

CITY OF PRINEVILLE

CITY ORDINANCE NO. 1024

AN ORDINANCE AMENDING CITY ORDINANCE NO.807 BY ADDING SECTIONS 3.120, 3.130, 3.140, 3.150, 3.160 AND 3.170 IN THE MATTER OF ZONING FOR THE AIRPORT UGB EXPANSION AREA, SECTION 4.140 IN THE MATTER OF SITE PLAN REVIEWS, AND SECTION 4.150 IN THE MATTER OF REQUIRED ENGINEERING SERVICES FOR DEVELOPMENT REVIEWS; AND AMENDING SECTION 6.010 IN THE MATTER OF AUTHORIZATION TO GRANT OR DENY AND PROCEDURES FOR PROCESSING CONDITIONAL USE PERMITS; AND DECLARING AN EMERGENCY.

The people of the City of Prineville ordain as follows:

SECTION 1. PURPOSE. The purpose of this Ordinance is to provide City zoning regulations for that area of the City's Urban Growth Boundary identified as the Airport UGB Expansion Area, and to provide specific provisions relative to the implementation of such zoning. These provisions are necessary due to the fact that, upon the annexation of properties within the UGB to the City, said properties must be rezoned to applicable City zoning in compliance with the Comprehensive Plan.

SECTION 2. ADD THE FOLLOWING SECTIONS TO ARTICLE 3 OF SAID CITY ORDINANCE NO. 807 TO PROVIDE FOR THE ZONING OF THAT AREA OF THE CITY'S URBAN GROWTH BOUNDARY IDENTIFIED AS THE AIRPORT UGB EXPANSION AREA:

Section 3.120. Airport Approach Overlay Zone, (AA). In an (AA) Zone, the following regulations shall apply in addition to those of the underlying primary zone as is applicable:

(1) Purpose. In order to carry out the provisions of this overlay zone, there are hereby created and established certain zones which include certain lands lying beneath the Airport Imaginary Surfaces as they apply to the City (Prineville)- (Crook) County Airport located in the Prineville Urban Area within Crook County. Such zones are shown on the current Airport Layout Plans as approved by and currently on file with the Federal Aviation Administration (FAA).

Further, this overlay zone is intended to prevent the establishment of airspace obstructions in airport approaches and surrounding areas through height restrictions and other land use controls as deemed essential to the future development of the Airport, and to protect the health, safety, and welfare of the people of the City and County, and airport users.

Section 3.120 (AA) Zone; Contd.

(2) Special Definitions. For the purposes of this Zone as set forth by this Section, the following definitions shall apply:

- (a) 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.
- (b) Visual Runway. A runway that is intended solely for the operation of aircraft using visual approach procedures where no instrument approach procedures have been approved, or planned, or indicated on an FAA or state planning document or military service airport planning document.
- (c) Nonprecision 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 procedure has been approved, or planned, or indicated on an FAA or state planning document or military service airport planning document.
- (d) Precision Instrument Runway. A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS), Microwave Landing System (MLS), Global Positioning Satellite System (GPS), or a Precision Approach Radar System (PAR). It also means a runway for which a precision approach system is planned and is indicated by an FAA approved airport layout plan, any other FAA or State planning document, or military service airport planning document.
- (e) Airport Imaginary Surfaces. Those imaginary areas in space which are defined by Federal Aviation Regulation (FAR), Part 77, the Approach Surface, Transitional Surface, Horizontal Surface, and Conical Surface and in which any object extending above these imaginary surfaces is an obstruction.
- (f) Airport Hazard. Any structure, tree, or use of land which exceeds height limits established by the Airport Imaginary Surfaces.
- (g) Approach Surface: A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the Primary Surface. The inner edge of the approach surface is the same width as the Primary Surface and extends to a width of 1,250 feet for utility runway having only visual approaches; 1,500 feet

Section 3.120. (AA) Zone; (1) Definitions (g) Approach Surface; Contd.

for a runway other than a utility runway having only visual approaches; 2,000 feet for a utility runway having a nonprecision instrument approach; 3,500 feet for a non-precision instrument runway other than utility, having visibility minimums greater than $3/4$'s of a statute mile; 4,000 feet for a nonprecision instrument runway having visibility minimums as low as $3/4$'s statute mile; and 16,000 feet for precision instrument runways. The Approach Surface extends for a horizontal distance of 5,000 feet at a slope of 20 feet outward to each foot upward (20:1) for all utility and visual runways; 10,000 feet at a slope of 34 feet outward for each foot upward (34:1) for all nonprecision instrument runways other than utility; and for all precision instrument runways extends for a horizontal distance of 10,000 feet at a slope of 50 feet outward for each foot upward (50:1); thence slopes upward 40 feet outward for each foot upward (40:1) an additional distance of 40,000 feet.

- (h) Primary Surface. A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the Primary Surface extends 200 feet beyond each end of the runway. The width of the primary surface is 250 feet for utility runways having only visual approaches, 500 feet for utility runways having nonprecision instrument approaches, 500 feet for other than utility runways having only visual approaches or nonprecision instrument approaches with visibility minimums greater than $3/4$'s of a mile and 1,000 feet for nonprecision instrument runways with visibility minimums of $3/4$'s of a mile or less and for precision instrument runways.
- (i) Transitional Surface. Extend seven feet outward for each foot upward (7:1) beginning on each side of the Primary Surface which point is the same elevation as the runway surface, and form the sides of the approach surfaces thence extending upward to a height of 150 feet about the airport elevation (Horizontal Surface).
- (j) 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 of each visual or utility runway and 10,000 feet from the center of each end of the Primary Surface of all other runways and connecting the adjacent arcs by lines tangent to those arcs.

Section 3.120. (AA) Zone; (1) Definitions; Contd.

- (k) Conical Surface. Extends 20 feet outward for each foot upward (20:1) for 4,000 feet beginning at the end of the horizontal surface (5,000 feet from the center of each end of the Primary Surface of each visual and utility runway or 10,000 feet for all nonprecision instrument runways other than utility at 150 feet above the airport elevation) and upward extending to a height of 350 feet above the airport elevation.
- (l) 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 above the extended runway centerline. It begins 200 feet beyond the end of the arcs usable for takeoff or landing. The RPZ dimensions are functions of the type of aircraft and operations to be conducted on the runway.1
- (m) Airport Approach Safety Zone. The land that underlies the approach surface, excluding the RPZ.
- (n) Noise Sensitive Areas. Within 1,500 feet of an airport, or within established noise contour boundaries exceeding 55DNL.
- (o) Place of Public Assembly. Structure or place which the public may enter for such purposes as deliberation, education, worship, shopping, entertainment, amusement, awaiting transportation, or similar activity.

(3) Permitted Uses within the Runway Protection Zone (RPZ). It is fully the intent of this Subsection that no use involving a structure be permitted within the designation RPZ's, and while it is declared to be desirable to clear all objects from the RPZ's, some uses are permitted, provided they do not attract wildlife, are below the approach surface, and do not interfere with navigational aids.

- (a) Agricultural operations, limited to open livestock grazing not involving a structure.
- (b) Golf courses or other open land passive recreation areas not including any structures of public assembly.
- (c) Operations involving the alteration, removal, maintenance and other non-structural activities associated with native vegetative cover.
- (d) Uses of a public works, public service, or public utility nature, including the maintenance or improvement of such, and including runway, taxiway, street or road construc-

Section 3.120. (AA) Zone; (3)(d) Permitted Uses in RPZ; Contd.

tion or maintenance activities, and open automobile parking facilities.

(4) Permitted Uses within the Runway Building Restriction (BRL), Obstacle Free (OFA), and Runway Safety (RSA) Areas. It is fully the intent of this Subsection that no use involving an above ground structure, nor any use not directly associated with the Airport and the future development thereof be permitted within the BRL, OFA or RSA Areas; Some use or activities are permitted, however, provided they do not attract wildlife and do not interfere with navigational aids or other airport or runway activities.

- (a) Operations involving the alteration, removal, maintenance and other non-structural activities associated with native vegetative cover.
- (b) Uses of a public works, public service, or public utility nature, including the maintenance or improvement of such, and including runway, taxiway, street or road construction or maintenance activities.
- (c) Other uses and activities specifically identified on the 1995 Airport Layout Plan within said "Areas" as approved by the City, the County, State Aeronautics and FAA; And as such may be amended and subsequently approved by the City, County, State Aeronautics and FAA.

(5) Uses Permitted in the (AA) Overlay Zone areas outside of the RPZ, BRL, OFA and RSA Areas. With the exception of the RPZ, BRL, OFA and RSA Areas, the following uses and their accessory uses are permitted in areas to which the (AA) Zone is applicable; i.e. as the same may be permitted by the primary underlying zone.

- (a) Commercial, industrial and other uses, when authorized in accordance with the provisions of the primary underlying zone, provided the use does not result in:
 - (A) Electrical interference with navigational signals or radio communication between the airport and aircraft.
 - (B) Make it difficult for pilots to distinguish between airport lights and lighting from nearby land uses.
 - (C) Impairs visibility.
 - (D) Creates or is expected to increase bird strike hazards.
 - (E) Endangers or interferes with the landing, taking off or maneuvering of aircraft intending to use the airport.
- (b) A structure or building accessory to a permitted use.

Section 3.120. (AA) Zone; (5) Uses Permitted outside RPZ, BRL, OFA and RSA Areas; Contd.

- (c) Single family dwellings, including manufactured homes, duplexes, and multifamily dwellings, when authorized in the primary underlying zone, provided the landowner signs and records in the deed and mortgage records of Crook County a Hold Harmless Agreement and Avigation and Hazard Easement as provided by the City or County, and submits a copy thereof to the airport managing authority and the respective Planning Department.
- (d) Building and uses of public works, public service, or public utility nature, including the maintenance, reconstruction, improvement and/or construction of streets, roads, runways and taxiways.
- (e) Automobile and other motor vehicular parking facilities.
- (f) Other uses and activities permitted by the primary underlying zone.
- (g) Other uses and activities specifically identified on the 1995 Airport Layout Plan as approved by the City, the County, State Aeronautics and FAA; And as such may be amended and subsequently approved by the City, County, State Aeronautics and FAA.

