

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Public Hearing - Fourth Reading and Public Hearing - (All CPOs)
Land Use & Transportation; County Counsel

Agenda Title: **PROPOSED A-ENGROSSED LAND USE ORDINANCE NO. 609 - AN ORDINANCE AMENDING THE TRANSPORTATION PLAN, THE CEDAR HILLS-CEDAR MILL COMMUNITY PLAN, THE COMPREHENSIVE FRAMEWORK PLAN FOR THE URBAN AREA, THE RURAL/NATURAL RESOURCE PLAN, AND THE COMMUNITY DEVELOPMENT CODE, ALL ELEMENTS OF THE COMPREHENSIVE PLAN, RELATING TO AIRPORT PLANNING**

Presented by: Brent Curtis, Planning Division Manager; Dan Olsen, County Counsel

SUMMARY (Attach Supporting Documents if Necessary)

A-Engrossed Ordinance No. 609 proposes to amend various elements of the Comprehensive Plan to comply with the requirements of the Land Conservation and Development Commission's Airport Planning Rule (OAR 660-013). The Airport Planning Rule applies to nine public and private airports in Washington County, eight of which are addressed by the proposed ordinance. The proposal incorporates new airport policies and new land use overlay districts for airports, as well as safety and land use compatibility overlay districts for certain areas surrounding airports.

On October 21st, the Board held a public hearing for A-Engrossed Ordinance No. 609. After reviewing the staff report and public testimony, the Board voted to continue the hearing to October 28, 2003, as required by Chapter X of the County Charter. Pursuant to past Board direction, testimony will be limited to twelve minutes for a representative of a recognized group and three minutes for individual testimony.

The staff report will be provided to the Board prior to the hearing. Copies also will be available at the Clerk's desk prior to the hearing.

DEPARTMENT'S REQUESTED ACTION:

Read by title only and conduct the fourth public hearing for A-Engrossed Ordinance 609. At the conclusion of the hearing, adopt A-Engrossed Ordinance No. 609.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

ADOPTED

| | |
|-----------------|-------------|
| Agenda Item No. | <u>6.a.</u> |
| Date: | 10/28/03 |

FILED

OCT 06 2003

**Washington County
County Clerk**

IN THE BOARD OF COUNTY COMMISSIONERS

FOR WASHINGTON COUNTY, OREGON

**A-ENGROSSED
ORDINANCE 609**

(An Ordinance Amending the Transportation Plan,
(the Cedar Hills-Cedar Mill Community Plan, the
(Comprehensive Framework Plan for the Urban Area,
(the Rural Natural Resource Plan, and the Community
(Development Code, All Elements of the
(Comprehensive Plan, Relating to Airport Planning

The Board of County Commissioners of Washington County, Oregon, ordains:

SECTION 1

- A. The Board of County Commissioners of Washington County, Oregon, recognizes that the Transportation Plan Element (Volume XV) was adopted on October 25, 1988, by way of Ordinance Nos. 332 and 333, with portions subsequently amended by Ordinance Nos. 343, 382, 409, 419 (remanded), 426, 432, 450, 463, 470, 471, 473, 474, 483, 484, 485, 493, 494, 503, 515, 526, 552, 588, and 601.
- B. The Board of County Commissioners, recognizes that the Cedar Hills-Cedar Mill Community Plan was adopted by Ordinance Nos. 263 and 265 and amended by Ordinance Nos. 346, 369, 396, 418, 420, 450, 471, 480, 484, 526, 551, 553, and 588.
- C. The Board of County Commissioners recognizes that the Comprehensive Framework Plan for the Urban Area element of the Comprehensive Plan (Volume II) was readopted with amendments on September 9, 1986, with portions subsequently amended by Ordinance Nos. 343, 382, 432 (remanded), 444 (remanded), 459, 471, 483, 503, 516, 517, 526, 561, 572, 588-590, 598, and 608.

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- 1 D. The Board of County Commissioners, recognizes that the Rural/Natural Resource Plan
2 (Volume III) was readopted with amendments, by way of Ordinance No. 307, with portions
3 subsequently amended by Ordinance Nos. 342, 383, 411, 412, 458, 459, 462, 480, 482, 499,
4 539, 547, 578, 588, 598, and 606.
- 5 E. The Board of County Commissioners, recognizes that the Community Development Code
6 element of the Comprehensive Plan (Volume IV) was readopted with amendments on
7 September 9, 1986, by way of Ordinance No. 308, with portions subsequently amended by
8 Ordinance Nos. 321, 326, 336-341, 356-363, 372-378, 380, 381, 384-386, 392, 393, 397, 399-
9 403, 407, 412, 413, 415, 417, 421, 422, 423, 428-434, 436, 437, 439, 441-443, 449, 451-454,
10 456, 457, 462-464, 467-469, 471, 478-481, 486-489, 504, 506-512, 517-523, 525-526, 528-
11 529, 538, 540, 545, 551-555, 558-561, 573, 575-577, 581, 583, 588, 589, 591-595, 603-605,
12 607, and 608.
- 13 F. Subsequent ongoing planning efforts of the County indicate a need for changes to
14 Transportation Plan, the Cedar Hills-Cedar Mill Community Plan, the Comprehensive
15 Framework Plan for the Urban Area, The Rural/Natural Resource Plan, and the Community
16 Development Code for purposes of airport planning. The Board takes note that such changes
17 are necessary for the benefit of the health, safety, and general welfare of the residents of
18 Washington County, Oregon.
- 19 G. Under the provisions of Washington County Charter Chapter X, the Land Use Ordinance
20 Advisory Commission has carried out its responsibilities, including preparation of notices, and
21 the County Planning Commission has conducted one or more public hearings on the proposed
22 amendments and has submitted its recommendations to the Board. The Board finds that this

1 Ordinance is based on that recommendation and any modifications made by the Board, as a
2 result of the public hearings process.

3 H. The Board finds and takes public notice that it is in receipt of all matters and information
4 necessary to consider this Ordinance in an adequate manner, and that this Ordinance
5 complies with the Statewide Planning Goals, the Metro Urban Growth Management
6 Functional Plan, the Regional Transportation Plan and the standards for legislative plan
7 adoption, as set forth in Chapters 197 and 215 of the Oregon Revised Statutes, the
8 Washington County Charter, and the Washington County Community Development Code.

9 SECTION 2

10 The following exhibits, attached and incorporated herein by reference, are hereby adopted as
11 amendments to the Comprehensive Plan:

- 12 A. Exhibit 1 (4 pages) amending Policy 17 (including associated Figure/map) of the 2020
13 Transportation Plan.
- 14 B. Exhibit 2 (3 pages) adding NEW Policy 28 (entitled Airports) to the Rural/Natural Resources
15 Plan.
- 16 C. Exhibit 3 (3 pages) adding NEW Policy 43 (entitled Airports) to the Comprehensive
17 Framework Plan for the Urban Area.
- 18 D. Exhibit 4 (4 pages) adding NEW section 385 (entitled Private Use Airport Overlay District)
19 to the Community Development Code.
- 20 E. Exhibit 5 (3 pages) adding NEW section 386 (entitled Private Use Airport Safety Overlay
21 District) to the Community Development Code.

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- 1 F. Exhibit 6 (3 pages) adding NEW section 387 (entitled Public Use Airport Overlay District) to
- 2 the Community Development Code.
- 3 G. Exhibit 7 (7 pages) adding NEW section 388 (entitled Public Use Airport Safety and
- 4 Compatibility Overlay District) to the Community Development Code.
- 5 H. Exhibit 8 (4 pages) amending section 106 (Definitions) of the Community Development
- 6 Code.
- 7 I. Exhibit 9 (2 pages) amending section 430-7 (Special Use Standards for Airports) of the
- 8 Community Development Code.
- 9 J. Exhibit 10 (1 page) amending section 430-59 (Special Use Standards for Heliports) of the
- 10 Community Development Code.
- 11 K. Exhibit 11 (5 pages) amending section 421 (Flood Plain and Drainage Hazard Areas) of the
- 12 Community Development Code.
- 13 L. Exhibit 12 (6 pages) amending section 422-3 (Criteria for Development of Significant and
- 14 Natural Resource Areas) of the Community Development Code.
- 15 M. Exhibit 13 (1 page) adding NEW Airport Overlay District Map Element to the Rural/Natural
- 16 Resource Plan (showing County overview of all airports).
- 17 N. Exhibit 14 (1 page) adding NEW Airport Overlay District Element to the Rural/Natural
- 18 Resource Plan Map for Apple Valley Airport.
- 19 O. Exhibit 15 (1 page) adding NEW Airport Overlay District Element to the Rural/Natural
- 20 Resource Plan Map for Meyer’s Riverside Airport.
- 21 P. Exhibit 16 (1 page) adding NEW Airport Overlay District Element to the Rural/Natural
- 22 Resource Plan Map for North Plains Gliderport.

- 1 Q. Exhibit 17 (1 page) adding NEW Airport Overlay District Element to the Rural/Natural
2 Resource Plan Map for Olinger Strip.
- 3 R. Exhibit 18 (1 page) adding NEW Airport Overlay District Element to the Rural/Natural
4 Resource Plan Map for Skyport Airport.
- 5 S. Exhibit 19 (1 page) adding NEW Airport Overlay District Element to the Rural/Natural
6 Resource Plan Map for Sunset Airstrip.
- 7 T. Exhibit 20 (1 page) adding NEW Airport Overlay District Element to the Cedar Hills-Cedar
8 Mill Community Plan Map for St. Vincent Heliport
- 9 U. Exhibit 21 (2 pages) adding NEW Airport Overlay District Element to the Rural/Natural
10 Resource Plan Map for Stark's Twin Oaks Airpark.
- 11 V. Exhibit 22 (7 pages) amending Section 204 of the Community Development Code.

12 SECTION 3

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

15 SECTION 4

16 All applications completed and submitted under former land use ordinances shall continue to
17 be processed, pursuant to the provisions of the former ordinance, until a final decision is rendered by
18 the County or the application is withdrawn, unless specifically provided otherwise by law.

19 SECTION 5

20 If any portion of this Ordinance, including the exhibits, shall for any reason be held invalid or
21 unconstitutional by a body of competent jurisdiction, the remainder shall not be affected thereby and
22 shall remain in full force and effect and any provision of a prior land use ordinance amended or

1 repealed by the stricken portion of this Ordinance shall be revived and again be considered in full
2 force and effect.

3 SECTION 6

4 The Office of County Counsel and Department of Land Use and Transportation are authorized
5 to prepare planning documents to reflect the changes adopted under Section 2 of this Ordinance,
6 including deleting and adding textual material and maps, renumbering pages or sections, and making
7 any technical changes not affecting the substance of these amendments as necessary to conform to the
8 Washington County Comprehensive Plan format.

9 SECTION 7

10 This Ordinance shall take effect thirty (30) days after adoption.

11 ENACTED this 28 day of October, 2003, being the fourth reading
12 and fourth public hearing before the Board of County Commissioners of Washington County,
13 Oregon.

14 BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

15 **ADOPTED**

16 Tom Buer
CHAIRMAN

17 Barbara Heitmanek
RECORDING SECRETARY

18 READING

19 First September 16, 2003
20 Second September 23, 2003
21 Third October 21, 2003
22 Fourth October 28, 2003
Fifth _____

PUBLIC HEARING

September 16, 2003
September 23, 2003
October 21, 2003 (A-Engrossed)
October 28, 2003

VOTE: Aye: Brian, Rogers, Duvck,
Schouten

Nay: Leeper

Recording Secretary: Barbara Heitmanek Date: October 28, 2003

Policy 17, the AIR, RAIL, PIPELINE and WATER ELEMENT of the 2020 Transportation Plan, and associated Figure 15, are amended as follows:

AIR, RAIL, PIPELINE AND WATER ELEMENT

Introduction

The Air, Rail, Pipeline and Water Element deals with the movement of people, goods, or services by these modes. Transportation related policies and strategies regarding these modes are described in Policy 17 of this Transportation Plan. With regard to the Air element, the scope of this Policy is limited to public use airports. [Note: Private use airports are not a required element of a transportation system plan, as stipulated in OAR 660-012-0020(2)(e).]

In addition to public use airports, there are several private use aviation facilities in Washington County. Private use facilities fall under two general categories: private use airports identified by the Oregon Department of Aviation (pursuant to ORS 836.608(2)) that are subject to LCDC's Airport Planning Rule (OAR 660-013), and personal use facilities that are subject to local regulation.

The County's Comprehensive Plan identifies Public Use Airports and state-recognized Private Use Airports with land use overlay designations in the map elements of the Rural Natural Resource Plan and of the Cedar Hills-Cedar Mill Community Plan entitled Airport Overlay Districts. Land use related policies and strategies regarding the overlay-designated airport facilities are addressed in the Rural/Natural Resource Plan and in the Comprehensive Framework Plan for the Urban Area. Personal use airport and heliport facilities not identified by the DOA are not recognized on Comprehensive Plan maps. Development standards for all airport and heliport related uses, including personal use airports and heliports, are outlined in the Community Development Code.

As previously discussed in the Roadway Freight Element, rail and pipeline modes have freight implications, so policies and strategies described in this section should be considered together with those in the Roadway Freight element.

Air, Rail, Pipeline and Water Background

Air transport in Washington County consists of ~~two~~three public use airports.⁴ The larger of these airports, the Hillsboro Airport, operated by the Port of Portland, is a general aviation airport acting as a reliever airport for Portland International. Annual flight take-off and landing operations at this facility were over 236,000 in 2001. Aircraft at the Hillsboro Airport are limited to small engine and business class aircraft providing passenger shuttle rather than air cargo service for some of the major industries in the area. Plans to expand Hillsboro Airport in the future include the purchase of additional land for expansion and the addition of a third runway to accommodate increasing demand.

⁴ ~~Private use airports are not a required element of a transportation system plan (OAR 660-012-0020(2)(e)).~~

Stark's Twin Oaks Airpark is the largest privately owned public use airport in the region, with annual operations estimated at over 13,000 for the year 2001. It is located approximately six miles south of Hillsboro, between the Tualatin River and River Road, and is privately owned and operated. Aircraft at this general aviation facility are limited to helicopters and small engine airplanes. Physical constraints on runway length preclude potential expansion that would be necessary to accommodate larger class aircraft. However operations could expand via the construction of additional hangers available for lease on site.

Skyport is the smallest public use airport in Washington County. This privately owned and operated facility is located approximately three miles north of Cornelius. Annual flight take-off and landing operations at the Skyport Airport for the year 2001 were estimated at just over 700. There are no current plans for expansion of this facility.

Rail service in Washington County is operated by the Burlington-Northern, Portland & Western, and Port of Tillamook Bay railroads. These railroads currently provide freight service only, although there are plans to also operate peak-hour commuter rail service in the I-5/Hwy. 217 corridor between Wilsonville and Beaverton on tracks owned by the Union Pacific Railroad and ODOT. The proposed Wilsonville-Beaverton commuter rail project is projected to carry approximately 4,700 weekday passengers and reduce congestion by 17,400 vehicle miles per day by the year 2020.

Pipelines transmit natural and liquid gas in Washington County. Major high-pressure gas pipelines (60 pounds per square inch or greater) are shown in this plan to highlight possible conflicts with future roadway extensions or widenings. The Kinder-Morgan pipeline, connecting the Columbia River port area to Eugene and running through Beaverton and Tigard, is an important high transmission rate pipeline that transmits refined gas products at an average of 75,000 gallons per hour.

There are currently no waterways supporting freight or ferry passenger transport in Washington County.

17.0 AIR, RAIL, PIPELINE AND WATER POLICY

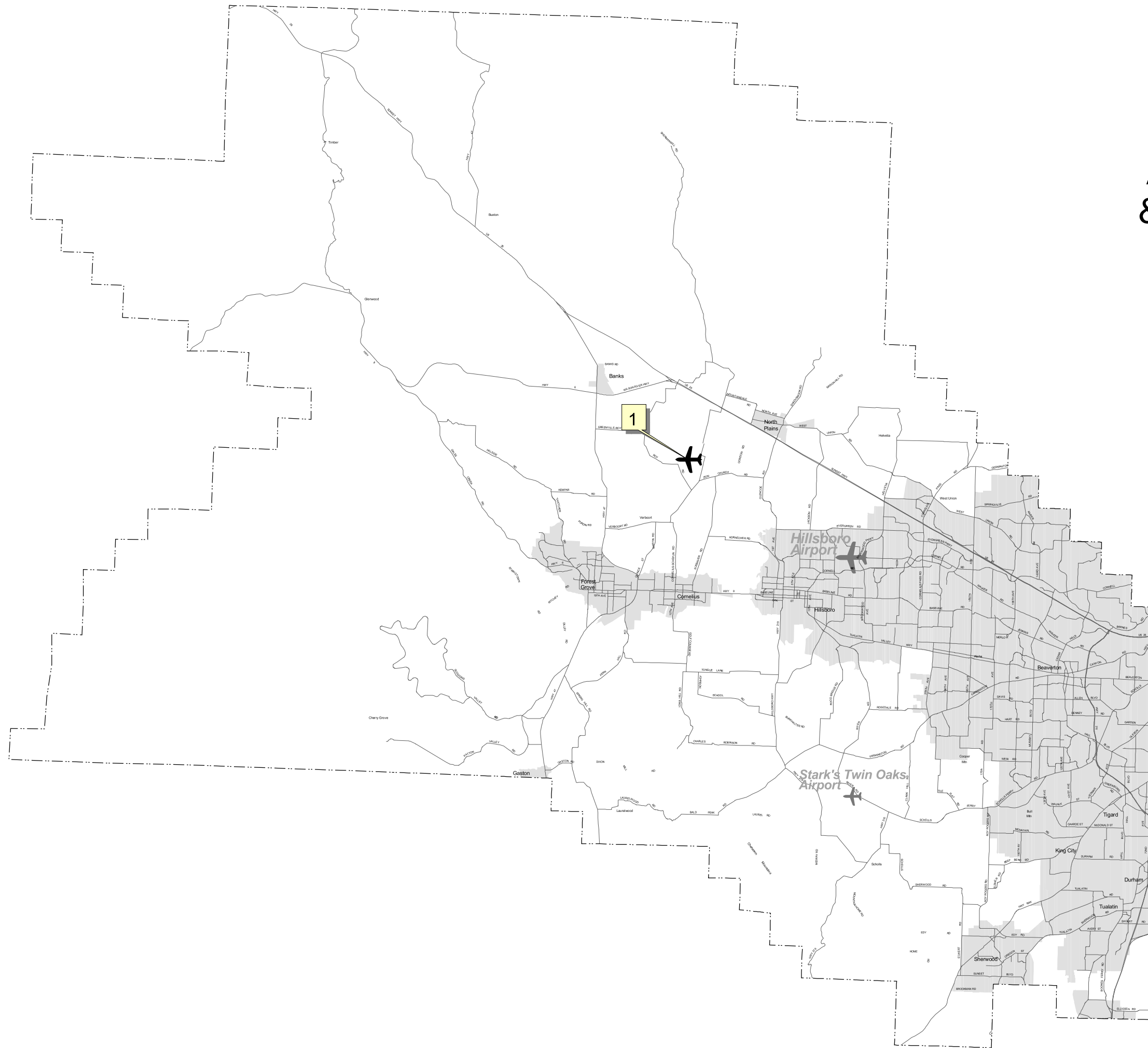
IT IS THE POLICY OF WASHINGTON COUNTY TO ENCOURAGE CONTINUED USE AND DEVELOPMENT OF AIR, RAIL, PIPELINE AND WATER TRANSPORTATION FACILITIES IN THE COUNTY.

