



COMMUNITY DEVELOPMENT DEPARTMENT

Joan Davenport, AICP, Director

Planning Division

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City of Yakima Planning Commission

PUBLIC HEARING

City Hall Council Chambers

Wednesday July 8, 2015

3:30 p.m. - 5:00 p.m.

YPC Members:

Chairman Dave Fonfara, Vice-Chair Scott Clark, Al Rose,
Bill Cook, Patricia Byers, Ron Anderson, Carmen Mendez

City Planning Staff:

Joan Davenport (Community Development Director/Planning Manager); Jeff Peters (Supervising Planner); Valerie Smith (Senior Planner); Robbie Aaron and Trevor Martin (Assistant Planners); Rosalinda Ibarra (Administrative Assistant); and Lisa Maxey (Department Assistant)

Agenda

- I. Call to Order
- II. Roll Call
- III. Staff Announcements
- IV. Audience Participation
- V. Approval of the Meeting Minutes for June 10, 2015
- VI. Final Review and Approval of the YPC Findings of Fact and Recommendation to City Council regarding the use and definition of "Mission" in the GC, CBD, and M-1 zoning districts.
- VII. **PUBLIC HEARING: Airport Safety Overlay (TXT#003-15, SEPA#020-15)**
The staff report and draft ordinance will be posted on-line at: <http://www.yakimawa.gov/services/planning/planning-commission-meetings/>
- VIII. Other Business
- IX. Adjourn

Next Meeting: July 22, 2015



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**CITY OF YAKIMA
REQUEST FOR URBAN AREA ZONING ORDINANCE TEXT AMENDMENTS**

Application # SEPA#020-15, TXT#003-15

APPLICANT: City of Yakima

APPLICANT ADDRESS: 129 N. 2nd Street, Yakima, WA, 98901

REQUEST: Proposed text amendment to the City of Yakima's Urban Area Zoning Ordinance amending Yakima Municipal Code (YMC) Chapter 15.30 Airport Safety Overlay (ASO), to ensure regulations are in line with the Airport Master Plan.

DATE OF REQUEST: May 29, 2015

DATE OF RECOMMENDATION: July 8, 2015

STAFF CONTACT: Jeff Peters, Supervising Planner
Robbie Aaron, Assistant Planner

I. DESCRIPTION OF REQUEST:

The City of Yakima Department of Community Development has prepared a proposed Zoning Ordinance Text Amendment (TXT). The proposal includes amendments to Title 15 of the City of Yakima's Municipal Code (YMC), specifically the Chapter with regards to the Airport Safety Overlay— YMC Chapter 15.30. The proposed amendments are intended to ensure that regulations are in line with the newly adopted Airport Master Plan.

II. PROCESSING

Proposals to amend the City of Yakima's Urban Area Zoning Ordinance (YUAZO) follow the City's established process in YMC § 15.23.020(B) and YMC Title 16.

In Winter 2014/2015, the Planning Division conducted a review of the existing Airport Safety Overlay ordinance to consider how to implement the proposed update of the Airport Master Plan. The Planning Division met with the Airport Manager to discuss the key areas of YMC Chapter 15.30 to be amended.

The review resulted in an Airport Safety Overlay ordinance amendment proposal for the YUAZO, and suggestions on regulations and provisions to render the amendments compatible with the other applicable codes. The Planning Division brought their preliminary draft of the proposed amendments to the Yakima Planning Commission (YPC) on January 28, 2015, to establish a baseline for open discussion and YPC review.

The Yakima Air Terminal updated their Airport Master Plan in order to address the airport's future development needs. The Airport Master Plan was adopted by City Council on March 03, 2015.

The YPC scheduled a special meeting on March 18, 2015, to review the proposed changes, and discuss the details of how the proposed amendments will be properly implemented if adopted. Also, in attendance at this meeting were representatives from the Washington State Department of Transportation (WSDOT), Yakima County, and the City of Union Gap. Following the March meeting, staff made the requested changes to the draft amendment ordinance.

On May 27, 2015, the YPC reviewed the revised amendment ordinance that staff provided. Then, the YPC scheduled the Planning Commission's Public Hearing regarding the Airport Safety Overlay ordinance amendment for July 8, 2015.

