

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

In the Matter of an Application to Amend )  
Section 942 of the Columbia County Zoning )     ORDINANCE NO. 2009-4  
Ordinance in the Airport Industrial Zone )

The Board of County Commissioners for Columbia County, Oregon, ordains as follows:

SECTION 1.            TITLE.

This Ordinance shall be known as Ordinance No. 2009-4.

SECTION 2.            AUTHORITY.

This Ordinance is adopted pursuant to ORS 203.035, and 197.610 to 197.615.

SECTION 3.            PURPOSE.

The purpose of this Ordinance is to approve the proposed amendments to Columbia County Zoning Ordinance Section 942 to bring it into compliance with the Oregon Airport Planning Rule, OAR 660, Division 013.

SECTION 4.            FINDINGS OF FACT AND CONCLUSIONS OF LAW.

The Board of County Commissioners adopts Findings of Fact and Conclusions of Law contained in the Staff Report of the Department of Land Development Services dated June 3, 2009, a copy of which is attached hereto as Exhibit 1 and incorporated herein by this reference.

SECTION 5.            AMENDMENT AND AUTHORIZATION.

Columbia County Zoning Ordinance Section 942 is hereby deleted in its entirety and amended to read as follows:

“942 Uses Permitted Outright:

- .1     Aerial mapping and surveying.
- .2     Air cargo warehousing and distribution facilities.
- .3     Airport operation facilities, including aircraft hangers, fuel storage facilities, control towers, passenger and air freight terminals, aircraft runways, taxi-ways and tie-down areas, firefighting facilities, and other uses and buildings necessary for airport operation.

- .4 Aircraft and aircraft component manufacturing or assembly.
- .5 Aircraft sales, repair, service and storage.
- .6 Aircraft related research and testing.
- .7 Aircraft or air transportation businesses.
- .8 Auto rental agencies.
- .9 Day care and recreational facilities exclusively for employers and employees of businesses located within this district.
- .10 Farm Uses.
- .11 Greenways, including but not limited to bicycle and pedestrian paths.
- .12 Public and semi-public buildings, structures and uses that provide necessary services to an airport, such as fire stations, pump stations and water storage.
- .13 Public parking and auto storage.
- .14 Schools relating to aircraft operation.
- .15 Snack shop for airport clientele with a total floor area no larger than 1200 square feet.
- .16 Taxi, bus and truck terminals.
- .17 Law enforcement and firefighting activities, including aircraft and ground based activities, facilities and accessory structures.
- .18 Aircraft leasing and rentals, including facilities and structures to support the rental or leasing activities.
- .19 Aeronautical recreation and sporting activities subject to approval by the airport sponsor, including activities, facilities and accessory structures at airports that support recreational use of aircraft and sporting activities that require the use of aircraft or other devices intended for use in flight.

// //

// //

.20 Crop dusting activities, including facilities and accessory structures used for the aerial application of chemicals or materials in commercial agricultural or forestry activities.

DATED this 1<sup>st</sup> day of July, 2009.

BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

By: Rita M. Bernhard  
Rita Bernhard, Chair

By: Anthony Hyde  
Anthony Hyde, Commissioner

By: Earl Fisher  
Earl Fisher, Commissioner

Approved as to Form

By: [Signature]  
Office of County Counsel

Recording Secretary

By: Jan Greenhalgh  
Jan Greenhalgh, Recording Secretary

First Reading: 6-17-09

Second Reading: 7-1-09

Effective Date: 9-29-09

*Update***BOARD COMMUNICATION**

FROM THE LAND DEVELOPMENT SERVICES DEPARTMENT  
 MEETING DATE: June 10, 2009

**TO:** BOARD OF COUNTY COMMISSIONERS

**FROM:** Todd Dugdale, Director of Land Development Services *JD*

**SUBJECT:** Public Hearing - Airport Industrial (AI) Zoning Ordinance Text Amendment

**DATE:** June 3, 2009

**SUMMARY:**

The Airport Industrial Section 942, Uses Permitted, of the Columbia County Zoning Ordinance has not been amended since the original adoption in 1984. It does not reflect all of the allowed uses permitted by the state, Oregon Airport Planning Rule. The County needs to amend its ordinance to be in compliance with the State, OAR 660-013- 0100 Airport Uses at Non-towered Airports.

The airport uses identified by the Oregon Department of Aviation as not being permitted in the Columbia County Ordinance but should be allowed to be compatible with the State Rule include:

- 1) Law Enforcement and Firefighting activities,
- 2) Aircraft Rental,
- 3) Aeronautical Recreation & Sporting Activities, and
- 4) Crop Dusting including Forestry Applications.

These identified airport related uses fit well within the set of conceptual uses that could be allowed in the Columbia County's rural airport system. The proposed amendment has no conflict with the Comprehensive Plan, and supports and encourages possible services to this very important air transportation statewide system.

**ATTACHMENTS:**

1. BOC Staff Report PA 04-01
2. Planning Commission Final Order
3. Application TA 09-02 and Proposed Amendment with Bold Changes

COLUMBIA COUNTY

JUN 04 2009

COUNTY COUNSEL

**SUGGESTED MOTION:**

I move to approve Ordinance No. 2009-\_, adopting Zoning Text Amendment, TA 09-02.

