

CITY OF NEWPORT
ORDINANCE NO. 2133

**AN ORDINANCE REPEALING AND REPLACING CHAPTER 14.22 OF THE
NEWPORT MUNICIPAL CODE (ORDINANCE NO. 1308, AS AMENDED)
REGARDING AIRPORT RESTRICTED AREA**

Findings:

1. The City of Newport maintains zoning overlays over the Newport Municipal Airport and surrounding lands to encourage and support the continued operation and vitality of the airport by establishing compatibility and safety standards to promote air navigational safety and to reduce potential safety hazards for persons living, working or recreating near the airport; and
2. The zoning overlays, implemented with Chapter 14.22 of the Newport Municipal Code, were last amended in a meaningful way in 1991 and are outdated; and
3. On February 6, 2018, with Ordinance No. 2128, the City of Newport adopted goals, policies, and implementation measures outlined in a new Airport Master Plan, and it is appropriate that the city amend its airport zoning overlays so that they are consistent with the new Master Plan; and
4. The revised zoning overlays must also comply with the provisions of Chapter 836.600 of the Oregon Revised Statutes; Chapter 660, Division 13 of the Oregon Administrative Rules; and Chapter 738, Division 100 of the Oregon Administrative Rules, which set out land use limitations for development on airport property or within the approach surfaces to an airport; and
5. The Newport Planning Commission and Planning Commission Citizens Advisory Committee held work sessions on December 11, 2017 and January 8, 2018 to consider revisions to NMC Chapter 14.22; and
6. At the conclusion of its second work session, the Planning Commission initiated a public hearings process to revise the Municipal Code and directed staff to review the proposed changes with the Airport Committee, which occurred on April 10, 2018; and
7. The Planning Commission held a duly noticed public hearing to consider testimony on the proposed amendments on May 14, 2018, at which the entire Community Development Department file on the proposal was physically available for inspection (Newport File No. 1-Z-18). No testimony was provided and, after due deliberation, the Commission recommended the City Council adopt the amendments; and

8. The City published notice of the City Council hearing relating to the amendments on May 25, 2018. The published notice ran in the Newport News-Times and listed the date, time, and place of the June 4, 2018 City Council hearing, satisfying the City's pre-hearing obligations for notice to the public; and
9. On June 4, 2018 the Council opened a public hearing on the amendments, now referenced as Ordinance No. 2133, at which the entire Community Development Department file on the proposal was physically available for inspection; and
10. City Manager, Spencer Nebel, presented a staff report, after which the Council accepted public testimony, and then continued the public hearing to June 18, 2018, so that the Planning Commission could consider additional changes to the proposed amendments contained in Ordinance No. 2133 that were not in the May 14, 2018 draft presented to the Commission; and
11. The Planning Commission met on June 11, 2018 to consider the draft ordinance and, after due deliberation, recommended the Council adopt the Newport Municipal Code amendments, as revised.
12. On June 18, 2018, the City Council reopened the continued hearing, accepted public testimony and, after considering the body of evidence in the case record, a motion was made, and seconded, to adopt the ordinance as presented. The Council voted to approve the motion.

THE CITY OF NEWPORT ORDAINS AS FOLLOWS:

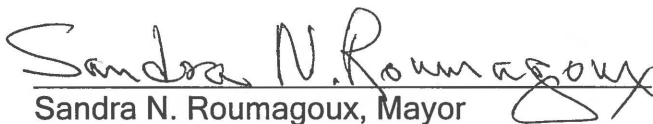
Section 1. The above findings are hereby adopted as support for the amendments, below.

Section 2. Chapter 14.22 of the Newport Municipal Code (Ordinance No. 1308 (as amended)), Airport Restricted Area, is repealed and replaced in its entirety as shown in Exhibit "A."

Section 3. This ordinance shall take effect 30 days after its adoption.

Date adopted and read by title only: June 18, 2018.

Signed by the Mayor on June 19, 2018.


Sandra N. Roumagoux, Mayor

ATTEST:


Margaret M. Hawker, City Recorder

APPROVED AS TO FORM:


Steven E. Rich, City Attorney

CHAPTER 14.22 AIRPORT RESTRICTED AREA AND AIRPORT DEVELOPMENT ZONE OVERLAYS

14.22.010 Purpose

The purpose of the Airport Restricted Area and Airport Development Zone overlays is to encourage and support the continued operation and vitality of the Newport Municipal Airport by establishing compatibility and safety standards to promote air navigational safety and to reduce potential safety hazards for persons living, working or recreating near the airport.

Staff: This section is new. The language is taken from the Oregon Department of Aviation's "Airport Land Use Compatibility Guidebook" and aligns with policy direction contained in ORS 836.600, which sets out parameters for local government regulation of airports. Many of the Zoning Ordinance Chapters in the Municipal Code contain purpose statements.

14.22.020 Definitions

As used in this section, unless the context otherwise requires:

- A. Airport. The strip of land used for taking off and landing aircraft, together with all adjacent land used in connection with the aircraft landing or taking off from the strip of land, including but not limited to land used for existing airport uses. Refers to the Newport Municipal Airport.
- B. Airport Development Zone. An overlay zone that applies to land identified as being within the airport boundary on the "Property Map" identified as Sheet 16 of the Newport Municipal Airport Master Plan, prepared by WHPacific (dated February, 2018).
- C. Airport Elevation. The highest point of an airport's usable runway, measured in feet above mean sea level (with respect to the North American Datum of 1988 (NAVD-88)).
- D. Airport Imaginary Surfaces. Imaginary areas in space and on the ground that are established in relation to the airport and its runways. Imaginary areas are defined by the primary surface, runway protection zone, approach surface, horizontal surface, conical surface and transitional surface.
- E. Airport Noise Impact Boundary. Areas within established noise contour boundaries exceeding 55 Average Day-Night

Sound Level (DNL), as shown on the "Off-Airport Land Use Map" identified as Sheet No. 15.1 of the Newport Municipal Airport Master Plan, prepared by WHPacific (dated February, 2018).

