

---

3

**§ 152.307 FLOOD PLAIN OVERLAY ZONE - FP.**

(1) *PURPOSE.* It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

(A) To protect human life and health;

(B) To minimize expenditure of public money and costly flood control projects;

(C) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

## Condon - Land Usage

(D) To minimize prolonged business interruptions;

(E) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;

(F) To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard; and,

(G) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

(2) *METHODS OF REDUCING FLOOD LOSSES.* In order to accomplish its purposes, this chapter includes methods and provisions for:

(A) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

(B) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(C) Controlling the alternation of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

(D) Controlling filling, grading, dredging, and other development which may increase flood damage; and

(E) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas.

(3) *GENERAL PROVISIONS.*

(A) Lands to Which this Chapter Applies. This chapter shall apply to all areas of special flood hazards within the jurisdiction of the city.

(B) Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the City of Condon," dated September 24, 1984, and as amended, with accompanying Flood Insurance Maps, as amended, are hereby adopted by reference and declared to be a part of this chapter. The Flood Insurance Study is on file at City Hall.

(C) Penalties for Noncompliance. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violations of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions), shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$1,000 for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

(D) Abrogation and Greater Restrictions. This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another chapter, easement, covenant, or deed restriction, conflict, or overlap, whichever imposes the more stringent restrictions shall prevail.

(E) Interpretation. In the interpretation and application of this chapter, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit or repeal any other powers granted under state statutes.

(F) Warning and Disclaimer of Liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be safe from flooding or flood damages. This chapter shall not create liability on the part of the city, and officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

#### (4) ADMINISTRATION.

(A) Establishment of Development Permit.

1. Development Permit Required. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in § 152.307(3)(B). The permit shall be for all structures including manufactured homes, as set forth in § 152.103 and for all development including fill and other activities, also as set forth in the § 152.103.

2. Application for Development Permit. Application for a development permit shall be made on forms furnished by the city and may include but not be limited to plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

(a) Elevation, in relation to mean sea level, of the lowest floor (including basement) of all structures. The elevation must be certified on Form 81-31 of the Federal Emergency Management Agency (FEMA) dated July, 2000 or on the subsequent elevation certificate form approved by FEMA;

(b) Elevation in relation to mean sea level to which any structure has been floodproofed. The elevation must be certified on Form 81-65 of the Federal Emergency Management Agency (FEMA) dated August, 1999 or on the subsequent floodproofing certificate form approved by FEMA;

(c) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in § 152.307(5)(B)(2). Certification must be provided on Form 81-65 of the Federal Emergency Management Agency (FEMA) dated August, 1999 or on the subsequent floodproofing certificate form approved by FEMA; and

(d) Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.

(B) Designation of the City Administrator. The City Administrator is hereby appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.

(C) Duties and Responsibilities of the City Administrator.

1. Duties. The duties of the City Administrator shall include, but not be limited to, permit review.

(a) Review all development permits to determine that the permit requirements of this chapter have been satisfied.

(b) Review all development permits to determine that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required.

(c) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of § 152.307(5)(D) are met.

2. Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with § 152.307(3)(B), Basis for Establishing the Areas of Special Flood Hazard, the City Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, in order to administer § 152.307(5)(B), Specific Standards, and § 152.307(5)(C), Floodways.

3. Information to be Obtained and Maintained.

(a) Where base flood elevation data is provided through the Flood Insurance Study or required as in § 152.307(4)(C), obtain and record the actual elevation in relation to mean sea level of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

(b) For all new or substantially improved floodproofed structures:

- i. Verify and record the actual elevation (in relation to mean sea level), and
- ii. Maintain the floodproofing certifications required in §152.307(4)(C).

(c) Maintain for public inspection all records pertaining to the provisions of this chapter.