(6) Site Design Review. In addition to those provisions set forth by the primary underlying zone, in a (AA) zone, the review of a site design is subject to the Design Review provisions set forth in Section 4.140 of this Ordinance, and the site design of any permitted use shall make the most effective use reasonably possible of the site topography, existing landscaping, and building placement so as to preserve existing trees and natural features, preserve vistas and other views from public ways, minimize visibility of parking, loading and storage areas from public ways and neighboring uses, to minimize intrusion into the character of existing developments and land uses in the immediate vicinity of the proposed use, and to protect the future use and development of the Airport.

(7) Procedures. In addition to those requirements that may be set forth by the primary underlying zone, an applicant seeking a permit for a use subject to the provisions of this Zone shall follow procedures that may be set forth in the urban growth management agreement between the City and the County. In addition to that information that may be required for a permit application pursuant to the provisions of the primary underlying zone, information accompanying an application for a permit within the (AA) Zone shall also include the following:

Section 3.120. (AA) Zone; (7) Procedures; Contd.

- (a) Property boundary lines as they relate to Airport Imaginary Surfaces or to the boundary lines of the RPZ, BRL, OFA and/or RSA Areas.
- (b) Location and height of all existing and proposed buildings, structures, utility lines, and roads.
- (c) In accordance with OAR Chapter 738 Division 100, the reviewing Planning Authority shall notify the airport managing authority and State Aeronautics of land use permits or zone changes within 5,000 feet of a visual and 10,000 feet of a instrument airport in such a manner as to provide said parties an opportunity to review and comment.

(8) Use Limitations. In addition to those limitations that may be set forth in the primary underlying zone, the following limitations and standards shall apply to all permitted uses in a (AA) Zone:

- (a) To meet the standards established in FAA Regulations, Part 77 and OAR Chapter 738 Division 70, no structure shall penetrate into the Airport Imaginary Surfaces as defined above in Subsection (2) of this Section.
- (b) No place of public assembly shall be permitted in the Airport Approach Safety Zone or RPZ.
- (c) No structure or building shall be allowed within the RPZ.
- (d) Whenever there is a conflict on height limitations prescribed by this overlay zone and the primary underlying zone, the lowest height limitation fixed shall govern; provided, however, that the height limitations here imposed shall not apply to such structures customarily employed for aeronautical purposes.
- (e) No glare producing materials shall be used on the exterior of any structure located within the Airport Approach Safety Zone.
- (f) No development shall be permitted that attracts or sustains hazardous bird movements from feeding, watering or roosting across the runways and/or approach and departure patterns of aircraft.
- (g) In noise sensitive areas (within 1,500 feet of an airport or within established noise contour boundaries of 55 DNL and above) where noise levels are a concern, a declaration of anticipated noise levels shall be attached to any building permit, land use or division permit, deed, and mortgage records. In areas where the noise level is anticipated to be 55 DNL and above, prior to issuance of a building permit for construction of a noise sensitive land use (real property normally used for sleeping or

Section 3.120. (AA) Zone; (8)(g) Use Limitations; Contd.

normally used as schools, churches, hospitals, or public libraries) the permit applicant shall be required to demonstrate that a noise abatement strategy will be incorporated into the building design which will achieve an indoor noise level equal to or less than 55 DNL.

- (h) No use shall be permitted which has been declared a nuisance or a hazard to airport operations by statute or action of the City, the County, State Aeronautics, FAA, or by a court of competent jurisdiction.

(9) Design and Use Criteria. In the consideration of an application for a proposed use in a (AA) zone, the reviewing authority shall take into account the impact of the proposed use on the Airport and on nearby commercial and industrial uses, on resource carrying capacities, on the capacity of transportation and other public facilities and services, and on the appearance of the proposal. In approving a proposed use, the reviewing authority shall find that:

- (a) Proposal is in compliance with the Comprehensive Plan, and more specifically with the Airport Layout Plan.
- (b) Proposal is in compliance with the intent and provisions of this ordinance and more particularly with this section.
- (c) That identifiable social, economical, physical or environmental impacts are minimized or effectively mitigated.
- (d) Proposal is in compliance with applicable State Aeronautics and FAA regulations.

(10) Additional Requirements. As a condition of approval of any use proposed within a (AA) zone, the reviewing authority may require:

- (a) Increases in required setbacks and/or reduced height limitations.
- (b) The use of special noise insulation, glare resistant exteriors, and other special construction requirements.
- (c) Limitations on signs or lighting, time of operations, and points of ingress and egress.
- (e) Additional landscaping, screening and other improvements.
- (f) Any other conditions considered necessary to protect the future use and development of the Airport.

Section 3.130. Airport Operations A-0 Zone. In an A-0 Zone, the following regulations shall apply:

(1) Purpose. The purpose of this zone to protect airport facilities from incompatible uses; to provide for future airport development and expansion; and to minimize hazards to airport use and operations.

(2) Special Definitions. For the purposes of this Zone as set forth by this Section, the following definitions shall apply:

(a) Airport Dependent Use or Activity. Defined as a use or activity directly servicing the airport, employees working on the airport property or air service patrons. Direct service businesses and uses include such uses as aircraft fueling stations, aircraft repair facilities, hangars, air charter services, taxiways, heliports, and other similar uses.

(3) Uses Permitted Outright. In an A-0 Zone, the following uses and their accessory uses are permitted outright subject to the Site Design Review provisions set forth in Article 4 of this Ordinance.

- (a) Airport and appurtenances thereof.
- (b) Uses and facilities on the airport property essential for the operation of the airport, including aircraft hangars, fuel storage facilities, control tower, passenger and air freight terminals, aircraft runways, taxi-ways and tie-down areas, F.B.O. offices, airport terminals, and other similar airport operational uses.
- (c) Public and semi-public buildings, structures, and uses essential to the safety and welfare of the area, such as fire stations, emergency medical stations, heliports, pump stations, etc.
- (d) Operations involving the alteration, removal, maintenance and other non-structural activities associated with vegetative control to minimize airport use hazards.
- (e) Uses of a public works, public service, or public utility nature, including the maintenance or improvement of such, and including runway, taxiway, street or road construction or maintenance activities.

(4) Conditional Uses Permitted. In an A-0 Zone, the following uses and their accessory uses are permitted when authorized in accordance with the provisions of this Section and Article 6 of this Ordinance.

Section 3.130. A-O Zone; (4) Conditional Uses; Contd.

(a) Type I Conditional Uses:

(A) Aircraft sales, repair, service, storage, and schools related to aircraft operations.

(B) Aircraft or air transportation business.

(b) Type II Conditional Uses:

(A) Air cargo, taxi, bus, and air passenger terminals.

(B) Air cargo warehousing and distribution facilities.

(C) Aerial mapping and surveying business.

(D) Aircraft or aircraft component manufacturing or assembly, including aircraft related research and testing.

(E) Other uses or activities found to be Airport dependent or related as defined in Subsection (2) of this Section, provided the use is in compliance with the Airport Layout and Improvement Plans as either or both may be amended, and does not result in:

1. Electrical interference with navigational signals or radio communication between the airport and aircraft.
2. Make it difficult for pilots to distinguish between airport lights and lighting from nearby land uses.
3. Impairs visibility.
4. Creates or is expected to increase bird strike hazards.
5. Endangers or interferes with the landing, taking off or maneuvering of aircraft intending to use the airport.

(5) Site Design Review. In addition to those provisions set forth by this Section, the review of a site design for a use in this Zone is also subject to the provisions of the Section 3.120 (AA) Zone and the Design Review provisions set forth in Section 4.140 of this Ordinance. The site design of any permitted use shall take in account the use of the site topography, existing landscaping, and placement so as to preserve existing natural features, preserve vistas and other views from public ways, minimize visibility of parking, loading and storage areas from public ways and neighboring uses, to minimize intrusion into the character of existing developments and land uses in the immediate vicinity of the proposed use, and to protect the future use and development of the Airport.

Section 3.130. A-O Zone; Contd.

(6) Procedures. In addition to those requirements that may be otherwise set forth by this Ordinance, particularly those provisions of the (AA) Zone that may be applicable, an applicant seeking a permit for a use subject to the provisions of this Zone shall follow procedures that may be set forth in the urban growth management agreement between the City and the County. In addition to that information that may be otherwise required for a permit application pursuant to the provisions of this Ordinance, information accompanying an application for a permit within the A-O Zone shall include the following:

- (a) Property boundary lines as they relate to Airport Imaginary Surfaces or to the boundary lines of the RPZ, BRL, OFA and/or RSA Areas, and to the Airport Layout Plan as may be amended.
- (b) Location and height of all existing and proposed buildings, structures, utility lines, and roads.
- (c) In accordance with OAR Chapter 738 Division 100, the reviewing Planning Authority shall notify the airport managing authority and State Aeronautics of land use permits or zone changes within 5,000 feet of a visual and 10,000 feet of a instrument airport in such a manner as to provide said parties an opportunity to review and comment.

(7) Use Limitations. In addition to those limitations that may be set forth in an airport overlay zone (i.e. the (AA) Zone), the following limitations and standards shall apply to all permitted uses in an A-O Zone:

- (a) To meet the standards established in FAA Regulations, Part 77 and OAR Chapter 738 Division 70, no structure shall penetrate into the Airport Imaginary Surfaces as defined above in Subsection (2) of Section 3.120 of this Ordinance.
- (b) No place of public assembly shall be permitted in the Airport Approach Safety Zone or RPZ.
- (c) No structure or building shall be allowed within the RPZ.
- (d) Whenever there is a conflict on height limitations prescribed by this zone and any airport overlay zone, the lowest height limitation fixed shall govern.
- (e) No glare producing materials shall be used on the exterior of any structure located within the A-O Zone.
- (f) No development shall be permitted that attracts or sustains hazardous bird movements from feeding, watering or roosting across the runways and/or approach and departure patterns of aircraft.

Section 3.130. A-O Zone; (7) Use Limitations; Contd.

