



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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Web Address: <http://www.oregon.gov/LCD>

NOTICE OF ADOPTED AMENDMENT

December 5, 2006

TO: Subscribers to Notice of Adopted Plan or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Scappoose Plan Amendment
DLCD File Number 007-05



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: December 18, 2006

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Gary Fish, DLCD Regional Representative
Brian Varricchione, City Of Scappoose

<paa> ya/



PROF 2 Notice of Adoption

THIS FORM MUST BE MAILED TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18



Jurisdiction: City of Scappoose Local file number: CPTA1-05 / DCTA 1-05

Date of Adoption: 11/20/06 Date Mailed: 11/27/06

Date original Notice of Proposed Amendment was mailed to DLCD: 1/3/06 & 9/6/06

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Amend the Comprehensive Plan, Development Code, and Transportation System Plan to incorporate the September 2004 Scappoose Industrial Airpark Airport Master Plan, as amended by the Port of St. Helens on August 9, 2006.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "SAME". If you did not give Notice for the Proposed Amendment, write "N/A".

Same.

Plan Map Changed from: N/A to: _____

Zone Map Changed from: N/A to: _____

Location: Scappoose Industrial Airpark Acres Involved: _____

Specify Density: Previous: N/A New: _____

Applicable Statewide Planning Goals: 2, 9, 10, 12

Was and Exception Adopted? YES NO

DLCD File No.: 007-05 (14765)

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment.....

Forty-five (45) days prior to first evidentiary hearing? Yes No

If no, do the statewide planning goals apply? Yes No

If no, did Emergency Circumstances require immediate adoption? Yes No

Affected State or Federal Agencies, Local Governments or Special Districts:

Scappoose Rural Fire District, Scappoose Drainage Improvement Co., Port of St. Helens, Columbia County, Oregon Department of Aviation, Federal Aviation Administration

Local Contact: Brian Varricchione Phone: (503) 543-7184 Extension: _____

Address: 33568 E. Columbia Ave. City: Scappoose

Zip Code + 4: 97056- Email Address: brianvarricchione@ci.scappoose.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.

3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.

4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.

5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.

6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.

7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to maru.ulloa@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. 786

AN ORDINANCE ADOPTING THE SCAPPOOSE INDUSTRIAL AIRPARK SEPTEMBER 2004 AIRPORT MASTER PLAN (AS AMENDED AUGUST 9, 2006); AMENDING SCAPPOOSE MUNICIPAL ORDINANCE 658 AND THE SCAPPOOSE TRANSPORTATION SYSTEM PLAN; AMENDING THE GOALS FOR TRANSPORTATION, AMENDING POLICIES FOR TRANSPORTATION 11, AND ADDING AN APPENDIX TO THE SCAPPOOSE COMPREHENSIVE PLAN; AND AMENDING SCAPPOOSE MUNICIPAL CODE CHAPTER 17.69 (PUA PUBLIC USE AIRPORT) AND 17.88 (AO PUBLIC USE AIRPORT SAFETY AND COMPATIBILITY OVERLAY ZONE).

THE CITY OF SCAPPOOSE ORDAINS AS FOLLOWS:

Section 1. The Scappoose Industrial Airpark Airport Master Plan dated September 2004 (as amended August 9, 2006), a copy of which is attached hereto or on file with the City Recorder, is hereby adopted.

Section 2. The Scappoose Transportation System Plan dated October 1997, and adopted by Scappoose Municipal Ordinance 658, a copy of which is attached hereto or on file with the City Recorder, is hereby amended to read as follows:

(Language to be omitted is ~~strikethrough~~, proposed language additions are in ***bold italics***):

Page ii, Section Heading APPENDICES, Appendix F: "***SEPTEMBER 2004 AIRPORT SCAPPOOSE INDUSTRIAL AIRPARK MASTER PLAN AND UPDATES (AS AMENDED AUGUST 9, 2006)***."

Page 69, Section Heading AIR SERVICE, The second paragraph shall be amended to read: "The Scappoose Industrial Airpark is governed by the ~~1994 Scappoose Industrial Airpark Master Plan and subsequent updates~~ ***2004 Scappoose Industrial Airpark Airport Master Plan (as amended August 9, 2006)*** included as Appendix F attached hereto and incorporated herein."

Appendix F (Scappoose Industrial Airpark Master Plan Report, April 1991) shall be deleted and replaced by the 2004 Scappoose Industrial Airpark Airport Master Plan (as amended August 9, 2006).

Section 3. The Scappoose Comprehensive Plan is amended as follows:

(Language to be omitted is ~~strikethrough~~, proposed language additions are in ***bold italics***):

GOAL FOR TRANSPORTATION

[...]

13) *Work with the Port of St. Helens to maintain the continuing viability of the Scappoose Industrial Airpark.*

POLICIES FOR TRANSPORTATION

[...]

11) Work with the Port of St. Helens on their plans for the Scappoose Airport ***Industrial Airpark***, as well as for industrial development and transportation. ***Apply appropriate zoning designations to ensure that land identified for airport use in the 2004 Scappoose Industrial Airpark Airport Master Plan (as amended August 9, 2006) is utilized for airport-related development.***

APPENDICES

The 2004 Scappoose Industrial Airpark Airport Master Plan (as amended August 9, 2006) shall be included as a new Appendix H to the Scappoose Comprehensive Plan.

Section 4. Chapter 17.69 (PUA Public Use Airport) of the Scappoose Municipal Code is amended as follows:

(Language to be omitted is ~~strikethrough~~, proposed language additions are in ***bold italics***)

17.69.030 Definitions.

[...]

B. "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.***

17.69.070 Dimensional requirements and development standards.

[...]

D. Uses shall be developed and located in a manner consistent with the most recent federally approved airport layout plan, ***the 2004 Scappoose Industrial Airpark Airport Master Plan (as amended August 9, 2006).***

Section 5. Chapter 17.88 (AO Public Use Airport Safety and Compatibility Overlay Zone) of the Scappoose Municipal Code is amended as follows:

(Language to be omitted is ~~strikethrough~~, proposed language additions are in ***bold italics***)

17.88.020 Definitions.

[...]

"Airport sponsor" means the owner, manager, or other 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.***

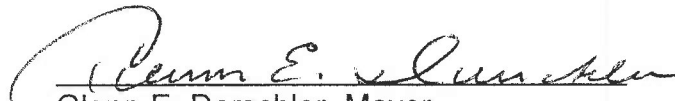
[...]

17.88.030 Imaginary surface and noise impact boundary delineation. The airport elevation, the airport noise impact boundary, the airport direct impact boundary, the airport secondary impact boundary, and the location and dimensions of the runway, primary surface, runway protection zone, approach surface, horizontal surface, conical surface and transitional surface shall be delineated for the Scappoose Industrial Airpark and shall be made part of the Official Zoning Map. ***The imaginary surfaces and the noise impact boundary are illustrated in the 2004 Scappoose Industrial Airpark Airport Master Plan (as amended August 9, 2006).*** All lands, waters and airspace, or portions thereof, that are located within these boundaries or surfaces, and are located within the city limits, shall be subject to the requirements of this overlay zone.

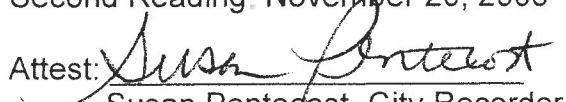
Section 6. The City of Scappoose adopts the recommendation of the Scappoose Planning Commission and the consideration of applicable statutes, rules, comprehensive plan provisions and implementing ordinances in the staff report dated October 27, 2006.

