

BEFORE THE MORROW COUNTY COURT  
OF MORROW COUNTY

AN ORDINANCE AMENDING THE MORROW COUNTY ZONING ORDINANCE, SPECIFICALLY AMENDING THE AIRPORT APPROACH AND AIRPORT HAZARD USE ZONES REMOVING REFERENCE TO THE BOARDMAN AIRPORT, AND ADOPTING THE AIRPORT SAFETY AND COMPATIBILITY OVERLAY ZONE AND APPLYING IT TO THE BOARDMAN AIRPORT.

COUNTY ORDINANCE

NO. ORD-2016-4

WHEREAS, ORS 203.035 authorizes Morrow County to exercise authority within the County over matters of County concern; and

WHEREAS, Morrow County adopted a Comprehensive Land Use Plan which was acknowledged by the Land Conservation and Development Commission on January 15, 1986; and

WHEREAS, the Morrow County Planning Department received an application to rezone a portion of the Boardman Airport, creating the opportunity for other planning work concerning airports including adopting portions of the Oregon Department of Aviation (ODA) model ordinance; and

WHEREAS, the Morrow County Planning Department, using the ODA model ordinance, drafted the Airport Safety and Compatibility Overlay Zone to provide better review of uses within the airport approach and hazard zones, allowing for a compatibility test of proposed uses rather than relying on the list of authorized uses in the Airport Approach zone which is often in conflict with underlying use zones; and

WHEREAS, the Morrow County Planning Commission held a public hearing to consider the Airport Safety and Compatibility Overlay Zone on March 29, 2016, at the Port of Morrow Riverfront Center in Boardman, Oregon; and

WHEREAS, testimony in support of the changes was received and considered; and

WHEREAS, the Morrow County Planning Commission considered the request and, after deliberation, adopted Planning Commission Final Findings of Fact with a 'do adopt' recommendation to the Morrow County Court; and

WHEREAS, based on comment from the Morrow County Public Works Director, after the conclusion of the Planning Commission Public Hearing, Planning staff made suggested changes to the proposal as follows: applying the Airport Safety and Compatibility Overlay Zone to only the Boardman Airport, and amend the Airport Approach and Airport Hazard overlay zones to apply only to the Lexington Airport; and

WHEREAS, the Morrow County Court held a public hearing to consider the recommendation of the Morrow County Planning Commission on April 27, 2016, at the Bartholomew Building in Heppner, Oregon; and

WHEREAS, the Morrow County Court heard testimony from Mark Greenfield and Ron McKinnis in support of the proposed Airport Safety and Compatibility Overlay Zone as well as inquiry from Jay Papineau with questions concerning the action; and

WHEREAS, Morrow County Planning staff explained to Mr. Papineau that, based on comment from the Public Works Director, changes will not be made to the Lexington Airport Airport Approach and Airport Hazard overlay zones. It was also explained that neither the current overlay zones, nor the proposed Airport Safety and Compatibility Overlay Zone affects uses on the Airport, but is designed to protect an airport from encroachment or other uses that could limit the airports ability to operate. It was also explained the these types of overlay zones do not limit activities on the airport; and

WHEREAS, the Morrow County Court did accept the Planning Commission recommendation as amended by Planning staff and deliberated to a final decision with a unanimous vote.

NOW THEREFORE THE COUNTY COURT OF MORROW COUNTY ORDAINS AS FOLLOWS:

Section 1 Title of Ordinance:

This Ordinance shall be known, and may be cited, as the 2016 Airport Overlay Zones Update.

Section 2 Affected Documents:

Morrow County Zoning Ordinance Article 3  
Section 3.090 Airport Approach Overlay Zone  
Section 3.091 Airport Hazard Overlay Zone  
Section 3.092 Airport Safety and Compatibility Overlay Zone

Morrow County Zoning Map  
Airport Safety and Compatibility Overlay Zone Map

Section 3 Attached Documents:

Morrow County Zoning Ordinance Article 3  
Section 3.090 Airport Approach Overlay Zone  
Section 3.091 Airport Hazard Overlay Zone  
Section 3.092 Airport Safety and Compatibility Overlay Zone

Morrow County Zoning Map  
Airport Safety and Compatibility Overlay Zone Map - Boardman Airport

Section 4 Effective Date:

The Morrow County Court declares an emergency as an application is anticipated for development at the Boardman Airport. The land use process has already taken several months since submission of the application to rezone a portion of the Boardman Airport, to which this action is a companion, and further delay could impact the development time line. The effective date for this Ordinance is 30 days after its Second Reading, or June 17, 2016.


