



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

10/30/2013

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

FROM: Plan Amendment Program Specialist

SUBJECT: Washington County Plan Amendment
DLCD File Number 012-13

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Thursday, November 14, 2013

This amendment was submitted to DLCD for review prior to adoption 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 Acknowledgment or 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 above date specified. **NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.**

Cc: Paul Schaefer, Washington County
Jon Jinings, DLCD Community Services Specialist
Anne Debbaut, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within **20-Working Days** after the **Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

☐ In person ☐ electronic ☐ mailed

DATE
STAMP

DEPT OF
OCT 25 2013
LAND CONSERVATION
AND DEVELOPMENT
For Office Use Only

Jurisdiction: **Washington County**

Local file number: **A-Engrossed Ordinance No. 772**

Date of Adoption: **October 22, 2013**

Date Mailed: **October 24, 2013**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: **07/19/13**

☒ Comprehensive Plan Text Amendment

☒ Comprehensive Plan Map Amendment

☐ Land Use Regulation Amendment

☐ Zoning Map Amendment

☒ New Land Use Regulation

☐ Other:

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

A-Engrossed Ordinance No. 772 adds CDC Section 389 relating to Residential Airpark Overlay District. The district authorizes hangars, tie-downs, and taxi-ways on parcels with an existing dwelling. Rural/Natural Resource Plan Policy 28 is also amended to add text relating to Residential Airpark Overlay District and to update the Sunset Airstrip map to show the proposed overlay district boundaries.

Does the Adoption differ from proposal? Yes, Please explain below:

A-Engrossed Ordinance No. 772 differs from the original filed ordinance (Ordinance No. 772) in that four resource parcels were removed from the proposed Residential Airpark Overlay District and there are no limits to the number of tie-downs.

Plan Map Changed from: **N/A**

to: **N/A**

Zone Map Changed from: **N/A**

to: **N/A**

Location:

Acres Involved: **N/A**

Specify Density: Previous: **N/A**

New: **N/A**

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

35-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

DLCD file No. 012-13 (19932) [17657]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Washington County, Oregon Department of Aviation, Federal Aviation Administration, Port of Portland (Hillsboro Airport), City of North Plains

Local Contact: **Paul Schaefer, Senior Planner**

Phone: **(503) 846-8817**

Extension: **n/a**

Address: **155 N. First Avenue, Suite 350-14**

Fax Number: **503-846-4412**

City: **Hillsboro**

Zip: **97124**

E-mail Address: **paul_schaefer@co.washington.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 20 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light **green paper if available**.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

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

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Public Hearing – Fourth Reading and Fourth Public Hearing
Land Use & Transportation; County Counsel (CPO 8)

Agenda Title: **PROPOSED A-ENGROSSED ORDINANCE NO. 772 – AN
ORDINANCE AMENDING THE RURAL/NATURAL RESOURCE
PLAN AND THE COMMUNITY DEVELOPMENT CODE TO
DEVELOP A RESIDENTIAL AIRPARK OVERLAY DISTRICT**

Presented by: Andrew Singelakis, Director of Land Use & Transportation
Alan Rappleyea, County Counsel

SUMMARY:

A-Engrossed Ordinance No. 772 proposes to add a new section (Section 389) to the Washington County Community Development Code and proposes to amend the Rural/Natural Resource Plan relating to a new Residential Airpark Overlay District. The new district would authorize hangars, tie-downs, and taxi-ways when constructed on property with an existing dwelling. A-Engrossed Ordinance No. 772 is posted on the county's land use ordinance web page at the following link:

<http://www.co.washington.or.us/LUT/Divisions/LongRangePlanning/2013-land-use-ordinances.cfm>

The Board conducted hearings for Ordinance No. 772 on September 24 and October 1, 2013. On October 1, the Board ordered engrossment of the ordinance to make a number of changes and continued the hearing to October 15, 2013. The first hearing on A-Engrossed Ordinance No. 772 was held on October 15. At the conclusion of the hearing, the Board continued the hearing to October 22, 2013.

The staff report for the October 22, 2013 hearing will be provided to the Board prior to the hearing, posted on the above land use ordinance web page, and will also be available at the Clerk's desk.

Consistent with Board policy, testimony about the ordinance is limited to two minutes for individuals and five minutes for a representative of a group.

Clerk's Desk Item: Staff Report (*click to access electronic copy*)

DEPARTMENT'S REQUESTED ACTION:

Read A-Engrossed Ordinance No. 772 by title only and conduct the second public hearing on the engrossed ordinance. At the conclusion of hearing, adopt A-Engrossed Ordinance No. 772.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

ADOPTED

Agenda Item No.	4.c.
Date:	10/22/13

OCT 02 2013

Washington County
County Clerk

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR WASHINGTON COUNTY, OREGON

A-ENGROSSED ORDINANCE 772

An Ordinance Amending the Rural/Natural
Resource Plan Element of the Comprehensive
Plan and the Community Development Code to
Develop a Residential Airpark Overlay

The Board of County Commissioners of Washington County, Oregon ("Board")
ordains as follows:

SECTION 1

A. The Board recognizes that the Rural/Natural Resource Plan Element of the Comprehensive Plan (Volume III) was readopted with amendments, by way of Ordinance No. 307, with portions subsequently amended by Ordinance Nos. 342, 383, 411, 412, 458, 459, 462, 480, 482, 499, 539, 547, 572, 574, 578, 588, 598, 606, 609, 615, 628, 630, 631, 637, 643, 648, 649, 653, 662, 671, 686, 733, 740, 753, and 764.

