

T.S.A.#6.

AGENDA COVER MEMO

DATE: October 31, 2007 (Date of Memo)
November 20, 2007 (First Reading)
December 5, 2007 (Second Reading/Public Hearing)

TO: LANE COUNTY BOARD OF COMMISSIONERS
FROM: Public Works Department/Land Management Division
PRESENTED BY: Keir Miller, Associate Planner

AGENDA ITEM TITLE: 1) ORDINANCE NO PA1245 – IN THE MATTER OF AMENDING THE LANE COUNTY RURAL COMPREHENSIVE PLAN (RCP) BY REVISING GOAL-2, POLICY 25; TO ESTABLISH PROVISIONS FOR A PRIVATE USE AIRPORT OVERLAY ZONE; BY ADOPTING AN OFFICIAL PRIVATE USE AIRPORT OVERLAY ZONE MAP; BY APPLYING THE OVERLAY ZONE TO FIVE PRIVATE USE AIRPORTS AND SURROUNDING PROPERTIES AND ADOPTING SAVINGS AND SEVERABILITY CLAUSES.

2) ORDINANCE ___-07- IN THE MATTER OF AMENDING CHAPTER 16 OF LANE CODE TO ESTABLISH A NEW ZONE CLASSIFICATION FOR PRIVATE USE AIRPORTS (LC16.012, LC16.296)

I. REQUESTED MOTIONS

A. November 20, 2007:

Move First Reading of Ordinance Number PA 1245 and Ordinance No ___-04 and set Second Reading and Public Hearing for December 5, 2007 at 1:30 PM.

B. December 5, 2007:

Move to adopt Ordinance Number PA 1245 and Ordinance No ___-04

II. AGENDA ITEM SUMMARY

The Board of Commissioners is being asked to adopt amendments to the Rural Comprehensive Plan (RCP) that would: (1) establish a Private Use Airport Overlay

zone (LC 16.296 - /PUAO-RCP); (2) adopt an Official Private Use Airport Overlay Zone Map and (3); apply the Private Use Airport Overlay Zone designation to the five existing private use airports and surrounding properties listed in Attachment A, Section 3 of this memo. These amendments would bring the county into compliance with state law pertaining to private airport planning and protection.

III. BACKGROUND/ IMPLICATIONS OF ACTIONS

A. Board Action and Other History

In 1995, the state adopted the Airport Protection Act (SB 1113), codified at ORS 836.600 Airports and Landing Fields. On February 12, 1999, DLCD Oregon Administrative Rules Chapter 660, Division 13, Airport Planning, became effective. OAR 660-013, commonly referred to as the Airport Planning Rule (APR), implements provisions of ORS 836.600. The APR and statute require the county to take several actions in regards to private use airports. These requirements are intended to encourage and support the safe and continued operation of Oregon's private use airports.

Specifically, the county must address:

- OAR 660-013-0155 Planning Requirements for Small Airports and;
- OAR 660-013-0070 Local Government Safety Zones for Imaginary Surfaces

In brief, OAR 660-013-0155 requires local governments to recognize the location of private use airports in planning documents and also requires that governments not impose limitations on airport uses that existed at any time during 1996. Additionally, the OAR allows for new aviation related uses subject to certain criteria (i.e. the use is supported by adequate public services and will not create a serious interference with surrounding uses). OAR 660-013-0070 requires local governments to adopt safety overlay zones that protect aircraft approach surfaces by restricting intrusions into those areas.

The APR applies to both privately owned and publicly owned, private use airports that were registered, licensed or otherwise recognized by the Oregon Department of Transportation (ODOT) Aeronautics Division on or before December 31, 1994, with three or more based aircraft.

According to ORS 836.610(2)(a), local governments are required to amend their comprehensive plan and land use regulations to reflect the requirements of the APR not later than the first periodic review cycle after the official list of affected airports is published. The Lane County Periodic Review Work Program was initially adopted by the Board of County Commissioners and acknowledged by DLCD in 1996 and later amended, re-adopted and re-acknowledged in 1998. Compliance with OAR 660-013 was not included in the Work Program because the Work Plan preceded it in time. However, ORS 836.610(2)(a) would require Lane County to implement the amendments at the time of the next periodic review work program, five to seven years from now. On May 30, 2007, the Board of County Commissioners directed Land Management Division to make the private use airport work project the first priority at the conclusion of the mandated processing of Ballot Measure 37 claims on June 20, 2007.

On April 2, 1999, ODOT Aeronautics Division (now the Oregon Department of Aviation) distributed the official lists of airports affected by the APR. No publicly owned, private use airports were recognized to have existed in Lane County on or before December 31, 1994. The following privately owned, private use airports were identified and are subject to this work plan:

- Crow-Mag Airport;
- Jasper Ridge Airport;
- Meadowview Heliport;
- Strauch Field Airport; and
- Walker Airport.

State law requires that the county gather evidence relating to the location and boundaries of these privately-owned, private use airports and heliports (including their aircraft approach surfaces and potential obstructions) and establish an overlay zone to protect those surfaces from obstructions.

The required boundary information has been obtained and mapped (see Attachment "F") and staff is recommending that the Board adopt ordinance language for an overlay zone and implement the overlay zone to comply with the requirements of state law. Attachment "A" Ordinance PA 1245 and Attachment "B" ___-07, along with associated exhibits, will address these requirements

B. Policy Issues

There are two foreseeable issues that may arise from the adoption and implementation of a private use airport overlay zone. The first issue concerns the expansion of existing uses and the potential for new uses that may conflict with neighboring properties. The Airport Protection Act and the subsequent APR and statutes were promulgated by a perceived need to protect private airport uses. The rule and statutes are clear in that counties may not impose any limits on uses that existed at any time during 1996. Considering this, the proposed amendments would allow airport sponsors to pursue uses at their facilities which have not occurred in over a decade. Altogether new uses may also be possible through the special use permit process. Additionally, sponsors may expand certain uses such as increased flight activity, or may build additional hangars without need for a land use decision. New uses or expansions of existing uses may not be welcomed by neighboring property owners. The second issue concerns limits on the height of structures and vegetation imposed by the overlay zone requirements. Surrounding properties will be impacted by the height limitations of the overlay zone. These limitations are both for the safety of pilots using the airfields and for the safety of those living nearby. These restrictions are confined to the delineated approach surfaces and in most cases only encompass a portion of neighboring properties.

C. Financial and/or Resource Considerations

Adopting LC 16.296 will presumably be seen by the five sponsors as beneficial to the future use of the aviation facilities. The ordinance will impose compliance with safety standards and could result in some restrictions on property owners of adjacent lands. New structures or additions to existing structures could conceivably result in height

restrictions to development proposed by adjacent property owners within the aircraft approach surfaces. A remote possibility exists that such restrictions could trigger a Ballot Measure 37 claim but it is likely that these types of restrictions would be exempt from the measure because they relate to health and safety.

C. Planning Commission

Public hearings before the Planning Commission were held on this matter on October 16 and November 20. As of the date of this memo, the Planning Commission has yet to act on the proposal.

IV. ACTION

A. Alternatives/Options

Option 1: Adopt Ordinance Number PA 1245 and Ordinance No __-04

Option 2: Do not adopt Ordinance Number PA 1245 and Ordinance No __-04

Option 3: Direct staff to provide additional information in support of Option 1

B. Recommendation

Staff recommends Option 1.

C. Follow Up

Upon action on the Ordinances, staff will notify all parties of record and the Department of Land Conservation and Development of the Board's decision.

V. ATTACHMENTS

A. Ordinance PA 1245

Exhibit A: Proposed Amendments to RCP Goal 2, Policy 25

Exhibit B: Official Private Use Airport Safety Overlay Zone Map (scale reduced)

Exhibit C: Findings in Support of Ordinance PA 1245

B. Ordinance No. No. 1-07

Exhibit A: Lane Code 16.296 Private Use Airport Overlay Zone (/PUAO - RCP)

Exhibit B: Proposed Amendments to Lane Code 16.012

C. LCPC Meeting Minutes for 7/10/07 Work Session

D. LCPC Meeting Minutes for 10/16/07 (to be provided as a supplemental)

E. LCPC Meeting Minutes for 11/20/07 (to be provided as a supplemental)

F. Reference Maps

IN THE BOARD OF COUNTY COMMISSIONERS, LANE COUNTY, OREGON

ORDINANCE NO. PA 1245

IN THE MATTER OF AMENDING THE LANE COUNTY RURAL COMPREHENSIVE PLAN (RCP) BY REVISING GOAL-2, POLICY 25; TO ESTABLISH PROVISIONS FOR A PRIVATE USE AIRPORT OVERLAY ZONE; BY ADOPTING AN OFFICIAL PRIVATE USE AIRPORT OVERLAY ZONE MAP; BY APPLYING THE OVERLAY ZONE TO FIVE PRIVATE USE AIRPORTS AND SURROUNDING PROPERTIES AND ADOPTING SAVINGS AND SEVERABILITY CLAUSES.

WHEREAS, the Board of County Commissioners of Lane County, through enactment of Ordinance PA 884, has adopted Land Use Designations and Zoning for lands within the Jurisdiction of the of the Lane County Rural Comprehensive Plan; and

WHEREAS, the Board of County Commissioners of Lane County, through enactment of Ordinance PA 883, has adopted the Lane County General Plan Policies which is a component of the Lane County Rural Comprehensive Plan; and

WHEREAS, Lane Code 12.050 and 16.400 set forth procedures for amendments of the Rural Comprehensive Plan and Lane Code 16.252 sets forth procedures for rezoning lands within the jurisdiction of the Rural Comp Plan; and

WHEREAS, It is necessary to amend the Rural Comprehensive Plan and apply an overlay zone to provide for the continued operation and vitality of certain private use airports in Lane County consistent with state law; and

WHEREAS, It is necessary to amend the Rural Comprehensive Plan and apply an overlay zone to reduce the potential safety hazards to persons living, working or recreating on lands near such private use airports ; and

WHEREAS, the proposal was reviewed at public hearings with the Lane County Planning Commission on October 16 and November 20, 2007; and

WHEREAS, the proposal was reviewed at a public hearing with the Lane County Board of Commissioners on December 5, 2007; and

WHEREAS, evidence exists in the record indicting that the proposal meets the requirements of Lane Code Chapters 12 and 16, and the requirements of applicable state and local law; and

WHEREAS, the Board of County Commissioners has conducted a public hearing and is now ready to take action;

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

Section 1, The Lane County General Plan Policies, Goal 2 (Policy 25) adopted by Ordinance No. PA 883 and amended thereafter is amended by revising Goal 2 General Plan Policy 25, to add provisions for a Private Use Airport Overlay Zone and to perform minor housekeeping corrections as set forth in Exhibit "A".

Section 2, An Official Private Use Airport Overlay Zone Map is established and adopted as depicted in Exhibit "B".

Section 3, The Private Use Airport Overlay Zone is applied to the lands and airspace encompassed by the surfaces and districts delineated on the Official Private Use Airport Overlay Zone Map to the following properties or portions thereof:

1604080000100	1604280000800	1706220001300	1706340000102	1802140000101
1604080000501	1604280000900	1706220001801	1706350000100	1903340000101
1604080000502	1604280000900	1706220001805	1706350000103	1903340000200
1604080000503	1604280000901	1706220001806	1802130000100	1903340000200
1604080000508	1604280001000	1706220002700	1802130000100	1903340000700
1604080000510	1604290000100	1706260001703	1802130000201	1903340000701
1604080000900	1604290002600	1706260001704	1802130000204	2003030000200
1604170000101	1604290002601	1706260001705	1802130000205	2003030000600
1604170000601	1604320000200	1706260002401	1802130000300	2003030000700
1604170000601	1604330000201	1706260002502	1802130000301	2003030000800
1604200001400	1604330000400	1706260002601	1802130000301	2003030000800
1604210000301	1706220001200	1706260002601	1802130000302	2003030000800
1604210000301	1706220001200	1706270000102	1802130000303	2003030000801
1604210000301	1706220001200	1706340000101	1802140000100	2003030000801

FURTHER, Although not part of this Ordinance, the Board of County Commissioners adopts findings in support of this action as set forth in Exhibit "C".

The prior policies, plan and zone diagram designations repealed or changed by this Ordinance remain in full force and effect to authorize prosecution of persons in violation of thereof prior to the effective date of this Ordinance.

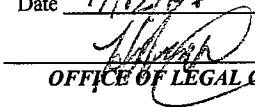
If any section, subsection, sentence, clause phrase of portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such section shall be deemed a separate, distinct and independent provision, and such holding shall not effect the validity of the remaining portions thereof.

ENACTED this _____ day of _____, 2007.

Faye Stewart, Chair
Lane County Board of County Commissioners

APPROVED AS TO FORM

Date 11/02/07 Lane County



OFFICE OF LEGAL COUNSEL

Exhibit A: Proposed changes to RCP Goal 2, Policy 25
Proposed deletions shown with a ~~strikethrough~~
Proposed additions are underlined

All cluster subdivisions must be within an existing Rural Fire Protection District.

No other identifiable substantial increase of a public service shall be necessitated by the approval of a cluster subdivision.

