

ORDINANCE 2010 - 02

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF SUNNYSIDE, WASHINGTON, AMENDING
TITLE 17 OF THE SUNNYSIDE MUNICIPAL CODE TO PROVIDE
NEW CHAPTER 17.62A PERTAINING TO
AIRPORT OVERLAY ZONING DISTRICT**

WHEREAS, the City Council of the City of Sunnyside has previously adopted ordinances codified at Title 17 of the Sunnyside Municipal Code pertaining to zoning at the Sunnyside Municipal Airport; and

WHEREAS, Title 17 of the Sunnyside Municipal Code does not contain a chapter establishing an airport overlay zoning district that applies to areas adjacent to and in the vicinity of the Sunnyside Municipal Airport; and

WHEREAS, the City Council finds and determines that Title 17 of the Sunnyside Municipal Code should be amended to provide new Chapter 17.62A pertaining to an airport overlay zoning district; and

WHEREAS, the City Council finds and determines that adopting an airport overlay zoning district will protect the health, welfare, safety and quality of life of the general public, property owners, airport operators, and the aviation community;

**NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE CITY
COUNCIL OF THE CITY OF SUNNYSIDE, WASHINGTON**, as follows:

Section 1. Title 17 of the Sunnyside Municipal Code is hereby amended to add a new Chapter 17.62A which shall read as set forth in Exhibit "A" attached hereto and incorporated herein by this reference.

Section 2. Except as amended herein, Title 17 of the Sunnyside Municipal Code shall remain unchanged.

Section 3. This ordinance shall be effective five days after passage, approval and publication as required by law.

PASSED this 1st day of February, 2010.



JAMES A. RESTUCCI, MAYOR

ATTEST:



DELILAH CYR, DEPUTY CITY CLERK

APPROVED AS TO FORM:



MENKE JACKSON BEYER EHLIS & HARPER, LLP
Attorneys at Law

CHAPTER 17.62A

AIRPORT OVERLAY ZONING DISTRICT

Sections:

- 17.62A.010 Purpose and Intent
- 17.62A.020 Statutory Authority
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- 17.62A.040 Airport Overlay Zoning Districts
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17.62A.010 Purpose and Intent. The purpose and intent of this chapter is to establish an airport overlay zoning district on properties located on, adjacent to, and in the vicinity of the Sunnyside Municipal Airport, in order to protect the health, welfare, safety 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 affected environments of the airport overlay zoning district, with regulations set forth in the adopted 14 CFR Federal Aviation Regulations Part 77.

17.62A.020 Statutory Authority. This chapter is adopted pursuant to RCW 36.70.547 and RCW 36.70A.200 which require a county, city or town to enact development regulations to discourage the siting of incompatible land uses adjacent to general aviation airports.

17.62A.030 Definitions. As used in this chapter, unless the context otherwise requires:

1. **“Airport”** means Sunnyside Municipal Airport.
2. **“Airport Elevation”** means seven hundred sixty-seven (767) feet above mean sea level.
3. **“Airport Overlay Zoning District”** shall include the Runway protection Zone, Inner Safety Zone, Inner Turning Zone, Outer Safety Zone, Sideline Zone, and the Airport Operation Zone as depicted on Map B – Airport Safety Zones and numbered Zones 1-6, respectively, and shall also encompass the area identified within 14 CFR Federal Aviation Regulations (FAR) Part 77, as amended and depicted on Map A – “Part 77.”

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4. **“Airport Surface”** means a surface longitudinally centered on the extended runway center line, extending outward and upward from the end of the primary surface and along the same slope as the approach zone height limitation slope set forth in Section 17.62A.040. The perimeter of the approach surface coincides with the perimeter of the approach zone.
5. **“Approach, transitional, horizontal, and conical zones.”** These zones are set forth and defined in Section 17.62A.040.
6. **“Conical Surface”** means a surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) feet upward to one (1) foot outward for a horizontal distance of four thousand (4,000) feet.
7. **“Flammable and Combustible Liquids”** shall be defined as the type and design of underground and above ground liquid storage tanks; the location and design of the fuel dispensers and dispenser nozzles; the design and specifications for related piping, valves and fittings; the location and classification of electrical equipment; including emergency fuel shutdown devices; and specifications for fuel storage and pressure-relief components, and shall be in accordance with Article 52 (5201.3.2 (#1) Motor Vehicle Fuel-Dispensing Stations), Article 79 (Flammable and Combustible Liquids, specifically Special Options 7904), Standard 52-1 of the Uniform Fire Code (1997) and all applicable codes.
8. **“Hazard to Air Navigation”** means an obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.
9. **“Height”** for the purposes of determining the height limits in all zones set forth in this chapter and shown on the airport overlay zoning district Map A, the datum shall be the mean sea level elevation unless otherwise specified.
10. **“Horizontal Surface”** means a horizontal plane one hundred fifty (150) feet above the established airport elevation.
11. **“Larger than Utility Runway”** means a runway that is constructed for and intended to be used by propeller driven aircraft of greater than twelve thousand five hundred (12,500) pounds maximum gross weight and jet-powered aircraft.
12. **“Nonconforming Use”** means any pre-existing structure, object of natural growth, or use of land, which is inconsistent with the provisions of this chapter.
13. **“Non-precision Instrument Runway”** means 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.