B. The Board recognizes that the Community Development Code Element of the Comprehensive Plan (Volume IV) was readopted with amendments on September 9, 1986, by way of Ordinance No. 308, and subsequently amended by Ordinance Nos. 321, 326, 336-341, 356-363, 372-378, 380, 381, 384-386, 392, 393, 397, 399-403, 407, 412, 413, 415, 417, 421-423, 428-434, 436, 437, 439, 441-443, 449, 451-454, 456, 457, 462-464, 467-469, 471, 478-481, 486-489, 504, 506-512, 517-523, 525, 526, 528, 529, 538, 540, 545, 551-555, 558-561, 573, 575-577, 581, 583, 588, 589, 591-595, 603-605, 607-610, 612, 615, 617, 618, 623, 624, 628, 631, 634, 635, 638, 642, 644, 645, 648, 649, 654, 659-662, 667, 669, 670, 674,

1 676, 677, 682-686, 692, 694-698, 703, 704, 708, 709, 711, 712, 718-720, 722, 725, 730, 732,
2 735, 739, 742-745, 754-758, 760, 762, 763, and 765-766.

3 C. Notwithstanding the rejection of Washington County's efforts to expand the
4 Private Airport Use Overlay to properties adjacent to the Sunset Airstrip located south of the
5 city of North Plains in 2009, subsequent planning efforts of the County, in part in response to
6 a request to develop a residential airport overlay near the Sunset Airstrip, indicate this
7 concept of a residential airport overlay is warranted for further review and development.
8 Such changes to the planning documents, the Board recognizes, are necessary from time to
9 time for the benefit of the residents of Washington County, Oregon.

10 D. Under the provisions of Washington County Charter Chapter X, the
11 Department of Land Use and Transportation has carried out its responsibilities, including
12 preparation of notices, and the County Planning Commission has conducted one or more
13 public hearings on the proposed amendments and has submitted its recommendations to the
14 Board. The Board finds that this Ordinance is based on those recommendations and any
15 modifications made by the Board are a result of the public hearings process;

16 E. The Board finds and takes public notice that it is in receipt of all matters and
17 information necessary to consider this Ordinance in an adequate manner, and finds that this
18 Ordinance complies with the Statewide Planning Goals, the standards for legislative plan
19 adoption as set forth in Chapters 197 and 215 of the Oregon Revised Statutes, the Washington
20 County Charter, the Washington County Community Development Code, and the Washington
21 County Comprehensive Plan.
22

1 SECTION 2

2 The following exhibits, attached hereto and incorporated herein by reference, are
3 adopted as amendments to the designated documents as follows:

- 4 A. Exhibit 1 (2 pages), amending the Community Development Code by adding
5 a new section (Section 389, Residential Airpark Overlay District); and
6 B. Exhibit 2 (6 pages), amending Policy 28, AIRPORTS, of the Rural/Natural
7 Resource Plan to add certain text relating to the new Residential Airpark
8 Overlay District.

9 SECTION 3

10 All other Comprehensive Plan provisions that have been adopted by prior ordinance,
11 which are not expressly amended or repealed herein, shall remain in full force and effect.

12 SECTION 4

13 All applications received prior to the effective date shall be processed in accordance
14 with ORS 215.427.

15 SECTION 5

16 If any portion of this Ordinance, including the exhibits, shall for any reason be held
17 invalid or unconstitutional by a body of competent jurisdiction, the remainder shall not be
18 affected thereby and shall remain in full force and effect.

19 SECTION 6

20 The Office of County Counsel and Department of Land Use and Transportation are
21 authorized to prepare planning documents to reflect the changes adopted under Section 2 of
22 this Ordinance, including deleting and adding textual material and maps, renumbering pages

1 or sections, and making any technical changes not affecting the substance of these
2 amendments as necessary to conform to the Washington County Comprehensive Plan format.

3 SECTION 7

4 This Ordinance shall take effect on November 21, 2013.

5 ENACTED this 22nd day of October, 2013, being the 4th reading
6 and 4th public hearing before the Board of County Commissioners of Washington
7 County, Oregon.

