



# Haines Borough Planning Commission Regular Meeting Agenda

## COMMISSIONERS:

ROB GOLDBERG, CHAIR  
LEE HEINMILLER, VICE-CHAIR  
LARRY GEISE  
HEATHER LENDE  
DON TURNER III  
BRENDA JOSEPHSON  
ROB MILLER

Thursday, January 14, 2016 - 6:30 p.m.

Assembly Chambers, 213 Haines Hwy.

1. CALL TO ORDER / PLEDGE TO THE FLAG
2. ROLL CALL
3. APPROVAL OF AGENDA
4. APPROVAL OF MINUTES: December 10, 2015
5. PUBLIC COMMENTS [Items not scheduled for public hearing]
6. CHAIRMAN'S REPORT
7. STAFF REPORT
  - A. Planning & Zoning Report - None
8. PUBLIC HEARINGS: None
9. UNFINISHED BUSINESS:
  - A. Michael Wilson – Heliport Conditional Use Proposal – Action Item – Property owner Wilson has requested the Planning Commission approve a conditional use permit to allow the installation of a helipad at 35 Mile Haines Highway for the purposes of operating a Heli-Skiing business. At the 11/12/15 PC meeting a public hearing occurred for this proposal and a motion was passed to postpone the decision until all adjacent property owners were identified and notified. On 11/17/15 a letter was sent to Mr. Kokotovich, requesting names and addresses of adjacent property owners that are heirs to the adjacent native allotment; an email was sent to Jamie Katzeek at the Chilkat Indian Village, requesting contact information for Mr. Kokotovich; a phone message was left for Mr. Kokotovich on 11/24/15; and an email from Jamie Katzeek was received on 11/24/15, requesting an extension due to Mr. Kokotovich being out of town on 12/10/15. On 1/6/16 Mr. Kokotovich informed the Haines Borough that he will be out of town on 1/14/16 and has asked Jamie Katzeek to attend the meeting with his comments. Mike Case withdrew his request, as his relatives' property is not adjacent to Mr. Wilson's at 35 Mile.
10. NEW BUSINESS:
  - A. Historic District/Building Review – None
  - B. Haines Borough Code Amendments:
    1. Clarify "Building Height" – The description of how building height is calculated does not match its definition in Code.
    2. Project Updates: None
  - C. Other New Business – None
11. COMMISSION COMMENTS
12. CORRESPONDENCE
13. SCHEDULE MEETING DATE
  - A. Regular Meeting – Thursday, February 11, 2016 6:30 p.m.
14. ADJOURNMENT



**Haines Borough  
Planning Commission Meeting  
December 10, 2015  
MINUTES**

**Draft**

1. **CALL TO ORDER/PLEDGE TO THE FLAG** – Chairman **Goldberg** called the meeting to order at 6:40 p.m. in Assembly Chambers and led the pledge to the flag.
2. **ROLL CALL** – **Present:** Chairman Rob **Goldberg**, Commissioners Lee **Heinmiller**, Brenda **Josephson**, Heather **Lende**, and Don **Turner III**. Called in: Robert **Venables** and Rob **Miller**.

**Staff Present:** Jan Hill/Mayor

**Also Present:** Diana **Lapham**, Mike **Case** and Margaret **Friedenauer** (Assembly members), Michael **Wilson**, Sean **Brownell**, Thom **Ely**, Dana **Hallett**, Cindy **Price**, Craig **Hagwood**, Toni **Dewitt**, Joan **Wagner** and Larry **Geise**.

3. **APPROVAL OF AGENDA**

**Goldberg** suggested moving Item 6, Chairman's Report, after Item 8A, Public Hearings, and add 10B5, Application for Board Appointment. The other commissioners agreed.

**Motion:** **Turner** moved to "approve the agenda as amended." **Heinmiller** seconded it. The motion carried unanimously.

4. **APPROVAL OF MINUTES** – November 12, 2015 Regular Meeting Minutes

**Venables** asked to have 8B corrected, as follows:

**Motion:** **Venables** moved to "request Assembly to set aside funds and task staff to identify possible sites for a heliport between 25 mile and at 35 mile". **Lende** seconded it. Discussion: To address concerns about a proliferation of private heliports, the Assembly is requested to provide direction as to whether there is a commitment to developing a publicly-owned heliport somewhere between 25-35 mile. This should be evidenced by motion and the dedication of staff time and a significant fiscal note as this will be an expensive endeavor. Costs will eventually be recouped through use fees. In the absence of a strong commitment by the Assembly, the Planning Commission would then (by default) be tasked and obligated to work with private property owners to develop their own heliports. The motion carried 6-0.

