

Agenda
Aurora Planning Commission Meeting
 Tuesday, May 7, 2024 at 7pm
 City Council Chambers, Aurora City Hall
 21420 Main Street NE, Aurora, OR 97002

To participate via Zoom:

<https://us02web.zoom.us/j/86569231578?pwd=S05zcnhITnMyUTVtLytISUJhYlU0dz09>

Meeting ID: 865 6923 1578

Passcode: 371812

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 – April 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

a) DLCD 2024 Legislative Summary

b) Notice of Decision for City of Aurora Drinking Water Facility

c) New Proposal for Amazon's Canby Site

6. NEW BUSINESS-NA

7. HEARING-NA

8. OLD BUSINESS

a) Airport Land Use Update

Noise Abatement Procedures; Low-Flight Complaints

b) Economic Opportunities Analysis Update

9. ADJOURN

Consent Agenda

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

STAFF PRESENT: Curt Fisher, City Planner; Stuart A. Rodgers, City Recorder

STAFF ABSENT: NA

VISITORS PRESENT: Megan Dalton and Bruce Kingman, Tom Griffith, Judith Kessler, Jensi Lara, Jennifer Sturm, Aurora

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 – March 5, 2024

Commissioner Craig McNamara moved to accept the Consent Agenda, Commissioner Tyler Meskers seconded, and the motion carried.

4. VISITORS-NA

Chair Joseph Schaefer noted there had been a land use application for apartments placed on the agenda that was removed. For those who did not receive notice of the rescheduling of the administrative review of that land use application, the Planning Commission gave opportunity for those showing up to the meeting to be heard.

Tom Griffith addressed the commission, noting he submitted a letter with concerns for this project. When the application is officially before the commission at a future meeting, his comments will be included in packet materials.

Jennifer Sturm noted a concern for her children getting off the school bus and getting home safely, the lack of parking with only one spot designated for parking with four homes on Peyton Circle, the volume of traffic on the connector road, and property values going down. Looking for an alternative solution, one idea put forth was to construct a couple of single-family homes at the location.

Megan Dalton, joined by her husband Bruce Kingman, addressed the commission, noting that Aurora is a historically small town. Opening up an apartment complex would affect the aesthetics of the town. Burdens on parking and water/wastewater services, fire/EMT safety issues, and businesses affected by the locating of apartments in the middle of town off the highway were mentioned as concerns.

Jensi Lara was concerned about possible vandalism and that an apartment complex would not be compatible with a variety of vehicles he and his family park in the area.

Judith Kessler noted that while not living next door, she was concerned about the nature of services required for apartments, particularly water availability and cost.

Chair Schaefer noted that this is not a public hearing, so the Planning Commission would not be responding to the above comments. It was determined that an administrative review for the apartment application discussed above would take place at the regular Planning Commission meeting on Tuesday, June 4.

5. CORRESPONDENCE-NA

6. NEW BUSINESS-NA

7. HEARING-NA

8. OLD BUSINESS

a) Airport Land Use Update

Chair Schaefer noted that on Tuesday, April 30, 5-7pm, there will be a next Public Advisory Committee meeting with a plan to roll out chapter 4, including a review of the first three chapters of the master plan as well as a discussion of the runway, both air- and landside portions of the plan. Chapter 5 will deal with alternative designs to accommodate planes. The April 30 meeting will take place via Zoom and requires prior sign-up. Schaefer anticipates publication of chapter 4 a week in advance.

Schaefer's enforcement case relative to the church camp property was thrown out. There are three options going forward: do nothing and move on, refile the case in the Circuit Court, or appeal the judge's decision to the Court of Appeals. TLM has submitted a new application for the church camp with two anticipated hearing dates, one before the Marion County hearings officer and the other before county commissioners.

Commissioner Jonathan Gibson attended a PAAM meeting and noted the impact of the airport closure relative to a runway update with a paving project. A double paving process job would double the project timeframe from 30 to 60 days, shutting down businesses like Life Flight and manufacturers for two months. Economic impact through lost sales and other business has been estimated at around \$10 million so far, but that number is expected to climb. This project will begin summer of 2025.

b) Economic Opportunities Analysis

Chair Schaefer provided an overview of the last Technical Advisory Committee meeting, which focused on industrial uses between the airport and city. The area between the two locations is about 190 acres, mostly large parcels. Bruce Bennett reiterated the airport does not want noise-sensitive or residential uses in the area south of that location, so the interest turns to industrial. It was noted Woodburn and Canby industrial land is filling up. Infrastructure financing through bond and legislative funds was mentioned. A new water tank will be constructed off Cole Lane for additional pressurization and fire flow. A next step in the EOA is to establish a goal or aspiration for economic development and translate this into acres. The airport would appreciate other supportive commercial ventures like restaurants and hotels which consume a lot of water and sewer services. Biotech and medical businesses may be a good fit for land in between the city and airport.

The key issue is whether to expand the city to include the airport and its surrounding developable lands and whether to include all of the 190 acres between the city and the airport in the expansion. With direction from the City Council, the city can proceed to complete the EOA. Schaefer noted in his view that it is a better, more efficient approach to develop in uniform way, an entire 190-acre rectangle as opposed to a patchwork quilt, with water and sewer trunk lines running up the middle. A creative, alternative approach suggested was to do the development in two steps, part A and part B (aviation in the north box and industrial in the south box), as a way to make the concept and land use process more acceptable to decisionmakers and residents.

The idea is to bring city facilities up to the airport so that the path to the airport has already been established for a next step. And there would be less grief from folks south of Keil Road. It was noted the State of Oregon owns about 144 acres of the total 300 acres at the airport. The southeast portion of the city is slated for residential development. Schaefer will update the EOA paper for next week's Council meeting.

9. ADJOURN

Chair Schaefer adjourned the Planning Commission meeting at 8:02pm.

Joseph Schaefer, Chair

ATTEST:

Stuart A. Rodgers, City Recorder

Correspondence



April 11, 2024

To: Land Conservation and Development Commission

From: Brenda Ortigoza Bateman, Ph.D., Director
Alexis Hammer, Legislative and Policy Manager
Aurora Dziadul, Legislative and Policy Analyst



Subject: **Agenda Item 4, April 25-26, 2024, LCDC Meeting**

2024 Legislative Update

I. Agenda Item Summary

Department of Land Conservation and Development (DLCD or department) Policy Office staff will brief the Land Conservation and Development Commission (LCDC or commission) on the 2024 legislative session.

This staff report provides a summary of land use-related legislation from the 2024 legislative session, including new positions and funding that the Department of Land Conservation and Development (DLCD) has received.

During the 2024 Session, DLCD tracked 33 relevant bills over the course of this session. Fourteen were passed by both chambers of the Oregon Legislature and are awaiting signature by the Governor at the time of publishing this report.

Department staff have summarized the legislation has been summarized into the following categories:

- Budget
- Housing and Urbanization
- Infrastructure
- Energy
- Miscellaneous
- Relevant But Not Passed

Purpose. The purpose of this memorandum is to provide the Policy Office's legislative update during the April LCDC meeting. No action is required by the commission.

Objective. Commissioners receive the update and have an opportunity to ask questions of DLCD staff regarding land use legislation from the 2024 session and

resulting adjustments to the department budget and staffing levels associated with four of these bills.

For questions, please contact Alexis Hammer, Legislative and Policy Manager (alexis.hammer@dlcd.oregon.gov; 971-718-4505) or Aurora Dziadul, Legislative and Policy Analyst (aurora.dziadul@dlcd.oregon.gov; 971-446-8834).

