

YELLOWSTONE REGIONAL AIRPORT
Minimum Standards

MINIMUM STANDARDS
FOR THE
YELLOWSTONE REGIONAL AIRPORT

Adopted By The
Yellowstone Regional Airport Joint Powers Board
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Mr. Steven Doerr

YELLOWSTONE REGIONAL AIRPORT

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INTRODUCTION

The Yellowstone Regional Airport (“Airport”) is the primary commercial and general aviation air transportation facility for Park County, Wyoming and the surrounding Big Horn Basin. The Airport is owned by the City of Cody and operated and managed by the seven member Yellowstone Regional Airport Joint Powers Board (“Board”), comprised of four representatives from the City of Cody and three from Park County. The daily operations of the Airport are overseen by the Airport Manager, who is appointed by the Board.

These Minimum Standards (“Standards”) have been developed and adopted to protect and promote in a reasonable manner the best interests of the public by requiring a minimum level and quality of facilities and services required of any commercial on non-commercial activities at the Airport. These Standards are designed to provide reasonable opportunity, without discrimination, for the non-exclusive conduct of commercial aeronautical activities at the Airport.

The Board reserves the right to review and amend these Standards from time to time and may promulgate revisions deemed necessary to address proposed activities or to protect or improve the Airport or the quality of service provided to the public. These Standards are not retroactive and do not bear on or affect any written agreement or lease properly executed prior to the date of adoption and approval of these Standards.

It should be emphasized that this document specifies the *minimum* standards that must be met to conduct activities at the airport. Applicants and operators are encouraged to exceed these minimums whenever possible.

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GENERAL

- A. No entity shall engage in any commercial aeronautical activity or business of any nature whatsoever on Airport property, except with the prior written approval of the Board.
- B. Such written approval by the Board is issued through either a signed lease agreement with the Board if land and/or facilities are leased from the Airport, or a written agreement under Standards if the activity will be operating under a sublease from an existing Airport tenant.
- C. In the event these Standards, as they now exist or are hereafter amended, conflict with applicable Federal Aviation Regulations, the latter shall be deemed to control. If one or more clauses, sections or provisions of these Standards shall be held to be unlawful, invalid or unenforceable by final judgment of any court or competent jurisdiction, the invalidity of such clauses, sections or provisions shall in no way affect any other clauses, sections or provisions of these Standards.
- D. These standards do not pertain to scheduled commercial air carrier operations under Federal Aviation Regulation Part 121 or to military operations.
- E. All activities at the Airport are subject to and must comply with all existing and future applicable laws, ordinances, rules and regulations of the Airport, the City of Cody, the State of Wyoming, the Federal government and all other governmental bodies having jurisdiction.

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Section I – DEFINITIONS

As used in these Standards, the following definitions apply:

- A. *Aeronautical Activity*- Any activity conducted on Airport property that makes the operation of an aircraft possible or that contributes to or is required for the safe operation of aircraft. Examples include, but are not limited to: aircraft charter, flight training, aircraft rental and sightseeing, aerial photography, aerial application, aircraft sales, sale of aviation petroleum products, repair and maintenance of aircraft and sale of aircraft parts.
- B. *Airport Layout Plan*- The currently approved, scaled dimensional layout of the entire Airport property, indicating current proposed usage for each identifiable segment as approved by the Federal Aviation Administration and the City of Cody.
- C. *City of Cody*- referred to as the “City”, means the City of Cody, the fee simple owner of the property that comprises the Yellowstone Regional Airport.
- D. *Commercial Aeronautical Activity*- Any aeronautical activity which involves, makes possible or relates to the operation of aircraft, the purpose of such activity being to secure income, earnings, compensation or profit, whether or not such objective(s) is accomplished.
- E. *Entity*- A person, persons, firm, partnership, Limited Liability Company, unincorporated proprietorship, association, group or corporation.
- F. *Fixed Base Operator (FBO)*- A commercial tenant which provides for aircraft services as outlined in section V.(A).
- G. *Manager*- means the Airport Manager of the Yellowstone Regional Airport as appointed by the Yellowstone Regional Airport Joint Powers Board.
- H. *Minimum Standards*- Qualifications established by the Yellowstone Regional Airport Joint Powers Board as the minimum requirements to be met as a condition for the right to conduct a commercial aeronautical activity on the Airport and or for a land or facility lease.

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- I. *Non-Aeronautical Activity-* Any activity conducted on Airport property that does not involve the operation of an aircraft or that contributes to or is required for the safe operation of aircraft.

- J. *Non-Commercial Aeronautical Activity-* Any aeronautical activity which does not involve, makes possible or relates to the operation of aircraft, the purpose of such activity being to secure income, earnings, compensation or profit, whether or not such objective(s) is accomplished.

- K. *Non-Commercial Flying Club-* any combination in which three or more persons are associated (directly or indirectly) as individuals or as any association or legal entity to provide such persons the privilege of piloting club-owned aircraft based on the Airport. The flying club shall be operated on a non-profit basis so that it does not receive greater revenue than the amount necessary for the operation, maintenance, acquisition and replacement of its aircraft. The non-profit status shall be substantiated by documentary proof from the Internal Revenue Service.

- L. *Operator-* Means the entity responsible for the operations of a commercial aeronautical activity.

- M. *Rules and Regulations-* the rules and regulations as may be promulgated and adopted from time to time by the City or Board to protect the public health, safety, interest and welfare of the Yellowstone Regional Airport.

- N. *Specialized Aviation Service Operator (SASO)-* A commercial aeronautical activity that provides one or more commercial services as outlined in section V.

- O. *Yellowstone Regional Airport-* referred to as the “Airport”, means the property allocated for the operation of the Yellowstone Regional Airport in the City of Cody, State of Wyoming, as depicted on the current Airport Layout Plan.

- P. *Yellowstone Regional Airport Joint Powers Board-* referred to as the “Board”, is the entity that has statutory responsibility for the operation, maintenance and financial control of the Yellowstone Regional Airport.

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SECTION II - APPLICATION REQUIREMENTS

A. **Commercial/Non-Commercial Aeronautical Activity** Applications for permission to conduct any commercial or non Commercial aeronautical activity or for a land or facility lease to conduct such activity at the Airport shall be made in writing to the Airport Manager. The applicant shall submit all information and material necessary or requested by the Board to establish to the Board's satisfaction that the applicant will qualify and comply with these Standards. All aeronautical applications must included the following:

1. Name, mailing address and phone number of applicant(s).
2. Type and structure of the organization; if incorporated, the names of the officers; if a partnership, the names of the partners.
3. Individual or business name and mailing address to appear on the lease or agreement.
4. A description of the amount of land, number of buildings, building space, etc. the applicant desires to lease. If the activity will be conducted under a sublease from an existing leaseholder, a copy of the proposed sublease must be provided.
5. Proposed commencement date of the proposed construction or site improvements, proposed completion date and proposed date of commencement of operations.
6. A description of the building space to be constructed, including square footages, building types and intended use of each.
7. The estimated total cost of construction and improvements.
8. A site plan drawing depicting construction intended for the lease area (must be compatible with the Airport's current Airport Layout Plan).
9. The number and type of aircraft to be based upon the leasehold to be leased or subleased by the Operator.
10. Provide a certificate of insurance or other satisfactory evidence of the ability to obtain insurance coverage as required in Section VI.

