



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Coastal Fax: (503) 378-6033

Second Floor/Director's Office: (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>

NOTICE OF ADOPTED AMENDMENT



June 19, 2006

TO: Subscribers to Notice of Adopted Plan or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist *by Larry French*

SUBJECT: City of Newberg Plan Amendment
DLCD File Number 001-06

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office. Due to the size of amended material submitted, a complete copy has not been attached.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: June 30, 2006

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

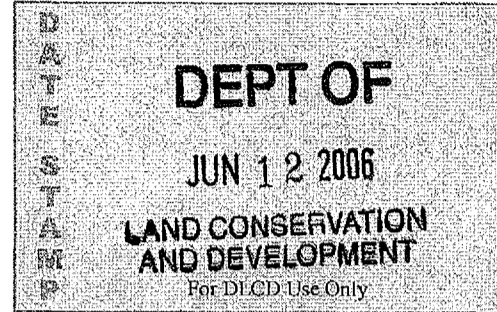
***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Jason Locke, DLCD Regional Representative
David Beam, City of Newberg

<paa> yal

2 Notice of Adoption

THIS FORM MUST BE MAILED TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18



Jurisdiction: City of Newberg Local file number: GR-51-04
Date of Adoption: 6/5/2006 Date Mailed: 6/9/2006
Date original Notice of Proposed Amendment was mailed to DLCD: 2/27/2006

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: _____

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Adopted three items as part of the Newberg Comprehensive Plan: Sportsman Airpark Master Plan, Zoning Map amendments, and Development Code amendments.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "SAME". If you did not give Notice for the Proposed Amendment, write "N/A".

Essentially the same with one substantive change. Most of the properties within the Master Plan are outside the city limit but inside the UGB. However, on May 16, 2006, tax lot 3220-1300 (a 18+ acre site) was annexed into the city by public vote.

Plan Map Changed from: NA to: _____

Zone Map Changed from: M-2; R-2 to: AI and AIO; AR and ARO

Location: Between Hwy 21, 3rd St., Wynooski St. Acres Involved: 117

Specify Density: Previous: 8.8 units/acre New: 8.8 units/acre

Applicable Statewide Planning Goals: 2, 8,9,10, 11, 12

Was an Exception Adopted? YES NO

DLCD File No.: 001-06 (15042)

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment.....

- Forty-five (45) days prior to first evidentiary hearing?** Yes No
If no, do the statewide planning goals apply? Yes No
If no, did Emergency Circumstances require immediate adoption? Yes No

Affected State or Federal Agencies, Local Governments or Special Districts:

Yamhill County, Chehalem Park and Recreation District, DSL, ODOT, Federal Aviation Administration

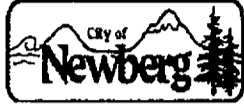
Local Contact: **David Beam, AICP** Phone: **(503) 537-1213** Extension: _____
Address: **414 E. First Street** City: **Newberg**
Zip Code + 4: **97132-** Email Address: **nplan2@ci.newberg.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**
2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to **maru.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.



ORDINANCE NO. 2006-2647

AN ORDINANCE THAT THE CITY OF NEWBERG ADOPTING THE SPORTSMAN AIRPARK LAND USE MASTER PLAN AS WELL AS THE PLAN'S PROPOSED AMENDMENTS TO THE COMPREHENSIVE PLAN ZONING MAP AND THE DEVELOPMENT CODE

RECITALS:

1. On July 6, 2004, the Newberg City Council expressed its desire to examine future uses for Sportsman Airpark and its surrounding area by authorizing city staff to seek grant funds to develop such a master plan for the airport area. The City later received grant funds from the Rural Investment Funds to develop the desired master plan.
2. The City hired a consultant, Aron Faegre and Associates to assist city staff with the development of the plan. The master plan was developed with cooperation of all the land owners within the plan area. Two community workshops were also held during the development of the plan, incorporating the ideas presented by the participants at the workshops. One community workshop was held on March 30, 2005. In addition, a workshop on the proposed plan at Community Night, which was held on October 18, 2005.
3. On March 23, 2006, notice of the proposed adoption of the Draft Sportsman Airpark Land Use Master Plan, including its proposed changes to the Newberg Comprehensive Plan Zoning Map and Development Code was mailed to the owners of record as identified in Yamhill County Assessor's Office, and all adjoining property owners within a distance of 500 feet.
4. Notice was published in the Graphic Newspaper on March 25, 2006, which is at least ten days prior to the public hearing before the Planning Commission regarding the Draft Sportsman Airpark Land Use Master Plan; and on March 23, 2006, notice of the Planning Commission hearing was posted at four public places to comply with Oregon Revised Statute requirements for comprehensive plan amendments.
5. On April 13, 2006 and April 27, 2006, a public hearing was held by the Newberg Planning Commission. Based upon the staff report, findings and testimony presented at the public hearing, the Planning Commission adopted Resolution No. 2006-211 recommending that the Newberg City Council adopt the Sportsman Airpark Land Use Master Plan as well as the Plan's proposed amendments to the Comprehensive Plan's Zoning Map and the Development Code.

6. Notice was published in the Graphic Newspaper on May 13, 2006, which is at least ten days prior to the public hearing before the Newberg City Council regarding the Draft Sportsman Airpark Land Use Master Plan; and on May 15, 2006, notice of the City Council public hearing was posted at four public places to comply with Oregon Revised Statute requirements for comprehensive plan amendments.
7. On May 15, 2006, notice of the public hearing by the City Council regarding the proposed adoption of the Draft Sportsman Airpark Land Use Master Plan, including its proposed changes to the Newberg Comprehensive Plan Zoning Map and Development Code was mailed to the owners of record as identified in Yamhill County Assessor's Office, and all adjoining property owners within a distance of 500 feet.

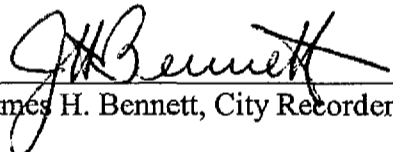
THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

1. The City of Newberg adopts the Sportsman Airpark Land Use Master Plan as well as the Plan's proposed amendments to the Comprehensive Plan Zoning Map and the Development Code as set forth in "Exhibit A" entitled *Sportsman Airpark Land Use Master Plan* dated March 20, 2006, including all changes specified in the "Errata Sheet" as set forth in "Exhibit B". The final document shall be entitled *Sportsman Airpark Land Use Master Plan* dated June 5, 2006.
2. The City of Newberg adopts the findings as set forth in "Exhibit C".

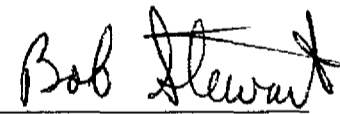
➤ **EFFECTIVE DATE** of this ordinance is 30 days after the adoption date, which is: July 5, 2006.

ADOPTED by the City Council of the City of Newberg, Oregon, this 5th day of June, 2006, by the following votes:

AYE: 5 **NAY:** 1 **ABSENT:** 0 **ABSTAIN:** 0
(Carrier)


James H. Bennett, City Recorder

ATTEST by the Mayor this 9th day of June, 2006.


Bob Stewart, Mayor

- Exhibits:
- A. Draft Sportsman Airpark Land Use Master Plan
 - B. Draft Sportsman Airpark Land Use Master Plan – Errata Sheet
 - C. Findings

LEGISLATIVE HISTORY

By and through Planning Commission at the April 27, 2006 meeting.

Exhibit A

Sportsman Airpark Land Use Master Plan

March 20, 2006



City of Newberg
P.O. Box 970
Newberg, Oregon 97132

(503) 537-1240

The preparation of this plan was funded in part with a grant from the Oregon State Lottery through the Mid-Willamette Valley Community Development Partnership for the purpose of promoting economic and community development.

Sportsman Airpark Land Use Master Plan

Table of Contents

1. Purpose and Objectives	1
2. Public Planning Process	1
3. Development Plans	2
4. Infrastructure Funding	9
5. Airport District Development Codes	9
6. Airport Ownership	10
7. Tax and Job Values of Airport District Properties	11
8. Airport Industrial Area Economic Incentives	14
9. Airport Infrastructure and Operations Funding Considerations	15
APPENDIX A – Airport Industrial (AI) and Airport Industrial Overlay (AIO) District Development Code	
APPENDIX B – Airport Residential (AR) and Airport Residential Overlay (ARO) District Development Code	
APPENDIX C – Yamhill County Existing GIS Property Data.....	
APPENDIX D – FAA Correspondence and Airport Ownership Issues	
APPENDIX E – Sample Airport Zoning Ordinances from other Oregon Airports	
APPENDIX F – Public Meetings.....	
APPENDIX G – Report Authorship	

Sportsman Airpark Land Use Master Plan

1. Purpose and Objectives

The Sportsman Airpark Land Use Master Plan (Master Plan) creates an overall land use plan for an approximately 125 acre area in and around Sportsman Airpark, which is adjacent to the City of Newberg and within its urban growth boundary. The area includes twelve properties that all could have some type of access to the airport runway such that aircraft could be based at each property. The Master Plan provides for new, separate Airport District designations for either Industrial or Residential uses. Generally, Airport Industrial uses are located directly around the runway and to the east of the runway. Airport Residential uses are designated at the northwest quadrant of the airport, and on the properties to the west of the airport.

The new Airport Districts will allow and encourage the development of commercial, industrial, and residential uses that thrive with the availability of an adjacent runway. However, it is important to reassure the community that the airport will remain the small community airport that it is. There are no plans to significantly extend the runway¹, create scheduled air service, or otherwise change the airport's character. The new Airport Districts are voluntary. To gain an Airport District, a property owner must be within the Airport District Boundary and request the new designation.

There are many small businesses that desire to set up shop at an airport, however most airports do not allow businesses to own their own property or buildings. Within the Sportsman Airpark Master Plan area businesses will be allowed to own their property and buildings, and it is believed that this asset will help to bring new businesses to Newberg. Since airport-related businesses provide services that relate to the high technology of aircraft systems, the jobs generated are typically clean, and pay well. Of equal importance to jobs, the new buildings and site development for these properties will result in an increased tax base for the community to support schools, fire and police services.

2. Public Planning Process

The Master Plan was developed over a 14 month period that included meetings with adjacent property owners, two public meetings, and discussions with the FAA and Oregon Department of Aviation. Copies of meeting minutes and other publicly distributed documents are provided in Appendix F to this report.

¹ In Appendix D it is noted that the FAA Seattle Airports District Office has recommended that the runway be extended several hundred feet as a safety measure for the aircraft that already exist at the airport, to bring the airport to the FAA's normal standards for small airports. However, this would not change the basic type of aircraft able to use the airport or the airport's general character.

3. Development Plans

Detailed development options for the adjoining properties have been considered, and the Master Plan proposes a pattern of use districts, and a system of roads, bridges, taxiways, and utilities that can be implemented to provide the infrastructure needed to carry out the Master Plan. Specific development layouts are provided on the following pages for:

- District Plan (Figure 1),
- Sub-District Plan (Figure 2),
- Road Plan (Figure 3),
- Bridge Plan (Figure 4),
- Taxiway Plan (Figure 5),
- Utilities Plan (Figure 6), and
- Developable Area Plan (Figure 7).

The District Plan and Sub-District Plan place industrial uses on the west side and residential uses on the east side of the airport. This reinforces the pre-existing use patterns already in place (see Yamhill County zoning map in Appendix C).

The Road Plan proposes new roads for vehicular access to all properties. The City of Newberg Development Code generally does not allow the creation of private streets, or gated residential areas. However, to allow for the necessary security of airport operations areas, private streets and gates are permitted in the Airport Districts, subject to Fire Marshal approval of the design so that emergency fire access is assured. Generally, the taxiways must be designed to also function as routes for emergency vehicles such as fire trucks.

The Bridge Plan provides a potential location for an aircraft taxiway bridge between the residential properties to the west and the airport to the east. Similarly, it provides a potential location for a smaller pedestrian/"golf cart" access bridge between the properties to promote aircraft ownership by adjacent properties.

The Taxiway Plan proposes locations for new taxiways. First, the location of future parallel taxiways beside the runway are shown, with a center-to-center separation from the runway of 150 feet to meet FAA Advisory Circular (AC) 150/5300-13, Airport Design. Developable land area for buildings begins not less than 44.5 feet from the centerline of the taxiway, in order to protect the taxiway object free area² needed for taxiing aircraft. Additional taxiways are shown leading from these parallel taxiways into the developable areas, their precise locations to be determined based on actual development plans for buildings in each area. These lateral taxiways will be privately owned as part of the development.

² Standards for the various required runway and taxiway safety areas, object free areas, object free zones, runway protection zones, and other specific airport design criteria are found in FAA Advisory Circular (AC) 150/5300-13, Airport Design, most recent edition.

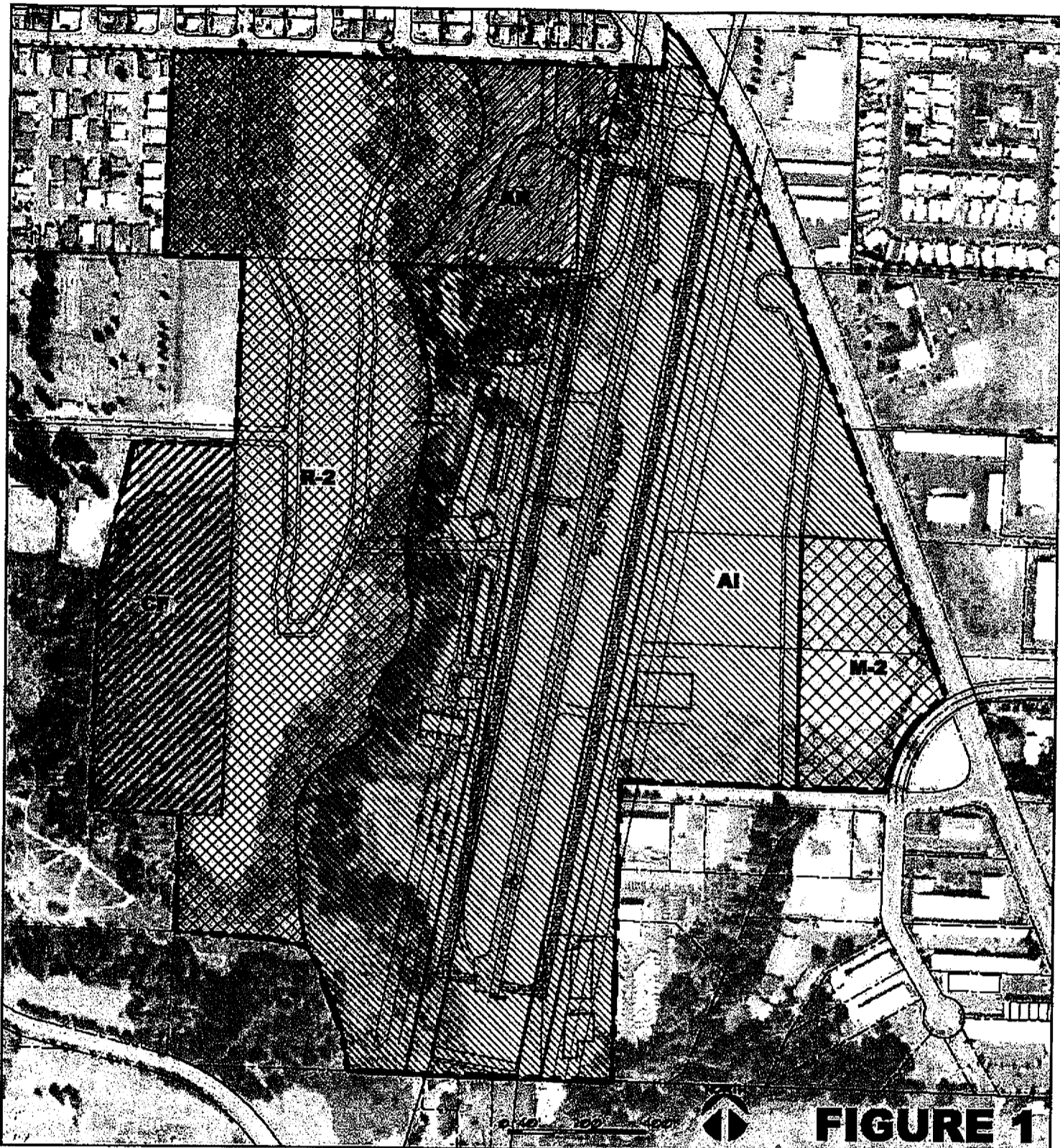


FIGURE 1

KEY:

PROPOSED AIRPORT DISTRICT AREA	R-2 - MEDIUM DENSITY RESIDENTIAL	CF - COMMUNITY FACILITY	AI - AIRPORT INDUSTRIAL
AR - AIRPORT RESIDENTIAL	M-2 - LIGHT INDUSTRIAL		

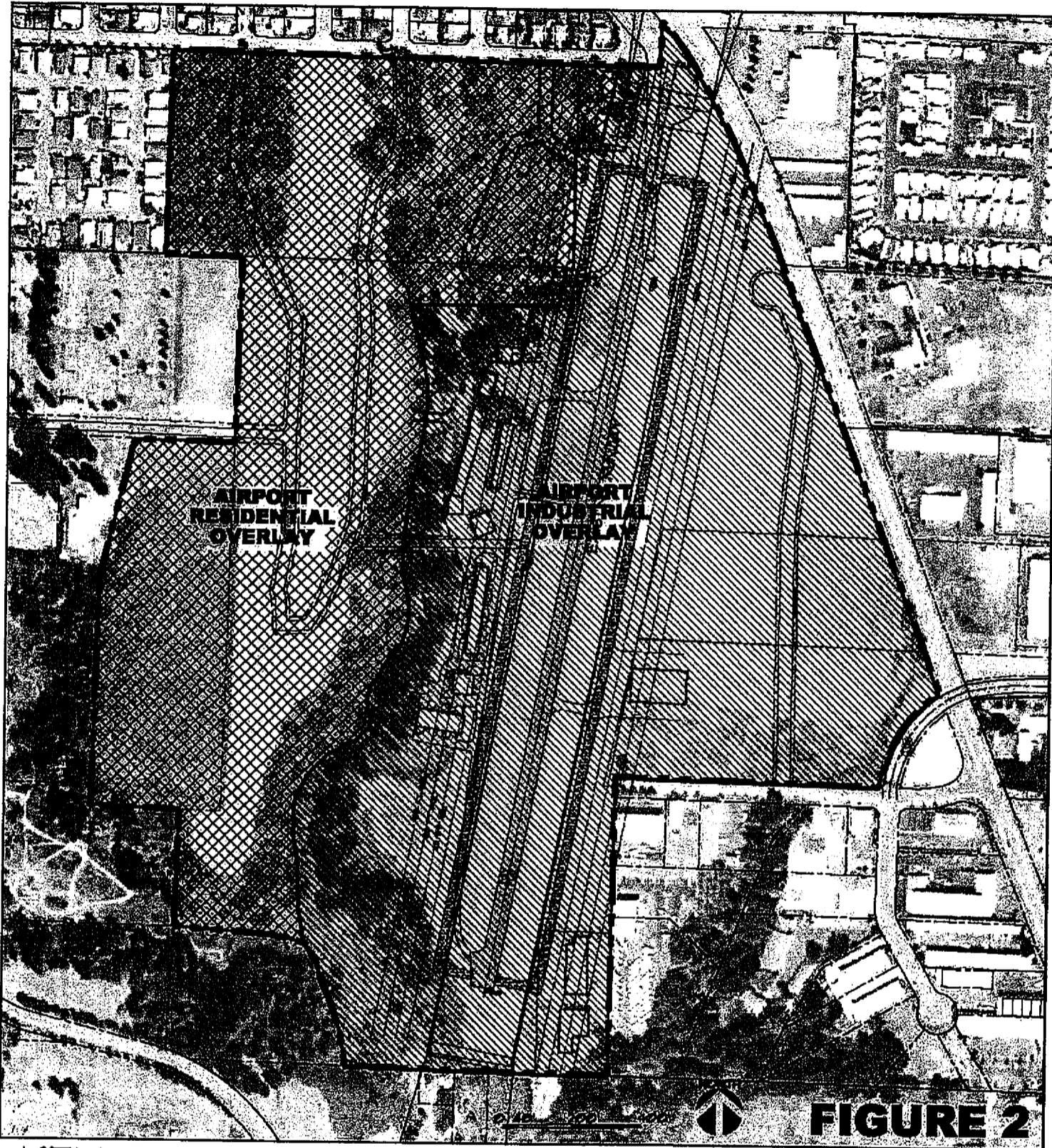
DISTRICT PLAN



DATE: 3/20/06
SCALE: 1" = 400'-0"

SPORTSMAN AIRPARK
CITY OF NEWBERG - OREGON

ARON FAEGRE & ASSOCIATES
520 S.W. YAMHILL, PORTLAND, OR 97204
503-222-2546



KEY:

— PROPOSED AIRPORT DISTRICT AREA



AIO - AIRPORT INDUSTRIAL OVERLAY



ARO - AIRPORT RESIDENTIAL OVERLAY

SUB-DISTRICT PLAN



DATE: 3/20/06
SCALE: 1" = 400'-0"

SPORTSMAN AIRPARK
CITY OF NEWBERG — OREGON

ARON FAEGRE & ASSOCIATES
520 S.W. YAMHILL, PORTLAND, OR 97204
503-222-2548

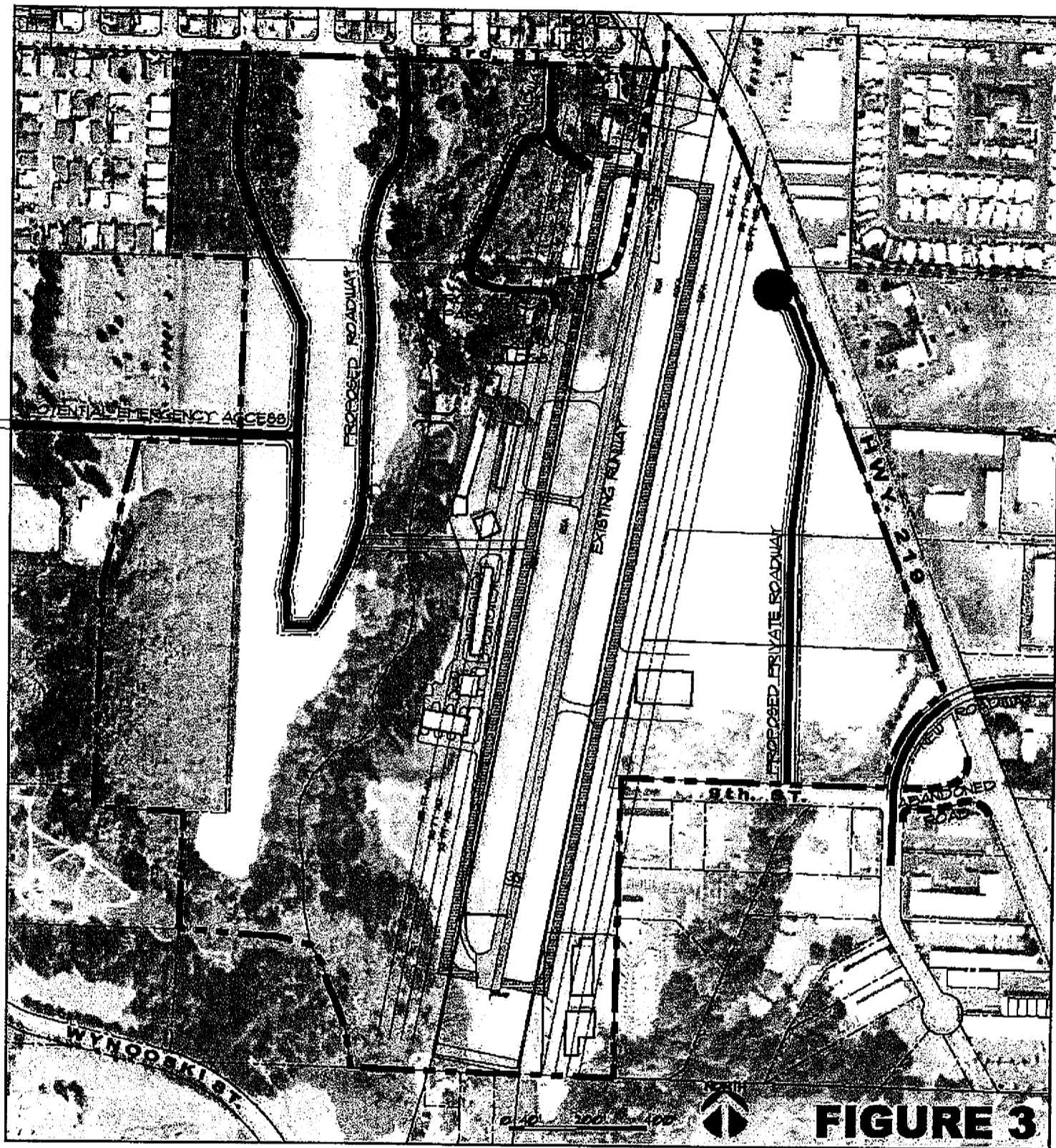


FIGURE 3

KEY:

-

PROPOSED
AIRPORT
DISTRICT AREA

PROPOSED ROAD
ABANDONED ROAD

**ROAD
PLAN**



DATE: 3/20/06
SCALE: 1" = 400'-0"

SPORTSMAN AIRPARK
CITY OF NEWBERG - OREGON

ARON FAEGRE & ASSOCIATES
520 S.W. YAMHILL, PORTLAND, OR. 97204
503-222-2546

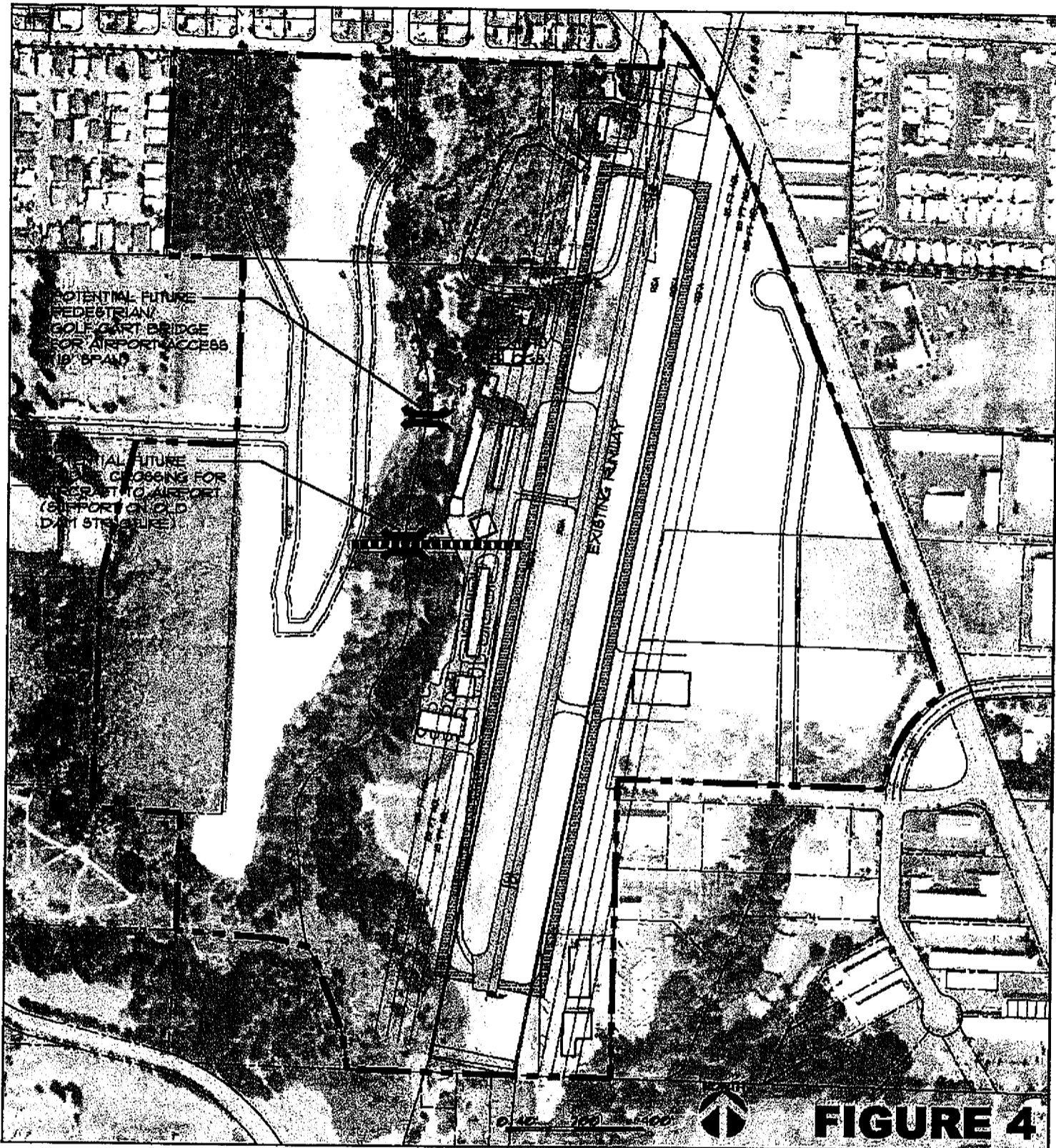





FIGURE 4

KEY:

 PROPOSED AIRPORT DISTRICT AREA
 PROPOSED BRIDGE
 PROPOSED PRIVATE TAXIWAY

BRIDGE PLAN



DATE: 3/20/06
SCALE: 1" = 400'-0"

SPORTSMAN AIRPARK
CITY OF NEWBERG - OREGON

ARON FAEGRE & ASSOCIATES
520 S.W. YAMHILL, PORTLAND, OR 97204
503-222-2548

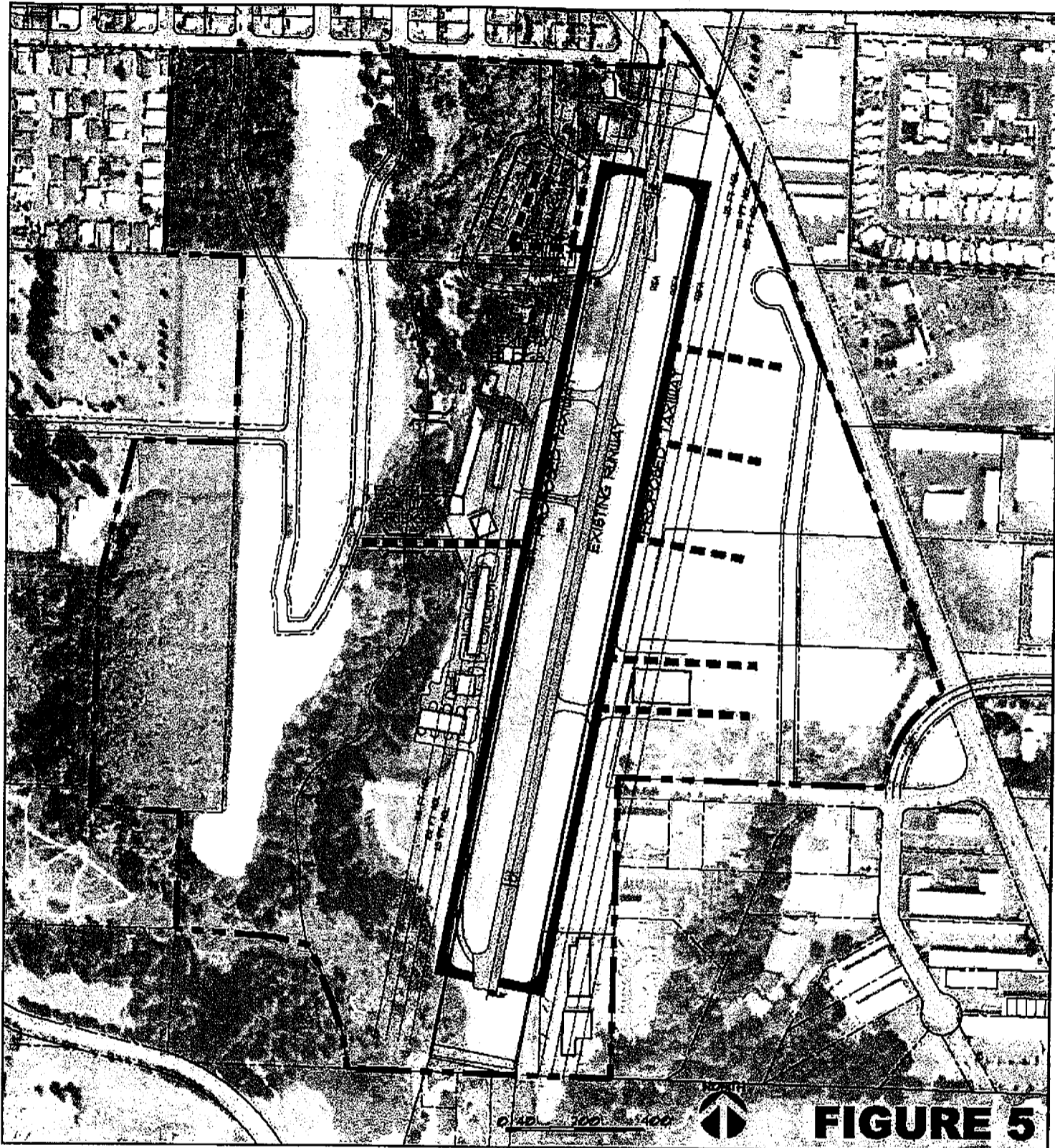


FIGURE 5

KEY:

- PROPOSED AIRPORT DISTRICT AREA
- PROPOSED PUBLIC TAXIWAYS
- - - - PROPOSED PRIVATE TAXIWAYS

TAXIWAY PLAN

	DATE: 3/20/06 SCALE: 1" = 400'-0"	SPORTSMAN AIRPARK CITY OF NEWBERG -- OREGON	ARON FAEGRE & ASSOCIATES 520 S.W. YAMHILL, PORTLAND, OR 97204 503-222-2548
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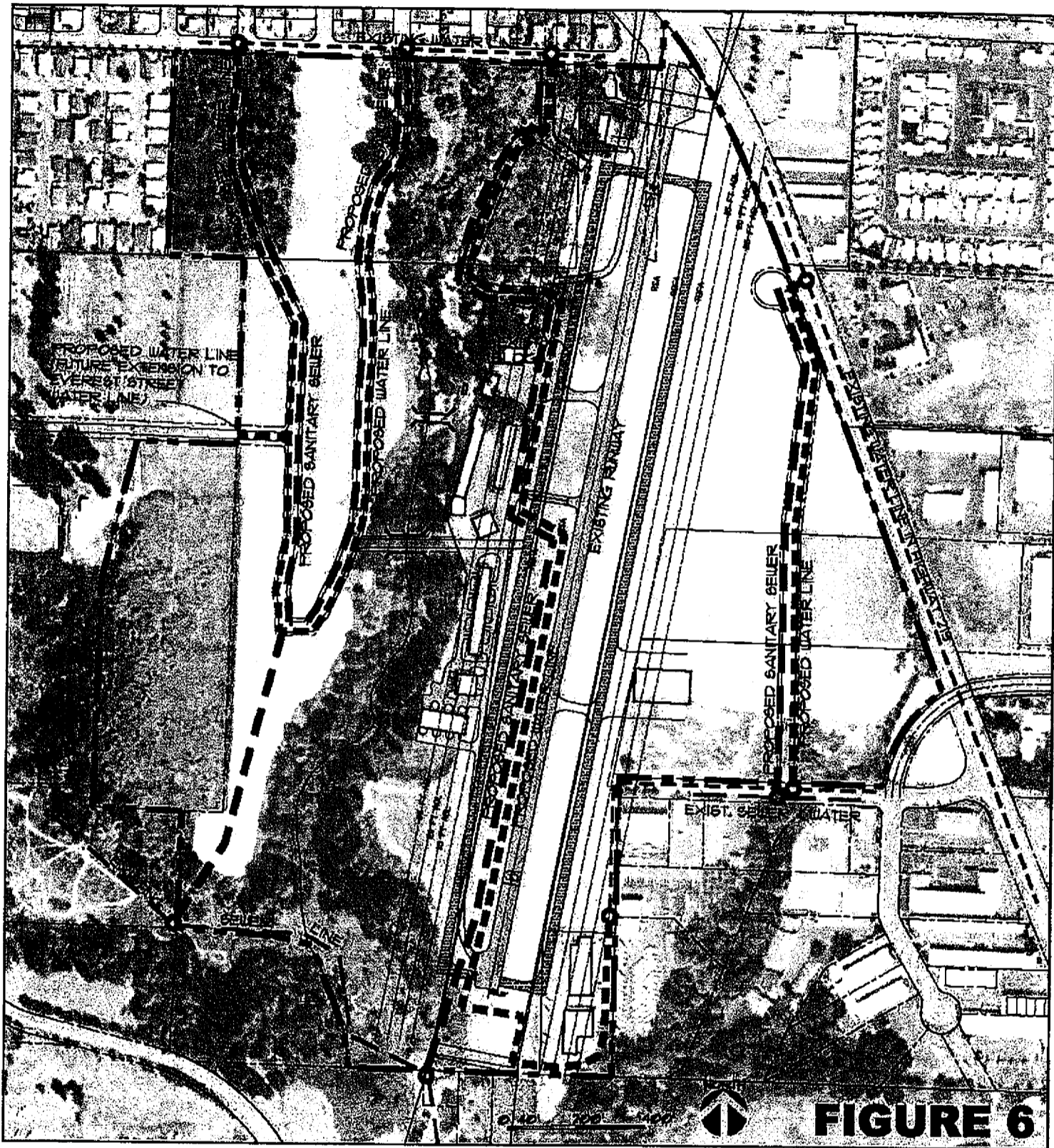


FIGURE 6

KEY:

--- PROPOSED AIRPORT DISTRICT AREA

===== WATER LINE (EXISTING)

===== SANITARY SEWER (EXISTING)

○ TIE TO EXISTING

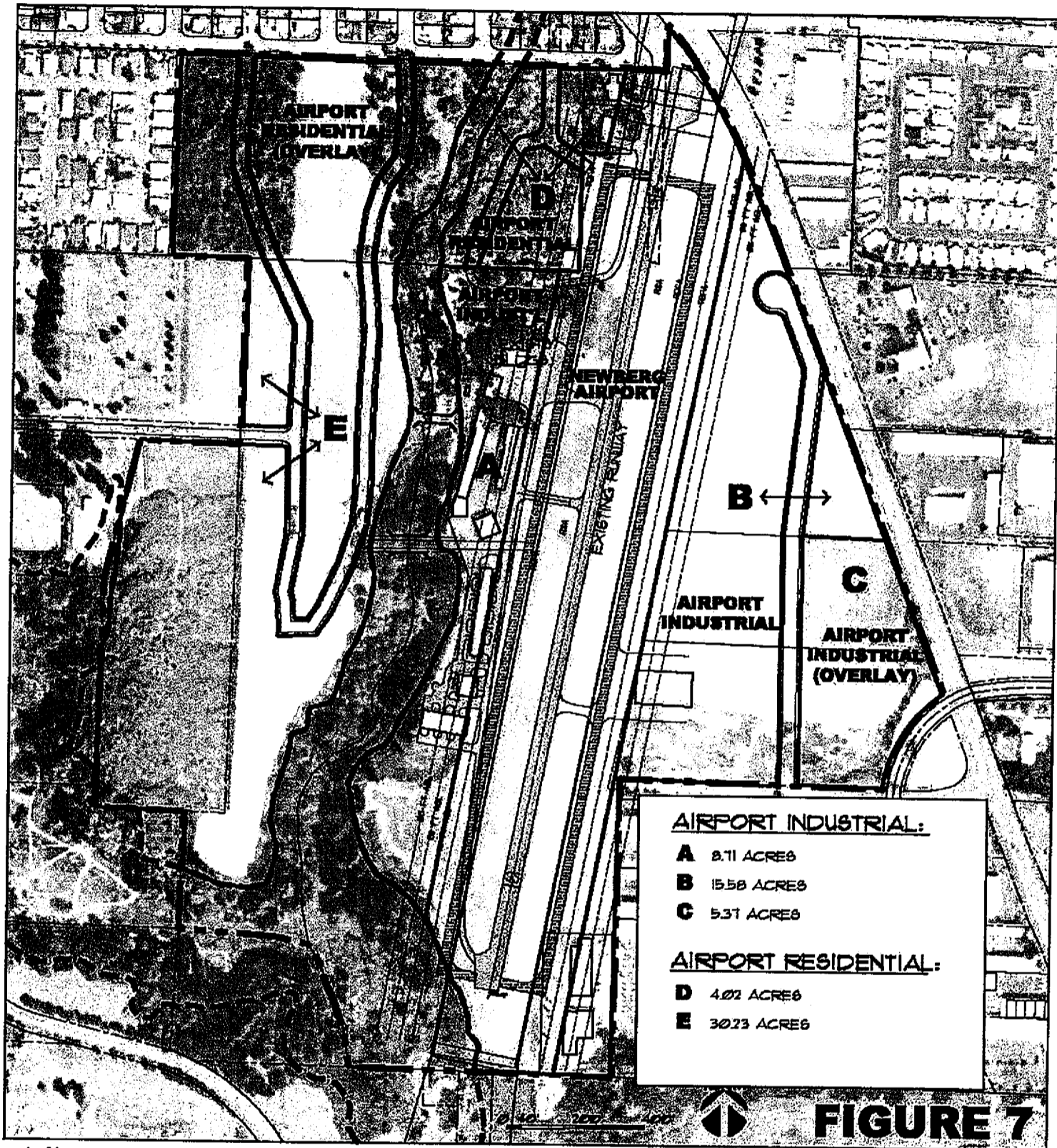
UTILITIES PLAN



DATE: 3/20/06
SCALE: 1" = 400'-0"

SPORTSMAN AIRPARK
CITY OF NEWBERG -- OREGON

ARON FAEGRE & ASSOCIATES
520 S.W. YAMHILL, PORTLAND, OR 97204
503-222-2548



DATE: 3/20/06
 SCALE: 1" = 400'-0"

SPORTSMAN AIRPARK
 CITY OF NEWBERG - OREGON

ARON FAEGRE & ASSOCIATES
 520 S.W. YAM-ELL, PORTLAND, OR 97204
 503-222-2348

The Utilities Plan proposes gravity sewer lines running from north to south, to utilize the general 17 foot grade change that exists at the airport site from north to south. Water lines connect to existing lines on E 3rd Street, 9th Street, and Highway 219 to create a looped system. A water line will be extended from the looped water line in the residential area to the western boundary of the residential area for a future connection to an existing water line that dead-ends on Everest Street.

The Developable Area Plan shows the developable areas on the site. When an area is developed for aviation uses, there are two options for the layout of the circulation system.

- Roads (private or public) and taxiways are completely separated; or
- Private roads and taxiways use common pathways.

In a large development area, where there is a lot of aviation activity, it is generally advantageous to separate the roads and taxiways. Independence State Airport provides a good example of that circulation system³. Where the development area is small, the roads and taxiways may be designed as a common system. As specific areas are developed, their size and the expected aviation activity they will contain must be used to determine the actual layout of the circulation system and whether it can be common between aircraft and vehicles.

4. Infrastructure Funding

At present it is assumed that the infrastructure of roads, bridges, taxiways, and utilities will be developed at the direct expense of the respective property owners. It is noted that in Section 9 below the possibility of using tax increment financing for infrastructure is discussed as a possibility to stimulate development.

5. Airport District Development Codes

The Master Plan provides specific Development Code language for each Airport District, including:

- Airport Industrial,
- Airport Industrial Overlay,
- Airport Residential, and
- Airport Residential Overlay.

The specific language for each of these is provided in Appendices A and B. In creating the language for these Districts, the texts from twenty-two other airport zoning ordinances from around the State of Oregon were studied⁴.

The Airport Industrial District was generally developed using the City of Newberg M-2 Light Industrial District as a starting point, and then using the Columbia County Airport Industrial AI District and the Oregon Department of Aviation Model Public Use Airport Zone as major models for specific airport-related language.

³ See the pictures of Independence State Airport shown in Appendix F.

⁴ See "Sample Airport Zoning Ordinances from other Oregon Airports," Project Memorandum by Aron Faegre & Associates, May 16, 2005.

Similarly, the Airport Residential District was generally developed using the City of Newberg R-2 District as a starting point, and then using the City of Independence Residential Airpark Overlay and the Oregon Department of Aviation Model Public Use Airport Zone as major models for airport-related language.

For both Districts, suggestions received during public meetings and during meetings with adjacent land owners were incorporated into the final language as presented, so that the final development code represents language specifically tailored to the actual setting of Sportsman Airpark.

The “overlay” sub-districts provide support to the continued operation and vitality of Sportsman Airpark by addressing potential land use conflicts that could occur between the airport and adjacent development. They also address how properties in the area could be converted from their existing use designations to their prospective future Airport District, as the Airport District designations must be requested by the property owner.

The Airport Residential District includes a provision for density transfer. Due to the complexity and intermixing of roads, taxiways, and constructing hangars in an airport residential district, properties within the district may transfer allowed dwelling unit density to other property within the district and reduce minimum lot sizes such that the overall dwelling density complies with that of a conventionally developed R-2 zoned property.

In all airport districts there is a requirement for some form of airport-dependent or airport-related use. In the case of Airport Residential, there must either be an aircraft tie-down or hangar located on the house site, or a hangar must be provided as part of the permanent rights of the house site. For Airport Industrial, the business must need to be located at the airport. At a minimum the business must require use of an aircraft as an important tool or platform for their work.

6. Airport Ownership

The basic airport infrastructure – the runway, parallel taxiways, and required safety zones – are currently in private ownership. Access to the airport runway by adjacent properties will require an agreement with the airport owner. The agreement will address such issues as maintenance costs of the airport runway, safety issues for use of the runway, and noise abatement issues for maintaining compatibility with the larger community.

To promote long term stability it is recommended, and the private owner has offered, that the basic airport infrastructure should be put into some form of public ownership or protection. Two options for this are potentially available:

- Ownership by the City of Newberg through purchase by FAA grant, or
- Continued private ownership, but with purchased “development rights” by FAA grant to City of Newberg to guarantee its use as an airport forever.

At present, it is recommended (and the airport owner concurs) that the purchase of “development rights” should be pursued first. The FAA’s “development rights” program has not yet processed any projects, in large part because of the complexity of the rules. However, it is believed that with the assistance of the Oregon Congressional delegation, the rules may be adjusted to get FAA airport

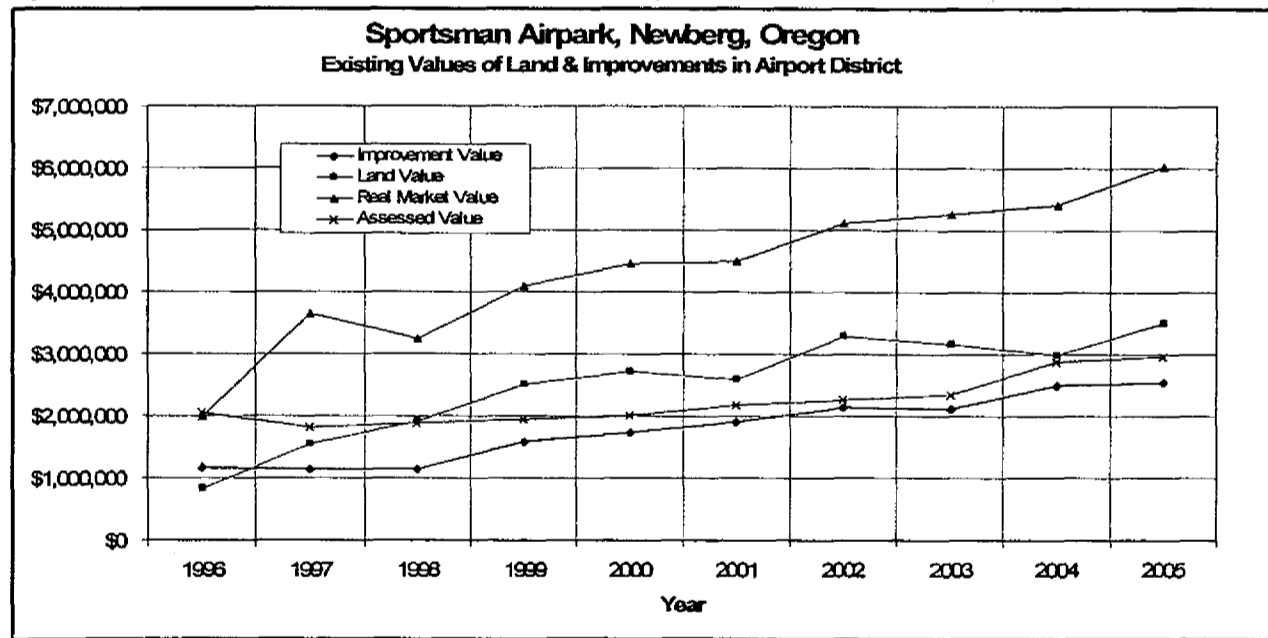
funds⁵ designated for this project. The FAA staff has stated that they have no problem with this project going to the Oregon Congressional delegation to attempt to gain assistance on gain funding.

Once "development rights" are secured, it is recommended that the extension of the runway several hundred feet to the south be seriously examined. The City of Newberg owns land at the south end of the airport which might be used in part for this purpose, if its elevation could be raised. The future planned Newberg-Dundee Bypass Road is in this same general area, so that may create an opportunity for creation of a retaining wall which would help the airport meet its needs for raising ground elevation adjacent to the south end of the airport.

If the runway can be lengthened several hundred feet through this process, then the FAA's need for a minimum runway length would be solved, and the airport's basic infrastructure of runway, parallel taxiways, and safety areas could be purchased by the City of Newberg. The advantage of public ownership is that then FAA funds would be available on an on-going basis for airport improvements and maintenance, as currently occurs for other similar airports such as at McMinnville, Aurora, Hillsboro, Troutdale, and Mulino.

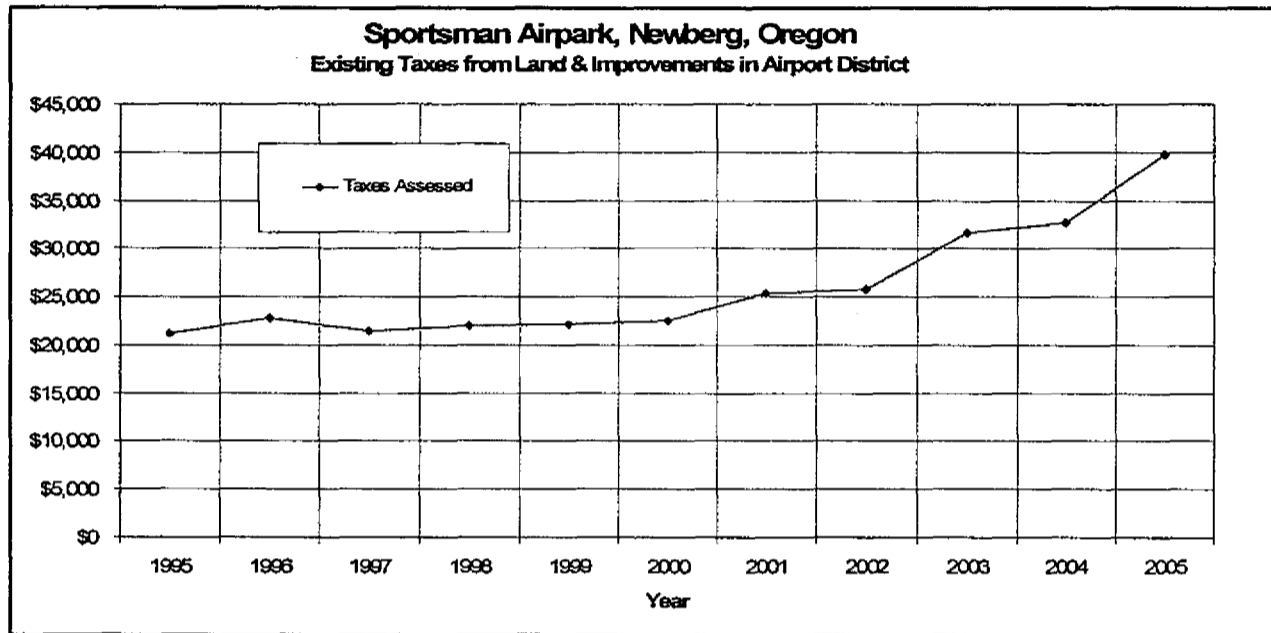
7. Tax and Job Values of Airport District Properties

The existing property and improvements value of the properties within the Airport District over the past 10 years are shown below. It indicates a steady approximate 10% per year increase that may simply relate to recent average increases in real estate values in Oregon during the same time period. The graph contains no single year jump in improvements value, because there has been no significant new construction during recent years (note a new hangar on Tax Lot 302 will add significant value to the District in the next tax year).



⁵ It should be noted that FAA airport funds are created through aviation fuel and ticket taxes and are specifically designated for airport projects. Potential FAA funds for purchase of development rights or land at Sportsman Airpark would not come from normal IRS tax funds or other government programs, and thus would not take away from any other federal funds for which the City of Newberg is eligible.

Taxes assessed on the properties within the Airport District over the past 10 years are shown in the following graph. The rapid increases between the year 2000 and present are believed to be primarily due to the removal of lands from farm deferral, which increased their taxable value. Whatever the reason, taxes contributed to the community during that five year period has doubled.

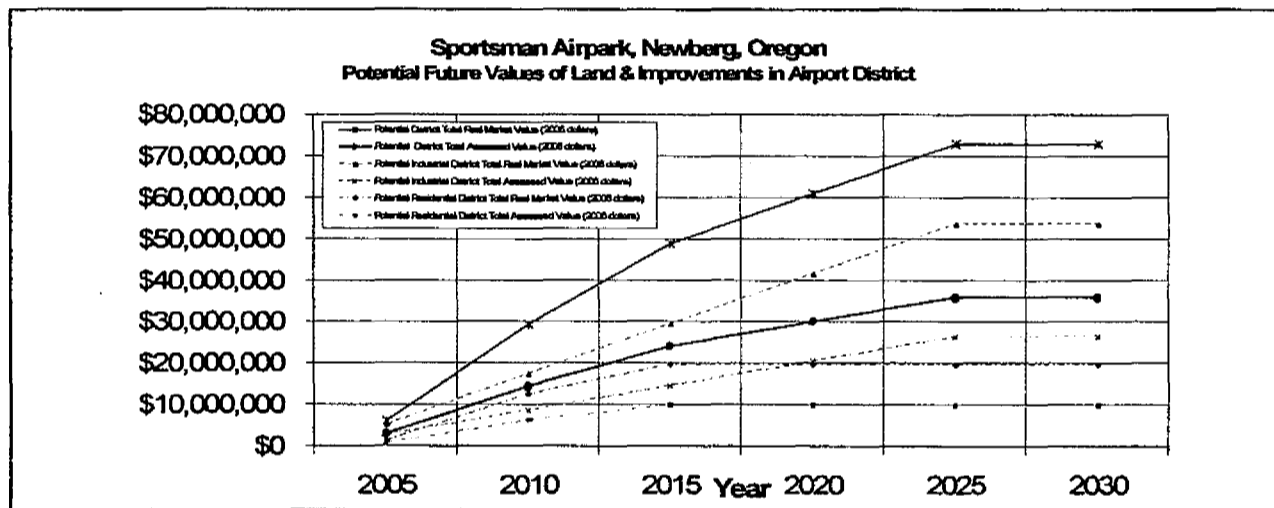


These values are based on existing development at the airport which is limited to some hangar development on the west side of the runway in Parcel 300, development of Parcel 1900, and one house on each of Parcels 1300, 1400, 1500 and 1600. Industrial uses currently only exist on parcels 300 and 1900. Existing employment in the Airport District is estimated at 16 FTE jobs in Parcel 300 and 12 FTE jobs in Parcel 1900. It is estimated that of the 29 acres of developable Airport Industrial land, approximately 17% is currently developed.

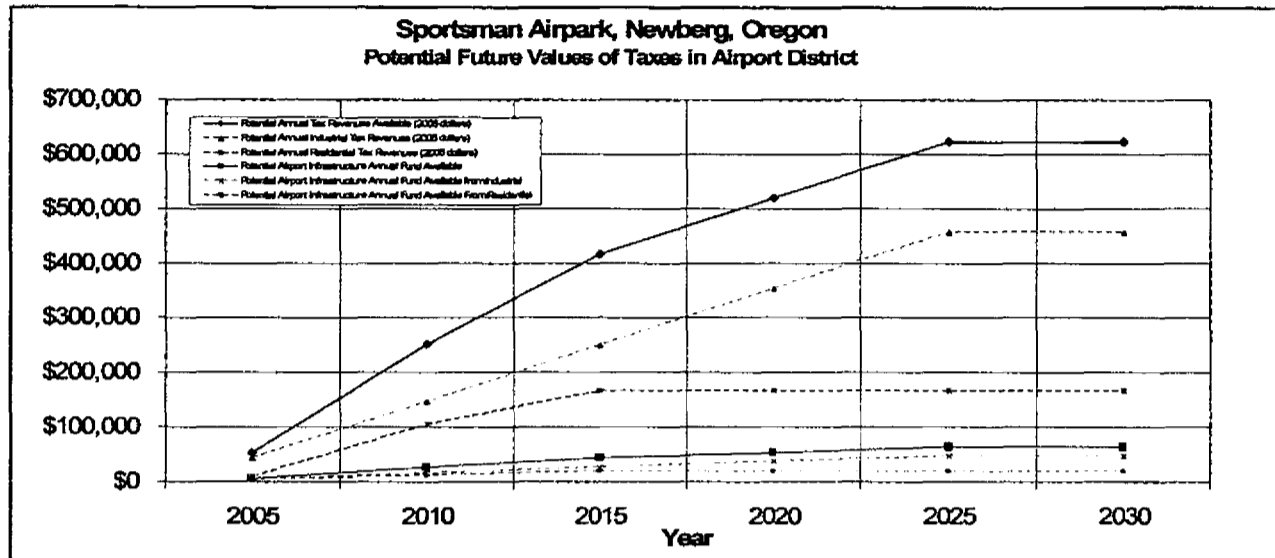
It is reasonable to assume that the Airport Industrial lands can be developed at approximately 50% lot coverage, and building costs are in the range of \$50 to \$100 per square foot. This would indicate an average improvement value of \$1.5 million per acre, at current dollar values. Once the entire industrial developable area is completed, this will represent a potential total improvement value for the developable industrial lands of perhaps more than \$50 million in current dollar value.

From a public tax base standard, industrial users also require machinery, equipment, and site development (including taxiways and private roads) which add to the tax base for the community. These added values would be dependent on the type of business that develop in the District and are not included in the graphs below.

The value of improvements in the Airport Residential District is assumed to be similar to what it would be for any R-2 Residential District. One could argue that the improvement and land values may be higher due to the special availability of the airport. However, the density of houses may be less due to the need to allow for room for hangars and/or taxiways. Usually, residential development is considered to be an incompatible neighbor to an airport. However Airport Residential is a supportive neighbor to an airport, since the residents are aircraft users and find aircraft noise not only acceptable, but entertaining to some extent. For sake of conservative projections it has been assumed that only 33% of the 35 residential developable acres will be created as Airport Residential. Given the current great demand for housing in the Newberg area, it has been assumed that the residential portions of the Airport District will be fully developed within 10 years, rather than the 20 year period assumed for the industrial portions of the Airport District. For those areas developed, a lot coverage of 33% is assumed and a construction value of \$125 (2006 dollars) per square foot is assumed. This would result in an improvements value of approximately \$200,000 (2006 dollars) for a 5000 square foot Airport Residential lot.



The following table shows the projected tax value of the Airport District development, based on the above assumptions, over the 20 year period of development. The table includes estimates of tax increment funds that could be set aside to assist with the Airport District development, should the City opt to establish a 10% set aside to promote development within the District. This concept is discussed in Section 9 below concerning Airport Infrastructure and Operations funding.



A study of Aurora Airport potential development opportunities⁶ determined that airport properties could be developed at densities ranging from a high of 52 persons per acre for an aircraft manufacturing facility such as Van's Aircraft, to a low of 5 persons per acre for small hangars that are used at least in part for business uses. Aurora Airport has a developable land area of approximately 85 acres, which is approximately 60% developed. The total current tax base of the airport is assessed at approximately \$34 million and as such the airport contributes approximately \$360,000 in taxes to the community each year. The airport is believed to currently contain approximately 750 jobs. This would represent an average of 15 jobs per developed acre on average.

Based on this kind of rough information, one could predict that at build-out of the Airport Industrial lands, the total improvement values will be in the range of \$50 million. Using an estimate of 15 persons per developable acre, this also represents a total of 440 jobs within the Airport Industrial District. Assuming a linear development of the properties over a 20 year period, this would represent a development of 110 jobs each 5 years, and an increase in improvement values by \$12 million (in 2006 dollars) each 5 years. Obviously the actual numbers will depend on whether the businesses attracted are more like a Van's Aircraft (in which case the numbers may be bigger) or small hangars only partially used for business (in which case the numbers may be smaller).

8. Airport Industrial Area Economic Incentives

To promote development in the Airport Industrial District, the City of Newberg could consider the development of an "enterprise zone", a "free trade zone", a federal or state recognized "employment zone", or other similar economic development incentive programs.

⁶ Aurora Airport: Potential for On-airport Development, by Aron Faegre, February 14, 2003.

9. Airport Infrastructure and Operations Funding Considerations

To promote the development of the Airport District, the City of Newberg can establish the Airport District as a tax increment financing district. In this way, a portion of taxes from new development in the Airport District can be used to install infrastructure such as water, sewer, roads, and taxiways that will in turn invigorate further development in the District. This funding can also create an on-going operations and maintenance fund for the airport. Should the City of Newberg take ownership of the basic runway and taxiways of the airport, this fund can also provide the 5 to 10% match required for federal airport improvement funds. The graph on page 14 shows that at a 10% set-aside the airport fund is predicted to start providing approximately \$5,000 per year at the start, but rise to \$25,000 per year after 5 years, rise to \$40,000 per year after 10 years, and rise to \$60,000 per year by 20 years.

It is estimated that should the City of Newberg take ownership of the basic runway and taxiways of the airport, City staff time of five hours per week on average would be required for administrative and management activities. The adjacent airport district properties would take on the labor of mowing, cleanup, changing of light bulbs, and other miscellaneous work. An annual budget of \$12,500 is proposed for direct maintenance cost items such as light bulbs, wind socks, and other materials, and an annual budge of \$12,500 is proposed as the 5% required match for FAA grants which might average \$250,000 per year.

APPENDIX A

AIRPORT INDUSTRIAL DISTRICT &
AIRPORT INDUSTRIAL OVERLAY SUB-DISTRICT

3-20-06

CITY OF NEWBERG PROPOSED DEVELOPMENT CODE LANGUAGE

[“**Bold**” text indicates added language, “~~strikethrough~~” text indicates deleted language, and “normal” text indicates existing language to remain.]

Part 13.1 AIRPORT INDUSTRIAL (AI) DISTRICT

151.498 DESCRIPTION AND PURPOSE.

The purpose of the City of Newberg AI Airport Industrial District is to encourage and support the continued operation and vitality of Sportsman Airpark by allowing airport-related industrial uses, and as such to promote economic development for the City of Newberg and Yamhill County. The AI Airport Industrial District is intended to recognize those areas devoted to or most suitable for the immediate operational facilities necessary for commercial and noncommercial aviation. It is also intended to provide areas for those activities directly supporting or dependent upon aircraft or air transportation when such activities, in order to function, require or benefit from a location within or immediately adjacent to primary flight operations and passengers or cargo service facilities. It is further intended to provide appropriate locations for airport related light industrial uses that are compatible with and benefit from air transportation.

