

1.0 Airport Planning – The Oregon Model

→ *The 19 statewide planning goals can be found on the DLCD web page at www.lcd.state.or.us/goalhtml/goals.html.*

Oregon's planning system is predicated on conformance with the nineteen statewide planning goals. Requirements for meeting these goals are elaborated in applicable state statutes and administrative rules, and must be embodied in local comprehensive plans adopted by each county and city. Each of these local plans must be acknowledged by the state Land Conservation and Development Commission (LCDC) as in fact conforming to the goals, statutes, and rules. For a complete discussion of the federal and state regulations related to airport compatible land use planning, please refer to Chapter 5 of this document.

The following presents the means and requirements for local governments and those interested in Oregon aviation to comply with airport land use compatibility. This document provides a tool to assist local governments, planners, airport administrators, and citizens wishing to update the aviation transportation element of their comprehensive plan. Specifically, the document outlines the steps necessary to (1) review existing documents, issues, and policies related to airport planning, (2) integrate them into local comprehensive plan transportation elements, transportation system plans, airport master plans, and local ordinances and implementing regulations, and (3) provide supporting information regarding the rules, regulations and land use issues. The intention of this guide is to provide the information necessary for local jurisdictions and affected airports to conform to statewide planning goals, statutes, and rules applicable to airport planning.

Chapter 1 provides a "hands-on" approach to the assessment of a community comprehensive plan with regards to airport-related land use issues. The first section of Chapter 1 introduces the issues and requirements associated with airport planning, and presents a brief overview of applicable statewide regulations. The second section of Chapter 1 provides a questionnaire communities can use to review their comprehensive plan for compliance with statewide airport planning regulations. Chapter 1 should be used by land use planners as a checklist when updating their community comprehensive plan to ensure adequate implementation of airport-related land use issues. Chapters 2 - 7 should be used as reference data once a community begins the process of updating their comprehensive plan or as a community faces issues or questions regarding airport compatible land use issues.

1.1 Planning for Airport Land Use Compatibility

→ *Since 1974, Oregon's Land Use Planning Act has required all cities and counties to develop and adopt comprehensive plans.*

Since 1974, Oregon's Land Use Planning Act, embodied in Oregon Revised Statutes (ORS Chapter 197), has required all cities and counties to develop and adopt comprehensive plans. These plans must be updated through a process known as periodic review (ORS 197.682-650) to ensure that the plan continues to meet applicable statutes, administrative rules, and current laws and policies of the state of Oregon.

Periodic review ensures that a municipality's comprehensive plan remains in compliance with state provisions for "needed housing, employment, transportation and public facilities and services." In this way, the state ensures that city and county comprehensive plans are updated in response to changes in local conditions as well as changes in state land use policy. Through the periodic review process, local governments work with the state Department of Land Conservation and Development (DLCD) to update certain comprehensive plan elements (e.g., transportation plans) and/or regulations (e.g., airport compatibility zoning/ordinances). For communities that have not updated their comprehensive plan since implementation of the Airport Planning Rule (APR), this section outlines the steps planners and airport operators should undertake to ensure that policy changes for airports statewide are addressed through the periodic review

process, or otherwise, through updates of local plans and land use regulations. The steps outlined below will also be useful for communities wishing to expand or update the transportation element of their comprehensive plan through the creation of a specific transportation plan, or for communities wishing to create a master plan for an airport within their jurisdictional boundary.

1.2 How do the statewide goals and rules fit together with the local planning process?

The following summaries outline the primary state regulations governing aviation-related land use issues and comprehensive plan reviews. Additional discussion of each of these elements can be found in Chapter 4 and Chapter 5.

1.2a. Statewide Planning Goals

Statewide Planning Goal 12 is the goal directly applicable to airport planning in the context of periodic review. Goal 12 specifically promotes safe, convenient, and economic statewide transportation networks, including passenger and airfreight transportation. In order to comply with Goal 12 and the APR, city and county comprehensive plans must include a transportation element that addresses state requirements for airport planning and compatibility with surrounding land uses. An excerpt of the OAR that implements Goal 12 (OAR Chapter 660, Division 12, Transportation Planning) is found in Appendix C.