PASSED AND ADOPTED by the City Council this 20th day of November, 2006, and signed by me in authentication of its passage.

CITY OF SCAPPOOSE, OREGON


Glenn E. Dorschler, Mayor

First Reading: November 6, 2006
Second Reading: November 20, 2006

Attest: 
Susan Pentecost, City Recorder

CITY OF SCAPPOOSE

33568 EAST COLUMBIA AVENUE
SCAPPOOSE, OREGON 97056
(503) 543-7146
FAX: (503) 543-7182

CPTA 1-05/DCTA 1-05

October 27, 2006

*Adoption of the September 2004 Scappoose Industrial Airpark Airport Master Plan
(as amended August 9, 2006)*

CITY OF SCAPPOOSE STAFF REPORT

Request: Approval of four proposed actions pertaining to adoption of the September 2004 Scappoose Industrial Airpark Airport Master Plan:

- 1) Adoption of the 2004 Scappoose Industrial Airpark Airport Master Plan (as amended 8/9/06)
- 2) Amendment to the Scappoose Transportation System Plan.
- 3) Comprehensive Plan Text Amendment (CPTA 1-05) to amend the Goals and Policies for Transportation and the appendix.
- 4) Development Code Text Amendment (DCTA 1-05) to amend Chapters 17.69 (PUA, Public Use Airport) and 17.88 (AO, Public Use Airport Safety and Compatibility Overlay Zone).

Applicant: City of Scappoose

EXHIBITS

1. September 2004 Scappoose Industrial Airpark Airport Master Plan (by reference only)
2. Amendment to Airport Master Plan adopted by Port of St. Helens on August 9, 2006
3. Airport Planning Rule (OAR 660 Division 13)

INTRODUCTION

The City of Scappoose took significant strides toward conformance with the Airport Planning Rule (OAR 660 Division 13) with the passage of Ordinance No. 726, which amended the Comprehensive Plan and Scappoose Municipal Code Title 17 (Development Code) in September 2002. This ordinance created the *Public Use Airport (PUA)* zoning designation and strengthened the *Airport Overlay District* by replacing it with the *Public Use Airport Safety and Compatibility Overlay (AO)* to protect the Scappoose Industrial Airpark. These actions were taken as part of the requirements of Work Task II of the City's Periodic Review Work Program (see **Exhibit 1**).¹ The remaining item within the work task was to incorporate the Port of St. Helens's updated Airport Master Plan. The Airport Master Plan for the Scappoose Industrial Airpark was adopted by the Port of St. Helens in September 2004 and amended by the Port on August 9, 2006.

¹ Note that the City is no longer in Periodic Review.

In 2002, as part of the same Ordinance No. 726, the City also re-zoned the properties owned by the Port of St. Helens from Light Industrial to Public Use Airport, along with the property currently used by Transwestern Aviation.

OBSERVATIONS

The Public Use Airport zone and the Public Use Airport Safety and Compatibility Overlay Zone were designed to protect the continuing operation of the Scappoose Industrial Airpark as a viable facility. These regulations were modeled on the text contained within the Airport Planning Rule and example documents issued by the Oregon Department of Aviation (ODA), which publishes an Airport Land Use Compatibility Guidebook containing a model "Public Use Airport Safety and Compatibility Overlay Zone."

The zoning regulations anticipated that the Port of St. Helens would complete an update to the 1991 Airport Master Plan. The Port finalized the new Airport Master Plan in September 2004 and amended the plan on August 9, 2006 (see **Exhibits 1 and 2**). Staff proposes the following four actions in response to the Port's issuance of the master plan:

- 1) Adopt the 2004 Scappoose Industrial Airpark Airport Master Plan (as amended 8/9/06).
- 2) Amend the Scappoose Transportation System Plan to incorporate the Airport Master Plan.
- 3) Amend the Goals and Policies for Transportation within the Scappoose Comprehensive Plan (Docket # CPTA 1-05) and amend the appendix to incorporate the Airport Master Plan.
- 4) Amend Chapters 17.69 (PUA, Public Use Airport) and 17.88 (AO, Public Use Airport Safety and Compatibility Overlay Zone) of the Scappoose Municipal Code (Docket # DCTA 1-05).

These actions will complete the City's tasks for Airport Planning Rule compliance.

The Port of St. Helens, the Oregon Department of Aviation, the Scappoose Rural Fire Protection District, the Columbia County Planning Department, and the Oregon Department of Land Conservation and Development have been provided the opportunity to review copies of this proposal. Refinements to the staff report were made in response to comments by Port staff. Furthermore, the Federal Aviation Administration reviewed the Airport Master Plan during its development.

ANALYSIS

City staff has reviewed the September 2004 Scappoose Industrial Airpark Airport Master Plan (as amended on August 9, 2006). The 2004 Plan inventories the airport's facilities, projects future demand for the airport, discusses facility requirements, and presents airport layout plans. The plan also identifies a need for additional utilities (e.g. storm drainage, sanitary sewer, etc.) to serve the Scappoose Industrial Airpark. Port Commissioners and staff are currently in the process of performing more detailed analysis of infrastructure needs and alternative methods of meeting those demands. Infrastructure options are being discussed with City staff and with owners of adjoining parcels.

Zoning and Land Use Regulations

While the entirety of the Scappoose Industrial Airpark lies within City limits, the properties outside the airport lie either within the City or within unincorporated Columbia County. The Airport Master Plan discusses the City of Scappoose and Columbia County zoning regulations in effect to protect the airport and its surroundings.

Graphical depictions of the airport environs and the critical areas regulated by the City's airport overlay² (e.g., the Runway Protection Zone) can be found on several maps and diagrams within the Airport Master Plan:

- Chapter 1, Exhibit 1-G, Part 77
- Chapter 4, Sheet 3, Airport Airspace Plan
- Chapter 4, Sheet 5, Runway Protection Zone and Profiles
- Chapter 4, Sheet 6, Land Use Plan
- Chapter 4, Exhibit 4A, Noise Contours

These figures will enable staff and citizens to determine at a glance whether the overlay is applicable to a particular property within City Limits.

There are a number of minor errors within the Airport Master Plan pertaining to the City's land use regulations affecting the airport. While they do not affect the City's enforcement of its land use regulations, the following inaccuracies should be noted:

- The land slated for the Industrial Business Park discussed on page 3-17 is zoned Public Use Airport, not Light Industrial.
- The Land Use Plan (Chapter 4, Sheet 6) suggested that some of the land adjacent to the airport lay within the City of Scappoose and was zoned Fish and Wildlife.³ At the time the report was written, the properties immediately west of the runway lay within Columbia County and had Columbia County zoning. In 2005, thirty-six acres were annexed to the City of Scappoose and were re-zoned to Public Use Airport (PUA). In 2006, approximately 120 acres were annexed and re-zoned to PUA.
- Pages 4-6 and 4-7 state that "The portions of the land within the RPZs [Runway Protection Zones] for Runways 15 and 33, but outside of airport property, is designated by the City of Scappoose as a Fish and Wildlife Zone... This zoning is somewhat in conflict with the recommended uses in the RPZ. The primary conflicts are the wetlands and the bird attraction capability. ..." In fact, the portions of the RPZs within the City are zoned Public Use Airport, and are furthermore subject to the airport overlay, which has stipulations to minimize bird strike hazards. As observed elsewhere within the same report, "By enacting this overlay zone, the City has appropriately addressed the land use that is within their jurisdiction around the airport" (page 4-8).

