

SUBCHAPTER 76: AIRPORT DEVELOPMENT DISTRICT

76.005 Purpose

The Airport Development District is intended to accommodate the facilities necessary for general aviation purposes and to minimize potential dangers from, and conflicts with, the use of aircraft at the Independence State Airport. The purpose of the District is to encourage and support the continued operation and vitality of Independence State Airport by allowing certain airport-related commercial and recreational uses in accordance with state law.

76.010 Definitions

- A. AIRCRAFT includes airplanes and helicopters, but not hot air balloons or ultralights.
- B. AIRPORT means the Independence State Airport.
- C. AIRPORT ELEVATION means the highest point of an airport's usable landing area measured in feet from sea level. This is 175 feet above mean sea level for the Independence Airport.
- D. AIRPORT SPONSOR. The owner, manager, person or entity designated to represent the interests of an airport.
- C. HAZARD TO AIR NAVIGATION means an obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.
- E. HEIGHT is for the purpose of determining the height limits in all zones set forth in this ordinance and shown on the Airport Development District map, the datum shall be mean sea level elevation unless otherwise specified.
- F. OBSTRUCTION is any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section .030 of this ordinance.
- G. RUNWAY is a defined area on the airport prepared for landing and takeoff of aircraft along its length.
- H. TREE means any object of natural growth.

76.015 Airport Zones

In order to carry out the provisions of this ordinance, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces and clear areas as they apply to Independence Airport. Such zones are shown

in the Independence Airport Development District map dated May 28, 1980, which is attached to this ordinance and made a part hereof. The various zones are defined as follows:

A. Approach Surface. A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface.

1. The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of:

a. 1,250 feet for a utility runway; or

b. 1,500 feet for a runway other than a utility runway.

2. The approach surface extends for a horizontal distance of 5,000 feet at a slope of 20 feet outward for each foot upward.

3. The outer width of an approach surface will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.

B. Runway Protection Zone (RPZ). An area off the runway end used to enhance the protection of people and property on the ground. The RPZ is trapezoidal in shape and centered about the extended runway centerline. The inner width of the RPZ is the same as the width of the primary surface. The outer width of the RPZ is a function of the type of aircraft and specified approach visibility minimum associated with the runway end. The RPZ extends from each end of the primary surface for a horizontal distance of 1,000 feet.

C. Primary Surface. A surface longitudinally centered on a runway. When a runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. When a runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface is:

1. 250 feet for utility runways.

2. 500 feet for other than utility runways.

76.020 Application of Airport Development District Provisions

A. In any zoned area where an Airport Development District designation is combined with a primary zone, the following regulations shall apply. If any conflict in regulation or procedure occurs with zoning districts hereinbefore specified, the provisions of the Airport Development District shall govern.

B. In any area where the Airport Development District designation is combined with a primary zone and which is also subject to the Airport Safety and Compatibility Overlay Zone, if any conflict in regulation or procedure occurs with the zoning districts hereinbefore specified, the provisions of the Airport Safety and Compatibility Overlay Zone shall govern.

76.030 Permitted Uses

All structures and uses within the Airport Development District shall conform to the requirements of Federal Aviation Agency Regulation FAR-77 or successor, and to other federal and state laws regulating structural height, smoke, steam or dust and other hazards of flight, air navigation or public health, safety and welfare.

A. Customary and usual aviation-related activities, including but not limited to takeoffs and landings; aircraft hangars and tie-downs; construction and maintenance of airport facilities; fixed based operator facilities; a residence for an airport caretaker or security officer; and other activities incidental to the normal operation of an airport. Except as provided in this ordinance, "customary and usual aviation-related activities" do not include residential, commercial, industrial, manufacturing and other uses.

B. Air passenger and air freight services and facilities, at levels consistent with the classification and needs identified in the Oregon Department of Aviation Airport System Plan.

C. Emergency medical flight services, including activities, aircraft, accessory structures, and other facilities necessary to support emergency transportation for medical purposes. Emergency medical flight services do not include hospitals, medical offices, medical labs, medical equipment sales, and other similar uses.

D. Aircraft sales and the sale of aeronautic equipment and supplies, including activities, facilities and accessory structures for the storage, display, demonstration and sales of aircraft and aeronautic equipment and supplies to the public but not including activities, facilities or structures for the manufacturing of aircraft or aircraft-related products for sale to the public.

E. Search and rescue operations, including aircraft and ground based activities that promote the orderly and efficient conduct of search or rescue related activities.

F. Flight instruction, including activities, facilities, and accessory structures located at airport sites that provide education and training directly related to aeronautical activities. Flight instruction includes ground training and aeronautic skills training, but does not include schools for flight attendants, ticket agents or similar personnel.

