POSITION PAPER: SAY NO TO HELICOPTER LANDINGS IN IVINS

NoIvinsHelicopters@gmail.com

November 17, 2017

Sentierre plans to land helicopters next to its development at Tuacahn for its hotel and residential clients to whisk them off to areas such as Lake Powell and Las Vegas. We witnessed two helicopter landings at Sentierre a few months ago. Others have told us they have also seen helicopter landings at Sentierre. Tuacahn confirmed they are working with Sentierre to create a helicopter landing area.

Ivins has become a destination city noted for its surrounding natural beauty, parks, hiking/bike paths, art in roundabouts, beautiful public landscaping, and its efforts to promote dark skies. The serene, quiet environment we enjoy contributes greatly to the appeal of Ivins.

Allowing helicopter landings would disrupt many features that make the city so attractive not only to our residents but to our neighbors and out-of-area visitors as well.

HELICOPTER LANDINGS ARE A PROHIBITED USE

Helicopter landings are prohibited. Our Use Tables do not permit them, and any use not permitted is prohibited.

Michele Cruz, Director of Air Traffic Operations Western Service North at the FAA, which controls our region, confirmed that local zoning controls whether helicopters can land or not.

There is some concern whether courts will uphold a Use Table prohibition by omission, but the City's position is anything not specifically permitted is prohibited.

Although prohibited, helicopters landed at Sentierre at least twice. We informed the City, and believe no action was taken. In fairness to the City, we're not sure there are penalties defined in its codes for such violations.

A GOOD EXAMPLE

Summit County Utah dealt with this last year and found that while the FAA controls the operation of helicopters, the County controls zoning regulations governing the location of the landing sites.

Summit County found that if helicopter uses are not specified in its Use Tables then they are prohibited. There is nothing in the Ivins Use Tables permitting helicopters, and the tables state that a use not identified is prohibited.

Summit County passed an ordinance prohibiting helicopter landings "to protect and enhance both the quiet enjoyment of the mountain environment and resort nature of the area, for safety, noise, and other potential community/neighborhood impacts."

That could have been written for Ivins. They made an exception for emergency services. They are not alone in prohibiting landings. This has happened in other communities across the country. And other ordinances prohibiting landings include stiff financial penalties for violations.

NOT EVEN DRONES

Snow Canyon State Park prohibits the operation or use on or above State Park property of unmanned aerial systems, or drones, without issuance of a Special Use Permit. That very sensibly protects the environment from the destruction of the quiet beauty of the park and surrounding areas. And it makes for a strong argument for prohibiting helicopter landings.

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A SOLUTION

To maintain the quiet, peaceful, serene environment in Ivins, and to end the confusion that exists in the community, we ask the City to acknowledge the current prohibition created by the existing Use Tables and adopt an ordinance prohibiting helicopters landing anywhere within the City, except for public emergency such as law enforcement, fire, flood, search and rescue, with significant penalties for violations.

We request that if the City Council is unsure about a prohibition, or if it wants to permit landings, that it instruct the Planning Commission to make appropriate recommendations after a public hearing.

WHY NOW, WHAT'S THE URGENCY?

Finally, even if the City has not received any formal or legal notice from any applicant for a helicopter landing area, or even if the City receives notice that Sentierre abandoned plans for helicopter landings, now is the time to act by instructing the Planning Commission to take one of the two actions we requested because:

(1) There have been violations in the past by either Sentierre or Tuacahn or both. The City needs to make it clear this is not a permitted use and be better prepared to deal with future violations;

(2) the City has no remedy in its codes for assessing significant financial penalties for violations;

(3) at least two entities in Ivins, that we are aware of, are under the impression they can land helicopters, so our Use Table prohibition by omission is clearly not clear enough;

(4) because this issue has come up with two entities, it could easily reappear with others, so it makes sense to clarify our Use Tables, so others do not get frustrated and waste time and money;

(5) there is some concern that prohibitions by omission in Use Tables may not hold up legally, so it would be prudent to eliminate this concern as other communities have done;

(6) our current prohibition appears to prohibit all landings. Other communities have considered it important to specifically state exceptions for public emergency as we should;

(7) there is significant concern in the community, so it would be civic-minded to let the community speak, on the record, and for the City Council to make a decision so this issue can be put to rest, and

(8) this is a complex issue so dealing with it before an applicant request comes in gives the City and the public time to carefully explore the issues thoughtfully to arrive at the best decision.

AN ISSUE OF WIDESPREAD CONCERN

We have more detailed information and thoughtful emailed comments that bring up a number of important points that we received from 359 people over the past 10 days and they keep coming. The email comments show that this is a concern throughout the city, not an isolated pocket, with comments from residents in Amber Estates, Chancel Cliffs, Citadel, Citadel Estates, Copper Canyon, Eagle Rock, Kayenta, Palisades, Padre Canyon Estates, Padre Lakes, Pueblo Bonito, Red Mountain townhomes HOA, the Reserve, Shadow Canyon, the Springs, Tenaya Sands, Tenaya Estates, Vermillion Cliffs, Window Rock, and other Ivins neighborhoods.

