

## **ARTICLE 37 – AIRPORT NOISE OVERLAY ZONE (AN)**

(Effective June 26, 2009 – Ordinance #295)

### **Section 37.10 – Purpose and Intent**

The AN overlay zone is intended to be applied to lands within and adjacent to the Ken Jernstedt Airfield that are located in areas of 65 and greater Noise Decibel Levels (NDL), as depicted in Appendix “A” of this Article. The purpose of this zone is to implement OAR-660-013-0080 (1)(b) and to apply Noise Level Reduction (NLR) standards required by the Oregon Airport Planning Rule.

### **Section 37.20 – AN Zoning on Official Zoning Map**

Lands zoned AN on the official zoning map are those lands located on and adjoining the airport and shown on the Airport Master Plan to have Airport Noise Contours at 65 dB (DNL) and greater. Existing dwellings and other uses otherwise prohibited in the AN zone are not subject to the provisions of Article 65, Non-Conforming Uses.

### **Section 37.30 – Uses Permitted Outright or Conditionally**

The AN overlay zone will have no impact on uses allowed outright or conditionally in the underlying base zone, but may require additional construction standards as outlined in Article 37.50 below.

### **Section 37.40 – Prohibited Uses**

The following uses are specifically prohibited within the AN zone:

1. New dwellings, except as otherwise allowed in Section 37.50(2).
2. New schools, except for flight schools located on airport property.
3. Outdoor music shells, amphitheatres.
4. Nature exhibits and zoos.

### **Section 37.50 – Limitations on Use**

All proposed residential (habitable structures) and other allowed uses occurring within the 65 dB Airport Noise Contour must meet the following noise mitigation provisions:

1. **Minimum Construction Standards:** Except as provided in Subsection 5, below, noise mitigation is required for new construction located within the 65 dB contour. Typical home construction provides 20 dB indoors assuming vents and windows are closed. New residential construction and replacement dwellings require the applicant use building techniques (wall and window materials, insulating qualities, etc.) shown to enhance the indoor noise level to a range of 25 dB to 30 dB; or exceed standard construction indoor noise reduction by 5 dB to 10 dB as determined by the Building Official. This may require a qualified professional to design the structure, and may require a third party test to ensure that the structure was built to meet noise reduction standards prior to occupancy.

2. Replacement Dwellings. Where an existing dwelling is located entirely outside, partially inside and partially outside, or entirely inside the 65 dB contour, the replacement dwelling may only be allowed to expand into or further into the 65 dB if the noise level reduction standards described in Subsection 1 above are achieved and one of the following is met:
  - a. No more than 25 percent of habitable floor area of the existing dwelling is allowed to penetrate into or further into the 65 dB contour; or
  - b. More than 25 percent of the habitable floor area of the existing dwelling is allowed to penetrate into or further into the 65 dB contour with an approved variance (Article 66) and justification that shows special conditions or physical limitations on the site make the proposal the most feasible option.
3. Existing Dwellings. Where an existing dwelling is located entirely outside, partially inside and partially outside, or entirely inside the 65 dB contour, the existing dwelling may only be allowed to expand into or further into the 65 dB contour area if the noise level reduction standards described in Subsection 1 above are achieved and one of the following are met:
  - a. No more than 25 percent of habitable floor area of the existing dwelling is allowed to penetrate into or further into the 65 dB contour; or
  - b. More than 25% of the habitable floor area of the existing dwelling is allowed to penetrate into or further into the 65 dB contour with an approved variance (Article 66) and justification that shows special conditions or physical limitations on the site make the proposal the most feasible option.
4. Additions and Alterations. Where existing construction is altered or additions are proposed, all newly constructed portions of dwellings within the 65 dB contour shall meet the 25 to 30 dB standard, while all remaining unaltered portions of the dwelling are exempt.
5. Exemptions. Non-habitable structures, such as garages and outbuildings, as well as minor repairs to existing dwellings (e.g. broken windows or roof repairs) are exempt from the noise level reduction standards.
6. Non-Residential Uses. Additional uses that are consistent with the base zone may be permitted with limitations as outlined in the Noise Compatibility Table 37.1 below, which was adapted from Exhibit 5 of OAR 660-013, Airport Planning Rule.

