

CHAPTER 180

AIRPORT DEVELOPMENT DISTRICT

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180.005. 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.

180.010. DEFINITIONS.

- (A) AIRPORT means the Independence State Airport.
- (B) 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.
- (C) HAZARD TO AIR NAVIGATION means an obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable air space.
- (D) 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.
- (E) OBSTRUCTION is any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section 180.030 of this Ordinance.
- (F) RUNWAY is a defined area on the airport prepared for landing and takeoff of aircraft along its length.
- (G) TREE means any object of natural growth.

180.015. 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 on the Independence Airport Development District Map dated June, 1989, which is attached to this Ordinance and made a part hereof. The various zones are defined as follows:

- (A) AIRPORT APPROACH ZONE - The inner edge of this approach zone coincides with the width of the airport runway and is 250 feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 4,000 feet from the airport runway. Its centerline is the continuation of the centerline of the runway.
- (B) CLEAR ZONE - Means the fan area beginning at the ends of the airport runway, extending out 1,000 feet, to a width of 312.5 feet, incorporated in the Airport Approach area.

180.020. APPLICATION OF AIRPORT DEVELOPMENT DISTRICT PROVISIONS. 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.

180.030. 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 to flight, air navigation or public health, safety and welfare.

- (A) Accessory building and uses whose immediate presence is necessary to the property's aviation function;
- (B) Aircraft runways and taxiways;
- (C) Aircraft hangars, storage and tiedown areas;

- (D) Aircraft sales, repair and service facilities;
- (E) Air control facilities;
- (F) Fuel storage facilities;
- (G) Parking facilities;
- (H) Open land for aviation clear zone;
- (I) Agriculture, excluding the commercial raising of animals which would be adversely affected by aircraft passing overhead.
- (J) Landscape nursery, cemetery, or recreation areas, which do not include buildings or structures;
- (K) Roadways, 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;
- (L) Water impoundment;
- (M) Game preserve or reservation;
- (N) Pipeline;
- (O) Underground utility wire.
- (P) Eating places and/ or drinking places where alcoholic beverages may or may not be served, accessory to a permitted non-residential use identified in this section. [Amended by Ordinance #02-02, dated July 3, 2002.]

180.035. CONDITIONAL USES.

- (A) A structure or building accessory to a permitted use.
- (B) A single-family dwelling, or commercial or industrial use if permitted in the primary zoning district;
- (C) Buildings and uses of a public works, public service or public utility nature.

180.040. PROCEDURE. An applicant seeking a conditional use permit shall follow procedures set forth in Chapter 119. Information accompanying the application shall include:

- (A) Property boundary lines as they relate to the airport approach and the end of the runway;
- (B) Location and height of all existing and proposed buildings, structures, utility lines, and roads; and,
- (C) A statement from the State of Oregon Aeronautics Division indicating that the proposed use will not interfere with the operation of the landing facility.
- (D) Notice upon an application for a conditional use permit under Section 180.040 shall be provided as required by Chapter 111. Notification shall also be provided to the Oregon Department of Transportation by Certified Mail, with return receipt requested.
- (E) Notice of the decision of the Planning Director or Hearings Officer shall be given as provided in Section 111.270.
- (F) Decisions of the Planning Director or Hearings Officer on conditional use applications under Section 180.040 shall be subject to the appeal provisions in Section 111.280 and the call of the Board of Commissioners as provided in Section 111.290.

180.045. LIMITATIONS.

- (A) No place of public assembly shall be permitted in an airport approach district.
- (B) The height of any structure shall be limited to requirements prescribed by the Hearings Officer, Planning Director, or by an other local ordinance or regulation.
- (C) 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.
- (D) 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, result in 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. [Amended by Ordinance #88-21, dated November 30, 1988.]

180.050. 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 uses. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction of alteration of which was begun prior to the effective date of this Ordinance, and is diligently prosecuted.

180.055. MARKING AND LIGHTING. Notwithstanding the provisions of Section 180.050, 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 Transportation 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.

180.060. 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 Hearings Officer or Planning Director for a variance from such regulations following those procedures for variances set forth in Chapter 122. The application for a variance shall be accompanied by a determination from the Oregon Department of Transportation as to the effect of the proposal on 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. [Amended by Ordinance #88-21, dated November 30, 1988.]