Date of First Reading: May 11, 2016

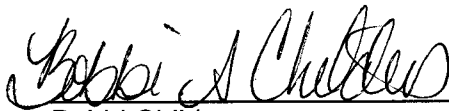
Date of Second Reading: May 18, 2016

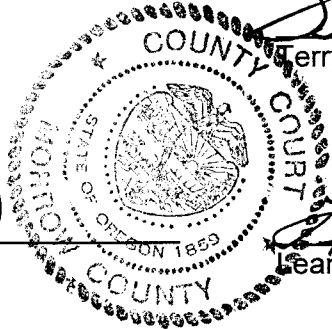
DONE AND ADOPTED BY THE MORROW COUNTY COURT THIS 18<sup>th</sup> DAY OF MAY 2016

MORROW COUNTY COURT:

ATTEST:

  
Terry K. Tallman, Judge

  
Bobbi Childers  
County Clerk



  
Leann Rea, Commissioner

  
Don Russell, Commissioner

MORROW COUNTY, OREGON **CJ2016-0039**  
Commissioners' Journal **05/19/2016 8:40:50 AM**



I, Bobbi Childers, County Clerk for Morrow County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

Bobbi Childers - County Clerk



**SECTION 3.090. AIRPORT APPROACH ZONE, AA.** The AA Zone is an overlay zone intended to restrict development in the vicinity of an airport. At the Lexington Airport, the AA Zone is the area identified on the March 2001 ALP Map as "Approach Surface." In an AA Zone, the following regulations shall apply:

A. Uses Permitted Outright. In an AA Zone, the following uses and their accessory uses are permitted outright:

1. Airport, including hangers, control facilities, aircraft maintenance and repair, and similar aircraft related commercial uses.
2. Farm use, excluding commercial livestock feed lot, livestock sales yard and excepting those uses set forth in subsection (2) of this section.

B. Conditional Uses. In an AA Zone, the following uses and their accessory uses are permitted when authorized in accordance with the requirements of this section and Article 6 of this ordinance.

1. Farm accessory buildings and uses.
2. Mining, quarrying or other extraction activity, including the processing or refining of ore or other raw materials.
3. Utility facility necessary for public service.
4. Golf course.
5. Park, playground, other public recreation site or facility, or community service facility owned and operated by a governmental agency or non-profit community organization.
6. Veterinary clinic, animal pound, or kennel.
7. Private or public grounds and buildings for games, sports, riding arenas, race tracks, and similar activities.
8. Water supply and treatment facility
9. Sewage disposal and treatment facility.
10. Solid waste disposal site.
11. Manufacturing and warehousing.
12. Traveler's accommodation facilities.
13. Retail and wholesale trade facilities.
14. Residential use including mobile homes and development therefore.

C. Use Limitations. In an AA Zone, the following limitations and standards shall apply to all uses permitted:

1. All uses shall only be permitted if found to be in compliance with the Airport Master Plan and the standards, criteria and guidelines thereof.
2. The height of any structure or part of a structure such as chimneys, towers, antennas, etc., shall be limited according to requirements established by the County or any governmental agency relative to uses in the vicinity of an airport, but in no case shall any building or structure exceed 35 feet.
3. In approach zones beyond the clear zone areas, no meeting place for public or private purposes which is designed to accommodate more than 25 persons at any one time shall be permitted, nor shall any residential use be permitted.
4. All parking demand created by any use permitted by this section shall be accommodated on the subject premises entirely off-street as provided in Article 4.
5. Access to sites and uses shall be permitted as provided in Article 4 and applicable provisions of the Transportation System Plan.
6. Any use permitted under the provisions of this section that is determined to be incompatible with an existing or planned use adjacent thereto or across the street from shall be screened from such incompatible uses by densely planted trees and shrubs or sight-obscuring fencing.
7. Mining or quarry operation permitted by subsection B.2 of this section may not be permitted if such use will allow or cause ponding which is likely to attract birds.
8. No use permitted by subsection B.3 of this section shall permit any power lines to be located in clear zones and any power lines located within an approach zone shall be in conformance with designated approach slope ratios.
9. No use permitted by this section shall be allowed if such use is likely to attract an unusual quantity of birds, particularly birds which are normally considered high flight.
10. No structure or object shall be erected, altered, allowed to glow or be maintained in such a manner as to penetrate any of the imaginary surfaces consistent with Federal Aviation Regulation (FAR), part 77.

