

MEMORANDUM IN SUPPORT OF APPROVAL OF SKY RANCH, PHASE II

TO: SAN JUAN BOARD OF COMMISSIONERS

BY: BUSINESS RESOLUTIONS, LLC, AS TRUSTEE OF THE MOAB DEVELOPMENT TRUST
(SKY RANCH) AND MR. JOHN RAMSEY, INTERVENORS

DATE: MAY 27, 2025

RE: JUNE 3, 2025 MEETING

1. PARTIES AND INTRODUCTION

The following submission is made on behalf of the applicant Business Resolutions, LLC, as Trustee of the Moab Development Trust (the “Sky Ranch”), and John Ramsey (“Mr. Ramsey”), intervenor, an owner of a residence located on Sky Ranch Estates Phase I¹. Mr. Spielman, a neighboring property owner, has appealed the prior approval by this Board of Commissioners (the “Board”) on February 16, 2021 of a land subdivision that undisputably satisfied all of the subdivision standards in place at the time of application. A copy of the Phase II Subdivision Plat is attached as Exhibit 1 (R.366-368). Mr. Spielman’s only complaint relates to a pre-existing airstrip located on the Sky Ranch Property that has been the subject of numerous approvals in the past. Until recently, Mr. Spielman was supportive of the historic Sky Ranch airstrip (the “Airstrip”), and its continued use inasmuch as he was previously the manager of the Sky Ranch Airstrip. See Exhibit 2, Communications with FAA by Mr. Spielman acting as manager of the Airstrip. In fact, Mr. Spielman operated his own airstrip known as the “Red Annie” airstrip and secured an easement that protected aviation uses both on the Sky Ranch Property and his own property. Now, he seeks to collaterally attack the Board’s previous approvals and stop the use of the Airstrip altogether. The Board’s prior decision was supported by substantial evidence and the prior existence of the Airstrip. However, the Board lacks jurisdiction over flight operations which are preempted by the Federal Aviation Administration (“FAA”).

Sky Ranch Phase II Subdivision is compliant with existing code and the historic Airstrip is safe. At the request of the Board several years ago, Sky Ranch retained an aviation safety expert, Larry Williams, who is a retired FAA inspector with over 35 years of experience in aviation safety analysis to conduct a safety review. Mr. Williams recently updated his report and reviewed the critique of The Wicks Group report proffered by Mr. Spielman. Mr. Williams’ unqualified opinion is that the airstrip is safe and the operating rules and regulations put in place by the Applicant will ensure its safe and efficient operation. Sky Ranch requests that

¹ A substantial record has already been established through legal proceedings, but important exhibits are attached to this submission for convenience and to ensure that the Board has access to important evidence.

you affirm the Board's prior decision approving Sky Ranch Phase II Subdivision Plat and allow this project to move forward after the substantial delay caused by the legal proceedings instigated by Mr. Spielman.

2. BACKGROUND AND FACTUAL STATEMENT

Sky Ranch Airstrip has existed since the 1970s and was used as a private airstrip by its prior owner Bud Tangren and his guests. On January 9, 2001, Mr. Tangren completed a residential subdivision of the southern portion of the Sky Ranch Property into a 6 lot subdivision known as Sky Ranch Estates Phase I that incorporated the pre-existing Airstrip into a fly-in residential subdivision. (R.365). The County approved Phase I without any objections. Each lot within Phase I has direct access to the Airstrip. A copy of the Phase 1 Plat is attached as Exhibit 3 (R.369). The Airstrip was first registered with the FAA as a private airport in the 1980's. See Exhibit 4, Larry Williams Aviation Safety Report. (R.471, R.529-531). The Phase I Plat approved by the County showed a "200 Foot Wide Airstrip Easement, 100 Feet Each Side Common Property Line." See Exhibit 3, Phase I Plat (R.369) and Historic Aerial Photograph of Airstrip. The remaining northern part of the Sky Ranch Property was designated for "Future Development" on the Phase I Plat, including the continuation of the Airstrip through the remainder of the Sky Ranch Property. See Exhibit 3, Phase I Plat. On or about April 22, 2003, Mr. Spielman, and other neighbors (Tim and Beverly O'Neill), executed and recorded a Cross Easement Agreement that granted aviation easement rights across the O'Neill's property in exchange for a utility and access easement across the Spielman property. The aviation (i.e., aviation) easement also covered the Sky Ranch Property and was granted in favor of the "public" and was binding upon successors and assigns. A copy of the Cross Easement Agreement executed by Mr. Spielman is attached as Exhibit 5 (R.544-548). The Aviation Easement benefits both the Sky Ranch Property and Mr. Spielman's property for continued aviation uses.

