

## **CHAPTER XX.26.070 G**

### **Airport (AP) Overlay**

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**xx.26.070G.010 Intent.** The intent of the airport (AP) overlay zone district is to protect the viability of the Ione Municipal Airport as a significant resource to the community by encouraging compatible land uses and densities, and reducing hazards that may endanger the lives and property of the public and aviation users. The airport (AP) overlay zone district identifies a series of compatible use zones designed to minimize such hazards.

**xx.26.070G.020 Statutory Authority.** The Joint Airport Zoning Board (“JAZB”) was lawfully created under the Airport Zoning Act, RCW 14.12.030(2), by joint Resolutions passed, respectively, by the Council of the Town of Ione, Washington, and the Pend Oreille County Board of Commissioners (“BOCC”); the Airport Zoning Commission was lawfully created under RCW 14.12.070(2) by JAZB Resolution.

This chapter is adopted pursuant to RCW 36.70.547 and RCW 36.70A.510, as written or hereafter amended, that require a county, city or town to enact development regulations to discourage the siting of incompatible land uses adjacent to general aviation airports.

**xx.26.070G.030 Applicability.** Provisions of this chapter shall apply to all lands, buildings, structures, natural features and uses located within the airport (AP) overlay zone district as depicted in the Airport Airspace Plan drawings included in Chapter 6 of the 2009 Airport Layout Plan (“ALP”) Update for the Ione Municipal Airport, which are incorporated by reference as though fully set forth herein, except that the provisions of this chapter shall not apply to any use that is defined by federal or State regulatory guidance as an aviation use. All uses and activities are at all times subject to the zoning regulations in effect for the underlying zoning district. Where the requirements and restrictions imposed by the airport (AP) overlay zone district conflict with the requirements of the underlying zoning district, the more restrictive requirements shall be applied.

**xx.26.070G.040 Description of Airport Runways.** The Town of Ione, Washington, owns the Ione Municipal Airport (“Robert Houston Davis Airport”), Site 26240.5A, WSDOT Aviation ID S23, a general purpose public airport located in northern Pend Oreille County approximately two miles south of the Town of Ione, which provides a single paved and lighted aircraft runway, designated in Chapter 2 of the ALP as Runway 15/33, which is

4,059 feet long by 45 feet wide, oriented in a northwest - southeast alignment, and which is in operation under day and night visual rules ("VFR"). Runway 15/33 does not currently have instrument approach capabilities.

**xx.26.070G.050 Description of Overlay Zone.** An airport (AP) overlay zone district is hereby created that is comprised of five compatible use zones. The compatible use zones are established to carry out the provisions of this chapter and to promote land use compatibility on lands within, adjacent to and in the vicinity of the Ione Municipal Airport. The five compatible use zones, as determined by the overlay drawings delineated in Chapter 6 of the ALP, consist of the following:

- a. Zone 1: Runway Protection Zone.
- b. Zone 2: Inner-Approach/Departure Zone.
- c. Zone 3: Inner Turning Zone.
- d. Zone 4: Outer Approach/Departure Zone.
- e. Zone 5: Sideline Zone.

**xx.26.070G.060 Preexisting Uses.**

a. Nothing contained herein shall require any change in the construction or alteration of any structure, if the construction or alteration of such was vested by recorded final plat or approved building permit prior to the effective date of this chapter.

b. Destruction. The owner of any preexisting use or structure legally constructed prior to the effective date of this chapter which, as a result of fire, explosion or other casualty is destroyed, shall be allowed to rebuild, reconstruct or rehabilitate the same preexisting use of the same size (gross square feet) on the same parcel, provided the use complies with the following:

- (1) The use complies with the height standards of the underlying zoning district;
- (2) The use is permitted in the underlying zoning district.

c. Expansion of Preexisting Uses. Any preexisting use legally constructed prior to the effective date of this chapter may be expanded, altered or otherwise enlarged if the use meets the following:

- (1) The use is not listed as a prohibited use by other sections of this chapter;
- (2) The use complies with the standards set forth in 26.070G.080;

- (3) The use complies with the height standards of the underlying zoning district;
- (4) The use is permitted in the underlying zoning district.

**xx.26.070G.070 Prohibited Uses within Compatible Use Zones.** Uses listed in this section are prohibited, except for those uses permitted pursuant to 26.070G.060. A use or building is deemed to be within the applicable compatible use zone if any portion of the use or building touches or extends into the applicable zone. The mere application of the zone on a tract of land upon which such use or building is located or proposed to be located shall not prohibit otherwise authorized development on the portion of the tract outside of the zone.

a. Zone 1 - Runway Protection Zone - Prohibited Uses.