III. PUBLIC NOTICE:

**Mailing of Notice of Application & Environmental Review
Public Hearing Notice Published**

**June 2, 2015
June 2, 2015**

IV. FACTS:

A. Environmental Review.

This is a non-project application without a specific use or site plan to be considered. Environmental Review (SEPA) was completed for this application, and a Determination of Nonsignificance (DNS) was issued on June 25, 2015. (File No. SEPA #020-15)

B. Public Comments Received

One public comment was received during the comment period with concerns about prohibiting new residential development within Zones 2, 3 and 4. A copy of the written comments can be viewed at the City of Yakima Planning Division within City File No. SEPA#020-15.

V. ANALYSIS OF PROPOSED AMENDMENT(S):

After conducting research on Airport Safety Overlays in the State of Washington, the Planning Division staff recommends approval of the proposed text amendment as presented, in detail, in the attached YUAZO Public Hearing Draft Ordinance, and summarized below:

1. Redefines the ASO protection areas from two to six zones which are based upon scientific information provided by the Federal Aviation Administration, and Washington State Department of Transportation (WSDOT) Aviation Division;
2. Provides building height restrictions per zone which are based upon the potential for airspace obstruction of the FAA Part 77 airspace;

3. Further limits and/or prohibits permitted land uses which are incompatible with airport operations, or present a hazard to the public within the underlying zoning districts; and
4. Redefines the land use application process for land uses located within the confines of the Airport Safety Overlay.

Staff Analysis: With the help of the Yakima Planning Commission, Yakima Air Terminal Manager, and WSDOT, the Planning Division Staff has drafted the above amendments to be included in the Yakima Municipal Code Title 15 Zoning Ordinance. As discussed over multiple study sessions with the Planning Commission, it is pertinent to establish regulations to ensure the compatibility of land uses that surround the airport, and the proper future implementation of the YUAZO as intended by this Text Amendment. Staff believes that the proposed amendments properly implement the intent of the YUAZO, and other applicable codes while also providing for safety and compatibility concerns for land uses surrounding the airport.

C. CONCLUSIONS:

- a) The text amendment is a major change that is necessary in order to promote the compatibility of land uses surrounding the airport.
- b) No adverse impacts have been identified by the approval of the amendment request.
- c) The requested text amendment to the City of Yakima's Urban Area Zoning Ordinance is supported by the City of Yakima's Urban Area Comprehensive Plan 2025.
- d) The amendment to the Yakima Municipal Code, Title 15 Urban Area Zoning Ordinance, which includes, but is not limited to, new Sections for Applicability (YMC § 15.30.020), Definitions (YMC § 15.30.030), Airport Safety Overlay Zones (YMC § 15.30.040), Height Limitation (YMC § 15.30.050), Land Use Overlay (YMC § 15.30.060), Application Requirements (YMC § 15.30.070), and Nonconforming Uses (YMC § 15.30.080).
- e) A DNS was issued for this proposal on June 25, 2015, and the 14-day appeal period ended on July 9, 2015.

VI. RECOMMENDATION

The Community Development Department recommends APPROVAL of the foregoing proposed text amendment request.

RECOMMENDATION made this 8th day of July, 2015.



/s/ Robbie Aaron, for
Jeff Peters, Supervising Planner
Department of Community Development, Planning Division

Chapter 15.30

AIRPORT SAFETY OVERLAY (ASO)

Sections:

- 15.30.010 Purpose.
- 15.30.020 ~~Definitions. Applicability~~
- 15.30.030 ~~Application of airport safety overlay provisions. Definitions~~
- 15.30.040 ~~Class (1) uses. Airport Safety Overlay Zones~~
- 15.30.050 ~~Class (2) and Class (3) uses. Height Limitation~~
- 15.30.060 ~~Application requirements. Land Use Overlay~~
- 15.30.070 ~~Height limitations and additional requirements. Application Requirements~~
- ~~15.30.080 — Special provisions for new airports, heliports and landing fields. Nonconforming Uses.~~

15.30.010 Purpose.

The airport safety overlay is intended to protect the airspace around the Yakima Air Terminal at McAllister Field and any other state and federal system airports from airspace obstructions or hazards and incompatible land uses in proximity to the Yakima Air Terminal at McAllister Field or other public airport with defined airspace per Federal Aviation Regulations (FAR) Part 77. (Ord. 2008-46 § 1 (part), 2008; Ord. 2001-04 § 4 (part), 2001).

