

## **Appendix H**

### **Model Private Use Airport Zone**

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## MODEL PRIVATE USE AIRPORT ZONE

- .010 Purpose.** The purpose of the Private Use Airport Zone is to recognize the locations of certain private-use and privately-owned public use airports and to provide for their continued operation and vitality consistent with state law. [ORS 836.608(1)]
- .020 Application.** This zoning district applies to private-use airports in the [city] [county] that were the base for three or more aircraft on December 31, 1994, as shown in the records of the Oregon Department of Transportation, and to those privately-owned public-use airports not identified by rule by the Oregon 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 836.608(2); OAR 660-013-0155(1); see also OAR 738-090-0030(1)] **[NOTE(1): This section reflects state law. Some jurisdictions like to include this type of provision in their zoning ordinances, while others do not. Its use is optional. Local governments choosing to include this section may wish to substitute the names of the affected airports.] [NOTE(2): A list containing the names and locations of private use airports that, on December 31, 1994, were the base for three or more aircraft as shown in the records of the Department of Transportation may be obtained from the Oregon Department of Aviation. The local government may wish to identify the affected airports by name.]**
- .030 Definitions.**
- A. Aircraft. Includes airplanes and helicopters, but not hot air balloons or ultralights.
  - B. Airport Sponsor. The owner, manager, person or entity designated to represent the interests of an airport. [OAR 660-013-0020]
- .040 Continued Operation of Existing Uses.** Operation of the following uses may be continued at their current levels as of the effective date of this ordinance upon demonstration that the use existed at the airport at any time during 1996.
- 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 include search and rescue operations but do not include hospitals, medical offices, medical labs, medical equipment sales, and other similar uses.

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- 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 30.390.
  - 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, are permitted subject to the acceptance of the airport sponsor. Aeronautic recreation and sporting activities include, but are not limited to, fly-ins; glider flights; hot air ballooning; ultralight aircraft flights; displays of aircraft; aeronautic flight skills contests; gyrocopter flights; flights carrying parachutists; and parachute drops onto an airport. As used herein, parachuting and parachute drops include all forms of skydiving. [ORS 836.608(3)(a); OAR 660-013-0155(2)]

**.050 Expansion of Existing Uses.** The expansion of uses identified in Section .040 of this zoning district that existed at any time during 1996 is permitted as provided in this section.

A. Expansions Allowed Outright. The following expansions of existing uses are permitted outright:

1. Construction of additional hangars and tie-downs by the owner of the airport.
2. Basing additional aircraft at the airport.
3. Increases in flight activity.

B. Other Expansions of Existing Uses.

1. Growth of existing uses that require building permits, other than those existing uses identified in subsection A of this section, shall be permitted as an administrative decision without public hearing, unless the growth:
  - a. Cannot be supported by existing public facilities and services and transportation systems authorized by applicable statewide land use planning goals;
  - b. Forces a significant change or significantly increases the costs of conducting existing uses on surrounding lands; or
  - c. Exceeds the standards of ORS 215.296(1) if the airport is adjacent to land zoned for exclusive farm use.
2. Growth of an existing use for which a public hearing is required shall be permitted only upon demonstration of compliance with the standards for new uses set out in Section .060 of this zoning district. [ORS 836.608(3)(a), (4); OAR 660-013-0155(2)]

**.060 New Uses.** Uses identified in Section .040 of this zoning district shall be permitted following public hearing before the **[identify review authority and process]** upon demonstration of compliance with the following standards. An applicant may demonstrate that these standards will be satisfied through the imposition of clear and objective conditions.

1. The use is or will be supported by adequate types and levels of facilities and services and transportation systems authorized by applicable statewide land use planning goals;
2. The use does not seriously interfere with existing land uses in areas surrounding the airport; and
3. For airports adjacent to land zoned for exclusive farm use, the use complies with the requirements in ORS 215.296. [ORS 836.608(3)(b), (5) and (6); OAR 660-013-0155(2)]

**.070 Limitations on Height of Structures.** All uses, activities, facilities and structures allowed in the Private Use Airport Zone shall comply with the

requirements of the Private Use Airport Safety Overlay Zone. [ORS 836.608(8); OAR 660-013-0070(1)(b); OAR 660- 013-0155(3)]

- .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 Private Use Airport Zone.]**