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JAN 30 2023

MUNICIPALITY OF SKAGWAY

Municipality of Skagway Application for a Conditional Use Permit

Application Permit # 23-07

For Borough Staff to Fill Out:
 Application Complete & Accepted for
Review 01/30/2023 Date

Zoning District:

- Business General
- Business Historic
- Residential General
- Residential Conservation
- Residential Low Density
- Industrial
- Industrial Light
- Waterfront

Application Fee: \$50.00

A conditional use permit gives site-specific flexibility to the zoning ordinance in a uniform and controlled manner. It permits uses that are desirable to the community, but may not be suitable at every location in the zone based on character, intensity, size or impact on surrounding uses. THE PLANNING COMMISSION MAY ATTACH RESTRICTIONS AND CONDITIONS DESIGNED TO FIT THE SPECIAL PROBLEMS WHICH THE USE PRESENTS.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.

YOUR CONDITIONAL USE PERMIT APPLICATION MUST INCLUDE THE FOLLOWING MATERIALS TO BE COMPLETE:

- Permit application states the conditional use requested.
- A plot plan indicating date, north arrow, scale, exterior property boundaries and approximate dimensions, location of all existing and proposed buildings on the property and their approximate distance from lot lines, access for ingress and egress, sewer and water lines serving the property and power poles, all easements on the property, construction details, approximate dimension of parking areas and spaces, if applicable.
- Other information as necessary to illustrate the impact of the proposed conditional use.

Applications will not be processed until all application fees have been submitted.

Property Name MUNICIPALITY OF SKAGWAY
 Owner: Phone & Fax 907-983-2297 907-983-2151 (FAX)
 Mailing Address PO BOX 415 SKAGWAY, AK 99840
 Signature [Signature]
 Date _____

Business Name TEMSIC HELICOPTERS, INC
 Owner: Phone & Fax 907-983-2900 907-983-2981 (FAX)
 Mailing Address PO BOX 434 SKAGWAY, AK 99840

Who should we contact regarding this permit?

KELLY HEALY BASE MANAGER

Property Lot(s) Block(s) _____
 Description ATS # 4 66
 Present Use HELI PORT

Conditional Use Requested HELIPORT (CONTINUED USE)

Does Proposed Work Involve:

MARK ALL BOXES THAT PERTAIN TO YOUR PROJECT

- | | |
|-------------------------------------------------------------|---------------------------------------------------------------------------|
| <input type="checkbox"/> Residential Use | <input type="checkbox"/> New Construction |
| <input checked="" type="checkbox"/> Commercial Use | <input type="checkbox"/> Modification of Existing Building(s) |
| <input type="checkbox"/> Industrial Use | <input type="checkbox"/> Demolition of Existing Building(s) |
| <input type="checkbox"/> Land Clearing | <input type="checkbox"/> Construction in or Adjacent to Wetlands or River |
| <input type="checkbox"/> Increased Traffic or Parking Areas | |

Is Property Serviced By:

	EXISTING SIZE	PROPOSED SIZE
<input checked="" type="checkbox"/> Water	<u>16 ACRE</u>	<u>SAME</u>
<input type="checkbox"/> Sewer		
<input checked="" type="checkbox"/> Electric	<u>16 ACRE</u>	<u>SAME</u>

The proposed use may be different than present uses in this area and may have impacts on neighboring properties. Describe any impacts the proposed use will have and what measures will be taken to minimize these impacts. Attach additional information if necessary.

PROPOSED USE IS SAME AS CURRENT USE

Per standards listed in SMC 19.04.060(B)(3) please provide information on the following:

THE PLANNING & ZONING COMMISSION MUST FIND ALL FOUR OF THE CONDITIONS SET OUT BELOW TO EXIST IN ORDER TO GRANT THE CONDITIONAL USE.

A. The requested conditional use will protect the public health, safety, and welfare:

How, please explain?

SEE ATTACHMENT A-A

B. The requested conditional use will not permanently or substantially injure the lawful use of neighboring properties or uses:

How, please explain?

SEE ATTACHMENT A - B

C. The requested conditional use will generally be in harmony with the comprehensive plan, coastal management plan, and other officially adopted plans:

How, please explain?

SEE ATTACHMENT A - C

D. The requested conditional use will not substantially decrease the value of or be out of harmony with property in the neighboring area:

How, please explain?