- F. Airport Restricted Area. An overlay zone that applies to public and privately owned land within the airport imaginary surfaces.
- G. Airport Sponsor. The City of Newport. The owner, manager, or other person or entity designated to represent the interests of an airport.
- H. Approach Surface for Instrument Approaches. A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface.
 - 1. The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of:
 - a. 2,000 feet for a utility runway having a non-precision instrument approach;
 - b. 3,500 feet for a non-precision instrument runway, other than utility, having visibility minimums greater than three-fourths statute mile;
 - c. 4,000 feet for a non-precision instrument runway, other than utility, having visibility minimums at or below three-fourths statute mile; and
 - d. 16,000 feet for precision instrument runways.
 - 2. The approach surface extends for a horizontal distance of:
 - a. 5,000 feet at a slope of 20 feet outward for each foot upward for all utility runways;
 - b. 10,000 feet at a slope of 34 feet outward for each foot upward for all non-precision instrument runways, other than utility; an
 - c. 10,000 feet at a slope of 50 feet outward for each one foot upward, with an additional 40,000 feet at slope of

40 feet outward for each one foot upward, for precision instrument runways.

3. The outer width of an approach surface will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.
- I. Approach Surface for Visual Only Approaches. A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface.
 1. The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of:
 - a. 1,250 feet for a utility runway; or
 - b. 1,500 feet for a runway other than a utility runway.
 2. The approach surface extends for a horizontal distance of 5,000 feet at a slope of 20 feet outward for each foot upward.
 3. The outer width of an approach surface will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.
 - J. Conical Surface. A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
 - K. Department of Aviation. The Oregon Department of Aviation, formerly the Aeronautics Division of the Oregon Department of Transportation.
 - L. FAA. The Federal Aviation Administration.
 - M. FAA's Technical Representative. As used in this ordinance, the federal agency providing the FAA with expertise on wildlife and bird strike hazards as they relate to airports. This may include, but is not limited to, the USDAAPHIS- Wildlife Services.
 - N. Height. The highest point of a structure or tree, plant or other object of natural growth, measured from mean sea level (with respect to the North American Datum of 1988 (NAVD-88)).

- O. Horizontal Surface. A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway of each airport and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:
1. 5,000 feet for all runways designated as utility.
 2. 10,000 feet for all other runways.
 3. The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for either end of the runway. When a 5,000 foot arc is encompassed by tangents connecting two adjacent 10,000 foot arcs, the 5,000 foot arc shall be disregarded on the construction of the perimeter of the horizontal surface.
- P. Non-precision Instrument Runway. A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach has been approved, or planned, and for which no precision approach facilities are planned or indicated on an FAA approved airport layout plan or other FAA planning document.
- Q. Obstruction. Any structure or tree, plant or other object of natural growth that penetrates an imaginary surface.
- R. Other than Utility Runway. A runway that is constructed for and intended to be used by turbine driven aircraft or by propeller-driven aircraft exceeding 12,500 pounds gross weight.
- S. Precision Instrument Runway. A runway having an existing instrument approach procedure utilizing air navigation facilities that provide both horizontal and vertical guidance, such as an Instrument Landing System (ILS) or Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated by an FAA-approved airport layout plan or other FAA planning document.

T. Primary Surface for Instrument Approaches. A surface longitudinally centered on a runway. When a runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. When a runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface is:

1. 500 feet for utility runways having non-precision instrument
2. approaches, 500 feet for utility runways having non-precision instrument approaches, with visibility minimums greater than three-fourths statute mile, and
3. 1,000 feet for non-precision instrument runways with visibility minimums at or below three-fourths statute mile, and for precision instrument runways.

U. Primary Surface Visual Only Approaches. A surface longitudinally centered on a runway. When a runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. When a runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface is:

1. 250 feet for utility runways.
2. 500 feet for other than utility runways.

V. Public Assembly Facility. A permanent or temporary structure or facility, place or activity where concentrations of people gather in reasonably close quarters for purposes such as deliberation, education, worship, shopping, employment, entertainment, recreation, sporting events, or similar activities. Public assembly facilities include, but are not limited to, schools, churches, conference or convention facilities, employment and shopping centers, arenas, athletic fields, stadiums, clubhouses, museums, and similar facilities and places, but do not include parks, golf courses or similar facilities unless used in a manner where people are concentrated in reasonably close quarters. Public assembly

facilities also do not include air shows, structures or uses approved by the FAA in an adopted airport master plan, or places where people congregate for short periods of time such as parking lots or bus stops.

- W. Runway. A defined area on an airport prepared for landing and takeoff of aircraft along its length.
- X. Runway Protection Zone (RPZ). An area off the runway end 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. The inner width of the RPZ is the same as the width of the primary surface. The outer width of the RPZ is a function of the type of aircraft and specified approach visibility minimum associated with the runway end. The RPZ extends from each end of the primary surface for a horizontal distance of:
1. 1,000 feet for utility runways.
 2. 1,700 feet for other than utility runways having non-precision instrument approaches.
 3. 2,500 feet for precision instrument runways.
- Y. Significant. As it relates to bird strike hazards, "significant" means a level of increased flight activity by birds across an approach surface or runway that is more than incidental or occasional, considering the existing ambient level of flight activity by birds in the vicinity.
- Z. Structure. Any constructed or erected object which requires location on the ground or is attached to something located on the ground. Structures include but are not limited to buildings, decks, fences, signs, towers, cranes, flagpoles, antennas, smokestacks, earth formations and overhead transmission lines. Structures do not include paved areas.
- AA. Transitional Surface. Those surfaces that extend upward and outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to the point of intersection with the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from

the edge of the approach surface and at a 90 degree angle to the extended runway centerline.

BB. 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 intended solely for the operation of aircraft using visual approach procedures, where no straight-in instrument approach procedures or instrument designations have been approved or planned, or are indicated on an FAA-approved airport layout plan or any other FAA planning document.

CC. Visual Runway. A runway intended solely for the operation of aircraft using visual approach procedures, where no straight-in instrument approach procedures or instrument designations have been approved or planned, or are indicated on an FAA-approved airport layout plan or any other FAA planning document.

DD. Water Impoundment. Includes wastewater treatment settling ponds, surface mining ponds, detention and retention ponds, artificial lakes and ponds, and similar water features. A new water impoundment includes an expansion of an existing water impoundment except where such expansion was previously authorized by land.

Staff: Definitions have been modified to coincide with those listed in OAR 660-013-0020, OAR 660-013-0070(1)(a), and OAR 660-013-0080(1)(a) and the Department of Aviation's guidebook.

14.22.030 Airport Areas, Surfaces, and Zones

A. Runway Protection Zone (RPZ). An area off the runway end 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. The inner width of the RPZ is the same as the width of the primary surface. The outer width of the RPZ is a function of the type of aircraft and specified approach visibility minimum associated with the runway end. The RPZ extends from each end of the primary surface for a horizontal distance of:

1. 1,000 feet for utility runways.
2. 1,700 feet for other than utility runways having non-precision instrument approaches.

