

Section 135 (A). Airport Use Zone (AU)

(1) Purpose. The purpose of the AU Airport Use Zone is to encourage and support the continued operation and vitality of the Hillsboro Airport by allowing airport and aviation-related commercial, industrial and recreational uses in accordance with state laws. These laws are intended to promote a convenient and economic system of airports in the state and for land use planning to reduce the risks to airport operators and nearby land uses.

(2) Application. The AU zone applies to properties owned by the Port of Portland, which are in use or proposed for use for airport or aviation-related operations and activities. These properties are generally located north of NE Cornell Road, south of NW Evergreen Road, east of NE 25th Avenue, and west of NW Brookwood Parkway. The boundary of the AU zone is identified on the “Airport Use Zone Map” adopted as part of the Zoning Ordinance.

(3) Conformance with the Airport Safety and Compatibility Overlay (ASCO) Zone. All uses, activities, facilities and structures allowed in the AU Airport Use Zone shall comply with the requirements of the ASCO Airport Safety and Compatibility Overlay Zone, Hillsboro Zoning Ordinance Section 135B. In the event of a conflict between the requirements of the AU zone and the ASCO zone, the requirements of the ASCO zone shall control.

(4) Definitions.

A. Aircraft: Includes airplanes and helicopters, but not sport aircraft, ultra lights or lighter than air aircraft.

B. Commercial Aviation Activity (CAA): Any activity that is conducted on the airport for profit.

C. Aircraft manufacturing: Includes one or more of the following
a. Original Equipment Manufacturer - a CAA using materials to produce aircraft or aircraft parts for sale to the public.
b. Commercial Assembly - a CAA that assists aircraft kit owners with assembly of their aircraft.
c. Hobbyist Assembly - aircraft assembled from kit or raw materials on the Airport for the personal use and enjoyment of the person(s) assembling it, and not constructed for the purpose of profit or resale.

D. Aviation/aeronautical activity: Any activity on the airport that involves the operation of aircraft or aviation related equipment; or supports the operation of aircraft or aviation related equipment.

E. Fixed Base Operator (FBO): A person or entity who leases property at the Airport for the purpose of offering commercial aviation activities that typically include retail fuel sales, line services, aircraft maintenance and activities such as, but not limited to:

- a. Aircraft charter operation***
- b. Aircraft rental***
- c. Aircraft storage***
- d. Flight training***
- e. Aircraft sales/leasing***
- f. Aircraft component maintenance***
- g. Aircraft parts sales***

F. Environmental Laws: Any and all federal, state and local statutes, regulations, rules, permit terms and ordinances now or hereafter in effect, as the same may be amended from time to time, which in any way govern materials, substances, regulated substances and wastes, emissions, pollutants, animals or plants, noise, or products and/or relate to the protection of health, safety or the environment.

G. Hazardous Substance: Any and all substances, emissions, pollutants, materials, or products defined or designated as hazardous, toxic, radioactive, dangerous or regulated wastes or materials, or any similar term in or under any Environmental Laws. "Hazardous Substance" shall also include, but not be limited to, fuels, petroleum, and petroleum-derived products.

(5) Uses and Activities Permitted Outright. The following uses and their associated facilities and accessory structures are permitted in the AU 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 facility for an airport caretaker or security officer; and other activities incidental to the normal operation of an airport, including operation of fixed wing aircraft, helicopters and lighter than air aircraft. 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 that are consistent with levels identified in the most current, adopted Master Plan for the Hillsboro Airport.

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. 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 or aircraft components. "Aircraft service, maintenance and training" includes allowances for the construction and assembly of aircraft and aircraft components for personal use.

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 sale of aircraft and aeronautic equipment and supplies 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, and other chemicals or products used in a commercial agricultural, forestry or rangeland management setting. Operators must provide the Port of Portland a current list of all Hazardous Substances used in crop dusting activities, listing the amounts stored, method of storage, the projected maximum storage period and providing a hazardous response spill plan.

K. Agricultural 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. Manufacturing, assembly, processing, packaging, testing, treatment, repair, or distribution of aircraft or aircraft related components or products for sale to the public and/or for personal use.

M. Other aeronautical uses and activities and supporting uses and activities associated with terminal buildings at high activity public use airports, including automobile rental and associated auto washing facilities, hotels and motels, eating and drinking establishments, banks, offices, public parking and auto storage, conference centers, aviation clubs and schools, barber shops, physical fitness centers, transit park and rides and commercial support services.

N. 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, air shows, fly-ins; glider flights; hot air ballooning; ultra light aircraft flights; displays of aircraft; and gyrocopter flights, but do not include flights carrying parachutists or parachute drops (including all forms of skydiving).

O. 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. 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.

(6) Pre-Existing Non-Conforming Uses.

Any lawfully created structure or use existing at the time of adoption of the AU Airport Use Zone, which does not comply with the provisions of this Section, may be continued and maintained in reasonable repair, but shall not be enlarged or expanded except as specified in Zoning Ordinance Section 98 - 100. Pre-existing non-conforming structures or uses in the AU Airport Use zone shall also be subject to Zoning Ordinance Sections 101-105 regarding alterations, completion, change, discontinuance, or destruction.

(7) Setback Requirements. In the AU zone, the yards shall be as follows:

(a) The front yard and any side yard abutting a public street shall be a minimum of 25 feet.

(b) The side or rear yard abutting a leasehold line shall be a minimum of five feet.

(8) Height of Buildings. In the AU zone, the maximum structural height shall be 45 feet. All structures in the AU zone must comply with the height standards specified in the Airport Imaginary Surfaces as defined in Zoning Ordinance Section 135B, and as illustrated on Figure 135B2.

(9) Off-Street Parking and Loading. In the AU zone, in addition to the requirements of Section 84 to 86, parking or loading shall not be permitted within the front yard adjacent to a public street unless the building setback is increased to 45 feet and the first 15 feet from the front property line are landscaped.

(10) General Development Standards.

(a) Exterior lighting shall be directed away from adjacent properties.

(b) Open storage of materials and equipment shall be surrounded by a sight-obscuring fence at least six feet high, but no more than 10 feet high.

(c) Access points to public streets shall be located to minimize traffic congestion and consolidated wherever possible.

(d) Yards adjacent to public streets shall be continuously maintained in lawn, trees and shrubs. Other yards and unused property shall be maintained in grass or other suitable ground cover.

(12) Compliance with Port of Portland Requirements.

All uses and activities permitted outright within the AU Airport Use Zone shall be reviewed for compliance with, and shall comply with currently applicable Port of Portland standards as follows:

a. Hillsboro Airport Standards for Development;

b. General Aviation Minimum Standards for the Hillsboro Airport; and

c. Wildlife Hazard Management Plan for the Hillsboro Airport

(13) Development Review Standards.

All development within the AU Airport Use Zone is subject to and shall comply with the standards and procedures set forth in Section 133, Development

Review/Approval of Plans.