**COLUMBIA COUNTY BOARD OF COMMISSIONERS**  
**“Airport Industrial (AI) - Add Permitted Uses”**  
**Staff Report**

Text Amendment - - Legislative Process  
June 10, 2009 Meeting Date

FILE NUMBER:      Planning File TA 09-02

APPLICANT:        Columbia County  
                      Land Development Services  
                      230 Strand  
                      St. Helens, Oregon 97051

DATE:                June 3, 2009

REQUEST:           To Amend the Columbia County Zoning Ordinance, Section 942 Permitted uses in the Airport Industrial Zone (AI), to make it consistent with the State Airport Planning Rule.

BACKGROUND:      Oregon Administrative Rule OAR 660-013-0160, Airport Planning Rule, requires the County to update its local plans and land-use regulations to conform with the State Rule, if and when the County amends site Zoning Map pertaining to the Airport Industrial Zone (AI). The County wishes to up-date and bring the Zoning Ordinance into compliance with the State Airport Planning Rule (OAR 660-013). In a letter dated March 31, 2008, the Oregon Department of Aviation (ODA) determined that the County’s current AI zone does not fully apply all elements of the Airport Planning Rule OAR 660-013. Those listed by ODA and proposed in this **amendment includes adding four permitted uses to the Airport Industrial (AI) zone: 1) Law Enforcement and Firefighting activities, 2) Aircraft Rental, 3) Aeronautical Recreation & Sporting Activities, and 4) Crop Dusting including Forestry Applications.** Staff has determined that a Measure 56 Notice to all affected property owners is not necessary because the proposed amendments would not limit or prohibit allowed uses in the zone. The amendment would increase allowed uses, thereby potentially being beneficial to property owners in the Airport Industrial (AI) zone.

The Board of Commissioners initiated the process for amending Columbia County Zoning Ordinance Section 940 Airport Industrial at their January 27, 2009 Work Session Meeting.

APPLICABLE CRITERIA:

<u>Columbia County Zoning Ordinance</u>	<u>Page</u>
Section 1606 - Legislative Hearing	2
Section 1607 - Consistency with the Comprehensive Plan	2
Section 1611 - Notice of Legislative Hearing	3
<u>Oregon State Statute</u>	
ORS 197.610 - DLCD Review	3

<u>Oregon State Administrative Rule</u>		
OAR 660-013-0160	Applicability	4
OAR 660-013-0100	Airport uses at Non-Towered Airports	5
 <u>County Comprehensive Plan</u>		
Part I -	Administrative Procedures	7
Part XIII -	Transportation	8

**FINDINGS:**

This request is being processed under Sections 1606 (Legislative Hearing) and 1611 (Notice of Legislative Hearing) of the County Zoning Ordinance. The pertinent sections of the ordinance are reviewed as follows:

"1606 Legislative Hearing: Requests to amend the text of the Zoning Ordinance...are legislative hearings. Legislative hearings shall be conducted in accordance with the following procedures:

- .1 A legislative amendment to the Zoning Ordinance Text or Map may be initiated at the request of the Board of Commissioners, a majority of the Commission, or the Director, or any citizen of the County may petition the Commission for such a change."

**Finding 1:** The Board of County Commissioners initiated this amendment to the Airport Industrial zone at their Board Work Session meeting on January 27, 2009.

Continuing with Section 1606 of the Zoning Ordinance:

- ".2 Notice of a Legislative Hearing shall be published at least twice, 1 week apart in newspapers of general circulation in Columbia County. The last of these notices shall be published no less than 10 calendar days prior to the Legislative Hearing. The mailing of notice to individual property owners is not required but shall be done if ordered by the Board of Commissioners."

**Finding 2:** A hearing notice was published in the St. Helens Chronicle and Spotlight newspapers on March 11, 2009 and March 18, 2009, both of which are more than 10 days prior to the Planning Commission hearing date of April 6, 2009. A hearing notice was also published in the Vernonia Independent and the Vernonia Voice in the month of March 2009. Notice to and request for Information & Referral was mailed to the Upper Nehalem CPAC, City of Vernonia, Vernonia Rural Fire District, Oregon Department of Aviation, DLCD and the County Roadmaster on February 3, 2009. Prior to the Board hearing, notification was published in the Chronicle on May 27, 2009 and the parties who participated at the Planning Commission level were mailed individual notice on May 20, 2009. This criteria is satisfied.

Continuing with the Zoning Ordinance

"1607 Consistency with the Comprehensive Plan: All amendments to the Zoning Ordinance Text and Map shall be consistent with the Comprehensive Plan Text and Maps.

- .1 The Commission shall hold a hearing to consider the proposed amendments and shall make a recommendation to the Board of Commissioners with regard to the proposed amendments. The Board of Commissioners shall hold at least one hearing to consider the

proposed amendments. Both the Commission and the Board of Commissioners hearings will require notice in the manner outlined in Section 1611."

