

AGENDA

FOR THE REGULAR MEETING OF THE CITY OF BELEN PLANNING AND ZONING COMMISSION, STATE OF NEW MEXICO, COUNTY OF VALENCIA TO BE HELD ON MONDAY THE 8TH OF AUGUST 2016 AT 6:30 PM IN THE COUNCIL CHAMBERS AT CITY HALL, 100 SOUTH MAIN STREET, BELEN, NEW MEXICO 87002.

ALL P & Z COMMISSION MEETINGS ARE VIDEO AND AUDIO RECORDED.

A COPY OF THE AGENDA CAN BE OBTAINED FROM THE OFFICE OF THE CITY OF BELEN PLANNING & ZONING DEPARTMENT.

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PLEDGE OF ALLEGENCE**
- 4. APPROVAL OF AGENDA**
- 5. APPROVAL OF MINUTES:
Minutes of July 25, 2016**
- 6. ACTION ITEMS
P & Z Re-organization**
- 7. DISCUSSION
Airport Overlay Zone-Noise attenuation, Height restrictions, Fencing, Etc.**
- 8. OPEN COMMENTS/REQUESTS**
- 9. ADJOURNMENT**

RESPECTFULLY SUBMITTED

/s/
Lisa R Miller
Planning & Zoning Administrator

cc: Mayor & City Council
Belen Public Library
Belen Recreation Center

Belen Chamber of Commerce
News Bulletin
Belen City Hall

JERAH R CORDOVA
MAYOR
JAY RUYBALID
CITY MANAGER



CITY OF BELEN
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WAYNE GALLEGOS
MAYOR PRO-TEM
DAVID CARTER
CITY COUNCIL
DARLEEN ARAGON
CITY COUNCILOR
FRANK ORTEGA
CITY COUNCILOR

CITY OF BELEN
PLANNING & ZONING COMMISSION MEETING
MINUTES
JULY 25, 2016

Vice Chair Steve Etheridge called the regular meeting of the Belen Planning and Zoning Commission meeting to order at 6:30 p.m.

PRESENT: Vice Chair Steve Ethridge
Commissioner Claudine Montano
Commissioner Debbie Thompson
Commissioner Gordon Reeves
Commissioner Pete Armstrong

CITY STAFF: Steven Tomita, Planning & Economic Development Director
Lisa Miller, Planning & Zoning Administrator
Deborah Abingdon, Airport Manager

PLEDGE OF ALLEGENCE

Vice Chair Steve Ethridge led the Pledge.

APPROVAL OF AGENDA:

Commissioner Gordon Reeves moved to approve the Agenda.

Commissioner Claudine Montano seconded the Motion.

Motion Carried.

APPROVAL OF MINUTES:

The Minutes of the Regular Meeting of July 11, 2016 were reviewed.

Commissioner Claudine Montano moved to approve the minutes as corrected.

Commissioner Debbie Thompson seconded the motion.

Motion carried.

DISCUSSION

Airport Overlay Zone-Noise attenuation, Height restrictions, Fencing, etc.

Steven Tomita introduced the new P & Z Commissioner, Pete Armstrong and the new Airport Manager, Deborah Abingdon. He then told Commissioner Armstrong and Deborah Abingdon a brief run-down of what the P & Z Commission was working on in the efforts to create an Airport Overlay Zone and why it was being done. He informed them that the Commission had discussed and decided on the land uses around the airport, at their last meeting. He showed them the map of the sound levels that were assigned to the airport area that the Air Force determined. Anyone who develops around the airport will have to place a buffer in place if they are going to produce a sound level higher than a standard residential area (55 DBs).

Commissioner Pete Armstrong asked the Airport Manager, Deborah Abingdon, what classification the Belen Alexander Airport has.

Deborah Abingdon said that it is a non precision approach airport. It has no traffic control tower.

Vice Chairman Steve Ethridge asked if there are visibility issues will then be able to land.

Deborah Abingdon said that they can use their instruments to land but they will need some visibility to see the runway.

Lisa Miller informed the Commission that the information provided in their packet was gotten from the FAA website that had a sample zoning ordinance.

Steven Tomita said that the Commission needs to use this as an example of what needs to be the Ordinance. He informed them that they need to look at this not only from today's timeline but also what they would like to see in the airport area 20 years from now.

Deborah Abingdon asked if the engineers have been consulted and if they have had suggestions.

Steven Tomita said that they would be contacted when we had a basic document so that they could review it and submit their suggestions.

Vice Chair Steve Ethridge asked if the FAA document was up to date because it was dated 1987. Changes have been made between 1987 and today.

Deborah Abingdon said that she would contact the engineers to get their recent findings of the FAA rules and regulations.

Discussions on the remaining sections of the FAA document were discussed.

It was decided that more information was needed so Steven Tomita will see if he can get a copy of the Deer Valley Airport and the Scottsdale Airport ordinances.

Deborah Abingdon will contact the engineers for their input and suggestions.

OPEN COMMENTS/REQUESTS

Commissioner Gordon Reeves asked if they were now going to have the re-organization of the P & Z Commission.

Lisa Miller informed him that it needed to be placed on the agenda and sent to the papers before it could be done. She plans on doing that for the next meeting.

Vice Chair Steve Ethridge would also like to see that a copy of the Roberts Rules and Order be provided to the Commissioners. Lisa Miller will do this.

ADJOURNMENT

There being no further business to come before the City of Belen Planning & Zoning Commission, Commissioner Gordon Reeves moved to adjourn.

Commissioner Debbie Thompson seconded the motion

The regular meeting of the City of Belen Planning & Zoning Commission adjourned at 7:40 pm.

Vice Chair Steve Ethridge

ATTEST: _____
Steven Tomita, Planning & Economic Development Director

AIRPORT ZONING REGULATIONS
ALEXANDER MUNICIPAL AIRPORT
BELEN, NEW MEXICO

ORDINANCE NO. 1981-5

SECTION I. SCOPE, AUTHORITY AND TITLE

These regulations are applicable to the area within a 9,000 foot radius from the center of each end of the primary surface of each runway of each airport and connecting the adjacent arcs by lines tangent to those arcs at the Alexander Municipal Airport. These regulations divide said area into zones and within such zones, specify the land uses permitted, regulate and restrict the height to which structures and trees may be erected or allowed to grow, and impose other restrictions and requirements necessary to establish the approach plan for said airport, said airport zoning plan being herein formulated and adopted by this ordinance, and the authority for same and for these regulations being NMSA 1978 Compilation, Sections 3-39-16 through 3-39-26, all as appearing in Laws of 1965, Chap. 300; and Federal Aviation Regulations, Part 77, Objects Affecting Navigable Airspace.

These regulations shall be known and may be cited as the Alexander Municipal Airport Zoning Regulations:

SECTION II. DEFINITIONS

As used in these regulations, unless the context otherwise requires:

- 1) AIRPORT - Means Alexander Municipal Airport, near Belen, New Mexico.
- 2) AIRPORT ELEVATION - Means the established elevation of the highest point on the usable landing area, which is 5193 feet, MSL.
- 3) AIRPORT REFERENCE POINT - Means the point established as the approximate geographic center of the airport landing area and is established at a location described as follows: Longitude 106°49'57"W, Latitude 34°38'51"N.

- 4) HEIGHT - For this purpose of determining the height limits in all zones set forth in these regulations and shown on the zoning map, the datum shall be mean sea level unless otherwise specified.
- 5) LANDING AREA - Means the area of the airport used for the landing or take-off of aircraft.
- 6) NON-CONFORMING USE - Means any structure, tree or use of land which is lawfully in existence at the time these regulations become effective and does not then meet the requirements of said regulations.
- 7) PRIMARY SURFACE - Means a surface longitudinally centered on a runway and extending 200 feet beyond each end of that runway provided the surface is hard otherwise the primary surface ends at each end of that runway. The primary surface is established as 200 feet beyond each end of the runways and has a width of 500 feet.
- 8) RUNWAY - Means the surface of an airport landing strip.
- 9) Other definitions are as set out in NMSA 1978 Compilation, 3-39-17; and in Federal Aviation Regulations, Part 77, Objects Affecting Navigable Airspace.

SECTION III. ZONES

In order to carry out the provisions of these regulations, there are hereby created and established certain zones which include all of the land lying within the Approach Zones, Transition Zones, Horizontal Zone and Conical Zone. Such areas and zones are shown on the Alexander Municipal Airport Zoning Map consisting of One (1) sheet, adopted by this City Council and dated May, 1979, a copy of which is attached to these regulations and made a part hereof. The various zones are hereby established and defined as follows:

- 1) APPROACH ZONES - An approach zone is established at each end of all runways on the Alexander Municipal Airport for landings and take-offs. The approach zone shall be longitudinally centered on the extended runway centerline and extending outward and upward from each end of the

primary surface and having a width of 500 feet at a distance of 200 feet beyond each end of the runway, widening thereafter uniformly to a width of 2,000 feet at a horizontal distance of 5,000 feet at a slope of twenty (20) feet horizontally to one (1) foot vertically beyond each end of the runway.

- 2) TRANSITION ZONES - Transition zones are hereby established adjacent to each runway and approach zone as indicated on the zoning map. Transition zones extend outward and upward at right angles to the runway centerline at a slope of seven (7) feet horizontally to one (1) foot vertically from the sides of the primary surface and from the sides of the approach sides of the primary surface and from the sides of the approach surfaces to the point where they intersect the surface of the horizontal zones, or the conical zone.
- 3) HORIZONTAL ZONES - A horizontal zone is hereby established as within the perimeter of which is constructed by swinging arcs of a radius of 5,000 feet from the center of each end of the primary surface of each runway of each airport and connecting the adjacent arcs by lines tangent to those arcs. The horizontal zone does not include the approach zones, conical zones, and the transition zones.
- 4) CONICAL ZONES - A conical zone is hereby established as the area that commences at the periphery of the horizontal zones and extends outward therefrom at a slope of twenty (20) feet horizontally to one (1) foot vertically for a horizontal distance of four thousand (4,000) feet. The conical zone does not include the approach zones and transition zones.

SECTION IV. HEIGHT LIMITATIONS

Except as otherwise provided in these regulations, no structure or tree shall be erected, altered, allowed to grow, or maintained in any zone created by these regulations to a height in excess of the height limit herein established for each zone. Such height

limitations are hereby established for each of the zones in question as follows:

- 1) APPROACH ZONES - One (1) foot in height for each twenty (20) feet in horizontal distance beginning at a point 200 feet from and at the elevation of the end of the runway and extending to a point 5,200 feet from the end of the runway;
- 2) TRANSITION ZONES - One (1) foot in height for each seven (7) feet in horizontal distance beginning at any point 250 feet normal to and at the elevation of the centerline of the runways extending 200 feet beyond each end thereof, extending to a height of one hundred fifty (150) feet above the airport elevation which is 5193 feet above the mean sea level. In addition to the foregoing, there are established height limits of one (1) foot vertical height for each seven (7) feet horizontal distance measured from the edges of all approach zones for the entire length of the approach zones and extending upward and outward to the points where they intersect the horizontal and conical surfaces;
- 3) HORIZONTAL ZONES - One hundred fifty (150) feet above the airport elevation or a height of 5343 feet above mean sea level; and
- 4) CONICAL ZONE - One (1) foot in height for each twenty (20) feet of horizontal distance beginning at the periphery of the horizontal zones, extending to a height of three hundred fifty (350) feet above the airport elevation.

Where an area is covered by more than one (1) height limitation, the more restrictive limitations shall prevail. Nothing in these regulations shall be construed as prohibiting the growth, construction, or maintenance of any tree or structure to a height up to two hundred (200) feet above the surface of the land within a three (3) mile radius of the airport reference point, except when such tree or structure intrudes within one of the restricted zones described above.