- (g) The areas within this Zone are located in noise sensitive areas (within 1,500 feet of an airport or within established noise contour boundaries of 55 DNL and above) where noise levels are a concern relative to the proposed use, a declaration of anticipated noise levels shall be attached to any building permit, land use or division permit, deed, and mortgage records. In further protection of the primary intended airport and airport uses in this Zone, no permit shall be approved for a noise sensitive land use (e.g. real property normally used for sleeping or normally used as residences, schools, churches, hospitals, or other similar uses of public assembly).
- (h) No use shall be permitted which has been declared a nuisance or a hazard to airport operations by statute or action of the City, the County, State Aeronautics, FAA, or by a court of competent jurisdiction.

(8) Dimensional Standards. In an A-O Zone, the following Dimensional Standards shall apply, except that such dimensional standards may be waived in the case of uses established on lands for which the interest acquired therein is on a lease basis only for the land area upon which a permitted use is established.

- (a) As may be applicable, the minimum lot size shall be determined on the basis of compliance with required setbacks, off-street parking and loading requirements, and other applicable dimensional standards.
- (b) The front yard setback from a building to the property line shall be 20 feet.
- (c) The minimum building setback from a street right-of-way line, existing or planned, shall be 20 feet unless a greater setback is required for compliance with the Comprehensive Plan criteria or policies, the Transportation System Plan, or the Airport Layout Plan.
- (d) The minimum building setbacks from a runway or taxiway shall be in compliance with the established or identifiable recommended OFA's relevant to the applicable runway or taxiway.
- (f) For a side or rear yard not abutting a street, a building may be constructed to the property line if in compliance with fire protection requirements, vision clearance requirements, and any requirements for sidewalks or other pedestrian facilities; however, in no case shall a structure be less than six(6) feet from a structure on an adjoining lot unless the buildings are attached with required separating fire walls.

Section 3.130. A-O Zone; (8) Dimensional Standards; Contd.

(g) The maximum building height for any structure permitted in conjunction with a use permitted by this section shall be 35 feet, unless a lesser height is required for compliance with standards set forth by the (AA) overlay zone, or as otherwise approved by the reviewing authority.

(9) Signs. In an A-O Zone, Signs are permitted in accordance with the provisions set forth in City Ordinance No. 824 as amended, except that no sign shall be permitted which is determined to be hazardous to airport and aircraft operations.

(10) Off-Street Parking. In an A-O zone, off-street parking and loading shall be provided in accordance with the provisions of this section and Article 4 of this ordinance:

- (a) All employee parking demand created by any use permitted under the provisions of this section shall be provided entirely off-street or out of OFA's except as approved otherwise by the reviewing authority. Employee parking demand shall be subject to the standards set forth in Article 4 of this Ordinance.
- (b) All parking demand created by a use permitted in this Zone shall be accommodated on the subject premises except as otherwise approved by the reviewing authority.
- (c) No use permitted in this Zone shall require the backing of traffic onto a public street right-of-way or taxiway, or into an OFA of a runway or taxiway to accommodate ingress or egress to any use or the premises thereof except as otherwise approved by the reviewing authority.

(11) Minimum Landscaping Requirements. A minimum level of landscaping in accordance with the provisions set forth in Article 4 of this Ordinance may be required for all new development in the A-O Zone with the intent being to generally improve the overall environmental appearance of the airport and immediate vicinity, however no landscaping shall be permitted which is determined to be hazardous to airport or aircraft operations.

(12) Design and Use Criteria. In the consideration of an application for a proposed use in an A-O zone, the reviewing authority shall take into account the impact of the proposed use on the Airport and on the future use and development thereof, on resource carrying capacities, on the capacity of transportation and other public facilities and services, and on the appearance of the proposal. In approving a proposed use, the reviewing authority shall find that:

Section 3.130. A-O Zone; (12) Design & Use Criteria; Contd.

- (a) Proposal is in compliance with the Comprehensive Plan, and more specifically with the Airport Layout Plan.
- (b) Proposal is in compliance with the intent and provisions of this ordinance and more particularly with this section.
- (c) That identifiable social, economical, physical or environmental impacts are minimized or effectively mitigated.
- (d) Proposal is in compliance with applicable State Aeronautics and FAA regulations.

(13) Additional Requirements. As a condition of approval of any use proposed within a this zone, the reviewing authority may require:

- (a) Increases in required setbacks and/or reduced height limitations.
- (b) The use of special noise insulation, glare resistant exteriors, and other special construction requirements.
- (c) Limitations on signs or lighting, time of operations, and points of ingress and egress.
- (e) Additional landscaping, screening and other improvements.
- (f) Any other conditions considered necessary to protect the existing and future use and development of the Airport.

Section 3.140. Airport Development A-D Zone. In an A-D Zone, the following regulations shall apply:

(1) Purpose. The purpose of this zone to protect airport facilities from incompatible uses; to provide for future airport development and expansion; and to minimize hazards to airport use and operations.

(2) Special Definitions. For the purposes of this Zone as set forth by this Section, the following definitions shall apply:

- (a) Airport Dependent Use or Activity. Defined as a use or activity directly servicing the airport, employees working on the airport property or air service patrons. Direct service businesses include such uses as aircraft fueling stations, aircraft repair facilities, hangars, air charter services, and the like. Employee or patron service businesses include such uses as restaurants, motels and hotels, travel agencies, gift shops, car rental agencies and the like.

Section 3.140. A-D Zone; (2) Special Definitions; Contd.

(b) Airport Related Use or Activity. Defined as a use that is determined to be a use requiring a location at or adjacent to an airport to be economically advantageous. An economic advantage can be determined by finding that the use would suffer an identifiable economic disadvantage if not so located; Measurements may include consideration of the following: percentage of business done with aircraft or air-cargo; dependence of staff, management, sales personnel, vendors or clientele on air transportation; and, the need or advantage of being able to utilize aircraft for commuting or business travel in conjunction with normal business or corporate operations.

(3) Uses Permitted Outright. In an A-D Zone, the following uses and their accessory uses are permitted outright subject to the Site Design Review provisions set forth in Article 4 of this Ordinance.

- (a) Airport.
- (b) Uses and facilities on the airport property essential for the operation of the airport, including aircraft hangers, fuel storage facilities, control tower, passenger and air freight terminals, aircraft runways, taxi-ways and tie-down areas, F.B.O. offices, airport terminals, and other similar airport operational uses.
- (c) Public and semi-public buildings, structures, and uses essential to the safety and welfare of the area, such as fire stations and dispatch centers, emergency medical stations, heliports, law enforcement office, pump stations, water storage, caretaker-manager's residence. etc.
- (d) Operations involving the alteration, removal, maintenance and other non-structural activities associated with vegetative control to minimize airport use hazards.
- (e) Uses of a public works, public service, or public utility nature, including the maintenance or improvement of such, and including runway, taxiway, street or road construction or maintenance activities.
- (f) Other uses, facilities and activities specifically set forth on the Airport Layout Plan and in the Airport Improvement Plan as either or both may be amended.

(4) Conditional Uses Permitted. In an A-D Zone, the following uses and their accessory uses are permitted when authorized in accordance with the provisions of this Section and Article 6 of this Ordinance.

Section 3.140. A-D Zone; (3) Outright Uses; Contd.

(a) Type I Conditional Uses:

(A) Retail sales and commercial services for air passengers or activities directly associated with airport operations.

(B) Snack shops, cafes, restaurants or other food service facilities for airport clientele with a total floor area of not more than 5,000 square feet, and excluding those serving alcoholic beverages.

(C) Aviation clubs and organizations.

(D) Aircraft sales, repair, service, storage, and schools related to aircraft operations.

(E) Air cargo, taxi, bus, and air passenger terminals.

(F) Air cargo warehousing and distribution facilities not exceeding 40,000 square feet of building area.

(G) Aerial mapping and surveying business.

(H) Aircraft or aircraft component manufacturing or assembly, including aircraft related research and testing.

(J) Aircraft or air transportation business.

(K) Auto rental agencies and other traveler service and convenience facilities, including travel agencies.

(L) Automobile and other motor vehicular parking facilities.

(b) Type II Conditional Uses:

(A) Cafe, restaurant, or other food service facilities with a total floor area exceeding 5,000 square feet and/or including those serving alcoholic beverages.

(B) Air cargo warehousing and distribution facilities exceeding 40,000 square feet of building area.

(C) Hotel, motel or other traveler's accommodations.

(D) Truck or other freight terminals.

(E) Other uses or activities found to be Airport dependent or related as defined in Subsection (2) of this Section, provided the use does not result in:

1. Electrical interference with navigational signals or radio communication between the airport and aircraft.

2. Make it difficult for pilots to distinguish between airport lights and lighting from nearby land uses.

3. Impairs visibility.

4. Creates or is expected to increase bird strike hazards.

5. Endangers or interferes with the landing, taking off or maneuvering of aircraft intending to use the airport.

Section 3.140. A-D Zone; Contd.

(5) Site Design Review. In addition to those provisions set forth by this Section, the review of a site design for a use in this Zone is also subject to the provisions of the Section 3.120 (AA) Zone and the Design Review provisions set forth in Section 4.140 of this Ordinance. The site design of any permitted use shall take into account the use of site topography, existing landscaping, and building placement so as to preserve existing natural features, preserve vistas and other views from public ways, minimize visibility of parking, loading and storage areas from public ways and neighboring uses, to minimize intrusion into the character of existing developments and land uses in the immediate vicinity of the proposed use, and to protect the future use and development of the Airport.

(6) Procedures. In addition to those requirements that may be otherwise set forth by this Ordinance, particularly those provisions of the (AA) Zone that may be applicable, an applicant seeking a permit for a use subject to the provisions of this Zone shall follow procedures that may be set forth in the urban growth management agreement between the City and the County. In addition to that information that may be otherwise required for a permit application pursuant to the provisions of this Ordinance, information accompanying an application for a permit within the A-D Zone shall include the following:

- (a) Property boundary lines as they relate to Airport Imaginary Surfaces or to the boundary lines of the RPZ, BRL, OFA and/or RSA Areas, and to the Airport Layout Plan as may be amended.
- (b) Location and height of all existing and proposed buildings, structures, utility lines, and roads.
- (c) In accordance with OAR Chapter 738 Division 100, the reviewing Planning Authority shall notify the airport managing authority and State Aeronautics of land use permits or zone changes within 5,000 feet of a visual and 10,000 feet of a instrument airport in such a manner as to provide said parties an opportunity to review and comment.

