

**Agenda**  
**Aurora Planning Commission Meeting**  
 Tuesday, February 6, 2024 at 7 P.M.  
 City Council Chambers, Aurora City Hall  
 21420 Main Street NE, Aurora, OR 97002

To participate via Zoom:

<https://us02web.zoom.us/j/86766600435?pwd=enVRTXpueUw4bm1ITXVnVk03ZzJtUT09>

Meeting ID: 867 6660 0435

Passcode: 619939

**1. CALL TO ORDER OF THE AURORA PLANNING COMMISSION MEETING**

**2. ROLL CALL**

Chairman Joseph Schaefer

Commissioner Craig McNamara

Commissioner Bud Fawcett

Commissioner Jim Stewart

Commissioner Jonathan Gibson

Commissioner Tyler Meskers

Commissioner Bill Graupp

**3. CONSENT AGENDA**

a) Planning Commission Minutes – January 2, 2024

**4. VISITORS**

Anyone wishing to address the Aurora Planning Commission concerning items not already on the meeting agenda may do so in this section. No decision or action will be made, but the Aurora Planning Commission could look into the matter and provide some response in the future.

**5. CORRESPONDENCE-NA**

**6. NEW BUSINESS-NA**

**7. HEARING**

LA 2023-01 – Legislative text amendments to Title 8, 10, and 16

**8. OLD BUSINESS**

a) Airport Land Use Update

b) Economic Opportunities Analysis

-Target Industries Approach Rulemaking – Background & Draft Charge

**9. ADJOURN**

# Consent Agenda

**Minutes**  
**Aurora Planning Commission Meeting**  
 Tuesday, January 2, 2024 at 7 P.M.  
 City Council Chambers, Aurora City Hall  
 21420 Main Street NE, Aurora, OR 97002

**STAFF PRESENT:** Stuart A. Rodgers, City Recorder

**STAFF ABSENT:** NA

**VISITORS PRESENT:** NA

**1. CALL TO ORDER OF THE AURORA PLANNING COMMISSION MEETING**

Chair Joseph Schaefer called the meeting to order at 7pm.

**2. ROLL CALL**

Chairman Joseph Schaefer-Present

Vice Chair Craig McNamara-Present

Commissioner Bud Fawcett-Present

Commissioner Jim Stewart-Present

Commissioner Jonathan Gibson-Present

Commissioner Tyler Meskers-Present

Commissioner Bill Graupp-Present

**3. CONSENT AGENDA**

a) Planning Commission Minutes – December 5, 2023

Commissioner Jim Stewart moved to accept the Consent Agenda, Commissioner Craig McNamara seconded, and the motion carried.

**4. VISITORS-NA**

**5. OLD BUSINESS**

a) Airport Land Use Update

Chair Joseph Schaefer referenced a meeting he and Mayor Asher and Councilor Rhoden-Feely had with the new ODAV team, to see how to improve communications with the city. The new Planning Director Alex Thomas, whose current position was formerly occupied by Heather Park, will be on the Technical Advisory Committee, with a first meeting on Thursday, January 11, 3pm via Zoom. Other economic development people from other cities and jurisdictions will join that meeting. There is nothing happening on the 2012 on the master plan case, except to note that one of the judges who is on the panel and whose husband changed jobs is now working as a lawyer for the state. A letter was sent out to all those bringing cases before her of this fact as a possible conflict of interest. It was noted that this judge wrote an opinion previously in the city's favor. On the TLM case regarding the church camp, there are two big developments: 1) this Friday at 1pm, there is a hearing in Marion County Circuit Court with a motion to dismiss the case and 2) TLM has submitted a new application to Marion County, this time all for helicopters and some helicopter-type drones. The development is down to 277 parking

spaces, less office space. Only a small portion of the documents or 10 percent of the application is accessible through Marion County given they have not been uploaded yet. This represents a rebranding of the case with an interest in getting around the reasoning that LUBA and the Court of Appeals used in the last case. Once the full application is available, it will be included in the Planning Commission packet. On a new Master Plan, there will be a public advisory meeting, Tuesday, January 30, 5-7pm, via Zoom. Working paper #1, or the first three chapters of the master plan, will be reviewed at that meeting.

b) Economic Opportunities Analysis

Chair Schaefer acknowledged a first draft of the buildable lands inventory in the packet, covering commercial and industrial land within the city and urban growth boundary (UGB) with vacant and presumably developable properties and others which are not vacant but potentially redevelopable. Some constraints are wetlands and slopes and flood zones. Schaefer invited commissioners to look at the maps carefully and provide input toward updating the maps with constraints of any kind that would limit development. Commissioner Stewart noted that the open field next to his property, zoned Commercial, is not included on the map. Schaefer will make sure this is included in the next update.

c) Code Amendments for Review

-Storm Drainage (updated)

Commissioner Stewart and Chair Schaefer worked on a storm drainage code draft, clarifying that existing code applies if you have an acre or more. A new, more prescriptive path is for code applied in cases where there is less than an acre.

-Barbed Wire Fencing (new)

Schaefer noticed that the new storage development has barbed wire at the top of its fence. The update would be to allow barbed wire only on industrial properties.

-Airport Overlay Zone (new)

Schaefer's interpretation is that no building can be built in the city and can be higher than 130 feet above the highest point of the runway. In a conversation with ODAV a couple of weeks ago, they thought it might be 150 feet above the highest point of the runway, but generally they are agreeable to the concept. The new planning manager will work with the city on language. Schaefer is a big fan of going with sea level as a basis for measurement.

## 6. ADJOURN

Chair Schaefer adjourned the meeting at 7:26pm.

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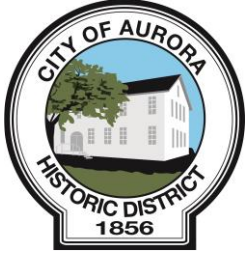
Joseph Schaefer, Chair

ATTEST:

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Stuart A. Rodgers, City Recorder

# Public Hearing



# City of Aurora

## "National Historic Site"

### STAFF REPORT

#### LA 2023-01 PUBLIC HEARING BEFORE PLANNING COMMISSION

**HEARING DATE:** February 6, 2024

**SUBJECT:** Legislative text amendments to Title 8, 10, and 16.

**APPROVAL CRITERIA:** Aurora Municipal Code (AMC), Section 16.74.060

**EXHIBITS:** A. Proposed Code Amendments  
B. Public Notice

#### REQUESTED ACTION

Conduct a public hearing in response to proposed legislative amendments to Titles 8, 10, and 16 of the Aurora Municipal Code (AMC), case file LA 2023-01. Options for action on LA 2023-01 include the following:

- A. Adopt the findings in the staff report and recommend that the City Council adopt LA 2023-01:
  1. As presented / recommended by staff; or
  2. As amended by the Planning Commission (indicating desired revisions).
- B. Take no action on LA 2023-01.
- C. Continue the public hearing, preferably to a date/time certain.

#### BACKGROUND AND PROCESS

The Aurora Planning Commission recognized the need for various housekeeping amendments clarifying language in Titles 8, 10, and 16 of the AMC and proceeded to craft the desired language during regular meetings over the course of the year 2023. The Planning Commission then provided the desired text amendments in Exhibit A to planning staff for inclusion in this Staff Report. The proposed code revisions in Exhibit A are shown in *italic bold* and ~~strikethrough~~ format for review purposes. The proposed revisions are summarized as follows:

- Adds clarifying language to City noise control regulations in Title 8.
- Inserts language in Title 8 excepting industrial properties from restrictions on the use of barbed wire fencing to be consistent with the existing fencing requirements in Title 16.
- Adds clarifying language to the parking provisions in Title 10.
- Adds additional language augmenting and clarifying the existing definition of a recreational vehicle in Title 16.

- Amends the standard limitation on the hours of operation for Medical Marijuana Dispensaries (MMD) and commercial marijuana retail stores to 9 am to 10 pm when approved as a conditional use.
- Clarifies the definition of an adjacent sidewalk in AMC 16.34.060.D.
- Exempts properties less than one-acre from existing stormwater analysis submittal requirements in 16.34.090.A.4 and adds various provisions from the 2017 Oregon Residential Structural Code (ORSC), Oregon Structural Specialty Code (OSSC), and Oregon Plumbing Specialty Code (OPSC) to Chapter 16.34.
- Rewords the provisions for occupying recreational vehicles on private property in AMC 16.36.050.
- Adds language to AMC 8.08.080 to allow barbed wire fencing in the Industrial Zone and modifies AMC 16.38.060 to prohibit barbed wire fencing on top of allowed fencing materials as allowed for in the Industrial Zone in Title 8 – Health and Safety.
- Adds residential care homes to the list of uses exempt from Site Development Review consistent with ORS 197.670(2).
- Incorporates existing rules under which City Council can withdraw decisions under review by the Land Use Board Of Appeals (LUBA) into applicable procedures for local decision in the AMC.

At least two public hearings are required for LA 2023-01. On December 22, 2023, staff issued the required 35-day notice to the Department of Land Conservation and Development. Public notice identifies the first hearing to be held before the Planning Commission on February 6, 2024, and a second hearing to be held before the City Council on March 12, 2024.

### **APPLICABLE APPROVAL CRITERIA**

Approval criteria for legislative changes to the provisions of the comprehensive plan, implementing ordinances and maps are found in AMC 16.74.060. Amendments to Title 8 – Health And Safety, and Title 10 – Vehicles and Traffic are being processed concurrently. These criteria are cited below. The nature and scope of the amendments are to clarify existing policy and ensure consistency between interrelated provisions of the AMC. The policy implications of the amendments are negligible.

#### *16.74.060 - Standards for the decision*

- A. *The recommendation by the Planning Commission and the decision by the Council shall be based on consideration of the following factors:*
  1. *Any applicable statewide planning goals and guidelines adopted under Oregon Revised Statutes Chapter 197;*

**Findings:** The proposed amendments are generally limited to policy neutral housekeeping amendments that do not have implications for the statewide planning goals. The amendment to AMC 16.58.020 implements ORS 197.670 by exempting residential homes from Site Development Review. Amendments to AMC 16.74.070, 16.76.220, 16.78.100 incorporate references to state rules under which City Council can withdraw decisions that are appealed to the Land Use Board of Appeals (LUBA). Nonetheless, findings in the interest of completeness to all 19 statewide planning goals are provided as follows.

**Goal 1, Citizen Involvement:** A public hearing on the proposed amendments is scheduled before the Planning Commission on February 6, 2024, and a second hearing is scheduled before the City Council on March 12, 2024. Public notice of these hearings was published in the online edition of the Canby Herald at least 7 days prior to the first schedule hearing before the Planning Commission. Further, the Planning

Commission agreed to the proposed text changes at their regularly scheduled public meetings throughout 2023, which were all open to the public. Staff finds Goal 1 is met.

Goal 2, Land Use Planning: Goal 2 requires each local government in Oregon to have and follow a comprehensive land use plan and implementing regulations. These are in place. Staff observe the scope of this legislative proposal is limited to policy neutral text amendment of existing regulations. Existing Comprehensive Plan land use map designations and zoning designations remain unchanged. The proposal does not involve exceptions to the Statewide Goals. Staff therefore finds Goal 2 is met.

Goal 3, Agricultural Lands and Goal 4, Forest lands. Goal 3 and 4 primarily pertain to rural areas, typically outside urban areas. Staff observe the limited scope of this legislative proposal and finds Goals 3 and 4 to be not applicable.

Goal 5, Natural Resources, Scenic and Historic Areas and Open Spaces. In part, Goal 5 states “*Local governments shall adopt programs that will protect natural resources and conserve scenic, historic, and open space resources for present and future generations. ...*” Staff observe how the proposed amendments do not impact natural resources or open spaces. Staff incorporate the scope of work description above in response to Goal 2 and in response to criterion 16.74.060.A.1.

Goal 6, Air, Water and Land Resource Quality. The proposal does not address Goal 6 resources. Based on the scope of work description (identified above) staff finds Goal 6 to be not applicable.

Goal 7, Natural Hazards. The proposal does not address Goal 7 resources. Based on the scope of work description (identified above) staff finds Goal 7 to be not applicable.

Goal 8, Recreational Needs. The proposal does not address Goal 8 resources. Based on the scope of work description (identified above) staff finds Goal 6 to be not applicable.

Goal 9, Economic Development. Proposed amendments do not change the permissive uses in the commercial and industrial zones. Proposed changes to the AMC do not impact identified future employment areas identified through past Economic Opportunities Analysis. Accordingly, Goal 9 does not apply.

Goal 10, Housing. Staff refer to the scope of work identified for this amendment. Proposed changes to the AMC will not impact identified needed housing as identified through Housing Needs Analysis. Accordingly, Goal 10 does not apply.

Goal 11, Public Facilities and Services. Public facilities under Goal 11 include water, sanitary sewer, police and fire protection. Other services (e.g., health, communication services) are also listed in Goal 11. Staff refer to the scope of work identified for this amendment to find that Goal 11 does not apply.

Goal 12, Transportation. The proposed amendments to the AMC are found to comply with Oregon Administrative Rule (OAR) 660-012, commonly referred to as the Transportation Planning Rule, as there are no proposed changes or amendments to local transportation requirements or road classifications. This proposal involves a minor adjustment to conditional use approval criteria regulating the operating hours of Medical Marijuana Dispensaries and commercial marijuana retail stores. Otherwise, the proposal does not add, subtract, or modify existing development standards that would result in changes to the intensity of development that would create additional impacts to the transportation network.

Goal 13, Energy Conservation. Based on the scope of work description (identified above) staff finds Goal 13 to be not applicable.

Goal 14, Urbanization. Based on the scope of work description (identified above) staff finds Goal 14 to be not applicable. No change to the existing Urban Growth Boundary (UGB) is proposed.

Staff observe Goals 15 through 19 to apply only to specific regions of the state (*Willamette River Greenway, Estuarine Resources, Coastal Shorelands, Beaches and Dunes, Ocean Resources*). These regions / resources are not found within the Historic District and are not the subject of this amendment.



In summary to the above, staff has listed all 19 statewide planning goals above and identified the limited scope of the amendment proposal.

2. *Any federal or state statutes or rules found applicable;*

**Findings:** The proposed amendments generally involve policy neutral housekeeping amendments. The amendment to AMC 16.58.020 implements ORS 197.670 by exempting residential homes from Site Development Review. Amendments to AMC 16.74.070, 16.76.220, 16.78.100 incorporate references to state rules under which the City Council can withdraw decisions that are appealed to the Land Use Board of Appeals (LUBA). This criterion is met.

3. *The applicable comprehensive plan policies and map; and*

**Findings:** Applicable Aurora Comprehensive Plan Goals align with the Statewide Planning Goals. As discussed throughout this staff report, the proposed amendments provide additional clarification to existing provisions of the AMC and ensure consistency between interrelated code provisions so that the portions of LA 2023-01 in Title 16 that implement the Aurora Comprehensive Plan are clearer and existing policy can be implemented by City staff. Staff finds this criterion is met.

4. *The applicable provisions of the implementing ordinances.*

**Findings:** Staff finds the proposed amendments to the AMC can be adopted in compliance with the implementing ordinances, where applicable. These legislative text amendments are following the procedures identified under AMC 16.74 and 16.80. Amendments to other sections of the AMC that do not amend Title 16 are being processed concurrently. Staff find the implementation procedure under AMC 16.74 and 16.80.

*B. Consideration may also be given to proof of a substantial change in circumstances, a mistake, or inconsistency in the comprehensive plan or implementing ordinance which is the subject of the application.*

**Findings:** Staff is not aware of any change in circumstances, a mistake, or inconsistency in the comprehensive plan or implementing ordinance but recognize that the Planning Commission may consider this criterion in their recommendation to the City Council and City Council may consider this criterion in their decision to adopt the amendments. This criterion can be met.

## **CONCLUSION**

Based on the findings staff concludes that LA 2023-01 meets the applicable approval criteria for a legislative text amendment.

## **PLANNING COMMISSION ACTION**

Planning Commission may act on the findings in this report as described below. Motion 1 will recommend that the City Council adopt the proposed changes identified to the AMC in **Exhibit A**.

A Planning Commissioner may make a motion to either:

1. Adopt the staff report and recommend the City Council approve the amendments. A sample motion is:  
  
I move the Planning Commission adopt the staff report and recommend the City Council approve the amendments.
2. Adopt a revised staff report with changes by the Planning Commission and recommend the City Council approve the revised amendments. A sample motion is:

I move the Planning Commission adopt a revised staff report with the following revisions...state the revisions...and recommend the City Council approve the revised amendments.

3. Recommend the City Council take no action on the proposed amendments. A sample motion is:

I move the Planning Commission take no action on the proposed amendments for the following reasons...and state the reasons for the denial.

4. Continue the hearing to a date/time certain. A sample motion is:

I move the Planning Commission to continue the hearing to a date (state the date) and time (state the time) to obtain additional information and state the information to be obtained.

