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## 1. Introduction

### 1.1. Purpose

- 1.1.1. These Development Guidelines, and any amendments thereto, are set forth to promote consistent, attractive, and compatible high quality development at the Airport and to establish, implement, and convey the standards/criteria and policies/procedures for development of aeronautical and non-aeronautical land and/or improvements at the Airport, thus enhancing the investment of all those developing Improvements at the Airport while complying with relevant Regulatory Measures.
- 1.1.2. The County hereby declares and provides that all future Development at the Airport is subject to the following covenants, restrictions, and conditions.
- 1.1.3. It shall be understood that all covenants, restrictions, and conditions established herein shall be considered the Development Guidelines to be followed by all Lessees, Sublessees, developers, contractors, and all others interested in Development at the Airport.

### 1.2. Goal

- 1.2.1. It is the goal of the County to preserve the aesthetic quality of the Airport for the benefit of its tenants, users, and community and the continued high quality Development of its Properties in a manner consistent with sound fiscal management, preservation of environmental quality, and adequate provision of necessary services and facilities. These Development Guidelines set forth general policies for realization of this goal within the framework of protection of the public health, safety, and welfare. This is further supported by the following goals:
  - 1.2.1.1. *Regulatory Compliance: To assure compliance with all necessary and applicable Regulatory Measures*
  - 1.2.1.2. *Economic: Protection of property values and enhancement of investment.*
  - 1.2.1.3. *Environmental: Conservation of existing natural features and minimization of adverse impacts on the natural environment.*
  - 1.2.1.4. *Function: Encouragement of imaginative and innovative planning of land and Improvements while maintaining acceptable planning and engineering standards, yet remaining flexible to respond to changes in market demand.*
  - 1.2.1.5. *Visual: Maintenance of variety, interest, and a high standard of architectural and landscape design.*
  - 1.2.1.6. *Social: Amenable working environment, which is an integral part of the community.*

### 1.3. Conformance with Regulatory Measures

- 1.3.1. Without exception, design, construction, alteration, placement, moving, demolition, removal, repair, and/or use of any future Improvement at the Airport will be subject to these Development Guidelines and the applicable provisions of the Uniform Building Code (the edition then currently adopted by the County), the Uniform Fire Code (the edition then currently adopted by the County), Zoning Ordinances of the County, and use requirements, and any other applicable Regulatory Measures.

### 1.4. General

- 1.4.1. These Development Guidelines are general in nature and do not address every type of condition or detail individual Lessees may encounter in their individual areas. Lessees are therefore encouraged to develop an on-going review

process during the early design stages with the County to determine specific design criteria and conditions that are acceptable to the County.

- 1.4.2. Where any building material or specification is identified by type, it shall be understood to be that material or specification, or equivalent. The County shall determine equivalency.
- 1.4.3. No occupancy of any building or structure shall be permitted before the building or structure is completed, and an occupancy permit issued.
- 1.4.4. Where submittals to the County are required, it is understood that those submittals are subject to the approval of the County.

## 2. Land Development Policies

### 2.1. Fiscal Impacts

- 2.1.1. It is the policy of the County to ensure that Development at the Airport will not result in reduction of the quality of services, public facilities, or programs provided to those located at or using the Airport.
- 2.1.2. No land Development project at the Airport shall be based on, or purport to require, any financial contribution by the County, or shall result in or seek to impose any initial or ongoing financial obligation on the County (e.g., for maintenance or upkeep) without the County's advanced written consent to such costs.

### 2.2. Environmental Quality

- 2.2.1. It is the policy of the County to encourage features in any development proposal that will conserve energy resources and minimize the consumption of energy. To that end, it is the policy of the County to encourage orientation of buildings or structures to take advantage of the sun; to prevent Improvements from blocking direct sunlight to other Improvements; to encourage use of barriers as defense against wind; to promote the use of approved landscaping to maximize cooling in the summer and retention of heat in the winter; and to promote construction and siting which conserve natural gas, propane electricity, fuel oil and gasoline.
- 2.2.2. It is the policy of the County to preserve and protect its present water resources. To that end, it is the policy of the County that no land use be initiated which would adversely affect the quantity, quality, or dependability of the County's water resources; or which would occur at the expense of established water dependent activities; or which would result in increased alkalization of water, loss of minimum stream flows; or entail future major expenditures on the part of the general public to reacquire or redistribute water resources.
- 2.2.3. It is the policy of the County to prevent the acceleration of the erosion of soil and rock in order to reduce or eliminate erosion related problems such as stream sedimentation, dust, gulying, alteration of drainage patterns, exacerbation of flood hazards, loss of natural vegetation, visual scars, leaching of minerals, destruction of animal habitats, and increased maintenance costs for roads and other Improvements.
- 2.2.4. It is the policy of the County to preserve the integrity of existing and natural drainage patterns in order that the aggregate of future public and private development activities will not cause storm drainage and floodwaters patterns to exceed the capacity of natural or constructed drainage ways or to subject other areas to increased potential for damage due to flooding, erosion, or sedimentation.
- 2.2.5. It is the policy of the County to minimize noise generated by Activities to the extent reasonably feasible. To that end, the County encourages the structures be designed and oriented to minimize the impact of noise created within or the surrounding areas. Use of "hush houses," berms, landscaping, etc. should contribute toward this goal.
- 2.2.6. Compliance with Section 4.21, Sensitive Areas, of the County Zoning Ordinance is required.