(7) Use Limitations. In addition to those limitations that may be set forth in an airport overlay zone (i.e. the (AA) Zone), the following limitations and standards shall apply to all permitted uses in an A-D Zone:

Section 3.140. A-D Zone; (7) Use Limitations; Contd.

- (a) To meet the standards established in FAA Regulations, Part 77 and OAR Chapter 738 Division 70, no structure shall penetrate into the Airport Imaginary Surfaces as defined above in Subsection (2) of Section 3.120 of this Ordinance.
- (b) No place of public assembly shall be permitted in the Airport Approach Safety Zone or RPZ.
- (c) No structure or building shall be allowed within the RPZ.
- (d) Whenever there is a conflict on height limitations prescribed by this zone and any airport overlay zone, the lowest height limitation fixed shall govern.
- (e) No glare producing materials shall be used on the exterior of any structure located within the A-D Zone.
- (f) No development shall be permitted that attracts or sustains hazardous bird movements from feeding, watering or roosting across the runways and/or approach and departure patterns of aircraft.
- (g) In noise sensitive areas (within 1,500 feet of an airport or within established noise contour boundaries of 55 DNL and above) where noise levels are a concern, a declaration of anticipated noise levels shall be attached to any building permit, land use or division permit, deed, and mortgage records. In areas where the noise level is anticipated to be 55 DNL and above, prior to issuance of a building permit for construction of a noise sensitive land use the permit applicant shall be required to demonstrate that a noise abatement strategy will be incorporated into the building design which will achieve an indoor noise level equal to or less than 55 DNL.
- (h) No use shall be permitted which has been declared a nuisance or a hazard to airport operations by statute or action of the City, the County, State Aeronautics, FAA, or by a court of competent jurisdiction.
- (i) Except as approved otherwise by the reviewing authority, all business, service, repair, processing, storage or merchandise display shall be conducted wholly within an enclosed building, except for drive-in windows; However, the outside display of merchandise may be permitted if confined to an area or facility designed for such purpose and approved as part of the original use permit by the reviewing authority.

(8) Dimensional Standards. In an A-D Zone, the following Dimensional Standards shall apply, except that such dimensional standards may be waived in the case of uses established on a site for which the interest acquired therein is on a lease basis only for the land area upon which a permitted use is established.

Section 3.140. A-D Zone; (8) Dimensional Standards; Contd.

- (a) As may be applicable, the minimum lot size shall be determined on the basis of compliance with required setbacks, lot coverage limitations, off-street parking and loading requirements, and other applicable dimensional standards.
- (b) The front yard setback from a building to the property line shall be 20 feet.
- (c) The minimum building setback from a street right-of-way line, existing or planned, shall be 20 feet unless a greater setback is required for compliance with the Comprehensive Plan criteria or policies, the Transportation System Plan, or the Airport Layout Plan.
- (d) For a side or rear yard not abutting a street, a building may be constructed to the property line if in compliance with fire protection requirements, vision clearance requirements, and any requirements for sidewalks or other pedestrian facilities; however, in no case shall a structure be less than six(6) feet from a structure on an adjoining lot unless the buildings are attached with required separating fire walls.
- (e) The maximum building height for any structure permitted in conjunction with a use permitted by this section shall be 35 feet, unless a lesser height is required for compliance with standards set forth by the (AA) overlay zone, or as otherwise approved by the reviewing authority.

(9) Signs. In an A-D Zone, Signs are permitted in accordance with the provisions set forth in City Ordinance No. 824 as amended, except that no sign shall be permitted which is determined to be hazardous to airport and aircraft operations.

(10) Off-Street Parking. In an A-D zone, off-street parking and loading shall be provided in accordance with the provisions of this section and Article 4 of this ordinance:

- (a) All employee parking demand created by any use permitted under the provisions of this section shall be provided entirely off-street except as approved otherwise by the reviewing authority. Employee parking demand shall be subject to the standards set forth in Article 4 of this Ordinance.
- (b) All parking demand created by a use permitted in this Zone shall be accommodated on the subject premises except as otherwise approved by the reviewing authority.

Section 3.140. A-D Zone; (10) Off-Street Parking; Contd.

- (c) No use permitted in this Zone shall require the backing of traffic onto a public street right-of-way or taxiway to accommodate ingress or egress to any use or the premises thereof except as otherwise approved by the reviewing authority.

(11) Minimum Landscaping Requirements. A minimum level of landscaping in accordance with the provisions set forth in Article 4 of this Ordinance may be required for all new development in the A-D Zone.

(12) Design and Use Criteria. In the consideration of an application for a proposed use in an A-D zone, the reviewing authority shall take into account the impact of the proposed use on the Airport and on nearby commercial and industrial uses, on resource carrying capacities, on the capacity of transportation and other public facilities and services, and on the appearance of the proposal. In approving a proposed use, the reviewing authority shall find that:

- (a) Proposal is in compliance with the Comprehensive Plan, and more specifically with the Airport Layout Plan.
- (b) Proposal is in compliance with the intent and provisions of this ordinance and more particularly with this section.
- (c) That identifiable social, economical, physical or environmental impacts are minimized or effectively mitigated.
- (d) Proposal is in compliance with applicable State Aeronautics and FAA regulations.

(13) Additional Requirements. As a condition of approval of any use proposed within a this zone, the reviewing authority may require:

- (a) Increases in required setbacks and/or reduced height limitations.
- (b) The use of special noise insulation, glare resistant exteriors, and other special construction requirements.
- (c) Limitations on signs or lighting, time of operations, and points of ingress and egress.
- (e) Additional landscaping, screening and other improvements.
- (f) Any other conditions considered necessary to protect the future use and development of the Airport.

Section 3.150. Airport Commercial, A-C Zone. In an A-C Zone, the following regulations shall apply:

(1) Purpose. The purpose of the A-C Zone is to provide an area in the immediate vicinity for those uses that are not totally dependent upon the airport, but are related to or complementary to the airport and the future use and development thereof.

(2) Uses Permitted Outright. In an A-C Zone, the following uses and their accessory uses are permitted outright subject to the Site Design Review requirements set forth in Section 4.140 and the applicable provisions of the (AA) Overlay Zone as set forth in Section 3.120 of this Ordinance.

- (a) Public and semi-public buildings, structures, and uses essential to the safety and welfare of the area, such as fire stations and dispatch centers, emergency medical stations, law enforcement office, pump stations, water storage, caretaker-manager's residence. etc.
- (b) Uses of a public works, public service, or public utility nature, including the maintenance or improvement of such, and including water system, sewer system, street or road construction or maintenance activities.
- (c) Other uses, facilities and activities specifically set forth on the Airport Layout Plan and in the Airport Improvement Plan as either or both may be amended.
- (d) Retail sales and commercial services for air passengers or activities directly associated with airport operations, but not including runway or taxiway access.
- (e) Aviation clubs and organizations, but not including those requiring taxiway access.
- (f) Snack shops, cafes, restaurants or other food service facilities for airport clientele with a total floor area of not more than 5,000 square feet, and excluding those serving alcoholic beverages.
- (g) Aerial mapping and surveying business office.
- (h) Aircraft or air transportation business offices.
- (i) Aircraft sales, repair, service, storage, and schools related to aircraft operations, but not including those requiring direct taxiway or runway access.
- (j) Air cargo, taxi, bus, and air passenger terminals without direct taxiway or runway access.
- (k) Air cargo warehousing and distribution facilities not exceeding 40,000 square feet of building area, and not requiring direct runway or taxiway access.
- (l) Aircraft or aircraft component manufacturing or assembly, including aircraft related research and testing, but not requiring direct runway or taxiway access.

Section 3.150. A-C Zone; (1) Outright Uses; Contd.

- (m) Auto rental agencies and other traveler service and convenience facilities, including travel agencies.
- (n) Automobile and other motor vehicular parking facilities.
- (o) Public or private transportation stations, depots, terminals and auto and truck rental agencies.
- (p) Day nursery and other child care facilities primarily intended and designed to serve the patrons and employees of the overall Airport development area.
- (q) Specialty stores, gift shops and similar retail sales totally enclosed within a building not exceeding 5,000 square feet, including sporting goods and other tourist, recreation or traveler oriented retail sales and services.
- (r) Automobile service station, including auto repair, car wash and convenience store, totally enclosed and not exceeding an area of 10,000 square feet.
- (s) Other uses, facilities and activities specifically set forth on the Airport Layout Plan and in the Airport Improvement Plan as either or both may be amended and subsequently approved by the City, the County, State Aeronautics and FAA.

(3) Conditional Uses Permitted. In an A-C Zone, the following uses and their accessory uses are permitted when authorized in accordance with the provisions of this Section, Article 6, and the applicable provisions of Section 3.120 (AA) Overlay Zone of this Ordinance.

(a) Type I Conditional Uses:

(A) Cafe, restaurant, or other food service facilities with a total floor area exceeding 5,000 square feet and/or including those serving alcoholic beverages, but only with meals in a designated dining area.

(B) Business, professional or personal services office buildings, including engineers, real estate sales, attorneys, accountants, insurance, doctors, dentists, mail services, photography, title companies, health and fitness centers, barber shop or beauty salon, etc.

(C) Financial institution or service facility, including banks, mortgage companies, credit unions, etc., and including drive-in window services.

(D) Retail and wholesale business establishments totally enclosed within a building not exceeding 5,000 square feet.

(E) Service commercial uses totally enclosed within a building not exceeding 5,000 square feet.

Section 3.150. A-C Zone; (3)(a) Type I Conditional Uses;
Contd.

(F) Contractors or other building or construction trade services and materials businesses totally enclosed within a building not exceeding 5,000 square feet.

(G) Welding, sheet metal, machine shop or other metal fabrication facility totally enclosed within a building not exceeding 40,000 square feet.

(H) Cabinet, carpentry, woodworking and other wood products remanufacturing totally enclosed within a building not exceeding 40,000 square feet.

(I) Drug store, pharmacy, and other medical supply businesses not exceeding 5,000 square feet of retail floor space.

