

TITLE 10
CHAPTER 21

PUBLIC USE AIRPORT ZONE

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10-21-1: PUBLIC USE AIRPORT ZONE:

10-21-1-1: PURPOSE: The purpose of the Public Use Airport Zone is to encourage and support the continued operation and vitality of the Florence Municipal Airport by allowing certain airport-related commercial and recreational uses in accordance with state law.

10-21-1-2: APPLICATION: This zoning district applies to the Florence Municipal Airport, a publicly owned airport that was 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.

10-21-1-3: 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 PUASC Overlay Zone, the requirements of the Overlay Zone shall control.

10-21-1-4: 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, in this case, the City of Florence.

10-21-1-5: USES PERMITTED OUTRIGHT: The following uses and activities are permitted outright in the Public Use Airport District. Such uses should be in conformance with the 1997 Airport Plan. All structures require approval by the Planning Commission/Design Review Board.

- 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, a residence for an airport manager, caretaker or security officer, hangars and other activities incidental to the normal operation of an airport. Except as provided in this zone, “customary and usual aviation-related activities” do not include non-aviation related 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. Search and rescue operations, including aircraft and ground based activities that promote the orderly and efficient conduct of search or rescue related activities.
- E. 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.
- F. 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.
- G. Aircraft rental, including activities, facilities and accessory structures that support the provision of aircraft for rent or lease to the public.
- H. 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 or aircraft or aircraft-related products for sale to the public.
- I. 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.
- J. Agricultural and forestry activities, including activities, facilities and accessory structures that qualify as “farm use” as defined in ORS 215.203 or “farming practices” as defined in ORS 30.930.

10-21-1-6: 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 and approval of related structures by the Planning Commission/Design Review Board.

- 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).

- B. Flights carrying parachutists, and parachute drops, (including all forms of skydiving) onto an airport, but only upon the 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 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.

10-21-1-7: Uses Permitted Under Prescribed Conditions: The following uses and activities and their associated facilities are permitted in the Public Use Airport Zone upon approval by the airport sponsor, the Department of Aviation and the City of Florence Design Review Board. Such uses shall be compatible with the 2000/2020 Comprehensive Plan, the 1997 Airport Plan, FCC Title 10, Chapter 6 – Design Review, and shall not create a safety hazard or otherwise limit approved airport uses.

1. Light industrial uses, especially those requiring through-the-fence access as an integral part of their operation.

10-21-2: PUBLIC USE AIRPORT SAFETY AND COMPATIBILITY OVERLAY ZONE

10-21-2-1: PURPOSE: The purpose of this overlay zone is to encourage and support the continued operation and vitality of the Florence Municipal Airport by establishing compatibility and safety standards to promote air navigational safety at the airport and to reduce potential safety hazards for persons living, working or recreating near the airport.

10-21-2-2: DEFINITIONS:

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.

AIRPORT DIRECT IMPACT AREA The area located within 5,000 feet of the airport runway, excluding lands within the runway protection zone and approach surface.

AIRPORT ELEVATION. The highest point of the airport's usable runway, measured in feet above mean sea level.

AIRPORT IMAGINARY SURFACES. 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 transitional surface, and are delineated in Drawing 2 – Airspace of the Florence Municipal Airport Layout Plan Report, dated October 1997, which map shall remain on file in the Florence Community Development Department.

AIRPORT NOISE IMPACT BOUNDARY. Areas located within 1,500 feet of the airport runway or within established noise contour boundaries exceeding 55 Ldn.

AIRPORT SECONDARY IMPACT AREA. The area located between 5,000 and 10,000 feet from an airport runway.

AIRPORT SPONSOR The owner, manager, or other person or entity designated to represent the interests of an airport, in this case, the City of Florence.

APPROACH SURFACE A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. For the Florence Municipal Airport, the inner edge of the approach surface is the same width as the primary surface, which is 250 feet. It

expands uniformly to a width of 1,250 feet for a utility runway, the applicable classification for the Florence Municipal Airport runway. The approach surface extends for a horizontal distance of 5,000 feet at a slope of 20 feet outward for each foot upward.

CONICAL SURFACE A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

DEPARTMENT OF AVIATION The Oregon Department of Aviation, formerly the Aeronautics Division of the Oregon Department of Transportation.

FAA. The Federal Aviation Administration.

FAA'S 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 USDA-APHIS- Wildlife Services.

HEIGHT The highest point of a structure or tree, plant or other object of natural growth, measured from mean sea level.

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 connective the adjacent arcs by lines tangent to those arcs. The radius of each arc is 5000 feet.

OBSTRUCTION Any structure or tree, plant or other object of natural growth that penetrates an imaginary surface.

PRIMARY SURFACE A surface longitudinally centered on a runway. For the Florence Municipal Airport, the primary surface extends 200 feet beyond 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 for the Florence Municipal Airport, a utility runway, is 250 feet.

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.

RUNWAY A defined area on an airport prepared for landing and takeoff of aircraft along its length.

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 for the Florence Municipal Airport is 450 feet as specified in OAR 660, Division 13, Exhibit 4. The RPZ extends from each end of the primary surface for a horizontal distance of: 1,000 feet.

