off from the mountain moves as groundwater. We have not experienced water penetrating out of the cut banks, therefore do not see water quality as a concern at this point. Storm water prevention controls will be installed to maintain water quality and allow for settlement and flood control as needed.

Suitable topsoil will be stockpiled on site for reuse on the property. All material removed from the site will be inert materials. The developer is an experienced, licensed, and insured professional in civil and heavy work. Experience in this area indicates a cut bank remains stable at ½:1 and all clearing, grubbing, and blasting will be performed in a manner that

provides an opportunity for a desirable future residential development while minimizing impact to the current residents in the nearby neighborhood. All drivers hauling material off the site will be CDL certified and trucks will be in compliance with all safety devices in working condition. Clearing work will be limited to the property lines. Vegetation will be maintained to protect the view shed of neighboring properties.

Operational hours for hauling activities will be 8:00 AM to 5:00 PM, Monday through Saturday.

Traffic patterns of hauling activities will be through two routes depending on the source of the excess material. Young Road to Second Avenue will be one route and the second route will be Young Road to Fourth Avenue.

No fencing and/or screening is anticipated. The property is private with no public access. The area is shielded with timber and brush.

Dust and noise will be minimized. Dust will be controlled with water and will be applied as needed. Watering equipment is readily available from Southeast Roadbuilders. Vegetation will be maintained around operations to reduce both visual and noise impacts. Noise and further impacts will be reduced by hauling excess material directly to other jobs sites preventing the trucking to the Fourth Avenue Material Storage site for staging before being trucked to other project sites.

Storm water prevention controls will be used to maintain water quality and allow for settlement and flood control. Best management practices (BMP's) will be used as needed to minimize the amount of soil exposed during activity and control storm water discharges and flow rates. Examples of effective BMP's include the following:

- Preservation of existing vegetation to limit site disturbance and to minimize soil erosion by identifying and protecting pre-existing vegetation on the site. Natural vegetation will be preserved in areas where no activity is planned or will occur at a later date.
- Vegetative buffer strips will be used to act as a living sediment filter that intercepts and detains storm water runoff. The buffer strips reduce the flow and velocity of surface runoff, promotes infiltration, and reduces pollutant discharge by capturing and holding sediment and other pollutants in the runoff water. Buffer strips are particularly effective at the top and bottom of a slope.
- Fiber rolls are long rolls of natural material such as straw or compost wrapped in a netting. The rolls are staked along the contours of disturbed slopes to shorten the slope and help to slow, filter, and spread overland flows. They can be placed along the toe, top, face, and at grade-breaks on disturbed slopes to capture organic matter that might otherwise be washed downslope. They can be placed at the perimeter of a project and around temporary stockpiles. They can also be used as check dams in unlined ditches.
- Check dams are used to protect narrow erosion prone waterways and reduce sediment. They can be placed in a series in ditches, swales, gullies or other minor drainage ways intended to be filled or stabilized at a later time.

- Surface roughening and terracing includes establishing a rough soil surface by creating horizontal grooves, furrows depressions, steps or terraces running parallel to the slope contour over the entire face of a slope. These measures are intended to aid in the establishment of vegetative cover from seed, to reduce runoff velocity and increase infiltration and to reduce erosion and provide for sediment trapping.
- Vegetative seeding on disturbed areas promotes growth to stabilize the soil once the vegetation is established.

Phasing of operations are based on the clearing of the property. The hauling of the material off site will be for excess material encountered during clearing operations. A total of 7,500 cubic yards of excess material is estimated to be on the property. All activity will occur on private property, which is 65.24 acres. The goal of the clearing of the property is to get a better lay of the land to allow for planning of subdivision and development that is consistent with the Haines Borough Comprehensive Plan.



HAINES BOROUGH, ALASKA

P.O. BOX 1209  
HAINES, AK 99827  
(907) 766-2231 FAX (907) 766-2716

January 30, 2017

Re: Highland Estates, Inc. – Conditional Use Permit  
Site Clearing & Transport and/or Sale of Aggregate Material  
C-SEC-26-0100

Dear Land Owner,

Haines Borough records show that you own property in the vicinity of the above-listed property or thoroughfare of the proposed activity (see enclosed map). Property owner, Highland Estates, Inc., has requested the Planning Commission to approve a conditional use permit for the extraction, transport, and storage or sale of approximately 7,500 cubic yards of aggregate and related material. Transport of this material will follow a route from Young Road to either Second Avenue or a permitted gravel pit on Fourth Avenue.

The public hearing is scheduled on the agenda of the next Planning Commission meeting, which is **February 9<sup>th</sup>, 2017 at 6:30 p.m. at Assembly Chambers**. As an owner of property in proximity to this development, you are being notified that you are invited to attend and comment at the meeting. If you have any questions on the matter please contact the borough.

