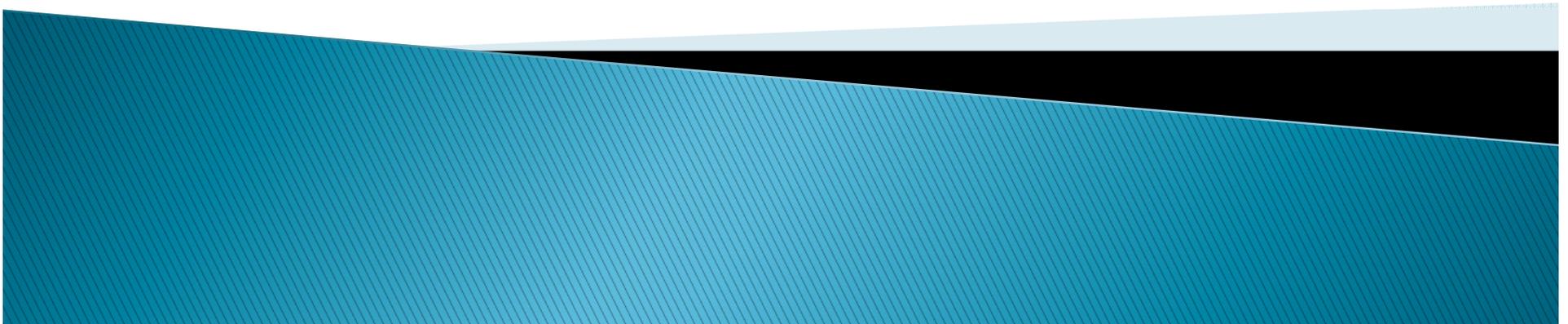


Aviation Board Meeting

May 12, 2015

Oregon's Land Use Planning & Air
Space Analysis (FAA 7560-1)



Current Law: ORS 836

836.035 Effect of statute on airport zoning. ORS 836.005 to 836.120, 836.200, 836.205, 836.215, 836.220 and 836.240 do not limit any right, power or authority of the state or a municipality to regulate airport hazards by zoning

836.530 Rules and standards; orders; appeals. (1) In addition to any other rulemaking authority, **the Director** of the Oregon Department of Aviation may adopt rules:

- (a) To **define physical hazards to air navigation** and determine whether specific types or classes of objects or structures constitute hazards. Rules defining physical hazards and determining whether specific types or classes of objects or structures constitute hazards may be adopted only after a fact-finding process and must be supported by substantial evidence.
 - (b) **Establishing standards for lighting or marking objects and structures** that constitute hazards to air navigation.
 - (c) **Establishing standards for mitigating physical hazards to air navigation by altering the height** or location of objects and structures.
 - (d) Establishing standards for mitigating hazards to air navigation by **altering approach surface standards** or **installing navigational aids**.
- (2) In accordance with the rules adopted under this section, the director shall do the following:
- (a) Determine whether specific objects or structures constitute a hazard to air navigation.
 - (b) Determine responsibility for installation and maintenance of lighting or marking
 - (c) Issue orders to require that specific objects or structures be marked or lighted
 - (d) **Make recommendations to the Federal Aviation Administration** to require that airports alter approach surface standards or install navigational aids for the purpose of mitigating hazards to air navigation.
- (3) Rules and standards adopted under this section are limited to and may not be more restrictive than current federal norms, including but not limited to, regulations and circulars, pertaining to objects affecting navigable airspace.
- (4) Any person or entity required to comply with an order issued under this section may contest the order as provided under **ORS chapter 183**.

836.535 Hazards to air navigation prohibited; exceptions. (1) **A person may not construct an object or structure that constitutes a physical hazard to air navigation, as determined by the Oregon Department of Aviation in coordination with the governing body with land use jurisdiction over the property.**

(2) Subsection (1) of this section does not apply:

- (a) To construction of an object or structure that is utilized by a commercial mobile radio service provider; or
 - (b) If a person received approval or submitted an application for approval from the **Federal Aviation Administration** or the **Energy Facility Siting Council** established under ORS 469.450 to construct an object or structure that constitutes a physical hazard to air navigation.
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Current Law: ORS 836 (cont.)

836.616 Rules for airport uses and activities. (1) Following consultation with the Oregon Department of Aviation, the Land Conservation and Development Commission shall adopt rules for uses and activities allowed within the boundaries of airports identified in ORS 836.610 (1) and airports described in ORS 836.608 (2).

