



Haines Borough Planning Commission Regular Meeting Agenda

COMMISSIONERS:

ROB GOLDBERG, CHAIR
LEE HEINMILLER, VICE-CHAIR
ROBERT VENABLES
HEATHERLENDE
DON TURNER III
BRENDA JOSEPHSON
ROB MILLER

Thursday, August 13, 2015 - 6:30 p.m.

Assembly Chambers, 213 Haines Hwy.

1. CALL TO ORDER / PLEDGE TO THE FLAG
2. ROLL CALL
3. APPROVAL OF AGENDA
4. APPROVAL OF MINUTES: July 9, 2015
5. PUBLIC COMMENTS [Items not scheduled for public hearing]
6. CHAIRMAN'S REPORT
7. STAFF REPORT
 - A. Planning & Zoning Report
8. PUBLIC HEARINGS:
 - A. **Heliport Conditional Use Proposal – 3-CLR-35-0100 – Action Item** – Big Salmon Ventures LLC has requested the commission approve a conditional use permit to allow the development of a heliport. The Borough Manager has reviewed the proposal and recommends the commission postpone the decision. **Possible Motion:** Approve Sundberg heliport conditional use proposal.
9. UNFINISHED BUSINESS:
 - A. **Lowering Speeding Limit on Mud Bay Road – Discussion Item** – This item is up for discussion at the request of Ann Marie Fossman. The Police Chief, DOT staff, and the Chairman of the Public Safety Committee will be invited to attend the meeting.
10. NEW BUSINESS:
 - A. **Historic District/Building Review:** None
 - B. **Haines Borough Code Amendments:**
 1. **Temporary Residence in HBC 18.60.020(H) – Action Item** – This is scheduled as a follow-up item of 07/09 agenda. Staff revised the draft ordinance for commission review. **Possible Motion:** Recommend the Assembly adopt the revised ordinance.
 2. **On-Site Wastewater System – Action Item** – This is scheduled as a follow-up item of 07/09 agenda. Chairman Goldberg worked with staff and drafted an ordinance. **Possible Motion:** Recommend the Assembly adopt the revised ordinance.
 - C. **Project Updates:** None
 - D. **Other New Business:** None
11. COMMISSION COMMENTS
12. CORRESPONDENCE
13. SCHEDULE MEETING DATE
 - A. Regular Meeting – Thursday, September 10, 2015 6:30 p.m.
14. ADJOURNMENT



**Haines Borough
Planning Commission Meeting
July 9, 2015
MINUTES**

Draft

1. **CALL TO ORDER/PLEDGE TO THE FLAG** – Chairman **Goldberg** called the meeting to order at 6:30 p.m. in Assembly Chambers and led the pledge to the flag.
2. **ROLL CALL** – **Present:** Chairman Rob **Goldberg**, Commissioners Lee **Heinmiller**, Heather **Lende**, Brenda **Josephson**, Rob **Miller**, and Don **Turner III**. **Absent:** Robert **Venables**.

Staff Present: Jan **Hill**/Mayor, and Tracy **Cui**/Planning and Zoning Technician III

Also Present: Mike **Case** (Assembly liaison), Karen **Garcia** (CVN), Jessica **Edwards**, Sean **Copeland**, Ron **Jackson**, Kathryn **Friedle**, John **Brower**, Steve **Fossman**, Cindy **Jackson**, Tresham **Gregg**, and others.
3. **APPROVAL OF AGENDA**
Lende suggested adding “Harbor Expansion Project” in the agenda as 10D2.
Motion: **Heinmiller** moved to “approve the agenda as amended.” **Miller** seconded it. The motion carried unanimously.
4. **APPROVAL OF MINUTES** – May 14, 2015 and June 11, 2015 Regular Meeting Minutes
Motion: **Heinmiller** moved to “approve the May 14, 2015 and June 11, 2015 minutes as amended.” **Turner** seconded it. The motion carried unanimously.
5. **PUBLIC COMMENTS**
6. **CHAIRMAN’S REPORT**
Goldberg said he attended the Picture Point Design Committee meeting. He briefed the current status of the project.
7. **STAFF REPORTS**
A. Planning & Zoning Staff Report
Cui reported monthly permits, enforcement orders, and updates on projects.
8. **PUBLIC HEARINGS**
A. Southeast Alaska State Fair – Recreational Climbing Tower Variance Proposal
Goldberg opened the public hearing at 6:50 p.m.
Goldberg closed the public hearing at 6:51 p.m.
Motion: **Lende** moved to “approve the Southeast Alaska State Fair recreational climbing tower height variance proposal.” **Miller** seconded it. The motion carried unanimously.
9. **UNFINISHED BUSINESS** – None
10. **NEW BUSINESS**

A. Historic District/Building Review

1. Sean Copeland – Exterior Stairs and Attic Office Space – 34 Blacksmith Street

Motion: Lende moved to “approve the proposed exterior stairs and attic office space.” Miller seconded it. The motion carried unanimously.

B. Haines Borough Code Amendments

1. Temporary Residence in HBC 18.60.020(H)

Cui said the proposed ordinance allows a temporary dwelling to be occupied during construction of a permanent residence. After reviewing the ordinance, staff believe that a temporary residence permit should also be considered for the purpose of providing temporary housing to individuals engaged in commercial projects.

The commission would like to see the actual language before the commission votes on it. **Cui** said she will work on revising the ordinance and bring it back to the commission at the next regular meeting.

2. On-Site Wastewater System

Goldberg said the existing code requires a developer to provide a DEC written approval of the on-site wastewater system design prior to permit approval. However, DEC acknowledged that installation of a conventional on-site wastewater system does not need a plan approval. The Borough code needs to be amended.

Cui said she attended a teleconference with several DEC staff. She was told that the state statute allows conventional on-site wastewater treatment systems to be installed without prior plan approval by DEC, if the system is installed by a certified installer or under the direction of a registered engineer. Unfortunately, there are no certified installers in Southeast Alaska.

Turner said that it seems like DEC staff interpret regulations a lot differently. DEC used to require every septic system in Southeast Alaska to be engineered. He said it may cause problems if we allow building permits to be issued without DEC’s approval.

Miller suggested the code be amended to allow approval with the submission of a wastewater treatment design from a licensed engineer or certified installer.

Goldberg said he will work with **Cui** to draft an ordinance.

C. Project Updates – None

D. Other New Business

1. Lowering Speed Limit on Mud Bay Road

Goldberg said this item is up for discussion at the request of Ann Marie Fossman. Mud Bay Road is a state-maintained road. The commission has no authority to reduce the speed limit on state-owned roads. DOT has not been very responsive to the Borough. However, he welcomed public comments.

Several citizens spoke in favor of this request. They hoped the commission would support this petition, and write a recommendation letter to the state.

Cindy Jackson disagreed about lowering the speed limit to 20 mph. She thinks 30 mph is a reasonable speed. She pointed out that speeding is an enforcement issue.

Goldberg suggested residents talk to DOT representative Matt Boron and the Police Chief.

Lende spoke in favor of lowering the speed limit. She said this is a real discussion of planning. As the sole planning body, the commission should weigh in on this request. She pointed out the petition area is zoned single residential, which is to provide for and protect areas for low density, individual home sites and quiet residential use.

Turner said Small Tracts Road has twice as many houses as Mud Bay Road does, and most of the houses are close to the road. He thinks it is not practical to push the traffic to a more congested area.

Miller said if the commission wants to deal with this issue, it should be dealt as a whole. Property owners that live on Small Tracts Road and Mud Bay Road in the petition area should be invited to comment.

Josephson said it sounds like an enforcement issue. She would not encourage the commission to write a recommendation letter to the state.

More discussion ensued.

Goldberg said he will schedule this topic on the next meeting's agenda. He will invite the Police Chief, DOT staff, and the Chairman of the Public Safety Committee. The public will also be invited to attend and comment at the meeting.

2. Harbor Expansion Project

Lende asked about the meeting scheduled on July 13.

Case said that meeting is not about the harbor expansion. It is intended to be an initial meeting to receive and discuss input on the aesthetic design elements of the waterfront.

Lende said she would like to request the Borough provide the public with copies of artistic renderings of the project.

11. **COMMISSION COMMENTS** - None

12. **CORRESPONDENCE** - None

13. **SET MEETING DATES**

A. Regular Meeting—Thursday, August 13, 2015.

14. **ADJOURNMENT**— 8:20 p.m.

Staff Report for August 13, 2015

1. Permits Issued Since July, 2015

NUMBER	DATE	OWNER/AGENT	PARCEL ID	LOT	BLK	SUBDIVISION	DEVELOPMENT	ZONE
15-42	7/10/15	Mark Brouwer	C-ANY-02-WEST	West 1/2	2	Anway Sub	ROW_New Driveway	RR
15-43	7/10/15	Sean Copeland	C-PTC-0D-03A0	3A	D	Port Chilkoot Sub	Stairs & Attic Office	SSA
15-44	7/10/15	SE AK Fair				296 Fair Drive	Height Variance_Tower	ILC
15-45	7/10/15	Mark Brouwer	C-ANY-02-WEST	West 1/2	2	Anway Sub	New Water & Sewer	RR
15-46	7/14/15	Mark Brouwer	C-ANY-02-WEST	West 1/2	2	Anway Sub	SFR	RR
15-47	7/22/15	SE AK Fair				296 Fair Drive	Off-Premise Sign	ILC
15-48	7/24/15	Mary Jean Sebens	C-MIS-06-09A0	9A	6	Presbyterian Mission Sub	Warehouse & Office Additions	C
15-49	7/24/15	Mark Brouwer	C-ANY-02-WEST	West 1/2	2	Anway Sub	Temporary Residence	RR
15-50	7/28/15	Dan Chavez	C-SEC-35-170B	Portion 17		Sec35, T30S, R59E, CRM	SFR & Garage Additions	SR

2. Citizen Complaints/Enforcement Orders - None

3. Projects

- Re-plat Primary School Subdivision: The expanded work for the survey will be accomplished no later than September 7, 2015.
- Haines Borough Parcel Viewer: Approximate 2,000 parcels info were updated. The current property assessment values are available on the parcel viewer.
- Haines Borough KMZ File: The updated KMZ file was generated and published on Borough website for public use. The file contains Borough boundary, townsite boundary, parcels, transportation, anadromous streams, water mains, sewer mains, and zoning.
- Alaska Historic Preservation Conference: The Alaska Office of History and Archaeology (OHA) is planning the Alaska Historic Preservation Conference for October 20-22, 2015 to be held in Anchorage. The conference is intended for local government planning staff and planning commissioners. Each community may apply for funding for up to 2 people. Commissioner Heinmiller expressed interest in attending the conference.



HAINES BOROUGH
Planning & Zoning
P.O. Box 1209
Haines, AK 99827-1209
907-766-2231 Ext. 23
907-766-2716 (fax)

August 6, 2015

To: Haines Borough Planning Commission
From: David Sosa, Borough Manager

Re: Manager's Recommendation
Big Salmon Ventures Heliport Conditional Use Proposal
Lot 10, Sundberg Subdivision II; 3-CLR-35-0010; General Use Zone

On July 27, 2015, Big Salmon Ventures LLC submitted a conditional use permit (CUP) application through its agent Scott Sundberg. Haines Borough Code (HBC) 18.70.030(D) (5) allows "heliports" in the general use zone with a conditional use permit. The application has been determined to be complete because it contains all of the information required by HBC 18.40.030(A) (1)-(8).

Recommendation: I recommend the Planning Commission postpone the decision on Big Salmon Ventures' conditional use proposal until the Noise Study is complete and the Borough has had an opportunity to develop clear standards of acceptable noise thresholds.

Under HBC 18.50.040, there are eight criteria to be considered in deciding whether to grant a conditional use permit. Before a conditional use permit is approved, the commission must find that each of the criteria is met. The first criterion is to ensure that the proposed use on the site is to avoid undue noise and other nuisances and dangers. Noise is quite subjective because what bothers one does not necessarily bother another. Currently there are no local noise standards in effect. On April 22, 2014, the Borough Assembly passed a motion directing me to solicit proposals for an FAA noise impact study with background noise contours and on-ground monitoring study of the specific model type aircraft as well as background noise monitoring for comparison. The purpose of the study is to quantify the aircraft noise exposure in the Haines Borough from helicopter operations at 26 Mile. The study will be helpful in identifying specific criteria regarding use of property for a heliport as a conditional use in any zoning district or for any land use for which a conditional use permit for a heliport is sought.

As of today, the Borough has not received any written citizen comments regarding this conditional use proposal, and no surrounding property owners within 200 feet have responded.

Thank you very much for considering this recommendation.



Haines Borough

Planning and Zoning

103 Third Ave. S., Haines, Alaska, 99827

Telephone: (907) 766-2231 * Fax: (907) 766-2716

APPLICATION FOR CONDITIONAL USE PERMIT

Permit#: _____

Date: _____

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

I. Property Owner/Agent		Owner's Contractor(If Any)	
Name: Scott Sundberg		Name: None	
Mailing Address: p.o. box 1368		Haines Borough Business License #:	
Contact Phone: Day Night 907 3140445 907 766 3418		Alaska Business License #:	
Fax:		Contractor's License #:	
E-mail: sunny@seaba-heli.com		Mailing Address:	
		Contact Phone: Day Night	
		Fax:	
		E-mail:	
II. Property Information			
Size of Property: 16.2 acres			
Property Tax #: 3-CLR-35-0200			
Street Address: Chilkat Lake Road			
Legal Description: Lot (s) <u>10</u> Block _____ Subdivision <u>Sundebrg Sub division</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 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 checked="" 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 heliport _____	Water Supply Existing or Proposed <input 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 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 _____

Valuation of Work: \$9800
Current use of adjacent properties: Rural development, rural residential, light commercial and industrial
Attach the following documents to the permit application: <input checked="" type="checkbox"/> Site plan (see Attachment A) showing lot lines, bearings and distances, buildings, setbacks, streets, etc.

PREAPPLICATION (Required)

Pre-application Conference Date: _____

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.

For all criteria see attached document Titled, (Winter Recreation Village with Conditional Heliport

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

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

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

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

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

IV. FEE

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

NOTICE

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

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

V. CERTIFICATION

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

Scott Sundberg

Digitally signed by Scott Sundberg
 DN: cn=Scott Sundberg, o=SEABA LLC, ou,
 email=sunny@seaba-heli.com, c=US
 Date: 2015.06.29 10:00:16 -08'00'

7/27/2015

Owner or Agent

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

<input checked="" type="checkbox"/> Applicant Notified Application is Complete and Accepted <u>7/27/2015</u> <u>In Person</u> <u>xc</u> <small>(Date) (Notified via) (Initials)</small>					
Non-Refundable Permit Fee \$ <u>150.00</u> Receipt No. <u>024260</u> Received By: <u>Tolisen</u> Date: <u>7.27.15</u>			Information/Documentation Req'd Rec'd <input type="checkbox"/> <input type="checkbox"/> State Fire Marshal <input type="checkbox"/> <input type="checkbox"/> State DEC <input type="checkbox"/> <input type="checkbox"/> Variance/Conditional Use Permit <input type="checkbox"/> <input type="checkbox"/> Sign Permit		
Zoning	Bldg. Height	Lot Coverage %	Const. Type	Occupancy	# Stories
This application meets all applicable Borough policies and a permit is issued, conditional on the substantial completion of construction within two years and the following special requirements:					
Planning Commission Chair:			Date:		

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

Big Salmon Heliport Fine View

Legend

- 📍 1200 feet
- 📍 1200 feet
- 📍 Corona cabin
- 📍 Departure route
- 📍 SEABA LLC

Eco lodge and Winter Village Site

Heliport area

1200 feet

SEABA LLC

Corona cabin

Departure and approach



Big Salmon Heliport

Legend

-  Departure route
-  Distance to Platcha residence 3500ft
-  University of AK Property

University of AK Property

Village site

Heliport area

Departure and approach

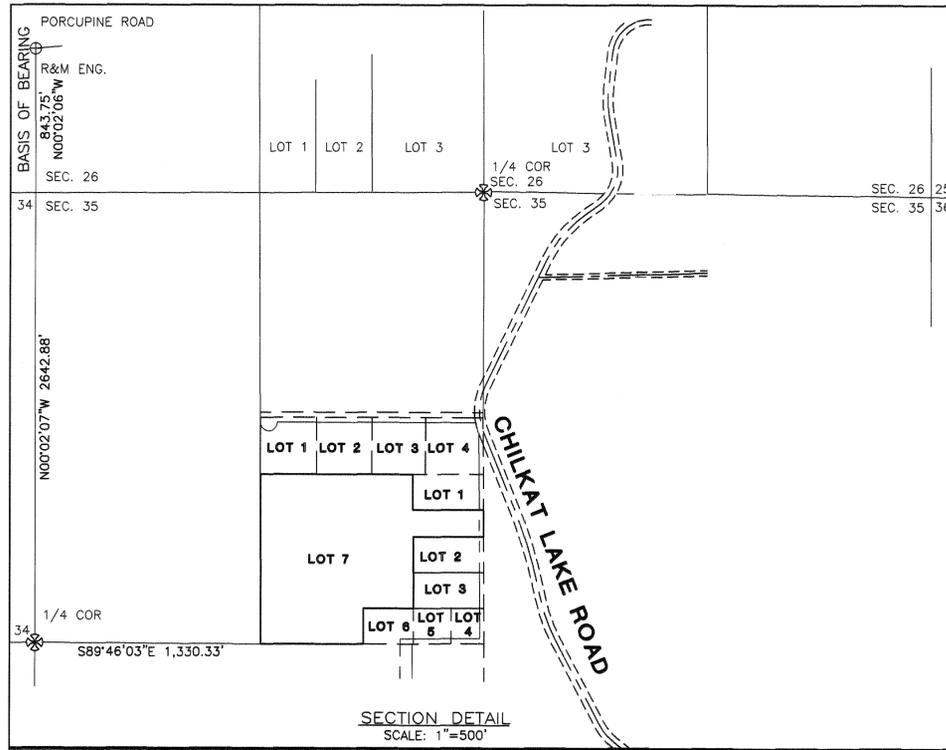
Distance to Platcha Residence 3500 ft

Google earth

Image © 2015 DigitalGlobe
© 2015 Google

1000 ft

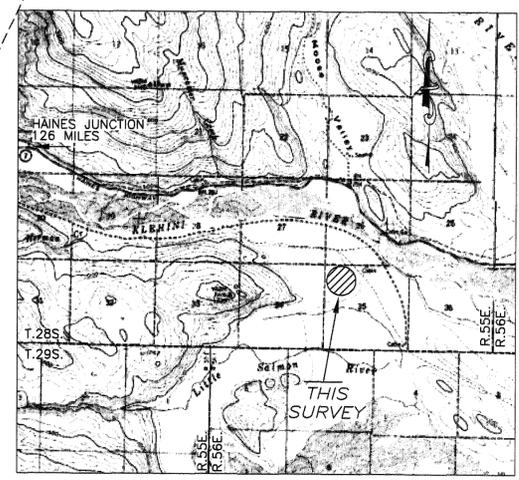




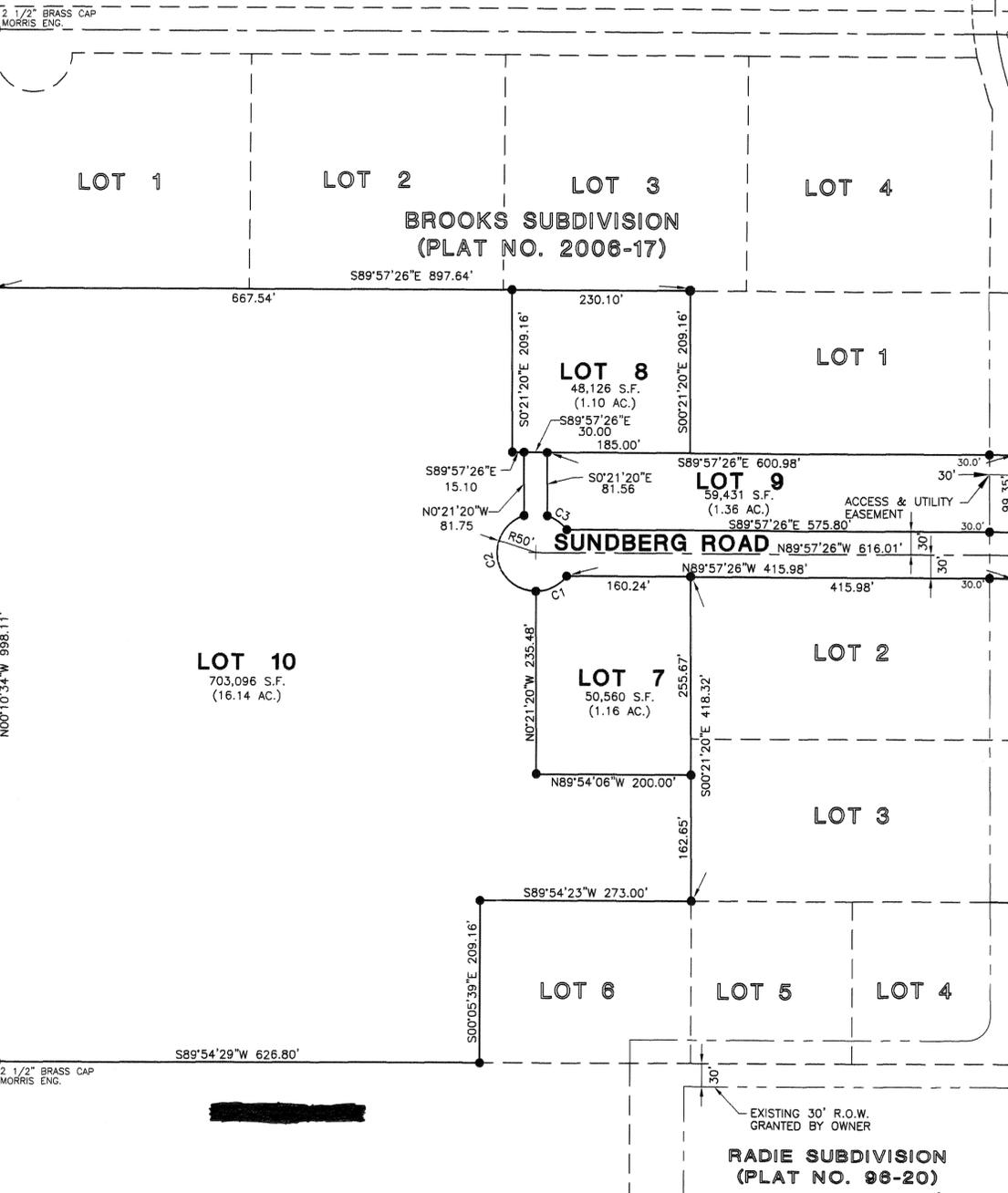
CERTIFICATION OF BOROUGH ASSESSOR
 I HEREBY CERTIFY THAT THE APPLICANTS ARE NOT DELINQUENT ON PROPERTY TAXES FOR THE PROPERTY SPECIFIED ON THE SUBDIVISION PLAT SHOWN HEREON.
 Dated June 29, 2012.
 Haines Borough Assessor Dean M Olson

NOTE:
 THIS PLAT IS IN THE RURAL MIXED USE ZONING DISTRICT.