### 2.3. Adequate Provision of Necessary Services and Facilities (Utilities)

- 2.3.1. It is the policy of the County to encourage Development that utilizes existing services and facilities without overburdening such facilities and services. In

cases where existing infrastructures are under utilized, to that end, it is the policy of the County to:

- 2.3.1.1. *Encourage development proposals that minimize Vehicle congestion and promote traffic safety.*
- 2.3.1.2. *Ensure that land is not committed to uses without adequate evidence that facilities to collect, treat, and dispose of anticipated types and qualities of wastewater are available or will be provided prior to the commencement of such use and that such facilities will possess suitable capacity, quality of discharge, point of discharge, and dependability.*
- 2.3.1.3. *Ensure that land is not committed to uses without adequate evidence that a water supply of adequate quality, quantity, pressure, and dependability is, or can reasonably be made available to support the use intended and to provide for protection from fire*

2.3.2. Compliance with the County's Adequate Public Facilities Ordinance is required.

#### **2.4. Manmade and Natural Hazards**

2.4.1. It is the policy of the County to encourage Development that by virtue of location and design does not expose those located on its properties to avoidable natural and manmade hazards. To that end, it is the policy of the County to:

- 2.4.1.1. *Ensure that Development in proximity to Airport operations facilities and other facilities inherently hazardous by virtue of operation or location is designed, constructed, and located in a manner compatible with the hazard.*
- 2.4.1.2. *Prevent Development in floodplains, geologic hazard areas, or other natural hazard areas that are incompatible with the hazard in terms of threats to public welfare, private property, and public property.*
- 2.4.1.3. *Ensure that Development is designed and located in such a way so as to provide for adequate emergency service, fire protection, and police protection in a manner consistent with existing regulatory requirements.*

#### **2.5. Reuse of Resources**

2.5.1. It is the policy of the County to:

- 2.5.1.1. *Encourage the efficient and environmentally sound re-utilization of resources, both natural and manmade, which will result in a reduction in the need for raw materials and finished products.*
- 2.5.1.2. *Encourage beneficial reuse of wastewater, so that other water supplies can be extended*

### 3. Permitted Uses and Development Requirements

#### 3.1. Purpose

- 3.1.1. The following Development Guidelines are established to avoid threats to the health, safety, welfare, and property, both public and private, from noise, flight characteristics, and crash hazards associated with airport operations.

#### 3.2. General Requirements

- 3.2.1. No Improvement shall be planted, altered, or allowed to grow, or shall be maintained in any portion of the Airport Influence Area that is in excess of any of the Airport imaginary surfaces described in these Development Guidelines, the Airport Layout Plan or the Airport Master Plan.
- 3.2.2. Notwithstanding any other provisions of these Development Guidelines, no use may be made of land and/or any Improvement within the Airport in such a manner as to create interference with Aircraft radios with aircraft operations, make it difficult for Aircraft crew members to distinguish between Airport lights and others, result in glare in the eyes of Aircraft crew members using the Airport or personnel engaged in air traffic control operations, impair visibility in the vicinity of the Airport or otherwise endanger the landing, taking off, or maneuvering of Aircraft.

#### 3.3. Prohibited Uses

- 3.3.1. In order to establish limits for objectionable uses or uses that are detrimental to the general welfare of the occupants and users of the Airport:
- 3.3.1.1. *No use shall be permitted on any land that injures the reputation of any land, or is in violation of any Regulatory Measures.*
- 3.3.1.2. *Improvements are generally limited to uses that, in the opinion of the County, produce no adverse effects which may be detrimental to the health, safety, or welfare of persons or which may be harmful to property.*
- 3.3.1.3. *No Temporary Improvements or mobile home, office, or storage shall be installed or maintained on any lot without all required permits, licenses, certificates and approvals. All applications for approval of any Temporary Improvements will include provisions for its dismantling and/or removal within a reasonable time after construction is completed (as determined by the County).*

#### 3.4. Nonconforming Uses

- 3.4.1. Amortization Period
- 3.4.1.1. *Uses: Uses that are not in conformance with the requirement of these Development Guidelines shall be discontinued no later than 10 years from the adoption hereof unless otherwise determined by the County.*
- 3.4.1.2. *Improvements: Improvements or structures of any type on the Airport not in conformance with these Development Guidelines shall be brought into conformance within a reasonable period as determined by the County.*
- 3.4.2. Marking and Lighting
- 3.4.2.1. *Notwithstanding the preceding provision of these Development Guidelines the owner of any nonconforming Improvement shall be required to install, operate, and maintain thereon such markers and lights as shall be deemed necessary by the County and/or FAA to indicate to the operators of Aircraft in the vicinity of the Airport, the presence of such nonconforming improvements.*
- 3.4.2.2. *Such markers and lights shall be installed, operated, and maintained at the expense of the owner of such Improvement(s).*

3.4.3. Existing Uses

- 3.4.3.1. *No permit shall be granted that would allow the establishment or creation of any airport hazard or permit a nonconforming use or Improvement to be made or become higher, or become a greater hazard to air navigation than it is when the application for a permit is made.*



## 4. Design Criteria

### 4.1. Accessory Buildings or Structures

- 4.1.1. All required Accessory Buildings or structures shall be indicated on the Concept Plan and approved by the County (by permit) prior to construction.
- 4.1.2. Accessory Buildings or structures shall match the primary building or structure in design and materials.

### 4.2. Additions and Expansions

- 4.2.1. Additions or expansions to existing Improvements will require submission of detailed plans and specifications and must be approved by the County (by evidence of a County Building Permit) prior to construction.
- 4.2.2. Additions and expansions shall match the primary building or structure in design and materials unless otherwise approved by the County.

### 4.3. Aircraft Accesses

- 4.3.1. In order to allow for the efficient and safe operation of Aircraft and to minimize conflicts of pedestrians and Vehicles with Aircraft operations:
  - 4.3.1.1. *A 40-foot frontage Apron minimum shall be required between the edge of the access Taxiway or Taxilane and exterior wall of the hangar door.*
  - 4.3.1.2. *Minimum setbacks from Side Lot Line to Utility Transformer or Meter shall be:*
    - 4.3.1.2.1. No Apron – 10 feet
    - 4.3.1.2.2. With Apron – 40 feet
  - 4.3.1.3. *No Direct Access will be permitted for Vehicles or pedestrians to the Apron or Taxiway.*

### 4.4. Alterations

- 4.4.1. No alterations to the exterior appearance (including painting) of existing buildings or structures shall be made without approval by the County in writing prior to alteration. This shall include site work alterations.

### 4.5. Antennae

- 4.5.1. All required antennae, satellite dishes, and similar equipment shall be indicated on the Concept Plan and approved by the County in writing prior to construction. These will also be subject to relevant Federal, State and local Regulatory Measures.
- 4.5.2. No equipment shall be allowed that will interfere with existing or future Airport operations.
- 4.5.3. When possible, all antennae will be screened from view.

