

Record on Appeal

Rehearing on Appeal of
Planning Commission Decision
Highland Estates, Inc. Conditional Use Permit

HAINES BOROUGH

HAINES, ALASKA

PUBLIC NOTICE

PLANNING COMMISSION

PUBLIC HEARINGS

**Public Hearing items will be discussed during the
February 9th Planning Commission meeting, 6:30PM
Assembly Chambers**

1. **PUBLIC HEARINGS:**

- A. Height Restrictions – Possible Code Amendment** – This item was requested by the Planning Commission during the December 8th meeting. Current height limits are generally set at 30 feet, but the amendment would increase limitations for some zones and give residents an option to apply for a conditional use permit to increase a building's height beyond the limitation.
- B. Conditional Use Permit – Highland Estates, Inc. - Resource Extraction near Skyline Subdivision (# C-SEC-26-0100).** Highland Estates has a land use permit for site preparation on this 65 acre parcel, which permits clearing of land and providing access for survey work and future development. Highland Estates requests that a CUP be issued to allow removal of aggregate material from the site – approximately 7,500 cubic yards over a two-year period – for staging at a permitted 4th Avenue gravel site and for sale or personal use on waterfront properties. Routes, schedules, and mitigation plans are attached to the application.



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

Posted 1/30/17, Donna Lambert Administrative Assistant

Police Report

Tuesday, Jan. 17

Police responded to a disorderly behavior call on a man at .5 Mile Haines Highway. Police also served the man with two summonses from another agency.

Monday, Jan. 23

An investigation continues regarding the theft of \$50 worth of fuel that was reportedly siphoned out of a vehicle parked on Lutak Road.

Police responded to a call of a four-year-old child who was bitten in the face by a dog. The incident occurred at 34 Mile Haines Highway.

DULY from page 2

from Kalamazoo, Mich. **Sidney Campbell** is the new education and outreach coordinator. Sidney, a biologist and University of Alaska -Southeast graduate, moved here from Juneau. She grew up in Southern California. **Arthur Gal** is at the foundation for a four-month internship. He attends Lyon Three, a university in Lyon, France, where he is studying geography. He's working with eagles and on a foundation mapping project. He grew up near Grenoble.

Haines was well represented at last week's Governor's Awards for the Arts and Humanities. **Heather Lende** and **Lani Hotch** won two of nine statewide awards at the events hosted by Alaska Gov. **Bill Walker**, Rasmuson Foundation representatives, legislators and arts officials. Lende and Hotch each briefly addressed the crowd. Hotch wore a Raven's Tail robe and Lende donned jewelry crafted

Wednesday, Jan. 25

Police are investigating a citizen complaint.

Thursday, Jan. 26

Haines police officers assisted the Alaska State Troopers on a call on Mosquito Lake Road.

Saturday, Jan. 28

Police arrested a woman on suspicion of driving while intoxicated at 5 Mile Haines Highway. She reportedly had a blood alcohol level of .125.

Monday, Jan. 30

A man was pulled over on Third Avenue and was cited and released for driving without a license.

and **Justin Dorn** and **JJ and Brian Hindenberger**. Lende was honored for distinguished service to the humanities; Hotch for business leadership in the arts.

If you see a dog with a yellow ribbon on its leash, keep your distance. The nationwide Yellow Dog Project aims to help owners of dogs who need space to alert other people to not approach -- or allow their pets to. Yellow means a dog has health, rehabilitation, training or behavioral issues that require that animal be kept at a distance. Posters for the program have gone up around town. **Traci Mikowski** of Haines Animal Rescue Kennel said she hasn't seen yellow ribbons in use here yet, but she said it's a good idea. "People want to be friendly to dogs. If you can make that safer for people, it's a good thing."

SEARHC's Wisewoman program is celebrating Heart Health Month with a Wear Red

Court Report

Jonathon Edward Richardson, 54, was fined \$1,000, \$500 suspended, and placed on one year's probation Dec. 14 after pleading no contest to charges he illegally cut down trees in Chilkat State Park. A park ranger discovered Richardson's unauthorized trail, which stretched about 1,600 feet, on Nov. 20. Richardson said he thought he was "fixing things" by cutting down 20 trees to create a new route around muddy trail sections. A vandalism charge was dismissed.

Teresa M. Jeans, 21, was fined \$1,500 and ordered to serve 30 days in jail, 27 suspended, after pleading guilty Jan. 3 to refusing to submit to a chemical test July 24. Jeans also was placed on one year's probation and her driver's license was revoked for 90 days. She served her time with an electronic monitor. A charge of driving under the influence was dismissed.

Stuart DeWitt, 37, was fined a total of \$7,000, \$13,000 suspended, on Nov. 2 after pleading guilty to game-guiding charges stemming from separate incidents in 2011. He also was ordered to forfeit a six-wheeler and wolverine hides. According to court documents, on May 25, 2011, while DeWitt was working as a guide for three Canadian hunters, the hunters took three goats while possessing permits only for two, then falsified records. The group also took antlers, but left rib meat behind, in prohibition of state law. DeWitt testified previously in federal court that he had broken his ankle on the way down the mountain

hunting license, big-game tag or harvest ticket. According to court documents, DeWitt and a third man lied, saying the third man shot the bear. The bear was taken from the bait site on a Polaris six-wheeler.

