



## OGDEN VALLEY TOWNSHIP PLANNING COMMISSION

### REGULAR PLANNING BOARD MEETING AGENDA

February 22, 2011

5:00 p.m.

*Pledge of Allegiance*

*Roll Call*

**1. Minutes:**

- 1-1. Approval of the January 25, 2011 meeting minutes

**2. Consent Calendar:**

- 2-1. **OVJ012210** Consideration and action on a request for a one-year time extension of John Stearns Acres (John Stearns, Applicant; Brandi Hammon, Agent)
- 2-2. **DR 2011-02** Consideration and action on a request for Design Review approval of a salt storage building at the Weber County Road Shops located at approximately 4735 E 2650 N, on 5.24 acres (Kelly Hipwell and Chad Meyerhoffer, Applicants)

**3. Regular Agenda Items:**

Old Business

- 3-2. **CUP 2010-04** Consideration and action on a request for a Conditional Use Permit for a private heliport located at the Red Moose Lodge in Eden (Red Moose Lodge, Applicant; Ron Rueben, Agent)

New Business

- 3-1. **CUP 2011-02** Consideration and action on a request for a Conditional Use Permit for a surface boulder collection operation near Avon Divide (Reed C. Jensen & Karl A Jensen Land Holding Company, Applicant; Dan Lockwood, Agent)

**4. Public Comments:**

**5. Planning Commissioner's Remarks:**

**6. Staff Communications:**

- 6-1. Planning Director's Report – Opening Meeting Statement
- 6-2. Legal Counsel's Remarks

**7. Adjournment**

*The meeting will be held in the Weber County Commission Chambers, in the Weber Center, 1<sup>st</sup> Floor, 2380 Washington Blvd., Ogden, Utah.*

*A pre-meeting will be held in Room 108. No decisions are made during the pre-meeting.*



*In compliance with the American with Disabilities Act, persons needing auxiliary services for these meetings should call the Weber County Planning Commission at 801-399-8791*

Minutes of the Ogden Valley Township Planning Commission meeting held January 25, 2011, in the Weber County Commission Chambers, commencing at 5:00 p.m.

Roll Call.

Present: William Siegel, Chair, Gary Allen, Jim Banks, Greg Graves, John Howell, Kevin Parson, Laura Warburton

Staff Present: Rob Scott- Director, Jim Gentry, Assistant Director, Scott Mendoza, Planner, Sean Wilkinson, Planner, Ben Hatfield, Planner, Chris Allred, Legal Counsel, Sherri Sillitoe, Secretary

Pledge of Allegiance

Roll Call

## 1. Minutes

1-1. Approval of the January 04, 2011 meeting minutes

Chair Graves declared the January 04, 2011 meeting minutes approved as presented.

## 3-6. Election of Chair and Vice Chair for 2011

Commissioner Siegel moved to place Item 3-6 as the 1<sup>st</sup> item on the agenda. Commissioner Parson Seconded. Motion Carried (7-0).

### Chair

Commissioner Howell moved to nominate Commissioner Siegel as Chair for 2011. Commissioner Parson seconded the motion. Commissioner Warburton commented that one of the criteria of the Planning Commission is that they work together as a team and if Commissioner Siegel would promise her that they could work together as a team and be respectful of each other she would vote aye. Commissioner Siegel indicated that he believes the direction of respect goes both ways. Nominations ceased. VOTE: Chair Graves indicated that the motion carried.

### Vice

The meeting was turned over to Chair Siegel.

Commissioner Warburton moved to nominate Kevin Parson as Vice Chair for 2011. Commissioner Banks seconded. Commissioner Graves moved that nominations cease. Commissioner Banks seconded. Vote: Chair Siegel indicated that the motion carried (7-0).

## 2. Consent Calendar:

**2-1. UVA 113010** Consideration and action on a request for Final Approval of the Argyle Acres Subdivision, 2 lots, located at approximately 7948 E 100 S (Dell and Sheila Argyle, Applicants)

**2-3. CUP 2010-25** Consideration and action on a Conditional Use Permit for a night watchman's dwelling in the High Altitude Fitness Building at 4776 E 2600 N (Michael Greenwood, Applicant)

Steve Clarke, Eden, indicated he had questions on Consent Agenda Items 2-2 and 2-4 and asked to pull those items off the Consent Calendar.

MOTION: Commissioner Parson moved to approve Consent Agenda Items 2-1 and 2-3 subject to all staff and other agency comments. Commissioner Allen seconded the motion. VOTE: Chair Siegel indicated that the motion carried (7-0).

**2-2. ZO 2010-12** Consideration and action on a recommendation to the County Commission on the definition of Complete Street

Steve Clarke suggested adding architectural drawings as examples on agenda Item 2-2 and perhaps as it might apply on a corner.

**2-4. CUP 2011-01** Consideration and action on a request for approval of a temporary park and ride lot in Eden to provide shuttle service to Powder Mountain Ski Resort located at approximately 2628 N Highway 162 (Powder Mountain Resort Management LLC)

Steve Clarke indicated that on Agenda Item 2-4 the suggestion of staff is to extend approval to 2013. The petitioner has indicated that work is ongoing with UDOT to suggest other locations. It seems more appropriate that an annual review is made instead of a 2-year review, because a 2-year use seems permanent rather than temporary. Commissioner Graves said that he believes the wording is listed as such that it will be reviewed after a year although the approval is for two years. Sean Wilkinson read staff's recommendation and indicated that the Planning Commissioners could ask for another report in 2012.

Commissioner Graves believes that the definition is loose enough to provide multiple possibilities. He is not inclined to add illustrations at this point. Commissioner Allen indicated that they do not want to be carried away with too many streets in the valley. Commissioner Warburton indicated that the complete streets concept is a relatively new concept and blossoming across the Nation and she feels the proposed wording is in line with those who have successful ordinances across the country. She is excited for this ordinance and where it will lead.

**MOTION:** Commissioner Parson moved to approve Consent Agenda Items 2-2 and 2-4 as proposed. Commissioner Banks seconded the motion. **VOTE:** Chair Siegel indicated that the motion carried (7-0).

**MOTION:** Commissioner Graves moved to hear Item 3-5 before 3-3. Commissioner Banks seconded the motion. **VOTE:** Chair Siegel indicated that the motion carried (7-0).

### **3. Regular Agenda Items**

#### **Old Business**

**3-2. CUP 2010-04** Consideration and action on a request for a Conditional Use Permit for a private heliport located at the Red Moose Lodge in Eden (Red Moose Lodge, Applicant; Ron Rueben, Agent)

Ben Hatfield presented a staff report and indicated that the Red Moose Lodge in conjunction with Diamond Peaks Heli-Ski Adventures, are requesting approval of a private heliport located on the southeast side of the Red Moose Lodge. On February 23, 2010, the Planning Commission reviewed and tabled the application so the applicant could address the previous considerations: 1) Has the applicant provided an adequate plan for noise mitigation, and if not, what else should be considered?, 2) Are the proposed safety and site plan standards for the heliport operation adequate?, 3) Are there any potentially detrimental effects that can be mitigated by imposing conditions of approval, and if so, what are the appropriate conditions?

Staff's summary of their review to date asks the following questions: 1) Has the applicant provided adequate information to address the Planning Commission's four issues?, 2) Does the proposed use (heliport) meet the requirements of applicable County Ordinances?

The Planning Commission needs to determine if the applicant has provided sufficient information to address the issues raised by the Planning Commission in February 2010. If the Planning Commission determines that the issues have been adequately addressed, then approval should be granted with appropriate conditions. If the Planning Commission determines that the issues have not been adequately addressed, then approval should be denied.

Commissioner Warburton asked if there are there any other CV-2 Zones in the Ogden Valley, and Ben Hatfield replied that there are several CV-2 locations in the Ogden Valley.

Commissioner Allen asked if other flight paths were discussed other than River Drive. Commissioner Allen said he believes that if they took a path that goes up and goes due east, hits the mountain range and goes over the mountain, he believes that they would be away from most all the people in the valley.

Craig Olsen and Ron Reuben indicated that the due east flight path would be fantastic. They have looked at the hours they fly in a typical year (multi-state) out of 8,768 hours they are flying between 60-100 hours total. Last year they flew a little less than 24 hours of which they spent 1 hr. 20 min. over town and over surrounding areas. A due east flight path would shorten that. They are also negotiating with Cache County and are looking at having one landing in the valley. They have talked with Powder Mountain and Weber State. They would like support in finding a location closer to their area of operation. Ideally, they would like to work out something with Powder Mountain's shuttle system.

Commissioner Howell asked what progress have they made with other locations where they would have less impact over the more populous location. Craig Olsen said their season gets started in February and March. They have had conversation with Mr. Grier of Powder Mountain. They just learned about the property with Weber State a month ago.

Commissioner Graves asked exactly what their flight times and locations are going to be. Mr. Olsen said they made six trips last season. They are flying out of North Salt Lake at this time. They will average 2 days per week with 3 flights on any given day. Much of their work is summer film work.

Commissioner Howell said he has heard and read that the main issue here is noise. They may have flown for over 20 years, but not out of the Ogden Valley. He is opposed to flying out of Eden.

Chair Siegel indicated that last February he spent an entire day and counted 14 times the helicopter took off and the flight path did not change.

Commissioner Warburton indicated that she does not believe they could mitigate the noise problem of a helicopter.

Chris Allred indicated that he does not believe that it has been made clear regarding exact hours of operation. As long as the issues of concern can be mitigated reasonably, conditional use approval can be given.

Lisa Arbogast, an Eden resident, disagreed with the applicant regarding the number of hours they operated last season. When you consider the impact on the wildlife and livestock, it is a major concern. The recreational value of their valley needs to be preserved.

Kimber Kendell, a resident on the north side of the property, echoed other comments made. She is concerned with the fuel truck on site and open to vandalism. Chair Siegel indicated that the fuel truck meets EPA regulations. She does not see any flight path out of the Red Moose Lodge that is not going to affect the wildlife, livestock, and the property owners.

Brian Smith, an Eden resident, spoke in support of the applicants. He indicated that there is a lot of noise in the Ogden Valley and believes it is not as loud as the Harley's and rock crushers are. He spoke for the economic benefit of such a venture. Many people in the Ogden Valley rely on the economics of the Ogden Valley recreation and he does not want to see that amenity lost. It is also a strong safety feature for the public safety personnel to have a centralized location.

Greg Jensen indicated that the reservoir surrounds his property on three sides and he hears the noise from the recreation on the water and from the snowmobilers. The helicopter has noise for three minutes or so after they lift off each trip and then it is gone. He owns a lodging business and he gets a lot of business from the heli-ski people. In answer to a question by Commissioner Howell, Mr. Jensen indicated that he chose to live in the Ogden Valley 30+ years ago even with the noise.

Phil Eimers indicated he is aware of the attraction that heli-skiing provides, however, he is concerned with the safety factor of the flight path near his home. He is concerned with wildlife impacts and fuel-spill mitigation measures.

Keith Miller, the ski patrol director at Powder Mountain, asked the members to allow this use for at least one more year so other location options could be researched. His home is also impacted by the recreation noise year round. The Ogden Valley is a recreational area.

Steve Clarke indicated that he believes the Conditional Use Permit should be denied based upon negative impacts due to noise, economic, and safety reasons. He believes there are other locations that would bring less impact to the Ogden Valley residents. He believes it detrimentally affects the health, safety and welfare of the Ogden Valley residents.

Sherrie Brennan, a Patio Springs resident, voiced her support for the heli-skiing business venture and believes they need to support economic ventures in the Ogden Valley. Greg Anderson agreed with Ms. Brennan's comments.

Audrey Carver indicated her business is 300 ft. from this proposed location and her livestock was impacted. She believes the negative impacts outweigh the economic benefits. She is concerned for the safety of her business clients, which includes many children. She wants the business to do well, but she believes the location is not proper.

Cord Pack replied that he is opposed to having a heli-pad in the middle of Eden, although he thinks highly of Mr. Olsen. He is opposed to having a helicopter pad in the heart of Eden. He suggested alternative sites including the North Fork Trailhead parking lot and Powder Mountain.

The item was closed to public comment at 6:35 p.m.

In response to a question by Chair Siegel, Craig Olsen indicated that Augusta 136 helicopters are quieter than other two bladed copters. Mr. Olsen indicated that it would be more expensive for him to operate but he would agree to that. Air-Med or military copters may fly at night; however, they do not. They are regulated by the FAA. The FAA required them to put up a windsock and they do ongoing inspections. They can look at not having as many flights per day as well as look at alternative landing zone locations. This is really a heli-spot or heli-pad not a heli-port.

Commissioner Howell urged Mr. Olsen to look at alternative landing zone locations. Chair Siegel indicated that they could only act on the proposed site at this time.

Chris Allred indicated that what is before the members at this time is what is included in the submitted information. Mr. Olsen indicated that typically January through the end of March is their winter heli-skiing season.

**MOTION:** Commissioner Warburton moved to table CUP for 4 months for further review. Commissioner Graves seconded the motion

**DISCUSSION:**

Commissioner Parson asked Legal Counsel to clarify the difference between a permitted vs. a conditional use. He read the definition of a conditional use from Utah State Code. The only way they can outright deny a conditional use is if they believe an applicant cannot mitigate concerns. Commissioner Warburton indicated her intent is to table so they can better understand the issues and possible mitigation alternatives.

Commissioner Graves indicated that the only issue they can really study is noise. Noise can be measured. When the quietest three-blade copter is used, what is the highest decibel level? They can also study certain flight paths and its correlated noise and the only way they can lessen that noise is frequency of flights. He does not believe it is not incumbent upon the Planning Commissioners to ensure the applicant makes his living on just the one location. He does not agree it is the right spot, but the site is zoned to allow the use as a conditional use. They could ask the applicant to map the flight path. He believes the needed information could be obtained within one month. The possible impacts they request to have further addressed is; how loud it is and how frequent the flights are, and specifically mapping the flight path.

Craig Olsen responded that they agree to the suggested changes to their proposal that have been voiced.

Commissioner Parson indicated he agrees with Steve Clarke in that the proposal would affect the health, safety and welfare of the Ogden Valley residents. He asked if the issues of concern could be mitigated.

**AMENDED MOTION:** Commissioner Warburton moved to table for one month CUP 2010-04 a request for a Conditional Use Permit for a private heliport located at the Red Moose Lodge in Eden (Red Moose Lodge, Applicant; Ron Rueben, Agent) for one month so that they can further study the noise decibel level (such as mitigating some noise by the use of a 3-blade helicopter), map of specific flight routes, frequency of noise level, altitude of flights, and other ways to mitigate the noise. Commissioner Graves seconded the motion. **VOTE:** Chair Siegel indicated that the motion carried (5-2) with Commissioners Allen, Banks, Howell, Graves and Warburton voting aye with Commissioners Parson and Chair Siegel voting nay.

**New Business**

3-3. ZO 2010-15 Consideration and action on a recommendation to the County Commission on a request to amend the Weber County Zoning Ordinance by adding certain ancillary uses, under the overall term of "Agri-tourism," to the list of Conditional Uses found in Chapter 5B; Agricultural Valley-3 (AV-3) Zone (Patricia Dickens, Kelly Creek Farm, Applicant)

No exparte communication was declared.

Scott Mendoza presented a staff report and stated that Agri-tourism is defined by many sources; however, the most general definitions describe agri-tourism as a growing industry that can supplement a farmer's income by diversifying what the farm can offer the general public. In addition to producing fruits, grains, vegetables, and providing grazing land for livestock, farms that are participating in agri-tourism are combining a wide variety of (nontraditional but somewhat related) activities with those customarily found on working farms. For example, it is becoming more common for farmers to offer public access to a farm as a venue for activities such as farmer's markets, petting zoos, and community gardens, farm stays, cooking classes, corporate retreats, family events, corn mazes and other seasonal activities.

Based on the information submitted by the applicant and the guidance found in the Ogden Valley General Plan, the Planning Division Staff is recommending that the Ogden Valley Planning Commission table the request to amend the Weber County Zoning Ordinance by adding "Agri-tourism" to the uses listed in Chapter 5B (Agricultural Valley-3, AV-3 Zone). The Planning Staff is also recommending that the Planning Commission consider scheduling this item for the February 1, 2011 work-session.

Patricia Dickens indicated that she does not intend to carnivalizing her farm. At Kelly Creek Farm, they currently grow hay and alfalfa and raise sheep for meat and for dog training. They are looking for ways to supplement their income and help other farmers in the valley. She is interested in having a wedding or two at the farm and maybe a dinner a month later. She is not interested in having a corn maze or similar venue, just small events. It is up to the Planning Commission to limit the allowed agri-tourism uses.

Suzanne Berilich bought the old nursery and last year they did a vegetable market and would like the opportunity to supplement their income. She wouldn't want to change the current zoning. She also would like to allow uses on the smaller farms.

Sandra Jenkins, she is in favor of this and we can lose money on the farm and would like to make money on our farm. We would love to restore those and make that an asset to our farm.

Steve Clarke, Eden, offered the following comments. This use serves as an agricultural. Activities should be related to the farm. If we approve of this in the Agri-Tourism use we need to be careful. Steve had six items and he supports this.

Ron Gleason said his property is about 1/4 mile from the Kelly Creek Farm. He said it would be nice to know how many parcels would be 30 acres and greater, 20 acres and 10 acres that would be eligible for agri-tourism in the AV-3 Zone. He asked staff to look at the TDR portion in the Recreation Resort Zone and figure out if agri-tourism would be allowed on a parcel that has a registered TDR.

Sandra Jenkins, a property owner of 20 acres in Eden, said she is in favor of the proposed use because she would like to make additional money on their farm. They would love to restore the 2 white barns next to Eden Park and make that an asset to their farm.

Steve Clarke, Eden, offered six items of the following comments. He supports agri-tourism and believes it serves as an agricultural preservation tool. He believes activities should be related to the farm. A requirement for access from the main road with adequate parking and traffic management should be determined by the number of visitors during the peak periods of use. If they approve the agri-tourism use, they need to be careful the types of uses that would be allowed. The benefits of preserving agriculture outweigh the negative effects. Requirements that allow only the farmer to sell products produced on his personal farm seem like unnecessary limitations on his personal rights.

MOTION: Commissioner Parson moved to table ZO 2010-15 so it can be discussed at the February 1, 2011 work session. Commissioner Graves seconded the motion. A vote was taken and Chair Siegel said the motion carried with all members present voting aye.

MOTION: Commissioner Warburton moved to hear Item 3-5 before Item 3-4. Commissioner Parson seconded the motion. Motion carried (7-0).

3-5. DR 2010-09 Consideration and action on a request for Design Review approval of the Green Valley Academy a private Educational Institution located at approximately 9091 E 100 S on 8 acres (Green Valley Academy, Applicant; Jared Balmer, Agent)

No ex parte communication was declared.

The applicant is requesting approval of a site plan for the Green Valley Academy on property located at 9091 East 100 South on Highway 39 east of Huntsville. This 8 acre property is located in the Agricultural Valley-3 (AV-3) zone which requires a minimum lot area of 3 acres and a minimum lot width of 150 feet. The AV-3 zone lists a private education institution having a curriculum similar to that ordinarily given in public schools as a permitted use.

Ben Hatfield presented a staff report (the report in its entirety is on file in the Planning Division Office).

Staff recommends approval of the site plan for the Green Valley Academy subject to staff and other review agency requirements. This recommendation is based on the project being in compliance with applicable County Ordinances.

Commissioner Parson asked if there was any consideration given to a cultured stone or a less intrusive light than what is proposed for less impact to the surrounding homes.

Commissioner Warburton asked if this is the same business that petitioned them as Green Valley Treatment Center to amend the zoning ordinance to allow a treatment academy. Ben Hatfield said there was an applicant that had a zoning petition before the Planning Commission for a residential treatment facility. To clarify for Commissioner Howell, Mr. Hatfield indicated that no ordinance amendments are needed for this application. Commissioner Warburton said there are certain applications that are handled administratively and do not come before the Planning Commission so she questioned why this application was brought to the Planning Commission. Mr. Hatfield indicated that the Planning Commission reviews Design Review applications for buildings larger than 10,000 sq. ft.

Commissioner Warburton indicated that she believes that the proposal is for a treatment center. Staff reminded the members that they have an application for a private education institution, which is a permitted use in the AV-3 Zone. Staff has reviewed the criteria for the proposed application and has recommended approval to the Planning Commission.

Commissioner Howell asked if it is a private center for disturbed boys. Chair Siegel indicated to all that they are not determining what the use is, they are only looking at a design for a facility that is permitted in the AV-3 Zone.

Bruce Baird, Counsel for the Applicant, indicated that staff has determined that they are a private education institution. They will comply with every State requirement and those in the county code. There is no basis for the Planning Commission to deny their application. None of the issues he has heard raise has any merit. The only question is if one of their neighbors would be willing to share the access with them. They are entitled to a decision tonight as the only issue before them is site plan review under Weber County Zoning Ordinance Chapter 36-4 and they are 100% compliant. They would like to have a decision tonight rather than a table.

Commissioner Parson asked Nate Reeve, Reeve and Associates, to explain the height of the berm. Mr. Reeve indicated that they propose to have a 3 ft. landscaped berm within the property along the state road frontage. It does not impede any sight triangles. All of the plans as well as the traffic study variance requested fee and application has been submitted to UDOT for their review. They have a letter from the county indicating they have everything needed for review. The landscaped berm is contained on the front of the property going down the sides is their retention basin for storm drainage. They have also installed a smaller berm on another portion of the property to catch storm drainage. A new 3-rail picket fence is proposed to go from SR-39 to the back of the property line and they will work with property owners to ensure it is something that meets their desires.

Nate Reeve indicated that they have spoken with Christina Granath and they understand that there is an existing well on her property. There has been a lot of discussion with the adjacent property owners regarding the property boundary lines. Approximately one year ago, they did a boundary survey for the Granath Estates and determined at that time for them that the property line followed the fence. An independent surveyor before they were involved with the project did a survey of the Green Valley proposed project and determined that the fence line is the property line also. This is a private issue but they are willing to work with the property owners.

They will be happy to comply with every requirement. They can lower the lights. He believes any comment he has heard raised in opposition have no merit. He believes they are 100% compliant under 36-4. They deserve action tonight.

Bruce Baird indicated that the code actually does not provide for public comment on a design review. The Planning Commission could entertain it if staff agrees with it. This is not a public hearing, it is simply a presentation and consideration of those very limited criteria.

Chair Siegel indicated that they would entertain public comment regarding the Design Review; where the buildings would be located, the layout of the property, landscaping, etc. They rely on the professionals for water, sewer, and engineering requirements.

Ron Gleason, a Greenhills Subdivision resident, referred to Zoning Ordinance 36-6. When you look at the purpose and intent of the ordinance, it is the AV-3 intent they are looking at and the Design Review does not apply. The Planning Commission should look at the general objectives of the ordinance, the purpose and intent of the ordinance. The proposed school does not meet the general objectives of the ordinance. They should look at process; staff said that the Planning Commission should approve this based upon the other agencies doing their job. He is asking that they receive all the agency recommendations before they approve the application because they are the only approving body.

Richard Wood, who owns 80 acres on 9000 E where the applicant indicates their well would be located and he believes his granddaddy well will be impacted. Weber Basin told him that for such a proposed facility it would take 365 gallons per year to operate. He knows that the water will be depleted and if his well ever goes dry, he will sue. He was told he could not have two homes on his property, but now the County is going to allow three on one lot.

Loni Verhaal indicated that she believes that the percolation test was not done on the correct property. Her family is not in agreement with signing over the 16 ft. gap in the deed over to the Green Valley Academy. She believes those are things that need to be considered. The fence lines are in question and she believes the percolation test submitted was for a different property. She urged the Planning Commission to table or deny this application.

Vince Rampton, Attorney representing Chris L. Johnson, Susan D. Johnson, Christina Renaas, and Loni Verhaal. They are concerned that any decision made by the Planning Commission that the building will be a school or a treatment facility is a foregone conclusion. He agrees with Commissioner Warburton in that this question should be determined.

Angie Illum, an Ogden resident, indicated that she has a 15 year old son that is receiving treatment in a similar facility but had a big challenge finding a facility that was not in disrepair. She believes that that the Planning Commission should not believe that the proposed facility would be a beautiful facility and stay that way. The kids have severe issues and may not comprehend what is required to maintain a facility. One cannot assume that they would treat the facility like their home.

Brett Wile, an adjacent resident to the Granath property, urged the Planning Commissioners to ensure that they address and solve the property line issue. He operates two facilities in California and he believes that this proposal is not a school; it is a treatment facility. He believes the Ogden Valley does not have the resources to handle such a facility. They do not have the fire protection resources to take care of such a facility.

Steve Clarke, Eden, asked the appeal process for determining whether staff made the right decision that the application classification request is for a school.

Greg Anderson agreed with many of the comments made tonight. People will not be going to the proposal for academic reasons.

Lisa Arbogast raised the issue of process and the question of whether or not it is a school. She works for the State Office of Education with Children with Disabilities and knows the proposed facility is not considered a school; however, such facilities offer some educational programs. This facility has not been received accreditation by North West Education who will not review until staff is hired and buildings built.

Bob Berrett stated that he is appalled by the design and believes it does not conform to the community.

Kevin McGill lives less than a mile from where the school is proposed. He questions whether this is a school and believes the established ordinances were not created with such a proposal in mind. The applicant has the responsibility to prove whether they are a school.

Christina Granath indicated that she is the closest neighbor and believes her quality of life should come into play. She believes there should be a buffer between her property and the property in question. She chose to live in the valley but did not choose to live next door to such a large commercial proposal.

Bruce Baird said he believes that staff is right in their decision that their proposal qualifies as a school. His clients will not let the property fall into disrepair. By definition, a permitted use meets the intent of the zoning. They will have a fire tank for fire suppression. They have complied with all site design criteria and he believes there are no open questions.

Nate Reeve indicated that they have verified that the percolation test was done on the right property. They have verified that the percolation test was done on the right parcel. Their intent is not to upset neighbors and believes the 16 ft. gap does not compromise the design or the property boundary line.

Commissioner Banks indicated that he does not like the proposed design.

In answer to a comment by Chair Siegel, Chris Allred said the motion to table should only be based on any problem with the site plan that is before them. They need to comply with the professional agency reviews.

MOTION: Commissioner Howell said there have been issues raised and he believes they should be further investigated such as the property line dispute and the property description. He moved to table the Design Review DR 2010-09 until the questions have been addressed. Commissioner Banks seconded the motion

Commissioner Banks indicated that he believes that they believe they have been blind sighted.

Commissioner Parson referred to the comment from a property owner who indicated that this boundary dispute was affecting the others down the line. Nate Reeve indicated that it is simply a dispute on that one property line. It does not propagate down the section line. The boundary as detailed is the fence. The fence line has been used as the boundary for many years and there is documentation to that effect.

Commissioner Warburton indicated that she believes this is a tragedy. She believes there is a place for this type of facility. The ordinances are law, the ordinances are in place, and they allow for a school. The fact is that the description of this particular use is not included in the State Code or County's definitions. She knows that if she as a Planning Commissioner votes against a permitted use, she can personally be sued as well as any other Planning Commissioner.

Commissioner Howell withdrew his motion as he believed Mr. Reeve answered his question.

Chris Allred indicated that what is before them is a site plan review. They have very limited authority to do "more." They are constrained to the regulations that govern. They are determining whether the application meets the standards for a site plan review. Commissioner Parson indicated that is one reason why they have to include all staff and other agency recommendations in their motion. Commissioner Banks stated that a property owner has to ultimately prove that his well has been affected. Commissioner Banks indicated that he believes he has been lied to by the applicant.

MOTION: Commissioner Parson moved to approve DR 2010-09 a request for Design Review approval of the Green Valley Academy a private Educational Institution located at approximately 9091 E 100 S on 8 acres (Green Valley Academy, Applicant; Jared Balmer, Agent) with the change in the lighting so that it would be as less intrusive as possible such as turning off the lights at 9:00 p.m. as stated. The motion is subject to all staff and other agency recommendations. Commissioner Graves seconded the motion. A vote was taken and Chair Siegel indicated the motion carried (5-2) with Commissioner Allen and Commissioner Banks voting nay and Commissioners Howell, Graves, Parson, Warburton, and Chair Siegel voting aye.

