

For attention County Commission,

Craig Dearden Jan M Hogmaister Kerry W Gibson,

March 6th 2012

Weber County Planning,
2380 Washington Boulevard, Suite 240,
Ogden Utah 84401-1473

Dear Sirs/Madam, Appeal: Conditional Heli Port Permit Granted February 28th with Review condition.

I have attended many commission hearings while the Heli Port ordinance went through the discussion stages into law.

I applied for a conditional permit and it was decided further time was required to evaluate certain conditions. On February 28th at my second hearing the consent was granted with a requirement for a further review in 6 months based on a report from the DWR to be considered despite the DWR being out of time, it was not specific or clear as to what was required in this report despite being prompted by the in house attorney. It was further considered necessary to review sound levels but these could not be specified as to what would be an acceptable level to demonstrate I had reasonably mitigated any detrimental or adverse sounds by being 2/3 rds of a mile away.

I wish to appeal the requirement to a further review and request a clear unequivocal decision that grants the permit based on my fully complying with the conditions of the ordinance which has been fully supported twice by the Planning Department.

I cannot be expected to plan ahead without certainty. I have spent a great deal of time working to have support from Heli ski enthusiasts that are considering investing in my property and others looking at the opportunity for charitable trust support for disabled skiers that could be based on my property. The heli ski permit being a key essential factor. My time to decide on these options is fast running out as to how I proceed with the development.

The DWR have now written and it is clear they do not have jurisdiction over private land and indeed support heli skiing in other areas of National Forest and have requested we work together in how we approach and depart with helicopters. I support this and am more than prepared to ensure this is adhered to. Our same pilots fly regularly for the DWR when inspecting and counting the wildlife flying right down to some 10 feet above the herds, the herds do not respond while these studies are made. Our pilots work all winter with the DWR carrying out this practice right over the land adjacent to my property, this has gone on for the past 25 years with no complaints, largely being out of earshot over my land. We do not have a conflict with the DWR. This made very clear to the commission but has been ignored. The DWR fly helicopters to prevent poaching and even last Friday flew 2 DWR guys with guns to shoot Coyote and Wolves. They fly low to dart the big game which do not move, history shows no deaths darting from helicopters against 20 per cent deaths darting from ground machines. They have no permission to do this over private land but are free to do so over all the DWR land surrounding my property. There is no basis to say the review should subject to further DWR reports when we have their support.

The question of sound levels led the planning commission into complete disarray with no ability to define what level is required to allow a conditional permit. The last meeting was very confusing, I was told by the chairman I had done all that was required, There was a suggestion the public should go out with their phones with a sound application and record sounds and come back and report them to the commission with no indication of required levels. I provided charts with actual sounds recorded by a University and 2 other charts were presented as well. It was agreed the helicopter at 2/3rd of a mile would be no more 70 db which was demonstrated in chambers to be no more than conversation level. The chart provides for much louder noise levels in every day life in Greenhill's, trucks, ATV's, snow plows, chain saws, wood chippers and grass cutters are just some examples of far noisier and longer duration sounds that exceed 110 db's. They are not proposing to ban all these users.

On March 4th I spent 7 hours waiting to measure the sound of a larger than normal helicopter fully loaded making an approach into the landing zone and a full power take off. He approach 300 agl and was visible from the top of Maple Drive for about 20 seconds. The recorded level averaged 58 db's with the range 52 to 70 db. The 70 db was a flash reading for about 1 second. The pilot explained later that was likely an air pocket. These readings were while in sight, when out of sight nothing recorded above 52 db.. With no sounds other than the breeze the recordings were 42/48 db. A gust of wind flashed 70 db. My car engine recorded 70 db. A motor bike came by recording 88 db.

Everything recorded fits precisely with all the tests provided and agrees with the expert speaking on behalf of the residents of expected sound levels.

The ordinance required a set back of 200 feet to mitigate helicopter noise, the commissioners considered this sufficient to mitigate any noise nuisance as the guidance to support the ordinance. I am 3,500 feet away and out of sight. This emphatically demonstrates compliance and shows how out of control the thinking has become. The commissioners have refused to set a maximum allowable db level which is unenforceable so a 200 foot set back was set as the only guide. At 70 db a helicopter 2/3 rd of a mile away for 20 seconds of exposure, no more than a traffic noise level does not constitute a nuisance or disturbance.

The commission wrote a clear ordinance after months of deliberation, the last meeting was disturbing to hear arbitrary confused thinking being applied coupled with disputes between themselves, refusing to accept proven analysis and clearly unable to clarify quite what is acceptable. I ask for the review to be set aside based on the DWR letter (which was delivered out of time) coupled with my undertaking given, the evidence of sound levels cannot be refuted and fully demonstrates that by being 2/3rd of a mile away and out of sight I have mitigated beyond all reasonable doubt any detrimental effects. I have lost all faith in the commission being able to make a clear rational and fair decision which I believe I am surely entitled to, I have had the full support of the planning department at every step. There is no justification for yet another review which will only add to the confusion already before us. This permit is open to be revoked should I not comply with the ordinance and perhaps the most vested interest in protecting the ordinance is within my own sub division where clearly I must retain support.

Thank you

Tim Charlwood