→ *Statewide Planning Goal 12 is the goal directly applicable to airport planning in the context of periodic review.*

1.2b. Transportation Planning Rule (TPR)

The Statewide Transportation Planning Rule (TPR) also contains language that is applicable to local airport planning. In short, the TPR contains planning requirements for local governments to develop a Transportation System Plan (TSP) as a refinement to the comprehensive plan (refer to OAR Chapter 660, Division 12). In general, TSPs are required to plan for all modes of transportation needed by a given jurisdiction (multi-modal ground, air, and water transportation system needs). With specific regard to aviation and airport planning, TSPs are required to contain elements intended to preserve local components of the state's public use aviation system. To accomplish this, the TPR requires local jurisdictions to adopt land use regulations for land uses within airport noise corridors and FAR Part 77 imaginary surfaces, and to restrict physical hazards to air navigation. Since publication of the 1994 Oregon Airport Land Use Compatibility Guidebook, changes to the TPR provide (1) additional protection for public airports from incompatible land uses, and (2) streamline approval processes for certain types of airport expansions and modifications on rural lands surrounding airports.

1.2c. Oregon Transportation Plan (OTP)

The Transportation Commission adopted the *Oregon Transportation Plan (OTP)* to guide and coordinate transportation activities and to ensure transportation planning utilizes the potential of all modes of transportation. The OTP is the statewide transportation system plan under Goal 12 and the TPR. The OTP includes a policy element and a system element. (Source: ODOT Development Review Guidelines, Pg. 5)

1.2d. 2000 Oregon Aviation Plan (OAP)

In accordance with OAR Chapter 660, Division 13, Section 030(1), the Oregon Department of Transportation (ODOT) has prepared and adopted the 2000 Oregon Aviation Plan (OAP) as part of the State Transportation System Plan in accordance with ORS 184.618 and the State Agency Coordination Program approved under ORS 197.180. The purpose of the state OAP 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 OAP encourages and supports the continued operation and vitality of Oregon's airports.

➔ *The Airport Planning Rule (APR) further refines the provisions for local government airport regulation contained in Goal 12 and the Transportation Planning Rule.*

1.2e. Airport Planning Rule (APR)

The Airport Planning Rule (APR) further refines the provisions for local government airport regulation contained in Goal 12 and the Transportation Planning Rule. Specifically, the APR establishes a series of local government requirements and rules pertaining to aviation facility planning. 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. The APR serves as the state regulatory basis for ensuring that local government airport planning conforms to the hierarchy of state plans and statutory requirements (i.e., Goal 12, ORS 836.600 et seq., Oregon Transportation Plan, 2000 Oregon Aviation Plan). These rules outline the parameters for local governments to follow as a framework for airport planning.

