



Haines Borough

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Planning and Zoning

103 Third Ave. S., Haines, Alaska, 99827. Box 1129
(907) 766-6401 * Fax: (907) 766-2716

HAINES BOROUGH
CLERK'S OFFICE

APPLICATION FOR CONDITIONAL USE PERMIT

Permit#: _____

Date: _____

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

I. Property Owner/Agent		Owner's Contractor (If Any)	
Name: <u>Highland's Estates Inc. & St. James Place</u>		Name: <u>Haines Development Inc</u>	
Mailing Address: <u>PO Box 1129 Haines, AK 99827</u>		Haines Borough Business License #: <u>2128</u>	
Contact Phone: <u>907-766-2821 907-314-0520</u>		Alaska Business License #: <u>2098869</u>	
Fax: _____		Contractor's License #: <u>15844</u>	
E-mail: <u>roger@seroad.com</u>		Mailing Address: <u>PO Box 1129 Haines AK 99827</u>	
		Contact Phone: <u>907-766-2821 907-314-0520</u>	
		Fax: _____	
		E-mail: <u>roger@seroad.com julie@hainesdev.com</u>	
II. Property Information			
Size of Property: <u>34.47 acres total, RMU Portion is 2 10 acres</u>			
Property Tax #: <u>C-208-TL-400 & C-208-TL-03A0 (Rural Mixed Use Portion)</u>			
Street Address: <u>North of Oslund near 4th Ave</u>			
Legal Description: Lot (s) <u>3A+4</u> Block _____ Subdivision <u>US208</u>			
OR			
Parcel/Tract _____ Section _____ Township _____ Range _____			
[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) <input type="checkbox"/> Residential <input checked="" type="checkbox"/> Commercial _____. sq. ft. _____. seating capacity if eating/drinking establishment <input type="checkbox"/> Industrial <input type="checkbox"/> Church <input type="checkbox"/> Other _____	Project Description (Check all that apply) <input type="checkbox"/> Single Family Dwelling <input type="checkbox"/> Change of Use <input type="checkbox"/> Multi-Family Dwelling Total # of Units _____ <input type="checkbox"/> Cabin <input type="checkbox"/> Addition <input type="checkbox"/> Accessory Structure <input checked="" type="checkbox"/> Other <u>Aggregate Source & Material Storage</u>	Water Supply Existing or Proposed <input checked="" type="checkbox"/> None <input type="checkbox"/> Community well <input type="checkbox"/> Private well <input type="checkbox"/> Borough Water System <input type="checkbox"/> Other _____	Sewage Disposal Existing or Proposed <input checked="" type="checkbox"/> None <input type="checkbox"/> Septic Tank <input type="checkbox"/> Holding Tank <input type="checkbox"/> Borough Sewer System <input type="checkbox"/> Pit Privy <input type="checkbox"/> Other _____

Per HBC 13.08.100 and 18.60.010, If a property on which a use is proposed is within 200 feet of an existing, adequate public water and/or sewer system, the developer shall be required to connect to the public systems. Failure to connect will result in a minor offense subject to penalties.

Valuation of Work:

Not Applicable

Current use of adjacent properties: Vacant land owned by UAA is located to the North. A vacant 65 acre parcel owned by applicant is located to the East with single residential neighborhood located further South. A trailer park is located on South end of parcel C-208-TL-03 A0

Attach the following documents to the permit application:

☒ Site plan (see Attachment A) showing lot lines, bearings and distances, buildings, setbacks, streets, etc.

PREAPPLICATION (Required)

Pre-application Conference Date: 1/25/24

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.

See Attached

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

See Attached

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.

See Attached

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.

See Attached.

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

See Attached

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.

See Attached


NOTICE

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

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

IV. CERTIFICATION

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


Owner or Agent

1/25/24
Date

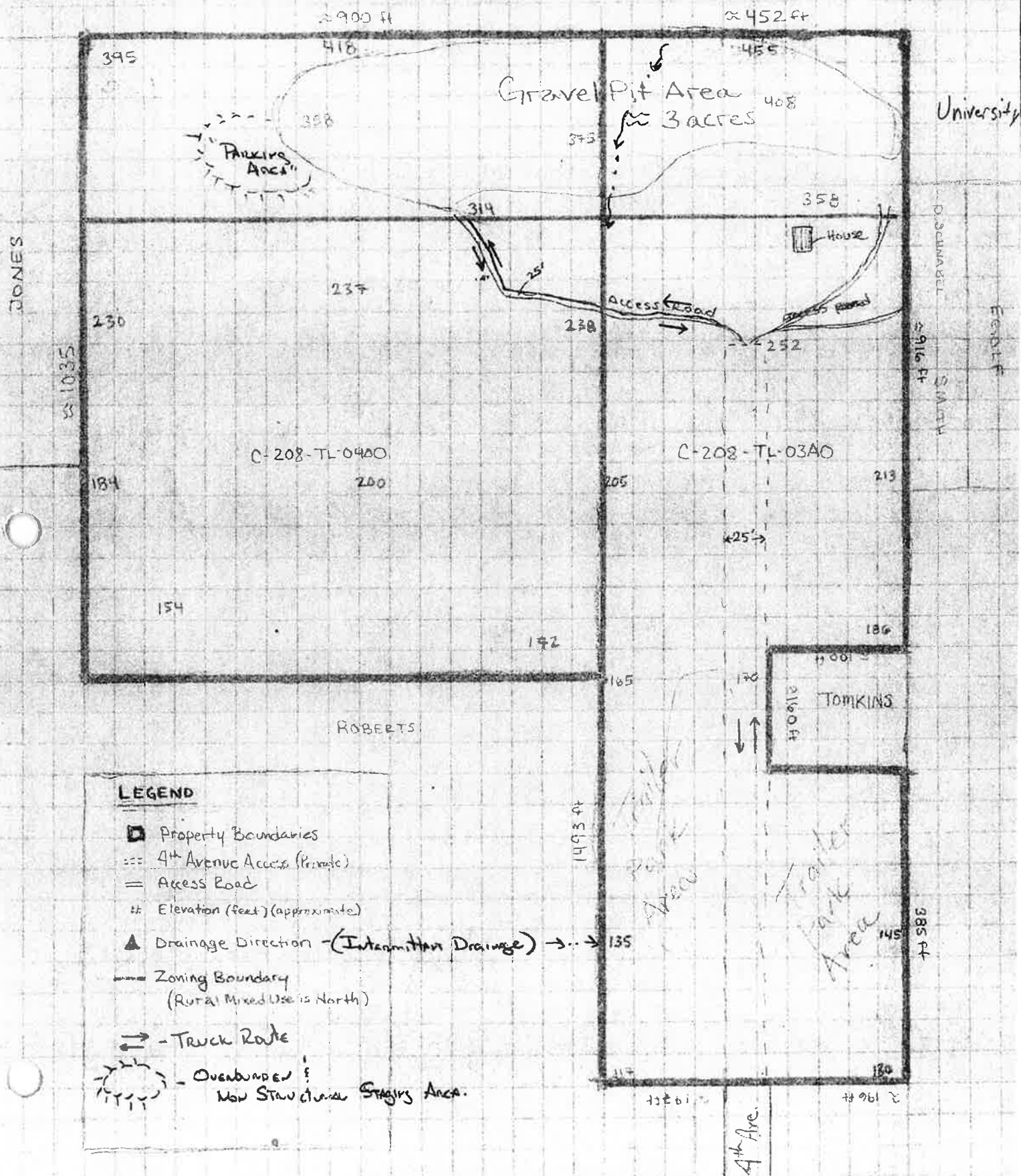
PROVISIONS: The applicant is advised that issuance of this permit will not relieve responsibility of the owner or owner's agents to comply with the provisions of all laws and ordinances, including federal, state and local jurisdictions, which regulate construction and performance of construction, or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

Office Use Only Below This Line

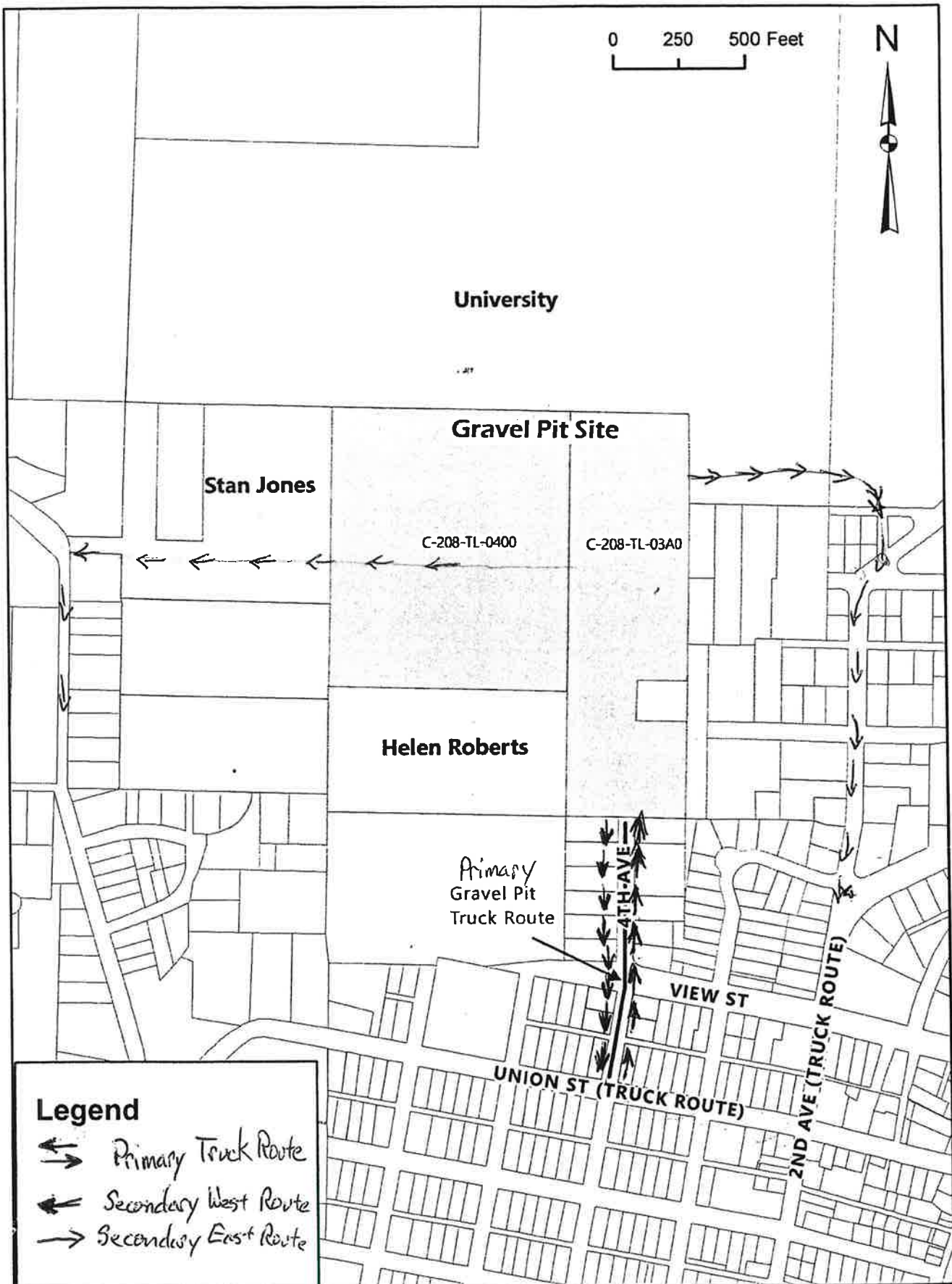
Non-Refundable Application Fee \$ <u>150.00</u>		Information/Documentation			
Payment Method: <u>check</u>		Req'd	Rec'd		
Receipt #: <u>035847</u>		<input type="checkbox"/>	<input type="checkbox"/> State Fire Marshal		
Received By: <u>TJ Sen</u>		<input type="checkbox"/>	<input type="checkbox"/> State DEC		
Date: <u>1/25/24</u>		<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
If Application is Complete: <input type="checkbox"/> Yes <input type="checkbox"/> No					
Notified Via: _____			Notified By: _____		
Date: _____					
If yes,			If no,		
Approved By: _____ Planning Commission Chairman			Denied By: _____ Planning Commission Chairman		
Permit ID #: _____			Date: _____		
Permit Effective Date: _____			Reason: _____		
Approval Special Requirements: This application meets all applicable Borough policies and a permit is issued, conditional on the substantial completion of construction within two years and the following special requirements:					