## Chapter 8.04 NOISE CONTROL

### 8.04.040 Prohibited acts.

- A. No person shall knowingly continue, cause or permit to be made or continued any excessive or unnecessary sounds which are listed in this section or Section 8.04.050.
- B. The following acts are declared to create excessive and unnecessary sounds in violation of this chapter without regard to the maximum sound levels of Section 8.04.050:
  1. Radios, Stereos, Boomboxes, Tape Players, Television Sets. The playing, using or operating of any radio, tape player, television set or stereo system including those installed in a vehicle in such a manner so as to be plainly audible at any time between 10:00 p.m. and 7:00 a.m. the following day, local time:
    - a. Within a noise sensitive area of noise sensitive use which is not the source of the sound; or
    - b. At a distance of one hundred (100) feet or more from the source of the sound.
  2. Revving Engines. Operating any motor vehicle engine above idling speed off the public right-of-way so as to create excessive or unnecessary sounds within a noise sensitive area.
  3. Compression Braking Devices. Using compression brakes, commonly referred to as "jake brakes," on any motor vehicle except to avoid imminent danger or persons or property.
  4. Exhausts. Discharging into the open air the exhaust of any steam engine, internal combustion engine, or any mechanical device operated by compressed air or steam without a muffler, or with a sound control device less effective than that provided on the original engine or mechanical device.
  5. Idling Engines on Motor Vehicles. Idling more than fifteen (15) consecutive minutes between the hours of 10:00 p.m. and 7:00 a.m. the following day, local time, any motor vehicle with a gross vehicle weight rating (GVWR) of eight thousand (8,000) pounds or greater which exceeds fifty (50) dBA measured at the nearest occupied noise sensitive property.
  6. Vehicle Tires. Squealing tires by excessive speed or acceleration on or off public right-of-way except when necessary to avoid imminent danger to person or property.
  7. Motorcycles, Go-Karts, Dune Buggies. Operating motorcycles, go karts, dune buggies and other off-road recreational vehicles off the public right-of-way on property not designated as a recreational park.
  8. Motorboats. Operating or permitting the operation of any motorboat within the city's jurisdictional boundaries in such manner as to exceed eighty-four (84) DBA at a distance of fifty (50) feet or more.
  9. Powered Model Vehicles. Operating or permitting the operation of powered model vehicles, with the exception of gliders and aircraft propelled by electric motors in areas not designated by the city council for such use.
  10. Explosives. The discharge of fireworks and other explosive devices.
  11. Tampering. The removal or rendering inoperative of any noise control device for purposes other than maintenance, repair, or replacement.
  12. Animals. Owning, possessing or harboring any bird or other animal which barks, bays, cries, howls, or makes any other noise ~~continuously~~ for a period of ten (10) minutes or more, other than for reasons of being provoked by a person trespassing or threatening to trespass.
  13. Steam Whistles. Blowing any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work.
  14. Horns and Alarms. The sounding of a horn or signaling device on a vehicle on a street or public or private place, except as a necessary warning of danger.

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15. Compressed Air Devices. The use of a mechanical device operated by compressed air, steam, or otherwise, unless the noise created is effectively muffled.
- C. No person shall operate a motor vehicle on a public right-of-way unless it meets the noise emission standards promulgated by Oregon Revised Statute (ORS) 467.030 and Oregon Administrative Rule (OAR) Chapter 340, Division 35, which are adopted and incorporated by this reference. Copies of ORS 467.030 and OAR Chapter 340, Division 35 are on file in the office of the city recorder.

(Ord. 424 § 4 (part), 2002; Ord. 397 § 4, 1999)

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#### 8.04.020 Standards and definitions.

- A. Terminology and Standards. All terminology used in this chapter that is not defined below shall be in accordance with the Department of Environmental Quality (DEQ) Noise Control Regulations and noise emission standards outlined by Oregon Revised Statute (ORS) 467.030, and Oregon Administrative Rule (OAR) Chapter 340 Division 35.
- B. Measurement of Sound Level.
  - 1. Measurements shall be made with a calibrated sound level meter in good operating condition.
  - 2. Persons conducting sound level measurements shall have received training in the techniques of sound measurement and the operation of sound measuring instruments from ~~the Department of Environmental Quality or other~~ a competent **public body or private enterprise** prior to engaging in any enforcement activity.
  - 3. Procedures and tests required by this chapter and not specified herein shall be placed on file with the city recorder.

### Chapter 8.08 NUISANCES

#### 8.08.080 Fences.

- A. No owner or person in charge of property shall construct or maintain a barbed-wire or razor wire fence ***except in the industrial zone.***
- B. Notwithstanding subsection A of this section, a fence constructed of other materials may be capped by barbed-wire that shall be placed no less than six feet, six inches from the ground, provided that the fence is no closer than three feet from a sidewalk, public way, or adjoining residential property lines.
- C. No owner or person in charge of property shall construct, maintain or operate an electric fence.
- D. No person shall erect, maintain or locate, or permit the erection, maintenance or location of, a fence or barrier within that portion of the public right-of-way abutting property owned by or under the control or possession of any such person. Any fence or barrier located within the public right-of-way in violation of this section is declared to be a nuisance subject to abatement under the provisions of this chapter. The terms "fence" or "barrier" shall not include structures used to establish vines, bushes or other landscaping materials; provided, however, no such structure shall be located or maintained within the public right-of-way for more than twelve (12) calendar months.

(Ord. 396 § 8, 1999)

## Chapter 10.08 TRUCK TRAFFIC AND PARKING

### 10.08.090 Parking for certain purposes prohibited.

No person shall park a vehicle and no owner of a vehicle shall allow a vehicle to be parked on the right-of-way of any highway, or upon any public street or public way within the City limits for any of the following purposes:

- A. Selling or offering to merchandise of any kind without a City permit and City business license. The City permit is obtained at the City Police Department.
- B. Repairing or servicing the vehicle except while making repairs necessitated by an emergency.
- C. Displaying temporary advertising from the vehicle, subject to the applicable regulations of Titles 16 and 17 herein.
- D. In addition to provisions of the motor vehicle laws of Oregon prohibiting parking, no person shall park a vehicle on any public highway, public street or other public way:
  1. Within fifty (50) feet of any intersection (measured from the point of intersection of the centerlines of two public ways) if:
    - a. Any part of the vehicle is over seven (7) feet in height; or
    - b. The vehicle, by manufacture or modification, obscures the vision of:
      - i. Any official traffic control sign or signal.
      - ii. Intersection traffic.
      - iii. Any pedestrian in a crosswalk.
    - c. This prohibition is subject to individual street prohibitions contained for those designated truck routes contained in Section 10.08.130.
  2. ***In front of any United States Postal Service owned mailbox or receptacle.***

(Ord. 431, 2004; repealing Ord. 352)

### 10.08.040 Bus, camper, motor home recreational vehicle and boat restrictions.

- A. No person shall at any time park or leave standing a camper, house trailer, motor bus, motor truck, motor home, boat trailer, vehicle with camper, or recreational vehicle, whether attended or unattended, on any public highway, public street or other public way within the city limits, for a period greater than thirty (30) minutes, between the hours of 12:01 a.m. and 6:00 a.m.
- B. A recreational vehicle, ~~house trailer, or motor home~~ may be parked on a public street longer than the period allowed in Section 10.08.040 (A) if;
  1. It is owned by the resident or guest of the resident of the property in front of which it is parked, and
  2. ~~It is parked on the public street no longer than ten (10) days in any calendar year~~ ***No more than one Recreational Vehicle is parked at a time, and***
  3. ***It is parked on the public street no longer than 3 days in a in a 7 day period, and***
  4. Such vehicle is parked in a manner, which does not interfere with traffic or create a hazard by obstructing the view of drivers, and

**5. No part of the RV extends such that it obstructs the sidewalk or the street, and**

**6. Any extension cord, hose or cable that crosses the sidewalk must be covered.**

**Failure to meet these criteria could result in a parking violation as per Section 10.08.160.**

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## Chapter 16.04 DEFINITIONS

### 16.04.030 Meaning of specific words and terms.

As used in this title:

...

*Recreational vehicle* means a vacation trailer or other unit with or without motor power which is designed for human occupancy and to be used temporarily for recreational purposes and is identified as a recreational vehicle by the manufacturer.

***A recreational vehicle is:***

- 1. Built on a single chassis;***
- 2. 400 square feet or less when measured at the largest horizontal projection;***
- 3. Designed to be self-propelled or permanently towable by a vehicle; and***
- 4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.***



## Chapter 16.14 C COMMERCIAL ZONE

### 16.14.030 Conditional uses.

The following uses and their accessory uses may be permitted when authorized by the Planning Commission in accordance with the requirements of Chapter 16.60, other relevant sections of this title and any conditions imposed by the Planning Commission:

- A. Adult bookstore, adult entertainment or adult motion picture theaters, provided no sales area or activity is ever visible from the building exterior, all building setbacks shall be a minimum of thirty-five (35) feet from any property line and shall be screened and buffered in accordance with Section 16.38.040. In addition, location shall be at least one thousand five hundred (1,500) feet, measured in a straight line, from any of the following:
  1. Residential district,
  2. Public or private nursery, preschool, elementary, junior, middle or high school,
  3. Day care facility, nursery school, convalescent home, home for the aged, resident care facility or hospital,
  4. Public library,
  5. Community recreation,
  6. Place of worship,
  7. Historic district or historic structure;
- B. Home occupations (Type II) subject to Chapter 16.46;
- C. Major impact utilities, including telecommunications facilities subject to Chapter 16.50, provided that a ten-foot perimeter setback containing both externally visible landscaping meeting buffering standards and solid screening surrounds the property;
- D. Retail or wholesale business with not more than fifty (50) percent of the floor area used for the manufacturing, processing or compounding of products in a manner which is clearly associated with the retail business conducted on the premises; (Ord. 478, 2015)
- E. On lots that do not abut a residential zone, retail or wholesale business with not more than seventy-five (75) percent of the floor area used for the manufacturing, processing or compounding of products in a manner which is clearly associated with the retail business conducted on the premises; (Ord. 478, 2015)
- F. Wholesaling, storage and distribution. (Ord. 415 § 7.60.050, 2002)
- G. Medical Marijuana Dispensaries (MMD) and commercial marijuana retail stores, subject to the following standards:
  1. Buffers which shall only be measured at the initial land use application and not subsequent annual renewals:
    - a. Elementary, middle or high school, public or private: one thousand (1,000) feet.
    - b. Day care: one thousand (1,000) feet.
    - c. Other marijuana businesses: one thousand (1,000) feet.
    - d. May not be adjacent to a residential zone, a public park, or a place of worship.
  2. The use must be located within a permanent, enclosed structure.

3. The use may not be allowed as a home occupation.
4. Applicant and all employees must pass a criminal background check.
5. The term of a conditional use approval shall not exceed one year - upon which time an annual review under AMC 16.60.060 shall be required.
6. Waste materials containing any amount of marijuana bio-mass or marijuana by products of any kind must be locked in a secure container on-site.
7. Hours of operation are limited to ~~10:00~~ **9:00** a.m. to ~~5:00~~ **10:00** p.m.
8. Drive through windows are prohibited.

(Ord. 493, § 2(Exh. A), 2021; Ord. 488, § 2(Exh. A), 2019; Ord. 487 § 2, 2017; Ord. 479 § 2, 2015; Ord. 478 § 1, 2015)

## Chapter 16.34 PUBLIC IMPROVEMENT AND UTILITY STANDARDS

### 16.34.060 Sidewalks.

- A. On public streets, sidewalks are required except as exempted by the Aurora transportation system plan and shall be constructed, replaced or repaired in accordance with the City's public works design standards, Appendix A Illustrations 10, 11 and 12 set out at the end of this title. If properties are located in the historic commercial or historic residential overlay, sidewalks shall be constructed in accordance with the Aurora downtown improvement plan and the City of Aurora Design Review Guidelines for Historic District Properties, set out in the Appendix to this code.
- B. Maintenance of sidewalks and curbs is the continuing obligation of the adjacent property owner.
- C. The City may accept and record a non-remonstrance agreement for the required sidewalks from the applicant for a building permit for a single-family residence when the Public Works Director determines the construction of the sidewalk is impractical for one or more of the following reasons:
1. The residence is an in-fill property in an existing neighborhood and adjacent residences do not have sidewalks;
  2. Topography or elevation of the sidewalk base area makes construction of a sidewalk impractical.
- D. Sidewalk Seating and Displays.
1. Definitions.

*Accessible route* means a sidewalk at least four feet in width which has seven feet of vertical clearance.

*Adjacent sidewalk* means that portion of a public sidewalk between the curb line and the property line demarcated by extending the side ~~building~~ **property** lines of the premises until they intersect the curb.

(Ord. 488, § 2(Exh. A), 2019; Ord. 415 § 7.92.060, 2002; Ord. 464, 2011)

### 16.34.090 Storm drainage.

- A. Storm drainage shall be designed in accordance with the provisions set forth by the City's public works design standards and the adopted policies of the comprehensive plan. The Planning Director, City Engineer and Public Works Director shall recommend issuance of City permits only where adequate provisions for stormwater and floodwater runoff have been made, and:
1. The stormwater drainage system shall be separate and independent of any sanitary sewerage system;
  2. Inlets shall be provided so surface water is not carried across any intersection or allowed to flood any street;
  3. Surface water drainage patterns shall be shown on every development proposal plan;
  4. **For sites of one acre or larger, a** stormwater analysis, calculations, and report shall be submitted with proposed plans for City review and approval. Stormwater quantity on-site detention facilities shall be required in accordance with Marion County Public Works Standards, unless otherwise approved by the City Engineer. When required because of an identified downstream deficiency, stormwater quantity on-site detention facilities shall be designed such that the peak runoff rates will not exceed pre-development rates for the specific range of storms where the downstream deficiency is evident. Construction of on-site detention shall not be allowed as an option if such a detention facility would have an adverse effect upon receiving waters in the basin or sub-basin in the event of flooding, or would increase the likelihood or severity of flooding problems downstream of the site.

***For sites of less than one acre, all buildings must be provided with roof gutters and rain drains to direct water to an approved drainage system or point of termination approved by the Building Official.***

***Exceptions Buildings***

***1. Outbuildings under 200 square feet in floor area.***

***Buildings requiring rain drains shall have a separate plumbing permit unless included in a NSFD or Manufactured Home permit.***

***Detached garages or other outbuildings will require a full rain drain design.***

***If an attached garage is constructed in conjunction with the house, a separate rain drain design will not be required. If being constructed and/or inspected at a different time, a separate plumbing permit for a rain drain design will be required.***

***On additions or remodels of commercial, industrial, etc., structures shall be treated as new work.***

***Crawl Space or Low Point Drains***

***The ground under any building or portion thereof shall be sloped to a low point and drainage facilities shall be installed to provide positive drainage from the area under the building. Crawl space drains may be connected to footing drains or the rain drain system. Whenever these drains are connected to the rain drain system an accessible backwater valve must be installed according to the plumbing code. One and two family dwellings and related structures under 1 acre may have these crawl space drains run to daylight with rip-rap and rat proofing installed at the termination point. Rain drains installed on properties of less than one acre will be required to terminate as per chapter 11 of the current plumbing code. Storm water from rain drain systems will be conveyed to a storm sewer, storm sewage system or a rain water harvesting system in a manner which will not cause flooding to adjacent properties, streets, alleys, or walkways. Termination into a public roadside ditch or culvert is not allowed.***

5. All stormwater construction materials shall be subject to approval of the City Engineer.
6. For privately maintained stormwater facilities, a Private Stormwater Facilities Agreement, in a form approved by the City, shall be fully executed by the Owner and submitted to the City prior to the issuance of the City permit. This agreement, recorded with Marion County Oregon Licensing and Recording Division, identifies the operation and maintenance requirements and the party responsible for the long-term operation and maintenance of the private stormwater facilities.

## **Chapter 16.36 MANUFACTURED HOME REGULATIONS**

### **16.36.050 Occupying recreational vehicles.**

It is unlawful for any recreational vehicle, to be occupied, lived in or otherwise used as a residence within the city, , ***except in cases of a declared state of emergency***, unless such use is specifically approved by the city under Chapter 16.52,. ~~except a private~~, ***A*** residentially zoned property is permitted to use ~~one~~ recreational vehicle ***at a time*** to house guests no more than a total of ten (10) days in a calendar year ***per property***.