SECTION V. USE RESTRICTIONS

Notwithstanding any other provisions of these regulations,

no use may be made of land within any zone established by these regulations in such manner as to create electrical interference with radio communication between the airport and aircraft, make it difficult for flyers to distinguish between airport lights and others, result in glare in the eyes of flyers using the airport, impair visibility in the vicinity of the airport or otherwise endanger the landing, taking-off, or maneuvering of aircraft.

SECTION VI. NON-CONFORMING USES

A) Regulations not Retroactive. These regulations shall not be construed to require the removal, lowering, or other changes or alterations of any structure or tree not conforming to the regulations as of the effective date thereof, nor otherwise interfere with the continuance of any non-conforming use. Nothing herein contained shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of these regulations and is diligently prosecuted.

B) Marking and Lighting. Notwithstanding the preceding provision of this Section, the owner of any non-conforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the City Council to indicate to the operators of aircraft in the vicinity of the airport, the presence of such airport hazards. Such markers and lights shall be installed, operated, and maintained at the expense of the owner of the non-conforming tree or structure, and shall conform to the current Federal Aviation Administration, Advisory Circular 70/7460-1.

SECTION VII. PERMITS

A) Future Uses - Except as specifically provided in Paragraphs 1,2 and 3 hereunder, no material change shall be made in the use of the land and no structure or tree shall be erected, altered, planted or otherwise established in any zone hereby created unless a permit therefor shall have 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 would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.

- 1) In the area lying within the limits of the Horizontal Zone and Conical Zone but not within the limits of an Approach Zone or Transition Zone, no permit shall be required for any tree or structure less than 150 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 zone.
- 2) In the areas lying within the limits of the Approach Zones but at a horizontal distance of not less than 1,200 feet from each end of the runways, no permit shall be required for any tree or structure less than 50 feet or vertical height above the established airport elevation, except when such tree or structure would extend above the height limit prescribed for such instrument or non-instrument approach zone.
- 3) In the areas lying within the limits of the Conical Zones beyond the perimeter of the Horizontal Zones, no permit shall be required for any tree or structure less than 150 feet of vertical height above the ground except when such tree or structure, because of terrain, land contour or topographic feature would extend above the height limit prescribed for such Conical Zones.

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

B) Existing Uses - No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a non-conforming use, structure, or tree to be made or become higher, or become a greater hazard to air navigation, than it was on the effective date of these regulations or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

C) Non-conforming Uses Abandoned or Destroyed. Whenever the City Council determines that a non-conforming structure or tree has been abandoned or more than 80 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.

D) Variances. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use his property, not in accordance with these regulations, may apply to the City Council for a variance from such regulations. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but will do substantial justice and be in accordance with the spirit of these regulations.

E) Hazard Marking and Lighting. Any permit or variance granted may, if such action is deemed advisable to carry out the purpose of these regulations and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or trees in question to at his own expense, install, operate, and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard.

SECTION VIII. ADMINISTRATION

It shall be the duty of the City Council to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to said council upon forms furnished by it. Applications required by these regulations to be submitted to said Council shall be promptly considered and granted or denied by it.

SECTION IX. BOARD OF APPEALS AND APPEALS

There is hereby created a Board of Appeals, and appeal rights and procedures, under and pursuant to NMSA 1978 Compilation, 3-39-22, sub-sections C, D (there being no existing board of appeals or adjustment), E, F, G, H, I, J (all as set out in Chapter 300, Laws of 1965.)

SECTION X. JUDICIAL REVIEW

Judicial review may be had as provided in, and under and pursuant to NMSA 1978 Compilation, 3-39-23, subsections A,B,C,D, E (all as set out in Chapter 300, Laws of 1965).

SECTION XI. ENFORCEMENT AND REMEDIES

Violations, penalties, and additional relief are as provided in, and under and pursuant to NMSA 1978 Compilation, 3-39-24 (all as set out in Chapter 300, Laws of 1965).

SECTION XII. CONFLICTING REGULATIONS

Where there exists a conflict between any of the regulations or limitations prescribed herein and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

SECTION XIII. SEVERABILITY

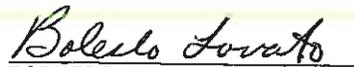
If any of the provisions of these regulations or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of these regulations which can be given effect without the invalid provision or application, and to this end the provisions of these regulations are declared to be severable.

SECTION XIV. EFFECTIVE DATE

These regulations shall be in full force and effect from date of adoption by Belen City Council.

Passed, adopted and approved Thursday, the

19th day of March, 19 81.


BOLESLO LOVATO
MAYOR

ATTEST:


BONNIE LOPEZ
CITY MANAGER

11.12.040 - Height limitations.

Except as otherwise provided in these regulations, no structure or tree shall be erected, altered, allowed to grow, or maintained in any zone created by these regulations to a height in excess of the height limit herein established for each zone. Such height limitations are established for each of the zones in question as follows:

- A. Approach Zones. One foot in height for each twenty (20) feet in horizontal distance beginning at a point two hundred (200) feet from and at the elevation of the end of the runway and extending to a point five thousand two hundred (5,200) feet from the end of the runway;
- B. Transition Zones. One foot in height for each seven feet in horizontal distance beginning at any point two hundred fifty (250) feet normal to and at the elevation of the centerline of the runways extending two hundred (200) feet beyond each end thereof, extending to a height of one hundred fifty (150) feet above the airport elevation which is five thousand one hundred ninety-three (5193) feet above the mean sea level. In addition to the foregoing, there are established height limits of one foot vertical height for each seven feet horizontal distance measured from the edges of all approach zones for the entire length of the approach zones and extending upward and outward to the points where they intersect the horizontal, and conical surfaces;
- C. Horizontal Zones. One hundred fifty (150) feet above the airport elevation or a height of five thousand three hundred forty-three (5343) feet above mean sea level; and
- D. Conical Zone. One foot in height for each twenty (20) feet of horizontal distance beginning at the periphery of the horizontal zones, extending to a height of three hundred fifty (350) feet above the airport elevation.

Where an area is covered by more than one height limitation, the more restrictive limitations shall prevail. Nothing in these regulations shall be construed as prohibiting the growth, construction, or maintenance of any tree or structure to a height up to two hundred (200) feet above the surface of the land within a three mile radius of the airport reference point, except when such tree or structure intrudes within one of the restricted zones described above.

(Ord. 1981-5 § 4)

11.12.050 - Use restrictions.

Notwithstanding any other provisions of these regulations, no use may be made of land within any zone established by these regulations in such manner as to create electrical interference with radio communication between the airport and aircraft, make it difficult for flyers to distinguish between airport lights and others, result in glare in the eyes of flyers using the airport, impair visibility in the vicinity of the airport or otherwise endanger the landing, taking-off, or maneuvering of aircraft.

(Ord. 1981-5 § 5)

11.12.060 - Nonconforming uses.

- A. **Regulations Not Retroactive.** These regulations shall not be construed to require the removal, lowering, or other changes or alterations of any structure or tree not conforming to the regulations as of the effective date of the ordinance codified in this chapter, nor otherwise interfere with the continuance of any nonconforming use. Nothing herein contained shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of the ordinance codified in this chapter and is diligently prosecuted.
- B. **Marking and Lighting.** Notwithstanding the preceding provision of this section, the owner of any 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 city council to indicate to the operators of aircraft in the vicinity of the airport, the presence of such airport hazards. Such markers and lights shall be installed, operated, and maintained at the expense of the owner of the nonconforming tree or structure, and shall conform to the current Federal Aviation Administration, Advisory Circular 70/7460-1.

(Ord. 1981-5 § 6)

11.12.070 - Permits.

- A. **Future Uses.** Except as specifically provided in subsections (A)(1), (2) and (3) of this section, no material change shall be made in the use of the land and no structure or tree shall be erected, altered, planted or otherwise established in any zone created unless a permit therefor shall have 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 would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.
1. In the area lying within the limits of the horizontal zone and conical zone but not within the limits of an approach zone or transition zone, no permit shall be required for any tree or structure less than one hundred fifty (150) 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 zone.

2. In the areas lying within the limits of the approach zones but at a horizontal distance of not less than one thousand two hundred (1,200) feet from each end of the runways, no permit shall be required for any tree or structure less than fifty (50) feet of vertical height above the established airport elevation, except when such tree or structure would extend above the height limit prescribed for such instrument or noninstrument approach zone.
3. In the areas lying within the limits of the conical zones beyond the perimeter of the horizontal zones, no permit shall be required for any tree or structure less than one hundred fifty (150) feet of vertical height above the ground except when such tree or structure, because of terrain, land contour or topographic feature would extend above the height limit prescribed for such conical zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, alteration or growth of any structure or tree in excess of any of the height limits established by these regulations except as set forth in Section 11.12.040.

- B. Existing Uses. No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a non-conforming use, structure, or tree to be made or become higher, or 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. Except as indicated, all applications for such a permit shall be granted.
- C. Nonconforming Uses Abandoned or Destroyed. Whenever the city council determines that a nonconforming structure or tree has been abandoned or more than eighty (80) 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.
- D. Variances. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use his or her property, not in accordance with these regulations, may apply to the city council for a variance from such regulations. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but will do substantial justice and be in accordance with the spirit of these regulations.
- E. Hazard Marking and Lighting. Any permit or variance granted may, if such action is deemed advisable to carry out the purpose of these regulations and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or trees in question to, at his or her own expense, install, operate, and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard.

(Ord. 1981-5 § 7)

11.12.080 - Administration.

It shall be the duty of the city council to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to said council upon forms furnished by it. Applications required by these regulations to be submitted to said council shall be promptly considered and granted or denied by it.

(Ord. 1981-5 § 8)

■ Chapter 48 - LAND DIVISIONS

■ Chapter 49 - WATER, SEWERS AND SEWAGE DISPOSAL

■ APPENDIX B - BASIC ZONING ORDINANCE

■ APPENDIX C - PRIVILEGE AND EXCISE TAXES

CODE COMPARATIVE TABLE 1972 CODE

CODE COMPARATIVE TABLE - ORDINANCES modified

STATUTORY REFERENCE TABLE

< Secs. 5-313—5-349. - Reserved.

ARTICLE IV. - ENFORCEMENT >

ARTICLE III.I. - AIRPORT VICINITY DEVELOPMENT REGULATIONS ⋮

Sec. 5-350. - Findings. ⋮

This article recognizes that obstructions to flights to and from the Scottsdale *Airport* may:

- (1) Endanger the lives and property of *airport* users and persons in the vicinity of the *airport*;
- (2) Affect existing and future instrument approach minimums to the *airport*; and
- (3) Reduce the areas available for aircraft landing, takeoff, and maneuvering.

(Ord. No. 4024, § 2, 8-27-12)

Sec. 5-351. - Purpose. ⋮

This article regulates new development, natural growth and construction equipment in the *Airport* Influence Area, as shown in Figure 1, to:

- (1) Avoid obstructions that may destroy or impair the *airport's* utility and the public investment therein;
- (2) Comply with Federal Aviation Administration (FAA) standards for noise awareness and mitigation;
- (3) Protect the viability of the *airport* as a general aviation facility; and
- (4) Promote the public health, safety, and general welfare.

(Ord. No. 4024, § 2, 8-27-12; Ord. No. 4171, § 3, 10-21-14)

Sec. 5-352. - Applicability.

The requirements of this article apply to all new development, natural growth and construction equipment in the areas labeled AC-1, AC-2 and AC-3 shown on Figure 1, *Airport Influence Area*, below. The *Airport Influence Area* is adopted and amended in accordance with the FAA Part 150 Noise Compatibility Study.

