



# 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, March 10, 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: February 11, 2016
5. PUBLIC COMMENTS [Items not scheduled for public hearing]
6. CHAIRMAN'S REPORT
7. STAFF REPORT
  - A. Planning & Zoning Report
8. PUBLIC HEARINGS:
  - A. **Thomas & Patricia Faverty – Vacation Rental Conditional Use Proposal – Action Item** – Property owners, Thomas & Patricia Faverty, have requested the Planning Commission to approve a conditional use permit to allow a vacation rental from May through September at their property on 209 Front Street.
9. UNFINISHED BUSINESS:
  - A. **Michael Wilson – Heliport Appeal – Action Item** – Property owner Wilson's appeal of the Haines Borough Manager's decision on historical use of AA35 (35 mile helipad) dated December 28, 2015.
10. NEW BUSINESS:
  - A. Historic District/Building Review – None
  - B. Haines Borough Code Amendments: None
  - C. Project Updates:
    1. **Chilkat Valley Preschool/Senior Center Construction Project**
    2. **Chilkoot Distillery, S. Copeland – Land Use Permit Significant Structures Area - Action Item** – Property owner, Sean Copeland of Chilkoot Distillery, requests the Planning Commission approval for the construction of a covered deck addition at their property on 34 Blacksmith Street.
  - D. Other New Business – None
11. COMMISSION COMMENTS
12. CORRESPONDENCE
13. SCHEDULE MEETING DATE
  - A. Regular Meeting – Thursday, April 14, 2016 6:30 p.m.
14. ADJOURNMENT



**Haines Borough  
Planning Commission Meeting  
February 11, 2016  
MINUTES**

**Draft**

1. **CALL TO ORDER/PLEDGE TO THE FLAG** – 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:** Chairman Rob **Goldberg**, Commissioners Lee **Heinmiller**, Brenda **Josephson**, Rob **Miller**, Heather **Lende** and Don **Turner III**. Larry **Geise** called in.  
**Staff Present:** Brad **Ryan**, Interim Manager, and Kathryn **Friedle**, Admin. Assistant  
**Also Present:** Diana **Lapham**, Emily **Files** and Karen **Garcia**, Mike **Case**, Tim **Thomas**, Mike **Wilson**, Michelle **Wilson**, Sean **Brownell**, Annie **Humphrys**, John **Carlson**, Jack **Smith**, Eric **Forster**, Cambria **Holmes**, Leigh & Greg **Horner**, and Nicholas **Szatkowski**.
3. **APPROVAL OF AGENDA**  
**Motion:** **Miller** moved to “approve the agenda as amended.” **Josephson** seconded it. The motion carried unanimously.
4. **APPROVAL OF MINUTES** – January 14, 2016 Regular Meeting Minutes  
**Motion:** **Turner** moved to “approve the January 14, 2016 minutes.” **Heinmiller** seconded it. The motion carried unanimously.
5. **PUBLIC COMMENTS**—None
6. **CHAIRMAN’S REPORT**  
A. Add Chilkat Valley Preschool construction drawings to New Business for the March 10<sup>th</sup> PC meeting.
7. **STAFF REPORTS**  
A. **Planning & Zoning Staff Report**  
**Friedle** reported monthly permits and updates on projects.
8. **PUBLIC HEARINGS**  
A. **Forster/Holmes—Restaurant Conditional Use Proposal—Action Item**  
**Goldberg** opened the public hearing at 6:50 p.m.  
**Forster** explained new parking map for restaurant and discussed parking and composting issues with commissioners and public.  
**Goldberg** closed the public hearing at 7:30 p.m.  
**Motion:** **Turner** moved to “approve the conditional use permit for Pilothouse Restaurant.” **Lende** seconded it. The motion carried unanimously.  
B. **Southern Energy, Inc.—Walker Lake Hydro Conditional Use Proposal—Action Item**  
**Floreske** stated he was at meeting to answer questions.  
**Szatkowski** stated concerns about biological impact on Little Salmon Watershed.

**Goldberg** stated that the Walker Lake Hydro project will be using Walker Creek—not Little Salmon Watershed, and that extensive reviews of the project have been done by the Federal Energy Regulatory Commission and USACE, as well as the Takshanuk Watershed Council—all of whom have approved the project as not impacting the environment.

**Motion: Lende** moved to “approve the conditional use permit for Southern Energy, Inc.” **Miller** seconded it. The motion carried unanimously.

## 9. **UNFINISHED BUSINESS**

### A. **Michael Wilson – Heliport Conditional Use Proposal—Action Item**

**Thomas** and **Smith** supported 35 Mile heliport for heliskiing and winter tourism.

**Brownell** discussed safety issues concerning 33 Mile and FAA approval of 35 Mile. **Brownell** stated future plans for building a ski lodge at 35 Mile.

**Turner, Josephson** and **Heinmiller** agreed to add a condition to the permit to not allow year-round use.

**Motion: Turner** moved to “approve the conditional use permit for Michael Wilson Heliport for Heli-skiing only.” **Miller** seconded it. The motion carried unanimously.

### B. **Michael Wilson – Heliport Appeal – Action Item**

**Motion: Heinmiller** moved to “send question back to attorney for additional opinion to see if conditional use permit granting for heliskiing has changed his opinion” and it was amended to “send back to Interim Borough Manager, who will ask attorney for further evaluation.” **Miller** seconded it. The motion carried unanimously.

### C. **Clarify “Building Height”**

**Motion: Josephson** moved to “adopt definitions as written for HBC 18.20 **Building Height** and **Grade Plane**, and for HBC 18.30 **Building Height**.” **Miller** seconded it. The motion carried unanimously.

## 10. **NEW BUSINESS**

A. **Historic District/Building Review—None**

B. **Haines Borough Code Amendments—None**

C. **Project Updates--None**

D. **Other New Business—None**

11. **COMMISSION COMMENTS—None**

12. **CORRESPONDENCE** - None

13. **SET MEETING DATES**

A. Regular Meeting—Thursday, March 10, 2016.

14. **ADJOURNMENT**– 9:00 p.m.

**Staff Report for March 10, 2016****1. Permits Issued Since February 1, 2016**

DATE	OWNER/AGENT	TAX ID	LOT	BLK	SUBDIVISION	DEVELOPMENT	ZONE
2/09/16	Sarah Jaymot	C-MIS-0F-0400	4	F	Presbyterian Mission	Sign Permit	C
2/11/16	Eric Forster/Cambria Holmes	C-PTC-0L-0500	5	L	Port Chilkoot	Restaurant	SSA
2/11/16	Southern Energy, Inc.	State of AK			USGS Quad. Skagway B-4	Walker Lake Hydro	GU
2/11/16	Michael Wilson	3-HHY-36-3426			36 Mile Haines Hwy.	Heliport	GU
2/16/16	Jim & Randa Szymanski	C-NUK-00-0600	6A		Nukdik Point II	Water Service	SR

**2. Projects**

- Veterans Home sign project—Wayne Price carving posts
- Scanning all Borough maps, reprinting some, archiving some at Museum





# 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.

I. Property Owner/Agent		Owner's Contractor(If Any)	
Name: <u>Thomas/Patricia Faverty</u>		Name: _____	
Mailing Address: <u>PO Box 1107 Haines AK.</u>		Haines Borough Business License #: _____	
Contact Phone: Day _____ Night _____		Alaska Business License #: _____	
Fax: <u>N/A</u>		Contractor's License #: _____	
E-mail: <u>faveryake@yahoo.com</u>		Mailing Address: _____	
II. Property Information		Contact Phone: Day _____ Night _____	
Size of Property: <u>0.17</u>		Fax: _____	
Property Tax #: <u>C-TNS-22-0700</u>		E-mail: _____	
Street Address: <u>209 Front Street</u>			
Legal Description: Lot (s) <u>7,8</u> Block <u>22</u> Subdivision <u>Haines Townsite</u>			
<b>OR</b>			
Parcel/Tract _____ Section _____ Township _____ Range _____			
[Attach additional page if necessary.]			
Zoning: <input type="checkbox"/> Waterfront <input checked="" type="checkbox"/> Single Residential <input type="checkbox"/> Rural Residential <input type="checkbox"/> Significant Structures Area			
<input type="checkbox"/> Rural Mixed Use <input type="checkbox"/> Multiple Residential <input type="checkbox"/> Heavy Industrial <input type="checkbox"/> Waterfront Industrial			
<input type="checkbox"/> Commercial <input type="checkbox"/> Industrial Light Commercial <input type="checkbox"/> Recreational <input type="checkbox"/> Mud Bay Zoning District			
<input type="checkbox"/> Lutak Zoning District <input type="checkbox"/> General Use			
III. Description of Work			
<b>Type of Application</b> (Check all that apply)	<b>Project Description</b> (Check all that apply)	<b>Water Supply</b> Existing or Proposed	<b>Sewage Disposal</b> Existing or Proposed
<input checked="" type="checkbox"/> Residential	<input type="checkbox"/> Single Family Dwelling	<input type="checkbox"/> None	<input type="checkbox"/> None
<input type="checkbox"/> Commercial	<input checked="" type="checkbox"/> Change of Use	<input type="checkbox"/> Community well	<input type="checkbox"/> Septic Tank
_____ sq. ft.	<input type="checkbox"/> Multi-Family Dwelling	<input type="checkbox"/> Private well	<input type="checkbox"/> Holding Tank
_____ seating	Total # of Units _____	<input checked="" type="checkbox"/> Borough Water System	<input checked="" type="checkbox"/> Borough Sewer System
capacity if eating/drinking establishment	<input type="checkbox"/> Cabin	<input type="checkbox"/> Other _____	<input type="checkbox"/> Pit-Privy
<input type="checkbox"/> Industrial	<input type="checkbox"/> Addition		<input type="checkbox"/> Other _____
<input type="checkbox"/> Church	<input type="checkbox"/> Accessory Structure		
<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____		

Valuation of Work: No Additional work Planned
Current use of adjacent properties: residential / commercial
Attach the following documents to the permit application: <input type="checkbox"/> Site plan (see Attachment A) showing lot lines, bearings and distances, buildings, setbacks, streets, etc.

PREAPPLICATION (Required)

Pre-application Conference Date: 2/12/16

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. Manager will be present daily to insure visitors are following conditions of rental agreement. Parking is ample and situated to avoid street congestion. No Pets - Maximum 4 people - two vehicles - nightly.

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

Owners plan to offer quiet, clean, relaxing high quality residential daily rental to single families/person. Respect and consideration of residential neighbors will be paramount and a priority of conditions of rental agreement.

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.

Small scale rental - maximum of four people (rentors) - two bedroom one bath - not a threat to overtaxing public services. Seasonal operation - May - Sept.

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.

Daily residential rental will help diversify Haines economy by creating a growing nationwide niche where visitors have opportunity to lodge in a real home providing a clean, safe, relaxing, educational setting. Rental is of such a small scale, impacts on neighborhood will be no different

than a single family residence.

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

The small scale and careful screening of potential guests will insure a low impact, high quality visitation for our guests. The availability of parking and close monitoring by our manager will insure minimal to zero public and health impacts.

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 residence is located in a small lot in a small house where visitors are restricted to the house and decks. No adverse impacts to the environment expected. Manager on site to insure visitors are complying with established rules of their stay.

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. 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.



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

  
 \_\_\_\_\_  
 Owner or Agent

2/23/16  
 \_\_\_\_\_  
 Date

PROVISIONS: The applicant is advised that issuance of this permit will not relieve responsibility of the owner or owner's agents to comply with the provisions of all laws and ordinances, including federal, state and local jurisdictions, which regulate construction and performance of construction, or with any private deed restrictions.

Office Use Only Below This Line

<input checked="" type="checkbox"/> Applicant Notified Application is Complete and Accepted <u>2/23/16</u> <u>In Person</u> <u>KF</u> <small>(Date) (Notified via) (Initials)</small>					
Non-Refundable Permit Fee \$ <u>150.00</u> Receipt No. <u>024020</u> Received By: <u>Valery Fiedle</u> Date: <u>2/23/16</u>			Information/Documentation Req'd Rec'd <input type="checkbox"/> <input type="checkbox"/> State Fire Marshal <input type="checkbox"/> <input checked="" type="checkbox"/> State DEC <input type="checkbox"/> <input type="checkbox"/> Variance/Conditional Use Permit <input type="checkbox"/> <input type="checkbox"/> 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 years</b> and the following special requirements:					
Planning Commission Chair:			Date:		

**INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED**

THOMAS L. FAVERTY  
PO BOX 1107  
HAINES, ALASKA 99827

1817

DATE 2/23/16

89-6/1252

PAY TO THE  
ORDER OF

Haines Borough  
One Hundred Fifty

\$ 150.00

DOLLARS

Security features  
included  
Details on back

FIRST NATIONAL BANK ALASKA

FOR permit



MP

⑆ 25200060⑆ 1250006700⑆ 1817

In The Wild © 1997 Laura Regan/Art Impressions, Inc.

**CASH RECEIPT**

Date

2/23/16

024020

Received From

Thomas Faverty

Address

P.O. Box 1107, Haines

For

One Hundred Fifty and 00/100  
Conditional Use Permit application

Dollars \$

150.00

CRB 117-3

HAINES BOROUGH

P.O. BOX 1209

HAINES, ALASKA 99827

Phone (907) 766-2231 \* Fax (907) 766-2716

**ACCOUNT**

**HOW PAID**

AMT. OF  
ACCOUNT

CASH

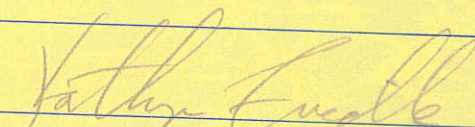
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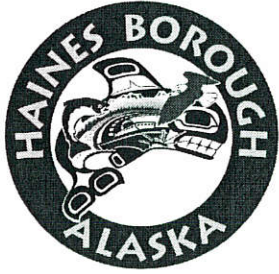
BALANCE  
DUE

MONEY ORDER   
CREDIT CARD

By







# HAINES BOROUGH, ALASKA

P.O. BOX 1209

HAINES, AK 99827

(907) 766-2231 \* FAX (907) 766-2716

25 February 2016

Under HBC 18.50.040, there are eight criteria to be considered in deciding whether to grant a conditional use permit. Before a conditional use permit is approved, the commission must find that each of the following is met. I have provided my thoughts on each one.

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

*This is a small vacation rental that should not cause undue noise, nuisances, or dangers.*

**2. The development of the use is such that the value of the adjoining property will not be significantly impaired;**

*A vacation rental of this size should not reduce the value of adjoining properties.*

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

*The existing services are adequate for the facility and proposed use.*

**4. The specific development scheme of the use is consistent and in harmony with the comprehensive plan and surrounding land uses;**

*Goal 3 of the comprehensive plan states: "Achieve a strong, diversified local economy that provides employment and income for all citizens that desire to work while protecting the health of the environment and quality of life..." The development of a vacation rental is a small step towards goal 3 of the comprehensive plan.*

**5. The granting of the conditional use will not be harmful to the public safety, health or welfare;**

*A small vacation rental should not present a public safety, health, or welfare issue.*

**6. 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;**

*Erosion, ground or surface water contamination and adverse alteration to fish habitat are not a concern with the proposed business.*

**7. The use will comply with all required conditions and specifications if located where proposed and developed, and operated according to the plan as submitted and approved;**

*The business, Snappers Inn, has the minimum local Haines Borough business license, and will adhere to any other required state or federal licenses or permits.*

**8. Comments received from property owners impacted by the proposed development have been considered and given their due weight.**

*Adjacent land owners have been notified but as of February 24<sup>th</sup> we had not received any comments. If we receive comments prior to the March 10<sup>th</sup> planning commission meeting, we will include them in your packet.*

Sincerely,

A handwritten signature in blue ink, appearing to read "BR Ryan".