SEE ATTACHMENT A - D

The Coastal Management Program Area encompasses all lands within municipal boundaries excluding State and Federal Lands.

Does this conditional use fall within the Coastal Management Program Area? Yes No

Skagway's inland coastal zone boundary includes all islands and the lands and waters within:

- The timberline of the coastal Sitka spruce/hemlock forest,
- Slopes contiguous with marine waters where mass wasting is evident or likely to occur, and
- Unvegetated areas left by receding glaciers where the coastal forest is likely to invade.

Skagway's seaward coastal zone boundary includes all marine waters and tidelands within the city limits.

Have you completed a Coastal Project Questionnaire? Yes No

- When a project is proposed for development within the City of Skagway's coastal zone, it is subject to the SCMP's enforceable policies, listed in Chapters 4.0 and 5.0 (and consolidated in Appendix A) of the Skagway Coastal Management Plan. If the project is a federal activity, or needs State or federal permit or other approval, the State reviews the project for consistency with the ACMP and the Skagway CMP, and Skagway formally participates in the State-coordinated review. If only local approval is required (such as a conditional use permit), then the Municipality reviews the project for consistency as part of the Planning Commission's regular permit review process.
- Federal lands and waters are excluded from Skagway's coastal zone. However, the federal government is not exempt from coastal management. Activities that require a federal license or permit, or that are sponsored by a federal agency, that would affect coastal uses or resources within Skagway's coastal zone must be consistent with the Skagway CMP to the maximum extent practicable.

Proposals subject to the Coastal Management Program must meet the following criteria before approval:

A. Uses and activities must be compatible with the goals and objectives of the Skagway Coastal Management Program. The subject uses and activities of the Coastal Management Program are as follows:

- | | |
|------------------------------------------------------------------------------------------|---------------------------------------------------------------|
| <input checked="" type="checkbox"/> Coastal Development: | <input type="checkbox"/> Natural Hazards |
| <input type="checkbox"/> Coastal Access | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Energy Facilities | <input type="checkbox"/> Sand and Gravel Extraction |
| <input type="checkbox"/> Fisheries and Fishery Enhancement | <input type="checkbox"/> Subsistence Uses |
| <input type="checkbox"/> Habitats | <input type="checkbox"/> Transportation Routes and Facilities |
| <input type="checkbox"/> Historic, Prehistoric, Archaeological
and Cultural Resources | <input type="checkbox"/> Utility Routes and Facilities |

B. Priority use of the shoreline shall be accorded to uses and activities which are water-dependent or water-related, and to those uses and activities which are neither water-dependent or water-related for which there is no feasible and prudent inland alternative to meet the public need for the use or activity. Uses and activities which do not require shoreline access or are not enhanced by shoreline proximity must be located in a manner consistent with the policies and rules listed in SMC 17.40.

Planned Completion Date: CURRENT USE

Statement of General Compliance: I/We hereby certify that the improvement indicated herein will be so constructed as to meet all applicable ordinances and codes as adopted by the Municipality of Skagway.

Property Owner/Contractor/Agent Signature: [Signature]

Date: 1-30-23

Official Use Only

	Planning Commission	Public Hearing	Second Hearing	Permit Recorded
	Approval		(if Requested)	Date: _____
Granted	<input type="checkbox"/>	_____	_____	Book: _____
Denied	<input type="checkbox"/>			Page: _____

Conditions, Instructions, Notes:

Coastal Zone Management Consistency Review:

Application Fee \$ _____ Date Paid _____ Receipt # _____

THIS APPLICATION IS NOT YOUR PERMIT, YOU WILL RECEIVE YOUR CONDITIONAL USE PERMIT IN THE MAIL AFTER THIS APPLICATION HAS BEEN APPROVED BY THE APPROPRIATE COMMISSION. AN APPROVED BUILDING PERMIT IS ALSO NEEDED BEFORE ANY CONSTRUCTION BEGINS.

TEMSCO Helicopters Inc – Conditional Use Permit 2023

**TEMSCO HELICOPTERS INC. – Conditional Use Permit
(Attachment A)**

Per standards listed in SMC 19.04.060(B)(3) please provide information on the following:

A. The requested conditional use will protect the public health, safety and welfare:

The safest arrival/departure flight paths for a Skagway heliport is on the waterfront, minimizing objects/structures that need to be avoided, and remaining outside of the flight path of airport traffic. Skagway airport traffic becomes quite congested in the summer months; this area is NOT serviced by an airport control tower or air traffic controller. By minimizing helicopter traffic in the airport flight paths, a waterfront heliport helps increase air traffic safety.

