

10-30-2025

§ 18.04.187 Airport overlay zone. [1]

A.

Purpose and Intent.

The purpose and intent of this section is to establish an airport overlay zoning district on properties located on, adjacent to, and in the vicinity of Eatonville Airport (Swanson Field), Washington, 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 runway surface area zone, approach and departure safety zones and vicinity of the affected environments of the airport overlay zoning district and runway environment.

B.

Statutory Authority. This section is adopted pursuant to RCW 36.70A.547 and 36.70A.200 which requires a county, city or town to enact development regulations, to discourage the siting of incompatible land uses adjacent to general aviation airports.

The incompatible land use regulations presented in this section differ from the state of Washington Department of Transportation, Aviation Division, planning guidelines that identify a set of suggested incompatible land uses adjacent to general aviation airports. The departure, however insignificant, is necessitated by the fact that Eatonville Airport (Swanson Field) was built and later expanded before the incompatible land use regulations adjacent to general aviation airports came into existence. Residential development was permitted close to the airport runway and other developments, such as schools, were permitted to be built adjacent to the airport property. At the time, these developments were considered to coexist safely with the airport operations. Today, the view at the state level has changed. Many of the early permitted developments are now being judged unsafe by the state agencies. This section attempts to find a compromise

that recognizes the federal regulations and state planning guidelines and protects the rights and values of property owners at and around the airport. By adopting this section, to prohibit further degradation of the runway primary surface area and airborne aircraft operating environments, the airport is safer than the alternative of doing nothing.

The federal regulations and state planning guidelines have been written to fit all airports, regardless of their size and geographic setting. What is good for Sea-Tac International Airport is unrealistic and unworkable in Eatonville. This section is designed to meet the state requirement that a town shall enact development regulations to discourage the siting of incompatible land uses adjacent to general aviation airports by taking into consideration the federal regulations, the state planning guidelines, rights of property owners, the safety of aircraft operators, the safety of persons residing at and near the airport, the operators and patrons of businesses, the past development history at and near the airport, and the size and characteristic of the airport itself.

C. Definitions. As used in this section, unless the context otherwise requires:

1. "Airport"

means Eatonville Airport (Swanson Field).

2. "Airport elevation"

means 843 feet above mean sea level.

3. "Airport overlay zoning district" shall include the runway protection zone 1, inner safety zone 2, inner turning zone 3, outer safety zone 4, sideline safety zone 5, and the traffic pattern zone 6 as depicted on Map A, Aircraft Accident Safety Zones, and numbered zones 1 through 6, respectively.

4. "Approach surface"

means a surface longitudinally centered on the extended runway centerline, 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 subsection (D)(1) of this section.

5. Approach, Transitional, Horizontal, and Conical Zones.

These zones are set forth and defined in subsections (D)(1)(a) through (e) of this section.

6. "Conical surface"

means a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 feet outward to one foot upward for a horizontal distance of 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 of the International Fire Code and all other 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 runway surface zone, runway or navigable airspace.

9. Height.

For the purpose of determining the height limits in all zones set forth in this section and shown on the airport overlay zoning district Map C, the datum shall be mean sea level elevation unless otherwise specified.

10. "Horizontal surface"

means a horizontal plane 150 feet above the established airport elevation reaching a height of 993 feet above sea level, extending outward from all points on the centerline of the primary surface a distance of 5,000 feet.

11. "Nonconforming use"

means any pre-existing structure, object of natural growth, or use of land, which is inconsistent with the provisions of this section.

12. "Obstruction"

means any structure, growth, or other object, including a mobile object (motor vehicles, construction equipment, etc.) which exceeds a limiting height set forth in subsection (D)(1) of this section.

13. "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.

14. "Primary surface"

means a surface longitudinally centered on a runway. The primary surface extends 200 feet beyond each end of that runway. The width of the primary surface is 250 feet, 125 feet on each side of the center of the paved runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

15. "Runway"

means a defined area on an airport prepared for landing and takeoff of aircraft along its length.

16. "Structure"

means an object, including a mobile object, constructed or installed by man, including but without limitation buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.

17. "Transitional surfaces" begin at the edge of the primary surface, extending outward at 90 degrees to the center of the runway at a defined slope of seven feet outward for each one foot upward until it meets the horizontal surface which is 150 feet above the airport elevation of 843 feet, or 993 feet above sea level.