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.

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, earth formations and overhead transmission lines. Structures do not include paved areas.

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.

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.

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.

10-21-2-3: 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 are delineated in the 1997 Florence Municipal Airport Layout Plan Report 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 overlay zone.

10-21-2-4: NOTICE OF LAND USE AND PERMIT APPLICATIONS WITHIN OVERLAY ZONE AREA: Except as otherwise provided herein, written notice of applications for land use of limited land use decisions, including comprehensive plan or zoning amendments, in an area within this overlay zone, 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 runway.

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 20 days prior to entry of the initial decision on the land use or limited land use application.

3. Notice of the decision on the land use or limited land use application shall also be provided to the airport sponsor within the same timelines that notice is provided to parties to the proceeding.

C. Notices required under Paragraphs A, B-1-2-3 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 only allow structures of less than 35 feet in height above ground level.
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.

10-21-2-5: HEIGHT LIMITATIONS ON ALLOWED USES IN UNDERLYING ZONE.

All uses permitted by the underlying zone shall comply with the height limitations in this Section. When height limitations of the underlying zone are more restrictive than those of this overlay zone, the underlying zone height limitations shall control.

A. Except as provided in subsections B and C of this Section, no structure or tree, plant or other object of natural growth shall penetrate an airport imaginary surface.

B. For areas within airport imaginary surfaces but outside the approach and transition surfaces, where the terrain is at higher elevations than the airport runway surfaces such that existing structures and permitted development penetrate or would penetrate the airport imaginary surfaces, a local government may authorize structures up to 35 feet in height above ground level.

C. 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 follow the procedures for other variances and shall be subject to such conditions and terms as recommended by the Department of Aviation and the FAA.

10-21-2-6: PROCEDURES: An applicant seeking a land use or limited land use approval in an area within this overlay zone shall provide the following information in addition to any other information required in the permit application:

A. A map or drawing showing the location of the property in relation to the airport imaginary surfaces. The Planning Department shall provide the applicant with appropriate base maps upon which to locate the property.

B. Elevation profiles and a site plan, both drawn to scale, including the location and height of all existing and proposed structures, measured in feet above mean sea level.

C. If a height variance is requested, letters of support from the airport sponsor the Department of Aviation and the FAA.

10-21-2-7: LAND USE COMPATIBILITY REQUIREMENTS: Applications for land use or building permits for properties within the boundaries of this overlay zone shall comply with the requirements of this chapter as provided herein.

A. Noise. The Noise Contour Map for the Florence Municipal Airport is included in the 1997 Florence Municipal Airport Layout Plan Report – Land Use Drawing 3, which is incorporated herein, and which shall remain on file in the Florence Community Development Department. Within the airport noise impact boundaries, land uses shall be established consistent with the levels identified in OAR 660, Division 13, Exhibit 5. A declaration of anticipated noise levels shall be attached to any subdivision or partition approval or other land use approval or building permit affecting land within airport noise impact boundaries. In areas where the noise level is anticipated to be at or above 55 DNL, prior to issuance of a building permit for construction of a noise sensitive land use (real property normally used for sleeping or as a school, church, hospital, public library or similar use), the permit applicant shall be required to demonstrate that a noise abatement strategy will be incorporated into the building design that will achieve an indoor noise level equal to or less than 55 DNL.

B. Outdoor Lighting. No new or expanded industrial, commercial or recreational use shall project lighting directly onto an existing runway or taxiway or into existing airport approach surfaces except where necessary for safe and convenient air travel. Lighting for these uses shall incorporate shielding in their designs to reflect light away from airport approach surfaces. No use shall imitate airport lighting or impede the ability of pilots to distinguish between airport lighting and other lighting.

C. Glare. No glare producing material, including but not limited to unpainted metal or reflective glass, shall be used on the exterior of structures located within an approach surface or on

nearby lands where glare could impede a pilot's vision.

D. Industrial Emissions. No new industrial, mining or similar use, or expansion of an existing industrial, mining or similar use, shall, as part of its regular operations, cause emissions of smoke, dust or steam that could obscure visibility within airport approach surfaces, except upon demonstration, supported by substantial evidence, that mitigation measures imposed as approval conditions will reduce the potential for safety risk or incompatibility with airport operations to an insignificant level. The review authority shall impose such conditions as necessary to ensure that the use does not obscure visibility.

E. Communications Facilities and Electrical Interference. No use shall cause or create electrical interference with navigational signals or radio communications between an airport and aircraft. Proposals for the location of new or expanded radio, radiotelephone, and television transmission facilities and electrical transmission lines within this overlay zone shall be coordinated with the Department of Aviation and the FAA prior to approval. Approval of cellular and other telephone or radio communication towers on leased property located within airport imaginary surfaces shall be conditioned to require their removal within 90 days following the expiration of the lease agreement. A bond or other security may be required to ensure this result.

