

# Appendix F CLACKAMAS COUNTY ZONING & DEVELOPMENT ORDINANCE

*Airport Master Plan Update  
Mulino Airport*

## SECTION 700 - SPECIAL DISTRICTS

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### **713 PUBLIC USE AIRPORT & SAFETY OVERLAY ZONES (3/24/05)**

#### **713.01 PURPOSE**

This section is adopted to implement ORS 836.600 through 836.630 and policies of the Comprehensive Plan as they relate to public use airports. When applied, it provides for their continued operation and vitality consistent with state law by allowing certain compatible airport related commercial and recreational uses. It also provides for safety standards to promote air navigational safety at such public use airports and to reduce the potential for safety hazards for property and for persons living, working or recreating on lands near such airports.

#### **713.02 APPLICATION**

This special use zoning district may be applied to publicly owned airports in Clackamas County, that are shown in the records of the Oregon Department of Aviation on December 31, 1994. It also may be applied to those privately owned, public use airports in Clackamas County identified pursuant to ORS 836.610(3) by the Oregon Department of Aviation as providing important links in air traffic in Oregon, providing essential safety or emergency services, or are of economic importance to the county where the airport is located.

The boundaries of this special use district are coterminous with airport boundaries as described in OAR 660-013-0040. The boundaries of safety overlay zones radiate from points at the ends of the airport's primary surface as described in Oregon Administrative Rules 660-013-0070(1)(a) and Exhibits 1 and 4 that accompany that Rule. The definitions in subsection 713.03 are consistent with ORS Chapter 836, OAR 660-013 and Exhibits 1 and 4 of that rule.

If an airport that had this special use zoning district applied is removed from the State's list of airports in a manner described in ORS 836.610, the application of this special use zoning district is automatically terminated.

#### **713.03 DEFINITIONS**

- A. Aircraft. Means airplanes and helicopters, but not hot air balloons or ultralights.
- B. Airport. The strip of land used for taking off and landing aircraft, together with all adjacent land used in connection with the aircraft landing or taking off from the strip of land, including but not limited to land used for existing airport uses.
- C. Airport Elevation. The highest point of an airport's usable runway, measured in feet above mean sea level.
- D. Airport Imaginary Surfaces. Imaginary areas in space and on the ground that are established in relation to the airport and its runways. Imaginary surfaces are defined by the primary surface, runway protection zone, approach surface, horizontal surface, conical surface and transitional surface.
- E. Airport Noise Impact Boundary. Areas located within 1,500 feet of an airport runway or within established noise contour boundaries exceeding 55 Ldn.

- F. Airport Sponsor. The owner, manager, or other person or entity designated to represent the interests of an airport.
- G. 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 having only visual approaches;
    - b. 1,500 feet for a runway other than a utility runway with only visual approaches;
    - c. 2,000 feet for a runway with a non-precision instrument approach;
    - d. 3,500 feet for a non-precision instrument runway other than utility, having visibility minimums greater than three-fourths statute mile;
    - e. 4,000 feet for a non-precision instrument runway, other than utility, having a non-precision approach with visibility minimums as low as three-fourths statute mile; and
    - f. 16,000 feet for precision instrument runways.
  - 2. The approach surface extends for a horizontal distance of:
    - a. 5,000 feet at a slope of twenty (20) feet outward for each foot upward for all utility and visual runways;
    - b. 10,000 feet at a slope of thirty-four (34) feet outward for each foot upward for all non-precision instrument runways, other than utility; and
    - c. 10,000 feet at a slope of fifty (50) feet outward for each one foot upward, with an additional 40,000 feet at a slope of forty (40) feet outward for each one foot upward, for precision instrument runways.
  - 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.
- H. Conical Surface. A surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) to one (1) for a horizontal distance of 4,000 feet.
- I. Department of Aviation. The Oregon Department of Aviation, formerly the Aeronautics Division of the Oregon Department of Transportation.
- J. FAA. The Federal Aviation Administration.
- K. Height. The highest point of a structure or tree, plant or other object of natural growth, measured from mean sea level.
- L. Heliports. A heliport is an area of land, water, or structure designated for the landing and take-off of helicopters or other rotorcraft. The heliport overlay zone applies the following imaginary surfaces. The Heliport Approach Surfaces begin at each end of the heliport primary surface and have the same width as the primary surface. They extend outward and upward for a horizontal distance of 4,000 feet where their width is 500 feet. The slope of the approach surfaces is 8 to 1 for civilian heliports and 10 to 1 for military heliports. The Heliport Primary surface coincides in size and shape with the designated takeoff and landing area of a heliport. The heliport primary surface is a horizontal plane at the established heliport elevation. The heliport transitional surfaces extend outward and upward from the lateral boundaries of the heliport primary surface and from the approach surfaces at a slope of 2 to 1 for a distance of 250 feet measured horizontally from the centerline of the primary and approach surfaces.