II. Budget Adjustments

The following table (Figure 1) illustrates the total funding that DLCD received from legislation this 2024 session, in addition to positions and full-time equivalents (FTE) for the remaining months of this biennium. Staff have included additional details in Figure 2. *Please note that these numbers have not been confirmed by the Dept. of Administrative Services at the time of this release.*

Figure 1: DLCD 2023-2025 Budget Breakdown

	2023-25 Legislatively Adopted Budget	2024 Budget Appropriations	2023-2025 Legislatively Approved Budget
General Fund	\$35,491,485	\$15,351,010	\$50,842,495
Other Funds	\$1,750,237	\$123,357	\$1,873,594
Federal Funds	\$9,187,910	\$319,424	\$9,507,334
Total Funds	\$46,429,632	\$15,793,791	\$62,223,423
Positions/Full-Time Equivalent (FTE)	78 / 75.93	31 / 16.26	109 / 92.19

Figure 2: DLCD 2024 Budget Appropriations by Bill Component

Bill Number	Component	Category	Fund Type	Amount	Positions (FTE)
SB 5701	Salary Pot	Personal Services	General	\$1,308,049	
SB 5701	Agency Reclass	Personal Services	General	\$607,000	1 (0.63)
SB 5701	GF Supplement for Step 3 & Vac Sav.	Personal Services	General	\$622,750	
SB 5701	GF Supplement for AG Fees	Supplies and Services	General	\$636,122	
SB 1537	HAPO	Personal Services	General/Other	\$3,643,392	28 (14.46)

SB 1537	HAPO	Supplies and Services	General/Other	\$2,985,625	
SB 1537	HAPO	Special Payments	General/Other	\$4,000,000	
HB 4080	Offshore Wind	Personal Services	General	\$336,460	2 (1.16)
HB 4080	Offshore Wind	Supplies and Services	General	\$661,612	
SB 1564	Housing Model Ordinances	Supplies and Services	General	\$550,000	

GF = General Fund
 Vac. Sav. = Vacancy savings
 AG = Attorney General
 HAPO = Housing Accountability and Production Office (SB 1537)

1. **SB 5701** – End-of-Session Budget Adjustments

Chief Sponsor: Joint Committee on Ways and Means
Appropriation (DLCD): \$3,090,024
Positions (DLCD): 1 (FTE: 0.63)

Summary: Allocates funding to reduce the agency’s 2023-25 General Fund shortfall and restructure management positions at the department, providing for a new assistant director / chief operating officer, and reclassifying nine existing positions to accommodate the agency’s expanding responsibilities and growth.

Operative date: Upon passage

III. Key Legislation

a. Housing and Urbanization

1. **SB 1537**– Governor Kotek’s Housing Production Framework

Chief Sponsor: Senate President Rob Wagner at the request of Governor Tina Kotek
Appropriation (DLCD): \$10,629,017
Positions (DLCD): 28
FTE (DLCD): 14.46

Sections 1 – 7 | Housing Accountability and Production Office

Summary: Sections 1 – 7 of SB 1537 direct the Department of Land Conservation and Development (DLCD) and Department of Consumer and Business Services (DCBS) to create a joint Housing Accountability and Production Office (HAPO) that will support increased housing production throughout the state by supporting local jurisdictions and developers and enforcing state housing laws. The office is authorized and encouraged to provide a wide range of financial and technical support to local partners, including assisting with permitting and land use decisions, implementation of local procedures and codes, and compliance with housing law. The office will also receive complaints of violations of state housing laws related to a specific project from the housing developer, or more general complaints from a member of the public within that jurisdiction or from DLCD or DCBS. Should the complaint be found valid, HAPO will conduct an investigation to determine whether there is a potential violation of state housing laws. If the office finds a potential violation, the HAPO will provide written notice to the local government specifying the violation, authority the office intends to invoke if the violation continues, and opportunities for funding or technical assistance to remedy the violation. After 60 days, if a local government does not address the violation, the office may bring an enforcement action against these jurisdictions to require that they bring their local housing policies into compliance. The Legislature also established the Housing Accountability and Production Fund to hold funding for technical support for local governments in the form of grants and agency operations. Out of the \$5M allocated to the fund, \$4M is to be dedicated to technical assistance grants, and \$1M is provided for the technical studies described in Section 5 of the bill. As prescribed in the bill, DLCD will submit a report to the legislature on the work of HAPO on or before September 15, 2026.

Operative date: July 1, 2025 (*Note: The HAPO will begin implementation and coordination of the office and grant assistance upon signing of the bill. However, it will not begin taking complaints or pursuing enforcement until the operative date of July 1, 2025.*)

Sections 8 – 9 | Opting in to Amended Housing Regulations

Summary: Sections 8 – 9 of SB 1537 allow a housing developer to request that new standards that have been adopted from the time that their application was submitted be applied to their development application, without being required to submit a redundant application or pay a duplicative fee. The applicant must opt into the newly applicable standards in full and are limited to one request before public notice is issued for the application. The local government's 120-day clock to review the application is reset once the developer requests to apply the new criteria. The local government may charge for new costs related to application review.

Operative date: 91st day after *sine die*

Sections 10 – 11 | Attorney Fees for Needed Housing Challenges

Summary: Sections 10 – 11 of SB 1537 determine that, for land use decisions within an urban growth boundary (UGB), attorney fees may be awarded to a housing development applicant and local government if a land use appeal is decided in their favor.

Operative date: January 1, 2025

Sections 12 – 16 | Infrastructure Supporting Housing Production

Sections 12 – 16 of SB 1537 require the Oregon Business Development Department (OBDD or Business Oregon) will provide technical support for infrastructure funding to local jurisdictions through \$3M in funding allocated to the Housing Infrastructure Support Fund. DLCD will develop key considerations and metrics that can be utilized by the legislature in prioritizing infrastructure investments. This report will be delivered on or before December 31, 2024.

Operative date: 91st day after *sine die* (Note: This is only applicable to the Housing Infrastructure Support Fund.)

Sunset: January 2, 2030 (Note: This is only applicable to the Housing Infrastructure Support Fund.)

Note: Sections 17 – 23 of SB 1537 were removed by amendment. Bill sections were not subsequently renamed.

Sections 24 – 36 | Housing Project Revolving Loan Fund

Summary: Sections 24 – 36 creates a Housing Project Revolving Loan Fund within Oregon Housing and Community Services (OHCS) to partner with local governments to provide interest-free loans for ten years that jurisdictions can use to subsidize affordable and moderate housing projects. Jurisdictions may opt into utilizing this program and use the would-be additional property tax revenue to repay the state fund. OHCS must have completed implementation of this fund by June 30, 2025, and is appropriated \$75M in one-time funding for this purpose.

Operative date: 91st day after *sine die*

Sections 37 – 43 | Housing Land Use Adjustments

Summary: Sections 37 – 43 of SB 1537 require local governments to allow certain adjustments to local code on housing development projects that are within an urban growth boundary. The development must result in net new housing units and demonstrate that the adjustments will help the project reach an outcome of feasibility, affordability, increased housing units, or reduction in sale cost that would not otherwise be tenable without the requested adjustments. These adjustments may not exceed 10 per project, and do not include zoning requirements, affordability, accessibility, natural resource protections and natural hazard mitigations. Local governments may apply to HAPO for an exception to this requirement, if they meet criteria specified in the bill.

DLCD will produce a report detailing the use of this provision to the legislature by September 15 of every even-numbered year.

Operative date: January 1, 2025

Sunset: January 2, 2032

Section 44 – 47 | Limited Land Use Decisions

Summary: Sections 44 – 47 of SB 1537 permit local governments to approve applications for replat, property line adjustment, and an extension alteration or expansion of nonconforming land use at the administrative level, removing any local requirement for these application types and other limited land use decisions to undergo a quasi-judicial process with a public hearing. Local governments may apply to HAPO for a hardship exemption from these requirements.

Operative date: January 1, 2025

Sunset: N/A (*Note: Hardship applications sunset January 2, 2032.*)

Sections 48 – 60 | One-Time Site Additions to Urban Growth Boundaries

Summary: Sections 48 – 60 of SB 1537 establish an alternative process by which local jurisdictions can amend their urban growth boundaries. Cities may apply for an urban growth boundary (UGB) expansion so long as the city has either 1) not had an expansion within the past 20 years and does not have an undeveloped, contiguous tract exceeding 20 net residential acres or 2) can demonstrate that 75% of lands within previous expansion areas have either developed or had completed comprehensive planning and public facilities and financing planning necessary to support development. The jurisdiction must also have a population that is disproportionately cost-burdened compared to the state. The land included in this expansion must be used to build at least 30% affordable housing – available for rent by households making 80 percent or below area median income (AMI), or available for purchase by households making 130 percent or below AMI. Local jurisdictions will provide a conceptual plan with their amendment proposal to support the petition and demonstrate the feasibility of utilizing this land for affordable housing development and meeting housing needs of their communities. UGB expansions cannot exceed 50 net acres for cities below 25,000 in population and 100 acres for cities 25,000 and above in population, with a cap of 300 net acres for the entire Metro UGB. In lieu of pursuing this UGB amendment process, cities of any size outside of Metro may adopt a 15 net acre one-time addition without the requirement for a concept plan. Additionally, all cities may opt to exchange existing lands within their UGB for certain lands adjacent to the UGB without completing associated Goal 10 and 14 analyses, with the requirement that lands must be roughly equivalent, zoned for residential use, and added lands are zoned at the same or greater density than those removed.