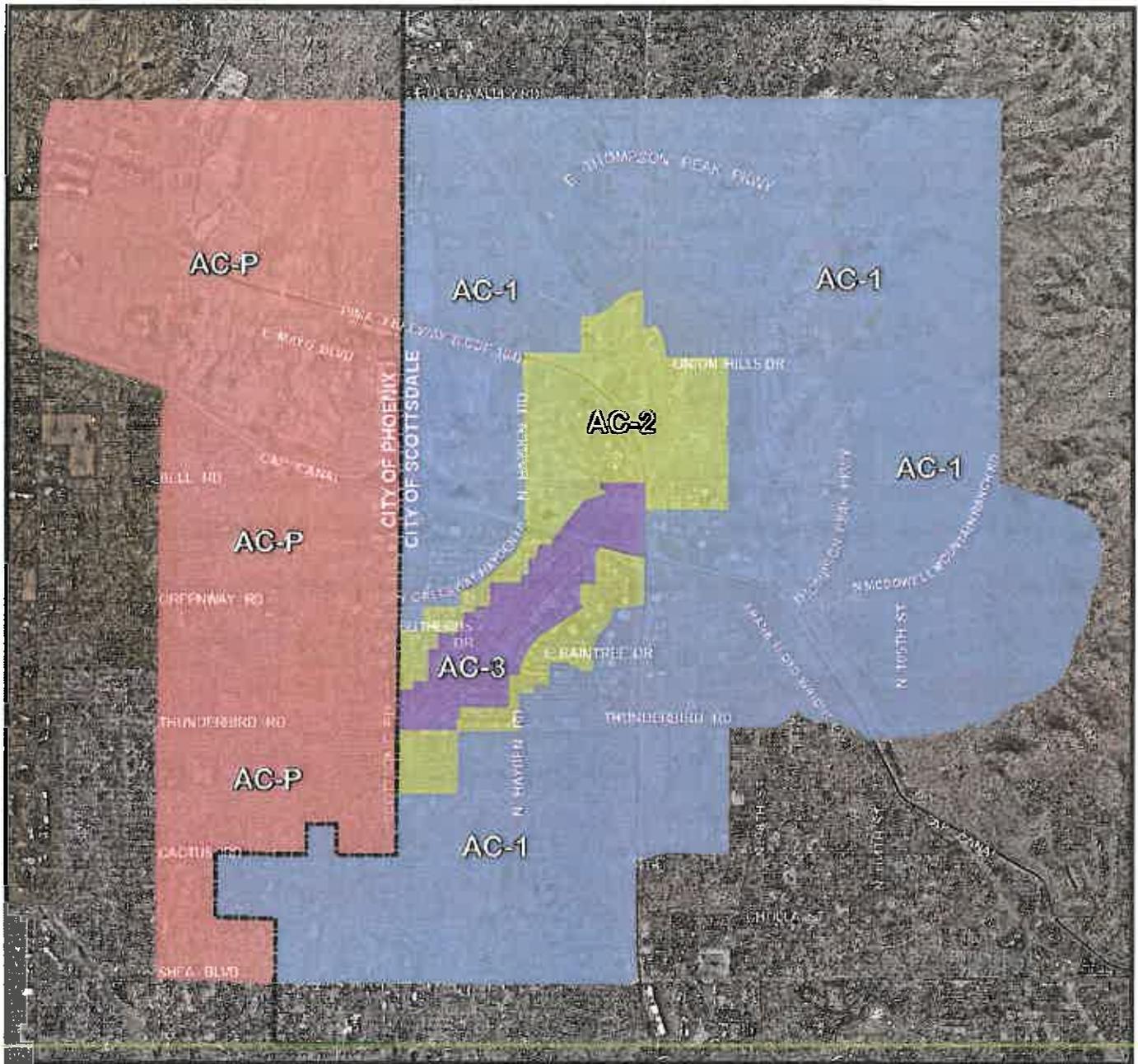


Figure 1. *Airport Influence Area*.

(Ord. No. 4024, § 2, 8-27-12; Ord. No. 4171, § 5, 10-21-14)

Sec. 5-353. - Conflicts.

- (a) If a parcel is in two (2) or more areas labeled AC-1, AC-2 and AC-3 shown on Figure 1, *Airport Influence Area*, the entire parcel shall meet the requirements of the most restrictive area.
- (b) In the case of conflict between this article and another provision of the Scottsdale Revised Code, the provision providing the higher standard for protection of the public health, safety and general welfare, as determined by the Aviation Director, shall apply.

(Ord. No. 4024, § 2, 8-27-12)

Sec. 5-354. - General requirements. ⋮

- (a) The owner of new development (and natural growth and construction equipment associated with new development) to be constructed in the areas labeled AC-1, AC-2 and AC-3 shown on Figure 1, *Airport Influence Area*, shall complete forms required by the city and the Scottsdale *Airport* to comply with this chapter, and submit the completed forms with final plans. The owner shall comply with the requirements of the forms.
- (b) The owner of new development (and natural growth and construction equipment associated with new development), to be located within the twenty-thousand-foot radius of the Scottsdale *Airport*, that penetrates the 100:1 slope from the nearest point of the runway shall submit to the FAA the appropriate forms for FAA review. See FAA Form 7460-1. Before final plan approval, the owner shall submit the FAA response to FAA Form 7460-1.
- (c) The owner of new development (and natural growth and construction equipment associated with new development), and more than two hundred (200) feet high, shall submit to the FAA the appropriate forms for FAA review. See FAA Form 7460-1. Before final plan approval, the owner shall submit the FAA response to FAA Form 7460-1.
- (d) The owner of construction equipment to be located within the twenty-thousand-foot radius of the Scottsdale *Airport*, that penetrates the 100:1 slope from the nearest point of the runway shall submit to the FAA the appropriate forms for FAA review. See FAA Form 7460-1. If the construction equipment is in violation of 14 CFR Part 77, the owner shall immediately remove the construction equipment as directed by the Aviation Director.
- (e) All applications for natural growth and new development shall be processed in accordance with Appendix B of the Scottsdale Revised Code (Basic Zoning Ordinance).
- (f) Natural growth, construction equipment and new development in the areas labeled AC-1, AC-2 and AC-3 shown on Figure 1, *Airport Influence Area*, shall avoid:
 - (1) Creating electrical interference with communications between the *airport* and aircraft.
 - (2) Making it difficult for pilots to distinguish between *airport* lights and other lights.
 - (3) Glare directed towards pilots using the *airport*.
 - (4) Impairing visibility near the *airport*.
 - (5) Creating bird strike hazards.
 - (6) Endangering or interfering with aircraft landings, takeoffs, and maneuverings.

(Ord. No. 4024, § 2, 8-27-12; Ord. No. 4171, § 5, 10-21-14; Ord. No. 4228, § 1, 12-2-15, eff. 1-1-16)

Sec. 5-355. - Fair disclosure requirements.

- (a) As recommended by the FAA Part 150 Noise Compatibility Study, each owner of property located in the areas labeled AC-1, AC-2 and AC-3 shown on Figure 1, *Airport* Influence Area, shall make fair disclosure to each purchaser. If a development is subject to Covenants, Conditions and Restrictions (CC&Rs), the owner shall include the disclosure in the CC&Rs.
- (b) For development applications heard by the Development Review Board or Planning Commission, which are filed after October 1, 2012, the city may require the fair disclosure to be recorded against the property.
- (c) The issuance of an occupancy permit may be subject to evidence that fair disclosure has been made and/or recorded, as applicable.

(Ord. No. 4024, § 2, 8-27-12)

Sec. 5-356. - Noise sensitive uses.

All land uses are regulated by the underlying zoning district in accordance with Appendix B of the Scottsdale Revised Code (Basic Zoning Ordinance). Noise sensitive land uses as part of new development are further regulated in the areas labeled AC-1, AC-2 and AC-3 shown on Figure 1, *Airport* Influence Area, pursuant to the following table. The Aviation Director may interpret and designate noise sensitive uses in conformance with the intent of the FAA to protect new development from aviation noise.

Table 5-356.A. Noise Sensitive Use Regulations.

Noise Sensitive Uses	AC-3	AC-2	AC-1
Cultural institution*	NP	P (1) (2)	P (1)
Civic and social organization	NP	P (1) (2)	P (1)
Day care*	NP	P (1) (2)	P (1)
Dwelling unit*	NP	P (1) (2)	P (1)
Elementary and secondary school*	NP	P (1) (2)	P (1)
Hospital*	NP	P (1) (2)	P
Manufactured home*	NP	P (1) (2)	P (1)
Place of worship	NP	P (1) (2)	P (1)
Residential health care facility	NP	P (1) (2)	P (1)
Travel accommodation*	NP	P (1) (2)	P

NP - Not Permitted

P - Permitted with Use Limitations:

(1) - Avigation easement required under Sec. 5-357 below.

(2) - Noise attenuation required under Sec. 5-358 below.

* The terms cultural institution, day care, dwelling unit, elementary and secondary school, hospital, manufactured home and travel accommodation are defined in the Basic Zoning Ordinance.

(Ord. No. 4024, § 2, 8-27-12; Ord. No. 4171, § 5, 10-21-14)

Sec. 5-357. - Avigation easement requirement.

Before final plan approval for any new development, the owner of a new development in the areas labeled AC-1 (for noise-sensitive uses only, except hotels, motels, resorts and hospitals), AC-2 and AC-3 shown on Figure 1, *Airport Influence Area*, shall grant the city, and record, an avigation easement satisfactory to the city attorney's office.

(Ord. No. 4024, § 2, 8-27-12; Ord. No. 4171, § 7, 10-21-14)

Sec. 5-358. - Noise attenuation requirements.

- (a) All new developments that include noise-sensitive uses within the areas labeled AC-2 and AC-3 shown on Figure 1, *Airport* Influence Area, shall be constructed with noise attenuation measures in conformance with sound transmission requirements of the International Building Code (IBC).
- (b) If noise sensitive uses occupy only a portion of a new development, only the noise sensitive uses are required to be protected.

(Ord. No. 4024, § 2, 8-27-12; Ord. No. 4171, § 8, 10-21-14)

Sec. 5-359. - Existing structures and natural growth.

- (a) Nothing in this article requires any change in the construction or change in the intended use of any structure if the construction began before October 1, 2012.
- (b) No use or natural growth established or structure begun before October 1, 2012 is permitted to become a greater hazard to air navigation than it was on October 1, 2012.
- (c) The Aviation Director may require the owner of a structure, the construction of which began before October 1, 2012, to install markers and lights on the structure, if the Aviation Director deems them necessary for *airport* safety. The markers and lights shall be installed, operated, and maintained at the owner's expense.
- (d) If a structure, the construction of which began before October 1, 2012, does not conform to the requirements in this article and is destroyed to the extent of fifty (50) percent or more of its value, then the reconstruction of the structure is subject to the requirements of this article.
- (e) If natural growth is in violation of 14 CFR Part 77, the owner shall immediately remove the natural growth as directed by the Aviation Director.

(Ord. No. 4024, § 2, 8-27-12; Ord. No. 4171, § 9, 10-21-14)

Sec. 5-360. - Variances.

- (a) If an owner cannot meet the requirements of this article, the owner may apply to the *Airport* Appeals Board for a variance from the requirements, in accordance with the procedures in section 5-362.
- (b) The owner shall file an application with the Aviation Director, including a written FAA determination that the variance will not affect the *airport's* safety, efficiency and utility.
- (c) A variance may be allowed if the *Airport* Appeals Board finds that:
 - (1) The owner did not create the circumstances requiring a variance;
 - (2) A literal application of the requirements will result in unnecessary hardship; and
 - (3)

The variance will advance the public interest, avoid hazards to air navigation, do substantial justice, and comply with the spirit of this chapter.

- (d) The *Airport Appeals Board* may impose conditions on a variance. A violation of a condition is a violation of this chapter, and renders the variance void.
- (e) A variance is void if the use has not begun within one (1) year after the variance is granted. The *Airport Appeals Board* may permit extensions, if the request for the extension is filed with the Aviation Director before the one (1) year expires.
- (f) The *Airport Appeals Board* may not permit noise-sensitive uses within area labeled AC-3 shown on Figure 1, *Airport Influence Area*.

