

1.

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4.

Brian O'Riley Planning Commissioner

Dan Schultz Planning Commissioner

Derek Poinsette Planning Commissioner

Eben Sargent Planning Commissioner

Erika Merklin Planning Commissioner

Rachel Saitzyk Planning Commissioner

Patty Brown Planning Commissioner

Craig Loomis Assembly Liaison

Annette Kreitzer Borough Manager

Alekka Fullerton Borough Clerk

Kiersten Long Deputy Clerk

Andrew Conrad Borough Planner

Haines Borough Planning Commission February 8, 2024 Regular Meeting AGENDA Location: Assembly Chambers and on ZOOM

Zoom Meeting Information

Webinar ID: 859 2856 4912 Passcode: 775462

CALL TO ORDER/ PLEDGE TO THE FLAG/ LAND ACKNOWLEDGEMENT/ROLL CALL

APPROVAL OF AGENDA & CONSENT AGENDA

[The following Consent Agenda items are indicated by an <u>asterisk</u> (*) and will be enacted by the motion to approve the agenda. There will be no separate discussion of these items unless a planning commission member or other person so requests, in which event the asterisk will be removed and that item will be considered by the planning commission on the regular agenda.] <u>Consent Agenda</u>:

3 – Approve Minutes from 1-11-24 Regular Planning Commission

*3. APPROVAL OF MINUTES – 1-11-24 Regular Planning Commission Meeting

- **PUBLIC COMMENTS** [For any topics <u>not</u> scheduled for public hearing. Individual comments are limited to 3 minutes unless another yields 3 minutes to the speaker in advance] *Note: during this section of the agenda, the commission will listen and take notes. No official action will be taken at this time. Please address the planning commission at the podium provided, use the microphone, and state your full name for the record and the topic of your comment.*
- 5. COMMISSIONER COMMENTS -
- 6. CHAIR REPORT -
- 7. SUBCOMMITTEE REPORTS None
- 8. ASSEMBLY LIAISON REPORT Assembly member Loomis
- 9. STAFF REPORT
 - A. Planner Report Supplemental Document
 - B. Comprehensive Plan Update
 - C. Update on Resource Extraction CUP

10. PUBLIC HEARINGS – None

11. UNFINISHED BUSINESS

A. Heliport Moratorium

12. NEW BUSINESS

A. Harbor Used Oil Shed 95% Designs

Possible Motion: Approve proposal and recommend project to the Assembly.

B. Managing Floodplain Development Through the National Flood Insurance Program (NFIP) Course: L0273

Possible Motion: Request financial support from the Borough to send Commissioner XX to Course: L0273

13. PUBLIC COMMENTS

14. COMMISSION COMMENTS

15. CORRESPONDENCE

16. SCHEDULE MEETING DATE -

A. Joint Planning Commission and Borough Assembly Meeting re Comprehensive Plan Draft Review - Monday, February 26, 2024 at 6:00 pm in the Library Community Room.

17. ADJOURNMENT



1. <u>CALL TO ORDER/PLEDGE TO THE FLAG/LAND ACKOWLEDGEMENT/ROLL CALL</u>:

Deputy Chair **POINSETTE** called the meeting to order at 6:33 pm in the assembly chambers and on zoom, and led the pledge to the flag.

<u>Commissioners Present</u>: Patty **BROWN**, Brian **O'RILEY**, Rachel **SAITZYK**, Derek **POINSETTE**, Eben **SARGENT**, Erika **MERKLIN**,

Absent: Dan SCHULTZ.

<u>Staff Present</u>: Annette KREITZER/Borough Manager, Alekka FULLERTON/Borough Clerk, Kiersten LONG/Deputy Clerk, Ed COFFLAND/Facilites Director and Mayor Tom MORPHET.

<u>Visitors Present</u>: Kate Saunders/HFR, Melissa Aaronson/Haines Friends of Recycling, Ethan ROEMELING/proHNS, Gerson COHEN, Richard CLEMENT, Karen GARCIA/proHNS, Katey PALMER, Kristin HATHHORN, Lucas CHAMBERS, Patty KERMIOAN, Rebekah REAMS, Ron JACKSON, Shelly WADE, TJ MASON, Alan JONES/CIV, and others present on zoom.

2. <u>APPROVAL OF AGENDA</u>: The following Items were on the published consent agenda indicated by an <u>asterisk</u> (*)

3 – Approve Minutes from 12-14-23 Regular Planning Commission Meeting

Motion: SAITZYK moved to "approve the agenda and the consent agenda" and the motion carried unanimously.

*3. APPROVAL OF MINUTES:

<u>Note</u>: The Minutes were approved by approval of the consent agenda: **"Approve minutes from 12-12-23 Regular Planning Commission Meeting**

4. **PUBLIC COMMENTS**:

CLEMENT – Sulfur

5. <u>CHAIR'S REPORT</u>: Deputy Chair **POINSETTE** reported on the geotech Advisory Committee discussion and the Comprehensive Plan Update

6. <u>ASSEMBLY LIAISON REPORT:</u> Assembly member LOOMIS reported the Assembly adopted for public comment "you can attack the issue not the person"

Motion: BROWN moved to "schedule an Planning commission work shop on forming a geotechnical workshop" and the motion carried unanimously.

7. SUBCOMMITTEE REPORTS: None

- 8. COMMISSION COMMENTS: None
- 9. <u>STAFF REPORT</u>:
 - A. Planner Report
 - B. Update on Resource Extraction CUP

10. PUBLIC HEARINGS:

A. Conceptual/35% design Library/Administration and Piedad Generator Projects.

Public hearing was opened and closed at 7:04pm since no member of the public spoke with respect to this agenda item

Motion: BROWN moved to "Approve the conceptual/35% design and bring it back at 65%" and the motion carried unanimously.

B. Conceptual/35% design Visitor Center Parking Lot

Motion: SAITZYK moved to "approve the conceptual/35% design and bring it back at 65%" and the motion carried 5-1 with **MERKLIN** opposed.

11. UNFINISHED BUSINESS:

A. Heliport Moratorium – Proposed Resolution 23-09-1064

12. <u>NEW BUSINESS:</u>

A. ADEC Brownfield application, Contaminated soil clean up, support for uninhibited recreation – Big Boulder Subdivision, 34 Mile, 3-BBC-00-1500

Motion: BROWN moved to "Support DEC in this process and uninhibited recreation" and the motion carried unanimously.

B. Haines Friends of Recycling – New Recycling Center

Melissa **ARONSON** and Kate **SAUNDERS** presented with respect to this item <u>Motion</u>: **SARGENT** moved to "recommend to the Assembly (*that the identified parcel*) is an appropriate use for a recycling and upcycling facility" and the motion carried unanimously.

13. PUBLIC COMMENTS: None

14. ANNOUNCEMENTS / COMMISSION COMMENTS: None

BROWN – Thank you

SAITZYK – email received from a member from the community

15. <u>CORRESPONDENCE:</u>

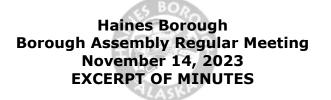
16. <u>SET MEETING DATE:</u>

17. ADJOURNMENT: 8:34 pm

Planning Commission Chair

ATTEST:

Alekka Fullerton, MMC, Borough Clerk



11A

<u>Present</u>: Mayor Thomas **MORPHET**, Assembly Members Gabe **THOMAS**, Debra **SCHNABEL**, Ben **AULTMAN-MOORE**, Kevin **FORSTER**, Craig **LOOMIS**, Natalie **DAWSON**. <u>Absent</u>: None

<u>Staff Present</u>: Annette KREITZER/Manager, Alekka FULLERTON/Clerk, Kiersten LONG/Deputy Clerk, Jila STUART/Finance Director.

<u>Visitors Present</u>: Blythe CARTER, Kerry TOWN, Paul ROGERS, Brenda JOSEPHSON, Kim ROSADO, Bill ANNIS, Tina OLSEN, Tammy PIPER, Ellen LARSON, Gershon COHEN, Jennifer CANTWELL, Riley HALL, Emma BEGLEY, Don TURNER Jr., Jessie WUSTHOFF, Glenda GILBERT, Mark SMITH, Carol TUYNMAN, Kathleen MENKE and others.

11. <u>NEW BUSINESS</u>

C. Other New Business

3. <u>Heliport Moratorium</u> (Resolution 23-09-1064) from Planning Commission

Motion: FORESTER moved to "re-refer Resolution 23-09-1064 to the Planning Commission for further development," and the motion carried unanimously.

I certify that the above is a true and complete excerpt of agenda item 10A from the November 14, 2023 borough assembly meeting.



Alekka Fullerton, MMC, Borough Clerk Haines Borough, Alaska



Assembly Agenda Bill

Agenda Bill No.: 23-1313

Assembly Meeting Date: 11/14/23

Subject: Proposed Moratorium on Heliports1. Resolution 23-09-1064located within 10 miles of an existing heliport2. Excerpt of 10/23/23 PC MeetingOriginator:3. Maps showing existing heliports and map of proposed10-mile radius
3. Maps showing existing heliports and map of proposed
Borough Manager
Originating Department:
Administration
Date Submitted:
9/21/23

Full Title/Motion:

Motion: Refer Resolution 23-09-1064 back to the Planning Commission for further development.

Administrative Recommendation:

This resolution is recommended by the Borough Manager.

Fiscal Impact:					
Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets		
\$	\$	\$	N/A		

Comprehensive Plan Consistency Review:

Comp Plan Goals/Objectives:

Consistent:	Yes	
Consistent.	Tes	

□No

Summary Statement:

This Resolution has been discussed in concept many times over the years. Staff drafted Resolution 23-09-1064 for discussion/consideration. At the 9/26/23 Assembly meeting, the Resolution was postponed until the next meeting since there were no public comments regarding the Resolution. At the 10/10/23 Assembly meeting, the Assembly referred this matter to the Planning Commission (PC) to hold a Public Hearing. The PC's public hearing on this Resolution was advertised in the CVN. At the 10/23/23 PC meeting, there was one public comment and the PC referred it back to the Assembly with general support but tacitly acknowledging that it might still need work. Since there is now a new PC, the Assembly could re-refer the Resolution to the PC for further development.

Referral:

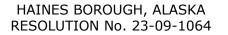
Referred to: Recommendation: Referral Date:

Meeting Date:

Assembly Action:

Meeting Date(s): 11/14/23

Public Hearing Date(s): Postponed to Date:





A Resolution of the Haines Borough Assembly Placing a Moratorium on New Heliports Located Within 10 Miles of an Existing Heliport in the Haines Borough.

WHEREAS, currently the following heliports are licensed in the Haines Borough:

Haines Airport – 3 mile Haines Highway 10 Mile – John Floreske – CUP #14-76 issued September 12, 2014 18 Mile – Grandfathered Use before 2011 26 Mile – George Campbell- One year permit – CUP #23-22 issued July 26, 2023 33 Mile – Grandfathered Use before 2011 35/36 Mile – Sean Brownell – CUP #19-39 continuation of CUP #16-44 Big Nugget Heliport – Constantine Mining LLC - CUP #19-105A Glacier Creek Heliport – Constantine Mining LLC - CUP #19-105B; and

WHEREAS, there are sufficient heliports existing between the Haines townsite and the Canadian Border along the Haines Highway; and

WHEREAS, the Haines Highway area is currently zoned as a General Use zone which requires a Conditional Use Permit for heliports; and

WHEREAS, there are currently 8 heliports within a 40 mile highway corridor; and

WHEREAS, the Borough has seen a recent increase in Conditional Use Permit applications for heliports along the Haines Highway corridor; and

WHEREAS, without action, the borough can expect to see continued applications for new heliports,

NOW THEREFORE BE IT RESOLVED that the Haines Borough Assembly is placing a moratorium on new heliports located within 10 miles of an existing heliport in the Haines Borough.

Adopted by a duly-constituted quorum of the Haines Borough Assembly on this 26th day of September, 2023.

Douglas Olerud, Mayor

Attest:

Alekka Fullerton, MMC, Borough Clerk

Haines Borough Planning Commission Meeting October 23, 2023 EXCERPT OF MINUTES

<u>Present</u>: Zack Ferrin/Chair, Diana Lapham/Vice Chair, Don Turner Jr., Justin Mitman, Richard Clement, Travis Eckhoff, and Scott Hansen.

<u>Staff Present</u>: Annette **Kreitzer/**Borough Manager, Kiersten **Long/**Deputy Clerk, Alekka **Fullerton**/Clerk, Douglas **Olerud**/Mayor, and Andrew **Conrad**/Planner.

<u>Visitors Present</u>: TJ **Mason** with Southeast Road Builders, Gerson **Cohen**, Riley **Hall**, Patty **Brown**, Andy **Hedden**, Rachel **Saitzyk**, Derek **Poinsette**, Tom **Morphet**, and others.

10C. <u>Resolution 23-09-1064</u>

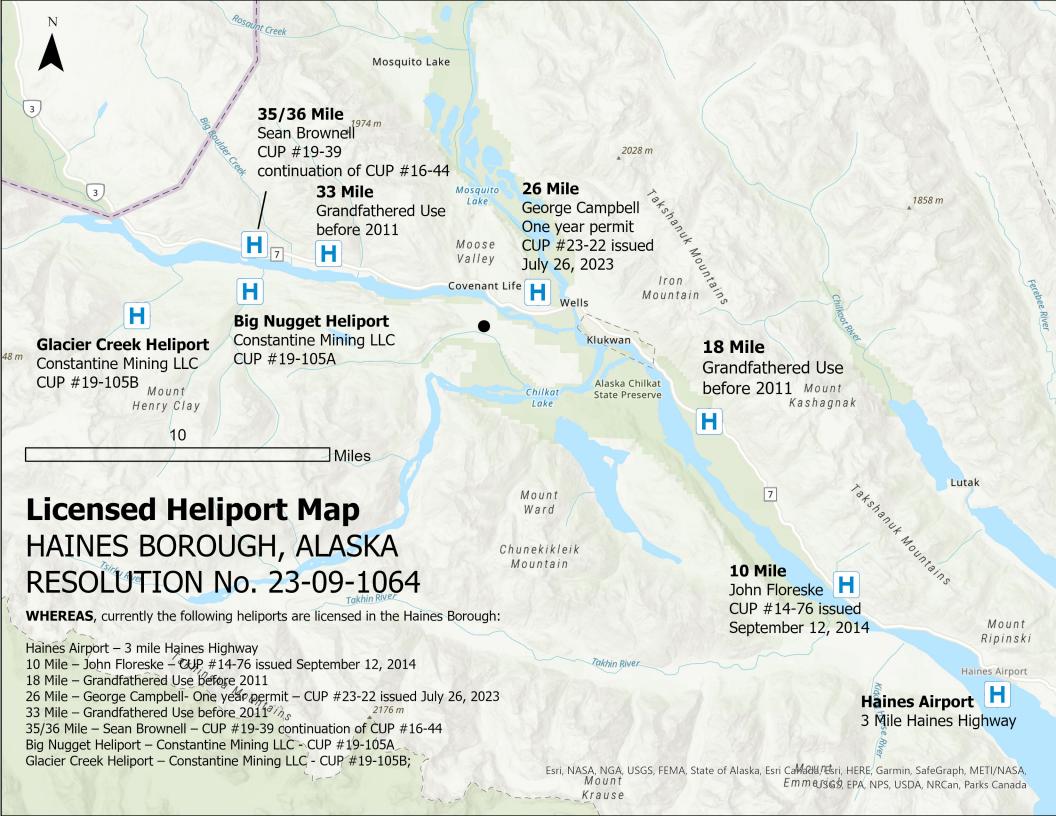
A Resolution of the Haines Borough Assembly placing a Moratorium on New Heliports Located within 10 miles of an Existing Heliport in the Haines Borough.

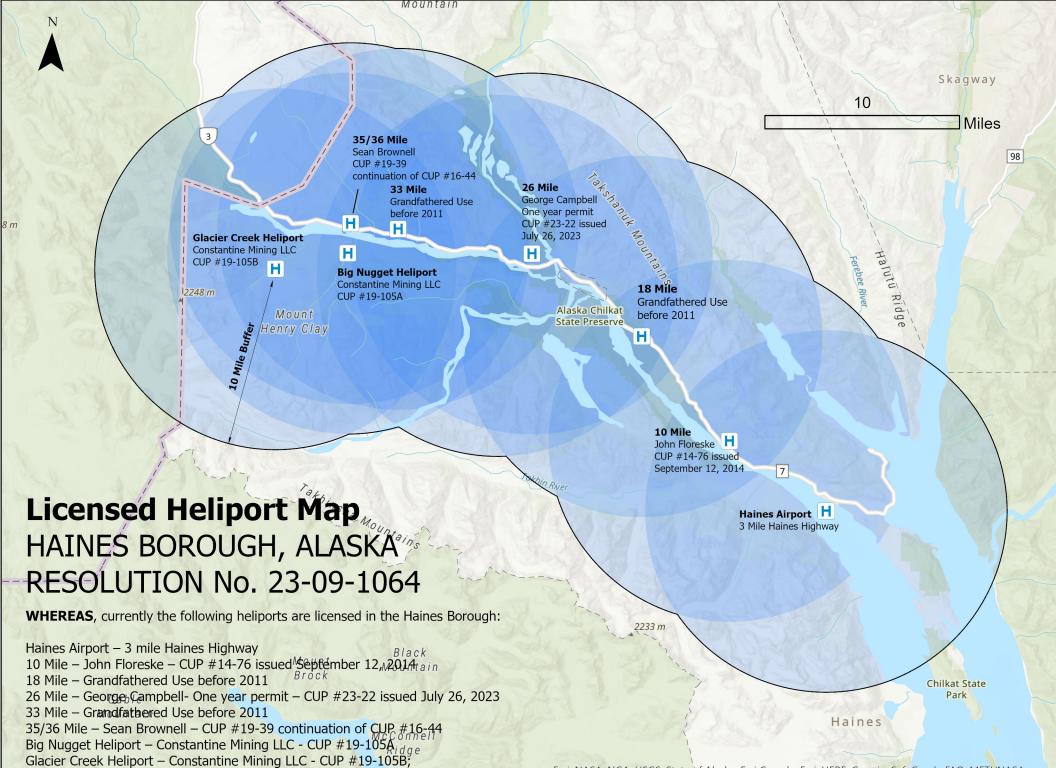
<u>Public Comment</u>: Hall spoke regarding this agenda item. Maybe criteria should not be distance from each other but distance from homes.

Motion: Lapham moved to "Support Resolution 23-09-1064 and the conversation which followed" and the motion carried 6-1 with **Clement** opposed

I certify that the above is a true and complete excerpt of agenda item 10C from the October 23 Planning Commission minutes.

Alekka Fullerton, CMC, Borough Clerk Haines Borough, Alaska





Esri, NASA, NGA, USGS, State of Alaska, Esri Canada, Esri, HERE, Garmin, SafeGraph, FAO, METI/NASA, USGS, EPA, NPS, NRCan, Parks Canada

Red



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

September 12, 2014

John Floreske, Jr. PO Box 489 Haines, AK 99827

Re: Heliport Conditional Use Permit # 14-76 1-HHY-10-0510; 10 Mile Haines Highway

Dear Mr. Floreske:

Thanks for participating in the September 12, 2014 Planning Commission meeting. At the meeting, the commission accepted the findings in the Manager's Recommendation, and approved a heliport conditional use permit on the above-listed property with the following three conditions:

- Allowance of emergency use for state and federal response, medical, firefighting; and
- Conform to the terms and conditions set forth in the Department of the Army permit; and
- Helicopters do not fly over residences between 9 Mile and 7.5 Mile Haines Highway except for emergency use.

If you have any questions, please contact the Borough.

Sincerely,

-li Cui

Tracy Cui Planning and Zoning Technician <u>xcui@haines.ak.us</u> (907) 766-2231 Ext. 23



HAINES BOROUGH, ALASKA P.O. BOX 1209 HAINES, AK 99827 VOICE (907) 766-6400 FAX (907) 766-2716

February 29, 2020

Constantine Mining LLC Attn: Liz Cornejo PO Box 315 Haines, AK 99827

Re: Heliport Conditional Use Permit #19-105 A Big Nugget Holdings Mineral Survey #2506

Thank you for participating in the February 13th, 2020 Planning Commission Meeting. The Planning Commission approved your heliport conditional use permit 19-105 A, for as long as Constantine is authorized to operate at the site pursuant to a Mining Plan Operation (MPO) approved by the BLM, the State of Alaska or the Mental Health Trust.

- All conditions of operation described in the BLM MPO and conditions set by the Mental Health Trust including buffers and flight paths shall be met.
- Constantine shall continue its historical practice of informing residents that may be impacted by noise of diverted flight paths.
- Any relocation of heliports in excess of 1000 ft. distance from permitted heliports shall require notice to the manager and possible public hearing
- Conditional permission is granted for one heliport only
- An abandoned heliport must be modified to prevent its use as a heliport.

If you have any questions, please contact the Borough.

Sincerely

tomelia@haines.ak.us 907-766-6411



HAINES BOROUGH, ALASKA P.O. BOX 1209 HAINES, AK 99827 VOICE (907) 766-6400 FAX (907) 766-2716

February 29, 2020

Constantine Mining LLC Attn: Liz Cornejo PO Box 315 Haines, AK 99827

Re: Heliport Conditional Use Permit #19-105 B Glacier Creek Marmot #137

Dear Mrs. Cornejo:

Thank you for participating in the February 13th, 2020 Planning Commission Meeting. The Planning Commission approved your heliport conditional use permit 19-105 B, for as long as Constantine is authorized to operate at the site pursuant to a Mining Plan Operation (MPO) approved by the BLM, the State of Alaska or the Mental Health Trust.

- All conditions of operation described in the BLM MPO and conditions set by the Mental Health Trust including buffers and flight paths shall be met.
- Constantine shall continue its historical practice of informing residents that may be impacted by noise of diverted flight paths.
- Any relocation of heliports in excess of 1000 ft. distance from permitted heliports shall require notice to the manager and possible public hearing.
- Conditional permission is granted for one heliport only
- An abandoned heliport must be modified to prevent its use as a heliport.

If you have any questions, please contact the Borough.

Sincerely,

Tim O'Melia Planner tomelia@haines.ak.us 907-766-6411



HAINES BOROUGH, ALASKA P.O. BOX 1209 HAINES, AK 99827 (907) 766-6400 FAX (907) 766-2716

May 16, 2023

George and Lynette Campbell Campbell Living Trust PO Box 458 Haines, AK 99827

Re: Approval of Conditional Use Permit #23-22 3-CLR-35-05A0 | Lot 5A | Campbell Subdivision | General Use Zone

Dear Mr. and Mrs. Campbell,

Thank you for participating in the May 11, 2023 Planning Commission meeting. During the discussion, the commission determined that your proposal for a heliport in the general use zone meets the criteria set forth in Haines Borough Code (HBC) 18.50. 040 and (HBC) 18.60.010.

A "heliport" means a use or designated site for the routine commercial or private general operations, landing, takeoff, parking, storage, fueling, and/or maintenance of helicopters. (HBC 18.20).

Your conditional use proposal to operate a heliport on the above-listed property has been **approved for 1 year with the following conditions**:

- Notification to the FAA establishing a commercial heliport/landing zone. Applicant will conform to any terms and conditions set forth by the FAA;
- 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;
- All fuel storage will be done in accordance with Department of Environmental Conservation standards with a fuel spill containment program in place;
- 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);

- 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.
- Limit the hours of part 135 helicopter air taxi operation to 8:00am-5:00pm for take offs and landings, excluding emergency air traffic including medevacs;
- The CUP is authorized for a one-year trial and shall be reviewed by the Planning Commission in one year;

Please contact us in March 2024 to schedule a meeting with the manager to facilitate the CUP review process.

If you have any questions on the matter please contact the Borough.

erely, Kurster Leng Sincerely, Kiersten Long

Deputy Clerk klong@haines.ak.us 907 766 6400



HAINES BOROUGH, ALASKA P.O. BOX 1209 HAINES, AK 99827 (907) 766-6400 FAX (907) 766-2716

June 18, 2019

Sean Brownell PO Box 1448 Haines, AK, 99827 **Approval of** Heliport Renewal Conditional Use Permit / 3-HHY-36-3426 / General Use Zone / USS 3426 Haines Highway, 36 Mile

Dear Mr. Brownell,

Thank you for participating at the June 13th, 2019 planning commission meeting. During the discussion, the commission determined that your proposal to operate a heliport on the above listed property meets the pertinent criteria set forth in Haines Borough Code (HBC) 18.50 and 18.60.