3. 2,500 feet for precision instrument runways.

B. Utility Runway Visual Approach Surface. A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface.

1. The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of:

a. 2,000 feet for a utility runway having a non-precision instrument approach;

b. 3,500 feet for a non-precision instrument runway, other than utility, having visibility minimums greater than three-fourths statute mile;

c. 4,000 feet for a non-precision instrument runway, other than utility, having visibility minimums at or below three-fourths statute mile; and

d. 16,000 feet for precision instrument runways.

2. The approach surface extends for a horizontal distance of:

a. 5,000 feet at a slope of 20 feet outward for each foot upward for all utility runways;

b. 10,000 feet at a slope of 34 feet outward for each foot upward for all non-precision instrument runways, other than utility; an

c. 10,000 feet at a slope of 50 feet outward for each one foot upward, with an additional 40,000 feet at slope of 40 feet outward for each one foot upward, for precision instrument runways.

3. The outer width of an approach surface will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.

C. Conical Surface. A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

D. Non-Precision Instrument Approach Surface Approach Surface. A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface.

1. The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of:
 - a. 2,000 feet for a utility runway having a non-precision instrument approach;
 - b. 3,500 feet for a non-precision instrument runway, other than utility, having visibility minimums greater than three-fourths statute mile;
 - c. 4,000 feet for a non-precision instrument runway, other than utility, having visibility minimums at or below three-fourths statute mile.

E. Precision Instrument Approach Surface. A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface.

1. The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of
 - a. 16,000 feet for precision instrument runways.

F. Transitional Surface. Those surfaces that extend upward and outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to the point of intersection with the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at a 90 degree angle to the extended runway centerline.

Staff: Definitions for imaginary surfaces have been modified to align with how the terms are defined in Exhibit #1 to OAR 660, Division 13.

14.22.040 Imaginary Surface and Noise Impact Boundary Delineation

The airport elevation, the airport noise impact boundary, and the location and dimensions of the runway, primary surface, runway protection zone, approach surface, horizontal surface, conical surface and transitional surface are shown on the "Airport Airspace Plan (Part 77)" identified as Sheet 6 of the "Off-Airport Land Use Map" identified as Newport Municipal Airport Master Plan, prepared by WHPacific (dated February, 2018) and Sheet 15.1 of the Newport Municipal Airport Master Plan, prepared by WHPacific (dated February, 2018), which are made a part of this Ordinance. All lands, waters and airspace, or portions thereof, which are located within these boundaries or surfaces shall be subject to the requirements of the Airport Restricted Area Zoning Overlay.

Staff: This section identifies the regulatory boundaries of the Airport Imaginary Surfaces and noise impact area as identified within the 2017 Airport Master Plan. It also notes that lands within these boundaries, which are largely beyond the airport, are subject to the first of two overlay established with this chapter (i.e. the "Airport Restricted Area Zoning Overlay."

14.22.050 Notice of Land Use and Permit Applications within Overlay Zone Area

Except as otherwise provided herein, written notice of applications for land use or limited land use decisions, including comprehensive plan or zoning amendments, in an area within the Airport Restricted Area Zoning Overlay, shall be provided to the City of Newport in the same manner as notice is provided to property owners entitled by law to written notice of land use or limited land use applications.

A. Instrument Approaches:

1. Notice shall be provided to the City of Newport when the property, or a portion thereof, that is subject to the land use or limited land use application is located within 10,000 feet of the sides or ends of a runway:
2. Notice of land use and limited land use applications shall be provided in the same manner, and at the same time that written notice of such applications is provided to property owners entitled to such notice.

3. Notices required under this section for instrument approaches need not be provided to the City of Newport where the land use or limited land use application meets all of the following criteria:
 - a. Would only allow structures of less than 35 feet in height; and
 - b. Involves property located entirely outside the approach surface.

B. Visual Only Approaches:

1. Notice shall be provided to the City of Newport when the property, or a portion thereof, that is subject to the land use or limited land use application is located within 5,000 feet of the sides or ends of a runway.
2. Notice of land use and limited land use applications shall be provided in the same manner, and at the same time that written notice of such applications is provided to property owners entitled to such notice.
3. Notices required under this section need not be provided to the City of Newport where the land use or limited land use application meets all of the following criteria:
 - a. Would only allow structures of less than 35 feet in height; and
 - b. Involves property located entirely outside the approach surface.

Staff: This section implements notice requirements contained in OAR Chapter 738, Division 100, and ORS 227.175(6).

14.22.060 Height Limitations on Allowed Uses in Underlying Zones

All uses permitted by the underlying zone shall comply with the height limitations in this Section. When height limitations of the underlying zone are more restrictive than those of the Airport Restricted Area Zoning Overlay, the underlying zone height limitations shall control.

- A. Except as provided in subsections B and C of this Section, no structure or tree, plant or other object of natural growth shall penetrate an airport imaginary surface.
- B. For areas within airport imaginary surfaces but outside the approach and transition surfaces, where the terrain is at higher elevations than the airport runway surfaces such that existing structures and permitted development penetrate or would penetrate the airport imaginary surfaces, the City of Newport may authorize structures up to 35 feet in height.
- C. Variances to the height limitations of this section may be permitted when supported in writing by the City of Newport and the FAA. Applications for height variances shall satisfy criteria for a Variance as determined by the Planning Commission using a Type III decision-making procedure.

Staff: This section implements requirements of OAR 660-13-0070. The prior version referenced 50-feet as the limit. This change ties the height restriction to the Airport Imaginary Surfaces. The height allowance increases the further a property is from the airport and this will only be an issue for buildings proposed on property on or immediately adjacent to the airport.

14.22.070 Application Submittal Requirements

In addition to a land use application form with the information required in [Section 14.52.080](#), an applicant seeking a land use or limited land use approval in an area within the Airport Restricted Area Zoning Overlay required to provide notice pursuant to [Section 14.22.050](#), or seeking a variance to the height limitations outlined in [Section 14.22.060](#), shall provide the following information in addition to any other information required in the permit application:

- A. A map or drawing showing the location of the property in relation to the airport imaginary surfaces. The Planning Department shall provide the applicant with appropriate base maps upon which to locate the property.
- B. Elevation profiles and a site plan, both drawn to scale, including the location and height of all existing and proposed structures, measured in feet above mean sea level.
- C. If a height variance is requested, letters of support from the City of Newport and the FAA.