***Recreational vehicles cannot be occupied while parked on the street, a public park or any city property.***

- ~~A. Recreational vehicles shall be mobile and fully operable, on inflated wheels, and licensed with the Department of Motor Vehicles at all times.~~
- ~~B. No more than one recreational vehicle per lot shall be permitted to be stored outdoors, except for recreational vehicles brought to a lot by guests and for no more than a total of ten (10) days in a calendar year.~~

~~C. — Porches and awnings and related structural projections may not be constructed adjacent or attached to a recreational vehicle.~~

(Ord 483, 2016; Ord. 415 § 7.94.050, 2002)

---

## Chapter 16.38 LANDSCAPING, SCREENING AND FENCING

### 16.38.060 Fences or walls.

- A. Fences or walls up to forty-two (42) inches in height may be constructed in required front yards. Rear and side yard fences, or berm/fence combinations behind the required front yard setback may be up to six feet in height without any additional permits. Any fence or fence/berm combination greater than six feet in height shall require variance approval by the Planning Commission and may require a building permit. The prescribed heights of required fences, walls or landscaping shall be measured from the lowest of the adjoining levels of finished grade, except as permitted under 16.38.060.B below. Posts, trellis, lattice and any other material placed on top of the fence are considered to be a part of the fence when measuring overall height.
- B. Where grading or slope between property lines can be shown, rear and side yard fences up to seven (7) feet may be allowed if the applicant can show the fence shall be a maximum of six (6) feet from the higher grade where the fence is installed.
- C. Fences and walls shall be constructed of any materials commonly used in the construction of fences and walls such as wood or brick, or otherwise acceptable by the Planning Director. Except in industrially zoned property, chain link fencing is not permitted in the area from the front building line to the front of the property line. PVC coated chain link fencing may be used only behind the required front yard setback or in rear yards. Corrugated metal is not considered to be acceptable fencing material. **Barbed wire fencing, whether on top of a fence or wall or other use, is prohibited.**

(Ord. 496, § 2(Exh. A), 2022; Ord. 455 § 2, 2010; Ord. 415 § 7.96.060, 2002)

## Chapter 16.58 SITE DEVELOPMENT REVIEW

### 16.58.020 Applicability of provisions.

Site development review shall be applicable to all new developments and major modification of existing developments, as provided in Section 16.58.060 except it shall not apply to:

- A. Single-family detached dwellings;
- B. Single-family attached dwellings;
- C. Manufactured homes on individual lots;
- D. A duplex, which is not part of any other development;
- E. A triplex, which is not part of any other development;
- F. Minor modifications as provided in Section 16.58.070;
- G. Family day care;
- H. Home occupation (Type I and Type II);
- I. Accessory dwelling unit or accessory structures;
- J. Temporary uses;
- K. Temporary structures;
- L. Telecommunications facilities approved under Section 16.50.060.
- M. Residential care home as defined in ORS 197.660(2).**

## Chapter 16.74 PROCEDURES FOR DECISION MAKING—LEGISLATIVE

### 16.74.070 Approval process and authority.

- A. Following the public hearing, the Planning Commission shall formulate a recommendation to the Council to approve, to approve with modifications or to deny the proposed change, or to adopt an alternative.
- B. Within ten (10) days of the Planning Commission's recommendation, the Planning Director shall provide written notification to the Council and to all persons who provided testimony.
- C. Any member of the Commission who voted in opposition to the recommendation by the commission on a proposed change may file a written statement of opposition with the Planning Director prior to any council public hearing on the proposed change. The Planning Director shall transmit a copy to each member of the Council and place a copy in the record.
- D. If the Planning Commission fails to recommend approval, approval with modification, or denial of the proposed legislative change within sixty (60) days of its first public hearing on the proposed change, the Planning Director shall:
  - 1. Report the failure to approve a recommendation on the proposed change to the Council; and
  - 2. Cause notice to be given, the matter to be placed on the Council's agenda, a public hearing to be held and a decision to be made by the Council. No further action shall be taken by the Planning Commission.
- E. The Council shall:
  - 1. Have the responsibility to approve, approve with modifications or deny an application for the legislative change or to remand to the Planning Commission for rehearing and reconsideration on all or part of an application transmitted to it under this title. The Council may set conditions of approval that require conveyances and dedications of property needed for public use as a result of the development, code, plan or map amendment;
  - 2. Consider the recommendation of the Planning Commission, however, it is not bound by the Planning Commission's recommendation; and
  - 3. Act by ordinance on applications which are approved and shall be signed by the Mayor after the Council's adoption of the ordinance.
- EF. The approved legislative change shall take effect after adoption as specified in the enacting ordinance.
- G. ***If the Council's decision is appealed to LUBA, the Council may withdraw the decision for reconsideration at any time allowed by ORS Chapter 197 and LUBA's administrative rules.***

## Chapter 16.76 PROCEDURES FOR DECISION MAKING—QUASI-JUDICIAL

### 16.76.220 Notice of final decision by the Planning Commission or Council.

- A. Notice of a final decision shall briefly summarize the decision and contain:
  - 1. A statement that all required notices under Section 16.76.040;
  - 2. A statement of where the adopted findings of fact, decision and statement of conditions can be obtained;
  - 3. The date the final decision was filed; and
  - 4. A statement of whether a party to the proceeding may seek appeal of the decision, as appropriate:
    - a. In the case of a final decision by the Council, the statement shall explain that this decision is final and how appeal may be heard by a higher authority, or
    - b. In the case of a final decision by the Planning Commission, the statement shall explain briefly how an appeal can be taken to the Council pursuant to Section 16.76.260, the deadlines, and where information can be obtained.
- B. Notice of the final decision by the Planning Commission or Council shall be mailed to the applicant and to all the parties to the decision, and shall be made available to the members of the Council.
- C. ***If the City's final decision is appealed to LUBA, the Council may withdraw the decision for reconsideration at any time allowed by ORS Chapter 197 and LUBA's administrative rules.***

(Ord. 415 § 7.162.220, 2002)

## Chapter 16.78 PROCEDURES FOR DECISION MAKING—LIMITED LAND USE DECISIONS

### 16.78.100 Notice of decision.

- A. All limited land use decisions require a notice of decision.
- B. The applicant and any person who submits written comments during the fourteen-day period shall be entitled to receive the notice of decision.
- C. The notice of decision shall include:
  - 1. A brief summary of the decision;
  - 2. A statement of where the adopted findings of fact, decision and statement of conditions can be obtained;
  - 3. The date the final decision was made; and
  - 4. A statement of whether a party to the proceeding may seek appeal of the decision, as appropriate.
- D. Within ten (10) calendar days after the decision is made by the approval authority, the final decision shall be filed in the records of the Planning Director and notice thereof shall be mailed to the applicant and all parties in the action and shall be available to the approval authority.
- E. ***If the City's final decision is appealed to LUBA, the Council may withdraw the decision for reconsideration at any time allowed by ORS Chapter 197 and LUBA's administrative rules.***

(Ord. 419 § 18C, 2002; Ord. 415 § 7.164.100, 200)





## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **Tuesday, February 6, 2024 at 7:00 p.m. at Aurora City Hall, 21420 Main Street NE**, the Aurora Planning Commission will conduct a public hearing regarding Legislative Amendment 2023-01 (File #LA 2023-01) which proposes various housekeeping amendments to Titles 8, 10 and 16 of the Aurora Municipal Code.

At the conclusion of the public hearing, the Planning Commission will make a recommendation to the Aurora City Council regarding the proposed amendments. The City Council will conduct a public hearing to consider adoption of the proposed amendments. The City Council hearing is scheduled for **Tuesday, March 12, 2024 at 7:00 p.m., Aurora City Hall, 21420 Main Street NE**.

AMC 16.74.060 requires the recommendation by the Planning Commission and decision by the City Council shall be based on consideration of the following approval criteria:

- 1) Any applicable statewide planning goals and guidelines adopted under ORS Chapter 197;
- 2) Any federal or state statutes or rules found applicable;
- 3) The applicable comprehensive plan policies and map; and
- 4) The applicable provisions of the implementing ordinances.

Persons wishing to participate in the public hearing may appear in person or by representative at the date and time listed above. Written comments may also be submitted in person or mailing information to 21420 Main Street NE, Aurora, OR 97002.

One week prior to the meeting, a copy of the proposed amendments and a staff report will be available for inspection at no cost or copies may be purchased at a reasonable cost.

For further information, please contact the City of Aurora at (503) 678-1283.

# PamplinMediaGroup

## -Ad Proof-

This is the proof of your ad, scheduled to run on the dates indicated below. Please proofread carefully, and if changes are needed, please contact Kristine Humphries prior to deadline at (971) 204-7785 or [khumphries@pamplinmedia.com](mailto:khumphries@pamplinmedia.com).

<p><b>Date:</b> 01/24/24  <b>Account #:</b> 101500  <b>File #:</b> LA 23-01  <b>Company Name:</b> AURORA, CITY OF  <b>Contact:</b> STUART A. RODGERS  <b>Address:</b> 21420 MAIN ST NE  AURORA    <b>Telephone:</b> (503) 678-1283  <b>Fax:</b></p>	<p><b>Ad ID:</b> 314612  <b>Start:</b> 01/30/24  <b>Stop:</b> 01/30/24    <b>Total Cost:</b> \$60.00  <b>Columns Wide:</b> 1    <b>Ad Class:</b> 1268  <b>Phone #</b> (971) 204-7785  <b>Email:</b> <a href="mailto:khumphries@pamplinmedia.com">khumphries@pamplinmedia.com</a>    <b>Amount Due:</b> \$60.00</p>
<p><b>Run Dates</b>  Business Tribune 01/30/24</p>	

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- 4) The applicable provisions of the implementing ordinances.

Persons wishing to participate in the public hearing may appear in person or by representative at the date and time listed above. Written comments may also be submitted in person or mailing information to 21420 Main Street NE, Aurora, OR 97002.

One week prior to the meeting, a copy of the proposed amendments and a staff report will be available for inspection at no cost or copies may be purchased at a reasonable cost.

For further information, please contact the City of Aurora at (503) 678-1283.

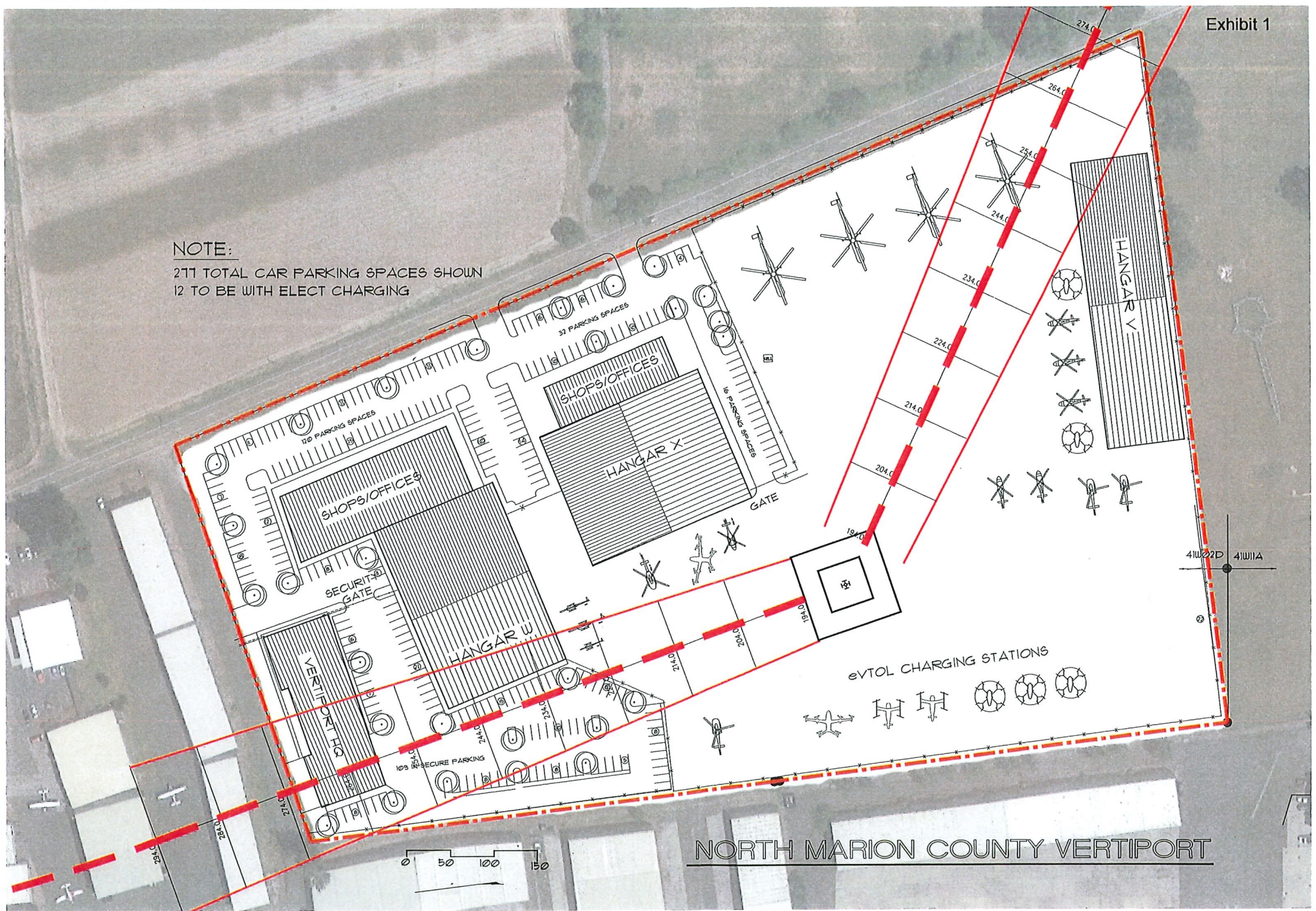
Published January 30, 2024.

BT314612

# Old Business

Exhibit 1

**NOTE:**  
 271 TOTAL CAR PARKING SPACES SHOWN  
 12 TO BE WITH ELECT CHARGING



ARON FAEGRE ARCHITECT  
 13200 FIELD LN  
 LAKE OSWEGO OREGON  
 97034  
 503-880-1489

REGISTERED ARCHITECT  
 ARON FAEGRE  
 LAKE OSWEGO OREGON  
 STATE OF OREGON

NORTH MARION COUNTY VERTIPORT  
 SITE PLAN

SITE PLAN  
 DATE 12-15-20

REVISIONS

PAGE:  
 L10

NORTH MARION COUNTY VERTIPORT

**Exhibit 2**

North Marion County Vertiport/Heliport  
12/13/2023

NMCVH Buildings					Parking Spaces		
Name	Floor	Uses	Area sf		Occupiable Area (Note 2 below)	Req'd Area per Parking Space	Req'd Spaces
Vertiport HQ	Ground	Shops/Offices	15,658		13,309	300	45
	Second	Shops/Offices	15,658		13,309	300	45
Subtotal				31,316			
Hangar W	Ground	Hangar	32,000		30,400	5000	7
	Mezzanine	Storage	10,560		10,032	5000	3
Hangar W Office/Shops	Ground	Shops/Offices	16,800		14,280	300	48
	Second	Shops/Offices	16,800		14,280	300	48
Subtotal				76,160			
Hangar X	Ground	Hangar	32,000		30,400	5000	7
	Mezzanine	Storage	10,560		10,032	5000	3
Hangar X Office/Shops	Ground	Shops/Offices	7,500		6,375	300	22
	Second	Shops/Offices	7,500		6,375	300	22
Subtotal				57,560			
Hangar V	Ground	Hangar	29,260		27,797	5000	6
	Mezzanine	Storage	9,656		9,173	5000	2
Subtotal				38,916			
				=====			=====
Total Gross Building Area				203,952		Total Spaces Req'd	258

# parking spaces  
provided on site plan 277

**Notes**

1. Parking Analysis based on Marion County Rural Zoning Parking Requirements in 17.118.050 which requires one space per 300 sf primary use plus one space per 5,000 sf of storage or warehouse.
2. Shop/Office space is assumed 2/3 shop and 1/3 office. The same staff work back and forth between a shop and an office.
3. Analysis assumes a 90% efficient building floor plan layout for hangars and mezzanines, i.e. not counting wall thickness and hangar door recess; and a 70% efficient building floor plan layout for offices and shops, i.e. not counting corridors, stairs, elevators, toilets, and mechanical-electrical-plumbing spaces.

December 6, 2023

Ted Millar  
TLM Holdings LLC  
14379 Keil Rd NE, Echo Hanger  
Aurora, OR 97002

**RE: TLM Holdings LLC's Proposed Transportation Facility**

Dear Mr. Millar:

I am the President of Columbia Helicopters, and I am writing to you to support TLM Holdings LLC's proposal for a transportation facility authorizing a heliport or vertiport at 22515 Airport Rd NE, Aurora, next to the Aurora Airport. I understand the proposed use will allow takeoff and landing of helicopters, storage, and other related uses to the operations. Columbia Helicopters provides local, regional, and national services. We are headquartered at the Aurora Airport at 14452 Arndt Rd NE. Our long-term strategic plan anticipates continued growth in operations and aligns with your project as we need to identify near-by opportunities for expanding our capacity for helicopter takeoff and landing, helicopter storage and service, and other related operations. Your property's proximity to our headquarters and existing operations would allow us to efficiently expand our current services and is the ideal location for our future requirements.

If this application were approved, I would strongly consider acquiring your property and locating our expanded operations on this site. I strongly support this application. Please contact me if you have any questions.

Sincerely,



Michael Tremlett  
President and CEO



**Exhibit 4**

22285 Yellow Gate Lane, Suite 102  
Aurora, Oregon 97002  
Office (503) 678-4364  
Fax (503) 678-4369

November 16, 2023

Ted Millar  
TLM Holdings LLC  
14379 Keil Road NE, Echo Hanger  
Aurora, OR 97002

**RE: TLM Holdings LLC's Proposed Transportation Facility**

Dear Mr. Millar:

I am the Chief Executive Officer of Life Flight Network. I support TLM Holdings LLC's proposal for a transportation facility authorizing a heliport or vertiport at 22515 Airport Road NE, Aurora. Life Flight Network has a long history of providing emergency medical care to Marion County, Oregon, and the greater region. We are proud to be headquartered at the Aurora Airport. The proposed use will allow takeoff and landing of helicopters, storage, and other related uses to the operations. Additional land to support helicopter and vertical takeoff of aircraft would enhance Life Flight Network's continued and future success, and Life Flight Network would be interested in leasing property at the new facility.

I strongly encourage Marion County to approve your proposal for the conditional use application and related permits. Please contact me if you have any questions.