**Motion:** **Heinmiller** moved to "approve the November 12, 2015 minutes." **Josephson** seconded it. The motion carried unanimously.

5. **PUBLIC COMMENTS**

6. **CHAIRMAN'S REPORT**—Moved to after 8A

7. **STAFF REPORTS**

A. Planning & Zoning Staff Report—None

8. **PUBLIC HEARINGS**

#### **A. Turner Construction—Resource Extraction Conditional Use Proposal – Action Item**

**Goldberg** opened the hearing at 7:00 p.m., and closed the hearing at 8:30 p.m. **Turner** recused himself from this action due to conflict of interest.

**Motion:** **Venables** moved to “approve **Turner Construction** conditional use proposal for 5 years with conditions put forth by Borough Manager. The Planning Commission encourages the Manager to include a letter of conveyance regarding neighborly use of jake brakes, and for Turner Construction to expedite the use of the pit concerning the section regarding conditional use permit so that future conditional use permits will not be necessary”. **Miller** seconded it. The motion carried 5-1.

**Goldberg, Venables, Josephson, Heinmiller and Miller** were in favor of the motion. **Lende** was opposed.

#### **CHAIRMAN’S REPORT**

**Goldberg** wrote letters to three heliport operators and to the University of Alaska regarding Haines Borough purchase of university land to create a site for a public heliport. The University responded that it would be possible for the Borough to purchase land for a heliport, but only one of the three heliski permit holders was supportive of the idea of a public heliport.

#### **9. UNFINISHED BUSINESS**

##### **A. Michael Wilson – Heliport Conditional Use Proposal**

Michael Wilson and Sean Brownwell produced evidence that the property for this proposal was purchased in 2008, was approved by FAA as a heliport, and has been used since 2009 as a heliport. The requirement for a conditional use permit for heliports became part of the Code in 2011. With evidence of prior use, the commission thought that the determination of validity as a use by right should be made by the Borough Manager.

**Motion:** **Josephson** moved to “send the Wilson’s conditional use proposal to the Borough Manager for a decision as to whether the proposed heliport is a use-by-right”. **Miller** seconded it. The motion carried unanimously.

#### **10. NEW BUSINESS**

##### **A. Historic District/Building Review: None**

##### **B. Haines Borough Code Amendments:**

###### **1. Clarify “Temporary Commercial Structure”**

Mobile commercial businesses have been established in the Townsite, but the Code does not address them. The commission looked at the codes of four different towns in Southeast.

**Motion:** **Lende** moved to “have the Borough Mayor appoint a committee to come up with ideas for how mobile commercial businesses can be integrated into Haines Borough Code”. **Heinmiller** seconded it. The motion carried unanimously.

###### **2. Clarify “Building Height”—moved to January 2016 Agenda**

**Goldberg** will continue to work on the wording for the building height definition.

### **3. Plan Review for Borough Projects**

Borough Code states that the Planning Commission must review the plans for Borough Projects, but it doesn't specify when. An addition to Code is suggested which would require that plans come before the commission for review and a public hearing at the conceptual stage, between 35% and 65% of design, and again at 95% of design.

**Motion:** **Lende** moved to "recommend to the Assembly to change the wording of HBC 18.30.040 (I) as submitted". **Turner** seconded it. The motion carried unanimously.

### **4. Election of Officers**

**Motion:** **Venables** moved to "elect **Goldberg** as continued Planning Commission Chair". **Miller** seconded it. The motion carried unanimously.

**Motion:** **Goldberg** moved to "elect **Heinmiller** as continued Planning Commission Vice-Chair". **Turner** seconded it. The motion carried unanimously.

### **5. Application for Board Appointment**

**Motion:** **Turner** moved to "appoint Larry Geise as Planning Commission Commissioner to fill the seat held by Robert Venables". **Josephson** seconded it. The motion carried unanimously.

### **C. Project Updates – None**

### **D. Other New Business—None**

### **11. COMMISSION COMMENTS- None**

### **12. CORRESPONDENCE - None**

### **13. SET MEETING DATES**

A. Regular Meeting—Thursday, January 14, 2015.

### **14. ADJOURNMENT– 10:00 p.m.**



## Haines Borough

Planning and Zoning  
103 Third Ave. S., Haines, Alaska, 99827  
Telephone: (907) 766-2231 \* Fax: (907) 766-2716

### APPLICATION FOR CONDITIONAL USE PERMIT

Permit#: \_\_\_\_\_

Date: \_\_\_\_\_

Use this form for use approval by the Planning Commission for conditional uses.