(2) Within airport boundaries established pursuant to commission rules, local government land use regulations shall authorize the following uses and activities:

(a) **Customary and usual aviation-related activities** including but not limited to takeoffs, landings, aircraft hangars, tie-downs, construction and maintenance of airport facilities, fixed-base operator facilities and other activities incidental to the normal operation of an airport;

(b) Emergency medical flight services;

(c) **Law enforcement and firefighting activities;**

(d) Flight instruction;

(e) **Aircraft service, maintenance and training;**

(f) Crop dusting and other agricultural activities;

(g) **Air passenger and air freight services** at levels consistent with the classification and needs identified in the *State Aviation System Plan*;

(h) Aircraft rental;

(i) Aircraft sales and sale of aviation equipment and supplies; and

(j) **Aviation recreational and sporting activities.**

(3) All land uses and activities permitted within airport boundaries, other than the uses and activities established under subsection (2) of this section, shall comply with applicable land use laws and regulations. A local government may authorize commercial, industrial and other uses in addition to those listed in subsection (2) of this section within an airport boundary where such uses are consistent with applicable provisions of the acknowledged comprehensive plan, statewide land use planning goals and commission rules and where the uses do not create a safety hazard or limit approved airport uses.

(4) The provisions of this section do not apply to airports with an existing or approved control tower on June 5, 1995.



Current Rules: OAR 738-70

- ▶ Division 70 – PHYSICAL HAZARDS TO AIR NAVIGATION
 - ▶ 738-070-0010 – Director of Aviation Authorization
 - ▶ 738-070-0060 – Notice of Construction or Alteration
 - ▶ 738-070-0070 – *Criteria* for Construction or Alteration Requiring Notice
 - ▶ 738-070-0080 – Form and Time of Notice (FAA 7460-1)
 - ▶ 738-070-0090 – Acknowledgment of Notice (from ODA)



Current Rules: OAR 660-13

(ORS 197 - DLCD)

- ▶ Division 13 – Airport Planning
- ▶ 660-013-0030 – Preparation and Coordination of Aviation Plans: “A city or county ... *shall* adopt comprehensive plan *and* land use regulations for airports consistent with the requirements of this division and ORS 836.600 through 836.630.”
- ▶ 660-013-0050 – Implementation of Local Airport Planning: “A local government ... *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 (FAA Part 77): (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.
- ▶ 660-013-0080 – Local Government Land Use Compatibility Requirements for Public Use Airports: 1) A local government *shall* adopt airport compatibility requirements (i.e., Prohibit new Residential in the RPZ, Prohibit new/expand industrial uses which would increase smoke, dust, or steam, Coordinate the review of cell towers with ODA).



Oregon Dept. of Energy & ODA

- ▶ **469.350 Application for site certificate; comment and recommendation.**

(2) Copies of the notice of intent and of the application shall be sent for comment and recommendation (to) the Oregon Department of Aviation, any other state agency that has regulatory or advisory responsibility with respect to the facility and any city or county affected by the application.



Oregon Aviation Land Use Compatibility – Table 3-4

Table 3-4: Compatible Land Uses per FAR Part 77 Surfaces and FAA Safety Areas

Legend:
 C Generally compatible land use
 NC Incompatible Land Use
 • Not clearly compatible or incompatible, requires specific study

Criteria for Compatibility:
 1. Does not exceed height standards
 2. Does not attract large concentrations of people
 3. Does not create a bird attractant
 4. Does not cause a distracting light/glare
 5. Does not cause a source of smoke
 6. Does not cause an electrical interference
 7. Does meet compatible DNL sound levels