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14. **“Obstruction”** means any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section 17.62A.040.
15. **“Person”** means an individual, firm, partnership, corporation, company, association, joint stock association or government entity. Person includes a trustee, a receiver, an assignee, or a similar representative.
16. **“Precision Instrument Approach.”** The precision instrument approach is designed to provide an approach path for exact alignment and descent of an aircraft on final approach to a runway.
17. **“Precision Instrument Runway.”** The precision approach is a fifty thousand (50,000) foot long trapezoid that is one thousand (1,000) feet wide at the point where it meets the primary surface. It has a fifty to one (50:1) slope for the first ten thousand (10,000) feet and a slope of forty to one (40:1) for the remaining forty thousand (40,000) feet. The approach surface is sixteen thousand (16,000) feet wide at the outermost point.
18. **“Primary Surface”** means a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred (200) feet beyond each end of that runway. For military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in Section 17.62A.040. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
19. **“Runway”** means a defined area on an airport prepared for landing and takeoff of aircraft along its length.
20. **“Transitional Surfaces.”** These surfaces extend outward at ninety (90)- degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each one (1) foot vertically from the sides of the conical surfaces. Transitional surfaces for most of those portions of the precision approach surfaces, which project through and beyond the limits of the conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of five thousand (5,000) feet measured horizontally from the edge of the approach surface and at ninety (90)-degree angles to the extended runway centerline.
21. **“Tree”** means any object of natural growth.
22. **“Utility Runway”** means a runway that is constructed for and intended to be used by propeller-driven aircraft of twelve thousand five hundred (12,500) pounds maximum gross weight or less.
23. **“Visual Runway”** means a runway intended solely for the operation of aircraft using visual approach procedures.

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17.62A.040 Airport Overlay Zoning District. In order to carry out the provisions of this chapter, there is hereby created an Airport Overlay Zoning District that is composed of the following surface and safety zones. The zones cover a geographic area that is affected by airport activities and are defined on the basis of factors including, but not limited to, aircraft noise, aircraft flight patterns, airport safety zones, local circulation patterns and area development patterns. The boundaries of the airport surface and safety zones are shown on the Airport Overlay Zoning District Map A- Part 77, and on Map B. "Airport Safety Zones," which are attached hereto and incorporated by this reference, and which shall also be on file and open for inspection in the city planning and community development department. The surface and safety zones are overlaid on top of the existing underlying zoning, which remains in full force and effect. Where the requirements imposed by the surface and safety zones conflict with the requirements of the underlying zoning, the more restrictive requirement shall be enforced.

A. Surface Zones. In order to carry out the provisions of this chapter, there are created and established certain surface zones which include all the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the Airport. Such zones are shown on the Airport Overlay Zoning District Map A, as such currently exists or is hereafter amended. Within each of the surface zones there are hereby established certain height restrictions for structures and trees. The surface zones are established and defined as follows:

1. Runway, Non-precision Instrument Approach zone. The one thousand (1,000) foot inner edge of this approach zone coincides with the width of the primary surface. The approach zone expands uniformly to a width of sixteen thousand (16,000) feet at a horizontal distance of fifty thousand (50,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway as depicted on Map A. HEIGHT RESTRICTIONS: No object shall penetrate the imaginary line created by a slope fifty (50) feet outward for each one (1) foot upward for the first ten thousand (10,000) feet of this zone and forty (40) feet outward for each one (1) foot upward for the remaining forty thousand (40,000) feet of this zone.