The 2011 charges stemmed from a lengthy U.S. and Canadian investigation in which other local guides or assistants were charged with crimes.

Gabriel A. Alamillo, 35, was sentenced on Jan. 24 to 30 months in jail, 14 suspended, and minus time served, after pleading guilty to charges of third-degree assault. The charges stemmed from an incident on June 25, 2015. According to court documents, a woman called police at 1 a.m. to report an assault at her house on Allen Road. The woman told police the man climbed on top of her and choked her with one hand while holding a kitchen knife in the other. He then threatened two children with the knife.

Clayton Conner, 36, of Canada, was sentenced Tuesday to 30 days in jail, all suspended, and placed on one year's probation after pleading guilty to reckless driving on June 19. His driver's license was revoked 30 days and he was ordered to pay restitution for backing into a resident's vehicle in the harbor parking lot and driving away. A charge of leaving the scene of an accident was dismissed. Conner also was ordered to pay a \$50 surcharge and perform 24 hours of community service. Conner blew .117 on a breathalyzer and originally was charged with driving under the influence. At sentencing, the

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

Posted 1/30/17, Donna Lambert
Administrative Assistant





Haines Borough
Planning Commission
Regular Meeting Agenda

COMMISSIONER #3
ROB GOLDBERG, CHAIR
LEE HEINMILLER, VICE-CHAIR
LARRY GEISE
DON TURNER III
BRENDA JOSEPHSON
ROB MILLER
JEREMY STEPHENS

Thursday, February 9, 2017 - 6:30 p.m.

Assembly Chambers, 213 Haines Hwy.

1. CALL TO ORDER / PLEDGE TO THE FLAG
2. ROLL CALL
3. APPROVAL OF AGENDA
4. APPROVAL OF MINUTES: December 8, 2016
5. PUBLIC COMMENTS [Items not scheduled for public hearing]
6. CHAIRMAN'S REPORT
7. STAFF REPORT
- A. Planning & Zoning Report
8. PUBLIC HEARINGS:
 - A. Height Restrictions – Possible Code Amendment – This item was requested by the Planning Commission during the December 8th meeting. Current height limits are generally set at 30 feet, but the amendment would increase limitations for some zones and give residents an option to apply for a conditional use permit to increase a building's height beyond the limitation.
Possible Motion: Recommend the Assembly adopt the draft ordinance.
 - B. Conditional Use Permit – Highland Estates, Inc. - Resource Extraction near Skyline Subdivision (# C-SEC-26-0100). Highland Estates has a land use permit for site preparation on this 65 acre parcel, which permits clearing of land and providing access for survey work and future development. Highland Estates requests that a CUP be issued to allow removal of aggregate material from the site – approximately 7,500 cubic yards over a two-year period – for staging at a permitted 4th Avenue gravel site and for sale or personal use on waterfront properties. Routes, schedules, and mitigation plans are attached to the application.
Possible Motion: Approve the permit with conditions.
9. UNFINISHED BUSINESS: None.
10. NEW BUSINESS:
 - A. Historic District/Building Review: None
 - B. Haines Borough Code Amendments: None
 - C. Project Updates:
 1. February 1st Lutak Dock Joint PC and PHAC Workshop Outcomes
 - D. Other New Business:
 1. Election of Officers. HBC 18.70.030 (A) directs the commission to annually elect a chair who has the ability to vote on any question and is considered as part of a constituted quorum and other such officers as it deems necessary or desirable in the discharge of its powers and duties.
Possible Motion: We elect (Name) as (Position) for the 2017 Planning Commission.
11. COMMISSION COMMENTS
12. CORRESPONDENCE: None
13. SCHEDULE MEETING DATE
 - A. Regular Meeting – Thursday, March 9th, 2017 at 6:30 p.m.
 - B. Workshops
 1. Coastal Management Plan Revision Workshop – ?
 2. Comprehensive Plan Revision Workshop – Thursday, April 13th, 2017 at 5:30 p.m.
14. ADJOURNMENT



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 1st, 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 4th Avenue permitted gravel pit. With the exception of Young Road and 4th 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 4th 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.

Support Goals	Opposition Goals
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 30th (see attachment 2). If we receive additional comments prior to the February 9th 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 30th 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.