Land Uses	Primary Surface	Transitional Surface	Horizontal Surface	Conical Surface	Approach Surface	Runway Protection Zone
Residential						
Residential, other than those listed below	NC	NC	•	C	•	NC
Mobile home parks	NC	NC	•	C	•	NC
Transient lodgings	NC	NC	•	C	•	NC
Public Use						
Places of public assembly (schools, hospitals, churches, auditoriums)	NC	NC	•	C	NC	NC
Government services	NC	•	C	C	•	NC
Transportation (parking, highways, terminals)	NC	•	C	C	•	•
Commercial Use						
Offices, business and professional	NC	•	C	C	•	NC
Wholesale & retail - building materials, hardware and farm equipment	•	•	C	C	•	NC
Retail trade - general	NC	•	C	C	•	NC
Utilities	NC	•	•	•	•	•
Communication	NC	•	•	•	•	NC
Manufacturing & production						
Manufacturing - general	NC	•	•	•	•	NC
Agricultural (except livestock) and forestry	•	•	C	C	•	•
Livestock farming and breeding	NC	•	•	C	•	NC
Mining and fishing, resource production and extraction	NC	NC	•	•	•	NC
Recreational						
Outdoor sports arenas and spectator sports	NC	NC	•	C	NC	NC
Nature exhibits and zoos	NC	NC	•	C	NC	NC
Amusement parks, resorts and camps	NC	NC	C	C	NC	NC
Golf courses	NC	NC	C	C	NC	NC
Parks	NC	•	•	•	•	•



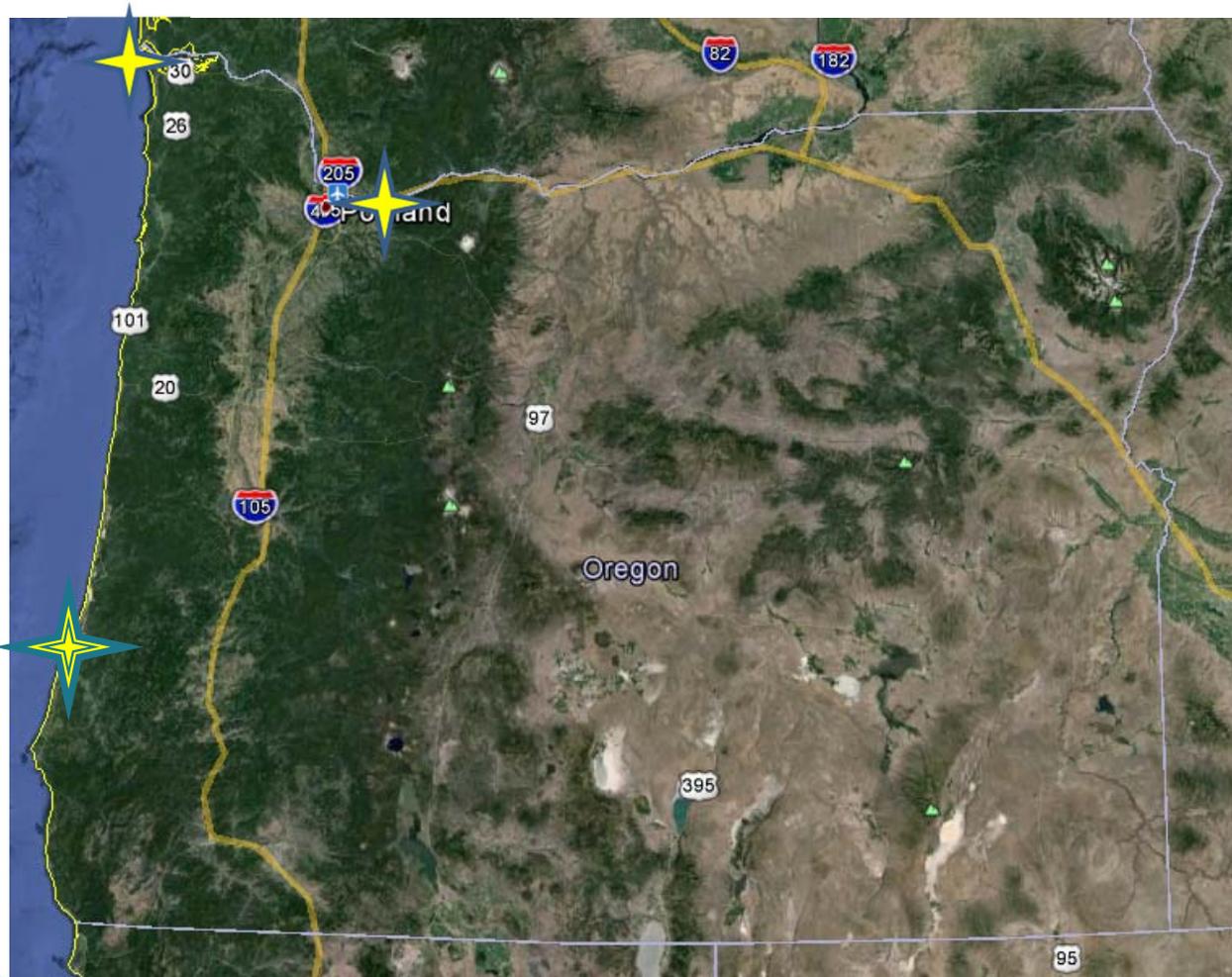
ODA Comments & Requested Conditions of Approval

