

Zoning Ordinance

Section 907.00 - Airport Overlay District

[Adopted 03/19/98, Ord. 643]

907.01 Areas of Concern

There are 3 public airport or landing facilities in the county which come under the provisions of this section. These airports currently include McMinnville, Sheridan, and Sportsman Air Park in Newberg. Areas of concern around each of these facilities are delineated on the official zoning map as the Airport Overlay District. Nonpublic use, private landing strips and heliports are not delineated but may still be subject to applicable regulations.

907.02 Standards and Requirements

The following standards shall apply to all landing field and public airport improvements, and to improvements on all adjacent properties affected by such standards as delineated on the Official Zoning Map:

A. Uses within the Airport Overlay District

All structures and uses within the Airport Overlay District shall conform to the requirements of Federal Aviation Regulations (F.A.R.) Part 77, or successor, and to other federal and state laws regulating structural height, smoke, steam or dust and other hazards to flight, air navigation, or public health, safety and welfare. The Airport Overlay District has been further regulated as follows:

1. Approach Zones

The following uses are prohibited except as required for airport use:

- a. Places of public assembly.
- b. Residential density greater than one dwelling per five acres except as allowed in the underlying zone existing prior to the date of adoption of this ordinance.
- c. Retirement homes and other residential institutions.
- d. Hospitals.
- e. Schools

- f. Aggregate extraction where ponding and birds pose a strike hazard.
- g. Storage of hazardous material as defined by the National Fire Protection Association (NFPA).
- h. Communications towers.
- i. Solid waste disposal sites.
- j. Commercial or industrial use with potential operations hazards such as electrical interference, high intensity lighting, smoke, glare, noise, etc.
- k. All other uses as listed in the underlying zone with a hold harmless agreement and navigational easement.

2. Clear Zones

- a. The clear zone shall be free of any construction or obstacle and shall be minimally used by people.
- b. Agriculture which does not attract birds is permitted. No structures are allowed.
- c. Above ground power lines are prohibited.
- d. Airport clear zones are subject to the conditions as shown in the airport's master plan.

3. Transition Zones

In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal surface, no approval shall be required for any tree or structure less than fifty feet of vertical height about the ground, except when such tree or structure because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transition zones. Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction or alteration of any structure, or growth of any tree in excess of any of the height limits established by this ordinance.

B.

C. Prohibited Uses

Regardless of any other provisions of this ordinance, no use may be made of land or water within any area covered by this ordinance in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and other lights, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

D. Exceptions.

1. In the area lying within the limits of the horizontal surface and conical surface, no permit shall be required for any tree or structure less than fifty feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limit prescribed for such approach zones.

E. Height Limitations.

Except as otherwise provided in this section, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow to a height in excess of the applicable height limitations established in accordance with Federal Aviation Regulations (F.A.R.), Part 77, "Object Affecting Navigable Airspace".

F. Marking and Lighting.

The owner of any existing nonconforming 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 county to indicate to the operators or aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the airport owner.

G. Variances.

Any person desiring to erect or increase the growth of any tree, or use property not in accordance with the regulations prescribed in this section, may apply for a variance from such regulations pursuant to [Section 1203](#) for variances. The application for variance shall be accompanied by a determination from the

Federal Aviation Administration and the Department of Transportation, Aeronautics Division, as to the effect of the proposal on operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances may be allowed where the requirements of [Section 1203](#) have been met and it is found that the relief granted will not be contrary to the public interest and will not create a hazard to air navigation. Additionally, no application for variance to the requirements of this section may be approved unless a copy of the application has been furnished to the airport owner for comment as to the aeronautical effects of the variance. Failure of the airport owner to respond to the request for comments shall not prevent the county from taking final action on the variance application.

907.03 Definitions

- A. Airport Hazard: Any structure, tree, or use of land which exceeds height limits established by the Airport Imaginary Surfaces.
- B. Airport Imaginary Surfaces: Those imaginary areas in space which are defined by the approach zone, clear zone, transitional zone, horizontal surface, and conical surface and in which any object extending above these imaginary zones and surfaces is an obstruction.
- C. Approach Zone: A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. The inner edge of the approach zone is the same width as the primary surface and extends to a width of: 1250 feet for a utility runway having only visual approaches; 1500 feet for a runway other than a utility runway having only visual approaches; 2000 feet for a utility runway having a nonprecision instrument approach; and 3500 feet for a nonprecision instrument runway other than utility, having visibility minimums greater than three-fourths of a statute mile. The approach zone extends for a horizontal distance of 5000 feet at a slope of 20:1, horizontal:vertical for all utility and visual runways and 10,000 feet at a slope of 34:1 for all nonprecision instrument runways other than utility.
- D. Clear Zone: Extends at the same slope and horizontal angle as the approach zone from the primary surface to a point where the approach zone is 50 feet above the runway end elevation.
- E. Conical Surface: A surface extending upward at a slope of 20:1 for a distance of 4,000 feet from the periphery of the horizontal surface.
- F. Horizontal Surface: A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of 5,000 feet

from the center of each end of the primary surface of each visual or utility runway, and 10,000 feet from the center of each end of the primary surface of all other runways and connecting the adjacent arcs by lines tangent to those areas.

- G. Place of Public Assembly: A structure or place which the public may enter for such purposes as deliberation, education, worship, shopping, entertainment, amusement, awaiting transportation or similar activity.

- H. Primary Surface: A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. When the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is 250 feet for utility runways having only visual approaches, 500 feet for utility runways having nonprecision instrument approaches and 500 feet for other than utility runways.

- I. Transitional Zones: A surface extending upward at a slope of 7:1 beginning on each side of the primary surface, and from the sides of the approach zones, then extending upward to a height of 150 feet above the airport elevation.

- J. Utility runway: A runway that is constructed and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less.

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