Brad A. Ryan  
Haines Borough Interim Manager

HAINES BOROUGH  
P.O. BOX 1209  
HAINES, ALASKA 99827

PHONE: 907-766-2231  
FAX: 907-766-2716

HAINES BOROUGH BUSINESS REGISTRATION APPLICATION

This registration is required of all "sellers" doing business within the Haines Borough who:

- (1) Perform services, whether in conjunction with the sale of goods or not; does not include services rendered by an employee to an employer.
- (2) Are making sales to a buyer or consumer within the Borough.
- (3) Maintains any office, distribution, sales house, warehouse or any other place of business, or solicits business or receives orders through any agent, sales person or other type of representation within the borough.
- (4) Renting or leasing property, either real or personal.
- (5) Are Itinerant Business Merchants.

No individual or entity may engage in business in the Haines Borough without first having been issued a Haines Borough Business license (HBC 5.02.010). This application form must be filed with the Haines Borough office before engaging in any retail sales, rent collection or performance of services. A "Seller" is defined as "every person making sales to a buyer or consumer, renting or leasing property, either real or personal, or performing services for consideration" (HBC 3.80.020).

BUSINESS NAME: Snappers Inn  
 OWNER/OPERATOR: Tom- Patricia Favery  
 EMAIL ADDRESS: faveryak@yahoo.com / lindayiscool123@yahoo.co  
 DATE BUSINESS TO BE ACTIVE: April 1, 2016  
 FILING OF SALES TAX RETURNS WILL BE: MONTHLY  QUARTERLY  OTHER

**\*\*PHYSICAL LOCATION:**  
209 ~~402~~ Front St.  
Haines, Alaska  
 PHONE: (Business) N/A

**MAILING ADDRESS:**  
PO Box 1107  
Haines, AK  
 (Home): 907-766-3343

LINE OF BUSINESS: Lodging  
 AK.STATE BUS.LICENSE#: \_\_\_\_\_ ST. ACTIVITY CODE (If Available): \_\_\_\_\_

**FEE:** A fifty (\$50.00) dollar payment is required at the time of registration, which is valid for two years; the remainder of the calendar year in which you apply and all of the following year. Thereafter, a registration renewal fee of \$50.00 dollars will be required bi-annually by March 1<sup>st</sup> following the year of expiration. New registrations shall be automatically mailed to businesses that are current in remitting the registration fee, sales tax and reports through December of the previous year. An Itinerant Merchant is required to deposit a \$250.00 cash bond with the Borough Clerk. This bond will be refunded upon submission of the required sales tax and reports remitted to the Haines Borough Tax Office.

*Cash ✓  
Pie*

SIGNATURE: [Signature] DATE: 1/12/2016

\*\*CHECKING WITH THE PLANNING & ZONING DEPT.; AT 766-2231, EXT. #23, REGARDING POSSIBLE ZONING REQUIREMENTS OR RESTRICTIONS IS RECOMMENDED IF WITHIN THE TOWNSITE.

FOR OFFICE USE ONLY:  
 Issued By: [Signature] AMOUNT PAID: 50<sup>00</sup> CHECK: #1813  
 Registration License #: 1993 DATE PAID: 1-12-16 CASH: \_\_\_\_\_



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

February 24, 2016

Re: Thomas & Patricia Faverty  
Vacation Rental Conditional Use Permit Application  
209 Front Street, Property Account # C-TNS-22-0700

Dear Land Owner,

Haines Borough records show that you own property within 200 feet of the above-listed property. Thomas & Patricia Faverty have requested the Planning Commission approve a Conditional Use Permit allowing the operation of a vacation rental business on her property. Haines Borough Code 18.70.030(A)(7) allows vacation rentals upon approval of a conditional use permit.

The Haines Borough Planning Commission will hold a public hearing on the matter at the next regular Planning Commission meeting. The meeting will be held at 6:30 p.m. at the Haines Borough Assembly Chambers on Thursday March 10, 2016. As an owner of property within 200 feet of the above-listed property you are being notified that you are invited to attend and comment at the meeting. Please send written comments to the above Haines Borough address or email to Julia Cozzi at [jcozzi@haines.ak.us](mailto:jcozzi@haines.ak.us). If you have any questions on the matter, please contact the Borough. Thank you.

Sincerely,

Kathryn Friedle  
Administrative Assistant  
Lands Department  
Phone: (907)766-2231 Ext 22

Cc: Thomas & Patricia Faverty



**List of Property Owners Notified**  
**For Faverty Vacation Rental CUP**

Lola Vogel  
P.O. Box 351  
Skagway, AK 99840-0351

Jennifer Peters  
P.O. Box 287  
Haines, AK 99827

Raven House  
c/o Nathan Jackson  
5972 Roosevelt Dr. S.  
Ketchikan, AK 99901

Robert & Cecelia David  
P.O. Box 174  
Haines, AK 99827

Michael Falvey  
Elizabeth Marantz-Falvey  
P.O. Box 46  
Haines, AK 99827

Thomas & Patricia Faverty  
P.O. Box 1107  
Haines, AK 99827

Ethel Hamar  
P.O. Box 18091  
Coffman Cove, AK 99918

David & Carol Pahl  
P.O. Box 702  
Haines, AK 99827

Roger Schnabel  
HC 60 Box 4800  
Haines, AK 99827

Timothy Hannon  
P.O. Box 47  
Haines, AK 99827

Thomas Williams, Jr.  
P.O. Box 141  
Haines, AK 99827

Jack & Ramona Martin  
P.O. Box 429  
Haines, AK 99827

Henry Jacquot  
HC 60 Box 2552  
Haines, AK 99827







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 flourish extending to the right.

Michael Wilson  
Owner and Heliport (AA35) Manager

## Kathy Friedle

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**From:** Brad Ryan  
**Sent:** Tuesday, February 23, 2016 9:48 AM  
**To:** Julie Cozzi; Kathy Friedle  
**Subject:** FW: For Brooks Chandler re: 35 Mile heliport

Brad A. Ryan  
(907) 314-0648  
bryan@haines.ak.us  
Haines Borough Interim Manager

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**From:** Brooks Chandler [mailto:BChandler@bcfaklaw.com]  
**Sent:** Wednesday, February 17, 2016 6:03 AM  
**To:** Brad Ryan  
**Subject:** RE: For Brooks Chandler re: 35 Mile heliport

Greetings Brad:

The nonconforming use issue is whether Mr. Wilson needs a conditional use permit to operate a heliport. The fact a conditional use permit was granted (I assume with some conditions such as operating season, times for landings etc.) does not impact whether an additional conditional use permit (or an amendment to the just granted CUP) is still needed for additional heliport operations not currently allowed by the just granted CUP. So there is still a "live" issue for consideration by the Commission and they should proceed to rule on Mr. Wilson's appeal.

In addition, we may still be within the appeal period for those objecting to the CUP to appeal to the Assembly so it may be premature to assume the CUP issue is final.

The fact a CUP was granted likely complicates the analysis to be applied should an additional "season" be requested but that is a matter for another day to be evaluated based on the details of a specific CUP application.

Let me know if there are any additional questions on this topic.

**Brooks Chandler**  
**Boyd, Chandler & Falconer LLP**  
911 W. 8<sup>th</sup> Ave.  
Suite 302  
Anchorage, AK  
907-272-8401

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**From:** Brad Ryan [mailto:bryan@haines.ak.us]  
**Sent:** Tuesday, February 16, 2016 5:12 PM  
**To:** Brooks Chandler  
**Subject:** FW: For Brooks Chandler re: 35 Mile heliport

Brooks

At the February 11<sup>th</sup> Planning Commission meeting the planning commission issued Michael Wilson a conditional use permit for the 35 mile heliport that you had provided legal advice on previously. After issuing the conditional use permit they were going to take up the appeal of the managers decision not to issue a nonconforming use base on it being a historic Heli pad. I was concerned about taking up this appeal before seeking additional council not that the planning commission has issued a permit for it to operate as a Heli pad for heli-skiing. Please see a longer explanation by the Planning Commission Chair below.

Brad A. Ryan  
(907) 314-0648  
[bryan@haines.ak.us](mailto:bryan@haines.ak.us)  
Haines Borough Interim Manager

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**From:** Rob Goldberg [<mailto:artstudioalaska@yahoo.com>]  
**Sent:** Friday, February 12, 2016 10:59 AM  
**To:** Brad Ryan  
**Cc:** Julie Cozzi; Kathy Friedle  
**Subject:** For Brooks Chandler re: 35 Mile heliport

Hi Brad,

Here are my thoughts regarding the Planning Commission's decisions on the the 35 Mile heliport at the February 11th meeting. Please forward them to Brooks. Thanks, Rob

Hi Brooks,

Thank you for your thoughtful and thorough review of the request by Michael Wilson of a pre-existing use for a heliport at his property at 35 Mile Haines Highway. At the Planning Commission's meeting last night (February 11) we took up the issue as two separate agenda items. We had a new application for a conditional use permit for heli-skiing, which is required by Title 5 of the Haines Borough Code, and then we took up the issue of Mr. Wilson's appeal of the manager's decision to limit the number of landings to the previous level of use. In the minds of commissioners these are two separate issues. Heli-skiing is limited by code to Feb. 1 to May 3. Mr. Wilson's claim of pre-existing use would allow him unlimited year round use of the heliport.

The planning commission approved the conditional use permit for heli-skiing at 35 Mile. The site currently being used at 33 Mile has been problematic from the start, with the helicopters taking off and landing perilously close to the Haines Highway and residences. The site is a disaster waiting to happen. Having Alaska Heli-skiing move to its new location at 35 Mile will improve the situation. The motion that was passed was to approve the site for heli-skiing, not year round use.

We then took up the issue of the appeal of the manager's decision. Commissioners' comments indicated that they were reluctant to overturn the decision. Borough Manager Brad Ryan then brought up part of your opinion, which states "The proposed use of the heliport in connection with commercial ski tours is a material change in the intensity of the nonconforming use for which a conditional use permit is required." Brad pointed out that since we had just granted a conditional use permit for heli-skiing, this could change the nature of your opinion on the pre-existing use. Several commissioners stated that they thought that the two issues are separate and that the manager's

decision to limit the number of landings should stand, but in the end we voted to have the manager send the issue back to you for clarification.

Some background: The topic no one brought up, but was on everyone's mind, is that Mr. Wilson, who works for Coastal Helicopters, wants to establish a year round base of operations for them here in Haines and start doing helicopter tourism in the summer. In 1996 a vote was taken, and a sizable majority of Haines voters said no to summer helicopter tours. This was a non-binding referendum. I think that if the vote were taken today, the majority saying no would be greater. People here have seen what has happened in Juneau and Skagway. We have had people move here from those places specifically to escape the constant helicopter noise. Since heli-skiing came to Haines it has been by far the most contentious issue we have had. I have been on the planning commission since 2002, and I can't tell you how many times we have faced a room full of angry, worried people who don't want to live with helicopters flying near them. It isn't fun for anyone. I sensed last night that planning commissioners know what is coming if we were to open the door to summer helicopter tourism. Allowing helicopter tourism in the summer would affect people much more than in the late winter months, simply because people are outdoors more, and subsistence and recreational activities take them farther into the back country.

Thanks for giving us some guidance on this issue.

Sincerely,  
Rob Goldberg  
Chairman, Haines Borough Planning Commission

Rob Goldberg and Donna Catotti  
Catotti and Goldberg Art Studio  
PO Box 1154 Haines, AK 99827 USA  
907-766-2707  
artstudioalaska.com





U.S. Department  
of Transportation

222 W. 7th Ave #14  
Anchorage, AK 99513-7587

Federal Aviation  
Administration

August 24, 2009

Michael H. Wilson & Vicki Gardner  
35 Mile Old Haines Highway  
Haines, AK 99827

RE: (See attached Table 1 for referenced case(s))  
DETERMINATION OF LANDING AREA PROPOSAL

Table 1 - Letter Referenced Case(s)

ASN	Prior ASN	Location	Latitude (NAD83)	Longitude (NAD83)	AGL (Feet)	AMSL (Feet)
2008-AAL-174-NRA		Haines, AK	59-26-15.20N	136-13-45.70W	0	690

Description: Establish new private heliport.

We have determined that the proposed private use landing area, will not adversely affect the safe and efficient use of the navigable airspace by aircraft, provided:

- All operations are conducted in VFR weather conditions.
- The landing area is limited to private use.

Please notify the FAA within 15 days of completing the landing area by calling the FAA Area Flight Service Station (AFSS) serving your landing area to let them know you are activating the landing area while the Airport Master Record form is being processed. Please tell the Flight Service Station representative that you have received an aeronautical determination from the FAA, and supply them with the name of your landing area and the coordinates.

Please return the enclosed Airport Master Record form to this office. When the processing of the Airport Master Record form is completed, your landing area will have a site number and a permanent location identifier. Indicate whether or not you would like to have your landing area shown on aeronautical charts. Charting also depends on the amount of "clutter" already on the charts near your site.

In order to avoid placing any unfair restrictions on users of the navigable airspace, this determination is valid until February 24, 2011. Should the facility not be operational by this date, an extension of the determination must be obtained by 15 days prior to the expiration date of this letter.

This determination does not constitute FAA approval or disapproval of the physical development involved in the proposal. It is a determination with respect to the safe and efficient use of navigable airspace by aircraft and with respect to the safety of persons and property on the ground.

In making this determination, the FAA has considered matters such as the effects the proposal would have on existing or planned traffic patterns of neighboring airports, the effects it would have on the existing airspace structures and projected programs of the FAA, the effects it would have on the safety of persons and property on the ground, and the effects that existing or proposed manmade objects (on file with the FAA), and known natural objects within the affected area would have on the airport proposal.

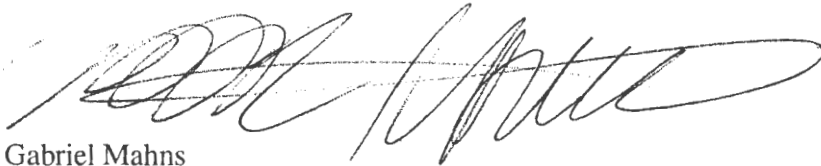
The FAA cannot prevent the construction of structures near an airport. The airport environs can only be protected through such means as local zoning ordinances, acquisitions of property in fee title or aviation easements, letters of agreement, or other means.

This determination does not preempt or waive any ordinance, law, or regulation of any other governmental body or agency.

Enclosures:

- Airport Master Record form

If you have any questions concerning this determination contact Gabriel Mahns, , (907)271-3665, [gabriel.mahns@faa.gov](mailto:gabriel.mahns@faa.gov).



Gabriel Mahns  
DivUser

4/12/12



U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

June 21, 2012

Michael H. Wilson & Vicki Gardner  
35 Mile Old Haines Highway  
Haines, AK 99827

Dear Michael H. Wilson & Vicki Gardner

This letter is in regards to the Notice of Landing Area Proposal, FAA Form 7480-1 that you submitted to the FAA Airports Division on January 31, 2012.

We are prepared to issue our final determination on the proposal, but prior to doing so, we need to receive from you a completed Airport Master Record, FAA Form 5010-5. We are unable to register your landing area without that information.

I have attached a copy of the form to this letter for your convenience. Additionally, if you would like to obtain the form electronically, it is available here:

<http://www.faa.gov/forms/index.cfm/go/document.information/documentID/185478>

For information on completing the form, please refer to Advisory Circular 150/5200-35A, available here:

[http://www.faa.gov/regulations\\_policies/advisory\\_circulars/index.cfm/go/document.information/documentID/393458](http://www.faa.gov/regulations_policies/advisory_circulars/index.cfm/go/document.information/documentID/393458)

Upon completion of the form, please mail to:

Federal Aviation Administration, Airports Division  
Attn: Mike Edelmann, AAL-618  
222 W7th Ave, Suite 14  
Anchorage, AK 99513

If you prefer, you can e-mail the completed form to the e-mail address below, or fax the completed form to (907) 271-2851.

Please reference Airspace Case number 2012-AAL-17-NRA in all communications.

