

ORDINANCE NO. 90-2281

AN ORDINANCE PERTAINING TO THE ESTABLISHMENT OF AN AIRPORT OVERLAY ZONE FOR SPORTSMAN AIRPARK.

WHEREAS, Public use airports must be protected from obstacles affecting aviation safety; and

WHEREAS, Public use airports must have an adopted imaginary surfaces map and implementing ordinance compatible with Federal Aviation Administration regulations Part 77; and

WHEREAS, Sportsman Airpark is a public use airport.

NOW, THEREFORE, be it resolved by the Council of the City of Newberg, as follows to-wit:

Section 1. The Newberg City Council adopts the findings of fact which shall be made a part of this ordinance and are attached as Exhibit A.

Section 2. Ordinance 1968 shall be amended to include the following sections:

270(7) AO Airport Overlay Subdistrict. Pursuant to the provisions of Sections 446-450, the AO subdistrict may be applied within any zoning district. The subdistrict shall be designated by the suffix "AO" added to the symbol of the parent district. The "AO" symbol shall be added to the Zoning map for properties affected by the airport imaginary surfaces. Except as set forth in Sections 446-450, all uses permitted in the parent zone shall be allowable in the "AO" subdistrict.

AO AIRPORT OVERLAY SUBDISTRICT

446 Purpose and Definitions.

A. Purpose.

In order to carry out the provisions of this Airport Overlay zone there are hereby created and established certain zones which include all of the land lying beneath the Airport Imaginary Surfaces as they apply to Sportsman Airpark in Yamhill County. Such zones are shown on the current Airport Overlay zone map and the Displaced Threshold Approach Surface map, prepared by the Newberg Engineering Department and depicted as Maps A and B.

Further, this overlay zone is intended to prevent the establishment of air space obstructions in airport approaches and surrounding areas through height restrictions and other land use controls as deemed essential to protect the health, safety and welfare of the people of the City of Newberg and Yamhill County.

B. Special Definitions.

1. Airport Approach Safety Zone. A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the Primary Surface except as noted on Airport Overlay Map A. The inner edge of the approach surface is the same width as the Primary Surface and extends to a width of: 1,250 feet for Utility Runway having only visual approaches; and 1,500 feet for a runway other than a Utility Runway having only visual approaches. The Airport Approach Surface extends for a horizontal distance of 3,000 feet at a slope of 20 feet outward for each foot upward (20:1) for all utility and visual runways.
2. Airport Hazard. Any structure, tree or use of land which exceeds height limits established by the Airport Imaginary Surfaces.
3. Airport Imaginary Surfaces. Those imaginary areas in space which are defined by the Airport Approach Safety Zone, Displaced Threshold Approach Surface Zone, Transitional Zones, Horizontal Zone, and Conical Surface and in which any object extending above these imaginary surfaces is an obstruction.
4. Conical Surface. Extends 20 feet outward for each one foot upward (20:1) for 4,000 feet beginning at the edge of the horizontal surface (5,000 feet from the center of each end of the Primary Surface of each visual and utility runway at 150 feet above the airport elevation) and upward extending to a height of 350 feet above the airport elevation.
5. Displaced Threshold Approach Surface Zone. The imaginary surface depicted on Map B, the Displaced Threshold Approach Surface Map. In the plan view, the centerline of this surface extends 3,000 feet along the extended runway centerline. This surface extends upward at a slope of 20 feet outward for each foot upward (20:1). This surface extends laterally 125 feet on each side of the centerline at the threshold and increases in width to 350 feet at a point 2,250 feet from the threshold; thereafter, it extends laterally 350 feet on each side of the centerline. The displaced threshold approach surface extends to the north and begins at the Displaced Threshold, 360 feet south of the end of the runway as it existed on July 9, 1990.
6. Horizontal Surface. A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of 5,000 feet from the center of each end of the Primary Surface of each visual or utility runway and connecting the adjacent arcs by lines tangent to those arcs.
7. Noise Sensitive Areas. Within 1,500 feet of an airport or within established noise contour boundaries exceeding 55 Ldn.

