

MODEL PUBLIC USE AIRPORT ZONE

.010. Purpose. The purpose of the Public Use Airport zone is to encourage and support the continued operation and vitality of [public use airports] [name of specific airport(s)] in the [city] [county] by allowing certain airport-related commercial and recreational uses in accordance with state law. [ORS 836.600] **[NOTE: where the jurisdiction contains just one or a couple airports listed in OAR 738-090-0030(1), it may want to identify the airport(s) by name; otherwise, it should use "public use airports"]**

.020 Application. This zoning district applies to all publicly owned airports in the [city] [county], other than towered airports, that were registered, licensed or otherwise recognized by the Oregon Department of Transportation on or before December 31, 1994 and that, in 1994, were the base for three or more aircraft. It also applies to those privately owned public use airports in the [city] [county] identified by rule by the Department of Transportation as providing important links in air traffic in Oregon, or providing essential safety or emergency services, or being of economic importance to the county where the airport is located. [ORS 836.610(1); see also OAR 738-090-0030(1)] **[NOTE: this section reflects state law. Some jurisdictions like to include this type of provision in their zoning ordinances, while others do not. It's use is optional. Local governments choosing to include this section may wish to substitute the names of the affected airports.]**

.030 Conformance with Airport Overlay Zones. All uses, activities, facilities and structures allowed in the Public Use Airport Zone shall comply with the requirements of the Public Use Airport Safety and Compatibility Overlay Zone. In the event of a conflict between the requirements of this zone and those of the Public Use Airport Safety and Compatibility Overlay Zone, the requirements of the overlay zone shall control. [ORS 836.619; OAR 660-013-0070, 0080]

.040 Definitions.

Aircraft. Includes airplanes and helicopters, but not hot air balloons or ultralights.

Airport sponsor. The owner, manager, person or entity designated to represent the interests of an airport. [OAR 660-013-0020]

.050 Uses Permitted Outright. The following uses and activities are permitted outright in the Public Use Airport zone:

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. 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.

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

I. 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..

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. Agricultural and Forestry Activities, including activities, facilities and accessory structures that qualify as a "farm use" as defined in ORS 215.203 or "farming practice" as defined in ORS 30.930.

L. **[NOTE: Other uses, such as commercial or manufacturing uses, may be added to this list if they are consistent with applicable provisions of the acknowledged comprehensive plan and if the uses do not create a safety hazard or otherwise limit approved airport uses. For example, inside an urban growth boundary, commercial or manufacturing uses may be allowed. Outside an urban growth boundary, other uses are permitted only if authorized by a goal exception.]** [ORS 836.616; OAR 660-013-0100, 0110]

.060 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. [ORS 836.616(2)(j); OAR 660-013-0100(8)]

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). **[NOTE: Federally funded airports may need the concurrence of the FAA to preclude some kinds of aeronautic recreational and sporting activities.]**

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. **[NOTE: where evidence of missed landings and dropped equipment supports the need for a larger area, a larger drop zone may be required.]**

[NOTE: Where there is only one airport within the jurisdiction, the city or county may tailor the provisions of this subsection to the interests of the airport sponsor. For example, if the airport sponsor does not want to allow skydiving or ultralight activity, those provisions can be deleted from the ordinance.]

.070 Uses Permitted Under Prescribed Conditions. The following uses and activities and their associated facilities are permitted in the Public Use Airport Zone upon demonstration of compliance with the standards of this subsection.

A. **[NOTE: Other uses may be included here, subject to such conditions or standards prescribed by the local government, provided that they are consistent with applicable provisions of the acknowledged comprehensive plan and that the uses do not create a safety hazard or otherwise limit approved airport uses.]** [ORS 836.616(3); OAR 660-013-0110]

.080 **[NOTE: This model ordinance does not include standards addressing setbacks or other dimensional requirements, access, parking, landscaping, and the like. While not required by statute, a local government may wish to include such provisions in its Public Use Airport Zone.]**