**Finding 3:** The Planning Commission held a public hearing on April 6, 2009 and the Board has scheduled a public hearing on June 10 9, 2009. The Planning Commission does not make a final decision on this matter, but rather makes a recommendation to the Board of Commissioners for the final decision. See Finding 8 and 9 for discussion of consistency with the Comprehensive Plan and Administrative Procedures. This Criteria is satisfied by the Board holding its hearing to consider the proposed amendment and whether it is consistent with the Comprehensive Plan.

Continuing with the Zoning Ordinance:

"1611 Notice of Legislative Hearing: The notice of a legislative hearing shall contain the following items:

- .1 Date, time and place of the hearing;
- .2 A description of the area to be rezoned or the changes to the text;
- .3 Copies of the statement for the proposed changes are available in the Planning Department. These proposed changes may be amended at the public hearing;
- .4 Interested parties may appear and be heard;
- .5 Hearings will be held in accordance with the provisions of the Zoning Ordinance."

**Finding 4:** All of the above information was included in the Notice of Public Hearing published twice in the *Chronicle* and *Spotlight* newspapers; also, published in *The Vernonia Independent* and *The Vernonia Voice*. Notice was published for the June 10-9, 2009 hearing date of the Board of Commissioners. All notices contained the above language. See Finding 2 for related publication dates and information. This criteria is satisfied.

The following Oregon Revised Statutes (ORS) are applicable to this post acknowledgment ordinance amendment:

ORS 197.610 A proposal to amend a local government acknowledged comprehensive plan or land use regulation or to adopt a new regulation must be forwarded to DLCD at least 45 days before the first evidentiary hearing on adoption and contain the text and any supplemental information that the local government believes is necessary to inform DLCD as to the effect of the proposal as well as the date set for the first evidentiary hearing. When a local government determines that the goals do not apply to a particular proposed amendment or a new regulation, notice under subsection (1) of this section is not required. In addition, a local government may submit an amendment or new regulation with less 45 days' notice if the local government determines that there are emergency circumstances requiring expedited review. In both cases:

- (a) The amendment or new regulation shall be submitted after adoption as provided in ORS 197.615 (1) and (2); and
- (b) Notwithstanding the requirements of ORS 197.830 (2), the director or any other person may appeal

the decision to the board under ORS 197.830 and 197.845.

**Finding 5:** Land Development Services mailed a 45 day notice to DLCD as per ORS 197.610(1) on February 3, 2009. Staff finds that the 45 day notice prior to the initial hearing is met. The County Land Development Services will mail a Notice of Adoption to DLCD if the Board approves the amendments. This criteria is satisfied.

The following Oregon Administrative Rules (OAR) are applicable to this Post Acknowledgment Ordinance amendment:

OAR 660-013-0160 Applicability

This division applies as follows:

- (1) Local government plans and land use regulations shall be updated to conform to this division at periodic review, except for provisions of chapter 859, OR Laws 1997 that became effective on passage. Prior to the adoption of the list of airports required by ORS 836.610(3), a local government shall be required to include a periodic review work task to comply with this division. However, the periodic review work task shall not begin prior to the Oregon Department of Aviation's adoption of the list of airports required by ORS 836.610(3). For airports affecting more than one local government, applicable requirements of this division shall be included in a coordinated work program developed for all affected local governments concurrent with the timing of periodic review for the jurisdiction with the most land area devoted to airport uses.
- (2) Amendments to plan and land use regulations may be accomplished through plan amendment requirements of ORS 197.610 to 197.625 in advance of periodic review where such amendments include coordination with and adoption by all local governments with responsibility for areas of the airport subject to the requirements of this division.
- (3) Compliance with the requirements of this division shall be deemed to satisfy the requirements of Statewide Planning Goal 12 (Transportation) and OAR 660, division 12 related Airport Planning.
- (4) Uses authorized by this division shall comply with all applicable requirements of other laws.
- (5) Notwithstanding the provisions of OAR 660-013-0140 amendments to acknowledged comprehensive plans and land use regulations, including map amendments and zone changes, require full compliance with the provisions of this division, except where the requirements of the new regulation or designation are the same as the requirements they replace.

**Finding 6:** The County must update our Airport Planning Ordinance, Section 940 of the Zoning Ordinance, to conform to the State Airport Planning Rule within reasonable time. These updates are usually done during the periodic review process. This amendment must follow the Post-Acknowledgment Plan Amendment process with 45 day notice to the State, which was accomplished, see Finding 5. The above Paragraph (5) requires the County to obtain full compliance with the provisions of the Oregon Airport Planning Rule, OAR 660-013, when the county amends maps and zone changes to the Airport Industrial zone. On March 4, 2009 the Board of Commissioners approved a Comprehensive Plan Map amendment and Zone Change to Airport Industrial for



property near the Vernonia Airport. The County must now bring its regulation of airport planning into full compliance with OAR 660-013, Oregon Airport Planning Rule. The proposed amendment will accomplish compliance with the State Airport Planning Rule.

