



Haines Borough
Planning Commission Meeting
January 19, 2012
MINUTES

Adopted

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**, Roger **Maynard**, Donnie **Turner**, and Danny **Gonce**. **Absent:** Robert **Venables**.

Staff Present: Mark **Earnest**/Borough Manager, Sarah **Jaymot**/Temporary Office Assistant,
Also Present: Adam **Richard**/KHNS, Krista **Kielsmeier**/CVN, Joanne **Waterman**/Assembly Liaison, Stephanie **Scott**/Borough Mayor, Sue **Waterhouse**, George **Campbell**, Maria **Paquet**, Floy **McDowell**, John **Hunt**, Debra **Schnabel**, A. **Roland**, Dianne **LaCourse**, Nicholas **Szatkowski**, Erika **Merklin**, Gabriella **Corona**, Mario **Benassi**, Scott **Sundberg**, Nick **Trimble**, Bill **Kurz**, Libby **Kurz**, Christopher **Brooks**, and Daniel **Bruce** (via teleconference).

3. **APPROVAL OF AGENDA**

Motion: **Heinmiller** moved to “approve the agenda,” and it was amended to add under 10D2, Community Center RFQ Committee Appointment. The motion carried unanimously.

4. **APPROVAL OF MINUTES** – None

5. **PUBLIC COMMENTS:**

Goldberg opened the meeting to public comment clarifying that the heliport and rezoning are two separate issues and now would be the time to discuss them. **Goldberg** also emphasized that he did not want to limit comments to three minutes but asked the public to be brief and to conduct a civil discussion.

Hunt thanked all commissioners for their time, singling out **Heinmiller** for many years of chairing and welcomed Rob as the new chair.

Szatkowski said the application for rezoning had not been decided on yet and suggested any conclusions about the area should not be made until that application has been fully processed and decided upon.

Paquet stated that she is in favor of SEABA, against rezoning and asked the commission for the status of the rezoning effort.

Schnabel asked whether the commission would be discussing Front/Beach Road, (**Goldberg** confirmed).

Sundberg pointed out that discussion is not formerly addressing “heliports” and explained that the proposed Devils Elbow and Chilkat Landing sites are not viable business options as they do not have power, and silt from the Tsirku River makes safety an issue. He also said he feels that these options would be more intrusive to the neighborhood including Covenant Life Center property and gravel mining. **Sundberg** explained that he felt that the current proposal is more community friendly.

6. **CHAIRMAN’S REPORT**

Goldberg stated that many items, including the classification of the primary school property had been moved in order to address SEABA’s Conditional Use Permit request. He also informed the commission that Community Waste Solutions was being represented by Burl Sheldon and has approached the borough to purchase the land around the landfill.

7. STAFF REPORTS:

Earnest explained that he and Goldberg have made many edits and created a substitute Picture Point Park ordinance.

During Discussion, **Goldberg** clarified that two-thirds of an acre of tideland is what is being discussed and the substitute ordinance will be presented to the Assembly. **Campbell** raised issue over snow storage not being allowed on mitigated wetlands. **Turner** clarified that the snow storage is being held at the lot closer to the ferry terminal and the mitigated lands are part of the lot nearest to town.

Motion: **Hedden** moved to “send the ordinance to the assembly as written,” the motion carries unanimously.

8. PUBLIC HEARINGS

A. SEABA, INC, - Conditional Use Permit Application – Heliport

SEABA representative **Sundberg** clarified that the property at 26 mile is “use by right” and was a part of the decision to purchase it. He said they have made attempts to establish a heliport in 2005 and 2008. **Sundberg** explained that HBC Title 5 has changed but under HBC Title 18 land owners have developer rights. He also explained that he sees heliports as transportation which he calls a normal neighborhood noise and pointed out that Chilkat Guide Tour buses, logging and mining equipment that regularly use the road. **Sundberg** read a written statement addressing the Borough Manager’s written recommendations to the Planning Commission. This document has been included in the public record.

Corona explained that she is the closest property owner, but wasn’t identified in SEABA’s written statement and felt it should be re-written to reflect more accurately the facts.

Trimble explained that neighboring property owners were not left out intentionally; rather those that had previously verbally supported SEABA were not mentioned because of support or neutrality on the proposed heliport.

LaCourse explained that she had already submitted a letter, but that she had further thoughts and read her additional statement explaining that she feels air space to be public and the noise created by the proposed SEABA heliport would have impacts grander than what SEABA is indicating. Additionally, she feels there is not enough evidence to support the approval of the Conditional Use Permit (CUP).

Merklin expressed opposition to the proposed heliport explaining concerns over fuel storage and spills and the potential for contaminated springs and marshlands in the event of uncontained spills. She also said that she feels that there are fewer impacts at the 18 and 33 mile heliports. Additionally, she expressed concern that if SEABA is granted the CUP then their competitors who also own property in the adjacent area will also want their own heliport.

McDowell said she has been a property owner in the general vicinity for over thirty years and wants to see area stay the quiet residential neighborhood that she and others have invested in over the years. Additionally, she said that she is also worried that impacts from potential fuel spillage would affect fish and water tributaries leading into the Bald Eagle Preserve. She pointed out that SEABA has been trying to put a heliport at 26 mile since 2002 and the neighborhood has spent that much time fighting it. She urged the Commission not to grant the CUP.

Benassi expressed his concerns to the proposed heliport citing the many impacts it will have on wildlife. He said the proximity to the Bald Eagle Preserve would have an impact

on the eagles as well as wolverines and bears. He also said there are many proven studies done in the Chugach National Forest that outlines the adverse impact of helicopters on wildlife.