Operative date: 91st day after *sine die*

Sunset: January 2, 2033

NOTE: In April DLCD provided a written memorandum to the Senate Committee on Housing and Development and interested parties illustrating a commitment to standing up HAPO in collaboration with local governments, Tribal governments, and community members.

NOTE: At their April meeting, LCDC's Local Officials Advisory Committee (LOAC) raised the desire for the Housing Accountability and Production Office to be rolled out with a local advisory committee, helping to ensure guidance and perspective from local governments. DLCD staff affirmed that the department had communicated this intent in a letter to the Speaker's office during the 2024 Legislative Session and is committed to this approach.

2. HB 4063 – Housing Policy Omnibus

Chief Sponsor: House Committee on Housing and Homelessness

Sections 1 – 6 | Metro Unincorporated Urban Lands

Summary: Sections 1 – 6 of HB 4063 define Metro urban unincorporated lands as being not within a city, zoned for urban development, and within the boundaries of a sanitary district or sanitary authority and water provider, and not zoned with a designation for future urbanization. The county in which this land resides is responsible for planning for needed housing in these communities unless an intergovernmental agreement is reached with another local government to perform these duties. In the 2025 legislative session, DLCD will bring forward a request for funding to provide technical support to counties and local governments who are implementing housing production strategies.

Operative date: Upon passage

Sections 7 – 8 | Opting in to Amended Housing Development Regulations

(Note: The following language mirrors that in Sections 8 – 9 of SB 1537.)

Summary: Sections 8 – 9 of HB 4063 allow a housing developer to request that new standards that have been adopted from the time that their application was submitted be applied to their development application, without being required to submit a redundant application or pay a duplicative fee. The applicant must opt into the newly applicable standards in full and are limited to one request before public notice is issued for the application. The local government's 120-day clock to review the application is reset once the developer requests to apply the new criteria, and the local government may charge for new costs related to application review.

Operative date: 91st day after *sine die*

Section 9 | Homebuyer Letter

Summary: Section 9 of HB 4063 removes a provision in ORS 696.805 that required a seller's agent to reject letters from homebuyers. This provision was struck down as unconstitutional by the District Court. This Section removes the ineffective language from statute.

Operative date: 91st day after *sine die*

Sections 10 – 13 | Middle Housing Partitions

Summary: Sections 10 -13 of HB 4063 clarify that a local jurisdiction may allow the resulting parcel of a partition to be divided into three more parcels for middle housing development.

Operative date: 91st day after *sine die*

Note: Sections 14 – 24 of HB 4063 were removed by amendment and bill sections were not subsequently renamed.

Sections 25 – 28 | Single-Unit Housing Property Tax Exemption Approval

Summary: Sections 25 – 28 of HB 4063 provide that local jurisdictions may approve or deny single-unit housing property tax exemptions at the administrative level. They are required to submit notice to the county assessor's office upon rendering a decision.

Operative date: 91st day after *sine die*

Sections 29 – 44 | House Bill 2001 (2023) Technical Fixes

Summary: Sections 29 – 44 of HB 4063 clarifies that Metro cities will receive a housing needs allocation from the Department of Administrative Services in the same manner as non-Metro cities.

Operative date: 91st day after *sine die*

3. SB 1564 – Presumed Clear and Objective Model Housing Ordinances

Chief Sponsors: Sen. Anderson, Sen. Knopp & Rep. Breese-Iverson

Appropriation (DLCD): \$550,000

Summary: SB 1564 requires the commission to adopt model ordinances for housing types within urban growth boundaries, encompassing single-family detached housing, middle housing, accessory dwelling units, and multifamily housing. DLCD will develop three different sets of model ordinances by January 1, 2026 for local adoption, segregated by city population size – below 2,500, 2,500 to 25,000, and above 25,000 – and taking into account geographical and other regional factors. These model ordinances are presumed clear and objective. Local governments may choose to adopt model ordinances prescribed for their population size or a larger population bracket into

their local code or adopt them by reference. These ordinances can be adopted in whole or in part, meaning cities can choose to utilize the state model ordinance for certain housing types while retaining their local ordinances for another type.

Operative date: Upon passage

4. HB 4026 – Prohibition of Urban Growth Boundary Referendum

Chief Sponsor: House Committee on Rules

Summary: HB 4026 prohibits a local government from referring the decision to expand their urban growth boundary to a ballot vote.

Operative date: January 1, 2023

b. Infrastructure

1. HB 4134 – City-Allocated Infrastructure Funding for Housing

Chief Sponsors: Rep. Elmer, Rep. Gomberg & Rep. Helfrich

Summary: HB 4134 appropriates \$7,140,000 to the Department of Administrative Services (DAS) to administer grants to jurisdictions for earmarked infrastructure projects. The projects must be within an urban growth boundary and support the development of housing within a UGB, in addition to those housing units being at least 30 percent designated affordable. Projects must be completed within 24 months of the allocation. The cities are required to report to DAS twice – once within 24 months of money distribution, and one within 60 months. This report must provide detail on the progress of the project, the estimated timeline of completion, the project accounting, and the number of housing units, including affordable, which are being constructed as a result of the project. DAS must submit a report to the legislature by or on September 15 of each year.

Operative date: Upon passage

Sunset: January 2, 2026 (city reporting); January 2, 2030 (DAS reporting)

2. SB 1530 – Project-Specific Infrastructure Funding for Housing

Chief Sponsor: Senate Committee on Housing and Development

Section 1 | Oregon Housing and Community Services Appropriations

- \$65M for Project Turnkey investments;

- \$34M for homelessness prevention through the Oregon Eviction Diversion and Prevention and Eviction Prevention Rapid Response Programs;
- \$7M for Urban League of Portland for homelessness prevention services;
- \$5M for matching funds to individual development accounts; and
- \$1M for Seeding Justice to provide tenant education and support to tenants of expiring publicly-supported affordable housing.

Section 2 | Oregon Department of Administrative Services Appropriations

- \$1M for the Community Warehouse to support donation of reused household goods and furniture; and
- \$29,250,000 in specific allocations for purchase and redevelopment of properties to affordable housing.

Section 3 | Oregon Health Authority Appropriations

- \$15M for the Healthy Homes Repair Fund; and
- \$3,500,00 for provision of air conditioners and air filters.

Section 4 | State Department of Energy Appropriations

- \$4M for the Residential Heat Pump Fund.

Section 5 | Department of Human Services

- \$2M for warming and cooling emergency shelters and facilities.

Section 6 | Oregon Health Authority Expenditure Limitation Increase

- \$15M limitation on expenditure increase for Healthy Homes Repair Fund.

Section 7 | State Department of Energy Expenditure Limitation Increase

- \$4M limitation on expenditures increase for the Residential Heat Pump Fund.

Section 8 | Oregon Health Authority Appropriations

- \$18M for housing to support individuals in recovery.

Section 9 – 10 | Oregon Business Development Department Appropriations

- \$89,400,000 for grants to water and wastewater infrastructure projects to support housing development; and
- \$575,496 for administration of grants.

Section 11 | Department of Transportation Appropriations

- \$4M for a grant to the City of Pendleton for an arterial road to support housing development.

Section 12 | Water Resources Department Appropriations

- \$1,500,000 for grants to water and wastewater infrastructure projects to support housing development.

Section 13 | Water Resources Department Expenditure Limitation Increase

- \$1,500,000 increase to limitation on expenditures for use on grants to water and wastewater infrastructure projects to support housing development.