D. Dimensional Standards. In an AA Zone, the following dimensional standards shall apply.

1. The minimum lot size shall be determined in accordance with the provisions of this section relative to setback requirements, off-street parking and loading requirements, lot coverage limitations, and as deemed necessary by the Commission to maintain air, land and water resource quality, to protect adjoining and area land uses, to insure resource carrying capacities are not exceeded, and more specifically, to protect the airport; except that residential lot size standards shall comply with standards set forth in the SR Zone.

2. No non-residential use permitted by this section which is located adjacent to or across the street from an existing residential use or platted lot shall exceed more coverage than 70% of the land area designed or intended for such use, including buildings, storage and loading areas.

3. No residential use permitted by this section shall be permitted to exceed 30% lot coverage by buildings and accessory structures.

4. The minimum setback between a structure and the right-of-way of an arterial shall be 50 feet. The minimum setback of a structure from the right-of-way of a collector shall be 30 feet, and from all lower class streets the minimum setback shall be 20 feet.

5. The minimum setback between a non-residential structure and a property line abutting a residential use or lot shall be 50 feet; the same setback shall be required for a residential structure and a property line abutting a non-residential use or lot.

6. The minimum lot frontage shall not be less than 50 feet.

7. The minimum side setback between a structure and a property line shall be three feet, and the total of both side setbacks shall be twelve feet. (H) The minimum rear setback between any structure and a rear property line shall be 25 feet.

E. Sign Limitations. In addition to standards set forth by this ordinance, by applicable Sign Codes, or by regulations set forth by any other appropriate agency, in an AA Zone, the following sign limitations shall apply:

1. For any use permitted by this section, the total area of all signs shall not exceed 200 square feet, no free-standing sign shall exceed 80 square feet and a height of 20 feet, no sign exceeding 50 square feet of area and 6 feet in height shall be located upon the roof of any building, no sign shall exceed 15% of the area of the wall it is attached to, no sign shall be located within or protrude into a street right-of-way, and no sign shall flash or move, or be illuminated between the hours of 11:00 P.M. and 7:00 A.M., except as approved by the Commission.

F. Off-Street Parking and Loading. In an AA Zone, off-street parking and loading shall be provided in accordance with the provisions of this section and Article 4.

G. Site Design. In an AA Zone, the site design of any permitted use shall make the most effective use reasonably possible of the site topography, existing landscaping, and building placement so as to preserve existing trees and natural features, preserve vistas and other views from public ways, minimize visibility of parking, loading and storage areas from public ways and neighboring residential uses, and to minimize intrusion into the character of existing developments and land uses in the immediate vicinity of the proposed use. The State Aeronautics Division shall be included as a reviewing "affected party" for use applications in this Zone.

H. Design and Use Criteria. In the consideration of an application for a proposed use in an AA Zone, the Commission shall take into account the impact of the proposed use on nearby residential and commercial uses, on resource carrying capacities, on the capacity of transportation and other public facilities and services, and on the appearance of the proposal. In approving a proposed use the Commission shall find that:

1. Proposal is in compliance with the applicable State and Federal Aviation Compatibility guidelines.
2. Proposal is in compliance with the Comprehensive Plan and the Airport Master Plan.
3. Proposal is in compliance with the intent and provisions of this ordinance and more particularly this section.
4. The Planning Commission may require establishment and maintenance of screenings, the use of glare resistant materials in construction and landscaping, or may attach other similar conditions or limitations that will serve to reduce hazards to airport operations.

I. Additional Requirements. As a condition of approval of any use proposed within an AA Zone, the Commission may require:

1. An increase in required setbacks.
2. Additional off-street parking and loading facilities and building standards.
3. Limitations on signs or lighting, time of operations, points of ingress and egress, and building heights.
4. Additional landscaping, screening and other improvements.
5. Additional limitations on building heights.
6. Additional sound insulation requirements.
7. Any other conditions considered necessary to achieve compliance with the intent and purposes of this ordinance, policies of the Comprehensive Plan, and to protect the airport.