With the approval of the County, in 2017, the Airstrip was re-asphalted, slightly realigned and extended by approximately 480' to its current configuration. Copies of relevant correspondence between Sky Ranch (Mike Bynum) and the County is attached as Exhibit 6 (See *also* R.602-604, R.533, 552-563). The location of the south end of the airstrip did not change but the Airstrip was pivoted slightly in order to center the Airstrip on the Sky Ranch Property and to create a larger separation from private homes constructed near the Airstrip. The north end of the airstrip was adjusted approximately 40 feet further east. Lengthening the Airstrip allowed the Applicant to add 300' displaced thresholds at either end to improve the operating safety margins. The displaced thresholds moved the landing area away from the neighboring property lines and added additional safety margins during operations. See Exhibit 4, Larry Williams Report. Moreover, the extension of the Airstrip essentially paved the dirt overrun area on the north end of the Sky Ranch Property. The work being done on the Airstrip was observed by the neighbors, but no one appealed. See Exhibit 7, Correspondence from neighbors questioning need for permits and Response by County officials.

After the 2017 work on the Airstrip, Sky Ranch sought to amend Phase I Plat to conform to the slight realignment of the Airstrip, to widen the "Airstrip Easement" from 200 feet to 250 feet (furthering the safety margins), and to reconfigure the original 6 residential lots. The Planning Commission approved the Amended Phase I Plat in April 2018 which clearly

identified the “Airstrip” on the Amended Plat (as it did on the original Phase I Plat). The approval was done without appeal by any of the neighbors. See Exhibit 8, Amended Phase I Plat (R.479). In both the original Phase I and Amended Phase I Plats, the remaining Sky Ranch Property to the north, which included by necessity the extension of the Airstrip is designated as “Future Development.” Exhibit 8, R.479.

Mr. Ramsey is the owner of Lot 4 in Amended Phase I Subdivision. Mr. Ramsey purchased Lot 4 in 2018, after the Airstrip was improved and the Amended Phase I Plat approved by the County. Mr. Ramsey is also a pilot and private airplane owner. He purchased Lot 4 so that he could enjoy the benefits of having a residence with access to a private airstrip. (R.566-568). In 2018, Mr. Ramsey was granted a Building Permit by the County to begin construction of his residence with an attached airplane hangar. The construction of Mr. Ramsey's house with hangar was completed in 2019. Copies of the Building Permit approved by the County, with airplane hangar, is attached as Exhibit 9 (R.609-623). Lot 4, like the other lots in Phase I, has direct access to the Airstrip and Mr. Ramsey Lot 4 and designed his home with the intent to utilize the Airstrip. See Exhibit 8, Amended Phase I Plat (R.479). Mr. Ramsey intervened in the legal challenge to protect his interests and the continued use of the Airstrip, which Mr. Spielman seeks to end.

In October 2020, Sky Ranch filed a Subdivision Phase II Plat with the County. The Plat was reviewed by Staff, who recommended several changes which “were made after communication with the developer until zoning requirements were met.” (R.391). A hearing was held at the Planning Commission on February 11, 2021 (R.363- 369). As noted by the Planning Commission Staff, Phase II is a “continuation of lots through that airstrip.” (R.370).

On February 16, 2021, the Commission considered the Subdivision Phase II Plat. (R.391, 397-409). The County recognized at the time that the Airstrip had long existed and was registered with the FAA. (e.g., R.397, 399, 402-403). After discussion, it was concluded that the Subdivision Phase II Plat met all of the provisions of the County ordinance even if the community had concerns about the existing Airstrip. (R.403). However, in order to provide assurances as to safety, the Commissioners required, as a condition of approval, that Sky Ranch obtain a safety analysis and provide a report to the Planning Commission. (R.408).