24. Outside of designated 'Community' areas, all changes to Plan Diagram designations shall be evaluated through the County's Plan Amendment procedure (LC 16.400) and approval based upon fulfillment of criteria therein.
25. Each of the land use designations applied to the Plan Diagram shall be implemented by one or more zoning districts, as follows:

<u>Plan Designation</u>	<u>Zone Classification</u>	<u>Abbrev.</u>
Forest Land	Nonimpacted Forest Lands	F-1, RCP
Forest Land	Impacted Forest Lands	F-2, RCP
Agricultural Land	Exclusive Farm Use	E-RCP
Natural Resource	Natural Resource	NR-RCP
Marginal Land	Marginal Lands	ML-RCP
Park and Recreation	Park and Recreation	PR-RCP
Rural Park and Recreation	Rural Park and Recreation	RPR, RCP
Notwithstanding the plan diagram, areas designated by the plan diagram as Park and Recreation, that are located outside of communities and inside developed and committed exception areas, are now designated as Rural Park and Recreation.		
Natural Resource	Quarry & Mining Operations Combining	/QM-RCP
Natural Resource	Sand, Gravel and Rock Products	SG-RCP
Natural Resource	Sand, Gravel & Rock Prod. Processing	/CP-RCP
Public Facility, Community	Public Facility	PF-RCP
Rural Public Facility	Rural Public Facility	RPF, RCP
Notwithstanding the plan diagram, areas designated by the plan diagram as Public Facility, that are located outside of communities and inside developed and committed exception areas, are now designated as Rural Public Facility.		
Commercial, Community	Limited Commercial	C-1, RCP
Commercial, Community	Neighborhood Commercial	C-2, RCP
Commercial, Community	Commercial	C-3, RCP
Rural Commercial	Rural Commercial	RC, RCP
Notwithstanding the plan diagram, areas designated by the plan diagram as Commercial, that are located outside of communities and inside developed and committed exception areas, are now designated as Rural Commercial.		
Industrial, Community	Limited Commercial	M-1, RCP
Industrial, Community	Light Commercial	M-2, RCP
Industrial, Community	Heavy Industrial	M-3, RCP
Rural Industrial	Rural Industrial	RI, RCP
Notwithstanding the plan diagram, areas designated by the plan diagram as Industrial, that are located outside of communities and inside developed and committed exception areas, are now designated as Rural Industrial.		
Rural, Community	Suburban Residential	RA, RCP
Rural, Community	Garden Apartment Residential	RG, RCP
Rural, Community	Rural <u>Rural Residential</u>	RR, RCP

Rural Residential	Rural Residential	RR, RCP
Notwithstanding the plan diagram, areas designated by the plan diagram as Rural, that are located outside of communities and inside developed and committed exception areas, are now designated as Rural Residential.		
Destination Resort	Destination Resort	DR, RCP
Historic Structure/Site	Historic Struc. or Sites Combining	/H-RCP
Natural Estuary	Natural Estuary	/NE-RCP
Conservation Estuary	Conservation Estuary	/CE-RCP
Development Estuary	Development Estuary	/DE-RCP
Sign. Natural Shorelands	Significant Nat. Shorelands Comb.	/SN-RCP
Prime Wildlife	Prime Wildlife Shorelands Comb.	/PW-RCP
Natural Resources Consv.	Natural Resources Conservation Comb.	/NRC-RCP
Residential Development	Res. Devel. Shorelands Combining	/RD-RCP
Shorelands Mixed Develop	Shorelands Mixed Devel. Combining	/MD-RCP
Dredge Material/Mitigation	Dredge Mat./Mitigation Site Comb.	/DMS-RCP
Beaches & Dunes	Beaches and Dunes Combining	/BD-RCP
	Floodplain Combing	/FP-RCP
Airport	Commercial Airport Safety District	/CAS-RCP
Airport	Airport Safety District	/AS-RCP
Airport	Airport Operations	AO-RCP
	<u>Private Use Airport Overlay</u>	<u>/PUAO-RCP</u>
Nonresource	Rural Residential	RR-RCP
Public Facility	Inmate Work Camp	IWC-RCP

***NOTE:** The "Community" Plan Designation is implemented by various zoning districts as indicated, zones which also implement specific Plan designations other than "Community". A suffix "/C" shall be used in combination with these zoning abbreviations to denote the zoning inside unincorporated community plans adopted to comply with OAR 660 Division 22, the UC Rule: RR, RC, RI, RPF, and RPR.

26. Exceptions to resource goals shall be required for transmission line right-of-ways when in excess of fifty (50) feet.
27. Conformity Determinations. Lane County will annually initiate and process applications to correct identified plan or zoning designations in the RCP Official Plan and Zoning Plots resulting from the Official Plan or Zoning Plots not recognizing lawfully existing (in terms of the zoning) uses or from inconsistencies between the Official Plan and Zoning Plots. Changes to correct nonconformities shall comply with the procedures and requirements of Lane Code Chapter 12 (Comprehensive Plan), Chapter 14 (Application Review and Appeal Procedures), and Chapter 16 (Land Use & Development Code), except as provided for in 27 c. and d., below.
 - a. Circumstances qualifying for consideration by the Board of Commissioners under the Conformity Determinations Policy may include one or more of the following:
 - i. Lawful, structural development existing prior to September 12, 1984 and use of the structure(s) at the time qualified as an allowable use in a developed & committed zone designation other than that designated for the land on an Official Plan or Zoning Plot.

FINDINGS AND CONCLUSIONS IN SUPPORT OF ADOPTION OF ORDINANCE No. PA 1245

The Lane County Board of Commissioners ("Board") finds as follows:

1. The Ordinance to which these findings are attached effects an update to the Lane County Rural Comprehensive Plan ("RCP") The Board is amending RCP General Plan Goal 2, Policy 25 to include a Private Use Airport Overlay zone into the County's General Plan Policies. The Board is also adopting an Official Private Use Airport Overlay Zone Map, and is applying this overlay zone to the properties or portions of properties listed in Section 3 of Ordinance No. PA 1245. These changes will be referred to as the "private use airport updates" throughout these findings. Furthermore, references to "private use airports" within these findings shall be understood to also include the Meadowview Heliport.
2. Pursuant to Lane Code (LC) 12.050(1) and LC 16.400(6)(h)(i) amendments to the Comprehensive Plan and the Rural Comprehensive Plan shall be by ordinance. Furthermore, Lane Code 16.252 sets forth procedures for rezoning lands within the jurisdiction of the Rural Comp Plan. Adopting Ordinance No. PA 1245 accomplishes these requirements.
3. LC 12.050(2) provides review criteria to adopt the private use airport updates into the County Comprehensive Plan. The criteria are as follows:

LC 12.050

- (2) The Board may amend or supplement the comprehensive plan upon a finding of:***
- (a) an error in the plan; or***
 - (b) changed circumstances affecting or pertaining to the plan; or***
 - (c) a change in public policy; or***
 - (d) a change in public need based on a reevaluation of factors affecting the plan;***
- provided, the amendment or supplement does not impair the purpose of the plan as established by LC 12.005 above.***

The private use airport updates meet the needs of both LC 12.050(2)(c) and (d). Pursuant to OAR 660-13-0070 and OAR 660-13-0155, Lane County is mandated by state law to adopt these updates. In addition, Senate Bill 1113, commonly referred to as the Airport Protection Act, was enacted in part to address a public need to provide for the continued operation and safety of private use airports. These updates address the requirements of Senate Bill 1113.

LC 16.400(6)(h)(iii)(bb) provides similar review criteria for amendments to the Rural Comprehensive Plan, as follows:

LC 16.400(6)(h)(iii) The Board may amend or supplement the Rural Comprehensive Plan upon making the following findings:

- (bb) For Major and Minor Amendments as defined in LC 16.400(8)(a) below, the Plan amendment or component is:***
- (i-i) necessary to correct an identified error in the application of the Plan; OR***
 - (ii-ii) necessary to fulfill an identified public or community need for the intended result of the component or amendment; OR***
 - (iii-iii) necessary to comply with the mandate of local, state, or federal policy or law; OR***
 - (iv-iv) necessary to provide for the implementation of adopted Plan policy or elements; OR***

(v-v) otherwise deemed by the Board, for reasons briefly set forth in its decision, to be desirable, appropriate or proper.

With regard to these review criteria the Board finds that the private use airport updates are necessary to:

- a. address a change in public need as evidenced by the enactment SB 1113; and
- b. comply with the mandate of state law. Specifically, the following elements of the Airport Planning Rule: OAR 660-13-0070 and OAR 660-13-0155.

Based upon these findings, the Board concludes that the proposed private use airport updates are consistent with the review criteria listed above

4. In addition to the requirements in LC 16.400(6)(h)(iii)(bb) listed above, additional findings under LC 16.400(6)(h)(iii)(aa) must be made to adopt the proposed private use airport updates. Specifically, the Board may amend the Rural Comprehensive Plan upon making certain additional findings, as follows:

LC 16.400(6)(h)(iii) The Board may amend or supplement the Rural Comprehensive Plan upon making the following findings:

(aa) For Major and Minor Amendments as defined in LC 16.400(8)(a) below, the Plan component or amendment meets all applicable requirements of local and state law, including Statewide Planning Goals and Oregon Administrative Rules.

The amendment meets applicable requirements of local and state law in that it is being processed as a Plan Amendment pursuant to LC Chapter 14 requirements, and is subject to the approval criteria of LC Chapter 12 and 16, both of which chapters are in compliance with state law as outlined in the statewide planning Goal 2 findings, below. Findings of consistency with the approval criteria in LC 16 are contained herein, including findings of consistency with applicable Statewide Planning Goals and Oregon Administrative Rules:

Goal 1 - Citizen Involvement. *To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

Pursuant to the requirements of Lane Code, citizen involvement occurred in the preparation and review of Ordinance No. PA 1245 and Ordinance No. ___-07 as follows:

- On September 5, 2007, written notices were mailed to adjacent and nearby property owners surrounding the private use airports and overlay zone, informing the property owners of the date, time and place of the Lane County Planning Commission public hearing.
- On September 26, 2007, a legal ad was published in *The Register Guard*, providing notice of the Lane County Planning Commission public hearings in BCC Conference Room of the Lane County Public Service Building on October 16, 2007, at 7:00 P.M.
- On October 16, 2007, the Lane County Planning Commission (LCPC) conducted a public hearing on the proposed private use airport updates.
- On October 16, 2007, the Lane County Planning Commission (LCPC) announced the date (November 20, 2007), location (BCC Conference Room of the Lane County Public Service Building) and time certain (7:00 P.M.) of the continued public hearing on the private use airport updates.
- On October 29, 2007, two separate "Ballot Measure 56" notices, pursuant to ORS 215.503, were mailed to property owners within the Private Use Airport Overlay zone as well as to surrounding property owners and all parties of record. The notices informed the

recipients of the date, time and place of the continued Lane County Planning Commission public hearing and of the date, time and place of the Lane County Board of Commissioners Second Reading and Public Hearing on the private use airport updates.

- On November 14, 2007, a legal ad was published in *The Register Guard*, providing notice of the Lane County Board of Commissioners public hearing in the BCC Conference Room of the Lane County Public Service Building on December 5 2007, at 1:30 P.M.
- On November 20, 2007, the Lane County Planning Commission (LCPC) conducted the continued public hearing on the proposed private use airport updates. During deliberations at the November 20th hearing, by a vote of [REDACTED] to [REDACTED], the Planning Commission forwarded a recommendation to the Board of Commissioners to [REDACTED] the proposal.
- On December 5, 2007, the Board of County Commissioners conducted a public hearing on Ordinance No. PA 1245 and Ordinance No. ___-07.

The private airport updates constitute a plan amendment that is subject to the public notification and hearing processes and provisions of LC Chapter 14 and 16. As described above, the public involvement requirements of these chapters have been met and opportunity for public involvement was afforded at all phases of the process. The amendment is therefore consistent with statewide planning Goal 1.

Goal 2 - Land Use Planning: *To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

The Rural Comprehensive Plan (RCP) was acknowledged by the Land Conservation and Development Commission (LCDC) as complying with state planning goals. LC 16.400, adopted and also acknowledged by LCDC specifies the means by which the RCP may be amended. Notice of the public hearing and pending adoption of the private airport updates was mailed to the Oregon Department of Land Conservation and Development (DLCD) on August 29, 2007. The private use airport updates follow the procedures outlined in Lane Code and these findings provide an adequate factual basis for action. The amendment therefore conforms to the established land use planning process and framework consistent with Goal 2.

Goal 3 - Agricultural Land: *To preserve and maintain agricultural lands.*

The private use airport updates seek to preserve and maintain agricultural lands to the maximum extent feasible by limiting the application of the airport operation district to the portions of private use airports already committed to airport uses. Additionally, the overlay zone does not limit the uses appropriate within the underlying base zones on which it is applied. Adoption of the private use airport updates will not change any agricultural land use designations. Based upon these findings the amendment is consistent with Goal 3.

Goal 4 - Forest Lands: *To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.*

The private use airport updates seek implement the Goal 4 requirements to the maximum extent feasible by limiting the application of the airport operation district to the portions of private use airports already committed to airport uses. Additionally, the overlay zone does not limit the uses

appropriate within the underlying base zones on which it is applied. Adoption of the private use airport updates will not change any forest land use designations. Based upon these findings the amendment is consistent with Goal 4.

Goal 5 - Open Spaces, Scenic and Historic Areas, and Natural Resources: *To conserve open space and protect natural and scenic resources.*

The treatment of resources regulated under Goal 5 will not change as a result of the private use airport updates, and therefore, they are consistent with Goal 5.

Goal 6 - Air, Water and Land Resources Quality: *To maintain and improve the quality of the air, water and land resources of the state.*

The private use airport updates do not include any changes to the treatment of the resources protected under this goal, so the goal is not relevant to this amendment.

Goal 7 - Areas Subject To Natural Disasters And Hazards: *To protect life and property from natural disasters and hazards.*

None of the private use airports are located within regulated floodplains or other areas subject to known natural hazards. Additionally, during natural disaster situations, the private use airports may potentially be used for emergency service delivery or response, evacuation, fire fighting and rescue operations. Based upon these findings the amendment is consistent with Goal 7.

Goal 8 - Recreational Needs: *To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.*

Private use airports afford recreational opportunities to airports sponsors and guests may serve visitors to traveling to the state by noncommercial aircraft. Furthermore, the private use airport updates do not include any changes related to management of recreational resources, Based upon these findings the amendment is consistent with Goal 8.

Goal 9 - Economic Development: *To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.*

While the private airport update will provide for the continued operation and vitality of private use airports in Lane County which have been determined by the state to be of economic importance, the above statewide planning goal requirement is not directly relevant to the amendment.

Goal 10 - Housing: *To provide for the housing needs of citizens of the state.*

The private use airport updates seek implement the Goal 10 requirements to the maximum extent feasible by limiting the application of the airport operation district to the portions of private use airports already committed to airport uses. Additionally, the overlay zone does not limit the uses appropriate within the underlying base zones on which it is applied. Adoption of the private use airport updates will not change any residential land use designations. Based upon these findings the amendment is consistent with Goal 10.

Goal 11 - Public Facilities and Services: *to plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

The private use airport updates will not change any County requirements related to public facilities and services, so this goal is not relevant to the amendment.

Goal 12 - Transportation: *To provide and encourage a safe, convenient and economic transportation system.*

Implementation of the private use airport updates will promote convenient transportation opportunities (air travel) and will encourage safety through enactment of the safety overlay zone requirements. Therefore, the updates are consistent with Goal 12.

Goal 13 - Energy: *To conserve energy.*

The private use airport updates will not change any County requirements related to energy, so this goal is not relevant to the amendment.

Goal 14 - Urbanization: *To provide for an orderly and efficient transition from rural to urban land use.*

The private use airport updates will not change any County requirements related to urbanization, so this goal is not relevant to the amendment.

Goal 15 - Willamette River Greenway: *To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.*

The private use airport updates will not change any County requirements related to the Willamette River Greenway, so this goal is not relevant to the amendment.

Goal 16 - Estuarine Resources: *To recognize and protect the unique environmental, economic, and social values of each estuary and associated wetlands; and to protect, maintain, where appropriate develop, and where appropriate restore the long-term environmental, economic, and social values, diversity and benefits of Oregon's estuaries.*

The private use airport updates will not change any County requirements related to the estuarine resources, so this goal is not relevant to the amendment.

Goal 17 - Coastal Shorelands: *To conserve, protect, where appropriate, develop and where appropriate restore the resources and benefits of all coastal shorelands, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources and recreation and aesthetics. The management of these shoreland areas shall be compatible with the characteristics of the adjacent coastal waters; and to reduce the hazard to human life and property, and the adverse effects upon water quality and fish and wildlife habitat, resulting from the use and enjoyment of Oregon's coastal shorelands.*

The private use airport updates will not change any County requirements related to coastal shorelands, so this goal is not relevant to the amendment.