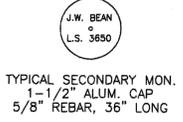
CERTIFICATE BY THE HAINES BOROUGH
 THE REPLAT OF LOT 7, SUNDBERG SUBDIVISION, PLAT NO. 2009-6, SEC. 35, T.28S., R.55E., C.R.M., AS DESCRIBED HEREON HAS BEEN FOUND TO COMPLY WITH THE PROVISION SET FORTH IN HC. 18.100 AND IS APPROVED FOR RECORDING WITH THE HAINES RECORDERS OFFICE DATED:
 2012
Lee Heinmiller 6-29-2012
 LEE HEINMILLER VICE-PLANNING COMMISSION CHAIR DATE
Stephanie K Scott 6-29-2012
 MAYOR HAINES BOROUGH DATE



SOURCE: U.S.G.S. QUAD SKAGWAY (B-3) VICINITY MAP SCALE: 1" = 1 MILE



LEGEND
 * G.L.O./B.L.M. 2-1/2" BRASS MONUMENT OF RECORD
 ⊕ PRIMARY MONUMENT RECOVERED THIS SURVEY
 ● SECONDARY MONUMENT SET THIS SURVEY BY J.W. BEAN
 ○ SECONDARY MONUMENT RECOVERED THIS SURVEY



STATEMENT OF OWNERSHIP:

I HEREBY CERTIFY THAT BIG SALMON VENTURES, LLC. IS THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I AS GENERAL MANAGER HEREBY ADOPT THIS PLAT OF SUBDIVISION WITH MY FREE CONSENT, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE, USE AS NOTED:

Date 6/29, 2012
 Owner Big Salmon Ventures, LLC
 BIG SALMON VENTURES, LLC.
 SCOTT SUNDBERG, GENERAL MANAGER
 PO BOX 309
 HAINES, ALASKA 99827

CURVE TABLE

CURVE #	DELTA	RADIUS	LENGTH	CHORD	CHORD BEARING
C1	052°41'48"	50.00'	45.99'	44.38'	N63°15'40"E
C2	162°36'51"	50.00'	141.91'	98.85'	S09°05'01"E
C3	036°02'03"	50.00'	31.45'	30.93'	N54°50'39"W

NOTARY'S ACKNOWLEDGEMENTS:

UNITED STATES OF AMERICA)
 STATE OF ALASKA) S.S.
 THIS IS TO CERTIFY THAT ON THIS 29th DAY OF June, 2012
 BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED;
Scott Sundberg

KNOWN TO ME TO BE THE PERSON (PERSONS) DESCRIBED IN AND WHO EXECUTED THE ABOVE AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE (SHE) (THEY) SIGNED AND SEALED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN MENTIONED.

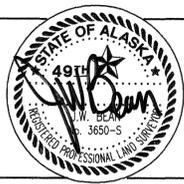
WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE SIGNED.

Notary Public for Alaska Jamie Seim
 My Commission Expires 1/28/13

CERTIFICATE OF REGISTERED LAND SURVEYOR

I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, LICENSED AND REGISTERED IN THE STATE OF ALASKA, AND THAT THIS PLAT WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT ALL DIMENSIONAL DETAILS AND RELATIVE BEARINGS ARE CORRECT AS SHOWN AND THAT ALL EASEMENTS AND RIGHT OF WAYS APPEARING ON THE LAND ARE AS SHOWN.

Date 6-25-2012



DRAWN BY: GDM Graphics
CHECKED BY: J.W.B.
DRAWING DATE: 6-26-2012
FIELD BOOK:
SCALE: 1"=100'
JOB No.: HNS-103007-SUNDBERG-LOTS7-10
REVISIONS:
GRID

J.W. BEAN INC.
 PROFESSIONAL SURVEYOR
 1070 ARCTIC CIRCLE
 JUNEAU - ALASKA
 (907) 789-0590
 SURVEYOR - PLANNER

- NOTES:**
1. ALL PLAT BEARINGS SHOWN ARE TRUE BEARINGS AS ORIENTED TO THE BASIS OF BEARINGS.
 2. ALL DISTANCES SHOWN ARE REDUCED TO HORIZONTAL.
 3. RECORDED BEARINGS AND DISTANCES ARE SHOWN ENCLOSED IN PARENTHESIS, MEASURED OR CALCULATED BEARINGS AND/OR DISTANCES ARE SHOWN WITHOUT PARENTHESIS.
 4. THIS SUBDIVISION IS NOT SERVED BY MUNICIPAL WATER OR SEWER. ALL WATER SUPPLY AND WASTEWATER HANDLING SYSTEMS MUST COMPLY WITH ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION REQUIREMENTS.

2012-6
 Plat # Haines
 Rec Dist
7-2
 Date 2012
 Time 11:06 AM

**A PLAT OF
 SUNDBERG SUBDIVISION II
 A RESUBDIVISION OF
 LOT 7, SUNDBERG SUBDIVISION
 SECTION 35
 T.28S., R.55E., C.R.M.
 WITHIN HAINES BOROUGH, ALASKA
 HAINES RECORDING DISTRICT - HAINES, ALASKA**

Big Salmon Ventures LLC
AK Entity # 100622
Box 1368 Haines, Ak 99827
.6 mile Chilkat lake Rd.
Property Id# 3-clr-35-0200

Winter Recreation Village with Conditional Heliport

Introduction

Background:

In 2007 Big Salmon Ventures purchased said property with the intent to build and run a lodge in conjunction with a Nordic, Heliskiing, and Snow-cat clients. When the property was purchased, heliports in the borough were not a conditional use, but a use by right in the GU. Because of the instability of the borough tour permit and heliskiing regulation we have been apprehensive in committing to the development of our master business plan, until more solidified and reasonable regulations were adopted.

Since 2008 then we have been improving the basic needs of the property like access and road infrastructure to accommodate the potential uses.

In March of 2008 Helicopter was given permission to land on the property for emergency fueling. This low fuel landing was done with the knowledge that we had all rights to do so on the property. It was at this point Eagle Vista subdivision resident voiced concern over this use.

This landing happened at a the time SEABA's operating plan had not identified the property as a base of operations and we were informed by the borough that we would need to change their operating plan through public process to be able to use Big Salmon Property as a heliport.

In 2009 the Haines borough through legal challenge by the FAA, was forced to change the ordinance involving the regulation of helicopters in air space thus making the same ordinance that kept SEABA from using its property unlawful.

It was at this point that we concluded that heliski operators like SEABA did not need to change their operating plan to identify heliports, therefore in 2008 BSV had every right to utilize our property in this manner.

In the meantime SEABA has been working with Big Salmon to develop better winter access and infrastructure to accommodate this use. This is mainly was comprised of SEABA acquiring fuel tanks, a phone line, power, and a structure for existing snow-cat operation to properly utilize the property for existing commercial activities.

In 2011 the borough started to take steps towards recognizing the industry and its needs by forming a heliski task force and making changes to the borough code involving access point for the heli industry. We notified the borough attorney and the manager of our existing right to

utilize the our property was a use by right. The manager and the task force failed to agree on the existing legal rights for Big Salmon to use its property. The assembly adopted a revised tour permit that only grandfathered 3 properties with the right to land helicopters in association with heliskiing. BSV felt this was a stop gap measure and did not answer the questions surrounding the cloudy and misleading regulation of the heli skiing industry,

In an effort to “play ball” with the borough, SEABA submitted a CUP to utilize a neighboring piece of property it owns that had some infrastructure on it to support heli operations in the upper valley. The result of this process created a 3 to 3 tie or non-decision. It was appealed by SEABA and the borough assembly upheld the P. C. non decision.

The borough based its support for denying the CUP on the CCR structure of a distant,(over 1000 feet away) neighborhood that was attempting to rezone the area. Some residents did not want to allow helicopter landings. Within the year, failure of this rezoning attempt was apparent, as many of the presented facts and intent were false and fraudulent in nature. It was also expressed by members of the public that the group behind the rezoning attempt do not even follow the CCR’s of their own neighborhood to begin with, so why should they be capable of affecting other property owners rights..

SEABA’s attorneys wrote a brief that demonstrates that SEABA’s property and developer rights were infringed upon and that a governmental taking will occur if the borough does not allow this development. SEABA is willing to share this brief if anyone is interested in reading it.

Through SEABA’s CUP process and public testimony, the lack of physical evidence of actual noise disturbance, or factual, scientific, and tangible evidence that this activity affects the health, safety, and wellbeing of the greater good were simply not present. SEABA had identified studies and other municipal ordinances that were good examples of existing compliant uses. SEABA also established noise gradients for the area on a map that showed noise levels at certain locations. These gradients were of acceptable levels of very light commercial and compliant with the higher noise limits.

In actual tests done for Big Salmon Ventures, the predicted noise generation at specific locations came in lower than the examples produced by SEABA in its CUP application in 2011.

There are many ideals to this property that influenced Big Salmon Ventures purchase of this property. In consideration of the multi season activities listed in our business plan, we felt that it served the community at large as well as the business.

First, departure and approach routes to the commercial skiing areas, utilize existing flight paths that are close, within 1.5 miles of the property. These flight paths only cross over state lands, no private lands. These lands are identified in the 2025 Comprehensive Plan as multi use with an emphasis of resource extraction and resource development. This identifies that a heavy industrial uses, like mining and timber harvesting are allowed in area. Big Salmon’s property borders this and is identified as rural settlement.

This classification of lands under the flight path to and from skiing destinations is compatible. It also demonstrates that properties under these paths would not be hindered in terms of value, or disturbance based on proposed use.

In terms of economic development Big Salmon Ventures its members and associated investors, has intent to develop a multi million dollar Winter/Summer Recreation Village on its properties, that would increase property tax revenues, sales, and bed tax to the borough.

Big Salmon sold 6 properties to the east of the proposed lodge site and have short platted three more to allow for commercial retail growth in this area. Two of these properties were sold to an individual that expressed interest in building a commercial shop for heavy equipment to help develop land in the upper valley, and the second property was to be developed as ski in ski out cabins that could be rented to heliskiing and snow cat enthusiasts, as well as summer clientele.

Another property sold to a couple residing Anchorage 2009, was done with disclosure that Big Salmon Ventures along with SEABA intends to operate the Heli and snow cat tours from this property during the winter months. On closing part of the real-estate deal was an included ski trip.

Their existing structure on the property is in shell form with only power hook up from IPEC as the only utility by summer of 2015.

In the last few years the borough has worked towards rewriting the tour permit related to helicopter skiing and provided much new relevant content around this issue.

Since the adoption of the Conditional Use Legislation in regards to Heliports accompanying heliskiing permitting in title 5, Big Salmons Ventures interest in securing this property with the original intended use has increased. Other factors included are the addition of a third operator that could dramatically increase present congestion at existing heliports, increased traffic of current flight paths, and the purchase and development of 18 mile which is currently not an option for Heli operators. The heliports used by the heliskiing industry are in flux because of the lack of ownership by heliskiing operators.

By affirming that Big Salmon Ventures property rights to include a heliport would secure safe future operations for the heliski industry. It would also help engage development of a three season rural setting eco-lodge and a commercial Winter Village concept that other local and non local entrepreneurs can participate in. In a world market, which Haines heliskiing is very much a big part of, the market and demand of its clients ultimately rests with the operator providing door to heli accommodations, with weather day support activities on site. We are in the service industry as much as the adventure travel industry. So in order to compete globally, Big Salmon needs to exercise it right to fly guest from its properties.

The airport is an excellent spot as we use it for 70% of SEABA business, however, lodging and other services are not allowed at the Airport, and we have found through trial and error that even the purchase and development of the Fort Seward Lodge as a supportive ski lodge is lacking this key function. Heliskiing clients over the last 6 years that lodged at the Fort Seward have commented often that being closer to the snow cat, snow machining, Nordic, and also having a heliport at the facility would help propel Haines to the next level in heliskiing. They mention this because their other experiences heliskiing around the world with other heliskiing operators have provided these offerings, and they are often staged in a rural settlement.

A winter village at 26 mile is a fit for long term growth, and would diminish the desire to create other heliports on the road base in Haines by other non-industry based developers.. With acceptable noise levels generated during business hours for a short period of the year, we feel that this is a good solution to a long term problem. By affirming the use for Big Salmon the borough can effectively plan for the next 25 years based on this location.

In the 2025 Comprehensive plan it states:

Capitalize on Haines' existing reputation and 'brand' as a recreation destination, and "Adventure Capital of Alaska" by expanding related businesses, jobs and commerce.

*1. Continue to support a diversity of Haines Borough marketing efforts that promote and celebrate these qualities, including re-initiation of the "Move to Haines" campaign and targeted marketing to cruise ships, about Haines festivals, and **winter recreation**.*

3. Develop a winter recreation marketing and outreach program.

4. Provide certainty for both businesses and residents by preparing a heli-ski management plan that addresses safety, neighborhood quality, heliports, routes and areas of use, monitoring, quality experience etc. (September 2012 page 94 Objective 3D)

The Big Salmon Ventures Plan along with the heliski industry is attempting to reach some of these goals identified in the plan on its own. We feel that there is sustainability and compromise in the plan. 95% (proponents) of the residents of Haines get to keep their quality of lifestyle, and the other 5%(opponents) have to share this with the outside world.

If Big Salmon cannot secure this use, then much of Big Salmons investment into property and infrastructure would be negligible. It would also impede the growth of heliski operators and their ability to operate in a efficient and ultimately the safest manner. A affirmation of BIG Salmon CUP would also reduce flight times and overall aircraft noise as a whole by reducing time spent flying over borough and state lands getting to commercial skiing areas. With this comes a more viable operation, with reduced costs creating a better industry.

Big Salmon proposes the following criteria for conditional use for heliskiing support:

1. Hours of operation to follow FAA flight rules from Feb1- May 3rd for heliski operations. This activity would be allowed indefinitely unless conditions of permit or violated and the permit is terminated.
2. Dates of Operation: February 1st thru May 3rd
3. Fuel storage will be done in accordance with D.E.C. standards with a fuel spill containment program in place before operations begin:
4. Allowance of emergency use for state and federal response, medical, firefighting.
5. Specific and identified GPS flight path that will create the least amount of noise and impact to nearby GU residents. Flight paths will not be conducted over any residences and take place over state lands.

Criteria to be met for consideration:

The following are line item responses to code considerations under 18.50.040:

1. The heliport site as explained and can be viewed on the map entitled Big Salmon heliport, will show departure and approach to the west of the property. All property to the west of 3-CLR-35-0200 belongs to the State of Alaska, including the Haines State Forest and University of Alaska State Lands.

A small dividing esker or ridge formed by glaciation and fluvial processes helps buffer residents to the east of this property. This ridge is approximately 35-50 feet in height and would provide a buffer to initial startup and liftoff. (per written example below)

On December 4th 2013 decibel testing for the area proposed for Heli landings was conducted. Tests were taken approximately at approx. 1100 feet and 1500 feet from the Chilkat Lake Rd. nearest the year round residence in the area. The following sound references are generated from a report from Daniel Gonce Vice-Chair of the Planning Commission.

“Scott Sundberg was contacted via VHF radio, who was aboard the helicopter, to begin the

approach. The flight path of the aircraft on approach was perpendicular to the Chilkat Lake

Landing Road, and the helicopter was flying an Easterly heading on final approach. At all times the closest the helicopter approached the road was the landing site itself. I was told that the plans would be for the aircraft to actually touchdown in attitude parallel to the road, to allow for an in place rotation of 90 degrees for a takeoff run to the West from the landing site. The site of the 1st landing is a new landing pad location for Big Salmon. Nick stated

that they had spent some of the summer “logging” the new site and approach zone. The new site is approximately 90-100 yards to the West of the previously proposed landing site. On final approach I noticed that the sound level decreased noticeably before the aircraft touched down, which is consistent with dropping down to the lower landing zone, below the rim where the previously proposed landing zone was located. Additionally the sound level dropped off quickly once on the ground which was affirmed via radio from Scott. Readings were observed while the aircraft was on the ground at an idle state

simulating a “hot refueling” for 3 or 4 minutes, then the aircraft departed back the same flight path as it had arrived. According to Nick, a typical “hot” refueling operation lasts 8 – 10 minutes, before the aircraft is reloaded for the next departure.

After the departure, the aircraft returned for a second approach to the older or previously proposed landing zone. This location is higher and closer to the Chilkat Lake Road. He also stated that because of a large tree near the landing zone the final approach is higher than an approach to the new, lower site. I did not notice the drop off in sound level immediately

before touchdown as with the 1st landing. The aircraft again simulated a “hot refueling” operation, and then departed, again to the West, the same route as the approach.

In both cases, the aircraft was at a lower elevation than what I was expecting, and the flight

paths where the aircraft was observed was at treetop height. The point of first observation

of the aircraft Nick had to point it out to me as it was not where I expected it to be. If I was

traveling on Chilkat Lake Road in a vehicle and did not know there was a helicopter flying at that location, I most likely would not have had a clue of its presence.

Shortly after the second departure, Erica Merklin came out of her residence and asked “What is going on?” She stated that she was sitting in her residence, listening to the radio, and heard the aircraft over the radio, and that it had caused her house to “shake”. We had a

short discussion about the purpose of the visit to gather some readings, and we briefly explained some of the readings that we had seen from the meter, and stated that the sound

level of the aircraft at its loudest was quieter than the verbal conversation that we were having.

After the discussion with Erica we departed and traveled to the site of the SEABA shop, and

landing sites. We met Andy Hedden on the Chilkat Lake Road and he followed us to the landing sites. There was discussion about the immediately neighboring property owners, the new landing site, and proximity to existing designated flight paths in the area.

The helicopter used, as stated by Nick was operated by Coastal Helicopters, and is a model

Eurocopter B-2 A-Star, which is the same model that SEABA operates.

The sound level meter: Digital Sound Level Meter by EXTECH Instruments, model 407727.

The documentation indicated accuracy of $\pm 2\text{dB}$ at 94dB. The settings as noted were: Auto-Range mode; Fast time weight averaging; "A" weighted sound scale. The minimum scale of the meter is 40dB. Any reading below, displays: "LO".

Sound Observations:

While in the truck traveling along Chilkat Lake road on an icy surface:

81.1dB, 83.3dB, 83.6dB

Erica Merklin's friendly dog barking at us from the driveway when we first stepped out of the truck: **62-63dB**.

Aircraft on approach to "new" LZ: starting at **LO** (dog done barking at us after coming to check us out) increasing steadily through 42dB to a peak of **62.1dB** before dropping quickly to a touchdown.

Aircraft "hot refueling" at the "new" LZ: **46-47dB**

Aircraft departing: peak of **62.3dB**, before tapering steadily back down to a "LO" reading.

Aircraft on approach to "old" LZ: starting at **LO** increasing steadily through 42dB to a peak of **64.6 dB** at near touchdown.

Aircraft "hot refueling" at the "old" LZ: **51.5dB**

Aircraft departing from "old" LZ: peak of **68.5dB**, before tapering steadily back down to a "LO" reading.

Verbal outside conversation with Erica **70-75dB.**"

On a decibel scale 60 is considered equal to conversational speech and 70 is an average radio or street noise.

The esker Ridge and the change in elevation are capable of reducing the majority of noise exposure to under 60 decibels, which is residential in nature. Idle or fueling was recorded at the high 40 low 50 dB's. This level is 90% of the noise generated over time, the take off and landing/approach comprise the other 10%.

I think this is significantly recognized in the study as why most of the noise after Lmax does not reach the outlying testing sites, like the neighboring estate and Chilkat lake road.

Alaskan communities like Anchorage, have noise ordinances established for residential and commercial range between 60 and 70 decibels during the hours of 7:00 am and

10:00pm. This is measured by the mean at the crossover of zoning, i.e property line. This would be DNL levels averaged over a week.

Neither of these levels are considered hazardous. *The Municipal Code of Anchorage, 15.70 Noise Control legislation dictates that noises levels exceeding 90 decibels for more than 24 hours is hazardous. OSHA Also has similar references in consideration of the work place, where exposure of 90 decibels for more than 1.5 hours without hearing protection is hazardous.*

In Feb of 2014, the borough assembly reversed the P n Z decision to not give a permit to BSV to do a noise study by a third party to get objective noise information during the actual operations from the proposed heliport site. On Mach 9-15 2015 this study was completed and released in mid June of 2015.

In the study titled, "Noise Measurement Survey Spring 2015 Haines, Ak"(Prepared by Bridget International, Airports Division, Newport , CA. Prepared By Cindy Gibbs, for Mead and Hunt, Tulsa OK. http://www.hainesalaska.gov/sites/default/files/fileattachments/administration/haines_noise_report_june_2015_v2.pdf **detailed** information and scientific data collected determined that initial recordings by Daniel Gonce in 2013 were very simliar to the findings at the same location.

