

HEBER CITY CORPORATION  
75 North Main Street  
Heber City, Utah  
Airport Advisory Board Meeting  
Wednesday, June 12, 2013

4:00 p.m. - Regular Meeting

Public notice is hereby given that the monthly meeting of the Heber City Airport Advisory Board will be at in the Heber City Office Building, 75 North Main, South door, in the Conference Room upstairs. The following items will be discussed:

**Agenda:**

Approval of Minutes

March 13, 2013, Regular Minutes  
May 8, 2013, Regular Minutes

- Item 1      Airport Manager Report
- Item 2      Review Proposed Scope of Work for Hangar Leasing Policies Project
- Item 3      Review of Heber City Airport Rules and Regulations and Chapter 14 of FAA Compliance Manual 5190.6B as it Relates to Ultralights and Skydiving Operations
- Item 4      Discuss Future Hangar Development Process
- Item 5      Discussion on Glider Trailer Storage Fees
- Item 6      Discuss Airport Board Goals/Projects

Other Items as Needed

Times are approximate and may vary if needed.

Those interested in the above items are encouraged to attend. Order of items may vary if needed. In compliance with the Americans with Disabilities Act, those needing special accommodations during this meeting or who are non-English speaking should contact Karen Tozier or the Heber City Planning and Zoning Department (435-654-4830) at least eight hours prior to the meeting.

Posted on June 6, 2013 in the Wasatch County Community Development Building, Wasatch County Library, Heber City Hall, the Heber City Website at [www.ci.heber.ut.us](http://www.ci.heber.ut.us) and on the Utah Public Notice Website at <http://pnm.utah.gov>. Notice provided to the Wasatch Wave on June 6, 2013.  
Karen Tozier, Administrative Secretary

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3 HEBER CITY CORPORATION  
4 75 North Main Street  
5 Heber City, Utah  
6 Airport Advisory Board Meeting  
7 Wednesday, March 13, 2013

8  
9 4:00 p.m.  
10 Regular Meeting  
11

Members Present: Nadim AbuHaidar Airport Advisory Board  
Dave Hansen Airport Advisory Board  
Kari McFee Airport Advisory Board  
Tom Melville Airport Advisory Board  
Erik Rowland Airport Advisory Board

Absent: Jeff Mabbutt Airport Advisory Board  
Mel McQuarrie Airport Advisory Board  
Terry Loboschefskey Airport Manager

Staff: Mark Anderson City Manager  
Karen Tozier Airport Advisory Board Secretary

12  
13 Others Present: Beth Ann Schneider, Lynn Oswald, Jim Church, Paul Boyer, and one other  
14 whose name was not legible. Justin Pietz of Armstrong Consultants attended a portion of the  
15 meeting telephonically.

16  
17 Chairman Rowland convened the meeting at 4:00 p.m. with a quorum present. Boardmember  
18 McQuarrie was excused and Boardmember Mabbutt was not present.

19  
20 **Approval of Minutes**

21  
22 **February 13, 2013, Regular Meeting Minutes**

23  
24 Boardmember Melville moved to approve the February 13, 2013 Regular Meeting Minutes (as  
25 drafted). Boardmember Hansen seconded the motion. Voting Aye: Boardmembers Rowland,  
26 Melville, Hansen, AbuHaidar, and McFee. Voting Nay: None. The motion passed.

27  
28 **Item 1 Airport Manager Report**

29  
30 Terry Loboschefskey was taking vacation time and was excused. Mark Anderson reviewed the  
31 existing grants and projects, upcoming projects, airport conditions, and discussion topics from  
32 Loboschefskey's report. He indicated there had been some calls complaining about the beacon.

33  
34 Relating to the agenda item under Discussion Topics, Boardmember AbuHaidar indicated that  
35 one of the things he had spoken to Loboschefskey about and Loboschefskey was aware of and was  
36 going to try to implement was control of some of the vehicle traffic across the ramp. NetJets had

37 determined this was an issue when they were evaluating the FBO. Discussion of this item.  
38 Some of the issues are vehicles driving between the FBO's maintenance hangar and the first  
39 hangar on Hangar Row; there is a blind spot and there are aircraft and vehicle traffic safety  
40 issues. Right now there is a sign blocking access to the ramp in this area. Discussion that when  
41 going from one location to the next vehicles should go out and go back in through the gate.  
42 Boardmember AbuHaidar thought to have Terry Loboschefskey pass a memo saying we are  
43 trying to eliminate traffic across the ramp for safety reasons, this access area will be secured,  
44 please use the normal gate and the normal taxiway. Chairman Rowland asked if this wasn't in  
45 reality just enforcing what was already in the Airport Rules and Regulations regarding traffic.  
46 There was then brief discussion of the Rules and Regulations. There was consensus among the  
47 Boardmembers to have Terry Loboschefskey enforce the Rules and Regulations by having him  
48 send out a reminder.  
49

50 **Item 2**            **Final Review of Terminal Area Development Plan Drawings and Review of**  
51 **Comments received from the February 13, 2013 Open House**  
52

53 Chairman Rowland asked for further comments. Boardmember AbuHaidar noted it looked like  
54 Armstrong Consultants had separated normal fuel storage and self-serve fuel; he indicated he did  
55 not see how they are going to do that. He thought this would bear discussion. The location  
56 where Justin Pietz had moved the self-serve fuel was also potentially an area where the FBO  
57 would build an additional storage hangar and this would tie up that location unnecessarily. He  
58 indicated that he would say to them, "you haven't solved the problem".  
59

60 Discussion on this and on the correct location for the bulk fuel storage. Boardmember Hansen  
61 asked the others' thoughts on placing the self-storage fuel adjacent to the electrical vault but  
62 closer to the taxiway. Discussion from last month's meeting and a number of options were  
63 brought up. Boardmember AbuHaidar expressed that he wanted the professional consultants to  
64 come up with a solution and to explain why it works. Anderson suggested getting Justin Pietz of  
65 Armstrong Consulting on the phone now to discuss this; as discussed at the last meeting his  
66 understanding was it didn't have to be shown, that it can be fluid. Further discussion, Chairman  
67 Rowland reviewed the changes that had been made to the drawings as a result of the open house,  
68 and then Justin Pietz was reached on the phone.  
69

70 Justin Pietz was told that the first question the Board would like to discuss was the new self-  
71 service fuel location. The Board thought they'd discussed moving it closer to the bulk fuel  
72 storage at the base of the elevation change. Chairman Rowland asked Pietz if there was any  
73 reason he would not see it working there. Justin Pietz answered this and other questions. One of  
74 the reasons Pietz had placed the self-service fuel where he did was to keep the two uses of large  
75 aircraft and small aircraft parking separated. The environmental study was discussed in  
76 reference to moving the self-storage fuel area close to the bulk fuel. Pietz explained this could  
77 be done under one environmental study under certain conditions. Discussion on the possibility  
78 of connecting the self-service fuel to the bulk fuel. Mr. Pietz explained the options with  
79 underground or aboveground piping/hosing.  
80

81 Other items discussed at length were showing an access point right above the existing 75' x 75'  
82 hangars that would connect it to the taxiway, whether to show helicopter pads and if the plans  
83 were to show helicopter pads - where to locate them, location of the self-storage fueling station,  
84 and flip-flopping the locations of the small aircraft and large aircraft.  
85

86 Chairman Rowland summarized the decisions made during discussion:

- 87
- 88 1. Locating the self-storage self-service fuel station as close to bulk storage possible.
- 89 2. Chairman Rowland indicated he thought the access point for the taxiway was discussed at
- 90 the open house and thought it might have been overlooked. He indicated the discussion
- 91 had been to include an access point right above the existing 75' x 75' hangars that would
- 92 connect it to the taxiway. Justin Pietz answered that they could add this. Clarification
- 93 that it would be toward the taxiway to allow another access point for aircraft. The exact
- 94 location for the access point could be pinpointed by drawing a line straight up from the
- 95 entrance of those 75' x 75' hangars; the last two rows of the existing hangars, and by
- 96 drawing a line straight up to the taxiway.
- 97 3. Reflect the helicopter pads as a tie down area.
- 98 4. Change the place where the small airplanes and the corporate jets are (swap).
- 99

100 Justin Pietz left the conversation at this time.

101

102 Anderson pointed out John Ackerson's comments. Ackerson's information was in the meeting

103 information packet and he had suggested using the future hangar area as a place for glider

104 storage until those hangars start to develop. The Board agreed to do what Ackerson suggested.

105

106 Anderson asked if they want to have the drawings brought back to the them or to have the

107 consultant, Justin Pietz, make the changes and submit the drawings to the FAA? Discussion on

108 how to proceed. Boardmember AbuHaidar wanted the consultant to make recommendations and

109 explain why his recommendations are the best option instead of asking the Board what they

110 wanted to do and then drawing what they asked for.

111

112 Boardmember Melville said that he thought the Board should have this on the agenda for the

113 next meeting. The Board agreed; they wanted to review the drawings to make sure that

114 everything was right. Mention was made of looking at the drawings after interviewing the RFP

115 respondents.

116

### 117 **Item 3 Update on RFP for Consultant Services**

118

119 Anderson spoke about the budget related to this and the process. He asked the Board whether

120 they wanted to schedule a time after the 20<sup>th</sup> to meet to shortlist or interview telephonically

121 depending on how many proposals are received. The Board agreed to this. Anderson he

122 anticipated the Council will be invited to participate as well. Suggested dates were discussed.