Operative date: Upon passage

c. Energy

1. HB 4015 – Battery Energy Storage Siting

Chief Sponsor: House Committee on Climate, Energy, and Environment

Summary: HB 4015 defines battery energy storage systems (BESS) as an energy storage system that, other than personal, noncommercial uses, collects energy from the electric grid or an energy generation facility, uses rechargeable batteries to retain and store power and discharges energy when needed. It clarifies that BESS do not require additional permitting when sited adjacent to another energy facility. Additionally, the bill allows an developer or a local government to elect to defer regulatory review to the Energy Facility Siting Council.

Operative date: 91st day after *sine die*

2. HB 4080 – Offshore Wind Roadmap

Chief Sponsor: Rep. Grayber & Rep. Gomberg

Appropriation (DLCD): \$998,072

Positions (DLCD): 2

FTE (DLCD): 1.16

Sections 1 – 4 | Offshore Wind Roadmap Development

Summary: Sections 1 – 5 of HB 4080 require DLCD to develop an Offshore Wind Roadmap (Roadmap) for state policy on offshore wind development. The roadmap must be informed through robust community and Tribal engagement, support economic opportunity and continuity for the region, protection of natural and cultural resources, and achieve state energy and climate goals. DLCD will engage with affected Ports, Tribal nations, local governments, and community members in the development of this

Roadmap. DLCD is also required to complete an assessment of enforceable policies for a federal consistency review.

Operative date: Upon passage

Sections 5 – 6 | Legislative Report

Summary: Sections 5 – 6 of HB 4080 require DLCD to submit a report to the legislature detailing how the Roadmap development process was carried out by September 1, 2025.

Operative date: Upon passage

Sunset: January 2, 2026

Note: Sections 7 – 9 do not relate to land use implementation.

d. Miscellaneous

1. SB 1576 – Recreational Immunity

Chief Sponsor: Senate Committee on Judiciary

Note: This only covers Section 5 – 11, as they are the only sections relevant to this matter.

Summary: SB 1576 amends ORS105.668 to deem that local governments of cities 500,000 in population or more, or smaller cities who opt in by adoption of a city ordinance, cannot be held liable for personal injury that occurs through recreational use of natural facilities provided by, or residing within, the jurisdictional limits. Recreational activity is clarified to include walking, running, and biking activities for purposes of this provision.

Operative date: On effective date and before January 2, 2026

e. Relevant But Not Passed

1. HB 4023 – Behavioral Health Residential Facility Siting

Chief Sponsor: House Committee on Rules

Summary: HB 4023 would have required that local jurisdictions allow behavioral health residential facility siting within an urban growth boundary if the land were zoned for commercial use, as public lands (excluding parks), for industrial uses (if publicly owned, adjacent to residentially-zoned land, and not zoned for heavy industrial use). Local governments would be exempted from this requirement if the project could not be

properly supported by available infrastructure, would be located on a 100-year floodplain, would be constrained by land use regulations, or would impact or be impacted by natural resources and hazards.

2. HB 4046 – Additional Single-Family Unit Siting on Rural Land

Chief Sponsors: Rep. Lewis & Sen. DB Smith

Summary: HB 4046 would have allowed property owners on land outside of an urban growth boundary (UGB), and on non-urban reserve land, to build an additional single-family detached unit for residence by an immediate family member.

3. HB 4090 – Removing EFSC Jurisdiction Over Energy Facilities on Federal Land

Chief Sponsors: Rep. Fahey, Rep. Gamba, Rep. G Smith, Rep. Andersen & Sen. Meek

Summary: HB 4090 would have removed the Energy Facility Siting Council's review authority over energy facility projects proposed on only federal land. Such projects include electric power generating plants, high voltage transmission lines, solar photovoltaic power generation facilities, and an electric power generating plant. The project would still be evaluated by a federal agency per the National Environmental Policy Act.

4. HB 4155 – Infrastructure Financing Study

Chief Sponsors: Rep. Gamba, Sen. Golden, Rep. Evans, and Rep. Walters

Summary: HB 4155 would have directed Business Oregon to conduct a study on how the state of Oregon could improve infrastructure and housing costs. Considerations include changes to law, financing and bonding authority, state financing of large infrastructure projects, current or potential grant and loan programs, interest rates and fees, and so forth.

5. HB 4099 – OHCS Guarantee of Delayed System Development Charge Repayment

Chief Sponsor: House Committee on Housing and Homelessness

Summary: HB 4099 would have created the Municipal Housing Development Protection Fund in Oregon Housing and Community Services to purchase system development charge debt from local jurisdictions and solicit repayment from developers through adjusted property tax revenue.

6. HB 4048 – Housing Production

Chief Sponsor: Rep. Helfrich & Rep. Breese-Iverson

Summary: HB 4048 contained the following topics:

- Sections 1 – 7: Housing Land Use Adjustments
- Sections 8 – 13: Housing Accountability and Production Office
- Sections 14 – 23: Site Additions to Urban Growth Boundaries
- Sections 24 – 25: Attorney Fees for Needed Housing Challenges
- Sections 26 – 27: Non-Metro Cities Urban Growth Boundary Amendments

IV. Conclusion

Out of the 2024 legislative session, the department received budget authority for 31 new positions and an additional \$15,793,791 in funding for staff, operations, and grants. DLCD engaged on a wide variety of land use subjects including housing, infrastructure, energy, and more. The department is grateful to legislative partners and stakeholders for their work with us throughout this session.

V. Attachments

- a. [2024 Budget and Land Use 2-Pager](#)



Department of Land Conservation and Development 2024 Budget and Legislative Summary

March 11, 2024

Alexis Hammer, *Legislative & Policy Coordinator*
 (971) 718-4505 | alexis.hammer@dlcd.oregon.gov
 Aurora Dziadul, *Legislative Intern*
 (971) 446-8834 | aurora.dziadul@dlcd.oregon.gov

Budget

	2023-25 Legislatively Adopted Budget	2024 Budget Appropriations	2023-2025 Legislatively Approved Budget
General Fund	\$35,491,485	\$15,351,010	\$50,842,495
Other Funds	\$1,750,237	\$123,357	\$1,873,594
Federal Funds	\$9,187,910	\$319,424	\$9,507,334
Total Funds	\$46,429,632	\$15,793,791	\$62,223,423
Positions/Full-Time Equivalent (FTE)	78 / 75.93	31 / 16.26	109 / 92.19

Note: This funding has not yet been reconciled through the DAS auditing process.



SB 5701 – End-of-Session Budget Reconciliation Bill

Summary: Allocates funding to fill General Fund shortfall and restructure management positions at the Department of Land Conservation and Development, provide for a new assistant director / chief operating officer, and reclassify nine existing positions to accommodate the agency's expanding responsibilities and growth.

Appropriations: \$3,090,024 *Positions:* 1 (FTE: 0.63)

Key Legislation

Housing and Urbanization



SB 1537 – Governor Kotek's Housing Production Framework



Summary: Establishes the Housing Accountability and Production Office between the Department of Land Conservation (DLCD) and Development and the Department of Consumer and Business Services (DCBS) to support local jurisdictions in meeting the housing needs of the communities and complying with state housing laws. HAPO will begin providing educational and technical assistance shortly after passage of the bill and will begin taking complaints of housing law violations after July 1, 2025. Creates the Housing Accountability and Production Fund and allocates \$5M to support the operations and allocation of technical assistance to local jurisdictions for support with housing goals. Creates pathway to allow developers to opt in to new standards of evaluation for previously submitted, but not yet approved, projects. Awards attorney fees to applicant and local jurisdiction if land use decision is upheld within an Urban Growth Boundary. Allocates \$3M to the Housing Infrastructure Support Fund operated by the Oregon Business Development Department (DBA "Business Oregon") to support planning for housing-related infrastructure. Requires DLCD to develop key considerations and metrics and submit a report by Dec. 31, 2024 for the legislature to consider in evaluating and prioritizing infrastructure projects. Creates a revolving loan fund within Oregon Housing and Community Services (OHCS) to support housing development projects and appropriates \$75M in one-time funds. Grants HAPO coordination authority with OHCS over the fund. Requires local governments to allow land use adjustments to local design and development standards under specific criteria. Makes applications for replats, property line adjustments, extension alterations and expansions of a nonconforming use administrative-level decisions. Creates a time-limited alternative to urban growth boundary amendments for eligible cities, a small-scale amendment option, and land-swap process.