At its own cost, Sky Ranch commissioned Larry Williams, a retired FAA safety inspector, to prepare the safety analysis of the Airstrip. See Exhibit 4, Safety Report. (R.471-551). After careful review and analysis, Mr. Williams concluded the operation of the Airstrip would be safe. (R.476). Mr. Williams' report was provided to the Planning Commission at a hearing held on November 18, 2021. Mr. Ramsey also appeared and gave testimony explaining that he had built a house at the south end of the Airstrip to take advantage of having a home with direct access to an Airstrip and detailed the safety procedures put in place by Sky Ranch to ensure its safe operation. A copy of the minutes from the November 18, 2021 meeting is attached as Exhibit 10. (R.552-563). Mr. Spielman, as well as other members of the public, also made comments concerning the Airstrip at the public hearing. (R.600-601). Several months after the Planning Commission hearing, Mr. Spielman submitted a report by The Wicks Group that questioned some of the conclusions of Mr. Williams and as well as the safety of the Airstrip. In preparation for this hearing, Mr. Williams prepared a supplemental report dated May 10, 2025 that responds to the issues raised by The Wicks Group and confirms his

finding that the Airstrip is safe, that there would only be an average of 2 flights a day, and that the risk of an aviation accident is extraordinarily remote. A copy of Mr. Williams Supplemental Report is attached as Exhibit 11.

Sky Ranch has not permitted commercial use of the runway except for a short period when the Canyonlands Regional Airport was closed and UPS air freight and medical evac planes had nowhere to land in support of the local community. (R.603-604). Allowing these flights to land at the Airstrip was done as a courtesy to the community. Mr. Bynum communicated with the County about the need for these temporary flights. Mr. Bynum followed up that conversation with an email to on December 12, 2017. (R.603-604). Ultimately the County concluded that a conditional use permit was required for commercial use but not private use. (R.603-604). The commercial flights were discontinued at the request of the County. No conditional use permit was ever sought because only private use of the Airstrip was intended in the future. In fact, the County has always viewed Sky Ranch as a permitted use. See Exhibit 12 (February 16, 2021 Unofficial Transcript) and Exhibit 7.

As detailed in Mr. Williams' reports, there are no FAA mandatory safety standards that are applicable to private airstrips of this type. (R.472). The FAA conducted an aeronautical review in 2018 and concluded that "...our aeronautical study has determined that your proposed private use airport will not adversely affect the safe and efficient use of the navigable airspace..." See Exhibit 11 (P.3). The FAA issued FAA Form 5010-2 (Airport Master record), and published the information, including its depiction on the FAA Aeronautical Charts with no objections. The FAA Circular referenced by Mr. Spielman is advisory in nature and virtually none of the 15,000 private use airports in the United States complies with all of advisories contained thereon. Sky Ranch has followed many of the FAA's suggestions of including displaced thresholds on the runway and a 250 foot wide object free zone for the Airstrip. See Exhibit 11.

3. PROCEDURAL HISTORY AND REQUESTED REVIEW

Plaintiff Spielman appealed the Board's determination to the county appeal authority. On September 21, 2023, the Administrative Law Judge (the "ALJ") issued a ruling affirming the Board's approval of Plat II. The ALJ's ruling was further appealed to the District Court. The District Court determined that additional findings were needed from the County and remanded the case to the ALJ who sent this matter back to the Commission with the following requests for additional findings from the Board:

1. The airstrip in controversy is included in the formal subdivision boundaries of the proposed new subdivision. The County Commission shall consider that as part of its decision.
2. The Commission shall consider evidence in this matter and shall take evidence regarding safety concerns under applicable law.

Each of these considerations are addressed below in turn.