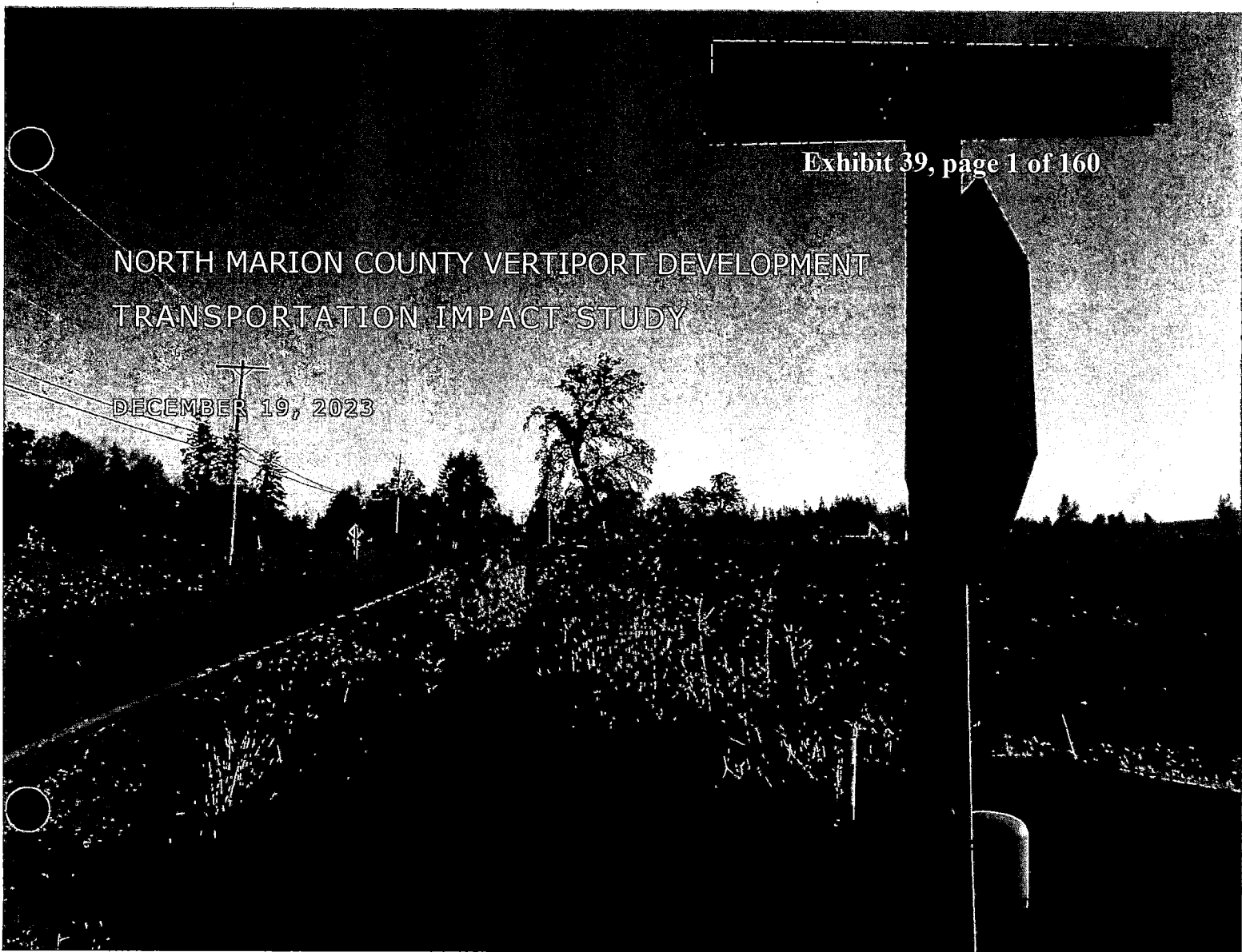
Sincerely,



Ben Clayton  
Chief Executive Officer

NORTH MARION COUNTY VERTIPORT DEVELOPMENT  
TRANSPORTATION IMPACT STUDY

DECEMBER 19, 2023



PREPARED FOR:

**TLM HOLDINGS**

**DOCUMENT DESCRIPTION**

CLIENT	TLM Holdings
DKS Project Number	24239-000
Project Name	North Marion County Vertiport Development
Document Name	Transportation Impact Study

**PREPARED BY DKS ASSOCIATES**



Lacy Brown, PhD, PE, RSP<sub>2</sub>  
 Joel Rabinovitz, PE  
 Jenna Bogert, PE



EXPIRES: DEC. 31, 2023

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## INTRODUCTION

This report documents a traffic assessment related to the impacts of a proposed development of vertiport-heliport services located on a currently vacant parcel adjacent to the Aurora State Airport in Marion County, Oregon. The development is a vertiport with tie downs and heliport hangars which include storage spaces and attached vertiport-heliport related office space and heliport shop spaces. The property is currently zoned Exclusive Farm Use (EFU), which allows for transportation facilities (like the proposed vertiport) as a conditional use.

Table 1 provides more details regarding the study area and characteristics of the proposed project.

**TABLE 1: STUDY AREA AND PROPOSED PROJECT CHARACTERISTICS**

<b>STUDY AREA</b>	
<b>NUMBER OF INTERSECTIONS</b>	7 existing intersections, 3 site access driveways
<b>ANALYSIS PERIOD(S)</b>	Weekday AM peak hour (peak hour between 7-9 AM) and PM peak hour (peak hour between 4-6 PM)
<b>PROPOSED DEVELOPMENT</b>	
<b>SIZE AND LAND USE</b>	vertiport-heliport tie-downs, hangars with storage spaces and attached vertiport-heliport office and heliport shop spaces
<b>PROJECT TRIPS</b>	38 AM peak hour trips, 38 PM peak hour trips, and 316 average weekday trips
<b>VEHICLE ACCESS POINTS</b>	Two access points along Airport Road and one access point on Stenbock Way
<b>OTHER TRANSPORTATION FACILITIES</b>	
<b>PEDESTRIAN FACILITIES</b>	No existing facilities
<b>BICYCLE FACILITIES</b>	Bicycle lanes along Arndt Road
<b>TRANSIT FACILITIES</b>	Route 3X SMART Transit stops at the Airport Road/Arndt Road intersection

The following chapters of this report document the existing conditions of the study area, including roadway classification, bicycle and pedestrian facilities, existing traffic operations, and existing safety conditions. The report then discusses the impact the proposed site plan will have on the surrounding transportation network and provides recommendations whether mitigation is required.

**EXISTING CONDITIONS**

This chapter details the existing study area conditions including the proposed site development, existing bicycle and pedestrian facilities, existing transit facilities, roadway network, future planned projects, existing traffic volumes and operations, and crash analysis. Supporting details are provided in the appendix.

**STUDY AREA**

The proposed development is located on the east edge of the Aurora State Airport, shown in Figure 1 and will include vertiport-heliport tie-downs, hangars with storage spaces and attached vertiport-heliport office and heliport shop spaces. There will be two access points to Airport Road and one access point to Stenbock Way. The following sections present a summary of the roadway network including the existing characteristics of the bicycle and pedestrian facilities, public transportation services, and any future planned projects in the study area.

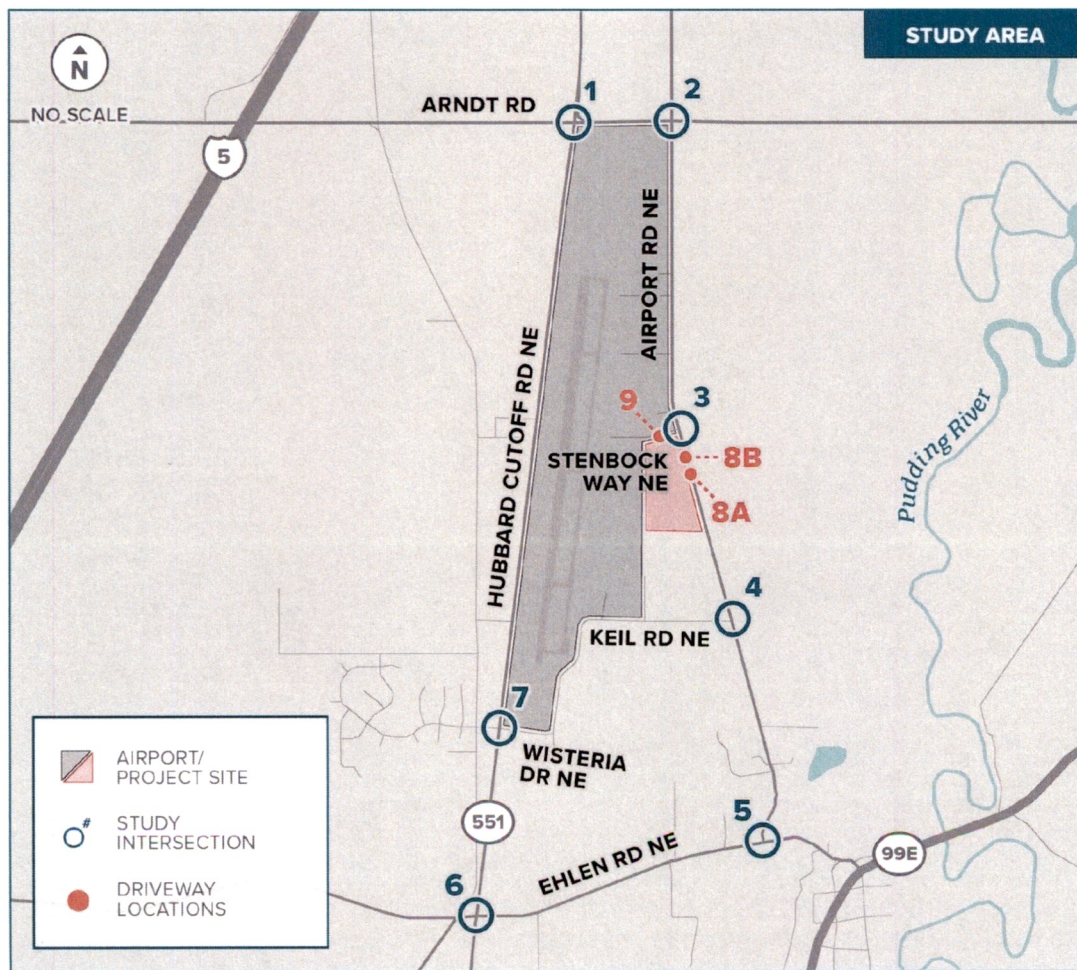


FIGURE 1: STUDY AREA

**Exhibit 39, page 7 of 160****ROADWAY NETWORK**

All of the roadways within the study area, except a small segment of Ehlen Road, are classified as rural roadways under either ODOT or Marion County jurisdiction. The above-mentioned short segment of Ehlen Road and the intersection of Airport Road/Ehlen Road are within the City of Aurora city limits and would be considered an urban roadway. However, both roadways are owned and maintained by Marion County, and the county's TSP and other standards shall govern the determination of transportation impacts and necessary mitigations at these locations.

The transportation characteristics of the roadways within the study area are shown in Table 2. The table includes the functional classification, number of travel lanes, posted speed, and facilities for bicyclists, pedestrians, and public transit. The functional classification specifies the purpose of the facility and is a determining factor of applicable cross-section, access spacing, and intersection performance standards.

**TABLE 2: EXISTING STUDY AREA ROADWAY CHARACTERISTICS**

ROADWAY	JURISDICTION	FUNCTIONAL CLASSIFICATION	LANES	POSTED SPEED	SIDEWALK	BIKE LANES	TRANSIT FACILITIES
OR 551	ODOT	State Highway - Rural Minor Arterial	2	55 mph	No	No <sup>a</sup>	None
ARNDT ROAD	Marion County	Rural Minor Arterial	4	45 mph	No	Yes	SMART 3X Bus Stop
AIRPORT ROAD	Marion County	Rural Major Collector	2	35/55 mph <sup>b</sup>	No	No	SMART 3X Bus Stop
KEIL ROAD	Marion County	Rural Minor Collector	2	35 mph	No	No	None
EHLEN ROAD	Marion County <sup>c</sup>	Rural Minor Arterial	2	35/45 mph <sup>d</sup>	No	No	None

<sup>a</sup> OR 551 has shoulders, approximately six feet, which are wide enough for bicycles.

<sup>b</sup> Airport Rd is 55 mph from Arndt Rd to just north of Smith Lane and 35 mph from just north of Smith Lane to Ehlen Rd.

<sup>c</sup> A short segment on the east end of Ehlen Road is within the Aurora City Limits and is classified as an urban roadway; However, the Marion County standards are still applicable and do not change based on this designation.

<sup>d</sup> Ehlen Road is 45 mph from OR 551 to Kahle Lane NE and 35 mph from Kahle Lane NE to just east of Airport Road NE.

The existing bicycle and pedestrian facilities near the proposed site include six foot bicycle lanes on Arndt Road east of OR 551. There is a short segment of sidewalk on each corner of the Arndt Road/Airport Road intersection. There is one transit stop within the project vicinity that is serviced by Route 3X (Canby) of the South Metro Area Regional Transit (SMART). The stop is located at Arndt Road/Airport Road and has headways of approximately 1-hour in the morning and evening peak weekday commute periods.



## EXISTING TRAFFIC VOLUMES AND OPERATIONS

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An analysis of the 2023 existing intersection operations was performed for the study intersections to ensure the transportation network meets Marion County and ODOT performance standards. Intersections are the focus of the analysis because they are the controlling bottlenecks of traffic flow and the ability of a roadway system to carry traffic efficiently is nearly always diminished in their vicinity.

Intersection operations were analyzed for the AM and PM peak hours. Turning movement counts were collected on September 19<sup>th</sup>, 2023, during the AM (7:00-9:00 a.m.) and PM (4:00-6:00 p.m.) peak periods at each of the following study intersections.

- Airport Road /Arndt Road
- Airport Road /Keil Road
- Airport Road /Ehlen Road
- Airport Road/Stenbock Way
- OR-551/Arndt Road
- OR-551/Keil Road
- OR-551/Ehlen Road

## SEASONAL ADJUSTMENT FACTOR

The traffic count data collected in September 2023 represents a period where traffic volumes are lower than the average weekday conditions. Adjustments to ODOT facilities are required so that traffic volumes analyzed represent the 30<sup>th</sup> highest hour volume (30HV) as identified in the methodology from the ODOT Analysis Procedural Manual. To determine when the 30HV conditions occur, data is examined from Automatic Traffic Recorder (ATR) stations that record traffic highway volumes year-round. The Hubbard ATR #24-016 on OR-551 just south of Ehlen Road was deemed appropriate to utilize due to its proximity to the project site. The September traffic counts were adjusted to the peak month of August by a seasonal factor of 1.05 using volume data from 2016 through 2020.<sup>1</sup> The supporting ATR data and calculation is included in the appendix. The Seasonal Adjustment Factor was applied to the AM and PM peak hour volumes. The adjusted 2023 traffic volumes are shown in Figure 2 below.

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<sup>1</sup> It should be noted that in 2021 there was an equipment outage from June through August and in 2022 there was construction near the ATR between May and August, so these years were not used in the Seasonal Adjustment Factor calculations.

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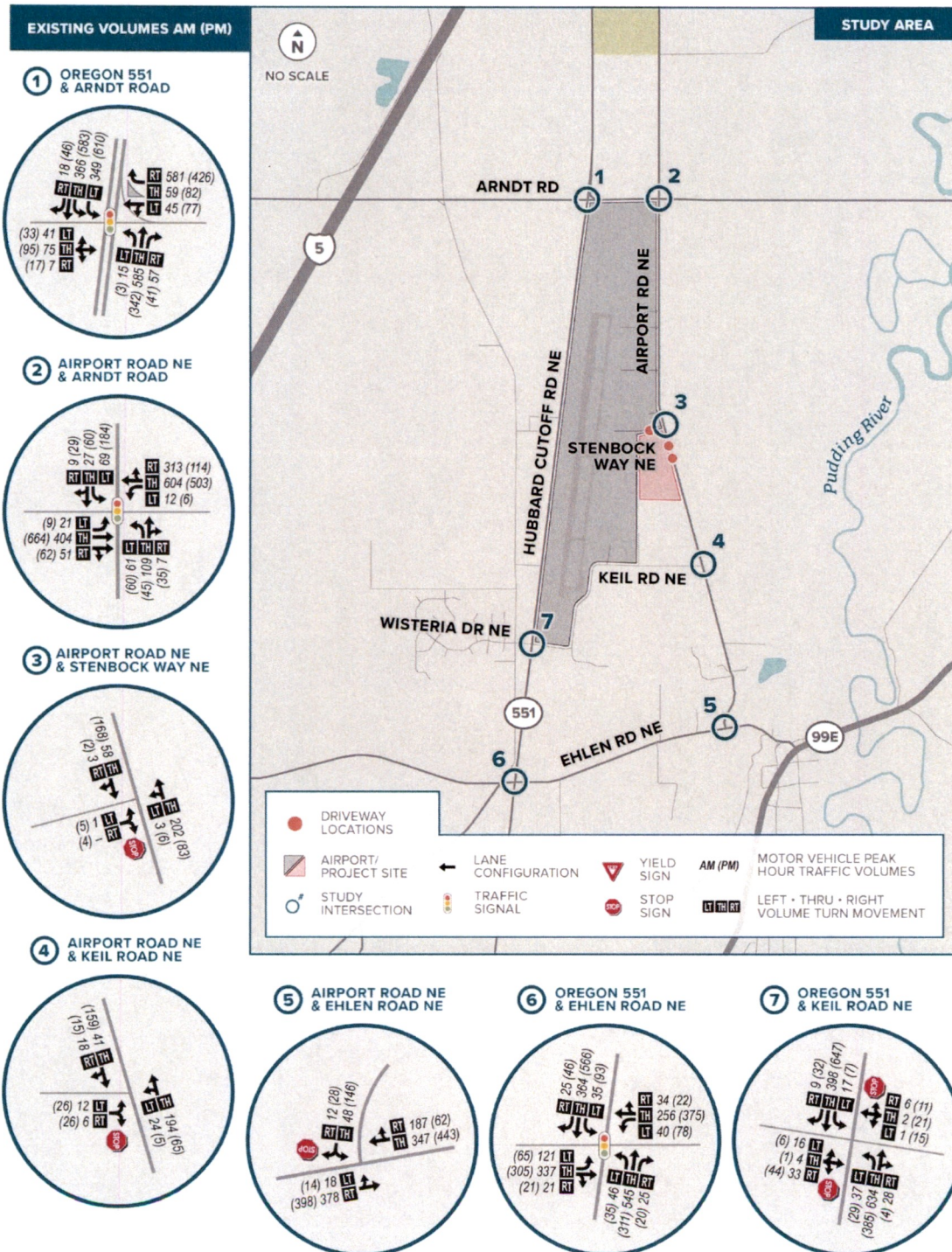


FIGURE 2: 2023 EXISTING CONDITIONS TRAFFIC VOLUMES

## INTERSECTION PERFORMANCE MEASURES

Level of service (LOS) ratings and volume-to-capacity (v/c) ratios are two commonly used performance measures that provide a good representation of intersection operations. In addition, they are often incorporated into agency mobility standards.