The previous location of the heliport was located at Broadway & 1st Ave(1985-2000). In order to mitigate traffic congestion of helicopters, busses, trains and pedestrians at this location, the heliport was relocated to its present location in 2001. At that time, there was a strong desire by Skagway residents to also mitigate the noise level at 1st & Broadway by moving the heliport to the waterfront, away from the downtown and residential areas. Noise mitigation was a major factor in relocating to the waterfront, as opposed to the airport (being closer to residential areas).

For these reasons, operating at the present location (waterfront) will continue to protect the public health, safety and welfare.

B. The requested conditional use will not permanently or substantially injure the lawful use of neighboring properties or uses:

Neighboring properties are currently used as: Cruise ship and freight dock, storage and handling of cargo, and fuel terminal. These properties have been operating as such for no less that twenty-two (22) years that the heliport has been in operation at its current location. To date, there have been no recorded incidents of neighboring properties suffering any restrictions in the lawful use of their property, due to heliport operations. Additionally, no future injury of lawful use is foreseen due to continued heliport operations.

C. The requested conditional use will generally be in harmony with the comprehensive plan, coastal management plan, and other officially adopted plans:

The 2030 Skagway Comprehensive Plan states that (waterfront) priority should be for developments that directly depend on the water, a waterfront location, or both (p.156). As stated previously in question (A), a waterfront heliport provides the safest area for helicopter arrivals/departures. Any other location increases the risk of air traffic congestion.

Furthermore, the 2030 Comprehensive Plan and Waterfront zoning states: "Consideration is also given to maintaining safety, public access and an attractive appearance. Intended activities include those that derive major economic or social benefits from a waterfront location, with particular emphasis on industrial, tourism, commerce, and commercial enterprises."

TEMSCO Helicopters Inc – Conditional Use Permit 2023

The heliport has provided the listed considerations through 22 years of successful, safe operations in that location, in harmony with the 2030 Comprehensive Plan and Skagway Waterfront Zoning code.

Skagway's Coastal Management Plan (2007) identifies the visitor industry as the most important segment of the Skagway economy, providing most of the business income, employment and government revenue for the city (p. 3-49). The first goal under the section "Coastal Development" is: *To guide community and coastal development in an orderly and efficient manner that will foster a secure and diversified economy, while allowing for responsible compatibility among land uses on available coastal lands and waters for waterfront, commercial, industrial, residential and recreational activities (p 4-4).*

The conditional use permit activity is clearly in harmony with both the 2030 Skagway Comprehensive Plan and the 2007 Coastal Management Plan.

D. The requested conditional use will not substantially decrease the value of or be out of harmony with property in the neighboring area:

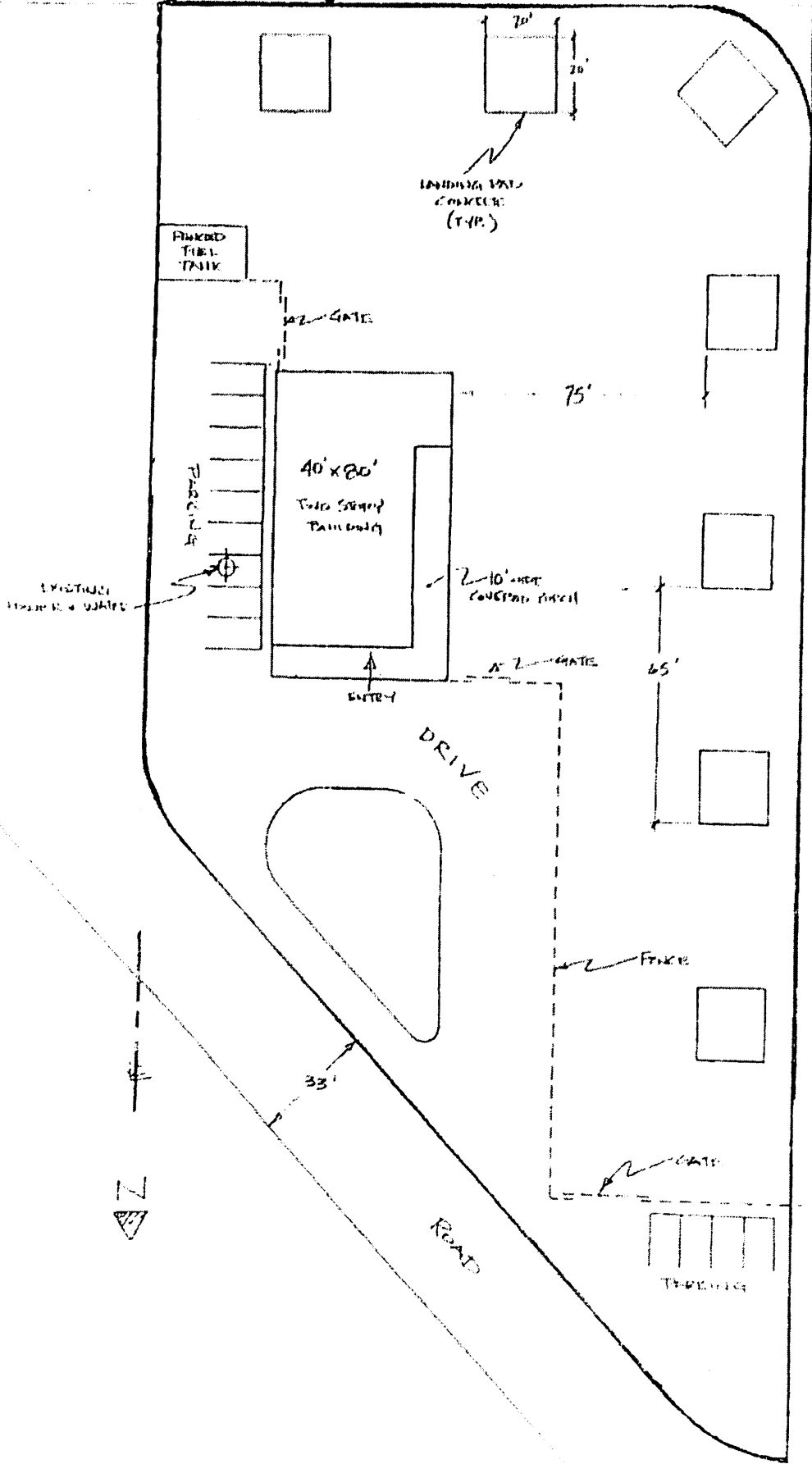
Neighboring properties are currently used as: Cruise ship and freight dock, storage and handling of cargo, and fuel terminal. These properties have been operating as such for no less than twenty-two (22) years that the heliport has been in operation at its current location. During this time, there has been no negative impact on the value of the neighboring properties due to heliport operations. Due to the improvements made on the heliport property, the high value heliport has only increased property values in the area. Given the successful history of the last 22 years, it is clear that the heliport will not substantially decrease the value of neighboring properties.

The heliport is in harmony with the surrounding industrial uses due to noise produced, and is in harmony with port use due to the large-scale movement of passengers through the facility.

Additionally, the primary function of the Ore Dock is for cruise ship berthing. The heliport and the dock both function primarily as assets to the visitor industry. They are clearly also in harmony with one another.

"ATTACHMENT A"

LEASE BOUNDARY



337'

- 1. [Symbol]
- 2. [Symbol]
- 3. [Symbol]
- 4. [Symbol]





Receipt Number: R00009428

Cashier Name: Kiera Aledo

Terminal Number: 6

Receipt Date: 1/30/2023 3:55:01 PM

Trans Code: PERMITS & LICENSES - Permits & License Name: Miscellaneous Receipt \$50.00

Product: Conditional Use Permit Description: Conditional Use Permit

GL Account: 100-1000-4220 - Revenue - Permits and Licenses

Amount: \$50.00

Miscellaneous Receipt 50.00

Total Applied Amount: \$50.00

Payment Method: CREDIT CAF Payor: Miscellaneous Receipt

Reference: Visa-Authorized

Amount: \$50.00

Total Payment Received: \$50.00

Change: \$0.00

Cardmember acknowledges receipt of goods and/or services in the amount of the total shown hereon and agrees to perform the obligations set forth by the cardmember's agreement with the issuer.

X _____

A handwritten signature in black ink, appearing to be "Kiera Aledo", written over a horizontal line.