Goal 18 - Beaches and Dunes: *To conserve, protect, where appropriate develop and where appropriate restore the resources and benefits of coastal beach and dune areas; and to reduce the hazard to human life and property from natural or man-induced actions associated with these areas.*

The private use airport updates will not change any County requirements related to beaches and dunes, so this goal is not relevant to the amendment.

Goal 19 - Ocean Resources: *To conserve the long-term values, benefits, and natural resources of the nearshore ocean and the continental shelf. All local, state, and federal plans, policies, projects, and activities which affect the territorial sea shall be developed, managed and conducted to maintain, and where appropriate, enhance and restore, the long-term benefits derived from the nearshore oceanic resources of Oregon. Since renewable ocean resources and uses, such as food production, water quality, navigation, recreation, and aesthetic enjoyment, will provide greater long-term benefits than will nonrenewable resources, such plans and activities shall give clear priority to the proper management and protection of renewable resources.*

The private use airport updates will not change any County requirements related to ocean resources, so this goal is not relevant to the amendment.

The following Oregon Administrative Rules are specifically applicable to the private use airport updates:

- OAR 660-013-0155 Planning Requirements for Small Airports and;
- OAR 660-013-0070 Local Government Safety Zones for Imaginary Surfaces

OAR 660-013-0155 requires local governments to recognize the location of private use airports in planning documents and also requires that governments not impose limitations on airport uses that existed at any time during 1996. Additionally, the OAR allows for new aviation related uses subject to certain criteria. OAR 660-013-0070 requires local governments to adopt safety overlay zones that protect aircraft approach surfaces by restricting intrusions into those areas.

As the proposed private use airport updates were tailored specifically to implement the requirements of OAR 660-013-0155 and OAR 660-013-0070, the Board finds the updates to be consistent with the applicable OARs.

5. Pursuant to Lane Code 16.400(6)(i):

A change of zoning to implement a proposed Plan amendment may be considered concurrently with such amendment. In such case, the Board shall also make the final zone change decision, and the Hearings Official's consideration need not occur.

Enactment of Ordinance PA 1245 will implement a change of zoning concurrent with the proposed Plan amendment. Additional findings under LC 16.252(2) must be made to implement this zone change. Specifically, the Board may apply the Private Use Airport Overlay zone to the properties or portions of properties listed in Section 3 of Ordinance No PA 1245 upon making findings to address the following criteria:

LC16252(2) Zonings, rezonings and changes in the requirements of this chapter shall be enacted to achieve the general purpose of this chapter and shall not be contrary to the public

interest. In addition, zonings and rezonings shall be consistent with the specific purposes of the zone classification proposed, applicable Rural Comprehensive Plan elements and components, and Statewide Planning Goals for any portion of Lane County which has not been acknowledged for compliance with the Statewide Planning Goals by the Land Conservation and Development Commission. Any zoning or rezoning may be effected by Ordinance or Order of the Board of County Commissioners, the Planning Commission or the Hearings Official in accordance with the procedures in this section.

The “general purposes” of Lane Code Chapter 16 are found in LC 16.003 (1)-(14). The private use airport updates achieve the applicable requirements of LC 16.003(1)-(14) as follows:

(1) Insure that the development of property within the County is commensurate with the character and physical limitations of the land and, in general, to promote and protect the public health, safety, convenience and welfare.

The private use airport updates will apply only to properties with recognized and existing airport uses and those properties within the approach surfaces of those airports. The updates are, in part, designed to promote and protect the public health, safety, convenience and welfare by limiting the height of structures and vegetation that could penetrate primary and approach surfaces and cause risk to pilots as well as persons and property on the ground.

(2) Protect and diversify the economy of the County.

The private use airport updates will provide for continued airport and heliport business operations.

(3) Conserve the limited supply of prime industrial lands to provide sufficient space for existing industrial enterprises and future industrial growth.

The supply of prime industrial lands will be minimally be impacted by the private airport updates. Portions of six industrially zoned properties totaling roughly 12 acres will be covered by the overlay zone. All but one of the properties is currently developed to some degree. The overlay zone will not impact the allowable uses of these sites but may limit the height of newly constructed buildings. Approximately 6 acres of the total impacted sites are far enough away from the primary surfaces of the private use airports that height limitations may only be applied to structures exceeding 85 feet or more.

(4) Conserve farm and forest lands for the production of crops, livestock and timber products.

The private airport updates seek to conserve farm and forest lands for the production of crops, livestock and timber products to the maximum extent feasible by limiting the application of the airport operation district to the portions of the private use airports already committed to airport uses. Additionally, the overlay zone does not limit the uses appropriate within the underlying on which it is applied.

(5) Encourage the provision of affordable housing in quantities sufficient to allow all citizens some reasonable choice in the selection of a place to live.

While the above general purpose is not directly relevant to the private use airport updates, the updates are not contradictory to this purpose.

(6) Conserve all forms of energy through sound economical use of land and land uses developed on the land.

The private use airports are located on portions of properties already devoted to airport use. As such, these sites are correctly properly designated within the airport operation district boundaries of the Private Use Airport Overlay zone. The transportation network and other infrastructure and services already exist to serve these sites and allow for their efficient use.

(7) Provide for the orderly and efficient transition from rural to urban land use.

While the above general purpose is not directly relevant to the private use airport updates, the updates are not contradictory to this purpose.

(8) Provide for the ultimate development and arrangement of efficient public services and facilities within the County.

The private use airport updates are being applied in areas where public services and facilities already exist and where it will not be necessary to enlarge or extend those services to accommodate their use.

(9) Provide for and encourage a safe, convenient and economic transportation system within the County.

Implementation of the private use airport updates will promote convenient transportation opportunities (air travel) and will encourage safety through enactment of the safety overlay zone requirements.

(10) Protect the quality of the air, water and land resources of the County.

The private use airport updates do not include any changes to the treatment of the resources protected under this general purpose statement, so the statement is not relevant to this amendment.

(11) Protect life and property in areas subject to floods, landslides and other natural disasters and hazards.

None of the private use airports are located within regulated floodplains or other areas subject to known natural hazards. Additionally, during natural disaster situations, the private use airports may potentially be used for emergency service delivery or response, evacuation, fire fighting and rescue operations.

(12) Provide for the recreational needs of residents of Lane County and visitors to the County.

Private use airports afford recreational opportunities to airports sponsors and guests may serve visitors to Lane County traveling by noncommercial aircraft.

(13) Conserve open space and protect historic, cultural, natural and scenic resources.

Implementation of the private use airport updates will not reduce the amount of open space nor impact any inventoried, historic, cultural, natural or scenic resources.

(14) Protect, maintain, and where appropriate, develop and restore the estuaries, coastal shorelands, coastal beach and dune area and to conserve the nearshore ocean and continental shelf of Lane County.

While the above general purpose is not directly relevant to the private airport updates, the updates are not contradictory to this purpose. Furthermore, based upon the above findings, the Board finds that the private airport updates will meet the general purposes of Lane Code Chapter 16.

In addition to the requirement that zonings and rezonings meet the general purposes criteria of Lane Code Chapter 16, as discussed above, LC16252(2) also requires that zonings and rezonings shall:

not be contrary to the public interest [and;]

shall be consistent with the specific purposes of the zone classification proposed, applicable Rural Comprehensive Plan elements and components, and Statewide Planning Goals for any portion of Lane County which has not been acknowledged for compliance with the Statewide Planning Goals by the Land Conservation and Development Commission. Any zoning or rezoning may be effected by Ordinance or Order of the Board of County Commissioners, the Planning Commission or the Hearings Official in accordance with the procedures in this section.

In regards to these criteria the Board finds as follows:

- The private airport updates are not contrary to the public interest because they implement the requirements of state law which was promulgated by a public need to promote the continued operation and vitality of private airports and to reduce the potential safety hazards to persons living, working or recreating on lands near such airports.
 - The private airport updates are consistent with the purposes of the proposed Private Use Airport Overlay zone because the zone will be applied to established private use airports and surrounding environs for which it was specifically designed.
 - The private airport updates are consistent with the applicable Rural Comprehensive Plan elements as discussed throughout these findings and incorporated here by reference.
 - The private airport updates are consistent with Statewide Planning Goals based upon the finding provided in accordance with LC 16.400(6)(h)(iii)(aa), above.
6. Based upon all of the above findings, the Board concludes that the proposed private use airport updates are consistent with the requirements set forth in the applicable approval criteria. Therefore, the Board approves adoption of the proposal.

IN THE BOARD OF COUNTY COMMISSIONERS, LANE COUNTY, OREGON

ORDINANCE NO. 15-07

IN THE MATTER OF AMENDING CHAPTER 16 OF
LANE CODE TO ESTABLISH A NEW ZONE
CLASSIFICATION FOR PRIVATE USE AIRPORTS
(LC 16.012, LC 16.296)

The Board of County Commissioners of Lane County ordains as follows:

Chapter 16 of Lane Code is hereby amended by deleting, substituting, and adding new sections as follows:

DELETE THESE SECTION(S)

16.012
as located on pages 16-5 through 16-6
(a total of 2 pages)

NONE

INSERT THESE SECTION(S)

16.012
as located on pages 16-5 through 16-6
(a total of 2 pages)

16.296
As located on pages 16-666 through 16- 679
(a total of 14 pages)

Said sections are attached hereto and incorporated herein by reference. The purpose of this substitution and addition is to establish a new zone classification for private use airports (LC 16.012, LC 16.296).

ENACTED this _____ day of _____ 2007.

Chair, Lane County Board of Commissioners

Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM

Date 11/12/07 Lane County



OFFICE OF LEGAL COUNSEL

16.007 Compliance With Rural Comprehensive Plan.

In the event of any conflict between any provision of this chapter and provisions of the Rural Comprehensive Plan of Lane County, or duly adopted portions, elements or amendments of such Plan, the more restrictive Provisions shall prevail. *(Revised by Ordinance No. 7-87, Effective 6.17.87)*

16.008 Interpretation.

When in the administration of this chapter there is doubt regarding the intent of the chapter or the suitability of uses not specified, the Director shall request an interpretation of the provision by the Board of County Commissioners. The Board shall issue an interpretation to resolve the doubt, but such interpretation shall not have the effect of amending the provisions of this chapter. Any interpretation of the chapter shall be deemed an administrative action and shall be based on the following considerations:

- (1) The Lane County Comprehensive Plan.
- (2) The purpose and intent of the chapter as applied to the particular section in question.
- (3) The opinion of the County Counsel. Copies of such interpretations shall be indexed and kept on file in the Department and may be reviewed by the public upon request. *(Revised by Ordinance No. 7-87, Effective 6.17.87)*

16.009 Restrictiveness.

Where the conditions imposed by a provision of this chapter overlap, the provisions which are more restrictive shall govern. *(Revised by Ordinance No. 7-87, Effective 6.17.87)*

16.010 Severability.

If any section, paragraph, subsection, clause, sentence or provision of this chapter shall be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair, invalidate or nullify the remainder of this chapter, and the effect thereof shall be confined to the section, paragraph, subsection, clause, sentence or provision immediately involved in the controversy in which such judgment or decree shall be rendered, it being the intent of the governing body to enact the remainder of this chapter notwithstanding the parts so declared unconstitutional or invalid. Further, should any section, paragraph, subsection, clause, sentence or provision of this chapter be judicially declared unreasonable or inapplicable to a particular premises or to a particular use at any particular location, such declaration or judgment shall not affect, impair, invalidate or nullify such section, paragraph, subsection, clause, sentence or provision as to any other premises or use. *(Revised by Ordinance No. 7-87, Effective 6.17.87)*

16.011 Introductory Provisions.

In order to achieve the purposes outlined in LC 16.003, and to assure that the development and use of land in Lane County conforms to the Rural Comprehensive Plan, zone classifications have been established for all unincorporated areas outside of adopted urban growth boundaries and within Lane County. These zones specify regulations for the use of land and property development standards, and use applied by boundaries indicated on the Lane County Rural Comprehensive Plan Zoning Maps. *(Revised by Ordinance No. 7-87, Effective 6.17.87)*

16.012 Zone Classifications.

For the purpose of this chapter of Lane Code, the following zones are hereby established:

<u>Zone Classification</u>	<u>Abbreviation</u>	<u>Section No.</u>
Nonimpacted Forest Lands	F-1, RCP	16.210
Impacted Forest Lands	F-2, RCP	16.211
Exclusive Farm Use	E-RCP	16.212
Natural Resource	NR-RCP	16.213
Marginal Lands	ML RCP	16.214
Park and Recreation	PR-RCP	16.215
Quarry and Mining Operations	QM-RCP	16.216
Sand, Gravel and Rock Products	SG-RCP	16.217
Sand, Gravel and Rock Products Combining Processing	SG-CP-RCP	16.218
Public Facility	PF-RCP	16.219
Limited Commercial	C-1, RCP	16.220
Neighborhood Commercial	C-2, RCP	16.221
Commercial	C-3, RCP	16.222
Rural Commercial	C-R, RCP	16.223
Limited Industrial	M-1, RCP	16.224
Light Industrial	M-2, RCP	16.225
Heavy Industrial	M-3, RCP	16.226
Inmate Work Camp	IWC, RCP	16.227
Suburban Residential	RA-RCP	16.229
Garden Apartment Residential	RG-RCP	16.230
Rural Residential	RR-RCP	16.231
Destination Resort	DR-RCP	16.232
Historic Structures or Sites Combining	/H-RCP	16.233
Natural Estuary	/NE-RCP	16.234
Conservation Estuary	/CE-RCP	16.235
Development Estuary	DE-RCP	16.236
Significant Natural Shorelands Combining	/SN-RCP	16.237
Prime Wildlife Shorelands Combining	/PW-RCP	16.238
Natural Resources Conservation Combining	/NRC-RCP	16.239
Residential Development Shorelands Combining	/RD-RCP	16.240
Shorelands Mixed Development Combining	/MD-RCP	16.241
Dredge Material/Mitigation Site Combining	/DMS-RCP	16.242
Beaches and Dunes Combining	/BD-RCP	16.243
Floodplain Combining	/FP-RCP	16.244
Commercial Airport Safety District	/CAS-RCP	16.245
Airport Safety District	/AS-RCP	16.246
Airport Operation	AO-RCP	16.247
Clear Lake Watershed Protection	CLWP-RCP	16.258
Rural Residential	RR, RCP	16.290
Rural Commercial	RC, RLP	16.291
Rural Industrial	RI, RCP	16.292
Rural Public Facility	RPF, RCP	16.294
Rural Park and Recreation	RPR, RCP	16.295
Private Use Airport Overlay	/PUAO-RCP	16.296

(Revised by Ordinance No. 7-87, Effective 6.17.87; 17-87, 12.25.87; 12-90, 10.11.90; 11-91A, 8.30.91; 6-98, 12.2.98; 6-02, 5.16.02)

16.013 Location of Zones.

The boundaries of the zones indicated on the Lane County Zoning Maps are hereby adopted by reference. *(Revised by Ordinance No. 7-87, Effective 6.17.87)*

address this requirement, factual information shall be provided about any existing or proposed sewer or water systems for the site and the site's ability to provide on-site sewage disposal and water supply if a community water or sewer system is not available.