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In addition, to the above stated items all commercial aeronautical applications are required to include the following:

1. A statement of past experience in the specified aviation business or commercial activity for which the application is being made.
2. A list of any applicable Federal, State or local certifications and licenses currently held or to be obtained. Include copies of currently held licenses or certificates.
3. A statement, with supporting evidence, of the need at the Airport for the proposed operation and the desires of the users at the Airport for the proposed operation to be open for business.
4. A description of the services to be offered, including all of the intended services upon completion or the installation of the facility.
5. The hours of operations and number of employees.
6. Provide evidence of financial capability to perform and provide the above services.

If requested by the Board, the commercial aeronautical applicant shall also submit the following supporting documentation:

1. Financial Statement- A current financial statement prepared or certified by a Certified Public Accountant.
2. Assets- A written listing of the assets owned or to be purchased and utilized in conjunction with the commercial activity at the Airport.
3. Credit Report- A current credit report covering all areas in which the applicant had done business within the last ten years.
4. References- A list of persons or businesses for which the Board has the authority to contact.
5. Authorization for release of information. A written authorization for the Federal Aviation Administration, all aviation or aeronautic commissions or boards, administrators, or departments of states in which the applicant has engaged in aviation business to supply the Board with all information in their files relating to the application or its operation. The applicant shall execute such forms, releases and discharges as may be requested by any of these agencies.

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The Board shall be the sole judge of what constitutes adequate financial capability and qualifications of the applicant to conduct the proposed activity.

B. Non-Aeronautical Activities Applications for permission to conduct any non aeronautical activity or for a land or facility lease to conduct such activity at the Airport shall be made in writing to the Airport Manager. The applicant shall submit all information and material necessary or requested by the Board to establish to the Board's satisfaction that the applicant will qualify and comply with these Standards. At a minimum, such applications must include all of the following:

- i. Applicants are required to schedule a pre-submittal meeting with the Airport Manager. This meeting gives the applicant an opportunity to present their idea and to discuss available parcels and their designated use. This also gives the applicant valuable general comments on the feasibility of the idea and an opportunity to identify any potential problems. It also offers the applicant an introduction to the airport's Minimum Standards, which will apply.
- ii. Following pre-submittal discussions, a Development Plan should be submitted to the Airport Manager for placement on the Airport Board's agenda at a regularly scheduled meeting. A developer's representative must be present. Should the proposed Development be an aeronautical activity as defined in the Airport's Minimum Standards, concurrent application under those Standards will be also required.
- iii. This meeting will give Airport Board members an opportunity to review the proposed development and address any questions or concerns with the applicant and Airport Manager. The Development Plan must be submitted at least two weeks prior to the Airport Board meeting at which the proposed development will be discussed. At a minimum, the Development Plan must include the following information:
 1. Applicant's name, address, phone and facsimile numbers.
 2. Number and type of structure(s) proposed, including approximate size, maximum height.
 3. Proposed use of structure.

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The following plans and drawings shall also be submitted:

1. Title or name of the development.
2. Vicinity map, north arrow and date of preparation.
3. Location and description of lot. If lot is not depicted on the Airport's Current Lease Parcel Map, include a description and depiction of area for proposed development (must be compatible with the Airport's FAA-approved Airport Layout Plan.)
4. Location and proposed uses of building areas, including dimensions and square footage.
5. Location and dimensions of required setbacks as outlined in these Guidelines.
6. Designated parking areas and egress/ingress routes.
7. Topographic drainage map depicting existing and proposed contours and drainage, including adjacent sites.
8. Utility drawing depicting existing and proposed utility locations and connections.
9. An exterior lighting plan.
10. Plans and specifications for the proposed development, including samples of material types and colors.
11. An architectural rendering of the proposed development, including all adjacent improvements.
12. Proposed timetable for development.

Following Airport Board and Manager input, revisions to the Development Plan may be necessary prior to execution of a Lease Agreement.

- iv. Following revision and approval of the Development Plan, the Airport Board may enter into a Lease Agreement with the developer, or approve a sublease with an existing tenant as may be provided in that tenant's Lease Agreement with the Airport. The execution of a Lease Agreement may be concurrent with the approval of the Development Plan. Should the proposed development be a aeronautical activity as defined in the Airport's Minimum Standards, such Lease Agreement will incorporate language enforcing the Minimum Standard provisions that apply to the proposed development.

Under no circumstances may construction occur prior to the execution of a Lease Agreement.

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SECTION III - GENERAL CONDITIONS AND REQUIREMENTS

The following general conditions and requirements will be included in all commercial aeronautical or non-aeronautical activity leases or any written agreement under Standards. They are basic clauses only and more specific clauses, covenants and language, dependent upon the particular activity authorized by the Board, may be included in the lease or agreement under Standards.

A. NON DISCRIMINATION: Premises are to be operated for the use and benefit of the public. Non-discrimination means:

1. To furnish good, prompt and efficient services adequate to meet the demands for its service at the Airport;
2. To furnish said service on an equal and non-discriminatory basis to all users thereof;
3. To charge reasonable and non-discriminatory prices for each unit of sale or service, provided that the Operator may be allowed to make reasonable and non-discriminatory discounts, rebates or other similar types of price reductions to volume purchasers;
4. The Operator, his agents and employees will not discriminate against any person or class of persons by reason of race, color, creed or national origin in providing any services of in the use of any of its facilities provided for the public in any manner. The Operator further agrees to comply with enforcement procedures as the United States might demand that the Board take in order to comply with the Airport's Federal Assurances.

B. AIRCRAFT SERVICE BY OWNERS OR OPERATORS OF AIRCRAFT

It is to be clearly understood by all Operators under these Standards that no right or privilege has been granted which would serve to prevent other aircraft owners or operators (commercial or non-commercial) on the Airport from performing any service on their own aircraft. This does not preclude the Operator under these Standards from restricting the activities of others on its own leasehold.

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C. NON-EXCLUSIVE RIGHT

The granting of rights and privileges to engage in Aeronautical Activities shall not be construed in any manner as affording the Operator any exclusive right of use of the premises and/or facilities at the Airport, other than those premises and/or facilities which may be assigned exclusively to the Operator, and then only to the extent provided in a written Agreement.

D. AIRPORT DEVELOPMENT

The Board reserves the right to further develop or improve the landing area of the Airport as it sees fit, regardless of the desires or views of the Operator and without interference or hindrance.