Strategies:

- 17.1 Coordinate planning and development of air, rail, pipeline and water transportation service with federal, state and regional regulators and transportation service providers to ensure the safety of operations as well as environmental and noise compatibility with surrounding land uses.
- 17.2 Coordinate with service providers to ensure that existing facilities are protected from encroachment by incompatible land uses and to minimize land use conflicts where future expansion is needed.

- 17.3 Work with other agencies and private parties and develop public/private partnerships as appropriate to use and further develop air, water and rail transportation resources. Avoid abandoning existing resources of these types.
- 17.4 For state identified airport facilities subject to the LCDC Airport Planning Rule, address specific polices and strategies in the Rural/Natural Resource Plan and the Comprehensive Framework Plan for the Urban Area, and provide regulatory standards for airport related uses and safety concerns in the Community.
- 17.35 Investigate using existing rail lines for commuter rail or for other transportation purposes.
- 17.46 Consider using waterways in Washington County for passenger and freight transportation purposes.
- ~~17.5~~ ~~Work with other agencies and private parties and develop public/private partnerships as appropriate to use and further develop air, water and rail transportation resources. Avoid abandoning existing resources of these types.~~
- 17.67 Coordinate with appropriate parties the development and maintenance of pipeline facilities that are consistent with federal, state and local plans and regulations.

Air, Rail, Pipeline & Water Elements



Public Use Airports*

-  Existing Airports
-  Added Airport
-  Urban Area
-  County Line

1 Skyport Airport
 Public Use Airport

Note:
 *The State Transportation Planning Rule (OAR 6660-12-020(2)(e)) requires the identification of existing and planned public use airports only in local transportation system plans.

The Air, Rail, Pipeline & Water Elements Map in the Washington County Transportation Plan shall be amended to reflect the described changes.



The following NEW Policy 28, entitled AIRPORTS, is added to the Rural/Natural Resource Element of the Comprehensive Plan:

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) 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 the DOA list of airports.

Policy 17 of the 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 areas. 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 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 makes a distinction between the terms airport and heliport, as they are not 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 UGB, personal use airports are only permitted in the industrial (IND) district. Outside the UGB, 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 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: 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 and for private use airports identified by the Oregon Department of Aviation (DOA).

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.

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
2. Public Use Airports – Privately Owned:
 - a. Stark's Twin Oaks Airpark
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)
 - b. Meyer's Riverside (2 miles SW of Tigard)
 - c. North Plains Gliderport (2 miles W of North Plains)
 - d. Olinger Strip (3 miles NW of Hillsboro)
 - e. Providence St. Vincent Medical Center Heliport (2.5 miles NE of Beaverton)
 - f. Sunset Airstrip (1 mile SW of North Plains)

In addition to the above, the Skyport Airport (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 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 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 County lands. The County's planning efforts for 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 County's jurisdiction through the application of Airport Overlay Districts to regulate land uses. There 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 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.

The following NEW Policy 43, entitled AIRPORTS, is added to the Comprehensive Framework Plan for the Urban Area:

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) 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 the DOA list of airports.

Policy 17 of the 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 43 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 areas. 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 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 makes a distinction between the terms airport and heliport, as they are not 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 UGB, personal use airports are only permitted in the industrial (IND) district. Outside the UGB, 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 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 43: 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 and for private use airports identified by the Oregon Department of Aviation (DOA).

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.

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 - e. Providence St. Vincent Medical Center Heliport (2.5 miles NE of Beaverton)
 - f. Sunset Airstrip (1 mile SW of North Plains)

In addition to the above, the Skyport Airport (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 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 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 County lands. The County's planning efforts for 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 County's jurisdiction through the application of Airport Overlay Districts to regulate land uses. There 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 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.

The following NEW CDC Section 385 PRIVATE USE AIRPORT OVERLAY DISTRICT is added:

385 PRIVATE USE AIRPORT OVERLAY DISTRICT

385-1 Purpose

The purpose of the Private Use Airport Overlay District is to recognize the locations of certain private use and privately owned public use airports and heliports and to provide for their continued operation and vitality consistent with state law. This Overlay District also recognizes the locations of and provides for the continued operation and vitality of public use airports not protected under ORS 836.610(1).

385-2 Applicability

This Overlay District applies to the following private use airports: Apple Valley AP, Meyer's Riverside AP, North Plains Gliderport, Olinger Strip, Sunset Airstrip, and to the life flight heliport at Providence St. Vincent Medical Center, pursuant to ORS 836.608(2). This Overlay District additionally applies to Skyport, a public use airport.

385-3 Continued Operation and Determination of Existing Uses

Operation of the following uses may be continued at their current levels as of the effective date of this ordinance (November 27, 2003) upon demonstration that the use existed at the airport at any time during 1996.

In response to requests for building permits or other expansions pursuant to Section 385-4 which may or may not otherwise require a Type II or Type III procedure, or in response to citizen complaints, the Review Authority may require a determination regarding the existence and level of a particular listed use in 1996. This determination of an existing use shall be based upon a review of evidence provided by the airport sponsor, and shall be processed via a Type II Procedure. This determination may be processed independently or concurrently with another Type II or Type III procedure.

A. Customary and usual aviation-related activities, including but not limited to takeoffs and landings; aircraft hangars and tie-downs; construction and maintenance of airport facilities; fixed based operator facilities; a residence for an airport caretaker or security officer; and other activities incidental to the normal operation of an airport. Except as provided in this ordinance, "customary and usual aviation-related activities" do not include residential, commercial, industrial, manufacturing and other uses.

B. Air passenger and air freight services and facilities, at levels consistent with the classification and needs identified in the Oregon Department of Aviation Airport System Plan.

- C. Emergency medical flight services, including activities, aircraft, accessory structures, and other facilities necessary to support emergency transportation for medical purposes. Emergency medical flight services include search and rescue operations but do not include hospitals, medical offices, medical labs, medical equipment sales, and other similar uses.
- D. Law enforcement and firefighting activities, including aircraft and ground-based activities, facilities and accessory structures necessary to support federal, state or local law enforcement or land management agencies engaged in law enforcement or firefighting activities. Law enforcement and firefighting activities include transport of personnel, aerial observation, and transport of equipment, water, fire retardant and supplies.
- E. Search and rescue operations, including aircraft and ground based activities that promote the orderly and efficient conduct of search or rescue related activities.
- F. Flight instruction, including activities, facilities, and accessory structures located at airport sites that provide education and training directly related to aeronautical activities. Flight instruction includes ground training and aeronautic skills training, but does not include schools for flight attendants, ticket agents or similar personnel.
- G. Aircraft service, maintenance and training, including activities, facilities and accessory structures provided to teach aircraft service and maintenance skills and to maintain, service, refuel or repair aircraft or aircraft components. "Aircraft service, maintenance and training" includes the construction and assembly of aircraft and aircraft components for personal use, but does not include activities, structures or facilities for the manufacturing of aircraft or aircraft-related products for sale to the public.
- H. Aircraft rental, including activities, facilities and accessory structures that support the provision of aircraft for rent or lease to the public.
- I. Aircraft sales and the sale of aeronautic equipment and supplies, including activities, facilities and accessory structures for the storage, display, demonstration and sales of aircraft and aeronautic equipment and supplies to the public but not including activities, facilities or structures for the manufacturing of aircraft or aircraft-related products for sale to the public.
- J. Crop dusting activities, including activities, facilities and structures accessory to crop dusting operations. Crop dusting activities include, but are not limited to, aerial application of chemicals, seed, fertilizer, defoliant and other chemicals or products used in a commercial agricultural, forestry or rangeland management setting.
- K. 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 308A.056.

L. Aeronautic recreational and sporting activities, including activities, facilities and accessory structures at airports that support recreational usage of aircraft and sporting activities that require the use of aircraft or other devices used and intended for use in flight, are permitted subject to the acceptance 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 herein, parachuting and parachute drops include all forms of skydiving.

385-4 Expansion of Existing Uses

The expansion of uses identified in Section 385-3 of this Overlay District that existed at any time during 1996 is permitted as provided in this section.

A. Expansions Permitted Through a Type I Procedure

The following expansions of existing uses are permitted subject to the general standards of this Overlay District, the Development Standards of Article IV and all other applicable standards of the Code.

- (1) Construction of additional hangars and tie-downs.
- (2) Basing additional aircraft at the airport.
- (3) Increases in flight activity.

B. Expansions Permitted Through a Type II Procedure

The expansions of existing uses listed in Section 385-3 are permitted subject to the specific standards for the use set forth below as well as the general standards of this Overlay District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5 and as described in Section 385-8.

- (1) Growth of existing uses that require building permits, other than those existing uses identified in subsection A. of this Section, shall be permitted through a Type II procedure, provided the growth:
 - (a) Can be supported by existing public facilities and services and transportation systems authorized by applicable statewide land use planning goals;
 - (b) Does not force a significant change or significantly increases the costs of conducting existing uses on surrounding lands; and
 - (c) Does not exceeds the standards of ORS 215.296(1) if the airport is adjacent to land zoned for exclusive farm use.

385-5 Uses Which May be Permitted Through a Type III Procedure

Airport related uses identified in Section 385-3 of this Overlay District shall be permitted via a Type III public hearing process upon demonstration of compliance with the following standards. An applicant may demonstrate that these standards will be satisfied through the imposition of clear and objective conditions, and/or additional requirements may be conditioned pursuant to Section 385-8.

- A. The use is or will be supported by adequate types and levels of facilities and services and transportation systems consistent with the County's adopted and acknowledged 2020 Transportation Plan;
- B. The use does not seriously interfere with existing land uses in areas surrounding the airport; and
- C. For airports adjacent to land zoned for exclusive farm use, the use complies with the requirements in ORS 215.296.

385-6 Limitations on Height of Structures

All uses, activities, facilities and structures allowed in the Private Use Airport Overlay District shall comply with the requirements of Section 437, Private Use Airport Safety Overlay District.

385-7 Dimensional Requirements

The minimum dimensional requirements shall be that of the underlying land use district except where further restricted by applicable Conditions of Approval.

385-8 Additional Requirements

As a condition of approval of any conditional use proposed within the Private Use Airport Overlay District, the Review Authority may require:

- A. An increase in required setbacks.
- B. Additional off-street parking and loading facilities and building standards.
- C. Limitations on signs or lighting, hours of operation, points of ingress and egress, and building heights.
- D. Additional landscaping, screening and other improvements.
- E. Glare-resistant materials in the construction or other methods likely to reduce operating hazards.
- F. Other conditions considered necessary to achieve compliance and policies of the Comprehensive Plan.

The following NEW CDC Section 386 PRIVATE USE AIRPORT SAFETY OVERLAY DISTRICT is added:

386 PRIVATE USE AIRPORT SAFETY OVERLAY DISTRICT

386-1 Intent and Purpose

The intent of the Private Use Airport Safety Overlay District is to encourage and support the continued operation and vitality of private use airports that were the base for three or more aircraft on December 31, 1994, and certain privately-owned public use airports, by establishing safety standards to promote air navigational safety at these airports as well as the safety of those living near these airports.

386-2 Applicability

The Private Use Airport Safety Overlay District shall apply to Apple Valley AP, Meyer's Riverside AP, North Plains Gliderport, Olinger Strip AP, Skyport AP, Providence St. Vincent Medical Center HP, and Sunset Airstrip, pursuant to ORS 836.608(2) and OAR 660-013-0155(1).

This Overlay District applies certain height restrictions to new development in underlying land use districts according to those described in the definition for Approach Surface, as outlined under Section 106-10.7.

386-3 Imaginary Surface Delineation

The airport elevation and the location and dimensions of the runway, primary surface and approach surface shall be delineated for each private use airport subject to this overlay district and shall be made part of the Airport Safety and Land Use Compatibility Element of the Rural/Natural Resource Plan Map.

The helipad elevation and the location and dimensions of the primary surface, transitional surface and approach surface shall be delineated for the Providence St. Vincent Medical Center Heliport and shall be made part of the Airport Safety and Land Use Compatibility Element of the Cedar Hills-Cedar Mill Community Plan Map.

All lands, waters and airspace, or portions thereof, that are located within these surfaces shall be subject to the requirements of this Overlay District.

386-4 Notice of Land Use and Permit Applications within Overlay District Area

Written notice of applications and decisions for land use or limited land use decisions, including Comprehensive Plan or Map amendments, shall be provided to the airport sponsor and the Department of Aviation as provided pursuant to Section 204.

386-5 Height Limitations on Allowed Uses in Underlying District

All uses permitted by the underlying district shall comply with the height limitations in this Section. When height limitations of the underlying district are more restrictive than those of this Overlay District, the underlying district height limitations shall control.

- A. Except as provided in subsection B. of this Section, no structure or appurtenance shall be constructed to penetrate, nor tree, plant or other object of natural growth shall be planted which within ten years of growth can be expected to penetrate an airport imaginary surface.
- B. Height variances may be permitted when supported in writing by the airport sponsor and the Department of Aviation. Applications for height variances shall follow the procedures for other variances and shall be subject to such conditions and terms as recommended by the Department of Aviation.

386-6 Procedures

An applicant seeking a Type II or Type III approval in an area within this Overlay District shall provide the following information in addition to any other information required in the permit application:

- A. A map or drawing showing the location of the property in relation to the airport imaginary surfaces. The Land Development Services Division shall provide the applicant with appropriate base maps upon which to locate the property.
- B. Elevation profiles and a site plan, both drawn to scale, including the location and height of all existing and proposed structures, measured in feet above mean sea level in order to compare absolute height relative to that of the nearby airport runway.
- C. If a height variance is requested, letters of support or no impact from the airport sponsor and the Department of Aviation.

386-7 Nonconforming Uses

- A. These regulations shall not be construed to require the removal, lowering or alteration of any structure not conforming to these regulations. These regulations shall not require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Overlay District.
- B. Notwithstanding subsection A. of this Section, the owner of any existing structure that has an adverse effect on air navigational safety as determined by the Department of Aviation shall install or allow the installation of obstruction markers as deemed necessary by the Department of Aviation, so that the structures become more visible to pilots.

C. No Type II or Type III approval or other permit shall be granted that would allow a nonconforming use or structure to become a greater hazard to air navigation than it was on the effective date of this Overlay District.

The following NEW CDC Section 387 PUBLIC USE AIRPORT OVERLAY DISTRICT is added:

387 PUBLIC USE AIRPORT OVERLAY DISTRICT

387-1 Purpose

The purpose of the Public Use Airport Overlay District is to encourage and support the continued operation and vitality of certain public use airports by allowing airport-related commercial and recreational uses in accordance with state law.

387-2 Applicability

This Overlay District applies to Stark's Twin Oaks Airpark, pursuant to ORS 836.610(1).

387-3 Conformance with Public Use Airport Safety and Compatibility Overlay District

All uses, activities, facilities and structures allowed in the Public Use Airport Overlay District shall comply with the requirements of Section 439, Public Use Airport Safety and Compatibility Overlay District. In the event of a conflict between the requirements of this land use overlay district and those of the Public Use Airport Safety and Compatibility Overlay District, the requirements of the latter shall control.

387-4 Uses Permitted Through at Type I Procedure

The following uses and activities are permitted subject to the general standards of this Overlay District, the Development Standards of Article IV and all other applicable standards of the Code. In addition, the Twin Oaks Airpark is located within an area identified by the Oregon Water Resources Department as the Bull Mountain-Cooper Mountain Critical Groundwater Area. Pursuant to this, groundwater consumption and activities on site that impact groundwater resources may be limited, as described in ORS Ch. 537 and OAR Ch. 690.

A. Customary and usual aviation-related activities, including but not limited to takeoffs and landings; aircraft hangars and tie-downs; construction and maintenance of airport facilities; fixed based operator facilities; a residence for an airport caretaker or security officer; pilots' lounge and associated eating establishment; and other activities incidental to the normal operation of an airport. Except as provided in this ordinance, "customary and usual aviation-related activities" do not include residential, commercial, industrial, manufacturing and other uses.

B. Air passenger and air freight services and facilities, at levels consistent with the classification and needs identified in the Oregon Department of Aviation Airport System Plan.