151.498.1 PERMITTED BUILDINGS AND USES

(A) In the AI Airport Industrial District, the following buildings and uses are permitted as hereinafter specifically provided.

(B) The buildings and uses are subject to the general provisions and exceptions set forth in this code:

(1) Customary and usual aviation-related activities, including but not limited to takeoffs and landings; aircraft hangars and tie-downs; construction and maintenance of airport facilities; fixed based operator facilities; and other activities incidental to the normal operation of an airport, including operation of fixed wing aircraft, helicopters, hot air balloons, and gyrocopters.

(2) Emergency medical flight services, including activities, aircraft, accessory structures, and other facilities necessary to support emergency transportation for medical purposes. Emergency medical flight services do not include hospitals, medical offices, medical labs, medical equipment sales, and other similar uses.

- (3) Law enforcement and firefighting activities, including aircraft and ground-based activities, facilities and accessory structures necessary to support federal, state or local law enforcement or land management agencies engaged in law enforcement or firefighting activities. Law enforcement and firefighting activities include transport of personnel, aerial observation, and transport of equipment, water, fire retardant and supplies.**
- (4) Search and rescue operations, including aircraft and ground based activities that promote the orderly and efficient conduct of search or rescue related activities.**
- (5) Flight instruction, including activities, facilities, and accessory structures located at airport sites that provide education and training directly related to aeronautical activities. Flight instruction includes ground training and aeronautic skills training, including schools for flight attendants, ticket agents or similar personnel.**
- (6) Aircraft service, maintenance and training, including activities, facilities and accessory structures provided to teach aircraft service and maintenance skills and to maintain, service, refuel or repair aircraft or aircraft components.**
- (7) Aircraft rental, including activities, facilities and accessory structures that support the provision of aircraft for rent or lease to the public.**
- (8) Aircraft sales and the sale of aeronautic equipment and supplies, including activities, facilities and accessory structures for the storage, display, demonstration and sales of aircraft and aeronautic equipment and supplies to the public.**
- (9) Aerial mapping and surveying.**
- (10) Air cargo warehousing and distribution facilities.**
- (11) Aircraft and aircraft component manufacturing or assembly.**
- (12) Aviation and space technology development and research.**
- (13) Aircraft or air transportation businesses.**
- (14) A business that owns an aircraft, keeps it at their industrial site, and relies on the aircraft as an important tool or platform for their work.**
- (15) A business activity that relies on regular use of a general aviation aircraft by the business or its clients.**
- (16) Auto rental agencies.**
- (17) Day care and recreational facilities exclusively for employers and employees of businesses located within this district.**
- (18) Greenways, including but not limited to bicycle and pedestrian paths.**

(19) Public and semi-public buildings, structures and uses that provide necessary services to an airport, such as fire stations, pump stations and water storage.

(20) Schools relating to airport operation.

(21) Snack shop for airport clientele with a total floor area no larger than 800 square feet.

(22) One residence of area not more than 40% the area of the hangar floor, up to a maximum of 1500 square feet, for an airport caretaker or security officer on each separate parcel.

(23) Manufacturing, assembling, testing, repairing, packaging and distribution of precision testing optics; precision testing equipment; and components, devices, equipment, instruments and systems of an electronic or electromagnetic nature, such as coils, tubes, semi-conductors and similar components; communications, navigation, transmission and reception equipment, control equipment and systems; data processing equipment and systems; electronic parts and components; metering instruments; telecommunications equipment; and scientific instruments; upon demonstration that the use is dependent upon or benefits from air transportation.

(a) An industrial use is dependent upon air transportation if it requires a location at or adjacent to an airport to be economically viable. Economic viability is measured by determining whether the use or activity would suffer an economic disadvantage if not located at or adjacent to an airport. Considerations include the percentage of business done with air cargo; the industry's dependence on air transportation by staff, management, sales, personnel, vendors, or clientele; the industry's site size requirements; and the industry's interest in locating in a non-metropolitan area of the state.

(b) Industrial uses shall be considered dependent upon air transportation where:

(i) More than 10 percent of the products produced would be shipped through air cargo; or

(ii) More than 30 percent of gross sales would be with customers located out of state; or

(iii) The business owns an aircraft, keeps it at their industrial site, and relies on the aircraft as an important tool or platform for their work; or

(iv) Sales or service of the product requires a rapid response that can best be achieved through air transport; or

(v) The use would suffer an economic disadvantage if not located at or adjacent to an airport.

151.498.2 BUILDINGS AND USES PERMITTED CONDITIONALLY

In addition to the buildings and uses permitted conditionally, listed in 151.211, the Planning Commission may grant a conditional use permit for any of the following buildings and uses in accordance with a Type III procedure:

(A) Motels, hotels, and gift shops, upon demonstration that they are compatible with airport operations.

(B) Cafeterias and restaurants, upon demonstration that they are compatible with airport operations.

(C) Aeronautic recreational and sporting activities, including activities, facilities and accessory structures at airports that support recreational usage of aircraft and sporting activities that require the use of aircraft or other devices used and intended for use in flight. Aeronautic recreation and sporting activities authorized under this paragraph include, but are not limited to, fly-ins; glider flights; ultralight aircraft flights; displays of aircraft; and aeronautic flight skills contests.

Part 13.2 AIRPORT INDUSTRIAL OVERLAY (AIO) SUB-DISTRICT

151.498.3 PURPOSE

The Airport Industrial Overlay Sub-District is intended to support the continued operation and vitality of Sportsman Airpark by addressing potential land use conflicts with adjacent development. It also addresses how properties in the area could be converted to Airport Industrial District.

151.498.4 NOTICES AND RESTRICTIONS REQUIRED FOR DEVELOPMENT WITHIN THE AIO SUB-DISTRICT

(A) Avigation Easement. When a subdivision plan or partition is required for any property within the AIO Sub-District, the property owner shall dedicate an avigation easement to the City over and across that property. The easement shall hold the City, public and airfield, harmless from any damages caused by noise, fumes, dust, fuel, fuel particles, or other effects that may be caused by the operation of aircraft taking off, landing, or operating on or near the airfield, not including the physical impact of aircraft or parts thereof.

(B) Notification of Buyers. No person shall sell, nor offer for sale, any property within the AIO Sub-District unless the prospective buyer has been notified of the fact that the property is within the AIO Sub-District. When property ownership is transferred, the property deed shall be amended to note that the property is within the Airport Industrial Overlay Sub-district.

(C) Agree to Noise Abatement. No person shall sell, nor offer for sale, any property within the AIO Sub-District unless the prospective buyer agrees to follow Aircraft Owners and Pilots Association (AOPA) standard noise abatement procedures, or the most recent noise abatement procedures established at the airport.

(D) CC&Rs: The applicant for a subdivision or design review in the AIO Sub-District in the shall provide a copy of the CC&Rs in conformance to the requirements listed above.

151.498.5 CONVERSION OF PROPERTY TO THE AIRPORT INDUSTRIAL DISTRICT

Property within the Airport Industrial Overlay Sub-district may be converted to the Airport Industrial District at the request of the applicant concurrent with and through the approval of a subdivision with the AIO Sub-district. Property may also be converted to the Airport Industrial District through the zone change process 151.122

151.498.6 CONFORMANCE WITH THE AIRPORT OVERLAY (AO) SUB-DISTRICT

All uses, activities, facilities and structures allowed in the AI Airport Industrial District shall comply with the requirements of the Airport Overlay (AO) Sub-District. In the event of a conflict between the requirements of this District and those of the Airport Overlay (AO) Sub-District, the requirements of the overlay sub-district shall control.

151.536 BUILDING HEIGHT LIMITATION.

(B) Commercial and industrial:

(2) In the AI, C-2, C-3, M-1, M-2, and M-3 Districts there is no building height limitation, except when said districts abut upon a residential district, the maximum permitted building height shall not exceed the maximum building height permitted in the abutting residential district for a distance of 50 feet from the abutting boundary.

151.538 PUBLIC ACCESS REQUIRED.

No building or structure shall be erected or altered except on a lot fronting or abutting on a public street or having access to a public street over a private street or easement of record approved in accordance with provisions contained in this code. New private streets may not be created to provide access **except as allowed under 151.449(B)(8). Existing private streets may not be used for access for new dwelling units, except as allowed under 151.567. No building or structure shall be erected or altered without provisions for access roadways as required in the Uniform Fire Code, as adopted by the city.**

151.550 GENERAL YARD REGULATIONS

Add:

(F) In the AI Airport Industrial District clear areas, safety areas, object free areas, taxiways, parking aprons, and runways may be counted as required yards for a building, even if located upon an adjacent parcel.

151.551 FRONT YARD SETBACK

(C) Industrial. All lots or development sites in the AI, M-1, M-2 or M-3 Districts shall have a front yard of 20 feet.

151.552 INTERIOR YARD SETBACK

(C) *Industrial*. All lots or development sites in the AI, M-1, M-2 and M-3 Districts shall have no interior yards where said lots or development sites abut property lines of commercially or industrially zoned property. When interior lot lines of said districts are common with property zoned residentially, interior yards of not less than ten feet shall be required opposite the residential districts.

151.565 LOT AREA

(2) In the AI, R-2, R-3, RP, C-1, C-2, and C-3 Districts, each lot or development site shall have a minimum of 5,000 square feet or as may be established by a sub-district.

151.567 LOT DIMENSIONS AND FRONTAGE.

(D) Frontage.

(1) No lot or development site shall have less than the following lot frontage standards:

(a) Each lot or development site shall have either frontage on a public street for a distance of at least 25 feet or have access to a public street through an easement that is at least 25 feet wide. No new private streets, as defined in 151.003, shall be created to provide frontage or access.

(b) Each lot in an R-1, R-2, R-3, AR, AI, or RP Zone shall have a minimum width of 50 feet at the front building line.

(2) The above standards apply with the following exceptions:

(a) Legally created lots of record in existence prior to the effective date of this code.

(b) Lots or development sites which as a process of their creation, were approved with sub-standard widths in accordance with provisions of this code.

(c) Existing private streets may not be used for new dwelling units, except private streets that were created prior to March 1, 1999, including paving to fire access roads standards and installation of necessary utilities, and private streets allowed in the Airport Residential and Airport Industrial Districts.

151.580 REQUIRED MINIMUM STANDARDS (LANDSCAPING)

(B) *Required landscaped area*. The following landscape requirements are established for all developments except single family dwellings.

(1) A minimum of 15% of the lot area shall be landscaped; provided however, that computation of this minimum may include areas landscaped under subdivision (3) below. Development in the C-3 (Central Business District) Zoning District is exempt from the 15% landscape area requirement of this section. Additional landscaping requirements in the C-4 District are described in § 151. 527.4(K) of this code. **In the AI Airport Industrial District only a 5% landscaping standard is required with the goal of "softening" the buildings and making the development**

“green” with plants where possible. The existence of the runway, taxiway, and approach open areas already provide generally for the 15% requirement.

151.581 LANDSCAPING AND AMENITIES IN PUBLIC RIGHTS-OF-WAY.

D. Exception. In the AI Airport Industrial District no landscape or amenities except for grass are required for any area within 50 feet of aircraft operations areas including aircraft parking areas, taxiways, clear areas, safety areas, object free areas, and the runway.

151.611 PARKING AREA AND SERVICE DRIVE DESIGN.

Add:

(C) In the AI Airport Industrial District taxiways may be used as part of the service drive design where an overall site plan is submitted that shows how the circulation of aircraft and vehicles are safely accommodated, where security fences are located, and is approved by the Fire Marshal, Planning Director, and Public Works Director. The following submittal must be made:

(1) A drawing of the area to be developed, including the probable location, height, and description of structures to be constructed; the location and description of a security fence or gate to secure the aircraft operations areas of off-airport property from the other non-secured pedestrian/auto/truck areas of on-airport property; the proposed location of the proposed taxiway access in accordance with FAA specifications; (Refer to Federal Aviation Administration Advisory Circular No. 150/5300-13, regarding Airport Design, and AC/5370-10B regarding Construction Standards for specifications that should be used as a guideline); and the identification of the vehicular traffic pattern area clearly separated from aircraft traffic. Once specific buildings have been designed, FAA Form 7460-1, Notice of Proposed Construction or Alteration, must be submitted to the City of Newberg, the private airport owner, and the FAA for airspace review.

151.612 PARKING SPACES REQUIRED.

[Add to Table under Industrial Types:

**Use: Aircraft Storage Hangars up to 3,600 sq. ft. each enclosed hangar area
Parking Space Required: none (parking occurs in hangar)**

**Use: Aircraft Hangars intended for repair and maintenance operations
Parking Space Required: 1 for each 5,000 sq. ft. of hangar, plus 1 for each 500 sq. ft. of shop area, plus 1 for each 400 sq. ft. of office area.**

151.617 OFF-STREET LOADING.

(A) Buildings to be built or substantially altered which receive and distribute materials and merchandise by trucks shall provide and maintain off-street loading berths in sufficient number and size to adequately handle the needs of the particular use.

(5) Where a facility includes an aircraft hangar, the off-street loading requirement is not required since loading may occur through the hangar doors.

151.620.2 WHERE REQUIRED (ON-SITE WALKS)

Private walkways shall be constructed as part of any development requiring Type II design review, including mobile home parks. In addition, they may be required as part of conditional use permits or planned unit developments. **In the Airport Industrial (AI) District, on-site walks are not required in aircraft operations areas, such as parking aprons, taxiways, and runways.**

APPENDIX B

AIRPORT RESIDENTIAL DISTRICT &
AIRPORT RESIDENTIAL OVERLAY SUB-DISTRICT

3-20-06

CITY OF NEWBERG PROPOSED DEVELOPMENT CODE LANGUAGE

["**Bold**" text indicates added language, "~~strikethrough~~" text indicates deleted language, and "normal" text indicates existing language to remain.]

Part 13.3 AIRPORT RESIDENTIAL (AR) DISTRICT

151.449.1 DESCRIPTION AND PURPOSE.

The purpose of the City of Newberg AR Airport Residential District is to encourage and support the continued operation and vitality of Sportsman Airpark and to take advantage of the transportation options it provides by allowing airport-related residential uses.

151.449.2 PERMITTED BUILDINGS AND USES

(A) In the AR Airport Residential District, the following buildings and uses are permitted: as hereinafter specifically provided.

(B) The buildings and uses are subject to the general provisions and exceptions set forth in this code:

(1) Residential Airpark Development, meaning one residence per lot with addition of a tiedown or hangar for an airplane. At a minimum, a paved tiedown or hangar shall be provided on the property, or the property shall include permanent rights to an adjacent row of private hangars.

(2) Accessory uses and structures:

(3) Aircraft Hangar. No aircraft hangar shall be constructed on any parcel or lot without a residential dwelling, except if it is provided with permanent rights to a nearby airpark residence as per (a) above. An aircraft hangar cannot be used as a residence.

(4) Customary and usual aviation-related activities, including but not limited to takeoffs and landings; construction and maintenance of airport facilities; and other activities incidental to the normal operation of an airport.

(5) Greenways, including but not limited to bicycle and pedestrian paths.

(6) Public and semi-public buildings, structures and uses that provide necessary services to an airport, such as fire stations, pump stations and water storage.

- (7) **Transportation facilities and improvements**
- (8) **Private streets, which may include gates with designs approved by the Fire Marshal.**

Part 13.4 AIRPORT RESIDENTIAL OVERLAY (ARO) SUB-DISTRICT

151.449.4 Purpose

The Airport Residential Overlay Sub-District is intended to support the continued operation and vitality of Sportsman Airpark by addressing potential land use conflicts with adjacent residential development. It also addresses how properties in the area could be converted to Airport Residential District.

151.449.5 NOTICES AND RESTRICTIONS REQUIRED FOR DEVELOPMENT WITHIN THE ARO SUB-DISTRICT

(A) Avigation Easement. When a subdivision plan or partition is required for any property within the ARO Sub-District, the property owner shall dedicate an avigation easement to the City over and across that property. The easement shall hold the City, public and airfield, harmless from any damages caused by noise, fumes, dust, fuel, fuel particles, or other effects that may be caused by the operation of aircraft taking off, landing, or operating on or near the airfield, not including the physical impact of aircraft or parts thereof.

(B) Notification of Buyers. No person shall sell, nor offer for sale, any property within the ARO Sub-District unless the prospective buyer has been notified of the fact that the property is within the ARO Sub-District. When property ownership is transferred, the property deed shall be amended to note that the property is within the Airport Residential Overlay Sub-district.

(C) Agree to Noise Abatement. No person shall sell, nor offer for sale, any property within the ARO Sub-District unless the prospective buyer agrees to follow Aircraft Owners and Pilots Association (AOPA) standard noise abatement procedures, or the most recent noise abatement procedures established at the airport.

(D) CC&Rs: The applicant for a subdivision or design review in the ARO Sub-District in the shall provide a copy of the CC&Rs in conformance to the requirements listed above.

151.449.6 Density Transfer within the ARO Sub-district

Due to the complexity and intermixing of roads, taxiways, and constructing hangars in an airport residential district, properties within the district may not be able to be developed to the density otherwise allowed. Thus, the applicant for a subdivision or partition within the ARO district may transfer allowed dwelling unit density to other property within the ARO Sub-district and reduce minimum lot sizes such that the overall dwelling density complies with that of a conventionally developed R-2 zoned property.

151.449.7 CONVERSION OF PROPERTY TO THE AIRPORT RESIDENTIAL DISTRICT

Property within the Airport Residential Overlay Sub-district may be converted to the Airport Residential District at the request of the applicant concurrent with and through the approval of a subdivision with the ARO Sub-district. Property may also be converted to the Airport Residential District through the zone change process 151.122

151.536 BUILDING HEIGHT LIMITATION.

(A) Residential:

(1) In the R-1, R-2, AR, AI, and RP Districts, no main building shall exceed two and one-half stories, or 30 feet in height, whichever is lesser. Accessory buildings in the R-1, R-2, R-3, AR, and RP Districts are limited to one story, or 16 feet in height, whichever is lesser, **except that aircraft hangars in the AR District may be the same as the main building.**

151.538 PUBLIC ACCESS REQUIRED.

No building or structure shall be erected or altered except on a lot fronting or abutting on a public street or having access to a public street over a private street or easement of record approved in accordance with provisions contained in this code. New private streets may not be created to provide access **except as allowed under 151.449(B)(8)**. Existing private streets may not be used for access for new dwelling units, except as allowed under 151.567. No building or structure shall be erected or altered without provisions for access roadways as required in the Uniform Fire Code, as adopted by the city.

151.550 GENERAL YARD REGULATIONS

Add:

(G) In the AR Airport Residential District clear areas, safety areas, object free areas, taxiways, parking aprons, and runways may be counted as required yards for a building, if located upon an adjacent parcel under public ownership.

151.551 FRONT YARD SETBACK

(A) Residential (Figure X).

(1) AR, R-1 and R-2 Districts shall have a front yard of not less than 15 feet. Said yard shall be landscaped and maintained.

151.552 INTERIOR YARD SETBACK

(A) Residential.

(1) All lots or development sites in the AR, R-1, R-2 and R-3 Districts shall have interior yards of not less than five feet, except that where a utility easement is recorded adjacent to a side lot line, there shall be a side yard no less than the width of the easement.

151.556 YARD EXCEPTIONS AND PERMITTED INTRUSIONS INTO REQUIRED YARD SETBACKS

(G) Hangars within the AR Airport Residential District may be constructed with no yard setbacks to property lines adjacent to other properties within in the Airport Residential or Airport Industrial Districts.

151.565 LOT AREA

(A) In the following districts, each lot or development site shall have an area as shown below except as otherwise permitted by this code.

(1) In the R-1 District, each lot or development site shall have a minimum area of 7,500 square feet or as may be established by a sub-district.

(2) In the AR, R-2, R-3, RP, C-1, C-2, and C-3 Districts, each lot or development site shall have a minimum of 5,000 square feet or as may be established by a sub-district.

151.567 LOT DIMENSIONS AND FRONTAGE.

(D) Frontage.

(1) No lot or development site shall have less than the following lot frontage standards:

(a) Each lot or development site shall have either frontage on a public street for a distance of at least 25 feet or have access to a public street through an easement that is at least 25 feet wide. No new private streets, as defined in 151.003, shall be created to provide frontage or access.

(b) Each lot in an R-1, R-2, R-3, or RP Zone shall have a minimum width of 50 feet at the front building line.

(c) Each lot in an AR Zone shall have a minimum width of 45 feet at the front building line.

(2) The above standards apply with the following exceptions:

(a) Legally created lots of record in existence prior to the effective date of this code.

(b) Lots or development sites which as a process of their creation, were approved with sub-standard widths in accordance with provisions of this code.

(c) Existing private streets may not be used for new dwelling units, except private streets that were created prior to March 1, 1999, including paving to fire access roads standards and installation of necessary utilities, **and private streets allowed in the Airport Residential and Airport Industrial Districts.**

151.568 LOT COVERAGE AND PARKING COVERAGE REQUIREMENTS.

(A) For all buildings and uses the following shall mean the maximum permitted lot coverage, maximum coverage of public or private parking areas or garages, and/or combined maximum lot and parking combined coverage required in the various districts expressed in percentage of the area of the lot or development site in which district such coverage is permitted or required (Fig. IV).

(1) Maximum lot coverage.

(a) R-1: 30%.

(b) R-2 and RP: 40%.

(c) AR and R-3: 50%.

151.580 REQUIRED MINIMUM STANDARDS (LANDSCAPING)

(A) *Private and shared outdoor recreation areas in residential developments.*

(3) In the AR Airport Residential District a 5% landscaping standard is required with the goal of “softening” the buildings and making the development “green” with plants where possible. The existence of the runway, taxiway, and approach open areas already provide generally for the 15% requirement.

151.581 LANDSCAPING AND AMENITIES IN PUBLIC RIGHTS-OF-WAY.

D. Exception. In the AR Airport Residential District no landscape or amenities except for grass are required for any area within 50 feet of aircraft operations areas including aircraft parking areas, taxiways, clear areas, safety areas, object free areas, and the runway.

151.611 PARKING AREA AND SERVICE DRIVE DESIGN.

Add:

(C) In the AR Airport Residential District taxiways may be used as part of the service drive design where an overall site plan is submitted that shows how the circulation of aircraft and vehicles are safely accommodated, where security fences are located, and is approved by the Fire Marshal, Planning Director, and Public Works Director. The following submittal must be made:

(1) A drawing of the area to be developed, including the probable location, height, and description of structures to be constructed; the location and description of a security fence or gate to secure the aircraft operations areas of off-airport property from the other non-secured pedestrian/auto/truck areas of on-airport property; the proposed location of the proposed taxiway access in accordance with FAA specifications; (Refer to Federal Aviation Administration Advisory Circular No. 150/5300-13, regarding Airport Design, and AC/5370-10B regarding Construction Standards for specifications that should be used as a guideline); and the identification of the vehicular traffic pattern area clearly separated from aircraft traffic. Once specific buildings have been designed, FAA Form 7460-1, Notice of Proposed

Construction or Alteration, must be submitted to the City of Newberg, the private airport owner, and the FAA for airspace review.

151.620.2 WHERE REQUIRED (ON-SITE WALKS)

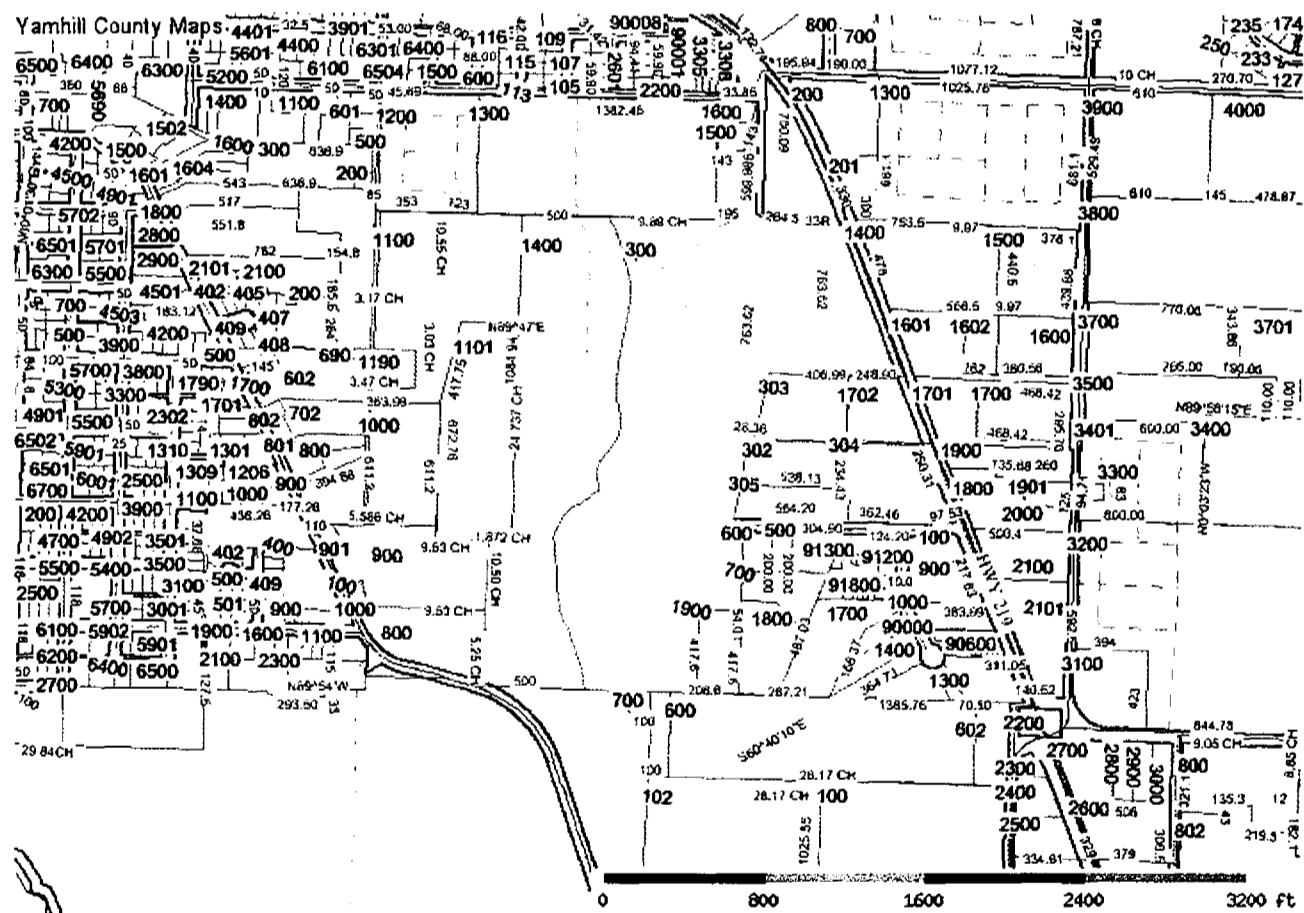
Private walkways shall be constructed as part of any development requiring Type II design review, including mobile home parks. In addition, they may be required as part of conditional use permits or planned unit developments. **In the Airport Residential (AR) District, on-site walks are not required in aircraft operations areas, such as parking aprons, taxiways, and runways.**

Appendix C: Yamhill County Existing GIS Property Data

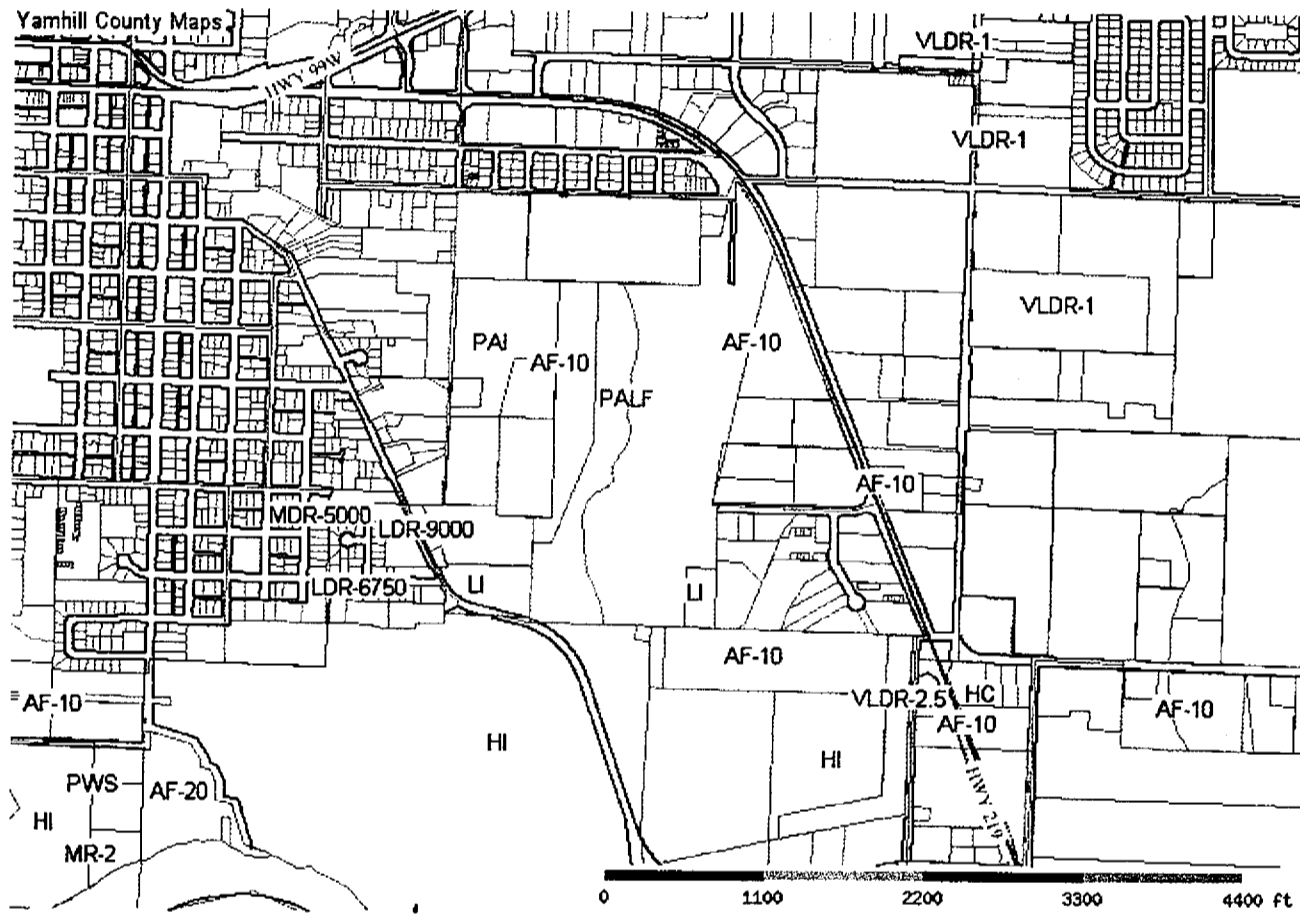
Attached is the following information:

- Tax Map
- Zoning Map
- Property Values
- Spreadsheets and Graphs concerning Future Values

Tax Lot Map



Zoning



Yamhill County Property Tax Record

Account Info:		Data Current as of:	2/2/2006
Account No	55371	Market Land Value	\$ 1,769,391.00
Map/Tax Lot Number	R3220 00300	Market Structure Value	\$ 1,785,055.00
Property Class	2416	Specially Assessed Land Value	\$ 274,040.00
Tax Code Area	29.2	Assessed Value	\$ 1,231,948.00
Property Status	ACTIVE	Exemption	\$.00
Associated Pin#		Net Taxable	\$ 1,231,948.00
		Most Recent Levied Tax	\$ 16,146.15

Owner Info:

Property Owner RESIDENT
Situs Address 00504 NE AIRPARK WY
Owner Mailing Address PO BOX 248 NEWBERG OR 97132

Property Info:

Year Built	Acres/ Lot Sq Ft	Square Footage	Number of Bedrooms	Number of Bathrooms	Stories
1962	56.15	2292	3	0	1

Sales Info:

Deed Reference Number	Sales Date	Sale Price
2000/06739	12/31/1996	\$.00

This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

Yamhill County Property Tax Record

Account Info:		Data Current as of:	2/2/2006
Account No	483571	Market Land Value	\$ 431,421.00
Map/Tax Lot Number	R3220 00302	Market Structure Value	\$.00
Property Class	3006	Specialty Assessed Land Value	\$.00
Tax Code Area	29.0	Assessed Value	\$ 380,883.00
Property Status	ACTIVE	Exemption	\$.00
Associated Pin#		Net Taxable	\$ 380,883.00
		Most Recent Levied Tax	\$ 6,621.26

Owner Info:

Property Owner RESIDENT
Situs Address 02803 E 9TH ST NEWBERG
Owner Mailing Address PO BOX 248 NEWBERG OR 97132

Property info:

Year Built	Acres/ Lot Sq Ft	Square Footage	Number of Bedrooms	Number of Bathrooms	Stories
0000	2.78	0	0	0	0

Sales Info:

Deed Reference Number	Sales Date	Sale Price
2005/23317	1/20/2005	\$.00

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Yamhill County Property Tax Record

Account Info:		Data Current as of:	2/2/2006
Account No	486799	Market Land Value	\$ 192,837.00
Map/Tax Lot Number	R3220 00303	Market Structure Value	\$.00
Property Class	2006	Specially Assessed Land Value	\$.00
Tax Code Area	29.2	Assessed Value	\$ 91,355.00
Property Status	ACTIVE	Exemption	\$.00
Associated Pin#		Net Taxable	\$ 91,355.00
		Most Recent Levied Tax	\$ 1,197.32

Owner Info:

Property Owner RESIDENT
Situs Address

Owner Mailing Address PO BOX 248 NEWBERG OR 97132

Property Info:

Year Built	Acres/ Lot Sq Ft	Square Footage	Number of Bedrooms	Number of Bathrooms	Stories
0000	3.24	0	0	0	0

Sales Info:

Deed Reference Number	Sales Date	Sale Price
2004/09632	5/17/2004	\$ 842,500.00

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Yamhill County Property Tax Record

Account Info:		Data Current as of:	2/2/2006
Account No	532219	Market Land Value	\$.00
Map/Tax Lot Number	R3220 00304	Market Structure Value	\$.00
Property Class	3006	Specially Assessed Land Value	\$.00
Tax Code Area		Assessed Value	\$.00
Property Status	ACTIVE	Exemption	\$.00
Associated Pin#		Net Taxable	\$.00
		Most Recent Levied Tax	\$.00

Owner Info:

Property Owner RESIDENT
Situs Address 02901 E 9TH ST NEWBERG
Owner Mailing Address PO BOX 248 NEWBERG OR 97132

Property Info:

Year Built	Acres/ Lot Sq Ft	Square Footage	Number of Bedrooms	Number of Bathrooms	Stories
0000	4.09	0	0	0	0

Sales Info:

Deed Reference Number	Sales Date	Sale Price
2005/23317	1/20/2005	\$.00

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Yamhill County Property Tax Record

Account Info:		Data Current as of:	2/2/2006
Account No	532222	Market Land Value	\$.00
Map/Tax Lot Number	R3220 00305	Market Structure Value	\$.00
Property Class	3006	Specially Assessed Land Value	\$.00
Tax Code Area		Assessed Value	\$.00
Property Status	ACTIVE	Exemption	\$.00
Associated Pin#		Net Taxable	\$.00
		Most Recent Levied Tax	\$.00

Owner Info:
Property Owner RESIDENT
Situs Address 02751 E 9TH ST NEWBERG
Owner Mailing Address PO BOX 248 NEWBERG OR 97132

Property Info:

Year Built	Acres/Lot Sq Ft	Square Footage	Number of Bedrooms	Number of Bathrooms	Stories
0000	2.14	0	0	0	0

Sales Info:

Deed Reference Number	Sales Date	Sale Price
2005/23317	1/20/2005	\$.00

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Yamhill County Property Tax Record

Account Info:		Data Current as of:	2/2/2006
Account No	508096	Market Land Value	\$ 101,823.00
Map/Tax Lot Number	R3220 01101	Market Structure Value	\$.00
Property Class	9406	Specialty Assessed Land Value	\$.00
Tax Code Area	29.2	Assessed Value	\$ 101,823.00
Property Status	ACTIVE	Exemption	\$.00
Associated Pin#		Net Taxable	\$.00
		Most Recent Levied Tax	\$.00

Owner Info:

Property Owner RESIDENT
Situs Address

Owner Mailing Address 1802 HAWORTH AVE NEWBERG OR
97132

Property Info:

Year Built	Acres/ Lot Sq Ft	Square Footage	Number of Bedrooms	Number of Bathrooms	Stories
0000	9.00	0	0	0	0

Sales Info:

Deed Reference Number	Sales Date	Sale Price
1997/15757	9/17/1997	\$.00

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Yamhill County Property Tax Record

Account Info:		Data Current as of:	2/2/2006
Account No	55594	Market Land Value	\$ 225,502.00
Map/Tax Lot Number	R3220 01300	Market Structure Value	\$ 65,268.00
Property Class	4016	Specialty Assessed Land Value	\$.00
Tax Code Area	29.2	Assessed Value	\$ 194,900.00
Property Status	ACTIVE	Exemption	\$.00
Associated Pin#		Net Taxable	\$ 194,900.00
		Most Recent Levied Tax	\$ 2,554.41

Owner Info:

Property Owner RESIDENT
Situs Address 02300 NE 2ND ST
Owner Mailing Address PO BOX 536 LONG BEACH WA 98631

Property Info:

Year Built	Acres/ Lot Sq Ft	Square Footage	Number of Bedrooms	Number of Bathrooms	Stories
1916	16.38	2148	4	0	1

Sales Info:

Deed Reference Number	Sales Date	Sale Price
136/0055	1/1/1957	\$.00

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Yamhill County Property Tax Record

Account Info:		Data Current as of:	2/2/2006
Account No	55601	Market Land Value	\$ 236,508.00
Map/Tax Lot Number	R3220 01400	Market Structure Value	\$ 63,988.00
Property Class	4016	Specialty Assessed Land Value	\$.00
Tax Code Area	29.2	Assessed Value	\$ 200,385.00
Property Status	ACTIVE	Exemption	\$.00
Associated Pin#		Net Taxable	\$ 200,385.00
		Most Recent Levied Tax	\$ 2,626.28

Owner Info:

Property Owner	RESIDENT	
Situs Address	02300 E 3RD ST	NEWBERG
Owner Mailing Address	16771 BOONES FERRY RD LAKE OSWEGO OR 97035	

Property Info:

Year Built	Acres/ Lot Sq Ft	Square Footage	Number of Bedrooms	Number of Bathrooms	Stories
1920	25.50	1536	4	0	1

Sales Info:

Deed Reference Number	Sales Date	Sale Price
1999/12319	6/10/1999	\$.00

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Yamhill County Property Tax Record

Account Info:		Data Current as of:	2/2/2006
Account No	55610	Market Land Value	\$ 70,349.00
Map/Tax Lot Number	R3220 01500	Market Structure Value	\$ 106,418.00
Property Class	4016	Specialty Assessed Land Value	\$.00
Tax Code Area	29.2	Assessed Value	\$ 146,394.00
Property Status	ACTIVE	Exemption	\$.00
Associated Pin#		Net Taxable	\$ 146,394.00
		Most Recent Levied Tax	\$ 1,918.66

Owner Info:

Property Owner RESIDENT
Situs Address 00312 NE AIRPARK WY
Owner Mailing Address 312 NE AIRPARK WY NEWBERG OR 97132

Property Info:

Year Built	Acres/ Lot Sq Ft	Square Footage	Number of Bedrooms	Number of Bathrooms	Stories
1965	0.51	1280	3	0	1

Sales Info:

Deed Reference Number	Sales Date	Sale Price
1985/07922	10/1/1985	\$ 75,000.00

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Yamhill County Property Tax Record

Account Info:		Data Current as of:	2/2/2006
Account No	55638	Market Land Value	\$ 70,349.00
Map/Tax Lot Number	R3220 01600	Market Structure Value	\$ 88,724.00
Property Class	4016	Specialty Assessed Land Value	\$.00
Tax Code Area	29.2	Assessed Value	\$ 128,797.00
Property Status	ACTIVE	Exemption	\$.00
Associated Pin#		Net Taxable	\$ 128,797.00
		Most Recent Levied Tax	\$ 1,688.04

Owner Info:

Property Owner RESIDENT
Situs Address 00308 NE AIRPARK WY
Owner Mailing Address 308 NE AIRPARK WAY NEWBERG OR
97132

Property Info:

Year Built	Acres/ Lot Sq Ft	Square Footage	Number of Bedrooms	Number of Bathrooms	Stories
1963	0.46	1329	3	0	1

Sales Info:

Deed Reference Number	Sales Date	Sale Price
2004/13806	7/8/2004	\$ 173,000.00

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Yamhill County Property Tax Record

Account Info:		Data Current as of:	2/2/2006
Account No	55399	Market Land Value	\$ 215,561.00
Map/Tax Lot Number	R3220DD 01900	Market Structure Value	\$ 428,723.00
Property Class	3016	Specialty Assessed Land Value	\$.00
Tax Code Area	29.2	Assessed Value	\$ 320,676.00
Property Status	ACTIVE	Exemption	\$.00
Associated Pin#		Net Taxable	\$ 320,676.00
		Most Recent Levied Tax	\$ 4,202.84

Owner Info:

Property Owner RESIDENT
Situs Address 00901 NE ST PAUL HWY
Owner Mailing Address PO BOX 369 NEWBERG OR 97132

Property Info:

Year Built	Acres/ Lot Sq Ft	Square Footage	Number of Bedrooms	Number of Bathrooms	Stories
0000	2.00	0	0	0	0

Sales Info:

Deed Reference Number	Sales Date	Sale Price
2003/11289	5/14/2003	\$ 625,000.00

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Yamhill County Property Tax Record

Account Info:

Account No	517714	Data Current as of:	2/2/2006
Map/Tax Lot Number	R3221 01702	Market Land Value	\$ 172,878.00
Property Class	3006	Market Structure Value	\$.00
Tax Code Area	29.0	Specialty Assessed Land Value	\$.00
Property Status	ACTIVE	Assessed Value	\$ 159,178.00
Associated Pin#		Exemption	\$.00
		Net Taxable	\$ 159,178.00
		Most Recent Levied Tax	\$ 2,767.16

Owner Info:

Property Owner RESIDENT
Situs Address

Owner Mailing Address 18485 SW SCHOLLS FERRY RD
BEAVERTON OR 97007

Property Info:

Year Built	Acres/ Lot Sq Ft	Square Footage	Number of Bedrooms	Number of Bathrooms	Stories
0000	2.37	0	0	0	0

Sales Info:

Deed Reference Number	Sales Date	Sale Price
2005/20475	9/16/2005	\$ 230,000.00

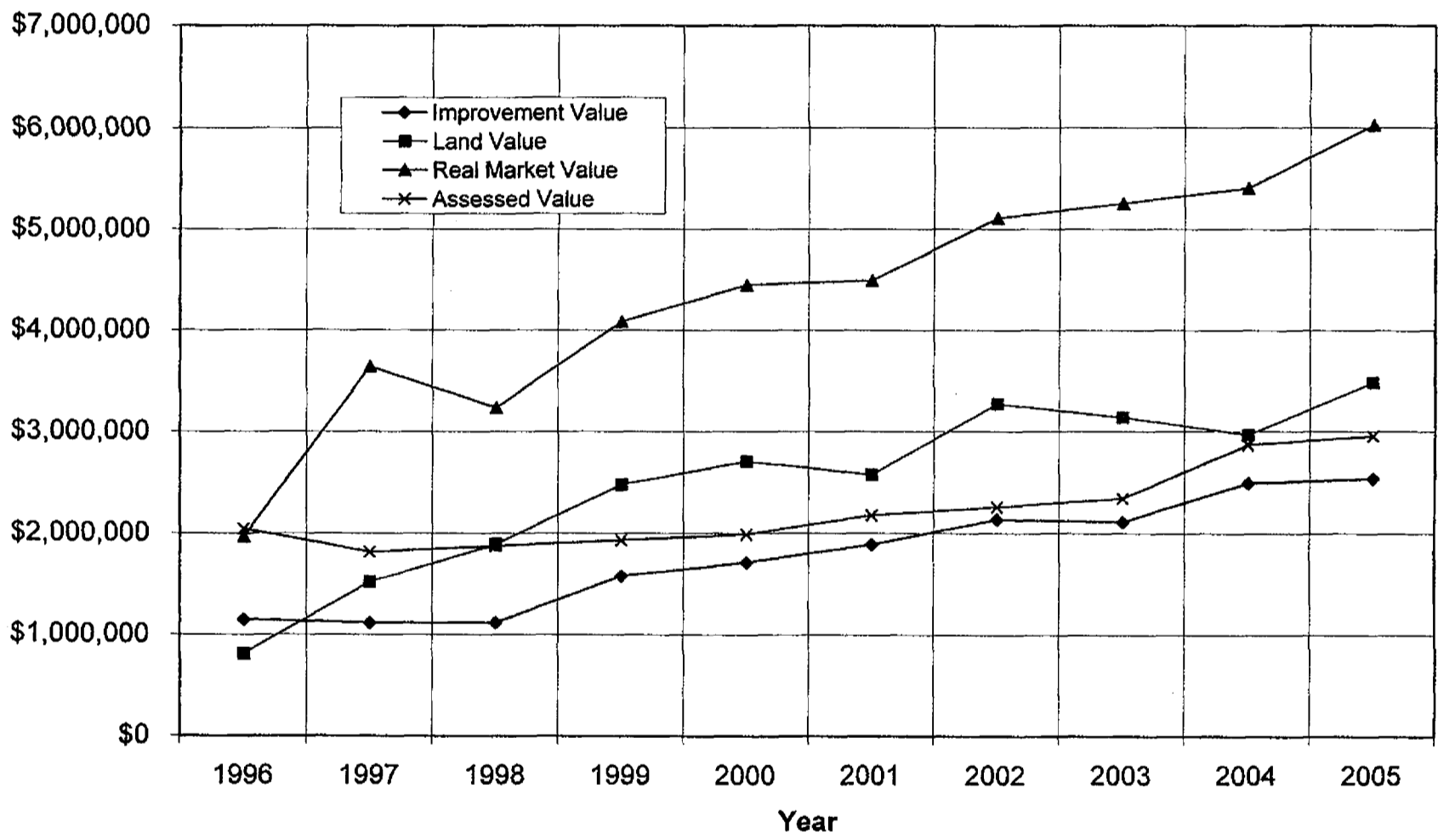
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Sportsman Airpark Land Use Master Plan Property Data															
Aron Faegre & Associates															
2/27/06															
Tax Lot	Acres	Zone	Land	\$	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
3220 - 300	56.15	PALF	County	Improvement Value	69291	694291	658881	658881	979183	1077101	1253006	1426361	1448673	1767381	1785055
55371				Land Value	221208	221208	225158	497950	795419	874961	874961	1041677	1041677	1187511	1768391
				Real Market Value	815499	915499	884039	1381989	1774602	1952062	2127997	2468038	2490350	2954892	3554446
				Assessed Value	830792	931590	837713	866499	892494	919255	1068208	1114272	1161264	1196090	1231848
				Taxes Assessed	9964.69	10360.44	9950.19	10176.31	10321.89	10518.77	12552.94	12815.13	15975.86	15744.59	16146.15
302	2.78	M2	City	Improvement Value	0	0	0	0	0	0	0	0	0	0	0
483571				Land Value			560109	610519	702097	779328	701395	778547	848617	440226	431421
				Real Market Value			560109	610519	702097	779328	701395	778548	848617	440226	431421
				Assessed Value	1949	2043	1754	1805	1857	1910	1956	2023	2078	369789	380883
				Taxes Assessed	29.01	30.79	28.84	29.93	30.7	30.41	31.64	32.47	37.64	3941.12	6621.26
303	3.24	AF10	County	Improvement Value	0	0	0	0	0	0	0	0	0	0	0
486789				Land Value			78186	78186	86005	94606	94606	113527	113527	129421	192837
				Real Market Value			78186	78186	86005	94606	94606	113527	113527	129421	192837
				Assessed Value	1500	1581	1350	1393	1435	1477	1523	1568	1614	88694	91355
				Taxes Assessed	16.05	17.61	16.04	16.48	16.6	16.91	17.9	18.03	22.21	523.05	1187.32
304	4.09		City	Improvement Value											
in 303				Land Value											
532219				Real Market Value											
				Assessed Value											
				Taxes Assessed											
305	2.14		City	Improvement Value											
in 303				Land Value											
532222				Real Market Value											
				Assessed Value											
				Taxes Assessed											
1101	9	AF10	City	Improvement Value	0	0	0	0	0	0	0	0	0	0	0
508096				Land Value	60965	64174	67552	71107	74849	78788	82935	87300	91895	96732	101823
				Real Market Value	60965	64174	67552	71107	74849	78788	82935	87300	91895	96732	101823
				Assessed Value	60965	64174	67552	71107	74849	78788	82935	87300	91895	96732	101823
				Taxes Assessed	0	0	0	0	0	0	0	0	0	0	0
1300	16.38	AF10	County	Improvement Value	56940	54093	51388	51902	55016	62168	62168	54086	54627	63367	65268
55594				Land Value	114010	134532	154712	168636	193931	215262	193736	220859	242945	304804	225502
				Real Market Value	170950	188625	206100	220538	248947	277430	255904	274945	297572	311171	290770
				Assessed Value	170950	188624	153855	158470	163224	168121	173165	178360	183711	189223	194900
				Taxes Assessed	1830.12	2101.78	1827.46	1876.09	1887.72	1923.76	2034.93	2051.3	2527.37	2490.8	2554.41
1400	25.5	AF10	County	Improvement Value	56187	53378	50709	51216	54289	61346	61346	53371	53885	62183	63988
55601				Land Value	119574	141097	162262	176884	203394	225768	203192	531639	254803	259899	236508
				Real Market Value	175781	194475	212971	228080	257683	287114	264538	285010	308688	322082	300496
				Assessed Value	175781	194475	158185	162931	167819	172853	178039	183380	188882	194548	200385
				Taxes Assessed	1881.63	2166.98	1878.88	1928.9	1940.87	1977.91	2092.2	2109.03	2598.5	2560.91	2628.28
1500	0.51	AF10	County	Improvement Value	82838	88186	83786	84624	89701	101362	101362	88185	89067	103318	106418
55610				Land Value	35588	41970	48266	52609	60500	67155	60440	68901	75791	77307	70349
				Real Market Value	128406	130166	132052	137233	150201	168517	161802	157086	164858	180825	176767
				Assessed Value	128406	130166	115565	118032	122603	126281	130069	133971	137990	142130	146394
				Taxes Assessed	1374.67	1450.41	1372.65	1409.2	1417.92	1444.99	1528.49	1540.76	1698.37	1870.91	1918.66
1600	0.48	AF10	County	Improvement Value	77403	73533	69856	70555	74788	84510	84510	73524	74259	86140	88724
55638				Land Value	35668	41970	48266	52609	60500	67155	60440	68901	75791	77307	70349
				Real Market Value	112971	115503	1118122	123164	135288	151665	144950	142425	150050	163447	159073

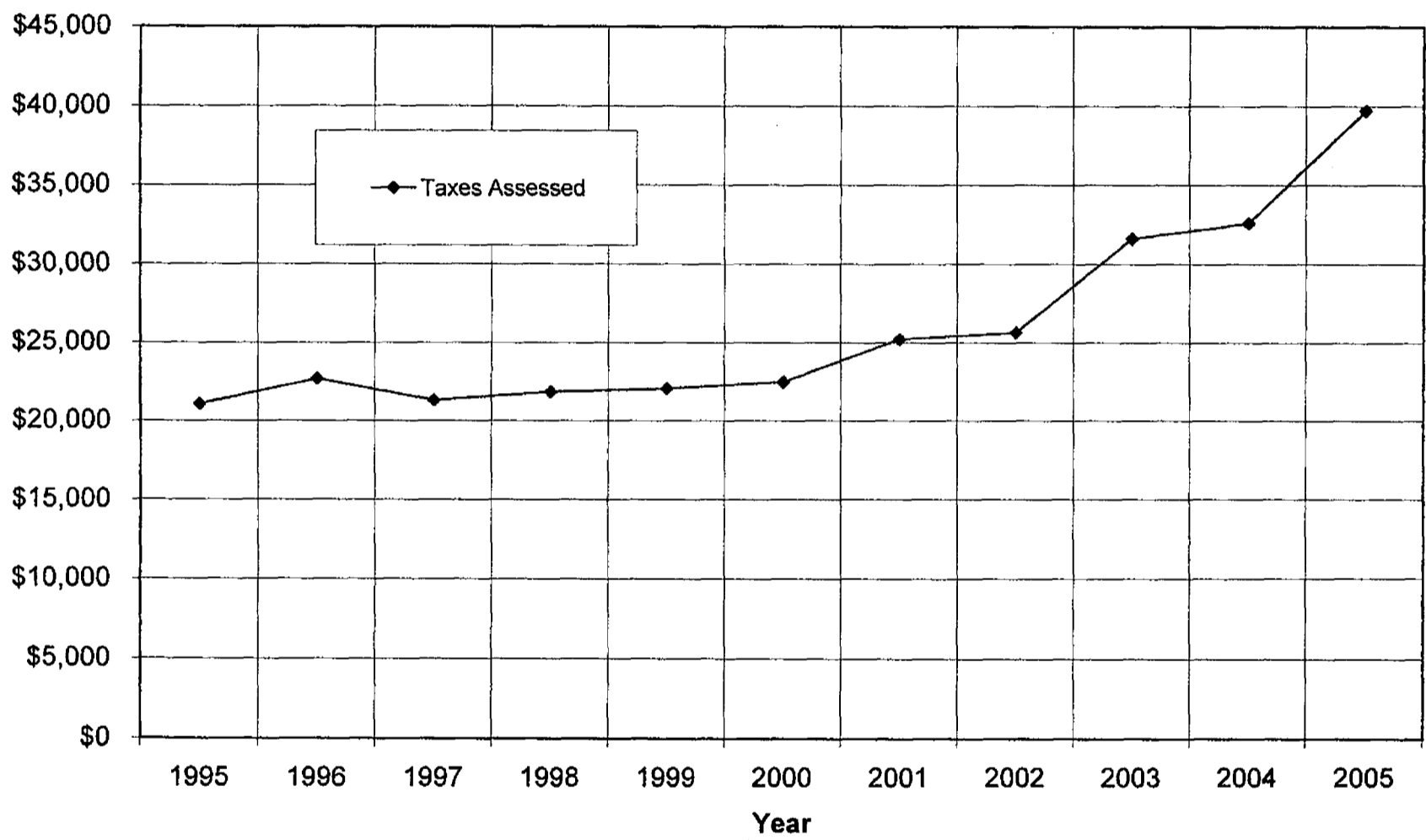
Sportsman Airpark Land Use Master Plan Property Data															
Aron Faegre & Associates															
2/27/06															
Tax Lot	Acres	Zone	Land	\$	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
				Assessed Value	112971	115503	101674	104724	107866	111102	114435	117686	121404	125046	128787
				Taxes Assessed	1209.41	1287.03	1207.67	1239.8	1247.5	1271.31	1344.77	1355.58	1670.2	1646.02	1688.04
Tax Lot 3220DD -															
1900	2.00	LI	County	Improvement Value	188033	188033	204310	204310	329200	329200	329200	441128	392604	412234	428723
55399				Land Value	78408	93306	93306	97038	157050	157050	157050	201798	219960	219960	215561
				Real Market Value	266441	281339	297616	301348	511000	511000	511000	642926	612564	632194	644284
				Assessed Value	266441	281339	253144	260736	288561	276618	284916	293464	302268	311336	320676
				Taxes Assessed	2852.41	3134.87	3008.79	3086.81	3105.96	3165.26	3348.16	3375.11	4158.38	1098.23	4202.84
Tax Lot 3221 -															
1702	2.37	M2	City	Improvement Value	0	0	0	0	0	0	0	0	0	0	0
517714				Land Value	78023	80274	84918	85983	145802	145802	145802	161840	176406	176406	172878
				Real Market Value	78023	80274	84918	85983	145802	145802	145802	161840	176406	176406	172878
				Assessed Value	120487	132419	127008	130386	131197	133702	141428	145671	150041	154542	159178
				Taxes Assessed	1933	2125	2038	2092	2105	2145	2269.18	2337.92	2717.53	2701.03	2767.16
Total Acres															
124.62															
Sportsman Airpark															
Airport District															
Year															
1995															
1996															
1997															
1998															
1999															
2000															
2001															
2002															
2003															
2004															
2005															
Improvement Value					\$540,682	\$1,151,524	\$1,118,930	\$1,121,488	\$1,582,177	\$1,715,687	\$1,891,592	\$2,136,855	\$2,113,115	\$2,484,623	\$2,538,176
Land Value					\$741,324	\$818,531	\$1,522,735	\$1,891,501	\$2,479,547	\$2,705,875	\$2,574,557	\$3,274,989	\$3,141,412	\$2,969,573	\$3,486,619
Real Market Value					\$1,907,016	\$1,970,055	\$3,641,665	\$3,238,147	\$4,066,474	\$4,446,312	\$4,490,899	\$5,111,645	\$5,254,527	\$5,407,196	\$6,024,795
Assessed Value					\$1,970,222	\$2,041,814	\$1,817,800	\$1,877,087	\$1,931,905	\$1,990,107	\$2,176,684	\$2,257,695	\$2,341,147	\$2,868,130	\$2,856,339
Taxes Assessed					\$21,091	\$22,695	\$21,326	\$21,856	\$22,074	\$22,495	\$25,220	\$25,635	\$31,606	\$32,577	\$39,722
Existing Industrial															
Current Improvements Value of Industrial Lands 300, 302, 303, 304, 305, 1702, 1900															
\$2,213,778															
Current Taxes from these lands and improvements															
\$20,349															
Acreage of these Industrial Lands															
72.77															
Acreage of developable portion of Industrial Lands															
8.71 15.58 5.37 29.66															
Current Residential															
Current Improvements Value of Residential Lands 1101, 1300, 1400, 1500, 1600															
\$324,398															
Current Taxes from these lands and improvements															
\$8,787															
Acreage of these Residential Lands															
51.85															
Acreage of developable portion of Residential Lands															
30.23 4.02 34.25															
Existing Industrial Bldg Data															
Tax Lot Site Acres Bldg Area Imp Value % Cover Imp Value Total Area Check															
300 8.71 49914 \$1,785,055 13.2% \$35.76 Total Developable Area															
1900 2.00 18319 \$428,723 21.0% \$23.40 63.91															
Industrial Developable Areas 8.71 15.58 5.37 29.66															
Residential Developable Areas 30.23 4.02 34.25															
Total 63.91															
Estimated Values Screened =															

Sportsman Airpark Land Use Master Plan						
Aron Faegre & Associates						
2/27/06						
Potential Future Values of Land & Improvements in Airport District						
Potential Future Values of Taxes in Airport District						
Year	2005	2010	2015	2020	2025	2030
% Vacant Airport Industrial Land Developed	0%	25%	50%	75%	100%	100%
Additional Airport Industrial Developed Land (acres)	0	7.415	14.83	22.245	29.66	29.66
Additional Improvement Value (2006 dollars)	\$0	\$12,112,403	\$24,224,805	\$36,337,208	\$48,449,610	\$48,449,610
Potential Industrial District Total Real Market Value (2006 dollars)	\$4,995,868	\$17,108,269	\$28,220,671	\$41,333,074	\$53,445,476	\$53,445,476
Potential Industrial District Total Assessed Value (2006 dollars)	\$2,451,448	\$8,394,948	\$14,338,448	\$20,281,948	\$26,225,448	\$26,225,448
Potential Annual Industrial Tax Revenues (2006 dollars)	\$42,816	\$145,938	\$249,280	\$352,583	\$455,905	\$455,905
Potential Airport Infrastructure Annual Fund Available from Industrial	\$4,282	\$14,594	\$24,928	\$35,258	\$45,590	\$45,590
Available Developable Airport Industrial Land	29.66					
Improvement value (2006 dollars per sf)	\$75					
Probable lot coverage	60%					
Current City tax rate as % of assessed value	1.74%					
Current assessed value as % of market value	49%					
Current Airport Industrial Real Market Value	\$4,995,868					
Current Airport Industrial District Taxes Assessed	\$30,935					
Potential Tax Increment for Airport Infrastructure Fund	10%					
Year	2005	2010	2015	2020	2025	2030
% Vacant Airport Residential Land Developed	0%	20%	33%	33%	33%	33%
Additional Airport Residential Developed Land (acres)	0	6.85	11.30	11.30	11.30	11.30
Additional Improvement Value (2006 dollars)	\$0	\$11,189,475	\$18,482,634	\$18,482,634	\$18,482,634	\$18,482,634
Potential Residential District Total Real Market Value (2006 dollars)	\$1,028,929	\$12,218,404	\$19,491,563	\$19,491,563	\$19,491,563	\$19,491,563
Potential Residential District Total Assessed Value (2006 dollars)	\$504,891	\$5,995,514	\$9,564,420	\$9,564,420	\$9,564,420	\$9,564,420
Potential Annual Residential Tax Revenues (2006 dollars)	\$8,777	\$104,226	\$166,268	\$166,268	\$166,268	\$166,268
Potential Airport Infrastructure Annual Fund Available From Residential	\$878	\$10,423	\$16,627	\$16,627	\$16,627	\$16,627
Available Developable Airport Residential Land	34.25					
Improvement value (2006 dollars per sf)	\$125					
Probable lot coverage	33%					
Current City tax rate as % of assessed value	1.74%					
Current assessed value as % of market value	49%					
Current Airport Residential Real Market Value	\$1,028,929					
Current Airport Residential District Taxes Assessed	\$8,787					
Potential Tax Increment for Airport Infrastructure Fund	10%					
Potential District Total Real Market Value (2006 dollars)	\$6,024,795	\$28,328,673	\$48,712,234	\$60,824,638	\$72,937,039	\$72,937,039
Potential District Total Assessed Value (2006 dollars)	\$2,958,339	\$14,390,462	\$23,902,867	\$29,848,367	\$35,789,867	\$35,789,867
Potential Annual Tax Revenues Available (2006 dollars)	\$51,393	\$250,165	\$415,529	\$518,851	\$622,173	\$622,173
Potential Airport Infrastructure Annual Fund Available	\$5,139	\$25,016	\$41,553	\$51,885	\$62,217	\$62,217

Sportsman Airpark, Newberg, Oregon Existing Values of Land & Improvements in Airport District

