

# Appendix 4

## **Area Zoning Districts**

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Aurora, Oregon, Code of Ordinances

Clackamas County Zoning and Development Ordinance

Marion County Code

## Chapter 16.24 A AIRPORT OVERLAY

### 16.24.010 Purpose.

The purpose of the airport overlay zone (A) is to prevent the creation of potential air traffic hazards in the form of projections above a specified height within the flight path of planes using the Aurora State Airport. On the date the ordinance codified in this title was adopted, all land within the city was and is, subject to the provisions of the airport overlay zone. All of the city is under the horizontal surface and as such, no new structures are allowed to project into this imaginary surface. The present height limitations of this title insure that this will not occur. None of the city is presently within the Airport approach surface.

(Ord. 415 § 7.76.010, 2002)

### 16.24.020 Definitions.

As used in this chapter:

*Airport approach surface* means 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 surface is the same width as the primary surface and extends to a width of: one thousand two hundred fifty (1,250) feet for a utility runway having only visual approaches; one thousand five hundred (1,500) feet for a runway other than a utility runway having only visual approaches; two thousand (2,000) feet for a utility runway having a non-precision instrument approach; and three thousand five hundred (3,500) feet for a non-precision instrument runway other than utility, having visibility minimums greater than three-fourths of a statute mile. An Airport approach surface extends for a horizontal distance of five thousand (5,000) feet at a slope of twenty (20) feet for each one foot upward (20:1) for all utility and visual runways, and ten thousand (10,000) feet at a slope of thirty-four (34) feet for each one foot upward (34:1) for all non-precision instrument runways other than utility.

*Airport hazard* means any structure, tree or use of land which exceeds height limits established by the airport imaginary surfaces.

*Airport imaginary surfaces* means those imaginary areas in space which are defined by the airport surface, transitional zones, horizontal zone, runway protection zone, conical surface, and in which any object extending above these imaginary surfaces is an obstruction.

*Conical surface* extends one foot upward for each twenty (20) feet outward (20:1) for four thousand (4,000) feet, beginning at the edge of the horizontal surface (five thousand (5,000) feet from the center of each end of the primary surface of each visual and utility runway, or ten thousand (10,000) feet for all non-precision instrument runways other than utility at one hundred fifty (150) feet above the airport elevation), and upward extending to a height of three hundred fifty (350) feet above the airport elevation.

*Horizontal surface* means a horizontal plane one hundred fifty (150) feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of five thousand (5,000) 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 arcs.

*Impact* means noise levels exceeding fifty-five (55) Ldn.

*Place of public assembly* means a structure which the public may enter for such purposes as deliberation, worship, education, shopping, entertainment, amusement or awaiting transportation.

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*Primary surface* means a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred (200) feet beyond each end of that runway. The width of the primary surface is two hundred fifty (250) feet for utility runways having only visual approaches, five hundred (500) feet for utility runways having non-precision instrument approaches, and five hundred (500) feet for other than utility runways.

*Runway protection zone* extends from the primary surface to a point where the approach surface is fifty (50) feet above the runway end elevation.

*Transitional zones* extend one foot upward for each seven feet outward (7:1) beginning on each side of the primary surface which point is the same elevation as the runway surface, and from the sides of each approach surfaces, thence extending upward to a height of one hundred fifty (150) feet above the airport elevation (horizontal surface).

*Utility runway* means a runway that is constructed and intended to be used by propeller driven aircraft of twelve thousand five hundred (12,500) pounds maximum gross weight or less.

(Ord. 415 § 7.76.020, 2002)

### **16.24.030 Application of airport overlay.**

In any zoning district where airport overlay designation is combined with a primary district, the following regulations shall apply. If any conflict in regulation or procedure occurs with the primary zoning district, the provisions of the airport overlay shall govern.

- A. Notice shall be provided to the Department of Aviation when the property or a portion thereof that is being developed is located within five thousand (5,000) feet of the sides or the ends of a runway except where the following criteria are satisfied:
  - 1. All proposed structures are thirty-five (35) feet or less in height;
  - 2. The proposal does not involve industrial uses, mining or similar uses that emit smoke, dust or steam;
  - 3. The proposal does not involve sanitary landfills or water impoundments individually or cumulatively one quarter acre or greater in size; and
  - 4. The proposal does not involve radio, radio telephone, television or similar transmission facilities or above ground electrical transmission lines.
- B. For limited land use decisions, notice shall be provided in accordance with Chapter 16.78.
- C. For quasi-judicial decisions, notice shall be provided in accordance with Chapter 16.76.
- D. For legislative decisions, notice shall be provided in accordance with Chapter 16.74.

