

Chapter 2.11 — Airport Overlay District (AO)

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2.11.100 Purpose

A. Purpose

This overlay zone is intended to prevent the establishment of airspace obstructions within the Sisters Eagle Air Airport approach surfaces that are located within the City of Sisters city limits. The protection of the Airport Imaginary Surfaces will be accomplished 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 Sisters.

1. In order to carry out the provisions of this overlay zone there is hereby created an Airport Imaginary Surfaces Map that pertains to the Sisters Eagle Air Airport Imaginary Surfaces that are located within the City of Sisters city limits.
2. The airport overlay zone requirements have been designed to comply with the provisions of the following legislation:
 - a. Federal Aviation Regulations, Part 77 – Objects Affecting Navigable Airspace
 - b. Oregon Administrative Rules, Chapter 738, Division 70, Physical Hazards to Air Navigation
 - c. Oregon Revised Statutes Section 836.310, Airports and Landing Fields
 - d. The Land Conservation and Development Commission Transportation Planning Rule
 - e. Goal 12 - Transportation, of the Oregon Land Conservation and Development Commission Statewide Planning Goals and Guidelines, Planning Guideline 2 and Implementation Guideline 3.
 - f. Policy 12 and 13 from the Transportation section of the Sisters Urban Area Comprehensive Plan.

2.11.200 Compliance

In addition to complying with the provisions of the primary zoning district, all uses and activities shall comply with the provisions of this Airport Overlay Zone. In the event of conflict between any provisions of this overlay zone and the primary zoning district, the more restrictive provision shall apply.

2.11.300 Definitions

1. Airport Approach Safety Zone. The land that underlies the Approach Surface, excluding the Runway Protection Zone.
2. Airport Elevation. The runway elevation above mean sea level (MSL): 3,165 feet (MSL).
3. Airport Hazard. Any structure, tree or use of land which exceeds height limits established by the Airport Imaginary Surfaces.
4. Airport Imaginary Surfaces. Those imaginary areas in space which are defined by the Approach Surface, Transitional Surface, Horizontal Surface and Conical Surface and in which any object extending above these imaginary surfaces is an obstruction.
5. 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 a utility runway having only visual approaches. The Approach Surface extends for a horizontal distance of 5,000 feet at a slope of 20 feet outward for each foot upward (20:1).
6. 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) and upward extending to a height of 350 feet above the airport elevation.
7. 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 and connecting the adjacent arcs by lines tangent to those arcs for a utility runway having only visual approaches.
8. Noise Sensitive Areas. Within 1,500 feet of an airport or within established noise contour boundaries exceeding 55 Ldn.
9. Place of Public Assembly. Structure of place which the public may enter for such purposes as deliberation, education, worship, shopping, entertainment, amusement, awaiting transportation or similar activity.
10. Primary Surface. A surface longitudinally centered on a runway. The Primary Surface extends 200 feet beyond each end of the runway when the runway has a specially prepared hard surface. The width of the Primary Surface is 250 feet for utility runways having only visual approaches.

11. 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 200 feet beyond the end of the areas usable for takeoff or landing, at a width of 250 feet and extends 1000 feet to a width of 450 feet for utility runways having only visual approaches.
12. Structure. Any manmade object either permanent or temporary, including mobile objects.
13. Transitional Surfaces. Extends 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).
14. Tree. Any object of natural growth.
15. 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: Runway 02/20.
16. Visual Runway. A runway that is intended solely for the operation of aircraft using visual approach procedures with no instrument approach procedures that has been approved, or planned, or indicated on an FAA or state planning document or military service airport planning document: Runway 02/20.

2.11.400 Permitted Uses

1. Uses permitted in underlying zone district. Uses listed as permitted or conditional in the underlying zone are allowed within the Airport Overlay District unless prohibited in Section 2.11.500 or the development limitations of Section 2.11.600.
2. Determination of Similar Land Uses. Similar use determinations shall be made in conformance with the procedures in Chapter 4.8 - Interpretations.

2.11.500 Prohibited Uses

1. New structures or buildings are not allowed within the Runway Protection Zone.
2. New places of public assembly designed to accommodate 50 people or more are not allowed on land zoned Urban Reserve District (UR) within the first 1,500 feet of the Approach Safety Zone. Please see Chapter 2.9 Urban Reserve District (UR) for the specific regulations regarding this zone.
3. New wetland enhancements including migratory bird refuges, water impoundment(s), landfills, waste disposal sites, commercial bird farms or similar uses individually exceeding two (2) acres in size that attract and sustains flocks of birds are not allowed on land beneath the Horizontal Surface.

4. New uses that interfere with aviation due to height of structures, glare from buildings, smoke, or safety considerations are not allowed. Specific evidence of aviation interference must be demonstrated before a use (not listed above) is prohibited. The evidence must show that the use will regularly produce an interference listed above, based on its normal operating characteristics.

2.11.600 Use and Development Limitations

1. No new structure, except one customarily used for aeronautical purposes, shall penetrate into the Airport Imaginary Surfaces as defined in section 2.11.300.
2. 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.
3. In noise sensitive areas (within 1,500 feet of the airport runway) a Declaration of anticipated noise from aircraft shall be recorded against the property in the deed records of Deschutes County. Property owners or their representatives are responsible for providing the recorded instrument prior to issuance of building permits or final plat approval for land divisions.
4. Within the first 1500 feet of the Airport Approach Safety Zone, a Hold Harmless Agreement and Aviation and Hazard Easement shall be attached to any building permit for residential or places of public assembly, and shall be recorded against the property in the deed records of Deschutes County. Property owners or their representatives are responsible for providing the recorded instrument prior to issuance of building permits.

2.11.700 Non Conforming Uses (See also Chapter 5.2)

1. 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.
2. 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.

2.11.800 Procedures (See also Chapter 4.1 for Applications and Review Procedures that are also applicable to this Overlay District.)

1. All proposed development and uses within the overlay zone are subject to site plan review to determine compliance with the provisions of this district. All land use and building permit applications shall provide a site plan showing:

- a. Property boundary lines and elevations as they relate to the Airport Imaginary Surfaces.
 - b. Location and height of all existing and proposed structures, utility lines and roads.
2. All applications requiring site plan approval within the Airport Imaginary Surfaces and noise corridors shall be submitted to the Aeronautics section of the Oregon Department of Transportation for review. The Oregon Aeronautics has 10 days from date of receipt of an application to review and return comments to the Planning Department.

2.11.900 Variances (See also Chapter 5.1)

- 1. Any person desiring to erect or increase the height of any structure, or use not in accordance with provisions prescribed in this Ordinance may apply for a variance.
- 2. 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.
- 3. 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.
- 4. Procedures for a Variance follow those outlined in Section 5.1.