



14127 Jensen Lane
P.O. Box 1306
Williston, ND 58802
701-774-8594

Development Standards

City of Williston

Williston Basin International Airport (XWA)

April 15, 2019

1. INTRODUCTION.....	1
1.1. Purpose.....	1
1.2. Goal.....	1
1.3. General Provisions	1
1.4. Compliance.....	1
1.5. Applicability.....	1
1.6. General Requirements.....	2
1.7. Prohibited Uses.....	2
1.8. Restricted Improvements	2
2. LAND DEVELOPMENT	4
2.1. General.....	4
2.2. Environmental Quality	4
2.3. Provision of Necessary Airport Land and/or Improvements.....	5
2.4. Manmade and Natural Hazards	5
2.5. Reuse of Resources.....	5
3. DESIGN CRITERIA	6
3.1. Accessory Facilities or Structures	6
3.2. Changes, Additions, and Deletions	6
3.3. Aircraft Accesses.....	6
3.4. Antennae.....	6
3.5. Ramps	7
3.6. Improvement Height	7
3.7. Doors.....	7
3.8. Exterior Lighting	8
3.9. Exterior Materials	8
3.10. Exterior Storage	8
3.11. Fences, Gates, and Buffers	9
3.12. Flagpoles	9
3.13. Garbage and Recycling Containers.....	10
3.14. Grading and Drainage.....	10
3.15. Landscaping.....	11
3.16. Loading and Service Areas	11
3.17. Open Sided Structures	12
3.18. Pedestrian Circulation	12
3.19. Residence	12
3.20. Setbacks	12
3.21. Signage	14
3.22. Structure	17
3.23. Utilities	17
3.24. Vehicle Parking	17

4. PROCEDURES FOR APPROVAL	19
4.1. Pre-Submittal Meeting	19
4.2. Concept Plan	19
4.3. Agreement	19
4.4. Development Plan	20
4.5. Requirements of the Federal Aviation Administration.....	23
5. CONSTRUCTION PHASE	24
5.1. Pre-Construction Meeting	24
5.2. Permits, Licenses, Inspections, and Certifications.....	24
5.3. Bonds	24
5.4. Insurance	25
5.5. Clean-Up During Construction.....	26
5.6. Damages During Construction	27
5.7. Erosion Prevention During Construction.....	27
5.8. Inspections	28
5.9. Protection of Property and Work in Progress	28
5.10. As-Build Drawings	28

1. INTRODUCTION**1.1. Purpose**

1.1.1. The purpose of these Development Standards is to (a) set forth the City of Williston (City) design and construction standards and policies and procedures for developing aeronautical and non-aeronautical land and/or Improvements at the Williston Basin International Airport (Airport), (b) promote attractive, high quality, consistent, compatible, and sustainable development at the Airport, (c) protect persons and Property, and (d) preserve and/or enhance the Airport.

1.2. Goal

1.2.1. It is the goal of the City to preserve and/or enhance the Airport for the benefit of Lessees, Sublessees, customers, users, and the community and to ensure that the Airport is developed in a high quality manner consistent with sound fiscal management and best practices while ensuring the provision of essential infrastructure, facilities, amenities, and other Improvements. The City has established the following objectives to help achieve this goal:

1.2.1.1. Economic: Preserving property values and enhancing investments.

1.2.1.2. Environmental: Conserving natural resources and features while minimizing adverse impacts on the environment.

1.2.1.3. Function: Encouraging imaginative and innovative planning and development of land while maintaining high standards and being flexible and able to respond to changes at the Airport, in the market, and within the industry.

1.2.1.4. Visual: Incorporating variety, interest, and high quality standards for architectural and landscape design and development.

1.2.1.5. Social: Maintaining an amenable relationship between the Airport and the surrounding community.

1.3. General Provisions

1.3.1. These Development Standards incorporate, by reference, the General Provisions. The terms identified by use of a capital letter in these Development Standards are addressed in Section 1.2 of the General Provisions.

1.4. Compliance

1.4.1. These Development Standards shall not relieve any Lessee, Sublessee, developer, contractor, subcontractor, vendor, supplier, or any other entities associated with developing, constructing, and/or modifying any Improvements at the Airport from adhering to any State of North Dakota and City of Williston codes, ordinances, or other requirements

1.5. Applicability

1.5.1. These Development Standards specify the requirements which must be met by any Lessee, Sublessee, developer, contractor, subcontractor, vendor, supplier, or any other entity desiring to build, develop, construct, and/or modify any Improvement at the Airport.

- 1.5.1.1. No entity shall be permitted to build, develop, construct, and/or modify any Improvement under conditions that do not, in the City's sole discretion, comply with these Development Standards, unless an exemption or variance has been granted in advance and in writing by the Airport Director.
 - 1.5.1.2. Entities may exceed these Development Standards.
- 1.5.2. If these Development Standards are amended after a Lessee, Sublessee, developer, contractor, subcontractor, vendor, supplier, or any other entities associated with developing, constructing, and/or modifying any Improvement at the Airport enters into an Agreement with the City for same, the entity shall not be required to comply with the amended Development Standards, except as provided for in such Agreement, until such time as the:
 - 1.5.2.1. existing Agreement with the entity is amended,
 - 1.5.2.2. the City approves an assignment to another entity acceptable to the City, or
 - 1.5.2.3. entity enters into a new Agreement with the City.

1.6. General Requirements

- 1.6.1. No Improvement shall be constructed, erected, altered, or maintained (and no natural vegetation shall be planted or allowed to grow) on the Airport that does not comply with the Airport's Master Plan, Airport Layout Plan, Airport Land Use Plan and/or other Regulatory Measures.
- 1.6.2. Notwithstanding any other provisions of these Development Standards, land and Improvements may not be developed or used in such a manner as to (a) create electrical interference with Aircraft radios or other navigational equipment, (b) make it difficult for Aircraft crew members to distinguish between Airport nav aids and general lighting and signage, (c) create glare or blockage that impairs the visibility of Aircraft crew members, or (d) otherwise endangers the arrival, departure, or maneuvering of Aircraft.

1.7. Prohibited Uses

- 1.7.1. The following uses are prohibited (a) any use that devalues Airport land and/or Improvements or violates any Regulatory Measure and (b) any use that, in the Airport Director's sole discretion, produces significant adverse impacts that cannot be mitigated or that may be considered detrimental to the health, safety, security, or welfare of persons or may be harmful to Property.

1.8. Restricted Improvements

- 1.8.1. Temporary Improvements
 - 1.8.1.1. Facilities or structures which are intended to be located in place for 6 months or less shall be deemed to be temporary.
 - 1.8.1.2. No temporary Improvements including offices, or storage facilities shall be installed or maintained at the Airport without the prior written approval of the Airport Director.

