



Haines Borough
Planning Commission Meeting
February 13, 2014
MINUTES

Approved

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 Don **Turner III**, Lee **Heinmiller**, Robert **Venables**, Danny **Gonce**, Heather **Lende** and Andy **Hedden**.

Staff Present: Carlos **Jimenez**/Director of Public Facilities and Tracy **Cui**/Planning & Zoning Technician III.

Also Present: Scott **Sundberg**, Kim **Sundberg**, Margaret **Friedenauer**, Nick **Trimble**, Chris **Nagy**, Shanah **Kinison**, Lee **Nash**, Erika **Merklin**, Shawn **McNamara**, Becky **Hunt**, Tim **Ward**, Thom **Ely**, James **Sage**, John **Floreske**, Ken **Waldo**, Bill **Kurz**, and Debra **Schnabel** (Liaison), etc.

3. **APPROVAL OF AGENDA**

Motion: **Turner** moved to “approve the agenda”. **Heinmiller** seconded it. The motion passed unanimously.

4. **APPROVAL OF MINUTES** – January 9, 2014 Regular Meeting Minutes

Motion: **Venables** moved to “approve the January 9, 2014 Regular Meeting Minutes.” It was amended to add “in a defined period of time” in the end of the second paragraph of 10B1. **Gonce** seconded it. The motion passed unanimously.

5. **PUBLIC COMMENTS** – None

6. **CHAIRMAN’S REPORT**

Goldberg said he would like to talk about some draft ordinances that were recommended to the Assembly. The “construction declaration” ordinance was passed, and it will become effective on May 1, 2014. However, the “setback regulations in general use zone” ordinance was sent back to the commission.

Schnabel said there is a concern from the Assembly. Establishment of a setback ordinance is identified as a regulation, and regulations need to be enforced. However, enforcement of a setback regulation in general use zone may become a problem because currently the Borough does not have land use permit applications in general use zone. She would like to work with the Planning Commission to address this concern.

Schnabel said she has a few more things to report to the commission. The Mayor requested the Planning Commission appoint a chairman for the Downtown Revitalization Committee (DRC). In addition, she said there are several construction projects coming up this summer, such as 3rd Ave construction project. The Assembly would like the Planning Commission to review and comment on those projects.

7. **STAFF REPORTS**

- A. **Planning & Zoning Report**

Cui reported recent permitting and enforcement activities.

8. **PUBLIC HEARINGS**

A. **Scott Sundberg – Heliport Conditional Use Proposal**

Goldberg read the Borough Interim Manager's recommendation letter to the audience. The recommendation is to grant a short duration permit of one year be considered to provide a trial period.

Before opening the public hearing, **Goldberg** said this conditional use proposal is for the installation of a heliport at 26 mile; all the other proposed activities, such as lodges, accommodations, and snow cats, in this permit application are allowable uses as "use by right" under the Borough code. The issue is whether or not the Borough should allow the installation of a heliport on this property.

Goldberg opened the public hearing at 6:51 p.m.

Big Salmon Ventures representative **Sundberg** stated that they brought this plan back to the Borough two years later because they have made attempts to mitigate a few things. They are not trying to change people's lives permanently in a negative way; they only hope to bring more winter recreational opportunities to Haines in the long term. **Sundberg** said a "one-year trial" is a great possibility; however, they feel the conditions set forth in their proposal will prove that this is a beneficial activity on this particular site and prefer to receive a long-term permit.

Ely said if he bought a piece of land in a rural residential area, he would not expect his neighbor to install a heliport next door to him. Also, he does not believe the sound testing mentioned in the packet was professional. This proposal was rejected by the Planning Commission two years ago, so he thinks the applicant needs to move on.

Nash expressed his concerned about the noise pollution and increased traffic issues.

Merklin said she agrees with **Ely**. She feels if the proposal is approved, the developer will ask for more and more, and it will never be the end. She also expressed her concerns about who will monitor this, and what the consequences for violating the contract would be. She said she does not support this proposal, and the majority of the residents in this neighborhood do not support it either. She said she supports the heli-ski industry development in Haines, but she just does not support it in neighborhoods.

Ward said he is one of the property owners in this area. He wants to see this proposal approved.

Nagy said she is one of the property owners around Mosquito Lake. She does not want to see this happen. She expressed her concerns regarding quality of life. She also questioned who will be responsible for monitoring this activity. Because this kind of proposal keeps coming up, she suggested the commission consider installing a public heliport out of this neighborhood.

Kurz said he used to be one member of the Planning Commission in 1989. He wants to clarify that the proposed site is not in a rural residential zone; it is in a general use zone which is intended to allow as broad a range of land uses as possible. About the safety issues, he said a helicopter is a little bit safer than a car. He thinks what **Sundberg** is trying to do will become an asset to the community.