- M. Hazard. All hazards within and around airports shall be as determined by the Oregon Department of Aviation or Federal Aviation Administration.
- N. 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:
1. 5,000 feet for all runways designated as utility or visual.
  2. 10,000 feet for all other runways.
  3. The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for either end of the runway. When a 5,000 foot arc is encompassed by tangents connecting two adjacent 10,000 foot arcs, the 5,000 foot arc shall be disregarded on the construction of the perimeter of the horizontal surface.
- O. Non-precision Instrument Runway. A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach has been approved, or planned, and for which no precision approach facilities are planned or indicated on an FAA-approved airport layout plan or other FAA planning document.
- P. Obstruction. Any structure or tree, plant or other object of natural growth that penetrates an imaginary surface.
- Q. 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.
- R. Precision Instrument Runway. A runway having an existing instrument approach procedure utilizing air navigation facilities that provide both horizontal and vertical guidance, such as an Instrument Landing System (ILS) or Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated by an FAA-approved airport layout plan or other FAA planning document.
- S. 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 having only visual approaches;
  2. 500 feet for utility runways having non-precision instrument approaches;
  3. For other than utility runways the width is:
    - a. 500 feet for visual runways having only visual approaches;
    - b. 500 feet for non-precision instrument runways having visibility minimums greater than three-fourths statute mile;
    - c. 1,000 feet for a non-precision instrument runway having a non-precision instrument approach with a visibility minimum as low as three-fourths statute mile, and for precision instrument runways.
- T. Public Assembly Facility. 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.

- U. Runway. A defined area on an airport prepared for landing and takeoff of aircraft along its length.
- V. 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. 1,000 feet for utility runways.
  - 2. 1,700 feet for other than utility runways having non-precision instrument approaches.
  - 3. 2,500 feet for precision instrument runways.
- W. Structure. Any constructed or erected object which requires location on the ground or is attached to something located on the ground. Structures include but are not limited to buildings, decks, fences, signs, towers, cranes, flagpoles, antennas, smokestacks, earthen formations and overhead transmission lines. Structures do not include paved areas.
- X. 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 sides 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.
- Y. 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.
- Z. 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.
- AA. Water Impoundment. Includes wastewater treatment settling ponds, surface mining ponds, detention and retention ponds, artificial lakes and ponds, and similar water features. A new water impoundment includes an expansion of an existing water impoundment except where such expansion was previously authorized by land use action approved prior to the effective date of this ordinance.

## **713.04 USES PERMITTED OUTRIGHT**

The following uses and activities are permitted outright in the Public Use Airport special use zoning district:

- 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-base operator facilities; 1 single-family dwelling in conjunction with an airport (if there is not one there already) for an airport manager, 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. (3/24/05)
- 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, military, 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 support 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 and 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, aircraft components or other 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, aircraft components or other 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. 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).
- M. 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 ten (10) contiguous acres in size. 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.
- N. Uses not identified in Section 713.04 of this special use zoning district, but allowed in the base zone, may be allowed if they do not conflict with allowed uses in Section 713.04, safety, or the continued operation and vitality of the airport.
- O. --Reserved for future use--

### **713.05 USES PERMITTED SUBJECT TO HEARINGS OFFICER REVIEW**

Uses not identified in section 713.04 and contained in an Airport Expansion Plan approved by the County as part of the Comprehensive Plan shall be permitted following a public hearing before the Clackamas County Land Use Hearings Officer as an administrative action pursuant to the procedures specified in Section 1300 of this Ordinance and upon demonstration of compliance with the following standards.

- A. The use is, or will be, supported by adequate types and levels of public facilities, services and transportation systems authorized by applicable statewide land use planning goals;
- B. The use does not seriously interfere with existing land uses in areas surrounding the airport; and
- C. For airports where the underlying zone is exclusive farm use, the use shall comply with the standards described in ORS 215.296.
- D. The development standards in Section 1000 of this ordinance shall be applied appropriate to the type of use permitted.
- E. An applicant may demonstrate that these standards will be satisfied through the imposition of clear and objective conditions.