Commissioner Parson moved to have Agenda Items 3-4 to be heard as the first Item on the work session agenda. Commissioner Banks seconded the motion. Chair Siegel indicated that the motion carried unanimously.

#### 7. Adjourn

The meeting was adjourned at 9:02 p.m.

Respectfully Submitted, Sherri Sillitoe, Secretary, Weber County Planning Division



# Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

**Application Request:** Consideration and action on a request for a one year time extension of John Stearns Acres  
**Agenda Date:** Tuesday, February 22, 2011  
**Applicant:** John Stearns (Applicant) & Brandi Hammon (Agent)  
**File Number:** OVJ 012210

### Property Information

**Approximate Address:** 10000 East Highway 39  
**Project Area:** 10.15 Acres  
**Zoning:** Forest Zone 5 (F-5)  
**Existing Land Use:** Agriculture  
**Proposed Land Use:** Residential Subdivision  
**Parcel ID:** 21-018-0007  
**Township, Range, Section:** T6N, R2E, NW ¼ of Section 14

### Adjacent Land Use

<b>North:</b> Agriculture	<b>South:</b> Residential
<b>East:</b> Residential	<b>West:</b> Agriculture

### Staff Information

**Report Presenter:** Sean Wilkinson  
swilkinson@co.weber.ut.us  
801-399-8765  
**Report Reviewer:** SW

## Applicable Ordinances

- Weber County Subdivision Ordinance

## Background

John Stearns Acres received a recommendation for final approval from the Planning Commission on February 23, 2010. The subdivision will not be recorded within one year from the date of final approval and will become void as of February 23, 2011. The petitioner is requesting a one year extension which would extend the final approval date until February 23, 2012. The Weber County Subdivision Ordinance (26-1-7 (B)) allows one time extension for a period of one year. All of the requirements and conditions of approval for the subdivision remain unchanged.

## Summary of Planning Commission Considerations

Should the request for a one year time extension of John Stearns Acres be granted?

## Conformance to the General Plan

The request meets the requirements of the Weber County Subdivision Ordinance (26-1-7 (B)) and does not affect the subdivision's compliance with the Ogden Valley General Plan.

## Conditions of Approval

- All of the requirements and conditions for John Stearns Acres remain unchanged.

## Staff Recommendation

Staff recommends approval of a one year time extension for John Stearns Acres because the request meets the requirements of the Weber County Subdivision Ordinance (26-1-7 (B)).

## Exhibits

- A. Subdivision Plat
- B. Planning Commission Minutes from February 23, 2010
- C. Applicant's Request Letter

## Map 1





## Exhibit B

Minutes of the Ogden Valley Township Planning Commission meeting held February 23, 2010, in the Weber County Commission Chambers, commencing at 5:00 p.m.

### **Roll Call.**

**Present:** Greg Graves, Chair, Gary Allen, Jim Banks, Louis Cooper, Kevin Parson, Keith Rounkles, William Siegel.

**Staff Present:** Rob Scott, Director, Sean Wilkinson, Planner, Ben Hatfield, Planner, Monette Hurtado, Legal Counsel, Sherri Sillitoe, Secretary

### *Pledge of Allegiance*

Roll Call

Minutes:

1. Minutes: Approval of the January 26, 2010 and the February 2, 2010 meeting minutes  
Chair Graves declared the meeting minutes approved as presented.

2. Consent Calendar:

2-1. CUP 01-10 Consideration for Sal El Monte, for a public utility substation (Cellular Site), 1851 Valley Drive, Ogden. Doug Koford & Joe Serrao, Agents; Rainbow Gardens, Land Owner

2-2. CUP 02-10 Consideration for Sal Waterfall, for a public utility substation (Cellular Site). Doug Koford & Joe Serrao, Agents; Rainbow Gardens, Land Owner

2-3. UVR030209 Request for a one-year time extension of final approval for The Retreat at Wolf Creek Utah Subdivision Phase 1. Wolf Creek Properties LC, Agent

2-4. OVJ012210 Final Approval of John Stearns Acres, 2 Lots, located at 10000 East Highway 39. John Stearns, Applicant, Chris Cave, Reeve and Associates, Agent

Staff recommended pulling Agenda Items 2-1 and 2-2 from the consent agenda to introduce a new staff report and a letter from Ogden City.

MOTION: Commissioner Cooper moved to hear Consent Agenda Items 2-1 after 3-1 on the Regular Agenda (as Items 3-2 and 3-3). Commissioner Rounkles seconded the motion.

MOTION: Commissioner Rounkles moved to approve Consent Agenda Items 2-3 and 2-4 as presented being subject to all staff and other agency recommendations. Commissioner Allen seconded. Vote: Motion Carried (7-0).

3. Regular Agenda Items:

### New Business

3-1. CUP 04-10 Consideration for a private heliport located at the Red Moose Lodge in Eden, 2547 North Valley Junction Drive. RLR Properties LLC/JCA Properties, LLC, Applicants, Eric Householder, Agent

Commissioner Siegel was invited on Saturday by Weber County to observe the operations of the heliport. He observed the safety procedures, landing and take-off operation of the helicopter. He was invited to observe due to his professional work experience at Hill Field. All the questions he asked were answered.

Commissioner Banks indicated he works for Wolf Creek Sewer and Water System. He received many calls but he does not feel he has a conflict of interest.

Monette Hurtado indicated that they do have adequate members of the board so if he desires to excuse himself; they would still have a quorum. Commissioner Banks was excused at this time.

Exhibit C

Sean Wilkinson  
Planner  
Weber County  
2380 Washington Blvd. #240  
Ogden Utah 84401-1473

RE: TAX ID 21-018-0007

February 4, 2011

Mr. Wilkinson,

Regarding the property located at approximately 10448 E. Highway 39 Huntsville, UT 84317. The owner, John Stearns, has requested a one year extension of the subdivision approval on the property. If you require any additional information or have any questions please feel free to contact me.

Thank you,

  
Brandi Hammon  
Broker

Mountain Real Estate Companies  
Representative of the Owner, John Stearns

Cc: John Stearns



# Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

**Application Request:** Consideration action on a request for Design Review approval of a salt storage building at the Weber County road shops.  
**Agenda Date:** Tuesday, February 22, 2011  
**Applicant:** Kelly Hipwell and Chad Meyerhoffer  
**File Number:** DR 2011-02

### Property Information

**Approximate Address:** 4735 East 2650 North  
**Project Area:** 5.24 acres  
**Zoning:** Manufacturing Valley-1 (MV-1)  
**Existing Land Use:** Public Buildings  
**Proposed Land Use:** Public Buildings  
**Parcel ID:** 22-046-0062  
**Township, Range, Section:** T7N R1E Section 34

### Staff Information

**Report Presenter:** Ben Hatfield  
bhatfield@co.weber.ut.us  
801-399-8766  
**Report Reviewer:** SW

## Applicable Ordinances

- Weber County Zoning Ordinance Chapter 21B (MV-1 Zone)
- Weber County Zoning Ordinance Chapter 18C (Ogden Valley Architectural, Landscape, and Screening Standards)
- Weber County Zoning Ordinance Chapter 24 (Parking)
- Weber County Zoning Ordinance Chapter 36 (Design Review)
- Weber County Zoning Ordinance Chapter 39 (Ogden Valley Lighting)

## Background

The applicant is requesting approval of a amended site plan for the Weber County road shops to include a salt storage building on property located at 4735 East 2650 North in Eden. This 5.24 acre property is located in the Manufacturing Valley - 1 (MV-1) zone which requires a minimum lot area of 20,000 square feet and a minimum lot width of 100 feet.

The Weber County Public Works roads crew stores vehicles, machinery, gravel, sand, and salt for projects and maintenance in the Ogden Valley. Currently, salt is stored in an open pile and is not contained within a building. The proposed salt storage building will help contain the salt and keep the site cleaner from wind and runoff.

The area in front of the new building will be surfaced with 3,200 square feet of asphalt. This area will be used while loading salt into the building and while unloading salt from the building and into the snowplow trucks and other vehicles. This loading area will attach the building and the new area to the existing paved portions of the lot.

The 40 foot by 60 foot salt storage building will have a concrete foundation wall which extends to the height of 11 feet 6 inches. The sides of the building will be framed to an additional height of 6 feet and will have an exterior metal siding to match the existing main building. This siding will also be on the rear of the building and will be painted a beige color. The roof will also be of the same material and color. The front of the building will be mostly open to allow access, but will have a small portion under the eaves which will be sided with wood or wood like product. The overall height of the salt storage building will be approximately 22 feet which is 6 feet less than the main building. This building will be built as budget is available, but building permits will be maintained until completion.

Sand, gravel, and other earthen materials will be stored against the walls of the new salt storage building. The Weber County Building Division still will review all building plans.

### **Summary of Planning Commission Considerations**

- Is the project layout and building design consistent with applicable Weber County Ordinances?

### **Conformance to the General Plan**

This site plan conforms to the General Plan by meeting the outline of permitted land uses and requirements and the requirements of the zone in which it is located.

### **Conditions of Approval**

- Requirements of the Weber County Engineering Division
- Requirements of the Weber County Building Inspection Department
- Requirements of the Weber Fire District
- Requirements of the Weber County Health Department
- Staff will inspect the site to ensure compliance to approvals prior to the issuance of occupancy

### **Staff Recommendation**

Staff recommends approval of the site plan for a salt storage building at the Weber County road shops subject to staff and other review agency requirements. This recommendation is based on the project being in compliance with applicable County Ordinances.

### **Exhibits**

- A. Applicant's Narrative describing the proposed salt storage building
- B. Site Plan
- C. Building elevations
- D. Photos of the existing site and buildings





PUBLIC WORKS /ENGINEERING  
(801) 399-8374  
FAX: (801) 399-8862  
Curtis Christensen, P.E.  
County Engineer

January 28, 2011

Weber County Planning Dept.  
2380 Washington Blvd. Ste. 240  
Ogden, Utah 84401-3113

RE: Upper Valley Road Shop Salt Storage Building January 2011

To give a little narrative of the purpose of this structure:

The MS4 Stormwater Permit requirements require that any contaminants' are retained on site and do not seep into the ground water. The purpose of this salt storage building is to contain the salt from both running off the site, or seeping into the ground.

The building will be constructed out of a concrete foundation that will extend to a height of approximately 11 feet 6 inches. On top of the concrete wall there will be a wall framed to a height of approximately 6 feet, with an exterior of metal siding beige/cream in color to match existing building. The roof will be constructed with a truss system and metal roofing on the top same color as siding. The front of the structure will be open to allow access. The height of the new building (21'11.5") will be about 6ft lower than the existing building on this site (28'). There is a chance that due to funding that the roof will not be placed on the building this year. This will still allow for the permit requirements because there will be a hard surface under the salt storage and it will all slope and be contained within the building envelope.

Gravel, road base and other material will be stored against the building on the exterior.

No new activity will take place that has not done so in years past, now the salt will be stored under a covered structure on a hard surface. This structure will bring the County in compliance with the MS4 permit, State and EPA requirements.

If you have any comments or questions concerning this letter, feel free to contact me.

Sincerely,

Chad Meyerhoffer  
Weber County Engineering Dept.  
Phone: (801) 399-8004  
e-mail: cmeyerho@co.weber.ut.us

*Exhibits A*

2380 Washington Blvd., Suite 240  
Ogden, Utah 84401-1473



COMMENTS

THIS IS NOT A BOUNDARY SURVEY  
 THIS INFORMATION IS NOT ACCURATE AND WAS NOT DONE BY A SURVEYOR  
 THE INTENT IS TO SHOW THE LOCATION OF THE FACILITIES ON THE PARCEL  
 ALL STORM WATER IS TO BE CONTAINED ON SITE

SCALE  
 1"=100'

Prepared By: Mike County Engineering  
 2200 Washington Blvd. Suite 210  
 Ogden, Utah  
 (801) 399-8374

SALT STORAGE BUILDING  
 AT THE UV ROAD SHOP

WEBER COUNTY UPPER VALLEY ROAD SHOP  
 2222 SOUTH 1900 WEST  
 OGDEN, UTAH

DRAWING DATE:  
 January 27, 2011  
 REVISION DATE:  
 February 01, 2011

SHEET  
 SITE PLAN

Exhibit B

# UPPER VALLEY SALT STORAGE BUILDING

SCALE  
1/8" = 1'

Prepared By: Weber County Engineering  
2300 Washington Blvd. Suite 210  
Eden, Utah  
(801) 399-0374

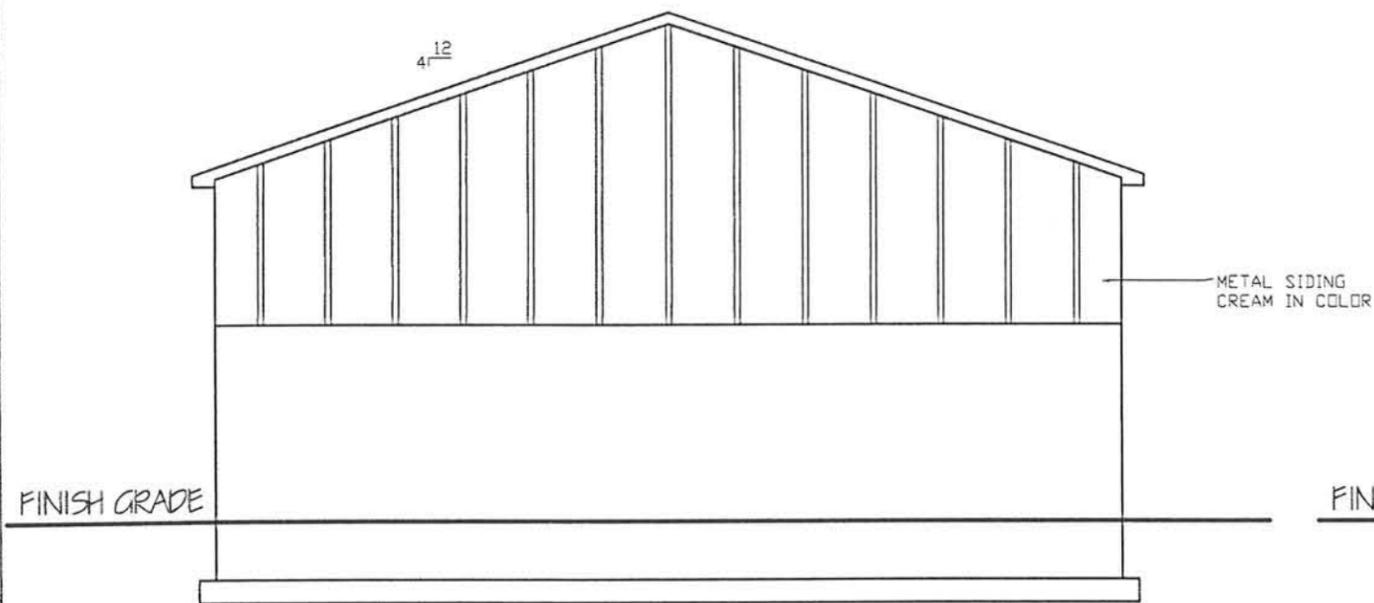
SALT STORAGE BUILDING

WEBER COUNTY SALT STORAGE BUILDING  
4735 EAST 2650 NORTH  
EDEN, UTAH

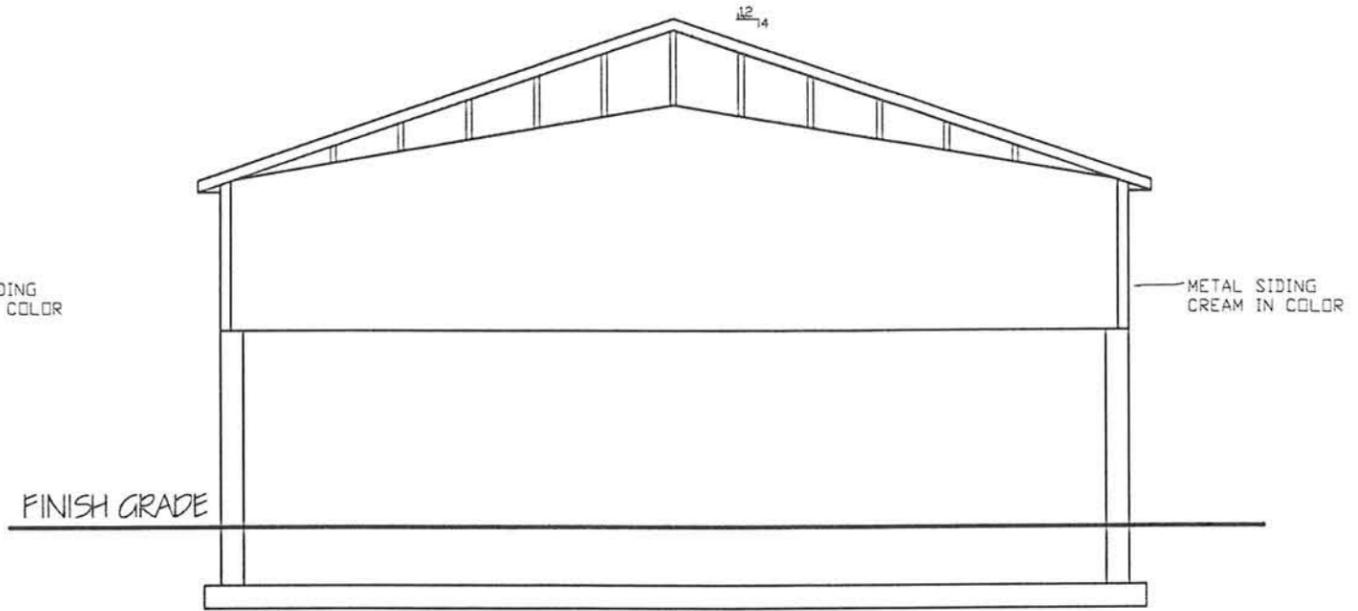
DRAWING DATE:  
January 28, 2011  
REVISION DATE:  
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SHEET  
OF 1  
4

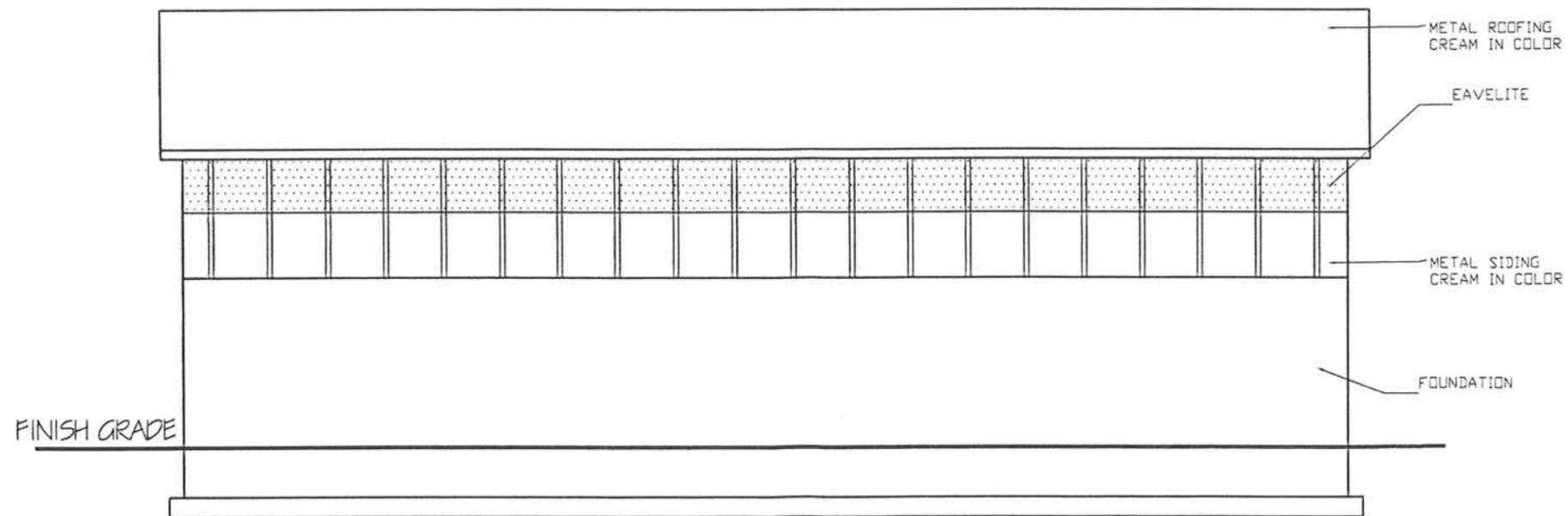
Exhibit  
C-1



REAR ELEVATION



FRONT ELEVATION



RIGHT / LEFT ELEVATION

SCALE  
1/8"=1'

Prepared By: Weber County Engineering  
2200 Washington Blvd. Suite 210  
Eden, Utah  
(801) 399-8374

SALT STORAGE BUILDING

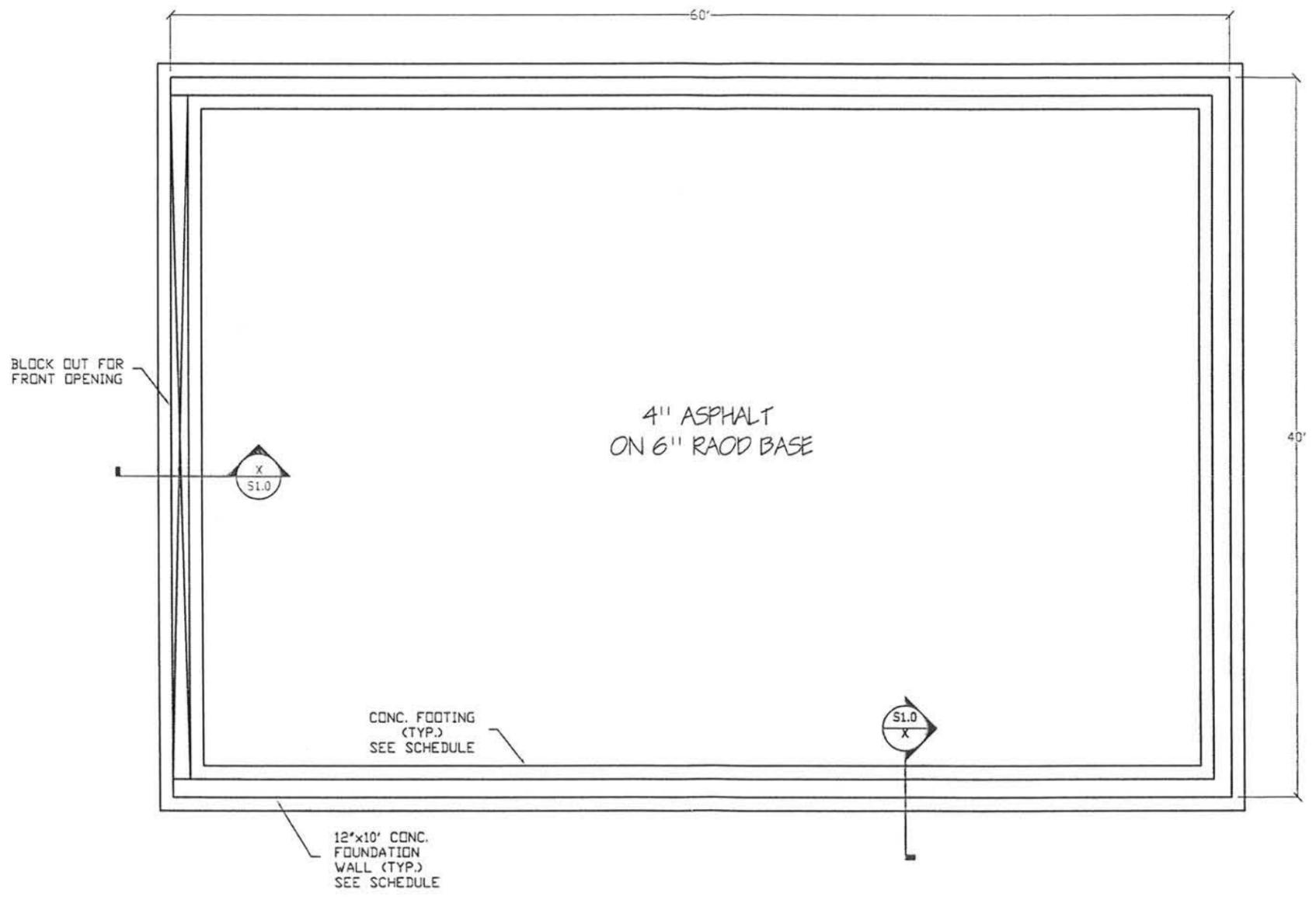
WEBER COUNTY SALT STORAGE BUILDING  
4735 EAST 2650 NORTH  
EDEN, UTAH

DRAWING DATE:  
January 28, 2011  
REVISION DATE:  
-

SHEET  
2  
OF  
4

Exhibit  
C-2

NOTES:  
FOUNDATION WALLS TO SUPPORT THE WEIGHT  
OF SALT BEING STORED AND PRESSING AGAINST  
THEM AS WELL AS THE FORCE FROM A FRONT  
END LOADER PLACING THE SALT AND REMOVING IT.  
THERE IS A HIGH POSSIBILITY THAT MATERIAL WILL  
BE STORED ABAINST THE BUILDING ON THE OUTSIDE.



FOOTING/ FOUNDATION PLAN  
2400 SQ FT

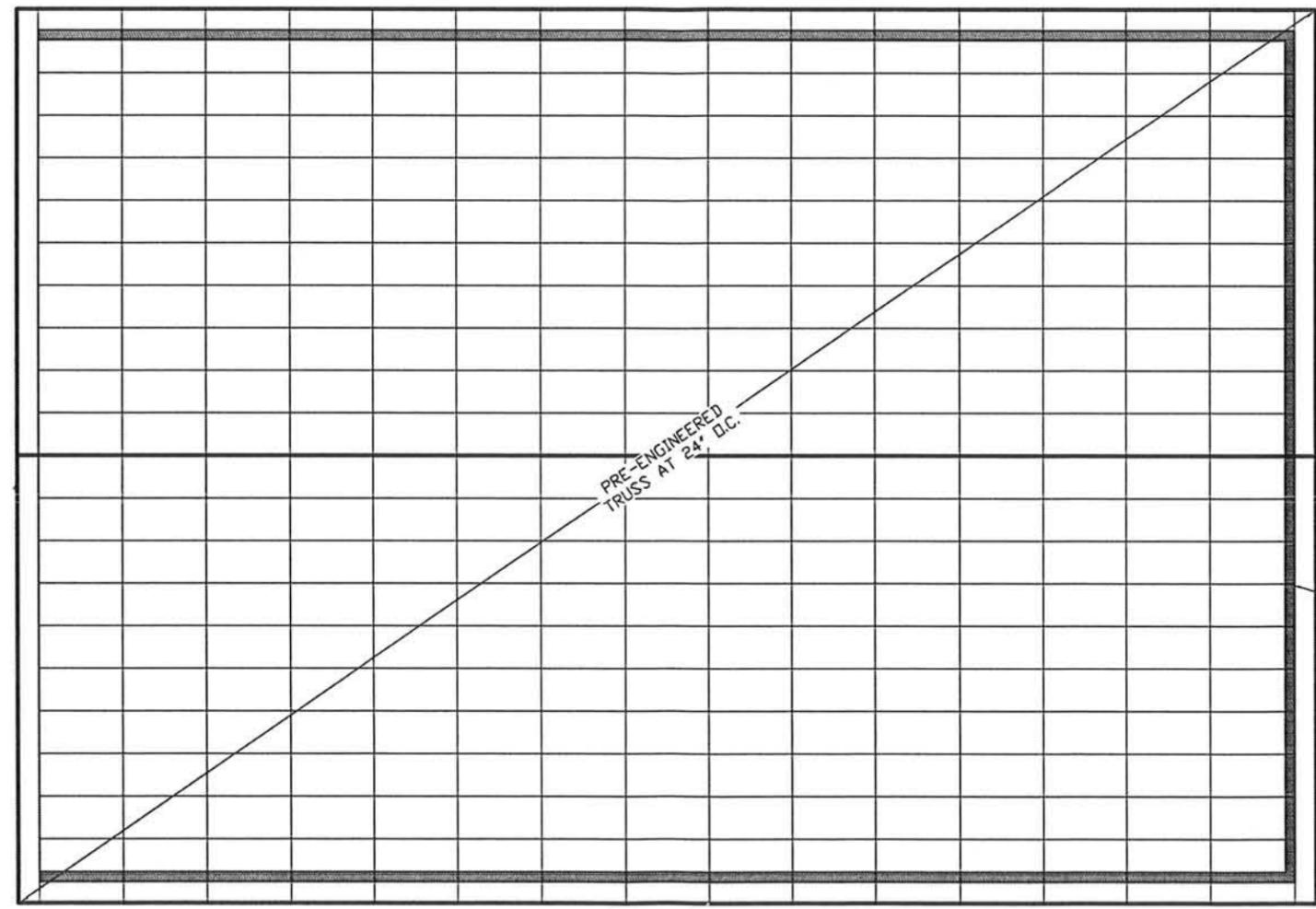
SCALE  
1/8" = 1'

ROOF FRAMING PLAN IS FOR  
DESIGN PURPOSES ONLY.  
TRUSS DESIGN TO BE PER  
MANUFACTURER.