(J) Ice, cold storage or bottling plant totally enclosed within a building not exceeding 40,000 square feet.

(K) Wholesale distribution outlet, including warehousing, totally enclosed within a building not exceeding 40,000 square feet.

(L) Air cargo warehousing and distribution facilities totally enclosed within a building not exceeding 40,000 square feet of building area.

(M) Hotel, motel or other traveler's accommodations with not more than 50 units.

(N) Truck or other freight terminals, totally enclosed within a building not exceeding 40,000 sq.ft.

(O) Manufacture, assembly, repair or storage of products, totally enclosed within a building of not more than 40,000 square feet.

(b) Type II Conditional Uses:

(A) Any use permitted by Subsections (1) and (2)(a) of this Section that exceeds the building square footage and/or land area limitations stated thereby.

(B) Any use permitted by Subsections (1) and (2)(a) of this Section that is not totally enclosed within a building, except where otherwise stated in the case of certain uses with allowable outside storage and/or display of equipment, etc.

(C) Any combination of two or more uses permitted by Subsections (1) and (2)(a) of this Section that exceeds a total building area of 40,000 square feet.

(D) Hotel, motel or similar traveler's accommodations with a lodging unit capacity exceeding 50.

(E) Eating and drinking establishment proposing to serve alcoholic beverages without meals in an area within the facility designed and intended as a lounge or similar use area.

Section 3.150. A-C Zone; (3)(b) Type II Conditional Uses;
Contd.

(F) Feed and farm supplies, including enclosed, outside storage and display, but excluding heavy equipment sales and service, farm product processing, and plant nurseries.

(G) Veterinary clinic and kennel, totally enclosed within a building.

(H) A use permitted by Subsection (1)(1) of this Section that includes heavy equipment sales and service, with outside equipment display but all services enclosed within a building.

(I) Heavy equipment sales and service provided all repair services are totally enclosed within a building and the total area required for such use does not exceed more than 40,000 square feet of lot area.

(J) Automobile, truck, boat, recreation vehicle, motorcycle, ATV, snowmobile or other motor vehicle sales and service, provided all service activities are totally enclosed within a building and the total area required for such use does not exceed 40,000 square feet.

(K) Manufacture, assembly, repair or storage of products totally enclosed within a building of 40,000 square feet or more.

(L) Repair, rental, sales, servicing and storage of machinery, implements, equipment, recreation vehicles, manufactured or modular homes, and the manufacturing and/or assembly thereof totally enclosed within a building and/or involving outside storage of finished products.

(M) Residence, including a manufactured or modular home, for a caretaker or night watchman on property with an existing use authorized by this Section, or for the owner/operator of such a use.

(N) Automotive body and paint business totally enclosed within a building.

(O) Truck or other freight terminals requiring buildings exceeding 40,000 square feet.

(P) Other uses or activities found to be Airport dependent or related as defined in Subsection (2) of Section 3.130, provided the use does not result in:

1. Electrical interference with navigational signals or radio communication between the airport and aircraft.
2. Make it difficult for pilots to distinguish between airport lights and lighting from nearby land uses.
3. Impairs visibility.

Section 3.150. A-C Zone; (3)(b)(P) Type II Conditional Uses; Contd.

4. Creates or is expected to increase bird strike hazards.
5. Endangers or interferes with the landing, taking off or maneuvering of aircraft intending to use the airport.

(4) Site Design Review. In addition to those provisions set forth by this Section, the review of a site design for a use in this Zone is also subject to the provisions of the Section 3.120 (AA) Zone and the Design Review provisions set forth in Article 4 of this Ordinance. The site design of any permitted use shall take into account the use of site topography, existing landscaping, and building placement so as to preserve existing natural features, preserve vistas and other views from public ways, minimize visibility of parking, loading and storage areas from public ways and neighboring uses, to minimize intrusion into the character of existing developments and land uses in the immediate vicinity of the proposed use, and to protect the future use and development of the Airport and adjacent areas.

(5) Procedures. In addition to those requirements that may be otherwise set forth by this Ordinance, particularly those provisions of the (AA) Zone that may be applicable. In addition to that information that may be otherwise required for a permit application pursuant to the provisions of this Ordinance, information accompanying an application for a permit within the A-C Zone shall include the following:

- (a) Property boundary lines as they relate to Airport Imaginary Surfaces or to the boundary lines of the RPZ, BRL, OFA and/or RSA Areas as applicable, and to the Airport Layout Plan as may be amended.
- (b) Location and height of all existing and proposed buildings, structures, utility lines, and roads.
- (c) In accordance with OAR Chapter 738 Division 100, the reviewing Planning Authority shall notify the airport managing authority and State Aeronautics of land use permits or zone changes within 5,000 feet of a visual and 10,000 feet of a instrument airport in such a manner as to provide said parties an opportunity to review and comment.

(6) Use Limitations. In addition to those limitations that may be applicable as set forth in an airport overlay zone (i.e. the (AA) Zone), the following limitations and standards shall apply to all permitted uses in an A-C Zone:

Section 3.150. A-C Zone; (6) Use Limitations; Contd.

- (a) To meet the standards established in FAA Regulations, Part 77 and OAR Chapter 738 Division 70, no structure shall penetrate into the Airport Imaginary Surfaces as defined above in Subsection (2) of Section 3.140 of this Ordinance.
- (b) No place of public assembly shall be permitted in the Airport Approach Safety Zone or RPZ.
- (c) No structure or building shall be allowed within the RPZ.
- (d) Whenever there is a conflict on height limitations prescribed by this zone and any airport overlay zone, the lowest height limitation fixed shall govern.
- (e) No glare producing materials shall be used on the exterior of any structure located within the A-C Zone.
- (f) No development shall be permitted that attracts or sustains hazardous bird movements from feeding, watering or roosting across the runways and/or approach and departure patterns of aircraft.
- (g) In noise sensitive areas (within 1,500 feet of an airport or within established noise contour boundaries of 55 DNL and above) where noise levels are a concern, a declaration of anticipated noise levels shall be attached to any building permit, land use or division permit, deed, and mortgage records. In areas where the noise level is anticipated to be 55 DNL and above, prior to issuance of a building permit for construction of a noise sensitive land use the permit applicant shall be required to demonstrate that a noise abatement strategy will be incorporated into the building design which will achieve an indoor noise level equal to or less than 55 DNL.
- (h) No use shall be permitted which has been declared a nuisance or a hazard to airport operations by statute or action of the City, the County, State Aeronautics, FAA, or by a court of competent jurisdiction.
- (i) Except as approved otherwise by the reviewing authority, all business, service, repair, processing, storage or merchandise display shall be conducted wholly within an enclosed building, except for drive-in windows; However, the outside display of merchandise may be permitted if confined to an area or facility designed for such purpose and approved as part of the original use permit by the reviewing authority.

(7) Dimensional Standards. In an A-C Zone, the following Dimensional Standards shall apply:

Section 3.150. A-C Zone; (7) Dimensional Standards; Contd.

- (a) The minimum lot size shall be determined on the basis of compliance with required setbacks, lot coverage limitations, off-street parking and loading requirements, and other applicable dimensional standards.
- (b) The main and accessory buildings located on any lot shall not cover in excess of 50% of the total lot area.
- (c) The total area of all buildings, parking areas and accesses (i.e. impervious surfaces) shall not cover in excess of 75% of the total lot area.
- (d) The front yard setback from a building to the property line shall be 20 feet.
- (e) The minimum building setback from a street right-of-way line, existing or planned, shall be 20 feet unless a greater setback is required for compliance with the Comprehensive Plan criteria or policies, the Transportation System Plan, or the Airport Layout Plan.
- (f) For a rear yard not abutting a street, the minimum building set back shall be 10 feet unless otherwise approved by the reviewing authority.
- (g) The total of side yards shall be 12 feet, and the minimum side yard shall be 3 feet; except on a side yard abutting a street or road right-of-way the minimum setback shall be 10 feet unless otherwise required or approved by the reviewing authority.
- (h) The maximum building height for any structure permitted in conjunction with a use permitted by this section shall be 35 feet, unless a lesser height is required for compliance with standards set forth by the (AA) overlay zone, or as otherwise approved by the reviewing authority.

(8) Signs. In an A-C Zone, Signs are permitted in accordance with the provisions set forth in City Ordinance No. 824 as amended, except that no sign which is determined hazardous to airport and aircraft operations shall be permitted.

(9) Off-Street Parking. In an A-C zone, off-street parking and loading shall be provided in accordance with the provisions of this section and Article 4 of this ordinance:

- (a) All employee parking demand created by any use permitted under the provisions of this section shall be provided entirely off-street except as approved otherwise by the reviewing authority. Employee parking demand shall be subject to the standards set forth in Article 4 of this Ordinance.

Section 3.150. A-C Zone; (9) Off-Street Parking; Contd.

- (b) All parking demand created by a use permitted in this Zone shall be accommodated on the subject premises except as otherwise approved by the reviewing authority.
- (c) No use permitted in this Zone shall require the backing of traffic onto a public street right-of-way to accommodate ingress or egress to any use or the premises thereof except as otherwise approved by the reviewing authority.

(10) Minimum Landscaping Requirements. A minimum level of landscaping in accordance with the provisions set forth in Article 4 of this Ordinance may be required for all new development in the A-D Zone, and it shall be the intent of this zone to approve development which is as environmentally attractive as possible for employees, patrons and visitors to the area.