8 BOARD OF COUNTY COMMISSIONERS
9 FOR WASHINGTON COUNTY, OREGON

10 **ADOPTED**

11 
CHAIRMAN

12 
RECORDING SECRETARY

13 READING

PUBLIC HEARING

14 First September 24, 2013
15 Second October 1, 2013
16 Third October 15, 2013
Fourth October 22, 2013
Fifth _____

First September 24, 2013
Second October 1, 2013 (Engrossment Ordered)
Third October 15, 2013
Fourth October 22, 2013
Fifth _____

17 Terry Rogers,
VOTE: Aye: Malinowski, Dwyer

Nay: NONE

18 Recording Secretary: Ana D. Noyola Date: 10/22/13

Amend the Community Development Code to include a new section (Section 389, Residential Airpark Overlay District):

389 RESIDENTIAL AIRPARK OVERLAY DISTRICT

389-1 Intent and Purpose

The intent of the Residential Airpark Overlay District is to support the continued operation and vitality of the Sunset Airstrip and the uniqueness of residential airpark-type development. The Residential Airpark Overlay District authorizes uses commonly associated with airstrip use and accessory to residential uses and ensures compatibility with the continued operation of Sunset Airstrip.

389-2 Applicability

This Overlay District applies to the rural residential areas adjacent to the Sunset Airstrip identified in Policy 28 of the Rural/Natural Resource Plan. This overlay district allows limited accessory uses commonly associated with adjacent airstrip use. Residential uses are not authorized by the Residential Airpark Overlay District and are subject to the standards of the underlying land use districts.

The provisions of Section 386, Private Use Airport Safety Overlay District, continue to apply to lots and parcels within the Residential Airpark Overlay District that are also designated with the Private Use Airport Safety Overlay District.

Designation of the Residential Airpark Overlay District authorizes Residential Airpark Development (RAD) but does not allow access to the existing private airstrip. Access to the airstrip must be obtained from airstrip owner prior to accessing the airstrip from a RAD.

389-3 Uses Permitted Through a Type I Procedure

The use of land and buildings must be in compliance with the underlying land use district as established by the Rural/Natural Resource Plan, and is further limited to the following permitted uses on lands designated as Residential Airpark Overlay District:

A. Residential Airpark Development (RAD) may be authorized to allow for the addition of an individual aircraft hangar and paved tie-down area(s) on the same lot or parcel as an existing detached single family dwelling unit as the primary use. Each lot or parcel may be provided with a hangar and paved tie down area(s). The hangar can be attached or detached to the dwelling unit. No more than one hangar may be allowed on a lot or parcel with an existing dwelling unit. Hangars shall not be rented out.

B. Accessory uses and structures on a lot or parcel with an existing dwelling unit:

- (1) Aircraft Hangar. An aircraft hangar cannot be used as a residence.
- (2) Aviation fuel storage consistent with all applicable federal, state and local requirements, including the 2010 or most current Oregon Structural Specialty Code and 2010 or most current Oregon Fire Code.

C. Aircraft taxi ways.

389-4 Prohibited Uses

Unless authorized by the process outlined for the AF-5 and RR-5 Districts, all commercial aviation activities, including but not limited to flight training, commercial aircraft sales and repairs, commercial fueling operations, are prohibited.

389-5 Property Owner Notification

Prior to the issuance of a building permit for a single family dwelling unit the property owner shall submit to the Review Authority a copy of a signed and recorded waiver of the right to remonstrate against customarily accepted airstrip and airpark uses.

1. Amend Policy 28, AIRPORTS, of the Rural / Natural Resource Plan to add the following text relating to the new Residential Airpark Overlay District set forth in Exhibit 1 of this ordinance:

POLICY 28, AIRPORTS:

It is the policy of Washington County to protect the function and economic viability of existing public use airports, while ensuring public safety and compatibility between airport uses and surrounding land uses for public use airports identified by the Oregon Department of Aviation (DOA).

Introduction

Changes in state law passed in 1995 and 1997 require local jurisdictions to adopt an airport planning program for certain airports described in ORS 836.600 et. Seq. The Aeronautics Division of the Oregon Department of Transportation (now the Department of Aviation/DOA) and the Department of Land Conservation and Development together developed Airport Planning Rules (OAR 660-013) and identified certain public and private use airports that would be subject to these rules, based on the parameters set forth in the statute. The DOA manages the list of identified airports, which is subject to amendment through a review and decision process by the state Aviation Board, pursuant to OAR 738-090. Procedures for amendment of the state airport list include public notice procedures. As necessary, the County will initiate Comprehensive Plan amendment proceedings to remain current with DOA list of all airports.

Policy 17 of the Washington County 2020 Transportation Plan identifies and outlines transportation-related policies for the County's three public use airports. The Rural/Natural Resource Plan and the Comprehensive Framework Plan for the Urban Area each outline land use related policies that address only those airports within the Washington County jurisdiction that are identified by the DOA list, with the addition of Skyport, a small public use facility located north of Cornelius.

Policy 28 outlines implementing strategies which, in part, set forth Airport Overlay Districts to regulate safety concerns, land uses and land use compatibility issues on airport properties and within surrounding area. These are structured to address state-recognized airports in two categories, generally referred to herein as Public Use Airports and Private Use Airports. Where the Airport Overlay Districts are concerned, references to airports and airport facilities generally includes heliports as well.

Several other airport facilities exist throughout the County that are not a part of this airport planning program and thus not recognized by the established Airport Overlay Districts. In general, these include personal use airports, heliports and agriculturally related landing strips. With the exception of agriculturally related landing strips, these facilities are regulated as special uses in specified land use districts pursuant to standards outlined in the Community Development Code. Where personal use facilities are concerned, the Community Development Code make a distinction between the terms and heliport, as they are permitted equally in all land use districts.

