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## Chapter 9 – Airport Land Use Compatibility

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### Introduction

This chapter describes land use associated with Lexington Airport and its surroundings, land use controls, Oregon State guidance for land use compatibility planning, protection of airports, and jurisdictional responsibilities.

### Government Roles in Airport Land Use

#### FEDERAL

The Federal Aviation Administration (FAA) does not have authority to regulate off airport land use, including the construction of built items. Land use regulation is a local responsibility and FAA has a technical advisory role based on its interest in protecting the airspace associated with an airport as part of the national airspace system. The FAA has a role in regulating on-airport land use through approval of the Airport Layout Plan (ALP) and airport sponsor compliance with FAA Airport Improvement Program (AIP) grant assurances, which include measures to maintain airport land use compatibility and to protect the aeronautical function of an airport by restricting the location of non-aviation land uses.

Under **14 Code of Federal Regulations (CFR), Part 77**, the FAA has the authority to review proposed construction through its 7460-1 (Notice of Proposed Construction or Alteration) process. The FAA review addresses compatibility for both on and off airport based on the potential for creating a “hazard to



air navigation” associated with obstructions/penetrations in defined airspace. FAA airspace reviews include **FAR Part 77** surfaces; Terminal Instrument Procedures (TERPS) surfaces, visual runway traffic patterns, and visual navigation aid (e.g., VASI, PAPI, etc.) protected airspace. When a proposed structure penetrates navigable airspace, the FAA will issue a letter objecting to the proposed action (determination of presumed hazard to air navigation) for the consideration of local authorities. When proposed actions do not present a hazard to air navigation, a “no objection” finding is issued. It is important to note that this analysis is based on an obstruction evaluation and is not intended to address land use compatibility in terms of noise exposure or proximity to an airport or runway.

In cases where the airport sponsor is also the local land use authority such as Morrow County (Lexington Airport), local land use actions are reviewed for compliance with the FAA grant assurances intended to protect airports from incompatible land uses.

The FAA recommends that local jurisdictions include the following language in their development codes: “Nothing in this chapter shall diminish the responsibility of project proponents to submit a Notice of Construction or Alteration to the Federal Aviation Administration if required in accordance with Federal Aviation Regulations Part 77, Objects Affecting Navigable Airspace.”

**FAR Part 150** (Airport Noise Compatibility Planning) provides guidance for land use compatibility around airports. The 1990 Airport Noise and Capacity Act (ANCA) defines federal policy on the regulation of airport noise (operating curfews, aircraft restrictions, etc.), with the intent of standardizing noise controls throughout the national system.

## STATE

The State of Oregon has created a set of **Oregon Administrative Rules (OAR)**, contained in **Chapter 660 Department of Land Conservation and Development Division 12, Transportation Planning** and **Division 13, Airport Planning** to address airport protection and function. Local government shall follow State rules as described in **OAR 660** for planning and managing public-use airports. **Division 12** states that local governments shall participate and develop a Transportation System Plan with “measures to protect public use airports by controlling land uses within airport noise corridors and imaginary surfaces, and by limiting physical hazards to air navigation.” **Division 13** states “the policy of the State of Oregon is to encourage and support the continued operation and vitality of Oregon’s airports.” It includes “rules that are intended to promote a convenient and economic system of airports in the State and for land use planning to reduce risks to aircraft operations and nearby land uses.” A summary of these requirements is provided below:



- **660-013-0030 Preparation and Coordination of Aviation Plans** states “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.”
- **660-013-0040 Aviation Facility Planning Requirements** provides a list of planning requirements including a map showing location of airport boundary, a map or description of existing and planned facilities, a projection of future aeronautical needs, etc.
- **660-013-0070 Local Government Safety Zones for Imaginary Surfaces** specifies that “local governments shall adopt an Airport Safety Overlay Zone to promote aviation safety by prohibiting structures, trees and other objects of natural growth from penetrating airport imaginary surfaces.”
- **660-13-0080 Local Government Land Use Compatibility Requirements for Public Use Airports** provides a list of requirements including prohibiting new residential development and public assemble uses within the Runway Protection Zone (RPZ) and limits establishment of uses within the noise impact boundary.
- **660-013-0100 Airport Uses at Non-Towered Airports** requires local government to adopt land use regulations that authorize a range of defined airport uses within the airport boundary of non-towered airports.
- **660-013-0140 Safe Harbors** defines “safe harbor” requirements that maybe used by local government to rely of existing comprehensive plans land use regulations, Airport Master Plans and Airport Layout Plans.
- **660-013-155 Planning Requirements for Small Airports** specifies that airports are to be subject to the planning and zoning requirements within ORS 836.

**Division 13** implements **Oregon Revised Statutes (ORS) 836.600** through **836.630**, which promotes land use planning to reduce unnecessary risk to aircraft operations. Several key statutes that are important in land use planning are summarized below:

- **836.608 Airport operation as matter of state concern (local planning documents to recognize airport location, limitations on use and expansion of facility)** requires local governments to recognize airport locations within planning documents. It also establishes limitations on use and a process in which airports can add new land uses on their property.



- **836.610 Local government land use plans and regulations to accommodate airport zone and uses (funding; rules)** requires local governments to amend their land use regulations and comprehensive plans in accordance to 836.616 and 836.619.
- **836.616 Rules for airport uses and activities** identifies types of permitted land uses and activities on airport property and requires local government to meet standards for safe land uses near airports.
- **836.623 Local compatibility and safety requirements more stringent than state requirements (criteria, water impoundments, report to federal agency and application to certain activities)** allows local governments to adopt land use compatibility and safety requirements that are more stringent than the minimum required by Land Conservation and Development Commission rules. It provides rules which limit the size of water impoundments near airports in an effort to reduce wildlife attractants.

## LOCAL

### Comprehensive Plan

The Comprehensive Plan designation of the land underlying the Lexington Airport is Agricultural, as opposed to the Boardman Airport which is Airport-Industrial. The Comprehensive Plan, adopted in 1980 and acknowledged in 1986, does address the Lexington Airport within the Transportation Element stating the following:

*“The Morrow County Airport, near Lexington, provides airport facilities including an office building, T-type hangers [sic], tie-downs for airplanes, runway lights, wind indicator, beacon and two runways. Under present conditions, the airport can handle twin engine planes. Work is under way to compete surfacing of a 4,155 foot runway, the airport will be able to handle small jets. Partial State financing for this project may be obtained in the near future through use of the State Airplane Gas Tax. General financing of this County airport is obtained largely from operating surplus and some State aid.”*

The Morrow County Comprehensive Plan Transportation Element also contains Findings and Policies specific to the Morrow County Airport at Lexington:

*Findings – General: 11. The Lexington Airport is an important asset for commercial and agricultural growth in the South End.*



Transportation Policies:

*26. The County should recognize that increasing reliance on aviation by agricultural concerns justifies continued maintenance and improvements to the Lexington Airport, which is well situated to serve central and southern Morrow County.*

*27. It shall be the policy of Morrow County to protect the Morrow County Airport at Lexington, Army Depot Airport, and the Boardman airport from incompatible uses through the application of the criteria established by the State Aeronautics publication "Airport Compatibility Guidelines 1981."*

Although somewhat outdated these findings and policies are as relevant today as they were in 1986. In addition to healthy agriculturally related crop spraying businesses located there, it is centrally located for medical evacuation of the central and southern county areas, and supports charter flights along with general aviation uses.

