

Chapter 17.73AR AIRPORT RELATEDSections:

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17.73.10 Purpose. The purpose of the Airport Related (AR) zone is to support and promote the Scappoose Industrial Airpark in its operation and future development by protecting it from incompatible uses and encouraging economic development of the city by allowing airport-related industrial and airport residential development. The Airport Related (AR) zone is intended to:

A. Provide locations for development activities dependent upon aircraft or air transportation when such activities require or are aided by a location within or immediately adjacent to an airport providing primary flight operations and passenger or cargo service facilities.

B. Provide locations for development activities that are compatible with and benefit from air transportation, including those businesses that experience improved performance and have an interdependent relationship with the aviation-related businesses located near the airport.

C. Take advantage of the transportation options provided by the Scappoose Industrial Airpark by allowing airport-related industrial and airport residential development that has a connection to the airport through permitted access. (Ord. 799 (part), 2008)

17.73.020 Conformance with Public Use Airport Safety and Compatibility overlay zone. All uses, activities, facilities and structures allowed in the Airport Related (AR) zone shall comply with the requirements of the Public Use Airport Safety and Compatibility overlay (AO) zone, Chapter 17.88. In the event of a conflict between the requirements of this zone and those of the Public Use Airport Safety and Compatibility overlay (AO) zone, the requirements of the overlay shall control. (Ord. 799 (part), 2008)

17.73.30 Definitions. Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

A. "Aircraft" includes airplanes and helicopters, but not hot air balloons or ultralights.

B. "Airport residential development" is a residential development in the vicinity of the Scappoose Industrial Airpark requiring a conditional use permit that has a through-the-fence agreement with the airport sponsor to facilitate runway access for residents of the development.

C. "Airport sponsor" is the owner, manager, person, or entity designated to represent the interests of an airport. For the Scappoose Industrial Airpark, the airport sponsor is the Port of St. Helens.

D. "Avigation easement" is a property right acquired from a land owner that grants the right-of-flight; the right to cause noise and vibrations, related to lawful aircraft operations; the right to restrict or prohibit certain lights and electromagnetic signals; and the right to unobstructed airspace over the property above the specified height.

E. "Clear area" is a land area required to be clear of obstructions per Federal Aviation Administration regulations for airports and airspace.

F. "Combination garage" is a garage for the parking and storage of automobiles and aircraft for commercial, industrial, or residential uses.

G. "Development activities dependent upon aircraft or air transportation" include businesses that utilize aircraft as key functions of their business activities or the regular use of general aviation aircraft by the businesses or their clients.

H. "Disclosure statement" is a statement, recorded in the county records by the property owner, acknowledging that the property is located in close proximity to the airport and signifying the owner's awareness of the associated noise levels, vibrations, fumes, dust, fuel, fuel particles, and other effects that may be caused by aircraft operations on or near the airport or may be caused by any other land uses authorized by the city and allowed within this zone.

I. "FAA" is the Federal Aviation Administration.

J. "General aviation" is any flight that is not military, does not fly on a regular schedule, and is not classified as a commuter or regional air carrier.

K. "Hangar" is a building for the storage and maintenance of aircraft.

L. "Jointly owned hangars" are private buildings for the storage and maintenance of aircraft located on a separate parcel or lot from the residential dwelling it serves.

M. "Object free area" is an area on the ground centered on a runway or taxiway centerline provided to enhance the safety of aircraft operations by having the area free of objects, except for objects that are permitted in the Object Free Area for air navigation or aircraft ground maneuvering purposes per FAA Advisory Circular 150/5300-13.

N. "Residential aircraft hangar" is an accessory building less than two thousand square feet and twenty feet in height, constructed on a one- or two-family residential property where aircraft are stored. Such use will be considered as a residential accessory use incidental to the dwelling, consistent with Oregon Structural

Specialty Code, Section 412.3. Any hangar on a residential lot that does not meet the definition of "residential aircraft hangar" shall comply with other applicable building code provisions.

O. "Runway" is a defined rectangular surface on an airport prepared or suitable for the landing and takeoff of aircraft.

P. "Safety areas" are defined surfaces surrounding the runway prepared or suitable for reducing the risk of damage to airplanes in the event of an undershoot, overshoot, or excursion from the runway.

Q. "Taxiway" is a paved path established for the taxiing of aircraft from one location to another location.

R. "Through the fence" is access to an airport's public landing area by aircraft based on land adjacent to, but not part of, the airport public property requiring a permit from the airport sponsor.