Outside the UGB, land use districts which allow personal use airports as a special use generally include all rural districts except rural commercial (RCOM) and rural Industrial (RIND); inside the land use district which allow personal use heliports as a special use include the rural residential districts (AF-5, AF-10 and RR-5), and the special industrial overlay district (SID). Urban land use districts that permit personal use

abcdef Proposed additions

abedef Proposed deletions

heliports include all residential districts (R-5, R-6, R-9, R-15, R-24, and R-25+), the commercial and business districts with the exception of the neighborhood commercial district (allowed in OC, CBD, and GC districts), and the industrial district (IND).

Policy 28 allows Residential Airpark Development (RAD) within a Residential Airpark Overlay District. The Residential Airpark Overlay District authorizes aircraft hangars, paved tie down areas and taxiways as accessory uses.

Implementing Strategies

The County will:

- a. Adopt and implement Airport Overlay Districts consistent with LCDC Airport Planning Rules and ORS Chapter 836 in order to:
 1. Protect public use airports by regulating land uses in designated areas surrounding the Portland-Hillsboro and the Stark's Twin Oaks airports based on adopted airport master plans or evidence of each airport's specific level of risk and usage. Prevent the installation of airspace obstructions, additional airport hazards, and ensure the safety of the public and guide compatible land use. Limit uses in specific noise impact and crash hazard areas that have been identified for each specific airport. To a lesser degree, protect the function and economic viability of the Skyport airport, which was not identified pursuant to ORS 836.600 but which the County recognizes as an established privately owned public use airport and thus requiring regulatory measures to promote safety.
 2. Protect privately owned, private use airports identified by the DOA. Each airport's specific level of risk and usage shall be used to guide the continued safe aeronautical access to and from these airports, considering the type of aircraft approved to use the field.
- b. Recognize the Portland-Hillsboro airport as the major aviation facility in Washington County and an airport of regional significance. To promote its operation, the County shall coordinate with the City of Hillsboro to help ensure compatibility with surrounding land uses. The Comprehensive Plan will be updated to reflect any necessary changes resulting from this process.
- c. Work with airport sponsors to coordinate with the Federal Aviation Administration (FAA) in promoting FAA-registered flight patterns and FAA flight behavior regulations in order to protect the interests of County residents living near airports;.
- d. Maintain geographic information system (GIS) mapping of the Airport Overlay Districts and provide timely updates;.
- e. Participate in and encourage the adoption of master plans for all public use airports and, at a minimum, an airport layout plan for the remaining DOA recognized airfields in Washington County;.
- f. Discourage future development of private landing fields when they are in proximity to one another, or where they are near other public airports and potential airspace conflicts are determined to exist by the FAA or the DOA.

g. Allow Residential Airpark Development in a Residential Airpark Overlay District.

h. Ensure that future Residential Airpark Development is compatible with the continued operation of adjacent private airstrips.

Summary Findings and Conclusions

In Washington County, the LCDC Airport Planning Rules apply to the following facilities, which are included in the County's airport planning program.

1. Public Use Airports – Publicly Owned:
 - a. Portland-Hillsboro (KHIO)
2. Public Use Airports – Privately Owned:
 - a. Stark's Twin Oaks Airpark (7S3)
3. Private Use Airports – Privately Owned (recognized by DOA as having 3 or more based aircraft in 1994):
 - a. Apple Valley (1/2 mile S of Buxton) (OR61)
 - b. Meyer's Riverside (2 miles SW of Tigard) (OG34)
 - c. North Plains Gliderport (2 miles W of North Plains) (1OR4)
 - d. Olinger Strip (3 miles NW of Hillsboro) (OR81)
 - e. Providence St. Vincent Medical Center Heliport (2.5 miles NE of Beaverton) (53OR)
 - f. Sunset Airstrip (1/2 mile SW of North Plains) (1OR3)