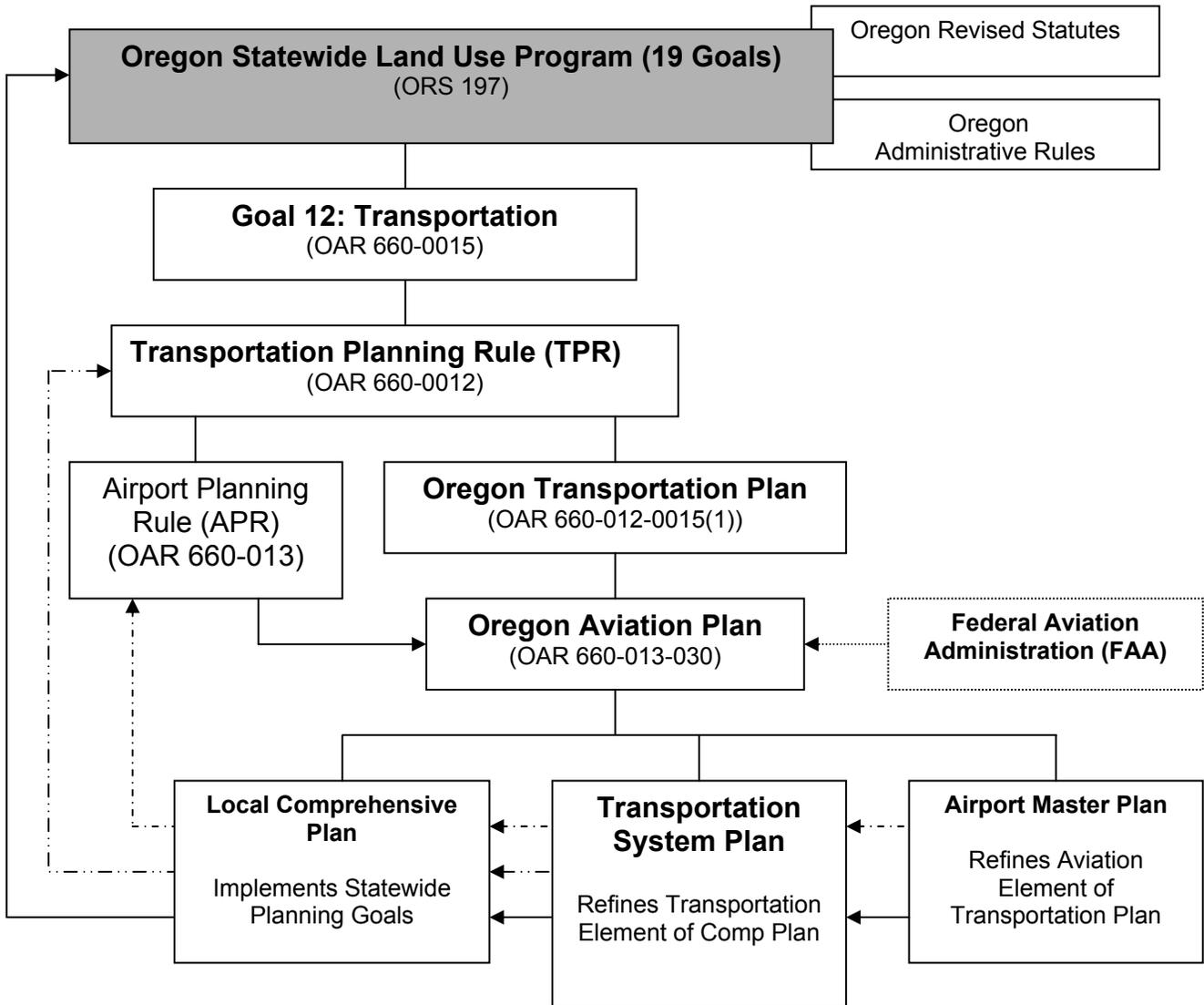
Exhibit 1-1 provides a graphic representation of the relationships between federal and state agencies, as well as rules and regulations related to airport planning and land use compatibility issues.

1.3 How does your community meet the current statewide goals and rules for airport planning?

➔ *Be aware that not all airports in Oregon are subject to the same regulations. The regulatory framework differs depending on the size and use classifications of the airport in question.*

Understanding how your community meets the current statewide goals and rules for airport planning is essential to the development of a successful land use plan. The discussion that follows outlines various questions that can be used as a guide to assist you in your review of community and airport-related planning issues. These questions are not meant to be an exhaustive list of issues to be addressed by every community with an airport. Rather, they should be used as thought-provoking questions, which should lead you in a review of your current community plans. These questions serve as a checklist of the most important issues related to airport facilities in Oregon. This list highlights the primary areas of emphasis based on airport size and type. However, it should be recognized that additional regulations might apply to specific airports based on various conditions. Various regulations are based upon the type of ownership and type of airport use. The number of based aircraft is also a consideration which, when combined with ownership and use, creates a complex set of criteria for regulations. Oregon Department of Aviation should be contacted if you have more site-specific issues that should be discussed.

Exhibit 1-1: Relationship Between the Statewide Land Use Program and Airports



1.3a. Determining Jurisdiction

The first steps in the process are to determine if (1) your jurisdiction is impacted by an airport, (2) what size and use class the airport falls in, and (3) what regulations will apply, or not apply, given the airport classification. The following questions will help you determine those that apply to your jurisdiction. For assistance in answering these questions, please refer to Appendices L, M, N, and O.

→ All jurisdictions should be familiar with the requirements of the APR and how it applies to jurisdictions in Oregon, regardless of whether they are directly impacted by an airport or not.

a.1 Does your jurisdiction include an airport or areas known to be within the safety and/or compatibility zones of an airport? (Note: Some jurisdictions may be affected by more than one airport.)