Staff: This section is mimics language in the model code and is intended to ensure that information contained in land use applications is sufficient for the approval authority to determine impacts to airport operations.

14.22.080 Land Use Compatibility Requirements

Applications for land use or building permits for properties within the boundaries of the Airport Restricted Area Zoning Overlay shall comply with the requirements of this chapter as provided herein.

- A. Outdoor Lighting. No new or expanded industrial, commercial or recreational use shall project lighting directly onto an existing runway or taxiway or into existing airport approach surfaces except where necessary for safe and convenient air travel. Lighting for these uses shall incorporate shielding in their designs to reflect light away from airport approach surfaces. No use shall imitate airport lighting or impede the ability of pilots to distinguish between airport lighting and other lighting.
- B. Glare. No glare producing material, including but not limited to unpainted metal or reflective glass, shall be used on the exterior of structures located within an approach surface or on nearby lands where glare could impede a pilot's vision.
- C. Industrial Emissions. No new industrial, mining or similar use, or expansion of an existing industrial, mining or similar use, shall, as part of its regular operations, cause emissions of smoke, dust or steam that could obscure visibility within airport approach surfaces, except upon demonstration, supported by substantial evidence, that mitigation measures imposed as approval conditions will reduce the potential for safety risk or incompatibility with airport operations to an insignificant level. The review authority shall impose such conditions as necessary to ensure that the use does not obscure visibility.
- D. Communications Facilities and Electrical Interference. Proposals for the location of new or expanded radio, radiotelephone, television transmission facilities, and electric transmission lines shall be coordinated with the ODOT Aeronautics Division to ensure that the use will not cause or create electrical interference with navigational signals or radio communications between an airport and aircraft.

E. Limitations on Water Impoundments

No new water impoundments of one-quarter acre or larger shall be allowed:

1. Less than 5,000 feet from the end of a runway within an approach surface; and
2. On land owned by the airport or airport sponsor where the land is necessary for airport operations, except where such impoundment is for a storm water management basin established by the airport.

F. Prohibited Uses Within a Runway Protection Zone (RPZ).

New residential development, schools, hospitals, nursing homes, theaters, auditoriums and other public assembly facilities are prohibited within the RPZ.

G. Limitations on Landfills

New landfills are prohibited within 10,000 feet of any airport runway.

Staff: This section is required to satisfy ORS 836.623 and OAR 660-013-0080. Language in the administrative rule related to noise impacts does not need to be implemented because the limitations trigger at 65 DNL (ref: Exhibit #5, OAR 660, Division 13) and the only areas at or above that noise threshold are the airport runways (Ref: Sheet 15.1, Off-Airport Land Use Map). It includes limitations on water impoundments, but only within approach surfaces where the site less than 5,000 feet from the end of the runway.

14.22.090 Nonconforming Uses

- A. These regulations shall not be construed to require the removal, lowering or alteration of any structure not conforming to these regulations. These 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 the Airport Restricted Area Zoning Overlay.
- B. Notwithstanding subsection A. of this section, the owner of any existing structure that has an adverse effect on air navigational safety as determined by City of Newport shall install or allow the installation of obstruction markers as

deemed necessary by the City of Newport, so that the structures become more visible to pilots.

- C. No land use or limited land use approval or other permit shall be granted that would allow a nonconforming use or structure to become a greater hazard to air navigation than it was on the effective date of the Airport Restricted Area Zoning Overlay.

Staff: This section has been revised to align with the Department of Aviation's guidebook. It is substantively similar to the existing code language.

14.22.100 Airport Development Zone Overlay

- A. Purpose. The purpose of the Airport Development Zone overlay is to encourage and support the continued operation and vitality of Newport Municipal Airport by allowing certain airport-related commercial and recreational uses in accordance with state law.
- B. Application. The Airport Development Zone Overlay applies to land identified as being within the airport boundary on the "Property Map" identified as Sheet 16 of the Newport Municipal Airport Master Plan.
- C. Conformance with Airport Restricted Area Zoning Overlay. All uses, activities, facilities and structures allowed in the Airport Development Zone Overlay shall comply with the requirements of the Airport Restricted Area Zoning Overlay. In the event of a conflict between the requirements of the Airport Development Zone overlay and the Airport Restricted Area Zoning Overlay, the requirements of the Airport Restricted Area Zoning Overlay shall control.
- D. Permitted Uses. The following permitted uses replace the permitted uses identified in the underlying zoning district:
 - 1. Customary and usual aviation-related activities, including but not limited to takeoffs and landings; aircraft hangars and tie-downs; construction and maintenance of airport facilities; fixed based operator facilities; a residence for an airport caretaker or security officer; and other activities incidental to the normal operation of an airport. Except as provided in this section, "customary and usual aviation-related activities" do not include residential, commercial, industrial, and other uses.

2. Air passenger and air freight services and facilities, at levels consistent with the classification and needs identified in the Oregon Department of Aviation Airport System Plan.
3. Emergency medical flight services, including activities, aircraft, accessory structures, and other facilities necessary to support emergency transportation for medical purposes. Emergency medical flight services do not include hospitals, medical offices, medical labs, medical equipment sales, and other similar uses.
4. Law enforcement and firefighting activities, including aircraft and ground-based activities, facilities and accessory structures necessary to support federal, state or local law enforcement or land management agencies engaged in law enforcement or firefighting activities. Law enforcement and firefighting activities include transport of personnel, aerial observation, and transport of equipment, water, fire retardant and supplies.
5. Search and rescue operations, including aircraft and ground based activities that promote the orderly and efficient conduct of search or rescue related activities.
6. Flight instruction, including activities, facilities, and accessory structures located at airport sites that provide education and training directly related to aeronautical activities. Flight instruction includes ground training and aeronautic skills training, but does not include schools for flight attendants, ticket agents or similar personnel.
7. Aircraft service, maintenance and training, including activities, facilities and accessory structures provided to teach aircraft service and maintenance skills and to maintain, service, refuel or repair aircraft or aircraft components. "Aircraft service, maintenance and training" includes the construction and assembly of aircraft and aircraft components for personal use, but does not include activities, structures or facilities for the manufacturing of aircraft or aircraft related products for sale to the public.
8. Aircraft rental, including activities, facilities and accessory structures that support the provision of aircraft for rent or lease to the public.

