



**Marion County**  
OREGON

## ZONE CHANGE/COMPREHENSIVE PLAN CHANGE APPLICATION

**Applications submitted by mail will not be accepted**

**Do not double-side or spiral bind any documents being submitted**

**Fee: Please check the appropriate box:**

|  |  |
|--|--|
| Zone Change - \$1880+\$30/acre                             | Mineral Aggregate Site - \$5300 base fee + |
| Comprehensive Plan Change - \$3755+\$60/acre               | \$25/acre – 0-100 acres                    |
| X Zone Change/Comprehensive Plan Change - \$3755+\$60/acre | \$75/acre – 101-200 acres                  |
| X+ Conditional Use Permit- \$625 (50% discount)            | \$100/acre – 201-399 acres                 |
|  | \$150/acre – 400+ acres                    |

|  |   |
|--|---|
| PROPERTY OWNER(S):<br>TLM Holdings LLC   | ADDRESS, CITY, STATE, AND ZIP:<br>14379 Keli Road NE #11 Aurora, OR 97002 |
| PROPERTY OWNER(S) (if more than one):  | ADDRESS, CITY, STATE, AND ZIP   |
| APPLICANT REPRESENTATIVE:<br>Mark D. Shipman, Saalfeld Griggs PC   | ADDRESS, CITY, STATE, ZIP<br>PO BOX 470, Salem, OR 97308                  |
| DAYTIME PHONE (if staff has questions about this application):<br>503-399-1070   | E-MAIL:<br>mshipman@sglaw.com   |
| ADDRESS OF SUBJECT PROPERTY:<br>22515 Airport Road NE, Aurora, Oregon 97002  | SIZE OF SUBJECT PROPERTY:<br>16.54 acres +/-                              |
| <p>The property owners request to change the zone from (current) <u>EFU</u> to (proposed) <u>P</u> and/or change the Comprehensive Plan designation from <u>Primary Agriculture</u> to <u>Public and Semi-Public</u>.<br/>Provide detailed information on the attached "Applicant Statement" page.</p> |   |
| <p>Will a railroad highway crossing provide the only access to the subject property? ( ) Yes (X) No<br/>If yes, which railroad:</p>  |   |

| FOR OFFICE USE ONLY:                           |                  |   |   |
|--|------------------|---|---|
| Township <u>04</u>                             | Range <u>1W</u>  | Section <u>02D</u>                        | Application elements submitted:   |
| Tax lot number(s) <u>800 &amp; 900</u>         | Zone: <u>EFU</u> | Comp Plan:                                | <input checked="" type="checkbox"/> Title transfer instrument                     |
| Zone map number: <u>1</u>                      | Urban            | Rural <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> 2 Site plans showing existing/proposed zoning |
| TPA/header <input checked="" type="checkbox"/> |                  |   | <input checked="" type="checkbox"/> Applicant statement                           |
| Case Number <u>2016-19-002</u>                 |                  |   | <input checked="" type="checkbox"/> GeoHazard Peer Review (if applicable)         |
| Signs given (min. agg. only):                  |                  |   | <input checked="" type="checkbox"/> Filing fee                                    |
| Date determined complete:                      |                  |   | Application accepted by: <u>PD</u>  |
|  |                  |   | Date: <u>2-5-19</u>   |

**THE APPLICANT(S) SHALL CERTIFY THAT:**

- A. If the application is granted the applicant(s) will exercise the rights granted in accordance with the terms and subject to all the conditions and limitations of the approval.
- B. I/We hereby declare under penalties of false swearing (ORS 162.075 and 162.085) that all the above information and statements and the statements in the plot plan, attachments and exhibits transmitted herewith are true; and the applicants so acknowledge that any permit issued on the basis of this application may be revoked if it is found that any such statements are false.
- C. I/We hereby grant permission for and consent to Marion County, its officers, agents, and employees coming upon the above-described property to gather information and inspect the property whenever it is reasonably necessary for the purpose of processing this application.
- D. The applicants have read the entire contents of the application, including the policies and criteria, and understand the requirements for approving or denying the application.

**PRINTED NAME AND SIGNATURE** of each owner of the subject property.

TLM Holdings LLC. By Ted L. Miller (TED L. MILLER) - President  
Print Name Signature

\_\_\_\_\_  
Print Name Signature

\_\_\_\_\_  
Print Name Signature

\_\_\_\_\_  
Print Name Signature

DATED this 22 day of January, 20 19

**GOAL EXCEPTION/ZONE CHANGE/COMPREHENSIVE PLAN  
AMENDMENT/CONDITIONAL USE  
WRITTEN STATEMENT**

**APPLICANT/OWNER:**

TLM Holdings LLC  
14379 Keil Road NE #11  
Aurora, OR 97002

**APPLICANT'S REPRESENTATIVE:**

Mark D. Shipman, Attorney  
Saalfeld Griggs PC  
PO Box 470  
Salem, Oregon 97308  
503- 399-1070



**SUBJECT PROPERTY INFORMATION:**

The subject property is located at 22515 Airport Road NE in Aurora, Oregon (Marion County Assessor's Map No. 04-1W-02D, Tax Lots 800 and 900) (herein the "**Subject Property**"), and is legally described in **Exhibit "A,"** which is attached hereto and incorporated herein by this reference. The total acreage of the Subject Property is approximately 16.54 acres. The Owner of the Subject Property is TLM Holdings LLC, an Oregon limited liability company (herein "**Applicant**"), as evidenced by the Statutory Warranty Deed attached recorded in the Marion County Records at Reel 3708, Page 318, which is attached hereto as **Exhibit "B."** The Subject Property is one legal unit of land that was created by Special Exception No. 77-37. See **Exhibit "C"** (1977 Partition Map). The Subject Property is designated Primary Agriculture in the Marion County Comprehensive Plan (MCCP) and zoned Exclusive Farm Use (EFU) with an Aurora Airport Overlay Zone in the Marion County Rural Zoning Ordinance.

The Subject Property is within the Horizontal Surface District of the Aurora State Airport (the "**Airport**"), with its attendant use and developmental restrictions. The Subject Property is also encumbered with a Flight Strip Easement benefitting the Airport, (the "**Easement**") which is attached as **Exhibit "D."** This Easement grants the United States of America and the State of Oregon (the "**Grantees**") the right to use the easement area for aircraft. This Easement also provides the Grantees with the rights to limit, control, and remove obstructions extending in space above the Subject Property. The Subject Property is also beneath and subject to the Federal Aviation Administration's "Part 77 – Objects Affecting Navigable Airspace" federally regulated "Transitional surface" of required clear area for safety of aircraft using the runway for purpose of flight. This encumbrance severely limits the heights of uses on the property by federal law. Finally, the Subject Property is located within the airports 55 – 65 dBA noise contours, meaning aircraft noise is impacting the site based on Oregon's DEQ standards. See Chapter 5:

Exhibit 5E, of the 2013 Aurora Airport Master Plan ("**2013 Master Plan**"), which is attached in its entirety as **Exhibit "E"**.

There are no identified sensitive groundwater areas, floodplain hazards, or geologic hazards located on or near the Subject Property.

The Subject Property is currently zoned EFU, Marion County Ordinance 448 adopted in 1976 rezoned the Subject Property from RA to EFU. Ordinances 149 adopted December 6, 1967 and Ordinance 176 adopted July 31, 1968 zoned the parcels RA.

The Subject Property was previously used as a church retreat facility for more than 40 years. The Beyond the Reef Theological Center was established in 1977 when the previous owner purchased the Subject Property from a Methodist Church Camp. It is unclear how long the Methodist Church Camp operated on the Subject Property. The Subject Property is currently developed with 2 homes, 1 place of worship (Ledbetter Tabernacle), at least 1 meeting hall (JC-Nell Hibbard Hall), 1 office building, approximately 31 cabins, 3 sheds, 1 "snack shop" as depicted on **Exhibit "F"** (*Existing Conditions Site Plan*). The Subject Property has electricity metered to it and is connected to a gas main and currently has 25 electrical boxes and 4 gas meters. The Subject Property has running water provided by a well which is situated within a pumphouse. There are 2 water storage tanks located near the pumphouse. There are 7 septic tanks located on the Subject Property. The network of roadways throughout the Subject Property (along with the parking areas) are graveled surfaces with the exception of the southern driveway that serves the 2 homes: that roadway is paved.

Access to the Subject Property is provided by Airport Road NE and Stenbock Way NE which run along the eastern and northern sides of the Subject Property, respectively. Airport Road NE is identified in the Marion County Rural Transportation System Plan as a major collector, and Stenbock Way NE, as a private road.

**SURROUNDING PROPERTY INFORMATION:**

The Vicinity Map is attached as **Exhibit "G."** The properties that immediately surround the Subject Property are zoned, designated, and used as follows:

| <u>PROPERTY</u> | <u>ZONING</u> | <u>DESIGNATION</u>     | <u>USE</u>                   |
|-----------------|---------------|------------------------|------------------------------|
| North           | P             | Public and Semi-Public | Aurora Airport related       |
| South           | P             | Public and Semi-Public | Aurora Airport related       |
| East            | EFU           | Primary Agriculture    | Agriculture – hay/grass seed |
| West            | P             | Public and Semi-Public | Aurora Airport related       |

As outlined above, the Subject Property is predominantly surrounded to the north, west, and south by airport-related uses. East of the Subject Property, across Airport Road NE, are two large farm parcels, both used for hay and grass seed. For further information on surrounding properties in the vicinity, refer to the Surrounding Lands Inventory, attached hereto as **Exhibit "H."** A more detailed breakout of the Surrounding Lands and their uses are contained below.

## North:

The property bordering the Subject Property directly to the north, Tax Lot 40000 on Marion County Assessor's Map 04-1W-02D, is a 3.71 acre parcel, zoned Public, owned by Roger Stenbock, John Chlopek, and Peter LaFranchise. This property contains six buildings, all related to airport use. Five of the buildings house a total of twelve hangars offering storage options to private aircraft owners with direct access to the airport and runway. Each hangar is individually owned and possesses a unique tax lot number on Marion County Assessor's Map 04-1W-02D. Hangar A-1, Tax Lot 4001, is owned by Douglas Keller. Hangar A-2, Tax Lot 4002, is owned by John and Mary Chlopek. Hangar A-3, Tax Lot 4003, is owned by Timothy and Loralene James. Hangar B-1, Tax Lot 4004, is owned by Peter LaFranchise. Hangars B-2 and B-3, Tax Lots 4005 and 4006 respectively, are owned by Howard and Audrey Wolfe. Hangar C-1, Tax Lot 4007, is owned by Roger Stenbock. Hangar C-2, Tax Lot 4008, is owned by Timothy and Carolyn Miller. Hangar C-3, Tax Lot 4009, is owned by Professional Partners, LLC. Hangar C-4, Tax Lot 4010, is owned by Roger Stenbock, John Chlopek, and Peter LaFranchise. Hangars D, E, and F, Tax Lot 4011, 4012, and 4013 are owned by Roger Stenbock. The sixth building houses Pacific Coast Avionics Corp., which sells, installs, and services avionics equipment for private aircraft.

Also to the north, directly east of the Pacific Coast Avionics Corp. parcel is Tax Lot 602 on Marion County Assessor's Map 04-1W-02D, a 1.00 acre parcel which is zoned public and contains the clubhouse for Columbia Aviation Association, a private organization with approximately 175 members devoted to aviation. Further north is Tax Lot 500 on Marion County Assessor's Map 04-1W-02D which is 8.59 acres and zoned public. This parcel is owned by the State of Oregon Department of Aviation ("ODA") and contains the airport's air traffic control tower, taxiways, and aircraft parking. Three additional parties own improvements located on this parcel. Wolfe Pack Properties, LLC, owns a hangar with office space on this parcel, identified as Tax Lot 500A1. Jack and Farol Kahle own a hangar on the property identified as Tax Lot 500A2. Hanger, LLC owns a hangar on the property identified as Tax Lot 500A3. Bordering ODA's parcel to the east is Tax Lot 90000, a 1.41 acre, zoned public. This parcel is owned by the Aurora Airport Hangar Association and contains a building that houses 21 aircraft hangars. The 21 hangars are individually owned and possess a unique tax lot number on Marion County Assessor's Map 04-1W-02D. Hangar 1, Tax Lot 90001, is owned by Charles and Colleen Hess. Hangars 2 and 3, Tax Lots 90002 and 90003 respectively, are owned by Richard Hansen. Hangar 4, Tax Lot 90004, is owned by David and Patricia Volz. Hangars 5 and 6, Tax Lots 90005 and 90006, are owned by the Raymond V. Meyer Trust and Mary J. Meyer Trust. Hangar 7, Tax Lot 90007, is owned by Jack and Farol Kahle. Hangar 8, Tax Lot 90008, is owned by David and Patricia Volz. Hangar 9, Tax Lot 90009, is owned by Derrick Oldford and Sandra Ledgerwood. Hangar 10, Tax Lot 90010, is owned by Thomas Whitney. Hangar 11, Tax Lot 90011, is owned by the Harper A Poling Trust. Hangar 12, Tax Lot 90012, is owned by Peter Hoff. Hangar 13, Tax Lot 90013, is owned by Jack and Farol Kahle. Hangar 14, Tax Lot 90014, is owned by Peter Hoff. Hangar 15, Tax Lot 90015, is owned by the Kauffman Family Trust, Leonard A Kauffman Trust, and the Sheri J Kauffman Trust. Hangar 16, Tax Lot 90016, is owned by the Harper A Poling Trust and Harper K Poling Trust. Hangar 17, Tax Lot 90017, is owned by Thomas Whitney. Hangar 18, Tax Lot 90018, is owned by Bruce Eicher. Hangar 19, Tax Lot 90019, is owned by the R and D Warner Family Trust. Hangars 20 and 21, Tax Lot 90020 and 90021 respectively, are owned by the R and D Warner Family Trust, the Richard Warner Trust and the Deborah Warner Trust.

Further north is a 21.42 acre parcel owned by ODA with airport hangars, offices, and a tarmac, is designated as Tax Lot 100 on Marion County Assessor's Map 04-1W-02D and zoned public. Three additional parties own improvements located on ODA's Tax Lot 100. Columbia Aviation, Inc., owns

significant hangar and office space located on the parcel, identified as Tax Lot 100A1. Columbia Aviation, Inc. charters helicopters for heavy lift, firefighting, and other transportation services. Columbia Helicopters maintains a large operation at the north end of the airport and employs approximately two hundred (200). Aurora Business Park owns six large hangar bays located within Tax Lot 100A2. Aurora Business Park presumably leases these hangars out to various parties for aircraft storage. TEC Equipment, Inc., a regional long-haul truck and trailer dealer, owns a large hangar and office space on the property identified as Tax Lot 100A3.