123 Karen Tozier was to email out the proposals the City had received from the RFP on the 21<sup>st</sup> of

124 March and the Board would meet on March 27<sup>th</sup>.

125

126 Jim Church asked for the objective of the RFP which Anderson explained.

127

### 128 **Item 4 Discuss placing Airport Advisory Board Meeting Minutes, Information**

129 **Packets, and Meeting Audio on the Heber City Website**

130

131 Chairman Rowland introduced the item noting that this had been brought up during the open

132 house just to make it more transparent and accessible to the public. He asked if the Board had

133 any objections to this and if they could move forward doing this. The Board concurred with

134 moving forward and placing the information on the website. Discussion on placing the  
135 information on the Utah State Public Meeting Notice Website and tying into this information  
136 onto the City website via an html widget which pulls up past meetings and attachments  
137 associated with that meeting sorted by date. The information relating to the Airport Advisory  
138 Board can also be subscribed to so that those who wish to will received emails notifying them of  
139 upcoming meetings; they also have the option to subscribe to an rss feed.  
140

#### 141 **Other Items as Needed**

142  
143 Mark Anderson asked the Board, should the Board weigh in on whether or not the City ought to  
144 offer the 11 pads on the 50'x 50's hangars up for sale and development. Water and sewer is  
145 there. Anderson indicated he knew there had been some concern about if we open those up for  
146 development does that adversely affect our ability to sell hangars that we are trying to market?  
147 Boardmember Hansen commented that he thought that would be a different market and a couple  
148 of others voiced agreement.  
149

150 Anderson indicated his thinking was that the infrastructure is there and if there are people who  
151 want to build their own hangar, why delay them if they want to be there?  
152

153 The Board discussed this. The Boardmembers asked if covenants had been adopted, expressed  
154 that design guidelines would probably need to be done and that consistency was important. The  
155 Council has indicated they want to go with individual providers. The other side of the coin was a  
156 monopolistic situation if there is only one developer. Terry Loboschfsky was to work on design  
157 guidelines.  
158

159 Beth Schneider commented on noise abatement and airport noise.  
160

161 Boardmember McFee motioned to adjourn the meeting. Boardmember AbuHaidar seconded the  
162 motion. Voting Aye: Boardmembers Rowland, Melville, Hansen, AbuHaidar, and McFee.  
163 Voting Nay: None. The motion passed and the meeting adjourned at 5:25 p.m.

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3 HEBER CITY CORPORATION  
4 75 North Main Street  
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6 Airport Advisory Board Meeting  
7 Wednesday, May 8, 2013

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9 4:00 p.m.  
10 Regular Meeting  
11

Members Present: Nadim AbuHaidar Airport Advisory Board  
Jeff Mabbutt Airport Advisory Board  
Kari McFee Airport Advisory Board  
Mel McQuarrie Airport Advisory Board  
Erik Rowland Airport Advisory Board

Absent: Dave Hansen Airport Advisory Board  
Tom Melville Airport Advisory Board

Others: Mark Anderson City Manager  
Terry Loboschefsky Airport Manager  
Karen Tozier Airport Advisory Board Secretary

12  
13 **Others:** Tom Meecham, Myra Strauchen, Paul Boyer, Craig Sparks, Morgan Einspahr, and Kirk  
14 Nielsen.

15  
16 Chairman Rowland convened the meeting at 4:05 p.m. with a quorum present. The meeting had  
17 been moved to the City Council Chambers as there were a number of people in attendance.  
18 Bentley Ackerson's presence was acknowledged; he was from Boy Scout Troup 1052.

19  
20 **Item 1** **Airport Manager Report**

21  
22 Terry Loboschefsky presented his report.

23  
24 Regarding the runway and apron project, Mark Anderson indicated that in talking with  
25 Armstrong Engineers it appears that one of the ways they are keeping people in towers has been  
26 to steal some money out of the AIP Projects from the FAA. So this may affect timing on grants  
27 and could affect the ability to have this project come off as expected time wise.

28  
29 Chairman Rowland asked questions about helicopter training ops which Terry Loboschefsky and  
30 Boardmember AbuHaidar answered. Boardmember AbuHaidar thought there could be  
31 discussion from the Rules and Regulations on ultralights and skydiving at the next Board  
32 meeting relating to traffic patterns. Boardmember AbuHaidar noted that the Rules and  
33 Regulations said that ultralights /skydiving needed to have approval by Terry Loboschefsky to  
34 conduct their activities. Terry Loboschefsky indicated he thought this was not necessarily true  
35 because these activities are regulated by the FAA. The Board was to look at this. Anderson  
36 indicated there is a petitioner who wants to start a skydiving operation at the airport. This would  
37 need to meet minimum standards and they would have to have acceptable locations for jumps so

38 there may be a proposal to locate an operation of this nature on the field. Questions on what  
39 conditions do we put on this type of operation to make sure it is safe. Chairman Rowland asked  
40 to discuss this next month. Terry Loboschefskey was tasked with looking at the Rules and  
41 Regulations and reporting on this.

42  
43 A question on glider trailer placement was asked by a member of the public, Tom Meecham.  
44 Terry Loboschefskey is to direct the users where to place the glider trailers. It is possible that  
45 there will be future discussion on whether the City will charge fees to allow users to store the  
46 trailers on the field. Discussion on fees. Boardmember McQuarrie commented that he thought  
47 something needed to be charged. Currently \$20.00 is charged to park next to the FBO. The  
48 understanding of the Mr. Meecham was that the City would allow the glider trailers to be parked  
49 on the northeastern storage area for free; although he indicated that this would be up to the City.  
50 The northern area is farther away from the area the gliders take off from. Discussion on  
51 departure area and traffic flow safety.

52  
53 Boardmember AbuHaidar thought this should be tabled until Dave Robinson of Soar Utah could  
54 comment on this. Chairman Rowland indicated this would have to go to City Council for a  
55 decision. Boardmember Mabbutt expressed his thoughts were that the City should be  
56 compensated for using the northern area and explained why he thought this; which was for  
57 reasons of maintenance mainly.

58  
59 **Item 2**                    **Kirk Nielsen – Jviation – Discuss Scope of Work/Schedule for Hangar**  
60                                    **Leasing Policies Project**

61  
62 Chairman Rowland introduced this item and explained the two items identified in the scope of  
63 work that were identified in the RFP, which were:

- 64  
65        1    Identify conditions where the City should consider granting extensions to existing  
66            reversionary and non-reversionary leases
- 67  
68        2    Evaluate the current hangar lease agreement and make recommendations for  
69            modifications to existing lease rates for the purpose of developing a rates and charges  
70            document to maximize City/Hangar owner benefit in light of the current market

71  
72 Boardmember AbuHaidar explained what he had discussed at the prior meeting which was for  
73 the scope of work for this project to include an outline for a policy document; a document that  
74 explains how you apply for a lease, how you assess the rates, review rates, and what process the  
75 City would go through to establish fair market value rates.

76  
77 Kirk Nielsen of Jviation began the presentation by introducing his colleagues; this was to make  
78 sure they were all on the same page as far as the scope of work. Morgan Einspahr who does  
79 Planning and Outreach Support for Jviation explained the four key items of the project; the goals  
80 of the project, the scope of work (the way they have it now and what changes the City might  
81 want to put into it), the schedule, and the final deliverables. To start the project out they want to  
82 develop a survey to distribute to airports similar in size and nature to the Heber City Airport. The  
83 general list of questions that might be put on that survey might be about lease type,  
84 reversionary/non-reversionary and the duration of the leases and escalation clauses, hangar  
85 ownership and rates. Mark Anderson indicated that he was not sure the tiedown fees and the  
86 special facilities fees were necessary. Boardmember Mabbutt thought perhaps the questions on  
87 special facilities fees should be left on the survey; perhaps by leaving these questions on the

88 survey they might find some things that other airports are doing that we might want to look at.  
89 Chairman Rowland commented on having a question on whether the airport should make  
90 available more public use tiedowns outside of those the FBO has.

91  
92 A list was shown of airports similar to Heber City's. Kirk Nielsen explained why they had added  
93 St. George; with all the new hangars St. George has gone through brand new leasing structures,  
94 etc. this maybe something comparable to what Heber City would like to go through. Discussion  
95 on other airports that might be similar. Tom Meecham indicated he thought Morgan County  
96 might be comparable. Hailey, Idaho was mentioned. Craig Sparks noted you would be looking  
97 at leasing standards. Discussion on the lease rates and leases policy; could it be done and how it  
98 would affect the study? Boardmember AbuHaidar explained why he thought the rates and leases  
99 policy was important and the background for this reasoning. Sparks indicated they could see  
100 whether airports would share their leasing documents and get samples to review. Boardmember  
101 AbuHaidar expressed that he thought they would only understand the data knowing what the  
102 policies would be.

103  
104 Chairman Rowland asked in response to the study, how does this affect the lease policy? Kirk  
105 Nielsen indicated they need to assess the impact and he would get back to the City on this.  
106 Boardmember McQuarrie commented on the reversionary/non-reversionary issue; he thought we  
107 need an expert opinion in what the other airports are doing so we can compare. Boardmember  
108 Mabbutt asked what the results are regarding airports that have got the reversionaries back after a  
109 period of time such as two years.

110  
111 Craig Sparks spoke about the list they had come up with of similar airports. He indicated that if  
112 there were thoughts on other comparable airports that they let them know; these could also be  
113 looked at. The Board discussed at length the scope of the study, data, growth at the Airport and  
114 the asset of the Airport further. Boardmember McQuarrie expressed he was not sure the Board  
115 had tasked them with the correct thing. There was lengthy debate on the scope of work. One  
116 comment was that there be an understanding of the value of what is fair in respect to what is  
117 here.

118  
119 Morgan Einspahr indicated she thought maybe the team from Jviation needed to discuss this a bit  
120 and then do an updated scope of work with their ideas of what the City wants. Sparks thought  
121 they should add that Jviation would collect data and then come back to the City in a session to  
122 present some of that data and then out of that define the direction in which they are headed.  
123 Further discussion and then Craig Sparks commented that the City did not hire them to look at  
124 long term planning. Kirk Nielsen discussed probable FAA responses to requests for funding.  
125 There was a decision to schedule Jviation to report at the next meeting.

126  
127 **Item 3**      **Review of Proposed Terminal Area Development Plan Drawings**

128  
129 The Board reviewed the final drawing from Justin Pietz. Chairman Rowland asked if anyone  
130 could see anything they had discussed that had been missed. Anderson indicated this needed to  
131 be sent to the FAA for their comments. The drawing was looked at closely and past changes the  
132 Board had asked for were noted.