- **Level of service (LOS):** A "report card" rating (A through F) based on the average delay experienced by vehicles at the intersection. LOS A, B, and C indicate conditions where traffic moves without significant delays over periods of peak hour travel demand. LOS D and LOS E are progressively worse operating conditions. LOS F represents conditions where average vehicle delay has become excessive and demand has exceeded capacity. This condition is typically evident in long queues and delays.
- **Volume-to-capacity (v/c) ratio:** A decimal representation (typically between 0.00 and 1.00) of the proportion of capacity that is being used at a turn movement, approach leg, or intersection. It is determined by dividing the peak hour traffic volume by the hourly capacity of a given intersection or movement. A lower ratio indicates smooth operations and minimal delays. As the ratio approaches 0.95, congestion increases and performance is reduced. If the ratio is greater than 1.00, the turn movement, approach leg, or intersection is oversaturated and usually results in excessive queues and long delays.

Marion County operations standards are outlined in the Marion County Traffic Impact Analysis (TIA) Requirements while ODOT mobility targets are outlined in the Oregon Highway Plan. All study intersections under Marion County jurisdiction require that unsignalized intersections maintain a Level of Service (LOS) of E or better.<sup>2</sup> Signalized intersections under Marion County jurisdiction<sup>3</sup> are required to maintain a LOS of D or better (all individual movements to maintain a LOS E or better) with a v/c ratio of 0.85 or less.<sup>4</sup> All signalized and unsignalized intersections under ODOT jurisdiction require a 0.70 or better v/c ratio for a regional highway in a rural area.<sup>5</sup>

## EXISTING VEHICLE OPERATIONS

Existing study intersection operations were evaluated based on the Highway Capacity Manual (HCM) 6<sup>th</sup> Edition methodology for signalized and unsignalized intersections.<sup>6</sup> Specific parameters for ODOT and Marion County were applied based on the ODOT Analysis and Procedures Manual (APM) and Marion County Traffic Impact Analysis Requirements, respectively. Table 3 lists the

<sup>2</sup> Marion County standards for all-way stop intersections do not apply as there are no all-way stop intersections in the study area.

<sup>3</sup> A short segment of Ehlen Road is within the Aurora City Limits and UGB. However, the City of Aurora TSP defers to the Marion County operations standards as Marion County owns and maintains the roadway. (Aurora TSP, 2009, Table 3-2)

<sup>4</sup> TIA Requirements Policy and Procedures - Methodologies and Analysis Parameters. Marion County. 2015.

<sup>5</sup> Oregon Highway Plan Table 6. Oregon Department of Transportation. 2023.

<sup>6</sup> *Highway Capacity Manual, Sixth Edition | A Guide for Multimodal Mobility Analysis*, Transportation Research Board, Washington D.C., 2016.

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study intersection's existing volume to capacity (v/c) ratio, delay, and LOS. As shown, under existing conditions, the OR-551/Ehlen Road intersection fails to meet ODOT's mobility target of v/c  $\leq 0.70$  for the AM and PM peak hours.

TABLE 3: 2023 EXISTING PEAK HOUR STUDY INTERSECTION OPERATIONS

INTERSECTION	JURISDICTION	MOBILITY TARGET/ OPERATING STANDARD	AM PEAK HOUR			PM PEAK HOUR		
			V/C	DELAY	LOS	V/C	DELAY	LOS
<b>SIGNALIZED</b>								
AIRPORT ROAD/ ARNDT ROAD	Marion County	0.85 v/c; LOS D	0.84	37.5	D	0.63	18.2	B
OR-551/ ARNDT ROAD	ODOT	0.70 v/c	0.69	21.6	C	0.62	19.8	B
OR-551/ EHLEN ROAD	ODOT	0.70 v/c	<b>0.75</b>	35.4	D	<b>0.79</b>	40.8	D
<b>TWO-WAY STOP-CONTROLLED</b>								
AIRPORT ROAD/ KEIL ROAD	Marion County	LOS E	0.03 EB	10.2	A/B	0.10 EB	10.4	A/B
AIRPORT ROAD/ EHLEN ROAD	Marion County	LOS E	0.23 SB	20.8	A/C	0.73 SB	46.6	A/E
OR-551/ KEIL ROAD	ODOT	0.70 v/c	0.27 SB	9.5	A/C	0.39 WB	45.4	A/E
AIRPORT ROAD/ STENBOCK WAY	Marion County	LOS E	0.01 EB	10.3	A/B	0.02 EB	10.4	A/B
<b>Signalized Intersections:</b>			<b>Two-Way Stop-Controlled Intersections:</b>					
v/c = Volume-to-Capacity Ratio of Intersection			v/c = Volume-to-Capacity Ratio of Worst Movement					
Delay = Average Stopped Delay per Vehicle (sec)			Delay = Critical Movement Approach Delay (sec)					
LOS = Level of Service of Intersection			LOS = Level of Service of Major Street/Minor Street					
<b>Bold/Highlighted:</b> Intersection fails to meet operating standards/mobility targets.								

**SAFETY ANALYSIS**

The most recent five years (2017 - 2021) of available crash data for the study area was obtained from the Oregon Department of Transportation (ODOT) and was used to evaluate the safety performance of the study intersections. During the five-year study period, there were a total of 134 crashes with 106 crashes at the study intersections and 28 crashes along the study segments (Figure 3).

One fatal crash occurred in July 2021 involving a bicyclist that was struck from behind by a driver. This crash occurred along OR 551 between Arndt Road and Keil Road. There were five crashes in the study area that resulted in severe injuries, including one crash along the project site frontage. The crash occurred when a southbound driver ran off the road and into the ditch. The two primary types of collisions were rear-end (66 crashes) and turning (43 crashes) and the most common contributing factors were failure to avoid (42 crashes) or not yielding (34 crashes).

**CRASH RATE**

The total number of crashes observed at an intersection is typically related to the volume of traffic traveling through said intersection. Because of this relationship, a commonly used measure to evaluate the safety performance of an intersection is the intersection crash rate, which is the number of crashes per year per million entering vehicles (MEV). ODOT has developed a list of critical crash rates which represent the expected crash rate for different types of intersections across the state. If the calculated crash rate is higher than the corresponding ODOT critical

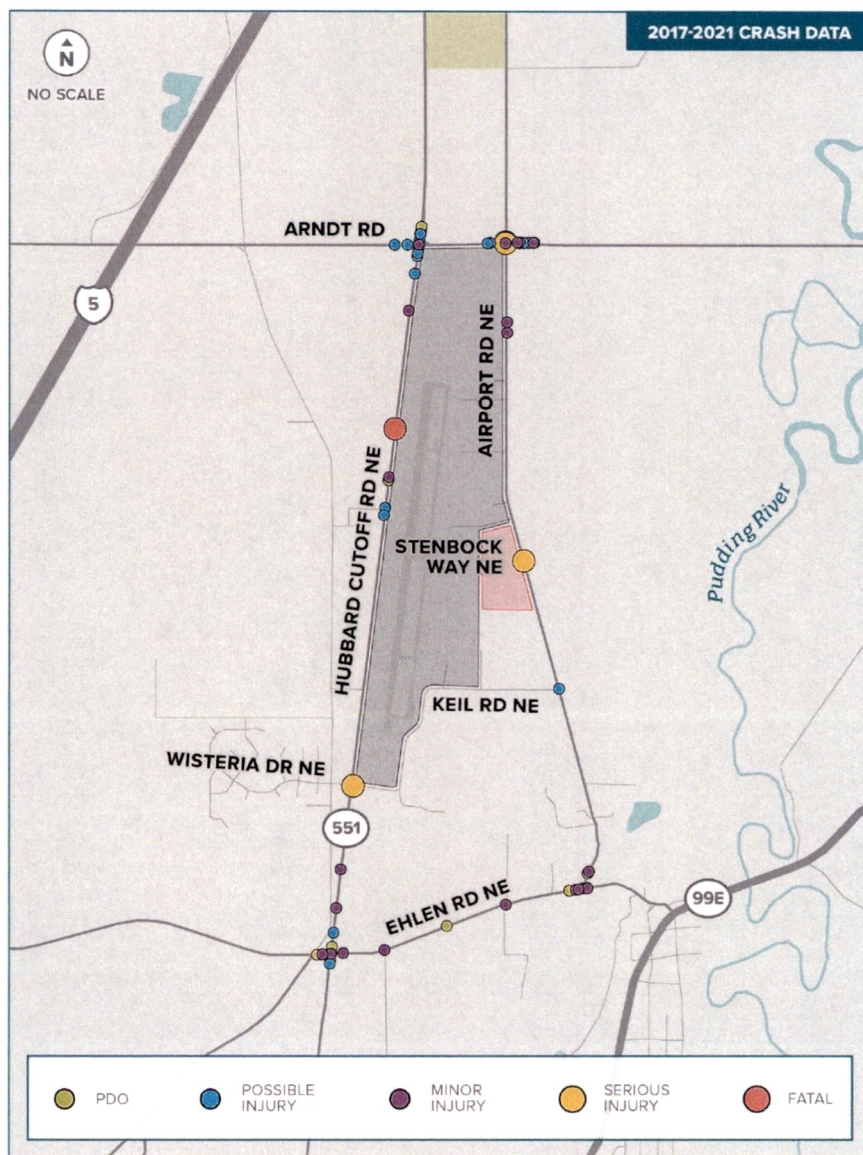


FIGURE 3: 2017 TO 2021 COLLISIONS

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crash rate, this would indicate a potential safety concern and would warrant additional safety investigations.

As shown in Table 4, the three signalized intersections of Airport Road/Arndt Road, OR-551/Arndt Road, and OR-551/Ehlen Road had high crash rates that exceeds the ODOT Critical Crash Rate. As noted earlier, safety improvements were implemented in 2020 at the intersection of OR-551/Ehlen Road, the effects of which are not fully reflected in the crash rate yet.

**TABLE 4: STUDY INTERSECTION CRASHES (2017-2021)**

INTERSECTION	CRASH FREQUENCY (BY SEVERITY)				ADT	ODOT CRITICAL CRASH RATE	OBSERVED CRASH RATE
	FATAL	INJURY	PDO	TOTAL			
OR-551/ ARNDT ROAD	0	17	12	29	23,550	0.579	<b>0.675</b>
AIRPORT ROAD/ ARNDT ROAD	0	26	11	37	17,710	0.579	<b>1.145</b>
AIRPORT ROAD/ STENBOCK WAY	0	0	0	0	2,680	0.475	0.000
AIRPORT ROAD / KEIL ROAD	0	1	0	1	2,960	0.475	0.185
AIRPORT ROAD/ EHLEN ROAD	0	4	3	7	10,910	0.475	0.352
OR-551/ EHLEN ROAD	0	22	16	38	19,370	0.579	<b>1.075</b>
OR-551/ KEIL ROAD	0	2	0	2	12,020	1.080	0.091

<sup>a</sup> PDO = Property damage only

<sup>b</sup> Critical crash rates according to 90th Percentile rate from ODOT APM Exhibit 4-1

<sup>c</sup> Crash rate = average annual crashes per million entering vehicles (MEV); MEV estimates based on PM peak-hour traffic count

**Bold/Highlighted:** Intersection is over the critical crash rate.

### SAFETY PRIORITY INDEX SYSTEM (SPIS)

The Safety Priority Index System (SPIS) is a ranking system developed by ODOT to identify potential safety problems on state highways. SPIS scores are developed based upon crash frequency, severity, and rate for a 0.10 mile or variable length segment along the state highway over a rolling three-year window (i.e., every year it is updated with the most recent three years).

A prioritized list of the top 15th percentile of statewide SPIS sites is created for each region, and the top 5th percentile are investigated by the five Region Traffic managers' offices. Based on the 2020 SPIS list, Airport Road/Arndt Road is in the top 95% percentile. OR-551/Ehlen Road is in the top 85<sup>th</sup> percentile. However, it should be noted that OR-551/Ehlen Road was recently reconfigured

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in 2020 and included the addition of left turn lanes on the eastbound and westbound approaches. Because the SPIS data is based on crashes between 2017 – 2019, the recent safety improvements and their effects on safety at OR-551/Ehlen Road are not yet reflected in the current SPIS list.

**RECOMMENDED SAFETY IMPROVEMENTS**

Of the 29 crashes that occurred at the OR-551/Arndt Road intersection, the majority of crashes were rear-end crashes (16 crashes) or turning crashes (7 crashes). The most common cause for crashes here were "Failure to Avoid" (11 crashes) and "Improper Turning" (4 crashes). It is recommended that safety improvements such as advanced flashing signal ahead warning signage be installed at the OR-551/Arndt Road intersection, specifically in the northbound direction and eastbound direction, to address these crash patterns.

Of the 37 crashes that occurred at the Airport Road/Arndt Road intersection, two crashes resulted in severe injuries. The majority of crashes that occurred at this intersection were turning crashes (20 crashes) or rear-end crashes (11 crashes). The most common cause for crashes here were "Failure to Yield" (17 crashes) and "Failure to Avoid" (9 crashes). Both of the severe injury crashes occurred in the evening between 4PM – 6PM. It is recommended that safety improvements such as protected-permissive left turn phasing on the northbound and southbound approaches, advanced signal heads, and advanced signal warning signage be installed at the Airport Road/Arndt Road intersection to address these crash patterns.

**PROJECT IMPACTS**

The proposed development on the east edge of the Aurora State Airport is a "Vertiport." The proposed Vertiport is composed of verticopter/helicopter tie downs and hangars and charging stations. There are offices/shops shown on the proposed site plan. Shops are used for repairing and maintaining aircraft components. Offices are used for maintenance staff, inspectors, libraries of manuals, FAA required parts which must be secured at all times to ensure their provenance and chain of ownership is maintained, log books for aircraft and for each of their parts, offices for pilots, for pilot training, for weather data and flight planning, drone pilot work stations, if medical aero then offices for flight nurses and staff, training for same, dispatch offices, line person offices. Note, the verticopters/helicopters stored, maintained, and repaired at the proposed vertiport are the only ones using the facility.

To evaluate the impacts of the proposed development, the vehicle operations at the identified study intersections under future no-build and build conditions with the proposal were analyzed.

## TRIP GENERATION

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Trip generation is the method used to estimate the number of vehicles a development adds to site driveways and the adjacent roadway network during a specified period (i.e., such as the PM peak hour). Trip generation estimates are performed using trip rates surveyed at similar land uses, as provided by the Institute of Transportation Engineers (ITE).<sup>7</sup>

The site is proposed to include three different uses:

- Verticopter/helicopter tie downs and hangar space
- Verticopter/helicopter storage space
- Verticopter/helicopter offices and shops. The shops will be used for repairing and maintaining aircraft components. The offices will be used by maintenance staff, inspectors, and pilots.

There are three hangars and one headquarters building shown on the site plan.

- Hangar V is only for verticopter and helicopter storage and will not contain any office or shop space. Therefore, it is assumed to not generate any independent vehicle trips.
- Hangar W and Hangar X are proposed to house verticopter and helicopters as well as provide space for shops and offices. This combination of shop and office space is best matched by the Warehouse ITE Land Use (LU Code 150), which is described as "...primarily devoted to the storage of materials, but it may also include office and maintenance areas".
- The Vertiport Headquarters building will have a mix of traditional office space and shop space. For trip generation purposes, it was assumed that approximately 50% of the floorspace would be general office (ITE LU Code 710) and 50% would be verticopter-helicopter shops (ITE LU Code 150).

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<sup>7</sup> *Trip Generation Manual, 11<sup>th</sup> Edition*, Institute of Transportation Engineers, 2021.



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TABLE 5: BUILDING SQUARE FOOT BREAKDOWN BY USE

BUILDING	SIZE (SQUARE FEET)	BREAKDOWN OF USE	SIZE (SQUARE FEET)	TRIP GENERATION LAND USE CODE
HANGAR V	38,916	Verticopter and Helicopter Storage	38,916	None
HANGAR W	76,160	Verticopter and Helicopter Storage	32,000	None
		Shops/Offices	44,160	LU Code 150
HANGAR X	57,560	Verticopter and Helicopter Storage	32,000	None
		Shops/Offices	25,560	LU Code 150
VERTIPOINT HEADQUARTERS	31,316	Office	15,658	LU Code 710
		Shops	15,658	LU Code 150

Based on the ITE manual, the proposed site is estimated to generate 316 average daily trips, 38 (32 in, 6 out) AM peak hour trips and 38 (8 in, 30 out) PM peak hour trips.

TABLE 6: TRIP GENERATION SUMMARY FOR PROPOSED DEVELOPMENT

LAND USE (ITE CODE)	TRIP GEN RATE <sup>A</sup>	UNITS	AM PEAK HOUR			PM PEAK HOUR			DAILY TRIPS
			IN	OUT	TOTAL	IN	OUT	TOTAL	
WAREHOUSE (150)	0.17 (0.18)	85.4 KSF	11	3	14	4	11	15	146
GENERAL OFFICE (710)	1.52 (1.44)	15.7 KSF	21	3	24	4	19	23	170
<b>TOTAL</b>			<b>32</b>	<b>6</b>	<b>38</b>	<b>8</b>	<b>30</b>	<b>38</b>	<b>316</b>

**Note:**

- A. XX (YY) = AM peak rate (PM peak rate) in trips per 1,000 square feet of gross floor area  
 B. KSF = 1,000 square feet

**TRIP DISTRIBUTION**

Trip distribution provides an estimation of where project-related trips would be coming from and going to within the study area. It is given as percentages at key gateways to the study area and is used to route project trips through the study intersections. The trip distribution, estimated using the existing traffic counts, is shown in Figure 4 on the following page.