(Ord. No. 4024, § 2, 8-27-12; Ord. No. 4171, § 10, 10-21-14)

Sec. 5-361. - Use determination, administration and enforcement.

- (a) The Aviation Director's determination that a use is a noise-sensitive use may be appealed to the *Airport Appeals Board*, in accordance with the procedures in section 5-362.
- (b) The Aviation Director shall administer and interpret this chapter.
- (c) The Aviation Director shall enforce the requirements of this article, with the assistance, as requested, of the planning department and code enforcement.

(Ord. No. 4024, § 2, 8-27-12; Ord. No. 4171, § 11, 10-21-14)

Sec. 5-362. - Procedure—Application for a variance and appeal under Article III.I.

- (a) Upon receipt of the following, the *Airport Appeals Board* shall set a hearing within ten (10) calendar days and give notice of the hearing:
 - (1) A variance application.
 - (2) An appeal of the Aviation Director's determination that a use is a noise-sensitive use.
- (b) An appeal of the Aviation Director's determination that a use is a noise-sensitive use shall be taken by filing a written notice of appeal with the Aviation Director no later than ten (10) calendar days after the Aviation Director's determination. The right to appeal is waived if the notice of appeal is not timely filed.
- (c) The *Airport Appeals Board* may grant continuances of the hearing, but hearings under this section shall be conducted no later than thirty (30) calendar days from the date on which the application was filed.
- (d) All meetings shall be public, except as provided by Arizona Revised Statutes. Minutes of meetings shall be kept.
- (e) The applicant and the city may be represented by counsel at the hearing. Formal rules of evidence shall not apply. The *Airport Appeals Board* may compel the attendance of witnesses. Both the applicant and the city may cross-examine witnesses and present evidence through testimony and

exhibits. The *Airport* Appeals Board shall determine the order and manner of proof.

- (f) The *Airport* Appeals Board shall make findings of fact and conclusions of law based on the evidence. The concurring vote of a majority of the members of the *Airport* Appeals Board is required for decision.
- (g) The *Airport* Appeals Board shall rule on the matter and give notice of the ruling in writing within ten (10) calendar days, unless all parties stipulate that additional time is required to render a fair decision. The *Airport* Appeals Board may impose conditions on its ruling.
- (h) The exhaustion of remedies at the city level does not preclude an aggrieved party from seeking any other remedies provided by law.

(Ord. No. 4171, § 12, 10-21-14)

Secs. 5-363—5-400. - Reserved.



< Secs. 5-313—5-349. - Reserved.

ARTICLE IV. - ENFORCEMENT >

4.0 Off-Airport Land Use and Zoning

The City of Phoenix General Plan is a long-term comprehensive guide for physical development within the City of Phoenix and serves as the vision for future development. The General Plan Land Use Map indicates the intended predominate future function, density and characteristic use of land for the different parts of the City. The purpose of the Land Use Map is to depict generalized desired future land use and not the intended zoning of individual parcels; however, zoning granted after the adoption of the General Plan or subsequent amendments will be in conformity with the land use category depicted in the General Plan Land Use Map. The City is currently updating the General Plan which was last completed in 2002. While the Arizona Revised Statutes requires cities to update their plans every 10 years a five-year extension was incorporated into the law to allow incorporation of 2010 census data. The update to the General Plan will be completed in 2015.

The City is divided into 15 Urban Villages and each village has a Village Planning Committee that is appointed by the City Council. The Village Planning Committees assist the City of Phoenix Planning Commission in the performance of its responsibilities including: identifying areas or provisions of the General Plan text that need refinement and updating; identifying problems and needs related to implementation of the General Plan; defining in greater detail the intended future function, density and character of subareas of the village; and commenting on proposals for new zoning districts or land use districts. Each village participates in the development of the General Plan. DVT is located in the Deer Valley Village which is comprised of industrial zoned land along with residential and park/open space such as the Adobe Recreation Area. Land uses surrounding DVT along with specific zoning ordinances applicable to DVT and the surrounding areas are described in this chapter.

4.1 General Plan Land Use

Land uses surrounding DVT as identified in the 2002 City of Phoenix General Plan Land Use Map, which was revised in June 2014, for the Deer Valley Village are depicted on **Figure 4-1**. Single and multi-family residential uses of all densities are shown as residential. A breakdown of residential densities can be found on the Deer Valley Village Land Use Map which is located on the Deer Valley Village Committee website⁶. Land immediately surrounding DVT is designated as industrial. To the south, land use is primarily comprised of residential with some limited commercial and open space. To the west of Interstate-17, there is a mixture of commercial, industrial, public, and park/open space land uses along Interstate-17 with residential and park/open space land uses further west. To the north, land use closest to DVT is designated as industrial, commercial, and commerce. North of Happy Valley Road areas are designated as residential and park/open space. To the east, areas are designated primarily as industrial and open space with residential land use along Cave Creek Road.

⁶ <https://www.phoenix.gov/pdd/pz/deer-valley-village-planning-committee>



Legend

- Airport
- Residential
- Commercial
- Commerce / Business Park
- Commercial/Commerce Mixed Use
- Industrial
- Park/Open Space
- Public Use
- Flood Plain

- Airport Boundary**
- Deer Valley Airport Overlay Area 1**
- Deer Valley Airport Overlay Area 2**
- Deer Valley Airport Overlay Area 3**
- Deer Valley Airport Overlay**

Note: All Overlay areas require signage notification to be recorded

- Area 1**
- No Residential Uses in A-1 Zoning
- Area 2**
- Prohibited Uses:
 - Residential Uses in C-1, C-2, or C-3 Zoning
 - Assembly/halls and auditoriums
 - Church or similar place of worship
 - Dependent care facility
 - Foster home
 - Group home
 - Gymnasium
 - Hospital
 - Motion picture theater
 - Nursery school
 - Nursing home
 - Personal care home
 - Public assembly
 - Schools, private
- Area 3**
- Same prohibited uses as Area 2
- Additional Height Restrictions

Deer Valley Village General Plan Land Use

Figure 4-1



Source: Based on City of Phoenix Deer Valley Village General Plan Land Use Map



NOT TO SCALE

Airport property is designated as public/aviation use with parcels in the northwest and southeast portions of airport property identified as industrial. These parcels were purchased in 2000, and their land use designations have not been changed from their previous designation within the General Plan.

4.2 Proposed Land Use

As part of the City's update of the General Plan, it is recommended that the land use identified for the parcels within DVT's property boundary be reclassified as public/airport. In addition, the areas outside the airport property line on the west side of DVT, which are currently identified as public/airport, be reclassified as industrial. The proposed future land use changes are depicted in **Figure 4-2**.

4.3 Airport Overlay District

The purpose of the Zoning Ordinance G-5929 of the City of Phoenix (Phoenix Zoning Ordinance) is to establish standards and regulations to govern the use of land and structures in the City and to provide a process for review and approval of all proposed development of property in the City consistent with the implementation of the General Plan and other adopted goals, policies and standards of the City. The Phoenix Zoning Ordinance divides City property into use districts which specify allowable uses such as single and multi-family residential, commercial office, industrial, parking, high-rise, conservation, historic preservation, etc. Overlays are used to further regulate the use of specific areas due to special circumstances where additional land use or height restrictions are required for reasons such as compatibility or safety, such as surrounding an airport.

In November 2006 after the completion of the Deer Valley Airport Area Study, the City Council approved an amendment to the Phoenix Zoning Ordinance to create the Deer Valley Airport Overlay (DVAO) District. The DVAO District boundaries and regulations are delineated on the City's Official Supplementary Zoning Map No. 1116 and in Section 658 of the City of Phoenix Code. The DVAO District was developed to assist the City planning process by providing reasonable zoning objectives for the community. The goal is to prevent incompatible land uses with regard to airport noise, public safety, and airspace protection as required by the FAA to promote the long term viability of DVT, by:

- Ensuring land use compatibility with airport operations
- Protecting navigable airspace from physical encroachment
- Requiring permanent notice of flight operations to property owners

The DVAO District is divided into three separate regulation areas shown on **Figure 4-1**, and is generally bound by Happy Valley Road on the north, 29th and 31st Avenues on the west, Rose Garden Lane and its general alignment on the south and Cave Creek Road, the Central Arizona Project Canal, and the alignment of 16th and 20th Streets on the east. All areas are required to record with the Maricopa County Recorder's Office that a parcel resides within the overlay area. When a parcel falls partially into one or more of the regulated areas, the most restrictive regulation area shall apply for the entire parcel.



Proposed General Plan Land Use

Figure 4-2



Source: Based on City of Phoenix Deer Valley Villages General Plan Land Use Map with proposed future land uses.



NOT TO SCALE

Area 1 seeks to encourage industrial and commercial uses while prohibiting residential uses in A-1 Zoning except as used for a caretaker on industrial or agricultural parcels.

Areas 2 and 3 have the same restrictions as Area 1 and also prohibit any uses, such as places of assembly, which would be adversely impacted by aircraft noise, such as:

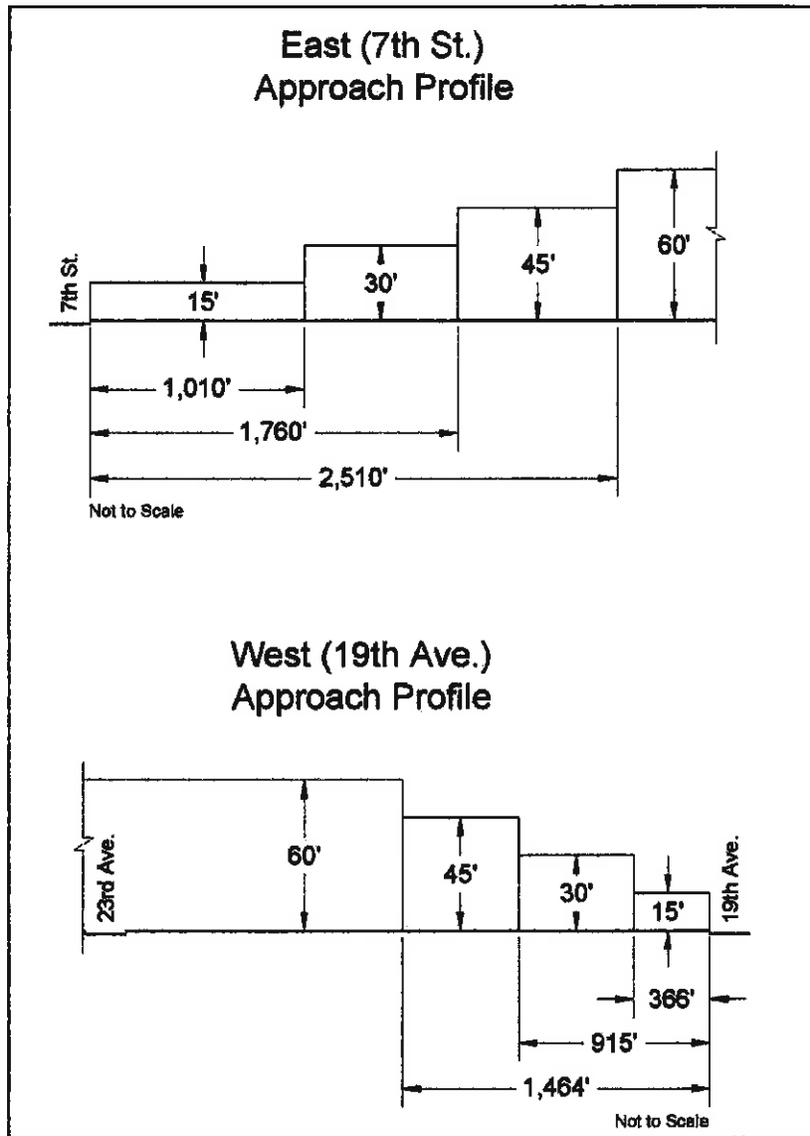
- Residential uses in C-1, C-2, or C-3 Zoning
- Assembly halls and auditoriums
- Churches or similar place of worship
- Dependent care facilities
- Foster homes or group foster care facilities
- Group homes for the handicapped
- Gymnasiums
- Hospitals
- Motion picture theaters
- Nursery schools
- Nursing homes
- Personal care homes
- Public assembly uses limited to active recreational and spectator only
- Schools, private

The underlying zoning for the use district establishes the allowable height for development within Areas 1 and 2. Area 3 incorporates additional height restrictions on structures as shown in **Figure 4-3**. Distances are measured horizontally from the existing natural grade of the site along the centerlines of 19th Avenue and 7th Street, respectively.