- (1) Residential dwellings;
- (2) Storm water wet ponds;
- (3) Active recreational facilities (defined for the purposes of this chapter as leisure activities, usually performed with others, often requiring equipment and taking place at prescribed places, sites or fields. The term “active recreation” includes, but is not limited to, swimming, tennis, basketball and other court games, baseball, football or other field sports, golf and playground activities);
- (4) Schools, preschool/child care facilities, child day care centers, churches, hospitals, senior housing facilities, rest homes and group foster homes;
- (5) Uses that:
  - (a) Create lighting that diminishes the ability of pilots to distinguish between airport lights and non-airport lights;
  - (b) Create electrical interference with navigational signals or radio communication between the airport and aircraft;
  - (c) Create dust, smoke or other emissions that result in impairment of visibility for pilots.

b. Zone 2 - Inner-Approach/Departure Zone - Prohibited Uses.

- (1) Multifamily dwellings;
- (2) Active recreational facilities;
- (3) Schools, preschool/child care facilities, child day care centers, churches, hospitals, senior housing facilities, rest homes and group foster homes;
- (4) Uses that:
  - (a) Create lighting that diminishes the ability of pilots to distinguish between airport lights and non-airport lights;
  - (b) Create electrical interference with navigational signals or radio communication between the airport and aircraft;

- (c) Create dust, smoke or other emissions that result in impairment of visibility for pilots.

c. Zone 3 - Inner Turning Zone - Prohibited Uses.

- (1) Multifamily dwellings;
- (2) Active recreational facilities;
- (3) Schools, preschool/child care facilities, child day care centers, churches, hospitals, senior housing facilities, rest homes and group foster homes;
- (4) Uses that:
  - (a) Create lighting that diminishes the ability of pilots to distinguish between airport lights and non-airport lights;
  - (b) Create electrical interference with navigational signals or radio communication between the airport and aircraft;
  - (c) Create dust, smoke or other emissions that result in impairment of visibility for pilots.

d. Zone 4 - Outer Approach/Departure Zone - Prohibited Uses.

- (1) Multifamily dwellings;
- (2) Schools, preschool/child care facilities, child day care centers, churches, hospitals, senior housing facilities, rest homes and group foster homes;
- (3) Uses that:
  - (a) Create lighting that diminishes the ability of pilots to distinguish between airport lights and non-airport lights;
  - (b) Create electrical interference with navigational signals or radio communication between the airport and aircraft;
  - (c) Create dust, smoke or other emissions that result in impairment of visibility for pilots.

e. Zone 5 - Sideline Zone - Prohibited Uses.

- (1) Multifamily dwellings;
- (2) Schools, preschool/child care facilities, child day care centers, churches, hospitals, senior housing facilities, rest homes and group foster homes;
- (3) Uses that:
  - (a) Create lighting that diminishes the ability of pilots to distinguish between airport lights and non-airport lights;
  - (b) Create electrical interference with navigational signals or radio communication between the airport and aircraft;
  - (c) Create dust, smoke or other emissions that result in impairment of visibility for pilots.

**xx.26.070G.080 Development Standards.** Development standards are necessary to protect the health, safety, welfare and quality of life of the general public, property owners, airport operators, and aviation community, and also to ensure compatible land uses in the vicinity of the airport. Development standards imposed within the airport overlay zone district are in addition to the development standards of the underlying zoning district. Where standards imposed by the airport overlay zone district conflict with the standards of the underlying zoning district, the more restrictive standard shall be applied. Mixed use development that proposes both residential and nonresidential uses must meet applicable standards in both subsections below.

a. Residential standards. Residential land divisions, otherwise permitted by Pend Oreille County land use regulations, located within compatible use zones 3, 4 or 5 shall meet the following standards:

(1) The land division is approved as a clustered development with the residential lots located as far away from the runway centerline as possible.

(2) An open space area is provided on the project site. The purpose of this open space area is to provide sites that are suitable for emergency landing of aircraft. The required minimum size of this open space area is one-half acre or ten percent of the gross site area, whichever is greater. This open space area may be used to fulfill other applicable open space/park requirements for residential developments; provided, that active recreation facilities and above ground storm water ponds and infiltration facilities shall not be located in this open space area. This open space area should be contiguous to other open space areas within or adjacent to the project site, and may include wetlands and their buffers and other critical areas.

b. Nonresidential Standards. All nonresidential developments and uses shall meet the following intensity standards; provided, however, that these standards do not apply to preexisting uses as described in 26.070G.060b. The building code as adopted by Pend Oreille County shall be used for determining the building occupant load factor. For developments proposing two or more uses, the calculation must incorporate the occupant load factor and acreage for the entire development. For development involving land or buildings split by a compatible use zone boundary, only that portion of the land or building(s) located within the compatible use zone shall be subject to the standards below.

(1) Zone 1: twenty people per acre maximum;

(2) Zone 2: sixty people per acre maximum;

(3) Zone 3: one hundred twenty-five people per acre maximum;

(4) Zone 4: one hundred thirty-five people per acre maximum;

(5) Zone 5: one hundred fifty people per acre maximum.

People per acre shall be calculated as follows:

Step 1. Building size (gross square feet) divided by occupant load factor (square feet per occupant as set forth in the building code) equals maximum building occupancy.

Step 2. For retail and office uses only: maximum building occupancy multiplied by 0.50 equals adjusted maximum building occupancy.

Step 3. Maximum building occupancy divided by gross site acreage equals people per acre.

