Senate Bill 537

Sponsored by Senator JOHNSON (at the request of Washington County) (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced.**

Permits local government to limit growth at airports when growth is related to helicopters.

A BILL FOR AN ACT

Relating to airports; amending ORS 836.608.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 836.608 is amended to read:

836.608. (1) The continued operation and vitality of airports registered, licensed or otherwise recognized by the Department of Transportation on December 31, 1994, is a matter of state concern.

(2) A local government shall recognize in its planning documents the location of private-use airports and privately owned public-use airports not listed under ORS 836.610 (3) if the airport was the base for three or more aircraft, as shown in the records of the Department of Transportation, on December 31, 1994. Local planning documents shall establish a boundary showing areas in airport ownership, or subject to long-term lease, that are developed or committed to airport uses described in ORS 836.616 (2). Areas committed to airport uses shall include those areas identified by the airport owner that the local government determines can be reasonably expected to be devoted to airport uses allowed under ORS 836.616 (2).

(3)(a) A local government [*shall*] **may** not impose limitations on the continued operation of uses described in ORS 836.616 (2) that existed at any time during 1996 at an airport described in subsection (2) of this section.

(b) A local government shall allow for the growth of uses described in ORS 836.616 (2) that existed at any time during 1996 at an airport described in subsection (2) of this section.

(c) A local government [*shall*] **may** not impose additional limitations on a use approved by the local government prior to January 1, 1997, for an airport described in subsection (2) of this section.

(d) Notwithstanding subsection (4) of this section, the construction of additional hangars or tie-downs by the owner of an airport described in subsection (2) of this section, basing additional [*aircraft*] **airplanes** and increases in flight activity shall be permitted at an airport described in subsection (2) of this section.

[*(b)*] **(e)** A local government may authorize **an airport described in subsection (2) of this section to base additional helicopters or** [*the establishment of*] **to establish** a new use described in ORS 836.616 (2) [*at an airport described in subsection (2) of this section*] following a public hearing [*on the use*]. The hearing shall be for the purpose of establishing compliance with adopted clear and objective standards relating to the compatibility and adequacy of public facilities and services as provided under subsection (5) of this section. Standards and requirements as adopted by the local government shall further the policy of ORS 836.600 to the maximum extent practicable.

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

(4) Growth of an existing use on an airport as described in subsection (3)(a) **to (d)** of this section that requires a building permit shall be allowed as an administrative decision without public hearing unless the growth:

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

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

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

(5) A local government shall authorize **an airport to base additional helicopters or to establish** a new use described in subsection [*(3)(b)*] **(3)(e)** of this section provided the use:

(a) Is or will be supported by adequate types and levels of public facilities and services and transportation systems authorized by applicable statewide land use planning goals;

(b) Does not seriously interfere with existing land uses in areas surrounding the airport; and

(c) The local government reviews the use under the standards described in ORS 215.296 if the airport is adjacent to land zoned for exclusive farm use.

(6) An applicant [*for*] **to base additional helicopters or to establish** a new use under subsection (5) of this section may demonstrate that the standards for approval will be satisfied through the imposition of conditions. Any conditions imposed shall be clear and objective.

(7) A local government may adopt standards and requirements for the establishment of new airports, the expansion of existing airports and the regulation of uses and activities at airports serving as the base for two or fewer aircraft on December 31, 1994, as shown in the records of the Department of Transportation. The standards and requirements shall comply with applicable statewide land use planning laws.

(8) The Land Conservation and Development Commission shall adopt rules regulating the height of structures to protect approach corridors at airports described in subsection (2) of this section and at publicly owned airports that are the base for two or fewer aircraft.