

OREGON DEPARTMENT OF AVIATION  
STATE AGENCY COORDINATION PROGRAM

IN ACCORDANCE WITH ORS 197.180 AND OAR CHAPTER 660,  
DIVISION 30 AND 31

March 7, 2017

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## EXECUTIVE SUMMARY

Since 1973, Oregon has maintained a strong statewide program for land use planning. The foundation of that program is a set of 19 Statewide Planning Goals. Oregon's statewide goals are achieved through local comprehensive planning. State law requires each city and county to adopt a comprehensive plan and the zoning and land-division ordinances needed to put the plan into effect. Oregon's planning laws apply not only to local governments but also to special districts and state agencies. The laws strongly emphasize coordination – keeping local plans and state programs consistent with each other, with the goals, and with acknowledged local plans. State law (ORS 197.180) requires that all state agency programs that affect land use must be carried out in conformance with local land use plans and regulations and in compliance with the statewide land use planning goals. The Land Conservation and Development Commission (LCDC) is charged with establishing State Agency Coordination (or SAC) requirements and assuring that agencies act in accordance with this statute. LCDC administrative rules (OAR Chapter 660, Divisions 030 and 031) set forth requirements for State Agency Coordination (SAC) agreements, and establish a process for formal LCDC certification of each agency's SAC program.

The Oregon Department of Aviation is responsible for the State's Aviation System plan which is an element of the State's Transportation System Plan for all transportation modes. Statewide Planning Goal 12 (Transportation) requires state and local transportation plans in order to facilitate the flow of goods and services so as to strengthen local and regional economies. The goal requires plans to consider all modes of transportation and specifically identifies aviation (air) as a mode of transportation. Furthermore, state law at ORS 836.600 through 836.630, supplemented by OAR 660, division 13, supports the continued operation and vitality of Oregon's airports, promotes a convenient and economic system of airports in the state, and relies on state and local land use planning to reduce risks to aircraft operations and nearby land uses. Therefore, adoption and maintenance of the Department of Aviation state agency coordination agreement is required by both state statutes and by related administrative rules. The agreement assures coordinated land use planning and development at all jurisdictional levels including state, county, region, city and special district, including, port districts and airport districts.

### Chapter 1 – Introduction

*As stated in OAR 660-13-0030 the "Oregon Department of Aviation (ODA) shall prepare and adopt a state Aviation System Plan (ASP) in accordance with ORS Chapters 835 and 836 and the State Agency Coordination Program approved under ORS 197.180. ODA shall coordinate the preparation, adoption, and amendment of land use planning elements of the state ASP with local governments and airport sponsors. The purpose of the state ASP is to provide state policy guidance and a framework for planning and operation of a convenient and economic system of airports, and for land use planning to reduce risks to aircraft operations and nearby land uses. The state ASP shall encourage and support the continued operation and vitality of Oregon's airports."*

*In turn a "city or county with planning authority for one or more airports, or areas within safety zones or compatibility zones described in this division, shall adopt comprehensive plan and land use regulations for airports consistent with the requirements of this division and ORS 836.600 through 836.630. Local comprehensive plan and land use regulation requirements shall be coordinated with acknowledged transportation system plans for the city, county, and Metropolitan Planning Organization (MPO) required by OAR 660, division 12. Local comprehensive plan and land use regulation requirements shall be consistent with adopted elements of the state ASP and shall be coordinated with affected state and federal agencies, local governments, airport*

*sponsors, and special districts.”*

A state agency coordination program for ODA must contain a number of “elements” and must be adopted by ODA as an administrative rule. ODA is one of 26 state agencies with previously certified state agency coordination programs. The Department's current coordination program was certified in January of 1983 and updated in 1990 while ODA was a part of the Oregon Department of Transportation as the Aeronautical Division. Since then, the state agency coordination statute has been amended as well as LCDC administrative rules that implement that statute.

## **Chapter 2 – ODA Organization and Programs**

The State Aviation Board, as required in ORS 835.015 *“shall incorporate as part of its program a definite plan for the development of airports, state airways, airplane industries and aviation generally.”* The Department *“shall also cooperate with and assist the federal government, the municipalities of the state, and other persons in the development of aviation activities. Municipalities are authorized to cooperate with the Department in the development of aviation and aviation facilities in this state, and shall notify the Department of, and allow the Department to participate in an advisory capacity in, all municipal airport or aviation system planning.”* The Department of Aviation (ODA) consists of the Aviation Board, the Director, one Assistant Director and staff divided among three divisions: Projects and Planning, Airports Management and Administration.

In addition, the function of the State Aviation Board is *“to perform such acts, adopt or amend and issue such orders, rules and regulations, and make, promulgate and amend such minimum standards,”* all consistent with the provisions of ORS chapter 835.

ODA’s programs are divided into several program areas.

**Planning Program:** The Department's Projects and Planning program is carried out on several levels ranging from a general statewide transportation system plan (Oregon Aviation Plan), to a Statewide Capital Improvement Planning program (SCIP) for Oregon’s federally funded airports and a Pavement Evaluation Program (PEP), which precedes the Pavement Maintenance Program (PMP) for paved public use airports in Oregon.

**Operations Program:** The Department operates 28 state owned airports throughout Oregon.

**Maintenance Program:** The Department maintains its facilities through general maintenance and upkeep. Of the 28 state owned airports, 12 receive federal funds from the Federal Aviation Administration (FAA) in order to maintain specific airport design, operations and maintenance standards, through grant assurances once federal funds are accepted by the state for capital projects.

**Modernization Program:** The Department modernizes state owned airports by building new facilities and upgrading existing facilities, including pavement, hangars, critical and essential infrastructure.

**Funding Program:** The Department receives a number of funds through the FAA’s Airport Improvement Program (AIP) through the issuance of Federal Grants, jet and aviation gas tax, pilot registration, airport registration, aircraft registration, aircraft tie-down fees, access agreements and land leases at various state owned airports.

**Regulatory Program:** The Department regulates several aviation related activities ODA issues licenses and permits, conducts inspections, issues guidance letters and enforces laws and rules

relating to aviation and aviation activities. The department coordinates with local jurisdictions in order to ensure compatible land uses in close proximity to airports.

**Technical Assistance Program:** The Department provides a variety of other technical services such as planning, construction, improvement, maintenance or operation of airports or air navigation facilities in accordance with ORS 835.015 regarding the development of aviation

### **Chapter 3 - ODA Programs Affecting Land Use**

Goal 12 states that a Transportation Plan is *“to provide and encourage a safe, convenient and economic transportation system”* and shall consider all modes of transportation including aviation. ODA has programs that either carry out or are used to make decisions to carry out one or more activities that are subject to the statewide planning goals or local acknowledged comprehensive plans. These activities include:

1. Adopting both the Oregon Aviation System Plan as well as Airport Master Plans, which include Airport Layout Plans that significantly affect the requirements or objectives of the State’s Transportation Planning Goal (Goal 12).
2. Adopting Airport Master Plans, that could include Airport Layout Plans, may include the following projects:
  - a. Enlarging an existing airport facility to increase the level of transportation service provided, relocating an existing transportation facility, or constructing a new transportation facility.
  - b. Constructing a new Airport Operations Area (AOA), enlarging an existing AOA, or significantly changing the use of an AOA.
  - c. Changing the size of land parcels through the sale or purchase of property.
  - d. Altering land or structures in a way that significantly affects resources or areas protected by state and federal laws or acknowledged comprehensive plans. Examples include:
    - (A). Placing or disposing of materials in wetlands, waterways or floodplains;
    - (B). Draining wetlands by ditching or by other means;
    - (C). Removing riparian vegetation.
3. Agency review of proposed development in and around Airport Safety Overlay Zone areas in order to promote aviation safety by prohibiting structures, trees, and other objects of natural growth from penetrating “airport imaginary surfaces.”
4. Agency review of structures outside of Airport Safety Overlay Zone areas that could be classified as a hazard to air navigation based on the Federal Aviation Administration Advisory Circular (A/C) 7460-1.