**South:**

The property bordering the Subject Property directly to the south is Tax Lot 100 on Marion County Assessor's Map 04-1W-11A. Tax Lot 100 is 27.47 acres and is owned by US Leasco, Inc. This is the site of Helicopter Transport Services which charters heavy lift and fire suppression helicopters. Directly west of the US Leasco, Inc's parcel is Tax Lot 200, a public zoned 4.53 acre parcel owned by HD Aviation Corporation. Multiple real property owner's in the local area also own improvements located on this parcel. Van's Aircraft is located on this parcel, Tax Lots 200A3 and 200A6. Van's Aircraft is a kit aircraft dealer, selling aircraft bodies, engines and equipment to flight enthusiasts. Tax Lot 200A4 is owned by HD Aviation Corporation. North of Tax Lot 200 is Tax Lot 80000 of Marion County Assessor's Map 04-1W-11A which is zoned public and owned by YGCH, LLC and contains common areas of the Southend Corporate Airpark. Tax Lots 80004 and 80005 are surrounded by Tax Lot 80000. Tax Lot 80004 is zoned public, owned by the George E Wallace Trust, and contains a hangar and office space for Keystone Aviation. Tax Lot 80005 is zoned public, owned by 288HK, LLC, and contains a large private hangar. Directly to the northeast of Tax Lot 80000 is Tax Lot 206, a 0.53 acre parcel owned by KV Leasing, LLC. This parcel contains a large hangar with multiple office spaces. Directly west of Tax Lot 80000 is Tax Lot 90000, a 6.51 acre parcel owned by TLM Holdings LLC, containing the common area of Southend Corporate Airpark. Encompassed in Tax Lot 90000 are Tax Lots 90001, 90002, 90003, 90004, and 90005 all zoned public. Tax Lot 90001 is owned by Life Flight Network, LLC ("*Life Flight*"). This parcel contains hangars, offices and crew quarters for Life Flight, which provides critical care transportation to ill or injured patients in remote or difficult to access locations. Tax Lot 90002 is also owned by Life Flight and contains additional offices for Life Flight and one hangar. Tax Lot 9003 is owned by SLW Properties, LLC and appears to house the Main Life Flight Office along with additional hangars. Tax Lots 9004 and 9005 contain hangars that are owned by TLM Holdings LLC.

**West:**

The property bordering the Subject Property directly to the west is Tax Lot 30000 on the Marion County Assessor's Map 04-1W-02D. This property is made up of common area owned by Southend Corporate Airpark Condominium Owners Association with two large buildings containing individual hangars. Each hangar is individually owned, zoned public, and possess a unique tax lot number on Marion County Assessor's Map 04-1W-02D. The hangars located at Lot M61 and M62, Tax Lots 30001 and 30002, are owned by H.D. Aviation, Corp. The hangar located at Lot M63, Tax Lot 30003 is owned by John Dixon. The hangars located at Lots M64 and M67, Tax Lots 30004 and 30007, are owned by BGP Aeronautical LLC. The hangars located at Lot M65 and M66, Tax Lot 30005 and 30006, are owned by M65, LLC. The hangar located at M68, Tax Lot 30008, is owned by John Dixon. The hangars located at Lots M69 and M70, Tax Lot 30009 and 30010, are owned by H.D. Aviation, Corp. The hangar located at Lot N71, Tax Lot 30011 is owned by N71, LLC. The hangar located at Lot N72, Tax Lot 30012, is owned by H.D. Aviation, Corp. The hangar located at Lot N73, Tax Lot 30013, is owned by VH4 Aviation, LLC. The hangar located at Lot N74, Tax Lot 30014, is owned by H.D. Aviation, Corp. The hangar located at Lot

N75, Tax Lot 30015, is owned by N75 Hanger, LLC. The hangar located at Lot N76, Tax Lot 30016, is owned by TLM Holdings LLC.

To the west of Tax Lot 30000 on Marion County Assessor's Map 04-1W-02D, is Tax Lot 1700, which is a public zoned, 4.52 acre undeveloped parcel. This parcel borders the airport taxiway and is owned by TLM Holdings LLC. Further west is Tax Lot 1701, a 0.62 acre parcel owned by ODA and used as a taxiway for the Airport.

North of Tax Lot 30000 is Tax Lot 60000 which is owned by Airpark Aviation Condo Association. This parcel is a 0.89 acre public zoned parcel which consists of common area surrounding a row of aircraft hangars. Hangar E1 is located on Tax Lot 60001 is owned by Management West, LLC. Hangar E2 is located on Tax Lot 60002 is owned by LTC Air, LLC. Hangar E3, located on Tax Lot 60003 is owned by Gingo Aviation Properties, LLC. Hangar E4 is located on Tax Lot 60004 and owned by MTK Holdings, LLC. Hangar E5, Tax Lot 60005, is owned by Integrated Surveillance & Defense, Inc. Further north, Tax Lot 70000 is owned by Airpark Aviation Condo Association. This parcel is 1.54 acres, zoned public, and consists of common area surrounding aircraft hangars. These hangars are also publicly zoned, individually owned, and possess unique tax lot numbers ranging from 70001 to 70010 on Marion County Assessor's Map 04-1W-02D. Hangar D1 is located on Tax Lot 70001 and owned by Management West, LLC. Hangar D2, located on Tax Lot 70002 is owned by Hanger, LLC. Hangar D3, located on Tax Lot 70003 is owned by Robin Severson. Hangar D4, located on Tax Lot 70004 is owned by Delta4, LLC. Hangar D5, located on Tax Lot 70005 is owned by Little H Aviation, LLC. Hangar D6, located on Tax Lot 70006 is owned by Management West, LLC. Hangar D7 is located on Tax Lot 70007 and owned by Hanger, LLC. Hangar D8, located on Tax Lot 70008 is owned by Glenmont, LP. Hangar D9, Tax Lot 70009 is owned by Aurora Partners, LLC. Hangar D10, located on Tax Lot 70010 is owned by Daniel and Elisa Williams.

Further North and West is Tax Lot 80000 on Marion County Assessor's Map 04-1W-02D, a public zoned, 3.89 acre lot owned by Airpark Aviation Condo Association consisting of common area surrounding additional hangar space. The hangars are also publicly zoned, individually owned, and possess unique tax lot numbers ranging from 80001 to 80010 on Marion County Assessor's Map 04-1W-02D. Hangar A1 is located on Tax Lot 80001 and is owned by the Richard and Jana Westlund Family Trust, the Richard N Westlund Trust, and the Jana L Westlund Trust. Hangar A2, located on Tax Lot 80002 is owned by Plane Solutions, LLC. Hangar A3, located on Tax Lot 80003 is owned by Lawrence and Kelley Brons. Hangar A4, Tax Lot 80004, is owned by Labelgraphics Inc. Hangar B1, located on Tax Lot 80005 is owned by Hallmark Inns & Resorts, Inc. Hangar B2 is located on Tax Lot 80006, which is owned by ELJ Management, Inc. Hangar B3, Tax Lot 80007, is owned by Harold Morley. Hangar C1, Tax Lot 80008, is owned by William and Carol Corn. Hangars F1 and F2 are located on Tax Lots 80009 and 80010 respectively and owned by Management West, LLC. North and west of Tax Lot 80000, Tax Lot 50000 on Marion County Assessor's Map 04-1W-02D, is a publicly zoned parcel owned by the Airpark Aviation Condominium Association and consisting of common area surrounding a hangar. Tax Lot 5001 is a hangar owned by PAS Hangars LLC. Further north, Tax Lot 01000 on Marion County Assessor's Map 04-1W-02D consists of a 0.95 acre parcel including a hangar and tarmac owned by Blue Sky Aurora, LLC.

West of the Airpark Aviation Condominium Association's Tax Lot 605 on Marion County Assessor's Map 04-1W-02D is a 0.72 acre tarmac parcel bordered by taxiways and owned by Management West, LLC. North of that parcel is Tax Lot 600, a 1.07 acre parcel operating as a taxi way owned by Blue Sky Aurora, LLC. Adjacent to that parcel to the south is Tax Lot 605, a 0.72 acre parcel operating as a taxi way owned by Management West, LLC. Bordering those parcels on the west is Tax Lot 00604, a 0.89 acre parcel

owned by ODA operating as a taxi way. Further west, stretching north is Tax Lot 00200, a 29.49 acre parcel owned by ODA, which contains a portion of the Airport runway.

**East:**

The properties located to the east of Airport Road NE are zoned Exclusive Farm Use. The northernmost property in the notice area east of the subject property is Tax Lot 400 on Marion County Assessor's Map 04-1W-01. Tax Lot 400 is a 78.99 acre parcel owned by Gerald and Beverly Hess. This parcel is partially forested, farms hay and grass seed and contains two dwellings. Directly south, Tax Lot 600 is a 37.35 acre parcel farming hay and grass seed owned by the Carl W & Hazel L Snyder Family Trust, the Carl W Snyder Trust, and the Hazel L Snyder Trust. Further South, Tax Lot 700 is a 34.55 acre parcel owned by James and Nickie Snyder. The parcel is partially forested, with two dwellings, and farms hay and grass seed. Adjacent to the south is Tax Lot 100 on Marion County Assessor's Map 04-1W-12B. This parcel is owned by the Carl W & Hazel L Snyder Family Trust, Carl W Snyder Trust, and Hazel L Snyder Trust. The parcel is 12.77 acres, partially forested, contains a dwelling, and farms hay and grass seed. Tax Lot 200 borders Tax Lot 100 to the south. This parcel is 14.36 acres owned by the Carl W & Hazel L Snyder Family Trust, Carl W Snyder Trust, and Hazel L Snyder Trust and used to farm hay and grass seed. Finally, bordering Tax Lot 200 to the south, Tax Lot 300 is a partially forested 29 acre parcel owned by Portland Hortland, LLC used to farm hay and grass seed.

**BACKGROUND AND PROPOSAL:**

Applicant is requesting to change the zoning on the Subject Property from EFU to Public and to change the comprehensive plan designation from Primary Agriculture to Public and Semi-Public. The Subject Property is surrounded on three sides by airport-related uses. Applicant plans to construct airport-related facilities on the Subject Property, pursuant to a demonstrated need. Applicant anticipates the initial use of these facilities will consist primarily of hangars, but may also include maintenance and repair facilities, storage, management office space, research and development, flight testing, equipment sales and service, and other airport-related uses allowed under the required zone. Applicant seeks a "reasons" exception to Statewide Planning Goal 3, as well as an exception to Statewide Planning Goal 14 to site an urban use on rural land. The Conceptual Site Plan of Applicant's proposed use of the Subject Property is attached hereto as *Exhibit "1."* (*Conceptual Site Plan*). Applicant also requests that the Conceptual Site Plan be approved as a masterplan, as the proposed site plan will comply the property development standards for the Public zone as set out in 17.171.060.

As evidenced by the Conceptual Site Plan (Exhibit 1), Applicant proposes to use the Subject Property for airport related uses. The Subject Property would be developed in accordance with Marion County Building Code and leased to multiple tenants. Tenant 1 would have access to 7.02 acres of the Subject Property, the taxi lane, Hanger Y which is proposed to be approximately 52,870 square feet, parking area, and office/maintenance/shop space proposed to be multiple stories and approximately 49,590 square feet. Tenant 2 would have access to 2.42 acres, Hanger X which is proposed to be 32,000 square feet, taxi lane, parking area, and a multiple story office/maintenance/shop space proposed to be approximately 22,500 square feet. Tenant 3 would have access to 5.0 acres of space, Hanger W which is proposed to be 36,00 square feet, taxi lane, parking area, and a multi-story office/maintenance/shop space proposed to be approximately 48,000 square feet. Tenant 4 would have access to 2.0 acres, Hangar V which is proposed to be approximately 29,410 square feet, taxi lane, and parking area.

As discussed in detail below, the Subject Property is ideally situated for expansion of needed airport-



related uses. Regionally, the Subject Property is located approximately 25 miles south of Portland, 25 miles north of Salem, and 90 miles north of Eugene. There is currently more demand for hangar space and airport related uses at the Aurora Airport than the Airport can accommodate. As discussed below, the 2013 Master Plan identified the Subject Property as specifically suitable for airport-related expansion (See Exhibit E). ORS 836.642 established the "Through-The-Fence" program ("**TTF**") to encourage operations at up to six rural airports. The Aurora Airport is one of the six Oregon airports that is eligible to participate in the TTF program, and the only airport specifically referenced in ORS 836.642 as a pilot program. See ORS 836.642, attached as **Exhibit "J."** TTF agreements provide access onto the airfield for off-airport businesses or individuals who utilize the Airport infrastructure but do not lease space at the Airport or contribute financially to support the Airport through ground leases or operational leases like those operations located within the boundaries of the Airport. This program is discussed in detail below. Additionally, as previously discussed, the Subject Property is subject to the Easement, giving the Subject Property direct access to the runway via the taxiway. (See Exhibit D).

The Subject Property is also located in an ideal area to contribute to the emergency preparedness services for the region. The Aurora Airport is already home to several entities that are active in emergency preparation including Life Flight Network, Civil Air Patrol, Clackamas County Sheriff's department, Columbia Helicopters, Helicopter Transport Services, Winco, and Wilson Construction. For example, during the 2018 California wildfires, Columbia Helicopters and Helicopter Transport Services each dispatched helicopters to fight those fires. Additionally, Wilson Construction dispatched personnel and equipment to California to disconnect power lines ahead of the wildfires and re-connect power lines afterwards. The owner aspires to expand the airport's emergency preparation services. Lifeflight has expressed interest in locating their regional headquarters on the Subject Property. Additionally, the Applicant has begun talks with multiple jurisdictions and entities to establish a dedicated emergency preparedness center on the Subject Property. This center could serve the City of Aurora, the City of Wilsonville, the City of Charbonneau, and Marion County in the case of major floods, fires, windstorms, earthquakes or infrastructure failures. Having these types of resources established at the Aurora Airport create an enormous benefit to the surrounding area.

The Subject Property does not interfere with surrounding farm uses, as the Subject Property is surrounded to the north, west, and south by airport uses. These uses are consistent with the proposed use on the Subject Property. There are farm uses across Airport Road NE to the east, which would not be significantly negatively impacted by the proposed use.

#### **PREVIOUS/RELATED ACTIONS:**

The Subject Property has been involved in two prior land use actions. The first decision, Conditional Use Case 73-37, approved an application to construct a restroom at the retreat facility previously located on the Subject Property in 1973. See **Exhibit "K."** The second decision, Special Exception Case No. 77-37 approved the partition of the Subject Property in 1977. See **Exhibit "L."**

The adjacent properties to the south (Tax Lot 100 on Marion County Assessor's Map 04-1W-11A; and Tax Lot 400 on Map 04-1W-12B) were subject to a 2009 land use action that approved a Zone Change, Comprehensive Plan Amendment and Conditional Use request for airport-related uses (Case No. ZC/CP/ZU 09-005; Ordinance No. 1302). The decision is attached hereto as **Exhibit "M,"** and Applicant requests that it be incorporated into the record. While this decision is not a binding precedent, it is relevant to this current application request due to its airport-related use and adjacent location to the Subject Property.

**APPLICANT'S PROPOSED FINDINGS:**

**1. EXCEPTION TO STATEWIDE PLANNING GOAL 3**

**Goal 3 Reasons Exception**

The purpose of Statewide Planning Goal 3 (herein "**Goal 3**") is to preserve and maintain agricultural lands. The mechanism for not applying Goal 3 is through the goal exception process, and there are three types of exceptions to Statewide Goals that may be granted. The first type of exception is that the property itself is "physically developed" and not available for resource use. The second exception is based on the concept that the land surrounding the subject property is developed to such an extent that the land is "irrevocably committed" to uses other than resource use. The third type of exception, a "reasons exception," requires a demonstrated reasonable need for the proposed use or activity. Applicant believes there are reasons that exist which, when taken together, justify allowing this particular use to be located on the Subject Property. Applicant therefore submits this application for a reasons exception.