² These applicable terms and areas are defined and regulated by the Scappoose Municipal Code, Chapter 17.88, Public Use Airport Safety and Compatibility Overlay Zone. Some discussion of these areas is included in Chapters 1 and 4 of the Airport Master Plan.

³ The Fish and Wildlife zone has been replaced in the City's zoning regulations with the Sensitive Lands--Fish and Riparian Corridor Overlay.

Airport Expansion Plans

The Airport Master Plan is used by the Port to guide airport expansion plans. Specific development proposals (including the Landside Development Alternative, Chapter 3, Exhibit 3B, and Scappoose Industrial Business Park, Chapter 3, Exhibit 3C) require approval by the Planning Commission as part of Site Development Review prior to implementation.

Several diagrams illustrate the airport's existing property lines and note areas for potential future acquisition by the Port (see Chapter 3, Exhibit 3B and Chapter 4, Sheets 2 and 6 and Exhibit A). The airport expansion plan is discussed in detail in Chapter 4 beginning on page 4-2, where it is noted that "The future airport development is shown on the airport layout plan as required by the FAA. The plan can be modified to accommodate development as dictated by demand." The report notes that "Several parcels on the east side could be acquired should they become available for purchase." These parcels on the east side are denoted with special hatching on Exhibit A in Chapter 4. The Port has recently been successful in acquiring one 5-acre parcel on the east side of the airport.

Since the Port's adoption of the Airport Master Plan, the Port has updated its criteria for through-the-fence agreements to permit off-airport access to the runway and has had discussions with private developers regarding airport-related development on lands not owned by the Port.

RECOMMENDATION

The reasons and rationale described within this report, combined with the requirements of the Airport Planning Rule, support the approval and adoption of the proposed Comprehensive Plan Text Amendment, Development Code Text Amendment, Transportation System Plan amendment, and the 2004 Airport Master Plan (as amended 8/9/06).

Based on the information within the proposed amendments; applicable statutes, rules, comprehensive plan provisions and implementing ordinances; and the information within the September 2004 Scappoose Industrial Airpark Airport Master Plan, staff and the Planning Commission recommend adoption of the four proposals by the City Council.

FINDINGS

1. The proposal to adopt the 2004 Scappoose Industrial Airpark Airport Master Plan, as amended in August 2006, builds on the adoption of Ordinance 726, which in 2002 enacted Comprehensive Plan and Development Code Amendments that provided for the zoning and protection of the Airpark. Ordinance 726 provided a new zone and overlay that are compliant with the state Aviation System Plan, OAR 660, Division 13 (Airport Planning) and ORS 836.000 through 836.630. The language contained within the Public Use Airport Safety and Compatibility Overlay was in alignment with Columbia County requirements relating to bird strike hazards near the airport, and met the requirements of state law.
2. As described within the Airport Master Plan, the Plan assesses existing facilities, projects demand and the resulting facility needs, and outlines an airport Land Use Plan. The Master

Plan was written by the Port of St. Helens to be compliant with federal and state regulations regarding airport planning. The Master Plan was adopted by the Port in September 2004 and amended in August 2006.

3. Adopting the September 2004 Scappoose Industrial Airpark Airport Master Plan will aid in the application of the Scappoose Development Code regulations regarding allowable land uses and practices on and near the Scappoose Industrial Airpark. The proposed amendment of the 1997 Transportation System Plan, the Comprehensive Plan policies, and the Development Code represent changes that will streamline the application of the City's regulations that accommodate and protect the Scappoose Industrial Airpark. Together, the proposed legislative land use decision incorporates applicable statutes; statewide planning goals and guidelines; comprehensive plan goals and policies; and provisions of the implementing ordinances. Adopting the 2004 Airport Master Plan (as amended August 9, 2006) will clearly demonstrate that the City has reviewed and accepted the Port of St. Helens's report and will complete compliance with the Airport Planning Rule.
4. There are a number of minor errors within the Airport Master Plan pertaining to the City's land use regulations affecting the airport, as detailed in the staff report. These inaccuracies do not hinder the City's application of its land use regulations designed to protect the airport. These errors include:
 - The land slated for the Industrial Business Park discussed on page 3-17 is zoned Public Use Airport, not Light Industrial.
 - The Land Use Plan (Chapter 4, Sheet 6) suggested that some of the land adjacent to the airport lay within the City of Scappoose and was zoned Fish and Wildlife.⁴ At the time the report was written, the properties immediately west of the runway lay within Columbia County and had Columbia County zoning. In 2005, thirty-six acres were annexed to the City of Scappoose and were re-zoned to Public Use Airport (PUA). In 2006, approximately 120 acres were annexed and re-zoned to PUA.
 - Pages 4-6 and 4-7 state that "The portions of the land within the RPZs [Runway Protection Zones] for Runways 15 and 33, but outside of airport property, is designated by the City of Scappoose as a Fish and Wildlife Zone... This zoning is somewhat in conflict with the recommended uses in the RPZ. The primary conflicts are the wetlands and the bird attraction capability. ..." In fact, the portions of the RPZs within the City are zoned Public Use Airport, and are furthermore subject to the airport overlay, which has stipulations to minimize bird strike hazards. As observed elsewhere within the same report, "By enacting this overlay zone, the City has appropriately addressed the land use that is within their jurisdiction around the airport" (page 4-8).

⁴ The Fish and Wildlife zone has been replaced in the City's zoning regulations with the Sensitive Lands--Fish and Riparian Corridor Overlay.

5. The following Statewide Planning Goals have been considered by the City of Scappoose in the formation of the language contained within this request:

Citizen Involvement (Goal 1)

Objective: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Finding:

This application complies with the citizen involvement processes included in the City's acknowledged Comprehensive Plan and Development Code, which is consistent with Statewide Planning Goal 1. The Planning Commission and City Council will hold public hearings on the proposal prior to adopting any amendments to the Comprehensive Plan, Scappoose Municipal Code, or Transportation System Plan. Notice of the proposal and hearings was published in the local newspaper on October 11, October 18, October 25, November 1, and November 8, 2006. The proposal was mailed to the Department of Land Conservation and Development on October 24, 2005 and September 6, 2006. The Planning Commission held a hearing on October 26, 2006. Previous public hearings were held in advance of the 2002 adoption of Ordinance 726, which created the Public Use Airport zone and the Public Use Airport Safety and Compatibility Overlay Zone and re-zoned the Scappoose Industrial Airpark from Light Industrial to Public Use Airport.

The Port of St. Helens established an advisory committee to review the Airport Master Plan as it was developed. The advisory committee members included stakeholders with an interest in protecting the Scappoose Industrial Airpark.

These actions have provided a venue for citizen participation in the development and adoption of the 2004 Airport Master Plan.

Land Use Planning (Goal 2)

Objective: To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Finding:

The proposal is to adopt the 2004 Airport Master Plan for the Scappoose Industrial Airpark, and to amend the Comprehensive Plan, Municipal Code, and Transportation System Plan consistent with the City's regulations regarding legislative land use decisions. Legislative decisions first require a Planning Commission recommendation to the City Council, which then makes a decision based on stated findings. The Planning Commission and City Council hearings are open to the public. The Planning Commission held a hearing October 26, 2006. City Council hearings will be held on November 6 and 20, 2006. This action complies with Goal 2.

