

CHAPTER 18.70

AIRPORT HAZARD ZONING

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18.70.010: Definitions: Words used in this chapter have the definitions given below unless the context clearly indicates otherwise.

- (1) "Airport". Vista Field Airport.
 - I. "Airport Elevation." Airport elevation is 531 feet above mean sea level.
- (3) "Approach Surface". A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section 18.70.030. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.
- (4) "Approach, Transitional, Horizontal, and Conical Zones". These zones are set forth in Section 18.70.020.
- (5) "Board of Adjustment". The existing Zoning Board of Adjustment.
- (6) "Conical Surface". A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
- (7) "Hazard to Air Navigation". An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.
- (8) "Height". For the purpose of determining the height in all zones set forth in this Chapter and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.
- (9) "Horizontal Surface". A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zones.
- (10) "Nonconforming Use". Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this Chapter or an amendment thereto.
- (11) "Obstruction". Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section 18.70.030.
- (12) "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 that runway.

The width of the primary surface is set forth in Section 18.70.020. The elevation of any point on the primary surface is the same as the elevation of the nearest point of the runway centerline.

(13) "Runway". A defined or planned area on the airport prepared for the landing and takeoff of aircraft along its length.

(14) "Structure". An object, including a mobile object, constructed or installed by man, including but not without limitation, buildings, towers, cranes, smokestacks, earth formations, and overhead transmission lines.

(15) "Transitional Surfaces". These surfaces extend outward at ninety degree (90_) angles to the runway centerline and the runway centerline extended at a slope of seven (7') feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces.

(16) "Utility Runway". A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

(17) "Visual Runway". A runway intended solely for the operation of aircraft using visual approach procedures. (Ord. 3783 Sec. 1 (part), 1998; Ord. 3422 Sec. 1, 1992; Ord. 3418 Sec. 1, 1992; Ord. 3359 Sec. 1, 1991; Ord. 3001 Sec. 26 (part), 1986; Ord. 2807 Sec. 1 (part), 1984; Ord. 2545 Sec. 1, 1980; Ord. 2533 Sec. 1, 1980; Ord. 2176 Sec. 1 (part), 1978)

18.70.020: Airport Zones And Height Limitations: In order to carry out the provision of this Chapter, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to Vista Field Airport. Such zones are shown on the Vista Field Airport Airspace Drawing consisting of one sheet which is attached to this Chapter and made a part hereof. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

(1) Utility Runway Visual Approach Zone. The inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

(2) Transitional Zones. The transitional zones are the areas beneath the transitional surfaces.

(3) Horizontal Zones. Horizontal zones are hereby established by swinging arcs of 5,000 feet radii from the center of each end of the primary surface, for all runways designated as utility or visual, and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

(4) Conical Zone for Instrument and Non-Instrument Runway is hereby established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet. The conical zone does not include the approach, transition and horizontal zones. (Ord. 3783 Sec. 1 (part), 1998; Ord. 3001 Sec. 26 (part), 1986; Ord. 2807 Sec. 1 (Part), 1984; Ord. 2176 Sec. 1 (part), 1978)

18.70.030: Airport Zone Height Limitations: Except as otherwise provided in this Chapter, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this Chapter to a height in excess of the applicable height herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

- (1) Utility Runway Visual Approach Zone. Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
- (2) Transitional Zones. Slopes seven (7') feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface, and extending to a height of one hundred fifty (150') feet above the *airport elevation*. In addition to the foregoing, there are established height limits sloping seven (7') feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface.
- (3) Horizontal Zone. Established at one hundred fifty (150') feet above the established *airport elevation*.
- (4) Conical Zone. Slopes twenty (20') feet outward for each foot upward beginning at the periphery of the horizontal and at one hundred fifty (150') feet above the airport elevation and extending to a height of three hundred fifty (350') feet above the airport elevation. (Ord. 3783 Sec. 2, 1998)

18.70.040: Use Restrictions: Notwithstanding any other provisions of this Chapter, no use may be made of land or water within any zone established by this Chapter in such a manner as to create electrical interference with navigational signals or radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport. (Ord. 3783 Sec. 1 (part), 1998; Ord. 3001 Sec. 26 (part), 1986; Ord. 2807 Sec. 3 (part), 1984; Ord. 2176 Sec. 1 (part), 1978)