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

ATTACHMENT A – SITE MAP



ATTACHMENT A – TRUCK ROUTE



Highland's Estates, Inc. & St. James Place, Inc.

Location: C-208-TL-03A0 & C-208-TL-0400 (Rural Mixed Use Portion)

Application for Conditional Use Permit

Resource Extraction and Material Storage

Background: Gravel extraction has occurred in this area for several decades. A conditional use permit resource extraction was first approved on October 22, 2001. This application requests renewal of our current plan under CUP # 15-07, for an aggregate source and storage of aggregate and related recycled materials of concrete and asphalt and inert material for berm and buffer development.

Please note that The Comprehensive Plan supports responsible handling of inert materials. Section 9.4 Solid Waste states, "Solid waste services in Haines are in flux as this plan goes to print and signs are mounting that the current system is not sustainable." The Comprehensive Plan specifically states a goal, objective, and strategy supportive of storage and reuse of recycled materials as follows:

Attachment "B"

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

Objective 10A: Work with project developers and regulators to achieve responsible development, which is defined as complying with environmental regulations, ensuring fishery resource and riparian zone protection, providing protection of salmon habitat and Bald Eagle Preserve resources, maintaining scenic viewsheds, and buffering operations when needed to protect adjacent users and activities.

1. Location of sand, gravel and rock extraction sites shall be permitted in the following order of priority:
 - a. Existing, approved upland sand and gravel pits
 - b. Reuse of sand and gravel from abandoned development areas, unless reuse would cause more environmental damage than non-use from the area:
 - c. New upland sites approved for the purpose; and
 - d. Streams that do not provide fish habitat.

Allowing aggregate and recycled material storage and buffer development is a positive step towards meeting the highest priority goals of the Comprehensive Plan.

Following is the required written narrative explaining how the project will meet the permit requirements. A site plan is also attached (Attachment "A").

- 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.**

This is an established aggregate source and the source had been active prior to the first conditional use permitting that was approved in 2001. This source exists as portions of an established talus pile on the mountainside towards the north of Haines (extension of 4th Avenue towards the west). Berming exists on-site for protection and the applicant owns the undeveloped property to the south providing a protective buffer. The area towards the north is inaccessible due to mountain terrain. Property to the east are undeveloped UAA land of similar conditions.

Extraction will continue to move towards the west with the northerly cut not exceeding 40 feet. Once the western border is reached the second and final lift will take place, not exceeding an additional 20 foot depth. Benches will be develop as needed for stability. We estimate total reserves to be around 20,000 cubic yards. Based upon present demand this source should remain active for 20 years with an estimated extraction of 7,500 cubic yards over the next 5 years.

No cut banks will extend beyond 40 feet unless a 15 foot bench is established per Mine Health and Safety Administration (MSHA) standards. Experience in this area indicates a cut bank remains stable at $\frac{1}{2}$:1. It is our intent to excavate to these slope standards unless conditions suggest otherwise, which includes encountering bedrock. No drilling or blasting is anticipated. As indicated, this development will create a pad, and with the development of a berm a protection zone will be established. All extraction/mining will occur per Mine Safety & Health Administration (MSHA) guidelines.

Traffic patterns are established for this source. The primary access roads noted on the site map will be approached from 4th Avenue to the Union Street truck route. Secondary traffic routes will include the Oslund extension towards the west exiting onto Allen Road and an established spur road for access to the east exiting onto Young Road.

Days and hours of operation will be between 8:00 AM and 5:00 PM; Monday through Friday. No fencing and/or screening are anticipated. The property is private. No public access exists. The area is shielded with timber and brush.

See attached Operation Plan for additional information.

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

This site has been developed as a source for over 50 years, prior to the development of the structures in the immediate vicinity. The aggregate source and material storage will be limited to the area of the property that is zoned Rural Mixed Use. The trend towards land use in the area appears residential in nature. The active site has not caused an impairment of property values. The source was first permitted in 2001 and since that time the adjoining properties have increased in value. Once extraction is complete an approximate six acre "pad" with a protective berm will exist on the property. Whether this pad is used in the future for a baseball park, soccer field, etc. is something we cannot predict. However, we feel confident the area will provide for a greater opportunity in the future than exists today, other than that of the gravel source. Once extraction is complete, per the plans, the pad will be finished to a 1% slope and if active water exists, it will be channeled and controlled. At this point in time there are no other uses for this property. This property is privately owned. The aggregate extraction and storage area consists of approximately six acres on the northern most portions of the properties that are zoned Rural Mixed Use and vegetation will be maintained.

The aggregate source activity that has occurred on this property does not detract from the residential development on the adjacent properties. The completed pad development will also provide a benefit of the pad acting as a catch in the event of a slide. Vegetation has been 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.

This source is established and has been used for the intended purpose for the past 50 plus years. There is no plan for an increase in extraction above historical use at this time. The current road access has been adequate. The access roads and haul routes are noted on the site map. The primary truck traffic route will be via 4th Avenue to the Truck Route on Union Street. Secondary traffic routes will include the Oslund extension towards the west exiting onto Allen Road and an established spur road for access to the east exiting onto Young Road. No additional public services are required for this source to continue to operate.

We request the term of this source to be allowed until the reserves are depleted. Upcoming projects in the Haines area, requiring this type of material will dictate the demand. Based upon past volume demands the source should have approximately 20 years left before depletion of reserves which are estimated at 20,000 cubic yards.

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.

(Attachment "C") The Haines Comprehensive Plan makes reference to Mineral Resources and Mining in section 5.8.11 and states, "Rock, gravel and sand materials are an important resource for Haines Borough and local businesses. Gravel deposits from the area have been documented as the best in the region for hardness, thereby increasing their value for road building. Haines location on the highway system and with easy ocean barge access is another asset for its high grade rock. Its location on or near major river floodplains tends to provide a renewable and continuous source of materials. Other sources are also available including talus slopes, glacial moraines, and beach deposits."

Section 5.9 of The Haines Comprehensive Plan lists Implementation Plan goals to include:

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

Objective 3F: Strengthen entrepreneurial activity and businesses. Provide entrepreneurs with the resources that will enable them to develop and expand their businesses.

Objective 3I: Maintain a business-friendly regulatory environment by providing stable local tax rates, reasonable permit fees, and timely permit reviews.

Section 7.3.5 Resource-Based Development Opportunity states:

GOAL - Support responsible development of renewable and non-renewable resources within Haines Borough. (Attachment "D")

Section 7.4.1 Townsite – Land Ownership, Use and Management acknowledges the historical use of the gravel operations within the townsite area stating as follows: "There are several current and former sand and gravel pits toward the Chilkat Inlet whose resources result from glacial and river outwash plains. These areas are mostly supporting light industrial and commercial uses today." (Attachment "E")

Section 7.4.7 Light Industrial Close to Town also references the benefits that Haines receives from these as states the following: "Haines is fortunate to have flat accessible land near the Haines Highway, town, utilities and the port yet in tucked away locations just off the main corridors. Operating and transshipment costs for businesses are reduced by being located so close to town. These areas are used for small sawmills, auto shops, gravel extraction, heavy equipment storage, and similar light industrial uses. Haines' related land use changes to ensure it has enough land allocated to these important uses, to provide buffers for neighboring

residential development, to protect Sawmill Creek tributaries in this area, and to prevent “junk yards” from taking over. (Attachment “F”)

As stated in the opening paragraphs it is important to note that The Comprehensive Plan supports responsible handling of inert materials. Section 9.4 Solid Waste states, “Solid waste services in Haines are in flux as this plan goes to print and signs are mounting that the current system is not sustainable.” The Comprehensive Plan specifically states a goal, objective, and strategy supportive of storage and reuse of recycled materials as follows:

Attachment “B”

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

Objective 10A: Work with project developers and regulators to achieve responsible development, which is defined as complying with environmental regulations, ensuring fishery resource and riparian zone protection, providing protection of salmon habitat and Bald Eagle Preserve resources, maintaining scenic viewsheds, and buffering operations when needed to protect adjacent users and activities.

- 1 Location of sand, gravel and rock extraction sites shall be permitted in the following order of priority:
 - a Existing, approved upland sand and gravel pits
 - b Reuse of sand and gravel from abandoned development areas, unless reuse would cause more environmental damage than non-use from the area:
 - c New upland sits approved for the purpose; and
 - d Streams that do not provide fish habitat.
5. **Explain how the granting of the conditional use will not be harmful to the public safety, health or welfare.**

Surrounding trees and distance has overcome the limited noise disturbance. Truck and safety concerns have been proactively addressed in the Operation Plan. Surrounding o cut banks will extend beyond 40 feet unless a 15 foot bench is established per MSHA standards. Experience in this area indicates a cut bank remains stable at ½:1. It is our intent to excavate to these slope standards unless conditions suggest otherwise, which includes encountering bedrock. No drilling and blasting is anticipated. As indicated, this development will create a pad with berm, which will act as a catch in the event of a slide. All extraction/mining will occur consistent with industry established Mine Health and Safety Administration (MSHA) guidelines.