The Department's Projects and Planning program affects land use planning and development, especially when development occurs within the Airport Safety Overlay Zone. One issue of concern is the encroachment into overlay zones of buildings and tall structures (e.g., cell towers and wind turbines), as addressed by the FAA’s Part 77 Imaginary Surfaces for Obstruction Evaluation criteria. Other areas of this program that relate to land use planning include projects or planning for the enlargement of facilities (i.e., airports) due to growth and increase in airport activity. This enlargement, growth and increase of airports can include the expansion of the physical infrastructure and the purchase of land for future airport related development.

The Department's regulatory program is a “land use program” because through it, permits and

licenses listed in ORS 836 and OAR 660, division 31 are issued. These include airport licensing and airport site approval (ORS 836.105 & OAR 660-031-0012(g)(B)). All of these permits are "Class B permits" subject to LCDRC's Permit Compliance and Compatibility Rules (OAR 660, division 31).

The Department of Aviation's technical assistance and administrative services programs are not land use programs because they are not used by the Department to carry out activities that significantly affect land use or to make decisions to carry out activities which significantly affect land use. This service can be used by persons or jurisdictions in connection with the planning, acquisition, construction, improvement, maintenance or operation of airports or air navigation facilities.

ORS 835.015 states: "The State Aviation Board with the advice of the Oregon Department of Aviation shall incorporate as part of its program a definite plan for the development of airports, state airways, airplane industries and aviation generally. It shall through the department cooperate with and assist the federal government, the municipalities of the state, and other persons in the development of aviation activities. Municipalities are authorized to cooperate with the department in the development of aviation and aviation facilities in this state, and shall notify the department of, and allow the department to participate in an advisory capacity in, all municipal airport or aviation system planning."

ORS 836.010 states: "The Director of the Oregon Department of Aviation may, insofar as is reasonably possible, make available the Oregon Department of Aviation's engineering and other technical services with or without charge, to any person requesting such services in connection with the planning, acquisition, construction, improvement, maintenance or operation of airports or air navigation facilities."

It should be noted that the Department is charged with providing public comments as necessary with regard to local land use or permit applications that concern land within the Airport Safety Overlay Zones of airports throughout the State and as required by OAR 738-070. Once these comments are provided it is up to the local land use reviewing agency to consider them and ultimately to enforce the relevant statutes and rules through their locally adopted ordinances, codes and policies.

#### **Chapter 4 – Coordination of Programs Affecting Land Use**

The Department can show compliance with the statewide planning goals and the Aviation Facility Planning Requirements, as required by OAR 660-013-0040, through the Airport Master Planning process and the Airport Layout Plans (ALP) approved by the Federal Aviation Administration (FAA) or the Oregon Department of Aviation (ODA) for the non-NPIAS airports. Through the development of an Airport Master Plan and Airport Layout Plan, the Oregon land use planning goals can be addressed and documented. Once complete by ODA, a local jurisdiction must adopt the Master Plan as required by OAR 660, division 13.

Planning Program: ODA assures compliance and compatibility of airport development with local government comprehensive plans relating to land uses around airports through the use of provisions in OAR 660, Division 013 and OAR 660, Division 031. These rules require that both the sponsors of airports and local jurisdictions must establish a coordination process that ensures compliance with applicable laws and compatible development of the airport and surrounding areas. At each planning stage, compliance and compatibility issues generally come into focus with sufficient clarity to enable them to be addressed and resolved. The result of this successive refinement process shall be the resolution of all compliance and compatibility issues by the end of the project planning stage of the Airport Master planning program.

Coordination Procedures for Operations, Maintenance and Modernization Programs: The identification of which particular operation and modernization activities significantly affect land use is done during the development of a project prospectus for all activities that proceed through

the Department's project planning process. Compliance and compatibility for operations and modernization projects is evaluated during this process. Daily operations and general maintenance at airports generally do not proceed through the project planning process because they are ongoing activities and do not directly affect land use.

**Regulatory Program Procedures:** For all of the Department's license and permit programs that affect land use, the Department will notify applicants of their responsibility to demonstrate compliance and compatibility with local land use regulations. The Department will not issue a license or permit unless certification of compatibility is demonstrated by the applicant.

## **Chapter 5 – Program of Cooperation and Technical Assistance**

The Department is interested in amendments to the transportation and land use/zoning elements of city and county comprehensive plans that relate to any airport located within or abutting their jurisdiction. In addition, the Department is interested in a number of types of city and county plan implementation and plan amendment actions that can affect transportation facilities. The Department shall be notified by local governments in accordance with OAR 660, division 13 about:

1. Actions affecting future airport expansions or development
2. Actions affecting future development in close proximity to airports throughout the State
3. Actions affecting state airport drainage
4. Actions involving noise sensitive land uses in the vicinity of airports
5. Actions that involve physical hazards to air navigation and airport obstructions
6. Actions that involve development in runway protection zones, approach safety zones and Airport Safety Overlay Zones
7. Water Impoundments as described in ORS 836.623

ODA will work to incorporate its plans and programs into comprehensive plans in a number of ways. The Department will request that affected cities and counties incorporate relevant portions of the Aviation System Plan and Airport Master Plans be adopted by the Department into comprehensive plans. As an early step in the planning process for an Airport Master Planning project, ODA will coordinate with the affected local government(s) in their required amendment of their comprehensive plans and land use regulations to make them consistent with applicable modal system plans and facility plans, in accordance with OAR 660, division 13. The Department will work with Metropolitan Planning Organizations (MPOs) in the formulation of regional transportation plans. The Department will also work with cities and counties to incorporate agency adopted Airport Master Plans into their local comprehensive plans.

Most of the Department's coordination with local public facility planning will occur during comprehensive planning and development plan updates. As allowed by ORS 835.015 municipalities are encouraged to cooperate with the Department in the development of aviation and aviation facilities in this state, and this Department will assist local governments with airport land use planning. The primary concerns of the Department are that:

1. Local Public facility plans include relevant portions of adopted modal systems plans, regional transportation plans, Airport Master Plan, Airport Layout Plan or project plans.
2. State facilities are not proposed to provide services that are contrary to their functions as set

forth in state and regional transportation plans.