4. THE EXISTING AIRSTRIP IS GRANDFATHERED, HAS BEEN PREVIOUSLY APPROVED BY THE COUNTY, AND IN ANY EVENT, THE COUNTY WOULD BE ESTOPPED FROM DENYING SKY RANCH PHASE II SIMPLY BECAUSE OF THE EXISTENCE OF THE AIRSTRIP.

a. The Airstrip is a Grandfathered, Pre-Existing Use and Its Extension into the Phase II Plat did not Change the Nature and Character of the Use.

The County is required to “interpret and apply [the County] land use regulation[s] to favor” the Phase II approval where the land use regulation does not “plainly restrict[] the land use application.” See San Juan County Code § 11.22.130(F), (R.236). The County ordinances do not “plainly restrict” Phase II because approval of Phase II of the residential subdivision did not require review of the existing Airstrip that had been previously approved.

There can be little doubt that the Airstrip is a grandfathered use having existed since the 1970’s and first subdivided into a residential, fly-in community in 2001.² Mr. Spielman would like the County to conclude that the Airstrip lost its grandfathered status when it re-asphalted, realigned and extended in 2017. However, this work did not change the nature or character of the Airstrip – it simply improved safety by increasing its operating parameters (lengthening and centering) of the Airstrip on the Sky Ranch Property.³ See San Juan County Zoning Ordinance 4-2 (“The county permits the establishment, restoration, reconstruction, extension, alteration, expansion, or substitution of nonconforming uses upon the terms and

² See e.g., “The airport’s already been approved”. (R.400); “Yeah. And this would be all grand- so the airport is grandfathered in when it was approved and continues forward to be grandfathered in.” (R.402); “We discussed that the airport, itself, is a use that’s been there since 1985.” (R.403); But the problem . . . that you have is the airport was there before.” (R.405); “And, so, what we’re looking at today is and only applying the ordinance as it was adopted in 2019, and so all of this, the airport predates our current ordinances. They’re not asking to change the ordinance or land use request to allow for the airport because that’s already something grandfathered in. Because of that, all we’re really looking at is does the plat map comply and meet the requirements of the zone that this is in as far as plat maps are concerned.” See Exhibit 12 at 4:27:02.

³ The extension of the Airstrip did not change or alter its use—it is the exact same. Sky Ranch was using the property in the same way that it had been previously used and had always intended to be used. Consequently, Sky Ranch did not forfeit its nonconforming use by making the modifications to the Airstrip. See, e.g., *Town of Hampton v. Brust*, 446 A.2d 458, 460 (N.H. 1982) (owner had the right to “avail themselves of the original nonconforming use, and they [did not] substantially change the nature and purpose of their original use.”; see also *Jahnigen v. Staley*, 225 A.2d 277, 281 (Md. 1967) (“[T]he nature and character of the use is unchanged and substantially the same facilities are used.”); *Robert H. Keller v. City of Bellingham*, 600 P.2d 1276, 1280 (Wash. 1979) (the use is not different in kind); *Silver v. Zoning Bd. of Adjustment*, 255 A.2d 506, 507 (Pa. 1969) (holding that it is inconsistent with due process property rights to prevent a landowner from slight alterations to their property “as the dictates of business or modernization require.”).³ Indeed, at the November 18, 2021 Planning Commission meeting, Mr. Spielman, in his own words, “applaud[s] some of [the Sky Ranch] Improvements, such as displaced thresholds and the 250-foot wide-runway object-free area.” See R.561 (Transcript of Planning and Zoning Commission Meeting, Nov. 18, 2021).

conditions set forth in this ordinance.”) (R.22). The improvements did not change the type of aircraft that could use the Airstrip or increase the potential use of the Airstrip. The work done in 2017 simply increased the operating safety margins for its originally intended use as a private Airstrip for its residents. See Exhibit 4, Williams Safety Report.