- C. Emergency medical flight services, including activities, aircraft, accessory structures, and other facilities necessary to support emergency transportation for medical purposes. Emergency medical flight services do not include hospitals, medical offices, medical labs, medical equipment sales, and other similar uses.
- D. Law enforcement and firefighting activities, including aircraft and ground-based activities, facilities and accessory structures necessary to support federal, state or local law enforcement or land management agencies engaged in law enforcement or firefighting activities. Law enforcement and firefighting activities include transport of personnel, aerial observation, and transport of equipment, water, fire retardant and supplies.
- E. Search and rescue operations, including aircraft and ground based activities that promote the orderly and efficient conduct of search or rescue related activities.
- F. Flight instruction, including activities, facilities, and accessory structures located at airport sites that provide education and training directly related to aeronautical activities. Flight instruction includes ground training and aeronautic skills training, but does not include schools for flight attendants, ticket agents or similar personnel.
- G. Aircraft service, maintenance and training, including activities, facilities and accessory structures provided to teach aircraft service and maintenance skills and to maintain, service, refuel or repair aircraft or aircraft components. "Aircraft service, maintenance and training" includes the construction and assembly of aircraft and aircraft components for personal use, but does not include activities, structures or facilities for the manufacturing of aircraft or aircraft-related products for sale to the public.
- H. Aircraft rental, including activities, facilities and accessory structures that support the provision of aircraft for rent or lease to the public.
- I. Aircraft sales and the sale of aeronautic equipment and supplies, including activities, facilities and accessory structures for the storage, display, demonstration and sales of aircraft and aeronautic equipment and supplies to the public but not including activities, facilities or structures for the manufacturing of aircraft or aircraft-related products for sale to the public.
- J. Crop dusting activities, including activities, facilities and structures accessory to crop dusting operations. Crop dusting activities include, but are not limited to, aerial application of chemicals, seed, fertilizer, defoliant and other chemicals or products used in a commercial agricultural, forestry or rangeland management setting.
- K. 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 308A.056.

387-5 Uses Permitted Subject to the Acceptance of the Airport Sponsor

The following uses and activities and their associated facilities and accessory structures are permitted in the Public Use Airport Overlay District upon demonstration of acceptance by the airport sponsor.

- A. Aeronautic recreational and sporting activities, including activities, facilities and accessory structures at airports that support recreational usage of aircraft and sporting activities that require the use of aircraft or other devices used and intended for use in flight. Aeronautic recreation and sporting activities authorized under this paragraph include, but are not limited to, fly-ins; glider flights; hot air ballooning; ultralight aircraft flights; displays of aircraft; aeronautic flight skills contests; and gyrocopter flights, but do not include flights carrying parachutists or parachute drops (including all forms of skydiving).

- B. Flights carrying parachutists, and parachute drops (including all forms of skydiving) onto an airport, but only upon demonstration that the parachutist business has secured approval to use a drop zone that is at least 10 contiguous acres. The configuration of the drop zone shall roughly approximate a square or a circle and may contain structures, trees, or other obstacles only if the remainder of the drop zone provides adequate areas for parachutists to land safely.

387-6 Dimensional Requirements

The minimum dimensional requirements shall be that of the underlying land use district except where further restricted by applicable Conditions of Approval.

The following NEW CDC Section 388 PUBLIC USE AIRPORT SAFETY AND COMPATIBILITY OVERLAY is added:

388 PUBLIC USE AIRPORT SAFETY AND COMPATIBILITY OVERLAY DISTRICT

388-1 Intent and Purpose

The purpose of the Public Use Airport Safety and Compatibility Overlay District is to encourage and support the continued operation and vitality of public use airports with visual only approaches by establishing compatibility and safety standards to promote air navigational safety at such public use airports and to reduce potential safety hazards for persons living, working or recreating near such public use airports.

388-2 Applicability

The Public Use Airport Safety and Compatibility Overlay District shall be applied to the area surrounding Stark's Twin Oaks Airpark. In the future, this overlay district may apply to new or existing public use airports with visual approaches that have been identified by the Oregon Department of Aviation as requiring this level of protection, pursuant to ORS 836.600; ORS 836.619; OAR 660-013-0070; OAR 660-013-0080.

388-3 Imaginary Surface and Noise Impact Boundary Delineation

The airport elevation, the airport noise impact boundary, and the location and dimensions of the runway, primary surface, runway protection zone, approach surface, horizontal surface, conical surface, transitional surface and direct impact boundary shall be delineated for each airport subject to this overlay district and shall be made part of the Airport Land Use and Safety Overlay District Element of the Rural/Natural Resource Plan Map. All lands, waters and airspace, or portions thereof, that are located within these boundaries or surfaces shall be subject to the requirements of this overlay district.

388-4 Notice of Land Use and Permit Applications within Overlay District Area

Except as otherwise provided herein, written notice of applications for land use or limited land use decisions, including comprehensive plan amendments, in an area within this overlay district, shall be provided to the airport sponsor and the Department of Aviation as provided pursuant to Section 204.

388-5 Height Limitations on Allowed Uses in Underlying Districts

All uses permitted by the underlying district shall comply with the height limitations in this Section. When height limitations of the underlying district are more restrictive than those of this overlay district, the underlying district height limitations shall control.

- A. Except as provided in subsections B. and C. of this Section, no structure or tree, plant or other object of natural growth shall penetrate an airport imaginary surface.
- B. For areas within airport imaginary surfaces but outside the approach and transition surfaces, where the terrain is at higher elevations than the airport runway surfaces such that existing structures and permitted development penetrate or would penetrate the airport imaginary surfaces, the Review Authority may authorize structures up to 35 feet in height.
- C. Other height exceptions or variances may be permitted when supported in writing by the airport sponsor, the Department of Aviation and the FAA. Applications for height variances shall follow the procedures for other variances and shall be subject to such conditions and terms as recommended by the Department of Aviation and the FAA.

388-6 Procedures

An applicant seeking a Type II or a Type III approval in an area within this Overlay District shall provide the following information in addition to any other information required in the permit application:

- A. A map or drawing showing the location of the property in relation to the airport imaginary surfaces. The Land Development Services Division shall provide the applicant with appropriate base maps upon which to locate the property.
- B. Elevation profiles and a site plan, both drawn to scale, including the location and height of all existing and proposed structures, measured in feet above mean sea level.
- C. If a height variance is requested, letters of support or no impact from the airport sponsor, the Department of Aviation and the FAA.

388-7 Land Use Compatibility Requirements

Applications for land use or building permits for properties within the boundaries of this Overlay District shall comply with the requirements of this chapter as provided herein.

A. Noise

Within airport noise impact boundaries, land uses shall be established consistent with the levels identified in OAR 660, Division 13, Exhibit 5. A declaration of anticipated noise levels shall be attached to any subdivision or partition approval or other land use approval or building permit affecting land within identified airport noise impact boundaries. In areas where the noise level is anticipated to be at or above 55 LDN, prior to issuance of a building permit for construction of a noise sensitive land use (real property normally used for sleeping or as a school, church, hospital, public library or similar use), the permit applicant shall be required to

demonstrate that a noise abatement strategy will be incorporated into the building design that will achieve an indoor noise level equal to or less than 55 LDN.

B. Outdoor lighting

Any new or expanded industrial, commercial or recreational use shall submit an outdoor lighting plan to determine that the new use will not project lighting directly onto an existing runway or taxiway or into existing airport approach surfaces except where necessary for safe and convenient air travel. Lighting for these uses shall incorporate shielding in their designs to reflect light away from airport approach surfaces. No use shall imitate airport lighting or impede the ability of pilots to distinguish between airport lighting and other lighting.

C. Glare

No glare producing material, including but not limited to unpainted metal or reflective glass, shall be used on the exterior of structures located within an approach surface or on nearby lands where glare could impede a pilot's vision.

D. Industrial emissions

No new industrial, mining or similar use, or expansion of an existing industrial, mining or similar use, shall, as part of its regular operations, cause emissions of smoke, dust or steam that could obscure visibility within airport approach surfaces, except upon demonstration, supported by substantial evidence, that mitigation measures imposed as approval conditions will reduce the potential for safety risk or incompatibility with airport operations to an insignificant level. The review authority shall impose such conditions as necessary to ensure that the use does not obscure visibility.

E. Communications Facilities and Electrical Interference

No use shall cause or create electrical interference with navigational signals or radio communications between an airport and aircraft. Proposals for the location of new or expanded radio, radiotelephone, and television transmission facilities and electrical transmission lines within this overlay zone shall be coordinated with the Department of Aviation and the FAA prior to approval. Approval of cellular and other telephone or radio-communication towers on leased property located within airport imaginary surfaces shall be conditioned to require their removal within 90 days following the expiration of the lease agreement. A bond or other security shall be required to ensure this result.

F. Limitations and Restrictions on Allowed Uses in the RPZ, Approach Surface, and Airport Direct and Secondary Impact Areas

The land uses identified in Table 1, and their accessory uses, are permitted, permitted under limited circumstances, or prohibited in the manner therein described. In the event of conflict with the underlying zone, the more restrictive

provisions shall control. As used in this section, a limited use means a use that is allowed subject to special standards specific to that use.

TABLE 1

| <u>Location</u> | <u>Public</u> | <u>Residential</u> | <u>Commercial</u> | <u>Industrial</u> | <u>Institutional</u> | <u>Farm Use</u> | <u>Roads/ Parking</u> | <u>Utilities</u> | <u>Parks/Open Space</u> | <u>Golf Courses</u> | <u>Athletic Fields</u> | <u>Sanitary Landfills</u> | <u>Water Treat- ment Plants</u> | <u>Mining</u> | <u>Water Impoundments</u> | <u>Wetland Mitigation</u> |
|---|----------------------|-----------------------|-----------------------|----------------------|-----------------------|----------------------|---------------------------|----------------------|-----------------------------|-------------------------|------------------------|-------------------------------|-------------------------------------|-----------------------|-------------------------------|-------------------------------|
| <u>RPZ¹</u> | <u>L²</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>P³</u> | <u>L⁴</u> | <u>L⁵</u> | <u>L⁶</u> | <u>L⁷</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> |
| <u>Approach Surface⁸</u> | <u>L⁹</u> | <u>L¹⁰</u> | <u>L⁹</u> | <u>L⁹</u> | <u>L⁹</u> | <u>P³</u> | <u>P</u> | <u>L⁵</u> | <u>P</u> | <u>L^{7, 9}</u> | <u>L⁹</u> | <u>N</u> | <u>N</u> | <u>L¹¹</u> | <u>N¹²</u> | <u>L¹³</u> |
| <u>Direct Impact Area</u> | <u>P</u> | <u>L¹⁴</u> | <u>L¹⁵</u> | <u>P</u> | <u>L¹⁵</u> | <u>P³</u> | <u>P</u> | <u>L⁵</u> | <u>P</u> | <u>L⁷</u> | <u>L¹⁴</u> | <u>N</u> | <u>N</u> | <u>L¹¹</u> | <u>L¹⁶</u> | <u>L¹³</u> |

P = Use is Permitted

L = Use is Allowed Under Limited Circumstances (See Footnotes)

N = Use is Not Allowed

Table 1 Footnotes:

1. No structures shall be allowed within the RPZ. Exceptions shall be made only for structures accessory to airport operations whose location within the RPZ has been approved by the FAA.
2. In the RPZ, public airport uses are restricted to those uses and facilities that require location in the RPZ.
3. Farming practices that minimize wildlife attractants are encouraged.
4. Roads and parking areas are permitted in the RPZ only upon demonstration that there are no practicable alternatives. Lights, guardrails and related accessory structures are prohibited. Cost may be considered in determining whether practicable alternatives exist.
5. In the RPZ, utilities, powerlines and pipelines must be underground. In approach surfaces and in airport direct and secondary impact areas, the proposed height of utilities shall be coordinated with the airport sponsor and the Department of Aviation.
6. Public assembly facilities are prohibited within the RPZ.
7. Golf courses may be permitted only upon demonstration, supported by substantial evidence, that management techniques will be utilized to reduce existing wildlife attractants and avoid the creation of new wildlife attractants. Such techniques shall be required as conditions of approval. Structures are not permitted within the RPZ. For purposes of this Chapter, tee markers, tee signs, pin cups and pins are not considered to be structures.
8. Within 10,000 feet from the end of the primary surface of a nonprecision instrument runway, and within 50,000 feet from the end of the primary surface of a precision instrument runway.
9. Public assembly facilities may be allowed in an approach surface only if the potential danger to public safety is minimal. In determining whether a proposed use is appropriate, consideration shall be given to: proximity to the RPZ; density of people per acre; frequency of use; level of activity at the airport; and other factors relevant to public safety. In general, high density uses should not be permitted

within airport approach surfaces, and non-residential structures should be located outside approach surfaces unless no practicable alternatives exist.

10. Residential densities within approach surfaces should not exceed the following densities: (1) within 500 feet of the outer edge of the RPZ, 1 unit/acre; (2) within 500 to 1,500 feet of the outer edge of the RPZ, 2 units/acre; (3) within 1,500 to 3,000 feet of the outer edge of the RPZ, 4 units/acre.
11. Mining operations involving the creation or expansion of water impoundments shall comply with the requirements of this Chapter regulating water impoundments.
12. Water impoundments are prohibited within 5,000 feet from the end of a runway. See Section 388-8 regulating water impoundments beyond 5,000 feet from the edge or end of a runway.
13. Wetland mitigation required for projects located within an approach surface or airport direct or secondary impact area shall be authorized only upon demonstration, supported by substantial evidence, that it is impracticable to provide mitigation outside of these areas. Proposals for wetland mitigation shall be coordinated with the airport sponsor, the Department of Aviation, the FAA, and wetland permitting agencies prior to the issuance of required permits. Wetland mitigation shall be designed and located to avoid creating a wildlife hazard or increasing hazardous movements of birds across runways and approach surfaces. Conditions shall be imposed as are appropriate and necessary to prevent in perpetuity an increase in hazardous bird movements across runways and approach surfaces. See Section 388-9 for best management practices for airports located near significant wetlands or wildlife habitat areas.
14. Within the transition surface, residential uses and athletic fields are not permitted.
15. Within the transition surface, overnight accommodations, such as hotels, motels, hospitals and dormitories, are not permitted.
16. See Section 388-8 prohibiting or regulating water impoundments beyond 5,000 feet from the edge or end of a runway.

388-8 Water Impoundments within Approach Surface Areas and Airport Direct Impact Boundaries

Any use or activity that would result in the establishment or expansion of a water impoundment shall comply with the requirements of this Section.

A. No new or expanded water impoundments of one-quarter acre in size or larger are permitted:

(1) Within an approach surface and within 5,000 feet from the end of a runway;
or

(2) On land owned by the airport sponsor that is necessary for airport operations.

388-9 Wetland Mitigation, Creation, Enhancement and Restoration within Approach Surface Areas and Airport Direct Impact Boundaries

A. Notwithstanding the requirements of Section 388-8, wetland mitigation, creation, enhancement or restoration projects located within areas regulated under Section 388-8 shall be allowed upon demonstration of compliance with the requirements of this Section.

B. Wetland mitigation, creation, enhancement or restoration projects existing or approved on the effective date of this ordinance and located within areas regulated under Section 388-8 are recognized as lawfully existing uses.

C. To help avoid increasing safety hazards to air navigation near public use airports, the establishment of wetland mitigation banks in the vicinity of such airports but outside approach surfaces and areas regulated under Section 388-8 is encouraged.

D. Applications to expand wetland mitigation projects in existence as of the effective date of this ordinance (November 27, 2003), and new wetland mitigation projects, that are proposed within areas regulated under Section 388-8 shall be considered utilizing the review process applied to applications for conditional use permits and shall be permitted upon demonstration that:

(1) It is not practicable to provide off-site mitigation; or

(2) The affected wetlands provide unique ecological functions, such as critical habitat for threatened or endangered species or ground water discharge, and the area proposed for mitigation is located outside an approach surface.

E. Wetland mitigation permitted under subsection D. of this Section shall be designed and located to avoid creating a wildlife hazard or increasing hazardous movements of birds across runways or approach surfaces.

F. Applications to create, enhance or restore wetlands that are proposed to be located within approach surfaces or within areas regulated under Section 388-8, and that would result in the creation of a new water impoundment or the expansion of an existing water impoundment, shall be considered through a Type II review process and shall be permitted upon demonstration that:

(1) The affected wetlands provide unique ecological functions, such as critical habitat for threatened or endangered species or ground water discharge; and

(2) The wetland creation, enhancement or restoration is designed and will be maintained in perpetuity in a manner that will not increase hazardous movements of birds feeding, watering or roosting in areas across runways or approach surfaces.

G. Proposals for new or expanded wetland mitigation, creation, enhancement or restoration projects regulated under this Section shall be coordinated with the airport sponsor, the Department of Aviation, the FAA and FAA's technical representative, the Oregon Department of Fish & Wildlife (ODFW), the Oregon Division of State Lands (DSL), the US Fish & Wildlife Service (USFWS), and the US Army Corps of Engineers (Corps) as part of the permit application.

H. A decision approving an application under this Section shall require, as conditions of approval, measures and conditions deemed appropriate and necessary to prevent in perpetuity an increase in hazardous bird movements across runways and approach surfaces.

388-10 Nonconforming Uses

- A. These regulations shall not be construed to require the removal, lowering or alteration of any structure not conforming to these regulations. These regulations shall not require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Overlay District.

- B. Notwithstanding subsection A. of this Section, the owner of any existing structure that has an adverse effect on air navigational safety as determined by the Department of Aviation shall install or allow the installation of obstruction markers as deemed necessary by the Department of Aviation, so that the structures become more visible to pilots.

- C. No land use or limited land use approval or other permit shall be granted that would allow a nonconforming use or structure to become a greater hazard to air navigation than it was on the effective date of this Overlay District.