- 1.8.1.2.1. All requests for approval of any temporary Improvement shall be submitted to the Airport Director and must include proposed location, size, construction material, purpose, and provisions for dismantling and/or removal of the temporary Improvement no later than 30 calendar days after construction of permanent Improvements are completed.
 - 1.8.1.3. Temporary Improvements shall not be utilized for engaging in Commercial Aeronautical Activities.
- 1.8.2. Marking and Lighting
 - 1.8.2.1. The owner of any nonconforming Improvement or vegetation shall be required to install, operate, and maintain the markers and/or lights which are deemed necessary by the City, Federal Aviation Administration (FAA), and any other Agency having jurisdiction to indicate the hazard is present.
 - 1.8.2.1.1. The owner of any nonconforming Improvement or vegetation is responsible for determining the most appropriate identification means in coordination with the Airport Director, FAA, and any other Agency having jurisdiction.
 - 1.8.2.2. Such markers and lights shall be installed, operated, and maintained at the owner's sole risk, cost, and expense.
 - 1.8.2.3. No development shall be permitted or approved by the Airport Director that establishes a hazard or creates a nonconforming Improvement or vegetation that increases the hazard to air navigation.

2. LAND DEVELOPMENT

2.1. General

- 2.1.1. These Development Standards do not necessarily address every type of condition or detail that may be encountered during the design and construction process. As such, entities are encouraged to maintain an on-going review process with the Airport Director (beginning early in the design stage) to ensure that the entity's Development Plan (discussed in Section 4.4. of these Development Standards) is acceptable to the Airport Director.
- 2.1.2. Where a specific material is identified (or specifications are provided for a specific type of material), a material having the same or equivalent specifications may be utilized if approved in advance and in writing by the Airport Director.
- 2.1.3. No occupancy of any building or structure shall be permitted before completion and a Certificate of Occupancy (CO) is issued by the City of Williston Department of Building Safety.
 - 2.1.3.1. Occupancy of any building or structure shall not exceed the maximum number of occupants as identified in the CO.

2.2. Environmental Quality

- 2.2.1. The City encourages incorporation of design features and the use of construction methods, techniques, and/or processes that conserve energy and natural resources.
 - 2.2.1.1. The City encourages: (a) orientation of facilities or structures to take advantage of natural sunlight and prevent Improvements from blocking direct sunlight to other Improvements, (b) the use of barriers as a defense against wind, (c) the use of landscaping to maximize cooling in the summer and retention of heat in the winter, and (d) design and construction that conserves energy and natural resources.
- 2.2.2. The City shall not permit land use or development that does not preserve and protect water resources.
 - 2.2.2.1. The City shall not permit land use or development that (a) adversely affects the quantity, quality, or reliability of water resources, (b) occurs at the expense of established water dependent activities, (c) results in increased alkalization of water, loss of streamflows, or the unnecessary destruction of wildlife habitat, or (d) entails future major expenditures on the part of the public to reacquire or redistribute water resources.
- 2.2.3. The City shall not permit land use or development that accelerates erosion of soil and rock (including stream sedimentation, dust, and gullyng), alters drainage and/or floodwater patterns, exacerbates flood hazards, reduces natural vegetation, creates visual scars, leaches minerals, destroys animal habitats, or increases maintenance and/or repair costs.

2.3. *Provision of Necessary Airport Land and/or Improvements*

- 2.3.1. The City shall encourage development that fully utilizes, but does not overburden, existing land and/or Improvements. In cases where existing land and/or Improvements are not fully utilized, the City encourages development that:
 - 2.3.1.1. minimizes Aircraft, Vehicle, and pedestrian congestion and promotes Aircraft, Vehicle, and pedestrian safety, security, and efficiency,
 - 2.3.1.2. includes facilities to collect, treat, and dispose of the types and quantities of wastewater anticipated and ensures that such facilities have the capacity, quality of discharge, point of discharge, and reliability to support the intended use
 - 2.3.1.3. has a water supply of the quality, quantity, pressure, and reliability that is required to support the intended use and provide for protection from fire,
 - 2.3.1.4. has paved road access for Emergency Services, and
 - 2.3.1.5. consists of Improvements that are optimal for (i.e., make highest and best use of) the site.
- 2.3.2. Before the City approves the development of Airport land, the entity shall provide evidence, to the satisfaction of the Airport Director, that these objectives have been met.

2.4. *Manmade and Natural Hazards*

- 2.4.1. The City requires development that does not expose others to avoidable natural and manmade hazards. As such, the City encourages development which:
 - 2.4.1.1. is designed, constructed, and located in a manner that is compatible with existing hazards and does not create any additional hazards and
 - 2.4.1.2. is not located in floodplains, geologically hazardous areas, or other natural hazard areas that could threaten the development, the Airport, the health, safety, security, or welfare of the public, or that may be harmful to Property.

2.5. *Reuse of Resources*

- 2.5.1. The City encourages development which uses recycled materials and promotes recycling of materials used in construction and reuses wastewater.

3. DESIGN CRITERIA

3.1. Accessory Facilities or Structures

- 3.1.1. All accessory facilities or structures shall be identified on the Development Plan and approved in writing by the Airport Director prior to construction.
 - 3.1.1.1. Accessory facilities or structures include any facilities or structure other than the main facility or structure that is intended to be located in place for more than six months.
- 3.1.2. Accessory facilities or structures shall match the architectural design and materials of the main facility or structure.

3.2. Changes, Additions, and Deletions

- 3.2.1. Prior to making any changes, additions, or deletions to existing land and/or Improvements, the Development Plan shall be submitted and approved in writing by the Airport Director.
- 3.2.2. Changes, additions, or deletions shall match the architectural design and materials of the main facility or structure.
- 3.2.3. Changes, additions, and/or deletions shall conform to all zoning, fire, electrical, building, and safety codes and Regulatory Measures.

3.3. Aircraft Accesses

- 3.3.1. To allow for the safe, secure, and efficient operation of Aircraft and to minimize potential conflicts with Vehicles and pedestrians:
 - 3.3.1.1. all Ramps and Aircraft access points on Commercial Leased Premises (i.e., Taxiways and Taxilanes) shall meet the design standards stipulated in Advisory Circular (AC) 150/5300-13 series *Airport Design*.
 - 3.3.1.2. a minimum of 40 feet of frontage Ramp is required between the edge of the access Taxiway or Taxilane and the closest exterior wall of any Hangar. The frontage Ramp shall be able to accommodate the largest Aircraft the Hangar is designed to accommodate and shall comply with the General Aviation Minimum Standards.
 - 3.3.1.3. if two Hangars access a common Taxiway or Taxilane, a minimum 40 foot access Taxilane shall be required between the two frontage Ramps, edge to edge. Where a common access Taxilane is required, the Lessee shall be required to lease and construct one-half of the required access Taxilane.
 - 3.3.1.4. a maximum of two Vehicle or pedestrian access points to Commercial Leased Premises shall be permitted to the Ramp, Taxiway, or Taxilane. Each access point must be under video surveillance with appropriate signage identifying such.

3.4. Antennae

- 3.4.1. All required antennae, satellite dishes, and similar equipment shall be identified in the Development Plan and approved in writing by the Airport Director prior to construction.
- 3.4.2. No antennae, satellite dish, or similar equipment shall be allowed that interferes with existing or future Airport, Aircraft, or Vehicle operations.

- 3.4.3. When possible, all antennae, satellite dish, or similar equipment shall be screened from view.
- 3.4.4. FAA Form 7460-1 shall be completed and all antennae, satellite dishes, and similar equipment must comply with 14 Code of Federal Regulations (CFR) Part 77.

3.5. Ramps

- 3.5.1. Operators providing rotary wing Aircraft parking shall adhere to the design standards described in AC 150/5390-2 series *Heliport Design* for any Ramp areas that will be constructed or utilized for rotary wing Aircraft parking. All other Operators providing fixed wing Aircraft parking shall adhere to the design standards described in AC 150/5300-13 series *Airport Design*.