2. Transitional Zones. This zone is defined by a slope seven (7) feet outward for each one (1) foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of one hundred fifty (150) feet above the airport elevation which is eight hundred fourteen (814) feet above mean sea level. HEIGHT RESTRICTIONS: No object shall penetrate the imaginary line created by the slope seven (7) feet outward for each one (1) foot upward beginning at the sides of and the same elevation as the approach surface, and extending to where they intersect the conical surface.

3. Horizontal Zone. The zone is established at one hundred fifty (150) feet above the airport elevation or eight hundred fourteen (814) feet above mean sea level by swinging arcs of five thousand (5,000) feet radial for all runways designated utility or visual and ten thousand (10,000) feet for all other runways from the centers of the

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primary surface of each runway and connecting adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones. HEIGHT RESTRICTIONS: No object shall penetrate the imaginary line created at one hundred fifty (150) feet above the airport elevation or at a height of eight hundred fourteen (814) feet above mean sea level.

4. Conical Zone. The conical zone is established as an area that commences at the periphery of the horizontal zone and extends outward there for a horizontal distance of four thousand (4,000) feet as depicted in Map A. HEIGHT RESTRICTIONS: No objects shall penetrate the imaginary line created by a slope twenty (20) feet outward for each one (1) foot upward beginning at the periphery of the horizontal zone and at one hundred fifty (150) feet above the airport elevation extending to a height up to three thousand five hundred (3,500) feet above the surface of the land.

B. Safety Zones. In order to carry out the provisions of this chapter and to promote land use compatibility on lands within and adjacent to and in the vicinity of the Airport, there are created and established certain safety zones. Such safety zones are shown on the Airport Overlay Zoning District Map B, as such now exists or is hereafter amended. Within each of the safety zones, certain land use limitations are established and certain development standards are imposed in addition to the land uses and development standards of the underlying zoning. Where the requirements imposed by these safety zones conflict with the requirements of the underlying zoning, the more restrictive requirements shall be enforced. The safety zones are established and defined as follows:

1. Runway Protection Zone 1. An area extending beyond the centerline of Runway 07-25 as depicted on Map B (shaded area number 1). This zone begins from the outer boundaries of the primary surface, two hundred (200) feet from the ends of the runway and extends one thousand seven hundred (1,700) feet to its widest point, which measures one thousand ten (1,010) feet across, five hundred five (505) feet of the runway centerline.

2. Inner Safety Zone 2. An area extending beyond the centerline of Runway 07-25 as depicted on Map B (shaded area number 2). This zone begins at the end of Runway Protection Zone 1 and extends out two thousand eight hundred (2,800) feet. The zone measures one thousand ten (1,010) feet across, five hundred five (505) feet on either side of the runway centerline.

3. Inner Turning Zone 3. A fan shaped area extending beyond the center line of Runway 07-25 as depicted on Map B (shaded area number 3). This zone begins at the primary surface, two hundred (200) feet from the end of the Runway centerline and extends out with a sixty (60) foot radius arc on either side of the runway centerline to four thousand five hundred (4,500) feet and connects to the centerline of the Inner Safety Zone with sweeping arcs.

4. Outer Safety Zone 4. Area extending beyond the center line of Runway 07-25 as depicted on Map B (shaded area number 4). This zone begins at the end of the

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Inner Safety Zone and extends out three thousand (3,000) feet. The zone measures one thousand (1,000) feet across, five hundred (500) feet on either side of the Runway centerline.

5. Sideline Zone 5. An area adjacent to the Runway 07-25 as depicted on Map B (shaded area number 5). This zone begins from the outer boundaries of the primary surface, and extends one thousand (1,000) feet perpendicular to the primary surface and connects to the sixty (60) -degree sector of the Inner Turning Zone.

6. Airport Operations Zone 6. This zone is depicted on Map B (shaded area number 6) and begins from the outer boundaries of the Sideline Zone and extends out five thousand (5,000) feet perpendicular to the primary surface and connects to the sixty (60) -degree sector of the Inner Turning Zone.

17.62A.050 Uses, Development Requirements and Restrictions.

A. General Development Requirements and Restrictions Applicable to All Zones.

1. Underlying Zoning Requirements. In addition to the Airport Overlay Zoning District development requirements and restrictions set forth in subsections 2 – 9 below, all uses and activities are at all times subject to the requirements of the underlying zoning district. Where the requirements and restrictions imposed by the Airport Overlay Zoning District surface and safety zones conflict with the requirements of the underlying zoning district, the more restrictive requirement shall be applied.