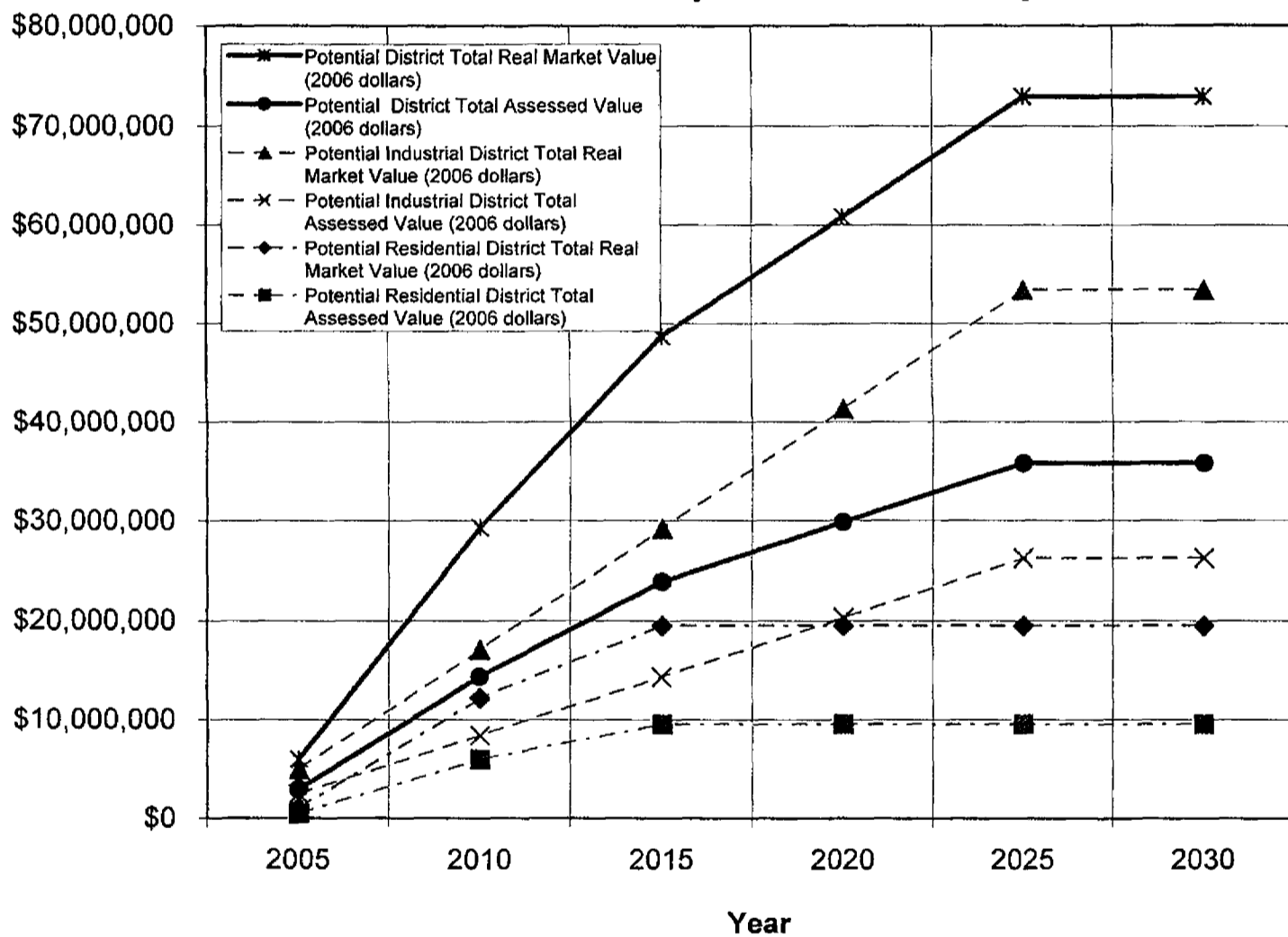


Sportsman Airpark, Newberg, Oregon Existing Taxes from Land & Improvements in Airport District

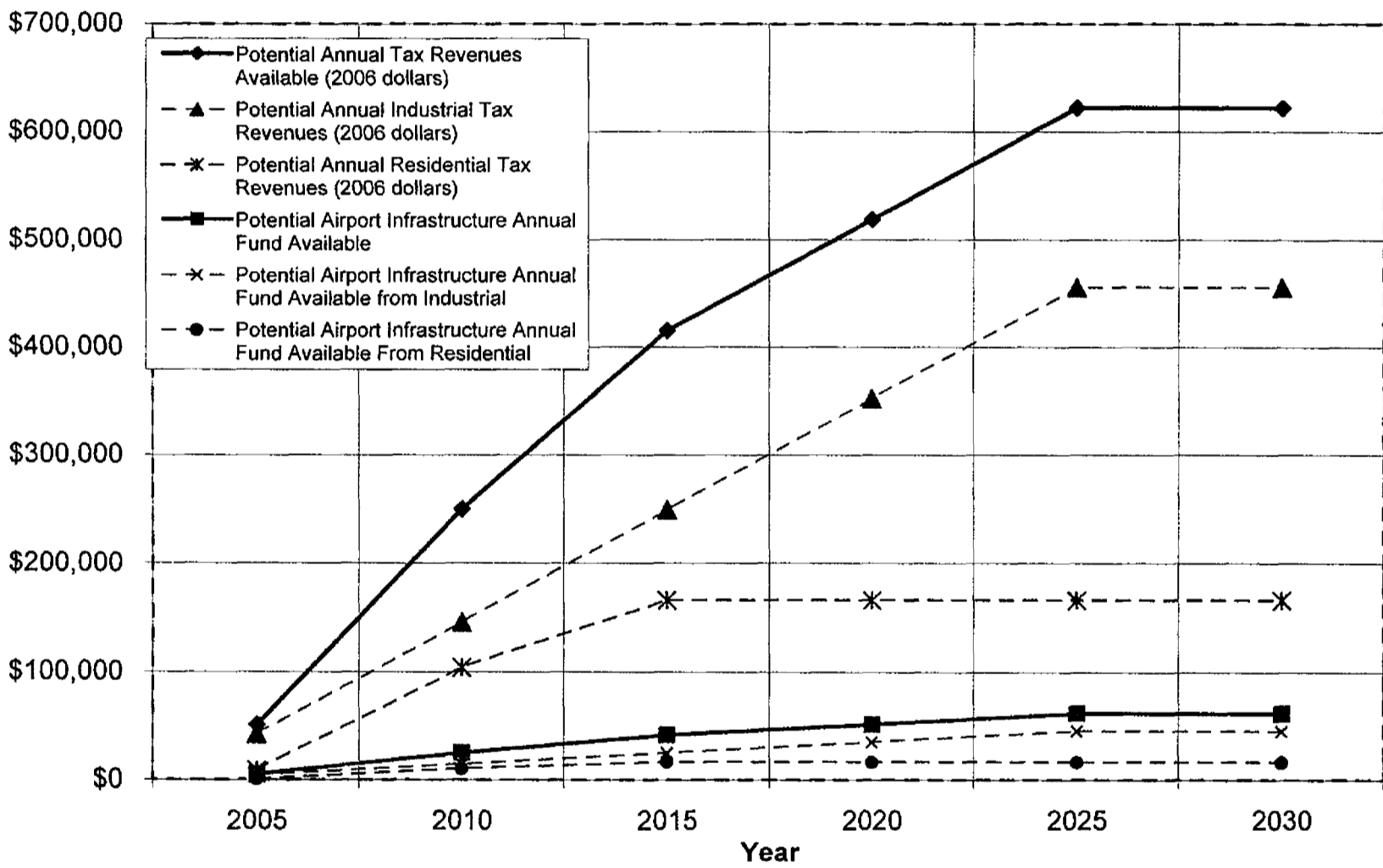


Sportsman Airpark, Newberg, Oregon

Potential Future Values of Land & Improvements in Airport District



Sportsman Airpark, Newberg, Oregon Potential Future Values of Taxes in Airport District



Appendix D: FAA Correspondence and Airport Ownership Issues

Attached is the following information:

- Meeting with FAA Seattle Airports District Office, October 14, 2005, memo
- E-mail Discussion with FAA staff; October 24 & 19, 2005
- Letter from Airport Owner presenting ownership proposal
- Telephone discussion with FAA Headquarters Staff; April 15, 2005, memo
- FAA Airport Improvement Program Handbook, Chapter 7 Land Acquisition Projects
- FAA Airport Development Rights Pilot Program; August 17, 2004

PROJECT MEMORANDUM
SPORTSMAN AIRPARK

Meeting with FAA Seattle Airports District Office

October 14, 2005

This memo summarizes a meeting held from 2 to 4pm on October 14, 2005 at the FAA Seattle Airports District Office in Renton, Washington to discuss the potential for the FAA to assist in the future preservation, maintenance and/or development of Sportsman Airpark in Newberg, Oregon.

Attending were Wade Bryant, Bill Watson, Don Larson, David Roberts, Trang Tran (FAA Seattle Airports District Office), Dave Beam, Economic Development Coordinator, and Barton Brierley, Manager of Planning (City of Newberg), Jerry Dale (airport owner), and Aron Faegre (planning consultant).

The following issues were discussed:

1. Interest in Public Ownership: The City of Newberg has interest in preserving the airport so that it can serve as an important economic development and transportation element of the city's infrastructure. Without some form of public ownership or protection, the airport's land value for other uses (like a shopping mall) may lead to its demise, as is happening at many other privately owned airports around the US (such as Evergreen Airport in Vancouver, Washington). In this regard the City of Newberg would consider the possibility of taking ownership of the airport under an AIP grant or being the sponsor under the FAA's model program for purchase of airport development rights (Program Guidance Letter 04-5). The City likes that the airport is within its urban growth boundary.
2. Site Selection Study/Minimum Standards Required: The FAA would require that prior to funding the acquisition of Sportsman Airpark that a site selection study be performed to determine that such action would be the most cost effective way for the city to get an airport. The FAA funded and Don Larson managed just such a study of Sportsman Airpark 15 years ago (Airport Site Selection Study prepared for City of Newberg, March 1990) because of similar city interest. The study determined that it was very expensive to bring Sportsman Airpark up to some minimum standards acceptable to the FAA. It determined that a new airport out in the surrounding farm land would be less expensive to build. Unfortunately this didn't take into account that in Oregon this is virtually impossible to accomplish due to land use laws that protect farm land from non-agricultural uses such as airports. So the study didn't lead to any positive action as to an airport for Newberg.
3. Minimum Airport Standards for FAA Funding: A plan of the airport prepared by Faegre was reviewed. It appears to indicate that the airport currently has approximately 2400 feet of runway length plus 240 feet of runway safety and object free areas at each end. Bill Watson suggested that if the runway length could be increased to approximately 3000 feet, there would be some hope of the airport being considered eligible for meeting the basic FAA standards necessary for funding consideration. Don Larson noted that the airport can use 15:1 clear approaches for defining any displaced thresholds, which in turn is a factor in determining runway length. Through working with the City and neighbors, Dale has been eliminating tree

obstructions at both ends of the runway. The FAA had previously funded a photo obstruction survey of the airport (which Don Larson pulled out of his file for review by all present), and was pleased to know that this work was proceeding.

4. There is Some Potential for Meeting FAA Standards: Jerry Dale noted that ODOT's Newberg-Dundee Bypass road project is occurring at properties to the south of the runway, and there is a good possibility that the runway can be extended as part of that work. ODOT has gone on record as wanting the airport to stay, because it does not want the airport property to be developed for more intensive uses like a shopping mall, since that would create more auto and truck traffic not included in their plan. Dale, Beam, Brierley, and Faegre will do some analysis of this, including meeting with ODOT, to determine whether there is any hope in meeting these minimum criteria. That will be an initial element to determine whether the purchase option is realistic to even consider any further with a site selection study.
5. Funding Difficulty for Airport Development Rights Projects: A potential difficulty in using the airport development rights model program is that it may require that the funds come from the "state apportionment" portion in a one year period. Since Oregon only gets \$5.4 million how could this one project justify taking a large portion of that fund. Bryant agreed to contact headquarters and tell them that he may have an airport that would fit well with program if we can get some flexibility of how the funding works. He will advocate for Sportsman being in the program and will argue the case for creating some flexibility to make it work.
6. Long Term Responsibility for an Airport Development Rights Project: An additional important issue is that the development rights are "for ever." The City would need to realize that although the ownership would remain with Jerry Dale, some future responsibility would sit with the City should he not be able to keep the airport open. Faegre asked Bryant to try to find out the State agency (believed to be New Jersey?) that has already run this program on the state level. The state program has apparently been a great success, and it was on that basis that the federal program was initiated. It is believed that to date there are no airports yet in the FAA model program. The state agency may have answers to these kind of practical issues.
7. Next Steps: The City of Newberg will investigate the potential for extending the runway so that it can meet some minimum FAA airport standards and report back on its findings. That will determine whether the City purchase of the airport is worth studying in more detail. The City is most interested in options where the FAA will continue having involvement with the airport. As to the development rights option, The FAA will contact headquarters and attempt to find some flexibility for Sportsman Airpark to be accepted into the program and funded under other sources.

cc: Wade Bryant, Bill Watson, Don Larson (FAA), David Beam, Barton Brierley (City of Newberg), Jerry Dale (Sportsman Airpark).

Aron Faegre

From: Bill.Watson@faa.gov
Sent: Monday, October 24, 2005 6:49 AM
To: faegre@onemain.com
Cc: Don.Larson@faa.gov; Wade.Bryant@faa.gov; Trang.Tran@faa.gov; Dave.Roberts@faa.gov
Subject: Fw: Sportsman Airpark - Newberg

See response from Warren below.

Bill Watson
Seattle ADO
425-227-2658

----- Forwarded by Bill Watson/ANM/FAA on 10/24/2005 06:48 AM -----

Warren
Ferrell/ANM/FAA

10/21/2005 09:56
AM

Bill Watson/ANM/FAA@FAA

Don Larson/ANM/FAA@FAA, Wade
Bryant/ANM/FAA@FAA

Subject
Re: Fw: Sportsman Airpark - Newberg
(Document link: Bill Watson)

To

cc

Bill:

I have no idea who to contact within the State of New Jersey. However, I have found a website that Mr. Faegre can check to see where it leads.
<http://www.state.nj.us/transportation/commuter/aviation/>

The PGL 04-5.1 has Rick Etter, (202) 267-8773, as the subject matter specialist.

I have checked with my counterparts in the other regions, and, to date, no one has participated in the is program. There is a suspicion that the release of purchase rights and covenants may be too restrictive.

With respect to contacting their Congressional delegation, we have no problem with that.

Warren

Bill
Watson/ANM/FAA

10/21/2005 08:28

Warren Ferrell/ANM/FAA@FAA

To

AM

Don Larson/ANM/FAA@FAA, Wade
Bryant/ANM/FAA@FAA

cc

Subject
Fw: Sportsman Airpark - Newberg

Aron Faegre has more questions on the PGL on buying development rights at private airports. Could you please answer this questions. You can reply directly to him with a cc to myself and Don if you like.

Thanks.

Bill Watson
Seattle ADO
425-227-2658

----- Forwarded by Bill Watson/ANM/FAA on 10/21/2005 08:26 AM -----

"Aron Faegre"
<faegre@onemain.com>

10/21/2005 08:22
AM

Bill Watson/ANM/FAA@FAA

"David Beam"
<david.beam@ci.newberg.or.us>,
"\"Jerry Dale\""
<jerry@sportsmanairpark.com>

Subject
RE: Sportsman Airpark - Newberg

To

cc

Bill

Can you tell me who at headquarters is the expert on this program, now that Mark Beisse is gone? We can try to have one of our Senators check into the issue of changing the law.

Also, can you tell me who in New Jersey is the person who developed the program at the state level?

However, I think the City's first choice will be to try to get the runway extended to meet the minimum standards you described to us at the meeting.

Thanks for your help.

Aron

-----Original Message-----

From: Bill.Watson@faa.gov [mailto:Bill.Watson@faa.gov]
Sent: Wednesday, October 19, 2005 7:07 AM
To: Aron Faegre
Cc: Don.Larson@faa.gov; Wade.Bryant@faa.gov
Subject: RE: Sportsman Airpark - Newberg

Aron Faegre

From: Bill.Watson@faa.gov
Sent: Wednesday, October 19, 2005 7:07 AM
To: Aron Faegre
Cc: Don.Larson@faa.gov; Wade.Bryant@faa.gov
Subject: RE: Sportsman Airpark - Newberg



FAA 10-14b-05.doc
(37 KB)

I had Warren Ferrell in our Regional Office look into the headquarters PGL for buying development rights. He found out that the use of non primary entitlements and state apportionment only is specifically called out in the law. Therefore, FAA headquarters does not have the authority to change this to use discretionary money to purchase the development rights under the pilot program at Newburg. Congress would have to change the law.

Bill Watson
Seattle ADO
425-227-2658

"Aron Faegre"
<faegre@onemain.com>

10/18/2005 09:59
PM

Wade Bryant/ANM/FAA@FAA

Don Larson/ANM/FAA@FAA, Bill
Watson/ANM/FAA@FAA

RE: Sportsman Airpark - Newberg

To

cc

Subject

Wade

Here are some minutes of our meeting. Let me know if you wish to add or revise anything.

Aron

-----Original Message-----

From: Aron Faegre [mailto:faegre@onemain.com]
Sent: Thursday, October 13, 2005 7:40 PM
To: 'Wade.Bryant@faa.gov'
Cc: 'Sheila.DeWitt@faa.gov'; 'Renee.Hall@faa.gov'; 'Paul.Johnson@faa.gov';
'Carol.Key@faa.gov'; 'Don.Larson@faa.gov'; 'Suzanne.Lee-Pang@faa.gov';
'Karen.Miles@faa.gov'; 'Cayla.Morgan@faa.gov'; 'Bev.Newkirk@faa.gov';
'Dave.Roberts@faa.gov'; 'Sandy.Simmons@faa.gov'; 'Trang.Tran@faa.gov';

'Mary.Vargas@faa.gov'; 'Bill.Watson@faa.gov'; 'Jeff.Winter@faa.gov'
Subject: RE: Sportsman Airpark - Newberg

Wade

Here is a proposed agenda:

Sportsman Airpark (Newberg, Oregon) Discussion

2pm meeting in Renton with FAA Seattle Airports staff, City of Newberg staff (David Bean and Barton Brierley), airport owner (Jerry Dale), and Aron Faegre.

1. Sportsman Airpark is being offered for sale to City of Newberg
2. City of Newberg has some interest in taking ownership
3. Review AF memo of discussion with Beisse at FAA HQ concerning 2 options
 - a) Outright Purchase of Land per AIP Handbook Section 708
 - b) Airport Development Rights Program (Program Guidance Letter 04-5)
4. Review existing airport configuration drawing
5. Ask for Seattle Airports Staff support in considering this idea and assisting in funding it
6. Establish next steps

I'll call in morning to confirm our meeting plans. We hope to fly up but weather is a bit uncertain.

Aron Faegre

-----Original Message-----

From: Wade.Bryant@faa.gov [mailto:Wade.Bryant@faa.gov]
Sent: Tuesday, September 27, 2005 1:00 PM
To: Aron Faegre
Cc: Wade.Bryant@faa.gov; Sheila.DeWitt@faa.gov; Renee.Hall@faa.gov; Paul.Johnson@faa.gov; Carol.Key@faa.gov; Don.Larson@faa.gov; Suzanne.Lee-Pang@faa.gov; Karen.Miles@faa.gov; Cayla.Morgan@faa.gov; Bev.Newkirk@faa.gov; Dave.Roberts@faa.gov; Sandy.Simmons@faa.gov; Trang.Tran@faa.gov; Mary.Vargas@faa.gov; Bill.Watson@faa.gov; Jeff.Winter@faa.gov
Subject: RE: Sportsman Airpark - Newberg

Aron - good to hear from you - several are out this week but I'll go ahead and schedule you for 10/14 at 2:00. An agenda or any thoughts you can provide us before the meeting would be helpful. Thanks Wade

"Aron Faegre"
<faegre@onemain.com>

09/27/2005 10:24 AM

Wade Bryant/ANM/FAA@FAA

Bill Watson/ANM/FAA@FAA, Don Larson/ANM/FAA@FAA

Subject
RE: Sportsman Airpark - Newberg

To

cc

Wade

How about if we come up for a meeting with you in your office at 2pm on Friday October 14th?

Aron

-----Original Message-----

From: Wade.Bryant@faa.gov [mailto:Wade.Bryant@faa.gov]
Sent: Monday, September 19, 2005 7:52 AM
To: Aron Faegre
Cc: Bill.watson@faa.gov; don.larson@faa.gov
Subject: Re: Sportsman Airpark - Newberg

The last 4 days of FY 05 will not work for us and the first week of Oct. we will be at the OAMA, WAMA, IAMA conference in Cour d Alene. We could try for some time that will work for you after the first week in Oct. Wade

"Aron Faegre"
<faegre@onemain.com>

09/18/2005 12:53 PM

Don Larson/ANM/FAA@FAA, Bill
Watson/ANM/FAA@FAA, Wade
Bryant/ANM/FAA@FAA

To

cc

Subject

Sportsman Airpark - Newberg

Don, Bill, and Wade,

I had called several times in the past few months to ask whether we could meet with you to discuss the possibility of the City of Newberg becoming the owner of Sportsman Airpark in Newberg. I copied you on a memo from a telephone discussion with Mark Beisse as to two possible scenarios for that.

You had mentioned that you wanted to find the 15 year old report funded by FAA about Sportsman before the meeting. I did find a copy, and made a copy for you and sent it up a month ago with a request for a meeting.

Could we come up to meet with you on any of the following dates (times reflect departing Newberg, probably by small aircraft):

Monday, Sept. 26 - after 11 am

Tuesday, Sept. 27 - all day
Thursday, Sept. 29 - after 10:30
Friday, Sept. 30 - all day

Thanks

Aron Faegre
503-222-2546
503-880-1469 cell

(See attached file: FAA 10-14b-05.doc)

Concepts for City Ownership of Sportsman Airpark

Current owners will agree to sell runway/taxiway system, to include an area approximately 400 feet wide centered on the runway, to the City of Newberg.

City would apply for FAA funding for the purchase and improvements to runway (repaving, east side taxiway, lighting (including PAPI {Precision Approach Path Indicator}), 219-2nd St. safety improvements).

FAA guidelines require that purchase price be determined by a professional appraisal. The FAA currently requires that an airport sponsor pay a 5% match for any grants received. Current owners would agree to discount the price by 5% from the appraised value to cover the match.

Sportsman Airpark, Inc. would agree to manage the airport and perform routine maintenance of the airport for a period of 5 years. It would do this in lieu of payment of access fees to the runway.

To do more than routine maintenance, there are funds available from the State Department of Aviation for projects. Two current sources are "Financial Aid to Municipalities" or "FAM Grants". These are small grants of up to \$25,000 available for a wide range of purposes. The other is the "Pavement Maintenance Program", which is funded by 3 cents of the 9 cents per gallon state aviation gas tax. These programs are available to municipalities but not to private owners.

This is a conceptual plan and is, of course, open to some modification. I believe that it is a workable plan that would benefit all by creating an improved facility to serve the public into the future.

Jerry Dale



President,
Sportsman Airpark, Inc.

See 707
708 esp.

Airport Improvement Program Handbook
FAA Order 5100.38B, Change 1

January 8, 2004

Airport Improvement Program Handbook



January 8, 2004

DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

Chapter 7. Land Acquisition Projects

Section 1. Land Acquisition

700. General.

a. The acquisition of any interest in land is eligible when it is necessary for airport purposes, provided the land was acquired after the date of enactment of the Federal Airport Act, May 13, 1946. For reimbursement of land costs, see paragraph 310a(4).

(1) The cost of all real property acquired for AIP purposes shall be supported by a real estate appraisal and accepted settlement justification in accordance with Order 5100.37A, Land Acquisition and Relocation Assistance for Airport Projects, and in Advisory Circular 150/5100-17, Land Acquisition and Relocation Assistance for Airport Improvement Program Assisted Projects. These documents contain detailed coverage of the appraisal and acquisition of real property, and are expected to be used as complimentary guidance to Order 5100-38, Airport Improvement Program Handbook.

(2) The term "airport purposes", as used herein, refers to all aviation activities normally found on an airport. Although many infrastructure and construction elements are not eligible for AIP, the land they occupy would be eligible for acquisition.

(3) The term "necessary", as used above, is relative and need not be so narrowly applied as to limit land acquisition to the minimum presently required for the airport. The acquisition of any interest in land if it is necessary for future as well as current airport development purposes shall be encouraged based on reasonable projections contained in the latest airport master plan but, not to exceed 20 years of aeronautical need as determined by the FAA Airports Office.

b. The approved ALP serves as a primary basis for determining the areas of land necessary for the airport. Generally, land necessary for airport purposes includes the building areas, landing area, runway protection zones, approach areas, areas for noise compatibility, and offsite areas required for airport utilities, such as sanitary sewers, storm drainage, electrical power, and obstruction lighting facilities.

c. Eligible land acquisition will normally be fee simple; however, some lesser interest may be acquired if that interest is legally sufficient for the purpose of the grant. However, when the cost of a lesser interest approaches the cost of a fee simple interest, the acquisition in fee simple is encouraged. It may also include extinguishment of easements or other interests in land held by others, such as mineral rights, which interfere with or might adversely affect the development or operation of the airport.

d. Existing property lines and boundaries created by nature such as rivers and manmade development (highways, railroads, etc.) should be recognized in delineating areas of land to be acquired. There will be instances where it is prudent for a sponsor to acquire an entire parcel of land rather than a specific portion that is the minimum needed for airport projects, (such as where the entire parcel can be purchased for approximately the same price as the portion required for airport purposes). This excess land should be treated in accordance with Paragraph 702 of this Order.

e. Where a partial acquisition would leave the owner with an uneconomic remnant (defined at Title 49 CFR, Part 24.2 [1]), as required under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act) the airport owner shall offer to purchase the remnant parcel in addition to the property needed. Uneconomic remnants may be incorporated into airport property as feasible, or disposed of in accordance with Paragraph 702 of this Order.

701. Land Acquisition for Current Airport Development.

The acquisition of land or any interest in land for current airport development is eligible when necessary for:

a. **Airside Development.** Runways, taxiways, associated safety areas, ramps, aprons, and the land adjacent to these facilities required by current standards for separation and clearance. In addition, land for ultra light operations at an existing airport is eligible when necessary for safety or capacity purposes and if the airport itself is eligible to receive grant funding.

b. **Protection of The Airport Approach Area.** The approach zones (including runway protection zone), horizontal, conical, and transitional zones at airports required to convey a right of flight. This also includes the right to remove existing obstructions and to restrict the establishment of future obstructions (See Chapter 5, Section 9). As used in this paragraph, zone means land lying under the appropriate Part 77 surface.

(1) **Runway Protection Zone (RPZ).** The sponsor should be strongly encouraged to acquire fee title to all land within the RPZ, with first priority given to land within the Object Free Area. See Paragraph 581. If the fee title acquisition is impracticable, an aviation easement is required. This easement must convey the right of flight with inherent noise and vibration below the approach surface, the right to remove existing obstructions, and a restriction against the establishment of future obstructions. Alternatively, for existing runways the RPZ may be subject to written agreements (rather than an easement) with a public agency, e.g. a State highway division, to control the use of land. The grant agreement must contain the special condition in Appendix 7, Paragraph J which obligates the sponsor to protect the runway protection zone.

(2) **Approach and Transitional Zones.** Land interest is eligible when acquisition is necessary to restrict the use of land in the approach and the transitional zones (the dimensions as cited in the applicable AC's) to activities and purposes compatible with normal airport operations as well as to meet current and

anticipated development at the airport. Unless there is a need for the land for future development or noise compatibility purposes, sponsors should be encouraged to acquire the minimum property interest necessary to ensure safe aeronautical use. For approach zones, except for noise compatibility, fee simple acquisition beyond 5000 feet from the end of the existing or proposed primary surface will not normally be eligible.

(3) Protection of Horizontal and Conical Surfaces. Normally zoning will be adequate to provide the necessary rights and protection above the entire horizontal and conical surface. In any case, where an easement or fee title acquisition is needed to provide such rights, special justification should be included in the project file to document such need.

c. Landside Development. Items include airport terminal and administrative buildings; hangars; equipment buildings; fixed base operator buildings; and other airport buildings needed in connection with the operation and maintenance of the airport. The building area also includes the tie-down area, transient parking apron, automobile parking, access roads, and walks. Land acquisition specifically for development of industrial or nonaeronautical commercial building areas is ineligible.

d. Navigational Aid Facilities. Land may be acquired for the installation, operation, and maintenance of a Sponsor owned navigational aid or another aid (including a precision approach system) used by aircraft for landing at or taking off from the airport, whether located within or outside of the airport boundary. Also, a relocation site may be acquired for an air traffic control tower and any NAVAIDs (including radar) if the relocation is required by eligible airport development and if the sponsor is responsible for such relocation. (See Paragraph 305.)

e. Installation of Airport Utilities. Right-of-way for drainage, sanitary sewers, storm water runoff, utility lines, etc., that are located outside the airport boundary.

f. Mitigation of Airspace Conflicts. The resolution of a conflict caused by the proximity of two or more airports, which cannot be resolved by an acceptable operational or design alternative. Allowable costs for resolving such conflicts are limited to the lesser of the following:

(1) The appraised value of acquisition of any easement or of placing a restrictive covenant on the property necessary to permit full development and use of facilities eligible for AIP grants-in-aid. The value of the easement or restriction must be based on appraisals using the Before-and-After Method as described in Paragraph 2-21, Order 5100.37A.

(2) An amount equal to the difference in cost between fee simple acquisition of the property and the resale of the property at full market value after imposition of appropriate restrictions to allow airport development. If this method is used, the sponsor should be cautioned that the Uniform Act may apply, depending upon the sponsor's acquisition techniques. Also, the grant may not include any provision for directly paying sponsor costs of fee simple acquisition.

702. Treatment of Unneeded Real Property.

Normally, AIP funds may be used to pay the Federal share of the cost of acquiring only such land as is needed for airport or noise compatibility purposes. However, where the sponsor must acquire a tract of land in excess of airport needs and where the land or improvements will be immediately disposed of, the grant may be based on the full value of the parcel, including that part which is excess. The net proceeds from the sale shall be deducted from the grant amount before project closeout. In those cases in which the sponsor does not intend to sell the excess property immediately after acquisition, the amount of the purchase price attributable to such property shall not be included in the grant. If, after having originally selected the option of immediate disposal, the sponsor elects after grant award to retain any property for nonaeronautical purposes, the amount attributable to that property retained shall be deducted from the grant.

703. Retention of Excess Land for Noise Purposes.

Where the sponsor must acquire a tract of land for airport development and a portion of the tract is in excess of airport development needs and that portion is to be retained for noise purposes, the excess land must meet the requirements contained in Chapter 8, Section 2.

704. Relocation and Real Property Acquisition Assurances.

For projects that involve the acquisition of real property or which result in the relocation of any person or business, the sponsor must satisfy certain requirements of the Uniform Act and the implementing DOT regulations contained in Title 49 CFR, Part 24. Information on these requirements is contained in Order 5100.37A, Land Acquisition and Relocation Assistance for Airport Projects, and in Advisory Circular 150/5100-17, Land Acquisition and Relocation Assistance for Airport Improvement Program Assisted Projects. These assurances are required both for all FAA assisted projects and programs where acquisition or relocation is required or contemplated, and for projects to reimburse the sponsor for prior acquisition or relocation.

705. Land Acquisition for Future Airport Development.

a. General. Acquisition of land for future airport development is eligible if it is based on reasonable projections of aeronautical need as determined by the FAA Airports Office. "Future development" is considered to be the development of a facility more than 5 years after acquisition. A sponsor may consider such land acquisition in planning a new airport or in the orderly development of an existing airport. Justification for use of current AIP funding for long term land needs must be documented, taking into consideration such factors as rising land costs, encroachment on available land by incompatible uses and development, and the probable unavailability of land for airport use in the future. The property acquisition must conform to Uniform Act requirements and persons displaced shall be provided relocation assistance and payments as prescribed. The acquisition of land for future airport development must meet the requirements of the National Environmental Policy Act (NEPA) of 1969, as implemented by the current versions of FAA Orders 1050.1 and 5050.4.

b. Requirements. No project to acquire land for future development of a proposed airport shall be approved unless the following requirements have been satisfied:

- (1) There is a valid aeronautical need for the land;
- (2) The site selected has been approved by the FAA;
- (3) Airspace clearance for the site has been granted;
- (4) There is an approved airport layout plan; and
- (5) Environmental concerns have been identified and addressed in accordance with NEPA.

c. Special Conditions. The grant document shall include the special conditions specifically drafted for projects that include land as contained in Appendix 7, Paragraph K.

d. Land Banking and Purchase of Land Options. Studies of the concepts of "Land Banking" and "Purchase of Land Options" were conducted to determine if there were conditions and procedures that enabled acquisition of land needed for future airport development in the current time frame. The 1977 study of land banking assesses the potential to ensure the future availability of land for airport development. A study of the purchase of land options was completed in 1997. That study summarized some of the findings and conclusions of the land banking study. It then evaluated the concept of purchase of land options as used in the private sector with a view toward adapting the concept to Federal projects. It provides a comprehensive overview of the use of land options, with an emphasis on terminology used in the commercial real estate arena. The study also summarizes Federal experience with advance purchase of land for future development. The study concludes that the concept of purchase of land options may have limited usefulness in the Federal sector. The study is available on the APP-500 web site at the following address:

<http://www.faa.gov/arp/500home.htm>. The report, Land Options Used in Federally Funded Airport Projects, is listed near the bottom of the page and is available for viewing and downloading in both HTML and PDF.