Property within the airport safety overlay may be exposed to aircraft noise, vibration, fumes, dust and fuel particulates, as may be inherent in the operation of aircraft, now known or hereafter used for aircraft navigation and flight while using said air space for landing at, taking off from, or operating within the Airport area.

~~15.30.020 — Definitions.~~

~~The following terms are established for the purpose of protecting the airspace of the Yakima Air Terminal at McAllister Field or any other state and federal system airport:~~

~~“Airspace hazard” means any structure, tree, or use of land which compromises public safety or obstructs the airspace required for the safe operation of aircraft in or around an airport, as determined by the administrative official under this title.~~

~~“Airspace obstruction” means any structure, tree, land mass, smoke or steam or use of land which penetrates the primary, approach, transitional, horizontal or conical surface of an airport as defined by Federal Aviation Regulations (FAR) Part 77.~~

~~“Avigation easement” means an easement granted for the free and unobstructed use and passage of aircraft over, across, and through the airspace above or in the vicinity of property.~~

~~“Civil airport imaginary surfaces” means the imaginary airspace (primary, approach, transitional, horizontal and conical surfaces) designated by the Federal Aviation Administration and as defined by FAR Part 77.~~

~~“Established airport elevation” means the highest point of an airport’s usable landing area, measured in feet above mean sea level.~~

~~“Hazard to air navigation” means an official determination by the FAA that an airspace obstruction constitutes a hazard to air navigation. The FAA determination that an airspace obstruction does not constitute a “hazard to air navigation” under federal regulations does not prevent the administrative official from determining that it is an airspace hazard or potentially incompatible land use under this title.~~

~~“Potentially incompatible land use” means land uses deemed potentially incompatible within the airport safety overlay, including:~~

- ~~1. — Those land uses located in the primary airport safety overlay, being an area bounded by the limits of the approach surface and the transitional surface within the conical surface area, that are of such intensity as to~~

~~potentially endanger public health, safety or welfare. Such uses include manufactured or mobile home parks, schools, places of public assembly, and multifamily residential uses; and~~

~~2. Those land uses within the primary or secondary airport safety overlay constituting airspace hazards, as determined by the administrative official.~~

~~“Runway protection zone(s)” means a trapezoidal area representing the ground level at the innermost portion of the runway approach as defined in the respective airport master plan. (Ord. 2008-46 § 1 (part), 2008: Ord. 2001-04 § 4 (part), 2001).~~

15.30.030 — Application of airport safety overlay provisions.

~~A. All zoning districts regulated under this title lying within the airport safety overlay are subject to the requirements of this overlay, except as may be otherwise stated herein.~~

~~B. The airport safety overlay (ASO) contains those areas defined by Federal Aviation Regulations (FAR) Part 77 as imaginary surfaces and the runway protection zone(s) as illustrated on the airport layout plan (ALP) and zoning map, and comprised of two parts:~~

~~1. The primary airport safety overlay addresses land use compatibility with airport operations and structure height. It is located in an area bounded by the limits of the runway protection zone and the FAA-defined approach and transitional surfaces within the conical surface area; and~~

~~2. The secondary airport safety overlay principally addresses structure height, particularly where a structure may constitute an incompatible land use under this title. It is bounded by the exterior of the conical surface area and the approach and transitional approach surfaces extending beyond the conical surface. (Ord. 2008-46 § 1 (part), 2008: Ord. 2001-04 § 4 (part), 2001).~~

15.30.040 — Class (1) uses.

~~A. The uses listed as Class (1) uses within the underlying zoning district shall be subject to the height restrictions listed in YMC 15.30.070 or YMC Chapter 15.05, Table 5-1, whichever is the more restrictive. No separate application for a Class (1) use in the airport overlay is required, provided the administrative official can conclusively determine that the proposed structure or use:~~

~~1. Does not constitute a potentially incompatible land use; and~~

~~2. Will not exceed thirty-five feet in height; or, if greater than thirty-five feet in height, will not penetrate the approach, transitional, horizontal, or conical surface zones of the airport for any existing or planned approaches as defined by FAR Part 77; and~~

~~3. Is not within a designated runway protection area or an identified future sixty-five DNL aircraft noise-impacted area within the airport master plan or the FAA-approved airport layout plan. Such structures and uses shall in any case be subject to the limitations of YMC 15.30.070 and to the recording of an avigation easement.~~

~~B. Class (1) uses shall be subject to Class (2) application and review procedures pursuant to YMC 15.30.060 where the use is a potentially incompatible land use, or where the administrative official cannot make a conclusive determination as required in subsection A of this section. (Ord. 2008-46 § 1 (part), 2008: Ord. 2001-04 § 4 (part), 2001).~~

15.30.050 — Class (2) and Class (3) uses.