Appropriations: \$10,629,017 *Positions:* 28 (FTE: 14.46)



HB 4063 – Amending Oregon Housing Needs Analysis and Middle Housing Partitioning

Summary: Requires Metro counties to plan for needed housing under the Oregon Housing Needs Analysis (OHNA / HB 2001 in 2023). Clarifies that the Department of Administrative Service's (DAS) housing allocation to cities within Metro is usable for purposes of OHNA and does not need to be replicated by Metro. Allows cities to partition a middle housing lot no more than three times within a calendar year.



SB 1564 – Presumed Clear and Objective Model Housing Ordinances

Summary: Directs the Department of Land Conservation and Development to develop, and the Land Conservation and Development Commission to adopt, model ordinances by housing type no later than Jan. 1, 2026, for cities under 2,500 population, 2,500 to 25,000 population, and 25,000 and greater. Model ordinances adopted pursuant to this legislation are presumed clear and objective.

Appropriations: \$550,000



HB 4026 – Prohibition of Urban Growth Boundary Referendum

Summary: Prohibits local jurisdictions from referring a UGB expansion to the voters and limits the review of amendments to ORS 197.626.

Infrastructure



HB 4134 – Project-Specific Infrastructure Funding for Housing

Summary: Appropriates \$7M through the Oregon Business Development Department to local jurisdictions for purposes of infrastructure projects supporting housing production.



SB 1530 – General Housing-Supportive Infrastructure Funding

Summary: Appropriates \$89M to the Oregon Business Development Department for direct allocations to infrastructure projects to support housing production.

Energy



HB 4015 – Battery Energy Storage Siting

Summary: Allows Battery Energy Storage Facilities to be sited under the authority of the Energy Facility Siting Council.



HB 4080 – Offshore Wind Roadmap

Summary: Directs the Department of Land Conservation and Development to create a roadmap for offshore wind policy in the state.

Appropriations: \$998,072 *Positions:* 2 (FTE: 1.16)

Miscellaneous



HB 1576 – Recreational Immunity

Summary: Modifies recreational immunity law to specifically pertain to cities and counties and include walking, running, and biking as recreational activities.

Attention Property Owner: A land use proposal has been submitted for property near where you live or near property you own elsewhere. State law requires that the county notify property owners within a certain distance from this property. The proposal and address of the property is described in the "Application" section below. The decision in this case does not directly affect the zoning or use of your property. If you object to the decision, refer to the "Appeal" section. If you have questions, contact the staff person listed at the end of this report.

**NOTICE OF DECISION
ADMINISTRATIVE REVIEW CASE NO. 24-007**

APPLICATION: Application of the City of Aurora for an administrative review to establish a drinking water utility facility for public service outside the UGB (Urban Growth Boundary) on a 3.34-acre parcel in the EFU (Exclusive Farm Use) zone located at 21901 Cole Ln NE, Aurora (T4S; R1W; Section 11D; Tax lot 100; Section 12CB; Tax lot 1500).

DECISION: The Planning Director for Marion County has **APPROVED** the above-described application subject to certain conditions. **PLEASE READ ALL CONDITIONS BELOW.**

EXPIRATION DATE: This decision is valid only when exercised by **May 1, 2026** (two years), unless an extension is granted. The effective period may be extended for two years subject to approval of an extension. Request for an extension must be submitted to the Planning Division prior to expiration of the approval (form available from the Planning Division).

WARNING: A decision approving the proposed use is for land use purposes only. Due to septic, well, and drain field replacement areas, this parcel may not be able to support the proposed use. To ensure the subject property can accommodate the proposed use the applicant should contact the Building Inspection Division, (503) 588-5147.

This decision does not include approval of a building permit.

CONDITIONS: The following conditions must be met before a building permit can be obtained or the approved use established:

1. The applicant shall obtain all permits required by the Marion County Building Inspection Division. Please see comments provided by the Building Division listed in findings and conclusions #7.

2. ENGINEERING CONDITION

Condition A – Prior to issuance of a building permits for the proposed facility, submit a suitable survey sketch and legal description to PW Engineering for a 20-foot public half-width R/W dedication along the subject property west side alley frontage.

3. The applicant shall comply with Marion County Code 17.136.040(I)(6)(b) by restoring the site to its “former condition as nearly as possible any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in this subsection shall prevent the owner of the utility facility from requiring a bond or other security from a contractor or otherwise imposing upon a contractor the responsibility for restoration.”

OTHER PERMITS, FEES, AND RESTRICTIONS: This approval does not remove or affect covenants or restrictions imposed on the subject property by deed or another instrument. The proposed use may require permits and/or fees from other local, State or Federal agencies. This decision does not take the place of, or relieve the responsibility for, obtaining other permits or satisfying any restrictions or conditions thereon. It is recommended that the agencies mentioned in the Findings and Conclusions section below be contacted to identify restrictions or necessary permits. The applicant is advised of the following:

4. The applicants should contact the Aurora Fire District to obtain a copy of the District’s Recommended Building Access and Premise Identification regulations and the Marion County Fire Code Applications Guide. Fire District access standards may be more restrictive than County standards.



APPEAL PROCEDURE: The Marion County Zone Code provides that certain applications be considered first by the County Planning Director. If there is any doubt that the application conforms with adopted land use policies and regulations the Director must condition or deny the application. Anyone who disagrees with the Director's decision may request that the application be considered by a Marion County hearings officer after a public hearing. The applicant may also request reconsideration (one time only and a fee of \$200) on the basis of new information subject to signing an extension of the 150-day time limit for review of zoning applications.

A public hearing is held on appeals subject to the appellant paying a \$250.00 fee. Requests for reconsideration, or consideration by a hearings officer, must be in writing (form available from the Planning Division) and received in the Marion County Planning Division, 5155 Silverton Road NE, Salem, by 5:00 p.m. on **May 1, 2024**. If you have questions about this decision, contact the Planning Division at (503) 588-5038 or at the office. This decision is effective **May 2, 2024**, unless further consideration is requested.

FINDINGS AND CONCLUSIONS: Findings and conclusions on which the decision was based are noted below.

1. The subject properties are designated Primary Agriculture in the Marion County Comprehensive Plan and correspondingly zoned EFU (Exclusive Farm Use). The primary intent of both this designation and zone is to promote and protect commercial agricultural operations.
2. The properties are located at the end of Cole Ln NE, which is north off of Ehlen Rd NE. The subject properties are bare land and have perennial creeks across the north end. They are also located within the Primary Horizontal Surface of the Aurora State Airport.
3. Tax lot 04-1W-11D-00100 and 04-1W-12CB-01400 have both been described in their current configuration as far back as Vol. 567 Page 659, recorded on Jan. 15, 1963. In addition to this tax lot 100 was subject to an approved Administrative Review land use case, 10-015. Therefore, both parcels are considered legal for planning purposes.

Tax lot 04-1W-12CB-01500 has a complicated history. It was part of a larger parcel which was described in Vol. 79 Page 608, recorded on Nov. 22, 1902. On Dec. 22, 1969, there were a series of quit claim deeds for a portion of this larger parcel (Vol. 676 Page 242-246). These quit claim deeds were then re-recorded at a later date to correct the legal description used (correcting from Range 2 West to Range 1 West) in deed volume 678 pages 544-547 and page 613.

Next, an additional portion of this larger parcel was conveyed out in Vol. 680 Page 36 as recorded on March 19, 1970. This was followed by a sheriff's deed on April 7, 1972, as approved by the Circuit Court of the State of Oregon for Marion County, as a foreclosure for tax liens against the parcel.

Finally, on Feb. 27, 1981, Marion County then sold the parcel in Reel 242 Page 913. Unfortunately, they used the original legal description from Vol. 79 Page 608. A re-recording was done in Reel 244 Page 1310 to correct the legal description so that it accurately reflected what the remnant of the original parcel was. Based on the balance of the evidence, planning staff determines this to be a legal lot for planning purposes.