<b>I. Property Owner/Agent/Owner's Contractor (If Any)</b>			
Name: _____		Haines Borough Business License #: Michael Wilson	
Mailing Address: Alaska Business License #: _____		Contractor's License #: 8484 Duran Ct. Juneau AK	
99801			
Contact Phone: Day/Night _____		Contact Phone: Day/Night 907-209-0845	
Fax: _____			
907-789-5528 Fax: _____			
E-mail: mwilson@coastalhelicopters.com		E-mail: _____	
<b>II. Property Information</b>			
Size of Property: 10.4 Acres			
Property Tax #: 3-HHY-36-3426			
Street Address: 35 Mile Old Haines Highway			
Legal Description:	Lot (s) _____	Block _____	Subdivision _____
<b>OR</b>	Parcel/Tract _____	Section _____	Township _____ Range _____
[Attach additional page if necessary.]			
Zoning:	Waterfront	Single Residential	Rural Residential
	Rural Mixed Use	Multiple Residential	Heavy Industrial
	Commercial	Industrial Light Commercial	Recreational
			Significant Structures Area
			Waterfront Industrial
			Mud Bay Zoning District
			X General Use/Lutak Zoning
<b>District</b>			
<b>III. Description of Work</b>			
<b>Type of Application</b>		<b>Project Description</b>	
(Check all that apply) (Check all that apply)			
Residential Single Family		Change of Use	
Commercial Dwelling		_____ sq. ft. Multi-Family Dwelling	
_____ seating Cabin		Total # of Units _____	
capacity if Addition		_____	
eating/drinking Accessory Structure		_____	
_____		X Other establishment	
Industrial _____		Helipad	
Church _____			
Other _____			
		<b>Water Supply</b>	
		Existing or Proposed	
		None	
		Community well	
		X Private well	
		Borough Water	
		System	
		Other _____	
		<b>Sewage Disposal</b>	
		Existing or Proposed	
		None	
		X Septic Tank	
		Holding Tank	
		Borough Sewer	
		System	
		Pit Privy	
		Other _____	

Valuation of Work:

Current use of adjacent properties:

There are no residences on adjacent properties or any activity occurring on adjacent properties

Attach the following documents to the permit application:

Site plan (see Attachment A) showing lot lines, bearings and distances, buildings, setbacks, streets, etc.

PREAPPLICATION (Required)

Pre-application Conference Date: \_\_\_\_\_

Prior to submission of an application, the developer shall meet with the manager for the purpose of discussing the site, the proposed development and the conditional use permit procedure. The manager shall discuss these matters with the developer with special attention to policies and approval criteria that may pose problems or constraints on the site or the proposed development activity and policies or approval criteria that may create opportunities for the developer.

APPLICATION

Please provide a written narrative explaining how your project will meet the following requirements. You may use the space provided on this form or attach your answers. A variance may only be granted if the Planning Commission finds that these six standards are met.

1. The use is so located on the site as to avoid undue noise and other nuisances and dangers.

Describe what safeguards are being provided (i.e. setbacks or buffers) to meet the condition.

The helipad is situated on an upper terrace in the middle of the cleared 10 acre lot as far away from the property line as possible. The property itself is well away and above the Haines highway to avoid vehicular traffic. The nearest resident is well over a mile away.

2. Explain how the development of the use is such that the value of the adjoining property will not be significantly impaired.

The adjoining properties are undeveloped at this time with no activity occurring. The proposed site is the only developed land on the abandoned old Haines highway. Activity and development in this area will help increase property values and tax revenues for the City of Haines.

3. Explain how the size and scale of the use is such that existing public services and facilities are adequate to serve the proposed use.

There is currently a residence on the property with a accommodation facilities including a well, septic system, restrooms, and kitchen facilities. When the conditional use permit is issued it will facilitate the construction of a lodge on an existing 40'x60' foundation with another existing well and septic system. There are plans for additional accommodation facilities with restrooms and food service.

4. 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 Heli-Skiing operations to operate from AA35, an FAA approved landing area, consistent with Haines Borough Code section 5.18.080, that allows for safe operations away from existing residences and vehicular traffic.

5. Explain how the granting of the conditional use will not be harmful to the public safety, health or welfare.

The use of this area for helicopter operations will ensure public safety by being away from roadways and other occupied property.

6. 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, the FAA has reviewed the site and has granted a private heliport designation (AA35).