~~A. The uses listed as Class (2) and Class (3) uses within the underlying zoning district are subject to:~~

~~1. The height restrictions listed in YMC 15.30.070 and YMC Chapter 15.05, Table 5-1, whichever are the more restrictive;~~

~~2. The provisions of YMC Chapter 15.04 and any other review criteria for the use required by the underlying zoning district; and~~

~~3. — A determination that the use can be appropriately conditioned to mitigate noise impacts and other airport safety concerns.~~

~~B. — Where an airspace hazard has been determined to exist by the administrative official, the FAA determination on obstructions and hazards to air navigation shall be balanced with special consideration for unique characteristics of local terrain, reporting points for pilots using VFR, airport operations, and development patterns. (Ord. 2008-46 § 1 (part), 2008; Ord. 2001-04 § 4 (part), 2001).~~

15.30.060 — Application requirements.

~~A. — Applications for uses within the airport safety overlay established by this chapter shall include the following information:~~

~~1. — Property boundary lines as they relate to the boundaries of the primary and secondary airport safety overlays;~~

~~2. — Location, elevation, and height of all existing and proposed buildings, structures, utility lines, and trees taller than thirty-five feet in height;~~

~~3. — A description of the proposed use; and~~

~~4. — A statement of compatibility from the airport manager when the use is to be located within the airport safety overlay relative to the impact of the use on airport operations and safety.~~

~~B. — In consideration of an application for a building, structure, or other use which will exceed thirty-five feet in height, the administrative official may require the applicant to submit either of the following:~~

~~1. — A certificate from a registered professional engineer or a licensed land surveyor, which clearly states that no airspace obstruction will result from the proposed use, or~~

~~2. — Either or both of the following:~~

~~a. — The maximum elevations of proposed structures based on the established airport elevation and USGS datum. Elevations shall be determined by a registered professional engineer or a licensed land surveyor, accurate to plus or minus one foot, shown as mean sea level elevation or other available survey data. The accuracy of all elevations shall be certified by the engineer or surveyor.~~

~~b. — A map of topographic contours with not more than five-foot intervals, showing all land within one hundred feet of the proposed structure(s) for which the permit is being sought. This map shall also bear the verification of a licensed land surveyor or registered professional engineer. (Ord. 2008-46 § 1 (part), 2008; Ord. 2001-04 § 4 (part), 2001).~~

15.30.070 — Height limitations and additional requirements.

~~A. — A building, structure, communication tower, use, or tree that penetrates any of the FAA-designated imaginary surfaces constitutes an obstruction within the ASO overlay. Therefore, the allowable height of any building, structure, communication tower, use, or tree within the airport safety overlay shall conform to the following:~~

~~1. — The ground level elevation above mean sea level plus the height of any building, structure, communication tower, use, or tree at its proposed location shall not penetrate any FAR Part 77-designated imaginary surfaces of an airport.~~

~~2. — However, structures thirty-five feet or more in height may penetrate the imaginary surfaces when the reviewing official, in consultation with the Washington State Department of Transportation (WSDOT) Aviation Division or the airport manager, can determine that the structure is not likely to constitute an airspace hazard.~~

~~3. — The administrative official may require lights or markers as a warning to aircraft on the building, structure, communication tower, use, or tree(s) or to top the tree to reduce its height when recommended by the FAA, WSDOT Aviation Division or the airport manager. Lights and markers shall meet FAA specifications.~~

~~4. Notwithstanding any other provision of this title, the administrative official shall not approve any building, structure, communication tower, use, or tree when the FAA has designated it a hazard to air navigation.~~

~~B. Whenever the height limitations of this section differ from those of any other section of this chapter, or that adopted by another local ordinance or regulation, the more restrictive limitation shall apply.~~

~~C. No use or activity shall take place within the airport safety overlay in such a manner as to: make it difficult for pilots to distinguish between airport lights and other lights; create electrical interference with navigational signals or radio communication between the airport and aircraft; result in glare in the eyes of pilots using the airport; impair visibility in the vicinity of the airport; create bird-strike hazards; or otherwise create a hazard which may in any way endanger the landing, takeoff, or maneuvering of aircraft intending to use the airport.~~