### 4.6. Building Height

- 4.6.1. All planned Improvements (including antennae, satellite dishes, and other similar equipment) shall receive from the FAA a determination that the Improvement is not identified as an obstruction under any standard of FAR Part 77, Subpart C, Part 77 of the FARs establishes the maximum allowable heights of objects on or in the vicinity of airports. It does this by the definition of “imaginary surface” which, if penetrated by an object, would be considered an obstruction and a hazard to air navigation.

**4.7. Clean-Up During Construction**

- 4.7.1. The construction site and other areas used by the Lessee and Lessee's contractor shall at all times be kept free of accumulated waste materials, dirt, and surplus material.
- 4.7.2. Removal of the waste material, surplus material, dirt, trash and debris to a suitable licensed landfill must be done on at least a daily schedule or whenever the waste material creates a safety or health hazard or interferes with any contractor's work.
- 4.7.3. If the construction site is not maintained in a clean, orderly, and safe condition, the County may, after issuing a written notice to the Lessee, have others clean up the construction site and charge the cost thereof to the Lessee.

**4.8. Damages During Construction**

- 4.8.1. The Lessee assumes sole responsibility for all damages to existing facilities, including but not limited to the premises occupied by others, arising from the Improvements and remodel work of the Lessee, and will take immediate steps to replace or repair such damages to the satisfaction of the County and its affected Lessees and contractors.

**4.9. Doors, Keys and Locks**

- 4.9.1. Aircraft hangar doors shall be sliding, overhead, or bi-fold doors, as appropriate for the size of aircraft hangar.
- 4.9.2. Doors shall be constructed of pre-finished aluminum or steel, in colors complementary to the rest of the structure. No wood, plastic, corrugated fiberglass or tin materials may be used.
- 4.9.3. Pedestrian doors shall be in a number commensurate with local fire and building codes.
- 4.9.4. All pedestrian doors must be of pre-finished metal construction in metal jambs.
- 4.9.5. Vehicle access doors shall be of overhead construction, in colors complementary to the rest of the structure.
- 4.9.6. Every newly constructed Improvement and facility on the Airport will be equipped with a "Knox Box." This will be supplied by the County to the Lessee for installation. This will allow unrestricted emergency access to the facility by the Fire Department during hours of non-occupancy. A master key will be supplied to the Fire Department for insertion in the "Knox Box." Additionally, a key shall be supplied to the Fire Department for any lock not accessible by the master key.
- 4.9.7. At the time when Improvement and facilities on the Airport revert to the County, the Lessee will be responsible for supplying a master key to the Airport Manager for the Leased Premises. Additionally, a key shall be supplied to the Airport Manager for any lock not accessible by the master key. Should these keys be changed at anytime during the Agreement, the Lessee will promptly advise the Airport Manager of said changes and will supply a new master key(s) to the Leased Premises. In the event that the Lessee should utilize a keyless locking system for the said premises, a mutually acceptable method of emergency access must be established prior to use.

**4.10. Drainage (and Grading)**

- 4.10.1. In order to establish compatible grading and drainage relationships between Improvements and adjacent land and to control drainage and erosion:

- 4.10.1.1. *A Site Plan indicating proposed grading and drainage (including drainage flow and contours/elevations) must be submitted with the Concept Plan and approved by the County (by Permit) prior to construction.*
- 4.10.1.2. *Any grades, berms, channels, and swales should be an integral part of the grading and paved surface design.*
- 4.10.1.3. *Paved area grades shall not exceed two- percent slope and shall not be less than one-half of one- percent slope.*
- 4.10.1.4. *Drainage facilities and structures shall be designed to accommodate all storm water generated by the land for a minimum 10 year storm event.*
- 4.10.1.5. *All drainage and grading must comply with the County's Storm Water Management Plan.*
- 4.10.2. *Drainage shall not negatively impact adjacent land and/or Improvements and shall flow into natural or developed drainage.*
- 4.10.3. *Drainage from roofs shall use gutters and downspouts and not create erosion or affect adjacent land and/or Improvements.*

#### **4.11. Erosion Prevention during Construction**

- 4.11.1. *In order to prevent loss of soil by water and wind erosion and to prevent dust nuisance to adjacent development, practical combinations of the following technical principals shall be used to provide effective erosion control.*
  - 4.11.1.1. *Expose smallest practical area of cleared land during construction.*
  - 4.11.1.2. *Provisions shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development or construction.*
  - 4.11.1.3. *The permanent surfacing and landscaping shall be installed as soon as practicable during construction activities.*
  - 4.11.1.4. *Temporary mulching shall be used to prevent erosion during construction projects.*
  - 4.11.1.5. *Water down at frequent intervals all areas creating excessive dust.*

#### **4.12. Exterior Lighting**

- 4.12.1. *In order to create a functional, pleasing, and coordinated relationship of lighting, signs, and plant material for aesthetics, security, and safety:*
  - 4.12.1.1. *A lighting plan describing the exterior illumination layout and fixture selection must be submitted with the Concept Plan and approved by the County in writing prior to construction.*
  - 4.12.1.2. *Lights shall not be placed to cause glare or excessive light spillage on neighboring land and/or Improvements.*
  - 4.12.1.3. *All parking lot and driveway lighting should provide relatively uniform illumination. Accent illumination is recommended at key points such as entrances, exits, loading zones, and drives.*
  - 4.12.1.4. *Concealed light sources are recommended.*
  - 4.12.1.5. *Security light sources shall be kept in operation all night and shall illuminate the building exterior sufficiently for safety and security.*
  - 4.12.1.6. *All exterior lighting fixtures shall direct light rays downward.*
  - 4.12.1.7. *Height restrictions on lighting structures may be imposed by the County and all external lighting structures are subject to the FAA's determination that the installation is not an obstruction and would not be a hazard to air navigation.*

#### **4.13. Exterior Materials**

- 4.13.1. *Exterior building material and color samples must be submitted with the Concept Plan and approved by the County in writing prior to construction.*

- 4.13.2. Exterior building materials can be masonry, brick, or EIFS (Exterior Insulation Finishing Systems). Insulated metal panel exteriors are also acceptable; however, masonry, brick, or EIFS shall be integrated within building elevations. No wood, plastic, corrugated fiberglass or galvanized metal shall be used on any exterior surface (except on roofs).
- 4.13.3. Exterior building materials must be compatible with adjacent buildings or structures, and shall not affect Aircraft operations. As a general rule, reflective glass and other materials determined problematic by the County will not be approved.
- 4.13.4. All facades of all buildings and structures must be kept in good repair and appearance at all times as may be determined by the Airport Manager.