706. Land Acquisition for Noise Compatibility.

a. General. The acquisition of, or interest in, land to ensure that such land is used only for purposes compatible with the noise level of the airport is eligible provided:

(1) It is a noise compatibility program measure approved by the FAA pursuant to FAR Part 150;

(2) It is reimbursement for noise land acquired through FY 1986 or it was a noise compatibility project included in a multi-year grant that was entered into prior to FY 1987. In either of these cases, the project must have been an element of a noise compatibility program determined by the FAA to be substantially consistent with the purposes of reducing existing noncompatible land uses and preventing the introduction of additional noncompatible land uses under Title 49 U.S.C., Section 47504(c)(2)(c).

(3) It is required as a mitigation measure in an environmental document for airport development upon which approval of the project is conditioned.

b. Areas below DNL 65 dB. Airport sponsors may determine that local circumstances warrant land acquisition for noise compatibility, including noise buffers, in areas of moderate noise exposure (i.e., either between DNL 65-60 dB or between DNL 65-55 dB). Such acquisition is eligible when supported by appropriate documentation from the sponsor and approved in a Part 150 program or FAA environmental document. Contact APP-600 for assistance in advising sponsors on documentation. The funding priority for land outside DNL 65 dB is lower than for land subject to significant levels of noise exposure.

c. AIP/PFC Program Disparity. PFC eligibility differs from AIP eligibility. To be eligible for PFC, a noise mitigation project must be located in an area adversely impacted by noise and the proposed mitigation must be eligible for approval as a noise compatibility measure under Part 150 if it were so submitted. However, PFC funded projects do not have to be submitted to FAA in a Part 150 program and do not have to receive Part 150 approval. Where a project is not in an approved Part 150 program, FAA requires a sponsor to provide documentation demonstrating that the project will accomplish a noise mitigation purpose that would be eligible for approval under Part 150. The eligibility of the proposed noise project must be supported by noise contours that could be prepared in conjunction with a Part 150 study, environmental document, or other suitable planning analysis. Noise mitigation in areas of moderate noise exposure below DNL 65 dB is also eligible, as with AIP.

707. Acquisition of a Private Airport by a Public Sponsor.

a. General. The acquisition of a private airport by a public sponsor will normally include acquisition of lands already developed as a privately owned airport and of all structures, fixtures, and improvements constituting a part of the realty. A public sponsor, when purchasing an existing privately owned airport, normally acquires all land owned and used for the airport. To do otherwise would encourage "through the fence operations."

b. Highest and Best Use - As an Airport. The value of structures, lands, or other development, which would be ineligible for inclusion in a construction or land acquisition project under the AIP, may not be included in the grant amount when the appraisal is based on the highest and best use as an airport.

c. Highest and Best Use - Other than an Airport. If the basis of an appraisal is the highest and best use other than as an airport, the grant may be based on the entire appraised estimate of value.

d. Legal Review. A legal review shall be made of the agreement of sale to ensure that the sponsor can carry out all of the grant obligations. Particular attention should be paid to any on-going agreements with former owners.

708. Land Acquisition at a Privately-Owned Public Use Airport [2].

a. Eligibility of Land. The eligibility of land acquisition at privately owned public use airports is limited to that land necessary for landing areas (including helipads), taxiways, aprons, associated safety areas, and runway protection zones or land necessary to improve safety. A private sponsor can only acquire land needed for AIP eligible development.

b. Ineligibility of Land. The acquisition of land for an entire airport for a private sponsor is ineligible.

c. Full Disclosure. The sponsor must provide full disclosure of any prior interest it may have had in any land proposed for acquisition. Where such interest exists or existed, the FAA Airports Office should contact APP-520 for guidance.

709. Land Acquisition from a State/Local Public Agency.

The FAA Airports Office shall determine that land acquired from another public agency is, in fact, a bona fide sale to the sponsor, and that such land was not transferred merely for the purpose of making the land eligible for Federal Funding. This pertains to purchase from another public agency and not donation. Donated land valuation is covered in Chapter 3.

Section 2. Title and Property Interest

710. Title Requirement.

Title 49 U.S.C., Section 47106(b)(1) states that no project grant application for airport development may be approved by the Secretary until the Secretary is satisfied that the sponsor, a public agency, or the United States Government holds good title to the areas of the airport used or intended to be used for the landing, taking off, or surface maneuvering of aircraft, or gives assurance to the Secretary that good title will be acquired.

711. Title for Landing and Building Areas.

a. General. Title with respect to lands to be used for landing area or building area purposes can be either fee simple title (free and clear of any and all encumbrances), or title with certain rights excepted or reserved. Any encumbered title must not deprive the sponsor of possession or control necessary to carry out all obligations under the grant. A deed containing a reversionary clause, for "so long as the property is being used for airport purposes", does not negate good title provided the other conditions are satisfied. Where rights excepted or reserved would prevent the sponsor from carrying out its obligations under the grant, such rights must be extinguished or subordinated prior to approval of the project.

b. Airport Property Subject to a Mortgage. The existence of a mortgage on the airport property, in and of itself, is not a sufficient reason to render such project ineligible. However, the sponsor's ability to meet the principle and interest payments on the mortgage must be determined prior to the approval of the project.

c. Lease of Aeronautical Land. Privately owned public use airport sponsors that qualify for Federal funding under AIP must own the landing and building areas and may not be a lessee of land for aeronautical purposes. In those instances where the public sponsor's title consists of a long-term lease, such title is satisfactory provided the following conditions are met:

(1) If the landing area is leased, the lessor must be a public agency;

(2) The sponsor has a long-term lease (minimum of 20 years from the date of the grant) to all landing areas and building areas;

(3) The lease contains no provision which prevents the sponsor from assuming any of the obligations

of the grant agreement; and

(4) That consideration for the entire lease is paid in advance. However, this condition may be waived if the sponsor has adequate financial resources to assure future lease payments.

712. Title for Off-Airport Areas.

Property interests required in off-airport areas (See Paragraph 303) must be sufficient to assure that the sponsor will not be deprived of its right to occupy and use such lands for the purposes intended.

713. Determination of Adequate Title.

A certification by a sponsor that it has acquired property interests required for a project may be accepted in lieu of any detailed title evidence (See FAA Order 5100.37A Paragraph 3-13) and need not be submitted to the Regional Counsel unless the regional Airports Division Manager considers legal review necessary. Without such certification, the sponsor's submission of title evidence must be reviewed to determine adequacy of title. The adequacy of such title is an administrative determination made by FAA Airports Office personnel and need not be submitted to Regional Counsel for review unless there is reason to suspect title is not adequate.

714. Title Requirement prior to Notice to Proceed.

Authorization for the sponsor to issue a notice to proceed with construction work should not be given until it has been determined that all required property interests on which construction is to be performed have been or will be acquired in conformance to the Uniform Act and that comparable replacement dwellings have been made available to persons displaced from their homes. The Sponsor Uniform Act Certification and Certification of Title may be accepted in making these determinations and should be provided to the FAA prior to notice to proceed being issued (See Chapter 9 of AC 150/5100-17). See Paragraph 1203 for more information.

715. - 719. Reserved.

Section 3. Land Costs

720. General.

The purchase price or cost of land, including justified administrative settlement amounts (See FAA Order 5100.37 for acceptable criteria) and costs incidental to the acquisition of any property interest necessary for airport purposes including appraisal costs, is allowable provided such costs are necessary and reasonable in amount. Sponsor costs for obtaining title insurance for lands it purchased are not allowable. The sponsor shall maintain adequate documentation to support costs as eligible for Federal reimbursement. A documentation checklist and quality control guidelines are provided in AC 150/5100-17.

721. Relocation Cost.

a. **General.** The cost incurred by the sponsor to meet the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 is eligible for Federal assistance as project costs except that the Federal share of the cost incurred by the sponsor of providing payments and assistance under the Act from January 2, 1971 through June 30, 1972, is 100 percent of the first \$25,000. (See Order 5100.37A.) Also, see Appendix 7 for special conditions for land in projects.

b. Examples of Relocation Costs:

(1) Moving expenses;

(2) Reestablishment expenses;

- (3) Replacement housing payments;
- (4) Rent supplements;
- (5) Down payments;
- (6) Mortgage interest differentials or mortgage buy downs;
- (7) Incidental expenses in connection with the acquisition of replacement housing;
- (8) Advisory services; and
- (9) Preparation of feasibility studies and relocation plans.

722. Reimbursement for Land Previously Acquired.

a. For public sponsors the grant shall be based on the value of the land at the time it was acquired by the sponsor. Where it is necessary to substantiate the reasonableness of cost of land previously acquired, an examination of the facts surrounding the transaction should be made. If the sponsor, at the time of acquisition, did not obtain and use appraisal reports, a historical appraisal shall be prepared. For private reliever sponsors AIP funds may be used to reimburse at the current fair market value for land acquired prior to receipt of a preapplication.

b. Title 49 U.S.C. provides a special rule regarding the valuation of land contributed by the sponsor of a privately owned reliever airport. Unlike public sponsors, owners of eligible privately owned reliever airports receive current fair market value for land contributed (not donated) to a project as the sponsor's share. Title 49 U.S.C., Section 47109(c) provides that a privately owned reliever airport that contributes any lands, easements, or rights-of-way to carry out a project under AIP is permitted to credit the current fair market value of these property interests toward the non-Federal share of allowable project costs. Public sponsors, however, continue to receive credit based on the cost or value at the time of acquisition. The methodology for applying this provision is unchanged from that set forth in Paragraph 353, except that, for a project at a private reliever airport in which land is contributed in lieu of cash for the local share, the basis for the value of the land must be based on the current fair market value. Such claims of valuation should be supported by recent credible appraisals. Land contributed to a project, whether by a public or private sponsor, is subject to Assurance 31 should the sponsor propose to dispose of the land.

(1) The background on the evolution of the current policy for valuation of previously acquired land is provided below.

(a) A letter was written to Congress on behalf of a privately owned reliever airport owner's concern for the way the Federal Aviation Administration was handling land reimbursement policy at private reliever airports, and in particular, his. His contention was that he was donating land for the airport development project and therefore should be able to claim current fair market value. He also contended that we were treating private and public relievers differently.

(b) An evaluation of his assertion resulted in the conclusion that he was confusing two distinct and separate matters related to land. He consistently referred to donated land in his letters to his Congressman. In his case, he was not dealing with donated land, which would entail a gift from another party. Instead, he was dealing with the issue of using previously acquired land as the sponsor's matching share for a new Federal grant.

(c) The policy, in effect at the time, on the use of previously acquired land was based on legislation contained in Title 49 U.S.C.. Specific language in Title 49 U.S.C., Section 47110(c) outlines eligibility of certain prior costs as allowable costs in a new grant. The costs of formulating a project, including costs incurred after May 13, 1946, to acquire interests in land, may be included in a grant associated with the project. It should be noted that this section provides no authority to base the grant amount on other than the actual costs incurred by the sponsor, or to reimburse any land acquisition costs incurred on or before May 13, 1946.

(d) This provision, as it applies to public airports, has been in effect since 1946, the first year of Federal grant programs for airports. Under this provision, a sponsor may include the cost of all or a portion of previously acquired land in a project grant application. The grant is then issued, in effect, for a project in which land acquisition and construction costs are combined, and the grant amount is based on the Federal share of the combined allowable costs. When the cost basis of such land equals the sponsor's share of total project costs, the sponsor need contribute no cash toward the construction costs of the project. For example, in a project with construction costs of \$90,000, the inclusion of \$10,000 in previous land acquisition costs would result in combined project costs of \$100,000. With the Federal share set at 90 percent of allowable project costs, the AIP grant would be \$90,000 and the sponsor would not need to make any additional cash contribution.

(e) When legislation was enacted establishing the eligibility for AIP grants at private reliever airports, FAA did not apply the provision for reimbursement of prior land acquisition costs to privately owned airports. This, however, did not preclude the use of AIP grant funds to acquire additional development land where needed at a private reliever airport.

(f) A 1994 conference report directed the FAA to determine if private relievers should be treated differently in regard to the valuation of land they used in a project. The inference was that the land had been relatively worthless before being developed as an airport, and to use that value would not provide the sponsor the ability to maximize his return on the increased value of the land as an airport. It was found that the improvements to the land and the valuable contribution of the airport to the Nation's aviation system were not being recognized. However, there was no authority under Title 49 U.S.C., Section 47110 to revise the policy of land valuation for private relievers.

(g) The FAA's response to Congress identified rationale for interpretation of legislative intent being applied to valuation of previously acquired land.

1. Most of the 3,400 airports in the FAA's National Plan of Integrated Airport Systems are small publicly owned facilities, and, as at private airports, funds for the matching share on Federally assisted projects are extremely limited. Using the cost of previously acquired land allows a sponsor, public or private, to obtain a grant for an important project without a cash outlay for the sponsor's share. Public owners have always been reimbursed for previously acquired land based on their actual acquisition costs. The same provision, at that time, was being applied to private owners.

2. The authority provided in Title 49 U.S.C., Section 47110(c) to reimburse an airport sponsor for project formulation costs incurred after May 13, 1946, including costs to acquire land or interests in land for airport development, refers to costs incurred. This section sets forth an exception to the more general provision in Section 47110(b) that likewise defines allowable costs in terms of costs incurred. The FAA found no statutory basis for reimbursing a sponsor for an amount other than its actual costs incurred. Thus, in the example noted above, no basis in law could be found for valuing the land at any amount other than \$10,000 for determining total project costs or actual local share.

(h) Based on the findings by FAA, Congress acted to clarify their intent in relation to private reliever airports. Section 1211 of the Federal Aviation Reauthorization Act of 1996 amends Section 47109 to change the way land reimbursement is treated when a privately owned reliever airport uses a portion of existing airport land for use in a project to cover the non-Federal share. The current fair market value, instead of the fair market value at time of acquisition, is now to be used to determine the value of the land included in the project.

(i) This change results from our findings during the past several years that the private relievers should be treated no differently than public relievers and legislation would not permit any other method. Although this change validates our previous eligibility determination for valuing land included in an airport project, we must now treat public and private reliever airports differently.

c. There have been suggestions that in the past we may have allowed some private reliever sponsors to obtain current fair market value for land they included in projects. We believe this may have resulted from a misinterpretation of the terms "donation" and "reimbursement". If it is found that an error was made through confusion of terms, the fact should be documented in the project folder. It is not likely that recovery of excess funds would be feasible or possible. That fact should also be noted in the folder.

723. Land Acquired through Condemnation.

The cost of land or property interest established by the courts in a condemnation proceeding may be accepted as a reasonable cost, even though above current appraised value. However, if the FAA has reason to believe that the court award is excessive, the sponsor should be requested to appeal the award. While infrequent, there have been cases where the amount of the original award has been reduced on appeal because it was found to be excessive and unreasonable. There have been other cases where the condemner, after withdrawing from the proceeding because of excessive amount of the award, obtained the land involved by negotiation or subsequent condemnation at a lower price. Attorney fees, interest, and other incidental expenditures included in a court award to land owners in a condemnation action may be included as project costs.

724. Land Exchange.

The acquisition of land required for the airport, through the exchange of other land owned by the sponsor, constitutes an eligible project cost. In such cases, the value of the sponsor-owned land will be determined in the same manner in which the value of donated land is established. In the case of a donation (See Paragraph 351), the maximum value eligible for Federal participation is the fair market value at the time the property was conveyed to the sponsor, as determined by an independent historical appraisal in accordance with Paragraph 722. Therefore, if the sponsor acquires property from some third party through the exchange of other property it owns, it may seek reimbursement from the FAA for the appraised fair market value of its property with a date of value as of the time that property was originally conveyed to it.

725. Land Leases.

Lease payments in the form of periodic rental payments for use of land owned by another public agency are considered to be operating costs and are not eligible. However, prepaid rent, which is payment in full in advance for the full term of the lease, is eligible. The pre-paid rent should reflect the present value of the rent payments not to exceed the current fair market value of the real property leased.

726. Nonallowable Land Costs.

See Paragraph 311.g. for limitation on interest charges related to land acquisition. Land costs should exclude payments that exceed entitlements prescribed in Title 49 CFR, Part 24 and for items generally held to be non-compensable in eminent domain (e.g. compensation for loss of business, goodwill, frustration of development plans, and applicable limitations as described in the Uniform Appraisal Standards for Federal Land Acquisitions available on the Department of Justice web site at the following address: <http://www.usdoj.gov/enrd/land-ack>). DOJ appraisal standards are used to describe the compensable limits.

Some of the provisions of the DOJ appraisal standards do not apply where the state or local government is taking title, and only apply when taking title in the name of the USA and having condemnations in US Courts. The FAA appraisal standards conform to Title 49 CFR, Part 24.103 and are described in FAA Order 5100.37A, Land Acquisition and Relocation Assistance for Airport Projects, and in Advisory Circular 150/5100-17, Land Acquisition and Relocation Assistance for Airport Improvement Program Assisted Projects. Consult APP-800 for other suspected nonallowable land costs.

727. - 729. Reserved.

Section 4. Disposal of Unneeded Land

730. Disposal of Land.

Land that initially had an aeronautical purpose, but is no longer needed for such purpose, shall be disposed of in accordance with Order 5190.6A and such proceeds shall be handled in accordance with Assurance 31, Disposal of Land. That portion of the proceeds retained by the airport is considered airport revenue, subject to the requirements of Title 49 U.S.C., Sections 47107(b) and 47133.

731. Uses of Airport Revenue.

a. Title 49 U.S.C., Section 47133 Requirement. Under Title 49 U.S.C., Section 47133 sponsors must provide assurance that all revenue generated by their airport, if it is a public-owned airport, will be expended for the capital or operating costs of the airport, the local airport system or other local facilities which are owned or operated by the sponsor and directly and substantially related to the actual air transportation of passengers or property. This requirement appears as Assurance 25 in the Assurances for Airport and Planning Agency Sponsors though it does not apply to planning projects.

b. Exceptions to Title 49 U.S.C., Section 47133 Requirement. Title 49 U.S.C., Section 47133 does not apply to planning agency, private, or nonairport sponsors. Additionally, the section itself contains language exempting certain sponsors from this limitation and "shall not apply if a provision enacted not later than September 2, 1982, in a law controlling financing by the airport owner or operator, or a covenant or assurance in a debt obligation issued not later than September 2, 1982, by the owner or operator, provides that the revenues, including local taxes on aviation fuel at public airports, from any of the facilities of the owner or operator, including the airport, be used to support not only the airport but also the general debt obligations or other facilities of the owner or operator." AAS-400 should be consulted for assistance in making determinations on the applicability of the exemption in particular cases.

c. Guidance on Airport Revenue. Additional guidance on acceptable uses of airport revenue can be found in Federal Register Notice, Policy and Procedures Concerning the Use of Airport Revenues, Volume 64, Number 30, Tuesday, February 16, 1999.

732. - 799. Reserved

[1] uneconomic remnant. The term "uneconomic remnant" means a parcel of real property in which the owner is left with an interest after the partial acquisition of the owner's property, and which the airport sponsor has determined has little or no value or utility to the owner. [Return to Paragraph 700 e.]

[2] As defined in Paragraph 208. Private Airport Owners. This may be an individual, a partnership, corporation, etc., that owns or operates a reliever airport or a public use airport that receives scheduled passenger service of aircraft which enplane annually 2,500 or more passengers. [Return to Paragraph 708]

[Return to Table of Contents | Chapter 8](#)



U.S. Department
of Transportation
**Federal Aviation
Administration**

Memorandum

Subject: **ACTION:** Program Guidance Letter 04-5

Date: Aug 17, 2004

From: Manager, Airports Financial Assistance
Division, APP-500

Reply to
Attn. of:

To: PGL Distribution List

04-5.1 Airport Development Rights Pilot Program – Rick Etter (202) 267-8773
and Mark Beisse (202) 267-8826.

Section 152 of Vision 100 adds a section 47138 to Title 49, United States Code, which is a pilot program for buying development rights at 10 privately-owned airports that are open to the public to preclude loss of the property as a public airport.

Purpose of the Pilot Program

This PGL sets forth the process for selecting pilot program airports and sponsors to address the issue of buying development rights to preserve a public-use airport. For purposes of this PGL, a "public-use airport" is a privately-owned airport open to the public. The requirements of 49 USC 47102(17) that the airport is a reliever or has scheduled passenger service do not apply since this provision identifies public-use airports eligible for planning and development. For purposes of this PGL, sponsors are pilot program grantees buying development rights from private airport owners to preserve public-use airports.

The development rights for purposes of this guidance apply to property interests in a complete airfield or those combined parcels that collectively allow it to serve as a privately-owned public-use airport. The meaning of "public airport" for purposes of this PGL does not include the requirement of 49 USC 47102(16) that the airport is under the control of a public agency. This PGL should not be applied to projects for the purchase of property interests exclusively within selected areas of an airport such as runway protection zones.

The pilot program will evaluate procedures needed to purchase future development rights while ensuring objectives of the aviation community are met. The concept has substantial potential since currently 1,154, or 22 percent, of public-use airports within the United States are privately-owned.

Definitions

For purposes of the airport development rights pilot program, the definitions below apply.

1. "Airport development rights" are the rights of the private owner to develop the airport land for non-aeronautical use or for uses for other than supporting the airport or enhancing convenience of the aviation activities. In other words, the rights to be acquired under the pilot program – when acquired – would prevent the airport from being used for other than airport purposes.
2. "Instrument recording the purchase of development rights" is the document evidencing the purchase of the airport development rights by the sponsor, and the easement or covenant given by the owner that the airport shall remain a public-use airport in perpetuity. The instrument must include provisions specified in this PGL and be recorded in the local registry of deeds and land transfers.
3. "Owner" means the private entity that owns the airport. The owner may operate the airport. However, the owner could arrange for operation of the airport by written agreement with another party.
4. "Sponsor" means the State or political subdivision of a State that as the public agency sponsor receives a grant for an airport development rights project. (The meaning for purposes of this PGL includes no private owner of a public-use airport as allowed under 49 USC 47102(19)).

What is Purchase of Development Rights?

The intent of the FAA in administering this pilot program is to encourage the sale of airport development rights that would contribute to the safe and efficient use of airports. The sponsors and owners must follow provisions of this PGL to be considered for the pilot program.

The purchase of development rights (PDR) may involve most airports open to the public that are under private ownership. The law permits sponsors to use any apportionments to fund a PDR. However, as a practical matter, only State apportionments or non-primary entitlements may be available to the sponsor. Contact APP-520 prior to recommending proposals involving a passenger or cargo entitlement airport for the pilot program.

The pilot program will evaluate the PDR instead of the purchase of fee simple interests for the airports. The airports may be threatened by pressure to convert airport land for higher value land development (e.g. residential, commercial or industrial use). PDR will compensate an owner for the sale of their development

rights to prevent such development and require continued airport use of the property.

The owner would convey to the sponsor the development rights and a permanent easement or similar restrictive covenant that ensures the continued public airport operation in perpetuity. The easement conveyed must "run with the land," must be enforceable against the current owner and assigns, future owners and any other current or subsequent interest in the real property, and must be recorded as an interest in or encumbrance on the property under local law.

The owner may be compensated for the market value of the development rights sold based on an acceptable "before and after" appraisal. Under this appraisal method the market value of the development rights conveyed is appraised at the difference between the market value of the property for continued airport use and the current market value of the property for some other development. See Order 5100-37A and Advisory Circular 150/5100-17 for guidance on "Before and After" appraisals.

Any proposed PDR grant at an airport would not necessarily change the eligibility to allow other AIP projects that are otherwise ineligible.

Pilot Program Selection Criteria

Sponsors and owners proposing a PDR project will be selected for participation in the pilot program based on the criteria below.

Sponsor:

- The sponsor must provide a resolution of the legislative body authorizing its representative to file an application.
- Sponsors do not need to own airport development. However, the sponsor must provide, upon request, an opinion by its attorney indicating that it is legally capable of receiving a grant and accepting airport development rights.
- FAA should determine the sponsor to be able to comply with statutory and administrative requirements within standard grant assurances in the event it may receive future AIP assistance for airport development or acquisition. The potential AIP funding would obligate the owner or sponsor to continue airport operation until grant obligations expire. Therefore, to avoid duplicate funding or excess compensation, PDR grant amounts may be subtracted from future AIP grants.
- Sponsors must be determined to have procedures for requesting a release from the FAA approving any subsequent transfer or disposal of

development rights bought under the pilot program if that is found to be in the public interest by the FAA.

- The sponsor must be determined by the FAA to be capable of financing, operating and maintaining the airport in the event it becomes obligated to do so.

Sponsor and Owner:

- An airport property map (Exhibit A) must support the proposal. The Exhibit A should describe the existing land and development subject to the agreement. The sponsor and owner must approve the Exhibit A.
- The project will be processed in accordance with all policies and procedures applicable for airport acquisition in fee simple. However, standard grant assurances will be omitted, and the Federal share must be not greater than 90 percent of the project costs involved with the PDR.
- Proposals must include an adequate real property conveyance instrument for recording the PDR. An agreement between the sponsor and owner under which the owner conveys to the sponsor the development rights with an easement or covenant requiring that the airport shall remain an airport that is open to the public in perpetuity may serve as the instrument recording the PDR. Such agreement must contain all provisions in Attachment 1.
- The sponsor or owner must provide an instrument recording the PDR in the appropriate local registry of deeds and land transfers before the sponsor receives the final grant payment. Regions will use Attachment 1 as a grant special condition. Therefore, the Attachment 1 terms and conditions will commonly apply to both the sponsor and owner.
- The sponsor and owner should provide a listing of any existing AIP obligations. The FAA will consider the nature and duration of existing Federal obligations.
- The sponsor and owner must be willing and able to assist us in assessing difficulties with the PDR. The sponsor and owner must provide requested information before, during and after project completion.
- We have initially decided our policy will be to limit PDR grants to funding from a single year to simplify the pilot program.

Owner and Airport:

- The owner must agree to allow a site inspection by the FAA and sponsor prior to the project.
- The owner must provide to the FAA the legal description and the acreage of the airport property.
- The owner must have filed a notice with the FAA under Title 14, Code of Federal Regulations, Part 157, that the airport status is privately-owned and open to the public. For purposes of the PDR pilot program, the airport does not need to be in the National Plan of Integrated Airport Systems (NPIAS) since it would receive no airport planning or development project grant under 49 USC 47102(12) and 47105(b)(2). Airports only need to be in the NPIAS where they are applying for airport planning or development project grants. Sponsors in the pilot program will apply for purchase of development right grants rather than planning or development project grants.
- The owner must have no prior obligation in a Federal agreement requiring that the airport remain open. For instance, such owner obligations resulting from AIP land acquisition projects are not limited in duration and the FAA may determine the project has additional useful life for airport development or noise compatibility programs. In the PDR pilot program, the mixing of these obligations will be avoided.
- The owner must provide a letter describing its concept for ownership and operation of the airport over the next ten years. The letter should identify whether a change in airport ownership or operating arrangements is currently anticipated during that period.
- An owner must either operate the airport or have a contractual agreement with another party for airport operation. Airport operators must be familiar with Advisory Circular 150/5200-28. If airport operation involves another party, a copy of the lease/agreement should be provided to the FAA.

How Does an Owner and Sponsor Express Interest?

Regions may contact potentially interested owners and/or sponsors at any time and informally invite them to express interest in the pilot program.

The procedure for selecting participants in the pilot program is to obtain a letter proposing the project on behalf of the sponsor. If the owner does not cosign the sponsor's letter, it must contain an indication of the owner's agreement to the proposal.

The statute sets no time period for the pilot program except indirectly by limiting it to the ten projects.

Planning a PDR

Planning required prior to selection of the proposal to prepare the Exhibit A or associated documentation should be treated as project formulation costs rather than a separate grant.

A separate planning project at the airport prior to the grant for the PDR is discouraged.

Due Diligence

Regions should ensure, at minimum, that planning accomplished for the proposal considers proposed obligations of the owner and sponsor.

Regions should discuss with owners as well as sponsors the terms and conditions of the PDR to ensure both parties understand each of them. Coordination of the proposal with airport owners, states, and potential sponsors is required to be certain that requirements of this PGL have been adequately addressed.

Federal interests are identified in standard terms and conditions of any proposed PDR. Use of this standard requires due diligence on the part of FAA to ensure the transaction adheres to all financial, legal, and environmental requirements or best practices. PDR is the acquisition of an interest in real property that requires the same due diligence as if the AIP grant was used for fee simple acquisition.

Selection and Project Application

APP-500 intends to review the proposals and select candidates for participation in the pilot program that have the most potential for demonstration of the PDR. After selection of a proposal by APP-500, sponsors would be asked to provide the grant application using the same procedures as other airport projects except as noted above.

We will evaluate pilot program projects on all phases of property rights takeover, including the valuation and compliance with the Federal agreements. We will determine whether the costs of the PDR are significantly less than buying the airport outright. Occasionally, fee acquisition may cost nearly the same as the PDR, which would suggest an individual PDR is inappropriate.

Regional Recommendations

Please send the proposals to APP-520 when you have a recommendation. We do not anticipate setting a proposal deadline. Do not disclose recommendations to airport owners, states or potential sponsors until a notice of selection.

for John P. Horne

Barry L. Molar

Attachment

Required Provisions in a Grant for Purchase of Development Rights

The State or political subdivision of the State as the Project Sponsor agrees that the instrument recording the purchase of airport development rights shall include required terms and conditions as follows:

1. Airport Property Map. Parcels of land obligated under the development rights agreement are described on the airport property map (Exhibit A).
2. Notice to Airmen. The owner will promptly notify airmen of any condition affecting aeronautical use of the airport property on the Exhibit A.
3. Acquisition of Development Rights. The acquisition of development rights by the Sponsor is for the right to develop and use the property depicted on the Exhibit A for a purpose other than as an airport open to the public or enhancing convenience of aviation activities. The purpose of the acquisition of development rights is to ensure that the airport will continue to be available as a public airport.
4. Hazardous Substance. The Federal Aviation Administration, State or political subdivision of the State do not assume any right to control the means by which the airport owner complies with restrictions on airport property nor an assumption of liability for discharge of a hazardous substance.
5. Public-Use Airport in Perpetuity. The airport owner, for good and valuable consideration, shall grant the Sponsor an easement or covenant that the airport shall remain open to the public for use as an airport in perpetuity. Such easement or covenant shall be in effect in perpetuity unless modified or released with the approval of the FAA under item 6 herein.
6. Modification or Release of Purchased Rights and Covenant. The Sponsor shall obtain approval of the FAA before a modification of the airport development rights that it purchased. The Sponsor shall obtain approval of the FAA before transfer or disposal of the airport development rights that were purchased only if the FAA finds that it is in the public interest.
7. Recordation. The Sponsor shall record the instrument evidencing the purchase of development rights and the granting of the easement or covenant that the airport shall remain open to the public for use as an

airport in perpetuity, in the local registry of deeds and land transfers in compliance with local law.

8. Final Payment. The full amount of the Federal grant to the Sponsor for the purchase of the development rights shall not be transferred to the Sponsor until the instrument recording the purchase of development rights and easement has been recorded in accordance with item 7 herein.
9. Sponsor's Obligation for Airport Operation. The Sponsor may be obligated to operate and maintain the airport if it is closed during other than periods of temporary climatic conditions that interfere with safe operation and maintenance. The airport owner and Sponsor agree that in the event the owner discontinues safe airport operation and maintenance, the Sponsor, in consultation with the FAA, may be required to assume that obligation.
10. Owner's Obligation for Airport Operation in Perpetuity. The airport owner or its successor is obligated to own the airport and operate it as an airport except for periods of temporary climatic conditions that interfere with safe operation and maintenance. In the event the airport owner discontinues safe airport operation and maintenance, the owner shall notify the FAA within 24 hours.
11. Enforcement of Development Rights by FAA. The instrument recording the purchase of development rights shall grant the FAA third party beneficiary rights to enforce the easement or covenant that the airport shall remain a public-use airport in perpetuity and the Sponsor's obligation for airport operation.