E. MAINTENANCE OF LANDING AREA AND ALL PUBLICLY OWNED FACILITIES

The Board reserves the right, but shall not be obligated to the Operator, to maintain and keep in repair the landing area of the Airport and all publicly owned facilities of the Airport, together with the right to direct and control all activities of the Operator in this regard.

F. NATIONAL EMERGENCY

During time of war or national emergency, the Board shall have right to lease the landing area or any part thereof to the United States Government for military use, and if such lease is executed, the provisions of this instrument insofar as they are inconsistent with the provisions of the lease to the U.S. Government, shall be suspended.

G. AIRPORT OBSTRUCTIONS

The Board reserves the right to take any action it considers necessary to protect the aerial approaches of the Airport against obstructions, together with the right to prevent the Operator from erecting or permitting to be erected, any building or other structure on or adjacent to the Airport, which, in the opinion of the Board, would limit the usefulness of the Airport or constitute a hazard to aircraft.

H. SUBORDINATION

This lease shall be subordinate to the provisions of any existing or future agreement between the Board and the United States, relative to

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the operation and maintenance of the Airport, the execution of which has been or may be required as a condition precedent to the expenditure of Federal funds for the development of the Airport.

I. REFUSE AND WASTE

The Operator shall not throw, dump, deposit or store any waste on the Airport. The Operator's operating area shall be kept in a safe, neat, clean and orderly manner at all times and in such a manner to minimize any hazards. The operator must comply with the Airport's Stormwater Pollution Prevention Plan as appropriate. Examples of waste include, but are not limited to, garbage; used fluids such as oil, chemicals, solvents or cleaners; scrap materials or other debris.

J. OPERATION AREA

The Operator shall not conduct any of its business or activities on any area except those specified in the lease or agreements under standards.

K. COMPLIANCE WITH APPLICABLE RULES AND REGULATIONS

The Operator shall comply with all federal, state and local rules and regulations which may pertain to its operation on the Airport and all future revision thereto.

L. APPROVAL OF CONSTRUCTION

No buildings, structures, tie downs, ramps, paving, taxi area, drains, earthwork or any other improvements or additions to the Airport shall be placed or constructed, or altered or removed at the Airport without the prior written approval of the Board. Applicable City permits must be obtained by the Operator prior to any such work. The Operator must also coordinate the construction of improvements with the Federal Aviation Administration through the 7460 process.

M. CHANGE IN SERVICES OFFERED

Once a lease or agreement under these Standards is entered into, the Operator may not add or delete services offered without the prior consent of the Board. Any additional services contemplated must meet the requirements outlined in these standards.

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SECTION IV - ACTION UPON APPLICATION

Upon receipt of an application to conduct an activity under these standards, the Airport Manager will review the application to ensure its completeness and compliance with the requirements of Section II, Application Requirements.

- A. If the application is found to be complete in accordance with Section II, the Airport Manager will schedule a public hearing regarding the proposed activity for Board and public consideration. If the application is incomplete, the Airport Manager will advise the applicant in writing of the deficiencies.
- B. The public hearing will be scheduled during a regular or special meeting of the Board and notification of the hearing will be published in appropriate local publications not less than seven (7) days before the meeting date.
- C. No public hearing shall be conducted unless the applicant or a duly appointed representative is present.
- D. At the time of the public hearing, the Board shall hear all evidence for and against the application. After due deliberation, the Board shall either take the application under advisement until a future public hearing date or render a decision upon the application, which shall become a matter of public record.
- E. In consideration of the application, the Board may deny the application based on one or more of the following terms:
 - 1. NOT QUALIFIED: The applicant does not meet the qualifications, standards or requirements established by these Standards.
 - 2. SAFETY HAZARDS: The applicant's proposed operation or construction would create a safety hazard at the Airport.
 - 3. BOARD EXPENDITURE: The approval of the application would require the Board to expend Airport funds, labor or materials in connection with the operation.
 - 4. AVAILABILITY: There is no appropriate, adequate or available space or building at the Airport to accommodate the applicant's operation.

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5. **NON-COMPLIANCE WITH AIRPORT LAYOUT/MASTER PLAN:** The proposed operation, development or construction does not comply with the Airport's Layout or Master Plans.
6. **CONGESTION:** The development or use of the area requested will result in depriving existing Airport operators of portions of the area in which they are conducting operations; or will result in a congestion of general operating areas or buildings; or will result in unduly interfering with the operations at the Airport regarding aircraft traffic or service, or preventing unrestricted access to any airport area.
7. **MISREPRESENTATION:** Any party applying for or having an interest in the business has supplied the Board with any false information or has misrepresented any material fact in the application or in supporting documents; or has failed to make full disclosure on the application or in supporting documents.
8. **HISTORY OF VIOLATIONS:** Any party applying for or having an interest in the business has a record of violating these Minimum Standards or any Federal, State, or local rules and regulations of any other airport, the City of Cody, or the Yellowstone Regional Airport.
9. **DEFAULTED PERFORMANCE:** Any party applying for or having an interest in the business has defaulted in the performance of any other lease agreement with another airport or public agency, the City of Cody, or the Yellowstone Regional Airport.
10. **POOR CREDIT REPORT:** Any party applying for or having an interest in the business, who has a credit report which contains derogatory information and who does not appear to be a person of satisfactory business responsibility or reputation.
11. **LACK OF FINANCES:** The applicant does not have, appear to have, or have access to, the finances necessary to conduct the proposed operation.
12. **UNDESIRABLE REPUTATION:** Any party applying for or having an interest in the business has been convicted of any crime or violation of any ordinance of such a nature that it indicates to the Board that the applicant would not be a desirable operator on the Airport.

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SECTION V - COMMERCIAL AERONAUTICAL ACTIVITIES

A. **FIXED BASE OPERATOR** A fixed base operator (FBO) is any entity who shall have entered into a written agreement with the Board to provide on the Airport and serve the public with the sale of aviation jet fuel, aviation gasoline and oil, and *at least 25%* of the following services and facilities:

1. Ramp services
2. Aircraft repair, maintenance and preventative maintenance
3. Aircraft loading, unloading and towing
4. New or used aircraft sales
5. Flight instruction and aircraft rental
6. Air charter/air taxi service
7. Aerial application
8. Commercial hangar storage.

Fixed Base Operators must meet the following minimum standards and requirements:

1. **LAND:** The leasehold shall contain at least 7,500 contiguous square feet of land to provide adequate buildings and required setbacks.
2. **BUILDINGS:** Construct or lease a building of at least 5,000 contiguous square feet, providing properly lighted and heated floor space for office, public lounge, pilot briefing area, restrooms and telephone, as well as adequate area for aircraft repair and hangar space.
3. **PERSONNEL:** Provide at least four qualified employees to perform all required activities. Where required, the Operator shall provide the Board with copies of all necessary personnel certificates and licenses.
4. **HOURS OF OPERATION:** The FBO shall provide service hours that best serve the public requirements. Hours of operation shall not be less than 12 hours per day, seven days per week. Hours of operation may be seasonally adjusted and shall be conspicuously posted. At least two qualified employees shall be on duty during the hours of operation

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5. **EQUIPMENT:** All equipment necessary to adequately provide all required activities shall be provided and maintained.