NOTES:  
1. ALL LUMBER IN CONTACT WITH CONCRETE OR MASONRY  
MUST BE TREATED OR FOUNDATION GRADE REDWOOD.

Prepared By: Weber County Engineering  
2300 Washington Blvd. Suite 240  
Eden, Utah  
(801) 397-8274

SALT STORAGE BUILDING



PRE-ENGINEERED  
TRUSS AT 24' O.C.

PURLINS @24" O.C.

# ROOF FRAMING PLAN

WEBER COUNTY SALT STORAGE BUILDING  
4735 EAST 2650 NORTH  
EDEN, UTAH

DRAWING DATE:  
January 28, 2011  
REVISION DATE:  
-

SHEET  
3  
OF  
4

Exhibit  
C-3

SCALE  
1/8" = 1'

Prepared By: Weber County Engineering  
2350 Washington Blvd. Suite 210  
Ogden, Utah  
(801) 399-8374

SALT STORAGE BUILDING

WEBER COUNTY SALT STORAGE BUILDING  
4735 EAST 2650 NORTH  
EDEN, UTAH

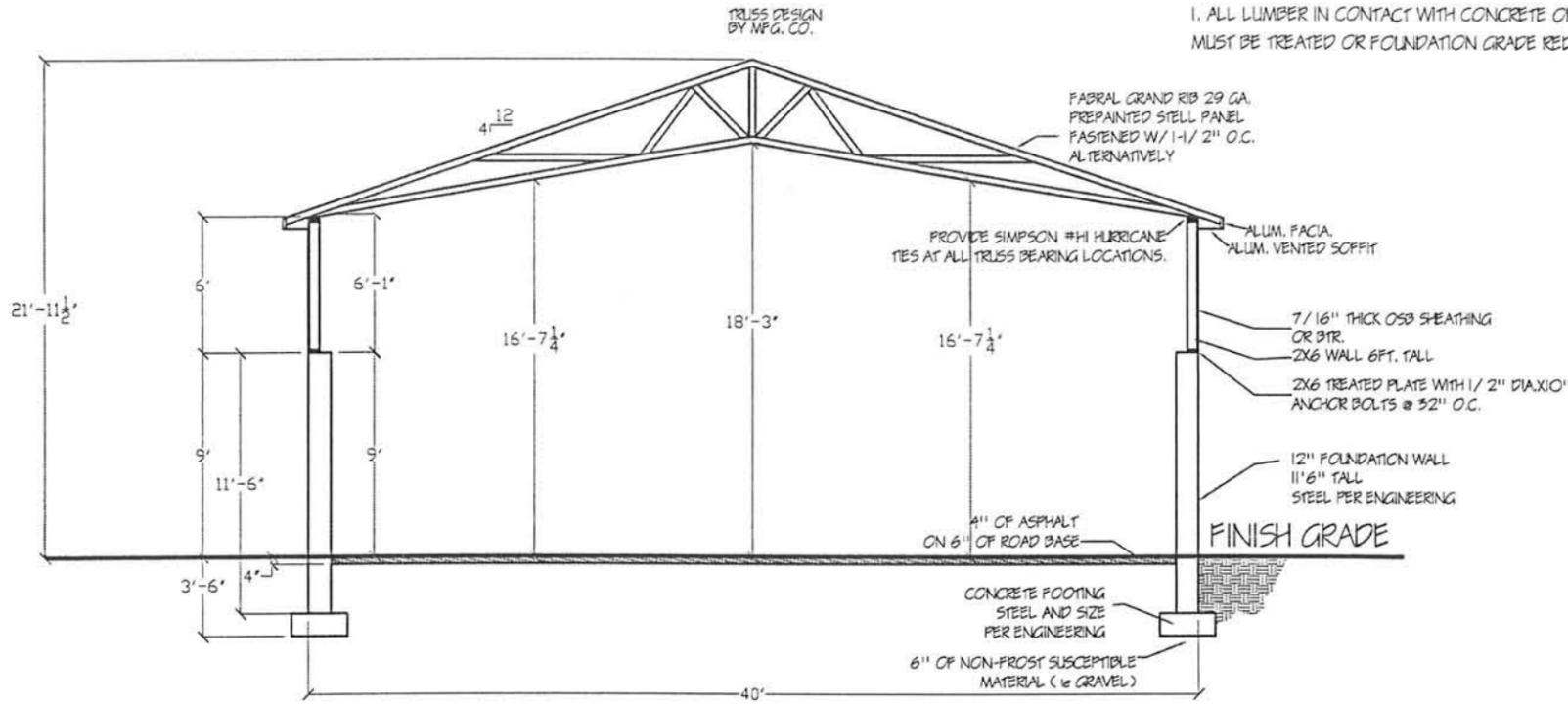
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January 28, 2011  
REVISION DATE:  
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SHEET  
OF  
4  
4

Exhibit  
C-4

NOTES:

1. ALL LUMBER IN CONTACT WITH CONCRETE OR MASONRY  
MUST BE TREATED OR FOUNDATION GRADE REDWOOD.



1  
4  
TYPICAL WALL SECTION  
1/8" = 1'