Sincerely,

Mike Edelmann  
FAA, Alaska Airports Division  
Southeast Alaska Aviation Planner, AAL-618  
907-271-5026 voice  
907-271-2851 fax  
mike.edelmann@faa.gov

Enclosure: FAA Form 5010-5

## Julie Cozzi

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**From:** Mike Wilson [mwilson@coastalhelicopters.com]  
**Sent:** Thursday, December 10, 2015 12:35 PM  
**To:** Julie Cozzi  
**Subject:** List of 35 heli use since 2009  
**Attachments:** download-1449782978447.pdf

Hi Julie

Here is a list of the use dates for helicopters at 35 mile since 2009. I have access to flight data that was dispatched and flight followed from Coastal in Juneau. When the helicopters were working the area under contract to various sub contractors (Alaska Heli ski and Constantine Metals) we have verbal verification from those operators.

I have a copy of the first FAA request for landing form submitted in Jan 2009 and the original letter of authorization from Aug 2009

Mike

January 2009, Initial application for heliport with the FAA

June 2009, FAA initial visit

March - April 2010, some landings performed by Alaska Heli-Skiing for client movement when road unpassable due to snow

July 18, 2010 Landing for fuel en-route to Tok

August 26, 2010 Landing for fuel en-route to Tok

August 28, 2010 Landing for fuel Tok - JNU

March - April 2011, some landings performed by Alaska Heli-Skiing for client movement when road unpassable due to snow

May 30, 2011 Landed for fuel en-route to Tok

July 2011, landing performed by Constantine for inspection of fuel system

March - April 2012, some landings performed by Alaska Heli-Skiing for client movement when road unpassable due to snow

May 24, 2012, FAA landed for final site inspection

July 01, 2012 Landed for fuel while working with Snow Lion (Jerry Fabrizio)

July 25, 2012, Landing for fuel en-route to Tok

August 12, 2012 Landing for fuel Tok - JNU

August 13, 2012 Landing for fuel en-route to Tok

March - April 2013, some landings performed by Alaska Heli-Skiing for client movement when road unpassable due to snow

September 02 2013 Landing for fuel while working with RAW TV

March - April 2014, some landings performed by Alaska Heli-Skiing for client movement when road unpassable due to snow

May 12, 2014 Landed for fuel, reported problem with the fuel system

April 2015 landings for fuel system assessment and site clearing

July 2015 landings while Constantine metals working on communication system





U.S. Department of Transportation

222 W. 7th Ave #14  
Anchorage, AK 99513-7587

Federal Aviation Administration

August 24, 2009

Michael H. Wilson & Vicki Gardner  
35 Mile Old Haines Highway  
Haines, AK 99827

RE: (See attached Table 1 for referenced case(s))  
DETERMINATION OF LANDING AREA PROPOSAL

Table 1 - Letter Referenced Case(s)

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In making this determination, the FAA has considered matters such as the effects the proposal would have on existing or planned traffic patterns of neighboring airports, the effects it would have on the existing airspace structures and projected programs of the FAA, the effects it would have on the safety of persons and property on the ground, and the effects that existing or proposed manmade objects (on file with the FAA), and known natural objects within the affected area would have on the airport proposal.

The FAA cannot prevent the construction of structures near an airport. The airport environs can only be protected through such means as local zoning ordinances, acquisitions of property in fee title or aviation easements, letters of agreement, or other means.

This determination does not preempt or waive any ordinance, law, or regulation of any other governmental body or agency.

Enclosures:

- Airport Master Record form

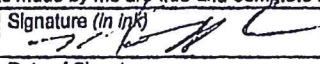
If you have any questions concerning this determination contact Gabriel Mahns, , (907)271-3665, [gabriel.mahns@faa.gov](mailto:gabriel.mahns@faa.gov).



Gabriel Mahns  
DivUser

4/12/12 →



U.S. Department of Transportation Federal Aviation Administration		<b>NOTICE OF LANDING AREA PROPOSAL</b>					
Name of Proponent, Individual, or Organization <b>35 Mile Lodge</b>			Address of Proponent, Individual, or Organization (No., Street, City, State, Zip Code) <b>35 Mile Old Haines Highway, Haines, AK 99827</b>				
<input checked="" type="checkbox"/> Check if the property owner's name and address are different than above, and list property owner's name and address on the reverse.							
<input checked="" type="checkbox"/> Establishment or Activation <input type="checkbox"/> Alteration		<input type="checkbox"/> Deactivation or abandonment <input type="checkbox"/> Change of Status		} OF		<input type="checkbox"/> Airport <input checked="" type="checkbox"/> Heliport <input type="checkbox"/> Ultralight Flightpark <input type="checkbox"/> Seaplane Base <input type="checkbox"/> Vertiport <input type="checkbox"/> Other (Specify)	
<b>A. Location of Landing Area</b>							
1. Associated City/State Haines, Alaska		2. County/State (Physical Location of Airport) Haines			3. Distance and Direction From Associated City or Town Miles: <b>27 NM</b> Direction: <b>SE</b>		
4. Name of Landing Area 35 Mile Lodge		5. Latitude 59 ° 26 ' 15.2" N	6. Longitude 136 ° 13 ' 45.7"	7. Elevation 690ft MSL			
<b>B. Purpose</b>							
Type Use <input type="checkbox"/> Public <input checked="" type="checkbox"/> Private <input type="checkbox"/> Private Use of Public Land/Waters		If Change of Status or Alteration, Describe Change N/A		<input type="checkbox"/> Establishment or change to traffic pattern (Describe on reverse)		Construction Dates To Begin/Begin Est. Completion	
<b>C. Other Landing Areas</b>							
		Ref. A5 above		<b>D. Landing Area Data</b>		<b>Existing (if any)</b>	
		Direction From Landing Area		Distance From Landing Area		Rwy #1 Rwy #2 Rwy #3	
				1. Airport, Seaplane Base, or Flightpark Magnetic Bearing of Runway (s) or Sealane			
				Length of Runway (s) or Sealane (s) In Feet			
				Width of Runway (s) or Sealane (s) In Feet			
				Type of Runway Surface (Concrete, Asphalt, Turf, Etc.)			
				2. Heliport			
				Dimensions of Final Approach and Take off Area (FATO) In Feet		150 ft diameter	
				Dimensions of Touchdown and Lift-Off Area (TLOF) In Feet		50 ft diameter	
				Magnetic Direction of Ingress/Egress Routes		Ingress 360 Egress 180	
				Type of Surface (Turf, concrete, rooftop, etc.)		Turf	
				3. All Landing Areas		Description of Lighting (If any) Direction of Prevailing Wind	
<b>E. Obstructions</b>							
Type		Height Above Landng. Area	Direction From Landing Area	Distance From Landing Area			
Trees		10 feet	South	300 ft			
Trees		10 feet	East	100 ft			
House		10 feet	West	100 ft			
<b>F. Operational Data</b>							
1. Estimated or Actual Number Based Aircraft							
Airport, Flightpark, Seaplane base		Present (If est. Indicate by letter 'E')	Anticipated 5 Years Hence	Heliport	Present (If est. Indicate by letter 'E')	Anticipated 5 Years Hence	
Multi-engine				Under 3500 lbs. MGW	E 2	E 4	
Single-engine				Over 3500 lbs. MGW			
Glider							
<b>G. Other Considerations</b>							
Identification		Direction From Landing Area	Distance From Landing Area				
				2. Average Number Monthly Landings			
				Present (If est. Indicate by letter 'E')	Anticipated 5 Years Hence	Present (If est. Indicate by letter 'E')	
				Jet	Helicopter	30	
				Turboprop	Ultralight	E 60	
				Prop	Glider		
3. Are IFR Procedures For The Airport Anticipated <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes Within _____ Years Type Navaid:							
<b>H. Application for Airport Licensing</b>							
<input type="checkbox"/> Has Been Made		<input checked="" type="checkbox"/> Not Required		<input type="checkbox"/> County			
<input type="checkbox"/> Will Be Made		<input type="checkbox"/> State		<input type="checkbox"/> Municipal Authority			
<b>I. CERTIFICATION:</b> I hereby certify that all of the above statements made by me are true and complete to the best of my knowledge.							
Name, title (and address if different than above) of person filing this notice - type or print Michael H Wilson Juneau Alaska			Signature (in ink) 		Telephone No. (Precede with area code) 907-209-0845		
			Date of Signature January 18, 2009				



**Paperwork Reduction Act Statement:** The information collected on this form is necessary because it is the description of the physical and operational characteristics of the airport that will be on file with the FAA. The information on all airports will be maintained in FAA computers for record keeping purposes and used in airspace studies. Some of the information on public use airports is safety-critical and will be published in flight information handbooks and charts for pilot use. The burden associated with completing this form is estimated to be 30 minutes. Providing this information is mandatory if the proponent wishes to have the airport on file with the FAA and entered into the National Airspace System. No assurances of confidentiality are given. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control number associated with this collection is 2120-0036. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at: 800 Independence Ave SW, Washington, DC 20591, Attn: Information Collection Clearance Officer, ABA-20.

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**INSTRUCTIONS  
NOTICE OF LANDING AREA  
PROPOSAL**

**As Used Herein, The Term "Airport" Means  
Any Landing or Takeoff Area such as Airport, Heliport, Helistop, Vertiport, Gliderport, Seaplane Base,  
Ultralight Flightpark, or Balloonport**

Federal Aviation Regulations Part 157 requires all persons to notify the FAA at least 90 days before any construction, alteration, activation, deactivation, or change to the status or use of a civil or joint-use (civil/military) airport. Notice is not required for the establishment of a temporary airport at which operations will be conducted under visual flight rules (VFR) and will be used for less than 30 days with no more than 10 operations per day. Notice also is not required for the intermittent use of a site that is not an established airport, which is used for less than one year and at which flight operations will be conducted only under VFR. Intermittent use means the use of the site for no more than 3 days in any one week and for no more than 10 operations per day.

Required notice shall be submitted on this form from each person who intends to do any of the following:

1. Construct or otherwise establish a new airport or activate an airport.
2. Construct, realign, alter, or activate any runway, or other aircraft landing or takeoff area of an airport.
3. Construct realign, alter, or activate a taxiway associated with a landing or takeoff area on a public-use airport.
4. Deactivate, discontinue using, or abandon an airport or any landing or takeoff area of an airport for a period of one year or more.
5. Deactivate, abandon, or discontinue using a taxiway associated with a landing or takeoff area on a public-use airport.
6. Change the status of an airport from private use (use by the owner or use by the owner and other persons authorized by the owner) to an airport open to the public or from public-use to another status.
7. Change status from IFR to VFR or VFR to IFR.
8. Establish or change any traffic pattern or traffic pattern altitude or direction.

The notice required shall be made by submitting this form to the nearest Federal Aviation Administration Regional Office or Airports District Office. However, in an emergency involving essential public service or when the delay arising from the 90-day advance notice requirement would result in an unreasonable hardship, you may provide notice to the appropriate FAA Airports District/Field Office by telephone in lieu of submitting this form. The FAA may require the subsequent submission of this form when necessary for safety or other reasons.

Section 901 of the Federal Aviation Act of 1958, as amended, provides that any person who violates a rule, regulation or order issued under Title III of this Act shall be subject to a civil penalty not to exceed \$ 1,000 for each violation.



## GENERAL INSTRUCTIONS

1. For any project falling in categories 1, or 2 above, complete all appropriate sections.
2. For any project falling in categories 3, 4, or 5 above, complete sections A, B, D (if appropriate), and I.
3. For status change (categories 6 or 7 above), from private use to public use or from VFR to IFR, complete sections A, B, E, G, and I. For all other changes, complete sections A, B, and I.
4. For traffic pattern establishment or change (category 8) complete all appropriate sections. Traffic pattern description should be entered on the reverse side of FAA Form 7480-1.
5. Express all bearings as magnetic and mileages as nautical.
6. Please Print or Type All Items.

**Section A** - Identify Reference Datum of Coordinates (NAD 83 or NAD 27)

**Section B** - If the airport is to be used by the owner only, or by the owner and persons authorized by the owner, check "private". If the landing and takeoff area of the airport is publicly owned and the operator is a non-government entity, then check "private use of public lands". If the airport is to be available for use by the general public without a requirement for prior approval of the owner or operator, then check "public". If necessary, use the reverse side of the form or a separate sheet of paper to describe changes or alterations.

**Section C** - Airport or seaplane base: List VFR airports and heliports within 5NM, and IFR airports within 20NM. Heliports: List VFR airports and heliports within 3NM and IFR airports within 10NM.

**Section D** - Attach U.S. Geological Survey quadrangle map or equivalent. Plot locations of facility to the nearest second, runway alignments, associated taxiways or sealane alignments. When appropriate, use city map for heliports.

**Section E** - List and plot on quadrangle map or equivalent any obstructions within: 3NM of a VFR airport or a seaplane base; 5NM of an IFR airport; or 5,000 feet of a heliport.

**Section F** - Self-explanatory.

**Section G** - List schools, churches and residential communities within a 2NM radius for airports and within a 1NM radius for heliports. List all waste disposal sites within a 5NM radius.

**Section H** - Self-explanatory.

**Notification to the FAA does not waive the requirements of any other government agency.**

### ADDRESSES OF THE REGIONAL OFFICES

Submit your completed form by mail to:

**Western Pacific Region**

AZ, CA, HI, NV, GU  
Federal Aviation Administration  
Airports Division, AWP-800  
15000 Aviation Boulevard  
Hawthorne, CA 90261  
Mail Address:  
P. O. Box 92007  
Worldway Postal Center  
Los Angeles, CA 90009  
Tel. 310-725-3608 Fax: 310-725-6847

**Alaskan Region**

AK  
Federal Aviation Administration  
Airports Division, AAL-800  
222 West 7<sup>th</sup> Avenue, Box 14  
Anchorage, AK 99513  
Tel. 807-271-5438 Fax: 807-271-2851

**Eastern Region**

DC, DE, MD, NJ, NY, PA, VA, WV  
Federal Aviation Administration  
Airports Division, AEA-800  
1 Aviation Plaza  
Jamaica, NY 11434-4809  
Tel. 718-553-3330 Fax: 718-995-5694

**Southern Region**

AL, FL, GA, KY, MS, NC, SC, NT, PR, VI  
Federal Aviation Administration  
Airports Division, ASO-600  
1701 Columbia Avenue  
College Park, GA 30337  
Mail Address:  
P. O. Box 20638  
Atlanta, GA 30320  
Tel. 404-305-6700 Fax: 404-305-6730

**Northwest Mountain Region**

CO, ID, MT, OR, UT, WA, WY  
Federal Aviation Administration  
Airports Division, ANM-600  
1601 Lind Avenue, S.W., Suite 315  
Renton, WA 98005-4056  
Tel. 425-227-2600 Fax: 425-227-1600

**Great Lakes Region**

IL, IN, MI, MN, ND, OH, SD, WI  
Federal Aviation Administration  
Airports Division, AGL-600  
2300 East Devon Avenue  
Des Plaines, IL 60018  
Tel. 847-294-7272 Fax: 312-294-7036

**Southwest Region**

AR, LA, NM, OK, TX  
Federal Aviation Administration  
Airports Division, ASW-600  
2601 Meacham Boulevard  
Fort Worth, TX 76137-4298  
Tel. 817-222-5600 Fax: 817-222-5984

**Central Region**

IA, KS, MO, NE  
Federal Aviation Administration  
Airports Division, ACE-625 9  
01 Locust  
Kansas City, MO 64106-2325  
Tel. 816-329-2600 Fax: 816-329-2610

**New England Region**

CT, MA, ME, NH, RI, VT  
Federal Aviation Administration  
Airports Division, ANE-600  
12 New England Executive Park  
Burlington, MA 01803  
Tel. 781-238-7600 Fax: 781-238-7808

**From:** [mwilson@coastalhelicopters.com](mailto:mwilson@coastalhelicopters.com)  
**To:** [Julie Cozzi](#)  
**Cc:** [sean dog](#)  
**Subject:** Fwd: July 18 2010  
**Date:** Friday, December 11, 2015 9:33:54 AM  
**Attachments:** [July 18 2010.pdf](#)