133

134 Boardmember McFee motioned to okay it as these new improvements have been made.  
135 Boardmember AbuHaidar seconded the motion. Voting Aye: Boardmembers McFee, Rowland,  
136 Mabbutt, AbuHaidar, and McQuarrie. Voting Nay: none. The motion passed.

137

138 **Item 4 Review Draft Design Guidelines for Future Hangar Development**

139

140 Anderson noted some amendments to be made; correcting some typographical errors and  
141 inserting City Council instead of Heber City Planning and Zoning Dept. as the Council ought to  
142 be the ultimate approving authority. The building department also had some changes relating to  
143 International Building Codes.

144

145 Boardmember McQuarrie commented on Section A-3.1 on Page 6; “When satisfied that all  
146 provisions of this directive had been...” to replace the word ‘all’ with ‘applicable’. There was  
147 discussion on whether a block building would be permitted. Under A-2.3 Framing it states that  
148 all framing shall be of metal. This brought up the question of whether internal framing had to be  
149 of metal also, or could wood framing be used on the interior of a hangar? Fire and occupancy  
150 standards were discussed in relation to this. There was discussion on color specifications /  
151 architectural standards. There appeared to be consensus that the architectural standards should  
152 be a separate document. Discussion also on the importance of maintaining consistency  
153 particularly if it is determined that there will be more than one developer. Consensus between  
154 Boardmembers to continue this and fine tune the document and architectural standards and  
155 colors need to be addressed wherever it is determined they make the most sense.

156

157 Boardmember McQuarrie motioned to continue, not to table. Boardmember AbuHaidar  
158 seconded the motion. Chairman Rowland stated that we have a motion to continue the  
159 discussion on the draft design guidelines for future hangar development to include the  
160 architectural design standards and we have a motion that was made by Mel and a second by  
161 Nadim, any other discussion. There was none. Voting Aye: Boardmembers McFee, Rowland,  
162 Mabbutt, AbuHaidar, and McQuarrie. Voting Nay: none. The motion passed.

163

164 **Other Items as Needed**

165

166 There were no other items.

167

168 Boardmember McQuarrie motioned to adjourn the meeting. Boardmember AbuHaidar  
169 seconded the motion. Voting Aye: Boardmembers McFee, Rowland, Mabbutt, AbuHaidar, and  
170 McQuarrie. Voting Nay: none. The motion passed. The meeting adjourned at 5:46 p.m.

# Memo

**To:** Airport Advisory Board  
**From:** Mark K. Anderson  
**CC:** Mayor & Council  
**Date:** 6/6/2013  
**Re:** June 12, 2013 - Agenda Items

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4:00 P.M.

**Airport Manager Report:** Enclosed is the monthly Airport Manager's report that has been prepared by Terry Loboschefskey. Terry will review the document with the Board and answer any questions that the Board might have regarding airport operations.

**Review Proposed Scope of Work for Hangar Leasing Policies Project:** Enclosed is an updated scope of work with revised cost that has been prepared by Kirk Nielsen of Aviation for Board review. The Board should determine if the scope of work is consistent with the City's goals/needs and make recommendation for modifications they deem necessary.

Kirk Nielsen will actually be in Denver attending some training meetings, but he and Craig Sparks will be available by phone if the Board has any questions about the proposed scope of work.

**Review of Heber City Airport Rules and Regulations and Chapter 14 of FAA Compliance Manual 5190.6B as it Relates to Ultralights and Skydiving Operations:** The Board has expressed concern with certain types of operations at the Airport. As a result, I have included a copy of Section 6.16 of our current Rules & Regulations as it relates to limitations/activities that require approval. Additionally, I have provided a copy of Chapter 14 of the FAA Compliance Manual 5190.6B which gives clarity on the types of conditions that can be imposed by an airport on certain aeronautical activities. The Board should discuss the type of operations that cause safety concerns and determine if there are findings that could be made to justify restrictions that may be placed on those activities.

**Discuss Future Hangar Development Process:** I have enclosed a copy of the draft Hangar Construction and Design Standards which properly spells "hangar" and includes the recommended change to Section A-3 to read "When satisfied that all applicable provisions of this directive have been, or will be fulfilled; ...". Terry Loboschefskey has indicated that he has not yet spent any time looking at architectural guidelines to incorporate into the document, but

I think it appropriate to begin talking about the best way to pursue the development of additional hangars. Some options the Board may consider are as follows:

- Adopt a pad fee that would be paid to the City by anyone wanting to construct their own hangar to recoup costs the City has invested in the infrastructure that supports the development of the hangar
- Discuss if ownership of the “T Hangars” should be held individually, by a developer or by the City
- Have the City construct the hangars after a binding contract is entered into with a potential purchaser which includes a significant down payment that would be forfeited if the sale did not occur
- Use the pad fees to pay for the construction of “T hangars” that would be leased by the City on a yearly or monthly basis

Each option has its own pros and cons, but with the pending sale of Hangar #27 and additional interest in Hangar #28, there is a high likelihood that there will soon be a shortage of storage/hangar space at the airport.

**Discussion on Glider Trailer Storage Fees:** At the last Airport Board meeting there was discussion about the City allowing the storage of glider trailers on the northeastern end where future hangar development is planned. It was determined that the Board was not opposed to allowing the trailers to be stored in this area, but there was some discussion on whether or not the City should be imposing a fee for the use of this area. The Board should discuss whether or not a fee should be imposed by the City, and if so, what fee they would recommend. As of today, there is one trailer at that location.

**Discuss Airport Board Goals/Projects:** Erik Rowland asked that this item be placed on the agenda for the Board to discuss the most pressing issues the Airport Board needs to address. The Board should come prepared to bring up items that they believe are of priority to help guide future meetings.

**Other Items As Needed:**

# Heber City Airport – Russ McDonald Field

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## Airport Manager's Report May 2013

### 1. Existing Grants/Projects

- RFP for hangar lease study awarded to Jviation. Currently awaiting revised scope of work definition for contract award

### 2. Upcoming Projects

- The 2013 ADP RW 4/22 rehab *design* grant from the FAA to become available within June
- The 2013 ADP RW4/22 rehab includes runway 4/22 rehabilitation and a large portion of the apron. Because of budgetary delays, implementation may not begin until spring of 2015.
- Terminal Area Development plan (TAD) finalized. Initial review by FAA was positive; no airspace concerns. Approval pending by City Council 6/6. Armstrong Consultants (ACI) then to submit to FAA for final determination.

### 3. Airport Condition

- Runway lights operational
- UDOT – Aeronautical Operations Division has issued Heber City Muni Airport license for the remainder of 2013(5/20/13).
- AWOS inspection by FAA 5/9/13, passed
- Taxiway lights, other than those previously identified, are operational
- Segmented circle OK
- PAPI Lights operational-one broken exterior lens repaired by FAA 5/22/13. Scheduled annual inspection completed 6/5/13, by FAA technician.
- Rotating beacon operational
- Windsock & lights operational
- Mower tractor delivered 5/7. New mower tractor delivered 6/4. Mowing ops now continual.
- Hangar #27 has an offer; should close July 1st.
- 10 wheel dump truck inspected and passed by Public Works 5/29/13
- Utah Dept of Air Quality setup test equipment @ AWOS
- Spring project list generated

### 4. Discussion Topics

- Skydiving and ultralight vehicle policies: FAA and Sponsor grant assurance guidelines need to be reviewed (FAA AC 5190.6B).
- Glider parking (trailers) and staging - east end of field on/adjoining hangar pad pavement not well populated
- CAF/Boy Scout camping proposal for Spring 2014
- Architectural specification for new hangar construction needs to be generated  
T-hangar construction details need addressing

# HEBER CITY AIRPORT

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## *Lease Rates and Practices*

### **SCOPE OF WORK**

The Heber City Airport Lease Rates and Practices Study will be completed to aid Heber City and the Heber City Airport Board in developing policies to guide future lease rates and agreements. Airports similar in size and nature and existing tenants will be surveyed to collect data and industry trends. The survey data will be analyzed and compared to existing conditions at the airport. In addition, a Leasing Policy Document will be developed which will aid the airport in identifying conditions where the city should consider granting extensions to existing lease agreements. The policy will also identify considerations which will be extended to existing hanger owners at the end of their current lease.

### **Proposed Work Tasks**

#### **1.0 Prepare and Distribute Airport Surveys**

An airport survey will be created in paper and/or online format and will include a variety of questions developed by Jviation with input from the Airport Board. The survey will include, but will not be limited to, questions regarding lease type, escalation clauses, hangar ownership and rates, fuel flowage fees, tie-down fees, special facility fees, and other various data points.

The survey will be distributed to various airports (not more than ten) similar in size and nature to that of the Heber City Airport. Jviation will contact each comparison airport by telephone or email as needed to verify and validate that the information collected is complete and accurate. Suggested airports to be surveyed include:

1. South Valley Regional, UT
2. Provo, UT
3. Driggs, ID
4. Eagle, CO
5. Aspen, CO

#### **2.0 Prepare and Distribute Tenant Surveys**

A tenant survey will be created in paper and/or online format and will include a variety of questions developed by Jviation with input from the Airport Board. The survey will include questions regarding concerns with the existing lease rates and agreements and garner general input on lease agreements.

The survey will be distributed to existing hangar tenants in the desired format. Jviation will conduct follow up interviews by telephone or email as needed.

### 3.0 Data Analysis

The data collected in the airport and tenant surveys will be analyzed and a summary prepared. The summary will note any trends or discrepancies. The airport survey data will then be compared to the Heber City Airport data and differences will be noted.

### 4.0 Lease Rates and Charges Policy

A Lease Rates and Charges Policy will be developed to aid the airport in future lease decisions. The Policy will address lease types, duration, extensions, and other items as found through the data analysis.