The Lexington Airport, based on the 2002 adoption of the Lexington Airport Layout Plan, has applied as an overlay zone the Air Industrial use zone. This was done to allow the uses recommended in that previous Airport Layout Plan. All of the surrounding lands under Morrow County land use controls have a Comprehensive Plan agricultural designations and complementary implementing Exclusive Farm Use (EFU) zoning

Transportation System Plan

The Morrow County 2012 Transportation System Plan (TSP)<sup>1</sup> includes several goals related to air transportation that are applicable to Lexington Airport including airport facilities, airport service plan, land use and general recommendations. The TSP Goal 7 provides policies that are designed to protect and promote air transportation in Morrow County:

***Goal 7: Air Transportation***

*Goal 7: Support the local and regional air transportation needs of Morrow County.*

*Policy 7.1 Provide and maintain airport facilities to serve general aviation needs.*

*Policy 7.2 Expand airport facilities as necessary to support future service needs.*

*Policy 7.3 Coordinate with Aeronautics Section of ODOT when preparing airport planning documents and reviewing proposed land use development in the vicinity of the airport.*

*Policy 7.4 Encourage the establishment of passenger and freight air service in the future.*

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<sup>1</sup> Original Morrow County 1997 TSP prepared by KCM, Inc. and updated by CTS Engineers and Mitchell Nelson Group (July 23, 2005).



*Policy 7.5 Maintain minimum operating standards for the County’s airports as required by the Federal Aviation Authority.*

*Policy 7.6 Establish appropriate land uses adjacent near airports that are compatible with airport noise levels and provide support to airport operations.*

### Airport Zoning

Lexington Airport is zoned as **Exclusive Farm Use (EFU)** by Morrow County (**Zoning Ordinance Article 3 Section 3.010**). In 2002, Morrow County adopted the **Air/Industrial Park Zone (AI)** (**Section 3.071**) as an overlay to the existing surface zoning at Lexington Airport to address aviation-related uses at the airport that are not defined in the EFU zone. The AI zone “is intended to recognize those areas devoted to or most suitable for the immediate operational facilities necessary for commercial and non-commercial aviation.” Morrow County’s adoption of the AI overlay zone mitigates the underlying limitations associated with EFU zoning and public use airport land uses and development, although the need for a separate “use” overlay zone could be eliminated if the primary zoning reflected traditional airport land uses.

The State of Oregon has developed a policy for agricultural land uses described in (ORS 215.243 and 215.203): “The purpose of Exclusive Farm Use land is to preserve and maintain agricultural lands for farm use consistent with historical, existing, and future needs, including economic needs that pertain to the production of agricultural products, and to permit the establishment of only those uses that are compatible with agricultural activities.” While there is nothing inherently incompatible with Lexington Airport and the surrounding agricultural land uses, it appears that an airport specific zone may provide more consistent guidance for evaluating future land use actions. It is recommended that Morrow County consider re-zoning Lexington Airport from EFU to an airport-specific zone that clearly defines a range of permitted and conditional uses normally associated with general aviation airports.

### Airport Vicinity Zoning

The area surrounding the airport to the north, east, and west are zoned EFU (Morrow County). Lexington Airport abuts the Urban Growth Boundary (UGB) and the north side of the Town of Lexington. The Town of Lexington has established land use designations and zoning for the area defined by the current city limits and has coordinated with Morrow County regarding land use for the area with the Lexington Urban Growth Boundary (UGB). The Town of Lexington zoning includes: General Residential (GR) and Farm Residential (FR); Commercial (C) and Light Industrial (LI); and Public (P) use. Residential use allows single family dwellings, residential homes, and crop cultivation for the use of the tenant and not for on-site sales. Commercial use includes general businesses including but not limited to sales, service, and lodging; as long as the meet the dimensional standards and limitations. The Light Industrial zone, permits



a variety of businesses including manufacturing, processing, and warehousing within specified the dimensional standards and limitations.

**Figure 9-1** depicts current land use and zoning for the airport vicinity. A copy of the Morrow County zoning ordinance is included in **Appendix C**.

### Airport Overlay Zones

Morrow County has established airport specific overlay zones for public-use airports.