4. Surrounding parcels to the north, west and south are small to medium sized and are zoned EFU. Many have homesites and the majority are in active farm production. Properties to the east are either within the City of Aurora proper or its Urban Growth Boundary. Zoning on these properties are R1 (Low-Density Residential) and UT-20 (Urban Transition, 20 acre minimum). The underlying Comprehensive Plan for the UT-20 zoned properties is Low-Density Residential. These properties are a mixture between developed and active farm use.
5. Soil Survey of Marion County, Oregon indicates that approximately 64.8% of tax lot 100 and 39.7% of tax lot 1500 are classified as high value soils.
6. The applicant is proposing to place a new utility facility, in the form of a new well, reservoir and booster station, for the City of Aurora's water supply.
7. Various agencies were contacted about the proposal and given an opportunity to comment.

Marion County Land Development Engineering & Permits (LDEP) commented:

ENGINEERING CONDITION

Condition A – Prior to issuance of a building permits for the proposed facility, submit a suitable survey sketch and legal description to PW Engineering for a 20-foot public half-width R/W dedication along the subject property west side alley frontage.

ENGINEERING REQUIREMENTS

- A. An Access Permit will be required upon application for building permits. The alley drive isle access will need to consist of a structural section suitable for very low volume public travel since it will be situated within public R/W.
- B. The subject property will be assessed Transportation System Development Charges (TSDCs) upon application for building permits.
- C. Utility service extensions in the public right-of-way generally require a permit from PW Engineering for each service.
- D. Stormwater detention may be required for 0.5-acre or more of development.
- E. It is the responsibility of the Applicant to preserve and protect the current Pavement Condition Index (or PCI) rating and the structural integrity of adjacent county roads to the satisfaction of Marion County Public Works during transport of materials and construction activities. Failure to preserve and protect the road may result in the Applicant being responsible for replacing or reconstructing the damaged road at his/her own expense.

Marion County Building Division commented: “Permit(s) are required to be obtained prior to development and/or utilities installation. Marion County Building Inspection recommends discussion with a Building Plans Examiner to determine which permits are required according to the provisions of the state building code and the 2022 Oregon Structural Specialty Code and those scopes of work adopted in the Marion County Code.”

All other contacted agencies either failed to comment or stated no objection/concern with to the proposal.

8. The criteria for “utility facilities” in the EFU zone can be found in section 17.136.040(I) of the Marion County Code (MCC):
 - (I) *Utility facilities necessary for public service, including wetland waste treatment systems, but not including commercial facilities for the purpose of generating electrical power for public use by sale or transmission towers over 200 feet in height. A facility is “necessary” if it must be situated in the EFU zone in order for the service to be provided. An applicant must demonstrate that reasonable alternatives have been considered and that the facility must be sited in an EFU zone due to one or more of the following factors as found in OAR 660-033-0130(16):*
 - (1) *Technical and engineering feasibility;*
- A Geotechnical Engineering Report was completed as well as a Siting Study. The results of these are discussed further in the next section. The criterion is met.
- (2) *The proposed facility is locationally dependent. A utility facility is locationally dependent if it must cross land in one or more areas zoned for exclusive farm use in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;*
 - (3) *Lack of available urban and nonresource lands;*
 - (4) *Availability of existing right-of-way;*
 - (5) *Public health and safety; and*

Per the applicant’s statement the City of Aurora’s current water supply comes from two main wells located in the southern end of the city. However, these wells have various issues, one of the issues being a public health and

safety concern of water quality from Well No. 4. A new well in the northern section of the city will replace Well No. 4, as well as improve fire flows and create a measure of redundancy. Therefore, subsection (5) is met and the beginning framework of locational restrictions (subsection (2)) are established.

The city looked for land within the Urban Growth Boundary (UGB) but the already limited supply of available parcels at the north end of the city was further reduced by existing development and the results of a geotechnical evaluation, which revealed liquefaction risk. A site with good elevation is also necessary to aid in improving water system pressure and to help alleviate any potential disruptions to water supply in the event of an emergency. As the undeveloped parcels available in the northern section of the city's UGB did not meet these requirements the city was forced to look at resource lands nearby. Therefore subsection (3) is met, and subsection (2) is further edified.

The city ultimately located and bought several properties at the end of Cole Ln NE. One of these parcels is within the UGB and is zoned UT-20. However, it was disqualified for use by the liquefaction risk identified in the geotechnical evaluation. The other two parcels are outside, but contiguous with, the UGB and are zoned EFU. Cole Ln NE is a dedicated right of way which the subject parcels have direct access from. The level of travel expected for the utility facility is not such that it will over burden the capacity of the roadway. With this subsection (4) is met and the totality of subsection (2) is now complete and met as well.

In conclusion, a geotechnical evaluation was completed, the findings of which ruled out the few potential parcels which were located within the UGB. Parcels which were as close to the north end of the city as possible, contiguous with the UGB, geotechnically feasible, and had high elevation and road access were identified. The identified parcels also have existing pipe infrastructure within 1,700 feet which the city can tie into.

(6) Other requirements of state and federal agencies.

- (a) Costs associated with any of the factors listed above may be considered, but cost alone may not be the only consideration in determining that a utility facility is necessary for public service. Land costs shall not be included when considering alternative locations for substantially similar utility facilities and the siting of utility facilities that are not substantially similar.*

Cost was not given as a factor and therefore this criterion does not apply.

- (b) The owner of a utility facility approved under this section shall be responsible for restoring to its former condition as nearly as possible any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in this subsection shall prevent the owner of the utility facility from requiring a bond or other security from a contractor or otherwise imposing upon a contractor the responsibility for restoration.*

This shall be made a condition of approval, the criterion is met.

- (c) The applicant shall address the requirements of MCC 17.136.060(A)(1).*

Marion County Code 17.136.060(A)(1) states that *"The use will not force a significant change in, or significantly increase the cost of, accepted farm or forest practices on surrounding lands devoted to farm or forest use. Land devoted to farm or forest use does not include farm or forest use on lots or parcels upon which a non-farm or non-forest dwelling has been approved and established, in exception areas approved under ORS 197.732, or in an acknowledged urban growth boundary."*

Per the applicant statement this will be a utility facility site for storing and pumping water to the City of Aurora. Any dust, noise, fumes, odors, or traffic from this use will have minimal if any impact on neighboring farms. The criterion is met.

(d) The provisions in subsections (d) through (f) are related to other types of utility facilities outside of what is being proposed. Therefore, these subsections do not apply.

(7) Subsection (7) contains criteria regarding transmission lines, which do not apply to this case.