3.6. Improvement Height

- 3.6.1. The overall height of any Improvement shall be commensurate with surrounding land uses and Improvements and shall be dependent on the type of use of the Improvement (or activity) and/or the size of the Aircraft using the Improvement.
- 3.6.2. Only those Improvements that are not considered an obstruction under 14 CFR Part 77, as determined by the FAA and approved by the City, shall be made.

3.7. Doors

- 3.7.1. Hangar doors shall be sliding, overhead, or bi-fold doors, consistent with best practices, based on the size of the Hangar.
- 3.7.2. Hangar doors shall be constructed of pre-finished aluminum, pre-finished steel, or flexible fabric curtain (designed specifically for hangars) and shall complement the structure from a design and color standpoint.
 - 3.7.2.1. Wood, plastic, corrugated fiberglass, tin, or other unfinished materials will not be approved by the City
 - 3.7.2.2. Translucent panels may be incorporated into pre-finished aluminum or pre-finished steel doors to provide additional lighting.
- 3.7.3. Pedestrian doors shall comply with all applicable fire, electrical, building, and safety codes and Regulatory Measures. All pedestrian doors shall be pre-finished metal construction in metal jambs and shall complement the structure from a design and color standpoint.
 - 3.7.3.1. Wood, plastic, corrugated fiberglass, tin, or other unfinished materials will not be approved by the City.
- 3.7.4. Vehicle access doors shall be overhead construction and shall complement the structure from a design and color standpoint.

3.8. Exterior Lighting

- 3.8.1. A lighting plan describing the exterior illumination layout and fixture selection shall be submitted with the Development Plan and approved in writing by the Airport Director prior to construction or installation. The lighting plan shall meet the following requirements:
 - 3.8.1.1. lights shall not be placed to cause glare, interference with Airport, Aircraft, or Vehicle operations, or illuminate areas outside of the intended area including adjacent land and/or Improvements.
 - 3.8.1.2. all Vehicle parking areas, driveway, and roadway lighting shall provide uniform illumination:
 - 3.8.1.2.1. accent lighting is recommended at key points such as entrances, exits, and loading zones and
 - 3.8.1.2.2. vehicle parking and outdoor pedestrian areas must utilize cutoff lighting fixtures installed in a horizontal position.
 - 3.8.1.3. security light sources shall be operational during hours of darkness and shall illuminate entrances and exits to the site and all facilities and structures.
 - 3.8.1.4. all exterior lighting shall be color-corrected for true white with allowances for modest amounts of blue or green.
 - 3.8.1.5. all exterior lighting shall be light-emitting diode (LED) fixtures.
 - 3.8.1.6. distance between exterior lighting fixtures shall not exceed 40 feet
 - 3.8.1.7. height of light poles shall comply with 14 CFR Part 77.
 - 3.8.1.8. trees and shrubs shall not be planted underneath light fixtures.

3.9. Exterior Materials

- 3.9.1. Samples of exterior building materials and colors shall be submitted with the Development Plan and approved in writing by the Airport Director prior to construction. Building exteriors shall use a neutral earth-tone color palette compatible with other Airport constructed facilities. Roof may be aluminum in color in addition to earth-tones.
- 3.9.2. Exterior building materials shall be compatible with adjacent facilities or structures and shall not affect Airport, Aircraft, or Vehicle operations.
- 3.9.3. Building glazing shall not cause glare or reflections that will interfere with Airport, Aircraft, or Vehicle operations. Reflective glass and/or other reflective materials will not be approved by the City.

3.10. Exterior Storage

- 3.10.1. No articles, goods, materials, machinery, equipment, tools, trees, shrubs, or plants (except approved landscaping), or similar items shall be stored, kept in the open, or exposed to public view within the area between the building setback line (as identified in Section 3.21 in these Development Standards) and the street.

- 3.10.2. No outside storage (other than that approved in writing by the Airport Director) shall be permitted on any Leased Premises unless such storage is visually screened. No outside storage shall extend above the top of such screening.
- 3.10.3. No articles, goods, material, machinery, equipment, tools, trees, shrubs, or plants shall be stored other than in an enclosed, covered facility which shall be enclosed with an architectural screen fence at least six feet in height, appropriate landscaping, or other screening devices or materials approved in advance and in writing by the Airport Director.
- 3.10.4. No storage shed, accessory facility, or structure other than the main facility or structure shall be permitted except during construction or unless approved in writing by the City prior to construction or installation.
- 3.10.5. Objects such as water towers, storage tanks, processing equipment, cooling towers, communications towers, vents, and other structures or equipment shall be compatible with the main facility or structure or effectively shielded from view and shall be approved in writing by the Airport Director prior to construction or installation.

3.11. Fences, Gates, and Buffers

- 3.11.1. Required fencing, gates, and buffers shall be identified in the Development Plan and approved in writing by the Airport Director prior to construction or installation.
 - 3.11.1.1. Submittal shall include identification of the (a) location of fences, gates, and buffers, (b) the type, height, and color of the materials used for construction or installation, and (c) other unique design features or considerations.
 - 3.11.1.2. Fencing and gates shall be the same type of material and style of the existing Airport perimeter fence and gates and shall be properly maintained, fully functional, and in good appearance.
- 3.11.2. When possible, fences, gates, and buffers shall not be permitted directly adjacent to Aircraft Movement Areas and Non-Movement Areas unless identified with markers, lights, or other devices (e.g., reflectors on all sides).
 - 3.11.2.1. Fences, gates, and buffers directly adjacent to Aircraft Movement Areas and Non-Movement Areas must have a security card or key pass access control mechanism to restrict access to authorized personnel only.
- 3.11.3. The height of all buffers of unsightly areas (e.g., storage area) shall be at least equal to the material being stored or screened.

3.12. Flagpoles

- 3.12.1. All flagpoles shall be located in such a manner and distance from Ramps, Taxiways, or Taxilanes to prevent being a hazard to Airport, Aircraft, or Vehicles operations.
- 3.12.2. The height of flagpoles shall comply with 14 CFR Part 77.
- 3.12.3. The flag of the United States shall only be displayed in accordance with Title 4 of the United States Code.

3.13. Garbage and Recycling Containers

- 3.13.1. Exterior garbage and recycling containers must be equipped with securely fastened lids and shall be screened on all sides from view.
- 3.13.2. When possible, exterior garbage and recycling containers must be located outside of the Secured Area of the Airport.
- 3.13.3. All areas utilized for garbage and recycling container locations shall be Paved.
- 3.13.4. If sanitation services are to be provided by the City, the service must be coordinated with the City Public Works Sanitation Department.