6. **INSURANCE COVERAGE:** Insurance shall be carried meeting the minimum requirements outlined in Section VI.

7. **AIRCRAFT FUEL AND OIL DISPENSING:**
 - a. The FBO must keep and offer for sale at the Airport at least 1,000 gallons each of jet fuel and aviation gasoline and lubricating oils as are commonly used and demanded by the public, sufficient to satisfy public requirements.

 - b. The FBO shall have the ability to meet, if requested, all scheduled airline aircraft and provide them with such fuels and oils as necessary to meet all turn around times and schedules.

 - c. The FBO will be required to comply with Federal Aviation Regulation Part 139.321, *Handling and Storing of Hazardous Substances and Materials*, as well as Wyoming DEQ requirements.

 - d. The FBO will furnish at its own expense a minimum of one metered filter-equipped dispenser of at least 1,000 gallons capacity (fixed or mobile) for each grade of fuel dispensed at the Airport. Dispensers shall be installed, operated and maintained so as to meet all fire codes and applicable regulations.

 - e. Fuel Spill Liability Assurance: The FBO will be required to provide the Board with a written assurance that it will be solely responsible and fully liable in all regards for any fuel spill occurring at the FBO's location. The FBO will also be required to submit to the Airport Manager written fuel spill prevention containment and control procedures and a copy of its operating manual.

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- f. An FBO providing a fixed, self-service, fuel dispenser will be required to provide the following:
 - i. A designated fueling area with a containment pad designed to contain and prevent discharge of any inadvertently spilled fuel or oil. Aircraft chocks are to be provided.
 - ii. Proper bonding cables.
 - iii. Adequate signage and directions to permit aircraft operators and owners to safely fuel their aircraft.
 - iv. A readily available fuel spill cleanup kit, with instructions for its use and disposal.
 - v. Adequate fire extinguishers, readily available with clearly marked instructions for use.
 - vi. A readily accessible and well marked emergency shutoff control.
 - vii. One properly trained, locally available person, on call and able to respond within 15 minutes in the event of emergency or equipment malfunction 24 hours a day, seven days a week.
 - viii. A readily accessible telephone and a clearly posted, 24 hour emergency local phone number to be contacted in case of difficulty or emergency.
- g. All fixed storage tanks shall be of a capacity and installed in a location approved by the Board. All fuel storage facilities must be the requirements of NFPA 30. A geotechnical report of the soil is required of the area where the fuel storage tanks will be placed. Tanks must be painted white. Tanks must be surrounded by a 3 foot retaining wall and a 7 foot fence. A concrete pad, 8 feet wide by 65 feet long, must be installed where the transport tankers will unload.
- h. Fuel quality control is the responsibility of the FBO.
- i. The FBO shall provide adequate and sanitary handling of all trash, waste and other materials including, but not limited to used oil, sump fuel, and solvents, and comply with all

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applicable provisions of the Airport's Stormwater Pollution Prevention Plan.

- J. The FBO shall comply with FAA Advisory Circulars 00-34, *Aircraft Ground Handling and Servicing*, 150/5210-5, *Marking and Lighting of Vehicles Used on Airports*, 150/5230-4, *Aircraft Fuel Storage, Handling and Dispensing*, or applicable local rules and regulations, whichever are more restrictive.
- k. The FBO employees must satisfactorily complete a Fuel Handlers Class before offering fuel sales and be tested regarding Fire & Safety Procedures. FBO employees must satisfactorily complete a drivers training class before driving on the ramp areas.

8. RAMP SERVICES AND REPAIR AND MAINTENANCE

- a. The FBO shall provide, at least eight hours per day, five days per week, adequate equipment, facilities and appropriately certificated personnel for performing at least preventive aircraft airframe and powerplant repair and maintenance as outlined in Federal Aviation Regulation Part 43, appendix A. An FAA certified IA mechanic shall be available as necessary.
- b. The FBO shall provide adequate equipment and trained personnel during posted business hours to meet public requirements for all ramp services including but not limited to aircraft marshalling and towing, ground power service and lavatory service.

9. PUBLIC FACILITIES

- a. The FBO shall provide a conveniently located, heated lounge or waiting room for passengers and crews. Restrooms shall be heated, ventilated and illuminated and accessible to the FBO's customers and users.
- b. All facilities shall be maintained in a clean and sanitary manner.
- c. At least one working telephone shall be provided for public use.

10. AIRCRAFT LOADING, UNLOADING AND TOWING

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- a. The FBO shall provide adequate loading, unloading and towing equipment and trained operators to accommodate the based and transient general aviation aircraft generally utilizing the airport.

11. NEW AND/OR USED AIRCRAFT SALES (Optional)

- a. The FBO shall provide suitable office space for conducting sales and the keeping of proper records in connection herewith.
- b. The FBO shall provide, (or contract for) during posted business hours, at least one person having a current pilot certificate with appropriate ratings for the types of aircraft being demonstrated for sale.

12. FLIGHT INSTRUCTION AND AIRCRAFT RENTAL

- a. The FBO shall provide at least one FAA certified flight instructor to cover the type of training offered and at least one properly certified ground school instructor to enable students to pass the FAA written examination for at least a private pilots license.
- b. The FBO shall own or lease at least two aircraft, at least one of which must be properly certified and maintained aircraft equipped for flight instruction and at least one of which must be properly certified and maintained aircraft available for rental.
- c. The FBO shall provide adequate facilities for storing, parking, serving and repairing aircraft used for flight instruction or aircraft rental.

13. AIR CHARTER/AIR TAXI SERVICE

- a. The FBO shall provide on-demand air charter and air taxi service with at least one single engine aircraft equipped for flight in VFR conditions, in accordance with Federal Aviation Regulation Part 135. If required, the FBO shall be properly registered with the Wyoming Aeronautics Commission.

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- b. The FBO shall employ or contract with at least one appropriately rated pilot available to operate such air charter and air taxi aircraft.

14. **AERIAL APPLICATION**

- a. The FBO shall provide at least one person holding a current FAA commercial pilots license, properly rated for the aircraft to be used and meeting the requirements of Federal Aviation Regulation Part 137 and applicable regulations of the State of Wyoming.

- b. The FBO shall own or lease at least one aircraft meeting all requirements of Federal Aviation Regulation Part 137 of and applicable regulation of the State of Wyoming. The FBO shall provide a segregated chemical storage area protected from public access and meeting all applicable Environmental Protection Agency (EPA) and Occupational Health and Safety Administration (OHSA) requirements.

- c. The FBO shall provide a DEQ-EPA approved washing area if the washing involves an aircraft that has been exposed to chemicals.