Appendix E: Sample Airport Zoning Ordinances from other Oregon Airports

Attached is the following information:

- Cover Sheet listing the zoning ordinances studied; May 16, 2005, 2 pp; the actual ordinances are not attached here, but can be provided on request.

Sportsman Airpark: Land Use Zone Master Plan
Project Memorandum

Sample Airport Zoning Ordinances from other Oregon Airports

May 16, 2005

This memo provides samples of Airport Zoning Ordinances from other Oregon Airports. The purpose of collecting these is to provide samples of how other jurisdictions are governing their airports. Typically, there are two different types of zoning ordinances for airports. One governs land uses that are permitted to occur at the airport, while the other protects airspace at and around the airport as a zoning overlay that affects height of development. Our interest in this study is of zoning for the land at the airport, and the kinds of uses that can occur. We include examples of the latter type of airspace zoning for information purposes only. Copies of any zoning that is currently on the lands within the proposed district are also included, for information purposes.

The following zoning ordinances are attached:

1. Yamhill County Section 803 PALF Public Airports/Landing Fields District Zone: This is the land use zone that Sportsman Airpark (Tax Lot 300) is currently governed under since it is within Yamhill County, though within the City of Newberg Urban Growth Boundary and thus able to annex to the City of Newberg.
2. Yamhill County Section 702 LI Light Industrial Zone: This is the land use zone that Tax Lot 1900 is currently governed under since it is within Yamhill County.
3. Yamhill County AF-10 Zone: This is the current zoning of Tax Lots 303, 1300, 1400, 1500, and 1600.
4. Yamhill County Airport Overlay District Zone: This is the airspace overlay that Sportsman Airpark is currently governed under since it is within Yamhill County. This zone also covers county land (not city land) under the imaginary surfaces (airspace clear areas) for Sportsman Airpark.
5. City of Newberg Light Industrial M2 Zone: This is the zoning that is currently on Tax Lots 302 and 1702 some of the properties to the east of the airport, but within the study area for this project.
6. City of Newberg AO Airport Overlay Zone: This is the current zoning for airport overlay of lands within the City of Newberg.
7. City of Scappoose PUA Public Use Airport Zone: This is the land use zone that Scappoose Airport uses as it is within the City of Scappoose.
8. Columbia County Airport Industrial Zone: This is the land use zone that Columbia County has for county land around the Scappoose Airport which may in the future be allowed to access the airport. Some of this land is also within the City of Scappoose urban growth boundary and thus may be annexed to the city at a future date.
9. Marion County Aurora Airport P Public Zone: This is a zone designation that is not for airports, but allows airport uses as a conditional use. Much development has occurred at

Sample Airport Zoning and Related Ordinances

May 16, 2005

Page 2

Aurora Airport in spite of this zone designation, not because of it. It is a very difficult zone to use for an airport.

10. Deschutes County Bend AD Airport Development Zone: Bend Airport has been very successful in attracting businesses and growth. The zone includes different "Districts" including Airfield Operations District, Aviation Support District, and Aviation Related Industrial District.
11. City of Independence Subchapter 76 Airport Development Zone: This zone provides the basic rules for development in the airport district.
12. City of Independence Subchapter 48 a Residential Single Family Airpark Overlay: This overlay covers the residential portions of Independence Airport.
13. City of Independence Subchapter 78 Airport Safety and Compatibility: This zone covers compatibility of surrounding lands.
14. City of Independence Subchapter 77 Airport Zone Height Limitations: This zone covers height limits for airspace.
15. City of North Bend AZ Airport Zone: This zone covers the land contained within the boundaries of North Bend Municipal Airport.
16. Clackamas County Public Use Airport & Safety Overlay Zones: This zone applies to several public airports in Clackamas County.
17. Grant County Airport Combining Zone: This zone applies to Grant County Airport in John Day. It is an overlay zone which is added to the underlying zone.
18. Oregon Department of Aviation Model Public Use Airport Zone: This is intended to be a model for land use at public airports in Oregon.
19. Oregon Department of Aviation Model Public Airport Safety and Compatibility Overlay Zone: There are two versions attached, one for visual airports and another for instrument approach airports.
20. City of Ashland E-1 Employment District: This zone is used for Ashland Airport.
21. City of Ashland Airport Overlay Zone: This zone provides the airspace overlay for Ashland Airport.
22. City of Hillsboro M-2 Industrial and M-P Zones: The M-2 zone is used for most of Hillsboro Airport, without any modification. Since the M-2 zone allows any use allowed outright in a C-1 zone, the C-1 is also attached. A portion of the west side of the airport is zoned M-P, which is attached.

Memorandum by Aron Faegre

cc: David Bean, Barton Brierley, Jerry Dale

Appendix F: Public Meetings

Attached is the following information from public meetings:

- Public Meeting Notice for March 30, 2005 Meeting
- Public Meeting March 30, 2005, Meeting Minutes
- Public Meeting, Power Point Presentation March 30, 2005
- Public Meeting, Power Point Presentation October 18, 2005

Sportsman Airpark Land Use Master Plan

Proposed Zoning to promote Aviation-Related Economic Development

**Public Meeting,
Wednesday, March 30, 2005, 7pm
Public Safety Building, 401 E. Third Street**

The City of Newberg is initiating a study which will create a land use master plan for a 113 acre study area in and around Sportsman Airpark. The area is located adjacent to the City of Newberg, and within its urban growth boundary. The area will most likely include nine properties that all would be allowed to have direct access to the airport runway. None of the property owners will be required to be in the plan. Being part of this plan will be optional on their part.

The master plan will propose establishing an airport zone that encourages the development of commercial, industrial, and residential uses that thrive with the availability of an adjacent runway. However, it is important to reassure the community that the airport will remain the small community airport that it is. There are no plans to extend the runway, create scheduled air service, or otherwise change the airport's character.

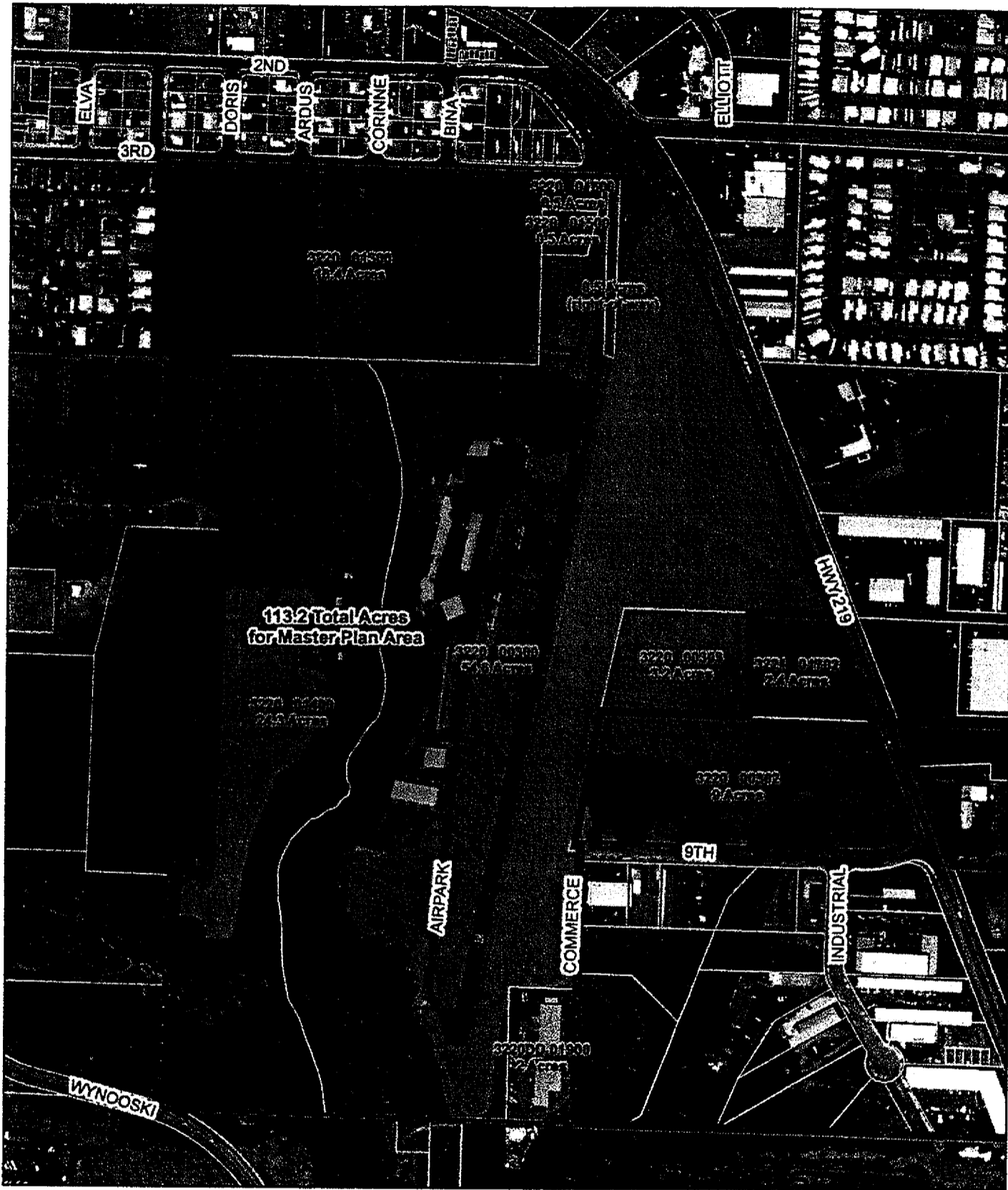
There are many small businesses that desire to set up shop at an airport, however most airports do not allow businesses to own their own property or buildings. At Sportsman Airpark businesses will be allowed to own their property and buildings, and it is believed that this asset will help to bring new businesses to Newberg. Since airport related businesses provide services that relate to the high technology of aircraft systems, the jobs generated



are typically clean, and pay well. And of equal importance to jobs, the new buildings and site development for these properties will result in an increased tax base for the community to support schools, fire and police services.

The master plan study will be an approximately six month process, occurring from March through August 2005, and will include several public meetings to gain input, suggestions and comments that can be incorporated into the plan. A first public meeting will be held on Wednesday, March 30th at 7pm at the City of Newberg Public Safety Building at 401 E. Third Street, to have a general discussion about the airport plan idea, the properties to be involved, and the directions the plan should take. A later public meeting will provide a forum for review of some draft documents for the zone. Finally, there will be public meetings held with the Planning Commission and with the City Council.

For more information, call David Beam, Economic Development Coordinator/Planner at 503-537-1213 or planning consultant Aron Faegre, at 503-222-2546.



Sportsman Airpark Master Plan Area

Legend

- Proposed Sportsman Airpark Master Plan Area
- Newberg City Limits



Map Document: (P:\GIS_plan\sportsmanairparkmasterplan.mxd)
7/20/2004 -- 8:28:58 AM

**Sportsman Airpark: Land Use Zone Master Plan
Public Meeting – March 30, 2005**

Meeting Minutes

A public meeting was held in the City of Newberg Public Safety Building at 401 E. Third Street, On March 30, 2005 at 7pm to discuss the land use master plan project for the Sportsman Airpark airport and surrounding 113 acre area. The project involves studying the area and proposing potential future land use zoning for the area that might promote the creation of new jobs and tax base in the area, through the attraction and development of aviation related businesses and possibly aviation related housing.

The following people were in attendance: [see list on file with City of Newberg].

The following items were discussed:

1. **Introductions:** The meeting was opened by David Beam, Economic Development Coordinator for the City of Newberg. He thanked all present for coming to the meeting, briefly described the study and turned the meeting over to Aron Faegre, the planning consultant for the project.
2. **Presentation/Discussion:** Aron Faegre began by reviewing the one page public meeting announcement, as it provided a succinct explanation of the project. Next a 16 slide Power Point presentation was projected on the wall screen for all to see. The presentation was done in an informal manner, with questions, answers, and discussion held during the presentation. A copy of the meeting announcement and the presentation slides are attached to these minutes. These should be reviewed for a summary of the information presented. The following paragraphs will summarize comments, suggestions, and discussion that came out of the presentation.
3. **Residential Compatibility:** One attendee from a nearby residential area asked whether further development at the airport would be compatible with adjacent residential areas. It was noted that the area directly around the airport and to the east is zoned for future light and medium intensity industrial development. Thus, to some extent the issue of compatibility between differing uses will be an issue no matter how the area develops. It was noted that there will be no requirement that adjacent properties would have to develop as aviation related uses. It simply would be an option for them. The airport would remain a small airport for small airplanes. There is not plan for extending the runway to make the airport suitable for larger planes. Jerry Dale, airport owner, noted that very occasionally a small jet aircraft has used the airport, but there are only a few that can do this, and they can only do it when they are very lightly loaded.

The small propeller aircraft will remain the everyday users of the airport. Faegre noted that whether more aviation related uses base at the airport or not, it will be important to keep informing and training pilots using the airport to follow "noise abatement" procedures to the greatest extent possible during takeoffs and landings. For the smaller propeller aircraft, the

most important element of this is to use reduced RPM (revolutions per minute) of the propeller whenever possible. The smallest propeller aircraft can't adjust their RPM's, however the smaller aircraft are fairly quiet. The more powerful engined propeller aircraft often have the ability to adjust the RPM of their propeller, and as long as the aircraft are not heavily loaded (or a hot day when the air is thin) they often can reduce their RPM from maximum takeoff levels. Noise abatement procedures are always "advisory only" as the pilot is mandated by FAA to put the safety of flight always first. These kind of things will be important to maintaining residential compatibility now and in the future.

4. FAA Strings Attached: One option being considered is to have the runway and taxiway be owned by the City of Newberg. Under this scenario FAA funds would be used to purchase the runway and taxiway, and then in the future FAA funds could be used to pay for a large amount of the pavement maintenance, runway light systems, and other airport infrastructure elements. Such funds would come from the FAA's "Airport Improvement Program" (AIP) which are dedicated funds that come from a tax on aviation fuel, similar to the Highway Trust Fund which comes from a tax on auto and truck gas. Faegre noted that there are "grant assurances" – strings – that must be agreed to when accepting FAA funds. For example, the airport must be kept open for at least 20 years from the date of the last grant. In addition, the airport must be made available for use by anyone, and there can be no preferential treatment allowed for particular users. Similar constraints usually come with any federal funds, whether they are for a marina or a park or a highway, or an airport.
5. Instrument Approach: One person present asked if Sportsman Airpark will be getting a GPS instrument approach. This would be a system so that if there are clouds at say 1000 feet above the ground, an aircraft could approach the airport and follow the instrument approach procedure which would allow them to penetrate through the cloud layer and then land visually as normal. Jerry Dale, airport owner, noted that he has applied to the FAA to have them create this kind of approach for the airport. From a pilot perspective having an instrument approach makes the airport more useful.
6. Aurora Airport: Faegre was asked to describe the changes that occurred as Aurora Airport has expanded with private development around the runway. He noted that Aurora Airport has a 5000 foot runway (Sportsman's is 2745 feet) which is very usable for jet aircraft. So Aurora has developed as a place for high performance business aircraft. At Aurora Airport the private properties have always existed adjacent to the airport and been used for aviation (or farmland as the only other option), so it is not comparable with Newberg where owners will have multiple development options and it would be their determination as to whether they want to be part of the airport or not.

In the case of Sportsman Airpark, because of the fairly short runway it will remain a place for smaller aircraft. So the strategy for adjacent aviation related development in Newberg will need to be very different than what Aurora has done. Rather Newberg will need to play on its uniqueness and strength as a small "green" airport. There are many aviation people who prefer the small aircraft over the larger business jet type aircraft. In fact there are people

Sportsman Airpark Public Meeting Summary

March 30, 2005

Page 3

moving their planes from Aurora Airport to a smaller, shorter airport located slightly to the south because they don't want to be around the jets.

7. Affect on Values of Properties: A person asked whether the proposed aviation related development would affect property values in the surrounding area. Faegre said that properties to the east of the airport are already intended by zoning to become industrial. It is not expected that aviation related industrial would be significantly different from other industrial types. To the west of the airport, if properties
8. Vehicular Traffic in Area: A person from a nearby residential area noted that there is already a large amount of vehicular traffic in the area and would like to see a stop light installed so that they can cross Highway 219 near 2nd or Everest Streets. They feel threatened by the traffic when they try to cross the highway. This request is to the City no matter how the area develops. With more traffic it will become harder and harder to cross Highway 219 in this area.
9. Type of Airport Residential: Some of the zoning for the airport district may allow residences. In this case the assumption will be that the residences want to have access to the runway. In this case lots would likely have the ability to bring a car to the house from the road, and a plane to the house from the runway.
10. More Park Land Needed in Area: A person from a nearby residential area felt that there is not any park nearby for their use. City staff noted that the City Park Department does own a sizable piece just west of the study area. However there is no immediate plan for its development.
11. Noise Abatement as Part of Ordinance: A person suggested that maybe the issue of the need for informing pilots about the need for flying with neighborhood friendly "noise abatement" procedures might be put right into the land use ordinance. This would cause anyone developing in the airport district to describe their plans for maintaining neighborhood compatibility as part of any development plans that are submitted. Faegre said he thought this was a very creative idea and would attempt to include it in the draft prepared for Sportsman Airpark.

Minutes by Aron Faegre / 3-30-05

Please forward proposed corrections, additions, or changes for inclusion in a final version.


attachments: Sportsman Airpark Public Meeting Announcement, 2pp.
Sportsman Airpark Power Point Presentation, 16 slides.

cc: David Bean, Barton Brierley, Jerry Dale

Sportsman Airpark: Land Use Zone Master Plan

Presentation to:
Public Meeting
March 30, 2005
City of Newberg, Oregon

by:
Aron Faegre & Assoc.
Portland, Oregon 97204
503-222-2544
fafgre@ozamla.com



March 30, 2005

Sportsman Airpark Land Use Master Plan 1

Project Goals

- Create a master plan that can guide the development of Sportsman Airpark and adjacent properties for aviation-related businesses and residences.
- Develop this master plan so that it serves the larger community by creating new jobs, increasing the tax base for schools, and enhancing the public usefulness of the airport.

March 30, 2005

Sportsman Airpark Land Use Master Plan

2

Planning Team Members

- David Beam, Economic Development Coordinator/Planner
- Barton Brierley, City Planner
- Jerry Dale, Airport Owner
- Aron Faegre, Airport Planner
 - > 17 years airport planning
 - > 35 Oregon airports
 - > Pilot
 - > architect & engineer
 - > specialize in community facilities
 - > why interest in airports & aviation

March 30, 2005

Sportsman Airpark Land Use Master Plan

3

Airport Zoning Types

- Land Use & Development Zone Req'ts
 - ◆ Allowed uses
 - ◆ Aviation-related
 - ◆ Commercial / Industrial / Residential
 - ◆ Roads / Runway / Taxiway
- Airspace & Safety Zone Req'ts
 - ◆ Approach clearances
 - ◆ Runway protection zone
 - ◆ Runway safety zone
 - ◆ Runway object free zone

March 30, 2005

Sportsman Airpark Land Use Master Plan

4

Key Project Tasks: Planning/Zoning

- Establish initial boundary of properties
- Create project summary
- Hold public meeting to gain input
- Ensure property owners ok
- Review other airport zoning ordinances
- Review LCDC Airport Planning Rules
- Review FAA Airport Planning Standards
- Review Local City/County/State Road Plans
- Create draft of Zone Amendments
- Create draft of Land Annexation Request

March 30, 2005

Sportsman Airpark Land Use Master Plan

5

Key Project Tasks: Economic Analysis

- Establish initial property values
- Establish initial number of jobs
- Estimate potential 5, 10, 20 year projections of increased values & jobs
- Identify potential incentives to add to zone to attract businesses
- Identify potential for FAA funding
- Consider public ownership of runway
- Create Draft Economic Analysis
- Gain city/state/federal input on any other sources of funding for development

March 30, 2005

Sportsman Airpark Land Use Master Plan

6

Key Project Tasks: Public Input

- This meeting
- Written suggestions – mail & email
- Telephone calls
- Public Meeting to review Draft Zoning/Planning Documents
- Public Meeting with Planning Commission
- Public Meeting with City Council


March 30, 2005 Sportsman Airpark Land Use Master Plan 7

Airport Ownership and Development: Public-Private Partnerships

- Most airports started out private (through 1940's)
- Then US Government encouraged public ownership to create a national system of airports available for anyone traveling cross country
- Heavy Government regulation – even where airlines could fly and how much could charge
- Airline Deregulation Act of 1978 created a free market environment for the airlines
- Most small airports today still functioning under old model of total public agency control
- Some are adopting a public-private partnership which allows private ownership to occur
- Sportsman Airpark is unusual - is a public airport but has always been in private ownership

March 30, 2005 Sportsman Airpark Land Use Master Plan 8

Proposed Master Plan Area




March 30, 2005 Sportsman Airpark Land Use Master Plan 9

Master Plan Area Properties

- Initial study area 9 properties, 113 acres
- By participating in study there is no requirement to be included in the final plan
- But please provide input for what you would like if you did participate

March 30, 2005 Sportsman Airpark Land Use Master Plan 10

Residential Public-Private Example: Independence Airport

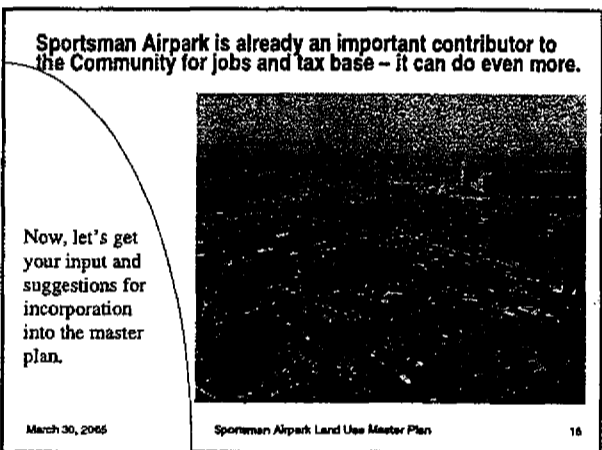
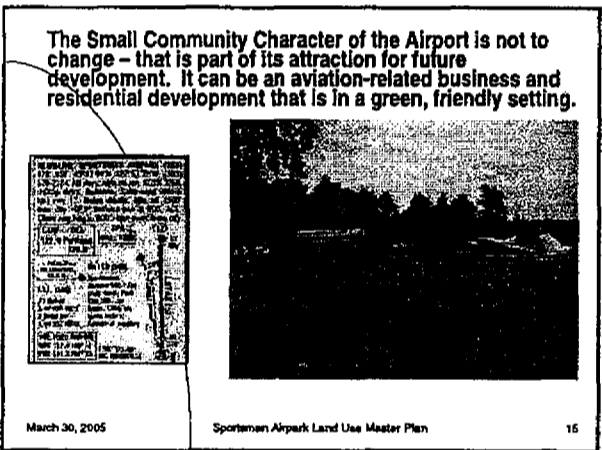
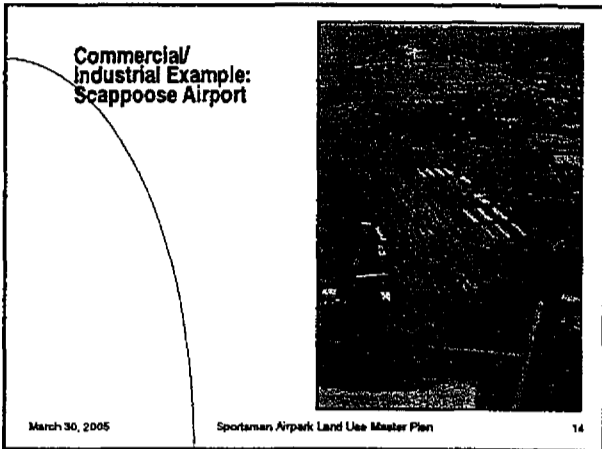
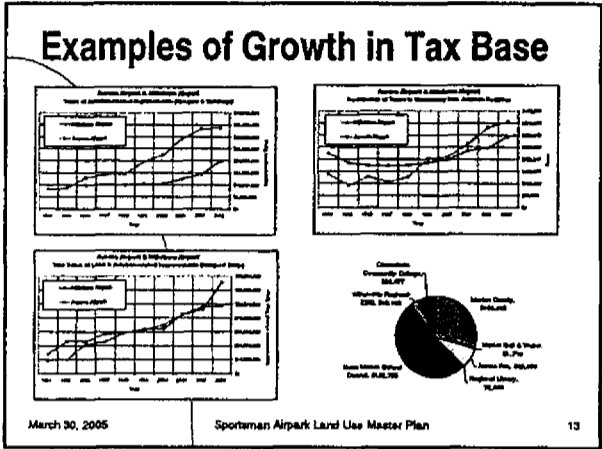


March 30, 2005 Sportsman Airpark Land Use Master Plan 11

Commercial/ Industrial Example: Aurora Airport



March 30, 2005 Sportsman Airpark Land Use Master Plan 12



Appendix G: Report Authorship

This report was created through a public process that included public meetings as listed in Appendix F. In addition, review of public input and coordination between airport owner and City of Newberg staff was accomplished through regular meetings, email, telephone discussions, and review of drafts by:

- Jerry Dale, Owner of Sportsman Airpark,
- David Beam, Economic Development Coordinator/Planner, City of Newberg, and
- Barton Brierley, Planning and Building Director, City of Newberg

The text and graphics for the report were created by Aron Faegre, P.E, AIA, Aron Faegre & Associates (AFA). Mr. Faegre is the principal of AFA, a multi-disciplinary planning, architecture, engineering, and landscape design firm. Mr. Faegre has a Master's Degree from the Massachusetts Institute of Technology (1976) and a Bachelor's Degree from Reed College (1971). Mr. Faegre is licensed as a civil engineer, architect, and landscape architect. He is also a commercial and instrument rated seaplane pilot, and president of the Columbia Seaplane Pilots Association. A principal focus of his work is as an airport planner, with experience at over 35 airports, most in the Western United States. His firm's airport work has varied from master planning, airport layout plans, environmental assessments, terminal design, hangar design, and utility system design, to detailed noise impact analysis and economic impacts of public-private airport partnerships.

**Sportsman Airpark Land Use Master Plan
Errata Sheet
June 5, 2006**

Normal = Existing Development Code language

Italics = Draft Sportsman Airpark Land Use Master Plan language

Bold = added language

~~Strike through~~ = deleted language

- ◆ Page 1 of the Plan, first sentence: *The Sportsman Airpark Land Use Master Plan (Master Plan) creates an overall land use plan for an approximately ~~125~~ 117 acre area in and around Sportsman Airpark, which is adjacent to the City of Newberg and within its urban growth boundary.*
- ◆ Page 1 of the Plan, second paragraph, third sentence: *There are no plans to significantly extend the runway¹, ~~create scheduled air service, or otherwise change the airport's character.~~ **The permitted uses at the airport would not change the character of the airport, due to the limited length of the runway.***
- ◆ Proposed Development Code change to Part 13.1 AIRPORT INDUSTRIAL (AI) DISTRICT; Section 151.498.1(B)(23)(a) - PERMITTED BUILDINGS AND USES; Page A-3 of Plan: *An industrial use is dependent upon air transportation if it requires a location at or adjacent to an airport to be economically viable. Economic viability is measured by determining whether the use or activity would suffer an economic disadvantage if not located at or adjacent to an airport. Considerations include the percentage of business done with air cargo; the industry's dependence on air transportation by staff, management, sales, personnel, vendors, or clientele; the industry's site size requirements; and the industry's interest in locating in a non-metropolitan area of the state.*
- ◆ Proposed Development Code change to Part 13.1 AIRPORT INDUSTRIAL DISTRICT; Section 151.498.1(B)(23)(b)(i) PERMITTED BUILDINGS AND USES; Page A-3 of Plan: *More than 10 percent of the products produced would be shipped through air cargo; or*
- ◆ Proposed Development Code change to Part 13.2 AIRPORT INDUSTRIAL OVERLAY (AIO) SUB-DISTRICT; Section 151.498.6 CONFORMANCE WITH THE AIRPORT OVERLAY (AO) SUB-DISTRICT; Page A-5 of Plan: *All uses, activities, facilities and structures allowed in the AI Airport Industrial District and **AR Airport Residential District** shall comply with the requirements of the Airport Overlay (AO) Sub-District. In the event of a conflict between the*

¹ In Appendix D it is noted that the FAA Seattle Airports District Office has recommended that the runway be extended several hundred feet as a safety measure for the aircraft that already exist at the airport, to bring the airport to the FAA's normal standards for small airports. However, this would not change the basic type of aircraft able to use the airport or the airport's general character.

requirements of ~~this~~ **these** Districts and those of the Airport Overlay (AO) Sub-District, the requirements of the overlay sub-district shall control.

- ◆ Proposed Development Code change Section 151.538 PUBLIC ACCESS REQUIRED; Page A-5 of Plan: *No building or structure shall be erected or altered except on a lot fronting or abutting on a public street or having access to a public street over a private street or easement of record approved in accordance with provisions contained in this code. New private streets may not be created to provide access **except as allowed under 151.449.2(B)(8) and 151.498.1(B)(24)**. Existing private streets may not be used for access for new dwelling units, except as allowed under 151.567. No building or structure shall be erected or altered without provisions for access roadways as required in the Uniform Fire Code, as adopted by the city.*
- ◆ Proposed Development Code change to Section 151.580(B)(1) – REQUIRED MINIMUM STANDARDS (LANDSCAPING); Page A-6 of Plan: A minimum of 15% of the lot area shall be landscaped; provided however, that computation of this minimum may include areas landscaped under subdivision (3) below. Development in the C-3 (Central Business District) Zoning District is exempt from the 15% landscape area requirement of this section. Additional landscaping requirements in the C-4 District are described in § 151. 527.4(K) of this code. *In the AI Airport Industrial District only a 5% landscaping standard is required with the goal of “softening” the buildings and making the development “green” with plants where possible. The existence of the runway, taxiway, and approach open areas already provide generally for the 15% requirement. **Developments in the AI Airport Industrial District with a public street frontage shall have said minimum landscaping between the front property line and the front of the building.***
- ◆ Proposed Development Code change to Section 151.581 – LANDSCAPING AND AMENITIES IN PUBLIC RIGHTS-OF-WAY; Page A-7 of Plan: D. Exception. *In the AI Airport Industrial District **and AR Airport Residential District**, no landscape or amenities except for grass are required for any area within 50 feet of aircraft operations areas including aircraft parking areas, taxiways, clear areas, safety areas, object free areas, and the runway.*
- ◆ Proposed Development Code change to Section 151.611(C) - PARKING AREA AND SERVICE DRIVE DESIGN.; Page A-7 of Plan: *In the AI Airport Industrial District **and Airport Residential District** taxiways may be used as part of the service drive design where an overall site plan is submitted that shows how the circulation of aircraft and vehicles are safely accommodated, where security fences are located, **if required**, and is approved by the Fire Marshal, Planning Director, and Public Works Director. The following submittal must be made:*
- ◆ Proposed Development Code change to Section 151.612 – PARKING SPACES REQUIRED; Page A-7 of Plan:

Use: Aircraft Storage Hangars over 3,600 sq. ft. each enclosed hangar area.

Parking Space Required: 1 for every 700 sq. ft. of hangar area over 3,600 sq. ft.