### Continuing with Oregon Administrative Rule OAR 660-013

#### OAR 660-013-0100 Airport Uses at Non-Towered Airports

Local government shall adopt land use regulations for areas within the airport boundary of non-towered airports identified in ORS 836.610(1) that authorize the following uses and activities:

- (1) Customary and usual aviation-related activities including but not limited to takeoffs, landings, aircraft hangars, tiedowns, construction and maintenance of airport facilities, fixed-base operator facilities, a residence for an airport caretaker or security officer, and other activities incidental to the normal operation of an airport. Residential, commercial, industrial, manufacturing, and other uses, except as provided in this rule, are not customary and usual aviation-related activities and may only be authorized pursuant to OAR 660-013-0110.
- (2) Emergency Medical Flight Services, including activities, aircraft, accessory structures, and other facilities necessary to support emergency transportation for medical purposes. "Emergency Medical Flight Services" does not include hospitals, medical offices, medical labs, medical equipment sales, and similar uses.
- (3) Law Enforcement and Firefighting Activities, including aircraft and ground based activities, facilities and accessory structures necessary to support federal, state or local law enforcement and land management agencies engaged in law enforcement or firefighting activities. These activities include transport of personnel, aerial observation, and transport of equipment, water, fire retardant and supplies.
- (4) Flight Instruction, including activities, facilities, and accessory structures located at airport sites that provide education and training directly related to aeronautical activities. "Flight Instruction" does not include schools for flight attendants, ticket agents, or similar personnel.
- (5) Aircraft Service, Maintenance and Training, including activities, facilities, and accessory structures provided to teach aircraft service and maintenance skills, maintain, service and repair aircraft and aircraft components, but not including activities, structures, and facilities for the manufacturing of aircraft for sale to the public or the manufacturing of aircraft related products for sale to the public. "Aircraft Service, Maintenance and Training" includes the construction of aircraft and aircraft components for personal use. The assembly of aircraft and aircraft components is allowed as part of servicing, maintaining, or repairing aircraft and aircraft components.
- (6) Aircraft Rental, including activities, facilities, and accessory structures that support the provision of aircraft for rent or lease to the public.
- (7) Aircraft Sales and the sale of aeronautic equipment and supplies, including activities, facilities, and accessory structures for the storage, display, demonstration and sale of aircraft and aeronautic equipment and supplies to the public.
- (8) Aeronautic Recreational and Sporting Activities, including activities, facilities and accessory structures at airports that support recreational use of aircraft and sporting activities that require the use of aircraft or other devices used and intended for use in flight. Aeronautic Recreation and Sporting

Activities on airport property shall be subject to approval 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 in this rule, parachuting and parachute drops includes all forms of skydiving. Parachuting businesses may be allowed only where they have secured approval to use a drop zone that is at least 10 contiguous acres. A local government may establish a larger size for the required drop zone where evidence of missed landings and dropped equipment supports the need for the larger area. The configuration of 10 acre minimum drop zone shall roughly approximate a square or circle and may contain structures, trees, or other obstacles if the remainder of the drop zone provides adequate areas for parachutists to safely land.

(9) Crop Dusting Activities, including activities, facilities and structures accessory to crop dusting operations. These include, but are not limited to: aerial application of chemicals, seed, fertilizer, pesticide, defoliant and other activities and chemicals used in a commercial agricultural, forestry or rangeland management setting.

(10) 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 30.930.

(11) Air passenger and air freight services and facilities at public use airports at levels consistent with the classification and needs identified in the state ASP.

**Finding 7:** Of the above identified authorized uses and activities at non-towered airports the following are currently not authorized in the Columbia County Zoning Ordinance per Section 942 Airport Industrial and must be added to be consistent with State Rule :

(3) Law Enforcement and Firefighting Activities, including aircraft and ground based activities, facilities and accessory structures necessary to support federal, state or local law enforcement and land management agencies engaged in law enforcement or firefighting activities. These activities include transport of personnel, aerial observation, and transport of equipment, water, fire retardant and supplies.

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

(8) Aeronautical Recreation and Sporting Activities, including activities, facilities and accessory structures at airports that support recreational use of aircraft and sporting activities that require the use of aircraft or other devices used and intended for use in flight. Aeronautic Recreation and Sporting Activities on airport property shall be subject to approval 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 in this rule, parachuting and parachute drops includes all forms of skydiving. Parachuting businesses may be allowed only where they have secured approval to use a drop zone that is at least 10 contiguous acres. A local government may establish a larger size for the required drop zone where evidence of missed landings and dropped equipment supports the need for the larger area. The configuration of 10 acre minimum drop zone shall roughly approximate a square or circle and may contain structures, trees, or other obstacles if the remainder of the drop zone provides adequate areas for parachutists to safely land.

(9) Crop Dusting Activities, including activities, facilities and structures accessory to crop dusting operations. These include, but are not limited to: aerial application of chemicals, seed, fertilizer, pesticide, defoliant and other activities and chemicals used in a commercial agricultural, forestry or rangeland

management setting.

Review of the following County Comprehensive Plan Goal & Policies:

Columbia County Comprehensive Plan has twenty one (XXI) Parts each with a set of general Goals and implementing Policies. These Goals and Policies are implemented by Ordinance, and most specifically the Columbia County Zoning Ordinance. The Airport Industrial District of the Zoning Ordinance is designed to recognize those areas devoted to or most suitable for the immediate operational facilities necessary for commercial and non-commercial aviation. It is also intended to provide areas for those activities directly supporting or dependent upon aircraft or air transportation, and to provide appropriate locations for airport related light industrial uses. By providing a sound Airport Industrial Zone (AI), the county also helps implement other Parts of the Comprehensive Plan: To wit, the AI zone provides opportunities for certain areas of the Economy (Part X) and provides security for a key element of Part XIII Transportation, while indirectly . protection of the provision of Recreational Needs (Part XVII).