(Ord. 415 § 7.76.030, 2002)

### **16.24.040 Permitted uses within the airport approach surface.**

The following uses are permitted. Variances from listed permitted uses are prohibited.

- A. Agriculture, excluding the commercial raising of animals that would be adversely impacted by aircraft passing overhead;
- B. Landscape nursery, cemetery, or recreation areas, which do not include buildings or structures;

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- C. Roadways, parking areas, and storage yards located in such a manner that vehicle lights will not make it difficult for pilots to distinguish between landing lights and vehicle lights, or result in glare, or in any way impair visibility in the vicinity of the landing approach;
  - D. Pipeline;
  - E. Underground utility wires.

(Ord. 488, § 2(Exh. A), 2019; Ord. 415 § 7.76.040, 2002)

#### **16.24.050 Conditional uses within the airport approach surface.**

The following uses are conditional:

- A. A structure that is an accessory to a permitted use;
- B. A single-family dwelling, mobile home, duplexes, multiple-family dwellings, when authorized in the primary zoning district, provided the landowner signs and records in the deed and mortgage records of Marion County a hold harmless agreement and an aviation and hazard easement, and submits them to the airport sponsor and to the city;
- C. Buildings and uses of a public works, public service or public utility nature;
- D. Commercial and industrial uses when authorized in the primary zoning district, provided the use does not:
  - 1. Create electrical interference with navigational signals or radio communication between the airport and the aircraft;
  - 2. Make it difficult for pilots to distinguish between airport lights and all others;
  - 3. Impair visibility;
  - 4. Create bird strike hazards;
  - 5. Endanger or interfere with the landing, taking off or maneuvering of aircraft intending to use the airport;
  - 6. Attract large numbers of people.

(Ord. 415 § 7.76.050, 2002)

#### **16.24.060 Procedures for approval.**

- A. The approval of a new conditional use in the airport approach surface shall follow the conditional use procedures set forth in Chapter 16.60.
- B. The application for a conditional use shall contain all the information listed in Chapter 16.60 plus the following special information:
  - 1. Property lines as they relate to the airport approach and the end of the runway;
  - 2. Location and height of all existing and proposed buildings, structures, utility lines and roads;
  - 3. A statement from the Federal Aviation Administration indicating that the proposed use will not interfere with the operation of the landing facility.

(Ord. 415 § 7.76.060, 2002)

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### **16.24.070 Special limitations.**

To meet the standards and reporting requirements established in FAA Regulations, Part 77, the following limitations shall apply:

- A. No structure shall penetrate into the airport imaginary surfaces as defined by Section 16.24.020.
- B. No place of public assembly shall be permitted in an airport approach surface.
- C. The height of any structure shall be limited to the requirements prescribed by the commission or by any other local ordinance or regulation.
- D. Whenever there is a conflict in height limitations prescribed by this code or another pertinent ordinance, the lowest height limitation fixed shall govern, provided the height or other limitations and restrictions here imposed shall not apply to such structures or uses customarily employed for aeronautical purposes.
- E. No glare-producing materials shall be used on the exterior of any structure located within the airport approach surface.
- F. No structure or building shall be allowed within the runway protection zone.

(Ord. 415 § 7.76.070, 2002)

**713 PUBLIC USE AIRPORT AND SAFETY OVERLAY ZONES**

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713.01 PURPOSE

Section 713 is adopted to implement Oregon Revised Statutes 836.600 through 836.630 and policies of the Comprehensive Plan as they relate to public use airports. When applied, it provides for their continued operation and vitality consistent with state law by allowing certain compatible airport related commercial and recreational uses. It also provides for safety standards to promote air navigational safety at such public use airports and to reduce the potential for safety hazards for property and for persons living, working, or recreating on lands near such airports.