See attached Operation Plan for additional information.

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 the state identified anadromous streams.**

The area has been developed for extraction. No active fish habitat will be impacted. There are no anadromous streams in the vicinity that will be impacted. Surface water is minimal and existing ground conditions are not impacted negatively by this activity. We have not experienced water penetrating out of the cut banks, therefore do not see water quality as a concern at this point. If groundwater becomes exposed, settling basins and check dams will be developed accordingly to allow for settlement and flood control. Water will be directed into established drainages towards the west. A berm on the south portion (parallel and adjacent to existing pipeline corridor), is in the process of being developed which will provide a "catch" protecting the land towards the south. All activity will occur consistent with Alaska DEC Best Management Practices (BMPs) for Gravel / Rock Aggregate Mining.

See attached Operation Plan for additional information.

**Highland's Estates, Inc.
& St. James Place, Inc.
C-208-TL-0400 & C-208-TL-03A0
4th Avenue Aggregate Source & Material Storage
Operation Plan**

The site is the Rural Mixed Used portion approximately six acres on the north side of parcels C-208-TL-0400 & C-208-TL-03A0 which total 34.47 combined. All activity for the Conditional Use Permit will be contained on the Rural Mixed Used portion of the properties.

Gravel extraction has occurred in this area for over 50 years. A conditional use permit for resource extraction was first approved on October 22, 2001 for this long established aggregate source. This source exists as portions of an established talus pile on the mountainside towards the north of Haines (extension of 4th Avenue towards the west). Extraction will continue to move towards the west with the northerly cut not exceeding 40 feet. Once the western border is reached the second and final lift will take place not exceeding an additional 20 foot depth. Benches will develop as needed for stability. We estimate total reserves to be around 20,000 cubic yards. Based upon present demand this source should remain active for 20 years with an estimated extraction of 7,500 cubic yards over the next 5 years.

No cut banks will extend beyond 40 feet unless a 15 foot bench is established per Mine Safety and Health Administration (MSHA) standards. Experience on this property indicates a cut bank remains stable at 1½:1. It is our intent to excavate to these slope standards unless conditions suggest otherwise, which includes encountering bedrock. No drilling or blasting is anticipated. The development will create a pad and a berm protection zone will be established. All extraction/mining will occur per MSHA guidelines.

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. The site provides for storage of recycled materials of concrete, asphalt, and inert material for berm and buffer development. The developer is an experienced, licensed, and insured professional in civil construction. Clearing will be performed in a manner that provides an opportunity for a desirable future developed pad, and development of a berm protection zone. All work will occur in a manner to minimize impact to the current residents in the 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. 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 Friday.

The primary traffic pattern of hauling activities will be through the access road to 4th Avenue connecting to the Union Street truck route. Secondary traffic routes will include a westerly exit onto the Oslund extension towards onto Allen Road and easterly by way of an established access spur road exiting onto Young Road.

No fencing 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 the operator. Vegetation will be maintained around operations to reduce both visual and noise impacts. Noise and further impacts will be reduced storing excess material on site.

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 measure 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.

HIGHLAND'S ESTATES, INC. ACCIDENT PREVENTION PLAN

General

The following is our accident prevention plan for the protection of the life and health of employees, as well as visitors and all persons engaged on Highland's Estates, Inc. projects. This program is intended to prevent fires and property damage as well as personal injuries. The two main sections of this plan include the safety plan and the emergency response and contingency plan. We will comply with and enforce the requirements stated in the OSHA regulations, Corp of Engineers Safety Manual 385-1, and MSHA.

HIGHLAND'S ESTATES, INC. SAFETY PLAN

Safety Plan

Our safety plan is based upon the review of current job safety requirements and its application to all work as follows:

Instruction & Training

1. Prior to assuming duties, each employee will be provided with initial indoctrination of safety requirements and other continuing instructions which will enable them to work in a safe manner. Training will be by the project manager and/or his designee who will be on-site at all times.
2. Initial indoctrination will include instruction in project safety practices and a presentation on the particular hazards and their preventions for each phase of work. It will include reporting of all accidents, availability of medical facilities, time of response by emergency personnel, and the individual responsibility for accident free operations.
3. A minimum of one (1) fifteen (15) minute on the job safety meeting for all workers present for duty will be conducted by the project manager every 2 weeks (page 5).
4. Failure of an employee to follow the safety policy will result in disciplinary action.

Included, but not limited to, topics will be the following:

- a) Location of Master First Aid Kit with stretcher, eyewash, blankets, etc.
- b) Identify first aid kits in all vehicles and note expiration date.
- c) Identify fire extinguishers in all vehicles and inspect at least monthly.
- d) Location of telephone for emergency purposes.
- e) Location of project in relation to health center and other services.
- f) Type of project, giving report on the activities and plan of attack for a safe and efficient project and review of job hazard analysis report.
- g) Identify first aid cardholders and those certified for CPR.

Highland's Estates, Inc.
Safety Plan

Safety Inspections (Ref: EM385-1-1 Appendix Y A.9, Section 01.A.04)

Daily safety and housekeeping inspections will be made by the Project Manager. This inspection will include as a minimum an evaluation and any necessary corrections of the following:

- 1) Hand tool usage and condition.
- 2) Equipment usage and condition.
- 3) Motor vehicle operation.
- 4) Housekeeping procedures.
- 5) General work practices.
- 6) Fire prevention and control procedures.
- 7) Job, health and sanitation requirements.
- 8) Condition and use of personal protective equipment.
- 9) Additional safety procedures listed under "Safety Plan HTW."

Accident Reporting

All accidents which occur on this project will be investigated, reported and analyzed as prescribed by the Project Manager. Injured persons are responsible for reporting all injuries as soon as possible to their immediate supervisor and an incident report will be completed.

Medical Facilities

The medical facilities for this project will be handled in the following manner:

- 1) First-Aid Station. Workers will be informed at the job site location of the First-Aid Station.
- 2) The location of the medical center will be posted.
- 3) The First-Aid Station will be set up and maintained in the "Portable Lab".

Personal Protective Apparel, Clothing & Safety Equipment

The following equipment will be required as needed:

- 1) Respirators.
- 2) Protective clothing.
- 3) Steel toed boots – mandatory for all laborers.
- 4) Goggles for welding and grinding.
- 5) Ear plugs – available for all operations.
- 6) Protective eyewear if necessary to prevent eye injury.
- 7) Welding hoods for electric welding if done.
- 8) Safety vests for operations near heavy equipment or near public systems.

Highland's Estates, Inc.
Safety Plan

Personal Protective Apparel, Clothing & Safety Equipment (continued)

- 9) Personal flotation devices when working in an environment where the employee may become engulfed in water.
- 10) Welders' gloves and sleeves.
- 11) Hard hats. These will be worn at all times.

Machinery and Equipment

We will handle the safe operations of machinery and equipment in the following manner (Ref. EM 385-1-1 Appendix Y A.9 Section 01.A.04):

- 1) A competent person shall be designated to be responsible for the inspection of all machinery and equipment.
- 2) All preventive maintenance procedures will be used.
- 3) Machinery or equipment requiring an operator shall not be permitted to run unattended.
- 4) Getting off any equipment while it is in motion is prohibited.
- 5) Machinery and equipment shall not be operated in such a manner that it will endanger persons or property, the safe operating speeds or load limits shall not be exceeded. Speed limits are posted and truck drivers will adhere to them. Within the "city limits" speeds will not exceed 10 mph.
- 6) Backup alarms and seat belts will be installed on all equipment (Ref: EM385-1-1 Section 10.B.01).
- 7) Cables, ropes, hooks, cable clamps will be inspected daily and weekly (Ref: EM385-1-1 appendix V).

Sanitary/First Aid Facilities

These facilities will be located at the existing facility which will be used as the temporary command/field office. An additional first aid kit will be in each vehicle (Ref: EM385-1-1 Appendix Y A.4).

Haul Roads (Ref: EM 385-1-1 appendix Y A.6 Section 12.D.13,12.D.09)

The haul roads used will be the existing access roads to the project site. It is readily accessible and will remain "open" at all times during construction.

Safety Conditions Reports

All personnel involved with this project will report any unsafe condition/situation to the project manager immediately.

Highland's Estates, Inc.
Safety Plan

Flammable Materials (Ref: EM 385-1-1 appendix Y A.6 Section 12.D09, 12.D13)

- 1) Drums used for storage of fuels will be DOT approved. Containers used for the storage of gasoline/diesel fuel will also be DOT approved (Ref: EM 385-1-1 Appendix Y A.6 Section 13.A.10; 13.A.11).
- 2) Oxygen/Acetylene/Propane if used during the course of work will be kept separated at a minimum of fifty (50) feet and kept from buildings at a minimum of twenty (20) feet. The tanks will be chained and secured, no smoking/open flame signs will be posted along with fire extinguishers. Sources of ignition will be prohibited within fifty (50) feet of the tanks. The tanks that are in use will be shut off daily, gauges and torches disconnected, and the tanks to be capped, and secured in the area designated for storage.

Site Communications

If possible a telephone will be readily available within half a mile of the construction site for any emergency needs. All employees will be notified of its existence and whereabouts at the first safety meeting. If the remoteness of the project makes it not possible to have a telephone, a site specific safety plan will be in effect with alternative communication means via radios/relay system/satellite phone, etcetera.

Site Security Plan (Ref: EM385-1-1 Appendix YA.7 Section 11.1.14)

Our site security plan is developed to insure the following hazards are kept to a minimum:

- 1) To address any security threats associated with the products we handle.
- 2) To avoid the increased hazards from vandals or persons seeking to abandon other wastes to the site.
- 3) To prevent theft.
- 4) To avoid the interference with safe working procedures.
- 5) To prevent unauthorized persons and vehicles from entering the job site.

To accomplish this we have a written security plan that is available for review at the home office located at 4.5 Mile Haines Highway, Haines, Alaska. The following has been incorporated into the security plan.

- 1) Make sure that all equipment, trailers, and offices are secured and locked each day after work is complete.
- 2) Contract all enforcement agencies such as police, fire department and hospital facilities of work going on at the site. Find out the response time from all departments to the site.
- 3) If we find that it is necessary we will maintain nightly security officers.