(11) Design and Use Criteria. In the consideration of an application for a proposed use in an A-C zone, the reviewing authority shall take into account the impact of the proposed use on the Airport and on nearby commercial and industrial uses, on resource carrying capacities, on the capacity of transportation and other public facilities and services, and on the appearance of the proposal. In approving a proposed use, the reviewing authority shall find that:

- (a) Proposal is in compliance with the Comprehensive Plan, and more specifically with the Airport Layout Plan.
- (b) Proposal is in compliance with the intent and provisions of this ordinance and more particularly with this section.
- (c) That identifiable social, economical, physical or environmental impacts are minimized or effectively mitigated.
- (d) Proposal is in compliance with applicable State Aeronautics and FAA regulations.
- (e) The reviewing authority may deny a proposed use in this zone if said use is found to be totally unrelated to the airport or airport operations, or to the overall commercial development of the subject zone area, and if a more suitable location is available in an alternative zone within a 1-mile radius, and said alternative site is found to be as economically advantageous as the proposed site relative to accessibility, proximity to main arterials or collectors, public visibility, acquisition and development costs, etc. In making such a decision for denial of a use on this basis, the reviewing authority shall also find, as near as feasible, a balance between the purpose of the A-C zone and the overall economic

Section 3.150. A-C Zone; (11)(e) Design & Use Criteria; Contd.

needs of the community, and shall find that the proposed use would adversely impact the overall future use and development of the airport itself.

(12) Additional Requirements. As a condition of approval of any use proposed within a this zone, the reviewing authority may require:

- (a) Increases in required setbacks and/or reduced height limitations.
- (b) The use of special noise insulation, glare resistant exteriors, and other special construction requirements.
- (c) Limitations on signs or lighting, time of operations, and points of ingress and egress.
- (e) Additional landscaping, screening, fencing and other improvements; Sight obscuring fencing shall be considered and may be required along property lines bordering serving Arterials or Collectors.
- (f) May stipulate that a permit is nontransferable without prior approval of the initial permit granting authority.
- (g) Any other conditions considered necessary to protect the future use and development of the Airport and the adjoining areas.

SECTION 3.160. AIRPORT BUSINESS-INDUSTRIAL, A-M ZONE. In an A-M Zone, the following regulations shall apply:

(1) Purpose. The A-M Zone is intended to provide for those business and industrial uses that are considered compatible with each other, Airport operations, the long-range development plans of said Airport, and the future economic needs of the community. It is further the purpose of this Zone to provide areas for those business and industrial activities that are supporting, related to and/or dependent upon aircraft or air transportation when such activities, in order to function, require or desire a location adjacent to or in close proximity to the Airport with or without immediate aircraft access to a taxiway.

(2) Use Criteria. In the determination of the need or desirability for a use to be located within this Zone, and in the determination of compatibility with the stated "Purpose" of the A-M Zone, the following "Use Criteria" shall be considered:

Section 3.160. A-M Zone; (2) Use Criteria; Contd.

- (a) The use is determined to be a use which would be economically advantaged by location in this Zone. Economic advantage can be measured by finding that the use will benefit in an identifiable and measurable way if it is so located. Measurements may include consideration of the following: A finding that the use would suffer an identifiable economic disadvantage if not so located; and consideration of the following: percentage of business done with aircraft or air-cargo; dependence of staff, management, sales personnel, vendors or clientele on air transportation; or frequency of aircraft usage for business or corporate operations.
- (b) An application for a use permitted by this section may be denied if the applicant fails to demonstrate how location within this zone would provide an economic benefit to the general public relative to the full development of the business and industrial resources of the City and the County, and to the economic future of the community.
- (c) An application for a use permitted by this section shall be denied if found to not be in compliance with the applicable Comprehensive Plan policies (more specifically the Economic Element thereof), and the overall Airport Master Development Plan.

(3) Uses Permitted Outright. In an A-M Zone, the following uses and their accessory uses are permitted outright subject to the Site Design Review provisions set forth in Article 4 and the applicable provisions of the (AA) Overlay Zone as set forth by Section 3.120 of this Ordinance:

- (a) Airport, aircraft runways, taxi-ways and other airport operations and accessory uses normally required in conjunction with airport operations.
- (b) Aircraft hangars and tie-down areas.
- (c) Passenger and air freight terminals, air charter business, or air transportation business.
- (d) Retail sales and commercial services for air passengers or direct airport connected activities totally enclosed within a building not exceeding 10,000 square feet.
- (e) Air cargo warehousing and distribution facilities.
- (f) Aerial mapping and surveying services.
- (g) Aircraft related research and testing.
- (h) Aircraft or aircraft component manufacturing, assembly, sales, repair, service and storage.
- (i) Schools relating to aircraft operations.
- (j) Agricultural spraying and fire suppression aircraft activities.

Section 3.160. A-M Zone; (3) Outright Uses; Contd.

- (i) Aviation club or organization, including buildings for offices, headquarters, exhibitions and normal club or organizational functions and activities, and including open/outside storage/display areas for aircraft.
- (m) Automobile rental and travel agencies, and public or private transportation stations, depots or terminals.
- (n) Business or professional office buildings not exceeding 10,000 square feet.
- (o) Manufacturing, fabrication and/or assembly of nonhazardous materials totally enclosed within buildings not exceeding 20,000 square feet.
- (p) Public and semi-public buildings, structures, and uses essential to the safety and welfare of the area, such as fire stations and dispatch centers, emergency medical stations, law enforcement office, pump stations, water storage, caretaker-manager's residence. etc.
- (q) Uses of a public works, public service, or public utility nature, including the maintenance or improvement of such, and including water system, sewer system, taxi-way, street or road construction or maintenance activities.
- (r) Private or public parking facilities for automobiles and/or aircraft.
- (s) Other uses, facilities and activities specifically set forth on the Airport Layout Plan and in the Airport Improvement Plan as either or both may be amended and subsequently approved by the City, the County, State Aeronautics and FAA.

(4) Conditional Uses. In an A-M Zone, the following uses and their accessory uses are permitted when authorized in accordance with the applicable requirements of this section, Article 6, and Section 3.120 (AA) Overlay Zone of this Ordinance.

(a) Type I Conditional Uses:

(A) Retail sales and commercial services for air passengers or direct airport connected activities totally enclosed within a building not exceeding 20,000 square feet.

(B) Business or professional office buildings not exceeding 20,000 square feet and found related to or dependent upon location within said Zone.

(C) Manufacturing, fabrication and/or assembly of nonhazardous materials totally enclosed within buildings not exceeding 40,000 square feet.

(D) Ice, cold storage or bottling plant totally enclosed within a building not exceeding 20,000 square feet.

Section 3.160. A-M Zone; (4)(a) Type I Conditional Uses;
Contd.

(E) Wholesale distribution outlet, including warehousing, totally enclosed within a building not exceeding 40,000 square feet.

(F) Financial institution or service facility, including banks, mortgage companies, credit unions, etc., and including drive-in window services.

(G) Day nursery and other child care facilities primarily intended and designed to serve the employees of the overall Airport development area.

(b) Type II Conditional Uses:

(A) Any use permitted by Subsections (1) and (2)(a) of this Section that proposes to exceed the building areas allowable thereby, or proposes to include open or enclosed outside storage of materials and equipment where not allowed by said Subsections.

(B) Heavy equipment sales and service found related to or dependent upon location within said Zone.

(C) Automobile service station, including auto repair, car wash and convenience store.

(D) Eating and drinking establishment, including drive-ins and those serving alcoholic beverages.

(E) Motel, hotel and other traveler accommodation, service or convenience facilities.

(F) Government buildings including armories, maintenance, repair or storage facilities provided all outside storage is enclosed.

(G) Research, testing or experiment laboratories.

(H) Owner/operator residence, only on property with an existing approved commercial or industrial use and only if owned by the business owner/operator.

(I) Other uses or activities found to be Airport dependent or related as defined in Subsection (2) of Section 3.130 and this Section, provided the use does not result in:

1. Electrical interference with navigational signals or radio communication between the airport and aircraft.
2. Make it difficult for pilots to distinguish between airport lights and lighting from nearby land uses.
3. Impairs visibility.
4. Creates or is expected to increase bird strike hazards.
5. Endangers or interferes with the landing, taking off or maneuvering of aircraft intending to use the airport.

Section 3.160. A-M Zone; Contd.

(5) Use Limitations. In addition to those limitations that may be applicable as set forth in an airport overlay zone (i.e. the (AA) Zone), the following limitations and standards shall apply to all permitted uses in an A-M Zone:

- (a) To meet the standards established in FAA Regulations, Part 77 and OAR Chapter 738 Division 70, no structure shall penetrate into the Airport Imaginery Surfaces as defined above in Subsection (2) of Section 3.140 of this Ordinance, but in no case shall any building or structure exceed 35 feet except as otherwise approved by the Planning Commission.
- (b) Whenever there is a conflict on height limitations prescribed by this zone and any applicable overlay or combining zone, the lowest height limitation shall govern.
- (c) As may be applicable, no place of public assembly shall be permitted in the Airport Approach Safety Zone or RPZ, and no structure or building shall be allowed within the RPZ.
- (d) Except as may otherwise be approved by the City, County, State Aeronautics and FAA, no use shall be approved under the provisions of this section that proposes or would require any overhead power or other utility lines to be located in clear or approach zones, or in the RPZ.
- (e) No onsite lighting shall be permitted which is determined to be hazardous to airport operations.
- (f) No development shall be permitted that attracts or sustains hazardous bird movements from feeding, watering or roosting across the runways and/or approach and departure patterns of aircraft, nor shall any use be permitted under the provisions of this section if such use will allow or cause ponding which is likely to attract birds, or which otherwise is likely to attract birds which are normally considered high flight.
- (g) No use shall be approved under the provisions of this section that does not utilize glare resistant materials in construction and landscaping that will minimize hazards to airport operations.
- (i) All structures and uses approved under the provisions of this section shall be maintained in a "good and attractive appearance," and such may be set forth as a condition of approval by the reviewing authority.
- (j) Any use permitted under the provisions of this section that is determined to be incompatible with an existing or planned use adjacent thereto or across the street from, shall be screened from such incompatible uses by densely planted trees and shrubs or sight-obscuring fencing.

Section 3.160. A-M Zone; (5)(f) Use Limitations; Contd.

- (k) In noise sensitive areas (within 1,500 feet of an airport or within established noise contour boundaries of 55 DNL and above) where noise levels are a concern, a declaration of anticipated noise levels shall be attached to any building permit, land use or division permit, deed, and mortgage records. In areas where the noise level is anticipated to be 55 DNL and above, prior to issuance of a building permit for construction of a noise sensitive land use the permit applicant shall be required to demonstrate that a noise abatement strategy will be incorporated into the building design which will achieve an indoor noise level equal to or less than 55 DNL.
- (l) No use shall be permitted which has been declared a nuisance or a hazard to airport operations by statute or action of the City, the County, State Aeronautics, FAA, or by a court of competent jurisdiction.
- (m) For any use permitted under this Section that requires a contaminant or other environmentally related permit from an agency other than the City or the County, final approval shall not be granted until such time as the approval of such agency is evident, and continuing compliance with the conditions of such a permit shall be a condition of approval for said use.

