

Appendix D

Land Use Supplemental Materials

This appendix includes the following supplemental materials to support the airport master plan land use analysis.

- Excerpts from the San Juan County Unified Development Code that pertain to airports.
- *WSDOT Airports and Compatible Land Use Guidebook* Appendix J – Comprehensive Plan Goals and Policies

San Juan County Unified Development Code Excerpts

18.35.150 Airport overlay district.

A. Purpose. To implement the policies of the Comprehensive Plan for airport overlay districts and the directives of Revised Code of Washington(RCW) [36.70.547](#) and [36.70A.510](#). The airport overlay district is intended to protect the public health, safety and welfare, to recognize and protect those areas devoted to public-use aviation and associated activities from airspace obstructions or hazards, and to promote compatibility between airport uses and land uses and activities in the airport vicinity and environs.

B. Applicability.

1. The airport overlay district shall include the areas that are within aircraft accident safety zones, and FAA airspace zones, if applicable, as depicted on the official maps, and any additional administrative area that is included in a district.

2. All project and development permits, subdivisions, binding site plans, and planned unit developments within the designated limits of an airport overlay district as shown on the official maps shall be subject to the regulations of this section and to the applicable performance standards in San Juan County Code (SJCC) [18.40.030](#) et seq.

3. If there is any conflict between regulations of an airport overlay district and regulations of the underlying land use designation, the more restrictive regulations shall apply.

C. Aircraft Accident Safety Zones. These zones include the lands within the runway protection zone (zone 1), inner safety zone (zone 2), inner turning zone (zone 3), outer safety zone (zone 4), sideline safety zone/airport development zone (zone 5), and traffic pattern zone (zone 6), which are defined in Chapter [18.20](#) SJCC.

D. Allowable Uses. The performance standards of SJCC [18.40.030](#) et seq. for airports and airport districts further limit and regulate the allowable and prohibited uses that are listed in Chapter [16.55](#) SJCC, the Eastsound Subarea Plan, and in Tables 18.30.030 and 18.30.040 for the underlying land use districts. Airport district ordinances may supplement these provisions for allowable uses. (Ord. [25-2012](#) § 16; Ord. 5-2002 § 3; Ord. 14-2000 § 7(DDD); Ord. 2-1998 Exh. B § 3.6.11. Formerly 18.30.180)

18.40.030 Airports.

A. Height Limitation. No structure, vegetation, or obstruction of any kind shall be built, placed, hung, or allowed to grow so that any part exceeds the height as provided in the zone areas and surfaces established in this subsection, unless otherwise specified on an adopted airport district overlay designation. Where an area is subject to more than one height limitation, the lower limitation shall apply. The height restriction for each zone is as follows:

1. Approach Zone. As may be allowed without penetrating the imaginary surface described in the definition of approach surface in Chapter [18.20](#) SJCC.

2. Transitional Zone. As may be allowed without penetrating the imaginary surface described in the definition of transitional surface in Chapter [18.20](#) SJCC.

3. Horizontal Zone. As may be allowed without penetrating the imaginary surface described in the definition of horizontal surface in Chapter [18.20](#) SJCC.

4. Conical Zone. As may be allowed without penetrating the imaginary surface described in the definition of conical surface in Chapter [18.20](#) SJCC.

B. Hazards for Airports. The following standards apply to airports in addition to the standards in subsection (A) of this section.

1. Distances of Rights-of-Way from Primary Surface. All private and public road rights-of-way must either (a) be set back a minimum of 200 feet from the end of the primary surface as measured parallel to the extended runway centerline or (b) must allow a minimum of 10 feet clearance between the road rights-of-way and approach surface. In addition, road rights-of-way must be set back a minimum of 200 feet from the extended runway centerline, as measured perpendicular thereto.

2. Lights. No searchlight, beacon light, or other glaring light shall be used, maintained, or operated within the approach, transitional, or horizontal zones in such a way as to cause a visual hazard to normal aircraft operations.