CDC Section 106 DEFINITIONS is revised to reflect the following new definitions and amendments:

106-10 Airport The strip of land used, or intended for use, for taking off and landing aircraft, together with all adjacent land and water area used, or intended for use, 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.

Public Use Airports are open to the flying public considering performance and weight of the aircraft being used; facilities may or may not be attended or have services available.

Private Use Airports, as referenced in this Code, have restricted access, except for aircraft emergencies, based upon prior arrangements made with the airport sponsor. An example of a private use airport is a residential airstrip that is collectively owned, operated and utilized by adjacent residents.

Personal Use Airports, as reference in this Code, are restricted, except for aircraft emergencies, to use by the owner, and, on an infrequent and occasional basis, by his invited guests, and to commercial activities in connection with agricultural operations only. No aircraft may be based on a personal use airport other than those owned or controlled by the owner of the airport.

106-10.1 Aircraft Any contrivance used or designed for navigation of or flight in the air, but does not mean a one-person motorless glider which is launched from the earth's surface solely but the operator's power.

106-10.2 Airport Direct Impact Area The area located within 5,000 feet of an airport runway, excluding lands within the runway protection zone (RPZ) and approach surface.

106-10.3 Airport Elevation The highest point of an airport's usable runway, measured in feet above mean sea level.

106-10.4 Airport Imaginary Surfaces Imaginary areas in space or on the ground that are established in relation to the airport and its runways. Imaginary areas for private use airports are defined by the primary surface and approach surface. Imaginary areas for public use airports with instrument approaches are defined by the primary surface, runway protection zone (RPZ), approach surface, horizontal surface, conical surface and transitional surface.

106-10.5 Airport Noise Impact Boundary Areas located within 1,500 feet of an airport runway or within established noise contour boundaries exceeding 55 LDN.

106-10.6 Airport Sponsor The owner, manager, or other person or entity designated to represent the interests of an airport.

- 106-10.7 Approach Surface A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of the runway.
- A. For private use airports with only visual approaches, the inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of 450 feet for that end. The approach surface extends for a horizontal distance of 2,500 feet at a slope of 20 feet outward for each one foot upward.
- In the case of North Plains Gliderport, the approach surface is applied only to the eastern end of the runway and extends for a horizontal distance of 5,000 feet, at a slope increment of 40 feet outward for each one foot upward.
- B. For utility runways at public use airports having only visual approaches, the inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of 1,250 feet. The approach surface extends for a horizontal distance of 5,000 feet at a slope of 20 feet outward for each foot upward for all utility runways.
- 106-10.8 Conical Surface A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
- 106-10.9 Department of Aviation The Oregon Department of Aviation, formerly the Aeronautics Division of the Oregon Department of Transportation.
- 106-10.10 FAA The Federal Aviation Administration.
- 106-10.11 FAA's Technical Representative As used in this ordinance, the federal agency providing the FAA with expertise on wildlife and bird strike hazards as they relate to airports. This may include, but is not limited to, the USDA-APHIS-Wildlife Services.
- 106-10.12 Heliport An area of land, water, or structure designated for the landing and take-off of helicopters or other rotorcraft.
- 106-10.13 Horizontal Surface A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway of each airport and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is 5,000 feet for all runways designed as utility.
- 106-10.14 Obstruction Any structure or tree, plant or other object of natural growth that penetrates an imaginary surface.
- 106-10.15 Other than Utility Runway A runway that is constructed for and intended to be used by turbine-driven aircraft or by propeller-driven aircraft exceeding 12,500 pounds gross weight.

106-10.16 Primary Surface A surface longitudinally centered on a runway. The primary surface ends at each end of a runway. When a runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. When a runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface is 200 feet for private use runways, and 250 feet for utility runways having visual approaches.

106-10.17 Public Assembly Facility A permanent or temporary structure or facility, place or activity where concentrations of people gather in reasonably close quarters for purposes such as deliberation, education, worship, shopping, employment, entertainment, recreation, sporting events, or similar activities. Public assembly facilities include, but are not limited to, schools, churches, conference or convention facilities, employment and shopping centers, arenas, athletic fields, stadiums, clubhouses, museums, and similar facilities and places, but do not include parks, golf courses or similar facilities unless used in a manner where people are concentrated in reasonably close quarters. Public assembly facilities also do not include air shows, structures or uses approved by the FAA in an adopted airport master plan, or places where people congregate for short periods of time such as parking lots or bus stops.

106-10.18 Runway A defined area on an airport prepared for landing and takeoff of aircraft along its length.

106-10.19 Runway Protection Zone (RPZ) An area off the runway end used to enhance the protection of people and property on the ground. An RPZ is required for all runways at public use airports identified by the Department of Aviation. The RPZ is trapezoidal in shape and centered about the extended runway centerline. The inner width of the RPZ is the same as the width of the primary surface. The outer width of the RPZ is a function of the type of aircraft and specified approach visibility minimum associated with the runway end.

For the runway at Stark's Twin Oaks Airpark (exclusively serving small aircraft with visual only approach), the outer width of each RPZ is 450 feet. The RPZ extends from each end of the primary surface for a horizontal distance of 1,000 feet for utility runways of public use. (Note: RPZ dimensions are specified by airport type in OAR 660, Division 13, Exhibit 4.)

106-10.20 Significant As it relates to bird strike hazards, "significant" means a level of increased flight activity by birds across an approach surface or runway that is more than incidental or occasional, considering the existing ambient level of flight activity by birds in the vicinity.

106-10.21 Transitional Surface Those surfaces that extend upward and outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each one (1) foot vertically from the sides of the primary and approach surfaces to the point of intersection with the horizontal and conical surfaces.

106-10.22 Utility Runway A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less.

106-10.23 Visual Runway A runway intended solely for the operation of aircraft using visual approach procedures, where no straight-in instrument approach procedures or instrument designations have been approved or planned, or are indicated on an FAA-approved airport layout plan or any other FAA planning document.

106-10.24 Water Impoundment Includes wastewater treatment settling ponds, surface mining ponds, detention and retention ponds, artificial lakes and ponds, and similar water features. A new water impoundment includes an expansion of an existing water impoundment except where such expansion was previously authorized by land use action approved prior to the effective date of this ordinance.

106-101 Height The highest point of a structure or tree, plant or other object of natural growth, measured from mean sea level.

106-101.1 Height (Maximum Building Height) The vertical distance measured from the adjoining curb level to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof, and to the mean height level between the eaves and edge of a gable, hip or gambrel roof; provided however, that where buildings are set back more than the required setback from the street line the height of the building shall be measured from the building grade. The building grade shall be the average of the finished ground level at the center of the walls of a building.

106-205 Structure Anything which is built, erected or constructed and located on or under the ground, or attached to something fixed to the ground. Structures include, but are not limited to, buildings, towers, walls (includes retaining walls), fences more than six feet in height, billboards, and utilities. Structures do not include paved areas.

CDC Section 430-7, SPECIAL USE STANDARDS for Airports, is amended to reflect the following:

430-7 Airports, Personal Use

~~“Airport” means any area of land or water which is used, or intended for use, for the landing and takeoff of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon. “Aircraft” means any contrivance used or designed for navigation of or flight in the air, but does not mean a one-person motorless glider which is launched from the earth’s surface solely by the operator’s power. Personal use airport or heliport facilities, including associated hangers, maintenance and service facilities, may be permitted as a special use in certain districts outside of the airport overlay districts, subject to the following standards.~~

~~Facilities in areas that are specifically designated for airport use (i.e., within Public Use Airport Overlay District or Private Use Airport Overlay District) shall be subject to the regulations outlined under those Sections.~~

~~Personal use Aairports and heliports, in addition to appropriate approval of the Federal Aviation Administration (FAA), Oregon Department of Transportation Aeronautics Division (OAD)Aviation (DOA) and the Department of Environmental Quality (DEQ), shall be subject to the following applicable standards of the Community Development Code.~~

~~430-7.1 — All new public use airports shall adopt a Master Plan or airport layout plan incorporating applicable provisions of current Federal Aviation Regulations (FAR).~~

~~430-7.2 — All new airports shall be constructed to standards established in accordance with State statutes and administrative rules as administered by OAD.~~

~~430-7.3 — All uses and operations at airports shall comply with current State air quality and noise statutes and rules as administered by the DEQ.~~

~~430-7.4 — The operator of each new public use airport shall establish imaginary surfaces about the airport as described in Federal Aviation Regulation Part 77 for the safety of air traffic.~~

~~430-7.5 — Whenever possible, new public use airports shall be located within one mile of an arterial or interstate highway.~~

~~430-7.6 — To avoid noise sensitive areas, restrictions and limits on the operation of new airports may include type of aircraft, hours of operations and traffic patterns.~~

~~430-7.7 — In order to assure safety on the operation of public use airports, no structure shall be erected, altered or maintained, and no object of natural growth shall be allowed to~~

~~intrude into any imaginary surface established under the provisions as required by State and Federal Regulations. Exceptions may be granted only after approval by the FAA and OAD. Such structures as may be permitted under this Section shall be marked and/or lighted when required by the FAA or OAD.~~

~~430-7.8 Personal Use Airports, for airplanes and helicopters, including associated hangers, maintenance and service facilities, in addition to the applicable standards above, shall:~~

~~430-7.1A. Restrict use~~The use shall be restricted, except for aircraft emergencies, to the owner, and on an infrequent and occasional basis, to his/her invited guests; ~~and restrict~~ commercial aviation activities shall be restricted to those in connection with agricultural operations outside the UGB;

~~430-7.2B. Limit a~~ircraft based on the site shall be limited to those owned or controlled by the owner of the airstrip;

~~430-7.3C. Provide for e~~Exceptions to the activities permitted under Section 430-7.8 may be permitted through wavier action by the ~~Aeronautics Division~~Department of Aviation in specific instances;

~~430-7.4D. Recognize and allow to continue a~~A personal use airport lawfully existing as of September 13, 1975; shall be recognized and allowed to continue subject to any applicable regulations of the ~~Aeronautics Division~~Department of Aviation, or any conditions stipulated by the County during the airport's review as a special or conditional use;

~~430-7.5E. To avoid noise sensitive areas, l~~imitations may be placed on personal use airports facilities to reduce negative impacts of-with regard to such things as ~~noise, frequency of activity,~~ type of operation and aircraft, hours of operation and traffic patterns.

CDC Section 430-59, SPECIAL USE STANDARDS for Heliports, is amended to reflect the following:

430-59 Heliport

~~A Heliport is an area of land, water or a structure designated for the landing and takeoff of helicopters.~~ Heliports may be allowed subject to compliance to all Federal and State requirements including DEQ noise control regulations for aeronautics. Personal use heliports shall comply with the requirements of Section 430-7-~~8~~.

CDC Section 421, FLOOD PLAIN AND DRAINAGE HAZARD AREA DEVELOPMENT, is amended to reflect the following:

421-4 Uses and Activities Permitted Through a Type I Procedure

Unless specifically prohibited in the applicable Community Plan, the Rural/Natural Resource Plan Element, Section 422, or ~~the Unified Sewerage Agency~~[Clean Water Service](#)'s "Design and Construction Standards for Sanitary Sewer and Surface Water Management" or its successor, a development permit may be approved in a flood area through a Type I procedure for the following:

- 421-4.1 Recreation or nature trails and removal of vegetation down to duff or bare soil provided:
 - A. The area of disturbance is not designated as a Significant Natural Resource in the applicable Community Plan or the Rural/Natural Resource Plan Element; and
 - B. The applicant obtains a permit for erosion control.
- 421-4.2 Property line adjustments.
- 421-4.3 Wildlife viewing areas, including interpretive signs, and off-street parking which requires no grading, and viewing platforms or structures, provided that all viewing platforms or structures:
 - A. Are elevated by pilings;
 - B. Have the lowest floor at least one (1) foot above the flood surface elevation; and
 - C. A building permit is obtained for the proposed platform or structure.
- 421-4.4 Maintenance, preservation and repair of local public streets and private streets except as provided for by Section 421-16.7, including paving and grading of existing road surfaces, and grading and shaping of roadside ditches.
- 421-4.5 Above ground electrical, communication and signal transmission and distribution lines on a single-pole system. For the purposes of this section, a single-pole system is defined as above ground electrical, communication or signal lines and their supporting concrete, wood or metal poles, excluding self-supporting steel lattice-type structures.
- 421-4.6 Restoration and stabilization of the bank of a river or other watercourse or body of water for erosion control provided:
 - A. The application includes a registered civil engineer's certification that:

- (1) The project is in response to a demonstrated bank failure that resulted from a specific flood event or which has occurred within the last two years;
 - (2) The project only restores and stabilizes the bank to its original location before the demonstrated bank failure;
 - (3) The length of the bank involved does not exceed 250 feet;
 - (4) The project is located outside an urban growth boundary; and
 - (5) If riprap is used, it will be keyed in to the bed and bank of the body of water as specified in OAR 141-089-0005.
- B. Whether or not riprap is used, the length of bank within the project boundary, from the ordinary high water level to the top of the bank, shall be planted with vegetation that grows roots which will stabilize the bank. Plant species used shall be those in the 1987 or most current list entitled "Shrubs, Trees and Aquatic Plants for Wildlife Plantings" prepared by the Oregon Department of Fish and Wildlife. The plantings shall meet the following requirements, unless different requirements are established for the project by the Oregon Division of State Lands through their permitting process:
- (1) At least five (5) plants shall be placed per 100 square feet of bank area; and
 - (2) At least 20 percent of the plants placed shall be trees.
- C. Upon completion of the project, a registered civil engineer shall submit a statement certifying that the project was completed in compliance with the provisions of this section.

421-4.7 Maintenance, preservation or repair of off-right-of-way drainage facilities.

421-4.8 Vehicular access to a single family residence or for farm or forest uses; including culverting for driveway crossings provided the application includes a registered civil engineer's certification that the project complies with Sections 421-7.1 through 421-7.9.

421-4.9 Authorized airport related activities within the Public Use Airport Overlay District, as identified in section 387-4.

421-5 Uses and Activities Allowed Through a Type II Procedure

Unless specifically prohibited in the applicable Community Plan, the Rural/Natural Resource Plan Element, Section 422, or the Unified Sewerage Agency's "Design and Construction Standards for Sanitary Sewer and Surface Water Management" or its successor, a development permit may be approved in a flood area through a Type II procedure for the following:

- 421-5.1 One (1) detached dwelling (including a manufactured dwelling) together with no more than two (2) accessory structures and off-street parking on a parcel lawfully created prior to March 26, 1984, when the lot or parcel contains insufficient area outside of the flood area upon which to locate the dwelling, and/or accessory structures.
- 421-5.2 Substantial improvements to lawfully established structures that have not been abandoned where "substantial improvement" is defined as follows: Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either:
- A. Before the improvement or repair is started; or
 - B. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this Section "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure except as follows:
 - (1) Any project for improvement of a structure to comply with existing State or local health, sanitary or safety code specifications which is solely necessary to assure safe living conditions, or
 - (2) Any alteration of a structure listed on the National Register of Historic Places or a State or local inventory of historic plans.
 - C. Applications for substantial improvements to structures shall comply with the requirements of Section 421-7, Section 421-8 or Section 421-9, whichever are applicable.
- 421-5.3 Improvements to a lawfully established structure when the cost of the improvement is less than fifty (50) percent of the market value of the structure and there is compliance with Section 421-7. For the purpose of this subsection, improvement means any repair, reconstruction, addition or improvement of a structure except as follows:
- A. Any project for improvement of a structure to comply with existing State or local health, sanitary or safety code specifications which is solely necessary to assure safe living conditions, or
 - B. Any alteration of a structure listed on the National Register of Historic Places or a State or local inventory of historic plans.
- 421-5.4 Accessory structure customarily provided in conjunction with the use set forth in the applicable primary District.
- 421-5.5 Subdivisions and major and minor land partitions.
- 421-5.6 Water quality or quantity improvement facilities, or a required wetland mitigation project when:

- A. Mandated by a local, state or federal regulatory agency;
- B. In conjunction with an adopted Drainage Master Plan as defined by Subsection 106-64; or
- C. In conjunction with any other master plan for water or wetlands management improvements approved by Ordinance or Resolution and Order of the Board.

Sites that are designated as a Significant Natural Resource are subject to the requirements of Section 422.

- 421-5.7 Dams, weirs, ponds and similar water impoundment devices and mitigation and enhancement improvements, not authorized by Subsection 421-5.6 when in conjunction with an enhancement plan approved through Subsection 422-3.4.
- 421-5.8 Dams, weirs, ponds and similar water impoundment devices, and mitigation and enhancement improvements for farm or forest purposes when in conjunction with farm use as defined in ORS 215 or forest uses as defined by the Forest Practices Act.
- 421-5.9 Operations for the exploration for and production of geothermal resources, oil and gas.
- 421-5.10 Vehicular access to permitted uses, including driveway crossings, except as permitted by Section 421-4.8.
- 421-5.11 Construction or major improvement or alteration of underground pipes and conduits, including sewer, water and gas lines, transmission and distribution lines for geothermal resources, gas and oil, underground electrical, telephone and television transmission and distribution lines, including necessary accessory structures and drainage systems.
- 421-5.12 Removal of vegetation down to duff or bare soil in an area designated as a Significant Natural Resource in the applicable Community Plan or the Rural/Natural Resource Plan Element.
- 421-5.13 Above ground electrical, communication and signal transmission lines, except as provided by Section 421-4.7.
- 421-5.14 Parks, golf courses and other recreational uses and associated off-street parking which require grading, excluding structures.
- 421-5.15 Recreation or nature trails and associated off-street parking, when grading, piping, culverting or bridges are required.
- 421-5.16 Creation or restoration of wetlands, [including wetland mitigation, creation, enhancement and restoration within public use airport approach surface areas and airport direct impact boundaries, pursuant to section 388-9.](#)

- 421-5.17 Culverting and piping to implement an approved development, other than crossings for public and private streets and other public transportation facilities, in an area that is not designated as a Significant Natural Resource in the applicable Community Plan or the Rural/Natural Resource Plan Element when the pipe or culvert connects to an existing pipe, culvert or drainageway. Culverting and piping in a flood area may be subject to local, state and federal agencies.

