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UMATILLA COUNTY
RECORDS

THE BOARD OF COMMISSIONERS OF UMATILLA COUNTY

STATE OF OREGON

In the Matter of Establishing)
 Private Use Airport-Safety) ORDINANCE NO. 2002-01
 Overlay Zone, Amending)
 Comprehensive Plan and)
 Development Code, and Zoning)
 Map for Buttercreek Airport)

WHEREAS pursuant to ORS 836.600 et seq, it is the policy of the State of Oregon to encourage and to support the continued operation and vitality of Oregon's airports, and consistent with this policy, the State has adopted laws and administrative rules to protect airports by requiring local governments to amend its comprehensive plan and land use regulations consistent with these laws and regulations; and

WHEREAS airports subject to the protections include under ORS 836.608(2) privately owned airports if the airport was the base for three or more aircraft, as shown in the records of the Department of Transportation on December 31, 1994; and

WHEREAS the adoption of the airport protection provisions are to be completed by the local government as part of its transportation system plan; and

WHEREAS Umatilla County has adopted a transportation system plan as part of the Umatilla County Comprehensive Plan; and

WHEREAS Buttercreek Airport is located in Umatilla County and falls within the criteria for a private-use airport to be afforded protection; and

WHEREAS the first public hearing on the proposed establishment of a private-use airport zone and overlay zone was held before the Umatilla County Planning Commission on March 21, 2002; and

WHEREAS the Umatilla County Planning Commission recommended to the Board of Commissioners adoption of a private-use airport overlay zone to be applied to the Buttercreek Airport facility and

its runway approach; and

WHEREAS on August 14, 2002, a public hearing was held by the Board of Commissioners to consider the amendments.

NOW, THEREFORE the Board of Commissioners of Umatilla County ordains as follows:

1. The establishment of a Private Use Airport Safety Overlay Zone.

2. The Umatilla County Comprehensive Plan is amended to include the following provisions as part of the section on Transportation, page XV-6:

Finding

27. Measures are needed to protect airports by controlling land uses within airport noise corridors and imaginary surfaces, and by limiting physical hazards to air navigation.

A. The PUA-S Overlay Zone shall be applied to privately owned privately used airports for both the airport site and approach areas.

B. A Private Use Airport Zone may be developed for application to privately owned publicly used airports for the airport site with the PUA-S Overlay Zone being applied to the approach areas.

C. Publicly owned publicly used airports are already under protective overlay zoning specific to the airport.

Policy

27. Umatilla County shall adopt and implement an airport zone, supporting Airport Safety Overlay Zones, or similar protective measures for airports (as defined in ORS 836.610) in Umatilla County.

3. The Umatilla County Development Code is amended as follows:

PUA-S PRIVATE USE SAFETY AIRPORT OVERLAY ZONE

§ 152.003 DEFINITIONS.

AIRCRAFT. Includes airplanes and helicopters, but not hot air balloons or ultralights.

AIRPORT. The strip of land used for taking off and landing aircraft, together with all adjacent land used in 1994 in connection with the aircraft landing and taking off from the strip of land, including but not limited to land used for existing commercial and recreational airport uses and activities as of December 31, 1994.

AIRPORT ELEVATION. The highest point of an airport's usable runway, measured in feet above mean sea level.

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 defined by the primary surface and approach surface.

AIRPORT SPONSOR. The owner, manager, person or entity designated to represent the interests of an airport. [OAR 660-013-0020]

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. 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 of a private use airport with only visual approaches. The approach surface extends for a horizontal distance of 2,500 feet at a slope of 20 feet outward for each one foot upward.

DEPARTMENT OF AVIATION. The Oregon Department of Aviation, formerly the Aeronautics Division of the Oregon Department of Transportation.

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

OBSTRUCTION. Any structure or tree, plant or other object of natural growth that penetrates an imaginary surface.

PRIMARY SURFACE. A surface longitudinally centered on a runway. The primary surface ends at each end of a 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.

RUNWAY. A defined area on an airport prepared for landing and takeoff of aircraft along its length.

STRUCTURE. Any constructed or erected object which requires location on

the ground or is attached to something located on the ground. Structures include but are not limited to buildings, decks, fences, signs, towers, cranes, flagpoles, antennas, smokestacks, earth formations and overhead transmission lines. Structures do not include paved areas.

§ 152.340 PURPOSE.

The purpose of the PUA-S Private Use Safety Airport Overlay Zone is to recognize the locations of certain private-use and privately-owned airports and to provide for their continued operation and vitality consistent with state law. [ORS 836.608(1)]

This is accomplished by establishing safety standards to promote air navigational safety at these airports as well as the safety of those living near these airports. [ORS 836.608(8); OAR 660-013-0050; OAR 660-013-0070(1)(b); OAR 660-013-0155(1), (2)]

§ 152.341 APPLICATION.

This zoning district applies to private-use airports in the county that were the base for three or more aircraft on December 31, 1994, as shown in the records of the Oregon Department of Transportation, and to those privately-owned public-use airports not identified by rule by the Oregon Department of Transportation as providing important links in air traffic in Oregon, or providing essential safety or emergency services, or being of economic importance to the county where the airport is located.