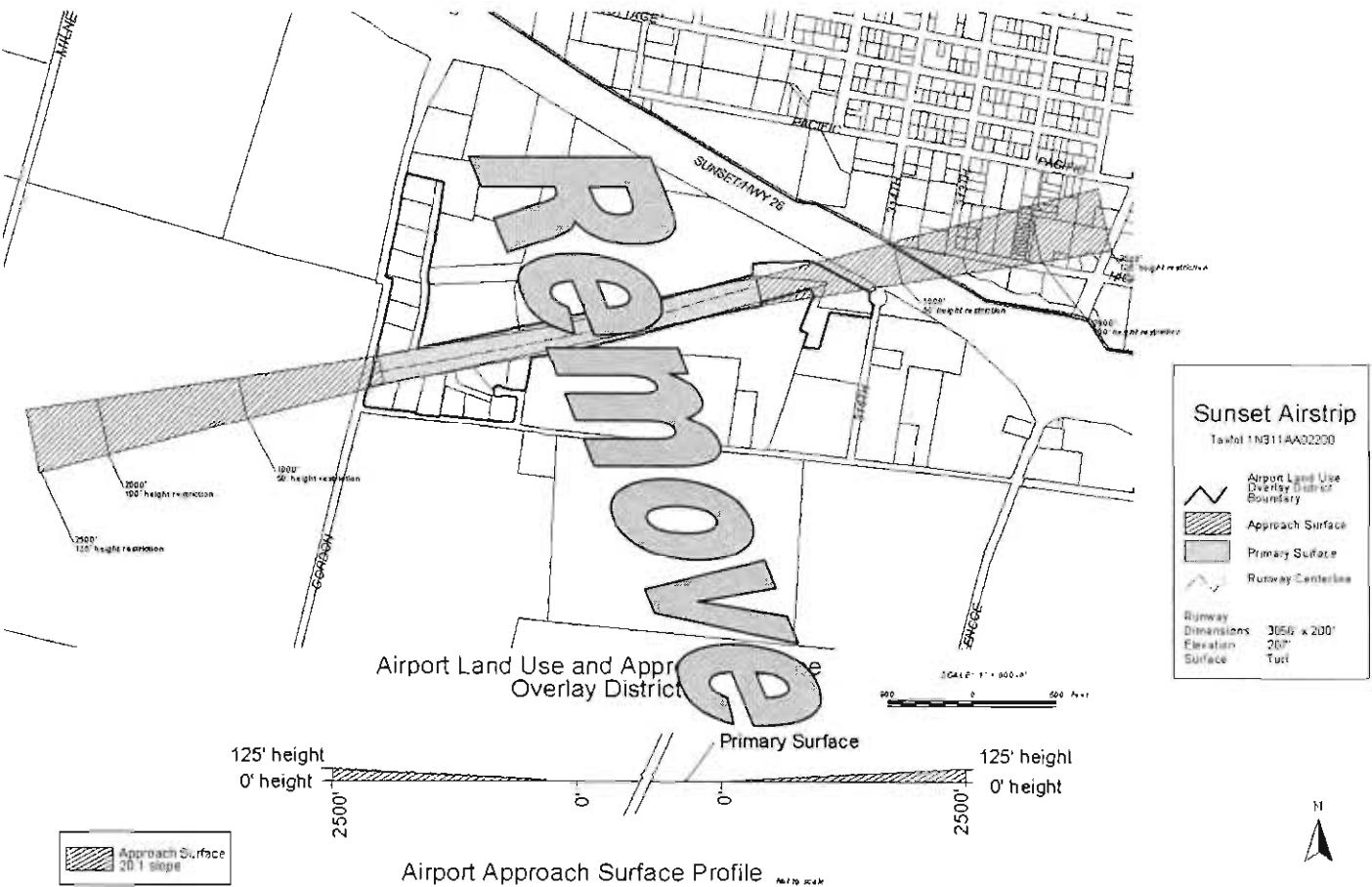
In addition to the above, the Skyport Airport (4S4) (located 3 miles N of Cornelius) is a privately owned public use facility that was not identified by the DOA because of its relatively small size and low level of activity. However this facility has been included in the ~~C~~county's airport planning program because of its status as a public use airport. The level of protection provided for this facility is similar to that ~~required~~ provided ~~for the privately owned private use airports identified in List 3, above.~~

The Portland-Hillsboro Airport, owned by the Port of Portland, is located within the city limits of Hillsboro. However land use and noise impact areas associated with this airport affect ~~C~~county lands. The ~~C~~county's planning efforts for rural lands around the Portland-Hillsboro airport therefore will be coordinated with the City of Hillsboro ~~after the current (2003) master plan update process is complete.~~