2  
4  
DETAIL  
NTS

3  
4  
SECTION  
NTS

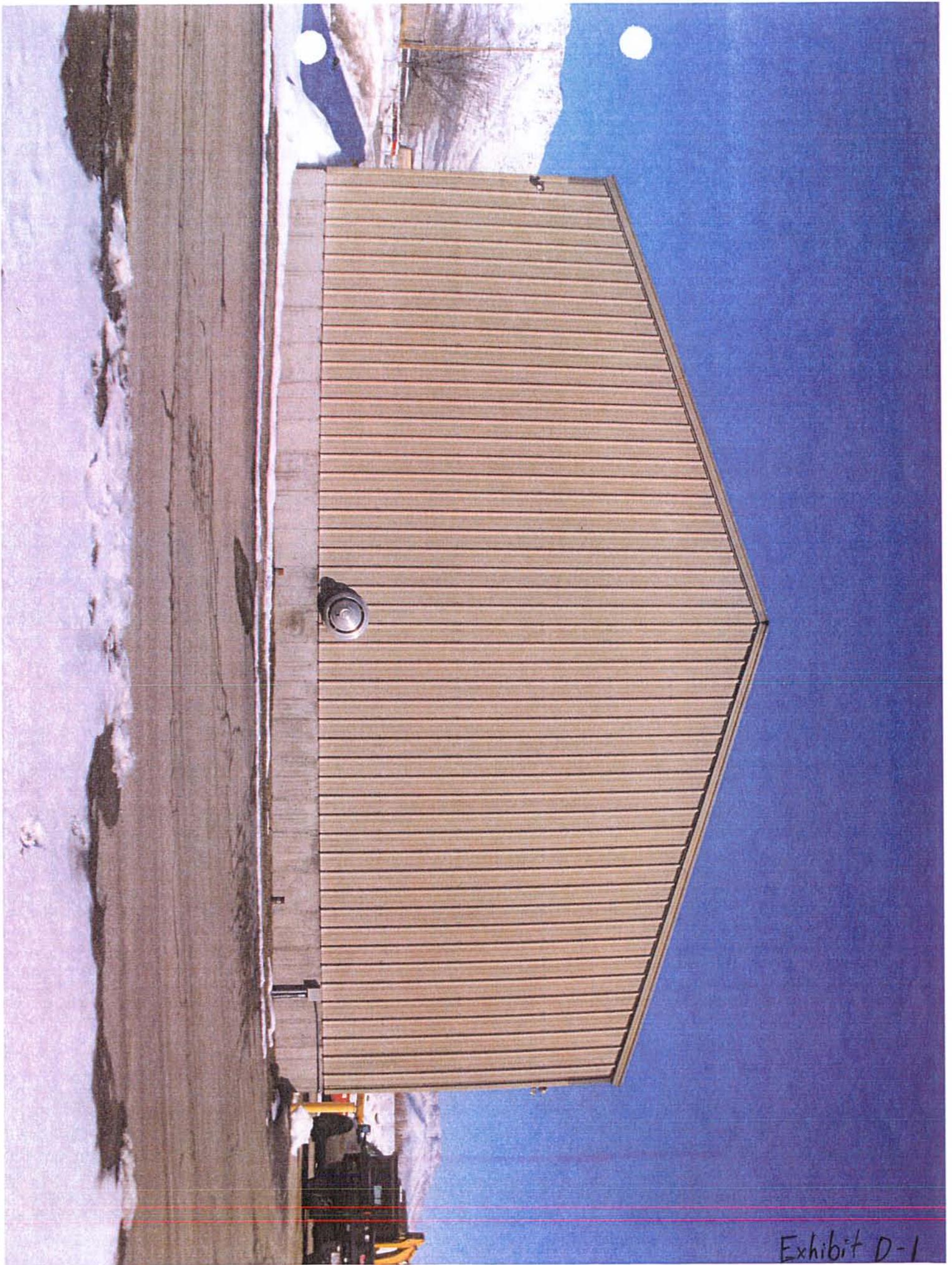


Exhibit D-1

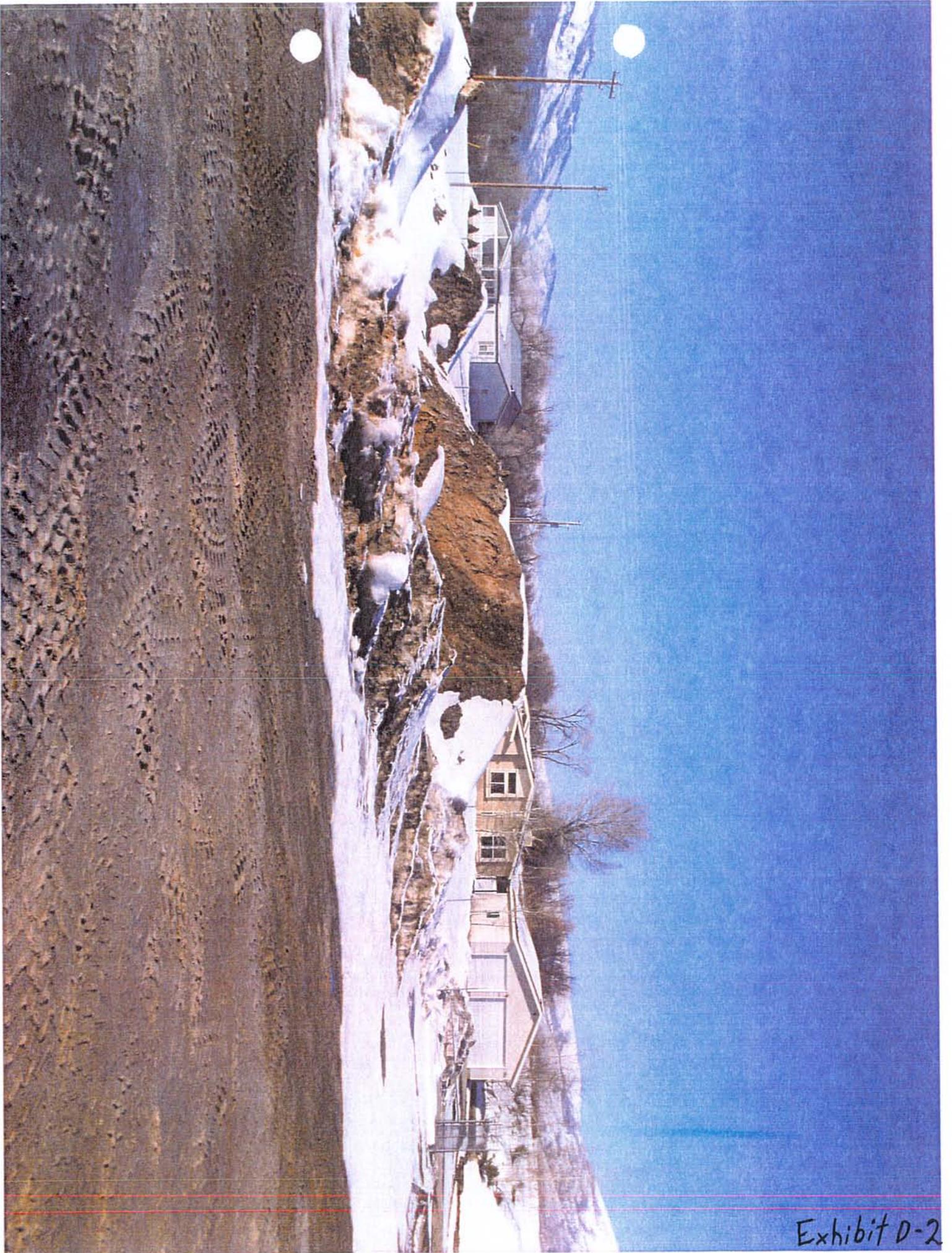


Exhibit D-2

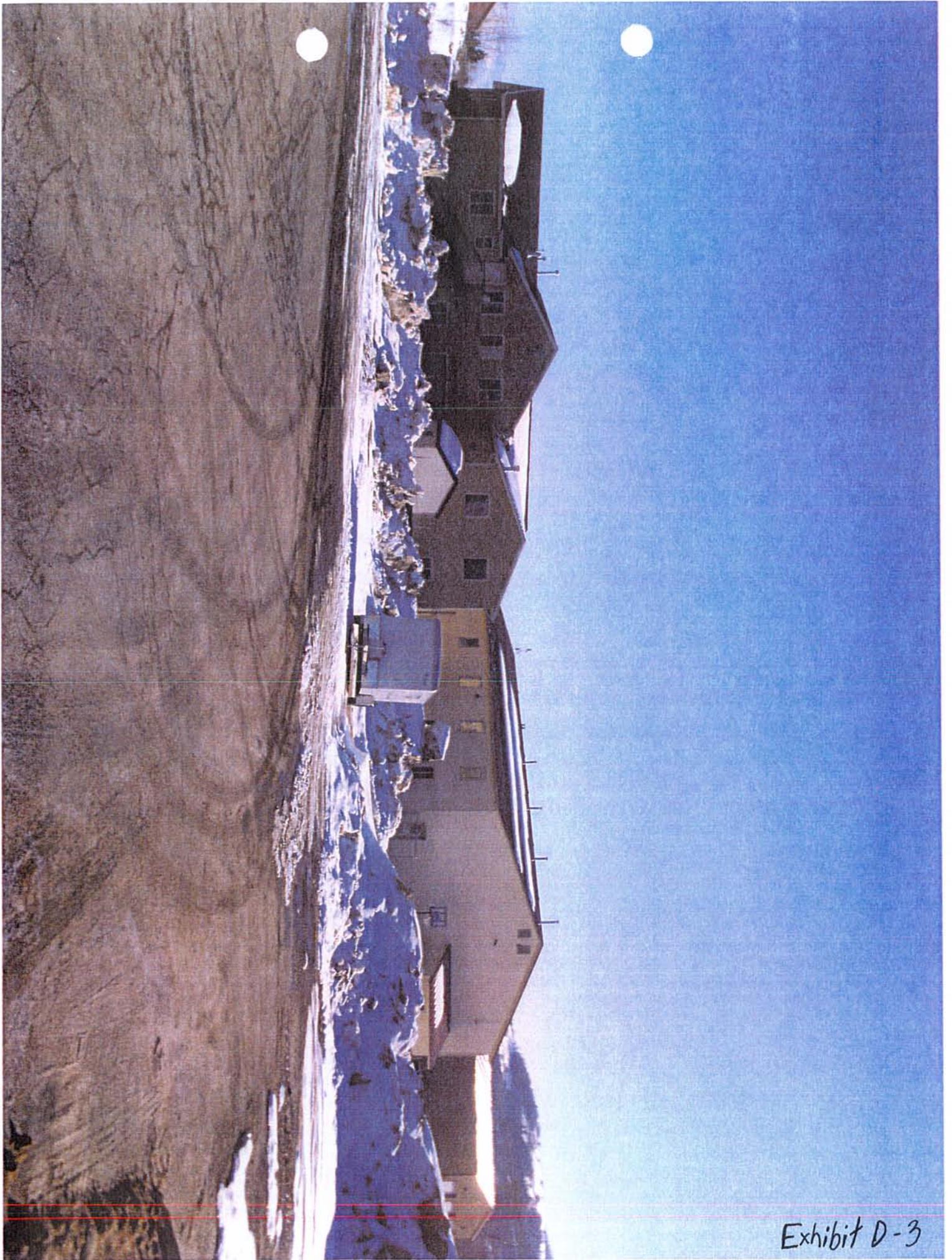


Exhibit D-3

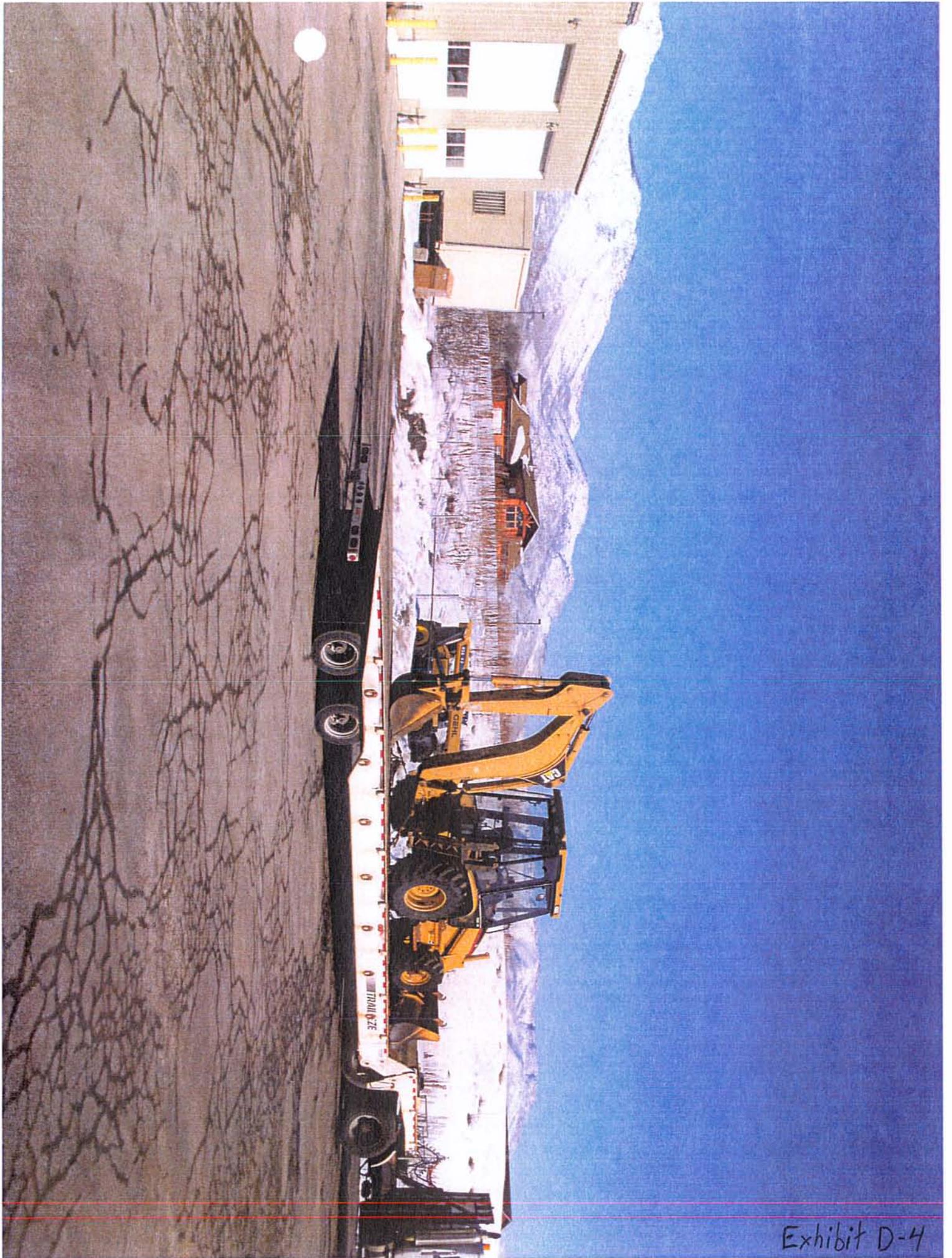


Exhibit D-4



Exhibit D-5

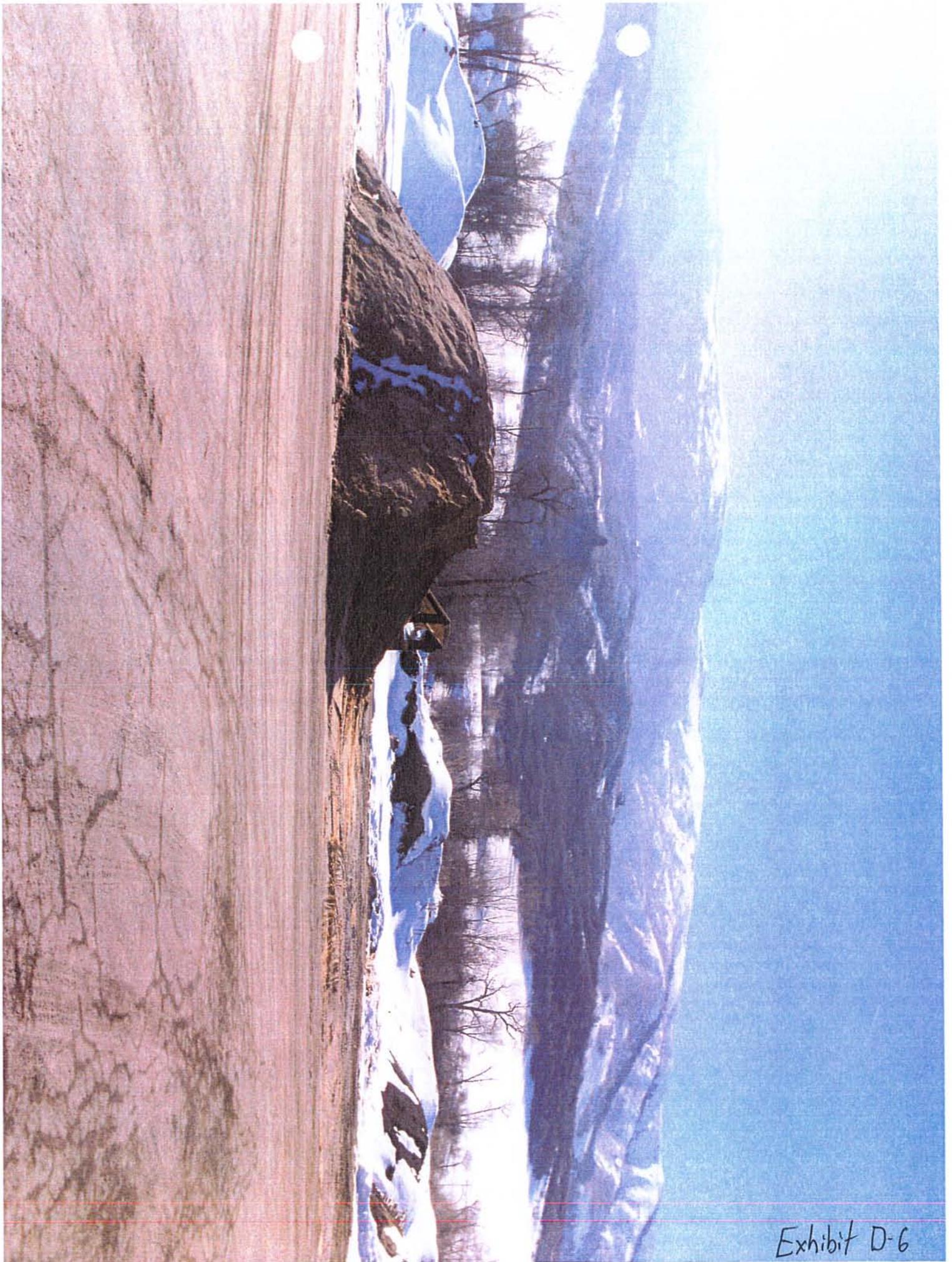


Exhibit D-6

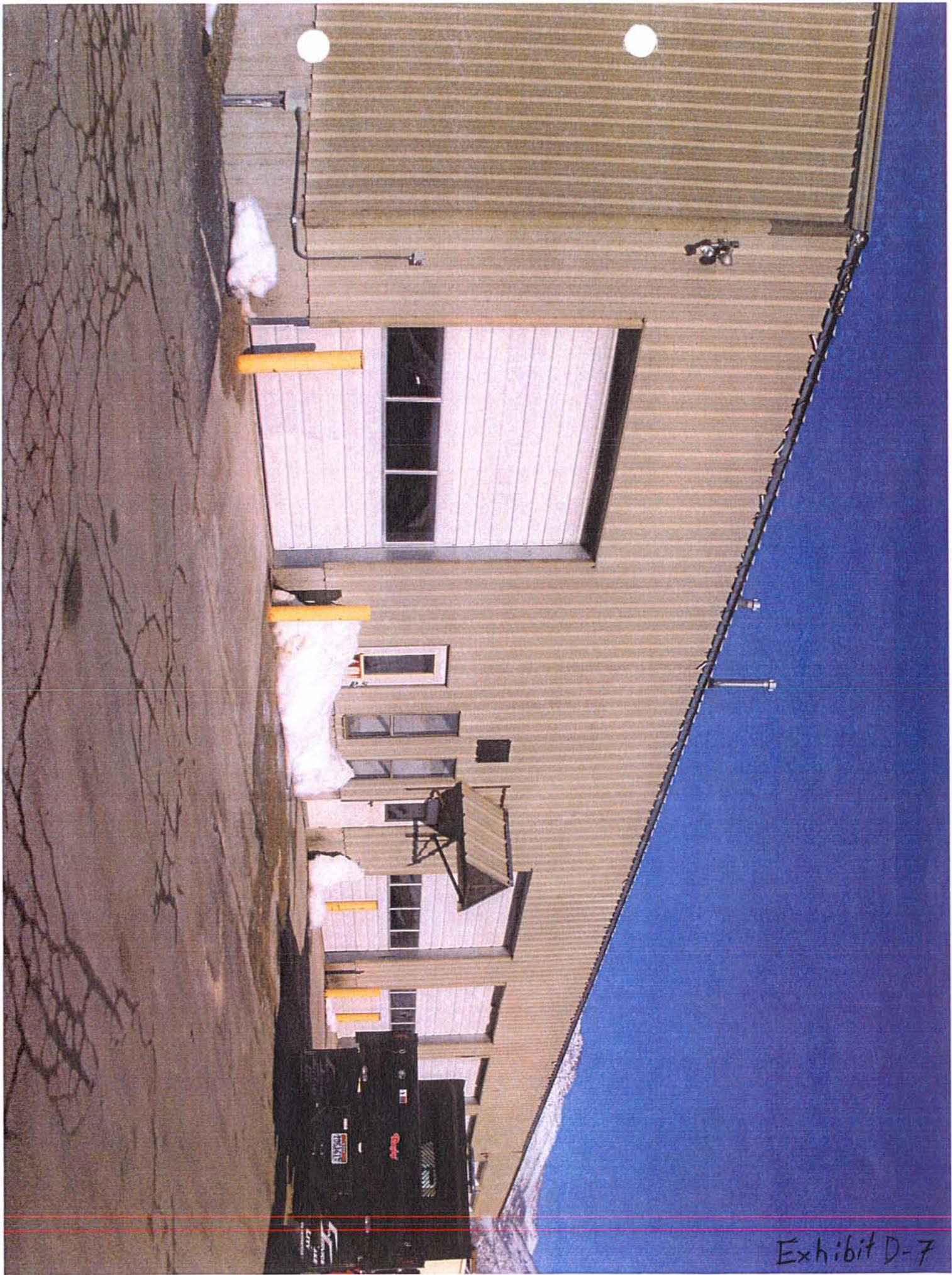


Exhibit D-7

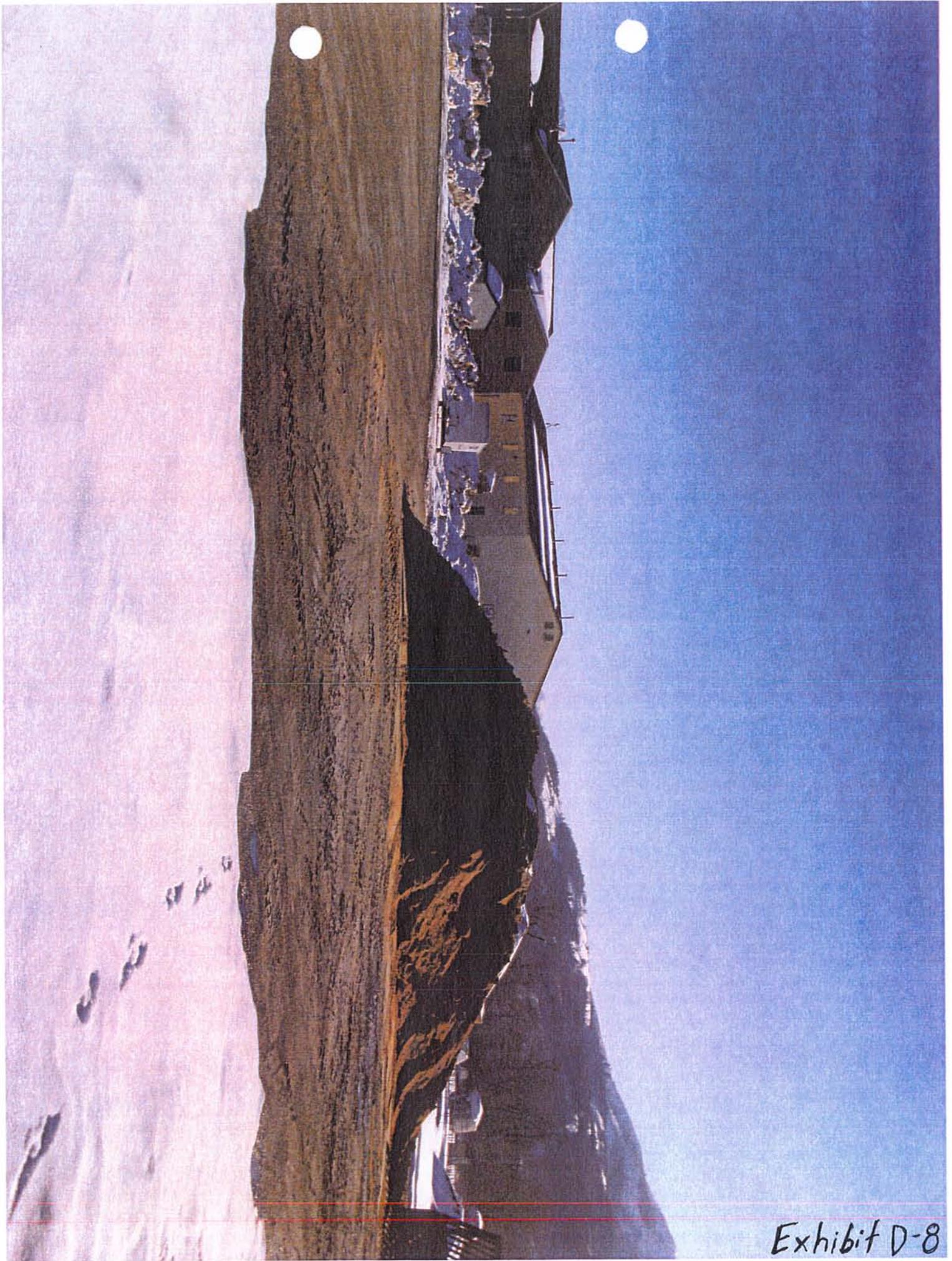


Exhibit D-8



## Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

### Synopsis

#### Application Information

**Application Request:** Consideration and action on a request for approval of CUP 2010-04 for a private heliport located at the Red Moose Lodge in Eden.

**Agenda Date:** Tuesday, February 22, 2011

**Applicant:** Ron Rueben (Red Moose Lodge Owner)

**File Number:** CUP 2010-04

#### Property Information

**Approximate Address:** 2547 North Valley Junction Drive

**Project Area:** 4.39 acres

**Zoning:** Commercial Valley Zone (CV-2)

**Existing Land Use:** Red Moose Lodge

**Proposed Land Use:** Private heliport at the Red Moose Lodge

**Parcel ID:** 22-158-0011

**Township, Range, Section:** T7N, R1E, NW ¼ of Section 34

#### Adjacent Land Use

<b>North:</b> Commercial	<b>South:</b> Agricultural
<b>East:</b> Commercial	<b>West:</b> Manufacturing

#### Staff Information

**Report Presenter:** Ben Hatfield  
bhatfield@co.weber.ut.us  
801-399-8766

**Report Reviewer:** SW

### Applicable Ordinances

- Zoning Ordinance Chapter 18B Commercial Valley Zone (CV-2)
- Zoning Ordinance Chapter 18C Ogden Valley Architectural, Landscape and Screening Standards
- Zoning Ordinance Chapter 22C (Conditional Use)
- Zoning Ordinance Chapter 36 Design Review

### Background

The Red Moose Lodge in conjunction with Diamond Peaks Heli Ski Adventures, are requesting approval of a private heliport located at the Red Moose Lodge. The proposed use is located in a CV-2 Zone, which lists "heliport" as a conditional use. The proposed heliport location is on the southeast side of the Red Moose Lodge, on a concrete pad that was once a basketball court. The basketball standards have been removed and there are no other obstructions in the area. The CV-2 Zone requires a 20 foot front yard setback, and the landing area on the concrete pad meets the setback requirement. However, Valley Junction Drive is located within 30 feet of the heliport landing area, and it must be assured that the flights do not block, render unsafe, or otherwise disturb the right-of-way and pedestrian or vehicular traffic traveling thereon. The Red Moose Lodge already has an approved site plan with adequate landscaping and parking to meet the requirements of the Zoning Ordinance. No additional signs or lighting are being proposed for the Red Moose Lodge or the heliport area.

The Ogden Valley Planning Commission first reviewed this application on February 23, 2010. The Planning Commission tabled the application to allow the applicant time to provide additional information on the following four issues:

1. Refueling on the public road.
2. Comments from the Division of Wildlife Resources (DWR) regarding wildlife impacts.
3. Evaluating flight paths for wildlife, safety, and noise.
4. The effect of week-long flight operations (instead of once or twice a week).

On January 25, 2011 the Planning Commission again reviewed this application. The Planning Commission tabled the application for one month so that the applicant can address;

- further study the noise decibel level (such as mitigating some noise by the use of a 3-blade helicopter),
- map of specific flight routes,
- frequency of flights,
- altitude of flights,
- and other ways to mitigate the noise.

In response the applicant has submitted the following information:

- A Fly Neighborly Guide with information about mitigating noise to other adjacent uses.
- A Helicopter Fact Sheet with a table of different helicopters and their noise levels. The two helicopters (see Exhibit C-2) to be used are the Bell 206-L4 (2 blades) and the AS-350-BA (3 blades).
- A noise level table showing decibel levels of the Bell 206-L4 at flyover, take off, and approach.
- Sound charts showing other noise annoyances and their related noise level.
- Maps showing proposed flight paths and flight altitudes.
- A letter describing frequency of flights and estimated number of flights per day.

Staff has reviewed the submitted materials and has created maps showing the proposed flight paths. Of the two medium sized helicopter types to be used the Bell 206-L4 (2 blades) is reported (exhibit C) to have a decibel reading of 85.2 dB at flyover, 88.4 dB at takeoff, and 90.7 dB at approach. The AS-350-BA (3 blades) is reported to have a decibel reading of 86.8 at flyover. It is therefore anticipated that the range of potential noise annoyance for the proposed operation would be between 85 and 90 decibels. These levels when compared with sound charts (exhibit D) range between typical city traffic on the low end and large trucks/motorcycle on the high end. Agricultural areas often have higher noise levels due to machinery used.

The proposed flight paths are similar to what the Planning Commission had discussed at the January 25, 2011 meeting, and are in less populated areas of the community. A loop in the flight path will allow flights to gain altitude to over 1,000 feet above the ground and reduce noise to nearby residences. Staff understands the seasonality of the proposal and in reviewing the applicants comments (exhibit F) it is proposed that flights would occur only in the months of January, February, March, and April. Although potentially flights could occur everyday, it is anticipated that only a few flight days per week will occur with 10 to 12 flights per day.

### **Summary of Planning Commission Considerations**

- Has the applicant provided adequate information to address the Planning Commission's issues?
- Are there any potentially detrimental effects that can be mitigated by imposing conditions of approval, and if so, what are the appropriate conditions?

### **Conformance to the General Plan**

One of the goals of the Ogden Valley General Plan is to enhance quality recreational opportunities in the Valley. Resolution 3-97 (Ogden Valley General Plan Commercial Zone Map) states that the County continues to support the development of resort-related commercial areas. The General Plan also seeks to clarify the difference between commercial structures and commercial operations, with operations being allowed as conditional uses in appropriate zones. In addition, the heliport is another option for increased emergency medical service in the Valley. However, these goals must be balanced with the goal to make sure that development is compatible with the Valley's rural character and natural setting.

### **Conditions of Approval**

- Requirements of the Weber County Engineering Division
- Requirements of the Weber County Health Department
- Requirements of the Weber Fire District
- Requirements of the Federal Aviation Administration
- The heliport is used by Diamond Peaks and appropriate medical, government, or other emergency helicopters only
- Other conditions deemed necessary by the Planning Commission

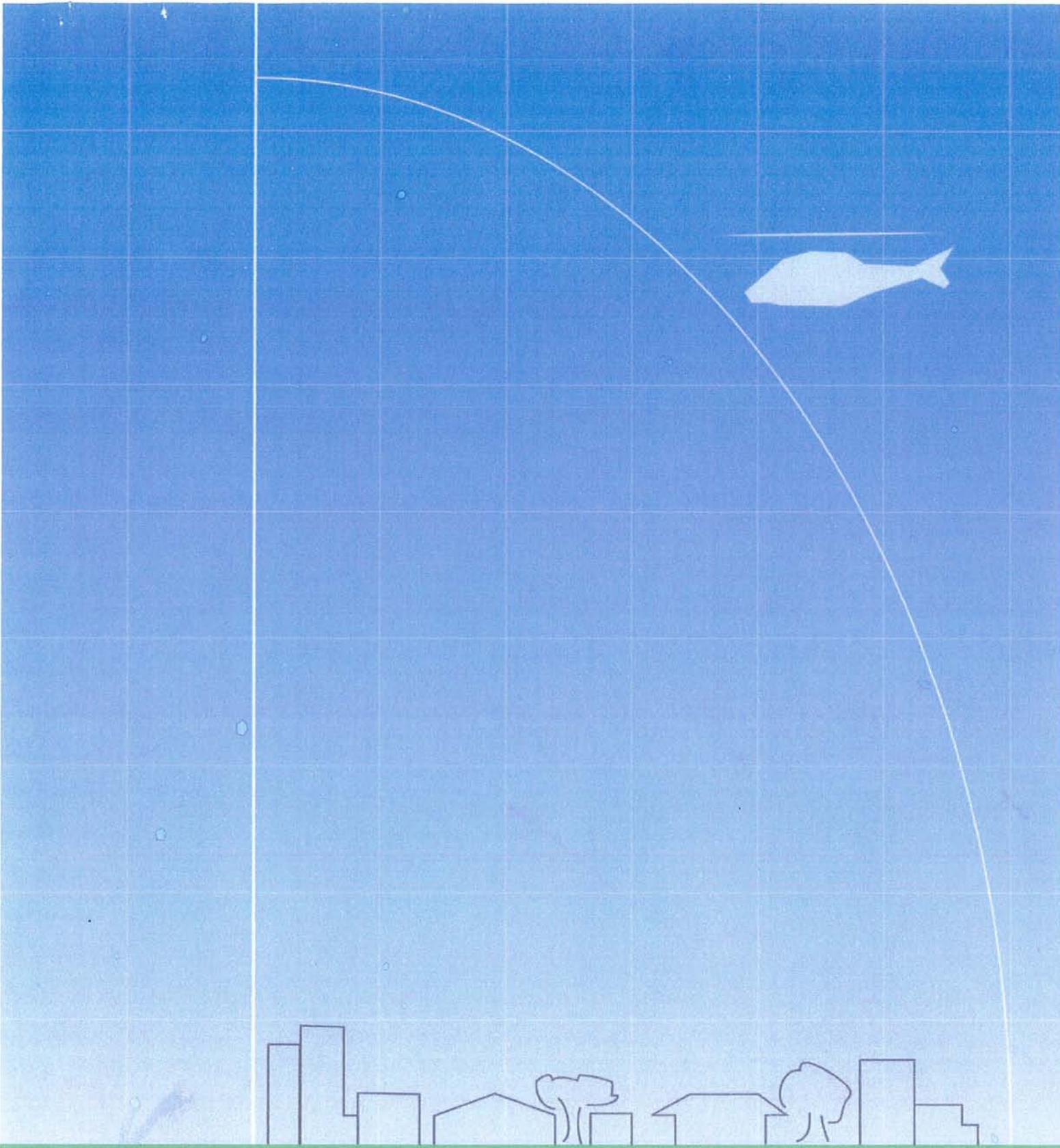
## **Staff Recommendation**

The Planning Commission needs to determine if the applicant has provided sufficient information to address the five issues raised by the Planning Commission in January 2011. If the Planning Commission determines that the issues have been adequately addressed, then approval should be granted with appropriate conditions. If the Planning Commission determines that the issues have not been adequately addressed, then approval should be denied.

## **Exhibits**

- A. Fly Neighborly Guide
- B. Helicopter Fact Sheet
- C. Noise level table showing decibel levels at flyover, take off, and approach
- D. Sound charts of other noises
- E. Maps of proposed flight path routes
- F. Letter about flight frequency
- G. Staff report from 1-25-2011
- H. Staff report from 2-23-2010





# Fly Neighborly Guide

produced by the **Helicopter Association International** Fly Neighborly Committee

Exhibit A

## **Preface**

This is the third edition of the Helicopter Association International (HAI) *Fly Neighborly Guide*. The initial guide was issued in 1981 and again with a change to the title page in 1983. A second edition was issued in 1993. This guide is based on the second edition and was edited and revised by Charles Cox and Dr. John Leverton on behalf of the HAI Fly Neighborly Committee.

The Fly Neighborly Program is a voluntary noise abatement program developed by the HAI Fly Neighborly Committee. The program is designed to be implemented worldwide by large and small individual helicopter operators. This program applies to all types of civil, military and governmental helicopter operations.

Fly Neighborly Noise Abatement procedures for specific helicopter models are available on the HAI Web site [www.rotor.com](http://www.rotor.com).

Additional pilot training information, discussion of helicopter noise sources, noise propagation and general information on how to operate helicopters to minimize the noise impact is also available on an associated interactive Noise Abatement Training CD developed for pilots by the HAI Manufacturers Committee. Copies of this CD can be obtained from HAI .

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## Foreword

In the late 1970s, concern was being expressed about helicopter noise by the general public and national authorities in a number of nations, including the USA. As a result, a number of Helicopter Association International (HAI) committees, including the Heliport and Airways Committee (now known as the Heliports Committee), started to research how this concern should be addressed. At the same time, the International Civil Aviation Organization (ICAO), with active support of the United States Federal Aviation Administration (FAA) and most European nations, established a working group to develop helicopter noise certification standards. In addition, the FAA issued a Notice of Proposed Rulemaking (NPRM) outlining proposed noise certification procedures and limits.

The industry, and HAI in particular, felt that a better approach would be for the industry to develop voluntary guidelines to control the noise impact by operational means. After a number of FAA/industry meetings, the FAA, in the fall of 1981, agreed to withdraw its initial NPRM related to helicopter noise certification while additional technical data were acquired. This was done with the understanding that the helicopter industry would develop new technology - creating quieter, more advanced equipment, and implement a voluntary noise abatement program. This resulted in the establishment of the HAI Fly Neighborly Program based on an earlier program developed by Bell Helicopter Textron.

ICAO initially issued international noise standards in 1981, as a part of the International Standards and Recommended Practices, Environmental Protection, Annex 16 to the Convention on International Civil Aviation. These were not adopted by many nations before they were relaxed in 1985. Since that time, the standards have been amended a number of times. The FAA subsequently issued helicopter noise certification standards in 1988. These have been revised over the years. They are defined in 14 CFR Part 36. The Fly Neighborly Program offers the technical information necessary for helicopter operators to fly both current and new advanced helicopters as quietly as practical, and to make helicopter operations compatible with nearly all land uses. The program also discusses how to communicate to the public the gains from using such procedures. In addition, the program provides general information related to helicopter noise and public acceptance.

# 1 General Information

## 1.1 Background

HAI's Heliports and Airways Committee (HAC) originally organized the Fly Neighborly Program through its Fly Neighborly Steering Committee. This committee was composed of members of HAI and governmental representatives, including the FAA, members of the military and other associations. Officially launched by HAI in February 1982, the program gained U.S. and international acceptance. Subsequently, the work related to the Fly Neighborly Program was considered sufficiently important by HAI that a separate Fly Neighborly Committee was formed to promote the program and ensure that the *Fly Neighborly Guide* and associated material are updated as appropriate.

In the U.S., the program has gained the full support of helicopter operators, regional associations, manufacturers, pilots and communities throughout the country. Federal, state and local government agencies have embraced the program, and taken an active part in sponsoring Fly Neighborly presentations in conjunction with safety seminars and other activities. Worldwide, the helicopter industry and its related communities are kept informed on the Fly Neighborly Program. Companion programs have been developed in a number of countries including Germany, France, and the United Kingdom.

## 1.2 Objectives

The Fly Neighborly Program addresses noise abatement and public acceptance objectives with guidelines in the following areas:

- pilot and operator awareness
- pilot training and education
- flight operations planning
- public acceptance and safety
- sensitivity to the concerns of the community

## 1.3 About This Guide

The *Fly Neighborly Guide* is published under the auspices of HAI to promote helicopter noise abatement operations. It addresses general issues only and is, by no means, comprehensive.

## 1.4 Purpose

These guidelines are intended to assist pilots, operators, managers, and designated Fly Neighborly officers to establish an effective Fly Neighborly Program. The concepts and flight operations outlined, herein, must be further tailored to suit local needs, and to ensure local or regional organizations cooperate to develop a strong, well-organized and disciplined approach to achieving Fly Neighborly objectives.

## 1.5 Organization

This guide is divided into seven main sections. Section One covers general information. Section Two addresses helicopter sound generation. Section Three gives guidance for noise abatement operations. Section Four discusses how to operate helicopters quietly. Section Five covers pilot training. Section Six describes the operator program which

provides a broad outline of the possible actions helicopter operators can take, including flight operations planning. Section Seven deals with community concerns and issues of public acceptance and Section Eight answers the question of what the Fly Neighborly Program can achieve. Three appendices present a comparison of sounds, the Advisory Circular (AC) 91.36D, and an example of a public heliport noise abatement program. In addition, a glossary is provided to help define the acronyms used or referred to in this Guide.

## 1.6 Administration

HAI solicits new ideas, comments, and recommendations to improve the program. HAI's Fly Neighborly, Safety and Heliport Committees are focal points for the development of new technical material in their respective areas. Additional guides can be obtained from HAI.

The Fly Neighborly Committee monitors the Fly Neighborly Program, and distributes new information to participants. Individuals, operators, or agencies desiring additional information should contact the HAI Fly Neighborly Program staff liaison at:

Helicopter Association International  
1635 Prince Street  
Alexandria, VA 22314 USA

Phone: (703) 683-4646  
Fax: (703) 683-4745  
Web site: [www.rotor.com](http://www.rotor.com)  
Email address: [flyneighborly@rotor.com](mailto:flyneighborly@rotor.com)

## 2 Helicopter Sound Generation

### 2.1 The Source of the Sound

The external sound produced by a helicopter is made up of acoustical sources from the main rotor, the anti-torque system (tail rotor), the engine(s), and drive systems. For turbine-powered helicopters, the main rotor and anti-torque system dominate the acoustical signature. Engine and gearing noise are generally of significance only when up close to the helicopter. The same is true for piston-powered helicopters, although muffling of the engine is usually necessary.

The most noticeable acoustical characteristic of all helicopters is the modulation of sound by the relatively slow-turning main rotor. This modulation attracts attention, much as a flashing light is more conspicuous than a steady one. The resulting modulated sound can become impulsive in character and is referred to as BVI (Blade Vortex Interaction Noise), *blade slap*, or more generally, as *impulsive noise*. In some flight conditions, the main rotor noise can become quite impulsive in character (*blade slap*, or more generally *impulsive noise*), which can increase the annoyance of the helicopter to people on the ground.

Impulsive noise occurs during high-speed forward flight as a result of blade thickness and compressible-flow on the advancing blade. This latter source causes the blades' airloads to fluctuate rapidly. These fluctuations result in impulsive noise with shock waves that can propagate forward. High tip-speed rotor designs flown at high airspeeds are the worst offenders.

At lower airspeeds, and typically during a descent, rotor impulsive noise can occur when a blade intersects its own vortex system or that of another blade. This type of noise is referred to as Blade Slap or (BVI) noise. When this happens, the blade experiences locally high velocities and rapid angle-of-attack changes. This tends to produce a sound that is loud and very annoying in character.

There are three basic types of anti-torque systems used in current helicopters: the conventional open tail rotor, the ducted tail rotor/fan (e.g., the Fenestron), and the Coanda-effect/ blown-air system (e.g., the NOTAR). Each system has its own unique acoustical characteristics. The conventional open tail rotor generates a fluctuating low pitch whine or drone. The ducted tail rotor/fan produces a high pitch, sometimes fluctuating shrill. The blown-air, directional-vane system generates a broadband, compressed-air hissing.

The noise of both the open tail rotor and the ducted tail rotor/fan increases with airspeed and in high-rate climbs and turns. Interaction between the main rotor and either type of anti-torque system can, and often, exacerbates the anti-torque system's sound output. In addition, the proximity of the vertical fin and tail boom influences the sound output of an open tail rotor. Somewhat similarly, the presence of vanes/stators and support struts, plus inflow/outflow turbulence, exacerbate the sound output of ducted tail rotor/fan systems. Turbulent flows off the pylon and fuselage also tend to increase the level and the sound fluctuations of both these types of anti-torque systems.

The Fenestron has some advantages over an open rotor at distance since it generates a higher frequency sound, which is more easily attenuated by the atmosphere. On many helicopters, the main source of noise heard at distance, particularly if a high tip-speed tail rotor is used, is associated with the tail rotor blade thickness. Quiet open tail rotors tend, therefore, to use lower tip speeds, thinner blade sections and, to provide adequate thrust, an increase in the number of blades.

With regard to the noise generated, the NOTAR has advantages in many respects because it is independent of the increase associated with the other two types of anti-torque systems. The NOTAR is, however, only available at the current time on designs manufactured by one company.

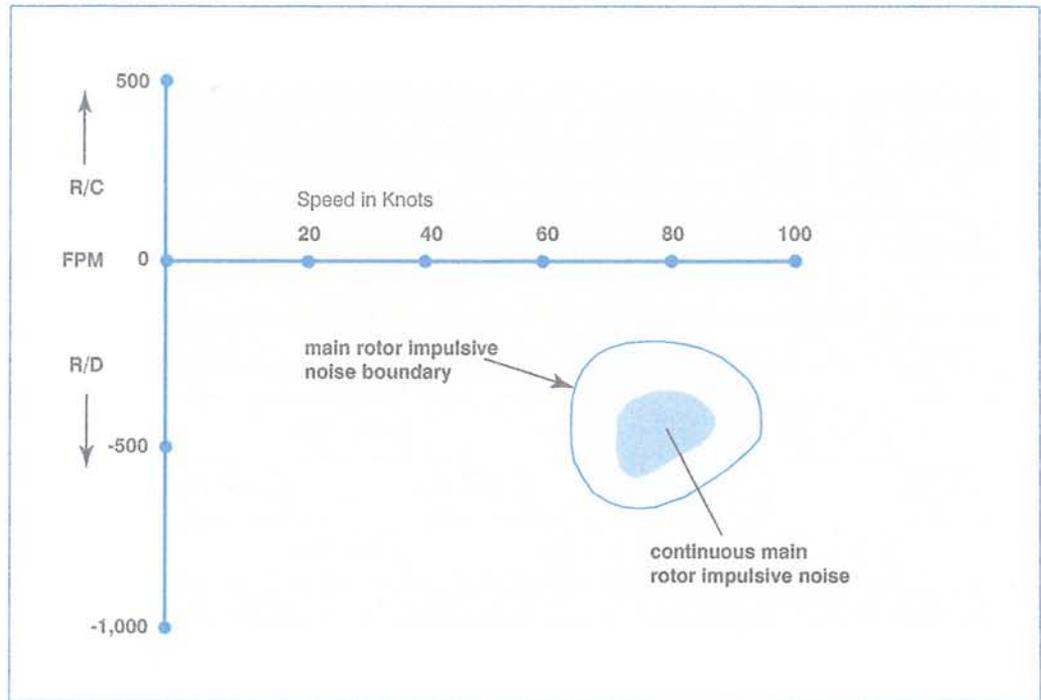
The general relationship between sound level and helicopter weight, and a comparison of the sound generated by a helicopter and other common noise sources are given in Appendix 1.