4. Alteration of Watercourses.

(a) Notify adjacent communities and the Department of Land Conservation and Development prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

(b) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

5. Interpretation of FIRM Boundaries. Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeal shall be granted consistent with the standards of Section 60.6 of the Rules and Regulations of the National Flood Insurance Program (44 CFR-76).

(5) *PROVISIONS FOR FLOOD HAZARD REDUCTION.*

(A) General Standards. In all areas of special flood hazards, the following standards are required:

1. Anchoring.

(a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

(b) All manufactured homes must likewise be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).

2. Construction Materials and Methods.

(a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(c) Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

3. Utilities.

(a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into system;

(b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and

(c) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

4. Subdivision Proposals.

(a) All subdivision proposals shall be consistent with the need to minimize flood damage;

(b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

(c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and

(d) Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or five acres (whichever is less).

#### 5. Review of Building Permits.

(a) Where elevation data is not available through the Flood Insurance Study or from another authoritative source, § 152.307(4)(C)2, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

(B) Specific Standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in § 152.307(3)(B), Basis for Establishing the Areas of Special Flood Hazard, or § 152.307(4)(C)2, Use of Other Base Flood Data, the following provisions are required:

##### 1. Residential Construction.

(a) New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot above the base flood elevation. The elevation must be certified on Form 81-31 of the Federal Emergency Management Agency (FEMA) dated July, 2000 or on the subsequent elevation certificate form approved by FEMA.

(b) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

i A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

ii. The bottom of all openings shall be no higher than one foot above grade.

iii. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

**Condon - Land Usage**

2. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall either have the lowest floor, including basement, elevated at or above the base flood elevation. The elevation must be certified on Form 81-31 of the Federal Emergency Management Agency (FEMA) dated July, 2000 or on the subsequent elevation certificate form approved by FEMA; or, together with attendant utility and sanitary facilities, shall:

(a) Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

(b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

(c) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in § 152.307(4)(C)3(b)ii.

(d) Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in § 152.307(5)(B)1(b).

(e) Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g. a building floodproofed to the base flood level will be rated as one foot below).

3. Manufactured Homes.

(a) All manufactured homes to be placed or substantially improved within Zones A1-A30, AH, and AE on the community's FIRM on sites:

i. Outside of a manufactured, home park or subdivision,

ii. In a manufactured home or park or subdivision,

iii. In an expansion to an existing manufactured home park or subdivision, or

iv. In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood;

shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot above the base flood elevation and be securely anchored to an adequately designed foundation system to resist flotation, collapse, and lateral movement. The elevation must be certified on

Form 81-31 of the Federal Emergency Management Agency (FEMA) dated July, 2000 or on the subsequent elevation certificate form approved by FEMA.

(b) Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH, and AE on the community's FIRM that are not subject to the above manufactured home provisions be elevated so that either:

i. The lowest floor of the manufactured home is elevated one foot above the base flood elevation, or

ii. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately designed foundation system to resist flotation, collapse, and lateral movement.

4. Recreational Vehicles. Recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either:

(a) Be on the site for fewer than 180 consecutive days,

(b) Be fully licensed and ready for highway use, on its wheels, or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or

(c) Meet requirements of § 152.307(5)(B)3, above, and the elevation and anchoring requirements for manufactured homes.

(C) Floodways. Located within areas of special flood hazard established in § 152.306(3)(B) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

1. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional civil engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

2. If § 152.307(5)(C)1 is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of § 152.307(5), Provisions for Flood Hazard Reduction.

(D) Encroachments. The cumulative effect of any proposed development, where combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point.

(E) Standards for Shallow Flooding Areas (AO Zones). Shallow flooding areas appear on FIRMs as AO Zones with depth designations. The base flood depths in these zone range from one to three feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In these areas, the following provisions apply:

1. New construction and substantial improvements of residential structures and manufactured homes within AO Zones shall have the lowest floor (including basement) elevated above the highest grade, adjacent to the building, one foot or more above the depth number specified on the FIRM (at least two feet if no depth number is specified).

