

**CHAPTER 17.177
AIRPORT OVERLAY ZONE**

Section	Title	Page
17.177.010	Purpose	1
17.177.020	Definitions	1
17.177.030	Airport Districts	2
17.177.040	Procedure	3
17.177.050	Nonconforming Uses	3
17.177.060	Marking and Lighting	3
17.177.070	Variances	3

17.177.010 PURPOSE. The airport overlay zone is intended to minimize potential dangers from, and conflicts with, the use of aircraft at public airports based on the adopted master plans for each airport. It is to be used in conjunction with the underlying zone. If any conflict in regulation or procedure occurs with the underlying zoning districts, the more restrictive provisions shall govern. This section is intended to comply with Federal Aviation Agency Regulation FAR-77 and all other applicable federal and state laws regulating hazards to air navigation.

17.177.020 DEFINITIONS

- A. “Airport” means a public airport as defined in MCC 17.177.040.
- B. “Airport elevation” means the highest point of an airport's usable landing area measured in feet from mean sea level. This elevation above mean sea level shall be shown on the official zoning map.
- C. “Airport surfaces” means the specific dimensions, slopes and elevations of the airport surfaces shall be delineated on the official zoning map.
 - 1. “Primary surface” means the surface of the runway and adjacent land on each side of the runway centerline and 200 feet beyond the ends of the runway. The length of this surface is determined by using the existing runway length or the runway length identified in an adopted state airport master plan, if longer. The width is the same as the end of the approach surface that is closest to the runway.
 - 2. Approach surface. This surface begins at the end of the primary surface. From its initial width, that is the same as the width of the primary surface, it extends upward and outward on both sides of the projected centerline of the runway with a specified slope and terminates where it intersects the horizontal surface.
 - 3. “Horizontal surface” is a horizontal plane which surrounds the airport 150 feet above the airport elevation. The interior portion of this surface terminates where it intersects with the transitional and approach surfaces. Its outer edge terminates where it intersects with the conical surfaces.
 - 4. “Transitional surface” means an imaginary plane that extends upward and outward from the sides of the primary surface and approach surface to the horizontal surface.
 - 5. “Conical surface” means a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to one for a horizontal distance of 4,000 feet.

- D. "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 the highest point of any structure as further defined in MCC 17.110.260. The official zone map identified the maximum height permitted for any obstruction calculated from the airport elevation as defined in subsection (B) of this section and from mean sea level.
- F. "Obstruction" is any structure, tree or other object, including a mobile object, which extends above airport surfaces as defined in subsection (C) of this section.
- G. "Runway" is a defined area on the airport prepared for landing and takeoff of aircraft along its length.
- H. "Tree" means any natural vegetation.

17.177.030 AIRPORT DISTRICTS. In order to carry out the provisions of this airport overlay zone, three airport development districts are provided within the airport overlay zone. These three districts are shown on the official zoning map showing the height limits adopted at the time the airport overlay zone is applied.

- A. Airport Development District. This district consists of those lands, waters and airspace area at or below the primary, transitional and approach surfaces described in MCC 17.177.020(C).
 - 1. Use Limitations. Any use, accessory use, buildings and structures otherwise allowed in the underlying zone shall be permitted provided the following requirements are satisfied:
 - a. No obstruction or object shall be permitted if it extends above the transitional and approach surfaces as defined in MCC 17.177.020(C) above.
 - b. Roadways, parking areas and storage yards shall be located in such a manner that vehicle lights will not result in glare in the eyes of the pilots, or in any other way impair visibility in the vicinity of the runway approach.
 - c. Sanitary landfills, sewage lagoons or sewage sludge disposal shall not be permitted closer than 10,000 feet to the airport runway.
 - d. No game preserve or game reservation shall be permitted if the animals or birds have the potential to become a hazard to air navigation.
 - e. No structure or use intended for public assembly shall be allowed except by a conditional use permit.
- B. Horizontal Surface District. This district consists of the land, water and airspace underneath the horizontal surface as described in MCC 17.177.020(C).
 - 1. Use Limitations. Any use, accessory use, building and structure allowed in the underlying zone shall be permitted provided the following requirements are satisfied:
 - a. No obstruction shall penetrate the horizontal surface as defined in MCC 17.177.020(C).
 - b. Sanitary landfills, sewage lagoons or sewage sludge disposal shall not be permitted closed than 10,000 feet to the airport runway.

- C. Conical Surface District. Any use and accessory uses, buildings and structures allowed in the underlying zone shall be permitted provided that no obstruction penetrates the conical surface as defined in MCC 17.177.020(C).

17.177.040 PROCEDURE

- A. An applicant seeking a building permit involving any use or structure regulated by the airport overlay zone shall provide the following information in addition to any other information required in the permit application:
 - 1. Property boundary lines as they relate to the airport approach and the end of the runway;
 - 2. Location and height of all existing and proposed buildings, structures, utility lines and roads.
- B. Proposed buildings or structures shall be approved by the building inspector if it is determined that it will not extend above the airport surfaces as defined in MCC 17.177.020(C).
- C. An applicant seeking rezoning, a conditional use permit or a variance involving any use, building or structure regulated by the underlying zone or the airport overlay zone shall be reviewed in accordance with the applicable procedure in this title. During this review process, the State Aeronautics Division shall be notified of the proposal and any public hearing, be given an opportunity to comment and be notified of the decision.

17.177.050 NONCONFORMING USES. The regulations prescribed by the airport overlay zone 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 the ordinance codified in this title, or otherwise interfere with the continuance of the nonconforming use except as provided in MCC 17.110.060. Nothing contained herein shall require any change in the construction, alteration or intended use of any structure, otherwise permitted, the construction or alteration of which was begun prior to the effective date of the ordinance codified in this title.

17.177.060 MARKING AND LIGHTING. The owner of any existing non-conforming structure or three shall permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the Oregon Department of Transportation to indicate to the operators of aircraft the presence of such airport obstruction. Such markers and lights shall be installed, operated and maintained at the expense of the airport owner.

17.177.070 VARIANCES. The provisions of this overlay zone may be varied subject to the procedures and criteria for considering variances set forth in Chapter 17.122 MCC. Variances may be allowed where it is found that the proposal will not create a hazard to air navigation, and will be in accordance with the spirit and intent of this overlay zone.