The Phoenix Building Construction Code also specifies that no building permit will be issued for a project in the City that may affect navigable airspace until a Notice of Proposed Construction or Alteration (FAA Form 7460-1) is filed with the FAA and a "No Hazard Determination" is received. A Form 7460-1 is required for:

- Any construction or alteration exceeding 200 feet above ground level
- Any construction or alteration:
 - o Within 20,000 feet of a public use or military airport which exceeds a 100:1 surface from any point on the runway of each airport with its longest runway more than 3,200 feet
 - o Within 10,000 feet of a public use or military airport which exceeds a 50:1 surface from any point on the runway of each airport with its longest runway no more than 3,200 feet
 - o Within 5,000 feet of a public use heliport which exceeds a 25:1 surface
- Any highway, railroad or other traverse way where the prescribed adjusted height would exceed the above noted standards. Under FAR Part 77, roadway elevations are adjusted 15 feet above roadway level, interstate highway elevations are adjusted 17 feet above highway level, and railroad elevations are adjusted 23 feet above railway track level.
- Any construction or alteration located on a public use airport or heliport regardless of height or location
- When requested by the FAA

Figure 4-3: Deer Valley Airport Overlay Area 3 Height Restrictions



Source: Zoning Ordinances of the City of Phoenix, Section 658 Deer Valley Airport Overlay District Figure 1.

4.4 Off-Airport Terrain

The terrain surrounding DVT must be considered prior to selecting airport development alternatives. There are several hills located just to the east of DVT which may serve as constraints for the development of higher-precision approach procedures and changes to runway departure and arrival threshold locations. The hills are existing penetrations of the Runway 25L Part 77 Approach Surface and the Runway 7R and 7L Terminal Instrument Procedures (TERPS) Departure Surfaces. While it is not explicitly required to keep these surfaces clear of obstacle penetrations, they impact DVT's procedures, especially the departure procedure, Deer Valley One (Obstacle), which includes a sharp left turn after departure to allow aircraft to climb while maintaining lateral clearance from the hills. Some of the hills to the northeast of DVT are actively being mined which will reduce their elevation over time. A 2006 inventory of the adjacent hills is included below and locations are depicted in **Figure 4-4**. The inventory identifies the ownership, height, obstruction light status, whether it is within the Sonoran Preserve, its current status, and the existing impacts to air navigation. In the years since the inventory was conducted, Hills 4 and 6 have been mitigated and are no longer issues for airport development. It is recommended that coordination with the Arizona State Land Department is continued to identify opportunities for reducing the elevation of the hills below the encroached airspace surfaces.

Hill 1

Ownership: Arizona State Land Department (ASLD)

Height: 1,560 feet MSL

Obstruction Light: Yes, on leased parcel

Sonoran Preserve: Outside of Sonoran Preserve boundary

Current Status: ASLD has issued permit to F & F Construction to use the hill for borrow for Deer Valley Road extension

Master Plan Impact:

- Penetrates the Runway 7R Departure Surface by 50 feet

Hill 2

Ownership: ASLD

Height: 1,636 feet MSL

Obstruction Light: Yes, on leased parcel

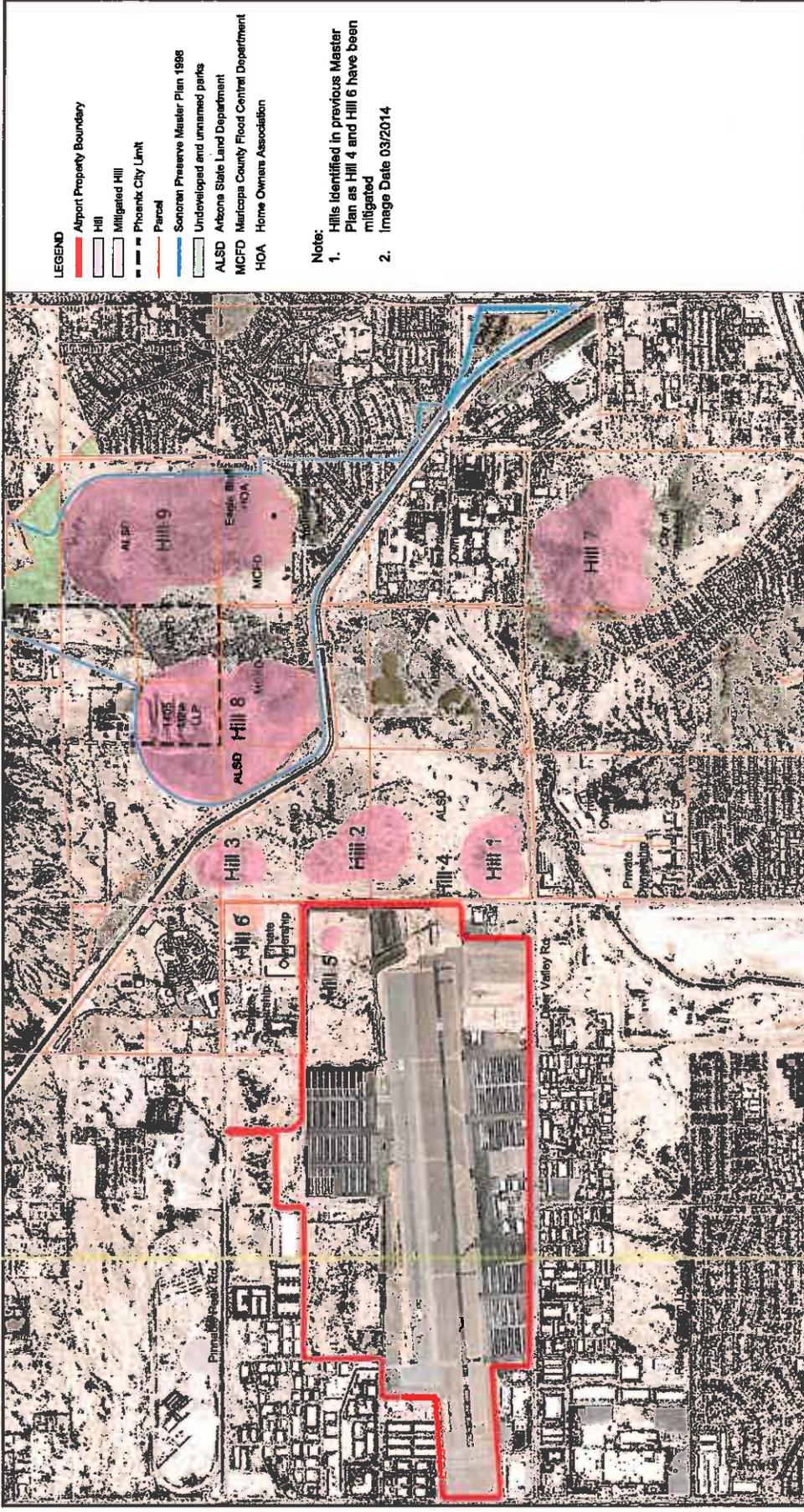
Sonoran Preserve: Outside of Sonoran Preserve boundary

Current Status: ASLD has issued permit to F & F Construction to use the hill for borrow for Deer Valley Road extension

Master Plan Impact:

- Contributes to current Runway 25L threshold displacement
- Penetrates the Runway 25L Part 77 approach surface by 16 feet
- Penetrates the Runway 7L Departure Surface by 48 feet

PHOENIX DEER VALLEY AIRPORT MASTER PLAN UPDATE



Hills Inventory

Figure 4-4



HINTB

Hill 3**Ownership:** ASLD**Height:** 1,600 feet MSL**Obstruction Light:** No**Sonoran Preserve:** Outside of Sonoran Preserve boundary**Current Status:** ASLD has issued permit to F & F Construction to use the hill for borrow for Deer Valley Road extension**Master Plan Impact:** No Impacts**Hill 4 (MITIGATED)****Ownership:** City of Phoenix (Phoenix Deer Valley Airport)**Height:** Ground Level**Obstruction Light:** Not applicable**Sonoran Preserve:** Outside of Sonoran Preserve boundary**Current Status:** Hill has been mitigated (removed) and is no longer a constraint**Master Plan Impact:** No impacts**Hill 5****Ownership:** City of Phoenix (Phoenix Deer Valley Airport)**Height:** 1,513 feet MSL**Obstruction Light:** No**Sonoran Preserve:** Outside of Sonoran Preserve boundary**Current Status:** None**Master Plan Impact:**

- Potential impacts to future on-airport development. Hill will require evaluation and potential removal prior to development

Hill 6 (MITIGATED)**Ownership:** Airpark 30, LLC**Height:** 1,510 feet MSL**Obstruction Light:** Not applicable**Sonoran Preserve:** Outside of Sonoran Preserve boundary**Current Status:** Recently mined for materials**Master Plan Impact:** No impacts**Hill 7****Ownership:** City of Phoenix**Height:** 2,075 feet MSL**Obstruction Light:** Yes, on City-owned property**Sonoran Preserve:** Outside of Sonoran Preserve boundary**Current Status:** No current plans**Master Plan Impact:**

- Penetrates the Runway 7R Departure Surface by 4 feet

Hill 8

Ownership: 1405 Mine, LLP; Maricopa County Flood Control District

Height: North Peak - 1,840 feet MSL; South Peak - 1,700 feet MSL

Obstruction Light: Yes (north peak), on small parcel owned by the City of Phoenix

Sonoran Preserve: Within Sonoran Preserve boundary

Current Status: 1405 Mine, LLP is presently mining its property on the north side of the hill. This portion is outside of City limits and mining permits were approved by Maricopa County.

