

Boundary County Airport Board Meeting January 5, 2021

Present: Jay Wages, Bob Blanford, Pat Gardiner, Rick Durden, Don Jordan, Trey Dail, Travis Wisberg and Eric Anderson.

Manager: Dave Parker

The meeting was called to order at 5:34 PM by Jay Wages.

The minute of the previous meeting were read by Mr. Wages. Pat Gardiner moved that they be accepted as read; the motion was seconded by Don Jordan and passed unanimously.

Potential Subdivision West of the Airport. The Board was advised that a developer wishes to rezone 50 acres of property west of the airport, near the dump road to allow building more than one residence per five acres of property as is allowed currently and create a housing subdivision. The area is directly beneath the traffic pattern for runway 02. After discussion concerning safety concerns for houses in such proximity to the airport, noise complaints that the airport is already receiving, FAA and State of Idaho guidance on appropriate zoning for property close to an airport and under a traffic pattern, the Board unanimously adopted the following resolution:

It is resolved by the Boundary County Airport Advisory Board that it recommends to the Boundary County Zoning Planning and Commission and the Boundary County Commissioners in the strongest possible terms that any application for a zoning change for property under the Boundary County Airport traffic pattern to allow more than one residence per five acres of land be denied for the following reasons:

The Boundary County Airport has been in its present location for over 73 years. It is an integral and recognized part of the National Airspace System. It is an economic driver for the County and is essential to forest fire fighting in North Idaho, northeastern Washington, northwestern Montana and southern British Columbia. The airport provides emergency services to the community for air ambulances and disaster relief. It is used by volunteer pilot organizations to transport residents of the area for needed medical treatment at no cost to the resident. It needs to remain open and safe to meet the needs of residents of the County. Increased residential density around the airport reduces its level of safety and threatens its long-term viability.

For the safety of residents who live near an airport, the State of Idaho and the Federal Aviation Administration recommend that land under an airport traffic pattern be zoned to limit residential density to one unit per five acres. The area in question under the airport traffic pattern currently meets this Federal and State safety guideline. It is noted that three days prior to this Airport Board meeting that an airplane maneuvering to land in inclement weather crashed into a house in a subdivision in Oakland County Michigan that did not comply with federal guidelines for housing density. The Boundary County Airport

Advisory Board recommends in the strongest terms that safety of Boundary County residents near the airport not be placed at increased risk by increasing housing density of land under the airport traffic pattern to greater than one house per five acres.

The Boundary County Airport is currently receiving complaints about aircraft noise from persons who have purchased houses within the airport traffic pattern area even though they knew that the airport existed. In the last week, one of the regular complainers has threatened to sue the County to shut down the airport. It is the experience of members of the Airport Advisory Board in their work in and/or with the aviation industry that as housing density around airports increases, the rate of complaints about airport noise increase as do lawsuits against airport owners concerning noise. It is the collective opinion of the Boundary County Airport Advisory Board that increasing housing density of the 50-acre tract to the west of the airport as well as any area under the airport traffic pattern will result in increased noise complaints against the County as well as actions that will require that the County expend funds to defend such as noise lawsuits and formal complaints to regulatory agencies regarding airport noise.

The status quo of one house per five acres is sensible and safe for the area and was not established lightly or without due consideration for all factors to be considered for zoning. The Boundary County Airport Advisory Board recommends in the strongest fashion possible that it not be changed.

DeHart Property. This has been the subject of discussion in a number of previous meetings. A small portion of the property is affected by the various clearance requirements for building near the airport. Mr. and Mrs. DeHart were present for this discussion by telephone along with their attorney, Eric Anderson. After discussion, the consensus of the Board was that it will continue to work with the DeHarts as they seek rezoning for the two five-acre parcels (but not to allow more than one residence per five acres). As part of the rezoning application, they will ask that a condition for the rezoning is that any subsequent buyers of the property are notified in writing of the presence of the airport nearby, that the airport may expand and that the property is subject to noise and potential pollution from overflying aircraft. In addition, any building on the property will be subject to a federal requirement that the owner must first file a form 7460-1 with the FAA and obtain approval for the height of the structure from the FAA prior to building.

Airport Fixed Base Operator Agreement. The Fixed Base Operator (FBO) agreement with Northern Air and David and Kimberly Parker was established on February 2000. It has expired however, the parties are continuing to operate under its terms. The County Commission asked the Airport Advisory Board to review the Agreement and make a recommendation regarding renewing it. During discussion by the Board, numerous individual members commented that the Parkers and Northern Air have successfully created a viable and welcoming airport that has served this community extremely well. This is of especial significance as many small county airports across the country are in financial straits and are unable to provide services needed by community members as well as aircraft owners and operators. In fact, the work that the Parkers

and Northern Air have done to make the airport a success was featured in the September 12, 2018 issue of AVweb, the internet aviation magazine entitled *A Welcoming Airport*. It may be found on the internet at: <https://www.avweb.com/flight-safety/fbo/the-pilots-lounge-138-a-welcoming-airport/>

Board members raised a concern that the original agreement required that the Parkers not only have insurance, but also provide a personal guarantee to indemnify and hold the County harmless against any loss. It was noted that such a condition is common in startup operations, but is unreasonably onerous in for an ongoing concern that has suitable insurance in place—and the consensus of the Board was that the requirement should be dropped. Further, it was noted that Northern Air and the Parkers no longer obtain revenue from a trailer that was a part of the FBO property as it became so old that it was unusable and had to be removed. The most recent rent for the trailer was \$150 per month. It was the consensus of the Board that the rent paid to the County should be reduced by \$150 per month to reflect the absence of what had been a source of income to Northern Air.

It was moved by Bob Blanford and seconded by Rick Durden that: the Boundary County Airport Advisory Board recommends that Boundary County extend the original FBO Agreement with the Parkers and Northern Air for ten years at the lease rate currently being paid—minus \$150 per month to reflect the removal of the revenue-generating trailer—with allowance for increases as set out in the Agreement however, the personal guarantee section (IX) should be stricken from the Agreement and Section VIII on Indemnification of the County should add language to state that such indemnification will only take effect after any and all insurance applicable to an event is exhausted.

Fire Station Update. No activity.

Snow Removal Equipment Building. Construction is proceeding about as planned; the building is up and is insulated, most of the trim has been installed, the crew is assembling the door and electricity has been turned on. Unfortunately, someone at the electrical company erred and the bill is being sent to Northern Air rather than the County. David Parker is working on resolving the confusion before the electrical company shuts off the power.

Hangar Lease Rate Update. The County Commission enacted the rate increase recommended by the Airport Advisory Board but has expressed concern that not all hangars on the airport are under the same lease terms.

Self-Fueling. Committee is working on a draft plan for the Board.

Current Environmental Assessment. Ongoing. Trey Dail reported that he had provided four alternatives for routing overhead power lines to Smith Creek.

CIP Update. At the last meeting the Board approved an updated Capital Improvement Program plan for the upcoming year. Afterwards, the FAA revealed that money available for capital improvements had changed. Trey Dail obtained the updated information from the FAA and prepared a revised CIP plan for FY 2021-2026. He provided it to the Board. The Board discussed the revised plan, Rick Durden moved acceptance of it, Pat Gardiner seconded the motion and it passed unanimously.

Howard Property. No action.

FAA Annual Financials. All documentation to close out SRE equipment grant has been completed and submitted to the FAA. Hope to Close out the Cares Grant in the next month.

Fuel Flowage. For December 2020, 741 gallons of Jet A and 1675 gallons of 100LL.

Pat Gardner moved to adjourn the meeting. The meeting was adjourned at 7:50 PM.