15. **SPECIALIZED AIRCRAFT REPAIR SERVICE (i.e. avionics, instrument or propeller)**

- a. The FBO shall provide at least one FAA certified employee qualified in accordance with the terms of the repair service offered, on duty at least eight hours per day, five days per week.

- b. The FBO shall maintain adequate space and tools and equipment to perform the services offered.

- c. The FBO shall have access to adequate spare parts and accessories necessary to provide the service offered.

- B. **SPECIALIZED AVIATION SERVICE OPERATOR (SASO)** A Specialized Aviation Service Operator (SASO) is any entity who shall have entered

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into a written agreement with the Board to provide the Airport and serve the public with *one or more* of the following activities or services:

1. Airframe or powerplant repair or specialized aircraft repair services (i.e., avionics, instrument and propeller)
2. Aircraft flight instruction and rental
3. Aerial application
4. Air charter or air taxi service
5. Commercial Hangar Leasing
6. Specialized Commercial Activities

Specialized Aviation Service Operators must meet the following minimum standards and requirements according to the service(s) provided:

1. **AIRFRAME OR POWERPLANT/SPECIALIZED AIRCRAFT REPAIR SERVICES (Avionics, Instrument, Propeller)** A SASO desiring to engage in airframe or powerplant repair service or specialized aircraft repair services must provide as a minimum the following services and facilities:
 - a. **Land:** The leasehold shall contain at least 3,500 contiguous square feet for an adequate building and required setbacks.
 - b. **Building:** Construct or lease a building of at least 3,000 contiguous square feet to provide sufficient space to work indoors on aircraft, avionics, instruments or propellers.
 - c. **Personnel:** At least one properly FAA certified employee shall be on duty during posted business hours. An FAA certified IA mechanic shall be available as necessary
 - d. **Hours of Operation:** The SASO shall provide services at least eight hours each day, Monday through Friday to best serve the public. The hours of operation shall be conspicuously posted.
 - e. **Performance of Services:** The services provided hereunder shall be performed within or with immediate access to the required building, except for such services as must be performed outside for safety or emergency reasons, such as accidents, or aircraft run-ups, or if the aircraft is too large to be placed within the building.

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from public access and meeting all applicable Environmental Protection Agency (EPA) and Occupational Safety and Health Administration (OHS) requirements. The FBO shall provide a Department of environmental quality (DEQ-EPA) approved washing area if the washing involves an aircraft that has been exposed to chemicals.

- b. Personnel:** The SASO shall provide at least one person holding a current FAA commercial pilots license, properly rated for the aircraft to be used and meeting the requirements of Federal Aviation Regulation Part 137 and applicable regulations of the State of Wyoming.
 - c. Aircraft:** The SASO shall own or lease at least one aircraft meeting all requirements of Federal Aviation Regulation Part 137 and applicable regulation of the State of Wyoming.
 - d. Insurance Coverage:** Insurance shall be carried meeting the minimum requirements outlined in Section VI.
4. **AIR CHARTER/AIR TAXI SERVICE** A SASO desiring to provide air charter or air taxi service under Federal Aviation Regulation Part 135 must hold an FAA Air Taxi-Commercial Operator Certificate with ratings appropriate to the functions to be accomplished, be properly registered with the Wyoming Aeronautics Commission, if required by state law or regulation and provide as a minimum the following services and facilities:
- a. Building:** The SASO shall construct or lease at least 1,000 contiguous square feet to conduct air charter/air taxi operations. The building shall have restrooms and a crew/passenger waiting lounge.
 - b. Personnel:** The SASO shall employ or contract for at least one FAA certified commercial pilot, appropriately rated to conduct the operations performed.
 - c. Aircraft:** The SASO shall own or lease at least one properly certified and maintained single engine aircraft equipped for VFR operations.
 - d. Hours of Operation:** The SASO shall provide services at least eight hours per day, Monday through Friday to best serve the public. Extended or “on-call” hours are

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encouraged. The hours of operation shall be conspicuously posted.

- e. **Insurance Coverage:** Insurance shall be carried meeting the minimum requirements outlined in Section VI.

- 5. **COMMERCIAL HANGAR LEASING** Any SASO desiring to provide hangars for the sole intent of leasing to other aircraft owners or lessees shall provide as a minimum the following services and facilities:

- a. **Land:** Leasehold shall contain at least 3,500 contiguous square feet provide suitable hangar buildings.

- b. **Building:** Construct or lease a hangar or building of at least 3,000 contiguous square feet which meets the Board's approval.

- c. **Insurance Coverage:** Insurance shall be carried meeting the minimum requirements outlined in Section VI.

6. SPECIALIZED COMMERCIAL ACTIVITIES

- a. **Parachute Jumping:** Any commercial parachute jumping clubs or organizations desiring to engage in parachute jumping onto the Airport must as a minimum provide the following:

- i. Obtain the written permission of the Airport Manager.
- ii. Specify the hours and areas for the drop and issue a Notice to Airmen as appropriate.
- iii. Provide the Airport with a general liability insurance policy that names the Board as an additional insured party, in an amount to be determined by the Board. If the organization is a member of the United States Parachute Association, the coverage provided by membership in that organization is acceptable.

- b. **Casual Aircraft Mechanics:** An individual desiring to engage in occasional commercial airframe or powerplant or specialized repair service, must provide as a minimum the following:

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- i. A copy of the individual's FAA airframe and/or powerplant certificate and register with the Airport Manager's office.
- ii. Pay any applicable transient merchant fee required by City ordinance.
- iii. Provide the Airport Manager with proof of insurance coverage meeting the minimum requirements outlined in Section VI.

c. Flying Clubs: A nonprofit entity organized for the express purpose of providing its members with aircraft for their personal use only, must provide the following as a minimum:

- i. Proof of the Club's non-profit status, a list of all members and a list of all Club-owned aircraft. The Club shall be a nonprofit entity organized for the express purpose of providing its members with an aircraft for their personal use and enjoyment only. The ownership of the aircraft must be vesting in the name of the Club. The property rights of the members of the Club shall be equal and no part of the net earnings of the Club will inure to the benefit of any member in any form (salaries, bonuses, etc.). The Club may not derive greater revenue from the use of its aircraft than the amount necessary for the operations, maintenance and replacement of its aircraft.
- ii. Provide the Airport Manager with proof of insurance coverage meeting the requirements outlined in Section VI.

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SECTION VI - GENERAL AERONAUTICAL ACTIVITIES

- A. GENERAL BUILDING AND CONSTRUCTION STANDARDS** The primary goal of this section is to promote consistent, attractive and compatible high quality development of the areas of the Airport dedicated for aviation or aviation related purposes as depicted on the current Federal Aviation Administration (FAA) approved Airport Layout Plan.

Attainment of this goal is particularly important, as the Yellowstone Regional Airport is located on a “Community Entrance Corridor”, as described in the 1997 City of Cody Master Plan. These Airport Standards will assist the Airport in meeting the City of Cody’s goal to establish “pleasing community entrances that promote community pride and an image of Cody as a distinctive, attractive and unique community.”