Your conditional use proposal to operate a heliport in the General Use zone has been **approved with the following conditions**:

1. The permit shall expire with the sale of the property.

Re:

- 2. Within FAA flight rules for operations, regular hours of operation shall be limited to 8 am to 6 pm unless operations involve Search and Rescue.
- 3. All commercial business operations for tours shall be compliant with HBC Title 5.
- 4. Adequate access for emergency vehicles must be maintained as required by HBC 18.60.010 (C).
- 5. Flight paths (departure and approach of helicopters) must be based on the submitted materials for this application. Flight paths will not be conducted over any residential properties.
- 6. Fuel storage will be done in accordance with Department of Environmental Conservation standards with a fuel spill containment program in place before operations begin.
- 7. The applicant will conform to any terms and conditions set forth by the FAA.

Noncompliance of the conditions of approval could result is revocation of your permit.

This permit was issued to operate a heliport in the General Use zone. Per the requirements of Haines Borough Code 18.30.010 (I), this permit is consistent with the comprehensive plan, its uses are harmonious with other activities allowed in the zone, and the development will not disrupt the character of the neighborhood.

Please note that the permit was issued based on the current plans and proposal submitted. You must receive approval by the planning commission prior to any changes to the building footprint of your heliport or terms of operation. Failure to do so will result in an after-the-fact violation and an immediate \$250.00 penalty fee, which can be applied for each day that you operate.

Sincerely,

Holly Smith

Holly Smith Haines Borough Planner

Haines Borough

HELIPORTS

Excerpts of Assembly and Planning Commission Meeting Minutes, Ordinances, Maps, and Misc. Pertaining to the Issue of Heliports

> Presented in Chronological Order Since January 21, 2003

Compiled by the Borough Clerk 1/9/2007

Definition of Heliport:

- 1.) a facility, such as a small airport, designed to let helicopters take off and land (taken from allwords.com)
- 2.) A place for helicopters to land and take off. Also called helipad, helistop (taken from thefreedictionary.com)
- 3.) an airport for helicopters (taken from wordreference.com)

Definition for Landing Zone:

1.) Any specified zone used for the landing of aircraft. Also called LZ. See also airfield. (taken from thefreedictionary.com)

2.) A Landing Zone or "LZ" is a military term for any area where aircraft land. In the United States military, a landing zone is the actual point where aircraft land (equivalent to the commonwealth landing point.) (taken from wikipedia.org) Haines Borough Assembly Meeting - January 21, 2003

8. PUBLIC HEARINGS:

E. ORDINANCE NO. 03-02-007 - Introduction/First Public Hearing AN ORDINANCE OF THE HAINES BOROUGH TO AMEND FORMER CITY OF HAINES CODE SECTION 18.70.030 BY THE ADDITION OF SUB-SECTION IV, GU -GENERAL USE ZONING DISTRICT.

The Mayor opened the hearing to the public at 7:47 p.m.

Joanne WATERMAN stated that she felt this ordinance should not amend old City code because the City did not have jurisdiction outside its boundaries. The Clerk stated it had been numbered this way because the old Borough had no area-wide planning and zoning and had no regulations to amend. After a brief discussion, it was decided that the code sections in the ordinance would be changed to coincide with the proposed new combined borough code that is currently being reviewed and would be adopted as the first approved section of the new borough code.

Carolyn **WEISHAHN** said the helicopter advisory group recommended adding heliports to the conditional uses in this ordinance. They felt a heliport was a high-impact use and having it in the ordinance would give the Borough an avenue to address heliports in general. She hoped the Assembly would support keeping this in.

Scott **SUNDBERG** felt the Assembly needed to look more closely at the conditional uses and stated that some of the "uses by right" listed could be hazardous and high-impact and should be changed to conditional uses.

Joanne WATERMAN, chair of the Planning Commission, stated that when representatives from the helicopter advisory group came to the Planning Commission with their request, the Commission gave weight to their advisory capacity. She acknowledged that the ordinance will be changed and perhaps more uses will be made conditional, but by Charter this ordinance must be adopted within 120 days of consolidation.

Scott **SUNDBERG** asked why a heliport at 26-mile would be a boroughwide concern. It wouldn't affect people in the city, Lutak or Mud Bay.

Hearing no further comment, the Mayor closed the public hearing at 8:02 p.m.

LENDE asked if existing heliports would be "grandfathered" in and if there was a "sunset" clause built in. He asked if building permits were going to be required in the General Use Zoning District. He stated that the only way the Borough can be sure people are building on their own property is to require building permits for all construction.

The Clerk pointed out that "existing uses" is listed under the "usesby-right" section, so any use currently existing in the General Use Zoning District would be "grandfathered". **OLERUD** said it was stated at the Planning Commission meeting that existing heliports would be "grandfathered" even if heliports were added to the list of

Haines Borough Assembly Meeting - February 5, 2003

6. AUDIENCE PARTICIPATION/APPEARANCE REQUESTS:

Ken SERIGHT voiced his concern that he may not be able to land and Α. take off with his helicopter from his home at Mud Bay. Regulations being discussed are for commercial heliports in the General Use Zone. Mr. SERIGHT lives in the Mud Bay Planning/Zoning District.

The Manager said he did not know what the regulations for the Mud Bay Planning/Zoning District allow, but he was sure Mr. SERIGHT'S private helicopter use was grandfathered in when they were written. The Manager will review the Mud Bay Planning/Zoning District regulations and write Mr. SERIGHT a letter confirming his "grandfathered" rights if allowed by that code.

B. David WARNER asked if anyone who wants to fly a helicopter into the valley has to get a permit. Can individuals fly in for mining exploration? The Manager stated that the new state regulations do limit and prohibit helicopters in certain areas. Ken SERIGHT said that when Juneau considered curtailing helicopter landings at their airport, they found they would be in violation of a Federal regulation limiting one type of aircraft over another and would have lost Federal funding if they had done it. Haines should look at this carefully.

SCHNABEL stated that the issue of permits for flying helicopters into the valley is not with the Borough, but with the State. The Borough is only concerned with land uses - such as heliports. Permitting is a DNR and BLM function.

Mr. WARNER said that Haines airport maintenance is the worst he has He has landed on a sheet of ice and three inches of slush. seen. The runway should be sanded and properly cleared. He asked that the Borough do something about it.

8. PUBLIC HEARINGS:

D. ORDINANCE NO. 03-02-007 - Second hearing

AN ORDINANCE OF THE HAINES BOROUGH TO ADOPT HAINES BOROUGH CODE SECTION 18.70.030, SUB-SECTION M, GU - GENERAL USE ZONING DISTRICT.

The Clerk pointed out that for clarification, a sentence was added to paragraph 5 referencing the definitions section of the old City Code and paragraph 6 was added regarding platting to be done by DNR.

The Deputy Mayor opened the hearing to the public at 7:02 p.m.

Joanne WATERMAN reported that at the last Planning Commission meeting, the Commission voted 5-1 to ask the Assembly to reconsider their action at the last Assembly meeting to remove heliports from the list of conditional uses in the General Use (GU) Zoning District. The Commission definitely felt heliports are a high-impact use.

They felt it was important to provide for a public process and ensure the safety and quality of life for the residents in the area.

Mike KINNESON read a prepared statement in which he stated that the list of conditional uses is insufficient and left out many high-impact uses other than heliports.

Patricia **BLANK** said she supported putting heliports back in as a conditional use. This is a high-impact activity that has caused many problems in the past. Placing it on the conditional use list may alleviate future problems. She suggested changing the wording to say "heliports for commercial use" to alleviate the concerns of private helicopter users.

Budge **STUART** said he lives at 18-Mile and liked allowing helicopters. He stated he is against any zoning in his area.

Rob **GOLDBERG** stated that the Planning Commission recommended putting heliports in the ordinance as a conditional use for a reason. A heliport in a residential neighborhood will have a significant impact on the residents there. He was disappointed that heliports were removed by the Assembly. While the GU Zoning District is for the most part sparsely populated, there are residential clusters and light commercial areas. The Planning Commission felt that these areas should have different zoning, but for now they are in GU. A heliport in these areas would be a very high impact. If heliports are conditional uses, the Planning Commission can put conditions on their operation to protect the residents.

Carolyn **WEISHAHN** stated that she lives in the GU Zoning District and has followed the Planning Commission and Assembly process. She felt that the ordinance addressed the intent to implement minimal planning, platting and zoning with no prohibited uses, but fell short on the list of high-impact uses. She felt the list of conditional uses in the former City Code was very comprehensive and should be adopted in the GU zoning district. She felt another public hearing was needed on this or it should be sent back to the Planning Commission for more work.

Jim **STANFORD** agreed with Budge **STUART** that they live out the highway for the freedom it affords them, however, he felt that uses that impact public safety, such as commercial helicopters, should be regulated. He wanted the Borough to act responsibly to protect the public's safety by making heliports a conditional use in the GU zoning district.

Nicholas **SHOKOFSKY** stated he lives out the highway and is not in favor of zoning, but the advisory vote put to the people of Haines mandated "managed helicopter activity" and heliports are obviously a high-impact use. The conditional use permit process allows for a process and public input.

Rob **GOLDBERG** voiced his concern that if heliports were not listed as conditional uses now, before the area can be zoned there will be many new heliports in that area that are un-regulated and will then be "grandfathered" in.

Hearing no further comment, the Acting Mayor closed the hearing to the public.

M/S **OLERUD/HARRELL** Motion to adopt Ordinance 03-02-007 with the new language added by staff.

Assembly member **LENDE** stated that he believed the helicopter industry will need heliports in the valley. He would prefer making heliports a conditional use for now, with a sunset clause which would require the

Planning Commission to specify zones where heliports would be allowed as a use-by-right.

S. A.

OLERUD stated that this ordinance as it stands provides minimum zoning. It will encourage the people in the GU Zoning District to come to the Planning Commission to request zoning to suit their needs. This is meant to be a temporary situation providing transitional zoning. That is why there are so few conditional uses.

SCHNABEL stated that she felt there should be more conditional uses listed. If high-impact activity is initiated, it will have a review and conditions set on it. She stated she would rather the ordinance go back to the Planning Commission to be re-worked. She felt items J, K, L, M and N under uses-by-right should be conditional uses.

SCOTT felt the list of uses-by-right was self-defeating. She suggested the Commission re-consider the ordinance and only list "existing uses" as uses-by-right. She felt if the language was changed to use guidelines and examples instead of a list of uses, it would be more workable. She feared the ordinance as written could cause legal problems.

The Clerk pointed out that the 120-day deadline for adopting the General Use Zoning District expires on February 14th and there was no time for re-writing the ordinance or advertising for another public hearing. This ordinance, or a version of it, must be adopted at this meeting.

Joanne **WATERMAN** said that the Planning Commission rushed the ordinance through because of the 120-day deadline. They fully realize that there will be more work to be done on the General Use Zoning District section. She asked how opening a dialogue about a use that raised serious questions of public safety could be a bad thing.

Assembly Member **HARRELL** suggested changing the language to read "high impact uses such as, but not limited to..." at the beginning of paragraph 5. **WATERMAN** stated that this change would make the Planning Commission a reactive body instead of a planning body. **OLERUD** felt it would be a better compromise than listing all the uses.

M/S **OLERUD/LENDE** Motion to amend the ordinance by adding the words "high-impact uses such as, but not limited to..." in paragraph 5, then listing the uses.

SCOTT felt that this motion was just an attempt to skirt the issue of heliports. Why not just add heliports and be done with it?

OLERUD stated that many people in the GU zoning district were in favor of removing heliports from the list of conditional uses.

Carolyn **WEISHAHN** suggested removing items J - N from the list of usesby-right to avoid contradicting paragraph 5. High-impact uses must be defined.

SCHNABEL stated that items J - N were high-impact uses in her mind. Shouldn't they require a conditional use permit?

HAINES BOROUGH

ORDINANCE 03-02-007

AN ORDINANCE OF THE HAINES BOROUGH TO ADOPT HAINES BOROUGH CODE SECTION 18.70.030, SUB-SECTION M, GU -GENERAL USE ZONING DISTRICT.

Sec. 1. <u>Classification</u>. This ordinance is of a general and permanent nature and the code sections hereby adopted shall become part of the Haines Borough Code.

ADOP

Sec. 2. <u>Severability</u>. 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.

Sec. 3. <u>Effective Date</u>. This ordinance shall become effective immediately upon adoption.

Sec. 4. This ordinance provides for a General Use Purpose. Zoning District as directed by the Consolidated Haines Borough Charter Transition Plan, Planning, Platting and Land Use Regulation that stipulates "all land within the Borough classified zoning districts at the time of not as consolidation will be designated as "General Use" districts until zoned otherwise according to procedures established by the charter and Borough ordinance. The intent of this zoning classification is to provide a minimum of planning, platting and land use regulation in these rural areas. This district will allow any use, but will require that high impact uses, such as landfills, power plants and hazardous materials storage facilities obtain a conditional use permit."

Sec. 5. <u>Adoption of Code Sections</u>. The sub-section annexed hereto and bearing the code number 18.70.030 §M is hereby adopted as a part of Title 18 of the Haines Borough Code.

18.70.030 - Zoning Districts

M. General Use Zoning District (GU)

HAINES BOROUGH ORDINANCE NO 03-02-007 Page 2

18.70.030

1. Intent. Recognizing the Borough regions with no previous land use regulation and the need to provide a reasonable transition toward land use regulation, the General Use Zoning district is intended to allow as broad a range of land uses as possible. This district allows any use, but will require that high impact uses affecting public health and safety obtain a conditional use permit.

2. Uses-by-right:

A. Existing uses;

B. Animal Husbandry or crop production;

C. Residential uses, including duplex and multi-family dwellings, subdivisions, trailers, mobile homes and mobile home parks;

- D. Retail and wholesale commercial businesses;
- E. Vehicle, engine or boat repair shops;
- F. Hotels, motels, bed and breakfasts or other commercial accommodations;
- G. Office buildings, including medical and dental offices;
- H. Recreational vehicle parks;
- I. Parks and campgrounds;
- J. Utility facilities and structures;
- K. Light and heavy industrial uses;
- L. Resource extraction;
- M. Sawmills;
- N. Manufacturing, processing and storage facilities;
- O. Docks, marinas, piers, boat ramps and freight or bulk transshipment facilities;
- P. All other uses not specifically listed above, and any use or structure which is customarily accessory and clearly subordinate to uses-by-right.
- 3. Prohibited Uses. There are no prohibited uses in this district.
- 4. Non-conforming Uses. There are no non-conforming uses in this district.

HAINES BOROUGH ORDINANCE NO 03-02-007 Page 3

18.70.030

 Conditional Uses. Landfills, commercial power plants, heliports and hazardous materials storage facilities require a conditional use permit.

Heliports shall require a conditional use permit until provided for in a special use zone - no later than December, 2003.

Applications for conditional use permits in the General Use Zoning District shall be submitted and processed in accordance with Chapter 18.50 of the Haines City Code and definitions under 18.20.020 of that code shall apply.

 Platting. In the General Use Zoning District, the Alaska Department of Natural Resources shall continue to exercise platting authority under AS 29.03.030 until new platting regulations are adopted.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY ON THE 5TH DAY OF FEBRUARY, 2003.

uty Mayor

ATTEST:

Susan V. Johnston, Borough Clerk

SEAL:



HAINES BOROUGH

Memorandum

- To: Mayor/Borough Manager/Assembly members
- CC: Planning Commission members
- From: Karen Harvey, Assessor/Lands
- Date: 2/5/03
- **Re:** Heliports as Conditional Use

At the Planning Commission meeting on February 3rd, the Commission voted five to one to "in the interest of public safety, petition the Borough Assembly to reconsider their removal of heliports from Conditional use in the General Use Zone."

The Commission felt strongly that heliports should be a conditional use so that proposed establishment of a heliport in the General Use Zone would be open to public process. It was felt that this conditional use needs to be included in the initial General Use Zone Ordinance to encourage additional heliport development in a safe manner with public concerns being addressed. The Commission believes that public process will encourage dialog and understanding in this very important issue in the borough.

The Charter Transition Plan language states:

Within120 days of the consolidation, all land within the Borough not classified as zoning districts at the time of consolidation will be designated as "General use" districts until zoned otherwise according to procedures established by the charter and Borough ordinance. The intent of this zoning classification is to provide a minimum of planning, platting and land use regulation in these rural areas. This district will allow any use, but will require that high impact uses, such as land fills, power plants and hazardous materials storage facilities obtain a conditional use permit.

The Commission identifies "heliports" as a *high impact use* and should be a conditional use as allowed for in the language above.



Haines Borough Assembly Meeting - February 19, 2003

16. OLD BUSINESS:

A. SCOTT stated that the Assembly made its recommendations for changes in the SUD to the DNR in good faith, but that the DNR expanded the regulations to allow commercial helicopter tours in the valley. She wanted the Assembly to let the State know that these activities must be limited in that area. There was a Borough-wide advisory vote on limiting commercial helicopter tours. The Assembly's decision was to allow Mr. **GILLIAM** to operate his business, not to open the area to commercial helicopter tours. It was explained that it was written this way because the State cannot form a monopoly by granting something only to one business.

HARRELL said that there is a difference between helicopter tours and simply transporting customers from one point to the other. The use of helicopters is incidental to the tour in **GILLIAM'S** case and affects only a very small area.

Carolyn **WEISHAHN** said the map showing where helicopter tours are allowed is much larger than just the **GILLIAM'S** area. It was suggested that the language be changed from limiting just "takeoffs" to "take-offs" and "landings".

At the request of the Mayor, Mr. GILLIAM explained his operation.

LENDE said he felt adding in the words "and landings" will limit access to the area to fixed-wing aircraft and airboats. **SCHNABEL** felt this was the intent of the Assembly.

There was further discussion regarding "tours" vs "transport". It was felt that what Mr. **GILLIAM** does is "transport" by helicopter, not "tour".

<u>M/S</u> **SCOTT/LENDE** Motion to recommend to DNR that their specific stipulation #1 on page 8 of SUD ADL 106939 be amended by deleting the words "commercial helicopter tours" and inserting "the use of helicopters for transport"...may occur in the Tsirku... and ...where helicopter take-offs (add) "and landings" originate in this area.

Patricia **BLANK** stated she felt that **GILLIAM'S** helicopter flight was part of his tour.

HARRELL stated that the Planning Commission will be working on defining areas in the valley to be zoned for heliports so that they will be allowed in non-sensitive areas.

Motion carried unanimously.

Nancy **BERLAND** stated that the Assembly should address the definition of "helicopter tour" and have it changed.

20. Assembly Member Comments:

HARRELL said that at the beginning of the year, the Assembly had charged the Planning Commission to recommend where heliport zoning should be in the Borough and where it should be prohibited. She made the suggestion that the Planning Commission give the Assembly a progress report. BETTRIDGE said that it is the Administration's intent "to work with the Planning Commission to get the meetings done, the zones identified, etc. It appears that the heliport portion was to be done by December and the balance of the plan by April."

THOMSEN said that the Planning Commission had originally understood that it was supposed to actually go out and select locations. She was later told that the Comprehensive Plan contractor will do it instead. There is confusion and she asked, "Do we have a job to do or is it going to be taken care of for us?" Mayor CASE said that the Comprehensive Plan is to be developed by the Planning Commission and recommended to the Assembly per the Charter. THOMSEN said that she does not understand that to be the case. OLERUD explained that the consultant will recommend areas after the public comment meetings, but the Planning Commission must be involved in it. Haines Borough Assembly Meeting - December 17, 2003

7. <u>Mayor's Comments/Report</u>: Heliport "Sunset Clause" Deadline in Ordinance 03-02-007

Mayor **CASE** explained that the Planning Commission still needs to determine the new Special Use Zone in addition to the heliport areas they have recommended. More time is needed, and one solution is to consider extending the deadline.

18.New Business:

B. Extending the Sunset Clause on Ordinance 03-02-007

SCHNABEL said that she believes "the most expedient way to deal with the situation is to extend the conditional-use sunset beyond the 12/31/03 deadline and to do that within this year so that we don't allow a black hole." HARRELL stated that she feels "very strongly that we establish a government of laws. Ultimate zoning is what is fair. That's why the Planning Commission was charged with this task. They were either unwilling or unable to make it happen. I would be willing to extend the deadline for no more than 30 days but require the Commission to discharge the tasks that were given to them in the first place. It is the only thing that is fair to the property owners." SCOTT said that, in her opinion, "the Assembly failed in writing the ordinance and communicating to the Commission the schedule that would have to be followed to meet that schedule." She differed with **HARRELL** saying that "the Planning Commission has been working very hard to bring this to fruition. Thev really believed that getting the recommendations to the Assembly by the end of the December was going to fulfill their obligation." SCOTT added that she believes "everything can be accomplished by Feb. 5, 2004 if we pass an emergency ordinance." LAPP said that he does not see this as an emergency situation. SCOTT responded that she believes "a public safety argument can be made in this case because in the public hearings that the Commission held, people made comments regarding concerns for safety and liability." OLERUD disagreed with SCOTT saying, "The ordinance said that it involves heliports. No one would be able to build a heliport in the short black hole time. The situation is mostly for the industry to know where they can construct one prior to the heliskiing season." Mayor CASE said there are two options: 1) try to push it through tonight or 2) ask for it to be heard on January 7 or at a special meeting.

M/S **LAPP/HARRELL** Motion to put this issue on the next regular meeting agenda (1/7/04) for amending ordinance 03-02-007 by extending the sunset clause deadline 60 days.

OLERUD said, "No one in these areas want zoning although anyone of the property owners could have come forward to request a zone to make heliports a prohibited use. No one has come forward in the past 8 months, and I do not believe it is an emergency." **SCHNABEL** responded that when people have brought zoning issues to the Planning Commission over the past year, they have been told that the Commission is working on Title 18 and will not address any of the issues until the title is done." **STANFORD** said, "One of the reasons the Commission has had a difficult time in determining zoning is because they have not, to date, gotten consistent answers for dealing with the gray areas in the Charter." He asked if they realize that "the Commission has come up with the airport as a primary heliport and the other two as secondary. We worked our

butts off on this issue and delivered our recommendations to the assembly by the deadlines. We've had people in our faces from all sides of the issues and have had a lot of input from people."

WEISHAHN asked about publishing the hearing in a paper while the Chilkat Valley News is on hiatus. Mayor **CASE** said, "The Code requires publishing in <u>a</u> paper. We can put it in the Juneau Empire if necessary." WEISHAHN said that she is still trying to get a definition for "landowner." SCOTT said she believes that "no one on staff provided the information that the Commission needed in order to meet the requirements in an adequate and timely manner." She added that she advocates voting the motion down and passing an emergency ordinance. **CASE** said that if none of the motions get passed tonight, he will introduce the motion himself on January 7.

The motion carried in a roll call vote with **HARRELL**, **SCHNABEL**, and **SCOTT** opposed and Mayor **CASE** breaking the tie with a "yes" vote.

OLERUD asked that a definition be determined for landowner, specifically the question--if a person owns more than one lot, do they get more than one vote? . He said that it would be helpful for some Planning Commissioners and Scott Hansen to be present at the next assembly meeting since they participated in Commission meetings and public hearings. **STANFORD** asked the Assembly to assist the Planning Commission in getting some clarification for them from the borough attorney on Title 18. He asked for "specific motions from the assembly and then forward the text to us so that we know specifically what we are expected to do---no gray areas." He also asked if public initiatives could be used for zoning. Mayor CASE said that he understands it would not be allowed for anything to do with legislation, which includes code. **STANFORD** said that any special zone created and recommended by the Commission would have to comply with Title 18. SCOTT asked if the heliport recommendations would be on the next agenda. Mayor CASE said he does not believe it can be done without the metes and bounds first being defined. **OLERUD** said that he believes the Commission needs some input from the Assembly regarding whether or not the recommended areas are acceptable prior to establishing boundaries.

Haines Borough Assembly Meeting - January 7, 2004

7. PUBLIC HEARINGS:

Secttade A. Ordinance 04-01-038 - (Introduction & First Hearing)

An ordinance of the Haines Borough Assembly amending Haines Borough Code Section 18.70.030, Subsection M - General Use Zoning District as adopted by ordinance 03-02-007 on 2/5/2003. #5-Conditional Uses, would be amended to extend the heliport special use zone designation deadline from December 2003 to February 29, 2004.

Mayor CASE opened the public hearing at 6:51pm.

WEISHAHN asked, "What happens to heliports in the rest of the general zone, and if it is being extended to February 29, why not extend it indefinitely?"

HANSEN responded, "The staff from the planning commission said that timing is the issue. It would help the Planning Commission get their job done if the deadline is extended."

CASE closed the public hearing at 6:55pm.