18.70.050: Nonconforming Uses: See KMC 18.60.010 through 18.60.050. (Ord. 3001 Sec. 26 (part), 1986; Ord. 2807 Sec. 3 (part), 1984; Ord. 2176 Sec. 1 (part), 1978)

18.70.060: Marking And Lighting: The owner of an existing nonconforming structure or tree must permit the installation, operation and maintenance of any markers and lights deemed necessary or prudent by the Director. All markers and lights will be installed, operated and maintained at the expense of the owner of the marker. (Ord. 3001 Sec. 26 (part), 1986; Ord. 2807 Sec. 3 (part), 1984; Ord. 2176 Sec. 1 (part), 1978)

18.70.070: Permits:

(1) Future Uses. Except as specifically provided in a, b, and c hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established and no tree shall be planted in any zone hereby created unless a permit therefor shall have been applied for and granted. Each permit application shall include a site plan and a completed FAA Form 7460-1 *Notice of Proposed Construction or Alteration* which are to be submitted to the City of Kennewick Planning Department for review and analysis. Additional copies shall be forwarded to the Federal Aviation Administration (FAA), the Washington State Department of Transportation (WSDOT) and the existing Airport Manager. The documentation should indicate the purpose for which the permit is desired, with sufficient particularity to determine whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this Chapter shall be granted unless a variance has been approved in accord with Subsection 18.70.070(4).

- (a) In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
- (b) In areas lying within the limits of the approach zones but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.
- (c) In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal, no permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this Chapter except as set forth in Section IV, 6.

(2) Existing Uses. No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation, than it was on the effective date of this Chapter or than it is when the application for a permit is made.

(3) Nonconforming Uses Abandoned or Destroyed. Whenever the Director determines that a nonconforming tree or structure has been abandoned or more than sixty (60%) percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

(4) Variances. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this Chapter, may apply to the Board of Adjustment for a variance. The application for a variance from such regulations shall be accompanied by a determination from the FAA, the WSDOT and the existing Airport Manager as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances may be allowed where it is duly found that literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this Chapter.

Additionally, no application for variance to the requirements of this Chapter may be considered by the Board of Adjustment unless a copy of the application has been furnished to the FAA and WSDOT for advice as to the aeronautical effects of the variance. If either agency does not respond to the application within thirty (30) days after receipt, the Board of Adjustment may act on its own to grant or deny said application.

(5) Obstruction Marking and Lighting. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Chapter and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the Board of Adjustment, this condition may be modified to require the owner to permit the Port of Kennewick, at its own expense, to install, operate, and maintain the necessary markings and lights.

(Ord. 3783 Sec. 1 (part), 1998: Ord. 3001 Sec. 26 (part), 1986: Ord. 2807 Sec. 1 (part), 1984: Ord. 2176 Sec. 1 (part), 1978)

18.70.080: Enforcement: Applications for permits and variances must be made to the Director of Planning who will also enforce the provisions of this chapter. (Ord. 3661 Sec. 2 (part), 1995: Ord. 3001 Sec. 26 (part), 1986: Ord. 2807 Sec. 1 (part), 1984: Ord. 2176 Sec. 1 (part), 1978)

18.70.090: Appeals: See Section 18.89.110. (Ord. 3099 Sec. 1, (part), 1987: Ord. 3001 Sec. 26 (part), 1986: Ord. 2807 Sec. 3 (part), 1984: Ord. 2176 Sec. 1 (part), 1978)

18.70.100: Judicial Review: See Section 18.89.110. (Ord. 3001 Sec. 26 (part), 1986: Ord. 2807 Sec. 3 (part), 1983: Ord. 2176 Sec. 1 (part), 1978)

18.70.110: Conflicting Regulations: Where there is a conflict between any regulation or limitation imposed by this chapter and some other provision of this code, the more stringent limitation or requirement prevails. (Ord. 3001 Sec. 26 (part), 1986: Ord. 2807 Sec. 1 (part), 1984: Ord. 2176 Sec. 1 (part), 1978)

18.70.130: Short Title: This chapter shall be known and may be cited as the Vista Field Airport Height Zoning chapter. (Ord. 3783 Sec. 3, 1998)