- 1. Applicability** These Standards apply to all applications for new aviation or aviation-related development occurring after the date of official adoption by the Board. Tenants with existing Lease Agreements who undertake any renovations or improvements to existing structures are required to adhere to the appropriate sections of these standards where appropriate.
- 2. Guidelines** These standards are in addition to any federal, state, city or county laws or regulations. Whenever the provisions of these Guidelines are found to be inconsistent with any other law or regulation, the law or regulation imposing the more restrictive standards shall control. The provisions of these standards are minimums that do not preclude the imposition of more restrictive

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standards by agreement or law. Any commercial aeronautical development will also be subject to the Airport's Minimum Standards for Commercial Aeronautical Activities.

3. **Variance and Amendments** The Board has the right to amend or approve variances to these Guidelines.
4. **Local Code Compliance** All aviation development on the Airport shall comply with all applicable provisions of the Uniform Building Code, Ordinances of the City of Cody, Park County Fire District Regulations and any other standards or regulations that would apply to the type of development proposed.
5. **Construction/Frame Type** All framing shall be of painted metal or dimensioned lumber. Pole type construction may be permitted if accepted by the States Building Codes Division and the City of Cody. Pre-fabricated construction is permitted.
6. **Exterior Materials** All exterior surfaces must be earth tone colored pre-finished metal. No wood, plastic, or unfinished materials may be used. All proposed exterior materials and colors must be submitted to the Airport Board for approval before construction may begin. No galvanized metal shall be used on any exterior surface. Exterior air conditioning, heating or other equipment on the roof of any structure shall be appropriately screened from view.
7. **Exterior Colors** All exterior surfaces must be earth tone colors, compatible with the general colors of the airport's airline terminal or surrounding development. Actual samples of the exterior material and colors must be submitted to the Board prior to approval.
8. **Doors** Aircraft doors shall be sliding, overhead or bi-fold doors, as appropriate for the size of aircraft hangar. Doors shall be constructed of pre-finished metal, in colors complementary to the rest of the structure. No wood, plastic, or other unfinished materials may be used.

Pedestrian doors shall be in a number commensurate with local fire and building codes, depending on size of the structure. All pedestrian doors must be of pre-finished metal construction in metal jambs. No wood, plastic, or other unfinished materials may be used.

Vehicle access doors shall be of overhead construction, in colors complementary to the rest of the structure.

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9. **Overall Height** The overall height of the structure shall be commensurate with other proximate structures, depending on use and aircraft size. Under no circumstances will any structure be permitted to exceed a height that would make it an obstruction under Federal Aviation Regulation (FAR) Part 77, as depicted on the FAA-approved Airport Airspace Drawing.

All applications for development must include a completed and approved FAA Form 7460-1, Notice of Proposed Construction or Alteration.

10. **Interior Floors** All interior floors are to be constructed of steel reinforced concrete with a minimum four inch depth. Minimum floor thickness should be based on the heaviest aircraft that will physically fit within the hangar.
11. **Office and Apartments in Hangars** Hangar Owners are allowed to install offices and restrooms in their hangar, which may be used only for aviation purposes. No apartments may be constructed and the hangar may not be used for overnight stays or for any residential or non-aviation related activity.
12. **Use of Hangars** The hangar may be used only for storage of aircraft. Historically, we have allowed hangars to be used for the storage of other non-commercial items as long as an aircraft is also stored there. However, this privilege is at the discretion of the Airport Board.
13. **Exterior Apron** Only a broom finish shall be used on exterior concrete ramps. Exterior ramp to taxiway shall be paved at least the width of the building and may be concrete or asphalt. Additional paved vehicle parking on the leased property is also recommended. The ramp in front of the multiple unit hangars must be paved to the full width of the building with 45-degree tapers toward the taxiway on each end or tie into adjacent ramp if such exists. Minimum apron thickness should be based on the heaviest aircraft that will physically fit within the hangar.
14. **Paving** The Airport will provide taxiways in the hangar area. The hangar owner is required to pave the area from their hangar door to

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the taxiway. The hangar owner must also comply with the Airports pavement specifications.

15. **Utilities** All utilities including electrical, natural gas, water, sewer, and telephone must be installed underground. The installation of utilities to any individual development shall be at the sole cost and responsibility of the developer. Sizing and exact location of all utilities shall be in accordance with the City of Cody's regulations and directives. Proposed locations of these lines must have prior approval of the Airport Board before any digging starts. The developer will be responsible for returning any areas disturbed by excavation as a result of utility installation to its original condition. If water service is installed, the owner shall install a meter on the service line.

Most hangar areas have sewer and water service nearby. If you wish to have sewer and water service to your hangar, there is a one time connection fee, and a monthly charge. The monthly fee may be adjusted if utility cost increase. It is the hangar owner's responsibility to install and pay for the service lines to the building. Electric, telephone and natural gas lines run throughout the hangar area. It is the owner's responsibility to pay for all lines and transformers required to serve the building.

16. **Exterior Lighting** At least two exterior security lights shall be installed, one on the front (landside) and one on the back (airside) of the structure. Within reason, developers are encouraged to install additional lighting where possible.

All exterior lights shall operate every night for the duration of darkness, and be of a color and brightness compatible with surrounding illumination. All lights shall be aimed down to prevent visual interference with aircraft operations.

17. **Hangar Numbers** At least two exterior hangar numbers shall be installed directly below the required exterior lighting, one on the front (landside) and one on the back (airside) of the structure. These hangar numbers will be issued to the hangar owner once Approval is granted by the Airport Board. The hangar numbering systems have been predetermined and is depicted on the current Federal Aviation Administration (FAA) approved Airport Layout Plan.

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- 18. Structure Setbacks** Appropriate structure setbacks are important for several reasons, including emergency vehicle access, aesthetic appearance, adequate parking and access and aircraft clearance.

Different structure setbacks may be required based on a number of factors such as lot size, structure use, aircraft size, specific location on the airport and surrounding non-compatible development such as fuel storage areas.

Generally, however, the following setbacks will apply:

Sides: 20 feet from edge of structure to lot line.

Front: (Landside) 40' from edge of structure to lot line. May be increased to accommodate adequate parking, particularly for commercial uses.

Back: (Airside) Setback on the aircraft side shall be based on the largest aircraft permitted in that area (as outlined on the Airport Layout Plan), plus 15 feet

- 19. Land Rental** The lessee must rent the foot print of the building, 20 feet on the sides, 40 feet on from the front of the building, and the distance to the taxiway (usually 35-50 feet) in the back of the building. For example a 60' x 60' hangar would have a lease of 90 wide by 150' deep.
- 20. Length of Lease** The lease term is ten years with a ten year option, for a total of twenty years. Hangars of 10,000 sq ft. or more are granted a twenty-year lease with a ten year option, for a total of thirty years. A sample lease may be inspected at the airport office.
- 21. Construction Standard** All construction must be accomplished in a workmanlike manner. A representative of the airport reserves the right to inspect and reject any phase of the construction. A detailed drawing of the proposed hangar and a copy of the state Building Permit must be submitted to the Airport for approval before construction may begin.
- 22. Clean up and Reclamation** A covered dumpster or other appropriate covered receptacle shall be placed on the site prior to construction and shall be used for all waste materials.

