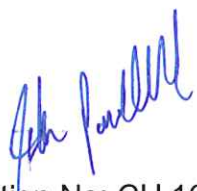


John Puskell
Airport Manager

DATE: February 24, 2016
TO: City of Salem Hearings Officer
CC: Aaron Panko, Case Manager
FROM: John Puskell, Airport Manager 
RE: Conditional Use Permit Application No: CU 16-01
Amanda Application Number: 15-121963-ZO

Hearings Officer:

Thank you for the opportunity to provide a response to the Project Delivery Group letter dated February 17, 2016 for the above-referenced Conditional Use Permit Application.

As Airport Manager, part of my responsibility is to protect the City of Salem, its airport, the flying public and the public at large by providing a professional opinion on subjective issues so that the City of Salem's policy makers can make an informed decision as to whether approving the application is a prudent action. There is no other interest, personal, financial or otherwise, in the outcome of the proposed project and as such no interest or intent in "overstating," "misrepresenting" or making "baseless threats" as stated in the applicant's response.

Land Use and Grant Assurances

The applicant correctly points out that neither the FAA nor the State of Oregon regulates land use in local communities. Local land use and development decisions are left to local policy makers as they have a unique understanding of the needs of the community, and must balance those needs against issues such as safety, livability, quality of life, amongst other factors. The FAA does expect airport sponsors (the City of Salem) to take reasonable actions and make land use decisions that are compatible with aircraft operations; further, it expects the sponsors to engage in active representation and defense of the airport's interests and be proactive in opposing planning and proposals that would permit the development of non-compatible land uses around the airport.

Grant Assurance #21 is broadly phrased and open to interpretation as to what may be considered "appropriate action," "reasonable extent" and how to define "immediate vicinity of the airport." Certainly the applicant and the Airport concur that residential development on or adjacent to the airport is incompatible but differ on the broader definition of "immediate vicinity." The general rule on residential use of land near airport property is that it is incompatible with airport operations because of the impact of aircraft noise, vibration, fumes, and other quality-of-life issues and for

reasons of safety depending on the location of the property. From the airport's perspective, because the property is one-half mile from the airport and under the approach and departure path of the airport's primary runway, all of the above issues are important considerations.

Noise Impacts

As previously stated, both FAA and the Oregon Department of Aviation (ODA) Land Use Guidebook determine that the 65 DNL sound level is an appropriate threshold for determining "significant" noise from aircraft operations that is incompatible with residential development. Noise levels between 55-64 DNL are considered "moderate" noise levels. The applicant's response provides a commendable job of addressing the potential noise impacts at the proposed site. Accepting the linear interpolation provided resulting in a 63 DNL noise level supports the Airport's previous statement that the proposed development would be "immediately outside the 65 DNL noise contour." The Master Plan shows that the 65 DNL noise contours for 2008 and 2028 are nearly identical, so it can be assumed that 2016 noise levels at the proposed site are at 63 DNL.

DNL is defined as the day-night *average* sound level over a 24-hour period. The noise between 10:00 p.m. and 7:00 a.m. is artificially increased by 10 DB to take into account the decrease in community background noise during those hours. DNL measurements are used for airports because the airfield is open to aircraft operations 24 hours per day every day of the year. As an average, it can be assumed that living at the 63 DNL noise level will regularly expose tenants to aircraft noise much greater than 63 decibels, often at times that lawnmowers, garbage disposals and vacuum cleaners typically do not operate.

At 63 DNL the proposed development would be at the higher end of the 55-64 DNL noise range, regularly subjecting residents to "moderate" noise exposure from landing and departing aircraft. OAR 340-035-0045 contains the State of Oregon criteria for airport noise, and is used to identify noise-sensitive properties near the airport that may experience regular noise exposure. Noise-sensitive properties are defined as "real property normally used for sleeping, or normally used for schools, churches, hospitals or public libraries." This proposal places noise-sensitive residential properties under the departure and final approach to the airport's primary instrument runway, subjecting residents to *moderate* noise impacts. At a minimum the Airport would strongly urge the applicant to include noise reduction measures as part of the development.