Highland's Estates, Inc.
Haines, Alaska
Emergency Response & Contingency Plan

Emergency Response Contacts

Primary Contact	Roger Schnabel	Phone #:	907-766-2821
Project Manager	Roger Schnabel	Phone #:	907-314-0520
Police		Phone #:	907-766-2121
State Troopers		Phone #:	907-766-2552
Fire		Phone #:	911
Ambulance		Phone #:	911
Medical Clinic		Phone #:	907-766-6300
Poison Control Center		Phone #:	800-222-1222

Emergency Signals

One short blast – Forward moving
Three short blasts – Evacuate area
Five short blasts – Need of Assistance
One long blast (3 seconds or longer) - All clear

Hospital Location and Information

The nearest hospital is in Juneau, which can be reached by air. The nearest hospital on the road system is in Whitehorse, Yukon Territory, Canada, which is approximately 240 miles from Haines. Medical emergencies should be coordinated through the Haines Medical Clinic:

- Haines Medical Clinic: 131 First Avenue South, Haines, Alaska
- Telephone Number : 907-766-6300
- Distance: Located in downtown Haines

Highland's Estates, Inc.
Haines, Alaska
Emergency Response & Contingency Plan

Emergency Procedures

These sections describe procedures for performing emergency planning, providing emergency equipment and supplies, handling emergency medical treatment, providing for fire protection, and providing for PPE and other equipment failure.

Emergency Planning

The Site Superintendent shall perform the applicable emergency planning tasks before starting field activities and shall coordinate emergency response actions with the facility and local emergency service providers as appropriate. The Site Superintendent is responsible for the following:

- Evaluating and documenting the capabilities of local emergency response team, if any;
- Verifying local emergency contacts, hospital routes, evacuation routes, and assembly points;
- Notifying the appropriate emergency responders listed on page 3 before site mobilization;
- Confirming the posting emergency telephone numbers and the route to the medical clinic;
- Posting the site map marked with the location of emergency equipment and supplies;
- Driving and verifying the route to the medical clinic and ensuring that employees also know and drive the route to the clinic;
- Designating one vehicle as the emergency vehicle: placing a copy of this Emergency Response Contingency Plan, including the directions and map to the medical clinic inside the vehicle; keeping keys in the ignition during field activities;
- Inventorying and checking the site emergency equipment and supplies;
- Establishing emergency signals, evacuation routes, and onsite and offsite assembly points;
- Reviewing the emergency procedures for personnel injury in the following sections;
- Reviewing the names of onsite personnel trained in first aid and CPR;
- Reviewing the emergency response and post-emergency notification procedures;
- Rehearsing the emergency response plan once, before site activities begin;
- Showing the field team members where emergency response equipment is located in the support area;
- Briefing new workers on the emergency response plan; and
- Referring employees to the typical emergency response operations flow diagram located on the following pages.

Highland's Estates, Inc.
Haines, Alaska
Emergency Response & Contingency Plan

Emergency Equipment and Supplies

The following emergency equipment and supplies will be kept onsite:

- 10-pound / or two 5 pound A:B:C fire extinguisher (or equivalent);
- Industrial first aid kit ;
- Water and electrolyte replenishments (i.e. Gatorade);
- Two-way radio(s) or cellular phone;
- Portable eyewash shower; and
- Sorbent material or spill containment supplies.

Emergency Medical Treatment

If a medical emergency occurs, the Site Superintendent shall assume charge until an ambulance arrives, or until the injured person is admitted to the emergency clinic.

Site personnel will prevent further injury by taking the following actions:

- If certified, initiate first aid and CPR if needed;
- Call the ambulance and medical clinic as appropriate;
- Determine whether decontamination will make the injury worse. If yes, seek medical treatment immediately.
- Make certain the injured person is accompanied to the emergency room by at least one field team member with the same employer.

An authorization for Medical Treatment Form shall be taken with the injured employee to the medical facility.

Fire

On notification of a fire on site, all site personnel will assemble at a safe distance from the involved area. The fire department will be alerted, and all personnel will remain a safe distance from the involved area.

Highland's Estates, Inc.

Haines, Alaska

Emergency Response & Contingency Plan

Emergency Failure

If any equipment onsite fails to operate properly, notify the Site Supervisor, who will determine the effect of the failure on continuing operations onsite. If the failure affects the safety of personnel or prevents completions of work tasks, all personnel will leave the exclusion zone until the situation is evaluated and appropriate actions are taken. Priorities of containment of fuel/oil spill measures will take precedence. As soon as possible following an accidental incident or emergency, the Site Supervisor, or designee, shall directly notify the Project Manager and complete written reports. The Site Superintendent should be prepared to provide the following information:

- Site Superintendent's name;
- Station name and project number;
- Exact location of the incident;
- Name and employer of injured person(s);
- Nature and extent of the injuries;
- If the injured person(s) were transported off site for medical treatment; and
- Telephone number that the Site Superintendent can be contacted during the next 24 hours.

Vehicle Accident Procedure

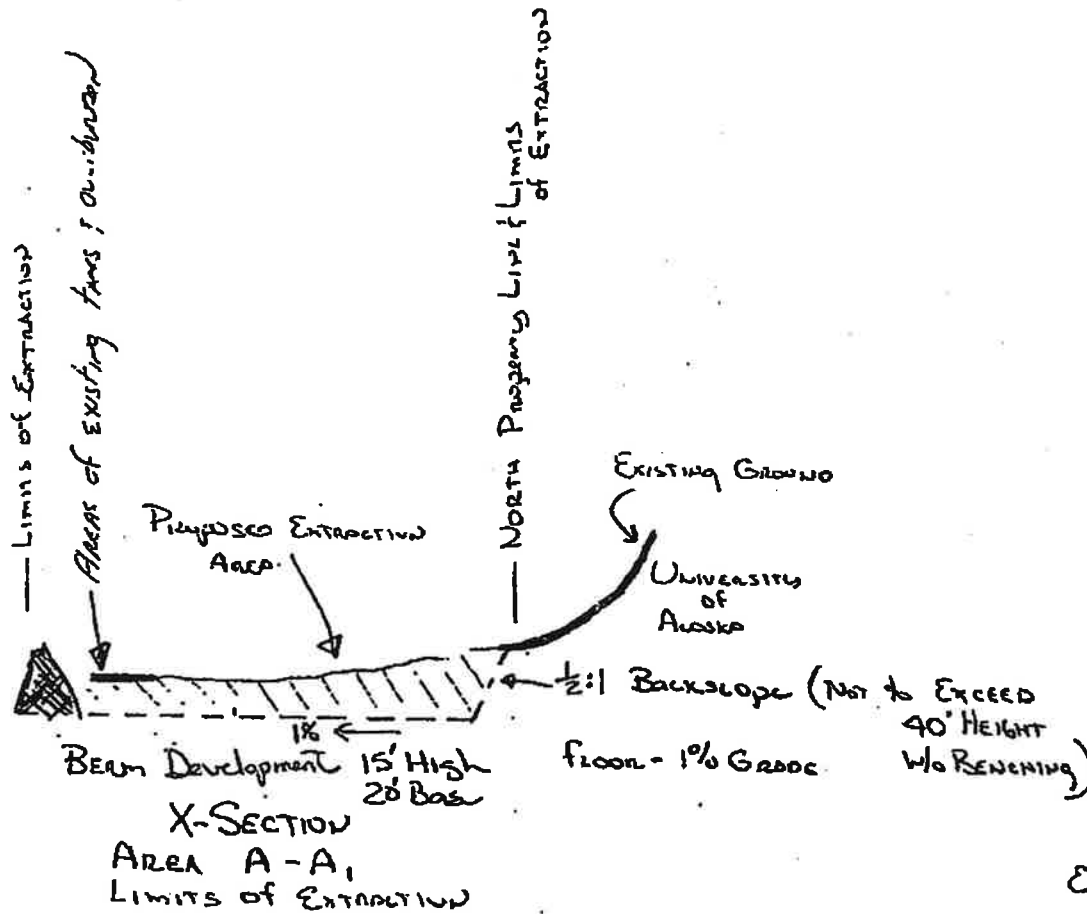
If a vehicle accident occurs, take the following steps:

1. Stop immediately
2. Take steps to prevent another accident (safety cones, reflectors, flares, etc.) .
3. Call a doctor or ambulance if necessary:
 - a. Fire and Ambulance: 911
 - b. Clinic: 907-766-6300
4. Notify the Borough Police at 907-766-2121 or the State Troopers at 907-766-2552
5. DO NOT sign any papers or make any statement as to who was at fault (except to your supervisor or a federal government investigator).
6. Notify the Site Supervisor within 24 hours, who will contact the Safety Officer.
7. Complete the required forms listed below and submit them to the Safety Officer.
 - a. Driver's Report at Accident Scene;
 - b. Incident Report, this must be signed by the supervisor;
 - c. Statement of Witness Card;
 - d. Invoices, which include towing charges, if any, and estimates as requested; and
 - e. Information exchanged about all involved drivers.
8. Submit any other forms or documents (policy reports, third party claims, etc.) to the Safety Officer.
9. Even if damages occurred when vehicle was unattended (hit and run, etc.) or if the incident did not involve another vehicle and there is no personal property damage or injuries, the driver of the vehicle must still complete all forms.

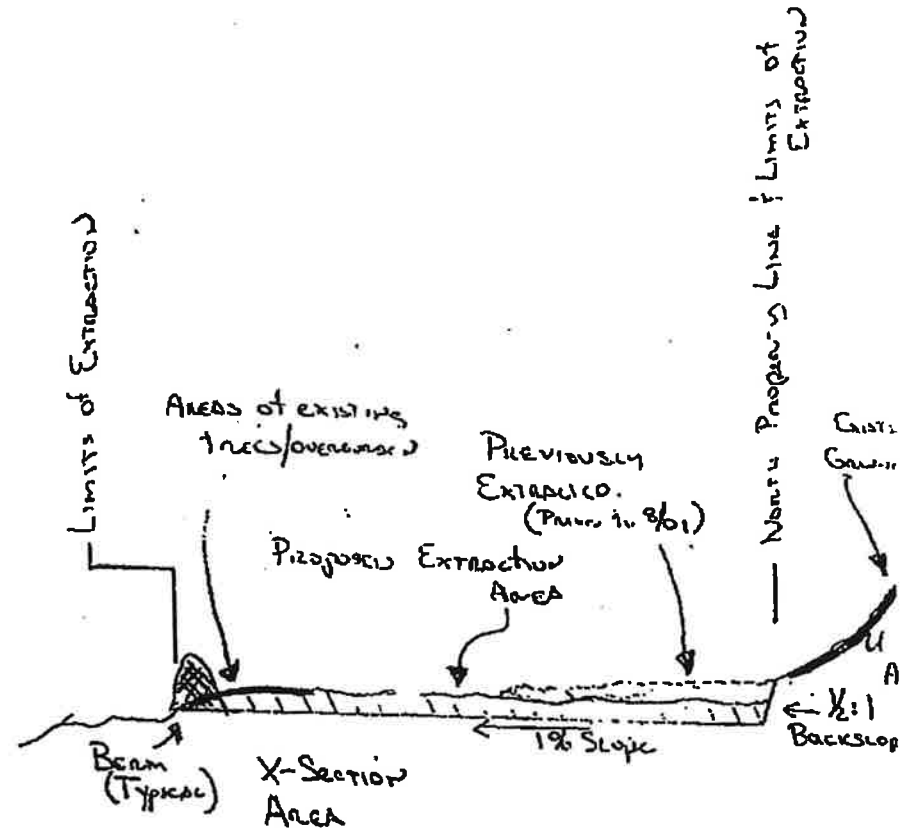
RE: USA-208 PARTIAL TL 03AD & 0400
 RE: LEE EXTRACTION - CONTINUOUS USE PERMIT

Owner: Saint James Place, Inc. & Highlands Estates, Inc.