2. New construction and substantial improvements of nonresidential structures within AO Zones shall either:

(a) Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, one foot or more above the depth number specified on the FIRM (at least two feet if no depth number is specified); or

(b) Together with attendant utility and sanitary facilities, be completely flood proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as in § 152.307(5)(B)2.

3. Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

4. Recreational vehicles placed on sites within AO Zones on the community's FIRM either:

(a) Be on the site for fewer than 180 consecutive days;

(b) Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or

(c) Meet the requirements of § 152.307(5)(E) above, and the elevation and anchoring requirements for manufactured homes.  
(Ord. 01-05, passed 6-6-01)

#### § 152.308 AIRPORT OVERLAY ZONE - AO.

In order to carry out the provisions of this 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 the Condon State Municipal Airport and the city. This overlay zone is intended to prevent the establishment of air space obstructions in airport air space through height restrictions and other land use controls as deemed essential to protect health, safety and welfare of the people of the city.

(1) *COMPLIANCE.* In addition to complying with the provisions of the primary zoning district, uses and activities shall comply with the provisions of this overlay zone. In the event of any conflict between any provisions of this overlay zone and the primary zoning district, the more restrictive provisions shall apply.

(2) *SPECIAL DEFINITIONS.*

**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. The inner edge of the approach surface is the same width as the primary surface and extends to a width of:

1. 1,250 feet for a utility runway having only visual approaches.
2. 1,500 feet for a runway other than a utility runway having only visual approaches.
3. 2,000 feet for a utility runway having a non-precision instrument approach.
4. 3,500 feet for a non-precision instrument runway other than utility having visibility minimums greater than  $\frac{3}{4}$  of a statute mile.

The **AIRPORT APPROACH SAFETY ZONE** extends for a horizontal distance of 5,000 feet at a slope of 20 feet for each foot upward (20:1) for all utility and visual runways and 10,000 feet at a slope of 34 feet for each one foot upward (34:1) for all non-precision instrument runways other than utility.

**AIRPORT HAZARD.** Any structure, tree or use of land which exceeds height limits established by the Airport Imaginary Surfaces.

**AIRPORT IMAGINARY SURFACES.** Those imaginary areas in space which are defined by the Airport Approach Safety Zone, Transitional Zones, Horizontal Zone, Clear Zone, and Conical Surface and in which any object extending above these imaginary surfaces is an obstruction.

**APPROACH SURFACE.** A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. 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; 1,500 for a runway other than a utility runway having only visual approaches; 2,000 feet for a utility runway having a nonprecision instrument approach; 3,500 feet for a nonprecision instrument runway other than utility, having visibility minimums greater than three-fourths of a statute mile; 4,000 feet for a nonprecision instrument runway having visibility minimums as low as three-fourths statute mile; and 16,000 feet for precision instrument runways. The **APPROACH SURFACE** extends for a horizontal distance of 5,000 feet at a slope of 20 feet outward to each foot upward (20:1) for all utility and visual runways; 10,000 feet at a slope of 34 feet outward for each foot upward (34:1) for all nonprecision instrument runways other than utility; and for all precision instrument runways extends for a horizontal distance of 10,000 feet at a slope of 50 feet outward for each foot upward (50:1); thence slopes upward 40 feet outward for each foot upward (40:1) an additional distance of 40,000 feet.

**CONICAL SURFACE.** Extends one foot upward for each 20 feet outward (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 or 10,000 feet from all non-precision instrument runways other than utility at 150 feet above the airport elevation and upward extending to a height of 350 feet above the airport elevation.

**HORIZONTAL SURFACE.** A horizontal plan 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 10,000 feet from the center of each end of the primary surface of all other runways and connecting the adjacent arcs by lines tangent to those arcs.

**NOISE SENSITIVE AREA.** Within 1,500 feet of an airport or within established noise contour boundaries exceeding 55 Ldn.