The most applicable portions of the Comprehensive Plan for review of the proposed text amendments for the Airport Industrial zone are Part I - Administrative Procedures and Part XIII Transportation. These are reviewed below.

Part I ADMINISTRATIVE PROCEDURES

GOALS:

1. To assure the goals and policies of this plan are implemented.
2. To provide review and revision procedures which include provisions for participation by citizens and affected interest groups.
3. To provide an understandable framework for reviewing and revising this plan.

POLICIES:

5. Provide a framework by which the Comprehensive Plan may be reviewed, revised and amended. Amendments to the Comprehensive Plan and its implementing ordinance(s) shall be in accordance with the following procedures and guidelines:
  - A. Amendments may be initiated by the Board of Commissioners, the Planning Commission, the Planning Director or the owner(s) of the affected property.
  - B. A Citizen Planning Advisory Committee may, upon a majority vote of its members, formally request either the Board of Commissioners or the Planning Commission initiate an amendment.
  - C. Revisions or amendments will follow the same process as initial adoption - CPAC review, Planning Commission public hearing and recommendation, and Board hearing and adoption of revisions or amendments.
  - D. For quasi-judicial amendments, all property owners within two hundred and fifty (250) feet of the affected area shall be notified of the hearing date and the requested amendment

at least ten (10) days prior to the first scheduled public hearing.

- E. For legislative amendments, notice of the public hearing and a copy of the proposed amendment, will be mailed to all Citizen Planning Advisory Committees and interested parties at least ten (10) days prior to the first scheduled public hearing.

**Finding 8:** The Zoning Ordinance is an implementing ordinance of the Comprehensive Plan and is being proposed to be reviewed, revised and amended. This proposed amendment was initiated by the Board of Commissioners on January 27, 2009 and will follow the prescriptive path of CPAC recommendation - Planning Commission recommendation followed by final decision by the Board of Commissioners. All members of the various Citizen Planning Advisory Committees were mailed notice with proposed amendments on February 3, 2009 and May 20, 2009. All owners of AI zoned property were given notice either on February 3, 2009 or on March 16, 2009, at least 10 days before the initial hearing. Owners adjacent to the Vernonia Airport AI zone was given notice of the proposed amendment on February 3, 2009 and May 20, 2009. Policy 3 of Part I Administrative Goal has been complied with.

## Continuing with the Comprehensive Plan Policies

### Part XIII Transportation

#### TRANSPORTATION: GOALS AND POLICIES

##### GOAL:

The creation of an efficient, safe, and diverse transportation system to serve the needs of Columbia County residents.

##### OBJECTIVES:

1. To utilize the various modes of transportation that are available in the County to provide services for the residents.
2. To encourage and promote an efficient and economical transportation system to serve the commercial and industrial establishments of the County.
3. To improve the existing transportation system.

##### POLICIES:

8. The two existing airports, in Scappoose and Vernonia, will be zoned with a landing field overlay zone that incorporates the height restrictions set by the Federal Aviation Administration. It will allow the development of airport related industrial uses.

**Finding 9:** Policy 8 directs the County to adopt zoning regulations developed by the Federal Aviation and, applied, by the State - Airport Planning Rule. Since the adoption of Columbia County Comprehensive Plan the State of Oregon has implemented different elements of the Oregon Airport Planning Rule as reviewed above in Findings 6 and 7. The proposed amendments, updating our AI zone to become more compliant to State and Federal rules, would help achieve Policy 8.

#### **COMMENTS:**

The following comments have been received from various agencies as of March 27, 2009.

- 1) The Upper Nehalem CPAC has reviewed the proposed amendments and Carol Ostrander, as an individual, comments that I fully support the amendments: it would be an excellent addition to Vernonia. Nancy Dailey commented that this would be a wonderful growth for the Vernonia community.
- 2) The City of Vernonia Administrator comments; "I support the change. It brings the County into compliance with the Airport Planning Rule at the state level."
- 3) The County Roadmaster has reviewed the application and has no objection to its approval.
- 4) The Vernonia Rural Fire District - no response.
- 5) Oregon Aeronautics Division - no response.
- 6) The Department of Land Conservation and Development - no response
- 7) The County Assessor and Surveyor - no response.

#### **CONCLUSION, DISCUSSION AND RECOMMENDATION:**

This proposed Zoning Text Amendment Plan to the Airport Industrial Zone would bring Columbia County Ordinance provisions into compliance with state law. No one or group has submitted testimony in opposition to the amendments. The added uses are logical to be allowed at or near public use airports.

Based upon the above findings, Planning Staff and the Planning Commission **recommend approval** of the legislative amendment to the text of the Columbia County Zoning Ordinance Section 942 Permitted Uses in the Airport Industrial (AI) zone as presented in TA 09-02.