**OAR 660-004-0018(4) provides:**

*(a) When a local government takes an exception under the "Reasons" section of ORS 197.732(1)(c) and OAR 660-004-0020 through 660-004-0022, plan and zone designations must limit the uses, density, public facilities and services, and activities to only those that are justified in the exception.*

**Proposed Finding:** Applicant proposes that plan and zone designations limit the uses, density, public facilities and services, and activities to only those that are justified in the exception and approved through the conditional use permit and the 1976 and 2013 Master Plans. Applicant is requesting that only airport-related uses be allowed on the Subject Property. Such uses may include hangars, maintenance and repair facilities, storage, management office space, and other airport-related uses allowed under the required zone.

*(b) When a local government changes the types or intensities of uses or public facilities and services within an area approved as a "Reasons" exception, a new "Reasons" exception is required.*

**Proposed Finding:** Applicant's proposed use(s) will be limited to airport-related uses. Any change in the types or intensities of uses or public facilities and services will require a new "reasons" exception. This criterion is satisfied.

OAR 660-004-0020 sets forth four factors under Goal 2 Part II(c) that are required to be addressed when taking a reasons exception to a Goal. The following criteria apply.

*(1) If a jurisdiction determines there are reasons consistent with OAR 660-004-0022 to use resource lands for uses not allowed by the applicable Goal or to allow public facilities or services not allowed by the applicable Goal, the justification shall be set forth in the comprehensive plan as an exception. As provided in OAR 660-004-0000(1), rules in other divisions may also apply.*

**Proposed Finding:** The justification that there are reasons consistent with OAR 660-004-0022 to use resource lands for uses not allowed by the applicable Goal shall be set forth in the comprehensive plan as an exception. This criterion will be satisfied.

(2) *The four standards in Goal 2 Part II(c) required to be addressed when taking an exception to a goal are described in subsections (a) through (d) of this section, including general requirements applicable to each of the factors:*

(a) *"Reasons justify why the state policy embodied in the applicable goals should not apply." The exception shall set forth the facts and assumptions used as the basis for determining that a state policy embodied in a goal should not apply to specific properties or situations, including the amount of land for the use being planned and why the use requires a location on resource land;*

**Proposed Finding:** Reasons justify why the state policy embodied in Goal 3, preserving and maintaining agricultural lands, should not apply. As identified in the 2013 Master Plan, there is a need for expansion of airport-related uses surrounding the Airport. The 2013 Master Plan updates the previous 1976 Aurora Airport Master Plan (as defined below) and the 2013 was undertaken "to assess the Airport's role, evaluate the Airport's capabilities, forecast future aeronautical activity for the next 20 years, and plan for the timely development of any new or expanded Airport facilities needed to accommodate future aviation activity." See Exhibit E, (2013 Master Plan, Executive Summary p.1). As discussed in detail below, the Master Plan identified not only a need for expansion, but it specifically identified the Subject Property as an ideal location for such expansion to occur.

The Airport is an important General Aviation (GA) airport serving not only Marion County, but also the Portland metropolitan area and the entire northern Willamette Valley. The Airport provides an economic boom not just to the City of Aurora, but to Marion County more widely. As stated in the 2013 Master Plan, "[t]he Airport provides significant economic benefit to the region. The 2014 Oregon Department of Aviation Individual Airport Report for the Aurora Airport reported 1,087 jobs at the Airport, and the total number of jobs attributed to the Airport is 3,360 when direct off-airport and 'spin-off' (multiplier) effects are included. Annual wages for these jobs amount to \$148,718,000. Annual business sales, aviation and non-aviation related, total \$546,060,000." See *Exhibit "N,"* 2014 ODA Individual Airport Report, p. 6.

Due in part to its convenient location and direct access to Interstate 5, the Airport "has grown at a faster rate than past planning efforts expected." In addition, because of "prior investment in the Airport, its large and growing number of based aircraft, its eligibility for FAA funding, and its proven record for attracting private funding for landside facilities, it appears likely that Aurora State Airport will remain a viable GA airport long into the future." *Id.* at 1-15.

Concurrent with the growth of the Airport is the need for additional land and facilities to accommodate airport-related uses. However, the Airport does not presently have the capacity to meet future demand. This deficiency is caused in part by the limited amount of adjacent undeveloped land that is appropriately zoned to accommodate the Airport

development needed to meet the 20-year forecast. *Id.* at 4-18. The 2013 Master Plan states that there is an approximate need for 40 developable acres to meet forecast demand, and ODA currently has only nine acres of developable land, "indicating development will be on a combination of public and private land." *Id.* at 5-3. The 2013 Master Plan states that the unmet demand will likely be met by private property owners and developers. *Id.* at 5-4.

The eventual need to expand the Airport has been documented as far back as 1976 (if not earlier). The Aurora Airport Master Plan (the "**1976 Master Plan**") was incorporated into the Marion County Comprehensive Plan ("**MCCP**") in 1976 and remains a part of the MCCP today. In short, the 1976 Master Plan, attached as **Exhibit "O,"** forecasted a significant increase in general aviation traffic. See 1976 Master Plan at 48. In order to deal with this increase, which has occurred as predicted, the 1976 Master Plan recommended the acquisition of additional surrounding land. Specifically, the 1976 Master Plan noted that "[s]pace for airport expansion is impacted on three sides by highways, relatively difficult to relocate, and on the fourth side by privately owned and controlled property. \* \* \* Expansion will be into the space east of present airport property." *Id.* at 67. On the Land Use Plan drawing incorporated into the 1976 Master Plan, the plan notes of the Subject Property that "[t]his Area is Acceptable for Airport-Related Development Under Private Ownership." *Id.* at 85. One recommendation to implement the 1976 Master Plan prescribed acquiring 113 acres of land on the east side of the airport. *Id.* at 67. The 1976 Master Plan went on to note that "[w]ithout this space for airport development it will be impossible to implement a complete and productive airport development program." *Id.*

The 2013 Master Plan presents four alternatives for the long-term future of the Airport. The first "No Build" Alternative serves as a baseline for comparison of the three "Build" Alternatives. 2013 Master Plan at 5-1. Each of the three Build Alternatives shows additional hangar and apron expansions, and the 2013 Master Plan identifies additional acreage is needed to meet 2030 hangar demand. See Exhibit E, pg. 19, Exhibit Executive Summary-6. The Subject Property is an excellent choice to meet current and future demand. Each of the Build Alternatives specifically identify the Subject Property as suitable for airport-related development. See 2013 Master Plan at 5-4 to 5-7, and maps identifying Subject Property. As the 2013 Master Plan indicates, the Subject Property "is a logical area for excess demand to be met because it is adjacent to the Airport and on the Airport side of Airport Road." See Master Plan at 5-26.

The Airport has a specific need for additional hangars to meet future demand, and this need could be fulfilled by Applicant's proposed use. According to the Master Plan and as identified on the following table, approximately 23.0 additional acres will be needed to meet 2030 hangar demands. *Id.* at 5-2.

**2013 Master Plan 4-18— Table 4F.**

**Projected Landside Development Requirement (acres)**

| <b>Facilities</b>              | <b>2011-2015</b> | <b>2016-2020</b> | <b>2021-2030</b> | <b>Total</b> |
|--------------------------------|------------------|------------------|------------------|--------------|
| Hangars                        | 4.9              | 5.4              | 12.7             | 23.0         |
| Aprons                         | 1.5              | 1.5              | 3.4              | 6.5          |
| Cargo Apron                    | 0.9              | 0.0              | 0.0              | 0.9          |
| Aviation Businesses & Services | 1.5              | 1.6              | 3.9              | 7.0          |
| Air Traffic Control Tower      | 2.0              | 0.0              | 0.0              | 2.0          |
| Fire Station                   | 0.2              | 0.0              | 0.0              | 0.2          |
| <b>Total</b>                   | <b>11.0</b>      | <b>8.5</b>       | <b>20.0</b>      | <b>39.6</b>  |

The need exists now more than ever to expand the Airport facility to accommodate both historical and anticipated growth. The 1976 Master Plan anticipated the need for future expansion onto privately owned lands, and the 2013 Master Plan demonstrates that such a need continues. This need is further demonstrated by the letters included as **Exhibit "P."** These letters indicating support of this proposal come from aviation businesses and commercial real estate developers. They express the need for developable tracts of land that afford "through the fence" access to airport facilities (see letter from James Hand, broker at Macadam Forbes, Inc), as well as concern over an extreme shortage of corporate hangar and office space at this Airport (see letter from Jimmy Severson, President of Centrex).

Both the 1976 and the 2013 Master Plans have identified the Subject Property as the most appropriate location for expansion. Applicant's use will provide additional land and support services that the Airport will use to help encourage and facilitate the growth potential at the Airport facility.

Adding to the sensibility of expansion in this location is the fact that the Airport has been selected by the Oregon Legislature as the first pilot site to participate in its TTF program (see ORS 836.642, attached as Exhibit J). This program specifically promotes the economic development of rural airports by granting private adjacent landowners certain accommodations to access airport facilities. While other economic considerations are discussed more fully below, the Airport has the potential, through this TTF program, to be an even more significant economic contributor to Marion County than it is now.

The stated purpose of the TTF program is to "encourage development of through the fence operations designed to promote economic development by creating family wage jobs, by increasing local tax bases and by increasing financial support for rural airports." OAR 738-014-0010. Although the Subject Property is not currently within the airport boundaries, properties surrounding airports participating in the program have the opportunity to participate by applying with the airport, submitting a facility site plan for the relevant property, and seeking any necessary land use approvals from the appropriate local government. If the facility site plan is approved by the appropriate local government in compliance with applicable statewide land use planning

requirements, the facility site plan is incorporated into the local government's airport plan and airport boundary. See OAR 738-014-0050(2) attached as *Exhibit "Q."*

This opportunity to take advantage of the TTF program is unique to this Airport. The Aurora Airport was the only pilot site identified by name in OAR Chapter 738, Division 14 (Through the Fence Pilot Program).

In addition to being identified on the 2013 Master Plan as suitable for airport-related expansion and its unique opportunity to participate in the TTF program, the Subject Property is an ideal location for airport-related expansion due to its historical absence of farm use and overall lack of suitability for farming. The Subject Property has been used to operate a religious retreat facility for over 40 years. See Exhibit B, deed, Exhibit K, Conditional Use Case 73-37, and Exhibit L, Special Exception Case No. 77-37 Findings of Fact and Decision. As such, the property has been substantially developed with buildings, roads, and other structures supporting the facility and has not been suitable for farming uses for decades. According to the previous owner's website, the religious retreat was purchased from a prior Methodist church camp in 1977. It is unclear if the Subject Property was ever used for farming purposes.

The Subject Property is not well-suited for farming due to its location near the airport and its separation from other nearby parcels in farm use via Airport Road. It is surrounded by airport-related uses and is the last piece of resource-zoned land remaining between Airport Road and the Airport. Any farming activity could not produce dust because it would reduce visibility in the area and potentially damage sensitive equipment already located on at the Airport. Additionally, someone farming this parcel would be unable to utilize aerial spraying methods due to the proximity to the airport and active runway.

The Subject Property is also not well-suited for farming due to its soil type. The site contains one hundred percent (100%) Amity Silt Loam soil, a Class II soil. According to the Soil Survey for Marion County, "[r]estricted drainage is a moderately severe limitation to use of this soil for crops. \* \* \* Deep-rooted crops do not grow well, and most crops are adversely affected by the excess moisture." See *Exhibit "R,"* soil map. Therefore, the soil itself causes barriers to farm practices. Additionally, while the minimum parcel size in the EFU zone is 80 acres, the Subject Property is only 16.54 acres, and removing it from potential agricultural use will be of little consequence. As of 2012, the average farm size in Marion County is 111 acres, nearly seven times the size of the Subject Property. See *Exhibit "S,"* 2012 National Agricultural Statistics Service Census of Agriculture, County Profile (Marion County, Oregon). The average size of farms in Oregon overall is much larger, 474 acres as of 2017. The Subject Property is not currently yielding any revenue for Marion County, and the jobs created by putting the Subject Property into airport-related use would far surpass any revenue generation that a farm of this small size could create. Airport-related use is the highest and best use of the Subject Property and will be a great benefit to the local economy.

The proposed use will not negatively impact the surrounding farm uses. In order to determine whether a use will force a significant change in, or significantly increase the cost of farm practices on surrounding lands devoted to farm use a three-part analysis

was set out in *Schellenberg v. Polk County*, 21 Or LUBA 425, 440 (1991). To determine whether a use will force a significant change in, or significantly increase the cost of farm or forest practices on surrounding lands devoted to farm use a party must (1) identify the accepted farm and forest practices occurring on surrounding farmland and forest land; (2) identify whether the proposed use will force a significant change in the identified accepted farm and forest practices; and, (3) whether the use will significantly increase the cost of those practices.

Applicant utilized the notice area to identify the surrounding farmland and forest land. As stated above, the Subject Property is surrounded on three sides by public/semi-public zoned properties committed to airport uses. The only farmland within the notice area is across Airport Rd to the east. To the east, six parcels appear to be engaging in farming activities, each growing hay or grass seed. Since the proposed use is consistent with the uses currently taking place at the airport, that are currently co-existing with the surrounding farm uses, the new use will be difficult to discern from existing uses. The airport use does create noise, but the noise impact will not force any change on the surrounding farming practices or significantly increase the cost of those practices. The dust impact will likely be decreased by the development, as the Subject Property is currently undeveloped with the trees removed. Similarly, the Subject Property's environmental impact will be nominal and will not force any change on farm uses or significantly increase the costs of those practices. The Subject Property will comply with DEQ requirements for wastewater treatment and comply with all requirements for storm water. This will ensure that there are no detrimental environmental impacts on the surrounding farm practices, nor would any environmental impacts create a condition that would increase the costs of the farm uses.

The only remaining potential impacts would relate to traffic. The traffic impact is discussed in more detail below, but the increased trips created by the proposed use would not cause force a significant change in the accepted farm practices and would not significantly increase the cost of those practices. A slight delay in transit on the surrounding streets would not be enough to change the farm practices or significantly increase the cost of those practices.

As previously mentioned, the Subject Property is virtually surrounded by the Airport, which has been in existence since 1943 and has remained compatible with the adjacent resource uses in the area throughout history. Applicant's proposed use, which would effectively expand the airport and includes uses already existing adjacent to resource uses will be bordered on three sides by preexisting airport development. The Airport operations have been co-existing with airport use for a significant amount of time and will not be significantly impacted by a slight expansion in the airport.

For the reasons listed above, there are compelling justifications in this instance for taking an exception to Statewide Planning Goal 3 to allow this Applicant to locate its use on the Subject Property, adjacent to the Airport. This criterion is satisfied.

*(b) "Areas that do not require a new exception cannot reasonably accommodate the use". The exception must meet the following requirements:*

*(A) The exception shall indicate on a map or otherwise describe the location of possible alternative areas considered for the use that do not require a new exception. The area for which the exception is taken shall be identified;*

**Proposed Finding:** The Subject Property has been specifically selected for this development by the Applicant because it features a unique combination of attributes not found on any other property in the region. Being situated adjacent to an airport is vital to Applicant's proposed airport-related use(s). This fact alone, eliminates the majority of the potential property available in the vicinity. The proposed use(s) will provide a direct benefit not only to the Airport, but also to other airport-related businesses in the vicinity. This concentration of potential users and customers cannot be found elsewhere other than at an airport facility. It is most efficient from both the aviation supplier's and the customer's perspective to have these services located nearby each other and adjacent to an airport.