To safeguard surface water we will have containment for all fueling systems and will provide restroom and trash collection services to handle all human waste.

#### IV. FEE

A non-refundable fee of \$150 must accompany this application. Checks must be made payable to the HAINES BOROUGH.

#### NOTICE

Per HBC 18.50.040, Comments received from property owners impacted by the proposed development will be considered and given their due weight. Additionally, the Planning Commission may impose one or more of the following conditions:

1. Development Schedule. The conditions may place a reasonable time limit on construction activity associated with the development, or any portion thereof, to minimize construction-related disruption to traffic and neighbors, to ensure that lots are not sold prior to substantial completion of required public improvements, or to implement other requirements.
2. Use. The conditions may restrict the use of the development to specific uses indicated in the approval.
3. Owner's Association. The conditions may require that if a developer, homeowner or merchant association is necessary or desirable to hold or maintain common property, that it be created prior to occupancy.
4. Dedications. The conditions may require conveyances of title, licenses, easements or other property interests to the public, to public utilities, or to the homeowners association. The conditions may require construction of public utilities or improvements to public standards and then dedication of public facilities to serve the development and the public.
5. Construction Guarantees. The conditions may require the posting of a bond or other surety or collateral (which may provide for partial releases) to ensure satisfactory completion of all improvements required by the commission.
6. Commitment Letter. Appeal: All decisions of the Borough Manager are appealable per HBC 18.30.050 Notice of Right to The conditions may require a letter from a utility company or public agency legally committing it to serve the development if such service is required by the commission.
7. Covenants. The conditions may require the recording of covenants or other instruments satisfactory to the borough as necessary to ensure permit compliance by future owners or occupants.
8. Design. The conditions may require the adoption of design standards specific to the use and site.

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. **I am aware that if I begin construction prior to receiving permit approval, I will be assessed a \$250.00 "After-the-Fact" fee.**

\_\_\_\_January 5, 2016\_\_\_\_  
Date

Office Use Only Below This Line

Applicant Notified Application is Complete and Accepted _____					
		(Date)	(Notified via)	(Initials)	
Non-Refundable Permit Fee      \$ _____  Receipt No.                                _____  Received By: _____  Date: _____			Information/Documentation Req'dRec'd State Fire Marshal State DEC Variance/Conditional Use Permit Sign Permit		
Zoning	Bldg. Height	Lot Coverage %	Const. Type	Occupancy	# Stories
This application meets all applicable Borough policies and a permit is issued, conditional on the <b>substantial completion of construction within two</b> years and the following special requirements:					
Planning Commission Chair:			Date:		