### **713.06 IMAGINARY SURFACE AND NOISE IMPACT BOUNDARY DELINEATION**

The airport elevation, the airport noise impact boundary, and the location and dimensions of the runway, primary surface, runway protection zone, approach surface, horizontal surface, conical surface and transitional surface, direct and secondary impact boundaries shall be delineated for each public use airport where this district is applied and shall be made part of the Official Zoning Map. All lands, waters and airspace, or portions thereof, that are located within these boundaries or surfaces shall be subject to the requirements of this zone.

## **713.07 NOTICE OF LAND USE AND PERMIT APPLICATIONS WITHIN SAFETY OVERLAY ZONES**

Except as otherwise provided herein, written notice of applications for land use or limited land use decisions, including comprehensive plan or zoning amendments, in an area within the largest of these safety zones, 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.

- A. 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 located within 5,000 feet of the sides or ends of a visual runway and within 10,000 feet of the sides or ends of a runway with an instrument approach.
- B. Notice of land use and limited land use applications shall be provided within the following timelines.
  - 1. Notice of land use or limited land use applications involving public hearings shall be provided prior to the public hearing at the same time that written notice of such applications is provided to property owners entitled to such notice.
  - 2. Notice of land use or limited land use applications not involving public hearings shall be provided at least twenty (20) days prior to the initial decision on the land use or limited land use application.
- C. Notice of the decision on the land use or limited land use application shall be provided to the airport sponsor within the same timelines that notice is provided to parties to the proceeding.
- D. Notices required under Paragraphs A-C of this Section need not be provided to the airport sponsor or the Department of Aviation where the land use or limited land use application meets all of the following criteria:
  - 1. Would allow only structures of less than thirty-five (35) feet in height;
  - 2. Involves property located entirely outside the approach surface;
  - 3. Does not involve industrial uses, mining or similar uses that emit smoke, dust or steam; sanitary landfills or water impoundments; or radio, radiotelephone, television or similar transmission facilities or electrical transmission lines; and
  - 4. Does not involve wetland mitigation, creation, enhancement or restoration.

## **713.08 HEIGHT LIMITATIONS ON ALLOWED USES WITHIN SAFETY OVERLAY ZONES**

- A. --Reserved for future use--
- B. --Reserved for future use--
- C. Mediation is available from the County for airport sponsors and owners of obstructions not conforming with height limitations addressed in this Section to resolve disputes about those obstructions.
- D. The traveling of any lawful vehicle or livestock kept on private or public land, road, waterway, or railway shall not be considered an obstruction. Fences to a height necessary for agricultural use, shall not be considered obstructions.
- E. --Reserved for future use--
- F. Other height exceptions or variances may be permitted when supported in writing by the airport sponsor, the Department of Aviation and the FAA. Applications for height

variances shall be subject to the procedures and standards in Section 1205 and 1305 of this Ordinance and shall be subject to such conditions and terms as recommended by the Department of Aviation and the FAA.

### **713.09 PROCEDURES**

An applicant seeking a land use or limited land use approval or a building permit in an area within safety overlay zones enacted by this ordinance shall provide the following information in addition to any other information required in the permit application:

- A. --Reserved for future use--
- B. --Reserved for future use--
- C. If a height variance is requested, letters of support from the airport sponsor, the Department of Aviation and the FAA shall be submitted with the application.

### **713.10 LAND USE COMPATIBILITY REQUIREMENTS**

Applications for land use or building permits for properties within the boundaries of these safety overlay zones shall comply with the requirements of this Section as provided herein.

- A. --Reserved for future use--
- B. --Reserved for future use--
- C. --Reserved for future use--
- D. --Reserved for future use--
- E. --Reserved for future use--
- F. --Reserved for future use--
- G. --Reserved for future use--

### **713.11 WATER IMPOUNDMENTS WITHIN SAFETY OVERLAY ZONES**

Any use or activity that would result in the establishment or expansion of a water impoundment shall comply with the requirements of this section.

- A. --Reserved for future use--

### **713.12 NONCONFORMING USES**

- A. These regulations shall not be construed to require the removal, lowering or alteration of any existing structure or vegetation not conforming to these regulations. These regulations shall not require any change in the construction, or alteration of the intended use of any structure, the construction or alteration of which was begun or completed prior to the effective date of this safety overlay zone.
- B. --Reserved for future use--
- C. --Reserved for future use--

(LAST TEXT REVISION 3/24/05)