The Oregon Department of Aviation would request that the following comments be passed on to the applicant. These comments may become conditions of approval if the project moves forward through the full land use process:

- Prior to issuance of a building permit the applicant must file and receive a determination from the Oregon Department of Aviation as required by OAR 738-070-0060 on FAA Form 7460-1 Notice of Proposed Construction or Alteration to determine if the new building addition will pose a hazard to aviation safety. A subsequent submittal may be required by the FAA due to its location to the airport.
- The height of the new building should not penetrate FAA Part 77 Imaginary Surfaces, as determined by ODA and the FAA.
- Shields on any external lights should be designed as to not interfere with aircraft or airport operations.
- Marking Lights, per FAA design, may be needed to identify to structures.



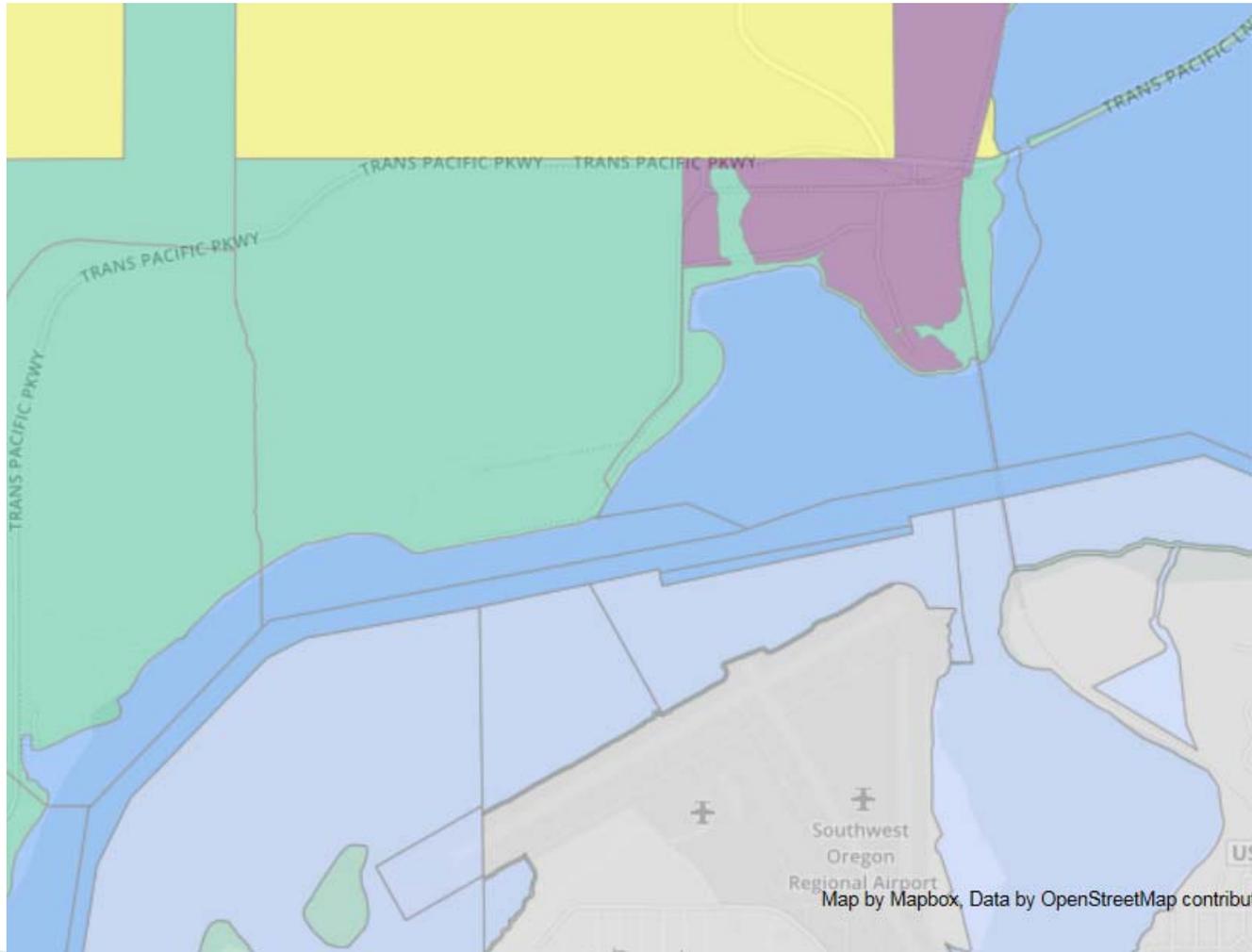
Three Examples in Oregon



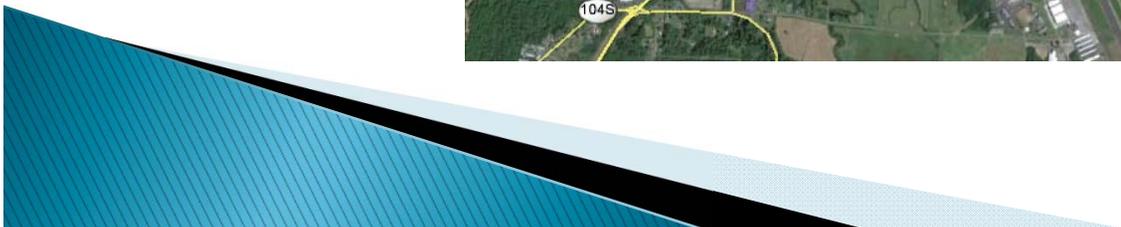
SW Region Airport (OTH) and Jordan Cove/South Dunes