- 421-5.18 Construction or major improvement or alteration of public local streets and private streets within the UGB, or approved as part of a land division, including culverting and piping, accessory drainage systems such as catch basins, and necessary accessory structures.

- 421-5.19 Bank maintenance, restoration or stabilization, including riprapping for erosion control, of a river or other watercourse or body of water inside an urban growth boundary or not otherwise permitted by Section 421-4.6.

CDC Section 422, SIGNIFICANT NATURAL RESOURCES, is amended to reflect the following:

422-3 Criteria for Development

- 422-3.1 The required master plan and site analysis for a site which includes an identified natural resource shall:
- A. Identify the location of the natural resource(s), except in areas where a Goal 5 analysis has been completed and a program decision adopted pursuant to OAR 660, Division 23 (effective September 1, 1996);
 - B. Describe the treatment or proposed alteration, if any. Any alteration proposed pursuant to Section 422-3.1 B. shall be consistent with the program decision for the subject natural resource; and
 - C. Apply the design elements of the applicable Community Plan; or the applicable implementing strategies of the Rural/Natural Resource Plan Element, Policy 10, Implementing Strategy E which states:

"Implement the recommendations of the Oregon Department of Fish and Wildlife Habitat Protection Plan for Washington County and to mitigate the effects of development in the Big Game Range within the EFU, EFC and AF-20 land use designations."
- 422-3.2 Open Space Inside the UGB:
- A. Shall be identified as provided in Section 405-1, Master Planning - Site Analysis;
 - B. When located in a park deficient area as identified on the significant natural resource map, the applicant shall notify the appropriate park provider of the proposed development.
- 422-3.3 Development Within a Riparian Corridor, Water Areas and Wetlands, and Water Areas and Wetlands and Fish and Wildlife Habitat:
- A. No new or expanded alteration of the vegetation or terrain of the Riparian Corridor (as defined in Section 106) or a significant water area or wetland (as identified in the applicable Community Plan or the Rural/Natural Resource Plan Element) shall be allowed except for the following:
 - (1) Crossings for streets, roads or other public transportation facilities.
 - (2) Construction or reconstruction of streets, roads or other public transportation facilities.

- (3) Installation or construction of the following utilities: sewer and water lines, electric, communication and signal lines; and gas distribution and transmission lines.
- (4) Wildlife viewing areas and recreation or nature trails.
- (5) Bank maintenance, restoration or stabilization, including riprapping for erosion control, of a river or other watercourse or body of water provided there is compliance with the requirements of Section 421-4.6. This use is not subject to Section 422-3.5 or Section 422-3.6.
- (6) Detached dwellings and accessory structures on a lot of record, provided there is insufficient suitable, existing buildable land area to permit construction outside the riparian corridor (as defined in Section 106) or a significant water area or wetland (as identified in the applicable Community Plan or the Rural/Natural Resource Plan) and all required local, state or federal permits are obtained.
- (7) Where it can be demonstrated, with concurrence of the Clackamas District biologist or other applicable district biologist of the Oregon Department of Fish and Wildlife, that a riparian corridor, Water Areas and Wetlands, or Water Areas and Wetlands and Fish and Wildlife Habitat has been degraded, an enhancement of these areas which conforms to the definition and criteria listed in Section 422-3.4 may be permitted through a Type II procedure.

Enhancement or alteration of a nondegraded portion of these areas is permitted when it is in conjunction with and it is needed to support the enhancement of the degraded area. Where development is proposed that would have negative impacts on these areas it is the County's policy to follow state and federal regulatory guidelines for mitigation proposals.

- (8) All activities and uses associated with an expansion of Barney Reservoir; including but not limited to impoundment structures, water diversion and transmission facilities, road construction and related land alterations. Such activities and uses may be permitted through a Type III procedure.
- (9) In addition in the Rural/Natural Resource Area:
 - (a) Propagation or harvesting of timber for personal consumption, provided that the use of a caterpillar tractor, yarder, backhoe, grader or similar heavy mechanized equipment is prohibited;
 - (b) Commercial forestry activities when in compliance with the Oregon Forest Practices Act and Administrative Rules; and
 - (c) Farming or raising of livestock not utilizing a structure.

- (d) Operations for the exploration for and production of geothermal resources, oil and gas.

(10) All public use airport related uses and activities allowed pursuant to Section 387-4.

(11) Wetland mitigation, creation, enhancement and restoration within public use airport approach surface areas and airport direct impact boundaries shall be allowed upon demonstration of compliance with the requirements of Section 388-9.

- B. Where development or alteration of the riparian corridor is permitted under the above exceptions, the flood plain and drainage hazard area development criteria shall be followed.

422-3.4 Enhancement of a degraded riparian corridor, Water Areas and Wetlands or Water Areas and Wetlands and Fish and Wildlife Habitat permitted by Section 422-3.3 A. (7) shall meet the following:

- A. For the purposes of Section 422-3.3 A. (7) an enhancement is a modification, as a result of which no later than five (5) years after completion of the project, the quality and/or quantity of the natural habitats is measurably improved in terms of animal and plant species numbers, number of habitat types, and/or amount of area devoted to natural habitat.
- B. Proposal Preparation

In order to determine whether a proposed modification will result in an enhancement, preparation of the proposal, as well as construction and planning work, shall be guided by a professional wildlife biologist or ecologist with experience and credentials in water areas/wetlands and riparian areas enhancement and who has reviewed the sources and their relevant references listed in Section 422-3.4.

- C. Submittal Requirements

- (1) The proposal shall include detailed information and mapping of the site, including all of the following subjects:
 - (a) Hydrology, including 100 year flood and 25 year flow events/surface water flow patterns, and groundwater information, if available;
 - (b) Substrate(s) and existing rates of sedimentation;
 - (c) Existing vegetation, including species list and community types, with approximate percent coverage, and all trees six inches in diameter or larger;

- (d) Animal life census (macrofauna species list), preferably based on mid-April to mid-May field observations, but at least conducted during spring, summer and/or early fall.
- (2) The proposal shall include a color photographic record (taken sometime between mid-spring and mid-fall) showing the major portion of the site at sufficient detail to compare with the later transformation.
 - (3) The proposal shall include a map showing the expected outcome of the proposed enhancement, with detailed description of how this is to be accomplished.
 - (a) To the maximum feasible extent, the overall design of the site shall minimize parking and human activity directly adjacent to the Significant Natural Resource, and where avoidable shall incorporate special design techniques (e.g., thick or thorny vegetation or fencing) to reduce adverse impacts such as littering and harassment of wildlife and damage to vegetation.
 - (b) A surrounding vegetation buffer of closely spaced (six feet to eight feet) trees and shrubs shall be included within the outer twenty-five feet of the Significant Natural Resource area unless there are special circumstances or design measures.
 - (c) All plant materials shall be indicated in terms of number and size. Except for the outer perimeter of the buffer area, all plants shall be of a native species unless agreed to by the Clackamas District biologist or other applicable district biologist of the Oregon Department of Fish and Wildlife.
 - (d) As many existing trees over six inches in diameter as possible shall be preserved.
 - (e) Vegetation plantings (e.g., trees and shrubs) which overhang standing water are encouraged. (Native vegetation is preferred.)
 - (f) Measures for the prevention of undesirable monotypic plant dominance, especially reed canary grass and blackberries, shall be included, such as periodic removal or application of herbicides agreed to by the Clackamas District biologist or other applicable district biologist of the Oregon Department of Fish and Wildlife.
 - (g) Ponds shall have varying open water depth up to a least three feet, unless required otherwise by the Oregon Department of Fish and Wildlife, Oregon Division of State Lands or the U.S. Corps of Engineers, and where the natural grade permits shall have gently sloped shores on at least two sides.

- (h) Islands are encouraged to be two feet above normal water level, flat-topped, spaced every $\frac{1}{4}$ acre of open water, and no smaller than 450 sq. ft. where possible.
 - (i) Rocks and large tree trunks are encouraged to be placed in water areas.
- (4) The proposal shall be submitted by Washington County to the biologist for the Clackamas District or other applicable district biologist of the Oregon Department of Fish and Wildlife for review and comment, as well as to other regulating agencies with jurisdiction to review the proposed enhancement, including the Division of State Lands and the Army Corps of Engineers.
 - (5) The proposal shall include arrangement to ensure frequent and regular litter or trash clean-up unless dedicated to Tualatin Hills Park and Recreation District or any other jurisdiction.

D. Follow-up Requirements

- (1) The County shall require as a condition of approval that a detailed report by a wildlife biologist or ecologist, with map and color photographs, shall be submitted to the County by the current property owner two (2) years after completion of the modification and again after five (5) years. The reports shall document the current condition of the resource. These two follow-up reports shall be submitted by the County to the biologist for the Clackamas District or other applicable district for review and comment. If the approved enhancement plan has not been completed in five (5) years, the current property owner shall submit plans to the County Department of Land Use and Transportation for rectifying any significant deficiencies. Once approved, the amended plan shall be implemented.
- (2) The County may modify or revoke the Development Permit for the enhancement, or take other necessary enforcement measures to ensure compliance with these standards.

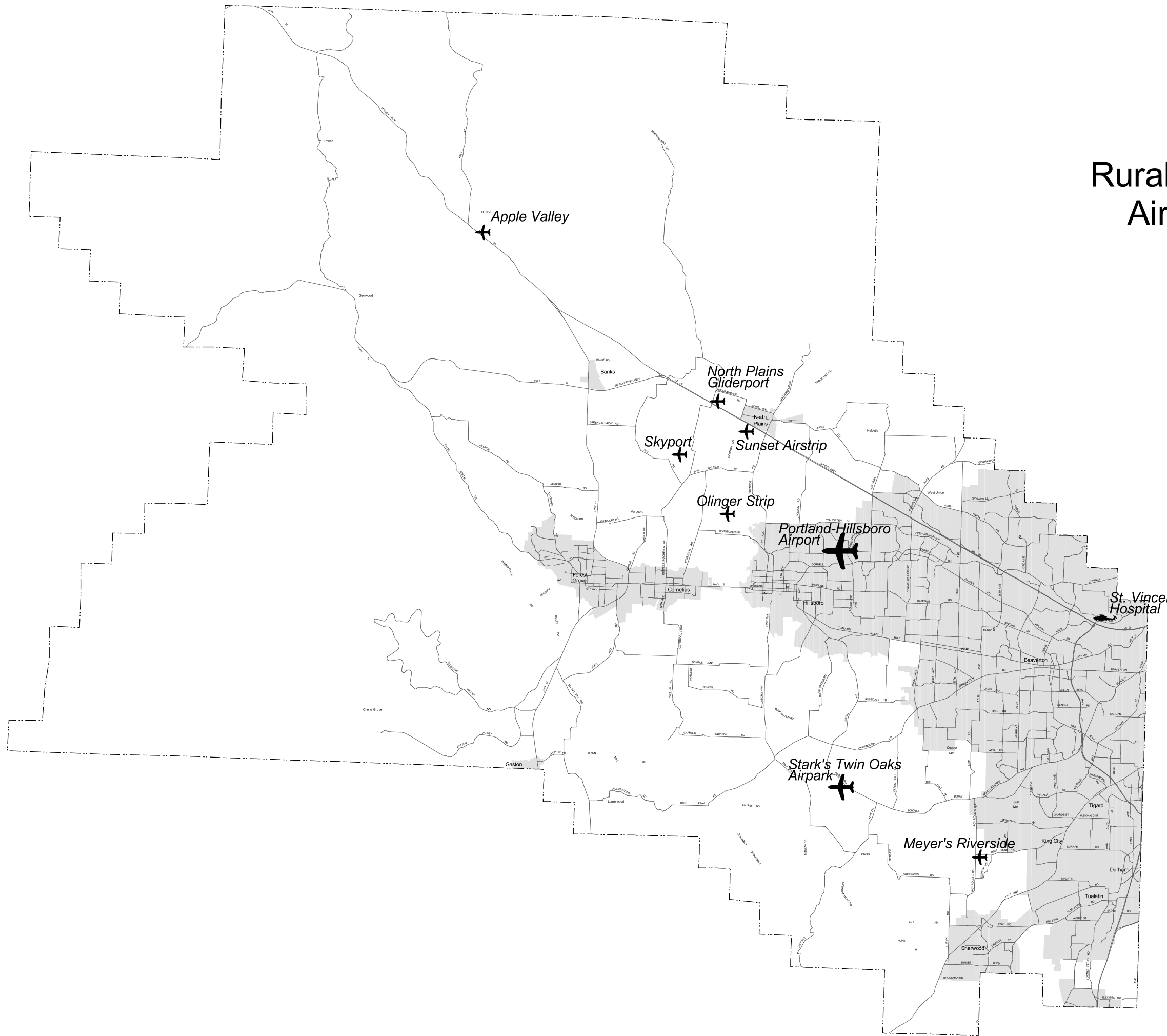
422-3.5 Significant Natural Areas





Any development requiring a permit from Washington County which is proposed in a Significant Natural Area, as identified by the applicable Community Plan or the Rural/Natural Resource Area Plan Element, shall reduce its impact, to the maximum extent feasible, on the unique or fragile character or features of the Significant Natural Area. Appropriate impact reducing measures shall include:

- A. Provision of additional landscaping or open space; and
- B. Relocation of the proposed site of a building, structure or use on the lot.

422-3.6 For any proposed use in a Significant Natural Resource Area, there shall be a finding that the proposed use will not seriously interfere with the preservation of fish and wildlife areas and habitat identified in the Washington County Comprehensive Plan, or how the interference can be mitigated. This section shall not apply in areas where a Goal 5 analysis has been completed and a program decision has been adopted that allows a "conflicting use" to occur pursuant to OAR 660-23-040(5)(c) (effective September 1, 1996).

Rural/Natural Resource Plan Airport Overlay Districts



-  Airports
-  Gliderports
-  Heliport
-  Urban Area
-  County Line

Note:
Land Use and Safety Overlay Districts
for the heliport at St. Vincent Hospital are
identified in the Cedar Hills-Cedar Mill
Community Plan.





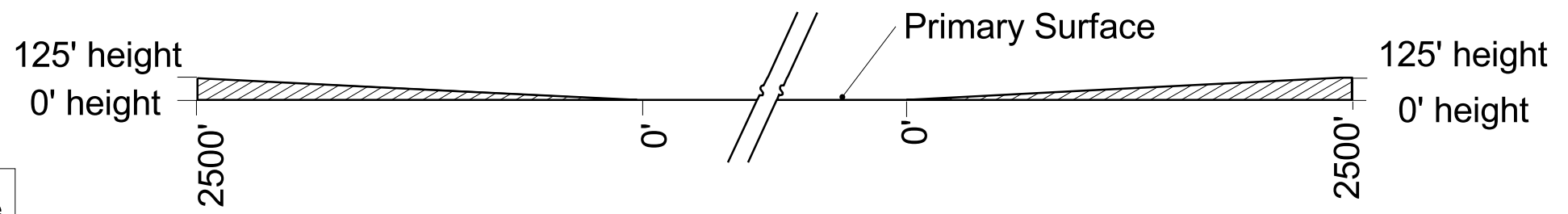
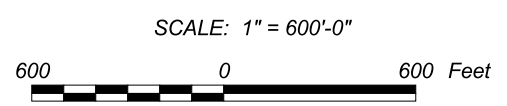
Apple Valley Airport

Taxlots 2N4040001300
 2N4090000101
 2N4090000300

- Airport Land Use Overlay District Boundary
- Approach Surface
- Primary Surface
- Runway Centerline

