

### **SECTION 3.092 AIRPORT SAFETY AND COMPATIBILITY OVERLAY ZONE, ASC**

- A. Purpose. The purpose of this overlay zone is to protect and support the continued operation of the Boardman public use airport by establishing compatibility and safety standards and to reduce potential safety hazards for persons living, working or recreating near that airport.
  
- B. Definitions. Definitions in this section apply specifically to this overlay zone and are intended to supplement the definitions in Article 1.
  - 1. Aircraft. Includes airplanes and helicopters, but not hot air balloons or ultralights.
  
  - 2. Airport Direct Impact Area. The area located within 5,000 feet of an airport runway, excluding lands within the runway protection zone and approach surface.
  
  - 3. Airport Elevation. The highest point of an airport's usable runway, measured in feet above mean sea level.
  
  - 4. Airport Imaginary Surface. Imaginary areas in space and on the ground that are established in relation to the airport and its runways. Imaginary areas are defined by the primary surface, runway protection zone, approach surface, horizontal surface, conical surface and transition surface.
  
  - 5. Airport Secondary Impact Area. The area located between 5,000 and 10,000 feet from an airport runway.
  
  - 6. Airport sponsor. The owner, manager, person or entity designated to represent the interests of an airport [OAR 660-013-0020]
  
  - 7. Approach Surface. A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface.
    - a. The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of:
      - i. 1,250 feet for a utility runway; or
      - ii. 1,500 feet for a runway other than a utility runway.
    - b. The approach surface extends for a horizontal distance of 5,000 feet at a slope of 20 feet outward for each foot upward.
    - c. 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.
  
  - 8. Conical Surface. A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a distance of 4,000 feet.
  
  - 9. Department of Aviation. The Oregon Department of Aviation, formerly the

Aeronautics Division of the Oregon Department of Transportation.

10. Federal Aviation Administration's (FAA) Technical Representative. As used in this ordinance, the federal agency providing the FAA with expertise on wildlife and bird strike hazards as they relate to airports. This may include, but is not limited to the United States Fish and Wildlife Service and the Oregon Department of Fish and Wildlife.
11. Height. Height of Building as defined in MCZO Section 1, including the highest point of a tree, plant or other object of natural growth, measured from mean sea level.
12. Horizontal Surface. A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of specified radii 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 radius of each arc is 5,000 feet.
13. Obstruction. Any structure or tree, plant, or other object of natural growth that penetrates an imaginary surface.
14. Other than Utility Runway. A runway that is constructed for and intended to be used by turbine-driven aircraft or by propeller-driven aircraft exceeding 12,500 pounds gross weight.
15. 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:
  - a. 250 feet for utility runways.
  - b. 500 feet for other than utility runways.
16. Public Assembly Facility or Location. A permanent or temporary structure or facility, place or activity where concentrations of people gather in reasonably close quarters for purposes such as deliberation, education, worship, shopping, employment, entertainment, recreation, sporting events, or similar activities. Public assembly facilities include, but are not limited to, schools, churches, conference or convention facilities, employment and shopping centers, arenas, athletic fields, stadiums, clubhouses, museums, and similar facilities and places, but do not include parks, golf courses or similar facilities unless used in a manner where people are concentrated in reasonably close quarters. Public assembly facilities also do not include air shows, structures or uses approved by the FAA in an adopted airport master plan, or places where people congregate for short periods of time such as parking lots or bus stops.
17. Runway. A defined area on an airport prepared for landing and takeoff of

aircraft along its length.