(5) Area. No minimum is established, except what is necessary to comply with LC 16.295 and other requirements of LC Chapter 16. Land divisions shall comply with LC Chapter 13.

(6) Property Development Standards. All uses and development allowed by LC 16.295(2) and (3) above shall comply with the following development standards:

(a) Property Line Setbacks. Structures other than a fence or sign shall be located:

(i) At least 20 feet from the right-of-way of a State road, County road or a local access public road specified in LC Chapter 15; and

(ii) 10 feet from all other property lines except as provided below, in LC 16.295(6)(b) and (c).

(b) Riparian Setback Area. Except for property located between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene and Springfield Urban Growth Boundaries, where setbacks are provided for in LC 16.253(6), the riparian setback area shall be the area between a line 50 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence or sign shall be located closer than 50 feet from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) or LC 16.253(6), as applicable, are met.

(c) Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian Setback Area. Maintenance, removal and replacement of indigenous vegetation within the riparian setback area designated for riparian vegetation protection by the comprehensive plan must comply with the provisions of LC 16.253(2) or LC 16.253(6), as applicable, are met.

(d) Signs.

(i) Signs shall not extend over a public right-of-way or project beyond the property line.

(ii) Signs may be illuminated but shall not be flashing or capable of movement.

(iii) Signs shall advertise uses and development that are conducted on the property.

(iv) Signs shall not project above the height of the tallest structure on the property.

(v) Signs shall not contain more 200 square feet in area.

(e) Parking. Off street parking shall be provided in accordance with LC 16.250. *(Revised by Ordinance No. 6-02, Effective 5.16.02; 10-04, 6.4.04; 5-04, 7.1.04)*

PRIVATE USE AIRPORT OVERLAY ZONE (PUAO, RCP) RURAL COMPREHENSIVE PLAN

16.296 Private Use Airport Overlay Zone (PUAO, RCP)

(1) Purpose. The purpose of the Private Use Airport Overlay Zone is to recognize the locations of certain private use airports and heliports and to provide for their continued operation and vitality consistent with state law. It also provides for standards to promote air navigational safety at these airports, and to reduce the potential safety hazards to persons living, working or recreating on lands near such airports.

(2) Applicability. The Private Use Airport Overlay Zone consists of two elements: a private use airport operation district and a safety overlay zone.

(a) The private use airport operation district applies to private use airports and heliports in rural Lane 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. The boundaries of the private use airport operation district are delineated on the Official Private Use Airport Overlay Zone Map. The identified private use airports and heliports in Lane County include:

- (i) Crow-Mag Airport;
- (ii) Jasper Ridge Airport;
- (iii) Meadowview Heliport;
- (iv) Strauch Field Airport; and
- (v) Walker Airport.

(b) The safety overlay zone applies to those lands encompassed by the airport and heliport surfaces set forth and defined in LC 16.296(3), delineated in LC 16.296(8) and diagramed LC 16.296(13).

(c) If any airport or heliport to which this overlay zone has been applied is removed from the State's list of airports in a manner described in ORS 836.610, the county will no longer apply and enforce the safety overlay zone that corresponds to the removed airport or heliport.

(3) 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 connection with the aircraft landing or taking off from the strip of land, including but not limited to land used for existing airport uses.

Airport Elevation. The highest point of an airports' usable runway, measured in feet above mean sea level.

Airport Imaginary Surface. 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.

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

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 a runway. The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to the 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 one foot forward.

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.

Heliport. An area of land, water, or structure designated for the landing and take-off of helicopters or other rotorcraft.

Heliport Imaginary Surface. Airport imaginary surfaces as they apply to heliports.

Heliport Approach Surfaces. The approach surface beginning at each end of the heliport primary surface and has the same width as the primary surface. The surface extends outward and upward for a horizontal distance of 4,000 feet where its width is 500 feet. The slope of the approach surface is 8 to 1 for civil heliports and 10 to 1 for military heliports.

(h) 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 labs, medical equipment sales, and other similar uses.

(i) 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.

(j) Search and rescue operations, including aircraft and ground based activities that promote the orderly and efficient conduct of search or rescue related activities.

(k) Flight instruction, including activities, facilities, and non-residential 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.

(l) 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 personnel use, but does not include activities, structures or facilities for the manufacturing of aircraft or aircraft-related products for sale to the public.

(m) Aircraft rental, including activities, facilities and accessory structures that support the provision of aircraft for rent or lease to the public.

(n) 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.

(o) 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 agriculture, forestry or rangeland management setting.

(p) 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.

(q) 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. Parachuting businesses may only be allowed where the business has secured a drop zone in accordance with the requirements of OAR 660-013-010(8).

(6) Expansion of Existing Uses. The expansion of uses identified in 16.296(5)(a)-(q) that existed at any time during 1996, are permitted as provided in this section.

Heliport Primary Surface. The area of the primary surface that coincides in size and shape with the designated takeoff and landing area of a heliport. This surface is a horizontal plane at the established heliport elevation.

Heliport Transitional Surfaces. Surfaces extending outward and upward from the lateral boundaries of the heliport primary surface and from the approach surfaces at a slope of 2 to 1 for a distance of 250 feet measured horizontal from the centerline of the primary and approach surfaces.

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 on 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. For the purposes of LC 16.296, "structures" means 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.

(4) Existing Uses within the Private Use Airport Operation District. Operation of existing uses listed in LC 16.296(5) that existed at any time during 1996 may be continued at their current levels as of the effective date of this ordinance (January 1, 2008). The uses that existed during 1996 are specific to each airport and heliport and are on file with the Land Management Division. In response to citizen complaints related to requests for building permits or other expansions pursuant to LC 16.296(6), the Director will make a determination regarding the existence of the use in 1996 that is being proposed for expansion. The determination of an existing use shall be based upon a review of evidence provided by the airport sponsor, a review of the historical property file records, Land Management inventory and historical aerial photos. The determination is subject to submittal of an Airport Use Determination application pursuant to LC 14.050 and review and approval of the Airport Use Determination pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and the opportunity for appeal.

(5) Continued Operation of Existing Uses. Operation of the following uses may be continued within the airport operation district at their current levels as of the effective date of this ordinance upon determination that the use existed at the airport or heliport at any time during 1996.

(a) Customary and usual aviation-related activities, including but not limited to take-offs and landings.

(b) Aircraft hangers and tie-downs.

(c) Construction and maintenance of airport facilities.

(d) Fixed based operator facilities.

(e) One single family residence per airport for either: an airport caretaker, operator or security officer, but not a residence for each.

(f) Other activities incidental to the normal operation of an airport. Except as provided elsewhere in Lane Code 16.296, "customary and usual aviation-related activities" do not include residential, commercial, or industrial uses provided for in other sections of Lane Code Chapter 16.

(g) 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.

(a) **Expansions Allowed Outright.** The following expansions of existing uses are permitted outright:

(i) Construction of additional hangars and tie-downs by the owner of the airport or heliport.

(ii) Basing additional aircraft at the airport or heliport.

(iii) Increases in flight activity.

(b) **Other Expansions of Existing Uses.**

(i) Growth of existing uses that require building permits, other than those existing uses identified LC 16.296(6)(a) 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.

(ii) 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 LC 16.296(7).

(7) **New Uses.** Uses identified in LC 16.296(5) are permitted following a public hearing before the Director 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.

(a) 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;

(b) The uses do not seriously interfere with existing land uses in areas surrounding the airport or heliport; and

(c) For airports or heliports adjacent to land zoned for exclusive farm use, the use complies with the requirements in ORS 215.296.

(8) **Safety Overlay Zone Surface Delineation.** The location of the imaginary surfaces defined in LC 16.296(3) for each private use airport and heliport subject to this overlay zone are depicted on the Official Private Use Airport Overlay Zone Map. All lands, waters and airspace, or portions thereof that are located within these surfaces are subject to the requirements of this overlay zone. The dimensional standards and slope profiles for these surfaces are diagrammed in LC 16.296(13).

(9) **Notice of Land Use and Permit Applications within the Safety Overlay Zone.**

(a) The county shall provide written notice of applications for land use decisions or administrative approvals, including comprehensive plan or zoning amendments, affecting land within the safety overlay zone to the airport sponsor and the Department of Aviation pursuant to LC 14.070 and 14.100 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 decisions or administrative approvals.

(b) The County shall provide notice of decision on a land use or administrative approval application affecting land within the safety overlay zone to the airport sponsor and the Department of Aviation within the same timelines that such notice, pursuant to LC 14.100, is provided to parties to a land use or limited land use proceeding.

(10) **Height Limitations within the Safety Overlay Zone.** All structures permitted by the underlying zone shall comply with the height limitations in LC

16.296(10)(a) and (b), below. When height limitations of the underlying zone are more restrictive than those of this overlay zone, the underlying zone height limitations controls.

(a) Except as provided in LC 16.296(10)(b) below, no structure, tree or other object of natural growth shall 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 comply with LC 16.256(1) and (2), and shall be subject to such conditions and terms as recommended by the Department of Aviation.

(11) Procedures. An applicant seeking a land use or administrative 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 or heliport imaginary surfaces. The Director 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.

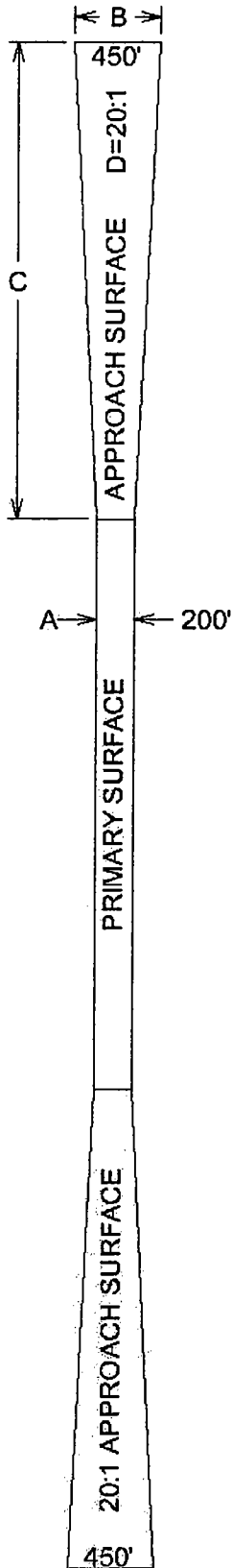
(12) Nonconforming Uses.

(a) These regulations do not require the removal, lowering or alteration of any structure not conforming to these regulations. These regulations do 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 LC 16.296(12)(a), 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.

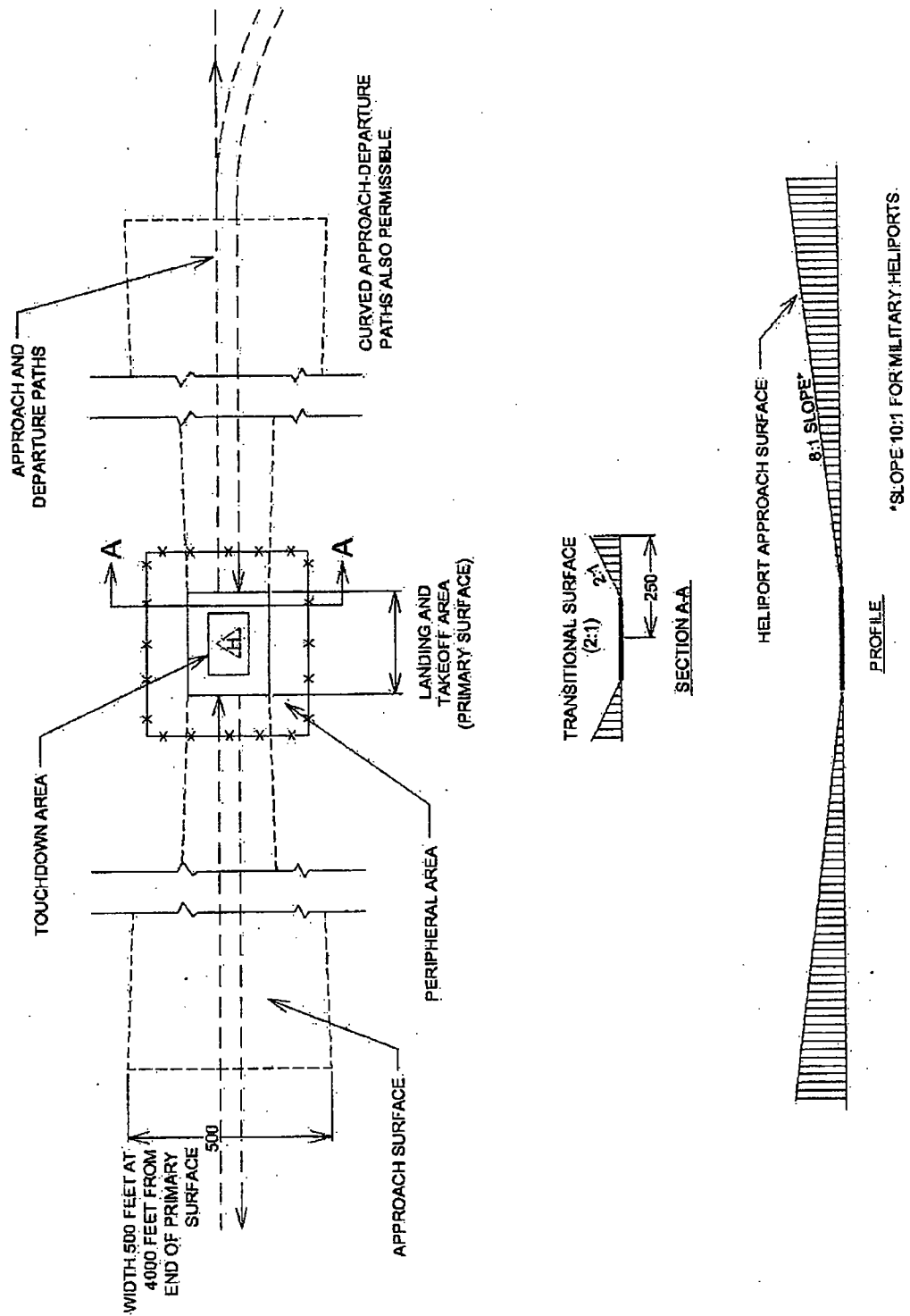
(c) No land use decision, administrative approval or other permit shall be granted that would allow a nonconforming use or structure to become a greater hazard to air navigation than it was on January 1, 2008.

(13) Surfaces Diagramed. The airport surfaces delineated in LC 16.296(8), above are as diagramed in Figure 1.1, below. The heliport surfaces delineated in LC 16.296(8) above are as diagramed in Figure 1.2, below. In addition to the diagrams below, these surfaces have been mapped on the Official Private Use Airport Overlay zone map.