Runway
 Dimensions 2470' x 60'
 Elevation 260'
 Surface Turf

Airport Land Use and Approach Surface Overlay Districts

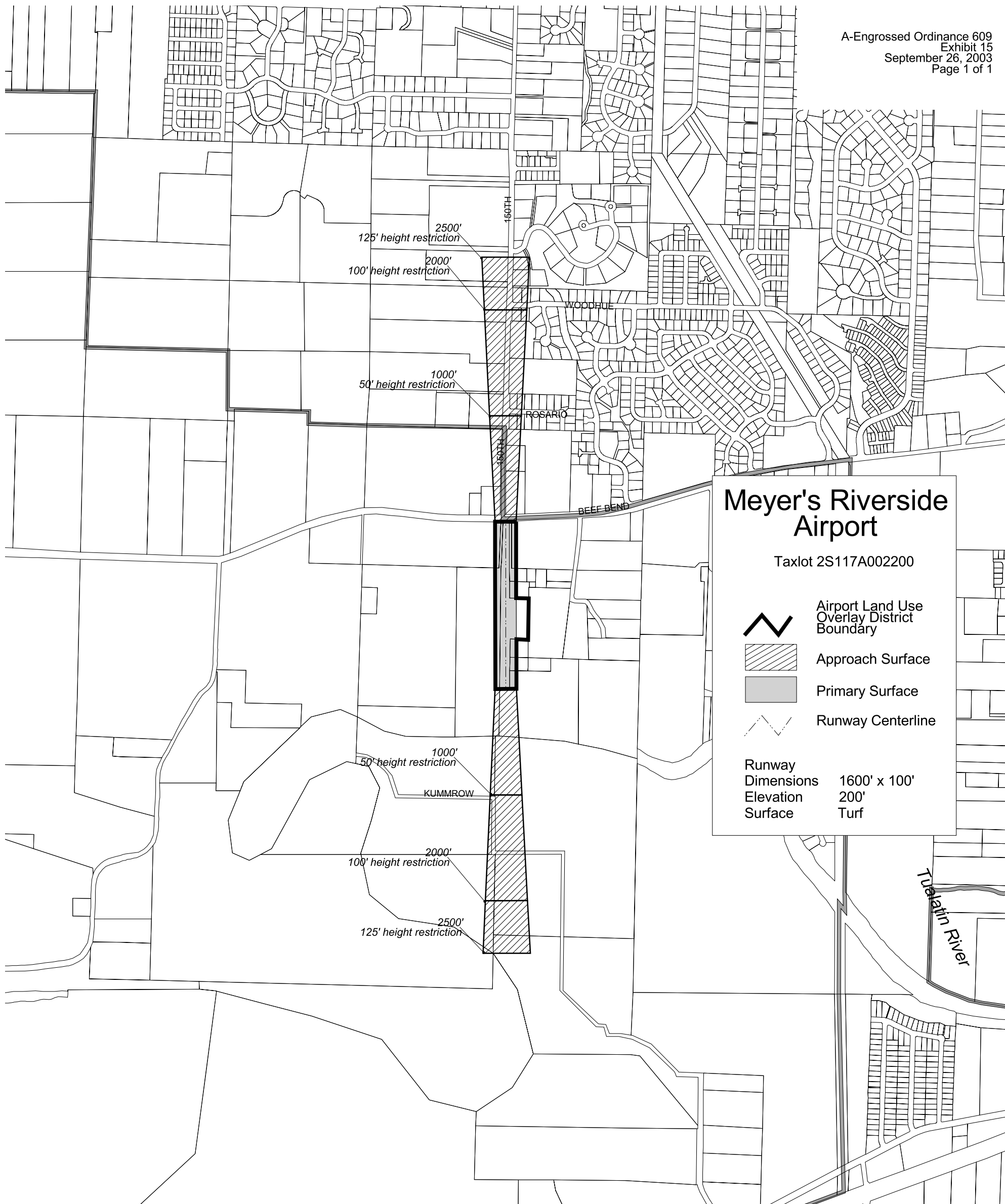


Approach Surface
 20:1 slope

Airport Approach Surface Profile *Not to scale*


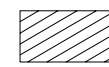
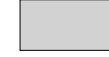
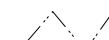


v:\area1\dr\ord2003\airport\overlay.apr
 09/26/03 10:03 AM



Meyer's Riverside Airport

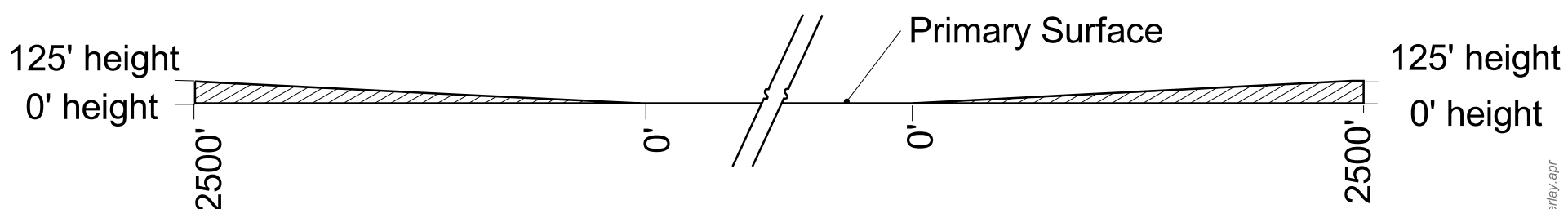
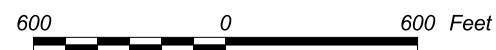
Taxlot 2S117A002200

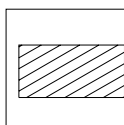
-  Airport Land Use Overlay District Boundary
-  Approach Surface
-  Primary Surface
-  Runway Centerline

Runway
 Dimensions 1600' x 100'
 Elevation 200'
 Surface Turf

Airport Land Use and Approach Surface Overlay Districts

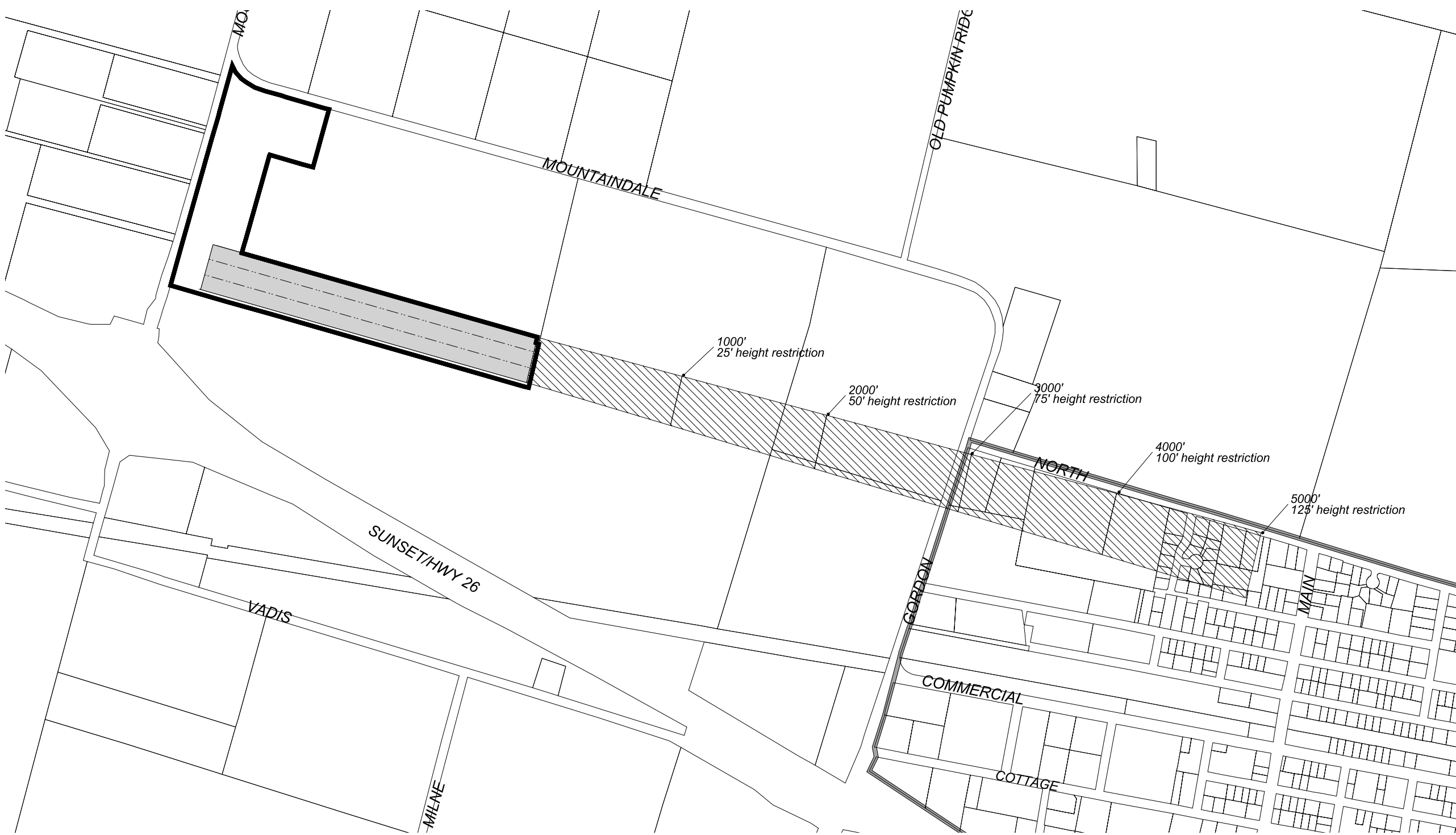
SCALE: 1" = 600'-0"



 Approach Surface
 20:1 slope

Airport Approach Surface Profile *Not to scale*





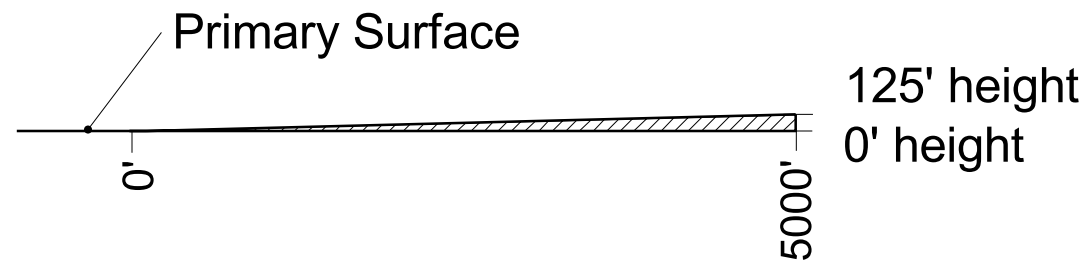
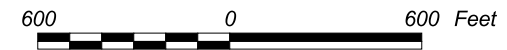
**North Plains
 Gliderport**
 Taxlot 1N3020000500

- Airport Land Use Overlay District Boundary
- Approach Surface 40:1
- Primary Surface
- Runway Centerline

Runway
 Dimensions 2100' x 80'
 Elevation 200'
 Surface Turf

**Airport Land Use and Approach Surface
 Overlay Districts**

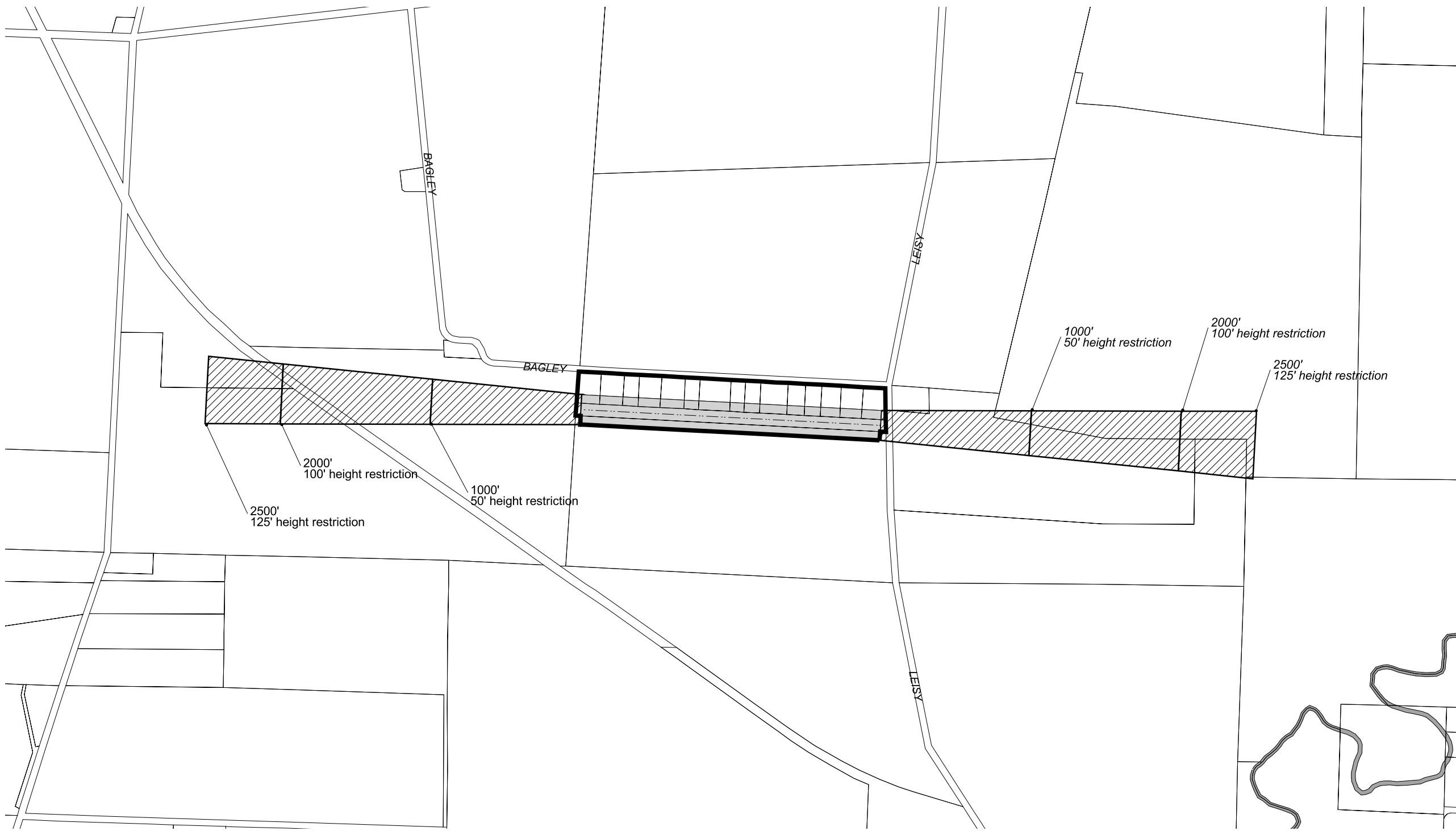
SCALE: 1" = 600'-0"



Airport Approach Surface Profile *Not to scale*





Approach Surface
 40:1 slope





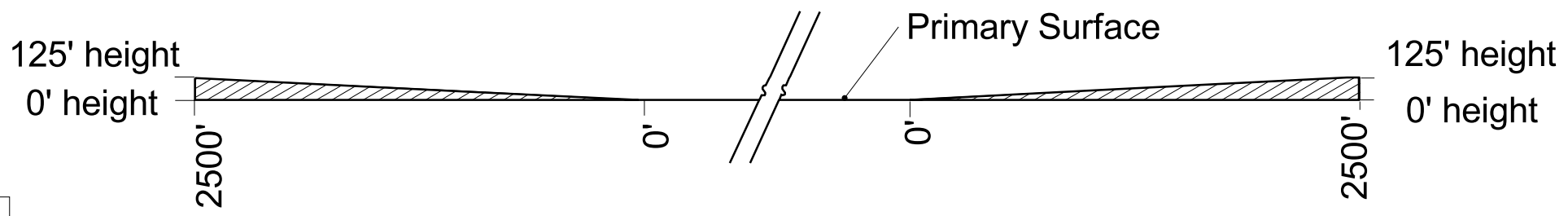
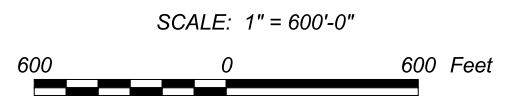
Olinger Strip Airport

Taxlot 1N3230000517


-  Airport Land Use Overlay District Boundary
-  Approach Surface
-  Primary Surface
-  Runway Centerline

| | |
|-------------------|-------------|
| Runway Dimensions | 2000' x 85' |
| Elevation | 200' |
| Surface | Turf |

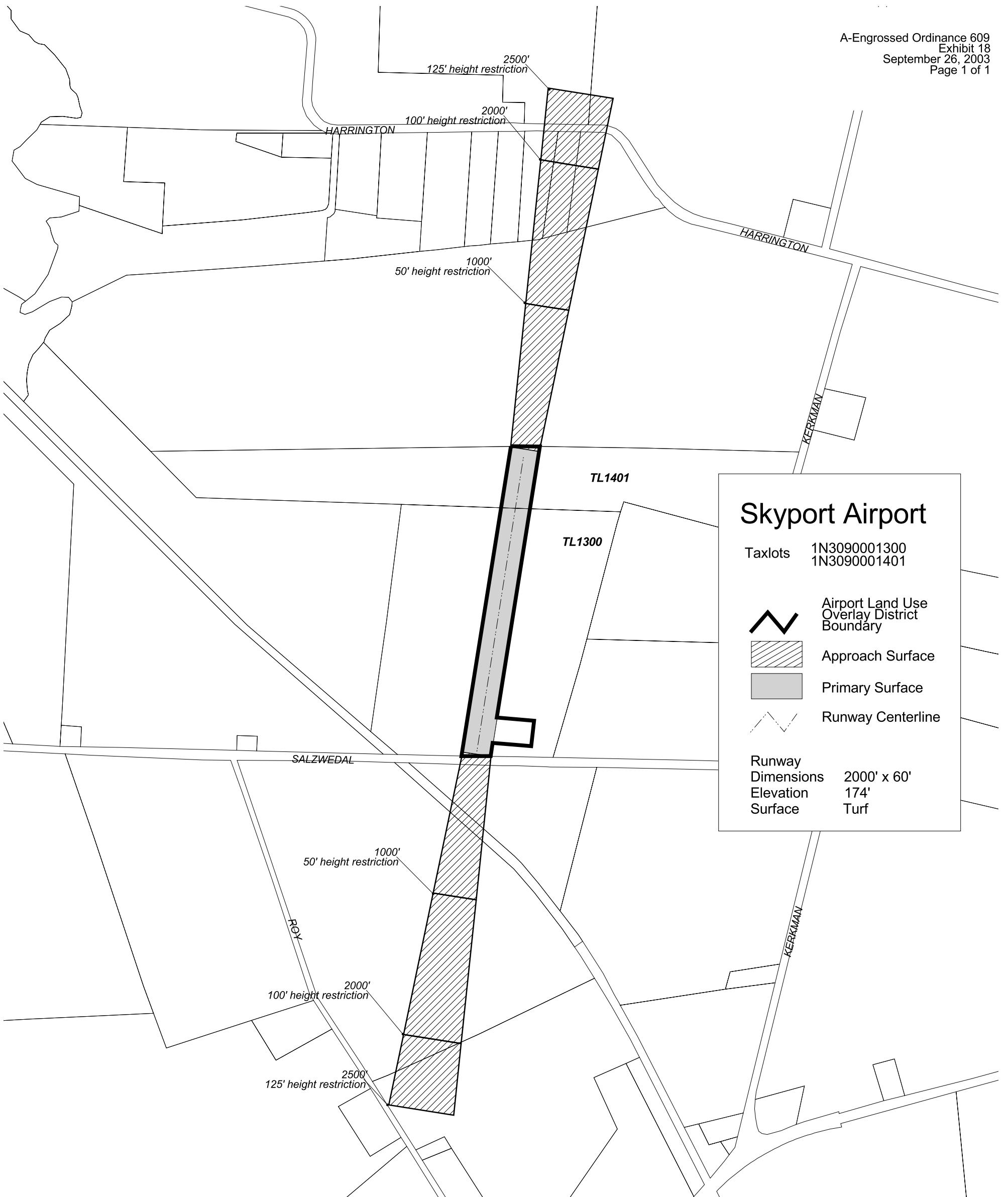
Airport Land Use and Approach Surface Overlay Districts