The PUA-S Overlay Zone will overlay the existing underlying zone, but shall not change the underlying zone designation. The intent and purposes of this overlay is only to protect the continuing use of the airport and may be removed by the Planning Commission upon request at any time pursuant to the requirements of §152.771 of this chapter. Any change in the underlying zone will require a separate amendment pursuant to this chapter. [ORS 836.608(2); OAR 660-013-0155(1); see also OAR 738-090-0030(1)]

§152.342 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 zone and shall be made part of the Official Zoning Map. All lands, waters and airspace, or portions thereof, that are located within these surfaces shall be subject to the requirements of this overlay zone. [ORS 836.608(2), (8); OAR 660-013-0050; OAR 660-013-0070(1)(b); OAR 660-013-0155(2)]

§152.343 NOTICE OF LAND USE AND PERMIT APPLICATIONS WITHIN OVERLAY ZONE AREA.

A. Written notice of applications for land use or limited land use decisions, including comprehensive plan or zoning amendments, shall be provided to the airport sponsor and the Department of Aviation in the same manner and within the same timelines as notice is provided

to property owners entitled by law to written notice of land use or limited land use applications. Where the application does not involve a public hearing, such notice shall be provided at least 20 days prior to entry of the initial decision on the land use or limited land use application. [ORS 215.416(6); ORS 227.175(6); OAR 738-100-010]

B. Notice of the decision on a land use or limited land use application shall be provided to the airport sponsor and the Department of Aviation within the same timelines that such notice is provided to parties to a land use or limited land use proceeding.

§152.344 CONTINUED OPERATION OF EXISTING USES.

Operation of the following uses may be continued at their current levels as of September 15, 2002 upon demonstration that the use existed at the airport at any time during 1996.

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 30.390.

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. [ORS 836.608(3)(a); OAR 660-013-0155(2)]

§152.345 EXPANSION OF EXISTING USES.

The expansion of uses identified in §152.344 of this zoning district that existed at any time during 1996 is permitted as provided in this section.

A. Expansions Allowed Outright. The following expansions of existing uses are permitted outright:

1. Construction of additional hangars and tie-downs by the owner of the airport.

2. Basing additional aircraft at the airport.

3. Increases in flight activity.

B. Other Expansions of Existing Uses.

1. Growth of existing uses that require building permits, other than those existing uses identified in subsection A of this section, shall be permitted as an administrative decision without public hearing, unless the growth:

a. Cannot be supported by existing public facilities and services and transportation systems authorized by applicable statewide land use planning goals;

b. Forces a significant change or significantly increases the costs of conducting existing uses on surrounding lands; or

c. Exceeds the standards of ORS 215.296(1) if the airport is adjacent to land zoned for exclusive farm use.

2. Growth of an existing use for which a public hearing is required shall be permitted only upon demonstration of compliance with the standards for new uses set out in Section .060 of this zoning district. [ORS 836.608(3)(a), (4); OAR 660-013-0155(2)]

§ 152.346 NEW USES.

Uses identified in §152.344 of this zoning district shall be permitted following public hearing before the Planning Commission 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.

1. The use is or will be supported by adequate types and levels of facilities and services and transportation systems authorized by applicable statewide land use planning goals;

2. The use does not seriously interfere with existing land uses in areas surrounding the airport; and

3. For airports adjacent to land zoned for exclusive farm use, the use complies with the requirements in ORS 215.296. [ORS 836.608(3)(b), (5) and (6); OAR 660-013-0155(2)]

§ 152.347 HEIGHT LIMITATIONS ON ALLOWED USES IN UNDERLYING ZONE.

All uses permitted by the underlying zone shall comply with the height limitations in this Section. When height limitations of the underlying zone are more restrictive than those of this overlay zone, the underlying zone height limitations shall control. [ORS 836.608(8); OAR 660-013-0155(1), (3); OAR 660-013-0070(1)(b)]

A. Except as provided in subsection B of this Section, no structure or tree, plant or other object of natural growth shall penetrate an airport imaginary surface. [OAR 660-013-0070(1)(b)]

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.

§152.348 PROCEDURES.

An applicant seeking a land use or limited land use approval in an area within this overlay zone 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 Planning Department 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 from the airport sponsor and the Department of Aviation.

§152.349 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 zone.

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 zone.

3. The Private Use Airport Safety Overlay Zone is applied to the Buttercreek Airport and the Umatilla County Zoning map is amended to apply the overlay zone to Umatilla County Tax Lot 1202, and the runway approaches on Umatilla County Tax Lots 1200, 1602 and 3000 as set out on the map attached to this ordinance and incorporated by this reference.

DATED this 14th of August, 2002.

UMATILLA COUNTY BOARD OF COMMISSIONERS

Emile M. Holeman

Emile M. Holeman, Chair

William S. Hansell

William S. Hansell, Commissioner

Dennis D. Doherty

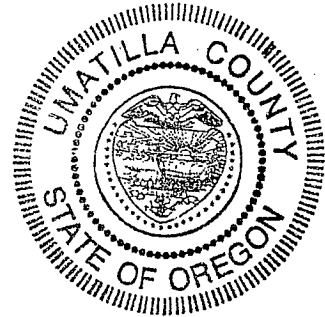
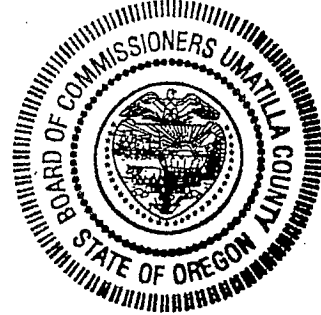
Dennis D. Doherty, Commissioner

ATTEST:

OFFICE OF COUNTY RECORDS

Deau Thompson

Records Officer



T2N R27E.W.M.
UMATILLA COUNTY

1"=2000'

See Map 3N 27E