Economic Development (Goal 9)

Objective: To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Finding:

Adopting the 2004 Airport Master Plan will maintain a large employment site within the City of Scappoose. The diagrams in the Airport Master Plan will assist City staff in enforcing the land use regulations designed to protect the Scappoose Industrial Airpark. The Scappoose Industrial Airpark is a desirable airfield and manufacturing location, as evidenced by private sector interest in accessing the runway from on- and off-airport locations. Columbia County has approved an Oregon Aero manufacturing facility and the City of Scappoose has approved an airport-related industrial park adjacent to the Port of St. Helens property. Preserving and expanding the use of the airport will enhance economic opportunity for the City and the region.

The Airport Master Plan lays out the airport's expansion plans and discusses some of the infrastructure improvements that will be necessary to accommodate the services planned for the airport. Further refinement of the actions to install necessary infrastructure are currently under development by the Port. These actions are consistent with Goal 9.

Public Facilities and Services (Goal 11)

Objective: To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Finding:

The 2004 Airport Master Plan observes that some infrastructure upgrades will be necessary for the airport to develop as envisioned. Public water already serves the airport, but public sewer and storm drainage facilities are not available at this time. Prior to development of the site, the Port of St. Helens will need to demonstrate that public facilities will be installed consistent with the City's Public Works Design Standards and the master plans for water, wastewater, storm drainage, and transportation. The Port is currently working with the City, a private developer, and engineering consultants to evaluate infrastructure needs and to plan for their construction. A private developer is currently installing public sewer lines and public storm drainage immediately adjacent to Port property.

Transportation (Goal 12)

Objective: To provide and encourage a safe, convenient and economic transportation system.

Finding:

The Scappoose Transportation System Plan outlines the transportation needs for the area near the Scappoose Industrial Airpark. The 2004 Airport Master Plan is the mechanism by which the Port of St. Helens lays out their plans to augment the airport's operations and facilities. Adoption of the Master Plan continues to provide the City with a viable air transportation option, complying with the Goal.

Statewide Planning Goals 3-8, 10, and 13-19 are not applicable to this application.

6. The following Statutes, Rules, Comprehensive Plan Provisions and Implementing Ordinances have been considered by the City of Scappoose in the formation of the language contained within this request:

OAR 660 Division 13 – Airport Planning:

(Note: see **Exhibit 3** for the full text of the Airport Planning Rule)

660-013-0030

Preparation and Coordination of Aviation Plans

[...]

(2) A city or county with planning authority for one or more airports, or areas within safety zones or compatibility zones described in this division, shall adopt comprehensive plan and land use regulations for airports consistent with the requirements of this division and ORS 836.600 through 836.630. Local comprehensive plan and land use regulation requirements shall be coordinated with acknowledged transportation system plans for the city, county, and Metropolitan Planning Organization (MPO) required by OAR 660, Division 12. Local comprehensive plan and land use regulation requirements shall be consistent with adopted elements of the state ASP and shall be coordinated with affected state and federal agencies, local governments, airport sponsors, and special districts. If a state ASP has not yet been adopted, the city or county shall coordinate the preparation of the local comprehensive plan and land use regulation requirements with ODA. Local comprehensive plan and land use regulation requirements shall encourage and support the continued operation and vitality of airports consistent with the requirements of ORS 836.600 through 836.630.

Finding:

In 2002 the City of Scappoose created the Public Use Airport zone, which has a stated purpose “to encourage and support the continued operation and vitality of the Scappoose Industrial Airpark by allowing certain airport-related commercial, manufacturing and recreational uses in accordance with state law.” In 2002 the City also created the Public Use Airport Safety and Compatibility Overlay Zone, which has a stated purpose “to encourage and support the continued operation and vitality of the Scappoose Industrial Airpark by establishing compatibility and safety standards to promote air navigational safety at the Airpark and to reduce potential safety hazards for persons living, working or recreating near the Airpark.” Adoption of these regulations was coordinated with Columbia County and the Port of St. Helens.

Notice of this proposal was mailed to the Oregon Department of Land Conservation and Development on October 24, 2005 and September 6, 2006. The Port of St. Helens, the Oregon Department of Aviation, the Scappoose Rural Fire Protection District, the Columbia County Planning Department, were mailed copies of this proposal to adopt the 2004 Airport Master Plan on November 3, 2005 and October 18, 2006. Port staff’s suggestions for refinements have been incorporated into the staff report.

The adopted findings for Ordinance 726, which created the Public Use Airport zone and the Public Use Airport Safety and Compatibility Overlay Zone, demonstrate compliance with the Airport Planning Rule. The Port of St. Helens wrote the 2004 Airport Master Plan to be consistent with the applicable provisions of the Airport Planning Rule. The Federal Aviation Administration reviewed the Airport Master Plan during its development to ensure compliance with Federal standards. The Scappoose Transportation System Plan will be amended by this proposal to include the updated Airport Master Plan. The requirements of OAR 660-013-0030 (2) are met.

660-013-0040

Aviation Facility Planning Requirements

A local government shall adopt comprehensive plan and land use regulation requirements for each state or local aviation facility subject to the requirements of ORS 836.610(1). Planning requirements for airports identified in ORS 836.610(1) shall include:

(1) A map, adopted by the local government, showing the location of the airport boundary. The airport boundary shall include the following areas, but does not necessarily include all land within the airport ownership:

(a) Existing and planned runways, taxiways, aircraft storage (excluding aircraft storage accessory to residential airpark type development), maintenance, sales, and repair facilities;

(b) Areas needed for existing and planned airport operations; and

(c) Areas at non-towered airports needed for existing and planned airport uses that:

(A) Require a location on or adjacent to the airport property;

(B) Are compatible with existing and planned land uses surrounding the airport, and

(C) Are otherwise consistent with provisions of the acknowledged comprehensive plan, land use regulations, and any applicable statewide planning goals.

(d) "Compatible," as used in this rule, is not intended as an absolute term meaning no interference or adverse impacts of any type with surrounding land uses.

(2) A map or description of the location of existing and planned runways, taxiways, aprons, tiedown areas, and navigational aids;

(3) A map or description of the general location of existing and planned buildings and facilities;

- (4) *A projection of aeronautical facility and service needs;*
- (5) *Provisions for airport uses not currently located at the airport or expansion of existing airport uses:*
- (a) *Based on the projected needs for such uses over the planning period;*
 - (b) *Based on economic and use forecasts supported by market data;*
 - (c) *When such uses can be supported by adequate types and levels of public facilities and services and transportation facilities or systems authorized by applicable statewide planning goals;*
 - (d) *When such uses can be sited in a manner that does not create a hazard for aircraft operations; and*
 - (e) *When the uses can be sited in a manner that is:*
 - (A) *Compatible with existing and planned land uses surrounding the airport; and*
 - (B) *Consistent with applicable provisions of the acknowledged comprehensive plan, land use regulations, and any applicable statewide planning goals.*
- (6) *When compatibility issues arise, the decision maker shall take reasonable steps to eliminate or minimize the incompatibility through location, design, or conditions. A decision on compatibility pursuant to this rule shall further the policy in ORS 836.600.*
- (7) *A description of the types and levels of public facilities and services necessary to support development located at or planned for the airport including transportation facilities and services. Provision of public facilities and services and transportation facilities or systems shall be consistent with applicable state and local planning requirements.*
- (8) *Maps delineating the location of safety zones, compatibility zones, and existing noise impact boundaries that are identified pursuant to OAR 340, Division 35.*
- (9) *Local government shall request the airport sponsor to provide the economic and use forecast information required by this rule. The economic and use forecast information submitted by the sponsor shall be subject to local government review, modification and approval as part of the planning process outlined in this rule. Where the sponsor declines to provide such information, the local government may limit the airport boundary to areas currently devoted to airport uses described in OAR 660-013-0100.*