~~D. The regulations prescribed by this chapter shall not be construed to require a property owner to remove, lower, or make changes or alterations to any structure which legally existed prior to the effective date of the ordinance codified in this chapter, except as may be compelled by state or federal regulation. However, such structures shall be considered nonconforming if such structure is in conflict with these regulations.~~

~~E. An aviation easement and deed declaration, which recognizes the preexistence of the airport and the right of over flight, shall be recorded for all uses within the approach and transitional surfaces of the conical surface area. (Ord. 2008-46 § 1 (part), 2008; Ord. 2001-04 § 4 (part), 2001).~~

15.30.080 — Special provisions for new airports, heliports and landing fields.

All new airports, heliports, or landing fields shall be designed so that the incidence of aircraft passing in the vicinity of preexisting dwellings or places of public assembly is minimized. They shall be located so that air traffic shall not generate more than fifty-five DNL as measured at the property line and shall not be located in close proximity to incompatible land uses as defined in this title. The proponents shall show that adequate controls or measures will be taken to reduce noise levels, vibrations, dust or bright lights, as required by federal, state, county, and city regulations. (Ord. 2008-46 § 1 (part), 2008; Ord. 2001-04 § 4 (part), 2001).

15.30.020 APPLICABILITY.

The provisions of this chapter shall apply to all lands, buildings, structures, natural features or uses located within those areas that are defined by the Airport Overlay District and designated on the Yakima Air Terminal at McAllister Field Part 77 Surfaces map which identifies areas of height limitations and the Airport Safety Overlay Zones map.

15.30.030 DEFINITIONS.

The following terms are established for the purpose of protecting the airspace of the Yakima Air Terminal at McAllister Field or any other state and federal system airport.

AIRPORT: The Yakima Air Terminal at McAllister Field operated by the City of Yakima including all property designated in the Yakima Air Terminal at McAllister Field Master Plan as part of the airport.

AIRPORT ELEVATION: The highest point of an airport's useable landing area measured in feet from sea level. The Yakima Air Terminal at McAllister Field is one thousand forty nine feet (1049') above mean sea level.

AIRPORT INFLUENCE AREA: Includes airport property and all land within the Airport Safety Overlay Zones 1 through 6 as described in YMC 15.30.040 and depicted in the Airport Safety Zones map adopted in the Yakima Air Terminal at McAllister Filed Master Plan.

APPROACH SURFACE: An imaginary surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in YMC 15.30.050. The perimeter of the approach surface coincides with the perimeter of the approach zone.

CONICAL SURFACE: An imaginary surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty to one (20:1) for a horizontal distance of four thousand feet (4,000').

DEED NOTICE: A formal statement provided in YMC 15.30.??? as a note on the face of a short plat, major subdivision or binding site plan or recorded against the property notifying potential property owners that the property is located adjacent to an active airport and said property may be impacted by aircraft noise, odors, vibration, and low flying aircraft.

FAA FORM 7460-1, NOTICE OF PROPOSED CONSTRUCTION OR ALTERATION: A form which the Federal Aviation Administration (FAA) requires to be completed by anyone who is proposing to construct or alter an object that could affect airspace within the airport influence area and allows the FAA to conduct an airspace analysis to determine whether the object will adversely affect airspace or navigational aids.

FAR PART 77 SURFACES: The Part of 49 CFR of the Federal Aviation Regulation that deals with objects affecting navigable airspace.

FAR PART 77 ZONES: Imaginary airspace surfaces established with relation to each runway of an airport. There are five types of surfaces: (1) primary; (2) approach; (3) transitional; (4) horizontal; and (5) conical.

HAZARD TO AIR NAVIGATION: An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

HEIGHT: For the purpose of determining the height limits in all zones and as shown on the Yakima Air Terminal at McAllister Field Future Part 77 Zones map, this datum shall be height above mean sea level elevation unless otherwise specified.

HORIZONTAL SURFACE: A horizontal plane one hundred fifty feet (150') above the established airport elevation, the perimeter of which plane coincides with the inner perimeter of the conical surface. This is eleven hundred ninety nine feet (1199') above mean sea level for the Yakima Air Terminal at McAllister Field

INFILL: Development on scattered vacant parcels of land which have remained vacant after the majority of development has occurred in an area.