713.02 APPLICATION

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

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

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

713.03 DEFINITIONS

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

- E. Airport Noise Impact Boundary. Areas located within 1,500 feet of an airport runway or within established noise contour boundaries exceeding 55 Ldn.
- F. Airport Sponsor. The owner, manager, or other person or entity designated to represent the interests of an airport.
- G. Approach Surface. A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface.
  - 1. The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of:
    - a. 1,250 feet for a utility runway having only visual approaches;
    - b. 1,500 feet for a runway other than a utility runway with only visual approaches;
    - c. 2,000 feet for a runway with a non-precision instrument approach;
    - d. 3,500 feet for a non-precision instrument runway other than utility, having visibility minimums greater than three-fourths statute mile;
    - e. 4,000 feet for a non-precision instrument runway, other than utility, having a non-precision approach with visibility minimums as low as three-fourths statute mile; and
    - f. 16,000 feet for precision instrument runways.
  - 2. The approach surface extends for a horizontal distance of:
    - a. 5,000 feet at a slope of 20 feet outward for each foot upward for all utility and visual runways;
    - b. 10,000 feet at a slope of 34 feet outward for each foot upward for all non-precision instrument runways, other than utility; and
    - c. 10,000 feet at a slope of 50 feet outward for each one foot upward, with an additional 40,000 feet at a slope of 40 feet outward for each one foot upward, for precision instrument runways.
  - 3. The outer width of an approach surface will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.
- H. Conical Surface. A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to one for a horizontal distance of 4,000 feet.

- I. Hazard. All hazards within and around airports shall be as determined by the Oregon Department of Aviation or Federal Aviation Administration (FAA).
- J. Heliports. A heliport is an area of land, water, or structure designated for the landing and take-off of helicopters or other rotorcraft. The heliport overlay zone applies the following imaginary surfaces. The heliport approach surfaces begin at each end of the heliport primary surface and have the same width as the primary surface. They extend outward and upward for a horizontal distance of 4,000 feet where their width is 500 feet. The slope of the approach surfaces is eight to one for civilian heliports and 10 to one for military heliports. The heliport primary surface coincides in size and shape with the designated takeoff and landing area of a heliport. The heliport primary surface is a horizontal plane at the established heliport elevation. The heliport transitional surfaces extend outward and upward from the lateral boundaries of the heliport primary surface and from the approach surfaces at a slope of two to one for a distance of 250 feet measured horizontally from the centerline of the primary and approach surfaces.
- K. Horizontal Surface. A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway of each airport and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:
1. 5,000 feet for all runways designated as utility or visual.
  2. 10,000 feet for all other runways.
  3. The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for either end of the runway. When a 5,000 foot arc is encompassed by tangents connecting two adjacent 10,000 foot arcs, the 5,000 foot arc shall be disregarded on the construction of the perimeter of the horizontal surface.
- L. Non-Precision Instrument Runway. A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach has been approved, or planned, and for which no precision approach facilities are planned or indicated on an FAA-approved airport layout plan or other FAA planning document.
- M. 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.

- N. Precision Instrument Runway. A runway having an existing instrument approach procedure utilizing air navigation facilities that provide both horizontal and vertical guidance, such as an Instrument Landing System (ILS) or Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated by an FAA-approved airport layout plan or other FAA planning document.
- O. Primary Surface. A surface longitudinally centered on a runway. When a runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. When a runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface is:
1. 250 feet for utility runways having only visual approaches;
  2. 500 feet for utility runways having non-precision instrument approaches;
  3. For other than utility runways the width is:
    - a. 500 feet for visual runways having only visual approaches;
    - b. 500 feet for non-precision instrument runways having visibility minimums greater than three-fourths statute mile;
    - c. 1,000 feet for a non-precision instrument runway having a non-precision instrument approach with a visibility minimum as low as three-fourths statute mile, and for precision instrument runways.
- P. 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, places of worship, 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.
- Q. Runway. A defined area on an airport prepared for landing and takeoff of aircraft along its length.

- R. Runway Protection Zone (RPZ). An area off the runway end used to enhance the protection of people and property on the ground. The RPZ is trapezoidal in shape and centered about the extended runway centerline. The inner width of the RPZ is the same as the width of the primary surface. The outer width of the RPZ is a function of the type of aircraft and specified approach visibility minimum associated with the runway end. The RPZ extends from each end of the primary surface for a horizontal distance of:
1. 1,000 feet for utility runways.
  2. 1,700 feet for other than utility runways having non-precision instrument approaches.
  3. 2,500 feet for precision instrument runways.
- S. Structure. Any constructed or erected object which requires location on the ground or is attached to something located on the ground. Structures include but are not limited to buildings, decks, fences, signs, towers, cranes, flagpoles, antennas, smokestacks, earthen formations and overhead transmission lines. Structures do not include paved areas.
- T. 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 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.
- U. 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.
- V. 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.
- W. 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 Section 713.