3.14. Grading and Drainage

- 3.14.1. Compatible grading and drainage between adjacent land and Improvements shall be established to control drainage and erosion and shall meet the following requirements:
 - 3.14.1.1. A site plan indicating proposed grading and drainage (including drainage flow, contours, and elevations) shall be submitted with the Development Plan and approved in writing by the City prior to construction.
 - 3.14.1.1.1. Grading permits shall be obtained from the City of Williston Building Department prior to performing any grading.
 - 3.14.1.2. Grades, berms, channels, and swales shall be an integral part of the grading, drainage, and Paved surface design.
 - 3.14.1.3. Paved area grades shall not exceed an appropriate slope for concrete and asphalt paving.
 - 3.14.1.4. Drainage (and all related facilities) shall be designed to accommodate all storm water generated by the land in accordance with the Construction Storm Water Management Plan.
 - 3.14.1.5. Storm water discharges leaving the airport site should be controlled to pre-development discharges for a two year, 10 year and a 100 year run off event.
 - 3.14.1.6. All grading and drainage shall meet the design standards described in AC 150/5320-5 series *Airport Drainage Design*.
- 3.14.2. Drainage shall not adversely impact adjacent land and Improvements and shall flow into natural or developed drainage.
- 3.14.3. The elevation of the land shall not be changed so as to materially affect the surface elevation or grade of the surrounding land.
- 3.14.4. Gutters and downspouts shall be used to facilitate drainage from roofs on all Commercial Leased Premises.

3.15. Landscaping

- 3.15.1. The City encourages landscaping that creates a compatible and continuous relationship between the land and the Improvements, minimizes the use of irrigation water, maintains an aesthetically pleasing appearance in all areas not covered by Improvements or Aircraft or Vehicle parking areas, and enhances the existing character of a site.
- 3.15.2. Any portion of the site that is not improved shall be landscaped according to the landscaping and irrigation plan submitted with the Development Plan and approved in writing by the Airport Director prior to construction.
 - 3.15.2.1. Landscaping materials shall be installed within 30 calendar days of receipt of CO, weather depending.
 - 3.15.2.2. All landscaping shall be maintained and repaired and kept in good appearance on a year-round basis.
 - 3.15.2.3. The Lessee shall be solely responsible for landscape maintenance and repair including weed control and removal of diseased or dead vegetation.
- 3.15.3. All Commercial Leased Premises with road frontage shall be landscaped with berms and/or shrubbery to provide effective screening of Vehicle and Aircraft parking areas.
 - 3.15.3.1. Berms and/or shrubbery shall have a maximum height of four feet, as measured from the Vehicle and/or Aircraft parking area.
 - 3.15.3.2. Berm slopes shall not exceed four feet horizontal to one foot vertical (4:1) with a three foot wide flat crown.
- 3.15.4. Landscaping shall also be used, consistent with all applicable building and fire codes, to screen unsightly items such as heating and air conditioning units, trash and recycling containers, loading docks, utility boxes, etc.
- 3.15.5. Landscaping materials shall be indigenous to the State of North Dakota and may include such items as trees, shrubs, hedges or bushes, and ground cover.
- 3.15.6. Landscaping materials shall be compatible with the surrounding land and Improvements and shall not pose a hazard to Airport, Aircraft or Vehicle operations. At all times, landscaping shall (a) comply with 14 CFR Part 77, (b) not obscure ATC line of sight, and (c) not exceed 25 feet above ground level.

3.16. Loading and Service Areas

- 3.16.1. In addition to being functional and aesthetically pleasing, loading and service areas shall meet the following requirements:
 - 3.16.1.1. All loading and unloading of Vehicles shall be conducted on the Leased Premises.
 - 3.16.1.2. Loading areas, loading docks, Vehicle parking areas, and service areas shall be planned so the use of any one of these areas does not interfere with the use of any of other areas.
 - 3.16.1.3. All areas utilized for loading and service area shall be Paved.

3.16.1.4. Loading docks or service areas shall not be visible from the street. If necessary, to restrict visibility from the street, a landscaped buffer shall be installed.

3.16.1.4.1. Loading areas shall be denoted by a yellow painted curb with the words "Loading Zone" in black lettering.

3.17. Open Sided Structures

3.17.1. All structures shall be fully enclosed. No open sided structures shall be permitted with the exception of Aircraft shade ports and/or wash racks.

3.18. Pedestrian Circulation

3.18.1. Pedestrian movement shall be safe, convenient, and orderly.

3.18.2. Walkways shall be a minimum of five feet wide.

3.18.3. Convenient pedestrian access from all Vehicle and Aircraft parking areas to facility entrances shall be provided.

3.18.4. Pedestrian walkways shall be constructed of concrete or bituminous asphalt. Dirt and gravel walkways will not be approved by the City.

3.18.5. Pedestrian access to facilities, structures, and sites shall be designed and constructed in accordance with the Americans with Disabilities Act of 1990, as may be amended from time to time, and any other applicable Regulatory Measures.

3.18.6. Pedestrian access to Restricted Areas shall be controlled with a security pass or key card access gate.

3.19. Residence

3.19.1. No building, structure, facility, Vehicle, Equipment, or Aircraft shall be used as a place of residence either on a temporary or permanent basis with the exception of Emergency Public Services approved in advance and in writing by the Airport Director.

3.20. Setbacks

3.20.1. To provide sufficient space between facilities and streets, to ensure adequate lighting, privacy, and sound control, and to allow for landscaping and access (including Emergency Vehicle access, Vehicle access, and Aircraft access), the following setbacks shall be met and maintained:

3.20.2. Minimum Building Setback Requirements

3.20.2.1. Landside: minimum of 30 feet from the edge of structure to the lot line.

3.20.2.2. Airside: shall be based on the largest Aircraft permitted in the area (as identified on the Airport Layout Plan) plus 15 feet.

3.20.2.3. Sides: minimum of 15 feet (Commercial) or 5 feet (Non-Commercial) from the edge of structure to the lot line. Commercial structures must be 50 feet apart and non-commercial structures must be 25 feet apart, unless otherwise approved by the City of Williston Fire Chief.

- 3.20.2.4. Setback requirements may be greater for structures located on the south side of Taxiways, Taxilanes, Aircraft and Vehicle parking areas, roadways, and walkways, depending on the height of the, structure, or facility to facilitate snow and ice melt.

- 3.20.3. Vehicle Parking Area Setback Requirements
 - 3.20.3.1. Street right-of-way: minimum of 15 feet landscaped and bermed (where possible) except for that portion which is used for Vehicle or pedestrian access.
 - 3.20.3.2. Side lot line: minimum of 10 feet (not applicable if adjacent lots have a contiguous Vehicle parking area).
- 3.20.4. Utility Transformer or Meter Setback Requirements
 - 3.20.4.1. Street right-of-way: minimum of five feet.
 - 3.20.4.2. Side lot line:
 - 3.20.4.2.1. With Ramp – minimum of 10 feet
 - 3.20.4.2.2. Without Ramp – minimum of 40 feet
- 3.20.5. No part or portion of any facility shall be erected, constructed, or extended closer than the distance from the Movement Areas as depicted by the building restriction line in Exhibit A of the Airport Layout Plan. The City shall determine the required setback distances for each Lessee from any adjacent Ramp, Taxilane, or Taxiway edge.
- 3.20.6. The entire setback area shall be graded and seeded, sodded, or landscaped between the lot lines and from the Ramp to the building face in a manner that produces an acceptable lawn or landscaped area with exception of the areas which are required for Ramps, driveways, roadways, walkways, or Vehicle or Aircraft parking areas.
- 3.20.7. Different setbacks may be required based on a number of factors such as: lot size, shape, or configuration; facility, structure, or Improvement use; Aircraft Design Group; location on the Airport; and, adjacent or surrounding land and/or Improvements.