9. Aircraft sales and the sale of aeronautic equipment and supplies, including activities, facilities and accessory structures for the storage, display, demonstration and sales of aircraft and aeronautic equipment and supplies to the public but not including activities, facilities or structures for the manufacturing of aircraft or aircraft related products for sale to the public.
 10. Crop dusting activities, including activities, facilities and structures accessory to crop dusting operations. Crop dusting activities include, but are not limited to, aerial application of chemicals, seed, fertilizer, defoliant and other chemicals or products used in a commercial agricultural, forestry or rangeland management setting.
 11. Agricultural and forestry activities, including activities, facilities and accessory structures that qualify as a "farm use" as defined in ORS 215.203 or "farming practice" as defined in ORS 30.930.
 12. Utilities and roads scaled to primarily serve the airport and airport related used, including water and sewer pump stations; water, sewer, and storm water conveyance systems; sewage disposal; electrical service and telecommunication service.
- E. Conditional Uses. The following conditional uses replace the permitted uses identified in the underlying zoning district:
1. Aeronautic recreational and sporting activities, including activities, facilities and accessory structures at airports that support recreational usage of aircraft and sporting activities that require the use of aircraft or other devices used and intended for use in flight. Aeronautic recreation and sporting activities authorized under this paragraph include, but are not limited to, fly-ins; glider flights; hot air ballooning; ultralight aircraft flights; displays of aircraft; aeronautic flight skills contests; and gyrocopter flights, but do not include flights carrying parachutists or parachute drops (including all forms of skydiving).
 2. Flights carrying parachutists, and parachute drops (including all forms of skydiving) onto an airport, but only upon demonstration that the parachutist business has secured approval to use a drop zone that is at least 10 contiguous acres. The configuration of the drop zone shall roughly approximate a square or a circle and may contain

structures, trees, or other obstacles only if the remainder of the drop zone provides adequate areas for parachutists to land safely.

3. Utility corridors for the express purpose of transmitting or transporting electricity, telecommunications, gas, water, sewer and similar services on a regional level.
4. Aviation dependent or related commercial, industrial, or public uses not otherwise listed as permitted uses.
5. Non-aviation related residential, commercial, industrial or public uses in areas designated for non-aeronautical use on the "On-Airport Land Use" map identified as Sheet 15.2 of the Newport Municipal Airport Master Plan, prepared by WHPacific (dated February, 2018).

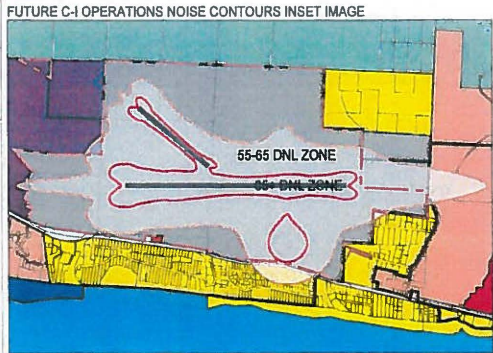
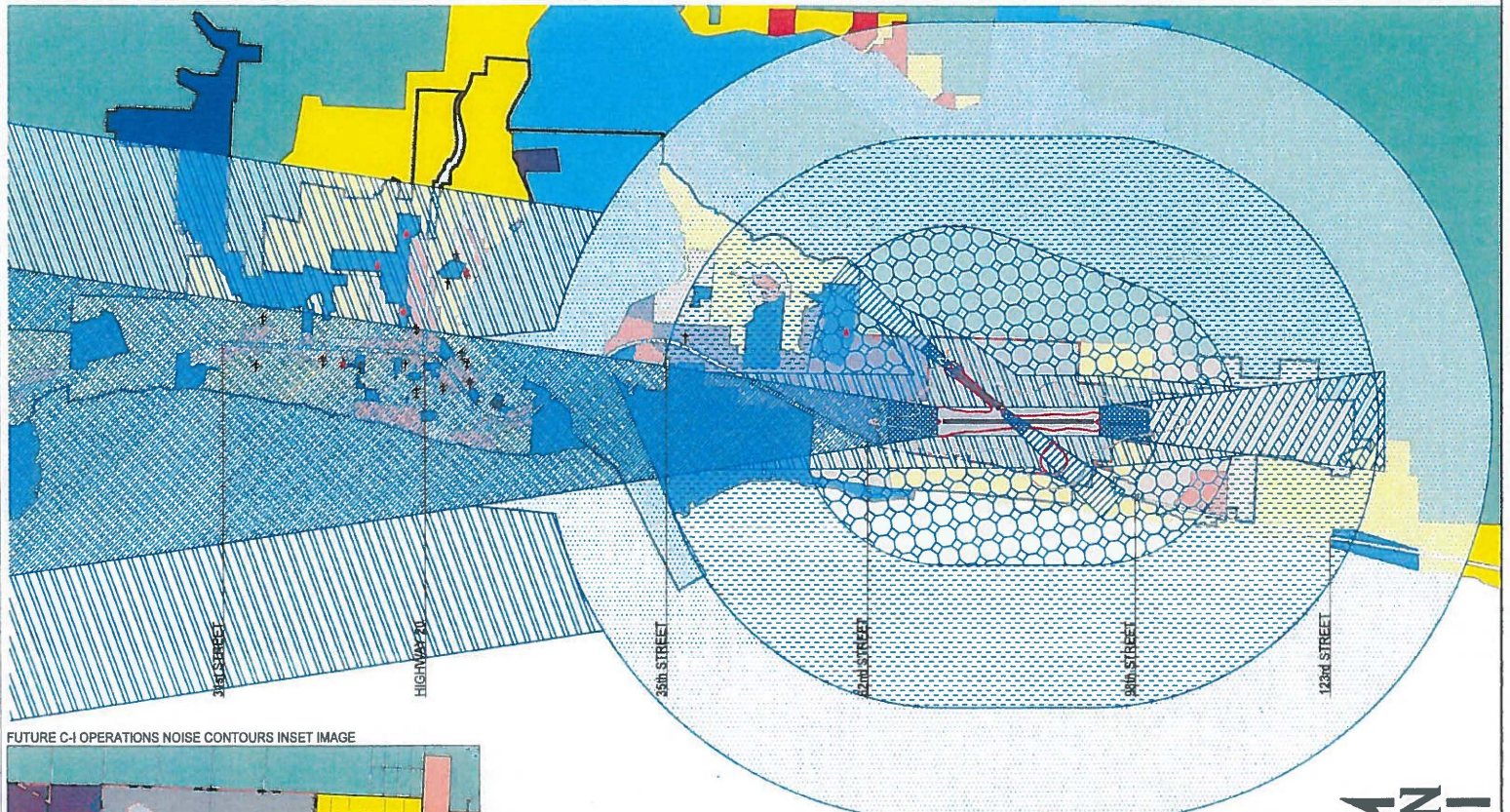
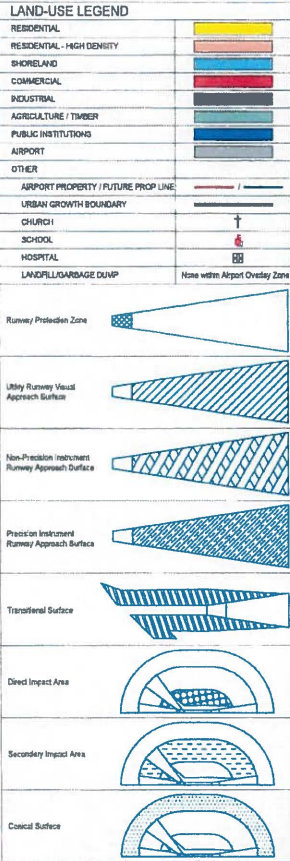
Staff: This section has been modified to include a second overlay that applies to airport property. It is necessary because the zoning designations within the airport boundary allow uses that are prohibited by statute and administrative rule. How allowed uses are described aligns with ORS 836.616, OAR 660-013-100, and the Department of Aviation's guidebook, which specify the types of permitted uses. The city has greater flexibility in areas within the airport designated for non-aeronautical use provided they are subject to conditional approval to confirm that they do not present safety hazards or otherwise limit approved airport uses (Ref: OAR 660-13-110).