Master Plan Impact:

South Peak penetrates the Runway 7L Departure Surface by 45 feet

Hill 9

Ownership: ASLD; Maricopa County Flood Control District; Eagle Bluff Homeowners

Association; Mountain Gate Views, LLC

Height: North Peak - 1,943 feet MSL; South Peak - 1,938 feet MSL

Obstruction Light: Yes, but no known parcel lease or ownership

Sonoran Preserve: Within Sonoran Preserve boundary

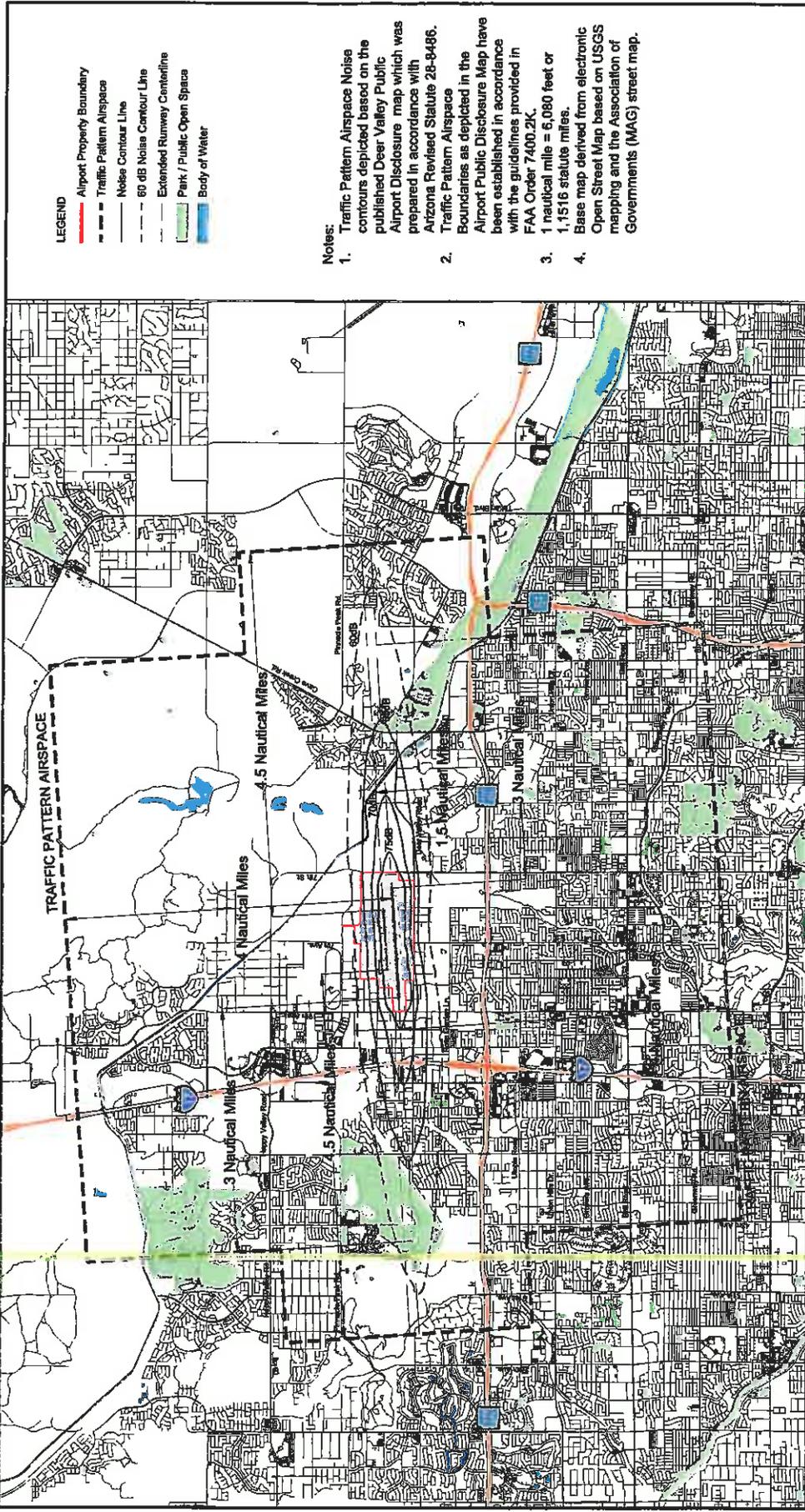
Current Status: City of Phoenix has made application to ASLD to acquire the property as part of a voter-approved Sonoran Preserve initiative; however, there is no available funding to acquire the property. The City has interest in preservation of parcels under other ownership.

Master Plan Impact:

- South Peak penetrates Runway 7R Departure Surface by 217 feet

4.5 Public Airport Disclosure Map

Arizona Revised Statute (ARS) 28-8486, Public Airport Disclosure, requires that public airport owners publish a map depicting the boundary of the "territory in the vicinity of the public airport". The territory is defined as property that is within the traffic pattern airspace defined by the FAA which includes property that experiences a Day-Night Average Sound level (DNL) of 60 decibels or higher in counties with more than 500,000 residents (in counties with 500,000 thousand residents or less the threshold is 65 decibels). The DNL is calculated for a 20-year forecast condition and the current noise contours were developed in 2007. ARS 28-8486 requires the State Real Estate Office prepare a disclosure map in conjunction with the airport owner that is recorded with the county and available to the public. The map must be sufficient to notify owners and potential purchasers of property that the property is located in or outside of a territory in the vicinity of a public airport. The Deer Valley public airport disclosure boundary and noise contours are depicted on **Figure 4-5**. The published Public Airport Disclosure Map is provided in **Appendix D**.



DVT Public Airport Disclosure Boundary

Figure 4-5



HNTB

4.6 Voluntary Noise Abatement Procedures

Pilots at DVT are encouraged to practice noise awareness and use noise friendly procedures. The Deer Valley Airport Pilot Guide outlines the Airport Owners and Pilots Association noise awareness guidelines as follows, and as depicted in **Figure 4-6**. These are voluntary guidelines that pilots are requested to adhere to them when safe to do so.

1. If practical, avoid noise-sensitive areas. Make every effort to fly at or above 3,500 feet MSL over such areas when overflight can be avoided.
2. Consider using a reduced power setting if flight must be low because of cloud cover or overlying controlled airspace or when approaching the airport of destination. Propellers generate more noise than engines; flying with the lowest practical RPM setting will reduce aircraft noise substantially.
3. Perform stalls, spins and other practice maneuvers over uninhabited terrain.
4. Familiarize yourself and comply with airport noise abatement procedures.
5. On takeoff, gain altitude as quickly as possible without compromising safety. Begin takeoffs at the start of a runway, not an intersection.
6. Use PAPI. This will indicate a safe glide-path and allow a smooth, quiet descent to the runway.
7. Retract the landing gear either as soon as a landing straight ahead on the runway can no longer be accomplished or as soon as the aircraft achieves a positive rate of climb. If practical, maintain best-angle-of-climb airspeed until reaching 50 feet or an altitude that provides clearance from terrain or obstacles. Then accelerate to best-rate-of-climb airspeed. If consistent with safety, make the first power reduction at 500 feet.
8. Fly a tight landing pattern to keep noise as close to the airport as possible. Practice descent to the runway at low power settings and with as few power changes as possible.
9. If possible, do not adjust the propeller control for flat pitch on the downwind leg; instead, wait until short final. This practice not only provides a quieter approach, but also reduces stress on the engine and propeller governor.
10. Avoid low-level, high-power approaches, which not only create high noise impacts, but also limit options in the event of engine failure.
11. Flying between 11 pm and 7 am should be avoided whenever possible.
12. 700 feet of separation between runways.
13. Simultaneous departures and arrivals on runways.



Source: Deer Valley Airport Pilot Guide

DVT Voluntary Noise Reduction Procedures

Figure 4-6



NOT TO SCALE

5.0 Airport Alternatives

5.1 Alternatives Objectives

This Airport Alternatives Chapter describes potential improvements to DVT's airfield, landside, and support facilities to meet the forecast facility requirements presented in Chapter 3, Facility Requirements.

5.1.1 Identified Needs

Chapter 3, Facility Requirements identified the future infrastructure needed to accommodate forecast demand for those facilities. The condition of the existing airport infrastructure and its capability to accommodate this need is also taken into account. Based on the recommendations of the facility requirements and input from project stakeholders, the following improvements were studied within this Airport Alternatives Chapter:

Airside Development Alternatives

- Mitigation of FAA-recognized hot spots
- Mitigation of non-standard airfield geometry
- Extension of Runway 7L-25R
- Mitigation of Runway 7R-25L holdbars south of the runway
- Improvements to meet current FAA design standards for the future critical aircraft (Gulfstream IV)
- Improvements to the visual navigation aids for both runways

Support Facility Alternatives

- Compass calibration pad
- Options for an IFR hold bay
- Relocation options for the Police Air Support Unit
- U.S. Customs and Border Protection (CBP) Alternatives

On-Airport Land Use Alternatives (includes general aviation and landside)

- Expansion of general aviation hangar facilities
- North side terminal or pilot's lounge
- Helicopter training area
- Access improvements to the north side facilities
- New vehicle parking associated with new/relocated facilities

The development alternatives presented in this chapter are separated into the three families as indicated above. Each family of alternatives addresses its specific functional areas without consideration of other alternative families. In addition, the individual support facility alternatives each address a specific component without inclusion of the other components. The alternatives will be considered comprehensively in relation to each other during the evaluation and selection of the Recommended Alternative.

5.1.2 Alternatives Objectives

The following objectives were considered in order to guide the development of the various alternatives:

- **Meet the Forecast Facility Requirements:** The facility requirements qualitatively and quantitatively describe DVT's needs for the next 20 years based on the Forecast as well as tenant/user-specific requirements.
- **Right-size the Airport for Future Growth:** This Master Plan is not intended to overbuild facilities nor preclude the ability to further expand facilities in the future, but to provide a plan for future growth.
- **Meet Current FAA Design Standards:** A significant number of the airside facilities do not currently meet current FAA design standards and the Master Plan strives to bring them into compliance with current standards.
- **Balance the Utilization of the Airfield (North and South):** The existing utilization of the runways heavily favors the south runway, Runway 7R-25L, due to the proximity of DVT's most frequent users. The plan aims to better balance this demand between the north and south runways.
- **Improve the Safety and Operational Efficiency of the Airfield:** Continue to look for opportunities to reduce the risk of airfield incursions while maximizing the efficiency of DVT.
- **Continue to Serve the General Aviation Community:** DVT's role as a general aviation reliever airport will not change as part of this Master Plan
- **Provide a High Level of Service to Tenants and Users:** Ensure that planned infrastructure provides DVT's tenants and users with a high level of service and customer satisfaction.

5.1.3 System Considerations

There are several considerations specific to DVT factored into the development of the alternatives families. A principal physical consideration is DVT's existing property boundary. As discussed in the previous section, one of the main goals of this Master Plan is to right-size DVT, and as such, the vast amount of developable land that already exists on airport will be sufficient to meet DVT's needs for the next 20 years. Another consideration is the desire to minimize additional impacts to off-airport property either by physical development or by associated airspace surfaces (e.g. RPZs, RSAs, ROFAs, Part 77 surfaces, etc...). Based on this Master Plan's goal to continue serving the general aviation community, DVT will not serve commercial airline operations other than air taxi service or purposefully attract additional military traffic. Development opportunities will be sized to meet the needs of DVT's future critical aircraft – the Gulfstream IV.

5.2 Non-Development Alternatives

Non-development alternatives are used to compare and assess impacts of development alternatives. Three non-development alternatives were identified.

5.2.1 No Build Alternative

Under the No Build (or No Action) Alternative, no additional airside and landside facilities would be constructed. The No Build Alternative is included for comparison to Build Alternatives and will be carried through any subsequent environmental analysis. The No Build Alternative does not address existing or forecast airside, landside, or support facility deficiencies. Under this alternative, the existing facilities and infrastructure remain in place and no physical alterations would be made with the exception of necessary regular maintenance activities. It is expected that periodic runway and taxiway overlay projects will be needed to maintain airport operations. As demand continues to grow, DVT will not be able to accommodate much more activity in many of its facilities than it accommodates today and deficiencies projected in the Chapter 3, Facility Requirements, will be realized. The No-Action Alternative is presented in **Figure 5-1**.

5.2.2 Transfer Aviation Services

Another non-development alternative is the transfer of all or partial existing aviation services to another airport in the Phoenix Metropolitan Area. Transferring all aviation services and activities to another airport, which would result in the closure of DVT, is not a viable alternative as the City has identified DVT as its primary general aviation reliever airport for PHX. Transferring specific or partial aviation services to another airport would change the mission of DVT. In addition, DVT is an economic driver creating employment opportunities and supporting businesses in the area. It is not recommended to transfer any aviation services or activities to another airport.