3. Proposed improvements to state airport facilities are consistent with state transportation plans.
4. Short range improvements to state airport facilities may not be proposed if they are not listed in the Department's capital improvement program unless the improvement is needed or required; no projects in the Department's capital improvement program can proceed without first addressing the most critical or essential project.
5. Improvements identified in the Department's capital improvements programs that are compatible with the acknowledged comprehensive plan are identified in the Airport Master Plan or Airport Layout Plan.
6. The Airport Master Plan or the Airport Layout Plan identifies facilities that are needed to serve commercially and industrially planned areas at state airports.

#### **Chapter 6 – Coordination with State and Federal Agencies and Special Districts**

The Department's primary areas of coordination with the Department of Land Conservation and Development (DLCD) involve ODA's airport planning program for future airport capital improvements, as well as city and county proposed comprehensive plan and land use ordinance amendments. The Department may also coordinate with DLCD to help resolve issues of local compliance with the statewide planning goals and State laws regarding the compatibility of Airport Master Plans and Airport Layout Plans with acknowledged comprehensive plans for any of its land use programs.

The Department coordinates with a large number of stakeholders, including city, county, state and federal agencies and special districts as it prepares its various Airport Master Plans or Airport Layout Plans. The Department's coordination procedures provide coordination opportunities throughout the Department's planning program.

#### **Chapter 7 – Organization of ODA's Coordination Program**

Following are descriptions of organizational responsibilities.

**Aviation Board:** The Aviation Board, with the advice of the Department, shall incorporate as part of its program a definite plan for the development of airports, state airways, airplane industries and aviation generally. It shall, through the Department, cooperate with and assist the Federal government, the local jurisdictions of the state and other persons in the development of aviation activities. Local jurisdictions are authorized to cooperate with the Department in the development of aviation and aviation facilities in this state and shall notify the Department of and allow the Department to participate in an advisory capacity in all municipal airport or aviation system planning (ORS 835.015).

**Aviation Director:** The Department is under the supervision and control of a Director who is responsible for the performance of the duties, functions and powers of the Department (ORS 835.100).

**Project and Planning Division:** The manager of the Project and Planning Division has responsibility for ODA's coordination and technical assistance program. The manager works closely with other airports and local jurisdictions as well as other staff at the Department to assure that objectives are carried out.



**CHAPTER 1**  
**INTRODUCTION**

## INTRODUCTION

Achieving effective coordination between state and local planning bodies was one of the principal issues addressed by the 1973 Legislature in enacting Oregon's land use planning act. The law requires agency coordination to be brought about in two ways (1) through the preparation, acknowledgement and updates of comprehensive plans and zoning ordinances, and (2) by the preparation and certification of state agency coordination programs.

State agency coordination programs describe what agencies will do to comply with Oregon's land use planning program. More specifically, they describe how an agency will meet its obligation under ORS 197.180 to carry out its programs affecting land use in compliance with the statewide planning goals and in a manner compatible with acknowledged comprehensive plans. This is contained in four major elements of the state agency coordination program.

1. Description of agency rules and programs affecting land use.
2. Procedures for carrying out programs affecting land use in compliance with the goals and in a manner compatible with acknowledged comprehensive plans.
3. Procedures for coordinating with the Department of Land Conservation and Development, affected state and federal agencies and special districts.
4. Program for cooperating with and providing technical assistance to local governments.

This is ODA's revised State Agency Coordination Program. It will replace the Department's 1990 State Agency Coordination Program adopted when the Department of Aviation was the Division of Aeronautics under ODOT, which remained ODA's agreement because rules and statutes applicable to the Division of Aeronautics remained in effect for ODA after it was created. The Aviation SAC agreement was certified by the Land Conservation and Development Commission and therefor has continued to apply to ODA.

**CHAPTER 2**  
**ODA ORGANIZATION AND PROGRAMS**

## ODA STRUCTURE AND ENABLING STATUTES

The Department of Aviation is established by ORS 835.015 and carries out the functions set forth in ORS 835 through ORS 838. The Department consists of the State Aviation Board, the Director, one Assistant Director, and three divisions: Projects and Planning, Airports Management and Administration. Figure 1 shows the structure of the Department.

The State Aviation Board, created by ORS 835.102, is the policy body of the Department of Aviation. The function of the Board is to “perform such acts, adopt or amend and issue such orders, rules and regulations, and make, promulgate and amend such minimum standards.” The primary duty of the State Aviation Board is to “incorporate as part of its program a definite plan for the development of airports, state airways, airplane industries and aviation generally.” By way of the Board adopting Airport Master Plans, they formally recognize the future development of an airport. The Board may also direct staff to work directly with local governments to adopt such plans into their comprehensive plans and development codes as required by ORS 836. Furthermore, the Department shall “cooperate with and assist the federal government, the municipalities of the state, and other persons in the development of aviation activities” as required by ORS 835.015.

The Department of Aviation is responsible for promoting air safety and overseeing the statewide aeronautics system in Oregon. The Department operates, maintains, and improves the 28 state owned airports that are open to the public. In addition, the Department oversees and licenses public use airports, heliports, seaplane bases, and personal-use aviation facilities. The Department is organized under ORS Chapter 835.

Appendix B and C contains copies of the indexes of ODA statutes and rules respectively.

## SUMMARY OF ODA PROGRAMS

ODA carries out a number of programs, each of which is composed of a variety of activities. Following is a summary of the principal program areas carried out by the Department.

### PLANNING PROGRAM

The Department's Projects and Planning program is carried out through a variety of different programs including a general statewide aviation modal system plan (Oregon Aviation Plan), a Statewide Capital Improvement Planning program (SCIP) and a Pavement Evaluation Program (PEP), which identifies the requirements for the statewide Pavement Maintenance Program (PMP).

1. As one of its duties, the State Aviation Board shall plan for the development of airports, state airways, airplane industries and aviation generally. The Board, with the advice of the Oregon Department of Aviation, shall participate in an advisory capacity with all municipal airport or aviation system planning projects.
2. The Project and Planning Division as well as the Airports Management Division shall prepare a program to collect, summarize and analyze information concerning the condition and usage of each of the state owned airports. Each division shall compile such information in a form

suitable for use by the Director in the planning activities of the Department.

3. As the plan is developed by the Aviation Board, the Director shall prepare and submit to the Board for approval an implementation program. Work approved by the Board to carry out the plan shall be assigned to the appropriate Division for design, construction, maintenance and operation of the facility.

#### Systems Planning

The Department prepares its five (5) year capital improvement program (CIP) based on the adopted Airport Master Plans and approved Airport Layout Plans (ALPs). The Department's State Agency Coordination Program will be followed in the adoption of Airport Master Plans and the Airport Layout Plans. The Statewide Capital Improvement Plan (SCIP) establishes the direction for the Department's capital improvement programs for both federally and non-federally funded airports.

The Modal System Plan and Facility Plans are described in more detail below.

**Oregon Aviation Plan:** This is the overall plan and policy for aviation statewide and for the state owned airports. This plan evaluates system wide needs for aviation services, identifies and classifies facilities by function and importance to meet the needs, and establishes policies for the system and each class of facilities. These policies may cover topics such as prioritization of resources across the system; allocation of resources between maintenance, preservation, operation, and modernization; operational goals for classes of facilities; and relationship of facility categories to land use. The Oregon Aviation Plan is adopted by the State Board of Aviation and is the aviation component of the Oregon Transportation Plan.