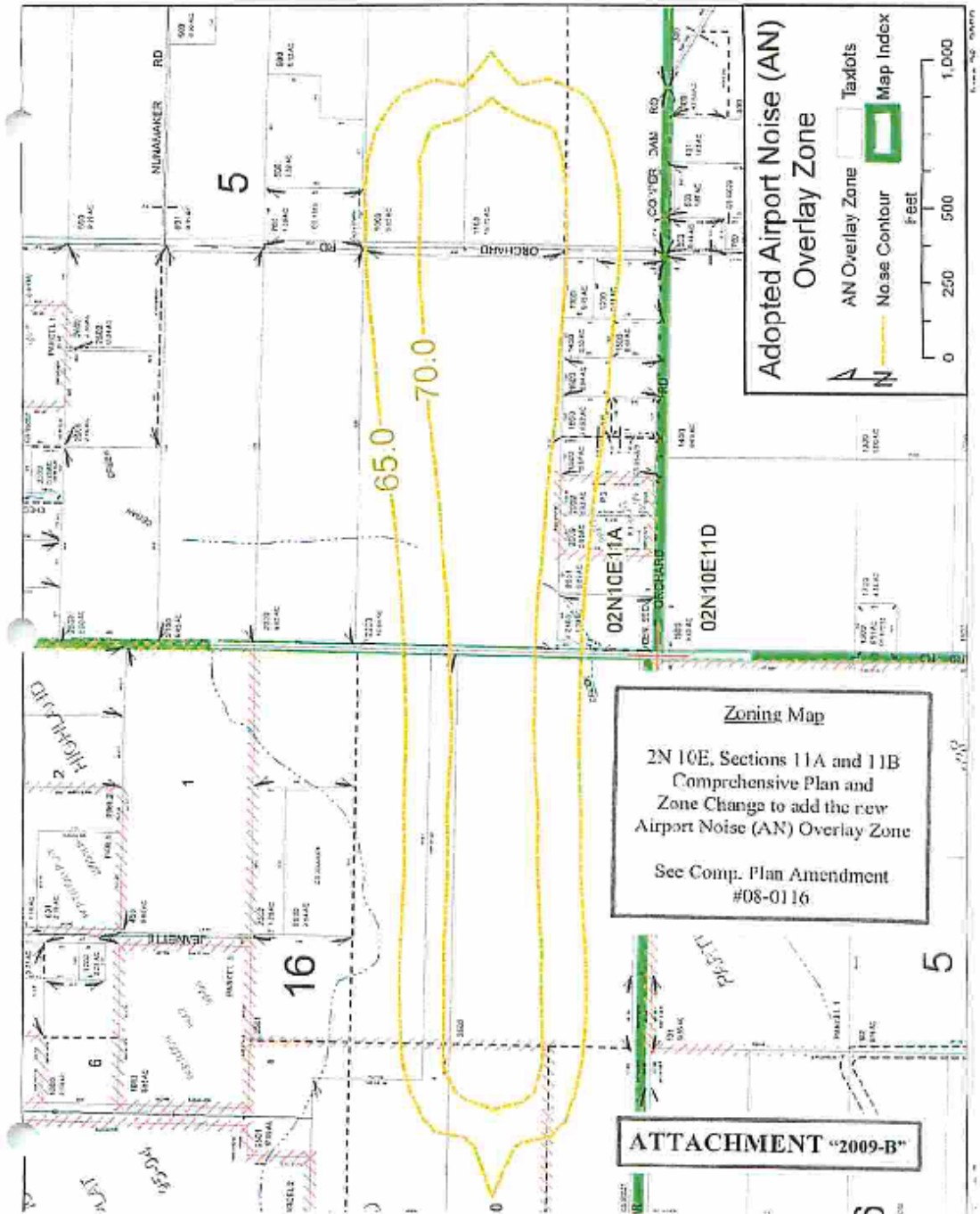
Noise Compatibility Table 37.1		
<b>Land Use</b>	<b>Yearly Day-Night Sound Levels (DNL) in Decibels</b>	
	65-70	70-75
<b>Residential</b>		
Residential Dwellings	N <sup>1</sup>	N <sup>1</sup>
Mobile Homes	N	N
Transient Lodging (motels and hotels)	N <sup>1</sup>	N <sup>1</sup>
<b>Public Use</b>		
Schools	N <sup>1</sup>	N <sup>1</sup>
Churches, auditoriums, concert halls, hospitals, nursing homes	25	30
Government Services	Y	25
Transportation/Parking	Y	Y <sup>2</sup>
<b>Commercial</b>		
Offices-business and professional	Y	25
Wholesale/retail-materials, hardware and farm equipment	Y	Y <sup>2</sup>
Retail trade-general	Y	25
Utilities	Y	Y <sup>2</sup>
Communications	Y	25
<b>Manufacturing</b>		
Manufacturing-general	Y	Y <sup>2</sup>
Photographic and optical	Y	25
Agriculture (except livestock) and forestry	Y <sup>4</sup>	Y <sup>5</sup>
Livestock farming and breeding	Y <sup>4</sup>	Y <sup>5</sup>
Mining and fishing, resource production and extraction	Y	Y
<b>Recreation</b>		
Outdoor sports arenas/spectator sports	Y <sup>3</sup>	Y <sup>3</sup>
Outdoor music shells, amphitheatres	N	N
Nature exhibits and zoos	N	N
Amusement parks, resorts, camps	Y	Y
Golf courses, riding stables, water recreation	Y	25

**Key:**

- Y (Yes) Land Use and related structures compatible without restrictions.  
N (No) Land Use and related structures are not compatible and should be prohibited.  
NLR Noise Level Reduction (outdoor to indoor) to be achieved through incorporation of noise attenuation into the design and construction of the structure.  
DNL Average Day-Night Sound Level  
25, 35 Land Use and related structures generally compatible; measures to achieve NLR of 25 or 30 dB must be incorporated into design and construction of structure.

Table 37.1 Notes:

1. Where a community determined that residential or school uses must be allowed, measures to achieve an outdoor to indoor Noise Level Reduction (NLR) of at least 25 dB and 30 dB should be incorporated into building codes and be considered in individual approvals. Normal residential construction can be expected to provide a NLR of 20 dB, thus, the reduction requirements are often stated as 5, 10, or 15 dB over standard construction and normally assume mechanical ventilation and closed windows year round. The use of NLR criteria will not, however, eliminate outdoor noise problems.
2. Measures to achieve NLR of 25 dB must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas, or where the normal noise level is low.
3. Land use compatible provided special sound reinforcement systems are installed.
4. Residential Buildings require an NLR of 25 dB.
5. Residential Buildings require an NLR of 30 dB.



Attachment "A" – Article 37