8. High Density Public Use. Structure or place which the public may enter for such purposes as deliberation, education, worship, entertainment, amusement, awaiting transportation or similar activity where the occupant load is greater than one person per 15 square feet of gross building lot coverage.
9. Primary Surface. A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the Primary Surface extends 200 feet beyond each end of the runway. When the runway has no specially prepared hard surface, or planned hard surface, the Primary Surface ends at each end of that runway. The width of the Primary Surface is 250 feet for Utility Runways having only visual approaches and 500 feet for other than utility runways.
10. Runway Protection Zone. Extends from the primary surface to a point where the approach surface is 50 feet above the runway end elevation. Where the runway protection zone meets the primary surface, the width is 250 feet. The outer width of the runway protection zone is 450 ft. and is measured 1000 ft. from the primary surface.
11. Transitional Zones. Extend seven feet outward for each one foot upward (7:1) beginning on each side of the Primary Surface which point is the same elevation as the runway surface, and from the sides of the approach surfaces thence extending upward to a height of 150 feet above the airport elevation (Horizontal Surface).
12. Utility Runway. A runway that is constructed and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less.

447 Permitted uses within the Airport Approach Safety Zone and the Displaced Threshold Approach Surface Zone.

The following uses are permitted:

- A. Single family dwellings, mobile homes, duplexes and multifamily dwellings, when located greater than 3,000 feet from the Displaced Threshold, and when authorized in the primary zoning district, provided the landowner signs and records in the deed and mortgage records of Yamhill County a Hold Harmless Agreement and Avigation and Hazard Easement and submits them to the airport sponsor and the Newberg Planning Department.
- B. All uses permitted in the primary zoning district, provided the use does not create the following:
  1. Electrical interference with navigational signals or radio communication between the airport and aircraft.
  2. Visual interference which would make it difficult for pilots to distinguish between airport lights or other lighting.
  3. Impairment of visibility.

4. Bird strike hazards.
5. Endangerment or interference with the landing, taking off or maneuvering of aircraft intending to use the airport.
6. Population densities which exceed the following limitations:

PERMITTED DENSITY TABLE

DISTANCE FROM THE DISPLACED THRESHOLD	OCCUPANT LOAD (GROSS SQ. FT. OF BUILDING PER PERSON)
LESS THAN 1500 FEET	125 SQUARE FEET
1501 - 2000 FEET	30 SQUARE FEET
GREATER THAN 2000 FEET	15 SQUARE FEET

- C. Roadways, parking areas and storage yards located in such a manner that vehicle lights will not make it difficult for pilots to distinguish between landing lights and vehicle lights or result in glare, or in any way impair visibility in the vicinity of the landing approach. Approach surfaces must clear these by a minimum of 15 feet.

448 Conditional Uses within the Airport Approach Safety Zone and the Displaced Threshold Approach Surface Zone.

The following uses are conditional uses:

- A. All uses permitted as conditional uses within the primary zoning district, provided the use does not create the following:
  1. Electrical interference with navigational signals or radio communication between the airport and aircraft.
  2. Visual interference which would make it difficult for pilots to distinguish between airport lights or other lighting.
  3. Impairment of visibility.
  4. Bird strike hazards.
  5. Endangerment or interference with the landing, taking off or maneuvering of aircraft intending to use the airport.
  6. Population densities which exceed the standards listed in Section 447 B. 6. above.
- B. Any use, building, or structure which is otherwise permitted and is within the height limits of the Displaced Threshold Approach Surface but exceeds

the height limits of the Airport Approach Safety Zone. The sole criteria for approval of such uses are as follows:

1. The use shall not create any of the conditions or hazards listed in Section 448 A.
2. The landowner shall sign and record in the deed and mortgage records of Yamhill County a Hold Harmless Agreement and Avigation and Hazard Easement and submit them to the airport sponsor and the Newberg Planning Department.
3. The use, building or structure shall be marked with lights as required by the State Aeronautics Division. The lights shall be installed and maintained by the applicant.

449 Procedures.

A. Development Permits.

An application for a development permit for any permitted use within the Airport Approach Safety Zone or the Displaced Threshold Approach Surface Zone which is subject to site review as required by Section 616 of the Zoning Ordinance shall include the following information:

1. The boundaries of the Airport Imaginary Surfaces as they relate to property boundary lines; and
2. Location and height of all existing and proposed buildings, structures, utility lines and roads; and
3. A statement from the Oregon Aeronautics Division indicating whether the proposed use will interfere with operation of the landing facility.