**Airport Master Plans and Airport Layout Plans:** These are plans for individual airport facilities owned and operated by the Department. They include the identification of needs for using the facility, an overall plan for improving the facility to meet the needs, and policies for operating the facility. As part of the Master Planning process a committee is formed which includes local jurisdictional representatives to provide guidance and input about the development of the airport and surrounding area (AOA). The local jurisdiction is able to provide background information as to whether the current land use ordinance and comprehensive plans are compatible with the updated airport plans. The State Aviation Board adopts facility plans based on the final approved Airport Master Plans and Airport Layout Plans.

By having local jurisdictions on the review committee ODA is able to:

- Identify local and state objectives when it comes to the aviation system in the State.
- Helps ensure that local land use plans are compatible with aviation uses within the AOA
- Codes are in place regarding compatible land uses surrounding the airport, principally within the FAA part 77 Imaginary surfaces.
- Ensure that future growth of the airport facility is being taken in to account and that land use compatibilities are in place via adopted Comprehensive Plans and Development Codes.
- Defines ODA's and the local jurisdiction's roles, responsibilities and authorities and guides subsequent decisions by the affected local government and ODA about land uses, the aviation system.

## Project Planning

The Department of Aviation's planning activities include preparing and updating the Oregon Aviation System Plan and preparing Airport Master Plans, environmental studies, and Airport Layout Plans for state owned airports and air navigation facilities. The Division develops a system plan project priority listing. Facility plans are implemented through the development and implementation of the Capital Improvement Project (CIP) list. For example, project plans may be developed for the extension of an airport runway consistent with the Airport Layout Plan for the airport.

Project planning starts with the preparation of a project prospectus. This is a preliminary description and evaluation of a proposed project which is used by the Department to schedule project development activities.

The prospectus also classifies the project in accordance with the requirements of the Federal Aviation Administration (FAA) and other federal agencies and their regulations and requirements. The Environmental Protection Agency (EPA) classifies projects based on the likelihood that significant environmental effects would result from the construction of the project. The classifications are as follows.

1. Class 1 projects include actions that significantly affect the quality of the environment and require draft and final environmental impact statements (EIS). The type of work normally placed in Class 1 includes (a) a major project involving acquisition or more than minor amounts of land, substantial changes to the airport including large amounts of demolition or large increase in impervious surface (i.e., pavement).
2. Class 2 projects include activities that have little or no environmental impact and consequently are categorically excluded from environmental analysis by federal regulations. The types of work placed in this class include minor improvement, repair and preservation.
3. Class 3 projects include actions where the significance of the environmental impact is unclear and is evaluated through the preparation of an environmental assessment (EA). The purpose of the EA is to establish whether the proposed project will significantly affect the environment. If a potentially significant impact is discovered, the project is reclassified to Class 1 and an EIS is prepared. Otherwise, the assessment results in a "finding of no significant impact" (FONSI).

Once a project prospectus has been approved, the development of project plans for Class 1 and Class 3 projects proceed through two phases, a location phase and a design phase. For Class 2 projects, work may proceed directly to the design phase.

During the location phase, project alternatives are evaluated and specific parameters for project design are determined. Environmental assessments and environmental impact statements are prepared at this level of project planning.

In the design phase, construction plans, specifications and estimates are developed consistent with the design approval. The design phase concludes with the approval of project plans, specifications and estimates (PS&E). With PS&E approval, funding for project construction is approved.

Several clearances are required before PS&E approval may be granted. Final plans and specifications are reviewed for consistency with environmental mitigation requirements and land use requirements. Land use permits involving design details, such as building permits and floodplain permits, are obtained before completion of final plans. Permits for in-stream work, removal or fill, and necessary removal or disposal of materials are obtained as well.

#### OPERATIONS PROGRAM

The Department operates 28 state airports, and related facilities such as pilot planning and briefing facilities, hangars and fueling facilities. Operations activities include airport lighting and navigation aids, elimination of hazards to air navigation, and a number of other safety and support activities. The operations program includes the acquisition of land needed to carry out operations activities.

#### MAINTENANCE PROGRAM

The Department maintains its facilities by mowing, spraying vegetation, re-applying airfield markings, a Pavement Maintenance Program (PMP), and carrying out similar preservation of facility activities.

#### MODERNIZATION PROGRAM

The Department modernizes state airports. Activities in this program include building new facilities, making facility expansions such as adding new apron areas, extending existing runways and upgrading facilities such as the rehabilitation of impervious areas as well as critical and essential services based on the needs of the FAA, state, local community and other aviation stakeholders.

#### FUNDING PROGRAM

Of the Department's 28 state owned airports, 12 are eligible to receive federal grants administered by the FAA. These grants are to be used for projects, as identified in the FAA's Airport Improvement Program. The Department prepares a five (5) year capital improvement program to identify the specific project and funding source.

The purpose of the five (5) year capital improvement program is different than that of the Department's planning program. Capital improvements programs are not plans; they reflect the Department's best estimate of how projected revenues can be matched to airport improvement needs. Capital improvements programs also are not a substitute for the funding decisions that are made in concert with the project planning process.

#### REGULATORY PROGRAM

The Department is responsible for airport site approval and licensing. It also conducts airport safety inspections. (ORS 836.025, 836.080-120) The Division may also adopt rules which define physical hazards to air navigation and establish standards for lighting or marking objects and structures that constitute hazards to air navigation (ORS 836.530, 836.535). The Division also

registers pilots and aircraft (ORS 837.005 837.070) and licenses aircraft dealers (ORS 837.075).

#### TECHNICAL ASSISTANCE PROGRAM

The Department may assist local governments and airport operators with planning, acquisition, construction, improvement, maintenance or operation of airports or air navigation facilities. (ORS 836.015) The Division is also authorized to act as agent of any municipality in receiving and disbursing federal moneys and in contracting for and supervising planning, acquisition, construction, improvement, maintenance and operation. (ORS 836.025)



**CHAPTER 3**  
**ODA LAND USE PROGRAMS**

## ODA LAND USE PROGRAMS

### METHOD FOR IDENTIFYING LAND USE PROGRAMS

#### SAC Administrative Rule Requirements

An OAR 660-030-0005 defines land use programs as follows:

(2) "Rules and Programs Affecting Land Use":

(a) Are state agency's rules and programs (hereafter referred to as "land use programs") which are:

(A) Specifically referenced in the statewide planning goals; or

(B) Reasonably expected to have significant effects on:

(i) Resources, objectives or areas identified in the statewide planning goals; or

(ii) Present or future land uses identified in acknowledged comprehensive plans.

(b) Do not include state agency rules and programs, including any specific activities or functions which occur under the rules and programs listed in paragraph (2)(a)(A) of this rule if:

(A) An applicable statute, constitutional provision or appellate court decision expressly exempts the requirement of compliance with the statewide goals and compatibility with acknowledged comprehensive plans: or

(B) The rule, program, or activity is nor reasonably expected to have a significant effect on:

(i) Resources objectives or areas identified in the statewide goals; or

(ii) Present or future land uses identified in acknowledged comprehensive plans; or

(C) A state agency transfers or acquires ownership or an interest in rear property without making any change in the use of the property. Action concurrent with or subsequent to a change of ownership that will affect land use or the areas of the property is subject to either the statewide goals or applicable city or county land use regulations.