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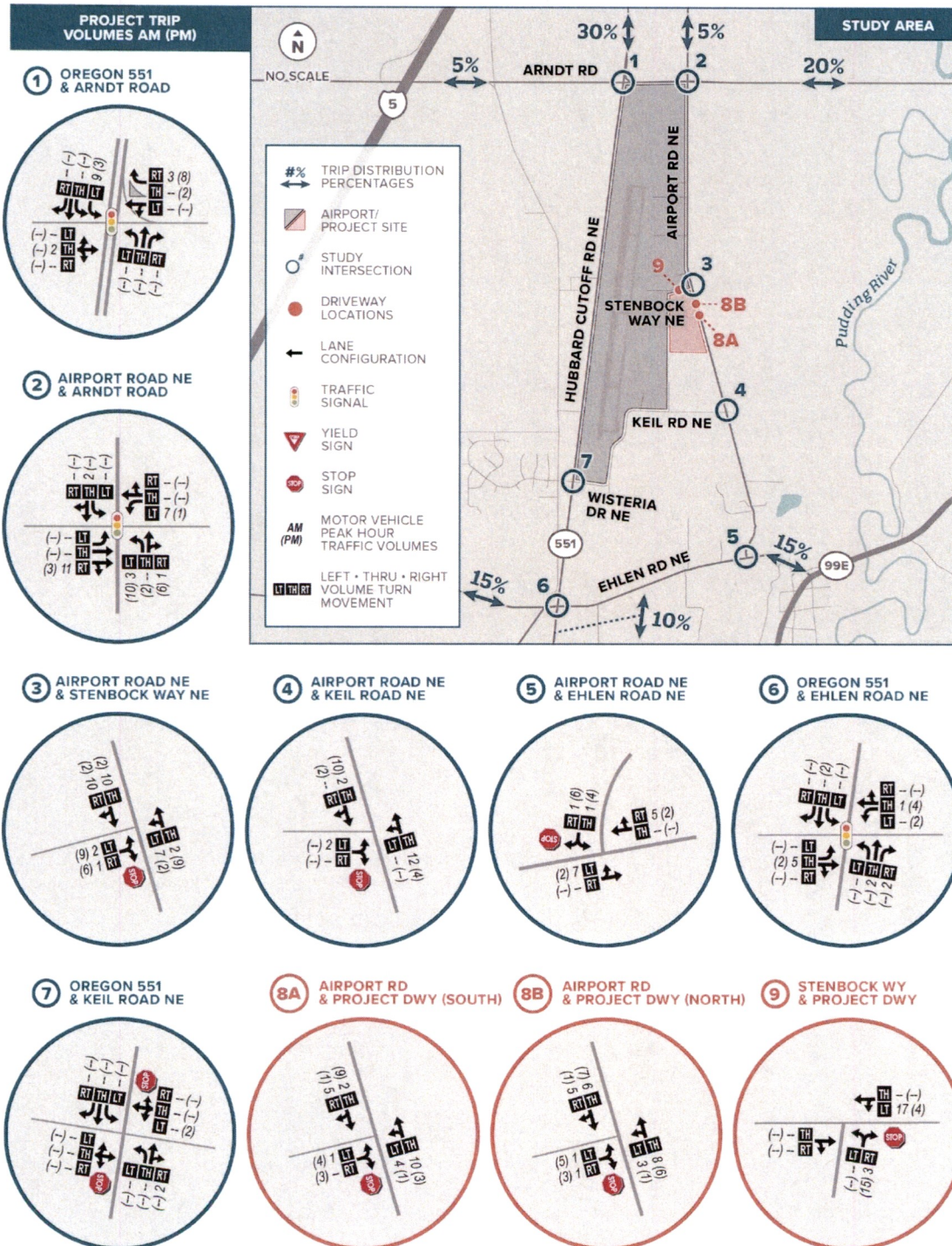


FIGURE 4: PROJECT TRIPS AND TRIP DISTRIBUTION

## PROJECT IMPACT ANALYSIS

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The following sections present the results of the future traffic operations analysis at each of the study intersections, with and without the proposed development.

### FUTURE TRAFFIC VOLUMES

Future traffic volumes were estimated and used to analyze future intersection operations at the intersection for two future years: Year of Opening (2025) and Short-Term (2030). The future analysis scenarios include various combinations of three types of traffic: existing, background, and project. The background traffic includes the traffic that is expected to be added to the transportation system based on an increase in regional population and development.

A growth rate was calculated based on methodology from ODOT's Analysis Procedure Manual.<sup>8</sup> OR-551 is located outside of Aurora's urban growth boundary and using historical trends to estimate a growth rate was deemed applicable. Current and future traffic volumes on OR-551 near the site (mile posts 1.49 and 3.46) were gathered from ODOT's Future Volumes Table and an annual growth rate of 2.0% on OR-551 between Arndt Road and Ehlen Road was calculated. Supporting data is included in the appendix.

This growth rate was applied to all movements at the OR-551/Arndt Road and OR-551/Ehlen Road intersections, the north-south through movements at the OR-551/Keil Road intersection, and the east-west movements at the Arndt Road/Airport Road and Ehlen Road/Airport Road intersections. The growth rate was selectively applied to the study intersections to accurately model the expected background growth in traffic. It is anticipated that any growth on Airport Road in the future will be due to the expansion of the airport facilities.

### PLANNED PROJECTS

All future traffic operations assumed completion of the following planned Marion County project:

**Marion County Flashing Yellow Arrows:** Install flashing yellow arrows for all left turn movements at the Airport Road/Arndt Road intersection to allow for protective and permissive left turns. Optimized signal timing was assumed as part of this project.

### OPENING YEAR (2025) ANALYSIS

Figure 5 and Figure 6 show the expected traffic volumes for the study area for the Opening Year 2025 No Build and Build (with proposed development).

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<sup>8</sup> *Analysis Procedure Manual, Version 2*, Chapter 6: Future Year Forecasting, ODOT, Last updated November 2018.

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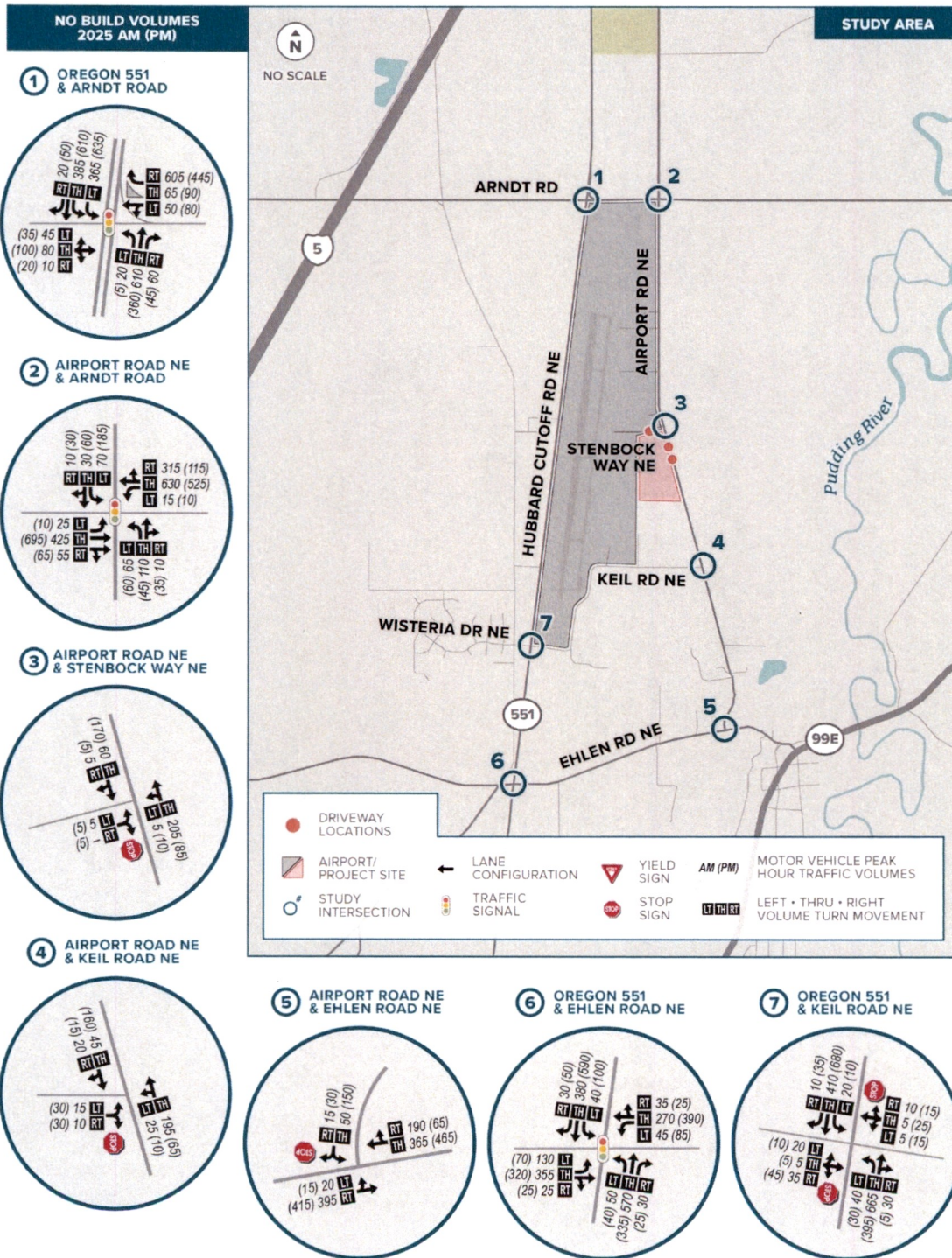


FIGURE 5: 2025 NO BUILD TRAFFIC VOLUMES

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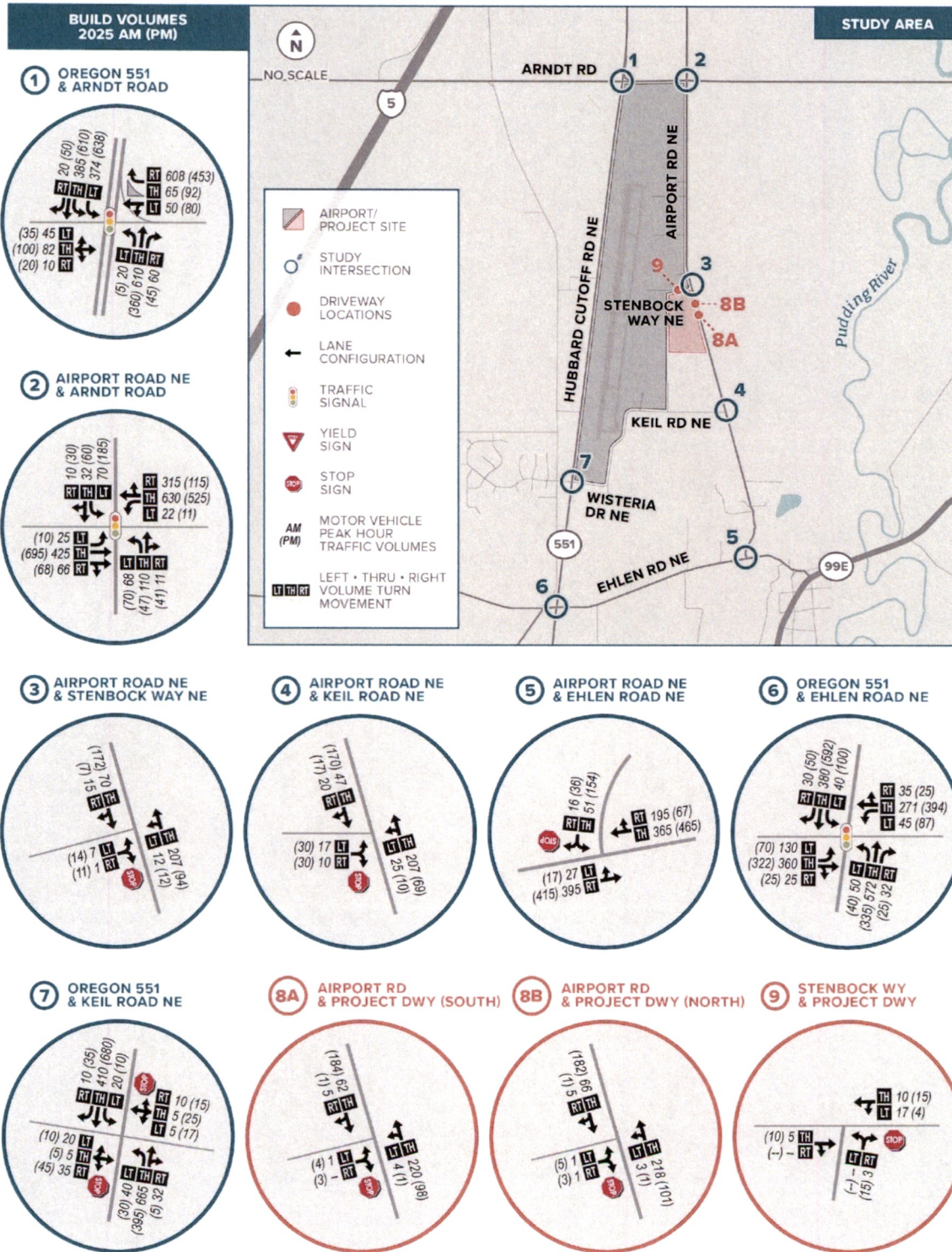


FIGURE 6: 2025 BUILD TRAFFIC VOLUMES

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It is anticipated that the proposed development will be completed in 2025. Table 7 lists the 2025 No Build intersection operations and Table 8 lists the 2025 Build intersection operations. As shown, by 2025, all three signalized intersections will exceed the v/c mobility target in the No Build scenario. Additionally, the Airport Road / Ehlen Road intersection is projected to operate at LOS F, exceeding the Marion County LOS target. With the proposed development, the v/c at the three signals are projected to see no increase or a minimal increase in v/c ratio. At the Airport Road / Ehlen Road intersection, the LOS remains unchanged (LOS F on the minor street approaches). Mitigation measures are discussed in the *Mitigation Strategies* section.

TABLE 7: 2025 NO BUILD INTERSECTION OPERATIONS

INTERSECTION	JURISDICTION	MOBILITY TARGET/ OPERATING STANDARD	AM PEAK HOUR			PM PEAK HOUR		
			V/C	DELAY	LOS	V/C	DELAY	LOS
<b>SIGNALIZED</b>								
AIRPORT ROAD/ ARNDT ROAD	Marion County	0.85 v/c and LOS D	<b>0.95</b>	50.5	D	0.69	20.5	C
OR-551/ ARNDT ROAD	ODOT	0.70 v/c	<b>0.73</b>	23.7	C	0.66	21.9	C
OR-551/ EHLEN ROAD	ODOT	0.70 v/c	<b>0.79</b>	40.3	D	<b>0.83</b>	46.3	D
<b>TWO-WAY STOP-CONTROLLED</b>								
AIRPORT ROAD/ KEIL ROAD	Marion County	LOS E	0.04 EB	10.2	A/B	0.11 EB	10.6	A/B
AIRPORT ROAD/ EHLEN ROAD	Marion County	LOS E	0.26 SB	22.2	A/C	0.80 SB	58.2	<b>A/F</b>
OR-551/ KEIL ROAD	ODOT	0.70 v/c	0.33 EB	30.9	A/D	0.49 WB	55.0	A/F
AIRPORT ROAD/ STENBOCK WAY	Marion County	LOS E	0.01 EB	10.4	A/B	0.02 EB	10.4	A/B

**Signalized Intersections:**

v/c = Volume-to-Capacity Ratio of Intersection  
 Delay = Average Stopped Delay per Vehicle (sec)  
 LOS = Level of Service of Intersection

**Two-Way Stop-Controlled Intersections:**

v/c = Volume-to-Capacity Ratio of Worst Movement  
 Delay = Critical Movement Approach Delay (sec)  
 LOS = Level of Service of Major Street/Minor Street

**Bold/Highlighted:** Intersection fails to meet operating standards/mobility targets.

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TABLE 8: 2025 BUILD INTERSECTION OPERATIONS

INTERSECTION	JURISDICTION	MOBILITY TARGET/ OPERATING STANDARD	AM PEAK HOUR <sup>A</sup>			PM PEAK HOUR <sup>A</sup>		
			V/C	DELAY	LOS	V/C	DELAY	LOS
<b>SIGNALIZED</b>								
AIRPORT ROAD/ ARNDT ROAD	Marion County	0.85 v/c and LOS D	<b>0.95</b> <b>(+0.00)</b>	50.4 (-0.1)	D (-)	0.70 (+0.01)	21.3 (+2.9)	C (-)
OR-551/ ARNDT ROAD	ODOT	0.70 v/c	<b>0.74</b> <b>(+0.01)</b>	24.1 (+0.4)	C (-)	0.66 (+0.00)	22.0 (+0.1)	C (-)
OR-551/ EHLEN ROAD	ODOT	0.70 v/c	<b>0.79</b> <b>(+0.00)</b>	40.8 (+0.5)	D (-)	<b>0.83</b> <b>(+0.00)</b>	47.1 (+0.8)	D (-)
<b>TWO-WAY STOP-CONTROLLED</b>								
AIRPORT ROAD/ KEIL ROAD	Marion County	LOS E	0.04 EB (+0.00)	10.4 (+0.2)	A/B (-/-)	0.11 EB (+0.00)	10.8 (+0.2)	A/B (-/-)
AIRPORT ROAD/ EHLEN ROAD	Marion County	LOS E	0.28 SB (+0.02)	23.1 (+0.9)	A/C (-/-)	0.85 SB (+0.05)	65.8 (+7.6)	<b>A/F</b> <b>(-/-)</b>
OR-551/ KEIL ROAD	ODOT	0.70 v/c	0.33 EB (+0.00)	31.3 (+0.4)	A/D (-/-)	0.52 WB (+0.03)	57.9 (+2.9)	A/F (-/-)
AIRPORT ROAD/ STENBOCK WAY	Marion County	LOS E	0.01 EB (+0.00)	10.5 (+0.1)	A/B (-/-)	0.05 EB (+0.03)	10.8 (+0.4)	A/B (-/-)
<b>Signalized Intersections:</b>			<b>Two-Way Stop-Controlled Intersections:</b>					
v/c = Volume-to-Capacity Ratio of Intersection			v/c = Volume-to-Capacity Ratio of Worst Movement					
Delay = Average Stopped Delay per Vehicle (sec)			Delay = Critical Movement Approach Delay (sec)					
LOS = Level of Service of Intersection			LOS = Level of Service of Major Street/Minor Street					
<b>Bold/Highlighted:</b> Intersection fails to meet operating standards/mobility targets.								
A. The number in parentheses represents the difference from No Build.								