ATTACHMENT A



SCALE: 1" = 100 ft
 (Horizontal & Vertical)



EXISTING LAND USE: GRAVEL SOURCE.
 (NEW ZONING REQUIRES CONTINUOUS USE PER.)
 VEGETATION: NONE. (OVERBURDEN PREVIOUSLY REMOVED)
 - EXCEPT AS SHOWN IN DARK
 SOILS: Gravel - Loose Rock - 29" minus
 Evenly Graded
 Hydrology: No Creeks / Streams or Active Water
 Source: Naturally Drains
 Existing Maternal Drain

ATTACHMENT B

Strategies	Timeframe			Responsibility
	1-2	3-5	6-10+	
side, and off of the Parade Grounds.				
3. Reestablish Dalton Trail and promote all season multi-use. Add interpretative signage and establish remote campsites. <i>Cross reference with Econ Dev 30 (5)</i>	X	X	X	CVHS, PRAC, State, Commercial Tour providers
Goal 10. Support responsible development of renewable and non-renewable resources within Haines Borough.				
Objective 10A: Work with project developers and regulators to achieve responsible development, which is defined as complying with environmental regulations, ensuring fishery resource and riparian zone protection, providing protection of salmon habitat and Bald Eagle Preserve resources, maintaining scenic viewsheds, and buffering operations when needed to protect adjacent users and activities. Also see related objectives at Econ Dev 3(C, M, N) and 6(A) with implementing actions.				
1. Location of sand, gravel and rock extraction sites shall be permitted in the following order of priority: a. Existing, approved upland sand and gravel pits; b. Reuse of sand and gravel from abandoned development areas, unless reuse would cause more environmental damage than non-use from the area; c. New upland sites approved for the purpose; and d. Streams that do not provide fish habitat.	X	X	X	ADOT&PF, ADN, Borough
2. Where appropriate, couple sand and gravel extraction with salmon habitat improvement.	X	X	X	Private businesses, TWC, Borough
3. Consolidate access to mineral exploration sites and mines with other access routes where feasible.	X	X	X	Borough, producers
Goal 11. Promote compact development and infill where water and sewer infrastructure exists in order to maximize return on public infrastructure investments, promote energy efficiency, and reduce carbon emissions.				
Objective 11A: Base decisions about utility extension on Borough costs, whether policy changes could instead result in infill, if willing Local Improvement District payers are present, and on landowner interests.				
1. Over time, extend roads as shown on Figure 6-3 and Table 6-5, and, extend utilities to one or more areas shown on Figure 7-4 to facilitate residential development.	X	X	X	Borough, select property owners
2. Evaluate possible roles for Borough to facilitate orderly utility extension on private land, such as conducting engineering studies to accurately determine location, design, and LID costs; assisting to prepare or review Master Development Plans for large parcels; or other.	X	X	X	Borough
Goal 12. Use Borough-owned land, a limited resource, to accomplish public goals.				
Objective 12A: Develop a Master Campus Plan on the 15-acre Borough-owned parcel that has the				

ATTACHMENT C

5.8.11 Mineral Resources and Mining

There is a wealth of minerals in Haines Borough, including industrial minerals such as sand, gravel, rock and marble, and commodities that include gold, zinc, lead, copper, silver, barite, iron ore, titanium and possibly platinum group minerals. Major, known mineralized areas in the Borough are reviewed now.

Porcupine District – Porcupine is the original Haines mining district. Residents still work the historic Porcupine placer deposit and the area was “put on the map” again in 2010 when Discovery Channel filmed “Gold Rush Alaska,” a reality TV mining show here that is very popular. Gold was discovered in 1898 in the Porcupine District south of the Klehini River and 30 miles northwest of Haines. By 1930, about \$1.25 million worth of placer gold had been taken from this area. At least 75 lode and six placer claims are currently active. Gold bearing gravel has also been found on the lower Kelsall River, Rosaunt Creek, and in the middle reaches of the Tsirku River. The Big Nugget Mine on Porcupine Creek improved access for recreational miners and others. Adjacent to the placer claims are some copper, lead, zinc, gold, and barite showings that have intermittently been staked but never extensively explored. On the Future Growth Map (Figure 7-10) this area is designated for Resource Development.

Glacier Creek— Exploration is ongoing at Constantine Minerals' Palmer claims around the Glacier Creek. Their work picked up from Rubicon exploration in the late 1990s and early 2000's in this lead, zinc and copper deposit. Constantine Mineral's exploration led to the discovery in 2007/08 of new massive sulphide mineralization at the South Wall and RW Zones in the Glacier Creek prospect area of the property. The deposit is within a contiguous block of 340 federal unpatented lode mining claims, which cover an area of approximately 6,765 acres and 63 state mineral claims that cover an area of approximately 9,200 acres.

In 2010, a crew of 20-30 geologists, helicopter pilots, laborers, and cooks including eight local residents assisted with exploration and spent \$2.5 million that year in the area. However, Constantine did not conduct exploration in the area in 2011 or 2012, but reportedly remains committed to the project. If developed, Constantine estimates the mine could create 200-400 jobs during development and 200-350 jobs during its operational lifetime. On the Future Growth Map (Figure 7-10) this area is designated for Resource Development.

Klukwan Iron Ore Deposit - Since the 1970's consideration had been given to the development of a major iron ore deposit near Klukwan. In the 2000's the project was considered unfeasible and the land was placed into an environmental trust and is reportedly no longer open for development. On the Future Growth Map this area is designated for Multiple Use with a Recreation Emphasis.

Rock, Gravel and Sand - Rock, gravel and sand materials are an important resource for Haines Borough and local businesses. Gravel deposits from the area have been documented as best in the region for hardness, thereby increasing their value for road building. Haines location on the Highway System and with easy ocean barge access is another asset for its high grade rock. Its

ATTACHMENT C

location on or near major river floodplains tends to provide a renewable and continuous source of materials. Other sources are also available including talus slopes, glacial moraines, and beach deposits.

A Haines ultramafic occurrence, listed by the U.S. Bureau of Mines, contains iron and titanium mineralization in the townsite area; prospects for use have never been sufficiently quantified.

Chilkat Peninsula Prospects -The Chilkat Peninsula and Chilkat Island area was studied as a cooperative effort between the State of Alaska, Division of Geological and Geophysical Surveys and the U.S. Bureau of Mines as part of the larger Juneau Mining District study. Six prospects of gold, copper, silver, zinc, barite, and cobalt were identified.

Coast Range and Chilkat Range - Both sides of Lynn Canal south of Haines have substantial mineral prospects quantified overtime by various mineral exploration companies. Mineralization includes gold, silver, copper, lead, zinc, cobalt and radioactive prospects.

5.9 Implementation Plan

Over the next 20 years the Haines Borough, its citizens, businesses, local organizations and others will systematically work to accomplish the Economic Development goals, objectives and actions listed.

Strategies	Timeframe			Responsibility
1-2 3-5 6-10+				
Goal 3: Achieve a strong, diversified local economy that provides employment and income for all citizens that desire to work while protecting the health of the environment and quality of life. Build on local assets and competitive advantages to create economic opportunity.				
Objective 3A: Attract and retain Location-Neutral workers, income earners, and business owners to Haines (i.e. Kensington or Greens Creek workers, internet based jobs and businesses, artists and writers, retirees).				
1. Conduct a survey to learn which community assets attract Haines's Location-Neutral workers, income earners and business owners to Haines and what causes them to leave.	X			Borough, Chamber
2. Based on survey results, take action to fill identified gaps and develop a marketing plan that highlights assets that bring these individuals to Haines. (For example, actions might include business incubator that provides office space, business machines, possible staff, etc.).	X	X		Borough, Chamber
Objective 3B: Maintain and enhance subsistence resources and opportunities for all citizens.				

ATTACHMENT C

Strategies	Timeframe			Responsibility
	1-2	3-5	6-10+	
events, and similar promotions that bring residents and visitors to downtown to make local purchases.				Chamber, business owners
13. Establish metrics defining economic conditions in DBD and identify indicators to use to evaluate and measure result of incentives program and changing conditions. (see <i>Haines Downtown Revitalization Plan</i>)	X	X	X	
Objective 3F: Strengthen entrepreneurial activity and businesses. Provide entrepreneurs with the resources that will enable them to develop and expand their businesses				
1. Identify and work to address infrastructure and services that meets entrepreneur's needs. For example, it has been suggested that there is a need for a functioning (winterized, bathrooms, running water) downtown Office Building with offices for rent, possibly with shared business services available. Formally investigate demand and if it exists, identify options to satisfy, including public investment or incentives, private-public partnerships, etc. <i>see similar objective at 2E</i>	X			DRVC, Borough, business owners, Chamber
2. Enact a low-interest small-loan program for businesses in Haines (establish goals, terms, loan criteria, other).	X	X		Borough, CIA
3. Periodically provide entrepreneurship education classes to sow the seeds of economic diversification.		X		Chamber, JEDC
4. Provide regular customer service training for front-line employees at start of every summer.	X	X	X	Business owners, Chamber, HCVB
5. Update Haines economic indicators every two years to maintain current on understanding of economy, business diversity and interdependencies, leading industries, employment, wages, personal income, and local revenue to track changes and measure result of efforts.	X	X		Borough, Chamber
Objective 3G: Haines Borough residents need access to reliable, fast, and affordable internet as this increasingly is a necessity for business, education, and services. Cross reference with <i>Utilities Objective 15 J</i>				
1. Pursue grant and other opportunities to provide internet access to rural areas; make current Open Skies (starband) program for rural Alaska known to citizens.	X	X	X	Borough, Chamber
2. Work with cell service and internet providers, regulators, Southeast Conference, and others to inventory infrastructure, coverage, gaps and rates in Borough. Collaborate on ideas to fill gaps and address needs.	X	X		Borough, SEC, cell/internet providers, USDA-RD, DCCED, RCA
Objective 3H: Haines Borough should work with local electric utilities to achieve a rate of 15 cents per Kwh or lower. Support actions to reduce power, heating, and fuel costs. Cross reference with <i>Utilities Objective 15 L. Also review Utilities Objectives 15 K, L and M and implementing</i>				