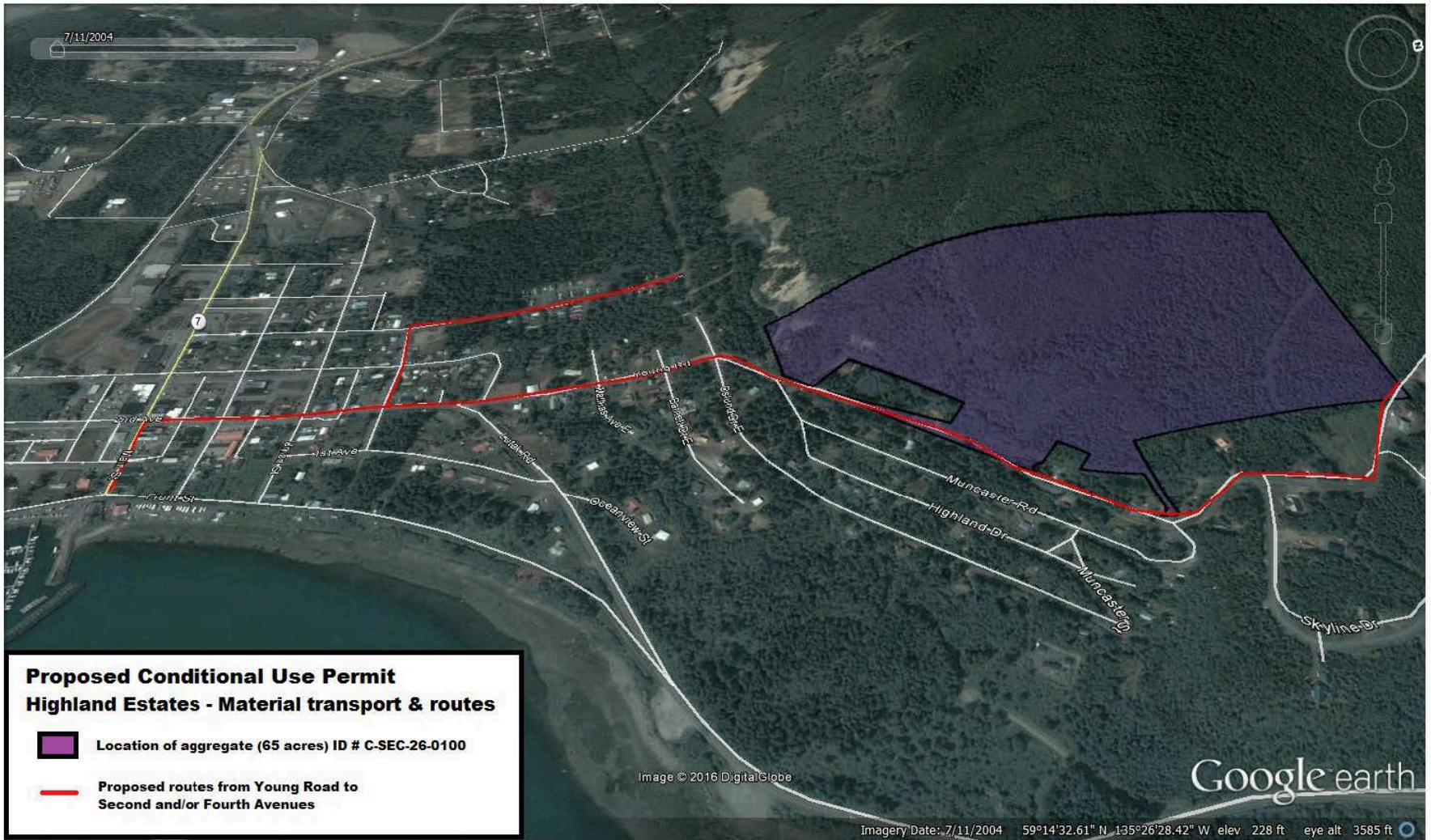
Sincerely,

A handwritten signature in blue ink that reads "Holly Smith".

Holly Smith  
Borough Planner  
Lands Department  
[hsmith@haines.ak.us](mailto:hsmith@haines.ak.us)  
(907) 766-2231 Ext. 23

Enclosure







## HAINES BOROUGH, ALASKA

P.O. BOX 1209

HAINES, AK 99827

(907) 766-2231 \* FAX (907) 766-2716

13 February 2017

To: Brad Ryan, Interim Manager

From: Rob Goldberg, Haines Borough Planning Commission

**Re: CUP Hearing Feb. 9<sup>th</sup>, 2017 Results: Approval Conditions Changed from Manager's Recommendations**

Conditional Use Permit (#17-06)

C-SEC-26-0100; Roger J. Schnabel

Mr. Ryan,

On February 9<sup>th</sup>, 2017, the Planning Commission found that the proposed development by R. Schnabel met all relevant requirements of HBC 18.50. Five of five commissioners approved the permit; Commissions Josephson and Stephens recused themselves from the decision. The Planning Commission made the following changes to the manager's recommendation for conditions on Schnabel's conditional use permit (17-06):