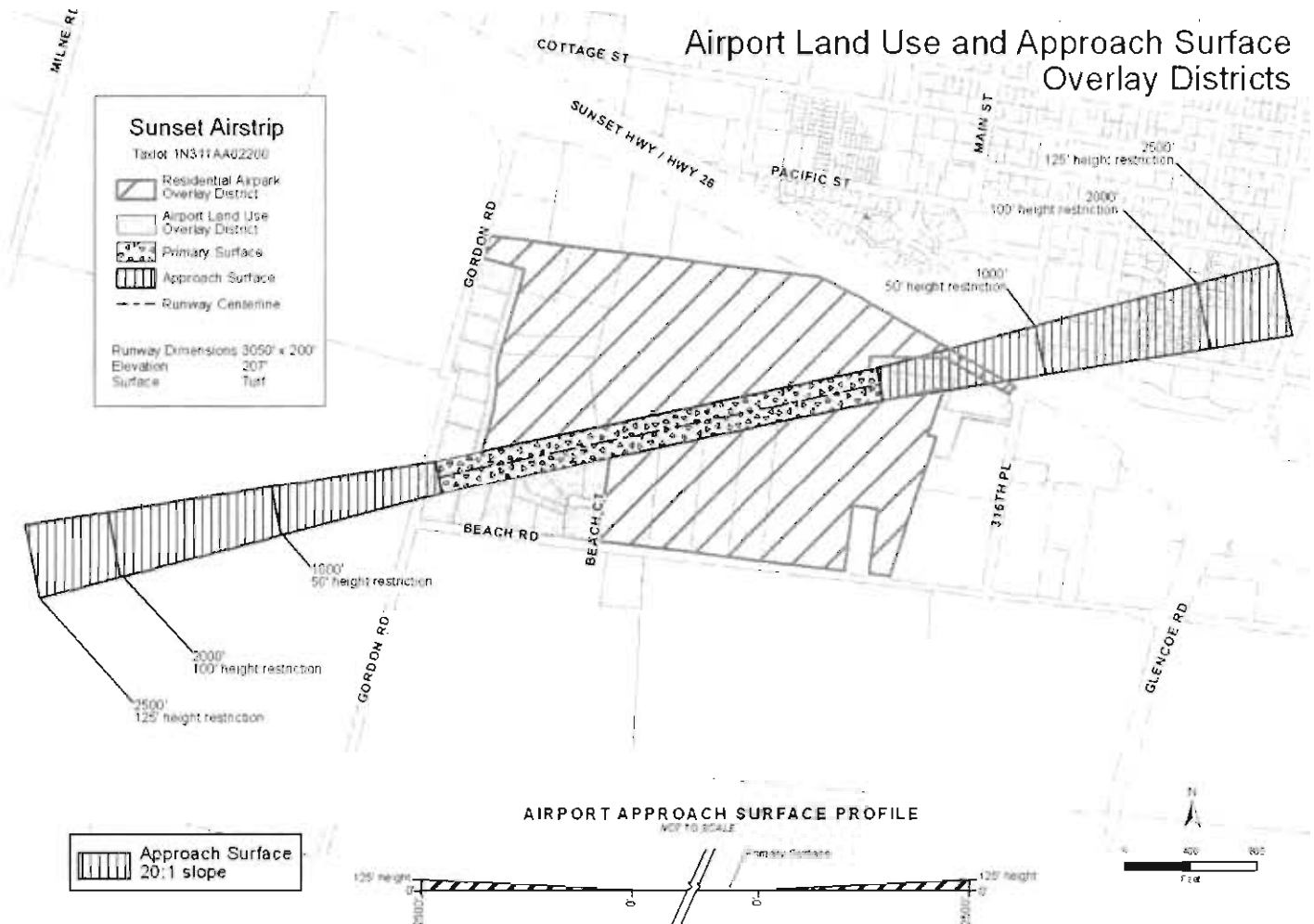
LCDC's Airport Planning Rules prescribe different levels of protection for the listed airports, depending on the nature of use and the size of the facility. In general, state requirements are applied to facilities within the ~~C~~county's jurisdiction through the application of Airport Overlay Districts to regulate land uses. ~~There~~ county utilizes ~~are~~ two sets of overlays: one set applies to Public Use Airports (Portland-Hillsboro and Stark's Twin Oaks), and one set applies to Private ~~u~~Use Airports, including all of those identified in List 3, above. For each airport category (public and private), the overlay district set consists of 1) a land use overlay district to regulate airport related land uses at the airport site, and 2) a safety and/or land use compatibility overlay district to mitigate land uses and height of structures and objects on properties immediately surrounding airports. For the Private Use Airports, the protection of the safety overlay district is limited to graduated height restrictions along approach corridors. For the Public Use Airport (i.e., Stark's Twin Oaks), the second overlay district is more elaborate and mitigates land uses and safety hazards in a broader area surrounding the airport. This overlay includes boundaries to identify areas subject to noise impacts, bird strike hazards, and protection measures for imaginary surfaces for airborne aircraft.

Policy 28 identifies an additional overlay, the Residential Airpark Overlay District. The Residential Airpark Overlay District applies to certain rural lands adjacent to Sunset Airstrip. This district supports the continued operation of the Sunset Airstrip and the uniqueness of Residential Airpark Development by authorizing limited accessory uses commonly associated with airstrip use. This district also promotes public health and safety in the vicinity of Sunset Airstrip by ensuring that Residential Airpark Development complies with the provisions of the Private Airport Safety Overlay District and the standards of the Residential Airpark Overlay District.

2. Amend Policy 28, AIRPORTS, of the Rural / Natural Resource Plan to remove the Sunset Airstrip map shown below:



3. Amend Policy 28, AIRPORTS, of the Rural / Natural Resource Plan to add the Sunset Airstrip map shown below:



abcdef Proposed additions
 abcdef Proposed deletions

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Action – Land Use & Transportation (CPO 8)

Agenda Title: ADOPT FINDINGS FOR A-ENGROSSED ORDINANCE NO. 772

Presented by: Andrew Singelakis, Director of Land Use & Transportation

SUMMARY:

A-Engrossed Ordinance No. 772 proposes to add a new section (Section 389) to the Washington County Community Development Code and proposes to amend the Rural/Natural Resource Plan relating to a new Residential Airpark Overlay District. The new district would authorize hangars, tie-downs, and taxi-ways when constructed on property with an existing dwelling. A-Engrossed Ordinance No. 772 is posted on the county's land use ordinance web page at the following link:

<http://www.co.washington.or.us/LUT/Divisions/LongRangePlanning/2013-land-use-ordinances.cfm>

Post acknowledgment comprehensive plan amendments are amendments made to the county's Comprehensive Plan after it was acknowledged by the State Department of Land Conservation and Development as complying with the Statewide Planning Goals. ORS 197.615 requires that such amendments be accompanied by findings setting forth the facts and analysis showing that the amendments are consistent with the applicable Statewide Planning Goals, Oregon Revised Statutes, State Administrative Rules and the applicable provisions of Washington County's Comprehensive Plan.