In fact several things of the study discovered pertains directly to this condition.

The study was done through empirical methods, it was meant to be objective and without the subjective content that has made this CUP so difficult to interpret.

I think the last paragraph of the study below sums up the considerations of this study:

"As stated above, the three sites outside the helipad ranged from 30-51 DNL. Typical noise measurements at an average "wooded residential" land use is generally around 51 DNL. This means that the measured average noise level at the three sites closely matches, or is quieter than what would be expected in wooded residential or quieter land use types. However, it is important to note that these comparisons do not link to any specific noise standard or regulation, but rather give a generalized comparison between what is typical in similar land uses and the results measured during this Study".

Also, after reading through it a couple of times, it dawned on me that the noise levels that are near or close to light commercial noise determined by the study only could affect 5% of residences out in the 26 mile area. In effect information stating otherwise was not present. Different contexts present different considerations.

Context number 1:

This area is zoned generally allowed use, which encompasses about every imaginable use from private residential, to commercial and even heavy industrial. The report say that during this testing and information gathering period that the dnl levels stayed very close to what one might experience in a wooded residential area. This is stated as 30-51 DNL.

In this context the DNL levels could be much higher and still be compatible with all the allowed land uses in this area.

In the chart that they use to compare noise in figure 2-2 they group these same decibel levels, 30-51 as quiet.

Context number 2:

The Lmax time duration of the events is limited to when the heli is going to take off and land. In the appendixes you can look at each event and determined that the average amount of noise generated at the location averaged around 4 minutes and 45 seconds, the LMAX averages total 85 seconds per occurrence. 75% of the remaining noise is 90% lower.

If you had a rock crusher or a sawmill running at this site,(both do not need a permit under current zoning) which at the industrial scale both generate peak noise over 110 decibels, with an average length of time for peak noise could be 6 plus hours a day.

A helicopter landing and taking of 20 times a day would have a LMax duration of 1700 seconds or 30 minutes over the course of the working day. This would account for only 10 percent of the industrial noise generated by a permitted activity like a rock crusher or sawmill.

Comparatively one could conclude that the allowed uses are much more intrusive, probably could create a level of undo noise, and generate a more continuous LMAX and SEL levels. So why is this activity supposedly given so much attention? Why are we even discussing this issue.

Context 3:

In everyday life through the borough, along highways, and in the commercial and residential areas of the borough, sound is generated from 7 in the morning to 11 at night in some circumstances.

Turner Construction operates a CUP gravel pit at the top of 4th street next to residences. Large equipment cut into the hillslopes above the residences, load trucks with gravel, and then proceed down the hill through the residential area to deliver their product to customers.

In terms of noise there are probably similar if not slightly higher noise levels involved with this activity. It also would qualify that unlike the 4th street gravel pit, helicopters noise moves away from all residences over public lands identified near the test site,into and over lands allocated as resource development and multi purpose recreation.This includes recreation machinery that delivers high levels of noise. This happens both in personal recreation, as well as commercial operations. Noise is part of everyday life in economy and in enjoyment. For true quiet one must retreat to wilderness, and even then a Commercial jet can disturb the solace.

This noise study identifies that while there is noise, it is no greater than what has been and is accepted throughout communities through the US, including ours, especially noting the examples like 4th street.These occur and can operate in commercial and more importantly in line with residential areas.

Without a doubt I feel that this study demonstrates that this is a compatible use for this area, giving the current zoning, and the relatively infrequent amount of noise that will contribute to the area.

Finally the other comment is that noise is apart of any economy, and this zoning,G.U. within the borough was specifically left open so private landholders had options to do what they want. Under consolidation this was requested and lobbied for during consolidation by the people who owned property outside of the town site.

When the borough assembly added the requirement to get a CUP from the Planning and Zoning, under title 5, if a person wanted to develop a heliport, it errored by not allowing the exclusion of Generally allowed zoning. This study shows that if the proposed development of a heliport was in a residential or commercially zoned area, then the validity of getting a CUP has merit.

I believe an easy fix for the borough is to remove this condition from ordinance from title 5, and put into title 18 under the appropriate zoning.

In terms of safe operation at the site the area has been cleared of excess trees and other hazards that could be a safety risk to the helicopter and its passengers.

2. We have sold some adjoining property in recent years with disclosure that a commercial ski business would be operating from the proposed area. Sale prices have averaged above current property values in the area. Purchasers in some sales showed interest that this proposed use increased their desire to build a commercial entity. The property bordering the heliport site has been for sale by the owner, and people wanting to be near an activity and business like our have made offers to the owners. There is a direct connect between the benefit of a multifaceted business and the increase in property values in the immediate area. In recent months full price offers have been made to these individuals, and they have not sold. I would suspect this is an attempt to make it seem like property sales are down because of this proposed use. However, there are people and businesses that would like to be next to this activity, so that they too can create business.

3. The size and scale of the use would be similar to 18 mile heliport and 33 mile heliport. This means that on average one helicopter would primarily be using the area, and a second could be added at times. This would mean an average of 10-16 take offs and landings could be conducted per day. This would include 4-5 refueling trips per day.

We are confident that access for EMS services would not be impaired and that access exists in the form of easements to and from the property.

4. **The 2010 comprehensive plan (old) had determined that there are no specific areas identified in the GU that this use does not conform with. We purchased said property while this was the existing plan with the borough.** The surrounding uses range from rural residents to light industrial including saw mills, heavy equipment operators, gravel sifting, and salvage yards. The updated 2025 comp plan just recognizes the area as Rural Settlement.

However, in the updated Comprehensive plan, (2012) it mentions, " To promote efficient land use, good neighbors, and protect homeowner investments and lifestyles, require buffers between residential and non-residential land uses, between differing types/densities of residential development, or when home occupations or light (approved) commercial uses are adjacent. Depending on the situation, common measures could be landscaping, retained or additional vegetation, setbacks, fences, sound barriers, restriction on hours of operation of noise-generating equipment or activity," We feel that we are mitigating these slight noise interruptions at residential noise thresholds of 69dB and below by utilizing existing vegetation, landscaping, and

hours of operation. We would also point out that 95% of opposing individuals supporting the failed rezoning petition of 2012 live beyond the 65 dB threshold to the east and are separated from our properties by a multi-use road that delivers much higher Dnl ratings year round..

5. **The use proposed is deemed adequate in Big Salmon opinion and is not harmful to the public safety, health and welfare.** Although the borough assembly upheld a non decision (3-3) from the planning commission in regards to a similar denial of a CUP in 2012, Big Salmon recognizes that this was based on non scientific and objective reasoning, or lack of supportable evidence on behalf of the submitting party. SEABA in conjunction with Big Salmon Ventures have prepared a better fact based application at this time.

It is to be understood that the intended use in the GU is very broad and that there are acceptable levels of noise during business hours. It is also recognizes that the land designation of the properties as G.U. was an designation entered based on consolidation testimony, leaving it open to a change in zoning that was to come by demand.

Landowners West of the Chilkat Lake road were against the zoning petition, and favored open regulation if not use by right.(Verbally confirmed by Chairman Goldberg in PC meeting regarding failed rural residential zoning attempt spring of 2013)

It will be argued that other residents also have profound investments also. However it should be recognized that when “all” investments in property were made in the area, they were done with disclosure. All land that was purchased and developed under general use zoning or with CCR’s of the University of Alaska properties in Eagle Vista.

However, we feel that based on the low duration of activity and the mild decibel ratings, impacts are at a minimum and this is a sustainable model.

On page 151 of the Comprehensive plan it states, “The Haines Borough also recognizes the rights of private land owners to use their land without Undue restriction.”

6. There is no significant concern regarding ground or surface water contamination, and that there is no scientific proof that fish will stop spawning in surrounding creeks or wildlife will stop utilizing historic corridors in the immediate area. At this point in time no material evidence or scientific study has been brought forth that conclusive demonstrates otherwise.
7. We have included in our conditional use stipulations that any fuel stored on site will be to standards set by the Department of Environmental Conservation and that there will be a Fuel spills response plan in place during operations to adhere to these standards.
8. We have submitted letters of support in from some of the adjoining property owners in 2011,2012, 2014 and that all other comments must be weighed by the

planning commission to determine their full weight in considering this conditional use. I would request all letters to the borough date in support be included in this application.

We appreciate your consideration on this matter and if we can answer any questions you might have prior to the meeting representatives of Big Salmon Ventures can be reached at 907 314 0445 or 766 2009

Thank you

Scott Sundberg

Owner/ Member of Big Salmon Ventures

Nicholas Trimble

Owner /Member of Big Salmon Ventures



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

August 3rd, 2015

«First_Name» «Last_Name»
«Address»
«City» «State» «Postal_Code»

Re: Heliport Conditional Use Permit Public Hearing
Lot 10, Sundberg Subdivision II

Dear Land Owner,

Haines Borough records show that you own property within 200 feet of the above-listed property. The property owner Sundberg has requested for the Planning Commission to approve a conditional use permit to allow the development of a heliport. The Haines Borough Planning Commission will hold a public hearing on the matter at the next regular Planning Commission meeting. The meeting will be held at 6:30 p.m. at the Haines Borough Assembly Chambers on Thursday August 13. As an owner of property within 200 feet of the above-listed property you are being notified that you are invited to attend and comment at the meeting. If you have any questions on the matter please contact the Borough.

Sincerely,

Tracy Cui
Planning and Zoning Technician III
Phone: (907)766-2231 Ext 23
Fax: (907) 766-2716
xcui@haines.ak.us

PRIMARYOWNER	ADDRESS	CITY	STATE	ZIPCODE
ROBERT GOODWIN	1310 NW STATE AVE., PMB97	CHEHALIS	WA	98532
JUAN CORONA	3475 S. OCEAN BLVD., UNIT 408	PALM BEACH	FL	33480
C/O SCOTT SUNDBERG	BOX 1368	HAINES	AK	99827
KEITH P. KAISER	BOX 1406	HAINES	AK	99827
C/O SCOTT SUNDBERG	BOX 1426	HAINES	AK	99827
BENJAMIN WILLIAMS	BOX 240733	DOUGLAS	AK	99824
CHRISTOPHER S. BROOKS	BOX 558	HAINES	AK	99827
CHARLES STRONG	HC 60 BOX 2617	HAINES	AK	99827
COVENANT LIFE	HC 60, BOX 2663	HAINES	AK	99827
UNIVERSITY OF ALASKA	1815 BRAGAW STREET, SUITE 101	ANCHORAGE	AK	99508

Chapter 18.50 CONDITIOANL USE

HBC 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:

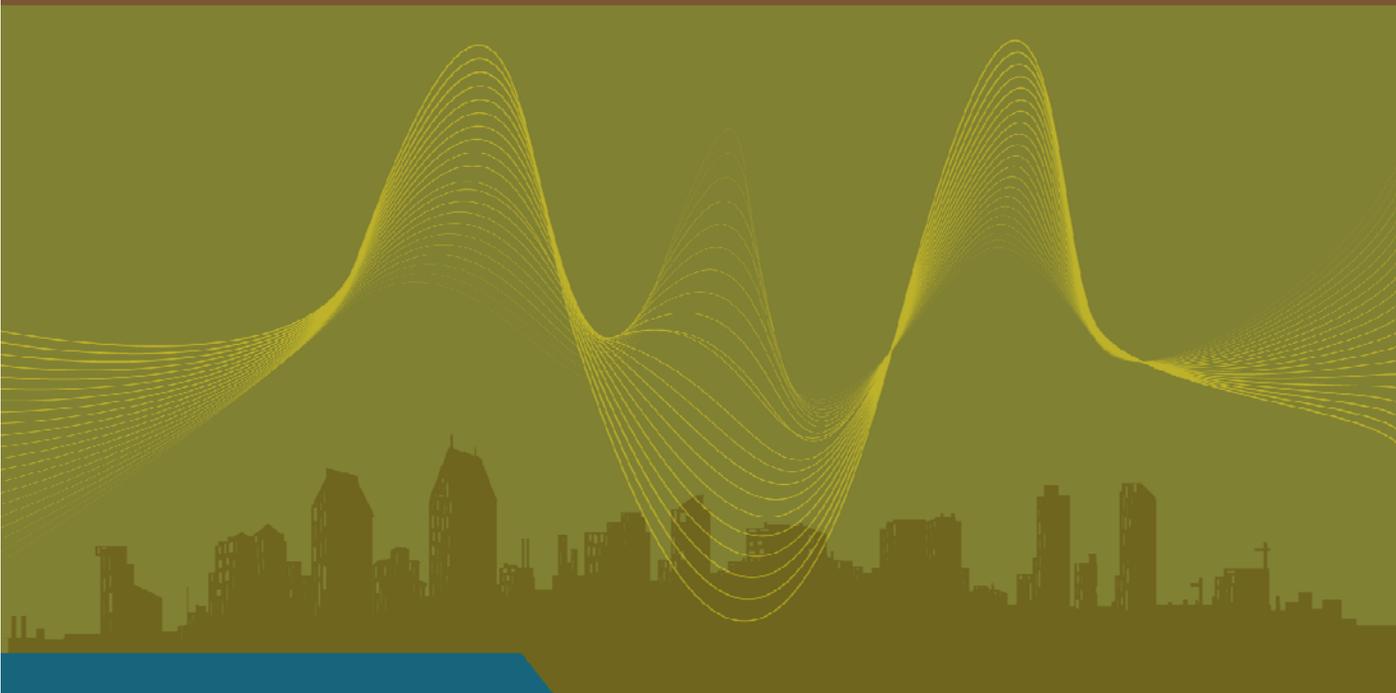
1. The use is so located on the site as to avoid undue noise and other nuisances and dangers;
2. The development of the use is such that the value of the adjoining property will not be significantly impaired;
3. The size and scale of the use is such that existing public services and facilities are adequate 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.

June 2015



Noise Measurement Survey

Spring 2015
Borough of Haines, Alaska

Prepared for:
Mead and Hunt
1616 East 15th Street
Tulsa, OK 74120

Prepared by:
Cindy Gibbs



Airports Division
20201 SW Birch Street, Suite 250
Newport Beach, CA 92660
T: 949-250-1222 | F: 949-250-1225

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Executive Summary

The Mead & Hunt team was retained by the Borough of Haines to conduct a noise study to determine the noise levels at and near the Mile 26 base used by Southeast Alaska Backcountry Adventures (SEABA). The onsite noise measurements were conducted March 9 – 15, 2015 at four locations selected by the Borough of Haines. Each noise monitoring location had a dedicated noise monitor collecting noise 24 hours per day; the monitors recorded all noise during the measurement period. These measurements were used to then determine the typical background noise level without helicopter activity as well as with the helicopter activity. The post-measurement period analysis also included calculating the average level of helicopter noise and the average background noise level, or ambient noise.

During the measurement period, there were nine recorded noise events from helicopter activity; these events were recorded at each of the four noise monitoring sites. Three primary noise metrics were used in this report. The first is the L_{max}, which is the highest noise level reached during a noise event and this is the metric to which people generally respond when an aircraft flyover occurs. The second metric is the Sound Exposure Level (SEL). SEL metric takes into account the maximum noise level of the event and the duration of the noise event. The third metric is the Day Night Noise Level (DNL). Where L_{max} and SEL reference a single event, the DNL is an average of the overall noise experienced during an entire (24-hour) day, and is therefore generally used for land use compatibility comparisons. DNL calculations account for the SEL of aircraft, the number of aircraft operations and a penalty for nighttime operations. DNL is specified by the FAA in Federal Aviation Regulation Part 150 to be used for community and airport noise assessment.

The noise measurement results show that the average noise exposure level at each site stays fairly consistent, ranging from 30-51 DNL at the sites (with the exception of the helipad site itself which was 69 DNL).

There are no local noise standards in effect, so in comparison, the only federal standard for noise and land use compatibility is from the Federal Aviation Administration. This standard is based on the DNL, which identifies the acceptability of various types of land use with aircraft noise exposure. Under this standard:

- Residential uses are compatible with noise up to 65 DNL and up to 70 DNL with sound insulation;
- Schools are compatible with noise up to 65 DNL and up to 70 DNL with sound insulation; and
- Commercial development is compatible with noise up to 75 DNL.

It is important to note that the measurements detailed in this report are measurements, and not fully modeled DNL noise contours, so this report cannot make a full comparison to the 65 DNL. However, the measured levels are generally below what measurements would be expected at the significant 65 DNL or higher level.

To supplement this, the report also compared a range of expected DNL measurements for different types of locations to give the reader an understanding of typically measured DNL for various land uses and how that compared to the measured noise. For example, noise measured at “wooded residential” land uses is generally around 51 DNL. The noise measurement data for the sites outside the helipad itself ranges from 30-51 DNL, which closely matches what would be expected in wooded residential or quieter land use types (see Table 2-4). Therefore, the noise at the sites were measured at or below the average measurements of typical wooded residential. It is important to note that these examples of typical noise levels for land uses does not correlate to a state or federal standard of noise; rather show anecdotally what a typical person would experience in those types of locations compared to the measurements made during the study. The following report focuses on the noise measurements conducted and the resulting analysis.

1.0 Introduction

This document presents the noise measurement results from the spring 2015 noise survey completed for the Borough of Haines. The purpose of this survey is to quantify the aircraft noise exposure in the Borough of Haines from helicopter operations by Southeast Alaska Backcountry Adventures (SEABA) at its base at Mile 26. This report also presents background information on the characteristics of noise as it relates to aircraft operations and determines if the noise at this location is “undue noise.”

The noise monitoring program utilized a network of four noise monitors that were located in and around the SEABA base environs to continuously measure and record the A-weighted noise data, which best represents how the human ear hears noise. Noise event information from both aircraft and non-aircraft noise sources are documented through field observations and logs of helicopter operations from SEABA. The term aircraft and helicopter are used interchangeably in this report.

2.0 Background Information on Noise

2.1 Introduction to Background Information on Noise

This section presents background information on the characteristics of sound and the noise metrics that were determined in this study. This section is divided into the following sub-sections:

- Characteristics of Sound - Presents properties of sound that are important for technically describing noise in the airport setting.
- Sound Rating Scales - Presents various sound rating scales and how these scales are applied to assessing noise from aircraft operations.

2.2 Characteristics of Sound

Sound Level and Frequency. Sound is technically described in terms of the sound pressure (amplitude) and frequency (similar to pitch).

Sound pressure is a direct measure of magnitude of a sound without consideration for other factors. The range of sound pressures that occur in the environment is so large that it is convenient to express them on a logarithmic scale. The logarithmic scale accounts for the ratio of differences between measurements since they are not linear. The standard unit of measurement of sound pressure is the Decibel (dB). One decibel is actually an exponent to the reference point of 20 micro Pascals or about .000000003 pounds per square inch. Thus, 65 decibels is that amount to the 65th power. A logarithmic scale is used because of the difficulty in expressing such large numbers.

Therefore, on the logarithmic scale, a sound level of 70 dB has 10 times as much acoustic energy as a level of 60 dB while a sound level of 80 has 100 times as much acoustic energy as 60 dB. This differs from the human perception to noise, which typically judges a sound 10 dB higher than another to be twice as loud, 20 dB higher four times as loud, and so forth.

The frequency of a sound is expressed as Hertz (Hz) or cycles per second. The normal audible frequency range for young adults is 20 Hz to 20,000 Hz. The prominent frequency range for community noise, including aircraft and motor vehicles, is between 50 Hz and 5,000 Hz. The human ear is not equally sensitive to all frequencies, with some frequencies judged to be louder for a given signal than others. As a result, research studies have analyzed how individuals make relative judgments as to the “loudness” or “annoyance” to a sound. Noise metrics that are used to measure and present aircraft noise assessments are based upon these frequency-weighting scales.

Frequency-Weighted Contours (dBA, dBB, and dBC). In order to simplify the measurement and computation of sound loudness levels, frequency-weighted networks have obtained wide acceptance. The equal loudness level contours for 40 dB, 70 dB, and 100 dB have been selected to represent human frequency response to low, medium, and loud sound levels. By inverting these equal loudness level contours, the A-weighted, B-weighted and C-weighted frequency weightings were developed. These frequency-weighted contours demonstrate different aspects of noise, and are presented in **Figure 2-1**.

The most common weighting is the A-weighted noise curve. The A-weighted decibel scale (dBA) describes frequencies in a manner approximating the sensitivity of the human ear. In the A-weighted decibel, everyday sounds normally range from 30 dBA (very quiet) to 100 dBA (very loud). Most community noise analyses are based upon the A-weighted decibel scale. Examples of various sound environments, expressed in dBA, are presented in **Figure 2-2**.