3.21. Signage

- 3.21.1. Signage shall be uniform and the graphics shall (a) balance identification with image, (b) communicate information in a straightforward and aesthetically pleasing manner, and (c) be compatible with surrounding structures and facilities, the natural environment, and the overall character of a lot. Directional signage shall improve and/or enhance the safety, security, and efficiency of pedestrian, Vehicle, and Aircraft movement.
- 3.21.2. A sign master plan (in compliance with City Ordinance 1062) shall be submitted with the Development Plan and approved in writing by the Airport Director prior to installation of signage.
- 3.21.3. General
 - 3.21.3.1. No more than three directional signs shall be permitted on any lot. Directional signs can be used to give directions or provide special instructions to pedestrians or the operators of Vehicles or Aircraft.
 - 3.21.3.2. Identification signs are restricted to conveying the names of Lessees and Sublessees only.
 - 3.21.3.3. All signs must be located on the Leased Premises unless authorized in writing by the Airport Director.

3.21.4. Business Signs

3.21.4.1. Fixed Base Operators (FBOs) and Specialized Aviation Service Operators (SASOs), by virtue of the Activities of these Operators, shall be permitted to advertise: (a) the name of the business, (b) the brand of Fuel sold, and/or (c) Aircraft service center, dealership, or manufacturer affiliations. These signs may be double faced. FBOs and SASOs shall obtain written approval of the Airport Director prior to making any changes, additions, and/or deletions to business signs. The Airport Director shall review written requests on an individual basis.

3.21.4.2. Individual businesses other than FBOs who deal primarily with Transient Aircraft and/or infrequent visitors to the Airport may have an identification sign on the sides of the facility or structure occupied by the business or a free-standing sign located in the landscaped areas between the Aircraft and Vehicle parking and the facility or structure occupied. Signs may be internally or externally lit, but in no case shall the lighting interfere with Airport, Aircraft, or Vehicle operations.

3.21.4.3. Facilities may have an identification sign located in the landscaped area between the Vehicle parking area and the facility. Decorative logos may also be included in the entrance way(s) to the facility.

3.21.4.4. Lessees or Sublessees utilizing an entrance other than the main entrance to a facility may place a business identification sign on or adjacent to the entrance door.

3.21.4.5. Lessees or Sublessees who lease an office or Hangar may place a business identification sign on the door, adjacent to the door in the entrance way, on the closest window, or on the wall between the window and the entrance way. The size and shape of the sign shall be determined at the time of request, but in no case shall the sign exceed 12 square feet or extend higher than the top of the entrance door. The sign on the wall shall be illuminated internally or indirectly.

3.21.5. Directory Signs

3.21.5.1. Directory signs shall be located inside the main entrance door and shall complement the materials and colors used inside the facility.

3.21.6. Vehicle Parking Signs

3.21.6.1. Individual, visitor, and handicap spaces shall be identified by a standard sign and the top of the sign shall not exceed six feet above ground level.

3.21.6.2. No Vehicle parking zones shall be denoted by a red painted curb with the words "No Parking" in white lettering.

3.21.7. Address Signs

3.21.7.1. Individual address signs shall consist of street numbers and street names and be located in close proximity to the main entrance of the facility. The color of the street numbers and street names shall contrast with the background color of the sign and be a minimum of four to a maximum of seven inches in height.

3.21.8. Temporary Signage

3.21.8.1. Temporary signage shall be approved in writing by the Airport Director prior to installation. Applicants shall provide a sketch or rendering of the sign, identify the sign on a location map, and identify the desired length of time for the signage to be in place.

3.21.9. Project Identification Signs

3.21.9.1. Project identification signs may be installed during construction and for a period of up to 30 calendar days following issuance of the CO. Signage is limited to the side of the construction office plus one free-standing sign not exceeding four feet by eight feet and six feet above ground level. Signs may include leasing or rental information.

3.21.10. Miscellaneous Signs

3.21.10.1. Miscellaneous signage, not included in these Development Standards, shall be approved in writing by the Airport Director prior to installation.

3.21.11. Vacated Property

3.21.11.1. Signs pertaining to activities or occupants no longer using or occupying the Leased Premises shall be removed within 30 calendar days from the date the activity is discontinued or the occupant vacates the Leased Premises. If signs are not removed within 30 calendar days, the City may remove and dispose of signs at the sole risk, cost, and expense of the Lessee.

3.21.12. Hangar/Office Development Signs

3.21.12.1. One sign attached to the Hangar/office facing the Movement Area and one sign attached to the Hangar/office facing the street or Vehicle parking area shall be permitted. Signs may be back lighted or otherwise illuminated and shall be positioned not to create a glare that could interfere with Airport, Aircraft, or Vehicle operations.

3.21.13. Prohibited Signs

3.21.13.1. Any illuminated sign not intended for navigation that is visible from the airfield.

3.21.13.2. Moving or flashing signs or lights.

3.21.13.3. Rooftop signs.

3.21.13.4. Electronic message boards used for advertising.

3.22. Structure

- 3.22.1. The facility structure shall be masonry, concrete, steel frame, or engineered wood load bearing construction.

3.23. Utilities

- 3.23.1. A utilities plan identifying all utilities shall be submitted with the Development Plan and approved in writing by the Airport Director prior to construction.
- 3.23.1.1. All utility improvements shall meet the requirements of the Agencies having jurisdiction and all applicable Regulatory Measures.
- 3.23.2. Lessee is responsible for the maintenance and repair of all utility lines to the Lessee's facility and for keeping all shutoffs readily accessible and fully functional.
- 3.23.3. Lessee shall preserve existing utility easements and recognize that the potential exists to change existing easements and/or add future easements.
- 3.23.4. No pipe, conduit, cable, or line for water, gas, sewage, drainage, steam, electricity, or any other energy or service with the exception of gas meters shall be installed or maintained on any lot (outside of any facility) above the surface of the ground with exception of hoses, movable pipes for irrigation, or transformers used during construction.
- 3.23.4.1. Transformers shall be co-located with utility meters.
- 3.23.5. Utility costs and expenses for any equipment (including meters) and services (including temporary service) for the Leased Premises shall be the sole responsibility of Lessee from the date of Notice to Proceed with construction.
- 3.23.6. Extension of utilities to proposed facilities shall be the sole responsibility of Lessee.
- 3.23.7. Lessee or Lessee's contractor shall be responsible for returning any areas disturbed by excavation and installation of any utilities or related equipment to the condition before construction.

3.24. Vehicle Parking

- 3.24.1. A Vehicle parking area plan describing the Vehicle parking layout shall be submitted with the Development Plan and approved in writing by the Airport Director prior to construction.
- 3.24.2. All Vehicle parking areas shall be Paved with a weight bearing capacity that accommodates anticipated usage and the heaviest expected load.
- 3.24.3. Number of Facility Associated Vehicle Parking Spaces
- 3.24.3.1. Vehicle parking areas shall be able to accommodate the Vehicles of all users of all Improvements and comply with the General Aviation Minimum Standards.
- 3.24.3.2. One Vehicle parking space per 250 square feet of terminal/office area which is used by employees including leaseable office area whether or not such area is leased.
- 3.24.3.3. One Vehicle parking space per 500 square feet of terminal/office area which is used by customers.