Additionally, Mr. Spielman will likely argue that the Phase II Plat violates the Spanish Valley Ordinance (Staff has found that it does not). He argues that Phase II is not allowed because it incorporates the pre-existing Airstrip into its boundaries. Simply put, Mr. Spielman argues that the Airstrip needed to be approved all over again and receive the same level of scrutiny and approval as if it was a brand-new use. However, as we know, it was not a brand-new use. The Airstrip already existed in 2021 and was already in use. Nothing in the Spanish Valley Ordinance prohibits an existing Airstrip from being incorporated into an additional phase of an already approved private, fly-in community. Simply stated, Sky Ranch Phase II did not require a completely new approval process because the Airstrip was not new. It has been approved in 2001 (Phase I), approved when it was realigned and extended in 2017, approved with the Phase I Plat was amended in 2018, and confirmed when Mr. Ramsey was given a building permit to build his residence with an airplane hangar. See Exhibit 9. Indeed, Mr. Ramsey completed construction of his residence in 2019 and was already using the newly reconfigured Airstrip when the Phase II application was made. The Phase II Plat shows the 250’ wide “Airstrip Easement” as the natural and necessary continuation of the 250’ Airstrip Easement shown on the Amended Phase I Plat. Compare Exhibits 1 (Phase II) (R.366-368), 3 (Phase I) (R.369), and 8 (Amended Phase I) (R.479). It also includes parcels that would be necessary and useful in the operation of the Airstrip. See Exhibit 1 (R.366-368). Should the fact that the existing Airstrip was incorporated into the Phase II Plat (which would have been impossible not to do) provide a justification to deny the Phase II Subdivision? The answer is obvious – No.

Much like the County’s review of Mr. Ramsey’s application for a building permit, when there are additional improvements constructed within the Phase II Subdivision (e.g., airplane hangars), those improvements will be subject to safety reviews and inspections when new building permit applications are made. Any additional safety concerns relating to any particular structure that may be built in the future can be addressed through the building code and approval process at that time. The Phase II Plat simply subdivides property into various parcels.

The County’s counsel Alex Goble correctly explained the law to the Board as follows:

“Yes, because I’ve – at least in looking at the ordinance, the Spanish Valley Sub-ordinance that was adopted in 2019, it makes no discussion in that residential zone about there being a barrier or anything around that airport. And, since there’s nothing in the ordinance that says that you can’t build residential homes around the airport in that residential area, you’re – those are the rules that the county adopted and those are the ones we have to live by.” (Unofficial Transcript - February 16, 2021 Board Hearing, at 4:28:57 attached as Exhibit 12)

In 2021, the Board correctly determined that because the Airstrip already existed, the Phase II Subdivision Plat could not be denied because it incorporated the Airstrip and

continued the natural and expected use of an existing residential fly-in community. The Board should affirm that decision.

In conclusion, Sky Ranch asks the Board to find that because of the pre-existing status and use of the Airstrip in 2021, the Airstrip's incorporation into the Phase II Plat was appropriate and did not require additional approvals. Indeed, it would be impossible to design a subdivision or subdivide the remaining portion of the Sky Ranch Property without incorporating the Airstrip because it extends from one end of the Sky Ranch Property to the other. And because the Airstrip was originally approved when the southern portion was subdivided in 2001, no additional approval is required. In any event, nothing in the existing ordinance prevents the continuation of an existing Airstrip onto property that is the natural continuation of a fly-in community, and thus, is grandfathered. Because the ordinance does not plainly restrict the continued use of the Airstrip, the code should be interpreted to favor its continued use.

b. Zoning Estoppel Applies.

In a memorandum dated March 17, 2022, Kendall Laws, the San Juan County Attorney at the time, concluded that zoning estoppel applies to prevent the County from denying the grandfathered status of the Airstrip and its continued use and extension. Mr. Kendall reviewed substantial evidence and conducted interviews before arriving at this conclusion. Mr. Kendall's analysis and conclusion is copied here:

"Zoning estoppel, according to the Utah Property Rights Ombudsman, "stops local government from changing its position concerning a land development decision when a property owner has relied upon the government's position, and it would be unfair to allow the government to change its position." Propertyrights.utah.gov/zoning-estoppel/. Zoning estoppel requires reliance on a person with actual authority. It can't be just anyone at the government entity. However, in this instance, in 2019 there are correspondence in the record from Walter Bird, the then Planning Administrator for San Juan County, stating that "several years ago" Mike Bynum had contacted the County about paving and expanding the runway and that Bynum was told that no permit was necessary and that he could proceed. The local newspaper published an article about the paving, neighbors complained, but nobody appealed that decision. In fact, nobody appealed when Mr. Bird reaffirmed that decision in his 2019 email.