713.04 USES PERMITTED OUTRIGHT

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

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

- 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; one single-family dwelling in conjunction with an airport (if there is not one there already) for an airport manager, caretaker, or security officer; and other activities incidental to the normal operation of an airport. Except as provided in this ordinance, "customary and usual aviation-related activities" do not include residential, commercial, industrial, manufacturing, and other uses.
- B. Air passenger and air freight services and facilities, at levels consistent with the classification and needs identified in the Oregon Department of Aviation Airport System Plan.
- C. Emergency medical flight services, including activities, aircraft, accessory structures, and other facilities necessary to support emergency transportation for medical purposes. Emergency medical flight services do not include hospitals, medical offices, medical labs, medical equipment sales, and other similar uses.
- D. Law enforcement, military, and firefighting activities, including aircraft and ground-based activities, facilities and accessory structures necessary to support federal, state or local law enforcement or land management agencies engaged in law enforcement or firefighting activities. Law enforcement and firefighting activities include transport of personnel, aerial observation, and transport of equipment, water, fire retardant and supplies.
- E. Search and rescue operations, including aircraft and ground based activities that support the orderly and efficient conduct of search or rescue related activities.
- F. Flight instruction, including activities, facilities, and accessory structures located at airport sites that provide education and training directly related to aeronautical activities. Flight instruction includes ground training and aeronautic skills training, but does not include schools for flight attendants, ticket agents or similar personnel.
- G. Aircraft service, maintenance and training, including activities, facilities and accessory structures provided to teach aircraft service and maintenance skills and to maintain, service, refuel or repair aircraft and aircraft components. "Aircraft service, maintenance and training" includes the construction and assembly of aircraft and aircraft components for personal use, but does not include activities, structures or facilities for the manufacturing of aircraft, aircraft components or other aircraft-related products for sale to the public.
- H. Aircraft rental, including activities, facilities and accessory structures that support the provision of aircraft for rent or lease to the public.

- I. Aircraft sales and the sale of aeronautic equipment and supplies, including activities, facilities and accessory structures for the storage, display, demonstration and sales of aircraft and aeronautic equipment and supplies to the public but not including activities, facilities or structures for the manufacturing of aircraft, aircraft components or other aircraft-related products for sale to the public.
- J. Crop dusting activities, including activities, facilities and structures accessory to crop dusting operations. Crop dusting activities include, but are not limited to, aerial application of chemicals, seed, fertilizer, defoliant and other chemicals or products used in a commercial agricultural, forestry or rangeland management setting.
- K. Agricultural and Forestry Activities, including activities, facilities and accessory structures that qualify as a "farm use" as defined in ORS 215.203 or "farming practice" as defined in ORS 30.930.
- L. Aeronautic recreational and sporting activities, including activities, facilities and accessory structures at airports that support recreational usage of aircraft and sporting activities that require the use of aircraft or other devices used and intended for use in flight. Aeronautic recreation and sporting activities authorized under this paragraph include, but are not limited to, fly-ins; glider flights; hot air ballooning; ultralight aircraft flights; displays of aircraft; aeronautic flight skills contests; and gyrocopter flights, but do not include flights carrying parachutists or parachute drops (including all forms of skydiving).
- M. Flights carrying parachutists, and parachute drops (including all forms of skydiving) onto an airport, but only upon demonstration that the parachutist business has secured approval to use a drop zone that is at least 10 contiguous acres in size. The configuration of the drop zone shall roughly approximate a square or a circle and may contain structures, trees, or other obstacles only if the remainder of the drop zone provides adequate areas for parachutists to land safely.
- N. Uses not identified in Subsection 713.04, but permitted in the underlying zoning district, may be permitted if they do not conflict with permitted uses in Subsection 713.04, safety, or the continued operation and vitality of the airport.

713.05 USES PERMITTED SUBJECT TO REVIEW

Uses not identified in Subsection 713.04 and contained in an Airport Expansion Plan approved by the County as part of the Comprehensive Plan shall require review as a Type III application pursuant to Section 1307 and shall be subject to the following standards and criteria:

- A. The use is, or will be, supported by adequate types and levels of public facilities, services, and transportation systems authorized by applicable statewide land use planning goals;

- B. The use does not seriously interfere with existing land uses in areas surrounding the airport; and
- C. For airports where the underlying zoning district is EFU, the use shall comply with the standards described in ORS 215.296.
- D. The development standards in Section 1000 shall be applied appropriate to the type of use permitted.
- E. An applicant may demonstrate that these standards will be satisfied through the imposition of clear and objective conditions.