#### Application of OAR 660-030-0005

1. Adopting both the Oregon Aviation System Plan as well as Airport Master Plans, which include Airport Layout Plans that significantly affect the requirements or objectives of the State's Transportation Planning Goal (Goal 12).

2. Adopting Airport Master Plans, that could include Airport Layout Plans, may include the following projects:

a. Enlarging an existing airport facility to increase the level of transportation service provided, relocating an existing transportation facility, or constructing a new transportation facility.

b. Constructing a new Airport Operations Area (AOA), enlarging an existing AOA, or significantly changing the use of an AOA.

c. Changing the size of land parcels through the sale or purchase of property.

d. Altering land or structures in a way that significantly affects resources or areas protected by

state and federal laws or acknowledged comprehensive plans. Examples include:

- (A). Placing or disposing of materials in wetlands, waterways or floodplains;
- (B). Draining wetlands by ditching or by other means;
- (C). Removing riparian vegetation.

3. Agency review of proposed development in and around Airport Safety Overlay Zone areas in order to promote aviation safety by prohibiting structures, trees, and other objects of natural growth from penetrating "airport imaginary surfaces."
4. Agency review of structures outside of Airport Safety Overlay Zone areas that could be classified as a hazard to air navigation based on the Federal Aviation Administration Advisory Circular (A/C) 7460-1.

## ANALYSIS OF ODA PROGRAMS

### Projects and Planning Program

Most of the Department's planning program is a land use program because it carries out the Department's aviation planning activities which affect the objectives of statewide land use Goal 12 and because it is used to make decisions to carry out one or more of the activities affecting land use listed above. All Class 1 and Class 3 projects involve activities which significantly affect land use. Some Class 2 projects, however, do not involve any activities which significantly affect land use including minor improvements, repairs and preservation at airports; these can include airfield repair or replacement of lights and signs, pavement maintenance and mowing/weed control. These types of activities are mostly considered under the Operations and Maintenance program. Some other activities carried out in the Department's planning program also do not significantly affect land use. These include information gathering, analysis, and reporting. It should be noted that the Department is asked to provide public comment for land use applications that are in close proximity to airport facilities throughout the State, not just State owned facilities. These comments, if provided, are only recommendations to the local land use reviewing agency and typically are resolved through the adoption of local ordinances, codes and policies.

### Operations and Maintenance Program's

A limited number of items in the Department's operations and maintenance programs can be considered land use programs. Most of the developments are considered outright permitted uses which may only require a building permit. An example of this is the development of hangars, a pilot lounge or a restaurant on airport property. However, most of the activities carried out under these programs do not affect land use and can be considered general maintenance such as replacing runway lights, repainting markings, windsock replacement and weed control.

### Modernization Program

The Department's modernization program is a program affecting land use because most of the activities carried out under the program significantly affect land use. However, building some Class 2 projects does not involve any activities that significantly affect land use.

### Funding Program

Some of the Department's funding programs may be considered a land use program because future projects are based on revenue collected by the agency and therefore decisions to carry out activities which affect land use. The program that funds Airport Improvement Projects (AIP) affects land use since that program could involve the expansion of an AOA or construct structures that can house uses activities which may require local land use approvals. It should be noted that these funds do not include operations and maintenance at airports. The Department's management of funds to carry out activities affecting land use is also dependent on decisions that are made in the project planning process; meaning funding decisions are not made independently of the planning process. The funds administered may facilitate activities which affect land use but are not determinative on whether those activities are carried out.

### Regulatory Program

Some of ODA's permit programs are listed in OAR 660, div.31. These include airport site approval which are classified as Class B permits and are subject to the LCDC Permit Compliance and Compatibility Rule. (OAR 660-031).

### Technical Assistance and Administrative Support Programs

ODA's technical assistance and administrative support programs may be considered land use programs because they could carry out activities that significantly affect land use or decisions about land use activities in and around airports (including airport overlay zones). The technical assistance and administrative support programs focus on airport and aviation safety. The assistance ODA provides to jurisdictions includes assistance to updates to their comprehensive plans and zoning codes, while ensuring that ORSs and OARs are followed and adopted. In addition to assistance, ODA also reviews land use applications near airports to ensure that land uses are compatible, as required by OAR 660-013. The Department also reviews structures near airports to ensure that air navigation are free and clear of obstructions as defined in Title 14 CFR Part 77 – Imaginary Surfaces. It should be noted that the Department is asked to provide public comment for land use applications that are in close proximity to airport facilities throughout the State, not just State owned facilities. These comments are only recommendations to the local land use reviewing agency and are enforced by their adopted ordinances, codes and policies.

**CHAPTER 4**  
**COORDINATION OF LAND USE PROGRAMS**

## IDENTIFICATION OF EXEMPT AND COMPATIBLE LAND USE PROGRAMS

None of ODA's land use programs are expressly exempted by statute, constitutional provision or appellate court decision from the requirements in ORS 197.180 to be compatible with acknowledged comprehensive plans.

## PROGRAM FOR ASSURING COMPLIANCE WITH THE STATEWIDE PLANNING GOALS AND COMPATIBILITY WITH ACKNOWLEDGED COMPREHENSIVE PLANS

ORS 197.180 and the LCDC State Agency Coordination Rule, OAR 660, div 30, require that the Department develop procedures and adopt an administrative rule for assuring that programs affecting land use are carried out in compliance with the statewide planning goals and in a manner compatible with acknowledged comprehensive plans.

In most instances, the Department shall achieve compliance with the statewide planning goals by assuring that its land use programs are compatible with applicable acknowledged comprehensive plans. However, the Department shall adopt findings demonstrating compliance with the statewide goals when required to do so by OAR 660-030-065(3). The procedures which follow identify the circumstances when the Department shall directly apply the statewide planning goals.

## PLANNING PROGRAM PROCEDURES

ODA's program for assuring compliance and compatibility recognizes the successive stages of airport master planning and establishes a process that coordinates compliance and compatibility determinations during the time an Airport Master Plan or Airport Layout Plan is being developed. At each Airport Master Plan or Airport Layout Plan stage, some compliance and compatibility issues come into focus with sufficient clarity to enable them to be addressed. These issues, if possible, need to be resolved at that time. Other issues may be apparent but not seen clearly enough to determine compliance and compatibility. These issues shall be resolved in subsequent planning stages and any plan decisions that depend on their resolution shall be contingent decisions. The result of this successive refinement process shall be the resolution of all compliance and compatibility issues by the end of the planning stage of the Airport Master Plan or Airport Layout Plan planning program.

The Department's coordination efforts at the Airport Master Plan or Airport Layout Plan stages will be directed at involving metropolitan planning organizations, local governments and others in the development of statewide transportation policies and plans. Since these plans have general statewide applicability and since ODA has the mandate under ORS 835.015 to incorporate as part of its program a definite plan for the development of airports, state airways, airplane industries and aviation generally. However, compatibility determinations shall be made for new facilities identified in modal systems plans that affect identifiable geographic areas. Compliance with any statewide planning goals that specifically apply will be established at these planning stages.