- F. Conditional Use Approval Criteria. In addition to the approval standards listed in [Section 14.35.050](#), an application for a conditional use permit shall:

1. Demonstrate that the uses will not create a safety hazard or otherwise limit existing and/or approved airport uses.

Staff: This additional approval criterion is needed to ensure that the requirements of OAR 660-13-110 are addressed.

28E.HDEL



- Notes:**
- The "surface and areas" within the proposed "Airport Overlay Zone" depicted on this Land Use Plan are based on the zones recommended in the Oregon Department of Aviation - Airport Land Use Compatibility Guidelines, Appendix D - Model Public Use Airport Safety and Compatibility Overlay Zone for Public Use Airports with Instrument Approaches.
 - A model "Airport Overlay Zone" for the Newport Municipal Airport would also include additional information identified in Appendix E - Model Public Use Airport Safety and Compatibility Overlay Zone for Public Use Airports with Only Visual Approaches.
 - The Airport property, which is currently zoned as Public Buildings and Churches (P-B) has been designated as an "Airport Zone" which is generally consistent with the "Airport Development Zone" designation in (OHP Code: 14.22.119) and Appendix G - Model Public Use Airport Zone.
 - For additional details information and recommendations guidance, reference the Oregon Department of Aviation - Airport Land Use Compatibility Guidelines.
 - Noise analysis was performed using the Federal Aviation Administration (FAA) Aviation Environmental Design Tool (AEDT) version 3e Service Pack 2 (SP2).
 - For additional information on Noise Analysis, see Appendix C of 2017 Airport Master Plan Report.
 - For additional height limitations and Part 77 surfaces refer to Sheet 6 - Airport Airspace Plan.

ZONING CODE RECOMMENDATIONS

GENERAL SUMMARY OF SECTION 14.22 AIRPORT RESTRICTED AREA

The "Airport Restricted Area" zones were developed to carry out the provisions of Title 14 - Newport Zoning Code. The zones identified are based on a "Layout Plan" and "Approach and Class Zone Plan" dated August 24, 1978. While the zones identified in the 1978 plan are still largely relevant at present, it is recommended the City update these portions of the existing code that reference the Airport to more closely reflect modern terminology, relocated facilities, and to more clearly address the prevention of development of incompatible uses within the Airport's area of influence.

RECOMMENDATION: It is recommended the City of Newport work to implement and adopt Option 2, Best Management Practices for Land Use Compatibility Requirements, or a similar model code that closely resembles the recommendations identified in the Oregon Department of Aviation - Airport Land Use Compatibility Guidelines, Appendix D - Model Public Use Airport Safety and Compatibility Overlay Zone for Public Use Airports with Instrument Approaches, Appendix E - Model Public Use Airport Safety and Compatibility Overlay Zone for Public Use Airports with Only Visual Approaches, and Appendix G - Model Public Use Airport Zone.

ZONING CODE RECOMMENDATIONS

GENERAL SUMMARY OF SECTION 14.22.110-120 NOISE IMPACT

Section 14.22.110 addresses the Moderate Noise Impact Zone (55-65 DNL) and more specifically the noise insulation requirements of certain places of public assembly as well as the orientation and siting requirements of residential uses within the zones of the 55-65 DNL area.

Section 14.22.120 addresses the Substantial Noise Impact Zone (65+ DNL) and more specifically, limits the development of incompatible land uses such as residential, retail, office, and other noise sensitive uses within the areas of 85+ DNL, except by conditional use and projects meeting other procedural requirements.

RECOMMENDATION: A small portion of the future 55-65 DNL zone in the future development scenario exceeds airport property on the north, south, and west side of the Airport. The areas of 85+ DNL in the future development scenario depicted are all confined to existing airport property. Within the future 55-65 DNL area depicted, all future proposed uses and development shall remain compliant with existing regulations in Sections 14.22.110-120 and which time the City has updated the zoning code to reflect the recommendations addressed in this plan.

TABLE A-1: LIMITATIONS & RESTRICTIONS ON ALLOWED USES

Use	55-65 DNL	65-75 DNL	75-85 DNL	85+ DNL
Public Airport	L	L	L	L
Residential	L	L	L	L
Commercial	L	L	L	L
Industrial	L	L	L	L
Public Assembly	L	L	L	L
Office	L	L	L	L
Retail	L	L	L	L
Other	L	L	L	L

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SHEET INFO		REVISIONS	
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CHECKED	MD		
APPROVED	DN		
LAST EDIT	2/28/2018		
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SUBMITTAL			

OFF-AIRPORT LAND USE

CITY OF NEWPORT, OR.
NEWPORT MUNICIPAL AIRPORT MASTER PLAN UPDATE

DRAWING FILE NAME: P0009837W
SCALE: 1"=2000'