M/S SCOTT/HARRELL Motion to introduce Ordinance 04-01-038 and to set it for its second public hearing on January 21, 2004.

HARRELL said, "The reason for asking the Planning Commission to do this is that helicopters have been a very emotional issue. The goal is to establish a government by law, not emotion. Α government that provides a zoning measure that clearly allows helicopters and heliports in only certain areas."

Mayor CASE interjected that he intends to enforce the code that restricts each assembly member to two comments on any one issue because of the lengthy agenda.

SCOTT expressed concern about what she sees as ambiguous wording in the original ordinance. "It does not specifically say that heliports will be disallowed in the general use zone. Perhaps a change of wording would help it. There has to be something in there that clarifies the intent." **OLERUD** said he believes "the particular language was intentionally put in there so that there would be an incentive to zone an area up the highway for heliports - for heliskiing, mining, etc. If the residents knew that there were no heliports in the general use area, they would not have been willing to allow a special heliport use zone."

The motion carried unanimously.

10. OLD BUSINESS:

B. Zoning Initiatives and Landowner Voting

Mayor CASE asked if there were any planning and zoning questions for staff. WEISHAHN asked if the landowner definition included Mental Health, BLM, the University, and the State. BETTRIDGE said "yes, and they have only one vote if they are separate property owners." OLERUD asked if the assembly was going to review the heliport recommendations for the Planning Commission before they figure out the metes and bounds. SCOTT said it is her understanding that the Planning Commission needs to develop the boundaries and conduct a public hearing prior to recommending them

to the assembly. "The public needs an opportunity to have a hearing on the Commission's decision. It's up to the Planning Commission to establish the boundaries and hold the hearings." Mayor CASE said that regardless of who holds the hearings, the sites must be clearly defined prior to approval. SCHNABEL said that her "understanding of Title 18 is that zoning establishment is what is occurring here. Title 18 clarifies the procedures for it. Whenever a zone is created, it is the Planning Commission's responsibility to conduct the public hearings. The final decision needs to be heard. It needs the credential of process." Mayor CASE asked staff if they are clear on the metes and bounds of the two areas. HANSEN said that he has an elevation map to present to the Planning Commission at their next meeting, but it does not include metes and bounds. He pointed out that planning and zoning does not have metes & bounds---code does not require that. It requires only a map, but metes and bounds can be easily provided if that is what is desired. Mayor CASE asked if there is a way to provide specific geographical boundaries if a property owner questions their situation in a particular zone. HANSEN said that he can provide that. HARRELL said that it may have to be added to the assessment procedure. **SCOTT** said, "This is important because in the Charter there is a protest provision. The people need to know exactly where the zones are so that they can protest. Hopefully there won't be any protests." Mayor CASE asked if a motion was necessary. None was mentioned.

.....

OLERUD asked for the Planning Commission's recommendations for heliports saying that he would like to have the Assembly tell the Commission whether or not those areas are acceptable. He is "not certain that the recommendations meet the request of the assembly that asked for areas that could be accessed and operated economically."

Mayor **CASE** said with unanimous consent the comment period on this agenda item would be extended, and there was no objection.

SCHNABEL asked for clarification about he size of the recommended areas. HANSEN pointed out the general areas on maps to enable the assembly to envision them. SCOTT said that she is "of the opinion that the assembly did not adequately communicate with the Planning Commission the required characteristics of any recommended sites." SCHNABEL countered that "they were indeed given the characteristics."

Mayor **CASE** asked **THOMSEN** if she needed any additional action by the assembly. She said, "No."

HAINES BOROUGH

ORDINANCE 04-01-038

AN ORDINANCE OF THE HAINES BOROUGH ASSEMBLY AMENDING HAINES BOROUGH CODE SECTION 18.70.030, SUB-SECTION M - GENERAL USE ZONING DISTRICT AS ADOPTED BY ORDINANCE 03-02-007 ON 2/5/2003. #5,CONDITIONAL USES, WOULD BE AMENDED TO EXTEND THE HELIPORT SPECIAL USE ZONE DESIGNATION DEADLINE FROM DECEMBER 2003 TO FEBRUARY 29, 2004.

Sec. 1. <u>Classification</u>. This ordinance is of a temporary nature and the code sections hereby amended shall not become a permanent part of the Haines Borough Code.

Sec. 2. <u>Severability</u>. 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.

Sec. 3. <u>Effective Date</u>. This ordinance shall become effective immediately upon adoption.

Sec. 4. <u>Purpose</u>. This ordinance amends the heliport "sunset clause" in Section 18.70.030(M,5) of the Haines Borough Code, as adopted by Ordinance 03-02-007 on February 05, 2003, and changes the deadline from December 2003 to February 29, 2004. The intent of this amendment is to provide additional time for the Planning Commission to define the term *special use zone*, delineate recommended heliport areas, and prepare documents and proposed ordinance(s) pursuant to their recommendations.

> NOTE: UNDERLINED ITEMS ARE TO BE ADDED STRIKETHROUGH ITEMS ARE DELETED

18.70.030 - Zoning Districts

- M. General Use Zoning District (GU) uses in this district.
 - • •
 - 5. Conditional Uses. Landfills, commercial power plants, heliports and hazardous materials storage facilities require a conditional use permit.

Heliports shall require a conditional use permit until provided for in a special use zone - no later than December, 2003 February 29, 2004.

HAINES BOROUGH ORDINANCE NO 04-01-038 Page 2

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY ON THE 21^{st} DAY OF JANUARY, 2004.

Mike Case, Mayor

ATTEST:

Clerk Julie Øozzi, Borc AAINES BOR SEAL: SEAI **OCTOBER 17** 2002 FOFAL

Introduced: Date of First Public Hearing: Date of Second Public Hearing: 01/07/04 01/07/04 01/21/04 Haines Borough Assembly Meeting - January 21, 2004

5. PUBLIC COMMENTS:

Regarding the General Use Zone and the heliport zones under consideration, Cary **WEISHAHN** asked how the planning commission and assembly plan to address the "flip side of the coin"--the general use area leftover.

HARRELL said the ordinances will all take affect at the same time; the things that will be permitted will be clearly stated and all others will not be permitted. Mayor CASE said that Title 18 includes a zoning use chart, and it would be appropriate for the planning commission to add in "heliports" to that chart. SCHNABEL recommended that the assembly give the planning commission direction regarding inclusion and exclusion clarity. Mayor CASE agreed that it would be appropriate. SCOTT said that the planning commission will need to work closely with the manager to get the right ordinance wording to make it all perfectly clear.

7. PUBLIC HEARINGS:

A. Ordinance 04-01-038 - (Second Hearing)

An ordinance of the Haines Borough Assembly amending Haines Borough Code Section 18.70.030, Subsection M - General Use Zoning District as adopted by ordinance 03-02-007 on 2/5/2003. #5-Conditional Uses, would be amended to extend the heliport special use zone designation deadline from December 2003 to February 29, 2004.

Mayor CASE opened the public hearing at 7:14pm.

WEISHAHN requested that the deadline be extended beyond February 29, because she is concerned about "fuzzy and grey areas" that will come up. She wondered if the questions that are arising now could be answered by the end of February.

Mayor CASE closed the public hearing at 7:17pm.

M/S OLERUD/HARRELL Motion to adopt Ordinance 04-01-038.

SCOTT asked if the planning commission has indicated any concerns about time, and HARRELL responded that they believe the deadline is adequate and, in fact, don't want it going on too long. SCHNABEL said she feels comfortable with the deadline but wants the assembly to provide the planning commission with a list of questions to clarify. LAPP said he believes some of the "fuzzy and grey" areas WEISHAHN is concerned about will be dealt with during the Title 18 code review. SCHNABEL suggested that the following list be given to the planning commission for clarification:

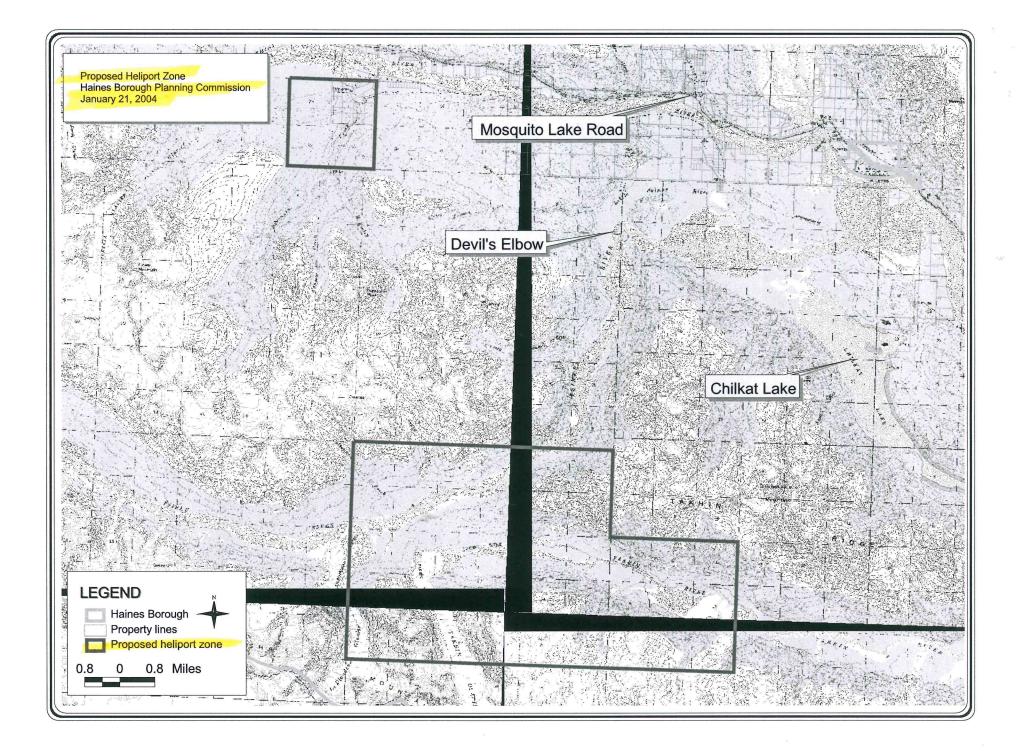
- (1) Will helicopter landings and takeoffs (heliports) be allowed in a general use zone with conditional use permitting?
- (2) Define "heliport."

bed -

- (3) Provide parameters for conditional use permits.
- (4) Are helicopters allowable within an industrial zone?
- (5) Define "existing use."
- (6) Address "casual use."
- (7) Address issues of safety, noise, etc.

Mayor **CASE** said that Jim **STANFORD**, one of the planning commissioners, has received a number of irate calls, and recently received a threat of physical violence because of his stand on the heliport issue.

The motion to adopt Ordinance #04-01-038 carried unanimously on a roll call vote.



Haines Borough Assembly Meeting - February 11, 2004

5. PUBLIC COMMENTS:

10. 1° 1. 1.

WEISHAHN asked how the planning commission and the assembly can refer to a comprehensive plan that has not yet been adopted. She believes that WEISHAHN all zoning must wait until the comprehensive plan is adopted. read her statement included in the meeting packet saying that the establishment of a heliport zone before adoption of a comprehensive plan is in violation of Borough Charter and State Statute.

7. PUBLIC HEARINGS:

Seatache C. Ordinance 04-01-042 - (Introduction & First Hearing An ordinance of the Haines Borough to adopt the Haines Borough Code 18.70.030, subsection (N) Section 18.20.020 and Section (Definitions); providing a "Commercial Recreational Zone."

M/S HARRELL/LAPP Motion to introduce Ordinance 04-01-042.

Regarding a possible problem with zoning prior to comprehensive plan: Mayor CASE summarized the borough attorney's opinion received in response to WEISHAHN's written statement. In Attorney, Steve Sorenson's opinion, "the Haines Borough has no comprehensive plan at this time" and the Borough apparently has only two current options regarding the heliport zoning matter: 1) regulate the heliskiing activity under the General Use Zoning District standards, or 2) forestall the enacting of a specific zoning district for heliskiing until the comprehensive plan is completed. Mayor CASE said that the Charter does address preservation of prior laws so, in spite of the attorney's opinion, he recommends the assembly proceed with the public hearing and set this ordinance for its second hearing. If preservation of prior laws does not end up applying in this case, then it will just die.

Mayor CASE opened the public hearing at 7:49 p.m.

Karen HESS commended the planning commission for the difficult process they have gone through in coming up with two heliport recommendations. She expressed support for the planning and zoning process but pointed out that the two recommended areas are not feasible and accessible. She requested that the assembly look at grandfathering in the 33-mile site and/or looking at additional sites.

Ray STASKA agreed with HESS and thanked THOMSEN for the hundreds of hours she and the commission have put into the process. He expressed support for Al GILLIAM's request for a helicopter use-by-right. "Gilliam has been steadily building his business for the last twenty years. His permit is the unique exception that should be considered." STASKA went on to say that he does "not support all of the demands being put on the assembly by the fledgling heli-skiing industry" and said that "the wishes of the property-owners and families in the upper valley should take precedence."

Al GILLIAM attempted to clarify some areas of concern saying, "This is not a special use discussion tonight because of the passage of the My company has historically and legally operated helicopter SUD. take-off and landing facilities."

Patricia BLANK said that her concern is the additional impact on wildlife, especially the goat population in the Takhin/Tsirku area.

She recommended that the maximum heliport elevations be set at 1000 ft instead of 1200.

and provide

Jon **COULTER** said that he has personally been a part of **GILLIAM'**s ongoing struggle to build a business and said he supports the establishment of a heliskiing zone in the upper Takhin/Tsirku valley.

WEISHAHN displayed a map and said that she questions whether or not the planning commission, when drafting the ordinance, used proper procedure. She believes heliports in the General Use zone should remain *conditional use* until the comprehensive plan is adopted. Regarding the Porcupine zone, she said, "It is an unnecessary zone, and it will potentially harm salmon. A heliport zone in the Porcupine area would have serious impacts both economic and social."

Pam **COULTER** said that stringent regulations were applied through the SUD process, and wildlife impacts are not an issue.

Scott **SUNDBERG** thanked **THOMSEN** and the assembly for taking up the issue of zoning for heliports. He said, "The Takhin site works if you have an elite-type lodge that can be flown into. Unfortunately, most of this area's clients are not in that class and need to be able to go into an area with easier access." He also voiced support for Gilliam's area.

Hearing no more public comments, Mayor **CASE** closed the public hearing at 7:04 pm.

Mayor **CASE** said that he recommends introducing the ordinance and proceeding. He read the text from Charter Section 19.04 - Prior Law Preserved. **HARRELL** said that she wants to proceed; the borough has been operating under the old comprehensive plan and the new comprehensive plan is nearing completion. **THOMSEN** suggested postponing the second hearing until an interim "new" comprehensive plan is in place.

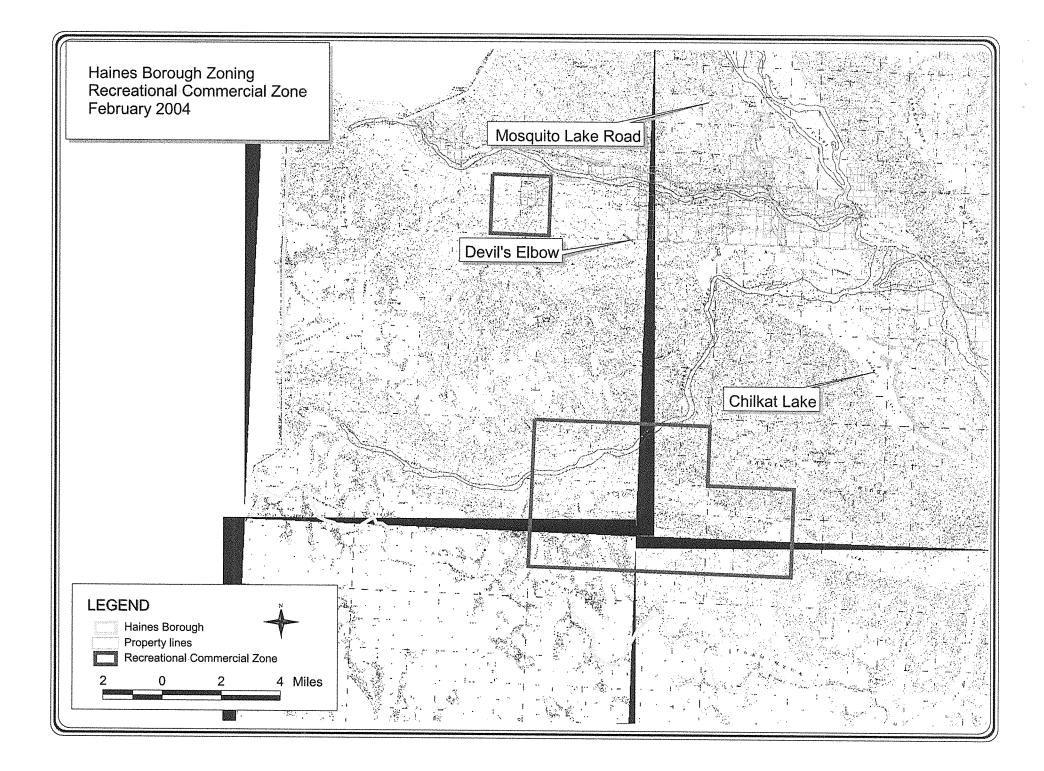
SCHNABEL asked why some of the public testimony presented tonight implies the ordinance threatens a curtailing of existing permits. Mayor CASE said he believes it poses no such threat. SCHNABEL expressed concern about no longer having conditional use permits after the heliports are established. "A company may need to use a helicopter on a incidental basis. Because of our geography, the potential for mineral development, etc., the rest of the borough needs to have some way of getting a permit." HARRELL responded that "there will be a use-by-right for helicopters. There is nothing to preclude permits for incidental use. She said the general use zone will gradually be phased out and only 4 zones will remain in the borough: *industrial, residential, recreational,* and *commercial.* The state is going to require it within a few years". SCHNABEL said she is concerned about *prohibited use* and wants to see *conditional use* retained.

THOMSEN said, "Anyone can make an application for a conditional use even if the code says a use is prohibited. There is nothing to bar the planning commission from granting one if they choose. **OLERUD** said to **SCHNABEL** that "conditional use within the general use zone is going to be in a separate ordinance. As of the 29th of February, there will be no conditional use, so a different ordinance will have to be considered."

SCOTT read a statement from the president of a Juneau flight-seeing company. "Before any site is built, appropriate planning is required. It is inappropriate to have residential areas bordering heliport zones." SCOTT said she disagrees with heliports being a use-by-right; they should be conditional use because of safety issues. She believes that GILLIAM will not be affected if this ordinance is *not* adopted. GILLIAM disagreed. He said that the upper Takhin/Tsirku needs to have a decision right away. BLM has stopped his helicopter operations until it is satisfied that this issue has been resolved on the local level. "It is a delaying tactic and a deliberate attempt to stall it. The State has signed off on all of his permits, but at the same time it would be nice to know that the Borough Assembly supports it for BLM's satisfaction."

SCOTT asked how much area is in question in that area. GILLIAM said that the State decided to move the boundary line further down the Takhin Valley so as not to limit it to one property owner. SCOTT said that she believes GILLIAM's operation is independent of this ordinance because the SUD process and passage occurred prior to the assembly's consideration of heliport zones. HARRELL said, "Our laws must accommodate state and federal law. By zoning these sites, new sites would be prevented." She said that she is against conditional use. OLERUD said that "whether or not the assembly adopts the ordinance, GILLIAM's operation is not in danger." He said he is not in favor of the ordinance as written and does not believe the planning commission did its job to come up with areas that would provide an incentive for helicopter businesses to locate there and get them away from populated areas. GILLIAM took exception to OLERUD's comment and said that the area is definitely good for business. SCHNABEL said that she believes the borough government has just been "reacting to suppositions and presentations. The borough, in the Porcupine recreational zone, should consider putting up \$200K to build a chalet, a generator, a heli-pad, a commercial kitchen, plow the road, and lease it out. We can be in the heli-ski industry in the way we want to be in it. It is a possible way of resolving this issue--to be a partner and designer of what the industry is." OLERUD asked when an attorney response was requested. CASE said that it was submitted following receipt of WEISHAHN's letter. OLERUD said, "Response time seems inappropriate and prevented discussion prior to the meeting." SCOTT asked the mayor and manager to speak to the attorney about the third class borough's comprehensive plan that only dealt with lands outside the former City boundaries. LAPP said that he would like to see the ordinance defined more. SCOTT said, "We are moving up on the "sunset deadline" but I am not too concerned because the industry has said that they are not planning to use the remote sites at this point."

The motion to introduce Ordinance 04-02-042 failed 4 to 1 with **HARRELL** voting in favor.



Ordinance NOT Introduced

HAINES BOROUGH

ORDINANCE 04-02-042

AN ORDINANCE OF THE HAINES BOROUGH TO ADOPT HAINES BOROUGH CODE SECTION 18.70.030, SUB-SECTION (N) and 18.20.020 (definitions).

BE IT ORDAINED BY THE HAINES BOROUGH ASSEMBLY:

Sec. 1. <u>Classification</u>. This ordinance is of a general and permanent nature and and the code sections hereby adopted shall become part of the Haines Borough Code.

Sec. 2. <u>Severability</u>. 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.

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

Sec. 4. Purpose.

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AUTHORITY - This ordinance provides a "Commercial Recreational" Zone by authority of the Haines Borough Charter and Land Use/Development Code, consistent with the State of Alaska Special Use Designation for Commercial and Helicopter Operations within the Haines State Forest and Surrounding General State Land pursuant to 11 AAC 96.010 (a) (2) and 11AAC 96.014 and ADL 106939.

INTENT - The intent of this zoning classification is to provide a zone allowing "Commercial Recreation" as a "Use By Right".

Sec. 5. <u>Adoption of Code Sections</u>. The sub-section annexed hereto and bearing the code number 18.20.020 is hereby adopted as a part of Title 18 of the Haines Borough Code and 18.70.030 of Title 18 of the Haines Borough Code.

18.20.020 - Definitions

"Commercial Recreation" means recreational use of land, water, and resources for business or financial gain. "Commercial Recreation" includes guided sport fishing, guided outfitted sport hunting, guided recreation, air and water taxi services, and helicopter uses, including heli-skiing operations, that provide transportation for recreational users of land within the specified area of the Haines Borough.

1 1 1 1

"Heli-skiing Operations" - Commercial Helicopter Operations conducted for the purpose of transporting people who ski or snowboard to destinations within the Haines Area. This term also includes helicopter operations that are related to the commercial filming of such activity or to downhill skiing or snowboard competitions.

18.70.030 [N] Recreational Commercial Zoning District

Intent

The Recreational Commercial Zone is designed to provide, as a Use-By-Right (UBR), uses which are both recreational in nature and performed for business or financial gain. Such uses include guided sport fishing, guided outfitted sport hunting, guided recreation, air and water taxi services, helicopter operations that provide transportation for heliskiing, recreational users of land, helicopter operations related to commercial filming, or to downhill skiing or snowboard competitions. The zone allows establishing heliports at a maximum elevation of 1,200 feet.

Uses-By-Right

- A. Existing uses
- B. Animal Husbandry or crop production
- C. Residential uses (Single Family, Cabins, Lodges)
- D. Retail and wholesale commercial business
- E. Campgrounds
- F. Resource extraction
- G. Heli-skiing operations
- H. Commercial recreation

Prohibited Uses

- A. Landfills
- B. Commercial power plants
- C. Hazardous materials storage facilities

Nonconforming Uses

There are no nonconforming uses.

Conditional Uses

There are no conditional uses.

Sec. 6. <u>Geographic Description</u>: The following property description identifies areas allowing heliports as a UBR.

Ordinance 04-02-042 Page 3

Heliports within this region are allowed below 1,200 ft. elevation ASL: <u>Porcupine Area</u>: T28S, R54E, all of Sections 28, 29, 32, and 33. <u>Takhin / Tsirku Area</u>: T30S, R55E, all of Sections 1 through 30, And T30S, R56E, all of Sections 16 through 21 and Sections 28 through 30.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY ON THE _____ DAY OF _____, 2004.

Mike Case, Mayor

ATTEST:

Julie Cozzi, Borough Clerk

SEAL:

Introduced:										
Date	of	First 1	Public	Hearing:						
Date	of	Second	Public	: Hearing:						



Haines Borough Assembly Meeting - February 18, 2004

11.NEW BUSINESS:

A. Ordinances for Introduction

2. Ordinance 04-02-045

An Ordinance of the Haines Borough Assembly amending Haines Borough Code Section 18.70.030, Sub-Section M, Number 5 – General Use Zoning District, Conditional Uses, as adopted by Ordinance 03-02-007 on 2/5/2003, to remove the deadline from the Heliport Special Use Zone designation.