## J. Transportation Impacts

1. Traffic Impact Analysis (TIA). In addition to the other standards and conditions set forth in this section, a TIA will be required for all projects generating more than 400 passenger car equivalent trips per day. Heavy vehicles – trucks, recreational vehicles and buses – will be defined as 2.2 passenger car equivalents. A TIA will include: trips generated by the project, trip distribution for the project, identification of intersections for which the project adds 30 or more peak hour passenger car equivalent trips, and level of service assessment, impacts of the project, and, mitigation of the impacts. If the corridor is a State Highway, use ODOT standards. (MC-C-8-98)



## **SECTION 3.091. AIRPORT HAZARD ZONE, AH**

**SECTION 3.091. PURPOSE.** A zone regulating and restricting the height of structures and objects of natural growth, and otherwise regulating the use of property, in the vicinity of the Lexington public use airport by creating the appropriate zones and establishing the boundaries thereof; providing for changes in the restrictions and boundaries of such zones; defining certain terms used herein; referring to the land use plan and approach clear zone plan (zoning maps) which are incorporated in and made a part of this ordinance; providing for enforcement; and imposing penalties.

This zone is adopted pursuant to the authority conferred by Morrow County. It is hereby found that an airport hazard endangers the lives and property of users of the Lexington public use airport in Morrow County, and property or occupants of land in the vicinity thereof, and also if the obstruction type, in effect reduces the size of the area available for the landing, takeoff and maneuvering of aircraft, thus tending to destroy or impair the utility of these airports and the public investment therein. Accordingly, it is declared:

That the creation or establishment of an airport hazard within the zone is a public nuisance and an injury to the region served by public use airports in the county;

That it is necessary in the interest of the public health, public safety, and general welfare and prosperity that the creation or establishment of airport hazards be prevented; and

That the prevention of these hazards should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.

It is further declared that both the prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for which political subdivisions may raise and expend public funds and acquire land or interests in land.

A. Definitions. As used in this section, unless the context otherwise requires:

1. AIRPORT ELEVATION - The highest point of an airport's usable landing area measured in feet from mean sea level (205 feet MSL).
2. AIRPORT HAZARD - Any structure or object of natural growth located on or in the vicinity of a public airport, or any use of land near such airport, which obstructs the airspace required for the flight of aircraft in landing or takeoff at such airport or is otherwise hazardous to such landing or takeoff of aircraft.
3. STRUCTURE - An object constructed or installed by man, including, but without limitation, buildings, towers, smokestacks, earth formation, and overhead transmission lines.

4. TREE - Any object of natural growth.
5. NONCONFORMING USE - Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this Section or an amendment thereto.
6. HEIGHT - For the purpose of determining the height limits in all zones set forth in this Section and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.
7. PERSON - An individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity. It includes a trustee, receiver, assignee, or similar representative of any of them.
8. RUNWAY - A defined area on public use airport prepared for landing and takeoff of aircraft along its length including both existing and proposed as shown on approved Airport Layout Plans for each airport.
9. APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL ZONES - These zones apply to the area under the approach, transitional, horizontal, and conical surfaces defined in Federal Aviation Regulations (FAR) Part 77, and shown on the approved Approach and Clear Zone Plan for each airport.
10. VISUAL RUNWAY - A runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on the FAA approved Airport Layout Plan.
11. UTILITY RUNWAY - A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less (Runway 8-26 and 9-27 at the Morrow County Airport).
12. 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 procedure has been approved or planned, and for which no precision approach facilities are planned or indicated on the Airport Layout Plan.
13. PRECISION INSTRUMENT RUNWAY - A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on the approved Airport Layout Plan.
14. PRIMARY SURFACE - A surface longitudinally centered on a runway. The primary surface extends 200 feet beyond each end of that runway. The width of the primary surface of a runway will be that width prescribed in Part 77 of the Federal Aviation Regulations (FAR) for the most precise approach existing or planned for either end of that runway. The elevation

of any point on the primary surface is the same as the elevation of the nearest point onto the runway centerline.

15. PUBLIC USE AIRPORT - Any airport, publicly or privately owned, which is open to public use and meets all appropriate state and federal operational criteria.