1. *Permitted Volume.* The permit is granted for extraction of not more than 7,500 cubic yards of aggregate material.
2. *Routes.* The developer will work with the Haines Police Department and Borough Manager to determine the safest route for the trucks to follow.
3. *Drainage and vegetation.* The Developer will submit a DEC-approved Storm Water Pollution Control Plan to the Borough.
4. *Mitigation.* The applicant shall control dust, noise, and vibrations to the maximum feasible extent. The Developer shall regularly inspect the public roads on the truck routes and remove debris that has fallen from the trucks.
5. *Development schedule.* Blasting will occur between the hours of 9:00 am to 5:00 pm, Monday-Friday and 10:00 am to 4:00 pm on Saturday. Hauling will occur between the hours of 8:00 am and 5:00 pm, Monday-Saturday. Operations will not occur during (1) Federal, State, and Borough holidays; and (2) on May 27<sup>th</sup>, 2017, the Saturday of Brewfest.
6. Unless otherwise provided by the Planning Commission, this permit will expire on March 1<sup>st</sup>, 2020.

Per HBC 18.50.040, these conditions 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.

Sincerely,

A handwritten signature in black ink, appearing to read "Rob Goldberg", is written over a light blue horizontal line.

Rob Goldberg  
Planning Commission Chairman





HAINES BOROUGH, ALASKA

P.O. BOX 1209

HAINES, AK 99827

(907) 766-2231 \* FAX (907) 766-

# PLANNING COMMISSION REVISIONS FEBRUARY 9 2017

To: Planning Commission

From: Brad Ryan, Interim Manager

Re: Conditional Use Permit (#17-06); Tax ID # C-SEC-26-0100; Roger J. S.

## SUMMARY

This memorandum serves as my recommendation under Haines Borough Code (HBC) 18.50.040 (A) for the above referenced permit (see attached application). Staff has evaluated the application against the criteria listed in borough code. With the exception of seven (7) items, it is my opinion that the development adheres to the pertinent criteria. In addition to the specifications already outlined by the applicant in the application and development plan, my recommendation is that a permit be issued if it meets the conditions as follows:

1. *Permitted Volume.* The permit is granted for extraction of not more than 7,500 cubic yards of aggregate material.
2. *Routes.* ~~The development plan submitted by the applicant did not include final destinations of commercial sale. Currently, the final destination of one route is on Second Avenue. The applicant must submit a map which clearly delineates the proposed routes for transport before a permit is issued. Any modifications to the route must be submitted to staff in a timely manner and must receive approval from the Planning Commission prior to deviation. The developer will work with the Haines Police Department to determine the safest route for the trucks to follow.~~ **The developer will work with the Haines Police Department to determine the safest route for the trucks to follow.**
3. *Roads.* ~~Due to the likelihood of off site impacts to Young Road from heavy load transport, the developer or owner is required to (1) repair roads as needed to their current condition as of the date the permit was issued; and (2) post a bond guaranteeing satisfactory completion of the required road repairs. To alleviate developer concerns over financial responsibility of normal wear and tear of roadways, the borough will submit a predevelopment inspection document with photos of current road conditions along the route(s).~~
4. *Drainage and vegetation.* ~~Removal of vegetation and topsoil will change the runoff patterns of the hillside and increase probability of erosion or other mass wasting (creep, slump, flow, fall, or landslides) during large rainfall events. Runoff is a portion of precipitation that is not intercepted by vegetation, absorbed by land surface, or evaporated, and thus flows overland into a depression, stream, lake, or ocean (also takes place in the upper layers of soil). The developer has agreed to install controls to maintain water quality and flood control as needed. The developer will also use Best Management Practices (BMPs) outlined in their Operations Plan. In addition, the developer must submit a drainage plan with respect to storm water being discharged into the adjoining single family residential neighborhood. The drainage plan will include specific details about mitigation efforts before, during, and after the life cycle of the permit. The plan must be approved by borough staff before a permit is issued. The Developer will submit a DEC approved Storm Water Pollution Control Plan to the Borough.~~ **The Developer will submit a DEC approved Storm Water Pollution Control Plan to the Borough.**
5. *Mitigation.* The applicant shall control dust, noise, and vibrations to the maximum feasible extent. **The Developer shall regularly inspect the public roads on the truck routes and remove debris that has fallen from the trucks.**
6. *Development schedule.* Blasting will occur between the hours of ~~10:00 am and 3:00 pm,~~ **9 am to 5 pm,** Monday-Friday **and 10 am to 4 pm on Saturday.** Hauling will occur between the hours of 8:00 am and 5:00 pm, Monday-Saturday. Operations will not occur during (1) Federal, State, and Borough holidays; ~~(2) Special Event days as determined by the tourism office; and (3) Cruise Ship days~~ **and on May 27<sup>th</sup>, 2017, the Saturday of Brewfest.**
7. Unless otherwise provided by the Planning Commission, this permit will expire on March 1<sup>st</sup>, 2020.