It should be noted that the San Juan County Attorney's Office was not fully consulted about that decision at that time. Had consultation occurred, it is probable that the recommendation would have been for an application for Conditional Use Permit be submitted. However, based on Bynum's obvious reliance on Mr. Bird's (the Planning Administrator) decision, the County doesn't see how Zoning Estoppel isn't applicable. Based on the record, the County believes that this is not a question about the expansion of a non-conforming use. In regards to the runway, this is a reliance and zoning estoppel issue.

According to the Property Rights Ombudsman, "'action' by a zoning authority may be representation made by the authority that a particular development or land use is

allowed. The representation must be clear and definite and made on behalf of the authority itself not by an employee or even an official within the authority.” Walter Bird was the authority for San Juan County at the time he stated “Mike Bynum contacted the County several years ago about resurfacing the runway [sic] he was told that no permit was needed and proceeded as such”.

A copy of San Juan County’s Supplemental Brief on Relevant San Juan County Ordinances is attached as Exhibit 13.⁴ See also Exhibit 7, June 5, 2019 Email from Walter Bird. Despite being aware of this work, neither Mr. Spielman nor any of the other neighbors who voiced concerns about the work being done on the Airstrip appealed the County’s approval of the work. The current appeal by Mr. Spielman is a collateral attack on these prior approvals, which he did not appeal, and should not be sanctioned.

In addition to the clear evidence and findings that support the application of zoning estoppel (by the County itself), Mr. Ramsey was given a building permit to construct his residence within the Amended Phase I Plat with a hangar in 2019. (R.609-623). Had the County had any concerns about the legal status of the Airstrip in 2019, it was obligated to deny Mr. Ramsey’s building permit application. But it approved the Building Permit and a residence with direct access to the Airstrip with an airplane hangar is now constructed within Phase I of a multi-phase subdivision. The Airstrip legally exists, but even if through some technicality some other approval process should have been employed by the County years ago, it is too late now to reverse course and prohibit any further development on the Sky Ranch Property.

⁴ In an email to Mr. Bird on October 10, 2017, Mr. Bynum, on behalf of Sky Ranch, explained the Airstrip work as follows:

SUBJECT: Sky Ranch Runway
FROM: Mike Bynum <mike@bzrez.com>
TO: <walterbird@sanjuancounty.org>
CC: Sky Ranch Team <mike@bzrez.com>
DATE: 10/10/2017 15:58

Hi Walter - I wanted to follow-up on our recent conversation regarding proceeding with the runway replacement at Sky Ranch. As you and I discussed, we will be going forward with the new

runway in the next few weeks which will realign with the center of the property and be extended approximately 500’ to provide threshold and designation markings at each end.

We are also working on some new lot layouts for the property which we will want to discuss with you. One would be based on one acre lots as currently permitted and the other suggests a layout

that might be developed depending on the new zoning code. I will call you later to see if we can get some time on your schedule.

We look forward to working with you on this and other properties we have in San Juan County as part of the new Moab South community.

Thanks and happy trails, Mike (R.602).

The Board recognized that when it approved the Phase II Plat in 2021 and the Board should reaffirm that finding again by concluding that the Airstrip is not only grandfathered but zoning estoppel prevents the County from denying Sky Ranch Phase II simply because it incorporates the existing Airstrip.

c. The Airstrip is Safe.