2. Height. All uses shall be subject at all times to the height restrictions set forth in Section 17.62A.040(A) above.

3. Signal and Radio Communication Interference. Electrical interference with navigational signals or radio communications between the Airport and aircraft is prohibited and will be regulated in accordance with rules and regulations promulgated and enforced by the Federal Communications Commission (FCC) and Federal Aviation Administration (FAA).

4. Lighting and Glare. Activities and uses that create lighting which makes it difficult for pilots to distinguish between airport lights and non-airport lights, or that create glare in the eyes of pilots using the Airport is prohibited. All outdoor lighting fixtures shall be arranged and shielded so that area lighting shall not shine into the sky.

5. Visibility. Activities or uses that create excessive amounts of dust, smoke, or other emissions that may result in impairment of visibility in the vicinity of the Airport are discouraged and will be regulated in accordance with rules and regulations promulgated and enforced by the clean air authority for Yakima County under the Clean Air Act and other state and federal regulations.

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6. Large Bodies of Water. Activities or uses that create large areas of standing water are discouraged and shall be reviewed and regulated in accordance with set forth in the city's State Environmental Policy Act (SEPA) ordinances and regulations.

7. Flammable and Combustible Material. Flammable and Combustible liquids and specifications for fuel storage shall be in accordance with the Uniform Fire Code and all applicable codes as adopted in the Sunnyside Municipal Code.

8. Noise Insulation. Noise insulation for new structures shall be in accordance with the International Building Code and the Washington State Energy Code as adopted by the city.

9. Subdivision. When any division of land including short plats, plats, cluster subdivisions, and planned unit developments occur on any land within the Airport Overlay Zoning District safety zones 1 – 6, a note located on the first page of the plat shall be recorded with the Yakima County Auditor as follows:

"This property is located within the Airport Overlay Zoning District of the City of Sunnyside in which a variety of airport aviation activities occur. Such airport aviation activities will impact the use of your property."

17.62A.060 Safety Zones – Land Use Requirements.

RUNWAY PROTECTION ZONE – Zone 1

Land Use Characteristics

Zone 1 is the Runway Protection Zone on the western and eastern ends of the runway. This safety zone is 1,010 feet wide at its widest point and 1,700 feet long.

On the western end, properties within the zone are zoned Planned Unit Development with industrial, commercial, professional uses.

On the eastern end, the properties are primarily agricultural in current use, with an ancillary single-family residence.

Land Use Requirements

Density of population and use within Zone 1 will be subject to the following factors:

(A) Properties Within City Limits. Properties within City Limits will be governed by the City of Sunnyside Zoning Code, Title 17 SMC. Permitted and conditional uses will be as set forth in the applicable chapters of Title 17 SMC pertaining to the subject property, subject to the following:

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- (1) All residential uses are prohibited.
- (2) Any change of use or expansion of existing non-residential use that increases population on the subject property by more than 10 people per acre inside buildings for more than twelve (12) hours in any day, or more than 15 people per acre outside buildings for more than twelve (12) hours in any day, shall be subject to approval of a conditional use permit, after consideration of the factors below.

The conditional use permit will address and condition all necessary and appropriate impacts of the proposed development, or deny such development, after consideration of such impacts and the following:

- (i) height limitations applicable to the use;
- (ii) use and location of high overhead lighting;
- (iii) configuration of lighting to avoid glare;
- (iv) noise sensitive uses and needs of the proposed development and conditions to address noise sensitive uses;
- (v) storage of large quantities of hazardous or flammable materials;
- (vi) Restrictions on large areas of standing water, generation of smoke, steam or other obstruction to visibility;
- (vii) Any other condition necessary or appropriate to promote safety of airport operations.

- (3) Any change of use or expansion of existing use that increases population on the subject property by less than the densities and/or duration set forth in subsection (2) above, shall be subject to approval of a site plan review during the construction permitting process addressing the factors in subsection (2) above.

INNER SAFETY ZONE – Zone 2

Land Use Characteristics

Zone 2 is the Inner Safety Zone on the western and eastern ends of the runway. This safety zone is 1,000 feet wide and 2,800 feet long.

On the western end, properties within the zone are generally developed as industrial and commercial uses.

On the eastern end, the properties are primarily agricultural in current use, with ancillary single-family residences.