DIM	ITEM	DIMENSIONAL STANDARDS IN FEET
A	WIDTH OF PRIMARY SURFACE AND APPROACH SURFACE WIDTH AT INNER END	200
B	APPROACH SURFACE WIDTH AT THE END	450
C	APPROACH SURFACE LENGTH	2500
D	APPROACH SLOPE	20:01

LC 16.296 (13) Figure 1.1: Private-Use Airport Surfaces



LC 16.296 (13) Figure 1.2: Heliport Surfaces

**LAND DIVISIONS
RURAL COMPREHENSIVE PLAN**

16.300 Land Divisions.

(1) Relationship of Lane Code Chapter 13 into Lane Code Chapter 16. LC Chapter 13 is the procedure for partitioning or subdividing lands under the jurisdiction of the Lane County Rural Comprehensive Plan with the following addition:

(a) Definitions. Abbreviations, terms, phrases, words and their derivatives shall be construed as specified in LC 16.090 instead of as specified in LC 13.010. *(Revised by Ordinance No. 7-87, Effective 6.17.87)*

**RURAL COMPREHENSIVE PLAN AMENDMENTS
RURAL COMPREHENSIVE PLAN**

16.400 Rural Comprehensive Plan Amendments.

(1) Purpose. The Board shall adopt a Rural Comprehensive Plan. The general purpose of the Rural Comprehensive Plan is the guiding of social, economic and physical development of the County to best promote public health, safety, order, convenience, prosperity and general welfare. The Rural Comprehensive Plan shall be considered to be a dynamic policy instrument that can be modified to reflect changing circumstances and conditions as well as to correct errors and oversights. It is recognized that the Rural Comprehensive Plan affects the people of Lane County, and it is, therefore, important that the ability by individuals to propose amendments be free of restraint.

(2) Scope and Organization. The Rural Comprehensive Plan shall conform to the requirements of Statewide Planning Goals. The Rural Comprehensive Plan shall consist of components which shall be organized into categories by Plan type or geographic area as described in LC 16.400(3) below.

(3) Plan Categories.

(a) Rural Comprehensive Plan. This category includes all plans relating to lands beyond the Eugene-Springfield Metropolitan Area General Plan boundary and the urban growth boundaries of the cities within Lane County.

(b) Special Purpose Plan. This category includes Plans addressing a single or special need. The Plans may apply Countywide or to a limited area.

(4) Rural Comprehensive Plan Described. The Rural Comprehensive Plan of Lane County shall consist of the following components:

(a) Rural Comprehensive Plan.

(i) General Plan Policies and Plan Designations applying throughout Lane County outside of the Metropolitan Area General Plan and outside of all urban growth boundaries (Adopted by Ordinance No. 883).

(b) Special Purpose Plans.

(i) Transportation System Plan (Adopted by Ordinance No. 3-80 and Amended by Ordinance No. 10-04).

(ii) Willamette Greenway Plan Ordinance No. 783).

(iii) Parks and Open Space Plan (Adopted by Ordinance No. 850).

(iv) Solid Waste Management Plan (Adopted by Ordinance No. 771) (Amended by Ordinance Nos. 79-80, PA 918 and PA 1179).

(v) Coastal Resources Management Plan (Adopted by Ordinance No. 803) (Amended by Ordinance Nos. 862 and 876).

(vi) Siuslaw River Dredged Material Disposal Plan (Adopted by Ordinance No. 749) (Amended by Ordinance Nos. 861 and 877).

(vii) Housing Plan (Adopted by Ordinance No. 1-78).

(5) Interrelationship of Plan Components. New Comprehensive Plan components shall include a description of relationship to other Plan components within

the respective Plan category and to the overall Rural Comprehensive Plan. Existing Plan components not containing such a description of relationship shall, at the next update of that Plan, be amended to include such a description.

(6) Plan Adoption or Amendment - General Procedures. The Rural Comprehensive Plan, or any component of such Plan, shall be adopted or amended in accordance with the following procedures:

(a) **Referral to Planning Commission.** Before the Board takes any action on a Rural Comprehensive Plan component, or an amendment to such Plan component, a report and recommendation thereon shall be requested from the County Planning Commission and a reasonable time allowed for the submission of such report and recommendation. In the event the Rural Comprehensive Plan component, or amendment applies to a limited geographic area, only the Planning Commission having jurisdiction of that area need receive such referral.

(b) **Planning Commission - Hearing and Notice.**

(i) The Planning Commission shall hold at least one public hearing before making a recommendation to the Board on a Rural Comprehensive Plan component, or an amendment to such Plan component, and the hearing shall be conducted pursuant to LC 14.300.

(ii) Notice of the time and place of hearing shall be given, pursuant to LC 14.300.

(iii) If an exception to State Planning Goals is to be considered during the hearing, such exception shall be specifically noted in the notices of such hearing.

(iv) The proposed Rural Comprehensive Plan component, or an amendment to such Plan component, shall be on file with the Director and available for public examination for at least 10 days prior to the time set for hearing thereon.

(c) **Planning Commission - Consideration With Other Agencies.**

(i) In considering a Rural Comprehensive Plan component, or an amendment to such Plan component, the Planning Commission shall take account of and seek to harmonize, within the framework of the needs of the County, the Comprehensive Plans of cities, and the Plans and planning activities of local, state, federal and other public agencies, organizations and bodies within the County and adjacent to it.

(ii) The Planning Commission, during consideration of a Rural Comprehensive Plan component or an amendment to such Plan component, shall consult and advise with public officials and agencies, public utility companies, civic, educational, professional and other organizations, and citizens generally to the end that maximum coordination of Plans may be secured.

(iii) Whenever the Planning Commission is considering a Rural Comprehensive Plan component, or an amendment to such Plan component, it shall be referred to the planning agency of every city and county affected to inform them and solicit their comments.

(iv) The provisions of this subsection are directory, not mandatory, and the failure to refer such Plan, or an amendment to such Plan, shall not in any manner affect its validity.

(d) **Planning Commission - Recommendation and Record.**

(i) Recommendation of the Planning Commission on a Rural Comprehensive Plan component, or an amendment to a Plan component, shall be by resolution of the Commission and carried by the affirmative vote of not less than a majority of its total voting members.

(ii) The record made at the Planning Commission hearings on a Rural Comprehensive Plan component, or an amendment to such Plan component and all materials submitted to or gathered by the Planning Commission for its consideration, shall be forwarded to the Board along with the recommendation.

(e) Board Action - Hearing and Notice.

(i) After a recommendation has been submitted to the Board by the Planning Commission on the Rural Comprehensive Plan component, or an amendment to such Plan component, all interested persons shall have an opportunity to be heard thereon at a public hearing before the Board conducted pursuant to LC 14.300.

(ii) Notice of the time and place of the hearing shall be given pursuant to LC 14.300.

(iii) If an exception to Statewide Planning Goals is to be considered during the hearing, such exception shall be specifically noted in the notice of such hearing.

(iv) Hearings to consider amendments of the Plan Diagram that affect a single property, small group of properties or have other characteristics of a quasi-judicial proceeding shall be noticed pursuant to LC 14.300.

(f) Concurrent Consideration. The Board and Planning Commission may hold a single joint meeting to consider the proposed Plan amendment consistent with the requirements of LC 16.400(6)(e)(ii),(iii) and (iv) above.

(g) Board Referral. Before the Board makes any change or addition to a Plan component, or Plan component amendment recommended by the Planning Commission, it may first refer the proposed change or addition to the Planning Commission for an additional recommendation. Failure of the Planning Commission to report within 21 days after the referral, or such longer period as may be designated by the Board, shall be deemed to be approval of the proposed change or addition. It shall not be necessary for the Planning Commission to hold a public hearing on such change or addition.

(h) Method of Adoption and Amendment.

(i) The adoption or amendment of a Rural Comprehensive Plan component shall be by Ordinance.

(ii) The adoption or amendment shall be concurrent with an amendment to LC 16.400(4) above. In the case of a Rural Comprehensive Plan adoption, the Code amendment shall place such Plan in the appropriate category. In the case of a Rural Comprehensive Plan amendment, the Code amendment shall insert the number of the amending Ordinance.

(iii) The Board may amend or supplement the Rural Comprehensive Plan upon making the following findings:

(aa) For Major and Minor Amendments as defined in LC 16.400(8)(a) below, the Plan component or amendment meets all applicable requirements of local and state law, including Statewide Planning Goals and Oregon Administrative Rules.

(bb) For Major and Minor Amendments as defined in LC 16.400(8)(a) below, the Plan amendment or component is:

(i-i) necessary to correct an identified error in the application of the Plan; or

(ii-ii) necessary to fulfill an identified public or community need for the intended result of the component or amendment; or

(iii-iii) necessary to comply with the mandate of local, state or federal policy or law; or

(iv-iv) necessary to provide for the implementation of adopted Plan policy or elements; or

(v-v) otherwise deemed by the Board, for reasons briefly set forth in its decision, to be desirable, appropriate or proper.

(cc) For Minor Amendments as defined in LC 16.400(8)(a) below, the Plan amendment or component does not conflict with adopted Policies of the Rural Comprehensive Plan, and if possible, achieves policy support.

(dd) For Minor Amendments as defined in LC 16.400(8)(a) below, the Plan amendment or component is compatible with the existing structure of the Rural Comprehensive Plan, and is consistent with the unamended portions or elements of the Plan.

(i) A change of zoning to implement a proposed Plan amendment may be considered concurrently with such amendment. In such case, the Board shall also make the final zone change decision, and the Hearings Official's consideration need not occur.

(7) Validation of Prior Action. The adoption of a Rural Comprehensive Plan component, or an amendment to such Plan component under the authority of prior acts, is hereby validated and shall continue in effect until changed or amended under the authority of these provisions.

(8) Additional Amendment Provisions. In addition to the general procedures set forth in LC 16.400(6) above, the following provisions shall apply to any amendment of Rural Comprehensive Plan components.

(a) Amendments to the Rural Comprehensive Plan shall be classified according to the following criteria:

(i) Minor Amendment. An amendment limited to the Plan Diagram only and, if requiring an exception to Statewide Planning Goals, justifies the exception solely on the basis that the resource land is already built upon or is irrevocably committed to other uses not allowed by an applicable goal.

(ii) Major Amendment. Any amendment that is not classified as a minor amendment.

(b) Amendment proposals, either minor or major, may be initiated by the County or by individual application. Individual applications shall be subject to a fee established by the Board and submitted pursuant to LC 14.050.

(c) Minor amendment proposals initiated by an applicant shall provide adequate documentation to allow complete evaluation of the proposal to determine if the findings required by LC 16.400(6)(h)(iii) above can be affirmatively made. Unless waived in writing by the Planning Director, the applicant shall supply documentation concerning the following:

(i) A complete description of the proposal and its relationship to the Plan.

(ii) An analysis responding to each of the required findings of LC 16.400(6)(h)(ii) above.

(iii) An assessment of the probable impacts of implementing the proposed amendment, including the following:

(aa) Evaluation of land use and ownership patterns of the area of the amendment;

(bb) Availability of public and/or private facilities and services to the area of the amendment, including transportation, water supply and sewage disposal;

(cc) Impact of the amendment on proximate natural resources, resource lands or resource sites, including a Statewide Planning Goal 5 "ESEE" conflict analysis where applicable;

(dd) Natural hazards affecting or affected by the proposal;

(ee) For a proposed amendment to a nonresidential, nonagricultural or nonforest designation, an assessment of employment gain or loss, tax revenue impacts and public service/facility costs, as compared to equivalent factors for the existing uses to be replaced by the proposal;

(ff) For a proposed amendment to a nonresidential, nonagricultural or nonforest designation, an inventory of reasonable alternative sites now

appropriately designated by the Rural Comprehensive Plan, within the jurisdictional area of the Plan and located in the general vicinity of the proposed amendment;

(gg) For a proposed amendment to a Nonresource designation or a Marginal Land designation, an analysis responding to the criteria for the respective request as cited in the Plan document entitled, "Working Paper: Marginal Lands" (Lane County, 1983).

(9) Addition Amendment Provisions - Special Purpose Plans. In addition to the general provisions set forth in LC 16.400(6) above, the following provisions shall apply to any amendment of Rural Comprehensive Plan components classified in LC 16.400(4) above as Special Purpose Plans. Amendments to Special Purpose Plans may only be initiated by the County. Any individual, however, may request the Board to initiate such amendment. Requests must set forth compelling reasons as to why the amendment should be considered at this time, rather than in conjunction with a periodic Plan update. An offer to participate in costs incurred by the County shall accompany the request.

(10) Designation of Abandoned or Diminished Mill Sites. A minor plan amendment pursuant to LC 16.400(8)(a)(i), to the Rural Comprehensive Plan for an abandoned or diminished mill site on a lot or parcel zoned Nonimpacted Forest Lands Zone (F-1, RCP), Impacted Forest Lands Zone (F2, RCP) or Exclusive Farm Use Zone (E-RCP) to Rural Industrial Zone (RI, RCP) without taking an exception to Statewide Goal 3 (Agricultural Lands), Goal 4 (Forest Land), Goal 11 (Public Facilities and Services), or Goal 14 (Urbanization) may be allowed after submittal of an application pursuant to LC 14.050 and after review and approval of the application pursuant to LC 16.400(6) and (10).

(a) As used in this subsection, "abandoned or diminished mill site" means a mill, plant of other facility engaged in the processing or manufacturing of wood products, including sawmills and facilities for the production of plywood, veneer, hardboard, panel products, pulp and paper, that:

- (i) Is located outside of urban growth boundaries;
- (ii) Was closed after January 1, 1980, or has been operating at less than 25 percent of capacity since January 1, 2003; and
- (iii) Contains or contained permanent buildings used in the production or manufacturing of wood products.

(b) An abandoned or diminished mill site designated as Rural Industrial zone (RI, RCP) pursuant to LC 16.400(10), may be developed for any level of industrial use pursuant to LC 16.292(3)(o), is exempt from the standards of LC 16.292(3)(b), and may occur outside a building or in one or more buildings of any size.

(c) Concurrently with approval of a plan amendment, the Board may approve, without taking an exception to Statewide Goal 11:

(i) The extension of sewer facilities to lands that on June 10, 2003, were zoned Rural Industrial Zone (RI, RCP), Light Industrial Zone (M-1, RCP), Limited Industrial Zone (M-2, RCP), or Heavy Industrial Zone (M-3, RCP), and that contain an abandoned or diminished mill site. The sewer facilities may serve only industrial uses authorized for the mill site and contiguous lands zoned for industrial use.

(ii) The extension of sewer facilities to an abandoned or diminished mill site that is rezoned for Rural Industrial (RI, RCP) use under LC 16.400(10) only as necessary to serve industrial uses authorized for the mill site.

(iii) The establishment of on-site sewer facilities to serve an area that on June 10, 2003, was zoned Rural Industrial Zone (RI, RCP), Light Industrial Zone (M-1, RCP), Limited Industrial Zone (M-2, RCP), or Heavy Industrial Zone (M-3, RCP), and that contains an abandoned or diminished mill site or to serve an abandoned or diminished mill site that is rezoned for Rural Industrial Zone (RI, RCP) pursuant to LC 16.400(10).