Even with the pre-existing nature of the Airstrip, the Board in 2021 was concerned about safety, and therefore required Sky Ranch to obtain a safety report and provide a report to the Planning Commission.⁵ At significant expense, Sky Ranch satisfied that condition. As explained, Sky Ranch retained Larry Williams, a retired FAA safety inspector to conduct a safety review. This report was provided to the County in November 2021. Subsequently, Mr. Spielman hired The Wicks Group to raise questions about the operational safety of the Airstrip. Mr. Williams has reviewed The Wicks Group report, has personally inspected the Airstrip, and has issued a Supplemental Safety Report for Sky Ranch Estates Subdivision, Phase II. See Exhibit 11. Mr. Williams's conclusions are summarized as follows:

- The 3700' foot runway with a 250' object free area (Airstrip Easement) is more than sufficient to accommodate small, propellor aircraft that will be the only aircraft permitted to use the Airstrip.
- The 300' Displaced Thresholds on each end of the Airstrip provide an additional safety margin and places takeoffs and landings sufficiently distance from property boundaries.
- Private airports generally do not comply with the FAA advisory guidance, but Sky Ranch's complies with the 125' "Object Free Area" maintained on either side of the centerline.
- The Safety Rules and Regulations Adopted by Sky Ranch ensure safe operations.
 - No nighttime operations
 - No touch and goes
 - No aircraft operated by non-property owners unless approved by HOA
 - No overnight rentals
 - No low passes
 - No aerobatic maneuvers
 - Noise abatement procedures observed
- Impacts to neighbors will be low even after full build out (average of 2 flights per day).
- The author of The Wicks Groups report is an attorney, not an aviation safety expert.
- Summertime temperatures and winds can be mitigated and are not unusual and do not represent abnormally dangerous conditions.

⁵ Much of the concern voiced by the neighbors focused on the incorrect assumption that overnight rentals would be allowed at Sky Ranch and potentially inexperienced persons unfamiliar with the Airstrip would be flying into Sky Ranch. That is false. Overnight rentals are expressly prohibited with the Sky Ranch subdivision. See Exhibit 14, February 27, 2018 Email from Karl Spielman; *Compare* (R.648) (CC&R's Section 4.6 (No-Short Term Rentals).

- Sky Ranch's on-site weather station will provide real time data to pilots and severe weather conditions can shut down any public or private airport.
- The traffic pattern designed by Sky Ranch is safe and non-standard traffic patterns are common.
- The sample aircraft used in the Wicks report as an example to evaluate runway length and climb rates is a 50 year, old underpowered aircraft and is not representative of the aircraft operated today. Each licensed pilot is responsible for the operational restrictions on their aircraft.
- The 2 percent slope to the south is not dangerous. Variable conditions will determine whether it is better to take off from the south or north.
- Concerns express regarding mountainous terrain are without merit. There is sufficient room to maneuver and descend without creating a dangerous condition.
- Charts and maps submitted by Wicks show only that high wind gusts are rare and are commonly accounted for by pilots.
- The Airstrip does not create a safety issue with the road on the north end of the runway because its displacement threshold is 300 feet and the ROFZ exceeds the FAA "clear approach zone" of 15 feet over a paved surface. The FAA's aeronautical study in June 2018 confirmed that it did not have concerns relating to the safety of persons and property on the ground.
- The Airstrip will be marked "PRIVATE" and the operator provides all necessary air traffic procedures, local rules, and regulations to all property owners within the Sky Ranch subdivision.
- Aircraft accidents are extremely rare – accounting for only 4.84 per 100,000 flight hours.

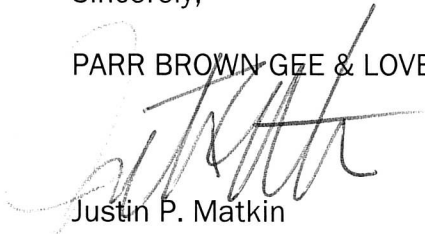
Copies of the Desert Sky Ranch Safety Rules and Regulations Regarding Operating Procedures as well as the Arrival/Departure Diagram are attached to Mr. Williams October 28, 2021 Report. See Exhibit 4, (R.541-542).

Sky Ranch requests that the Board find that based upon this evidence and the reports of Mr. Williams, there is evidence in the record that the Airstrip can be operated safely and efficiently.

Dated: May 27, 2025

Sincerely,

PARR BROWN GEE & LOVELESS



Justin P. Matkin
Attorney for Intervenors Sky Ranch
and Mr. Ramsey