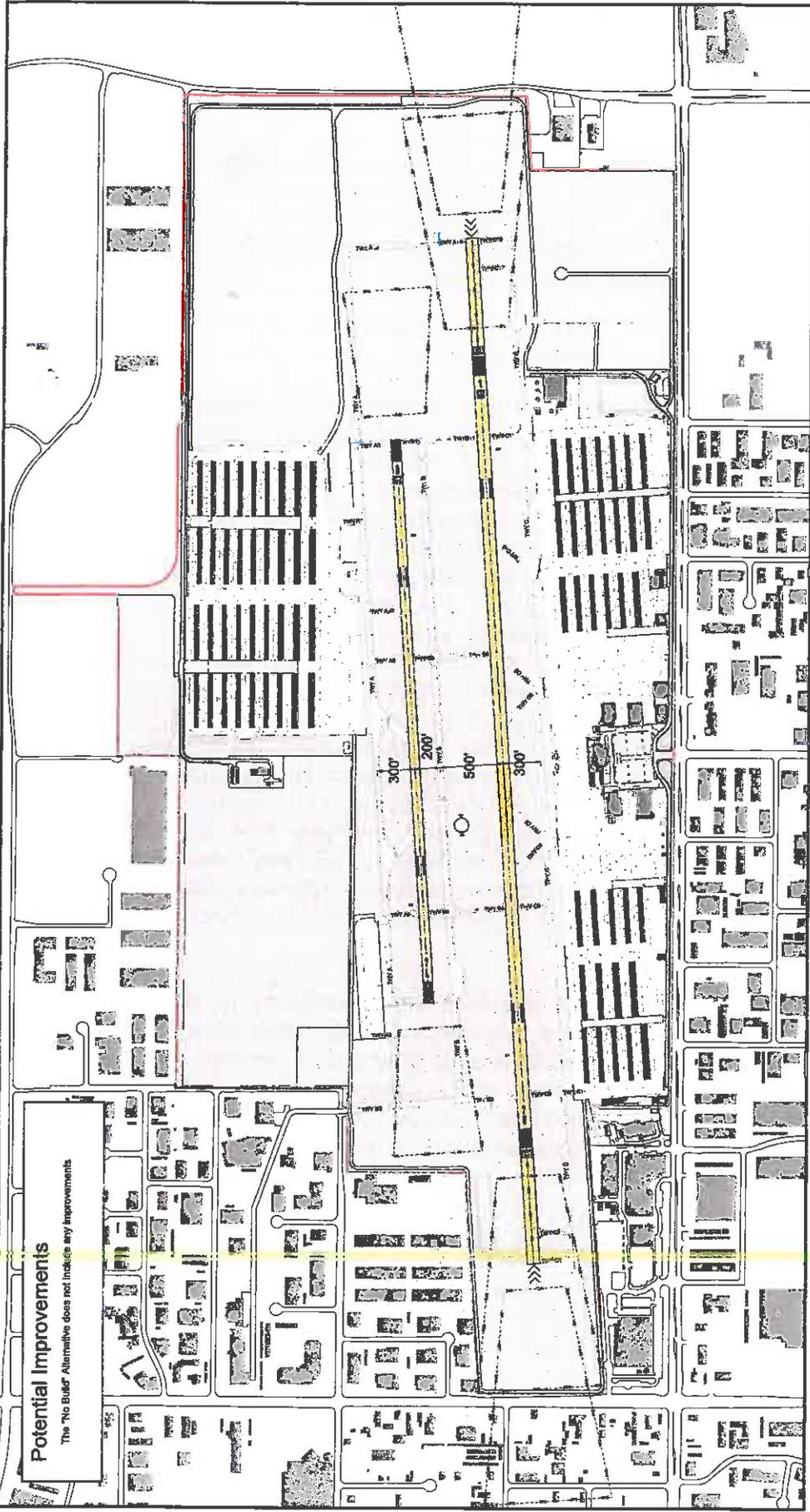
5.2.3 Construction of a new Airport Site

In some exceptional situations, replacement airports are constructed when an existing airport cannot sufficiently be expanded or face significant external challenges due to the community, environment, or terrain. Constructing a new airport in today's environment can take more than a decade and cost billions of dollars. DVT's existing facilities and available developable parcels are sufficient to support projected aviation demand through the planning horizon and the surrounding industrial land use and DVAO District make DVT compatible with its surroundings. It is not recommended that the City explore the construction of a new airport site.

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Potential Improvements

The "No Build" Alternative does not include any improvements



- LEGEND**
- Airport Property Boundary
 - Airfield Ramp, Taxiway & aircraft
 - Existing Runway Pavement
 - Existing on-Airport Building
 - Holding Position
 - Runway Protection Zone

No Build Alternative

Figure 5-1



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5.3 Airfield Development Alternatives

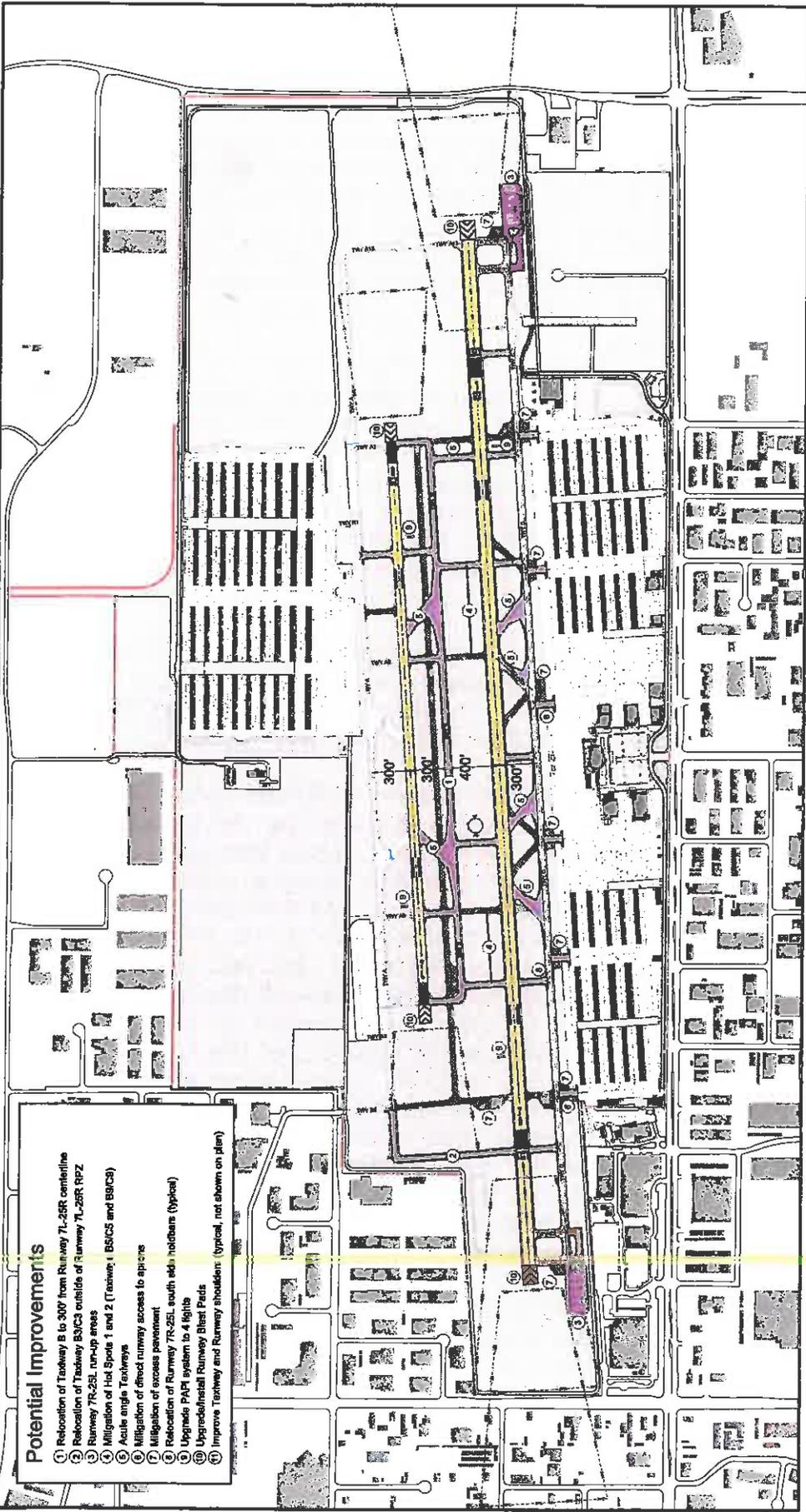
The airfield development build alternatives were created with the overall development goals presented in Section 5.1.2 in mind and specifically address the need to right-size DVT based on the Forecast, meet current FAA design standards, and further improve safety. Five build alternatives are presented accommodating a range of potential needs. The alternatives are intended to be interchangeable and all of the alternatives build off of each other.

5.3.1 Airfield Alternative 1 – Taxiway Geometry Enhancements

Airfield Alternative 1 – Taxiway Geometry Enhancements, presented in **Figure 5-2**, proposes the reconfiguration, realignment, and reconstruction of many of DVT's taxiways with the goal of meeting current FAA design standards and eliminating hot spots and non-standard geometry intersections. The most significant improvement included within this alternative is the relocation of parallel Taxiway B to increase its existing centerline to centerline separation with Runway 7L-25R from 200 feet to 300 feet. Similar to the Taxiway A reconstruction and relocation, which relocated Taxiway A from 200 feet to 300 feet north of Runway 7L-25R's centerline, the relocation and reconstruction of Taxiway B is needed for Runway 7L-25R to meet ARC B-II design standards. While the future RDC for Runway 7L-25R is B-II, and the required runway to taxiway design standard separation is a minimum of 240 feet, relocating Taxiway B to the RDC D-II standard of 300 feet from the runway centerline allows full redundancy in case of an incident on Runway 7R-25L. This would allow D-II aircraft to have functional use of the airfield during periods of Runway 7R-25L closure. The additional separation gained by the 100 foot relocation allows most of the small general aviation fleet to hold between the Runway 7L-25R holdbars and the Taxiway B OFA, reducing congestion on Taxiway B and enhancing the capacity of the taxiway system. The relocation of Taxiway B 100 feet south still maintains sufficient separation of 400 feet from Runway 7R-25L as well.

The relocation of Taxiway B also provides an opportunity to address the FAA hot spots and non-standard geometry intersections that were identified in Chapter 3, Facility Requirements. An important and successful method to improve airfield safety and reduce the occurrence of incursions is the enhancement of pilot situational awareness by eliminating runway crossings straight through to the ramp, maximizing 90 degree intersections to improve pilot visibility, as well as implementation of other visual cues.

To address the FAA-identified hot spots, this alternative proposes to eliminate the straight through taxi paths that currently exist on Taxiways B5 and B9 and require aircraft to make a turn onto Taxiway B in order to cross to the north or south. Requiring an aircraft to make a turn onto Taxiway B enhances pilot and controller situational awareness as it provides more visual cues for pilots to understand their location on the airfield. This reduces the risk of a pilot missing runway holdbars and causing an incursion in these two hot spot locations.



- Potential Improvements**
- ① Relocation of Taxiway B to 300' from Runway 7L-25R centerline
 - ② Relocation of Taxiway B3C3 outside of Runway 7L-25R RPZ
 - ③ Runway 7R-25L run-up areas
 - ④ Mitigation of hot spots 1 and 2 (Taxiway, 1 B3C3 and B3C5)
 - ⑤ Acute angle taxiways
 - ⑥ Mitigation of direct runway access to aprons
 - ⑦ Mitigation of excess pavement
 - ⑧ Relocation of Runway 7R-25L south side holdbars (typical)
 - ⑨ Upgrade PAPI system to 4 lights
 - ⑩ Upgrade Runway Bleed Pads
 - ⑪ Improve Taxiway and Runway shoulders (typical, not shown on plan)

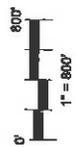
Airfield Alternative 1 - Taxiway Geometry Enhancements

Figure 5-2



LEGEND

- Airport Property Boundary
- Airfield Ramp, Taxiway & shoulders
- Existing Runway Pavement
- Existing on-Airport Building
- Holding Position
- Runway Protection Zone
- Proposed Removal
- Proposed Airfield Enhancement
- Proposed Runway Pavement



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Another improvement proposed within this alternative is the addition of two acute angle taxiway connectors connecting Runway 7L-25R with the relocated Taxiway B, one accommodating east flow, and the other accommodating west flow. The acute angle taxiway connector in the west flow direction aligns with acute angle taxiway connector A6. The east flow taxiway connector would not align with acute angle Taxiway A8 as a greater percentage of the fleet would be able to exit the runway further east. The eastbound acute angle taxiway connector would be located approximately 3,000 feet east of the Runway 7L threshold. At that distance, approximately 90% of the propellor-driven fleet would be able to slow down sufficiently to exit the runway.