- 3.24.3.4. One Vehicle parking space per 1,000 square feet up to 20,000 square feet of hangar/shop area which is used for Commercial Aircraft storage and/or maintenance. One Vehicle parking space per 2,000 square feet of hangar/shop area in excess of 20,000 square feet.
- 3.24.4. Other
 - 3.24.4.1. At a minimum, landscaping islands shall be provided at intervals of 15 Vehicle parking spaces.
 - 3.24.4.2. A poured-in-place concrete curb and gutter shall be provided at the perimeter of planted areas to prevent vehicular intrusion. Curbs shall be continuous.
 - 3.24.4.3. An access driveway (25 feet wide minimum or as required by fire code, whichever is greater) shall be provided and maintained between each Vehicle parking area.
 - 3.24.4.4. All Vehicle parking spaces shall be a minimum of 10 feet wide by 20 feet long.
 - 3.24.4.5. All Vehicle parking spaces shall be designated by painted lines or other approved methods.
 - 3.24.4.6. The perimeter of Vehicle parking areas shall have concrete curb and gutter.

4. PROCEDURES FOR APPROVAL

4.1. *Pre-Submittal Meeting*

- 4.1.1. Applicants are required to schedule a pre-submittal meeting with the Airport Director. This meeting shall provide the Applicant with the opportunity to discuss available land, designated land uses, and the proposed development concept. This meeting also provides the opportunity for the Applicant to obtain general comments regarding the feasibility of the proposed development concept and identify any potential issues, problems, or challenges associated with the concept.

4.2. *Concept Plan*

- 4.2.1. Following the pre-submittal meeting, the completed General Aviation Operator and Lessee Application (Application) and one physical copy and electronic copy of the Concept Plan shall be submitted to the Airport Director.
- 4.2.2. The Airport Director shall review the Concept Plan and the Application and address all preliminary questions or concerns with the Applicant within 30 calendar days of receipt.
- 4.2.3. At a minimum, the Concept Plan shall include the following information:
 - 4.2.3.1. name of the proposed development (project name);
 - 4.2.3.2. vicinity map with scale (1" = 2,000 feet preferred), north arrow facing the top of the page, and date of preparation;
 - 4.2.3.3. location and legal description of the lot;
 - 4.2.3.4. location and proposed uses of facility areas to include estimated dimensions and square footages;
 - 4.2.3.5. location and dimensions of required setbacks;
 - 4.2.3.6. number and location of Vehicle parking areas based on facility square footage estimates;
 - 4.2.3.7. designation and classification of any right of way, turning or acceleration and/or deceleration lanes, areas to be vacated, access points, etc.;
 - 4.2.3.8. fencing and security gates;
 - 4.2.3.9. topographic map depicting existing and proposed contours;
 - 4.2.3.10. preliminary utilities plan depicting existing and proposed location of all utilities;
 - 4.2.3.11. internal site circulation and designation of public and private streets;
 - 4.2.3.12. designated open space;
 - 4.2.3.13. proposed schedule for completion of the Development Plan.
- 4.2.4. The Applicant and/or its representatives shall be required to meet with the City, Airport Director, and/or its representatives to present and discuss the Concept Plan.

4.3. *Agreement*

- 4.3.1. Following approval in writing of the Concept Plan by the Airport Director, the parties shall negotiate an Agreement, consistent with the City's Leasing/Rents and Fees Policy for the Airport.

- 4.3.2. If a Sublessee of an existing Lessee is making the development, prior written approval shall be obtained from the City.
- 4.3.3. Under no circumstances shall construction begin before an Agreement is executed.

4.4. Development Plan

- 4.4.1. Following the approval of the Agreement by the Airport Director, the Development Plan shall be submitted to the Airport Director, on behalf of the City, within 60 calendar days.
- 4.4.2. The Development Plan shall fully define the proposed land use including identifying the location of all existing and proposed Improvements and signage, the maximum height of proposed structures, and the proposed minimum building setbacks. The Development Plan shall address the function, right(s)-of-way, and widths of roadways within and adjacent to the site. The Development Plan shall identify the location, type, and extent of access to/from Airport roadways and the necessary traffic controls (if any) for each of the development's access points.
- 4.4.3. To be considered complete by the City, the Development Plan shall include the following items. The City will not accept incomplete submittals. One original copy of the Development Plan shall be organized into one self-contained packet.
 - 4.4.3.1. Letter of Intent: This letter shall describe the proposed development and convey the anticipated construction schedule for the proposed development.
 - 4.4.3.2. Letter from Water and Sewer Providers: Based on written notification to the providers from the Applicant of the intent to develop the parcel which includes an estimated total number of gallons per day of water requirements and an estimated number of gallons per day of sewage to be treated, both based on total facility square footage and use, letters from the proposed water and sewer providers shall include proof that the provider has the ability to fully serve the development according to the requirements identified by the Applicant.
 - 4.4.3.3. Traffic Impact Study: This letter shall identify the impact of the proposed development on traffic. If the proposed development will have little or no traffic impact, the Development Plan shall clearly state this finding.
 - 4.4.3.3.1. All parcels located within the areas served by a local or regional retention and/or detention pond will be subject to a pro rata fee for construction and maintenance of the retention and/or detention facility.
 - 4.4.3.4. Rolled Prints of Development Plan: See "Plan Map Requirements" (discussed in Section 4.4.4.1 of these Development Standards).
 - 4.4.3.5. Rolled Construction Drawings: See "Construction Drawing Requirements" (discussed in Section 4.4.4.2 of these Development Standards).

- 4.4.3.6. Engineer Stamp: All plans and drawings shall be stamped by an architect certified or licensed in the State of North Dakota.
- 4.4.3.7. Waiver Request Letter: This letter, which requests a waiver to the submittal process shall identify each item for which a waiver is requested and provide detailed justification for the request. This is a separate letter and it shall not be combined with or substituted for the Letter of Intent.
- 4.4.3.8. Review Fee: Checks shall be made payable to City of Williston for the total amount of fees required as stipulated in the City's General Aviation Rents and Fees Schedule for the Airport.
- 4.4.3.9. Lease or Sublease Agreement.
- 4.4.3.10. Completed FAA Form 7460-1, Notice of Proposed Construction or Alteration.
- 4.4.4. The Development Plan shall be provided in a 24" by 36" format and shall contain the following drawings.
 - 4.4.4.1. Plan Map Requirements
 - 4.4.4.1.1. Cover: Project name, vicinity map with scale (1" = 2,000' preferred) with north arrow facing the top of page, date of drawing, and identification of the major roadway system within one mile of the proposed site.
 - 4.4.4.1.2. Land Use/Site Plan: Identification of existing and proposed facilities and structures, setbacks, Vehicle parking areas and ratios, curb cuts, Aircraft parking areas, land and facility use with square footages, distances between structures, maximum building heights, existing and proposed right(s)-of-way widths for all existing and proposed internal and external roadways, existing and proposed public and/or private roadways and conceptual points of access to adjacent and/or external roadways, unobstructed open space, utility locations, and fencing, gates, and buffers.
 - 4.4.4.1.3. Landscaping and Irrigation Plan: Location, dimensions and detailed description of fences, walls, walkways, driveways, plazas, decks, planters, screens, building or other materials used, plant materials and any other landscaping features as well as grassed areas (include type), slope stabilization, berms and mounds, grading, planting schedule, lighting and signage.