3. Smoke or Haze. Any land use or activity that produces smoke or haze to a degree that would interfere with normal aircraft operations is prohibited.
4. Bird Hazard. Any land use or activity that produces a bird-strike hazard for normal aircraft operations is prohibited.
5. Public Assemblies. Any land use that causes or encourages people to assemble in large numbers, including medium- and high-density residential uses (greater than one dwelling unit per two acres), commercial uses requiring more than 10 parking spaces or an equivalent degree of traffic generation, and campgrounds (having more than three campsites per acre), is prohibited in the approach and transitional zones designated by an airport district overlay.
6. Noise. Any land use that requires a low background noise level and which would be adversely affected by a noise impact greater than the noise exposure forecast level projected for the airport vicinity for the year of application, including auditoriums, schools, churches, hospitals, and concert halls, is prohibited in the approach and transitional zones designated by an airport district overlay.
7. Marking and Lighting. Notwithstanding this subsection, the owner of any existing nonconforming structure or tree is required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Federal Aviation Administration (FAA) to indicate the presence of such airport hazards. Such markers and lights shall be installed, operated, and maintained at the expense of the airport served.
8. FAA Restrictions.
 - a. All development must comply with the Federal Aviation Regulations (FAR) Part 77, relating to heights of land uses proximate to airports and protection of airspace critical to airport operations.
 - b. All development must comply with the FAA Advisory Circular 150/5370-10, *Standards for Specifying Construction on Airports*.

C. Permit Restrictions.

1. No permit shall be granted that would:
 - a. Allow the establishment or creation of an airport hazard;
 - b. Authorize any use or activity that would result in the siting of an incompatible use adjacent to an airport (Chapter [36.70](#) RCW); or
 - c. Permit a nonconforming structure or use to be made larger or to become higher or become a greater hazard to air navigation than it was when this code was adopted.
2. Additional or new commercial aircraft operations at an airport constitute an expansion of use subject to conditional use permit requirements of this code. (Ord. 2-1998 Exh. B § 4.3)

18.40.031 General standards for airport overlay districts.

A. Incompatible Uses. Any land use or activity or density that is prohibited by or cannot meet the performance standards in SJCC [18.40.030](#) and the standards in SJCC [18.40.032](#) et seq., for the appropriate district is an incompatible use adjacent to an airport and is prohibited.

B. Permit Restrictions.

1. All development, land divisions, and binding site plans within an adopted airport overlay district must comply with the requirements of SJCC 18.35.150 and with the performance standards in SJCC

18.40.030 et seq. for the appropriate district. The administrator shall condition or deny an application that does not so comply.

2. Applications for development and subdivision in an airport overlay district shall clearly indicate the applicable aircraft accident safety zone, and height overlay district zone, if applicable, in which the parcel or project is located. (Ord. 5-2002 § 4)

18.40.040 Airfields and airstrips.

A. Standards.

1. No aircraft except those of the airfield or airstrip owners shall be stored at any airfield or airstrip. If hangars are proposed for aircraft storage, they shall be only for the noncommercial use of the aircraft owner(s).

2. No commercial activity shall be allowed. The owner of an airfield or airstrip may allow commercial carriers to land on a regular basis for the purpose of delivering mail or freight to an island and may allow nonscheduled charter flights to land, but no freight distribution facilities or other commercial service shall be conducted.

3. In any application for a new or expanded airfield or airstrip, the applicant is required to demonstrate that:

a. The proposed use cannot be accommodated by existing facilities or planned expansions to existing facilities;

b. The safety of persons and property on the ground will be assured;

c. The traffic pattern is approved by the FAA prior to permit application and, if required by the County, marked on the ground prior to operation in accordance with FAA standards for segmented circle marker systems;

d. Traffic patterns shall minimize noise impacts on nearby properties; and

e. Drainage will be controlled so that pollutants and sediments will not be carried into waterbodies or onto adjacent properties. (See SJCC 18.60.060 and 18.60.070.)

4. Signs may be required in order to post noise control requirements for departures.

5. Aircraft operations that have not been established prior to the effective date of this code shall be allowed only between 7:00 a.m. and dusk.

B. Standards for Nonconforming Airfields and Airstrips. The following standards apply to all airfields and airstrips made nonconforming by adoption of this code:

1. Nonconforming airfields and airstrips are deemed abandoned if aircraft operations cease for any period of 24 consecutive months.

2. Aircraft operations are only allowed between the hours of 7:00 a.m. and dusk.

C. Standards for the Alteration or Expansion of Airfields and Airstrips. Additional or new commercial aircraft operations at airfields and airstrips constitute an expansion of use. An increase in the number of owners or legal beneficiaries of rights to the use of an airfield or airstrip constitutes an expansion subject to the use regulations for the applicable land use district (Tables 18.30.030 and 18.30.040).

