

H2
12/16/08

Ordinance 837

Repealing portions of Ordinance 581 and Ordinance 601 as related to the Airport Overlay District, creating a new chapter titled, "Airport Overlay District," and updating the boundaries on the Official Comprehensive Plan Land Use and Zoning Map

BE IT ORDAINED BY THE BOARD OF CLALLAM COUNTY COMMISSIONERS:

Section 1. Section .060, Airport Overlay District, of Chapter 33.07 is deleted in its entirety.

Section 2. A new chapter, Airport Overlay District, is created to read as follows:

.010 Purpose and intent.

The purpose of the Airport Overlay District is to:

- (1) Establish land uses that are compatible with continued airport operations.
- (2) Reduce hazards that may endanger the lives and property of the public and aviation users.
- (3) Protect the viability of Clallam County public use airports.
- (4) Promote public use general aviation airports as essential public facilities.
- (5) Discourage siting of incompatible land uses that may impair the future development and operation of public use general aviation airports as required by the Washington State Growth Management Act (GMA), RCW 36.70A.510, and RCW 36.70.547.
- (6) Protect navigable airspace from obstructions which are of sufficient height as to constitute a danger to aircraft flight.
- (7) Promote public health, safety, and general welfare of County residents, and aviation users.

.020 Applicability.

The provisions of this chapter apply to unincorporated lands located within the Airport Land Use Compatibility Overlay and Height Hazard Overlay depicted on the following maps:

- (1) Sequim Valley Airport, Map 33.08.020 (1a, 1b).