- If yes, proceed to question a.2.
- If no, you are advised to identify all airports within five miles of your jurisdictional boundary and to coordinate with the parent jurisdiction of any identified airport(s) regarding planning activities subject to regulation under the Airport Planning Rule as outlined in this guide.
- If you are certain that an airport, airport safety zone, or airport compatibility zone does not impact your jurisdiction, then this guide may not be useful to you.
- If you do not know the answer or if you have difficulty determining the answer to this question, please contact the Oregon Department of Aviation for assistance.

a.2 Is the airport in question a publicly-owned facility that was registered, licensed, or otherwise recognized by the Department of Transportation on or before December 31, 1994 and was the base for three or more aircraft in 1994? (Reference Appendix L) (ORS 836.610(1)(a))

- If yes, please note the airport's size (number of aircraft) and location relative to your jurisdiction's boundary and **skip to question b.1**.
- If no, please proceed to question a.3.

→ Airports that meet ORS 836.610(1)(b) include airports that:

(A) Provide important links in air traffic in this state;
(B) Provide essential safety or emergency services; or
(C) Are of economic importance to the county where the airport is located.

a.3 Is the airport a privately-owned public-use airport that meets the requirements of ORS 836.610(1)(b)? (Reference Appendix M) (ORS 836.610(1)(b))

- If yes, please **skip to question b.1** and continue with your review of the checklist.
- If no, please proceed to question a.4.

a.4 Is the airport a privately-owned private-use airport that is not listed under ORS 836.610(3) but was the base for three or more aircraft recognized by the Department of Transportation on or before December 31, 1994? (Reference Appendix N) (ORS 836.608(2); OAR 660-013-0155))

- If yes, ensure that your comprehensive plan complies with the provisions contained in ORS 836.608(2) through (6) and (8), and OAR 660-013-0155(1) through (4) and **stop here**. You are advised to review the remainder of this checklist to determine if there are other site-specific issues that apply directly to your situation.
- If no, please proceed to question a.5.

a.5 Is the airport a publicly owned public-use airport registered, licensed or otherwise recognized by the Department of Transportation on or before December 31, 1994 with less than three based aircraft? (Reference Appendix O) (ORS 836.608; OAR 660-013)

- If yes, ensure that your comprehensive plan complies with the provisions contained in OAR 660-013 regarding local governmental requirements for land use compatibility for public use airports.

- ❑ If you answered no to questions a.2 through a.5, then you do not have an airport subject to regulations in ORS Chapter 836 or OAR 660 Division 13 and you may **stop here**.

1.3b. Comprehensive Plan/Land Use Regulation Review

The second step in the process is to review local comprehensive and transportation plans and land use regulations for conformance with aviation related state statutes and administrative rules. The following questions will help determine whether or not your comprehensive plan complies with the APR. Each of these questions is followed by a citation regarding the specific OAR or ORS that applies to the issue. Due to their length, not all of the rules and statutes cited are contained in the document appendices; rather these citations enable the reader to find the rules governing specific issues, within other sources. At the end of the question is a reference to the various sections within this document where supporting information may be found. It should be noted that the data contained in these chapters can, and should, be supplemented with other available sources when you update your comprehensive plan and when implementing ordinances.

➔ *These questions focus on comprehensive and transportation plans' compliance with the APR.*