The focus of the Department's efforts to establish compatibility with acknowledged comprehensive plans will be at the facility planning and project planning stages of an Airport Master Plan or Airport Layout Plan. At these stages, the effects of the Department's plans are more regional and local in nature although some statewide effects are also present.

Following are the procedures that the Department shall or may use to coordinate its planning program. The required procedures have been incorporated into the Department's administrative rule for state agency coordination, OAR chapter 738 Division 130 (Appendix D).

#### COORDINATION PROCEDURES FOR ADOPTING THE STATE AVIATION PLAN, AIRPORT MASTER PLAN OR AIRPORT LAYOUT PLAN

1. Except in the case of aviation plan updates, which include Airport Layout Plan 'as-built' updates or updating existing data from previously approved chapters in the Oregon Aviation Plan, the Department shall involve DLCD and affected metropolitan planning organizations, cities, counties, state and federal agencies, special districts and other interested parties in the development or amendment of a facility plan. This involvement may take the form of mailings, meetings or other means that the Department determines are appropriate for the circumstances. The Department shall hold at least one public meeting on the plan prior to adoption.
2. The Department shall provide a draft of the proposed facility plan to planning representatives of all affected cities, counties and metropolitan planning organization and shall request that they identify any specific plan requirements which apply, any general plan requirements which apply and whether the draft facility plan is compatible with the acknowledged comprehensive plan. If no reply is received from an affected city, county or metropolitan planning organization within 45 days of the Department's request for a compatibility determination, the Department may deem that the draft plan is compatible with that jurisdiction's acknowledged comprehensive plan. The Department may extend the reply time if requested to do so by an affected city, county or metropolitan planning organization.
3. If any statewide goal or comprehensive plan conflicts are identified, the Department shall meet with the local government planning representatives to discuss ways to resolve the conflicts. These may include:
  - (a) Changing the draft facility plan to eliminate the conflicts;
  - (b) Working with the local governments to amend the local comprehensive plans to eliminate the conflicts; or
  - (c) Identifying the conflicts in the draft facility plan and including policies that commit the Department to resolving the conflicts prior to the conclusion of the transportation planning program for the affected portions of the transportation facility.
4. The Department shall evaluate and write draft findings of compatibility with acknowledged comprehensive plans of affected cities and counties, findings of compliance with any statewide planning goals which specifically apply as determined by OAR 660-030-0065(3)(d), and findings of compliance with all provisions of other statewide planning goals that can be clearly defined if the comprehensive plan of an affected city or county contains no conditions specifically applicable or any general provisions, purposes or objectives that would be substantially affected by the facility plan.
5. The Department shall present to the Aviation Board the draft plan, findings of compatibility with the acknowledged comprehensive plans of affecting cities and counties and findings of

compliance with applicable statewide planning goals.

6. The Aviation Board shall adopt findings of compatibility with the acknowledged comprehensive plans of affected cities and counties and findings of compliance with applicable statewide planning goals when it adopts the final facility plan
7. The Department shall provide copies of the adopted final facility plan and findings to DLCD, to affected metropolitan planning organizations, cities, counties, state and federal agencies, special districts and to others who request to receive a copy.

#### COORDINATION PROCEDURES FOR ADOPTING PLANS FOR CLASS 1 AND 3 PROJECTS

1. The Department shall involve affected cities, counties, metropolitan planning organizations, state and federal agencies, special districts and other interested parties in the development of project plans. The Department shall include planning officials of the affected cities, counties and metropolitan planning organization on the project technical advisory committee.
2. Goal compliance and plan compatibility shall be analyzed in conjunction with the development of the Draft Environmental Impact Statement or Environmental Assessment. The environmental analysis shall identify and address relevant land use requirements in sufficient detail to support subsequent land use decisions necessary to authorize the project.
3. Except as otherwise set forth in section (4) of this rule, the Department shall rely on affected cities and counties to initiate completion of all plan amendments and zone changes necessary to achieve compliance with the statewide planning goals and compatibility with local comprehensive plans after completion of the Draft Environmental Impact Statement or Environmental Assessment and before completion of the Final Environmental Impact Statement or Revised Environmental Assessment. These shall include the adoption of general and specific plan provisions necessary to address applicable statewide planning goals.
4. The Department may complete a Final Environmental Impact Statement or Revised Environmental Assessment before the affected cities and counties make necessary plan amendments and zone changes in the following case:
  - (a) The Final Environmental Impact Statement or Revised Environmental Assessment identifies that the project be constructed in phases; and
  - (b) The Department finds:
    - (A) There is an immediate need to construct one or more phases of the project. Immediate need may include, but is not limited to, the facility to be improved or replaced currently exceeds or is expected to exceed within five years the level of service identified in the Oregon Aviation Plan; and
    - (B) The project phase to be constructed meets a transportation need independent of the overall project, is consistent with the purpose and need of the overall project as identified in the FEIS, and will benefit the surrounding transportation system even if no further phases of the project are granted land use approval.
  - (c) The project does not require an exception to a statewide planning goal pursuant to ORS 197.732.
5. If a Final Environmental Impact Statement or Revised Environmental Assessment is completed



pursuant to section (4) of this rule, all necessary plan amendments and zone changes associated with the particular phase of the project to be constructed shall be made by the city or county prior to constructing that phase of the project. The Department may assist affected cities and counties with amendments to their comprehensive plans and land use regulations necessary to make them consistent with applicable modal system plans, facility plans and the agreed project scope and objectives.

6. If compatibility with a city or county comprehensive plan cannot be achieved, the Department may modify one or more project alternatives to achieve compatibility or discontinue the project.
7. The Board or its designee shall adopt findings of compatibility with the acknowledged comprehensive plans of affected cities and counties when it grants design approval for the project. Notice of the decision shall be mailed out to all interested parties.
8. The Department shall obtain all other land use approvals and planning permits prior to construction of the project.

#### COORDINATION PROCEDURES FOR CLASS 2 PROJECTS DETERMINED TO SIGNIFICANTLY AFFECT LAND USE

Coordination procedures are much simpler for Class 2 projects than for Class 1 or Class 3 projects because the land use impacts of projects in this class are minor. Projects are reviewed when the project prospectus is prepared to determine whether they would involve any activities that would significantly affect land use. The following coordination process shall be follow for those projects that would affect land use.

1. Planning officials of affected cities and counties shall be contacted at the start of project planning to identify any possible compliance or compatibility conflicts and ways to avoiding conflicts.
2. The Department shall attempt to avoid any identified compliance or compatibility conflicts as it develops its plans.
3. Planning officials of affected cities and counties shall be requested to review preliminary final plans to identify whether any local land use approvals are needed and whether any of the acknowledged comprehensive plan's general provisions would be substantially affected. If no local planning approvals are required and if the plan's general provisions would not be substantially affected the Department shall conclude that the project is compatible. If no comments are received from an affected local jurisdiction within 15 days of the Department's request for a compatibility determination, the Department may deem that the preliminary project plans are compatible with the acknowledged comprehensive plan for that jurisdiction. The Department may extend the reply time if requested to do so by an affected city or county.
4. If any local planning approvals are required the Department shall either modify its project plans so as to not require approvals, or shall apply for the necessary approvals.
5. If the affected city or county does not grant approval, the Department may:

- (a) Modify the project plans so as to not require approval;
- (b) Discontinue further work on the project; or
- (c) Appeal the city or county decision.