SEQUIM VALLEY AIRPORT

MAP 33.08.020 (1a)
AIRPORT LAND USE
COMPATIBILITY OVERLAY

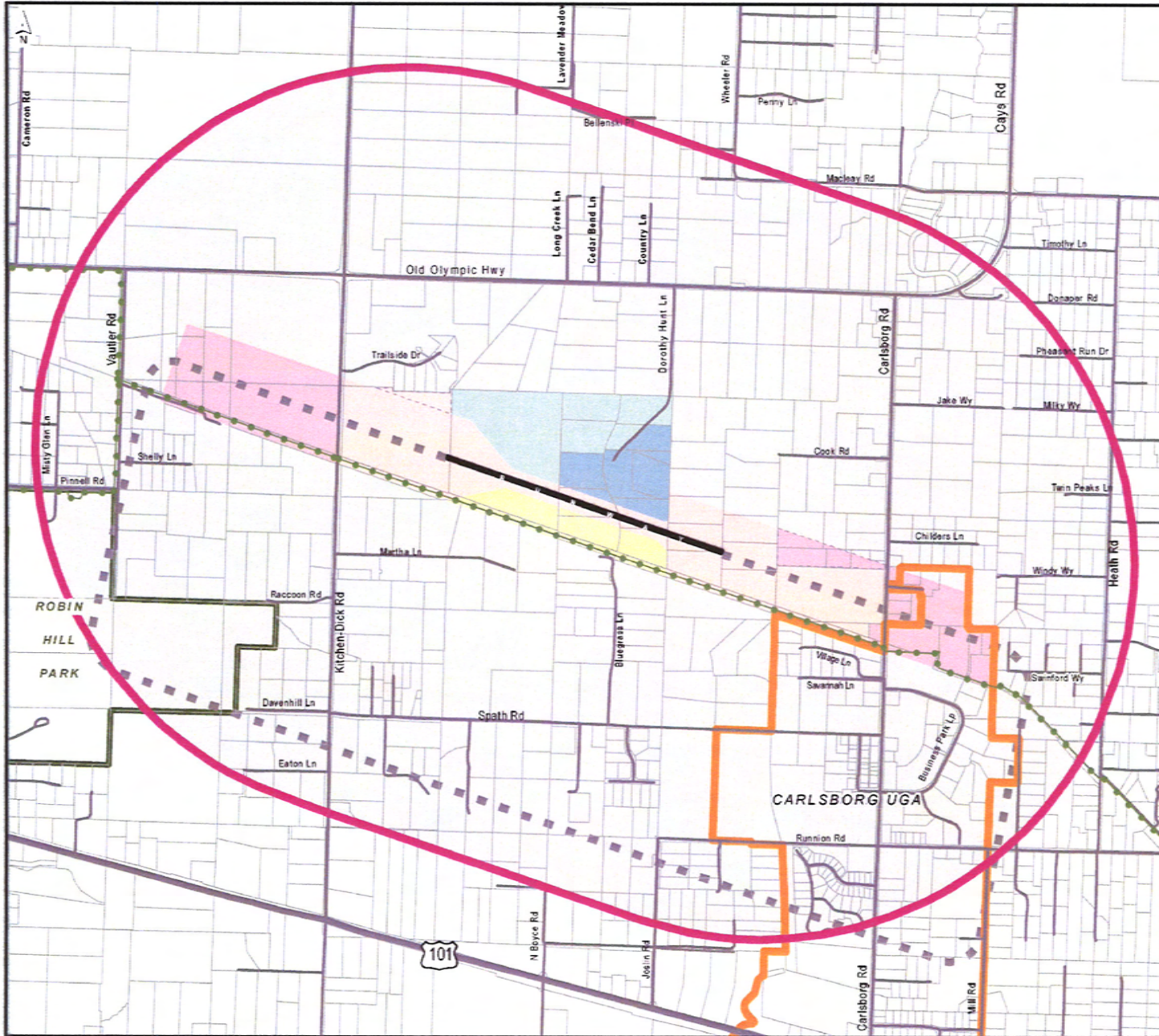


Legend

- Airport Runway
- Parcel Boundaries
- Carlsborg UGA Boundary
- Robin Hill Park Boundary
- Olympic Discovery Trail
- Published aircraft traffic pattern
- Roads

AIRPORT LAND USE COMPATIBILITY OVERLAY ZONES

- Zone 1- Runway Protection
- Zone 2- Airport Hangar Development
- Zone 3- Airport Development
- Zone 4- Aviation Related Residential
- Zone 5- Extended Centerline Protection
- Zone 6- Airport Influence Area
- Airport Influence Area Outer Boundary