Airport Approach Surface Profile *Not to scale*

 Approach Surface
 20:1 slope





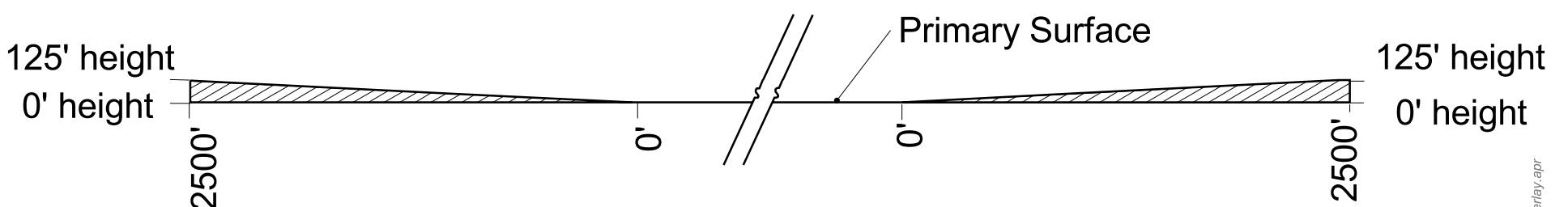
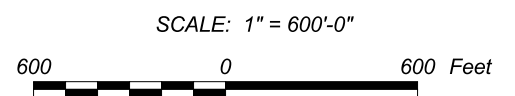
Skyport Airport

Taxlots 1N3090001300
 1N3090001401

- Airport Land Use Overlay District Boundary
- Approach Surface
- Primary Surface
- Runway Centerline

Runway
 Dimensions 2000' x 60'
 Elevation 174'
 Surface Turf

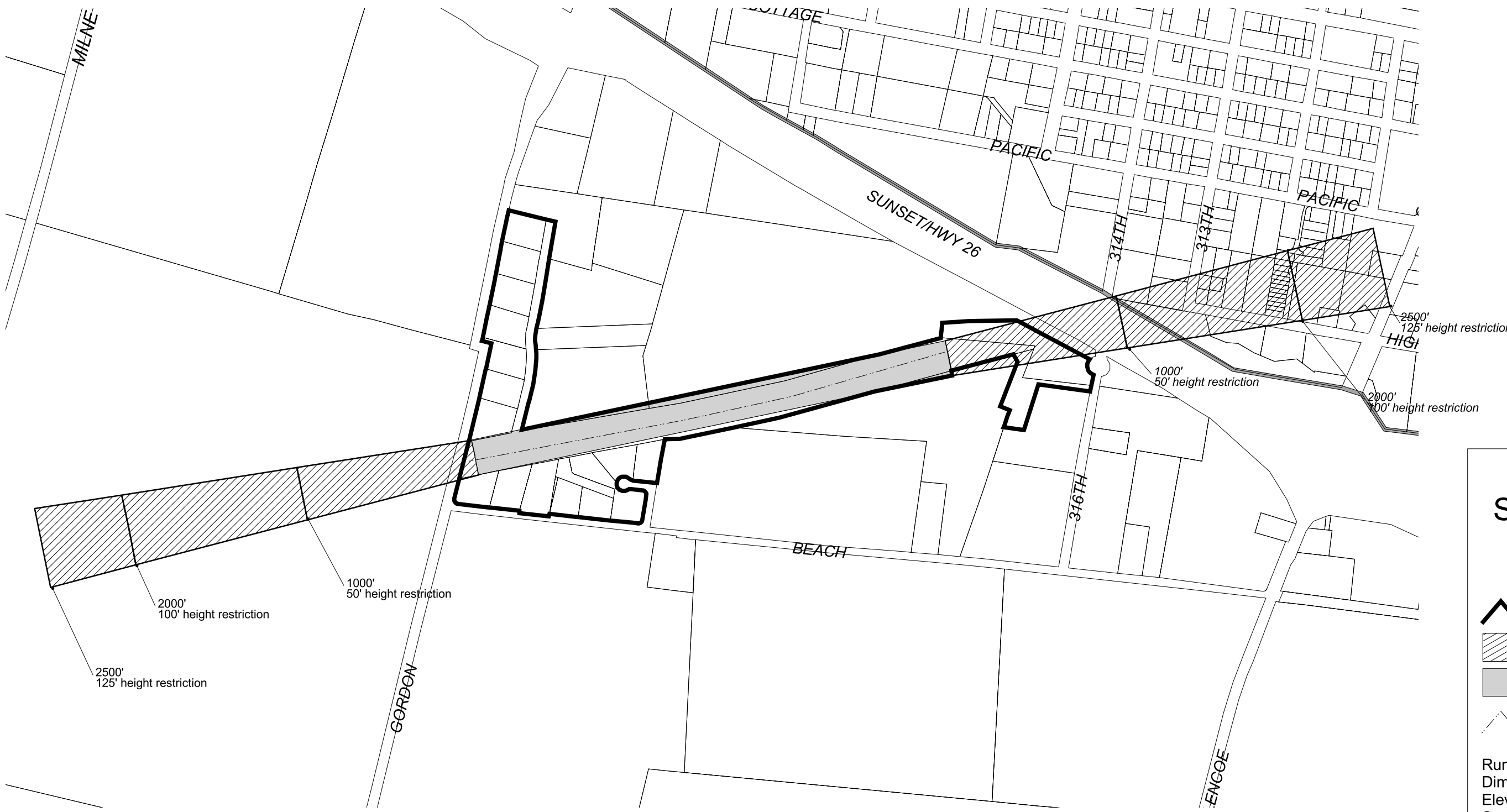
Airport Land Use and Approach Surface Overlay Districts



Approach Surface
 20:1 slope

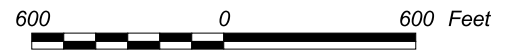
Airport Approach Surface Profile *Not to scale*









Airport Land Use and Approach Surface
 Overlay Districts

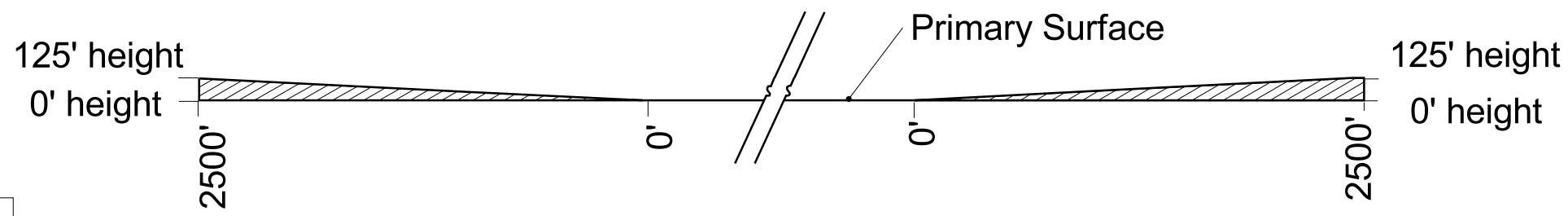
SCALE: 1" = 600'-0"



Sunset Airstrip
 Taxlot 1N311AA02200

-  Airport Land Use Overlay District Boundary
-  Approach Surface
-  Primary Surface
-  Runway Centerline

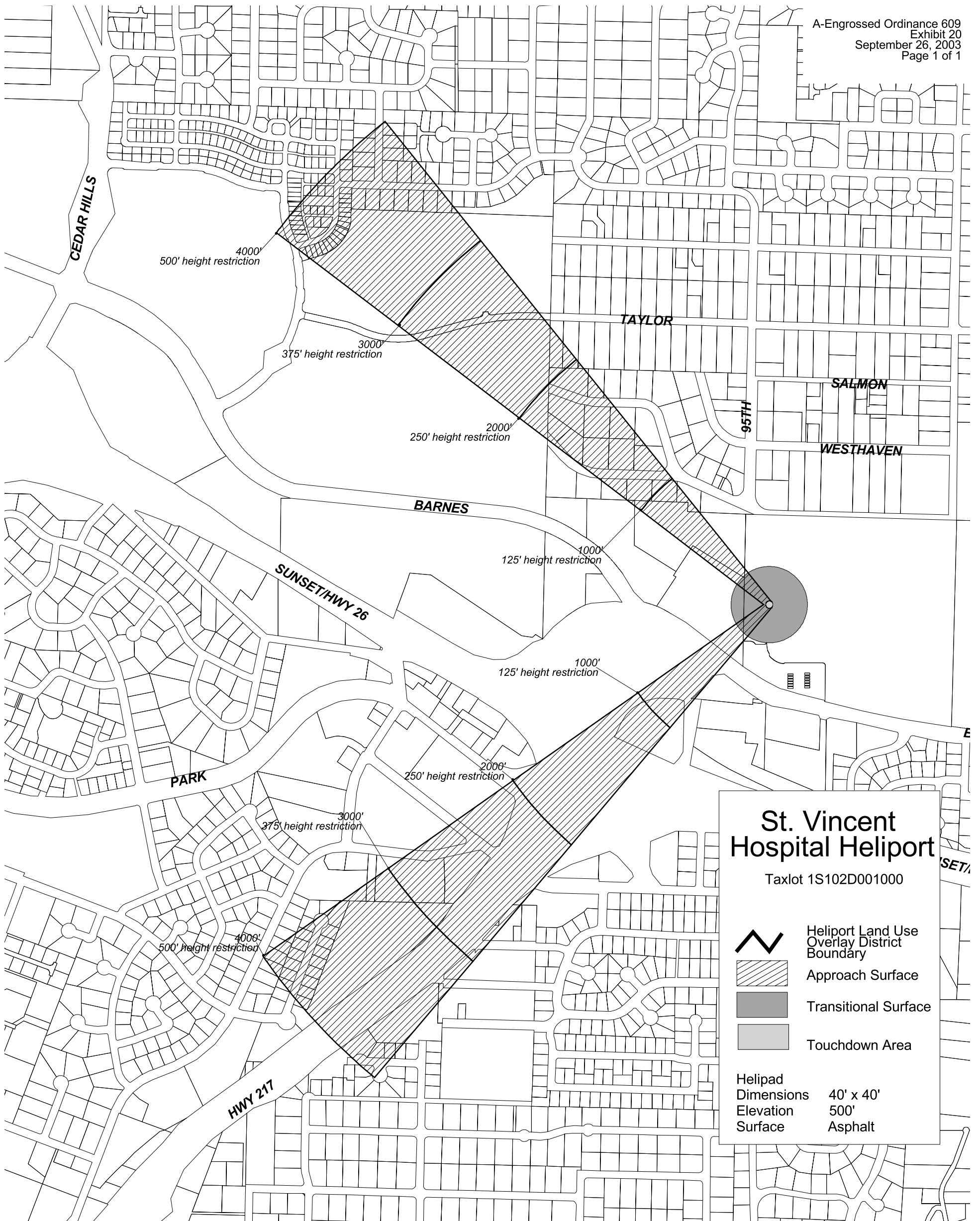
| | |
|-------------------|--------------|
| Runway Dimensions | 3050' x 200' |
| Elevation | 207' |
| Surface | Turf |



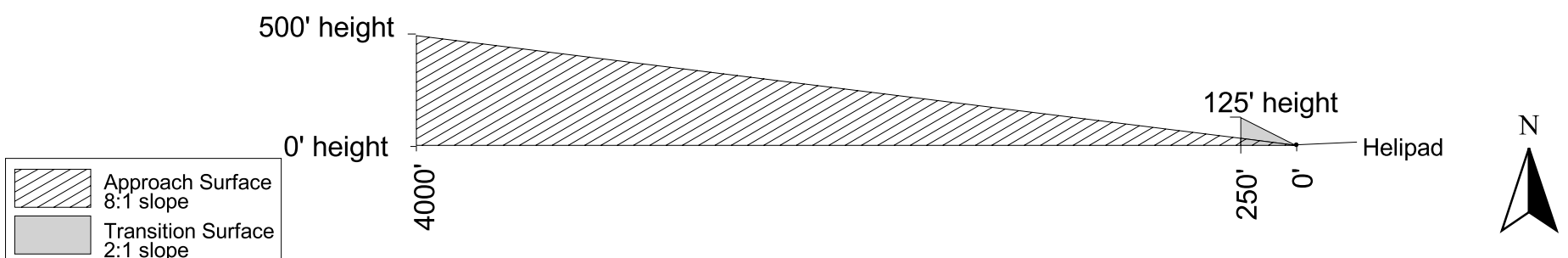
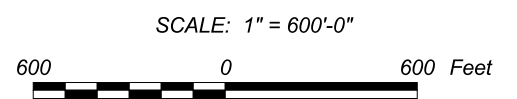
Airport Approach Surface Profile *Not to scale*

 Approach Surface
 20:1 slope





Heliport Land Use and Approach Surface Overlay Districts




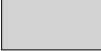

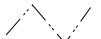


Heliport Transition and Approach Surface Profiles

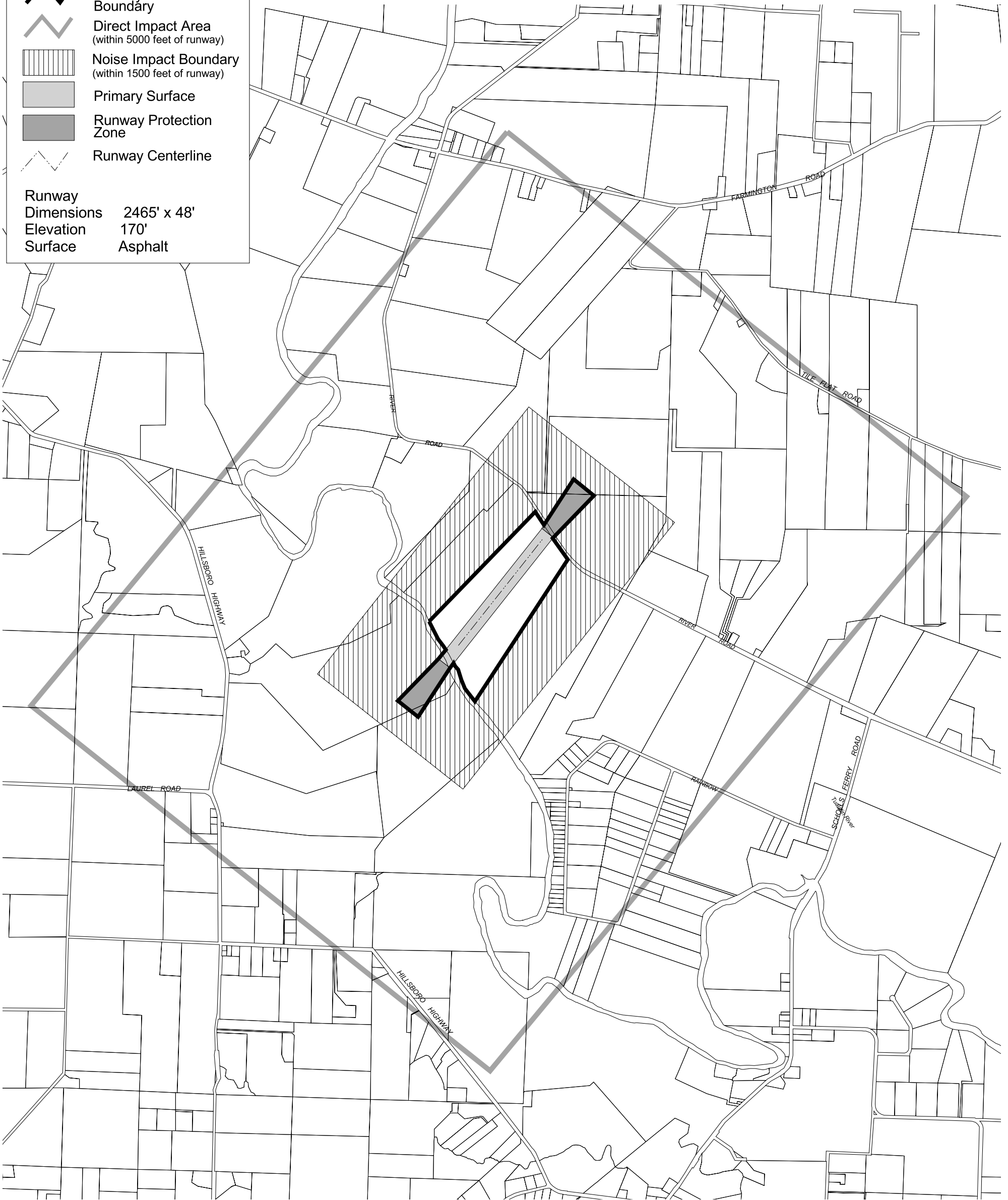
Not to scale

Stark's Twin Oaks Airport

Taxlot 2S2040000400

-  Airport Land Use Overlay District Boundary
-  Direct Impact Area (within 5000 feet of runway)
-  Noise Impact Boundary (within 1500 feet of runway)
-  Primary Surface
-  Runway Protection Zone
-  Runway Centerline