#### **4.14. Exterior Storage**

- 4.14.1. In order to shield stored materials from public view:
  - 4.14.1.1. *No articles, goods, materials, machinery, equipment, plants (except approved landscaping), animals or similar items should be stored or kept in the open, or exposed to public view, within the area between building setback line and line along the street.*
  - 4.14.1.2. *No outside storage or operations (other than Aircraft related) of any kind shall be permitted on any lot, unless such activity is approved by the County.*
  - 4.14.1.3. *No storage shed shall be permitted except during construction or as may be approved by the County for special use.*

#### **4.15. Fences and Buffers**

- 4.15.1. Maintenance of a secure Airport perimeter is a highest priority. In order to provide this security as well a visual buffer of unsightly areas:
  - 4.15.1.1. *Fencing shall be of the same type and style of the existing perimeter fence (see attached Perimeter Fencing Specification).*
  - 4.15.1.2. *Fences must be maintained in good appearance and integrity.*
  - 4.15.1.3. *Fence shall not be permitted directly adjacent to Air Operations Areas.*
  - 4.15.1.4. *Any gate, pedestrian or vehicular, that is attached to, or that is a portion of a system of fencing attached to the existing Airport perimeter fence, or making up part of the said perimeter, will be equipped with an Airport issued padlock. The Lessee will be issued two (2) keys for each lock issued by the Airport.*
  - 4.15.1.5. *Gates, pedestrian or vehicular, that are part of a system of fencing that is not part of the Airport perimeter will be equipped with an Lessee issued padlock unless otherwise advised by the County.*
  - 4.15.1.6. *Screening fences and buffer areas shall be of a height at least equal to that of the material or equipment being stored and shall be approved by the County in writing prior to construction.*
- 4.15.2. Required fencing shall be indicated in the Concept Plan and approved by the County in writing prior to construction.
  - 4.15.2.1. *Submittal shall include information such as location, gates, height, materials, color, and other design considerations.*

#### **4.16. Flagpoles**

- 4.16.1. The location and height of flagpoles shall be indicated in the Concept Plan and approved by the County in writing prior to construction.
- 4.16.2. All flagpoles must be erected with a sufficient distance from Apron, Taxilane, and/or Taxiway to prevent collision with Aircraft and to maintain the Part 77 clearances.

- 4.16.3. Height restrictions on flagpoles may be imposed by the County and may be subject to the FAA's determination that this installation is not an obstruction and would not be a hazard to air navigation.

#### **4.17. Fuel Storage Facilities**

- 4.17.1. The County owns all fuel storage facilities at the Airport. There will be **NO** other fuel storage facilities on the Airport. All refueling will be by mobile refueler or self-service pump by way of the existing fuel storage facilities.
- 4.17.2. Any existing County owned and privately operated underground fuel storage and distribution systems shall be permitted by a current Agreement with the County. The operator shall not expand the product capacity or number of storage tanks in these existing facilities.
- 4.17.3. All underground storage facilities must comply with applicable Regulatory Measures.
- 4.17.4. Parking facilities for fuel trucks must comply with applicable Regulatory Measures.

#### **4.18. Garbage Containers**

- 4.18.1. Exterior garbage containers and waste recycling containers shall be indicated in the Concept Plan and approved by the County in writing prior to placement. These shall only be situated on adequately structured, non-porous surfaces will not be places on porous surfaces or areas
- 4.18.2. Exterior garbage containers and waste recycling containers must be serviced regularly, kept in tidy condition, and covered with a closed lid.
- 4.18.3. Exterior garbage containers and waste recycling containers are for the sole use of the contractor or owner of such equipment and shall not be used by other Airport businesses or entities unless authorized by he County
- 4.18.4. Exterior garbage containers and waste recycling containers provided by the Airport for general use are never to be used for garbage, refuse, debris or any other material or residual that my result from Improvements or Development being constructed on the Airport

#### **4.19. Inspections**

- 4.19.1. Persons who are employees of the County or under contract may be assigned to inspect the construction site.
- 4.19.2. These persons may inspect and observe the Lessee's contractor's work to determine whether designs, materials used, manufacturing and construction processes and methods applied, and equipment, furnishings, fixtures, systems, and finishes installed satisfy the requirements of the approved plans, documents, and drawings (as submitted and approved in the Development Plan).
- 4.19.3. The Lessee's contractors shall permit County assigned inspectors and all other governmental agency inspectors unlimited access to the construction site.
- 4.19.4. Such inspections shall not relieve the Lessee's contractor of any of its obligations under its owner-contractor agreement.

#### **4.20. Landscaping**

- 4.20.1. In order to create a compatible and continuous relationship between site landscaped areas and the adjacent lots, minimize the use of irrigation water, maintain a pleasant appearance in all areas not covered by building or parking,

and enhance the existing character of the site, the following landscaping guidelines shall be followed

- 4.20.1.1. *Any portion of the land that is not used for a building or structure or is not paved shall be landscaped according to a landscaping and irrigation plan to be submitted with the Concept Plan and approved by the County in writing prior to construction.*
  - 4.20.1.1.1. Landscaping materials are to be installed within ninety (90) days of the date of occupancy of the building. Seasonal exemptions may be granted. If seasonal conditions do not permit planting, the County must approve interim erosion control.
  - 4.20.1.1.2. All landscaping must be maintained and accepted for good appearance.
  - 4.20.1.1.3. The Lessee is responsible for landscape maintenance unless otherwise determined in an Agreement with the County
- 4.20.1.2. *Areas with frontage may be landscaped to provide effective beautification of parking with berms and/or shrubbery.*
  - 4.20.1.2.1. Berms and/or shrubbery will have a maximum height of three feet, as measured from the adjacent parking lot surface.
  - 4.20.1.2.2. Berm slopes must not exceed 2:1 with a three-foot wide flat crown. Lessee may provide shade trees per local code requirements at parking lots.
- 4.20.2. Landscaping may also be used, consistent with building and fire codes, to screen unsightly items such as above ground storage tanks, air conditioning units, and/or utility boxes.
- 4.20.3. Landscaping materials may include such items as trees, shrubs, hedges or bushes, and ground cover such as grass or landscaping rocks. Small landscaping rocks will be permitted, provided they are not placed such that it will become a hazard to Aircraft or personnel near Aircraft. Seed and fruit bearing trees shall be prohibited.
- 4.20.4. The landscape plan should be done in a manner to minimize the use of irrigation water.
- 4.20.5. Landscaping materials shall be compatible with that of surrounding development and may not pose a hazard to aviation security or safety. All landscaping installed shall not, when fully grown, exceed 25 feet above ground level, or penetrate into the Part 77 airspace surfaces. Part 77 of the FARs establishes the maximum allowable heights of objects on or in the vicinity of airports. It does this by the definition of “imaginary surface” which, if penetrated by an object, would be considered an obstruction and a hazard to air navigation.
- 4.20.6. Landscaping must not attract wildlife that poses a hazard to aircraft safety.
- 4.20.7. Objects such as water towers, storage tanks, processing equipment, cooling towers, communications towers, vents, and other structures or equipment shall be architecturally compatible with surrounding Improvements and landscaping and shall be approved by the County in writing prior to construction
- 4.20.8. All beautification will be approved by the County to ensure that Airport Security is not compromised and that wildlife attractants are minimized