18. "Tree"

means any object of natural growth.

19. "Utility runway"

means a utility runway that is constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight or less.

20. "Visual runway"

means a runway intended solely for the operation of aircraft using visual approach procedures.

D. Airport Overlay Zoning District. In order to carry out the provisions of this section, there is hereby created an airport overlay zoning district that is composed of the following height restriction and aircraft accident 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 height restriction and aircraft accident safety zones are shown on Aircraft Accident Safety Zones, Map A, and Height Restriction Zones, Map C, which are attached to the ordinance codified in this section and incorporated by reference, and which shall also be on file and open for inspection in the town of Eatonville public works department offices. The height restriction and aircraft accident safety zones are overlaid on top of the existing underlying zoning, which remains in full force and effect. Where the requirements imposed by the height restriction and aircraft accident safety zones conflict with the requirements of the underlying zoning, the more restrictive requirement shall be enforced.

1. Height Restriction Zones. In order to carry out the provisions of this section, there are created and established certain height restriction zones which include all of the land lying beneath the primary surface, approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to Eatonville Airport (Swanson Field) as promulgated in Title 14 of the Code of Federal Regulations (CFR) Part 77, Imaginary Surfaces, which establishes the boundaries, dimensions and configurations (airspace protection thresholds), to reduce airspace obstruction and hazard to aviation in proximity to an airport. Such zones are shown on Eatonville Airport (Swanson Field) Overlay Zoning Map C. Within each of the height restriction zones there are hereby established certain height

restrictions for structures and trees. The height restriction zones are established and defined as follows:

- a. Primary Surface Zone. Primary surface, as defined in subsection (C)(14) of this section, is a surface longitudinally centered on a runway. The primary surface zone extends 200 feet beyond each end of the runway. The width of the primary surface is 250 feet, 125 feet on each side of the center of the paved runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. No structure or roadway other than a runway and runway associated aprons can be constructed in the primary surface zone. Any landscaping outside the paved runway within the primary surface zone shall be limited to native or seeded grasses.
- b. Approach Surface Zone. The 250-foot inner edge coincides with the width of the primary surface and slopes 20 feet outward for each one foot upward beginning at the end of and at the same elevation as the primary surface and expands to a horizontal distance of 1,250 feet at a horizontal distance of 5,000 feet along the extended runway centerline. Its centerline is the continuation of the runway centerline as depicted on Map C.
- c. Transitional Surface Zones. Beginning at the center of the paved runway and at the same elevation as the paved runway, extending outward at 90 degrees to the center of the runway, for 125 feet, then extending further outward at a defined slope of seven feet outward for each one foot upward until it meets the horizontal surface which is 150 feet above the airport elevation of 843 feet, or 993 feet above sea level.
- d. Horizontal Surface Zone. The zone is established at 150 feet above the airport elevation or at a height of 993 feet above mean sea level. The zone begins at the terminus of the transitional zone and extends outward 5,000 feet and connects to the approach zone at the 150-foot elevation level. The horizontal zone does not include the approach and transitional zones.
- e. Conical Surface Zone. The conical surface zone is established as the area that commences at the periphery of the horizontal zone and extends outward for a horizontal distance of 4,000 feet as depicted in Map C.

2.Safety Zones. In order to carry out the provisions of this section and to promote land use compatibility on lands within and adjacent to and in the vicinity of the Eatonville Airport (Swanson Field), there are created and established certain aircraft accident safety zones. Such aircraft accident safety zones are shown on Eatonville Airport (Swanson Field) Overlay Zoning District Map A. Within each of the aircraft accident 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 aircraft accident safety zones conflict with the requirements of the underlying zoning, the more restrictive requirement shall be enforced. The aircraft accident safety zones are established and defined as follows:

- a. Runway Protection Zone 1. An area extending beyond the centerlines of runway as depicted on Map A. This zone begins from the outer boundaries of the primary surface, 250 feet from the ends of the runway, and extends out 900 feet to its widest point, which measures 450 feet across, 225 feet on either side of the runway centerline.
- b. Inner Safety Zone 2. An area extending beyond the centerline of the runway as depicted in Map A. This zone begins at the end of the runway protection zone 1 and extends out 1,600 feet. The zone measures 550 feet across, 225 feet on either side of the runway centerline.
- c. Inner Turning Zone 3. A fan-shaped area extending beyond the centerline of runway as depicted on Map A. This zone begins at the primary surface, 200 feet from the end of the runway centerline, and extends out with a 60-degree radius arc on either side of the runway centerline to 2,500 feet and connects to the centerline of the inner safety zone with sweeping arcs.
- d. Outer Safety Zone 4. Area extending beyond the centerline of the runway as depicted on Map A. This zone begins at the end of the inner safety zone and extends out 2,500 feet. The zone measures 550 feet across, 225 feet on either side of the runway centerline.
- e. Sideline Zone 5. An area adjacent to the runway as depicted on Map A. This zone begins from the outer boundaries of the primary surface, extends out 500 feet perpendicular to the primary surface and connects to the 60-degree sector of the inner turning zone.

f. Traffic Pattern Zone 6. This zone is depicted on Map A and begins from the outer boundaries of the sideline zone and extends out to 4,000 feet perpendicular to the primary surface and at an arc 4,000 feet radius from the end of the runway, connecting to the outer safety zone.

E. Uses, Development Requirements and Restrictions.

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

a. Underlying Zoning Requirements. In addition to the airport overlay zoning district development requirements and restrictions set forth in subsection (E)(2) of this section and in Table 1, 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 height restriction and aircraft accident safety zones conflict with the requirements of the underlying zoning district, the more restrictive requirement shall be applied.

b. Height. All uses shall be subject to the height restrictions set forth in subsection D of this section. An applicant for proposed structures or objects, including motor vehicle roadways likely to result in penetration of FAR 77 imaginary surfaces zones as identified in subsections (D)(1)(a) through (e) of this section may be granted a building or land development permit if they have contacted the Washington State Department of Transportation Aviation Division and received a written statement of approval that describes why the development proposal will not pose a hazard to aircraft ground or air operations. The applicant must also have received written notice of filing a Form 7460-1 with the Federal Aviation Administration and have received a written statement that the applicant's proposal would not be a hazard to air navigation.

c. If one or more hazards to air navigation are identified by the reviewing entities, the proposal shall be denied. This decision may be appealed according to the process set forth in EMC 18.09.060.

d. The administration shall also receive a written recommendation from the Eatonville Airforce Manager to consider during review.

Commented [P1]: This section needs to be more straightforward, the way it is written suggests any development is basically subject to a variance, the process being that which is described in this piece of code.

Original Code

Height. All uses shall be subject at all times to the height restrictions set forth in subsection D of this section. Any proposed structure or object that is likely to penetrate FAR 77 imaginary surfaces in any zone as identified in subsections (D)(1)(a) through (e) of this section can be granted a building or land development permit only after the applicant has filed a notice on Form 7460-1 with the Federal Aviation Administration, and having received a written statement that the applicant's proposal would not be a hazard to air navigation; but if one or more hazards to air navigation are identified, then upon the applicant having filed and received approval for a variance from the town of Eatonville board of adjustment, under the variance procedures identified in subsection (F)(3) of this section. The decision of the board of adjustment is final unless appealed to the Pierce County superior court.

c. Signal and Radio Communication Interference. Electrical interference with navigational signals or radio communication 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) regulations.

d. Lighting and Glare. Activities or uses that create lighting which make 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.

e. 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 Washington State Department of Ecology under the Clean Air Act and other state and federal regulations.

f. Flammable and Combustible Material. Flammable and combustible liquids and specifications for fuel storage shall be in accordance with the International Fire Code and all applicable codes as adopted in the town of Eatonville building code.

g. Subdivision. When any division of land including short plats, plats, cluster subdivisions, and planned unit developments occurs on any land within the airport overlay zoning district aircraft accident safety zones 1 through 6, a note located on the first page of the plat shall be recorded with the county auditor as follows:

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

h. Front Yard Setbacks. All development adjoining the primary surface is considered to have their front yard facing the primary surface. Therefore, a 25-foot front yard setback from the edge of the primary surface is required of all development adjoining the primary surface.

i. Prior Existing Uses. All development, existing prior to the adoption of this regulation, shall be deemed as outright permitted uses.