ATTACHMENT C

Strategies	Timeframe			Responsibility
1-2 3-5 6 -10+				
actions for full review of Power				
1. Identify any actions that could lower rates. Focus on opportunities to benefit commercial and industrial users. Cross reference with Utilities 15 L(1)	X	X		Borough, AP&T, RCA
Objective 3I: Maintain a business-friendly regulatory environment by providing stable local tax rates, reasonable permit fees, and timely permit reviews.				
1. Study the costs and benefits for requiring a Borough business license in addition to a state license. If costs exceed benefits, eliminate.	X			Borough
2. Examine the effectiveness of the Borough Tour Permit system.	X			Borough
3. Provide for internet based sales tax reporting/return program.	X			Borough
Objective 3J: Capitalize on Haines's position as a transportation hub to increase transfer and shipment of cargo, supplies, fuel, and other commodities with the Yukon, northern British Columbia, and Interior Alaska. Cross reference with Transportation 4(A)				
1. Ensure that Haines Highway and its bridges are capable and certified to handle load/weights necessary to transport ore, LNG and similar loads to and from Yukon, northern British Columbia, and interior Alaska. a) Identify current load certification of Haines Highway and Bridges. b) Identify industrial load roads must bear. c) Upgrade and recertify as needed, including allocating funding to accomplish.	X	X	X	Borough, ADOT&PF, commodity producers, State Legislators
2. Actively market Haines port and highway facilities and capacities.	X	X	X	Borough, Chamber
3. Prepare Port Development Plan (Identify transshipment opportunities for which Haines is competitive, estimate revenue and jobs to community, risks, and identify infrastructure, marketing and other investments needed to capture increased market share by Haines Borough and private partners).	X			Borough, Port Steering Committee, Chamber
4. Based on Port Development Plan's recommendations, identify decision-making sequence, strategic investments and funders, and timeline. Take systematic action.	X	X		Borough, Port Steering Committee, Chamber
5. Investigate options, pros and cons, to meet Yukon Liquid Natural Gas (LNG) transshipment demand.	X	X		Borough
6. Identify measures to avoid or minimize impacts from industrial truck traffic along Highway to Lutak Dock (e.g., noise, operation of engine brakes, routes, hours of operation, etc.).	X			Borough

ATTACHMENT D

6. Yandeist'akye' historic Native settlement
7. Chilkat River and Chilkoot River and Lake historic sites such as cache and house pits, hooligan pits, garden areas and graves
8. Dalton Cache and Dalton Trail
9. Eldred Rock Lighthouse

Objectives and actions in this chapter's implementation plan identify specific ways to protect these assets.

GOAL

Recognize historic and cultural resources and values and develop in a manner that protects these assets.

7.3.5 Resource-Based Development Opportunity

Harvest, extraction and adding value to the renewable and non-renewable resources in Haines Borough is a primary activity that brings money from outside the community into the local economy. Haines Borough is fortunate to have commercially viable salmon, timber and minerals all within its boundaries. Development of these resources must be done in a manner that protects the recreational and scenic values and places in the Borough upon which tourism, as well as quality of life, is based. The Borough's objective is to achieve responsible development, which is defined as complying with environmental regulations, ensuring fisheries resource and riparian zone protection, providing protection of salmon habitat and Bald Eagle Preserve resources, maintains scenic viewsheds, and buffers operations from adjacent land uses and activities.

Working on a project by project basis to balance among competing interests and needs is a major Borough regulatory responsibility, as seafood and tourism are two of the community's three primary economic drivers and must be protected, while timber and potentially minerals, offer future opportunity.

GOAL

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

ATTACHMENT E

7.4 Townsite

7.4.1 Land Ownership, Use and Management

The urban center of Haines reflects its history and diversity. Some of the buildings near the town center, both commercial and residential, are nearly 100 years old and contribute much to the town's character. Other buildings, including most of the commercial core on Main Street between Second and Third Avenues, date from the 1950's and 1960's. The townsite is compact, with residential neighborhoods closely surrounding the commercial center. Just over 1,700 people or 68% of Borough residents live in this area. Land in town is primarily privately owned (Figure 7-3).

The Borough owns parcels where public facilities have been constructed (Figure 4-1) as well as some undeveloped. land in chapter 4 shows all Borough-owned land and facilities).

GOAL
Promote compact development and infill where water, sewer, and transportation infrastructure exists in order to maximize return on public infrastructure investments, promote energy efficiency, and reduce carbon emissions.

The parts of town with water and sewer lines (Figure 9-1) are developed with relatively dense residential, commercial or mixed use buildings. From the early town core, residential neighborhoods have followed road and subdivision development to the north off Young Rd, Allen Rd, Piedad Rd, and to the south off Small Tracts and FAA Rds. The Small Tracts-FAA-Carrs Cove area was annexed into the former City of Haines in 1999. This is a moderate density residential area, and has the characteristic of a "suburb" with average lots ranging in size from 1 acre to 5 acres. This area lies within a fire service district, has emergency police protection and electric and phone service. The majority of area residents south of Mt Riley Road furnish their own water and septic systems and have stated a preference to limit commercial development and minimize impacts on air and water quality, noise level and heavy traffic.

There are several current and former sand and gravel pits toward the Chilkat Inlet whose resources result from glacial and river outwash plains. These areas are mostly supporting light industrial and commercial uses today.

Sawmill Creek is the significant anadromous stream meandering through town; the watershed divide parallels Young and 2nd Avenue. Surface and underground water to the east of this divide flow to Chilkoot Inlet/Portage Cove and water to the west flows to Sawmill Creek and Chilkat Inlet.

ATTACHMENT F

military post in Alaska between 1925 and 1940, and was closed at the end of World War II. Shortly after the fort was deactivated in 1945-1946, the land was sold to a private enterprise, the Port Chilkoot Company.

In addition to the stately fort buildings and interior parade grounds, the area now serves as an entertainment area with several private visitor-oriented establishments and commercial ventures run by Alaskan Indian Arts. Several commercial businesses and restaurants catering to visitors have opened between the cruise ship dock and the Fort Seward area, and, within the fort itself two buildings were constructed to depict a Chilkat tribal community house and gold rush era construction that are today used by visitors. Many buildings in the fort area host lodging establishments providing income to help with the considerable overhead of maintaining the structures in the Fort. A former cannery, originally located at Pyramid Harbor, was relocated to the Fort Seward area in 1926 and is now the Chilkat Center for the Performing Arts owned by Haines Borough. The center has a complete theatrical stage, excellent acoustics, a Steinway Grand Piano and seats 350 people. Unfortunately the building's age and lack of maintenance have accumulated and critical improvements are estimated at \$5 million (with building replacement cost at \$11 million).

7.4.7 Light Industrial Close to Town

Haines is fortunate to have flat accessible land near the Haines Highway, town, utilities and the port yet in tucked away locations just off the main corridors. Operating and transshipment costs for businesses are reduced by being located so close to town. These areas are used for small sawmills, auto shops, gravel extraction, heavy equipment storage, and similar light industrial uses. Haines' related land use challenges are to ensure it has enough land allocated to these important uses, to provide buffers for neighboring residential development, to protect Sawmill Creek tributaries in this area, and to prevent "junk yards" from taking over.

7.5 Lutak and Northeast Borough

Marine transshipment facilities in this area include the Borough's Lutak Dock, AMHS Ferry Dock, federal tankfarm (POL) Dock, and private Chilkoot Lumber dock. These facilities are shown on Figures 7-5 and 6 and detailed in Chapter 6 – Transportation.

Most land in this part of the Borough is state land within the Haines State Forest; other parcels are Borough-owned (by Lutak Dock and a parcel at the mouth of Chilkoot Lake), University or Mental Health Trust land, or private land including Native Allotments (see Figure 7-5).

Lutak Road begins in town and parallels the west side of Lutak Inlet to just past the outlet of Chilkoot Lake. This very scenic two-lane road has a wide shoulder on the waterside for walking and biking to the AMHS Ferry Terminal, which should be continued for the full length of the road. Lutak Road is the access route to Haines' industrial waterfront port and uplands where most barged products, including fuel, are transferred and stored. Ensuring use for waterfront industrial and commercial purposes at this deep water port area and associated uplands



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

MEMO

TO: Haines Borough Planning Commission

DATE: March 08, 2024

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

This memo serves as my recommendation per HBC 18.50.030 (D)3 for approval of this CUP to the Commission with the conditions listed below. A pre-application meeting was held on 1/25/2024.

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

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

Resource Extraction is a Conditional Use in this zone.

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

BOROUGH RECCOMENDATION:

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

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

BOROUGH REVIEW, per HBC 18.50.040(A)

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

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

BOROUGH RESPONSE:

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

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

BOROUGH RESPONSE:

No comments from property owners within 500 feet were received.

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

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

BOROUGH RESPONSE:

Existing utilities are sufficient for the proposed land use.

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

BOROUGH RESPONSE:

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

#4 – Industrial

#10 Resource Development

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

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

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

BOROUGH RESPONSE:

Land use activities are consistent with this zone and provide adequate buffers for industrial activities.

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

BOROUGH RESPONSE:

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

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

BOROUGH RESPONSE:

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

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

BOROUGH RESPONSE:

No public comment received to-date.

GENERAL APPROVAL CRITERIA REVIEW, per HBC 18.60.010

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

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

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

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

BOROUGH RESPONSE:
See #4 above

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

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

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

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

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

BOROUGH RESPONSE:
See condition #1 above for compliance with access requirements.

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

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

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

BOROUGH RESPONSE:

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

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

BOROUGH RESPONSE:

Does not apply.

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

BOROUGH RESPONSE:

No parking, loading, or snow storage issues are expected.

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

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

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

BOROUGH RESPONSE:

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

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

BOROUGH RESPONSE:

There are no anticipated drainage issues.

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

BOROUGH RESPONSE:

Does not apply.

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

BOROUGH RESPONSE:

Does not apply.

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

BOROUGH RESPONSE:

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

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

BOROUGH RESPONSE:

Resource extraction is consistent with local zoning, and no comments have been received from neighboring parcels. There are no anticipated off-site impacts with this use.

The operations plan includes activities to control dust and runoff.

O. Habitat.

BOROUGH RESPONSE:

Does not apply.

P. Anadromous Fish Stream Setbacks.

BOROUGH RESPONSE:

Does not apply.

