

ORDINANCE BILL NO. 37 FOR 1981

ORDINANCE NO. 857

AN ORDINANCE AMENDING ORDINANCE NO. 644 ADDING AN AIRPORT OVERLAY ZONE AND AMENDING THE DEVELOPMENT LIMITATIONS ZONE, AND DECLARING AN EMERGENCY.

The City of Sweet Home does ordain as follows:

Section 1. Section 4.430 of Ordinance No. 644 is hereby amended to read as follows, to-wit:

Section 4.430 Development Limitation Combining Zone. DL. In a DL zone, the following regulations shall apply:

- (1) Purpose. The DL Zone is designed to protect property, related public facilities, and streets in physically sensitive areas from hazards that otherwise would result if development were allowed at a density or intensity normally permitted in the zone. The intent of this zone is to permit the establishment of certain specific conditions affecting the development of properties in physically sensitive areas so that proper adjustments will be made to eliminate hazard(s).
- (2) Establishment of a DL zone. A DL zone is combined with any zone except the OLU zone. The DL zone shall be considered a combining zone, while the existing zone shall be considered the basic or underlying zone. The DL zone is hereby applied to all physically sensitive areas and areas unsuitable for development that have one of the following characteristics: (1) Lands within the Floodway fringe of the South Santiam River, Ames Creek or Wiley Creek; (2) Land characterized by high ground water and ponding; (3) Land situated within natural drainage channels; or, (4) Land subject to mass movement as described by the maps in Section 4.430(3) below.
- (3) Identification of Physically Sensitive Areas and areas unsuitable for development. The Sweet Home base map folio shall be the designated official maps used to identify physically sensitive areas and areas unsuitable for development. If after an on-site investigation the map(s) is determined to be in error, the map(s) shall be corrected.
- (4) Uses Permitted Outright in a DL Zone. In a DL zone, all uses permitted outright in the basic or underlying zone shall be permitted subject to conditions of an approved development plan.
- (5) Conditional Uses Permitted in a DL Zone. In a DL zone, all uses designated "conditional use" in the basic or underlying zone may be permitted subject to the provisions of this section, Sections 5.010 to 5.080, and conditions of an approved development plan.
- (6) Procedure for Development within a DL Zone.
 - (a) Applicant Action: Upon determination that an area is within a DL Zone, the applicant shall prepare a development plan that identifies the hazard(s) and any proposed resolution of the hazard(s) problem. Such a plan shall consist of building types and approximate dimensions, onsite circulation (pedestrian and vehicular), ingress and egress, appropriate physical features (i.e. topography, grading contours, existing natural features) and other elements deemed necessary by the City Engineer.

PROMOTE DEVELOPMENT IN CITY AREA AND TO ASSURE THAT DEVELOPMENT ELIMINATE HAZARDOUS CONDITIONS OR TO ASSURE AN APPROPRIATE DEVELOPMENT:

1. Special setbacks and buffers.
2. Regulation of points of vehicular ingress and egress.

3. Landscaping and maintenance thereof.
4. Street dedications and improvements.
5. Public dedications, easements, and deed restrictions.
6. Control or limitation of the types of uses to be contained within the development.
7. Modification of density requirements, as may otherwise be allowed by the underlying zone.
8. Special structural requirements.

(7) Development Standards Pertaining to the DL zone.

- (a) Minimum area, width, depth, frontage and lot coverage requirements may be more than minimum specified in the underlying zone, to the extent necessary to eliminate hazardous conditions.
- (b) If a building or other structure is constructed or substantially improved or a mobile home is installed in a floodway fringe area, it shall be:
 1. Designed and adequately anchored to prevent flotation,
 2. Constructed with materials and utility equipment resistant to flood damage.
 3. Constructed by methods and practices that minimize flood damage.
- (c) The lowest floor of a new or substantially improved building shall be elevated at least one foot above the base flood level shown on the Flood Insurance Rate Map.

(8) Appeals. An appeal from a ruling of the City Engineer regarding the designation of a hazard may be made to the City Planning Commission. Written notice of the appeal shall be filed with the City Manager. If the appeal is filed, the City Planning Commission shall receive a report and recommendation thereon from the City Engineer, and shall hold a public meeting on the appeal.

Section 4.440. Airport Overlay Zone. AO. In an AO Zone, the following regulations shall apply:

(1) Purpose. The Airport Overlay Zone is intended to minimize potential dangers from, and conflicts with, the use of aircraft at airports based on the adopted master plans for each airport. It is to be used in conjunction with the underlying zone. If any conflict in regulation or procedure occurs with the underlying zoning districts, the more restrictive provisions shall govern. This section is intended to comply with Federal Aviation Agency Regulation FAR-77 and all other applicable federal and state laws regulating hazards to air navigation.