OBSTRUCTION: Any object of natural growth, terrain, of permanent or temporary construction or alteration, including equipment or materials used therein which exceeds a limiting height set forth in YMC 15.30.050.

OBJECT OF NATURAL GROWTH: Means a tree, shrub or similar organic or vegetative matter.

PRECISION APPROACH: A landing approach made without visual reference to the ground by the use of aircraft instruments and ground-based electronic or communications systems or devices. An aircraft making such an approach should be flying in accordance with an IFR (Instrument Flight Rules) flight plan.

PRIMARY SURFACE: A surface longitudinally centered on a runway with a width of one thousand feet (1,000') for instrument approaches and five-hundred feet (500') for visual approaches. When the runway has a specially prepared hard surface, the primary surface extends two hundred feet beyond each end of the runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The elevation of the Primary Surface at the Yakima Air Terminal at McAllister Field is one thousand forty nine feet (1049') above mean sea level.

RUNWAY: A defined area on an airport prepared for landing and take-off of aircraft along its length.

TRANSITIONAL SURFACES: These imaginary surfaces extend outward at ninety-degree angles to the runway centerline, and runway centerline extended, at a slope of seven feet (7') horizontally for each foot vertically (7:1) from the sides of the primary and approach surfaces to where they intersect with the horizontal and conical surfaces.

VISUAL RUNWAY: A runway intended solely for the operation of aircraft using visual approach procedures, with no straight-in instrument approach procedure and no instrument designation indicated on an FAA-approved airport layout plan.

15.30.040 AIRPORT SAFETY OVERLAY ZONES

Zone 1 – Runway Protection Zone – This zone encompasses the runway protection zone (RPZ) at each end of the runway and should use the RPZ dimensions established in accordance with FAA standards (RPZ dimensions depend mostly on the visibility minimums for the approach to that runway end). Also included in the zone are the strips of land immediately adjacent to the runway where FAA standards preclude structures. Zone 1 is where the greatest concentration of accidents take place.

Zone 2 – Inner Approach/Departure Zone – This zone wraps around and extends beyond Zone 1 along the runway centerline. Next to the RPZ, it represents the area where the risk of aircraft accidents is the greatest. On departure, aircraft are typically at full power in the initial phase of climb. On approach, they are at low altitude as they prepare for landing.

Zone 3 – Inner Turning Zone – This zone is a wedge-shaped area lying along the sides of Zone 2. It is primarily significant at general aviation airports where most of the flights are visual. At airports where most aircraft approach and depart on instrument flight plans, then the close-in turns which are the concern with Zone 3 can be a narrow wedge. When operating visually, departing aircraft may begin turning over this area to fly toward their destination or to remain in the traffic pattern. Arriving aircraft often overfly this area as well, especially if they are flying a tight pattern. One type of accident known to occur in this area is a low-altitude stall-spin that can happen if a pilot attempts to make too tight of a turn.

Zone 4 – Outer Approach/Departure Zone – This area lies beyond Zone 3 along the extended runway centerline. Aircraft flying straight out or in overfly this area at low-altitude. The zone is particularly significant on runways where much of the operations are on instrument procedures and at busy airports where elongated traffic patterns are common. The risks in this area are moderate, but less than in Zones 1 through 3.

Zone 5 – Sideline Zone – Lying in narrow bands along each side of the runway, aircraft do not normally fly over the sideline zone. The principal risk is from aircraft that lose directional control while landing or just after takeoff. The risks are lower than in Zones 1 through 3 and similar to those of Zone 5.

Zone 6 – Traffic Pattern Zone – The final zone contains the remainder of the airport environment where aircraft fly as they approach and depart the airport or are engaged in flight training. In area, Zone 6 is typically larger than the other zones combined. A substantial percentage of accidents take place here, but they are scattered over the large area

15.30.050 HEIGHT LIMITATION.

The height limitation zones are hereby established, consistent with the FAR Part 77 Surfaces – Objects Affecting Navigable Airspace and are described below.

Height Limitation Zone 1 (Zone 1, 2, 3, 4, and 5) – No building within this zone shall exceed 35-feet above the airport elevation.

Height Limitation Zone 2 (Zone 6) – No building within this zone shall exceed 150-feet above the airport elevation.