Figure 2-1
FREQUENCY WEIGHTING CURVES
Borough of Haines Spring 2015 Helicopter Noise Survey

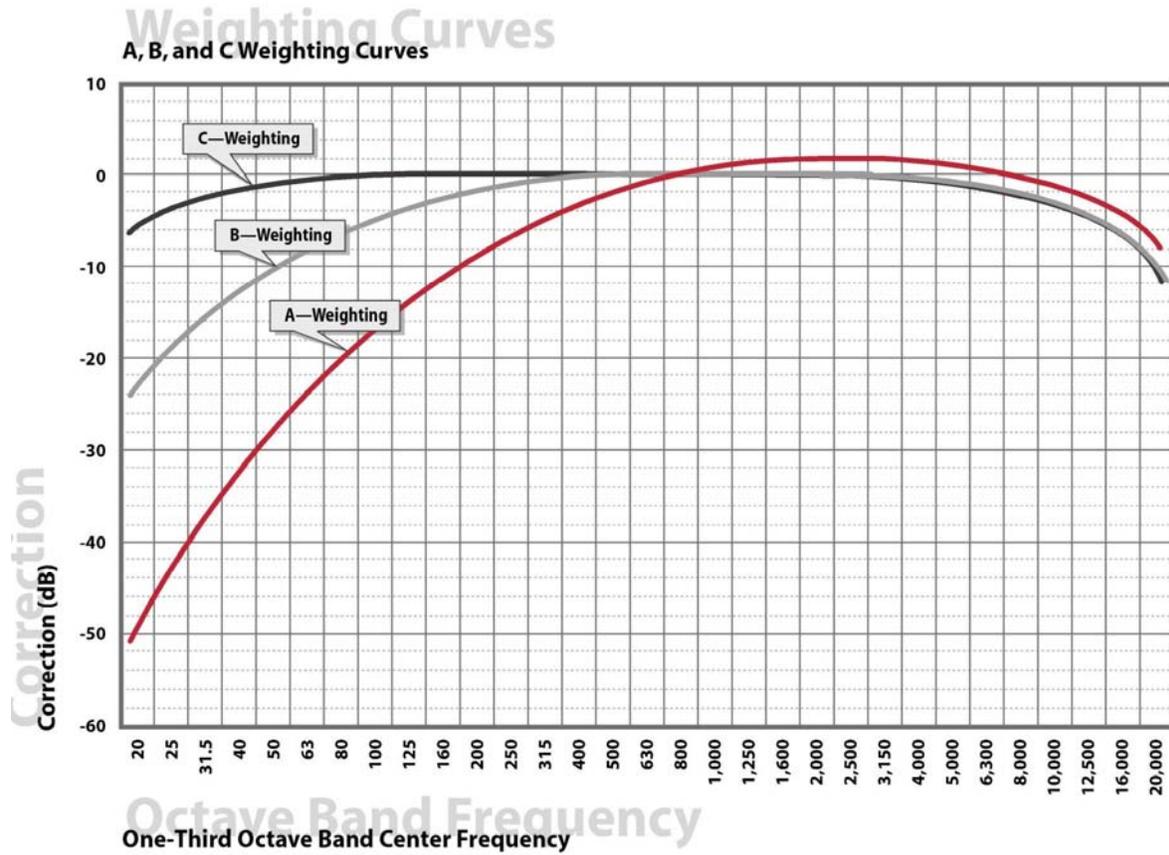


Figure 2-2
EXAMPLE OF VARIOUS SOUND ENVIRONMENTS
Borough of Haines Spring 2015 Helicopter Noise Survey

EXAMPLES OF VARIOUS A-WEIGHTED DECIBEL SOUND ENVIRONMENTS				
dB(A)	OVER-ALL LEVEL Sound Pressure Level Approx. 0.0002 Microbar	COMMUNITY (Outdoor)	HOME or INDUSTRY	LOUDNESS Human Judgement of Different Sound Levels
130		Military Jet Aircraft Takeoff with Afterburner from Aircraft Carrier @ 50 ft. (130)	Oxygen Torch (121)	120 dB(A) 32 Times as Loud
120 110	UNCOMFORTABLY LOUD	Concorde Takeoff (113)	Riveting Machine (110) Rock and Roll Band (108-114)	110 dB(A) 16 Times as Loud
100		Boeing 747-200 Takeoff (101)		100 dB(A) 8 Times as Loud
90	VERY LOUD	Power Mower (96) DC-10-30 Takeoff (96)	Newspaper Press (97)	90 dB(A) 4 Times as Loud
80		Car Wash @ 20 ft. (89) Boeing 727 Hushkit Takeoff (89)	Food Blender (88) Milling Machine (85) Garbage Disposal (80)	80 dB(A) 2 Times as Loud
70	MODERATELY LOUD	High Urban Ambient Sound (80) Passenger Car, 65 mph @ 25 ft. (77) Boeing 757 Takeoff (76)	Living Room Music (76) TV-Audio, Vacuum Cleaner	70 dB(A)
60		Propeller Airplane Takeoff (67) Air Conditioning Unit @ 100 ft. (60)	Cash Register @ 10 ft. (65-70) Electric Typewriter @ 10 ft. (64) Conversation (60)	60 dB(A) 1/2 Times as Loud
50	QUIET	Large Transformers @ 100 ft. (50)		50 dB(A) 1/4 Times as Loud
40		Bird Calls (44) Low Urban Ambient Sound (40)		40 dB(A) 1/8 Times as Loud

*Aircraft takeoff noise measured 6,500 meters from beginning of takeoff roll
 (Source: Advisory Circular AC-36-3G)*

2.3 Sound Rating Scales

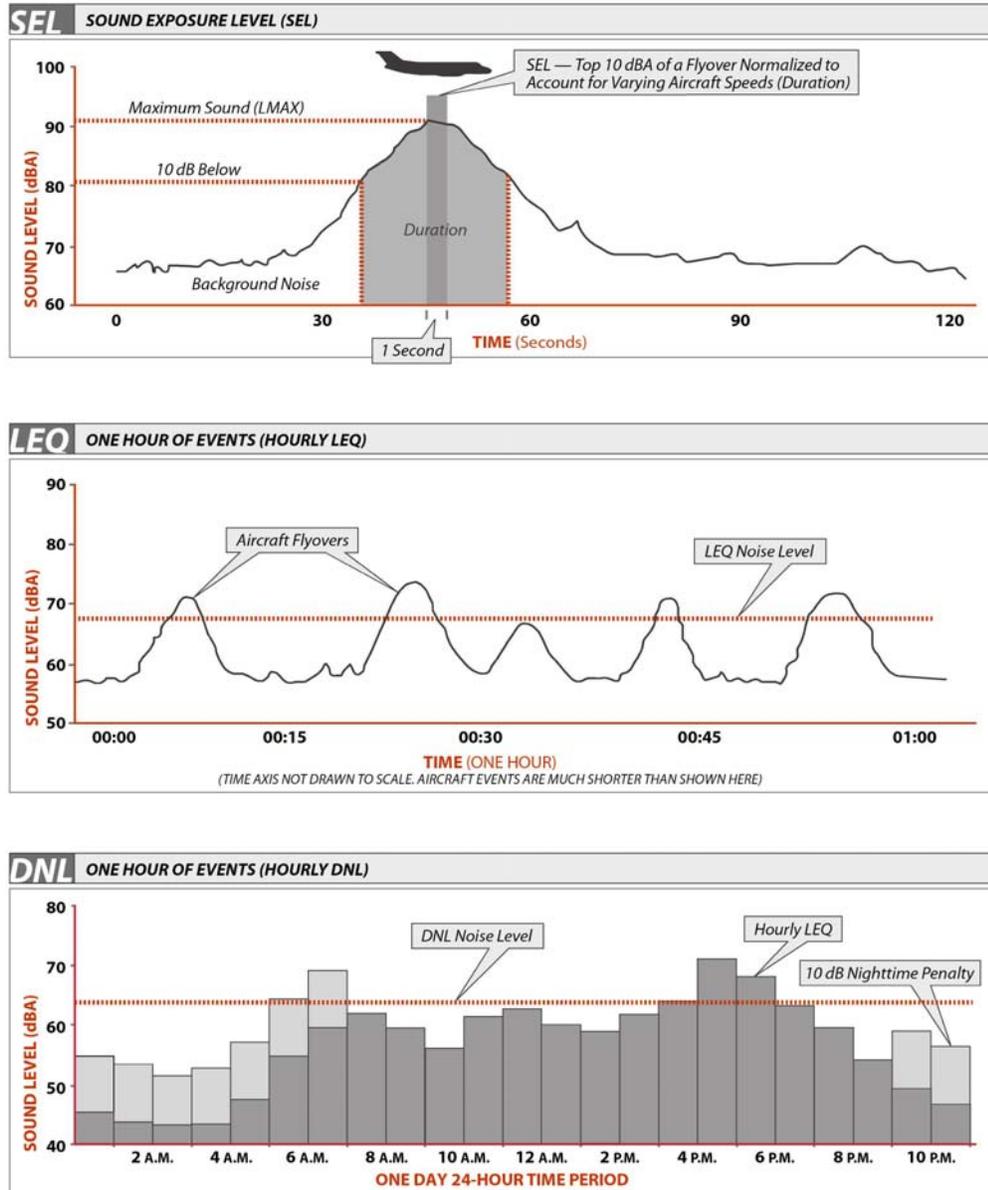
The description, analysis, and reporting of community sound levels is made difficult by the complexity of human response to sound, and the myriad of sound-rating scales and metrics that have been developed for describing acoustic effects. Various rating scales have been devised to approximate the human subjective assessment of “loudness” or “noisiness” of a sound.

Noise metrics can be categorized as single event metrics and cumulative metrics; single event metrics are the focus of this report. Single event metrics describe the noise from individual events, such as an aircraft flyover. Cumulative metrics describe the noise in terms of the total noise exposure throughout the day. The noise metrics used in this study are summarized below:

Single Event Metrics

- *Frequency Weighted Metrics (dBA)*. In order to simplify the measurement and computation of sound loudness levels, frequency weighted networks have obtained wide acceptance. The A-weighting (dBA) scale has become the most prominent of these scales and is widely used in community noise analysis. This metric has shown good correlation with community response and may be easily measured. The metrics used in this study are all based upon the A-weighted dBA scale.
- *Maximum Noise Level*. The highest noise level reached during a noise event is called the “Maximum Noise Level,” or L_{max}. For example, as an aircraft approaches, the sound of the aircraft begins to rise above ambient noise levels. The closer the aircraft gets, the louder it is until the aircraft is at its closest point directly overhead. As the aircraft passes, the noise level decreases until the sound level settles to ambient levels. This is plotted at the top of Figure 2-3. It is this metric to which people generally respond when an aircraft flyover occurs.
- *Sound Exposure Level (SEL)*. The duration of a noise event, or an aircraft flyover, is an important factor in assessing annoyance and is measured most typically as SEL. The effective duration of a sound starts when a sound rises above the background sound level and ends when it drops back below the background level. An SEL is calculated by summing the dB level at each second during a noise event (referring again to the shaded area at the top of Figure 2-3) and compressing that noise into one second. It is the level the noise would be if it all occurred in one second. The SEL value is the integration of all the acoustic energy contained within the event. This metric takes into account the maximum noise level of the event and the duration of the event. For aircraft flyovers, the SEL value is numerically about 10 dBA higher than the maximum noise level. Single event metrics are a convenient method for describing noise from individual aircraft events. Airport noise models contain aircraft noise curve data based upon the SEL metric. In addition, cumulative noise metrics such as Equivalent Noise Level (LEQ) and Day Night Noise Level (DNL) can be computed from SEL data. These metrics are described in the next paragraphs.

Figure 2-3
EXAMPLES OF Lmax, SEL, LEQ, and DNL NOISE LEVELS
Borough of Haines Spring 2015 Helicopter Noise Survey



Cumulative Metrics

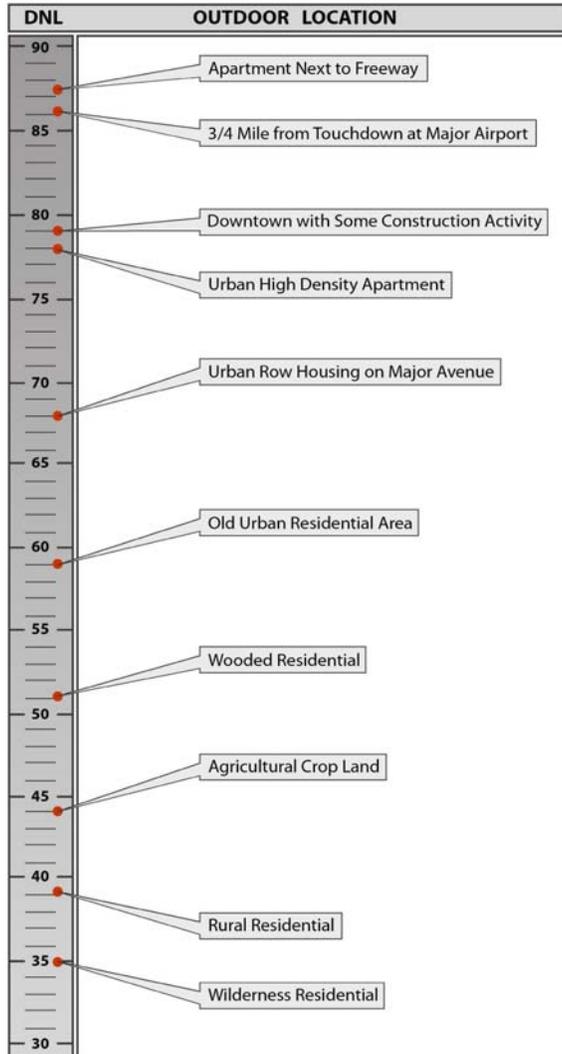
Cumulative noise metrics have been developed to assess community response to noise. They are useful because these scales attempt to include the loudness and duration of the noise, the total number of noise events and the time of day these events occur into one rating scale. They are designed to account for the known health effects of noise.

- *Equivalent Noise Level (LEQ)*. LEQ is the sound level corresponding to a steady-state A-weighted sound level containing the same total energy as a time-varying signal (noise that constantly changes over time) over a given sample period. LEQ is the “energy” average taken from the sum of all the sound that occurs during a certain time period; however, it is based on the observation that the potential for a noise to impact people is dependent on the total acoustical energy content. This is graphically illustrated in the middle graph of Figure 2-3. LEQ can be measured for any time period, but is typically measured for 15 minutes, 1 hour or 24-hours. LEQ for one hour is used to develop the Day Night Noise Level (DNL) values for aircraft operations.
- *Day Night Noise Level (DNL)*. The DNL index measures the overall noise experienced during an entire (24-hour) day. DNL calculations account for the SEL of aircraft, the number of aircraft operations and a penalty for nighttime operations. In the DNL scale, noise occurring between the hours of 10 p.m. to 7 a.m. is penalized by 10 dB. This penalty was selected to account for the higher sensitivity to noise in the nighttime and the expected further decrease in background noise levels that typically occur at night. DNL is specified by the FAA in Federal Aviation Regulation Part 150 to be used for community and airport noise assessment. In addition, it is used by other federal agencies including the Environmental Protection Agency (EPA), the Department of Defense (DOD) and the Department of Housing and Urban Development (HUD). DNL is graphically illustrated in the bottom of **Figure 2-3**. Examples of various noise environments in terms of DNL are presented in **Figure 2-4**. These examples show typical average noise experienced in the outdoor locations noted on Figure 2-4. The examples do not correlate to a state or federal standard of noise; rather show anecdotally what a typical person would experience in that location.

FAA and other federal agencies have established land use compatibility guidelines based on the DNL that identify the acceptability of various types of land use with aircraft noise exposure.

- Residential uses are compatible with noise up to 65 DNL and up to 70 DNL with sound insulation;
- Schools are compatible with noise up to 65 DNL and up to 70 DNL with sound insulation; and
- Commercial development is compatible with noise up to 75 DNL.

Figure 2-4
TYPICAL OUTDOOR NOISE LEVELS IN TERMS OF DNL
Borough of Haines Spring 2015 Helicopter Noise Survey



3.0 Noise Measurement Methodology

3.1 Introduction to Noise Assessment Methodology

The existing noise environment was determined through an on-site sound level measurement program. The on-site measurements also help establish the ambient non-aircraft noise environment and identify noise levels at specific areas of interest. The following sections provide the details on this process. This section is divided into the following sub-sections:

- Noise Measurement Survey – Describes the noise monitoring sites and the methodology used in the noise measurement survey.
- Measurement and Analysis Procedures – Describes the measurement and analysis procedures used to develop the various noise metrics of use in this study.

3.2 Noise Measurement Survey

Purpose of Measurement Survey

The purpose of the noise measurement program was to document the existing noise conditions within the Haines area around the SEABA base. The study recorded noise events from the SEABA base at mile 26; there is another helicopter landing pad at mile 33 used by SEABA, these operations were not part of this noise survey but are included in the graphics to show all of the operations by SEABA during the measurement period. The noise environment in terms of the aircraft and non-aircraft noise sources were determined. Once the baseline noise level conditions have been determined, it will then be possible to identify any changes to the noise that may occur in the future.

Types of Noise Measurements

Measurements were conducted at four (4) sites from March 9, 2015 to March 15, 2015. The noise monitors continuously recorded the one-second noise data and were later analyzed to compute two noise metrics of interest, Maximum Noise Level (L_{max}) and Sound Exposure Level (SEL). These measurements consisted of A-weighted measurements, as defined in Section 2.2. Simultaneous measurements were conducted at all of the sites, therefore a single helicopter operation generated a noise event at each of the noise monitors. An acoustic engineer was onsite for the duration of the measurements and used a log of operations from SEABA to correlate helicopter noise events to operations.

Site Selection Criteria

The four measurement locations used in this study were sites chosen by the Borough of Haines to represent locations of interest. The onsite engineer verified the sites conformed to standard site selection criterion are listed below:

General Criteria

- Exposure to helicopter activity sources
- Representation of the noise environment in the local area
- Locations that are not in close proximity to localized noise sources
- Locations that are not in close proximity to active camp sites
- Locations that are not exposed to excessive high wind speeds
- Locations that are not severely shielded from the aircraft activity
- Security and ease of access to the noise monitoring equipment

Noise Measurement Locations

A vicinity map showing the SEABA base and the surrounding environs is presented in Figure 3-1. The noise monitoring locations are presented on a more detailed aerial photo on Figure 3-2, with the number of each site noted next to the site. **Table 3-1** includes the name of the site, the general location of the area, and the specific latitude and longitude of the noise monitor location.

Measurement Procedures

Noise monitors were set up to simultaneously collect continuous 1-second noise levels during the entire time the noise monitor was at a given location. The equipment was checked and calibrated on a regular basis throughout the measurement survey. Each of the four sites were measured for the same duration; March 9 and March 15 were partial measurement days, measured for 13 and 11 hours, respectively. All other measurement days were measured for a full 24-hour period.

Table 3-1

NOISE MEASUREMENT SITES

Borough of Haines Spring 2015 Helicopter Noise Survey

Site	Name	Longitude	Latitude
1	Helipad	-136.0130484	59.4029614
2	Home By Helipad	-136.0119003	59.4022874
3	Roadway	-136.006578	59.403724
4	Neighboring Estate	-136.0120859	59.4060923

Acoustic Data

The noise measurement survey utilized specialized monitoring instrumentation that allowed for the measurement of aircraft single event data and ambient noise levels. The data measured and calculated at each noise measurement site are as follows:

- Continuous one-second noise levels,
- Single event data (SEL, Lmax and Duration) for individual aircraft,
- Correlation of noise data with aircraft identification, and
- Non-aircraft ambient sound level.

The survey utilized software that provides continuous measurement and storage of the 1-second LEQ noise level. From this data the above noise descriptors could be calculated. In addition, this data can be used to plot the time histories for noise events of interest.

Figure 3-1
VICINITY MAP
Borough of Haines Spring 2015 Helicopter Noise Survey



Figure 3-2
NOISE MEASUREMENT LOCATION MAP
Borough of Haines Spring 2015 Helicopter Noise Survey
Noise measurement Location Sites: ○



Instrumentation

The monitoring program was consistent with state-of-the-art noise measurement procedures and equipment. The measurements consisted of monitoring A-weighted decibels in accordance with procedures and equipment that comply with specific International Standards (IEC), and measurement standards established by the American National Standards Institute (ANSI) for Type 1 instrumentation. **Figure 3-3** shows noise measurement Site 1 in the field.

These sites utilized 01dB Solo Sound Level Meters. The meters automatically calculate the various single event data. The 01dB system includes software that provides data storage for later retrieval and analysis.

Microphone location – The microphones were located at a height of 5 feet directed vertically.

Windscreen – The 01dB standard foam windscreen (UA0207 for ½” microphones) were placed over the microphone for each site.

Calibration – During the survey the noise monitoring instrumentation was calibrated at the start and end of each measurement cycle. This calibration was based on standards set by the National Institute of Standards and Technology, formerly the National Bureau of Standards. An accurate record of the meteorological conditions during measurement times was also maintained.

Figure 3-3

NOISE MONITOR IN THE FIELD, SITE 1

Borough of Haines Spring 2015 Helicopter Noise Survey



3.3 Measurement and Analysis Procedures

The following section outlines the methodology used to measure and quantify noise levels from aircraft operations and ambient noise level conditions. Measurement methodology and analysis techniques used in the study are also included.

Continuous Measurement of the Noise

The methodology employed in this study used a program that was designed to continuously measure noise at each measurement location. An example of the time history of the continuous noise measured by each monitor is presented in **Figure 3-4**. This graph shows the continuous noise at all of the sites for a 15-minute period. It is possible to see the time period of noise events and the time period of ambient noise in between the events. The process of calculating noise events from this data uses a floating threshold methodology. This allows for the measurement and identification of lower noise level events. The parameters are adjustable and can be modified so that it is possible to recalculate noise events from raw data any time in the future. Additional measurement data can be found in Appendix A.

Network of Multiple Noise Monitors

A network of the four noise monitors was set up to simultaneously and continuously measure noise at multiple monitoring sites. The network of noise monitors is useful to compare noise levels simultaneously at different locations, for the same helicopter. For example, networks of noise monitors are established to illustrate the sideline noise levels at varying distances from the flight path centerline. An example of data from the four sites used during the monitoring is presented in **Figure 3-5**, illustrating an A-star AS350 B2 helicopter operation, which is the type of helicopter flown by SEABA. This figure shows the continuous noise levels at all of the sites. It is possible to see the aircraft noise levels and time sequence of the noise as the aircraft passes over each site. The network of noise monitors is also used to help separate aircraft noise from other noise sources. Knowing the time sequence of noise events provides a pattern that is one of the components of the noise and flight data correlation process.