- b.1 Does the comprehensive plan outline a process for the development of a coordinated work program for all interested parties and affected jurisdictions within the Comprehensive Plan boundary? Reference Appendix A. (OAR 660-013-0160(1))
- ❑ If yes, review the process to confirm its effectiveness.
 - ❑ If no, develop a process that meets the requirements of the OAR.
- b.2 Does your comprehensive plan's transportation element include policies related to airport use? Reference Appendices A and C. (OAR 660-013-0030(2); OAR 660-013-0040; OAR 660-012-0045)
- ❑ If yes, then you should review the transportation element of your comprehensive plan to ensure it complies with the regulations outlined in OAR 660. Refer to Appendix A for further information.
 - ❑ If no, then you need to update the transportation element of your comprehensive plan during your next comprehensive plan update.
 - ❑ If you do not know, then you need to review your comprehensive plan to determine if airports are referenced and then address it accordingly based upon the aforementioned items.
- b.3 When was the transportation element of your Comprehensive Plan last updated? Reference Appendix A. (OAR 660-013-0160)
- ❑ If the plan was updated prior to 2000, you most likely need to review the transportation element of your comprehensive plan to address the latest regulations regarding airport land use planning.
 - ❑ If the plan was updated since 2000, you should review the transportation element of your comprehensive plan for concurrence with the latest version of this manual.
 - ❑ If you do not know, then you should assume that it was updated prior to 2000 and review it for compliance with the latest version of this manual.
- b.4 Do your comprehensive plan and implementing ordinances include policies, zoning provisions, and implementing measures that address airports and airport expansion? Reference Chapter 6. (OAR 660-013-0080)
- ❑ If yes, then you should review them for compliance with the latest regulations regarding airport land use planning.
 - ❑ If no, then you need to address these issues and include them in your comprehensive plan and implementing ordinances.
 - ❑ If you do not know, then you need to review the document to assess the content.

- b.5 Is the airport plan consistent with other transportation system plans within the planning boundary?
 - If yes, continue to maintain coordination efforts to maintain this consistency.
 - If no, work with the other jurisdictions to develop a compatible and consistent plan within the planning boundary.

- b.6 Are the current comprehensive plan and implementing ordinances consistent with the requirements for safety and noise related impact areas around the airport? Reference Chapters 2 and 3. (OAR 660-013-0070)
 - Review the list of airport safety and noise related issues found in Table 2.4 on Page 2-7, for a list of airports with basic deficiencies. This list should be used as a starting point for your review.
 - To determine further impacts, the information contained in Chapter 3 should be reviewed.

- b.7 Do your implementing ordinances and comprehensive plan reference the need to comply with the FAA Form 7460-1, Notice of Proposed Construction or Alteration and is there a process established for submission of this form?
 - If yes, ensure the process is being used by staff members when necessary and the form is properly referenced in the comprehensive plan and implementing ordinances.
 - If no, create language and a process to require the submission of the form when necessary.
 - If you do not know, you need to review your current document to determine if a 7460-1 is referenced.

- b.8 In your best assessment, do the transportation elements of your comprehensive plan, the implementing ordinances, and those documents that support the transportation element (transportation system plan, airport master plan, etc., if they exist) adequately address the regulations contained within the APR?
 - If yes, then your document should be complete.
 - If no, then an update to the various documents is necessary to be in compliance with current State Regulations.
 - If you do not know, then you should review the remainder of this guide and consult with staff at the Oregon Department of Aviation to discuss the issues that your community may need to address.

1.3c. Existing Factual Base

The third step in the process is to determine what factual base exists to support the aviation section of the TSP element of the comprehensive plan and implementing ordinances. This section asks a series of questions to help you identify the information and resources needed to support the comprehensive plan. Some of these questions are meant to raise your awareness about various aspects of the aviation section of the TSP element of the comprehensive plan and may not have a “right” or “wrong” answer but are simply meant to provide questions for you to address and consider.

➔ *Identifying the existing information and resources available to you is essential to a comprehensive assessment of your compatible land use program.*

- c.1 Does your jurisdiction have a map that describes the existing airport and planned airport improvements/expansions, the airport’s area of influence (safety, compatibility, and noise boundaries), and the airport’s relationship to your jurisdiction’s urban growth boundaries and city limits? Reference Appendix A for a list of requirements outlined by OAR 660-013-0040, which should be included in these drawings. (OAR 660-13-0040)
 - If yes, then their accuracy and compliance with state regulations need to be addressed.
 - If no, then these drawings need to be developed to provide adequate graphic representation of the airport development and impact areas.

- c.8 Were the structures legally established through an approved planning or building permit review process (i.e. are they legal non-conforming uses)?
 - If yes, take steps to ensure that the non-conformity is not increased in the future.
 - If no, consider taking action in accordance with local and state enforcement regulation.
 - If you do not know, research the situation to determine how the structure(s) was established.