Finding:

The 2004 Airport Master Plan prepared by the Port of St. Helens includes the maps and diagrams required by the Airport Planning Rule and an analysis of existing facilities and projection of future needs, which were used to develop the expansion plans for the airport. Applicable diagrams within the Scappoose Industrial Airpark Airport Master Plan include:

- Chapter 1, Exhibit 1-G, Part 77
- Chapter 3, Exhibit 3B, Landside Development Alternative
- Chapter 3, Exhibit 3C, Scappoose Industrial Business Park (Plan G)
- Chapter 4, Sheet 2, Airport Layout Plan
- Chapter 4, Sheet 3, Airport Airspace Plan
- Chapter 4, Sheet 4, Approach Protection Zone and Profiles
- Chapter 4, Sheet 5, Runway Protection Zone and Profiles
- Chapter 4, Sheet 6, Land Use Plan
- Chapter 4, Exhibit A (no title)
- Chapter 4, Exhibit 4A, Noise Contours

The Land Use Plan has a number of minor errors regarding zoning, as previously discussed in Finding #4. The City will continue to utilize its own zoning maps to determine the base zone for properties in the vicinity of the airport. The diagrams within the Airport Master Plan will be used to determine whether the airport overlay zone is applicable to particular properties within City Limits.

The City of Scappoose enforces land use regulations to ensure that development in the vicinity of the Scappoose Industrial Airpark is compatible with aviation operations, as discussed above under the heading “OAR 660-013-0030, Preparation and Coordination of Aviation Plans.”

The Airport Master Plan discusses the public facilities that currently serve the airport and notes that some existing facilities would need upgrades to serve the airport as it develops and expands. The Port is currently working with the City to ensure that future infrastructure extensions are adequate to serve the airport’s needs. As part of future land use reviews for the site, the Port would need to demonstrate that its planned infrastructure upgrades would be sufficient and would comply with the City’s Public Works Design Standards and the master plans for water, wastewater, storm drainage, and transportation.

The City has not revised or modified the economic and use forecast information supplied by the Port of St. Helens. The requirements of OAR 660-013-0040 are met.

660-013-0050

Implementation of Local Airport Planning

A local government with planning responsibility for one or more airports or areas within safety zones or compatibility zones described in this division or subject to requirements identified in ORS 836.608 shall adopt land use regulations to carry out the requirements of

this division, or applicable requirements of ORS 836.608, consistent with the applicable elements of the adopted state ASP and applicable statewide planning requirements.

660-013-0070

Local Government Safety Zones for Imaginary Surfaces

660-013-0080

Local Government Land Use Compatibility Requirements for Public Use Airports

660-013-0100

Airport Uses at Non-Towered Airports

660-013-0110

Other Uses Within the Airport Boundary

Finding:

The Scappoose Industrial Airpark and portions of its imaginary surfaces fall within the jurisdiction of the City of Scappoose. The City has adopted the Public Use Airport Zone and the Public Use Airport Safety and Compatibility Overlay Zone to protect the airport consistent with the Airport Planning Rule. The Overlay Zone aligns with model ordinances authored by the Oregon Department of Aviation. The requirements of OAR 660-013-0050, 660-013-0070, 660-013-0080, 660-013-0100, and 660-013-0110 are met.

OAR 660 Division 12 – Transportation Planning:

660-012-0020

Elements of Transportation System Plans

(2) The TSP shall include the following elements:

[...]

(e) An air, rail, water and pipeline transportation plan which identifies where public use airports, mainline and branchline railroads and railroad facilities, port facilities, and major regional pipelines and terminals are located or planned within the planning area. For airports, the planning area shall include all areas within airport imaginary surfaces and other areas covered by state or federal regulations;

660-012-0045

Implementation of the Transportation System Plan

[...]

(2) Local governments shall adopt land use or subdivision ordinance regulations, consistent with applicable federal and state requirements, to protect transportation facilities, corridors and sites for their identified functions. Such regulations shall include:

[...]

(c) Measures to protect public use airports by controlling land uses within airport noise corridors and imaginary surfaces, and by limiting physical hazards to air navigation;

[...]

(f) Regulations to provide notice to public agencies providing transportation facilities and services, MPOs, and ODOT of:

[...]

(D) Other applications within airport noise corridors and imaginary surfaces which affect airport operations.

Finding:

The City's 1997 Transportation System Plan (as amended) analyzes the transportation needs of the areas on and around the Scappoose Industrial Airpark, including those areas within the airport imaginary surfaces. The Scappoose Transportation System Plan will be amended by this proposal to include the updated Airport Master Plan. The City's Development Code implements land use regulations to protect the Scappoose Industrial Airpark and to provide notice to the Port of St. Helens regarding land use applications that would impact the airport. The requirements of OAR 660-012-0020 (2)(e) and 660-012-0045(2) are met.

Goals and Policies from the Scappoose Comprehensive Plan:

GOAL FOR ECONOMICS

It is the goal of the City of Scappoose to:

1) *Maintain conditions favorable for a growing, healthy, stable, and diversified business and industrial climate.*

POLICIES FOR ECONOMICS

It is the policy of the City of Scappoose to:

1) *Make sufficient land available for the anticipated expansion of commercial and industrial activities.*

4) *Encourage the expansion of employment opportunities within the urban area, so residents can work within their community as well as commute to jobs outside the City.*

5) *Promote pollution free industrial development necessary to provide a balanced tax base for the operation of local government services.*

6) *Cooperate with other agencies, interest groups and businesses in efforts to develop program strategies for improving the local economy.*

Finding:

Adoption of the 2004 Airport Master Plan will continue to maintain the viability of the Scappoose Industrial Airpark as an employment center within the City of Scappoose. Industrial development will enhance the City's economic base, providing additional employment opportunities within City Limits. The City's existing land use regulations limit the permitted uses in the vicinity of the airport to make sure that development near the airport

is compatible with aviation. Airport related operations would likely be low-pollution activities that will bolster the City's tax base and will provide employment opportunities for City residents. The City proposes to adopt the Airport Master Plan developed by the Port of St. Helens as an outline for airport growth. The applicable GOAL FOR ECONOMICS and the POLICIES FOR ECONOMICS are satisfied.

POLICIES FOR THE INDUSTRIAL LAND USE DESIGNATION

It is the policy of the City of Scappoose to:

- 3) Locate industrial areas so they have a convenient relationship to the community's transportation system, without generating heavy traffic through residential districts; additionally, the clustering of industrial activities will allow carpooling by employee.*
- 6) Protect the stability and functional aspects of industrial areas by protecting them from incompatible uses.*

Finding:

Continued expansion of the Scappoose Industrial Airpark, which will be advanced by the adoption of the Airport Master Plan, will cluster future industrial uses near existing industrial and noise-generating uses (i.e., the airport) rather than being located adjacent to residential areas. Adopting the Airport Master Plan will simplify application and enforcement of the City's existing land use regulations that protect the airport from incompatible uses. The applicable POLICIES FOR THE INDUSTRIAL LAND USE DESIGNATION are satisfied.

