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| **WC Logo.emf** | **Staff Report to the Ogden Valley Planning Commission** *Weber County Planning Division* |
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****Synopsis****

****Application Information****

**Application Request:** Consideration and/or action to remove heliport as a conditional use to the Commercial Valley 2 (CV-2) Zone

**Agenda Date: Monday, April 25, 2011**

**Applicant:** Lee Schussman and Dave Holmstrom

**File Number:** Zoning Petition 2011-2

****Property Information****

**Approximate Address:** N/A

**Project Area:** N/A

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

**Existing Land Use:** N/A

**Proposed Land Use:** N/A

**Parcel ID:** N/A

**Township, Range, Section:** N/A

****Adjacent Land Use****

**North:** N/A **South:** N/A

**East:** N/A **West:** N/A

****Staff Information****

**Report Presenter:** Ben Hatfield

bhatfield@co.weber.ut.us

 801-399-8766

**Report Reviewer:** RS

Applicable Ordinances

* Weber County Zoning Ordinance chapter 18B Commercial Valley 2 (CV-2)

Background

The petitioners are requesting a text amendment to chapter 18B Commercial Valley 2 (CV-2) zone of the Weber County Zoning Ordinance. This request is to remove a “Heliport” as a conditional use from the list of uses in the CV-2 zone.

The petitioners, in exhibit A, have addressed the criteria for a rezone request. In the request the petitioners express reasons supporting the removal of the use, claiming that heliports are not in compliance with the core and central tenants of the General Plan. They claim that there has been a fundamental shift in the conditional use permitting process, and therefore heliports are no longer consistent with the other uses in the CV-2 zone.

The petition also expresses that there are many public health, safety, and welfare concerns associated with heliports. There is concern about the nuisance that occurs with heliports, namely noise and the disruption of businesses and other surrounding uses. Of the existing properties zoned CV-2, the petitioners believe that none of the surrounding properties would be non-impacted, reasonable, or safe, near a heliport. Their view is that there are few areas of Ogden Valley where there would not be serious concerns about the safety of the location of a heliport.

Summary of Planning Commission Considerations

1. Should there be heliports in the Ogden Valley?
2. Can the nuisance of a heliport be mitigated sufficiently as to not be detrimental to surrounding uses?
3. Are there any qualifying conditions that could be put into place that may reduce impacts to the community? If so what are they?
4. Can the use be permitted elsewhere in the Zoning Ordinance where impacts may be reduced to the community as a whole?

**Planning Division analysis of Summary of Planning Commission Considerations:**

* The indication is that there is a market for the use in the Ogden Valley. In statements from some community members and officials it is noted to be a desirable use in the Ogden Valley.
* As has been stated by many before in public testimony and by the petitioner, helicopters will always produce noise. The level of nuisance that is tolerable is discretionary. At what level it is sufficiently mitigated is a matter of opinion. Staff reminds the Planning Commission that detrimental effects occur with many uses, and it is common for owners along zoning boundaries to have concerns from the “other” uses allowed in an adjacent zone. Often those concerns are considered when determining a zoning designation. Again determining sufficient mitigation is left to the discretion of the decision makers.

Staff Recommendation

Staff recommends that the Planning Commission recommend to the County Commission not to remove “heliport” as a conditional use in the CV-2 Zone subject to the Planning Division analysis above.

However if the Planning Commission is inclined to discuss their options further, staff recommends that this topic be addressed at a time specific future work session. The Planning Commission can consider the following options:

* Recommend approval of this request to remove “heliports” from the CV-2 zone.
* Deny the request to remove “heliports” from the CV-2 zone.
* Recommend that heliports be permitted only in commercial zones that are within resort boundaries. This would allow the resort the benefit of the use, but leave the resort the responsibility of responding to the effects of the use.
* Alter the qualifications of a “helistop” conditional use in the Destination and Recreation Resort Zone (DRR-1) zone to include a heliport allowing for interior and exterior resort operations.
* Allow heliports in the Forest zones under the conditional use “Airports”.

Exhibits

1. Application