### 5.0 Data Reporting

The data collected as part of the study will be reported in a final document to the Heber City Airport. The final document will include an overview of the study, what airports were surveyed, survey methodology used, major data analysis findings, and recommended actions.

### 6.0 Meetings & Schedule

Four meetings will be attended as part of this study. The meetings include:

**Kick-off, site visit and initial Scope of Work:** May 8, 2013 – Site visit and meet with Airport Board to discuss scope of work and approach to study.

**Finalize Scope of Work:** June 12, 2013 - Airport Board to discuss the final scope of work and airports to be surveyed. (Not attended in person by Jviation Staff)

**Open house with tenants:** July 10, 2013 - Meeting with the tenants to discuss the study and give an opportunity for tenants to voice their concerns with lease agreements.

**Survey Results:** August 14, 2013 - Meeting with the airport board to discuss the survey results and recommendations.

**Presentation of study results:** September 11, 2013 - Meeting with the airport board and tenants to discuss recommendations and overall study results.

### Deliverables

The study will result in four primary deliverables:

1. Airport Surveys Summary
2. Tenant Surveys Summary
3. Technical Document (reporting survey data)
4. Leasing Policy Document

## Project Budget

<b>Task 1</b>	<b>Prepare and Distribute Survey (Airports)</b>	<b>\$1,500</b>
	Project Manager	8 Hours
	Planner	8 Hours
	Travel and Expenses	Cost
<b>Task 2</b>	<b>Prepare and Distribute Survey (Tenants) &amp; Open House</b>	<b>\$2,400</b>
	Project Manager	2 Hours
	Planner	16 Hours
	Public Involvement Coordinator	8 Hours
	Travel and Expenses	Cost
<b>Task 3</b>	<b>Data Analysis and Leasing Practices Analysis</b>	<b>\$1,800</b>
	Project Manager	4 Hours
	Planner/Analyst	16 Hours
<b>Task 4</b>	<b>Lease Rates and Charges Policy</b>	<b>\$2,500</b>
	Project Manager	6 Hours
	Planner/Analyst	24 Hours
<b>Task 5</b>	<b>Data Reporting</b>	<b>\$1,100</b>
	Project Manager	4 Hours
	Planner/Analyst	8 Hours
<b>Task 6</b>	<b>Documentation and Meeting</b>	<b>\$1,825</b>
	Project Manager	6 Hours
	Planner/Analyst	14 Hours
	Travel and Expenses	Cost
<b>Subtotal</b>		<b>\$11,125</b>
<b>Price Reduction for New Client</b>		<b>(\$4,000)</b>
<b>Proposed Labor Budget</b>		<b>\$7,125</b>



## AIRCRAFT RULES AND REGULATIONS

### 6.14. Limitations

6.14.1. Aircraft Operators shall obtain the prior written permission of the Airport Manager before conducting any of the following activities at the Airport.

6.14.1.1. *Use of Motorless Aircraft: The landing upon or towing from the Airport of gliders, sailplanes, and other certificated motorless Aircraft.*

6.14.1.2. *Use of Ultralight Vehicles: The landing upon or taking off from the Airport of ultralight vehicles.*

6.14.1.3. *Use of Lighter-than-Air Aircraft: The landing upon or taking off from the Airport of airships, dirigibles, blimps, balloons, and other certificated lighter-than-air Aircraft that utilize gasses or hot air to provide lift.*

6.14.1.4. *Banner or Glider Towing: The landing upon or taking off from the Airport of Aircraft that tow banners, gliders, or any other device.*

6.14.1.5. *Aircraft operating above 75,000 lbs.*

6.14.1.6. *Hazardous Cargo: Landing or taking off with flammable, explosive, or corrosive materials, except that which is carried aboard for the operation of the Aircraft or use by crewmembers or passengers.*

6.14.1.7. *Radioactive Cargo: The landing upon or taking off from the Airport of Aircraft loaded with radioactive materials.*

6.14.1.7.1. All shipments of radioactive cargo or other hazardous material shall comply with regulations established in 49 CFR Parts 100-199, and all other Regulatory Measures governing such shipments.

6.14.1.7.2. Trained Hazmat and ARFF equipment and personnel will be required for this type of operation as a standby precautionary measure. Costs associated with Trained Hazmat equipment and personnel shall be borne by the Aircraft Operator.

## Chapter 14. Restrictions Based on Safety and Efficiency Procedures and Organization

**14.1 Introduction.** This chapter outlines guidance and standard methodology by which FAA reviews existing or proposed restrictions on aeronautical activities at federally obligated airports on the basis of safety and efficiency for compliance with federal obligations. It does not address other airport noise and access restrictions, which are discussed in chapter 13 of this Order, *Airport Noise and Access Restrictions*.

**14.2. Applicable Law.** The sponsor of any airport developed with federal financial assistance is required to operate the airport for the use and benefit of the public and to make it available to all types, kinds, and classes of aeronautical activity on reasonable terms, and without unjust discrimination.<sup>37</sup> Grant Assurance 22, *Economic Nondiscrimination*, of the prescribed sponsor assurances, implements the provisions of 49 United States Code (U.S.C.) § 47107(a) (1) through (6). Grant Assurance 22(a) requires that the sponsor of a federally obligated airport:

*...will make its airport available as an airport for public use on reasonable terms and without unjust discrimination to all types, kinds, and classes of aeronautical activities, including commercial aeronautical activities offering services to the public at the airport.*

Grant Assurance 22(h) provides that the sponsor:

*...may establish such reasonable, and not unjustly discriminatory conditions to be met by all users of the airport as may be necessary for the safe and efficient operation of the airport.*

The Airport Noise and Capacity Act (ANCA), as implemented by 14 Code of Federal Regulations (CFR) Part 161, establishes a national program for review of airport noise and access restrictions on operations by Stage 2 and 3 aircraft.<sup>38</sup> In reviewing proposed safety and efficiency restrictions affecting such operations, airports district offices (ADOs) and regional airports divisions should consult with the Airport Compliance Division (ACO-100) for possible referral to the Airport Planning and Environmental Division (APP-400) and Assistant Chief Counsel for Airports and Environmental Law (AGC-600).

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<sup>37</sup> The FAA shall develop plans and policy for the use of navigable airspace to ensure the safety of aircraft and efficient use of airspace. (49 U.S.C. § 40103.) The U.S. Government has exclusive sovereignty over airspace of the United States and thus makes the final decision regarding safety of aircraft.

<sup>38</sup> Safety and efficiency restrictions are typically imposed at generally aviation (GA) airports on aircraft that are not designated Stage 2 or 3 (e.g., hang gliding and banner towing aircraft). Accordingly, most safety and efficiency restrictions will be subject to review only for compliance with grant assurance and Surplus Property Act obligations, and not ANCA.

**14.3. Restricting Aeronautical Activities.** While the airport sponsor must allow use of its airport by all types, kinds, and classes of aeronautical activity, as well as by the general public, Grant Assurance 22, *Economic Nondiscrimination*, also provides for a limited exception: “the airport sponsor may prohibit or limit any given type, kind, or class of aeronautical use of the airport if such action is reasonable and necessary for the safe operation of the airport or necessary to serve the civil aviation needs of the public.” A prohibition or limit may be based on safety or on a conflict between classes or types of operations. This generally occurs as a conflict between fixed-wing operations and another class of operator that results in a loss of airport capacity for fixed-wing aircraft. Any restriction proposed by an airport sponsor based upon safety and efficiency, including those proposed under Grant Assurance 22(i), must be adequately justified and supported.

Prohibitions and limits are within the sponsor’s proprietary power only to the extent that they are consistent with the sponsor’s obligations to provide access to the airport on reasonable and not unjustly discriminatory terms and other applicable federal law.

The Associate Administrator for Airports, working in conjunction with Flight Standards and/or the Air Traffic Organization, will carefully analyze supporting data and documentation and make the final call on whether a particular activity can be conducted safely and efficiently at an airport. In all cases, the FAA is the final arbiter regarding aviation safety and will make the determination regarding the reasonableness of the sponsor’s proposed measures that restrict, limit, or deny access to the airport.

***The FAA, not the sponsor, is the authority to approve or disapprove aeronautical restrictions based on safety and/or efficiency at federally obligated airports.***

**14.4. Minimum Standards and Airport Regulations.** An airport proprietor may adopt reasonable minimum standards for aeronautical businesses and adopt routine regulations for use and maintenance of airport property by aeronautical users and the public. These kinds of rules typically do not restrict aeronautical operations, and therefore would generally not require justification under Grant Assurance 22(i). For example, an airport sponsor may require a reasonable amount of insurance as part of their minimum standards.

**a. Type, Kind, or Class.** Grant Assurance 22(i) refers to the airport sponsor’s limited ability to prohibit or limit aeronautical operations by whole classes or types of operation, not individual operators. If a class or type of operation may cause a problem, all operators of that type or class would be subject to the same restriction. For example, if the sponsor of a busy airport finds that skydiving unacceptably interferes with the use of the airport by fixed-wing aircraft, and the FAA agrees, the sponsor may ban skydiving at the airport. However, the sponsor could not ban some skydiving operators and allow others to operate. If a sponsor believes there is a safety issue with the flight operations of an individual aeronautical operator, rather than a class of operations, the sponsor should report the issue to the Flight Standards Service as well as bringing it to the attention of the operator’s management.

The term “kind” in Grant Assurance 22(i) is not defined in the Federal Aviation Act of 1958 (FAA Act), the Airport and Airway Improvement Act of 1982 (AAIA), or in FAA regulations, and has been interpreted not to add any meaning distinct from “class” and “type” of operation or operator.

**b. Multi-Airport Systems.** The operator of a system of airports may have some ability to accommodate operations at its other airports if those operations are restricted at one airport in the system. However, any access restrictions must still be fully justified, based on a safety or efficiency problem at the airport where the restrictions apply. Such restrictions must also comply with ANCA. The operator may not simply allocate classes or types of operations among airports based on preference for each airport’s function in the system.

