

Comments of Appellant Kathleen Menke related to SE Roadbuilder's Lutak CUP remanded to Planning Commission by Borough Assembly (for packet for March 14, 2024 meeting):

The implications of this CUP are broad. This CUP paves the way for a major resource extraction/export hub which affects the community at large from valuable Chilkoot public resources and assets, down through the entire Chilkoot/Lutak corridor, along the highways through town, and up the Chilkat River Valley.

The previous Planning Commission granted this permit and extended it from two years to five years while failing to consider public comments presented at their last meeting before the newly elected Planning Commission was sworn in, including my own comments submitted in writing, and the public testimony in opposition to the CUP by at least four others present at the meeting.

This CUP needs to be considered alongside Lutak Dock refurbishment plans, landslide study safety information that is due to be reported to the community in September of 2024, safe highway concerns, a Comprehensive Plan that is currently being updated, and general resource extraction and resource processing within the Haines Borough and export of these resources outside of the Haines Borough from this location.

My previous comments submitted include:

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

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

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

Specifically the eight criteria which must be addressed to approve a CUP were not addressed in specificity by the previous Planning Commission when this CUP permit was basically rubber stamped. (I submitted written comments to the eight criteria at the time. None of these comments were addressed at all by the previous Commission either verbally or in their written decision.)

Therefore once again. Here are the eight issues that must be satisfied for a CUP to be issued. And my comments addressing them for the March 14th meeting.

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

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

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

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

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

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

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

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

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

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

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

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

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

The use has already violated local code by starting extraction prior to proper permitting and should not be rewarded by granting of a CUP for SERB near the Lutak Dock and ferry terminal at this time.

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

Property owners impacted by this proposed CUP include pretty much all residents of the Haines Borough. And their comments, including my own, have not yet been given their due weight.

In summary. The CUP under appeal should be denied based on it not meeting all eight of the above criteria as is required by Borough Code.

No new CUPs submitted, for site A or site B, should be approved without adequate information being put forth for the public and the Planning Commission to have ample time for review and input.

**18.30.020 Public notice.**

For [conditional use](#) permits, platting action permits, [variance](#) permits, rezonings, and section line and state recognized RS-2477 [easement vacations](#), [public notice shall](#) consist of all of the following:

A. An [agenda](#) item on the posted [agenda](#);

B. Publication of the time, date and place of the meeting and the [agenda](#) item in a newspaper of general circulation in the [borough](#) a minimum of 10 business [days](#) prior to the date of the meeting;