- 4.4.4.1.4. Grading Plan: Existing contours (solid) to 100 feet outside property line or the distance that is necessary depending on the property grade; proposed contours (dashed) tied to existing contours; finish floor elevations; building heights, drainage and storm retention and detention facilities.
- 4.4.4.1.5. Erosion Control Plan
- 4.4.4.1.6. Lighting Plan
- 4.4.4.1.7. Signage Plan: Graphic layout, size, location, color, materials, and construction details.
- 4.4.4.1.8. Elevations: Referenced to the Airport benchmark with lot corners located using the Airport's state plane coordinate system.
- 4.4.4.1.9. Owner of Record signature block
- 4.4.4.1.10. Signature and stamp block for engineer
- 4.4.4.2. Construction Drawing Requirements:
 - 4.4.4.2.1. The final construction drawings shall be provided in 24" x 36" format and shall contain the following.
 - 4.4.4.2.2. Elevations and Sections: Building heights, materials, colors, finishes, sign locations and dimensions, and all antennae, satellite dishes, and similar equipment.
 - 4.4.4.2.3. Floor Plans: names, dimensions, and depiction of all areas and rooms and roof plan.
 - 4.4.4.2.4. All plans shall be subject to review and approval by the Agencies having jurisdiction.
- 4.4.4.3. The City may impose any condition or requirement deemed necessary to protect the safety, security, health, and welfare of the public; to prevent a nuisance or hazard to Property; and, to ensure the proper and timely completion of the project.
- 4.4.4.4. The City, in its sole discretion shall, with or without conditions (or contingencies), approve the submittal, deny the submittal, or defer action on the submittal pending completion of revisions.
- 4.4.4.5. Following approval of the Development Plan and prior to applying for a building permit, the Applicant shall deliver to the Airport Director the following:
 - 4.4.4.5.1. One complete set of final construction drawings, signed by an architect or engineer certified or licensed in the State of North Dakota, and
 - 4.4.4.5.2. One complete plan map set.

4.5. Requirements of the Federal Aviation Administration

4.5.1. Non-Aeronautical Uses

4.5.1.1. FAA approval shall be obtained for any project involving non-aeronautical uses.

4.5.2. Possible Obstructions in the Navigable Airspace

4.5.2.1. 14 CFR Part 77 establishes the maximum allowable heights of objects on or in the vicinity of Airport. These regulations define “imaginary surfaces” which, if penetrated by an object, would be considered an obstruction. Any planned development that would penetrate these imaginary surfaces would, most likely, not be approved by the FAA in which case, it is unlikely that the City would approve the project as well.

4.5.3. Notice of Proposed Construction or Alteration

4.5.3.1. Once the Development Plan has the support of the City and once FAA Form 7460-1, Notice of Proposed Construction or Alteration has been completed by the Applicant, the City will submit the form to the FAA.

4.5.3.1.1. FAA Form 7460-1, Notice of Proposed Construction or Alteration is the official notification to the FAA of the proposed construction or alteration.

4.5.3.1.2. The Applicant shall complete FAA Form 7460-1, Notice of Proposed Construction or Alteration, and provide any additional or supplemental information requested by the FAA or the City to facilitate the approval process.

5. CONSTRUCTION PHASE

5.1. *Pre-Construction Meeting*

- 5.1.1. Prior to initiating construction, the Airport Director shall arrange a pre-construction meeting with the Lessee, Sublessee (if applicable), developers, contractors, subcontractors, vendors, suppliers, and any other entities involved with the development at the Airport to review the City's safety, security, efficiency, operational, and coordination requirements including any limitations, restrictions, and/or prohibitions relating to same.

5.2. *Permits, Licenses, Inspections, and Certifications*

- 5.2.1. Lessees, Sublessees, developers, contractors, subcontractors, vendors, suppliers, or any other entity involved with the development shall obtain and incur the expense of all required permits, licenses, inspections, certifications, and approvals/authorizations associated with the development.
- 5.2.2. No construction shall be undertaken without first receiving a building permit.

5.3. *Bonds (Commercial)*

5.3.1. Contractor Construction Bond

- 5.3.1.1. Prior to the issuance of notice to proceed, Lessee's contractor shall deliver to the Airport Director and shall maintain in full force and effect throughout the entire construction period a contractor construction bond and a labor and material payment bond, each in a sum not less than 100% of the construction contract amount.
- 5.3.1.2. These bonds shall guarantee prompt and faithful payment by Lessee's contractor to all persons supplying labor, materials, sustenance, provisions, supplies, rental machinery, tools, and equipment used directly or indirectly by the contractor, subcontractors, vendors, and suppliers in the prosecution of the work provided for in the construction contract and shall indemnify, hold harmless, protect, and defend the City from any liability, loss, or damage associated with the project.
- 5.3.1.3. These bonds shall name the Lessee as the obligee with the City being named on the dual obligee rider.

5.3.2. Tenant Payment Bond

- 5.3.2.1. Prior to the issuance of notice to proceed, the Lessee shall provide the City with a tenant payment bond in a sum not less than 100% of the construction contract amount. The tenant payment bond shall guarantee prompt and faithful payment to the Lessee's contractor by the Lessee for the work performed by the Lessee's contractor under the construction contract.

5.3.3. Surety Company's Financial Rating Requirement

- 5.3.3.1. All bonds shall be issued by a surety company certified or licensed to transact business in the State of North Dakota and satisfactory to the City. If a bond is executed by an attorney-in-fact of the surety, a power of attorney shall be attached to the bond.

- 5.3.3.2. The surety company shall have a Best rating of A or better or be approved in advance and in writing by the City.

5.4. Insurance

- 5.4.1. Contractor shall procure, maintain, and pay all premiums throughout the entire construction period for the insurance coverages and amounts set forth herein and as may be required by Regulatory Measures. The insurance company or companies underwriting the required policies shall be authorized to write such insurance in the State of North Dakota with a Best rating of A or better or be approved in advance and in writing by the City.
 - 5.4.1.1. Commercial General Liability coverage in the minimum amount of \$1,000,000 combined single limit (CSL) bodily injury and Property damage each occurrence and \$2,000,000 aggregate, including personal injury, broad form Property damage, products/completed operations, explosion, collapse, underground, broad form blanket contractual, and \$100,000 fire legal liability.
 - 5.4.1.2. Commercial or Business Automobile Liability coverage in the minimum amount of \$1,000,000 CSL bodily injury and Property damage for all Vehicles arising out of the use, loading, and unloading of owned, non-owned, or hired Vehicles.
 - 5.4.1.3. Personal Vehicle Liability coverage in the amounts of \$250,000 per person and \$500,000 each Accident Bodily Injury and \$100,000 each Accident Property Damage for each Vehicle to be operated in association with the contract that is not insured under Commercial Vehicle Liability.
 - 5.4.1.4. Workers' Compensation (WC) coverage, in full compliance with North Dakota's statutory requirements, for all employees of contractor and Employer's Liability in the minimum amount of \$1,000,000.
 - 5.4.1.5. Professional Liability (Errors and Omissions) Engineers and Architects coverage in the minimum amount of \$500,000 each occurrence and \$1,000,000 aggregate.
 - 5.4.1.6. Property Coverage: Course of Construction (Builder's Risk) Insurance covering all materials and equipment at the job site, with limits of not less than one hundred percent (100%) of the total estimated cost of construction, against all perils including flood until the project is completed and accepted by the City. Should the work being constructed be damaged by fire or any other causes during construction, contractor shall replace it in accordance with the requirements of the plans and specifications without additional cost or expense to the City.
- 5.4.2. All insurance required will be primary coverage and any insurance or self-insurance maintained by the City shall be excess of contractor's insurance coverage and shall not contribute to it.