713.06 IMAGINARY SURFACE AND NOISE IMPACT BOUNDARY DELINEATION

The airport elevation, the airport noise impact boundary, and the location and dimensions of the runway, primary surface, runway protection zone, approach surface, horizontal surface, conical surface and transitional surface, direct and secondary impact boundaries shall be delineated for each public use airport where this district is applied and shall be made part of the zoning maps adopted pursuant to Subsection 103.02. All lands, waters, and airspace, or portions thereof, that are located within these boundaries or surfaces shall be subject to the requirements of this zone.

713.07 LAND USE COMPATIBILITY REQUIREMENTS

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

713.08 WATER IMPOUNDMENTS WITHIN SAFETY OVERLAY ZONES

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

713.09 NONCONFORMING USES

Section 713 shall not be construed to require the removal, lowering, or alteration of any existing structure or vegetation not conforming to Section 713. Section 713 shall not require any change in the construction, or alteration of the intended use of any structure, the construction or alteration of which was begun or completed prior to the effective date of this safety overlay zone.

[Amended by Ord. ZDO-248, 10/13/14; Amended by Ord. ZDO-268, 10/2/18]

**Chapter 17.171**  
**P (PUBLIC) ZONE Revised 3/19**

Sections:

[17.171.010](#) Purpose.

[17.171.020](#) Uses. Revised 3/19

[17.171.030](#) Conditional uses.

[17.171.040](#) Scale of commercial uses.

[17.171.050](#) Prohibited and lawfully established existing uses.

[17.171.060](#) Property development standards.

**17.171.010 Purpose.**

The purpose and intent of the P (public) zone is to provide regulations governing the development of lands appropriate for specific public and semi-public uses and to ensure their compatibility with adjacent uses. It is intended that this zone be applied to individual parcels shown to be an appropriate location for a certain public or semi-public use. If the use existing at the time the P zone is applied is discontinued or if a proposed use is not established, it is the intent that the land be rezoned to conform to surrounding zoning or be devoted to permitted uses. It is not intended that a property zoned public for one type of use be allowed to change without demonstrating that the proposed conditional use will be compatible with adjacent uses and the property is better suited to the proposed use than alternative locations. [Ord. 1271 § 5, 2008; Ord. 1227 § 4, 2006; Ord. 1191 § 4, 2004; Ord. 1139 § 5, 2001; Ord. 1131 § 5, 2000; Ord. 1118 § 5, 2000; Ord. 1055 § 4, 1997; Ord. 579 § 5, 1980. RZ Ord. § 171.010.]

**17.171.020 Uses. Revised 3/19**

Within any P (public) zone, no building, structure or premises shall be used, arranged, or designed to be used, erected, structurally altered or enlarged except for the following purposes:

A. Farm use, but not including a medical marijuana processor (see MCC 17.110.376), medical marijuana producer (see MCC 17.110.378), or a medical marijuana dispensary (see MCC 17.110.374);

B. Forest use;

C. Dwellings (including mobile homes) and other structures customarily provided in conjunction with farm or forest use subject to the criteria in MCC 17.139.030;

D. Utility facilities necessary for public service except public power generation;

E. Wireless communications facilities, including attached, subject to the following development standards:

1. Notwithstanding other height limitations in this title omni-directional (whip) antennas not exceeding 20 feet in height and directional/parabolic antennas not exceeding seven feet in diameter or width and 15 feet in height may be attached to or located on existing structures;
2. Antennas and associated equipment shall be surfaced in a nonreflective color to match the structure on which they are located. An equipment enclosure may be set back from the edge of a roof by a distance at least equal to its height in lieu of screening;
3. Equipment enclosures shall be located within the building on which they are located wherever possible; otherwise, equipment enclosures shall be fenced by a six-foot-high fence, wall or hedge;
4. Antennas shall not be illuminated except as required by the Oregon State Aeronautics Division or the Federal Aviation Administration;
5. A wireless communications facility, attached, and equipment enclosure shall be removed by the facility owner or property owner within six months of the date it ceases to be operational;
6. Notwithstanding other height limitations in this code all lattice, monopole, guyed or other freestanding support structures shall be limited to a total height, including antennas, of 150 feet above natural grade;

F. *Repealed by Ord. 1397;*

G. Fire and emergency services stations and police substations; training facilities, administrative offices and living quarters for fire, emergency, and police services are permitted in conjunction with these uses, not to exceed 20 full-time persons and 200 day-use visitors. [Ord. 1397 § 4 (Exh. B), 2019; Ord. 1372 § 4 (Exh. A), 2016; Ord. 1271 § 5, 2008; Ord. 1227 § 4, 2006; Ord. 1191 § 4, 2004; Ord. 1139 § 5, 2001; Ord. 1131 § 5, 2000; Ord. 1118 § 5, 2000; Ord. 1055 § 4, 1997; Ord. 579 § 5, 1980. RZ Ord. § 171.020.]