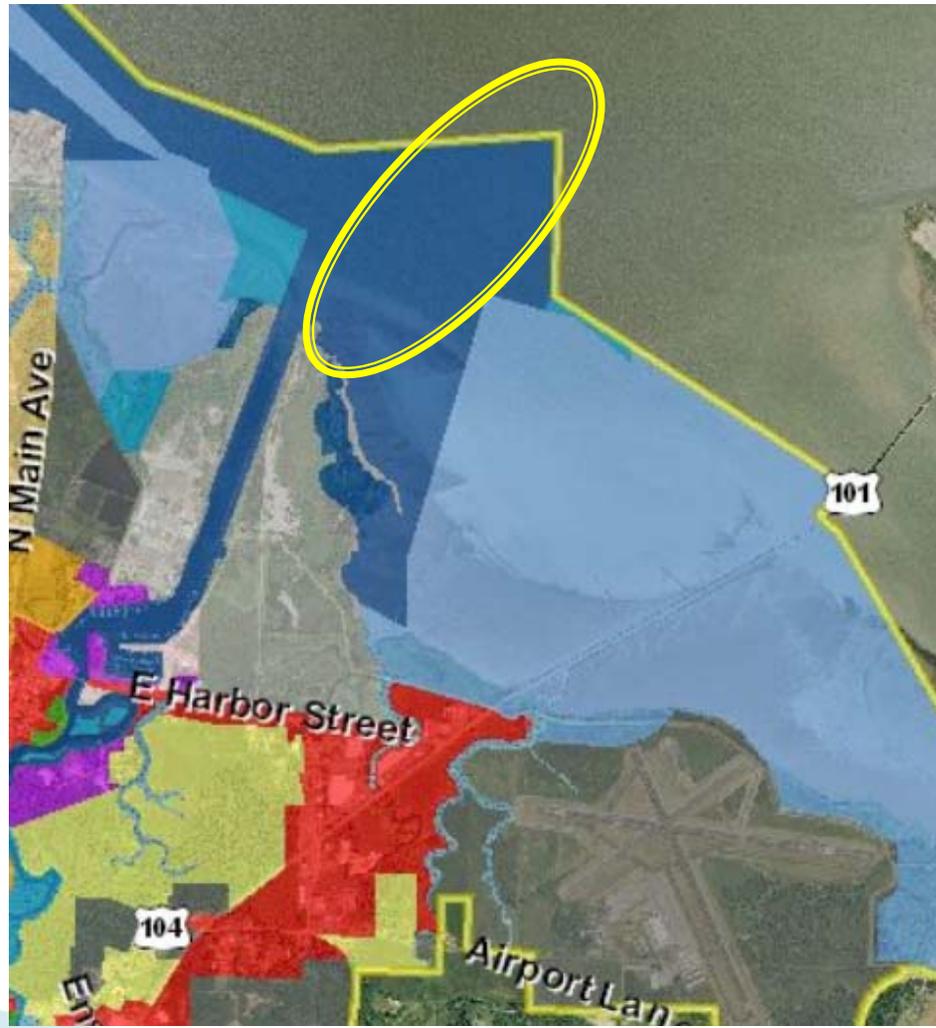
Coos County Zoning



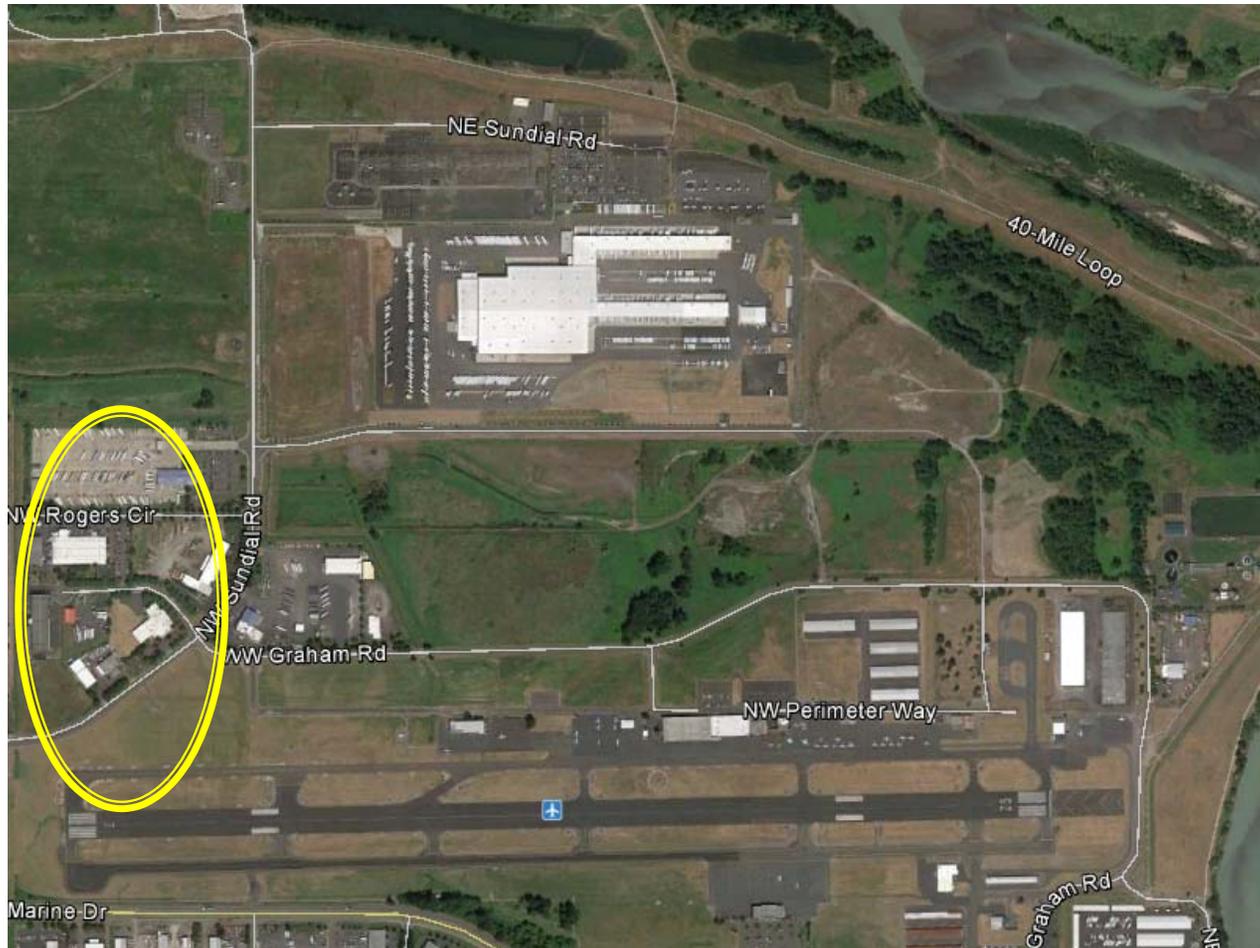