**PLACE OF PUBLIC ASSEMBLY.** A structure or place which the public may enter for such purposes as deliberation, education, worship, shopping, entertainment, amusement, awaiting transportation, or similar activity.

**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 that 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, 500 feet for utility runways having nonprecision instrument approaches, 500 feet for other than utility runways having only visual approaches or nonprecision instrument approaches with visibility minimums greater than three-fourths of a mile and 1,000 feet for nonprecision instrument runways with visibility minimums of three-fourths of a mile or less and for precision instrument runways.

**RUNWAY PROTECTION ZONE (RPZ).** An area off the runway end (formerly the clear zone) used to enhance the protection of people and property on the ground. The RPZ is trapezoidal in shape and centered about the extended runway centerline. It begins at the end of the turf and/or loose gravel runway. The RPZ dimensions are functions of the type of aircraft and operations to be conducted on the runway.

**STRUCTURE.** Any manmade object either permanent or temporary, including mobile objects.

**TRANSITIONAL ZONES.** Extended one foot upward for each 7 feet outward (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. (See **HORIZONTAL SURFACE**).

**TREE.** Any object of natural growth.

**UTILITY RUNWAY.** A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less.

**VISUAL RUNWAY.** A runway that is intended solely for the operation of aircraft using visual approach procedures with no instrument approach procedures has been approved or planned or indicated on an FAA or state planning document or military service airport planning document.

(3) **PERMITTED COMMERCIAL AND RECREATIONAL AIRPORT USES AT NON-TOWERED AIRPORTS.** Within airport boundaries established pursuant to Land Conservation and Development Commission rules, the city's land use regulations must authorize the following uses and activities:

(A) Customary and usual aviation-related activities including but not limited to takeoffs, landings, aircraft hangars, tie-downs, construction and maintenance of airport facilities, fixed-base operator facilities and other activities incidental to the normal operation of an airport;

1. Emergency medical flight services;
2. Law enforcement and firefighting activities;
3. Flight instruction;

**Condon - Land Usage**

4. Aircraft service, maintenance and training;
5. Crop dusting and other agricultural activities;
6. Air passenger and air freight services at levels consistent with the classification and needs identified in the State Aviation System Plan;
7. Aircraft rental;
8. Aircraft sales and sale of aeronautic equipment and supplies; and
9. Aeronautic recreational and sporting activities.

**(4) PERMITTED USES WITHIN THE AIRPORT OVERLAY ZONES.**

(A) Any uses which are permitted outright in the underlying zone are allowed except as provided in subsection (5) below.

**(5) CONDITIONAL USES WITHIN THE AIRPORT OVERLAY ZONE.**

(A) Any conditional uses listed in the underlying zone which are allowed except as provided in subsection (6) below.

**(6) PROHIBITED USES.**

(A) New structures or buildings are not allowed within the Runway Protection Zone.

(B) The siting of new industrial uses and the expansion of existing industrial uses where either, as a part of regular operations, would cause emissions of smoke, dust or steam that would obscure visibility within airport approach corridors.

**(7) USE AND DEVELOPMENT LIMITATIONS.**

(A) No new structure, except one customarily used for aeronautical purposes, shall penetrate into the Airport Imaginary Surfaces as defined in subsection (2) above.

(B) No glare producing material (unpainted metal, reflective glass, and similar materials, etc.) shall be used on the exterior of structures within the Airport Approach Safety Zone.

(C) Any proposed water impoundments within the city shall meet the requirements of O.R.S. 836.623(2) through (6).

(D) In noise sensitive areas (the Ldn 55 noise contour) a declaration of anticipated noise from the aircraft shall be recorded against the property in the deed records of Gilliam County. Property owners or their representatives are responsible for providing the recorded instrument prior to issuance of final plat approval for land divisions.