#### **17.171.030 Conditional uses.**

When authorized under the procedure provided for conditional uses in this title, the following uses will be permitted in a P zone:

A. Airport and airport-related commercial and industrial uses;

B. Public ball park, exposition, fairground, museum, stock show and related commercial uses subject to MCC [17.171.040](#);

- C. Cemeteries, crematoriums and mausoleums;
- D. Dwelling for the caretaker or watchman; housing for the staff required for an approved conditional use;
- E. Golf courses, public parks and playgrounds, recreational resorts and retreats, related camping and related commercial uses subject to MCC [17.171.040](#);
- F. Religious organizations and related conference and residence facilities;
- G. Schools, elementary and secondary (as defined in Chapter 17.110 MCC);
- H. Military training facilities and armory;
- I. Public institutions for detention or correction;
- J. Residential facilities, institutions and schools for the handicapped or mentally retarded;
- K. Public service buildings, structures and uses (e.g., field offices, outdoor storage of equipment, reservoir, water tower, pump station, sewage treatment plant, solid waste disposal site, power generation), except fire, police and emergency service stations;
- L. Fire and emergency services stations and police substations; training facilities, administrative offices and living quarters for fire, emergency, and police services exceeding 20 full-time persons and 200 day-use visitors. [Ord. 1271 § 5, 2008; Ord. 1227 § 4, 2006; Ord. 1191 § 4, 2004; Ord. 1139 § 5, 2001; Ord. 1131 § 5, 2000; Ord. 1118 § 5, 2000; Ord. 1055 § 4, 1997; Ord. 974 § 4, 1994; Ord. 925 § 6, 1992; Ord. 579 § 5, 1980. RZ Ord. § 171.030.]

**17.171.040 Scale of commercial uses.**

- A. New commercial uses in conjunction with public uses may be established up to a maximum of 3,500 square feet of floor area.
- B. Lawfully established commercial uses existing as of the date of adoption of the ordinance codified in this title may be expanded up to 3,500 square feet of floor area, or an additional 25 percent of the floor area that existed as of the date of adoption of the ordinance codified in this title, whichever is greater.
- C. Airport-related uses located at the Aurora Airport are not subject to the size limitations in subsections (A) and (B) of this section.
- D. Except as established in subsection (B) of this section, for a commercial use to exceed the square foot limitations requires taking an exception to Goal 14. Such exception shall be processed as an amendment to the Marion County Comprehensive Plan. [Ord. 1271 § 5, 2008; Ord. 1227 § 4, 2006; Ord. 1191 § 4, 2004. RZ Ord. § 171.040.]

**17.171.050 Prohibited and lawfully established existing uses.**

A. The following uses are prohibited:

1. Uses of structures and land not specifically permitted in the public zone.
2. New residential dwellings, except when accessory to a primary use. However, a dwelling that legally existed at the time of adoption of the ordinance codified in this title shall not be a nonconforming use, and may be remodeled, expanded, or replaced.

B. Lawfully established commercial and industrial uses that existed prior to zoning or established through the applicable land use process on or before the date of the ordinance codified in this title, not otherwise listed in the zone, are allowed outright and shall not be classified as nonconforming uses.

C. All other lawfully established, existing uses and structures not specifically permitted in the public zone shall be considered nonconforming uses subject to the provisions of Chapter 17.114 MCC. [Ord. 1271 § 5, 2008; Ord. 1227 § 4, 2006; Ord. 1191 § 4, 2004. RZ Ord. § 171.050.]

**17.171.060 Property development standards.**

A. Height. No building or structure in a P zone shall exceed six stories or 70 feet; provided, that buildings or structures shall be set back from every street and lot line one foot for each foot of height of the building in excess of 35 feet in addition to all other yard and setback requirements herein specified.

B. Front Yard. Front yard shall be a minimum of 20 feet. No parking shall be permitted within the minimum front yard area.