M/S **SCHNABEL/SMITH** Motion to introduce Ordinance 04-02-045.

Mayor CASE asked if the assembly was within its legal rights to pass the zone ordinance in the first place since it was prior to the comprehensive plan. SCOTT spoke in favor of this ordinance. HARRELL said the ruling has been made that none of the zoning ordinances that have been made since the borough consolidated are valid; all must be repealed. BETTRIDGE said as they are considering this ordinance, they need to understand the use-by-right helicopter activity already in place. SCHNABEL asked what ordinances have been passed. She said her understanding is that the Charter required that the General Use Zone be passed. "So, the only ordinance questionable would be the one amending the sunset clause deadline to 2/29/04." SCOTT asked the mayor if he is suggesting that the most the assembly should have done was designate the general use area. Mayor CASE said he is just asking the question since it has now come to the Borough's attention that the former comprehensive plan was not appropriate, and a new one must be put into place prior to zoning.

A short recess was called at 8:30pm. The meeting reconvened at 8:37.

SCOTT read from the Consolidation Transition Plan, Exhibit J, Page 8. She pointed out that the Planning Commission voted 5 to 1 to include heliports as a conditional-use requirement. OLERUD said that the Charter does not specifically say heliports. SCOTT explained that it says "such as ... " and only lists a few examples. SCHNABEL spoke in favor of the ordinance but also wanted to introduce a discussion about conditional-use permits. "Most of us are reacting to this ordinance because we have our own conception of what a conditional-use process means. It does not have to be considered negative." SCOTT agreed and said she has also been concerned about the negative concept of conditional-use permits. "They are useful and should not be feared. It is a mechanism for review of development. Land use affects our neighbors." HARRELL said, "Each property owner should be able to know what the zone will and will not allow from the get go. Investors need assurance of their long-term investment in order to be willing to commit. Conditions can be changed." SCHNABEL asked for an estimated time of completion for the new comprehensive plan. THOMSEN said the draft should be done very soon and will have the Clerk provide a copy of it to the assembly members to review. She added that the planning commission is hoping that the plan will be an asset to people that want to purchase property.

In response to hands raised in the audience, Mayor **CASE** clarified that this is a discussion regarding whether to introduce the

ordinance or not. The public will be provided an opportunity to speak during a public hearing if it comes to that. He also added that he spoke with representatives of both the State and BLM and was told that there are no known problems with **GILLIAM's** permitting.

The motion to introduce the ordinance passed. The vote was tied with LAPP, HARRELL, and OLERUD opposed. Mayor CASE broke the tie with a "yes" to keep it alive but said that he is against the ordinance and will use whatever means available to him to suppress it if it comes to an adoption vote.

Haines Borough Assembly Meeting - March 3, 2004 soldade

7. PUBLIC HEARINGS:

D. Ordinance 04-02-045 - (first hearing)

An ordinance of the Haines Borough Assembly amending Haines Borough Code Section 18.70.030, Sub-Section M - General Use zoning district as adopted by Ordinance 04-01-038 on 1/21/04. #5-Conditional Uses would be amended to eliminate the heliport special use zone designation deadline.

Mayor CASE opened the public hearing at 5:36pm

WEISHAHN spoke in favor of the ordinance. "It would be responsible to remove the date since the attorney instructed that it was invalid."

Mayor CASE closed the public hearing at 5:39pm

Motion to move Ordinance 04-02-045 to its second M/S SCOTT/SCHNABEL public hearing on March 17, 2004.

SCOTT agreed with WEISHAHN that the date is invalid. She added that she looks at this ordinance as a needed housekeeping measure. SMITH said that the intention of the amendment is to ensure that the comprehensive plan is in place prior to zoning. HARRELL said the thing that bothers her is that "a conditional use permit would be required for areas that have an existing use. That would be a retroactive change in conditions. We would be opening ourselves up to a lawsuit by putting restrictions on existing use. That cannot be done without just compensation." SCHNABEL said that things change An activity will be allowable under certain all the time. conditions. The planning commission may simply say that the heliport currently in operation is allowed to exist. However, it is an important principle in our community to continually review." HARRELL said that a use-by-right would be better than a conditional-use permit. She does not like the idea of changing the ground rules in Mayor CASE said that he is generally in favor of mainstream. conditional use for heliports. However, he is not in favor of it at this time especially with respect to GILLIAM's business. He would like to see a use-by-right designation for him. SCOTT asked if the assembly actually ruled "uses that were in force at the time of consolidation in the general use zone would be grand fathered in." Mayor CASE said, "Yes, but the question is in the level of use. HARRELL said she would like the assembly to respect the planning commission's work. SCHNABEL said, "Through the course of a year, the assembly and the community has not wanted to interfere with the activity that GILLIAM has." She said that possibly text could be added to say that a current BLM permit or possibility of permit renewal would be required for a use-by-right. Otherwise, a SMITH asked THOMSEN, "Did the conditional use would be required. planning commission refer to GILLIAM's operation as a use-by-right and recommend that to the assembly?" THOMSEN said that the term "use-by-right" was actually coined by the attorneys at the time of consolidation. GILLIAM's situation is peculiar; it may not be reflected in some of the other helicopter issues that the assembly would be addressing." She said that we need some attorneys here to answer our questions. SMITH concurred with THOMSEN and said, "We cannot go any further without legal advice; we are in a gray area." GILLIAM said that he was permitted in writing in 2001 & 2002. "Information provided by the BLM to the assembly was erroneous, they lost my permits, and they now have an attorney on retainer." SCHNABEL asked THOMSEN what she means by GILLIAM's situation being peculiar. THOMSEN responded that every permit situation has a history, and one size does not fit all. SCOTT said, "This ordinance is not directed at GILLIAM's operation. It is directed at thousands and thousands of acres in the Haines Borough." She agreed with SCHNABEL's suggestion to amend the ordinance to exclude those with BLM permits.

M/S **SCHNABEL/SCOTT** Motion to insert "not allowed by a BLM or DNR permit or its renewal" between *heliports* and *shall*.

GILLIAM said that he does not have a current permit because they have been pulled while waiting for a local decision.

Mayor **CASE** suggested the following language: "Heliports, other than helicopter operations located in the upper Takhin and Tsirku, shall require a conditional use permit." **SCHNABEL** said it occurs to her that the entire issue is reflective of a fear regarding conditional use permits--that they would prevent the operation. "We have to find a way to continue the protections we need and still demonstrate our support for **GILLIAM**." Mayor **CASE** explained that one option, at this moment, would be to withdraw the motion on the table and make a new motion tabling the ordinance. This would give time to craft language to ensure a use-by-right for a very specific area.

SCHNABEL/SCOTT withdrew the motion on the table.

M/S **SCOTT/SCHNABEL** Motion to table ordinance 04-02-045 until March 17, 2004 and to work in committee to craft language to ensure a use-by-right for a very specific area.

The motion carried unanimously.

Not Adopted

HAINES BOROUGH

ORDINANCE 04-02-045

This ordinance died on 3/17/04 because the vote to UN-table it failed.

AN ORDINANCE OF THE HAINES BOROUGH ASSEMBLY AMENDING HAINES BOROUGH CODE SECTION 18.70.030, SUB-SECTION M, NUMBER 5 – GENERAL USE ZONING DISTRICT, CONDITIONAL USES, AS ADOPTED BY ORDINANCE 03-02-007 ON 2/5/2003, TO REMOVE THE DEADLINE FROM THE HELIPORT SPECIAL USE ZONE DESIGNATION.

BE IT ORDAINED BY THE HAINES BOROUGH ASSEMBLY:

Sec. 1. <u>Classification</u>. This ordinance is of a general and permanent nature and the code sections hereby adopted shall become part of the Haines Borough Code.

Sec. 2. <u>Severability</u>. 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.

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

Sec. 4. Purpose.

This ordinance eliminates the heliport "sunset clause" in Section 18.70.030 M(5) of the Haines Borough Code. The intent of this amendment is to assure that adoption of a effected prior the Comprehensive Plan can be to establishment of zones. The first Comprehensive Plan for the newly consolidated Haines Borough is intended to be a meaningful "guide for all planning commission all assembly legislative action recommendations and concerning land use and development issues" as stated in Section 8.04 of the Haines Borough Charter.

NOTE: STRIKETHROUGH ITEMS ARE DELETED.

18.70.030 - Zoning Districts

M. General Use Zoning District (GU) uses in this district

5. Conditional Uses. Landfills, commercial power plants, heliports and hazardous materials storage facilities require a conditional use permit.

Heliports shall require a conditional use permit until provided for in a special use zone no later than February 29, 2004.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY ON THE _____ DAY OF _____, 2004.

Mike Case, Mayor

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ATTEST:

Julie Cozzi, Borough Clerk

SEAL:

Introduced:	02/18/04					
Date of First Public Hearing:	03/03/04 ta	abled				
Date of Second Public Hearing:	//04					

10. OLD BUSINESS:

A. Tabled Ordinances

1. Ordinance 04-02-045

An ordinance of the Haines Borough Assembly amending Haines Borough Code Section 18.70.030, Sub-Section M - General Use zoning district as adopted by Ordinance 04-01-038 on 1/21/04. #5-Conditional Uses would be amended to eliminate the heliport special use zone designation deadline.

M/S SCOTT/SMITH Motion to move the ordinance from the table.

The motion failed with a tie vote, and the ordinance died for failure to come off the table. LAPP, HARRELL, and OLERUD voted against it.

3. NEW BUSINESS:

a) Draft Comprehensive Plan

STANFORD reported that in Wednesday's meeting the Borough Assembly did not approve the submitted Comprehensive Plan for introduction and wanted the Commission to perform one more public hearing on the document. THOMSEN expressed satisfaction that the document had come this far. GOLDBERG noted the hundreds of corrections made to the document throughout HARRELL noted the existing time constraint and the planning process. suggested that since the substance of the document is virtually complete they approve the Plan so that the Assembly may put ordinances in place. It is possible that the document will be changed after the Assembly's public hearing process. She described a number of economic development projects and others needing the support of a Comprehensive Plan for their Added to this is an 18-month consolidation time constraint, so success. she recommended that the document pass immediately. STANFORD suggested that there is more time than is perceived, and the document should be done right the first time, even if it takes longer. He suggested a second meeting to handle written public comments received after some deadline. SCOTT said that there is no reason for concern over a timeline, and the commission can relax and work on the document. She noted that there has never been a true public hearing on the document as a whole. She said that the Borough has spent too much money on a consultant with incomplete She also said that the Plan doesn't really affect economic results. development projects as described by HARRELL. She cited a recent memo describing a conversation with the Manager and Local Boundary Commission staffer Dan Bockhorst and said that the memo releases immediate consolidation deadlines and significant need for the Plan to be able to pass land use ordinances. STANFORD, referring to the memo, stated that the memo does identify a time constraint. He also said that there have been numerous public hearings on sections of the Plan each time they were produced, and there's little difference after it's all put together. He said that few people attended these publicized meetings - he wished there were more, and he thanked the visitors present for their participation. He also said that the Plan is intimately tied to land use regulations and is necessary prior to passing land use regulations. After all, the heliport zone code language was rejected by the Assembly due to a missing **VANCLEVE** agreed, saying that the Assembly can't both reject Comp Plan. proposed land use code language and adopt language later using the same rationale. It can't be both ways. HANSEN said that funding for the consultant was from a grant from DCED, and the Commission decided who would complete individual portions of the Plan. The consultant took direction from the Commission. STACY questioned some of SCOTT's blanket references to "City" and suggested that not all needed be changed to "Borough", such as police protection.

HEINMILLER suggested that the commission still target a quick completion date for the Plan, as the Assembly is required to have their own public hearing process. **SCOTT** objected, saying that the commission should have so completed the public process that there should almost be a "rubber stamp" through the Assembly - the process should be quick by that time. The public attention should be on the Commission - the Assembly's involvement is only technical. Figdor said that the Plan shouldn't be rushed along. GOLDBERG suggested that there be a deadline for comments and then the commission should have one more public hearing over the document. HEINMILLER suggested that the Assembly make some substantive comments prior to the deadline - all that's been seen so far is typos - no comments with substance have been offered. VANCLEVE agreed, noting that criticism to date has basically slowed the process. STACY noted that with each public hearing on the Plan there has been significant input, and it has been appreciated. Weishahn suggested altering the future growth map and adding SUDs to the text. STANFORD noted that Fish and Game animal habitat maps need updating. BLANK expressed hope that many comments come in. Other, more specific changes were discussed and noted for change.

b) Recommendation to Assembly

M/S GOLDBERG/VANCLEVE to extend the Comprehensive Plan public comment period through March 29 and review written comments at an April 1 meeting.

Motion carried unanimously.

M/S STANFORD/STACY to make sure the Borough Assembly has a copy of the Comprehensive Plan by next Wednesday's meeting, and urge them to have comments in by March 29.

Motion carried unanimously.

Haines Borough Assembly Meeting - April 7, 2004

7. PUBLIC HEARING:

A. Ordinance 04-03-048 - (first hearing)

An Ordinance of the Haines Borough adopting Haines Borough Code Titles 18 - Land Use and Development, and setting an effective date pursuant to Haines Borough Charter requirements.

Mayor CASE opened the public hearing at 6:43pm.

HANSEN pointed out the following amendments including changing the effective date of the ordinance to 4/21/04:

- Page 75 under General Use Zone 18.70.030(D)(5) is still the old language that includes heliports as a conditional use. Since the "sunset clause" expired, the language should be removed.
- 2. Delete the words "of the Haines City Code" and "of that code" in the second paragraph of 18.70.030(D)(5) as this no longer applies. Also, delete 18.70.030(D)(6) because with adoption of this Title, platting will be provided by the Borough.

The mayor closed the public hearing at 6:45pm.

M/S **OLERUD/SCOTT** Motion to move Ordinance 04-03-048 to its second public hearing on 04-21-04.

M/S **HARRELL/OLERUD** Motion to amend the ordinance per the 4/07/04 suggestions by HANSEN.

SCHNABEL spoke against the amendment, specifically HANSEN's item #1 regarding removing the conditional use for heliports.

The mayor called for, with no objection, a division of **HARRELL'**s motion. **HANSEN'**s item #2 was addressed first, and there was no discussion.

The part of the motion to amend Ordinance 04-03-048 to incorporate the minor changes referred to in **HANSEN'**s item #2 carried unanimously.

SCOTT spoke against item #1 saying it would be questionable to allow heliports without a higher level of permitting and oversight due to the impact of that use in a region. SMITH recalled the planning commission requesting that heliports be included as a conditional HARRELL asked THOMSEN to state the planning commission's use. THOMSEN said that the commission recommended two recommendation. areas to be zoned as "use-by-right" and are hopeful that they soon "A conditional use designation will bog down the will be. commission's efforts." LAPP expressed concern that all heliports are being put into a high-impact category by SCOTT. "Occasional-use should not be lumped in with frequent-use." SCOTT asked THOMSEN if it is her understanding that the use-by-right zones would be subject to some mitigating measures or safeguards, specifically regarding the nature of the operation, the size of the heliport, buffers, etc. within a zone. THOMSEN responded that the planning commission is simply a zoning body and does not have the type of authority SCOTT is referring to. The FAA or the permitting process would deal with those issues. "The planning commission does not regulate safety." SCHNABEL disagreed saying the planning commission looks at safety issues all the time when making land-use decisions, and Mayor CASE clarified that under a conditional use, the commission would have the

right. SCHNABEL read into the record the following from Ordinance 04-03-048, Section 18.50.010 Purpose: "Conditional uses are intended to address uses and issues of community-wide importance and are therefore subject 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, designs and situations." She concluded saying that it is a responsible position to include heliports in conditional SCOTT asked LAPP if he would feel better if "commercial" was use. inserted in front of heliports in the Title. LAPP said he still thinks that frequency of use should determine "high impact." He went on to say that he did a lot of research into other communities and found that in almost every case, the high impact ones had year-round use. "I have a hard time with seasonal or part time being designated high impact." **OLERUD** said the original conditional use designations were for landfills, power plants, and hazardous waste sites. "Even if they were closed, they would still have a lasting impact. On the contrary, if a heliport closed, the impact would cease. I don't believe a conditional use is warranted in this case. CASE reminded that when the planning commission came to the assembly to recommend the two heliport zones, the assembly turned it down. "It has been a divisive issue." He said that he does not have a problem with making heliports a conditional use as long as Al Gilliam's is made a use-byright.

M/S **SCOTT/SMITH** Motion to table Ordinance 04-03-048.

The motion failed 2-4 with a roll call vote. HARRELL, OLERUD, LAPP, and SCHNABEL voted against.

Mayor **CASE** stated that he would enforce the 2-times-per-person per topic speaking limit.

HARRELL said there is no definition that can be found for "high impact." She believes the borough will be on much better footing if the land is zoned as opposed to conditional use.

M/S **SMITH**/ Motion to appeal the mayor's ruling to enforce the two-times per assembly member speaking limit. The motion died for lack of a second.

The motion to amend Ordinance 04-03-048 by incorporating HANSEN's item #1 carried 4-3 with **SMITH**, **SCHNABEL**, and **SCOTT** opposed and **CASE** breaking the tie with a "yes" vote.

The main motion to move the ordinance to its second public hearing on 4/21/04 carried 5-1 with **SCOTT** opposed.

From Haines Borough Comprehensive Plan – Adopted April 2004 (Page 72)

Commercial Helicopter Take-off and Landings: Several businesses offer heliskiing during the late winter and early spring that have been operating from 33 Mile and other locations on the Haines Highway. This activity has created conflicts, primarily noise and safety concerns related to the helicopters' proximity to the highway and to residences. The Planning Commission evaluated several possible locations for suitability for helicopter take-offs and landings, and discussed this matter at two well-attended public meetings in late 2003. As a result, the Commission identified two areas, in addition to the Haines airport, where commercial heliports in conjunction with recreational uses could be a use by right.

Strategies:

- 1. Encourage companies offering heli-skiing to develop an area away from residences by creating, by ordinance, a commercial, recreational zone within the General Use zone where heliports would be a use by right.
- 2. Hold public hearings to work with residents, heli-ski companies, and others to find a workable solution to this conflict.

Haines Borough Planning Commission Meeting - April 8, 2004

6. PRESIDING OFFICER REPORT:

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THOMSEN said that the Comp Plan was accepted by the Assembly and then sent into a committee for possible correction. The Assembly will not return the document to the Commission. HARRELL expressed concern over a labored process - if the Comp Plan is not passed such that ordinances can be passed prior to the consolidation deadline there is a direct effect on local economic development projects which are particularly needed at this She said that the Assembly was informed of the Commission's motions time. last meeting: that the Commission expects to review the Plan and account for deferred changes in one years' time. GOLDBERG said that the Commission should be the sole planning body for the Borough, and the Assembly shouldn't be changing that which was formed through the Commission's public process. THOMSEN suggested that if the Assembly wants to complete the process they should take the "deferred" file and complete the job. STACY expressed confusion about how the Assembly doesn't accept the Commission's work, and the Commission would do well to get direction as to the proper process. VANCLEVE stated that it wouldn't be faithful to the public process if the Assembly made substantive changes to the Commission's work.

M/S HEINMILLER/STACY that the Commission provide the Assembly with charter wording regarding how the Commission is the "sole planning body" and request that the Assembly get a legal opinion regarding the Comp Plan process.

VANCLEVE questioned the need for the Commission if the Assembly continually changes recommendations sent by the Commission. HANSEN noted that the Assembly, as an elected body, has authority to make changes to the document produced by the public process but must bear the responsibility for those choices at election time. HEINMILLER noted that recalls are a serious issue for elected officials. VANCLEVE noted that the Assembly should be happy with the Commission's plan for Comp Plan review. THOMSEN agreed, saying that the deferred list will be reviewed in one year anyway, as decided by motion last week.

Motion passed unanimously.

THOMSEN continued her report, noting that the Assembly decided that the "sunset clause" in the GU ordinance really did "set", and there is now no mandatory conditional use permit required for heliports in the General Use district as of 2/29/04.

THOMSEN reminded Commissioners of their responsibility to make zoning recommendations to the Assembly within 18 months of Commission appointments, although with the Comp Plan on hold the zoning recommendations wouldn't be implemented until the Comp Plan was passed anyway.

11. NEW BUSINESS

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#### a. Zoning Recommendations

HANSEN said that the Commission needs to formulate a unified approach to zoning in the General Use (GU) area. This would involve an understanding of the purpose and efficacy of the conditional use permit process and its necessary code language. VANCLEVE said that the GU works fine - the Commission shouldn't get too detailed with zoning recommendations. Possibly a few areas have been identified. Residents should originate zoning recommendations, and there would be opposition to draconian zoning decisions. HARRELL brought up significant commercial future development expected along the highway transportation corridor, and noted present helicopter debate. She mentioned certain commercial recreation areas now in use. She mentioned that in remote areas where residents dominate uses that the residents should determine zoning decisions. She said that Haines needs some commercial zones in the GU area because development comes, and the issue is how to properly direct that development. THOMSEN noted that Excursion Inlet has significant development that should be protected with zoning. HEINMILLER noted that the Commission's philosophical principles on areawide zoning should guide the whole public process. THOMSEN said that zoning protects existing uses and allows for proper future development. If the conditional use permit process is used it must have very specific criteria on which to make decisions, or it is only public sentiment, an arbitrary measure and highly subject to losing in the litigation process. The Borough must work within the best constraints of the law.

GOLDBERG expressed his frustration that the Assembly would allow commercial heliports to operate without a conditional use permit when 60-70 individuals testified that they didn't want it, and there is no discernable economic benefit to the Borough from the development. He said that property taxes contribute so much more to the Borough economy than the financially invisible heliskiing business, and property owners should be supported in greatest measure. THOMSEN noted that the Commission had recommended zones allowing for heliports, and the language is poised for adoption whenever the Assembly is ready. HARRELL agreed, saying that once a zone exists with a "use-by-right" for heliports then the conditional use permit process can be instituted. VANCLEVE echoed Assembly member comments that a conditional use permit is the same as a prohibition on the use because business owners would be damaged by an abusive, drawn out public process. THOMSEN noted that loans have been denied because there was only a conditional use permit process - the investors couldn't be assured of a financial return on their investment. HARRELL agreed, noting that the existing uses cannot be legislated away, anyway - the uses will continue. Areas WITH uses-byright would direct development. GOLDBERG noted that a

"threshold" for impact would be a good measure for a conditional use permit process. If impacts could be measured they could be mitigated. **STACY** agreed. **HANSEN** commented that establishing "impact thresholds" and using the conditional use process would be almost the same activity as zoning, except it would be more time-consuming, costly, and thwart development. **GOLDBERG** noted that there are two approaches to permitting: 1) to regulate uses and 2) to assess new development for assessment purposes. **HANSEN** said that mechanisms are ready, and the Borough is poised to implement either of the two options as soon as the Assembly decides which permit process is best to implement zoning in the General Use area.

#### 12. PUBLIC COMMENT

WEISHAHN expressed disappointment at the Assembly's having taken heliports out of the conditional use category. She stated that the commission's heliport recommendation was not adopted because it wasn't legal. She said that the Borough needs a forward thinking solution, not back to the way it was in the third class borough. Haines Borough Assembly Meeting - April 21, 2004

#### 7. PUBLIC HEARING:

D. Ordinance 04-03-048 - (second hearing)

An Ordinance of the Haines Borough adopting Haines Borough Code Titles 18 - Land Use and Development, and setting an effective date pursuant to Haines Borough Charter requirements.

Mayor **CASE** opened and closed the public hearing at 8:31pm; there was no comment.

M/S **OLERUD/LAPP** Motion to adopt Ordinance 04-03-048.

M/S **OLERUD/LAPP** Motion to amend the ordinance, Section 18.70.020, per the 4/20/04 recommendation by Vince Hansen.

The motion to amend Ordinance 04-03-048 by incorporating Vince Hansen's recommendations carried unanimously.

**SCOTT** and **SCHNABEL** each pointed out that they plan to vote "no" on the adoption of Title 18 because heliports were removed from the list requiring conditional use permits.

The main motion to adopt the ordinance carried 4-3 with **SCOTT**, **SCHNABEL**, and **SMITH** voting against and Mayor **CASE** breaking the tie with a "yes" vote.

Vince **HANSEN** congratulated the mayor and assembly on this occasion of adopting the final title of the new Haines Borough Code.