**c. Purpose.** A prohibition or limit on aeronautical operations justified by the sponsor on the basis of safety or efficiency, under Grant Assurance 22(i), will be evaluated based on the stated purpose, justification, and support offered by the sponsor. If it appears that the sponsor actually intends the restriction to partially or wholly serve other purposes, such as noise mitigation, the safety and efficiency basis of the restriction should receive special scrutiny.

**d. Examples of Grant Assurance 22(i) restrictions.**

**(1).** Examples of airport rules approved by the FAA prohibiting, limiting, or regulating operations under Grant Assurance 22(i) have included:

**(a).** Limiting skydiving, soaring, and banner towing operations to certain times of the day and week to avoid the times of highest operation by fixed-wing aircraft.

**(b).** Banning skydiving, soaring, ultralights, or banner towing when the volume of fixed-wing traffic at the airport would not allow those activities without significant delays in fixed-wing operations.

**(c).** Limiting skydiving, soaring, and ultralight operations to certain areas of the airfield and certain traffic patterns to avoid conflict with fixed-wing patterns.

**(d).** Restricting agricultural operations due to conflict with other types of operations or lack of facilities to handle pesticides safely that are used in this specialized operation.

**(2).** Examples of restrictions which the FAA has found were not justified for safety or efficiency under Grant Assurance 22(i) have included:

**(a).** A nighttime curfew for general aviation operations, based on safety, when Part 121 operators were allowed to operate in night hours.

**(b).** A ban on scheduled commercial operations, based partly on safety grounds, when nonscheduled commercial operations were permitted.

(c). A ban on certain categories of aircraft, based on safety, where the banned categories of operator were defined solely by aircraft design group, which is an airport planning and design criterion based on approach speed for each aircraft type.

(d). A total ban on skydiving, when skydiving could be accommodated safely at certain times of the week with no significant effect on fixed-wing traffic.

(3). Examples of operational restrictions that generally do not require justification under Grant Assurance 22(i).

(a). Examples of airport rules approved by the FAA prohibiting, limiting, or regulating aeronautical operations that would not require justification under Grant Assurance 22(i) have included:

(i). Designated runways, taxiways, and other paved areas that may be restricted to aircraft of a specified maximum gross weight or wheel loading.

(ii). Designated areas for maintenance, fueling, and aircraft painting.

(iii). Use of airport facilities by the general public may be restricted by vehicular, security, or crowd control rules.

**14.5 Agency Determinations on Safety and System Efficiency.** The FAA airports district office (ADO) or regional airports division will make the informal (Part 13.1) determination and the Office of Compliance and Field Operations (ACO) will make the formal (Part 16) determination on whether a particular access restriction is a violation of the airport sponsor's grant assurances, subject to appeal to the Associate Administrator for Airports. However, when an informal Part 13.1 report or formal Part 16 complaint is filed regarding an access restriction based on safety or air traffic efficiency, the FAA Office of the Associate Administrator for



*An Airports Airspace Analysis has been used to assess the safe and efficient use of the navigable airspace by aircraft and/or the safety of persons and property on the ground, including ultralights, banner towing, acrobatic flying, gliders, and parachute jumping functions. Analysis would include internal FAA coordination with the appropriate FAA offices (Flight Standards and/or Air Traffic) and a review of flight procedures. (Photo: FAA)*

Airports should obtain assistance from the appropriate FAA office, usually Flight Standards for safety issues and Air Traffic for efficiency and utility issues. While Flight Standards has jurisdiction for safety determinations, coordination with Air Traffic or other FAA offices might be required in cases where the aeronautical activity being denied has an impact on the efficient use of airspace and the utility of the airport.

**14.6. Methodology.** The goal of this guidance is to provide a standard procedure for addressing technical safety and efficiency claims in support of an airport access restriction. It is often appropriate to ask Flight Standards to conduct a safety review or to ask Air Traffic for an airspace study to determine the impact of a restriction on the safety, efficiency, and utility of the airport. The determinations provided by these offices may be an important part of the decision making process and material record used as part of a Director's Determination (DD) and Final Agency Decision (FAD) and possibly for a decision subject to judicial review.

A sponsor's justification for a proposed restriction should be fully considered, but should also be subjected to an independent analysis by appropriate FAA offices. Early contact with Flight Standards as part of an investigation is desirable since it is possible that a safety determination may already have been made. For example, certain operators may already possess a "Certificate of Waiver or Authorization" from Flight Standards to conduct the aeronautical activity the airport is attempting to restrict, such as banner towing. Such a document would allow certain operations to remain in compliance with Part 91, *General Operating and Flight Rules*. These "waivers" or "authorizations" are de facto safety determinations; their issuance implies that the activity in question can be safely accommodated provided specified conditions are followed.

Similarly, if applicable, the FAA Office of the Associate Administrator for Airports should check with Air Traffic early in the investigation in order to determine whether or not any Air Traffic special authorization or study affecting the aeronautical activity in question was issued or exists.

However, when neither an FAA Flight Standards safety nor an Air Traffic determination or study exists, a review process that includes Flight Standards and/or Air Traffic should be coordinated by the FAA Office of the Associate Administrator for Airports to address the issue of accommodating the aeronautical activity in question at the airport. Depending on Flight Standards/Air Traffic familiarity with the affected airport and its operation, a site inspection may or may not be required. After an evaluation, Flight Standards and/or Air Traffic may or may not decide that a particular activity may be able to be safely conducted at the airport. The ADO, regional airports division, or ACO will issue a determination based on the analysis of all responses.

**14.7. Reasonable Accommodation.** The purpose of any investigation regarding a safety-based or efficiency-based restriction of an aeronautical use is to determine whether or not the restricted activity can be safely accommodated on less restrictive terms than the terms proposed by the airport sponsor without adversely affecting the efficiency and utility of the airport. If so, the sponsor will need to revise or eliminate the restriction in order to remain in compliance with its grant assurances and federal surplus property obligations.

A complete prohibition on all aeronautical operations of one type, such as ultralights, gliders, parachute jumping, balloon and airship operations, acrobatic flying, or banner towing should be approved only if the FAA concludes that such operations cannot be mixed with other traffic without an unacceptable impact on safety or the efficiency and utility of the airport.

When it is determined that there are less restrictive ways or alternative methods of accommodating the activity while maintaining safety and efficiency, these alternative measures can be incorporated in the sponsor's rules or minimum standards for the activity in question at that airport.

**a. Other agency guidance.** Any accommodation should consider 14 Code of Federal Regulations (CFR) Part 91, as well as specific FAA regulations and advisory circulars for the regulated activity. These include:

(1). For ultralight operations: 14 CFR Part 103, *Ultralight Vehicles*; Advisory Circular (AC) 103-6, *Ultralight Vehicle Operations, Airports, Air Traffic Control, and Weather*; and AC 90-66A, *Recommended Standard Traffic Patterns and Practices for Aeronautical Operations at Airports Without Operating Control Towers*.

(2). For skydiving: 14 CFR Part 105, *Parachute Operations*; and AC 105-2C, *Sport Parachute Jumping*.

(3). For balloon operations: AC 91-71, *Operation of Hot Air Balloons with Airborne Heaters*.

(4). For banner towing operations: Flight Standards Publication *Information for Banner Tow Operations*, available online on the FAA web site.

**b. Examples of Accommodation Measures.** Some measures that airports have used to accommodate activities safely and efficiently in lieu of a total ban include:

(1). Establishing designated operations areas on the airport. An airport can designate certain runways or other aviation use areas at the airport for a particular class or classes of aircraft as a means of enhancing airport capacity or ensuring safety.

(2). Alternative traffic patterns and touchdown areas. Examples of this would be a glider operating area next to a runway or a helicopter practice area next to a runway as long as there is proper separation to maintain safety.

(3). Special NOTAM (Notice to Airmen) requirements.

(4). Special handheld radio requirements.

(5). Special procedures and required training.

(6). Seasonal authorization or special permission.

- (7). Waivers issued by Flight Standards under 14 CFR section 103.5 or other applicable regulations and policies.
- (8). Special use permit, pilot registration, and fees.
- (9). Limits on the total number of operations in the restricted class. (It might be easier to accommodate just a few operations.)
- (10). Letters of agreement with Air Traffic Control (ATC), if applicable.
- (11). Restricted times of operations and prior notification.
- (12). Weather limitations.
- (13). Nighttime limitations.

**14.8. Restrictions on Touch-and-Go Operations.** A touch-and-go operation is an aircraft procedure used in flight training. It is considered an aeronautical activity. As such, it cannot be prohibited by the airport sponsor without justification. For an airport sponsor to limit a particular aeronautical activity for safety and efficiency, including touch-and-go operations, the limitation must be based on an analysis of safety and/or efficiency and capacity, and meet any other applicable requirements for airport noise and access restrictions explained in chapter 13 of this Order, *Airport Noise and Access Restrictions*.

#### **14.9. Sport Pilot Regulations.**

**a. General.** In 2004, the FAA issued new certification requirements for light-sport aircraft, pilots, and repairmen. The FAA created two new aircraft airworthiness certificates: one for special light-sport aircraft, which may be used for personal as well as for commercial use; and a separate certificate for experimental light-sport aircraft (including powered parachutes and other light aircraft such as weight-shift and some homebuilt types), which may be used only for personal use. The rule also establishes requirements for maintenance, inspections, pilot training, and certification. The FAA worked with the general aviation (GA) community to create a rule that sets safety standards for people who will now earn FAA certificates to operate more than 15,000 uncertificated, ultralight-like aircraft. The rule's safety requirements should also give this segment of the GA community better access to insurance, financing, and airports.

**b. Compliance Implications.** A proposed restriction affecting these aircraft should be analyzed like the other cases addressed in this chapter, with coordination with Flight Standards and/or Air Traffic as appropriate.

**14.10. Coordination.** The sample correspondence at the end of this chapter will assist in coordinating action with either Flight Standards or Air Traffic. Sample correspondence includes a request for a safety determination, a Flight Standards response, an Air Traffic assessment and response, and an FAA objection to a proposed accommodation of an aeronautical activity.