#### **4.21. Loading and Service Areas**

- 4.21.1. In order to provide a functional and aesthetically pleasing method of handling loading and service areas and Vehicles:
  - 4.21.1.1. *All loading and unloading of Vehicles should be conducted on each Leased Premises.*
  - 4.21.1.2. *Loading areas, loading docks, parking areas and service areas should be planned so that one use does not interfere with another.*

**4.22. Maintenance**

- 4.22.1. In accordance with the Agreement and in order to ensure that all Improvements are maintained in a neat and orderly manner, the lessee shall be responsible for the following:
- 4.22.1.1. *Any Improvements, planting, driveway, or parking lot that are damaged by the elements, by Vehicles, fire, or any other cause shall be repaired as promptly as the extent of damage will permit.*
  - 4.22.1.2. *Buildings that are vacant for any reason shall be kept locked, windows shall be glazed in order to prevent entrance by vandals and maintenance shall continue as if occupied.*
  - 4.22.1.3. *Roads and pavements shall be kept true to line and grade and in good repair.*
  - 4.22.1.4. *Drainage gutters or basins shall be kept clean and free of any obstacles.*
  - 4.22.1.5. *Fences shall be maintained in good condition.*
  - 4.22.1.6. *Undeveloped areas for future use or expansion shall be maintained and shall be trimmed and mowed as necessary to ensure a neat appearance.*

**4.23. Minimum Land Area**

- 4.23.1. No Improvement or structure of any type shall be erected, constructed, or placed on any land area that has less than the square footage identified in the Minimum Standards, unless approved by the County in writing prior to construction.

**4.24. Minimum Improvement Area**

- 4.24.1. No part or portion of any Improvement shall have less than the square footage identified in the Minimum Standards, unless approved by the County in writing prior to construction.

**4.25. Open Sided Structures**

- 4.25.1. All structures shall be fully enclosed. No open sided structures shall be permitted (except in the case of shade hangars).

**4.26. Parking**

- 4.26.1. A parking area plan describing the parking layout must be submitted with the Concept Plan and approved by the County in writing prior to construction.
- 4.26.2. Materials
- 4.26.2.1. *All parking areas shall be paved with asphalt or concrete to strength sufficient to accommodate the heaviest expected usage.*
- 4.26.3. Number of Parking Stalls
- 4.26.3.1. *Parking areas shall be sufficient to park the Vehicles of all users of any Improvement and consistent with requirements set forth by the Minimum Standards and these Development Guidelines.*
  - 4.26.3.2. *The minimum number of parking spaces shall be dependent upon the use (commercial/private) and location of the Leased Premises and will be approved by the County on a case-by case basis.*
- 4.26.4. Other
- 4.26.4.1. *An access driveway (20 feet wide minimum) shall be provided and maintained between each parking area and the street and/or between parking areas.*
  - 4.26.4.2. *All parking spaces must be designated by painted lines or other County approved methods.*

**4.27. Pedestrian Circulation**

- 4.27.1. In order to allow for safe and convenient movement of pedestrians throughout the lot and improvements the Lessee will provide:
- 4.27.1.1. *Sidewalks – four foot minimum width*
  - 4.27.1.2. *Provide convenient pedestrian access from all parking areas to building entrances.*
  - 4.27.1.3. *All pedestrian sidewalks shall be constructed of Portland cement concrete or bituminous concrete. Dirt and gravel walks shall be prohibited.*
  - 4.27.1.4. *Pedestrian access to buildings, structures, and sites shall be designed in accordance with the Maryland Accessibility Code for the handicapped.*

**4.28. Protection of Property and Work in Progress**

- 4.28.1. The Lessee and Lessee's contractor shall take all reasonable precautions for the safety of, and shall provide all reasonable protection to prevent damage, injury, or loss to:
- 4.28.1.1. *All the work and all materials, equipment, systems, fixtures, and furnishings to be incorporated therein, whether in storage on or off the construction site, under the care, custody, or control of the contractor, subcontractors, subordinate subcontractors of any tier, or suppliers; and*
  - 4.28.1.2. *Other property at the construction site or adjacent thereto, including but without limitation, lawns, walks, pavements, roadways, structures, and utilities not designated for removal, relocation, or replacement in the course of construction.*
- 4.28.2. If the Lessee and/or any of the Lessee's contractor's operations destroy or damage any real or personal property, public or private, the Lessee's contractor shall promptly repair or replace such property before County will issue a letter of occupancy to the Lessee.

**4.29. Residence**

- 4.29.1. No building or structure on the Airport shall be used as a place of residence.

**4.30. Safety**

- 4.30.1. The Lessee and Lessee's contractor is responsible for the health and safety of its employees, agents, subcontractors, subordinate contractors, suppliers, and other persons on the construction site. The Lessee and Lessee's contractor shall take all necessary and reasonable precautions and actions to protect all such persons from injury, damage, or loss.
- 4.30.2. Such actions shall include, but without limitation, compliance with all the applicable federal, state, local and OSHA and MOSHA Regulatory Measures.