- c.9 Are there other obstructions (trees, terrain, etc.) that are 150 feet or more above the airport's elevation (the airport's horizontal surface)? Reference Chapter 3 page 3-6 for a definition of horizontal surface.
 - If yes, determine if the obstruction can be modified or removed.
 - If no, take steps to ensure that no obstructions are allowed to penetrate the horizontal surface in the future.
 - If you do not know, research needs to be done to review the heights of local obstructions.

- c.10 Are there homes or other noise-sensitive land uses that fall within the airport's noise contours, specifically the State recognized level? Reference Appendix A, and Chapters 3 and 6. (OAR 660-013-0080(1)(b))
 - If yes, which noise contours are they located within and are they of concern? Chapter 3.3, page 3-13 addresses compatible noise levels.
 - If no, are there adequate easements or zoning regulations in place to preserve this situation?
 - If yes, then the existing easements should be reviewed for accuracy and compliance.
 - If no, then easements and zoning ordinances should be implemented.
 - If you do not know, research and inventory the land uses and noise contours around the airport.

- c.11 Is the zoning in place to support the aviation authorized uses and activities per ORS 836.616? Reference Appendix B. (ORS 197.175, ORS 836.616)
 - If yes, are these documents current and accurate?
 - If no, these documents need to be created.
 - If you do not know, research needs to be done to inventory land uses and airport environs.

✈ *The provisions of ORS 836.616 do not apply to airports with an existing or approved control tower as of June 5, 1995.*

1.3d. Issue Identification

The comprehensive plan should, based upon the factual information gathered above, describe the issues associated with the airport in your area. Specifically, the comprehensive plan should identify and describe issues associated with compatibility, economic impacts, transportation impacts, and environmental impacts. Reference Chapters 3 and 6 for a discussion of various forms of compatible and incompatible land uses. The following questions will help you identify those issues that are applicable.

- d.1 Does the comprehensive plan describe the relevant airport-related issues and their impact on the community? Reference Chapter 3. (OAR 660-013-0040)
 - If yes, ensure the descriptions themselves are current and that their impacts are relevant to the current community issues.
 - If no, research the issues and their impacts on the community and document them in the comprehensive plan.

- d.2 Does the plan discuss the importance, purpose, and benefits of comprehensive airport planning? (OAR 660-013-0040)
 - If yes, ensure these discussions are consistent with current goals and objectives of the APR and the local community.

- If no, develop text that addresses these issues and include in the next comprehensive plan update.

d.3 What are the primary issues related to airport planning in your area? List the issues of concern for airport planning in your community. **Table 1-1** and Chapters 3 and 6 provide guidance on issues that should be considered.

1.3e. Applicable Policies/Regulations

In order to implement statewide regulations, the comprehensive plan and implementing ordinance must include policies and/or regulations that direct airport development and development of the area surrounding the airport. The questions below will help focus policies and regulations to address Oregon Administrative Rules and Oregon Revised Statutes.

- e.1 Does your plan contain compatibility standards related to residential, commercial, and industrial development (including regulations on lighting, telecommunications, emissions, and other hazards to aviation)? Reference Appendix A and Chapter 3. Refer to model ordinances in Appendices D-H for potential language. (OAR 660-013-0080)
 - If yes, ensure these are consistent with current APR requirements.
 - If no, develop standards that address these issues based upon APR regulations.
- e.2 Does your plan have policies which apply to water impoundments within the airport planning area in accordance with ORS 836.623? Reference Appendix B, and Chapters 3 and 5.
 - If yes, ensure the policies are current and revise if necessary.
 - If no, policies should be adopted to address this issue.
- e.3 Do you have policies or implementing ordinances that apply to wetland mitigation in conjunction with airport planning in accordance with Statewide planning Goal 5? Reference Chapters 3 and 5. (OAR 660-023-0100)
 - If yes, ensure the policies are current and revise if necessary.
 - If no, policies should be adopted to address this issue.
- e.4 Do you have policies or administrative ordinances related to the location and expansion of landfills in accordance with OAR 340-094; CFR Title 40, Part 258, Subpart B; and AC 150/5200-34? Reference Chapters 3 and 5.
 - If yes, ensure the policies are current and revise if necessary.
 - If no, policies should be adopted to address this issue.
- e.5 Does the plan have a policy regarding an amendment process when new information is presented or identified?
 - If yes, ensure the policies are current and revise if necessary.
 - If no, policies should be adopted to address this issue.
- e.6 Has your jurisdiction adopted an Airport Safety Overlay Zone prohibiting structures, trees, etc. from penetrating airport imaginary surfaces based upon FAA standards, and established limited height exceptions and a means of approving variances when supported by the ODA and FAA? Reference Appendix A, Chapter 3, Appendices G and H (OAR 660-013-0070(2))
 - If yes, ensure the regulations are current and revise if necessary.
 - If no, regulations should be adopted to address this issue.