**SHORT-TERM (2030) ANALYSIS**

Figure 7 and Figure 8 show the expected traffic volumes for the study area for the Short-Term 2030 No Build and Build (with proposed development).

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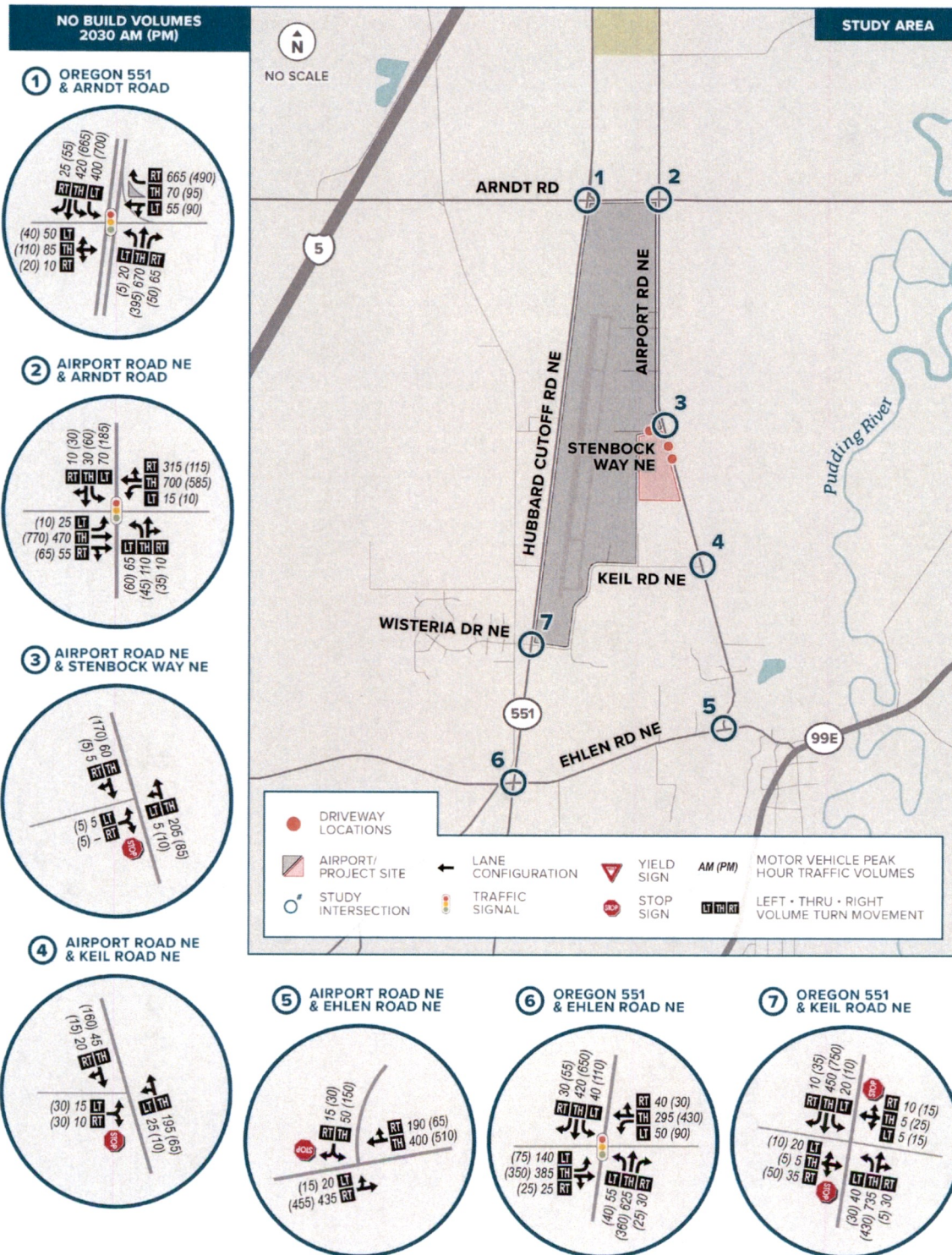


FIGURE 7: 2030 NO BUILD TRAFFIC VOLUMES





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Table 9 lists the 2030 No Build intersection operations and Table 10 lists the 2030 Build intersection operations. As in 2025, the three signalized intersection and the intersection of Airport Road/Ehlen Road will exceed the applicable operating standards/mobility targets in both the No Build and Build scenarios in 2030. The additional traffic generated by the proposed project will increase the v/c by 0.01 or less at all signalized intersections, and the LOS at the Airport Road/Ehlen Road intersection will remain unchanged at LOS F. Mitigation measures that are proportional to the level of development being proposed will be required by both Marion County and ODOT, as discussed in the *Mitigation Strategies* section.

TABLE 9: 2030 NO BUILD INTERSECTION OPERATIONS

INTERSECTION	JURIS-DICTION	MOBILITY TARGET/ OPERATING STANDARD	AM PEAK HOUR			PM PEAK HOUR		
			V/C	DELAY	LOS	V/C	DELAY	LOS
<b>SIGNALIZED</b>								
AIRPORT ROAD/ ARNDT ROAD	Marion County	0.85 v/c and LOS D	<b>1.00</b>	<b>65.7</b>	<b>E</b>	0.73	21.5	C
OR-551/ ARNDT ROAD	ODOT	0.70 v/c	<b>0.81</b>	27.6	C	<b>0.72</b>	27.6	C
OR-551/ EHLEN ROAD	ODOT	0.70 v/c	<b>0.86</b>	48.8	D	<b>0.91</b>	59.5	E
<b>TWO-WAY STOP-CONTROLLED</b>								
AIRPORT ROAD/ KEIL ROAD	Marion County	LOS E	0.04 EB	10.2	A/B	0.11 EB	10.6	A/B
AIRPORT ROAD/ EHLEN ROAD	Marion County	LOS E	0.29 SB	25.1	A/D	0.92 SB	85.1	A/F
OR-551/ KEIL ROAD	ODOT	0.70 v/c	0.40 EB	39.0	A/E	0.61 WB	79.5	B/F
AIRPORT ROAD/ STENBOCK WAY	Marion County	LOS E	0.01 EB	10.4	A/B	0.02 EB	10.4	A/B
<b>Signalized Intersections:</b>			<b>Two-Way Stop-Controlled Intersections:</b>					
v/c = Volume-to-Capacity Ratio of Intersection			v/c = Volume-to-Capacity Ratio of Worst Movement					
Delay = Average Stopped Delay per Vehicle (sec)			Delay = Critical Movement Approach Delay (sec)					
LOS = Level of Service of Intersection			LOS = Level of Service of Major Street/Minor Street					
<b>Bold/Highlighted:</b> Intersection fails to meet operating standards/mobility targets.								

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TABLE 10: 2030 BUILD INTERSECTION OPERATIONS

INTERSECTION	JURISDICTION	MOBILITY TARGET/ OPERATING STANDARD	AM PEAK HOUR <sup>A</sup>			PM PEAK HOUR <sup>A</sup>		
			V/C	DELAY	LOS	V/C	DELAY	LOS
<b>SIGNALIZED</b>								
AIRPORT ROAD/ ARNDT ROAD	Marion County	0.85 v/c and LOS D	<b>1.00</b> <b>(+0.00)</b>	<b>65.4</b> <b>(-0.3)</b>	<b>E</b> <b>(-)</b>	0.74 (+0.01)	22.2 (+0.7)	C (-)
OR-551/ ARNDT ROAD	ODOT	0.70 v/c	<b>0.82</b> <b>(+0.01)</b>	28.2 (+0.6)	C (-)	<b>0.72</b> <b>(+0.00)</b>	27.8 (+0.2)	C (-)
OR-551/ EHLEN ROAD	ODOT	0.70 v/c	<b>0.86</b> <b>(+0.00)</b>	49.3 (+0.5)	D (-)	<b>0.91</b> <b>(+0.00)</b>	60.7 (+1.2)	E (-)
<b>TWO-WAY STOP-CONTROLLED</b>								
AIRPORT ROAD/ KEIL ROAD	Marion County	LOS E	0.04 EB (+0.00)	10.4 (+0.2)	A/B (-/-)	0.11 EB (+0.00)	10.8 (+0.2)	A/B (-/-)
AIRPORT ROAD/ EHLEN ROAD	Marion County	LOS E	0.31 SB (+0.02)	26.3 (+1.2)	A/D (-/-)	0.97 SB (+0.05)	96.9 (+11.8)	A/F (-/-)
OR-551/ KEIL ROAD	ODOT	0.70 v/c	0.40 EB (+0.00)	39.4 (+0.4)	B/E (A/-)	0.64 WB (+0.03)	85.4 (+5.9)	B/F (-/-)
AIRPORT ROAD/ STENBOCK WAY	Marion County	LOS E	0.01 EB (+0.00)	10.5 (+0.1)	A/B (-/-)	0.05 EB (+0.03)	10.8 (+0.4)	A/B (-/-)
<b>Signalized Intersections:</b>			<b>Two-Way Stop-Controlled Intersections:</b>					
v/c = Volume-to-Capacity Ratio of Intersection			v/c = Volume-to-Capacity Ratio of Worst Movement					
Delay = Average Stopped Delay per Vehicle (sec)			Delay = Critical Movement Approach Delay (sec)					
LOS = Level of Service of Intersection			LOS = Level of Service of Major Street/Minor Street					
<b>Bold/Highlighted:</b> Intersection fails to meet operating standards/mobility targets.								
A. The number in parentheses represents the difference from No Build.								

## MITIGATION STRATEGIES

As discussed in the traffic operations sections above, four of the study intersections do not meet the applicable Marion County operating standards or ODOT mobility targets under 2030 conditions (with and without the proposed project). The mitigation requirements vary by agency and are described below.

- **For Marion County intersections**, the developer is not required to construct the full mitigation to bring an intersection back to standards. Instead, the developer can contribute partial funds towards the mitigation, in proportion to the amount of traffic being generated.
- **For ODOT intersections**, the developer is required to construct the mitigation because ODOT has no mechanism for receiving or retaining private funds. However, the cost of the mitigation must be reasonable for the level of development. In cases where the cost of mitigating to standards is disproportionate to the development, construction of smaller-scale mitigations that provide an incremental operational or safety benefit may be accepted.

## RECOMMENDED MITIGATIONS

### AIRPORT ROAD/ARNDT ROAD (MARION COUNTY)

This intersection fails to meet the County's operating standard in the future 2030 No Build scenario. The proposed project does not degrade operations performance measures (the v/c ratio and LOS remain unchanged) with the addition of project-generated traffic. Therefore, the proposed project has no significant impact warranting mitigation.

**TIS Mitigations to Standards:** No mitigations are required.

### AIRPORT ROAD/EHLEN ROAD (MARION COUNTY)

This intersection fails to meet the County's operating standard of LOS E in the future 2030 No Build scenarios. The proposed project does degrade operations performance measures (the LOS remains unchanged). Therefore, the proposed project has no significant impact warranting mitigation.

**TIS Mitigations to Standards:** No mitigations are required.

### ARNDT ROAD/OR-551 (ODOT)

This intersection does not meet ODOT's mobility target under Existing 2023 conditions. The proposed project has a very minimal impact to the intersection, resulting in a maximum increase of 0.01 v/c ratio in 2030.

Calculated values for v/c ratios that are within 0.03 of the adopted target are considered to comply with the target, as reflected in the Oregon Highway Plan (OHP), Action 1F.5 regarding mobility targets and best traffic engineering practices. The reason is that transportation engineering is not an exact science and necessarily requires making educated assumptions that introduce a level of uncertainty to the analysis results and findings. Assumptions that result in v/c ratio within 0.03 of

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the target is within the well-understood margin of error and so are considered to demonstrate compliance with the target. Therefore, the proposed project has no significant impact warranting mitigation.

**TIS Mitigations to Standards:** No mitigations are required.

**EHLEN ROAD/OR-551 (ODOT)**

This intersection fails to meet ODOT's mobility target in the future 2030 No Build scenario. The proposed project does not degrade operations performance measures (the v/c ratio remains unchanged) with the addition of project-generated traffic. Therefore, the proposed project has no significant impact warranting mitigation.

**TIS Mitigations:** No mitigations are required.

**SITE PLAN REVIEW**

The site plan includes approximately 102,916 square feet of proposed vertiport-heliport storage and hangar space and 101,036 square feet of proposed vertiport-heliport related office/shop space. The site plan also includes 277 proposed parking spaces located primarily along Airport Road. The site plan shows sufficient aisle width for parking maneuvers and a sufficient number of access points for emergency vehicle access.

**PROJECT FRONTAGE**

Frontage improvements along Airport Road will be required to bring the roadway to current Marion County design standards for Rural Major Collectors. The standard for Rural Major Collectors includes a minimum paved width of 22 feet, 5-foot gravel shoulders, and a minimum right-of-way width of 60 feet.

**SITE ACCESS**

Two access points are located along Airport Road, and one on Stenbock Way NE (private road). The spacing between the Airport Road access points is approximately 150 feet, which does not meet the Marion County access spacing standards for major collectors.<sup>9</sup> The southern access point along Airport Road is located near an existing driveway that leads to properties on the east side of Airport Way. It is recommended that the proposed access points be aligned with these driveways to avoid off-set intersections. The developer should coordinate with County staff and property owners. Based on preliminary observations, there are no sight distance restrictions at the existing driveway

<sup>9</sup> *Marion County Rural Transportation System Plan, 2005*. Table 10-1. Access spacing requirements between minor intersections or private access is 300 feet on major collector roadways.

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or study intersections.<sup>10</sup> However, prior to occupancy, sight distance at any existing access points will need to be verified, documented, and stamped by a registered professional Civil or Traffic Engineer licensed in the State of Oregon.

Table 11 below shows the traffic operations at the three proposed project driveways for Opening Year (2025) and the Short-Term (2030) Build scenarios. It was assumed that 50 percent of the project trips would use the Stenbock Way driveway and the remainder evenly split between the two proposed driveways on Airport Road. As shown, the proposed driveways meet the Marion County operating standard.

TABLE 11: BUILD DRIVEWAY OPERATIONS

INTERSECTION	JURISDICTION	MOBILITY TARGET/ OPERATING STANDARD	AM PEAK HOUR			PM PEAK HOUR		
			V/C	DELAY	LOS	V/C	DELAY	LOS
<b>OPENING YEAR (2025)</b>								
AIRPORT ROAD / PROJECT DWY (NORTH)	Marion County	LOS E	0.00 EB	9.6	A/A	0.02 EB	10.8	A/B
AIRPORT ROAD / PROJECT DWY (SOUTH)	Marion County	LOS E	0.00 EB	9.6	A/A	0.02 EB	10.6	A/B
STENBOCK WAY / PROJECT DWY	Private	-	0.00 NB	8.4	A/A	0.02 NB	10.5	A/A
<b>SHORT-TERM (2030)</b>								
AIRPORT ROAD / PROJECT DWY (NORTH)	Marion County	LOS E	0.00 EB	9.6	A/A	0.02 EB	10.6	A/B
AIRPORT ROAD / PROJECT DWY (SOUTH)	Marion County	LOS E	0.00 EB	9.6	A/A	0.02 EB	10.5	A/B
STENBOCK WAY / PROJECT DWY	Private	-	0.00 NB	8.4	A/A	0.02 NB	8.5	A/A

**Signalized Intersections:**

v/c = Volume-to-Capacity Ratio of Intersection  
 Delay = Average Stopped Delay per Vehicle (sec)  
 LOS = Level of Service of Intersection

**Two-Way Stop-Controlled Intersections:**

v/c = Volume-to-Capacity Ratio of Worst Movement  
 Delay = Critical Movement Approach Delay (sec)  
 LOS = Level of Service of Major Street/Minor Street

<sup>10</sup> Preliminary sight distance evaluations were completed on August 2, 2017.

### TURN LANE WARRANT ANALYSIS

Turn lane warrant analyses were performed for the proposed site access points along Airport Road using the criteria provided in the ODOT Analysis Procedures Manual<sup>11</sup> for left turn and right turn lanes. It was assumed that the vehicles turning into the project site would be split 50 percent to the Stenbock Way driveway and the remainder evenly split between the two proposed Airport Road access points.

Northbound left turn lanes were not warranted at the proposed site accesses on Airport Road or at Stenbock Way. Right turn lanes were also not warranted at the Stenbock Way intersection or either of the proposed site accesses. The results and supporting documentation can be found in the appendix.

### CONDITIONAL USE EVALUATION

The proposed project is a conditional use under the current Marion County zoning of Exclusive Farm Use (EFU). Because the proposed project is a conditionally permitted land use under the EFU zoning, the site must show that it "will not force a significant change, or significantly increase the cost of, accepted farm or forest practices on surrounding lands devoted to farm or forest use."<sup>12</sup> To evaluate this criterion from a transportation perspective, a calculation of the added vehicle travel delay for key agricultural routes through the study area due to the project is provided below.

Two hypothetical routes for agricultural vehicles in the study area were identified to estimate any added vehicle delays that may be incurred by farmers engaged in accepted farming practices on surrounding lands as the result of the proposed project. The two hypothetical routes are shown in Figure 9.

The two hypothetical travel routes are between Smith Gardens on the west side of OR-551 and agricultural land just east of Airport Road. One route travels between the two sites via Arndt Road to the north and the other route travels via Keil Road to the south. The length of the routes and estimated increase in vehicle delays on both routes are shown in the following table.

---

<sup>11</sup> Chapter 12 Unsignalized Intersection Analysis, Analysis Procedures Manual, ODOT, 2023.

<sup>12</sup> Section 17.136.060, Marion County Zoning Code.