#### **Attachments:**

- 1) Proposed amendments with strike-outs for deletions and bold for additions.
- 2) Oregon Department of Aviation dated March 31, 2008.
- 3) Planning Commission Final Order of Recommendation

BEFORE THE  
COLUMBIA COUNTY PLANNING COMMISSION  
ST. HELENS, OREGON

In the Matter of the Application of )  
Columbia County, for a Text Amendment )  
consisting of Amending Allowed Uses )  
In the Airport Industrial (AI) Zone )

RECOMMENDATION TO THE  
BOARD OF COMMISSIONERS

FINAL ORDER TA 09-02

This matter came before the Columbia County Planning Commission on the application of Columbia County Land Development Services, for a Text Amendment of the Columbia County Zoning Ordinance, Section 942 Permitted Uses in the Airport Industrial Zone (AI). The purpose of the Amendment is to add four permitted uses to the AI zone to bring it into compliance with the State Airport Planning Rule.

Notice of the Legislative Hearing was published twice in the newspaper of record and also published in the Vernonia papers. Affected property owners and agencies were notified. A public hearing was held on April 6, 2009. The Planning Commission heard testimony from the applicant and interested parties and considered written materials including the Staff Report.

After due consideration, the Columbia County Planning Commission Recommends that the Board of County Commissioners **APPROVE** this amendment to bring the Columbia County Zoning Ordinance in compliance with the Oregon State Airport Planning Rule.

COLUMBIA COUNTY PLANNING COMMISSION

  
\_\_\_\_\_  
GUY LETOURNEAU, CHAIRMAN

16 - APR - 09  
\_\_\_\_\_  
DATE

COLUMBIA COUNTY  
LAND DEVELOPMENT SERVICES  
COURTHOUSE  
230 STRAND  
ST. HELENS, OREGON 97051  
(503) 397-1501

File No. TA 09-02

ZONING/SUBDIVISION ORDINANCE  
TEXT AMENDMENT APPLICATION

TYPE OF TEXT AMENDMENT:  Zoning Ordinance  Subdivision Ordinance

Other: \_\_\_\_\_

APPLICANT:

Name: Board of County Commissioners

Mailing address: 230 Strand Street

City: St Helens State: Oregon Zip Code: 97051

Phone No.: Office 503-397-4322 Home \_\_\_\_\_

APPLICANT'S REPRESENTATIVE(If Any):

Name: Glen Higgins, Land Development Services

Mailing address: 230 Strand Street

City: St Helens State: Oregon Zip Code: 97051

Phone No.: Office 503-397-7217 Home \_\_\_\_\_

I. PROPOSED TEXT AMENDMENT:

Please describe the proposed text amendment below.  
Include the proposed text amendment(s) in an attachment labeled "Exhibit 1, Proposed Text Amendment". Please copy the text of the portion of the Ordinance you would like to amend from the County's website, [www.co.columbia.or.us/lids/](http://www.co.columbia.or.us/lids/), and clearly indicate the proposed amendments by strikeouts(for deletion) and **bold type**(for addition).

~~Amend Columbia County Zoning Ordinance (CCZO) Section 942 Permitted Uses in~~  
~~Airport Industrial Zone by adding four (4) uses authorized by Oregon Administrative~~  
Rule OAR 660-013-0160, Airport Planning Rule. This amendment will assure CCZO  
is compliant with the State Airport Planning Rule.

II. **DECISION CRITERIA FOR TEXT AMENDMENTS**

- A. Please present, in as much detail as necessary \_\_\_\_\_, evidence to show that the proposed \_\_\_\_\_ text is consistent with applicable Oregon Revised Statutes and Administrative Rules. Include your written testimony showing the proposal complies with this criterion in an attachment labeled " Exhibit 1, Compliance with the applicable Oregon Revised Statutes and Administrative Rules."
  
- B. Please present, in as much detail as necessary, evidence to show that the proposed text amendment is consistent with the intent and policies within applicable sections of the Comprehensive Plan text and maps. Include your written testimony showing the proposal complies with this criterion in an attachment labeled " Exhibit 2, Compliance with the Comprehensive Plan."
  
- C. Please present, in as much detail as necessary, evidence to show that the proposed text amendment is consistent with the intent and purpose statement of the affected Chapter or sub-chapter of the Ordinance to be amended. Include your written testimony showing the proposal complies with this criterion in an attachment labeled " Exhibit 3, Compliance with the Ordinance Statement of Purpose."

III. **CERTIFICATION:**

I hereby certify that all of the above statements, and all other documents submitted, are accurate and true to the best of my knowledge and belief.

Applicant Signature: [Signature] Date: 2/2/09

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

+++++  
Planning Department Use Only

Date Rec'd.: 2-2-09 Hearing Date: 4-6-09



Section 940 AIRPORT INDUSTRIAL

AI

941 Purpose: The Airport Industrial District is intended to recognize those areas devoted to or most suitable for the immediate operational facilities necessary for commercial and noncommercial aviation. It is also intended to provide areas for those activities directly supporting or dependent upon aircraft or air transportation when such activities, in order to function, require a location within or immediately adjacent to primary flight operations and passenger or cargo service facilities. It is further intended to provide appropriate locations for airport related light industrial uses that are compatible with and dependent upon air transportation.