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Hi Julie

After our conversation with Jan Hill yesterday we want to make sure you have the information supporting our routine use of the 35 mile property for helicopter landings and operations. I will be sending you a series of files that contain information on some of those flights

Mike

----- Forwarded message -----

**From:** "Mike Wilson" <[mwilson@coastalhelicopters.com](mailto:mwilson@coastalhelicopters.com)>  
**Date:** Dec 10, 2015 11:57  
**Subject:**  
**To:** "sean dog" <[heliskialaska@gmail.com](mailto:heliskialaska@gmail.com)>  
**Cc:**

Seq	DBTable	DBCode Value	Item	OldValue
825656	25	43712	Misc. Entry	\$1254.60 fuel HNS50g Tok 131g FBK77g
817975	25	43712	EndingHobbs	70.3
817974	25	43712	StartingHobbs	64.3
814668	25	43712	Misc. Entry	36607 6.0
791533	25	43712	Returned	
791532	25	43712	Misc. Entry	Manley, Done for the day
791528	25	43712	Misc. Entry	manley hot springs as per sat track
791508	25	43712	Misc. Entry	fairbanks- manly w2 1900 nxt
791504	25	43712	Misc. Entry	Landed Fairbanks
791436	25	43712	Misc. Entry	tok-fai 1730nxt
791356	25	43712	Misc. Entry	landed tok
791250	25	43712	Misc. Entry	drycreek - tok per tracker
791097	25	43712	Misc. Entry	35 for tokw/ 2 15:00 next
791094	25	43712	Misc. Entry	landed 35 mile for fuel
791075	25	43712	Misc. Entry	landed 35mile per sat track

791015	25	43712	Misc. Entry	endicott for 35 mile 1130NC
791013	25	43712	Misc. Entry	favorite channel IBto35mile
791001	25	43712	Misc. Entry	35mile w/2 95
790999	25	43712	Departed	
790874	25	43712	Ready To Launch	False
790873	25	43712	Manifest Printed	
789990	25	43712	Time	7:00:00AM
784116	25	43712	Operator	
774922	25	43712	DateChange	07/15/10
765601	25	43712	New Record Added	

## Julie Cozzi

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**From:** Mike Wilson [mwilson@coastalhelicopters.com]  
**Sent:** Thursday, December 10, 2015 12:28 PM  
**To:** Julie Cozzi  
**Subject:** Fwd: Aug 28 2010  
**Attachments:** August 28 2010.pdf

----- Forwarded message -----

From: "Mike Wilson" <[mwilson@coastalhelicopters.com](mailto:mwilson@coastalhelicopters.com)>  
Date: Dec 10, 2015 12:11  
Subject:  
To: "sean dog" <[heliskialaska@gmail.com](mailto:heliskialaska@gmail.com)>  
Cc:

Seq	DBTable	DBCode Value	Item	OldValue
836915	25	45777	Misc. Entry	37012 5.6
836912	25	45777	Misc. Entry	void last flight slip
835544	25	45777	Misc. Entry	36999 5.6
833878	25	45777	Tach Time	
833876	25	45777	EndingHobbs	
833875	25	45777	StartingHobbs	
833874	25	45777	Returned	
833873	25	45777	Misc. Entry	landed 33mile RON
833872	25	45777	Misc. Entry	landed 33 mile
833865	25	45777	Misc. Entry	35 mile for 33 mile
833694	25	45777	Misc. Entry	Landed 35 mile for fuel
833693	25	45777	Misc. Entry	approaching Surgeon Mt
833690	25	45777	Misc. Entry	Dezadeash Lake IBto 33mile
833689	25	45777	Misc. Entry	60 min next as per ST
833673	25	45777	Misc. Entry	passing Kloo Lake
833672	25	45777	Use Tour Duration Defaults	True
833671	25	45777	WB Default Tach in Minutes	
833670	25	45777	WB Tach in Minutes	
833669	25	45777	Tach in Minutes	
833668	25	45777	Duration in Minutes	
833646	25	45777	Misc. Entry	approaching Kluana Lake

833612	25	45777	Misc. Entry	62 43.70 N, 141 45.87 W
833611	25	45777	Misc. Entry	8mi NE of Jatahmund L per ST
833590	25	45777	Misc. Entry	tok-33mi 1800NC
833571	25	45777	Misc. Entry	landed Tokwill call off
833565	25	45777	Misc. Entry	Latitude63 46.24 N Longitude 144 42.35 W
833530	25	45777	Misc. Entry	fairbanksfor Tok 1600 NC
833491	25	45777	Misc. Entry	Lnd FairbanksLook At wx will call whn off
833490	25	45777	Misc. Entry	landed fairbanksper ST
833488	25	45777	Misc. Entry	off the fairbanks 1330 NC
833463	25	45777	Misc. Entry	Latitude64 38.83 N Longitude 148 33.10 W
833462	25	45777	Misc. Entry	landed river waiting for weather
833458	25	45777	Misc. Entry	Latitude64 37.18 N Longitude 148 33.10 W
833418	25	45777	Misc. Entry	to fairbanks via Nenana 1200NC
833404	25	45777	Misc. Entry	standing by for weather NC1200
833361	25	45777	Misc. Entry	waiting on weather 1000NC
833360	25	45777	Misc. Entry	landed Tanana River 1 W of Lunch Lake
833344	25	45777	Misc. Entry	w/1 Manly - Fairbanks NC900
833343	25	45777	Departed	7:15:25 AM
833342	25	45777	Departure Time	7:15:25 AM
833341	25	45777	Departed	
833173	25	45777	Operator	
833171	25	45777	Date Change	08/29/10



830623	25	45777	New Record Added	
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To whoever it might concern.

March 2011, we visited Alaska Heliski . We stayed up at 35 mile. We lived there for about one month. This year was really stormy one, and we had to extend our stay to get in enough skiing/ filming for our skimovie project. Several of times we got totally snowed in. We had a 4wd , but it was hard to get up and down from the Highway. At some time we got picked up by Helicopters directly outside the house to go skiing.

Asbjørn Eggebø Næss. Freeskier/ Filmmaker , Norway.

## Julie Cozzi

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**From:** Mike Wilson [mwilson@coastalhelicopters.com]  
**Sent:** Thursday, December 10, 2015 12:26 PM  
**To:** Julie Cozzi  
**Subject:** Fwd: May 30 2011  
**Attachments:** May 30 2011.pdf

----- Forwarded message -----

**From:** "Mike Wilson" <[mwilson@coastalhelicopters.com](mailto:mwilson@coastalhelicopters.com)>  
**Date:** Dec 10, 2015 12:00  
**Subject:**  
**To:** "sean dog" <[heliskialaska@gmail.com](mailto:heliskialaska@gmail.com)>  
**Cc:**

Seq	DBTable	DBCodeValue	Item	OldValue
927115	25	52273	Misc. Entry	38738 5.5
926839	25	52273	Tach Time	
926838	25	52273	EndingHobbs	
926836	25	52273	Returned	
926816	25	52273	Duration in Minutes	450
926794	25	52273	Misc. Entry	past Delta per ST
926774	25	52273	Misc. Entry	63 48.30 N, 144 51.65 W
926744	25	52273	Misc. Entry	tok-Fairbanks 1900 nxt
926736	25	52273	Use Tour Duration Defaults	True
926735	25	52273	Duration in Minutes	600
926713	25	52273	Misc. Entry	tokin it up while fueling. Will call off
926688	25	52273	Misc. Entry	63 5.25 N, 142 28.66 W
926670	25	52273	Misc. Entry	Backoff to Tok
926613	25	52273	Misc. Entry	landed 60 mi Eof Tok to put fuel on 1615 nxt
926584	25	52273	Misc. Entry	62 19.88 N, 141 4.59 W
926570	25	52273	Misc. Entry	62 11.96 N, 140 52.99 W
926467	25	52273	Misc. Entry	61 24.79 N, 139 3.57 W
926304	25	52273	Misc. Entry	35 mile for tok 1600 nxt
926208	25	52273	Misc. Entry	endicott - 35 1245nxt
926073	25	52273	Misc. Entry	35 mile w2 100
926072	25	52273	Departed	
926066	25	52273	Misc. Entry	100 w/2 to 33
926031	25	52273	Manifest Printed	
925984	25	52273	Time	11:00:00 AM
925980	25	52273	Ready To Launch	False

925965	25	52273	Time	10:00:00 AM
925896	25	52273	Time	9:30:00 AM
925860	25	52273	Time	9:00:00 AM
925851	25	52273	Time	8:30:00 AM
925836	25	52273	Time	8:00:00 AM
916838	25	52273	Operator	Tyler Burrows 4-LA
915956	25	52273	Operator	Jarod Fader 6-LA
915955	25	52273	New Record Added	

## Julie Cozzi

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**From:** Mike Wilson [mwilson@coastalhelicopters.com]  
**Sent:** Thursday, December 10, 2015 12:29 PM  
**To:** Julie Cozzi  
**Subject:** Fwd: July 01 2012  
**Attachments:** July 01 2012.pdf

----- Forwarded message -----

From: "Mike Wilson" <[mwilson@coastalhelicopters.com](mailto:mwilson@coastalhelicopters.com)>  
Date: Dec 10, 2015 12:12  
Subject:  
To: "sean dog" <[heliskialaska@gmail.com](mailto:heliskialaska@gmail.com)>  
Cc:



Seq	DBTable	DBCCode Value	Item	OldValue
1168469	25	63539	Misc. Entry	41611 2.4
1167796	25	63539	Returned	
1167792	25	63539	Duration in Minutes	160
1167763	25	63539	Misc. Entry	crossing berners bay
1167762	25	63539	Duration in Minutes	140
1167745	25	63539	Misc. Entry	south chilkat inlet s/b
1167731	25	63539	Misc. Entry	Haines - JNU/w3
1167698	25	63539	Duration in Minutes	200
1167697	25	63539	Duration in Minutes	140
1167696	25	63539	Duration in Minutes	110
1167695	25	63539	Misc. Entry	30 min next per ST
1167691	25	63539	Misc. Entry	35 mile for cahoun
1167682	25	63539	Misc. Entry	Landed 35 mile per ST
1167670	25	63539	Misc. Entry	30 min next per ST 1030NC
1167666	25	63539	Misc. Entry	porcupine for cahoun per ST
1167494	25	63539	Misc. Entry	w/370
1167493	25	63539	Departed	
1167481	25	63539	Ready To Launch	False
1167480	25	63539	Manifest Printed	
1167123	25	63539	Operator	MacBleth 2
1166548	25	63539	Operator	

1156902	25	63539	Vessel	724AM
1153776	25	63539	Time	8:30:00 AM
1152575	25	63539	Vessel	Unassigned
1152560	25	63539	Tour	Charter
1152559	25	63539	WB Default Tach in Minutes	120
1152558	25	63539	WB Tach in Minutes	120
1152557	25	63539	Tach in Minutes	120
1152556	25	63539	Duration in Minutes	120
1149901	25	63539	New Record Added	

## Julie Cozzi

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**From:** Mike Wilson [mwilson@coastalhelicopters.com]  
**Sent:** Thursday, December 10, 2015 12:26 PM  
**To:** Julie Cozzi  
**Subject:** Fwd: July 25 2012  
**Attachments:** July 25 2012.DOC

----- Forwarded message -----

From: "Mike Wilson" <[mwilson@coastalhelicopters.com](mailto:mwilson@coastalhelicopters.com)>  
Date: Dec 10, 2015 12:07  
Subject:  
To: "sean dog" <[heliskialaska@gmail.com](mailto:heliskialaska@gmail.com)>  
Cc:

Seq	DBTable	DBCode Value	Item	OldValue
1200401	25	60965	Misc. Entry	41957 5.9
1200360	25	60965	Tach Time	
1200359	25	60965	Ending Hobbs	
1200347	25	60965	Returned	
1200346	25	60965	Return Time	
1200345	25	60965	Misc. Entry	per DA phone call, staying at sophie station
1200344	25	60965	Misc. Entry	confirmed landing at fbk, done for the day
1200336	25	60965	Misc. Entry	landed fbk per ST
1200204	25	60965	Misc. Entry	dept Tok in 5 call Lnd Fairbank
1200158	25	60965	Misc. Entry	landed in toke 1430nxt
1200114	25	60965	Misc. Entry	60 min next per ST 1400 NC
1200026	25	60965	Misc. Entry	spoke to Damon on the phone as asked to reset sat
1200015	25	60965	Misc. Entry	just passed Kluane Lake 4 Tok 1400NC
1199992	25	60965	Misc. Entry	30 min nxt via sat track 1230
1199916	25	60965	Misc. Entry	30 min next -per ST 1205NC
1199843	25	60965	Misc. Entry	30 min next 1103 1133 NC
1199793	25	60965	Misc. Entry	having trouble getting fuel at 35 mile 11
1199774	25	60965	Misc. Entry	landed 35 mile per ST
1199741	25	60965	Misc. Entry	30 min next per ST 1010NC
1199740	25	60965	Misc. Entry	passed sullivan island
1199642	25	60965	Departed	

1199590	25	60965	Ready To Launch	False
1199589	25	60965	Manifest Printed	
1199588	25	60965	Time	8:00:00 AM
1199313	25	60965	Departed	5:48:41 AM
1199312	25	60965	Departure Time	5:48:41 AM
1199298	25	60965	Departed	
1198834	25	60965	Configuration	
1198833	25	60965	Time	7:00:00 AM
1087983	25	60965	New Record Added [Serverside]	

## Julie Cozzi

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**From:** Mike Wilson [mwilson@coastalhelicopters.com]  
**Sent:** Thursday, December 10, 2015 12:27 PM  
**To:** Julie Cozzi  
**Subject:** Fwd: Aug 12 2012  
**Attachments:** August 12 2012.pdf

----- Forwarded message -----

From: "Mike Wilson" <[mwilson@coastalhelicopters.com](mailto:mwilson@coastalhelicopters.com)>  
Date: Dec 10, 2015 12:08  
Subject:  
To: "sean dog" <[heliskialaska@gmail.com](mailto:heliskialaska@gmail.com)>  
Cc:



Seq	DBTable	DBCode Value	Item	OldValue
1223270	25	60983	Misc. Entry	42199 10.0
1222856	25	60983	Tach Time	-390
1222855	25	60983	EndingHobbs	12.5
1222853	25	60983	Returned	
1222852	25	60983	Misc. Entry	auke bay inbd cart
1222848	25	60983	Misc. Entry	eagle beach inbd
1222826	25	60983	Duration in Minutes	700
1222825	25	60983	Misc. Entry	35 mile inbound
1222823	25	60983	Misc. Entry	disregard last entry--still shut down
1222819	25	60983	Misc. Entry	startupper ST
1222813	25	60983	Misc. Entry	60 0.44 N, 137 6.88 W
1222774	25	60983	Duration in Minutes	600
1222773	25	60983	Misc. Entry	60 min next per st
1222673	25	60983	Misc. Entry	60 min next per st
1222441	25	60983	Misc. Entry	tok-35 mile 1800 nxt
1222438	25	60983	Misc. Entry	last entry via cellphone
1222409	25	60983	Misc. Entry	in tok getting fuel. in air in 15 min
1222261	25	60983	Misc. Entry	60 min next per ST 1445 NC
1222219	25	60983	Misc. Entry	heading to Tok 1500 nxt
1222204	25	60983	Misc. Entry	landed fbanks- will call when depart 1300
1222194	25	60983	Misc. Entry	landed fairbanks per ST