**4.31. Setbacks**

- 4.31.1. In order to provide sufficient space between buildings and streets to ensure adequate light, privacy, and sound control for Lessee and to allow for landscaping and functional uses (including emergency vehicle access, adequate parking and access, and aircraft clearance), the following setbacks are recommended:
- 4.31.2. Minimum Building Setback Requirements from:
- 4.31.2.1. *Front (landside): 30 feet, minimum, from edge of structure to lot line or as otherwise determined by the County.*



- 4.31.2.2. *Back (airside): setback on the aircraft side shall be based on the largest aircraft permitted in the area (as outlined on the Airport Layout Plan), plus 15 feet, or as specified by current FAA regulations.*
- 4.31.2.3. *Sides: 15 feet, minimum, from edge of structure to lot line, or as specified by Fire Code*
- 4.31.2.4. *Structures located on the south side of streets or highways may be required to provide additional building setbacks, depending on structure height, to allow necessary snow and ice melt from adjacent streets and sidewalks.*
- 4.31.3. Parking Area Setback Requirements from:
  - 4.31.3.1. *Street right-of-way: 15 feet landscaped and bermed (where possible), except that portion used for pedestrian access and access driveways, as required*
  - 4.31.3.2. *Side Lot Line: 10 feet (not applicable if adjacent lots have a contiguous parking area)*
  - 4.31.3.3. *Buildings: 5 feet sidewalk or landscaped area.*
- 4.31.4. Utility Transformer or Meter Setback Requirements from:
  - 4.31.4.1. *Street right-of-way: 5 feet*
  - 4.31.4.2. *Side Lot Line:*
    - 4.31.4.2.1. *No apron – 10 feet*
    - 4.31.4.2.2. *With apron – 40 feet or as specified by current FAA regulations.*
- 4.31.5. No part or portion of any building shall be erected, constructed, or extended nearer than a distance from Aircraft movement areas as shown in Exhibit A (Airport Layout Plan). The County will determine for Lessee any setback distances required from any Taxilane or Apron edge, said setbacks to be uniformly established.
- 4.31.6. The setback areas shall be entirely graded and sodded, seeded, or landscaped between the lot lines and from the Aprons to the building face in a manner that will produce an acceptable lawn or landscaped area, excepting only such areas as may be required for Aprons, driveways, parking, or walks.
- 4.31.7. Different setbacks may be required by the County based upon a number of factors such as lot size, structure use, aircraft size, specific location on the Airport and surrounding non-compatible development (i.e., fuel storage facility).

#### **4.32. Signage**

- 4.32.1. The signage portion of these Development Guidelines will rely on the County's current signage regulations as cited in the Washington County Zoning Ordinance and Washington County Building Code to achieve uniformity while at the same time contributing to the safe and efficient operation of the Airport. Only the general parameters are addressed.
- 4.32.2. A signage plan must be submitted by the Lessee with the Concept Plan and approved by the County in writing prior to construction.
- 4.32.3. General:
  - 4.32.3.1. *All existing signs are considered approved if they met the requirements of the guidelines in effect at the time of construction.*

**4.32.3.2. Prohibited Signs**

- 4.32.3.2.1. Neon signage, either on building walls, in windows, or located inside the building so that it can be seen from the street.
- 4.32.3.2.2. Moving or flashing signs or lights.
- 4.32.3.2.3. Rooftop signs.
- 4.32.3.2.4. Electronic message boards used for advertising.
- 4.32.3.2.5. Any sign not considered by the County to be in good taste.

**4.33. Structure**

- 4.33.1. Facilities designed for the storage of aircraft or flammable fluids shall be masonry, concrete, or steel frame bearing construction.

*4.33.1.1. All Washington County Building Codes and State Fire Codes shall be complied with in the construction of all facilities.*

**4.34. Utilities**

- 4.34.1. A utility plan identifying all utilities (including existing utilities and underground installations) must be submitted by the Lessee with the Concept Plan and approved by the County in writing prior to construction.
- 4.34.2. All utility improvements shall conform to the appropriate agency requirements. The Lessee is responsible for the maintenance of all utility lines to their facility, and for keeping all shutoff accessible for immediate use.
- 4.34.3. In order to provide for the construction and maintenance of necessary utilities serving developed areas, Lessee shall:
  - 4.34.3.1. *Provide utility easements as required.*
  - 4.34.3.2. *Install all utility lines underground. No pipe, conduit, cable, line for water, gas, sewage, drainage, steam, electricity, or any other energy or service shall be installed or maintained upon any lot (outside of any building) above the surface of the ground, except for hoses, movable pipes used for irrigation or other purposes during construction, or transformers.*
  - 4.34.3.3. *Co-locate transformers with utility meters where possible and screen with landscaping.*
- 4.34.4. Lessee or Lessee's contractor shall apply for and pay for all utility meters required for its Leased Premises.
- 4.34.5. Utility costs and charges for any services and meters (including temporary service) on the Leased Premises shall be the sole responsibility of the Lessee from the date of Notice to Proceed.
- 4.34.6. Extension of utilities to proposed facilities shall be the responsibility of Lessee unless otherwise agreed to by the County.
- 4.34.7. Lessee or Lessee's contractor will responsible for returning any areas disturbed by excavation as a result of utility installation to its original condition.
- 4.34.8. If the Lessee and/or any of the Lessee's contractor damages, destroys or disrupts any existing utility or underground installation, public or private, the Lessee and/or Lessee's contractor shall promptly remedy the situation to the satisfaction of the County.