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Land Use Requirements

Density of population and use within Zone 2 will be subject to the following factors:

(A) Properties Within City Limits. Properties within City Limits will be governed by the City of Sunnyside Zoning Code, Title 17 SMC. Permitted and conditional uses will be as set forth in the applicable chapters of Title 17 SMC pertaining to the subject property, subject to the following:

- (1) Residential uses shall be limited to one (1) dwelling unit per 5 acres.
- (2) For non-residential uses, any change of use or expansion of existing use that increases population on the subject property by more than 100 people per acre inside buildings for more than twelve (12) hours in any day, or more than 150 people per acre outside buildings for more than twelve (12) hours in any day, shall be subject to approval of a conditional use permit, after consideration of the factors below. The density per acre is cumulative. For example, if an expansion is two acres in area, the allowable combined densities would be 200 persons in buildings; 300 persons outside building within and upon the two acres.

The conditional use permit will address and condition all necessary and appropriate impacts of the proposed development, or deny such development, after consideration of such impacts and the following:

- (i) height limitations applicable to the use;
- (ii) use and location of high overhead lighting;
- (iii) configuration of lighting to avoid glare;
- (iv) noise sensitive uses and needs of the proposed development and conditions to address noise sensitive uses;
- (v) storage of large quantities of hazardous or flammable materials;
- (vi) Restrictions on large areas of standing water, generation of smoke, steam or other obstruction to visibility;
- (vii) Any other condition necessary or appropriate to promote safety of airport operations.

- (3) Any change of use or expansion of existing use that increases population on the subject property by less than the densities and/or duration set forth in subsections (2) above, shall be subject to approval of a site plan review during the construction permitting process addressing the factors in subsection (2) above.

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INNER TURNING ZONE – Zone 3

Land Use Characteristics

Zone 3 is the Inner Turning Zone on the western and eastern end of the runway. The shape of this safety zone corresponds with aircraft landing and takeoff approaches and exits.

On the western end, properties within the zone are generally developed as industrial and commercial uses, with some high-density residential.

On the eastern end, the properties are primarily agricultural in current use, with ancillary single-family residences.

Land Use Requirements

Density of population and use within Zone 3 will be subject to the following factors:

(A) Properties Within City Limits. Properties within City Limits will be governed by the City of Sunnyside Zoning Code, Title 17 SMC. Permitted and conditional uses will be as set forth in the applicable chapters of Title 17 SMC pertaining to the subject property, subject to the following:

- (1) For residential development occurring after the effective date of this chapter, and for any change of use or expansion of existing residential use, only low density residential use shall be allowed (R-1, URA), subject to approval of a conditional use permit.

The conditional use permit will address and condition all necessary and appropriate impacts of the proposed development, or deny such development, after consideration of such impacts and the following:

- (i) height limitations applicable to the use;
- (ii) use and location of high overhead lighting;
- (iii) configuration of lighting to avoid glare;
- (iv) noise sensitive uses and needs of the proposed development and conditions to address noise sensitive uses;
- (v) storage of large quantities of hazardous or flammable materials;
- (vi) Restrictions on large areas of standing water, generation of smoke, steam or other obstruction to visibility;
- (vii) Any other condition necessary or appropriate to promote safety of airport operations.

- (2) Any change of use or expansion of existing non-residential use that increases population on the subject property by more than 100 people per acre inside buildings for more than twelve (12) hours in any day, or more than 150 people per acre outside buildings for more than twelve (12) hours in any day, shall be

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subject to approval of a conditional use permit, after consideration of the factors in subsection (1) above. The density per acre is cumulative. For example, if an expansion is two acres in area, the allowable combined densities would be 200 persons in buildings; 300 persons outside building within and upon the two acres.

- (3) Any change of use or expansion of existing use that increases population on the subject property by less than the densities and/or duration set forth in subsections (1) or (2) above, shall be subject to approval of a site plan review during the construction permitting process addressing the factors in subsection (1) above.

OUTER SAFETY ZONE – Zone 4

Land Use Characteristics

Zone 4 extends 3,000 feet toward the west and east from the boundary of Zone 3, and is 1,000 feet wide.

On the western end, Zone 4 includes Yakima Valley Highway with its primarily commercial properties. On the eastern end, Zone 4 extends over properties primarily agricultural in use.