09/30/2009

5190.6B

**14.11. through 14.15. reserved.**



U.S. Department  
of Transportation  
Federal Aviation  
Administration

# Memorandum

Subject: **ACTION:** Request for Safety Determination -  
Formal Complaint 16-00-11

Date: APR 10 2001

Mr. William Dean Bardin  
v.  
County of Sacramento

From: Director, Airport Safety and Standards  
AAS-1

Reply to Wayne Heibeck  
Attn. of: (202) 267-3187

To: Manager, Western Pacific Airports Division -  
AWP-600

It is our responsibility to review and issue a Director's Determination on the above-mentioned complaint under FAR Part 16. The complaint relates to Sacramento County, prohibiting ultralight vehicles at Franklin Field (Q53 - uncontrolled airport) on the grounds that such operations are unsafe.

We believe that insufficient safety related information relating to this case exists for a compliance determination. The complaint filed requires the FAA to determine whether or not the prohibition instituted by the airport sponsor violates the requirement "to make its airport available as an airport for public use on reasonable terms, and without unjust discrimination, to all types, kinds, and classes of aeronautical uses." Flight Standards assistance in the form of a safety determination and/or recommendation is required. It would:

1. Substantiate a FAA (AAS-1) decision on the reasonableness of the restriction.
2. Be worthwhile as both parties in the complaint disagree on whether or not ultralight operations at Franklin are safe.
3. Would permit AAS-1 to adhere to FAA order 5190.6A, section 4-8, which addresses safety related restriction at federally-obligated airport and specifies the role(s) of other FAA entities, one of which is Flight Standards. Specifically, FAA Order 5190.6A, Section 4-8 states:

In cases where complaints are filed with FAA, Flight Standards and Air Traffic should be consulted to help determine the reasonableness of the airport owner's restrictions. It may be appropriate to initiate an FAA airspace study to determine the efficiency and utility of the airport when

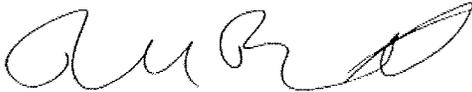
**Sample Request for Safety Determination, Page 1**

considering the proposed restriction. In all cases the FAA will make the final determination of the reasonableness of the airport owner's restrictions which denied or restricted use of the airport.

4. Strengthen the record given that the current complaint could lead to a Final Agency Decision, which in turn may be subjected to judicial review.

Given the existing situation, please coordinate with the region's Flight Standards Division, AWP-200, to have them conduct an analysis of options regarding the possibility of safely accommodating ultralight operations and the compatibility of ultralight operations with other aeronautical uses at Franklin Field as soon as possible.

Attached is a copy of the complaint documents we have received. Please notify us as soon as practicable of AWP-200's timeframe for completion of this analysis.



David L. Bennett

Attachment

*The following is the suggested response to the Airports Division request for a safety review of Franklin Field.*

Personnel of the Sacramento Flight Standards District Office (FSDO) have conducted a safety review of the Franklin Field Airport as request in the Memo dated April 10, 2001.

An Inspector reviewed the available safety related material provided by the users of Franklin Field, maps and the comments from the County of Sacramento. A site inspection was conducted and revealed an area on the northwest part of the airport could accommodate ultralight operations.

Franklin Field is a heavily used uncontrolled airport for pilot training and agricultural operations. Flight schools both helicopter and airplanes use the field. The mix of ultralight and aircraft traffic has generated numerous complains.

On June 5, 2001, the FSDO inspector met with the SFO-ADO and personnel for the County of Sacramento, Division of Airports. Another site visit was concluded with the above organizations and all parties agree it was possible for ultralights to operate within specific guidelines.

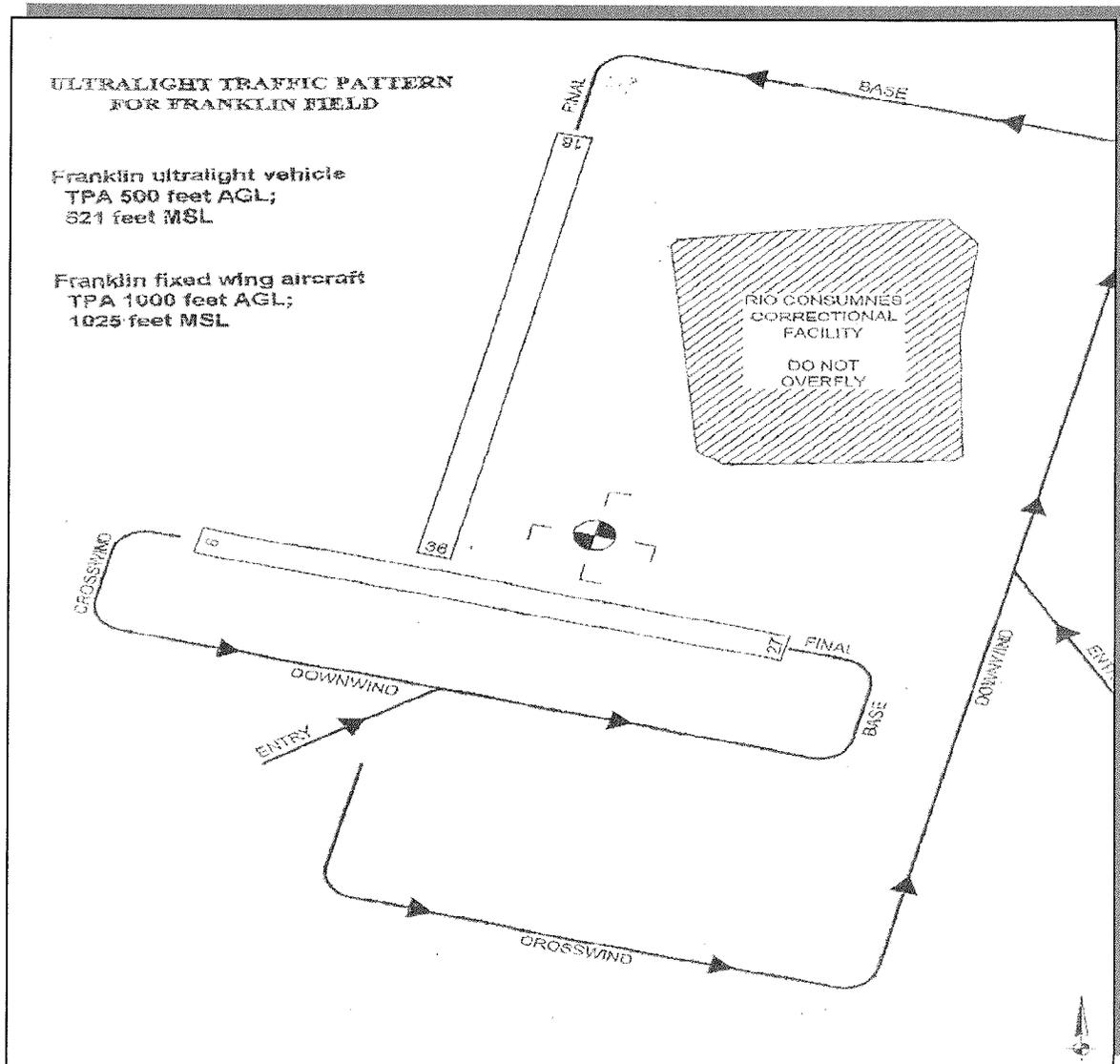
The area northwest along the airport boundaries is large enough to provide reasonable accommodation for ultralight operations. An area in the grass could be graded for a landing and ramp areas. The traffic pattern altitude should no higher than 400 feet; this would keep the ultralights away from the normal aircraft flow.

In addition, the following should be considered by the County of Sacramento in the effort to make reasonable accommodations for the ultralight activities:

- Establish designated operations area.
- Transient versus based ultralight operations.
- Alternative traffic patterns as per AC 90-66A.
- NOTAM requirements.
- Special use permits for pilot and aircraft.
- Level of purposed operations the airport.
- Times of operation and prior notification if required.
- Weather limitation.
- Daytime versus nighttime operations.

It is recommended that a meeting with the County of Sacramento, SFO-ADO, Sacramento FSDO and the ultralight users group be schedulc, as soon as possible, to work out the details and any special provisions for the operation of ultralights at Franklin Field.

### Sample Flight Standards Response



**Sample Visual Depiction of Flight Standards-Approved Flight Pattern to Accommodate Ultralight Operations**



U. S. Department  
of Transportation  
Federal Aviation  
Administration

## Memorandum

Air Traffic Control Tower  
St. Petersburg-Clearwater Int'l Airport  
Clearwater, FL 33762

**Subject:** INFORMATION: Review Aeronautical Study No. 01-ASO- 3059-NRA **Date:** 4/25/01

**From:** Air Traffic Manager,  
ATCT, Clearwater , Florida

**To:** Lee Blaney, ORL-610A

When I took over the position of Air Traffic Manager for St. Petersburg-Clearwater Air Traffic Control Tower (PIE) in 1996, I was briefed by my predecessor that the Pinellas County Airport Director did not allow banner towing operations at the airport. To my knowledge there have not been any banner towing operations, with the exception of one emergency landing by a banner tower. *I highly recommend that the Pinellas County Airport Authority continue its present policy to prohibit banner tow operations at PIE due to safety concerns.*

PIE Control Tower handled 229,215 operations in 2000. This is over a 30% increase in air carrier, corporate jet and general aviation since 1996. The layout of PIE runways makes this a very complex operation, which can only be worked safely under certain conditions. There are three crossing runways, which mean aircraft landing or departing one runway will cross the traffic path of one or more other runways. The determination of which runways to use is dependent upon the type of traffic at the time and the existing meteorological conditions. We try to use two or three runways at a time in pre-established patterns and this requires very precise timing. The preferred runway configuration is Runways 4, 9, 35R simultaneously. This configuration generally allows the controller to work the maximum number of aircraft and minimize delays. However, at times only one runway can be used. Because of the increased volume of traffic and existing runway configuration, the tower intermittently reaches a maximum safe number of aircraft operating at one time. The individual controller working the tower determines that number, based on the volume and complexity at the time. When that level is reached, any further aircraft movements are denied or curtailed. Presently, we estimate that occurs at PIE more than 10% of the time. As our volume increases, the frequency of denying services will increase.