Note: A parking structure shall be excluded from the calculation unless the structure is the primary use of the site.

c. Flammable and Combustible Materials. Flammable and combustible liquids and specifications for fuel storage shall be in accordance with the fire code, as adopted by Pend Oreille County.

d. Noise Insulation. Noise insulation for new structures shall be in accordance with the building code as adopted by Pend Oreille County.

e. Disclosure Statement. A disclosure statement shall be recorded with the Pend Oreille County auditor for subdivisions, short subdivisions, binding site plans and building permits for any new building or expansion of an existing building located within the airport overlay zone district. The disclosure statement shall state that the property is located within the airport overlay zone district in which a variety of aviation activities occur, which may include but are not limited to: noise, vibration, chemicals, odors, hours of operation and other associated activities.

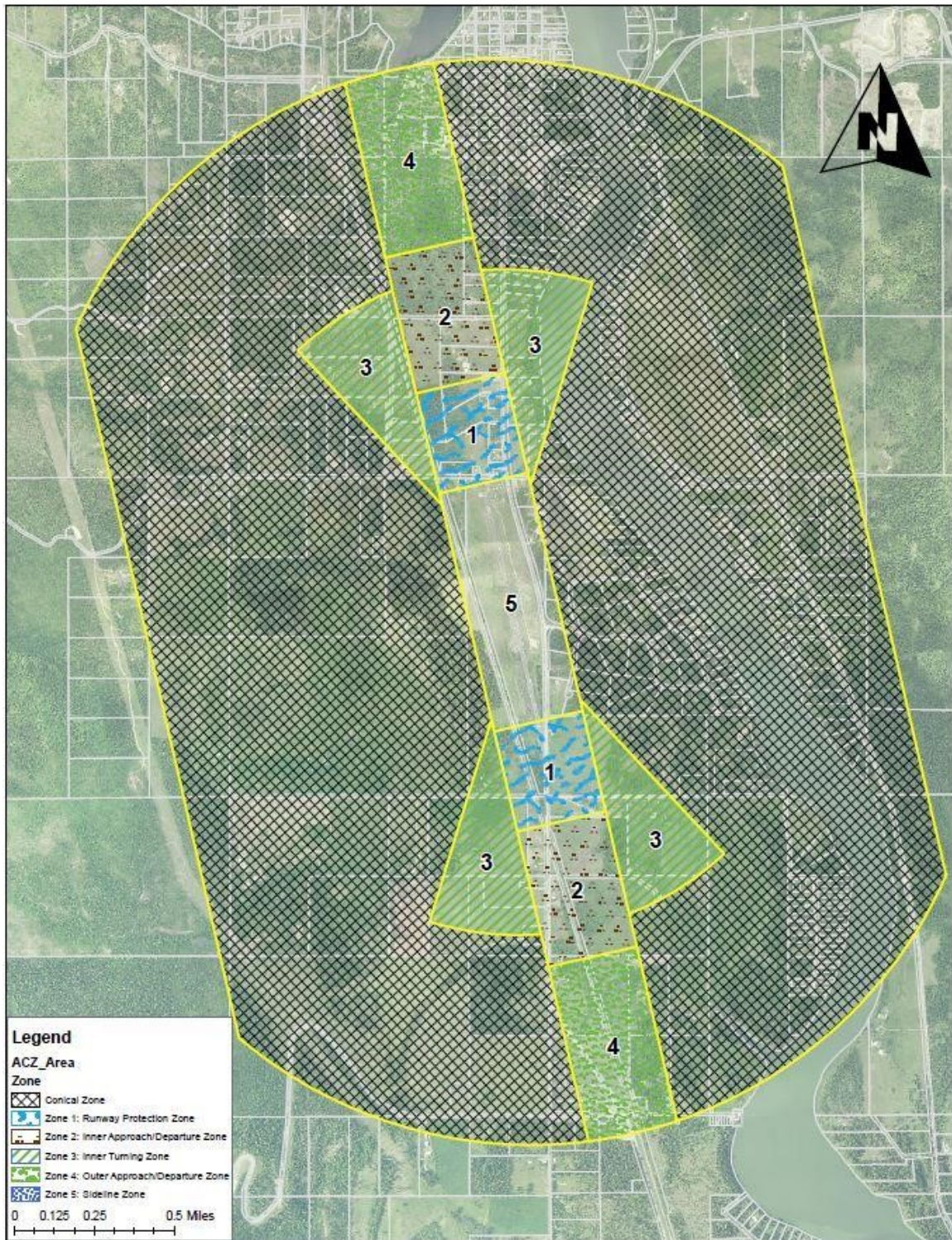
f. Land Divisions.

(1) A new lot proposed to be created by a land division shall not result in an increase in intensity on the newly created lot when the existing lot contains a nonresidential use that exceeds the intensity standards of subsection b of this section.

(2) A nonresidential use that complies with the intensity standards of subsection b of this section may proceed with a land division if the new lot to be created contains adequate gross site acreage such that the use of the new lot also meets the intensity standards of subsection b of this section.







Airport Overlay Zone - Figure 26.070G.050