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Saturday, June 18, 2005

Board opposes ponds near airport

Airport manager cites FAA guidelines

By Bill Gisel

AUBURN — The DeKalb County Board of Aviation Commissioners Friday afternoon said “no” to plans for ponds at a proposed Diamond Lake Estates subdivision south of the DeKalb County Airport.

Stuart M. and Tamra S. Stier want to develop a 64-lot subdivision on 160 acres along C.R. 64, less than a mile south of the airport. The subdivision plan includes two 3-acre ponds and one 1.5-acre pond.

The aviation commissioners voted unanimously to oppose the ponds because land-use compatibility standards used by the Federal Aviation Administration recommend no standing water in the airport zoning jurisdiction.

As part of FAA requirements, the airport must come up with land-use compatibility standards, which would provide planners with rules governing acceptable development in close proximity to the airport.

Those standards are in the works, and it was research on setting those standards that brought to light the standing-water issue.

According to airport officials, failure to comply with the standards would place the county in violation of grant assurances and jeopardize future and past federal payments for airport improvements.

The proposed ponds would be within 10,000 feet of the airport runway, and as ponds are a wildlife attractor, create a bird hazard to airplanes approaching and leaving the airport.

The county Plan Commission in May continued a hearing on approving the subdivision to give the developers time to come up with a plan for controlling geese on ponds.

Fort Wayne attorney James Federoff outlined the plans to the Aviation Board, and said new covenants that the developers will present to the Plan Commission next week would ensure that wildlife mitigation plans would permanently remain in place.



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According to Federoff, the new covenants would give the county Plan Commission or whomever it designates oversight for the mitigation.

The mitigation, Federoff said, would include no bluegrass around the ponds (geese dearly love bluegrass, he said), no feeding of geese, and a pond design that leaves a steep slope, making it difficult for geese to enter the ponds.

In his opinion, Federoff said, the mitigation efforts would not put the county in violation of federal grant assurances.

“The advisory circular (FAA document) couches its comments regarding bird strikes” by using the term recommendations, Federoff said. “It is not a mandate.”

Airport manager Russ Couchman, however, read from the circular and noted later it says airports “must” follow the recommendations. As airport manager, Couchman said, “it is my duty and my job to oppose this.”

Aviation Board members made it clear to the Federoff and the Stiers that the final decision lies with the Plan Commission. They said it was unfortunate that the FAA requirement was not known when the Stiers first approached the airport about their proposal a year ago.

Jeff Turner, the newest member of the board, noted: “In effect, we are saying no to residential developments within two miles of the airport. Due to the nature of DeKalb County being a swamp, ponds are needed for residential development.”

Turner said that while he is a “pro-development and anti-planning guy,” it was necessary to take a stand on the issue for the sake of future airport growth and safety.

Federoff said he will argue to the planners next week that they have no choice but to approve the subdivision, since it meets all existing county rules and laws regarding a residential development.

“Without an ordinance in place, the Plan Commission has no discretion” and must approve it, he said.

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