

Haines Borough
PLANNING COMMISSION
RECORD OF DECISION

DATE: May 11, 2023

TO: Borough Assembly

FROM: The Haines Planning Commission

Subject: Conditional Use Permit 23-22 Heliport

PLANNING COMMISSION DECISION:

Approve the Conditional Use Permit with the Manager's recommendations including her conditions and the added conditions;

- 1) Notification to the FAA establishing a commercial heliport/landing zone. Applicant will conform to any terms and conditions set forth by the FAA.
- 2) Anadromous Fish Stream Setbacks. Unless approved by variance, based on the unique conditions of the property, the proposed development, and the recommendations of a qualified fisheries biologist, no development shall occur within 25 feet of the banks of anadromous fish streams,
- 3) All fuel storage will be done in accordance with Department of Environmental Conservation standards with a fuel spill containment program in place.
- 4) Flight paths (departure and approach of helicopters) will not be conducted over any residential properties, per diagram submitted with permit application (page 4 of 11).
- 5) If required by the Alaska Department of Fish and Game, - a reclamation or landscaping plan for any use within 100 feet of a state-identified anadromous stream. The purpose of the reclamation or landscaping plan includes the control of dust, soil erosion, water runoff and siltation which otherwise would be generated on the lot and affect the surrounding area.
- 6) Limit the hours of part 135 helicopter air taxi operation to 8:00-5:00 for take offs and landings, excluding emergency air traffic including medevacs.
- 7) The CUP is authorized for a one-year trial and shall be reviewed by the Planning Commission in one year.

And the motion carried 6-1 with **ECKHOFF** in opposition

RATIONALE/FINDINGS:

The Planning Commission discussed the Manager's recommendation including the General Approval Criteria contained in HBC 18.60.010 and the Conditional Use Criteria in HBC 18.50.040 (A) 1-8:

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

After discussion, the majority of the commission (**ECKHOFF** in opposition) adopted the Manager's recommendation for criteria #1 since the heliport is located toward the south end of the airstrip, visually obscured from neighboring views by 80 ft trees, which

should also contain dust disturbance from helicopters and reflects the shorter flight path. Criteria #1 is met.

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

After discussion, the commission unanimously adopted the Manager's recommendation for criteria #2 since there was no evidence found that adjoining property values would be impaired by the heliport designation and several commissioners noted public comments reflected enhanced property values and people seeking out adjoining property due to the airstrip and potential heliport. Criteria #2 is met.

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

After discussion, the commission unanimously adopted the Manager's recommendation for criteria #3 noting the proposed use would not alter the existing public services and would not increase the existing burden on public services and facilities. One commissioner noted that the additional infrastructure would support and enhance emergency services. Criteria #3 is met.

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

After discussion, the majority of the commission (**ECKHOFF** in opposition) adopted the Manager's recommendation identifying the economic development section of the Comprehensive Plan to support and grow existing businesses and to encourage new ones. There was further discussion about the heavy industrial uses on one side of the existing airstrip but also a nearby residential subdivision on the other side. The commission, noting this is a General Use zone, with an existing airstrip and heavy industrial use found the proposed use was consistent with the comprehensive plan and the surrounding land uses. Several commissioners were troubled by the inconsistency between a residential subdivision and the general use zone. One commissioner felt that the development scheme did not specifically address the surrounding land use. Criteria #4 is met.

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

After discussion, the commission unanimously adopted the Manager's recommendation that the proposed use would not be harmful to the public safety, health and welfare since the area is already industrial/heavy industrial with an active airport. The commission noted that the transportation industry is central to our area; the plan to have helicopters take off to the South will mitigate potential conflicts; and the criteria of public welfare is subjective. Criteria #5 is met.

Criteria #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;

After discussion, the commission unanimously adopted the Manager's recommendation incorporating the condition, "Anadromous Fish Stream Setbacks. Unless approved by variance, based on the unique conditions of the property, the proposed development, and the recommendations of a qualified fisheries biologist, no development shall occur within 25 feet of the banks of anadromous fish streams". With the condition, criteria #6 is met.

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

After discussion, the commission unanimously adopted the Manager's recommendation regarding this criteria if the conditions on the Conditional Use Permit are imposed. The commission specifically noted that the specific location of the helipad on the site was

important and that the commission would discuss additional conditions. Criteria #7 is met.

Criteria #8: **Comments received from property owners impacted by the proposed development have been considered and given their due weight;**

After discussion, the commission unanimously agreed that they weighed comments received from property owners impacted by the proposed development. The Commission received many comments, both for and against the proposed permit. Many commissioners articulated the difficulty of balancing seemingly inconsistent uses in the General Use zone. Criteria #8 is met.

After discussion and several motions made and withdrawn,

Motion: HANSEN moved to add an additional condition to "limit the hours of part 135 air taxi operation to 8:00– 5:00 for take offs and landings," and the motion carried 6-1 with **ECKHOFF** in opposition.

Motion: FERRIN moved for reconsideration of the motion and the reconsideration motion carried unanimously.

Primary Amendment: HANSEN moved to amend his motion to "include the term "helicopter" so that it was clear that the hour limitation was for helicopter use, not fixed wing use," and the amendment carried unanimously.

Restated, amended motion was to "limit the hours of part 135 helicopter air taxi operation to 8:00– 5:00 for take offs and landings," and the motion carried 6-1 with **FERRIN** in opposition.

Motion: LAPHAM moved to add an additional condition to put the "CUP in place for a one-year trial and bring it back to this body after one year for review," and the motion carried 5-2 with **HANSEN** and **ECKHOFF** in opposition.

Motion: MITTMAN moved to "Exclude emergency air traffic including medevacs from the time restriction," and the motion carried unanimously.

SUBMITTED BY:


Zack Ferrin
Planning Commission Chair