Existing Taxiway B3 serves as a north-south taxi route connecting the Northwest Industrial Airpark with Runway 7R-25L. Taxiway B3, while not officially recognized as an FAA hot spot, has geometry similar to Taxiways B5 and B9 such that aircraft have the potential to miss runway holdbars due to an extended straight through taxi route. Airfield Alternative 1 proposes to relocate Taxiway B3 to the west outside of the Runway 7L arrival RPZ. The relocation improves pilot situational awareness as aircraft originating from the Northwest Industrial Airpark would have to make a turn onto Taxiway A, prior to turning south on the relocated Taxiway B3.

Existing Taxiway A10 is proposed to be relocated to the east and provide a complete north-south connection between Taxiway A and Taxiway B. This new set of connector taxiways also replaces Taxiway B9's crossing, which is currently located in the "high-energy" middle third of the runway.

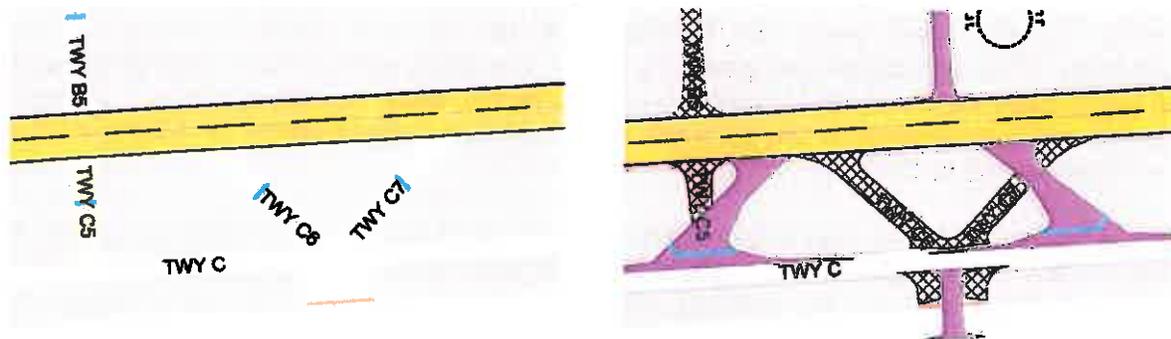
This alternative also proposes several taxiway geometry modifications south of Runway 7R-25L. This alternative carries forward the run-up areas that were studied and proposed in a separate DVT Airport Layout Plan update. Each run-up area accommodates six ADG-I aircraft positions allowing pilots to complete their pre-flight checklists and perform engine run-ups. The new run-up areas are needed because the existing run-up areas south of Runway 7R-25L are located within the RSA. The configuration of the run-up areas, as depicted, allow the enhanced sequencing of aircraft and remove the first-in, first-out restriction that currently exists. The high-volume of flight training aircraft residing on the south side of the airfield justifies the need for six positions on each end of the runway. Oftentimes, flight training aircraft will leave the ramp in groups of up to 10 aircraft. The proposed six positions better balances congestion on Taxiway C. A small portion of a taxiway parallel to Taxiway C would need to be constructed in order to provide a dedicated entrance into the run-up areas. The parallel taxiway would begin at Taxiway C2 on the west end and at Taxiway C12 on the east end. That entrance taxiway would be designed to meet ADG-II standards for taxiway separation.

As described in Chapter 3, Facility Requirements, there are several taxiway intersections that were identified to have non-standard geometries. The six (6) taxiway entrances to/from the southside aprons all have taxiway widths that exceed FAA design standards and can cause signs to be located outside of a pilot's peripheral vision resulting in a loss of pilot situational awareness. Instead of

demolishing the extra pavement width and its associated fillets, the extra pavement could be painted to identify it as shoulder pavement.

The intersection of Taxiways C6, C7, C, and R3 was also identified as a non-standard geometry intersection. This five spoke decision point can cause the loss of pilot and controller situational awareness. A 90 degree four spoke intersection, also known as a "t" intersection provides more clarity to pilots and controllers. Acute angle taxiway connectors C6 and C7 also both directly feed into the ramp entrance. In order to remedy this non-standard geometry, Airfield Alternative 1 proposes to relocate both acute angle taxiway connectors to the east and west. Acute angle taxiways are needed in order to minimize runway occupancy time so that minimum in-trail arrival separations can be maintained which optimizes the capacity of the airfield. **Figure 5-3** provides a larger scale view of this existing five node intersection and the potential geometry improvements to meet current design standards. The relocation of Taxiway B5 provides the opportunity to locate a replacement westbound acute angle Taxiway C7 connector in its former location. The location further west accommodates a greater percentage of the jet fleet, approximately 75%. The eastbound acute angle Taxiway C6 would be relocated approximately 500 feet to the east and would also capture a greater percentage of the fleet, both jet and propeller-driven aircraft. The relocation of both acute angle taxiways resolves the complex, non-standard geometry of that intersection and better locates the acute angle taxiways to serve a larger percentage of the expected fleet.

Figure 5-3: Taxiway Geometry Comparison



Source: HNTB

The intersection of Taxiways C8, C9, C, and R4 is another complex intersection with five spokes. Similar to the improvements described above for C6, C7, C, and R3, this alternative proposes to reconfigure the acute angle taxiway connectors C8 and C9 to better accommodate a larger share of the fleet mix. Westbound acute angle Taxiway C9 would remain in its current location, however, its fillet would be widened to meet current design standards. Taxiway C9 will continue to accommodate the majority of the propeller-driven fleet. The eastbound acute angle taxiway would be relocated approximately 800 feet east of its existing location. This new location will accommodate approximately 70% of the jet fleet. To eliminate the exit taxiway leading directly to a ramp, this alternative proposes to relocate the entrance to R4 to the west requiring aircraft turn onto Taxiway C prior

to entering the ramp. This also prevents aircraft coming from the ramp errantly continuing onto the acute angle taxiway and entering Runway 7R-25L.

Existing acute angle Taxiway C10 would be reconfigured into a 90 degree taxiway connector. Taxiway C10 is currently located approximately 1,500 feet west of the Runway 25L arrival threshold. This location is too close to the arrival threshold to justify an acute angle taxiway connector. Furthermore, existing Taxiway C10 leads directly into the ramp. The proposed relocation of Taxiway C10 allows for a north-south crossing that replaces hot spot Taxiway B9 and is located within the first third of Runway 7R-25L.

Existing Taxiway B11 has similar geometry to the existing hot spots, Taxiways B5 and B9. In order to enhance situational awareness and reduce the potential risk of incursion, Alternative 1 proposes to relocate Taxiway B11 to the west to prohibit aircraft from crossing two runways without a turning movement. Further to the east, a new taxiway connector would connect Taxiway C with the arrival threshold of Runway 25L. This taxiway is needed to reduce the runway occupancy time for aircraft that roll long and have no exit between Taxiways C11 and C12. It is also useful as another intersection departure location for smaller aircraft.

There are several other improvements included within Alternative 1 unrelated to taxiway geometry. As identified in Chapter 3, Facility Requirements, many of the taxiways on the south side of the airfield lack taxiway shoulders. Additionally, Runway 7R-25L does not have paved runway shoulders. This alternative proposes to add those missing shoulders. The facility requirements identified that the existing runway blast pads for Runway 7R-25L do not meet existing design standards. This alternative proposes to widen the blast pad to meet standards and add blast pads to Runway 7L-25R, which currently does not have them. Airfield Alternative 1 also proposes the upgrade of all existing 2-light PAPIs to 4-light PAPIs as recommended in the facility requirements.

The final feature of this alternative is the relocation of the runway holdbars south of Runway 7R-25L to their standard location 250 feet from runway centerline. Many of the problems caused by moving these holdbars, as discussed in Chapter 3, Facility Requirements, are not mitigated by this alternative. Aircraft arriving on Runway 7R-25L would no longer have the room to hold between the Runway 7R-25L holdbars and the Taxiway C OFA and will immediately have to taxi directly onto Taxiway C.

The following is a summary of the advantages of this alternative:

- Meets current FAA design standards
- Mitigates the FAA-identified hot spots
- Mitigates the non-standard geometry south of Runway 7R-25L
- Minimizes the risk of runway incursions
- Eliminates runway crossings in the "high energy" middle third of each runway
- Re-uses existing airfield pavement to the extent possible
- Improves operational efficiency and reduces runway occupancy times by relocating acute angle taxiway connectors on both runways

- Adds needed run-up positions outside of the RSA
- Provides a slight increase in capacity by reducing the runway occupancy time of landing aircraft

The following is a summary of the disadvantages of this alternative:

- Solution for runway holdbars south of Runway 7R-25L does not address Safety Risk Management concerns
- Requires an expansive reconstruction of the airfield

5.3.2 Airfield Alternative 2 – Full Length Parallel Taxiway D

Airfield Alternative 2 – Full Length Parallel Taxiway D, presented in **Figure 5-4**, incorporates all of the improvements described in Alternative 1 and supplements them with a new full length parallel taxiway, denoted as Taxiway D, south of existing Taxiway C. Taxiway D's centerline would be located 105 feet south of Taxiway C's centerline and meet the ADG-II design standards. Taxiway D provides a comprehensive solution for relocating the holdbars south of Runway 7R-25L to their standard location because a second parallel taxiway enables the segregation of modes allowing departing and arriving aircraft to operate on separate taxiways. Arriving aircraft could taxi directly onto Taxiway C without risk of a head-to-head conflict with an aircraft taxiing to departure and aircraft would no longer need to hold short of Taxiway C upon arrival to avoid other taxiing aircraft. This will reduce ATC's workload and improve pilot and controller situational awareness.

The full length taxiway enables enhanced flexibility for the sequencing of aircraft, especially IFR aircraft that are assigned a specific departure time. It is not uncommon for IFR aircraft to be given a departure time 10 to 30 minutes after taxiing out from the ramp. Today these aircraft sometimes block Taxiway C when waiting for their call for release, but a new parallel taxiway would allow aircraft to bypass each other and meet the dynamic needs of ATC. A large portion of Taxiway D, between ramp entrances R1 and R6, are already paved, however, detailed pavement analyses are needed to determine whether or not that pavement could support the demands of a taxiway. The portions of Taxiway D west of R1 and east of R6 will require full-depth pavement sections.

The proposed alignment of Taxiway D causes a number of impacts to existing facilities. The first row of north facing t-hangar and shade hangar buildings west of the Terminal and south of Taxiway D would have to be operationally closed due to the impact from aircraft exiting the hangars encroaching Taxiway D's OFA. The three t-hangar buildings could be repurposed to serve alternative uses. The north facing hangars could be used for airport related storage and maintenance or the north and south sides of the buildings could be converted to larger hangars that only open to the south. Further to the east, Taxiway D impacts the Police Air Support Unit leasehold. The extents of Taxiway D's OFA requires the extensive reconfigurations the Police Air Support Unit's apron and hangars, as their hangars open to the north. The combined operational restrictions and existing poor condition of the building provide the opportunity to relocate this facility to a more advantageous location. Potential relocation concepts are presented in Section 5.4.