The largest concentration of industrial land is typically found within city limits, in urban environments. This is the land that would be immediately ready to accept Applicant's use and would not require any exceptions. However, the proposed use(s) on the Subject Property are not compatible inside city limits in a traditional urban setting, as there are certain noise and safety concerns that are typical for an airport environment, but which may not be compatible with certain residential, commercial, and even some industrial developments. As identified on the Land Use Plan & 2010/2020 Noise Contours Map in the 2013 Master Plan, (See Exhibit E), the Subject Property is already within the 55-60 noise contour, and if expected runway expansion takes place, it will be within the 60-65 noise contour. The noise profile of the Airport is expected to increase by the year 2020, regardless of development at the Airport. 2013 Master Plan at 5-9. Accordingly, this location affords the most economic, energy, and environmentally efficient operation possible.

Applicant surveyed available lands near this Airport and other airports within a 25-mile vicinity. The vicinity perimeter was chosen based on an approximate 30-minute driving distance to access an airport with similar uses. To be inclusive, Applicant also included Salem McNary Field ("**McNary**") and Troutdale Airport ("**Troutdale**") within the vicinity, even though these airports fall just outside of the 25-mile perimeter. The following airports are included in the vicinity: Hillsboro Airport ("**Hillsboro**"), McMinnville Municipal Airport ("**McMinnville**"), Portland International Airport ("**PDX**"), Mulino State Airport ("**Mulino**"), McNary, and Troutdale. See Airport Vicinity Map, attached as **Exhibit "T."** PDX, Hillsboro, and Troutdale are owned by the Port of Portland; Mulino is owned by the State of Oregon; and McMinnville and McNary are owned by the City of McMinnville and the City of Salem, respectively.

Applicant owns a public zoned, 4.52-acre parcel that it not yet developed adjacent to the taxiway at the Aurora Airport, Tax Lot 1700 on Marion County Assessor's Map 04-1W-02D ("**TL 1700**"). This parcel is not suitable for the proposed airport use for two reasons. First, at 4.52 acres, TL 1700 is too small for the contemplated development. The development plan for the Subject Property utilizes the entire 16.54 acres to build five hangars, four office buildings and taxiway space. Additionally, TL 1700 is already committed to the development of two 42,912 square feet hangars. One of the hangars



has already been purchased. TL 1700 will be part of the Southend Corporate Airpark Condominiums. Furthermore, since Applicant is already committed to the development of two new hangars on TL 1700 and the parcel is not sufficient in size to accommodate the proposed development on the Subject Property, the 4.52 acre parcel owned by Applicant is not a sufficient alternative site for the proposed development, because it is already committed to other hangar development.

Applicant conducted a land search to determine if there are any alternative airport sites for sale in the vicinity that are not in resource use are suitable for the proposed use. Applicant's search included all listed airport-adjacent parcels, zoned industrial or commercial, that are 10 acres or greater in size. Applicant was not able to identify any viable alternatives to the Subject Properties. Two available properties were found, neither property offers a viable alternative to the Subject Property. The first property, located at 25<sup>th</sup> Street, adjacent to McNary, totals 12.45 acres in size, and is zoned industrial ("**Property 1**"). Property 1 is located *across* 25<sup>th</sup> Street, and therefore has accessibility issues. See **Exhibit "U,"** for Property 1 Aerial. The portion of 25<sup>th</sup> Street adjacent to McNary is classified as a major arterial by the City of Salem. As such, it has between 15,000 and 50,000 average daily trips. Crossing such a busy street does not provide safe or easy access to McNary, especially for use as hangars. In addition, Property 1 is approximately 30 miles from the Airport, making it not readily comparable in terms of access. Users within the vicinity of the Airport who access it from the northeast could face a one hour drive in order to access Property 1.

The second property, located at 5340 NW 253<sup>rd</sup> Ave, near Hillsboro, totals 18.73 acres in size and is also zoned industrial ("**Property 2**"). Property 2 is located half of a mile from Hillsboro and therefore does not provide easy access to the Hillsboro Airport. See **Exhibit "V,"** for Property 2 Aerial.

Most significantly, in addition to difficulties with access, these properties are near McNary and Hillsboro, and neither of these airports are eligible for TTF access. As explained above, such access could allow Applicant the ability to directly access the Airport and runway which is vital to the proposed use. The Subject Property also has available access to the runway because of the Easement that encumbers it. The Easement also gives the Subject Property access to the Airport runway via the taxiway, access that the alternative properties mentioned above do not offer.

Additionally, Applicant contacted the airport managers for each of the above-mentioned airports inquiring whether the airports have any parcels available for purchase, 10 acres or larger, inside the fence with runway access, and no such parcels were identified. See Applicant's Surrounding Airport Properties for Sale Results.

The requirements of this particular use require a location in close proximity to the Airport. The Subject Property, given the reasons noted above, is ideal for this use. There are no appropriately zoned properties available adjacent to the Airport, or any other airports in the vicinity, that are not already developed or in the process of being developed that can reasonably accommodate aviation-related activity. Therefore, there are not any properties available that wouldn't require an exception in order to

reasonably accommodate the use. For the reasons stated above, there is no other airport-adjacent property that can meet Applicant's needs. This criterion is satisfied.

*(B) To show why the particular site is justified, it is necessary to discuss why other areas that do not require a new exception cannot reasonably accommodate the proposed use. Economic factors may be considered along with other relevant factors in determining that the use cannot reasonably be accommodated in other areas. Under this test the following questions shall be addressed:<sup>1</sup>*

*(i) Can the proposed use be reasonably accommodated on nonresource land that would not require an exception, including increasing the density of uses on nonresource land? If not, why not?*

**Proposed Finding:** The proposed use cannot be reasonably accommodated on nonresource land that would not require an exception, including increasing the density of uses on nonresource land. As explained above, industrial land is typically found on nonresource land that would not require any exceptions. However, airport-related uses must be located adjacent to an airport, and there are certain noise and safety concerns which are typical for an airport environment that are not compatible inside city limits in a traditional urban setting.

In addition, as detailed above, Applicant searched for airport-adjacent, nonresource land that would not require an exception. Applicant surveyed available lands near airports within a 25-mile perimeter. Applicant's search determined that alternative airport sites in the vicinity, located within Urban Growth Boundaries, are not suitable for the proposed use. Applicant's search included all listed airport-adjacent parcels, zoned industrial or commercial, that are 10 acres or greater in size. The results of search are attached as **Exhibit "W,"** Applicant's Surrounding Airport Properties for Sale Results. As detailed above, neither of the two available properties that were found offer a viable alternative to the Subject Property. This criterion is met.

*(ii) Can the proposed use be reasonably accommodated on resource land that is already irrevocably committed to nonresource uses not allowed by the applicable Goal, including resource land in existing unincorporated communities, or by increasing the density of uses on committed lands? If not, why not?*

**Proposed Finding:** The proposed use cannot be reasonably accommodated on resource land that is already irrevocably committed to nonresource uses not allowed by the applicable goal, including resource land in existing unincorporated communities, or by increasing the density of uses on committed lands. Marion County does not have a system in place showing all resource land committed to nonresource uses. However,

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<sup>1</sup> (C) The "alternative areas" standard in paragraph B may be met by a broad review of similar types of areas rather than a review of specific alternative sites. Initially, a local government adopting an exception need assess only whether those similar types of areas in the vicinity could not reasonably accommodate the proposed use. Site specific comparisons are not required of a local government taking an exception unless another party to the local proceeding describes specific sites that can more reasonably accommodate the proposed use. A detailed evaluation of specific alternative sites is thus not required unless such sites are specifically described, with facts to support the assertion that the sites are more reasonable, by another party during the local exceptions proceeding.

because the proposed use can only be accommodated adjacent to an airport, the scope of alternative areas is significantly limited. As previously discussed, there are no viable alternative airport-adjacent parcels. Accordingly, there are no resource lands irrevocably committed to nonresource uses available for the proposed uses. This criterion is met.

*(iii) Can the proposed use be reasonably accommodated inside an urban growth boundary? If not, why not?*

**Proposed Finding:** The proposed use cannot be reasonably accommodated inside an urban growth boundary area. As explained above, Applicant is proposing an airport-related use, and such use must be located adjacent to an airport. Noise and safety concerns which are typical for an airport environment are not compatible inside city limits in a traditional urban setting. This criterion is met.

*(iv) Can the proposed use be reasonably accommodated without the provision of a proposed public facility or service? If not, why not?*

**Proposed Finding:** The proposed use can be reasonably accommodated without the provision of a proposed public facility or service.

*(c) "The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site." The exception shall describe: the characteristics of each alternative area considered by the jurisdiction in which an exception might be taken, the typical advantages and disadvantages of using the area for a use not allowed by the Goal, and the typical positive and negative consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts. A detailed evaluation of specific alternative sites is not required unless such sites are specifically described with facts to support the assertion that the sites have significantly fewer adverse impacts during the local exceptions proceeding. The exception shall include the reasons why the consequences of the use at the chosen site are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site. Such reasons shall include but are not limited to a description of: the facts used to determine which resource land is least productive, the ability to sustain resource uses near the proposed use, and the long-term economic impact on the general area caused by irreversible removal of the land from the resource base. Other possible impacts to be addressed include the effects of the proposed use on the water table, on the costs of improving roads and on the costs to special service districts;*

**Proposed Finding:** The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site. For the reasons articulated above, the location of the proposed airport-related uses adjacent to the Airport is an essential component of the proposed development. As explained above, all of the possible alternative sites adjacent to

airports, which would be suitable for siting an aviation-related activity, are not suitable for Applicant's proposed use. Therefore, there are no adverse impacts that can be said to be significantly more adverse than would typically result from the same proposal being located in other areas requiring a Goal exception. Attempting to site these uses on any other piece of land would likely have even more significant adverse consequences. There are no other tracts of land adjacent to the Airport that are not already in airport use.

Even as far back as 1976, Marion County recognized that the Subject Property was fit to be developed for airport expansion under private ownership. See Exhibit O (1976 Master Plan). The use of the Subject Property for airport-related uses will be consistent with those similar airport-related that currently exist in the vicinity. The existing airport uses have been compatible with the surrounding resource uses for decades. There is no indication that an expansion of these uses would cause an incompatibility. In fact, the new development will have better buffers from resource uses than the current airport development has. The proposed use is well situated away from residential areas and is also buffered by roads from agricultural uses. As described, it does not interfere with resource use, as many other uses might. Additionally, as outlined previously, there are certain noise and safety concerns associated with this use, which make it more compatible with adjacent agricultural uses than it would otherwise be with residential and general commercial uses, as well as certain industrial uses.

As demonstrated on the Traffic Impact Analysis ("*TIA*") prepared by DKS Associates, Inc. ("*DKS*") and attached as *Exhibit "X,"* the proposed potential use(s) will not cause a significant increase in the amount of automobile traffic; the impact being certainly no more adverse than if this use were sited on another property requiring a goal exception. On the contrary, the surrounding roads will likely be greater equipped to accommodate the increase in vehicle trips caused by the proposed development. Being located adjacent to a major collector and in close proximity to major transportation and shipping routes, such as Interstate 5 and Oregon Highway 51, is a benefit that is not available on other rural land that would be suitable for this use. In addition, the applicable airport overlay zone limits certain development standards applicable to the Subject Property. This will help ensure that the potential for larger, heavy traffic producing development on the Subject Property remains less than could be achieved from the same proposal being located on other lands requiring a Goal exception. Additionally, Applicant will negotiate with relevant jurisdictions to mitigate its impact.

Economically, the expansion of the airport is positive for the City of Aurora, Marion County, and the State of Oregon. According to the Portland State University Population Research Center's Preliminary Population Estimates, as of July 1, 2018, Marion County was estimated to contain 344,035 residents, up 1.4 percent from the 339,200 residents as of July 1, 2017. See *Exhibit "Y."* This region is currently growing at the same pace as the state of Oregon as a whole, which also experienced 3.4 percent growth over that same period. *Id.* In the City of Aurora's 2001 Comprehensive Plan Update the City anticipates that its population will increase by at least 80% over the planning period (2000-2020). See City of Aurora's 2001 Comprehensive Plan at p. 22, attached as *Exhibit "Z."* Marion County recognizes that Airport development will have a significant economic impact on the City of Aurora. Increased development will also have a positive

economic impact upon the City of Aurora through the secondary effect of increased patronage of local business. *Id.* The 2014 Oregon Aviation Department Aurora Airport Report reported 1,087 jobs at the Aurora Airport, and the total number of jobs attributed to the Airport is 3,360 when direct off-airport and "spin-off" (multiplier) effects are included. Annual wages for these jobs amount to \$148,718,000. Annual business sales, aviation and non-aviation related, total \$546,060,000." See 2014 Aurora Airport ODA Report.

OAR 660-013-0010 sets forth the policy of the State of Oregon regarding airport planning. The policy of the State of Oregon is to encourage and support the continued operation and vitality of Oregon's airports. \* \* \* Ensuring the vitality and continued operation of Oregon's system of airports is linked to the vitality of the local economy where the airports are located." See **Exhibit "AA,"** OAR 660-013-0010. Expansion of the airport would be positive for the continued overall growth and vitality of Oregon's aviation system.

Applicant's proposed use can only be located at or adjacent to an airport. This limits the alternative sites which are appropriate to consider for the proposed use. The land adjacent to the Airport is ideal for the proposed use given its location adjacent to the airport and its proximity to nearby urban centers. Additionally, the land has adequate resources and capacity to support the septic and water needs of the use, while also being adjacent to roadway infrastructure that can handle the increase in anticipated traffic.

There is no other property located near the Airport that is better situated to accommodate the proposed use. Other property would require Applicant to cross public roadway and further encroach on agricultural land and associated residential uses. Other farm properties that are adjacent to the Airport are more intensely farmed or contain larger stands of native timber that would have to be removed at a considerable cost of energy resources. The Subject Property is located away from residential neighborhoods and buffered from all other non-airport-related uses in the area by Airport Road. There will be less of an impact on surrounding areas with the location of the proposed use next to an established airport.

Additionally, the proposed use will contribute to the Aurora Airport's emergency preparation and response services. As previously stated, the airport houses several entities that assist communities in emergencies and disasters. The proposed use on the Subject Property would increase this presence by establishing an emergency response center and creating a potential new location for Life Flight to base operations.

For the reasons listed above, Applicant's proposed use will have significantly positive, long-term environmental, economic, social and energy consequences resulting from the use at the proposed site as compared to other areas which would also require a goal exception, especially given the history of similar uses on adjacent properties. This criterion is satisfied.