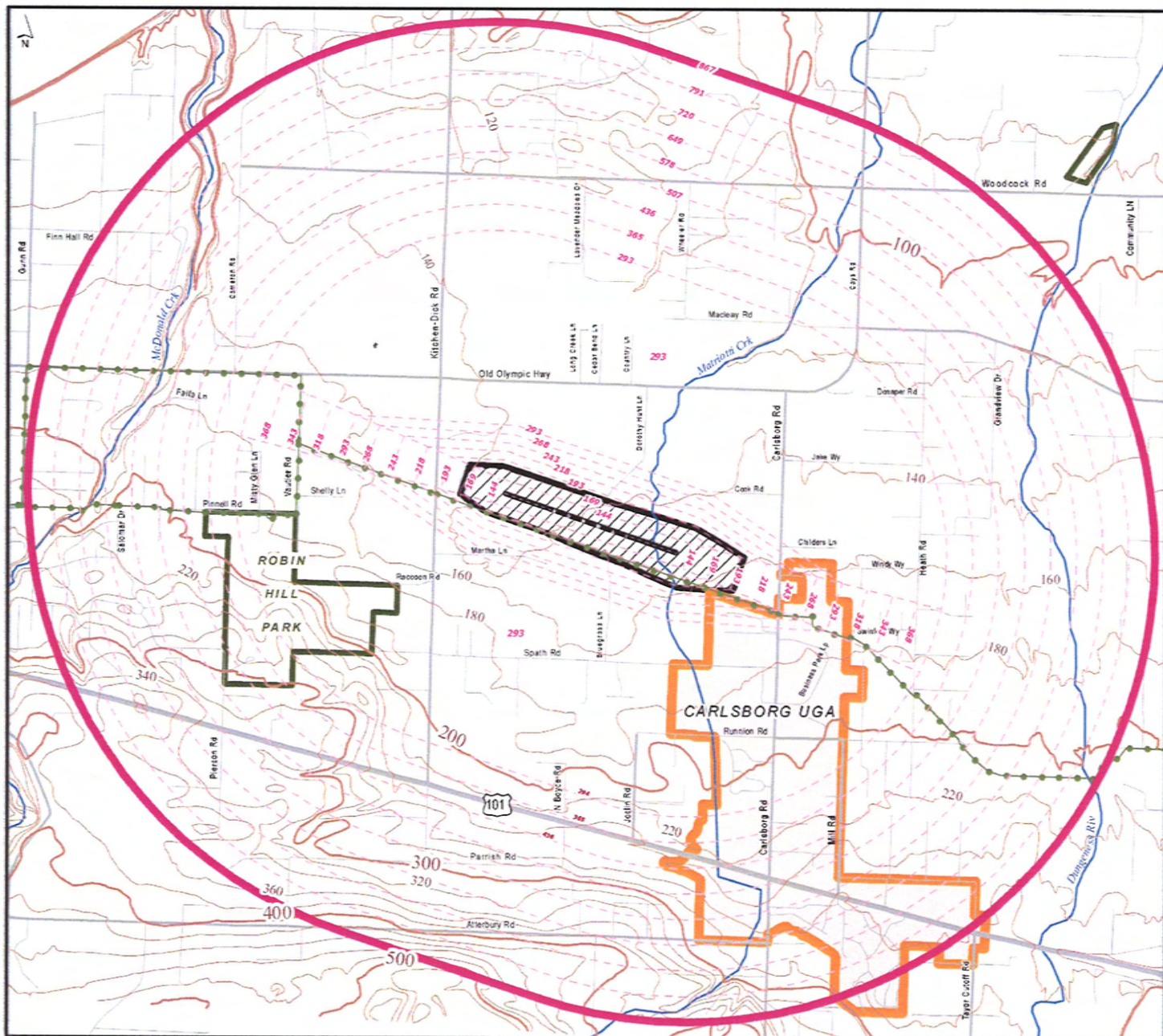


SEQUIM VALLEY AIRPORT
 Map 33.08.020 (1b)
 FAR PART 77 SURFACES
 AND HEIGHT HAZARD
 AREAS



- Legend**
- Airport Runway
 - Carlsborg UGA
 - Olympic Discovery Trail
 - Roads
 - Streams
 - Height Hazard Area
 - Extent of FAR Part 77 Surfaces
 - FAR Part 77 Elevation Contours
 - 293 FAR Part 77 Surface Elevation (above runway elevation)
 - 140- Ground Elevation Contours 20 foot contour interval
 - 200- Ground Elevation Contours 100 foot contour interval

Runway elevation= 144 feet (above mean sea level)



- (2) William Fairchild International Airport (reserved)
- (3) Sekiu Airport (reserved)
- (4) Quillayute Airport (reserved)
- (5) Forks Municipal Airport (reserved)

The airport land use compatibility overlay and the height hazard overlay are laid over the existing Clallam County zoning districts and do not alter the underlying zoning designation. Development standards in this chapter shall be in addition to those of the underlying zone and where explicitly noted, supersede the underlying zoning. If implementation of this chapter conflicts with other provisions of the Clallam County Code, state or federal law, the more restrictive requirement applies.

.030 Regulated activities.

Uses and activities within the Airport Overlay District that are subject to the requirements of this chapter include:

- (1) Land divisions pursuant to Title 29 CCC.
- (2) Any building, land use, or environmental permit, action, or license required by Clallam County pursuant to Chapter 21.01 CCC and Chapter 26.10 CCC.
- (3) Any use that creates potential hazards to aircraft in flight within the Airport Overlay District, including but not limited to:
 - (a) Electrical interference with airport radio communications or navigational signals;
 - (b) Lighting or other installations that cause glare that could be mistaken for airport lighting;
 - (c) Installations or activities which could result in impaired visibility near an airport;
 - (d) Emissions of fly ash, dust, vapor, gases or other forms of emissions;
 - (e) Areas of standing water greater than ½ acre; and/or
 - (f) Structures, trees, or other objects that cause an obstruction to navigable airspace as defined in Title 14 of the Code of Federal Regulations Part 77 Imaginary Surfaces.

.040 Exemptions.

The following land uses, structures, or activities are exempt from the provisions of the Airport Overlay District when permitted in the underlying zoning district:

- (1) A land use, lot, building, or structure not conforming to this chapter that was lawfully permitted and established prior to the adoption of this chapter, except as may be compelled by State or Federal regulations. The land use, lot, building or structure must adhere to the regulations prescribed in Chapter 33.43 CCC, Non-Conforming Use, Parcels, and Pre-existing Uses, provided that no building, structure, or use shall be changed in any manner that results in a greater degree of nonconformity with respect to this chapter.
- (2) Airport landing facilities, necessary aviation uses, and the manner in which aircraft operate on the airport or in the surrounding airspace approved by the Federal Aviation Administration.
- (3) Temporary uses lasting no more than five consecutive days within any 180 day period when located within Airport Land Use Compatibility Overlay Zones 1, 2, 3, 4, and 5, subject to approval by the Department of Community Development or applicable review authority for consistency with the intent of this chapter.