All areas disturbed during the hangar construction, including utility trenches, must be cleaned up, compacted, covered with topsoil and

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compacted again. The entire area shall then be reseeded by the owner with the following grass mixture:

<u>Species</u>	<u>Pounds per Acre</u>
Agropyron Cristatum	5.0 Lbs/acre
Agropyron Trachycaulum	5.0 Lbs/acre
Agropyron Smithii	5.0 Lbs/acre

Hydro-seed application rate is double the dry application rate

All areas around the hangars must be back filled in a manner that will allow mowing over the edges of ramp and adjacent to the building.

The builder shall haul all excess gravel and topsoil material from the site to an alternative location on the airport is so directed by the Airport Manger.

A One thousand-dollar (\$1,000.00) clean up and reclamation deposit is required. These funds must be placed on deposit with the airport before any construction begins. If all cleanup and reclamation is completed by the builder to the satisfaction of the airport, the entire deposit will be returned. If this work is not completed in a timely manner, the airport shall have the right to complete the work or contract it out and utilize the owner's deposit as payment. The remaining deposit (if any) shall be returned to the owner. If the amount deposited is not sufficient to pay for the required reclamation and clean up, the owner agrees to pay any additional charges.

C. LANDSCAPING STANDARDS

1. **Purpose** the purpose and intent of the landscaping standards are as follows:
 - a. To repair those areas disturbed during construction
 - b. To retard storm water runoff and erosion
 - c. To retard the spread of noxious weeds
 - d. To preserve the value of the land and buildings
 - e. To enhance the beauty of the airport

2. **Landscaping Plan** A site and landscaping plan shall be submitted to the Airport Board for review and approval as an attachment to the building plans. The drawing shall include:

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- a. The proposed building site
- b. Vehicle parking lot, with striping layout
- c. Location of curbs, sidewalks and gutters
- d. Landscaping plan
- e. Description of proposed watering plan
- f. Designated snow removal storage areas
- g. Location of existing and/or proposed drainage facilities which are to be used for drainage control.

3. Areas to be Landscaped Any portion of the leased lot which is not used for a structure or vehicle parking shall be landscaped. Landscaping shall also be used, consistent with building and fire codes, to screen unsightly items such as above ground storage tanks, air conditioning units or utility boxes.

4. Landscaping Materials Landscaping materials should be indigenous to the State of Wyoming and may include such items as trees, shrubs, hedges or bushes, and ground cover such as grass or landscaping rocks. Small landscaping rock will be permitted, provided it is not placed such that it will become a hazard to aircraft or personnel near aircraft. Decorative bark is not permitted.

Landscaping material shall be compatible with that of surrounding development and may not pose a hazard to aviation security or safety. All landscaping installed shall not, when fully grown, exceed 25 feet above ground level, or penetrate into the Part 77 airspace surfaces as depicted on the Airport Airspace drawing, whichever is less.

5. Landscaping Completion All landscaping shall be completed within nine months of completion of the exterior of the building. When enforcing this provision, external factors such as seasonality and availability of landscaping stock should be considered before any enforcement action is taken under the land lease agreement.

6. Maintenance of Landscaping
All landscaped areas shall be irrigated by a permanent, underground irrigation system suitable for the type and amount of landscaping installed. Landscaping shall be maintained year round in presentable condition.

7. Deviating from landscaping Standards To achieve the optimal landscaping design on individual sites or to coordinate the landscaping design in the area, it may be necessary to deviate from the strict

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application of these landscaping standards. A variance from any portion of these standards may be requested and implemented if approved by the Airport Manager.

D. VEHICLE PARKING

1. **Surface** All vehicle parking spaces on the leasehold shall be paved with asphalt or concrete to a strength sufficient to accommodate the heaviest expected usage. Vehicle parking spaces shall be clearly marked.
2. **Number of Spaces** The number of vehicle parking spaces required will be dependent upon the use of the leasehold (commercial/private), as well as the location of the leasehold. For public use or commercial facilities, parking spaces of a size and in a number for disabled persons will be required as outlined by the Americans with Disabilities Act.

Parking requirements will be reviewed by the Board on a case-by case basis dependent on the above noted factors.

3. **Driving** The vehicle gate adjacent to the hangar shall be utilized. Driving in the hangar area and adjacent taxiways shall be limited as much as possible. Driving on the general aviation ramp is strictly prohibited unless you are loading, unloading or serving an aircraft that is located on that ramp.

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Section VII – Non Aeronautical Commercial Activity

The Airport has developed a 34 acres parcel according to the Yellowstone Airport Layout Plan and Airport Master Plan to become an Airport Business Park. The following design standards are applicable to all property within the airport business park. These specific standards do not replace the standards in the Cody City Code, but are in addition too. The design standards are intended to establish uniform development throughout the Airport Business Park.

- A. **Lease of Property** The Airport is comprised of property owned by the City of Cody pursuant to a dedication from the United States government. All lots must be leased from the Airport, none can be sold.
- B. **Application** All development within the Airport shall comply with these minimum standards established by the Board, as amended from time to time.
- C. **Zoning Document and Site Plan** This plan incorporates the Airport Business Park Site Plan, Exhibit A, establishing the location of specific land use areas. Exhibit A is attached hereto and incorporated herein.
 - 1. The land use area is indicated on the Site Plan:
 - a. Business/Commercial – Uses in this area are those permitted and conditional uses in the commercial (C) and

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Light Industrial (LI) zones, which are listed in the Cody City Code as Zones D-4, and E.

2. This development allows an expanded array of permitted and conditional uses in each designated area. The Board shall review and grant approval for any proposed use in this area.
3. Use permits and occupancy permits issued by the Board or the State of Wyoming shall be maintained if force at all times by each tenant.
4. All new construction and/or remodeling shall conform to applicable City/County building codes.
5. No residential use is allowed in this area.

D. **Adoption procedures, amendments, and Enforcement.**

No building, structure or land shall be used for any purpose other than those included within this agreement. It must be approved by Planning and Zoning, and by the Board.

1. For permitted use, the applicant for any new use or building and addition to an existing building shall:
 - i. Follow the guidelines of the *City of Cody, Wyoming Development Plan* and, submit the required information as it states.
2. For any uses, the Airport Board will forward the application to the City and Council for review pursuant to the City Zoning resolution.