1222148	25	60983	Misc. Entry	Approx20 mi Sof Tanana
1222144	25	60983	Misc. Entry	60 min next per ST1230 NC
1222127	25	60983	Misc. Entry	Lat: 64 50.82 N Lon: 151 57 W Per Sat Track
1222111	25	60983	Misc. Entry	last entry per MW
1222110	25	60983	Misc. Entry	correction Galena - Fbanks - Tok poss .NU
1222046	25	60983	Misc. Entry	leaving galena for ANC1315 nxt
1222019	25	60983	Misc. Entry	1000 NC
1222018	25	60983	Misc. Entry	at galena, getting fuel, checking wx
1222017	25	60983	Misc. Entry	landed galena per ST
1221957	25	60983	Manifest Printed	
1221931	25	60983	Misc. Entry	60 min next per ST0945 NC
1221899	25	60983	Misc. Entry	60 min next per ST0845 NC
1221841	25	60983	Use Tour Duration Defaults	True
1221840	25	60983	Misc. Entry	per DA phone call
1221839	25	60983	Misc. Entry	red dog for galena 0945 NC
1221838	25	60983	Starting Hobbs	
1221837	25	60983	Departed	
1221836	25	60983	Departure Time	
1221835	25	60983	Tour	Red Dog Mine
1221834	25	60983	WB Default Tach in Minutes	
1221833	25	60983	WB Tach in Minutes	
1221832	25	60983	Tach in Minutes	

1221831	25	60983	Duration in Minutes	
1221789	25	60983	Manifest Printed	
1088001	25	60983	New Record Added [Serverside]	

## Julie Cozzi

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**From:** Mike Wilson [mwilson@coastalhelicopters.com]  
**Sent:** Thursday, December 10, 2015 1:02 PM  
**To:** Julie Cozzi  
**Subject:** Sept 02 2013  
**Attachments:** September 02 2013.pdf



Seq	DBTable	DBCbde Value	Item	OldValue
1485570	25	77178	Misc. Entry	44672 2.2 flight 2.0 sling charged
1485569	25	77178	Misc. Entry	44671 1.8 flight
1485466	25	77178	Misc. Entry	2.5 sling
1484271	25	77178	Misc. Entry	ramp 22 90.8
1484270	25	77178	Returned	
1484267	25	77178	Misc. Entry	spaulding IB needing Cart
1484257	25	77178	Misc. Entry	just passed berners bay @ 1801 PST
1484252	25	77178	Misc. Entry	Approaching endicott Ridge PST
1484210	25	77178	Misc. Entry	passing chilkat lake PST
1484208	25	77178	Misc. Entry	41% fuel
1484206	25	77178	Misc. Entry	called per sat phone IBw/1 asked about wx
1484201	25	77178	Misc. Entry	headed to JNU per ST
1484199	25	77178	Misc. Entry	at Big Nugget PST, Still no flipped switch or call
1484188	25	77178	Misc. Entry	Cahoon Crk for Big Nugget, Missed Ping @ 1659 PST
1484186	25	77178	Misc. Entry	missed ping but @ big nugget PST
1484166	25	77178	Tach Time from Hobbs Entry	
1484158	25	77178	Departed	8:21:48 AM
1484157	25	77178	Departure Time	8:21:48 AM
1484149	25	77178	Misc. Entry	Cahoon for Big Nugget PST
1484124	25	77178	Misc. Entry	1659 flipped switch 1530 NXT
1484121	25	77178	Misc. Entry	started up PST @ 1657

1484111	25	77178	Misc. Entry	still shut down/SBCahoon Crk PST
1484069	25	77178	Misc. Entry	shut down cahoon creek 59 20.91 N, 136 15.59 W PST
1484056	25	77178	Misc. Entry	still SB/ shut down Cahoon Crk PST
1484021	25	77178	Time	8:00:00 AM
1483994	25	77178	Misc. Entry	last per DC on Sat phone
1483988	25	77178	Duration in Minutes	570
1483985	25	77178	Duration in Minutes	450
1483984	25	77178	Misc. Entry	s/b cahoon 1700 next
1483982	25	77178	Misc. Entry	Landing Cahoon Crk
1483976	25	77178	Misc. Entry	35 mile for Cahoon Crk
1483967	25	77178	Misc. Entry	Landed 35 mike PST
1483963	25	77178	Misc. Entry	Cahoon Crk to 35 mile for fuel
1483959	25	77178	Misc. Entry	still shut down Cahoon Crk PST and no swith/call
1483945	25	77178	Misc. Entry	shut down cahoon PST 59 20.91 N, 136 15.59 W
1483930	25	77178	Misc. Entry	shut down cahoon PST
1483920	25	77178	Misc. Entry	layed down Cahoon Crk PST
1483915	25	77178	Misc. Entry	30M NXT Switch PST @ 1501, 1530 NXT
1483865	25	77178	Misc. Entry	working cahoon PST
1483863	25	77178	Misc. Entry	still working Cahoon Creek PST
1483846	25	77178	Misc. Entry	backworking cahoon PST
1483845	25	77178	Misc. Entry	start up porcupine PST
1483844	25	77178	Misc. Entry	Start up PST @ 1406
1483770	25	77178	Misc. Entry	shut down big nugget/porcupine area PST
1483767	25	77178	Duration in Minutes	400

1483679	25	77178	Misc. Entry	per sat phone, landed porcupine fueling 1500 next
1483664	25	77178	Misc. Entry	no call/switch yet, big nugget PST
1483628	25	77178	Misc. Entry	working cahoon crk still PST
1483627	25	77178	Misc. Entry	for Cahoon PST
1483595	25	77178	Misc. Entry	big nugget PST
1483584	25	77178	Misc. Entry	1305 flipped switch 1335NXT
1483550	25	77178	Misc. Entry	still working cahoon PST
1483529	25	77178	Misc. Entry	1235 flipped switch 1305 NXT
1483517	25	77178	Misc. Entry	backworking cahoon PST
1483513	25	77178	Misc. Entry	big nugget PST
1483500	25	77178	Misc. Entry	30 min next switch, 1230 next contact
1483498	25	77178	Misc. Entry	working cahoon PST
1483492	25	77178	Misc. Entry	big nugget PST
1483471	25	77178	Misc. Entry	59 20.91 N, 136 15.59 W PST
1483464	25	77178	Misc. Entry	Big nugget PST
1483462	25	77178	Misc. Entry	59 20.91 N, 136 15.59 W, layed down PST
1483459	25	77178	Misc. Entry	started working cahoon crk PST
1483454	25	77178	Misc. Entry	59 20.73 N, 136 15.03 W PST
1483419	25	77178	Misc. Entry	start up off big nugget PST
1483417	25	77178	Misc. Entry	shut down outside of constantine main camp PST
1483416	25	77178	Misc. Entry	still shut down Big Nugget PST

1483413	25	77178	Misc. Entry	shut down Big Nugget PST
1483386	25	77178	Misc. Entry	per (sat ?) phone, still setting up 1200 next
1483384	25	77178	Misc. Entry	before shutting down?
1483383	25	77178	Misc. Entry	OC notified of no call, possible switch flipped
1483378	25	77178	Misc. Entry	still sitting at big nugget PST.. no call yet
1483373	25	77178	Misc. Entry	sitting at big nugget PST
1483355	25	77178	Misc. Entry	Start up Porcupine PST
1483354	25	77178	Misc. Entry	Shut Down Porcupine PST
1483346	25	77178	Misc. Entry	back at porcupine PST
1483329	25	77178	Misc. Entry	@snow lion camp PST
1483312	25	77178	Misc. Entry	porcupine PST
1483296	25	77178	Misc. Entry	file, radio called in @ 0850
1483295	25	77178	Misc. Entry	Davidsons for Porcupine 1000 NXT, logged in wrong
1483272	25	77178	Misc. Entry	past sullivan river PST
1483248	25	77178	Misc. Entry	endicott PST
1483221	25	77178	Misc. Entry	porcupine w/ 186.3 100%
1483217	25	77178	Departed	
1483189	25	77178	Ready To Launch	False
1483188	25	77178	Manifest Printed	
1483187	25	77178	Operator	
1482455	25	77178	Vessel	
1482454	25	77178	DateChange	09/01/13



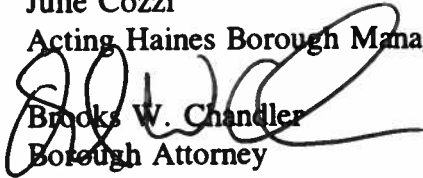
1482333	25	77178	Vessel	360CH
1482290	25	77178	Duration in Minutes	180
1481837	25	77178	DateChange	08/31/13
1479686	25	77178	DateChange	08/30/13
1477422	25	77178	DateChange	08/28/13
1475119	25	77178	DateChange	08/24/13
1473193	25	77178	DateChange	08/23/13
1471057	25	77178	Operator	
1471056	25	77178	Time	9:00:00AM
1471053	25	77178	Vessel	
1471052	25	77178	DateChange	08/22/13
1470850	25	77178	DateChange	08/21/13
1468069	25	77178	DateChange	08/20/13
1468066	25	77178	Vessel	360CH
1466767	25	77178	DateChange	08/19/13
1461627	25	77178	DateChange	08/15/13
1459242	25	77178	Use Tour Duration Defaults	True
1459241	25	77178	WB Default Tach in Minutes	90
1459240	25	77178	WB Tach in Minutes	90
1459239	25	77178	Tach in Minutes	90
1459238	25	77178	Duration in Minutes	110
1459224	25	77178	New Record Added	

**BOYD, CHANDLER & FALCONER, LLP**  
ATTORNEYS AT LAW  
SUITE 302  
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## **MEMORANDUM**

### **CONFIDENTIAL ATTORNEY CLIENT/COMMUNICATION ATTORNEY WORK PRODUCT**

**TO:** Julie Cozzi  
Acting Haines Borough Manager

**FROM:**   
Brooks W. Chandler  
Borough Attorney

**DATE:** December 28, 2015

**SUBJECT:** WILSON HELIPAD CONDITIONAL USE APPLICATION

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You have asked for our analysis of whether information submitted by the property owner of past historical use of a property generically referenced as "Mile 35" for helicopter landings constitutes a nonconforming use allowed by right by Title 18 of the Haines Borough Code of Ordinances. We have examined the history of use of the relevant property for helicopter landings and takeoffs as well as applicable provisions of Title 18 and general legal principles pertaining to nonconforming use property rights. Based on that review we have concluded as follows:

1. The past use of the property for helicopter landings does constitute a valid nonconforming use.
2. The scope of this nonconforming use should be limited to a specific number of helicopter landings per calendar year based on past historical levels of use.
3. The proposed use of the heliport in connection with commercial ski tours is a material change in the intensity of the nonconforming use for which a conditional use permit is required.

Based on these conclusions we recommend you inform the Planning Commission that seasonal use of the property as a substitute heliport for the Mile 33 heliport previously used

by Alaska Heliskiing does not qualify as a nonconforming use and requires a conditional use permit.

The reasons for these conclusions and recommendation are discussed in greater detail below.

## **FACTS**

### **Ownership History of Property**

On November 3, 2008 Vicki Gardner and Michael Wilson were deeded a portion of U.S. Survey 3426<sup>1</sup>. Two deeds were issued by the previous owners. One deed indicates the property was “also showing of record as Lot 2 Choate Subdivision, First Addition according to Plat 94-20”. The second deed only references Lot 3 of the same subdivision. The referenced plat predated the existence of a platting authority and divides a portion of U.S. Survey 3426 into 3 lots. Lot 2 (“the Property”) is immediately adjacent to the Haines Highway and is shown as 10 acres in size. Lot 3 abuts Lot 2 and is also shown as 10 acres in size. The plat contains metes and bounds legal descriptions for Lot 1 and Lot 2 but not for Lot 3<sup>2</sup>. The metes and bounds description of Lot 2 on the 2008 deed appears intended to match the metes and bounds description on the plat.

### **Zoning Regulations**

Title 18 of the Haines Borough Code was amended effective March 22, 2011 by Ordinance No. 11-02-257 to require persons wishing to use property in the general use district as a heliport to obtain a conditional use permit. Prior to March 22, 2011, a heliport was a permitted use in the general use district.

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<sup>1</sup> Ms. Gardner signed a deed conveying her interest in Lot 2 and the adjacent 10 acre Lot 3 parcel to Mr. Wilson on August 19, 2015.

<sup>2</sup> Borough property tax records separately track “lot 3 Choate Subdivision” (tax ID # 3-HHY-36-0300) and “A tract of land in USS 3626 (tax ID # 3-HHY-36-3426). The CUP application references 3-HHY-36-3426. This is presumed to be Lot 2 on the 1994 plat.

### **Heliskiing and Helicopter Business Operations and Ownership Relevant to Historical Use of the Property**

On January 12, 2005, an Alaskan limited liability corporation called Alaska Heliskiing LLC was incorporated. The company ("Alaska Heliski"), identified its business as "providing heliskiing tour services". Its principal office was located at 33 Mile Haines Highway. The members were Sean Brownell (49% owner) and Vicki Gardner (51% owner)<sup>3</sup>. Alaska Heliski receives an annual "skier day" allocation from the borough. The 2014 allocation was 1,400 skier days. Due in part to poor conditions, 792 skier days were used by Alaska Heliski in 2014.

Mr. Wilson is an employee of Coastal Helicopters ("Coastal")<sup>4</sup>. Coastal has been in business since 1989. Coastal contracts with Alaska Heliskiing to transport Alaska Heliskiing clients between a heliport located at 33 Mile and whatever terrain is being skied on a particular day. Alaska Heliskiing rents the 33 Mile helipad location from Robert Harris on a seasonal basis.

### **Historical Use of the Property**

The current owner provided two versions of a "Notice of Landing Area Proposal"<sup>5</sup> on a preprinted federal form. One signed and dated December 3, 2008 and a second signed and dated January 18, 2009. We have reviewed information contained in both forms but have not determined if both were actually submitted. The forms indicated a plan for "establishment or

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<sup>3</sup> As of February 4, 2014, Ms. Gardner had transferred her ownership interest to Powderfish LLC. Powderfish is owned by Ryan Johnson.

<sup>4</sup> Coastal is a wholly owned subsidiary of THI, Inc. which itself is a wholly owned subsidiary of Survey Point Holdings, Inc. Survey Point has 3 shareholders including a fourth corporation Carrix, Inc.

<sup>5</sup> The FAA does not "approve" private heliports and has recently decided not to certify public heliports. As of the time the application was submitted, federal regulations (14 CFR Part 157) required 90 days advance notification to FAA of any "activation" of a "civil airport". "Airport" was defined to include a Heliport. For reasons discussed in footnote 8 below, the property owner did not notify FAA they were "activating" the landing area until 2012.

activation” of a heliport for private use<sup>6</sup>. The identified dimensions of the final approach and take off area were listed as 150' X 150' with the lift-off and touch down area dimensions listed as 100' X 100' (10,000 sq. ft.). The estimated number of monthly landings identified in the notice as of 2008 was 40 with an estimate of 65 landings per month projected by 2014.

The FAA inspected the site in June of 2009 and “determined that the proposed private use landing area will not adversely affect the safe and efficient use of the navigable airspace” on August 24, 2009. The FAA determination letter requested the property owner “notify the FAA within 15 days of completing the landing area by calling the FAA . . . to let them know you are activating the landing area”. An Airport Master Record Form was enclosed with the FAA determination letter<sup>7</sup>. The heliport is currently identified on the FAA Airport Master Record form as the “35 Mile Lodge” private use airport with location number AA35.

There are some deteriorated structures on the property. It does not appear the structures have been used for residential or commercial purposes. The Borough assessor indicated no physical improvement of the property consistent with “construction” of a helipad has been made<sup>8</sup>. The property does have existing flat areas conducive to helicopter landings. A fueling station was placed on the property in 2009 or 2010. We assume this is not much more than drums of fuel with a dispensing device.

Helicopters owned by Coastal landed on the property before the zoning change in 2011. Landings occurred during Alaska Heliski operations when snow conditions made the Old Haines Highway impassable limiting use of the usual 33 mile helipad. This occurred a few days each year over the course of 4 years. Refueling landings of Coastal occurred three

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<sup>6</sup> The “private” designation meant that the heliport was intended for use only by the property owner and persons authorized by the property owner.

<sup>7</sup> The August 24, 2009 letter was not received by the property owners because it was addressed to “35 Mile Old Haines Highway” rather than a mailing address. This resulted in the 2009 application lapsing effective February 24, 2011. A new application was submitted January 31, 2012. The second approval was issued by FAA on June 21, 2012.