942 Uses Permitted Outright:

- .1 Aerial mapping and surveying.
- .2 Air cargo warehousing and distribution facilities.
- .3 Airport operation facilities, including aircraft hangers, fuel storage facilities, control towers, passenger and air freight terminals, aircraft runways, taxi-ways and tie-down areas, firefighting facilities, and other uses and buildings necessary for airport operation.
- .4 Aircraft and aircraft component manufacturing or assembly.
- .5 Aircraft sales, repair, service and storage.
- .6 Aircraft related research and testing.
- .7 Aircraft or air transportation businesses.
- .8 Auto rental agencies.
- .9 Day care and recreational facilities exclusively for employers and employees of businesses located within this district.
- .10 Farm Uses.
- .11 Greenways, including but not limited to bicycle and pedestrian paths.
- .12 Public and semi-public buildings, structures and uses that provide necessary services to an airport, such as fire stations, pump stations and water storage.
- .13 Public parking and auto storage.

- .14 Schools relating to aircraft operation.
- .15 Snack shop for airport clientele with a total floor area no larger than 1200 square feet.
- .16 Taxi, bus and truck terminals.
- .17 Law Enforcement and Firefighting Activities, including aircraft and ground base activities.
- .18 Aircraft Rental, including facilities and structures to support the rental or lease activity.
- .19 Aeronautical Recreation and Sporting Activities, including activities, facilities and accessory structures at airports that support recreational use of aircraft and sporting activities that require the use of aircraft or other devices intended for use in flight. Requires approval of the airport sponsor.
- .20 Crop Dusting Activities, including facilities and accessory structures used for the aerial application of chemicals or materials in commercial agricultural or forestry operations.

943 Uses Permitted Under Prescribed Conditions: The following uses shall be permitted upon demonstration of compliance with the standards in this subsection:

- .1 Motels, hotels, and gift shops, upon demonstration that they are compatible with airport operations and, if located outside an urban growth boundary, of a size and scale intended primarily to serve air service patrons.
- .2 Cafeterias and restaurants; upon demonstration that they are compatible with airport operations and, if located outside an urban growth boundary, of a size and scale intended primarily to serve air service patrons and employees working at businesses located within this district.
- .3 Manufacturing, assembling, testing, repairing, packaging and distribution of precision testing optics; precision testing equipment; and components, devices, equipment, instruments and systems of an electronic or electromagnetic nature, such as coils, tubes, semi-conductors and similar components; communications, navigation, transmission and reception equipment, control equipment and systems; data processing equipment and systems; electronic parts and components; metering instruments; telecommunications

equipment; and scientific instruments; upon demonstration that the use is dependent upon air transportation.

A. An industrial use is dependent upon air transportation if it requires a location at or adjacent to an airport to be economically viable. Economic viability is measured by determining whether the use or activity would suffer an economic disadvantage if not located at or adjacent to an airport. Considerations include the percentage of business done with air cargo; the industry's dependence on air transportation by staff, management, sales personnel, vendors, or clientele; the industry's site size requirements; and the industry's interest in locating in a non-metropolitan area of the state.

B. Industrial uses shall be considered dependent upon air transportation where:

1. More than 30 percent of the products produced would be shipped through air cargo; or
2. More than 30 percent of gross sales would be with customers located out of state; or
3. Sales or service of the product requires a rapid response that can only be achieved through air transport; or
4. The use would suffer an economic disadvantage if not located at or adjacent to an airport.

944 Conformance with Aircraft Landing Field Overlay Zone Requirements:

- .1 Where a use established within this district is also subject to the requirements of the Aircraft Landing Field Overlay Zone, the use shall conform with the requirements of that zone, with Federal Aviation Agency Regulation FAR-77 or its successor, and with other applicable Federal and State laws regulating structure height, lights, glare producing surfaces, radio interference, smoke, dust, steam, or other hazards to flight or air navigation.
- .2 In the event of conflict between the requirements of the Aircraft Landing Field Overlay Zone and FAR-77 or its successor, the requirements in FAR-77 or its successor shall control.

945 Standards:

- .1 Lot or Parcel Size: There is no minimum lot or parcel size in the AI district, except where Oregon Department of Environmental Quality standards require a minimum area for sewage disposal.
- .2 Setbacks: No front, side or rear yard setbacks except on lots or parcels abutting a residential district, where the minimum setback is 50 feet on the side abutting or facing the residential district.
- .3 Off-Street Parking: Off-street parking shall be provided as required in Section 1400.
- .4 Services: All lots or parcels shall have frontage on or approved access to a public street, a water system, and a sewage disposal system prior to occupancy.
- .5 Site Coverage: The maximum site coverage shall be 85 percent, including buildings and impervious surfaces.
- .6 Landscaping: The minimum landscaping requirement shall be 15 percent. Maintenance of landscaping shall be the owner's responsibility.