1. An alteration or expansion that would result in increased aircraft activity, conflict with the purpose of the applicable land use district, or cause increased adverse impacts to surrounding areas is prohibited.

2. For other minor, low-impact changes (see Table 8.2, SJCC 18.80.090) the administrator may apply conditions appropriate to ensure that such uses have minimal adverse impacts. (Ord. 2-1998 Exh. B § 4.4)

The following example goals/policies are offered to assist local communities in the development or amendment of comprehensive plans. The sample language may be used in whole or in-part as needed to reach community objectives and promote aviation as a significant resource within Washington State. We recommend that local jurisdictions insert policy language into several sections of their comprehensive plan including sections for general land use, capital facilities, economic development, essential public facilities and the transportation element.

- Protect the viability of the airport as a significant economic resource to the community by encouraging compatible land uses, densities, and reducing hazards that may endanger the lives and property of the public and aviation users.
- Encourage the protection of the (Name) Airport from adjacent incompatible land uses and/or activities that could impact the present and/or future use of the airport as an Essential Public Facility (EPF), endanger the lives of people on the ground and/or promote inadvertent growth of incompatible land uses. Incompatible land uses may include residential, multi-family, height hazards, uses that attract large concentrations of people, wildlife hazards, and special uses such as schools, hospitals and nursing homes, and explosive/hazardous materials.
- Coordinate the protection of the (name) Airport with (adjacent county or city) by developing consistent development regulations that utilize WSDOT Aviation Airport and Land Use Compatibility guidelines and other best management practices for encouraging compatible land uses adjacent to (name) airport(s).
- Promote the safe operation (Name of aviation facilities) by encouraging compatible land uses and activities, and discouraging uses or activities that will impede safe flight operations or endanger the lives of people on the ground.
- Encourage open space/clear areas and utilize zoning criteria within key safety areas adjacent to the airport to facilitate protection of the airport as an essential public facility, and reduce safety risk exposure to people on the ground and in the air. Applicable criteria may include promoting cluster development to promote open space/clear areas, locating structures away from the extended centerline of the runway, discouraging public assembly, transfer of development rights and other applicable strategies. When possible promote contiguous open space parcels, especially in areas with smaller parcel size configurations.
- Within the Airport Influence area a notice to title/disclosure statement should be required for new or substantial redevelopment of lots, buildings, structures, and activities. The notice should indicate that the property is located adjacent to the (name) airport and may experience low overhead flights, odor, vibrations, noise and other similar aviation impacts.
- Discourage the siting of uses adjacent to airports that attract birds, create visual hazards, discharge any particulate matter in the air that could alter atmospheric conditions, emit transmissions that would interfere with aviation communications and/or instrument landing systems, or otherwise obstruct or conflict with aircraft patterns, or result in potential hazards to aviation.

- Encourage the adoption of development regulations that protect the airport from height hazards by developing a Height Overlay District that will prohibit buildings or structures from penetrating the Federal Aviation Regulations (FAR) Part 77 “Imaginary Surfaces”.
- Ensure that the (name) Airport is protected from incompatible uses consistent with WSDOT Aviation Airport and Land Use Compatibility guidelines and best management practices.
- Recognize (name of airport) as an essential public facility and discourage land uses that may promote incompatible development adjacent to the (name) airport.
- Develop criteria, standards and compatible land use designations that will protect the airport and aviation uses from incompatible development by adopting a combination of zoning techniques including compatible zoning districts, overlay districts, and development siting criteria for evaluating uses or activities in key areas adjacent to the airport.
- Identify, preserve, and enhance, through interjurisdictional planning, goals, policies and development regulations that promote significant regional transportation linkages and multimodal connections to and from aviation facilities and employment centers.
- Encourage economic development opportunities and aviation related uses adjacent to airports and promote the efficient mobility of goods and services region-wide consistent with the economic development element and the regional transportation strategy.
- Evaluate all proposed amendments to the comprehensive plan, capital facilities plan and/or urban growth area (UGA) that will increase incompatible land uses or potential of incompatible development adjacent to the airport through inappropriate land use or zoning designations and/or inadvertent land use policies.