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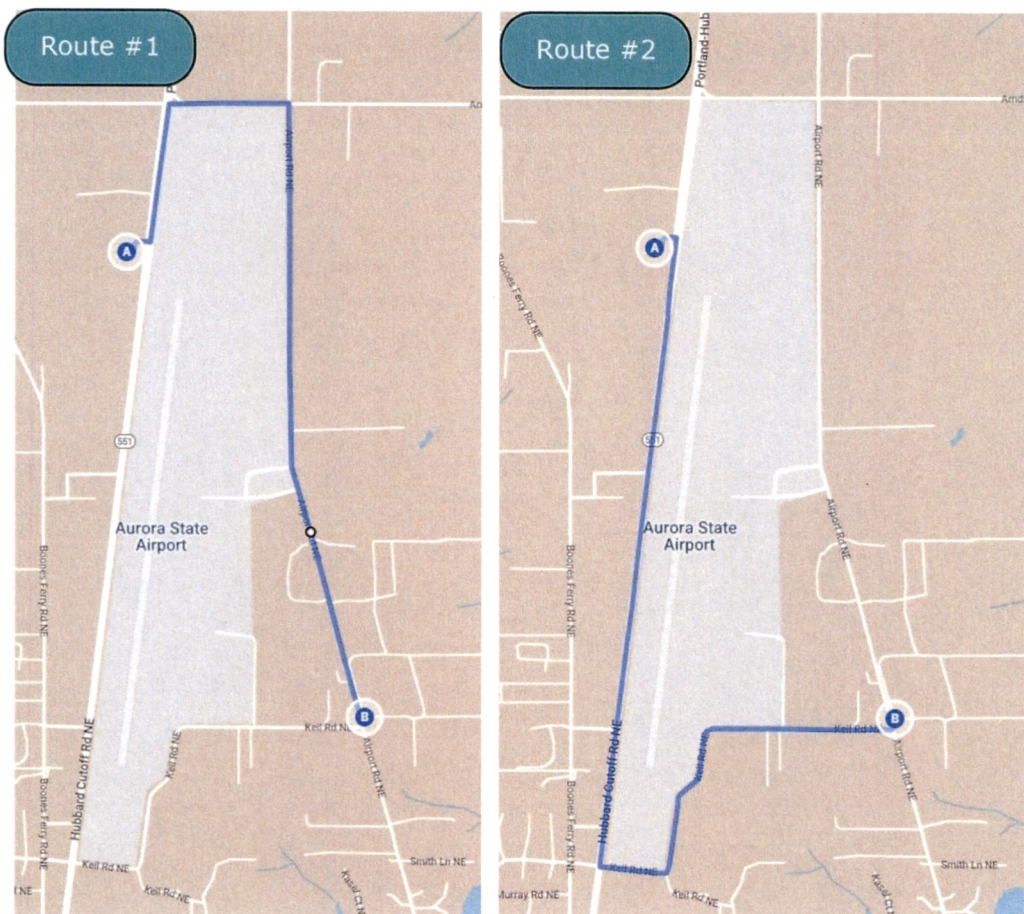


FIGURE 9: HYPOTHETICAL AGRICULTURAL ROUTES IN STUDY AREA

As shown, the added vehicle delay is minimal (<5 seconds or 2% increase). The additional traffic generated by the proposed conditional use would not impart a significant impact on the travel times experienced by agricultural vehicles in the vicinity of the project site, satisfying the approval criteria in the zoning code.

TABLE 12: ADDED VEHICLE DELAYS ON KEY AGRICULTURAL ROUTES

ROUTE	LENGTH (MILES)	APPROXIMATE TRAVEL TIME	VEHICLE DELAY ADDED TO ROUTE	
			AM PEAK HOUR	PM PEAK HOUR
Route #1 – via Arndt Road	1.8 miles	4-5 minutes	< 5 secs	< 5 secs
Route #2 – via Keil Road	2.1 miles	4-5 minutes	< 5 secs	< 5 secs



## SUMMARY

The proposed North Marion County Vertiport will develop a vertiport-heliport transportation facility (a conditional use in EFU zones) consisting of vertiport-heliport tie downs, hangar storage space, maintenance and repair shops, and related offices, on a currently vacant parcel adjacent to the Aurora Airport in Marion County, Oregon. This traffic impact study evaluated the potential impacts of this project on the surrounding transportation network.

## NO-BUILD CONDITIONS

- Four of the study intersections fail to meet applicable operating standards or mobility targets in the No-Build condition, including OR-551/Arndt Road, Airport Road/Arndt Road, OR-551/Ehlen Road, and Airport Road/Ehlen Road.
- Two study intersections (Airport Road/Arndt Road and OR-551/Arndt Road) have existing safety deficiencies based on historical safety performance.

## PROJECT IMPACTS

- The proposed vertiport is expected to generate 316 average daily trips, 38(32 in, 6 out) AM peak hour trips and 38 (8 in, 30 out) PM peak hour trips.
- The three site driveways (two on Airport Road, one on Stenbock Way) will operate acceptably. There are no sight distance constraints at the proposed driveway locations and turn lanes are not warranted.
- The same four study intersections that fail to meet applicable operating standards or mobility targets under No-Build conditions will continue to fail under Build conditions. However, the addition of project-generated trips will not degrade operations according to the performance standards. Therefore, the project has no significant impact and no mitigations are required.
- The proposed development is not expected to cause a significant adverse impact on the surrounding agricultural operations based on an assessment of travel times in the vicinity of the project site. Hypothetical routes for agricultural vehicles are expected to see an increase in travel time of less than five seconds during peak hours.

## RECOMMENDED MITIGATIONS

- **Airport Road Frontage Improvements:** Half-street frontage improvements along Airport Road are required to meet current design standards for rural major collector roadways. The standard for Rural Major Collectors includes a minimum paved width of 22 feet, 5-foot gravel shoulders, and a minimum right-of-way width of 60 feet.
- No other mitigations are needed to meet Marion County or ODOT requirements.

## TRANSPORTATION PLANNING RULE

***We are advised that it is legally unclear whether the provisions of the Transportation Planning Rule (TPR) apply, apart from those expressly specified as applicable per OAR 660-012-0070. Because of this uncertainty, we are asked to apply other potentially applicable provisions of the TPR as a precaution only, without conceding they apply. Accordingly, we address the provisions of the TPR other than OAR 660-012-0070 as a precaution only, without taking any position about whether they apply here.***

The requirements of Oregon Administrative Rule (OAR) 660-012-0060, the Transportation Planning Rule (TPR), must be met for proposed comprehensive plan zoning amendments. The intent of the TPR (OAR 660-12-0060) is to ensure that future land use and traffic growth is consistent with transportation system planning and does not create a significant effect on the surrounding transportation system beyond currently allowed uses.

The definition of a "significant effect" varies by jurisdiction and no such definition is provided in the Marion County code currently. According to the Oregon Highway Plan (OHP)<sup>13</sup>, a net increase of **less than 400 daily trips** does not qualify as a significant effect. While the OHP is not applicable to County roads, it provides a reasonable estimate of a significant effect for TPR analysis purposes.

Based on the trip generation estimate presented in Table 6, the trip generation for the proposed conditional use is **316 daily trips**. Therefore, under this proposed development, it can be concluded that the comprehensive plan map amendment would not have a significant effect on the transportation system and therefore, this conditional use complies with the TPR requirements.

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<sup>13</sup> 1999 Oregon Highway Plan, Action 1F.5, Pages 80-81.

# Laws and Rules

## Department of Land Conservation and Development

### Goal 9: Target Industries Approach Rulemaking

**LAWS AND RULES**

- Oregon Administrative Rules
- Oregon Revised Statutes
- Oregon's Statewide Land Use Planning Goals
- Rulemaking
- Advisory Committees
- Subscribe to DLCD Notices
- Housing Rulemaking – HB 2001 (2023)
- Goal 5 Cultural Areas Rule
- Goal 9: Target Industries Approach Rulemaking**
- Eastern Oregon Solar Siting Possibilities

**Climate Change**

**Comprehensive Plan Updates**

**Farm and Forest**

**Housing Program**

**Measure 49**

**Natural Hazards**

**Natural Resources and Renewable Energy**

**Oregon Coastal Management Program**

**Rural Planning**

**Transportation and Growth Management Program**

**Urban Planning**

On November 3, 2023, the Land Conservation and Development Commission (LCDC) directed Department of Land Conservation and Development (DLCD) staff to begin a rulemaking effort to clarify use of the "Target Industries Approach" by cities in Economic Opportunities Analyses (EOAs). Local economic development is supported by [Statewide Land Use Planning Goal 9](#). Goal 9 and its associated [administrative rules](#) direct cities to provide an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses consistent with comprehensive plan policies.

One method of forecasting land need through an EOA is referred to as the "Target Industries Approach." Many cities have used the Target Industries Approach to identify desirable industries and develop a site inventory and comprehensive plan policies that support attraction or retention of targeted industries. While this approach to justifying land need is well established and supported by case law, it has not been defined or codified in administrative rule. The Department seeks to clarify any potential areas of ambiguity in the application of the Target Industries Approach through rulemaking.

To prepare for an efficient rulemaking process scheduled to conclude by August 2024, the Department is opening recruitment for a rulemaking advisory committee (RAC) in advance of the January LCDC meeting, when commissioners will deliberate the draft rulemaking charge and identify perspectives and interests the RAC should represent. The RAC will advise agency staff in drafting recommended rules. Staff expect the RAC to meet four or fewer times in three-hour meetings between February and June 2024. Applications to serve on the RAC must be submitted by midnight on Tuesday, February 13, 2024.

This rulemaking is intended to be narrow and technical in scope. The department's proposed RAC composition will provide the perspectives of subject matter experts and jurisdictions subject to OAR 660-009 (Economic Development) or those that could benefit from the rule. Additional interests may be considered or prioritized by LCDC during its January 25-26, 2024 public meeting.

Interests to be represented on the Goal 9 RAC:

- Economist
- Real Estate/Consulting Firms Experienced with Economic Opportunities Analysis
- Geographically diverse cities in Oregon
- Metro Regional Government
- Economic Development Districts
- Port Authority
- Land Use Advocacy
- Property Rights Advocacy
- Chambers of Commerce
- Business Interest
- Workforce Equity/Economic Justice
- Low-Income Advocacy
- Climate Advocacy

For more information on the charge to the RAC, read the department's [draft rulemaking charge](#).

#### Apply to Serve on the Goal 9 Target Industries Approach Rulemaking Advisory Committee

[Rules Advisory Committee Application](#)

#### Get Involved

Community members will be able to view RAC meetings and are welcome to email comments to staff throughout the rulemaking process. LCDC will hold a public hearing when the RAC presents a recommended draft rule for consideration.

For substantive questions about the rulemaking please contact Economic Development Specialist Leigh McIlvaine at [leigh.mcilvaine@dlcd.oregon.gov](mailto:leigh.mcilvaine@dlcd.oregon.gov) or 971-701-1041.

Stay informed! [Sign up for GovDelivery](#) notifications on this topic.

#### Resources

- [Draft Charge](#)

#### Contacts

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## Target Industries Approach Rulemaking – Background & Draft Charge

### January 5, 2024

#### Background

Local economic development is prioritized by Statewide Land Use Planning Goal 9, which directs communities to provide an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses consistent with comprehensive plan policies. Oregon Administrative Rules Chapter 660, Division 9, Section 15 provides the process through which cities conduct an analysis of economic opportunities. The Economic Opportunities Analysis (EOA) forms the basis for a city to establish and maintain a 20-year supply of employment land.

OAR 660-009-0015 (Economic Opportunities Analysis) and OAR 660-024-0040 (Land Need) do not prescribe specific sources of population or employment growth data as a requirement for forecasting land need. Cities subject to these rules are allowed a wide degree of flexibility in determining how much job growth is expected and how that job growth translates to land need. One method of forecasting land need is referred to as the “Target Industries Approach.” This method was advanced by Woodburn in its adopted EOA, which was subsequently challenged in the Court of Appeals in 2014. The Target Industries Approach, as summarized in that decision, is defined below:

*“[T]he target-industries approach considers a local government’s employment-growth projections and goals for employment and establishes a framework for attracting the kind of employers that could reasonably be expected to support the kind and amount of employment growth to which the local government aspires. Given the site needs of those particular employers, the local government identifies potentially available land both within and outside its UGB and selects a group of sites and an amount of land that it believes will accommodate the employers that it seeks to attract. The target-industries approach differs from an ‘employees-per-acre approach under which a local government simply projects employment growth and divides that growth by a statistically accepted number of employees per acre of land in order to arrive at the number of acres needed to support employment growth.’”<sup>1</sup>*

Many cities use the Target Industries Approach to identify desirable industries and develop a site inventory and comprehensive plan policies that support attraction or retention of targeted industries. This approach to justifying land need is well established and supported by case law, but it has not been defined or codified in OAR. A recent application of the Target Industries Approach in the city of North Plains’ Economic Opportunities Analysis advanced the argument that employment land need does not need to correlate to forecasted job growth, and further that the Target Industries Approach can be applied across all industrial land need without specifying particular economic sectors. The Department seeks to clarify any potential areas of ambiguity in the application of the Target Industries Approach in this draft rulemaking charge.

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<sup>1</sup> 1000 Friends of Oregon v. Land Conservation and Development Commission, City of Woodburn, and Marion County. (Court of Appeals 2014). Available at <https://cdm17027.contentdm.oclc.org/digital/collection/p17027coll5/id/612/rec/1>

Department staff have developed a draft charge to guide the Rules Advisory Committee's (RAC) work amending OAR 660-009 to provide guidance around the use of the "Target Industries Approach." It is intended that the charge will support the RAC's efforts by serving as an expression of commission expectations. Should there be confusion or disagreement among the RAC, the charge will be looked to for guidance. The following draft language has been or will be reviewed by DLCD's Urban Team, Policy Team, Citizen Involvement Advisory Committee (CIAC), and the Local Officials Advisory Committee (LOAC).

#### Proposed charge

*Members of the Rules Advisory Committee (RAC) will provide assistance to agency staff to analyze, draft, and recommend amendments to Oregon Administrative Rules (OARs) 660-009, Economic Development, that provide guidance and clarity around the use of the Target Industries Approach in Economic Opportunities Analyses and related provisions in OAR 660-009.*

*The Land Conservation and Development Commission will consider amendments to administrative rules that:*

- *Define the term "Target Industries Approach" and related terms to support its application in Economic Opportunities Analyses through clear requirements and integration with related provisions in OAR chapter 660 division 9.*
- *Are informed by a Rules Advisory Committee (RAC) composed of subject matter experts, local officials, and stakeholders subject to the rule.*
- *Identify instances in which a city subject to OAR 660-009 would apply the "Target Industries Approach" rather than established processes for projecting land need through employment growth forecasts.*
- *Do not impact the flexibility of employment growth forecasting as currently exercised by cities subject to OAR 660-009.*
- *Establish guidance in OAR chapter 660, division 9 requiring that job growth projections are connected to land and site needs identified through the Target Industries Approach in Economic Opportunities Analyses.*
- *Are informed by existing case law addressing the use of the Target Industries Approach, and rely on the use of existing resources to provide rationale for analyses.*
- *Establish a voluntary "safe harbor" option in OAR chapter 660, division 9 allowing cities to rely on designated sources to justify land need identified through the Target Industries Approach in an Economic Opportunities Analysis.*
- *Include provisions that protect or preserve specific sites identified through the "Target Industries Approach" for use by targeted industries.*

If approved, this charge would lead the document of operating principles for the RAC as they begin their work.

# ADDITIONAL DOCUMENTS



Interesting stat from today's State Aviation Board meeting: Jet fuel tax makes up 50% of ODAV budget when including federal funds; excluding federal funds, jet fuel makes up 80% of ODAV revenue. So, any actions agency takes that increases fuel flowage increases agency's revenue; hence ODAV has pecuniary incentive to extend runways and take other actions that increase use of av gas and jet fuel, seemingly contrary to National and State objectives to reduce use of fossil fuels and reduce GHG emissions that reduce carbon production.

**Finance Update Revenue 23-25 Snapshot**  
**Jet Fuel Tax 3 Cents**

The line graph shows Jet Fuel Revenue Actuals vs. Budget from Jul 23 to Dec 23. The y-axis ranges from \$0 to \$100,000,000. The x-axis shows months: Jul 23, Aug 23, Sep 23, Oct 23, Nov 23, Dec 23. The legend indicates 'Actuals Jet Fuel' (blue line) and 'Forecast for Budget' (orange line).

The bar chart shows Jet Fuel Tax 3 Cents with three categories: PMP (< 1/2 CENT), OPS (> 1/2 CENT), and ASAP (2 CENTS).

**Financial Update- OPS Rev to Date**

**Oregon Department of Aviation Operations Revenue**  
 Biennium 2023-2025 Thru December 2023 (25%)

	21-23 Biennium	Biennium to Date	Current Biennium 23-25 Projected	Total
Beginning Balance	\$ 1,138,545	\$ 843,948		\$ 843,948
<b>Revenue:</b>				
JetFuel/Avgas/Mogas	2,848,219	539,099	2,485,525	3,004,624
Other NonBusiness Licenses and Fees	412,290	173,509	373,832	547,341
Rebates & Recoveries	18,269	5,201	17,550	22,751
Other Chrgs For Servs	29,250	13,950	18,200	32,150
Rents and Royalties	619,854	167,898	542,708	710,566
Fleet/Equip Sales	261,735	72,167	216,986	289,152
Other Revenue	52,579	37,172	28,752	65,924
Transfer From Department of Energy	4,494	-	-	-
Transfer in from other funds	917,241	70,079	420,000	490,079
<b>TOTAL REVENUE</b>	<b>\$ 5,163,931</b>	<b>\$ 1,079,035</b>	<b>\$ 4,083,553</b>	<b>\$ 5,162,588</b>

Thank you.

- Mark

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