## 2.2 Impact of Operations

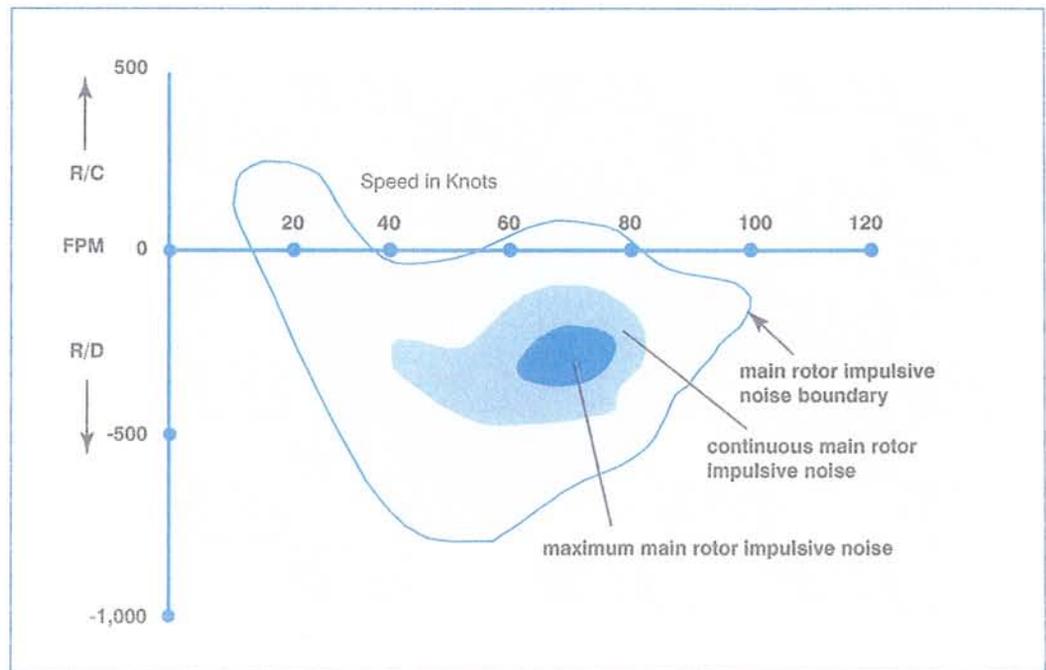
For a typical small/light helicopter, the most annoying noise mechanism impulsive noise (BVI) occurs during partial power descents and in sharp/high-rate turns. For a typical medium or large/heavy helicopter, they can occur in low-speed level flight, during partial power descents, and in sharp/high-rate turns. Figures 1, 2 and 3 show the flight conditions under which you can expect main rotor impulsive noise to occur.

The impulsive noise boundary for your particular helicopter may be somewhat larger than that shown in Figures 1 and 2 because the main rotor may generate impulsiveness intermittently when it encounters wind gusts, or during a rapid transition from one flight condition to another. Although the sound produced at these descent rates is not extremely loud to crewmembers inside the helicopter, they can, in most cases, recognize it and, thereby, define the impulsive noise boundaries for their particular helicopter. However, in some cases, the impulsive BVI noise cannot be detected in the cockpit. Of course, people on the ground hear impulsive noise grow more intense as the helicopter descends.

**Figure 1**  
High-Noise Flight  
Operations –  
Small/Light Helicopter

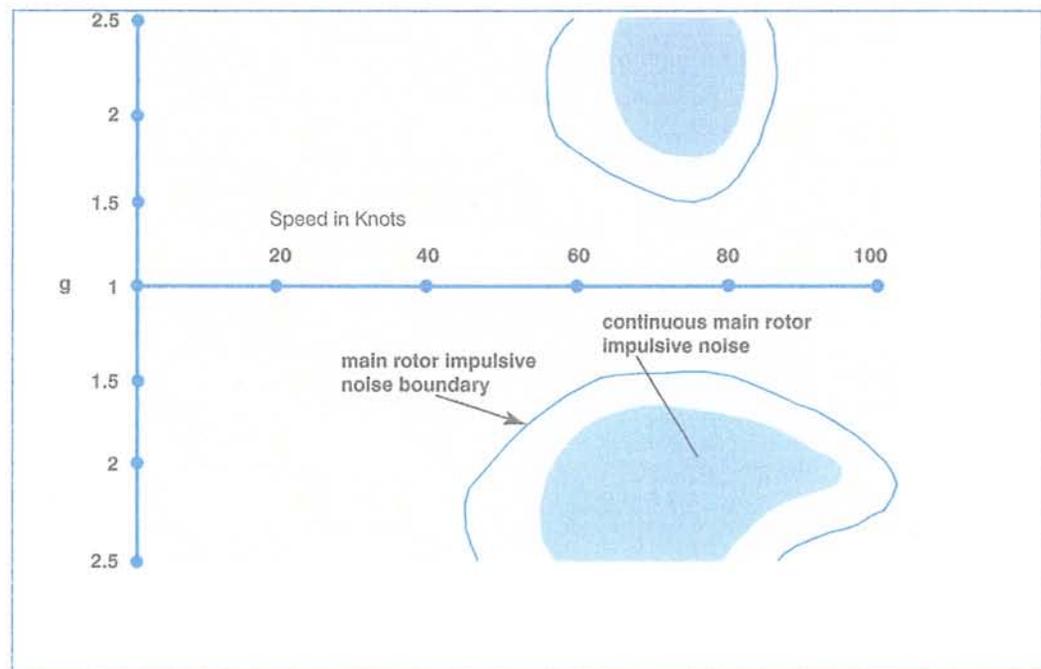


**Figure 2**  
High-Noise Flight  
Operations –  
Medium/Heavy  
Helicopters



Main rotor impulsive noise also occurs during maneuvers (i.e. in constant speed turns, if turn rates are too high. Here, the main rotor blade and wake interact in much the same manner as in partial power descents. As Figure 3 shows, for a medium helicopter with a two-bladed main rotor, main rotor impulsive noise occurs in turns that exceed 1.5g, with airspeeds between 50 and 90 knots in a left turn, and between 40 and 100 knots in a right turn. There is little difference in the intensity of the noise in right or left turns once the critical g is reached. The crew can normally hear this impulsiveness. These characteristics also generally apply to other helicopters. Unfortunately, specific information on the increase in the level of impulsive noise, in terms of g or bank angle, is not generally available.

**Figure 3**  
High-Noise  
Maneuvers –  
Medium  
Helicopters



In addition to the general characteristics discussed above, it should be noted that the various sound sources exhibit specific directivity characteristics. These are not discussed in detail in this document, but it is worth noting that, in general, the main rotor sound is focused towards the front and on the advancing blade side of the helicopter. The tail rotor noise is similarly focused forward and it is also radiated downward under the helicopter. As a result, the sound in particular from the main rotor impulsive sources - is generally detected well in advance of the helicopter flying over. Fortunately, these aspects are normally taken into account when noise abatement procedures are developed by the manufacturer. Even so, they should not be ignored when planning flight operations.

## 3 General Guidelines for Noise Abatement Operations

This section offers a number of noise abatement techniques for use in daily operations. A few general guidelines are given below.

- Avoid noise-sensitive areas altogether, when possible. Follow:
  - high ambient noise routes such as highways, or
  - unpopulated routes such as waterways.

If it is necessary to fly near noise-sensitive areas:

- maintain an altitude as high as possible in line with the HAI *Fly Higher Chart* (Fig. 4)
- fly normal cruising speed or slower
- observe low-noise speed and descent recommendations
- avoid sharp maneuvers
- use steep takeoff and descent profiles, and
- vary the route, since repetition contributes to annoyance

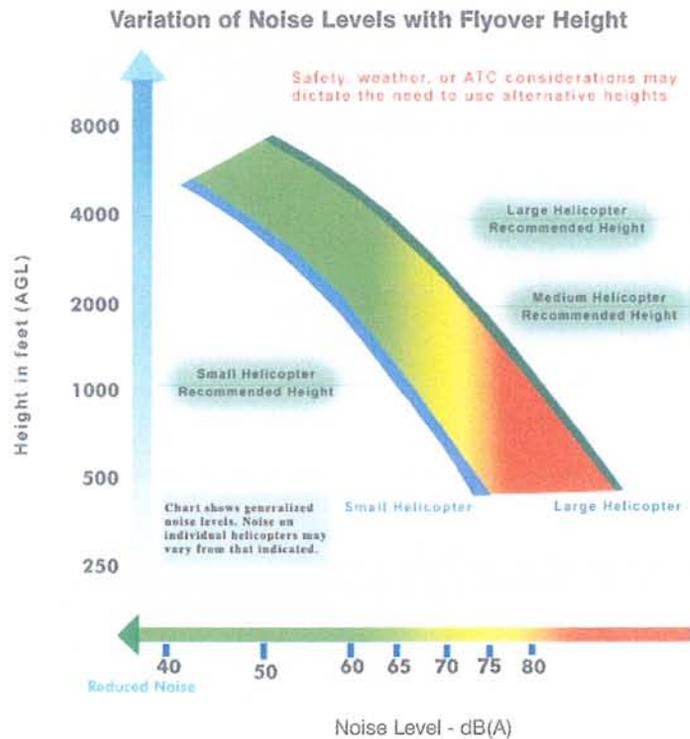
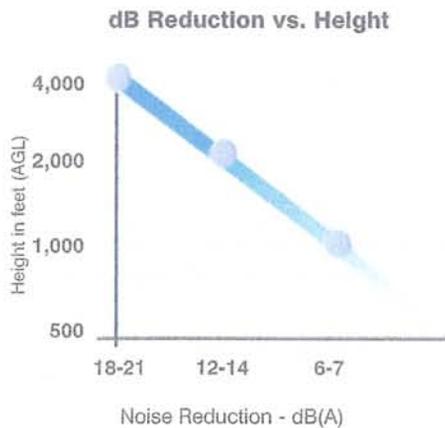
Flights conducted over roads (particularly interstates), railways and rivers in noise-sensitive areas are less likely to generate complaints than routes that acoustically and visually intrude on peoples' privacy, such as those that cross, or can be heard from, residential backyards.

### 3.1 Flyover Height

Maintaining an altitude as high as possible above the ground and flying at airspeeds consistent with minimum noise output, flight safety and ATC constraints is essential. Height and distance have a major impact on the noise level observed under the helicopter, as illustrated in the HAI *Fly Higher Chart*, shown in Figure 4. It shows the relationship of flyover height and noise exposure at ground level for different-sized helicopters. A doubling of height or distance reduces the level by six to seven dB(A). If the height/distance is increased by a factor of three, the maximum level is decreased by approximately 10 dB(A), which is equivalent to reducing the loudness by half. The chart can be used to decide what height should be flown so that the helicopter's noise output is compatible with community noise exposure criteria. For example, to be compatible with the generally accepted criterion of 65 dB(A) max<sub>2</sub> for flyover of noise-sensitive areas, light/small helicopters should fly at altitudes no less than 1,000 feet AGL. For medium helicopters, the recommended height is 2,000 feet AGL, and, for heavy/large helicopters, 4,000 ft AGL.

**Figure 4**

Fly Higher Chart



### 3.2 FAA Guidance - VFR Flight Near Noise Sensitive Areas

The FAA has published guidance when flying near noise-sensitive areas for a number of years. It was updated in 2004 and issued as Advisory Circular AC91.36D. A copy of this document is reproduced in Appendix 2. This voluntary practice recommends:

- the avoidance of flights over noise sensitive areas, if practical.
- When not possible, pilots flying VFR flights over noise-sensitive areas should make every effort to fly at not less than 2,000 feet above the surface, weather permitting, even though flight at a lower level may be consistent with the provisions of FAR 91.79, Minimum Safe Altitudes.

Typical of noise-sensitive areas in this Advisory Circular are defined as: outdoor assemblies of persons, churches, hospitals, schools, nursing homes, residential areas designated as noise-sensitive by airports or by an airport noise compatibility plan or program, and National Park Areas (including Parks, Forest, Primitive Areas, Wilderness Areas, Recreation Areas, National Seashores, National Monuments, National Lakeshores, and National Wildlife Refuge and Range Areas). It is also recommended that, during departure from, or arrival at an airport, climb after takeoff and descent for landing should be made so as to avoid prolonged flight at low altitudes near noise sensitive areas. It should be mentioned, however, that such procedures should not apply where it would conflict with ATC clearances or instructions, or where an altitude of less than 2,000 feet is considered necessary by a pilot in order to adequately exercise his or her primary responsibility for safe flight.

It should be noted that FAA guidance recommends a height of 2,000 ft AGL be used for general over flight of noise-sensitive areas. This is somewhat different than the guidance developed by HAI's Fly Neighborly Committee, discussed previously and illustrated in Figure 4, which recommends 1,000 ft for small helicopters. For medium helicopters, HAI recommends 2,000 ft, the same as the FAA, but for large helicopters, HAI recommends 4,000 ft. Although FAA guidance should be followed when practical, HAI considers use of the heights in Figure 4 will ensure acceptable noise disturbance to persons on the ground.

### 3.3 Flyover Speed

The airspeed of the helicopter has an important effect on both noise exposure impact and the impulsive character of your helicopter. Generally, it is best to fly at, or somewhat below, normal cruise speeds when over-flying noise-sensitive areas. Airspeeds above normal cruise can dramatically increase your helicopter's noise levels and the impulsive character to the extent that, even if you maintain the suggested minimum flight altitudes, your over-flight is no longer compatible with generally accepted noise exposure criteria.

## 4 How to Operate Helicopters Quietly

In this section, general information is presented on how to fly a helicopter more quietly. Such information applies to the operation of all helicopters. The flight techniques given in this section are also general in nature and vary somewhat according to the actual helicopter being flown. Manufacturers have developed recommended noise abatement procedures for specific models and, when available, these should be followed. The information on HAI's Web site, [www.rotor.com](http://www.rotor.com), represents data currently available from the manufacturers. As new data becomes available, HAI will periodically update the Web site. In some cases, the noise abatement information is also available in the specific *Rotorcraft Flight Manual*. When noise abatement information is not available for a specific helicopter model, the flight techniques in the following sections should be followed. This information is also helpful to supplement the information supplied by a manufacturer.

### 4.1 General

Increasing the distance/separation from noise-sensitive areas is the most effective means of noise abatement.

### 4.2 Ground Operations

Although startup and shutdown procedures are relatively quiet and are usually shielded from noise-sensitive areas, it is good practice to reduce the amount of time spent on the ground with the rotor turning. This reduces the noise exposure to ground handling crews and heliport/airport personnel.

Minimize the duration of warm-up or cool-down periods (typically two to three minutes, although, on some engines it can be as short as 30 seconds). Do not idle at the heliport for extended periods of time.

When feasible, park with the rotors running with the nose of the helicopter directed into the wind to minimize noise. If the wind speed is above 5 knots, avoid parking with the nose 15 degrees or more from the approaching wind. This will minimize tail rotor noise.

### 4.3 Hover / Hover Taxi /Ground Taxi

When hover turning, make the turn in the direction of the main rotor rotation. This minimizes the anti-torque thrust required and, therefore, minimizes the level of noise generated by the anti-torque system. Keep the turn rate to as low as practical.

### 4.4 Takeoff and Climb (Departure)

Takeoffs are reasonably quiet operations, but you can limit the total ground area exposed to helicopter sound by using a high rate-of-climb and making a smooth transition to forward flight. The departure route should be over areas that are least sensitive to noise.

### 4.5 Enroute and Cruise Flyover

- Fly at least at the heights recommended in the *Fly Higher Chart* (Figure 4).
- Fly at the highest practical altitude when approaching metropolitan areas.

- Select a route into the landing area over the least populated area.
- Follow major thoroughfares or railway tracks.
- Avoid flying low over residential and other densely populated areas.
- If flight over noise-sensitive areas is necessary, maintain a low to moderate air-speed.
- Select the final approach route with due regard to the type of neighborhood surrounding the landing area, and the neighborhood's sensitivity to noise. Assess this sensitivity beforehand for each landing area. Some guidelines are:
  - Keep the landing area between the helicopter and the most noise-sensitive building or area on approach.
  - If the landing area is surrounded by noise-sensitive areas, approach using the recommended noise abatement approach procedure or at the steepest practical glideslope.
  - Avoid flying directly over hospitals, nursing homes, schools, and other highly noise-sensitive facilities.

#### 4.6 Turns (Maneuvers)

As a general rule, avoid rapid, high-g/high bank angle turns. When the flight operation requires turns, perform control movements smoothly.

#### 4.7 Descent/Approach and Landing

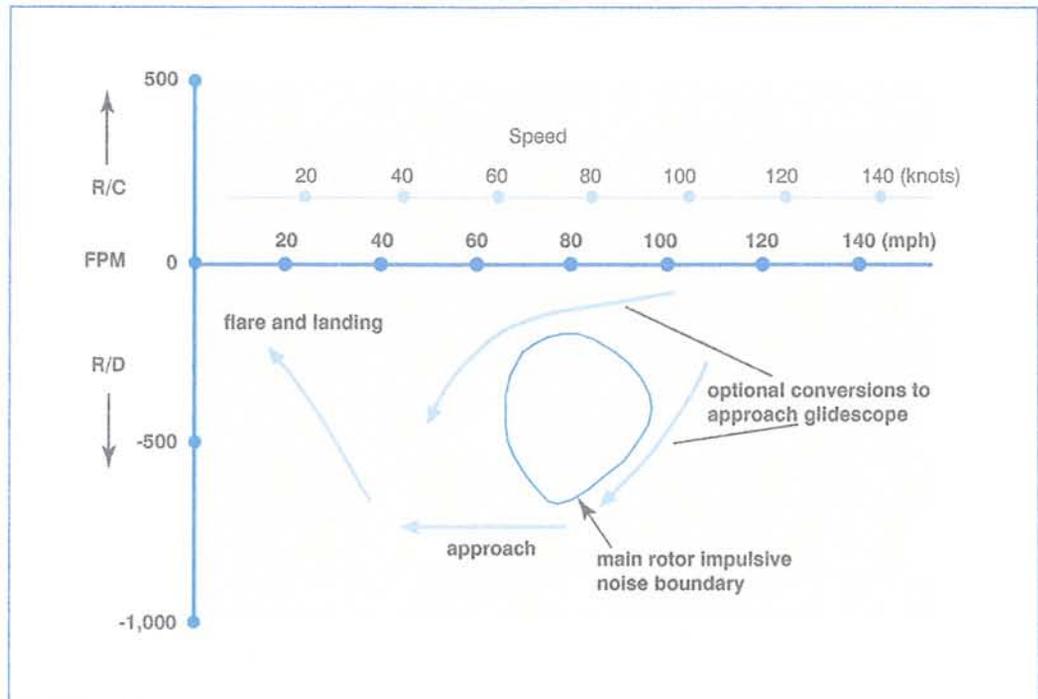
The approach techniques presented below are designed to avoid the impulsive (BVI) noise generated by the main rotor. These techniques typically use a glideslope that is a few degrees steeper than a normal approach. In addition to avoiding high BVI regimes, steep approaches ensure a greater height over the noise-sensitive area. Once the transition from cruise to the approach glideslope has been made, the airspeed and rate of descent can be tailored to fit local conditions, avoid unsafe regimes, and still guarantee minimum noise.

##### 4.7.1 Small/light helicopters

Follow one of the noise abatement flight techniques given below and illustrated in Figure 5.

- When commencing approach, first establish a rate-of-descent of at least 500 fpm, then reduce airspeed while increasing the rate-of-descent to 700-800 fpm.
  - Hold the rate-of-descent to less than 200 fpm while reducing airspeed to 50-60 knots/60-70 mph, then increase the rate-of-descent to 700-800 fpm.
- At a convenient airspeed between 45 and 60 knots/50-70 mph, set up an approach glideslope while maintaining the 700-800 fpm or greater rate-of-descent.
- Increase the rate-of-descent if main rotor BVI noise is heard, or if a steeper glideslope is required.
- Just prior to the flare, reduce the airspeed below 50 knots/60 mph before decreasing the rate-of descent.
- Execute a normal flare and landing, decreasing the rate-of-descent and airspeed appropriately.

**Figure 5**  
Noise Abatement  
Approach Techniques  
for Small/Light  
Helicopters

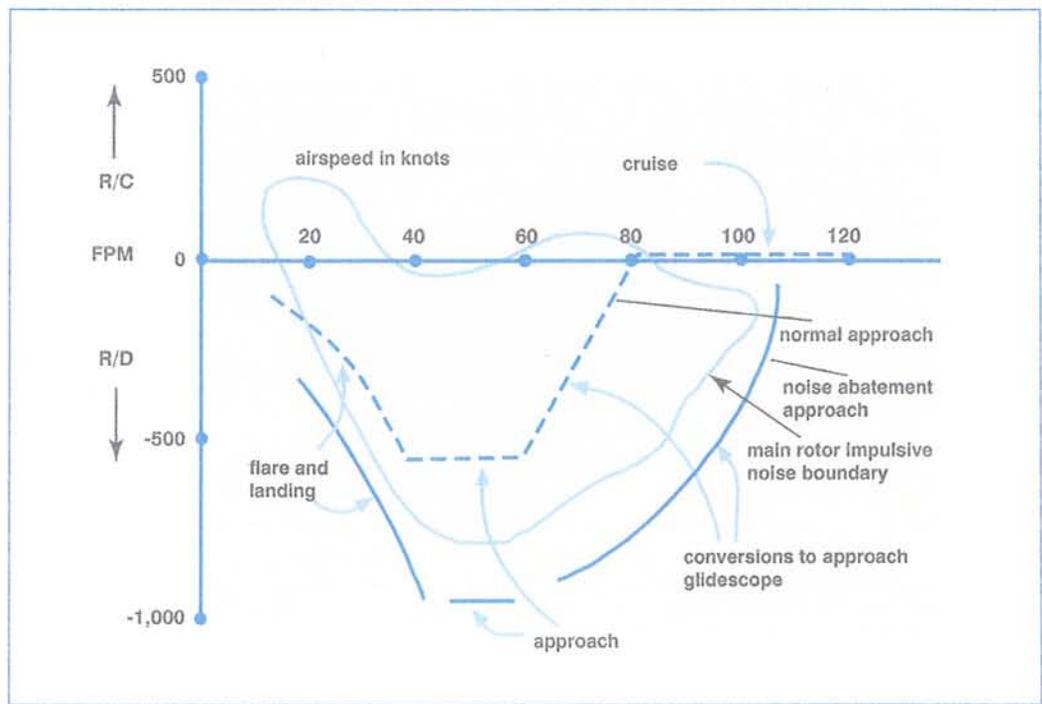


#### 4.7.2 Medium and heavy helicopters.

Follow the noise abatement flight technique given below and illustrated in Figure 6.

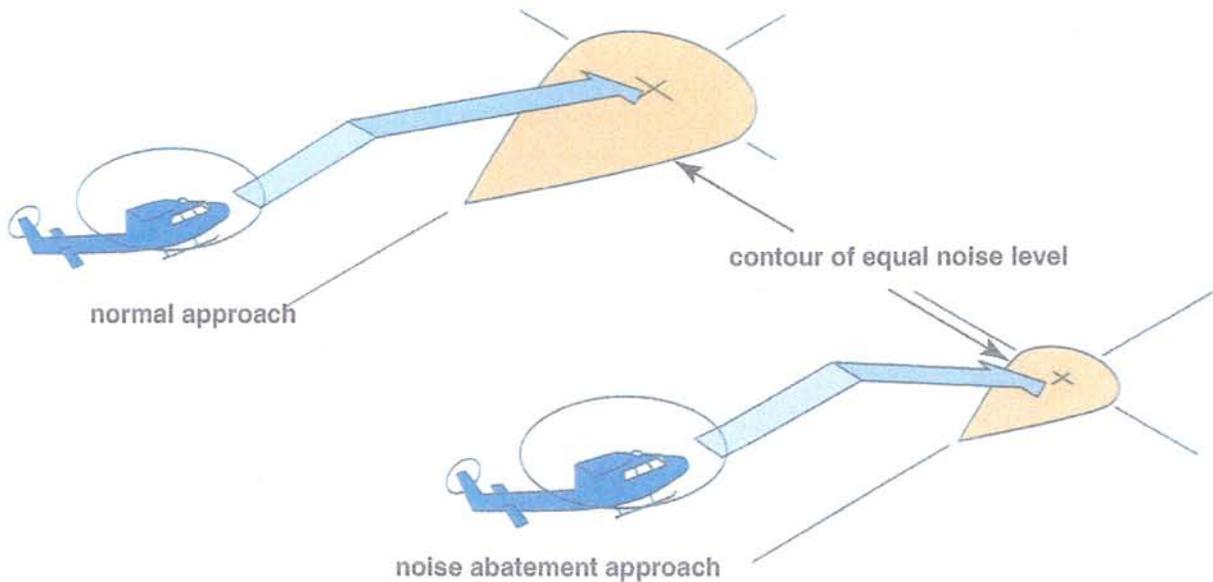
- When commencing approach, begin descent at a rate of at least 200 fpm before reducing airspeed, then reduce airspeed while increasing the rate of descent to 800-1000 fpm.
- At a convenient airspeed between 50 and 80 knots, set up an approach glideslope while maintaining the 800-1000 fpm rate of descent.
- Increase the rate-of-descent if main rotor BVI noise is heard, or a steeper glideslope is required.
- Just prior to the approach to the flare, reduce the airspeed to below 50 knots before decreasing the rate-of-descent.
- Execute a normal flare and landing, decreasing the rate of descent and airspeed appropriately.

**Figure 6**  
Noise Abatement  
Approach Technique  
for Medium and  
Heavy Helicopters



The noise abatement flight techniques discussed above for small/light and medium helicopters reduce the ground area exposed to a given noise level by as much as 80 percent. Figure 7 illustrates the potential noise benefits when compared to a normal approach.

**Figure 7**  
Ground Noise  
Exposure Footprint



#### 4.8 Other Factors to be Considered

It is important to mention that the sound environment on the ground and weather have much to do with how offensive helicopter sound is judged. The background noise of residential areas reaches its lowest level between late evening and early morning. In warm weather, people are apt to be relaxing outdoors in the evening and on weekends. At these times, they are most conscious and resentful of noise intrusion. Therefore, flight over or near residential areas should be avoided, if possible.

Although the weather cannot be controlled, it may be possible to adapt the planned flight schedule to take advantage of meteorological conditions to help minimize noise. The two weather factors most useful in this respect are wind and temperature. They are helpful because they affect the propagation of sound, and vary throughout the day, in a more or less predictable manner.

Wind carries sound in the direction towards which it is blowing, and it makes a background noise of its own that, in high winds, tends to reduce the intrusion of helicopter sound. In inland areas, surface winds are generally stronger during the day, reaching a maximum in mid-afternoon and weaker at night. In coastal regions, land and sea breezes give a different diurnal pattern, beginning to blow shortly after sunrise (sea breeze) and sunset (land breeze). These winds can be used to increase the acceptability of the helicopter by flying downwind of densely populated areas and by scheduling the majority of flights after noon near especially noise-sensitive areas.

Temperature has two effects upon sound. One is the tendency of warm air to be more turbulent than cold air, and, therefore, to disperse sound and decrease its nuisance effect. The other is temperature gradient - the change in temperature with altitude. The normal gradient is negative: temperature decreases with altitude. A negative gradient reaches a maximum in the late morning or just after noon, and is more intense during summer months. This means that it is of some value to schedule flights to and from noise-sensitive areas during the warmer parts of the day. Also, lower temperatures lead to higher advancing main rotor and tail rotor tip speeds which increase the magnitude of the impulsive noise.

At certain times, however, there may be an inversion in the atmosphere - a layer of air from a few hundred to a few thousand feet thick in which the temperature increases with altitude. The inversion reverses the normal curvature of sound propagation, turning an abnormally high portion of the sound energy back toward the ground. The most severe inversions usually occur at night and in the early morning. These, then, are times when the sound of the helicopter will have the most adverse effect upon people on the ground.

In terms of helicopter noise, the worst possible combination of atmospheric conditions is a windless, cold, overcast morning. At such times, it is important that even more emphasis is placed on using noise abatement procedures.

**NOTE:** *The noise abatement flight techniques described above and detailed on the HAI Web site permit flight crews to fly helicopters in the quietest manner possible. They are to be construed as advisory guidelines only. If flying according to these noise abatement flight techniques conflicts with operating the aircraft in a safe manner, then all safety-related procedures take precedence.*

## 5 Pilot Training

The basic scope of the recommended pilot training program and an outline of the requirements for such a program are outlined in this section. The information embodied in other sections of the Guide is also relevant. In addition, HAI has issued an interactive Noise Abatement Training CD for Pilots which covers all the aspects a pilot should be aware of. This CD, developed by the HAI Manufacturers Committee, and initially issued in 2006, is available from HAI. It is recommended that this CD be used as a part of any pilot noise abatement training program.

### 5.1 Scope

The scope of a pilot training program should include:

- initial and recurrent flight training for pilots
- preparing and distributing recommended noise abatement procedures
- organizing and holding operator and manufacturer seminars
- providing environmental and supervisory personnel training courses.