We expect the volume of traffic to continue to increase at an even higher rate than in the past due to several upcoming events. First, we will be installing a CAT II ILS this year. The capability for pilots to shoot a CAT II ILS practice approach will attract more aircraft from other airports to make these practice approaches. Second, the three flight schools or the field are expanding. In fact, the number of practice operations increased by 7% in the last year. One of the flight schools has applied for a permit to open a new Part 141 school. Third, Embry Riddle Aeronautical University (ERAU) has recently gone into partnership

with St. Petersburg Junior College to provide bachelor's and master's degrees in professional aeronautics. This program is expected to draw students not only from the entire west coast of Florida, but also internationally. We anticipate ERAU's presence on the west coast will attract student activity similar to that experienced by ERAU at Daytona Beach Airport/Air Traffic Control Tower, on the east coast. The St. Petersburg-Clearwater Airport agreed to provide classroom and hanger space for ERAU's airplanes in the future and have already given approval for construction of a large building for classrooms on land adjacent to the airport.

In addition to flight training, the Airport is actively looking for additional commercial flights, both passenger and cargo. Funds have been appropriated to extend the main runway to 10,000 feet in order to accommodate overseas flights and heavy cargo planes. The Airport has been negotiating with various companies that would like to take advantage of the extended runway for their operations. There are plans to build a joint military reserve training center on the airport this year, which includes locally based helicopters and the probability of additional itinerant military traffic.

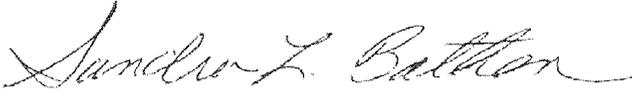
Banner towing operations would not readily fit into the patterns of established operations at PIE, practice or itinerant flights. They're low flying, slow moving operations that don't mix well with other flights. They also involve having a ground crew go out onto the airfield twice, to set up and later remove the banner. If the banner pick-up area is in the safety area of a runway, the runway is essentially closed from the time the crew goes out onto the airfield until the banner has been picked up and the site cleared. From a safety standpoint, banner towing is suited to small airfields without commercial flights.

In 2000, PIE had 229,215 operations and Tampa International Airport had 277,863 operations. The Hillsborough County Aviation Authority has not allowed banner towing for many years due to safety issues and traffic volume. When airports reach the volume that Tampa and St. Petersburg-Clearwater have, banner-towing operations cannot safely be worked into the traffic. High volume airports with commercial flights do not allow banner towing because it would result in interruption of the traffic flow and untenable delays for other aircraft in order to clear the way for banner-towing aircraft. Commercial jets are designed for fast flight and do not maneuver quickly when in landing or take-off configurations. It compromises their safety to mix in operations that have the potential to interrupt the traffic flow and cause aborted take-offs or landings. In addition to the airlines and air taxis, there are at least three air ambulance companies based at PIE. When they file as "Life Guard", they cannot be delayed for other aircraft. The Coast Guard has search and rescue flights that require priority handling. When any inbound commercial flights are delayed, they back up into Tampa's already congested airspace. For controllers to work several aircraft safely, they need routine procedures and flights. Whenever they have to interrupt the established flow, it is a distraction, and distractions always decrease safety. If banner towing were permitted at PIE, there are conceivably a minimum of two companies that intend to conduct some or all of their operations from PIE. They have a significant potential to interrupt air traffic and impact safety. Additionally, if banner towing were allowed at PIE, it would undoubtedly attract other banner tow companies due to PIE's

geographical location. There are no Hillsborough County airports which permit banner towing.

Traffic volume at PIE is quite variable. As stated above, there are times when PIE is forced to deny operations for safety reasons, and we do this by curtailing the number of aircraft making practice approaches or touch-and-go's. At times, touch-and-go's are not permitted due to traffic volume and complexity. Volume variations are intermittent and cannot be predicted in advance. While not optimal, student pilots can tolerate interruptions to their practice flights and they reschedule for another flight time. Banner towing is a commercial enterprise that could not operate in an environment where they were subject to having their flight requests denied.

*We highly recommend that the Pinellas County Airport Authority continue its present policy to prohibit banner tow operations at PIE due to safety concerns.*



Sandra L. Bathon



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

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December 5, 2006

Mr. Nickolis A. Landgraff  
Airport Manager  
City of DeLand  
1777 Langley Ave.  
DeLand, FL 32724

Dear Mr. Landgraff:

RE: Agency Review  
DeLand Skydiving Agreement

We received your November 14, 2006 correspondence regarding the proposed agreement between the City of DeLand, the skydiving operators of DeLand Airport, and the proposed airport traffic control tower (ATCT). While we applaud the sponsor for its proactive efforts to come to agreement with the operators of skydiving operations at the airport, we are concerned that the structure of the document removes the airport's ability to adhere to its grant agreements into the future. Specifically, there are a number of provisions of the Agreement that concern the Federal Aviation Administration (FAA), which we have listed below.

- The FAA must review any agreement that includes safety requirements that differ from those required by federal regulation. This is true regardless if the requirements will be more or less stringent, and the requirements are continually subject to review, considering constantly changing circumstances. This review would not only include ATC, as the agreement states, but also Flight Standards and Airports Divisions.
- While the agreement states that it will seek FAA concurrence, it appears that the parties only intended to seek input from the local FAA ATCT. FAA Flight Standards and Airports Divisions *must* be consulted. Therefore, once a final draft of this agreement is made, it should be coordinated through the Orlando ADO.
- II.C. – Both Skydive Deland and the city of Deland must understand that any provision agreed to in this document cannot overrule the applicable Federal Aviation Regulations. Specifically, one provision needing further review by Flight Standards includes #3, which states:

*"The first radio communication of the day by a Jump Aircraft shall activate the DZ. When the Deland Drop Zone is activated, the Tower Operator is*

**Sample FAA Objection to a Proposed Overreaching Accommodation of an Aeronautical Activity, Page 1**

**deemed to have authorized all Jump Aircraft, their pilots and Parachutists for continuous operations in the Deland Class 'D' airspace. This authorization will remain in effect until the last load of the day.**" [emphasis added.]

FAR Part 105 requires the pilot-in-command to maintain radio communications with air traffic control at least 5 minutes before the parachute operations begin and must, during each flight, advise air traffic control when the last parachutist or object exits the aircraft. Specific information must be provided to air traffic control under certain circumstances as required by FAR Part 105.15 and Part 105.25.

There is no guarantee that transient aircraft will hear the first communication of the day activating the drop zone. Also, there may be times that the drop zone may need to be closed to conduct airfield inspections or to pick up foreign object debris. Again, FAA Flight Standards must review these provisions to ensure continued flight safety.

- II.D. – The Agreement specifies what the tower operator shall commit to. For example,

*"The Tower Operator shall comply with the following: The Tower Operator shall not impose unreasonable limitations because of wind speed or direction...the Tower Operator and the Skydiving Industry stipulate and agree that aircraft operations and skydiving operations shall operate concurrently as a preferred policy and that all parties shall act and engage in conduct that optimizes concurrent operation of flight and skydiving operation, without unnecessary delays."*

Who determines the reasonableness of limitations imposed by ATC? An operating control tower makes decisions based on operational safety and efficiency. Additionally, during a given situation, it may not be operationally efficient or safe for the concurrent operation of flight and skydiving activities -- those determinations must be made by Air Traffic, Flight Standards, and the pilot-in-command, not the airport or skydiving industry.

- The City cannot preempt the right to use the airport by skydivers above all other users in perpetuity. The federal obligations require access for *all* aeronautical users, not just skydivers. While the skydiving community provides large economic stimulus for the airport and surrounding community, any unreasonable restrictions limiting access to other aeronautical users would be a violation of grant assurance and will not be accepted.
- III. – The Agreement includes provisions for an advisory committee and specifies the members of that committee. Under the current Agreement, there are no provisions for an airport or FAA ATC representative to be part of the committee. While there is no regulation or statute to mandate inclusion, the airport should be

### Sample FAA Objection to a Proposed Overreaching Accommodation of an Aeronautical Activity, Page 2

advised of this oversight and guided to include members of these two important parties to ensure a complete representation of those involved in operations at the airport.

- The FAA is concerned that this agreement is a contract, which appears to be an enforceable agreement. The agreement should not be a contract.
- While it is acceptable that the Airport can promulgate procedures and policies, it is a violation of Grant Assurance 5 (Rights and Powers) to PREVENT the sponsor from ever changing the policies and procedures in response to the interests of the public in civil aviation. This contract would prevent such changes. While some of these procedures could be adopted (with the exceptions discussed above) as minimum standards and policies, the airport sponsor cannot give away its discretion to manage this airport in the interests of civil aviation. For example, commercial service airports cannot force themselves to deny general aviation because they've agreed to with certain wishes of commercial operators. There must be other conditions, and even then they can only encourage the use of relievers for general aviation.

If you have any questions regarding these comments, please feel free to call me.

Once you have addressed these comments and revised the agreement, please forward the final draft to this office in my attention for agency review.

Sincerely,

Original Signed BY

Rebecca R. Henry  
Program Manager  
Planning and Compliance

**Sample FAA Objection to a Proposed Overreaching Accommodation of an  
Aeronautical Activity, Page 3**

# Heber City Airport – Russ McDonald Field K36U Hangar Construction and Design Standards

Effective June 1, 2013

## **Introduction**

These specifications shall be known as the Heber City Airport Hangar Construction and Design Standards

## **Purpose**

The purpose of these design standards is to ensure development of consistent high quality, to protect and enhance the investment of all those locating within the Airport Layout Plan (ALP). These standards provide a basis for directing and evaluating the planning and architectural design of improvements to each building site.