*(d) "The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts." The exception shall describe how the proposed*

*use will be rendered compatible with adjacent land uses. The exception shall demonstrate that the proposed use is situated in such a manner as to be compatible with surrounding natural resources and resource management or production practices. "Compatible" is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses.*

**Proposed Finding:** The proposed use(s) are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts. As previously mentioned, the vicinity in which the Subject Property is located is dominated by the Airport. The Airport has been in existence since 1943 and has remained compatible with the adjacent resource uses in the area over the decades. See Exhibit O, 1976 Master Plan, 13. Applicant's proposed use, which would effectively expand the Airport and include uses already existing adjacent to resource uses, will be bordered to the north, west and south by the preexisting airport development, and to the east by Airport Road NE. The grass seed and hay farming operations to the east, across Airport Road NE, have been operating in conjunction with the Airport and surrounding airport related uses since its inception in 1943. A slight expansion of currently existing uses should not render the airport uses otherwise incompatible with nearby farming. Applicant's extension of airport uses into the final non-airport related land between the airport and Airport Road will not have a negative effect, as Airport Road NE has, and will continue to serve as a buffer. This criterion is satisfied.

**OAR 660-004-0022** sets out the requirements for a reasons exception. It provides in pertinent part:

*An exception under Goal 2, Part II(c) may be taken for any use not allowed by the applicable goal(s) or for a use authorized by a statewide planning goal that cannot comply with the approval standards for that type of use. The types of reasons that may or may not be used to justify certain types of uses not allowed on resource lands are set forth in the following sections of this rule.*

The proposed uses may be commercial, industrial, or a combination of the two. Therefore, the need for both is addressed in the following proposed findings.

The proposed use may be commercial in nature. The following criteria apply:

*(1) For uses not specifically provided for in this division, or in OAR 660-011-0060, 660-012-0070, 660-014-0030 or 660-014-0040, the reasons shall justify why the state policy embodied in the applicable goals should not apply. Such reasons include but are not limited to the following:*

*(a) There is a demonstrated need for the proposed use or activity, based on one or more of the requirements of Goals 3 to 19; and either*

*(A) A resource upon which the proposed use or activity is dependent can be reasonably obtained only at the proposed exception site and the use or activity requires a location near the resource. An exception based on this paragraph must include an analysis of the market area to be served by the proposed use or activity. That analysis must demonstrate that the proposed exception site is the only one within that market area at which the resource depended upon can reasonably be obtained; or*

*(B) The proposed use or activity has special features or qualities that necessitate its location on or near the proposed exception site.*

**Proposed Finding:** There is a demonstrated need for the proposed use, and the proposed use has special features or qualities that necessitate its location near the Aurora Airport. The need is evidenced by the letters of support attached as Exhibit P, which show that there is a demand for more land available for airport-related uses in the region. Further development of the Aurora Airport will further the needs identified in Statewide

The need is further evidenced by the future expansion map for the Airport and by the 2013 Master Plan. This is discussed below. See Exhibit E (2013 Master Plan- Maps).

The Airport completed construction of a control tower in 2015. The tower is a reflection of the need for expanded capacity of the Airport, and it will also lead to future expansion. There is a logical connection that there is already increased demand, given the Airport's expansion. In addition, by adding the control tower, the Airport will have the ability for additional capacity and further expansion of use. In addition to the new control tower, two of the Build Alternatives in the Master Plan, discussed above, show runway extensions. Such extensions suggest an increased demand and demonstrate the future need to expand airport-related facilities to keep pace with Airport growth. The 2013 Master Plan also identifies that approximately 23 additional acres will be needed to accommodate 2030 hangar demand. See Exhibit E, 2013 Master Plan, Executive Summary p. 6.

The proposed development may be an industrial use. OAR 660-009-0005(3) defines an industrial use as follows:

"Industrial Use" means employment activities generating income from the production, handling or distribution of goods. Industrial uses include but are not limited to: manufacturing; assembly; fabrication; processing; storage; logistics; warehousing; importation; distribution and transshipment; and research and development. Industrial uses may have unique land, infrastructure, energy, and transportation requirements. Industrial uses may have external impacts on surrounding uses and may cluster in traditional or new industrial areas where they are segregated from other non-industrial activities.

Planning Goal 9 calls for diversification and improvement of the economy and asks communities to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs. The development of the Subject Property will diversify and improve the economy by increasing the amount of living wage jobs in the region, furthering Goal 9. According to the most recent data in 2014, the Aurora Airport accounts for 1,087 jobs on-site and \$72,268,000 in wages. See Exhibit N, 2014 ODA Aurora Airport Report. Development of the Subject property with the proposed use would add additional jobs and wages to the area and increase the local tax base.

The Subject Property would also contribute to the Aurora Airport's commitment to emergency preparation and being a resource in the case of natural disasters. Goal 7 requires jurisdictions apply appropriate safeguards when planning for development in areas subject to natural hazards. The existence of Airport, and certain tenants of the Airport contribute to emergency preparedness and response in Oregon and beyond. For example, during the recent California wildfires, multiple tenants were dispatched to provide support. Additionally, when Life Flight in another location sends aircraft out to respond to an emergency, aircraft from another facility are dispatched to backfill and make sure they are always able to respond to an emergency. Having these resources at the Aurora Airport creates a benefit to the surrounding area in that emergency support is nearby. Also, in the case of a natural disaster, supplies could be brought in through the Airport and quickly distributed where needed. Finally, Applicant has taken steps to establish a dedicated emergency preparedness center on the Subject Property to serve the nearby jurisdictions in the case of natural disasters and infrastructure failures.

The Subject Property is unique and necessitates location of the proposed use on the Subject Property for two additional reasons. First, the taxi way easement that runs through the property provides access to the runway from the subject property. An alternative site would not be able to provide such access. Similarly, the fact that the Aurora Airport is an approved "through the fence" airport, which allows operations conducted by a commercial or industrial user of property not owned by the airport sponsor within the airport boundaries. These factors provide the Subject Property with unique features allowing it access to the runway and creating an ideal location for the proposed use.

Because hangars and other airport-related uses are industrial uses, the following criteria apply:

*(3) Rural Industrial Development: For the siting of industrial development on resource land outside an urban growth boundary, appropriate reasons and facts may include, but are not limited to, the following:*

*(a) The use is significantly dependent upon a unique resource located on agricultural or forest land. Examples of such resources and resource sites include geothermal wells, mineral or aggregate deposits, water reservoirs, natural features, or river or ocean ports;*

**Proposed Finding:** Although the proposed use is not dependent on a unique resource located on agricultural or forest land, it is dependent on a unique resource located adjacent to agricultural land. As explained above, airport-related uses are dependent on an airport, and the Aurora Airport is located outside the urban growth boundary, surrounded by resource land. As previously discussed, there are certain noise and safety concerns associated with airport-related uses that make such uses more compatible with adjacent agricultural uses than they would otherwise be with residential and general commercial uses. This criterion is satisfied.

*(b) The use cannot be located inside an urban growth boundary due to impacts that are hazardous or incompatible in densely populated areas; or*



**Proposed Finding:** The proposed use could not be located inside an urban growth boundary, because it would be hazardous or incompatible in a densely populated area. As previously explained, airports generate a high volume of noise to surrounding neighbors due to their flight patterns. As identified in the 2013 Master Plan & 2010/2020 Noise Contours Map, attached as Exhibit E, pp 145-149, the Subject Property is already within the 55-60 noise contour, and if expected runway expansion takes place, it will be within the 60-65 noise contour. Regardless of development at the Airport, the noise profile of the Airport is expected to increase by the year 2020. 2013 Master Plan at 5-9. Therefore, noise and safety concerns that are typical for an airport environment prevent the proposed use from being safely located inside an urban growth boundary. Additionally, the Subject Property is subject to the flight strip easement and benefitted by the Through the Fence program established by ORS 836.642 which offer the Subject Property access to the . This criterion is satisfied.

*(c) The use would have a significant comparative advantage due to its location (e.g., near existing industrial activity, an energy facility, or products available from other rural activities), which would benefit the county economy and cause only minimal loss of productive resource lands. Reasons for such a decision should include a discussion of the lost resource productivity and values in relation to the county's gain from the industrial use, and the specific transportation and resource advantages that support the decision.*

**Proposed Finding:** The use would have a significant comparative advantage due to its location, which would benefit Marion County's economy and cause only minimal loss of productive resource lands. As previously mentioned, the Subject Property is approximately 16.5 acres, which would make up a relatively small farm parcel. The average size of a farm parcel in Marion County is approximately 111 acres. See Exhibit S, 2012 National Agricultural Statistics Service Census of Agriculture Marion County Profile. The Subject Property is bordered on three sides by airport-related uses and by Airport Road to the east. Surrounding properties to the north, west, and south are all zoned P, while properties to the east are zoned EFU. There are significant limitations to farming a parcel surrounded on three sides by airport related uses. As explained in prior sections, any farming use on the Subject Property could not create dust as it would cause visibility issues at the airport and damage sensitive equipment located at the airport. Further, the Subject Property would not be able to use aerial spraying on the property because would interfere with the Airport's airspace. As explained above, it is vital to the proposed use that it be located near the Airport.

Economically, the expansion of the Airport is positive for the City of Aurora, Marion County, and the State of Oregon. According to the Portland State University Population Research Center's Preliminary Population Estimate, as of July 1, 2018, Marion County was estimated to contain 339,200 up 1.4 percent from the 333,950 residents as of July 1, 2017. See Exhibit Y. This region is currently growing at the same pace as the state as a whole, which also experienced a 1.3 percent growth over that same period. *Id.* Oregon has experienced the largest numeric growth over a two-year period since the early 1990's. *Id.* In the City of Aurora's 2001 Comprehensive Plan Update, the City anticipates that its population will increase by at least 80% over the planning period (2000-2020). See City of Aurora Comprehensive Plan Update 2001 at 22, attached as

Exhibit X. The county recognizes that Airport development will have a significant economic impact on the City of Aurora. Increased development will also have a positive economic impact upon the city through the secondary effect of increased patronage of local business. *Id.* The 2014 Aurora Airport Report produced by the Oregon Department of Aviation 1,087 jobs at the Airport, and the total number of jobs attributed to the Airport is 3,360 when direct off-airport and "spin-off" (multiplier) effects are included. Annual wages for these jobs amount to \$148,718,000. Annual business sales, aviation and non-aviation related, total \$546,060,000." See Exhibit E, 2013 Master Plan, 1-6. The proposed use of the Subject Property would contribute and expand the economic benefit of the Aurora Airport, and the loss of potential resource productivity would be drastically outweighed by the County's gain from the proposed use.

As previously discussed, the Subject Property has neither historically been used for farming, nor is it currently suitable for such use. Applicant is requesting to take a minimal amount of land out of resource designation and put it into a more suitable use, based on its location and barriers to resource use. This criterion is satisfied.

## 2. EXCEPTION TO STATEWIDE PLANNING GOAL 14

The Airport is zoned and designated Public. This plan designation was a result of an exception that was taken to Goal 14. The purpose of Goal 14 is to provide an orderly transition from rural to urban land uses. The Airport had developed to a size that exceeded the industrial and commercial size limits set forth above for urban uses on rural lands. Aircraft related manufacturing facilities, hangars and warehouse space exist at sizes that exceed 35,000 square feet for these industrial uses. Office space, airplane parts sales and service, flight schools and other uses found both within hangar facilities and in separate buildings already exceed the 3,500 square foot limit for commercial uses.

The Subject Property is rural land by definition, since it is located outside the City of Aurora's urban growth boundary (UGB). Applicant's proposal is for urban uses. Therefore, an exception to Goal 14 is necessary. This facility will be adjacent to the commercial and industrial uses that already exist at the Aurora State Airport. OAR 660-014-0040 sets forth the criteria for taking an exception to Goal 14:

*(1) As used in this rule, "undeveloped rural land" includes all land outside of acknowledged urban growth boundaries except for rural areas committed to urban development. This definition includes all resource and nonresource lands outside of urban growth boundaries. It also includes those lands subject to built and committed exceptions to Goals 3 or 4 but not developed at urban density or committed to urban level development.*

*(2) A county can justify an exception to Goal 14 to allow establishment of new urban development on undeveloped rural land. Reasons that can justify why the policies in Goals 3, 4, 11 and 14 should not apply can include but are not limited to findings that an urban population and urban levels of facilities and services are necessary to support an economic activity that is dependent upon an adjacent or nearby natural resource.*

**Proposed Finding:** At the nearest point, the City of Aurora's acknowledged UGB is located approximately 1426 feet from the southeast corner of the Airport. The Subject Property is situated adjacent to the Airport, and approximately 2649 feet from the UGB.

See *Exhibit "BB."* As such, the Subject Property is classified as undeveloped agricultural land. The Airport, which is situated immediately west of the Subject Property, is not undeveloped rural land, as it has been developed with the Airport's urban uses.

According to the Oregon Department of Aviation, the Aurora State Airport has evolved over the years into the busiest state-owned airport and the fifth overall busiest airport in the state. See Exhibit E, 2013 Aurora Airport Master Plan p. 453 and Exhibit N, 2014 Aurora State Individual Airport Report, Page 18. Today, the Airport continues this growth. The significant economic contribution the Airport already makes to the region is discussed more fully below. However, the Airport does not presently have the capacity to meet the demand that increased usage has caused. This deficiency is caused by the limited amount of land currently at the Airport that has the appropriate zoning designation to allow for airport development.

As explained above, the Subject Property has been identified, at least as far back as 1976 in the Airport Master Plan, as the most appropriate location for expansion. Most recently, the 2013 Master Plan mentions that at least 23 additional acres will be needed to meet future hangar demand. See Exhibit E, p, 134. The 2013 Airport Master Plan identifies four alternatives for future airport development. Each plan identifies the Subject Property as "Land Suitable for Airport-Related Development". Exhibit E, p. 135-138. Applicant's use will provide additional land and support services that the Airport will use to help encourage and facilitate the growth potential at the Airport facility. While other economic considerations are discussed more fully below, the Aurora State Airport has the potential to be an even more significant economic contributor than it is now.

As suggested previously, the Subject Property is situated in a perfect location for the proposed use. The Subject Property is surrounded on three sides (the north, the west, and the south) by airport related uses, and bordered to the east by Airport Road. Also, as previously discussed, the parcel is able to take advantage of the Through the Fence Program outlined in ORS 836.642, and the property is encumbered by the Easement, giving the parcel direct access to the airport runway.

For the reasons listed above, there exists compelling justification in this case for taking an exception to Statewide Planning Goal 14 to allow Applicant to locate its use on the Subject Property, adjacent to the Airport.

*(3) To approve an exception under section (2) of this rule, a county must also show:*

*(a) That Goal 2, Part II (c)(1) and (c)(2) are met by showing that the proposed urban development cannot be reasonably accommodated in or through expansion of existing urban growth boundaries or by intensification of development in existing rural communities;*

**Proposed Finding:** As mentioned above, the Aurora UGB is located approximately 2649 feet from the Subject Property. See Exhibit BB. The land between the existing UGB and the Subject Property is resource land, currently in farm production. The City of Aurora originally proposed that the airport be included in the UGB when it was going through acknowledgement; however, this was not approved by LCDC and the UGB was reduced to the present area. It continues to be unreasonable to extend the UGB this distance due to the amount of intervening resource land.

Likewise, attempting to locate this use in a rural center or rural community would be unreasonable. For one, there are no rural centers or communities in Marion County which lie adjacent to an airport. The potential airport-related uses depend on proximity to the Airport.