B. Airport Zones. In order to carry out the provisions of this Section, there are hereby created and established certain zones which include all of the land lying within the approach zones, transitional zones, horizontal zones, and conical zones as they apply to a public use airport. Such zones are shown on both the "Land Use Plan" (Drawing 3) and "Approach and Clear Zone Plan" (Drawing 2) of the Morrow County Airport Layout Plan, which are attached to this Section and made a part hereof. An area located in more than one (1) of the following zones is considered to be only in the zone with the more restrictive limitations. At the Lexington Airport, the AH Zone applies to the areas identified on the March 2001 ALP Map as the Approach Surface, Horizontal Surface and Conical Surface. The various zones are hereby established and defined as follows:

1. APPROACH AND CLEAR ZONES - Those areas depicted on the approved Approach and Clear Zone Plan including the horizontal conical, approach and primary surfaces which pertain to federal aviation Regulation (FAR) Part 77. Within this zone are the following defined sub-zones:

a. Utility Runway Visual Approach Sub-Zone. The inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline being the continuation of the centerline of the runway.

b. Runway Larger than Utility with a Visibility Minimum Greater than 3/4 Mile Non-Precision Instrument Approach Sub-Zone - The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline being the continuation of the centerline of the runway.

c. Precision Instrument Runway Approach Sub-Zone - The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline being the continuation of the centerline of the runway.

d. Transitional Sub Zones - These zones are hereby established as the area beneath the transitional surfaces. These surfaces extend

outward and upward at 90-degree angles to the runway centerline and the runway.

e. Horizontal Sub-Zone - The horizontal zone is hereby established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway, and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

f. Conical Sub-Zone - The conical zone is hereby established in the area that commences at the periphery of the horizontal zone and extends outward there from a horizontal distance of 4,000 feet. The conical zone does not include the precision instrument approach zones and the transitional zones.

C. Airport Zone Height Limitations. Except as otherwise provided in this Section, no structure or tree shall be erected, altered, allowed to grow, or be maintained in any zone created by this Section to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones and sub-zones in question as follows:

1. Utility Runway Visual Approach Sub-Zone - Slopes upward twenty (20) feet horizontally for each foot vertically, beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

2. Runway Larger Than Utility with a Visibility Minimum Greater Than 3/4 Mile Non-Precision Instrument Approach Sub-Zone - Slopes upward thirty-four (34) feet horizontally for each foot vertically beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.

3. Precision Instrument Runway Approach Sub-Zone - Slopes upward fifty (50) feet horizontally for each foot vertically beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline; thence slopes upward forty (40) feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.

4. Transitional Sub-Zones - Slopes upward and outward seven (7) feet horizontally for each foot vertically beginning at the sides of and at the same elevation as the primary surface and the approach zones, and extending to a height of 150 feet above the airport elevation which is the highest elevation of each public use airport. In addition to the foregoing, there are established height limits sloping upward and outward seven (7) feet horizontally for each foot vertically beginning at the sides of and at the same elevation as the approach zones, and extending to where they intersect the conical surface. Where the precision instrument runway

approach zone projects beyond the conical zone, height limits sloping upward and outward seven (7) feet horizontally for each foot vertically shall be maintained beginning at the sides of and at the same elevation as precision instrument runway approach surface, and extending to a horizontal distance of 5,000 feet measured at 90 degree angles to the extended runway centerline.

5. Horizontal Sub-Zone - One hundred and fifty (150) feet above the airport elevation.

6. Conical Sub-Zone - Slopes upward and outward twenty (20) feet horizontally for each foot vertically beginning at the periphery of the horizontal zone and at one hundred and fifty (150) feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

7. Excepted Height Limitations - Nothing in this Zone shall be construed as prohibiting the growth, construction, or maintenance of any tree or structure to a height up to thirty five (35) feet above the surface of the land. When an area is covered by more than one (1) height limitation, the more restrictive limitation shall prevail. These surfaces are shown on the approved Approach and Clear Zone Plan for each public use airport.

D. Use Restrictions. Notwithstanding any other provisions of this Section, no use may be made of land or water within airport zones established by this Section in such a manner as to create electrical interference with navigational signals or radio communications 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 or otherwise in any way create a hazard or endanger the landing, takeoff, or maneuvering of aircraft intending to use the public use airport. Included in this restriction is any land or water use which would tend to foster or increase bird population and thereby increase the likelihood of a bird strike problem.

Notwithstanding any other provisions of this Section, no use may be made of land or water within the approved Approach and Clear Zones established by this Section in such a manner which would promote or provide for large congregations of people and/or above-ground storage of flammable substance.

E. Nonconforming Uses.

1. Regulations not Retroactive - The regulations prescribed by this Zone shall not be construed to require the removal, lowering, or other changes or alterations of any structure or tree not conforming to the regulations as of the effective date of this Section, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Zone and is diligently prosecuted.