Astoria Regional (AST) and Oregon LNG



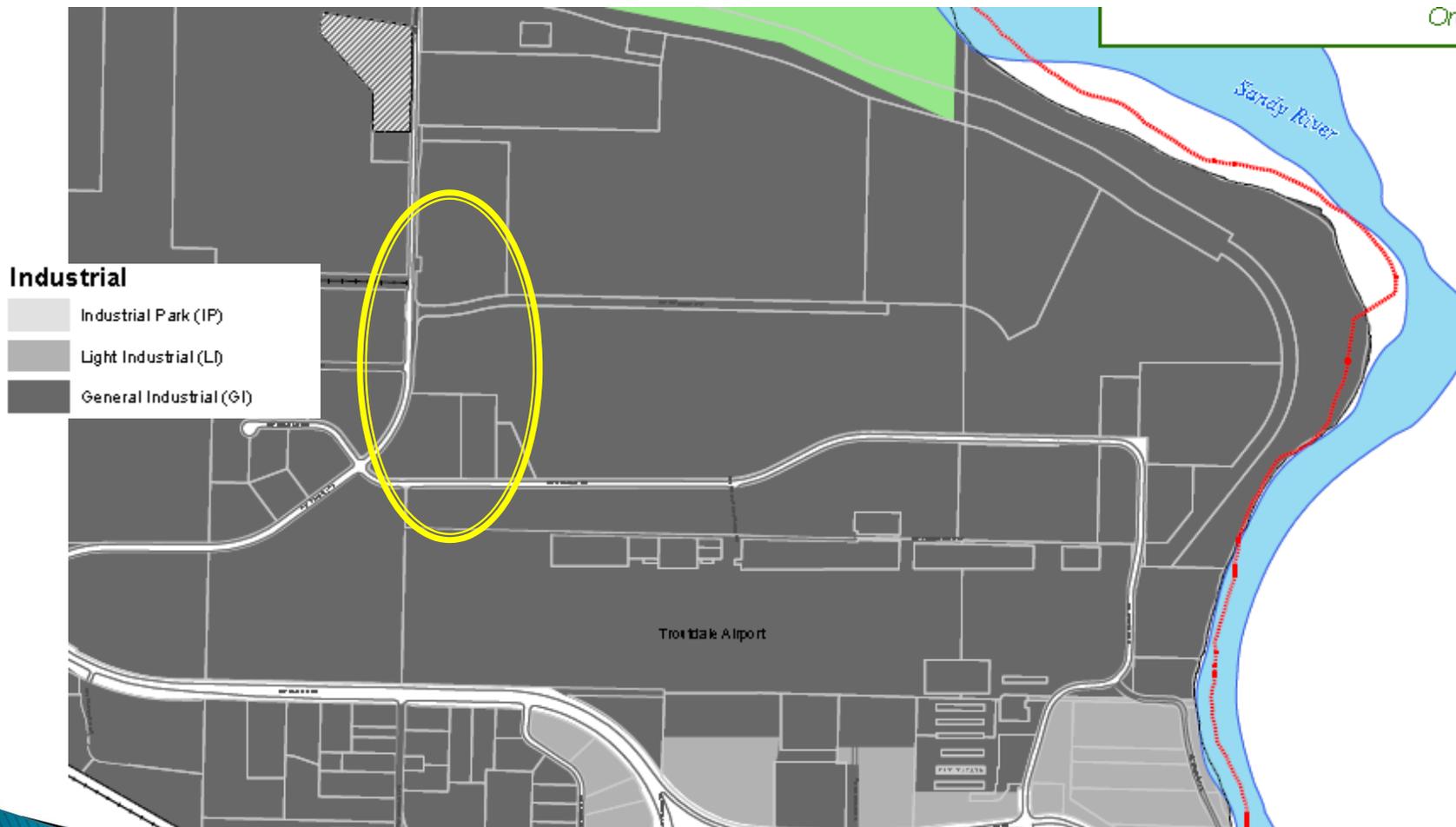
City of Warrenton Zoning



Troutdale (TTD) and Tanso Expansion



City of Troutdale Zoning



QUESTIONS ?