SHEET NUMBER: 15.1

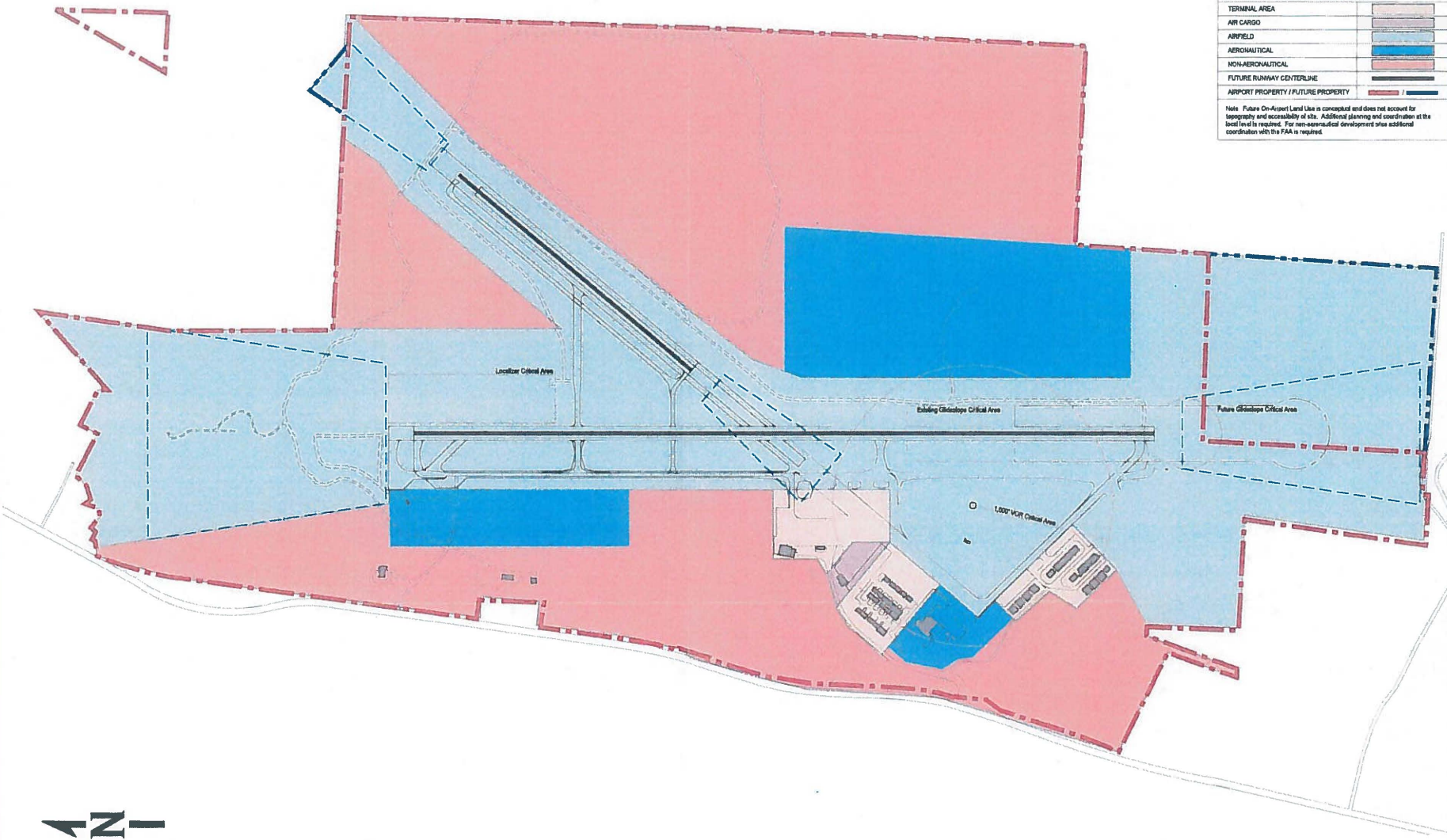
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BREF BOX

ON-AIRPORT LAND-USE LEGEND

TERMINAL AREA	[Light Blue Box]
AIR CARGO	[Light Blue Box]
AIRFIELD	[Light Blue Box]
AERONAUTICAL	[Light Blue Box]
NON-AERONAUTICAL	[Light Blue Box]
FUTURE RUNWAY CENTERLINE	[Red Dashed Line]
AIRPORT PROPERTY / FUTURE PROPERTY	[Red Dashed Line]

Note: Future On-Airport Land Use is conceptual and does not account for topography and accessibility of site. Additional planning and coordination at the local level is required. For non-aeronautical development sites additional coordination with the FAA is required.



(DATE: 02/22/2018 9:07 AM) (AUTHOR: mlaine) (PLOTTER: None) (STYLE: WHP-Standard.ctb) (PLOT: P:\City of Newport\000837W\Design\Drawings\000837W-Plan-Use.dwg) (LAYOUT: 15.2 ON-Airport Land Use)



WHPacific

8755 SW Barnes Rd, Suite 300
 Portland, OR 97225
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 www.whpacific.com

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SHEET INFO		REVISIONS			
DRAWN	MDR	NO.	BY	DATE	REMARKS
MDR	MDR				
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ON-AIRPORT LAND USE