F. Use Prohibitions in RPZ. Notwithstanding the underlying zoning, the following uses are prohibited in the RPZ.

1. New residential development.
2. Public assembly facilities.

G. Landfills. No new sanitary landfills, sewage lagoons, sewage sludge disposal facilities or similar facilities shall be permitted within 5,000 feet from any airport runway used by only piston-type aircraft or within 10,000 feet of any airport runway used by turbojet aircraft. Expansions of existing landfill or sewage treatment or disposal facilities within these distances shall be permitted only upon demonstration that the landfills or sewage treatment or disposal facilities are designed and will operate so as not to increase the likelihood of bird/aircraft collisions. Timely notice of any proposed expansion shall be provided to the airport sponsor, Aviation and the FAA, and any approval shall be accompanied by such conditions as are necessary to ensure that an increase in bird/aircraft collisions is not likely to result.

10-21-2-8: Water Impoundments within Approach Surfaces and Airport Direct and Secondary Impact Boundaries: 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. No new or expanded water impoundments of one-quarter acre in size or larger are permitted:
1. Within an approach surface and within 5,000 feet from the end of a runway; or
 2. On land owned by the airport sponsor that is necessary for airport operations.

10-21-2-9: WETLAND MITIGATION, CREATION, ENHANCEMENT AND RESTORATION WITHIN APPROACH SURFACES AND AIRPORT DIRECT AND SECONDARY IMPACT BOUNDARIES:

A. Notwithstanding the requirements of Section 10-21-3-8, wetland mitigation, creation, enhancement or restoration projects located within areas regulated under Section 10-21-3-8 shall be allowed upon demonstration of compliance with the requirements of this Section.

B. Wetland mitigation, creation, enhancement or restoration projects existing or approved on the effective date of this ordinance and located within areas regulated under Section 10-21-3-8 are recognized as lawfully existing uses.

C. To help avoid increasing safety hazards to air navigation near public use airports, the establishment of wetland mitigation banks in the vicinity of such airports but outside approach surfaces

and areas regulated under Section 10-21-3-8 is encouraged.

D. Applications to expand wetland mitigation projects in existence as of the effective date of this ordinance, and new wetland mitigation projects, that are proposed within areas regulated under Section 10-21-3-8 shall be considered utilizing the review process applied to applications for conditional use permits and shall be permitted upon demonstration that:

1. It is not practicable to provide off-site mitigation; or
2. The affected wetlands provide unique ecological functions, such as critical habitat for threatened or endangered species or ground water discharge, and the area proposed for mitigation is located outside an approach surface.

E. Wetland mitigation permitted under subsection D. of this Section shall be designed and located to avoid creating a wildlife hazard or increasing hazardous movements of birds across runways or approach surfaces.

F. Applications to create, enhance or restore wetlands that are proposed to be located within approach surfaces or within areas regulated under Section 10-21-3-8, and that would result in the creation of a new water impoundment or the expansion of an existing water impoundment, shall be considered utilizing the review process applied to applications for conditional use permits and shall be permitted upon demonstration that:

1. The affected wetlands provide unique ecological functions, such as critical habitat for threatened or endangered species or ground water discharge; and
2. The wetland creation, enhancement or restoration is designed and will be in a manner that will not increase hazardous movements of birds feeding, watering or roosting in areas across runways or approach surfaces.

G. Proposals for new or expanded wetland mitigation, creation, enhancement or restoration projects regulated under this Section shall be coordinated with the airport sponsor, the Department of Aviation, the FAA and FAA's technical representative, the Oregon Department of Fish & Wildlife (ODFW), the Oregon Division of State Lands (DSL), the US Fish & Wildlife Service (USFWS), and the US Army Corps of Engineers (Corps) as part of the permit application.

H. A decision approving an application under this Section shall require, as conditions of approval, measures and conditions deemed appropriate and necessary to prevent in perpetuity an increase in hazardous bird movements across runways and approach surfaces.

10-21-2-10: NONCONFORMING USES:

A. These regulations shall not be construed to require the removal, lowering or alteration of any structure not conforming to these regulations. These regulations shall not 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 overlay zone.

B. Notwithstanding subsection A. of this section, the owner of any existing structure that has an adverse effect on air navigational safety as determined by the Department of Aviation shall install or allow the installation of obstruction markers as deemed necessary by the Department of Aviation, so that the structures become more visible to pilots.

C. No land use or limited land use approval or other permit shall be granted that would allow a nonconforming use or structure to become a greater hazard to air navigation than it was on the effective date of this overlay zone.

10-21-2-11: AVIGATION EASEMENT: Within this overlay zone, the owners of properties that are the subjects of applications for land use or limited land use decisions, for building permits for new residential, commercial, industrial, institutional or recreational buildings or structures intended for inhabitation or occupancy by humans or animals, or for expansions of such buildings or structures by the lesser of 50%

or 1000 square feet, shall, as a condition of obtaining such approval or permits, dedicate an avigation easement to the airport sponsor. The avigation easement shall be in a form acceptable to the airport sponsor and shall be signed and recorded in the deed records of the County. The avigation easement shall allow unobstructed passage for aircraft and ensure safety and use of the airport for the public. Property owners or their representatives are responsible for providing the recorded instrument prior to issuance of building permits.

Established by Ordinance No. 18, and 19, Series 2003