2. Marking and Lighting - Notwithstanding the preceding provision of this Section, the owner of any existing non-conforming structure or tree is hereby required to permit the installation, operation, and maintenance thereof of such markers and lights as shall be deemed necessary by the Morrow County Court, to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport hazards. Such markers and lights shall be installed, operated, and maintained at the expense of the owner of the public use airport.

F. Permits.

1. Future Uses - No material change shall be made in the use of land and no structure or tree shall be erected, altered, planted, or otherwise established in any zone or sub-zone hereby created unless a permit therefore shall have been applied for and granted.

a. However, a permit for a tree or structure of less than 75 feet of vertical height above the ground shall not be required in the horizontal and conical zones or in any approach and transitional zones beyond a horizontal distance of 4,200 feet from each end of the runway except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for the respective zone.

b. Each application for a permit shall indicate the purpose for which the permit is desired with sufficient particulars to determine whether the resulting use, structure, or tree would conform to the regulation herein prescribed. If such determination is in the affirmative, the permit shall be granted.

2. Existing Uses - No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this Zone or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

3. Nonconforming Uses Abandoned or Destroyed - Whenever the county determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

4. Variances - Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use his property not in accordance with the regulations prescribed in this Section may apply to the County Planning Commission for a variance from such regulations. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations would result in practical

difficulty or unnecessary hardship and relief granted would not be contrary to the public interest but will do substantial justice and be in accordance with the spirit of this Zone.

5. Hazard Marking and Lighting - Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Zone and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the county or airport owner, at its own expense, to install, operate, and maintain thereon, such markers and lights as may be necessary to indicate to pilots the presence of an airport hazard.

G. Enforcement. It shall be the duty of Morrow County Court to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the respective jurisdictions upon a form furnished by them. Applications required by this Section to be submitted to the agency of Morrow County Court shall be promptly considered and granted or denied by them. Application for action by the County Planning Commission shall be forthwith transmitted by the respective jurisdictions.

H. Appeals. Any person aggrieved, or any taxpayer affected by any decision of the county administering office made in his administration of this Zone may appeal as provided in Article 9 of this Ordinance.

### **SECTION 3.092 AIRPORT SAFETY AND COMPATIBILITY OVERLAY ZONE, ASC.**

- A. Purpose. The purpose of this overlay zone is to protect and support the continued operation of the Boardman public use airport by establishing compatibility and safety standards and to reduce potential safety hazards for persons living, working or recreating near that airport.
- B. Definitions. Definitions in this section apply specifically to this overlay zone and are intended to supplement the definitions in Article 1.
1. Aircraft. Includes airplanes and helicopters, but not hot air balloons or ultralights.
  2. Airport Direct Impact Area. The area located within 5,000 feet of an airport runway, excluding lands within the runway protection zone and approach surface.
  3. Airport Elevation. The highest point of an airport's usable runway, measured in feet above mean sea level.
  4. Airport Imaginary Surface. Imaginary areas in space and on the ground that are established in relation to the airport and its runways. Imaginary areas are defined by the primary surface, runway protection zone, approach surface, horizontal surface, conical surface and transition surface.
  5. Airport Secondary Impact Area. The area located between 5,000 and 10,000 feet from an airport runway.
  6. Airport sponsor. The owner, manager, person or entity designated to represent the interests of an airport [OAR 660-013-0020]
  7. Approach Surface. A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface.
    - a. The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of:
      - i. 1,250 feet for a utility runway; or
      - ii. 1,500 feet for a runway other than a utility runway.
    - b. The approach surface extends for a horizontal distance of 5,000 feet at a slope of 20 feet outward for each foot upward.
    - c. 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.
  8. Conical Surface. A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a distance of 4,000 feet.
  9. Department of Aviation. The Oregon Department of Aviation, formerly the Aeronautics Division of the Oregon Department of Transportation.