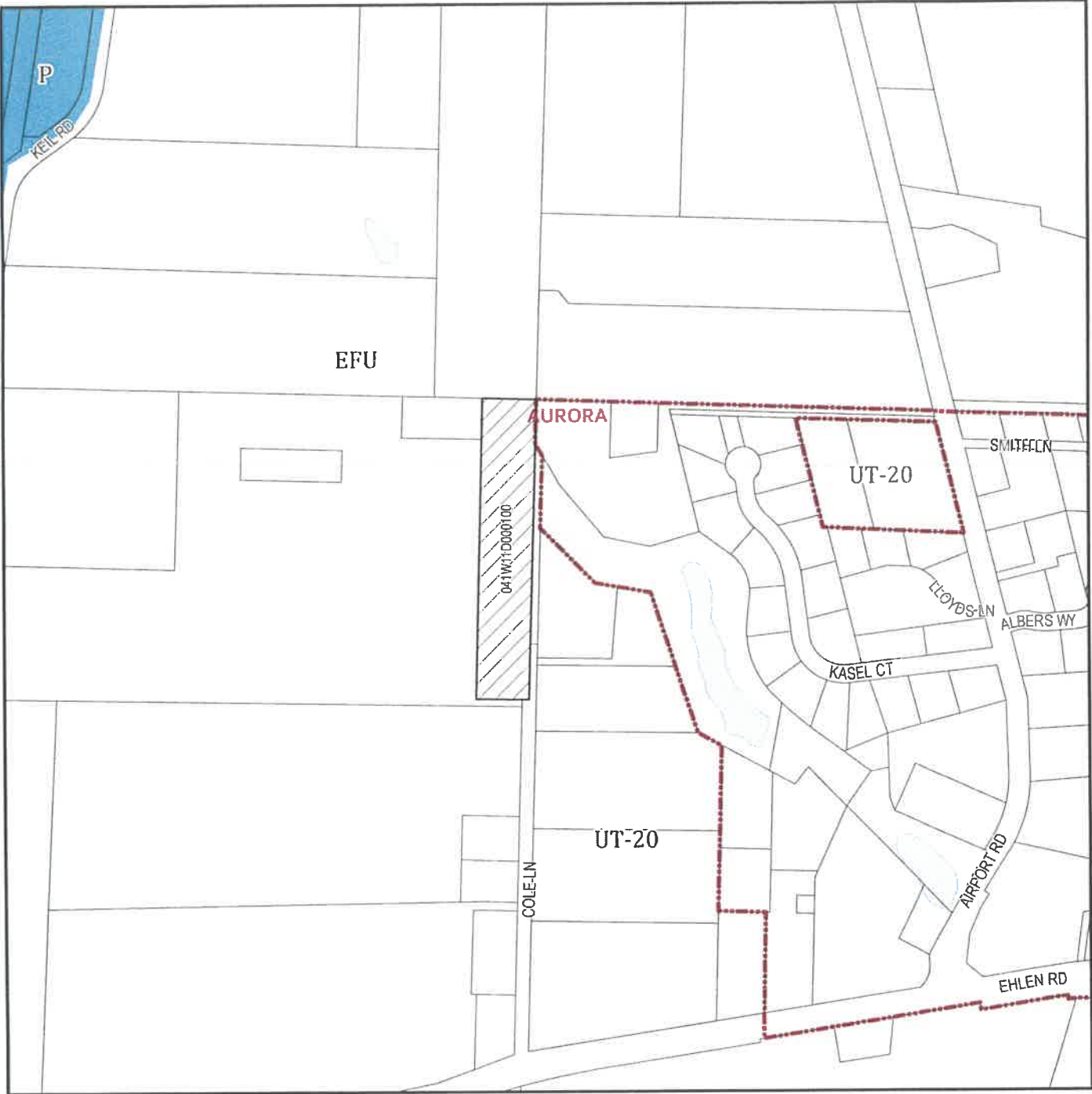
9. The applicant also owns the contiguous 1.26-acre neighboring property directly east. This parcel is Map Tax Lot 04-1W-12CB-01400 and is zoned UT-20. The application and site plan do not reference any future build upon this parcel, but should they decide to expand or modify their plans to include the utility facility on said parcel it is a use that is permitted outright under MCC 16.13.010(H), with Public Utilities as defined in MCC 16.49.212 including water.
10. Based on the above findings, it has been determined that the criteria to develop a utility facility necessary for public service in the EFU zone have been met, and therefore this application is **APPROVED**.

Brandon Reich
Planning Director/Zoning Administrator

Date: April 16, 2024

If you have any questions regarding this decision contact Nicole Inman at (503) 588-5038.

Notice to Mortgagee, Lienholder, Vendor or Seller: ORS Chapter 215 requires that if you receive this Notice, it must promptly be forwarded to the purchaser.



ZONING MAP

Input Taxlot(s): 041W11D000100

Owner Name: CITY OF AURORA

Situs Address: 21901 COLE LN NE
City/State/Zip: AURORA, OR, 97002
Land Use Zone: EFU
School District: NORTH MARION
Fire District: AURORA

Legend

- Input Taxlots
- Lakes & Rivers
- Cities
- Highways



scale: 1 in = 407 ft

DISCLAIMER: This map was produced from Marion County Assessor's geographic database. This database is maintained for assessment purposes only. The data provided hereon may be inaccurate or out of date and any person or entity who relies on this information for any purpose whatsoever does so solely at his or her own risk. In no way does Marion County warrant the accuracy, reliability, scale or timeliness of any data provided on this map



City of Canby

Planning & Development Services

222 NE 2nd Ave / PO Box 930 / Canby, OR 97013

Phone: 503.266.7001

www.canbyoregon.gov

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NOTICE OF MODIFICATION APPLICATION AND REQUEST FOR COMMENTS

Intermediate Modification Application (Type II)

Canby South Modified Project (Modification to DR 21-01/VAR 21-01)

File # MOD 24-02

The City requires all property owners and residents within 100 feet of an Intermediate Modification request be notified of the application. This letter serves as your notice and invites your comments for the Canby South Modified Project.

Address:	2121 SE Township Road, Canby, OR 97013 ¹
Location:	South of S Township Road between S Sequoia Parkway (to the west) and S Mulino Road (to the east)
Tax Lots:	41E03 00100 and 41E03 00103
Property Size:	47.86 acres
Comp Plan:	LI – Light Industrial
Zoning:	M-1 – Light Industrial; I-O – Canby Industrial Area Overlay Zone
Owner:	Amazon.com Services, LLC ²
Applicant:	Trammell Crow Portland Development, Inc.
City File Number:	MOD 24-02

Approved Project

On June 28, 2021, the Planning Commission approved Applications DR 21-01 and VAR 21-01, allowing the construction of a 791,120-square-foot warehouse/distribution facility on the project site. Extensions of this land use approval were applied for and granted by the City.

Proposed Modification

The project applicant and its consultant team are proposing to construct a project similar to the previously approved e-commerce/high-cube fulfillment center, except with a reduced building footprint of 778,720 square feet, rearranged surface parking and vehicular circulation, and additional minor design changes. The modified project is a speculative building; the future tenant(s) are unknown at this time.

Planning Staff anticipate making a decision on the application on April 26, 2024. If you would like staff to consider your comments on this application, please submit them in writing or by email to PublicComments@canbyoregon.gov no later than **Monday, April 22, 2024**.

If you have any questions, please contact Ryan Potter, AICP, Planning Manager, at (503) 266-0712 or potterr@canbyoregon.gov.

Attachments: Comment Form; Site Plan

¹ Google Maps does not show the correct location for this address.

² Note that the current property owner is unrelated to the project being proposed at this time.

Old Business

Contact Info for Aircraft Noise or Low Over-Flight Complaints at/near the Aurora State Airport

April 2024

The Aurora State Airport just south of Wilsonville is managed by the Oregon Department of Aviation (ODAV) with support from the Federal Aviation Administration (FAA).

To date, neither the FAA nor ODAV have taken actions to reduce Aurora State Airport aircraft departure or arrival noise, low-overflights and public-safety complaints from area constituents, who are now recommended to contact directly federal and state elected and appointed officials to register their issues of concern.

Concerned members of the public can contact their Federal and State Legislators, as well as the Governor's Office and ODAV and FAA agencies regarding complaints about aircraft noise, low over-flights and other public-safety incidents.

Here is a 3-step process to make your voice heard:

1. **SEND AN EMAIL:** [Click here for set of email addresses to send your message of concern with a subject line "Complaint about Aurora State Airport."](#)

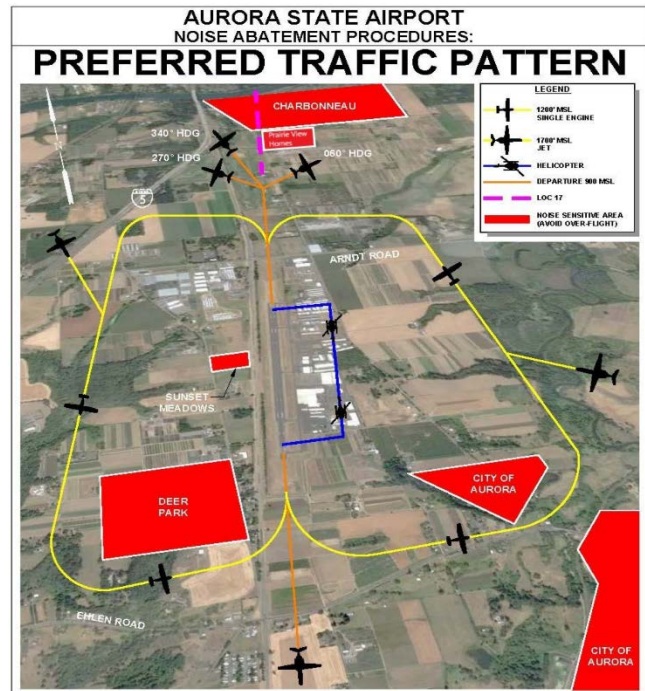
2. **Address your email:**

Sen. Wyden, Sen. Merkley, Rep. Salinas, Gov. Kotek, Sen. Woods, Rep. Neron, Mayor Fitzgerald, FAA and ODAV officials:

I am writing to you as a constituent to complain about loud, low-flying aircraft coming or going from the Aurora State Airport that is also a public-safety concern. I respectfully request that you demand the FAA and Oregon Department of Aviation implement strict regulations with penalties for aircraft that violate departure or arrival rules at the Aurora State Airport.