Kurz said that this is Alaska, where many have come to escape down south, and urged the Commission to grant the CUP to SEABA.

Waterhouse read a letter from Keith Keizer, a property owner at 26 mile, in support of SEABA and their proposed heliport. She also said that she is a property owner in Haines and welcomes the economic growth that SEABA is bringing.

Szatkowski said that it has been established in law that a CUP cannot infringe on other property owners' rights. He said he feels that the noise created with the heliport would infringe on his and other surrounding property owners' right to quiet. He also stated that the heliport is not necessary for SEABA to conduct their business as they have been thriving and growing in their operation for the last decade.

Hunt said he is previously on record, and continues to oppose a heliport at 26 mile. He said that 26 mile is becoming a neighborhood, not unlike the Mud Bay neighborhood that has successfully restricted heliport use.

Schnabel stated that she believes there are positive benefits to a public heliport. She asked whether every company is going to be allowed their own heliport. She said she is in support of growth in this industry, and urges the Commission to be creative in granting a CUP as they can put whatever conditions on it that they deem applicable.

Campbell stated that he is the new owner of 18 mile property/heliport and welcomes the use. He explained that 26 mile was traditionally developed for commercial use (mining/logging) not residential. He pointed out that homeowners are exempt from regulations on fuel storage but that commercial use is much more regulated. He also pointed out that noise comes from many places, commercial and industrial and that Juneau has the largest heliport in the Nation and there is no lack of wildlife, including eagles nesting right on the runway. He said that 26 mile will reduce impacts to homeowners overall.

Brooks said he has lived at 26 mile for a long time, an adjoining property owner to SEABA, and strongly encourages the Commission to approve the CUP.

Sundberg clarified that SEABA only wishes to use the heliport during their approved season, and to date their busiest year has reached 108 hours of accumulative noise.

Merklin said she does not feel that she has heard sufficient evidence that SEABA has in place a fuel spill containment plan. She also said that that she supports SEABA and does not want to prevent their expansion as a business, but does not want a heliport at 26 mile where she and the other property owners are living out their dreams.

Benassi said that there is a lot of scientific data on wildlife impacts and that anyone just needs to look it up.

Corona clarified for the record that she is the closest property owner to proposed heliport and that she supports SEABA as a business but not the heliport at 26 mile.

Szatkowski said the noise pollution makes it so SEABA clearly does not meet the eight criteria required for granting the CUP, that he supports business and supports the neighborhood.

Goldberg closed public hearing at 9:05pm and called a 5 minute recess.

Motion: **Gonce** moved to "approve the SEABA's conditional use permit," and it was seconded

During discussion, it was pointed out that the Commission is not a court of law and must rule based on the eight criteria outlined in code. Noise impacting the community, the

borough selling land as residential and then allowing a heliport, other industrial uses in the area, and addressing rezoning in the future were topics discussed. Additionally, Commission responsibilities, public testimony, the airport being the safest option for a heliport, and the borough managers recommendations were topics discussed. It was pointed out that additional conditions could be placed on the CUP.

Primary Amendment #1: Maynard moved to “Approve conditions set out in SEABA’s CUP; fuel storage in compliance with State Department of Environmental Conservation standards, development of a spill containment plan, specific approaches should be over public lands, not over residences and not less than 500ft over buildings, and time limit on CUP up for renewal in two years time,” and it was seconded. The primary amendment carried with **Goldberg** and **Heinmiller** opposed.

Primary Amendment #2: Gonce moved to “limit the amount of fuel storage on site for helicopter use to less than 1,000 gallons,” and it was seconded. The primary amendment carried with **Goldberg** and **Heinmiller** opposed.

The main motion failed with **Goldberg**, **Heinmiller** and **Gonce** opposed.

9. UNFINISHED BUSINESS - None

10. NEW BUSINESS

- A. Historic District/Building Review – None**
- B. Haines Borough Code Amendments – None**
- C. Project Updates – None**
- D. Other New Business**

1. Front Street – Beach Road Intersection

Turner said he would like to see rolled curbs with the addition of rebar so that snow plowing does not immediately rip up the brand new sidewalks. He also said that some sort of french drain connecting with storm drains should be installed to address the water drainage issue. **Heinmiller** also pointed out the importance of addressing the water drainage problem that essentially glaciates the road every winter. **Schnabel** said she is worried that twelve feet of fill is a lot and would like to request that the project is done conscientiously and maybe done to match the work at the PC dock, and if it gets terraced she would like to request natural vegetation rather than hydro seed. **Campbell** said that the DOT has started using natural vegetation and recently has made some projects in Juneau very aesthetically pleasing. **Schnabel** made a formal request that during conceptual design the old road bed was removed and not just filled over. **Goldberg** said he would take the points on drainage, removal of old road bed, rolled curbs with rebar, and native replanting to the Assembly for approval of comments to be sent to the DOT by their requested date of February 1.

2. Community Center RFQ Committee Appointment

Goldberg volunteered to sit on this committee as the Planning Commission representative and there were no objections.

11. COMMISSION COMMENTS - None

12. COMMUNICATION

13. SET MEETING DATES – The next Regular Planning Commission meeting was scheduled for 6:30 p.m. on Thursday, February 9th and the next Comprehensive Plan Update meeting was scheduled for 6:00 p.m. on Thursday, February 2nd.

14. ADJOURNMENT– 10:05 p.m.