### 5.2 Basic Guidelines for Pilot Training

Public acceptance for helicopter operations can be obtained in several ways. One is noise abatement. Crew training to ensure that pilots are fully familiar with the noise abatement procedures is, therefore, vital. The following guidelines for noise abatement training are suggested:

- Select training teams for ground and flight training, usually two or three people who have extensive metropolitan operations experience.
- Standardize presentations.
- Maintain complete files of all persons trained.
- Circulate comment sheets at all meetings or training sessions, and stress that all suggestions, ideas and comments will be taken into consideration.
- Make the necessary changes in training and publications that result from the feedback.
- Maintain an open-door policy to all participants, flight crews and the public.
- Determine the effect of this training on the public. Has it been positive or negative?
- Record all complaints and include all relevant details, such as the time, date, location, altitude, and weather.
- Follow up with proficiency training every six months. Emphasize the importance of public contacts, and the necessity of good community relations.
- Expand the guidelines given in this document to cover local needs.

## 6 Operator Program

When operating a helicopter in a new area, a new spectrum of sound is added to the usual noise environment. If that area is a municipality, thousands of people will hear the new sounds and know a helicopter is operating. How they react depends not only on the noise you generate but upon physical, economic, and psychological factors. One thing is certain: they will react strongly, adversely, and actively if the sound is too irritating, if it represents something that seems to threaten their safety and well-being, or if they cannot see how the noisemaker (the helicopter) benefits them. Although it is up to operators to educate the public about the safety and usefulness of the helicopter, pilots can make the public less hostile to the helicopter (and to the operator's arguments about its safety and community service) by flying in such a way as to make the sound of the aircraft as non-intrusive as possible.

### 6.1 Introduction

The Fly Neighborly Program attacks the problem of helicopter noise on three fronts: pilot training, flight operations planning, and public education and acceptance. These three areas are interrelated. Planning flight operations with an eye to noise abatement can have a major positive impact on both the pilot training program and public acceptance.

The information presented in this section provides only a broad outline of the possible actions helicopter operators can take. Operators are encouraged to expand this outline by applying knowledge of their own geographical area of operations, the nature of their businesses, and the local climate of opinion with regard to helicopter operations.

### 6.2 Company Policy

Implement a company policy aimed at reducing the sound levels produced by the operation of your aircraft or other equipment. As part of this policy, implement a broad-based complaint prevention program. Such a voluntary program is necessary to preclude the eventual implementation of restrictive and mandatory federal, state or local laws, regulations, or ordinances.

To formulate this policy, identify and evaluate current and anticipated problems. To assure its acceptance and success, make your commitment to your policy clear, in order to generate such change as may be necessary in the attitudes of pilots and other personnel. In order for company policy to have any meaning, companies should formulate and implement specific guidelines.

#### 6.2.1 Formulate Guidelines

Guidelines are intended to assist flight crews and flight operations personnel to formulate responsible mission profiles without infringing on operational reality. They are not, however, provided as a substitute for good judgment on the part of the pilot. They must also not conflict with federal aviation regulations, air traffic control instructions, or aircraft operating limitations. The noise abatement procedures outlined by these guide-

lines should be used when consistent with prudent and necessary mission requirements. The safe conduct of flight and ground operations remains the primary responsibility.

- Enroute operations:
  - Maintain a height above the ground consistent with the HAI *Fly Higher Chart* (see Figure 4), or higher, when possible. Complaints are significantly reduced when operating above these altitudes. The reverse is also true.
  - Vary routes in order to disperse the aircraft sound.
- Heliport (Terminal) operations:
  - Restrict hours or frequency of operations as appropriate. Minimize early or late flights, especially on holidays and weekends.
  - Limit ground idling in noise-sensitive areas.
  - Minimize flashing landing lights in residential areas at night.
- Establish procedures for each sensitive route or terminal.
- Provide flight crews with noise abatement procedures for each model of aircraft.

## 6.2 Implement Guidelines

- Publish all guidelines and procedures in a flight operations manual or similar document.
- Train flight crews and flight operations personnel as appropriate:
  - Educate regarding basic attitudes in ground school.
  - Train in noise abatement procedures for each model of aircraft to be flown.
  - Emphasize awareness and recognition of sensitive routes and terminals.
  - Establish a requirement that noise abatement procedures must be considered in recurrent company flight checks.
- Assign responsibility and authority for the company program to an appropriate person.

### 6.2.3 Review and Revise

- Establish periodic reviews of company policy and programs to respond to changes in the regulatory climate or operational conditions.
- Revise your policy and programs as necessary.

## 7 Managing Public Acceptance

### 7.1 Scope

The scope of the public acceptance program includes:

- engendering media support
- promoting positive public relations
- enacting a program to prevent or resolve complaints from the public

### 7.2 Media Support

The purposes of engendering media support are to:

- develop favorable and active helicopter-related media coverage
- provide valid information concerning helicopter operations as necessary

Media sometimes concerned with news of helicopter-related activities include general circulation newspapers, television and radio news, trade journals, and the magazines or newsletters of international, national, state, and regional helicopter associations.

To engender awareness and support in these media, a number of actions can be taken:

- Provide press releases to trade journals and local newspaper, radio, and television news editors concerning any Fly Neighborly seminars that may be sponsored by the local helicopter operator association.
- Support a continuing campaign with the trade journals to keep the rotary-wing community aware of the Fly Neighborly Program.
- Support a continuing campaign with the general press to make the public aware of the Fly Neighborly Program, and the benefits of helicopter transport.
- Stage demonstrations and press conferences addressing specific local issues such as heliports, high-rise evacuation, police services, search and rescue services, emergency medical evacuation, fire-fighting, and the benefits of helicopter transportation to the general public.

### 7.3 Public Relations

The purposes of engaging in public relations activities are to:

- Develop awareness in the community of the benefits of helicopter transportation
- Develop awareness of the Fly Neighborly Program
- Develop support for the voluntary Fly Neighborly Program, as administered by the helicopter community, in lieu of governmental regulation

In order of their general importance and effectiveness, public relations activities can be undertaken in conjunction with:

- governmental agencies concerned with aviation such as federal, state, or local agencies, the FAA, or state aeronautics commissions
- other governmental agencies not particularly concerned with aviation, such as regional planning commissions, economic development commissions, the National League of Cities, or the U.S. Council of Mayors

- local civic and professional organizations such as Rotary or Kiwanis Clubs, the National Association of Aviation Officials, the Airport Operators Council International, or the National Fire Protection Association. Provide speakers for their local meetings. Solicit their sponsorship of heliports based on the Fly Neighborly Program as a civic project to promote public service.
- nongovernmental economic development agencies such as chambers of commerce, regional economic development councils, or merchant associations. Demonstrate to economic development agencies how helicopter transportation benefits the community, and present data to show the economic viability of helicopter transportation.
- direct public contact
- environmental organizations such as Greenpeace, the Sierra Club, or federal or state environmental protection agencies. Provide information. Do not immediately assume they are hostile to the planned operations. Instead, emphasize the positive environmental aspects of helicopter operations, such as the fact that they are involved in search and rescue operations for hikers or workers injured in remote areas, and that they provide access to such areas without the need to pave over ground for landing strips.

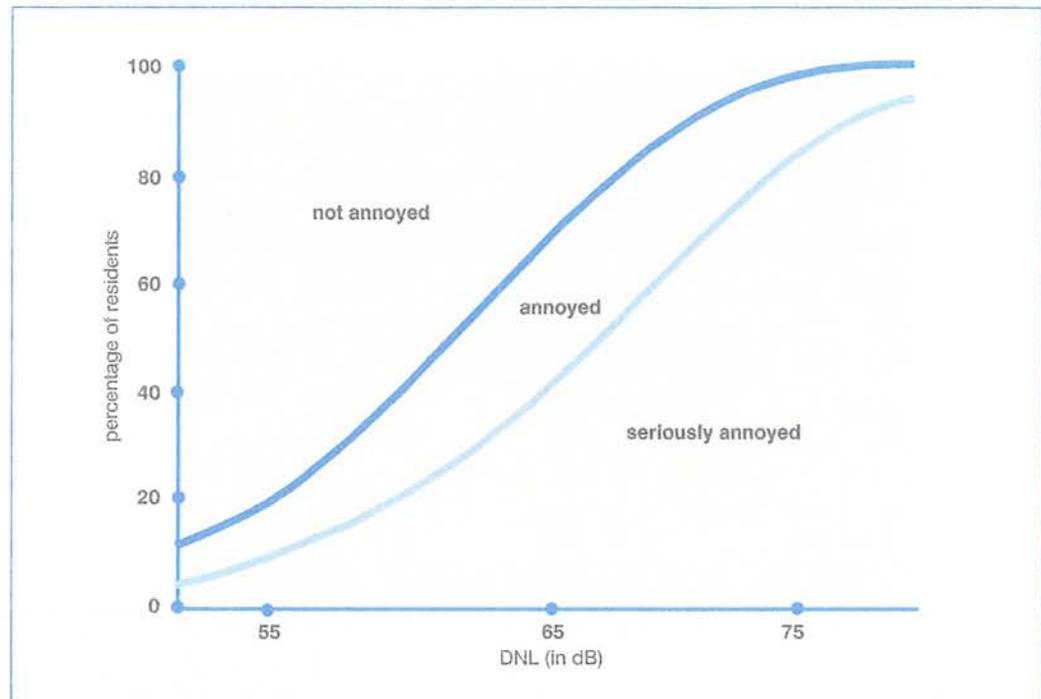
Public relations can be improved by influencing government agencies concerned with aviation in the following ways:

- Participate in public hearings
- Provide professional testimony as appropriate
- Conduct flight demonstrations
- Conduct one-on-one campaigns
- Submit petitions and letters

#### 7.4 Preventing and Responding to Complaints

Helicopter operations are undeniably noisy, and this guide is concerned with a program designed to minimize the problem. Figure 8 shows the relationship between the amount of noise people are exposed to, and how annoyed they are likely to get. In the figure, the amount of noise exposure is expressed as DNL (day-night sound level).

**Figure 8**  
Relationship between  
Noise Exposure and  
Annoyance



#### 7.4.1 Complaint Prevention

A significant number of noise-related complaints can be prevented in the first place, given a certain degree of sensitivity, foresight, and commitment. Prevent complaints by assessing the environmental compatibility of potential landing facilities. Select those most suitable from a safety, operational, and environmental point of view.

Implement a public acceptance program.

- When contemplating site licensing, identify, contact, and try to influence potential sources of opposition before the hearing.
- Initiate or support presentations, seminars, or displays to educate the public about the value of helicopter transport.

Educate customers about noise abatement procedures, in order to prevent or minimize conflicts between their expectations and company policy.

Coordinate operations personnel and flight crews, so that flights that would unnecessarily violate company policy are not assigned.

#### 7.4.2 Handling Noise Complaints

Although earlier sections of this guide offer information concerning noise abatement techniques, it is unlikely all noise complaints can be avoided. Since some complaints are inevitable, how they are handled is also important to the success of the Fly Neighborly Program.

The resulting problem is not simple. A helicopter can annoy people simply by being over, or too near, certain noise-sensitive areas. If someone calls the FAA, or a state agency, and offers routine information such as the aircraft registration number, colors, or

type, it is likely that he or she will be told the aircraft was not in violation of any regulation, and that, therefore, nothing can be done. The result can be an angry, frustrated member of the community who will probably not be particularly supportive of any current or future helicopter or heliport related issue.

The helicopter user community has a real interest in assuring all complaints are appropriately addressed. Conventional channels for complaints are demonstrably insufficient. Therefore, a number of regional helicopter associations have started to operate their own complaint lines. These lines offer state, federal and local agencies another option when they receive complaint calls about legal and proper operations. The agencies can pass the complaint along to the regional association, or provide the complainant with the telephone number of the complaint line.

Such programs offer a number of benefits:

- Regional associations can often identify an aircraft with much less information than other agencies require.
- Associations can ensure that each issue is addressed and, when possible, satisfy the complainant.

When a complaint is received, how should it be addressed?

- The most effective way to deal with the complaint is to contact the complaining party personally. When you do, avoid being defensive, argumentative, or opinionated. Sincerely try to understand the other person's point of view, and avoid hostile confrontations. Sometimes merely listening politely can improve the situation.
- Furthermore, evaluate the problem thoroughly, and follow through. Was the pilot aware of the problem? Was there something the pilot could have done to avoid it? Is it likely to recur? Contact the pilot or the operator to determine the facts. Consult this guide, and other sources of noise abatement information, to determine how to improve the situation.
- Finally, respond to the caller. Tell him or her what has been learned, and what is being done to prevent the situation from recurring.

Of course, the best way to handle complaints is to avoid them in the first place. If a problem with a certain operation can be anticipated, contact the likely complainant, or members of the public to be impacted, before the operation begins. Explain to him or her, the purpose, timing, and duration of the operation, and its likely impact upon the area. People like to feel they have some control over their lives. Often, just a simple courtesy call in the beginning can save hours of trouble and nuisance later.

An example is given in Appendix 3 of a noise abatement program established at a heliport in a downtown area. The noise abatement program that was put into effect to solve the situation is described.

## 8 Fly Neighborly Program— What Can be Achieved?

The Fly Neighborly Program outlined in this guide, together with the information on HAI's Noise Abatement Training CD for Pilots, and use of the noise abatement procedures which are available on HAI's Web site, provide the basis for lowering the noise generated by helicopters in day-to-day operations. In addition, the noise abatement procedures offer a way of reducing the impulsive noise characteristic of helicopters which occur during normal operations and often cause complaints. By adopting and following the Fly Neighborly Program, a high level of public acceptance can be obtained.

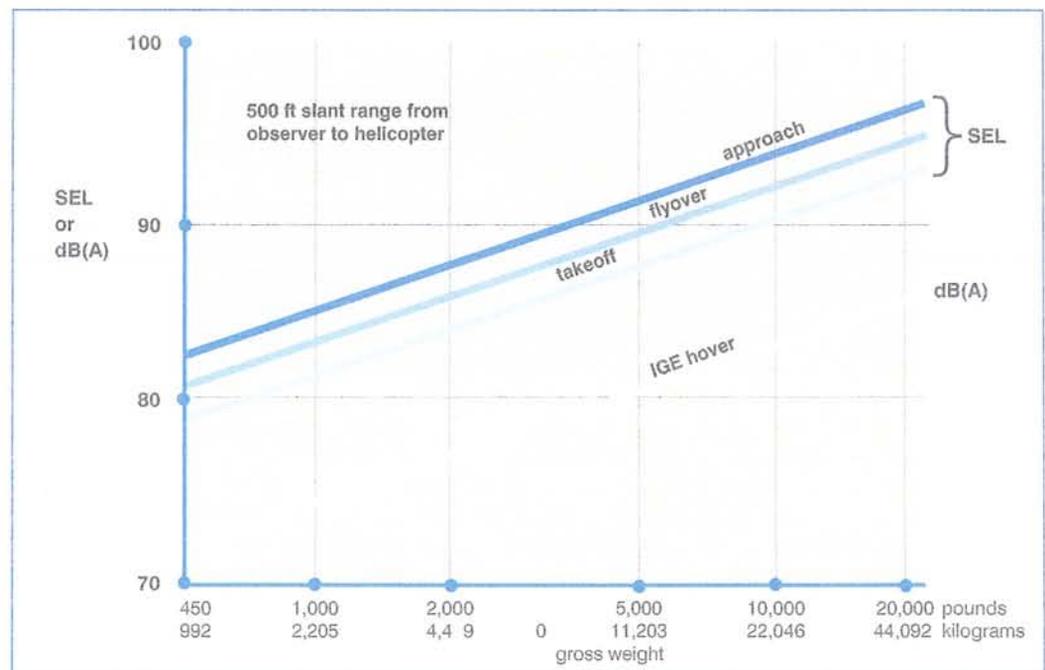
It should also be noted that current public acceptance of helicopters is, in general, poor and, unless the program outlined in this guide is adopted, further international, national, and local regulations will be enacted to limit helicopter operations. Therefore, HAI strongly recommends that its members introduce a Fly Neighborly Program as outlined in this guide.

If the procedures given in this guide are followed, public acceptance will be improved and the rotorcraft segment of the aviation industry will be able to flourish and grow, without being restricted by the burden of new noise regulations and operational restrictions.

## Sound Comparisons

The general relationship between sound level and helicopter weight is shown in Figure A1 reproduced from the HAI Helicopter Noise Prediction Method. Smaller helicopters are generally quieter than larger ones and sound levels tend to increase approximately three decibels per doubling of helicopter weight.

**Figure A1**  
Relationship between  
Sound Level and  
Helicopter Weight



What do these sound levels mean? Table A1 provides sound levels for illustrative noise sources heard both outdoors and indoors. Human judgment of the relative loudness (relative to a reference level of 70 dB(A) of different-sound levels is also given.

**Table A1**

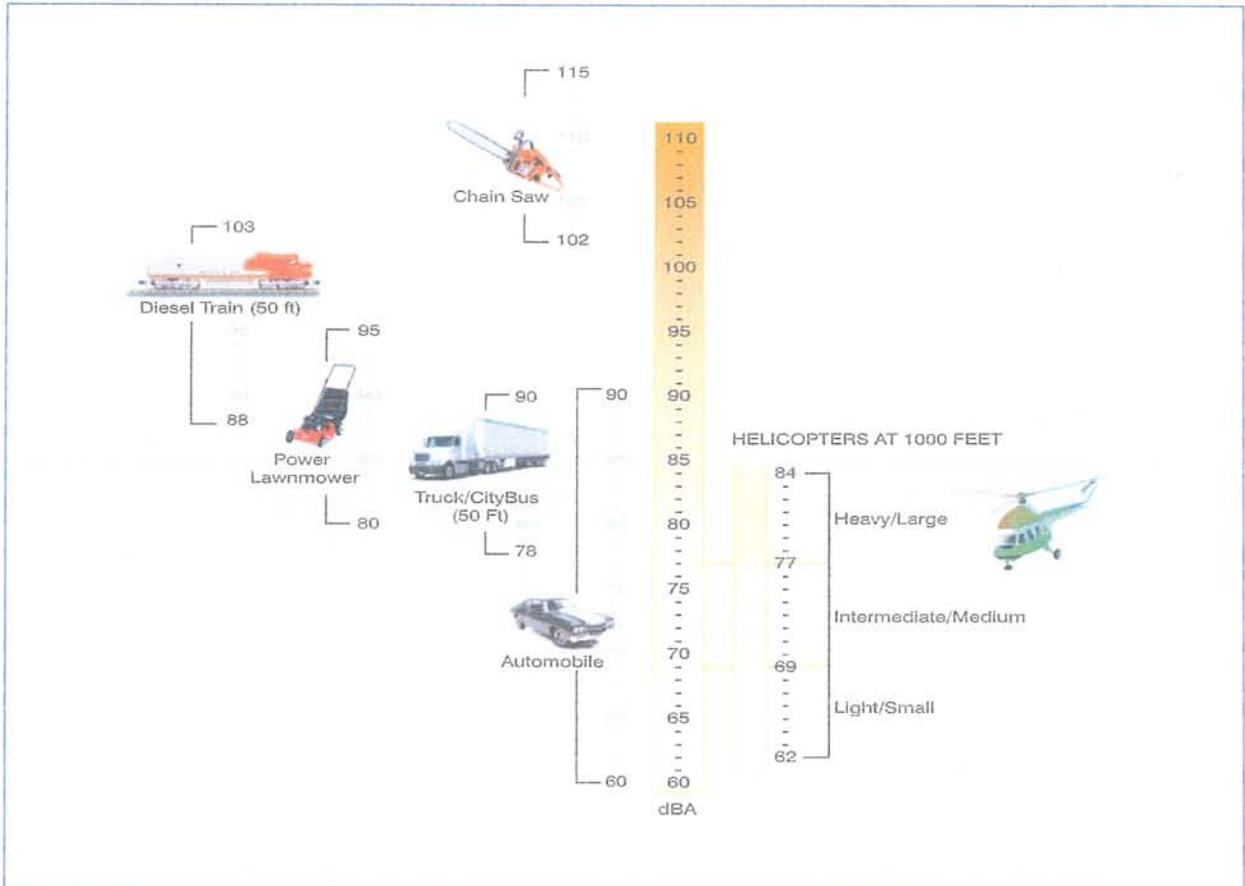
## Illustrative Noises

dB(A)	Overall Level	Community (Outdoors)	Home or Industry (Indoors)	Human Judgment of Loudness
130	uncomfortably loud	military jet takeoff from aircraft carrier at 50ft (130)		
120			Oxygen Torch (121)	120dB(A) 32 times as loud
110	very loud	turbofan aircraft takeoff at 200ft (118)	riveting machine (110) rock-and-roll band (108-114)	110 dB(A) 16 times as loud
100		Jet flyover at 1,000 ft (103)		100dB(A) 8 times as loud
90		Power mower (95)	newspaper press (97)	90dB(A) 4 times as loud
80	moderately loud	car wash at 20 ft (89) diesel truck at 40mph at 50ft (84) high urban ambient sound (80)	food blender (88) milling machine (85) garbage disposal (80)	80dB(A) twice as loud
70		car at 65mph at 25ft (77)	living room music (76) TV audio, vacuum cleaner (70)	70dB(A)[reference]
60		A/C unit at 100ft (60)	electric typewriter at 10ft (64) dishwasher (rinse) at 10ft (60) conversation (60)	60dB(A) half as loud
50	quiet	large transformer at 100ft (50)		50 dB(A) 1/4 as loud
40		bird calls (44) lower limit of urban ambient sound (40)		40dB(A) 1/8 as loud
10	just audible			
0	threshold of hearing			

Figure A2 provides some basis for comparing helicopter sound levels to other familiar sounds. Comparisons are made at representative distances from each sound source.

**Figure A2**

Comparison of Sounds



The sound level is, however, only one of the aspects to be considered since the character of the sound - or the impulsive character of the sound - can be equally important. Fortunately, the impulsive character of the sound, as well as the actual level, can be controlled by using noise abatement procedures.

[Click here to return to original page](#)



## Helicopter Fact Sheet

The following are some helicopter facts that are distributed when individuals tour the American Helicopter Museum & Education Center. We urge you to visit this facility which is located at 1220 American Boulevard, Brandywine Airport, West Chester, PA; (610) 436-9600; Fax (610) 436-8642.

Did you know....

- That helicopters are fundamentally safer than airplanes.
- That if the engine stops, the helicopter rotor continues to spin allowing the machine to slowly land, generally with out crashing to the ground.
- Modern day helicopters are no more difficult to fly than many types of fixed wing airplanes.
- Helicopters are safest to fly in bad weather because they can slow down, stop and/or fly backwards or sideways.
- Over 3 million lives have been saved by helicopters in both peacetime and wartime operations since the first person was rescued from the sea in 1944.
- U.S. police and emergency rescue helicopters transport about 15,000 patients annually. This ability to move sick and/or injured people to the hospital saves thousands of lives.
- There are more than 11,000 civil helicopters operating in the U.S.
- There are more than 15,000 civil helicopters operating in more than 157 other countries around the world.
- If you include military helicopters it is estimated that there are more than 45,000 operating worldwide.
- Helicopters can be flown across oceans if additional fuel is made available or in-flight refueling is employed.
- If you want to travel 300 to 400 miles the helicopter is often the quickest means of transportation.
- Tilting the main rotors enables the helicopter to lift, go forward, backwards or sideways. The power provided by the engine is principally used to turn the rotors.

**Top of page|Mail Staff**

*Exhibit B*

APPENDIX II  
GCNP INCENTIVE PLAN NOISE LEVELS  
HELICOPTERS

HELICOPTER MAKE MODEL	MGW MLW	# OF ENGINES MAKE MODEL	MAIN ROTOR # OF BLADES MAKE MODEL	MAIN ROTOR DIA.	TAIL ROTOR # OF BLADES MAKE MODEL	TAIL ROTOR DIA	NOISE LEVEL		# OF PAX	NOTES	QUIET TECHNOLOGY
							APP. H (EPNDB)	APP. J (SEL)			
AEROSPATIALE AS-350-B ASTAR	4.63	1 Turbomeca Arriel 1B	3 AEROSPATIALE/ EUROCOPTER	35'	2 AERO/EURO	6'10"	86.8		6	H	NO
AEROSPATIALE AS-350-BA*	4.63	1 Turbomeca Arriel 1B	3 AEROSPATIALE/ EUROCOPTER	35'	2 AERO/EURO	6'10"	86.8		6	H	NO
AEROSPATIALE AS-350-B2 Ecureuil *	4.96	1 Turbomeca Arriel 1D1	3 AEROSPATIALE/ EUROCOPTER	35'	2 AERO/EURO	6'10"	87.1		6	H	NO
AEROSPATIALE AS-350-B2 Ecureuil *	4.96	1 Honeywell LTS101-700D-2	3 AEROSPATIALE/ EUROCOPTER	35'	2 AERO/EURO	6'10"		85.4	6		NO
AEROSPATIALE AS-350-B3 Ecureuil	4.96	1 Turbomeca Arriel 2B	3 AEROSPATIALE/ EUROCOPTER	35'	2 AERO/EURO	6'10"	87.3		6	H/8	NO
AEROSPATIALE AS-350-B3 Ecureuil	5.071	1 Turbomeca Arriel 2B	3 AEROSPATIALE/ EUROCOPTER	35'	2 AERO/EURO	6'10"		84.7	6	J/11	NO
BELL Jet Ranger BHT-206-B/BII*	3.2	1 Allison 250-C20	2 BHT-206	33' 4"	2 BHT-206	5' 5"	84.6		4	8	NO
BELL - Long Ranger BHT-206-L/ L1*	4.05	1 Allison 250-C28B	2 BHT-206	37'	2 BHT-206	5' 6"	85.8		6	8	NO
BELL - Long Ranger III BHT-206-L3*	4.15	1 Allison 250-C30P	2 BHT-206	37'	2 BHT-206	5' 6"	87.8		6	8	NO
BELL - Long Ranger IV BHT-206-L4*	4.45	1 Allison 250-C30P	2 BHT-206	37'	2 BHT-206	5' 6"	85.2		6	H	NO
BELL - Long Ranger BHT-206-L4*	4.55	1 Allison 250-C20R	2 BHT-206	37'	2 BHT-206	5' 6"		85.2	6	J	NO
BELL BHT-407*	5	1 Allison 250-C47	4 BHT-407	35'	2 BHT-407	5' 5"		85.1	6	J	NO
BELL BHT-407 with Quiet Cruise Kit*	5	1 Allison 250-C47	4 BHT-407	35'	2 BHT-407	5' 5"		81.3	6	J	YES

Exhibit C-1

TABLE 1. NOISE LEVELS OF BELL HELICOPTERS  
CERTIFICATED UNDER FAR PART 36 APPENDIX H

MODEL	EFFECTIVE PERCEIVED NOISE LEVEL (EPNdB)		
	FLYOVER	TAKEOFF	APPROACH
206L-4	85.2	88.4	90.7
427 <sup>1</sup>	89.1	88.0	91.2
427 <sup>2</sup>	89.0	88.5	91.2
230 <sup>3</sup>	90.8	89.1	94.2
230 <sup>4</sup>	90.5	89.1	94.2
430	91.6	92.4	93.8
412SP	93.4	93.2	95.6
412HP	93.4	92.8	95.6
412EP	93.4	92.8	95.6

- Notes: 1. 2722 kg (6000 lb) configuration  
 2. 2880 kg (6350 lb) configuration  
 3. Wheel gear configuration  
 4. Skid gear configuration

TABLE 2. NOISE LEVELS OF BELL HELICOPTERS  
CERTIFICATED UNDER ICAO ANNEX 16 CHAPTER 8

MODEL	EFFECTIVE PERCEIVED NOISE LEVEL (EPNdB)		
	FLYOVER	TAKEOFF	APPROACH
206L-4	85.4	88.3	90.8
427 <sup>1</sup>	89.1	88.0	91.2
427 <sup>2</sup>	89.0	88.5	91.2
230 <sup>3</sup>	90.9	89.1	94.3
230 <sup>4</sup>	90.6	89.1	94.3
430	91.6	92.4	93.8
412SP	93.4	93.2	95.6
412HP	93.4	92.8	95.6
412EP	93.4	92.8	95.6

- Notes: 1. 2722 kg (6000 lb) configuration  
 2. 2880 kg (6350 lb) configuration  
 3. Wheel gear configuration  
 4. Skid gear configuration

*Exhibit (2)*

## Find Articles in:

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 Lifestyle  
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## Reference Publications

o Comments

**Sound chart: how loud is it?**

Science World, March 25, 2002

Sound Chart: How Loud Is It?