Haines Borough Planning Commission Meeting - May 13, 2004

#### 13. MEMBER COMMENT

**STANFORD** asked about the tabled heliport ordinance and what would become of it. **BETTRIDGE** suggested that the Commission re-introduce it to the Assembly after ensuring that it conforms to the Comprehensive Plan. **VANCLEVE** expressed that he would feel validated if the Assembly were to vote again on the ordinance in light of the existing Comprehensive Plan. Commissioners agreed.

**M/S STANFORD/STACY** that since the Commission is intimately familiar with the Comprehensive Plan and can affirm that the heliport ordinance conforms to the Plan that it be re-introduced to the Assembly for approval.

Motion carried unanimously.

Haines Borough Planning Commission Meeting - June 10, 2004

#### 10. OLD BUSINESS:

#### A. "Commercial Recreation" land use zone resubmittal to Assembly

HANSEN said that since the State has abandoned the heliskiing Special Use Designation (SUD) they have recommended that zoning should now be done by the Borough using areawide planning authority. In addition the Commission needs to update the ordinance sent to the Assembly because it uses SUD language and references and will no longer be accurate. HARRELL suggested deleting SUD references and resubmitting the proposed ordinance as written. The Commission deleted the SUD reference and then deliberated as to how much regulation the Borough should require. HANSEN noted that the CR zone does little more than the GU zone. THOMSEN said that the zone lays an important foundation by identifying an area for commercial recreation. STANFORD suggested that the Commission recommend that no heliport zones be introduced and instead that two former motions be sent to the Assembly. THOMSEN said that would be going backward in the Commission's process, against the most recent motions. VANCLEVE said the Assembly didn't handle the first proposed ordinance because there was no Comp Plan and then used the recent SUD situation to not address heliports again. GOLDBERG said that the GU is a workable mix. THOMSEN said that the GU actually is an Industrial zone, and maybe it should be zoned what it really is. VANCLEVE said that it seems odd but the CR zone actually protects the use where the GU could compromise it. If the CR zone were in place and then the GU were changed, which is probable in the future, it then wouldn't affect the CR zone. HARRELL agreed. She said that a zone is "bankable" by investors, but the GU isn't "bankable" for investors. It is unpredictable and squelches development. Besides, the Assembly directed the Commission to come up with a zone where heliports are a UBR. THOMSEN said that investors need certain areas where certain development is a UBR. **STANFORD** said he's not worried about investors but is worried about residents. Assessments will solve the Borough's financial crisis. HANSEN noted that assessments, as they introduce into the Borough's general budget less than one percent of the value of real property there would have to be tens of millions of dollars of unassessed value to generate enough revenue to make any difference. HEINMILLER noted that past planning mistakes by the third-class Borough have caused the current fiscal crisis. Much money came into the third class Borough and was used for very low returns where it might've been spent powerfully for positive economic development. **HARRELL** said that the Borough is looking for development options because there is a revenue problem. THOMSEN said that the Borough should agree with the State about the SUD and leave heliski regulations alone. GOLDBERG said that the Borough should enforce the exact SUD shown in the state language.

M/S STANFORD/HEINMILLER to recommend the "Commercial Recreation" language, with SUD language removal changes, to the Assembly for approval.

GOLDBERG said he has reservations about the CR zone language.

Motion passed unanimously.

M/S STANFORD/GOLDBERG to recommend to the Assembly that the "General Use" zone be amended to make heliports a Conditional Use except for the "Commercial Recreation" zone.

M/S STANFORD/GOLDBERG to amend the motion to read in this way: to recommend to the Assembly that the "General Use" zone be amended to make heliports a Conditional Use.

Amendment passed unanimously.

Motion passed unanimously.

**STANFORD** said that the PC should investigate the State's responsibility for enforcing the SUD. **BETTRIDGE** said that the state decided to refuse to regulate the industry because it determined that the SUD would unduly limit economic development. **WEISHAHN** said that the SUD isn't dissolved - the language is still intact - it just isn't currently in state legislation. **GOLDBERG** said that the tour permitting process might handle some SUD regulation and suggested that planning and zoning pick up the rest of the SUD language regulation. **STANFORD** lamented a large public process seemingly left behind.

#### 4. PUBLIC COMMENTS:

WEISHAHN spoke against Ordinance 04-07-068 to adopt the two heliport zones. She believes that heliports as a conditional use borough-wide If the assembly chooses to introduce that would be a good idea. ordinance, she asked that they at least consider addressing each of the two zones separately since they are very different (one being remote and one being on a road system).

#### 12. NEW BUSINESS:

- B. Ordinances for Introduction 3. ORDINANCE NO. 04-07-069 South An ordinance of the T

An ordinance of the Haines Borough amending Haines Borough code Title 18 Section 18.70.030(d) GU - General Use Planning/Zoning District, to make heliports a conditional use.

M/S SCHNABEL/SCOTT Motion to introduce Ordinance 04-07-069 and to set its first public hearing for 7/21/04.

> SCHNABEL spoke in favor of this ordinance. Her reason is that a heliport is a high impact use. She believes that having it as a conditional use would suit the community more than identifying certain zones. **OLERUD** reminded the assembly that an ordinance had recently been adopted removing heliports from being a conditional use. Staff will research the appropriateness of reintroducing this ordinance so soon. SCHNABEL suggested that the Planning Commission revisit it and come up with a unified ordinance that combines Ordinances 068 and 069. SCOTT spoke in favor of this ordinance. **OLERUD** said he agrees that there needs to be use-by-right zones identified but does not agree with the zones proposed in Ordinance 068 which is why is did not second the motion. He is against conditional use heliports. SCOTT said that Ordinance 068 would make heliports a use-by-right in a large area of the Borough. Conditional use would require each application to stand on its own merits. [Scott requested that staff estimate the affected acreage taking into account the areas less than 1200 ft.] CASE said that he would be alright with this ordinance going forward to the public hearing process even though he would likely vote against it in the event of a tie.

The motion carried unanimously.

Not Adopted

This ordinance failed for lack of introduction by the assembly on 7/7/04.

# HAINES BOROUGH

#### ORDINANCE 04-07-068

AN ORDINANCE OF THE HAINES BOROUGH ADOPTING HAINES BOROUGH CODE TITLE 18, SECTION 18.70.030(E) - COMMERCIAL RECREATIONAL ZONE, AND ADDING DEFINITIONS TO SECTION 18.20.020.

BE IT ORDAINED BY THE ASSEMBLY OF THE HAINES BOROUGH, ALASKA:

Sec. 1. <u>Classification</u>. This ordinance is of a permanent nature and shall be codified into Haines Borough Code.

Sec. 2. <u>Severability</u>. 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.

Sec. 3. <u>Effective Date</u>. This ordinance shall become effective immediately upon adoption.

Sec. 4. <u>Purpose</u>. This ordinance provides a commercial recreational zone by authority of the Haines Borough Charter and Land Use/Development Code. The intent in this zoning classification is to provide a zone allowing commercial recreation as a use-by-right.

NOTE: BOLDED AND UNDERLINED ITEMS ARE TO BE ADDED STRIKETHROUGH ITEMS ARE DELETED

18.20.020 Definitions/Regulatory.

"Commercial Recreation" means recreational use of land, water, and resources for business or financial gain. Commercial recreation includes guided sport fishing, guided outfitted sport hunting, guided recreation, air and water taxi services, and helicopter uses, including heli-skiing operations, that provide transportation to recreational users of land within the specified area of the Haines Borough.

"Heli-skiing Operations" means commercial helicopter operations conducted for the purpose of transporting people who ski or snowboard to destinations within the Haines area. This term also includes helicopter operations that are related to the commercial filming of such activity or to downhill skiing or snowboard competitions.

18.70.030 - ZONING DISTRICTS - ZONES

E. Recreational Commercial Zoning District.

1. Intent. The Recreational Commercial Zone is designed to provide, as a Use By Right (UBR), uses which are both recreational in nature and performed for business or financial

# ORDINANCE 04-07-068 Page 2

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| gain. Such uses included guided sport fishing, guided outfitted                                      |  |  |  |  |  |  |  |  |
|------------------------------------------------------------------------------------------------------|--|--|--|--|--|--|--|--|
| sport hunting, guided recreation, air and water taxi services,                                       |  |  |  |  |  |  |  |  |
| helicopter operations that provide transportation for heli-                                          |  |  |  |  |  |  |  |  |
| skiing, recreational users of land, helicopter operations related                                    |  |  |  |  |  |  |  |  |
| to commercial filming, or to downhill skiing or snowboard                                            |  |  |  |  |  |  |  |  |
| competitions.                                                                                        |  |  |  |  |  |  |  |  |
| 2. Applicability:                                                                                    |  |  |  |  |  |  |  |  |
| a. Porcupine Area                                                                                    |  |  |  |  |  |  |  |  |
| T28S, R54E (all of Sections 28, 29, 32, and 33);                                                     |  |  |  |  |  |  |  |  |
| b. Takhin / Tsirku Area                                                                              |  |  |  |  |  |  |  |  |
| T30S, R55E (all of Sections 1 through 30), and                                                       |  |  |  |  |  |  |  |  |
| T30S, R56E (all of Sections 16 through 21 and Sections 28 through                                    |  |  |  |  |  |  |  |  |
| 30).                                                                                                 |  |  |  |  |  |  |  |  |
| 3. Uses-by-right:                                                                                    |  |  |  |  |  |  |  |  |
|                                                                                                      |  |  |  |  |  |  |  |  |
| <ul> <li><u>a. Existing uses;</u></li> <li><u>b. Animal husbandry or crop production;</u></li> </ul> |  |  |  |  |  |  |  |  |
| c. Residential uses (single family, cabins,                                                          |  |  |  |  |  |  |  |  |
| lodges);                                                                                             |  |  |  |  |  |  |  |  |
| d. Retail and wholesale commercial businesses;                                                       |  |  |  |  |  |  |  |  |
| e. Campgrounds;                                                                                      |  |  |  |  |  |  |  |  |
| f. Resource extraction;                                                                              |  |  |  |  |  |  |  |  |
| g. Heli-skiing operations;                                                                           |  |  |  |  |  |  |  |  |
| h. Heliports (below 1200 ft. ASL)                                                                    |  |  |  |  |  |  |  |  |
| i. Commercial Recreation.                                                                            |  |  |  |  |  |  |  |  |
| 4. Prohibited uses.                                                                                  |  |  |  |  |  |  |  |  |
| a. Landfills;                                                                                        |  |  |  |  |  |  |  |  |
| b. Commercial power plants;                                                                          |  |  |  |  |  |  |  |  |
| c. Hazardous materials storage facilities.                                                           |  |  |  |  |  |  |  |  |
| 5. Nonconforming uses. There are no nonconforming                                                    |  |  |  |  |  |  |  |  |
| uses in this district.                                                                               |  |  |  |  |  |  |  |  |

ln this district. ises

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS \_\_\_\_ DAY OF \_\_\_\_, 2004.

Mike Case, Mayor

ATTEST:

Julie Cozzi, Borough Clerk S E A L:

07/07/04 Introduced: Date of First Public Hearing: Date of Second Public Hearing: /\_\_/04 /\_\_/04

#### Haines Borough Assembly Meeting - July 21, 2004

#### 7. PUBLIC HEARINGS:

#### D. ORDINANCE NO. 04-07-069 - (first hearing)

An ordinance of the Haines Borough amending Haines Borough Code Title 18 Section 18.70.030(D) GU - General Use Planning/Zoning District, to make heliports a conditional use.

The Mayor opened the public hearing at 6:48pm.

WEISHAHN said that it is an issue that still needs to be dealt with because heliports are a high-impact use. She urged the assembly to look at the dynamics and to consider putting it into the conditional use category.

**BLANK** said that the First National Bank clarified for her that a conditional use designation would not make a property loan more difficult to acquire.

**COULTER** asked for an explanation of "conditional use," and Mayor **CASE** explained that it is applied by the Planning Commission. They look at the location, the conditions, etc. to determine neighborhood and community impacts of the activity.

The public hearing closed at 6:54pm.

M/S **SCOTT/SMITH** Motion to set Ordinance 04-07-067 for its second public hearing on 8/04/04.

SMITH said that the CBJ Assembly had a committee-of-the-whole meeting to discuss moving heliports because of massive noise complaints. "A conditional use is a manner in which the Haines Borough can control heliports and prevent similar problems. It is an issue that impacts everyone in the area of their use." SCOTT said, "This is the least the assembly can do in light of the State's cancellation of the SUD." She sees CU as a way to manage helicopter activity within the Haines Borough. Mayor CASE clarified that it was Planning Commission's desire that the companion ordinance would also be adopted by the assembly establishing two special heliport use zones. Heliports outside of those zones would have required a Conditional Use permit. He said that he does not agree with this ordinance because the special use-by-right zones ordinance is needed, too.

The motion carried 3-3 with **OLERUD**, **LAPP**, and **HARRELL** opposed. Mayor **CASE** broke the tie with a "yes" to give the ordinance another public hearing opportunity.

#### Haines Borough Assembly Meeting - August 4, 2004

#### 7. PUBLIC HEARINGS:

#### B. ORDINANCE NO. 04-07-069 - (second hearing)

An ordinance of the Haines Borough amending Haines Borough Code Title 18 Section 18.70.030(D) GU-General Use Planning/Zoning District, making heliports a conditional use.

The mayor opened and closed the public hearing at 6:51pm; there were no comments.

M/S SCOTT/SCHNABEL Motion to adopt ordinance 04-07-069.

M/S **SMITH/HARRELL** Motion to amend the ordinance to say that there should be two special use-by-right heliport zones as recommended by the planning commission and to require conditional use permits in the rest of the general use zone.

SMITH sees it as a compromise and a win-win for everybody. "At least it gets it on the table." OLERUD disagreed. He said that not everyone agrees with the two sites identified by the planning commission. He wants sites that will work for the residents AND the industry; the assembly has heard complaints from both. He believes the planning commission needs to relook at the areas. HARRELL said the planning commission worked very carefully and thoroughly on this for a long time. She added that the two areas (Porcupine and Upper Tsirku) work as well as anything is going to. The amended ordinance would simply designate two special use-by-right zones where it would be possible to put heliports. "The operators would still have to get tour permits." CASE offered a parliamentary alternative to the He said that it could be amended to eliminate the assembly. Porcupine area.

M/S **SCOTT/SMITH** Motion to amend by removing the Porcupine zone but leaving the Upper Tsirku as a special use-by-right zone.

**OLERUD** disagreed and said that the Upper Tsirku does nothing for the industry and use-by-right is already there. **SCOTT** agreed with **OLERUD** but said she is willing to at least go with the compromise so that there is a start to heliport planning. She added that she does not believe that the tour permitting process is going to be the most effective management tool. **CASE** clarified that the use-by-right is only at the same or reduced level as before. **OLERUD** said that the only reason Upper Tsirku was included in there is because of Al Gilliam's business and wanting to make sure that he would be able to continue. He said that the idea was to come up with a heliport zone that would be an incentive for the industry to build infrastructure away from the highway and residences. This amended ordinance will not take care of that issue. **SCOTT** agreed with him, but said there is nothing that can be done about 18-mile and 33-mile at this time.

The amendment to the amendment failed 4-2 in a roll call vote with Lapp, Olerud, Harrell, and Schnabel opposed.

SCHNABEL spoke in favor of the amendment motion still on the table but only if the zone locations and sizes would still be debatable. SCOTT said that the assembly's intention is to have a use-by-right zone somewhere. **SCHNABEL** said she is not supportive of the planning commission's conclusions but she acknowledged the huge level of work that went into it. She believes there are other areas that would meet the heliport zone criteria.

The amendment motion carried 4-2 in a roll call vote with Olerud and Scott opposed

M/S **SCOTT/SMITH** to amend the main motion to set it for its third public hearing on 8/18/04 instead of adopting since it has significantly changed.

The amendment carried unanimously in a roll call vote.

D. The main motion carried 4-2 in a roll call vote with Olerud and Scott opposed.

#### 4. PUBLIC COMMENTS:

WEISHAHN asked if the assembly intended to handle the two heliport ordinances combined into one. CASE said the assembly members voted that way at the 8/4/04 meeting, but they may still opt to handle it differently.

#### 10. OLD BUSINESS:

**B. Heliports in the Haines Borough** (added by **SCOTT** during the approval of the consent agenda)

**SCOTT** said she would like to have a special meeting on Wednesday, August 25 to hold an introduction and first public hearing on an ordinance to put a question on the ballot regarding heliports being a conditional use. She hopes that the assembly will allow this to go forward through the public hearing process to get it on the ballot.

M/S **SCOTT/SCHNABEL** Motion to set a special meeting on 8/25/04 for an introduction and first hearing and a second hearing on 9/1/04 regarding putting a question on the October 5 ballot to make heliports a conditional use.

HARRELL spoke strongly against the motion saying "we have a planning commission, and we need to work with them and face the fact that it is a complex issue. The conditional use permit process as understood here opens the door to abuses and inequities." LAPP said he is opposed to it because he has seen five different definitions of the word heliport. "We need a real legal definition of it." He also **OLERUD** said stated a general dislike for conditional use permits. conditional use permits do nothing to protect people from having a heliport next to their house. SCHNABEL said conditional use permitting is not a negative thing. She is in favor of the public having an opportunity to vote on this issue. SMITH concurred saying, "The borough voters requested regulated helicopter use and industry. It is important to make it clear what conditional use is: it's not a deterrent; it's a regulated use." CASE told SMITH that he likes his idea of having at least one use-by-right zone along with conditional SCOTT said she believes the industry's needs would be met by a use. conditional use process. **OLERUD** said the whole intention was to alleviate helicopters coming into residential areas. "With conditional use permitting required, there will be absolutely no incentive for the industry to find another area." SCHNABEL suggested that the assembly take a pro-active position and identify for the heli-skiing industry those places that are accessible by road but that do not have a flight path over a residential area. She said she believes there is such a place and she distributed a map. **OLERUD** said he likes **SCHNABEL'**s location suggestions, but he said that one acre is not enough for the industry. SCHNABEL agreed to 5 acres. HARRELL said that safety was one of the major criteria the Planning Commission used when determining the original two zones. "A heliport zone needs to include a buffer zone." CASE suggested that the assembly might consider an amendment to Ordinance 04-07-069 at the next public hearing to incorporate SCHNABEL's zone suggestion.

The motion failed 4-2 in a roll call vote with Smith, Lapp, Olerud, Harrell opposed.

Haines Borough Assembly Meeting - September 1, 2004

#### 7. PUBLIC HEARINGS:

# 5 oftoeled A. Ordinance 04-07-069 - (first hearing)

An ordinance of the Haines Borough adding Haines Borough Code Title Section 18.70.030(E) establishing two special use-by-right 18 heliport zones; amending Section 18.70.030(D) requiring conditional use permits for heliports in other General Use Zone areas; and adding definitions to Section 18.20.020.

The mayor opened and closed the public hearing at 7:30 pm.

WEISHAHN posted some maps. She said she is concerned because the SUD has been withdrawn, and the voters approved managed heliskiing. "If the state is not going to do it, then the borough needs to." She added that establishing the commercial recreation zones is premature because there is not a clear view of how the borough is going to manage both heliskiing and summer tours. Additionally, WEISHAHN expressed concern about the term "Commercial Recreation Zone" saying the borough needs to think ahead to what it could become. "We need to look at how it can be managed through planning and zoning and through tour permitting."

BLANK asked that the sections with no areas below 1,200 ft. elevation be removed from the Upper Tsirku portion of the map.

The mayor closed the public hearing at 7:37 pm.

There was no motion to set the ordinance for a second public hearing, so the ordinance died.

Not Adapted!

#### HAINES BOROUGH

This ordinance died on 9/01/04 for lack of a motion to set a second public hearing.

# ORDINANCE NO. 04-07-069

AN ORDINANCE OF THE HAINES BOROUGH ADDING HAINES BOROUGH CODE TITLE 18 SECTION 18.70.030(E) ESTABLISHING TWO SPECIAL USE-BY-RIGHT HELIPORT ZONES; AMENDING SECTION 18.70.030(D) REQUIRING CONDITIONAL USE PERMITS FOR HELIPORTS IN OTHER GENERAL USE ZONE AREAS; AND ADDING DEFINITIONS TO SECTION 18.20.020.

BE IT ORDAINED BY THE ASSEMBLY OF HAINES BOROUGH, ALASKA:

Sec. 1. <u>Classification</u>. This ordinance is of a permanent nature and shall be codified into Haines Borough Code.

Sec. 2. <u>Severability</u>. 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.

Sec. 3. <u>Effective Date</u>. This ordinance shall become effective immediately upon adoption.

Sec. 4. <u>Purpose</u>. This ordinance amends Title 18, Section 18.70.030(D) GU - General Use Planning/Zoning District, Conditional Uses, adding heliports to the list requiring a conditional use permit; amends Section 18.20.020 - Definitions; and adds Section 18.70.030(E) - Commercial Recreational Zone, establishing a commercial recreational zone by authority of the Haines Borough Charter and Land Use/Development Code (the intent in this zoning classification is to provide two specific use-by-right zones for commercial recreation).

# NOTE: **BOLDED** AND <u>UNDERLINED</u> ITEMS ARE TO BE ADDED STRIKETHROUGH ITEMS ARE DELETED

# 18.20.020 Definitions/Regulatory.

| "Commercial                                                      |      | L Red | Recreation" |       |      | means re |       | recreational |       |        | of  | ]    | land, |     |       |
|------------------------------------------------------------------|------|-------|-------------|-------|------|----------|-------|--------------|-------|--------|-----|------|-------|-----|-------|
| water                                                            | , aı | nd    | reso        | urces | for  | bus      | iness | or           | fina  | ncial  | ga  | in.  | Com   | mei | ccial |
| recreation includes guided sport fishing, guided outfitted sport |      |       |             |       |      |          | sport |              |       |        |     |      |       |     |       |
| hunting, guided recreation, air and water taxi services, and     |      |       |             |       |      |          |       |              |       |        |     |      |       |     |       |
| helico                                                           | opte | er    | uses        | , ind | ludi | ng h     | eli-  | skiin        | ng op | perati | ons | , th | at    | pro | ovide |

# ORDINANCE NO. 04-07-069 Page 2

transportation to recreational users of land within the specified area of the Haines Borough.

"Heli-skiing Operations" means commercial helicopter operations conducted for the purpose of transporting people who ski or snowboard to destinations within the Haines area. This term also includes helicopter operations that are related to the commercial filming of such activity or to downhill skiing or snowboard competitions.

# 18.70.030 - ZONING DISTRICTS - ZONES

#### D. GU - General Use Planning/Zoning District.

1. Intent. Recognizing the Borough regions with no previous land use regulation and the need to provide a reasonable transition toward land use regulation, the General Use Planning/Zoning District is intended to allow as broad a range of land uses as possible. This district allows any use, but requires a conditional use permit for high impact uses.

2. Uses-by-right:

- a. Existing uses;
- b. Animal husbandry or crop production;
- c. Residential uses, including duplex and multifamily dwellings, subdivisions, trailers, mobile homes and mobile home parks;

d. Retail and wholesale commercial businesses;

e. Vehicle, engine or boat repair shops;

f. Hotels, motels, bed and breakfasts or other commercial accommodations;

g. Office buildings, including medical and dental offices;

h. Recreational vehicle parks;

i. Parks and campgrounds;

j. Utility facilities and structures;

k. Light and heavy industrial uses;

- 1. Resource extraction;
- m. Sawmills;

n. Manufacturing, processing and storage

facilities;

o. Docks, marinas, piers, boat ramps and freight or bulk transshipment facilities;

p. All other uses not specifically listed above, and any use or structure, which is customarily accessory and clearly subordinate to uses-by-right.

3. Prohibited uses. There are no prohibited uses in this district.

4. Nonconforming uses. There are no nonconforming uses in this district.

5. Conditional Uses. Landfills, commercial power plants, <u>heliports</u>, and hazardous materials storage facilities require a conditional use permit.