(2) Establishment of a Airport Overlay Zone. The AO zone is applied to the area surrounding the Stock/Tomco Airport within the City limits as shown in Exhibit "A". Should the City limits be expanded, the overlay zone will automatically be extended and applied.

(3) Definitions:

(a) Airport. Means the Stock/Tomco Airport.

(b) Airport Elevation. The highest point of an airport's usable landing area measured in feet from mean sea level. This elevation is 570 feet above mean sea level for the Stock/Tomco Airport.

(c) Airport Surfaces. The specific dimensions, slopes and elevations of the airport surfaces are delineated in Exhibit "A" and are hereby made a part of the Official Zoning Map.

(1) Primary Surface. The surface of the runway and adjacent land for 125 feet each side of the runway centerline and 200 feet beyond the ends of the runway. The length of this surface is determined by using the existing runway length or the runway length identified in an adopted State Airport Master Plan, if longer. The width of 250 feet is the same as the end of the approach surface that is closest to the runway.

(2) Approach Surface. This surface begins at the end of the primary surface and extends for 5000 feet. From its initial width, that is the same as the width of the primary surface. It extends upward and outward uniformly on both sides of the projected centerline of the runway with a specified slope and terminates where it intersects the horizontal surface at a width of 1250 feet.

(3) Horizontal Surface. It is a horizontal plane which surrounds the airport 150 feet above the airport elevation. The interior portion of this surface terminates where it intersects with the transitional and approach surfaces. Its outer edge terminates where it intersects with the conical surface. This elevation is 720 feet above mean sea level for the Stock/Tomco Airport.

(4) Transitional Surface. An imaginary plane that extends upward and outward from the sides of the primary surface and approach surface to the horizontal surface.

(a) A structure used or intended to be used for public assembly.

(b) Horizontal and Conical Surface District. This district consists of land, water and airspace underneath the horizontal and conical surfaces as described in Section 4.440(3) above.

(1) Use Limitations. Any use, accessory use, building and structure allowed in the underlying zone shall be permitted provided the following requirements are satisfied.

(a) No obstruction shall penetrate the horizontal or conical surfaces as defined in Section 4.440(3) above.

(b) Sanitary landfills, sewage lagoons or sewage sludge disposal shall not be permitted.

(5) Procedure.

(a) An applicant seeking a building permit involving any use or structure regulated by the Airport Overlay Zone shall provide the following information in addition to any other information required in the permit application.

(1) Property boundary lines as they relate to the airport approach and the end of the runway;

(2) Location and height of all existing and proposed buildings, structures, utility lines and roads.

(b) Proposed buildings or structures shall be approved by the Building Inspector if it is determined that it will not extend above the airport surfaces as defined in Section 4.440(3).

(c) An applicant seeking rezoning, a conditional use permit or a variance involving any use, building or structure regulated by the underlying zone or the Airport Overlay Zone shall be reviewed in accordance with the applicable procedure in Section 4.440. During this review process, the State Aeronautics Division shall be notified of the proposal and any public hearing; be given an opportunity to comment; and, be notified of the decision.

(6) Nonconforming Uses. The regulations prescribed by the Airport Overlay Zone shall not be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of Section 4.440, or otherwise interfere with the continuance of the nonconforming use except as provided in Section 4.440(7). Nothing contained herein shall require any change in the construction, alteration or intended use of any structure, otherwise permitted, the construction or alteration of which was begun prior to the effective date of Section 4.440.

(7) Marking and Lighting. The owner of any existing nonconforming structure or tree shall permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the Oregon Department of Transportation to indicate to the operators of aircraft the presence of such airport obstruction. Such markers and

Lights shall be installed, operated and maintained at the expense of the airport owner.

(8) Variances. The provisions of this Airport Overlay Zone may be varied subject to the procedures and criteria for considering variances set forth in Section 8.010 through 8.070. Variances may be allowed where it is found that the proposal will not create a hazard to air navigation, and will be in accordance with the spirit and intent of this Airport Overlay Zone.

Section 3. It is hereby adjudged and declared that existing conditions are such that this ordinance is necessary for the immediate preservation of the public peace, health and safety. Therefore, an emergency is hereby declared to exist, and this ordinance shall take effect and be in full force and effect from and after its passage and approval by the Mayor.

PASSED by the Council and approved by the Mayor this 12th day of January, 1982.

1-13-82

Date Signed

Robert D. Warbough
Mayor

ATTEST:

Max C. Thompson

City Manager, ex-officio City Recorder

1-13-82

Date Signed