- 5.4.3. The Airport Director shall be notified immediately if any aggregate insurance limit is exceeded. Additional coverage shall be purchased to meet requirements.
- 5.4.4. All insurance, which contractor is required to carry and keep in full force and effect, shall name the City, individually and collectively, and its representatives, officers, officials, employees, agents, and volunteers as additional insured.
- 5.4.5. Contractor agrees to waive all rights of subrogation against the City, individually and collectively, and its representatives, officers, officials, employees, agents, and volunteers for losses arising directly or indirectly from the activities and/or work performed by contractor (applies only to Commercial General Liability and Workers' Compensation).
- 5.4.6. Policies shall not be suspended, voided, or canceled by either party or reduced in coverage or in limits except after thirty (30) calendar days prior written notice, fourteen (14) calendar days prior written notice for cancellation for non-payment of premium, by certified mail, return receipt requested, has been given to the City.
- 5.4.7. Contractor agrees to provide the Airport Director, on behalf of the City, with the following insurance documents before the start of construction:
 - 5.4.7.1. Certificates of insurance for all required coverages
 - 5.4.7.2. Additional insured endorsements
 - 5.4.7.3. Waiver of subrogation endorsements (e.g., waiver of transfer rights of recovery against others, waiver of our right to recover from others, etc.)
 - 5.4.7.4. Sixty (60) calendar days notice cancellation clause endorsements
- 5.4.8. It is the responsibility of the contractor to ensure that any and all subcontractors comply with all terms and conditions of the insurance provisions stipulated herein.
- 5.4.9. Insurance coverage in the minimum amounts set forth herein shall not be construed to relieve contractor for liability in excess of such coverage, nor shall it preclude the City from taking such other actions as are available to it under the law.
- 5.4.10. Claims Made Insurance: If the Professional Liability coverage is "claims made", contractor shall, for a period of three years after the date when contract is terminated, completed, or non-renewed, maintain insurance with a retroactive date that is on or before the start date of contract services or purchase an extended reporting period endorsement (tail coverage).
- 5.4.11. Contamination and Pollution: contractor, at its own cost and expense, shall provide clean up of the site, any other Property, or any natural resources that are contaminated or polluted as a result of contractor's activities. Any fines, penalties, punitive or exemplary damages assigned due to contaminating or polluting activities of the contractor shall be borne entirely by the contractor.

5.5. Clean-Up During Construction

- 5.5.1. The construction site and other associated areas shall be kept free of accumulated waste materials, dirt, and surplus materials.

- 5.5.2. Waste materials, dirt, and surplus materials shall not be permitted to (a) create a safety, security, health, or welfare hazard to persons, (b) harm Property, and/or (c) interfere with any activity normally occurring on the Airport and (d) shall be disposed of in a prompt and appropriate manner, consistent with best practices.

5.5.2.1. Barriers shall be used to ensure debris does not leave the construction area.

- 5.5.3. The construction site shall be maintained in a clean, neat, orderly, safe, secure, efficient, and functional condition, consistent with best practices.

5.5.3.1. Failure to properly maintain the construction site may result in the City conducting or contracting the clean up at the Lessee's or contractor's sole risk, cost, and expense.

5.5.3.2. This is not to be construed as a duty or obligation of the City to provide or arrange for such clean up services.

5.6. *Damages During Construction*

- 5.6.1. Lessee shall be fully responsible for and shall replace, or in the City's sole discretion, shall reimburse the City for all damages to structures, facilities, Improvements, Vehicles, equipment, tools, and any other Property and related appurtenances at the Airport caused by Lessee or its employees, agents, customers, visitors, vendors, contractors, and suppliers.

5.7. *Erosion Prevention During Construction*

- 5.7.1. To prevent loss of soil by water and wind erosion and to minimize the generation of dust, best practices combinations of the following approaches shall be used during construction.

5.7.1.1. Only the smallest possible area of cleared land shall be exposed.

5.7.1.2. Provisions shall be made to effectively accommodate increased runoff caused by changes to soil and/or surface conditions.

5.7.1.3. Permanent surfacing and landscaping shall be installed as soon as practical.

5.7.1.4. Temporary mulching shall be used for imported fill that may be subject to erosion.

5.7.1.5. Cleared land shall be watered down at frequent intervals to minimize the creation of dust.

5.8. Inspections

- 5.8.1. The City or its designated representative may observe the activities and/or inspect the work being performed by the Lessee, Sublessees, developers, contractors, subcontractors, vendors, suppliers, or any other entities associated with the development to determine whether or not the requirements of the approved plans, specifications, drawings, and related documents (as submitted in the Development Plan and approved by the City) are being met (and the work is being accomplished) in a safe, secure, efficient, and prompt manner and in accordance with the Airport's operational and coordination requirements.
 - 5.8.1.1. This would include, but not be limited to, construction methods, techniques, processes, and procedures; materials and finishes; Vehicles, equipment, and tools; and, personnel.
- 5.8.2. Lessee, Sublessees, developers, contractors, subcontractors, vendors, suppliers, or any other entities associated with the development shall provide these inspectors and any other inspectors from Agencies having jurisdiction with unlimited access and provide the means for accessing any area of the construction site.
- 5.8.3. Such inspections shall not relieve the Lessee, Sublessee, developers, contractors, subcontractors, vendors, suppliers, or any other entities associated with the development of any responsibilities, obligations, and/or other requirements.

5.9. Protection of Property and Work in Progress

- 5.9.1. Lessee, Sublessee, developers, contractors, subcontractors, vendors, suppliers, and any other entities associated with the development shall take all reasonable precautions to protect and ensure the safety, security, health, and welfare of persons on or near the construction site and shall take all reasonable measures to prevent injury to persons or damage to Property on or near the construction site including:
 - 5.9.1.1. all work and materials, Vehicles, equipment, tools, fixtures, and furnishings at the site, whether in storage on or off the site, under the care, custody, or control of the contractor, subcontractors, or any other entities associated with the development; and
 - 5.9.1.2. all other Property at the site or adjacent to the site, including, but not limited to, lawns, vegetation, pavements, walkways, roadways, driveways, structures, facilities, and utilities not designated for removal, relocation, or replacement during construction.

5.10. As-Build Drawings

- 5.10.1. Within thirty (30) calendar days of project completion, the Applicant shall submit to the Airport Director reproducible as-build 24" x 36" CAD and electronic PDF drawings of all Improvements including existing and constructed underground utilities. Vertical and horizontal locations shall be referenced to the Airport's benchmark using the station/offset system. The as-build drawings shall be signed by an engineer or land surveyor certified or

licensed in the State of North Dakota. The following additional items must be included in the as-build drawings:

- 5.10.1.1. Full set of architectural, structural, mechanical, electrical, plumbing, and civil drawings with any redlined changes that occurred during construction. These redline changes can be hand drawn on plans, and must be provided electronically.
- 5.10.1.2. Full set of project specifications with any redlined changes that occurred during construction. These must be provided electronically.