Safety

In addition to height and noise concerns, one final consideration for airports when reviewing development proposals is the safety of persons on the ground. Developments in the vicinity of the airport, especially under approach and departure paths, subject residents to aircraft accidents, however unlikely. It is not desirable to have developments near the airport that expose families to such an event, especially when considering children, elderly, infirmed or others that may be incapable of extricating themselves from a catastrophic event. Industrial and commercial developments are more desirable near airports because they typically do not employ large

numbers of persons, nor operate 24 hours per day, are often constructed of concrete, metal or materials other than wood, and employ able-bodied adults that are capable of caring for themselves in the event of an emergency. The proposed development places 96 residential dwelling units approximately ½ mile from, and immediately beneath the approach/departure path of the airport's primary runway. An aircraft accident at this site would expose hundreds of people to a catastrophic event, including some that are unable to care for themselves until help arrives.

In addition to noise impacts and other quality of life issues noted earlier, safety of persons on the ground is why the ODA Land Use Guidebook's matrix of Limitations and Restrictions on Allowed Uses suggests that residential densities within 500-1,000 feet of the outer edge of the Runway Protection Zone (RPZ) not exceed 2 units per acre. Where not clearly compatible or incompatible, much less dense residential developments in the vicinity of an airport are more desirable. The proposed development exceeds the ODA guidance by *fifteen times* the recommended density.

Summary

Given the above, it remains the opinion of the Airport, with concurrence by the State of Oregon Department of Aviation (see attached letter), that the parcel in question is in the "immediate vicinity" of the airport, that the current Industrial/Commercial zoning on that parcel is an appropriate designation, and that a high-density multi-family residential development creates a use that is incompatible with normal aircraft operations, including landing and takeoff. As such, the Airport recommends against issuing the Conditional Use Permit.

Thank you once again for the opportunity to comment, and as always if you have any questions or need additional information please let me know.



Oregon

Kate Brown, Governor



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February 3, 2016

Aaron Panko
Planner III
City of Salem
Community Development Department
555 Liberty St SE / Room 305
Salem, OR 97301

Re: CU16-01 CUP for Multi-Family

Dear Mr. Panko:

Thank you for the opportunity to comment on the proposed Apartment Complex located on the 1700-1800 Block of 23rd Street SE near the Salem Airport located on Map 073W35AD-00800. After a preliminary review of the proposed application the Oregon Department of Aviation (ODA) has prepared the following comments.

The proposed use of a multi-family residential apartment building is classified as Residential and according to Table 3-4: Compatible Land Uses per FAR Part 77 Surfaces and FAA Safety Areas, as located in the Airport Land Use Compatibility Guidebook (January 2003), the proposed use is classified as 'Not clearly compatible or incompatible, require specific study'; this is due to its proposed location within the airport's approach surface.

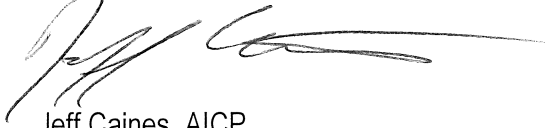
Furthermore, the ODA Land Use Compatibility Guidebook refers to residential densities for residential developments under approach zones. Table 7-1 identifies that the use be allowed under limited circumstances. Note 10 in Table 7-1 indicates that within 500 to 1,500 feet of the outer edge of the Runway Protection Zone (RPZ) that development not be denser than 2 units per acre. According to public comment submitted by the Salem Airport the proposed project is approximately 440-feet from the out edge of the RPZ. The airport letter further states that the project site is approximately 3 acres in size and is proposing 96 residential units (i.e., 32 units/ acre); well above the recommended 2 units per acre.

In addition, the Salem airport is a federally funded airport using FAA funding for capital improvement projects. As part of their obligations in receiving FAA funds the airport is under specific grant obligations to protect the airport against incompatible land uses. Grant Assurance #21 states that the airport 'will take appropriate action, to the extent reasonable, including the adoption of zoning laws, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft.'

ODA recommends that this site be development with land use as allowed in the Industrial Commercial (IC) zone to be compatible with the Salem airport and their current and future operations.

Again, thank you for allowing ODA to comment on this development proposal. If you have any questions or need further information please feel free to contact me at 503-378-2529 or Jeff.Caines@aviation.state.or.us Heather Peck at 503-378-3168 or Heather.Peck@aviation.state.or.us, Projects & Planning Manager.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeff Caines', with a long horizontal flourish extending to the right.

Jeff Caines, AICP
Aviation Planner
Oregon Department of Aviation