#### 18.70.030 - ZONING DISTRICTS - ZONES

E. Recreational Commercial Zoning District.

| 1. Intent. The Recreational Commercial Zone is designed            |
|--------------------------------------------------------------------|
| to provide, as a Use By Right (UBR), uses which are both           |
| recreational in nature and performed for business or financial     |
| gain. Such uses included guided sport fishing, guided outfitted    |
| sport hunting, guided recreation, air and water taxi services,     |
| helicopter operations that provide transportation for heli-skiing, |
| recreational users of land, helicopter operations related to       |
| commercial filming, or to downhill skiing or snowboard             |
| competitions.                                                      |
| 2. Applicability:                                                  |
| a. Porcupine Area                                                  |
| T28S, R54E (all of Sections 28, 29, 32, and 33);                   |
| b. Takhin / Tsirku Area                                            |
| T30S, R55E (all of Sections 1 through 30), and                     |
| T30S, R56E (all of Sections 16 through 21 and Sections 28 through  |
| <u>30).</u>                                                        |
| 3. Uses-by-right:                                                  |
| a. Existing uses;                                                  |
| b. Animal husbandry or crop production;                            |
| c. Residential uses (single family, cabins,                        |
| lodges);                                                           |
| d. Retail and wholesale commercial businesses;                     |
| e. Campgrounds;                                                    |
| f. Resource extraction;                                            |
| g. Heli-skiing operations;                                         |
| h. Heliports (below 1200 ft. ASL)                                  |
| i. Commercial Recreation.                                          |
| 4. Prohibited uses.                                                |
| a. Landfills;                                                      |
| b. Commercial power plants;                                        |
| c. Hazardous materials storage facilities.                         |
| 5. Nonconforming uses. There are no nonconforming                  |
|                                                                    |

uses in this district.

er e c teg C ORDINANCE NO. 04-07-069 Page 4

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS \_\_\_\_\_ DAY OF \_\_\_\_, 2004.

Mike Case, Mayor

n a tr

ATTEST:

Julie Cozzi, Borough Clerk

SEAL:

Introduced:07/07/04Date of First Public Hearing:07/21/04Date of Second Public Hearing:08/04/04; amended substantiallyDate of Third Public Hearing:08/18/04; not heard - inadequate postingDate of new First Hearing:09/01/04

Haines Borough Planning Commission Meeting - September 9, 2004

#### 21. OLD BUSINESS:

#### A. Heliskiing Special Use Designation (SUD) Regulations

CASE said that at last meeting he'd report back on DNR commissioner Tom IRWIN's comments on whether or not the state would support limitations on winter heliskiing operations. He indicated that they'd gotten as far as trading answering machines and said that he'd continue the attempt to contact IRWIN, as personal discussion often brings better communication in these situations than written statements. GOLDBERG noted that the SUD has two different types of regulation: tour permitting and land use permitting. He suggested making a zoning overlay for the regions and then add appropriate language to zoning code or Title 5 Tour Permit code as necessary. HANSEN said that heliskiing uses can qualify as land uses, with impacts such as noise, fuel storage, and other impacts affecting others' private properties. CASE agreed, noting that much hinges on whether the state agrees to participate with the Borough's regulations. They would still issue a permit for the use, but the SUD regulations wouldn't be part of the requirements. BERLAND suggested the state's unimplemented permit process be used to provide the specific details to enforce the SUD regulations. GOLDBERG suggested that the PC not change any language because a tremendous amount of energy and public participation went into the formation of the SUD. CASE agreed, noting that the Borough would need to properly apply the SUD language into the proper sections of Borough code. HEINMILLER suggested adopting the SUD by reference, much like the separate SSA design regulations must be used and are mentioned by name in land use code. Alaska Fire Marshal and DEC regulations are also mentioned by reference. HANSEN noted that a reference could be added to HC 18.60.020 "Specific Criteria" to accomplish this task.

ELY brought up the topic of enforcement and suggested that the Borough require that GPS landing point reports to determine where the helicopters put down, thereby ensuring that they stayed within the appropriate boundaries. CASE noted that the most efficient enforcement process would be the business license stage of permitting. BROUILLETTE said that all tour operations should be treated the same way. HEINMILLER began a discussion about the scope of "land use" by heliskiing - he said that the SUD only references the touchdown point where the skiers hop out of the helicopter. CASE reminded the Commission that the Assembly had not kept alive the establishing "Commercial former Commission recommendation а Recreation" zone with a Conditional Use permit process for all heliports. Since that proposed ordinance died heliskiing regulations do not exist in the Borough, and the public voted for a managed heliskiing industry. GOLDBERG noted that it might be possible to go back to the drawing board and estimate which areas the Assembly might approve - perhaps a Devil's Elbow site. CASE said that option had been discussed by the Assembly. ROSSMAN suggested multiple areas to spread out impacts to a single area. ELY suggested that the helicopter regulation be year-round. HEINMILLER restated that the SUD shouldn't be changed because so much public input brought it to this point. ELY suggested that heliskiing operations be required to

submit a tour permit. **HEINMILLER** suggested requiring a tour permit for heliskiing and cross-referencing the tour permit in the land use regulations. **ROSSMAN** agreed. **VANCLEVE** said that the assembly needs specifics, and perhaps the SUD might be in the Comprehensive Plan. **ELY** suggested that regulations should be in place by January 1, 2005, to be useful for the upcoming winter season.

**M/S GOLDBERG/BROUILLETTE** that the Commission recommend that the Assembly adopt the SUD language for heliskiing tours and that the SUD language be incorporated into 18.60.020(N) "Heliskiing Operations".

It was established that Borough zoning regulations involve state land, and Title 29 municipal authority should hold sway. **HEINMILLER** suggested that zoning regulations might bring the Borough revenue if timber sales required a fee. **BLANK** noted that in the state's letter explaining their reasons for dropping the SUD language they suggested that the Borough's zoning regulations could be used for heliskiing operations.

GOLDBERG amended the motion, with assent by BROUILLETTE, to state that the Commission recommends to the Assembly that the state's heliskiing Special Use Designation (SUD), as referenced in ADL 106939, should be adopted into the Title 5 tour permit process.

Amendment passed unanimously.

Motion carried unanimously.

mitigating impacts to recreation, scenic, fish and wildlife values.

In the Multiple Use LUD, commercial timber harvest, mineral extraction, tourism, settlement and similar intensive uses are allowed, with consideration given and measures assigned to protect fish and wildlife habitat and scenic values as development occurs. Areas where this LUD is assigned tend to be similarly designated by large public landowners.

In the Recreation Emphasis LUD, land use is primarily open space with recreation and tourism uses and associated infrastructure and shelters allowed, with fish and wildlife habitat and scenic values maximized and retained. This is a higher standard and weighting for protecting these values than in Multiple Use LUD, also more intensive land uses that could negatively affect recreational use of these areas, such as large scale timber harvest, would not be expected in this LUD. This is appropriate because in an area slated for recreation uses, the qualities that make it valuable for recreation such as scenic beauty and fish and wildlife presence, must be retained. Much of the USFS land that Haines Borough classifies as recreation emphasis is designated by the Forest Service for semi-remote recreation.

Haines Borough residents and visitors participate in many varied forms of recreation. Just some of these activities are fishing, camping, hiking, hunting, rafting, kayaking, boating, photography, cross county skiing, snow-shoeing, snow-machining, dog-mushing, heli-skiing, snow boarding, golf, rock climbing, and mountaineering. A challenge is balancing the demand for areas where either personally or for their business, people seek a semi-remote or wilderness experience, versus the demand for areas where literally hundreds of visitors a day can be given a glimpse of the 'remote' and 'wild' country and resources in the Borough. These large, so called 'industrial' recreational enterprises occur in the Chilkat Bald Eagle Preserve, the Chilkoot River, Chilkat Lake, Davidson Glacier, and other locations. Attitude surveys<sup>2</sup> show broad support (68%) for tourism growth among Borough residents, but land use must be carefully managed to ensure this support continues.

Commercial Helicopter Take-off and Landings: Several businesses offer heliskiing during the late winter and early spring that have been operating from 33 Mile and other locations on the Haines Highway. This activity has created conflicts, primarily noise and safety concerns related to the helicopters' proximity to the highway and to residences. The Planning Commission evaluated several possible locations for suitability for helicopter take-offs and landings, and discussed this matter at two well-attended public meetings in late 2003. As a result, the Commission identified two areas, in addition to the Haines airport, where commercial heliports in conjunction with recreational uses could be a use by right.

<sup>&</sup>lt;sup>2</sup> Haines Tourism Management Plan, June 2002, McDowell Group

#### Strategies:

- 1. Encourage companies offering heli-skiing to develop an area away from residences by creating, by ordinance, a commercial, recreational zone within the General Use zone where heliports would be a use by right.
- 2. Hold public hearings to work with residents, heli-ski companies, and others to find a workable solution to this conflict.

#### E. Natural Areas

These are areas designated by the public landowner for natural or wild land uses, including Endicott Wilderness Area, the banks of the Katzehin River, and USFS designated Remote Recreation areas (where opportunities for solitude and self-reliance are high).

#### 5.4 SPECIAL AREAS OR LAND USES

#### 5.4.1 Drinking Water

Lily Lake and one well location at 1 mile Haines Highway will continue to provide water for the townsite, although new sites on the slopes of Mt. Ripinsky have been explored. Many residents choose to get their drinking water from springs at 4 Mile Mud Bay Road and Six Mile Haines Highway. These water sources must be protected from pollution.

#### **OBJECTIVE – Protect Drinking Water Sources**

The watersheds above public drinking water sources are owned and managed by various state agencies including DNR and the Alaska Mental Health Trust. The Haines Borough must work with land managers to ensure access to water sources in the future and to prevent development in these watersheds that could lead to pollution of the water.

#### 5.4.2 Historic and Prehistoric Sites

The Haines Borough's long and rich native and military history as well as the former City's status as one of the first cities established in Alaska, ensure the presence of a number of important historic and prehistoric places of significance.

Participants and the community enjoy a variety of outstanding programs orchestrated by the Festival aimed at natural history and conservation education.

While most other communities in Southeast Alaska have little snow and much rain during the winter, Haines boasts a relatively mild climate and abundance of snow. This has lent itself to become a winter sport destination of visitors from other Alaskan communities as well as from the lower 48 and foreign countries. Several private companies offer cross country ski and snowmachine tours. The Chilkat Snowburners hosts the Alcan 200 snowmachine race between Haines Junction in the Yukon and Haines. In recent years the Borough has become a destination for heliskiing. For some, this has become a source of off-season tourist revenues. It has also become a controversial issue due to helicopter activity causing disturbance in residential neighborhoods and concern about such activity's impact on wildlife.

In addition to the activities and tours offered by private concerns, the community holds a number of events hosted by non-profit organizations. One such event is the Kluane to Chilkat Bike Relay in June. This race has grown in participation to over 1,000 participants over the past few years and draws professional as well as novice bikers from around the world. Other events include the Alaska Southeast State Fair and Bald Eagle Music Festival, Craft beer and Homebrew Festival, the Koot to Kat Skat Skoot (biathlon), King Salmon Derby, and the Sam Donajkowski Memorial Triathlon.

The community continues to promote and sponsor the events listed above. The Haines Arts Council sponsors a variety of musical events throughout the year. The Borough's economic development department and the Chamber of Commerce market Haines as a small convention and conference destination. Three such conferences to take place in Haines early fall of 2003 were the State Museum Conference, the Tourism Industry Association Yukon Conference in spring 2004, and the Southeast Conference. The Haines Bridge Club sponsored a tournament in 2002 and in 2003. Private golf courses are located at Chilkat Lake and in the townsite area. Promotion of specialized activities on a small scale such as golf and bridge tournaments or quilting shows should not be overlooked.

#### Visitor Numbers by Mode of Entry

March 30, 2004

Areas identified where tourism management and impact mitigation are needed include:

- 1. Improving access and facilities at Chilkoot Lake to accommodate visitor and resident use and address safety concerns
- 2. Addressing neighborhood and habitat impacts caused by sightseeing along the Chilkat River beaches between Jones Point and Carr's Cove.
- 3. Identifying helicopter flight paths that provide the least noise impacts on local residents.
- 4. Monitoring tour and resident activity in the Chilkat Bald Eagle Preserve to ensure least impact on wildlife habitat, and
- 5. Address Chilkat River bank erosion.

#### **OBJECTIVE - PROMOTE TOURISM YET RETAIN COMMUNITY CHARACTER**

# *OBJECTIVE* – PROVIDE OPPORTUNITIES AND REASONS FOR INDEPENDENT AND ROAD TRAVELERS TO STAY IN TOWN LONGER

#### STRATEGIES:

- 1. Conduct surveys and public meetings to develop a tourism plan to identify and attract the level and type of tourism desired by the community
- 2. Provide opportunities and reasons for independent travelers to stay in Haines longer.
- 3. Remain active in lobbying for a resident & visitor-friendly Alaska Marine Highway System
- 4. Continue development of annual and multi-cultural events
- 5. Develop specific promotional materials to target groups such as the independent travelers, retirees, hikers, hikers, sports fishers, winter recreationists, birders, and water sports enthusiasts
- 6. Improve visitor activities that capture Haines' character.
- 7. Promote the creation of trails and infrastructure where appropriate to allow for better access into the forests and outlying areas of the Borough
- Improve visitor and resident public amenities such as restrooms, sidewalks, signage, and parking in order to make Haines more attractive to visitors and residents
- 9. Develop customer service training in tourist-related jobs.
- 10. Foster the Native cultural heritage of the Chilkat and Chilkoot valleys

#### Retirement

Haines' status as a retirement community is growing. Both population counts (chapter 3) and the proportion of total income in Haines that is derived from sources associated with retirees (section 4.1) are evidence of this trend. In addition to the economic contribution, a retirement population brings experience

rural residential area is desired with the possibility of a commercial zone at the intersection of the Haines Highway and Mosquito Lake Road. The borough's Mosquito Lake School provides education to the area children from Kindergarten through the 8<sup>th</sup> grade. In the past, residents have been opposed to large scale commercial or industrial development and high residential use such as trailer parks and apartment buildings. Single-family dwellings are encouraged. As density increases in this area environmental monitoring of septic systems is needed to protect the quality of the local drinking water. Some suggest that within 25 years a local waste disposal system will be needed for this area and should be planned.

**Covenant Life Center:** There is a non-denominational religious community of residents located on the Chilkat Lake Road. "The Farm" is involved with a college, the Chilkat Bakery, Day Star Construction Co., and the Chilkat Valley Farms. The community now has electric and phone utilities, and maintains a school, low-density residential living, agriculture uses, a small-scale commercial enterprise and recreational pursuits.

**Chilkat Lake:** This area has experienced more growth and use over the years. Many cabins surround the lake and it is a growing summer residential area, including the Weeping Trout Golf Resort. There is no road access to the lake and no request for police or fire protection. No restrictions are desired on lot size, though some have expressed concern over long, narrow lake front lots with little buildable area. Residents favor future industry such as small logging, mining and (recreational) tourism.

**28 Mile to 37 Mile:** Residential lots, with some commercial activities, are scattered over much of the remainder of the Highway corridor. In this area of the Borough, the individual Alaskan rural lifestyle is the norm, and there is access to public electric and phone utilities. The scenic beauty around is important to local residents. There is a small-scale gold mining activity in the Porcupine District to the south of the Klehini River. A golf driving range was completed in 1998 and is located across from the 33-Mile Roadhouse which is a restaurant, gas station, lodge and commercial hub of the area. In the past several winters helicopter skiing has been based at 33 Mile. This activity has been of concern to some residents, as many see it as disruptive to a quiet, rural lifestyle.

**37 Mile to the Canadian Border:** Residents are interested in the area remaining rural residential. In the 1986 Comprehensive Plan residents expressed a preference for a 4 acre minimum lot size, but in 2004 a group of residents submitted a letter to the Planning Commission requesting a minimum lot size of 10 acres. Cottage and home based industries, and agricultural uses are favored. In the past, residents have opposed commercial and industrial uses including large scale trash dumping. The US Customs Station at 40 Mile is the "Gateway to Alaska and the Valley of the Eagles" to all those coming to the Haines Borough via the highway from Canada.

# Section 8.04 Comprehensive Plan

There shall be a comprehensive plan adopted and implemented by the assembly, which shall be presented to the assembly by the planning commission for adoption by ordinance. The plan shall serve as a guide for all planning commission recommendations and all assembly legislative action concerning land use and development issues. Among other prescriptions, it shall include the following:

- (1) statements of policies, goals, and standards;
- (2) a land use plan;
- (3) community facilities plan;
- (4) classification, plan, and requirements for disposal of borough lands;
- (5) a transportation plan; and
- (6) recommendations for implementation of the comprehensive plan.

# Section 19.13 Planning and Zoning

(A) First appointment. Within 30 days of the effective date of consolidation, the mayor shall appoint and the assembly shall confirm members of the planning commission. For purposes of the appointment of the initial planning commission members, seats A and D shall be one-year terms; seats B and E shall be two-year terms; and seats C, F and G shall be three-year terms.

**(B) Initial zones.** Within 120 days of the effective date of consolidation, the new assembly shall adopt by ordinance an initial zone having few or no restrictions designated "General Use" for portions of the borough not included in a zoning district established prior to consolidation either by the former City of Haines or former Haines Borough. This ordinance shall also specify any platting and land use regulations that will be in effect in the General Use district. The introduction of this ordinance is not subject to the procedure for zoning change protest. Areas of the borough previously designated as zoning districts inside the former City of Haines will retain their zoning classification and land use regulations until altered by the assembly upon recommendation of the planning commission. Land use service areas established by the former Haines Borough will lose their service area status and will become zoning districts. As zoning districts, they will retain their zoning classifications until altered by the assembly upon recommendations of the planning their service protes.

(C) Comprehensive plan. Within 18 months of its appointment, the planning commission shall propose a comprehensive plan to the Assembly that accommodates all existing zoning districts and includes recommendations for zoning district changes based on existing land uses and information gathered by a public hearing process.

# Chapter 18.10 INTRODUCTION, PURPOSE AND SCOPE

# 18.10.010 Introduction.

This title establishes the planning and zoning regulations of the borough, including the establishment of a planning commission in accordance with AS 29.40 and the Haines Borough Charter.

# 18.10.020 Purposes.

The purposes of this title are:

A. To ensure that the growth and development of the borough is in accord with the values of its residents;

B. To identify and secure, for present and future residents, the beneficial impacts of growth;

C. To identify and avoid the negative impacts of growth;

D. To ensure that growth is of a type, design and location that conforms to community standards, and is served by a proper range of public services and facilities; and

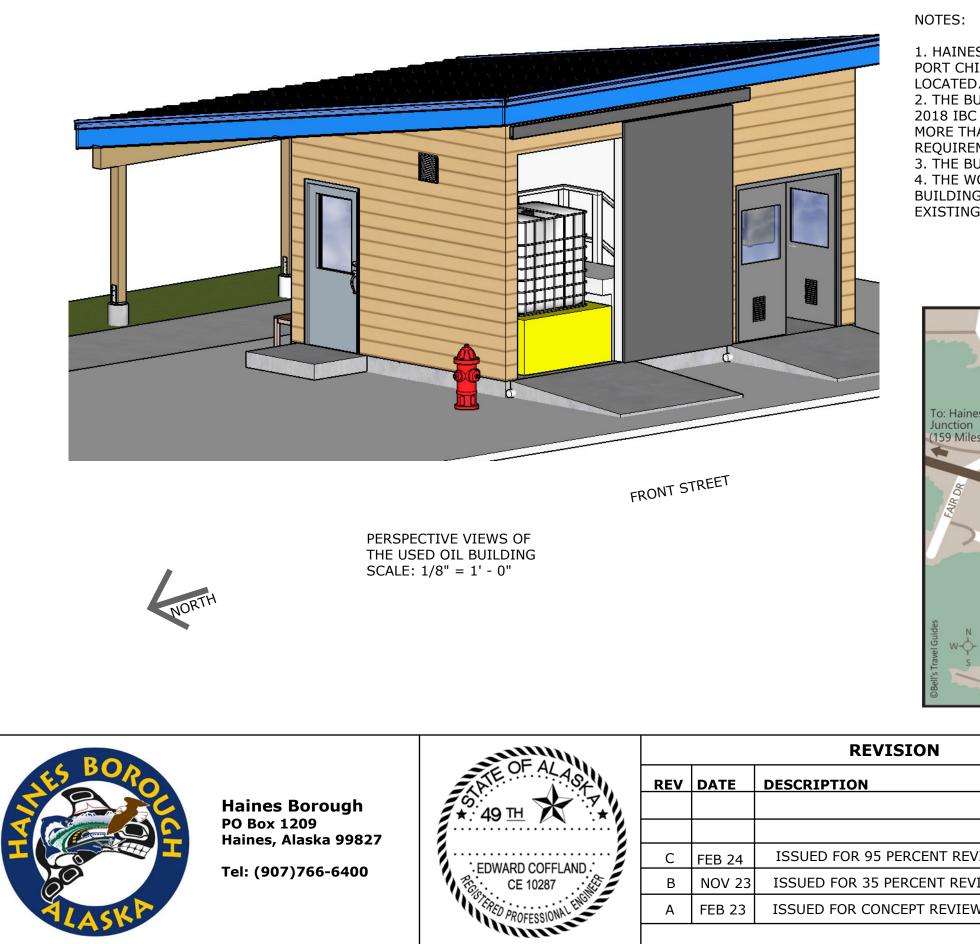
E. To achieve the goals and implement the policies of the Haines Borough comprehensive plan.

Chapter 18.60 APPROVAL CRITERIA

# 18.60.010 General approval criteria.

A land use permit, or conditional use permit, or a special conditions permit for a subdivision, may be granted if all the following general approval criteria and applicable specific approval criteria of HBC <u>18.60.020</u> are complied with. The burden of proof is on the developer to show that the proposed use meets these criteria and applicable specific criteria for approval. Notwithstanding any of the following criteria, no use will be approved that will materially endanger the public health or safety or substantially decrease the value of property in the neighboring area. The burial of uncremated human remains outside a cemetery is prohibited.

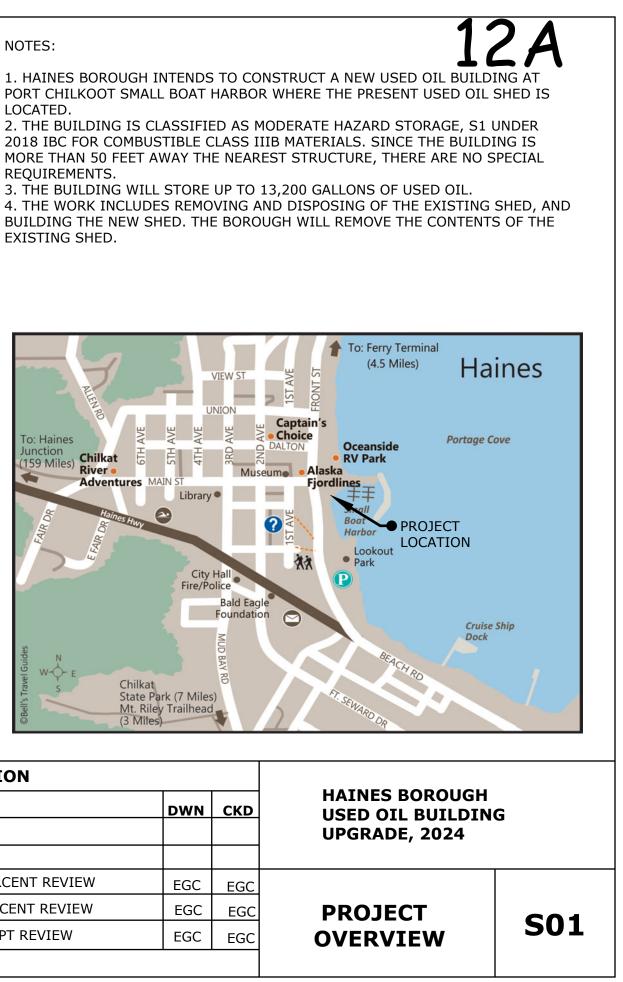
A. Plans. The proposal is substantially consistent with the borough comprehensive plan and other applicable borough-adopted plans.