Attached is the Resolution and Order to adopt the findings for A-Engrossed Ordinance No. 772. Prior to the October 22, 2013 hearing, the proposed findings will be provided to the Board, posted on the above land use ordinance web page, and will also be available at the Clerk's desk.

Clerk's Desk Item: Findings (*click to access electronic copy*)

Attachment: Resolution and Order

DEPARTMENT'S REQUESTED ACTION:

Adopt the findings for A-Engrossed Ordinance No. 772 and authorize the Chair to sign the Resolution and Order memorializing the action.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

RO 13-106

Agenda Item No.

5.c.

Date:

10/22/13

EXHIBIT A

FINDINGS FOR A-ENGROSSED ORDINANCE NO. 772 AN ORDINANCE AMENDING THE RURAL/NATURAL RESOURCE PLAN ELEMENT OF THE COMPREHENSIVE PLAN AND THE COMMUNITY DEVELOPMENT CODE TO DEVELOP A RESIDENTIAL AIRPARK OVERLAY

October 22, 2013

GENERAL FINDINGS

A-Engrossed Ordinance No. 772 adds Section 389 to the Washington County Community Development Code (CDC) to create a Residential Airpark Overlay District. The new district authorizes hangars, tie-downs and taxi-ways when constructed on property with an existing dwelling. A-Engrossed Ordinance No. 772 also amends Policy 28 (Airports) of the Washington County Rural/Natural Resource Plan to add text relating to the Residential Airpark Overlay District and replaces the existing Sunset Airstrip map with a new map that shows the Residential Airpark Overlay District boundaries.

Key Ordinance Provisions

- Adds new CDC Section 389 (Residential Airpark Overlay District) that contains regulations governing Residential Airpark Development and authorizes limited accessory uses commonly associated with airstrips when constructed on property with an existing dwelling.
- Allows the designation of certain rural residential properties located on either side of Sunset Airstrip as Residential Airpark Overlay District lands.
- Allows limited accessory airport related uses when constructed on a lot/parcel with an existing dwelling.
- Prohibits commercial aviation activities, except as may be allowed in the Agriculture and Forest (AF-5) and Rural Residential Five Acre Minimum (RR-5) Districts.

Because the ordinance would make changes that do not affect compliance with Oregon's Statewide Planning Goals (Goals), it is not necessary for these findings to address the Goals with respect to each amendment. The Board of County Commissioners (Board) finds that the Goals apply to amendments covered by these findings only to the extent noted in specific responses to individual applicable Goals, and that each amendment complies with the Goals. Goals 15 (Willamette River Greenway), 16 (Estuarine Resources), 17 (Coastal Wetlands), 18 (Beaches and Dunes) and 19 (Ocean Resources) and related Oregon Administrative Rules (OAR) are not addressed because these resources are not located within Washington County.

GOAL FINDINGS

The purpose of the findings in this document is to demonstrate that A-Engrossed Ordinance No. 772 is consistent with Statewide Planning Goals (Goals), ORS and OAR requirements, and the Washington County Comprehensive Plan. The Washington County Comprehensive Plan was adopted to implement the aforementioned planning documents and was acknowledged by the State of Oregon. The county follows the post-acknowledgement plan amendment (PAPA) process to update the Comprehensive Plan with new state and regional regulations as necessary and relies in part upon these prior state review processes to demonstrate compliance with all necessary requirements.

No goal compliance issues, with the exception of Goal 3 (Agricultural Lands), were raised in the hearing proceedings described below. The Department of Land Conservation and Development (DLCD) raised Goal 3 compliance issues prior to the initial public hearing for Ordinance No. 772. DLCD expressed concerns with the ordinance because three parcels designated Exclusive Farm Use (EFU) and one parcel designated Agriculture and Forest (AF-20) District were included in the proposed overlay district. DLCD objected to the expansion of airport-related uses onto these exclusive farm use (resource) lands.

The proposed overlay boundary was revised in A-Engrossed Ordinance No. 772 to exclude the four resource parcels to ensure Goal 3 compliance. Therefore, none of the changes in A-Engrossed Ordinance No. 772 implicate a Goal compliance issue. The following findings are provided to demonstrate ongoing compliance.

Goal 1 - Citizen Involvement

Washington County has an acknowledged citizen involvement program that provides opportunities for citizens and other interested parties to participate in all phases of the planning process. In addition, Chapter X of the County Charter sets forth specific requirements for citizen involvement during review and adoption of land use ordinances. Washington County has utilized these requirements for the adoption of A-Engrossed Ordinance No. 772.