946 Limitations on Uses: In the AI zone, the following conditions shall apply:

- .1 Storage of animal, vegetable, or other wastes which attract insects, rodents or birds is prohibited.
- .2 Emission of smoke, fumes, fly ash, dust, vapor, gases, or other forms of air pollution that may interfere with present or planned aircraft operations is prohibited.
- .3 Sign lighting and exterior lighting shall not project directly into:
  - A. The runway, taxiway, or approach zone, unless necessary for safe and convenient air travel; or
  - B. An adjoining residential zone.
- .4 Building materials shall not produce glare which may conflict with any present or planned operation of the airport.
- .5 No use may produce electromagnetic interference which may conflict with any present or planned operations of the airport.

947 Review Procedures:

- .1 The Planning Commission shall review, in accordance with Section 1603, all requests made pursuant to Section 943.
- .2 The Planning Commission's action may be appealed to the Board of Commissioners pursuant to Section 1703; provided, however, that the appeal shall be on the record unless the Board, on request by any party, chooses to allow new evidence to be submitted. The Board shall grant a request to allow new evidence only where it finds that:
  - A. The additional evidence could not reasonably have been presented at the prior hearing; and
  - B. The evidence proposed to be submitted is necessary to fully and properly evaluate a significant issue relevant to the proposed action; and
  - C. The request is not likely to cause any substantial delay in the proceeding.

948 Design Review: Uses authorized in the AI zone shall be subject to site design review as provided in Section 1550 of the Columbia County Zoning Ordinance. Where a hearing is required under Section 947, the Planning Commission concurrently shall consider compliance with the requirements of Section 1550.

949 Conflicts: In the event of conflict between this section and any other section of this Ordinance, the requirements of this section shall control.



# Oregon

Theodore R. Kulongoski, Governor



Oregon Department of Aviation  
3040 - 25th Street SE  
Salem, OR 97302-1125  
Phone: (503) 378-4880, ext. 223  
Toll Free: (800) 874-0102  
FAX : (503) 373-1688

March 31, 2008

Emily Pudell  
Columbia County  
Land Development Service - Planning Division  
230 Strand  
St. Helens, Oregon 97051

Re: ZC 08-02 & PA 08-02

Thank you for allowing the Oregon Department of Aviation (ODA) the opportunity to review the abovementioned proposal. ODA supports activities that will enhance aviation and/or the City of Vernonia's ability to accommodate airport improvements provided that such activities do not interfere with future airport development plans, access, security, or operations. Inasmuch, the City of Vernonia's comments should be carefully considered prior to any approval.

The application in question proposes a Comprehensive Plan Amendment and Zone Change from Primary Forest (PF-76) to Rural Airport Industrial (AI) and Community Service Recreation (CSR). The proposal would allow for 27.8 acres of land adjacent to Vernonia Airport to be included within the airport's boundary for runway expansion and other aeronautical activities. ODA supports this potential development to the airport. However, the county's current AI zone does not fully apply all elements of the Airport Planning Rule, OAR 660-013. Specifically absent from the ordinance is the inclusion of the following uses as outright uses as defined in OAR 660-013-0100.

OAR 660-013-0100 (3) - Law Enforcement and Firefighting Activities, including aircraft and ground based activities, facilities and accessory structures necessary to support federal, state or local law enforcement and land management agencies engaged in law enforcement or firefighting activities. These activities include transport of personnel, aerial observation, and transport of equipment, water, fire retardant and supplies.

OAR 660-013-0100 (6) - Aircraft Rental, including activities, facilities, and accessory structures that support the provision of aircraft for rent or lease to the public.

OAR 660-013-0100 (8) - Aeronautic Recreational and Sporting Activities, including activities, facilities and accessory structures at airports that support recreational use of aircraft and sporting activities that require the use of aircraft or other devices used and intended for use in flight. Aeronautic Recreation and Sporting Activities on airport property shall be subject to approval 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 in this rule, parachuting and parachute drops includes all forms of skydiving. Parachuting businesses may be allowed only where they have secured approval to use a drop zone that is at least 10 contiguous acres. A local government may establish a larger size for the required drop zone where evidence of missed landings and dropped equipment supports the need for the larger area. The configuration of 10 acre minimum drop zone shall

roughly approximate a square or circle and may contain structures, trees, or other obstacles if the remainder of the drop zone provides adequate areas for parachutists to safely land.

OAR 660-013-0100 (9) - Crop Dusting Activities, including activities, facilities and structures accessory to crop dusting operations. These include, but are not limited to: aerial application of chemicals, seed, fertilizer, pesticide, defoliant and other activities and chemicals used in a commercial agricultural, forestry or rangeland management setting.

To this end, the rezoning of 27.8 acres from RF-76 to AI will require the county to amend the AI zone to fully comply with OAR 660-013-0100 as per OAR 660-013-0160 (5).

Notwithstanding the provisions of OAR 660-013-0140 amendments to acknowledged comprehensive plans and land use regulations, including map amendments and zone changes, require full compliance with the provisions of this division, except where the replacements of the new regulation or designation are the same as the requirements they replace.

While ODA supports the zone change requested in the application, the Department requests that Columbia County ensure that all aspects of OAR 600-013 are applied prior to permitting the applicant's request.

Once again, thank you for allowing the Oregon Department of Aviation the opportunity to comment regarding this application. Please do not hesitate to contact me directly at 503-378-3168.

Sincerely,

Chris Cummings  
Aviation Planning Analyst