Revised May 2013

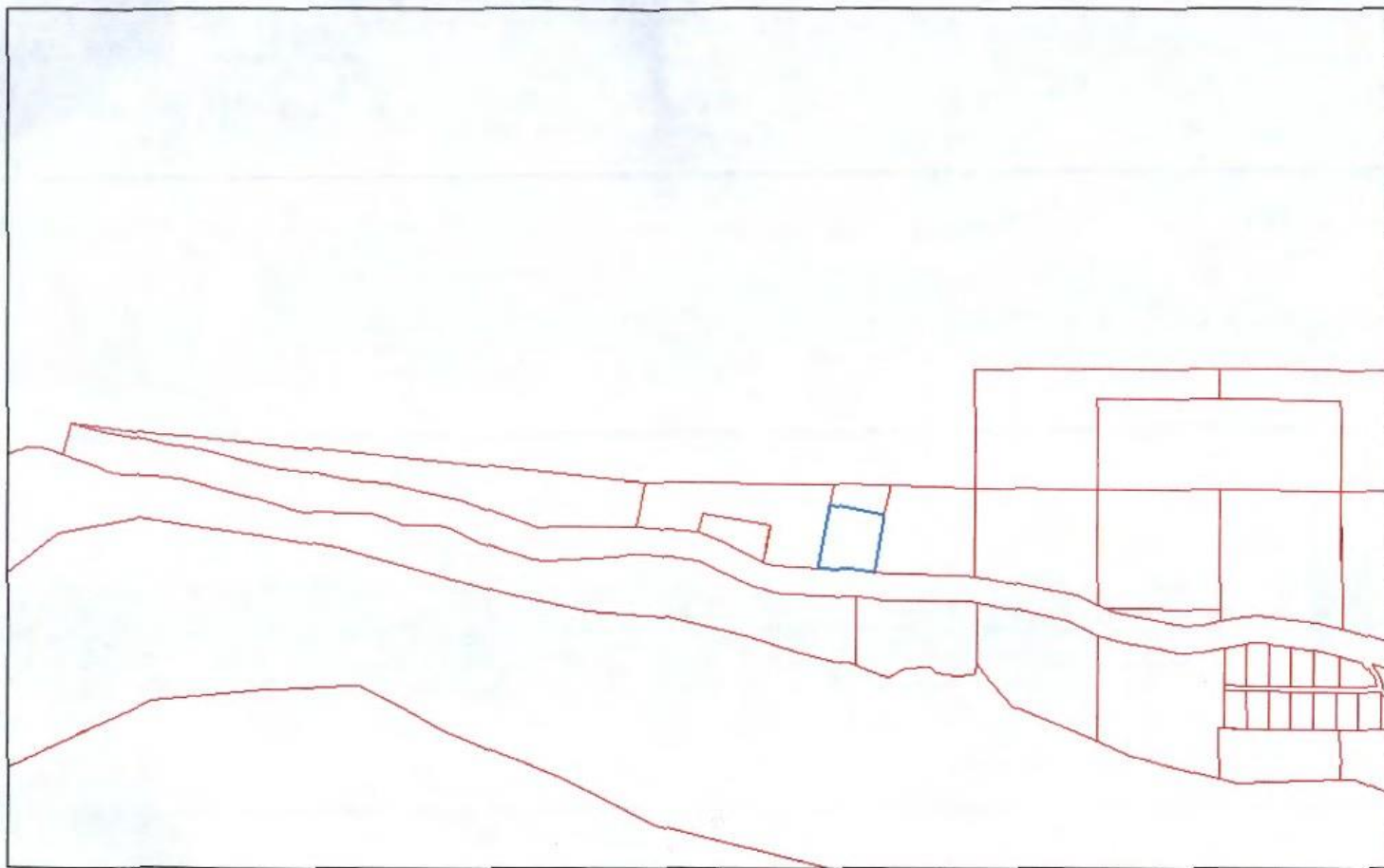


## **ATTACHMENT A**

### **SITE PLAN REQUIREMENTS**

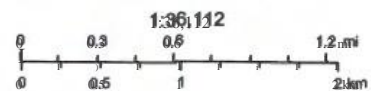
1. Drawing showing dimensions, including elevations, of lot on which activity/construction is planned.
2. Existing streets, alleys, sidewalks, driveways, easements, including widths.
3. Existing buildings/structures on the property, their location, dimension and proximity to lot lines or other structures. (Measured from closest point on structure to other lot lines, structures, etc.)
4. Proposed construction—including location, dimensions, and proximity to lot lines or other structures. (Measured from closest point on structure to other lot lines, structures, etc.)
5. Existing and proposed non-building improvements, including surface water drainage plan, driveway placement, culvert(s), off street parking (location and dimensions), on-site water and/or wastewater handling systems.
6. Shore lines, steep slopes, or other evidence of natural hazards.
7. If zero lot line construction proposed, show plan for handling snowdrop onto adjoining properties.

It is strongly recommended that an as-built survey be performed prior to submittal of the application.