18. 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 to 2,500 feet.
  19. Significant. As it relates to bird strike hazards, “significant” means a level of increased flight activity by birds across an approach surface or runway that is more than incidental or occasional, considering the existing ambient level of flight activity by birds in the vicinity.
  20. Transitional Surface. Those surfaces that extend upward and outward at 90-degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the side of the primary and approach surfaces to the point of intersection with the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at a 90-degree angle to the extended runway centerline.
  21. Utility Runway. A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less.
  22. Visual Runway. A runway intended solely for the operation of aircraft using visual approach procedures, where no straight-in instrument approach procedures or instrument designations have been approved or planned, or are indicated on an FAA-approved airport layout plan or any other FAA planning document.
- C. Imaginary Surface Delineation. The airport elevation and the location and dimensions of the runway, primary surface, runway protection zone, approach surface, horizontal surface, conical surface and transitional surface shall be delineated for each airport subject to this overlay zone and shall be made part of the Official Zoning Map. All lands, waters, and airspace or portions thereof, that are located within these surfaces shall be subject to the requirements of this overlay zone.
- D. Notice of Land Use and Permit Applications within Overlay Zone Area. Except as otherwise provided, written notice of applications for land use or limited land use decisions in the area within this overlay zone, including comprehensive plan or zoning amendments, shall be provided to the airport sponsor and the Department of Aviation in the same manner as notice is provided to property owners entitled by law to written notice of land use or limited land use applications.
1. Notice shall be provided to the airport sponsor and the Department of Aviation

when the property or a portion thereof that is subject to the land use or limited land use application is within 5,000 feet of the sides or ends of the runway.

2. Notices required by this section need not be provided to the airport sponsor or the Department of Aviation where the land use or limited land use application:
    - a. would only allow structures less than 35 feet in height, measured from grade;
    - b. involves property located entirely outside the approach surface;
    - c. does not involve uses that emit smoke dust, or steam; sanitary landfills or water impoundments; or radiotelephone, television or similar transmission facilities or electrical transmission lines; and
    - d. does not involve wetland mitigation, creation, enhancement or restoration.
- E. Height Limitations on Allowed Used in Underlying Zone. All uses permitted by the underlying zone shall comply with the height limitations in the Section unless standards of the underlying zone are more restrictive.
1. Except as provided in paragraph 2, no structure or tree or other object of natural growth shall be allowed to penetrate an airport imaginary surface.
  2. For areas within airport imaginary surfaces but outside of the approach and transition surfaces, where terrain is at higher elevations than the airport runway surfaces where existing structures and permitted development penetrate the airport imaginary surfaces, a local government may authorize structures up to 35 feet in height.
- F. Procedures. An application for a land use or limited land use approval on property within this overlay zone shall provide the following information in addition to any other required information:
1. A map or drawing showing the location of the property in relation to the airport imaginary surfaces.
  2. Elevation profiles and a site plan, drawn to scale, including the location and height of all existing and proposed structures, measured from existing grade.
- G. Land Use Compatibility Requirements. Any land use allowed in the underlying zone may be permitted in the overlay zone, subject to the following standards:
1. The user shall comply with the height standards in Section (E) of this Chapter.
  2. The use shall not include a place of public assembly.
  3. The uses shall not create a bird attractant. If the airport sponsor determines that there is a potential for attracting birds, the application shall include a study demonstrating that any hazard to use of the airport is mitigated.
  4. The use shall not cause light or glare that projects lighting directly onto a runway or taxiway, or imitates airport lighting.

5. The use shall not be a source of smoke, dust or steam.
  6. The use shall not cause electrical interference with the airport operations, or in the case of proposed or expanded communications or transmission facilities, the Department of Aviation and the FAA shall approve the facility.
  7. The use shall not create a new or expanded water impoundment within 5,000 feet of the edge or end of a runway larger than one-quarter acre in size unless necessary for airport operations or approved in writing by the airport sponsor, the Department of Aviation, and the FAA.
- H. Prohibited Uses. Notwithstanding the underlying zoning, the following uses are prohibited in the Airport Safety and Compatibility Overlay Zone:
1. New residential Development.
  2. New Public Assembly Facilities.
- I. Nonconforming Uses.
1. The regulations prescribed by this Zone 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 this Section, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure that was approved under the requirements of the previous Airport Approach or Airport Hazard zones, including those approvals that expired or that became void. Such approvals are hereby validated as consistent with this Airport Safety and Compatibility Overlay and no further approval is required under the terms of the zoning ordinance.
  2. Marking and Lighting - Notwithstanding the preceding provision of this Section, the owner of any existing 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 Morrow County Board of Commissioners , 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 public use airport.