A Type III Public Hearing Notice was mailed on August 14, 2013, prior to the scheduled Planning Commission and Board of Commissioners hearings. This public hearing notice was mailed to all owners of property within 1000 feet of the proposed Residential Airpark Overlay District. On October 4, 2013, a second Type III Public Hearing Notice was mailed to all property owners within 1000 feet of the proposed Residential Airpark Overlay District to advise them of the revised overlay district boundary included in A-Engrossed Ordinance No. 772.

Goal 2 - Land Use Planning

Statewide Planning Goal 2 addresses Land Use Planning by requiring an adequate factual base to support a decision as well as coordination with affected governmental entities. Washington County has an acknowledged land use planning process that provides for the review and update of the various elements of the Comprehensive Plan, which includes documents such as the Rural/Natural Resource Plan, Comprehensive Framework Plan for the Urban Area, Community Development Code, Transportation Plan, Community Plans and Urban Planning Area

Agreements. Washington County utilized this process to adopt A-Engrossed Ordinance No. 772. Notice was coordinated with all affected governmental entities. Comments received from respective entities and agencies regarding this ordinance were considered by the county in the adoption of A-Engrossed Ordinance No. 772 .

Goal 3 – Agricultural Lands

Implementing Strategies (a) and (f) in Policy 15 of the Rural/Natural Resource Plan include provisions for the preservation of agricultural lands. Plan compliance with Goal 3 is maintained with the amendments made to the Rural/Natural Resource Plan by A-Engrossed Ordinance No. 772. The adopted Residential Airpark Overlay District does not include agricultural lands in the Exclusive Farm Use (EFU) District or Agriculture and Forest (AF-20) District. The amendments are therefore consistent with Goal 3; OAR Chapter 660, Division 33; and the county's acknowledged policies for preservation of farmland.

Goal 9 – Economic Development

Policies 15, 16, 20 and 21 in the Rural/Natural Resource Plan set out the county's policies to strengthen the local economy. The Community Development Code contributes to a sound economy by providing standards that facilitate development in an orderly and efficient fashion. The adopted Residential Airpark Overlay District supports the continued operation and vitality of the Sunset Airstrip and the uniqueness of residential airpark-type development.

Plan compliance with Goal 9 is maintained with the amendments made by A-Engrossed Ordinance No.772. The amendments are consistent with the county's acknowledged policies and strategies for strengthening the local economy as required by Goal 9. This conclusion is supported by the following facts:

The Residential Airpark Overlay District authorizes uses commonly associated with airstrip use and accessory to residential uses and ensures compatibility with the continued operation of Sunset Airstrip.

Goal 10 - Housing

Policies 19 and 25 of the Rural/Natural Resource Plan address the provision of housing in the rural areas of the county. The Community Development Code contributes to the provision of adequate housing by establishing standards that facilitate development in an orderly and efficient fashion. A-Engrossed Ordinance No.772 authorizes Residential Airpark Development (RAD) within the adopted overlay district. The new district does not authorize dwelling units, but recognizes the rural residential character of the area surrounding Sunset Airstrip and allows RAD. Therefore Plan compliance with Goal 10 is maintained with the amendments made by A-Engrossed Ordinance No.772.

Goal 12 - Transportation

Goal 12 requires the provision and encouragement of a safe, convenient, multi-modal and economic transportation system. Policy 23 of the Rural/Natural Resource Plan, and in particular the Washington County 2020 Transportation Plan, describe the transportation system necessary to accommodate the transportation needs of Washington County through the year 2020. Implementing measures are contained in the 2020 Transportation Plan and the CDC.

The adopted Residential Airport Overlay District allows RAD, which allows for the construction of a single personal hangar and tie-down(s) on a lot with an existing dwelling unit. Air traffic that may result from RAD (and personal aircraft) is consistent with the 2020 Transportation Plan, as it is a mode of transportation. The Residential Airport Overlay District is also subject to CDC Section 386 (Private Use Airport Safety Overlay District).

Furthermore, the proposed overlay district and resulting RAD that could result is not anticipated to adversely impact the existing countywide transportation system or result in the need to change the current functional class designations of roads serving the subject area. This is due in part to the fact that the underlying land use districts (AF-5 and RR-5) will be not changed by A-Engrossed Ordinance No. 772. In addition, operation of personal aircraft from any of the approved 18 lots may help to lower the number of Average Daily Trips (ADTs).

Plan compliance with Goal 12 is maintained with the amendments made by A-Engrossed Ordinance No. 772. The amendments are consistent with the county's acknowledged policies and strategies for the provision of transportation facilities and services as required by Goal 12 (the Transportation Planning Rule or TPR, implemented via OAR Chapter 660, Division 12).

WASHINGTON COUNTY, OREGON

Department of Land Use & Transportation
Long Range Planning Division

155 N First Avenue, Suite 350, MS 14
Hillsboro, OR 97124-3072

601008



FIRST CLASS MAIL

Attention: Plan Amendment Specialist
Department of Land Conservation &
Development
635 Capitol St. NE, Suite 150
Salem, OR 97301-2540

DEPT OF

OCT 25 2013

LAND CONSERVATION
AND DEVELOPMENT

FIRST CLASS MAIL