B. FAA Notice Required.

To meet the requirements of Federal Aviation Regulations Part 77, FAA Form 7460-1, Notice of Proposed Construction or Alteration, must be submitted for any construction or alteration of greater height than an imaginary surface extending outward and upward at a slope of 50 to 1 for a horizontal distance of 10,000 feet from the nearest point of the nearest runway of the airport. Notice is not required for construction or alteration that is shielded by existing structures or terrain as defined in Section 77.15 of Part 77.

450 Limitations.

- A. To meet the standards and reporting requirements established in FAA Regulations, Part 77, no structure shall penetrate into the Airport Imaginary Surfaces as defined above under Section 446 except as provided in Section 448 B.
- B. High density public uses as defined in Section 446 B.8. shall not be permitted in the Airport Approach Safety Zone or the Displaced Threshold Approach Surface Zone.
- C. Following July, 1990, if FAA funds are used by the City to improve or enhance the airport, new structures, buildings and dense uses shall be prohibited in the Runway Protection Zone consistent with Federal requirements.
- D. Whenever there is a conflict in height limitations prescribed by this overlay zone and the primary zoning district, the lowest height limitation fixed shall govern; provided, however, that the height limitations here imposed shall not apply to such structures customarily employed for aeronautical purposes.
- E. No glare producing materials shall be used on the exterior of any structure located within the Airport Approach Safety Zone.
- F. In noise sensitive areas (within 1,500 feet of an airport or within established noise contour boundaries of 55 Ldn and above for identified airports) where noise levels are a concern, a declaration of anticipated noise levels shall be attached to any building permit or development approval. In areas where the noise level is anticipated to be 55 Ldn and above, prior to issuance of a building permit for construction of noise sensitive land use (real property normally used for sleeping or normally used as schools, churches, hospitals, or public libraries) the permit applicant shall be required to demonstrate that the indoor noise level will not exceed 55 Ldn. The Planning and Building Department will review building permits for noise sensitive developments.

PASSED by the City Council of the City of Newberg this 6th day of August, 1990, by the following votes:

Ayes: 6                      Nays: 0                      Absent: 1 (Young)                      Abstain: 1 (McIntosh)

  
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Duane R. Cole, City Recorder

APPROVED by the Mayor this 7<sup>th</sup> day of August, 1990.

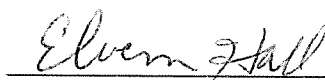
  
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Elvern Hall, Mayor

EXHIBIT A - ORDINANCE NO. 90-2281  
FINDINGS OF FACT AND CONCLUSIONS OF LAW  
PLANNING DEPARTMENT FILE NO. G-6-90

HEARING DATE: Planning Commission - June 21, 1990  
7:30 PM - Newberg Public Library

City Council - July 2, July 9, and August 6, 1990  
7:30 PM - Newberg Public Library

PROPONENT: City of Newberg

REQUEST: An amendment to the Newberg Zoning Ordinance to add an airport overlay zone.

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I. SUMMARY

The airport overlay zone is in response to requirements imposed by the Oregon Aeronautics Division that an overlay zone be established for Sportsman Airpark. The overlay zone allows the airport to remain designated as a public use airport.

The overlay zone includes establishment of imaginary surfaces which include an Airport Approach Safety Zone and a Transitional Zone. Within the Airport Approach Safety Zone, population density of uses are regulated and other permitted uses are reviewed to assure that interference with aircraft is avoided. The Airport Approach Safety Zone includes restrictive height limitations that relate directly to distance from the end of the runway. These restrictions are no greater than an existing deed restriction in the area. The Transitional Zone imposes height restrictions which extend east and west from the runway at a ratio of 1 foot in height to 7 feet of distance.

II. CRITERIA AND ORDINANCE REQUIREMENTS

A. Zone Change Criteria

The zone change criteria are set forth in Section 600 of the Newberg Zoning Ordinance No. 1968 and read as follows:

1. The proposed change is consistent with and promotes the objectives of the Comprehensive Plan and of the Zoning Ordinance of the city.
2. There is a public need for a change of the kind in question.
3. The need will be best served by changing the classification of the particular piece of property in question as compared with other available property.