(6) Dimensional Standards. In a A-M Zone, the following dimensional standards shall apply:

- (a) The minimum lot size shall be determined in accordance with the provisions of this section relative to setback requirements, off street parking and loading requirements, lot coverage limitations, and as deemed necessary by the reviewing authority to maintain air, land and water resource quality, to protect adjoining and area land uses, to insure resource carrying capacities are not exceeded, and more specifically, to protect the airport, the operations and development thereof, and the surrounding area.
- (b) No use permitted by this section shall exceed a lot coverage of more than 70% of the land area designed or intended for such use, including buildings, storage areas and facilities, and required off street parking and loading areas.
- (c) The minimum setback between a structure and the right-of-way of an arterial shall be 50 feet. The minimum setback of a structure from the right-of-way of a collector shall be 30 feet, and from the right-of-way of all lower class streets, the minimum setback shall be 20 feet.

Section 3.160. A-M Zone; (6) Dimensional Standards; Contd.

- (d) The minimum building setback from a private drive shall be 10 feet unless a greater setback is required to meet vision clearance requirements.
- (e) The minimum building setback from an existing or planned taxi-way shall be 30 feet unless a greater setback is determined necessary to preserve maximum utilization of said taxi-way.
- (f) The minimum lot frontage shall not be less than 50 feet, except that on a cul-de-sac, curve or curvilinear street such frontage may be reduced to 35 feet minimum.
- (g) The minimum side setback between a structure and a property line shall be three (3) feet, or six(6) feet to an existing structure on an adjoining lot, whichever is greater, and the total of both side setbacks shall not be less than 12 feet.
- (h) The minimum rear setback between any structure and a rear property line shall be 10 feet unless approved otherwise by the reviewing authority.
- (i) The front yard setback from a building to the property line shall be 20 feet unless required otherwise by this Subsection.
- (j) The maximum building height for any structure permitted in conjunction with a use permitted by this section shall be 35 feet, unless a lesser height is required for compliance with standards set forth by the (AA) overlay zone, or as otherwise approved by the reviewing authority.

(7) Sign Limitations. In addition to standards set forth by this ordinance, by applicable City or County Sign Codes, or by regulations set forth by any other appropriate agency, in an A-M Zone, the following sign limitations shall apply:

- (a) Except as approved otherwise by the City for any use permitted by this section, the total area of all signs shall not exceed 120 square feet, no free standing sign shall exceed 32 square feet and a height of 20 feet, no sign exceeding ten (10) square feet of area and four (4) feet in height shall be located upon the roof of any building and the total height thereof shall not exceed 35 feet, and no sign shall exceed 15% of the area of the wall it is attached to.
- (b) No sign shall be located within or protrude into a street right-of-way, and no sign shall flash or move, or be illuminated between the hours of 10:00 p.m. and 7:00 a.m., unless otherwise approved by the City.

Section 3.160. A-M Zone; (7) Sign Limitations; Contd.

- (c) On any premises accommodating a use permitted by this section, there shall not be more than one free standing sign, plus not more than one building sign per business or other enterprise; Such does not include onsite directional signs, however, no such sign shall exceed 4 square feet of sign area or exceed 4 feet in height.
- (d) No sign shall be permitted which is determined to be hazardous to airport or aircraft operations, particularly aircraft takeoff and landing operations.

(8) Off-Street Parking and Loading, and Access Requirements and Limitations. In an A-M Zone, limitations and requirements for off-street parking, loading and access shall be provided in accordance with the provisions of this Subsection and Article 4 of this Ordinance.

- (a) Unless approved otherwise by the reviewing authority, all parking demand created by any use permitted by this section shall be accommodated on the subject premises entirely off street or off the serving taxiway, including parking for employees, patrons, customers, clientele, visitors, etc.
- (b) No use permitted by this section shall require the backing of auto vehicular traffic onto a public or private street or road right-of-way, or onto a taxiway, to accommodate ingress or egress to any use of the premises thereof.
- (c) It is the intent of this section that no use approved pursuant hereto shall access directly onto the serving State Highway (i.e. an Arterial). Ingress and egress for uses permitted under this Section shall utilize existing or future lower order roads in the area, and if necessary to meet this requirement, permitted uses shall provide for shared ingress and egress, and/or the construction of marginal access roads.

(9) Minimum Landscaping Requirements. A minimum level of landscaping in accordance with the provisions set forth in Article 4 of this Ordinance may be required for all new development in the A-D Zone, and it shall be the intent of this zone to approve development which is as environmentally attractive as possible for employees, patrons and visitors to the area.

Section 3.160. A-M Zone; Contd.

(10) Design and Use Criteria. In the consideration of an application for a proposed use in an A-M zone, the reviewing authority shall take into account the impact of the proposed use on the Airport and on nearby commercial and industrial uses, on resource carrying capacities, on the capacity of transportation and other public facilities and services, and on the appearance of the proposal. In approving a proposed use, the reviewing authority shall find that:

- (a) Proposal is in compliance with the Comprehensive Plan, and more specifically with the Airport Layout Plan.
- (b) Proposal is in compliance with the intent and provisions of this ordinance and more particularly with this section.
- (c) That identifiable social, economical, physical or environmental impacts are minimized or effectively mitigated.
- (d) Proposal is in compliance with applicable State Aeronautics and FAA regulations.

(11) Additional Requirements. As a condition of approval of any use proposed within a this zone, the reviewing authority may require:

- (a) Increases in required setbacks and/or reduced height limitations.
- (b) The use of special noise insulation, glare resistant exteriors, and other special construction requirements.
- (c) Limitations on signs or lighting, time of operations, and points of ingress and egress.
- (e) Additional landscaping, screening, fencing and other improvements; Sight obscuring fencing shall be considered and may be required along property lines bordering serving Arterials or Collectors.
- (f) Any other conditions considered necessary to protect the future use and development of the Airport and the adjoining areas.

Section 3.170. Open Space-Park Reserve, P-R Zone. In a P-R Zone, the following regulations shall apply:

(1) Purpose. The purpose of the P-R Zone is to protect and provide resources within the City and the surrounding urban area considered important for recreation, open space and quality of living amenities, and to limit development in those areas considered environmentally sensitive that also have some open space qualities such as, but not limited to, areas with extreme slopes, wetlands, waterways, riparian habitats, etc.

(2) Uses Permitted Outright. In a P-R Zone, the following uses and their accessory uses are permitted outright:

- (a) Public park or other passive recreation area including a day use picnic area, playground, open grass covered play area, and similar uses.
- (b) Nature, hiking, jogging and bicycling trails, including exercise-fitness courses in conjunction therewith.
- (c) Normal maintenance, replacement and improvement activities for existing parks, recreation, streets and roads, and other public works facilities.
- (d) The development of parks, recreation areas and facilities, streets, roads, and other public works facilities that were adopted as part of a Plan element and/or a separate Plan document directly related thereto prior to the effective date of this Ordinance, or such development approved as part of an overall development plan in compliance with this Ordinance.
- (e) Utility lines necessary for public service, limited to those underground, except in the case of the replacement, maintenance, and/or upgrading of existing overhead facilities, and if underground is physically unreasonable.
- (f) Farming and farm use, excluding structures.

(3) Conditional Uses Permitted. In a P-R Zone, the following uses and their accessory uses are permitted when authorized in accordance with the provisions of this Section and Article 6 of this Ordinance:

(a) Type I Conditional Uses:

(A) Removal, fill and riprap activities directly related to a stream bank restoration project, and subject to applicable State and/or Federal requirements.

(B) Temporary dike and other structural work for emergency flood protection, limited to 90 days and subject to all applicable State and Federal requirements.

Section 3.170. P-R Zone; (3)(a) Type I Conditional Uses; Contd.

(C) Vegetative shoreline restoration and stabilization projects subject to applicable State and Federal requirements.

(D) Projects involving active restoration of fish and wildlife habitat or water quality subject to applicable State and Federal requirements.

(E) Tree and other riparian habitat alteration and removal subject to applicable State and Federal requirements.

(F) The expansion of an existing use permitted by this zone by not more than 10 percent, either in terms of land and/or facility area.

(G) Farm structures.

(b) Type II Conditional Uses:

(A) Public and private campgrounds or recreation vehicle (RV) parks.

(B) Public or private museums or other historical display or exhibit areas and/or facilities.

(C) Organizational and/or educational camps, public, private or semi-public.

(D) Public or private active recreation facilities.

(E) Permanent dike and other structural work for flood and/or streambank protection purposes.

(F) Churches and community or organizational meeting halls, including buildings and uses common and essential to the operations thereof.

(G) Public or private schools, including buildings and uses common and essential to the operations thereof.

(H) Public or private golf courses, including pitch'n'putt and driving ranges.

(I) Submerged cable, sewer line, water line or other pipeline.

(J) Bridge crossings and support structures therefore.

(K) Dredging, fill, alteration or piling installations or slope/soil stabilization structures necessary for the installation of either a Type I or Type II Conditional Use listed hereinbefore.

(L) Overhead or above ground public utility lines and facilities.

(M) Public or private utility or public works facilities, including, but not limited to, water systems, sewer systems, streets, roads, substations, pumping stations, sewer lift stations, etc.

Section 3.170. P-R Zone; Contd.