## 5. Procedures for Approval

### 5.1. Procedural Guidelines for Applicants

#### 5.1.1. Pre-Submittal Meeting

5.1.1.1. *An Applicant is required to schedule a pre-submittal meeting with the Airport Manager. This meeting gives the Applicant an opportunity to present their idea and to discuss available land (if any) and their desired land use. This also gives the Applicant valuable general comments on the feasibility of the idea and an opportunity to identify any potential problems associated with it. Upon the general concurrence with the Applicant of the merit of their idea, the apparent availability of land and their proposed land use the Applicant will then be directed to contact all utilities pertaining to the proposed development and to obtain written assurances that the provider has the ability to serve the entire development or that the land is included in the service district boundaries.*

#### 5.1.2. Concept Plan

5.1.2.1. *Following the pre-submittal meeting, a Concept Plan should be fashioned by the Applicant and submitted to the Airport Manager along with the duly completed Development Application.*

5.1.2.2. *This submission will give the Airport an opportunity to review the Concept Plan and Development Application and will provide an opportunity to address any questions or concerns with the Applicant so that any changes, which may be necessary, may be facilitated.*

5.1.2.3. *Once the Airport Manager has approved the Applicant's submission, he/she will request placement on the agenda of a regular meeting of the Board of County Commissioners (in Closed Session). Once the meeting date has been established, the Airport Manager will advise the Applicant accordingly. Ten copies of the final Concept Plan and Development Application will be required from the Applicant prior to further consideration by the County, These must be received not later than two weeks prior to the date of the scheduled meeting*

5.1.2.4. *The Applicant and/or their designated representative will be required to attend the scheduled meeting of the County during its consideration of the Concept Plan and Development Application.*

5.1.2.5. *The Concept Plan will include the following.*

5.1.2.5.1. *Written narrative describing the proposed development to include:*

5.1.2.5.2. *Proposed use;*

5.1.2.5.3. *Number of structures, gross, and net density;*

5.1.2.5.4. *Type of structure(s), approximate size(s) of unit(s), and approximate maximum height of building(s) in feet; and*

5.1.2.5.5. *Amount and function of proposed Open Space, whether public or private*

5.1.2.5.6. *Plan drawings which include the following minimum information:*

5.1.2.5.7. *Title or name of the development above the term "Concept Plan";*

5.1.2.5.8. *Vicinity map, scale, north arrow and date of preparation;*

5.1.2.5.9. *Location and legal description of lot;*

5.1.2.5.10. *Total area of Open Space;*

5.1.2.5.11. *Location and proposed use(s) of building areas to include ranges of dimensions and square footage;*

5.1.2.5.12. *Location and dimensions of required building and setbacks as described within these Development Guidelines;*

5.1.2.5.13. *Parking area(s);*

5.1.2.5.14. *Designation and classification of any right of way, turning or acceleration and/or deceleration lanes, access points, etc. that are required;*

5.1.2.5.15. *Topographic map depicting existing and proposed contours;*

5.1.2.5.16. *Utilities plan depicting existing and proposed locations;*

5.1.2.5.17. *Internal site circulation and designation of public and private streets;*

- 5.1.2.5.18. Proposed timetable for development plan; and
- 5.1.2.5.19. Letters from appropriate utilities as referred to in 5.1.1.1. (i.e., electric, gas, water and sewer, and fire district).

5.1.3. Site Plan

- 5.1.3.1. *Following the approval of the Concept Plan by the County, a Site Plan should be submitted to the Planning Commission in accordance with the current Washington County, Maryland Zoning Ordinance.*
- 5.1.3.2. *Concurrent with consideration of the Site Plan, the applicant must enter into an Agreement with the County for the proposed Leased Premises. If a Sublessee of an existing Lessee is making the development, then the County must issue Consent to Sublease. Construction shall not occur prior to entering into an approved Agreement or receiving Consent to Sublease.*

5.1.4. Requirements of the Federal Aviation Administration

5.1.4.1. General

- 5.1.4.1.1. Since any planned development at the Airport is on property purchased in part with a Federal grant, the airport must notify the FAA regarding any such planned development. FAA Form 7460-1, Notice of Proposed Construction or Alteration is the official notification of such Improvements to the FAA. The applicant should review the copy of this FAA Form included in these Development Guidelines and be ready to provide the information on or about the time submittal is made to the County for final approval of the Concept Plan. No construction of any type related to Development on the Airport will commence prior to the County's receipt of a "Notice to Proceed" from the FAA.

5.1.4.2. Non-Aeronautical Uses

- 5.1.4.2.1. FAA approval must be obtained for projects that would not be considered "aeronautical uses" in accordance with Grant Assurances the Airport agreed to as a condition of accepting Federal grants-in-aid.

5.1.4.3. Possible Obstructions in the Navigable Airspace

- 5.1.4.3.1. Part 77 of the FARs establishes the maximum allowable heights of objects on or in the vicinity of airports. It does this by the definition of "imaginary surface" which, if penetrated by an object, would be considered an obstruction. Any planned development that would penetrate the Part 77 imaginary surfaces would most likely not have the backing of the FAA, and it is likely that the Airport would not permit the project.

5.1.4.4. Notice of Proposed Construction or Alteration

- 5.1.4.4.1. Once the Concept Plan has the support of the Airport, the Airport submits FAA Form 7460-1, Notice of Proposed Construction or Alteration to the FAA. This form provides the FAA with specific information regarding the project including the nature of the proposal, the description of the structure(s), the location of the structure(s), and the height and elevation to the nearest foot of both the site and the structure(s).

5.1.4.5. Notice to FAA Flight Service Center

- 5.1.4.5.1. A Site Plan of the Improvements should also be provided to the Local FAA Airways Facilities Sector office (Airport can provide contact information) for review.

**5.2. Alternative Procedures: Request for Proposal (RFP)**

- 5.2.1. The County may elect to request proposals for use of available Airport property or for provision of one or more Commercial Aeronautical Activities. In this instance, proposers shall follow the procedures specified in the RFP.

## 6. Prosecution of Work

### 6.1. Construction

- 6.1.1. Submit application, construction drawings and Site Plan set to the Washington County Planning Commission for review and approval.
- 6.1.2. Submit application, construction drawings, Site Plan set and signage plan map set to the Washington County Department of Permits and Inspections for building permit review and approval.
- 6.1.3. Submit application, construction drawings, and signed Site Plan to the Fire District for review and approval.
- 6.1.4. Prior to the start of construction, the County will arrange a pre-construction meeting with the applicant and contractor to review Airport safety requirements, operational restrictions, and coordination procedures.
- 6.1.5. Within 30 days of project completion, the applicant shall submit reproducible Mylar as-build drawings of all improvements, including underground utilities either constructed or found in place. Vertical and horizontal locations shall be referenced to the Airport benchmark and station/offset system. The as-build drawings are to be signed by a Maryland Registered Professional Engineer or Registered Land Surveyor.