E. **APPLICATION REVIEW PROCESS**

- i. Application prepared and submitted by developer/lessee/owner.
- ii. Application reviewed by Airport Manager
- iii. Application reviewed by Development Department Staff. Recommendations given to the Airport Manager and Airport Board.
- iv. Application acted on by Airport Board.
- v. If Conditional Use Permit is necessary, submission to Planning and Zoning Commission may be required according to the City Zoning Resolution.
- vi. The City of Cody issues building and zoning permits

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vii. The City of Cody shall issue zoning certificates and building permits for all structures. The City of Cody Development Department shall review and issue building permits for all structures under City/County Regulation.

F. **Setbacks**

1. Front setbacks shall be set back a minimum of 25 feet from all lot lines fronting a street or proposed street.
2. Rear and side setbacks shall be 15 feet from the lot line or utility easement line.

G. **Illuminations**

1. The source of illumination of any kind within the property shall not be visible at the property line except for normal installation of standard interior lighting fixtures within the building.
2. The maximum height of any lighting standard shall be limited to 30 feet above curb level.
3. The intensity of illumination shall be limited to ten-foot candles or one-tenth lumens per square foot open areas or surfaces visible at the property line.
4. The design and location of exterior lighting shall comply in all respects to the requirements of the Federal Aviation Administration or any successor agencies having applicable jurisdiction with respect to height, type, and placement of lighting standards as they may affect the safety of flight operation into, from, and around the airport.

H. **Noise** As lessee you waive the right to register complaints with the Board and/or the City of Cody regarding noise generated at the airport due to aircraft traffic. By executing the lease agreement the lessee is indicating a notice and acknowledgement that noise is generated at the airport during the regular course of business and at times may be uncomfortable or unpleasant.

I. **Landscaping** A reasonable amount of landscaping, including the planting of ground covers shrubs, and trees, shall be required.

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Such landscaping to be in accordance with standards established by the Airport Board. Landscaping shall be installed within 180 days of issuance of the zoning certificate/building permit.

- a. Setback areas shall be landscaped. In addition, paying or landscaping shall extend from the front building line, exterior edge or parking lot to the curb or edge of the street pavement.
- b. The pavement or landscaping shall be compatible with treatment for this area on other lots on the same block, and Lessee shall be responsible for maintaining these areas.
- c. All trees shall be limited to a height of 35 feet above the curb line.
- d. Tenants are encouraged to expand landscaping development plans to include such elements as pools fountains, sculptures, rocks arrangements, sheltered outdoor seating areas, all subject to design approval before installation by the Airport Board or its representative.
- e. **Maintenance** If landscaped areas are not maintained in accordance with the standards prescribed by the Board and the condition is not corrected after written notice from the Board , the Board or its authorized agent shall have the right to enter any of the lot(s) leased and plant or replant such areas, with out being deemed guilty of trespass. Said maintenance costs shall be determined by the Board and paid by the tenant.
- J. **Fences** No Fence shall be erected or maintained without written approval of the Board.
- K. **Cutting and Filling** The Board or any authorized agent thereof may at any time make such cuts and fills upon any parcel or other part of said property and do such grading and moving of earth as, in its judgment, may be necessary to improve or maintain the streets in or adjacent to any property and to drain surface waters there from; provided, however that after the principal structure upon a parcel shall have been completed in accordance with the approved plans, the rights of the Board under this paragraph shall terminate with respect to such parcel, except that the Board shall thereafter have the right to maintain existing streets and drainage structure.
- L. **Housekeeping** If accumulations of weeds, rubbish, or items of equipment or supplies are permitted to remain on a parcel more

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that ten days after the request in writing from the Board to have them removed, the Board 's authorized agent may enter upon any parcel for the purpose of removing same by what ever means it deems necessary. Such entry shall not be deemed a trespass, and the Board shall not be subject to any liability therefore. The cost of such work shall be borne by the tenant

- M. **Dust Control** All ground areas not covered by structures shall be landscaped and/or surfaces with concrete, asphaltic concrete, asphalt oil, compacted gravel or other comparable dust-free surfacing; shall be maintained in good condition, free of weeds, dust, trash, and other debris; and shall be properly drained and graded. Such development shall be accomplished before tenant may occupy the improvements on said lot.

- N. **Refuse and Trash** No refuse or trash shall be kept, stored, or allowed to accumulate on any parcel.

- O. **Sewage disposal systems** No cesspools, septic tank, or other sewage disposal system or devise shall be installed, maintained, used upon any parcel without approval of the Board.

- P. **Maintenance** All improvements on each site, including walks, driveways, and the exterior of all structures on each site, shall be maintained in good order, repairs and condition. All exterior painted surfaces shall be regularly maintained and shall be repainted at least every five (5) years. Said maintenance shall be subject to standards deemed appropriate by the board

- Q. **Parking Areas** All parking area shall be paved to provide dust-free, all weather surfaces.

- R. **Design standards run with the land** All of the provisions contained in this declaration shall run with the land and shall be enforced at law or in equity.

- S. **No waiver** Except as otherwise expressly provided herein, the failure or refusal of the approving Agent or any Owner to enforce any restrictions contained herein shall not be deemed to be a waiver or the right to do so thereafter, nor the right to enforce any other restriction contained herein.

- T. **Severability** The provision hereof shall be deemed independent and severable, and the invalidity or partial invalidity or

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unenforceability of any one provision or portion thereof shall not affect the validity or enforcement of any other provision hereof.

SECTION VI – MINIMUM INSURANCE REQUIREMENTS

Dependent upon the type of activity or activities conducted, the Operator will be required throughout the term of its lease or agreement under standards to obtain insurance of the types and amounts listed on the following page. All insurance must meet the following requirements:

- A. Prior to commencement of operations, Operator will be required to provide the Airport Manager with proper evidence of insurance covering its operations on the Airport as specified in this section.
- B. Such evidence of insurance must name the Yellowstone Regional Airport Joint Powers Board as an additional insured.
- C. Evidence of insurance must also provide the Yellowstone Regional Airport with at least 30 days notice of any policy change, cancellation or termination.
- D. The Operator must also provide a waiver of subrogation to the benefit of the Yellowstone Regional Airport.

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	Aircraft Liability \$1,000,000 CSL	Public Liability and Property Damage \$1,000,000 CSL	Products Liability/ Completed Operations \$1,000,000 CSL	Student and Renters Liability \$100,000 CSL	Hangar keeper's Liability \$1,000,000/Acft/Occ	On-Premises Motor Vehicle Liability \$500,000 CSL	Worker's Compensatic Employer's Liability Statutory Lin
Fixed Base Operator	X	X	X	X	X	X	X
Airframe/Powerplant Repair		X	X		X	X	X
Flight Instruction/Ac Rental	X	X	X	X			X
Aerial Application	X	X	X			X	X
Air Charter/Air Taxi Service	X	X				X	X
Commercial Hangar Leasing		X			X		X
Casual Mechanics		X	X			X	
Flying Club	X	X				X	
General Aircraft Hangar							

CSL= Combined Single
Limit

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Acknowledgment

I here by acknowledge that I have received and read a copy of the this document and I agree to comply with the conditions contained there in.

Signed

Date