August 19, 2015

hainesborough\_parcels07312015





# Haines Borough Parcel Viewer



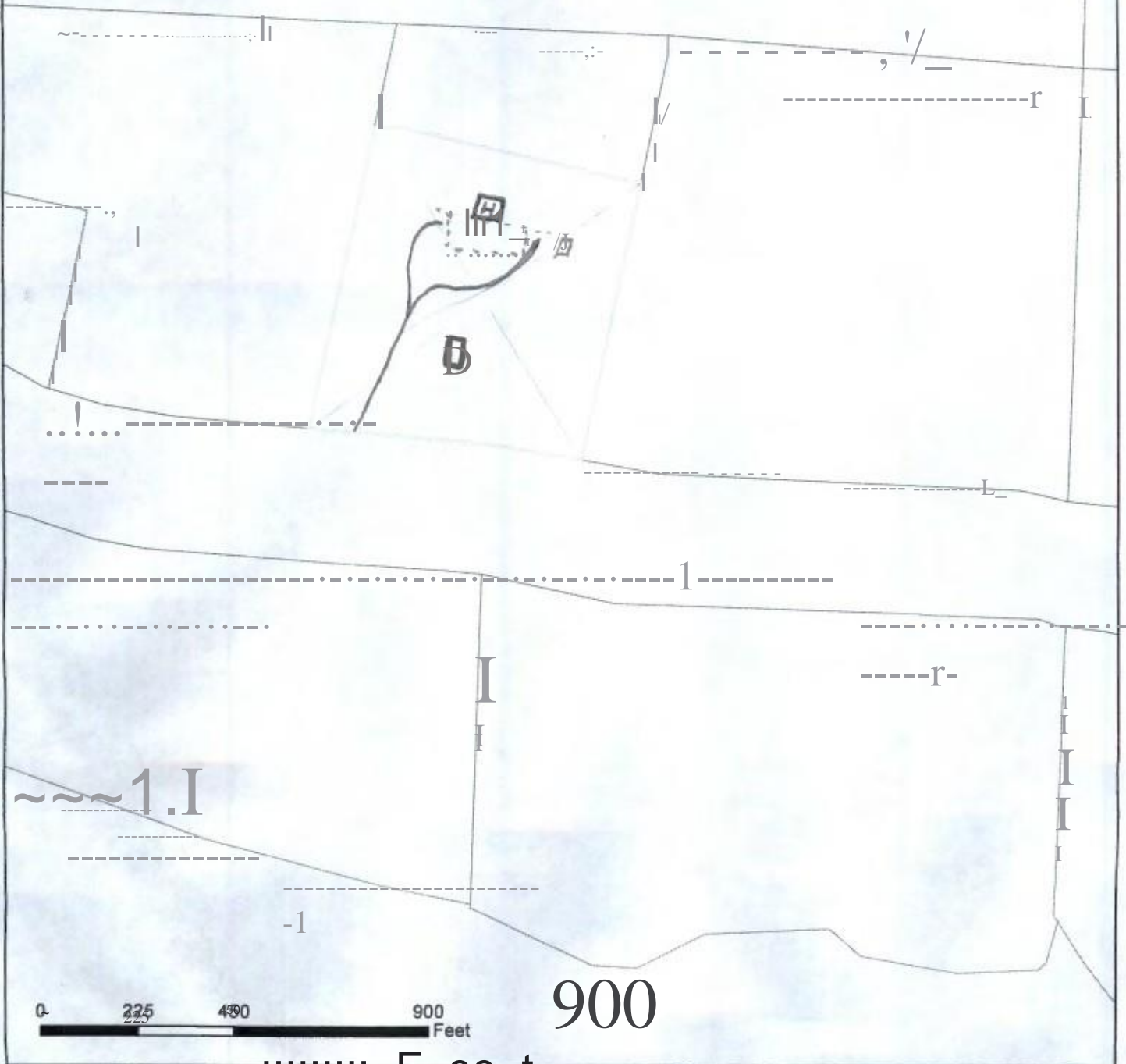
Find  
TAXIDNO.

hainesborough\_alaska parcel# 07512015: 3-HAY-35-3426

HOWNTYPE	PRI
OWNTYPE	PRIVATE
TAXIDNO	3-HAY-345-3426
PRIMARYOWNER	VICKI L. GARDNER
SECONDARYOWNER	MIKE WILSON
ADDRESS	HC 60 BOX 2613
CITY	HAINES
STATE	AK
ZIPCODE	99827
COUNTRY	US
LEGALDESC1	US-3426
LEGALDESC2	HAINES NWY 361MBLE
LEGALDESC3	10.4 ACRES
Zone	GU
LAND	98000
EXEMPTLAND	0
TAXABLELAND	98000
IMPROVEMENT	75400
EXEMPTIMPROV	0
TAXABLEIMPROV	75400
ASSESSEDVALUE	173400
TAXABLEVALUE	173400
MILLRATE	0.15
TOTALTAX	1,413.121

[Zoom to](#)

Haines



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Haines Borough, Alaska  
ATTN: Planning Commission  
P.O. Box 1209  
Haines, Alaska 99827

January 05, 2016

Re: Appeal of the Haines Borough Managers Decision on historical use of AA35 (35 mile helipad) dated December 28, 2015

**Haines Borough Planning Commission,**

We ask the Planning Commission to review the managers decision and not include borough imposed use restrictions to AA35.

We believe the Haines Borough decision of limiting the use of AA35 is an arbitrary and capricious decision that is in violation of our rights. In 2008, in accordance with Federal Aviation Regulation Part 157 (Construct or otherwise establish a new airport ), FAA form 7480-1, Notice of Landing Area Proposal, was submitted to the FAA. The FAA visited the site and deemed it safe and issued a letter of pre-approval in August of 2009 (All supporting documentation previously submitted to the Haines Borough).