(d) A local government, as defined in ORS 174.116, may not authorize a connection to any portion of a sewer facility located between an urban growth boundary or the boundary of an unincorporated community and the boundary of the mill site or the industrial zone containing the mill site, except as provided under ORS 197.732 and any goals adopted under ORS 197.225 relating to public facilities and services.

(e) Sewer facilities approved pursuant to LC 16.400(10)(c) shall be limited in size to meet the needs of authorized industrial uses and may not provide service to retail, commercial or residential development, except as provided under any goals adopted under ORS 197.225 relating to public facilities and services, unless all appropriate exceptions are approved under ORS 197.732. The presence of the sewer facilities may not be used to justify an exception to any goals adopted to protect agricultural lands and forestlands or relating to urbanization.

(f) The Board shall determine the boundary of an abandoned or diminished mill site. For an abandoned or diminished mill site that is rezoned for Rural Industrial Zone (RI, RCP) pursuant to LC 16.400(10), land within the boundary of the mill site may include only those areas that were improved for the processing or manufacturing of wood products.

(g) For an abandoned or diminished mill site subject to LC 16.400(10)(f), the Planning Director may approve a permit only for industrial development and accessory uses subordinate to such development on the mill site. The Planning Director may not approve a permit for retail, commercial or residential development on the mill site.

(h) For land that on June 10, 2003, was zoned Impacted Forest Land Zone (F-1, RCP), Nonimpacted Forest Land Zone (F-2, RCP), or Exclusive Farm Use Zone (E-RCP), and that is rezoned for Rural Industrial Zone (RI, RCP) under LC 16.400(10), the Board may not later rezone the land for retail, commercial or other nonresource use unless all appropriate exceptions under ORS 197.732 have been approved.

(11) Periodic Review of Plan Components. All components of the Rural Comprehensive Plan shall contain a provision requiring the Plan be reviewed and, as needed, revised on a periodic cycle to take into account changing public policies and circumstances. Any Plan component adopted under the authority of prior acts can be assumed to require a review every five years. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 10-02, 11.15.02; 10-04, 6.4.04; 12-04, 6.11.04)*

16.007 Compliance With Rural Comprehensive Plan.

In the event of any conflict between any provision of this chapter and provisions of the Rural Comprehensive Plan of Lane County, or duly adopted portions, elements or amendments of such Plan, the more restrictive Provisions shall prevail. *(Revised by Ordinance No. 7-87, Effective 6.17.87)*

16.008 Interpretation.

When in the administration of this chapter there is doubt regarding the intent of the chapter or the suitability of uses not specified, the Director shall request an interpretation of the provision by the Board of County Commissioners. The Board shall issue an interpretation to resolve the doubt, but such interpretation shall not have the effect of amending the provisions of this chapter. Any interpretation of the chapter shall be deemed an administrative action and shall be based on the following considerations:

- (1) The Lane County Comprehensive Plan.
- (2) The purpose and intent of the chapter as applied to the particular section in question.
- (3) The opinion of the County Counsel. Copies of such interpretations shall be indexed and kept on file in the Department and may be reviewed by the public upon request. *(Revised by Ordinance No. 7-87, Effective 6.17.87)*

16.009 Restrictiveness.

Where the conditions imposed by a provision of this chapter overlap, the provisions which are more restrictive shall govern. *(Revised by Ordinance No. 7-87, Effective 6.17.87)*

16.010 Severability.

If any section, paragraph, subsection, clause, sentence or provision of this chapter shall be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair, invalidate or nullify the remainder of this chapter, and the effect thereof shall be confined to the section, paragraph, subsection, clause, sentence or provision immediately involved in the controversy in which such judgment or decree shall be rendered, it being the intent of the governing body to enact the remainder of this chapter notwithstanding the parts so declared unconstitutional or invalid. Further, should any section, paragraph, subsection, clause, sentence or provision of this chapter be judicially declared unreasonable or inapplicable to a particular premises or to a particular use at any particular location, such declaration or judgment shall not affect, impair, invalidate or nullify such section, paragraph, subsection, clause, sentence or provision as to any other premises or use. *(Revised by Ordinance No. 7-87, Effective 6.17.87)*

16.011 Introductory Provisions.

In order to achieve the purposes outlined in LC 16.003, and to assure that the development and use of land in Lane County conforms to the Rural Comprehensive Plan, zone classifications have been established for all unincorporated areas outside of adopted urban growth boundaries and within Lane County. These zones specify regulations for the use of land and property development standards, and use applied by boundaries indicated on the Lane County Rural Comprehensive Plan Zoning Maps. *(Revised by Ordinance No. 7-87, Effective 6.17.87)*

16.012 Zone Classifications.

For the purpose of this chapter of Lane Code, the following zones are hereby established:

At right margin indicates changes
Bold indicates material being added
~~Strikethrough~~ indicates material being deleted

**LEGISLATIVE
FORMAT**

16.012

Lane Code

16.012

<u>Zone Classification</u>	<u>Abbreviation</u>	<u>Section No.</u>
Nonimpacted Forest Lands	F-1, RCP	16.210
Impacted Forest Lands	F-2, RCP	16.211
Exclusive Farm Use	E-RCP	16.212
Natural Resource	NR-RCP	16.213
Marginal Lands	ML RCP	16.214
Park and Recreation	PR-RCP	16.215
Quarry and Mining Operations	QM-RCP	16.216
Sand, Gravel and Rock Products	SG-RCP	16.217
Sand, Gravel and Rock Products Combining Processing	SG-CP-RCP	16.218
Public Facility	PF-RCP	16.219
Limited Commercial	C-1, RCP	16.220
Neighborhood Commercial	C-2, RCP	16.221
Commercial	C-3, RCP	16.222
Rural Commercial	C-R, RCP	16.223
Limited Industrial	M-1, RCP	16.224
Light Industrial	M-2, RCP	16.225
Heavy Industrial	M-3, RCP	16.226
Inmate Work Camp	IWC, RCP	16.227
Suburban Residential	RA-RCP	16.229
Garden Apartment Residential	RG-RCP	16.230
Rural Residential	RR-RCP	16.231
Destination Resort	DR-RCP	16.232
Historic Structures or Sites Combining	/H-RCP	16.233
Natural Estuary	/NE-RCP	16.234
Conservation Estuary	/CE-RCP	16.235
Development Estuary	DE-RCP	16.236
Significant Natural Shorelands Combining	/SN-RCP	16.237
Prime Wildlife Shorelands Combining	/PW-RCP	16.238
Natural Resources Conservation Combining	/NRC-RCP	16.239
Residential Development Shorelands Combining	/RD-RCP	16.240
Shorelands Mixed Development Combining	/MD-RCP	16.241
Dredge Material/Mitigation Site Combining	/DMS-RCP	16.242
Beaches and Dunes Combining	/BD-RCP	16.243
Floodplain Combining	/FP-RCP	16.244
Commercial Airport Safety District	/CAS-RCP	16.245
Airport Safety District	/AS-RCP	16.246
Airport Operation	AO-RCP	16.247
Clear Lake Watershed Protection	CLWP-RCP	16.258
Rural Residential	RR, RCP	16.290
Rural Commercial	RC, RLP	16.291
Rural Industrial	RI, RCP	16.292
Rural Public Facility	RPF, RCP	16.294
Rural Park and Recreation	RPR, RCP	16.295
Private Use Airport Overlay	/PUAO-	16.296
	RCP	

(Revised by Ordinance No. 7-87, Effective 6.17.87; 17-87, 12.25.87; 12-90, 10.11.90; 11-91A, 8.30.91; 6-98, 12.2.98; 6-02, 5.16.02)

At right margin indicates changes
Bold indicates material being added
~~Strikethrough~~ indicates material being deleted

**LEGISLATIVE
FORMAT**

16.296

Lane Code

16.296

(ii) 10 feet from all other property lines except as provided below, in LC 16.295(6)(b) and (c).

(b) Riparian Setback Area. Except for property located between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene and Springfield Urban Growth Boundaries, where setbacks are provided for in LC 16.253(6), the riparian setback area shall be the area between a line 50 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence or sign shall be located closer than 50 feet from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) or LC 16.253(6), as applicable, are met.

(c) Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian Setback Area. Maintenance, removal and replacement of indigenous vegetation within the riparian setback area designated for riparian vegetation protection by the comprehensive plan must comply with the provisions of LC 16.253(2) or LC 16.253(6), as applicable, are met.

(d) Signs.

(i) Signs shall not extend over a public right-of-way or project beyond the property line.

(ii) Signs may be illuminated but shall not be flashing or capable of movement.

(iii) Signs shall advertise uses and development that are conducted on the property.

(iv) Signs shall not project above the height of the tallest structure on the property.

(v) Signs shall not contain more 200 square feet in area.

(e) Parking. Off street parking shall be provided in accordance with LC 16.250. *(Revised by Ordinance No. 6-02, Effective 5.16.02; 10-04, 6.4.04; 5-04, 7.1.04)*

**PRIVATE USE AIRPORT OVERLAY ZONE (PUAO, RCP)
RURAL COMPREHENSIVE PLAN**

16.296 Private Use Airport Overlay Zone (PUAO, RCP)

(1) **Purpose.** The purpose of the Private Use Airport Overlay Zone is to recognize the locations of certain private use airports and heliports and to provide for their continued operation and vitality consistent with state law. It also provides for standards to promote air navigational safety at these airports, and to reduce the potential safety hazards to persons living, working or recreating on lands near such airports.

(2) **Applicability.** The Private Use Airport Overlay Zone consists of two elements: a private use airport operation district and a safety overlay zone.

(a) The private use airport operation district applies to private use airports and heliports in rural Lane 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. The boundaries of the private use airport operation district are delineated on the Official Private Use Airport Overlay Zone Map. The identified private use airports and heliports in Lane County include:

(i) Crow-Mag Airport;

(ii) Jasper Ridge Airport;

- (iii) Meadowview Heliport;
- (iv) Strauch Field Airport; and
- (v) Walker Airport.

(b) The safety overlay zone applies to those lands encompassed by the airport and heliport surfaces set forth and defined in LC 16.296(3), delineated in LC 16.296(8) and diagramed LC 16.296(13).

(c) If any airport or heliport to which this overlay zone has been applied is removed from the State's list of airports in a manner described in ORS 836.610, the county will no longer apply and enforce the safety overlay zone that corresponds to the removed airport or heliport.

(3) 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 connection with the aircraft landing or taking off from the strip of land, including but not limited to land used for existing airport uses.

Airport Elevation. The highest point of an airports' usable runway, measured in feet above mean sea level.

Airport Imaginary Surface. 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.

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

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 a runway. The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to the 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 one foot forward.

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.

Heliport. An area of land, water, or structure designated for the landing and take-off of helicopters or other rotorcraft.

Heliport Imaginary Surface. Airport imaginary surfaces as they apply to heliports.

Heliport Approach Surfaces. The approach surface beginning at each end of the heliport primary surface and has the same width as the primary surface. The surface extends outward and upward for a horizontal distance of 4,000 feet where its width is 500 feet. The slope of the approach surface is 8 to 1 for civil heliports and 10 to 1 for military heliports.

Heliport Primary Surface. The area of the primary surface that coincides in size and shape with the designated takeoff and landing area of a heliport. This surface is a horizontal plane at the established heliport elevation.

Heliport Transitional Surfaces. Surfaces extending outward and upward from the lateral boundaries of the heliport primary surface and from the

approach surfaces at a slope of 2 to 1 for a distance of 250 feet measured horizontal from the centerline of the primary and approach surfaces.

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 on 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. For the purposes of LC 16.296, "structures" means 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.

(4) **Existing Uses within the Private Use Airport Operation District.** Operation of existing uses listed in LC 16.296(5) that existed at any time during 1996 may be continued at their current levels as of the effective date of this ordinance (January 1, 2008). The uses that existed during 1996 are specific to each airport and heliport and are on file with the Land Management Division. In response to citizen complaints related to requests for building permits or other expansions pursuant to LC 16.296(6), the Director will make a determination regarding the existence of the use in 1996 that is being proposed for expansion. The determination of an existing use shall be based upon a review of evidence provided by the airport sponsor, a review of the historical property file records, Land Management inventory and historical aerial photos. The determination is subject to submittal of an Airport Use Determination application pursuant to LC 14.050 and review and approval of the Airport Use Determination pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and the opportunity for appeal.

(5) **Continued Operation of Existing Uses.** Operation of the following uses may be continued within the airport operation district at their current levels as of the effective date of this ordinance upon determination that the use existed at the airport or heliport at any time during 1996.

(a) Customary and usual aviation-related activities, including but not limited to take-offs and landings.

(b) Aircraft hangers and tie-downs.

(c) Construction and maintenance of airport facilities.

(d) Fixed based operator facilities.

(e) One single family residence per airport for either: an airport caretaker, operator or security officer, but not a residence for each.

(f) Other activities incidental to the normal operation of an airport. Except as provided elsewhere in Lane Code 16.296, "customary and usual aviation-related activities" do not include residential, commercial, or industrial uses provided for in other sections of Lane Code Chapter 16.

(g) 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.

(h) 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 labs, medical equipment sales, and other similar uses.

(i) 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.

(j) Search and rescue operations, including aircraft and ground based activities that promote the orderly and efficient conduct of search or rescue related activities.

(k) Flight instruction, including activities, facilities, and non-residential 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.

(l) 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 personnel use, but does not include activities, structures or facilities for the manufacturing of aircraft or aircraft-related products for sale to the public.

(m) Aircraft rental, including activities, facilities and accessory structures that support the provision of aircraft for rent or lease to the public.

(n) 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.

(o) 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 agriculture, forestry or rangeland management setting.

(p) 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.

(q) 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. Parachuting

businesses may only be allowed where the business has secured a drop zone in accordance with the requirements of OAR 660-013-010(8).

(6) Expansion of Existing Uses. The expansion of uses identified in 16.296(5)(a)-(q) that existed at any time during 1996, are permitted as provided in this section.

(a) Expansions Allowed Outright. The following expansions of existing uses are permitted outright:

(i) Construction of additional hangars and tie-downs by the owner of the airport or heliport.

(ii) Basing addition aircraft at the airport or heliport.

(iii) Increases in flight activity.

(b) Other Expansions of Existing Uses.

(i) Growth of existing uses that require building permits, other than those existing uses identified LC 16.296(6)(a) 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.

(ii) 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 LC 16.296(7).

(7) New Uses. Uses identified in LC 16.296(5) are permitted following a public hearing before the Director 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.

(a) 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;

(b) The uses do not seriously interfere with existing land uses in areas surrounding the airport or heliport; and

(c) For airports or heliports adjacent to land zoned for exclusive farm use, the use complies with the requirements in ORS 215.296.

(8) Safety Overlay Zone Surface Delineation. The location of the imaginary surfaces defined in LC 16.296(3) for each private use airport and heliport subject to this overlay zone are depicted on the Official Private Use Airport Overlay Zone Map. All lands, waters and airspace, or portions thereof that are located within these surfaces are subject to the requirements of this overlay zone. The dimensional standards and slope profiles for these surfaces are diagramed in LC 16.296(13).