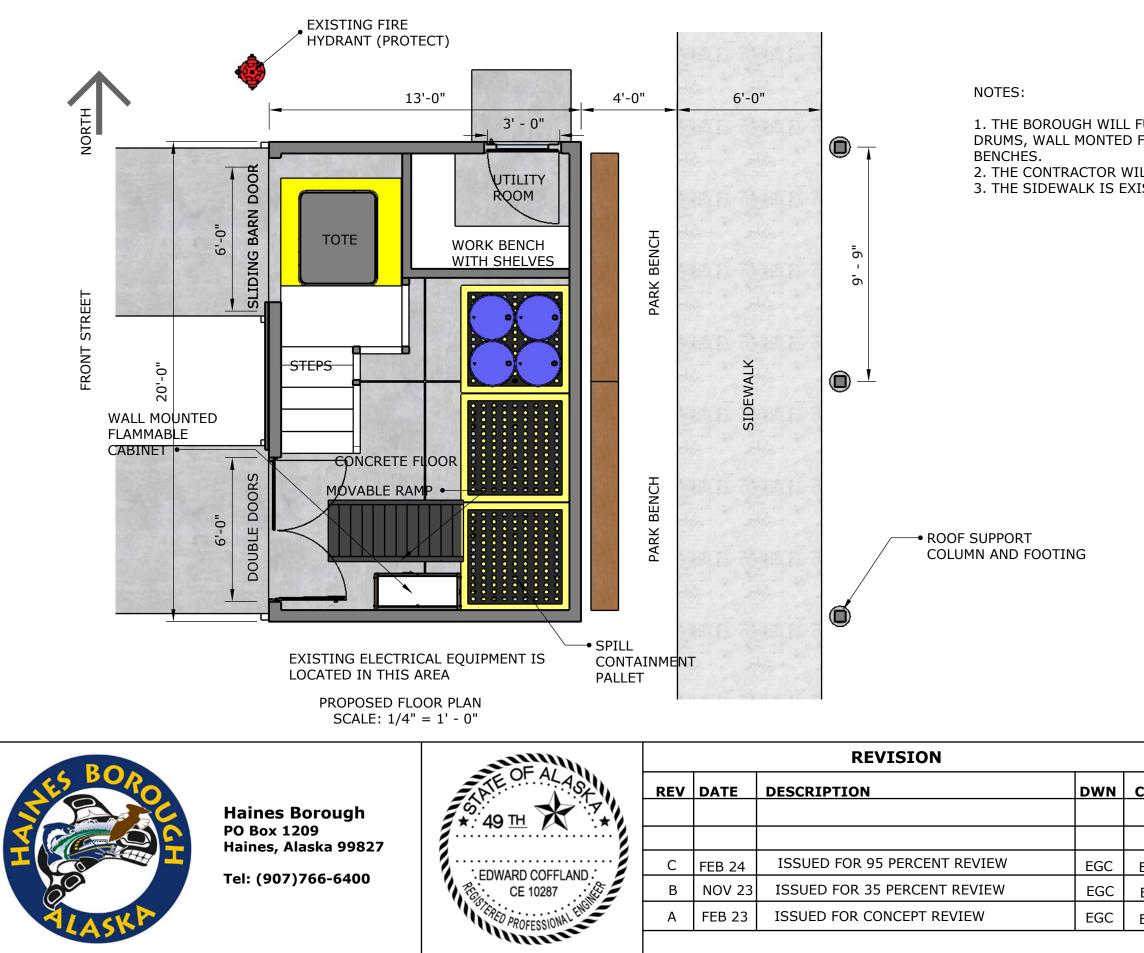
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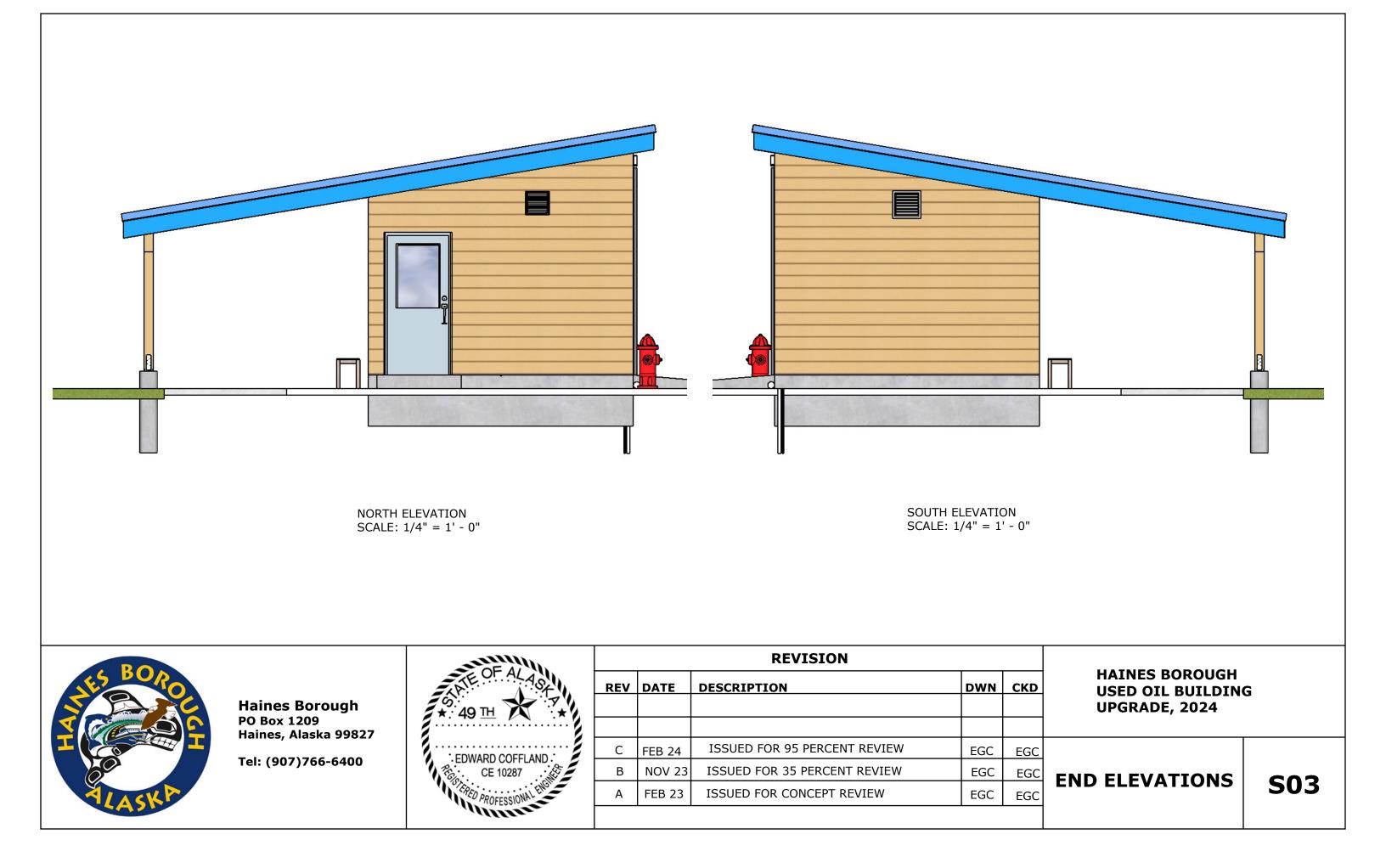
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|      | Haines Borough                      |                       |     |        |                              |     |     |
|      | PO Box 1209<br>Haines, Alaska 99827 |                       |     |        |                              |     |     |
|      | -                                   | EDWARD COFFLAND       | С   | FEB 24 | ISSUED FOR 95 PERCENT REVIEW | EGC | EGC |
|      | Tel: (907)766-6400                  | Red COPFLAND          | В   | NOV 23 | ISSUED FOR 35 PERCENT REVIEW | EGC | EGC |
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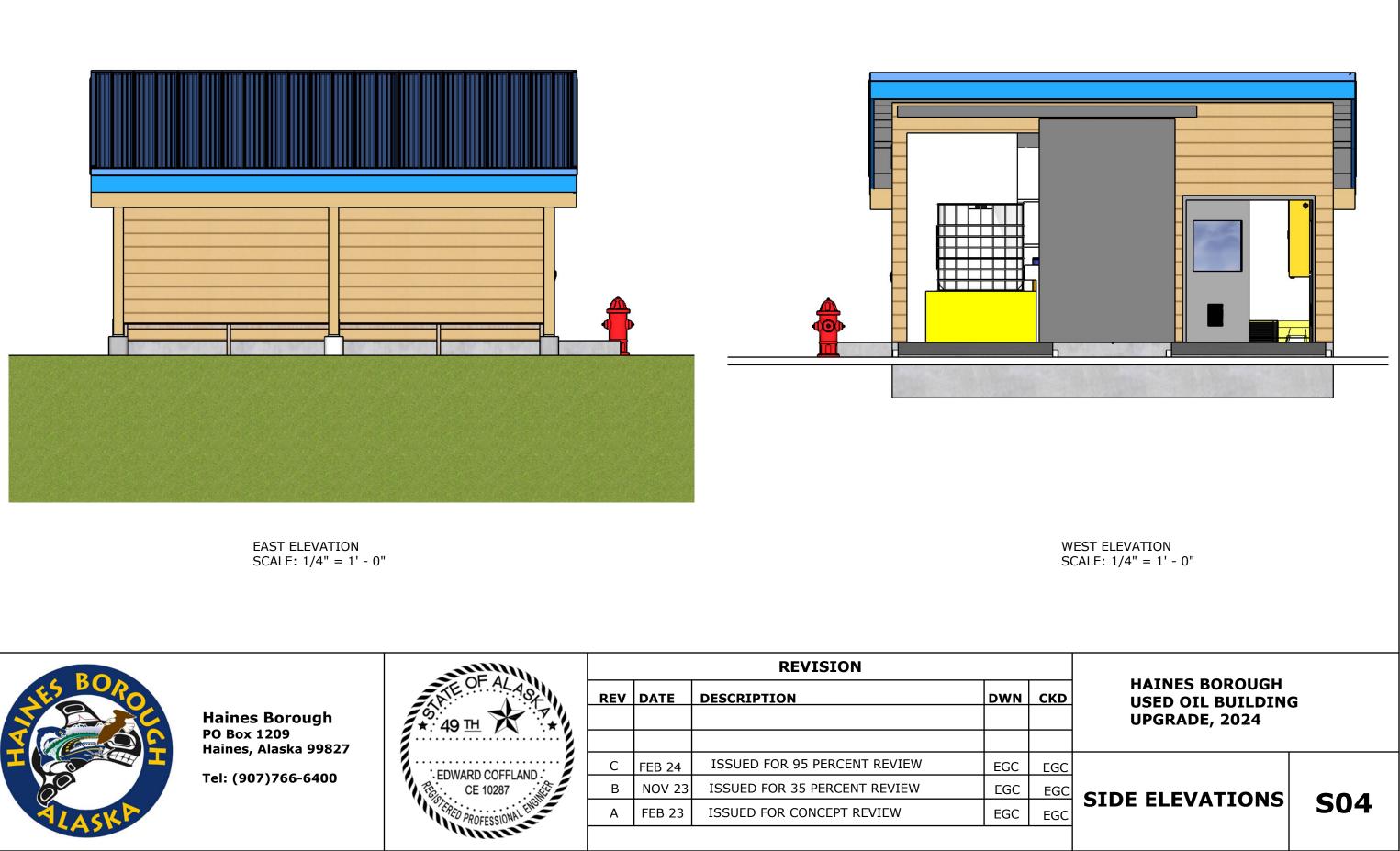


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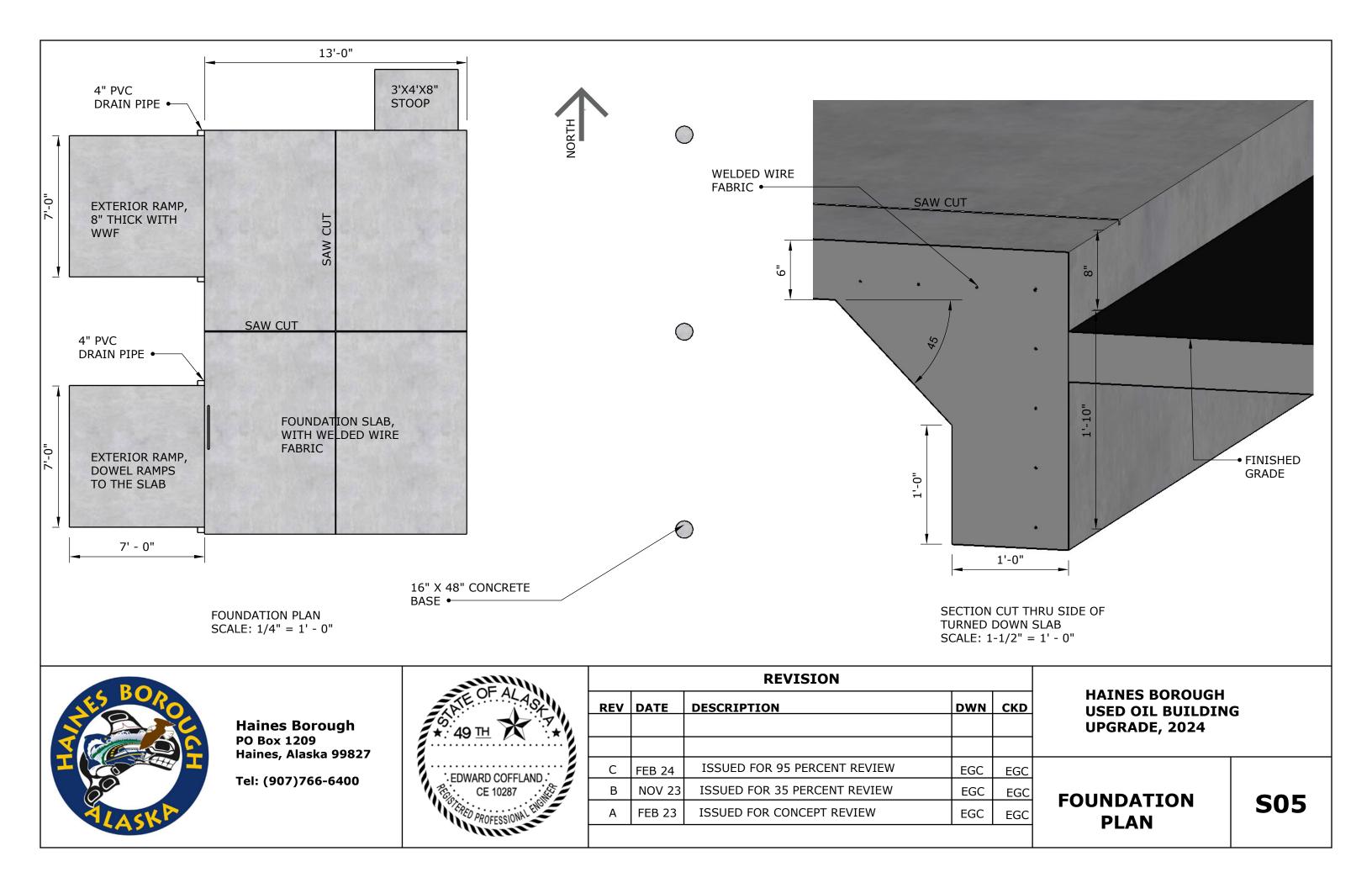
2. THE CONTRACTOR WILL FURNISH WORK BENCH WITH SHELVES, AND STEPS 3. THE SIDEWALK IS EXISTING. RETAIN AND PROTECT.

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| EGC |                                                     |            |
| EGC | FLOOR PLAN                                          | 602        |
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| I            | Haines, Alaska 99827<br>Tel: (907)766-6400 | EDWARD COFFLAND   | C<br>B | FEB 24<br>NOV 23 | ISSUED FOR 95 PERCENT REVIEW<br>ISSUED FOR 35 PERCENT REVIEW | EGC | EG |
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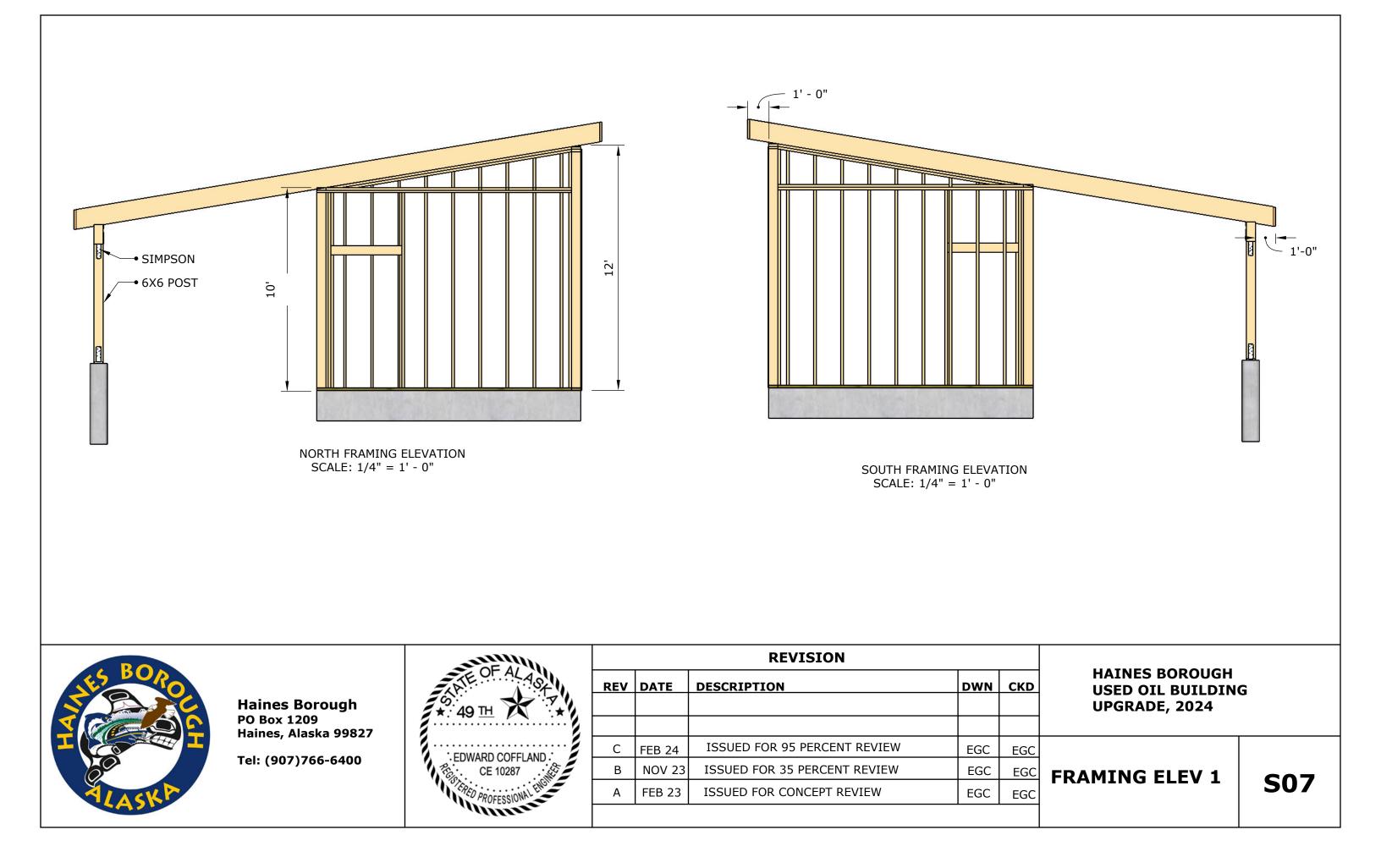
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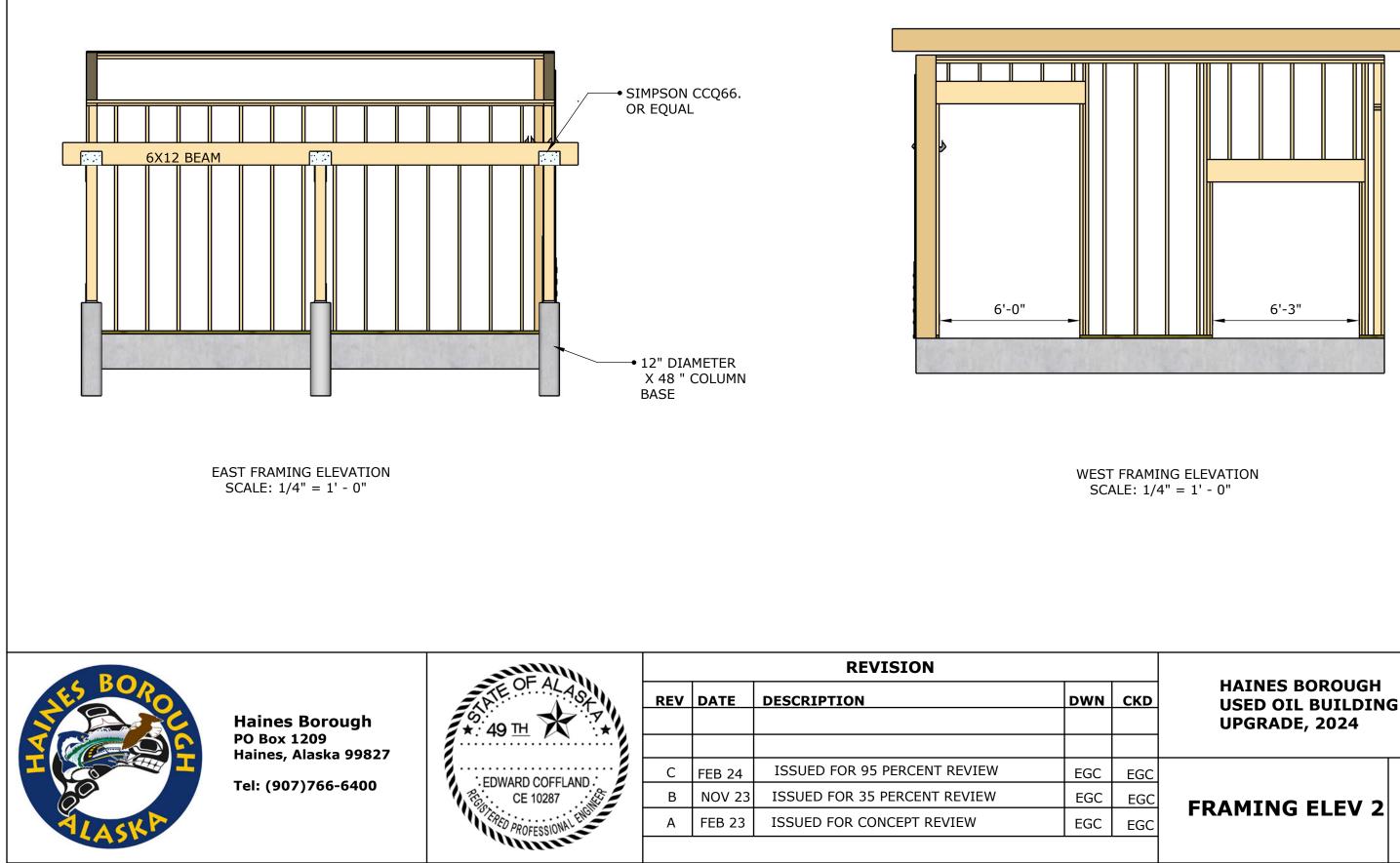
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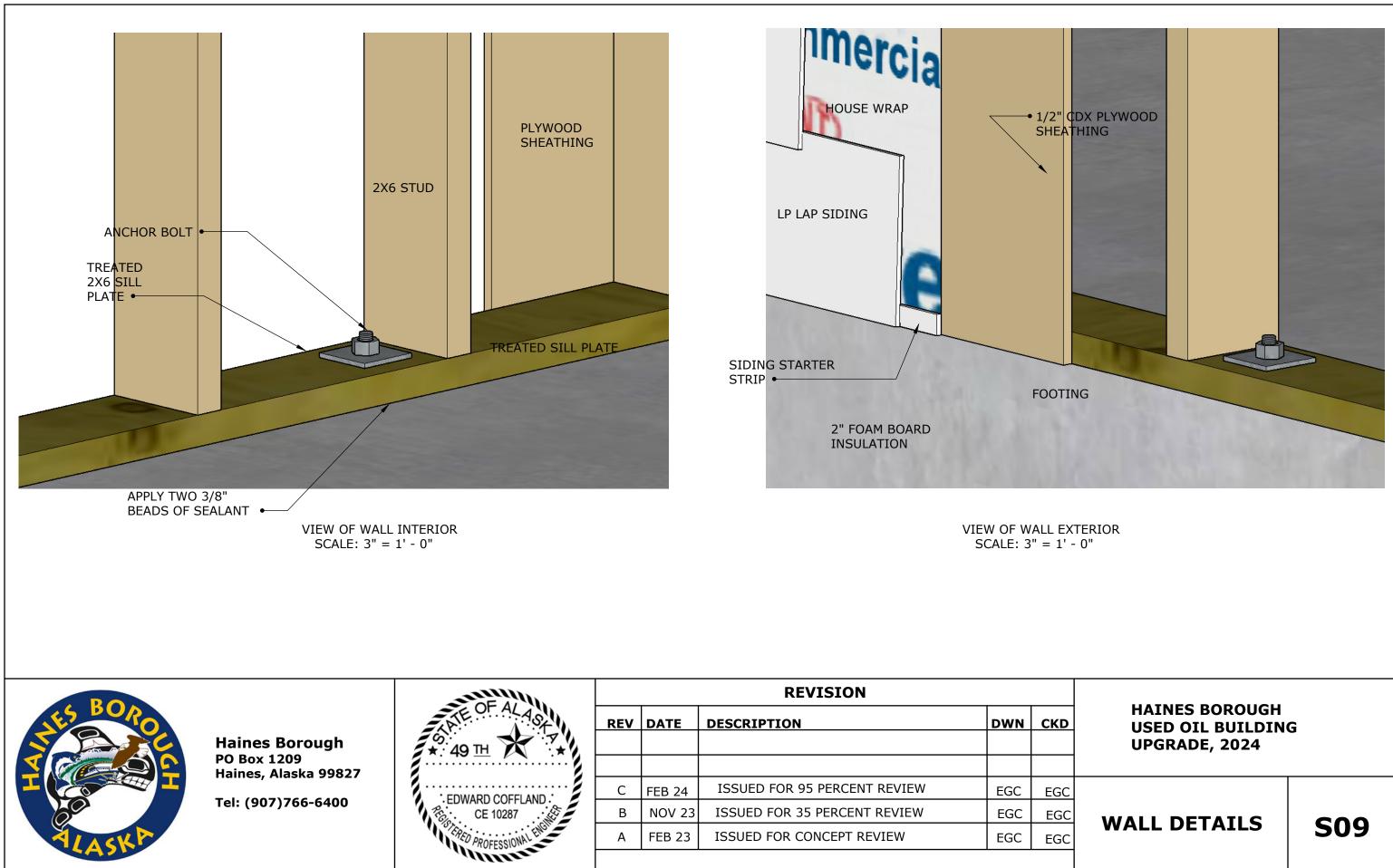
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|         | Haines, Alaska 99827<br>Tel: (907)766-6400 | EDWARD COFFLAND | С   | FEB 24           | ISSUED FOR 95 PERCENT REVIEW                              | EGC | EGC |                                                      |            |
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| ALASKI  |                                            | PROFESSIONAL    | A   | FED 23           | 1330LD FOR CONCEPT REVIEW                                 | EGC | EGC | PLAN                                                 |            |

#### 1. INSTALL SIMPSON H1 HURRICANE CLIPS ON EACH RAFTER SUPPORT. 2. ROOF SHEATHING SHALL BE 5/8" CDX PLYWOOD. 3. PLACE TWO LAYERS OF 30# FELT PAPER OVER PLYWOOD SHEATHING.