GOAL FOR TRANSPORTATION

It is the goal of the City of Scappoose:

- 1) To develop and maintain diverse methods for moving people and goods which are:
A) Responsive to the needs and preferences of individuals, business and industry;
B) Suitably integrated into the fabric of the urban community; and
C) Safe, rapid, economical and convenient to use.
[...]*

- 4) To strengthen the economy by facilitating diverse means for transporting industrial goods.*

POLICIES FOR TRANSPORTATION

*It is the policy of the City of Scappoose to:
[...]*

- 11) Work with the Port of St. Helens on their plans for the Scappoose Airport, as well as for industrial development and transportation.*

Finding:

Adopting the 2004 Airport Master Plan advances the City's goal of diversifying economical transportation options and promotes the Port of St. Helens's plans for maintaining the Scappoose Industrial Airpark. City staff sat on the advisory committee for the drafting of the Airport Master Plan. The Port has been provided the opportunity to comment on the City's proposal to adopt the Plan. The applicable GOAL FOR TRANSPORTATION and the POLICIES FOR TRANSPORTATION are satisfied.

Ordinance language from Title 17 of the Scappoose Municipal Code (Land Development Code):

Chapter 17.160 PROCEDURES FOR DECISION MAKING—LEGISLATIVE

17.160.120 The standards for the decision. A. The recommendation by the planning commission and the decision by the council shall be based on consideration of the following factors:

- 1. Any applicable statewide planning goals and guidelines adopted under Oregon Revised Statutes Chapter 197;*
- 2. Any federal or state statutes or rules found applicable;*
- 3. The applicable comprehensive plan policies and map; and*
- 4. The applicable provisions of the implementing ordinances.*

B. Consideration may also be given to:

Proof of a substantial change in circumstances, a mistake, or inconsistency in the comprehensive plan or implementing ordinance which is the subject of the application.

Finding:

The City Council's decisions are based on applicable statewide planning goals and guidelines, federal and state statutes and rules, Comprehensive Plan policies, and provisions of the Scappoose Municipal Code, as detailed in the findings. The updated Airport Master Plan is being adopted now because it was not completed until 2004 and amended in 2006. Section 17.160.120 is satisfied.

Amendment to September 2004 Scappoose
Industrial Airpark Airport Master Plan

Adopted by Port of St. Helens 8/9/06

Future Airpark Development

1. Scappoose Airpark Industrial Business Park

(Keep existing language)

2. Airport Residential Development

Residential airparks at select general aviation airports have proven feasible. It is already happening at 30 public use airports across the country with multiple airport residential developments currently in the planning stages. These airports have residential airparks adjacent to the airport land and have developed through-the-fence agreements to facilitate runway access. use.

There are a number of ways to develop a residential airpark at ~~a public airport, such as~~ Scappoose Industrial Airpark. Since every airport is different, exploring all of the options is essential. The Port of St. Helens Board of Commissioners is supportive of a residential component adjacent to the Airpark and is willing to work with the private sector to provide residential development with airport access, if reasonable and customary terms and conditions are adopted that will provide appropriate protection for the airport and will enhance its viability.

One way, which has been mentioned, is permitting off-airport property to be developed, and then executing a "through-the-fence" access agreement. These agreements have historically been a non-issue for the FAA, at least with regard to residential airparks. They are generally noncommittal on the issue of "through-the-fence," neither endorsing nor specifically prohibiting its existence at federally funded airports.

Exhibit 3



The Oregon Administrative Rules contain OARs filed through September 15, 2006

LAND CONSERVATION AND DEVELOPMENT DEPARTMENT

DIVISION 13

AIRPORT PLANNING

660-013-0010

Purpose and Policy

(1) This division implements ORS 836.600 through 836.630 and Statewide Planning Goal 12 (Transportation). The policy of the State of Oregon is to encourage and support the continued operation and vitality of Oregon's airports. These rules are intended to promote a convenient and economic system of airports in the state and for land use planning to reduce risks to aircraft operations and nearby land uses.

(2) Ensuring the vitality and continued operation of Oregon's system of airports is linked to the vitality of the local economy where the airports are located. This division recognizes the interdependence between transportation systems and the communities on which they depend.

Stat. Auth.: ORS 183 & ORS 197

Stats. Implemented: ORS 836.600 - ORS 836.635 & 1997 OL, Ch. 859

Hist.: LCDC 6-1996, f. & cert. ef. 12-23-96; LCDD 3-1999, f. & cert. ef. 2-12-99

660-013-0020

Definitions

For purposes of this division, the definitions in ORS Chapter 197 apply unless the context requires otherwise. In addition, the following definitions apply:

(1) "Airport" means 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.

(2) "Aircraft" means helicopters and airplanes, but not hot air balloons or ultralights.

(3) "Airport Uses" means those uses described in OAR 660-013-0100.

(4) "Non Towered Airport" means an airport without an existing or approved control tower on June 5, 1995.

(5) "Public Assembly Uses" means a structure or outdoor facility where concentrations of people gather for purposes such as deliberation, education, worship, shopping, business, entertainment, amusement, sporting events, or similar activities, excluding airshows. Public Assembly Uses does not include places where people congregate for short periods of time such as parking lots and bus stops or uses approved by the FAA in an adopted airport master plan.

(6) "Sponsor" means the owner, manager, other person, or entity designated to represent the interests of an airport.

Stat. Auth.: ORS 183 & ORS 197

Stats. Implemented: ORS 836.600 - ORS 836.635 & 1997 OL, Ch. 859

Hist.: LCDC 6-1996, f. & cert. ef. 12-23-96; LCDD 3-1999, f. & cert. ef. 2-12-99

660-013-0030

Preparation and Coordination of Aviation Plans

(1) The Oregon Department of Aviation (ODA) shall prepare and adopt a state Aviation System Plan (state ASP) in accordance with ORS Chapters 835 and 836 and the State Agency Coordination Program approved under ORS 197.180. ODA shall coordinate the preparation, adoption, and amendment of land use planning elements of the state ASP with local governments and airport sponsors. The purpose of the state ASP is to provide state policy guidance and a framework for planning and operation of a convenient and economic system of airports, and for land use planning to reduce risks to aircraft operations and nearby land uses. The state ASP shall encourage and support the continued operation and vitality of Oregon's airports.

(2) A city or county with planning authority for one or more airports, or areas within safety zones or compatibility zones described in this division, shall adopt comprehensive plan and land use regulations for airports consistent with the requirements of this division and ORS 836.600 through 836.630. Local comprehensive plan and land use regulation requirements shall be coordinated with acknowledged transportation system plans for the city, county, and Metropolitan Planning Organization (MPO) required by OAR 660, Division 12. Local comprehensive plan and land use regulation requirements shall be consistent with adopted elements of the state ASP and shall be coordinated with affected state and federal agencies, local governments, airport sponsors, and special districts. If a state ASP has not yet been adopted, the city or county shall coordinate the preparation of the local comprehensive plan and land use regulation requirements with ODA. Local comprehensive plan and land use regulation requirements shall encourage and support the continued operation and vitality of airports consistent with the requirements of ORS 836.600 through 836.630.