B. Applicable Comprehensive Plan Goals and Policies

Goals and Policies found within the Newberg Comprehensive Plan which are relevant to this request include the following:

1. Transportation Goals

To encourage development of a safe, convenient and economic transportation system through a variety of transportation means.

To develop and implement an area transportation plan consistent with local needs and the comprehensive plan.

2. Air Transportation Policy

When staff time becomes available, an appropriate airport overlay zone shall be prepared and adopted.

III. FACTS

- A. The Oregon Aeronautics Division has classified the Sportsman Airpark as a public use airport and the airport is identified as such on aviation maps.
- B. The Oregon Aeronautics Division states that public use airports must have zoning to protect air space around the airport and to provide compatible use for airport environs.
- C. In May, 1989, the City of Newberg was notified by the Oregon Aeronautics Division that a protective airport overlay zone was required for the Periodic Review Process.
- D. For airports identified as public use facilities, the FAA requires creation of an airport overlay zone which includes an approach zone. The FAA model airport overlay includes a primary surface which extends 200 feet beyond the end of the paved runway; from that point, a 20:1 approach slope is drawn. No structures are permitted to penetrate the approach zone.
- E. For airports which receive FAA grant funds, a Runway Protection Zone (RPZ) is required. The RPZ is a clear zone at the end of the runway.
- F. According to the FAA model approach zone criteria, Highway 219 is within the primary surface and the Current Electronics building penetrates the approach zone.
- G. When creating the Flightways Industrial Park, Sam Whitney placed a deed restriction on the subdivision. The restriction prohibited structures in a 100 foot wide area from Highway 219 to the center of Hancock Street, approximately 800 feet. The deed restriction also created an approach slope beginning at the Flightways Industrial Park property line and extending out at a 25:1 slope. This approach zone would not affect the highway or any existing structure in the industrial park.

- H. The City has requested that the 20:1 approach zone begin at the displaced threshold, 350 feet in from the end of the runway. Such a configuration would create a 15 foot clearance for the highway and would not cause the Current Electronics building to encroach into the approach zone.
- I. The City had a study conducted to examine the feasibility of purchasing the Sportsman Airpark. The study recommended against City purchase because of the high cost involved. However, the study did express the need for the community to retain the airport.

#### IV. CONCLUSIONARY FINDINGS

- A. Regarding Criterion 1, the proposed amendment promotes the objectives of the Comprehensive Plan and the Zoning Ordinance of the City. The Comprehensive Plan contains a specific air transportation policy which calls for the establishment of an Airport Overlay Zone. The Airport Overlay Zone would provide a balance between the safety needs of the airport and the development potential of the Flightways Industrial Park.
- B. Regarding Criterion 2, a specific public need has been identified for the zone. The Oregon Aeronautics Division has classified the Sportmans Airpark as a public use airport. This designation requires the creation of zoning to protect the surrounding airspace. In addition, the overlay zone has become a requirement for the Periodic Review Process.

The overlay zone would protect the health, safety and welfare of the City of Newberg by limiting potential air obstructions around the airport. The Airport Overlay Zone would help plan future growth around the airport. The zone would provide residents of the Flightways Industrial Park, and other surrounding areas, safe parameters for development.