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| EGC<br>EGC<br>EGC | FRAMING ELEV 2                                      | S08 |



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| EGC | WALL DETAILS                                        | <b>COO</b> |
| EGC | WALL DETAILS                                        | <b>S09</b> |
|     |                                                     |            |

#### SUBMITTALS:

1. CONTRACTOR SHALL SUBMIT MATERIALS AND PRODUCTS TO THE ENGINEER FOR APPROVAL PRIOR TO PURCHASE.

#### SUBGRADE:

1. THE SUBGRADE SHALL BE APPROVED BY THE ENGINEER PRIOR OF PLACING CONCRETE. 2. THERE IS A BURIED ELECTRICAL CABLE IN THE FOUNDATION LOCATION, APPROXIMATELY 30" DEEP. ELECTRICIAN JAKE HAKAL MUST BE ON SITE TO ASSIST THE CONTRACTOR WHILE EXPOSING THE CONDUIT TO PREVENT ANY DAMAGE. JAKE'S NUMBER IS (907)378-7706. THE FOUNDATION MAY BE PLACED OVER THE CONDUITS. 3. THERE IS A EXISTING VALVE VAULT WITHIN THE FOOTPRINT OF THE BUILDING. PLEASE ABANDON THIS VAULT IN PLACE BY FILLING WITH SAND.

#### FOUNDATION:

1. CONCRETE SHALL BE SIX SACK, FIBER REINFORCED MIX, 4000PSI AT 28 DAYS.

2. CONCRETE SEALER SHALL BE APPROVED BY THE ENGINEER.

3. REINFORCING STEEL SHALL BE WELDED WIRE FABRIC, ASTM A1064, 6X6-W4.0XW4.0

4. COLUMN BASE SHALL BE SIMPSON CBSQ66, GALVANIZED.

5. ANCHOR BOLTS SHALL BE 5/8"X12" J-BOLTS W/3"X3"X1/4" NUT AND SEISMIC SQUARE WASHER, GALVANIZED, RATED FOR CONTACT WITH TREATED LUMBER.

#### **PAVING:**

1. PERIMETER PAVING SHALL BE 2-INCH THICK ASPHALT CONCRETE.

2. PLACE 6" OF COMPACTED D1 AGGREGATE ON APPROVED SUBGRADE.

3. PAVING SHALL MATCH EXISTING PAVING, CURB, GUTTER, SIDEWALK, AND BUILDING PERIMETER. SLOPE AWAY FROM THE BUILDING.

#### FRAMING:

1. FRAMING SHALL COMPLY WITH THE 2018 IBC, CHAPTER 23.

2. LUMBER SHALL BE DOUG-FIR/LARCH SELECT STRUCTURAL.

3. FASTENING SHALL COMPLY WITH TABLE 2304.10.1.

4. PLATES SHALL BE TREATED, RATED FOR CONTACT WITH CONCRETE.

5. SHEATHING SHALL BE CDX PLYWOOD.

6. NAILING FOR SHEATHING SHALL CONFORM TO TABLE 2304.6.1, EXPOSURE B. **INSULATION:** 

1. THE BUILDING IS UNHEATED. INSULATE EXTERIOR WALLS W/6" FIBERGLASS BATTS, CEILING W/10" FIBERGLASS BATTS. LEAVE 2" AIR GAP ABOVE CEILING INSULATION. VAPOR BARRIER SHALL BE 6MIL POLY SHEETING WITH SEALED JOINTS AND EDGES.

#### DOORS:

1. WORK BENCH ROOM SHALL HAVE ONE 3-0X6-8 STEEL DOOR WITH HALF LITE W/LOCKSET.

2. DOUBLE DOORS IN STORAGE AREA SHALL BE 6-0X6-8 STEEL WITH HALF LITES, LOUVERS AND LOCKSET.

3. BARN DOOR SHALL BE LOCKABLE, WOODEN, SITE FABRICATED WITH HARDWARE. SUBMIT FOR APPROVAL BY THE ENGINEER.

4. CONTRACTOR SHALL SUBMIT DOORS FOR APPROVAL BY THE ENGINEER.

5. THE CONTRACTOR SHALL PAINT DOORS. COLOR TO BE APPROVED BY THE BOROUGH.

#### **ELECTRICAL:**

1. ALL ELECTRICAL WORK SHALL COMPLY WITH THE LATEST EDITIONOF THE NATIONAL ELECTRICAL CODE.

2. INSTALL NEW 100 AMP SERVICE AND PANEL.

3. INSTALL TWO LITHONIA LIGHTING WDGE 1 LED WALL MOUNT, K3500, LM200 (OR EOUAL) LIGHTS ON EACH EXTERIOR SIDEWALL. 4. INSTALL ONE LITHONIA LIGHTING WDGE 1 LED WALL MOUNT, K3500, LM200 (OR EQUAL) LIGHT ON EACH EXTERIOR ENDWALL. 5. EXTERIOR LIGHTING SHALL BE SWITCHED AND CONTROLLED BY LIGHT SENSOR TO TURN LIGHTS ON AT NIGHT AND OFF DURING THE DAY. 5. INSTALL THREE SWITCHED AND MOTION CONTROLLED LITHONIA LIGHTING 48" CSTV LED VAPOR TIGHT LIGHTS ON THE INTERIOR CEILING OF THE USED OIL STORAGE AREA. 6. INSTALL ONE SWITCHED LITHONIA LIGHTING 48" CSTV LED VAPOR TIGHT LIGHT ON THE INTERIOR CEILING OF THE WORK BENCH ROOM. 7. INSTALL ONE 120V OUTLET IN THE WORK BENCH ROOM. 8. INSTALL THREE 120V OUTLETS IN THE USED OIL STORAGE AREA. 9. INSTALL ONE DAYTON UTILITY MOUNTED EXHAUST FAN, MODEL 484X38, (OR EQUAL) IN ONE END WALL, WITH SPEED CONTROL, CONTROLLED BY THEROMSTAT, MOTION SENSOR, AND A SWITCH. **EXTERIOR FINISHES:** 1. SIDING SHALL BE LP 38 SERIES, 7.84"X16', CEDAR FINISH, 2. TRIM SHALL BE LP SMART TRIM, CEDAR FINISH. SOFFIT SHALL BE LP SMART SOFFIT, WHITE. INSTALL VENTED SOFFIT AT TOP OF EAVE AND BELOW LOWER BEAM. 3. SEAL JOINTS, TOUCH UP PAINT AS NEEDED. 4. EAVE FLASHING SHALL BE PAINTED STEEL, FABRICATED TO FIT. COLOR TO MATCH ROOFING . 5. ROOFING SHALL BE ASC SKYLINE, 16" WIDE, 26 GAGE WITH TOP AND BOTTOM EAVE, GABLE, DRIP EDGE FLASHINGS. 6. PAINT THE BUILDING, DOORS, WINDOWS AND TRIM TO MATCH THE EXISING HARBOR COLOR SCHEME. THE HARBOR MASTER WILL CHOOSE COLORS, APPLY PRIMER AND TWO COATS OF EXTERIOR PAINT. 7. PLACE 30# FELT PAPER UNDER ROOFING. **INTERIOR FINISHES:** 1. INSTALL 1/2" AC, ONE SIDE SANDED PLYWOOD ON WALLS AND CEILING. 2. FILL AND SAND JOINTS AND NAIL HEADS FOR SMOOTH FINISH. 3. PRIMER SHALL BE ULTRA SPEC 500, INTERIOR LATEX PRIMER. 4. FINISIH COAT SHALL BE TWO LAYERS OF BENJAMIN MOORE SCUFF-X INTERIOR MATTE, N484, AVAILABLE AT VALLEY PAINT IN JUNEAU. 5. APPLY TWO COATS OF BENJAMIN MOORE INSL-X TUFFCRETE TO THE CONCETE FLOOR SURFACE. HAINES BOROUGH KD **USED OIL BUILDING UPGRADE**, 2024 GC GC NOTES **S10** GC

| RO      |                                     | annin li                |     |        | REVISION                     |     |     |
|---------|-------------------------------------|-------------------------|-----|--------|------------------------------|-----|-----|
| AF BORO | Haines Borough                      | STATE OF AL AGE         | REV | DATE   | DESCRIPTION                  | DWN | СКІ |
|         | PO Box 1209<br>Haines, Alaska 99827 | ★: 49 ⊞                 |     |        |                              |     |     |
|         | /                                   | EDWARD COFFLAND         | С   | FEB 24 | ISSUED FOR 95 PERCENT REVIEW | EGC | EG  |
| 60      | Tel: (907)766-6400                  | CE 10287                | В   | NOV 23 | ISSUED FOR 35 PERCENT REVIEW | EGC | EG  |
| ALASKA  |                                     | RED PROFESSIONAL ENGINE | А   | FEB 23 | ISSUED FOR CONCEPT REVIEW    | EGC | EG  |
|         |                                     | Muner                   |     |        |                              |     |     |

### **Andrew Conrad**

| From:        | Curtis, Harmony J (CED) <harmony.curtis@alaska.gov></harmony.curtis@alaska.gov> |
|--------------|---------------------------------------------------------------------------------|
| Sent:        | Monday, January 29, 2024 1:12 PM                                                |
| То:          | Andrew Conrad                                                                   |
| Subject:     | Registration Follow-up Floodplain Trainings 2/26-3/1/2024                       |
| Attachments: | Welcome Letter to L0273.docx; Tentative L0273_Student Agenda_Anchorage.docx     |

CAUTION: This email originated from outside of the Haines Borough. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon,

I did not see the Community Planner for Haines Borough signed up for this course yet, here is the information.

I look forward to seeing you in the class. Let me know if you would like the airfare and hotel costs reimbursed for the class. There is no fee for the course, and I did obtain grant funds to reimburse rural community travel expenses to attend the course.

This is a free 4-day course at the Atwood building downtown.

Here is the weekly training information:

- To register submit a General Admission Application for the course using the following link: <u>https://training.fema.gov/netc\_online\_admissions/</u>. To apply for this specific course, enter the Invitation Code for this course offering "**BNSCD**" and when prompted for "Head of Organization Information" enter the following:
  - Head of Organization Name: Harmony Curtis
  - Head of Organization Title: Alaska NFIP Coordinator
  - Head of Organization Email: <u>harmony.curtis@alaska.gov</u>
- Reserve your hotel/lodging: 2/28-3/2 (days covered if getting reimbursed with grant funds)
  - Book a hotel reservation **for less than \$190 nightly** including tax nightly (to get reimbursed for cost from grant funds)
- You are approved to get your traveling & lodging reimbursed by NFIP grant. Please keep all receipts, get tax exempt code from your finance person and go through your normal travel process, after the trip I will give you a form to complete and turn in with receipts then the state sends the reimbursement to your city or borough.

#### When you come to class:

- 1. Bring a copy of your community's floodplain ordinances/codes.
- 2. Bring your communities Flood Insurance Study, FIS (if you have it or send me a request to print it)
- 3. Make sure you have space in your suitcase to bring back a large 3-ring large binder of class materials.

I attached the welcome letter with instructions on class registration and location.

This is the current agenda for the week. The class is Tuesday through Friday with Monday being an option day for questions about becoming a CFM and floodplains in Alaska.

#### Monday: Optional Training Day - 1pm to 4pm - Atwood Conference Center, William Egan Room 106

8am to 11am Please contact me to set up one-on-one meeting

1pm to 2pm Floodplain Resources in Alaska with Q&A

2pm to 3pm Training Information & How to become a Certified Floodplain Manager, CFM

3pm to 4pm AK Floodplain Workshop Mitigation Topics with roundtable discussion

#### Tuesday: 8am to 4:30pm – Atwood Conference Center, Ted Stevens/Robert Atwood combined Room 102-104

Unit 1: Course Introduction Unit 2: Introduction to Floodplain Management Lunch provided by OTT HydroMET with flood warning systems presentation <u>www.otthydromet.com</u> Unit 3: Risk Determination Maps & Studies

#### Wednesday: 8am to 4:30pm

Unit 3: continued Lunch provided by NORFMA with 15-minute presentation <u>www.norfma.org</u> Unit 4: Floodplain Management Regulations Overview

#### Thursday: 8am to 4:30pm

Unit 4: continued Unit 5: Substantial Improvement/Substantial Damage Lunch (on your own) Unti 6: Compliance & Permit Process Unit 7: Floodplain Management Pre/Post Event

#### Friday: 8am to 4:30pm

Unit 7: continued Unit 8: Flood Insurance Lunch (on your own) Unit 8: continued End of course survey

Please contact me if you have any issues registering or about the class.

Harmony Curtis, CFM Local Govt Specialist IV – Alaska NFIP Coordinator (907)269-7904 Kenai, AK DCCED, Division of Community and Regional Affairs



U.S. Department of Homeland Security Emmitsburg, MD 21727

November 13, 2023

To: Course Participants for "L0273: Managing Floodplain Development Thru the NFIP", February 27 – March 1, 2024

From: Harmony Curtis, Alaska NFIP Coordinator Harmony.Curtis@alaska.gov; and

> Deborah Plunket, Course Manager Emergency Management Institute (EMI)

RE: Details for course offering in Anchorage, AK:

We are pleased that you will be participating in EMI's four-day *Managing Floodplain Development Thru the National Flood Insurance Program (NFIP)* to be held February 27 through March 1, 2024. The course will be held in Atwood Conference Center Rm 102/104 in the Robert B. Atwood Building at 550 West 7th Ave, Anchorage, AK 99501. The following details are provided to assist you with your participation for the course.

This course provides local, state, tribal, territorial, and Federal officials with the knowledge and skills to administer and enforce floodplain management regulations. The course focuses on the NFIP and concepts of floodplain management, flood maps and studies, ordinance administration, and the relationship between floodplain management and flood insurance. The course is designed to provide new floodplain administrators with the information and communication techniques to explain the impact of floodplain management decisions on insurance, public safety, and health.

The course includes an overview of the natural conditions that form floodplains, the history of floodplain management, and the creation of the NFIP. Prefacing the use of FISs and maps to determine the flood hazard risk is an explanation of the forces of water and types of floods. The course provides an overview of NFIP minimum floodplain management regulations based on the types of flood hazards identified, Substantial Improvement (SI)/Substantial Damage (SD) and describes the use of a permitting process as a floodplain management oversight and compliance tool. Appropriate Letters of Map Change (LOMCs) for specific circumstances and the LOMC forms and possible flood hazard mitigation solutions are also identified. The course explains the roles and responsibilities of a floodplain administrator prior to and after a disaster event.

The learner must achieve a minimum passing score of 75% on final knowledge assessments or demonstrate mastery on performance assessments or research assignments to earn the IACET, Continuing Education Credit, CEU.

## Before You Arrive - to obtain CEC credit and get a certificate:

- 1. You will need to obtain a <u>FEMA Student Identification (SID)</u> number if you do not already have one from the Center for Domestic Preparedness. To obtain your FEMA SID number, complete follow these steps:
  - **Step 1:** To register, go to <u>https://cdp.dhs.gov/femasid.</u>
  - **Step 2:** Click on the "Register for a FEMA SID" box on the right side of the screen.
  - **Step 3:** Follow the instructions and provide the necessary information to create your account.
  - **Step 4:** You will receive your SID number immediately online and will receive an email confirmation. You should save this number in a secure location.
  - **Step 5:** Enter the SID number on your General Admissions Application (FEMA Form 119-25-1, Box 3). Applications will not be processed without the FEMA SID.
- Submit a General Admission Application for the course using the following link: <u>https://training.fema.gov/netc online admissions/</u>. To apply for this specific course, enter the Invitation Code for this course offering "BNSCD" as shown below. *Note: The current version of the online admissions application is not compatible with mobile devices.*

When prompted for "Head of Organization Information" (shown below), enter the following:

\* Head of Organization Name:

Harmony Curtis

- \* Head of Organization Title: Ala
  - Alaska NFIP Coordinator
- \* Head of Organization Email: harmony.curtis@alaska.gov

This information is critical to receiving a certificate of completion.

3. Recommended - Not Required: Participants unfamiliar with the NFIP are encouraged to complete the following Independent Study courses prior to attending the course.

Independent Study courses can be found online at <a href="https://training.fema.gov/is/">https://training.fema.gov/is/</a>:

- **IS273:** How to Read a Flood Insurance Rate Map (FIRM)
- **IS274:** How to Use a Flood Insurance Study (FIS)

### What to Know:

- Participants need to have room to bring back the large 4-inch class training binder that will be provided on the first day of class for note taking. Also, provided are pens, highlighters, ruler, FEMA resource documents.
- If you have been approved for reimbursement with grant funds to attend to this course, the lodging and travel costs will be covered under the grant agreement provided by Harmony Curtis, you must attend all sessions of the 4-day training, turn in receipts, and sign the grant agreement before reimbursement will be sent to your community.
- The lunch meal on Wednesday and Thursday will be provided along with daily snacks (coffee, water, fruit, protein bars, etc.). All other meals will **NOT** be provided or reimbursed by FEMA or State of Alaska. There are many lunch options within walking distance of this training and there is a microwave and break room area at the Atwood building.
- The course will begin Tuesday, February 27 at 8:00am and will conclude Thursday, March 1<sup>nd</sup> at 4:30pm. We suggest that you arrive no later than 7:50am on the first day of class to sign in, receive course materials, and get settled to ensure we start promptly at 8:00am;
- Visitor specific parking garage, shown below in RED has an entrance on E Street, the Atwood Building is shown in BLUE. Coffee shops are in Yellow, and morning coffee, snacks and bottled water will be provided.



The class at the Atwood Conference Center Rm 102/104 in the Robert B. Atwood Building at 550 West 7th Ave, Anchorage, AK 99501. \*\*Harmony Curtis will monitor her email, please email any issues or questions to her at <u>harmony.curtis@alaska.gov</u> and she will work with you to resolve them.\*\*



#### **EMERGENCY MANAGEMENT INSTITUTE**

#### COURSE CODE: E0273 - SCHEDULE MANAGING FLOODPLAIN DEVELOPMENT THROUGH THE NATIONAL FLOOD INSURANCE PROGRAM

### February 27 – March 1, 2024 Atwood Building, Room 102/104, 550 W. 7<sup>th</sup> Ave. Anchorage, Alaska

| Tuesday   |                                                  |                                                                                           |
|-----------|--------------------------------------------------|-------------------------------------------------------------------------------------------|
| 8:00 a.m. | Unit 1: Course Introduction                      | Harmony Curtis, CFM<br>State NFIP Coordinator<br>State of Alaska                          |
| 9:15      | Break                                            |                                                                                           |
| 9:25      | Unit 2: Introduction to Floodplain<br>Management | Karen Wood-McGuiness, CFM<br>Senior Floodplain Management<br>Specialist<br>FEMA Region 10 |
| 11:30     | Lunch                                            |                                                                                           |
| 12:30     | Unit 2 (Continued)                               | Harmony Curtis, State of Alaska                                                           |
| 1:30      | Unit 3: Risk Determination Maps and Studies      | Sally Russell Cox, State &<br>Federal Programs Manager,<br>DCRA, State of Alaska          |
| 2:15      | Break                                            |                                                                                           |
| 2:25      | Unit 3 (Continued) –                             | Karen Wood-McGuiness, FEMA                                                                |
| 4:30      | Adjourn                                          |                                                                                           |
| Wednesday |                                                  |                                                                                           |
| 8:00 a.m. | Unit 3 (Continued)                               | Karen Wood-McGuiness, FEMA                                                                |
| 10:00     | Break                                            |                                                                                           |
| 10:30     | Unit 3 (Continued)                               | Harmony Curtis, State of Alaska                                                           |
| 11:30     | Lunch                                            |                                                                                           |

| 12:30     | Unit 3 (Continued)                                                  | Harmony Curtis, State of Alaska                                          |
|-----------|---------------------------------------------------------------------|--------------------------------------------------------------------------|
| 1:45      | Break                                                               |                                                                          |
| 1:55      | Unit 4: Floodplain Management<br>Regulations Overview               | Karen Wood-McGuiness, FEMA                                               |
| 3:00      | Unit 4 (Continued)                                                  | Scott VanHoff, CFM<br>Regional Flood Insurance Liaison<br>FEMA Region 10 |
| 4:00      | Unit 4 (Continued)                                                  | Scott VanHoff, CFM                                                       |
| 4:45      | Adjourn                                                             |                                                                          |
| Thursday  |                                                                     |                                                                          |
| 8:00 a.m. | Unit 4 (Continued)                                                  | Harmony Curtis, State of Alaska                                          |
| 8:25      | Unit 4 (Continued)                                                  | Harmony Curtis, State of Alaska                                          |
| 9:20      | Break                                                               |                                                                          |
| 9:30      | Unit 5: Substantial Improvement/<br>Substantial Damage              | Scott VanHoff, CFM                                                       |
| 10:30     | Unit 5 (Continued)                                                  | Scott VanHoff, CFM                                                       |
| 11:30     | Lunch                                                               |                                                                          |
| 12:30     | Unit 6: Oversight and Compliance -<br>The Permitting Process        | Karen Wood-McGuiness, FEMA                                               |
| 2:00      | Break                                                               |                                                                          |
| 2:10      | Unit 6 (Continued)                                                  | Karen Wood-McGuiness, FEMA                                               |
| 3:10      | Unit 7: Floodplain Management Pre-<br>and Post-Event (3 hours total | Harmony Curtis, State of AK                                              |

4:30 Adjourn

# Friday

| 8:00 a.m. | Unit 7 (Continued)                               | Harmony Curtis, State of AK |
|-----------|--------------------------------------------------|-----------------------------|
| 9:45      | Break                                            |                             |
| 9:55      | Unit 8: Flood Insurance                          | Scott Van Hoff, FEMA        |
| 11:30     | Lunch                                            |                             |
| 12:30     | Unit 8 (Continued)                               | Scott Van Hoff, FEMA        |
| 1:45      | Break                                            |                             |
| 1:55      | Unit 9: Course Summary                           | Harmony Curtis, State of AK |
| 2:25      | Unit 9 (Continued)<br>Capstone Tabletop Activity | Karen Wood McGuiness, FEMA  |
| 3:45      | Unit 9 (Continued) Post course exam              | Scott Van Hoff, FEMA        |
| 4:15      | Wrap up and graduation                           | All Instructors             |
| 4:30      | Adjourn                                          |                             |