We are a resort destination community drawing people both near and far. People outside the city in Entrada, Springdale, and elsewhere have also voiced their concerns about this significant intrusion to their enjoyment of the unique beauty and serenity that Ivins, Red Mountain, and Snow Canyon State Park provides.

Please take the steps needed to ensure the quiet, serene environment of Ivins is maintained. Act on this now.

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HOW DO I SAY "NO" TO HELICOPTER LANDINGS IN IVINS?

If you agree that helicopter landings should be prohibited in Ivins, except for public emergency use, please let us know. We continue to collect comments from people and will deliver them to the City at every opportunity.

1. Send this information to people you know in Ivins and organizations that would be concerned.
2. Email us at NoIvinsHelicopters@gmail.com with your reasons why helicopter landings should be prohibited. We will not use your email address for other purposes.
3. Include your name, spouse/partner name if applicable, address, and name of your neighborhood, subdivision, or HOA. Tell your story. Explain why helicopter landings "damage" you in a personal and detailed way and point out why it is inappropriate for, and damaging to our community. And send additional comments any time.

WHY PROHIBIT HELICOPTER LANDINGS IN IVINS?

Ivins enjoys the unique and natural beauty of Red Mountain and jagged cliffs and ridges of Padre Canyon, parks, bike/walking paths, and its proximity to the beautiful Snow Canyon State Park. Residents enjoy a quiet, peaceful environment that complements the natural surroundings, and contributes to the enjoyment of the outdoors.

Helicopter landings would have a negative impact. Both BLM and Snow Canyon State Park receive numerous noise complaints from hikers and others about helicopter noise, and those complaints are from helicopter flyover only. Helicopter landings would be much more intrusive.

The BLM states that Ivins, Snow Canyon State Park, and the Red Mountain Wilderness are noise-sensitive environments. The FAA Advisory Circular 91-36D, "Visual Flight Rules (VFR) Near Noise Sensitive Areas" recommends pilots maintain an altitude of 2,000' above ground level. Although it is an advisory, it carries weight around natural noise-sensitive settings.

The FAA also has a requirement of a 2,000' altitude above ground level over the entire Red Mountain Wilderness Area. Over the top of Red Mountain that would mean an altitude of more than 3,500 feet above the canyon floor. Similarly, the State Park has a 500' requirement, but the FAA's Advisory concerning noise sensitive areas recommends pilots maintain and altitude of 2,000' above ground level. Even excluding the FAA altitude advisory, these requirements make for more difficult landings.

The FAA Advisory states in Section 6.A that excessive aircraft noise can result in annoyance, inconvenience, or interference with the uses and enjoyment of property, and can adversely affect wildlife. It is particularly undesirable in areas where it interferes with normal activities associated with the area's use, including residential areas, parks, recreational areas (including areas with wilderness characteristics like Red Mountain and the State Park), wildlife refuges, and other areas where a quiet setting is a recognized feature and attribute.

BLM states, "There are three primary attributes of wilderness: Naturalness, Solitude, and Outstanding Opportunities for Primitive/Unconfined Recreation. We receive regular complaints about aircraft noise in the Red Mountain Wilderness. This is important because excessive aircraft noise reduces the opportunity for solitude."

Additionally:

- The airport is a short 35-minute drive. When the Western Corridor opens it will take less time than that.

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- Don't open Pandora's Box. Allowing this use for one business or resident makes it harder to justify prohibiting this use for others.
- Uses should be of value to the community, not to one entity at the expense and detriment of the community.
- A visitor's time-saving and convenience from using helicopters is a "want" not a "need" while protecting our quality of life is a "need" because it is identified as a desirable goal in the City's General Plan.
- We have been told that helicopter accident rates are significantly higher than airplane accident rates per 100,000 hours of flight time.
- Helicopter landings might negatively impact property values.
- Helicopter noise could have an impact on residents who suffer from PTSD, which is more of an issue in Ivins than elsewhere due to the proximity of the Southern Utah Veterans Home.
- Noise, blowing dust and debris from helicopter landings is a nuisance to those enjoying the outdoors in Ivins on our numerous hiking, biking, and walking trails.
- The joy, peace, serenity, and calmness we enjoy from looking at our beautiful mountain scenery would be diminished by the visual distraction of the comings and goings of helicopters.
- It is possible the noise from helicopter traffic will be damaging to pets and wildlife.

WHY PROHIBIT HELICOPTER LANDINGS AT OR NEAR SENTIERRE?

