

PORT OF ORCAS

RESOLUTION NO. 2021 07 26A

A RESOLUTION ESTABLISHING HANGAR USE POLICIES

WHEREAS, the Federal Aviation Administration (the “FAA”) has provided substantial funding to the Port of Orcas (the “Port”) for Orcas Island Airport (the “Airport”) projects through Airport Improvement Program (“AIP”) grant funding;

WHEREAS, by accepting AIP grant funds, the Port has agreed to comply with certain federal policies included in each AIP grant agreement as sponsor assurances; and

WHEREAS, Grant Assurance 19 (Operation and Maintenance) prohibits the Port from permitting any activity on the Airport that would interfere with its intended use as an airport; and

WHEREAS, in June 2016, the FAA issued its final policy regarding the storage of non-aeronautical items in airport facilities designated for aeronautical use. This policy became effective July 1, 2017; and

WHEREAS, aeronautical facilities of the Airport must be dedicated to use for aviation purposes. Non-aeronautical uses must be approved by the FAA; and

WHEREAS, use of a hangar as a residence or hangar harm is one of the non-permissible uses of hangars under the FAA policy; and

WHEREAS, FAA Order 5190.6B ¶ 20.5(b) discusses pilot resting facilities, which are limited to certain commercial uses and individuals necessary for the operation of an aircraft. This Order does not allow for short-term lodging; and

WHEREAS, the Port has communicated with its FAA representative about potentially permissible non-aeronautical uses of hangars. The FAA’s compliance officer has stated that camping is not allowed in hangars on Airport property; and

WHEREAS, land designated for aeronautical use is subject to FAA policies. FAA’s policy regarding storage of non-aeronautical items applies regardless of whether the hangar occupant leases the hangar from the Port or the hangar occupant constructed the hangar at its own expense; and

WHEREAS, the Port believes that it is in the public interest to implement the following regulations governing use of hangars on Port property in order to preserve FAA funding; and

WHEREAS, in addition to the grant assurances, the Port views that the following policies are necessary in the interest of emergency access, fire codes, and security; and

NOW, THEREFORE, the Commissioners for the Port hereby resolve as follows:

1. The Port of Orcas hereby adopts the following rules and regulations:

1.1 The Port of Orcas (the "Port") hereby incorporates the FAA's Policy on the Non-Aeronautical Use of Airport Hangars, 81 Federal Register 38906 (the "FAA Policy"), as hereafter amended into its Airport Rules and Regulations. That Policy provides that a facility located on land designated as "aeronautical" at the Orcas Island Airport (the "Airport") must be used for an aeronautical purpose or be available for an aeronautical purpose.

1.1.1 The Port will permit non-aeronautical items to be stored in hangars that are used for aeronautical purposes, provided the items do not interfere with the aeronautical use of the hangar.

1.1.1.1 The Port hereby incorporates by reference the FAA Policy's description of items that interfere with the aeronautical use of hangars and prohibits the same.

1.1.2 Hangars are not to be used as a permanent or temporary residence, even if co-located with an aeronautical use. Camping and/or overnight stays within hangars are prohibited.

1.2 The rules and regulations described herein apply regardless of whether (i) the Port owns the hangar; or (ii) the hangar occupant or a third-party constructed the hangar at the expense of someone other than the Port, while holding a ground lease. Hangars built on Airport land are subject to the Port's obligations to the FAA regarding the use of aeronautical facilities.

1.3 Violation of these rules or regulations will constitute a material breach of the hangar occupant's lease with the Port and subject the hangar occupant to the Port's remedies for default.

ADOPTED this July day of 26th, 2021.

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Mia Kartiganer

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Mia Kartiganer, Chair

DocuSigned by:

Pierrette Guimond

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Pierrette Guimond, Commissioner

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Michael Triplett

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Michael Triplett, Commissioner

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Bea vonTobel

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Beatrice VonTobel, Commissioner

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Robert Hamilton

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Robert Hamilton, Commissioner

Attest: _____

Jeannie Sharpe, Airport Manager