Stat. Auth.: ORS 183 & 197

Stats. Implemented: ORS 836.600 - 836.630 & 1997 OL, Ch. 859

Hist.: LCDC 6-1996, f. & cert. ef. 12-23-96; LCDD 3-1999, f. & cert. ef. 2-12-99; LCDD 3-2004, f. & cert. ef. 5-7-04

660-013-0040

Aviation Facility Planning Requirements

A local government shall adopt comprehensive plan and land use regulation requirements for each state or local aviation facility subject to the requirements of ORS 836.610(1). Planning requirements for airports identified in ORS 836.610(1) shall include:

(1) A map, adopted by the local government, showing the location of the airport boundary. The airport boundary shall include the following areas, but does not necessarily include all land within the airport ownership:

(a) Existing and planned runways, taxiways, aircraft storage (excluding aircraft storage accessory to residential airpark type development), maintenance, sales, and repair facilities;

(b) Areas needed for existing and planned airport operations; and

(c) Areas at non-towered airports needed for existing and planned airport uses that:

(A) Require a location on or adjacent to the airport property;

(B) Are compatible with existing and planned land uses

surrounding the airport; and

(C) Are otherwise consistent with provisions of the acknowledged comprehensive plan, land use regulations, and any applicable statewide planning goals.

(d) "Compatible," as used in this rule, is not intended as an absolute term meaning no interference or adverse impacts of any type with surrounding land uses.

(2) A map or description of the location of existing and planned runways, taxiways, aprons, tiedown areas, and navigational aids;

(3) A map or description of the general location of existing and planned buildings and facilities;

(4) A projection of aeronautical facility and service needs;

(5) Provisions for airport uses not currently located at the airport or expansion of existing airport uses:

(a) Based on the projected needs for such uses over the planning period;

(b) Based on economic and use forecasts supported by market data;

(c) When such uses can be supported by adequate types and levels of public facilities and services and transportation facilities or systems authorized by applicable statewide planning goals;

(d) When such uses can be sited in a manner that does not create a hazard for aircraft operations; and

(e) When the uses can be sited in a manner that is:

(A) Compatible with existing and planned land uses surrounding the airport; and

(B) Consistent with applicable provisions of the acknowledged comprehensive plan, land use regulations, and any applicable statewide planning goals.

(6) When compatibility issues arise, the decision maker shall take reasonable steps to eliminate or minimize the incompatibility through location, design, or conditions. A decision on compatibility pursuant to this rule shall further the policy in ORS 836.600.

(7) A description of the types and levels of public facilities and services necessary to support development located at or planned for the airport including transportation facilities and services. Provision of public facilities and services and transportation facilities or systems shall be consistent with applicable state and local planning requirements.

(8) Maps delineating the location of safety zones, compatibility zones, and existing noise impact boundaries that are identified pursuant to OAR 340, Division 35.

(9) Local government shall request the airport sponsor to provide the economic and use forecast information required by this rule. The economic and use forecast information submitted by the sponsor shall be subject to local government review, modification and approval as part of the planning process outlined in this rule. Where the sponsor declines to provide such information, the local government may limit the airport boundary to areas currently devoted to airport uses described in OAR 660-013-0100.

Stat. Auth.: ORS 183 & 197

Stats. Implemented: ORS 836.600 - ORS 836.630 & 1997 OL, Ch. 859

Hist.: LCDC 6-1996, f. & cert. ef. 12-23-96; LCDD 3-1999, f. & cert. ef. 2-12-99

660-013-0050

Implementation of Local Airport Planning

A local government with planning responsibility for one or more airports or areas within safety zones or compatibility zones described in this division or subject to requirements identified in ORS 836.608 shall adopt land use regulations to carry out the requirements of this division, or applicable requirements of ORS 836.608, consistent with the applicable elements of the adopted state ASP and applicable statewide planning requirements.

Stat. Auth.: ORS 183 & ORS 197

Stats. Implemented: ORS 836.600 - ORS 836.630 & 1997 OL, Ch. 859

Hist.: LCDC 6-1996, f. & cert. ef. 12-23-96; LCDD 3-1999, f. & cert. ef. 2-12-99

660-013-0070

Local Government Safety Zones for Imaginary Surfaces

(1) A local government shall adopt an Airport Safety Overlay Zone to promote aviation safety by prohibiting structures, trees, and other objects of natural growth from penetrating airport imaginary surfaces.

(a) The overlay zone for public use airports shall be based on **Exhibit 1** incorporated herein by reference.

- (b) The overlay zone for airports described in ORS 836.608(2) shall be based on **Exhibit 2** incorporated herein by reference.
- (c) The overlay zone for heliports shall be based on **Exhibit 3** incorporated herein by reference.
- (2) For areas in the safety overlay zone, but outside the approach and transition surface, where the terrain is at higher elevations than the airport runway surface such that existing structures and planned development exceed the height requirements of this rule, a local government may authorize structures up to 35 feet in height. A local government may adopt other height exceptions or approve a height variance when supported by the airport sponsor, the Oregon Department of Aviation, and the FAA.

[ED. NOTE: Exhibits referenced are available from the agency.]

Stat. Auth.: ORS 183

Stats. Implemented: ORS 836.600 - 836.630 & 1997 OL, Ch. 859

Hist: LCDC 6-1996, f. & cert. ef. 12-23-96; LCDD 3-1999, f. & cert. ef. 2-12-99; LCDD 3-2004, f. & cert. ef. 5-7-04

660-013-0080

Local Government Land Use Compatibility Requirements for Public Use Airports

- (1) A local government shall adopt airport compatibility requirements for each public use airport identified in ORS 836.610(1). The requirements shall:
- (a) Prohibit new residential development and public assembly uses within the Runway Protection Zone (RPZ) identified in Exhibit 4;
 - (b) Limit the establishment of uses identified in **Exhibit 5** within a noise impact boundary that has been identified pursuant to OAR 340, Division 35 consistent with the levels identified in **Exhibit 5**;
 - (c) Prohibit the siting of new industrial uses and the expansion of existing industrial uses where either, as a part of regular operations, would cause emissions of smoke, dust, or steam that would obscure visibility within airport approach corridors;
 - (d) Limit outdoor lighting for new industrial, commercial, or recreational uses or the expansion of such uses to prevent light from projecting directly onto an existing runway or taxiway or into existing airport approach corridors except where necessary for safe and convenient air travel;
 - (e) Coordinate the review of all radio, radiotelephone, and television transmission facilities and electrical transmission lines with the Oregon Department of Aviation;
 - (f) Regulate water impoundments consistent with the requirements of ORS 836.623(2) through (6); and
 - (g) Prohibit the establishment of new landfills near airports, consistent with Department of Environmental Quality (DEQ) rules.
- (2) A local government may adopt more stringent regulations than the minimum requirements in section (1)(a) through (e) and (g) based on the requirements of ORS 836.623(1)

[ED. NOTE: Exhibits referenced are available from the agency]

Stat. Auth.: ORS 183 & 197

Stats. Implemented: ORS 836.600 - 836.630 & 1997 OL, Ch. 859

Hist: LCDC 6-1996, f. & cert. ef. 12-23-96; LCDD 3-1999, f. & cert. ef. 2-12-99; LCDD 3-2004, f. & cert. ef. 5-7-04

660-013-0100

Airport Uses at Non-Towered Airports

Local government shall adopt land use regulations for areas within the airport boundary of non-towered airports identified in ORS 836.610(1) that authorize the following uses and activities:

- (1) Customary and usual aviation-related activities including but not limited to takeoffs, landings, aircraft hangars, tiedowns, construction and maintenance of airport facilities, fixed-base operator facilities, a residence for an airport caretaker or security officer, and other activities incidental to the normal operation of an airport. Residential, commercial, industrial, manufacturing, and other uses, except as provided in this rule, are not customary and usual aviation-related activities and may only be authorized pursuant to OAR 660-013-0110.
- (2) Emergency Medical Flight Services, including activities, aircraft, accessory structures, and other facilities necessary to support emergency transportation for medical purposes. "Emergency Medical Flight Services" does not include hospitals, medical offices, medical labs, medical equipment sales, and similar uses.
- (3) Law Enforcement and Firefighting Activities, including aircraft and ground based activities, facilities and accessory structures necessary to support federal, state or local law enforcement and land management agencies engaged in law enforcement or firefighting activities. These activities include transport of personnel, aerial observation, and transport of equipment, water, fire retardant and supplies.
- (4) Flight Instruction, including activities, facilities, and accessory structures located at airport sites that provide education and training directly related to aeronautical activities. "Flight Instruction" does not include schools for flight attendants, ticket agents, or similar personnel.
- (5) Aircraft Service, Maintenance and Training, including activities, facilities, and accessory structures provided to teach aircraft service and maintenance skills, maintain, service and repair aircraft and aircraft components, but not including activities, structures, and facilities for the manufacturing of aircraft for sale to the public or the manufacturing of aircraft related products for sale to the public. "Aircraft Service, Maintenance and Training" includes the construction of aircraft and aircraft components for personal use. The assembly of aircraft and aircraft components is allowed as part of servicing, maintaining, or repairing aircraft and aircraft components.
- (6) Aircraft Rental, including activities, facilities, and accessory structures that support the provision of aircraft for rent or lease to the public.
- (7) 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.

(8) Aeronautic Recreational and Sporting Activities, including activities, facilities and accessory structures at airports that support recreational use 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 on airport property shall be subject to approval of the airport sponsor. Aeronautic recreation and sporting activities include but are not limited to: fly-ins; glider flights; hot air ballooning; ultralight aircraft flights; displays of aircraft; aeronautic flight skills contests; gyrocopter flights; flights carrying parachutists; and parachute drops onto an airport. As used in this rule, parachuting and parachute drops includes all forms of skydiving. Parachuting businesses may be allowed only where they have secured approval to use a drop zone that is at least 10 contiguous acres. A local government may establish a larger size for the required drop zone where evidence of missed landings and dropped equipment supports the need for the larger area. The configuration of 10 acre minimum drop zone shall roughly approximate a square or circle and may contain structures, trees, or other obstacles if the remainder of the drop zone provides adequate areas for parachutists to safely land.

(9) Crop Dusting Activities, including activities, facilities and structures accessory to crop dusting operations. These include, but are not limited to: aerial application of chemicals, seed, fertilizer, pesticide, defoliant and other activities and chemicals used in a commercial agricultural, forestry or rangeland management setting.

(10) 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.

(11) Air passenger and air freight services and facilities at public use airports at levels consistent with the classification and needs identified in the state ASP.

Stat. Auth.: ORS 183 & ORS 197

Stats. Implemented: ORS 836.600 - ORS 836.630 & 1997 OL, Ch. 859

Hist.: LCDC 6 -1996, f. & cert. ef. 12-23-96; LCDD 3-1999, f. & cert. ef. 2-12-99

660-013-0110

Other Uses Within the Airport Boundary

Notwithstanding the provisions of OAR 660-013-0100, a local government may authorize commercial, industrial, manufacturing and other uses in addition to those listed in OAR 660-013-0100 within the airport boundary where such uses are consistent with applicable provisions of the acknowledged comprehensive plan, statewide planning goals and LCDC administrative rules and where the uses do not create a safety hazard or otherwise limit approved airport uses.

Stat. Auth.: ORS 183 & ORS 197

Stats. Implemented: ORS 836.600 - ORS 836.630 & 1997 OL, Ch. 859

Hist.: LCDC 6-1996, f. & cert. ef. 12-23-96; LCDD 3-1999, f. & cert. ef. 2-12-99

660-013-0140

Safe Harbors

A "safe harbor" is a course of action that satisfies certain requirements of this division. Local governments may follow safe harbor requirements rather than addressing certain requirements in these rules. The following are considered to be "safe harbors":

(1) Portions of existing acknowledged comprehensive plans, land use regulations, Airport Master Plans and Airport Layout Plans adopted or otherwise approved by the local government as mandatory standards or requirements shall be considered adequate to meet requirements of these rules for the subject areas of rule requirements addressed by such plans and elements, unless such provisions are contrary to provisions of ORS 836.600 through 836.630. To the extent these documents do not contain specific provisions related to requirements of this division, the documents can not be considered as a safe harbor. The adequacy of existing provisions shall be evaluated based on the specificity of the documents and relationship to requirements of these rules;

(2) This division does not require elimination of existing or allowed airport related uses authorized by an acknowledged comprehensive plan and land use regulations; and

(3) Notwithstanding the safe harbor provisions of this rule, land use regulations applicable to non-towered airports shall authorize airport uses required by this division.

Stat. Auth.: ORS 183 & ORS 197

Stats. Implemented: ORS 836.600 - ORS 836.630 & 1997 OL, Ch. 859

Hist.: LCDC 6-1996, f. & cert. ef. 12-23-96; LCDD 3-1999, f. & cert. ef. 2-12-99

660-013-0155

Planning Requirements for Small Airports

(1) Airports described in ORS 836.608(2) shall be subject to the planning and zoning requirements described in ORS 836.608(2) through (6) and (8).

(2) The provisions of OAR 660-013-0100 shall be used in conjunction with ORS 836.608 to determine appropriate types of uses authorized within airport boundaries for airports described in 836.608(2).

(3) The provisions of OAR 660-013-0070(1)(b) shall be used to protect approach corridors at airports described in ORS 836.608(2).

(4) Airport boundaries for airports described in ORS 836.608(2) shall be adopted by local government pursuant to the requirements in ORS 836.608(2).

Stat. Auth.: ORS 183 & ORS 197

Stats. Implemented: ORS 836.600 - ORS 836.630 & 1997 OL, Ch. 859

Hist.: LCDD 3-1999, f. & cert. ef. 2-12-99

660-013-0160

Applicability

This division applies as follows:

(1) Local government plans and land use regulations shall be updated to conform to this division at periodic review, except for provisions of chapter 859, OR Laws 1997 that became effective on passage. Prior to the adoption of the list of airports required by ORS 836.610(3), a local government shall be required to include a periodic review work task to comply with this division. However, the periodic review work task shall not begin prior to the Oregon Department of Aviation's adoption of the list of

airports required by ORS 836.610(3). For airports affecting more than one local government, applicable requirements of this division shall be included in a coordinated work program developed for all affected local governments concurrent with the timing of periodic review for the jurisdiction with the most land area devoted to airport uses.

(2) Amendments to plan and land use regulations may be accomplished through plan amendment requirements of ORS 197.610 to 197.625 in advance of periodic review where such amendments include coordination with and adoption by all local governments with responsibility for areas of the airport subject to the requirements of this division.

(3) Compliance with the requirements of this division shall be deemed to satisfy the requirements of Statewide Planning Goal 12 (Transportation) and OAR 660, Division 12 related Airport Planning.

(4) Uses authorized by this division shall comply with all applicable requirements of other laws.

(5) Notwithstanding the provisions of OAR 660-013-0140 amendments to acknowledged comprehensive plans and land use regulations, including map amendments and zone changes, require full compliance with the provisions of this division, except where the requirements of the new regulation or designation are the same as the requirements they replace.

Stat. Auth.: ORS 183 & 197

Stats. Implemented: ORS 836.600 - 836.630 & 1997 OL, Ch. 859

Hist: LCDC 6-1996, f. & cert. ef. 12-23-96; LCDD 3-1999, f. & cert. ef. 2-12-99; LCDD 3-2004, f. & cert. ef. 5-7-04

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