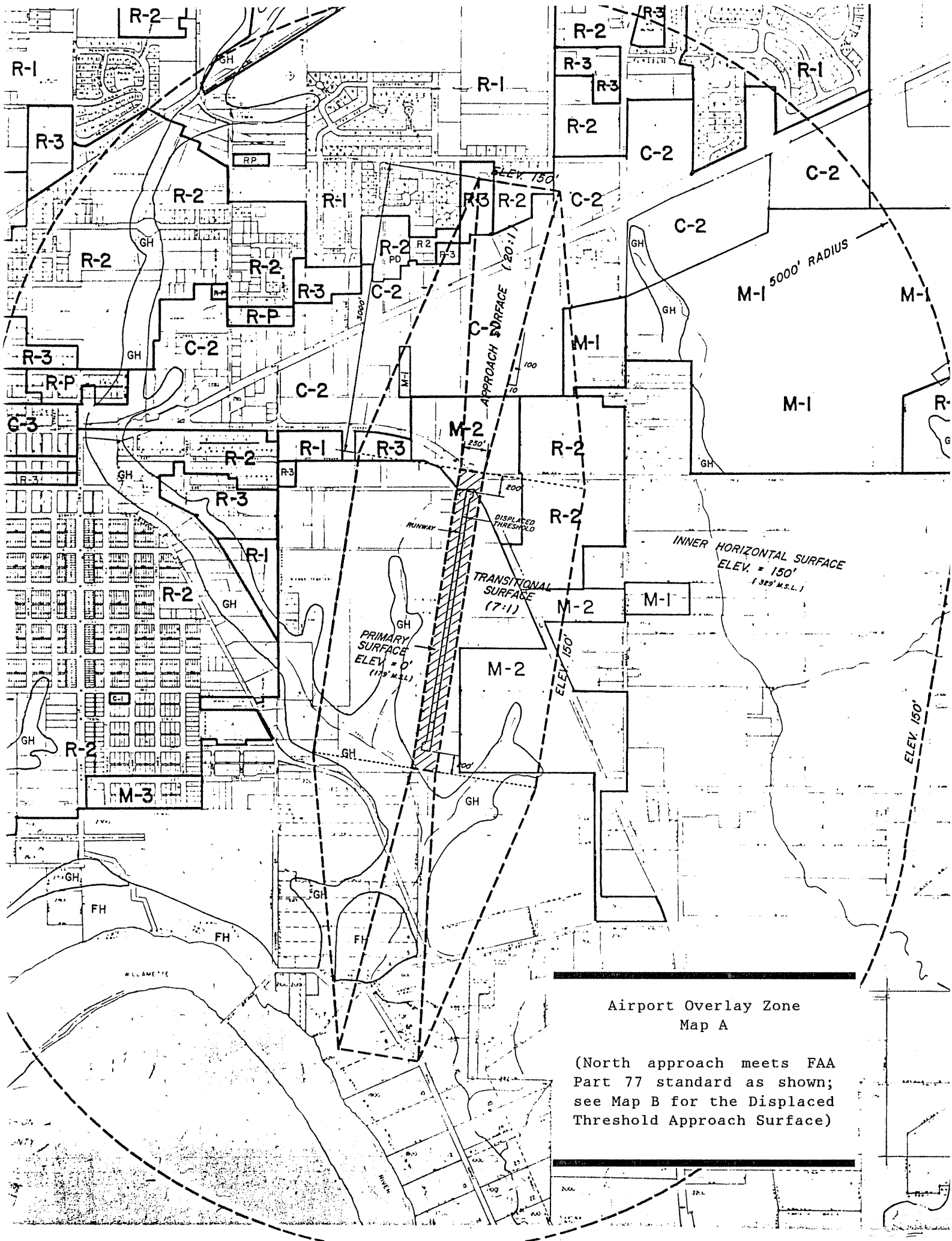
The City finds that designation of Sportsman Airpark as a public use airport is important to promote economic development. For this reason, establishment of an airport overlay zone is needed.

- C. Criterion 3 does not apply to this request.