➔ *Items to consider in land use plans include, but are not limited to:*

- residential, commercial, industrial developments
- water impoundments
- wetlands, landfills, wildlife attractants

1.4 Does your community have existing or potential land use issues that should be addressed?

➔ *Table 1-1 provides a brief summary of the potential impacts associated with various land uses.*

Section 1.2c guides the reader through the process of assessing the existing condition of the area around the airport. This includes asking questions regarding existing non-conforming uses, objects which penetrate height restrictions, homes or other noise-sensitive land uses within noise contours, etc. (section 1.3 c.5 – 1.3 c.7). **Table 1-1** can be referenced to provide the reader with a better understanding of why these land uses may be of concern to the airport and its operation. As illustrated in the Table, Chapters 3 and 6 are referenced for support information.

1.5 What do you do with this information?

Participating in the exercise to answer the questions outlined above should provide the reader with an understanding of the compatible aviation land use areas that must be addressed in a comprehensive plan review. Based upon the answers to specific questions, the readers should use the information contained in Chapters 2 through 7, as well as the actual OAR and ORS citations to address these issues. It must be noted that the information contained in this guide is not meant to be all inclusive of the federal, state and local regulations but is a summary of the primary regulations that should be considered. There may be specific issues that must be dealt with on a site-specific basis and the Oregon Department of Aviation and other relevant agencies should be consulted. Chapter 7 contains suggestions for agency contacts in specific areas of interest and templates that illustrate the various airport areas. Additionally, Appendices D through I provide sample documents that can be used for land use compatibility measures such as easements, development agreements, and other issues.

Table 1-1: Land Use Troubleshooting Matrix				
Land Use	Potential Impact	Chapter 3 Reference	Example Actions Available	Chapter 6 Reference
Existing Residential Development	Noise Concern	Page 3-13	Soundproofing Noise Easement	Page 6-10
	Safety Concern	Pages 3-1 & 3-11	Fee Simple Acquisition	Page 6-5
Proposed Residential Development	Noise Concern	Page 3-13	Hold Harmless Agreement/Fair Disclosure Statement	NA
	Safety Concern	Pages 3-1 & 3-11	Comprehensive Plan	Page 6-3
Landfills	Safety Concern	Pages 3-1 & 3-12	Airport Overlay Zoning	Page 6-4
School, Hospital, and Church Development	Noise Concern	Page 3-13 & 3-18	Soundproofing Noise Easement	Page 6-10
	Safety Concern	Pages 3-11	Airport Overlay Zoning	Page 6-4
Radio / Television Tower	Safety Concern	Page 3-12	Avigation & Hazard Easement	Page 6-6
			Height Limitation Zoning	Page 6-4
Factory Smoke	Safety Concern	Page 3-12	Avigation & Hazard Easement	Page 6-6
			Airport Overlay Zoning	Page 6-4
Golf Courses	Safety Concern	Page 3-11 & 3-12	Avigation & Hazard Easement	Page 6-6
			Airport Overlay Zoning	Page 6-4
Auditorium / Outdoor Theaters	Safety Concern	Page 3-11	Airport Overlay Zoning	Page 6-4
Power Lines	Safety Concern	Page 3-12	Avigation & Hazard Easement	Page 6-6
			Height Limitation Ordinance	Page 6-4
Agricultural Activities	Safety Concern	Pages 3-11 & 3-12	Avigation & Hazard Easement	Page 6-6
Water Impoundments	Safety Concern	Pages 3-11 & 3-12	Avigation & Hazard Easement	Page 6-6