Figure 3-4
EXAMPLE OF CONTINUOUS MEASUREMENT OF NOISE
Borough of Haines Spring 2015 Helicopter Noise Survey
Time Period: March 12, 2015

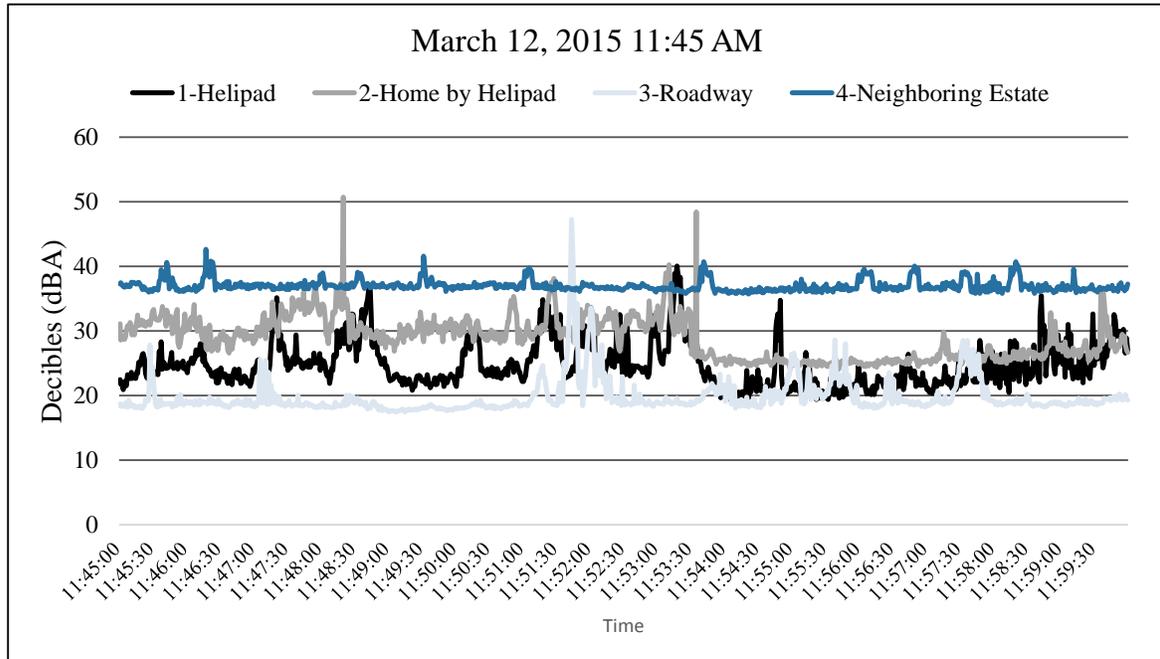
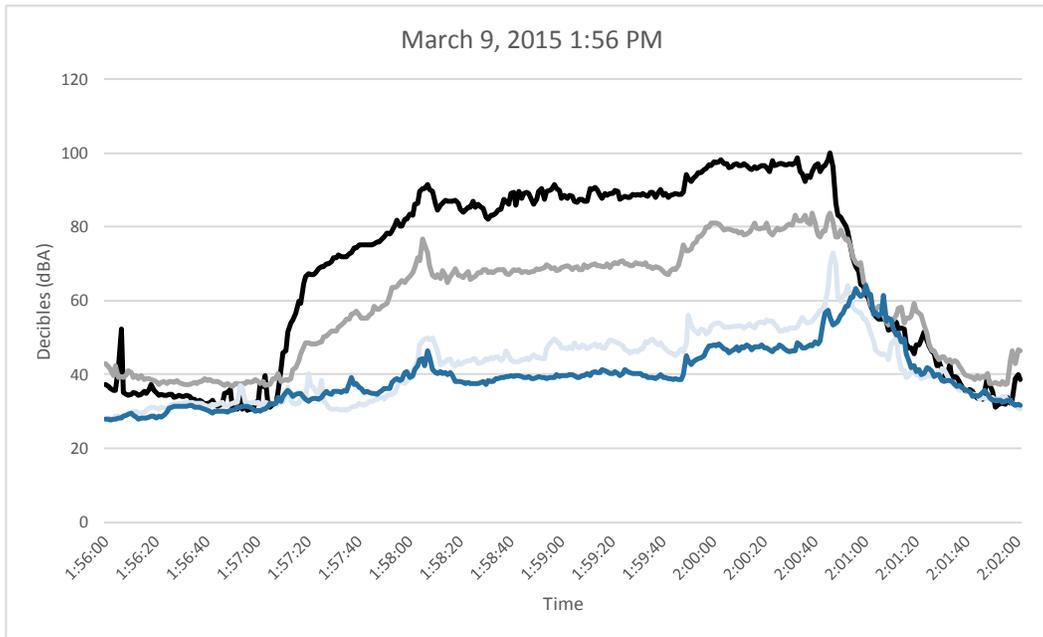


Figure 3-5
EXAMPLE OF CONTINUOUS MEASUREMENT OF NOISE AT MULTIPLE SITES
Borough of Haines Spring 2015 Helicopter Noise Survey
 Event 1: March 9, 2015 1:56 PM

Description	Time _{Max}	Duration (sec)	Start to Peak	L _{MAX}	SEL
1-Helipad	3/9/2015 2:00:46 PM	222	208	100.1	115.2
2-Home by Helipad	3/9/2015 2:00:39 PM	189	166	83.8	98.6
3-Roadway	3/9/2015 2:00:47 PM	73	57	72.9	78.2
4-Neighboring Estate	3/9/2015 2:01:00 PM	281	221	64.1	74.5



Operational Data and Field Observations

Various data sources are utilized to document, identify and correlate the aircraft operations during the noise measurement period. Each of these sources of flight information is described below.

An acoustic engineer managed the noise measurement equipment during the survey, responsible for setting up and maintaining the equipment as well as documenting the aircraft activity during certain times of the measurement study. SEABA provided the consultant with GPS coordinates for the flights conducted during the noise measurement period. The types of data that were collected in the field include:

- Start and end time of noise events (audible time)
- Helicopter information (type, flight track, airport/SEABA base)
- Non-aircraft event information (type, activity)

Correlation of Noise and Flight Data

Custom noise monitoring software was used to help correlate aircraft flight activity to the noise data. This software utilizes such methods as aircraft position information, noise event sequencing, and noise event profiling to correlate noise data to the aircraft activity. The GPS unit in the helicopter recorded the location of the helicopter every two minutes. The noise event profiling is used to identify characteristics of both the aircraft and non-aircraft noise events.

From the latitude and longitude of the GPS data provided by SEABA, it is possible to reconstruct the flight path for each operation. An example of a flight path from the mile 26 base to the heliski dropoff is presented in **Figure 3-6**. This figure illustrates the flight path of an aircraft at one point in time. The noise levels from each of the noise monitors is also shown at that same point in time, with the number of each monitor in parenthesis. Computer software was used to correlate the measured noise events with the specific aircraft operating in the sky near the noise monitor at that same point in time. **Figure 3-7** shows all flight tracks recorded by SEABA operations during the measurement period. The helicopters typically have five routes; to/from the Haines Airport to Mile 26 or Mile 33 base, from Mile 26 base to the mountain, from Mile 33 to the mountain, and between the SEABA bases at Mile 26 and Mile 33.

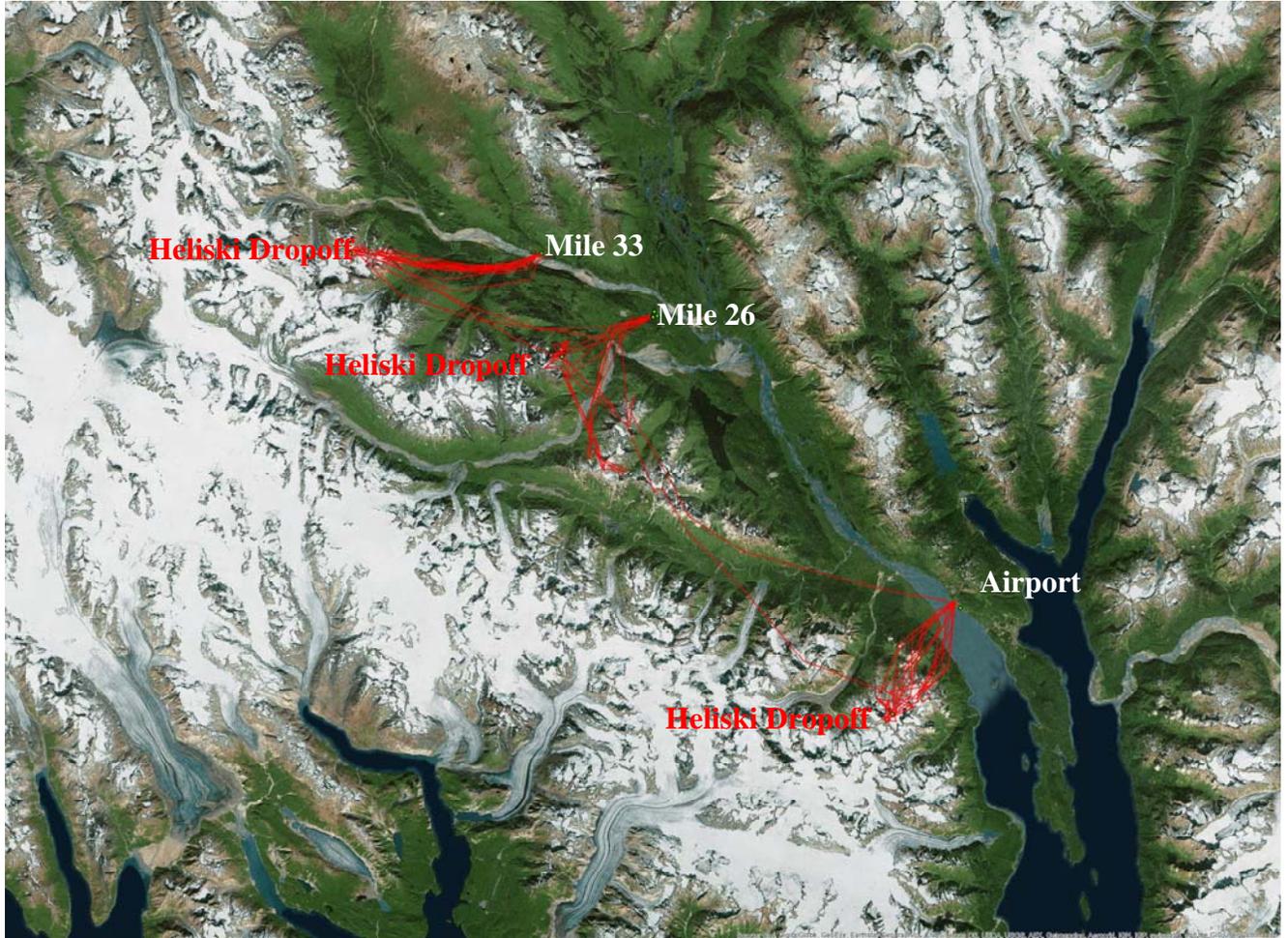
Calculation of Aircraft Noise Metrics

Once the collection and correlation of the noise and flight data is complete, the various noise metrics can be calculated. A custom computer program is used to calculate the single event and ambient noise metrics of interest from the data collected at each of the noise monitoring sites.

Figure 3-6
EXAMPLE OF PLAYBACK OF NOISE
Borough of Haines Spring 2015 Helicopter Noise Survey
Event 6: March 14, 2015 11:15 AM



Figure 3-7
FLIGHT TRACK MAP
Borough of Haines Spring 2015 Helicopter Noise Survey



4.0 Noise Measurement Results

The existing noise environment for the area near the SEABA base was determined through a noise measurement survey. The results of the measurement survey are summarized in the following paragraphs. This section presents the overall findings from the noise measurement survey. This includes an explanation of the results and are divided into the following sub-sections:

- Noise Measurement Results
 - Ambient noise measurement results
 - Single event noise measurement results (SEL)
 - Day Night Noise Level (DNL)
 - Hourly Noise Level (LEQ)

4.1 INTRODUCTION

Noise measurements were conducted between March 9, 2015 and March 15, 2015 at four (4) locations. Continuous measurements were taken at each site for approximately seven (7) days. The measurements consisted of the continuous recording of 1-second noise levels, and the results consist of: (1) single event noise levels from individual helicopter flyovers, (2) cumulative 24-hour continuous measurements, and (3) ambient non-aircraft noise sources. The survey utilized specialized equipment that recorded and displayed the complete time history of sound at the respective sites. The methodology used in the noise measurement program and a description of measurement locations is presented in Section 2 (Background Information) and Section 3 (Methodology).

4.2 AMBIENT NOISE MEASUREMENT RESULTS

Background, or ambient noise, levels (those without aircraft noise) were measured at each of the monitoring locations, and these results are presented using Percent Noise Levels (L_n). Described in greater detail in the background section (Section 2), Percent Noise Level characterizes intermittent or fluctuating noise by showing the noise level that is exceeded during a significant percent of time during the noise measurement period. L_n is most often used to characterize background noise where, for example, L_{90} is the noise level exceeded 90 percent of the time, L_{50} is the level exceeded 50 percent of the time, and L_{10} is the level exceeded 10 percent of the time. Other noise sources that are part of the background noise environment include roadway, wind in the trees, and people activities. This data aids in assessing how intrusive aircraft noise is on the ambient environment. Typically, L_{90} represents the background noise level; L_{50} represents the median or ambient noise level and L_{10} the most intrusive noise levels.

Results of the ambient noise measurement survey at each measurement site are displayed in the following figures and tables. **Table 4-1** presents the statistical summary of the ambient measurements for the entire measurement period at each site using the L_n noise levels for the L_{min} (Minimum Noise Level), L_{90} , L_{50} , L_{10} and L_{max} (Maximum Noise Level). The L_{max} is presented for the loudest 1-second dBA value that was measured while the L_{min} is the lowest 1-second dBA value that was measured. This table illustrates the range in noise levels that exist at each site. Note that aircraft noise events are included in this data and are typically the source of the peak or maximum noise levels. A graphic depiction of the same information is presented in **Figure 4-1**.

Table 4-1

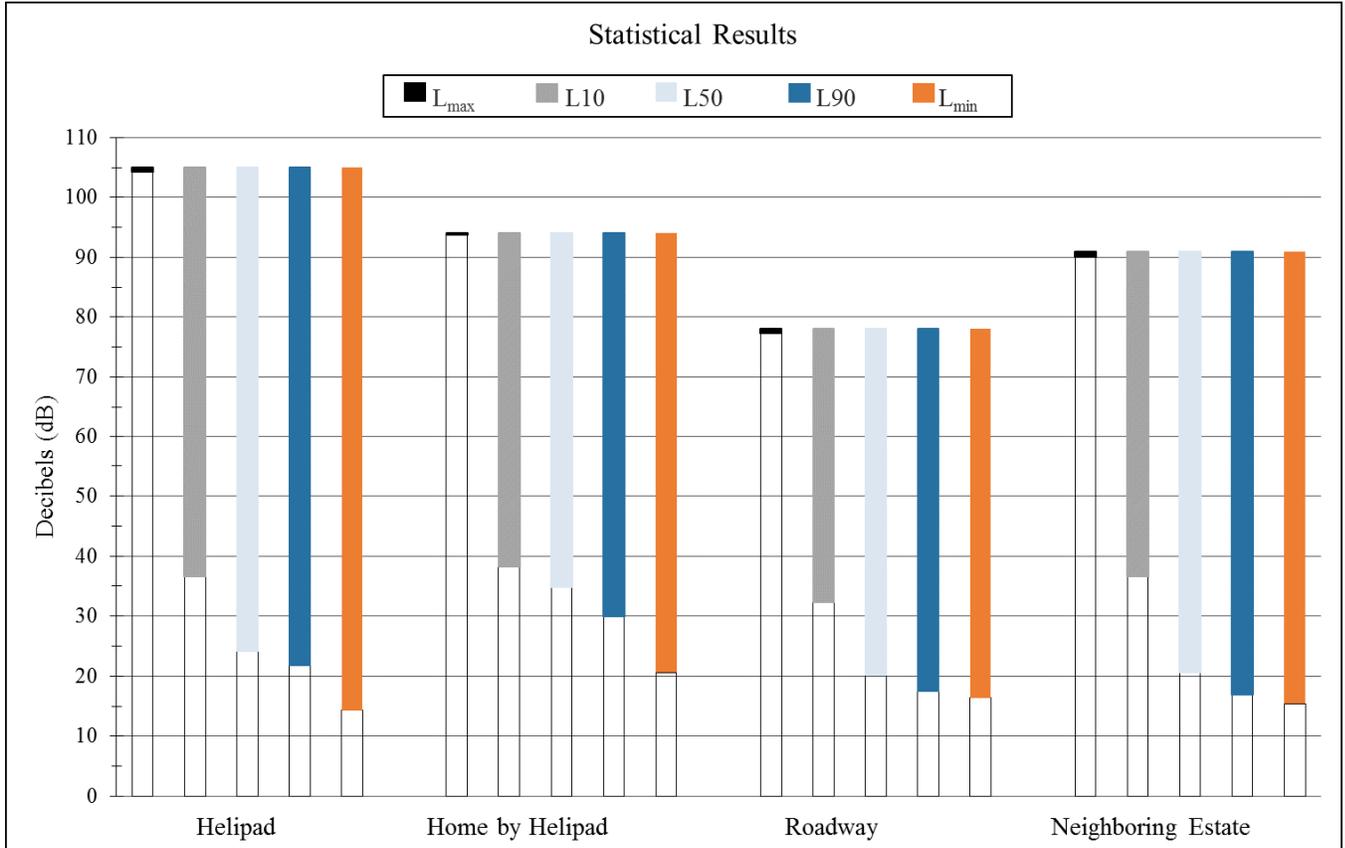
AMBIENT NOISE MEASUREMENT RESULTS*Borough of Haines Spring 2015 Helicopter Noise Survey*

Site #	Name	Description	Statistical Noise Levels (dBA)				
			LMax	L10	L50	L90	LMin
1	HA1	Helipad	104.3	36.6	24.2	21.8	14.3
2	HA2	Home By Helipad	93.7	38.3	34.9	29.9	20.6
3	HA3	Roadway	77.4	32.4	20.2	17.5	16.4
4	HA4	Neighboring Estate	90.0	36.6	20.6	16.9	15.4

Industry practices indicate that L90 is a good representation of the background noise level and L50 the ambient noise level. These represent the levels that are exceeded 90 percent of the time and 50 percent of the time, respectively. The L90 is referred to as the residual noise, when other sources of noise are not present, and is the level above which noise events occur, such as an aircraft overflight or a vehicle pass-by. Aircraft noise would have very little if any contribution to this noise level because of the relatively short duration of these noise events. The L50 noise level is referred to as the median or ambient noise level. Half the time the noise is below this level, and half the time it is above this level. Even during peak hours of aircraft activity, the L50 noise level would not be influenced by the aircraft noise. On a 24-hour basis, this level is generally reflective of ambient noise levels.

The measurements show that background L90 noise levels ranged from the high 10s dBA to (a high of the high) 20s dBA. Most sites had an average L90 noise level right around 21 dBA. The ambient L50 noise levels ranged from the low 20s dBA to the mid 30s dBA. Ambient noise levels vary by day and time of day. Day-to-day ambient noise levels are generally similar with higher levels occurring during high wind conditions. Ambient noise levels vary by time of day with quieter levels typically occurring during night and early morning hours, and with higher levels occurring during daytime hours. Typical quiet ambient noise levels range from 5 to 10 dBA lower than average hours.

Figure 4-1
AMBIENT NOISE MEASUREMENT RESULTS FOR ALL SITES
Borough of Haines Spring 2015 Helicopter Noise Survey

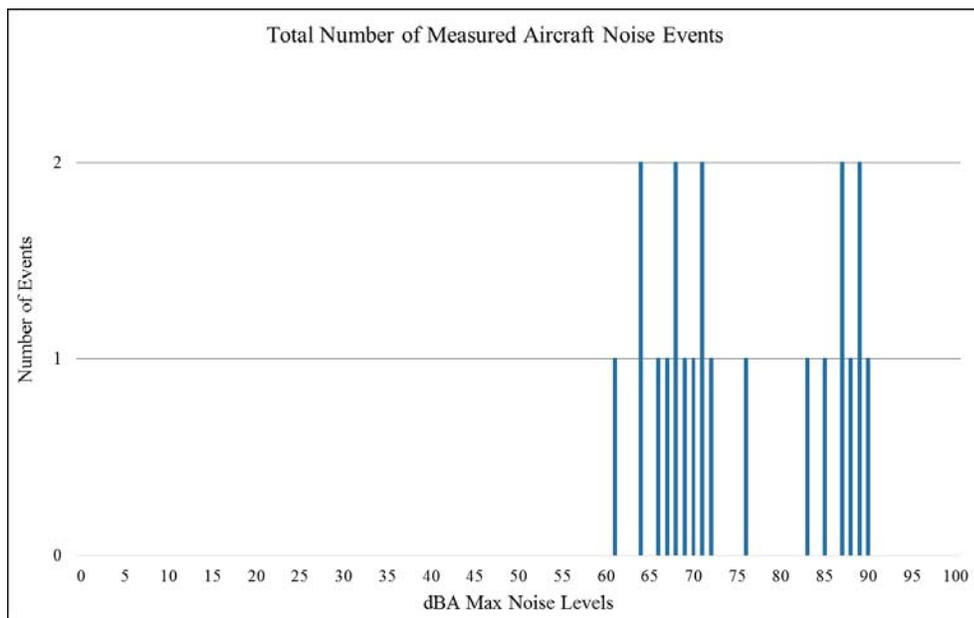
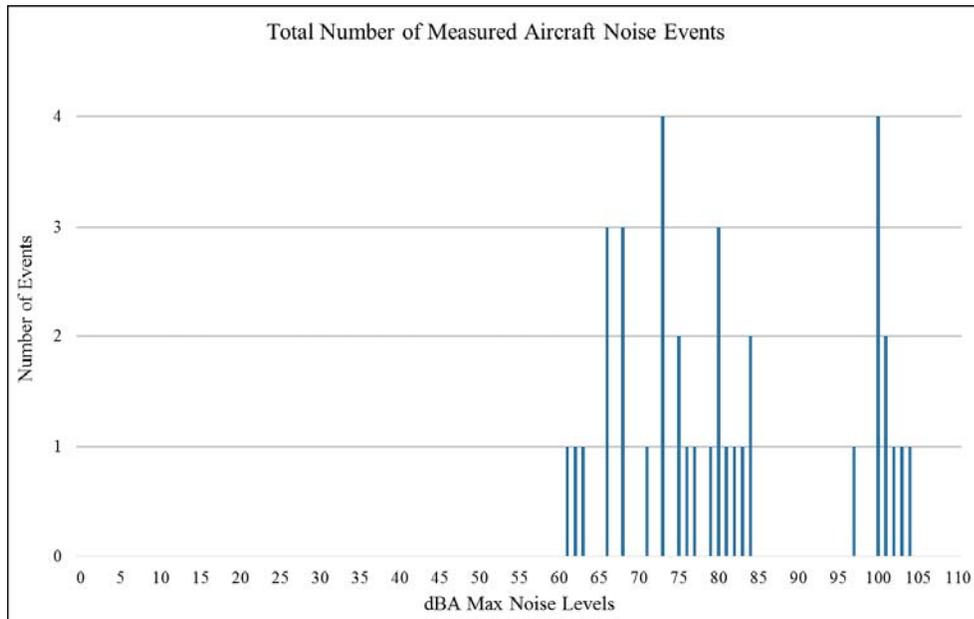


4.3 AIRCRAFT SINGLE EVENT NOISE MEASUREMENT RESULTS

Aircraft single event noise levels were identified at each measurement site. The acoustic data included the Maximum Noise Level (L_{max}), the Sound Exposure Level (SEL), and the time duration of aircraft events. The single events measured during the survey were correlated with flight operations information. With this correlated single event noise data, it was possible to separately identify the single event noise levels from the different sources of aircraft noise. The single event results are summarized in the following paragraphs.