<sup>8</sup> A construction declaration permit would have been required for any heliport facilities involving construction that exceeds \$5,000 in value or exceeds 500 square feet. HBC 18.30.010(A)(2)(c).



times in 2010, once in 2011, 3 times in 2012, once in 2013 and once in 2014<sup>9</sup>. Constantine Mine landed a helicopter on the property to inspect the fuel system in 2011 and used the site when working on a communications system in 2015. FAA landed a helicopter on the property for a site inspection in 2012. Landings occurred related to site clearing and upkeep of the fuel system in April 2015. In summary, the landing information supplied by the property owner references between 15 and 30 landings over the past 6 years<sup>10</sup>. The Property has also been used for “unscheduled maintenance” of helicopters owned or operated by Coastal.

No written agreement between Coastal and Mr. Wilson or between Alaska Heliskiing and Mr. Wilson regarding use of the Property for helicopter landings has been provided. We assume any use of the property for landing helicopters between 2008 and 2011 was with the permission of the property owners without payment of rent or any use fee<sup>11</sup>.

#### **Conditional Use Permit (“CUP”) Application**

A conditional use permit application was submitted on September 24, 2015 by Micheal Wilson. The CUP was for development of a helipad on a 10.4 acre property and for use of the property for helicopter operations. A property tax ID number corresponding to Lot 2 was referenced in the CUP application. The narrative indicated Mr. Wilson intended to “allow Alaska Heli-Skiing operation to move from the road side operation among residences at 33 mile” to the Property. The Property was described as having “a residence on the property” with accommodation facilities, restrooms and kitchen facilities with an existing 40’ X 60’ foundation intended to facilitate construction of a lodge. The application indicated there were “plans” for additional lodging, restrooms and food service on the Property.

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<sup>9</sup> It is not clear if Coastal purchased and stored the fuel at the site or whether fuel was sold by Mr. Wilson to Coastal.

<sup>10</sup> The property owner was not able to provide precise information about the frequency of “snow day” landings. The estimate assumes 5-20 total snow day landings.

<sup>11</sup> Such fees would have been subject to Borough sales tax unless “not made in the regular course of business”. HBC 3.80.030(A), 3.80.050(1). No sales tax reports reflecting rent or lease of the property to Coastal or Alaska Heliski for use as a heliport between 2008 and 2011 are in borough records.

On December 10, 2015 the CUP application came before the Planning Commission for consideration. At that meeting Mr. Wilson and Mr. Brownell presented information regarding historical use of the Property as a heliport which “made the commissioners question whether this heliport was pre-existing and did not need a conditional use permit”<sup>12</sup>. The planning commission adopted a motion to refer this nonconforming use question to the acting borough manager for a decision<sup>13</sup>.

## LAW

### Haines Borough Code of Ordinances

The general purposes of regulation of the use of private property in the Borough are set forth at HBC 18.10.020. These include ensuring “that the growth and development of the borough is in accord with the values of its residents”, that “growth is of a type, design and location that conforms to community standards” and “[t]o achieve the goals and implement the policies of the Haines Borough comprehensive plan”.

Title 18 of the Haines Borough Code designates property within the Borough into various zoning districts. The Property is located in the general use district. As mentioned above, Title 18 of the Haines Borough Code was amended effective March 22, 2011 by Ordinance No. 11-02-257 to require persons wishing to use property in the general use district as a heliport to obtain a conditional use permit.

HBC 18.20.020 defines “Heliport” as “a use or designated site for the routine commercial or private general operations, landing, takeoff, parking, storage, fueling, and/or maintenance of helicopters”. Heliports are also specifically referenced in the definition of a “Industrial, heavy” use.

Title 18 also contains what is commonly known as a “grandfather rights” provision whose more legal sounding name is “nonconforming use”. Such a provision which exempts existing uses from complying with new restrictions “is ordinarily included in zoning ordinances because of the hardship and doubtful constitutionality of compelling the immediate

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<sup>12</sup> Goldberg e-mail to Cozzi (Dec. 11, 2015).

<sup>13</sup> Regardless of your interpretation relative to the property owner’s rights, Alaska Heliskiing cannot be issued a commercial ski tour permit based on use of a heliport on Lot 2 unless this site has received a conditional use permit from the Planning Commission. HBC 5.18.080(F)(14).

discontinuance of nonconforming uses.”<sup>14</sup> The concept of a nonconforming use exception to otherwise applicable zoning code provisions can be succinctly stated as “allowing someone already doing something to continue doing it even if they would be stopped by the new restriction<sup>15</sup>”.

HBC 18.60.020(M)(2)(A) identifies a nonconforming use as a “use which is prohibited or conditional under this title, but which was lawful prior to the effective date of this title or any subsequent revisions.”(emphasis supplied)<sup>16</sup>. “Use” is defined as “any significant activity on a lot” and includes “ [c]hange in the use or material increase in the use of a site”<sup>17</sup>. A nonconforming use “may be changed to an allowed use or another nonconforming use with approval of the manager”<sup>18</sup>.

The borough manager is authorized to administer Title 18. Questions regarding the manner in which Title 18 is administered by the manager may be appealed to the planning commission<sup>19</sup>. This includes any manager interpretation of Title 18 provisions<sup>20</sup>.

There is no specific code reference to “enlargement” of a nonconforming use<sup>21</sup>. Therefore this question is properly determined initially by the borough manager as an

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<sup>14</sup> County of San Diego v. McClurken 234 P.2d 972, 975 (CA. (1951).

<sup>15</sup> Black's Law Dictionary 629 (5th ed.1979).

<sup>16</sup> This is consistent with the general definition of non conforming use. HBC 18.20.020 states: “Nonconforming use” means a lot, building, use, or portion thereof, which was lawfully erected, altered or maintained, but no longer conforms to the provisions for the zone in which it is located.”

<sup>17</sup> HBC 18.20.020.

<sup>18</sup> It does not make sense to require manager approval of an “allowed” use. If a use is allowed manager approval should not be required.

<sup>19</sup> HBC 18.30.050.

<sup>20</sup> HBC 18.30.110.

<sup>21</sup> This differs from nonconforming structures. HBC 18.60.020(M)(2) specifies a nonconforming building cannot be enlarged or replaced but can be repaired provided the repair does not “extend or expand the previously existing nonconformity”.

interpretation of Title 18. Court decisions in Alaska and other states on the subject of nonconforming uses provide useful guidelines.

### **Court Decisions**

The legal principles relating to nonconforming uses attempt to balance the competing policies of protecting property interests and avoiding the expansion of uses that are no longer appropriate to a neighborhood<sup>22</sup>. Generally, the burden is on the property owner to establish a particular use qualifies as a nonconforming use<sup>23</sup>. To qualify as a nonconforming use, the existing use must have been more than intermittent or occasional<sup>24</sup>. The continued nonconforming use must be similar to the use existing at the time the zoning ordinance became effective<sup>25</sup>.

In order to determine whether a use should be considered a "continuation" of a prior use or a "change" in use, courts have considered whether the use has a substantially different effect on the neighborhood<sup>26</sup>. Intensification is permissible, however, where the nature and character of the use is unchanged and substantially the same facilities are used. The test is whether the intensified use is "different in kind" from the nonconforming use in existence

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<sup>22</sup> Wende v. Board of Adjustment of City of San Antonio, 27 S.W.3d 162 (Tex.App. 2000).

<sup>23</sup> SNPCO, Inc. v. City of Jefferson City, 363 S.W.3d 467, 474 (Tenn.2012).

<sup>24</sup> 1 R. Anderson, *Zoning* § 6.32, at 550 (3d ed. 1986); Meridian Minerals Co. v. King County, 810 P.2d 31, 37 (Wa. App. 1991). *See also*, *Zoning: Changes, After Adoption of Zoning Regulations, in Respect of Nonconforming Existing Use*, 147 A.L.R. 167, 168 (1943).

<sup>25</sup> Hansen Brothers Enterprises, Inc. v. Board of Supervisors, 907 P.2d 1324, 1330 (Ca. 1996); Salerni v. Scheuy, 102 A.2d 528, 532 (Conn. 1954)(change in restaurant operations from selling beer only to selling beer and liquor is a change in character and improper expansion of a nonconforming use). *See also* 8A McQuillin, *Municipal Corporations*, § 25.206, p. 114.

<sup>26</sup> Town of Wolfeboro v. Smith, 556 A.2d 751, 759 (N.H. 1989).

when the zoning ordinance was adopted<sup>27</sup>.

Factors used by courts in determining whether an activity is within the scope of a nonconforming use include: “(1) the extent to which the current use reflects the nature and purpose of the original use; (2) any differences in the character, nature and kind of use involved; and (3) any substantial difference in effect upon the neighborhood resulting from differences in the activities conducted on the property.”<sup>28</sup>

Helicopter Associates, Inc. v. Stamford, 519 A.2d 49 (Conn. 1986) is the closest factual case. The property owner had made an oral agreement with a helicopter company to allow use of his property as a heliport. The helicopter company planned to provide helicopter transportation services to local businesses. The company purchased two helicopters, hired pilots and began business operations on the property. The property owner made improvements to facilitate use of the property as a heliport including paving the site, painting landing lines and installing a windsock. In July of 1980 the helicopter company applied for a state license to operate a commercial heliport on the property. Such a license was required if more than 36 takeoffs and landings would take place each year. Two months after the license application was submitted city zoning regulations were changed to delete heliports as a permitted use. As of the date of this ordinance change ten takeoffs and landings had occurred. The state license was issued 8 months after the zoning change. The state license did not have a “cap” on the number of permitted takeoffs and landings from the property.

The trial court found that allowing an unlimited number of helicopter flights would constitute an improper expansion or change in character of the previous nonconforming use. The court found that the prior commercial flights were “merely casual” and prohibited all use of the property as a commercial heliport. This decision was modified on appeal by the Connecticut Supreme Court. The court first concluded that the prior operations as of the date of the zoning code change constituted use of the property as a commercial heliport. The

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<sup>27</sup> Keller v. Bellingham, 600 P.2d 1276, 1281 (1979)(adding 6 electrolytic cells to the production line of a chlorine manufacturing plant was a permitted intensification rather than a prohibited enlargement of a nonconforming manufacturing use); quoted in, Meridian Minerals Co. v. King County, 810 P.2d at 38-39(increase of about 3.4 times the annual average production of quarry rock a prohibited enlargement of the prior nonconforming use).

<sup>28</sup>Connecticut Resources Recovery Authority v. Town of Wallingford, 626 A.2d 705 (Conn. 1993).

court also found that the legal extent of this use as of the time of the zoning ordinance change was limited to 36 flights per year. The court held that up to 36 flights per year could be conducted on the property as a valid nonconforming use but that unlimited commercial flights would constitute an impermissible expansion of the nonconforming use.

In doing so, the court said “a mere increase in the amount of business done pursuant to a nonconforming use is not an illegal expansion of the original use . . . A change in the character of a use, however, does constitute an unlawful extension of the prior use.” The court felt that an unlimited number of flights was a “change in character”.

In Stephan and Sons, Inc. v. Municipality of Anchorage, 685 P.2d 98 (Alaska 1984) the Alaska Supreme Court considered whether a nonconforming use of property as a gravel pit was limited to thirteen acres of a 53 acre parcel or was allowed to continue on the entire 53 acres. The Anchorage nonconforming use ordinance specifically prohibited expansion of existing nonconforming uses “to occupy a greater area of land”. The Alaska Supreme Court approved a “doctrine” specific to mineral extraction uses of property called the “diminishing asset” doctrine. This rule allows a property owner to continue nonconforming resource extraction activity despite a prohibition on expansion adopted by ordinance if the property owner can prove an “objectively manifested intent” based on historical use to extend the historical use over the entire property. But the court found the property owner failed to establish such an intent because at the time gravel pit restrictions were added to the Anchorage code the existing operation covered only a small area of the property. This outcome is consistent with decisions in other states which have held that “mere preparation” for a specific use is not enough to establish a pre-existing non-conforming use. Rather “substantial steps” in commencement of a use are required<sup>29</sup>.

## ANALYSIS

The issue presented is whether the past use of the property as a heliport for less than 50 takeoffs and landings creates a legal right to use the same heliport for an unlimited number of takeoffs and landings without obtaining a conditional use permit. In our opinion, the answer is no.

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<sup>29</sup> City of Pharr v. Pena, 853 S.W.2d 56, 64 (Tex.Ct.App.1993); Dickson County v. Jennette, 2000 WL 1121550 (Tenn.Ct.App. Aug. 9, 2000)(property owner was not “in operation” for mineral extraction use when had only blasted on two occasions and made one sale of rock prior to change in zoning code).



We believe at best any “nonconforming” use of the Property as a heliport should be limited to a number of annual takeoffs and landings similar to the number that occurred between November of 2008 and the 2011 revision to the general use district zoning ordinance. The past use of the property as a heliport was intermittent and not at a commercial level. Arguably, this use fails to establish a legal nonconforming use at any level of commercial activity. There is no indication of any pre-2011 formal agreement between Coastal and the property owner such as a lease for a specific term or a per landing fee. Neither the property owner, Alaska Heliski nor Coastal identified this location on a pre 2011 borough business license or commercial tour permit as a location where helicopter takeoffs and landings were occurring or were anticipated to occur. There is no indication of any pre-2011 investment in improvements related to development of a heliport intended for more than infrequent intermittent use.

The FAA approval effort is consistent with a general desire for future commercial use of the property as a helipad with up to 40 landings per month. This desire may have included possible winter heliski operations. However, nonconforming use status should be based on actual historic use as of the date of a change in the zoning regulations not possible or contemplated future use. Actual historic use was quite limited. In our opinion, this limited historic use is not sufficient to qualify the property for unlimited use as a commercial heliport.

We believe it is obvious unlimited use of the property for commercial heliport operations will have a substantial impact on the neighborhood compared to pre-2011 use of Lot 2 as a helipad. The likely expansion in use can be estimated based on the amount of skier days either allocated to or used by Alaska Heliski in 2014. Using a conservative estimate of a single take off and landing from the heliport per ski day (no return for lunch) and filling the helicopters used to maximum capacity a level of use of between 100 and 200 landings per season is a reasonable estimate. This is an increase of 10-40 times a historic level of use prior to the change in zoning code requiring a conditional use permit. In our opinion, such an increase in use cannot meet applicable legal criteria for an existing nonconforming use.

### **RECOMMENDATION**

We recommend you inform the property owner and the Planning Commission that nonconforming use status is limited to documented past levels of historic use between 2008 and 2011. A suggested letter to the Planning Commission chair is attached.

**Wilson Helipad Conditional Use Application Memorandum**

**December 28, 2015**

**Page 12**

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Because SEABA is currently threatening to sue the Borough and may assert nonconforming use rights as part of its lawsuit, we recommend you keep this memorandum confidential at this time.

If you have any questions regarding this topic, please let me know.

**From:** [Rob Goldberg](#)  
**To:** [Julie Cozzi](#)  
**Cc:** [Jan Hill](#); [Kathy Friedle](#)  
**Subject:** 35 Mile Heliport CUP  
**Date:** Friday, December 11, 2015 10:53:04 PM

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Hi Julie,

At the Planning Commission's meeting of December 10th we had a discussion with Michael Wilson, the applicant and property owner, as well as with Sean Brownell, the owner of Alaska Heliskiing, who wishes to use the proposed heliport. They said that the property was purchased in 2008 with the intent to have a heliport there. They cleared a site and showed us a letter from the FAA which approved it as a heliport. They also showed us a log of landings and re-fueling that had taken place at the site from 2009 on.

The requirement for a heliport to have a conditional use permit in the General Use zone was enacted in 2011. The evidence presented to us at the meeting made the commissioners question whether this heliport was pre-existing and did not need a conditional use permit. A motion was made, and approved unanimously, that this be sent to you, as acting Borough Manager, for a decision. I would be happy to discuss this with you further, if you need more background information.

Thank you.