The TTF access will allow Applicant the ability to directly access the Airport and runway. Accordingly, this location affords the most economic, energy and environmentally efficient operation possible.

There are no rural centers which could encompass the proposed Subject Property. The closest rural center, Fargo Interchange, is approximately 10,000 feet west of the Subject Property and Airport. The closest rural community is Butteville, which is located approximately 4.7 miles from the Airport. Notwithstanding proximity to the airport being an issue, Applicant is proposing a use that is larger in scale than is typical for most urban development in these areas. For example, Butteville, which contains approximately 85 dwellings, an art studio, and a church, would be an inappropriate location to intensify development density to allow for larger scale airport related uses. The predominantly residential character of the community is not compatible with the Applicant's potential uses, especially certain noise and safety issues generally associated with airport related development as already exists at the Airport. See Exhibit E, p. 145-148 (noise map). Intensifying development in existing rural communities, in this case, would have negative consequences for both the rural community and the Applicant.

For the reasons listed above, the proposed urban development cannot be reasonably accommodated in or through expansion of existing urban growth boundaries or by intensification of development in existing rural communities. This criterion is satisfied.

*(b) That Goal 2, Part II (c)(3) is met by showing that the long-term environmental, economic, social and energy consequences resulting from urban development at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located on other undeveloped rural lands, considering:*

*(A) Whether the amount of land included within the boundaries of the proposed urban development is appropriate, and*

**Proposed Finding:** The amount of land included within the boundaries of the proposed urban development is appropriate. Applicant's proposed airport-related uses require a sizable parcel. For example, small hangars are typically in excess of 3,500 square ft and medium sized hangars are typically in excess of 25,000 square feet. As identified on Exhibit E, the existing conditions map of the Airport, airport-related uses take up a lot of space. Additional land is needed for outdoor storage, parking and access areas, allowance of future expansion (of either the Applicant or the airport), and assurance that well and septic facilities can appropriately handle the requirements of the development. Additionally, space on the tarmac apron is necessary to accommodate the wingspan of small to medium sized aircraft.

As the airport is surrounded on all sides by roadways, the available land with TTF and runway access is severely limited by those boundaries. Additionally, the Subject Property has been identified in the 1976 Master Plan and the 2013 Master Plan as a potential expansion area for the Aurora Airport. The 2013 Master Plan identified an approximate need of 40 developable acres to meet the forecasted demand. Exhibit E, p. 135. At the time of the Master Plan, ODA owned approximately nine acres of developable land, meaning development must be a combination of public and private lands. *Id.* This need is even more prevalent following the construction of the aircraft control tower in 2015, and the potential extension of the runway. These improvements would allow larger aircraft to utilize the airport, and increase the demand for hangar space, office space and apron.

The area required to store aircraft varies with the size of the aircraft, and with the hangar configuration and layout. See Exhibit E, p. 118. T-hangars have a "T" shaped floor plan that molds to the shape of an airplane. *Id.* These hangars nest back-to-back to form a long rectangular building. *Id.* Conventional hangars have rectangular floor plans and can usually store multiple aircraft of different sizes efficiently. *Id.* Conventional hangars provide more storage flexibility than T-hangars. The proposed development on the Subject Property contemplates five conventional hangars with adjacent office space.

The 2013 Master Plan reports that, as of 2010, there were 354 based aircraft at the airport. This is 36 more aircraft than the 2000 Plan update anticipated would be located at the airport in 2017. By 2030, the 2013 Master Plan forecasts that 464 based aircraft could potentially be located on site at the airport. Using this estimate, in light of demand already exceeding the 2000 Plan estimates, the airport needs easily exceed the 16.45 acres that are the subject of this application.

The fact that this entire parcel would be the most logical extension to the airport facility makes it the best choice to meet the need for additional land anticipated in the Master Plan. The Subject Property provides an appropriate amount of land to meet at least some of the need from current and future growth, including the Applicant's proposal uses. This criterion is satisfied.

*(B) Whether urban development is limited by the air, water, energy and land resources at or available to the proposed site, and whether urban development at the proposed site will adversely affect the air, water, energy and land resources of the surrounding area.*

**Proposed Finding:** The uses on the Subject Property will be similar to those uses that currently exist on the Airport property. Applicant's consultant has concluded, based on preliminary investigations, that an onsite well will be feasible to handle the required demands of the proposed use. Environmental Management Systems, Inc. ("**EMS**") conducted a preliminary site evaluation on the site and determined that the site does not appear to have soils appropriate for a standard on-site septic system but could accommodate sewage needs through a sand-filtration system. See **Exhibit "CC,"** Environmental Management Systems, Inc.'s Site Evaluation Report. However, EMS has identified multiple wastewater treatment options that they believe to be feasible and could comply with DEQ requirements include onsite wastewater treatment via a water

pollution control facility ("WPCF"), onsite wastewater treatment with discharge to surface water via a national pollutant discharge elimination system ("NPDES") permit, holding tanks via a WPCF permit to be pumped and removed, or join the property with the Southend Corporate Airpark. See Exhibit CC, Environmental Management Systems, Inc. Stormwater will be detained onsite and a stormwater report attached as *Exhibit "DD,"* Mackenzie Stormwater Report. There are no anticipated limitations to the air, water, energy and land resources at or available to the proposed site. There are no adverse impacts on the carrying capacity of the environmental resources, as the area historically has no ground water issues, and no other known issues relating to a lack of capacity for sewer and water for airport users. There are no identified areas for fish or wildlife habitat, and no wetlands or streams are present on the property. There are no conflicts or limitations as to onsite resources which would serve the Property.

Likewise, urban development on the Subject Property will not adversely affect the resources of the surrounding area. Using the Subject Property for airport-related uses is an appropriate use of this land, given its adjacency to other airport development, it being buffered from agricultural activity by roads, and the Airport's need to expand.

The Subject Property is adjacent to the currently developed Airport. The proposed uses on the Property are similar in nature to those that have existed at the Airport for many years. Those uses have coexisted with the adjacent resource uses in the area, and there is no reason to believe that this would not continue after development of the property. Furthermore, Airport Road NE, improved as a major collector, will provide a significant buffer to the east from agricultural uses.

In light of the longstanding coexistence of this agricultural area with the Airport, the capacity of the Subject Property to accommodate the proposed use, the lack of anticipated negative effects on the air, water, energy, and land resources onsite or on the surrounding area, the buffer provided by Airport Road NE, and the positive effects on the energy and land resources in the area, this criterion is satisfied.

*(c) That Goal 2, Part II (c)(4) is met by showing that the proposed urban uses are compatible with adjacent uses or will be so rendered through measures designed to reduce adverse impacts considering:*

*(A) Whether urban development at the proposed site detracts from the ability of existing cities and service districts to provide services; and*

**Proposed Finding:** The development of this proposed use will have no impact on the ability of existing cities and service districts to provide services. All water and septic requirements of this proposed use will be handled onsite and will not require the extension of any public services. The proposed use is anticipated to generate 1,356 vehicular trips per day, 241 of those being PM peak hour trips. See Exhibit X, TIA. DKS preliminarily concludes that the existing and anticipated level of trips will be accommodated by the existing capacity of the road system with proposed mitigation strategies. The 2013 Master Plan states:

*"The Airport is conveniently located adjacent to Interstate 5, which is an essential commerce link for the western United States. Access to the Airport is also provided by Highway 551 (Canby-Hubbard Highway) from the north and south, Arndt Road from the east and west, and Airport Road from Aurora. Keil Road is located south of the airport and provides additional airport business access from Highway 551 and Airport Road." See Exhibit E, 2013 Master Plan.*

Applicant's proposed use will be located adjacent to other uses which have been established at urban densities outside of the City of Aurora's UGB, and which rely very little upon the provision of services from cities or service districts. Like the existing users at the Airport, the Applicant will only rely on County transportation facilities, the Aurora Rural Fire Protection District and the Marion County Sheriff. Given Applicant's location adjacent to users which already utilize these services, Applicant will be in the best position to receive the benefits of these services and should in no way detract from the provision of services. This criterion is satisfied.

*(B) Whether the potential for continued resource management of land at present levels surrounding and nearby the site proposed for urban development is assured.*

**Proposed Finding:** The Airport has existed surrounded by resource land and uses since 1943. During that time, there has been no evidence that the Airport has reduced the potential for continued resource management of land surrounding it. This expansion of airport-related uses onto the Subject Property will not change the interaction with the surrounding properties, and as demonstrated in this application, the proposed use is compatible with nearby agricultural resource lands. Furthermore, the airport overlay zone places additional limits on potential development of the Property, thus reducing the possibility that either Applicant or a future owner could establish a use that would be extremely incompatible with surrounding properties. Lastly, Airport Road NE, which is developed as a major collector, provides a buffer between the agricultural uses and proposed urban uses on this site. This criterion is satisfied.

*(d) That an appropriate level of public facilities and services are likely to be provided in a timely and efficient manner;*

**Proposed Finding:** The primary services needed for this proposed use are water and sewer, potable water will be provided by a well onsite. Applicant has identified multiple feasible options for wastewater management. Fire protection will come from the Aurora Airport Water Control District ("**AAWCD**"). See Exhibit CC, EMS Report. AAWCD is a recognized Municipal Corporation, with the purpose of constructing, operating, and maintaining a fire suppression system. *Id.* The system was operational in 2004 and has existing 10" and 8" water mains within close proximity to the Subject Property. *Id.* The Subject Property is within the Aurora Rural Fire Protection District, and law enforcement, to the extent necessary, will be provided by the Marion County Sheriff. As discussed above, these services are presently available to the properties in the area and can be efficiently provided to the Subject Property. This criterion is satisfied.

*(e) That establishment of an urban growth boundary for a newly incorporated city or establishment of new urban development on undeveloped rural land is coordinated with*

*comprehensive plans of affected jurisdictions and consistent with plans that control the area proposed for new urban development.*

**Proposed Finding:** As demonstrated below, the proposed uses and development are consistent with the applicable sections of the Marion County Comprehensive Plan. Likewise, development of this property is consistent with the 1976 Aurora State Airport Master Plan, which has been incorporated into the Marion County Comprehensive Plan. Specifically, this Master Plan designates the Subject Property as an area suitable for airport expansion under private ownership. See Exhibit O. Given the proximate location of the site to the Airport and surrounding roads and development, it was the most logical choice for expansion at that time and remains the most logical choice to address that need today. This criterion is satisfied.

*(4) Counties are not required to justify an exception to Goal 14 in order to authorize industrial development, and accessory uses subordinate to the industrial development, in buildings of any size and type, in Subject Properties that were planned and zoned for industrial use on January 1, 2004, subject to the territorial limits and other requirements of ORS 197.713 and 197.714.*

**Proposed Finding:** The Subject Property is not currently situated in an exception area. Therefore, this criterion is not applicable to this application.

### **Statewide Planning Goals**

*Goal 1 Citizen Involvement: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

**Proposed Finding:** The notice and hearings process prescribed by the County's procedures demonstrates compliance with Goal 1 and provides an opportunity for citizen involvement.

*Goal 2 Land Use Planning: To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

**Proposed Finding:** The subject application for a goal exception is examined under the implementing regulation for this goal.

*Goal 3 Agricultural Lands: To preserve and maintain agricultural lands.*

**Proposed Finding:** Applicant is requesting an exception to this goal. Application of this exception will provide measures for compatibility with surrounding agricultural lands.

*Goal 4 Forest Lands: To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.*



**Proposed Finding:** The Subject Property is not in a forest zone. This goal is not applicable.

*Goal 5 Natural Resources, Scenic and Historic Areas, and Open Spaces: To protect natural resources and conserve scenic and historic areas and open spaces.*

**Proposed Finding:** No identified wetlands, riparian ways, aggregate sites, big game habitat, sensitive waterways, or cultural sites are identified on or immediately adjacent to the Subject Property. This goal is not applicable.

*Goal 6 Air, Water and Land Resources Quality: To maintain and improve the quality of the air, water and land resources of the state.*

**Proposed Finding:** The Subject Property is not within an identified air or watershed area. The proposed use is not one which will result in significant particulate discharge into the air. State law, administered through the county, governs septic disposals. State and county regulations are consistent with this goal. As addressed above, based on the analysis of Applicant's engineer and consultants and evidence provided by similar uses adjacent to the Subject Property, development on the Property will not exceed the carrying capacity of area resources, degrade area resources, or threaten the availability of such resources.

*Goal 7 Areas Subject to Natural Hazards: To protect people and property from natural hazards.*

**Proposed Finding:** The Subject Property is not within an identified floodplain or geologic hazard area. This goal is not applicable.

*Goal 8 Recreational Needs: To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.*

**Proposed Finding:** No recreational use of the Subject Property is proposed or implicated by this application. This land is also not currently used for recreational purposes. This goal is not applicable.

*Goal 9 Economic Development: To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.*

**Proposed Finding:** Goal 9 primarily relates to industrial and commercial uses within the Urban Growth Boundary. OAR Chapter 660-09 applies only to comprehensive plans for areas within the UGB, and the Subject Property is outside of the UGB. Nevertheless, Applicant's proposal has Goal 9 implications based on the direct and incidental economic advantages that the proposed uses will bring to the region.

The direct economic benefit to the region is significant. The proposed use will bring jobs and economic growth not only to the City of Aurora area, but to Marion County more broadly. This growth will also create incidental economic benefits, such as increased patronage of local businesses. For example, the Oregon Department of Aviation most

recently analyzed the economic impact that the airport had on the regional economy in 2014. In 2012, 3,360 jobs were directly related to both on and off airport related impacts, providing \$130,964,000 in local wages. See Exhibit N, Oregon Department of Aviation, 2014 Aurora Airport Individual Airport Report. The sum of on-airport economic activities, off-airport spending by visitors who arrive by air, and spin-off impacts led to local business sales of \$482,920,000. This impact is proportionate to the impact that public-use airports have on the state as a whole. The significant economic benefits that Applicant would bring would not only benefit the region by providing above average wage jobs and utilizing regional goods and services, but the State as a whole by helping to promote the airport transportation system.

*Goal 10 Housing: To provide for the housing needs of citizens of the state.*

**Proposed Finding:** The proposed development is for airport related industrial use. The Subject Property is not designated for residential purposes currently. This Goal is not applicable.

*Goal 11 Public Facilities and Services: To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

**Proposed Findings:** The Subject Property will contain onsite water and sewer facilities and it is adequately served by public roadways. Therefore, there is no need for the provision of additional public utility services at this time. Transportation facilities are addressed in detail in the Goal 12 findings below. Furthermore, the Subject Property is located within districts which provide fire and police protection. Provision of this protection can be provided efficiently at this time. This Goal is satisfied.

*Goal 12 Transportation: 660-012-0060 implements this Goal regarding Comprehensive Plan Amendments*

*(1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:*

*(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*

*(b) Change standards implementing a functional classification system; or*

*(c) As measured at the end of the planning period identified in the adopted transportation system plan:*

*(A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*

*(B) Reduce the performance of an existing or planned transportation facility*

*below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or*

*(C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.*

**Proposed Finding:** The Subject Property abuts Stenbock Way NE to the north and Airport Road NE to the east, which are identified as a private road and a Major Collector Street respectively on the Rural Transportation System Plan ("**RTSP**"). As the TIA concludes, this application for a comprehensive plan amendment, zone change, and reasons exception will generate 961 net new average daily trips. See Exhibit X. The Airport Road/Arndt Road intersection currently fails to meet the Marion County operating standard in the AM and PM Peak hours. See Exhibit X. OR-551/Arndt Road and OR-551/Ehlen Road NE intersections currently fail to meet ODOT's mobility targets for the AM and PM peak hours. *Id.* The Airport Road/Ehlen Road NE intersection currently fails to meet the Marion County operating standard in the PM peak hour.