3. **In your email, relay the following information:**

- Date, time, and location of observation of incident(s)
- Registration Number (N#) of observed aircraft if viewable
- Description of aircraft if N# is not available



- Nature of complaint or inquiry (please provide a detailed description of why you are reporting this event; *e.g.*, low-flying, loud noise, public safety concern, etc.)
- Attach photographs of aircraft and/or flight tracking information if available
- Your name and contact info (if your preference is other than email) for follow up

The requested complaint information above is derived from the [ODAV Noise Complaints - Important Background Information webpage](#).

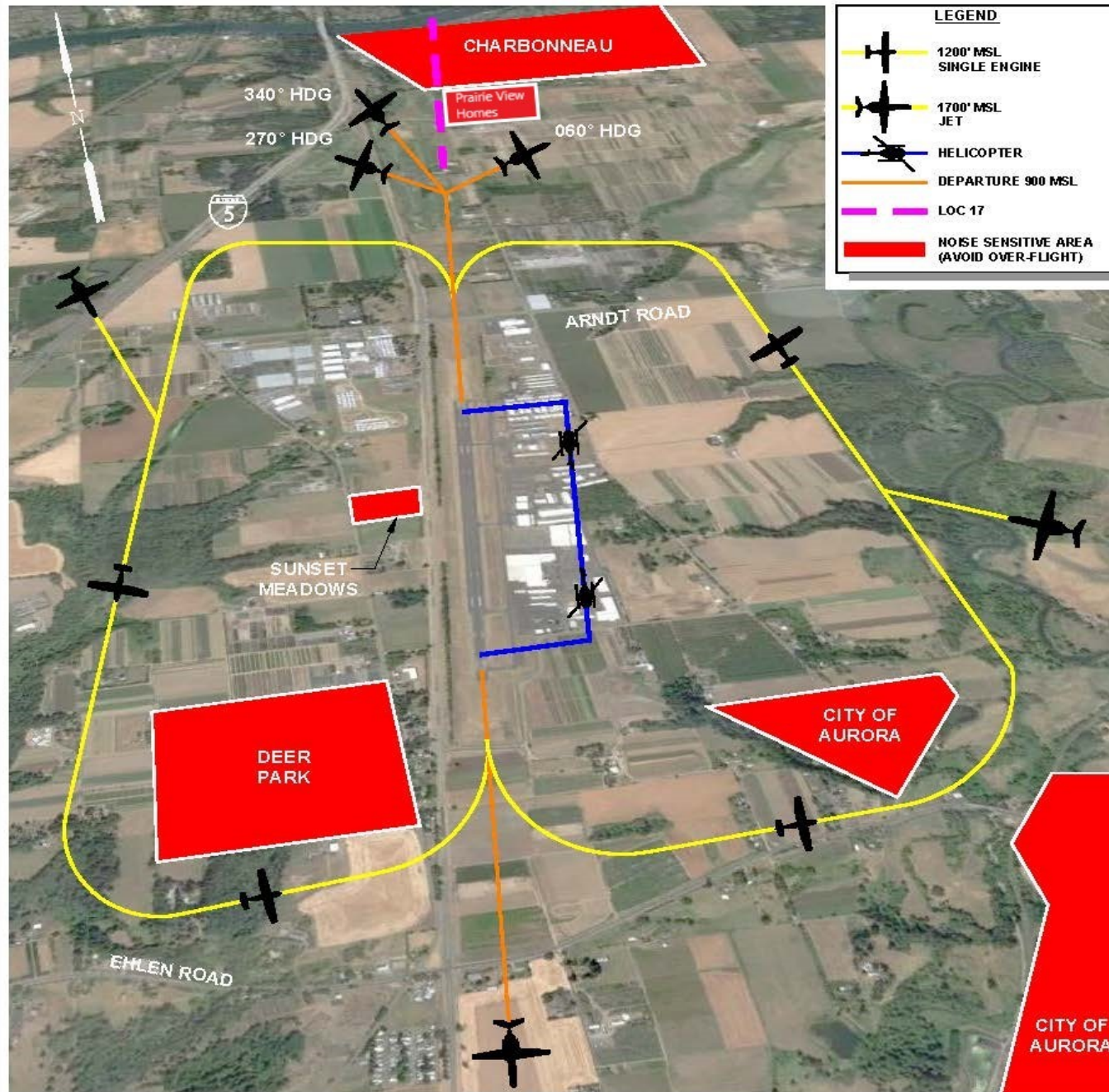
4. ADDITIONAL ACTIONS:

- **Call Federal Officials**
 - **Senator Ron Wyden:** Washington, DC 202-224-5244; Portland 503-326-7525
 - **Senator Jeff Merkley:** Washington, DC 202-224-3753; Portland 503-326-3386
 - **Congresswoman Andrea Salinas:** Washington, DC 202- 225-5643; Tualatin 503-385-0906
 - **FAA Flight Standards District Offices (FSDO) Noise Complaint Hotline:** 503-460-4100
- **Call Oregon State Officials**
 - **Governor Tina Kotek:** 503-378-4582
 - **Senator Aaron Woods:** 503-986-1713
 - **Representative Courtney Neron:** 503-986-1426
 - **Amelia Porterfield, Governor-Appointed Regional Solutions Director:** 503-378-8636
 - **Kenji Sugahara, Governor-Appointed Oregon Aviation Director:** 503-378-4880
- [**File a Complaint with FAA Noise Portal**](#)

Provide detailed information about the incident on the FAA Noise Portal. Note that the FAA will not respond to the same general complaint or inquiry from the same individual more than once. The same general complaint or inquiry is one that does not differ in general principal from a previous complaint, and that would generate the same FAA response.

AURORA STATE AIRPORT NOISE ABATEMENT PROCEDURES:

PREFERRED TRAFFIC PATTERN



Pilots make the difference to an airport noise abatement program! By avoiding unnecessary residential Overflights and by flying as quietly as safety permits. Care should be taken to minimize the aircraft's noise profile whenever possible by utilizing noise abatement best practices at airports, especially during night-time and early-morning hours. Please help us maintain a "Good Neighbor" relationship with the surrounding communities by following these recommended noise management practices.

"FLY NEIGHBORLY"

IF YOU CAN SAFELY MODIFY YOUR FLYING TO REDUCE NOISE IMPACT, PLEASE DO SO. HERE ARE SOME SUGGESTIONS:

- ♦ Fly the full pattern. Early turns and other shortcuts over nearby residential areas at low altitudes cause many of the Aurora noise complaints. If you fly the full pattern, you should avoid over flying the residential parks west of the airport.
- ♦ Use quiet power/prop settings when safely feasible
- ♦ **The calm-wind RWY 35.** Standard left hand traffic patterns are designated for both runways after UAO ATC hours (2000-0700hrs)
- ♦ **Avoid over flying Charbonneau, City of Aurora, and Deer Creek (see diagram).**

ARRIVAL:

- ⇒ Enter traffic pattern at 45° downwind.
- ⇒ Mid-Field crossing: Cross runway at 2200' MSL (2700' MSL Jets) maneuver to 45° entry

DEPARTURE:

- ⇒ RWY 35 **"Avoid Straight-Out Departures"**; Turn Left 270° HDG to NEWBERG2 or Turn Right 060° HDG to GLARA2; if must Straight-out 340° HDG (direct I-5)
- ⇒ RWY 17 Avoid turns that will fly-over City of Aurora; turn left or right three (3) miles from end of runway

NOT FOR NAVIGATION PURPOSE