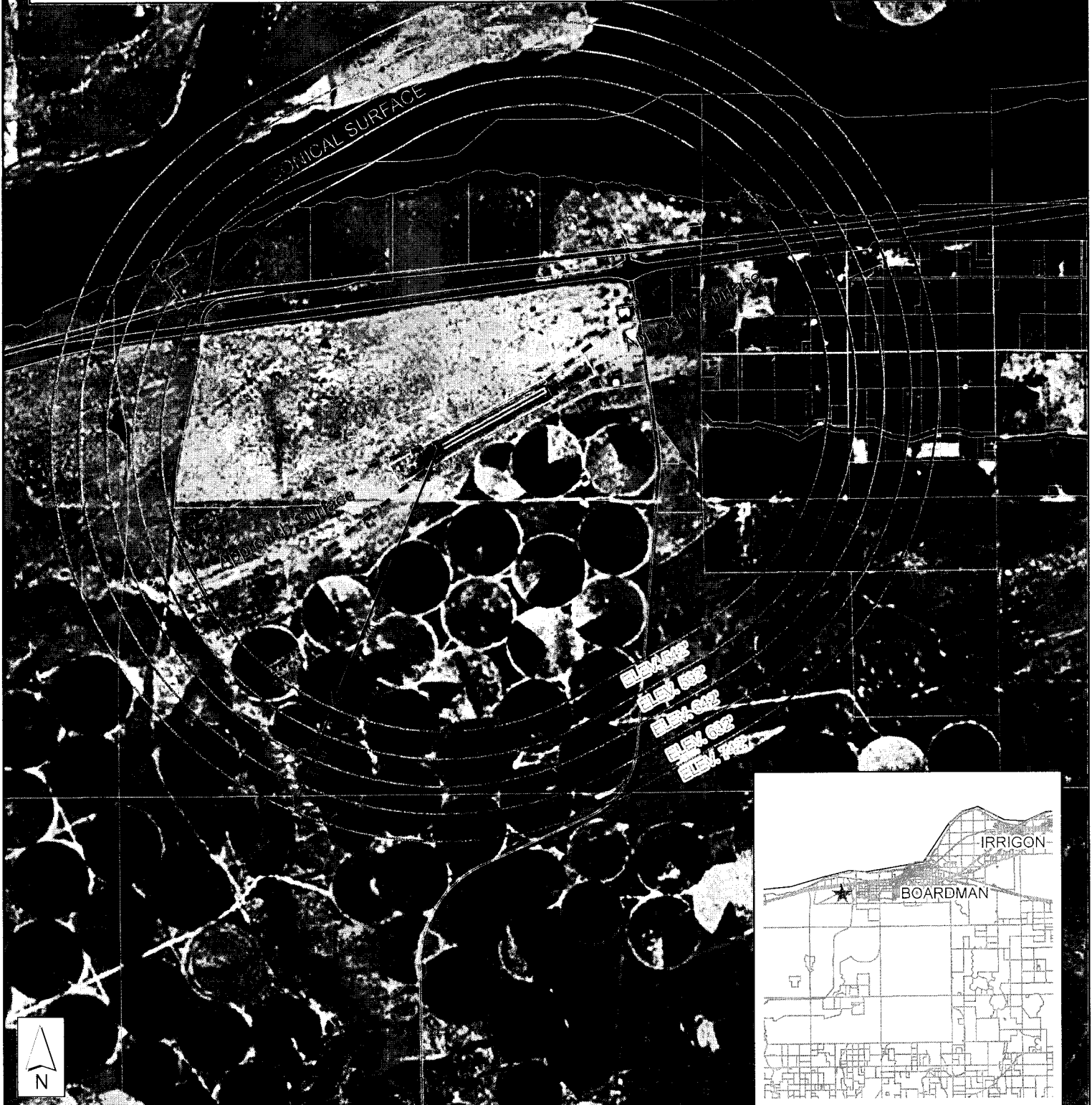
10. Federal Aviation Administration's (FAA) Technical Representative. As used in this ordinance, the federal agency providing the FAA with expertise on wildlife and bird strike hazards as they relate to airports. This may include, but is not limited to the United States Fish and Wildlife Service and the Oregon Department of Fish and Wildlife.
11. Height. Height of Building as defined in MCZO Section 1, including the highest point of a tree, plant or other object of natural growth, measured from mean sea level.
12. 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 5,000 feet.
13. Obstruction. Any structure or tree, plant, or other object of natural growth that penetrates an imaginary surface.
14. 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.
15. 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:
  - a. 250 feet for utility runways.
  - b. 500 feet for other than utility runways.
16. Public Assembly Facility or Location. 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.
17. Runway. A defined area on an airport prepared for landing and takeoff of aircraft along its length.