S. "Tie-down" is a paved or grass area intended for parking aircraft.

T. "Vehicular garage" is a garage for the parking and storage of automobiles but not aircraft. (Ord. 799 (part), 2008)

17.73.40 Permitted uses. Uses shall be developed and located in a manner consistent with the most recent federally approved airport layout plan, the current Scappoose Industrial Airpark Airport Master Plan. Only the following uses, their accessory uses, and activities are permitted in the Airport Related (AR) zone:

A. Customary and usual aviation-related activities, including but not limited to takeoffs and landings; aircraft hangars and tie-downs; construction and maintenance of airport facilities; fixed based operator facilities; a residence for an airport caretaker or security officer; and other activities incidental to the normal operation of an airport. Except as provided in this chapter, "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 and firefighting activities, including aircraft and ground-based activities, facilities and accessory structures necessary to support federal, state or local law enforcement or land management agencies engaged in law enforcement or firefighting activities. Law enforcement and firefighting activities include transport of personnel, aerial observation, and transport of equipment, water, fire retardant and supplies;

E. Search and rescue operations, including aircraft and ground-based activities that promote the orderly and efficient conduct of search or rescue related activities;

F. Manufacturing, assembly, processing, packaging, testing, treatment, repair, or distribution of aircraft or aircraft related components or products for sale to the public;

G. A business that relies on the use of a general aviation aircraft for its business activities including the transport of goods, services, employees, or clients;

H. Aerial surveying, mapping, and photography;

I. 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;

J. Aircraft rental, including activities, facilities and accessory structures that support the provision of aircraft for rent or lease to the public;

K. Aircraft sales and the sale of aeronautic equipment and supplies including activities, facilities, and accessory structures for the storage, display, demonstration, and sales of aircraft and aeronautic equipment and supplies to the public but not including activities, facilities, or structures for the manufacturing of aircraft or aircraft-related products for sale to the public;

L. 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;

M. Tie-downs or hangars for the parking, storage, and maintenance of business or personal aircraft;

N. Greenways and other open space, including but not limited to bicycle and pedestrian paths and parks. Greenways and other open space shall be separated from taxiways by natural or man-made barriers;

O. Home occupation (Type I) subject to Chapter 17.142, Home Occupations;

P. Other airport compatible light industrial uses.(Ord. 869, 2018; Ord. 799 (part), 2008)

17.73.50 Conditional uses. The following uses and their accessory uses may be permitted when authorized by the Planning Commission in accordance with the requirements of Chapter 17.130, Conditional Use, other relevant sections of this title, and any conditions imposed by the Planning Commission. Notification of the airport sponsor is required in accordance with Chapter 17.88, Public Use Airport Safety and Compatibility Overlay. Uses in subsection (A) shall provide a letter from the Federal Aviation Administration in support of the proposed project and a statement from a qualified aviation expert demonstrating that the proposed residential development meets the safety and security standards of the FAA and the airport sponsor upon submittal of an application for a conditional use permit for the proposed residential development:

A. Airport residential development with a physical connection to the airport through private taxiways within a residential subdivision or partition that has been approved through the Conditional Use and Subdivision (Chapter 17.150) or Partition (Chapter 17.152) processes. Allowable dwelling types shall include single-family, detached residential dwelling units; manufactured homes on individual lots; or, if the property is subject to the

Planned Development Overlay, alternative housing concepts (e.g. cluster units, row houses, town homes) permitted under Section 17.81.030. Individual housing units and their associated accessory buildings within the approved subdivision or partition do not need conditional use permits.

B. Home occupation (Type II) subject to Chapter 17.142, Home Occupations, and based on written confirmation by the airport sponsor that the home occupation does not hinder aviation related activities or uses.

C. Accessory Dwelling Units (ADU's) subject to the provisions of Chapter 17.92, Accessory Dwelling Units.

D. All residential dwelling units located within the fifty-five Ldn airport noise contour identified in the current Scappoose Industrial Airpark Airport Master Plan shall utilize Noise Level Reduction (NLR) construction methods that provide at least twenty-five Ldn NLR between interior dwelling space and exterior. Prior to issuance of a building permit for such dwellings, a noise report prepared by a professional engineer shall be submitted demonstrating conformance with these criteria. (Ord. 869, 2018; Ord. 799 (part), 2008)

17.73.60 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 AR zone upon demonstration of acceptance by the airport sponsor:

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 section include, but are not limited to, fly-ins; glider flights; ultralight aircraft flights; displays of aircraft; aeronautic flight skills contests; and gyrocopter flights, but do not include hot air ballooning, flights carrying parachutists or parachute drops (including all forms of skydiving);

B. 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;

C. 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. (Ord. 799 (part), 2008)

17.73.070 Notices and restrictions for development within the Airport Related zone. A. Prior to recording a final plat or issuance of development permits, a "through the fence" agreement shall be secured from the airport sponsor for uses in subsection (A) of Section 17.73.050.