Q. Open Space and Facilities.

BOROUGH RESPONSE:

Does not apply.

R. Historic Resources.

BOROUGH RESPONSE:

Does not apply.

S. National Flood Plain Regulations.

BOROUGH RESPONSE:

Does not apply.

T. Hazard Areas. Development which is not designed and engineered to mitigate the risk of loss of life or property is prohibited in the following hazard areas:

BOROUGH RESPONSE:

Does not apply.

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

BOROUGH RESPONSE:

Does not apply.

SPECIFIC APPROVAL CRITERIA REVIEW, per HBC 18.60.020

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

A. Resource Extraction.

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

A. Resource Extraction

1. Permitting. A permit for natural resource extraction may be issued with such reasonable conditions as necessary to limit or minimize the adverse impact of the permitted extraction. The permitted use must meet all other pertinent requirements of this title and address the following concerns:

a. Limits of operational areas;

BOROUGH RESPONSE:

- **25-foot buffers against property lines,**
- **Site is buffered from adjacent zones by other industrial parcels,**

b. Days and hours of operation;

BOROUGH RESPONSE:

Monday - Friday, 8am – 5pm

c. Traffic patterns;

BOROUGH RESPONSE:

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

d. Fencing and screening;

BOROUGH RESPONSE:

No fencing proposed.

e. Control of dust and noise;

BOROUGH RESPONSE:

Proposed activities are consistent with the noise and dust expected during industrial activities. The applicant will use on-site measures to limit and control dust and noise as stated in the operations plan.

f. Phasing of operations and reclamation steps;

BOROUGH RESPONSE:

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

g. Final condition of site including:

- (1) Relation to adjoining land forms and drainage features,
- (2) Relation of reclaimed site to planned or established uses of the surrounding area,
- (3) Demonstration that the final land form will have a viable land use compatible with land use trends in the surrounding area,

(4) Relation of reclaimed site to initial site conditions including land use, vegetation, soils, geology and hydrology;

BOROUGH RESPONSE:

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

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

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

BOROUGH RESPONSE:

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

COMMISSIONER RESPONSE FORMS

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

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

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

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

COMMISSIONER RESPONSE:

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

COMMISSIONER RESPONSE:

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

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

COMMISSIONER RESPONSE:

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

COMMISSIONER RESPONSE:

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

COMMISSIONER RESPONSE:

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

COMMISSIONER RESPONSE:

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

COMMISSIONER RESPONSE:

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

COMMISSIONER RESPONSE:

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

DEVELOPMENT SCHEDULE:

USE:

OWNER’S ASSOCIATION:

DEDICATIONS:

CONSTRUCTION GUARANTEES:

COMMITMENT LETTER:

COVENANTS:

DESIGN:

CODE REFERENCES

18.20.020 Definitions – Regulatory.

“Resource extraction” means a heavy industrial use involving the removal of rock, gravel, sand, clay, topsoil, peat, timber, petroleum, natural gas, coal, metal ore, or any other mineral, and other operations having similar characteristics. Resource extraction does not include: (1) the removal of material from within the legal boundaries of the property of origin which are incidental to the construction, alteration or repair of a building (or the grading and landscaping incidental thereto); or (2) within the subdivision of origin of a platted public or private access road and utilities or public facility providing essential services.

HBC 18.30.010(F) Conditions.

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

HBC 18.50.040 Decision.

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

1. Development Schedule. The conditions may place a reasonable time limit on construction activity associated with the development, or any portion thereof, to minimize construction-related disruption to traffic and neighbors, to ensure that lots are not sold prior to substantial completion of required public improvements, or to implement other requirements.
2. Use. The conditions may restrict the use of the development to specific uses indicated in the approval.
3. Owner’s Association. The conditions may require that if a developer, homeowner or merchant association is necessary or desirable to hold or maintain common property, that it be created prior to occupancy.

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

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

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

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

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

HAINES BOROUGH

HAINES, ALASKA

PUBLIC NOTICE PLANNING COMMISSION PUBLIC HEARINGS

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

Thursday, March 14, 2024 at 6:30PM

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

New Business

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

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

HIGHLAND'S ESTATES INC
BOX 1129
HAINES, AK. 99827

ST JAMES PLACE INC.
P.O. BOX 129
HAINES, AK. 99827

WILLIAM EGOLF
P.O. BOX 491
HAINES, AK. 99827

CHRISTOPHER THORGESEN
P.O. BOX 887
HAINES, AK. 99827

MAXWELL JUSI
BOX 1742
HAINES, AK. 99827

GEORGE WHITMAN
P.O. BOX 244
HAINES, AK. 99827-0244

OMAR CORDES
BOX 6
HAINES, AK. 99827

TROY FOTTA
P.O. BOX 753
HAINES, AK. 99827

TERRY W. PARDEE
BOX 296
HAINES, AK. 99827

MATTHEW JILLSON
BOX 545
HAINES, AK. 99827

TRAVIS WADE RUSSELL
BOX 1583
HAINES, AK. 99827

BRIAN ELLIOTT
BOX 391
HAINES, AK. 99827

JOAN WAGNER
BOX 1421
HAINES, AK. 99827

MARIANNE TOMPKINS
BOX 783
HAINES, AK. 99827

ERIC M. FERRIN
BOX 1471
HAINES, AK. 99827

TERRY ALLAN SELE
BOX 53
HAINES, AK. 99827

NANCY J. HOTCH
BOX 33
HAINES, AK. 99827

DANIEL L KELLY
BOX 1073
HAINES, AK. 99827

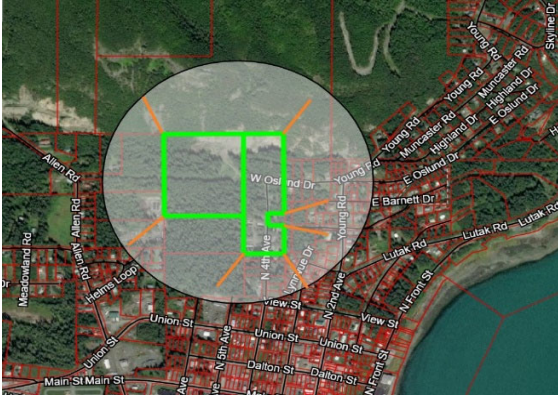
CAROL WALDO
P.O. BOX 274
HAINES, AK. 99827

LESLIE KATZEK
BOX 104
HAINES, AK. 99827

Haines Borough
P.O. Box 1209
Haines, AK. 99827



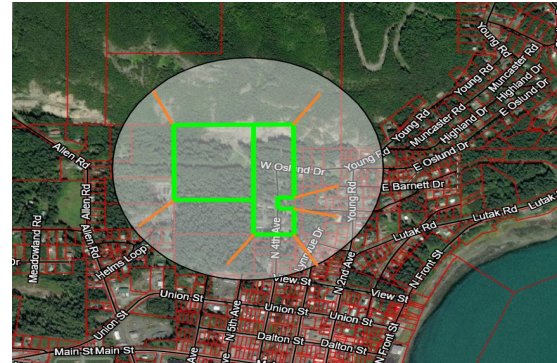
Planning Commission
Notice of Public Hearing



Haines Borough
P.O. Box 1209
Haines, AK. 99827



Planning Commission
Notice of Public Hearing



Haines Borough
P.O. Box 1209
Haines, AK. 99827



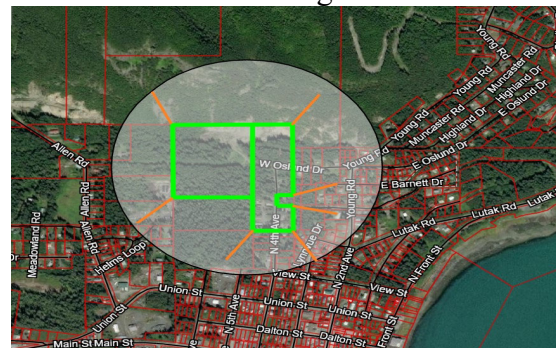
Planning Commission
Notice of Public Hearing



Haines Borough
P.O. Box 1209
Haines, AK. 99827



Planning Commission
Notice of Public Hearing



APPLICATION HEARING

Conditional Use – Resource Extraction [Extension of CUP #19-03]

Sites: C-208-TL-0400 & C-208-TL-03A0

Applicant – Highland Estates Inc. & St. James Place

Dear property owner,

You have been identified as owning property within 500 feet of the above listed property. This is notification that there will be a public hearing regarding an extension of Conditional Use Permit #19-03 – Resource Extraction. This matter will be heard March 14, 2024 at 6:30pm at Assembly chambers and on ZOOM. You are invited to provide testimony at the meeting or submit written comments to the Borough Planner at planner@haines.ak.us. Written comment deadline is March 13th at 5:00pm. For more information, please call the Lands

Dept. at 766-6400 or visit

<https://www.hainesalaska.gov/pc/planning-commission-meeting-6>

Public Hearing Date: March 14, 2024

Meeting Time: 6:30 pm

Place: Assembly chambers and ZOOM online

APPLICATION HEARING

Conditional Use – Resource Extraction [Extension of CUP #19-03]

Sites: C-208-TL-0400 & C-208-TL-03A0

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Meeting Time: 6:30 pm

Place: Assembly chambers and ZOOM online

APPLICATION HEARING

Conditional Use – Resource Extraction [Extension of CUP #19-03]

Sites: C-208-TL-0400 & C-208-TL-03A0

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<https://www.hainesalaska.gov/pc/planning-commission-meeting-6>

Public Hearing Date: March 14, 2024

Meeting Time: 6:30 pm

Place: Assembly chambers and ZOOM online

APPLICATION HEARING

Conditional Use – Resource Extraction [Extension of CUP #19-03]

Sites: C-208-TL-0400 & C-208-TL-03A0

Applicant – Highland Estates Inc. & St. James Place

Dear property owner,

You have been identified as owning property within 500 feet of the above listed property. This is notification that there will be a public hearing regarding an extension of Conditional Use Permit #19-03 – Resource Extraction. This matter will be heard March 14, 2024 at 6:30pm at Assembly chambers and on ZOOM. You are invited to provide testimony at the meeting or submit written comments to the Borough Planner at planner@haines.ak.us.