The single event data were analyzed in terms of the distribution in events by the loudness level. An example of the range in noise data is presented for two sites in **Figure 4-2**. This figure presents a history (called a histogram) of L_{max} values for all the aircraft events that were measured at the Helipad site and at the Neighboring Estate site. The histogram shows the measured L_{max} noise level on the horizontal axis and the number of measured aircraft events with the L_{max} level on the vertical axis. The Helipad site is representative of a location close to the SEABA base while the Neighboring Estate is representative of the site most distant from the SEABA base. These results show the range in noise level generated by aircraft events that occur at each site as well as the number of noise events.

Figure 4-2
RANGE OF NOISE AND NUMBER OF EVENTS HISTROGRAMS
Borough of Haines Spring 2015 Helicopter Noise Survey
 Period: March 9, 2015 to March 15, 2015
 Sites: Helipad (top) - Neighboring Estate (bottom)



4.4 DNL Noise Measurement Results

Aircraft-related DNL levels were calculated for each of the four noise monitoring locations. **Table 4-2** presents these results. This table lists the average aircraft-related DNL for the period monitored at each site (March 9, 2015 to March 15, 2015).

Figure 4-3 shows the same results of the DNL noise measurements at the noise-monitoring locations in a graphical format. The top portion of the graph shows the average DNL noise level measured at each noise monitoring location. The bottom portion of the table shows the range of daily DNL values, along with the overall DNL for the entire measurement period. The results show the average noise exposure level at each site stays fairly consistent, with the range of DNL values at any given site is less than 10 dB, which is a narrow range in dB noise levels experienced at each location. While the number of operations measured at each site varies with the distance from the SEABA base, the peak DNL days were an average of only 3 to 4 dBA higher than the average day. Additional measurement data can be found in Appendix B.

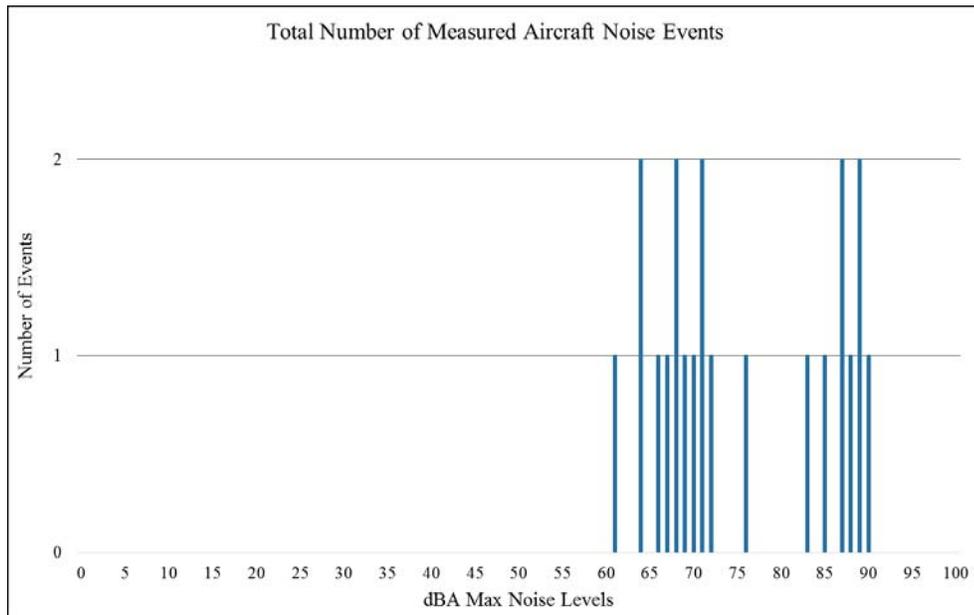
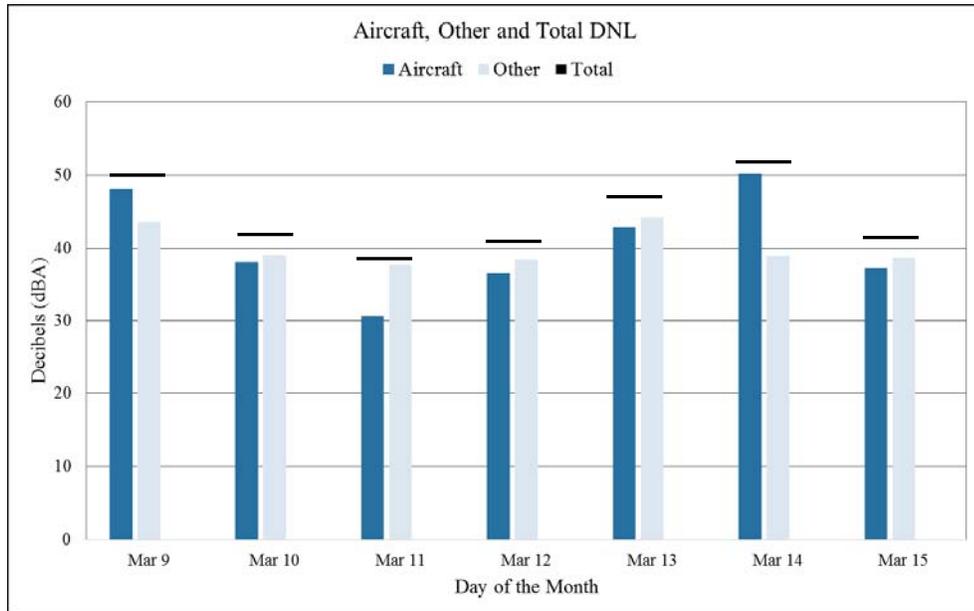
Table 4-2

AIRCRAFT DNL NOISE MEASUREMENT RESULTS

Borough of Haines Spring 2015 Helicopter Noise Survey

Site #	Name	Description	Aircraft DNL
1	HA1	Helipad	69
2	HA2	Home by Helipad	51
3	HA3	Roadway	30
3	HA4	Neighboring Estate	43

Figure 4-3
DNL CONTRIBUTION & DBA MAX DISTRIBUTION RESULTS
Borough of Haines Spring 2015 Helicopter Noise Survey
 Period: March 9, 2015 to March 15, 2015
 Sites: 4 - Neighboring Estate



4.5 Hourly LEQ Noise Measurement Results

Hourly average noise level values were calculated for each of the measurement locations. Hourly values include the aircraft LEQ, non-aircraft LEQ, and total LEQ.

An example of the hourly aircraft LEQ and total LEQ noise data for the Roadway Site (Site 3) is presented in Table 4-3. The total LEQ noise level includes all sources of noise, including aircraft, other man made, and natural sources. This table shows that the hourly LEQ noise level varies throughout the day. Tables listing the calculated hourly LEQ noise levels for the remaining sites during each hour of measurement are presented in Appendix C.

Table 4-3

HOURLY NOISE LEVEL SITE REPORT

Borough of Haines Spring 2015 Helicopter Noise Survey

Period: March 9, 2015 to March 15, 2015

Site: 3 - Roadway

Metric: Aircraft LEQ

DATE	Hour Of The Day																								DNL
	00	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20	21	22	23	
Mar 9	--	--	--	--	--	--	--	--	--	--	0	0	27	46	31	37	34	0	0	0	0	0	0	0	36
Mar 10	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Mar 11	0	0	0	0	0	0	0	0	41	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	27
Mar 12	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Mar 13	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Mar 14	0	0	0	0	0	0	0	0	0	0	41	0	0	0	46	40	0	0	0	0	0	0	0	0	35
Mar 15	0	0	0	0	0	0	0	0	44	0	0	0	0	0	--	--	--	--	--	--	--	--	--	--	32
Energy Average	0	0	0	0	0	0	0	0	38	0	0	33	0	19	38	38	34	26	0	0	0	0	0	0	30

Metric: Total LEQ

DATE	Hour Of The Day																								DNL
	00	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20	21	22	23	
Mar 9	--	--	--	--	--	--	--	--	--	--	53	36	38	47	43	41	38	35	30	34	23	26	24	44	
Mar 10	20	31	44	30	23	23	24	31	33	47	49	30	28	38	44	44	33	27	39	33	35	25	27	24	43
Mar 11	19	24	21	21	19	19	36	35	42	44	30	31	35	37	36	42	23	31	36	35	32	17	20	24	37
Mar 12	25	22	24	19	18	18	19	22	24	45	50	25	28	32	42	24	28	24	29	33	19	18	18	22	39
Mar 13	17	20	22	22	26	28	28	45	44	48	39	43	46	37	41	41	35	31	30	27	36	31	19	19	40
Mar 14	19	19	19	19	19	19	30	34	35	47	38	43	33	31	36	48	41	36	19	29	29	27	30	18	39
Mar 15	19	19	26	27	20	20	26	29	45	34	37	41	36	35	43	--	--	--	--	--	--	--	--	--	38
Energy Average	21	25	37	25	22	23	30	38	41	46	46	46	39	36	43	43	37	33	34	32	33	26	26	22	41

Section 5 Conclusions

The noise study defined and quantified operations by SEABA helicopters at its Mile 26 base flying to the heliski dropoff and the Haines Airport. The results indicate there were nine helicopter operations during the measurement period at the Mile 26 base. The noise measurements conducted used the standard noise measurement weighting that mimics how the human ear hears noise. These measurements were analyzed to find the ambient background noise level, the loudest helicopter noise event, and hourly noise levels. For the four sites that were measured, the loudest events occurred at Site 1, the helipad site, and the quietest events occurred at Site 4, the furthest site from the helipad. The area with the quietest ambient noise level was Site 3, the roadway site, followed by the Site 4, the neighboring estate. Aircraft events were loudest at the helipad site, followed by Site 2, the home by the helipad.

During the measurement period, there were nine recorded noise events from helicopter activity; these events were recorded at each of the four noise monitoring sites. While noise was reported through several different noise metrics (including Lmax, SEL, DNL), the DNL results, since they represent the average noise level are best for comparative purposes with other similar land uses. The results show that the average noise exposure level (DNL) at each of the three sites outside the helipad itself stays fairly consistent. This average noise ranges from 30-51 DNL at the sites, and 69 DNL at the helipad location.

To draw some conclusions from the measurement data, it is important to look at noise standards that could be guiding the noise environment. As stated in the report, there are no local noise standards in effect. In comparison, the FAA uses a DNL metric, which is an annual average and must be modeled using a specific program (the Integrated Noise Model). For this standard, residential uses are compatible with noise up to 65 DNL (annual average). For this Study, the measured DNL from the sites above cannot be directly compared to the 65 DNL significance threshold because the annual average was not modeled using Integrated Noise Model. However, the measured average levels at the three sites during the study period (outside of the helipad itself) are generally below what measurements would be expected at the significant 65 DNL or higher level.

In addition, to help put the measured DNL into perspective, the report examined the range of typical land uses and their typical DNL noise measurements, and then compared them to the results from the noise monitoring at the three sites. As stated above, the three sites outside the helipad ranged from 30-51 DNL. Typical noise measurements at an average “wooded residential” land use is generally around 51 DNL. This means that the measured average noise level at the three sites fairly closely matches, or is quieter than what would be expected in wooded residential or quieter land use types. However, it is important to note that these comparisons do not link to any specific noise standard or regulation, but rather give a generalized comparison between what is typical in similar land uses and the results measured during this Study.



Haines Borough
**BOROUGH ASSEMBLY
ACTION REQUEST**

DATE: Feb 13, 2014

TO: Borough Assembly

FROM: The Haines Planning Commission

RE: Big Salmon Ventures LLC Conditional Use Permit for Heliport

PLANNING COMMISSION ACTION:

Motion: Hedden moved to “approve the conditional use permit for a period of one year with the conditions that are stated in Big Salmon Ventures’ application”, Turner seconded it.

Primary Amendment: Gonc moved to “only allow one company to use the site at a time, and all landings shall be no closer than 1,100’ to the centerline of Chilkat Lake Road”, Turner seconded it. The primary amendment passed 6-1 with Goldberg opposed.

The main motion failed with Goldberg, Heinmiller, Lende, and Venables opposed.

Motion: Venables moved to “For 2014, the Planning Commission recommends the Assembly authorize the Borough Manager to issue a temporary conditional use permit that allows for a limited, pre-approved, borough-monitored number of random landings, incorporating conditions offered by the Big Salmon Ventures, only allowing for one company to use the site at a time, with all landings to be at least 1,100’ from the centerline of Chilkat Lake Road to gauge actual impacts, between 8:30 a.m. and 4:30 p.m. with continued noise measurement and monitoring”, Gonc seconded it. The motion passed 6-1 with Goldberg opposed.

RATIONALE:

Commission responsibilities, public testimony, the Borough Interim Manager’s recommendation letter were topics discussed. There are eight criteria to be considered in deciding whether or not to grant a conditional use permit. It was pointed out that the Planning Commission’s job is to look into the code, and to find out if each of the criteria is met.

Goldberg does not think this “one-year trial” will work well. If the Planning Commission approves a one-year conditional use permit, the developer probably will invest in

infrastructure. The Planning Commission will have to go back to deal with this again after one year if the neighbors complain about the noise. Also, Criteria 1 reads "the use is so located on the site as to avoid undue noise and other nuisances and dangers." A few homeowners have given their comments that they heard helicopters from inside their homes, so obviously the noise is subjective. He thinks Criteria 1 has not been met.

Gonce went to the proposed site, and did the decibel testing with Nick Trimble. As far as his observations, the volume created with the helicopter was very low. The readings were lower than he expected. The last time this proposal came to the Planning Commission he voted against it. One of the main reasons is the noise. However, after his trip to the site, he believes the new proposed site will greatly mitigate the sound to the neighbors.

Venables would like to see a temporary permit to be monitored by the Borough. The purpose of the landings will be to assess the actual impacts of noise on nearby residences. He said it is premature to grant a long-term permit at this time.

PLANNING COMMISSION REQUEST:

To recommend the Assembly authorize the Borough Manger to allow a number of helicopter landings at the proposed site during the 2014 heli-ski season. The number of landings will be determined by the Manager. The purpose of the landings will be to assess the impacts of noise on nearby residences. This will help to determine if the proposed heliport can meet the requirements of Criteria 1 in Borough Code. All the conditions stated in Big Salmon Ventures' application shall be adhered to. In addition, this temporary conditional use permit shall only apply to Big Salmon Ventures, and the landing site shall be no closer to the centerline of Chilkat Lake Road than 1100'.

SUBMITTED BY



(signature)

Daniel Gonce
Planning Commission Vice - Chair

**Notice Of Appeal From Haines Borough Planning Commission Denying Big Salmon Ventures (BSV)
Conditional Use Permit**

RECEIVED Haines Borough

FEB 18 2014

Clerk's Office

Dear Mrs. Cozzi:

I am writing on behalf of our client, Big Salmon Ventures LLC, ("BSV") in response to the denial of its request for a Conditional Use Permit to develop a heliport on its property located at Lot 10 of the Sundberg Subdivision (the "Property"). In this connection, BSV would like to assert its request to appeal the Haines Borough Planning Commission's February 13th 2014 decision to deny the Conditional Use Permit Application submitted by BSV.

First, BSV respectfully asserts that the Planning Commission erred in failing to approve issuance of the Conditional Use Permit inasmuch as Big Salmon Ventures has met all of the conditional use permit requirements as enumerated in the Haines Borough Code ("HBC") Section 18.50.040.

Secondly, BSV asserts that the findings of the planning commission, especially in regards to safety welfare, failed to recognize the decibel testing and real life DNL noise levels as it relates specifically to the defined nature of the area and national noise standards for quality of life in the United States. Decibel levels after testing were much lower on average than the speculation that SEABA proposed in the CUP application that SEABA proposed in 2011.

In the Assemblies findings for the appeal of SEABA heliport in 2011 they cited decibel levels that were suggested but not confirmed around 68 on take off, while decibel testing most recently found that exposure to take off and landing are limited to less than two minutes per occurrence and that the actual decibel level peaked at 62dB.

More over other evidence entered into the record by BSV shows that the national acceptance of noise based on the DNL standard or noise testing show that residential areas experiencing decibel readings of 65 dB and lower with an average of 50dB DNL are acceptable and the standard for regulating noise for health safety, and welfare of residential neighborhoods.

BSV contends that this is, "he said, she said" issue when considering if this activity meets the criteria of safety and welfare, for residences and property owners in the area. Noise level testing and the acceptance that the zoning is not residential but rural settlement, and that property owners have rights to make a living off of their property should be enough to conclude that a one year conditional use, with contracted testing to national standards should show that this proposed activity with its conditions set forth by Big Salmon Ventures will not create a health, safety, or welfare condition that is unsurmountable and easily mitigated.

In the managers' findings below:

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

This requirement may not have been met. The Borough Comprehensive Plan reads: "In 2011 one business proposed development of a heliport on its land on the Chilkat Lake Road, which raised concerns about neighborhood character, noise and safety. The planning commission and assembly denied the permit based on health, safety and welfare issues..." The applicant has attempted with this new application to mitigate many of the issues that were brought up previously. This makes it a bit difficult to say with certainty that this will or will not be harmful to public safety, health, or welfare."

The borough managers has doubts as to if this has been met. The manager contends that there needs to be more factual and objectionable discovery to confirm if BSV has mitigated the previous position by the borough assembly in 2011.

Commissioner Danny Gonce who was not in favor of the SEABA CUP application 2011 testified at the Feb 13th 2014 planning commission meeting that after he directed the sound decibel testing for BSV in December of 2013 his perspective and perception of the activity were changed. He felt that this was a permissible and acceptable use of the property based his experience. He also stated that he supported the Conditional use as long as it stayed 1100 feet from the center line of the Chilkat Lake Road.

Third, the manager findings documented that this use has speculative and subjective attributes when weighing them against code outlined conditions for a CUP, and that while it might be that not all of the 8 points were objectively met, the manager suggested giving BSV a one year CUP to help identify speculative and subjective impacts.

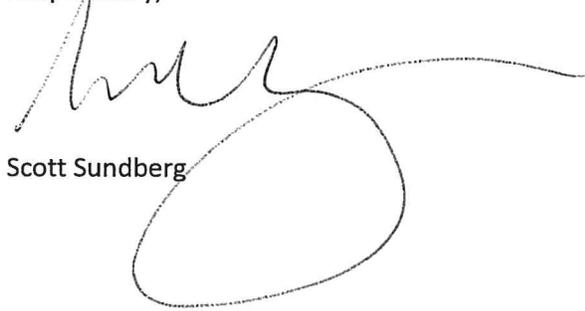
Fourth, the planning commission chair Rob Goldberg egregiously recognized opponents over proponents and interjected several comments that were not part of the record, including notes on waking babies over a half mile from conducted decibel test and disturbed residents that were not even aware the test occurred until told.

Chairmen Heinmiller also interjected through his testimony facts that were incorrect regarding the phased development of the winter village, and in our opinion was very biased in trying to develop subjective reason and rhetoric to not support the heliport opposition. We feel that the level of professionalism from these two planning commissioners was not acceptable and that the community at large should be concerned about their motives.

Finally, while the Winter Village and Eco lodge business plan for the surrounding properties owned by BSV/ SEABA in the 26 mile area does not need a conditional use permit, the development of these facilities and long stability of the Haines economy, its security and economic "WELFARE" depend on the conditional long term use of this property as a winter heliport.

SEABA was told that the borough would look into developing public heliport after SEABA's denial of the use of it property in January of 2011. After inquisition, fact finding, and committee discussions it was determined that not only was the industry not interested by the suggested heliport at the end of Chilkat Lake Rd, but the borough recognized that it did not have land in its possession that reflects the needs of the industry or in this particular case BSV/SEABA. This specifically relates to developing a stable long term business that would add greatly to the quality of life for majority and supportive Haines residents. We feel that the greater demand for a healthy economy that builds on recreation and ecotourism outweighs subjective and speculative determinations that our proposed heliport would create undo noise, safety and welfare issues to the surrounding areas.