2. Incompatible Land Uses. The town planner shall apply the following restrictions on land development, in addition to restrictions specified in subsections (E)(1)(a) through (h) of this section.

Table 1 – Incompatible Land Uses

Airport Overlay Zones

Incompatible Land Uses

Zone 1 – Runway Protection Zone

1. All residential uses.
2. Schools, hospitals, nursing homes, churches, day care centers, and mobile home parks.

Zone 2 – Inner Safety Zone

1. Schools, hospitals, nursing homes, churches, mobile home parks and day care centers.

2. Outside the existing Eatonville urban growth area (UGA) the average density of residential development will be one dwelling unit per 10 acres on the property at the date of adoption of the ordinance codified in this section.

3. Residential development is permitted under the conditional use permit procedures as specified in EMC § 18.09.030.

Zone 3 – Inner Turning Zone

1. School and day care centers.

2. Residential development is permitted under the conditional use permit procedures as specified in EMC § 18.09.030.

Zone 4 – Outer Safety Zone

1. Schools.

2. Outside the existing Eatonville urban growth area (UGA) the average density of residential development will be one dwelling unit per 10 acres on the property at the date of adoption of the ordinance codified in this section.

3. Inside the Eatonville urban growth area (UGA) the average density of residential development will be a maximum of four dwelling units per acre on the property at the date of adoption of the ordinance codified in this section.

Zone 5 – Sideline Safety Zone

1. All aviation-related uses are permitted.

2. Schools, hospitals, nursing homes, churches, day care centers, and mobile home parks are prohibited.

3. All AP aerospace district permitted uses are allowed.

Zone 6 – Traffic Pattern Zone

1. There are no overlay restrictions.

F. Permits.

1. Future Uses. Except as specifically provided in subsections (F)(1)(a), (b), and (c) of this section, no material change shall be made in the use of land, no structure shall be erected or otherwise established unless a permit therefore 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 permit it to be determined whether the resulting use, structure, or tree is consistent with the provisions of this section. No permit for a use inconsistent with the provisions of this section shall be granted unless a variance has been approved in accordance with subsection (F)(3) of this section.

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 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.

b. In areas lying within the limits of the approach zones but at a horizontal distance of not less than 4,000 feet from each end of the runway, no permit shall be required for any tree or structure less than 75 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 zone, no permit shall be required for any tree or structure less than 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.

2. Existing Uses. No permit shall be granted that would allow the establishment or creation of an obstruction or permit a structure or tree to become a greater hazard to air navigation than it was on the effective date of the ordinance codified in this section or any amendments thereto or than it is when the application for a permit is made.

3. 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 section, may apply to the board of adjustment for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration and Eatonville Airforce Airport Management team as to the effect of the proposal on the operation of aircraft ground and air navigation facilities and the safe, efficient use

of navigable airspace. Such variances shall ~~may~~ be granted 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, ~~it will not create a hazard to air or ground navigation, will do substantial justice, and will be in accordance with the spirit of this section. A copy of the variance application shall be forwarded to the Eatonville Airforce Airport manager within 5 working days of the town receiving the application. (Swanson Field) airport manager by the town planner.~~

Commented [P2]: I am confused as to why some of this is struck through.

4.

Obstruction Marking and Lighting. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this section, 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.

G.

Nonconforming Use.

1.

Regulations Not Retroactive. The regulations prescribed in this section 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 section, 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 section, and which is diligently being prosecuted.

H.

Violations and Enforcement. It shall be the duty of the town of Eatonville planner to administer and the town of Eatonville building official to enforce the regulations prescribed in this section.

I.

Appeals. Any person aggrieved, by any order, requirement, decision or determination made by an administrative official in the processing of any application made under this section or in the actual decision made as required by this section may appeal to the board of adjustment as provided in RCW 14.12.190.

J.

Judicial Review. Any person aggrieved, or any taxpayer affected, by any decision of the board of adjustment may appeal the decision to the Pierce County superior court.

K.

Conflicting Regulations. Where there exists a conflict between any of the regulations or limitations prescribed in this section and any other regulations applicable to the same area, whether the conflict is 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.

(Ord. 2007-05 § 1, 2007; Ord. 2006-06 § 2, 2006)