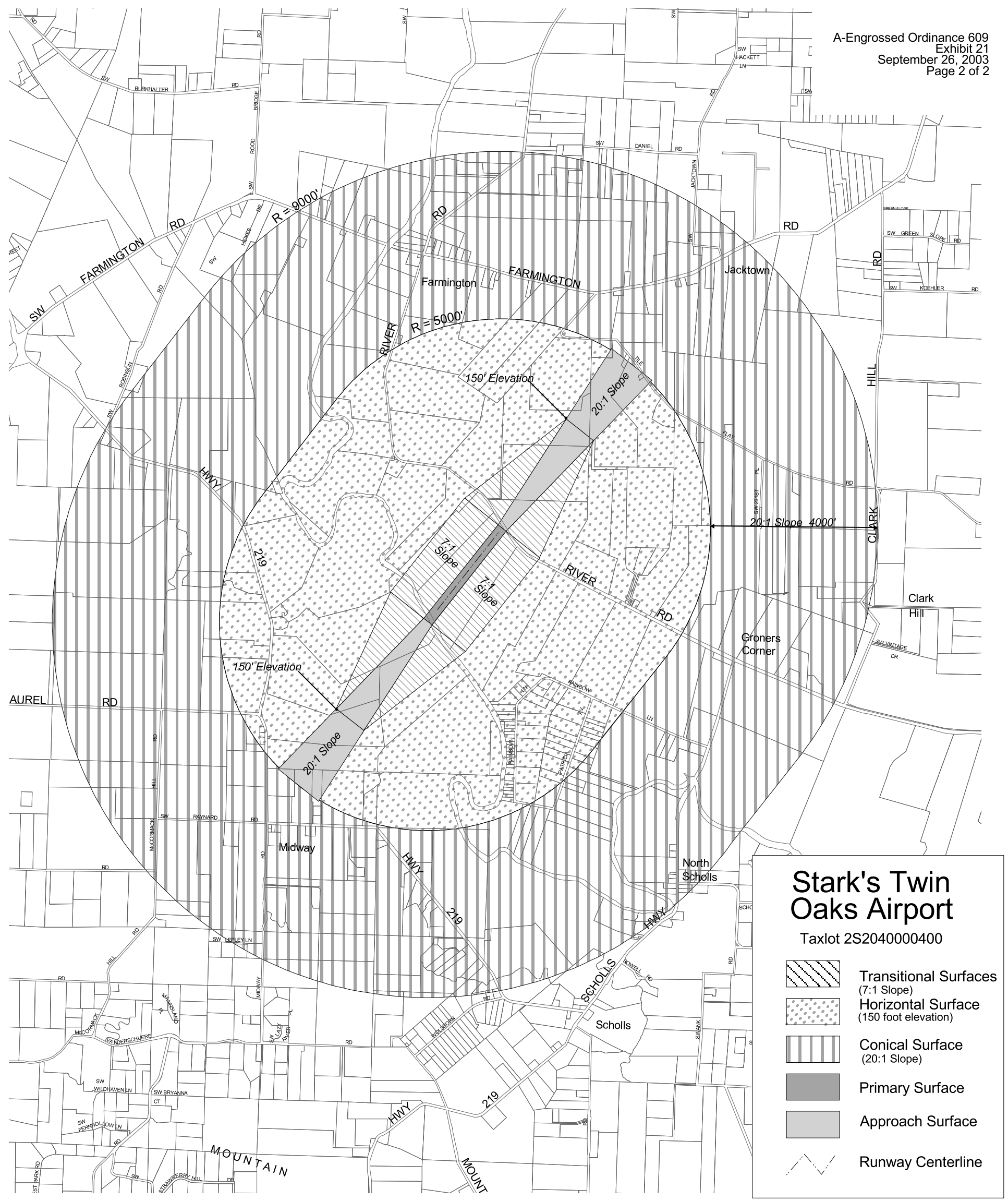
Runway
Dimensions 2465' x 48'
Elevation 170'
Surface Asphalt



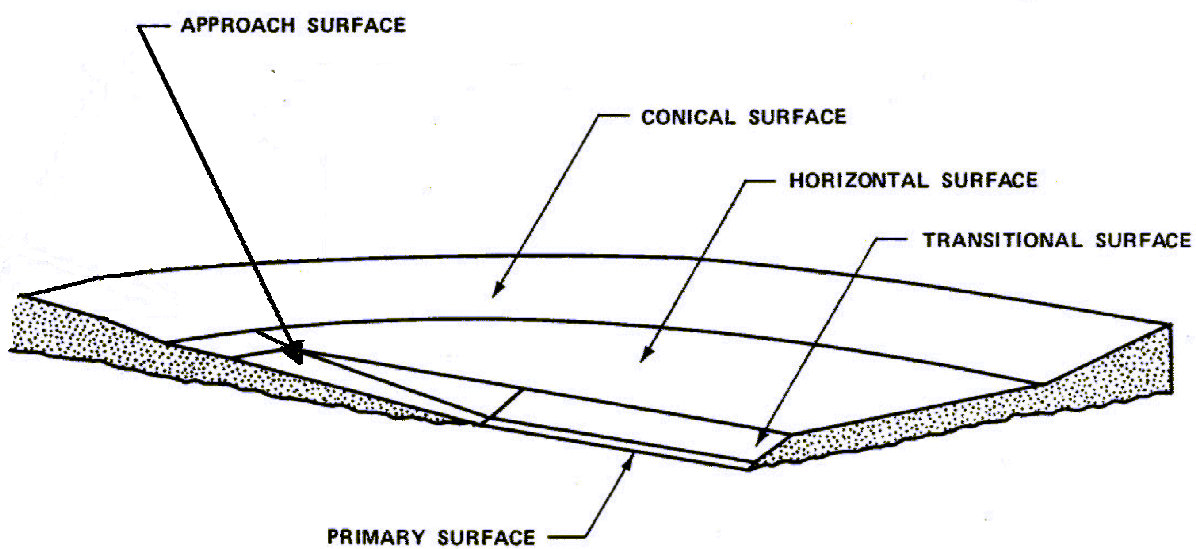
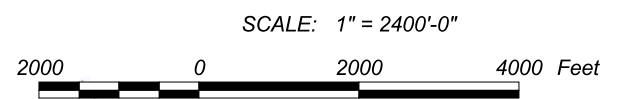
Airport Land Use and Compatibility Overlay District Boundaries

3000 0 3000 Feet





**Airport Land Use and Approach Surface
 Overlay Districts**



Airport Imaginary Surfaces



CDC Section 204, NOTICE OF TYPE I, II OR III DEVELOPMENT ACTIONS, is amended to reflect the following:

204 NOTICE OF TYPE I, II OR III DEVELOPMENT ACTIONS

204-1 General Provisions

204-1.1 All public notices shall be deemed to have been provided or received upon the date the notice is deposited in the mail or personally delivered, whichever occurs first.

204-1.2 The records of the Department of Assessment and Taxation shall be used for determining the property owner of record. Persons not on file with that Department at the time an application is filed need not be notified. Failure actually to receive notice shall not invalidate an action if a good faith attempt was made to notify all persons entitled to notice. A sworn certificate of mailing issued by the person conducting the mailing shall be conclusive evidence of a good faith attempt to contact all persons listed in the certificate. Mortgagees, lien holders, vendors and sellers receiving notice shall promptly forward a copy by mail to the purchaser.

204-1.3 For notice purposes, the boundary of the subject property shall be the property which is the subject of the application, together with all contiguous property under identical ownership.

For notice purposes for development actions for public transportation facilities or utilities within existing or proposed public rights of way or utility easements, the boundary of the subject area shall be the limits of the area of development within the existing or proposed right-of-way or easement.

For notice purposes for airport-related development actions within Public and Private Use Airport Overlay Districts, the boundary of the subject notice area shall be the limits of the associated Airport Safety Overlay District, or Airport Safety and Land Use Compatibility Overlay District (whichever is applicable).

204-1.4 Outside the UGB, in addition to any other notice for Type II and III development actions, the applicant shall post the subject property in conformance with standards as set forth by resolution and order of the Board of County Commissioners. Failure to post the subject property and file an affidavit of posting with the Director within twenty-one (21) days of acceptance of a complete application shall result in denial of the application.

204-2 Type I Actions

204-2.1 No public notice of review is required.

204-2.2 Written notice of the decision of the Review Authority shall be provided to the applicant and property owner of record.

204-3 Type II Actions

204-3.1 A public notice of pending review shall be mailed to:

- A. The applicant or representative and owners of the subject property;
- B. All property owners of record:
 - (1) Within five hundred (500) feet of the subject property in the Urban area; or
 - (2) Within one thousand (1,000) feet of the subject property in the Rural area; ~~or~~
 - (3) When an access management plan is proposed, property owners within the study area defined in 501-8.5 C (3)(a); ~~or~~
 - (4) When airport-related development is proposed on property within a Public or Private Use Airport Overlay District, property owners within the associated Airport Safety Overlay District, or Airport Safety and Land Use Compatibility Overlay District (whichever is applicable).
- C. The recognized Citizen Participation Organization in which subject property is located;
- D. The owner of an airport, defined by the Department of Transportation as a public use airport when:
 - (1) The subject property is:
 - (a) Within five-thousand (5,000) feet of the side or end of a runway of an airport determined by the Department of Transportation to be a visual airport; or
 - (b) Within ten-thousand (10,000) feet of the side or end of the runway of an airport determined by the Department of Transportation to be an instrument airport.
 - (2) Notwithstanding the provisions of Subsection D. (1), a public notice need not be provided as set forth in Subsection D. (1) if the proposed action would:
 - (a) Allow a structure less than thirty-five (35) feet in height; and
 - (b) The subject property is outside the runway approach surface as defined by the Department of Transportation.
 - (3) Failure of an airport owner to receive notice which was mailed shall not invalidate any decision.

- E. The Oregon Department of Agriculture or the United States Department of Agriculture for applications for the propagation, cultivation, maintenance and harvesting of aquatic and insect species.

204-3.2 The public notice shall contain:

- A. The name of the applicant or representative and the County case file number;
- B. A description of the subject property reasonably sufficient to inform the reader of its location;
- C. A concise description of the proposed development action and a listing of review standards;
- D. A statement that the complete application, standards and other such information are available at the County for review, and the phone number of a County contact person;
- E. A statement that this is an opportunity for interested parties to submit written comments about the proposed request; that prior to making a decision, the Director will consider any written comments actually received by the Department within a fourteen (14) calendar day comment period; that written comments may be received after the comment period, but that the Director does not have to consider these comments prior to making a decision; that the Director will then make a decision and send a summary of the decision to those persons whose written comments are received by the Department, including comments received after the comment period, and those persons that were entitled to be mailed a public notice of pending review of the Type II action pursuant to Section 204-3.1; and that any person entitled to a notice of the decision, may appeal the decision as provided in Section 209;
- F. The comment closing date, which ends at 5:00 p.m. that day, in bold letters; and
- G. The following statement in bold letters: **NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS CHAPTER 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST BE PROMPTLY FORWARDED TO THE PURCHASER.**

204-3.3 After close of the fourteen (14) calendar day comment period, the Director promptly shall issue a decision based upon review of the use of development in light of the applicable standards and the comments received. In addition to comments from those entitled to notice, the Director shall consider the written comments of persons who demonstrate that their substantial rights may be adversely affected or aggrieved by the decision.

204-3.4 Notice of the decision shall be provided to the applicant, all persons who submitted written comments, all persons that were entitled to be mailed a public notice of pending review of the Type II action pursuant to Section 204-3.1; and the Citizen

Participation Organization in which the subject property is located. The notice shall contain:

- A. A brief summary of the nature of the action, the decision and conditions of approval, if any;
- B. A description of the subject property reasonably sufficient to inform the public of its location;
- C. The date the decision was provided and the due date for an appeal;
- D. A statement that the decision may be appealed and a public hearing held by filing a signed petition for review within ten (10) calendar days of the date the decision was provided. The statement shall note that the petition shall be filed with the Department of Land Use and Transportation by 5:00 p.m. of the closing date of the appeal period. The elements of a petition for review set forth in Section 209-3, and the fee, shall be listed. The statement shall note that only those persons who responded in writing to the notice of pending review and all persons that were entitled to be mailed a public notice of pending review of the Type II action pursuant to Section 204-3.1, are entitled to appeal the decision; and
- E. A statement that the complete case, including findings and conclusions and conditions of approval, if any, are available for review at the County.

204-4 Type III Actions

204-4.1 Notice of public hearing shall be sent by mail at least twenty (20) days before the hearing.

204-4.2 The notice of public hearing shall be mailed to:

- A. The applicant or representative and owners of the subject property;
- B. All property owners of record:
 - (1) Within five hundred (500) feet of the subject property in the Urban area; or
 - (2) Within one thousand (1,000) feet of the subject property in the Rural area.
 - (3) When a new exception area is proposed, all property owners within one thousand (1,000) feet of the perimeter of the proposed exception areas, in addition to all property owners within the proposed exception area;
 - (4) When an access management plan is proposed, all property owners within the study area defined in 501-8.5 C. (3)(a); or
 - (5) When airport-related development is proposed on property within a Public or Private Use Airport Overlay District, all property owners within the

associated Airport Safety Overlay District or Airport Safety and Land Use Compatibility Overlay District (whichever is applicable).

- C. The recognized Citizen Participation Organization within which the subject property is located;
- D. The owner of an airport, defined by the Department of Transportation as a public use airport when:
 - (1) The subject property is:
 - (a) Within five-thousand (5,000) feet of the side or end of a runway of an airport determined by the Department of Transportation to be a visual airport; or
 - (b) Within ten-thousand (10,000) feet of the side or end of the runway of an airport determined by the Department of Transportation to be an instrument airport.
 - (2) Notwithstanding the provisions of Subsection D. (1) notice of hearing need not be provided as set forth in Subsection D. (1) if the proposed action would:
 - (a) allow a structure less than thirty-five (35) feet in height; and
 - (b) the subject property is outside the runway approach surface as defined by the Department of Transportation; and
 - (3) Failure of an airport owner to receive notice which was mailed shall not invalidate any decision.
- E. Tenants of a mobile home or manufactured dwelling park when a request for a plan amendment which would change the land use designation of the property which includes all or part of the park. Failure of a tenant to receive a notice which was mailed shall not invalidate any plan amendment.

204-4.3 The notice of public hearing shall contain:

- A. The name of the applicant or owner;
- B. The nature of the proposed development;
- C. A description of the subject property reasonably sufficient to inform the public of its location;
- D. The designation of the Review Authority and the time, date and place of the hearing;

- E. A statement that all interested persons may appear and provide testimony and that only those making an appearance of record shall be entitled to appeal;
 - F. A statement that the hearing will be conducted in accordance with the Rules of Procedure adopted by the Board;
 - G. The following statement: **NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS CHAPTER 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST PROMPTLY BE FORWARDED TO THE PURCHASER;**
 - H. The applicable review criteria that apply to the application;
 - I. A statement that failure of an issue to be raised in the hearing, in person or by letter, or failure to provide sufficient specificity to afford the Review Authority an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue;
 - J. The name of a County representative to contact and the telephone number where additional information may be obtained;
 - K. A statement that a copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost;
 - L. A statement that a copy of the staff report will be available for inspection at no cost at least seven (7) days prior to the hearing and will be provided at reasonable cost; and
 - M. A general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.
- 204-4.4 In addition to all other notice, at least ten (10) calendar days before a Type III public hearing for a quasi-judicial plan amendment, notice shall be provided in a newspaper of general circulation in the portion of the County affected.
- 204-4.5 Additional notice of any hearing may be required in accordance with the Rules of Procedure adopted by the Board.
- 204-4.6 Notice of the decision shall be provided to the applicant, the owners of the subject property and all persons who made an appearance of record. The notice shall contain:
- A. A brief summary of the decision, and conditions of approval, if any;
 - B. A description of the subject property reasonably sufficient to inform the public of its location;
 - C. The date the decision was provided and the due date for an appeal;

- D. For quasi-judicial plan amendments, a statement that the decision may be appealed and a public hearing held by filing a signed petition for review within fourteen (14) calendar days of the date the decision was provided. The statement shall note that the petition shall be filed with the Department of Land Use and Transportation by 5:00 p.m. of the closing date of the appeal period. The elements of a petition for review set forth in Section 209-3, and the fee, shall be listed. The statement shall note that only those persons who made an appearance of record are entitled to appeal or request reconsideration of the decision. A statement that a motion for reconsideration may be filed as provided in Section 208, but that filing a motion does not stop the appeal period from running.

For Type III development actions in transit oriented districts, a statement that the decision may be appealed and a public hearing held by filing a signed petition or review (appeal) within ten (10) calendar days of the date the decision was provided. The statement shall note that the petition shall be filed with the Department of Land Use and Transportation by 5:00 p.m. of the closing date of the appeal period. The elements of a petition for review set forth in Section 209-3, and the fee, shall be listed. The statement shall note that only those persons who made an appearance of record are entitled to appeal the decision; and

- E. For decisions on a development permit for which there is no local appeal:
- (1) The date the written decision was signed by the review authority; and
 - (2) A statement that the decision is final when the written decision is signed by the review authority and that any appeal must be made to the Land Use Board of Appeals no later than twenty-one (21) days after the date the decision is final. The statement shall note that only those persons who made an appearance of record are entitled to appeal the decision.
- F. A statement that the complete case, including findings and conclusions, and conditions of approval, if any, are available for review at the County.

204-5 Notice of Hearing and Notice of Decision on Appeal

Notice of a public hearing conducted by the Review Authority to review a Type II decision by the Director, an appeal of a Type III quasi-judicial plan amendment decision to the Board, or an appeal of a decision on a Type III development action in transit oriented districts to the Board shall be provided in the same manner as required for Type III actions. Notice of hearing on appeal to the Board of Commissioners of a Type III request described above shall be provided as required for initial hearing on the Type III proposal. Notice of decision on appeal shall be provided to all parties of record. In addition, notice of hearing on appeal to the Board shall be provided to all parties to the hearing conducted by the Review Authority.