B. Avigation Easement. In conjunction with the recording of a land division plat, the owner shall dedicate an avigation easement to the airport sponsor and shall provide a copy of the recorded easement to the city. The avigation easement shall grant unobstructed flight

in the airspace and prohibit any structures, growth, or other obstructions from penetrating Federal Aviation Regulation (FAR) Part 77 surfaces and provide a right of entry to remove, mark, or light any structure of any such obstruction at a cost to the property owner. The easement shall hold the city, airport sponsor, Scappoose Industrial Airpark, and public harmless from any damages caused by noise, vibrations, fumes, dust, fuel, fuel particles, or other effects that may be caused by the operation of aircraft taking off, landing, or operating on or near the airpark, not including the physical impact of aircraft or parts thereof.

C. Disclosure Statement. In conjunction with the recording of a land division plat, the owner shall record a Disclosure Statement (as defined in Section 17.73.030) in the county records and shall provide a copy of the recorded Disclosure Statement to the city.

D. Covenants, Conditions, and Restrictions (CC&Rs):

1. A residential subdivision or partition approved through the conditional use process shall create a homeowners association and shall have associated CC&Rs enforced by the board of directors of the homeowners association. Items that the CC&Rs shall address include, but are not limited to, the following:

- a. Construction standards;
- b. Architectural guidelines;
- c. Landscaping requirements;
- d. Parking standards; and
- e. Maintenance of common facilities, taxiways, and open space tracts.

2. All CC&Rs shall be reviewed and approved by the city prior to final plat approval. The applicant shall provide a copy of the CC&R's to the airport sponsor for review and comment.

E. Except as provided in subsection (F) below, at a minimum each residential lot shall have a hangar or residential aircraft hangar on site to provide for the storage and maintenance of at least one aircraft. An occupancy permit for a dwelling shall not be issued until the occupancy permit for the adjacent or attached hangar is issued.

F. Up to twenty-five percent of the dwelling units in a residential subdivision shall be permitted to have hangars constructed in a location other than on the lot itself provided the location is within the boundary of the subdivision or partition. Hangars not located on individual residential lots shall be jointly owned with dedicated rights to a specific lot within the subdivision. A deed restriction shall be recorded with the final plat that includes language referencing which residential lots are tied to the jointly owned hangar units and that these hangar units cannot be sold or transferred separate from the sale or transfer of the corresponding residential lot; these lots shall not be required to construct a hangar. The residential lots without hangars shall have a similar deed restriction as the jointly owned hangar units. The applicant shall provide a master list with the subdivision application that references which lots would have hangars located on the lots and which lots would have assigned hangars to ensure the twenty-five percent threshold is not exceeded. An occupancy permit for a dwelling shall not be issued until the occupancy permit for the dedicated hangar is issued.

G. Uses and structures shall conform to the land use compatibility requirements on noise, outdoor lighting, glare, industrial emissions, communications facilities and electrical interference, and limitations and restrictions on allowed uses in Section 17.88.070.

H. Taxiways shall not be located within fifty feet of an abutting existing residential zone. (Ord. 799 (part), 2008)

17.73.80 Lot standards. No lot shall have less than the following standards.

A. Lot area.

1. The minimum lot area shall be ten thousand square feet.

2. The minimum average lot area for a subdivision shall be one-half acre, based on net site area. Net site area is the gross site area minus public rights-of-way, public support facilities, sensitive lands where development is prohibited under Title 17, and open space.

B. Lot dimensions and frontage.

1. The minimum lot width shall be fifty feet, except the minimum lot width on the arc of an approved full cul-de-sac shall be thirty feet.

2. Each lot shall have frontage on a public street for a distance of at least fifty feet or have vehicular access to a public street through an access easement that is at least twenty-five feet wide. Flag lots shall provide a minimum of twenty-five feet of frontage along a public right of way. No private streets or easements shall be created to provide frontage or vehicular access, unless approved by the city engineer and planning commission.