As noted earlier, Morrow County adopted the **Air/Industrial Park Zone (AI) (Section 3.071)** as an overlay to the existing (EFU) surface zoning at Lexington Airport to address aviation-related uses at the airport. The ordinance states “*Location of all development at Lexington Airport will be directed by the Lexington Airport Layout Plan.*” The AI zone defines the “Uses Permitted Outright” and “Conditional Uses” at the airport.

**Section 3.090 Airport Approach Zone (A-A)** defined for Lexington Airport is based on the “Approach Surface” depicted on the 2001 Lexington ALP. The A-A overlay provides the “Uses Permitted Outright” and “Conditional Uses” in the vicinity of the airport and provides building height limitations to protect **Part 77** surfaces as well as land use limitations within the approach surfaces.

**Section 3.091 Airport Hazard Zone (A-H)** defined for Lexington Airport applies to the “Approach Surface, Horizontal Surface and Conical Surface” depicted on the 2001 ALP. The A-H zone established “height limitations on structures and objects of natural growth, and otherwise regulating the use of property, in the vicinity of public-use airports by creating the appropriate zones and establishing the boundaries thereof.” The A-H Zone includes a generic list of “Airport Zones” with “Sub-Zones” and the associated height limitations of the defined surfaces.

The existing airport overlay zones (ordinance and mapping) will require review and updating to reflect the Airport Master Plan and 2015 Airport Layout Plan drawings when adopted. It is recommended that Morrow County coordinate with the Town of Lexington to incorporate all applicable overlay zones to ensure that consistent protections are provided within both jurisdictions.



## Summary and Recommendations

Morrow County has taken steps to be proactive in ensuring the longevity and continued growth of Lexington Airport. At this time, there are no known incompatible land uses or activities in the immediate vicinity of the airport. Maintaining effective land use controls in the vicinity of the airport will be crucial in protecting the airport and ensuring the long term aeronautical viability of the site. As noted earlier, the current zoning for the airport (EFU) does not directly reflect the specific activities, operations, and facilities associated with public-use airports.

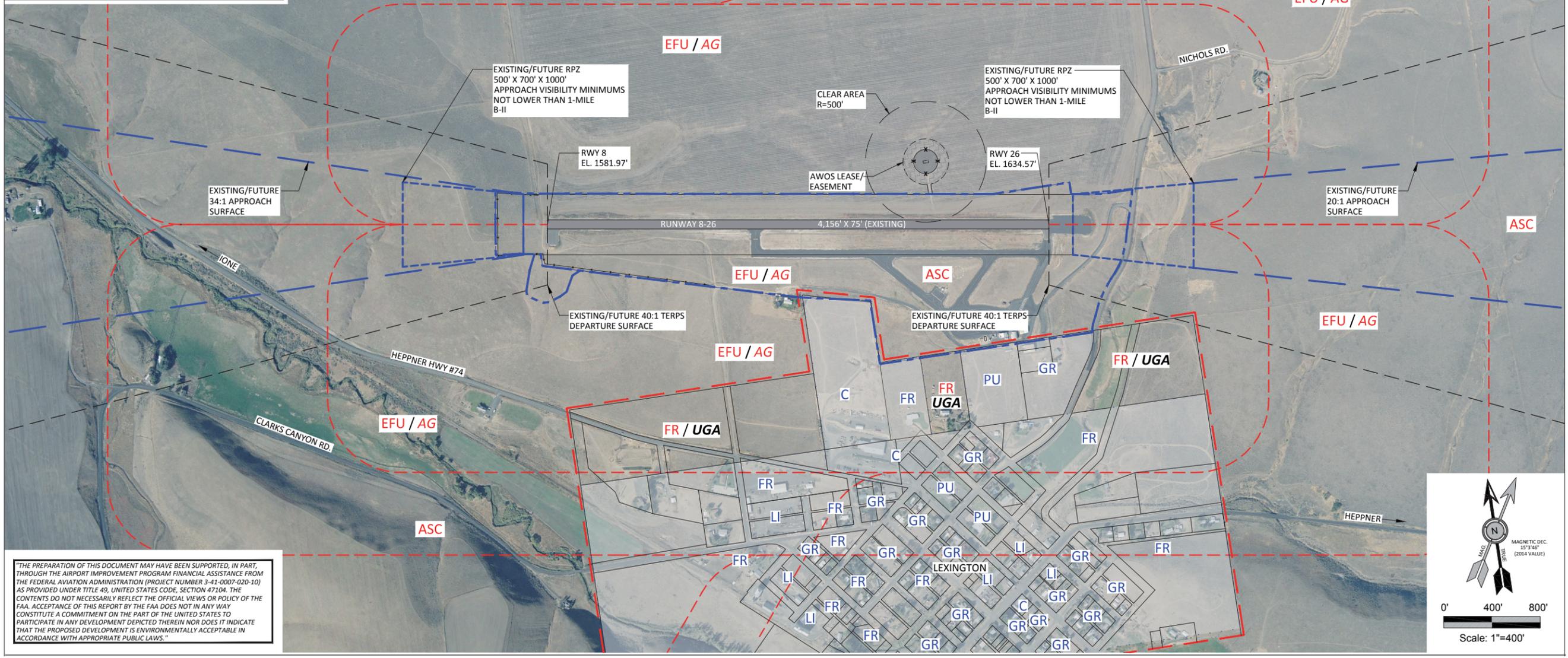
The following recommendations and actions are presented for Morrow County's consideration:

- Consider re-zoning Lexington Airport to an airport-specific zone that defines a range of airport uses and eliminates the need for an overlay zone for define appropriate land uses.
- Update the existing Airport Approach (A-A) and Airport Hazard (A-H) overlay zones for consistency with the 2015 Airport Layout Plan and future plan updates.
- Consider joint adoption of common airport overlay zoning language with the Town of Lexington.
- Conduct periodic review of the comprehensive plan land use goals and policies for compliance with Oregon land use regulations and consistency with current Airport Master Plan and Airport Layout Plan.
  - The review shall ensure that the plan provides policies, zoning provisions, implementing measures that address airports, and airport expansion. The plan should be reviewed for compliance with the current regulations regarding airport land use planning and address issues identified in the plan with the implementing ordinances to ensure that adopted airport compatibility requirements for public use airports are consistent with ORS 836.610 (1).

MORROW COUNTY ZONING	
<b>COMPREHENSIVE PLAN LAND USE DESIGNATION</b>	
<b>AG</b> AGRICULTURAL	<b>EFU</b> EXCLUSIVE FARM USE
	<b>FR</b> FARM RESIDENTIAL
	<b>ASC</b> AIRPORT SAFETY AND COMPATIBILITY OVERLAY ZONE
<b>TOWN OF LEXINGTON</b>	
<b>COMPREHENSIVE PLAN LAND USE DESIGNATION</b>	
<b>UGA</b> URBAN GROWTH AREA	<b>FR</b> RESIDENTIAL FARMLAND
	<b>PU</b> PUBLIC USE
	<b>GR</b> GENERAL RESIDENTIAL
	<b>C</b> COMMERCIAL
	<b>LI</b> LIGHT INDUSTRIAL

LEGEND	
	ZONING BOUNDARY
	AIRPORT TRAFFIC PATTERN (TYP.)
	RUNWAY PROTECTION ZONE
	APPROACH SURFACE
	AIRPORT PROPERTY LINE (EXISTING)
	AIRPORT PROPERTY LINE (FUTURE)
	40:1 TERPS SURFACE
	LEXINGTON CITY LIMITS BOUNDARY
	URBAN GROWTH BOUNDARY

**NOTE:**  
 1. MORROW COUNTY PROTECTS AIRPORT AIRSPACE THROUGH ITS AIRPORT SAFETY AND COMPATIBILITY OVERLAY ZONE (SECTION 3.090).



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