Helicopters should be prohibited at or near Sentierre for the reasons above, plus:

- Recent helicopter landings at Sentierre demonstrated this is a bad location because of the nearby mountain/ridges in Padre Canyon which creates echoes that magnify helicopter noise.
- This area has very little sound absorbing vegetation, such as a forested mountainside. The lack of protective vegetation increases the impact of sound transmission.
- The altitude requirements over the Red Mountain Wilderness Area and Snow Canyon State Park, and the FAA altitude advisory, combined with frequent strong winds in the canyon, steep canyon walls, the narrowness of the canyon at the location proposed, and the proximity to a school, residences, outdoor recreation, and other factors make this a less than desirable location for helicopter activity.
- While rare, there are helicopter accidents. Sentierre cannot absolutely guarantee safety for those in proximity to the landing path and landing area, including safety for people walking or riding bikes on Tuacahn Drive and its trails, hundreds of high school children next door, thousands of people, many of them families with small children, attending performances at Tuacahn, families attending the Tuacahn Saturday market, and walkers and hikers on Red Mountain and State Park trails.
- An industry helicopter professional that testified before Summit County last year offered only one solution to mitigate the negative impact of helicopter noise: Locate landing areas next to a corridor that has high traffic volume. Tuacahn Drive does not fit that description and even Highway 91 does not fit it.

THE IVINS GENERAL PLAN OFFERS GUIDANCE

- It states, "Although it is gaining in popularity as a center for tourism Ivins City is **first and foremost** a peaceful family and retirement friendly bedroom community with pockets of agriculture."

- The purpose of the Ivins City General Plan is to steer development toward a well-conceived future preserving the city's magnificent natural assets and desirable lifestyle
- The primary objective of the Plan is to protect and enhance the quality of life for residents and visitors alike.
- The elements that define Ivins City's quality of life include: The spiritual quality of the land, magnificent landscapes, open space, a clean and serene environment.
- The Plan exists to preserve and enhance the natural beauty of the landscape and spiritual quality of the environment, protect the spectacular vistas for all to enjoy, and preserve a unique community that reflects the serenity of its natural surroundings.
- The visually striking red sandstone cliffs, plateaus and mountains provide a scenic backdrop to the community. The natural beauty of the geologic features and vegetation gives Ivins City a unique character. Capitalize on the uniqueness of the environment; protect that environment and harmonize development and design with it.

HELICOPTER NOISE IS DIFFERENT

The City contends that the noise generated by a helicopter is less than the noise generated by a bus. Even if that is true buses are a "necessary" part of our community. Helicopters to luxury resorts are not. Also, as far as noise pollution goes, it's cumulative. Why add a new source of noise pollution, especially when it is not "necessary"?

In addition, helicopter noise comes from above and propagates downward and outward to a large area. We clearly hear helicopters that have landed at Sentierre almost one mile away. We do not hear the local bus, garbage trucks, or other vehicles driving on Tuacahn Drive that are less than 1,000 feet away. That's because even if their overall noise level is comparable to a helicopter's noise, it is generated at ground level and is quickly absorbed before it goes too far.

Here are excerpts from "Managing Helicopter Noise" by Patrick Veillette, published in Aviation Week in March 2015. Aviation Week is a pro-aviation publication. (http://aviationweek.com/bca/managing-helicopter-noise)

- There are numerous characteristics of helicopter sound that cause it to be objectionable to many within earshot. To begin with, beat or pulsating noise from rotors tend to be more annoying than other types of noise. Plus, tail rotor noise is annoying because of its higher frequency.
- Rotary flight operations over a noise-sensitive location are almost guaranteed to annoy citizens and often result in legislative and regulatory restriction.
- Helicopter activities located close to residential areas generate more noise issues than those frequenting commercial or industrial zones. Prevailing ambient noise levels affect perceptions, and a quieter setting will accentuate airborne noise, especially if radiated from above.

OPENING PANDORA'S BOX

if helicopter landings are permitted at one location, it logically becomes harder for the City to justify denying permission to land helicopters at other locations in the City. So, this issue has a significant impact on the quality of life for all residents of Ivins.

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ENVIRONMENTAL AND OTHER IMPACTS

If the City of Ivins is in favor of helicopter landings, but has not conducted a thorough assessment of the impact that this will have on the environmental impacts to public lands including the Red Mountain Wilderness Area and Snow Canyon State Park, wildlife, veterans suffering from PTSD, pets, or property values, it would be prudent to conduct an Environmental Impact Study before permitting any such use.

PRECAUTIONARY PRINCIPLE

The idea that if the consequences of an action are unknown, but are judged to have some potential for major or irreversible negative consequences, then it is best to avoid taking that action. In practice, the principle is most often applied in the context of the impact of technology (in this case helicopters) on an ecosystem, as the environment is a complex system where the consequences of some kinds of actions can be unpredictable.

We are luckier than many other communities because we can eliminate this potential problem before it begins. Ivins generally, and the State Park and Red Mountain Wilderness Area are even more noise-sensitive areas than most communities have, making it even more important to prohibit helicopter landings in Ivins.

Patty Dupre and Mike Scott
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