The proposed development does not, on its own, cause any of the identified intersections to fail to meet operating standards. On the contrary, the intersections that are projected to fail to meet standards, are currently failing to meet the standards now. Furthermore, the development would not have a major impact on the intersection operations in the short term compared to a no-build scenario. For example, if no development took place, in 2022 the Airport/Arndt Road intersection would operate during the AM peak hours at a volume to capacity ratio ("**v/c**") of 0.89, with a delay of 41.7 seconds, and a Level of Service ("**LOS**") of D. During the PM peak hours, the v/c for this intersection would be 1.04, the delay would be 40.9 and the LOS would be D. Similarly, if the development did take place, in 2022 the Airport/Arndt Road intersection during the AM peak hours would operate at a v/c of 0.89, the delay would be 41.3 seconds, and the LOS would be D. During the PM peak hours, the v/c would be 1.00, the delay would be 46.5, and the LOS would remain D. The development of the Subject Property does not increase the v/c of the intersection in the AM peak hours or in the PM peak hours. The development would decrease the delay in the AM peak hours and increase the delay 5.6 seconds in the PM peak hours and would not effect the LOS in either peak period.

For the OR-551/ Arndt Road intersection, if no development took place, in 2022 the intersection would operate during the AM peak hours at a v/c of 0.78, with a delay of 23.1 seconds, and a C LOS. During the PM peak hours, the v/c for the intersection would be 0.88, the delay would be 39.6 seconds, and the LOS would be D. If the development did take place, in 2022 the intersection during the AM peak hours would operate at a v/c of 0.80, with a delay of 24.7 seconds, and a C LOS. During the PM peak hours, the v/c would be 0.88 with a delay of 41.9 and a LOS of D. The development would increase the v/c in the AM peak hours 0.02, and increase the delay by 1.6 seconds. The development would not effect the level of service in the AM peak hours. The development would not increase the v/c in the PM peak hours and would increase the delay by 2.6 seconds. The development would not effect the level of service during the PM Peak hours. The proposed development would have a similar effect on the other

intersections in the area.

DKS identified several mitigations to mitigate the impact on the transportation system and concluded with the recommended mitigation strategies as identified in the report, the proposed zone change will not significantly affect the transportation system. Therefore, the proposed plan amendment, zone change, and reasons exception will not change the functional classification of the roadway, change standards implementing the functional classification system, allow levels of land uses that result in levels of travel or access inconsistent with a Major Arterial and Collector streets, or reduce performance standards of the roadways. Thus, the proposal will not have a "significant impact" on the surrounding transportation system. According to the TIA, the proposed development would account for an 8% increase in trips at the Airport Rd/ Arndt Rd intersection, a 7% increase in trips at the Airport Rd/ Ehlen Road NE intersection, a 4% increase at OR-551/Arndt Rd and a 4% increase to the OR-551/Ehlen Road NE intersection. While there are some extensive improvements suggested in the TIA, Applicants contribution to the increase would be rather minimal, less than 10%. Applicant is willing to work with ODOT and Marion County to determine and pay its proportionate share in order to account for its impacts on the traffic systems. This Goal is satisfied.

*Goal 13 Energy Conservation: To conserve energy.*

**Proposed Finding:** The proposed use will not significantly impact energy consumption. This Goal is satisfied.

*Goal 14 Urbanization: To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.*

**Proposed Finding:** Applicant is requesting an exception to this goal, and the reasons justifying such exception are shown above in findings for OAR 660-014-0040.

*Goal 15 - 19 Willamette River Greenway, Estuarine Resources, Coastal Shore Lands, Beaches and Dunes, and Ocean Resources*

**Proposed Finding:** Goals 15 – 19 are not applicable because the Subject Property is not within the Willamette River Greenway or near any ocean or coastal related resources.

#### COMPREHENSIVE PLAN AMENDMENT

The Marion County Comprehensive Plan establishes procedures to be used when considering plan amendments. "Plan changes directly involving less than 5 properties will be considered a quasi-judicial amendment. The amendment will be reviewed by the zone change procedure established in the Marion County Zoning Ordinance. A plan amendment application of this type may be processed simultaneously with a zone change request." The Marion County Comprehensive Plan contains nineteen policies relevant to this proposal.

*Agricultural Land Policy #2: Maintain primary agricultural lands in the largest areas with large tract to encourage larger scale commercial agricultural production.*

**Proposed Finding:** Applicant has requested an exception to the Agricultural Lands Statewide Planning Goal. Although the Subject Property is farmland, it is not conducive to larger scale commercial agricultural production. The Subject Property is approximately 16.54 acres in size. The State of Oregon has established 80 acres as a minimum parcel threshold for new parcels in agricultural lands, which means that the Subject Property is severely substandard from what the State would consider the minimum for a suitable new agricultural parcel. In addition, the Airport development is located directly adjacent to the property, so there is no room to expand the agricultural operations to the west or south. Similarly, the Subject Property is bordered on the north and east sides by roads, which would prohibit any further expansion beyond what currently exists. Given the size and location limitations, the Subject Property is not ideal for large scale commercial agricultural production. This policy is met.

*Agricultural Land Policy #3: Discourage development of non-farm uses on high value farmland and ensure that if such uses are allowed that they do not cause adverse impacts on farm uses.*

**Proposed Finding:** The Applicant has demonstrated above that the proposed use will not cause adverse impacts on farm uses. For one, the Subject Property is not directly adjacent to any agricultural uses. To the west and south are the Airport and airport-related development. To the north and east are Stenbock Way NE and Airport Road NE, respectively. Additionally, the proposed use is not the kind which is inconsistent with farm uses. Most of the operations at airport-related facilities are indoors, so there is little to no conflict with farm maintenance and spraying. Because the use is not located directly adjacent to any farm uses, there should already be adequate buffers to maintain compatibility between the proposed development and existing farm uses.

While the Subject Property is categorized as high value farmland, there is justification which proves that the proposed development is a higher and better use of the land than agricultural production. Obviously, this development will accommodate much needed expansion at the Airport and stimulate economic growth in the region. As explained above, the Subject Property, due to size and location limitations, is not particularly well suited for commercial agricultural production. In addition, neighboring agricultural uses have long coexisted with the adjacent airport uses, and it has been recognized for years that the Subject Property is strategically important to ensure the continued vitality of the Airport. This policy is met.

*Rural Services Policy #1: The impact on existing services and the potential need for additional facilities should be evaluated when rural development is proposed.*

**Proposed Finding:** Rural service facilities are those services and facilities necessary to provide basic support systems for rural development. No new facilities are required by this application. As previously addressed, water, and stormwater needs will be contained or met on site. A viable, DEQ approved wastewater treatment plan will be developed and implemented. It is anticipated that the existing transportation system can handle the traffic increase. This policy is met.

*Rural Services Policy #2: It is the intent of Marion County to maintain the rural character of the areas outside of urban growth boundaries by only allowing those uses that do not increase the potential for urban services.*

**Proposed Finding:** The proposed comprehensive plan amendment and proposed use do not increase the potential for urban services at this location. The Subject Property has adequate capacity and resources to service Applicant's water and sewer needs. The Subject Property is located immediately adjacent to other similar uses that are not connected to urban services at this time, thus further demonstrating that this use may exist exclusive of urban services. The proposed use will not be a stand-alone urban use, since it will be an extension of uses already a part of the existing Airport facility, which has co-existed with and preserved the rural character of the area. While the City of Aurora's UGB is located approximately 2649 feet from the Subject Property, there are currently no known plans to extend urban services out to the Subject Property, or to the adjacent Airport property, and this application will not necessitate doing so. This policy is met.

*Rural Services Policy #3: Only those facilities and services that are necessary to accommodate planned rural land uses should be provided unless it can be shown that the proposed service will not encourage development inconsistent with maintaining the rural density and character of the area.*

**Proposed Finding:** The character of this area is dominated by the Airport. The proposed use will not be a stand-alone urban use, as the Subject Property will simply be an extension of what already exists on the neighboring properties. Since Applicant will not require public services beyond what can already be provided on site, or those services currently in place, connection into a public system will not be necessary, which helps maintain a rural character. The MCCP has designated the Subject Property as suitable for airport expansion under private development. The facilities that will be established will be onsite and only those necessary to accommodate this contemplated expansion. This policy is met.

*Rural Services Policy #4: The sizing of public or private service facilities shall be based on maintaining the rural character of the area. Systems that cannot be cost effective without exceeding the rural densities specified in this Plan shall not be approved. The County shall coordinate with private utilities to ensure that rural development can be serviced efficiently.*

**Proposed Finding:** Applicant's service facilities will be almost entirely self-contained on the Subject Property since the Applicant will be responsible for providing sewer and water. Wells and onsite septic systems, like those proposed by the Applicant, are most consistent with maintaining the rural characteristics of an area. Other services such as fire and police protection, and adequate roadways are already available to the Subject Property. The increased demand created by developing the Subject Property with the proposed use can be adequately and efficiently handled by the services and systems which are already in place. This policy is met.

*Air, Rail, Water, Energy, and Pipeline Transportation Policy #1: Airports and airstrips shall be*

*located in areas that are safe for air operations and should be compatible with surrounding uses.*

**Proposed Finding:** The Airport has continually operated in this area since 1943. All air operations will be within the existing state-owned airport area, which has proven over the years to be safe and acceptable for such operations. Marion County has established an airport overlay zone, which applies to the Subject Property, which restricts development in the area to that which is compatible with the safe and efficient operation of the airport facilities. The surrounding uses are primarily agricultural. The Airport is a lower density urban use, which does not utilize urban services. This has helped the airport maintain compatibility with the surrounding uses over the years.

Applicant's proposed use will be complementary to those uses which already exist on the Airport property. There is no part of Applicant's development plan that would be inconsistent with the overlay zone, which prescribes development standards which are acceptable for areas surrounding the Airport. Likewise, Applicant's development will be compatible with the surrounding uses primarily because it will not utilize urban services, will simply be an extension of already compatible uses located on adjacent property, and will be surrounded on all sides by either airport development or roadways which separate the Subject Property from agricultural uses. Compatibility with surrounding uses is demonstrated in the findings above related to the Applicant's request for a reasons exception to Goals 3 and 14. This policy is met.

*Right of Way Policy #2: New transportation facilities of all types should use existing rights-of-way to the extent possible to minimize disruption to existing land use.*

**Proposed Finding:** No new transportation facilities are needed for this application. The proposed use will use only existing rights of way that are already improved. Transportation facility improvements needed to accommodate the proposed use are identified on the TIA. See Exhibit X. Applicant will work with Marion County and ODOT to either mitigate or determine a proportionate share to be paid to account for the improvements. This policy is met.

*Economic Development Goal (a): Provision of increased employment opportunities for all residents of the County;*

**Proposed Finding:** Providing airport-related uses at this location would significantly advance this goal and be a tremendous benefit for not only the Airport, but also for the city, county, and state. The proposed use will create jobs through direct employment opportunities and boost the local economy by injecting revenue back into the local economy, which incidentally increases other employment opportunities as well. This policy is met.

*Economic Development Goal (b): Maintenance of a strong agricultural economy;*

**Proposed Finding:** The proposed development will have a nominal effect on the overall agricultural economy. The size of the Subject Property is substandard in the EFU zone compared to the state-mandated 80 acre minimum parcel size. While the Subject Property is neither currently in nor has historically been in agricultural production, so

the proposed use will not jeopardize the strong agricultural economy that Marion County enjoys. While it is obvious that the loss of any agricultural land has an incremental effect on the overall strength of the agricultural economy, the loss of this particular property, which can be converted to a higher use to contribute to a healthier overall economy, is nominal in comparison to other farmland more suited to producing substantial economic gains. This policy is met.

*Economic Development Goal (d): Diversification of the economic base of communities, and expansion of seasonal employment opportunities to year-round status wherever possible;*

**Proposed Finding:** The substantial economic benefits of the proposed use have already been highlighted above. The users at the Airport provide numerous jobs to the community of Aurora. Applicant will provide additional jobs through development of the Subject Property. Conversion of the Subject Property to airport-related uses helps provide additional diversity to an economy heavily dependent upon agricultural production. This policy is met.

*Economic Development Goal (e): Provision of sufficient areas for future industrial land use;*

**Proposed Finding:** This proposal does not include a request to rezone or re-designate land into any industrial classifications. Applicant proposes its use to be sited in publically zoned and designated areas adjacent to the Airport. If Applicant were to site its operation elsewhere in the county, away from an Airport, it would most likely need to consume industrial land to do so. By locating this use in the most logical area, adjacent to the Airport on land zoned Public, Applicant avoids the need to potentially consume valuable industrial land to site its use. This policy is not applicable.

*Economic Development Goal (f): Development of a transportation system for the safe and efficient movement of persons and goods for present needs;*

**Proposed Finding:** Public airports form an important and integral part of the overall Oregon transportation system. Applicant has provided evidence that the Airport, the busiest state-owned airport, needs to expand to improve its capacity and service to existing and potential users. More land for airport-related uses and expanded offerings at the Airport should make the Airport a more attractive and effective transportation option. As explained above, siting the proposed use at this location utilizes an existing road system currently serving the same use and located relatively close to the Portland International Airport in order to reduce impacts on the State and County's road system. This policy is met.

*Economic Development Goal (g): Coordination of planning and development of public facilities;*

**Proposed Finding:** Applicant does not plan to utilize any public facilities besides the roadways mentioned above. There is adequate capacity and resources to handle Applicant's sewer and water needs for its proposed use. This policy is met.

*Economic Development Goal (h): Development of a strong tourist economy in appropriate areas;*



**Proposed Finding:** The Airport provides aviation options for tourists wishing to visit the area. As the immediate vicinity continues to build its reputation as one of the premier wine destinations in the world, the demand for tourist support services will increase. Typically, these wine destinations cater to more affluent tourists, which would be more inclined to use a smaller, regional airport to travel into the area. Since many tourists come from places other than the immediate vicinity, a strong tourist economy heavily relies upon viable transportation options. Expanding the amount of land available to airport related users will allow the Airport to take advantage of its proximity to these tourist attractions and provide a more attractive and effective aviation option for those looking to transport to the region by air. This policy is met.

*Economic Development Goal (i): Achievement of a natural resource use pattern which provides for tomorrow's needs, today's needs and the protection of the environment.*

**Proposed Finding:** The Subject Property is not part of a natural resource pattern particularly well-suited for resource use. The parcel size is significantly substandard compared to the state mandated minimums for new parcels in resource zones. Changing the comprehensive plan and zoning designation will not take a significant piece of resource land out of production. As mentioned above, Applicant's engineer has concluded that the proposed uses will not adversely affect the environmental carrying capacity of the site. This policy is met.

#### **ZONE CHANGE CRITERIA**

Many of the approval criteria which apply to a zone change also apply when requesting exceptions to the Statewide Planning Goals. The applicable findings from the exceptions to Statewide Planning Goals 3 and 14, as outlined above, are hereby incorporated within the zone change findings.