We have used the area as a helipad on a consistent basis since 2009. It is one of five FAA approved landing areas in the Haines borough; Excursion Inlet (EXI), Haines Airport (HNS), Haines Harbor (3Z9), 18 Mile (18 Meadows Aerodrome 18AA), and 35 Mile (AA35).

There are other historical use sites in the borough that do not have use limitations; 33 Mile, Porcupine creek, Glacier creek and Ripinski ridge. There are many other permanent helipads inside the borough boundaries that are outside the zoning area; Sullivan River, Endicott ridge, a USFS repeater above William Henry bay, Lynns Intersection above Teardrop River, Point Howard microwave site, and numerous home sites in the Home shore area have areas that are used regularly.

Is the requirement to prove historical use at AA35 and limit use of the area consistent with borough actions regarding other historical use helipads?

In the letter to the Planning Commission dated December 28, 2015 there was a reference to "Snow Days" where use could be counted when the snow conditions made the use of the 33 mile helipad unusable. To date we have not experienced that condition.

We have experienced access problems with the House at 35 mile due to snow and road maintenance and have used AA35 to move personnel and gear to HNS and to the road side helipad at 33 mile.

AA35 is an approved helipad by the FAA (2008 original application), there are no residences with 1 mile of AA35. The state has abandoned all maintenance of the old highway which is the only access to this landing spot. The safety and remoteness of AA35 makes it a great place to have consolidated operations with no limitation on landings.

We have amended our Conditional Use Permit to include commercial heli-skiing (not company specific) at AA35.

A handwritten signature in blue ink, appearing to read 'Michael Wilson', with a stylized, flowing script.

Michael Wilson  
Owner and Heliport (AA35) Manager



HAINES BOROUGH, ALASKA  
P.O. BOX 1209  
HAINES, AK 99827  
(907) 766-2257 \* FAX (907) 766-2716



December 28, 2015

*Re: Non Conforming Use of Lot 2 Choate Subdivision First Addition (Mile 35 Haines Highway)*

Dear Planning Commission Members:

Through Chairman Goldberg, you asked whether Title 18's nonconforming use provision (HBC 18.60.020(M)) means that a conditional use permit is not required to operate a heliport on Lot 2. My interpretation and application of this section of the code results in a "yes and no" answer to this question.

A conditional use permit is NOT required IF the planned use of the property is for between 5-10 takeoffs and landings per year. Based on my review of information provided, this approximates use of the property as a helipad between 2008 when Michael Wilson acquired the lot and March of 2011 when the conditional use permit requirement for a heliport in the General Use zone was adopted by the borough assembly. These landings could include "snow days" when road conditions make use of the helipad at 33-mile impossible.

Any use of the helipad for more than 10 annual landings (including "snow day" landings) requires a conditional use permit. In addition, use of this site by Alaska Heliskiing (or any other commercial ski tour operator) is not allowed unless a conditional use permit for use of the property as a helipad has been obtained by Mr. Wilson (HBC 5.18.080(F)(14)(d)).

The stated purpose of HBC 18.020(M) is "to control, reduce or eliminate conflicts from the presence of buildings and uses not conforming to zoning regulations". Allowing Mr. Wilson to change the level of use of this property as a heliport from 10 or fewer landings per year to between 100-200 commercial ski tour landings per year is the opposite of controlling, reducing or eliminating use of the property as a heliport without a conditional use permit. It does not make sense to interpret HBC 18.020(M) to allow an increase of this magnitude to occur unless permitted as a conditional use by the Commission.

Mr. Wilson is being provided a copy of this communication. This is my final action interpreting this section of the code as applied to use of Lot 2 as a heliport. Per HBC 18.30.110, Mr. Wilson may appeal this interpretation to the Commission. Any such appeal must be filed within ten days of the date of this letter (HBC 18.30.050). Failure to file an appeal will limit or eliminate Mr. Wilson's ability to challenge this interpretation in the future.

Sincerely,

A handwritten signature in blue ink that reads "Julie Cozzi".

Julie Cozzi  
Acting Borough Manager

cc: Borough Attorney  
Michael Wilson

## Kathy Friedle

---

**From:** Julie Cozzi  
**Sent:** Tuesday, December 29, 2015 3:35 PM  
**To:** Mike Wilson  
**Cc:** Kathy Friedle; Krista Kielsmeier  
**Subject:** RE: Manager's Decision re. 35-mile Non Conforming Use Question

Hi, Mike..

Thank you for the head's up. I will be out of town and inaccessible from January 5-18, so please plan to send your appeal directly to Deputy Clerk Krista Kielsmeier. Be sure to copy me so I have it, as well, along with Administrative Assistant Kathy Friedle (she is the staff person who will put the agenda together).