(9) Notice of Land Use and Permit Applications within the Safety Overlay Zone.

(a) The county shall provide written notice of applications for land use decisions or administrative approvals, including comprehensive plan or zoning amendments, affecting land within the safety overlay zone to the airport sponsor and the Department of Aviation pursuant to LC 14.070 and 14.100 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 decisions or administrative approvals.

(b) The County shall provide notice of decision on a land use or administrative approval application affecting land within the safety overlay zone to the airport sponsor and the Department of Aviation within the same timelines that such notice, pursuant to LC 14.100, is provided to parties to a land use or limited land use proceeding.

(10) Height Limitations within the Safety Overlay Zone. All structures permitted by the underlying zone shall comply with the height limitations in LC 16.296(10)(a) and (b), below. When height limitations of the underlying zone are more restrictive than those of this overlay zone, the underlying zone height limitations controls.

(a) Except as provided in LC 16.296(10)(b) below, no structure, tree or other object of natural growth shall 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 comply with LC 16.256(1) and (2), and shall be subject to such conditions and terms as recommended by the Department of Aviation.

(11) Procedures. An applicant seeking a land use or administrative 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 or heliport imaginary surfaces. The Director 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.

(12) Nonconforming Uses.

(a) These regulations do not require the removal, lowering or alteration of any structure not conforming to these regulations. These regulations do 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 LC 16.296(12)(a), 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 decision, administrative 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 January 1, 2008.

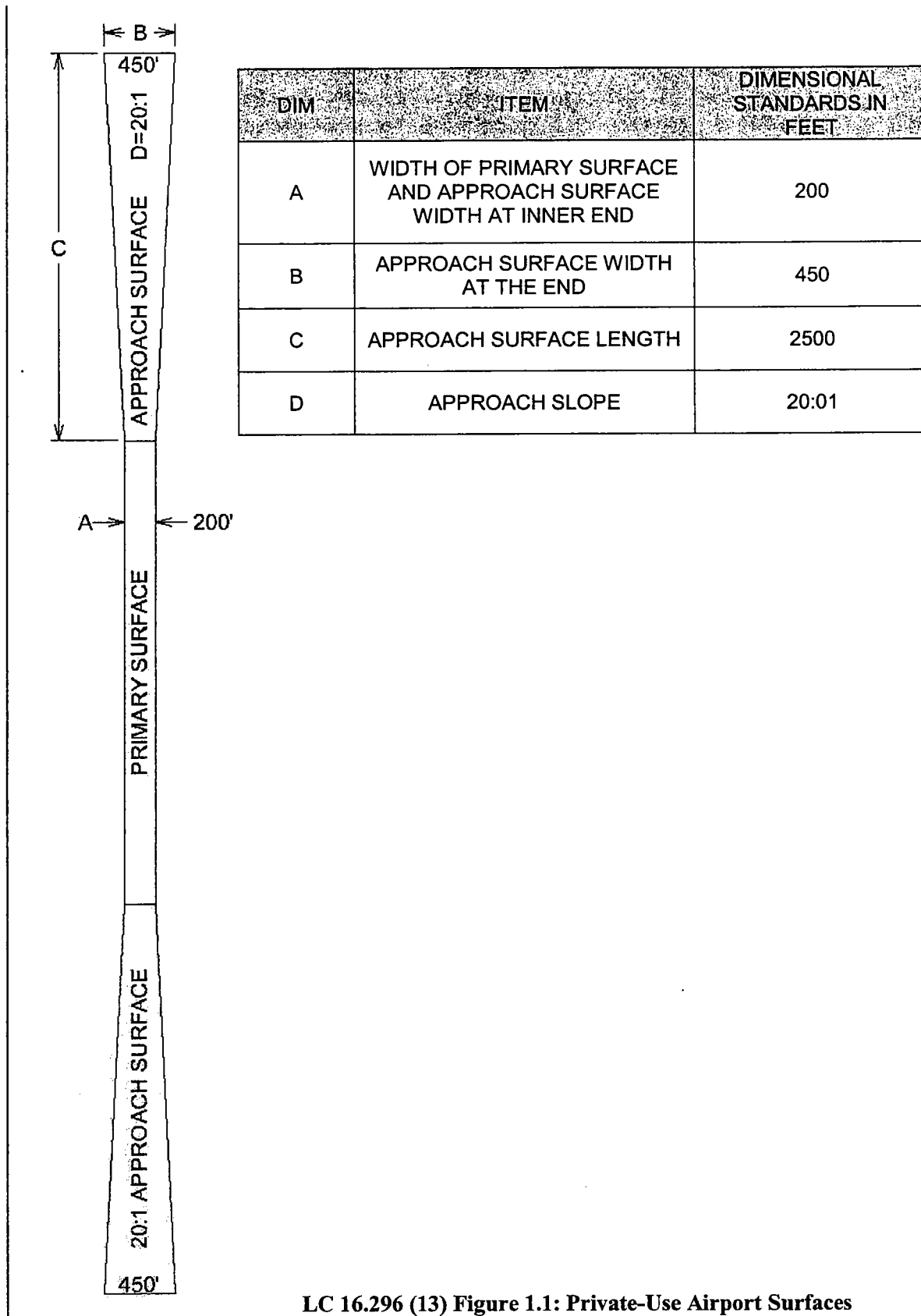
(13) Surfaces Diagrammed. The airport surfaces delineated in LC 16.296(8), above are as diagrammed in Figure 1.1, below. The heliport surfaces delineated in LC 16.296(8) above are as diagrammed in Figure 1.2, below. In addition to the diagrams below, these surfaces have been mapped on the Official Private Use Airport Overlay zone map.

At right margin indicates changes
Bold indicates material being added
~~Strikethrough~~ indicates material being deleted
 16.296

**LEGISLATIVE
 FORMAT**

Lane Code

16.296

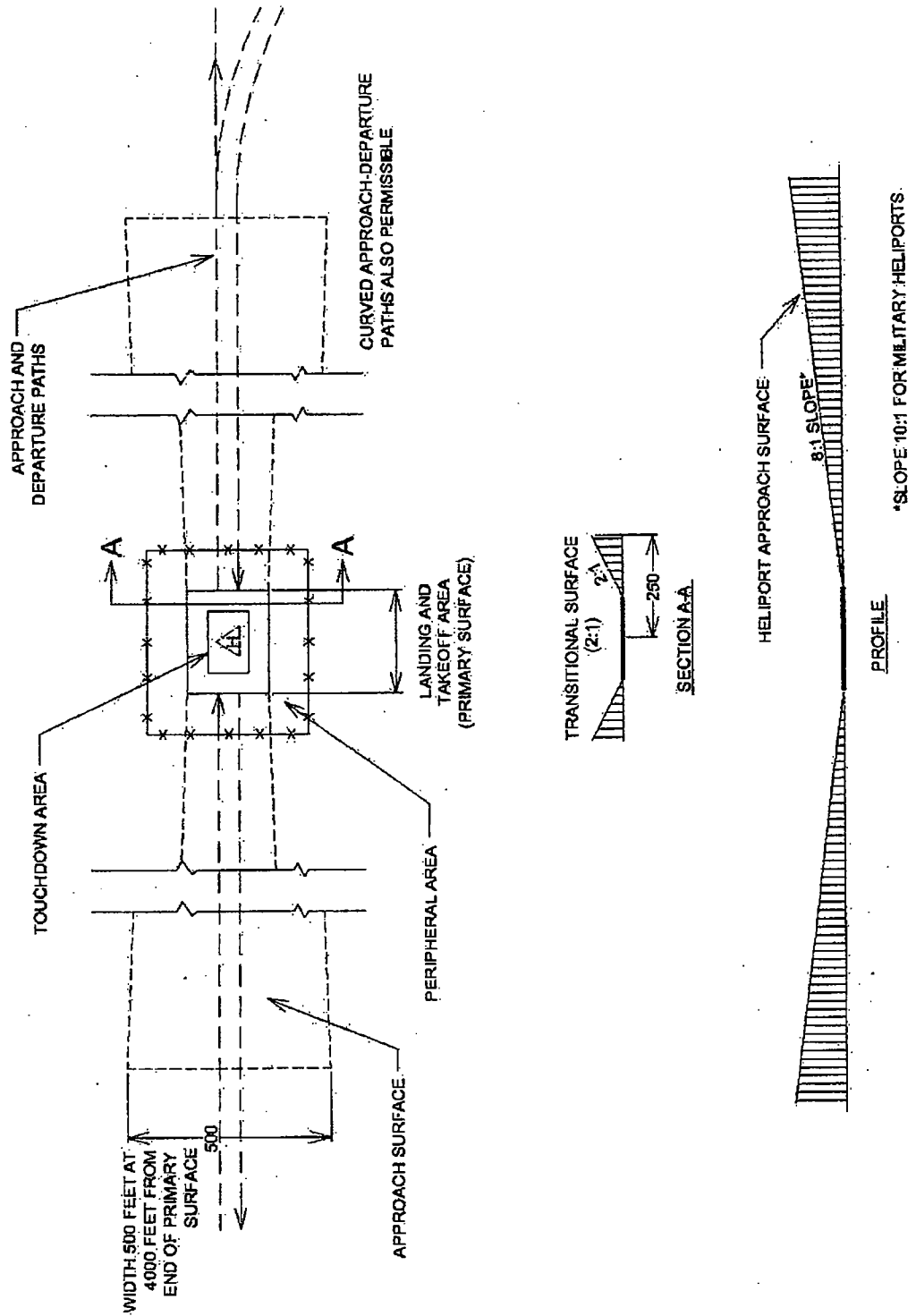


LC 16.296 (13) Figure 1.1: Private-Use Airport Surfaces

At right margin indicates changes
Bold indicates material being added
~~Strike through~~ indicates material being deleted
 16.296 Lane Code

**LEGISLATIVE
 FORMAT**

16.296



LC 16.296 (13) Figure 1.2: Heliport Surfaces

NAME OF MEETING: Lane County Planning Commission

DATE OF MEETING: July 10, 2007

TO: Janey Barnes-Wiederhold

RECORDED BY: Linda Henry

=====

ROUTING INFORMATION

07/25/07 Draft to Staff

10/16/07 Approved as contained herein

=====

MINUTES

Lane County Planning Commission
Board of Commissioners Conference Room—125 East 8th Avenue
Eugene, Oregon

July 10, 2007
5:30 p.m.

PRESENT: Ed Becker, Chair; John Sullivan, Vice Chair; Nancy Nichols, Todd Johnston, Howard Shapiro, Jozef Siekiel-Zdzienicki, Lane County Planning Commissioners; Kent Howe, Keir Miller, Lane County Land Management Division.

ABSENT: Lisa Arkin, Jim Carmichael, Steve Dignam, Lane County Planning Commissioners.

Mr. Becker convened the meeting of the Lane County Planning Commission.

WORK SESSION:

- 1. Adoption of Proposed LC 16.296 and LC 16.297, to Identify Privately-Owned Airports and to Address Aviation Safety in rural Lane County.**

Mr. Johnston arrived at 5:35 p.m.

Mr. Miller directed the Planning Commission's attention to:

- A July 10, 2007 memorandum previously distributed from himself to commissioners regarding *ORS Chapter 836 Airports and Landing Fields; OAR 660-013-0700 Local Government Safety Zones Airport Planning; and OAR 660-013-0155 Planning Requirements for Small Airports.*
- Attachment A: (DRAFT) Lane Code 16.296—*Private Use Airport Zone (PUA, RCP) Rural Comprehensive Plan.*
- Attachment B: (DRAFT) Lane Code 16.297—*Private Use Airport Safety Overlay Zone (PUASO, RCP) Rural Comprehensive Plan.*

Mr. Miller offered the staff report, supported by a PowerPoint presentation. Paper copies of the PowerPoint presentation were distributed to commissioners. In 1995, the state adopted the Airport Protection Act, codified at ORS 836.600, *Airports and Landing Fields*. On February 12, 1999, the Department of Land Conservation and Development (DLCD), Oregon Administrative Rules (OAR), Chapter 660, Division 13, *Airport Planning*, became effective. OAR 660-013, commonly referred to as the Airport Planning Rule (APR), implemented provisions of ORS 836.660. The APR applied to both privately and publicly owned, private use airports that were registered, licensed or otherwise recognized by the Oregon Department of Transportation (ODOT) Aeronautics Division (now the Oregon Department of Aviation) on or before December

31, 1994, with three or more based aircraft. On May 30, 2007 the Board of County Commissioners directed Land Management Division staff to make the private use airport work project the first priority at the conclusion of the mandated processing of Ballot Measure claims on June 20, 2007.

No publicly owned, private use airports existed in Lane County on or before December 31, 1994. On April 2, 1999, ODOT Aeronautics Division distributed the official lists of airports affected by the APR and subject to this work plan, which included:

- Crow-Mag Airport.
- Jasper Ridge Airport.
- Meadowview Heliport.
- Strauch Field Airport.
- Walker Airport.

The APR and statute require the county to take several actions in regards to private use airports. The county must specifically address:

- OAR 660-013-0155 which required local governments to recognize the location of private use airports in planning documents and also required that governments not impose limitations on airport uses that existed at any time during 1996. Additionally, the OAR allowed for new aviation related uses subject to certain criteria (i.e., the use was supported by adequate public services and would not create a serious interference with surrounding uses).
- OAR 660-013-0070 required local governments to adopt safety overlay zones that protected aircraft approach surfaces by restricting intrusions in to those areas.

Staff initiated discussions with the airport and heliport sponsors in order to gather the required documentation. Surveys were sent to sponsors on June 25, 2007. When the required information was returned and the areas delineated, the County would adopt a base zoning designation for each airport to ensure their continued operation and safety overlay zone with the aircraft approach surfaces to protect those areas from obstructions.

In addition to the two zoning districts, the County would need to adopt Findings of Fact and Conclusions of law that laid out the reasons why it was undertaking this mandated project, how it would implement state law as Lane Code and how it would address potential conflicts in its permit processes for use of the air facilities and uses on neighboring properties.

Adopting LC 16.296 and LC 16.297 would presumably be seen by the sponsors as beneficial to the future use of the aviation facilities. Adopting LC 16.297 would impose compliance with safety standards and could result in some restrictions on the property owners of adjacent lands. New uses or increases in existing uses could conceivably result in height restrictions on development for adjacent property owners within the aircraft approach surfaces. A remote possibility existed that such restrictions could trigger Ballot Measure 37 claims. At the least, the conditions of approval for structures on adjacent properties would require an aviation easement to allow the unobstructed passage for aircraft. The adoption of restrictive overlay zones would require Fair Disclosure Statements and Disclosure to Real Estate Buyers notices for prospective buyers of adjacent properties within the approach surfaces.

When the sponsors had returned their completed surveys, LMD and Public Works GIS staff would digitize the primary and approach surfaces on the applicable Official zoning Maps. The Planning Commission would then conduct a public hearing by the end of the summer to review the maps and proposed ordinances, after which a recommendation would be forwarded to the Board.

Mr. Miller took questions from commissioners.

Responding to a question from Mr. Carmichael, Lane County would require no changes to pre-existing airports.