Under MCZO 123.060, approval of a zone change application shall include findings that the change meets the following criteria:

*(a)The proposed zone is appropriate for the Comprehensive Plan land use designation on the property and is consistent with the goals and policies of the Comprehensive Plan and the description and policies for the applicable land use classification in the Comprehensive Plan; and*

**Proposed Finding:** The "Public" zone is the appropriate implementing zone since it is the only zone that implements the "Public" Comprehensive Plan designation, which is also requested as part of this application. In addition to the applicable regulations found in MCRZO Chapter 171, which governs development in Public zones, the Site will also be subject to the regulations of the Airport Overlay Zone found in MCRZO Chapter 177. The Airport Overlay Zone is also appropriate for the Comprehensive Plan land use designation for the Subject Property, since it further restricts development that occurs adjacent to airports, which are permitted in areas zoned and designated Public.

The MCCP does not provide much description or policy related to the "Public" land use classification. In the Rural Development Chapter of the Goals and Policies Section of the MCCP, the text notes that public uses are necessary. The MCCP states that in agricultural areas, these public uses shall be reviewed by the conditional use process to

ensure compatibility. See The MCCP balances the need for public uses, such as airports and airport-related uses, with the need to preserve resources. To accomplish this, the MCCP encourages a case-by-case analysis of public zoning and uses on publicly zoned land. Applicant has gone to great lengths to demonstrate the compatibility that this use will have with surrounding agricultural lands. An application for a conditional use permit must be submitted before further development may take place on the Subject Property. That process will ensure that this case can be examined on its individual merits as to the compatibility the proposed location and intended use will have with surrounding properties. This criterion is met.

*(b) The proposed change is appropriate considering the surrounding land uses and the density and pattern of development in the area; and*

**Proposed Finding:** The Airport is the dominant feature in this vicinity. The Subject Property is located to the east of existing airport-related uses located on Airport property. The Airport is already developed at urban densities. The Subject Property is bordered on two sides by roadways, Stenbock Way NE on the north, and Airport Road NE on the east. The northernmost portion of the airport is already bounded on the east side by Airport Road NE, which is a major collector in the RTSP. The proposed change would establish Airport Road NE as the easternmost boundary of the airport uses, and provide a more adequate buffer from the agricultural uses further to the east of Airport Road NE. Airport Road NE provides an effective buffer to ensure compatibility between the higher density uses at the airport and the agricultural lands to the east. The proposed change would use these same buffers in the same way as the existing developments have done for years at this location. As mentioned above, there is a documented need for expansion at this location to address service deficiencies.

Much of the EFU zoned land in this area, including the Subject Property, is smaller than the typical 80 acre minimum which is mandated by the state for the creation of any new EFU parcels. The development pattern in the area, particularly at the site of the Subject Property, is not optimal for the traditional agricultural operations that the EFU zone is intended to promote. The proposed change is more appropriate in an area with this characteristic, as opposed to other areas subject to EFU zones, since many of the EFU parcels in the area are already legally substandard sized parcels. While this use will be relatively low impact for either an industrial or commercial development and will not conflict with surrounding agricultural uses, Airport Road NE will nevertheless provide an additional buffer between the proposed uses and surrounding agricultural uses. This further ensures that compatibility will exist between the airport development and resource uses. This criterion is met.

*(c) Adequate public facilities, services, and transportation networks are in place, or are planned to be provided concurrently with the development of the property; and*

**Proposed Finding:** Applicant has already provided evidence that adequate public facilities, services, and transportation networks are in place, not necessary, or are planned to be provided concurrently with the development of the property. See applicable findings for exception requests to Statewide Planning Goals 3 and 14 and associated comprehensive plan amendment above. This criterion is met.

*(d) The other lands in the county already designated for the proposed use are either unavailable or not as well suited for the anticipated uses due to location, size or other factors; and*

**Proposed Finding:** It is essential for this use to be located on lands adjacent to or within an airport. This specific site offers several unique amenities that cannot be duplicated by any city, rural community, or airport in the State. Applicant may also be able to take advantage of the TTF program offered at the airport. This would allow Applicant direct access to the Airport facilities from the Subject Property. No other airport in Marion County is currently authorized under the TTF legislation to offer this program.

The proposed uses must be located adjacent to an airport and surrounded by other airport-related uses. Industrial uses are the only other uses that would be somewhat compatible with Applicant's proposed use. Even if another, suitable property were to exist somewhere in the county, to isolate this use from other airport uses, and to instead site it around other industrial users would negate the obvious benefits of allowing this use to be sited adjacent to an airport, not to mention consuming valuable industrial land, which could be more effectively utilized by another, non-airport user. A search was done for 10 acre parcels adjacent to the following airports: As shown on the Exhibit W, no comparable lands are available. This criterion is met.

*(e) If the proposed zone allows uses more intensive than uses in other zones appropriate for the land use designation, the new zone will not allow uses that would significantly adversely affect allowed uses on adjacent properties zoned for less intensive uses.*

**Proposed Finding:** The "Public" zone is the only zone appropriate to implement the "Public" land use designation. The airport overlay zone, which already applies to the Subject Property, further restricts the development standards which apply to the Subject Property. Further, this proposed use and uses available under the zone will not adversely affect neighboring agricultural uses for the reasons found above justifying the proposed Statewide Goal exceptions and comprehensive plan amendment. Since there is no other zone which is appropriate for this land use designation, this criterion is inapplicable.

#### **MCCP:**

The general development policies applicable to rural lands in Marion County are:

*1. All land divisions should be reviewed by Marion County for their compatibility with County goals and policies.*

**Proposed Finding:** This application does not concern a land division but rather the use of land. General development policy 1 is not applicable.

*2. "Strip-type" commercial or residential development along roads in rural areas shall be discouraged.*

**Proposed Finding:** Applicant is proposing an airport-related use. This will not be a strip-

type commercial or residential development. General development policy 2 is satisfied.

*3. Rural industrial, commercial and public uses should be limited primarily to those activities that are best suited to a rural location and are compatible with existing rural developments and agricultural goals and policies.*

**Proposed Finding:** The Subject Property abuts the Airport and an airport overlay zone has already been applied to the Subject Property. Airports are a public use and the zoning designation for the Airport is Public (P). Applicant proposes to put airport-related uses on the Subject Property and change the zoning designation to P. The area surrounding the Airport to the north, west, and south is zoned EFU. However, the land east of the Airport, with the exception of the Subject Property, is zoned P, and such land use already in airport-related use. Although properties further east, across Airport Road, are zoned EFU and are in agricultural use. The surrounding uses have development around the Airport, and the Airport has coexisted with the surrounding uses since its inception in 1943. The proposed potential uses are very similar to the airport-related uses currently taking place on property to the north, west, and south of the Subject Property. As such, the proposed potential uses will be compatible with the surrounding uses.

The Subject Property is only 16.54 acres in size. It has not historically been used for farm use, instead operating as a religious retreat facility. No land will be taken out of farm use, and any land taken out of potential farm use is minimal. General development policy 3 is satisfied.

## **RURAL SERVICES POLICIES:**

### **General Policies**

*1. The impact on existing services and the potential need for additional facilities should be evaluated when rural development is proposed.*

**Proposed Finding:** Under the M CCP, rural service facilities are those services and facilities necessary to provide basic support systems for rural development. Rural development includes farm and forest related development, acreage residential development and rural commercial and industrial uses.

No new service facilities are required with this proposal. The water, septic and stormwater needs will be met on site or by connection to existing facilities at the airport. The transportation facilities and services are already in place and their condition are addressed at length in the Traffic Impact Analysis provided by Applicant's traffic engineer. The traffic engineer coordinated with County Public Works Staff as well as Oregon Department of Transportation. This approval is condition on Applicant's improvement or contribution toward improvements of transportation facilities. The use, as conditioned, is consistent with Rural Services Police 1.

*2. It is the intent of Marion County to maintain the rural character of the areas outside of urban growth boundaries by only allowing those uses that do not increase the potential for urban*

services.

**Proposed Finding:** The City of Aurora's UGB is approximately 1,300 feet from the subject property and there are currently no plans to extend the UGB or urban services to include the Subject Property. The proposed project does not increase the potential for urban services. The Subject Property and the immediately adjacent airport have adequate resources to service the water and sewer needs for the proposed use. The Subject Property is located adjacent to the airport, and the airport has existed for some time without being connected to urban services. The proposed use will be similar to the airport, both are airport related uses, and will maintain the rural character of the area to the extent possible. This application is consistent with Rural Services Policy 2.

*3. Only those facilities and services that are necessary to accommodate planned rural land uses should be provided unless it can be shown that the proposed service will not encourage development inconsistent with maintaining the rural density and character of the area.*

**Proposed Finding:** The predominate feature of the surrounding area is the Airport. No new proposed urban services are planned for the proposed development. The proposed use is adjacent to the Airport and will be very similar in character to the uses that are already on site. The proposed use will not encourage development that is inconsistent with the already existing uses at the airport and will maintain the rural density and character of the area. The application is consistent with Rural Services Policy 3.

*4. The sizing of public or private service facilities shall be based on maintaining the rural character of the area. Systems that cannot be cost effective without exceeding the rural densities specified in this Plan shall not be approved. The County shall coordinate with private utilities to ensure that rural development can be serviced efficiently.*

**Proposed Finding:** The service facilities will be almost entirely self-contained on the Subject Property or connecting to systems at the immediately adjacent airport. The proposed use will also be served by a well. The service facilities proposed by Applicant are consistent with services in the area and will help maintain the rural character of the area. Fire and police protection are already provided to the Subject Property. The Applicant will be required to comply with the applicable fire district regulations. The application, as conditioned, is consistent with Rural Services Policy 4.

#### **Conditional Use:**

This section addresses the criteria required by the Marion County Rural Zoning Ordinance (MCRZO) for a conditional use permit for airport-related commercial and industrial uses on property zoned Public and explains Applicant's compliance with each requirement. A conditional use for airport-related commercial and industrial uses is authorized in the P zone pursuant to MCRZO 17.171.030(A).

The findings below address the initial findings required of the director, planning commission or hearings officer prior to granting a conditional use.

***MCRZO 17.119.070: Before granting a conditional use, the director, planning commission or hearings***

**officer shall determine:**

A. That it has the power to grant the conditional use;

**Proposed Finding:** MCRZO 110.680 gives the planning director the authority to grant the conditional use in this case.

B. That such conditional use, as described by the applicant, will be in harmony with the purpose and intent of the zone;

**Proposed Finding:** The purpose and intent of the P zone is to provide regulations governing the development of lands appropriate for specific public and semi-public uses and to ensure their compatibility with adjacent uses. Furthermore, the zone is intended to be applied to individual parcels shown to be an appropriate location for a certain public or semi-public use.

The Aurora State Airport is the busiest state-owned airport in Oregon. As discussed above, the Airport needs to expand to adequately serve those that currently use the facilities, and those that are anticipated to use the facilities in the future. All of the surrounding properties that are engaged in airport related uses are currently designated P. The MCCP shows that the Subject Property is acceptable for expansion under private ownership. Applicants proposed airport related uses would be located adjacent to other P zoned property and would provide needed support to and area for expansion of the airport facility. The proposed uses are the same as uses that have long-existed in the adjacent airport and accordingly have been deemed consistent with the purpose of the P zone. Developing under the applicable development standards found in both the P zone and the airport overlay zone will ensure that the resulting use and development will be consistent with the purpose and intent of the P zone, and the surrounding area.

C. That any condition imposed is necessary for the public health, safety or welfare, or to protect the health or safety of persons working or residing in the area, or for the protection of property or improvements in the neighborhood.

**Proposed Finding:** While it is not known at this time what conditions may be imposed on the proposed use, the Applicant anticipates that the conditions imposed will be reasonably related to and proportionate to the impacts of the operation of airport related uses and necessary for public health, safety, and welfare. A site plan of Applicant's proposed improvements is enclosed with this application. Information related to the traffic impacts is contained in Exhibit X, the TIA. Water and storm water will be respectively obtained, and detained onsite respectively. A sewer plan is being designed to treat waste water and will comply with DEQ requirements. It is anticipated that detailed plans will be reviewed for compliance with applicable regulations as a condition of building permit issuance.

The Applicant's conformance with the general conditional use permit criteria of § 119.070 of the MCRZO is satisfied.

**Master Plan Approval:**

Applicant requests that the County approve the Conceptual Site Plan (attached and incorporated as Exhibit E) as a Master Plan. Applicant warrants that the proposed Subject Property as designed and as built will comply with the property development standards for the Public zone set out in Marion County Code 17.171.060.

**CONCLUSION:**

The Applicant has shown compliance with all applicable regulations which would permit an exception to both Statewide Planning Goals 3 and 14 to allow the requested changes in Marion County Comprehensive Plan and Zoning District. Applicant has also shown that all aspects of this request are in conformance with the applicable goals and policies of Statewide Planning Goals, the Marion County Comprehensive Plan, and the Marion County Rural Zoning Ordinance. Finally, Applicant has demonstrated compliance with the applicable conditional use criteria to allow airport related commercial and industrial uses in the Public zone. As such, the Applicant respectfully requests that the proposed consolidated request be APPROVED with standard conditions of approval.

## **Exhibit List**

- A. Legal Description of Subject Property
- B. Vesting Deed
- C. 1977 Plat
- D. Flight Strip Easement (Taxiway Easement)
- E. 2013 Aurora Airport Master Plan
- F. Existing Conditions Site Plan
- G. Vicinity Map
- H. Surrounding Lands Inventory
- I. Conceptual Site Plan
- J. ORS 836.642 (Through the Fence statute)
- K. Decision- Conditional Use No. 73-37
- L. Decision- Special Exception No. 77-37
- M. Decision- Comprehensive Plan Amendment, Zone Change & Conditional Use No. 09-005; Ordinance No. 1302
- N. 2014 ODA Individual Report
- O. 1976 Aurora Airport Master Plan
- P. Letters of Support (13 Letters)
  - P-1. James Hand, Broker (Macadam Forbes, Inc.)
  - P-2. Jimmy Severson, President (Centrex)
  - P-3. Life Flight Network, Michael Griffiths, CEO
  - P-4. Gregg A Mecham, Mecham Ventures LLC
  - P-5. Stacy Wilson, Wilson Construction Company
  - P-6. Kiril Ivanov, IE Construction
  - P-7. Anthony Seashore, President, TS Gray
  - P-8. Josh Lewis, LYNX
  - P-9. Aron Faegre & Associates
  - P-10. Douglas Kitani, Erickson
  - P-11. William Granewich, Chief Pilot
  - P-12. Matthew Maass, State Airports Manager
  - P-13. Bruce Bennett, Cessna Pilot Center
- Q. OAR 738-014-0050(2)
- R. Soil Map
- S. 2012 NASS Census of Agriculture
- T. Airport Vicinity Map
- U. Property 1 Aerial
- V. Property 2 Aerial
- W. Applicant's Surrounding Airport Properties for Sale Results
- X. TIA
- Y. 2018 PSU Population research
- Z. City of Aurora's Comp Plan (2000-2020)



AA. OAR 660-013-0010  
BB. UGB Depiction  
CC. EMS Site Evaluation Report  
DD. Mackenzie Stormwater Report