G. Aircraft service, maintenance and training, including activities, facilities and accessory structures provided to teach aircraft service and maintenance skills and to maintain, service, refuel or repair aircraft or aircraft components. "Aircraft service, maintenance and training" includes the construction and assembly of aircraft and aircraft components for personal use, but does not include activities, structures or facilities for the manufacturing of aircraft or aircraft-related products for sale to the public.

H. Open land for aviation runway protection zone.

I. Aircraft rental, including activities, facilities and accessory structures that support the provision of aircraft for rent or lease to the public.

J. Crop dusting activities, including activities, facilities and structures accessory to crop dusting operations. Crop dusting activities include, but are not limited to, aerial application of chemicals, seed, fertilizer, defoliant and other chemicals or products used in a commercial agricultural, forestry or rangeland management setting.

K. Law enforcement and firefighting activities, including aircraft and ground-based activities, facilities and accessory structures necessary to support federal, state or local law enforcement or land management agencies engaged in law enforcement or firefighting activities. Law enforcement and firefighting activities include transport of personnel, aerial observation, and transport of equipment, water, fire retardant and supplies.

L. Agriculture, excluding the commercial ~~arising~~ raising of animals which would be adversely affected by aircraft passing overhead.

M. Landscape nursery, cemetery, or recreation areas, which do not include buildings or structures.

N. Roadways, transportation facilities located within the right-of-way controlled by a public agency, parking areas and storage yards located in such a manner that vehicle lights will not make it difficult for pilots to distinguish between landing lights and vehicle lights, or result in glare, or in any other way impair visibility in the vicinity of the land approach.

O. Pipeline.

- P. Underground utility wire.
- Q. A structure or building accessory to a permitted use.
- R. A single family dwelling, or commercial or industrial use if permitted in the primary zoning district and subject to the requirements of Subsection 76.020.
- S. Buildings and uses of a public works, public service or public utility nature.

76.040 Uses Permitted Subject to the Acceptance of the Airport Sponsor.

The following uses and activities and their associated facilities and accessory structures are permitted in the Public Use Airport Zone upon demonstration of acceptance by the airport sponsor.

- A. Aeronautic recreational and sporting activities, including activities, facilities and accessory structures at airports that support recreational usage of aircraft and sporting activities that require the use of aircraft or other devices used and intended for use in flight. Aeronautic recreation and sporting activities authorized under this paragraph include, but are not limited to, fly-ins; glider flights; hot air ballooning; ultralight aircraft flights; displays of aircraft; aeronautic flight skills contests; and gyrocopter flights, but do not include flights carrying parachutists or parachute drops (including all forms of skydiving).
- B. Flights carrying parachutists, and parachute drops (including all forms of skydiving) onto an airport, but only upon demonstration that the parachutist business has secured approval to use a drop zone that is at least 10 contiguous acres. The configuration of the drop zone shall roughly approximate a square or a circle and may contain structures, trees, or other obstacles only if the remainder of the drop zone provides adequate areas for parachutists to land safely.

76.045 Limitations

- A. The height of any structure shall be limited to requirements prescribed by the Planning Commission or by any other local ordinance or regulation.
- B. Whenever there is a conflict in height limitations prescribed by this ordinance or another pertinent ordinance, the lowest height limitation fixed shall govern. Provided, however, that the height or other limitations and restrictions here imposed shall not apply to such structures or uses customarily employed for aeronautical purposes.
- C. Notwithstanding any other provisions of this ordinance, no use may be made of land or water within any zone established by this ordinance in such a manner as to create electrical interference with navigational signals or radio

communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, resulting glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

76.050 Nonconforming Uses

The regulations prescribed by this ordinance shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this ordinance, or otherwise interfere with the continuance of nonconforming use. Nothing contained herein 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 this ordinance, and is diligently prosecuted.

76.055 Marking and Lighting

Notwithstanding the provisions of Section 76.050, the owner of any existing nonconforming 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 Oregon Department of Aviation to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the airport owner.

76.060 Variances

Any person desiring to erect any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this ordinance, may apply to the Planning Commission for a variance from such regulations following those procedures for variances set forth in Subchapter 70. The application for variance shall also be accompanied by a determination from the Oregon Department of Aviation as to the effect of the proposal of the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and, relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this ordinance.

76.065 Notice Requirements

- A. Notice of application and hearing will be set out in Subchapter 11 of this ordinance.
- B. Notification shall also be provided to the Oregon Department of Aviation by certified mail, with return receipt requested.