Sound Chart	Noise Level (db)	Effect
Jet engine (near)	140	
Firecracker	140	
Rock concert	110-140	
Boom box	120	Threshold of pain (125 db).
Thunderclap (near)	120	
Stereo (over 100 watts)	110-125	
Chainsaw	110	
Jackhammer	110	
Snowmobile	105	
Airplane (near)	103	
Garbage truck	100	Regular exposure of more than 1 minute risks permanent hearing loss (above 100 db).
Farm tractor	98	
Motorcycle (near)	90	No more than 15 minutes of unprotected exposure recommended.
Subway	88	
Lawnmower	85-90	Level at which hearing damage begins (85 db).
Television	70-90	
City traffic noise	80	Level at which constant exposure may cause hearing damage.
Alarm Clock	80	
Washing machine	78	
Dishwasher	75	Long exposure to sounds less than 75 db is unlikely to harm ears.
Vacuum cleaner	70	
Hair dryer	70	
Laughter	60-65	
Normal conversation	50-65	
Refrigerator humming	40	
Quiet room	40	
Whisper	30	
Rustling leaves	20	
	0	Threshold of normal hearing

Source: National Institute of Deafness and Other Communication Disorders

1. Name three things you can listen to as much as you like.
2. What are 10 types of noise you shouldn't be exposed to regularly without protection?
3. Look at your filled data table and your answers above. Are your ears well protected? What can you do to protect your hearing?

To learn more about hearing, visit: [www.nidcd.nih.gov/health/kids/index.htm](http://www.nidcd.nih.gov/health/kids/index.htm)

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### Sound Level Decibel Loudness Comparison Chart

Environmental Noise	
Weakest sound heard	0dB
Whisper Quiet Library	30dB
Normal conversation (3-5')	60-70dB
Telephone dial tone	80dB
City Traffic (inside car)	85dB
Train whistle at 500', Truck Traffic	90dB
Subway train at 200'	95dB
<i>Level at which sustained exposure may result in hearing loss</i>	<i>90 - 95dB</i>
Power mower at 3'	107dB
Snowmobile, Motorcycle	100dB
Power saw at 3'	110dB
Sandblasting, Loud Rock Concert	115dB
<i>Pain begins</i>	<i>125dB</i>
Pneumatic riveter at 4'	125dB
<i>Even short term exposure can cause permanent damage - Loudest recommended exposure <u>WITH</u> hearing protection</i>	<i>140dB</i>
Jet engine at 100', Gun Blast	140dB
Death of hearing tissue	180dB
Loudest sound possible	194dB
OSHA Daily Permissible Noise Level Exposure	
Hours per day	Sound level
8	90dB
6	92dB
4	95dB
3	97dB
2	100dB
1.5	102dB
1	105dB
.5	110dB
.25 or less	115dB

Exhibit D-2

Perceptions of Increases in Decibel Level	
Imperceptible Change	1dB
Barely Perceptible Change	3dB
Clearly Noticeable Change	5dB
About Twice as Loud	10dB
About Four Times as Loud	20dB
Sound Levels of Music	
Normal piano practice	60 - 70dB
Fortissimo Singer, 3'	70dB
Chamber music, small auditorium	75 - 85dB
Piano Fortissimo	84 - 103dB
Violin	82 - 92dB
Cello	85 - 111dB
Oboe	95-112dB
Flute	92 - 103dB
Piccolo	90 - 106dB
Clarinet	85 - 114dB
French horn	90 - 106dB
Trombone	85 - 114dB
Tympani & bass drum	106dB
Walkman on 5/10	94dB
Symphonic music peak	120 - 137dB
Amplifier rock, 4-6'	120dB
Rock music peak	150dB

NOTES:

- One-third of the total power of a 75-piece orchestra comes from the bass drum.
- High frequency sounds of 2-4,000 Hz are the most damaging. The uppermost octave of the piccolo is 2,048-4,096 Hz.
- Aging causes gradual hearing loss, mostly in the high frequencies.
- Speech reception is not seriously impaired until there is about 30 dB loss; by that time severe damage may have occurred.
- Hypertension and various psychological difficulties can be related to noise exposure.
- The incidence of hearing loss in classical musicians has been estimated at 4-43%, in rock musicians 13-30%.

Statistics for the Decibel (Loudness) Comparison Chart were taken from a study by Marshall Chasin , M.Sc., Aud(C), FAAA, Centre for Human Performance & Health, Ontario, Canada. There were some conflicting readings and, in many cases, authors did not specify at what distance the readings were taken or what the musician was actually playing. In general, when there were several readings, the higher one was chosen.

Exhibit D-3

HOW-TO's

Decibel (Loudness) Comparison Chart

Here are some interesting numbers, collected from a variety of sources, that help one to understand the volume levels of various sources and how they can affect our hearing.

Environmental Noise	
Weakest sound heard	0dB
Whisper Quiet Library	30dB
Normal conversation (3-5')	60-70dB
Telephone dial tone	80dB
City Traffic (inside car)	85dB
Train whistle at 500', Truck Traffic	90dB
Subway train at 200'	95dB
<i>Level at which sustained exposure may result in hearing loss</i>	<i>90 - 95dB</i>
Power mower at 3'	107dB
Snowmobile, Motorcycle	100dB
Power saw at 3'	110dB
Sandblasting, Loud Rock Concert	115dB
<i>Pain begins</i>	<i>125dB</i>
Pneumatic riveter at 4'	125dB
<i>Even short term exposure can cause permanent damage - Loudest recommended exposure WITH hearing protection</i>	<i>140dB</i>
Jet engine at 100', Gun Blast	140dB
Death of hearing tissue	180dB
Loudest sound possible	194dB

OSHA Daily Permissible Noise Level Exposure	
Hours per day	Sound level
8	90dB
6	92dB
4	95dB
3	97dB
2	100dB
1.5	102dB
1	105dB
.5	110dB
.25 or less	115dB

Perceptions of Increases in Decibel Level	
Imperceptible Change	1dB
Barely Perceptible Change	3dB
Clearly Noticeable Change	5dB
About Twice as Loud	10dB
About Four Times as Loud	20dB

Sound Levels of Music	
Normal piano practice	60 - 70dB
Fortissimo Singer, 3'	70dB
Chamber music, small auditorium	75 - 85dB
Piano Fortissimo	84 - 103dB
Violin	82 - 92dB
Cello	85 - 111dB
Oboe	95-112dB
Flute	92 - 103dB
Piccolo	90 - 106dB
Clarinet	85 - 114dB
French horn	90 - 106dB
Trombone	85 - 114dB
Tympani & bass drum	106dB
Walkman on 5/10	94dB
Symphonic music peak	120 - 137dB
Amplifier rock, 4-6'	120dB
Rock music peak	150dB

NOTES:

- One-third of the total power of a 75-piece orchestra comes from the bass drum.
- High frequency sounds of 2-4,000 Hz are the most damaging. The uppermost octave of the

Exhibit D-4

2/5/2011 12:58 PM

piccolo is 2,048-4,096 Hz.

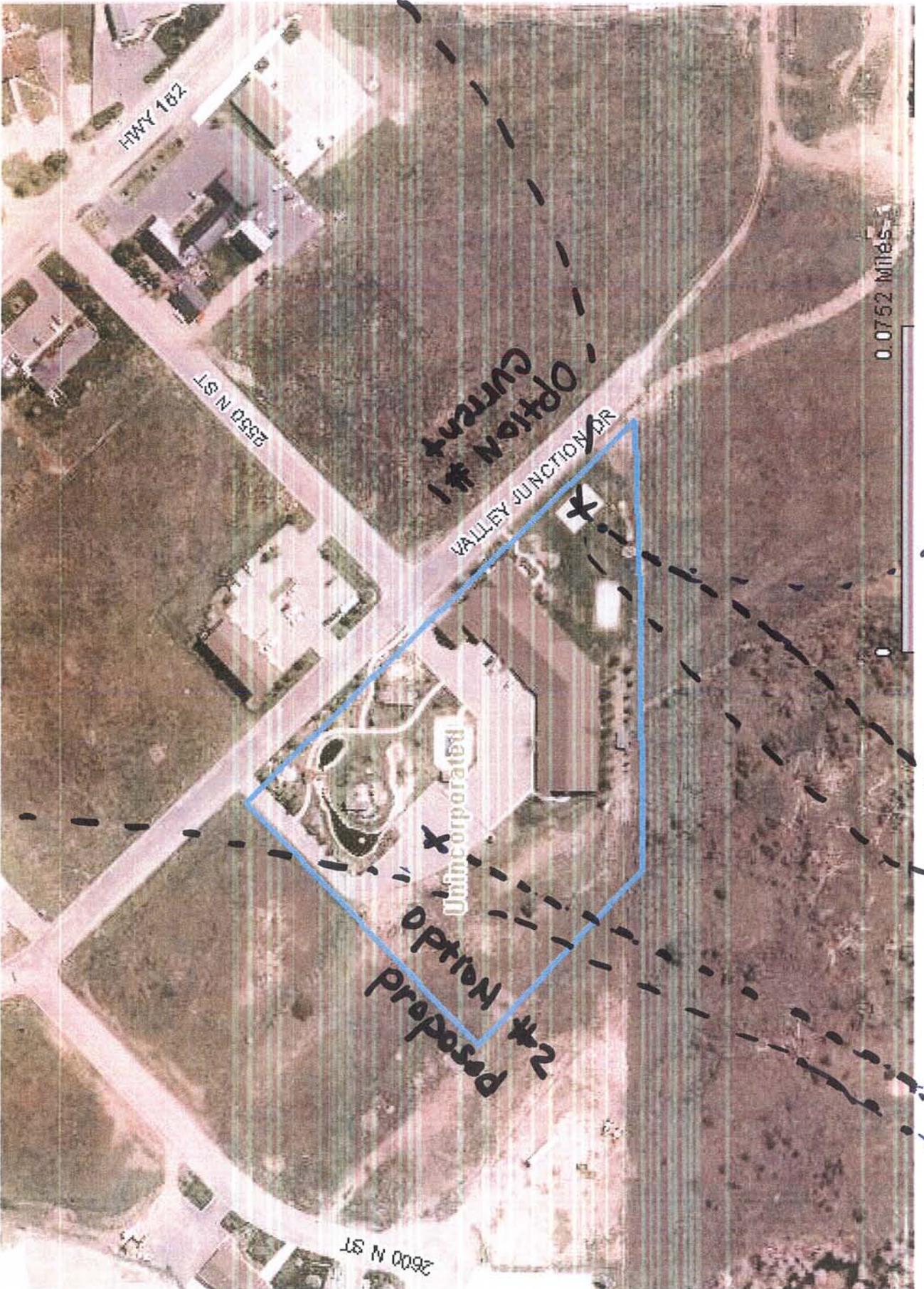
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Statistics for the Decibel (Loudness) Comparison Chart were taken from a study by Marshall Chasin, M.Sc., Aud(C), FAAA, Centre for Human Performance & Health, Ontario, Canada. There were some conflicting readings and, in many cases, authors did not specify at what distance the readings were taken or what the musician was actually playing. In general, when there were several readings, the higher one was chosen.

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Exhibit D-5

# Proposed Flight Routes

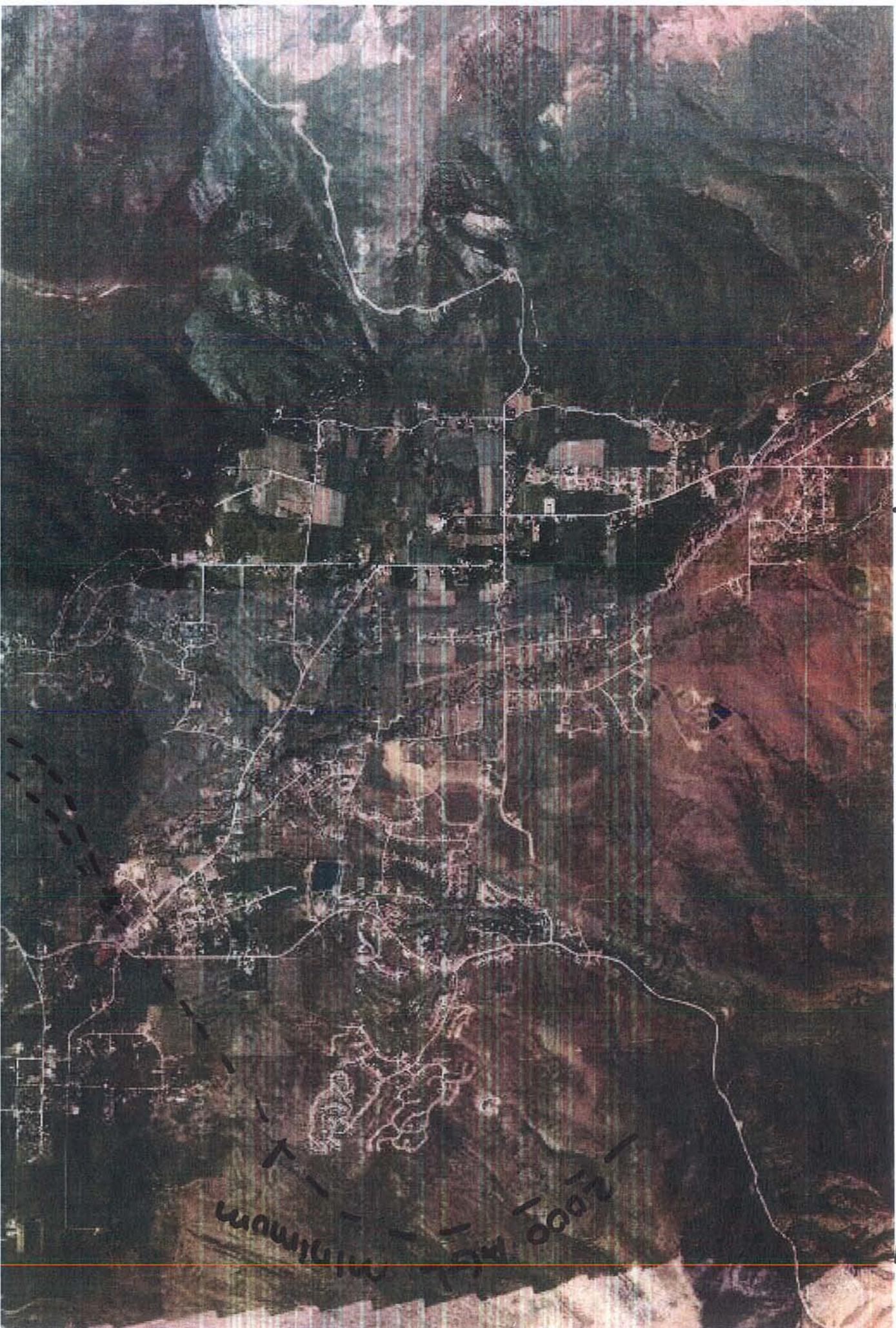


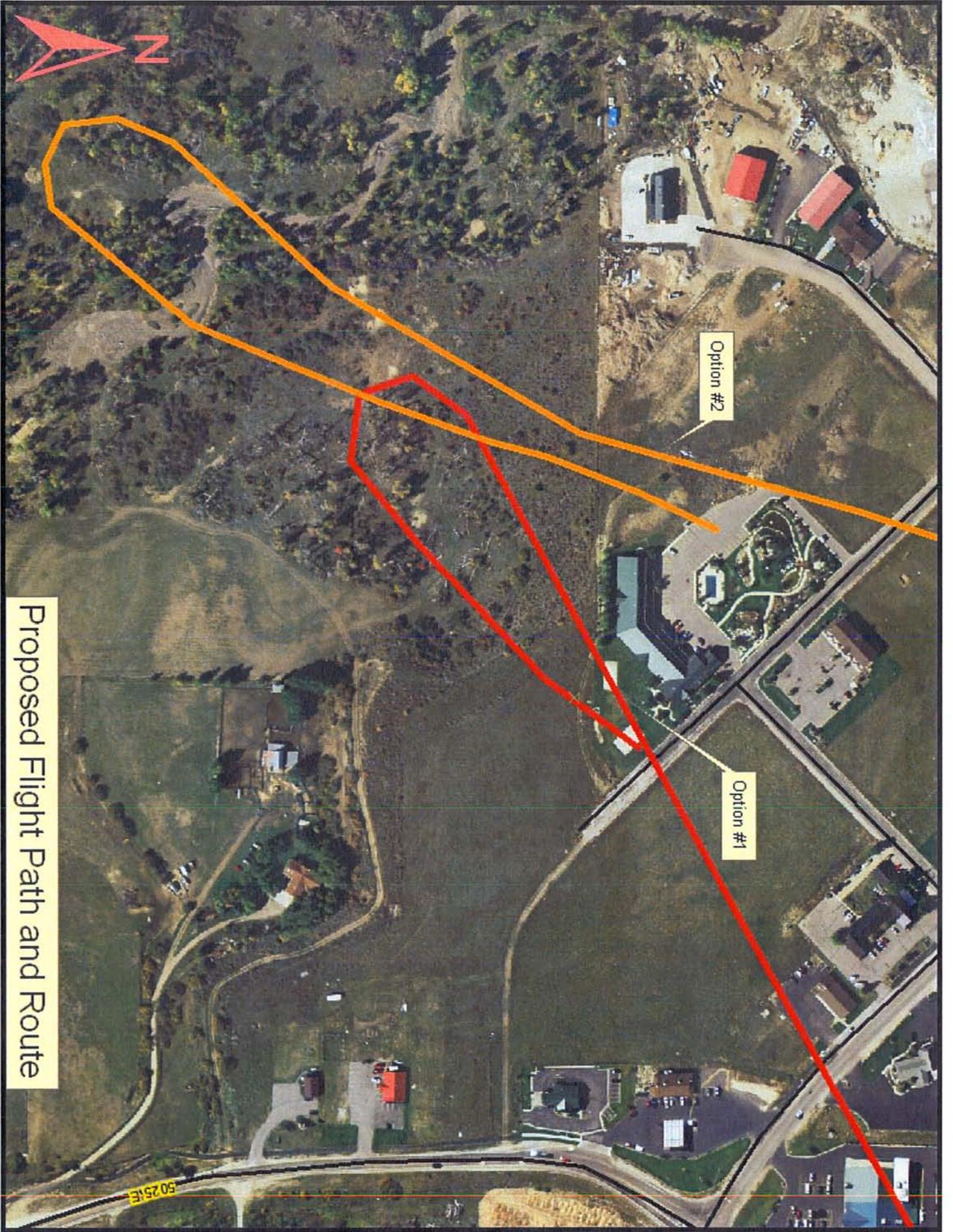
1000' AGL

1000' AGL

Exhibit E-1

Proposed Flight Path + Routes



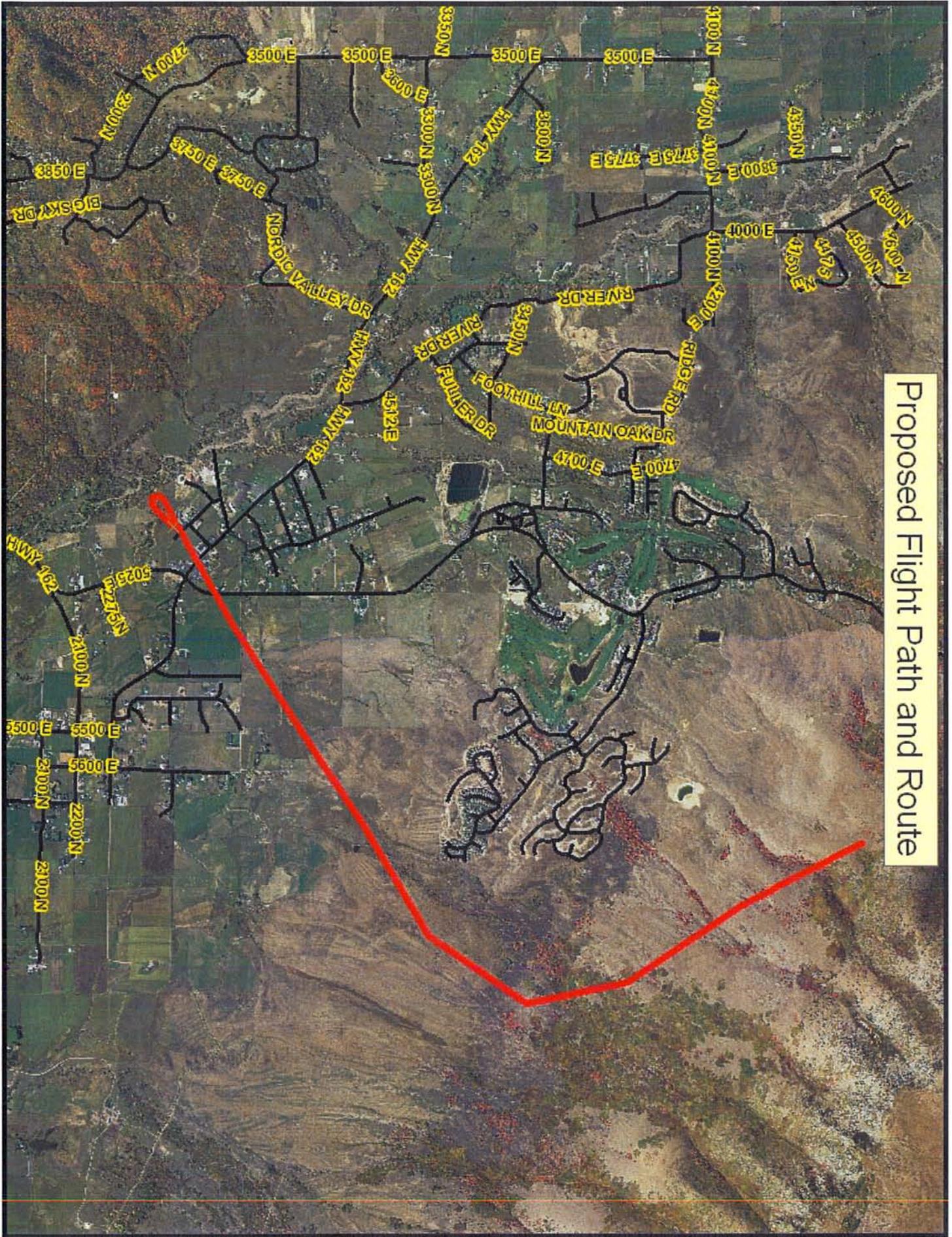


Proposed Flight Path and Route

Option #2

Option #1

50251E



Proposed Flight Path and Route



In regards to frequency:

Snow conditions vary and dictate the season of operation.

Due to the constant changing of weather and snow conditions, Diamond Peaks has only been able to operate 7 or more consecutive days several times in a 20 year history.

On average Diamond Peaks will cycle 5-6 groups per any given day.

Diamond Peaks adheres to VFR (visual flight rule). Hours of operation can vary with the season as the daylight hours become longer. We choose not to operate before daylight or after dark.

Exhibit F



## Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

### Synopsis

#### Application Information

**Application Request:** Consideration and action on a request for approval of CUP 2010-04 for a private heliport located at the Red Moose Lodge in Eden.

**Agenda Date:** Tuesday, January 25, 2011

**Applicant:** Ron Rueben (Red Moose Lodge Owner)

**File Number:** CUP 2010-04

#### Property Information

**Approximate Address:** 2547 North Valley Junction Drive

**Project Area:** 4.39 acres

**Zoning:** Commercial Valley Zone (CV-2)

**Existing Land Use:** Red Moose Lodge

**Proposed Land Use:** Private heliport at the Red Moose Lodge

**Parcel ID:** 22-158-0011

**Township, Range, Section:** T7N, R1E, NW ¼ of Section 34

#### Adjacent Land Use

<b>North:</b>	Commercial	<b>South:</b>	Agricultural
<b>East:</b>	Commercial	<b>West:</b>	Manufacturing

#### Staff Information

**Report Presenter:** Ben Hatfield  
bhatfield@co.weber.ut.us  
801-399-8766

**Report Reviewer:** SW

### Applicable Ordinances

- Zoning Ordinance Chapter 18B Commercial Valley Zone (CV-2)
- Zoning Ordinance Chapter 18C Ogden Valley Architectural, Landscape and Screening Standards
- Zoning Ordinance Chapter 22C (Conditional Use)
- Zoning Ordinance Chapter 36 Design Review

### Background

The Red Moose Lodge in conjunction with Diamond Peaks Heli Ski Adventures, are requesting approval of a private heliport located at the Red Moose Lodge. The proposed use is located in a CV-2 Zone, which lists "heliport" as a conditional use. The proposed heliport location is on the southeast side of the Red Moose Lodge, on a concrete pad that was once a basketball court. The basketball standards have been removed and there are no other obstructions in the area. The CV-2 Zone requires a 20 foot front yard setback, and the landing area on the concrete pad meets the setback requirement. However, Valley Junction Drive is located within 30 feet of the heliport landing area, and it must be assured that the flights do not block, render unsafe, or otherwise disturb the right-of-way and pedestrian or vehicular traffic traveling thereon. The Red Moose Lodge already has an approved site plan with adequate landscaping and parking to meet the requirements of the Zoning Ordinance. No additional signs or lighting are being proposed for the Red Moose Lodge or the heliport area.

The Ogden Valley Planning Commission first reviewed this application On February 23, 2010. After reviewing the criteria listed as "the basis of issuance for a conditional use permit" (see Exhibit A Page 3) the Planning Commission tabled the application to allow the applicant time to provide additional information on the following issues:

1. Refueling on the public road.
2. Comments from the Division of Wildlife Resources (DWR) regarding wildlife impacts.
3. Evaluating flight paths for wildlife, safety, and noise.
4. The effect of week-long flight operations (instead of once or twice a week).

Exhibit G-1

On April 20, 2010, staff wrote a memo (Exhibit C) to provide the Planning Commission with updated information regarding the four issues. A summary of the memo is provided below:

1. The refueling operations no longer take place from the public road. All refueling is now conducted on private property. Appropriate safety regulations are required for refueling operations.
2. Staff has sent appropriate application information to the State Resource Development Coordinating Committee (RDCC). The RDCC passes the information to various state agencies (including the DWR) for review and response. Any responses are then sent from the RDCC back to staff. No responses have been received.
3. Staff has discussed alternate flight paths with the applicant, but nothing has been officially proposed. In addition to alternate flight paths, the applicant has discussed other locations for a heliport in the Ogden Valley.
4. This item has not yet been addressed by the applicant.

The applicant has now submitted additional information (Exhibit D), which is intended to address the four issues listed previously. The applicant has also requested to be placed back on the Planning Commission agenda. Staff has reviewed this information and has the following comments for each of the four issues:

1. The refueling operation is now conducted on private property at the Red Moose Lodge. The fuel truck is stored in the parking lot and driven to the refueling location when it is needed. Appropriate safety regulations are in place. Staff believes that this issue has been adequately addressed.
2. Staff sent this application for review to the RDCC (Exhibit F) on March 29, 2010. The RDCC did not receive responses from the DWR or any other state agencies regarding this application. The applicant has provided staff with information on how the DWR uses helicopters in managing, studying, and counting wildlife, but the information is not specific to Ogden Valley. It is difficult for staff to determine wildlife impacts when there is no response from the DWR.
3. The procedure manual provided by the applicant leaves the flight path open to the discretion of the pilot. The applicant has changed the approach and takeoff zones from their original locations, but inevitably, the flight path still affects homes. However, the applicant believes that the current flight path has the least impact on homes. As mentioned above, the flight path impacts on wildlife cannot be determined by staff without input from the DWR. Other areas for takeoffs and landings have been discussed, but no official plans have been submitted. The only zone currently allowing heliports is the CV-2 Zone.
4. The applicant has not provided staff with additional information addressing the impacts of operating on multiple days every week. One way for the Planning Commission to address this issue is to restrict the number of flights per day or per week to a number that mitigates the issues associated with noise. This could be done as a condition of approval to mitigate the detrimental effects of sustained noise.