3. Each lot including a hangar shall have frontage on a private taxiway for a distance of eighty feet or have aircraft access to a private taxiway through an easement that is at least eighty feet wide. A paved connection shall be provided from the tie-down and hangar to the taxiway.

C. Lot coverage. The maximum lot coverage shall be eighty percent for all structures and impervious areas.

D. Additional requirements shall include any applicable section of this title. (Ord. 799 (part), 2008)

17.73.90 Setbacks. The minimum setback requirements for all development sites are as follows:

A. The front yard setback shall be a minimum of twenty feet.

B. The front of vehicular garages or carports shall be located a minimum of twenty feet from the property line where access occurs.

C. A tie-down may be located with no setbacks to side or rear property lines.

D. Combination garages shall be located a minimum of twenty feet from the front property line.

E. Side yard setbacks shall total a minimum of fifteen feet with any street side setback no less than ten feet. Internal lots shall have one side setback no less than ten feet.

F. The rear yard setback shall be a minimum of twenty feet, except the minimum rear yard setback for an accessory building shall be five feet.

G. If residential lots with hangars or lots with industrial uses abut an existing residential zone, the minimum building setback is fifty feet on the side abutting or facing the existing residential district. The Planning Commission may reduce this required yard

setback by fifty percent pursuant to Chapter 17.100, Landscaping, Screening and Fencing.

H. In the interest of protecting and supporting airport light industrial uses, residential lots closest to the perimeter of an approved airport residential development shall have a minimum setback of twenty-five feet on the side facing the perimeter of the development.

I. Where a utility easement is located adjacent to a lot line, there shall be a yard setback no less than the width of the easement.

J. Clear areas, safety areas, object free areas, and tie-down areas may be counted as required yards for a building.

K. Additional requirements shall include any applicable section of this title. (Ord. 799 (part), 2008)

17.73.100 Building height. A. No building, except for hangars, shall exceed thirty-five feet in height. The maximum height for accessory buildings other than hangars or residential aircraft hangars shall be twenty-two feet.

B. The maximum height for residential aircraft hangars (as defined in Section 17.73.030) is twenty feet, consistent with Oregon Structural Specialty Code, Section 412.3; other hangars on residential lots not meeting the definition of "residential aircraft hangars" shall have a maximum height of thirty-two feet. The maximum height for all other hangars shall be fifty feet. Within one hundred feet of an existing residential zone, hangars shall not exceed thirty-five feet in height.

C. No structure shall penetrate an airport imaginary surface as outlined in Chapter 17.88, Public Use Airport Safety and Compatibility Overlay (AO) Zone.

D. Additional requirements shall include any applicable section of this title. (Ord. 799 (part), 2008)

17.73.110 Landscaping requirements. A. Street trees shall be required along all public streets, subject to Chapter 17.104, Street Trees. Street trees shall not be planted along private taxiways. The selected street trees shall be varieties which do not grow to heights that may interfere with navigable airspace. The applicant shall provide a master street tree plan with the preliminary subdivision application.

B. No buildings, fences, or vegetation over eighteen inches in height shall be allowed within the object free area.

C. All landscaping plans as a part of a proposed development will be subject to review by the airport sponsor. Coordination between the applicant and the airport sponsor regarding the landscaping plan is a requirement for tentative plan approval. This coordination shall be documented and submitted with the tentative plan application.

D. Airport residential development shall be screened and buffered in accordance with Section 17.100.090 except where a shared taxiway provides the equivalent buffer width. Other uses within the AR zone do not need to provide screening or buffering adjacent to airport residential development.

E. Additional requirements shall include any applicable section of this title. (Ord. 799 (part), 2008)



17.73.120 Circulation. A. At-grade intersections of public streets and private taxiways are prohibited.

B. Access control devices are required to regulate ingress and egress between airport residential developments with a physical connection to the Scappoose Industrial Airpark. A minimum of four foot high fence must be provided between the residential areas and the runway to keep children, pets, and visitors from accidentally gaining access to the airport runway environment.

C. The city may require the property owner to grant an emergency vehicle access easement to a private taxiway to provide for adequate emergency vehicle circulation. (Ord. 799 (part), 2008)

17.73.130 Parking. A. Each use shall provide vehicular parking subject to Chapter 17.106, Off-Street Parking and Loading Requirements. A minimum of one vehicle parking space shall be provided either in the interior of the hangar or outside the hangar for each jointly owned hangar. (Ord. 799 (part), 2008)