Hunt said she has lived at 26 mile for 18 years. The homeowners who opposed this plan two years ago have not changed their minds; it seems like the only thing that has changed is Sundberg's insistence to realize his plan.

Kinison said she and her husband just bought a piece of land at 26 mile. The noise created from the heliport will disturb their life.

Waldo said he owns a property about 3.5 miles away from the proposed site. He thinks Sundberg's proposal is a good thing. He said the Borough cannot keep shutting everything down.

Sage said he has lived in Haines for 47 years. He thinks it is a real good thing to Haines.

Trimble said they are trying very hard to make a good thing happen in Haines. He wants to mention that this heli-ski company has nothing to do with the cruise-ship helicopter tourism, so people do not need to worry about increasing traffic in this area. SEABA plans stay in a small operation, desiring their customers to stay at the resort for a minimum of one week. They do not plan to establish a high frequency operation with a high volume of customers. Also, he said they conducted decibel testing for the proposed helicopter landing area with one member of the Planning Commission last year, and the readings in the decibel meter were low. He would like the Planning Commission to request more decibel tests to confirm his statement.

More public comments ensued.

Goldberg closed the public hearing at 7:36 p.m.

Goldberg said there are eight criteria to be considered in deciding whether or not to grant a conditional use permit. The Planning Commission's job is to look into the code, and to find out if each of the criteria is met. He asked **Gonce** to talk about the day he did the decibel testing with **Trimble** and what he found out.

Gonce said he wrote down as much of information as he can about the equipment, the readings, and the locations. As far as his observations, the volume created with the helicopter was very low. The readings were lower than he expected.

Merklin said she definitely noticed there was a helicopter coming and going on that day.

Venables said he would not support to grant a conditional use permit as requested, but he 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.

Lende said she is in favor of the suggestion of choosing an appropriate location and installing a public heliport.

Hedden said he agrees with most of the information in the Borough Interim Manager's recommendation letter. He believes that noise is an issue. He does not think the decibel testing meter is a perfect tool.

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.

Gonce said the last time this proposal came to the Planning Commission he voted to against it for a few reasons. One of the 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.

Primary Amendment: **Gonce** 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.

Goldberg said he 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, the Planning Commission shall make its decision based on the eight criteria outlined in the code. 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.

Turner said he thinks the “one-year trail” is a better option. This will help to determine the actual impacts to the area.

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”, **Gonce** seconded it. The motion passed 6-1 with **Goldberg** opposed.

Goldberg called a five-minute recess.

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. **Classification of Borough Lands for Sale**

Schnabel said this topic was brought up during the discussion of the permanent fund at the Assembly meeting. It was pointed out the permanent fund will grow by selling land, so the Assembly requested the commission identify some of the Borough properties that may be considered to classify for sale.

Gonce said he thinks it is not a good investment to sell properties in Haines Borough during this period of economic decline because there are too many real properties for sale right now.

More discussion ensued.

The Planning Commission will discuss this item at the April's Planning Commission meeting. The Borough land management department staff will be encouraged to attend.

2. Possible Identifying of a Motorized Park within Townsite Service Area

Turner, speaking for motorized recreational users, said that people are not interested in driving around in circles on a lot in town. They are interested in longer trips up the valley. He is more concerned about losing the right to motorized use of public land, as has happened in Juneau.

The Planning Commissioners discussed this possibility and decided that it is not a good idea. There were also concerns expressed about the terrain and soils in the Townsite Service Area not being suitable for off-road vehicles, and about the Borough's liability risk from injuries.

11. COMMISSION COMMENTS

Venables asked some questions about the enforcement order issued to William Chetney. **Cui** explained she received a phone call from Kim Chetney a few weeks ago stating this is a simple misunderstanding because she purchased the property in October of 2013, she is not operating a vacation rental business, and she has no intent to operate any lodging business on her property in the future. **Cui** said she will draft a letter to rescind the enforcement order. **Gonce** said he would like to review the letter at the next regular meeting.

Lende volunteered to fill the vacant seat on the DRC. The other commissioners supported it and appreciated her offer.

The Planning Commission was appalled that the new commissioner **Lende** was charged \$67 for having to go to King's Store to have a copy of the Comprehensive Plan printed. There should be a Comprehensive Plan assigned to every Planning Commission seat. The Borough should issue a refund and request Rob Miller return that copy of the Comprehensive Plan to the Borough.

12. COMMUNICATION - None

13. SET MEETING DATES – The next regular Planning Commission meeting is scheduled for 6:30 p.m. on Thursday, March 13, 2014.

14. ADJOURNMENT– 9:27 p.m.