Written comment deadline is March 13th at 5:00pm. For more information, please call the Lands Dept. at 766-6400 or visit

<https://www.hainesalaska.gov/pc/planning-commission-meeting-6>

Public Hearing Date: March 14, 2024

Meeting Time: 6:30 pm

Place: Assembly chambers and ZOOM online



HAINES BOROUGH
P.O. Box 1209
Haines, AK 99827-1209
907-766-7400

Highland Estates Inc. & St. James Place Inc.
PO Box 1129
Haines AK, 99827

March 15, 2019

Re: Resource Extraction Conditional Use Permit #19-03
C-208-TL-0400; Rural Mixed Use and Multiple Residential Zones:

Dear Mrs. Josephson and Mr. Schnabel,

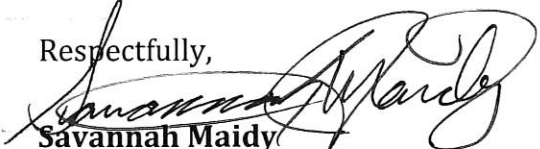
Thank you for your participation in the March 14th Planning Commission meeting. Your Conditional Use Permit has been approved with the following conditions

- Operation hours shall be 8:00 am to 5:00 pm, Monday through Friday; and
- The permit is valid for Five years. You will be required to apply to renew this conditional use permit if you wish to continue to the resource extraction operation and/or material storage after March 14, 2024; and
- Pedestrian traffic, especially children, along entry and egress routes necessitates additional attention to safety briefs for vehicle operations acquainting them with the considerations of operating commercial vehicles in a residential area; and
- All operators must always drive within the speed limit and exercise extreme caution; and
- Mud, dust, run-off, erosion, and drainage, shall be controlled at all times and contained on site; and
- State standards of reclamation shall be met; and
- Materials storage is only permitted on the portion of the split zoned parcel that is zoned Rural Mixed Use; and
- Heavy equipment storage is only allowed in the portion of the property that is zoned Rural Mixed Use. Heavy equipment is defined in HBC 18.20.020 (Definitions-Regulatory) and includes the storage of all heavy equipment with a manufacture's gross weight of 10,000 lbs or more, such as graders, excavator, backhoes, dump trucks, loaders, semi-tractor trailers, and similar vehicles; and
- Hazardous materials storage is prohibited. Hazardous material is defined in HBC 15.12 & 18.20.020 (Definitions-Regulatory) and includes, but is not limited to, contaminated soil, transited AC pipes, used oil, diesel fuel, waste paints, roofing cement, and mercury-containing demolition wastes; and
- The property may not be used for the storage of "garbage" or "rubbish" with the exception of tree limbs and yard rakings as defined in HBC 8.08.010; and

- The property may be used for the storage of "rubble" as defined in HBC 8.08.010; and
- The property may not be used as a "junkyard" as defined in HBC 18.20.020. (Definitions-Regulatory)

If you have any questions on the matter, please contact the Borough.

Respectfully,



Savannah Maity

Planning and Zoning Tech

Haines Borough

907-766-6400

www.hainesalaska.gov

sjmaidy@haines.ak.us

MUNICIPAL CODE

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

Chapter 18.50 CONDITIONAL USE



Sections:

- 18.50.010** Purpose.
- 18.50.020** Approval required.
- 18.50.030** Application.
- 18.50.040** Decision.

18.50.010 Purpose.



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

18.50.020 Approval required.



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

18.50.030 Application.



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

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

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

D. *Manager's Review Procedure.*

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

18.50.040 Decision.



The commission shall hold a public hearing on the conditional use permit application. The commission may adopt the manager's recommendation on each requirement unless it finds, by a preponderance of the evidence, that the manager's recommendation was in error and states its reasoning for such finding with particularity. In addition, for good cause, the commission may alter the conditions on approval or requirements for guarantees recommended by the manager.

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

1. The use is so located on the site as to avoid undue noise and other nuisances and dangers;
2. The development of the use is such that the value of the adjoining property will not be significantly impaired;
3. The size and scale of the use is such that existing public services and facilities are adequate to serve the proposed use;
4. The specific development scheme of the use is consistent and in harmony with the comprehensive plan and surrounding land uses;
5. The granting of the conditional use will not be harmful to the public safety, health or welfare;
6. The use will not significantly cause erosion, ground or surface water contamination or significant adverse alteration of fish habitat on any parcel adjacent to state-identified anadromous streams;
7. The use will comply with all required conditions and specifications if located where proposed and developed, and operated according to the plan as submitted and approved;

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

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

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

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

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

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

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Municipal Code → Title 18, Land Use/Development →

Chapter 18.60
APPROVAL CRITERIA



Sections:

- 18.60.010 General approval criteria.
- 18.60.020 Specific approval criteria.

18.60.010 General approval criteria.



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

- A. *Plans*. The proposal is substantially consistent with the borough comprehensive plan and other applicable borough-adopted plans.
- B. *Reviewing Parties*. Due deference has been given to the comments and recommendations of reviewing parties.
- C. *Fire Safety and Emergency Access*. The proposal shall not pose a fire danger as determined by the State Fire Marshal or the borough fire chief. Adequate access for emergency and police vehicles must be provided.
- D. *Access*. All lots on which development is planned are required to have legal road access before an application for a development may be considered and physical road access must be completed to borough standards before any work on the development is started.
- E. *Traffic*. The proposed use shall not overload the existing street system with traffic or result in unsafe streets or dangers to pedestrians.
- F. *Public Maintenance*. The proposed use shall not significantly increase the impact on the surrounding area from glaciation or drifting snow and shall not create significantly increased difficulty for snow removal or street maintenance.
- G. *Foundation*. All buildings intended for residential or commercial permanent foundation. This section does not apply to accessory buildings, sheds, wood sheds, etc., of 120 square feet or less in area, or temporary structures.
- H. *Parking*. Parking, loading areas and snow storage sites for the development shall be adequate, safe and properly designed. The developer may accept acceptable lighting at pedestrian or vehicular access points.

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I. *Utilities.* The proposed use shall be adequately served by public water, sewer, on-site water or sewer systems, electricity, and other utilities prior to being occupied. The borough may require a letter of commitment from a utility company or public agency legally committing it to serve the development if such service is required. If property on which a use is proposed is within 200 feet of an existing, adequate public water and/or sewer system, the developer shall be required to connect to the public systems. The borough may require any or all parts of such installation to be oversized, however the additional cost beyond the size needed for the development will be borne by the borough.

When, in the opinion of borough staff, no public sanitary sewer and/or water service is available within 200 feet of the property, the developer may request an exemption from the requirements to connect to these public utilities. All regulations of the State Department of Environmental Conservation pertaining to water extraction and wastewater disposal, as well as the requirements of HBC [13.04.080\(G\)](#) pertaining to on-site wastewater disposal, shall apply. If exempted from the requirement to connect to public utilities, a developer must provide plans drawn by an engineer licensed in the state of Alaska or a state certified septic system installer prior to permit approval. Upon installation and before closure, the wastewater disposal system must be inspected and approved by an engineer licensed in the state of Alaska or a state certified septic system installer.

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

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

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

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

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

N. *Off-Site Impacts.* The proposed use shall not have significant negative impacts on the surrounding properties, including excessive noise, fumes or odors, glare, smoke, light, vibration, dust, litter, or interference in any radio or television receivers off the premises, or cause significant line voltage fluctuation off the premises or be unsightly or become a nuisance as defined in HBC [8.12.020\(I\)](#). Buffering may be required to alleviate impacts between residential and nonresidential uses. The owner of the property upon which the buffering is constructed is responsible for the maintenance of the buffering in a condition that will meet the intent of this criteria.

O. *Habitat.* A reclamation or landscaping plan may be required as a condition of approval of any use within 100 feet of a state-identified anadromous stream. If the reclamation or landscaping plan includes the control of dust, soil erosion or siltation which otherwise would be generated on the lot and affect the commission may adopt borough landscaping standards that establish and acceptable methods to be used for compliance. The owner of the lot is responsible for maintenance of the landscaping for a minimum of one year after establishment of the planted materials and stability of other physical

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

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

P. *Anadromous Fish Stream Setbacks.* Unless approved by variance, no development shall occur within 25 feet of the banks of anadromous fish streams, designated as such by the Alaska Department of Fish and Game. Variances from this requirement may be granted by the commission based upon the unique conditions of individual properties, the proposed development, and the recommendations of a qualified fisheries biologist.

Q. *Open Space and Facilities.* The developer may be required to dedicate land for open space, drainage, utilities, access, parks or playgrounds. Any dedication required by the commission must be based on a written finding that the area is necessary for public use or safety and the dedication is in compliance with adopted municipal plans and policies. The commission's finding shall conclude that a direct connection exists between the development and the need for the provision of the dedication. Land may be accepted by the borough only under the following conditions:

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

5. All land must be conveyed to a public agency or private as to maintain in perpetuity the area and any buildings, structures have been placed on it. When no maintenance of the area is re conveyed to all new owners in undivided joint ownership. Whe to a public agency and maintenance of the common space is r association for maintenance of the area must be established. C

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

R. *Historic Resources*. The proposed use shall not adversely impact identified historic resources prior to the assessment of that resource by the borough or state. Uses located within the significant structures area must comply with the specific approval standards of this chapter.

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

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

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

T. *Hazard Areas*. Development which is not designed and engineered to mitigate the risk of loss of life or property is prohibited in the following hazard areas:

1. The one percent floodway of all rivers and streams.
2. Avalanche outfall areas.
3. Within 500 feet of a major fault.
4. Slopes greater than 30 percent.
5. Within 300 feet of a wildfire chute.
6. Rock and mudslide areas.

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

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

1. *Dredge and Fill Activities*. Any person, persons or firm planning a development in wetlands is required to apply for and obtain a dredge and fill permit from the United States Army Corps of Engineers prior to commencement of development.
2. For residential use, setbacks shall be the same as those required in the residential zone. All other uses shall be required to set back 10 feet from lot lines adjacent to every street and alley and five feet from all other lot lines.
3. Public access to the waters of Portage Cove is required to for development on land adjacent to Portage Cove. (Ord. 18-04- Ord. 13-08-342 § 4; Ord. 12-05-291 § 9; Ord. 07-04-153; Ord. 06-07-

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

A. *Resource Extraction.*

1. *Permitting.* A permit for natural resource extraction may be issued with such reasonable conditions as necessary to limit or minimize the adverse impact of the permitted extraction. The permitted use must meet all other pertinent requirements of this title and address the following concerns:

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

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

C. *Animal Husbandry.* Animal husbandry may be allowed as an accessory use to agriculture or for personal recreational use (i.e., horses kept solely for riding). A permit must be obtained and the application for such permit must be submitted along with a plan for the maintenance of any animal or animals, such as the mitigation of noise, odors, runoff from the lot onto adjacent properties or into streams of waste products and the proper disposal off-site of such waste products. If at any time it is the finding of the manager is either not being followed or is not sufficient to protect the neighbor nuisance situation, the permit may be revoked or an amended plan

Roosters, geese, mules, burros and other animals that typically make loud sounds shall not be allowed on lots of less than three acres. The board have the authority to determine what sounds are loud and annoying

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