Land Use Requirements

Density of population and use within Zone 4 will be subject to the following factors:

(A) Properties Within City Limits. Properties within City Limits will be governed by the City of Sunnyside Zoning Code, Title 17 SMC. Permitted and conditional uses will be as set forth in the applicable chapters of Title 17 SMC pertaining to the subject property, subject to the following:

- (1) Any change of use or expansion of existing use that increases population on the subject property by more than 100 people per acre inside buildings for more than twelve (12) hours in any day, or more than 150 people per acre outside buildings for more than twelve (12) hours in any day, shall be subject to approval of a conditional use permit. The density per acre is cumulative. For example, if an expansion is two acres in area, the allowable combined densities would be 200 persons in buildings; 300 persons outside building within and upon the two acres.

The conditional use permit will address and condition all necessary and appropriate impacts of the proposed development, or deny such development, after consideration of such impacts and the following:

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- (i) height limitations applicable to the use;
 - (ii) use and location of high overhead lighting;
 - (iii) configuration of lighting to avoid glare;
 - (iv) noise sensitive uses and needs of the proposed development and conditions to address noise sensitive uses;
 - (v) storage of large quantities of hazardous or flammable materials;
 - (vi) Restrictions on large areas of standing water, generation of smoke, steam or other obstruction to visibility;
 - (vii) Any other condition necessary or appropriate to promote safety of airport operations.
- (2) Any change of use or expansion of existing use that increases population on the subject property by less than the densities and/or duration set forth in subsection (1) above, shall be subject to approval of a site plan review during the construction permitting process addressing the factors in subsection (1) above.

SIDELINE ZONE – Zone 5

Land Use Characteristics

Properties within Zone 5 are generally agricultural in use, with ancillary single-family residences. Parcels within the City Limits of the City of Sunnyside are zoned industrial or awaiting appropriate zoning. Parcels in Yakima County are zoned either agricultural, valley rural or industrial.

Land Use Requirements

Density of population and use within Zone 5 will be subject to the following factors:

(A) Properties Within City Limits. Properties within the City Limits shall be subject to the following:

- (1) All residential land uses are prohibited within 1,000 feet of the edge of runway.
- (2) Population density shall be limited to zero (0) to one hundred (100) persons per acre.
- (3) Zoning of properties will be industrial or zoning appropriate to allow uses within population density limitations.

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- (4) Permitted and conditional uses within the zone classification for properties shall also be subject to the following requirements:

Each land use or development permit affecting the subject parcel will address and condition all necessary and appropriate impacts of the proposed development, or deny such development, after consideration of such impacts and the following:

- (i) Height limitations applicable to the use;
 - (ii) High overhead utilities and high overhead lighting prohibited;
 - (iii) Configuration of lighting to avoid glare;
 - (iv) Noise sensitive uses and needs of the proposed development and conditions to address noise sensitive uses;
 - (v) Storage of large quantities of hazardous or flammable materials;
 - (vi) Prohibition of large areas of standing water, generation of smoke, steam or other obstruction to visibility;
 - (vii) Any other condition necessary or appropriate to promote safety of airport operations.
- (5) Schools, playfields, parks, hospitals, nursing homes, daycare facilities, and churches are prohibited.
- (6) Permitted uses will not create large areas of standing water or generate smoke, steam or other obstruction to visibility.

AIRPORT OPERATIONS ZONE – Zone 6

Land Use Characteristics

This safety zone encompasses properties within the city limits of the City of Sunnyside and parcels lying within Yakima County. Parcels within the city limits are currently zoned in accordance with the City of Sunnyside Zoning Code, Title 17 SMC. Parcels within Yakima County are currently assigned county zonings.

The City of Sunnyside parcels are generally characterized by urban development and densities. The applicable zonings include residential, commercial and industrial. The western portion of Zone 6 includes public and private school facilities, shopping malls, higher density residential developments, commercial properties, industrial properties and churches. These have been developed in accordance with the specific zonings previously established. The City of Sunnyside parcels also include properties that are currently in agriculture, pasture or undeveloped.

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Land Use Requirements

Density of population and use within Zone 6 will be subject to the following factors:

(A) Properties Within City Limits. Properties within City Limits will be governed by the City of Sunnyside Zoning Code, Title 17 SMC. Permitted and conditional uses will be as set forth in the applicable chapters of Title 17 SMC pertaining to the subject property, subject to the following:

- (1) Any change of use or expansion of existing use that increases population on the subject property by more than 100 people per acre inside buildings for more than twelve (12) hours in any day, or more than 150 people per acre outside buildings for more than twelve (12) hours in any day, shall be subject to approval of a conditional use permit. . The density per acre is cumulative. For example, if an expansion is two acres in area, the allowable combined densities would be 200 persons in buildings; 300 persons outside building within and upon the two acres.