.050 Airport land use compatibility overlay.

The airport land use compatibility overlay and related overlay zone classifications are designated on Map 33.08.020 (1a). Overlay designations and classifications are based on many factors including, but not limited to: extent of airport ownership and operations; aircraft traffic patterns; National Transportation Safety Board aircraft accident data; state airport land use compatibility guidelines; airport and surrounding land uses; existing limitations and easements to protect the airport from incompatible

adjacent land uses; and state, federal, and local policies, guidelines, and regulations. All aviation-related allowed land uses must be consistent with applicable “Federal Aviation Administration” (FAA) regulations.

(1) Runway Protection (Zone 1). The runway protection zone contains the airport runway, areas immediately adjacent to the runway, and areas where low altitude aircraft traffic patterns occur near the ends of the runway. The purpose of this zone is to maintain areas that are generally free of structures and other obstructions, and avoid uses that allow human occupation or significant concentrations of people for any significant period of time. Compatible land uses include those aviation uses directly related to the operation of the airport and non-aviation uses such as crops, pasture, and other open lands.

(a) Land use. Allowed land uses are limited to the following:

- (i) Agriculture (no structures or livestock)
- (ii) Aircraft runways and taxiways
- (iii) Aviation navigational aids
- (iv) Structures required for airport operation (no human occupation)
- (v) Open lands

(b) Protection standards.

- (i) All other aviation and non-aviation uses not listed as allowed are prohibited.
- (ii) Existing residential development rights allowed by the underlying zoning district may be transferred to contiguous areas that are part of a residential land division.

(2) Airport Hangar Development (Zone 2). The purpose of this zone is to allow opportunities for limited aviation land uses on airport associated properties that are consistent with the character of existing airport uses and that minimize impacts to adjacent lands outside the overlay district.

(a) Land use. Allowed land uses are limited to the following:

- (i) Agriculture (no livestock)
- (ii) Aircraft hangars (24,000 square feet or less)
- (iii) Aircraft maintenance and service
- (iv) Aircraft taxiways
- (v) Aviation navigational aids
- (vi) Structure required for airport operation (no human occupation)
- (vii) Open lands

(b) Protection standards.

- (i) All other aviation and non-aviation uses not listed as allowed are prohibited.
- (ii) Existing residential development rights allowed by the underlying zoning district may be transferred to contiguous areas that are part of a residential land division.
- (iii) Tiedowns must be set back 200 feet from the centerline of the runway.
- (iv) All structures must be set back 275 feet from the centerline of the runway.
- (v) A minimum of 30 percent of the parcel must remain free of structures and impervious surfaces (e.g., parking lots).

(vi) New aviation development must provide for a visual screen along all property lines that border areas located outside of the Airport Land Use Compatibility Overlay consistent with the landscaping requirements in Chapter 33.53 CCC.

(vii) No land use, building, or structure shall be permitted that promotes above ground storage of bulk fuel, flammable substances, or materials with a tank size greater than 6,000 gallons.

(viii) All aircraft hangars and other facilities must be separated from other structures by a minimum of 75 feet subject to any additional separation requirements to satisfy building requirements or FAA design standards.

(3) Airport Development (Zone 3). The purpose of this zone is to allow for aviation related land uses and limited, non-aviation uses that are compatible with airport operations and character on airport

property. Lands within this zone are already characterized by airport development such as aircraft maintenance and servicing, aircraft hangars, fueling facilities, taxiways, and aircraft tiedown areas.

(a) Land use. Allowed land uses are limited to the following:

- (i) Agriculture
- (ii) Aircraft or aviation related business (10,000 square feet or less)
- (iii) Aircraft fueling facilities
- (iv) Aircraft hangars (24,000 square feet or less)
- (v) Aircraft maintenance and service
- (vi) Aircraft taxiways
- (vii) Aircraft tiedowns
- (viii) Airport towers and terminals
- (ix) Aviation navigational aids
- (x) Storage facility (10,000 square feet or less)
- (xi) Other aviation operation uses (no human occupation)
- (xii) Open lands
- (xiii) Public buildings (10,000 square feet or less)

(b) Protection standards.