## **1.0 Goals**

The following goals form the basis for these design standards:

- Economic – Protection of property values and enhancement of investment
- Function – Encouragement of imaginative and innovative planning of facilities and sites and flexibility to respond to changes in market demand
- Visual – Variety, interest and a high standard of architectural and landscape design
- Social – Amenable working environment, which is integral part of the community
- Safety – Provide and secure storage of vehicles and equipment

## **2.0 General Provisions**

Buildings may not be constructed on airport property unless approved by the Airport Board and the Heber City Council for conformance in each of the following areas:

2.1 Current Airport Layout Plan (ALP) and Terminal Area Development (TAD) plans.

2.2 All applicable building restriction lines and height restrictions.

2.3 Interference with any Airport or Federal Aviation Administration radio or guidance equipment due to location or type of structural material.

2.4 Minimum structural standards as appended

2.5 Access to the proposed building including any required easements, roads or taxiways.

2.6 An approved Aviation Ground Lease with the City of Heber. Such a lease to include all areas deemed necessary to the normal use of the building. Minimum separation beyond the outermost perimeters of the structure shall be in accordance with the

ALP. This provision may be waived, in whole or in part, by the Airport Board to facilitate Airport operations or access. Requests for waiver must be in writing, shall state the reason for the waiver and shall state in detail the mitigating measures to be taken with respect to the potential adverse impacts that may arise from granting the requested waiver.

### **3.0 Application**

These standards shall apply to all properties in the ALP and are in addition to any other jurisdictional requirements including but not limited to Zoning Ordinances and Building Codes of the City of Heber.

- 3.1 Copies of all structural plans, site plans, and material specifications developed by a certified architect and/or engineer shall be provided to the City for review and approval and upon approval shall become the property of the City.
- 3.2 The City or its Agent shall make frequent inspections during construction of any approved building. No changes to, or variations from approved plans and specifications shall be permitted unless approved in writing by the authorized Agent.
- 3.3 Construction of any approved structure or material component thereof may not commence until the following documents or proofs thereof are provided to the Agent.
  - 3.3.1 Contractor's Comprehensive General Liability Insurance and Automobile Liability Insurance policies in an amount not less than Seven Hundred Fifty Thousand Dollars (\$750,000) for injuries, including accidental death, to any one person and subject to the same limit for each person, and in an amount of not less than One Million Five Hundred Thousand Dollars (\$1,500,000) on account of one occurrence. Contractor's Property Damage Liability Insurance shall be in an amount of not less than Five Hundred Thousand Dollars (\$500,000).
  - 3.3.2 Property insurance upon the entire Work at the site to the full insurable value thereof. This insurance shall include the interest of the Lessee, the Contractor, and Subcontractors in the Work and shall insure against the perils of fire and extended coverage and shall include "all risk" insurance for physical loss or damage including, without duplication of coverage, theft, vandalism and malicious mischief.
  - 3.3.3 A performance, Material and Labor Payment Bond payable to the City of Heber in an amount equal to the entire cost of the project. A one year maintenance bond equal to 10% of the amount of the Performance, Material and Labor Payment Bond shall be required upon substantial completion of the work.

- 3.4 Temporary buildings must be approved by Heber City as to type, use, design and location on an individual basis for a specified term and that removal of temporary buildings will be done by the Lessee, at their expense, within fifteen days of the end of the approved term.
- 3.5 In the event of any failure on the part of any Lessee to comply with Airport requirements or any failure to complete a construction project according to the approved plans and specifications, or within a reasonable time as determined by the City, shall be cause for the City to revoke any ground lease with the Lessee of the project and require that the structure be removed from the airport property. In addition to the foregoing remedies, the City shall retain all other remedies provided by the lease terms or provided by law.

## **Minimum Standards for Hangar and Buildings on Heber City Airport Property**

### **Appendix A-1: General Requirements**

A-1 This general section requires permits for building, plumbing, electrical and mechanical.

- A-1.1 All structures shall be designed and constructed in accordance with the Building, Plumbing, Mechanical and Electrical Codes as adopted by the State of Utah and Heber City.
- A-1.2 All plans must be approved by all required local Building Inspection offices and all permits must be obtained before construction begins.
- A-1.3 All electrical, plumbing, mechanical or any other work that is governed by Federal, State, or local licensing regulations will be performed only by individuals or companies so licensed.
- A-1.4 All construction shall be in compliance with all applicable zoning regulations, FAA regulations, height restrictions, and other regulations issued by any agency having jurisdiction over work or projects within the scope of these standards, shall apply.
- A-1.5 Heber City must approve the schedule for all work and said approved schedule shall become binding upon the applicant unless modification of said schedule has been approved in writing by the City.

## **A-2 SPECIAL REQUIREMENTS**

A-2 In addition to the General Requirements, the following Special Requirements are emphasized or added to promote safety and insurability of structures on airport properties and to maintain the value of airport properties.

### **A-2.1 Footings and Foundations**

Soil bearing tests shall be performed at the location of any proposed structure and the design of footings and foundations based on the results. Copies of the design and test results bearing the seal of a registered architect or engineer shall be submitted to the City. Footings and foundations shall extend a minimum of one foot below normal frost depth. Any enclosed structure not designed with a continuous perimeter footing-foundation shall be provided with an approved, continuous perimeter frost barrier.

### **A-2.2 Structural Strength and Materials**

The Uniform Building Code or the Building Code currently adopted by the jurisdiction shall apply as to allowable materials and structural strength for the structure class or type as determined by use, seismic zone, wind and snow loads.

The fire ratings of structures used for the storage of aircraft, motor vehicles, and flammable or hazardous materials shall comply with the Building Code and any Federal, State, or Municipal Fire Codes and are subject to approval by Heber City's Fire Marshall.

### **A-2.3 Framing**

All framing shall be of metal.

### **A-2.4 Exterior**

All exterior surfaces must be pre-finished aluminum, steel or CMU (concrete). No painted wood or other materials may be used.

All exterior materials and colors must be submitted to the City for approval before construction starts. A standard color will be identified and registered with the City. No galvanized metal shall be used on any exterior surface.

### **A-2.5 Exterior Finishes**

Wood- No wood or wood composite siding or roofing shall be allowed. Exceptions to this rule may be granted by the Heber City based on

aesthetics or airport operational requirements. However, no exception shall be granted that would modify the requirements of Section 2.1.2. Requests for exceptions to this requirement must be made in writing at the time of initial plan approval.

Steel - The minimum gauge of steel used for roofing or siding shall be twenty-eight (28) and shall be factory finished in a color approved by the City and warranted by the manufacturer as to color fastness for a minimum of twenty (20) years.

Concrete - Where (CMU), poured or preformed concrete walls are used, the exterior shall be sealed and stained in a color approved by the Airport Manager.

#### A-2.6 Floor and Ramp Construction

All floors and ramps must be constructed of concrete having a minimum of four inch thickness and shall include steel reinforcement of a type approved by the City. A stiff broom finish is required on exterior ramps.

#### A-2.7 Doors

Bi-fold doors are recommended because of their ease of operation during the winter months. Approved swing out, overhead or sliding doors may also be used. All pedestrian doors must be of pit-finished metal construction.

#### A-2.8 Drainage

The gradient of the finished floor of any proposed structure and the surrounding surfaces shall provide for positive flow of water into the existing airport storm sewer system. In areas where no storm sewer exists, the City may require the installation of inlets and pipe designed for anticipated maximum flow and loading to be installed and attached to the existing storm sewer system. An approved system of oil/water separators may be required to prevent contamination of surface or ground water resources.

Oil/Water Separators. Aviation repair facilities and paint shops, dealerships, fuel stations, equipment degreasing areas, and other facilities generating wastewater with oil and grease content are required to pre-treat these wastes before discharging to the sanitary sewer system. Pre-treatment requires that an oil/water separator be installed and maintained on site.

Oil/water separators for commercial/industrial processes must be sized on a case-by-case analysis of wastewater characteristics. Typically a minimum capacity of 750 gallons is required for small fuel stations, aviation repairs, and light commercial sites; 1500 gallon capacity for large-scale aircraft washing and steam cleaning facilities. The ultimate

discharge must be directed to the sanitary sewer system. All units regardless of size shall be fitted with a standard final-stage sample box and spill-absorbent pillows.

Oil/water separators shall be commercially manufactured and sized for the intended discharge rates for the facility where it is to be installed.

#### A-2.9 Landscaping

The City may require landscaping due to location or use of a structure. All plans for landscaping shall be approved by the City.

#### A-2.10 Utilities

Connection to electric, gas, sanitary sewer or septic tank and telephone shall be the responsibility of the Lessee. All new electric, cable TV and telephone lines shall be placed underground. Upon completion of construction, a plot plan showing the exact location of all Lessee installed utilities shall be given to the City.

No trenching or excavation shall commence until all pipes and lines in the area have been located. The City and utility companies shall be contacted for locations. The Lessee shall be responsible for any damage to existing utilities or communications lines.

#### A-2.11 Access

The City may require the Lessee to construct paved roadways, taxiways, and controlled access gates to provide access to the structure. Plans for any roads or taxiways so required shall be submitted to the Airport Manager for approval. Under no circumstances will an uncontrolled opening in the Airport's security fence be allowed.

A-2.12 Further restrictions or requirements may be imposed by the Airport Manager when, in his judgment, such restrictions or requirements are necessary to insure safety, airport operations, aesthetics, or property value.

### **A-3 NOTICE TO PROCEED**

A-3.1 When satisfied that all applicable provisions of this directive have been, or will be fulfilled; the City will issue a letter notifying the Lessee to proceed with the approved work.

A-3.2 Any loss incurred due to work performed, materials purchased, or subleases signed by the Lessee prior to receipt of a Notice to Proceed shall be the Lessee's responsibility.