The conditional use permit will address and condition all necessary and appropriate impacts of the proposed development, or deny such development, after consideration of such impacts and the following:

- (i) height limitations applicable to the use;
 - (ii) use and location of high overhead lighting;
 - (iii) configuration of lighting to avoid glare;
 - (iv) noise sensitive uses and needs of the proposed development and conditions to address noise sensitive uses;
 - (v) storage of large quantities of hazardous or flammable materials;
 - (vi) restrictions on large areas of standing water, generation of smoke, steam or other obstruction to visibility;
 - (vii) any other condition necessary or appropriate to promote safety of airport operations.
- (2) Any change of use or expansion of existing use that increases population on the subject property by less than the densities and/or duration set forth in subsection (1) above, shall be subject to approval of a site plan review during the construction permitting process addressing the factors in subsection (1) above.

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17.62A.070 Permits.

A. Future Uses. Except as specifically provided in subdivisions (1), (2) and (3) of this subsection, 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 created unless a permit therefor has been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to allow it to be determined whether the resulting use, structure or tree is consistent with the provisions of this chapter. No permit for a use inconsistent with the provisions of this chapter shall be granted unless a variance has been approved in accordance with subsection (D) of this section.

1. In the area lying within the limits of the horizontal zone and the conical zone, no permit shall be required for any tree or structure less than seventy-five (75) 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.

2. In areas lying within the limits of the approach zones but at a horizontal distance of not less than four thousand two hundred (4,200) feet from each end of the runway, no permit shall be required for any tree or structure less than seventy-five (75) 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 approach zones.

3. In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than seventy-five (75) 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.

B. 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 the ordinance codified in this chapter or any amendments thereto or than it is when the application for a permit is made.

C. Nonconforming Uses, Abandoned or Destroyed. Whenever the City Manager, or his or her designee, determines that a nonconforming use or structure has been abandoned or more than eighty percent (80%) torn down, physically deteriorated or decayed, no permit shall be granted that would allow such structure to exceed the applicable height limit or otherwise deviate from the zoning regulations of this chapter.

D. Variances. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use the property, not in accordance with the regulations prescribed in this chapter, may apply to the city's hearing examiner for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation

EXHIBIT 'A'

facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a 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.

E. Obstruction Marking and Lighting. Any permit or variance granted may, if such action is deemed advisable to effectuate the purposes of this chapter, be so conditioned as to require the owner of the structure or tree in question to install, operate and maintain, at owner's expense, such markings and lights as may be necessary.

17.62A.080 Nonconforming Use – Regulations not Retroactive. The regulations prescribed in this chapter shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations at the effective date of the ordinance codified in this chapter, nor shall such be construed to require any change in the construction or alteration of any structure or tree which was begun prior to the effective date of the ordinance codified in this chapter and which is diligently being prosecuted.

17.62A.090 Violations and Enforcement. It shall be the duty of the City Manager to administer and enforce the regulations prescribed in this chapter.

17.62A.100 Appeals. Any appeal by any person aggrieved by any order, requirement, decision or determination made by an administrative official in the processing of any application made under this chapter or in the actual decision made as required by this chapter, shall be made to the hearing examiner as provided in chapter 2.46 of this code.

17.62A.110 Judicial review. Any person aggrieved by any decision of the hearing examiner may seek judicial review in superior court or other appropriate court.

17.62A.120 Conflicting Regulations. Where there exists a conflict between any of the provisions or limitations prescribed in this chapter and any other regulations applicable to the same subject or area, whether the conflict be with respect to the height of structures or trees, and the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

Airport overlay 4,000 foot runway

- AIR ZONES**
- Zone 1 4000.fly
 - Zone 2 4000.fly
 - Zone 3 4000.fly
 - Zone 4 4000.fly
 - Zone 5 4000.fly
 - Zone 6 4000.fly

- City
- Tax Lot

2008 Ortho-photo mosaic
taken 6/27 & 7/07 (County)
taken 8/12 (Yakima Urban Area)

Parcel/Lot lines are for visual display
only. Do not use for legal purposes.

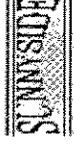


Exhibit "B"