15.30.060 LAND USE OVERLAY.

Zones described below are shown in the Airport Safety Overlay Zone (ASOZ) map with the types of land use review listed below in order to promote general safety and welfare of properties surrounding the airport and the continued viability of the airport.

Land Use Overlay 1 (Zone 1 and 5 – Runway Protection Zone (RPZ) and Sideline Safety Zone): only airport uses and activities are allowed within the RPZ and Sideline Safety Zone.

Land Use Overlay 2 (Zone 2, 3 and 4 – Inner Safety Zone, Inner Turning Zone, and Outer Safety Zone):

Class (1) Uses – Any Class (1) use listed in table 4-1, unless otherwise mentioned in this section.

Class (2) Uses – Agricultural building; Agricultural related business; Animal husbandry; Correction facilities; Golf Courses; Campground; Gymnasiums, exercise facilities; Motels and Hotels; Canning, preserving, and packaging fruits, vegetables, and other foods; Cement and concrete plants; Concrete gypsum and plaster products; Power generating facilities; Utility services.

Class (3) Uses – Agricultural market; Junior or Community College; Business school; Vocational school; Bed and breakfast inn; Communication towers;

Prohibited Uses – Schools (K-12), community centers, nursing home and group homes, day care facilities, hospital, new residential, new churches, shopping centers and other uses with similar concentrations of persons, rendering plants and slaughter houses. Other prohibited uses shall be; Horse racing tracks, speedways; The production of asphalt paving and roofing materials; rock crushing; fuel storage facilities; storage or use of significant amounts of materials which are explosive, flammable, toxic, corrosive or otherwise exhibit hazardous characteristics; hazardous wildlife attractants including waste disposal operations, water management and storm water facilities with above-ground water storage, and man-made wetlands.

Land Use Overlay 3 (Zone 6 – Traffic Pattern Zone):

Class (1) Uses – Any Class (1) use listed in table 4-1, unless otherwise mentioned in this section.

Class (2) Uses – Retirement home; Churches, synagogues, temples; Convalescent, nursing home and group homes; Day care facilities and centers; Correction facilities; Communication towers; Chemicals (industrial, agricultural, wood, etc.); Rendering plants and Slaughter houses; Power generating facilities.

Class (3) Uses – Amusement Park;

Prohibited Uses – Schools (K-12), hospitals and other uses with similar concentrations of persons. Replacement or expansion of existing schools shall be allowed.

15.30.070 APPLICATION REQUIREMENTS.

A. Applications for uses within the airport safety overlay established by this chapter shall include the following information:

1. Property boundary lines as they relate to the boundaries of the Land Use Zones;
2. Location, elevation, and height of all existing and proposed buildings, structures, utility lines, and trees taller than thirty-five feet in height;
3. A description of the proposed use; and
4. A statement of compatibility from the airport manager when the use is to be located within the airport safety overlay relative to the impact of the use on airport operations and safety.

B. In consideration of an application for a building, structure, or other use which will exceed thirty-five feet in height, the administrative official may require the applicant to submit either of the following:

1. A certificate from a registered professional engineer or a licensed land surveyor, which clearly states that no airspace obstruction will result from the proposed use, or
2. Either or both of the following:
 - a. The maximum elevations of proposed structures based on the established airport elevation and USGS datum. Elevations shall be determined by a registered professional engineer or a licensed land surveyor, accurate to plus or minus one foot, shown as mean sea level elevation or other available survey data. The accuracy of all elevations shall be certified by the engineer or surveyor.
 - b. A map of topographic contours with not more than five-foot intervals, showing all land within one hundred feet of the proposed structure(s) for which the permit is being sought. This map shall also bear the

verification of a licensed land surveyor or registered professional engineer. (Ord. 2008-46 § 1 (part), 2008: Ord. 2001-04 § 4 (part), 2001).

C. Decisions by the administrative official under Type (2) and Type (3) review may be appealed to the hearing examiner in accordance with YMC Chapter 15.16. (Ord. 2008-46 § 1 (part), 2008: Ord. 2947 § 1 (part), 1986).

15.30.080 NONCONFORMING USES

Existing uses that do not meet these standards at the time of adoption of this Overlay may remain and will be considered nonconforming uses. Expansion of these uses is permitted through YMC Ch. 15.19. For a use that is nonconforming due to height, the height may not be increased unless approved by the Airport Manager.