### Summary of Planning Commission Considerations

- Has the applicant provided adequate information to address the Planning Commission's four issues?
- Does the proposed use (heliport) meet the requirements of applicable County Ordinances?

Previous Considerations:

- Has the applicant provided an adequate plan for noise mitigation, and if not, what else should be considered?
- Are the proposed safety and site plan standards for the heliport operation adequate?
- Are there any potentially detrimental effects that can be mitigated by imposing conditions of approval, and if so, what are the appropriate conditions?

### Conformance to the General Plan

One of the goals of the Ogden Valley General Plan is to enhance quality recreational opportunities in the Valley. Resolution 3-97 (Ogden Valley General Plan Commercial Zone Map) states that the County continues to support the development of

Exhibit G-2

resort-related commercial areas. The General Plan also seeks to clarify the difference between commercial structures and commercial operations, with operations being allowed as conditional uses in appropriate zones. In addition, the heliport is another option for increased emergency medical service in the Valley. However, these goals must be balanced with the goal to make sure that development is compatible with the Valley's rural character and natural setting.

### Conditions of Approval

Previous conditions of approval:

- Requirements of the Weber County Engineering Division
- Requirements of the Weber County Health Department
- Requirements of the Weber Fire District
- Requirements of the Federal Aviation Administration
- The heliport is used by Diamond Peaks and appropriate medical, government, or other emergency helicopters only
- Other conditions deemed necessary by the Planning Commission

### Staff Recommendation

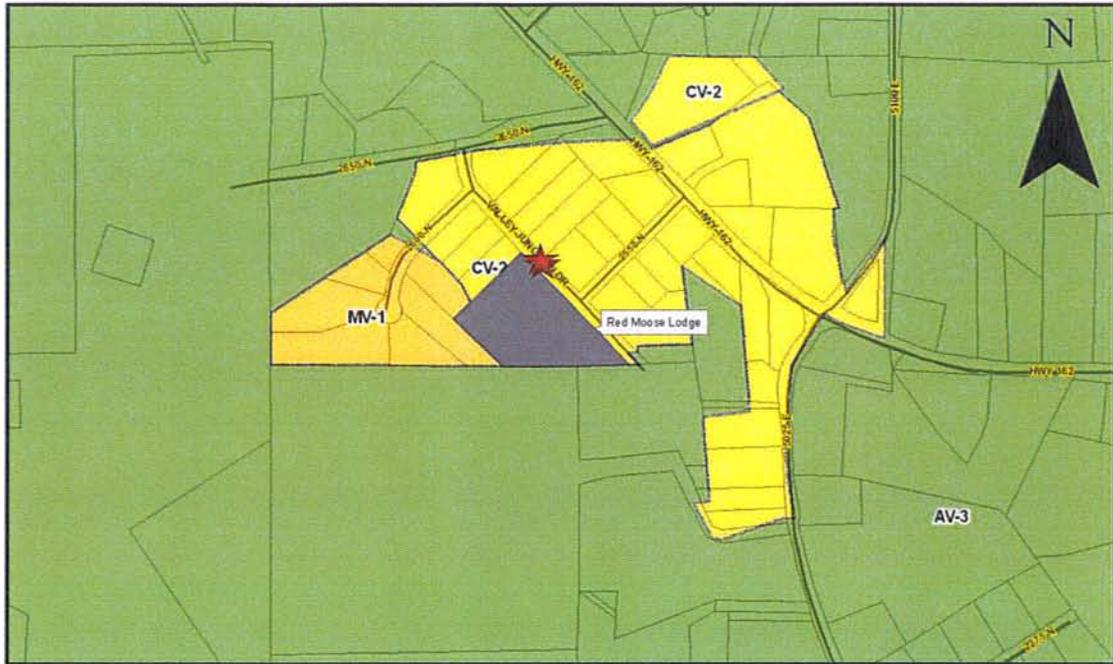
The Planning Commission needs to determine if the applicant has provided sufficient information to address the four issues raised by the Planning Commission in February 2010. If the Planning Commission determines that the issues have been adequately addressed, then approval should be granted with appropriate conditions. If the Planning Commission determines that the issues have not been adequately addressed, then approval should be denied.

### Exhibits

- A. Staff report from 2-23-2010
- B. Exhibits from 2-23-2010 staff report
- C. Memo from 4-20-2010
- D. Comments from the applicant
- E. Flight operations manual
- F. Materials sent in to the RDCC for review

Exhibit G-3

Map 1



Map 2



Exhibit G-4



# Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

**Application Request:** Approval of CUP 2010-04 for a private heliport located at the Red Moose Lodge in Eden  
**Agenda Date:** Tuesday, February 23, 2010  
**Applicant:** Eric Householder for RLR Properties LLC / JCA Properties LLC  
**File Number:** CUP 2010-04

### Land Information

**Approximate Address:** 2547 North Valley Junction Drive  
**Project Area:** 4.39 Acres  
**Zoning:** Commercial Valley (CV-2)  
**Existing Land Use:** Red Moose Lodge  
**Proposed Land Use:** Private heliport located at Red Moose Lodge  
**Parcel Identification Number:** 22-158-0011  
**Township, Range, Section:** T7N, R1E, NW ¼ of Section 34

### Staff Information

**Report Presenter:** Sean Wilkinson  
 swilkinson@co.weber.ut.us  
 801-399-8765  
**Report Reviewer:** RS

CUP 2010-04 Red Moose Lodge Heliport



### Adjacent Land Use

**North:** Commercial      **South:** Agriculture  
**East:** Commercial      **West:** Manufacturing

## Applicable Ordinances

- Zoning Ordinance Chapter 18B (CV-2 Zone)
- Zoning Ordinance Chapter 18C (Ogden Valley Architectural, Landscape and Screening Standards)
- Zoning Ordinance Chapter 22C (Conditional Uses)
- Zoning Ordinance Chapter 36 (Design Review)

## Background

The Red Moose Lodge and Wolf Creek Resort, in conjunction with Diamond Peaks Heli Ski Adventures, are requesting approval of a private heliport located at the Red Moose Lodge. The proposed use is located in a CV-2 Zone, which lists "heliport" as a conditional use. This use has been allowed in the C-2 Zone since at least 1982, and it was retained when the CV-2 Zone was established in 1998. However, the Zoning Ordinance does not define or establish specific regulations for heliports. The Federal Aviation Administration (FAA) defines heliport as, "The area of land, water, or a structure used or intended to be used for the landing and takeoff of helicopters, together with appurtenant buildings and facilities."

The proposed heliport location is on the southeast side of the Red Moose Lodge, on a concrete pad that was once a basketball court. The basketball standards have been removed and there are no other obstructions in the area. The CV-2 Zone requires a 20 foot front yard setback, and the landing area on the concrete pad meets the setback requirement. However, Valley Junction Drive is located within 30 feet of the heliport landing area, and it must be assured that the flights do not block, render unsafe, or otherwise disturb the right-of-way and pedestrian or vehicular traffic traveling thereon. The Red Moose Lodge already has an approved site plan with adequate landscaping and parking to meet the requirements of the Zoning Ordinance. No additional signs or lighting are being proposed for the Red Moose Lodge or the heliport area.

In this case, there are no structures associated with the heliport, but a fuel truck is parked at the Red Moose Lodge during the operating season. The FAA states that fueling is typically done through the use of a fuel truck or stationary fuel tanks in a specified fueling area, and systems for storing and dispensing fuel must conform to federal, state, and local requirements for petroleum handling facilities. The Weber Fire District reviewed this application and responded with the requirement that the heliport shall comply with the International Fire Code (IFC) Chapter 11. It is the applicant's responsibility to show the Planning Commission how compliance has been achieved.

The applicant has submitted operation standards that address the selection of a heliport location, land owner approval, landing areas, approach/departure paths, and safety. These standards resemble what is listed in the FAA Advisory Circular for heliports. These standards should be applied to this heliport operation as a condition of approval. Staff has contacted the Utah State Aeronautics Division and the FAA regarding other regulations that should be applied to heliports. The FAA Regional Office in Denver responded with the requirement for a Notice of Landing Area Proposal to be submitted to their office. The Notice of Landing Area Proposal culminates in a site visit and a determination letter to approve or deny the heliport site. Other standard requirements for small, private heliports include obtaining land owner approval, meeting zoning requirements, and for commercial operations, obtaining a commercial air carrier certificate. The applicant has already met two of these requirements and this application, if approved, will bring the heliport into compliance with zoning regulations. Approval of the Notice of Landing Area Proposal is a condition of approval for this use.

The proposed use is not for a general aviation heliport. The conditional use application is specified for Diamond Peaks Heli Ski Adventures only, with the exception that medical, government, or other emergency use helicopters can also use the heliport. This stipulation should be a condition of approval. Diamond Peaks will use the heliport only when they have confirmed tour reservations and the weather is adequate for flying. The application states that on average the operation runs five days per month with seven round trips per day (the helicopter carries up to four passengers at a time). The drop off location for skiing is on private land in Cache County, which is approximately a 15 to 20 minute round trip flight. So, even for large groups, the total time for landing and taking off should not be more than a few hours total during the day. Flights do not begin before 9:00 AM and they return in the late afternoon, before dark. The majority of the use is during the ski season, but filming and contracted utility work may be conducted during other times. The helicopter is stored nightly in a hangar in Woods Cross.

### **Summary of Planning Commission Considerations**

Chapter 22C-4 states: "The Planning Commission may deny or permit a Conditional Use to be located within any zone in which the particular Conditional Use is permitted by the use regulations of that zone. In authorizing any Conditional Use, the Planning Commission shall impose such requirements and conditions necessary for the protection of adjacent properties and the public welfare." Likewise, the Utah State Code states, "A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

In order for a conditional use permit to be approved, it must meet the criteria listed in Chapter 22C-5 (Basis for Issuance of Conditional Use Permit).

#### **22C-5 Basis for Issuance of Conditional Use Permit**

The Planning Commission shall not authorize a Conditional Use Permit unless evidence is presented to establish:

1. That the proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well being of the community, and
2. That such use will not, under the circumstances of the particular case and the conditions imposed, be detrimental to the health, safety and general welfare of persons nor injurious to property or improvements in the community, but will be compatible with and complimentary to the existing surrounding uses, buildings and structures when considering traffic generation, parking, building design and location, landscaping and signs, and
3. That the proposed use will comply with the regulations and conditions specified in this Ordinance for such use, and
4. That the proposed use conforms to the goals, policies and governing principles and land use of the General Plan for Weber County
5. That the proposed use will not lead to the deterioration of the environment or ecology of the general area, nor will produce conditions or emit pollutants of such a type or of such a quantity so as to detrimentally effect, to any appreciable degree, public and private properties including the operation of existing uses thereon, in the immediate vicinity of the community or area as a whole.

The applicant has submitted a narrative that addresses the criteria listed under Basis for Issuance of Conditional use Permit (see Exhibit C). Staff's analysis of the applicant's narrative and application based on the applicable criteria is listed below.

1. The heli ski operation, which has been ongoing in the Ogden Valley for many years, provides an additional recreational opportunity for ski resorts and valley residents and visitors. It seems appropriate to have this use adjacent to a hotel, which has the potential to attract more overnight visitors to the major commercial area in Eden.
2. Noise appears to be the biggest potential impact on surrounding parcels and staff has received calls and a letter from concerned Valley residents. The applicant's narrative addresses potential mitigation measures including using different flight paths, limiting operations to an average of five days per month, and beginning operations after 9:00 AM. The Planning Commission should consider whether or not these mitigation measures are sufficient, or whether additional conditions are needed. One example of a condition is the heliport should be used only by Diamond Peaks. Other conditions could limit the number of days per month that the heliport could operate, limit the number of helicopters operating per day to one, etc.

Health and safety concerns appear to be adequately addressed. The area surrounding the heliport is mostly vacant with commercial and manufacturing uses on three sides, and a vacant agricultural parcel on one side. This area is a good choice due to the land vacancies and the low housing density. This use should not generate additional traffic that cannot be handled by the existing parking lot. No additional structures, landscaping, signs, or lights are proposed.

3. The proposed use is allowed as a conditional use in the CV-2 Zone and does meet the requirements of applicable ordinances as mentioned in the staff report. The Planning Commission may place conditions on this use to mitigate potential negative impacts.
4. One of the goals of the Ogden Valley General Plan is to enhance quality recreational opportunities in the Valley. Resolution 3-97 (Ogden Valley General Plan Commercial Zone Map) states that the County continues to support the development of resort-related commercial areas. The General Plan also seeks to clarify the difference between commercial structures and commercial operations, with operations being allowed as conditional uses in appropriate zones. In addition, the heliport is one option for increased emergency medical service in the Valley. However, these goals must be balanced with the goal to make sure that development is compatible with the Valley's rural character and natural setting.
5. There is no FAA requirement for an environmental impact study to be done for a private heliport. The environmental concerns associated with this use include onsite refueling and noise generation. Fuel is stored in a tanker truck parked at Red Moose Lodge. The operation should follow all of the necessary safety procedures for storage of fuel and during refueling. There is an expectation that noise will be generated as part of this use, but noise is not regulated by the FAA or by Weber County. The staff report describes how the operation works, with periods of noise during the morning pickup and afternoon return, approximately five days per month. As mentioned in number 2 above, the Planning Commission should consider whether or not the noise mitigation plan is adequate.

The following list is a summary of the main issues that need to be considered by the Planning Commission:

- Does the heliport meet the requirements of County Ordinances?
- Has the applicant provided an adequate plan for noise mitigation, and if not, what else should be considered?
- Are the proposed safety and site plan standards for the heliport operation adequate?
- Have applicable FAA regulations been followed?
- What other conditions, if any, are necessary for this use?

### **Conformance to the General Plan**

One of the goals of the Ogden Valley General Plan is to enhance quality recreational opportunities in the Valley. Resolution 3-97 (Ogden Valley General Plan Commercial Zone Map) states that the County continues to support the development of resort-related commercial areas. The General Plan also seeks to clarify the difference between commercial structures and commercial operations, with operations being allowed as conditional uses in appropriate zones. In addition, the heliport is one option for increased emergency medical service in the Valley. However, these goals must be balanced with the goal to make sure that development is compatible with the Valley's rural character and natural setting.

Exhibit  
H-3

## Conditions of Approval

- Requirements of the Weber County Engineering Department
- Requirements of the Weber County Health Department
- Requirements of the Weber Fire District
- Requirements of the Federal Aviation Administration
- The heliport is used by Diamond Peaks and appropriate medical, government, or other emergency helicopters only
- Other conditions deemed necessary by the Planning Commission

## Staff Recommendation

Staff recommends approval of CUP 2010-14 subject to staff and review agency requirements, the conditions listed in this staff report, and other conditions deemed necessary by the Planning Commission. The recommendation is based on the following:

- The proposed use is allowed as a conditional use in the CV-2 Zone and it meets the applicable design criteria of Chapters 18C and 36.
- The proposed use meets the criteria listed in Chapter 22C-5 "Basis for Issuance of Conditional Use Permit," with the stipulation that the Planning Commission determines whether or not the applicant's noise mitigation proposal is satisfactory.
- The applicant is aware of the FAA requirements including:
  - Basic compliance with safety, site plan, and other standards listed in the Advisory Circular for heliports
  - Filing Form 7480-1 Notice of Landing Area Proposal
  - Receiving a satisfactory determination letter
- The applicant has submitted and shall follow operation standards, as identified in Exhibit B, that address the selection of a heliport location, land owner approval, landing areas, approach/departure paths, and safety.

## Exhibits

- A. Location map
- B. Site plan
- C. Applicant's narrative
- D. Heliport standards provided by applicant
- E. Review agency responses
- F. FAA Notice of Landing Area Proposal form
- G. Public comments



## Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

### Synopsis

#### Application Information

**Application Request:** Consideration and action on a conditional use application for a surface boulder collection operation near Avon Divide  
**Agenda Date:** Tuesday, February 22, 2011  
**Applicant:** Reed C Jensen & Karl A Jensen Land Holding Company, Applicant; Dan Lockwood, Agent  
**File Number:** CUP 2011-02

#### Property Information

**Approximate Address:** Avon Divide area near Weber/Cache County line  
**Project Area:** 820 Acres  
**Zoning:** Forest 40 Zone (F-40)  
**Existing Land Use:** Agriculture  
**Proposed Land Use:** Surface boulder removal operation  
**Parcel ID:** 23-044-0007  
**Township, Range, Section:** T8N, R1E, Sections 32 & 33

#### Adjacent Land Use

<b>North:</b> Cache County	<b>South:</b> Forest/Recreation
<b>East:</b> Agriculture	<b>West:</b> Forest/Recreation

#### Staff Information

**Report Presenter:** Sean Wilkinson  
swilkinson@co.weber.ut.us  
801-399-8765  
**Report Reviewer:** JG

### Applicable Ordinances

- Weber County Zoning Ordinance Chapter 8 (F-40 Zone)
- Weber County Zoning Ordinance Chapter 22C (Conditional Uses)

### Background

The applicant is requesting approval of a conditional use permit to allow a surface boulder collection operation. The F-40 Zone allows a "mine, quarry, and gravel pit" as a conditional use. The purpose of the operation is to remove boulders from the applicant's property to make it more suitable for agricultural purposes. This proposal does not include a rock crusher or stockpiling of materials. The operation is conducted on private property near the Cache County line and the Avon Divide. The Avon Divide Road is used as the access to the property.

This operation began in 2010 as a temporary use gathering rocks for the Ogden River restoration project. The applicant now wants to make the use permanent. The applicant has met with the Weber County Planning and Engineering Divisions about requirements for allowing this use on the proposed site. The existing requirements include:

- The boulders may be removed from the property only on Monday through Friday between 7:00 AM and 6:00 PM. No work is to take place on weekends or outside of the prescribed hours.
- A Storm Water Pollution Prevention Plan (SWPPP) and an escrow for restoration of the site must be submitted.
- The current stockpile site at the base of Avon Divide must be cleared and restored by March 29, 2011. The restoration includes repair of the County road at the entrance to the site.

There are no structures, lighting, signage, parking, or landscaping associated with this use. The boulders are removed from the site in a dump truck and there is no rock crushing associated with this operation. The applicant is required to follow an approved storm water pollution prevention plan and obtain excavation permits if necessary. Excavation permits are not required for collecting surface boulders, but if rocks below the surface are being excavated, a permit is required. The

applicant has not proposed specific days and hours of operation. A restoration plan for the site has not been submitted, but should be required as a condition of approval.

The property owner has informed staff that the applicant does not have a current lease agreement for use of the land. However, the owner wants this application to move forward pending agreement on a new lease. The Planning Division will not issue the Conditional Use Permit until a new lease agreement is signed and a copy is provided to staff.

### Summary of Planning Commission Considerations

- Does the proposed use meet the requirements of applicable County Ordinances?
- Are there any potentially detrimental effects that need be mitigated by imposing conditions of approval, and if so, what are the appropriate conditions?

In order for a conditional use permit to be approved it must meet the requirements listed under "Criteria for Issuance of Conditional Use Permit." The Planning Commission needs to determine if the proposed surface boulder collection operation meets these requirements. The applicant has provided a response to the criteria below which is attached as Exhibit A.

#### 22C-4. Criteria for Issuance of Conditional Use Permit

Conditional uses shall be approved on a case-by-case basis. The Planning Commission shall not authorize a Conditional Use Permit unless evidence is presented to establish:

1. Reasonably anticipated detrimental effects of a proposed conditional use can be substantially mitigated by the proposal or by the imposition of reasonable conditions to achieve compliance with applicable standards. Examples of potential negative impacts are odor, vibration, light, dust, smoke, or noise.
2. That the proposed use will comply with the regulations and conditions specified in the Zoning Ordinance and other applicable agency standards for such use.

After reviewing this conditional use request staff has determined that the criteria listed above have been met in the following ways:

1. The site is remote so the boulder collection operation will have minimal negative impacts from noise, dust, vibration, etc. However, removing boulders from the site will cause noise and dust from the dump truck traveling up and down the unimproved road. This issue can be mitigated by limiting the days and hours of operation, limiting the number of trips that can be made in one day, or limiting the type and number of trucks that are used for the operation. The dump truck operation appears to be the only impact that may require mitigation.
2. The F-40 Zone allows a "mine, quarry, and gravel pit" as a conditional use. The conditions established by the Weber County Planning and Engineering Divisions must be complied with in order for this conditional use permit to be granted.

### Conformance to the General Plan

As a conditional use, this operation is allowed in the F-40 Zone. With the establishment of appropriate conditions as determined by the Planning Commission, this operation will not negatively impact any of the goals and policies of the General Plan.

### Conditions of Approval

- Requirements of the Weber County Planning Division
- Requirements of the Weber County Engineering Division
- Requirements of the Weber County Health Department
- A new lease agreement with the property owner must be signed and provided to staff

### Staff Recommendation

Staff recommends approval of this conditional use application subject to the applicant meeting the conditions of approval in this staff report and any other conditions required by the Planning Commission. This recommendation is based on the following findings:

- The proposed use is allowed in the F-40 Zone
- The applicant can meet the conditions of approval by the March 29<sup>th</sup> deadline
- The criteria for issuance of a conditional use permit have been met because mitigation of potential detrimental effects can be accomplished

## Exhibits

- A. Applicant's narrative and response to criteria
- B. Letter from Weber County Code Enforcement with requirements of Planning and Engineering Divisions

## Map 1



# Exhibit A

## Weber County Conditional Use Permit Application

Application submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401

Date Submitted / Completed <i>1/28/2011</i>	Fees (Office Use) <i>\$225</i>	Receipt Number (Office Use) <i>20628</i>	File Number (Office Use) <i>CUP2011-02</i>
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### Property Owner Contact Information

Name of Property Owner(s) <i>Lance Jensen</i>		Mailing Address of Property Owner(s) <i>7015 N 6800 W Toumanton, UT</i>	
Phone <i>435 257-7972</i>	Fax		
Email Address		Preferred Method of Written Correspondence <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	

### Authorized Representative Contact Information

Name of Person Authorized to Represent the Property Owner(s) <i>R. Dan Lockwood</i>		Mailing Address of Authorized Person <i>4205 N 3150 E Liberty UT 84310</i>	
Phone <i>435-994-2061</i>	Fax <i>801 745 9527</i>		
Email Address <i>DLOCK52667@gmail.com</i>		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input checked="" type="checkbox"/> Mail	

### Property Information

Project Name <i>Avon Rock - Pine Ridge products</i>	Current Zoning
Approximate Address <i>Avon Divide Weber County Caché County Line</i>	Land Serial Number(s)

### Proposed Use

*Surplus Boulder collection*

*Project Narrative*

*Pine Ridge products and Jensen Bros Livestock have been partnering on a Rock project to improve grazing on the Ranch. We have gone and recognized areas that have heavy concentrations of Rock and have removed them. Remediated the site to improve vegetation production.*

## Basis for Issuance of Conditional Use Permit

That the proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well being of the community:

- \* OUR Rock project provides 8-15 jobs to the local community. The Rock is purchased locally at a more reasonable price
- \* Less traffic into the valley (ie dump trucks coming up the Canyon)
- \*

That such use will not, under the circumstances of the particular case and the conditions imposed, be detrimental to the health, safety and general welfare of persons nor injurious to property or improvements in the community, but will be compatible with and complimentary to the existing surrounding uses, buildings and structures when considering traffic generation, parking, building design and location, landscaping and signs:

OUR Rocks are collected in a Remote area of our Ranch - out of view from on lookers. Hauled down a low traffic area and have been for 6 years without incident it is a low impact use of our land - and as a small company (one dump truck) we occupy little traffic. We will require NO parking  
NO Buildings  
and AS we do not service Retail clients  
NO Landscaping or Sewerage

That the proposed use will comply with the regulations and conditions specified in this Ordinance for such use:

This is an agricultural use much like our timber or our sheep it is a natural part on the surface and conforms to collection rules set by the state of Utah.

We wish to continue with the states & county blessing and will address any issues the county may deem necessary

That the proposed use conforms to the goals, policies and governing principles and land use of the General Plan for Weber County:

The economic impact is positive producing jobs in the local community. It aids in preserving open space by creating a profit center for the landowners. Thereby creating a healthier agricultural base preserving the heritage of the county and its founders.

That the proposed use will not lead to the deterioration of the environment or ecology of the general area, nor will produce conditions or emit pollutants of such a type or of such a quantity so as to detrimentally effect, to any appreciable degree, public and private properties including the operation of existing uses thereon, in the immediate vicinity of the community or area as a whole:

All areas under construction are protected consistently using the best management practices - the greater ecology of the area based on better grazing and farms for domestic animals as well as wildlife.

No endangered species have been identified or are impacted due to this practice

**Property Owner Affidavit**

I (We), \_\_\_\_\_, depose and say that I (we) am (are) the owner(s) of the property identified in this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.

\_\_\_\_\_  
(Property Owner)

\_\_\_\_\_  
(Property Owner)

Subscribed and sworn to me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

\_\_\_\_\_  
(Notary)

**Authorized Representative Affidavit**

I (We), PAC Road excavation & Landscapes the owner(s) of the real property described in the attached application, do authorized as my (our) representative(s), R. Don Loewood, to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the County considering this application and to act in all respects as our agent in matters pertaining to the attached application.

  
\_\_\_\_\_  
(Property Owner)

\_\_\_\_\_  
(Property Owner)

Dated this 28 day of \_\_\_\_\_, 20 \_\_\_\_\_, personally appeared before me \_\_\_\_\_, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.

\_\_\_\_\_  
(Notary)

# Exhibit B



## Code Enforcement Weber County Planning Division

### Synopsis

#### Basic Information

Date: Thursday, January 27, 2011

Applicant: Dan Lockwood

File Number: 027012011

#### Land Information

Approximate Address: above Avon divide 820 acres

Company Name and address:

Pine ridge Excavation and Landscapes

3080 East 4100 North

Liberty, Utah 84310

Zoning: Forest Zone F-40

Parcel Identification Number: 23-044-0007

#### Violation



### Information

Dear Mr. Lockwood,

This letter is a summary of our meeting on January 27, 2011 with the Weber County Engineering Division and Planning Division. The following items were discussed in the meeting:

1. Hours of operation.  
The rock that has been harvested on the upper property for the Ogden River project may be removed from the property only; on Monday through Friday between the hours of 7:00 AM and 6:00 PM. No work is to take place on weekends or outside of the prescribed hours.
2. Required permits from the Engineering and Planning Divisions.  
The Planning Division requires a Conditional Use Application for the rock harvesting operation. The Engineering Division requires a Storm Water Pollution Prevention Plan (SWPPP) and an escrow for restoration of the upper property. A current business license is also required for the operation.
3. Abandonment and restoration of the lower property and restoration of the upper property.  
The lower property needs to be cleared of rock and restored by March 29, 2011. Part of the restoration includes the entrance from the County road that has been damaged. The restoration is a condition of any approvals given by the County.
4. Short and long term goals of the project, If additional uses are proposed in the future, for example, a rock crusher, such uses will require the proper permits at that time.

Iris Hennon, Code Enforcement Officer  
Weber County Planning Division



## Weber County Planning Division

Date: February 16, 2011  
To: Ogden Valley Planning Commission  
From: Robert O. Scott, AICP *RS*  
Planning Director  
Subject: Opening Meeting Statement

In the February 1 Ogden Valley Planning Commission meeting a commitment was made to bring back a proposed revision to the Planning Commission opening meeting statement to clarify the relationship between administrative and legislative decisions and ex parte communications. The following revision is recommended:

The Planning Commission has adopted rules regarding outside contacts otherwise known as ex parte communications. Commissioners are not to engage in communications outside of the public meeting regarding administrative applications. If you desire to speak to Commissioners regarding administrative matters it should be done at a regular meeting so your comments, concerns, and evidence are on the public record.