C. Side Yards. Where the side of a lot in a P zone abuts upon the side of a lot in any R zone, there shall be a minimum side yard of 10 feet. Otherwise there shall be no minimum side yard setback. Where the side of a lot abuts upon a street there shall be a minimum side yard of 20 feet wherein no parking shall be permitted.

D. Rear Yard. In a P zone there shall be a rear yard that shall have a minimum depth of 30 feet.

E. Lot Area and Coverage. The minimum requirements in P zones for dwellings shall be one acre except 6,000 square feet inside an unincorporated community boundary where public sewer and water service is provided. No main building, including dwellings, shall occupy more than 30 percent of the lot area.

F. Open Storage.

1. All yard areas, exclusive of those required to be landscaped as provided in subsection (G) of this section, may be used for materials and equipment storage areas related to a use permitted in the P zone, provided such area is screened so it cannot be seen from public

roads, or from dwellings on property in other zones.

2. The surface of open storage areas, including automobile and truck parking areas shall be paved or graveled and maintained at all times in a dust-free condition.

G. Landscaping. The area within 20 feet of a street shall be landscaped. As a condition of approval for a conditional use, additional landscaping may be required if necessary to make the use compatible with the area.

H. Performance Standards. No land or structure shall be used or occupied unless maintained and operated in continuing compliance with all applicable standards adopted by the Oregon Department of Environmental Quality.

I. Sewage Disposal. Demonstrate that the development will not exceed the existing carrying capacity of the local sewage disposal system or has an on-site sewage disposal site approved by Marion County or the Department of Environmental Quality.

J. Traffic Analysis. Demonstrate that the development will be consistent with the identified function, capacity, and level of service of transportation facilities serving the site. A transportation impact analysis, approved by the Marion County department of public works, may be required prior to building permit approval. [Ord. 1271 § 5, 2008; Ord. 1227 § 4, 2006; Ord. 1191 § 4, 2004. RZ Ord. § 171.060.]

## Chapter 17.177 AIRPORT OVERLAY ZONE

Sections:

- [17.177.010](#) Purpose.
- [17.177.020](#) Definitions.
- [17.177.030](#) Airport districts.
- [17.177.040](#) Procedure.
- [17.177.050](#) Nonconforming uses.
- [17.177.060](#) Marking and lighting.
- [17.177.070](#) Variances.

**17.177.010 Purpose.**

The airport overlay zone is intended to minimize potential dangers from, and conflicts with, the use of aircraft at public airports based on the adopted master plans for each airport. It is to be used in conjunction with the underlying zone. If any conflict in regulation or procedure occurs with the underlying zoning districts, the more restrictive provisions shall govern. This section is intended to comply with Federal Aviation Agency Regulation FAR-77 and all other applicable federal and state laws regulating hazards to air navigation. [Ord. 602 § 5, 1981. RZ Ord. § 177.010.]

**17.177.020 Definitions.**

- A. "Airport" means a public airport as defined in MCC 17.110.040.
- B. "Airport elevation" means the highest point of an airport's usable landing area measured in feet from mean sea level. This elevation above mean sea level shall be shown on the official zoning map.
- C. "Airport surfaces" means the specific dimensions, slopes and elevations of the airport surfaces shall be delineated on the official zoning map.
  - 1. "Primary surface" means the surface of the runway and adjacent land on each side of the runway centerline and 200 feet beyond the ends of the runway. The length of this surface is determined by using the existing runway length or the runway length identified in an adopted state airport master plan, if longer. The width is the same as the end of the approach surface that is closest to the runway.
  - 2. Approach Surface. This surface begins at the end of the primary surface. From its initial width, that is the same as the width of the primary surface, it extends upward and outward on both sides of the projected centerline of the runway with a specified slope and terminates

where it intersects the horizontal surface.

3. "Horizontal surface" is a horizontal plane which surrounds the airport 150 feet above the airport elevation. The interior portion of this surface terminates where it intersects with the transitional and approach surfaces. Its outer edge terminates where it intersects with the conical surface.

4. "Transitional surface" means an imaginary plane that extends upward and outward from the sides of the primary surface and approach surface to the horizontal surface.

5. "Conical surface" means a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to one for a horizontal distance of 4,000 feet.

D. "Hazard to air navigation" means an obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

E. "Height" is the highest point of any structure as further defined in MCC 17.110.260. The official zone map identifies the maximum height permitted for any obstruction calculated from the airport elevation as defined in subsection (B) of this section and from mean sea level.