6. The Department shall obtain local planning approvals prior to construction of the project.

#### COORDINATION PROCEDURES FOR OPERATIONS, MAINTENANCE AND MODERNIZATION PROGRAMS

The identification of operations and modernization program projects significantly affecting land use occurs when a project prospectus is prepared. Compliance and compatibility for projects that affect land use are established during the project planning process. Additional coordination in accordance with the procedures listed below will only be necessary if significant changes to project plans are proposed.

For operations and maintenance activities that do not proceed through the project planning process, the Department will determine whether the activities are among those listed in previous chapters. The following coordination procedures shall be used when carrying out activities that would significantly affect land use.

1. The Department shall consult planning officials of the affected city or county to determine whether any local land use approvals are required to carry out the proposed activity.
2. If any local planning approvals are required, the Department shall either modify the proposed activity not to require approval, or shall apply for the necessary approvals.
3. If the approvals are not granted by the approval authority, the Department may:
  - (a) Modify the proposed activity so as to not require permits:
  - (b) Not do the proposed activity; or
  - (c) Appeal the local decision.

#### REFERRAL OF COMPATIBILITY DISPUTES TO THE LAND CONSERVATION AND DEVELOPMENT BOARD

If a compatibility conflict persists after pursuing the compatibility procedures listed above, the Department shall request that the Land Conservation and Development Board make a compatibility determination in accordance with OAR 660-030-070 (7) through (12).

## **CHAPTER 5**

### **PROGRAM OF COOPERATION AND TECHNICAL ASSISTANCE**

## **COORDINATION WITH PLAN IMPLEMENTATION AND PLAN AMENDMENT**

The Department is interested in amendments to the transportation elements of city and county comprehensive plans, as it relates to airports and airport activities. In addition, the Department is interested in a number of types of city and county plan implementation and plan amendment actions that can affect airports facilities. The Department's interests relate to its role as the builder and operator of state owned airport facilities and its role as the statewide aviation planning agency. In accordance with ORS 836.608 the Department must receive notification from and work with local governments in the following instances.

**Actions Affecting Future State Airports:** Land use actions adjacent to state airports that may affect future expansions of these facilities. The most significant areas of concern include lands near airport runways, taxiways and airport property used for both airside and landside activities.

**Actions Affecting State Airports:** Land use actions adjacent to or in the vicinity of state airports that will significantly change the quantity or rate of runoff discharge to state ditches and drainage structures, or that may block a drainage way that conveys runoff from state drainage systems.

**Actions Involving Noise Sensitive Land Uses In the Vicinity of Public Use Airports:** Land use actions on properties in noise corridors around public use airports. Areas of interest include (1) areas identified by Airport Master Plans and (2) areas within 1,500 feet of airport runways for airports for which there is no master plan.

**Actions that Involve Physical Hazards to Air Navigation and Airport Obstructions:** Land use actions that may result in the creation of physical hazards to air navigation in the state generally and those actions that may result in obstructions to airspace in the vicinity of public and private use airports. Areas of interest generally include (1) areas within 5,000 feet of the runway of a visual approach airport; (2) areas within 10,000 feet of an instrument approach airport, (3) areas designated by an Airport Master Plan or Airport Layout Plan, and (4) any construction of more than 200 feet in height above the ground level. The objective is to identify potential obstructions that may penetrate Title 14 CFR Part 77 – Imaginary Surfaces or impact any activity around airports including missed approaches or flow flying aircraft.

**Actions that involve Development in Runway Protection Zones and Approach Safety Zones of Public and Private Use Airports:** All proposed development in airport runway protection zones; including all actions that affect the densities of development in approach and transitional safety zones including building population densities, coverage densities and overall densities. Areas of interest are identified in Airport Master Plans, Airport Layout Plans, Title 14 CFR Part 77 – Imaginary Surfaces and both the FAA's and ODA's Land Use Compatibility documents.

## **COORDINATION WITH COMPREHENSIVE PLAN IMPLEMENTATION**

ODA shall use the following process to coordinate with local governments on the plan implementation actions:

1. ODA shall periodically provide all cities and counties with the names and addresses of people in the Department who should be notified regarding all land use actions and building permits of

interest to the Department. Interests of land use actions and building permits include not only state owned airports, but any public use airport within the state.

2. ODA shall respond to local notices within the time prescribed in the notice. The Department shall identify concerns and relate them to comprehensive plan and ordinance requirements. All Divisions of the Department shall coordinate to assure consistency in the Department's comments.
3. ODA shall advise local governments on what factual information is needed to address its concerns and may assist in providing needed information within the limits of its resources. ODA may also comment on the adequacy of factual information supplied by applicants.
4. ODA shall offer to meet with planning officials and applicants in instances where there are significant conflicts.
5. ODA may pursue the following actions where local actions conflict with ODA plans and programs:
  - a. Meet with planning officials and applicants and participate in the local decision-making process;
  - b. Request informal mediation by the Department of Land Conservation and Development; and
  - c. Appeal the decision.

#### COORDINATION WITH COMPREHENSIVE PLAN AMENDMENTS

ODA shall use the following process to coordinate with local governments on the plan amendment actions:

1. ODA shall periodically provide all cities and counties with the names and addresses of people in the Department who should be notified regarding plan amendments of interest to the Department.
2. If timely notice has been received, ODA shall respond to proposed plan amendments prior to the public first hearing. If not, ODA may ask for an extension of time to review the proposal. ODA shall identify its concerns and relate them to applicable ordinance requirements, plan policies and statewide goal requirements. All Divisions of the Department shall coordinate internally and have one point contact to assure consistency in the Department's comments. ODA will coordinate with DLCD on proposed local plan amendments to ensure that any aviation components is fully addressed and is in compliance with both OAR 660-013 and any applicable aviation ORS and OAR.
3. If the Department has concerns about a proposed plan amendment, it shall identify applicable aviation/transportation plans and advise local governments on what factual information is needed to address its concerns. The Department may assist in providing needed information within the limits of its resources. ODA may also comment on the adequacy of factual information supplied by applicants. All comments are subject to timelines and deadlines as identified adopted by the local jurisdictions and in state law.
4. ODA may pursue the following actions where local actions conflict with ODA plans and programs:

- a. Meet with planning officials and applicants and participate in the local planning process;
- b. Request informal mediation by the Department of Land Conservation and Development;  
and
- c. Appeal the decision.

#### INCORPORATION OF ODA PLANS AND PROGRAMS INTO COMPREHENSIVE PLANS AND PARTICIPATION IN PERIODIC REVIEW

ODA shall work to the extent possible to incorporate its plans and programs into comprehensive plans in the following ways:

1. ODA shall request that affected cities and counties incorporate relevant portions of the Airport Land Use Compatibility Guidebook and Airport Master Plan or Airport Layout Plan adopted by the Department into their comprehensive plans. ODA shall assist local governments with the amendments.
2. As an early step in the project planning process for Class 1 and Class 3 projects, ODA shall request that the affected local governments amend their comprehensive plans and land use regulations to make them consistent with applicable Airport Master Plan or Airport Layout Plan.
3. ODA shall work with cities and counties during periodic review to incorporate its plans into local comprehensive plans.