- ◆ Proposed Development Code change to Section 151.620.2 – WHERE REQUIRED (ON-SITE SIDEWALKS); Page A-8 of Plan: *Private walkways shall be constructed as part of any development requiring Type II design review, including mobile home parks. In addition, they may be required as part of conditional use permits or planned unit developments. In the Airport Industrial(AI) District and Residential (AR) District, on-site walks are not required in aircraft operations areas, such as parking aprons, taxiways, and runways.*
- ◆ Proposed Development Code change to Part 13.3 AIRPORT RESIDENTIAL (AR) DISTRICT; Section 151.449.1 PERMITTED BUILDINGS AND USES; Page B-1 of Plan: *The purpose of the City of Newberg AR Airport Residential District is to encourage and support the continued operation and vitality of Sportsman Airpark and to take advantage of the transportation options it provides by allowing airport-related residential uses. **Maximum overall density shall be 8.8 units per gross acres.***
- ◆ Proposed Development Code change to Part 13.3 AIRPORT RESIDENTIAL (AR) DISTRICT; Section 151.449.2(B)(8) PERMITTED BUILDINGS AND USES; Page B-1 of Plan: *Private streets, **that function as taxiways are allowed in the AR District and which may include gates with designs approved by the Fire Marshall, at the limit of the taxiways.***
- ◆ Proposed Development Code change to Part 13.3 AIRPORT RESIDENTIAL (AR) DISTRICT; Section 151.449.2(B)(1) PERMITTED BUILDINGS AND USES; Page B-1 of Plan: *Residential Airpark Development, meaning one residence per lot with addition of a tiedown or hangar for an airplane. At a minimum, a paved tiedown or hangar shall be provided on the property, or the property shall include permanent rights to ~~an adjacent a row of~~ private hangars **within the subdivision.***
- ◆ Proposed Development Code change to Part 13.4 AIRPORT RESIDENTIAL OVERLAY (ARO) SUB-DISTRICT; Section 151.449.6 Density Transfer within the ARO Sub-district; Page B-1 of Plan:

Section 151.449.6 Density Transfer Allowances within the ARO Sub-district

Due to the complexity and intermixing of roads, taxiways, and constructing hangars in an airport residential district, properties within the district may not be able to be developed to the density otherwise allowed. Thus, the applicant for a subdivision or partition within the ARO district may transfer allowed dwelling unit density to other property within the ARO Sub-district and reduce minimum

lot sizes such that the overall dwelling density complies with that of a conventionally developed R-2 zoned property.

Lot coverage may be calculated using the entire site area of both the donor and recipient area, excluding public and private street and alley areas. The following dimensional requirements shall be applicable in the R-2 District in order to accommodate the density transfer provision of this Section: front yard setback – 10 feet; Garage front yard setback – 18 feet; interior yard setback – 3 feet; Non-alley rear yard setback – 5 feet; Alley rear yard setback – 3 feet. Maximum lot depth to lot width ratio is 3:1. The minimum lot width shall be 28 feet.

- ◆ Proposed Development Code change to Section 151.550(G) GENERAL YARD REGULATIONS; Page B-3 of Plan: *In the AR Airport Residential District clear areas, safety areas, object free areas, taxiways, parking aprons, and runways may be counted as required yards for a building, if located upon an adjacent parcel under public ownership.*
- ◆ Proposed Development Code change to Section 51.536 BUILDING HEIGHT LIMITATION; Page B-3 of Plan:
 - (A) Residential:
 - (1) *In the R-1, R-2, AR, AI, and RP Districts, no main building shall exceed two and one-half stories, or 30 feet in height, whichever is lesser. Accessory buildings in the R-1, R-2, R-3, AR, and RP Districts are limited to one story, or 16 feet in height, whichever is lesser, except that aircraft hangars in the AR District may be the same as the main building.*
- ◆ Proposed Development Code change Section 151.538 PUBLIC ACCESS REQUIRED; Page B-3 of Plan: ~~*No building or structure shall be erected or altered except on a lot fronting or abutting on a public street or having access to a public street over a private street or easement of record approved in accordance with provisions contained in this code. New private streets may not be created to provide access except as allowed under 151.449.(B)(8). Existing private streets may not be used for access for new dwelling units, except as allowed under 151.567. No building or structure shall be erected or altered without provisions for access roadways as required in the Uniform Fire Code, as adopted by the city.*~~
- ◆ Proposed Development Code change to Section 151.556(G) YARD EXCEPTIONS AND PERMITTED INTRUSIONS INTO REQUIRED YARD SETBACKS; Page B-4 of Plan: *Hangars within the AR Airport Residential District may be constructed with no yard setbacks to property lines adjacent to other properties within in the Airport Residential or Airport Industrial Districts.*

- ◆ Proposed Development Code change to Section 151.611(C) and Section 151.611(C)(1) PARKING AREA AND SERVICE DRIVE DESIGN; Page B-5 of Plan:

(C) In the AR Airport Residential District taxiways may be used as part of the service drive design where an overall site plan is submitted that shows how the circulation of aircraft and vehicles are safely accommodated, where security fences are located, and is approved by the Fire Marshal, Planning Director, and Public Works Director. The following submittal must be made:

(1) A drawing of the area to be developed, including the probable location, height, and description of structures to be constructed; the location and description of a security fence or gate to secure the aircraft operations areas of off airport property from the other non-secured pedestrian/auto/truck areas of on airport property; the proposed location of the proposed taxiway access in accordance with FAA specifications; (Refer to Federal Aviation Administration Advisory Circular No. 150/5300-13, regarding Airport Design, and AC/5370-10B regarding Construction Standards for specifications that should be used as a guideline); and the identification of the vehicular traffic pattern area clearly separated from aircraft traffic. Once specific buildings have been designed, FAA Form 7460-1, Notice of Proposed Construction or Alteration, must be submitted to the City of Newberg, the private airport owner, and the FAA for airspace review.

- ◆ Proposed Development Code change to Section 151.581 – LANDSCAPING AND AMENITIES IN PUBLIC RIGHTS-OF-WAY; Page B-5 of Plan: ~~D-Exception. In the AI Airport Industrial District no landscape or amenities except for grass are required for any area within 50 feet of aircraft operations areas including aircraft parking areas, taxiways, clear areas, safety areas, object free areas, and the runway.~~
- ◆ Proposed Development Code change to Section 151.620.2 – WHERE REQUIRED (ON-SITE SIDEWALKS); Page B-6 of Plan: *Private walkways shall be constructed as part of any development requiring Type II design review, including mobile home parks. In addition, they may be required as part of conditional use permits or planned unit developments. In the Residential (AR) District, on site walks are not required in aircraft operations areas, such as parking aprons, taxiways, and runways.*

ADDITIONAL CODE CHANGES

- ◆ Section 151.565(B)(2) LOT AREA; LOT AREAS PER DWELLING UNIT: In the R-2, AR, and R-P Districts, there shall be a minimum of 3,750 square feet of lot or development site per dwelling unit.
- ◆ Section 151.555 FRONT YARD SETBACK

(C) Industrial. All lots or development sites in the M-1, M-2, or M-3 Districts shall have a front yard of 20 feet. *Lots or development sites in the AI District shall have a front yard of 10 feet.*

- ◆ Part 13.1 AIRPORT INDUSTRIAL (AI) DISTRICT; Section 151.498.1(B) PERMITTED BUILDINGS AND USES; Page A-3 of Plan:

(24) Private streets that function as taxiways are allowed within the AI District and may include gates for safety purposes with designs approved by the Fire Marshall, at the limit of the taxiways.

- ◆ Section 151.003 DEFINITIONS

AVIGATION EASEMENT. A property right acquired from a land owner that grants the right-of-flight; the right to cause noise, etc., related to aircraft flight; the right to restrict or prohibit certain lights and electromagnetic signals; the right to unobstructed airspace over the property above a specified height.

CLEAR AREA. A land area required to be clear of obstructions per FAA regulations for airports and airspace.

HANGAR. A building for storage and maintenance of aircraft.

OBJECT FREE AREA. An area on the ground centered on a runway or taxiway centerline provided to enhance the safety of aircraft operations by having the area free of objects, except for objects that need to be located in the OFA for air navigation or aircraft ground maneuvering purposes.

PARKING APRON. A paved or grass area intended for parking aircraft.

RUNWAY. A defined rectangular surface on an airport prepared or suitable for the landing or takeoff of airplanes.

SAFETY AREA. A defined surface surrounding the runway prepared or suitable for reducing the risk of damage to airplanes in the event of an undershoot, overshoot, or excursion from the runway.

TAXIWAY. A defined path established for the taxiing of aircraft from one part of an airport to another.

Findings
File GR-51-04
Newberg City Council
Proposed Sportsman Airpark Land Use Master Plan Findings
Proposed Comprehensive Plan Zoning Map
and Development Code Amendments
Criteria - Sections 151.122(B)(2)
of the Newberg Development Code
Statewide Planning Goals - Various Sections Noted

Criteria (a) - The proposed change is consistent with and promotes the objectives of the Newberg Comprehensive Plan and this Code.

A. CITIZEN INVOLVEMENT

GOAL: To maintain a Citizen Involvement Program that offers citizens the opportunity for involvement in all phases of the planning process.

Yamhill County Comprehensive Plan (YCCP) Policy VII.A.a.a. Yamhill County will continue to implement an ongoing citizen involvement program that provides county residents opportunity to be involved in all phases of the planning process.

Statewide Planning Goal 1: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning program.

Response:

One community workshop was held on March 30, 2005. In addition, a workshop on the proposed plan at Community Night, which was held on October 18, 2005. The meetings were advertised through public notice to property owners within the airpark planning area and property owners within 500 feet of the airpark planning area. The meetings were also advertised in the local newspaper, *The Newberg Graphic* and posted in City public buildings. A public hearing was also held by the Newberg Planning Commission.

B. LAND USE PLANNING

GOAL: To maintain an on-going land use planning program to implement statewide and local goals. The program shall be consistent with natural and cultural resources and needs.

POLICIES:

- 3. Industrial land use needs shall be periodically evaluated.*

Statewide Planning Goal 2: To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Response:

The plan's effect upon the city's current or future land supplies would be negligible. Of the approximately 117 acres within the plan area, only about 10.12 acres are within the city limits. All of these properties are currently zoned M-2 Light Industrial. The plan proposes that only western portion of this area have zone changed from its current designation to AI Airport Industrial. All the area currently within the city limits would also be covered by the proposed AIO Airport Industrial Overlay.

The plan does not propose any changes to the comprehensive plan map designations of the lands outside the city limits within the plan area. However, the plan does recommend that these lands be covered by either the AIO Airport Industrial Overlay or the ARO Airport Residential Overlay. Most of the boundaries of these overlays correspond directly with comprehensive plan map. One exception may be a small portion of property (approximately 1.75 acre) in the northern portion of the plan area which is proposed to have the ARO overlay over PQ Public-Quasi Public designated land. This was proposed at the request of the airport owner to provide him the option of developing this small portion of land as AR Airport Residential (like the property directly north of it) instead of its currently designed industrial use.

C. AGRICULTURAL LANDS

GOAL: To provide for the orderly and efficient transition from rural to urban land uses.

POLICIES:

- 1. The conversion of urbanizable land from agricultural to urban land uses shall be orderly and efficient.*

Statewide Planning Goal 3: *To preserve and maintain agricultural lands.*

Response:

The property is already located in the Urban Growth Boundary, thus it is not planned for agricultural use. The plan proposes urban land uses for the plan area.

D. WOODED AREAS

GOAL: To retain and protect wooded areas.

POLICIES:

- 1. The City shall encourage the preservation of wooded for wildlife habitat and limited recreational uses.*
- 2. Development in drainageways shall be limited in order to prevent erosion and protect water quality. Trees provide needed protection from erosion and should be maintained.*

Statewide Planning Goal 4: *To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreation opportunities and agriculture.*

Response:

The area is within the Newberg UGB and is not designated forest land. Riparian areas within the City are protected through the Stream Corridor Overlay. Development allowed within the Stream Corridor Overlay areas is very limited.

E. AIR, WATER, AND LAND RESOURCE QUALITY

GOAL: To maintain and, where feasible, enhance the air, water and land resource qualities within the community.

POLICIES:

- 1. Development shall not exceed the carrying capacity of the air, water or land resource base.*
- 2. Water quality in the Willamette River and tributary streams shall be protected.*
- 3. As public sanitary sewer systems become available, all development shall connect to the public system. To encourage economic development, the City may permit subsurface sewerage disposal where the system meets State and County requirements and where unique circumstances exist.*
- 4. The Newberg airshed shall be protected from excessive pollution levels resulting from urbanization.*
- 5. New industry should be located in areas which minimize impacts upon the air, water, and land resource base, as well as upon surrounding land uses.*
- 6. The City will cooperate with State and Federal agencies which regulate environmental quality and shall adhere to the standards established by these agencies in the issuance of any permits or approvals given by the City. This policy is intended to cover discharges and emissions which may impair air, water or land quality or exceed the established standards for noise or other emissions.*
- 7. The threat of excessive noise will be considered when reviewing land use requests. In addition, any new commercial and industrial developments shall conform to DEQ noise pollution standards.*
- 8. The City will continue to support soil conservation measures designed to prevent unnecessary losses through excavation, stripping, erosion, and sedimentation.*

Statewide Planning Goal 6: *To maintain and improve the quality of the air, water and land resources of the state.*

Response:

The plan proposes modified versions of residential and industrial uses in almost exactly the same proportions as existing proposed uses. The proposed modified uses are not expected to create more pollution than that expected from the existing proposed uses. The areas proposed for development are in areas that are generally flat. Riparian areas are protected through the use of the Stream Corridor Overlay, which allows very limited development. The Overlay is City's response to the Willamette Greenway plans and regulations.

Development within the plan area can be served with water and sewer lines that are contiguous with the boundaries of the plan area.

Under the proposed plan, the general aviation nature of the airpark will remain as it is today (small, private prop plans; no jets and no commercial passenger or cargo services). Therefore, while the number of aircraft using the airpark is expected to increase, the noise levels of the aircraft are not expected to increase.

F. AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS

GOAL: To protect life and property from natural disasters and hazards.

POLICIES:

3. *In other areas of potential or existing hazards, development shall be subject to special conditions. Reasonable development may be permitted in these areas when it can be shown, based on sound engineering and planning criteria, that adverse impacts can be mitigated and kept to a minimum. Hazardous areas shall be considered to be lands with slopes 20% or greater, potential and existing slide areas, fault areas, and areas with severe soil limitations.*

Statewide Planning Goal 7: To protect life and property from natural disasters and hazards.

Response:

The City's Stream Corridor Overlay would strictly limit development within riparian areas for lands within the city limits. Once lands within the plan area that are outside of the city limits are annexed, development of those lands that include parts of the eastern and western forks of Hess Creek also will be regulated by the Stream Corridor Overlay.

G. OPEN SPACE, SCENIC, NATURAL HISTORIC AND RECREATIONAL RESOURCES

GOALS:

1. *To ensure that adequate land shall be retained in permanent open space use and that natural, scenic and historic resources are protected.*
2. *To provide adequate recreational resources and opportunities for the citizens of the community and visitors.*

POLICIES:

1. Open Space & Natural Resources Policies

- a. The City shall ensure that, as development continues, adequate land shall be retained in permanent open space use.*
- b. In selecting areas to be maintained as open space, parcels shall be of adequate size and possess desirable natural and locational qualities. Cost and ease of acquisition shall also be important considerations.*
- e. The floodplains and natural drainageway areas in Newberg should be preserved with a largely open character to provide a basic open space framework for the community. The capacities of these areas shall be maintained to provide a natural storm water and natural drainage system, as well as to continue to provide a natural habitat for local fish and wildlife. Natural drainageways should be kept in open space uses. Bicycle and pedestrian pathways might be included in these areas. Care should be taken to minimize disturbances in these often erosive and steep areas. All uses should be compatible with the specific sites.*

4. Recreation Policies

- a. Recreational facilities and services shall expand to meet growing recreational demands. In cooperation with Chehalem Park and Recreation District, these demands shall periodically be assessed and plans for programs and facilities shall be revised accordingly.*
- b. To ensure that adequate lands shall be available for recreation, areas which are suitable recreational sites due to locational and natural qualities shall be designated as park land on the land use plan map. Other less specific park sites shall also be indicated on the plan.*
- d. High priority shall be given to recreational facilities and services designed to:
 - Meet recreational needs requirements for higher density areas.*
 - Provide recreational opportunities for persons of limited mobility and finances.*
 - Minimize the adverse impact on the environment.*
 - Meet recreational needs of the area's citizens and visitors.**
- e. Recreational facilities shall be located throughout the planning area in order to minimize distances between residential areas and recreational opportunities.*
- h. Public and private recreational development will be encouraged on sites suitable for the proposed uses.*

- i. *The City shall cooperate with Chehalem Park and Recreation District to provide recreational opportunities which meet the needs of Newberg and Yamhill County residents as well as any transient and regional population.*
- k. *The City will cooperate with the Chehalem Park and Recreation District to locate parks and scenic areas which are easily accessible to the City's population and which can be developed to provide recreational opportunities for a variety of age and interest groups.*

Statewide Planning Goal 5: *To protect natural resources and conserve scenic and historic areas and open spaces.*

Statewide Planning Goal 8: *To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.*

Response:

A 5.2 acre parcel at the western edge of the plan area is owned by Chehalem Park and Recreation District (CPRD). This property is next to the plan area's proposed residential development. Also, existing residential development lies north of 3rd Street. Staff discussions with the Director of CRPD, Don Clements, indicated that CPRD's plans for future use of the land is for ballfields.

As stated previously, the riparian areas would be protected through the existing Stream Corridor Overlay.

H. THE ECONOMY

GOAL: To develop a diverse and stable economic base.

POLICIES:

1. General Policies

- a. *In order to increase the percentage of persons who live in Newberg and must work in Newberg, the City shall encourage a diverse and stable economic base. Potential methods may include, but not limited to, land use controls and capital improvement programs.*
- b. *The City shall encourage economic expansion consistent with local needs.*
- c. *The City will encourage the creation of a diversified employment base, the strengthening of trade centers and the attraction of both capital and labor intensive enterprises.*
- d. *The City shall undertake specific activities to encourage the growth of existing businesses, to encourage a diversity of businesses, and to attract*

new businesses to the community in industries that will provide local employment opportunities consistent with community needs and goals.

- g. The City shall identify land that will provide for expansion of existing businesses and/or attract new businesses and shall reserve that land for future industrial development that is consistent with community needs and goals.*
- i. Industrial land shall be reserved for industrial uses.*
- k. The City shall promote Newberg as a tourist destination location.*

2. Industrial Areas Policies

- a. Industrial expansion shall be located and designed to minimize impacts on surrounding land uses.*
- c. Newberg shall actively pursue the inclusion of large industrial sites within the urban growth boundary.*
- d. The City shall reserve land for industrial development prior to demand and attract new industries in accordance with future community needs.*
- e. Established industrial areas may be extended and new industrial areas designated by plan amendment where development trends warrant such extension or designation. Full urban services will be extended into the area if appropriate, if the extension of land use and services is consistent with all other goals and policies of the plan.*
- f. Concerted community efforts should be made to see that industrial development expands outward from existing areas rather than occurring in haphazard patterns.*

Statewide Planning Goal 9: To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Response:

The plan area is within the urban growth boundary and designated to come into the city and be urbanized. The land uses in the proposed plan are generally the same as their current designated uses: residential and industrial. However, the proposed land uses will be more aviation centered. The proposed land uses will encourage industrial developments that would benefit from being located near an airport. In addition, the residential areas will encourage the development home with attached or nearby hangers for private planes. The potential positive economic impact of the proposed land uses are manifold. Firstly, the aviation-industrial land use designation should make this site more competitive in attractive in securing aviation-related companies, an industry that pays relatively high-wage jobs. Secondly, the aviation-residential land use should not only attract residents of relatively high-income. Finally, aviation-residential land use provides one more economic development tool to attract businesses. For example, let's say there is a potential business is looking to relocate their business to either Newberg or another community all other

important relocation factors are equal between communities. If the CEO of the company is a pilot, the residential aviation development may give Newberg the edge in recruiting the business.

Tourism is becoming increasingly important to Newberg's economy. The plan should help strengthen the airpark, ensuring the future of this important transportation link to Newberg. A robust airpark provides support to the local tourism industry.

The proposed land uses of the plan are compatible and extensions of surrounding land uses. The proposed airport industrial area is located next to industrial uses to the north, east and south. To the west of this area is the proposed airport residential land use, which is buffered by a wide, forested stream corridor. To the west of the proposed airport residential land use area is parkland that is intended for ball fields and a cemetery. To the north of the proposed airport residential land use area is existing residential development.

All the industrial lands would be under an AIO Airport Industrial Overlay. The majority of these lands would have a future zoning of AI Airport Industrial. A small portion of industrial land would retain its current M-2 Light Industrial zoning, but would have the option to convert to AI zoning under the AIO Overlay standards.

Conflicts can occur between residential developments and airports. One of the main objectives of this plan was ensure future viability of the airpark, an important economic asset to the community. Lands with a future AR Airport Residential zoning would attract homeowners who have a clear interest in aviation. Lands developed as the optional R-2 Medium Density Residential under the ARO Airport Residential Overlay will include a notification to the buyers of the properties that the properties are within the ARO. In addition, the deeds of these properties will include a statement that the property is located within the ARO.

The corridor of the future Newberg-Dundee bypass will be an important economic asset to the community and is located south of the plan area. The actions of the proposed plan is not expected to impact the development of the bypass.

I. HOUSING

GOAL: To provide for a diversity in the type, density and location of housing within the City to ensure there is an adequate supply of affordable housing units to meet the needs of City residents' of various income levels.

POLICIES:

I. Density Policies

a. Density rather than housing type shall be the most important development criteria and shall be used to classify different types of residential areas on the plan.

b. Target densities shall be as follows:

Classification

*Units Per
Gross Acre**

<i>Urban Low Density</i>	<i>4.4</i>
<i>Urban Medium Density</i>	<i>9</i>
<i>Urban High Density</i>	<i>16.5</i>

**Includes a 25 percent allowance for streets*

The City shall encourage development to occur at or near these planned densities by providing positive incentives, such as lot size averaging, while maintaining and improving livability.

2. Location Policies

- a. Medium and high density areas should be located for immediate access to collector streets or minor arterials and should not cause traffic to move through low density areas. High density areas should be easily accessible to arterial streets. They should also be located near commercial services and public open spaces.*

Statewide Planning Goal 10: *To provide for the housing needs of citizens of the state.*

Response:

The majority of the proposed residential area within the plan will retain a future zoning of M-2 Medium Density Residential. However, an area in the northern portion of the residential lands has a proposed future zoning of AR Airport Residential. This AR zoned land would provide a new type of housing that is not offered in Newberg at this time. Areas zoned AR will likely be less dense than lands zoned M-2, since such developments are required to include a airplane hanger or tiedown with each residence. All residential areas in the plan are under the ARO Airport Residential Overlay, which provides the option of developing these lands as AR or M-2

Traffic from the residential development will flow on to Third Street, which leads to Highway 219. This area of Third Street is mostly developed as R-2 and R-3.

J. URBAN DESIGN

GOAL 1: To maintain and improve the natural beauty and visual character of the City.

Goal 2: To develop and maintain the physical context needed to support the livability and unique character of Newberg.

POLICIES:

1. General Policies

- e. *Developments should respect the natural ground cover of their sites to the extent possible and plans should be made to preserve existing mature, non-hazardous trees in healthy condition.*
- j. *Curbs, gutters, and sidewalks are to be required in all new developments.*
- n. *The City shall encourage innovative design and ensure that developments consider site characteristics and the impact on surrounding areas.*

2. *Industrial Areas Policies*

- a. *Industrial development should be encouraged to locate in industrial parks offering good access, buffering and landscaping.*
- b. *Industrial developments should be well landscaped and maintained and existing trees should be preserved where possible.*

4. *Residential Areas Policies*

- a. *The City will require buffering and landscaping to minimize impacts between housing and potentially conflicting uses.*

Response:

Landscaping requirements in the plan's residential areas require that 15% of the lots be landscaped. Landscaping requirements for lots zoned AI would be required to have 5% of the lot landscaped. The reduction of the usual 15% landscaping requirement in industrial areas is in consideration of the large amounts of landscaping that exists around the runway, taxiway, and approach.

The plan states that AR and AI zoned area will not be required to have on-site sidewalks in aircraft operations areas, such as parking aprons, taxiways, and runways. There area where, for safety reason, pedestrian activities should not be encouraged.

As mentioned previously, the proposed uses in the plan area are adjacent to compatible uses. The eastern fork of Hess Creek presents a good natural buffer between the residential and industrial uses in the plan area.

As stated before, most of the developable residential and industrial land is flat and free of trees. The natural ground cover in the stream corridors would be protected by the Stream Corridor Overlay.

K. TRANSPORTATION

GOAL 2: *Establish consistent policies which require concurrent consideration of transportation/land use system impacts.*

POLICY: *Transportation improvements shall be used to guide urban development and shall be designed to serve anticipated future needs.*

GOAL 3: Promote reliance on multiple modes of transportation and reduce reliance on the automobile.

POLICIES:

- a. Design the transportation system and related facilities to accommodate multiple modes of transportation where appropriate and encourage their integrated use; and*
 - 1) The City shall plan for a network of transportation facilities and services including but not limited to air, water, rail, auto, pedestrian, bicycle and public transit.*

GOAL 4: Minimize the impact of regional traffic on the local transportation system.

POLICIES:

- h. The City actively supports the development of a by-pass of the City along a Southern alignment, and the development of a Northern East/West minor arterial street.*

GOAL 9: Create effective circulation and access for the local transportation system.

POLICIES:

- c. Develop a system of roads which provide for efficient movement of traffic, considering the general design guidelines below:*
 - 6) New private streets shall not be allowed.*

GOAL 10: Maintain the viability of existing rail, water and air transportation systems.

POLICIES:

- a. Encourage and support compatible transportation and land use development.*
- b. Evaluate and mitigate potential losses whenever possible.*
 - 1) The City shall maintain the viability of existing rail, water, and air transportation systems.*
 - 2) The City shall maintain an airport overlay zone as long as there is an operating airport in or near the City.*
 - 3) Adequate open space and landscaping shall be provided by all new development around the airport to reduce the noise impact of airport operations on surrounding residential areas.*

- 4) *The City shall encourage the use of properties adjacent to the airport for industrial parks, related commercial activities and community facilities in order to maximize airport services and provide a buffer for surrounding residences.*

Statewide Planning Goal 12: *To provide and encourage a safe, convenient and economic transportation system.*

Response:

The plan's proposed transportation systems are compatible with the City's current and future transportation systems. As mentioned previously, the plan's street circulation plan can be integrated with the existing and future street system. As stated previously, the Newberg-Dundee bypass corridor will not be negatively affected by the proposed development described in the plan.

As stated previously, the proposed development and development standards applicable within the plan area will strengthen the airport and help ensure its future viability.

Finally, the general aviation nature of the airpark will remain as it is today (small, private prop plans; no jets). Therefore, while the number of aircraft using the airpark is expected to increase, the noise levels of the aircraft are not expected to increase.

L. PUBLIC FACILITIES AND SERVICES

GOAL: To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban development.

POLICIES:

1. All Facilities & Services Policies

- a. *The provision of public facilities and services shall be used as tools to implement the land use plan and encourage an orderly and efficient development pattern.*
- b. *The extension of publicly-owned facilities and services into currently undeveloped areas shall occur only in accordance with the Public Facilities and Service Plan.*
- c. *New public facilities and services shall be designed at levels consistent with planned densities and designated land uses for the area.*
- d. *Services shall be planned to meet anticipated community needs.*
- g. *Public facilities and services necessary to meet the special needs of industrial activities should be planned for those areas designated industrial on the comprehensive plan map and should be provided at a level sufficient to support proposed activities, if public funds are available.*

- h. New residential areas shall have: paved streets, curbs, pedestrian ways, water, sewer, storm drainage, street lights and underground utilities.*
- 2. *Sewers and Water Policies*
 - c. Developments with urban densities should be encouraged to locate within the area which can be serviced by Newberg's present sanitary sewer system.*
- 5. *Schools Policies*
 - e. The location of schools should be used as a major tool for directing future residential growth.*
- 7. *Park Facilities Policies*
 - a. In conjunction with Chehalem Park and Recreation District, park facilities shall be provided consistent with recreational needs.*

Response:

The plan includes a general utilities plan, which includes plans for water and sanitary sewer. The plan has been reviewed and commented upon by city staff.

The plan has approximately the same amount of land for residential development as is currently planned. Actual density of the residential lands when they are developed may decrease, depending upon the amount of land is re-zoned from planned R-2 to AR. Given this scenario, residential development in the plan area may actually place less demands upon the Newberg School District.

Development of the plan has been done in consultation with the Chehalem Park and Recreation District (CPRD.)

N. URBANIZATION

GOALS:

- 1. To provide for the orderly and efficient transition from rural to urban land uses.*
- 2. To maintain Newberg's identity as a community which is separate from the Portland Metropolitan area.*
- 3. To create a quality living environment through a balanced growth of urban and cultural activities.*

POLICIES:

- 1. Urban Growth Boundary and Urban Reserve Area Policies*

- a. *The conversion of lands from rural to urban uses within the Urban Growth Boundary will be based on a specific plan for the extension of urban services.*
- b. *The City shall oppose urban development outside the City limits but within the Newberg Area Influence.*
- c. *The City shall encourage urban development within the City limits.*
- d. *The Urban Growth Boundary shall designate urbanizable land.*
- e. *The City will support development within the areas outside the City limits but within the Newberg Urban Growth Boundary or Urban Reserve Area based on the following standards or restrictions:*
 - *Residential development will be allowed on the basis of one house per 10 acres, or any lot of record created prior to January 1, 1989.*
 - *New commercial and industrial uses will generally be discouraged within the UGB and Urban Reserve Area.*
 - *Agricultural uses will be in accordance with the Yamhill County Comprehensive Plan.*
 - *The City and County shall coordinate plans for interim rural residential development within the designated Urban Reserve Area. After street and utility corridor plans are adopted, overall rural residential densities shall be limited to one dwelling per five acres. The following strategies will be used to ensure that interim rural development does not inhibit long-term urbanization of lands within the Newberg UGB and Urban Reserve Area (these include but are not limited to):*
 - 1) *shadow plats*
 - 2) *cluster development*
 - 3) *redevelopment plans*
 - 4) *non-remonstrance agreements for annexation and provision of urban facilities*

Development not meeting the standards may be opposed by the City.

3. *General Policies*

- c. *The City may use the following or similar implementation measures to promote and encourage the establishment and expansion of industry in the planning area: tax incentives, land use controls and ordinances, preferential assessments, capital improvement programming, fee and less than fee acquisition techniques, and available state and federal programs or grants.*

Statewide Planning Goal 14: To provide for an orderly and efficient transition from rural to urban land use.

Response:

The plan area is within the urban growth boundary and designates a mix of future urban land uses. Development design standards will ensure that development in the plan area will enhance the unique qualities of the area around Sportsman Airpark.

Development, as described in the plan, is not supported by the City until the lands are annexed into the City.

Criteria (b) - There is a public need for a change of the kind in question.

Response:

On July 6, 2004, the Newberg City Council expressed its desire to examine future uses for Sportsman Airpark and its surrounding area. That night, the City Council authorized city staff to seek grant funds to develop a master plan for the airport area. The City later received grant funds from the Rural Investment Funds to develop such a plan.

The master plan was developed with cooperation of all the land owners within the plan area. Two community workshops were also held in the development of the plan, incorporating the ideas presented by the participants at the workshops.

The Sportsman Airpark Land Use Master Plan should be adopted by the City of Newberg in order to:

- ◆ Plan for future economic development opportunities that will enhance the local economy; and,
- ◆ Ensure the future viability of the airport, an important community resource

Criteria (c) - The need will be best served by changing the classification on the particular piece of property in question as compared with other available property.

Response:

No other area within the City's Urban Growth Boundary (UGB) could serve most of the uses proposed in the plan. The proposed uses in the plan, by their very nature, require close proximity to an airport.

Criteria (d) - Compliance with the State Transportation Planning Rule (OAR 660-012-0060) for proposals that significantly affect transportation facilities.

The land uses in the plan are essentially the same as the currently planned future land uses, except that the uses are more narrowly focused upon the aviation community. This focused change on land use is not expected to significantly affect any existing or planned transportation facility.