(4) Dimensional Standards. In a P-R Zone, the following Dimensional Standards shall apply:

- (a) The minimum lot area shall be determined in accordance with the provisions of this Section and this Ordinance relative to yard and other setback requirements, off-street parking and loading requirements, and such additional area as deemed necessary to maintain air, water, vegetation and other natural resource quality and adjoining and area land uses.
- (b) The minimum building setback between a structure and the right-of-way line of an arterial or collector road or street shall be 50 feet except as otherwise approved by the reviewing authority.
- (c) The minimum building setback from a front property line shall be 25 feet.
- (d) A yard abutting a residential zone shall be a minimum of 20 feet, except as approved otherwise by the reviewing authority.
- (e) A side or rear yard shall be a minimum of 10 feet, except as approved otherwise by the Commission.
- (f) No building shall exceed a height of 25 feet except as approved otherwise by the reviewing authority.
- (g) The minimum setback from a waterway to protect riparian habitat shall be 25 feet except as approved or required otherwise by the City. In reviewing an application involving riparian habitat impacts or preservation, the reviewing authority shall, before issuing a final decision on the subject application, provide an opportunity for a review and evaluation thereof by the State Department of Fish & Wildlife (ODFW) and other state and federal agencies with jurisdiction over developments along waterways.

(5) Signs. In a P-R Zone, Signs are permitted in accordance with the provisions set forth by City Ordinance No. 824 as amended, or as may otherwise be set forth in this Ordinance.

(6) Use Limitations. In a P-R Zone, permitted uses shall be subject to the following limitations and standards.

- (a) Uses which are found to exceed resource carrying capacities based on "qualified" technical resource data and information shall not be permitted.

Section 3.170. P-R Zone; (6) Use Limitations; Contd.

- (b) Special project designs may be required to insure or otherwise maximize the preservation and/or protection of riparian habitats and other wildlife, public recreation or open space values.
- (c) Points of access from a public street or way to a use permitted in this zone shall be so located, constructed, maintained and controlled as to minimize traffic congestion, noise and dust pollution, and to protect scenic views and vistas.
- (d) All parking demand created by any use permitted in this zone shall be accommodated entirely on-premise or off-street on another area or adjoining area. In no case shall the location of the off-premise area require pedestrian crossing of an arterial or collector street or highway to obtain access to the subject use except as otherwise approved by the City.
- (e) No use permitted in this zone shall require the backing of traffic onto a public right-of-way to accommodate ingress or egress to the subject use unless approved otherwise by the City.
- (f) All uses permitted in this zone may be required to be screened and/or fenced from abutting residential zones and uses.

(7) Off-Street Parking and Loading. In a P-R Zone, off-street parking and loading facilities shall be provided in accordance with the provisions set forth by Article 4 of this Ordinance.

(8) Minimum Landscaping Requirements. A minimum level of landscaping in accordance with the provisions set forth in Article 4 of this Ordinance may be required for all development in the P-R Zone, and it shall be the intent of this zone to require development to be as environmentally attractive as possible for residents and visitors to the area.

(9) Design Review and Use Criteria. All uses permitted in this zone are subject to the Design Review provisions set forth in Article 4 of this Ordinance. In the consideration of an application for a proposed use in this zone, the reviewing authority shall take into account the impact of the proposed use on the open space and natural resource qualities of the area, on nearby uses, on resource carrying capacities, on the capacity of transportation and other public facilities and services, and on the appearance of the proposal.

Section 3.170. P-R Zone; Contd.

(10) Additional Requirements. As a condition of approval of any use proposed within a this zone, the reviewing authority may require:

- (a) Increases in required setbacks and/or reduced height limitations.
- (b) The preservation and/or enhancement of existing vegetative, scenic views and vistas, and other natural resources, and may even consider requirements relative to building colors, placement and maintenance.
- (c) Limitations on signs or lighting, time of operations, and points of ingress and egress.
- (e) Additional landscaping, screening, fencing and other improvements.
- (f) Any other conditions considered necessary to protect existing and future open space and other natural resource values and qualities of the area.

SECTION 3. ADD THE FOLLOWING SECTIONS TO ARTICLE 4 OF SAID CITY ORDINANCE NO. 807:

Section 4.140. Site Plan and Design Review Provisions, Procedures and Criteria.

(1) Purpose. The purpose of the design review provisions of this Ordinance is to exercise aesthetic judgment over development projects within the City in order to maintain the desirable character and living quality of the community or of specific areas within the community. The overall community character and living quality is defined by: having charm in the design of buildings; keeping buildings in scale; honoring the beauty and ecology of the City's natural setting; and recognizing that historical and natural features are an integral part of the community's overall character.

- (a) This broad purpose is furthered by the following specific purposes of design review:
 - (A) To implement the goals and policies of the Comprehensive Plan;
 - (B) To foster development that is designed, arranged and constructed in a manner that provides a safe, efficient and aesthetically pleasing community asset;
 - (C) To encourage originality and creativity in site design, architecture and landscape design;

Section 4.140. Site Plan Review; (1)(a) Purpose; Contd.

(D) To ensure that the arrangement of all functions, uses and improvements of a development reflect the natural amenities, capabilities and limitations of its site and adjacent areas;

(E) To encourage development where the various structures, use areas and site elements are integrated in a manner that is visually harmonious within the development and the surrounding area;

(F) To ensure that development maintains and strengthens the City's sense of place that is defined by its location within the Crooked River Valley with bordering rimrocks and the streamways of the Crooked River and Ochoco Creek, and in the vicinity of the Ochoco Mountains and big game hunting areas, and its historical background and settings; and

(G) To encourage development and landscape design that complements the natural landscape and setting, improves the general appearance of the community, and enhances specific elements of the manmade environment, both presently and historically.

(2) Applicability. The following uses and development shall be subject to the provisions of this Section:

- (a) All new construction or new development except for single-family residences, manufactured dwellings, mobile homes, modular homes and their accessory structures unless provided otherwise in this Ordinance.
- (b) An exterior alteration to an existing non-residential use, which has not previously been subject to design review and which are subject to regulation under the provisions of this Ordinance, except for painting, replacement of roofing and siding, and other normal maintenance and upkeep requirements which are not subject to regulation under the provisions of this Ordinance.
- (c) Any alteration of site improvements, such as the landscaping, in conjunction with an existing non-residential use which has not previously been subject to design review and are subject to regulation under the provisions of this Ordinance.
- (d) Alterations to existing structures or uses which exceed 10% of the building's or use's gross floor or land area respectively.

(3) Design Review Authority. The authority for design review is set forth as follows:

Section 4.140. Site Plan Review; (3) Review Authority: Contd.

- (a) For those uses subject to design review within the Airport A-O and A-D Zones there is hereby established a nine-member Airport Design Review Board to be comprised of the City Planning Official, the Assistant City Manager, the Superintendents of Streets and Public Works, City Fire Chief, the Airport Manager, and the nongovernment voting members of the Airport Advisory Committee.
- (b) In all other zones, the City Planning Official and/or the City Manager, and the City Superintendents of Streets and Public Works, and the City Fire Chief shall be responsible for the design review of all uses classified as Outright or Type I Conditional Uses and subject to design review as set forth in this Section and this Ordinance.
- (c) In all other zones, the City Planning Commission shall be responsible for the design review of all uses classified as Type II Conditional Uses.

Section 4.150. Engineering and Other Special Services for Development Reviews. In regards to any development proposal requiring the City to contract for engineering and/or other special technical services for the review thereof or for the design of facility expansions to serve such development, the developer may be required to pay all or part of such special services. In such cases, the choice of contract service provider shall be at the discretion of the City, the service provider shall perform the necessary services at the direction of the City, and the costs thereof shall be determined reasonable, and an estimate of such costs shall be provided to the developer prior to contracting therefore.

SECTION 4. AMEND SECTION 6.010 OF SAID CITY ORDINANCE NO. 807 TO READ AS FOLLOWS:

Section 6.010. Authorization to Grant or Deny Conditional Uses; Permit Processing, Type I and Type II Conditional Uses.

Section 6.010. Contd.

(1) Uses designated in this Ordinance as "Conditional Uses" may be permitted, enlarged or otherwise altered when authorized in accordance with the standards and procedures set forth in this Ordinance. In the case of a use existing prior to the effective date of this Ordinance, a change in use, enlargement or alteration of such use shall conform with the provisions of a conditional use is so classified. An application for a Conditional Use may be approved, modified, approved with conditions, or denied by the designated review authority.

(2) Conditional Uses set forth by this Ordinance may be classified as either a Type I or Type II Conditional Use. If such a classification is not set forth, all such uses shall be processed in accordance with the Type II processing requirements set forth hereinafter. (ORS 227.175).

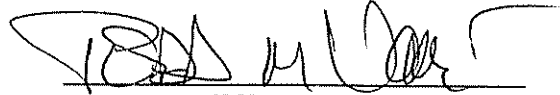
(a) Type I Conditional Uses. The City Planning Official and/or City Manager, and/or Site Plan Review Board shall, within five(5) working days of the receipt of a completed application for a Type I Conditional Use, provide individual written notice of such application to the owners of property within 100 feet of the exterior boundaries of the subject property, excluding public streets and ways, other identifiable potentially affected persons or parties including agencies and special districts, and any persons or parties specifically requesting such notice. Such notice shall provide for a minimum of ten(10) days for all such persons, parties, agencies, districts and owners to respond relative to the subject proposal. If no objection is received within said response period, the Planning Official and/or Manager may take action on the subject proposal for approval, approval with amendments, modifications and/or conditions, for denial, OR may refer the subject application to the Planning Commission for public hearing. If one or more objections are received within said response period, the subject application shall be referred to the Commission for public hearing.


(b) Type II Conditional Uses. An application for a Type II Conditional Use shall be subject to review by the Planning Commission in accordance with the public hearing requirements of this Ordinance.

SECTION 5. ENACTMENT; EMERGENCY DECLARED. Whereas the City Planning Commission has held a public hearing on the subject Ordinance and the amendments provided for thereby, and whereas the City Planning Commission has recommended approval as being necessary to comply with the applicable provisions of the City's current Zoning Ordinance No. 807 and Comprehensive Plan; and, Whereas, the City Council finds that such compliance is necessary to protect the public interests and welfare of the City, now therefore, an emergency is hereby declared, and this Ordinance shall be in full force and effect on and after its approval by the City Council and the Mayor.

APPROVED BY THE CITY COUNCIL ON THE 26th DAY OF September, 1995.

APPROVED BY THE MAYOR ON THE 26th DAY OF September, 1995.


MAYOR

ATTEST: 
CITY MANAGER/RECORDER
9-26-95
DATE