I. Property Owner/Agent		Owner's Contractor(If Any)	
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	
II. Property Information			
Size of Property: 65.24 Acres			
Property Tax #: C-SEC-26-0100			
Street Address: North of Oslund Drive			
Legal Description: Lot (s) _____ Block _____ Subdivision _____			
OR			
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			
III. Description of Work			
Type of Application (Check all that apply)	Project Description (Check all that apply)	Water Supply Existing or Proposed	Sewage Disposal Existing or Proposed
<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 <u>Site Clearing</u>		
	Aggregate Material		

Valuation of Work: Not Applicable
Current use of adjacent properties: 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: <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> <small>(Date) (Notified via) (Initials)</small>					
Non-Refundable Permit Fee \$ <u>150.00</u> Receipt No. <u>026032</u> Received By: <u>T. O. Jensen</u> Date: <u>1/25/17</u>		Information/Documentation Req'd Rec'd <input type="checkbox"/> <input type="checkbox"/> State Fire Marshal <input type="checkbox"/> <input type="checkbox"/> State DEC <input type="checkbox"/> <input type="checkbox"/> Variance/Conditional Use Permit <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 substantial completion of construction within two years 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 4th 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.

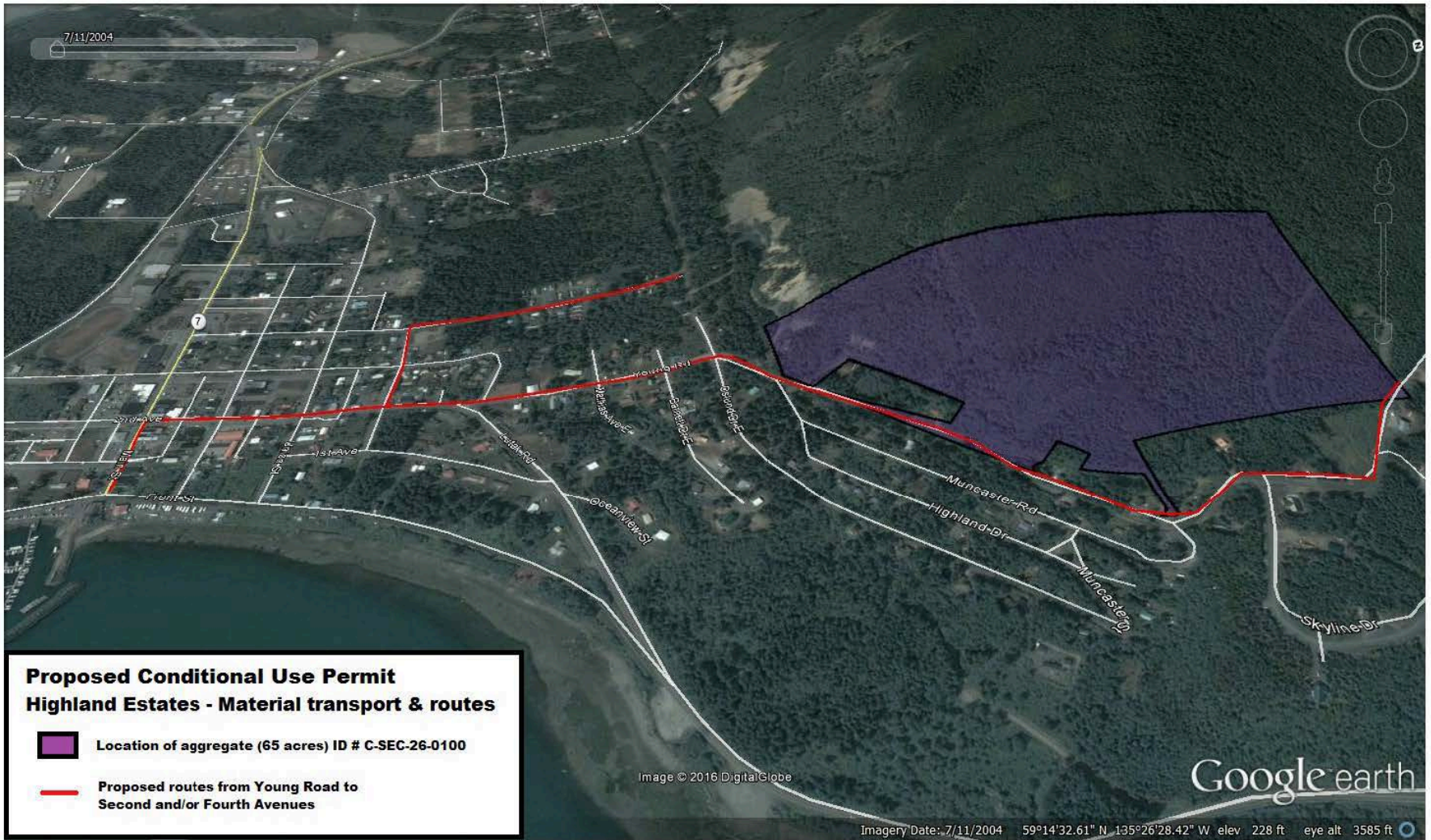
The public hearing is scheduled on the agenda of the next Planning Commission meeting, which is **February 9th, 2017 at 6:30 p.m. at Assembly Chambers**. As an owner of property in proximity to this development, you are being notified that you are invited to attend and comment at the meeting. If you 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
(907) 766-2231 Ext. 23

Enclosure



**Audio Recording of the CUP
Portion of 2/9/17 Planning
Commission Meeting**

*NOTE: Request this item from the Clerk's
Office or access on the borough's website.*