Rob Goldberg  
Chairman, Haines Borough Planning Commission

Rob Goldberg and Donna Catotti  
Catotti and Goldberg Art Studio  
PO Box 1154 Haines, AK 99827 USA  
907-766-2707  
artstudioalaska.com

**From:** [S Diggity](#)  
**To:** [Julie Cozzi](#)  
**Subject:** 35 mile use by right summary  
**Date:** Saturday, December 12, 2015 7:34:34 AM

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To the borough manager,

I believe that the previous historical helicopter activity at 35 mile has been substantial enough to claim that this pre-existing use has allowed a use by right helipad. We have met the requirements as outlined in borough code and can provide sufficient documentation to back this up.

I was fortunate to have a great working relationship with Jerry and Kathy Lapp while using the helipad at 33 mile and it was during that time when Jerry Lapp suggested I try to Purchase the property at 35 mile from Sunny Jones. Jerry advised that I could land helicopters up there as a use by right and Jerry told me that it was an ideal spot to operate because there were no neighbors within approximately a mile of the property.

I contacted my long time friend and pilot Mike Wilson who works at coastal helicopters and together we purchased the land in 2008 with the intent of putting in a helipad to conduct commercial helicopter business at the 35 location. At the time of purchase and for many years after, helipads were allowed in the general use zone as a use by right and the helipad at 35 mile has been used lawfully ever since without a single complaint.

In 2009 we applied to the FAA for a helipad on the property and in June of 2009 the FAA flew by helicopter and landed at the site for an inspection. In August of 2009 the FAA mailed out a letter of approval of the helipad at our 35 mile property.

After the approval in 2009 we placed a fueling system on sight and have been landing helicopters up there for many different types of commercial helicopter activities every year since 2009 without ever having a complaint or a 2 year lapse in activity. These routine commercial activities have included refueling, helicopter maintenance, transport of cargo and personnel for mining and communication operations as well as the installation of a microwave tower that directs high speed internet across the Khehini valley to Constantine minerals camp at Porcupine.

From a logistical standpoint the helipad at 35 mile is strategic to Helicopters transiting from Juneau to the interior around Fairbanks and beyond. Topping off with fuel at 35 mile safely allows pilots to fly the shortest route to Fairbanks over Canada to the next refueling station in TOK. Helicopters might otherwise have to fly along the coast which takes many many more hours of flight and fuel. 35 Mile helipad provides an economical and safety benefit to all helicopters flying to the interior of Alaska from southeast AK.

As you may know, the state of Alaska highway maintenance crew has abandoned this Mile long stretch of highway where the 35 mile property is located and there are no longer any road services to the 35 mile property. There have been a number of occasions when we have accessed the property by helicopter in the winter and spring to do routine maintenance on the property when the road is impassable. Helicopters have landed up there during Heliski season so we could shovel snow off the buildings and do repairs for damages caused to the structures by heavy accumulated snowfall. We have had substantial snow damage that crushed some of the additions to a couple buildings on more than one occasion and have had to make many major repairs over the years. It snows a lot up there.

There has also been a few occasions when Heliski guests were snowed in at 35 and we had to extract them and their belongings from the property by helicopter. We use the building at 35 to house some of our guests during Heliski season.

A timeline of helicopter activity has been provided with a packet of supporting documentation from coastal helicopters flight logs and other various documents to substantiate our claims. I believe we have provided enough documentation to prove the point we are making. If you need anything else

please don't hesitate to ask.

Thank you for taking the time to make a determination for us on the use by right helipad that we have been operating from at 35 mile since 2009.

Have a great day and I am looking forward to your reply,

Sincerely,

Sean Brownell

Shred the Pow

> On Dec 11, 2015, at 2:50 PM, Julie Cozzi <jcozzi@haines.ak.us> wrote:

>

> I think an actual written letter from you guys that this is a preexisting heliport and the reasons why it should qualify as a use-by-right. I will then attach all of the other documentation to that letter and make my ruling as manager. Does that sound okay?

>

> Julie

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> -----Original Message-----

> From: S Diggity [<mailto:heliskialaska@gmail.com>]

> Sent: Friday, December 11, 2015 2:45 PM

> To: Julie Cozzi

> Subject: 35 mile

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> Hello Julie,

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> Please let me know what else you may need from us to make your job easier on the 35 mile use by right helipad.

>

> Mike has flown back to Juneau so he can access his computer and we are here ready to help!

>

> Sincerely,

> Sean Brownell

>

> Shred the Pow

**From:** [haines35lodge@gmail.com](mailto:haines35lodge@gmail.com)  
**To:** [Julie Cozzi](#)  
**Subject:** 35 Mile heli pad  
**Date:** Monday, December 14, 2015 4:04:49 AM

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Hi Julie,

I am writing to back up the letter sent by Sean. I don't need to restate all he has said.

I will reiterate the logistical advantage of the area for ferrying helicopters to the interior. It does save fuel and time to go the interior Canadian route if we do not have to land in Canada and clear customs. We used to be able to fly from Juneau to Northway (just barely), when Northway lost it's fuel vendor we used the coastal route until we began to be able to fuel at 35 mile.

We have used the location for some unscheduled maintenance troubleshooting, it is remote but has amenities that help greatly; phone, facilities, and fuel. The area is safe to be in and easily accessible in the summer (thanks to the work Sean has done to keep the road open).

Thank you for taking the time to work on this. If you have any questions please call me when ever.

Mike

Mike Wilson  
Juneau Alaska  
907-209-0845



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 freeskiier/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

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

**Kathy Friedle**

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**From:** Renee Hoffman [neybear11@yahoo.com]  
**Sent:** Thursday, February 11, 2016 8:55 AM  
**To:** Kathy Friedle  
**Cc:** Brad Ryan  
**Subject:** Fwd: Brochure Illustrations  
**Attachments:** CVP Brochure Illustrations.pdf

Kathy,

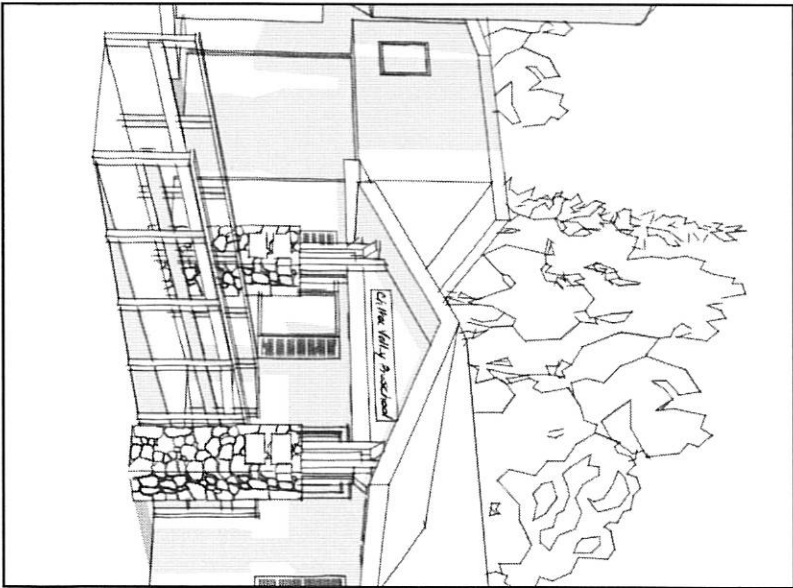
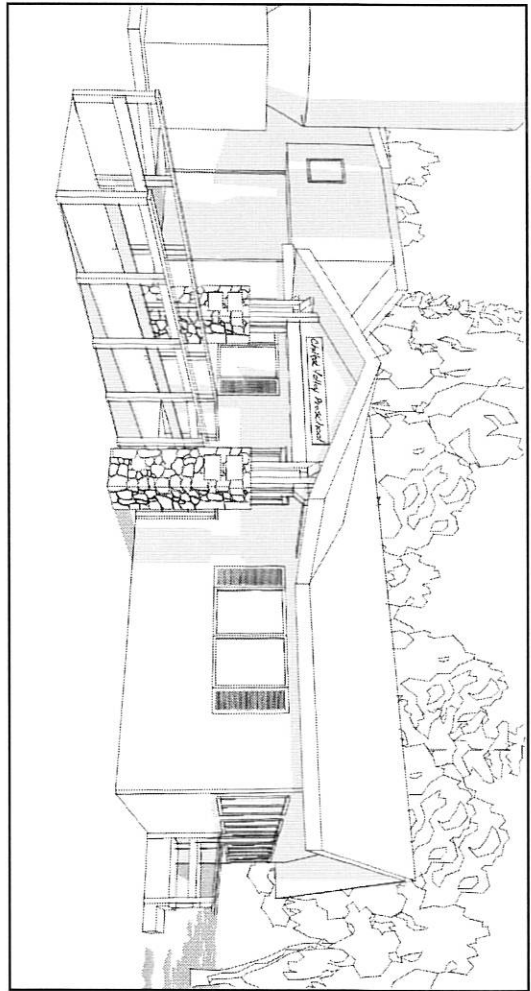
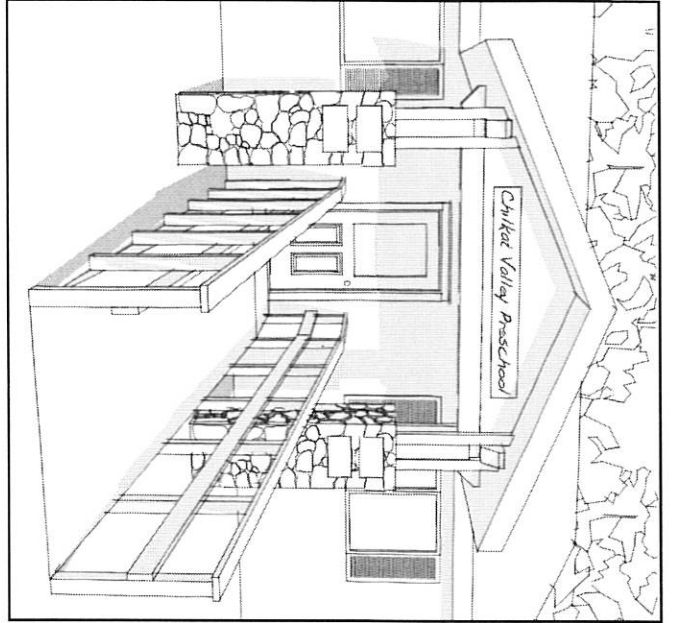
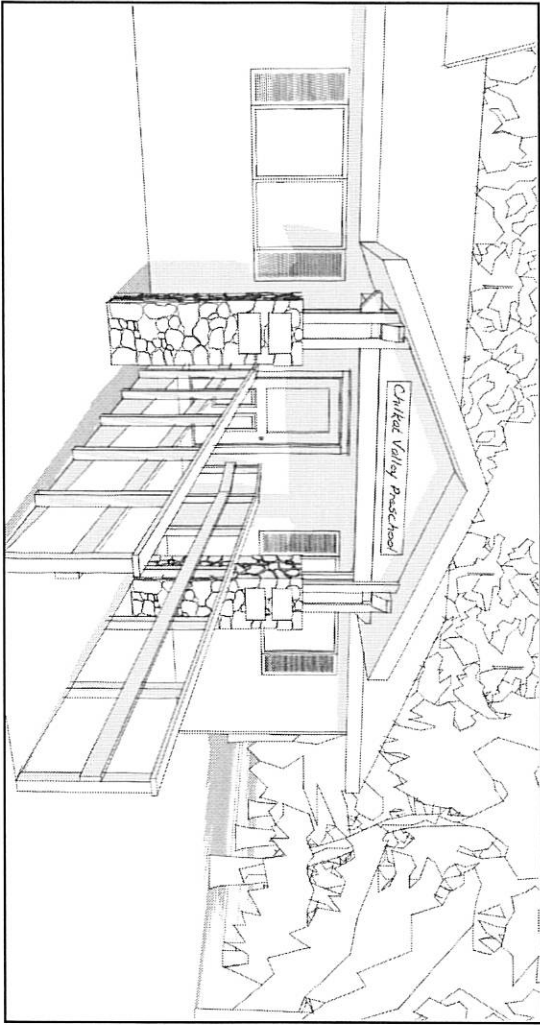
*Attached* Below are the following exterior drawings for the addition. Thank you for getting them to the commission. I also sent an ariel view so they can see its proximity to the park and existing structure.

Thanks Renee

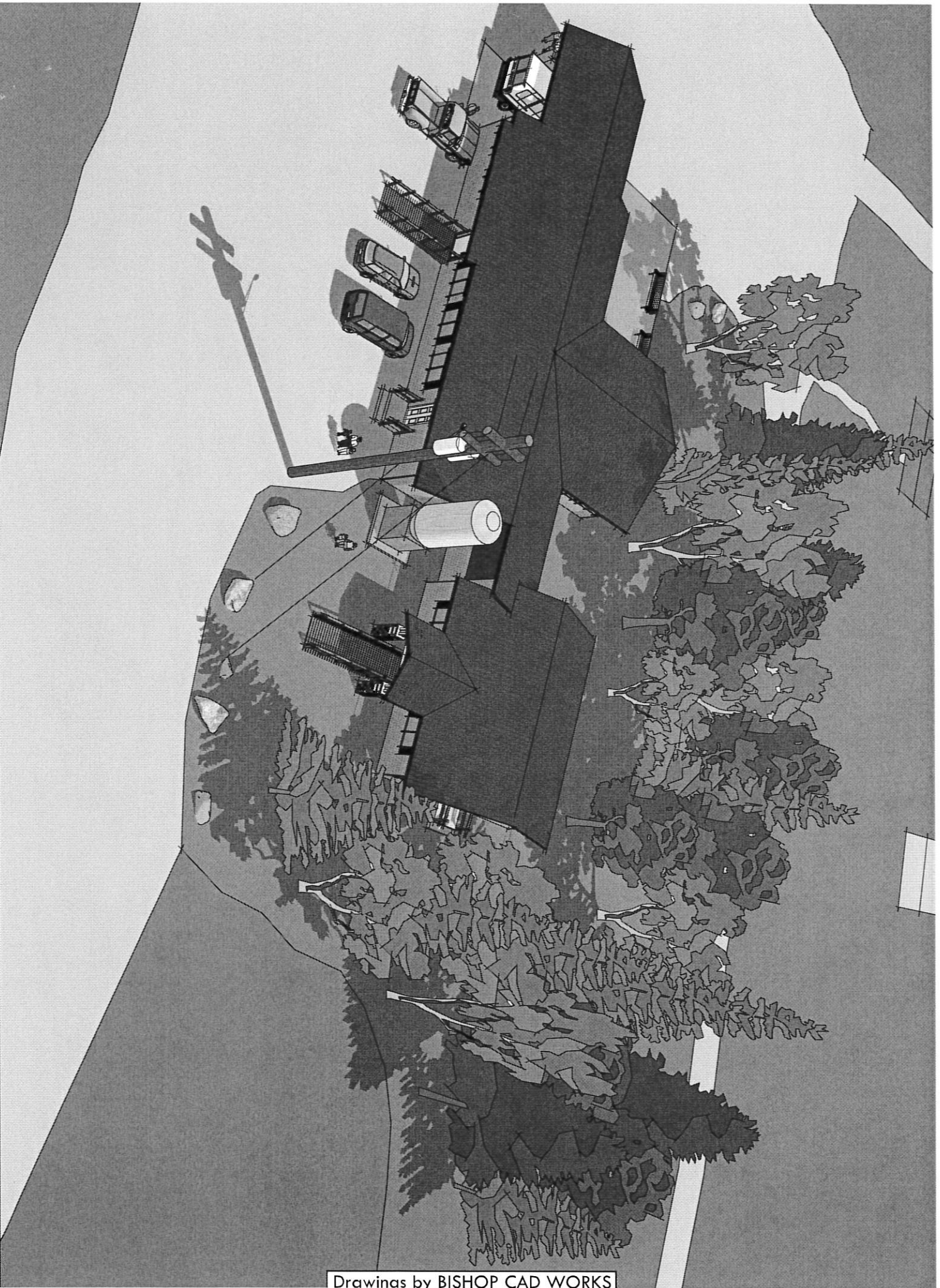
Begin forwarded message:

**From:** Chorus Bishop <chorus@bishopcadworks.com>  
**Subject: Brochure Illustrations**  
**Date:** February 10, 2016 at 6:26:01 PM EST  
**To:** Renee Hoffman <neybear11@yahoo.com>

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Drawings by BISHOP CAD WORKS

10C2



# Haines Borough

Planning and Zoning

103 Third Ave. S., Haines, Alaska, 99827

Telephone: (907) 766-2231 \* Fax: (907) 766-2711

RECEIVED  
FEB 24 2016  
HAINES BOROUGH

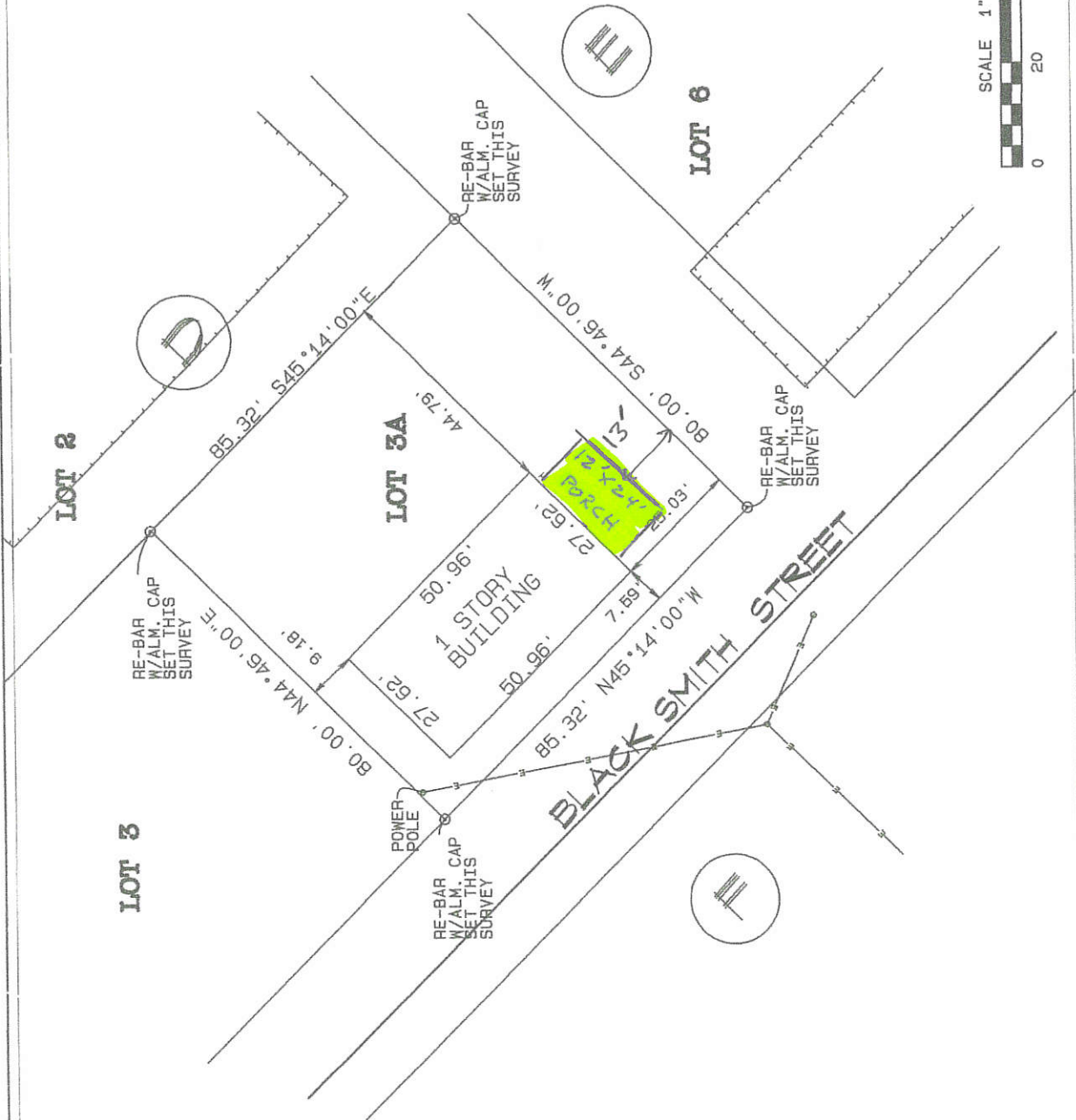
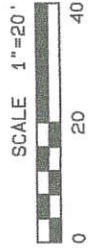
## APPLICATION FOR LAND USE PERMIT

<b>I. Owner/Authorized Representative</b>		<b>Owner's Contractor(If Any)</b>	
Name: <i>Sean Copeland</i>		Name:	
Mailing Address: <i>PO Box 1248 Haines AK 99827</i>		Haines Borough Business License #:	
Contact Phone: Day Night <i>907 303 0043</i>		Alaska Business License #:	
Fax:		Contractor's License #:	
E-mail: <i>sean@portchilkootdistillery.com</i>		Mailing Address:	
		Contact Phone: Day Night	
		Fax:	
		E-mail:	
<b>II. Property Information</b>			
Property Tax ID #: <i>C-PTC-0D-03A0</i>			
Size of Property: <i>6,826 Sq. Ft.</i>			
Site Street Address: (If Any) <i>34 Blacksmith Street</i>			
Legal Description: Lot (s) <u><i>3A</i></u> Block <u><i>D</i></u> Subdivision <u><i>PORT CHILKOOT</i></u>			
<b>OR</b>			
Parcel/Tract _____ Section <u><i>35</i></u> Township <u><i>30S</i></u> Range <u><i>59E</i></u>			
[Attach additional sheets if necessary.]			
Zoning: <input type="checkbox"/> Waterfront <input type="checkbox"/> Single Residential <input type="checkbox"/> Rural Residential <input checked="" type="checkbox"/> Significant Structures Area			
<input type="checkbox"/> Rural Mixed Use <input type="checkbox"/> Multiple Residential <input type="checkbox"/> Heavy Industrial <input type="checkbox"/> Waterfront Industrial			
<input type="checkbox"/> Commercial <input type="checkbox"/> Industrial Light Commercial <input type="checkbox"/> Recreational <input type="checkbox"/> Mud Bay Zoning District			
<input type="checkbox"/> Lutak Zoning District <input type="checkbox"/> General Use			
<b>III. Description of Work</b>			
<b>Type of Application</b> (Check all that apply) <input type="checkbox"/> Residential <input checked="" type="checkbox"/> Commercial  <i>288</i> sq. ft.  <i>N/A</i> seating capacity if eating/drinking establishment <input checked="" type="checkbox"/> Industrial <input type="checkbox"/> Church <input type="checkbox"/> Other _____	<b>Project Description</b> (Check all that apply) <input type="checkbox"/> Single Family Dwelling <input type="checkbox"/> Change of Use <input type="checkbox"/> Multi-Family Dwelling Total # of Units _____ <input type="checkbox"/> Cabin <input type="checkbox"/> Addition <input type="checkbox"/> Accessory Structure <input checked="" type="checkbox"/> Other <i>Deck Addition</i>	<b>Water Supply</b> Existing or Proposed <input type="checkbox"/> None <input type="checkbox"/> Community well <input type="checkbox"/> Private well <input checked="" type="checkbox"/> Public Water System <input type="checkbox"/> Other _____	<b>Sewage Disposal</b> Existing or Proposed <input type="checkbox"/> None <input type="checkbox"/> Septic Tank <input type="checkbox"/> Holding Tank <input checked="" type="checkbox"/> Public Sewer System <input type="checkbox"/> Pit Privy <input type="checkbox"/> Composting Toilet <input type="checkbox"/> Other _____
Estimate Cost of Work: <i>\$4,000 -</i>			





# SITE PLAN



I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT PLAT; THAT ALL WALKS, ROADS, EASEMENTS AND IMPROVEMENTS THEREON ARE AS SHOWN AND THAT ALL OVERLAPS AND ENCROACHMENTS ARE AS SHOWN TO THE BEST OF MY KNOWLEDGE.



**J.W. BEAN**  
PROFESSIONAL SURVEYOR

F. B. H-PORT JOB No. HNS 7-30-12  
SCALE AS-SHOWN  
DATE 9-12-2012

AS-BUILT SURVEY AND

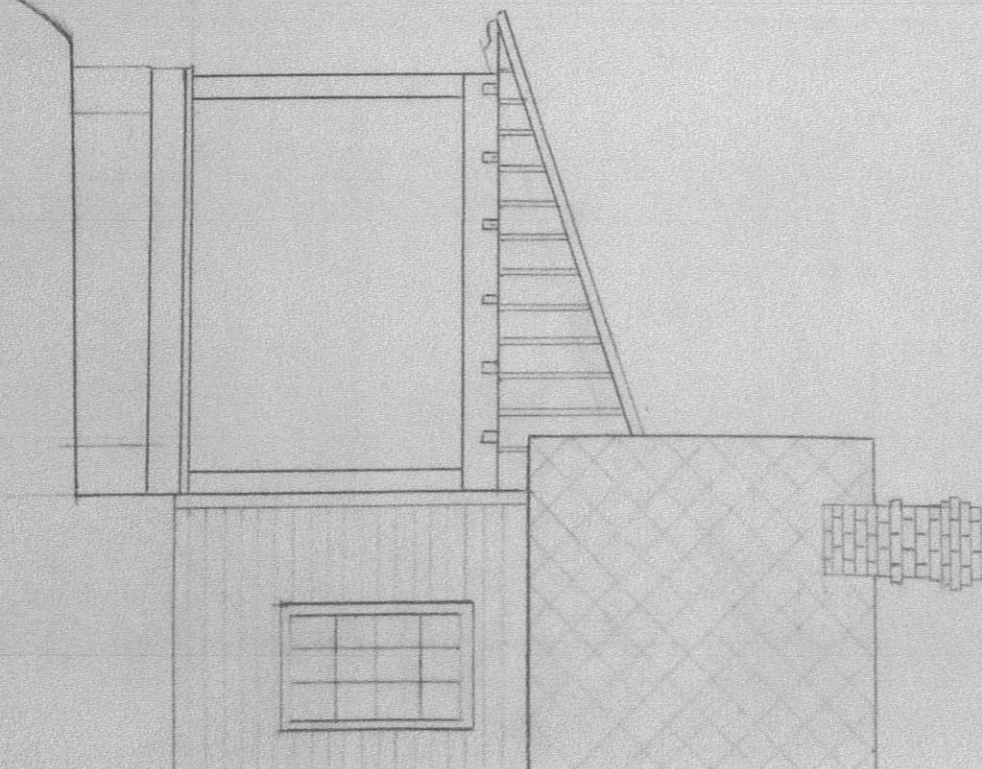
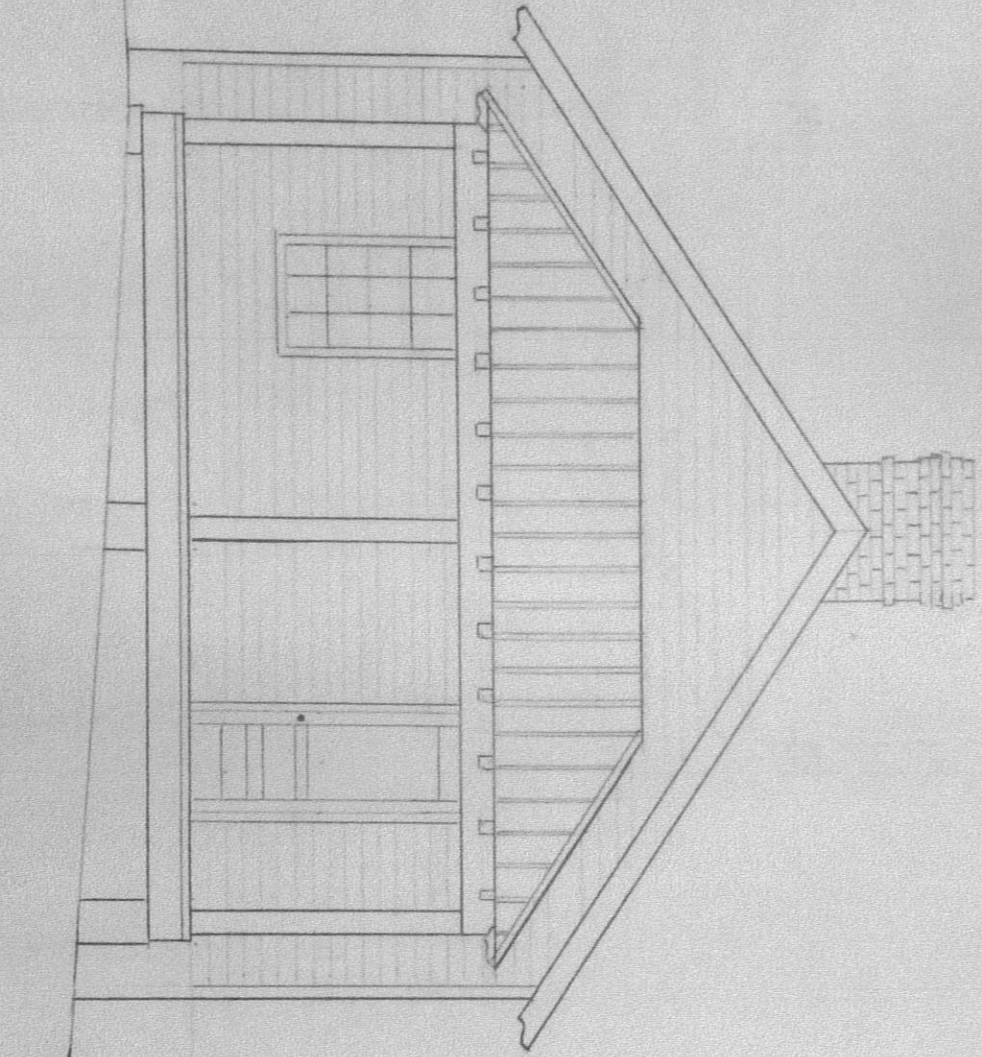
LOT STAKING OF

**LOT 3 A, BLOCK D  
PORT CHILKOOT SUBDIVISION  
U.S. SURVEY 2716**





DISTILLERY 12'x24' PORCH



CASH ONLY IF ALL CheckLock™ SECURITY FEATURES LISTED ON BACK INDICATE NO TAMPERING OR COPYING

Port Chilkoot Distillery LLC  
PO Box 1248  
Haines, AK 99827  
907-766-3434

FIRST NATIONAL BANK ALASKA  
89-006/1252

1600

2/23/2016

PAY TO THE ORDER OF Haines Borough

\$ \*\*50.00

Fifty and 00/100\*\*\*\*\* DOLLARS

PROTECTED AGAINST FRAUD

Haines Borough  
PO Box 1209  
Haines, AK 99827

MEMO Land Use Permit

*Sean Carl*

⑈001600⑈ ⑆125200060⑆ 3094 496 1⑈



Intuit® CheckLock™ Secure Check Details on Back

CASH RECEIPT

024021

Date

2/24/16

Received From

Sean Carl

Address

P.O. Box 1248, Haines  
Fifty and 00/100

For

Land Use Permit - Deck Addition  
Prop. # C-PTC-01-03A0

Dollars \$

50.00

ACCOUNT

AMT. OF ACCOUNT  
AMT. PAID  
BALANCE DUE

HOW PAID

CASH -  
CHECK  
MONEY ORDER   
CREDIT CARD

By

*Kathryn Enelle*

HAINES BOROUGH  
P.O. BOX 1209  
HAINES, ALASKA 99827  
Phone (907) 766-2231 • Fax (907) 766-2718

CRB 117-3





DISTILLERY

CLOSED

M-F 4-8