Mr. Howe added all Federal Aviation Agency (FAA) safety regulations were in place and governed the sites. The issue before the commissioners was a land use issue.

Mr. Shapiro suggested limiting the size of caretaker facilities at the airports to prevent construction of residential buildings on airport or commercially zoned sites.

Responding to a question from Mr. Sullivan, Mr. Miller opined RiverBend Medical Center would be subject to the requirements, as a privately owned, public use facility, if a heliport was built at the medical center.

Responding to a question from Ms. Nichols, Mr. Miller said vegetation and building height was limited on properties within 200 feet of airports, property owners were responsible for limiting the height of vegetation.

Responding to a question from Mr. Shapiro, Mr. Miller said developers would be required to indicate on their site plans a cross section of the height of proposed buildings in relation to the approach surface.

Responding to a question from Mr. Sullivan, Mr. Howe said the public notice for the public hearing would include: a written notice to property owners within 750 feet of the airport approach zones; posting a notice near the airports to notify those passing by of the public hearing; and, a public hearing notice would be published in the Register Guard. Mr. Howe added an expanded area could be used for public notice.

Mr. Siekiel-Zdzienicki stated rye grass farmers in the Junction City and Cottage Grove areas who burn should be notified, although they were further than 750 feet.

Mr. Miller stated smoke related to agricultural practices was not regulated under this code.

Responding to a question from Mr. Siekiel-Zdzienicki, Mr. Miller the intent of the language in LC 16.296(6)(b)(i)(C) was to prevent uses adjacent to farm and forest zones from affecting crop harvesting.

Responding to a question from Ms. Nichols, Mr. Miller said the current zoning on airports varied, and this action would change the base zone.

Responding to a question from Mr. Becker, Mr. Miller agreed to research the impact of federal Department of Homeland Security regulations on the proposed code.

Responding to a question from Mr. Siekiel-Zdzienicki, Mr. Howe said neighbors would have an opportunity to testify at both the Planning Commission and Board of County Commissioners public hearings.

2. Adoption of June 5, 2007 Minutes

Ms. Nichols offered the following corrections to the public hearing minutes:

Page 1, paragraph 6:

Ms. Nichols was a member of the Siuslaw Watershed Council ~~Estuary~~ Technical Team.

Page 3, paragraph 3:

In response to Mr. Siekiel-Zdzienicki, Mr. Sage said the height of the dunes was currently three to four feet in a rolling pattern. He added the planned-for, maximum capacity of the site would be 10 feet.

Mr. Sullivan offered the following correction to the public hearing minutes:

Page 3, paragraph 6:

Mr. Sullivan said the COE ~~has found that would need to find~~ the quality and quantity of the soil ~~spoils~~ would not be adverse to the environment at Site 10.

Mr. Sullivan, seconded by Mr. Johnston, moved to approve the June 5, 2007 work session and public hearing minutes as amended. The motion passed unanimously, 5:0.

3. Adoption of June 19, 2007 Minutes

Mr. Siekiel-Zdzienicki requested the following correction to the work session minutes:

~~Mr. Siekiel-Zdzienicki, seconded by Mr. Johnston, moved to recommend that the County Board of Commissioners adopt the July 2007 addendum to the Siuslaw River Dredged Material Disposal Plan to correct errors made on old maps, while not endorsing or opposing any existing sites. The motion passed unanimously, 6:0.~~

Mr. Siekiel-Zdzienicki, seconded by Mr. Johnston, moved to recommend that the Board of County Commissioners adopt the July 2007 addendum to the Siuslaw River Dredged Material Disposal Plan.

Ms. Arkin offered a friendly amendment, adding “to correct scrivener errors. Adoption was not necessarily an endorsement of any particular site.” Mr. Siekiel-Zdzienicki and Mr. Johnston accepted Ms. Arkin’s friendly amendment.

The corrected motion should read:

Mr. Siekiel-Zdzienicki, seconded by Mr. Johnston, moved to recommend that the Board of County Commissioners adopt the July 2007 addendum to the Siuslaw River Dredged Material Disposal Plan to correct scrivener errors. Adoption was not necessarily an endorsement of any particular site. The motion passed unanimously, 6:0.

Noting no additional corrections,

Mr. Sullivan, seconded by Mr. Johnston, moved to approve the June 19, 2007 work session minutes as amended. The motion passed unanimously, 5:0.

Mr. Sullivan, seconded by Mr. Siekiel-Zdzienicki, moved to approve the June 19, 2007 public hearing minutes as submitted. The motion passed unanimously, 5:0.

4. Other Business

Mr. Sullivan reviewed the sessions for the upcoming Oregon chapter of the American Planning Association (OAPA) webcast. He agreed to respond on behalf of the commission.

Mr. Howe reported that Ballot Measure 37 had been referred to the voters for the November 2007 election. Lane County had 8 outstanding claims, which it expected to process by July 24, 2007. Out of a total of approximately 390 claims, 15 had been put on hold at the applicants’ request. He explained that under the original Ballot Measure 37, those claims submitted after December 2, 2006 were required to have had an application denied. One such claim had been filed with and denied by Lane County. The applicant had appealed the denial to the State and Lane County expected to process the claim within two months.

Mr. Howe stated that approximately 12 development applications for the claims that had been waived. The pressure was on Lane County to process the applications so the applicants could vest their development rights before the November election.

Responding to a question from Mr. Sullivan, Mr. Howe said from a planning perspective, there was rule for destination resorts in which the resorts were mapped. Under Ballot Measure 37, a developer could build a destination resort, irrespective of the rule. One claim Lane County would be reviewing was a vineyard subdivision southwest of Eugene. A public hearing had been conducted and a decision was expected by the end of the month.

Mr. Howe said the Planning Commission would have an active fall, with the following issues: private airport planning code amendments; community rating system proposal that would reduce flood plain insurance rates in the county by five percent; updates to the Lane Code to reflect

legislative updates from the 2003, 2005, and 2007 legislative sessions; conversion of paper maps to digital format.

Responding to a question from Mr. Sullivan, Mr. Howe said Lane County would pay the registration fee for any commissioners who wished to attend the Oregon Planning Institute (OPI) trainings in September at the University of Oregon (UO).

Responding to a question from Mr. Siekiel-Zdzienicki, Mr. Howe confirmed Commissioners Siekiel-Zdzienicki and Nichols' terms were ending, and they needed to reapply if they wished to serve another term.

Responding to a question from Mr. Becker, Mr. Howe said some lawfully existing old cabins were being replaced on the McKenzie River.

The meeting adjourned at 6:30 p.m.

(Recorded by Linda Henry)





c:\documents and settings\cemnllh\desktop\linda\2007\07 july\lpc070710ws.doc

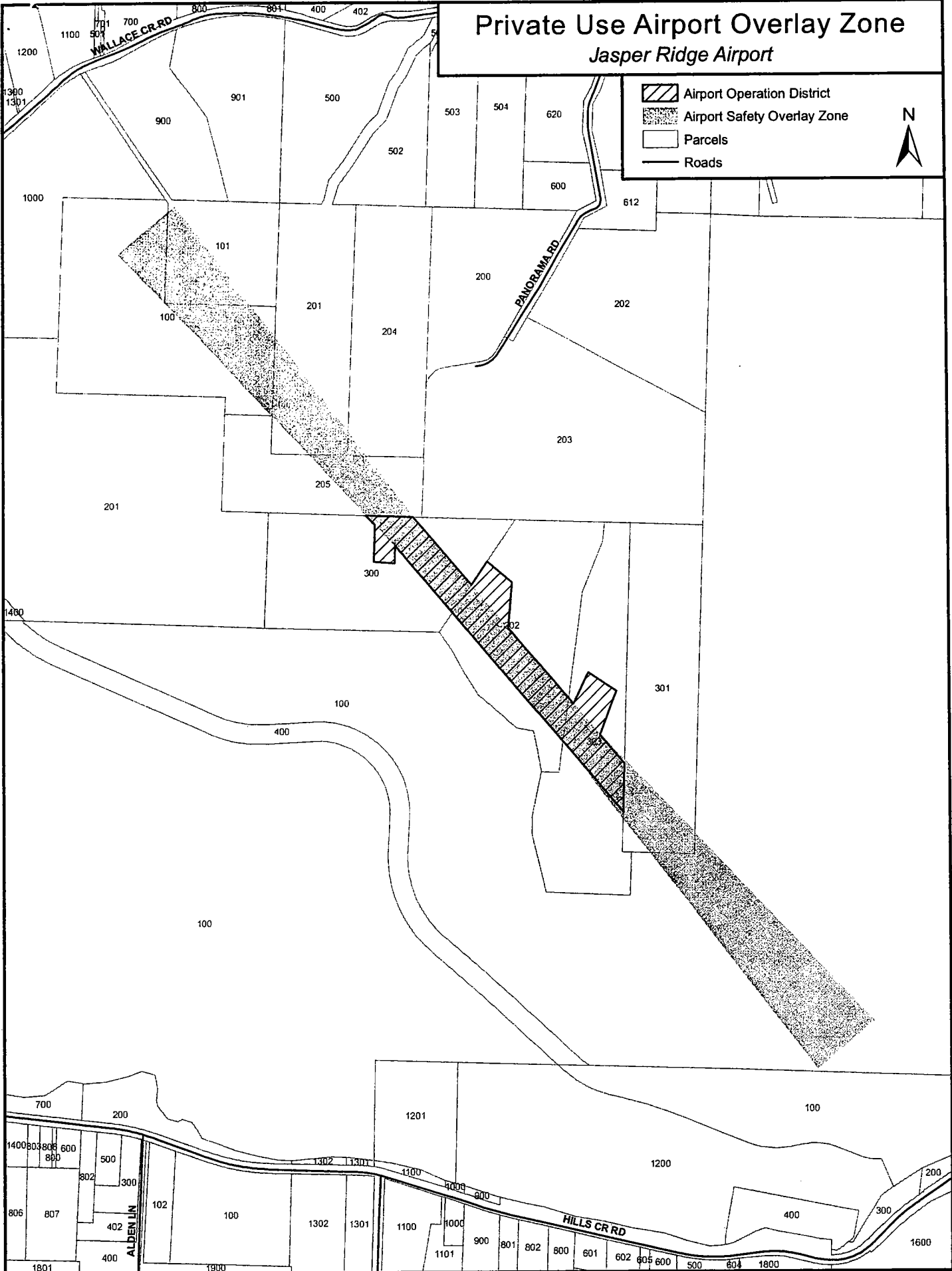
Attachment "F"

Maps of areas affected by the proposed Private Use Airport Overlay Zone for the following private use airports in Lane County:





- **Crow Mag Airport**
- **Jasper Ridge Airport**
- **Meadowview Heliport**
- **Strauch Field Airport**
- **Walker Field Airport**

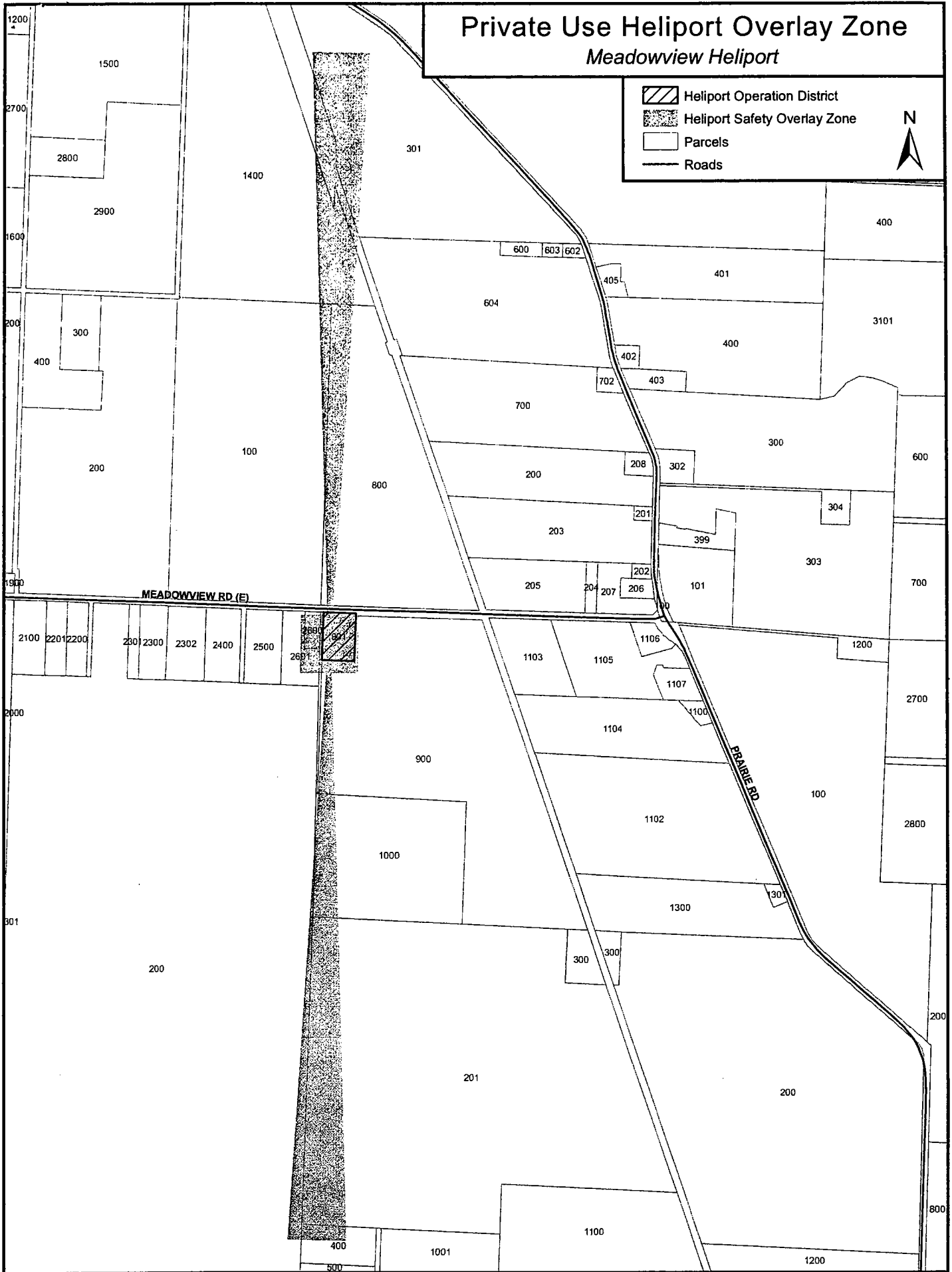
Private Use Airport Overlay Zone Jasper Ridge Airport

-  Airport Operation District
-  Airport Safety Overlay Zone
-  Parcels
-  Roads






Private Use Heliport Overlay Zone Meadowview Heliport

-  Heliport Operation District
-  Heliport Safety Overlay Zone
-  Parcels
-  Roads



Private Use Airport Overlay Zone Walker Field Airport

-  Airport Operation District
-  Airport Safety Overlay Zone
-  Parcels
-  Roads

