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August 14, 2025

Town of Eatonville
PO Box 309
Eatonville, WA 98328

TRANSMITTED VIA ELECTRONIC SUBMISSION

Re: Clarifying Distinction Between FAA Part 77 Airspace Review and Broader Airport-Related Land Use Compatibility Expectations

Chair Adams and Fellow Swanson Field Airport Commissioners:

I was asked by a Swanson Field stakeholder to provide this letter to this group to help inform airport, city, and developer audiences about the clear distinctions that exist between the fairly narrowly focused Part 77-related determinations and what the FAA and Washington State Department of Transportation (WSDOT) broader expectations are with respect to compatible land uses on/near public use airports. It has come to our attention that there is a storage unit-type development being considered near your airport. We also understand that the developer has correctly submitted a Federal Aviation Administration (FAA) Form 7460-1 (Notice of Proposed Construction or Alteration) in accordance with 14 Code of Federal Regulations (CFR) Part 77.

For reference and awareness, the Aircraft Owners & Pilots Association (AOPA) is the world's largest aviation membership organization representing the general aviation interests of hundreds of thousands of aircraft owners and pilots across the country, including over 9,000 members from Washington state and approximately 10 associated with Swanson Field (2W3).

- 14 CFR Part 77 is exclusively concerned with the safe, efficient use, and preservation of navigable airspace. There are three types of determinations that can be made, and they are listed below:
 - o Determination of No Hazard to Air Navigation
 - o Determination of Hazard to Air Navigation
 - o Presumed Hazard

The typical single story storage unit-type structure such as the one currently being considered for development immediately adjacent to 2W3 is likely to generate a "Determination of No Hazard to Air Navigation" finding from the FAA. This determination would only address a small aspect of FAA expectations for land use compatibility near airports. Further, such a determination **WOULD NOT** constitute an FAA endorsement of/nor approval for a given project, rather a "Determination of No Hazard to Air Navigation" merely indicates that according to the FAA Office of Obstruction Evaluation Group (OEG) investigation and Part 77 criterion, a given project does not appear to be a threat to navigable airspace.

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WSDOT Aviation Division planner (Mr. Dave Ison) in his September 4, 2024 [email](#) to 2W3 sponsors and stakeholders did a superb and thorough job of diving into the other salient parts of this discussion. His comments help us better understand the full extent of both FAA and WSDOT expectations of airport sponsors with respect to compatible land use considerations near public use airports. In Mr. Ison's email addressing the compatibility of the proposed storage units in question, he indicates the following:

*“...the installation of a road and use of it by vehicles **would violate the ROFA /Runway Obstacle Free Area** as neither are objects associated with or need[sic] for air navigation or aircraft ground maneuvering purposes.”*

More WSDOT information regarding compatible land use near airport best practices as well as links to the related Washington State Growth Management Act of 1996 can be found [here](#). Another state resource is the [WSDOT Airports and Compatible Land Use Guidebook](#) (especially [Appendix F “Compatibility Criteria”](#)).

While we fully support and understand the necessity for continued development as our populations grow, it needs to be done in a safe and smart way. The best way for zoning authorities to ensure the safety and wellbeing of aviators, future development users and occupants, and minimize potential liability risks to the sponsor is to consider all Federal Aviation Administration (FAA), state, and other related guidance on compatible land use near airports. Good examples include (but are not limited to) [FAA Advisory Circular 150/5190-4B](#) (Airport Land Use Compatibility Planning) which focuses on comprehensive airspace protection from physical obstructions, land use compatibility around airports, zoning, planning, and development policies.

Finally, the Airport Cooperative Research Program (ACRP) also provides a wealth of information on how community leaders can ensure their airports remain safe for users and shield communities from potential lawsuits. Some ACRP resources on this subject include but are not limited to [ACRP 206 - Guidebook on Effective Land Use Compatibility Planning Strategies for GA Airports](#) as well as ACRP reports 27 (Vols I and II), 32, and 38. Our own [AOPA Guide for Airport Advocates](#) although designed for airport advocates, is also instructional to zoning authorities in particular as it highlights past cases where zoning decisions did not adequately address compatibility concerns and ultimately led to a variety of unintended, and in some cases, tragic consequences.

In AOPA's almost 85 years of experience, we have seen countless well-intended developments built in close proximity to airports end up causing great community strife, conflict, and lawsuits for a wide range of reasons from aircraft incidents and accidents to legal proceedings over airport noise and other airport-related second order effects.

In conclusion, while the FAA's Part 77 review is indeed required, a Determination of No Hazard to Air Navigation from the FAA does not replace the need for comprehensive planning and zoning analyses ensuring a given development is indeed one that is compatible with a given airport. To protect aviators, future occupants, and the community at large—and to mitigate liability risks—prior to any final planning and zoning development determination by the town related to this proposed development--we respectfully urge the Commission to:

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1. Evaluate the proposed development through the lens of FAA guidance (e.g., AC 150/5190-4B), and
2. Review local zoning tools and model ordinances informed by WSDOT, ACRP, and other related guidance

We hope you will take the above into consideration as doing so is in the best interests of the community, the airport users, and the city. Please consider reaching out to Mr. Ison at WSDOT or myself for consulting services in this and/or other airport and general aviation-related matters.

- WSDOT: Dave Ison-Tel: 360-709-8028 E: david.ison@wsdot.wa.gov
- AOPA: Brad Schuster Tel: 202-851-7502 E: brad.schuster@aopa.org

Sincerely,

A handwritten signature in blue ink, appearing to read 'BS' or 'Schuster', written in a cursive style.

Brad Schuster, C.M.
Northwest Mountain Region Manager, AOPA

CC:
Chair, Eatonville Planning Commission
Eatonville Town Planner
Director, Washington State Department of Transportation, Aviation Division