- (i) All other aviation and non-aviation uses not listed as allowed are prohibited.
- (ii) Existing residential development rights allowed by the underlying zoning district may be transferred to contiguous areas that are part of a residential land division.
- (iii) Commercial storage must be fully contained within buildings.
- (iv) New development must provide for a visual screen along all property lines that border areas located outside of the Airport Land Use Compatibility Overlay consistent with the landscaping requirements in Chapter 33.53 CCC.
- (v) A minimum of 30 percent of the parcel must remain free of structures and impervious surfaces (e.g., parking lots).
- (vi) New structures must be located a minimum of 50 feet from all property lines that border areas located outside of the Airport Protection Zone Overlay.
- (vii) All aircraft hangars and other facilities must be separated from other structures by a minimum of 75 feet subject to any additional separation requirements to satisfy building requirements or FAA design standards.

(4) Aviation Related Residential (Zone 4). The purpose of this zone is to allow opportunities for aviation-related single-family residential development compatible with airport operations and consistent with the standards of the underlying agriculture retention zone on property connected with the airport.

(a) Land use. Allowed land uses are limited to the following:

- (i) Agriculture
- (ii) Aircraft hangars (Less than 4,000 square feet)
- (iii) Aircraft taxiways
- (iv) Aviation navigational aids
- (v) Open lands
- (vi) Single-family dwelling and accessory uses

(b) Protection standards.

- (i) Residential development subject to the standards of the underlying zoning district.
- (ii) No land use, building, or structure shall be permitted that promotes above ground storage of bulk fuel, flammable substances, or materials with a tank size greater than 6,000 gallons.

(5) Extended Runway Centerline Protection (Zone 5). The purpose of this zone is to promote compatible land uses in areas in close proximity to aircraft landing and take-off patterns, and to retain open lands along the extended runway centerline in case of need for emergency landing.

(a) Land use. Subject to the standards of the underlying zoning district.

(b) Protection standards.

(i) Asphalt plants are prohibited.

(ii) Schools, child daycare centers, family childcare home, hospitals, convalescent and nursing homes, or other uses where the mobility of occupants is compromised are prohibited.

(iii) Conditional use permit is required for any allowed uses within the zoning district that allow public use and access.

(iv) No land use, building, or structure shall be permitted that promotes above ground storage of bulk fuel, flammable substances, or materials with a tank size greater than 6,000 gallons.

(c) Sequim Valley Airport Specific Protection Standards. New structures must be set back a minimum of 75 feet from the extended runway centerline in Zone 5 areas west of Sequim Valley Airport. This requirement does not apply to Zone 5 areas located within the Carlsborg urban growth area (UGA) where the extended runway centerline and adjoining areas are already significantly developed.

(6) Airport Influence Area (Zone 6). The Airport Influence Area (Map 33.08.020 (1a)) covers Airport Land Use Compatibility Overlay Zones 1 thru 6 and approximates the area subject to the regular or potential traffic pattern of the airport. The purpose of this zone is to inform current, future, and prospective residents, businesses, and landowners of potential increased noise levels, vibration, fumes, smell, low-flying aircraft, and other aviation related disturbances, and to avoid uses that may create potential hazards to aircraft in flight.

(a) Land use. Subject to the standards of the underlying zoning district.

(b) Protection standards.

(i) No land use shall be made of any land within the Airport Influence Area that will cause electrical interference with navigational signals or radio communications at the airport or with radio or electronic communications between the airport and aircraft. Said interference will be regulated in accordance with and enforced by "Federal Communication Commission" (FCC) and the FAA.

(ii) No land use, building, or structure shall emit emissions of fly ash, dust, vapor, gases or other forms of emissions within the Airport Influence Area that may conflict with any current and planned operations of the airport.

(iii) No land use requiring a Clallam County building or land use permit or approval shall be permitted that would foster an increase in the bird population within the Airport Influence Area and thereby increase the likelihood of causing a bird-aircraft impact, including but not limited to, solid waste landfills, sewage lagoons, or creation of standing areas of water greater than ½ acre.