### 6.2. Permits and Licenses

- 6.2.1. The Lessee, Lessee's contractor, subcontractors, and suppliers (of any tier) shall obtain and pay for all required permits, licenses, and certificates.
- 6.2.2. The Lessee, Lessee's contractor, subcontractors, and suppliers shall obtain all approvals, and Development Agreements required.
- 6.2.3. Charges for permits, licenses, certificates, approvals, tap fees, connection fees, assessments and Development Agreements required, will be at the Lessee's expense.
- 6.2.4. No building shall be undertaken without receiving a building permit unless otherwise determined by the County.

### 6.3. Bonds

#### 6.3.1. Contractors Bond

- 6.3.1.1. *Prior to the issuance of Notice to Proceed, the Lessee's contractor shall deliver to the County and maintain in effect throughout the period of construction, a construction Performance Bond and a Labor and Material Payment Bond each in a sum not less than 100% of the construction contract amount.*
- 6.3.1.2. *Said bonds shall guarantee prompt and faithful performance of the said contract and prompt payment by the Lessee's contractor to all persons supplying labor, materials, team hire, sustenance, provisions, provender, supplies, rental machinery, tools and equipment used directly or indirectly by said contractor, subcontractor, and suppliers in the prosecution of the work provided for in said construction contract and shall protect the County from any liability, losses, or damages therefrom.*
- 6.3.1.3. *The Payment Bond and the Performance Bond shall name the Lessee as the Obligee with the County being name on the Dual Obligee Rider.*

#### 6.3.2. Lessee Payment Bond

- 6.3.2.1. *Prior to the issuance of Notice to Proceed, the Lessee shall provide the County with a Payment Bond in a sum not less than 100% of the construction contract amount. Said Payment Bond shall guarantee prompt and faithful payment for*

*work performed under the said Lessee-contractor agreement by the Lessee directly to the Lessee's contractor.*

6.3.3. Surety Company's Financial Rating Requirement

6.3.3.1. *All bonds shall be issued by a surety company licensed to transact business in the state of Maryland and satisfactory to and approved by the County. If a bond is executed by an attorney-in-fact of the surety, a power of attorney must be attached to the bond.*

6.3.3.2. *The Surety Company must have a rating with the United States Treasury Department of A-VIII Financial Rating or above.*

#### **6.4. Insurance**

6.4.1. Contractor, at its sole cost and expense, will obtain and maintain in full force during the term of the construction the following insurance:

6.4.1.1. *Commercial General Liability "occurrence" coverage in the minimum amount of \$1,000,000 combined single limit (CSL) bodily injury & property damage each occurrence and \$2,000,000 aggregate, including personal injury, broad form property damage, products/completed operations, explosion, collapse, underground, broad form blanket contractual and \$100,000 fire legal liability.*

6.4.1.2. *Commercial Automobile Liability coverage in the minimum amount of \$1,000,000 CSL bodily injury & property damage, including owned, non-owned and hired automobiles.*

6.4.1.3. *Personal Automobile Liability coverage, in the amounts of \$1,000,000 CSL/\$500,000 per Person and \$1,000,000 each Accident Bodily Injury and \$250,000 each Accident Property Damage for each vehicle to be operated in association with this contract that is not insured under Commercial Automobile Liability.*

6.4.1.4. *Workers' Compensation (WC) coverage, in full compliance with Maryland statutory requirements, for all employees of contractor and Employer's Liability in the minimum amount of \$1,000,000.*

6.4.1.5. *Professional Liability (Errors & Omissions) Engineers & Architects coverage in the minimum amount of \$1,000,000 each occurrence and \$1,000,000 aggregate.*

6.4.1.6. *Property Coverage: Course of Construction (Builders Risk) Insurance covering all materials and equipment at the job site, with limits of not less than one hundred percent (100%) of the total estimated cost of construction, against all perils including flood, until the project is accepted as completed by the County. Should the work being constructed be damaged by fire or any other causes during construction, contractor shall replace it in accordance with the requirements of the plans and specifications without additional expense to the County.*

6.4.2. All insurance required shall be issued by a company or companies authorized to transact business in the State of Maryland which have a BEST rating of B+ VII or higher.

6.4.3. All insurance required will be primary coverage as respects County and any insurance or self-insurance maintained by the County will be excess of contractor's insurance coverage and will not contribute to it.

6.4.4. The County is to be notified immediately if any aggregate insurance limit is exceeded. Additional coverage must be purchased to meet requirements.

6.4.5. The County (Individually and collectively), representatives, officers, officials, employees, agents, and volunteers are to be named as Additional Insureds as it respects work done by contractor on all policies required (except Workers' Compensation).

- 6.4.6. Contractor agrees to waive all rights of subrogation against the County (individually and collectively), representatives, officers, officials, employees, agents, and volunteers for losses arising directly or indirectly from the activities and/or work performed by contractor (applies only to Commercial General Liability and Workers' Compensation).
- 6.4.7. Policies will not be canceled, non-renewed or reduced in scope of coverage until after sixty (60) days written notice has been give to the County.
- 6.4.8. Contractor agrees to provide the County with the following insurance documents on or before the start of construction:
  - 6.4.8.1. *Certificates of Insurance for all required coverage*
  - 6.4.8.2. *Additional Insured endorsements*
  - 6.4.8.3. *Waiver of Subrogation endorsements (A.K.A.: Waiver of Transfer Rights of Recovery Against Others, Waiver of Our Right to Recover from Others)*
  - 6.4.8.4. *60 Days Notice Cancellation Clause endorsements*
- 6.4.9. It is the responsibility of the contractor to confirm that any and all subcontractors that contractor may use complies with all terms and conditions of the Insurance Provisions.
- 6.4.10. Insurance coverage in the minimum amounts set forth herein shall not be construed to relieve contractor for liability in excess of such coverage, nor shall it preclude County from taking such other actions as are available to it under the law.
- 6.4.11. Claims Made Insurance: If the Professional Liability coverage is "claims made," contractor must, for a period of three years after the date when contract is terminated, completed, or non-renewed, maintain insurance with a retroactive date that is on or before the start date of contract services or purchase an extended reporting period endorsement (tail coverage).
- 6.4.12. Contamination and Pollution: contractor, solely at its own cost and expenses, will provide clean up of Leased Premises, property or natural resources contaminated or polluted due to contractor activities. Any fines, penalties, punitive or exemplary damages assigned due to contaminating or polluting activities of the contractor will be borne entirely by the contractor.