Respectively,

A handwritten signature in black ink, appearing to read 'Scott Sundberg', with a large, sweeping flourish extending to the right and a large loop at the bottom.

Scott Sundberg



HAINES BOROUGH, ALASKA
P.O. BOX 1209, HAINES, ALASKA 99827
Administration 907.766.2231 ♦ (fax) 907.766.2716
Tourism 907.766.2234 ♦ (fax) 907.766.3155
Police Dept. 907.766.2121 ♦ (fax) 907.766.2128
Fire Dept. 907.766.2115 ♦ (fax) 907.766.3373

April 11, 2014

VIA CERTIFIED MAIL AND EMAIL

Big Salmon Ventures
Attn: Scott Sundberg, Representative
P.O. Box 1368
Haines, Alaska 99827
sunny@skiseaba.com

Re: NOTICE OF ASSEMBLY ACTION ON APPEAL

Dear Mr. Sundberg:

On March 11th, the borough assembly heard your appeal of the planning commission's February 13th, 2014 denial of your conditional use permit. Following deliberations, the assembly granted the conditional use permit with conditions. This is a notice of the assembly's adoption of the attached Findings of Fact and Conclusion of Law on April 8th, 2014.

The assembly's decision may be appealed to Alaska Superior Court. The deadline for filing an appeal to Superior Court is May 11th, 2014 (30 days from the date of the notice of assembly action).

Sincerely,

Julie Cozzi, MMC
Borough Clerk

Enc: Findings of Fact and Conclusions of Law

cc: Borough Manager, Borough Attorney

IN THE MATTER OF
APPEAL FROM THE DECISION OF THE HAINES BOROUGH PLANNING
COMMISSION DENIAL OF A TEMPORARY CONDITIONAL USE PERMIT
APPLICATION FOR DEVELOPMENT OF A HELIPORT ON LOT 10 SUNDBERG
SUBDIVISION

Appellant: Big Salmon Ventures LLC
Appellant's Representative: Scott Sundberg

Appellee: Haines Borough Planning Commission
Appellee's Representative: Julie Cozzi, Interim City Manager

Having sat to hear an appeal pursuant to Section 18.30.060 of the Haines Borough Code and held a properly noticed public hearing on the above-referenced appeal on March 11, 2014, considered all of the evidence in the record as identified in this decision and all of the additional information provided at the appeal hearing and having voted to reverse the decision of the Planning Commission, and order the Commission to issue a Conditional Use Permit with conditions the Borough Assembly of the Haines Borough adopts the following:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

FINDINGS OF FACT

1. The property involved in this appeal is Lot 10 Sundberg Subdivision located at Mile 26 Chilkat Lake Road within the boundaries of the Haines Borough ("the Property").
2. The owner of the Property is Big Salmon Ventures, LLC.
3. The Property is located in a land use district designated on the Haines Borough Zoning Map as Amended as a General Use district.
4. The Property is about 20.79 acres.
5. There is no evidence in the record that the Property is adjacent to a state-identified anadromous stream.
6. On or about January 27, 2014, Big Salmon Ventures LLC submitted an application for a conditional use permit to allow development of a commercial heliport on the Property ("the Application").
7. On January 29, 2014 the Application was accepted as complete.

8. Material in the record shows in some conditions the decibel level associated with use of the portion of the Property proposed for use as a helipad to be measured at 62 decibels at one or more points at property approximately 1100 to 1600 feet from the helipad site.

9. On February 13, 2014 the Planning Commission held a public hearing on the Application. The Commission vote on a motion to approve a temporary one year permit with conditions that are stated in the permit application was 3 yes and 4 no so the CUP application with the proposed one year permit period was denied.

10. The Commission then passed by a vote of 6-1 a recommendation that the Assembly authorize the Borough Manager to issue a temporary conditional use permit that allowed for a limited pre-approved Borough monitored number of landings all of which were to be at least 1,100 feet from the centerline of Chilkat Lake Road between the hours of 8:30 and 4:30 to gauge impacts with continued noise measurement and monitoring.

11. The Planning Commission did not prepare any written findings of fact. The Assembly has reviewed the recording of the Commission deliberations at the meeting and has determined that the main factor leading to denial of the application was noise associated with the proposed use as referenced in objections to the proposed use received from members of the public.

12. A timely appeal from the decision of the Planning Commission was filed by Big Salmon Ventures on February 18, 2014.

CONCLUSIONS OF LAW

1. The following items, in addition to those presented by Appellant and Appellee at the appeal hearing are considered part of the record of this proceeding:

Minutes and recording of 02/13 Planning Commission Meeting
Pages 42-137 of the Assembly Packet for the March 11, 2014
Assembly meeting
3/8/2014 Basford e-mail
3/8/2014 Jans e-mail

2. As the party challenging the decision of the Commission, Big Salmon Ventures had the burden of proof in establishing the permit was wrongfully denied. HBC 18.30.060(B).

3. The General Use Zoning District, as defined in HBC 18.70.090(D), is intended to allow as broad a range of land uses as possible. Any use is allowed but a conditional use permit is required for landfills, commercial power plants, cemeteries, heliports and for a hazardous

materials storage facility. HBC 18.70.030(D)(5).

4. Any property within the General Use District proposed for use as a commercial heliport in support of commercial ski tours requires a conditional use permit. HBC 18.70.030(D)(5), HBC 5.20.080(F)(14)(d).

5. The conditional use permit process is intended to evaluate proposed uses and issues of community-wide importance and subject those proposed uses 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, or designs provided certain conditions are met. HBC 18.50.010.

6. Before a conditional use may be allowed the Planning Commission must find that all of the following criteria are met:

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

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

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

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

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

F. 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.

G. 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.

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

HBC 18.50.040(A). Finding that even one of the general standards is not met requires the conditional use to be denied without consideration as to whether any of the other general standards are met.

7. The conditions to be included in the permit must be taken into consideration when determining whether the criteria for issuance of a conditional use permit have been met.

8. The denial of the CUP application with a one year time limitation but the adoption of a recommendation for issuance of a temporary conditional use permit implies that a time limitation of less than one year or the imposition of additional conditions may have been approved by the Commission. It also implies that the Planning Commission assumed the interim borough manager had the legal authority to issue conditional use permits.

9. The planning commission erred by giving undue consideration to the statements related to undue noise as opposed to the decibel information and by failing to consider fully the difference in noise impact between a one year permit and a permanent conditional use permit which contained the other conditions referenced in the Planning Commission recommendation. In particular, the Commission's apparent belief that the Borough Manager has authority to issue conditional use permits on a temporary basis is incorrect as a matter of law.

10. If the Planning Commission had incorporated its recommendations into a conditional use permit that permit would have met all eight of the standards of section 18.50.040(A). Therefore such a permit should have been granted by the Commission provided it was subject to additional conditions as set forth in these findings of fact and conclusions of law.

11. In particular, the Assembly finds that restricting the conditional use of the property as a heliport for a period expiring in one year and that is further subject to the conditions set forth in this decision results in location of a use on the property which does not generate "undue noise" as that phrase is used in HBC 18.50.040(A) and also provides "due weight" to the comments received from property owners impacted by the proposed use.

12. The Planning Commission is hereby directed to issue a Conditional Use Permit to Big Salmon Ventures, LLC for use of Lot 10, Sundberg Subdivision as a heliport with the following conditions:

- a. Duration of Period of Use. This is a temporary conditional use permit which shall commence on the date of approval and shall expire March 31, 2015.
- b. Operating Hours. 8:00 A.M. to 6:00 p.m.
- c. Only one company, designated by Big Salmon Ventures, may use the heliport.
- d. No use of Bell 212 helicopters.
- e. The following conditions proposed by the applicant are also included in the permit:

1. Fuel storage to be done in accordance with ADEC standards with a fuel spill containment program in place before operations begin.

2. Specific identified GPS flight paths after take off and landing that will create the least amount of noise and impact to nearby residences and take place over state lands to be submitted to the Borough, tracked using GPS tracking and reported in the manner required by SEABA's commercial ski tour permit.

3. Allowance of emergency use for state and federal response, medical, firefighting.

4. Up to 1 voluntary shut down of operations per month for special nearby events that would be considered a nuisance or would disturb the quality of the planned event.

13. The conditional use with the above conditions meets the standard of section 18.50.040(A)(2) because there is no evidence in the record that use of the property for a heliport for a year subject to these conditions will significantly impair the value of the adjoining property.

14. The conditional use with the above conditions meets the standards of section 18.50.040(A)(3) because the size and scale of the proposed heliport is adequately served by existing borough services.

15. The conditional use requested meets the standards of section 18.50.040(A)(5) because granting the conditional use with the conditions specified above results in a seasonal use during a fairly short window for one year which is not harmful to the public safety, health or welfare.

16. The conditional use with the above conditions meets the standards of section 18.50.040(A)(4) because; 1) a specific development scheme which is consistent and in harmony with the comprehensive plan accompanied the application and; 2) the limited temporary use allowed provides an opportunity to more objectively assess longer term impacts and noise associated with use of the Property as a heliport which is consistent with the comprehensive plan suggestion that the Borough develop a management plan and criteria for siting of heliports and ; 3) because a variety of uses with noise impacts are already permitted in the general use district.

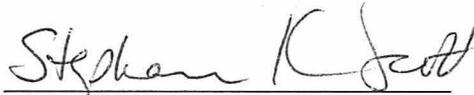
17. The conditional use with the above conditions meets the standards of section 18.50.040(A)(6) because a heliport on the Property will not cause erosion, ground or surface water contamination.

18. The conditional use with the above conditions meets the standards of section 18.50.040(A)(7) because the Assembly presumes the applicant will comply with all permit conditions. If this assumption proves incorrect the permit may be revoked as allowed by Borough code.

Wherefore, having set forth findings of fact and conclusions of law, the Borough

Assembly of the Haines Borough sitting as an appeal body under HBC 18.30.060 hereby REVERSES the decision of the Haines Borough Planning Commission denying the application for a conditional use to allow use of Lot 10, Sundberg Subdivision as a heliport and ORDERS the Planning Commission to issue a conditional use permit to Big Salmon Ventures LLC with the conditions contained above.

Duly adopted this 10th day of April, 2014.

A handwritten signature in cursive script, appearing to read "Stephanie Scott", written over a horizontal line.

Hon. Stephanie Scott
Mayor, Haines Borough

Ann Marie Fossman
River Road Lot 1
P.O. Box 532
Haines, Alaska 99827
June 19, 2015

Borough Administration Building
103 Third Avenue S
P.O. Box 1209
Haines, AK 99827

Attention: Planning and Zoning Department

Dear Planning Commission Members:

I am writing to request the speed limit on Mud Bay Road beginning and ending at the north and south intersections of Small Tracts Road be reduced to 20mph. I am also requesting the same portion of Mud Bay Road be designated a no trucking zone.

7.2.1 Haines Borough's Ten Future Growth Land Designations

The Haines Comprehensive Plan Future Growth Land Designations are:

1. Residential
2. Rural Settlement
3. Commercial
4. Industrial/Light Industrial
5. Waterfront Development
6. Park, Recreation or Open Space
7. Remote or Special Areas/Critical Habitat
8. Multiple – Recreation Emphasis
9. Multiple – Resource Use Emphasis
10. Resource Development

The boundaries or “lines” between Land Designations on the Future Growth Maps are “soft” at this scale and level of planning. Desired types of land use and growth, and preferences for how differing land values are balanced and weighted, are clear and can be captured in a distinct Land Designation. But, the location of the exact boundary between neighboring Land Designations is not precise. More site specific review of projects and zoning will be needed as questions arise. The intent is not to preclude a proposed project that is close to the boundary between two Land Designations, rather, the Planning Commission and Assembly will “step back” and consider the “big picture” intent for the area, for the Land Designation, and then the details of the project, lease or zoning request.

Residential

The Residential Land Designation is to encourage development of a healthy, safe and pleasant environment for residential living protected from incompatible and disruptive uses.

A variety of residential living is encouraged to meet all needs including single-family dwellings, duplexes, townhouses, condominiums, apartments and mobile home parks. Parks, churches and home occupations are expected in these areas. Higher density residential is desired near schools, commercial areas, and community destinations. Home businesses are expected as are bed and breakfast operations. Small pockets of neighborhood commercial development are encouraged in locations that are easily accessible to many residents and where traffic will not create conflict. In areas away from the core townsite small commercial businesses may occur. However, these areas will primarily be residential in nature. Zoning will dictate the appropriate level of mixed use development.

SR – Single Residential Zone. The intent of the single residential zone is to provide for and protect areas for low density, individual home sites and quiet residential uses. All new development in this zone should be planned to maintain and enhance the single-unit residential character of the existing neighborhood. New development areas included in this zone should be designed and developed to provide residential areas on low volume streets sheltered from other existing or proposed uses. The area is served by, or intended to have, the necessary level of public utilities and an adequate transportation system as deemed appropriate for the planned use.

REC – Recreational Zone. The intent of the recreational zone is to serve the outdoor recreational needs of the community and to provide protection for sensitive habitat areas. Included in this zone are publicly owned lands planned for recreational use. The recreational zoning designation may be applied to conservation easements and privately owned open space as requested by the owner. Lands zoned as recreational may include areas specified for buffers and greenbelts designed for walking, hiking and biking on maintained trails, or stream-bank riparian habitat. Motorized use may be prohibited by ordinance in specific areas. Haines Borough also recognizes the rights of private land owners to use their land without undue restriction.

RMU – Rural Mixed Use Zone. 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.

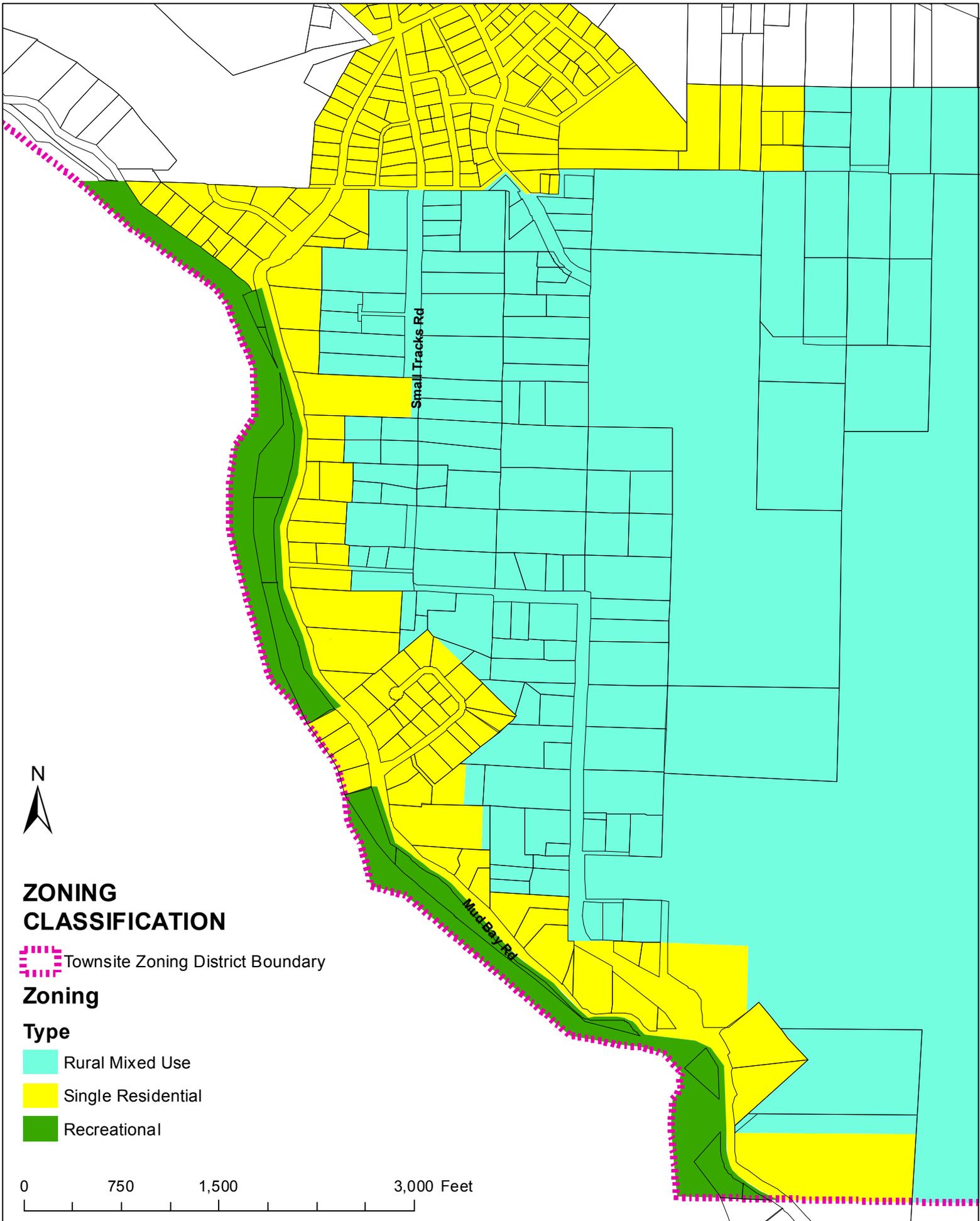
The majority of Small Tracts Road is zoned Rural Mixed Use. The portion of Mud Bay Road is zoned Single Residential. The Chilkat River frontage portion of Mud Bay Road is zoned Recreational with the dividing line from the center of Mud Bay Road.

Thank you for considering this request.

Sincerely,


Ann Marie Fossman

cc: Xi Cui "Tracy", Kathy Friedle, Dave Sosa, Julie Cozzi



Please Support this request

Sign the enclosed and deliver it to the Haines Borough office by Wednesday July 8th by 5:00 p.m.

Or plan to attend the Planning Commission Meeting Thursday July 9th at 6:30 p.m.

D. Other New Business:

- 1. Lowering Speed Limit on Mud Bay Road – Discussion Item –** This item is up for discussion at the request of Ann Marie Fossman. Mud Bay Road is a state-maintained road. As a local government, the Borough does not have authority to reduce the speed limit. However, the management of speed through appropriate speed limit is an essential element of transportation planning. As the sole planning body of the Borough, the commission has the authority to weigh in to this petition at the request of local residents.

I Support this request:

Laura Huff	Name	<u>Laura B. Huff</u>	Physical address	<u>908 Mud Bay Road 1.5 Mile Mud Bay Rd.</u>
Lyle Huff	Name	<u>Lyle Huff</u>	Physical address	<u>908 Mud Bay Rd. 1.5 mile Mud Bay Rd.</u>
Kathryn Friedle	Name	<u>Kathryn Friedle</u>	Physical address	<u>507 Mud Bay Rd.</u>
John Brower	Name	<u>John Brower</u>	Physical address	<u>507 Mud Bay Rd.</u>

Please Support this request

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I Support this request:

Name Ivanca Jones Physical address 572 mudbay Road
Name patrick McMullin Physical address 572 mudbay Road
Name _____ Physical address _____
Name _____ Physical address _____

RECEIVED
JUL 07 2015
HAINEB BOROUGH

Please Support this request

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RECEIVED
JUL 07 2015
HAINES BOROUGH

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I Support this request:

Name Kathleen Menke Physical address 515 Mud Bay Rd.

Name _____ Physical address _____

Name _____ Physical address _____

Name _____ Physical address _____

This road is a high use walking & recreation for kids, dogs, families; bicycles use this road as do school bicycling + cross-country track teams. Residential area with lots of driveways.

I support a 25 mph speed limit uphill + downhill from Mtn. Market to the Carr's Cove intersection rejoining Small Tracts

Current posted limits are inconsistent - 25 mph downhill from Tower Rd. to Mtn. Market

35 mph (very dangerous blind dip) uphill from ^{bad for folks making left turn from Mud Bay} across from Moore's/Holmsted/Budke houses to blind intersection Small Tracts + Mud Bay 30 mph Mud Bay below intersection with Small Tracts

Please Support this request

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I Support this request:

Name LINUS PLATT  Physical address 525 MUD BAY RD

Name _____ Physical address _____

Name _____ Physical address _____

Name _____ Physical address _____

I BELIEVE THE SPEED LIMIT
OUGHT TO BE CONSISTANT
FROM MT MARKET TO THE
CARR'S COVE @ 25-30 MPH...

Please Support this request

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I Support this request:

Name *Elyse G. Holgate* Physical address *940 Mud Bay Rd.*

Name _____ Physical address _____

Name _____ Physical address _____

Name _____ Physical address _____

RECEIVED
JUL 07 2015
HAINES BOROUGH

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I Support this request:

Name *Ann Marie Fossman* Physical address *6 mile mud bay road*

Name *Kyle Fossman* Physical address *6 mile mud bay road*

Name *Steve Fossman* Physical address *Lot 1, River Road*

Name _____ Physical address _____

RECEIVED
JUL 08 2015
HAINES BOROUGH

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I Support this request:

Name Sid Moffatt Physical address 1 mi Mud Bay

Name John White Physical address 1 mi mud Bay

Name _____ Physical address _____

Name _____ Physical address _____

RECEIVED
JUL 08 2015
Haines Borough

Please Support this request

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I Support this request:

Name Penny Fossman Physical address 633 Mud Bay Rd.

Name Wade P. A. Physical address 633 Mud Bay Rd

Name _____ Physical address _____

Name _____ Physical address _____

RECEIVED
JUL 09 2015
HAINES BOROUGH

Xi Cui

To: Epstein, David B (DOT)
Subject: RE: Re: Mud Bay Road email to Rob Campbell

From: Epstein, David B (DOT)
Sent: Friday, August 07, 2015 1:25 PM
To: 'snamf@aptalaska.net'
Subject: Re: Mud Bay Road email to Rob Campbell

Dear Ms. Fossman:

I have been asked by our Regional Director, Rob Campbell, to briefly address your July 30 email regarding Mud Bay Road speed.

The five signs on Mud Bay Road are warning signs. They do not represent DOT's belief that the speed limit must be lowered.