(iv) No structure, device or other object located within Airport Influence Area shall be placed or erected that makes it difficult for pilots to distinguish between airport lights and other lights, results in glare in the eyes of pilots using the airports, impairs visibility in the vicinity of the airport, or otherwise endangers the landing, taking off, or maneuvering of aircraft. This includes but is not limited to reflective roofing, siding material, and standing areas of water greater than one-half acre.

.060 Federal Aviation Regulations (FAR) Part 77, surfaces and height hazard overlay

Protection of navigable airspace from obstructions that can be hazards to aircraft flight require establishment of limits on the height of structures, trees, and other objects. Navigable airspace is defined by the FAA pursuant to Title 14 of the Code of Federal Regulations Part 77 Imaginary Surfaces, referred to herein as "Federal Aviation Regulations" (FAR) Part 77 Surfaces. FAR Part 77 surfaces are those air spaces above and around airports that require protection from potential obstructions that might interfere with airport traffic and potentially create a safety risk to aircraft occupants and citizens on the ground.

An object or structure with an elevation higher than the FAR Part 77 Surface elevation is considered to penetrate the FAR Part 77 Surface and constitute an obstruction to navigable airspace. The vertical elevations of the FAR Part 77 Surfaces are determined above the runway elevation and are

based on the approach classification of the runway (Map 33.08.020 (1b)). Based on existing topography and the FAR Part 77 Surfaces elevations, height hazard areas are identified where structures and other obstructions have a high likelihood of penetrating a FAR Part 77 Surface. The boundary and elevation of the FAR Part 77 Surfaces relative to the ground topography and the height hazard area is designated and shown on Map 33.08.020 (1b).

(1) No structure, landscaping, or other object shall be permitted, approved, or authorized to have a height exceeding the FAR Part 77 Surfaces shown on Map 33.08.020 (1b).

(2) The airport owner or manager will be notified and provided an opportunity for comment pursuant to 33.08.070 for proposals for new structures within the height hazard areas depicted on Map 33.08.020(1b) equal to or less than 36 feet. Proposals for new structures greater than 36 feet within the boundaries of the height hazard area and structures greater than 75 feet within the boundaries of FAR Part 77 Surfaces are not permitted unless applicant for proposal submits documentation of one of the following:

(a) The FAA has conducted an aeronautical study of the proposed object, as per FAA Form 7460-1 "Notice of Proposed Construction or Alteration" as amended and determined that the object would not create a hazard to the navigable airspace of the airport; and/or

(b) The FAA has made an official determination via FAA Form 7460-1 "Notice of Proposed Construction or Alteration" as amended on terrain, trees, or other objects of equal or greater height situated within a 100 foot radius of proposed object and determined that the object would not create a hazard to the navigable airspace of the airport or impede the operations of the airport.


(3) Nothing in this chapter shall diminish the responsibility of project proponents to submit a FAA Form 7460-1 "Notice of Proposed Construction or Alteration" as amended to the FAA if required in accordance with Title 14 of the Code of Federal Regulations Part 77, "Objects Affecting Navigable Airspace."

.070 Notification of airport owner or manager.

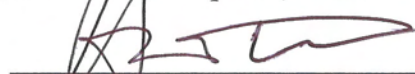
"The Department of Community Development" (DCD) shall provide notice and opportunity for comment to the airport owner or manager for any building or land use permit application located within Airport Land Use Compatibility Overlay Zones 1 thru 5 shown on Map 33.08.020(1a) or for proposals for structures less than or equal to 36 feet within the height hazard areas shown on Map 33.08.020(1b). DCD has the discretion to request airport owner or manager comment for proposals within the Airport Influence Area (Map 33.08.020(1a)). If airport owner or manager does not submit comment within 14 days to DCD, DCD will consider the proposal to have no adverse effects on the ongoing flight operations at said airport from the perspective of the airport owner or manager.

ADOPTED this sixteenth day of December 2008

BOARD OF CLALLAM COUNTY COMMISSIONERS

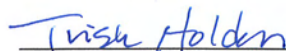


Michael C. Chapman, Chair

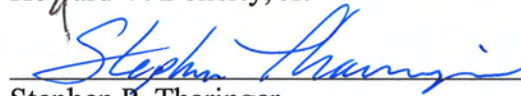


Howard V. Doherty, Jr.

ATTEST:



Trish Holden, CMC, Clerk of the Board



Stephen P. Tharinger