(E) Within the Airport Overlay Zone, a Hold Harmless Agreement and Aviation and Hazard Easement shall be attached to any new partition or subdivision plat, and shall be recorded against the property in the deed records of Gilliam County at the time the plat is recorded. Property owners or their representatives are responsible for providing the recorded instrument prior to issuance of building permits.

(8) *PERMITTED USES WITHIN THE RUNWAY APPROACH ZONE (RPZ)*. While it is desirable to clear all objects from the RPZ, some uses are permitted, provided they do not attract wildlife, are below the approach surface and do not interfere with navigational aids.

(A) Agricultural operations (other than forestry or livestock farms).

(B) Golf courses (but not club houses).

(C) Automobile parking facilities.

(9) *USE LIMITATIONS*.

(A) 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, land division appeal, deed, and mortgage records. 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 a noise abatement strategy will be incorporated into the building design which will achieve an indoor noise level equal to or less than 55 Ldn. The planning and building department will review building permits or noise sensitive developments.

(B) No development that attracts or sustains hazardous bird movements from feeding, watering, or roosting across the runways and/or approach and departure patterns of aircraft. Planning authority shall notify Oregon Aeronautics of such development (e.g., waste disposal sites, open water impoundments, and wetland enhancements) within the Airport Overlay Zone so as to provide Oregon Aeronautics Section an opportunity to review and comment on the site in accordance with FAA AC 150/5200-33.

(C) Siting of new industrial uses and the expansion of existing industrial uses is prohibited where either, as part of regular operations, would cause emissions of smoke, dust or steam that would obscure visibility within airport approach corridors.

(D) Outdoor lighting for new industrial, commercial or recreational uses or the expansion of such uses is limited to prevent light from projecting directly onto an existing runway or taxiway or into existing airport approach corridors except where necessary for safe and convenient air travel.

(E) The establishment of new water impoundments larger than one-quarter acre in size within the airport boundary and RPZ is prohibited. Wetland mitigation required for projects located within the airport boundary or RPZ may be authorized within the airport boundary where it is impractical to provide mitigation off-site. Seaplane landing areas are exempt from this prohibition.

(F) The establishment of new landfills near airports, consistent with Department of Environmental Quality (DEQ) rules is prohibited.

(10) *NONCONFORMING USES.*

(A) The regulations for this overlay district shall not be construed to require the removal, lowering, or alteration of any structure not conforming to such regulations. The regulations shall not require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Airport Overlay Zone.

(B) Notwithstanding the preceding provision of this section, the owner of any existing structure that has an adverse effect on air navigation as determined by Oregon Aeronautics is hereby required to permit the installation, operation, and maintenance of obstruction markers as deemed necessary by the Oregon Aeronautics. Certain objects and structures must be marked to make them more visible to pilots. The installation of any such markers will be based on the characteristics of the structure including location, size or height, shape, function and permanence in addition to effects on air navigation.

(11) *REQUIREMENT FOR MITIGATION.* Land use regulations and standards for land use decisions regarding land use compatibility and other requirements of this code shall consider the effects of mitigation measures or conditions which could reduce the potential for safety risk or incompatibility.

(12) *VARIANCES.*

(A) Any person desiring to erect or increase the height of any structure or use not in accordance with provisions prescribed in this chapter may apply for a variance.

(B) Application for variance must be accompanied by a determination from Oregon Aeronautics and the Federal Aviation Administration as to the effect of the proposal on the safe and efficient use of navigable airspace.

(C) Any variance granted may be conditioned as to require the owner of the structure to install, operate and maintain, at the owner's expense, obstruction markers.

(13) *NOTICE TO AERONAUTICS REQUIRED.*

(A) Any proposed quasi judicial Comprehensive Plan Map, or Zoning Map amendment involving property within 5,000 feet of the end of the runway shall require notice to the Oregon Aeronautics Division in accordance with O.R.S. 227.175. The notice shall be provided by mail within 20 days of the public hearing before the City Council.  
(Ord. 01-05, passed 6-6-01)