#### V. CONCLUSION

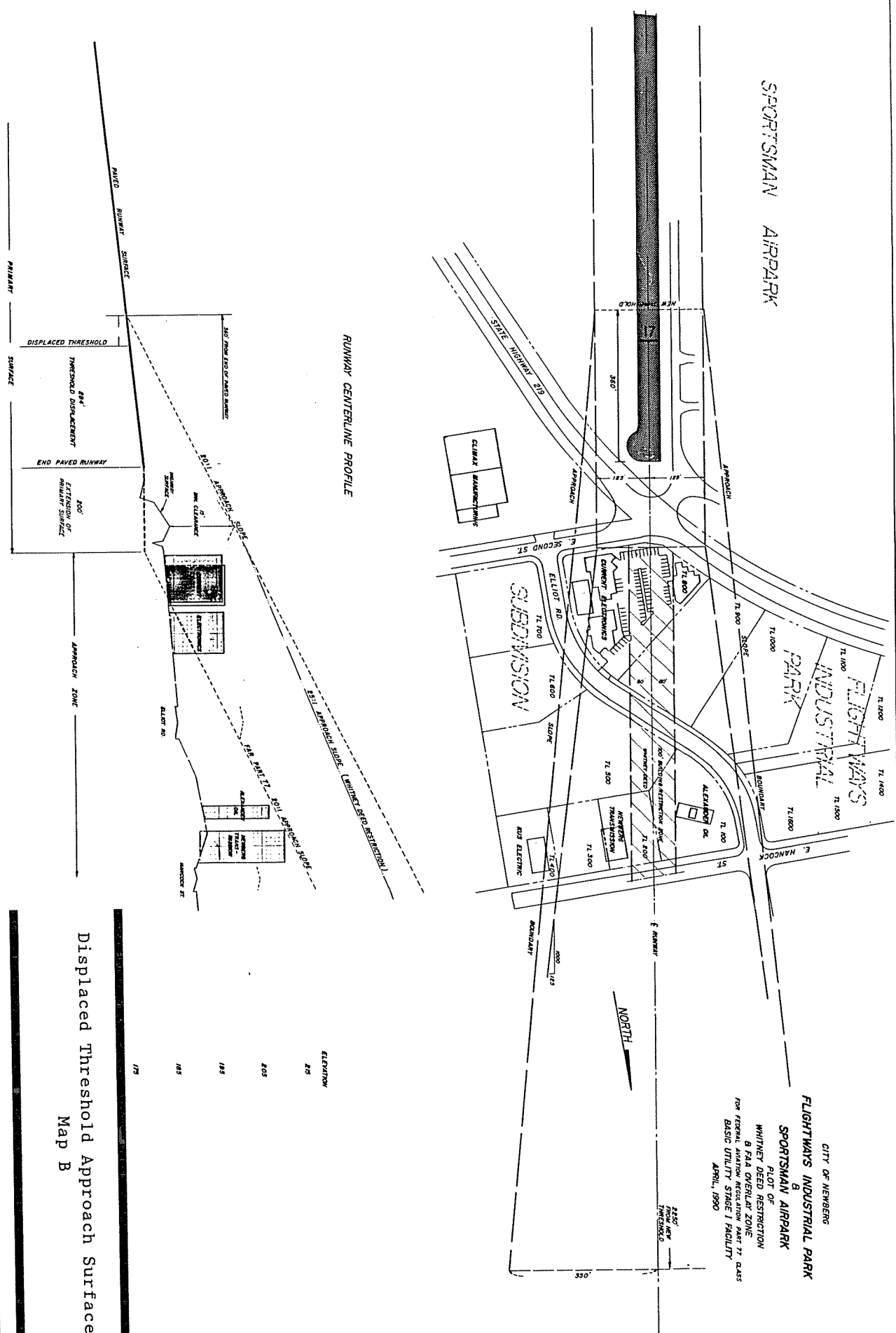
Based on the criteria, facts, testimony, and conclusionary findings, it is concluded that the proposal satisfies the zone change criteria.





Airport Overlay Zone  
Map A

(North approach meets FAA Part 77 standard as shown; see Map B for the Displaced Threshold Approach Surface)



SPORTSMAN AIRPARK

RUNWAY CENTERLINE PROFILE

KE ENGINEERING

Displaced Threshold Approach Surface  
Map B

CITY OF NEWBERG  
 FLIGHTWAYS INDUSTRIAL PARK  
 SPORTSMAN AIRPARK  
 PLOT OF  
 WHITNEY DEED RESTRICTION  
 B FAA OVERLAP ZONE  
 FROM FEDERAL AVIATION REGULATION PART 77 CLASS  
 BASIC UTILITY STAGE I FACILITY  
 APRIL, 1990

ELEVATION
215
205
195
185
175

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The City finds that designation of Sportsman Airpark as a public use airport is important to promote economic development. For this reason, establishment of an airport overlay zone is needed.

- C. Criterion 3 does not apply to this request.

#### V. CONCLUSION

Based on the criteria, facts, testimony, and conclusionary findings, it is concluded that the proposal satisfies the zone change criteria.