

Haines Borough
POB 1209
Haines, AK 99827

December 14, 2015

Dear Assembly, Mayor and Manager,

I believe that the Conditional Use Permit for a heliport at the Wilson 35 mile property must still be obtained. It appears from the flight data submitted by the applicant that between six and ten landings occurred at the site prior to the adoption of Ordinance 11-02-257. This does not constitute "routine" operations. The FAA certification is for air traffic only, as it states, not ground operations.

It is discouraging that rather than respecting the permitting process and the neighbors that object to this proposed use, the applicant has chosen to subvert the process by claiming historical use. We have planning code and laws for a reason, to require a public process so that non-conforming activities do not impact other property owners.

Based on the past and current history of siting heliports on private property in the Haines Borough and the legal expense that accompanies these requests, I recommend that the Borough put a moratorium on conditional use permits for heliports. As stated in the Comprehensive Plan this activity should take place on public property that is appropriate for this high impact land use.

Whether the operators agree to use a public heliport or not is a mute point. Once it is developed then use would be required by permit, as it is now for the heliski operators with the existing heliports. This issue will continue to divide the residents and property owners of the Haines Borough until resolution by our government.

Helicopter operations are highly intrusive on the values and the quality of life for many of the residents of our Borough. By allowing such activity on private property the Borough is negating its responsibility to protect those values for present and future property owners.

It is disappointing that when Rob Goldberg the Chair of the Planning Commission canvassed the issue of a public heliport in the upper valley, only one of the three permitted operators agreed to work with the Borough on it. If the other two businesses chose to work with our government and residents instead of consistently working against our community on the issue of helicopter noise, then considerable time and resources would be saved.

Sincerely,

Thom Ely
POB 1014
Haines, AK 99827

December 15, 2015

To: Haines Borough Assembly and Borough Mayor

cc: Planning Commission, Borough Manager

Re: Conditional Use Permit for 35 Mile heliport

After two public hearings and one “Unfinished Business” item before the Planning Commission, Mike Wilson has decided that instead of seeking a Conditional Use Permit (CUP) for a heliport at his 35 Mile property, he will claim “Use-by-Right” as an existing use. Why didn’t he make this claim soon after March 22, 2011, when heliports became a conditional use in the General Use Zone? Why did Mr. Wilson allow two public hearings on the CUP to proceed according to borough code and then just hours before the third Planning Commission meeting provide documents claiming existing use? Neither the commissioners nor the public had time before the meeting to review all the documents he submitted on the day of the meeting. I believe this last minute attempt to stop the Conditional Use Permit procedure is a disingenuous effort to circumvent the public process and I ask that the Planning Commission proceed with the CUP application.

Mr. Wilson summarizes helicopter landings at his 35 Mile property from 2009-2015, however only the activity prior to March 22, 2011, should be evaluated to establish existing use. The rest of the data is intended to show continued use and is relevant **only** after existing use has been established. The unsubstantiated data he has provided does not establish existing use. Here is the data he provided for pre-March 22, 2011:

An FAA initial visit (not declared a landing), 3 fueling events in 2010, and March thru April in 2010 and 2011 for “some landings performed by Alaska Heli-Skiing for client movement when road unpassable due to snow.” One letter provided by Mr. Wilson is from an Alaska Heliskiing client, a freeskier/filmmaker from Norway, who states while visiting ‘Alaska Heliski,’ “At some time we got picked up by Helicopters directly outside the house to go skiing.” (March 2011)

Since the 35 Mile property was neither on the list of existing use heliports nor had the PC approved its use, the heli-ski tour landings were not in compliance with borough code and can't be used to establish existing use. Also, enforcement action should be taken for Alaska Heliskiing's use of an unauthorized heliport for heli-ski clients.

5.18.080 Commercial ski tours, commercial ski productions and special ski competition events.

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F. General Permit Conditions and Regulations. Commercial ski tours, commercial ski productions and special ski competition events are governed as follows:

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14. Every permit holder shall use one of the following heliports:

- a. Haines Airport;
- b. The Stewart landing strip at 18 Mile Haines Highway;
- c. The heliport adjacent to the 33 Mile Roadhouse;
- d. Any heliport authorized by the Haines Borough planning commission as a conditional use.

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In light of the documents submitted by Mr. Wilson to establish existing use, it appears that he gave incomplete and incorrect information on his CUP application. In the application, Mr. Wilson doesn't claim prior use, in fact he states, "...we want to simply land a helicopter there." Mr. Wilson should be held accountable for submitting a misleading and incorrect CUP application.

[Excerpts from Mr. Wilson's CUP application]:

- 1. Describe how or why the specific development scheme of the use is consistent and in harmony with the comprehensive plan and surrounding land uses.

**This conditional use permit will allow the Alaska Heli-Skiing operation to move from the road side operation among residences at 33 mile to a more private, remote and safer operational area away from existing residences and vehicular traffic.**

- .....
- 1. Describe the safeguards that will be provided so that the use will not significantly cause erosion, ground or surface water contamination or significant adverse alteration of fish habitat on any parcel adjacent to state-identified anadromous streams.

**The land is already developed, we want to simply land a helicopter there.** The FAA has reviewed the site and has granted a private heliport designation [sic] (AA35). To safe guard surface water we will have containment for all fueling systems and will provide restroom and trash collection services to handle all humsn [sic] waste.

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1. CERTIFICATION

**I hereby certify that I am the owner or duly authorized owner's agent, that I have read this application and that all information is correct.** I further certify that I have read, understand

and will comply with all of the provisions and permit requirements outlined hereon. I also certify that the site plan submitted is a complete and accurate plan showing any and all existing and proposed structures on the subject property and that the use will comply with all required conditions and specifications, will be located where proposed and when developed, will be operated according to the plan as submitted. All contract work on this project will be done by a contractor holding valid licenses issued by the State of Alaska and the Haines Borough.

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Borough code defines a heliport as:

18.20.020 Definitions – Regulatory.

“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.

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Three unsubstantiated landings to refuel at 35 Mile do not fit the definition of ‘heliport’ and do not constitute existing use.

Mr. Wilson’s Conditional Use Permit application for a heliport at 35 Mile should be processed at the next Planning Commission meeting according to borough code.

Thank you for your review of this important issue.

Sincerely,

Carolyn Weishahn