#### PERIODIC REVIEW AND COORDINATION WITH LOCAL PUBLIC FACILITY PLANNING

Most of the Department's coordination with local public facility planning will occur during periodic review. Therefore the procedures for carrying out such coordination have been combined with periodic review procedures. If a city or county adopts or amends a public facilities plan independent of periodic review, the Department shall follow the procedures for coordinating with plan amendments combined with relevant portions of the procedures listed below.

1. The Department shall notify the Department of Land Conservation and Development when it adopts or amends an Airport Master Plan or Airport Layout Plan, and shall request that DLCD identify these comprehensive plans in periodic review notices.
2. After the Department receives notice of a city or county periodic review, it shall notify the city or county of Department plans that have been adopted pursuant to ORS 835.015 since acknowledgement of the local comprehensive plan. The Department shall also identify substantial changes in circumstances related to statewide aviation that should be addressed during the local government's comprehensive plan review.
3. The Department shall provide the city or county with inventory information on state facilities that need to be included in the public facilities plan. This information may include modal systems plans, facility plans, capital improvements programs, project plans and relevant data.
4. The Department shall assist the city or county, to the extent that resources allow, in their preparation of the portion of the public facilities plan that affects statewide Airport Master Plans or Airport Layout Plans. The Department may also work with the city or county and the Oregon Business Development Department to identify potential sources of funding to carry

airside and landside projects identified in the Airport Master Plans or Airport Layout Plans.

5. The Department shall request to be furnished drafts of the public facilities plan and other portions of the comprehensive plan review to ensure compatibility with adopted plans pursuant to ORS 835.015.
6. The Department shall notify the city or county of any concerns about possible conflicts with its plans and programs prior to the first local public hearing of which it receives timely notice. The Department has the following interest in addition to those listed at the beginning of this chapter:
  - a. Airport Master Plans and Airport Layout Plans include relevant portions of adopted regional transportation plans, facilities plans, and project plans.
  - b. State facilities or improvements not be proposed to provide services that are contrary to their functions as set forth in the Airport Master Plans or Airport Layout Plans.
  - c. Proposed improvements to state facilities be consistent with Airport Master Plans or Airport Layout Plans.
  - d. Improvements identified in the Department's capital improvements programs that are compatible with the acknowledged comprehensive plan are identified in the Airport Master Plans or Airport Layout Plans.
  - e. Airport Master Plans or Airport Layout Plans identify facilities needed to serve commercially and industrially planned areas at state airports.
7. The Department shall offer to meet with local planning officials in order to resolve conflicts. The Department may also request assistance from the Department of Land Conservation and Development to mediate conflicts.
8. The Department shall notify the Department of Land Conservation and Development of conflicts that remain after a city or county has adopted its final review order.

#### LOCAL GOVERNMENT RELIANCE ON ODA AIRPORT MASTER PLANS AND AIRPORT LAYOUT PLANS

ODA encourages local governments to adopt relevant portions of the Department's Airport Planning Rule and Land Use Compatibility Guidebook in order to comply with applicable provisions of Goal 12 pursuant to OAR 660-013.

#### TECHNICAL ASSISTANCE

The Department has a long history of providing technical assistance to cities and counties. The Department's many programs are listed in earlier chapters. The Department will provide technical assistance to local governments on public facility funding, local public facility plans, permit issuance and economic development as required by ORS 197.712(2)(f) and 197.717(1) and (2). The Department recognizes that providing technical assistance will assist it in meeting its goals, and therefore will strive to meet the needs of cities and counties to the extent that its resources allow.

## **CHAPTER 6**

### **COORDINATION WITH AGENCIES AND SPECIAL DISTRICTS**



## COORDINATION WITH THE DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT

The Department's primary areas of coordination with the Department of Land Conservation and Development (DLCD) involve the Department's planning program, city and county plan amendments, and intermittent comprehensive plan review. The Department may also coordinate with DLCD to help resolve issues of compliance with the statewide planning goals and compatibility with acknowledged comprehensive plans for any of its land use programs. Coordination procedures are described in previous chapters.

## COORDINATION WITH STATE AND FEDERAL AGENCIES AND SPECIAL DISTRICTS

The Department coordinates with an extensive list of state and federal agencies as it develops Airport Master Plans, Airport Layout Plans or Airport Capital Improvement Project plans. The greatest degree of coordination occurs for Class 1 and Class 3 projects. The Department notifies potentially interested agencies through the state clearinghouse and through its own notification process. Agencies that may be notified include, but are not limited to:

### STATE AGENCIES:

Department of Land Conservation and Development  
Department of Environmental Quality  
Department of Energy  
Business Oregon

### FEDERAL AGENCIES:

Federal Aviation Administration  
US Department of Transportation  
US Customs Enforcement

## INTERAGENCY COORDINATION CONTACT FOR LAND USE

Chapter 7 identifies the persons in the Department who should be contacted under various circumstances.

## **CHAPTER 7**

### **ORGANIZATION OF ODA PLANNING COORDINATION PROGRAM**

## ORGANIZATION OF THE PROGRAM

### Overall Description

The Department has established a strong outreach component through its Project and Planning Division. This Division is responsible for managing the program throughout the state of Oregon and coordinates with local governments on land use matters affecting the airports throughout the State; this includes state owned and non-state owned facilities. This is the level where most of the program will be implemented. The Project and Planning Division of the Department of Aviation provides central coordination of the program as well as technical assistance and land use coordination for aviation in the State.

Following are descriptions of organizational responsibilities.

### Project and Planning Division

The State Aviation Board and the Director of the Department of Aviation has overall responsibility for ODA's coordination program. The Planning and Project Division reporting to the Director will be responsible for carrying out coordination, technical assistance and land use coordination for the program. The Project and Planning Division works closely with the State Airports Manager, Department Director and other airport sponsors throughout the State to assure that the objectives of this Division is carried out. Responsibilities of the Division include but not limited to:

1. Coordinating and recommending the development of land use policy for the Department to the Director and the State Aviation Board to maintain consistency throughout the State and for all airports.
2. Maintaining and amending the Department's state agency coordination program and interpreting Department compliance and compatibility procedures; assuring that all Divisions of the Department and local jurisdictions carry out their land use programs in accordance with the Department's state agency coordination program, Oregon Revised Statute (ORS) and Oregon Administrative Rules (OAR).
3. Developing findings when the Department must act incompatibly in order to fulfill a statutory obligation.
4. Coordinating land use policy for the Department with the Department of Land Conservation and Development.
5. Coordinating comprehensive plan review responses with the Department of Land Conservation and Development.
6. Requesting informal mediation and formal compatibility determination by the Land Conservation and Development Commission.
7. Providing the technical resources needed in responding to planning issues.
8. Developing guidelines, model comprehensive plan policies and land use ordinances.
9. Coordinating with State, Federal and local agencies while following the policy adopted by the Oregon Board of Aviation for the naming, changing, modifying or the adjustment of airport facilities.