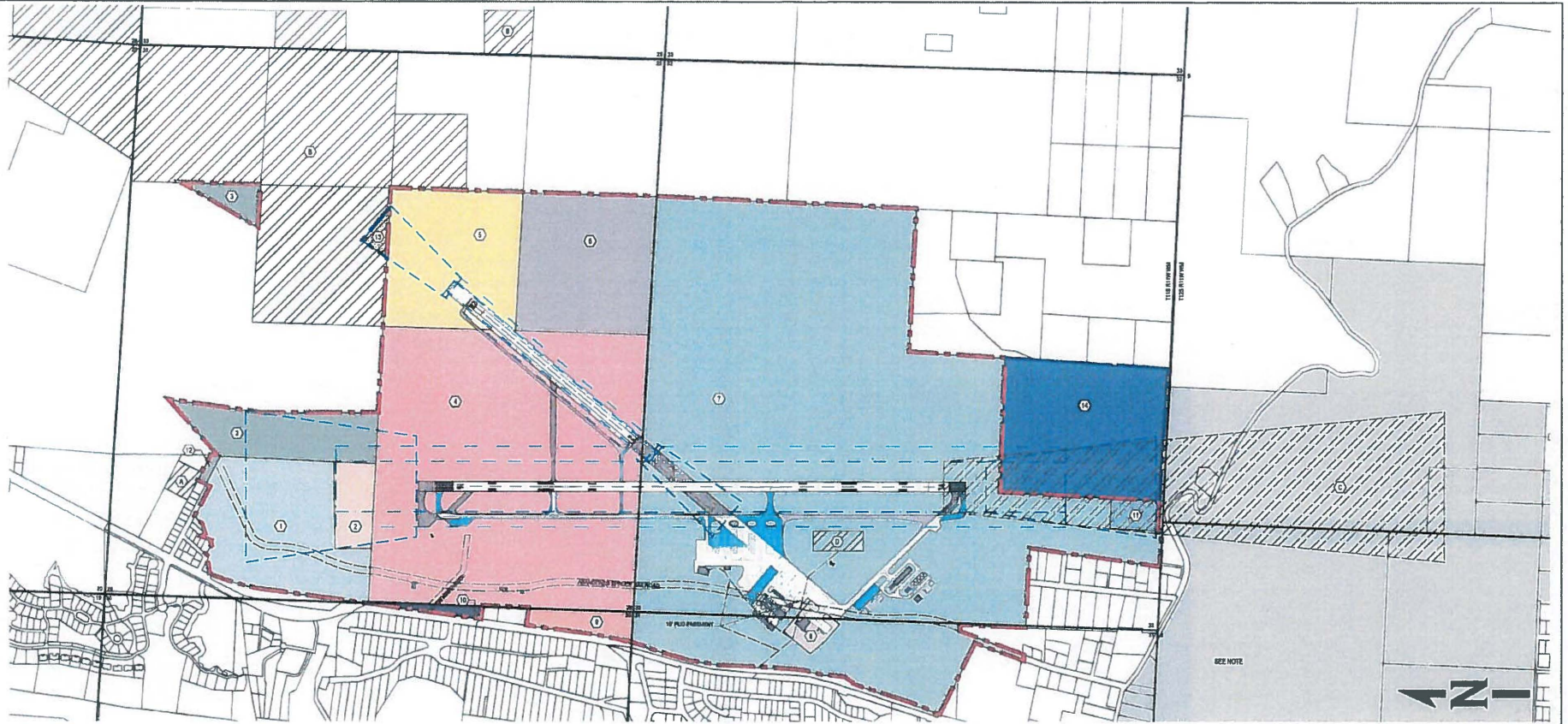
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 NEWPORT MUNICIPAL AIRPORT MASTER PLAN UPDATE

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P0009837W

SHEET NUMBER
15.2

REF INDEX



[DATE: ...] [AUTHOR: mdrns] [PLOTTER: mdrns] [STYLE: WHP-Standard.dwg] [LAYOUT: 18 Property Map] [PATH: C:\Users\mdrns\Documents\Civil3D\Drawings\18000000\18000000.dwg]

Ownership Data												
Parcel Number	1800 Sub-A Parcel Number(s)	Land Owner	Acres	Date	Associated FAA Grant	Recording Book	Recording Page	Interest Acq.	Map and Tax Lot Numbers	Previous Owner	Acq. Year	Purpose
1	ASB.1, ASB.2	City of Newport	18.54	6/7/1986	5-41-0000-01	173	173B-175B	Safe Deed	11-11-20-00-01-01-01	Dority Family Trust	1986	Airport Property
2	ASB.3	City of Newport	7.39	6/7/1986	5-41-0000-02			Safe Deed	11-11-20-00-01-01-01	Dority Family Trust	1986	Airport Property
3	ASB.4, ASB.5	City of Newport	79.27	12/29/1941	-	181	184-205	Warranty Deed	11-11-20-00-01-01-01	Milvick & Whidney	1941	Airport Property
4	ASB.6, ASB.7, ASB.8	City of Newport	164.97	7/21/1941	-	181	184	Safe Deed	11-11-20-00-01-01-01	Park & Whidney, Inc.	1941	Airport Property
5	ASB.9	City of Newport	40.80	12/11/1940	-	93	304	Safe Deed	11-11-20-00-01-01-01	Pope's Truck Address to Highlands	1940	Airport Property
6	ASB.10, ASB.11, ASB.12, ASB.13, ASB.14, ASB.15, ASB.16, ASB.17, ASB.18, ASB.19, ASB.20	City of Newport	40.80	4/7/1942	-	349	350	Quit Chain Deed	11-11-20-00-01-01-01			Airport Property
7	ASB.21	United States Coast Guard	3.52	12/26/1972	-	258	607	-	11-11-20-00-01-01-01	Air/air and Seaside Holdings	1942	Airport Property
8	ASB.22	City of Newport	9.05	6/7/1986	5-41-0000-01	173	175D	Safe Deed	11-11-20-00-01-01-01	City of Newport	1973	USCG
9	ASB.23	City of Newport	1.57	6/7/1986	5-41-0000-01	172	175D	Safe Deed	11-11-20-00-01-01-01	Dority Family Trust	1986	Airport Property
10	ASB	City of Newport	1.38	6/7/1986	-	11	118	Warranty Deed	11-11-20-00-01-01-01	United States Military	1989	Airport Property
11	ASB	City of Newport	8.67	3/25/1979	5-41-0000-02	217	218	Warranty Deed	11-11-20-00-1300	Frank W. Sellers	1979	Airport Property

Existing Easements							
Parcel Number	1800 Sub-A Parcel Number(s)	Granting/Grantee	Date	Easement Type	Recording Book	Recording Page	Year
1	ASB.1	Douglas E. MacFarland, Inc / City of Newport	4/14/1991	Admission Easement	175	259	1991
1	ASB.1, ASB.2, ASB.3, ASB.4	David Hill	6/19/1991	Admission Easement	111	1472	1991
1	ASB	Third Creek Development/City of Newport	6/23/1997	Admission Easement	188	1564	1997
1	ASB	City of Newport/FAA	12/22/2006	VEHICLE USE			2006

Property to be Acquired							
Parcel Number	1800 Sub-A Parcel Number(s)	Current Land Owner	Future Land Owner	Acres	Associated FAA Grant	Map and Tax Lot Numbers	Purpose
1	ASB.2	Bank of Hill	City of Newport	1.5	Associated FAA Grant	11-11-20-00-01-01-01	APZ
1	ASB.3	Multiple	City of Newport	49.1	Multiple	Multiple	APZ

LEGEND

AIRPORT PROPERTY BOUNDARY
 PROPOSED AIRPORT PROPERTY BOUNDARY



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 www.whpacific.com

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PROPERTY MAP

CITY OF NEWPORT, OR.
 NEWPORT MUNICIPAL AIRPORT MASTER PLAN UPDATE

DRAWING FILE NAME: P0009837W
 0009837W-Q-PROPERTY-MAP

SCALE: 1"=500'

SHEET NUMBER
16