F. "Obstruction" is any structure, tree or other object, including a mobile object, which extends above airport surfaces as defined in subsection (C) of this section.

G. "Runway" is a defined area on the airport prepared for landing and takeoff of aircraft along its length.

H. "Tree" means any natural vegetation. [Ord. 602 § 5, 1981. RZ Ord. § 177.020.]

#### **17.177.030 Airport districts.**

In order to carry out the provisions of this airport overlay zone, three airport development districts are provided within the airport overlay zone. These three districts are shown on the official zoning map showing the height limits adopted at the time the airport overlay zone is applied.

A. Airport Development District. This district consists of those lands, waters and airspace area at or below the primary, transitional and approach surfaces described in MCC [17.177.020\(C\)](#).

1. Use Limitations. Any use, accessory use, buildings and structures otherwise allowed in the underlying zone shall be permitted provided the following requirements are satisfied:

a. No obstruction or object shall be permitted if it extends above the transitional and approach surfaces as defined in MCC [17.177.020\(C\)](#).

b. Roadways, parking areas and storage yards shall be located in such a manner that vehicle lights will not result in glare in the eyes of the pilots, or in any other way impair

visibility in the vicinity of the runway approach.

c. Sanitary landfills, sewage lagoons or sewage sludge disposal shall not be permitted closer than 10,000 feet to the airport runway.

d. No game preserve or game reservation shall be permitted if the animals or birds have the potential to become a hazard to air navigation.

e. No structure or use intended for public assembly shall be allowed except by a conditional use permit.

B. Horizontal Surface District. This district consists of the land, water and airspace underneath the horizontal surface as described in MCC [17.177.020\(C\)](#).

1. Use Limitations. Any use, accessory use, building and structure allowed in the underlying zone shall be permitted provided the following requirements are satisfied:

a. No obstruction shall penetrate the horizontal surface as defined in MCC [17.177.020\(C\)](#).

b. Sanitary landfills, sewage lagoons or sewage sludge disposal shall not be permitted closer than 10,000 feet to the airport runway.

C. Conical Surface District. This district consists of the land, water and airspace underneath the conical surface as described in MCC [17.177.020\(C\)](#).

1. Use Limitations. Any use and accessory uses, buildings and structures allowed in the underlying zone shall be permitted; provided, that no obstruction penetrates the conical surface as defined in MCC [17.177.020\(C\)](#). [Ord. 602 § 5, 1981. RZ Ord. § 177.030.]

#### **17.177.040 Procedure.**

A. An applicant seeking a building permit involving any use or structure regulated by the airport overlay zone shall provide the following information in addition to any other information required in the permit application:

1. Property boundary lines as they relate to the airport approach and the end of the runway;

2. Location and height of all existing and proposed buildings, structures, utility lines and roads.

B. Proposed buildings or structures shall be approved by the building inspector if it is determined that they will not extend above the airport surfaces as defined in MCC [17.177.020\(C\)](#).

C. An applicant seeking rezoning, a conditional use permit or a variance involving any use, building or structure regulated by the underlying zone or the airport overlay zone shall be reviewed in accordance with the applicable procedure in this title. During this review process, the State Aeronautics Division shall be notified of the proposal and any public hearing, be given an

opportunity to comment and be notified of the decision. [Ord. 602 § 5, 1981. RZ Ord. § 177.040.]

**17.177.050 Nonconforming uses.**

The regulations prescribed by the airport overlay zone shall not be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of the ordinance codified in this title, or otherwise interfere with the continuance of the nonconforming use except as provided in MCC 17.110.405. Nothing contained herein shall require any change in the construction, alteration or intended use of any structure, otherwise permitted, the construction or alteration of which was begun prior to the effective date of the ordinance codified in this title. [Ord. 602 § 5, 1981. RZ Ord. § 177.050.]

**17.177.060 Marking and lighting.**

The owner of any existing nonconforming structure or tree shall permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the Oregon Department of Transportation to indicate to the operators of aircraft the presence of such airport obstruction. Such markers and lights shall be installed, operated and maintained at the expense of the airport owner. [Ord. 602 § 5, 1981. RZ Ord. § 177.060.]

**17.177.070 Variances.**

The provisions of this overlay zone may be varied subject to the procedures and criteria for considering variances set forth in Chapter 17.122 MCC. Variances may be allowed where it is found that the proposal will not create a hazard to air navigation, and will be in accordance with the spirit and intent of this overlay zone. [Ord. 602 § 5, 1981. RZ Ord. § 177.070.]