18. 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: 1,000 to 2,500 feet.
  19. Significant. As it relates to bird strike hazards, "significant" means a level of increased flight activity by birds across an approach surface or runway that is more than incidental or occasional, considering the existing ambient level of flight activity by birds in the vicinity.
  20. 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 side 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.
  21. 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.
  22. 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.
- C. Imaginary Surface Delineation. The airport elevation and the location and dimensions of the runway, primary surface, runway protection zone, approach surface, horizontal surface, conical surface and transitional surface shall be delineated for each airport subject to this overlay zone and shall be made part of the Official Zoning Map. All lands, waters, and airspace or portions thereof, that are located within these surfaces shall be subject to the requirements of this overlay zone.
- D. Notice of Land Use and Permit Applications within Overlay Zone Area. Except as otherwise provided, written notice of applications for land use or limited land use decisions in the area within this overlay zone, including comprehensive plan or zoning amendments, 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.
1. 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 within 5,000 feet of the sides or ends of the runway.

2. Notices required by this section need not be provided to the airport sponsor or the Department of Aviation where the land use or limited land use application:
  - a. would only allow structures less than 35 feet in height, measured from grade;
  - b. involves property located entirely outside the approach surface;
  - c. does not involve uses that emit smoke dust, or steam; sanitary landfills or water impoundments; or radiotelephone, television or similar transmission facilities or electrical transmission lines; and
  - d. does not involve wetland mitigation, creation, enhancement or restoration.
  
- E. Height Limitations on Allowed Used in Underlying Zone. All uses permitted by the underlying zone shall comply with the height limitations in the Section unless standards of the underlying zone are more restrictive.
  1. Except as provided in paragraph 2, no structure or tree or other object of natural growth shall be allowed to penetrate an airport imaginary surface.
  2. For areas within airport imaginary surfaces but outside of the approach and transition surfaces, where terrain is at higher elevations than the airport runway surfaces where existing structures and permitted development penetrate the airport imaginary surfaces, a local government may authorize structures up to 35 feet in height.
  
- F. Procedures. An application for a land use or limited land use approval on property within this overlay zone shall provide the following information in addition to any other required information:
  1. A map or drawing showing the location of the property in relation to the airport imaginary surfaces.
  2. Elevation profiles and a site plan, drawn to scale, including the location and height of all existing and proposed structures, measured from existing grade.
  
- G. Land Use Compatibility Requirements. Any land use allowed in the underlying zone may be permitted in the overlay zone, subject to the following standards:
  1. The user shall comply with the height standards in Section (E) of this Chapter.
  2. The use shall not include a place of public assembly.
  3. The uses shall not create a bird attractant. If the airport sponsor determines that there is a potential for attracting birds, the application shall include a study demonstrating that any hazard to use of the airport is mitigated.
  4. The use shall not cause light or glare that projects lighting directly onto a runway or taxiway, or imitates airport lighting.



5. The use shall not be a source of smoke, dust or steam.
  6. The use shall not cause electrical interference with the airport operations, or in the case of proposed or expanded communications or transmission facilities, the Department of Aviation and the FAA shall approve the facility.
  7. The use shall not create a new or expanded water impoundment within 5,000 feet of the edge or end of a runway larger than one-quarter acre in size unless necessary for airport operations or approved in writing by the airport sponsor, the Department of Aviation, and the FAA.
- H. Prohibited Uses. Notwithstanding the underlying zoning, the following uses are prohibited in the Airport Safety and Compatibility Overlay Zone:
1. New residential Development.
  2. New Public Assembly Facilities.
- I. Nonconforming Uses.
1. The regulations prescribed by this Zone shall not be construed to require the removal, lowering, or other changes or alterations of any structure or tree not conforming to the regulations as of the effective date of this Section, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure that was approved under the requirements of the previous Airport Approach or Airport Hazard zones, including those approvals that expired or that became void. Such approvals are hereby validated as consistent with this Airport Safety and Compatibility Overlay and no further approval is required under the terms of the zoning ordinance.
  2. Marking and Lighting - Notwithstanding the preceding provision of this Section, the owner of any existing non-conforming 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 the Morrow County Court, to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport hazards. Such markers and lights shall be installed, operated and maintained at the expense of the owner of the public use airport.

# Airport Safety and Compatibility Overlay Zone - Boardman Airport -



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



Airport Boundary  Approach Zone  
 Flight Strip  Conical Surface

Morrow County Planning Department  
 May 2016  
 Map is for reference use only.  
 Source: Century West Engineering Corp.