Warning signs are posted to call attention to unexpected conditions on or adjacent to the roadway, as well as situations that might not be readily apparent to road users (e.g., 9% grade ahead; school bus stop ahead, etc.).

Warning signs alert road users to conditions that *might* call for a reduction of speed; it is left to the road user to decide whether or not to slow down.

Warning signs are not used to control speed or justify a speed zone modification.

Speed zones are established or changed on the basis of detailed engineering study. A request to study Mud Bay Road would properly come from Haines Borough.

Please contact me if you have further questions.

Sincerely,

David B. Epstein, P.E.
Regional Traffic and Safety Engineer
Alaska DOT&PF – Southcoast Region
907-465-4483 office / 907-209-7995 cell
Email: david.epstein@alaska.gov



Alaska Department of Transportation & Public Facilities

Speed Limit Policy and Procedures in Alaska

David Epstein, P.E., Regional Traffic and Safety Engineer, Southcoast Region

August 13, 2015



DOT Policy and Procedure 05.05.020

 <p style="text-align: center;">STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES</p> <p style="text-align: center;">Policy and Procedure</p>		POLICY AND PROCEDURE NUMBER 05.05.020	PAGE 1 of 14
		EFFECTIVE DATE September 3, 2013	
SUBJECT Establishment of Speed Limits and Zones		SUPERSEDES 05.05.020	DATED July 6, 2012
CHAPTER Design and Construction	SECTION Highways	APPROVED BY 	

PURPOSE

This formalizes the policy and procedure (P&P) of the department on establishing speed zones and setting safe and uniform speed limits.

POLICY

It is the policy of the department to establish speed limits in accordance with applicable statutes and regulations.



Alaska's Speed Limit Policy

- Incorporates pertinent provisions of Alaska Statutes and Alaska Administrative Code
 - Defines **regulatory maximum speed limits** and **speed zones** (a road segment where posted speed limits differ from regulatory maximums).
 - Sets forth the process for conducting speed studies and determining appropriate speed limits based upon study results.



Regulatory Maximum Speed Limits

- **Regulatory maximum speed limits** are in effect on roadway segments that have not been subjected to speed studies and lack speed limit orders.
- There are four regulatory maximum speeds in Alaska:
 - 15 miles per hour in an alley;
 - 20 miles per hour in a business district;
 - 25 miles per hour in a residential district; or
 - 55 miles per hour on any other roadway.
- Regulatory maximum speed limits are in effect except where speed limit orders establishing different limits have been completed and those limits have been posted.



Speed zoning: more than just putting up signs





Time for an explanatory video!

- Maine DOT has produced [a video](#) explaining their speed zoning policy.
- It is very similar to Alaska's.
- It's more entertaining than listening to me!



Establishing speed zones

- **Data-driven process**
- Several factors are considered when establishing speed zones:
 - The speed that drivers are driving (“85th percentile”). Determined by speed study.
 - Presence of “statutory conditions” (AS 19.10.072)
 - Police enforcement of traffic speed
 - Crash history
 - Roadway features



What happens after the 85th percentile speed is determined?

- The results of a speed study are presented in statistical form (bell curve) and the 85th percentile speed is determined.
- Absent other conditions, a speed zone is established at the 5-mph incremental speed nearest the 85th percentile speed.
- Example: an 85th percentile speed of 46 mph would result in a 45-mph speed zone.



Alaska Statute on speed limits and zones

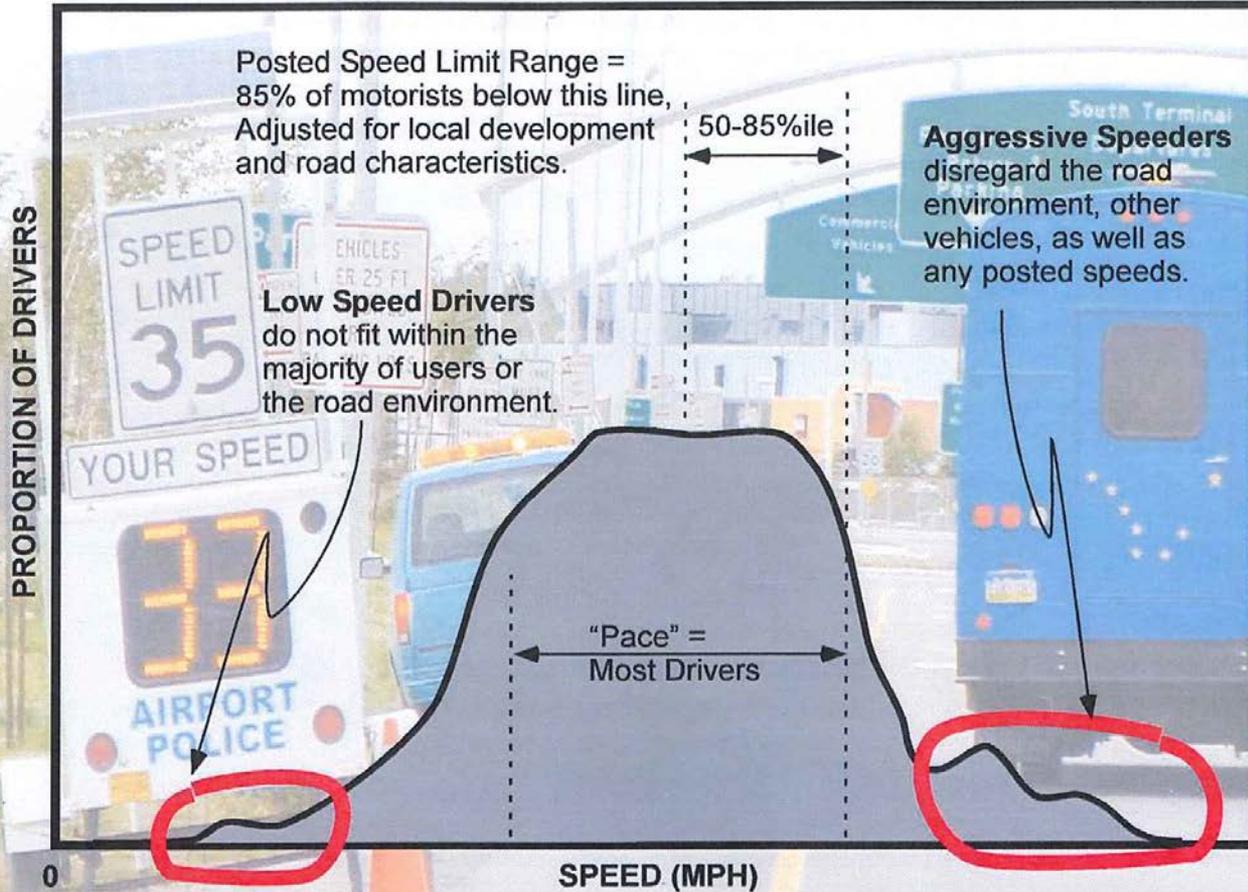
AS 19.10.072, Procedures For Determination of Speed Limits and Zones.

(a) In determining safe speed limits and safe speed zones, the department shall consider the following factors in the order of priority listed:

- (1) neighborhood safety, including the presence of children and pedestrian traffic;
- (2) the presence of schools, houses, parks, and crosswalks;
- (3) the presence of driveways, parked vehicles, and multiple turn locations;
- (4) that speed at which safe and prudent drivers could pass through the speed zone; and
- (5) the effectiveness of local enforcement of the speed zone.

- Per state policy, a significant crash history may also be a consideration.
- These factors can result in an adjustment of the speed limit from the 85th percentile speed, but not below the median speed of the pace.

TYPICAL SPEED DISTRIBUTION OF TRAFFIC ON MOST ROADS



Source: State of Alaska, DOT/PF Jun 1, 2012
Department of Transportation and Public Facilities

Optimum posted speeds have the greatest percentage of traffic operating within a 10 MPH band (pace). A majority of motorists are commonly reasonable and prudent drivers who react to the road environment. Posted speeds accurately reflect reasonable and prudent driver observation, road character and activity. Average speeds are the minimum posted speed when adjusting for local conditions (DOT/PF Policy). Posting too low creates greater speed differential and thus more safety conflicts. Red areas are candidates for other solutions, including education, enforcement, traffic devices, or new road designs to meet demand, such as alternative routes to segregate traffic uses.



Real-world example of a speed study and interpretation

Speed	Number	Pace	Median
20-21	9		
21-22	19		
22-23	8		
23-24	8		
24-25	16		
25-26	10		
26-27	22		
27-28	16	16	16
28-29	38	38	54
29-30	59	59	113
30-31	37	37	150
31-32	81	81	231
32-33	30	30	261
33-34	82	82	
34-35	72	72	
35-36	26	26	
36-37	39	39	
37-38	14	480	
38-39	22		
39-40	21		
40-41	2		
41-42	8		
42-43	3		
43-44	0		
44-45	1		

Speed (mph)	Number in Sample
20-21	9
21-22	19
22-23	8
23-24	8
24-25	16
25-26	10
26-27	22
27-28	16
28-29	38
29-30	59
30-31	37
31-32	81
32-33	30
33-34	82
34-35	72
35-36	26
36-37	39
37-38	14
38-39	22
39-40	21
40-41	2
41-42	8
42-43	3
43-44	0
44-45	1

665 total samples; 22 outliers truncated			
Median of pace occurs at sample no. 240			
Corresponds to 32.3 mph			



Public involvement

Per AS 19.10.072(b):

- In determining safe speed limits and safe speed zones within a municipality, the department shall consult with that municipality.
- The department shall provide notice and opportunity for a hearing before establishing a speed limit or speed zone other than as recommended by a municipality, community council or other community organization.



In closing

- The segment of Mud Bay Road in question has a 30 mph design speed, and is posted at that speed.
- The speed at which most drivers are likely to feel comfortable driving, aka “the reasonable and prudent speed” or the 85th percentile speed, is determined by conducting a speed study.
- A speed study is performed at the request of local government.
- A speed study has three possible outcomes:
 - A lower speed limit;
 - No change;
 - A higher speed limit
- If a speed study validates the 30 mph speed limit:
 - a reduction below 30 mph could result in unintended and undesirable consequences, i.e., more speeders; a tougher job for law enforcement; less compliance with other signs; more crashes.
 - it is not likely that a reduction would be implemented.



Questions?

David Epstein, P.E.

Regional Traffic and Safety Engineer – Southcoast Region

david.epstein@alaska.gov

(907) 465-4483

HAINES BOROUGH, ALASKA **Draft**
SUBSTITUTE ORDINANCE No. 15-01-398

AN ORDINANCE OF THE HAINES BOROUGH AMENDING HAINES BOROUGH CODE TITLE 18 SECTION 18.60.020(H) TO CLARIFY THE TERMS OF TEMPORARY RESIDENCES AND AMENDING HAINES BOROUGH CODE TITLE 18 SECTION 18.20.020 TO DELETE REFERENCE OF CAMPGROUND AS TEMPORARY RESIDENCE

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

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

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

Section 3. Effective Date. This ordinance shall become effective immediately upon adoption.

Section 4. Purpose. This ordinance amends Title 18 Section 18.60.020(H) to clarify the terms of temporary residences and Title 18 Section 18.20.020 to delete reference of campground as temporary residence.

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

18.60.020 Specific approval criteria.

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

...

H. Temporary Residence. Persons desiring to place a temporary residence, or a trailer or mobile home **or motor home or RV** outside of a mobile home or RV park **in the townsite service area** for a temporary or interim occupancy **over 30 days**, shall apply for a temporary residence permit. ~~Permits for seven days or less will be at no charge and will not require connection to or payment for public water and sewer. Temporary residences remaining over 30 days will require a land use permit and where applicable, the standard monthly water and sewer charges will be levied, except by prior arrangement with the borough.~~ **The intent of a temporary residence permit is to allow a temporary structure for residential use. This means one trailer, RV or mobile home may be occupied during construction of a permanent structure. A temporary residence permit may be granted if all of the following requirements are met:**

1. A valid permit for the permanent structure must be in effect during the entire time that the temporary dwelling is located on the site;

2. A trailer, RV or mobile home used as a temporary dwelling during the construction of a permanent structure must be located on the same lot or parcel;

3. The temporary dwelling must be transported to a sanitary dump station as needed to empty gray water and toilet waste tanks, be connected to public water and sewer if applicable, or be serviced by an approved DEC on-site wastewater system;

4. The temporary dwelling must meet the same setbacks applicable to permanent structures;

5. Temporary residence permits may be granted for a period of one year. One six-month extension of the temporary residence/trailer permit may be granted by the planning commission as long as the developer is complying with all requirements. Any temporary residence, trailer, recreational vehicle or mobile home being occupied by a person must be connected to public water and sewer and may be required to connect to the local electrical service. Garbage disposal facilities are required. A minimum of one off-street parking space will be required for a temporary residence.

6. The area surrounding the temporary residence/trailer shall be kept in a clean and sanitary condition.

Exception: a temporary residence may be occupied on public or private property located outside of a mobile home or RV park while remodeling or repairing the interior of an existing permanent structure. Any applicable requirements under this subsection shall apply.

18.20.020 Definitions – Regulatory

“Campground” means a private or publicly owned use which includes two or more campsites that are located, established or maintained for rent or public use for temporary occupancy of not more than three months ~~and in compliance with HBC 18.60.020(H)~~ by any tent, camper, travel trailer, recreational vehicle, cabin or similar building for recreation, vacation, educational or rehabilitation purposes.

HAINES BOROUGH, ALASKA **Draft**
ORDINANCE No. xx-xx-xxx

AN ORDINANCE OF THE HAINES BOROUGH AMENDING HAINES BOROUGH CODE TITLE 18 SECTION 18.60.010(I) AND 18.100.092(A) TO KEEP CONSISTENCY WITH THE STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION (DEC) ON-SITE WASTEWATER REGULATIONS.

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

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

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

Section 3. Effective Date. This ordinance shall become effective immediately upon adoption.

Section 4. Purpose. This ordinance amends Title 18 Section 18.60.010(I) and 18.100.092(A) to keep consistency with the State Department of Environmental Conservation (DEC) on-site wastewater regulations.

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

18.60.010 General approval criteria.

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 ~~written Department of Environmental Conservation (DEC) approval of the on-site wastewater system design~~ **plans drawn by a licensed engineer 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 a ~~DEC approved inspector~~ **licensed engineer or 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.

18.100.092 Requirements prior to final plat approval

A. Utilities.

1. Water and Sewer. The subdivider, at the subdivider's own expense and prior to final plat approval, in accordance with the approved preliminary plat, shall construct, per borough specifications, all water and sewer utilities to service each lot individually within the subdivision to be created. The subdivider may elect to provide performance and payment bonding as allowed in HBC 18.100.125 in order to have authorization to proceed to a final plat procedure.

2. When, in the opinion of borough staff, no public sanitary sewer and/or water service is available within 200 feet of any exterior property line of a new subdivision in which all lots are one acre or larger in area, the developer may request an exemption from the requirements to connect to 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 plat note must be placed on the plat stating that public water and/or sewer are not available to the subdivision and that all future property owners in the subdivision must provide ~~written Department of Environmental Conservation (DEC) approval of their on-site wastewater system design~~ **plans drawn by a licensed engineer or a state certified septic system installer** prior to a land use permit being issued. Upon installation and before closure, the wastewater disposal system must be inspected and approved by a ~~DEC-approved inspector~~ **licensed engineer or state certified septic system installer**.

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

Xi Cui

To: Rob Goldberg
Subject: RE: Documentation of Conventional Onsite Wastewater System Installations

From: Rob Goldberg [mailto:artstudioalaska@yahoo.com]
Sent: Friday, June 19, 2015 1:33 PM
To: David Sosa
Cc: Xi Cui; Brian Lemcke
Subject: Re: Documentation of Conventional Onsite Wastewater System Installations

Hi Dave,

Thanks for following up on this. The Planning Commission does not want to make local contractors wait for approval from a state agency. That can take many months, and they would all soon be out of business. I would suggest that the code requirement be changed to allow approval with the submission of a wastewater treatment design from a licensed engineer or certified installer.

Thanks.

Rob

Rob Goldberg and Donna Catotti
Catotti and Goldberg Art Studio
PO Box 1154 Haines, AK 99827 USA
907-766-2707
artstudioalaska.com

From: David Sosa <dsosa@haines.ak.us>
To: Rob Goldberg <artstudioalaska@yahoo.com>
Cc: Xi Cui <xcui@haines.ak.us>; Brian Lemcke <blemcke@haines.ak.us>
Sent: Friday, June 19, 2015 10:44 AM
Subject: FW: Documentation of Conventional Onsite Wastewater System Installations

Rob,

We have been in a good conversation with DEC on a permit requested by Mr. Stickler.

Long story short: Code requires that no construction start without DEC approval of the septic system. DEC states the Statute was changed years ago and that they do not provide approval for cases like this but they know the system designed by Mr. Joiner is likely good for the intended use.

I have directed Tracy to issue a permit to Mr. Stickler based off of the conversation with DEC. We will do a bit more research and have a code revision prepared for the next PC meeting. I have a teleconference with DEC on the 23rd to discuss this and other issues.

Cheers,

Dave

From: McCabe, Gene C (DEC) [<mailto:gene.mccabe@alaska.gov>]
Sent: Friday, June 19, 2015 9:56 AM
To: Xi Cui
Cc: Bill Joiner; jgstickler@gmail.com; David Sosa; Brian Lemcke
Subject: RE: Documentation of Conventional Onsite Wastewater System Installations

Hi Tracy, thanks for your e-mail.

I did a little digging, and since at least 1997, the Department has codified a provision to install conventional onsite systems by professional engineers, certified installers, and certified homeowners in specific conditions without prior Department approval for single family homes. I acknowledge that a majority of sites in Southeast Alaska may not be suitable for these types of conventional systems, and if they are not, then an engineering plan review is required. This may have contributed to the undocumented rule of thumb that all southeast systems require plan review prior to construction and that conventional systems are not authorized. I am, however, just speculating as to how this premise has become so entrenched in Southeast Alaska without a printed regulatory basis.

So, I can confirm that there exists a subset of possible system installations in Southeast Alaska that the Department would not, and does not, review or approve prior to construction which is completely consistent with our regulations since at least 1997. In our current regulation (last amended April 8, 2012), there is no geographical restriction on where this program is applicable, hence it is applicable statewide as long as all of the site specific conditions are met. I have searched for any official Department policy on restricting access to the 18 AAC 72.035(d) installation process, and can find none. I have to conclude from this that it is inappropriate for my program to restrict any qualified person from participating in a regulatory process if they meet the requirements of 18 AAC 72.035(d). I also have to conclude that if an installation is qualified under 18 AAC 72.035(d) without plan review, that the system should be installed in that manner and would not be subject to plan review to accomplish ancillary functions such as real estate transaction support, etc.

The Department does not make a determination if a project meets the prescriptive requirements of 18 AAC 72.035(d) prior to construction. This determination is conducted by the regulated professional community (engineer, installer or trained homeowner). Since it appears you have a member who is specifically authorized by the Department to make that determination, and they appear to be following published regulation, my only recommendation would be to accept their determination and provide a variance to the Borough code. I agree, the Borough code does seem to be inconsistent with the Department's published regulation. Of course, the Borough could stipulate its own, more stringent, requirements above the Department, but it would bear the responsibility of executing those requirements itself.

We have a telecon to discuss these very issues with David Sosa at 1pm on June 23. I am actually very encouraged to be having this level of discussion with local government. I strongly encourage all Borough and City governments to take the same care in responsibly managing onsite systems as Haines is demonstrating. Once you peel back the onion, most local governments determine that managing onsites in the building permit process is necessary and is more efficiently handled at the local level than at the State level. At our telecon next week, we can expand the discussion to include future options for Haines and potential paths forward. I recommend holding off on initiating code reform until that meeting takes place so we can outline the multiple, and extensive, options available to Haines.

Thanks again for your interest, and I look forward to working together with Haines to develop a rational and meaningful management strategy for onsite systems! If you have any questions, please don't hesitate to contact me at 269-7692.

Gene

Gene McCabe

Section Manager
Department of Environmental Conservation
Division of Water
Wastewater Engineering Support & Plan Review Section
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(907) 269-7692

From: Xi Cui [<mailto:xcui@haines.ak.us>]
Sent: Thursday, June 18, 2015 4:43 PM
To: McCabe, Gene C (DEC)
Cc: Bill Joiner; jgstickler@gmail.com; David Sosa; Brian Lemcke
Subject: FW: Documentation of Conventional Onsite Wastewater System Installations

Dear Mr. McCabe:

My name is Tracy Cui, the Planning and Zoning Tech at the Haines Borough. Recently the Borough received a building permit application from property owner Mr. James Stickler for the construction of a single family residence. The proposed site is beyond the Borough public sewer system. Per Haines Borough Code 18.60.010(I), "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... If exempted from the requirement to connect to public utilities, a developer must provide written Department of Environmental Conservation (DEC) approval of the on-site wastewater system design prior to permit approval. Upon installation and before closure, the wastewater disposal system must be inspected and approved by a DEC-approved inspector".

I spoke with the engineer Mr. Bill Joiner, and he forwarded the following email correspondences regarding this matter. It appears that installation of a conventional system does not need a plan approval, per 18 AAC 72.035(d). However, a "DOCUMENTATION OF CONSTRUCTION" must be completed and submitted to DEC within 90 days of completing the construction of the septic system. Currently Mr. Stickler's building project is put on hold due to lack of "DEC approval of the on-site wastewater system design". In order to resolve this, it will be very helpful to obtain a letter/statement from DEC stating the proposed system meets the requirements set forth in 18 AAC 72.035(d), which allows the system to be installed without prior plan approval by DEC.

Additionally, this would require a code amendment. Apparently the existing Borough code is inconsistent with DEC regulations. Could you please provide us with the regulatory requirements for onsite wastewater systems, so we can refine our code to keep the consistency with state regulations.

Sincerely,