Because of timing and public notice requirements stipulated by code and the agenda prep schedule, the planning commission would not hear your appeal until February 11<sup>th</sup>, if we receive your appeal after January 5. If we get it on or before that date, the appeal could still be placed on the planning commission agenda for January 14<sup>th</sup>, even though it would be tight.

Regardless of the date the commission considers your appeal, they will still consider on January 14<sup>th</sup> the conditional use permit application as it currently stands...with the heliskiing use, of course.

Happy New Year, Mike!

Julie

---

**From:** Mike Wilson [<mailto:haines35lodge@gmail.com>]  
**Sent:** Tuesday, December 29, 2015 7:20 AM  
**To:** Julie Cozzi  
**Cc:** sean dog  
**Subject:** Re: Manager's Decision re. 35-mile Non Conforming Use Question

Hi Julie,

I had a very nice Christmas seeing family I haven't seen for many years and visiting friends. I hope you enjoyed the holidays as well.

I am writing to let you know we will be appealing the decision to limit use of AA35.

I will have the appeal letter to you before the 10 day window expires (January 07, 2016)

Mike

Mike Wilson  
Juneau Alaska  
907-209-0845

On Mon, Dec 28, 2015 at 6:11 PM, Julie Cozzi <[jcozzi@haines.ak.us](mailto:jcozzi@haines.ak.us)> wrote:

Greetings, Mike...



I hope you have been enjoying your holidays.

Attached is a letter from me to you and includes a copy of my response to the Planning Commission's question of a possible non conforming use involving Lot 2 at 35-mile, specifically as a heliport.

The conditional use permit application will return to the commission for further discussion and action on January 12, 2016. As we discussed before Christmas, we already knew you would have to take the heliskiing use to the planning commission for a conditional use permit because of Title 5 requirements. This would be your opportunity to also request additional landings.

Please don't hesitate to let me know if you have questions or want to provide additional information.

Julie Cozzi, MMC

Borough Clerk

Haines Borough

P.O. Box 1209

Haines, AK 99827

907-766-2231, ext.31

907-766-2716 (fax)

[www.hainesalaska.gov](http://www.hainesalaska.gov)

"The most wasted day of all is that in which we have not laughed."

Haines Borough, Alaska  
ATTN: Planning Commission  
P.O. Box 1209  
Haines, Alaska 99827

January 05, 2016

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AA35 is an approved helipad by the FAA (2008 original application), there are no residences with 1 mile of AA35. The state has abandoned all maintenance of the old highway which is the only access to this landing spot. The safety and remoteness of AA35 makes it a great place to have consolidated operations with no limitation on landings.

We have amended our Conditional Use Permit to include commercial heli-skiing (not company specific) at AA35.

A handwritten signature in blue ink, appearing to read 'Michael Wilson', with a stylized, flowing script.

Michael Wilson  
Owner and Heliport (AA35) Manager

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.**

.....

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

.....

**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.

.....

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.

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

**Kathy Friedle**

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**From:** Rob Goldberg [artstudioalaska@yahoo.com]  
**Sent:** Monday, January 04, 2016 11:16 AM  
**To:** Kathy Friedle  
**Cc:** Julie Cozzi  
**Subject:** building height

Hi Kathy,

Here's an attempt to clarify the code language for building height.

Here is the existing language:

18.20.020 "Building height" means the maximum vertical dimension of a building which is measured from a horizontal plane intersecting the mean building grade and measured at the center of each of the four exterior walls, but not including radio antennas, water towers, church spires, structures or enclosures constructed primarily for mechanical equipment and similar building mechanical features.

18.80.030 B. Height is measured from the average grade of the footprint of the structure to the highest point on the structure, measured at the center of each of the four exterior walls.

Proposed new language:

18.20.020 "Building height" means the maximum vertical dimension of a building as measured from the mean building grade to the highest point on the structure, but not including chimneys, radio antennas, water towers, church spires, and structures or enclosures constructed primarily for mechanical equipment and similar building mechanical features. On sloped sites, building height shall be determined by averaging the height measurements of the uphill and downhill sides of the building.

18.80.030 B. Height is measured from the mean building grade to the highest point on the structure, but not including chimneys, radio antennas, water towers, church spires, and structures or enclosures constructed primarily for mechanical equipment and similar building mechanical features. On sloped sites, building height shall be determined by averaging the height measurements of the uphill and downhill sides of the building.

Thanks.

Rob

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