



Haines Borough  
Planning Commission Meeting  
November 4, 2010  
MINUTES

Approved

1. **CALL TO ORDER/PLEDGE TO THE FLAG** – Vice Chairman **Goldberg** called the meeting to order at 6:30 p.m. in Assembly Chambers and led the pledge to the flag.
2. **ROLL CALL – Present:** Commissioners Rob **Goldberg**, Donnie **Turner**, Andy **Hedden**, Robert **Venables**, Roger **Maynard** and Pete **Lapham**. Absent: Lee **Heinmiller**  
**Staff Present:** Steve **Ritzinger** – Planning and Zoning Technician, Jamie **Heinz** – Deputy Clerk, Mark **Earnest** – Borough Manager  
**Visitors Present:** Krista **Kielsmeier**/CVN, Bill **Kurz**, Dean **Risley**, Gary **Hess**, Karen **Hess**, Duck **Hess**, Kelly **Jessup**, Angie **Robinson**, Deborah **Vogt**, Nick **Trimble**, Carolyn **Weisahn**, Wayne **Hirsch**, Robin **Stickler** and others.
3. **APPROVAL OF AGENDA**  
**Motion:** **Turner** moved to “approve the agenda,” and the motion carried unanimously.
4. **APPROVAL OF MINUTES** – October 14, 2010 Regular Meeting  
**Motion:** **Lapham** moved to “approve the October 14, 2010 Regular Meeting Minutes,” and the motion carried unanimously.
5. **PUBLIC COMMENTS** – None
6. **CHARIMAN’S REPORT** – Vice Chairman **Goldberg** explained that Chairman **Heinmiller** was out of town.
7. **STAFF REPORTS**
  - A. **Planning & Zoning Report** – **Ritzinger** summarized his written report that included the following items:
    - Recently issued permits
    - Updates on items sent to the Assembly for action
    - Chilkoot Indian Association final plat update
    - Future agenda item – access easements to properties not abutting a right-of-way
8. **PUBLIC HEARINGS** – None
  - A. **Rezoning Ordinance – Action Item**

**Goldberg** explained that some regulations in the current Title 5 were prohibited by FAA regulations and therefore unenforceable by the borough. He also explained that the manager had asked the Planning Commission to consider whether the regulations should be in Title 5 or Title 18 and also to consider if the borough should limit heliports. Finally, he explained that the Mayor would be appointing a working group tasked with addressing helicopter-assisted skiing and coming up with an agreement.

**Goldberg** opened the public hearing at 6:40pm

**Kurz** was under the impression that this subject was going to be handled by the working group and not through zoning.

K. **Hess** was concerned that the proposed ordinance was too restrictive regarding zones a heliport would be allowable. She expressed more concern with the broader

picture of the RRU and the ease of also prohibiting atvs and snow machines and could see a future debate of motorized vs. non-motorized.

**Vogt** expressed that Title 5 has worked, could continue to work, and encouraged the Commission to recommend a Title 5 ordinance and not a Title 18. She was also concerned that a map wasn't incorporated and suggested that snowboarding should be included in the definitions.

D. **Hess** said he is not in favor of zoning.

**Trimble** also thought the subject was going to be given to a working group and said that right now a heliport could be put anywhere.

G. **Hess** agreed with K. Hess wholeheartedly pointing out that this was the first step of rezoning the whole valley and he is not in favor of that. He feels zoning should be kept within the city and the wilderness should be left alone. He also pointed out that most are in Alaska to enjoy wilderness not to figure out regulations regarding where you can and can't go.

**Weisahn** explained that the Title 18 ordinance was put together because of concern for Title 5 and said there wasn't a need to add regulations in Title 18 unless the toolbox for managing heliskiing gets too small in only Title 5.

**Risley** said he definitely doesn't want to see more regulations. He pointed out that the change makes it easier to add more restrictions down the road and suggested the Bald Eagle Preserve as an example.

**Hirsch** doesn't want to see regulations.

R. **Stickler** encouraged the Commission to not regulate the industry through Title 18.

**Kurz** explained that he was the first replacement person for first Planning Commission and stated that Planning Boards like to make regulations when a lot of time you don't need it.

**Goldberg** closed the public hearing at 6:54pm

**Earnest** explained the discussion among the Assembly and their desire to go through Title 5. He also explained that the Attorney is working on a new draft. He suggested proceeding with this meeting to listen to public comments and satisfy the requirements and send it back to the Assembly. He reiterated that the Mayor has appointed a working group which is meeting on Monday and the desire is to have a balanced group with a goal of coming up with an agreement to try to make it better for most groups.

**Venables** expressed that he was concerned that the Planning Commission was being used to satisfy a mandate as opposed to plan for the Borough which is their responsibility. He explained that there was special consideration during consolidation that residents in the valley wouldn't be infringed on.

**Motion: Venables** moved to "add a definition of heliports as a conditional use in the Haines Borough Land Use Classification chart," and the motion carried unanimously.

The need to refine the definition of heliport, grandfathering existing heliports, industries using helicopters and the size of the borough were topics discussed.

**Motion: Venables** moved to "discard the current proposed ordinance in favor of a rezoning approach that is consistent with the Comprehensive Plan and assurances given to the General Use residents during borough consolidation," and the motion died for lack of a second.

**Venables** explained the rationale for the motion which included that it is the Planning Commission's responsibility to plan; that the comprehensive plan gave assurances to residents in the upper valley; that new zoning districts should result from deliberative

efforts of the Planning Commission and public; and the need to conform to community and neighborhood standards and avoid spot zoning. **Turner** said he feels rezoning isn't where the Planning Commission needs to go to regulate heliskiing. **Goldberg** explained that the potential ordinance focuses on skiing and not on helicopters and because of the different kinds of skiing, focus should be on helicopters. He also said that if the Planning Commission determined that there was a need to put the regulations in Title 18, that they needed to be kept simple. He suggested keeping the general use and pull out a subset to disallow heliskiing, but keeping all other rights. He said he feels Title 5 is a better place to regulate heliskiing as it has more flexibility and making a zoning change isn't easy should heliski zones change.

**Motion: Venables** moved to "recommend discarding the current proposed ordinance and address heliskiing concerns through Title 5 amendments," and the motion carried unanimously.

9. **OLD BUSINESS** – None
10. **NEW BUSINESS**
  - A. **HCMP/ACMP Consistency Review** – None
  - B. **Historic District/Building Review** - None
  - C. **Haines Borough Code Amendments**
  - D. **Project Updates** – None
  - E. **Other New Business**
11. **COMMISSION COMMENTS** – **Lapham** pointed out that the Planning Commission took 72 hours of public testimony on the heliskiing and all the regulation went into Title 5. He pointed out that there was still a reasonable chance that the Planning Commission would be involved in the future.
12. **COMMUNICATION** – None
13. **SET MEETING DATES** – The next Regular Planning Commission meeting is scheduled for 6:30 p.m. on Thursday, December 9<sup>th</sup>.
14. **ADJOURNMENT** – 7:32 p.m.